# TOWN OF WATERBORO PLANNING BOARD

WATERBORO, MAINE

## REGULAR MEETING WATERBORO PLANNING BOARD JANUARY 12, 1994

MEETING CALLED TO ORDER BY CHAIRMAN, JOHN ROBERTS AT 7:45 PM

I ROLL CALL: Present were Roland Denby, Cindy Allen, Kerry Perkins, Dwayne Woodsome and Chairman John Roberts.

#### **II MINUTES OF PREVIOUS MEETINGS:**

Cindy Allen moved and Roland Denby seconded a motion to accept December 8, 1993 Minutes as printed. Vote was 3-0-0 in favor.

#### **III COMMUNICATION AND BILLS:**

- 1. Copy of Budget Request for 1994
- 2. Letter of Discontinuance for the Old Buxton Road
- 3. Letter to Architectural Skylight Co., Inc.
- 4. Letter to Massabesic Lions Club
- 5. Letter from CEO Re: Mr. Curit
- 6. Letter from Emery & Garrett Groundwater, Inc.
- 7. Letter from U. S. Dept. of the Interior Re: Maine Cranberry Company
- 8. Letter to Linwood Chase of Sanford Institution for Savings Re: Deer Acres Letter of Credit (S & W Development) for Road Construction

#### IV REPORT OF OFFICERS:

Treasurer's Report: Unexpended Balance as of this date is \$24,800.61

#### **V** APPOINTMENTS:

7:00 p.m. Sally & Gene Morin Map 1 Lot 40B

7:30 p.m. Massabesic Lions Club Site Plan Review Map 4 Lot 24 V Zone

8:00 p.m. Ed Doggett Map 42 Lot A-6 R Zone

#### 7:00 p.m. Sally & Gene Morin Map 1 Lot 40B

Location of this property is off Ricker Lane in South Waterboro Village. This project is for the splitting of the Morin Lot which once created forms the third lot within five years, therefore requiring subdivision.

Dwayne Morin gave an explanation of the project. Basicly this will rectify a legal problem. Roland Denby moved and Cindy Allen seconded a motion to accept proposal as Sketch Plan. Vote was 3-0-0 in favor.

It was noted by those present that the next time the Morins come before the Board they could present Preliminary and Final at the same time. A Public Hearing was scheduled for 7:00 p.m. January 27, 1994.

#### 7:30 p.m. Massabesic Lions Club Site Plan Review Map 4 Lot 24 V Zone

Present were John Kustron, Howard Burnham and John Monteith for the Lions Club. The major reason that the Lions Club is before the Board if for the compliance of the Building to the new American Disabilities Act which mandates that all public buildings comply. If found in violation legal action could follow as well as fines. The addition of an elevator, handicap ramp and interior renovation making the second floor usable for additional rental space is the general scope of the changes.

Dwayne Morin noted that the Checklist is complete with the exception of the topography. All present agreed this would not be necessary. John Roberts noted that some of the dimensions were missing for some of the renovation project (Lab area and Front 2nd floor Rental Space). Mr. Burnham would make those changes.

Fire Marshall approval is on file. It was noted by John Roberts that the approval expires February 14, 1994. A new alarm system will be installed. The Fire Marshall's Office did not require a sprinkler system.

Roland Denby moved and Kerry Perkins seconded a motion to approve the Site Plan under Article III, Section C. of the Site Plan Review Ordinance. Vote was 3-0-0 in favor.

Shoreland Zoning: Dwayne explained to those present that there were a few changes to the previously proposed Shoreland Zoning at June Town Meeting 1993 as requested by the State. Everything else was the same. The 30% Rule would be included in this Change.

Board members asked if the State would wait for this to go before the Town's People at the Annual Town Meeting in June 1994. The State said no, they are proceeding legally to mandate Shoreland Zoning as noted in previous communication.

Dwayne also discussed other areas that he has worked on for the Planning Board to review and discuss at the next meeting, Apartment Conversions, Home Occupations, List of Roads that were State Roads or State Aid Roads on or before March 1977.

#### 8:00 p.m. Ed Doggett Map 42 Lot A-6 R Zone

Mr. Doggett was present requesting approval for construction of a 24' x 40' ranch style home on this lot in Lake Arrowhead Estates. Dwayne noted that with a five foot stoop that was presented the 35 ft. sideline setbacks could not be maintained.

Roland Denby moved and Dwayne Woodsome seconded a motion to allow Mr. Doggett to utilize 34 ft. sideline setbacks for the construction as presented all other setbacks to be met. Vote was 4-0-0 in favor.

### VI NEW BUSINESS: VII OLD BUSINESS:

#### 1. Robert Talbot

Mr. Talbot was before the Board in January 1991 and requested permission for the addition of a single story garage 28' x 36'. Mr. Talbot received approval however finances have not allowed the construction until this time. The Conditional Use Permit on file has expired and Mr. Talbot is requesting renewal of this Conditional Use Permit.

Kerry Perkins moved and Roland Denby seconded a motion to approve renewal of the January 11, 1991 approval. Vote was 4-0-0 in favor.

#### **2.. Zoning Changes** Previously noted above.

Roland Denby noted to those present that due to the repeal of State Law which required the Towns to pay Planning Board Members \$10.00, by requesting \$15.00 they might not receive anything since no other Board receives pay for their service.

Mr. Curit has informed Van Foglio that he will remove the structure as soon as he can get the tarp thawed. A Building Permit has been requested for the addition of a roof over the trailer. Board requested Dwayne Morin to discuss this with Van. Possibly the wooden portion of the structure could be removed allowing the tarp to remain until spring.

It was noted that Sharon Abbott would be on vacation during the February 24th meeting. Also those present requested the December 22, 1994 meeting be dropped due to the close proximity to Christmas.

VIII ADJOURNMENT: Meeting adjourned at 8:45 p.m.

Respectfully submitted, Dwayne Woodsome Secretary/Treasurer

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# TOWN OF WATERBORO PLANNING BOARD

WATERBORO, MAINE

## REGULAR MEETING WATERBORO PLANNING BOARD JANUARY 27, 1994

Meeting called to order by chairman, John Roberts at 7:30 p.m.

I ROLL CALL: Present were Jon Gale, Dwayne Woodsome, Judi Carll, Cindy Allen, Roland Denby and Chairman John Roberts.

## II MINUTES OF PREVIOUS MEETINGS: January 12, 1994

### **III COMMUNICATION AND BILLS:**

1. Letter of Credit for Deer Acres Subdivision

#### IV REPORT OF OFFICERS:

#### **V** APPOINTMENTS:

7:00 p.m. Public Hearing Sally & Gene Morin 7:30 p.m. Dave Greaton Map 43 Lot 911

#### 7:00 PM PUBLIC HEARING GENE & SALLY MORIN MAP 1 LOT 40B

Held separately from the Regular Meeting. See Public Hearing Notes.

#### 7:30 PM DAVE GREATON MAP 43 LOT 911

Mr. Greaton is acting on behalf of the Pallas'. The request is to allow construction of a single family dwelling in the Lake Arrowhead Subdivision utilizing a 37 ft. frontyard setback, a 25 ft. sideline setback abutting lot #912 and a 25 ft. sideline setback abutting lots 21 and 22. The 100 ft. water setback to be met.

Roland Denby moved and Dwayne Woodsome seconded a motion to allow the use of 37 ft. frontyard setback, a 25 ft. sideline setback from Lot #912 and a 24 ft. sideline setback from lots 21 & 22 and compliance with Saco River Corridor Commission Permit. Vote was 4-0-0 in favor. This approval includes permission to construct steps to the water.

#### VI NEW BUSINESS:

## 1. Shoreland Zoning

### 1. Shoreland Zoning

The Board of Environmental Protection met and imposed Shoreland Zoning on eight Towns one of which was the Town of Waterboro. Board members asked about enforcement, Dwayne has asked and was informed that blatant non enforcement would result in legal action.

Discussion regarding proposed zoning changes. Shoreland would be presented with a few changes as requested by the State.

Apartment Conversions would be added to the existing ordinance with less stringent density requirements.

Home Occupation would be presented deleting the 500 sq. ft. dimension for area allowed which would mean that this section would remain the same as it currently is in the Ordinance. Also the number of persons non-family members that do not reside within the building would be increased from 1 to 2.

A description of Profession and Business Offices would be added which would minimize the density requirements from existing and would add new parking requirements.

Also an addition of a list of State-aid highways existing on March 12, 1977 to be added to Article 3.03 to assist future discrepancies with uses that must have direct access to State-aid highways.

A copy of area Towns Sign Ordinances to be forwarded to the Board members for review at the February 9, 1994 meeting.

#### VII OLD BUSINESS:

#### VIII ADJOURNMENT:

Meeting adjourned at 9:15 p.m.

Respectfully submitted, Dwayne Woodsome Secretary/Treasurer

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## WATERBORO PLANNING BOARD PUBLIC HEARING

## GENE & SALLY MORIN 3 LOT SUBDIVISION RICKER LANE SOUTH WATERBORO JANUARY 27, 1993 7:00 PM

The Public Hearing was called to order by Chairman John Roberts at 7:10 P.M. Present from the Planning Board were Dwayne Woodsome, Cindy Allen, Roland Denby, Judi Carll and chairman John Roberts. The Morin's and two citizen's were also present.

John Roberts briefly described the division of a single tract of land three times within a five year period under State Subdivision Law constitutes subdivision. The Morins intend to split their 2 acre parcel and sell one and maintain ownership of the second. A previous owner had already split an additional lot making three within a five year period. This is really a formality.

Mr. Martin who owns property on Federal Street asked if this was a State Law and John Roberts answered in the affirmative. No other questions were asked and John Roberts closed the hearing at 7:14 p.m.

Respectfully submitted,

Dwayne Woodsome Secretary/Treasurer

# TOWN OF WATERBORO PLANNING BOARD

WATERBORO, MAINE

# REGULAR MEETING

## WATERBORO PLANNING BOARD MARCH 9, 1994

Meeting Called To Order By Chairman, John Roberts at 7:25 p.m.

I ROLL CALL: Present were Judi Carll, Cindy Allen, Roland Denby, Dwayne Woodsome and Chairman, John Roberts.

#### II MINUTES OF PREVIOUS MEETINGS:

Roland Denby moved and Cindy Allen seconded a motion to accept January 27, 1994 minutes. Vote was 3-0-0 in favor.

#### III COMMUNICATION AND BILLS:

- 1. ZBA Minutes/Decision
- 2. Letter to John Skelton Re: Zoning Violation
- 3. Letter from BH2M
- 4. Letter Re: Maine Cranberry Project
- 5. Letter Re: Brookside Drive
- 6. Letter from CEO Re: Zoning Violation
- 7. Letter from Dianne Holden Re: Possible Zoning Change for Occupancy Permit to be required when businesses change

#### IV REPORT OF OFFICERS:

#### V APPOINTMENTS:

7:15 PM Bill Speed New Arbor Estates Subdivision Revision

7:30 PM The Seven M's Subdivision by Gene & Sally Morin

8:30 PM Mr. Roland Nadeau Map 32 Lot 44

#### 7:15 PM Bill Speed New Arbor Estates Revised Subdivision Plan

The Board has already approved the revised plan at a previous meeting. The plan is ready for the Board members signatures. All present signed the revised plan. All fees have been collected.

#### 7:30 PM The Seven M's Subdivision

Gene and Sally Morin were before the Board in January. The Board informed the Morins that they could received Preliminary and Final Plan if everything was correct. Dwayne Morin informed the Board members that the check list is complete and the Morins have met the legal aspects of the subdivision ordinance.

Cindy Allen moved and Roland Denby seconded a motion to waive the contour intervals, hydrostudy, and soil and erosion control. Vote was 3/0/0 in favor.

The fees were collected and the plans were signed by those present.

Dwayne Morin discussed the proposed additions and changes in Zoning to be presented at the Annual Town Meeting in June. Those present agreed with Dwayne that due to the substantive changes with Shoreland, Home Occupation, Professional Businesses and Apartment Conversions it would be a good idea to review the Sign section and with proposed changes for next year.

#### Public Hearing for the proposed changes set for March 24, 1994 at 8:00 p.m.

Dwayne Woodsome asked about the shed located at JD's Package Store and how close it sat to the abutting property. Dwayne Morin told him Tim Nelson would be notified.

#### 8:30 PM Roland Nadeau Map 32 Lot 44 AR Zone

Mr. Nadeau is requesting a 14' x 22' single story addition to existing cottage. The cottage has a foundation that is utilized as living space. The 30% rules comes into effect with this request. Also Mr. Nadeau would like to replace the roof with trusses utilizing a 5 inch pitch. Dwayne Morin went over the dimensions and the 30% and this request is valid.

Cindy Allen moved and Judi Carll seconded a motion to allow a 14'  $\times$  22' single story addition and allow the direction of the ridge line of the roof with bridge not to be over the existing. This would be a 28% expansion, allowed under Section 2.08, 4.02 and 7.01. Vote was 4/0/0 in favor.

#### VI: NEW BUSINESS:

- 1. Zoning Changes Re: Signs Public Hearings
- 2. Verbal Request from Brookside Zoning Change to disallow Group Homes Request to be brought to the next meeting.
- 3. Laminator

#### Laminator

Dwayne Morin discussed with those present the need for a laminator to protect the subdivision maps that we currently have in the offices. Recently Dwayne checked the prices on a laminator and film and got a reasonable quote.

Would the Board approve the purchase from their account. The Planning Board account has sufficient funds to approve the purchase.

Cindy Allen moved and Judi Carll seconded a motion to expend funds to purchase a Laminator and Two rolls of film. Vote was 4/0/0 in favor.

### VII OLD BUSINESS:

## VIII ADJOURNMENT:

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Dwayne Woodsome Secretary/Treasurer

# TOWN OF WATERBORO PLANNING BOARD

WATERBORO, MAINE

## REGULAR MEETING WATERBORO PLANNING BOARD MARCH 24, 1994

MEETING CALLED TO ORDER BY CHAIRMAN, JOHN ROBERTS AT 7:15 PM

I ROLL CALL: Present were Roland Denby, Cindy Allen, Jon Gale, Judy Carll, Dwayne Woodsome and Chairman John Roberts.

#### II MINUTES OF PREVIOUS MEETINGS:

Roland Denby moved and Cindy Allen seconded a motion to accept March 9, 1994 Minutes as printed. Vote was 3-0-0 in favor.

#### **III COMMUNICATION AND BILLS:**

- 1. Letter from Dept. of Transportation
- 2. Minutes from Finance Committee
- 3. Planning & Zoning Newsletter
- 4. Public Notice Re: Maine Cranberry Company Re-application

#### IV REPORT OF OFFICERS:

### V APPOINTMENTS:

7:00 p.m. Tim Greaton/Renald Collins Map 46 Lot 2089 R Zone

7:15 p.m. Pam MacGray Brookside Drive Re: Zoning Changes

7:45 p.m. Stuart Gannett Map 5 Lot 19 Village Zone

8:00 p.m. Public Hearing Re: Proposed Zoning Changes

#### 7:00 p.m. Tim Greaton/Renald Collins Map 46 Lot 2089 R Zone

Mr. Collins would like permission to construct a cape style home on this lot in the Lake Arrowhead subdivision. The lot is 100 ft. wide. The proposed plans indicate the footprint would use 28 ft. of the 100 ft. this would allow 1 ft. on either side. Mr. Collins would like permission to utilize 34 ft. sideline setbacks to insure proper placement of the home without creating a zoning setback violation.

Roland Denby moved and Cindy Allen seconded a motion to allow sideline setbacks of 34 ft. all other setback requirements to be met under Section 2.08 and 4.02. Vote was 3/0/0 in favor.

#### 7:15 p.m. Pam MacGray Brookside Drive Re: Zoning Changes

Introductions made of those present on the Board. Pam was the general spokesperson for those present. The concern of this neighborhood is with the placement of group homes on roads that have no direct access to State Aid Roads.

