

TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE



MINUTES

Special Meeting Jan. 7, 1976

Meeting called to order at 7:30 p.m. by V.Chmn. Dyer; others present were Mr. Kellett, Mr. Gardner and Mr. Goodwin. The Chmn. empowered Mr. Gardner to vote. Mr. Payeur and Mr. Haynes were in to present the Preliminary Plan of Brookside subdivision.

BROOKSIDE- Nolette & Payeur

The Preliminary Plan for this subdivision was reviewed and checked against the list of "additional information required " on the " Receipt of Application" form and found to be complete. Mr. Kellett moved that the Plan along with the supplemental information contained in and attached to Mr. Haynes letter dated Jan. 7, 1975 be approved. This was seconded by Mr. Gardner and unanimously voted. Mr. Haynes asked for a waiver if the 2 inch diameter restriction on cutting of trees and to substitute 4 inches. Mr. Kellett moved and Mr. Gardner seconded that this waiver be granted on the condition that the stumps were not to be grubbed out nor the overburden unduly disturbed,. It was unanimously voted. Mr. Haynes is to provide two more sets of Plans and another copy of the Jan. 7 , letter and attachments. V.Chmn. Dyer signed the Receipt form indicating the Preliminary Plan "complete". The Secretary will forward copies to Mr. Haynes. The Secretary is to write to Mr. Morrill, Fire Chief, asking him to approve, by letter to Mr. Haynes, the proposal for the dry hydrant installation transmitted by Mr. Haynes letter of Jan. 2,. The Secretary is also to write a letter to the school superintendent confirming the transmittal of a copy of the Preliminary Plan to him for comment. (Plan to be delivered in hand by Mr. Kellett.

MINUTES

Mr. Kellett moved and Mr. Gardner seconded that the minutes of the Dec. 3, and Dec. 10, meeting be approved. The vote was unanimous.

Meeting adjourned at 9:35 p.m.

Respectfully Submitted

Frank R Goodwin

Frank R. Goodwin Secy.

Approved By:

Ronald Deje
Phillip H. Gardner
Raymond A. Kellett

TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE



MINUTES

SPECIAL MEETING

February 4, 1976

Meeting called to order at 7:40 p.m. by Chmn. Foglio; others present were Mr. Dyer, Mr. Kellest, Mr. Kasprzak and Ms. Smith. The Chmn. empowered Mr. Kasprzak to vote.

LAND PLANNING

Mr. Kasprzak moved that the Planning Board have Land Use Consultants draw up land planning for the Town of Waterboro. Mr. Kellest seconded the motion and the Board voted unanimously in favor. Land Use Consultants will be notified that we would like to meet with them and draw up a program.

BROOKSIDE - Nolette & Payeur

A letter will be written to Land Use Consultants confirming approval of the preliminary plan of Brookside.

MIKE FRECHETTE

A letter will be written to Mike Frechette of Mark Stimpson Realty, Hollis, explaining his client can split his lot in two pieces and sell it. Copies of same will be sent to Raymond Johnson and Bruce Woodsome, Code Enforcement Officer.

BY-LAWS

The By-laws will be taken up when Mr. Gardner is present.

Meeting adjourned at 9:15 p.m.

Respectfully submitted,

Ms. Sheryl Smith
Assistant Secretary

Approved By:

TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE



MINUTES

REGULAR MEETING

MARCH 10, 1976

Meeting called to order at 7:35 p.m. by Vice Chmn. Dyer; others present were Raymond Kellett, Sheryl Smith and Frank Goodwin--Chmn. Foglio joined the meeting later.

RICHARD PROVENCHER

Mr. Provencher and his carpenter were present to discuss his application to the Board for a permit to add a second story to his home off West Shore Rd. on Little Ossipee Lake and in the Resource Protection Zone under the Shoreland Zoning Act, and, thus, is non-conforming. Furthermore, it is but 22 ft. from the normal high water line. Mr. Provencher displayed a ground plan of the existing structure and one showing the projected ground coverage after the additions. The latter showed that the second story would overhang the ground floor on the side away from the Lake about 8 ft. on the southerly end and about 16 ft. on the northerly end. The front-to-back dimension for the entire width of the house not to exceed 8 ft. The additional coverage would be approximately 480 ft. Mr. Provencher stated that there were no structures near enough to have their view affected. Mr. Kellett moved, Mr. Dyer seconded and the board unanimously voted that the permit be granted for the proposed construction on the condition that he provide a plan of his entire lot showing all rights-of-way and abutments and the orientation, dimensions and set-backs of his existing structure with the proposed outside dimensions super-imposed thereon by dashed lines.

TREASURER'S REPORT

Mr. Kellett moved, Mr. Dyer seconded the the vote was unanimous to accept the report as read.

BROOKSIDE SUBDIVISION

Mr. John Fallon of Land Management, Inc. was present to further clarify the allegations stated in an attachment to a letter to the Waterboro Planning Board, dated Feb. 23, 1976, asking the Board to rescind the approval of the Preliminary Plan of Brookside Subdivision. The import of Mr. Fallon's charge was that, since the Board had approved the Plan without first having seen a perimeter survey of the owner's (Harriman) land and not having seen a copy of any contract between Harriman and the applicant and without factual knowledge that the abutments had been notified, and, lastly, that the Plan bore no Registered Land Surveyor's seal and signature, the approval was given without vital information in which case it should be declared defective and, therefore, rescinded. Although he presented nothing

to substantiate it Mr. Fallon stated that, in fact, the abutters were not notified and that the applicant's surveyors did knowingly include, within the boundaries of the proposed subdivision, land belonging to Land Management, Inc. without their consent or understanding.

It was the consensus of the Board, and Mr. Fallon was told, that it dared not act until it had heard both sides of the matter. Further, that since Mr. Fallon's letter was received, Chmn. Foglio had communicated with Nolette & Payeur, their surveyors and lawyers in an effort to get their reaction. Mr. Fallon strongly criticized such oral communications maintaining that all discourse on matters of such consequence should be by documented word and that all concerned parties should receive authenticated copies. He then advised that the Planning Board should give Nolette & Payeur a reasonable time in which to appear and substantiate their plan or to admit their errors, withdraw their original application and submit a proper one. Mr. Goodwin moved, Mr. Kellett seconded and it was unanimously voted that a letter be sent to Nolette & Payeur asking them to appear at a special meeting on March 17, 1976, 7:30 p.m., prepared to discuss the alleged irregularities in the Brookside Subdivision.

Meeting adjourned at 11:40 p.m.

Respectfully submitted,

Frank R. Goodwin
Frank R. Goodwin, Secy.

Approved:

Douglas Foglio
Donald J. Payeur
Raymond A. Kellett

Seitman

TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE



March 11, 1976

Richard P. Provencher
E. Waterboro
Maine 04030

Dear Mr. Provencher:

Your application for a permit to expand your residence on lot 10A (tax map) as shown on a plot plan presented to the Waterboro Planning Board on March 10, 1976, a copy of which is on file, is hereby granted by a unanimous vote of the Board at its March 10th. meeting.

Yours truly,

Frank R Goodwin

Frank R. Goodwin
Secretary

TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE



MINUTES
SPECIAL MEETING
MARCH 24, 1976

Meeting called to order by Chmn. Foglio at 7:35 p.m; others present were Sheryl Smith, Raymond Kellet, Ronald Dyer, Frank Goodwin, Stephen Kasprzak, and Phillip Gardner.

BROOKSIDE SUBDIVISION

In the way of explanation, Nolette & Payeur Associates had, earlier, presented an application to the Waterboro Planning Board, and with it a Preliminary Plan, for approval of a proposed subdivision off the Old Buxton Rd. and, supposedly, on land then owned by Mr. Peter Harriman. The Preliminary Plan was accepted by the Planning Board, since it was made by a reputable surveying firm on behalf of an also reputable land development firm, and, all other requirements of the Board having been met, approved. However, Land Management, Inc. represented by Mr. John Fallon of Waterboro, challenged the validity of the survey and the plan, contended that the application was sought on "knowingly" erroneous data, that the approval should never have been given without a complete and accurate survey of Mr. Harriman's property, evidence of a contract between the prospective grantor and grantee and concrete evidence to the Board that all abutters had, indeed, been duly notified, and, therefore, the approval should be rescinded. This meeting was being held to learn the reaction of applicant and to consider whatever explanation he saw fit to make and what, if any, revisions he felt compelled to make in any submissions made with the application; also to hear whether or not any such explanations and/or proposed revisions would be acceptable to Land Management, Inc. or, if not, to hear the latter's objections.

The Chmn. ascertained that all visitors present were there because of their interest in this matter and, due to the large number, stated that each would be allowed only ten minutes to present his comments. Mr. Fallon addressed the Chair and, referring to a purported animosity between him and the Chairman, suggested that, in order to have an impartial hearing, the Chairman relinquish the Chair to some other member of the Board. The Chairman avowed that he could conduct the meeting impartially but, if the Board agreed with Mr. Fallon's suggestion and so voted, he would step down. Mr. Kasprzak, an associate member, attempted to declare his confidence in Mr. Foglio whereupon Mr. Fallon declared that Mr. Kasprzak was not only an associate member and, therefore, without privilege, but he was one who had had a long professional relationship with both the surveying firm and the applicant's attorney and, such being the case, that anything Mr. Kasprzak might say relative to this case he (Mr. Fallon) would seriously object to. Mr. Dyer moved that Mr. Foglio retain the Chair; the motion was unanimously voted.

The Chmn. asked each to identify himself starting with the Board. The abutators present were: Mr. Theodore Plummer, Mr. Peter Harriman, and Mr. Smith. Nolette & Payeur Assoc. were represented by Attorney Peter Plumb, Mr. Haynes, Planner and Mr. Flynt, Surveyor.

The Chmn. asked Mr. Plumb to describe what changes, if any, had been made in the original plan and to state the reason. Mr. Fallon rose to object stating that, since it was Mr. Harriman's land that was being subdivided, Nolette & Payeur's attorney had no standing to make any presentation. The Chmn. noted the objection and asked Mr. Plumb to proceed.

Mr. Plumb presented a copy of a contract between N.& P. and Mr. Harriman and also a contract between N.& P. and Mr. Smith. He then stated that there had been an inadvertent encroachment upon the land of Smith and that agreeable changes in the plan had been made. Mr. Plumb attempted to explain the changes that had been made to avoid any conflict with Land Management, Inc. but Mr. Fallon's objections and comments, as valid as they may have been, were so vigorous and unrestrained that they interrupted the continuity of Mr. Plumb's presentation to the point where progress was at a standstill.

(None of the abutators raised any objections to Mr. Plumb's status or presentation, in fact, Mr. Plummer indicated his satisfaction and departed, and Mr. Harriman indicated his full endorsement of the revised plan.)

Any attempt to continue seeming useless, Mr. Goodwin moved, Sheryl Smith seconded and the Board voted ~~no~~ affirmative with one abstaining, that the consideration of this matter be deferred until the Planning Board could have the Town Counsel in attendance.

Mr. Fallon felt that he should receive copies of any and all correspondence on the matter in the meantime. Mr. Plumb stated that he thought that it would save time if the Board got Atty. Elliott's opinion relative to the necessity of a perimeter survey. He also stated that he does not intend to send to Land Management, Inc. copies of every submission to the Planning Board or to the D.E.P. since the Registered Surveyor assures him that L.M.I. is not an abutator. He requested the Planning Board to approve the revised plan as quickly as possible saying that N&P. had requested the D.E.P. to hold up consideration of their application until this revised plan is approved by the Waterboro Planning Board. The D.E.P.'s next meeting is on April 14, and Mr. Plumb's wish was that the Plan would be approved in time to be on the agenda of that meeting.

Upon Mr. Kasprzak's suggestion, a print of the revised plan was given to Mr. Fallon. The representatives of N.& P. and Mr. Fallon departed.

Upon Mr. Kasprzak's suggestion, Mr. Dyer Moved, Mr. Goodwin seconded and the Board unanimously voted that Nolette & Payeur be requested by letter for an itemized list of all the respects in which the revised plan which Mr. Plumb presented at this meeting differed from the Preliminary Plan submitted with the application.

Mr. Goodwin moved, Mr. Kellett seconded and the Board unanimously voted that the Chmn. request Town Counsel Elliott to meet with

the Board, at his earliest convenience, to discuss the Brookside matter and other matters if time allows.

SNOWMOBILE CLUB

Mr. Kellett, representing the Snowmobile Club, displayed a sketch showing Henry's parcel off Ossipee Hill Rd. and a lot which the Club proposed to buy from him and asked the Board's opinion as to whether or not the sale would place Milne's lot in subdivision status. It was the opinion of the Board that it would not, since it would be the second lot sold from the original parcel and the remainder was being held by Milne as a residence.

APPROVAL OF MINUTES

Mr. Kellett moved, Mr. Dyer seconded and the Board unanimously voted to approve the minutes of the Jan. 7, Feb. 4 and March 10 meetings.

SELECTMEN

At their request, the three Selectmen, John Monteith, Daneil Willett and Daniel McCarthy joined the meeting to discuss the choice of planning consultants. Mr. Willett said it was his opinion that that the Board should consider, along with other possible choices, the Southern Maine Regional Planning Commission for doing all or parts of the planning and zoning study and that the Board should discuss this possibility with them. It was explained that, prior to Town Meeting, the Board had, by vote, chosen Land Use Consultants, Inc. to assist in this undertaking. Of the several firms considered S.M.R.P.C. was among them because of, in essence, a "no-confidence" vote of the March, 1975 Town Meeting refusing to appropriate the membership fee thus rendering Waterboro a non-member. The feeling expressed then was that the Commission was regressive and too dictatorial. When it came time to consider prospective Planners the Board had no reason to suppose that the Town had changed or would change its mind. Since the Board deemed it necessary to have some definitive material to show the Town Meeting, it had to make a choice in time for the chosen Planner to get it ready and to discuss his plan of approach in order to be conversant enough to reply to such questions as might be asked at the Town Meeting. L.U.C. has agreed to make use of all suitable material that is or will be available from both the S.M.R.P.C. or the Soil Conservation Service, in the interest of cost saving. The time spent by L.U.C., after they were chosen, in discussion and providing display material was with the agreement that, if the money was voted, they would get the job. Now that the money has been voted, The Board feels that it should stand by its agreement, for to break it, which might lead to a lawsuit costing more than otherwise might be saved, would be to disregard a mutual agreement and poor ethics. Mr. Monteith asked if the contract is for a firm figure or a cost-plus figure. He was told that there were two alternatives: one, a firm \$16,000, the other a cost-plus not to exceed \$17,500. Mr. Willett urged the Board to, at least, consult S.M.R.P.C. to ascertain what of the required material they have available.

Respectfully submitted.

Frank R. Goodwin
Frank R. Goodwin, Secy.

