WATERBORO, MAINE

#### MINUTES

Special Meeting, Jan. 3, 1979

Meeting opened at 7:30 by Chmn. Foglio; others present were Raymond Kellett, Phillip Gardner, Russell Keith, Robert Goodwin and Frank Goodwin, Mr. Keith was empowered to vote.

#### OLD BUSINESS

Road Specs: The proposed new town road specifications and read were presented, by Mr.Gardner. He proposed that each member consider them between this and a special meeting to be held for the purpose, before making comments. This was agreeable.

#### <u>1979 Budget:</u>

The following budget was submitted(during the meeting) to the Selectmen:

Legal Fees	\$ 1,500.
Consulting Engineering	1,500.
Misc.Expense	300.
Contingency	500.
	\$ 3,800.

This was a much larger figure than ever before. Heretofore the operating budget has consisted only of day to day operating expenses such as supplies, postage, cost of legal notices, etc., while the larger expenses such as printing, legal and consulting fees, and any other unusual expenses have been paid from funds available to the Selectmen. The members of both Boards agreed that the Planning Board should have a budget which realistically represented its cost of operation and appraised the townspeople the same.

## <u>NEW BUSINESS</u>

<u>Recreation Committee</u>: It was agreed that the members would consider the two letters from Mr.Fay relative to collaboration of the Board with the newly appointed Recreation Committee and discuss the possiblilties wherein the Planning Board might be of assistance to it.

## Special Meeting

It was agreed that a special meeting on Feb.7,1979, to discuss the proposed Road Specs.

Respectfully submitted, Frank R Goodwin

Frank R. Goodwin, Secy.



WATERBORO, MAINE

### MINUTES

Regular Meeting, Jan. 10, 1979

Meeting called at 7:40 p.m. by Acting Chmn.Gardner; others present were James Hamilton, Russell Keith and Frank Goodwin-Mr. Keith was empowered to vote.(Chmn.Foglio joined the group and assumed the duties of chmn. following acceptance of minutes.)

#### MINUTES

Mr.Keith moved, Mr. Hamilton seconded and the vote was unanimous to approve the minutes of Jan.3,1979 meeting as written.

### CORRESPONDENCE & BILLS

The Treasurer reported the following expenditures in December.

Press Herald	\$ 5.94
M.M.A.	4.50
Town of Waterboro	350.00
of \$360 40 leaving a	balance as of Tap 1 10

a total of \$360.40, leaving a balance as of Jan.1,1979 of \$24.47. The report was unanimously accepted.

#### OLD BUSINESS

<u>Crabtree Acres</u>: Ms.Carol Goodwin, Mr.Lauri Mondene and Mr.Leroy Witham, representing the Crabtrees , brought in a revised Preliminary Plan embodying 11 of the revisions requested after a review of the original on 12/19/78. The four remaining will be made. Mr.Witham, Engineer, will discuss with their attorney the subject of covenants and the responsibilities involved and report to the Board in a letter. <u>Buff Brook Estates:</u> Mr.Perry, Atty. McElhinney and Mr.Rose brought in a revisedPreliminary Plan embodying all the revisions requested Oct.25th after reviewing the original. It was noted that Pleasant View Rd. should be brought through to the Public Area and that the road profile should be realigned to include curve data. The applicant agreed that the street curves will show on the Final Plan but only the data will be nated on the Preliminary Plan, and that Pleasant View Rd. extension to the Public Area will be so shown on the Final Plan.

Mr.Witham agreed to have the sewage disposal recommendations from the Soil Scientest for each lot.

Mr. McElhinney stated that the existing road along the westerly boundary of the subdivision from Thyng's Mill Dam up to the Sherbourne Dam Rd., will be brought up to the specifications shown on a Profile Plan dated 1/5/79. He further promised to send the Board a letter showing how the ownership of the roads will be covenanted in the deeds for each lot. The access to the subdivision will be via the Sherbourne Dam Rd. over over which the owners will have a right-of-way, thence over the road along the westerly boundary. Mr.Keith moved, Mr.Gardner seconded and the vote was unanimous that the Preliminary Plan be considered complete with the addition of a note which will include the stating of a minimum of a 230ft. radius on the road corners and showing a 50ft. rightof-way from Pleasant View Rd. into the 9.8 acre Public Area shown cross-hatched on the Plan.

Chmn. Foglio's suggestion that, due to the size and impact of this subdivision, a public hearing should be held, met with unanimous approval, hence, the date of Jan.25th. at 7:30 p.m. was set for a hearing at the Town House.

Meeting adjourned at 10:30 p.m.

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

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Approved by: illy Mat m

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# TOWN OF WATERBORO PLANNING BOARD WATERBORO, MAINE

#### MINUTES

Special Meeting, Feb.7,1979

Meeting opened by Chmn., protem, Gardner at 7:35 p.m.; others present were Raymond Kellett, James Hamilton and Frank Goodwin- Chmn. Foglio joined during the reading of correspondence.

#### MINUTES

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Mr. Hamilton moved, Mr. Kellett seconded and the vote was unanimous that the minutes of both the Dec.13,1978 and Jan.10,1979 meetings be accepted as submitted.

#### CORRESPONDENCE & BILLS

<u>A quotation</u> from Lincoln Press on cost of letterheads and envelopes.

<u>A letter</u> from Atty.McElhinney, dated 1/26/79 including a sample deed and proposals affecting dry hydrants, test pits, proposed roads and phased developments. <u>A letter</u> from Merton Stearns relative to Planning Board approval of his raising Mink on his property on Ricker Lane. <u>A letter</u> from Mr. Peter Harriman declaring that no agreement or settlements have been reached with Brookside relative to drainage easements.

<u>A plan</u> of Buff Brook Subdivision showing the result of using a scale of 1" = 100 ft. instead of 1" = 60 ft., a request made by phone to Mr. Goodwin on 2/2/79. (Chmn. Foglio assumed chairmanship of the meeting)

### OLD BUSINESS

Report of the Planning Board for the Town Report: Mr. Hamilton moved, Mr. Kellett seconded, and the vote was unanimous, to approve the Planning Board report as read. Minutes, Special Meeting, Feb.7,1979

<u>Buff Brook Estates</u>:Mr. Morton of Morton and Rose Assoc., in a phone call to Mr. Goodwin, requested waiver of the 1" = 60 ft. scale in favor of a 1" = 100 ft. scale for the Final Plan of Buff Brook Estates and had delivered to the Board a plan showing the effect. Having reviewed it Mr.Gardner moved, Mr. Kellett seconded and the vote was unanimous to accede to the Engineer's request which would result in a Final Plan comprised of 5,24"X 36" sheets plus an index plan at a practicable scale on one 24" X 36" sheet - the Secretary to so inform the Engineer by letter.

<u>Merton Stearns</u>:Mr. Stearns started raising mink at his residence on Ricker Lane in the Village Zone before he became aware that the use reguired approval of both the Planning Board and the Selectmen. He now, in a letter, requests approval. It was decided to request Mr.Stearns to appear at the Feb.14th. meeting to be heard and discuss the matter.

At this point Mr. Gardner moved, Mr. Hamilton seconded and the vote was unanimous to recess the meeting; Mr. Kellett moved and Mr. Hamilton seconded and the vote was unanimous to go into exective session to dicuss with Atty. Stephen Murray the Planning Board's course of action in the appeal case brought by Ireus Co.

Mr. Kellett moved, Mr. Gardner moved and vote was unanimous that the exective session be adjourned at 10:45 p.m. Mr. Kellett moved, Mr. Gardner seconded and the vote was unanimous that the recess be extended to a date and time to be decided upon at the Feb.14th meeting.

Business terminated at 10:50 p.m.

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Respectfully submitted, Frank R. Goodwin, Secy.

Approved by:

WATERBORO, MAINE

# MINUTES

# Regular Meeting - Feb. 14, 1979

Meeting called at 7:30 pm by Chmn.-protem Gardner; others present were Messrs. Kellett, Hamilton, Keith, R. Goodwin and F. Goodwin; Messrs. Keith and R. Goodwin were empowered to vote.

<u>MINUTES</u>: Reading and approval of previous meeting deferred until next meeting.

<u>REPORTS</u>: The Treasurer reported an expenditure of \$1.75 during January leaving a balance of \$22.72 on Feb. 1st.,; also that expenditures so far in February of \$16.70 leave a balance of \$6.02. However, the Selectmen have transferred \$100.00 to the Planning Board to carry over until after Town Meeting. Mr. Hamilton moved, Mr. Keith seconded and the vote was unanimous to accept the report as read.

#### OLD BUSINESS:

Merton Stearns: Mr. & Mrs. Stearnes appeared to explain his mink-raising operation which is already in progress. He was not aware at the time he started it that it was neither a permitted or conditional use in the Village Zone, therefore, he is now applying for required approval. His residence is on Ricker Lane on a lot with 150 ft. frontage and 250 ft. in depth. He plans to construct a 30 ft. by 60 ft. building in which to carry on the operation which will involve approximately 150 breeding females. He states that there will be no odor, noise or nuisance associated with it. He was advised, since he will need the approval of the Selectmen as well as the Planning Board, to contact them at their next meeting. The Planning Board will take this matter under advisement and will hold a hearing on the application on March 5th.

<u>Crabtree Acres</u>: Ms. Carol Goodwin and Leroy Witham appeared with the revised Preliminary Plan. Moved by Mr. Kellett, seconded by Mr. Keith and unanimously voted to accept the Plan as completed. Mr. Witham also presented a copy of a letter from Atty. Nickerson to Mrs. Richard Crabtree relative to the prerogative of the Planning Board to require subdividers to bring abutting roads up to Town standards. A copy of this will be sent to the Town Atty. for his opinion.

<u>Subdivision Regulations</u>: At the same time as the above transmittal to the Town Atty., Mr. Keith moved, R. Goodwin seconded and it was unanimously voted that it be ascertained whether or not a subdivider can, by a legally adopted regulation or by a Town ordinance, be required to bring an abutting Town Road up to standards. <u>Road Standards - Special Meeting</u>: Mr. Hamilton moved, Mr. Keith seconded and it was unanimously voted that the special meeting on Feb. 7th., which as recessed, be resumed on Feb. 22nd. at 7:30 pm.

<u>Buff Brook Estates</u>: The letter, dated Jan. 26th., from Atty. McElhenney was reviewed and further consideration of the matter will be deferred until after the Hearing which was voted to be held on March 5th.

Peter Harriman: Mr. Harriman as scheduled to appear at this meeting but he did not.

<u>Planning Board - Second Regular Meeting</u>: Mr. Frank Goodwin moved, Mr. Robert Goodwin seconded that we have two regularly scheduled meetings per month. After some discussion, Robert Goodwin moved to amend the motion, Mr. Hamilton seconded and the vote was unanimous to state that the first meeting of the month would be on the usual 2nd. Wednesday and the second would be on the fourth Thursday; that the meeting hours would be from 7:30pm to 10:00 pm and that this schedule should start in March. The vote on the main motion with the amendment was unanimously in favor.

<u>Ireus</u>: There have not been any further developments and the Board has not heard from its Attorney, therefore, there is nothing to discuss at this time.

Meeting adjourned at 10:00 pm.

Respectfully submitted.