Citizens present to see what could be done. Since the Spurwink School proposed utilizing a home in the Brookside Development the neighbors felt that the school was utilizing loop holes in local ordinances to allow group homes. The people present are before the Board to see what options are available that would define this type use to require Planning Board review and to require such use to have direct access to a State Aid Highway. Those present asked the Board members what could be done. Dwayne Morin explained that the Board could bring the requested changes before the Townspeople or if the Board felt they could not support the changes requested, a petition requiring 25 signatures could be presented to the Board of Selectmen requesting the proposed changes as private citizens.

## Proposed Changes would include:

Group Home - definition to be added to Section 14.02

Change to Land Use Chart allowing Group Home in the AR Zone as a Conditional Use with Direct Access to a State Aid Highway.

\*Also noted was the possible need to redefine Family.

Those present were concerned that the closing of A.M.H.I. and other such facilities would increase the possibility of other such proposals entering residential areas in rural communities like Waterboro. Those present feel that such use should be classified other than family use and should require Planning Board review, notification of neighbors of the type use and property being used should have direct access to a State Aid Highway.

Those present noted they were not opposed to the Spurwink School as presented with three autistic adults however Mr. McPherson could not guarantee that the resident's would remain for long periods of time and that a petafile or juvenile delinquent would take the autistic persons place in the home.

Jon Gale expressed his concern of this request being special interest and the Board's job is to look at proposed changes for the entire community. As presented the protection was proposed for one neighborhood.

Those present explained their feelings that group homes are being operated as an institution with paid care. Families are being placed at risk. Mr. McPherson of the Spurwink School agreed that they were a business but under the definition of family they were allowed to use residential housing for this use. Those present felt there were better locations for group homes than in residential areas. Conditional Use Review would allow notification of neighbors so uses like the Spurwink School wouldn't simply sneak in to residential areas.

Questions posed regarding Brookside greenbelt. Two lots abut a State Aid Highway in this subdivision. Even with the requested change a group home would be allowed on at least one of the lots in this subdivision.

Dwayne Morin expressed his concerns as to the legal ramifications of the proposed changes. With the State closing institutions there might be certain laws that would supersede local zoning. Jon Gale did not feel he could vote to support the request until he had seen a legal opinion on this issue. Making group homes a conditional use to keep them away from residential uses might be restrictive and before placing this for a vote all legal aspects should be thoroughly investigated. Roland Denby noted that a definite definition of group home would be needed before going to the town attorney and the board would also need a rational reason for requesting the change other than special interest.

Dwayne Morin read a definition of Group Home from the American Planner's Association, "A Survey of Zoning Definitions", Comment at the end of definition is as follows:

The Federal Fair Housing Amendments Act of 1988 prohibits zoning practices that discriminate against or unnecessarily restrict community-based housing for handicapped people. The above definition was developed to comply with the provisions of the Act by the land-use law firm of Siemon, Larsen, and Purdy. The definition of handicapped is consistent with the definition included in the Act. The Federal Fair Housing Act should be consulted before drafting a definition of group home.

Pam asked if the Planning Board would bring the changes to the townspeople and received no comment from Board members present. No action was taken on the request of the Brookside Development. Dwayne Morin explained the process as outlined in the Zoning Ordinance. A petition would be required and brought to the Selectmen it would then be forwarded to the Planning Board and then to Town Meeting.

Request should include additions to 14.02 and 3.03. Dwayne would review the proposed changes if they would like before going to petition for signatures. Deadline of April 4th has been set for non-money articles. Requests can be placed after this deadline.

#### 7:45 p.m. Stuart Gannett Map 5 Lot 19 Village Zone

Mr. Gannett was present as well as Ron Williams. Mr. Williams owns a woodworking business that is currently operated in Scarboro. Mr. Williams would like a larger facility to house his business to allow for future expansion. Mr. Gannett has an existing garage style building on his property. The building currently has no heat and no bathroom facilities. Questions were asked about the materials to be used for finishing the furniture and the glue substance. Mr. Williams uses an oil based product for finishing that dries non toxic and the glue is water base.

All materials would be stored inside. Nothing on site would change. Mr. Williams does mostly wholesale work however does do some custom work. Mr. Gannet was asked if the land is under restriction from DEP?

Mr. Gannett noted no specific restrictions that he was aware of. The building is currently being used for light storage of personal items by Mr. Gannett.

Roland Denby moved and Judi Carll seconded a motion to approve the request under Section 3.03 Item #15 and Section 4.01 with the recommendation of the Hazardous Waste Committee. Vote was 5-0-0 in favor.

#### 8:00 p.m. Public Hearing Re: Proposed Zoning Changes

The Public Hearing was opened by Chairman John Roberts at 8:20 p.m. There were six Planning Board Members present, three residents, Dwayne Morin and Sharon Abbott.

Dwayne Morin explained the reasoning behind the lessening of density for apartment conversions. No comments from those present regarding this issue.

#### Home Occupations and Homes Offices:

This was explained as close to last years proposal only instead of one additional employee besides property owners has been increased to two employees.

Section D. possibly add after electric disturbance (to the exterior)

G. Change to the existing description.

#### Office Complex:

Item 2. All parking must be as article reads.

#### **Shoreland Zoning:**

Dwayne explained the imposed State Shoreland Zoning. The proposed changes have been reviewed and approved by the State. The only major difference in this proposal from last years proposal is the addition of wetland areas.

Hearing closed at 9:08 p.m.

#### VI NEW BUSINESS:

Two additional Zoning issues need to be covered: Business Occupancy Permits being required as businesses move in and out of spaces and the creation of right-of-ways that place abutting property owners homes and other structures in violation of setbacks.

#### VII OLD BUSINESS:

1. Old Home Days Conditional Use Permit

The Conditional Use Permit previously issued to cover the venders and temporary structures during Old Home Days at Friendship Park. This permit was to renewable by the Code Enforcement Office each year. The Old Home Days will be held this year at Friendship Park and S.A.D. 57 High School Complex.

Judi Carll moved and Cindy Allen seconded a motion to allow Conditional Use Permit for Old Home Days Committee for Venders and Temporary structures in connection with the event for a period not longer than one week at Friendship Park and/or S.A.D. #57 High School Complex, permit renewable yearly by the CEO.

2. Signing of New Arbor Estates Subdivision Revision

The revision of New Arbot Estates was previously approved. The plan has just been presented with the changes approved at the previous meeting. Those present signed the revised plan of New Arbor Estates Subdivision.

VIII ADJOURNMENT:

Meeting adjourned at 9:30 p.m.

Respectfully submitted, Dwayne Woodsome Secretary/Treasurer

## PLANNING BOARD

## Town of Waterboro

#### REGULAR MEETING WATERBORO PLANNING BOARD APRIL 13, 1994

#### MEETING CALLED TO ORDER BY V.CHAIRMAN ROLAND DENBY AT 7:23 PM

I ROLL CALL: Present were Roland Denby, Cindy Allen, Jon Gale, Judy Carll, Dwayne Woodsome and Chairman John Roberts.

#### II MINUTES OF PREVIOUS MEETINGS:

Cindy Allen moved and Jon Gale seconded a motion to accept March 24, 1994 Minutes as printed. Vote was 5-0-0 in favor.

#### **III COMMUNICATION AND BILLS:**

- 1. Memo from Finance Committee Re: Budget
- 2. Letter from Dwayne Morin to Pamela MacGray
- 3. Letter from CEO to Chris & Laurie Johnson Re: Zoning Violation
- 4. RTAC News
- 5. Request from Brookside Re: Zoning Changes

### IV REPORT OF OFFICERS:

#### V APPOINTMENTS:

7:15 p.m. Philip Lord Map 58 Lot 3 Zone F & A Zone

7:30 p.m. Bud Waycott Map 11 Lot 41 AR Zone

7:45 p.m. Tim McCandless Map 37 Lot 11 AR Zone

8:00 p.m. Mike Glaude Map 8 Lot 43A V Zone

#### 7:15 p.m. Philip Lord Map 58 Lot 3 Zone F & A

Mr. Lord is requesting permission to install a separate drive for his lot. Currently Mr. Lord shares a drive entrance with abutting lot as per suggested drive locations on the Bassland Acres Subdivision. Currently the drive is 198 ft. deep and is entirely on neighbor's property. An addition 338 ft. to maintain to have access. Proposed new location of separate drive would only be 150 ft. Possibly Road Review Committee should inspect the proposed location for site distance.

Question posed as to changing subdivision plan. The driveway locations were suggested and with approval could be changes without other property owners signing off. Photos were shown and placed on file for new location.

Dwayne Woodsome moved and Cindy seconded a motion to turn the request over to the Road Review Committee, upon receipt of their opinion Mr. Philips would be placed under Old Business for the Board to render a decision. Vote was 4-0-0 in favor.

Questions regarding the restoration of the existing drive area. Mr. Lord intends to reclaim his property. If approved Mr. Lord would build the drive to Town Standards.

#### 7:30 p.m. Bud Waycott Map 11 Lot 41 AR Zone

Mr. Waycott has divided his property by giving two parcels to his daughters and retaining ownership of one lot. Mr. Waycott has built a home on his lot, one of his daughters has sold a lot and the second daughter would now like to sell the final lot. This would constitute subdivision since the family exemption states ownership necessary for a five year period.

This property is free of any previous subdividing. A list of items needed on the plan prior to presentation of the Preliminary Plan. Dwayne Morin noted he would sit down with Mr. Waycott to assist him if needed.

Potential problem noted that the lot that is under contract only has 100 ft. on Deering Ridge Road the remaining 50 ft. is utilized for the third lot. Board asked if the drive location was for the 50 ft. right-of-way. Mr. Waycott informed the board that the existing drive is to remain private and a second entrance would be needed for the rear lot. The Board felt that the Road Review Committee should take a look at this entrance and the proposed entrance and requested a written recommendation.

A solution would be needed for the frontage requirement of lot now under contract.

No Action Taken By the Board.

#### 7:45 p.m. Timothy McCandless Map 37 Lot 11 AR Zone

Mr. McCandless did not provide information in time to allow paper work to be processed. Mr. McCandless will be placed on the next meetings agenda.

#### 8:00 p.m. Map Mike Glaude Funtime Video Map 8 Lot 43A Village Zone

Mr. Glaude is requesting permission to construct an addition of a home onto the existing structure currently known as Funtime Video A request to waive the topography lines was made. Checklist was used.

Cindy Allen moved and Jon Gale seconded a motion to waive #8 on topographic contour lines. Vote was 5-0-0 in favor.

Septic System update was noted on file for the proposed additional use.

Roland Denby moved and Cindy Allen seconded a motion to approve the Site Plan under III Section C. refer to Article #2 of the Site Plan Review Ordinance. Vote was 5-0-0 in favor.

#### VI NEW BUSINESS:

#### VII OLD BUSINESS:

1. Zoning Changes from Brookside Subdivision

Public Hearing to be scheduled for 7:00 p.m. prior to the next regular meeting.

A legal opinion will be forthcoming from Karen on the proposed changes from the Brookside owners.

2. <u>Proposed Changes for Public Hearing April 28th.</u> Business Occupancy Permits, Apartment Conversions. Change of Use Permit in place of Business Occupancy. Board would like to have the right to waive the fee if the business use required Planning Board Approval.

Memo to go out to all members regarding the legal opinions from Town Counsel and Zoning Changes.

VIII ADJOURNMENT:

Meeting adjourned at 9:20 p.m.

Respectfully submitted, Dwayne Woodsome Secretary/Treasurer

## **PLANNING BOARD**

## **Town of Waterboro**

#### REGULAR MEETING WATERBORO PLANNING BOARD APRIL 28, 1994

Meeting Called To Order by Chairman, John Roberts at 8:00 p.m.

I ROLL CALL: Present were Judi Carll, Roland Denby, Cindy Allen, Jon Gale, Dwayne Woodsome, and Chairman John Roberts.

#### II MINUTES OF PREVIOUS MEETINGS:

#### **III COMMUNICATION AND BILLS:**

- 1. Letter from Road Review Committee
- 2. Information Re: Computer-aided Design
- 3. SMRPC Re: Planning Board Workshop Notice Subdivision Review
- 4. Letter from Custom Built Homes of Maine SRCC Intent to File

#### IV REPORT OF OFFICERS:

#### V APPOINTMENTS:

7:15 p.m	. Richard Michaud	Map 32	Lot 25 AR Zone
7:30 p.m	. Tom Dupuis	Map 45	Lot 1586 R Zone
7:40 p.m	. Tom Dupuis	Map 45	Lot 1587 R Zone
7:45 p.m	. Tim McCandless	Map 37	Lot 11 AR Zone
7:50 p.m	. Renald Collins	Map 42	Lot A-205 R Zone

#### 7:15 p.m. Richard Michaud

#### Map 32 Lot 25 AR Zone

Mr. Michaud is requesting permission to remove weather damaged masonite siding and install plywood and then cover the area with cedar shingles, also replace second story casement window and install a first story awning window. Mr. Michaud is also proposing a slightly different roof line due to poor installation years ago (press board in lieu of plywood). Most of the changes are cosmetic in nature. The structure falls within 100 ft. of the normal high water mark of Ossipee Lake. Also Mr. Michaud would like to replace existing shed with a wooden structure utilizing the same dimensions.

Cindy Allen moved and Judi Carll seconded a motion to approve renovations as presented. Vote was 5-0-0 in favor.

Jon Gale moved and Cindy Allen seconded a motion to approve proposal of restoration of shed provided Mr. Michaud stays within the confines of the original cement foundation under 9.03. Vote was 5-0-0 in favor.

## 7:30 p.m. Tom Dupuis Map 45 Lot 1586 R Zone

Mr. Dupuis is requesting a building envelope for lot 1586. This is a very narrow lot measuring 90 ft. in width and 180 ft. in depth. Mr. Dupuis is proposing a 24' x 32' cape style home and is requesting the use of less restrictive sideline setbacks. Front and rear setbacks can be maintained.

Mr. Dupuis requested 30 ft. sideline setbacks however this would allow only inches to place the foundation in the correct location. Utilization of 28 ft. setbacks would allow a good margin.

#### 7:40 p.m. Tom Dupuis Map 45 Lot 1587 R Zone

Mr. Dupuis also is requesting approval to construct a home 24' x 32' cape on lot 1587. All setbacks can be maintained on this lot.

Roland Denby moved and Cindy Allen seconded a motion to approve request for lot 1587 and that Mr. Dupuis maintain all required setbacks under section 2.08, and lot 1586 meet setback from the Old Portland Road, sideline setbacks be 28 ft from lot 1587 and 1585 under section 2.08 and 4.02. Vote was 5-0-0 in favor.

## 7:45 p.m. Tim McCandless Map 37 Lot 11 AR Zone

Mr. McCandless is proposing to add approximately 4 courses of cement blocks to an existing foundation. It was explained that the State Shoreland allows the elevation of a cottage to increase by no more than 3 ft. or the entire area is counted in the 30% calculation. The existing 5 ft. crawl space does not count towards living space by the states interpretation. The Board could request an opinion from DEP if Mr. McCandless would like.

Code Enforcement Officer to take measurement of existing sill plate. Bench mark to be set by CEO.

Bulkhead & stairs are 6 ft. from the front of the building facing the water. If the bulkhead currently counts could a balcony be placed to allow access from the existing front door. Due to the increase in elevation a balcony would be needed to allow access from the existing front door. Stairs would end flush with the corner of the house. It was explained that the measurement is taken from the drip edge. So Mr. McCandless might need to set post in 1 1/2 inches so the drip edge does not go closer to the normal high water mark (6' x 20')

Jon Gale moved and Roland Denby seconded a motion to allow request, increase in elevation no more than 36 inches above present level and allow the construction of a deck no more than 6 ft. wide on the front side of the house or closer than the existing bulkhead or that the stairs

go no further than the edge of the house in either direction which would be closer to the normal high water mark under 2.08, 4.02, 7.01 and Mandatory Shoreland. Vote was 5-0-0 in favor.

#### 7:50 p.m. Renald Collins Map 42 Lot A-205 R Zone

Mr. Collins is requesting approval to construct a home on Lot A-205. All required setbacks can be maintained.

Cindy Allen moved and Judi Carll seconded a motion to approve construction and all setbacks be met under section 2.08. Vote was 5-0-0 in favor.

#### VI NEW BUSINESS:

#### VII OLD BUSINESS:

#### <u> 1. Philip Lord</u>

Mr. Lord was present at the last Planning Board Meeting requesting a new driveway entrance to his property, no longer sharing a common drive with abutting lot.