See "over" for approvals

Minutes March 24, 1976

Approved by:

Douglas C. Taylor, Ch.

Donald Gee

Stephen K. King

Philip W. Johnson

TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE



MINUTES
SPECIAL MEETING
March 31, 1976

This meeting was opened at 7:45 p.m. by Chmn. Douglas Foglio, to continue the discussion of the application on Brookside Subdivision proposed by Nolette & Payeur Assoc. Other members present were Raymond Kellett, Ronald Dyer, Sheryl Smith, Frank Goodwin, Stephen Kasprzak and Philip Gardner. At the request of the Chmn. all present identified themselves. Other than the Board, those present were Mr. John Fallon of Land Management Inc., Mr. Peter Harriman grantor of the parcel to be subdivided Mr. Payeur, Mr. Plumb, Atty., for the applicant, Mr. Flynt, surveyor for the applicant and Roger Elliott, Town Counsel. (Abutters Plummer and Smith, although notified of the meeting by phone by the Secretary, were not present). The meeting, was taped, the Board using 3 recorders. Mr. Fallon had his own.

The Board, just prior to the meeting, had met in executive session with Town Council, Mr. Elliott to discuss the Board's legal position relative to various aspects of the matter. The issue was the contest of Mr. Fallon to the original approval of the original Preliminary Plan which he insisted be rescinded claiming it was granted on insufficient and erroneous information.

Mr. Fallon opened the discussion by registering his objection to being excluded from the executive session. The Chmn. explained that the Board is allowed by law to hold such a session to discuss its legal position and responsibilities as long as no action is taken. Mr. Fallon said he disagreed. The Chmn. attempted to allow Nolette & Payeur present their material but, Mr. Fallon interrupted stating that he believed that the precedential matter was his request that the Board's approval of the Preliminary Plan on Jan. 7, 1976 be rescinded. Mr. Elliott, with permission to speak, suggested that the meeting proceed by the applicant presenting his arguments, any objections stating their arguments with a reasonable

time for rebuttal except that if the objector, Mr. Fallon, had some preliminary statement to make, he be allowed to do so after which the above procedure would be followed. Mr. Fallon contended that Nolette and Payeur, Assoc. came before the Planning Board in violation of the rules and regulations and got preliminary approval, given in January (actually Jan. 7,). He said that he, then, (actually by a Feb. 28th. letter) protested that the plan was improper on a very variety of grounds and asked the Board to reconsider and recind their approval given in January. He said that this is the first order of business as he understood it. He maintained that neither he nor other abutators had been duly notified in accordance with the Subdivision Regulations and, therefore, had had no knowledge of or opportunity to register their reaction to the proposed subdivision. He said that he had made his objections on a number of valid reasons; now the question was: was the applicants plan proper, was the approval given proper and what action was the Board going to take upon his objections. He said that had advanced very substantial grounds for it.

Mr. Elliott suggested that Mr. Fallon restate his objections and let the Board deal with them one at a time.

Mr. Fallon proceeded stating as number one the fact that the applicant submitted a plan proposing to develop a parcel to which they had not evidenced right, title or interest.

Mr. Elliott stated that he had a copy of an adequate purchase and sale agreement. Mr. Fallon pointed out that that was filed with the Board the previous week- not prior to approval.

Mr. Elliott informed Mr. Fallon that if he finds some error in the failure to physically file (with the Board) such an agreement than his objection would be noted. Mr. Elliott said that he belived he was given to understand that the applicant did, prior to approval, say that such an agreement did exist. He pointed out that a copy had now been filed with the Board.

Mr. Fallon said that this did not satisfy the law. The Chmn. pointed to a paragraph in the Subdivision Regulations of the Town of Waterboro which stated that the Board "may" require such evidence which, in this case, the Board did not. Mr. Fallon stated that his understanding of the "State" law is that it is "required". He asked Town Council if, in his opinion, this was a valid objection. Mr. Elliott said it was not.

Mr. Fallon's second objection was that the applicant did not own or have right, title or interest in the land shown on the plan that the Board approved.

Mr. Elliott asked what section he referred to. Mr. Fallon pointed to property then of Grace Smith, Therdore Plummer and land recently acquired by Land Management, Inc., formerly of Moulton. He said that the fact the applicant has amended their plan is proof of his allegations.

Mr. Elliott said that he, in executive session, had advised the Board that it has no jurisdiction to arbitrate boundary disputes. He told Mr. Fallon that he understands that the applicants have asserted that they own the land depicted within the plan and that if he (Mr. Fallon) had any evidence to offer to establish otherwise, preferably by someone with expertise in such matters, the Board will weigh that evidence and make a determination. Mr. Elliott said the Board is basing its attitude upon the assertions of the applicant and the inferences of the land surveyor. Mr. Elliott then addressed himself to the Smith property which he said he understood had been recently acquired, looking to Mr. Plumb for verification who corrected him saying that all land was yet under contract. Mr. Elliott stated that the purpose of the meeting was to receive an amended plan to which Mr. Fallon disagreed stating that we were there on his view that the approval given on Jan. 25th. (actually Jan. 7) was based upon erroneous information. Mr. Elliott called Mr. Fallons attention to the fact that we were there not merely to provide a place for him (Mr. Fallon) to speak, but also to conduct the business of the Planning Board. He further stated that he understood that the applicant had an amended Preliminary Plan which he wished to present and that the applicant has submitted evidence (at the March 24th. meeting) that he has right, title and interest to the Smith land with which he, Mr. Elliott, is satisfied that the applicant had met his statutory obligations at that junctive.

Mr. Fallon stated that back in January they had filed a plan, that that was the plan which was approved, and that was what we were discussing, and did they own that land in January. He pointed to the fact that, by their own evidence, there was no registered land surveyor's seal on the plan. He contended

that the plan was just a layout done by Land Use Consultants, Inc. and that now, as a result of information brought in by the results of his complaint, they now admit that they didn't own the land claimed by Land Management, Inc. and the land owned by Smith. He, Therefore, claims that the approval was based upon faulty information.

Mr. Elliott asked Mr. Fallon if it would be satisfactory to him if the applicant withdrew their previous application and submitted the amended plan as a new submitted,. Mr. Fallon emphasized his contention that the Board should, instead, rescind its January approval, then, if they want to bring in a new application it would be "a whole new ball game". He said that his only interest was that the applicant stay on his property and to subdivide only what he owns and that it does not include any Land Management , Inc. property. Then he stated that if they are talking about withdrawing their original plan and submitting a new one that would be alright with him just so long as it is clearly understood whether they withdraw it or the Board rescinds it, that the approval of the (original) Preliminary Plan was null and void precisely as he came to the Board and told it 3 weeks ago, since it was based on erroneous information

Chamn. Foglio pointed out to Mr. Fallon that a;; of his objections raised so far have been removed on the amended plan.

Mr. Fallon again stated that he was rederring to the original plan that was either out or it's either false and we are starting all over again. He would not accept the fact that they can come in and amend it without a hearing and without notice.

Mr. Elliott told Mr. Fallon that this objection was noted, and to proceed with his third objection. Mr. Fallon asked if he should go through 'with all his objections; Mr. Elliott said he should do it the quickest way possible.

Mr. Kasprzak said having read all of Mr. Fallon's objections and listened to his arguments he had the impression that if the original application was withdrawn by the applicant or rescinded by the Board that Mr. Fallon might agree to forget the original plan and go on with the amended plan. Mr. Fallon said "no" not on to the "amended"--- now they can submit another plan or a new plan, they are perfectly at liberty to submit a new plan. Mr. Fallon said "lets play it by the

book; let them submit a New Plan and we'll run that through the mill".

Mr. Fallon's next objection was that the applicant did not conform to the Subdivision Regulations in that he did not notify the abutters by registered mail.

Mr. Elliott informed Mr. Fallon that that objection was noted and that , if Grace Smith and Therodore Plummer have lost some legal rights , they have recourse in the courts in the event this plan (the amended plan) is approved.

Mr. Fallon's next objection was that the plan did not conform to regulations as to scale. Mr. Plumb noted that a variance, on record, was granted for this non-conformity.

The Plan does not conform because it does not show all property lines nor are the abutters shown. Mr. Fallon's contention was that, since the applicant is planning to by and develop a portion of the grantor's (Mr. Peter Harriman) property it is the grantor's property that is being subdivided not just the developed area, hence the abutters consist of all those abutting the grantor's original parcel. He further pointed out that the property boundaries of Mr. Harriman's property are not shown; no perimeter survey had been shown; existing swampy areas are not shown; there was no map or survey of tract boundary certified by a registered land surveyor, tied to established reference points.

Mr. Elliott asked if Mr. Fallon was contending that the entire Harriman tract be shown. Mr. Fallon said, "absolutely". Mr. Elliott said "I disagree". Mr. Fallon's objection was noted.

Mr. Fallon called attention to the fact that drainage from the development would flow over land of Land Management, Inc. and that no agreements to that effect had been made. Mr. Elliott told Mr. Fallon that the flowage of surface water over an abutters land is of genuine concern to both the abutters and the Planning Board who should thoroughly explore any such situation and see that nobody's rights are encroached upon.

Mr. Fallon said that this concluded his objections.

Chmn. Foglio told Mr. Fallon that all his objections had been noted both when his letter was received and at this meeting and that the Board does intend to act upon whatever issues need to be acted upon.

Mr. Fallon stated that he had asked for a rescision of the January approval. Mr. Elliott asked if the Board would like to vote upon that, at least upon Mr. Fallons objections.

Mr. Kasprzak directed a question to Mr. Elliott regarding the prerogations of the Board and of the applicant to which Mr. Elliott replied that it was up to the applicant to decide upon withdrawal and up to the Board to decide upon rescision.

Mr. Goodwin asked for an opinion from Mr. Fallon as to what he would gain by a rescision that he would not gain by an amended application, and from the applicant what inconvenience he would suffer by a rescision.

Mr. Fallon did not address the question but presented, again, his case in brief. Mr. Plumb said little but that rescision and resubmittal would cause delay. For the record though Mr. Plumb stated his opinion thus: it seemed to him that when all of the abutter's to the proposed development were present at a Planning Board Meeting (of March 24th.) and expressed their approval of the amended plan, the protests of an intervenor whom the applicant certified to the Planning Board is not an abutter could serve no other purpose than to needlessly delay the project.

Mr. Fallon rebutted Mr. Plumb's statement repeating his oft stated contention that the only issue to be considered was the original plan with its attendant errors and the alleged omissions by the applicant. He asserted that all the problems that have arisen are a result of incompetency and lack of professionalism. His emphases at this time was more on the irregularities of the application. He refused to recognize the amended plan until it should be submitted with a new application, all abutter;s notified and a hearing held. He referred to the amended plan saying that it also encroaches upon Land Management, Inc. property and that if he has to he

would hire a surveyor and prove his contention to be true.

Mr. Kasperzak asked Mr. Fallon, if all the errors and omissions were corrected and all abutters notified, would it then be acceptable to him. Mr. Fallon replied that "we start over again"; that the Planning Board accepted the application and plan in good faith evidently without asking if the abutters had been notified or other pertinent questions " and now, evidently, Land Use Consultants has some contractual relationship with the Planning Board or the Town so there is some sort of a --- I am not trying to embarrass anybody, I'm simply saying that if they withdrew the plan or the Board rescinded it that we dispose of something that is on the record". He said that the Board has given approval to the plan and it's wrong and it should be corrected.

Mr. Goodwin inquired, of Mr. Fallon, in effect, if a new application were to be made would he find such things as the soil scientist's report, the Soil Conservation Service report, the street layout and profile, etc. acceptable excepting, possibly, the boundary. Mr. Fallon said that there might be other things that he might object to, but finally stated that if they will just subdivide their own land, stay off from and don't dump water onto Land Management, Inc. property, he would not even come to the meeting but would leave it up to the Planning Board to rule on it. He said his intent was not to block the applicant from developing a subdivision but to protect the property rights of Land Management, Inc., that he had seen the Beaver Ridge development, by the applicant, and considered it a credit to the Town.

Mr. Plumb pointed out, for the record, that as a part of the D.E.P. file, Mrs. Grace Smith received a certified letter for which they have a return receipt; in addition, Mr. Smith, her son, had been here last week to deliver personally to him (Mr. Plumb) the signed contract from Mrs. Smith; Mrs. Olive Moulton who at the time she received the notice of these proceedings was the record owner of the property, which now belongs to Land Management, Inc., also returned a certified receipt of the notice of the action. Mr. Harriman also returned a certified notice. One abuttor who was admittedly not given notice was here last week and stated, on the record, that he approved and had no objection to the subdivision as shown on the amended preliminary plan.

Mr. Fallon contended that these notices were all given for the D.E.P. hearing and not in conformance with the Subdivision Regulations; further, that it was Mr. Harriman's abuttors who should have received notice. Chmn. Foglio stated that this comment was noted.

Mr. Kasprzak commented that the group had heard arguments from both sides and that possibly we were at a point where the Board should seek legal advice from Town Counsel in executive session as to what the Board's next move should be.

The Chmn. asked if anyone had any more questions or any motions to make.

Mr. Goodwin wished to inquire from Town Counsel whether or not it would be advisable to bring the matter to a vote.

Mr. Elliott said he agreed. If no action at all is taken then the Board is continuing on. A motion was not required at that time unless the Board so chose. He said that the Board had several alternatives: it could choose to make the motion and act on it, it could choose to make no motion at all, it could choose to make a motion with a number of variables in it, for instance, to table consideration of the plan, as amended, for a certain period of time requiring the applicant to renotify "abuttors".

Mr. Dyer questioned if it would be in order to have a short break in order to seek advice of Counsel in executive session. The Chmn. said it would be in order and asked if anyone had question. Three said they did have.

Mr. Fallon said he saw no reasons why such questions could not be asked in open session; he didn't understand an executive session could be legally used for this purpose. Town Counsel said he was not sure that the Planning Board must receive its legal advice in a public forum; further, that as long as the proceedings in an executive session do not result in or lead to a decision or a decision is made then there is nothing illegal about one and, frankly, he would not advocate that he give his legal advice in public because his legal advice is confidential to the Board. The Chmn. asked the applicant and the intervenor if they had any objections. The applicant did not; Mr. Fallon said he did but that if it was the Board's wish to bar him from it so be it, but he just wanted the record to show that he objects.

Mr. Goodwin suggested that subsection 5 under section 404 of Title 1 "certain legal consultations" be read, by the Chmn., aloud.

The Chmn. read the same from an information pamphlet from the Maine State Planning Office, titled "Revised Planning and Zoning Statutes in Maine, 1975" containing excerpts from Titles 1, 12, 17, 22, 30, 33 and 38 of M.R.S.A. He then said that general public knowledge of counsel could, in this instance, place the Board at a disadvantage. He asked Town Counsel if he agreed to which Counsel replied that he did not disagree. Mr. Fallon said that he read that as referring to only when one is being sued.