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Frank R. Goodwin Secretary

Approved

WATERBORO, MAINE

MINUTES

Special Meeting, Feb. 21, 1979

Called to order by Chmn. Foglio at 7:30 p.m.; others present were Messrs. Gardner, Kellett, Keith and F. Goodwin. Visitors were Messr. Leighton, Ed Waterhouse and Selectman Fay. Mr. Keith was empowered to vote. Due to error this meeting, which was supposed to be telhave been held on Feb. 22nd, was posted and advertised to be held on Feb. 21st and the error was not noticed until it was considered to be too late to correct it. (The members who were absent had previous committments on the 21st but would have been present on the 22nd).

**PROPOSED ROAD DESIGN AND CONSTRUCTION STANDARDS:** The proposal package contained both revisions to the Subdivision Regulations and road standards. After a brief discussion it was decided to consider only that part of the package that dealt with the standards, and to take up the subdivision revisions at a later date.

There was considerable discussion on classification of streets, especially the 15 munit cutoff point between the minor street and the collector street classification. For instance, what happens when a minor street is extended and then has over 15 units qualifying it as a collector street; is there a change in the construction of the old section; is the new section to be built by the collector standard, etc. The matter was temporarily tabled.

The discussion moved to design standards. Minimum pavement width and maximum grade were the concern for the remainder of the consideration. It was suggested that the pavement width was greater than was needed. It was pointed out that these standards had not only the present but also the future needs in mind. It was argued that the expense of these widths and, especially, of the limited grades would cost more that the Town could afford. Still, on the other hand, it was generally agreed that the Town must have definite standards. Mr. Gardner pointed out that the proposed standards were accepted, not only by the State, but also nationally and had been adopted by some neighboring towns. Since no one was able, at this time, to come up with any acceptable alternates it was decided to terminate consideration of the standards for the evening (10 p.m.), give more thought to the matter and resume discussion at an early meeting, the date of which to be set at the next regular meeting.

IREUS: A draft of the Board's response to Ireus' appeal, which had just been received from the attorney, was distributed among the members. Mr. Gardner moved, Mr. Kellett seconded and the vote was unanimous that, upon approval of counsel, and in compliance with the wishes of the Zoning Board of Appeals at the hearing, a copy of the response be mailed to Ireus by certified mail with a return card requested. Mr. Kellett moved, Mr. Gardner seconded and the vote was unanimous that the Board sit in executive session on Feb. 25th at 1;00 p.m. at the Town Office for the purpose of consideration of the response. Meeting adjourned at 11:30 p.m.

Respectively submitted: NU Frank R. Goodwin, Secy.

Approved by: Vin

WATERBORO, MAINE

MINUTES Regular Meeting, March 14,1979

Meeting called to order by Chmn. Foglio at 7:40 p.m.; other members present were Phillip Gardner, James Hamilton, Robert Goodwin and Frank Goodwin,--Robert Goodwin was was empowered to vote. Also present was Karen Jeffrey from the Journal Tribune.

#### MINUTES

Mr. Gardner moved, Mr.Robert Goodwin seconded and the vote was unanimous that the minutes for Feb 7, 14 and 21, be accepted as written.

#### CORRESPONDENCE

A letter from Ireus C. relative to proposed 3 lot subdivision on West Buxton (Town House Rd) Rd.

A letter from the Saco River Corridor Commission relative to subscription to the SRCC News letter.

## REPORTS OF COMMITTEES & OFFICERS

The Treasurer reported expenditures of \$16.70 spent for legal notices and \$6.00 for service charges; \$100. was received from the Town to provide funds until the Town Meeting. The balance as of March 1, was \$100.02. It was unanimously voted to accept the report.

Mr. Hamilton reported for the Road Classification committee stating that Mr. Willis Lord was already in the process of categorizing the Town roads with respect to their condition and structure, research which will be very helpful to the committee. Mr. Gardner reported for the Road Standards Committee saying that some revisions were being made in the initial proposal and that they would be ready for discussion at the next meeting scheduled for the purpose. Further, it came to light that at the Town Meeting in 1955 some roads were voted "closed". Further research will be made to determine what, if any, roads have been legally closed.

#### OLD BUSINESS

Crabtree Acres: Ms, Carol Goodwin and Mr. Leroy Witham appered for Crabtree Acres. In consideration of the Final Plan, which was presented at this meeting the following matters were considered.

The applicant was receptive to a deed covenant which would prohibit building on the lots for a period of 5 years from the date of subdivision approval. It was agreed that the Board should seek the advice of counsel on the matter and, if legally possible, to have him draw up a suitable covenant. Further, it having been recently disclosed that it was voted at the 1955 Town Meeting to close certain roads, it was decided necessary to determine Bagley Rd's status and the validity of the action. A sample of the deed covenant required relative to the green belt is to be given to the applicant. The applicant is to supply the Board with a sample deed bearing all covenants and reservations. Mr. Witham stated that monuments will be placed as required as soon as the snow is gone. It should be covenanted in each deed that the Town may use private driveways as turnarounds for snow plows and a check for \$125. was other Town road equipment. recurd .

Buff Brook Estates: Messrs, Perry, McElhinney and Rose appeared with a proposed Preliminary Plan. The following added information was requested.

- 1. Indication and demarcation of zones.
- 2. Culvert locations and size.
- 3. Note that Road <u>rights-of-way</u> be 50 ft in width.
- 4. Town Tax Map No. and Lot No. of original parcel be noted.
- 5. The Book and Page of deed registration.
- 6. A statement of conditions of dedication relating to land for public or community use.
- 7. The names of the roads referred to in the deeds will be updated.
- 8. It was agreed that all monuments as referred to in 9.1 will be no smaller than 1 inch iron pipe or 3/4 inch diameter steel.
- 9. The turn into the public area off Pleasant View Rd around lot 23 should be made on a stated curve.

The applicant proposes that the Final Plan be approved in its entirety but that development be done in 3 phases and that the phasing be linked to the issuance of building permits rather than the sale of lots; further, that not over 40 per cent of the lots will be granted building permits within the first 18 months, another 40 per cent in the second 18 months and the remaining. 20 per cent in the third 18 months, all under the condition that no lot would be sold unless and until the road passing in front of such lot was completed in accordance with plans and profiles submitted and approved. Sales may be at random locations. The Board asked for time to further consider the phasing plan and what, if any bond or surety would be required, and to discuss the matter with the Town Officials. The applicant will appear at the Mar.22nd meeting.

<u>Peter Harriman:</u> Mr. Harriman appeared to acquaint the Board with the fact that Nolette & payeur had not, as stated in a Land Use Consultant letter dated Jan.7,1976 received rights for drainage across his property. Having no evidence that refutes this, it was decided the Secretary should consult the Town Counsel on the matter. <u>Ireus Co.</u>: After having reviewed and discussed the Sketch Plan with the limitation of service entrances in to a high traffic count road in mind , Mr, Hamilton moved, Mr. Gardner seconded and it was unanimously voted to ask Ireus Co. to rearrange the lots and their accusses so that there will be but one common entrance for all three (3) lots to the so called West Buxton Rd.

#### NEW BUSINESS

<u>Robert McAuliffe</u>:Mr. McAuliffe inquired about regulations relative to building appartments on his property off Middle Rd. He was told that the **R**oad would look into the matter and inform him.

James Hamilton: Mr. Hamilton, having purchased the former Chandler Holmes property on Rte.202 in So. Waterboro, proposes to convert it into a multi family dwelling. He had applied to Mr. Jordan, the Building Inspector , for a permit and the Building Inspector being uncertain 'about its legallity put the matter before the Planning Board. He says that the outside dimensions will not be changed and that parking requirements can be met. It was decided that the matter would be taken up again at the next meeting. In the meantime each member should study the Zoning Ordinance and be prepared to take a stand on the subject since the Board will be faced with, if not a like case, at least a very similar one at the March 22 meeting.

Meeting adjourned at 12:40 a,m.

Respectfully submitted,

WATERBORO, MAINE

# MINUTES

Regular Meeting, March 22,1979

Called to order by Chmn. Foglio at 7:30 p.m.; others present were James Hamilton, Robert Goodwin, Russell Keith and Frank Goodwin; Messrs. Keith and R. Goodwin were empowered to vote.

#### MINUTES

Reading of the minutes were deferred until the April regular meeting.

#### COMMUNICATIONS & BILLS

Mr. F. Goodwin presented a bill in the amount of \$6.15 as reimbursement for toll call charges on calls made by him from his home. Mr.Hamilton moved, Mr.Keith seconded and the vote was unanimous to so reimburse Mr. Goodwin.

#### REPORTS OF OFFICERS & COMMITTEES

Chmn. Foglio reported that he and Mr. Goodwin spent approximately 3 hours with Atty. E. Stephen Murray on matters concerning ,Buff Brook Estates, Crabtree Acres and the conversion of single family dwellings on substandard lots of record to Multi-Unit dwellings. The opinion would be expressed during the discussion of these matters under Old Business.

#### OLD BUSINESS

<u>Mr.McAuliffe</u>: He proposes to build , in the Forest & Agriculture Zone, on Middle Road, two 6 unit appartment buildings. He was advised that each 6- unit building would require 30 acres of land- 5 acres per unit- but that he could do this in a cluster mode; further, that the approval of both the Selectmen and the Planning Board would be required, since it is a use not permitted in this zone. He<sup>v</sup>also advised that he should bring in a sketch plan of his proposal. He will appear at the next meeting. Effort will be made to have at least one Selectman present to act as spokesman for the Board.

Stearns Mink Farm: Noting that the commercial keeping of animals in a Village Zone is neither a primary or conditional use and believing that to approve it would create an undesirable precedent, Mr. Keith moved, Mr. R. Goodwin seconded and the vote was unanimouslyvoted that the Planning Board decline Mr. Stearn's application for approval to operate a mink farm on his property on Ricker Lane. A letter will be sent to him stating this and informing him of the procedure for appeal, should he wish to do so.

<u>Buff Brook Estates</u>:Atty. McElhinney presented the Preliminary Plan with all requested revisions. In checking it, it was discovered that there is a likelyhood that a culvert will be required across Thyng's Mill Rd(so called) where the public area abounds it. There is a question as to whether or not Thyng's Mill Road extends as far as shown. This will be checked, if possible, and action taken at the next meeting.

The content of the discussion with Atty. Murray relative to the subdivision will be brought up at the next meeting.

<u>Crabtree Acres</u>: The content of the discussion with Atty. Murray relative to this subdivision will he brought up at the next meeting.

<u>James Hamilton</u>: This matter was covered by the discussion of Mr. John Carrell proposal under New Business.

#### NEW BUSINESS

John Carroll: Mr. Carroll proposes to purchase the Clough property on Rte,202 in E. Waterboro and convert the dwelling thereon into two or more appartments. The lot contains 25,600 sq.ft. and was of record on the date of enactment of the Zoning Ordinance, The structure has been in existence for many years, Subsurface sewage disposal facilities will have to be provided. He intends to make at least one dwelling unit in it, perhaps two, and to use part of it for a medical clinic. The Planning Board , being uncertain about the provisions of the zoning ordinance sought an opinion of counsel on whether or not the grandfathering provided in Section 2.08 will permit it. The opinion was that the waiver of dimensional requirements refers only to setback requirements and not to area requirements. Since this opinion would outlaw the construction of even a single family dwelling it would, in effect, void the whole intent of the grandfathering, R. Goodwin moved, Mr. Keith seconded, and the vote was 3 in favor, Mr. Hamilton abstained, to seek another opinion.

