

# **PLANNING BOARD**

## **Town of Waterboro**

### **REGULAR MEETING**

**JANUARY 11, 1995**

Meeting called to order by Chairman John Roberts at 7:17 p.m.

**I ROLL CALL:** Present were Roland Denby, Larry Jacobsen, Dwayne Woodsome,

Judi Carll, Cindy Allen and John Roberts, Chairman.

**II MINUTES OF PREVIOUS MEETINGS:** Roland Denby moved and Judi Carll seconded a motion to accept December 14, 1994 minutes. Vote was 3/0/2 in favor.

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

1. Technical Reports (Check List for Ordering)
2. Letter Re: Smith Property on Ossipee Lake - Violation
3. Letter Re: Letter of Credit Deer Acres Renewal
4. Info from American Planning Assoc.
5. Letter from CEO Re: Setback Violation

### **IV REPORT OF OFFICERS:**

### **V APPOINTMENTS:**

7:15 PM GUY LITALIEN MAP 32 LOT 21 AR ZONE

7:30 PM SEBASTIAN AMABILE MAP 24 LOT 12 AR ZONE

#### **7:15 p.m. Guy Litalien Map 32 Lot 61 Ossipee Lake**

Mr. Litalien has a lot on Lake Ossipee near Brunetti's. An existing structure 10' x 25' is to be removed and Mr. Litalien is requesting permission to construct a 1 1/2 story 24' x 30' main building with an 8' x 30' front porch. A new septic design is on file that will be installed on a rear parcel for which Mr. Litalien has received an easement from an abutter.

It would appear that Mr. Litalien will have an open loft area measuring 10' x 24' which would add 240 sq. ft. onto the 960 sq.ft. for the first floor including the front porch. This totals 1,200 sq. ft. of area. The existing structure has 250 sq. ft. 30% of that would allow an addition 75 sq. ft. to be added under the 30% Rule.

John Roberts informed Mr. Litalien that the State of Maine has mandated a 30% rule on the Town which allows expansion up to 30% of all structures that fall within 100 feet of the normal high water mark of ponds, streams, lakes etc. Mr. Litalien explained that the

existing structure is not a dwelling. The lot is an old lot that has been in the family for years. Would the lot have any rights as a grandfathered lot?

The 30% Rule is for the lifetime of a structure and the Planning Board does not have the right to grant the request. Mr. Litalien could seek a variance through the Zoning Board of Appeals and the State. An application was given to Mr. Litalien.

Mr. Litalien explained that he would like to place a cottage on this lot that would be equal to his neighbors. The Board members explained that the rules and regulations were different when the neighbors constructed the cottages. A new structure would have to meet the 100 ft. minimum setback from the normal high watermark of Ossipee Lake. The lot does not show sufficient dimensions to allow the required setback. It was explained to Mr. Litalien that the Zoning Board of Appeals forwards a copy the request for variance to the State of Maine DEP.

Building Office to provide minimum living space for Mr. Litalien. Believed 400 sq. ft. minimum.

Cindy Allen moved and Roland Denby seconded a motion to deny the request of Guy Litalien under Section 7.01, Paragraph 2 A. and B. and that the \$25.00 Application Fee be applied to the Variance Fee. Vote was 5-0-0 in favor.

#### **7:30 p.m. Sebastian Amabile Map 24 Lot 12 AR Zone**

The Amabiles received approval last year for an addition to a pump house which totaled 56 sq. ft. The Amabile's would now like permission to add an 8' x 12' addition to an existing porch which would be an addition 96 sq. ft. of area. The cottage is 1 1/2 stories and measures 20' x 37' which would give them 1,256 sq. ft. of area times 30% allowing them for 376 sq. ft. of addition. The Amabiles have indicated that the addition will go no closer to the normal high water mark. If approved the total amount of expansion would equal 18.4% to date.

Members asked where the property line of the abutter is located. Mr. Amabile indicated that the abutters had actually constructed a portion of their cottage on his property and Mr. Amabile had to quit claim property to the abutter so the cottage is actually on the property line.

Judi Carll moved and Cindy Allen seconded a motion to approve the Amabiles Request under Section 7.01 Paragraph 2, B. 1. A. and C. Vote was 5-0-0 in favor.

#### **VI OLD BUSINESS:**

## VII NEW BUSINESS:

Dwayne reviewed the proposed changes in the Subdivision Regulations with those present. All proposed changes have been underlined to assist the members in the review.


Under the Minor Subdivision John Roberts and Dwayne Woodsome suggested including something in the language that would allow the Planning Board to require if deemed necessary (a sensitive area) the right to request a full blown Hydro study. Dwayne Morin asked the Board's permission to have John Tewhey review the changes that dealt with water studies. The Board members felt that the request was valid. Dwayne will have John Tewhey review the proposed changes.

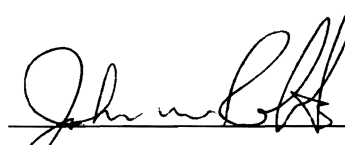


Landscaping plans within greenbelts was discussed with differing opinions as to the degree of cutting within greenbelts and the enforcement of cutting within the greenbelts.


## VIII ADJOURNMENT:

A motion was made and seconded to adjourn at 8:42 p.m.

Respectfully submitted,

  
Dwayne Woodsome  
Secretary/Treasurer

  
\_\_\_\_\_  
\_\_\_\_\_

# **PLANNING BOARD**

## **Town of Waterboro**

### **REGULAR MEETING**

**JANUARY 26, 1995**

Meeting **called to order** by Chairman, John Roberts at **7:25 p.m.**

- I      ROLL CALL:** Present were Cindy Allen, Dwayne Woodsome, Judi Carll, Larry Jacobsen and Chairman John Roberts.
- II     MINUTES OF PREVIOUS MEETINGS:** Cindy Allen moved and Judi Carll seconded a motion to accept January 11, 1995 minutes as read. Vote was 4-0-0 in favor.
- III    COMMUNICATION AND BILLS:**
  - 1. Letter from Dwayne Morin to K Lovell Re: Emerald Acres Subdivision now owned by Esther Wiggin.
- IV    REPORT OF OFFICERS:**
- V     APPOINTMENTS:**

7:00 p.m. Paul Tebbetts    Map 28   Lot 41   AR Zone

**7:00 p.m. Paul Tebbetts    Map 28   Lot 41   AR Zone**

Mrs. Wiggins camp is currently 1,014 sq. ft. in size, according to Town's tax records. The property falls within 100 ft. of the normal high water mark of Ossipee Lake. The basic concern is centered on the 30% expansion rule. This allows no more than a 304 sq. ft. addition. The proposal includes the addition of a 10' x 13' addition to square off the house and a 2' x 22' addition along the entire back wall of the structure. This proposal equals a 174 sq. ft. addition which equals a 17.16% expansion. Another concern regards the addition of a foundation. Dwayne Morin has checked with DEP and a permit is not required when placing a foundation under a cottage in the Shoreland Zone. Mr. Tebbetts has contacted DEP and they instructed him to file a Permit-by rule. The board customarily requests an updated septic system be installed as a condition to the approval. The addition would expand towards a legally recorded right-of-way.

Paul Tebbetts informed the Board members that the cottage elevation would be increased by 2 ft. from the existing location. It was noted that the elevation should be set prior to jacking the cottage to allow installation of the foundation. Possibly Tim Nelson could check to see that the elevation is marked prior to the start of the project. There are no doors or windows planned in the foundation.



Cindy Allen moved and Larry Jacobsen seconded a motion to allow the request for the expansion and the foundation, the elevation not to exceed 3 ft. with strict adherence to soil erosion sedimentation control methods and the installation of an updated septic system as presented on file and we allow the 2' x 22' 3" towards Moonpenny Lane (as noted on Emerald Acres Subdivision) directly abutting lot 3 of the subdivision and abide by all shoreland regulations and stipulations from DEP under Section 2.08. Vote was 4-0-0 in favor.

Please forward permits to Paul Tebbetts, 1103 Dona Way, Nokomis, FLA 34275. Permits paid in advance.

Dwayne Woodsome asked those present if the Planning Board had directed Dwayne Morin to update the Zoning Ordinance and Subdivision Regulations? Discussion followed.

Dwayne Woodsome moved and John Roberts seconded a motion that no more work be done on the subdivision regulations and zoning ordinance until the maps have been laminated. Vote was 1 in favor 2 opposed 1 abstention. Motion failed.

John Roberts noted that Dwayne Morin should take this as a hint.

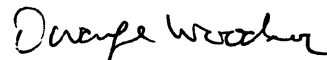
**VI OLD BUSINESS:**

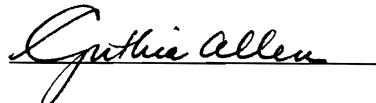
**VII NEW BUSINESS:**

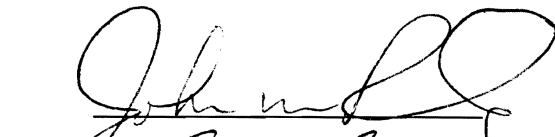


**VIII ADJOURNMENT:**

It was moved and seconded to adjourn at 8:15 p.m.

Respectfully submitted,

  
Dwayne Woodsome  
Secretary/Treasurer

  
\_\_\_\_\_  
\_\_\_\_\_

# **PLANNING BOARD**

## **Town of Waterboro**

**REGULAR MEETING**

**FEBRUARY 8, 1995**

**MEETING CALLED TO ORDER BY CHAIRMAN AT 7:05 P.M.**

### **I ROLL CALL:**

Present were Larry Jacobsen, Roland Denby, Dwayne Woodsome, Cindy Allen, Judi Carll, Everett Whitten, and John Roberts, Chairman.

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

Cindy Allen moved and Dwayne Woodsome moved to accept the minutes of January 26, 1995. Discussion: Dwayne Morin requested permission to speak regarding previous meeting discussion and stated the procedure if there is a problem. Dwayne Woodsome apparently was concerned with Dwayne Morin's re-write of Zoning. It is the Planner's responsibility to let the Planning Board know of deficiencies in what is written. Dwayne had previously noted to the board members that he was uncomfortable with writing changes. He was instructed to bring something before the board and the board would react.

Dennis Abbott, Chairman of the Board of Selectmen requested permission to speak. Board of Selectmen are concerned if the Board is not satisfied with the performance of Dwayne Morin then the Planning Board should go to the Board of Selectmen with their concerns.

The new comprehensive plan - if we ignore the changes our ordinance could be challenged and lose the moneys from the state and a pay back would be expected. It is the Board's responsibility to comply or update the ordinance with the Comprehensive Plan.

A problem with representation of the Planning Board at Town Meetings for proposed changes. Certainly not easy to present hours of work and have the changes voted down.

If the Planning Board gives Dwayne direction and Mr. Abbott noted his assurance that he would assist the board.

There is a need for seven people to work for the community. The Planning Board is probably the toughest committee to be on. It's a drawn out affair and certainly not easy. Mr. Abbott stated that if anyone on the board does not wish to work under these conditions they could render their resignation to him at this time. The Board voted not to be involved with the re-write of the comprehensive plan however the Planning Board now owns it. It is the responsibility of the board to fulfill the obligations that the Zoning Ordinance changes with the changing of times.

The original zoning ordinance had flexibility and has since been modified.

Roland Denby expressed his pleasure with Dwayne Morin's performance. Roland also expressed that most of the changes needed to zoning from the comprehensive plan have been completed with the exception of the changes to the zoning boundary lines.

Dwayne Woodsome spoke regarding his comments at the previous meeting and the fact that we had a laminating machine and hadn't used it. The machine is no good if it's not being used.

There has been a torrent of issues from the State and Dwayne and the previous Town Planner have been extremely helpful.

Mr. Abbott noted that maybe the Board of Selectmen had over reacted. The Board had requested a preliminary copy of the Planning Board's minutes. Bob Fay had been approached as to the content of the inaccuracy of the Planning Board minutes. Dennis noted that the Board has the right to check and change the minutes prior to acceptance.

Dennis noted that the Board of Selectmen get all comments valid and invalid.

The Planning Board voted to start a petition to change the annual Town Meeting from June to March. The Board of Selectmen voted that down. If the members of the Board chose to do this as an individual this would be fine but as a Planning Board they should not do something to change Town government.

Dennis noted that there has not been representation of the Planning Board at Special Town Meetings. Last June there were several members present and Dennis believed that most of the ordinance changes were passed. The board members are the sales person for the changes.

The Town has not borrowed a dime since the change of the fiscal year which allowed billing twice a year. This change did alter the time of year that the Town Meeting was scheduled.

Dennis stated that if there are concerns with Dwayne Morin's performance then the members of the Planning Board should go to Dwayne or the Board of Selectmen.

Judi Carll expressed that Dwayne Morin has the expertise for the zoning changes, Judi has a hard time with changes due to her inexperience with such issues. She also noted she wouldn't mind helping with the laminating of the maps.

Sharon left the meeting to attend a wake. Dwayne Morin took notes for the remainder of the meeting.

Vote for the January 26, 1995 minutes was 5-0-1 in favor.

**III COMMUNICATION AND BILLS:**

1. Memo from Board of Selectmen Re: Annual Report Deadline March 3, 1995  
Forward Information to Roland Denby
2. Letter from K Lovell Re: Status of Emerald Acres

**IV REPORT OF OFFICERS:**

**V APPOINTMENTS:**

None

**VI OLD BUSINESS:**

**VII NEW BUSINESS:**

Discussion regarding Mobile Home Park & Trailer Park Ordinance. Currently there is a 15 day limit. Possibly to look at extending this limit but have facilities. Permit needed with setbacks, lot size and a process for sanitation and look at eliminating this use from the Shoreland Zone. Dwayne to work on this for the next meeting

3 Months instead of 15 days -  
Meet zoning requirements  
Meet suitable sanitation requirements

**VIII ADJOURNMENT:**

Larry Jacobsen moved and Cindy Allen seconded a motion to adjourn at 8:10 p.m. All in favor.

Respectfully submitted,

*Dwayne Woodsome*  
Dwayne Woodsome  
Secretary/Treasurer

*Roland E. Denby*  
*Everett White*  
*Judith Carr*

---

---

---

# **PLANNING BOARD**

## **Town of Waterboro**

**REGULAR MEETING**

**FEBRUARY 23, 1995**

Meeting was called to order by Vice Chairman, Roland Denby at 7:18 p.m.

### **I ROLL CALL:**

Present were Roland Denby, Everett Whitten, Judi Carll and Dwayne Woodsome.

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

Everett Whitten moved and Judi Carll seconded a motion to accept February 8, 1995 minutes. Vote was 4-0-0 in favor.

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

1. Letter from U S Dept. of the Interior Re: Maine Cranberry Company
2. Copy of the Annual Report for publication in the Town Report

### **IV REPORT OF OFFICERS:**

Treasurer reported \$16,590.07 in the Planning Board account.

### **V APPOINTMENTS:**

7:15 p.m. Patrick Chevalier Map 50 Lot 4 AR Zone

#### **7:15 p.m. Patrick Chevalier Map 50 Lot 4 AR Zone**

Mr. Chevalier has a corner lot in Mountain View subdivision off Hamilton Road. The proposed addition of a breezeway and a garage would be approximately 20 ft. from the right-of-way. The Board has had several such requests in the past on similar corner lots for the addition of garages. A copy of the subdivision was reviewed. The addition would go no closer to the front lot line abutting Circle Drive than the existing structure. Section 2.08 allows the Planning Board to depart from the required setbacks at a minimum.

It was noted that the rear parcel could be developed further. The members noted to Mr. Chevalier that the measurement of a setback was from the drip edge. Members asked if there was to be living space on the second story of the garage. Mr. Chevalier noted possibly a workshop in the future no additional living space. There would be no plumbing in the garage only electricity. Would there be a problem with the septic system? No addition of bedrooms so the septic system would not need to be updated.

Dwayne Woodsome asked if there would be a problem without exact measurements for setbacks to be met? Tim Nelson noted that if the Planning Board gave Mr. Chevalier a dimension he would be able to meet it.

Judi Carll moved and Everett Whitten seconded a motion to allow the addition requested by Mr. Chevalier not to go closer than 20 ft. to Hilltop Lane under Section 2.08 and 4.02. Vote was 3-0-0 in favor.

## **VI OLD BUSINESS:**

### **Mr. Koller Map 45 Lot 1327 R Zone**

A Conditional Use Permit was issued for this lot in 1993, Tim Greateon acted on behalf of the owners. Mr. Koller is now asking the Board to grant a 35 ft. front yard setback instead of the previous approval of 40 ft. All other setbacks can be maintained. 100 ft. from the normal high water mark 35 ft. sideline setbacks. Mr. Koller's plans indicate that due to the roof line he cannot maintain the 40 ft. setback for the garage. The members of the Board reviewed previous minutes and felt that there was adequate relief by the previously issued Conditional Use Permit. Perhaps Mr. Koller could choose a different style home. If Mr. Koller chose the Board could deny his request and he could go to the Zoning Board of Appeals to request a variance. Mr. Koller has received his approval from Saco River Corridor Commission. Mr. Koller noted to those present that there were currently no homes on either side of his lot.