The Chmn. inferred that the matter could well end up in court.

Mr. Elliott remarked to Mr. Fallon that his objection was noted.

Mr. Kellett moved, Mr. Dyer seconded and the vote was unanimous that the special meeting be recessed and an executive session convened for the purpose of discussing legal aspects of alternate actions. The room as cleared of all but members and associate members of the Board and Town Counsel.

The Executive Session having been concluded the Chmn. caused the visitors to be recalled and announced that the Board was ready to resume the special meeting. He said that he thought that the Board should consider Mr. Fallon's request for rescission of the Preliminary Plan. Mr. Goodwin moved and Mr. Kellett seconded that the approval, given by the Board on Jan. 7, 1976, of a Preliminary Plan for Brookside Subdivision be rescinded. By a vote of three (3) opposed and one (1) abstaining (the Chmn. not voting) the motion was defeated. The Chmn. then told Mr. Plumb to proceed with his presentation of his amended plan.

Mr. Fallon asked the Chmn. if the Board was then holding a hearing on the amended plan. The Chmn. replied that this was a meeting now opened to Mr. Plumb to describe all the differences between the amended preliminary plan and the original approved on Jan. 7, 1976. Mr. Fallon made the point that there has been no adequate or legal notice given to the abuttor's to have the plan discussed. Town Counsel told Mr. Fallon that if the proponents could be heard first then he would be given an opportunity to object. Mr. Fallon replied that he was objecting to have the amended plan even discussed since it didn't conform the rules of due notice and due process.

Mr. Plumb referred to a plan, the description of which was dated Mar. 29, 1976 and stated that a similar plan the description of which was dated Mar. 24, 1976 lacked one change which is shown on the Mar. 29th. plan and agreed that the Mar. 24th. plan is not to be further used. He referred to a letter from Mr. Goodwin, as Secretary, to Mr. Payeur received on the previous day asking for a summary of the specific differences between the amended plan and the original plan and pointed to a letter which the Board had just received, in reply, furnishing the requested information which he verbally summarized for the record. The details are all contained in the letter, which is on file, a copy of which is apart of these minutes obviating the necessity of transcribing Mr. Plumb's verbal explanation.

Mr. Dyer asked Mr. Plumb if the conservation area would be deeded to the lot owners and, hence, not public land and open to the inhabitants of the Town. Mr. Plumb stated that would be true inasmuch as it would be private property. He also stated that it would be possible to make the conservation easement so that it would be open to public use. Mr. Dyer said his though on the matter was that if it was a "resource protection" area that the Townspeople should have equal access. Mr. Elliott pointed out that in that event there would be no point in conveying the 1/18th. interest out to the lot owners because those in the subdivision are likewise Townspeople. Mr. Plumb remarked that in such a case the land would then be deeded to the Town and he doubted that the Town would approve of having tax-free land. Mr. Goodwin wanted it clarified that what was being talked about was a conservation easement similar to that in the Beaver Ridge development but minus any community association. Mr. Plumb concurred. Chmn. asked if the applicant would be willing to make it public. Mr. Plumb conferred with Mr. Payeur, then said yes, they would.

Chmn. Foglio asked if there were other submissions to be made. Mr. Plumb submitted the description which included the conservation area dated March 29, 1976 and also six (6) copies of the final revision of the Preliminary Plan. This concluded the applicant's presentation.

The Chmn. asked if there were any more questions from the Board member's. There being none he asked Mr. Fallon if he had any. He did; therefore, the Chmn. told him to proceed.

Mr. Fallon stated that he would like to have copies of all the material presented. The latest plan was indicated to Mr. Fallon. Mr. Fallon requested the surveyor to point to the boundary lines between Land Management, Inc. and Mr. Harriman's property. The Chmn. informed Mr. Fallon again that boundaries between Mr. Harriman and his abutters would not be discussed. He stated that there was what was requested: a perimeter survey of the proposed development area. Mr. Fallon asked if the Board was taking the stand that if an owner sells a section of his parcel and retains the land all around it, that the grantor's abutters do not have to be notified. Mr. Elliott suggested that the surveyor show Mr. Fallon

where the boundary line is. Mr. Fallon said that the statement was made that the surveyor attested the boundary line and he, Mr. Fallon, asked where it was. Mr. Plumb stated that the plan was a signed and sealed surveyors survey of the perimeter of the parcel to be subdivided. Mr. Fallon asked if the surveyor is certifying that this is all the property of Mr. Harriman. Mr. Plumb remarked that this was not possible because there was something over 3.8 acres belonging to Mr. Smith. Mr. Fallon asked if the surveyor is saying that all other land, exclusive of that owned by Mrs. Smith, is owned by Mr. Harriman. He asked the surveyor if he knew where Harriman's land runs (in the area of land formerly owned by Moulton and now owned by Land Management, Inc.). The surveyor said "yes". Mr. Fallon asked if he had it on the map. Mr. Flynt, the surveyor, stated that it was indicated by the title of "now or formerly of Harriman". Mr. Fallon asked where the boundary was between Harriman and Moulton. Mr. Elliott reminded Mr. Fallon that the "survey of tract" stated in the Regulations does not refer to the entire tract of the grantor but to the tract to be developed. Mr. Fallon asked Mr. Elliott if he was saying that the subdivision is only the lots out of Harriman's tract that have to be shown, that Mr. Harriman's boundaries don't have to be shown. Mr. Elliott precisely explained that it was his opinion which he had expressed to the Board that the perimeter of the platted, lotted portion of Mr. Harriman's land must be shown; that includes lots 1 through 18 as shown on the amended plan. Mr. Elliott stated that it was his further opinion that the perimeter of the remaining land of Mr. Harriman, excluding the platted 18 lots, need not be shown. Mr. Fallon still objected to the fact that the plan does not define the Harriman - L.M., Inc. boundary. Mr. Elliott stated, in essence, the Board is interested in only the land proposed for development and not in land not being developed, except for the impact of the development, be it near to or distant and that the Board has adopted his position that the outside perimeter of the remaining tract, undeveloped, need not be shown. Mr. Fallon said he understood but vigorously disagreed; that it is in violation of the Board's Subdivision Regulations- it was selective enforcement of the Board's own Regulations. Mr. Fallon then claimed that L.M., Inc.'s land was still included in the amended plan. He further contended that the plan presented was a completely "New" plan not "amended" as titled and represented by the applicant. Mr. Elliott asked if the changes violate Subdivision Regulations and got no answer to that specific question. Mr. Fallon insisted that a part of each lot No.1 and lot No.2 encroached upon L.M. Inc., land. He further claimed in effect, that the plan does not show how additional run-off is to be diverted from L.M. Inc., land. He still insisted that the boundary between Harriman's and L.M. Inc., land should have been established by the applicant and shown on the plan. He said that if he had to get the boundary surveyed and he would and "we're all going to be in court". Mr. Fallon disagreed with the statement relative to remaining undeveloped land and with the contour lines/

Quoting Mr. Fallon: "There's been some surveying up in there where they evidently tried to locate Mr. Harriman's boundary and then they haven't done so, evidently. I presume because they chopped some traverse lines across our property running some more lines up in that area. Now I've made the points that there has been no notice, I say that they have no survey -- they have no survey of the boundary, they haven't conformed

with your own regulations in anyway, shape or form; that the abutments haven't been notified, preliminary plan-- its-- I disagree its 60 ft---- its not --- it doesn't conform in that, the location of property lines etc., not done; names of all subdivisions immediately --- names of record of other adjacent parcels not subdivided including etc., not included; location and size of proposed or existing sewers, water mains, culverts and so on so forth brooks etc.---I don't see these things properly"---Mr. Plumb broke in and said that he would be happy, to point out to the Board the specific items as Mr. Fallon read them down in that check list they all were on the plan. Mr. Fallon: "Well, alright where are all the abutments of Mr. Harriman's land, Where are all the --- including across abutting streets, streams and rights of way, where are the names over here"? (pointing to land across Old Buxton Road).

Mr. Plumb claimed that that applied only to subdivisions. Mr. Fallon corrected him, reading from the 4th. paragraph under 6.1.2 on Page 7.

Mr. Elliott said the objection was noted. Mr. Fallon once again contended that there was no survey of the tract.

Mr. Fallon then referred to drainage saying that, by certification by an expert in that field, the run-off would be increased by 150 percent, and it is going to flow down into the streams. He questioned how they could make that statement when they don't indicate who owns the stream. He said that he thought that they are absolutely bound to show that they own to the streams. He stated that the map is still erroneous. Mr. Fallon said, "that these easements you are simply giving by just placing little rights-of-ways--- not only 18 lots but you're subdividing into 20 or 25 lots because your bringing rights-of-way into people who can then do whatever they see fit with their land, you have no commitment as to what is going to happen to this particular property down here, evidently its going to be a land-locked piece belonging to Mr. Harriman if they give this to the resource conservation- and that's Plummer (pointing to adjacent land) and Harriman ends up with a strip of land down here along the river with a right-of-way to it, then he can subdivide that just--- it's a piece of land that will be left all by itself for him to do whatever he wants with it not responsible to any restrictions. That is why you have that little rule in there that indicates what the remaining land and the tract is going to--- proposed use is, so that you don't give rights to people and then, as Mr.--- I haven't seen any commitment by Mr. Harriman that this going to remain a wood lot forever and ever or that wherever he owns up here is going to remain a wood lot, of from Grace Smith or from Ted Plummer. You've given rights-of-way to Ted Plummer who owns quite a substantial tract of land. And may well want to subdivide it sometime. Now, he has the right as near as I --- I haven't seen the right-of-way that they have deeded out to him --- to come in there. Same thing with Grace Smith; she has 10 acres she's selling them three and a fraction so she has 6 acres which is subject to future subdivision. We have another right-of-way which evidently you've moved over between lot 5 and 6 to land - I presume it's Mr. Harriman's up in that area"- The Chmn asked Mr. Fallon if it was his contention that the subdivider is required to

procure from all abutters a letter of intent with respect to their abutting property. Mr. Fallon said that he was pointing out that rights-of-way were being given to the abutters who are then free to do any subdivision or development they want to. Mr. Elliott commented that it would have to be subject to Planning Board approval. Fallon replied that it would not necessarily be subject to Planning Board approval; they could sell a couple of lots off without any subdivision approval. Mr. Elliott pointed out that, in his opinion, because that parcel of land, as a unit, was now being divided into 18 or 19 lots that approval for further subdivision must be obtained by Mr. Harriman to, hypothetically, develop one lot. Mr. Fallon asked if he included Grace Smith; Mr. Elliott replied, he did but then corrected himself stating that he wasn't sure just how many lots her land was being divided into. He then told Mr. Fallon that his objection was understood. Mr. Fallon asked what objection Mr. Elliott started to refer to Mr. Fallon's foregoing lengthy discourse getting only to "rights-of-ways" when Mr. Fallon broke in as follows: "They have made commitments about what they are going to do to the Brook and they don't own it in the areas where they're planning to dump water".

Mr. Fallon said he had made his case. He said that he was very disappointed that the Board had adopted the posture that it had, that he took exception to the closed meeting. He thought the plan should come to public hearing and "that there should be a minimum of 30 days". He said the Board was asking him to come in with a surveyor which is to push him to expense which he didn't think was indicated under the circumstances to get a surveyor simply because the applicant is including L.M. Inc.'s land in to; to protect their interests they have to hire a surveyor when the applicant has the burden of proof, that, it is solely upon the subdivider to show that he owns what he claims to own and that ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ that is the intention of the Regulations, and it is the intention that everybody be notified so that if anyone has objections they can be made known early. He again said that he had made his point, that he couldn't believe that his objections were noted only to be ignored. He cautioned that "his Irish is up" and assured that, in essence, the matter will be taken to court.

The Chmn. asked if anyone had anything further to add.

Mr. Goodwin moved as follows: that the Planning Board approve the amended Preliminary Plan subject to the applicant notifying all abutters of the amended plan and that a public hearing be held on consideration of the Final Plan within 45 days subsequent to D.E.P. approval of the Preliminary Plan and that the applicant provide engineering data showing that proper drainage facilities will provide for surface water-run-off. Mr. Plumb pointed out that all of the abutters have had notice and therefore, wanted to understand what action this motion, if passed, would demand of him.

The Chmn. said that he should send notice to the abutters by mail in the same manner as was done for the D.E.P. application advising them that there has been an amended Preliminary Plan filed, and include in the notice whatever action the Board takes by the motion and advise them that there will be a public hearing on the Final Plan prior to its approval.

Mr. Plumb said that the D.E.P. would hold a public hearing and asked if this meant that there would be two public hearings. Mr. Fallon pointed out that the D.E.P. hearing would normally be in Augusta. He didn't feel that Waterboro people should be inconvenienced by a trip to Augusta and favored on in Town.

Mr. Kasprzak emphasized the three important points in the motion (1) that all legitimate abutters be notified of the amended plan. (2) that there would be a hearing on the Final Plan before approval and (3) that the Board wanted unquestionable assurance in the form of detailed drawings with relative elevations, if necessary, that the additional surface water would be disposed of effectively and without any encroachment upon property of others.

Returning to the matter of the hearing Mr. Fallon voiced the opinion felt that, regardless of whether or not the D.E.P. held a hearing in Waterboro, the Planning Board should hold its own, mainly to achieve better rapport with the local people and understanding of local issues.

Mr. Plumb stated for the record that they will send to Land Management, Inc., a notice as contemplated by the vote but, in so doing, only because Mr. Fallon claims to be an abutter. However, in so doing the applicant would be, in no way, conceding that Land Management Inc., is not an abutter to the land proposed to be purchased by Nolette & Payeur Assoc.

Mr. Fallon says "not only an abutter, but, a party to the proceeding because Land Management Inc., land is a part of the parcel intended by the amended plan.

The motion was seconded by Mr. Kellett.

The vote was carried by 3 affirmative and one abstaining.

Mr. Fallon said that if the plan is to be signed it should have the conditions on it.

Mr. Kasprzak asked Mr. Plumb if he would like to have a letter stating that the amended plan was approved and stating the conditions of approval. Mr. Plumb said he would. He further said that he thought that they would be able to convince the Board that the proposed drainage would be satisfactory. He said that he supposed he could quickly send out the notices and send to the Chmn. a list of those to whom the notices were sent. He said the thing he was interested in was to be able to tell the D.E.P. that the amended plan had been approved.

Mr. Elliott suggested that the motion be incorporated in a letter to Mr. Plumb. He said he thought that it would be sufficiently clear that every contingency need not be complied with until the Final Approval hearing.

Mr. Plumb said that the way he understood the motion was that they show evidence of having complied with the conditions at the time of the hearing along with other submissions, but for the moment they had preliminary approval.