Whatever the stand the Board takes on either the Carroll or the Hamilton matter it will equally apply to the other.

<u>Potter</u>: The Potter's want to carry on a home occupation manufacturing of wooden models for shoes and may need to make a small addition to their garage. Their residence is on a lot of a little less than an acre on Rte. 202 in So. Waterboro. It was decided to ask them to submit a rough sketch plan showing dimensions setbacks, etc. An onsite inspection will be made.

Meeting adjourned at 10:30 p.m.

Respectfully submitted,

Approved by:

Pg.3

WATERBORO, MAINE

MINUTES

Special Meeting, April 4,1979 Called to order at 7:90 p.m. Members present were,Chmn. Foglio, Phillip Gardner, Russell Keith and Frank Goodwin; Mr. Keith was empowered to vote.

The Board received from the Town a check in the amount of \$500., a portion of the \$3,800. appropriated by the Town Meeting, for committments of the Planning Board for 1979. The Chmn. explained to the members that, at a meeting with the Selectmen on the previous evening, since the Selectmenhave to borrow and pay interest on money in lieu of taxes, in order to keep this expense as low as possible, the Planning Board would be willing to request money from the Town account in small sums when needed. No objections were raised.

<u>Mr.Roy Goodale</u>: He owns lot #53, Map 11. on Lone Pond which lot is approximately 75 X 125 feet(75ft water frontage) and on which he wishes to build a 24 X 26 ft dwelling. He was advised that the requirements of the State Minimum Lot Size Law would have to be met and it was suggested that he get the approval of a soil scientist before proceeding further except that he pin the corners of the lot and let the Planning Board know when that has been done in order that an on site inspection may be made all of which he agreed to.

<u>Mr. John Carroll</u>: Proposed conversion of single family residence on the Clough property on Rte.4,5 and 202 in East Waterboro to a double tenement residence: Mr. Carroll states that he has had the soil test made and approved and that the C.E.O. and Building Inspector will give him a building permit in accordance with the requirements of the Zoning Ordinance. His intention was to have 2 bedrooms in each of the two appartments. On advice of Town Counsel, Atty. Elliott, the converted structure must comply with Title 12, Section 4807 A , which would require a lot size of 32,000 sq.ft. Since he has but 25,600 sq.ft. he decided that he would have one bedroom in one appartment and two in the other- 3 in all- which would require but 24,000 sq.ft. thereby qualifying the lot.

Mr. Gardner, the Board having had legal counsel from two attorneys and an interpretation by Mr, Norman Marcotte of theD.E.P. office in Augusta, of the term structure in Section 4807-D of Title 12 M.R.S.A. as an existing structure in its state of being as of Oct.3,1973 and that any conversion thereof into a multifamily units must comply with Section 4807-A of the Title 12, moved , Mr. Keith seconded and the vote was unanimous that the Board has no objections to Mr.Carrol's final intentions regarding the conversion of the Clough property. The Secretary shall inform the Building Inspector to that effect.

<u>Mr. Stephen Potter</u>Reluests approval to carry on a home occupation in the attached garage to their residence on Rte. 202 in So. Waterboro to manufacture wooden shoe models. Mr. Goodin moved, Mr. Gardner seconded and the vote was unanimous to approve it. The Secretary shall inform Mr. Potter to that effect.

Meeting adhourned at 9:20 p.m.

Approve

Respectfully submitted,

WATERBORO, MAINE

#### MINUTES

Regular Meeting - April 11, 1979

Called to order at 8:00 pm by Chmn. Foglio; others present were Phillip Gardner, Russell Keith and Frank Goodwin; Mark Caldwell, CEO attended.

All preliminary formalities were postponed until the next regular meeting.

#### OLD BUSINESS:

<u>Robert McAuliffe</u> - Mr. McAuliffe stated that he had discussed his intentions to construct two 6-unit apartment buildings on his property on Middle Road and that they raised no objections. He displayed plans of the buildings showing both elevation and plan views. He said there would be at least a 50 ft. wide green belt between the buildings and the road. One driveway will service both buildings and parking will be in the rear. He plans to own both buildings and rent the apartments. Each apartment will include 2 bedrooms. Chmn. Foglio asked him if he planned to develop any recreation areas. He said he did not. Mr. Keith mentioned the popularity of tennis courts. Mr. McAuliffe said he would give some thought to it.

<u>Crabtree Acres</u> - Mr. Witham was given a statement relative to the use of driveways by the Town for turning road equipment which Mr. Witham stated would be Note 13 on the Final Plan; a statement relative to the Town's right to maintain the "green belt" and a restriction against cutting in the green belt by others without Planning Board consent which he would add as Note 14. There is to be an indenture in the deed for each lot as stated in the last paragraph of Atty. Nickerson's letter, dated Feb. 8, 1979, to Mrs. Richard Crabtree re: Plan of Crabtree Acres, Waterboro, Maine, which paragraph is to be modified by the insertion after "seasonal dwelling" in the fifth line of: as defined in Title 30 M.R.S.A., Section 3223, Subsection 3: Conversion Permit.

<u>Buff Brook Estates</u> - Atty. McElhinney, Mr. Perry and Mr. Rose appeared. Mr. Gardner moved, Mr. Keith seconded that the revised Preliminary Plan dated March 19, 1979 be accepted under the condition that the Final Plan should indicate that a culvert is to be installed across Thyng's Mill Road from the public area between lots 22 and 24; that the junction of Thyng's Mill Rd. and the road along the westerly boundary of the subdivision should be drawn in; that the road from that intersection south both on the plan and the location map should be renamed and a note on the Final Plan should state that the zone boundaries as shown are approximate. The monuments shall be indicated on the Final Plan by a square for a stone or concrete monument and a circle for a pipe or pin. Mr. Goodwin moved, Mr. Keith seconded and the vote was unanimous that the development of this subdivision be in 3 phases and based upon the issuance of building permits thus: not more than 19 building permits may be issued in the first 18 months; not more than an additional 19 in the second 18 month period and the remaining 18 permits may be issued after 36 months. There is to be no limit on the sale of lots provided the road on which they are located is completed in accordance with specifications. Mr. Keith moved, Mr. Gardner seconded and the vote was unanimous that prior of Final Plan approval, lots 19 and 23 through 39 inclusive and lot 55 shall be completely surveyed and the boundaries marked soil tested and the road completed to them. It is understood that other lots will be surveyed as they are sold.

#### <u>NEW BUSINESS</u>:

<u>Roger Chick</u> - Mr. Chick disclosed his plans for parking at his complex in So. Waterboro. It appeared that he had adequate space, therefore, the Planning Board had nothing to say except that the areas be done in compliance with the Zoning Ordinance.

Meeting adjourned at 10:45 pm.

Respectfully submitted,

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Frank Goodwin Secretary

Approved bv:

WATERBORO, MAINE

### MINUTES

Regular Meeting - April 26, 1979

Meeting opened by Acting Chmn. Gardner at 7:40 pm; others present were James Hamilton, Russell Keith and Frank Goodwin. Mr. Keith had been appointed to fill the vacancy created by Mr. Kellett's decision not to continue. It was noted that Mr. Kellett's contributions will be missed.

MINUTES: Mr. Keith moved, Mr. Hamilton seconded and the vote was unanimous to accept the minutes of the March 14th., March 22nd., April 4th. and April 11th. meetings as written.

<u>COMMUNICATIONS & BILLS</u>: Mr. Keith moved, Mr. F. Goodwin seconded and the vote was unanimous to pay the Murray, Plumb & Murray bill for \$814.25 for Atty. Stephen Murray's services mainly, but not wholly, in connection with the Ireus Co. appeal.

A note of a zoning violation by J. Ansel Hansen at his trailer park on Rte. 5; particulars are on file.

Mr. Raymond Kellett's letter to the Selectmen stating his intentions not to accept another term.

Power permits to Howard Burnham and Stanley Durgin.

<u>REPORTS OF OFFICERS & COMMITTEES</u>: The Treasurer reported a balance of \$82.02 after having spent \$3.00 for service charge and \$15.00 for legal ads in March.

#### OLD BUSINESS

<u>Crabtree Acres</u> - Ms. Carol Goodwin and Mr. Witham presented the Final Plan for approval. Mr. Keith moved, Mr. Hamilton seconded that the Final Plan as revised on April 25, 1979 be approved. The vote was unanimously in favor.

<u>Ireus Co.</u> - Ireus has again appealed to the Zoning Board of Appeals the action of the Planning Board in its letter dated March 19, 1979. A hearing will be held on May 1, 1979 at 7:30 pm at the Town House. The concenus of the Board was to have the Secretary contact Atty. Stephen Murray on Friday the 27th for advice.

<u>Hamilton Apartments</u> - This matter was discussed briefly but no action was taken since a quorum was not present, Mr. Hamilton being ineligible to vote. Saco River Corridor Commission - The members unanimously agreed that the Planning Board should subscribe to S.R.C.C. quarterly news letter, the cost of which is \$1.00.

Town General Committee Meeting - Mr. Hamilton reported on the various matters which transpired at the April 17th. meeting. His feeling was that the meeting was very informative and worthwhile and that it might well merit more attendance by the Planning Board members. He called attendtion to the meeting Saturday on Solid Waste Disposal. The Secretary was asked to check to ensure that the So. Maine Regional Planning Commission will be represented.

The Salt Shed was brought up but no meeting date has been set by the Road Commissioner for a meeting with the Planning Board and the Dept. of Environment Protection (DEP).

Election of Officers - Was deferred until all voting members are present. Mr. Hamilton suggested that Power Permits, signing of m

Power Permits - (signing of) Mr. Hamilton suggested that the Selectmen be contacted to determine if the Power Permits can be signed by the C.E.O.; the reasons being that it is only a routine matter but, more important, the CEO is usually available during certain hours each day whereas the Chmn. and/or Secy. of the Planning Bd. are not. The members agreed.

<u>PB Appropriation</u> - Mr. Hamilton suggested, and the members agreed, that it might be more convinent to have the total appropriated funds for the Planning Board runed over to it and the interest rates on borrowing and deposits be compared.

Building permits - Mr. Hamilton referred to the fact that since the Planning Board does not receive any information such as building permits, starts or occupancy permits it does not have a current knowledge of the growth rate of the Town. It was suggested that the Building Inspector give copies of these permits or a copy of such records as are kept by the Building Inspector.

Meeting adjourned at 10:15 pm.

Respectfully submitted, Frank R Loodwin

Frank R. Goodwin Secretary

Approved tinetton



WATERBORO, MAINE

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Regular Meeting, May 9,1979

Called to order at 7:30 p.m. by Chmn. Foglio; others present were Mr. Gardner, Mr. Hamilton, Mr. Keith and Mr. Goodwin.

## MINUTES

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Approval of minutes of previous meetings passed over until next meeting.

#### REPORTS OF OFFICER & COMMITTEES

The Treasurer reported a balance of May 1st of \$566.87, which report was unanimously accepted.

Mr. Gardner reported for the Road Review Committee that they had visited the Brookside Subdivision and found that none of their previous recommendations had been carried out, but Mr. Payeur, who was also there, promised that they would be. Mr. Gardner further stated that Mr. Lord, Road Commissioner, will review the work.