The proposal was forwarded to the Road Review Committee for a recommendation. The report from the Road Review Committee advised the following:

- 1. Removal of pine tree within the Town's Right-of-way, Town will roll the rock to Mr. Lord's property,
- 2. Removal of pine tree within the right-of-way along the abutting property line of lot #5,
- 3. Driveway entrance for the first 50 ft. to maintain a 90 degree angle to Ross Corner Road,
- 4. A culvert measuring 15 inches by 24 feet in length,
- 5. Cutting brush to maximize sight distance,
- 6. Driveway to measure 15 inches above existing road grade of Ross Corner Road to improve sight distance.

If Mr. Lord will agree to the above then the Town will remove the stone wall and roll the big rock out of the way to maintain the necessary slope to allow proper drainage and maximize the sight distance requirements for the new location of Mr. Lord's driveway. The Town will dig the drainage ditch and install the culvert. Mr. Lord must pay for the culvert installation.

Although the recommendations seem numerous most will be completed by the Town. The property owner can dispose of the trees in his own manner. The property owner might contact Lucas tree or someone in the same line to remove one of the trees. Mr. Foglio had stated to

Mr. Morin that he could push one of the trees over very easily. The second tree might need more careful tending due to the close proximity to the neighbor's house.

Roland Denby moved and Cindy Allen seconded a motion to accept the recommendation of the Road Review Committee in relation to Philip Lord's lot and if he complies with this that the Board approve the new location of the drive. Vote was 4-0-1 in favor.

An affidavit can be drawn up and placed on file at the registry and in the town's files. Property owner agreed with this recommendation. Affidavit to be completed prior to the issuance of the Road Entrance Permit. Dwayne to give some examples to Mr. Lord by Wednesday of next week.

## 2. Zoning

The petitioned changes to the Zoning Ordinance regarding definition of family and the addition of Halfway Houses, Boarding Homes and Group homes to Institutional Facilities.

Jon Gale moved and Judi Carll moved that the Planning Board's Recommendation for new definition of Family read ought not to pass. Vote was 5-0-0 in favor.

Jon Gale moved and Dwayne Woodsome seconded a motion that the Planning Board's Recommendation for the definition change for Institutional Facilities read ought not to pass. Vote was 3-0-2 in favor.

Those present from Brookside asked for an explanation of the vote. Dwayne Morin informed those present that the proposed change is not going to do what the Brookside contingency want it to. He explained the discussion with Pam MacGray and the result was different. Also explained the cost for legal fees if legal action against the changes were to be brought. Currently the town has expended over \$15,000 for an ongoing law suit at the direction of the Annual Town Meeting Vote. The Board did not feel they should overlook the Town Legal Counsel's opinion regarding this issue.

Also to be added to the proposed addition of Office Complex and Apartment Conversions should be the Planning Board's right to waive the hydrostudy requirement.

Judi Carll moved and Cindy seconded a motion that we go with Karen Lovell's recommendation regarding proposed changes, if changes proposed are minor in nature from Karen then Dwayne proceed in a positive manner if changes are major then Dwayne has the Board's permission to pull the article from the warrant. Vote was 5-0-0 in favor.

Dwayne Morin informed the Board members of a seminar he recently attended. The attorneys at the seminar discussed substandard lots in grandfathered subdivisions. It would appear from

their interpretation that Lake Arrowhead lots as well as other subdivisions where property owners have abutting lots those lots become one. An example was given at the seminar where an individual owned an entire subdivision, the lots did not meet the new density requirements, the property owner checkerboarded the lots, one to the wife one to himself. The subdivision was sold and the deed was for the entire subdivision because of this the entire subdivision became null and void. Before anything is done the board should check with legal counsel. Check to see if Karen Lovell can attend the next meeting.

Dwayne Morin and Sharon will not be able to attend the May 11th meeting. The next meeting to be moved to Thursday May 12, 1994. Notify all appointments and see if Karen Lovell can attend this meeting.

### VIII ADJOURNMENT:

The meeting was adjourned at 10:00 p.m.

Respectfully Submitted,

Dwayne Woodsome
Secretary/Treasurer

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# PLANNING BOARD Town of Waterboro

## WATERBORO PLANNING BOARD PUBLIC HEARING PROPOSED ZONING CHANGES

APRIL 28, 1994

Meeting was called to order by Chairman, John Roberts at 7:20 p.m. Present from the Planning Board were Roland Denby, Jon Gale, Judi Carll, Cindy Allen and Dwayne Woodsome. Approximately 12 citizens were also in attendance.

Articles as posted:

**Apartment Conversions:** 

Question for clarification. Dwayne Morin explained that currently if a person wished to create an in-law apartment the property owner would need double the density requirement with the proposed change the density would be one and a half the required density. (ex. 1 unit in Village Zone 40,000 sq. ft.)

Home Occupations and Professional Home Offices:

This was presented at last year's annual town meeting. Those present felt that the number of employees that were unrelated should be changed. The Planning Board has changed the number to two (2) persons and the percentage of floor space to be dedicated for the home occupation will remain the same. Previous proposal would limit the square footage to 500 s. f.

Home Occupation: The definition is to further clarify the types of uses allowed and considered home occupations.

Office/Office Complex:

The proposed definition and use would allow for future development with less density requirements for office type uses. The special requirements deal with potential impact and provide the Planning Board with tools to allow these uses with a minimum impact on the surrounding area.

Addition of Roads:

When the Zoning Ordinance was created and enacted there were roads within the Town that were considered State Aid and State Roads. Over the years the status of some of those roads

has changed. To assist the Board in their review of requests for uses that require direct access to State/State Aid Roads the addition of the roads will become a necessary tool.

Front Yard Setback

The creation of right-of-ways by a property owner can place abutting structures in violation of setback requirements. This article would alleviate the hardship from an abutting property.

Building Occupancy and Change of Use Permits Required:

Currently an Occupancy Permit is for the structural portion of a building. When businesses move in and out of areas there is currently no way to govern whether the use is allowed in a zone. A change of use permit would allow review by the Code Enforcement Office and when necessary require Planning Board Review.

Generally John Roberts read the articles and asked for questions. Dwayne Morin gave brief synopsis for those questioned.

Two Articles being presented by local citizens:

Definition change for Family and Institutional Facilities.

Much discussion followed by those present regarding the planning board's support of the changes. Those present felt it was time people stopped allowing the attorney's to run the country. It was asked if the board would be voting during executive session? John Roberts informed those present that a vote of the board could not be taken at a Public Hearing however would be taken up at the Regular Meeting directly following the Public Hearing. Regular meetings are public.

Shoreland Zoning:

Board has taken state laws and current shoreland zoning and melded the two. The state has given its approval of the proposed changes being presented at Annual Town Meeting. The proposal will be more restrictive that existing however less restrictive than the State Mandated Zoning now in place.

Meeting adjourned at 7:55 p.m.

Respectfully submitted, Dwayne Woodsome Secretary/Treasurer

## **PLANNING BOARD**

## Town of Waterboro

## **REGULAR MEETING WATERBORO PLANNING BOARD MAY 12, 1994**

Meeting called to order by Chairman, John Roberts at 7:20 p.m.

- I ROLL CALL: Present were Roland Denby, Jon Gale, Cindy Allen, Judi Carll, and Chairman, John Roberts.
- II MINUTES OF PREVIOUS MEETINGS:

April 13, and April 28, 1994 Minutes

- **III COMMUNICATION AND BILLS:**
- IV REPORT OF OFFICERS:
- **V** APPOINTMENTS:

#### 7:15 PM James Peverill Map 29 Lot 22 AR Zone

Mr. Peverill would like permission to construct a deck onto a cottage located off East Shore Road. The addition will not fall within the 100 ft. Shoreland Area and zoning setbacks will be met.

Roland Denby moved and Cindy Allen seconded a motion to approve the plan as presented, that Mr. Peverill's addition go no closer than 100 ft. to the normal high water mark of Lake Ossipee and all other setbacks be maintained. Vote was 4-0-0 in favor.

#### VI NEW BUSINESS:

## Karen Lovell, Legal Counsel

The Board requested Karen's presence at the Board meeting to discuss the status of old subdivisions that have substandard lots in them. Should lots be combined until they meet the current zoning density requirement.

Karen noted that in old subdivisions the state law allows for the developer or the owner of a subdivision to prove vested rights which basicly means an investment for development of the subdivision would insulate the particular parcel/parcels from zoning changes.

Several questions were asked. A developer can have many expenses during subdivision approval process. Could these expenses be considered vested rights? A person could go through the subdivision process and be denied. This person incurs the same expenses but those would not be considered vested rights. Karen felt this was a good comment.

Paper subdivisions: Those subdivisions that received approval prior to Zoning Regulations that are still not developed would fall under Section 9.05 that states:

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. If the dimensional or area requirements of the district in which the combined parcel is situated are not met development shall be in conformance with the provisions of this ordinance.

If the Planning Board finds that roads have been constructed or other improvements that would prove vested rights then the subdivisions would be insulated from zoning changes.

Karen stated that there is nothing written that clarifies what constitutes vested rights other than somewhere between nothing being done to an approved subdivision other than drawing the subdivision on paper and the installation of roads. Each case is taken on an individual basis.

The board briefly discussed the upcoming Town Meeting and the zoning change requested by the Brookside residents with Karen.

#### VII OLD BUSINESS:

#### 1. Philip Lord

Affidavit was signed for the relocation of the drive entrance.

#### \* Tim Nelson reported that Mr. Curit has removed the structure in Twin Pines.

- \* Discussion regarding old subdivisions and the status. Sharon and Dwayne to review old subdivisions and present a list at a later meeting.
- \* Cindy Allen moved and Roland Denby seconded a motion to approve 4/13/94 minutes as printed. Vote was 4-0-0 in favor.
- \* Judi Carll moved and Jon Gale seconded a motion to approve 4/28/94 minutes as printed. Vote was 4-0-0 in favor.

## VIII ADJOURNMENT:

Meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Dwayne Woodsome Secretary/Treasurer

## PLANNING BOARD

## **Town of Waterboro**

#### WATERBORO PLANNING BOARD REGULAR MEETING MAY 26, 1994

Meeting called to order by Vice Chairman Roland Denby at 7:20 p.m.

I ROLL CALL: Present were Cindy Allen, Jon Gale, Judi Carll and Vice Chairman, Roland Denby.

#### II MINUTES OF PREVIOUS MEETINGS: May 12, 1994

Jon Gale moved and Cindy Allen seconded a motion to approve minutes of 5/12/94. Vote was 4-0-0 in favor.

#### III COMMUNICATION AND BILLS:

- 1. Letter from Corner Post Land Surveying Re: Verification of setting of pins in Douglas Pilon Subdivision.
- 2. 1994 Planning & Zoning Institute Catalog

#### IV REPORT OF OFFICERS:

#### **V** APPOINTMENTS:

7:15 pm Leigh Goren Map 44 Lot A470 R Zone

7:30 pm Terry Horne Map 39 Lot 14 AR Zone

7:45 pm Owen Clark Map 45 Lot 1542 R Zone

#### 7:15 pm Leigh Goren Map 44 Lot A470 R Zone

Mr. Goren would like to construct a home meeting all required setbacks in the Lake Arrowhead Subdivision. This lot falls under the substandard review portion of the Land Use Ordinance.

Cindy Allen moved and Judi Carll seconded a motion to approve Mr. Goren's request as presented meeting all required setbacks under Section 2.08. Vote was 4-0-0 in favor.

#### 7:30 pm Terry Horne Map 39 Lot 14 AR Zone

Mr. Horne is requesting permission to construct two retaining walls approximately 90 ft. from the normal high water mark of Lake Ossipee. Mr. Horne has received DEP Permitby-rule and is on file. Mr. Horne would also like permission to construct a deck on the rear of the cottage and also would like a deck on the front of the cottage within 50 ft. of the normal high water mark. A similar proposal was made by Mr. Horne's parents and the

request was denied by the Board in 1988. Mr. Horne informed the Board that his parents had included the front deck on the original building plans however ran out of money and now would like to add the deck. Also Mr. Horne will be upgrading the road to the cottage.

Jon Gale moved and Cindy Allen seconded a motion to allow the construction of retaining wall and stairs and the rear deck as per plan going no closer to the sideline than the house and allow the front retaining wall as planned and that the Board disallow the construction of the front deck. Vote was 4-0-0 in favor of the motion.

#### 7:45 pm Owen Clark Map 45 Lot 1542 R Zone

Mr. Clark is representing Custom Built Homes of Maine. They are requesting permission to construct a home on a substandard lot in Lake Arrowhead Subdivision. All required setbacks can be met.

Judi Carll moved and Cindy Allen seconded a motion to approve plan of Custom Built Homes of Maine providing all setbacks can be maintained under Section 2.08. Vote was 4-0-0 in favor of the motion.

#### VI NEW BUSINESS:

#### VII OLD BUSINESS:

## 1. Bill Speed Old Mill Grove Subdivision Map 13 Lot 13 F&A Zone

Mr. Speed received Sketch Plan Approval in 1992 for this subdivision. Mr. Speed would is requesting Preliminary Plan Approval with some waiver requests. A Sediment and Erosion Control Plan was placed on file. The section of Thyng's Mill Road that abuts the subdivision is paved.

A few things that need to be addressed:

1. Driveway locations

Mr. Speed would like to have the Board approve a driveway envelope of approximately 150 ft. in width to allow a person some leeway in the placement of a home on these five acre lots. Lot #1 driveway envelope would be smaller due to the proximity of the wetland area and the curve in the road which might affect the site distance.

Hydro study being reviewed by John Tewhey Associates and should be completed by the first of June.

Mr. Speed requested a waiver of the 1'' = 100' to 1'' = 60' and, a waiver of the erosion sedimentation plan for lots 2 and 3.

The Road Review Committee to review the proposed location of the driveway envelopes and get back to the Planning Board with recommendations. Thyng's Mill Road is 3 rods wide.

Jon Gale moved and Cindy Allen seconded a motion to recommend Preliminary Approval of Old Mill Grove subdivision based on a favorable Hydro review, a report from the Road Review Committee on proposed driveway envelopes and a waiver of the 1" = 60' to 1" = 100', and a waiver of the soil and erosion control plan for lots 2 and 3 with the Public Hearing to be held at 7:00 p.m. June 8, 1994, the Road Review Committee to review the placement of the driveways. Vote was 4-0-0 in favor.

Jon Gale moved and Cindy Allen seconded a motion that the driveway entrance for lot 1 be as presented by Paul Lawrence Soil & Erosion Sedimentation Plan. Vote was 4-0-0 in favor.

Setback lines should show 100 ft. from the abandoned right-of-way.

#### **New Arbor Estates**

Bill Speed presented the revised plan for filing and asked the Board if both of the approved locations for the septic envelopes could be used in the future. The previous owner has decided to sell the lot and since both locations went through review it would be nice to have a choice. No motion was necessary since both sites of the septic have been approved through hydro study.

#### Tim McCandless

Mr. McCandless now realizes that he might have to relocate his bulkhead to the rear of the building. Is this something that would be allowed?

Mr. McCandless needs to provide the Code Enforcement Office with pictures to document the foundation footprint. Age of structure needs to be determined.

Cindy Allen moved and Jon Gale seconded a motion to approve the new location of the proposed bulkhead to the rear of the building within 12 ft. of the rear property line provided that the structure was built prior to March 12, 1977, if not the bulkhead cannot be moved. Vote was 4-0-0 in favor.

Town Meeting is Saturday June 4, 1994.

## VIII ADJOURNMENT:

Meeting adjourned at 8:55 p.m.

Respectfully submitted, Dwayne Woodsome Secretary/Treasurer

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# TOWN OF WATERBORO PLANNING BOARD

WATERBORO, MAINE

## REGULAR MEETING WATERBORO PLANNING BOARD JUNE 8, 1994

Meeting was called to order by Chairman, John Roberts at 7:46 p.m.