Mr. Koller would like an approval rather than request a variance.

Dwayne Woodsome moved and Judi Carll seconded a motion to re-approve the Conditional Use dated February 25, 1993 utilizing a 40 ft. front yard setback, 100 ft. water setback and 35 side line setbacks. Vote was 3-0-0 in favor.

## **VII NEW BUSINESS:**

Dwayne Morin reviewed the required changes to section 7.01 and Article 14 to satisfy DEP (see attached letter) for adoption at June Town Meeting. Dwayne Morin read the changes. If okay with the board members Dwayne will forward to the State.

Everett Whitten moved and Dwayne Woodsome seconded a motion to approve Dwayne Morin's request. Vote was 3-0-0 in favor.

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
STATE HOUSE STATION 17                      AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF WATERBORO	) MANDATORY SHORELAND ZONING ACT
YORK COUNTY	) 38 M.R.S.A., SECTION 438-A (3)
SHORELAND ZONING ORDINANCE	) ORDINANCE APPROVAL WITH
FILE #9-94	) CONDITIONS

Pursuant to the provisions of 38 M.R.S.A., Section 435-449, and 06-096 CMR, Chapter 1000, State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, effective March 24, 1990, and amended July 14, 1992, and August 7, 1994, the Department of Environmental Protection has considered the Zoning Ordinance for the Municipality of Waterboro, as amended by the municipal legislative body on June 4, 1994, and FINDS THE FOLLOWING FACTS:

1. The Mandatory Shoreland Zoning Act (Act) requires the Town of Waterboro to establish zoning controls in areas within 250 feet of the normal high water line of great ponds, and rivers; within 250 feet of the upland edge of freshwater wetlands; and within 75 feet of the normal high water line of streams. Such zoning standards must be consistent with or no less restrictive than those in the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, (Guidelines), as adopted by the Board of Environmental Protection (Board).
2. The Act specifies that before a locally adopted shoreland zoning ordinance, or amendments to that ordinance, is effective, it must be approved by the Commissioner of the Department of Environmental Protection (Commissioner). The Commissioner may approve, approve with conditions, or disapprove a locally adopted ordinance. If disapproved, or approved with conditions, such action must be preceded by notice to the municipality.
3. The Department's review of the Waterboro ordinance has revealed the following significant deficiencies:
  - A. Article 3 of the Waterboro ordinance fails to establish a Shoreland Overlay District, or the shoreland subdistricts, as described in Article 7 of the ordinance.
  - B. The ordinance does not include a provision stating that whenever conflicting or inconsistent provisions within the ordinance, or with other ordinances, regulation, or statute exist, the more restrictive shall control. Since the zoning maps identify overlapping zoning and shoreland districts, with potentially conflicting uses and standards, this provision must be included in the ordinance.

TOWN OF WATERBORO  
YORK COUNTY  
SHORELAND ZONING ORDINANCE  
FILE #9-94

2 MANDATORY SHORELAND ZONING ACT  
) 38 M.R.S.A., SECTION 438-A (3)  
) ORDINANCE APPROVAL WITH  
) CONDITIONS

- C. The ordinance establishes a 150 foot shore frontage standard for lots along great ponds, rivers, and streams. The Guidelines specify a 200 foot standard for these areas.
  - D. The ordinance fails to establish a minimum waterbody shoreline or wetland setback standard for roads, driveways, parking areas, and campsites within commercial campgrounds. The guideline standard is 100 feet from great ponds, and 75 feet from other waterbodies and wetlands.
  - E. The ordinance fails to prohibit new mineral extraction operations within Resource Protection Districts adjacent to moderate and high value freshwater wetlands. Department records indicate there are four such wetlands in Waterboro.
  - F. Article 14 of the ordinance defines "Shoreland", in part, as "areas within 500 feet of any lake , river, or stream". This definition is inconsistent with the Act and Article 7 of the Waterboro ordinance which describe shoreland, in part, as areas within 250 feet of great ponds, rivers, and freshwater wetlands, and within 100 feet of streams.
  - G. Article 14 defines "Waterbody", as a permanent or intermittent lake, river or stream capable of floating a canoe, boat, or raft at some time during the year. This is inconsistent with the Guidelines and the shoreland standards contained in Article 7.
4. In a letter dated August 16, 1994, the Town of Waterboro was notified by the Commissioner of the above deficiencies, and the proposed conditional approval of the locally adopted ordinance.

Based on the above Findings of Fact, the Department makes the following CONCLUSIONS:

- 1. The shoreland zoning provisions of the Waterboro zoning Ordinance, as amended on June 4, 1994, are substantially consistent with the requirements of the Mandatory Shoreland Zoning Act, 38 MRSA, Section 438-A, with the exception of the Deficiencies identified in Finding #3 above. These deficiencies can be adequately addressed by the Department approving the Waterboro ordinance with conditions adopting Guidelines standards to supplement the deficient provisions of the Waterboro ordinance.



TOWN OF WATERBORO  
YORK COUNTY  
SHORELAND ZONING ORDINANCE  
FILE #9-94

3 MANDATORY SHORELAND ZONING ACT  
) 38 M.R.S.A., SECTION 438-A (3)  
) ORDINANCE APPROVAL WITH  
) CONDITIONS

THEREFORE, the Department APPROVES the Zoning Ordinance for the Town of Waterboro, as amended on June 4, 1994, SUBJECT TO THE ATTACHED CONDITIONS:

1. All areas with 250 feet of the normal high water line of great ponds, and rivers; and areas within 250 feet of the upland edge of freshwater wetlands; and within 75 feet of the normal high water line of streams, as defined in the Waterboro Zoning Ordinance, and identified on the Waterboro Shoreland Zoning Map, dated July, 1994, and incorporated as part of that ordinance, shall be designated as shoreland under the provisions of the Waterboro Zoning Ordinance.
2. Land use activities in areas identified on the shoreland zoning map as Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall be administered and enforced according to the performance standards, and permitting requirements described in Table 1, Land Uses in the Shoreland Zone, contained in Article 7, and the underlying zoning districts and performance standards of the Waterboro ordinance. Where the shoreland districting, standards, and permitting requirements are more restrictive than the provisions applicable to the underlying zoning districts, the more restrictive land use provisions and standards shall apply.
3. New lots adjacent to great ponds, rivers, and streams shall have a minimum shore frontage of 200 feet, exclusive of areas located within the Village District, as identified on the Waterboro Zoning Map.
4. New roads, driveways, parking areas, and campsites within commercial campgrounds in designated shoreland areas shall set back a minimum of 100 feet from the normal high water line of great ponds, and 75 feet from rivers, streams, tributary streams, and the upland edge of freshwater wetlands.
5. New mineral extraction operations are prohibited in Resource Protection Districts adjacent to moderate and high value freshwater wetlands.
6. The term "Waterbody" as applied in designated shoreland areas shall include all great ponds, rivers and streams.

TOWN OF WATERBORO  
YORK COUNTY  
SHORELAND ZONING ORDINANCE  
FILE #9-94

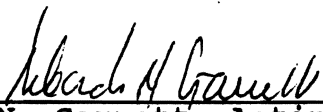
4 MANDATORY SHORELAND ZONING ACT  
) 38 M.R.S.A., SECTION 438-A (3)  
) ORDINANCE APPROVAL WITH  
) CONDITIONS

The above conditions shall be binding on the Town of Waterboro, and shall be administered and enforced as part of the municipal zoning ordinance. Should the municipality amend its ordinance to address the issues identified by these conditions, and receive approval by the Department of Environmental Protection, the above conditions shall be repealed.

DONE AND DATED AT AUGUSTA, MAINE, THIS 28th DAY OF SEPTEMBER, 1994

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:

  
Deborah N. Garrett, Acting Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

## **SHORELAND ZONING REVISIONS**

### **Section 7.01 Development on Shorelands**

- Add the following paragraph: *(satisfies DEP condition #3)*

#### **Minimum Shoreland Frontage**

New lots adjacent to great ponds, rivers, and streams shall have a minimum shore frontage of 200 feet, exclusive of areas located within the Village District, as identified on the Waterboro Zoning Map.

- Add the following paragraph: *(satisfies DEP condition #5)*

### **8. Mineral Exploration and Extraction**

New mineral extraction operations are prohibited in the Resource Protection Districts adjacent to moderate and high value freshwater wetlands as determined by the Department of Environmental Protection.

- Add the following section: *(satisfies DEP condition #4)*

### **14. Roads and Driveways**

New roads, driveways, parking areas, and campsites within commercial campgrounds in designated shoreland areas shall set back a minimum of 100 feet from the normal high water line of great ponds, and 75 feet from river, stream, tributary streams, and the upland edge of freshwater wetlands unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement to no less than 50 feet upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body. such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

This section shall not apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located near to the shoreline due to an operational necessity.

## **ARTICLE 14 Definitions**

### **Section 14.02 Words and Terms Defined *(satisfies DEP condition #1 & #6)***

#### **DELETE**

- **WATERBODY:** A permanent or intermittent lake, river, or stream capable of floating a canoe, boat or raft at some time during the year.
- **SHORELAND:** As defined in this ordinance--all land within five hundred (500) feet of the normal high water mark of any lake, river, or stream and all land beyond the five hundred (500) foot setback line that lies within the one hundred (100) year flood plain of any waterbody up to a maximum distance back from the waterbody of one thousand (1000) feet.

#### **ADD**

- **WATERBODY:** Any great ponds, rivers, or streams.
- **GREAT POND:** Any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this ordinance, where the artificially formed or increased inland body of water is completely surrounded by the land held by a single owner.
- **SHORELAND:** The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond, river, or saltwater body; within 250 feet of the upland edge of a coastal or freshwater wetland; or within one hundred (100) feet of the normal high-water line of a stream.

- Add the following section: *(satisfies DEP condition #2)*

## **ARTICLE 13 LEGAL STATUS**

### **Section 13.09 Conflicting or Inconsistent Provisions**

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

#### **ADD TO:**

**Section 7.01:** *(satisfies DEP condition #1 & #2)*

#### **Districts and Official Shoreland Zoning Map**

The areas to which this section of the ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map which is made part of the ordinance:

1. Resource Protection
2. Limited Residential
3. Limited Commercial
4. Stream Protection

#### **AMEND:** *(satisfies DEP condition #1 & #2 and comment #3A)*

**Section 3.01 General** - For the purpose of this ordinance, the Town of Waterboro is divided into the following five (5) zoning districts; a Village district (V); a Residential district (R); an Agriculture-Residential district (AR); a Forest-Agriculture district (FA); and a Conservation district (C). In addition to these districts, the Town of Waterboro also has two (2) overlay districts; the Shoreland Overlay Districts divided into four(4) subdistricts: Resource protection, Limited Residential, Limited Commercial and Stream Protection as described in section 7.01; and the Well-Head Protection Districts divided into three (3) subdistricts: District #1, District #2 and District #3 described in section 7.06.

## **Recreational Vehicle Temporary Living**

***Add the following:***

### **7.03.1 Recreational Vehicles**

A recreational vehicle shall not be occupied in the Town of Waterboro outside a campground designated to accommodate such vehicles which complies with all provisions of this ordinance.; except as herein specifically permitted.

A. It shall be permissible for a homeowner to allow one (1) recreational vehicle to camp or park in his/her yard adjacent to his/her home for a period not to exceed ninety (90) days in any calendar year in every zoning district in the Town of Waterboro except the shoreland overlay district. However, such a vehicle is to be used only for sleeping purposes during the ninety day period, providing the homeowner shall have granted permission to the recreational vehicle occupants to use the homeowner's sanitary facilities and the location of the vehicle meets all sideline, rear and frontyard setbacks. The Code Enforcement Officer shall require written proof of permission from the homeowner that the vehicle can be parked in the homeowner's yard, the date of arrival of vehicle, duration of visit and date of departure.

B. It shall be permissible for a landowner to allow one(1) recreational vehicle to be parked on vacant land for a period not to exceed ninety(90) days in any calendar year provided the Planning Board has approved such temporary living quarters. In applying for the request, the applicant shall provide the Planning Board with the following information:

- Existence of adequate sanitary facilities or provisions for disposal of wastewater as permitted under the State of Maine Plumbing Code;
- Adequate provisions for the disposal of solid waste;
- Existence of adequate water supply;
- Landowner permission, date of arrival, duration of visit and date of departure;
- Location of placement is not in the shoreland overlay zoning districts;  
and
- Location meets all rear, sideline and front setbacks of the zoning district.

C. A recreational vehicle may be stored in the Town of Waterboro regardless of the provisions of this ordinance, provided that it shall not be used for living or sleeping purposes during such time it is stored and provided it shall not be deemed a nuisance.

D. The Code Enforcement Officer shall, if deemed to be a nuisance and/or health hazard, order the immediate compliance of the recreational vehicle with the applicable ordinance(s) or law(s). If the situation is not brought into compliance within seven days, then the Code Enforcement Officer can order the immediate removal of the recreational vehicle.

*Delete the following from section 7.03:*

Recreational vehicles may not be used as permanent residences in the Town of Waterboro. They may be stored when not in use in any parking space authorized or required to be created by this ordinance. They may be used as intended in any campground designated to accommodate such vehicles which complies with all of the provisions of this ordinance. In addition, persons utilizing recreational vehicles who are known to and guests of residents of the town may temporarily park on any portion of their host's lot area and utilize their recreational vehicle for temporary living quarters for a period not to exceed fifteen (15) days provided that the minimum setback requirements of the zoning district are observed and that the occupants of the recreational vehicle utilize the sanitary facilities located in their host's residence.

Dwayne had prepared an addition to Section 7.03 Recreational Vehicles as requested by the Board members at the last meeting.(see attached) Members were concerned that the usage of a recreational vehicle beside a house would not be enforceable. Possibly a fee should be involved, possibly a form to be made for the Code Enforcement Officer if he finds one during inspections he could address it with the camper.

On vacant land - approval would be granted by the Planning Board for temporary living quarters with a copy to go to the Fire Department.

Send to Karen Lovell for review.

Everett Whitten moved and Dwayne Woodsome seconded a motion to forward the changes to Town's attorney for legal comments. Vote was 3-0-0 in favor.

Public Hearing was discussed and Sharon will book appointments starting at 7:30 from March 26th through June to allow a hearing to be scheduled prior to the start of a regular Planning Board Meeting. Roland Denby asked if once the zoning map was changed if we would be in compliance with the state laws and the Comprehensive Plan? Dwayne Morin noted that this would complete the process.

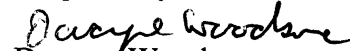
Roland Denby and Dwayne Woodsome went to counsel meeting. It appears that there will be an article to change the fiscal year and Town Meeting back to March at June Town Meeting.

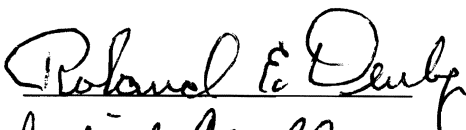

Sharon to add to the annual report for the Town Report that elections were held and the current officers were re-elected as previous. Also add that in May and June a Planning Board representative attended subdivision instruction presented by SMRPC at Massabesic High School.

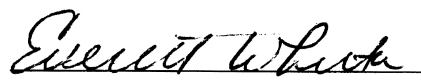
#### **VIII ADJOURNMENT:**

It was moved and seconded to adjourn at 8:38 p.m. All in favor.

Respectfully submitted,

  
Dwayne Woodsome  
Secretary/Treasurer

  
\_\_\_\_\_



# **PLANNING BOARD**

## **Town of Waterboro**

### **REGULAR MEETING**

**MARCH 8, 1995**

MEETING CALLED TO ORDER AT 7:15 P.M. BY CHAIRMAN, JOHN ROBERTS.

**I ROLL CALL:** Present were Larry Jacobsen, Roland Denby, Judi Carll, Everett Whitten, Cindy Allen and John Roberts. Dwayne Woodsome called to say he was sick and would not be attending.

**II MINUTES OF PREVIOUS MEETINGS:** A copy of the February 23, 1994 minutes was passed out for their review. Sharon was on vacation the week before therefore the minutes were not typed sooner.

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

1. Notice of Intent to File an Application from Payson MacCormack Lot 1526
2. Copy of renewal Conditional Use Permit for Old Home Days by CEO
3. Planning Land Use Booklets

Roland Denby moved and Cindy Allen seconded a motion to order ten copies of the 1995 Planning Land Use Law Booklets. Vote was 5-0-0 in favor.