Mr. Elliott suggested that Mr. Plumb send out the notices forthwith; Mr. Plumb concurred.

Mr. Plumb said his understanding was that, at the hearing, having complied with the conditions of the approval, the Final Plan would then be considered.

Mr. Kasprzak pointed out that the amended plan will be reviewed at the time of the hearing to see that all conditions have been met; further should the Final Plan be brought in at that time it would not necessarily be approved at that time. Mr. Plumb said he understood that.

Mr. Fallon (speaking about the present) contended that any signing of plans would have to include all the information on the conditions on which the preliminary approval was given. Mr. Elliott suggested that the record reflect, so that there is no question about this in Mr. Plumb's mind, that the motion be put in letter form, that it be stapled to the plan, and the letter will be signed as well as the copy of the preliminary plan. A note below the signatures will refer to the letter as being a part of the plan. Two plans will be signed one for the file and one for the applicant. The plan for the applicant was to be prepared and forwarded by mail. Mr. Dyer brought up the request of Mr. Fallon for copies of all discourse and plans submitted or received relative to this matter and asked Town Counsel's opinion as to whether or not the availability of this material to him or any qualified person at the Town Office would not be sufficient. Mr. Elliott said he didn't know of any duty the Planning Board has provide Mr. Fallon these copies they are, as a matter of law, public records, that he could come up and use them as he saw fit make his own duplicates, and Mr. Elliott that is all the Planning Board need do. Mr. Fallon said he was in the position as an adverse party and he would point to the fact the Board had invited the other people and failed to copy him, that these other people were invited to the meeting without even telling him the matter was coming up. He claims that as an adverse party in a quasi-judicial matter he should get copies of all discourse without having to ~~xxxxxxx~~ come to the Town Office frequently to see what has transpired - that the Planning Board office was not always open.

Mr. Plumb requested permission of the Board to review his proposed notice to the abutters with Mr. Elliott before he sent it out, There were no objections.

The Chmn. asked the Secretary to indent the plans to be signed with an appropriate statement referring to the appended letter as a part of the plan - it was done and two prints signed by all but one member. Mr. Kasprzak suggested that Mr. Fallon be given a print of the amended plan. There being no objections he was given one. Mr. Fallon remarked that he had not relinquished any of his rights as an adverse party and that could very well require further information and would expect to get it.

Meeting was adjourned at 10:35 p.m.

Respectfully submitted

Frank R. Goodwin
Frank R. Goodwin, Secy.

Approved by:

Raymond Taylor
Harold Depp
Shirley M. Taylor

TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE



MINUTES

SPECIAL MEETING - APRIL 7, 1976

Meeting called to order at 7:45 p.m. by Chmn. Foglio; others present were Raymond Kellett, Sheryl Smith, Stephen Kasprzak, Phillip Gardner and Frank Goodwin.

The Chmn. called attention to the receipt of three (3) notices of application to the Saco River Corridor Comm. to build as follows: Mr. Kisley, lot 1366, an addition to an existing dwelling; Wm. Bradford Cushman and Jim Bauer, addition of bedroom and storage area to a stone house off Chadbourne's Ridge Rd and Mr. & Mrs. Lebel, a seasonal cottage on the Woodsome Camp Rd.

The Chmn. called attention to a bill from Smith, Elliott & Wood for attorney's fee in the amount of \$160.00. Mr. Kasprzak moved that it be honored and turned over to the Selectmen to be paid by the Town.

Attention was called by Chmn. Foglio to an abstract showing that Louis Wood had sold a lot off the same tract (No. 9 on tax map No. 7) from which he had, within the last 5 years, received approval for a subdivision containing four (4) other lots. The question arose as to whether or not this was a violation of the Subdivision Law which, in turn, raised the question as to whether or not contiguous lots registered separately were considered, by the law, as one parcel. It was agreed to have the Secretary request, by letter, an opinion from Town Counsel.

Mr. Gardner volunteered to transfer abstract details to existing tax maps as the abstracts are received.

EMMA LANDRY SUBDIVISION

The question had been raised by the Selectmen as to whether or not Mrs. Landry was in violation of the Subdivision Law by certain sales of land and the changing of lot lines in a subdivision granted prior to Sept., 1971. Since the sales had apparently been made to abutters, the Board found no violation and so stated to Selectmen present.

ROSE WEEKS - Permit to Build

Mrs. Weeks seeks permission of the Planning Board to build a house within the Shoreland Zone on Little Ossipee Lake. The

Secretary was instructed to ask Mrs. Weeks to participate in an on-site inspection of the site at 11:00 am on Sat., April 10th.

ZONING - Proposal from Land Use Consultants, Inc.

Mr. Kasprzak moved, Mr. Kellet seconded and the vote was unanimous to have the Secretary invite Mr. Goodnow or whomever he might select to represent Land Use Consultants, Inc. at a special meeting of the Board on April 14th. to discuss their proposal in connection with the land planning study.

Meeting adjourned at 10:15 p.m.

Respectfully submitted,

Frank R Goodwin

Frank Goodwin
Secretary

Approved by:

Philly M. Sauer
Douglas Taylor

176.08

TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE

MINUTES

Regular Meeting April 14, 1976

Meeting opened at 8:00 p.m. by Vice Chmn. Ronald Dyer; others present were Raymond Kellett, Sheryl Smith, Stephen Kasprzak, Philip Gardner and Frank Goodwin; Mr. Gardner was empowered to vote.

The reading of the minutes was waived, the Treasurer's reported a balance as of April 1 of \$776.08 and this report was approved.

Attention was called to a notice from the S.R.C.C. regarding proposed construction, by Alfred Hettling, within the Corridor in Waterboro.

ROSE WEEKS

The on-site inspection of Mrs. Weeks on April 10 th. attended by Sheryl Smith, Philip Gardner, Stephen Kasprzak and Frank Goodwin, was discussed. Several suggestions made by the Board members were agreeable to Mrs. Weeks who was to pickup an application form and present it to the Board. The findings and suggestions of the investigative committee being satisfactory to the Board it was voted that the Secretary to be empowered to approve the application if it complied with the understanding between Mrs. Weeks and the committee at the on-site inspection.

JOSEPH P. MARCOUX

An application by Mr. Marcoux for a permit to repair both his boat house and a retaining wall (on Little Ossipee Lake) was discussed and determined that Planning Board approval was not required. Although he was so informed by phone that evening, during the meeting, the Secy. was instructed to confirm it by letter pointing out that, if the maintenance was beyond the normal high water mark, he should check with the E.P.A.; he should also check with the local Building Inspector.

CHAS. H. CHANTLAND

Applied for a permit for similar work. The letter in the same language was sent to Mr. Chantland.

DAVIS SUBDIVISION Stephen Kasprzak - Permit to Build.

Steve Kasprzak brought up the proposal of building on Lot #1 in compliance with details discussed with the same on-site inspection, ~~and directly following~~ committee as inspected Mrs. Week's proposal, and directly following it. He displayed a sketch reflecting the details as discussed and said that he was about to have a soil test, He stated that owner of the lot & structure was to be Ms. June Mann of Canton, Mass. Mr. Gardner moved, Mr. Kellett seconded and the Board unanimously voted to grant the permit upon completion of a formal application which if it did comply with the Boards understanding, could be approved by the Secretary.

Mr. Dyer called attention to: a letter which had been written to Land Use Consultant Inc. asking a representative to be at the present meeting to discuss their proposal on the Zoning study. Mr. Goodnow had to decline at the last minute, because of death in the family. A letter was to be written to him to try to make the April 28, meeting.

A letter to Mr. Elliott, Town Counsel , dated April 8, requesting his presence at the April 21, meeting to discuss Subdivision Regulation Revisions. Mr. Elliott's reply stated he would be present on that date at 7:30 p.m.;

A letter to Mr. Elliott regarding the status under the Subdivision law of contiguous parcels, now possessed by one owner, which , at the time of purchase by said owner, may have been separately registered. Mr. Elliott's reply stated that, unless separated by roads etc., contiguous lots, of less than 40 acres each, were to be considered collectively as one parcel. Mr. Goodwin stated that this question was prompted by the sale of a lot , by Mr. Louis Wood , out of a parcel which had already been subdivided but which subdivision did not include this lot, therefore, as discussed at a previous meeting, Mr. Wood was in violation and the Selectmen would be so notified; The notice of a court action, by Land Management Inc. against , among others, the Waterboro Planning Board in connection with "Brookside" subdivision as proposed by Nolette & Payeur, Assoc. The Secretary had left a copy at Town Counsels office with his receptioness , distributed copies to all members of the Board present and given one to the Selectmen.

CETA

The Selectmen inquired if the Planning Board could use, to its advantage , a person with commensurate qualifications in its zoning and planning activities. The Planning Board request a little time for consideration of the matter.

The Board voted that a copy of L.U.C. Inc. proposal be sent to the Town Counsel for comment.

Sheryl Smith suggested consideration of a moratorium on subdivisions until acceptance of a zoning ordinance. Mr. Dyer suggested that, rather than act on the matter immediately that it be given considerable thought and that specific reasons for and benefits of such a move be brought before the Board. The matter was left there.

Meeting adjourned at 10:15 p.m.

Respectfully submitted,
Frank R. Goodwin
Frank R. Goodwin, Secy.

Approved by:

Royell Dyer
Sheryl Smith
St. L. Kern

TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE



April 15, 1976

To: BOARD OF SELECTMEN

From: Waterboro Planning Board

FRB

It is the opinion of the Waterboro Planning Board that Mr. Louis Wood by sale of a lot to Walter A & Helen E. Garnett, on Oct. 24, 1975 without subdivision approval, is in violation of the Subdivision Law, having sold 4 lots from the same parcel (lot 9 on sheet 7 of tax maps) within the last five years.

TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE



MINUTES

Special Meeting April 21, 1976

Meeting called to order by Chmn. Foglio at 7:35 p.m.; others present were Raymond Kellett, Ronald Dyer, Stephen Kasprzak, Phillip Gardner, and Frank Goodwin. Attending was Town Counsel, Roger Elliott. The Chmn. empowered Mr. Kasprzak to vote in the absence of Sheryle Smith.

Mr. Kasprzak, due to the volume of business to be covered motion to waive the discussion and approval of previous minutes until the next meeting; Mr. Dyer seconded and it was unanimously voted.

The Chmn. called attention to a letter from the State Planning Office which requested the Board's opinion as to the effectiveness of the Regional Planning Office. Action was deferred until the next meeting.

The Chmn. read a letter from Sheryl Smith tendering her resignation from the Planning Board.

The meeting was turned over to Town Counsel.

COURT ACTION - By Land Management Inc.

Mr. Elliott gave a brief dissertation on the legal aspects of the court action. He said that the Board should proceed normally with business relating to the Brookside subdivision. He said that, for now, the matter, as it affects the Planning Board would be in his hands and that he would keep the Board and the Municipal Officers informed as he deems necessary.

LAND USE CONSULTANTS INC. Proposal

Mr. Elliott pointed out that in the Board's discussion with L.U.C. Inc. it should require that a description of all data to be finally provided to the Board be clearly stated and that one should be a detailed map of the Town showing each proposed zone and its definitive boundaries.

His further comment was that, under paragraph 4, a determination should be made for all lot sizes, not just residential. He emphasized the importance of an in-depth Comprehensive Plan as a product of the study and cautioned that a clear understanding should exist as to what the responsibilities of L.U.C. Inc. would be in this matter. Mr. Kasprzak pointed out that the L.U.C. Inc. was to be asked to provide information for and assistance in the expansion of the Comprehensive Plan.

SUBDIVISION REGULATIONS Revisions

Mr. Elliott Made the following comments:

Abutters: definitions for abutters should be cleared up either under Article IV, "Definitions" or under 6.1.8. or both.

6.1.8. The best way to clarify this paragraph would be to have it read: "Shall notify all land owners within" a certain distance from the boundaries of the proposed development. This would leave "abutters" to cover contiguous land-owners only.

8.1.5. as proposed addition to page 13: Counsel questioned the work ability and, perhaps, the legality of this proposal and recommended it be given more thought.

8.3, page 13 should refer to existing municipal County or State ordinances rather than to definite sizes of lots or set-backs etc.

Abandonment of Town Roads.

Counsel recommended that the matter of abandonment of little-used Town roads be discussed in order to forestall excessive expenditures brought about by the development of a subdivision thereon. The Board can make no regulation to deal with such a situation as it stands.

7.1.5 It was the consensus that this paragraph relative to requiring surety from the applicant prior to Final Approval should be reconsidered.

On advice of Counsel, received as a result of a question from the Board relative to the use of a tape-recorder merely, for note-taking by the Secretary, conversation will no longer be taped, unless upon some special occasion, such as a hearing or similar. The minutes will be made up from these "notes" and such other information that the Secretary shall accumulate.

Meeting adjourned 9:30 p.m.

Respectfully submitted,

Frank R Goodwin
Frank R. Goodwin, Secy.

Minutes of April 21, 1976 Meeting

Approved By:

Donald Dyer
Shelly M. Jander
Raymond A. Kellitt
Stephen J. ...

TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE



MINUTES

Special Meeting April 28, 1976

Meeting called to order at 7:45 p.m. by Chairman Foglio; others present were Ronald Dyer, Stephen Kasprzak, Phillip Gardner and Frank Goodwin. Both Mr. Kasprzak and Mr. Gardner were empowered by the Chmn. to vote. Mr. Stanley Goodnow was present to discuss L.U.C. Inc's. proposal.

MINUTES

Mr. Gardner moved and Mr. Dyer seconded that the minutes for the meeting of March 31, April 7 and 14 be accepted as written; the motion was unanimously carried.

CORRESPONDENCE

The Chmn. called attention to the following correspondence which is now on file:

- from Peter Plumb re, the drainage on Brookside Subdivision;
- from a Robt. H. Cuillo, zoologist, offering his professional service when and if desired;
- from S.M.R.P.C. a copy of their review of Brookside Subdivision indicating that, in their opinion, a hearing was not necessary.

The Secretary announced that Jerry Simpson, the present Assit. C.E.O. in Sanford, has been appointed C.E.O. in Waterboro and was to have been present. Business made it impossible for him to attend. He intends to attend the next meeting.

Mr. Kasprzak announced he had been told by a representative of the U.S.S.C.S. that the medium intensity soil conservation service will be completed "by the end of Spring".

L.U.C. INC.-Proposal

Mr. Gardner asked Mr. Goodnow why was a scale of 1 inch equals 1500 ft. chosen for the base map. Mr. Goodnow replied that it was necessary to choose a scale that would result in a map size which was as definitive as possible consistent with a size that was conveniently manageable and with a easily applicable scale. In response to a question of why not use 5 or 10 ft. contours rather than the proposed 20 ft. Mr. Goodnow replied that the shorter contours would cost in the order of \$9,000.