- I ROLL CALL: Present were Judi Carll, Roland Denby, Dwayne Woodsome, and John Roberts, Chairman.
- II MINUTES OF PREVIOUS MEETINGS: May 26, `1994
- **III COMMUNICATION AND BILLS:**
- IV REPORT OF OFFICERS:
- V APPOINTMENTS:

7:15 P.M. Michael Libby

Map 36 Lots 31 AR Zone

Mr. & Mrs Libby were present and are requesting permission to remove two cottages from three lots in on Hanscom Ridge Extension on Lake Ossipee and replace them with one year round home. A DEP permit would not be required if a 25 ft. buffer strip plus the required slope could be maintained. The construction project would be approximately 50 ft. from the normal high water mark of the lake. The Board members calculated the square footage in the existing cottages as 1488 square feet. State Shoreland Zoning 30% rule would allow 1,934 square foot structure. The proposed new building would be 2,376 square feet. The Libby's were informed that the Planning Board did not have the authority to grant over 30% expansion. If they chose to continue they would have to request a variance through the Zoning Board of Appeals and in turn the application for the variance would be forwarded to the State or they would need to present a new structure that would not exceed the 2,376 square feet. The dimensions might be different if measurements were not accurate however Mr. Libby felt that his calculations were fairly accurate and would not make up the difference of 440 sq. ft. which was the amount the new structure exceeded the 30 % expansion rule.

This project has been a dream for the Libby's and they would like to try for the variance.

Dwayne Woodsome moved and Judi Carll seconded a motion to deny the request as presented of Michael and Mary Libby, Map 36 Lot 31 under the Mandatory Shoreland Zoning Act due to exceeding 30% expansion by over 400 square foot. Vote was 3-0-0 in favor.

A Zoning Board of Appeals application was given to the Libby's and the process explained by clerk.

#### VII OLD BUSINESS:

### **Old Mill Grove Subdivision**

Dwayne G. Morin had spoken with Bill Speed and made the following suggestions:

- 1. Adding or changing Note 13 so that the driveway on Lot #1 is specified to the location depicted on the plan,
- 2. Does the Board wish to have a greenbelt?
- 3. The Road Review Committee has not submitted its recommendation and as of the Public Hearing the Planning Board is requesting review of the possible erosion into the ditches on Thyngs Mill Road and ask for suggestions for the next Board meeting,
- 4. Intermittent Stream (drain way) on the plan should be amended to e consistent with Paul Lawrenc's report: <u>add</u> Intermittent Drain way to Legend.
- 5. Darken culverts under Thyngs Mill Road and add the size.

Bill Speed noted he has measured the culverts and find them to be 12 inch diameter.

The Planning Board felt they should wait for the recommendations from the Road Review Committee before rendering a decision on the greenbelt.

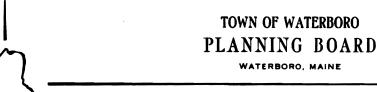
#### **Minutes of Previous Meeting:**

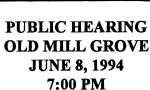
Roland Denby moved and Judi Carll seconded a motion to approve minutes of May 26, 1994. Vote was 3-0-0 in favor.

#### VIII ADJOURNMENT:

Meeting was adjourned at 8:38 p.m.

Respectfully submitted, Dwayne Woodsome Secretary/Treasurer





The Public Hearing was called to order by Chairman, John Roberts at 7:07 p.m. Present from the Planning Board were Judi Carll, Roland Denby, Dwayne Woodsome and John Roberts. Approximately ten people from neighboring property were also in attendance.

The developer, Kurt Butterfield and Real Estate Agent, Bill Speed were introduced. John Roberts asked if they would like to address those present. Neither expressed interest. John Roberts then asked those present if they had any questions regarding the four lot subdivision located off the Thyngs Mill Road. One lot has already been sold and timber has been cut off the lot. Mr. Pillsbury expressed his concern with the amount of run off that he receives from the Thyngs Mill Road now and the potential increase in run off once the lots are opened up and houses constructed.

Dwayne Woodsome noted that the road is tarred however does not have much base. A plow or heavy vehicle have got stuck due to the poor road conditions. Erosion could be a problem. Dwayne believes that there are only 12 inch culverts currently under the road. Collective run off should be considered.

It was asked when houses would be built? Mr. Butterfield told those present that he was the developer only and would not be constructing any homes.

It was asked what the arched line on the plans denoted. Bill Speed informed those present that the wells would be located beyond this area.

Mrs. Sugden arrived late and asked about construction. How soon it would start? She was told that Mr. Butterfield was only the developer. She also asked if there were any building restrictions. Mr. Butterfield noted there would be a deed restriction for mobile homes.

Would a greenbelt help minimize the run off problem? The Road Review Committee might be able to suggest a solution? Mr. Butterfield asked if there were certain standards that were used in determining a solution? The Town's engineer might be needed to review the area at the developer's expense. Kurt Butterfield asked what length of time he would be dealing with for the Road Review Recommendation. Dwayne Woodsome thought about two weeks.

John Roberts informed Mr. Butterfield that Article III, Section D. the Board will consider that the subdivision will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result. It the Road Review Committee could come up with a solution before consulting an engineer then possibly the Board would not need to contact an engineer.

The Board members had questions regarding the placement of the drive entrances for lots 2 and 3. Sharon informed those members who were not at the last meeting that Mr. Speed had asked if the driveway envelopes could be reviewed by the Road Review Committee instead of a specific placement. Since many times the person building the home has different plans and ideas for location of homes than the developer. The Road Review Committee Chairman is in receipt of the plans and instructions for review by the Planning Board.

Sharon would forward information to the Road Review Committee for their prompt review.

It was also noted that Mr. Butterfield has an option on the property directly across from this proposed subdivision. Dwayne Woodsome mentioned that a detention pond might be a possible solution.

Since no one had further questions John Roberts closed the hearing at 7:42 p.m.

Respectfully submitted,

Dwayne Woodsome Secretary/Treasurer

## **PLANNING BOARD**

## Town of Waterboro

#### **REGULAR MEETING WATERBORO PLANNING BOARD JULY 13, 1994**

#### MEETING CALLED TO ORDER BY CHAIRMAN, JOHN ROBERTS AT 7:38 PM

- I ROLLCALL: Present were Roland Denby, Cindy Allen, Judi Carll and John Roberts, Chairman.
- II MINUTES OF PREVIOUS MEETINGS: June 8, 1994
- **III COMMUNICATION AND BILLS:** 
  - 1. Letter from John Tewhey Re: Old Mill Grove Subdivision
  - 2. RTAC Newsletter
- IV REPORT OF OFFICERS:
- V APPOINTMENTS:
- 7:00 P.M. Champion Construction/William Doherty Map 35 Lot 17 AR Zone
- 7:15 P.M. Michael Libby Map 36 Lot 31 AR Zone
- 7:30 P.M. Mr. & Mrs. Fredericks Map 33 Lot 37 AR Zone
- 7:45 P.M. J. Bernier Construction Map 43 Lot 823 R Zone

## 7:00 P.M. Champion Construction/William Doherty Map 35 Lot 17 AR Zone

Mr. Charette owner of Champion Construction was representing Mr. Doherty. Mr. Doherty would like permission to place a foundation under existing cottage. The status of a septic system is unknown. The footprint of the building would not change. The Board informed Mr. Charette that the elevation of the cottage could not be raised more than 36 inches. Mr. Charette has completed another project like this and is aware of the rule. The existing structure is on sonar tubes. Dwayne Morin suggested strict erosion control methods should be used since the cottage is only 15 ft. from the normal high water mark of Ossipee Lake. To place a foundation under a cottage is classified as a conversion and a new septic system should be installed unless the status of the existing system is determined by a site evaluator to meet todays plumbing codes.

Roland Denby moved and Cindy Allen seconded a motion to approve the request contingent on a new septic design for the septic system and that strict erosion control methods be utilized during the construction process under Section 7.01, 2B., 1B., #18. Seasonal Conversion. Vote was 3-0-0 in favor.

## 7:15 P.M. Michael Libby Map 36 Lot 31 AR Zone

The Libby's are back before the Board. At the June 8, 1994 meeting the Board determined that the new structure planned to replace the existing two cottages on the property exceeded the 30% Rule and denied the Libby's Request. The Libby's have decided that they can cut decks and whatever portion of the structure necessary to meet the 30% Rule. The dimension of the main portion of the building minus the decks and porch would meet the criteria with the total square footage of the new building not to exceed 1,758 sq. ft.

Roland Denby moved and Cindy Allen seconded a motion to approve plan minus decks and porch as noted above with new location and 30% expansion included in the new proposal with dimensions not to exceed 1,758 sq. ft. under Section 7.01, 2. B., 1. A., #15A Shoreland Land Use Chart. Vote was 3-0-0 in favor.

### 7:30 P.M. Mr. & Mrs. Fredericks Map 33 Lot 37 AR Zone

The Fredericks are requesting permission to add a breezeway, deck and a two car garage with living space above the garage. On the new septic design is notes a studio apartment. The Fredericks were told that an apartment would not be allowed. The Fredericks informed the Board that they would be deleting a bedroom in the existing house and placing a master bedroom and bathroom above the garage. It was noted that a new septic design would be required with corrected information. The septic system has a variance and will need to be reviewed by the state since the variance needed exceeds the Local Plumbing Inspectors authority.

Roland Denby moved and Cindy Allen seconded a motion to approve the request meeting the minimum 10 ft. setback as indicated under Section 2.08 for the breezeway, garage and with a bedroom and bath above the garage and a 18' x 24' deck. Vote was 3-0-0 in favor.

### 7:45 P.M. J. Bernier Construction Map 43 Lot 823 R Zone

Mr. Bernier is proposing a 26' x 36' house. These dimensions do not include eaves or steps. The board members asked if 34 ft. sideline setbacks would be sufficient Mr. Bernier agreed the house could be constructed meeting those setbacks.

Roland Denby moved and Judi Carll seconded a motion to approve 34 ft. sideline setbacks for this lot all other setbacks to be maintained under Section 2.08, and 3.03. Vote was 3-0-0 in favor.

#### VI **NEW BUSINESS:**

#### VII **OLD BUSINESS**:

#### 1. Fred & Jean O'Clair Subdivision

Those present were informed that the Planning Board could not grant further approval of the two lots for subdivision until the trailers comply with the required setbacks by either relocating them on the property or removing them from the property. Once this has been done the Board could review the subdivision for approval. Jean O'Clair's name needs to be removed from the plan since she is deceased.

As soon as the lots comply contact the Planning Office and they will be placed on the next available Planning Board Meeting.

#### 2. Old Mill Grove Subdivision

The review of the Hydrostudy is complete. Dwayne Morin will be in touch with John Tewhey and Mr. Speed to confer on the suggested relocation of the septic systems.

#### <u>Minutes</u>

Roland Denby moved and Judi Carll seconded a motion to accept the minutes of June 8, 1994. Vote was 3-0-0 in favor.

VIII ADJOURNMENT: Meeting adjourned at 8:53 P.M.

Respectfully submitted, Owege wooden

Dwayne Woodsome

Secretary/Treasurer

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## **Town of Waterboro**

## **REGULAR MEETING WATERBORO PLANNING BOARD AUGUST 10, 1994**

Meeting called to order by Chairman, John Roberts at 7:15 P.M.

- I ROLL CALL: Present were Judi Carll, Cindy Allen, Roland Denby, Dwayne Woodsome, Lawrence Jacobsen and John Roberts.
- II MINUTES OF PREVIOUS MEETINGS: July 13, 1994

#### **III COMMUNICATION AND BILLS:**

- 1. Letter from John Tewhey Assoc. Re: Old Mill Grove Subdivision
- 2. RTAC Newsletter
- 3. Minutes from Zoning Board of Appeals
- 4. Notice of Intent to File an Application from SRCC
- 5. Letter from R. W. Gillespie & Assoc., Inc. Re: Old Mill Grove Subdivision
- 6. Copies of Communication for rescheduling appointments from July 28th meeting
- 7. Thank you note from the Foglio Family

## IV REPORT OF OFFICERS:

#### **V** APPOINTMENTS:

- 7:00 P.M. ESTHER WIGGINS. MAP 30 LOT 11 AR ZONE
- 7:15 P.M. JIM PEVERILL MAP 29 LOT 22 AR ZONE
- 7:20 P.M. PRISCILLA WAITE MAP 11 LOT 61 AR ZONE
- 7:30 P.M. THE MILK ROOM MAP 19 LOT 42 V ZONE
- 7:45 P.M. WILLIAM RAWSON MAP 38 LOT 37 AR ZONE
- 8:00 P.M. ROLAND ST. PIERRE MAP 45 LOT 1608 R ZONE
- 8:15 P.M. BOB RYDER MAP 46 LOT 2085 & MAP 44 LOT A396 R ZONE
- 8:30 P.M. SUMMER PLACE CONSTRUCTION MAP 42 LOT A48 R ZONE

#### 7:00 p.m. Esther Wiggins Map 30 Lot 16 AR Zone

Mrs. Wiggins is requesting permission to repair/replace a retaining wall that has been deteriorating over the years. She has made application to DEP. As you know since retaining walls have been treated as a structure and due to the slope of the property the Planning Board needs to review this application. Mrs. Wiggins property abuts the beach area on Route 5 used by Blackburn's Campground. Mrs. Wiggins home is across the road however would like to stop the erosion that seems to worsen each year. DEP called two weeks ago and asked Mrs. Wiggins to do as little as possible, not to tear up banking (lawn area) and to leave trees and brush since they would be more effective than riprap. Person Mrs. Wiggins spoke with was Avery Kamilla.

Roland Denby moved and Cindy Allen seconded a motion to approve as per DEP Permitby-Rule. Vote was 3-0-0 in favor.

## 7:10 p.m. James Peverill Map 29 Lot 22 AR Zone

Mr. Peverill was before the Board a short time ago to place a deck on an existing cottage. He now finds the need to receive approval to work on a ditch that extends from Townhouse Road to the waters edge. The area they want to work on is from the lake and back about 40 feet. The work they would like to do is to remove a pile of debris that has accumulated over the years by the previous owner. The second portion of the project would be to lay about 2 feet of 1 1/2" to 2" stone in the ditch followed by a larger of pea stone, a layer of fabric and capped off with top soil. The ditch is dry about 10 months out of the year and only flows early in the Spring.

Mr. Peverill has forwarded pictures to assist the Board in rendering a decision.

Dwayne Woodsome was concerned that the proposed size of the rock and the process proposed would not hold. Mr. Peverill did not have a problem using larger stone. Request to be forwarded to the Road Review Committee for recommendation. Dwayne Woodsome felt that the Board should wait for DEP approval before voting or rendering a decision. Mr. Peverill would be notified and placed under Old Business at the next meeting.

#### 7:25 p.m. Priscilla Waite Map 11 Lot 61 AR Zone

Mrs. Waite is requesting permission to tear an existing, freestanding deck that currently sits 15 ft. from the normal high water mark of Lone Pond and measures 13' x 20' and in its place add an 8' x 32' deck on the front of the cottage which would be approximately 31 ft. from the normal high water mark. In September of 1989 Mr. Waite went before the Planning Board and the Zoning Board of Appeals to request permission to leave a deck that he had constructed without building permits. Mr. Waite was granted a permit to construct a deck to the side of the cottage. We have pictures on file that indicate a platform deck as indicated on the plot plan that has been submitted with the application. The Waite's have also placed a foundation under the existing cottage with the Planning Board's approval. Since the structure falls within 100 ft. of the normal high water mark the project falls under the 30 % Rule of expansion.

Discussion regarding the existing deck, wouldn't the deck be the closest point to the water. Approval could be no closer to the water than the deck? Also the Waite's were denied by the Zoning Board of Appeals on the same request. Dwayne Morin noted that the deck and the cottage are treated as separate structures. Possibly an opinion from DEP would help the Board in rendering a decision. Judi Carll felt that the Planning Board could approve the proposal pending DEP approval. Dwayne Morin noted to those present

that if DEP disagrees with the Planning Board they can have the person move the structure and assess fines to the individual as well as the Town.

Cindy Allen moved and Judi Carll seconded a motion to request a written opinion from DEP prior to the Board acting on the request. Vote was 4-0-0 in favor.