### **IV REPORT OF OFFICERS:**

### **V APPOINTMENTS:**

NONE

### **VI OLD BUSINESS:**

Dwayne let the members know that in the near future the Maine Cranberry Company will be back. During this process both Towns will need to have a joint meeting since the project shares town boundary lines.

Also in the near future the Board will be reviewing a Site Plan for a Driving Range and Miniature Golf Business on Route 202/4 in East Waterboro.

### **VII NEW BUSINESS:**

Planning Session for Review of Zoning Boundaries

Dwayne Morin discussed with those present a proposal to possibly expand the Village Zone in South Waterboro to encompass the water system area.

Possibly uses to be determined by having watered lot uses and non-watered lot uses. Should try to follow property lines with zone changes if possible and then allow Residential Zone to bulls eye the Village Zones. Dwayne also would like the Board to consider this same format for East Waterboro and North Waterboro. Since these areas do not have town water it would just be an expanded Village Zone with Residential surrounding it.

Dwayne then explained that once the Town of Waterboro reaches a population of 6,000 the State will be designating Urban Compact Areas. The West Road would be of major concern since the Town would then be responsible for the road's maintenance, construction. Due to the topography of the land surrounding the West Road the Board might consider having this area Forest & Agriculture Zone in place of the Agriculture/Residential Zone.

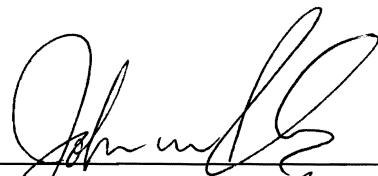
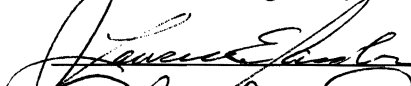

Concerns were voiced with what this would do to existing lots. John Roberts asked for Dwayne to contact Karen Lovell to see if she could attend the next Board meeting to assist the Board with legal advice to change the zone lines.


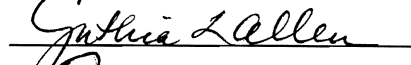
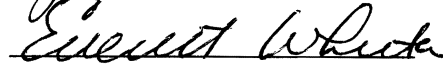
Currently the Board has one appointment for the March 23, 1995 meeting scheduled at 7:30 p.m. Sharon to contact the LaCourses to reschedule for 7:00 p.m.

### VIII ADJOURNMENT:

Meeting adjourned at 9:00 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer  
  
  


# **PLANNING BOARD**

## **Town of Waterboro**

**REGULAR MEETING**

**MARCH 23, 1995**

Meeting called to order by Chairman at 7:08 p.m.

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

**II MINUTES OF PREVIOUS MEETINGS:**

February 23, 1995 and March 8, 1995

**III COMMUNICATION AND BILLS:**

1. Letter from K Lovell Re: Proposed changes to the Recreational Vehicle Ordinance

**IV REPORT OF OFFICERS:**

**V APPOINTMENTS:**

**7:00 P.M. EDWARD AND GRACE LACOURSE MAP 4 LOT 37A AR ZONE**

Mr. & Mrs. LaCourse are requesting permission to have a Foster Boarding Care Facility for age 18 and up possibly some mentally handicapped. Mrs. LaCourse noted that she currently is licensed for foster care of one child who resides in her home and foster care of two adults. The license for foster care of two adults can be expanded to four once the LaCourses receive approval through the Board.

There is currently one bedroom on the first floor that will have two beds. Once the second floor is finished the intent is to have one bed per room however they could hold two beds. The building as constructed would allow the LaCourses to be licensed for ten. Currently they have applied for four people. They would also be interested in respite care and therefore asked that the Board not limit them to four. The septic system is designed for foster care of ten people.

The Fire Marshall will require smoke alarms, egress windows. Over six boarders would require sprinkling of the building. The LaCourses currently have to test their drinking water three times through the state and one private testing.

Does the State dictate the supervision of care in the number of boarders to supervisor or number of hours of direct care? Upon receipt of a boarder specific orders are given. Currently none of the boarders require 24 hour supervision. Asked what type of boarder? Mrs. LaCourse noted she has no intention of taking violent boarders.

The Board requested a copy of licenses for the file. Roland asked about an on site inspection. John asked if there was a need since this was a renewal. Roland felt an on site would be beneficial. Roland Denby moved and Larry Jacobsen seconded a motion to hold an on site inspection of the LaCourse property.

Larry noted that possibly the board should consider limiting the number of residents to six since this seems to be the break point for sprinkler system. The foster child would be excluded from this count.

Vote was 4-1-1 in favor. On site scheduled for Friday, March 24, 1995 at 10:00 a.m.

A copy of all licenses requested. The Fire Marshall has just come and Mrs. LaCourse did not know how long it would be before the license would be issued.

Public Hearing Need? This is the same type of request as in 1988. Boarders previous that were presumed to be able to care for themselves versus supervision and around the clock care. Just looking to protect from discontented neighbors.

Explained that a previous situation that the Board had dealt with was the reason for considering a Public Hearing. After discussion the Board did not feel the need to hold a Public Hearing.

The LaCourses will be placed under Old Business on the April 12, 1995 agenda.

## **VI OLD BUSINESS:**

## **VII NEW BUSINESS:**

Karen Lovell was present at the request of the Planning Board to assist in the review of proposed changes in zoning lines.

The Board had requested review and suggestions for storage criteria of recreational vehicles for addition to the Zoning Ordinance.

Proposed to Add the Following:

**Recreational Vehicle: Storage and as Temporary Living Space**

**7.03.01 Recreational Vehicles**

A recreational vehicle shall not be occupied in the Town of Waterboro outside a campground designated to accommodate such vehicles which comply with all provisions of this ordinance; except as herein specifically permitted.

A. Provided a permit is first obtained from the Code Enforcement Officer, it shall be permissible for the owner or lessee of a single-family dwelling to allow one (1) recreational vehicle to camp or park in his/her yard adjacent to his/her home for a period not to exceed ninety (90) days in any calendar year in every zoning district in the Town of Waterboro except the shoreland overlay district. However, such a vehicle is to be used only for sleeping purposes during the ninety day period, providing the homeowner shall have granted permission to the recreational vehicle occupants to use the homeowner's sanitary facilities and the location of the vehicle meets all sideline, rear and frontyard setbacks. The Code Enforcement Officer shall require written proof of permission from the homeowner that the vehicle can be parked in the homeowner's yard, the date of arrival of vehicle, duration of visit and date of departure.

B. It shall be permissible for a landowner to allow one (1) recreational vehicle to be parked on vacant land for a period not to exceed ninety (90) days in any calendar year provided the Planning Board has approved such temporary living quarters. In applying for the request, the applicant shall provide the Planning Board with information sufficient to allow the Board to determine that the following requirements have been met:

- Existence of adequate sanitary facilities and provisions for disposal of wastewater as permitted under the State of Maine Plumbing Code;
- Adequate provisions for the disposal of solid waste;
- If the unit contains cooking or heating facilities, and related fuel storage, those must be safe and adequate for the intended use;
- Existence of adequate water supply;
- Landowner permission, date of arrival, duration of visit and date of departure;

- Location of placement is not in the shoreland overlay zoning districts; and
  - Location meets all rear, sideline and front setbacks of the zoning district.
- C. A recreational vehicle may be stored in the Town of Waterboro regardless of the provisions of this ordinance, provided that it shall not be used for living or sleeping purposes during such time it is stored and provided it shall not be deemed a nuisance. Recreational vehicles being stored shall meet the following requirements:
- 1) Inside parking, or
  - 2) Outside parking in the side yard or the rear yard, or on vacant land, or
  - 3) Outside parking in the front yard, provided
    - a) Space is not available or there is no reasonable access to either the side yard or rear yard; a corner lot is always deemed to have reasonable access to the rear yard; a fence is not necessarily deemed to prevent reasonable access;
    - b) Inside parking is not possible;
    - c) The unit is parked perpendicular to the road or right of way;
    - d) The body of the recreational vehicle or boat is at least 11 feet from the apparent sideline of the road or right-of-way; and
    - e) No part of the unit extends over the road or right-of-way;
  - 4) Storage is permitted only if the unit, while parked, is
    - a) Not used for dwelling purposes;
    - b) Not connected to sewer lines, water lines, fuel tanks or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries and such other purposes;
    - c) Not used for storage of goods, materials, or equipment other than those items considered to be a part of the unit or essential for its immediate use.

5) Notwithstanding the provisions of this section, a unit may be parked anywhere during active loading or unloading, and use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.

- D. The Code Enforcement Officer shall, if the occupation or storage of a recreational vehicle is deemed to be a nuisance and/or health hazard, order the immediate compliance of the recreational vehicle with the applicable ordinance(s) or law(s). If the situation is not brought into compliance within seven days, then the Code Enforcement Officer can order the immediate removal of the recreational vehicle.

Remove C. and the boat section of D. and 10 ft. in place of 11 ft.

Fee of \$10.00 would be in the Fee Section of the ordinance.

Larry asked if this would allow the parking of a recreational vehicle while packing a week or so. As above noted it would then be out of storage. This would not be allowed in the Shoreland Overlay Zone.

Paragraph to be added allowing use during construction with Planning Board approval an additional 90 day period as found in Section 2.07.

Dwayne Morin showed the Planning Board the Town Map with changes as discussed at the last meeting indicating he had tried to stay strict to property line, streams etc. West Road to go from A & R to F & A.

Karen asked the reason for changes to zone lines? Once the Town's population reaches 6,000 the State will analyze the town and assess the number of drives within 200 ft. for each 1/4 of a mile. The Town is then responsible for the maintenance of the road denoted by the state as an urban compact area. This could potentially include the entire length of West Road. Also the comprehensive plan called for the change. The topography really dictates size of lots to be 5 acres in place of 2 acres. Dwayne showed those present the ridge area as denoted on previous Resource Capability Analysis completed by Land Use Consultants, Inc. in February 1977.

The Board members considered what this would do to existing subdivisions. Those that have gone through recently have setback lines and therefore would meet those standards. Others have been approved already as five acres in size. Lake Sherburne lots are currently are substandard and require Planning Board approval to allow construction utilizing less restrictive setbacks.

Dwayne Woodsome suggested a no building zone around the Town property on the Bennet Hill Road surrounding the transfer station. This might be classified as taking land.

Karen noted that to limit construction is usually to protect a resource, the dump would not be so classified. Possibly the town should consider purchasing the adjacent property. Dwayne Morin noted a proposal to do this at Town Meeting.

Karen noted that the Board must take care to be consistent with the Comprehensive. The presentation for Town Meeting should be topography, useages and environmental impact and the flavor of existing development.

The Board asked Karen to see what could be added or changed to the Subdivision Regulations that would allow addition of land to an existing subdivision that would allow an easier process. Karen did note that the Board should take care not to form ordinances to particular problems since many times this comes back to haunt you.

A plan would still have to be filed at the registry of the change to an existing subdivision for re-configuring of a lot.

Are the proposed zone line changes consistent with the Comprehensive Plan to satisfy the State. Dwayne Morin noted that the Comprehensive Plan had suggested changes that dealt with the growth changes in the future since the growth pattern has slowed the current suggested changes do appear to conform. If not the Comprehensive Plan might need to be changed and could be done as a separate article or concurrent with the adoption of the change of zone.

John Roberts will not be able to attend Town Meeting. Judi Carll felt that the Planning Board should be presenting the changes to the zones and zoning ordinance not the Town Planner. All were in agreement and thought since Judi was doing such a good job she could be the spokesperson.

A Public Hearing to be scheduled before the next two meetings at 7:00 p.m. The first hearing should be on the zone line changes and the second hearing to encompass the zone line changes and the changes to the zoning ordinance for shoreland and recreational vehicles. Dwayne Morin expressed that a bulk mailing to go out prior to the second public hearing with the proposed changes on maps. Sebago Technics should be able to assist us in time for the hearing. Dwayne is in hopes to add the Shoreland overlay and wellhead protection overlay onto the maps.



Larry Jacobsen asked if there were any standards for recreational acreage that a town is supposed to own. Dwayne Morin noted none. There are standards for ballparks, tennis courts, skating rinks, basketball courts and nature fitness trails. The town meets almost all of these standards.

The town currently owns approximately 580 acres which includes 79 lots in Lake Arrowhead, the transfer station property, the mountain and other small parcels.

What would the Board like to do with the four different proposals for zone line changes. Judi Carll moved and Cindy Allen seconded a motion to use the map closest resembling the comprehensive plan marked last revision initialed by members present. Vote was 6-0-0 in favor Chairman did not vote.

Dwayne Morin stated he would compose a narrative to go out in the bulk mailing. Possibly publish a map with the notice?

April 12, 1995 no appointments to be scheduled just the Public Hearing at 7:00 p.m. and the LaCourses under Old Business.

April 27, 1995 suggested only two appointments be scheduled depending on the nature of business.

Notice to be published in three newspapers. Possibly a news release.

Roland Denby suggested John Roberts ask for Steve Kasprzak's assistance since he was extremely helpful during the original proposal for zoning in 1977.

Minutes of February 23, 1995 under Patrick Chevalier should note old subdivision on Hamilton Road should read Mountain View Subdivision. Roland Denby moved and Dwayne Woodsome seconded a motion to approve 2/23/95 minutes with change. Vote was 5-0-0 in favor.

Roland Denby moved and Everett Whitten seconded a motion to approve March 8, 1995 minutes. Vote was 5-0-0 in favor.

Dwayne Woodsome moved to reimburse Judi Carll and Cindy for their time if they help with the laminating of the subdivision maps. Motion dies due to no second.

Dwayne Woodsome moved and Larry Jacobsen seconded a motion to pay those members that attend workshops or other such meetings concerning Planning Board issues. Vote was 7-0-0 in favor.

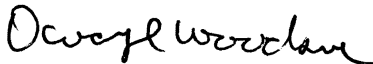
Town Meeting is slated for Saturday, June 3, 1995.

Dwayne Woodsome, John Roberts, Roland Denby and Everett Whitten will be attending the meeting scheduled by S.M.R.P.C. on March 27, 1995. Sharon will call to let S.M.R.P.C. know how many plan to attend.


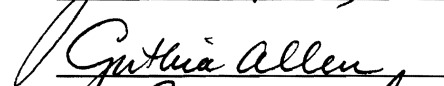
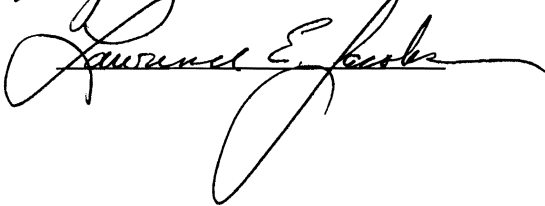
### VIII ADJOURNMENT:

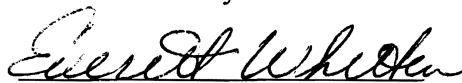
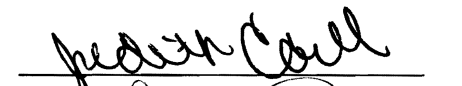
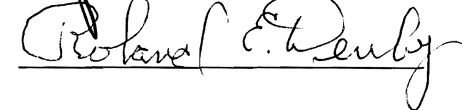
Meeting adjourned at 9:29 p.m.

Respectfully submitted,



Dwayne Woodsome  
Secretary/Treasurer

# PLANNING BOARD

## REGULAR MEETING

Town of Waterboro APRIL 12, 1995

Meeting called to order by Chairman, John Roberts at 8:00 p.m.

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

Roland Denby and Lawrence Jacobsen completed an on site inspection of the LaCourse property with Tim Nelson on April 13, 1995

- II MINUTES OF PREVIOUS MEETINGS:**

Roland Denby moved and Cindy Allen seconded a motion to accept March 23, 1995 minutes. Vote was 5-0-0 in favor.

- III COMMUNICATION AND BILLS:**

- IV TREASURER'S REPORT:**

- V APPOINTMENTS:**

- VI OLD BUSINESS:**

### *LaCourse Foster Care Facility*

Mrs. LaCourse noted that the Fire Marshall had inspected the building approximately six weeks earlier but they have heard nothing from the Fire Marshall. The Licensing Bureau does not issue the license until they hear from the Fire Marshall's Office.

Roland Denby reported that he, Tim Nelson and Larry Jacobsen had visited the location. There was a bit of concern as to how close Alder Acres was to this location and another small subdivision. The LaCourses own approximately eight acres of land and the property is well buffered. Roland had driven through Alder Drive prior to the inspection at the LaCourses and the requested use should not be a problem for anyone. There appears to be substantial parking. From a layman point of view the material being used in the construction stage is quality material. There are a few things that should meet requirements however the state licensing bureau should take care of them. If the use is maintained in good order this would be a beneficial use for the town and Roland could see no problem with the continuation of the project.