Mr. Dyer moved and Mr. Goodwin seconded that the Board contract for both the land use package and the investigation and analysis of a potential water supply at a cost of \$46,000. for the former and \$4,000. for the latter. Mr. Goodwin moved the amendment, seconded by Mr. Kasprzak, that the proposal be rewritten to reflect the changes discussed during the evening's discussion. Both the amendment and the main motion were unanimously voted in the affirmative.

TAPING OF MEETINGS

Mr. Kasprzak moved and Mr. Gardner seconded that the meetings no longer be taped but that the tape recorder be used by the Secretary only for dictated notes. The affirmative vote was unanimous.

MR. PAQUETTE

Mr. Kasprzak moved, Mr. Gardner seconded and it was unanimously voted to permit Mr. Paquette to build a porch on his camp on Little Ossipee Lake.

Meeting adjourned at 10:45 p.m.

Respectfully submitted,

Frank R. Goodwin
Frank R. Goodwin, Secy.

Approved by:

Ronald Dyer
Charles H. Lefler
John K. Smith

TOWN OF WATERBORO
PLANNING BOARD
WATERBORO, MAINE

May 10, 1976


Roger Elliott Esq.
199 Main St.
Saco, Maine 0472

Dear Mr. Elliott:

Please be advised that the Planning Board as of May 10, 1976
is composed of the following:

Douglas Foglio,	Chairman	247-1
Ronald Dyer,	Vice Chairman	247-
Frank Goodwin,	Secretary	247-
Raymond Kellett,	Member	247-
Phillip Gardner,	Member	247-
Stephen Kasprzak,	Assoc. Member	793-8
James Hamilton,	Assoc. Member	247-5

Respectfully yours,


Frank R. Goodwin, Secy.

TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE



MINUTES
Regular Meeting , May 12, 1976

Meeting was called to order at 8:00 p.m. by Vice Chmn. Ronald Dyer; others present were Raymond Kellett, Phillip Gardner, Stephen Kasprzak, James Hamilton and Frank Goodwin. Mr. Kasprzak was empowered to vote. Mr. Hamilton was welcomed as a new associate member replacing Phillip Gardner who was made a regular member. Dana and Daniel Woodsome and William Earle were present, in connection with school work, to observe Planning Board operation. Waterboro's new Code Enforcement Officer, Mr. Jerry Simpson was also present for the first time. He will be given notice of meetings.

MINUTES

Phillip Gardner moved, Stephen Kasprzak seconded and it was unanimously voted to approve the minutes of the April 21 st. meeting. Stephen Kasprzak moved, Phillip Gardner seconded and it was unanimously voted that the minutes of the April 28 th. meeting be approved.

TREASURERS REPORT

Mr. Goodwin reported that since there had been no expenditures in April the balance remained \$776.08, the same as in April. Mr. Kellett moved Mr. Kasprzak seconded and the vote to approve the report was unanimous.

LAND USE CONSULTANTS, INC.- Zoning Study

Mr. Kasprzak moved, Mr. Kellett seconded and the vote unanimous to have Vice Chmn. Dyer, in the absence of Chmn. Foglio, sign the contract with L.U.C., Inc. in the amount of \$20,000. to work with the Planning Board in developing a zoning ordinance along with all necessary supporting data and to investigate Waterboro's water resources; that the Secretary was to forward the signed contract to L.U.C., Inc.

Mr. Kasprzak reported that L.U.C., Inc. has ^{almost} already completed the Base Map; that the U.S.S.C.S. has completed the medium intensity soil study and that L.U.C., Inc. is going to purchase from the Federal Government photographs of the completed soils maps for use in the land use study.

BROOKSIDE SUBDIVISION

The Board had just received from S.M.R.P.C., mailed May 7, 1976 a copy of the D.E.P. approval, on April 28, 1976 of the proposed Brookside Subdivision. It was recalled that the Board had voted to hold a hearing on the subdivision within 45 days of D.E.P. approval. Attention was called to the receipt of a copy of a motion by Town Counsel to the Court to dismiss L.M., Inc. suit against the Planning Board in connection with Brookside.

SUBDIVISION REGULATIONS Revisions

Mr. Kasprzak moved , Mr. Goodwin seconded and the vote was unanimous , to hold a public hearing on June 9, 1976 at 7:30 p.m. at the Town House on first , the proposed revisions to the Subdivision Regulations and second, the Brookside Subdivision, in that order. Mr. Kasprzak suggested that Nolette & Payeur and Land Management , Inc. be apprised with in the week of the plans for the hearing to ensure that each party had the date open. The Secretary is to have the revisions typed and duplicated, including changes discussed with Town Counsel, ready for review and action at a special Planning Board meeting on May 19,. Mr. Kasprzak moved, Mr. Goodwin seconded and the vote was unanimous to ask Town Counsel and the C.E.O. to be present at the hearing on June 9 th.

BY LAWS

Mr. Kasprzak moved, Mr. Kellett seconded and the vote was unanimous to defer discussion of the proposed Planning Board By-Laws until next meeting thereby giving the members a chance to refresh their memory on them.

RITCHIE

Mr. Kasprzak moved , Mr. Gardner seconded and the vote was 3 affirmative with Mr. Kellett abstaining to avoid possible conflict of interest implications, to allow Mr. Ritchie to extend his porch parallel but not nearer to the shore line as indicated up on his application and contingent upon review on the site by the C.E.O. and his favorable report as to its practicability; further that the Secretary be empowered to approve the application sending a copy to Mr. Ritchie.

Meeting adjourned at 9:00 p.m.

Respectfully submitted,

Frank R. Goodwin

Frank R. Goodwin, Secy.

Approved by:

Atty L. Kynard
Samuel D. [unclear]
Philip M. [unclear]

file

TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE



May 14, 1976

Nolette & Payeur Assoc.
Biddeford, Maine 04005

Gentlemen:

The Waterboro Planning Board plans to hold a hearing on the proposed Brookside Subdivision on June 9, 1976 at 7:30 p.m. at the Waterboro Town House.

The purpose of this notice is to ascertain if you will be able to attend. Please reply forthwith in order that, if necessary, other arrangements can be made.

Respectfully your,

Frank R. Goodwin

Frank R. Goodwin, Secy.

TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE



MINUTES

Special Meeting May 19, 1976

The meeting was called to order at 7:50 p.m. by Chairman Foglio; others present were Raymond Kellett, Ronald Dyer, James Hamilton and Frank Goodwin. In the absence of Mr. Gardner, who was ill, Mr. Hamilton was empowered to vote. C.E.O. Jerry Simpson was present. Mr. Kasprzak was absent due to urgency of private business.

Chmn. Foglio proposed that, although the proposed by-laws had not been adopted, the Board follow the order of business proposed therein. There were no objections.

MINUTES

Due to the questionable accuracy of the recording of a statement by Mr. Kasprzak the consideration and approval of the minutes of May 12th. meeting were deferred.

CUMMUNICATIONS & BILLS

The Chmn. read a notice from the S.R.C.C. relative to a public hearing to be held at SACOPEE High School in Hiram on an application for a variance filed by John Bennett on parcel 1397 & 98 in Arrowhead. Ray Kellett moved, Ron Dyer seconded and the vote was unanimous that, for the convenience of the Townspeople, public hearings on such and other similar matters be held in the town in which the property is located. The Chmn. read a letter of general mailing to board members from the S.W.R.P.C. relative to a General Commission meeting to be held Tuesday evening, May 25 at 7:30 p.m. at the Alfred Courthouse on the subjects of water pollution control, State funding priority list for such control, and the relation of a program setting standards and goals for State and local law enforcement.

OLD BUSINESS

By-Laws: Mr. Goodwin moved and Mr. Hamilton seconded that discussion of the By-Laws be deferred until the author, Mr. Gardner, is present to participate; the vote was unanimous.

Revision to Subdiv. Reg: Mr. Dyer moved and Mr. Kellett seconded that the proposed revisions to the Subdivision Regulations be accepted. The vote was three affirmative and one abstaining. These proposed revisions will be on file and will be discussed at the public hearing on June 9 th.

NEW BUSINESS

Pete Thompson: Mr. Thompson states that he has an option to buy from a John Holton a cottage on Little Ossipee Lake dependent upon being allowed to enclose a porch on the lake side and then building a new porch yet farther toward the Lake and has made an application for a permit for this construction. He was referred to the Selectmen, acting as Board of Appeals, for a variance in set-back which was granted, Mr. Kellett moved, Mr. Dyer seconded and the vote was unanimous that the permit be granted contingent upon ownership of the property by Mr. Thompson and the receipt of a letter from the Selectmen to Mr. Thompson notifying him that the variance had been granted; further, that the C.E.O. would ensure that the application bore a more accurate plan and more explicit information regarding the dimensions. Chmn. Foglio signed the application.

Meeting adjourned at 10:00 p.m.

Respectfully submitted,

Frank R. Goodwin
Frank R. Goodwin, Secy.

Approved by:

Donald Dyer
Philip M. Lefebvre
J. Hamilton

TOWN OF WATERBORO

Land Subdivision Regulations of the Planning Board

PROPOSED REVISIONS - MAY 19, 1976

(Note: Page numbers refer to pages in the existing Regulations.)

Page 2, add "L" which will read:

- L. Will not result in an unreasonable burden upon school facilities.

Page 2, Definitions, add:

Abutter: One whose property is contiguous to the perimeter of the tract developed or proposed for development.

Page 3, Definitions, Official Submittal Date, now reads:

Official Submittal
Date:

The time of submission of a Preapplication Plan or sketch, Preliminary Subdivision Plan or Final Subdivision shall be considered the date submitted, if at a regular meeting, or, if not at a regular meeting, the date of the next regular meeting.

Change to Read:

The date of submission of a Preapplication Plan or sketch plan, a Preliminary Subdivision Plan or a Final Subdivision Plan shall be the date of the meeting at which it is submitted. Upon receipt of a plan or any application, the municipal reviewing authority shall issue to the applicant a dated receipt. Within thirty (30) days from the receipt of an application, the municipal reviewing authority shall notify the applicant in writing either that the application is a complete application or, if the application is not complete, the specific additional material needed to make a complete application. After the municipal reviewing authority has determined that a complete application has been filed, it shall notify the applicant and begin its full evaluation of the proposed subdivision.

Page 3, Definitions, add:

Tract or Parcel: A tract or parcel of land is defined as all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered

each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

Page 4, Definitions, Subdivision, now reads:

Subdivision:

The division of a tract or parcel of land into three or more lots within any five year period, whether accomplished by sale, lease, development, building or otherwise, except when the division is accomplished by inheritance, gift to a relative or order of the court. A gift, if regarded by the Board as an intent to avoid the objectives of this regulation, will not be exempted. This definition shall apply to both residential and non-residential uses, mobile-home parks, campgrounds and the resubdivision of land.

In determining whether a lot or parcel of land is subdivided, an owner may sell rent, lease, etc., two lots, if he retains the remainder for his own use for a single-family dwelling.

The sale, lease, etc., of any lot or parcel of 40 or more acres shall not be considered as being a part of a subdivision unless such sale or lease is to avoid the objectives of this regulation.

Subdivisions approved prior to Sept. 23, 1971 by the Board or other authorized Town officers or bodies, shall not be subject to municipal review, provided that at least two lots have been sold or leased.

Change to Read:

A Subdivision is the division of a tract or parcel of land into three (3) or more lots within any five (5) year period, which period begins after September 22, 1971, whether accomplished by sale, lease, development, buildings or otherwise, provided that a division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption, unless the intent of such gift is to avoid the objectives of this section, or by transfer of any interest in land to the owner of land abutting thereon, shall not be considered to create a lot or lots for the purposes of this section.

In determining whether a tract or parcel of land is divided into three (3) or more lots, the first dividing of such tract or parcel unless otherwise exempted herein, shall be considered to create the first two (2) lots and the next dividing of either of said first two (2) lots, by whomever accomplished, unless otherwise exempted herein, shall be considered to create a 3rd. lot, unless both such divisions are accomplished by a subdivider who shall have retained one of such lots for his own use as a single family residence for a period of at least five (5) years prior to such 2nd. dividing. Lots of forty (40) or more acres shall not be counted as lots.

Page 4, 5.1.1: Relocate to 5.1.3 and substitute the following as 5.1.1:

An applicant shall schedule an appointment with the Secretary of the Planning Board or its authorized representative to submit a Sketch Plan. Sketch Plans will be received only at the regular Planning Board Meeting which is held at 7:30 p.m. on the second Wednesday of each month in the Town Office Building, located on Lakewood Drive, off Old Alfred Road.

Page 5, Under PRELIMINARY PLAN, insert:

Note: The Planning Board will not accept a preliminary Plan for review until the Pre-application procedure has been completed.

Page 5, 6.1.5 now reads:

6.1.5 Within 60 days after formal submission of a Preliminary Plan, the Board shall take action to give preliminary approval, with or without modification required, or the grounds for disapproval shall be stated in the minutes of the Board and conveyed to the applicant in writing. Prior to approval of the Preliminary Plan, the Board may hold a public hearing.

Change to read: Within 60 days after formal submission of a completed Preliminary Plan Application, the Board shall take action to give preliminary approval, with or without modification required, or the grounds for disapproval shall be stated in the minutes of the Board and conveyed to the applicant in writing. Prior to approval of the Preliminary Plan, the Board may hold a public hearing.

Page 6, 6.1.8 now reads:

- 6.1.8 The developer shall notify the abutters, by registered mail, of his proposed subdivision, stating that they will have thirty (30) days from the mailing date in which to register with the Planning Board by appearance or by mail, any objections to or comments upon it; the developer shall at the same time send a copy of the notice to the Board.

Change to read: Within seven (7) days after submitting the Preliminary Plan, the developer shall notify, by registered mail, all property owners within two hundred (200) feet of the perimeter of the proposed development of his intentions. Said notice shall inform them that they have seven (7) days from the mailing date in which to register, by mail, with the Waterboro Planning Board, their adverse reaction and comment relative to the proposed subdivision. The developer shall, at the same time, send a copy of the notice and list of those notified to the Board.

Page 7, paragraph 11, now reads:

11. Deed description and map of survey of tract boundary, made and certified by a registered land surveyor, tied to established reference points. Reference to lot number or numbers as shown on the Town Tax Maps and Book and Page of the recording.

Change to read: Deed description of and plan of perimeter survey of tract to be developed, made and certified by a Registered Land Surveyor and tied to established permanent reference points; reference to lot number or numbers as shown on the Town Tax Maps, also book and page in and on which the deed for the tract is recorded.

Page 8, add as 6.2.2:

- 6.2.2 Land covered by proposed subdivision shall be so marked in the field that the Planning Board may readily observe locations of proposed roads and lot corners while making its on-site inspection.