Judi Carll moved and Dwayne Woodsome seconded a motion to approve the request to construct an 8' x 32' deck on basement level of cottage and remove the existing deck by the water this would be a 5.7% expansion, upon receipt of DEP approval. Vote was 3-0-1 in favor.

## 7:35 p.m. The Milk Room Map 19 Lot 42 Village Zone

The Pelletier's have a contract on this property. The proposal is to remove the existing house and secondary structure on the property and replace it with a gas station. The existing single family dwelling is an allowed use and they wish to exchange the allowed use with a conditionally allowed use of a gas station. This parcel abuts the Milk Room Property on the rear boundary. The plans indicate two islands with a 48' x 24' canopy. One 10,000 gallon tank and one 8,000 gallon tank are proposed. The proposed location appears to be within the foundation area of the existing structure. It has been customary practice for the Board to hold a Public Hearing prior to rendering a decision.

Dwayne Morin explained the history of the lot prior to the Pelletier's taking over the property regarding a previous request to place a gasoline station on an adjacent lot. Drainage and the potential for contamination were strong reasons for concern. The Pelletier's have a sales agreement on this lot contingent upon approval from the Town. The Pelletier's intend to place a 12,000 gallon double wall tank with a monitor in between the walls with an alarm system. The Board noted their previous concern with spillage since the underground drainage feeds directly into Hamilton Brook. Request to be forwarded to the Road Review Committee for recommendation. The Board reviewed Mr. Owens request and noted three concerns:

- 1) Grading of parking lot to a central catch basin to a oil and water separator,
- 2) DEP specifications would be met,
- 3) Entrance and Exit

Mr. Pelletier noted that if approved the Main Entrance into the Building would be relocated to the center of the building hopefully redirecting the traffic flow away from Route 202/4. Dwayne Morin recommended that the Board hold a Public Hearing.

Dwayne Woodsome explained to those present that a rumor was abound stating that the Pelletiers would breeze through the Planning Board since a member of the Board was purchasing the structure and relocating it. Dwayne Woodsome asked if the rumor was true that the Board member not have anything to say or vote on this request. Mr. Pelletier

stated that he had not made any arrangements with anyone and that the only person who had made direct contact with him about the structure was Douglas Foglio.

Cindy Allen moved and Roland Denby seconded a motion to hold a Public Hearing at 7:30 P.M. on August 25, 1994. Vote was 4-0-0 in favor.

## 7:45 p.m. William Rawson Map 38 Lot 37 AR Zone

Mr. Rawson is requesting permission to enlarge an existing deck. The property is located on Lake Ossipee. Mr. Rawson remodeled this cottage in May of 1989 and he also received permission from the Board to construct a retaining wall at the rear of the cottage in October of 1989. The Board reviewed a request to replace a deck adding an additional 10 ft. in August of 1989 and the Board allowed the alterations to the cottage excluding the additional dimension increases on the deck. The cottage to remain seasonal summer cottage not to be winterized. Mr. Rawson is requesting permission to add a 16' x 6'9" addition to the existing deck. The addition does fall under the 30% Rule. The proposed location would go no closer to the normal high water mark than the existing cottage.

Discussion regarding the history of the lot. Reason for previous denial questioned. Also questioned the reconstruction of the cottage when previous permission allowed a new roof. Addition of the deck, it was not clear why the board had not granted permission previously. A distance of 20 ft. between buildings can be met going no closer to the water or property lines. This would be a 7.6% expansion.

Cindy Allen moved and Judi Carll seconded a motion to allow construction of deck under Article 7, section 2. B. 1. A. structure to go no closer to the normal high water mark and not extend further then side wall of storage area and no closer than 10 ft. to side property line. Deck approved dimensions were 6' 9" x 16'. Vote was 3-0-1 in favor.

## 7:30 p.m. Roland St. Pierre Map 45 Lot 1608 R Zone

Mr. St. Pierre is requesting permission to construct a home on this lot in Lake Arrowhead Estates. The plot plan presented indicates a front setback of 70 ft., 35 ft. sideline setbacks however would like to utilize a 34 ft. rear setback. The house proposed is a 24' x 34' with an 8' deck on the front of the home, steps to the side and a bulkhead to the rear. Saco River Corridor Commission has approved the location. There is a greenbelt to the rear and side property lines.

Roland Denby moved and Cindy Allen seconded a motion to allow a 34 ft. setback from the sideline abutting 1607, 32 ft. setback from the rear property line and 34 ft. setback from lot 1609 under Section 2.08 and 4.02. Vote was 4-0-0 in favor.

## 8:20 p.m. Robert Ryder Map 46 Lot 2085 R Zone

Bob Ryder is requesting permission to construct a 24' x 32' home on this lot meeting all required setbacks. Since this is a substandard lot it requires Planning Board Approval prior to issuance of a Building Permit.

Cindy Allen moved and Judi Carll seconded a motion to approve request under section 2.08. Vote was 4-0-0 in favor.

### Map 44 Lot A396 R Zone

Bob Ryder is requesting permission to construct a 24' x 32' home on this lot meeting all required setbacks. Again since this is a substandard lot it requires Planning Board Approval prior to issuance of a Building Permit.

Cindy Allen moved and Roland Denby moved to approve under Section 2.08. Vote was 4-0-0 in favor.

## 8:45 p.m. Map 42 Lot A-48 R Zone Summer Place Construction

Tony Grant and Cliff Sawyer are requesting permission to construct 24' x 34' cape meeting all required setbacks. Since this is a substandard lot it requires Planning Board Approval prior to issuance of a Building Permit.

Dwayne Woodsome moved and Cindy Allen seconded a motion to approve request under Section 2.08. Vote was 4-0-0 in favor.

#### VI NEW BUSINESS:

#### VII OLD BUSINESS:

#### Lance Roy Map 45 Lot 1617 R Zone

Lance has requested an extension or a renewal of a previously issued Conditional Use Permit to allow construction of a house on this lot. Mr. Roy has asked for renewal previously it seems that his customers are backing out after approval is received.

Cindy Allen moved and Judi Carll seconded a motion to approve renewal of the Conditional Use Permit with an additional \$50.00 fee to be assessed. Vote was 4-0-0 in favor.

## Laskey's Automobile Graveyard

Dwayne Morin informed the Board that Danny Laskey has applied for a junkyard permit from the Board of Selectmen. Board of Selectmen would like a recommendation from the Planning Board.

Judi Carll moved and Cindy Allen seconded a motion to forward a letter stating the Board believes that the Laskey operation is grandfathered. Vote was 4-0-0 in favor.

Dwayne Morin requested permission to order copies of the updates for Zoning Ordinance. Cindy Allen moved and Roland Denby seconded a motion to grant Dwayne Morin permission to go to Bob Welch for copies of Zoning Ordinance for four sections not to exceed \$500.00, funds from the State Grant Funds. Vote was 4-0-0 in favor.

Dwayne Woodsome moved to send notices of the Public Hearing for the Milk Room to all Businesses requesting placement in their place of business, also that the Hazardous Waste Committee, Fire Department and Road Review Committee be notified.

### VIII ADJOURNMENT:

Meeting adjourned at 9:08 P.M.

Respectfully submitted,

Dwayne Woodsome Secretary/Treasurer

6

## Town of Waterboro

## **REGULAR MEETING WATERBORO PLANNING BOARD AUGUST 25, 1994**

Meeting called to order by Chairman, John Roberts at 7:06 p.m.

- I ROLL CALL: Present were Roland Denby, Everett Whitten, Cindy Allen, Judi Carll, Dwayne Woodsome, Lawrence Jacobsen and Chairman John Roberts.
- II MINUTES OF PREVIOUS MEETINGS: July 13, 1994 and August 10, 1994

### **III COMMUNICATION AND BILLS:**

- 1. Letter from DEP Re: Waite Request to Move Deck
- 2. Letter from Smith & Elliott Re: Milk Room Request
- 3. Letter from Road Review Committee Re: Site Reviews

## IV REPORT OF OFFICERS:

#### **V** APPOINTMENTS:

7:00 P.M.	THOMAS BULLARD	MAP 1 LOT 1 & 1A	AR ZONE

7:15 P.M. GERALD PETERS MAP 43 LOT 799 R ZONE

7:30 P.M. PUBLIC HEARING

MILK ROOM MAP 19 LOT 42 VILLAGE ZONE

#### 7:00 P.M. THOMAS BULLARD MAP 1 LOT 1 & 1A AR ZONE

Mr. Bullard is requesting a Conditional Use Permit for a Private Airplane Runway Strip. The Zoning Ordinance was amended in 1993 to include this type of use. This parcel of land is located across from the Waterboro - Veterinary Clinic and is approximately 36 acres in size by tax records. The strip would be approximately 240 ft. from Route 202 at its closest point and would measure 100 ft. in width and 1,200 ft. in length. A survey has been presented by Mr. Bullard.

Mr. Bullard informed the Board members that he is currently a student pilot. The air strip would be limited to smaller planes. He is not going to store fuel on site. The property is near the Lyman Town line however does not abut the property.

Dwayne Morin recommended a Public Hearing due to the close proximity of the State Police Barracks and since this is the first request for this type use. Members asked if there were Federal Aviation Regulations for this project. Mr. Bullard did not know but stated he would comply with all required regulations.

Roland Denby moved and Cindy Allen seconded a motion to hold a Public Hearing on September 14, 1994 at 7:00 P.M. Vote was 5-0-0 in favor.

Board requested from Mr. Bullard tentative landing patterns for the Public Hearing. Dwayne Morin will contact F.A.A. and will also notify the State Police.

#### 7:15 P.M. GERALD PETERS MAP 43 LOT 799 R ZONE

Mr. Peters is proposing construction of a 24' x 28' single story garage and in the near future would like to connect the garage to the house with a deck leading to a breezeway. Mr. Peters plans on building the garage first and within one year would like to continue with the remainder of the project. Would he have to come back before the Board?

A Building Permit is good for two years. If Mr. Peters finds that the project will exceed the time limit then he could renew the Building Permit prior to its expiration date without coming back before the Board for further approval.

Mr. Peters was asked if the structure including the eaves would meet the required setbacks? Mr. Peters informed the Board that Mr. Nelson has been to the lot and everything seems fine. Board stressed the importance of meeting the setback requirements. Mr. Peters decided that he would request permission for the garage with a deck attaching the breezeway and the garage.

Board questioned the status of the septic system in relation to the new structures. Tim Nelson will review as well as Steve Foglio prior to issuance of permits.

Judi Carll moved and Roland Denby seconded a motion to approve the request provided that all setbacks can be maintained. Vote was 5-0-1 in favor.

Roland Denby moved and Cindy Allen seconded a motion to approve 7/13/94 minutes with the following changes: Under Milk Room and James Peverill should read to be forwarded to the Road Review Committee for a recommendation. Vote was 5-0-1 in favor.

Discussion followed informing members that the changes made to July 13, 1994 minutes should have been to the 8/10/94 minutes.

Roland Denby moved and Cindy Allen seconded a motion to amend the previous motion to read August 10, 1994. Vote was 6-0-0 in favor.

Cindy Allen moved and Roland Denby seconded a motion to approve 7-13-94 minutes as written. Vote was 3-0-3 in favor.

#### 7:30 P.M. PUBLIC HEARING MILK ROOM MAP 19 LOT 42 V ZONE

Prior to the start of the hearing, Dwayne Morin informed the Board that the Pelletiers had been informed of the legal opinion regarding the Conditional Use Request and have copies of all communication from the attorneys and are planning to request a variance from the Zoning Board of Appeals. Doug Foglio was present and asked why the Public Hearing wasn't canceled. It was explained that the Board did not know until Monday August 22, 1994 and felt that the project could still be reviewed. If the variance is granted the Pelletiers could then come back under Old Business and this would be in the best interest of time.

The Board members moved to the main hall within the office complex for the Public Hearing. The Milk Room request will be reviewed directly after the close of the Public Hearing to save Mr. Pelletier from climbing two flights of stairs

## Town of Waterboro

PUBLIC HEARING THE MILK ROOM AUGUST 25, 1994 7:30 P.M.

Hearing called to order by Chairman, John Roberts. There were seven Planning Board Members present and approximately 60 area residents.

John Roberts opened the hearing at 7:40 p.m. and explained to those present that a legal opinion regarding the Conditional Use Request stated that the Board did not have authority to grant the request. The Milk Room would need to seek a variance.

Mr. Winslow wanted to know why the meeting was not canceled since the date on the letter was August 15, 1994. Dwayne Morin stated that the letter was faxed to him on Monday, August 22, 1994 at 2:43 p.m. The copy of the letter that Mr. Winslow had was from the copy of the letter forwarded by mail, which was received on Tuesday, August 23, 1994.

Mr. Winslow also asked who initiated the letter to the attorney? Noted that Dwayne Morin has contacted the attorney on the Planning Board's behalf.

Discussion followed regarding the length of time it took for a response from the attorney.

#### Comments requested:

Tim Goodrich: Mr. Goodrich believed that Mr. Pelletier would be okay because he would not be placing a structure on the property. He believed that gas pumps was not a structure.

John Roberts read Paragraph #3 of Attorney's letter dated August 15, 1994 as follows:

The fact that Mr. Pelletier proposes to merge the optioned lot with the lot currently containing the Milk Room structure does not solve his problem because S9.01 prohibits an existing non-conforming structure from being converted to a new use or structure which will also be non-conforming. The Milk Room is a Retail & Service Store II, which is permitted in the Village zone. The sale of gasoline is allowed in the Village Zone as a conditional use. The existing and proposed uses are consequently not non-conforming uses, although the lots are substandard. By adding gas pumps, however, the use of the Milk Room structure is being expanded. That expansion is prohibited under S9.02 of the ordinance "unless such nonconformity is minor and meets all requirements for the issuance of a variance.

Lori Gilman stated the house would be gone.

Mr. Goodrich asked if he would have the right to tear it down and place something else there? Just because something says it, makes it a difficult situation, this seems a bit narrow minded.

It was explained that the ordinance was voted in March 1977 and the Planning Board must go by the peoples wishes.

Art Gilman: Asked why wait so long before informing the Pelletiers?

Mr. Philbrick: Thought the Public Hearing was to sway the decision of the Board.

Deb Miles: Asked if those present would show who was for the proposed use and who against? All those in favor of gas station? Brenda Charland noted that she was here for information and not to vote. No vote taken.

Brenda Charland: Asked if the lot was substandard and by how much? Was the Zoning Board of Appeals governed by a certain percentage when granting a variance. Dwayne Morin noted that a guideline of 15% was used but it was not set in stone.

Chuck Thornton: Asked if Mr. Pelletier did not merge the lot with the present lot then the request would be reviewed as a change in use. Wouldn't this require Planning Board approval not Zoning Board of Appeals?

It was explained that Mr. Owen had requested this and the legal determination was that a non-conforming lot with a non-conforming structure could not be replaced with another non-conforming use and structure.

A change of use is reviewed by the Planning Board and if approved by the Zoning Board of Appeals or allowed by zoning the Board would need to act on a request. As the application from the Milk Room is proposed the Board would be able to condition the use.

Lori Gilman asked if Mr. Pelletier did not propose the merger would it make a difference? If changes were made to the road it would be an improvement.

Tim Goodrich: Is the Public Hearing going to be of use or benefit to the Town. Felt that the finished project should be the issue. Stated we have not had to depend on other towns to provide services. In his opinion it would be a major benefit to the Town to allow the proposed use. This is a minor change they are not asking to level an entire block of town. The big picture once finished could be granted without a lot of hassle.

John Robert noted that the Board was not in disagreement with those present. Right now the Planning Board has to follow the Zoning Ordinance and changes cannot be made at this meeting.

Douglas Foglio: If this has to go to the Zoning Board of Appeals the Public Hearing is held then a denial of either the Code Enforcement Officer, the Planning Board or the Board of Selectmen must be made in order to proceed through the proper channel. The Board needs to take action on the request under the section which pertains and then forward the party to the Zoning Board of Appeals.

After the hearing the Board will act on the request. In order to go to the Zoning Board of Appeals the appellant must be sent by someone. Doug Foglio asked if this was correct? Informed that his synopsis was correct.

Deb Miles stated she thought this was a good idea for gas station as long as safe standards were used during installation.