The state is farming people out everywhere. This property is isolated, located on a State aid road for easy access for ambulance and police service. If the clients they have are the usual the biggest problem will be the outsiders looking in.

In the original application the LaCourses requested ten boarders. At the previous meeting over six boarders would require a sprinkler system. The LaCourse would be happy with approval for six boarders. The Board noted that they could always return at a later to request permission for additional boarders.

Tim Nelson noted that the building is structurally sound and the LaCourse had worked with Denis Pratt, an engineer from Alpha One to insure compliance with A.D.A. accessibility. Good location believed the animals would be good for the boarders.

Tim noted possibly an alarm system should be tied into the police and fire units. Currently no regulations that would allow Code Enforcement to require them possibly the Board could consider this as a condition. Board members asked why this would be necessary? Mrs. LaCourse noted that a pull station could create more potential for problems. Smoke detectors are hardwired in series. The current phone system has designated buttons for emergencies.

Dwayne Woodsome moved and Judi Carll seconded a motion to grant the re-approval of a Conditional Use Permit issued January 28, 1988 with a change from ten boarders to six everything else to stand. Vote was 6-0-0 in favor.

Licenses should be submitted prior to issuance of Occupancy Permit.

### ***ZONING BOUNDARIES***

Dwayne Morin suggested the board consider moving the proposed boundaries for Residential Zone on Federal Street to the rear property of those property owners that are now located in a split zone; and,

was too large (leave the way it has been presented until after the next hearing)

Agriculture Residential should wrap around C & K Apartment Complex; and

Center Waterboro should the large parcel abutting the approved trailer park stay in the Village Zone? Those present felt that since the parcel is approximately 95 acres and has access from both Route 5 and the Townhouse Road it would be a good location for future Commercial growth; (agreed to leave this section as presented) and,

Area of Simonds Property that was proposed as F & A has potential for development due to good soils, access to state aid highway. Concern noted regarding spaghetti lots on the Townhouse Road. Larry Jacobsen also noted that the Board should keep in mind the right to request land from a developer for future recreational use. Number of acres in this area? Dwayne Morin thought about 200 acres. Larry noted that the board had the right to request 20 acres be set aside. Urban compact area has to start at a major intersection and Dwayne Morin did not see an immediate threat. (Those present agreed to change this area to A & R) and,

Village Zone in North Waterboro - some felt that the land area on the left side of Route 5

Discussion on the Bagley Road and Tim Woodward Road as to whether the Town has done work on the road. Questions regarding abandonment. Dwayne Morin noted that state law says work has to be substantial and it is believed that the work completed was incidental. Abandoned Road means the Town has done no substantial work, a road has to be discontinued in order for the land to revert back to the abutting property owners.

Selectmen Robert Fay was present.

New Map created? Should more colored maps be ordered. Dwayne Morin did not feel that more would be needed at this time.

Next Public Hearing would be for further review of the boundary changes, Shoreland Zoning changes and addition of recreational vehicle standards.

**VII NEW BUSINESS:**

**VIII ADJOURNMENT:**

It was moved and seconded to adjourn the meeting at 8:53 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

Roland E. Daulton  
Guthrie Allen  
Judith C. Allen

John D. B. B.  
Everett Whitten

**PLANNING BOARD**  
**Town of Waterboro**  
**PUBLIC HEARING**  
**APRIL 12, 1995**  
**PROPOSED ZONING BOUNDARY LINE CHANGES**

Hearing was called to order by Planning Board Chairman, John Roberts at 7:10 p.m. Present from the Planning Board were Roland Denby, Cindy Allen, Lawrence Jacobsen, Everett Whitten, Dwayne Woodsome, Judi Carll and Chairman. Also in attendance were 16 residents.

John Roberts opened the meeting noting the purpose of the hearing was for discussion of zoning changes. The article will read: Will the town vote to accept zoning boundary changes? John referred to the handout material and asked for questions. Dwayne Morin, Town Planner/Selectmen's Assistant asked to address those present. Dwayne gave an overview as follows:

The state says that towns that have Comprehensive Plans must adjust zoning to comply with the comprehensive plan.

## **HISTORY**

1977	Town of Waterboro first Comprehensive Plan created.
1977	Town of Waterboro passes first Zoning Ordinance.
1988	Legislature Passes Growth Management Law
1989	Town of Waterboro Selected As Phase I Community
1989	Town of Waterboro Approves Comprehensive Plan
1991	Town of Waterboro Approves Comprehensive Plan
1991	Town of Waterboro Receives Implementation Grant

January 1, 1998      Town of Waterboro must be consistent with the Comprehensive Plan or Ordinance is considered **VOID if not acted upon.**

Dwayne noted there were three ways this could be handled:

1. Change the Comprehensive Plan,
2. Change the Ordinance, or
3. Adjust both the Comprehensive Plan and the Ordinance

Dwayne reviewed existing Land Use and explained that the Board had tried to rely on existing patterns.

## **ALL ZONING DISTRICTS**

**As A Rule**      -      Zoning Boundaries followed either property lines, streets, streams, etc. Great effort was placed on trying not to split a property with a zone line.

**Village Zones**      -      There has been an increasing demand for increasing commercial opportunity in the Town. The village areas are predominantly the commercial areas in the

Town and thus in the proposed zoning have been expanded. They were expanded to provide more commercial opportunity within the Town Boundaries. Existing Land Uses were reviewed in determining these boundaries

**Residential Zones** - Were increased to reflect existing housing patterns keeping in mind environmental concerns.

**F & A Zones** - Were created to reflect current/existing land use patterns along with environmental concerns and land restrictions (i.e. topography, soils, ledge, and wetlands)

**Conservation** - Used in connection with Shoreland Overlay Zoning along with sensitive lands and existing uses.

## **SPECIFIC CHANGES**

### **VILLAGE ZONES**

**North, Center & East Village Zones** - There has been an increasing demand for increasing commercial opportunity in the Town. The village areas are predominantly the commercial areas in the Town and thus in the proposed zoning have been expanded. They were expanded to provide more commercial opportunity within the Town Boundaries. Existing Land Uses were reviewed in determining these boundaries

**South Waterboro Village** - Village Zone was increased to cover areas encompassed by town water. The Water System opens opportunities for commercial and residential growth.

### **CONSERVATION ZONES**

**Nature Conservancy Conservation Zone** - This conservation zone was expanded to encompass the entire 2,200 acre purchase of the Nature Conservancy. The intent of the Nature Conservancy was to forever protect the Waterboro Barrens. This change furthers this effort.

**Other Conservation Zones** - The only other changes to these zones resulted from the effort to follow property lines and not split zone properties.

Also the Shoreland Zoning is an overlay onto the Conservation further limiting types of uses of land.

### **RESIDENTIAL ZONES**

**Beaver Ridge/Brookside Residential Zone** - Changed from A&R to Residential Zone to reflect existing land use patterns. Allows the residents in the subdivisions to bring property and structures into conformance.

**Federal Street Residential Zone** - This Zone was modified to end the Zone boundary from splitting lots. This expansion is recommended to just expand to rear property boundaries of Federal Street lots.

**Hamilton Road Residential Zone** - This zone change from A & R to Residential is due primarily to the existing land uses that currently exist along the Hamilton Road while allowing for additional Residential neighborhood on typically good soils, slope (3-8%)

**Soils:**

Loam - sandy loam  
Slightly erodable  
Stony/non stony  
moderate permeability  
greater than 48" depth to water table  
greater than 48" to impervious layer  
greater than 48" to bedrock

**Old Alfred Residential Zone-** Expand Residential Zone along Old Alfred Road to comply with current land use patterns keeping in mind the land use restriction:

Good Topography	300' - 400'
Slope	Greater than 3% - 8%
Soils	Loam - sandy loam with sections of peat muck Slightly erodable Non-stony - very stony Moderate - rapid permeability 0-15" depth to water table Greater than 48" depth impervious layer Greater than 48" depth to bedrock

Ties together all three village zones - Center, East and South

**Other Residential Zones** - The only other changes to these zones resulted from the effort to follow property lines and not split zone properties.

**FOREST & AGRICULTURAL ZONE**

**West Road F & A Zone** - The change from A & R to F & A is proposed to reflect existing land use patterns. On the whole residential development along the West Road



consists of homes set back 100 ft. or more off the road on larger lots (5 + acres). Concerns of residents along the West Road have been expressed to change this zone to the F & A.

Example: West Road Coalition with Howard Hall Development  
West Road Coalition with Brooks Machining

Over the past seventeen years nine subdivision have been completed in this area. Most of the subdivision have included larger lots:

1986 Cathedral Pines - 4 lots 2.3 acres - 7.5 acres lots  
1987 Parker Subdivision - 5 lots 3.13 - 5 acre lots  
1987 Deer Watch - 9 lots 5.20 - 12.19 acre lots  
1988 Fall Lot Estates - 4 lots 2.8 acre lots  
1989 Pace Landing - 15 lots - clustered development  
1990 Field Stone Acres - 7 lots - 2 acre lots  
1991 New Arbor Estates - 3 lots - 1 - 2 acre and 2 - 8 acre lots  
1992 Doug Pilon - 2 lots - 14.41 acre lot and 4.55 acre lot  
1993 West Hill - 3 lots - 1 - 90 acre + lot 1 - 3.8 acre lot 1 - 2.43 acre lot

The land constraints in the zone include:

Bad topography	400' to 700'
Excessive slopes	3 - 25%
Soils	Loam - Sandy loam texture Slightly to easily erodable Non stony to extremely stony Moderate to rapid permeability 0 - greater than 48" depth to seasonal water 0 - greater than 48" depth to impervious layer 0 to greater than 48" depth to bedrock (very large area of 0 - 15")

**Deering Ridge Road F&A Zone** - This area was changed from A&R to F&A. On the whole, the area changed consists of houses located on larger lots. Many vacant lots are predominately large tree growth parcels or sprawling fields which are hayed.

**Simonds Lumber F&A Zone** - This area's only change was along the Townhouse/Buxton Road where the change from A&R was changed to F&A. This was primarily done due to all parcels abutting the road being under tree growth status.

**Other F&A Zones** - The only other changes to these zones resulted from the effort to follow property lines and not split zone properties.

## **AGRICULTURE RESIDENTIAL ZONE**

**General** - The A&R Zones were changed to other zoning classifications as mentioned above. Primarily the A&R zoning was changed to either F&A , Residential, or Village.

**As a rule** - The A&R Zone is those areas within the Little Ossipee Watershed.

Meeting was opened for question and answer period.

**Gus Cook** - West Road - Asked if there had been provision for industrial area. Dwayne Morin noted that the Village zone allows for commercial uses.

Would the area changing from A&R to F&A allow single family residence. Yes it does.

Has the town had trouble with law suits due to loss of use? No Planning Board has met with the Town's attorney to make sure of potential law suits because of changes considered.

**Kim Janotta** - West Road - Kim is a developer this would hinder future development. Kim's hope was that the Planning Board would change the two acre zone to one acre zoning not from 2 acre to 5 acre.

**Mrs. McDaniel** - Thyngs Mill Road - How would the changes affect tax assessment?

Dwayne Morin noted that he had asked the Tax Assessor - Property is assessed on market value around you. Village and Residential are appraised lower. Assessors establish blocks and it would appear that there would be no different rate.

**John Cote** - Cathedral Pines - If voted in when would the changes become effective? July 1, 1995

**Mr. Cook** - Law suits because lot requirements were too large? Dwayne Morin noted that to date the Town of Waterboro has not had any law suits due to zoning changes.

**Tim Allen** - Route 202 - Mr. Allen currently has a garage in an AR zone. How would the change affect his property? The property would be grandfathered and the use could continue. Asked if he could split lot? Dwayne indicated that it would make no difference in splitting lot due to change in density requirement. Subdivision laws are state law.

Single family is allowed in all zones but lot size requirements differ from zone to zone.

**McDaniel** - Conservation restrictions - Generally sensitive lands most land in the conservation zone would be protected by Shoreland Zone overlay which protects most wetland area.

Gus Cook - If a use is non- conforming, how long before the use is discontinued. If a non-conforming use ceases for 12 months it would lose its grandfathered status.

Tim Allen - Asked about overlay of Shoreland Zone and the proposed development project intended for abutting property. State and Federal regulations - which the town has little or no say in. Wetlands 1/2 acre or greater fall under Army Corp of Engineers permit.

If a property has wetland on it the density is allowed for a cluster type development.

McDaniel - Houses for additions if non-conforming. Planning Board review would be required as it is now. Asked about setback differences. Addition would be non-conforming, Planning Board would review for minimal impact.

Tim Allen - Asked if a single family home is allowed on one acre lot what about a duplex? Basically one acre per dwelling when one acre zoning is imposed.

Noted that the Planning Board had tried to create a plan for the entire community.

Dwayne Morin asked if those present felt the board had been successful in doing that or have they totally missed the boat. No response from those present.

Tim Allen - asked if the Board could help developer on West Road?

Comments will be taken into consideration however the Board must look at what is best for the entire town not intended for spot type zoning.

Kim Janotta - Noted he has built two houses that are high quality homes with 2,200 sq. ft nicely landscaped. What would the town gain by going from 2 to 5 acre zone? Dwayne Morin noted that once the Town reaches 6,000 population the State sets Urban compact areas this is determined by the number of entrances onto a state road or state aid road so many with a 1/4 of a mile. Potentially the Town could be responsible for the maintenance year round as well as reconstruction, paving, sanding and plowing where currently the town sands and plows. Noted that Routes 202 (4), Townhouse Road, West Road, Route 5, Old Alfred Road, Goodwins Mill Road, Federal St. and Chadbourne Ridge Road are considered State Aid Highways. These would be used for consideration under Urban Compact areas. The state currently paves and reconstructs these roads. This would place a great cost onto property owners and property taxes. Kim asked if single family homes would not add to the revenue. Dwayne explained that currently taxes derived from a single family home does not cover the education cost of \$4500.00 per year per child. Commercial growth gives a boost since it is pure tax revenue.

McDaniel - Asked why North Village expansion was so large? Planning Board will review all comments and concerns.

Simonds Property - Townhouse Road - Board to consider remaining AR and maybe increase the AR zone in this area.

East Village - Suggested it not be expanded to the Lyman/Waterboro town line.

Federal Street - R zone not extend to Star Hill Road.

Center Waterboro Village - should be reduced.

McDaniel commented on rational for changes.

Kim Janotta - Industry welcome on West Road now if changed it would not be allowed. On two occasions a coalition has indicated to the Board the need for larger lots and did not feel certain commercial uses should be allowed.

If Mr. Janotta intended future development he could use the wetland area as density to maximize the steep slope to the rear of the lot. Currently the rear section of Mr. Janotta's property is zoned as 5 acres. Mr. Janotta noted that past the wet area there nice level land it is a shame to be able to make use of it. Dwayne Morin stated , in his opinion that the land could still lend a nice development.

Hearing was closed at 7:47 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

**PLANNING BOARD**  
**Town of Waterboro**  
**PUBLIC HEARING**  
**APRIL 27, 1995**  
**PROPOSED ZONING BOUNDARY LINE CHANGES**  
**&**  
**CHANGES TO SHORELAND ZONING**  
**&**  
**ADDITIONS TO ARTICLE 7 OF RECREATIONAL VEHICLE**

Hearing was called to order by Planning Board Chairman, John Roberts at 7:04 p.m. Present from the Planning Board were Roland Denby, Cindy Allen, Lawrence Jacobsen, Everett Whitten, Dwayne Woodsome, Judi Carll and Chairman. Also in attendance were 20 residents and Robert Fay.

John Roberts opened the meeting noting the purpose of the hearing was for discussion of zoning changes. John noted to those present that if they were not at the April 12th Public Hearing they should state their name prior to speaking for the recorder. Dwayne gave an overview as follows:

The state says that towns that have Comprehensive Plans must adjust zoning to comply with the comprehensive plan.

**HISTORY**

1977	Town of Waterboro first Comprehensive Plan created.
1977	Town of Waterboro passes first Zoning Ordinance.
1988	Legislature Passes Growth Management Law
1989	Town of Waterboro Selected As Phase I Community
1989	Town of Waterboro Approves Comprehensive Plan
1991	Town of Waterboro Approves Comprehensive Plan
1991	Town of Waterboro Receives Implementation Grant

January 1, 1998      Town of Waterboro must be consistent with the Comprehensive Plan or Ordinance is considered **VOID if not acted upon.**

Dwayne noted there were three ways this could be handled:

1. Change the Comprehensive Plan,
2. Change the Ordinance, or
3. Adjust both the Comprehensive Plan and the Ordinance

Dwayne reviewed existing Land Use and explained that the Board had tried to rely on existing patterns.