Page 9, 7.1.1, add to the end of the first sentence: (See Appendix IV)

Page 10, 7.2.1, THE FINAL PLAN, now reads:

-----and shall be submitted along with 2 white-background prints of it.-----

Change to read: -----and shall be submitted along with 10 white-background prints of it.-----

Page 11, 7.4.3, The second sentence now reads: If a subdivider wishes to alter the approved plan he shall submit a revised plan consisting of the entire subdivision or, if the plan consists of more than one sheet, that entire sheet on which the alteration is proposed.

Change to read: If a subdivider wishes to alter the approved plan he shall submit a revised plan consisting of the entire subdivision or, if the plan consists of more than one sheet, that entire sheet on which the alteration is proposed and if any lots have been sold or are under sales contract, written evidence shall be submitted that interested parties have consented to the proposed changes.

Page 13, 8.3 Lots, now reads:

8.3 Lots All house lots in a proposed subdivision shall be layed out to have no less than one acre and no less than 200 feet frontage on a street, except, when abutting a turn-around, the frontage shall be not less than 50 feet.

Change to read: Minimum lot sizes shall conform to whatever Municipal, County, State or Federal ordinance or statute is applicable, the most restrictive taking precedence.

Page 15, add:

8.7 Dry Hydrants The Board may require that the developer provide, under the direction of the Fire Chief, a dry hydrant for fire protection.

8.8 Green Belts

8.8.1 If the proposed subdivision abuts Routes 5 or 202 or 4, and all state-aid-roads, a strip of land not less than 25 feet and not more than 100 feet in width adjacent to said highway and running along said highway may be required to be set aside as a green belt, and the developer shall submit provisions for maintaining this area. (A conservation easement may be conveyed to the Town of Waterboro over said strip.) Said green belt shall be shown on the Preliminary and Final Plans.

8.8.2 If the proposed subdivision abuts a Town road, a strip of land not less than 25 ft. or greater than 50 ft. in width and adjacent to said road and running along said road may be required to be set aside as a green belt, and the developer shall submit provisions for maintaining this area (a conservation easement may be conveyed to the Town of Waterboro over said strip). Said green belt shall be shown on Preliminary and Final Plans.

8.9 Access Streets Where a proposed subdivision abuts or contains an existing or proposed arterial street, the Board may require marginal access streets (street parallel to arterial street providing access to adjacent lots), reverse frontage (that is frontage on a street other than the existing or proposed arterial street) with green strip in accordance with paragraphs 8.8.1 and 8.8.2 along the rear property line or such other treatments as may be necessary for adequate protection of the residential properties and to afford separation of through and local traffic.

Add as Appendices to the Subdivision Regulations:

- | | |
|-----------------|---|
| A. Appendix I | Preapplication Procedure for Subdivision Approval |
| B. Appendix II | Receipt of Application |
| C. Appendix III | Application for Subdivision Approval - Preliminary Plan |
| D. Appendix IV | Final Subdivision Plan Application Form for Major Subdivision of Land - Planning Board of the Town of Waterboro |
| E. Appendix V | Technical Checklist of Material to be Submitted for Use In Subdivision Plan Review |
| F. Appendix VI | Administration Procedures: Checklist for Use in Subdivision Plan Review |

TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE



MINUTES

Regular Meeting, June 9, 1976

*Public Hearing on Brookside & Revisions to Subdiv. Reg.
See Tape for proceedings*

Meeting called to order at 9:00 p.m., by Chann, Foglio, others present were Raymond Kellett, Ronald Dyer, Phillip Gardner, Stephen Kasprzak, James Hamilton and Frank Goodwin. Also in attendance were Code Enforcement Officer, Jerry Simpson, Town Counsel Roger Elliott, Fernald Payeur, Atty. Peter Plumb, David Haynes and William Flynt.

BROOKSIDE SUBDIVISION

Atty. Plumb submitted to the Board, as submitted at a public hearing held prior to the Regular Meeting, Exhibit "A" titled "Brookside Subdivision Abutting Land Owners"; Exhibit "B" Return Receipt Cards evidencing receipt of notice by abutters of the intentions of the Developer and of the submission and approval of a Preliminary Plan for Brookside Subdivision, including also unclaimed letters containing notices; Exhibit "C", a copy of the notice sent to abutters and finally, an affidavit by Mr. Plumb and attested by Sylvia E. Polvinen on June 9, 1976, that he, personally, undertook to serve notices not only to those 65 listed as abutters in Exhibit "A", but also to Land Management Inc., owners of property directly across the (Old Buxton) Road from the subdivision. All exhibits were received by the Board and deemed to be in accordance with Mr. Plumb's affidavit. The return receipt cards were, by agreement of the Board, returned to Mr. Plumb, but the original of the affidavit and a copy of each Exhibit "A" and "C" were retained by the Board. Mr. Plumb also presented a copy of the proposed Conservation Easement which, being identical to a previously accepted for Beaver Ridge, was found to be acceptable for Brookside.

The manner in which the Developer was to provide surety against default on proposed improvements was discussed, Mr. Dyer moved, Mr. Kellett seconded and the Board unanimously voted that:

At least ten (10) days prior to the issue of any building permit, the Developer shall provide an amount of surety for improvements based upon the following formula:

1. Ten dollars (\$10.00) per linear foot for all roads not brought to finished gravel grade in accordance with Town specifications.

2. Three dollars (\$3.00) per linear foot for any road brought to finished gravel grade but not tarred to Town specifications.
3. At such time as any road covered by paragraph 1 above is brought to finished gravel grade, the amount of surety for such section or sections shall be reduced to three dollars (\$3.00) per linear foot.
4. All road construction shall be completed satisfactory to Town specifications within three (3) years from the date of posting of the surety.
5. Upon written approval by the Town Road Committee to the Planning Board and the Developer that any road has been completed in accordance with Town specifications and standards all surety applying to said roads(s) shall be released.

It was agreed that approval of the Final Plan assumed that condition 5 under covenant in each deed would be revised as follows:

Inserted as the second sentence will be: "Access to either lot shall be only from Brookside Road".
Inserted as the fourth sentence will be: Compliance with this section may be enforced by the Town of Waterboro.

These changes are written in ink on a sample deed which was presented by Mr. Plumb, reviewed and otherwise approved by the Board. Mr. Kellett moved, Mr. Gardner seconded and the Board unanimously voted to approve the Final Plan, dated May 1976, for Brookside Subdivision.

BRIAN HUNTRESS

The Huntresses had been having some difficulty with a bank relative to whether or not their property was in subdivision status due to conveyance, back and forth, of a parcel between him and his father George Huntress (an abuttor). Observing that such conveyances between relatives and/or between abuttors without subdivision approval was allowed, Mr. Kellett moved, Mr. Dyer seconded and the Board unanimously voted to direct the Secretary to write Mr. Huntress to this effect.

Meeting adjourned at 10:30 p.m.

Respectfully submitted,

Frank R. Goodwin
Frank R. Goodwin, Secy.

Minutes, Regular Meeting June 9, 1976

Approved by:

Ronald Dyer
Philip M. Linder
J. Hamilton

TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE



MINUTES

Special Meeting, June 16, 1976

Meeting called to order at 7:30 p.m. by Chmn. Foglio; others present were Raymond Kellett(acting Secretary) Ronald Dyer, Phillip Gardner and Stephen Kasprzak. The Chmn. empowered Mr. Kasprzak to vote.

MINUTES

Minutes of May 12, under Zoning Study, second paragraph, the word "already" was changed to "almost". Mr. Kasprzak moved and Mr. Dyer seconded and the vote was unanimous that the minutes be accepted.

BILLS

Mr. Kasprzak moved, Mr. Gardner seconded and the Board unanimously voted that the Secretary turn the bill \$1900., from Land Use Consultants, Inc. for the land use and zoning study(first installment) over to the Selectmen for payment.

The bill from S.M.R.P.C. of \$11.15, for printing of the Proposed revisions to the Subdivision Regulations was approved for payment.

SUBDIVISION REGULATIONS- Proposed Revisions

Mr. Kasprzak moved, Mr. Kellett seconded and the Board unanimously voted to revise the existing Subdivision Regulations to reflect the proposed revisions, additions and deletions which were presented at a public hearing held at the Town House on June 9, 1976.

Mr. Kasprzak moved, Mr. Gardner seconded and the vote was unanimous to instruct the Secretary to investigate the matter of having 50 revised copies of the Subdivision Regulations and 50 copies of the application blanks required therein printed up by the S.M.R.P.C. and, if it is estimated to cost under \$100.00, to proceed to have it done.

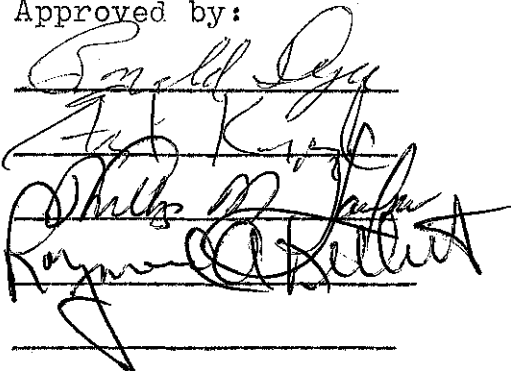
LAND USE STUDY

Mr. Stanley Goodnow of Land Use Consultants, Inc. was present to report on the progress of the land use and zoning study. He displayed for consideration a preliminary copy of the Base Map. The following revisions and additions were suggested:

1. That the names of towns contiguous to Waterboro and the boundary lines between them where they meet the Waterboro boundary be shown.
2. That the contour intervals be stated in feet in the Legend.
3. That the names of all lakes and ponds be located in the water area instead of the land area.
4. That a North arrow be placed in the upper Right hand corner of the Map.
5. That the spelling of Hamilton be corrected.
6. That Lake Sherbourne be shown on the map and that the boundaries of all lakes and ponds be more clearly delineated.
7. That, where Route 4 , 5 and 202 lead off the map, the Municipalities of Limerick, Sanford and Biddeford be shown.
8. That the more densely settled areas be shown in a smaller scale on additional sheets as required.
9. That a transparent composite of the Town Tax Maps similar to the "Key" Map be made as an overlay to the Base Map.

Mr. Goodnow said that he intended to make a reconnaissance flight or flights over the Town to verify certain details. He also said that he or some member of his firm would be present at each regular meeting, at least , to give a progress report.

Approved by:



Respectfully submitted,


Frank R. Goodwin , Secy.

TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE



MINUTES

Regular Meeting , July 14, 1976

Meeting was opened at 8:00 p.m. by Vice Chairman Ronald Dyer; others present were ,Phillip Gardner, James Hamilton and Frank Goodwin. James Hamilton was empowered to vote. Code Enforcement Officer, Jerry Simpson was present.

MINUTES

Phillip Gardner moved and James Hamilton seconded that the minutes for the May 19, and June 9, 1976 meetings be accepted as written; the vote was unanimous. Additions were noted for the minutes of the June 16, 1976 meeting which will be considered for approval at the next regular meeting.

COMMUNICATIONS & BILLS

Mr. Goodwin moved , Mr. Gardner seconded and it was unanimously voted that a bill of \$ 7.70 for a legal advertisement in the Portland Press Herald be paid.

Mr. Gardner moved, Mr. Goodwin seconded and it was unanimously voted that a bill for \$1,900. rendered by Land Use Consultants, Inc, in accordance with the contract be approved and turned over to the Selectmen for payment. (It was given in hand to Mr. Monteith following the meeting). As a part of his motion, Mr. Gardner proposed that Land Use Consultants, Inc. be apprized of the fact that our regular meeting at which bills are approved is held on the second Wednesday of each month at 7:30 p.m., that his bill, after approval, is sent to the Selectmen for payment, thus it is not possible to make payment in 10 days as stated; further that Land Use Consultant Inc. be informed that, although it is not written into the contract, the Board expected to have in attendance , at its regular meetings, one of the firm with a comprehensive progress report to use by the Board as evidence to the Municipal Officers.

REPORTS

The Treasurer reported an expenditure of \$11.15 in June for printing leaving a balance of \$713.20 as of July 1st. Petty-cash showed a balance of \$25.00 James Hamilton moved, Phil Gardner seconded and the vote was unanimous that the report be accepted.

The Secretary reported that he had been through the existing Subdivision Regulations making notes where and what changes were to be made and had turned the material over to the Town Clerk for typing in final form.

He said he had also gotten from S.M.R.P.C. an estimate of about \$40.00 for printing 50 copies of the revised regulations plus 50 copies each of application forms. He said that when the revised regulations are typed he intended to compose a table of contents and suggested that, each member having been provided a copy of the revision, contribute his ideas thereto.

OLD BUSSINESS

By-Laws: Phillip Gardner moved , Mr. Goodwin seconded that the proposed By-Laws , as submitted, be accepted. Discussion indicated that the consensus desired a work and discussion session on them, where upon the motion was defeated. Mr. Gardner moved, Mr. Hamilton seconded and the vote was unanimous to hold a work session on July 28 at 7:30 p.m.

NEW BUSINESS

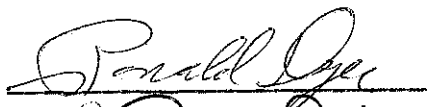
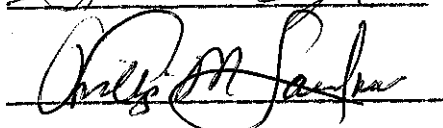
Jerry Simpson brought in a form titled "Dwelling Unit Inspection Record" which the Selectmen have decided to use in appraisal of real property and asked if the Board wished to add anything to it for its own use. Because of the fact that it contained certain objectable inferences and connotations the Board decided not to give its tacit approval by making use of it.

Meeting adjourned , 9:30 p.m.

Respectfully submitted:


Frank R. Goodwin, Secy.

Approved By:

TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE



MINUTES

Regular Meeting , Aug.11,1976

Vice Chmn. Ronald Dyer called the meeting to order at 7:30 p.m.; others present were Raymond Kellett, Phillip Gardner, Stephen Kasprzak , James Hamilton and Frank Goodwin. Jerry Simpson , Code Enforcement Officer and David Johnson of the Conservation Commission were in attendance. Mr.Kasprzak was empowered to vote.

MINUTES

The minutes for the June 16,1976 and July 14,1976 meetings were unanimously accepted as written.

COMMUNICATIONS & BILLS

Letters from Land Use Consultants, Inc. dated July 15 and 26 were reviewed by the members and placed on file. Mr.Kasprzak moved, Phillip Gardner seconded and the Board unanimously voted to recommend to the Selectmen for payment a bill dated July 30,1976, in the amount of \$1900. representing the July installment of the cost of the Land use & zoning study.

REPORTS

Treasurer: Stephen Kasprzak moved, Phillip Gardner seconded and the members unanimously voted to accept the report of the Treasurer as read.