Lori Gilman asked how long the process would be from here? Board answered that the ordinance allows 30 to 60 days to act on the request. The Zoning Board of Appeals has been acting within 2-4 weeks.

Board asked how they felt about the project. Cindy Allen stated that personal feelings have to take a back seat to the legalities, no matter what, history cannot be disregarded.

Tonight the Planning Board's hands are tied. The Pelletiers haze been very accommodating. They have said they would meet the Board's requests. If this were to go through the Board of Appeals John Roberts stated he would not have a problem reviewing the request.

Lawrence Jacobsen stated that if the Board did not uphold the legal recommendation the Pelletiers could spend the money for the project, and if challenged, the Pelletiers could have wasted money. Basically this relates back to the 1988 court case.

David Benton had been informed that the previous applicant was denied for other reasons other than those previously stated.

Other than the zoning issues have the Pelletiers met other requirements from the Board? John Roberts stated again the Pelletiers have been extremely cooperative.

It was asked if this project were resubmitted as a separate entity would this be viewed as a change of use? The court case was forthcoming from a like proposal. The Board cannot deny an applicant because of an individual.

Only the Board of Appeals can act on a request for an expansion of a non-conforming use on a non-conforming lot.

Judi Carll asked of those present, if anyone saw anything on the plan that might be a concern that the Planning Board might have missed.

Millard Genthner was concerned with the opening on Pearl Street since it appears to be very close to the corner. Possibly one way traffic only.

It was noted that the Road Review Committee had completed an on site inspection and the following was suggested as adjustments to their plans:

- \*The Milk Room must meet the 50' setback from the intersection
- \*The corner of Pearl Street and Goodwins Mill Road must have a radius
- \*No parking signs be placed on both Pearl Street and Goodwins Mill Road
- \*The driveway opening on Goodwins Mills Road comply with the 50' setback and be nor more than 40' to 50' in its opening
- \*Questions were raised regarding the entrance/exit onto Pearl Street. This should be reviewed.

Dale Witman was present and is Chairman of the Board of Appeals. He asked without seeing the plan if setbacks could be maintained for the gas pumps. Yes they would.

If the building were to be purchased by someone else and the building torn down would building permits be allowed. Doug Foglio stated that a lot under 10,000 sq. ft. would go before the state to get approval. This would be for a residence only. Other uses Doug did not know.

Planning Board will take steps necessary to insure public safety. The Board has the right to refuse is public safety becomes an issue. The property in question drains directly into the stream which could endanger public safety therefore the Board has asked in the past and currently for installation of a oil and water separator.

The issue of the oil and water separator was never ruled on by superior court since the lot size took precedence over other steps taken by the Board in 1989.

Dwayne Woodsome noted that the under drain runs directly to the brook. Proper drainage would take care of most of the problem.

Chuck Thornton: Made recommendation that the Board deny the request and forward the Pelletiers to the Zoning Board of Appeals.

Hearing adjourned at 8:28 p.m.

Regular Meeting re-convened at 8:30 p.m. by Chairman, John Roberts.

Roland Denby moved and Cindy Allen seconded a motion to deny the request of Mr. Pelletier of the Milk Room under section 2.08, 9.01 and 9.02 as per attorney's recommendation. Vote was 6-0-0 in favor

Cindy Allen moved and Roland Denby seconded a motion that if the Pelletier's are successful with the Zoning Board of Appeals that they be allowed to fall under Old Business at the next available meeting. Vote was 6-0-0 in favor.

The Pelletiers asked if the Zoning Board of Appeals meet downstairs. Dwayne Morin would request the hearing be held downstairs.

#### VI NEW BUSINESS:

1. Election of Officers

### VII OLD BUSINESS:

1. James Peverill Map 29 Lot 22 AR Zone

The Road Review Committee made the following recommendations:

- \*Owner request work be conditional to the work which the Road Commission will complete on the adjoining culvert and ditch
- \*Said Owner lay support filter fabric under the rip rap
- \*The rip rap be 6" 8" rock
- \*The work be inspected by the Road Review Committee upon completion
- \*Doug Foglio and Glenn Bean will meet with the Selectmen for fund disbursement and allocation.

Doug Foglio spoke on behalf of the Road Review Committee and they would like to place a new culvert across East Shore Road and rip rap 120 ft. from the East Shore Road along the property of Mr. Peverill bordering Townhouse Road. Doug believed this would stop water running under Mr. Peverill's garage. Mr. Peverill asked if the ditch that goes through the property could be relocated?

If the Planning Board approved your request and you gave the town the right to rip rap 120 ft. they would set a larger culvert. Eventually the Webber Road would be built up.

Mrs. Peverill asked why a culvert couldn't be placed across Townhouse Road so the water could drain towards the gravel pit instead of the lake. Dwayne Woodsome said the Town had no right to place a culvert across a state road.

Mrs. Peverill also noted that during the spring the area by the blue cottage had been reditched without permission of the owner. Mr. Foglio noted they were only cleaned out. Mr. Peverill had contacted the previous owner and had been informed that nothing had been done and in 40 years the area has never washed out.

Mr. Peverill would like to know what he would be allowed to do. Forty feet from the water back is all he would like to repair. From that point there are maple saplings, a pile of debris, logs and pine needles. Mr. Peverill has no problem keeping the drainage there but would like to be able to make the ditch safe.

The Peverill's also felt that the ditching along East Shore Road has added to the runoff that seems to be in question. Doug Foglio stated that he had worked for the town for many years and about 3 years ago the town had maintained the existing ditch. The Peverill's noted they had purchased the property last August. Doug noted that during the spring the heavy rains created a flash flood effect.

Doug Foglio also noted that the Selectmen had been asked if the Road Commissioner could transfer money to be able to stone rip rap 120 ft. of ditch. The Peverill's asked what can be done at the end of the ditch at the waters edge to cap off the ditch? Dwayne Woodsome noted possibly a culvert might be used. Asked what size culvert under East Shore Road. Doug believed a 3 ft. culvert. Doug further explained that with static pressure the need for a 4 ft. culvert might be necessary.

Mr. Peverill still not sure what he can do with the ditch problem. There is approximately 16 to 18 ft. drop in elevation from Townhouse Road to the waters edge. At the waters edge the ditch is only 1 ft. deep and as it goes away from the water it gets steeper. It was suggested that Mr. Peverill contact DEP to see what could be done. Dwayne Morin will give Mr. Peverill the telephone number and will also give them a call to see if they can do a site walk. No on site inspection has been done by the Planning Board. On Site to be completed on Wednesday night at 5:30 p.m. August 31st.

Dwayne Woodsome moved and Roland seconded a motion to allow Mr. Peverill to come back before the Board under Old Business> Vote was 6-0-0 in favor.

#### 2. Old Mill Grove Subdivision

Road Review Committee looked at the lot and recommended the following:

Request from the developer for driveway envelopes be approved under the following conditions:

- \*A written Easement of 25 ft. from the center of Thyng's Mill Road be given to the Planning Board. If need be, a deed should be obtained.
- \*Lot #1 driveway envelope must be 200 ft. from the intersection and be no more than 100 ft. wide
- \*Lots #2 through #5 driveway envelopes are approved as submitted
- \*A cross culvert in front of Lot #1 must be enlarged
- \*Permission must be obtained from Andrew Woodsome, Jr.
- \*Larger culverts must be installed under Andrew Woodsome, Jr.'s driveway
- \*Cross culverts by the Fox Valley Farm must be replaced with a larger culvert
- \*All cost must be born by the developer

Dwayne Woodsome noted that the width between stone walls is not 50 ft. Easement could be given but not land by deed since each lot is exactly 5 acres in size to deed any land would make the lots non-conforming.

Bill Speed asked to review the plan for Final Plan Approval prior to going over the Road Review Committee Report. The plan denotes setbacks well within the Road Review Committee request. Culverts could be darkened, lot #1 specific envelope. Bill asked about a greenbelt, he did not have a problem if the town requested this. Dwayne Woodsome noted that many times there is no place to put the snow. Bill noted that the houses will probably be 200 to 300 ft. from the front property line.

Roland Denby moved and Judi Carll seconded a motion that the Board not require a greenbelt. Vote was 5-0-1 in favor.

Bill Speed noted that at a previous meeting it was stated that the drainage has been an ongoing problem. If an engineers study were to be performed it could get expensive and the developer felt that productivity is the key for money being spent.

Bill asked if the town owned the culvert on the private property and is the town asking developer to maintain private property? Dwayne Woodsome stated that they could redirect the water to the edge of the road and then the contractor would have to be concerned with the rip rap expense.

Six acres of clearing would create additional run off. The culvert by Fox Valley should be a shared expense. Should the Town bear some of the cost? Fox Valley is the first in line. Notes do not indicate shared expense. Doug Foglio stated that the Road Review doesn't have moneys available. They have to request money from the Board of Selectmen from other accounts for target projects. Doug was asked the age of the culvert in question he did not know the age.

Bill Speed stated that it was not his decision regarding the expense from the recommendations but he felt that Mr. Burrows would rather see \$3500 would be their

share and the \$2000 on private property the towns share. It was noted that the developer could decide to wait and over a few years complete the project without going through subdivision process.

Estimate sheet given from Doug Foglio at Dwayne Morin's request. Doug stated it was a rough estimate only and it could be a bit high. Doug also stated he thoughy that \$1,000 - \$1,500 was a reasonable cost for the developer to put out per lot for the development of the lots. Bill Speed noted that he did not feel that \$5,000 is exactly equitable for a problem that seems to have been a problem for some time. Have the Selectmen approved money for sharing expense? The Selectmen did not vote but expressed it was a fair proposal to share cost.

If moneys were not available to share the cost the cost would not be available through regular funds then the developer had three options:

- 1. Developer bear all the expense,
- 2. Developer and Town could split the expense, or
- 3. Developer could wait for money to be available.

Dwayne Morin suggested if Bill Speed needs to get property owner's opinion and once the Planning Board has an idea of acceptable solutions then the Road Review Committee and the Board of Selectmen could be brought in.

The cross culvert on Thyngs Mill Road if not replaced would flow towards the people's property that attended the Public Hearing that expressed concern. Bill Speed asked why the expense on the culvert located across the driveway. Doug Foglio did a drive by survey since it was private property, also a plunge pool will need to be built. Dwayne Woodsome noted it was due to the manner it had been installed there is a lot of rock, cement and other rip rap material that would need to be moved.

Roland Denby noted the Board could not commit any money but could recommend a dollar figure to be placed in escrow. The Board can ask the Board of Selectmen if the project would go through as proposed if they would approve it?

John Roberts stated that a condition of approval could be that before Building Permits are issued culverts would need to be completed. Discussion previously that the Town would do the work. Bill Speed had a problem with holding the building permit if the town was completing the work. How critical was the installation of the culverts?

Estimate was prepared by Chairman of the Road Review Committee. Dwayne Morin suggested Bill Speed come in with an estimate from a reputable contractor. That would protect the developer by having two estimates for the proposed work.

Dwayne Woodsome noted that they might want to consider if Andrew Woodsome would grant permission to have the culvert upgraded? This could be tabled until the Selectmen are conferred with and Bill Speed to check with contractor for estimate. If figure is agreeable to both developer and the town then a time table could be set to upgrade the culvert so lots could be sold and permits issued.

Asked how soon developer was looking for final approval. Bill Speed hoped to have final approval at September meeting. Dwayne Morin noted the project seems to hinge on upgrade of culverts. What if Andrew Woodsome Jr. decides not to grant permission to change culvert would the project be scratched? Is there an alternative? Dwayne Morin stated in an effort to proceeding in a timely manner he would contact Andrew Woodsome Jr. and Bill Speed should proceed in getting an estimate.

Sharon to draft a letter with the Road Review Committee recommendations to Andrew Woodsome Jr. and also Dwayne to ask Selectmen how much (what percentage) could be made available for this project. If the developer placed money in escrow he could request 30 days to completion of replacement of culverts. Bill Speed noted he would not have a problem if the town held project off as long as needed as long as the issuance of Building Permits would not be held up. To be brought back under Old Business at next meeting.

## **Election of Officers**

Lawrence Jacobsen moved and Cindy Allen seconded nomination of Roland Denby for Chairman.

Dwayne Woodsome moved and Judi Carll seconded nomination of John Roberts for Chairman.

Vote by Secret Ballot. Ballots counted Vote was 3 Roland Denby, 3 John Roberts. Since Everett Whitten had to leave early the members tabled the elections until the next meeting.

VIII ADJOURNMENT: Meeting adjourned at 10:27 p.m.

	Respectfully submitted,  Wescher  Dwayne Woodsome
OPA ART DAY	Secretary/Treasurer
Jawrence Jacobse	Eller Wheeten
Judith & Corel	

## Town of Waterboro

### REGULAR MEETING WATERBORO PLANNING BOARD SEPT. 14, 1994

Meeting called to order by Chairman, John Roberts at 7:30 p.m.

- I ROLL CALL: Present were Judi Carll, Cindy Allen, Roland Denby, Dwayne Woodsome, Lawrence Jacobsen, Everett Whitten and John Roberts.
- II MINUTES OF PREVIOUS MEETINGS: August 10, 1994 & August 24, 1994

Sharon noted that an error had been corrected (Dwayne Morin to Dwayne Woodsome) that needed approval by the Board. Roland Denby moved and Dwayne Woodsome seconded a motion to accept the August 10, 1994 minutes as read and corrected. Vote was 5-0-0 in favor.

August 25, 1994 Dwayne Woodsome noted a change, the problem was not identified and the minutes will be brought back at the September 22, 1994 meeting for approval. Also noted attendance.

- **III COMMUNICATION AND BILLS:**
- IV REPORT OF OFFICERS:
- V APPOINTMENTS:

7:00 PM Thomas Bullard Map 1 Lot 1 & 1A AR Zone

7:00 PM Biddeford Savings Bank Map 22 Lot 8 V Zone

7:15 PM S.A.D. #57 Map 1 Lot 39 V Zone

7:30 PM Jim Gerry Map 1 Lot 23 Village & Residential Zone

7:45 PM James Toothaker Map 33 Lot 16-1 AR Zone

### Thomas Bullard Map 1 Lots 1 & 1A AR Zone

Mr. Bullard would like to amend his request to 100 ft. x 1,600 ft. in length. One lot is in tree growth which needs to be pulled out and one lot is in Mr. Bullard's fathers name which is now in both Thomas Bullard and his brother. Dwayne Morin suggested permission from his brother would be beneficial. Mr. Bullard noted his brother was notified by certified mail of the proposal and the land needs to be taken out of tree growth and his brother would need to sign off in order to accomplish that. No further restrictions were required from F.A.A. they had simply suggested lengthening the strip to accommodate larger planes.

Roland Denby moved and Judi Carll seconded a motion to approve Thomas Bullard's request to construct a private airstrip under Section 3.09 #39 providing he takes the land out of tree growth and receives permission from his brother. Vote was 6-0-0 in favor.

## Biddeford Savings Bank Map 22 Lot 8 Village Zone

The Bank is requesting a waiver of the hydrogeological study. The system is a standard chamber system that has been designed for 180 gallons per day. This would equal a system designed for a two bedroom home. The bank intends to have approximately 6 full time people.

Roland Denby moved Cindy Allen seconded a motion to waive the hydro study. Questions asked about abutting wells. They have been located and are meet the state regulations. The bank intends to hook onto the water system. Vote was 6-0-0 in favor.

Conditional Use Permit. The biggest concern is regarding the lot coverage and the bank will have 49.3% lot coverage. This falls within the 50% requirement. Parking requirements are being met with 9 regular parking spaces and 2 handicap parking spaces. Entrance and Exit permit is on file from DOT.

Roland Denby moved and Cindy Allen seconded a motion to approve the request of Biddeford Savings Bank for Map 22 Lot 8 under Section 3.04, 3.09 #36, 4.02 and 7.09. Vote was 6-0-0 in favor.

## S.A.D. #57 Map 1 Lot 39 Village Zone

The school currently has an 8' x 10' slab where a pump house was previously located, that sits approximately 10 ft. from a dug pond that directly meets the brook. They are requesting expansion of the building to a 10' x 10' pump house. This falls within the shoreland area and therefore requires Planning Board review. Pee Wee Dube was present representing the school. He also requested pouring concrete in and around the inlet to the pump house to stop the vandalism. The construction proposed is of cement block with a steel door. The work has been donated. The pump house needs to be close to the man made pond because the pump cannot draw from a further distance.