Mr. Gardner, reported for the Road Standards Committee, said he would make up two standards one for subdivisions and one for all other roads.

#### OLD BUSINESS

Mr. Goodale:Mr. Goodale was in to ascertain if the Board would approve his application for the construction of a dwelling on a lot on Lone Pond. He, as previously advised by the Board was to have marked the lot by appropriate stakes and have gotten a recommendation from a soil scientist. He had since purchased an adjoining lot of about 30" frontage and 125 ft depth (3750 sq.ft.) and marked the entire lot but, due to illness of the soil scientist he had engaged, had not yet received his written recommendations.It was pointed out to him that, in Section 2.08 of the Zoning Ordinance, it is stated that the use of a substandard lot must meet all State requirements.

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### Minutes, Regular Meeting, May 9,1979

The minimum lot size law requires at least 20,000 sq.ft. for in-ground sewage disposal on all lots created subsequent to January 1,1970. Mr. Goodale's lot has a 105 ft frontage and approximately 125ft depth- a total of only 13,125 ft and about 7,000 ft short of the required 20,000 ft. Before the application can be approved Mr.Goodale must show that these properties which comprise his total lot were identifiable as separate lots as of Dec.31,1969. He was given a copy of the Minimum Lot Size Law taken from the Maine State Planning Office Information Pamphlet, "Maine Planning and Land Use Laws" for 1977-78.

<u>POWER PERMITS</u>: Mr. Hamilton, at an earlier meeting had suggested that, since the signing of Power Permits are more or less a routine matter and a member of the Planning Board is not as readily available while the Code Enforcement Officer is, permission be sought from the Selectmen to have the C.E.O. attend to this matter. Chmn. Foglio pointed out that while most of the cases required very little research some are very involved. He suggested that the C.E.O. be empowered to sign only those permits which involve lots in approved subdivisions. Mr. Hamilton moved, Mr.Gardner seconded and it was unanimously voted to this latter effect.

### NEW BUSINESS

<u>Mr.Rippett:</u> Mr. Rippett's residence is on Rte.202 in So.Waterboro in the Village Zone and at the intersection of the so called Sand Crossing Road with Rte.202. His present buildings consist of a house and garage. Since a time prior to the enactment of the Zoning Ordinance he had been conducting a repair and sales business using the garage as a shop. He proposes to build a 30ft x 36 ft single story building and transfer his operations to it. It is a permitted use. He has land enough to meet all setback and parking requirements.Mr.Gardner moved, Mr. Keith seconded and it was unanimously voted that the application be approved. The application was so noted and passed on to the Building Inspector.

## Minutes, Regular Meeting, May 9, 1979

<u>Mr.Dubois</u>: He wants permission to construct a 24 ft x 28 ft frame gargae with a connecting breezeway to his house on East Shore Rd. on Little Ossipee Lake. Mr. Keith moved, Mr. Hamilton seconded and the vote was unanimous that the application be approved with the restriction that the side of the garage nearest the Lake be no closer to the Lake than a projected line of the side of house most remote from the Lake.

<u>Roland Foster:</u> He was in to explain his intentions to develop a campground on the Little Ossipee River Flowage in No.Waterboro(See Lot 57 on Tax Map 13). He is having the plan drawn up and when it is completed he will be in again to discuss it further. As to his question regarding the Board's attitude on it he was told that it is a conditional use in the A&R Zone and as long as all Town ordinances with imposed conditions, if any, and State Laws are complied with there should be no problems. He was told that all abutters would sometime have to be notified and that it might be deemed necessary to have a public hearing.

Election of Officers: Postponed to next May Meeting.

Adjourned at 9:40 p.m.

Respectfully submitted, Frank R. Goodwin, Secy.

Approved\_by:

WATERBORO, MAINE

#### MINUTES

Regular Meeting - May 24, 1979

Members present were Mr. Gardner, Mr. Hamilton, Mr. Keith and Mr. F. Goodwin. Code Enforcement Office, Mark Caldwell attended. Meeting was called to order by acting Chmn. Gardner at 7:30 pm.

#### MINUTES:

Consideration of minutes of previous meetings was deferred until after those having business with the Board were attended to.

## COMMUNICATIONS & BILLS:

A letter from the Board of Selectmen to Mr. & Mrs. McFadden thanking them for their interest in being a member of a Town Committee, promising to keep their names on file.

A notice of intent to file an application with the Saco River Corridor Commission by Mr. & Mrs. Bacharach to expand their non-conforming residential structure at 1310 Allview Terrace in Lake Arrowhead Estates.

A notice by John Shea to construct a single family dwelling on lot #902, section 3 in Lake Arrowhead Estates.

A Power Permit was granted Russell Philbrick.

Notice of an Outdoor Value Conference at University of Maine, Augusta, June 9, 8:30 am to 3:45 pm/

A notice from Southern Maine Regional Planning Commission of a workshop on May 29 and June 6 at the Courthouse, Alfred, at 7:30 pm.

A bill from Murray, Plumb & Murray for \$112.40; Mr. Keith moved, Mr. Hamilton seconded and the vote was unanimous that the bill be paid.

#### OLD BUSINESS:

<u>Mr. Goodale</u>: Mr. Goodale presented a copy of a deed showing that the property upon which he proposes to build a 24' X 26' cabin on Lone Pond has been a lot of record <u>since</u> Oct., 1964 and, therefore, is exempted by section 4807-D from the requirements of the Minimum Lot Size Law and by section 2.08 of the Waterboro Zoning Ordinance. from all dimensional requirements. Mr. Keith moved, Mr. Goodwin seconded and the vote was unanimous that Mr. Goodale's application for a building permit dated March 30, 1979 be approved with the understanding that the construction will conform to a plan deliniated on an application for Subsurface Waste Disposal Permit

## Regular Meeting. May 24, 1979

dated 5/24/79 and signed by Mr. Mark Truman and to the recommendations by Mr. Truman as stated in a letter, dated May 24, to Mr. Goodale relative to the type of disposal acceptable; further, that the front of the camp will be  $65 \pm ft$ . from the water line and about 30 ft. from the access road to this and other lots beyond. Mr. Goodale says that he does not intent to remove the knole which will be at the rear of the cabin.

Election of Officers; Postponed until full Board is present.

Road Standards: Action deferred until next meeting.

Zoning Ordinance, Revisions: Mr. Allen Jordan presented notes on possible revisions to the Ordinance and, due to the press of Board business, left. These will be discussed with him at a later meeting.

#### NEW BUSINESS:

<u>Marjem Construction Co.. Inc.</u>: Mr. Martell and his engineer, Mr. Rose presented a Sketch Plan of a proposed subdivision to be known as Sunshine Acres, on Roberts Ridge Rd., comprised of nine lots varying in size from 2+ to 7.7 acres. Mr. Martell stated that the lot on which the original dwelling will be on will probably be sold forthwith. No final decisions were made at the time. When he was informed that due to the numerous entrances to the road the Board might require service roads, he stated that he had intended to go no further than to use common driveways and to develop only the eight lots, but, if compelled to construct service roads, he would build internal roads and fill the land with homes (to that effect). The Board promised to discuss the matter at a Special Meeting on May 30th.

<u>J. Ansel Hansen</u>: Mr. Hansen and his Attorney, Mr. Smith were in to discuss a citation for violation of the Statutes and of the Zoning Ordinance, sections 2.03, 7.02 and 9.05. Atty. Smith satisfactorily demonstrated that the Statutes had not been violated. He admitted violation of section 2.03 by failure to obtain building permits promising to comply. It was the opinion of the Board as moved by Mr. Hamilton, seconded by Mr. Keith that Section 7.02 and 9.05 do not apply since this development is grandfathered by being a subdivision properly approved prior to the enactment of the Zoning Ordinance. A statement to this effect will be transmitted to the Code Enforcement Officer.

<u>Mrs. Harper</u>: Mrs. Harper wanting approval of an application to add on to an existing dwelling, had insufficient information for the Board and will provide pertinent drawings at the May 30th. meeting.

<u>Mr. LaPierre</u>: Mr. LaPierre, who actually wanted what amounted to a variance, solved his own problem by a rearrangement of his plans.

<u>Mr. Loren Spencer</u>: Mr. Spencer proposes to build a building adjacent to his home to use as a store. He will use his existing driveway and sewage disposal system. He will leave with the Building Inspector a sketch plan of the building location showing pertinent relative distances and available parking area to assist the Board in reaching a decision.

<u>Mr. Rhodes</u>: Mr. Keith moved, Mr. Hamilton seconded and the vote was unanimous to allow Mr. Rhodes to locate his mobile home on lot 6C off Goodwins Mills Rd. on a temporary foundation for a period of not more than one (1) year as permitted under definitions "Temporay Use or Structure" on page 67 of the Zoning Ordinance. Mr. Rhodes has a lot on Federal St. onto which he intends to permantly locate the home as soon as the lot can be prepared. Application will have to be made to the Board if extension is needed.

<u>Welch/Peare</u>: A Power Permit was signed to enable Lou-Ann Welch to get power to a mobilehome on a lot on Middle Road.

<u>Baptist Church - East Waterboro</u>: Mr. Caldwell pointed out that the Church had been given a Building Permit to add to it without the application coming before the Planning Board. Since the addition is already under construction, the Board sees no call to take any action.

#### MINUTES:

Mr. Hamilton moved, Mr. Keith seconded and the vote was unanimous that the minutes of the April 26th. meeting be accepted after deletion of an erroneous entry under "Election of Officers" of reference to signing of power permits and that the minutes of May 9th. be accepted as written.

#### SPECIAL MEETING:

Mr. Hamilton moved, Mr. Keith seconded and the vote was unanimous to hold a special meeting on May 30th. to take up further consideration of Sunshine Acres, Mrs. Harpers application, Mr. Spencer's application and other business as time will permit.

Meeting adjourned at 10:30 pm.

Respectfully submitted,

Goodwin

Frank R. Goodwin Secretary

Approved/ -bv:

WATERBORO, MAINE

MINUTES Special Meeting, May 30,1979

Called to order by Chmn. Foglio at 7:35 p.m.; others present were Messr's. Gardner, Hamilton and F.Goodwin. Reading of Minutes were waived.

## COMMUNICATION'S & BILLS

Mr. Gardner moved, Mr.Hamilton seconded and the vote was unanimous to pay a bill from Wilson Printers, in the amount of \$54.96, for 1000 letter heads and 1000 envelopes.

#### OLD BUSINESS

Sunshine Acres: Messrs. Martell and Morton presented alternate sketch plans, in addition to the one presented at the May 26th meeting, one showing proposed driveway locations for the lots as originally planned and another showing a layout with the parcel more fully developed with internal roads. The first of the two received most of the attention. Mr. Martel stated that it had been his intent, if it met with approval of the Board to sell lot # 4 on which rested the dwelling that was on the parcel at the time of purchase, to a buyer who was anxious to move in. The point was made that he could legally sell one lot but that such lot should not be one of the lots in the subdivision. An onsite inspection was scheduled for 7:30 a.m. on May 31st. at which time the final decisions relative both the sale of the lot and the location of the to driveways would be settled.