Shoreland Zoning Changes reviewed as follows:

John Roberts asked if there were questions? None asked except Mr. Coyne who asked about the boundary changes. John told him they would get to those in a few minutes.

## **Recreational Vehicle Changes as follows:**

### **RECREATIONAL VEHICLE CHANGES**

Dwayne Morin explained that existing rules allow a Recreational Vehicle to be placed on a lot for 15 days in a calendar year. The change would allow 90 days as long as adequate sewerage and water were available and would include a \$10.00 permit. Planning Board approval would be required for a vacant lot. Any land within shoreland would not be allowed to have a recreational vehicle. Repeal of existing. Questions ? None

**Article:** To see if the Town will vote to amend Article 7 of the Waterboro Zoning Ordinance by adding the following Section:

#### **Section 7.03.01 Recreational Vehicles**

A recreational vehicle shall not be occupied in the Town of Waterboro outside a campground designated to accommodate such vehicles which comply with all provisions of this ordinance; except as herein specifically permitted.

- A. Provided a permit is first obtained from the Code Enforcement Officer, it shall be permissible for the owner or lessee of a single-family dwelling to allow one (1) recreational vehicle to camp or park in his/her yard adjacent to his/her home for a period not to exceed ninety (90) days in any calendar year in every zoning district in the Town of Waterboro except the shoreland overlay district. However, such a vehicle is to be used only for sleeping purposes during the ninety day period, providing the homeowner shall have granted permission to the recreational vehicle occupants to use the homeowner's sanitary facilities and the location of the vehicle meets all sideline, rear and front yard setbacks. The Code Enforcement Officer shall require written proof of permission from the homeowner that the vehicle can be parked in the homeowner's yard, the date of arrival of vehicle, duration of visit and date of departure.
- B. It shall be permissible for a landowner to allow one (1) recreational vehicle to be parked on vacant land for a period not to exceed ninety (90) days in any calendar year provided the Planning Board has approved such temporary living quarters. In applying for the request, the applicant shall provide the Planning Board with information sufficient to allow the Board to determine that the following requirements have been met.
  - Existence of adequate sanitary facilities and provisions for disposal of wastewater as permitted under the State of Maine Plumbing Code;
  - Adequate provisions for the disposal of solid waste;

- If the unit contains cooking or heating facilities, and related fuel storage, those must be safe and adequate for the intended use;
- Existence of adequate water supply'
- Landowner permission, date of arrival, duration of visit and date of departure;
- Location of placement is not in the shoreland overlay zoning districts; and
- Location meets all rear, side line and front setbacks of the zoning district.

C. A recreational vehicle may be stored in the Town of Waterboro regardless of the provisions of this ordinance, provided that it shall not be used for living or sleeping purposes during such time it is stored and provided it shall not be deemed a nuisance. Recreational vehicles being stored shall meet the following requirements:

- 1) Inside parking, or
- 2) Outside parking in the side yard or the rear yard, or on vacant land, or
- 3) Outside parking in the front yard, provided
  - a) Space is not available or there is no reasonable access to either the side yard or rear yard; a corner lot is always deemed to have reasonable access to the rear yard; a fence is not necessarily deemed to prevent reasonable access,
  - b) Inside parking is not possible;
  - c) The body of the recreational vehicle is at least 10 feet from the apparent sideline of the road or right-of-way; and
  - d) No part of the unit extends over the road or right-of-way;
- 4) Storage is permitted only if the unit, while parked, is
  - a) Not used for dwelling purposes;
  - b) Not connected to sewer lines, water lines, fuel tanks or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries and such other purposes;
  - c) Not used for storage of goods, materials, or equipment other than those items considered to be a part of the unit or essential for its immediate use.

5) Notwithstanding the provisions of this section, a unity may be parked anywhere during active loading or unloading, and use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.

- D. The Code Enforcement Officer shall, if the occupation or storage of a recreational vehicle is deemed to be a nuisance and/or health hazard, order the immediate compliance of the recreational vehicle with the applicable ordinance(s) or law(s). If the situation is not brought into compliance within seven days, then the Code Enforcement Officer can order the immediate removal of the recreational vehicle.
- E. The Planning Board may extend the ninety (90) day time period for utilizing a recreational vehicle as temporary living space for an additional ninety (90) day time period provided the applicant can show need and that undue hardship will result if the time period is not extended.

**Article:** To see if the Town will vote to amend the Waterboro Zoning Ordinance by deleting the following paragraph from Article 7, Section 7.03:

Recreational vehicles may not be used as permanent residences in the Town of Waterboro. They may be stored when not in use in any parking space authorized or required to be created by this ordinance. They may be used as intended in any campground designated to accommodate such vehicles which complies with all of the provisions of this ordinance. In addition, persons utilizing recreational vehicles who are known to and guests of residents of the town may temporarily park on any portion of their host's lot area and utilize their recreational vehicle for temporary living quarters for a period not to exceed fifteen (15) days provided that the minimum setback requirements of the zoning district are observed and that the occupants of the recreational vehicle utilize the sanitary facilities located in their host's residence.

**Article:** To see if the Town will vote to amend the Waterboro Zoning Ordinance by adding the following to Article 12, Section 12.01 Permit and Review Fees:

Recreational Vehicle Temporary Living Space Permit	\$10.00
----------------------------------------------------	---------

No questions were asked.

### **Change of Zoning Districts**

**As A Rule** - Zoning Boundaries followed either property lines, streets, streams, etc. Great effort was placed on trying not to split a property with a zone line.

**Village Zones** - There has been an increasing demand for increasing commercial opportunity in the Town. The village areas are predominantly the commercial areas in the Town and thus in the proposed zoning have been expanded. They were expanded to



provide more commercial opportunity within the Town Boundaries. Existing Land Uses were reviewed in determining these boundaries

**Residential Zones** - Were increased to reflect existing housing patterns keeping in mind environmental concerns.

**F & A Zones** - Were created to reflect current/existing land use patterns along with environmental concerns and land restrictions (i.e. topography, soils, ledge, and wetlands)

**Conservation** - Used in connection with Shoreland Overlay Zoning along with sensitive lands and existing uses.

John Roberts asked if there were questions? None asked except Mr. Coyne who asked about the boundary changes. John told him they would get to those in a few minutes.

## **SPECIFIC CHANGES**

### **VILLAGE ZONES**

**North, Center & East Village Zones** - There has been an increasing demand for increasing commercial opportunity in the Town. The village areas are predominantly the commercial areas in the Town and thus in the proposed zoning have been expanded. They were expanded to provide more commercial opportunity within the Town Boundaries. Existing Land Uses were reviewed in determining these boundaries

**South Waterboro Village** - Village Zone was increased to cover areas encompassed by town water. The Water System opens opportunities for commercial and residential growth.

### **CONSERVATION ZONES**

**Nature Conservancy Conservation Zone** - This conservation zone was expanded to encompass the entire 2,200 acre purchase of the Nature Conservancy. The intent of the Nature Conservancy was to forever protect the Waterboro Barrens. This change furthers this effort.

**Other Conservation Zones** - The only other changes to these zones resulted from the effort to follow property lines and not split zone properties.

Also the Shoreland Zoning is an overlay onto the Conservation further limiting types of uses of land.

## **RESIDENTIAL ZONES**

**Beaver Ridge/Brookside Residential Zone** - Changed from A&R to Residential Zone to reflect existing land use patterns. Allows the residents in the subdivisions to bring property and structures into conformance.

**Federal Street Residential Zone** - This Zone was modified to end the Zone boundary from splitting lots. This expansion is recommended to just expand to rear property boundaries of Federal Street lots.

**Hamilton Road Residential Zone** - This zone change from A & R to Residential is due primarily to the existing land uses that currently exist along the Hamilton Road while allowing for additional Residential neighborhood on typically good soils, slope (3-8%)

### **Soils:**

Loam - sandy loam  
Slightly erodable  
Stony/non stony  
moderate permeability  
greater than 48" depth to water table  
greater than 48" to impervious layer  
greater than 48" to bedrock

**Old Alfred Residential Zone-** Expand Residential Zone along Old Alfred Road to comply with current land use patterns keeping in mind the land use restriction:

Good Topography	300' - 400'
Slope	Greater than 3% - 8%
Soils	Loam - sandy loam with sections of peat muck Slightly erodable Non-stony - very stony Moderate - rapid permeability 0-15" depth to water table Greater than 48" depth impervious layer Greater than 48" depth to bedrock

Ties together all three village zones - Center, East and South

**Other Residential Zones** - The only other changes to these zones resulted from the effort to follow property lines and not split zone properties.

## **FOREST & AGRICULTURAL ZONE**

**West Road F & A Zone** - The change from A \$ R to F & A is proposed to reflect existing land use patterns. On the whole residential development along the West Road consists of homes set back 100 ft. or more off the road on larger lots (5 + acres). Concerns of residents along the West Road have been expressed to change this zone to the F & A.

Example: West Road Coalition with Howard Hall Development  
West Road Coalition with Brooks Machining

Over the past seventeen years nine subdivision have been completed in this area. Most of the subdivision have included larger lots:

1986 Cathedral Pines - 4 lots 2.3 acres - 7.5 acres lots  
1987 Parker Subdivision - 5 lots 3.13 - 5 acre lots  
1987 Deer Watch - 9 lots 5.20 - 12.19 acre lots  
1988 Fall Lot Estates - 4 lots 2.8 acre lots  
1989 Pace Landing - 15 lots - clustered development  
1990 Field Stone Acres - 7 lots - 2 acre lots  
1991 New Arbor Estates - 3 lots - 1 - 2 acre and 2 - 8 acre lots  
1992 Doug Pilon - 2 lots - 14.41 acre lot and 4.55 acre lot  
1993 West Hill - 3 lots - 1 - 90 acre + lot 1 - 3.8 acre lot 1 - 2.43 acre lot

The land constraints in the zone include:

Bad topography	400' to 700'
Excessive slopes	3 - 25%
Soils	Loam - Sandy loam texture Slightly to easily erodable Non stony to extremely stony Moderate to rapid permeability 0 - greater than 48" depth to seasonal water 0 - greater than 48" depth to impervious layer 0 to greater than 48" depth to bedrock (very large area of 0 - 15")

**Deering Ridge Road F&A Zone** - This area was changed from A&R to F&A. On the whole, the area changed consists of houses located on larger lots. Many vacant lots are predominately large tree growth parcels or sprawling fields which are hayed.

**Simonds Lumber F&A Zone** - This area's only change was along the Townhouse/Buxton Road where the change from A&R was changed to F&A. This was primarily done due to all parcels abutting the road being under tree growth status.

**Other F&A Zones** - The only other changes to these zones resulted from the effort to follow property lines and not split zone properties.

## **AGRICULTURE RESIDENTIAL ZONE**

**General** - The A&R Zones were changed to other zoning classifications as mentioned above. Primarily the A&R zoning was changed to either F&A , Residential, or Village.

**As a rule** - The A&R Zone is those areas within the Little Ossipee Watershed.

### **Dwayne Morin**

Dwayne indicated that zoning changes as presented were to make the zoning ordinance consistent with the Comprehensive Plan. The Town has until January 1, 1998 to change zoning to be consistent with the comprehensive plan or, change the comprehensive to reflect no changes and remain with the existing ordinance regulations or to compromise and change both the comprehensive plan and the zoning ordinance.

Meeting was opened for question and answer period.

The Board has worked for the last year on the proposed changes and Legal Counsel believes that the changes are consistent with the Comprehensive Plan.

Dwayne Morin noted changes since the public hearing on April 12th R zone will follow rear property lines instead of going to Sayward Ridge Road. Small change near the Lyman Town Line and increase AR along Townhouse Road due to good soils, topography, etc.

Randall Coyne asked about Village Zone, he was informed that 20,000 sq. ft. and 40,000 sq. ft. lots were required. This appears to be a large expansion for Village.

Lake Arrowhead: do they pay taxes? Informed yes they do pay taxes to the Town of Waterboro as well as association dues to the association.

New Road: Five acre lots though it was good but stated a lot of Village.

Larry Jacobsen - one of reasons that taxes are so high is because of Lake Arrowhead and the size of the lots. No area open for Commercial development that would pay pure tax since there are no children to educate. West Road has beautiful homes which are premium dollar for premium lots help offset the \$60,000.00 homes. The Board could proposed one acre lots throughout the entire town which would allow trailers and possibly another Lake Arrowhead. Board felt the town needs a better balance.

Fred Pierce - stated his confusion on the reasoning for changing West Road to five acres. If he had ten acres he could only feasibly get two house lots instead of five. Much of his land is for his retirement. Two years ago the town needed money and they boosted the

land valuation which made his taxes un-affordable so he had to sell 40 to 50 acres to his son. Mr. Pierce felt that the town has shafted him.

Larry Jacobsen - Value of existing property has gone up.

Fred Pierce - AR to R - West Road making up the slack. Nice homes - what is the difference.

Ron Woodward - Nice home of Fred Pierce and he sympathizes with him. Mr. Woodward has a home which sets 250 ft. off West Road with eleven acres. He had anticipated being able to split this lot twice for each of his two children. With the proposal he could only cut one lot off. Also noted his brother-in-law owned 9.9 acres he would not be able to divide the lot into two lots. What happens to people on that road now? This is a serious impact.

It was noted that legal counsel had been at a regular meeting to discuss this issue and according to the attorney this change within this area is in keeping with the Comprehensive Plan that the townspeople voted for. The town has until 1998 to meet compliance with state mandates.

Tim Allen - It appears that most areas were helped by zoning with the exception of West Road and felt if you can't help land owners don't hurt them. The changes favor Mr. Allen however everyone in town should work together to solve a problem. Mr. Allen stated should try not to shaft landowners.

Dottie Janotta - Stated she had studied the maps and done research. People with larger acres are out of towners that have no vote regarding the proposed increase on West Road. In the Village area stated she though industry was a good idea also the water system could help. Problems with the increase like with Mr. Pierce he had purchased land with the intention of doing something worthwhile. Why not Roberts Ridge? People would not pay more for larger lots. Why not have a compromise? Why not propose 3 acres for everyone?

Dottie asked who takes care of offering incentives for commerce? Tax breaks? Dwayne Morin noted that it was against state law to offer tax breaks. The town had an Industrial Committee.

Three acre house lots would allow for nice development. Believed the tax base would be lower. It was noted that real estate alone will not carry the expense of education. Dottie asked if the board would consider suggestion.

Dwayne Morin noted that most of the subdivisions in the last few years have made lots five acres many times due to the topography on West Road. Pre-existing subdivisions would be grandfathered and non-conforming.

Judi Carll - noted that the Board members had reviewed existing Village areas and tried to increase for future expansion and then around the Village area had allowed increase to residential since most of the services are located in the Village zone allowing the residential area to wrap around the Village. This made for easier accessibility for fire, ambulance and water. Further out from Village larger density called for less accessibility to services. Tried for progressive zones. What effect would this have on taxes? Shouldn't have any effect.

Roger Deering - Deering Ridge Road. Stated he likes the change to F & A. His mother who owns land that probably will not be developed thinks the change is acceptable.

Tim Allen - Why was the Village Zone expanded in Waterboro Center just large enough to include Foglio property, just so he could make a few bucks. Plan for business to come in. How many banks?

Board members tried to explain that while increasing zones they did not look at existing property owners. They were concerned with available undeveloped land that would allow expansion. They looked at this as an entire unit not individual lots. Typically strip development happens. This area would allow commercial growth with access to two state aid highways and is somewhat screened. Also topography, water table, soils etc. were reviewed.

AR zone does not allow much commercial development unless you have direct access to a state aid highway.

To go through a subdivision process a hydrogeological study costing in the area of \$10,000.00 has to be completed which many times limits the number of homes allowed in a subdivision. If over twenty acres are developed DEP review is mandated costing in the area of \$100,000.00 for review. A large subdivision does not happen overnight. Example given of existing approved trailer park in Center Waterboro that started as 36 lots and was reduced to 23 lots due to the strict specification of the hydrogeological study.

Dwayne Morin noted that the West Road is located along a ridge that has approximately 400 ft. drop to the Middle Road and New Road with ledge out croppings. Dwayne asked Kim Janotta what the depth of his well was he replied 200 ft. Area does not lend itself for development. Over the past seventeen years the West Road has shown development as a Forest & Agriculture Zone. Agreed that zoning is detrimental in restricting peoples rights.

Harry Jarosz - Rational from AR to FA? Mr. Jarosz is a non-resident - no kids in the system. New Road has no ledge. Tremendous amount of development not under five acres. Dwayne Morin noted that this area cannot pass the hydrogeological study and that past development has leaned toward 5 acre and greater lots.