Dwayne Woodsome moved and Roland Denby seconded a motion to allow S.A.D. #57 to construct a 10' x 10' pump house going no closer than the existing foundation and any excavation and pouring to correct the outside as previously noted in the minutes. Vote was 6-0-0 in favor.

## Jim Gerry Map 1 Lot 23 Village and Residential Zone

Mr. Gerry is requesting permission to place a bridge to span the brook for access to construction sight for three new homes owned by his children and families. Mr. Gerry received approval for a similar bridge however the Planning Board granted him use of this for a utility easement only. A right of way across Mr. Martin's property is currently being used for access to the area of construction. Mr. Gerry has provided pictures, proposed construction material for the bridge and a copy of paperwork forwarded to the Army Corp of Engineers. Mr. Gerry is planning to use 2 "I" Beams and two poles with planking for the bridge. Permit #14 was filed with the Army Corp of Engineers. Dwayne Morin informed Mr. Gerry that he would receive a permit from the Army Corp.

Roland Denby moved and Everett Whitten seconded a motion to approve Jim Gerry's request to cross Hamilton Brook subject to approval from the Army Corp of Engineers. Vote was 6-0-0 in favor.

## Jim Toothaker Map 33 Lot 16-1 AR Zone

Mr. Toothaker is requesting permission to construct a free standing 32' x 52' garage with a gambrel style roof on this lot which measures approximately 125' x 125'. Mr. Toothaker has stated that he will be using this for storage only. The building will have no electricity or windows. Setbacks from rear and sidelines can be met however the front yard setback of 75 ft. cannot be met. Relief from the front yard setback is requested. Mr. Toothaker owns three lots that were in the Bradbury Park Subdivision noted as #3, #22, #42 on the original subdivision plan. The roads noted on that subdivision do not exist on the face of the earth however, are legally recorded right of ways. The tax map shows, Mr. Toothaker's land going to Webber Road in actuality his land does not abut Webber Road. Each lot stands on its own since they are in different names. The lot is grandfathered and the Board can place the structure under 2.08 of the Zoning Ordinance.

Judy Carll moved and Cindy Allen seconded a motion to approve James Toothaker's request to construct a 32' x 52' two story gambrel style garage meeting 35 ft. sideline and rear setbacks and a 25 ft. setback from the legally recorded right of way noted on the Bradbury Park Subdivision. Vote was 6-0-0 in favor.

#### VI NEW BUSINESS:

#### VII OLD BUSINESS:

## 1. OLD MILL GROVE

Two items remain unresolved, 1) Shared cost for drainage and 2) Acquiring a drainage easement. The Board of Selectmen voted at their September 6th meeting to split the cost of improving the drainage with the developer. An easement will need to be acquired from Mr. Woodsome to allow the town to enlarge the existing culvert or place a new culvert under the driveway Mr. Woodsome is currently on vacation and will be back on Friday September 16th. Dwayne Woodsome feels that the right of way noted on the plan for Thyngs Mill Road is not three rods wide between stone walls. The lots are exactly five acres in size and if the road width has not been taken into consideration the lots would be substandard. Bill Speed informed the Board that the developer would be more than willing to grant land from the opposite side of Thyngs Mill Road from another parcel owned by the same developers however the road is an easement road as noted on the plan. Further clarification from the surveyor regarding the Thyngs Mill Road. Recommended that this be tabled until next meeting. Dwayne Morin asked what would happen if Mr. Andrew Woodsome does not grant the town an easement to repair and maintain the culvert? Would the project be killed? John Roberts noted that the Board's responsibility was to protect the health and welfare of the towns people. Mr. Butterfield felt that the project is being held up because the Town has not acquired the necessary easements. Dwayne Morin will be in touch with Andrew Woodsome for drainage easement on Friday September 16, 1994. Dwayne has reviewed the plans for Final Approval all criteria has been met with the exception of the drainage situation. This to be brought up under Old Business at the next meeting.

### 2. Election of Officers

Roland Denby declined nomination for Chairman.

Dwayne Woodsome moved and Judi Carll seconded a motion to nominate John Roberts for Chairman, Roland Denby for Vice Chairman and Dwayne Woodsome for Secretary/Treasurer. Vote was 6-0-0 in favor. John Roberts declared the officers for the ensuing year to be as voted.

John Roberts noted he would not be at the September 22, 1994 meeting and Cindy Allen will be away on business and will not be in attendance.

## VII ADJOURNMENT:

Cindy Allen moved and Everett Whitten seconded a motion to adjourn at 9:35 p.m. Vote was 6-0-0 in favor.

	Respectfully submitted,  Dwayne Woodsome  Secretary/Treasurer
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## Town of Waterboro

## PUBLIC HEARING SEPTEMBER 14, 1994 7:00 P.M.

Present from the Planning Board were Roland Denby, Judi Carll, Everett Whitten, Dwayne Woodsome, Lawrence Jacobsen, Cindy Allen and Chairman John Roberts.

Hearing was called to order by John Roberts at 7:03 P.M. with approximately 15 people in attendance.

John explained that the board would be reviewing to issues at the hearing the first was Biddeford Savings Bank, Conditional Use Request being reviewed under Section 7.09 of the Waterboro Zoning Ordinance. Secondly the Conditional Use Request for a Private Airstrip by Thomas Bullard being reviewed under Section 3.09 Item #26.

## BIDDEFORD SAVINGS BANK CONDITIONAL USE REQUEST

John Roberts asked if there were any questions. Mr. Tom Welt, Vice President proceeded to inform those present that the project is proposed on .70 acres. A 30' x 68' building is proposed to be used as a full service bank. Biddeford Savings is not a commercial bank rather a savings bank and will be looking to loan for home improvement, mortgages, lending and deposit. Parking will be provided meeting local codes. Three lane drive through the closest to the building will be the ATM with two teller lanes. The last lane is designed wider to allow easy drive through for all traffic exiting property. Mr. Welt noted that in another facility the canopy had been damaged when a vehicle didn't pass through at the right place. Utilization of the property was scaled down to meet the 50% criteria, a one story brick veneer building is planned with two offices on the main floor. A teller counter will be provided to meet the ADA. The bank has had Alpha One review the plans to insure compliance with ADA. All facilities will be on the main floor. The basement will house the furnace and a second vault area.

It was asked if mortgages would be handled in the Waterboro branch? The intent is to have a full service bank in Waterboro all functions of the bank would be provided. The bank has been tracking the community growth as well as the addition of a water system which tends to promote growth. Biddeford Savings bank has only one branch and to go outside is quite a commitment. New accounts have already been opened in anticipation of the Waterboro branch opening.

Asked what hours the bank would be open. Nothing has been set at this point. Biddeford hours are 8:00 - 4:00 Mon. - Wed. 8:00 - 5:00 Thurs., 8:00 - 6:00 Fridays and 8:00 -

12:00 on Saturdays. The hours may change until they get a better handle on the needs in the community. The ATM will have 24 hour service. The Bank is prepared to make a long term commitment.

The bank has received the go ahead from the State, F.D.I.C, Maine DOT, Electrical Permit and the Fire Marshall's Office.

## THOMAS BULLARD'S CONDITIONAL USE REQUEST PRIVATE AIRSTRIP

Dwayne Morin, Town Planner had contacted F.A.A. and they do not have control over private airstrips until the owners ask for the airstrip to be registered. They did suggest the length of the strip be increased to 1,500 - 2,000 ft. in length since the proposed 1,200 ft. would allow very few types of planes to utilize the strip. Mr. Bullard would like to request 1,600 ft. in length which would take the strip to the Lyman Town Line. Mr. Bullard will be using the airstrip during daylight hours only. No fuel storage on site. The site is fairly flat some excavation would be necessary.

The Hearing adjourned at 7:23 p.m.

Respectfully submitted,

Dwayne Woodsome Secretary/Treasurer

## Town of Waterboro

### REGULAR MEETING WATERBORO PLANNING BOARD SEPT. 22, 1994

Meeting called to order by Vice Chairman, Roland Denby at 7:10 p.m.

- I ROLL CALL: Present were Lawrence Jacobsen, Dwayne Woodsome, Everett Whitten, Judi Carll and Vice Chairman, Roland Denby.
- II MINUTES OF PREVIOUS MEETINGS: August 25, 1994 & Sept. 14, 1994
- **III COMMUNICATION AND BILLS:** 
  - 1. Working Landscapes Natural Resources Council of Maine
  - 2. Letter to Andrew & Gail Woodsome Re: Drainage Easement
  - 3. RTAC News
- IV REPORT OF OFFICERS:

#### V APPOINTMENTS:

7:00 P.M. Donald Burns Map 47 Lot 131 AR Zone 7:15 P.M. Steve Allen Map 13 Lot 57 AR Zone

## 7:15 p.m. Donald Burns Map 47 Lot 131 AR Zone

Mr. Burns owns property on Lake Sherburne and is requesting permission to expand his residence. The location of the home falls within 100 ft. of the normal high water mark of Lake Sherburne. A survey has been presented showing the exact location of the home (see attached). This falls under the 30% expansion rule found in section 7.01 of your Zoning Ordinance. Existing house has a loft in the upper portion of the house. A new septic system was installed in November of 1990.

Lawrence Jacobsen moved and Everett Whitten seconded a motion to aprove a 15' x 26'4" dormer and a 4' x 7' deck for a 29.99% increase and that the plumbing code for the septic system be met approval under Section 2.08, 7.01, B.1.A. Vote was 4-0-1 in favor.

## 7:30 p.m. Steve Allen Map 13 Lot 57 AR Zone

Mr. Allen currently owns a trailer off from Route 5 in North Waterboro on Foster Lane. Mr. Allen is proposing relocating the trailer to allow him to construct a single story ranch home. He would like permission to live in the trailer while constructing the new house.

The trailer is approximately 10 years old and measures 12' x 65'. Believed that the system has a 1,000 gallon tank and Steve intends to utilize the existing system. Mr. Allen intends to sell the trailer once the house is constructed.

Judi Carll moved and Larry Jacobsen seconded a motion to approve the use of the trailer during the construction of a new home. Trailer to be moved sixty (60) days from the issuance of the Occupancy Permit. Relocation of the trailer during construction to meet the setbacks requirements. The trailer not to be rented out or have two residence on the property approval under Section 2.07, 2.08. Vote was 4-0-1 in favor.

#### VI NEW BUSINESS:

#### VII OLD BUSINESS:

#### 1. Old Mill Grove Subdivision

There were two outstanding issues from the last Planning Board Meeting.

- 1. Drainage Easement from Andrew Woodsome Jr. and,
- 2. Verification of the legally recorded width of the Thyngs Mill Road.

The drainage easement is on file from Andrew & Gail Woodsome Jr. to install and maintain a 42" squash culvert, a 42" squash culvert is planned near Fox Valley Farm as well. Dwayne Morin provided Kurt Butterfield and Bill Speed with a copy of the proposed cost to be split evenly with the Town. Total assumed cost each is \$2,767, the total amount to be placed in an escrow account to be drawn on once the town starts the project.

A second survey of lot #17 directly across from the Old Mill Grove Subdivision completed by another surveyor was placed on file as proof that the right-of-way is 50 ft. in width as an easement and in many areas the stone walls do not indicate the property boundaries. The right-of-way weaves in and around the stone walls. Dwayne Woodsome asked if the lots in the subdivision would still meet the 5 acre minimum lot size. Yes they would remain the same.

Bill Speed noted that Steve Ross had informed him that for the most part the right-of-way holds a 3 rod width therefore the survey holds a 3 rod width. Dwayne Morin also noted that a 5% contingency has been calculated into the proposed cost.

The project is in for Final Plan Approval. If a motion for approval is made it should be contingent on moneys being placed in an escrow from the developer in the amount of \$2,767.00. Dwayne Woodsome asked where the money was being allocated from. Dwayne Morin informed those present that the Road Review Committee and the Road Commissioner said the money could be expended from the ditching account and would not affect this years plans.

Judi Carll moved and Everett Whitten seconded a motion to approve the Final Plan of Old Mill Grove Subdivision with the condition that \$2,767.00 be placed in an escrow account. Dwayne Woodsome suggested holding the issuance of building permits until the work on the culverts had been completed. Dwayne Woodsome felt that the public should be protected. Developer noted that the actual impact of this subdivision will be minimal and it doesn't seem fair if the money is placed in an escrow account that the Building Permits should be held up since the developers portion of the process is complete. The Selectmen have said that the project will be completed. Dwayne Morin noted that the Board of Selectmen did vote that as soon as this was approved the work would commence. Dwayne Woodsome again noted his concern for the residents that were present at the Public Hearing that deal with the runoff issue.

Vote on the motion was 4 -0-1 in favor. Three checks were written to cover the escrow, the subdivision expense and the hydro study fee, and the filing fee at the York County Registry of Deeds.

Larry Jacobsen moved and Everett Whitten seconded a motion to accept 9/14/94 minutes with the change of street under Mr. Toothaker (reads lot does not abut Webber, should read does not abut East Shore Road). Vote was 5-0-0 in favor.

Judi Carll moved and Dwayne Woodsome moved to accept the minutes of 8/15/94 with changes. Vote was 5-0-0 in favor.

Dwayne Morin noted to those present that Biddeford Savings Bank would be holding a ground breaking ceremony on Monday.

VIII ADJOURNMENT: It was moved and seconded to adjourn the meeting at 8:30 p.m.

Respectfully submitted,

Dwayne Woodsome Secretary/Treasurer

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## **Town of Waterboro**

### **REGULAR MEETING**

### **OCTOBER 12, 1994**

## Meeting Called To Order By Chairman at 7:04 p.m.

I ROLL CALL: Present were Roland Denby, Cindy Allen, Everett Whitten, Judi Carll, Lawrence Jacobsen, Dwayne Woodsome and Chairman John Roberts.

## II MINUTES OF PREVIOUS MEETINGS: September 22, 1994

Roland Denby moved and Everett Whitten seconded a motion to accept 9/22/94 minutes as written. Vote was 4-0-2 in favor.

#### III COMMUNICATION AND BILLS:

- 1. RTAC Newsletter
- 2. Natural Resources Council of Maine
- 3. Minutes from Zoning Board of Appeals on Sanfrason and Milk Room
- 4. Letter to Robert Smith from CEO cc to Planning Board

#### IV REPORT OF OFFICERS:

#### **V** APPOINTMENTS:

7:15 pm S.A.D. #57 - PeeWee Dube Map 1 Lot 39 V Zone

7:30 pm Donald Nevers Map 45 Lot 1456 R Zone

7:40 pm Glenn Plante Map 10 Lot 47 AR Zone

### SAD #57/PeeWee Dube Map 1 Lot 39 V Zone

Pee Wee Dube is back before the Board to ask for a larger building than previously approved to house the pump for the watering system. Since Mr. Dube was in before the Board on September 14th, 1994, the School purchased a new pump and it will not fit in the 10' x 10' that the Board approved. I believe Mr. Dube is requesting a 10' x 12' in place of the 10' x 10'.

After discussion the Board felt that a 12' x 12' would be appropriate. Roland Denby moved and Cindy Allen seconded a motion to approve a 12' x 12' cement building to house the pump and cover the outside outlet for protection against vandalism. Vote was 5-0-0 in favor.

Discussion regarding issues that should be addressed for the Milk Room Request. Areas of concern from the Public Hearing and the Zoning Board of Appeals Public Hearing were:

- 1. Entrance/Exit from Pearl Street
- 2. Curbing remaining area for traffic flow
- 3. Grading plan with an oil and water separator (Roland mentioned that they should be aware that Goodwins Mill Road is 3 rods wide.)
- 4. Lighting could be a problem, downward light possibly with landscape buffer.

## 7:30 pm Donald Nevers Map 45 Lot 1456 R Zone

Mr. Nevers is requesting permission to construct a 1 1/2 story home on a substandard lot located on the Old Portland Road and a portion of Center Circle. The lot has approximately 24,000 sq. ft. and Mr. Nevers has presented a plot plan that shows setbacks can be maintained. The only area of concern is that portion of the lot that abuts Center Circle. This lot does not fall within Saco River Corridor Commission. John Roberts explained to Mr. Nevers that the frontyard setback needs to be maintained from Old Portland Road and Center Circle.