It was noted that the entire parcel had a frontage of 1550 ft. on Roberts Ridge Road. Several exploratory test pits had been dug and inspected by Dana Morton revealing no apparent objectional features. Mr. Martell stated that he did not intend to sell any lot unless he can do the construction.

### May 31:

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The onsite inspection was held as scheduled. Present were Messrs Martell and Rose, the applicant and his surveyor, Chmn. Foglio, Messrs. Hamilton, Gardner and F. Goodwin. The situation was intensly reviewed with traffic safety in mind and entrance locations agreed upon. It was agreed that the one lot indicated as # 4 on the original sketch plan could be sold. That area of the parcel to be developed was walked and it was decided that no topographical survey need be made, It was agreed that the applicant procede with the Preliminary Plan. With this the inspection was concluded.

Mr.& Mrs. Harper: The Harpers want to remodel their camp. The outside ground level perrimeter dimensions are not to be changed. The roof will be raised in order to provide two more bedrooms and one and one half bathrooms on the second floor. They will dig out a partial cellar large enough to install a hot water heater.

There exists, close to the easterly side of the camp a power line right-of-way and a driveway , on the easterly side of which exists a small garage. They want to build a larger garage(36 x 40 ft) but to retain the small building for a tool house. Mr. Hamilton moved, Mr. Gardner seconded and the vote was unanious to notify the Building Inspector that the Planning Board approves of the Harper;s plans, only as above explained. It is expected that he will verify the required set back distance of the new garage. Loren Spencer:Mr. Spencer brought in a layout of his proposed plan to build a 24 x 36 ft Hammond type barn and to make an adequate parking area all of which he proposes to use in a retail store. The building is close enough to his dwelling and its leeching bed and well for him to use both for the store. It was pointed out that since the building is an estimated 100 ft. from the dwelling septic tank he might have to install a tank at the building in order to satisfactorily use the leeching bed.

Mr. Spencer's property is within the Conservation Zone. This use is neither a primary or conditional use, in this zone, therfore, its review falls under Section 2.07 and such use must be approved by both the Planning Board and the Selectmen.

Further Mr. Spencer wishes to have approval by the Planning Board of use 2. under Section 3.08.03. An on-site inspection was scheduled for May 31st at about 9 a.m.

May 31st:

The on-site inspection took place as scheduled. Present were Chmn. Foglio, Messrs. Gardner, Hamilton and F. Goodwin. It revealed no aspects which the Board saw as being detrimental to the zone or the neighborhood. Mr. Spencer produced a letter substantiating that the loop of the old 202 had offically been abandoned, He pointed to the proposed parking area and discribed how he planed to widen his driveway.

#### Road Standards

It was agreed that the Road Standards will be discussed on June 7th at 7:30 p.m.

Adjourned at 10:00 p.m.

Approved by:

Respectfully submitted, Frank R.

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WATERBORO, MAINE

## MINUTES Regular Meeting - June 13, 1979

Called to order by Acting Chmn. Gardner at 7:45 pm; others present were James Hamilton, Russell Keith and Frank Goodwin. Chmn. Foglio joined during the Treasurer's Report.

#### MINUTES

Mr. Hamilton moved, Mr. Keith seconded and the vote was unanimous to accept as written the minutes of the May 24th. and May 30th. meetings.

## COMMUNICATIONS & BILLS

A letter from Selectmen to Maine Soil and Water Comm. relative to Sherburne Dam.

Notice to file applications with the Saco River Corridor Comm. to build by Kinsella and Bacharach.

Power Permits for Marjen Construction Co. and Rhodes.

Inquiry by Mrs. Robert Sagarino relative to status of Water Quality Study of Little Ossipee Lake. The Town Clerk will send her copies of pertinent data relative to the matter when it is received from the DEP.

Notice from the Selectmen that Eleanor Hamel has bee appointed to the Planning Board as an associate member.

#### **REPORTS OF OFFICERS & COMMITTEES**

The Treasurer reported the receipt of \$500. from the Town and an expenditure of \$952.65 during May leaving a balance of \$114.22 as of June 1; also that a check in the amount of \$500. has just been received from the Town for deposit in the bank account. It was moved by Mr. Gardner, seconded by Mr. Hamilton and unanimously voted that the report be accepted and that the Planning Board account at the Limerick branch of Casco Bank be closed out and an account opened at the Waterboro branch of the Sanford Savings and Loan.

## NEW BUSINESS

<u>Mr. Rouillard</u>: Mr. Rouillard purchased lot 19 in Westwinds Subdivision off West Rd. on April 25, 1977 which was subsequent to the enactment of the Zoning Ordinance. Since this lot is comprised of but 70,113 sq. ft., plus or minus; since Section 9.05 of the Zoning Ordinance requires that substandard sized contiguous lots in one ownership be combined; and since there was an adjacent lot owned by the developer with which lot 19 was not combined the question arises of the validity of lot 19. <u>Reg. Mtg. - June 13. 1979</u>

Although it is not stated in the Zoning Ordinance the Planning Board has understood, so considered and accordingly acted on the basis that lots in subdivisions approved prior to the enactment of the Zoning Ordinance which would have been; by such enactment, rendered substandard or otherwise non-conforming would be grandfathered as long as such lots remain in the ownership of the developer. Lots in Westwinds Subdivision fall into this category and, therefore, lot 19 is valid. The Secretary was directed to confirm this decision by letter to Mr. Rouillard. Furthermore, it was noted that all lot owners in Westwinds are equal co-owners in an approximately 193,000 sq. ft. tract within the subdivision which fact could reasonably be maintained to place all lots within the cluster development concept, see Section 8.03, which would validate the size of lot 19, whether or not the lot is grandfathered.

Mr. Hamilton moved, Mr. Gardner seconded and the vote was unanimous that all lots in any subdivisions approved prior to March 12, 1977, the date of the enactment of the Zoning Ordinance, while still under the ownership of the original developer, be excluded from the effect of of the Ordinance and therefore, grandfathered in all respects.

<u>Sunshine Acres</u>: Mr. Martell and Mr. Rose appeared and presented 4 copies of a Preliminary Plan of proposed Sunshine Acres and with it a check in the amount of \$33.00. A check of the plan revealed the need for the following:

- 1. Name of the owner across the road.
- 2. Second test pit per lot plus a soil test report along with recommended manner of subsurface sewage disposal.
- 3. Deed description to be re-written excluding lot to be sold.
- 4. A Copy of the deed for the entire property will be provided.
- 5. There is to be a note on the plan to the effect that the integrity of any existing subsurface rock drain shall be undisturbed unless provisions for suitable by-passing are made. This note shall be referred to on each drain, deed.
- 6. An acknowledgement from the Postal Department of the agreement to deliver mail will be provided.

The following was also noted:

- A. Endorsement of the Soil Conservation District will not be needed.
  - B. No topographical map or drainage plan will be needed.
  - C. Construction rate will be on the order of two or three structures per year.
  - D. Developer intends to do all building.
  - E. Request for waivers will be in writing.

<u>Election of Officers</u>: Mr. Gardner moved, Mr. Keith seconded and the vote, by secret ballot, was unanimous to retain the existing officers for the 1979-80 term.

Mr. Goodwin nominated Mr. Gardner for Vice-Chairman, seconded by Mr. Hamilton. Mr. Keith moved, Mr. Hamilton seconded and the vote was unanimous that the nominations cease and the Secretary cast one vote electing Mr. Gardner.

Mr. Hamilton nominated, seconded by Mr. Gardner, Mr. Keith as Ass't. Secretary. Mr. Goodwin moved, Chmn. Foglio after handing the gavel

#### Reg. Mtg. - June 13, 1979

to the Vice Chmn., seconded and the vote was unanimous that the nominations cease and that the Secretary cast one vote electing Mr. Keith as Ass't. Secretary.

The slate of officers is, therefore:

Douglas Foglio, Chmn. Phillip Gardner, Vice Chmn. Frank Goodwin, Secretary-Treasurer Russell Keith, Ass't. Secretary

Loren Spencer: It was agreed that the Secretary inform the Selectmen by memorandum that the Planning Board approves Mr. Spencer's application to erect a Hammond type building on his property off Rte. 202 for the purpose of operating a retail establishment. He will provide a wider driveway and required parking area. He intends to use his existing sewage disposal system on approval of the Plumbing Inspector. The Planning Board's approval is based upon compliance with these conditions.

Meeting adjourned at 11:15 pm.

Respectfully submitted,

Frank R Goodwar

Frank Goodwin Secretary

Approved by:

Waterboro Planning Board

Members Present: Doug Foglio, Russ Keith Note: Since no quorum was obtained these minutes are for record purposes only.

I. Mr. Rouillard (282-5014) presented a letter from his bank concerning lot 19 of the Westwinds Subdivision on West Rd. The bank has yet to approve his mortgage for this property because the minutes noting our approval (6-13-79) have not yet been signed. Doug Foglio agreed to hand circulate the minutes to obtain the necessary signatures and provide Mr. Rouillard with a copy.

II. A request for a permit to run a body shop and used car sales was received from Michael Murphy. Mr. Murphy proposes to open this business in Raymond Day's old Mobil Stationon Route 5, N. Waterboro. No addition is planned for the present structure. A review of the past business is necessary to establish the length of time since this building was used as a garage. Mr. Day's phone is 793-2241 (P.O. Box 41, Limerick). If less than two years has lapsed since the garage closed the Zoning Ordinance Officer can issue the permit, otherwise Planning Board review is required.

III. "Sunshine Acres", Roberts Ridge Road. Mr. Martel, the builder, and Duane Rose, land surveyor, presented four new prints of the proposed subdivision. These plans included the previous revisions required by the Planning Board. This was submitted for preliminary plan approval. The abuttors have been notified by registered mail. There are discrepancies between the soils analysis provided by Mr. Martel and the study conducted for the Town of Waterboro. Doug Foglio and Phil Gardner will discuss these reports before our next meeting.

Mr. Rose will attend the 7-11-79 meeting representing Mr. Martel. We will need to decide if a public hearing is required.

IV. Warren Libby, North Waterboro, asked if he could be assured of obtaining a building permit if he bought a piece of land adjacent to Starrett Pierce. Mr. Pierce's Waterboro Planning Board Page two June 28, 1979

subdivision of land is questionable and will require a Planning Board review.

The lot Mr. Libby would purchase is  $600' \times 400'$  and is an extension to lot 41, Map 14. He then proposes to sell a section of this lot to his brother-in-law and sister.

Respectively submitted,

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Russell R. Keith

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WATERBORO, MAINE

MINUTES Regular Meeting - July 11, 1979

Called to order by Vice Chmn. Gardner at 7:35 pm; other members present were: Mrs. Hamel, Messrs. Hamilton, Keith and F. Goodwin - Chmn. Foglio joined shortly after. Selectmen Fay was present for most of the entire meeting. The normal preliminaries were deferred until the several awaiting appellants had been heard.

## OLD BUSINESS:

<u>Sunshine Acres</u>: Mr. Duane Rose presented a copy of the soils study on each lot and also a sample of the deed covenants. Since there was some unresolved differences of opinion regarding the feasibility of the method of in-ground sewage disposal discussion at this time was postponed until the arrival of Chmn. Foglio who was expected to have valuable input on the matter.