Ron Woodward - What's wrong with a 200 ft. well? The fact that some people chose larger tracts and have not developed a lot, have been respectful. Pay a lot of taxes now

finding out that plans are down the drain for splitting of lots. Another thorn - cable TV. Informed by the cable company that the density is not right. How dense does it have to be? Disappointed that the town didn't make it a stipulation with the cable company that the fringed area be included in their plans. Ron's only recourse now is to put in a dish. Felt people have been good residents are getting a raw deal. Not thrilled about three acres but would be an easier pill to swallow. There are a lot of people on West Road. Hope you would take into account three acres being easier to handle. Please take people into consideration

John Roberts noted that there are no guarantees. If you invested in stock you take a chance that it may be worth less. Could go belly up. No guarantees.

Dwayne Woodsome noted that with every proposed subdivision several people from the West Road had been opposed. Proposed cluster development shot down.

Mr. Woodward - People not looking from over development. Bad Road for that type of development.

Mr. Woodsome noted that the subdivider had met the density requirements of zoning and could still have done as proposed.

Fred Pierce - asked if anyone remembered Gerry/Jerry deal where district boundaries were changed to get more votes. Mr. Pierce feels hurt and put upon. Asked if this has to go through Town Meeting? Stated this would probably be last on the agenda.

Mr. Woodward - Noted that West Road is a badly maintained road with many accidents. Put a bunch of subdivisions didn't make sense.

Board members noted that were trying to be sensible with the zoning. Roland Denby noted that Shoreland Zoning was a silent problem. If you had wet areas on your property you would need to maintain a 250 ft. setback around that area and could lose the use of 10-12 acres where you cannot cut trees or build roads. This is a sizable piece of land.

Tim Allen - Route 5 asked if he could still use the density. Dwayne Morin explained that wetland could be used for density you would need to maintain certain criteria.

Kim Janotta - Noted that what he had wanted to say had already been said. His land goes 1,000 ft. and drops about 120 ft. not 400 ft. Beyond the current location of two homes that he built is sandy soil. His lot currently is split by AR & FA zoning.

Elizabeth Mitchell - Deering Ridge Road - noted she was in favor of the increase to five acres.

Mr. Coyne - Vote on the warrant or ballot? Noted on the warrant. Thought the 3 acre zone was a nice idea.

Judi Carll - noted that the Board members had reviewed existing Village areas and tried to increase for future expansion and then around the Village area had allowed increase to residential since most of the services are located in the Village zone allowing the residential area to wrap around the Village. This made for easier accessibility for fire, ambulance and water. Further out from Village larger density called for less accessibility to services. Tried for progressive zones. What effect would this have on taxes? Shouldn't have any effect.

Roger Deering - Deering Ridge Road. Stated he likes the change to F & A. His mother who owns land that probably will not be developed thinks the change is acceptable.

Tim Allen - Why was the Village Zone expanded in Waterboro Center just large enough to include Foglio property, just so he could make a few bucks. Plan for business to come in. How many banks?

Board members tried to explain that while increasing zones they did not look at existing property owners. They were concerned with available undeveloped land that would allow expansion. They looked at this as an entire unit not individual lots. Typically strip development happens. This area would allow commercial growth with access to two state aid highways and is somewhat screened. Also topography, water table, soils etc. were reviewed.

AR zone does not allow much commercial development unless you have direct access to a state aid highway.

To go through a subdivision process a hydrogeological study costing in the area of \$10,000.00 has to be completed which many times limits the number of homes allowed in a subdivision. If over twenty acres are developed DEP review is mandated costing in the area of \$100,000.00 for review. A large subdivision does not happen overnight. Example given of existing approved trailer park in Center Waterboro that started as 36 lots and was reduced to 23 lots due to the strict specification of the hydrogeological study.

Dwayne Morin noted that the West Road is located along a ridge that has approximately 400 ft. drop to the Middle Road and New Road with ledge out croppings. Dwayne asked Kim Janotta what the depth of his well was he replied 200 ft. Area does not lend itself for development. Over the past seventeen years the West Road has shown development as a Forest & Agriculture Zone. Agreed that zoning is detrimental in restricting peoples rights.

Harry Jarosz - Rational from AR to FA? Mr. Jarosz is a non-resident - no kids in the system. New Road has no ledge. Tremendous amount of development not under five acres. Dwayne Morin noted that this area cannot pass the hydrogeological study and that past development has leaned toward 5 acre and greater lots.

Ron Woodward - What's wrong with a 200 ft. well? The fact that some people chose larger tracts and have not developed a lot, have been respectful. Pay a lot of taxes now



Fred Pierce - asked the difference between West Road and Middle Road -stated two and five respectively.

Robert Fay - If anyone wishes to change a portion of the ordinance there is a process which allows the change to be brought before the town to vote on. The Comprehensive Plan was passed through town meeting. A yes or no vote to the package being presented. If no the Planning Board would have to come back with another plan. The Planning Board is bringing these changes before the townspeople due to the comprehensive plan being accepted. They are not randomly choosing to do this. The Planning Boards responsibility is to bring the changes to the townspeople. No one on the Board decided on their own to make the changes. The Board still has the opportunity to change the proposal. All meetings are public. Meeting following this hearing. Board meets on the second Wednesday and fourth Thursday of each month.

Liz Gould - What is the acreage for Residential - stated one acre. It was noted that the area where Ms. Gould is would not be changing. Liz stated that the twins in town want to buy her land - this would be one mess close to town. Hopes that it doesn't pan out.

Question on tax increase? State there should be no increase in the tax bills if changes are made. Town taxes on what is taking place on the land not what it could have.

Tim Allen - Would Village Zone change his taxes. Not until it was developed.

Hearing was closed at 8:31 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

# **PLANNING BOARD**

## **Town of Waterboro**

### **REGULAR MEETING**

**MAY 10, 1995**

Meeting called to order by Chairman, John Roberts at 7:03 p.m.

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

**II MINUTES OF PREVIOUS MEETINGS:**

**III COMMUNICATION AND BILLS:**

**IV REPORT OF OFFICERS:**

**V APPOINTMENTS:**

7:00 P.M. CLAY HALLIDAY MAP 4 LOT 40 AR ZONE

7:15 P.M. JOHN MISTOS MAP 35 LOT 2 AR ZONE

7:30 P.M. RAY DUPUIS MAP 40 LOT 12 AR ZONE

7:45 P.M. GEORGE GAGNE MAP 47 LOT 4 AR ZONE

8:00 P.M. S.A.D.#57 ELEMENTARY SCHOOL

8:15 P.M. CAROL WIDEN MAP 30 LOT 1 AR ZONE

### **Clay Halliday Map 4 Lot 40 Shakerlands Golf Range & Miniature Golf**

Entrance Permit - Army Corp has stated by telephone that the permit is okay but paperwork has not been processed. Jay Clements the contact person.

Clay is asking for a waiver of 2 ft. contours. Mike Cuomo suggested a waiver since the lot has been mostly clear cut and mostly flat.

Cindy Allen moved and Roland Denby seconded a motion to waive the topography 2 ft. contour as per request. Vote was 5-0-0 in favor.

Parcel is 92 acres. Dwayne was given a boundary survey. 7 - 8 acres to be developed.

Parking designed beyond a natural buffer zone. Permit to widen river to 40 ft. allows 3 lanes of traffic. Clay is planning to pave the end of the drive. A 120 ft. x 115 ft. parking lot is planned that would provide 30 parking spaces with two designated as handicap adjacent to the building and includes an area for passengers to exit. An island in the middle of the parking lot, possibly barrels, to help with traffic flow. This plan should limit 3 cars going all different directions.

One sign near the road placed so that there will be no obstruction of vision by vehicles leaving the property.

Lighting - For miniature golf only to start. Ralph Pill Electric has engineered the site utilizing four lights pointing down towards the area for miniature golf. Possibly in the future the golf range. The lights will also be pointed down from 30 ft. The lights form a triangle. Lights on the building and CMP is planning a pole at approximate corner of parking lot.

Hours to be open for business are planned to be 10:00 a.m. to 10:00 p.m. these hours could change depending on the use. No replies back from notices sent out by Mr. Halliday. Roland Denby asked about the entrance. Possibly the state could place warning signs. The state contact person did not see a problem with entrance on to Route 202/4

Utilities - CMP pole will be placed well off the end of parking lot and 100 ft. away from the septic system. The system will be backed up close to the woods. Also Clay indicated there might be need to drill a well for use in watering the range area to germinate the grass and hold the soil to keep dust to a minimum.

Public bathrooms planned within the building. The building dimensions including overhang will be 16' x 26'. Mr. Halliday plans to fence the miniature golf. No loft is planned for the building just garage doors as noted in the file. Motion detector lights proposed on the building.

Tee area proposed as 150 ft. long with a gravel bed and cement deck with 8' x 10' sections. Tee dividers at this point are to be wooden dividers approximately 2' x 8'. Mr. Halliday would like to be open July 4th. Board members asked if loud music would be used. The only music would be inside the building.

Building proposed on a cement slab 1 ft. off ground. Judi Carll expressed concern for drinking water for the public. Mr. Halliday would be using bottled water.

This is a Conditional Use in the AR Zone. Buffers - are taken care of. Miniature Golf - Parking lot to be gravel right now, eventually would like to have it paved. The area of development is not in a 100 year flood plain. The septic system is designed as 460 gallon per day design flow.

Dwayne Woodsome moved and Judi Carll seconded a motion to approve the site plan if water on site for public use be licensed by the state or taken care of through the state under Section III C. Vote was 6-0-0 in favor.

Judi Carll moved and Cindy Allen seconded a motion to approve under Section 3.06, 3.09 #37. Vote was 6-0-0 in favor.

**John Mistos Map 35 Lot 2 AR Zone**

Mr. Mistos filed a long form permit with DEP in October of 1994. Dawn Hollowell gave a verbal approval and informed Mr. Mistos that the permit would be issued within the month.

DEP suggested two levels of retaining wall to be constructed with 5' x 5' pressure treated timbers. Larry Jacobsen suggested tilting the wall away from the water. The wall proposed is 30 ft. in length. One pine that needs to come down possibly two.

Cindy Allen moved and Everett Whitten seconded a motion to approve under Section and that Soil & Erosion control measures as stated in DEP Permit be adhered to and that the DEP Permit be received prior to construction commencing. Vote was 6-0-0 in favor.

**Raymond Dupuis Map 40 Lot 12 AR Zone**

Mr. Dupuis is requesting permission to construct a set of stairs to the water and a dock type structure to allow access to an existing boat house. The dock could be constructed in a manner to allow Mr. Dupuis to lift the dock or disassemble the dock so the ice would not damage the entrance dock.

Dwayne Woodsome moved and Roland Denby moved to have an on site inspection. Vote was 6-0-0 in favor.

Mr. Dupuis informed the Board members that the stairs and dock have been constructed. He has been on vacation and jumped the gun. It would not be a problem to take it down if the Board felt it a problem.

On site scheduled for Tuesday at 3:30 p.m. Mrs. Dupuis will be home. Their name is on a sign. Building Permit will be a double fee. Mr. Dupuis to be placed under Old Business on May 25, 1995 meeting.

**George Gagne Map 47 Lot 4 AR Zone**

Mr. Gagne has an existing deck he is requesting permission to place a foundation under the deck to enclose for use as a room. Not planned for year round use.

Roland Denby moved and Everett Whitten seconded a motion to approve with the condition that a new septic system be installed and be allowed to place a foundation under

house and deck (metal roof under deck and over foundation) and place soil and erosion control methods during construction. Vote was 6-0-0 in favor.

Noted that the plans did not include enclosing above the deck. It was noted that permits were needed and make sure he got the permits before starting.

#### **S.A.D. #57 Pee Wee Dube - Elementary School Complex**

Mr. Dube is before the Board on behalf of SAD #57. The SAD is requesting permission for a second portable classroom. The planned location for the second classroom is just off tarmac on the basketball court. The Planning Board noted the need to maintain the 18 ft. for emergency vehicle access to allow fire trucks a way in if necessary. John Roberts turned the meeting over to Roland Denby due to his wife being employed by SAD #57 and she may be occupying one of the classrooms. This is an amendment to the site plans. As long as they maintain 18 ft. from the building as required by previous approval and stay on the tar the Planning Board could approve the request. Mr. Dube was not sure that the entire structure could be placed on the tar and still maintain 18 ft. from the existing building. Tim Nelson noted that where it was drawn in on the plot plan should be okay.

Judi Carll moved and Cindy Allen seconded a motion to allow the portable classroom as long as they place as much as possible on the tar and maintain 18 ft. from the existing building. Vote was 6-0-0 in favor.

#### **Carol Widen Map 30 Lot 1 AR Zone**

Gary Pennell was present representing Carol Widen. A new septic system is needed and as part of the project a new retaining wall about 35 ft. on the road side of the cottage is needed. The project is approximately 75 ft. from the normal high water mark of Ossipee Lake.

Cindy Allen moved and Everett Whitten seconded a motion to approve the 35 ft. retaining wall and they up grade the septic system and utilize soil and erosion control methods during construction. Vote was 6-0-0 in favor.

#### **VI OLD BUSINESS:**

#### **VII NEW BUSINESS:**

**Cellular Tower** has been directed to the Zoning Board of Appeals.

**Guy Litalien:** Board would like to know how the attorney came to the conclusion. Dwayne to call for more information.

**VIII ADJOURNMENT:** Meeting adjourned at 8:47 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

John M.  
Robinson & Daulton  
Guthrie Allen

Judith C. Carr

\_\_\_\_\_

\_\_\_\_\_

# **PLANNING BOARD**

## **Town of Waterboro**

### **REGULAR MEETING**

**MAY 25, 1995**

Meeting was called to order by Chairman at 7:28 p.m.

- I      ROLL CALL:** Present were Cindy Allen, Judi Carll, Everett Whitten, Roland Denby and Chairman, John Roberts.
- II     MINUTES OF PREVIOUS MEETINGS:** Regular Meeting April 12, 1995 and Public Hearing April 12, 1995
- III    COMMUNICATION AND BILLS:**
  - 1. Notice of Intent to File a Natural Resource Protection Permit by Thomas Bullard for Stream crossing
  - 2. RTAC Newsletter for May
  - 3. Letter from DEP Re: James Peverill
- IV    REPORT OF OFFICERS AND COMMITTEES:**
- V     APPOINTMENTS:**
  - 7:00 P.M. Art Smith Map 24 Lot 2 AR Zone
  - 7:30 P.M. Sampson/Johnson Map 39 Lot 6 V Zone
  - 7:45 P.M. Fred & Judi Fay Map 31 Lot 11 AR Zone

#### **Art Smith Map 24 Lot 2 AR Zone**

Mr. Smith is proposing to remodel an existing porch by changing the pitch of the roof and adding new windows. Mr. Smith is within 100 ft. of the normal high water mark of Middlebranch Pond. The new roof would allow cathedral ceilings and therefore volume would be added to this structure a total of 6.5%.

Roland Denby moved and Everett Whitten seconded a motion to approve request and plans submitted be followed under section 7.01, 2. 1.A.

#### **Sampson/Johnson Map 39 Lot 6 V Zone**

This lot is located on the corner of Silas Brown Road and Route 5 in North Waterboro. Michael Sampson was before the board on several occasions regarding the size of a farm stand. Richard Johnson, Annie Sampson, and Maria Johnson are now requesting approval to add Flea Market tables, sell ice cream baked goods, crafts and baskets to the previously approved use. This lot is listed as having 1.8 acres and has a home on the property as well as the Farm Stand. The proposal is to expand the parking lot to have

direct access from Route 5. They intend to fill in the land between the stand and Route 5 to allow for the parking lot once they receive approval from the Board. The applicants planned about 6 tables for the Flea Market and proposed renting these out. Not sure where or how the ice cream would be sold just an idea. Parking lot area? They were waiting for approval from the board.

Board members discussed number of uses. This was previously approved as a farm stand. The Board members explained that sale of ice cream and flea market would be additional uses and therefore required more land. Crafts? Local farm products and nursery items were previously approved. Crafts could fall under Home Occupation as long as no more than 25% of the building were dedicated to the display of crafts. (including under the overhang of same building)

A permit from D.O.T. would be required regarding the entrance off Route 5. Board informed the applicants that they should contact the State regarding this matter.

Roland Denby moved and Everett Whitten moved to approve the request for Arts & Crafts to be no greater than 25% of structure under Section 3.09 #24, 3.06 and 7.04. Vote was 3-0-0 in favor.