Roland Denby moved and Lawrence Jacobsen seconded a motion to approve Mr. Nevers request meeting all required setbacks. Vote was 6-0-0 in favor.

#### 7:40 pm Glenn Plante Map 10 Lot 47 AR Zone

Mr. Plante owns a substandard lot on the Silas Brown Road in North Waterboro. The Code Enforcement Officer felt that due to the size of the lot the request to place a Baseball Card Collector Shop as a home occupation in the basement area utilizing a one bay garage space would need review by the Planning Board. Mr. Plante has plenty of site distance for people pulling out of his driveway.

Cindy Allen moved and Judi Carll seconded a motion to approve the Home Occupation for a Baseball Card Collection Shop. Vote was 6-0-0 in favor.

Cindy Allen moved and Judi Carll seconded a motion to waive the \$25.00 Planning Board fee. Vote was 6-0-0 in favor.

All information provided by Mr. Plante was placed on file.

The Planning Board moved the meeting to the downstairs area to enable handicap accessibility for the remainder to the meeting.

#### VI NEW BUSINESS:

#### VII OLD BUSINESS:

#### 1. The Milk Room

The Milk Room received a variance from the Zoning Board of Appeals and is now before the Board for a Conditional Use Permit.

Dwayne Morin noted the areas of concern for the proposed project:

- 1. Pearl Street Access
- 2. Grading, Drainage, & Oil and Water Separator
- 3. Landscape buffer fence for adjacent property
- 4. Lighting Downward lighting.

It was noted that the Zoning Board of Appeals meeting revealed concern of traffic onto Pearl Street as well as the Public Hearing scheduled by the Planning Board. The Pelletiers noted that they will not be using Pearl Street as an access. The Road Review had asked for a 25 ft. radius instead of continuing the squared off access and the Pelletier's were in agreement with the proposal. Mr. Pelletier asked if there could be a second access in the area of a telephone pole onto Goodwins Mill Road. Dwayne Morin noted the Town regulations allow no access closer than 50 ft. from an intersection. Paul Pelletier mentioned that they would be using one 12,000 gallon tank not two as noted on the previous plan. A fence is planned towards Peter Boutet's property. The grading/drainage plan is being completed by Simard. The Board would like this information presented for approval. The Pelletier's asked if the Board could act on the Conditional Use Permit if possible. The company doing the plan will be meeting Osher, State and Federal Regulations.

Cindy Allen moved and Roland Denby seconded a motion to approve the Conditional Use Request of Mr. Pelletier to include but not limited to the following conditions:

- 1. No access on Pearl Street,
- 2. Drainage & Grading plan with the inclusion of an oil and water separator,
- 3. Landscaping plan including fencing and curbing to limit access,
- 4. Flare out the corner of Pearl Street,

and any other reasonable conditions that may arise once the above has been presented to the Planning Board under Sections 2.08, 3.09 #21, 4.01, 4.02, 4.03, 5.01 and 9.01. Vote was 6-0-0 in favor.

Mr. Pelletier asked the Board if there would okay if they placed a 500 gallon tank above ground skid tank of kerosene inside a septic tank for self service during the fall? The

Board did not see a problem the sideline setbacks should be maintained and the future location should be noted on the grading plan. Customarily the engineers will present an existing contour and a finish contour. Barriers need to be 50 ft. from each intersection and cannot obstruct view. Mr. Pelletier intends to have barriers all the same.

Questions asked regarding handicap accessibility the board noted that the Code Enforcement Office would be able to help Mr. Pelletier with rules regarding this issue.

Dwayne Morin noted to the Board members the need now that we are starting a new year to consider changes to the Zone lines making certain areas less restrictive, Roland mentioned the need to develop a list of standard conditions that could be placed on use permits and the Subdivision Regulations need to be updated. Dwayne noted we will try to book appointments allowing time for planning.

#### VII ADJOURNMENT:

It was moved and seconded to adjourn the meeting at 8:30 p.m.

	Respectfully submitted,
	Dwayne Woodsome Secretary/Treasurer
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## Town of Waterboro

#### **REGULAR MEETING**

**OCTOBER 27, 1994** 

Meeting was called to order at 7:20 p.m. by Chairman, John Roberts.

- I ROLL CALL: Present were Roland Denby, Cindy Allen, Judi Carll, Everett Whitten and Chairman John Roberts.
- II MINUTES OF PREVIOUS MEETINGS: October 12, 1994 Cindy Allen moved and Judi Carll seconded a motion to accept October 12, 1994 minutes as read. Vote was 4-0-0 in favor.
- **III COMMUNICATION AND BILLS:** 
  - 1. Letter from Bill Speed
- IV REPORT OF OFFICERS:
- V APPOINTMENTS:

7:15 P.M., LEIGH GOREN MAP 44 LOT 2251 R ZONE

### LEIGH GOREN MAP 44 LOT 2251 R ZONE

Tim Greaton was present acting for Mr. Goren. The proposed home can be constructed maintaining all required setbacks including decks, steps, bulkheads, eaves etc. with approximately 3 ft. to spare which if centered would allow 18 inches on each side of the home.

Roland Denby moved and Cindy Allen seconded a motion to approve Leigh Goren's application to construct a home on Lot #2251 in the Lake Arrowhead Subdivision utilizing all required setbacks. Vote was 4-0-0 in favor.

### VI NEW BUSINESS:

Dwayne Morin gave those present a list of items for review in 1994 - 1995 Fiscal Year. Dwayne explained areas and types of changes to be worked on. Hoping to make certain areas a little less restrictive. The Sign section of the ordinance may be a very large project and the Board might want to consider doing this at another time. Shoreland review from the state would require approximately 6 changes.

They were as follows:

## PROPOSED PLANNING BOARD REVIEW FOR FY 1994-95

## **ZONING ORDINANCE**

- Zoning District Boundaries
- Land Use Chart
- Definitions
- State amendments to Shoreland Zoning
- Fee Structure
- Conflict Provision
- Signs(?)

## **SUBDIVISION ORDINANCE**

- Distinguish between Major & Minor Subdivisions Hydrogeological review
- Change number of plans needed
- Accurate Checklist
- List of Standard Conditions
- Waiver Request Form
- Clause for Laminated Copy of Final Plan
- Fee Structure
- Change section 7.1.5 Bonding of Improvements needed

## **SITE PLAN REVIEW**

### **OTHER**

• Standard Conditions for Conditional Use Permits

Roland Denby suggested reviewing the Town Roads and possibly coming up with a list that could be presented to future developers to assist them in naming their roads to allow for less confusion for Fire and Police Protection. Possibly to work with the Historical Committee for names of people in town of historical significance, etc. Roland also suggested stabilizing the names of existing Town Roads. Roland offered to do the research and sake the Town to standardize the names of the roads. Dwayne Morin showed those present his list of roads that he has been compiling. All those present were in agreement with Roland's suggestions. Roland volunteered to write the letter to the Historical Committee and do the work and formulate suggestions.

Roland asked why the Planning Board members were not receiving the Maine Townsmen. Sharon or Dwayne to check into this.

Most of the work on Subdivision Regulations, Site Plan Review, Checklists, etc. can be done through regular board meetings. Most of the work will be with the expansion of the Zoning Districts and the Land Use Chart.

Respectfully submitted

#### VII OLD BUSINESS:

VIII ADJOURNMENT: It was moved and seconded to adjourn at 8:05 p.m.

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	Dwayne Woodsome Secretary/Treasurer
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## Town of Waterboro

### **REGULAR MEETING**

**NOVEMBER 9, 1994** 

### Meeting Called To Order By Chairman at 7:15 p.m.

I ROLL CALL: Present were Roland Denby, Everett Whitten, Lawrence Jacobsen, Dwayne Woodsome and Chairman John Roberts.

## II MINUTES OF PREVIOUS MEETINGS: October 27, 1994

Roland Denby moved and Everett Whitten seconded a motion to accept 10/27/94 minutes as read. Vote was 3-0-1 in favor.

#### III COMMUNICATION AND BILLS:

- 1. Shoreland Zoning News
- 2. Letter: Monumentation being set for Old Mill Grove Subdivision
- 3. Traveling Smart News
- 4. Info from The Trust For Public Land

#### IV REPORT OF OFFICERS:

Dwayne Woodsome, Secretary/Treasurer reported that the Planning Board has a balance of \$18,825.56 in their account for the fiscal year 194-1995.

#### V APPOINTMENTS:

7:15 pm Richard Prokey Map 35 Lot 23 AR Zone

7:30 pm Donald Allen Map 25 Lot 4 V Zone

### Richard Prokey Map 35 Lot 23 AR Zone

Mr. Prokey is requesting permission to rip rap approximately 50 ft. of shoreline to retard the erosion that has worsened over the years using filter fabric and completed as per the recommended specifications of the Department of Environmental Protection Agency. Mr. Prokey explained that he can position a 2" x 4" under the existing banking which used to be solid. A Permit-By-Rule application has been filed with Maine DEP and was received by the Portland office on Monday, November 7, 1994. Mr. Prokey would like to complete the project prior to him leaving for the south in approximately 1 month. Dwayne Morin noted that as long as the project is completed to DEP specifications this project would meet all local ordinances.

Roland Denby moved and Everett Whitten seconded a motion to approve the request for rip rap as per DEP approval and specifications. Vote was 4-0-0 in favor.

## 7:30 pm Donald Allen Map 25 Lot 4 V Zone

Dwayne Morin explained to those present that a number of years ago Mr. Allen had been through Site Plan Review due to the mixed uses on the property. Since Mr. Allen has installed Diesel Tanks and is now planning to enlarge parking area for the Variety store and the additional rental unit as well as install a K-1 tank Mr. Nelson felt the need for review to the Site Plan previously approved. Mr. Allen is requesting an addition to the Variety store of approximately 8' x 8' to allow him to have 24 hour service. The board members asked questions regarding the location of the new leach field, asked if there was enough clearance to allow traffic flow on either side of the Variety store. Mr. Allen informed those present that there was enough clearance for traffic and the leach field was far enough away from the flow of traffic and the new addition. Sharon noted that Steve Foglio had reviewed the septic plans on Tuesday evening and he was also the inspector upon installation of the new system and he did not see any problems with the request and the proximity to the addition or traffic flow. Don noted that the K-1 tank would be placed inside a septic tank as is customary for installation. The additional parking area is approximately 70' x 50'.

Roland Denby moved and Everett Whitten seconded a motion to approve the amendment to the site plan and the request for the additional parking, the addition to the building, the previous addition of Diesel Tank and the K-1 tank. Vote was 3-0-1 in favor.

### VI NEW BUSINESS:

#### VII OLD BUSINESS:

#### 1. James Toothaker

The request for an 1190 form by *Mr. Toothake*r was reviewed between appointments with the following results:

The Planning Board members reviewed previous minutes that stated the intention for no electricity when the construction of the 32' x 52' building was approved. Mr. Toothaker had asked Sharon if he could have permission to install power to enable him to install an alarm system in the garage.

Dwayne Woodsome moved and Everett Whitten seconded a motion to allow an 1190 for provided no windows be placed in the garage and the garage be used for storage and/or maintenance on personal vehicles (no commercial vehicles) and recreational vehicles and that no interior petitions be placed in the building. Vote was 4-0-0 in favor.

The Board members discussed the elevation of the Biddeford Savings Bank building. The bank had noted at a previous meeting that the elevation would be approximately 1 1/2 ft. above the grade of Route 202/4. Dwayne Morin informed those present that none of the documents noted elevations for the project. Doug Foglio had informed Dwayne Morin that the project is about 4 1/2 above the elevation of Route 202/4.

## VII ADJOURNMENT:

It was moved and seconded to adjourn the meeting at 8:34 p.m.

	Dwayne/Woodsome Secretary/Treasurer
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## Town of Waterboro

#### **REGULAR MEETING**

**DECEMBER 14, 1994** 

Meeting Called To Order by Vice Chairman, Roland Denby at 7:20 P.M.

I ROLL CALL: Present were Roland Denby, Lawrence Jacobsen, Judi Carll, and Dwayne Woodsome.

#### II MINUTES OF PREVIOUS MEETINGS:

November 9, 1994 Minutes Dwayne Woodsome moved and Larry Jacobsen seconded a motion to approve November 9, 1994 minutes. Vote was 3-0-1 in favor.

#### III COMMUNICATION AND BILLS:

- 1. Letter to Joseph Vitko, Jr. Re: Structure destroyed by fire
- 2. RTAC News

### IV REPORT OF OFFICERS:

#### V APPOINTMENTS:

7:15 p.m. John Cote Revision of The Cathedral Pines Subdivision

7:30 p.m. Robert Talbot Map 21 Lot 1 Village Zone

### 7:15 p.m. John Cote Revision of The Cathedral Pines Subdivision

Mr. Cote has purchased a lot within The Cathedral Pines Subdivision as well as abutting property. Mr. Cote would like to construct a home in the center of the new parcel which has increased from 5.3 acres to 8.89 acres. Since the subdivision plan indicates setback lines and the proposed location of the structure falls within those lines the Town Attorney feels that a revision is required. Mr. Cote was not the original developer however since he is making the change he has filed the revision. Rodney Chadbourne was the surveyor for this subdivision. Dwayne Morin requested updates to the notes on the plan and 1-7 additional notes are now added to the plan.

Dwayne Woodsome moved to approve Mr. Cote's Revision of The Cathedral Pines Subdivision to increase Mr. Cote's lot from 5.3 acres to 8.89 acres to allow him to build in the center of the lot. Vote was 4-0-0 in favor.

## 7:30 p.m. Robert Talbot Map 21 Lot 1 Village Zone

Mr. Talbot owns and operates Mr. T's in South Waterboro Village. Mr. Talbot received previous approval for sale of motorcycle parts and bikes and also has an inspection station. Mr. Talbot had no intention to service at the time of the approval in 1991. Mr. Talbot has added a 24' x 36' garage to the original structure and is now requesting permission to service and repair Harley Motorcycles.

Does Mr. Talbot have any hazardous waste material? Mr. Talbot provided his records from State of Maine D.E.P., Hazardous Waste Manifest Section regarding the oil. The oil is currently picked up quarterly and is stored in a five gallon container. Intended hours are Winter 9:00 a.m. to 5:00 p.m. and Summer 9:00 a.m. to 6:00 p.m. There would be no outside storage of bikes or spare parts that would constitute junk. Mr. Talbot has followed the Board's instruction regarding his entrance and exit. Those present recommended Mr. Talbot acquire a Hazardous Waste Permit and possibly a double containment system of waste oil. There are no floor drains in the new addition.

Judi Carll moved and Larry Jacobsen seconded a motion to approve the change to the previously issued Conditional Use Permit to allow repair as noted in Section 3.09, Item #30 of the revised Waterboro Zoning Regulations and Mr. Talbot acquire a Hazardous Permit from the Town. A copy of the minutes will be forwarded to the members of the Hazardous Waste Committee. Operating hours to be within the hours of 7:00 a.m. to 8:00 p.m. daily for repairs. Vote was 4-0-0 in favor.

#### VI OLD BUSINESS:

#### VII NEW BUSINESS:

Dwayne Morin gave those present proposed changes to Section 7 of the Waterboro Zoning Ordinance that are State Imposed Changes contingent on changes being adopted.

Dwayne also gave those present a copy of proposed additions to the Subdivision Regulations for review to discuss further at the January meeting. Specifically addressing the Performance Guarantee Provisions and Guarantee. Subdivision Regulation changes can be voted on by the Board members and enacted by an affirmative vote. Larry Jacobsen suggested the Board consider working on the regulations to allow minor changes to Subdivisions that would allow for additional land such as The Cathedral Pines Subdivision and other changes minor in nature, without filing a revised plan. Roland Denby noted that Section 1, 1.04 water supply noted in line 7 be revised since the Town now has a water system.

## VIII ADJOURNMENT:

It was moved and seconded to adjourn at 8:52 p.m.

Respectfully submitted,

Dwayne Woodsome

Secretary/Treasurer

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