<u>Mr. Rouillard</u>: The bank at which Mr. Rouillard was applying for a loan to purchase a lot in WestWinds subdivision required a copy of the approved minutes of the J<sub>u</sub>ne 13th. meeting at which the Board determined the lot to be acceptable under the existing zoning ordinance. These minutes not having been previously approved were brought up for approval. Mr. Hamilton pointed to an omission in the minutes of June 13th. in the recording of his motion on page 2, second paragraph and moved that it should have read: "Mr. Hamilton moved, Mr. Gardner seconded and the vote was unanimous that all lots in any subdivisions approved prior to March 12, 1977, the date of the enactment of the Zoning Ordinance while still under the ownership of the original developer, it is the opinion of the Planning Board that these lots are excluded from the effect of the Ordinance and, therefore, excluded in all respects". Mr. Gardner seconded this and the vote was unanimous.

Also on page 2 under Sunshine Acres, the last sentence under item 5 should read that "this note shall be referred to on each <u>deed</u>," not each <u>drain</u>.

It was moved by Mr. Keith, seconded by Mr. Hamilton and unanimously voted that the minutes of the June 13th. meeting with the above corrections be approved. This was done and a copy of the approved minutes was given to Mr. Rouillard. Note: The corrections were made in ink on the orginial copy.

Mr. Goodale: Mr. Goodale presented for approval a Power Permit for

## Reg. Mtg. - July 11, 1979

his lot on Lone Pond. It was signed and returned to him.

(Chmn. Foglio joined the meeting and assumed control.)

<u>Gendron. Paul & Lorraine</u>: They presented an application to build, on lot 27 of Map 41 off Silas Rd., a new residence in another location before the existing one is demolished and within one year from this date of July 11, 1979 demolish the existing one. It was felt necessary to note here that the only reason that this application needed Planning Board approval was that, the lot not being large enough for two dwellings, the approval had to be "conditioned". Mr. Hamilton moved, Mr. Gardner seconded and the vote was unanimous that the application be approved on the condition that the existing dwelling be demolished by July 11, 1980.

Sunshine Acres: Discussion resumed and the soils report with recommendations of Mr. Morton was reviewed. The medium intensity soil studies and those done by Land Use Consultants showed the soil in this subidivision to be fragile as far as in-ground sewage disposal is concerned. Mr. Morton's recommendations were for leaching were stated merely as "Large" which was too indefinite. Mr. Rose volunteered that Mr. Morton would supply dimensions and details to clarify the matter. There still being in the minds of the Board reservations as to the ability of the soil to adequately absorb the effluent felt it necessary to seek the recommendations of its own engineers, Land Use Consultants, Inc. Mr. Gardner moved, Mr. Goodwin seconded that Land Use Consultants, Inc. be retained to review the soil conditions on this proposed development and to determine the type, and minimum requirements of any in-ground sewage disposal system which would be acceptable in this subdivision. The vote was 3 aye and 1 nay. It was decided that the matters of permission of access from the developer for Land Use as well as collaboration between Land Use and Morton and Rose would be settled between them.

A Letter from the East Waterboro Postmaster assured usual mail delivery to the subdivision.

<u>Sherburne Lake Dam</u>: Copies of correspondence from both the DEP and the Maine Dept. of Agriculture had been received and were read. The contents were very disappointing because of the apparent attitude of minor concern and lack of iniative. It was decided that copies of these letters be sent to Land Use Consultants and that they be requested to advise what action the Town should next take.

Meeting adjourned at 10:45 pm.

Respectfully submitted,

Frank R Goodwine

Frank Goodwin Secretary

Pg. 2.

Approved by: Ţ nit

Minutes of the Waterboro Planning Board, 7/26/79. Meeting called to order at 7:45, Chairman Foglio presiding. Attendance: D. Foglio, P. Gardner, J. Hamilton and R. Keith.

## Old Business:

- 1. Reading of the previous meetings minutes was delayed until August 8 due to the press of new business.
- 2. Mr. Foglio presented a letter from Land Use Consultants on the Sherburne Lake damm repair. After a short discussion it was decided to wait until after August 2, 1979 to see if a D.E.P. application would be submitted by Mr. Cameron.

## New Business:

1. Mr. and Mrs. John Blaney presented their proposal for a garage to be built on their lot at Branch Pond. Reference lot 27, map 24.

Mr. Hamilton moved, Mr. Gardner seconded to approve the application as presented. The vote was unanimous.

2. Mr. John Lincoln presented an application to add a cellar to his residence on lot 17 and 16A, map 32 on Little Ossippee Lake.

Mr. Hamilton moved, Mr. Gardner seconded, that the application be approved and recommended that the camp be raised two feet to avoid water problems. The vote was unanimous.

- 3. Mr. Foglio noted that a review of soils suitability for year round use of lakefront property is necessary.
- 4. Mr. Gerard Lemieux presented an application to build a second story addition to his camp on lot 27, map 38, Little Ossippee Lake.

Mr. Gardner moved, Mr. Hamilton seconded, and the vote was unanimous to approve the application.

The meeting was ajourned at 8:50 PM.

Respectively submitted,

Russell R. Keith Assistant Secretary

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WATERBORO, MAINE

#### MINUTES

Regular Meeting - August 8, 1979

Called to order at 7:45 pm by Chmn. Foglio; others present were Messrs. Hamilton, Keith and F. Goodwin. Mr. Caldwell, Code Enforcement Officer was also present.

#### MINUTES:

Since there was not a quorum at the June 28th. and no action taken the minutes are in memorandum form and approval was not deemed required or necessary.

Mr. Hamilton moved, Mr. Keith seconded and the vote was unanimous to accept the minutes of the July 11th. meeting as written.

Mr. Hamilton moved, Mr. Goodwin seconded and the vote was unanimous that the minutes of the July 26th. meeting be accepted as written.

### COMMUNICATIONS & BILLS:

Notice of the Solid Waste Disposal Meeting on Aug. 16th. was read.

Two power permits, one for Mr. Ronald Roberge and one for Shirley Brown were noted.

Notice of the expiration of four subscriptions of the <u>Maine Townsman</u> was read.

The receipt of the June issue of the Saco River Corridor Commission newsletter was noted. The Secretary was directed to read each issue, reproduce and distribute any material he thinks would be of importance to the members, and place the issue on file.

#### **REPORTS OF OFFICERS & COMMITTEES:**

The Treasurer reported that all monies in the hands of the Board (except petty cash) were now banked at the Sanford Savings and Loan Assn. in an interest-drawing checking account. There was, as of August 1st., a balance of \$552.60 on hand. Mr. Keith moved, Mr. Hamilton seconded and the vote was unanimous to accept the report.

The Code Enforcement Officer reported that he had visited the former Rollins Solution Bldg. and found that there was now a new dairy there. The Solution Co. is moving its operation to Sanford. Chmn. Foglio pointed out that there are now two businesses in the building; the Dairy and Marcel Carpets and that it is in violation of the Zoning Ordinance there is not enough land to comply with the Ordinance requirements. The CEO will review the situation and the Ordinance.

#### OLD BUSINESS:

<u>Sunshine Acres</u>: There had been some uncertainty of the Board as to the meaning of the term "Large" as applied to the sewage disposal systems to be used here. Mr. Dana Morton, Duane Rose and the developer Mr. Martell were in attendance. Mr. Morton, a registered soil engineer, explained that the type of soil was Peru and that he was proposing a leaching system which would provide 4.61 sq. ft. per gallon of effluent per day and that this is referred to as a "large" bed. He pointed out that this is a size larger than a "medium" bed which is all the State Code would require under these circumstances. He promised that the beds would be constructed strictly in accordance with State specifications. Mr. Keith moved, Mr. Hamilton seconded and it was unanimously voted that this be acceptable. Mr. Hamilton moved, Mr. Keith seconded that the Preliminary Plan dated June 11, 1979 be approved.

### NEW BUSINESS:

<u>Paul Tebbetts</u>: In Oct., 1976, prior to the enactment of the Zoning Ordinance in March of 1977, Mr. Tebbetts purchased a lot, contiguous to his home lot, consisting of something less than an acre. This along with his home lot comprise about 78,000 sq. ft. The minimum allowable lot size in this zone is 80,000 sq. ft. He wants to build a dwelling on the newly acquired parcel, maintaining that since it was a separately recorded lot when he bought it, it remains so.

After considerable discussion of the matter Section 9.05 which states that "two or more contiguous lots of record in common ownership on the date of enactment of this ordinance shall be combined and treated as a single lot or parcel of land", the consensus of the Board was that the only way Mr. Tebbetts could get relief was to go to the Board of Appeals. He was so advised.

<u>Tom Lawrence</u>: Wants to build a roof over a deck in front of his camp. Mr. Keith moved, Mr. Hamilton seconded and the vote was unanimous that he be allowed if in the view of the CEO it would create no structural objections of would not unduly obscure any abuttor's view.

<u>Elementary School</u>: The Secretary was directed to send a letter to Asst. Supt. Hatch calling his attention to the recommendation by the Planning Board that a chain-link fence be installed along the Old Alfred Rd. adjacent to the recreation field as a safety precaution to prevent the children from inadvertently running out into the road, which fence has not yet been constructed, reconfirming the Board's concern about its necessity.

Meeting adjourned 10:40 pm.

Respectfully submitted,

Frank R Grodium

Frank Goodwin Secretary

Approved by: anutron 5) -And

WATERBORO, MAINE

#### MINUTES

Regular Meeting - Aug. 23, 1979

Meeting called to order at 7:45 pm by Vice Chmn. Gardner; others present were Messrs. Hamilton, Keith and F. Goodwin. Mr. Caldwell, CEO was also present.

## COMMUNICATIONS & BILLS:

3 Power Permits were noted.

- A copy of a letter to MMA renewing subcriptions to the Maine Townsman was read.
- A copy of a letter to Mr. Hatch, Asst. Supt. was distributed.

Minutes & Treasurer's Report deferred to next regular meeting.

#### OLD BUSINESS:

<u>Buff Brook Estates</u>: Atty. McElhinney appeared on behalf of the developer and proposed that the development procedure decided upon at the April 11th. meeting which stated that "prior to Final Plan approval, lots 19 and 23 through 39 inclusive and lot 55 shall be completely surveyed and the boundaries marked, soiltested and the road completed to them", be changed to read "lots 30 through 38.....".

Mr. Keith moved, Mr. Hamilton seconded and the vote was unanimous to accept this proposal but with the requirement that a turnaround 24 ft. wide by 75 feet deep be constructed in lot 29 which can remain unpaved for a period not to exceed 18 months after approval of the Final Plan. All other stipulations made on April 11th. to remain unchanged.

#### NEW BUSINESS:

<u>Peter Semenchuk</u>: Had filed an application to construct a 24' X 30', one-story dwelling over a 4' frost wall on lot 34, Map 33, which is approximately 100' X 200' and was a lot of record at the time of enactment of the Zoning Ordinance. Mr. Keith moved, Mr. Hamilton seconded and the vote was unanimous to approve the application provided that the construction complies with the layout indicated on a plan as "Greenwood" and that it is located as indicated on a sketch plan of land both of which plans accompanied the application.