### **Fred & Judi Fay Map 31 Lot 11 AR Zone**

The Fay's are requesting permission to construct an addition on the existing structure which falls within 100 ft. of the normal high water mark of Ossipee Lake. The Fay's are requesting the maximum allowed. Dwayne Morin reviewed the plans and the tax records and found that the existing structure has 2,784 sq. ft. of living space which would allow an 11' x 50' two story addition. The configuration of the addition is to add to both sides of the first floor and add a second story. As proposed this would be a 29.23% expansion to that portion of the home which falls within 100 ft.

Roland Denby moved and Everett Whitten seconded a motion to approve an 11' x 50' 2 story addition which falls within 100 ft. of the normal high water mark of Ossipee lake equaling a 29.23% expansion under Section 7.01, 2.B.1.A.. Vote was 4-0-0 in favor.

Judy Fay noted that the septic system is being moved away from the lake as part of this project.

## **VI OLD BUSINESS:**

### **1. Ray Dupuis - Map 40 Lot 12 AR Zone**

Mr. Dupuis was before the board at the May 10th meeting. Mr. Dupuis had indicated to the board that he planned to make the portion of the deck that was over the water



removable. At the on site inspection May 17, 1995, which Roland Denby attended and Cindy Allen checked at a later time on the 17th, photos were taken and Roland and Dwayne Morin found that the deck was solid. The only thing that will move the deck and platform area would be the ice. Mr. Dupuis was aware that might happen but still chose to construct this attached to the stairs.

Roland stated he felt this was an allowed use however this was constructed without permission. Roland also noted that the addition of the steps was much better than a beaten path. Mr. Dupuis noted he planned to place crushed rock under the stairway. He was informed that this was not allowed.

Everett Whitten moved and Roland Denby seconded a motion to approve existing deck and stairs that were constructed without permits under Section 7.01, 3.E. Vote was 4-0-0 in favor. It was noted that Mr. Dupuis had set the structure on the ground and had not done any digging.

Penalties - Fines - A double fee is usually assessed for persons starting construction without a permit. Dwayne Morin indicated to those present that Mr. Dupuis was told not to start the project without permits. Mr. Dupuis had indicated to Tim and Dwayne previously that he was on vacation and had planned to complete the project then. It was noted that the CEO could take care of the penalty and fine. Tim asked if the Board would support his decision on the fine. John Roberts indicated yes.

## **2. Milk Room**

The Milk Room received approval on September 12, 1994 pending the presentation of information. The minutes were reviewed and read. A plan along with narrative was presented by Paul Pelletier from Portland Pump.

A slight change to the previous plan is to have a manned booth instead of self-serve. The entire structure including canopy will be on Lot 42.

A 4 x 4 sump noted would take substance and pump into a self contained tank that would be pumped out (water and oil/gasoline) rather than dispersing the water into the existing drainage.

On plans submitted it appears that the canopy would go within 16 ft. of Pearl Street. It was noted that the Zoning Board of Appeals Variance had no restrictions regarding setbacks. The file was checked for supporting documents and the current proposal is like that submitted to the ZBA. The location of the storage tank is towards the side property line situated nearer the Milk Room building.

No entrance from Pearl Street. Paul noted the use of boulders on Pearl Street and around the corner to Goodwins Mill Road. It was noted that the entrance has to be at least 50 ft. from intersection. Paul indicated everything will be paved and lined.

Dwayne Morin recommended that the Board approve the plan presented with the inclusion of the 1,000 gallon tank and the oil and water separator. Pearl Street be blocked and the entrance be 50 ft. from the intersection and the parking lot be paved and striped.

Roland Denby moved and Cindy Allen seconded a motion to approve Dwayne Morin's recommendation to approve plan as presented with the inclusion of an oil and water separator, that Pearl Street be blocked and entrance be 50 ft. from the intersection, the parking lot be paved and striped. Tim Nelson to be on site during installation. Could ask for an As-Built drawing of the area be presented from Portland Pump. Vote was 4-0-0 in favor.

Suggested Portland Pump engineer seal an As-Built plan and a diagram for the oil/water separator be presented with the Building Permit Application.

Roland Denby asked about First Quarter Payment for the Board members. Sharon will submit it.

Roland Denby moved and Judi Carll seconded a motion to approve April 12, 1995 minutes. Vote was 4-0-0 in favor.

### **3. Town Meeting Spokesperson**

Asked who was planning on attending Town Meeting. Cindy, Judi and Roland would be there. Cindy noted she could not be there all day. Judi would present the changes with help from Cindy and Roland. It was noted that whoever is the spokesperson Dwayne Morin would write up a synopsis and review prior to Town Meeting.

Dwayne Morin indicated he would speak on Shoreland Zoning Changes if asked. Dwayne to do posters for the Town Meeting with the history of process. Plan to stress the point that the proposals were a unanimous vote from the Board members.

## **VII NEW BUSINESS:**

Letter read by Dwayne from Resources for Change regarding development of Kim Janotta's parcel on the West Road. Dwayne briefed the Board on his telephone conversation with this company and was concerned that the company is asking him to do their work. Dwayne indicated to the Board that legally he could not tell someone how to develop and had informed Mr. Watson of this. Roland Denby suggested contacting legal counsel for advice. (See Attached Letter)

# *Resources for Change*

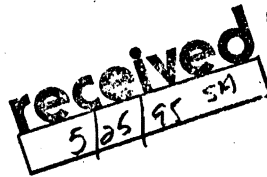
130 Church Street, Suite 1, Burlington, VT 05401-8401  
(802) 860-6203

Annie Dunn Watson, M.A., C.M.T.

Michael Watson, M.A., Ph.D., LCMHC

May 21, 1995

Dwayne Morin  
Town Planner  
Town Office  
Town House Road  
Waterboro, Maine  
04087



Dear Mr. Morin:

This letter is a follow-up to our telephone conversation of May 18th. As I thought about our conversation, it seemed important to place it in writing so that you can correct any mistakes in meaning under which we may be working. My understanding of our conversation is that:

1. The Janottas must have their road at the 8% grade if the road is to be a town road. They have an option to make the road a private road with a slightly steeper grade. However, a road with a grade greater than 8% must forever remain a private road.
2. You have walked the parcel and remain concerned about the steep slope of the hillsides.
3. The integrity of the wetlands must be maintained.
4. It is the policy of your office to work cooperatively with citizens.
5. A plan developed in cooperation with your office, and designed within the parameters of the relevant town regulations, is no more likely to received approval by the various and many town boards than plans developed without consultations with your office.

As we have thought about these points, a number of questions have occurred to us. Given the steep slopes, what development would the town favor? Given the seasonality and small size of the wetland, would you favor a plan which enhances the existing wetland with a pond or other water containment structure, and with improved and managed wildlife habitat? Is there a method in place which allows developers to work actively with the town to limit design costs, and devise mutually beneficial development strategies and outcomes? If not, would the town develop such a protocol and use it with the Janottas? If such a protocol exists, how do we access it?

While we welcome further telephone conversations, we think it important to also have clear written conversations in order to minimize confusion and the potential for ill feelings in the future. Thus, we hope that you will respond to these questions in writing, and in a timely manner.

Thank you.

Sincerely,

Michael Watson

*"Resources: a combination of inner and outer supports and strengths that help us cope with a changing field of experience."*

Litalien case discussed and noted that DEP has reviewed and it appears that the Zoning Board of Appeals should have considered the structure on site as reasonable use since there was an electric service and propane gas tanks attached to the shed. Legal Counsel informed us that time has elapsed for further review by Town.

**VIII ADJOURNMENT:** Meeting was adjourned at 9:07 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

Justin Carr

John - [Signature]  
Richard E. [Signature]  
Guthrie Allen

# **PLANNING BOARD**

## **Town of Waterboro**

### **REGULAR MEETING**

**JUNE 14, 1995**

Meeting called to order by Chairman, John Roberts at 7:40 p.m.

- I ROLL CALL:** Present were Roland Denby, Everett Whitten, Dwayne Woodsome and Chairman, John Roberts.
- II MINUTES OF PREVIOUS MEETINGS:** Regular Meeting May 25, 1995 and Public hearing April 27, 1995. May 25, 1995 minutes do not have attendance. Add so minutes can be approved at the next meeting.
- III COMMUNICATION AND BILLS:**
- IV REPORT OF OFFICERS AND COMMITTEES:**
- V APPOINTMENTS:**

7:00 p.m. Norman Ritchie Map 32 Lot 62 AR Zone  
7:15 p.m. Renald Collins Map 44 Lot A-511 R Zone

#### **7:00 p.m. Norman Ritchie Map 32 Lot 62 AR Zone**

Mr. Ritchie is proposing the addition of a 6' x 16' roof over a portion of an existing deck and screen in. Mrs. Ritchie is prone to skin cancer and this would allow her to enjoy the weather without the threat of the sun.

Referred to Shoreland Newsletter, Volume 9 Number 1 Spring 1995. Unless Town's local ordinance specifically addresses open sided roofed additions, simply adding a roof over the existing deck would not add volume to the structure for the purpose of calculating the 30 percent volume limit for non-conforming structures. Under DEP guidelines, volume is defined as "all portions of a structure enclosed by a roof and fixed exterior walls as measured from the exterior faces of these walls and roof". Since the roofed deck does not have walls, no volume is created.

If the deck is screened, without fixed walls, it is our policy that no additional volume has been created. However, if the deck is enclosed with fixed walls and/or glass (such as a half-wall porch with windows), volume has been created and is limited to the lifetime 30 percent expansion limit.

Dwayne Morin recommended the Board approve with the condition that the area remain screened unless application was made to the Planning Board to enclose.

Roland moved to grant the request to screen existing deck by constructing a 6' x 16' roof and screening in with roof going no closer than existing deck. Board members discussed the roof line to ensure Mr. Ritchie understood that the roof cannot go closer to the water than existing structure. Mr. Ritchie explained he intended to recess the roof. Vote was 4-0-0 in favor.

**7:15 p.m. Renald Collins Map 44 Lot A-511 R Zone**

Mr. Collins is proposing to build a home in Lake Arrowhead. As presented all setbacks can be maintained. Dwayne Woodsome moved and Everett Whitten seconded a motion to approve as long as all setback requirements are maintained. Vote was 4-0-0 in favor.

**VI OLD BUSINESS:**

Discussion regarding outcome of Town Meeting. Possibly considering one meeting per month during the summer months due to difficulty in constituting a quorum.

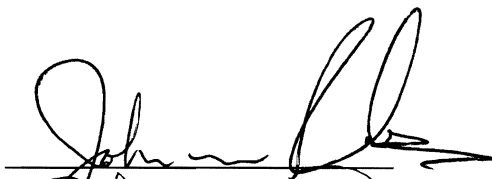
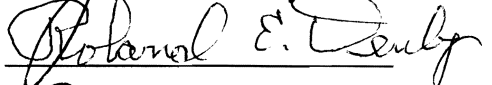

**VII NEW BUSINESS:**

**VIII ADJOURNMENT:**

Meeting adjourned at 8:20 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TOWN OF WATERBORO  
PLANNING BOARD  
WATERBORO, MAINE

**REGULAR MEETING**

**JUNE 22, 1995**

Meeting called to order by Chairman, John Roberts at 7:18 p.m.

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

**II MINUTES OF PREVIOUS MEETINGS:** Regular Meeting May 10, 1995, May 25, 1995, June 14, 1995

Motion made by Roland Denby and seconded by Cindy Allen to approve May 10, May 25 and June 14, 1995 minutes. Vote was 3-0-0 in favor.

**III COMMUNICATION AND BILLS:**

**IV REPORT OF OFFICERS AND COMMITTEES:**

**V APPOINTMENTS:**

7:00 P.M. Paul Tebbetts Map 20 Lot 2 V Zone

7:15 P.M. Ted Dewitt Map 8 Lot 27 AR Zone

7:30 P.M. Mark Morin Map 41 Lot 26 AR Zone

**7:00 P.M. Paul Tebbetts Map 20 Lot 2 V Zone**

Mr. Tebbetts is requesting the expansion of an existing house within the Village Zone on a substandard lot by adding two bedrooms and a bath. The proposed addition is set back from Ricker Lane less than the required 50 ft. however, the existing structure is currently 22 ft. from Ricker Lane and the addition is set back further than the 22 ft. All other setbacks can be met. There is no septic design on file for the home. since the addition of two bedrooms is requested a new septic system should be considered. The lot is substandard and requires Planning Board approval under Section 2.08.

Mr. Tebbetts plan to install a new septic system and noted he would have no problem waiting until a design prior to applying for a building permit for the project.

Roland Denby moved and Cindy Allen seconded a motion to grant the request provided that Plumbing Code be adhered to and a Building Permit not be issued until an adequate septic system is designed under Section 2.08. Vote was 3-0-0 in favor.

**7:15 P.M. Ted Dewitt Map 8 Lot 27 AR Zone**

Mr. Dewitt is requesting permission to construct a single story garage and a mobile home on a substandard lot on Roberts Ridge Road. The lot is approximately 40,000 sq. ft. in a two acre zone. All setbacks can be maintained.

Cindy Allen moved and Roland Denby seconded a motion to approve the plan as presented under Section 2.08. Vote was 3-0-0 in favor.

Mr. Dewitt asked if he could construct the garage without using manufactured trusses. A new plan would need to be presented with changes

**7:30 P.M. Mark Morin Map 41 Lot 26 AR Zone**

Mr. Morin is requesting permission to place an asphalt walkway from his cottage on Lake Ossipee to the shoreline onto a dock to allow him access to his boat. The proposed walkway appears to be approximately 45 ft. in length by 4 ft. in width. Mr. Morin has made inquiries through DEP Natural Resource Protection Division regarding the process needed to allow handicap accessibility. Tim Nelson spoke with Doug Burdick and Will Cook from the South Portland Office and they have noted if the job can be completed with one day he can do what is proposed without permits. Will Cook did recommend that the Board request the placement of native shrubs to be added to buffer the wash from the asphalt.

Dwayne Morin indicated in review of Section 7.01 Section 2 Paragraph 5 of the Waterboro Zoning Ordinance and Section 7.05 that the handicap accessibility is allowed however the proposed use of asphalt is a concern. Denis Pratt, an engineer from Alpha One had suggested the use of stone dust in place of asphalt. This is a preferred substance within shoreland zones. The use of wood timbers along said walkway could be used. The main concern is the wash from the asphalt going directly into the lake.

Mr. Morin indicated that the asphalt would stop four ft. from the waters edge.

Asphalt is also pretty permanent. According to Denis Pratt stone dust is a porous substance while compacting to a very hard surface for use of wheelchair. A motion could be made that Mr. Morin comply with the ordinance. If that was not satisfactory he could make application to the Zoning Board of Appeals.

A wood ramp would work. Mr. Morin noted that he was looking for aesthetics as well as accessibility. The asphalt is planned to be flush with the terrain. It was explained that asphalt is an oily substance. DEP says not allowed with 75 ft.



Mark Morin asked about existing boat launches that go directly into the water. Those existing cannot be made to remove them. Mark did not see how the oil from the asphalt would reach the water? Dwayne asked if he had ever noticed the algae bloom in areas on the lake that currently have asphalt. It take 2 1/2 gallons of petroleum to one ton of asphalt. One gallon of petroleum will contaminate one million gallons of water. What about concrete? Not readily removable. Patio blocks could be used but are hard to roll wheelchair over. Alpha One would provide the specs for stone dust if needed.

Parking lot by salt water marsh was an example used by Alpha One and its success in the shoreland areas. It is not know why DEP had no problem with the installation of asphalt. Examples of properties in the shoreland zone that had installed concrete that had been made to remove were given. Mr. Morin asked how across from Brunetti's on the point someone had installed a cement boat launch. Not known but Tim Nelson would check this out. If a cement wall exists DEP will allow up to 50% repair if new they request rip rap. Waterboro Zoning Ordinance states wood or other material that can easily be removed.

Mark stated that asphalt is easily removed. Dwayne Morin disagreed. Cindy moved to approve under Section 7.05, and 7.01, Section 2 Paragraph 5.. Mark asked if he signed something that says he would remove the asphalt once he sold it would that make a difference? He would be required by the ordinance to remove it anyway.

The ordinance doesn't specify asphalt but is noted as a pollutant and not allowed within 75 ft. of normal high water mark under DEP regulations. Asphalt driveways are considered a structure. Planning Board does not have the authority to allow structures within 100 ft. of the water unless it is an addition to an existing structure and then they can not allow an addition greater than 30% and they must not go closer to the water.

Wheelchair ramps are allowed by the Planning Board. Mark stated he could remove the asphalt without the use of equipment. John Roberts explained that the board was concerned for the potential pollution with the use of asphalt.

Cindy asked about the time limit noted in the conversation with Mr. Nelson. Generally the same process for stone dust as for installation of asphalt. DEP might not check Dwayne did not think if it took a bit longer to install that it would be a problem.