By-Laws Committee: Mr. Gardner reported that the By-Laws were in process of typing to reflect the changes recommended in the work session of Aug.8th. on the same.

NEW BUSINESS

TERRANCE HACKETT: Mr. Hackett submitted an application for a permit to build a daylight basement under his cottage facing Little Ossipee Lake. Mr.Kasprzak moved, Mr.Kellett seconded and the Board unanimously voted to grant the permit contingent upon the conditions that the dirt excavated is to be hauled away, that the slope from a point about 25 ft. in front of the basement to the base of the slope not be disturbed and that such yard as is disturbed be reseeded within 30 days after completion of construction of the basement.

JOHN BLUNT: Mr.Blunt brought in a plan of the subdivision of a parcel into 2 lots to determine if approval was required. Mr.Kasprzak, having prior knowledge of the matter pointed out

that this parcel had been part of a larger parcel within five years and that there was no domicile on the property and, hence, approval would be required. The Secretary supplied Mr. Blunt with a copy of the Regulations including the new amendments and suggest to Mr. Blunt make application in the prescribed manner.

OLD BUSINESS

LNAD USE STUDY: Mr. Stanley Goodnow of Land Use Consultants Inc. along with Prof. Orlando DeLogu, Arnold Biondi and David Brownlie were present to make a progress report the land use study. Mr. Goodnow displayed 14 exhibits consisting of a base map of the Town plus nine overlays showing various characteristics which would comprise the bases for zoning and the administration of the Subdivision Regulations. During the early part of this presentation at least one of the Selectmen were present; later all three Selectmen were in attendance. The presentation of the material was very demonstrative and impressive of the proposed thoroughness of the study. Professor DeLogu, now teaching at U of M Portland in the Law College and having had a broad experience in land planning, since it was a matter that Land Use Consultants, Inc. felt it was their responsibility to consider and bring it before the Town Officials and Planning Board, gave an outline of the circumstances surrounding certain land, likely to fall to the Town due to default of taxes in which he recommended, without any intent to encroach upon the prerogations of the Town Officials, that a plan of action be well established prior to the event of such an eventuality.

The next meeting with Land Use Consultants, Inc. will be on Sept. 8, the regular meeting night. The Secretary is to invite the Conservation Commission to attend. The intent is to use the Town House for the meeting and the Secretary is to notify the Boy Scouts of this intent.

Mr. Goodnow pointed to the necessity for an early series of work sessions on the study, whereupon, the Board agreed that they should begin on Thursday, Sept. 16, and continue on the 23th. and 30 th. Mr. Kasprzak moved; Mr. Kellett seconded and the vote was unanimous, that the Secretary is to notify in due time, Selectmen and the Conservation Commission of any and all work sessions on the study or the proposed Zoning ordinance. Mr. Goodnow will send the Planning Board an agenda for each session and the Secretary is to forward copies to both the Selectmen and Conservation Commission. Mr. Goodnow left with the Board four prints of the Base Map and promised to send four more by mail.

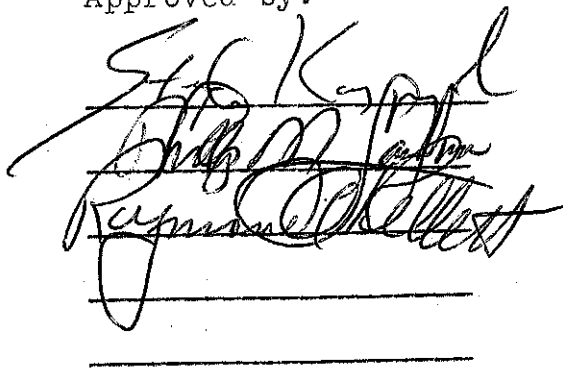
Meeting adjourned at 11:30 p.m.

Respectfully submitted,

Frank R. Goodwin
Frank Goodwin, Secy.

Minutes Regular Meeting ,Aug.11,1976

Approved by:



TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE



MINUTES
REGULAR MEETING, OCTOBER 13, 1976

The meeting was called to order at 7:30 p.m. by the Secretary, Frank Goodwin, acting as chairman, Mr. Foglio being detained by press of business. Others present were: Raymond Kellett, Phillip Gardner, Stephen Kasprzak and James Hamilton, all of the Board, and Jerry Simpson, Code Enforcement Officer. Mrs. Carrie Bean and her land surveyor, John Rossborough, were present to apply for subdivision approval. Both Messrs. Kasprzak and Hamilton were empowered by the acting chairman to vote.

TREASURER'S REPORT

Mr. Goodwin reported a balance of \$705.50 in the treasury as of Oct. 1, 1976; \$14.23 had been spent from Petty Cash, leaving a balance of \$10.77. Stephen Kasprzak moved, Phillip Gardner seconded and the vote was unanimous that the report be accepted.

COMMUNICATIONS

A notice of the Rondan Realty, Inc. intentions to apply to the S.R.C.C. for permission to build on lots Nos. 1393 and 1394 in the Arrowhead Estates development.

A letter from the S.M.R.P.C. relative to the E.D.A. Public Works Act, including application forms and general instructions.

A copy of a letter from David Emery, M.C. to the Selectmen relative to a meeting on October 20, with Regional Director of E.P.A., John McGlenon at Augusta to discuss problems which the Municipalities may be having in their dealings with the E.P.A.

From the Federal Insurance Administration, a group of maps of the various sections of the Town of Waterboro showing the various areas which are considered by the Administration to be flood hazard areas.

(Chmn. Foglio arrived and assumed the chairmanship of the meeting).

REPORTS OF COMMITTEES

Zoning: Two more meetings on land use and zoning have been held at the Town House. The next workshop meeting is to be on Nov. 3d at 7:30 p.m. at the Town House.

Further, Land Use Consultants, Inc. will have on exhibit at the Polling-place on Tues., Nov. 2d displays of their progress in the form of maps and charts accompanied by one of their representatives who will answer questions regarding them.

By-Laws: Mr. Gardner presented a draft of the Planning Board proposed by-laws for approval.

NEW BUSINESS

Carrie Beam subdivision: Mrs. Beam presented a Preliminary Plan of her proposed subdivision off Ossipee Hill Rd. It was pointed out to her that this plan would, for the time being, be regarded as a sketch plan in accordance with the procedure outlined in the Regulations. An on-site inspection date of Sat., Oct. 16, at 11:30 a.m. was set.

Absentee Record: It was suggested that the record of Assoc. Members empowered to vote include the name of the absentee.

By-Laws: Mr. Gardner stated that this draft was a result of the recent work-shop meeting on the same. Mr. Kasprzak moved, Mr. Gardner seconded and the Board unanimously voted to adopt the By-Laws as written to become effective October 13, 1976; further, that the draft be given to the Administrative Asst., Mr. Hall, to be typed suitable for printing, and that the Secretary shall have them printed in "pocket booklet" form with a pouch in the inside of the front cover which may be used for list of the current members of the Planning Board. The Secretary is to use his judgement as to the number to be printed.

OLD BUSINESS

Election of Officers: Phillip Gardner moved, Stephen Kasprzak seconded and the Board unanimously voted that the existing officers remain in office until the regular meeting in April 1977.

Subdivision Regulations: Mr. Kasprzak moved, Mr. Kellett seconded and the Board unanimously voted to instruct the Secretary to have 200 extra copies of the appendices printed along with the printing of the revised Regulations. The Secretary is also to look into suitable bindings, preferably some that will permit addition or deletion of pages.

John Hanscom: It was moved, seconded and unanimously voted that the Secretary inform Mr. Hanscom by letter as follows: if the properties which he intends to sell along Rte. 202 (those on each side of the Dixon lot) were not surveyed and recorded at the Registry of Deeds prior to Sept. 21, 1971, then they are in Subdivision status; that, in order to prevent this situation from possibly clouding title to these properties, the Board suggests that he have the properties surveyed by a registered Land Surveyor, have a Final Plan drawn in accordance with the newly revised Subdivision Regulations and dated August, 1972 and present it to the Board. If the Board finds that all requirements have been met, the Plan will be approved.

Blaney: Mr. and Mrs. Blaney applied for a permit to construct a cellar foundation under their existing cottage on Middle Branch Pond. Mr. Goodwin moved, Mr. Kasprzak seconded and the vote was unanimous to grant the permit on the condition that all ground areas disturbed by the construction (outside of the cellar) be loamed and reseeded within a year of completion.

Raymond Kellett: Mr. Kellett applied for a permit to construct a cellar foundation under his home on Little Ossipee Lake. Mr. Kasprzak moved, Mr. Gardner seconded and the vote was unanimous (Mr. Kellett abstaining) to grant the permit on the condition that all ground areas (outside the cellar) disturbed by the construction be loamed and reseeded within a year from completion.

The Townsman: Mr. Kasprzak moved, Mr. Gardner seconded and the vote was unanimous to instruct the Secretary to subscribe to the Townsman, the M.M.A. organ, for each member of the Board, using Planning Board funds.

Meeting adjourned at 10:40 p.m.

Respectfully submitted,

Frank R. Goodwin
Frank R. Goodwin, Secy.

Approved. By: *Philip M. Sanford*
Raymond Kellett
J. H. H. H. H.

MEETING

Workshop meeting with LUC, at the Town House
WEDNESDAY evening, Nov. 3 at 7:30 p.m.

File

THE WATERBORO PLANNING BOARD

BYLAWS

Adopted by the Waterboro Planning Board on October 13, 1976

BYLAWS

INDEX

Declaration

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BYLAWS

DECLARATION

Business of the Planning Board shall be conducted in accord with the Maine Statutes, Town Ordinances and pertinent parts of the Roberts Rules of Order; as well as the Planning Board Subdivision Regulations, the Planning Board Bylaws, and amendments and supplements thereto.

The Planning Board pledges to maintain professional conduct in the review of all proposals before it, and in all other business deliberations. All proposals shall be examined equally and equitably, if for any reason an individual board member feels that he or she has a particular bias either for or against a particular proposal, he or she shall abstain from voting on matters pertaining to that proposal. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is being challenged.

BYLAWS

I. Membership

A. Appointments

1. Appointments to the Board will be made by the municipal officials.
2. The Board shall consist of 5 members and 2 associate members.
3. The term of each member shall be 5 years, except the initial appointment which shall be for 1, 2, 3, 4 and 5 years respectively. The term of office of an associate member shall be 5 years.
4. When there is a permanent vacancy, the municipal officials will within 60 days of its occurrence appoint a person to serve for the unexpired term.
5. The planning board may vote to notify the Town officials of the absence of a member from 40% of the planning board meetings in a 12 month period.

B. Officers and Their Duties

1. The officers of the Planning Board shall consist of a Chairman, a Vice-Chairman and a Secretary-Treasurer.
2. The Chairman shall preside at all meetings and hearings of the Planning Board and shall have the duties normally conferred by parliamentary usage on such officers. The Chairman shall have the authority to: appoint committees, call for work sessions and preside over executive sessions.
3. The Chairman shall be one of the citizen members of the Board. He shall have the privilege of discussing all matters before the Board and of voting thereon.
4. The Vice-Chairman shall act for the Chairman in his absence. He shall be a citizen member of the Board.
5. The Secretary-Treasurer shall keep the minutes and records of the Board, prepare agenda of regular and special meetings with the Chairman, provide notice of meetings to Board members, arrange proper and legal notice of hearings, attend to correspondence of the Board and to other duties as are normally carried out by a Secretary. The Secretary shall keep a record of all resolutions, transactions,

BYLAWS

correspondence, findings, and determinations of the Board. All records shall be deemed public and may be inspected at reasonable times and in the presence of a board member. The Secretary-Treasurer shall give an accounting of Board finances and bills at each regular meeting.

C. Elections of Officers

1. Nomination of officers shall be made from the floor at the annual organizational meeting which shall be held at the regular meeting in April of each year, and the elections shall immediately follow thereafter.
2. A candidate receiving a majority vote of the Planning Board shall be declared elected and shall serve for one year or until his successor shall take office.
3. Vacancies in office shall be filled immediately by regular election procedure and officers so elected shall be "acting" only until the subsequent annual meeting.

D. Other Board Members

1. An associate member may attend all meetings and participate in its proceedings but may vote only when he or she has been designated by the Chairman to sit for a member.
2. When a member is unable to act because of interest, physical incapacity, absence or any other reason satisfactory to the Chairman, the Chairman shall designate an associate member to sit in his stead.
3. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members present except the member who is being challenged.

II. Meeting Organization

A. Regular Meetings

1. Meetings will be held on the second Wednesday of each month at 7:30 p.m. The standard meeting place shall be the Waterboro Town Office on the Old Alfred Road, however, meetings may be rotated to various other locales within the Town to enable better Board-citizen rapport. The Secretary shall have the responsibility of notifying the members and

BYLAWS

for advertising to the public at large where and when the meetings will be held if they are to be other than the normal time and place.

2.No meeting of the board shall be held without a quorum consisting of 4 members or associate members authorized to vote.

3.All meetings of which official action is taken shall be open to the public.

B. Work Sessions

1.The Chairman may, with the approval of the majority of the Board call Special Work Sessions.

2.There sessions shall be open to the public; however, the general public shall be barred from addressing the Board with the following exceptions.

a. In the event that the topic of the work session involves such matters in which the Board has requested that a Citizens Advisory Group be established to aid the Board in its findings and deliberations, said group shall have input into the discussion phase of the meeting.

b. Any Official, citizen, etc. who specifically has been requested by the Board to have inputs to that meeting may do so; but only to that extent.

c. Inputs from other interested citizens may be heard if the majority of the Board so votes.

d. Roberts Rules of Procedure shall apply. The Chairman may rule any deviations from the above to be out of order.

C. Executive Sessions

1. Upon a vote of at least 3 of the members, present and voting, the Planning Board of the Town of Waterboro may call for an Executive Session, from which the public shall be barred.

2. The motion to go into executive session shall indicate the nature of the business of that session, and no other matter may be considered. No ordinances, orders, rules, resolutions, regulations, contracts, appointments, or other official action shall be finally approved at such executive sessions, which may be held on the following matters only:

BYLAWS

- a. Certain discussions concerning employees or appointees. Discussions or consideration of employment, appointment, assignment, duties, resignation of public officials, appointees or employees of the Planning Board of the investigation or hearing of charges or complaints against such persons; provided that any persons charges, investigated or otherwise under discussion shall be permitted to be present at such executive sessions, if he or she so desires.
- b. Dismissal of public official or employee. Discussion or consideration of the dismissal of any public official or employee.
- c. Condition, acquisition, use or disposition of property. Discussion or consideration of the condition, acquisition or use of real or personal property or interests therein or disposition of publicly held property if premature disclosure of such information would prejudice the competitive or bargaining position of the Planning Board.
- d. Certain labor negotiations. Negotiations with employee representatives under collective bargaining laws.
- e. Certain legal consultations. Consultations between the planning board and its attorney concerning the legal rights and duties of the planning board, pending or contemplated litigation, settlement offers and matters where the duties of the planning board's counsel to his or her client pursuant to the code of professional responsibility clearly conflicts with the Maine Right to Know Law or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage.
- f. Adjudicative deliberations. Deliberations by the planning board acting in an adjudicative or quasi-judicial capacity. The hearing of evidence is not to be construed as deliberations. The Waterboro Planning Board may adjourn to executive session to discuss subdivision proposals, provided that no official action upon a specific proposal takes place within there sessions.
- g. Discussion of information in certain records. Discussion of information contained in records

BYLAWS

made, maintained or received by the planning board when access by the general public to these records is prohibited by statute.