<u>DROWN AGENCY, MR. HOWE</u>: He asked the Planning Board to allow the construction of a year-round dwelling on lot 1 of the Crabtree Subdivision on Bagley Rd. contrary to the terms of Final approval which stated that nothing but seasonal dwellings should be built

### Reg. Mtg. - Aug. 23, 1979

in the subdivision for a period of 5 years. Mr. Howe made the point that the driveway to the lot could and would be taken off the existing improved Town Road.

Mr. Hamilton spoke against it because it would create a precedent for all other prospective lot owners. Mr. Frank Goodwin pointed out that the reason for the restriction was to delay the time where the Town would have to improve the road and, that being the case, and since the driveway would take off from road already improved with no outlay by the Town this lot should not have been restricted in the first place and, therefore, approval should be granted.

Mr. Hamilton still disagreed and moved that approval provided that the owner agree to pay 50 percent of the cost of improving the road abutting the property. The motion was not seconded.

After more discussion it was decided to have an on-site inspection at 6:30 pm on Monday, Aug. 27th. to see if, in fact, the driveway could be so located after which a decision would be at the next regular meeting.

<u>CHARLES MORRIS</u>: Wishes to construct a full foundation basement under his existing camp on lot 3, map 29. Mr. Hamilton moved, Mr. Keith seconded and the vote was unanimous to approve the application provided that all disturbed earth around the construction be reseeded and that all execavated earth be hauled away and that there shall be no change in the elevation of the existing structure.

<u>The Code Enforcement Officer</u>: Presented a plan of land which was a part of lot 76, Map 11 showing a proposed method of subdivision that was left at the Town Office by a person unknown to ascertain if it would be acceptable to the Planning Board. The Planning Board decided not to consider it until the applicant presents a sales agreement.

<u>Selectmen</u>: The Planning Board proposes either of the dates of Aug. 30th. and Sept. 6th. for a meeting with them to discuss plans proposed by Southern Maine Finishing.

Meeting adjourned at 9:50 pm.

Respectfully subpitted: Jordin

Frank Goodwin Secretary

Approved

WATERBORO, MAINE

Report of Joint Meeting of Selectmen, Conservation Commission and Planning Board with Stuart Gannett, Sept.6,1979

Southern Maine Finishing Corp.

Stuart Gannett appeared to a joint Selectmen, Conservation and Planning Board meeting on Sept.6,1979 at the Town Office Building to explain proposed expansion of his operation on Route 5, across from Robert's Ridge Road.

Present also were Messrs. Monteith, Willett, Fay, Gerry, Gardner, Hamilton, Keith, R. Goodwin and F. Goodwin. Meeting convened at 7:45 p.m.Mr. Gannett stated he planned to construct a 80 X 160 ft. one story building plus a 1200 sq.ft. waste water treatment plant spending about \$360,000. for such improvements. Design will accommodate an additional 30 X 160 ft. He has engaged BarclayChemical Co. to design an adequate waste water treatment plant which will discharge potable water.Whereas , he now uses about 900 gal/hr. of water he will triple this use. While waste water will be discharged at first he is looking at a closed system.

He has made all necessary contacts with D.E.P. Proposed employment by 1983: 42 full time and 22 part time employees.

The object of his presentation was to aquaint Town Officials and Committees with his plans, giving them ample opportunity to comment. He is concerned about the Zoning restriction of 5000 sq.ft. work area.

Respectfully submitted. Goodwin. ank R.

WATERBORO, MAINE

#### MINUTES

Regular Meeting, Sept.12,1979

Meeting convened at 7:50 p.m. Members present were James Hamilton, Eleanor Hamel and Frank Goodwin. Mr. Caldwell attended. Since there was not a quorum, formalities were dispensed with and the business of the various applicants was discussed and recorded.

<u>Paul Howe</u>- Drown Agency, Limerick: He appeared to determine the Board's action on his request for a waiver of the seasonal-home-only restriction on lot 1 of Crabtree Acres. There not being a quorum present no action could be taken. He was advised that if a special meeting is to be held before the next regular meeting he will be notified.

<u>Joe Ponzetti</u>: He proposes to construct a building of approximately 1900 sq.ft. projected land area. The main floor will be used to (1) house and maintain his heavy construction machinery, (2) storage of building and lumber supplies and , (3) a home supply center; the second floor, over the heavy equipment area will be used as office space. His present lot is # 14 on Map 5 but he intends to purchase about 40 acres of lot # 40. It is the A&R Zone. He declares not to discharge any petroleum products into or onto the ground nor does employ extensive use of chemicals.

This is a use similar to other permitted and conditional uses and as such requires the approval of both the Selectmen and the Planning Board. He was advised to make formal application to the C.E.O. who will present it to both bodies. Mr. Hamilton gave his personal view that chances for approval were favorable since it appeares to be a desirable enterprise and, if properly operated, should raise no objections, He plans to be in at the regular meeting on Sept.27th. to hear the decision. No action taken. Ernie Cragin: He proposes to convert his home and another building on his property on Hanscom Extension off the Webber Road, lot # 15A, Map 11, comprising about 5 acres in the A&R zone into 6 or 7 appartments, 4 one-bedroom units and 3 two-bedroom appartments each having a bath and kitchen. There appears to be no reason to object to this proposal. He will bring in a soils report. No action taken.

<u>Michael Murphy</u>:Proposes to open a body shop in the old Day's Gas Station-Garage on Rte.5 in No. Waterboro. The consensus of the Board members was that this is the resumption of a conditional use and there being nothing in the Ordinance relative to required reinstatement, no new approval would be required- Mr. Caldwell, the C.E.O. agreed.

<u>Pete Thompson:</u> Proposed to use what was Len's Garage on Rte. 202/4 as a tracter repair shop. This will also be a resumption of a conditional use.

Robert Jarvis: Mr. Jarvis along with his Atty. Mr. Gore appeared to discuss the refusal of the C.E.O. to grant a building permit to build on a lot on Deering Ridge Road which Mr. Jarvis purchased from Shirley Fallon who acquired it from Ireus Company. The C.E.O.'s reason for refusal was that the lot was one of the parcels in what has been deemed an illegal subdivision. Atty.Gore does not agree with the Planning Board's contention confessing, however, that he has not had time to wade through the myriad transactions which had taken place since 1973 by Fallon, Land Management and Ireus and relatives of Fallon. He points to the extreme hardship the Planning Board is causing the Jarvises who have put "all they have" into this purchase. He was told that the Planning Board not having a quorum could take no action and that, in any event, before it did the Board would consult with Town Counsel. Mr. Gore was given the Town Counsel's (Atty. Elliott) name in order that he could discuss the matter with him. He agreed to ask Atty. Elliott to contact Mr. Goodwin regarding the matter.

Meeting adjourned at 10:15 p.m.

Note: It is apparent that a special meeting may be in order to take up Mr. Howe's and Mr. Jarvis's case. Furthermore, revision of the Zoning Ordinance is imperative especially as to the 5000 sq.ft. working space limitation. This was on the Agenda for this meeting but since there was not a quorum no action could be taken. The Secretary will not be available from Sept.22nd, to Oct.16th.

Respectfully submitted, Frank R. Goodwin

Approved by:

WATERBORO, MAINE

MINUTES\_

Regular Meeting, Sept. 27, 1979

The meeting was convened at 7:35 p.m., Chmn. Foglio presiding. Members present were, James Hamilton, Robert Goodwin, Phillip Gardner and Russell Keith .

It was agreed to defer approval of the previous minutes and Treasurer's report until the next regular meeting.

Mr. Keith noted that Paul Tebbetts application to divide his house lot had been disapproved by the Zoning Board of Appeals.

#### Old Business:

<u>Crabtree Acres:</u> Mr. Paul C. Howe of the Drown Agency was present to finalize his request for the seasonal-onlyrestriction for Lot # 1 of this subdivision. Mr. Frank Goodwin, Phillip Gardner and Russell Keith had completed an on-site inspection of this lot and found the waiver acceptable, providing the driveway goes no closer than 50 feet to the southern boundary and falls within the improved section of Bagley Road. Mr. Keith moved, Mr. Gardner seconded and the Board approved by a 3 to 1 vote this variance.

<u>Robert Jarvis:</u> Mr, Jarvis and his Attoney Mr. Gore appeared again to continue their request for a building permit on a lot in the disputed John Fallon subdivision on Deering Ridge Road. The Board, although sympathetic to Mr. Jarvis' financial position, requested that Mr. Gore request by letter the building permit or single lot subdivision status so that an opinion could be solicited from Town Counsel. No further action was contemplated until Mr. Elliott's opinion is received.

<u>Mr. Joe Ponzetti:</u> Mr. Ponzetti representing Bonnie Brae Construction continued his Sept.12th request for approval of a commercial home products building on 40 acres along Route 202/4 just south of Route 5. Mr. Foglio suggested the applicant request a D.E.P. road entrance application. Mr. Hamilton moved that an on-site inspection be held prior to any decision. Sunday, Sept.30th. at 12:00 noon was agreeable to all parties, rough stakes locating the building and driveway are to be provided by Bonnie Brae Construction. Bonnie Brae Construction was also directed to make a formal building permit application to the C.E.O. <u>New Business</u>: Steve and Linda Coffman of Portland were referred to the Planning Board by the C.E.O. to review their building permit application on Lot# 76, Mr. Fallon's lot on the Town House Road. After a lengthy discussion Mr. Gardner moved, Mr. Hamilton seconded and the vote was unanimous to remand this application to the Town Counsel before further action is taken. Mr. Coffman's option runs out on Oct.10,1979 at 12:00 noon. He requested he be contacted when Mr. Elliott's opinion is received. His home phone is 797-5428 and 775-8100 at work.

Respectfully submitted,

Russell R. Keith Assistant Secretary

Approved by:

WATERBORO, MAINE

MINUTES Regular Meeting, Oct.10,1979

The meeting was convened at 7:40 p.m., Chmn. Foglio presiding. Members present were, Phillip Gardner, James Hamilton and Russell Keith. Alternate members Eleanor Hamel and Robert Goodwin were also present.

## Communications and Bills:

A renewal notice from the Maine Townsman for Mr. Robert Goodwin's subscription was received and submitted for another year, Minutes of the Sept.12,1979 meeting was reviewed. Mr. Hamilton moved Mr. Gardner seconded and the vote was unanimous to accept these minutes for record purposes only, since a quorum was not present. The Minutes of Aug.23,1979 and Sept.27,1979 were read and approved.

The Treasurer's report was deferred until Secretary Goodwin''s return.

## Old Business:

Ref: Steve and Linda Coffman's request of Sept.27,1979 for a building permit on a lot of Mr. John Fallon's on the Town House Road. An opinion was received from Roger S. Elliott, Town Attorney, that this additional lot would create an unapproved subdivision. In view of this opinion, Mr. Coffman will be notified by letter of this decision.

## New Business:

1. Mr. Alfred Sellers submitted a building application requesting permission to excavate a 7 foot high foundation under his camp on lot 16, map 32. Mr. Gardner moved, Mr. Keith seconded and the vote was unanimous to approve this application providing the existing frontal slope be retained and excess material be removed from the lot.

2.Mr. Littlefield's application to construct a two car garage was unanimously approved.

3.Mrs. Sy tes of the Old Alfred Road(247-6633) inquired if a hot dog and popcorn business situated in her utility shed would be allowed. This shed is adjacent to her mobilehome on lot 56, map 7. A review of the zoning maps places this lot in the Village Zone where this type enterprise is permitted. Mrs. Sy tes, will contact the C.E.O. for additional requirements. 4. Mr. & Mrs. Langill of Roberts Ridge Road inquired as to the status of Mr. Martel's subdivision "Sunshine Acres" which is adacent to their lot. The Langill's have an option on the lot adjacent to their's from Mr. Martel, which is included as lot # 3 on the preliminary plan. A letter will be sent to Mr. Martel (Marjen Construction) asking for clarification of this option and inquiring why the Langill's were not notified as abutters by registered mail.

5. Mr. Evans building application to renovate a two car garage into two unit apartment was reviewed. This garage situated on lot 15A, map 30, is the old "Mr. Transmission" garage. This renovation had been started without a building permit and the C.E.O. placed a stop work order on it.

Mr. Goodwin moved, Mr. Gardner seconded, and the vote to approve was unanimous, with the following stipulations.

- A. Water rights from lot 6 be deeded to the apartment.
- B. The chamber type septic system be within the lot boundaries.
- C. The front of the building is to be loamed and seeded.

6. Mr. & Mrs. Ramsdell presented a building permit requesting approval to construct a gambrel building over an existing foundation on lot 29, map 32. The Board request a site plan, soils analysis, and sewerage plan. This lot is on Little Ossipee Lake. Mr. Hamilton moved, Mr. Gardner seconded and the vote was unanimous to conduct an on-site inspection on Sunday, Oct.14th. at 12:00 noon.

7. The building permit for Bonnie Brae Construction: Mr. Ponzetti presented final plans of the proposed Home Products Center on Route 202. Mr. Gardner moved, Mrs, Hamel seconded and the vote for approval was unanimous. Two copies of the plan are to be sent to the Board. See also next sheet

8. The building permit of Arthur and Joan Smith was reviewed. They wish to construct a full basement under their camp on Middle Branch Pond, lot 2, map 24. Mrs. Hamel moved, Mr. Keith seconded, and the vote to approve this application was unanimous.

9. The application of James Hamilton to construct a 40X 40 foot foundation on his Little Ossipee Lake lot 10, map 31, was unanimously approved.

The meeting was adjourn at 10:35 p.m.

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Respectfully submitted, Russell R. Keith,

Assit. Secretary

Approved by: hill ann ant

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WATERBORO, MAINE

### Minutes

Regular Meeting, Oct.25,1979

Called to order by Chmn. Foglio at 7:30 p.m.; others present were Messrs. Gardner, Hamilton, R. Goodwin and F. Goodwin.

### OLD BUSINESS

Mr. Jarvis: He had purchased a lot on Deering Ridge Road from Shirley Fallon but has not been able to get a building permit since the sale of the lot has been deemed in violation of the Subdivision Law and is involved in litigation proceedings. He appeared to inform the Board that he had discussed his situation with the Atty. General's Office where the opinion was given that to the granting of a permit to build should not jeopardise the successful pursuit of the case and that that office would contact the Town Counsel who, in turn, would advise the Waterboro Building Inspector as to whether or not a permit should be granted. Mr. Jarvis asked if, should the advise of Counsel be affirmative, the Planning Board would agree. He was informed that this matter would rest in the hands of the Selectmen and the Building Inspector- not the Planning Board. He further wondered what stand the Planning Board would take should the Selectmen refer the matter to the Planning Board. He was advised that this might depend upon some circumstances not apparent at this time, therefore, an answer could not be given. However, Town Counsel's opinion would exert considerable influence. Martel- Sunshine Acres: Mr. Martel and his engineer, Mr. Morton, appeared to present the Final Plan of his development on Roberts Ridge Road and with it a fee of \$200.00 for the eight -lot subdivision. Mr. Martel mentioned the concern of Daniel Langill concerning an adjoining lot which he was interested in and stated that as yet Langill had no legal claim to it and, therefore, could take no legal action.

Zoning Revisions: Frank Goodwin called attention to urgency of revising the Zoning Ordinance.

<u>Growth Control:</u> Mr. Gardner registered his concern that the Town as yet, had no growth control ordinance but agreed that no action be taken at this time pending discussion with Mr. Keith who is understood to have looked into the matter. Chmn.Foglio questioned the necessity for one citing the Zoning Ordinance as having the desired effect.

<u>Workshop</u>: It was agreed that a workshop should be held at the Town Office on Nov.12th. at 7:00 p.m. to review Sunshine Acres Final Plan and to work on the revisions to the Zoning Ordinance plus any other urgent matters which may surface by then if time will permit.

<u>Jewetts Subdivision</u>: The Secretary is to review this matter with the C.E.O. and seek legal advise as to whether Jewett's transfer of the lots to various relatives constitutes circumvention of the law.

<u>Map File:</u> Mr. Gardner was authorized to select and buy a suitable facility in which to store maps and plans.

Meeting adjourned at 10:00 p.m.

Respectfully submitted,

Frank R. Goodwin, Secy

Approved by:

WATERBORO, MAINE

## MINUTES

Regular Meeting, Nov. 14, 1979

Called to order by Vice Chmn. Gardner at 7:35 pm.; others present were James Hamilton, Russell Keith and Frank Goodwin.

<u>Minutes:</u> Mr. Keith moved, Mr. Hamilton seconded and the vote was unanimous to approve the Minutes of the Oct. 10 th. meeting.

Mr. Gardner advised that the approval of the Oct.25th, Minutes be deferred until the addition of reference to the procurement of a map file is made. Note: For the convenience of the applicant the application for Final Plan approval was considered at this time.

## Communications & Bills

A note referring to a car being parked in front of and on the pavement of James Hamilton's appartment bldg. in So. Waterboro was given to Mr. Hamilton. Notice from the Selectmen regarding the Council Mtg. on Nov.20th.

A letter from the School Dept., Mr. Hatch stating the fence near the new Elementary School along the Old Alfred Road would be built as promised.

A letter from the Selectmen relative to ensuring that developers of subdivisions build internal roads in accordance with Town standards so that they do not later become a burden upon the lot owners or the Town/

A letter from the Selectmen asking for the Annual report and an estimate of the funds needed for 1980 expenses.

A letter from D.E.P. approving Sunshine Acres Subdivision.

A copy of a denial by the Appeals Board of the request by Mr. Tebbetts to grandfather lot 14A and for a variance to reduce the required lot size in the A/R Zone.

Copy of S.R.C.C. hearing relative to Mr.Babineau's request to relocate cottage.

Copies of Power Permits granted to Glenn Bean, Sr., Bonnie Goodrich, Michael Hickey, Peter Seminchuk and Michael Rouillard.

From S.R.C.C. notice of intent to file application by John B. Shea, 1353 Grandview Cir. for permit to attach a garage with loft.

### Reports of Committees and Officers

The Treasurer reported no expenditures during October and accrued interest on bank acct. of \$2.08 interest leaving a balance as of Nov.1, of \$499.27. Mr. Keith moved, Mr. Hamilton seconded and the vote was unanimous to accept the reports.

Mr. Hamilton reported , as the sole site investigator of the Ramsdell's property (lot 29,Map 32) on which they proposed to build a Gambrel structure on an existing foundation , that it will not obstruct view, and, if the soil tests were favorable, it should meet all requirements. The C.E.O. will be notified.

Mr. Gardner reported that he has chosen a file rack in which the Planning Board's maps and plans will be stored and that he will forthwith order it from Roberts Office Supply. The cost will be in the order of \$475.00. It was suggested that he also get a durable container in which the transparencies pertaining to land use and zoning may be safely kept.

Mr. Keith , who has been reviewing the Growth Control matter will submit an outline of the needs for it and the alternatives available.

The Secretary reported that the Work session was held on Nov.12th; that Mrs.Hamel and Messrs. Gardner, Hamilton and Frank Goodwin were present; that the proposed Final Plan Minutes, Regular Meeting Planning Board, Nov. 14, 1979 Pg. 3

of Sunshine Acres was reviewed and found complete; and that revisions to the Zoning Ordinance were worked upon.

### <u>Old Business</u>

<u>Sunshine Acres:</u> Mr. Martel and Mr.Rose were present. Mr.Martel explained the agreement between him and the Langill's , relating to an adjacent lot. The substance will be found in the Sunshine Acres folder. The Planning Board having previously familiarized itself with the proposed Final Plan, Mr. Keith moved, Mr. Hamilton seconded and the vote was unanimous to approve the Plan dated Oct,25,1979. Mr. Gardner, who, being Chairman, did not vote, expressed, for the record, his serious doubts about the acceptability of the soil in the area for in-ground sewage disposal.

#### New Business

Planning Board 1980 budget was discussed briefly. Chmn. Gardner directed the Secretary to draw up a financial statement covering 1979's expenses and mail it to the members in order that the matter may be consumated at the next meeting.

The Secretary moved, Mr. Keith seconded and the vote was unanimous to postpone the fourth Thursday regular meeting for November, it being Thanksgiving Day, to Nov.29th.

Meeting adjourned at 9:10 pm.

espectfull submitted. Frank R. Goodwin, Secy.

Approved by:

WATERBORO, MAINE

MINUTES

Special Meeting, Nov.29,1979

Meeting called to order by V.Chmn. Gardner at 7:35 p.m.; others present were Messrs, James Hamilton, Robert Goodwin and Frank Goodwin and Eleanor Hamel. Both Mrs. Hamel and Robert Goodwin were empowered by the Chmn. to vote.

#### MINUTES

Mr. Hamilton moved, Mr.R.Goodwin seconded and the vote was unanimous to approve the minutes of the Oct.25th meeting. Mrs. Hamel moved, Mr. Hamilton seconded and the vote was unanimous to approve the minutes of the Nov.14th meeting as written.

The minutes of the August 8th meeting, the approval of which had been overlooked were approved by a unanimous *MADE* vote, by Mr. Hamilton and seconded by R.Goodwin.

#### COMMUNICATIONS & BILLS

Renewal notice of the Townsman for Robert Goodwin. Letter from Atty.General.re: Fallon's land transactions and Mr. Jarvises case.

## REPORT OF COMMITTEES & OFFICERS

Chmn. Gardner reported that the map rack had been ordered from Roberts Supply Co. which has, in turn, to order it. It is to cost \$495. delivered.

#### OLD BUSINESS

<u>Budget:</u> Robert Goodwin moved, Mrs. Hamel seconded and the vote was unanimous to approve a budget for 1980 as follows:

Legal fees	\$2,000.00
Engineering Serv.	1,000.00
Operating Exp.	300.00
Contingency	200.00

## Jarvis:

The Planning Board does not approve of the granting of 1-lot subdivisions or building permits to any who have unfortunately purchased an illegally subdivided lot because such practice merely aids the developer in circumvention if the Subdivision law deprives the Planning Board of the opportunity of ensuring orderly development of the land. The Selectmen are to be apraised of this attitude.

## Zoning:

Mr. Hamilton moved, Robert Goodwin seconded and unanimously voted that a work session be held on either Dec.5th or 6th, perferrably the 5th if the room is available, to work at revising the Zoning Ordinance.

### NEW BUSINESS

It was moved , seconded and unanimously voted to renew Robert Goodwin's subscription to the Townsman.

Meeting adjourned at 9:00 p.m.

Respectfully submitted, Goodwin.

Approved by: Rown