- h. Within the Executive Session, it shall be the Chairman's responsibility to ensure that only that business for which the session was called will be discussed. The Chairman shall conduct the executive session to ensure that compliance with rules for executive sessions occurs.

D. Special Meetings

- 1. The place of a special meeting date and time will be designated at a prior regular meeting.

III. Order of Business

- A. The order of business at regular meetings shall be:

- 1. Roll Call
- 2. Minutes of previous meeting.
- 3. Communications & bills.
- 4. Report of officers and committees.
- 5. Old business.
- 6. New business.
- 7. Adjournment.

IV. Committees

- A. The following standing committees may be appointed by the Chairman:

- 1. Master Plan Committee.
- 2. Budget and Finance Committee.
- 3. Subdivision Committee.
- 4. Zoning Committee.
- 5. Legal Committee.
- 6. Public Relations Committee.
- 7. Capital Improvements Committee.

- B. The standing committees shall be appointed for one year and shall consist of at least 2 members. Vacancies shall be filled immediately by the Chairman of the Planning Board.

- C. Special committees may be appointed by the Chairman for purposes and terms which the Board approves.

V. Employees

- A. The Board may employ a Clerk to assist the Secretary in the performance of his duties and to perform such other

BYLAWS

duties as may be assigned to him or her by the Chairman of the Planning Board.

- B. The Board may employ at no cost to the Town, unless authorized otherwise, such staff and/or experts as it sees fit to aid the Board in its work. Appointments shall be made by a majority vote.

VI. Hearings

- A. In addition to those required by law, the Board may at its discretion hold public hearings when it decides that such hearings will be in the public interest.
- B. Notice of such hearings shall be published in the official newspaper(s) of the municipality or in a newspaper of general circulation at least seven (7) days before the time of public hearings.
- C. The case before the Board shall be presented in summary by the Secretary or a designated member of the Board, and parties in interest shall have privileges of the floor.
- D. A record shall be kept of those speaking before the Board.

VII. Amendments

These BYLAWS may be amended by an affirmative vote of three or more voting members of the Planning Board.

BYLAWS

Sources of Information

American Society of Planning Officials
American Planning and Civic Assoc.
American Institute of Planners
Maine Municipal Assoc.
Southern Maine Regional Planning Comm.
Alfred Planning Board Bylaws
Kennebunk Planning Board Bylaws

TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE



MINUTES

Regular Meeting, Nov. 10, 1976

The meeting was called to order at 7:35 p.m. by Vice Chmn. Ronald Dyer, Chmn. Foglio being detained by road sanding; others present were Raymond Kellett, Phillip Gardner, James Hamilton and Frank Goodwin. Mr. Hamilton was empowered to vote.

MINUTES

Mr. Gardner moved, Mr. Kellett seconded and the vote was unanimous to accept the Oct. 13th minutes as read.

REPORTS

Treasurer's Report: Mr. Gardner moved, Mr. Kellett seconded and it was unanimously voted to accept the report showing a Nov. 1st balance of \$705.50.

(Chmn. Foglio assumed the chairmanship of the mtg.)

OLD BUSINESS

John Hanscom's Subdivision: The Secretary brought in Mr. Hanscom's Final Plan of a 3-lot subdivision on the easterly side of Rte. 202 in the vicinity of Bean's garage. Mr. Kellett moved, Mr. Dyer seconded and the vote was unanimous to approve the Plan contingent upon Mr. Hanscom paying the application fee of \$25.00 (based upon the Regulations in effect at the time of the application) and affixing his signature to the Plan drawing.

The meeting was recessed at 8:10 p.m. to allow Mr. Goodnow and his associates to present more material relative to the the land use study

The meeting was reconvened at 10:30 p.m. After some discussion concerning pending matters it was decided to hold a special meeting on the evening of Nov. 17th at 7:30 p.m. The next meeting with LUC was scheduled for Dec. 1st at 7:30 p.m. Meeting adjourned at 10:45 p.m.

Respectfully submitted,

Frank R Goodwin
Frank R. Goodwin, Secy.

Minutes, Nov. 10, 1976

Approved by:

Douglas C Foglio

Emile Dyer

W. H. H. H. H.

Raymond O. Kellett

Philip M. Jones

TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE



MINUTES

Special Meeting , Nov.17,1976

Meeting opened at 7:30 p.m.. Members present were, Chmn. Douglas Foglio, Ronald Dyer, Raymond Kellest, Phillip Gardner, Stephen Kasprzak, James Hamilton and Frank Goodwin.

OLD BUSINESS

Carrie Bean's Subdivision: Mr. Kellest moved Mr. Gardner seconded and the vote was unanimous that a letter be sent to Mrs. Bean suggesting that she present a Sketch Plan along with a completed form, "Appendix I" to the Planning Board when she decides that she will procede with her proposed subdivision and that she adhere strickly to the newly revised Subdivision Regulations.

NEW BUSINESS

David P. Richards: Mr. Richards made application to expand his cottage, which is within 250 ft. of the normal high water line of Little Ossipee Lake off Weber Rd, to construct a cellar with garage and install a new sub-surface disposal ayatem. Mr. Dyer moved, Mr. Kellest seconded and the vote was unanimous to grant the permit subject to the condition that arears devided of vegetation by the construction be reseeded within one year of completion of construction.

SACO RIVER CORRIDER COMM.: Relative to the letter of Oct.15, 1976 from the S.R.C.C. suggesting that the Commission act as the regional reviewing authority on matters pertaining to proposals for development under the Site Location Act and requesting a "favorable" or unfavorable" reply from the Board by mail. Mr. Gardner moved, Mr. Goodwin seconded and the vote was unanimous to reply "unfavorable".

JOHN HANSCOM'S SUBDIVISION: The Secretary reported that he had obtained Mr. Hanscom's signature on his Final Plan and left it with him for recording. Mr. Hanscom agreed to leave with the Town Clerk a check for \$25.00 representing the application fee.

BY-LAWS: It had been noted by Chmn. Foglio that no provision had been made in the New By-Laws to cover Special Meetings. Mr. Gardner agreed to have a section added to rectify this oversight.

SPECIAL MEETING: The Chmn. suggested and the Board agreed that a work session on Zoning be held on Tues., Nov. 23 at 7:00 p.m. Mr. Kasprzak offered and the Board accepted his office for the meeting.

Meeting adjourned at 9:35 p.m.

Respectfully submitted,

Frank R Goodwin

Frank R. Goodwin, Secy.

Approved by:

Douglas C. Foglio Chmn.
Donald Eger
Step L. Kasprzak
Raymond D. Blissett
Phillip M. Janina

Planning Board Informational Meeting held December 7, 1976

Attended: Doug Foglio, Raymond Kellert, Stephen Kasprzak,
James Hamilton, Phillip Gardner- Planning Board

Dan Willet - Selectman

(Jim Hamilton's Sister), Tom - , Dave Johnson, & ____.,
- Conservation Comm.

Stan Goodnow, Orlando DeLogu, Dave Biondi - Land Use.

Work Session started at 8:15 with Mr. Goodnow outlining the
following purposes: 1. Review with Conservation Comm.

2. Joint meeting with Conservation Comm.

3. Presenting the outline of Zoning Ordinance Draft.

Mr. Goodnow presented reduced plans for comment. Changes in area
of Brookside were suggested and agreed with. 50 copies to be
made for postponed public meeting at Town House the 14th.

Mr. DeLogu discussed terms, designations and uses of depicted
areas. He noted that to enter into rate of development would
need greater data, etc, beyond scope of present plan.

C. Comm. requested a moratorium for subdivision. DeLogu said
this would not be of any use since likelihood of development
proposals would be slim during winter months and before town
meeting.

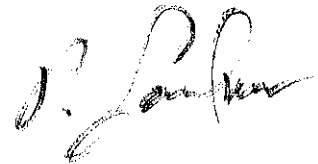
Draft: should be flexible (Goodnow) some sections could be combined.

DeLogu - Art. #1 to stand as is, this is legal basis.

#2 & #3, flexible and to be adnoted and discussed at next
meeting Tues. 21st at 7 pm.

Land Use target date for Zoning Ordinance is early January.

Meeting adjourned at 10:15



TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE



MINUTES

Regular Meeting, Dec. 8, 1976

Meeting called to order by Chmn. Foglio at 7:30 p.m.; other members present were Ronald Dyer, Raymond Kellett, Phillip Gardner, Frank Goodwin, Stephen Kasprzak and James Hamilton.

MINUTES

Mr. Kellett moved, Mr. Gardner seconded and the vote was unanimous the Minutes of the Nov. 10th. meeting be accepted as read, Mr. Kasprzak moved, Mr. Kellett seconded and the vote was unanimous that the Minutes of the Nov. 17th. meeting be accepted as read, with the correction of a couple typographical errors.

COMMUNICATIONS AND BILLS

A copy of a bill for \$1900. from Land Use Consultants, Inc. was approved for payment. The Board maintained that the Land Use Consultants, Inc. bills should be approved by the Board before sending it to the Selectmen. Mr. Kasprzak moved, Mr. Kellett seconded and it was unanimously voted that the Secretary be empowered to, in the future, approve the Land Use Consultants Inc. bill, when received and turn it over to the Selectmen for payment provided he had had no complaints on L.U.C.'s work for the month covered by the bill.

A bill for \$25.33 from Down- Maine Office Supply for a black-board, eraser and chalk- Mr. Kellett moved, Mr. Gardner seconded, and the vote was unanimous that the bill be paid.

A bill for \$53.92 from S.M.R.P.C. for the printing of 200 copies of the revised Subdivision Regulations and 200 additional copies of each Appendix; Mr. Kellett moved, Mr. Gardner seconded and the vote was unanimous that the bill be paid.

REPORT OF COMMITTEES

Treasurers Report: The Treasurer reported that an expenditure of \$45.00 had been made in November for subscriptions to the "Townsmen" for each member with the exception of the Secretary who, at present, was provided with a subscription by the Municipal Officials. The balance as of Dec. 1 was reported to be \$660.50. Mr. Kellett moved, Mr. Dyer seconded that the Treasurer's report be accepted as read- the vote was unanimous.

Zoning: The Secretary was directed to have W.S.M.E. make a public service announcement of the coming Dec.14th, meeting, to have the Sanford Tribune run a notice in the Monday, Dec. 13 issue. It was also suggested that the Secretary prepare a write-up recapping the land use study thus far and mentioning the Dec.14 meeting, and give it to the Sanford Tribune and to Scott Hoar for printing in the Tribune and Portland paper respectively.

OLD BUSINESS

Mr. Kasprzak moved, Mr. Gardner seconded and the vote was unanimous to have the Secretary request the Town Counsel's presence at the meeting Dec.14, to assist in conducting the meeting and to better familiarize him with the proposed zoning. Town Council was also to be requested to draw up a procedure for such meetings and hearings that could be presented to attendees for their government.

The Secretary was directed to request Land Use Consultants, by letter, to change the proposed zoning of the land on the Northerly side of Old Buxton Rd., from the point near the Brookside- Beaver Ridge corner bound on the Buxton Rd, where a small brook crossed, to the Hollis line, and bounded on the Northerly side by Washout Brook, from Forestry and Agriculture to agriculture and Residential.

NEW BUSINESS

David Haynes was to appear to discuss Old Waterboro Village, a proposed subdivision but cancelled out.

Mr. Goodwin moved, Mr. Kellett seconded and the vote was unanimous to charge \$2.50 per copy of the Subdivion Regulations except for individual copies requested by other Municipalities or governmental bodies.

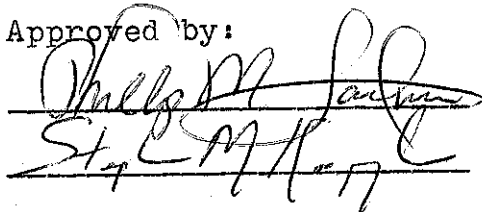
It was states that the next meeting with Land Use Consultants following the Dec.14 meeting will be on Dec.21.

Meeting adjourned at 9:00 p.m.

Respectfully submitted,

Frank R. Goodwin, Secy

Approved by:



TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE



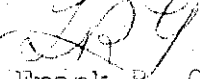
Gentlemen:

Enclosed herewith is a draft of the Report of the Planning Board which the Selectmen need by Jan. 15.

Please review it and be ready to comment on it at our Jan.

12 meeting to enable me to get it to them by the 15th.

Your truly,


Frank R. Goodwin, Secy.

TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE



REPORT OF THE PLANNING BOARD

The Planning Board held 12 Regular and 7 Special Meetings, 7 work sessions, two hearings and one public informative meeting. While the average combined regular and associate member attendance was 82 percent, a full voting board of 5 were present at 17 meetings and a quorum of 4 were present at the remaining 2 meetings the duration of each of which averaged a little less than 3 hours.

The Board made 3 on-site inspections; approved 2 subdivisions including 21 lots; issued 7 permits to build in the Shoreland Zone ; considered 7 applications for information and rulings on various land transactions; drew up and had printed in pocket booklet form By-Laws for the Planning Board; substantially revised the Subdivision Regulations and had a new printing made; sought and considered proposals of 3 consulting firms relative to conducting a land use and zoning study of the Town and, since the signing of a contract with Land Use Consultants, Inc. to perform ^{the} study, have, along with the Selectmen and the Conservation Commission, been actively collaborating with the consultants in the development of a proposed zoning ordinance for consideration in 1977.

Respectfully submitted,

Douglas C. Foglio, Chairman

TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE



Financial Report of Planning Board

Balance , Jan.1,1976

\$ 817.16

Expenditures

Postage \$ 82.46

Lincoln Press 18.24

Southern Maine Reg. Pl. Comm.-Printing 65.07

Portland Press Herald 7.70

Maine Munic. Assoc.- Townsman 45.00

Down- Maine Office Supply 25.33

Petty Cash- (Unexpended) 10.11

\$253.91 -253.91

\$ 563.25

Unexpended Petty Cash + 10.11

Unexpended Balance Dec.31,1976 \$ 573.36