Dwayne had contacted Rich Baker from Shoreland Zoning Division of DEP however no one was in the office. Mr. Morin utilizes the cottage year round but his residence is not in Waterboro. Mr. Morin noted he is just shooting for something that would allow him access by himself without assistance. Mark noted that those areas utilizing stone dust that he had seen were a sandy consistency. Stone is a natural substance. Board members indicated they did not wish to make it more difficult for Mr. Morin.

Cindy Allen moved to grant permission for ramp of wood or other material under Section 7.01 and 7.05 . Motion failed for lack of a second.

Mark noted to the board members that they were adding an interpretation that didn't exist in the ordinance. Board noted asphalt not allowed within 75 ft. of shore. The Planning Board could request a written opinion from NRPA not Shoreland Zoning . Mark asked if DEP says okay why would the board be concerned.

Cindy Allen moved and Roland Denby seconded a motion to ask for DEP opinion. Vote was 3-0-0 in favor. DEP within 25 ft. of high water mark if long form. Mark Morin indicated that the licensing bureau in Augusta decided with the situation no permit would be needed. Mark's situation was different. Mark to be placed under Old Business on July 12th. John Roberts indicated he would not be at the July 12th meeting.

## **VI OLD BUSINESS:**

### **1. Fredericks Map 33 Lot 37 AR Zone**

Mrs. Fredericks had previous approval for an addition of a two story garage with living space above structures to go no closer than 10 ft. to the rear and side property lines. The permits were never issued and now the plan has changed to add a deck to a garage without living space above. This lot is a back lot away from the water. Does not fall under the 30% expansion rule. New request is legitimate no longer plan on a breezeway.

Cindy Allen moved and Roland Denby seconded a motion to approve amended plan dated 6/21/95 for garage and attached walkway under Section 2.08. Vote was 3-0-0 in favor. Permits should be ready Tuesday.

Would Alpha One give written opinion? Dwayne Morin will check.

Note made to Tim regarding a refrigerator below water level where cottage burnt. Tim indicated letter was being sent.

Dwayne Morin indicated to the Planning Board the potential problem with the vote at Town Meeting regarding the two articles on Recreational Vehicles. Dwayne was providing the attorney with minutes and necessary paperwork. Robert Fay had suggested possibly considering placing zoning changes as a referendum. A lot of towns are doing this now.

## VII NEW BUSINESS:

Maine Cranberry Company - Does not have a complete application at this time. Letter to them from Dwayne and Tim indicating items needed prior to review by the Board. Have asked for detail drawings, permits from licensing agencies, survey and specifications.

Dwayne briefed those present on the request for a variance from Piscatiqua Cellular for a 180 ft. tower . Dwayne thought that due to Section 8.01 they would possibly be granted a variance. Once the Planning Board reviews the application under Conditional Use the board should look at the technical aspects - wattage - fencing etc. The Board has the right to request independent technical advice or assistance.

## VIII ADJOURNMENT:

Meeting adjourned at 8:53 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

Guthrie Allen  
Judith Abel  
Roland E. Denby

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# **PLANNING BOARD**

## **Town of Waterboro**

**REGULAR MEETING**

**JULY 12, 1995**

Meeting called to order by Chairman at 7:15 p.m.

- I ROLL CALL:** Present were Roland Denby, Everett Whitten, Cindy Allen, Judi Carll, and Larry Jacobsen. Roland Denby, Vice Chairman presided over the meeting.

Those present decided to hold election of officers at a time when all members could be present.

- II MINUTES OF PREVIOUS MEETINGS:** June 22, 1995 minutes

- III COMMUNICATION AND BILLS:**

1. Letter from K Lovell Re: Proposed changes to the Recreational Vehicle Ordinance

- IV REPORT OF OFFICERS:**

- V APPOINTMENTS:**

7:30 P.M. Guy Beaulieu Map 30 Lot 8 AR Zone

**7:00 P.M. GUY BEAULIEU MAP 30 LOT 37A AR ZONE**

Mr. & Beaulieu was informed by the Building Office that DEP approval of the reconstruction of a retaining wall. The application was hand delivered and signed the same day due to the danger the deteriorating wall presented. Photo's presented and placed on file. Currently an existing 1,000 gallon tank is on site. This has been pumped recently and given the okay by local septic pumping business. No leaks, very sound. Not looking to upgrade the system possibly in the future. It was believed that due to the septic system the cottage would never be able to be utilized as a year round home. New roof proposed. Kerosene stove was previously used within the cottage and has saturated exterior walls. Currently everything is open. No bedroom partitions. 7"/12" pitch proposed for new roof. The addition is for living space no additional bedrooms to be added. Replacing more than 50%. Some walls will be staying. Tim Nelson noted to the Board that by DEP standards if more than 50% is being replaced it is considered replacement (7.01 2.B.3.) Proposal placed on file provided by Mr. Beaulieu previously exceeded 30% the new proposal presented tonight does not exceed 30%.

Judi Carll moved and Cindy Allen moved to approve the renovation to the camp as presented, erosion/sedimentation control methods to be utilized, new structure to go no closer to water and structure to utilize existing foundation, cottage to remain seasonal and a contract for pumping of the holding tank with a schedule of pumping to be placed on file and an alarm be installed in the holding tank under Section 7.01 2. B. 1. a. , b. and 3. Vote was 4-0-0 in favor.

Roland Denby explained the concern of septic system.

Retaining wall - silt wall and construcion planned immediately utilizing 6' x 6' pressure treated (salt treated) lumber, behind the existing wall. Rebar will be used to strengthen the new retaining wall.

Cindy Allen moved and Everett Whitten seconded a motion to approve the reconstruction of retaining wall at the edge of Lake Ossipee following all of the stipulations of DEP Permit by utilizing salt treated lumber, soil and erosion control methods under Section 7.01 2 B 3. Vote was 4-0-0 in favor.

Vegetation - mulch gravel to hold wall. Other walls as long as the are replaced as they are now would be okay.

## **VI OLD BUSINESS:**

Mark Morin:

Mark is requesting permission to install an asphalt walk to the dock at the waters edge of Lake Ossipee. The land is primarily flat. DEP wrote a letter noting no regulations for such a project however the local ordinance and Planning Board could determine material to be used.

If asphalt was used the DEP suggested placement of shrubs up and down the walkway. The dock is constructed of aluminum proposed paved area would be 184 sq. ft.

The installer had informed Mr. Morin that the asphalt could be removed with hands and picks within 1 hour.

Patio blocks - Mr. Morin's father has installed patio blocks and they have shifted and makes it difficult in a wheelchair to maneuver.

Installer would be placing 6 inches of packed gravel under asphalt. Planning Board noted that a stipulation that once sold or no longer needed the walk would be removed.

Everett Whitten moved to approve the proposal with the addition of shrubs or vegetation to retard run off into Lake to be removed when sold construction utilizing 6" packed gravel and 2" asphalt,

Mrs. Morin noted that a set of steps would not be accessible if they added shrubs near the shore area. The dock rests on concrete. Motion dies for lack of a second.

Everett Whitten moved to approve 6" packed gravel with 2" asphalt, shrubs along water side of the walk 14 ft. across shore (low growing shrubs would be allowed).

Vote was 4-0-0 in favor.

## **VII NEW BUSINESS:**

General discussion amongst Board members regarding the vote at Town Meeting over changes that were presented to the townspeople. Noted that by tabling articles the Board is not sure what message that sends to them. The less restrictive sections were tabled.

At the last council meeting discussion regarding balloting for changes instead of by warrant article. Dwayne Morin indicated that the Planning Board could request through the Selectmen a ballot vote as poposed to a vote from the floor of town meeting.

Cindy Allen moved and Judi Carll seconded a moiton to approve June 22, 1995 minutes. Vote was 4-0-0 in favor.

## **VIII ADJOURNMENT:**

Meeting adjourned at 8:40 P.M.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

Guthria Allen  
Everett Whitten  
Judi Carll

Roland E. Daulton  
Laurence Cook

# **PLANNING BOARD**

## **Town of Waterboro**

**REGULAR MEETING**

**JULY 27, 1995**

Meeting called to order by Vice Chairman, Roland Denby at 7:21 p.m.

**I ROLL CALL:** Present were Everett Whitten, Judi Carll, Dwayne Woodsome and Roland Denby.

**II MINUTES OF PREVIOUS MEETINGS:**

**III COMMUNICATION AND BILLS:**

1. Quinlan Publishing Company
2. Letter to & from Smith Elliott Smith & Garmey, P.A  
Re: Town Meeting Action
3. Letters from Verrill & Dana Re: Maine Cranberry Company
4. Letter from DEP Re: Peverill Violation
5. Letters from CEO Re: Shoreland Violations

**IV REPORT OF OFFICERS AND COMMITTEES:**

**V APPOINTMENTS:**

- 7:00 p.m. Steve Harlow Map 45 Lot 1357 R Zone  
7:15 p.m. Ivory Libby Map 14 Lot 40H AR Zone  
7:30 p.m. Jon Boutet Map 32 Lot 70 AR Zone  
7:45 p.m. Everett Whitten Map 5 Lot 40T AR Zone

**7:00 p.m. Steve Harlow Map 45 Lot 1357 R Zone**

Mr. Harlow is requesting permission to enclose the underneath portion of a deck and an addition. Since the addition falls within 100 ft. of the normal high water mark of Lake Arrowhead Mr. Harlow has applied to S.R.C.C. for a permit and he falls under Section 7.01 of the Waterboro Zoning Ordinance 30% Rule.

Plans for the expansion were reviewed. Mr. Harlow indicated his plan to place a window instead of stairs. Mr. Harlow also plans to have a surveyor locate his property line to insure he maintains the 10 ft. side property line setback. Mr. Harlow's abutter is approximately 15 ft. from the side property line and further away from the water. Mr. Harlow indicated that to nearest point of neighbors deck is 28 ft.. Mr. Harlow's home was constructed in 1973.

Everett Whitten moved and Judi Carll seconded a motion to approve the property owners request, property owner to ascertain the location of lot line and go no closer than 10 ft. to the property line and no closer than 20 ft. to neighbors home under Sections 2.08, 3.03, 7.01 2. B. 1. a. & b. and as per Saco River Corridor Commission Permit utilizing soil & erosion control methods. Vote was 3-0-0 in favor.

**7:15 p.m. Ivory Libby Map 14 Lot 40H AR Zone**

Regina Libby and Warren Libby were before the Board to request permission to place a structure on a substandard lot. An HHE 200 Application is on file along with a deed for the property. A plot plan is on file indicating that setbacks of 75 ft. front 35 ft. side and rear can be maintained. Members of the Board thought that this lot had previously been before the Board and a septic system could not be designed for the lot. Dwayne Morin indicated that the State Plumbing Code changed as of May 1, 1995 allowing a septic design over a water table of 12 inches and prior to that date it was within 15 inches.

Everett Whitten moved and Dwayne Woodsome seconded a motion to approve as per plan presented under Section 2.08 meeting all setbacks. It was explained to the Libby's that a class D survey would be required once a slab had been placed to insure correct placement of the slab. Vote was 3-0-0 in favor.

**7:30 p.m. Jon Boutet Map 32 Lot 70 AR Zone**

Mr. Boutet is requesting permission to replace an existing deck and add an 8 ft. extension going no closer to the normal high water mark of Ossipee Lake. Board members present noted they could not grant permission for structures to go closer to the water. Open space under deck. Plans on using 4" x 4" pressure treated timber to be placed on existing concrete slab. Dwayne Morin indicated this was okay on lot coverage. Mr. Boutet informed the Board members that he has a full basement (open room) first floor and a loft. The expansion of the deck would be 5.4% with lot coverage 11.3%.

Judi Carll moved and Everett Whitten seconded a motion to approve under Section 2.08, 7.01 2. B. 1. a. as presented. Vote was 3-0-0 in favor.

**7:45 p.m. Everett & Bonnie Whitten Map 5 Lot 40T AR Zone**

Don Ford's gravel pit was closed by DEP in 1990 due to the proximity to a forested wetland and the fact that the extraction exceeded five acres. DEP entered into a consent agreement with Mr. Ford and the excavator. The old pit has been reclaimed and DEP is satisfied.

Everett and Bonnie now wish to continue the extraction by removing three knolls. The knolls would be removed and excavation would remain at existing ground level of that



around the knolls. Filter fabrics would be utilized near wet areas and they plan on utilizing Maine State D.O.T. Reclamation plan #657 which was also presented in a similar project off Silas Brown Road by Mr. Foley that has now been taken over by Foglio Excavation.

Hydrogeologic Study - Planning Board has the right to waive. The intent is to remove the three knolls without reaching water table. Would this constitute the need for a hydrogeologic study? All abutters were notified by certified mail of the meeting tonight. Planning Board felt a Public Hearing would be a good idea since other gravel projects had a public hearing. Everett Whitten indicated that the project is 1/4 of a mile through the woods. The site is not visible from the road or within view of existing houses. Precedent has been set by the board to hold public hearings. Dwayne Morin offered to video the site for the August 9, 1995 Planning Board meeting. Planning Board members to take a look at the site between now and next meeting.

Bonnie asked if other projects had to meet same criteria she was informed they were. Contractor has indicated the plans on taking 4 to 5 loads per day. The Whitten's have indicated the only reason for reopening the project is monetary need. Bonnie believed this to be a slow process over a long period of time.

Dwayne Woodsome moved and Judi Carll seconded a motion to hold an on site prior to the next meeting and a Public Hearing on August 9, 1995 at 7:00 p.m. Vote was 3-0-0 in favor.

Everett Whitten abstained from voting. The Whitten's have a license from DEP.

Dwayne Morin indicated that the Planning Board could work on lessening restrictions by possibly accepting state law for grave pits. If the Town has the same laws as the state the town could request permission to permit pits under 30 acres in size. The state has spent a lot of time and money on regulations and they are less restrictive than our performance standards in our ordinance.

## **VI OLD BUSINESS:**

### **Foglio Extraction Project**

The Planning Board approved this project contingent on the presentation of a new plan being drawn up and presented. This has been completed. Signs have been installed the road has been striped and the first 75 ft. of the road entrance into project has been paved.

Judi Carll moved and Everett Whitten seconded a motion to accept the new plan noted as Foglio Extraction plan, as previously requested at May 27, 1993 meeting. Vote was 4-0-0 in favor.

VII NEW BUSINESS:

VIII ADJOURNMENT:

Meeting adjourned at 8:42 p.m. :

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

Roland E. Daulton  
Everett Whittaker  
Justin Carr

---

---

---

# **PLANNING BOARD**

## **Town of Waterboro**

**REGULAR MEETING**

**AUGUST 9, 1995**

John Roberts called the meeting to order at 7:20 p.m.

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

\*Larry Jacobsen moved and Judi Carll seconded a motion to bring Everett & Bonnie Whitten Gravel Extraction Project forward from Old Business for action. Vote was 4-0-0 in favor.

**Everett & Bonnie Whitten Map 5 Lot 40T AR Zone**

Silt fencing will be established Dwayne Morin suggested approval with suitable soil and erosion plan in place and restoration reclamation be completed six months after the end of the project using DOT specification for reclamation Section 657, and the excavation of gravel maintain 5 ft. minimum to the water table by means of test wells. A copy of DEP approval is on file.

Roland Denby moved and Cindy seconded a motion to approve the excavation project under Section 4.04 with suitable soil and erosion plan in place and restoration reclamation be completed six months after the end of the project using DOT specification for reclamation Section 657, and the excavation of gravel maintain 5 ft. minimum to the water table by means of test wells. Vote was 4-0-0 in favor.

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

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

**IV**                    **REPORT OF OFFICERS:**

**V**                    **APPOINTMENTS:**

7:15 p.m. Tom Dupuis Map 45 Lot 1448 R Zone  
7:30 p.m. Lewis Johnson Map 32 Lot 1B AR Zone  
7:45 p.m. Paulette Davis Map 38 Lot 43 AR Zone  
8:00 p.m. David Girard Map 44 Lot A443 R Zone  
8:15 p.m. Ronald Brown Map 34 Lot 3 AR Zone

**7:15 p.m. Tom Dupuis Map 45 Lot 1448 R Zone**

Mr. Dupuis has submitted a plot plan indicating that all setbacks can be maintained. This is a substandard lot and requires Planning Board review.

Mr. Dupuis informed the Board that he had indicated on his plan a 101 + footage on the front property line this is only because of the curve and does not really calculate to 101 ft. for use deeper into the lot. Mr. Dupuis is now requesting 30 ft. from the sideline of lot 1447.

A permit was issued for the abutting lot, however has expired. Mr. Dupuis indicated that the front door is planned to face 1447. Steps would go no closer than 30 ft.

Cindy Allen moved and Everett Whitten seconded a motion to approve under Section 2.08 and 4.02 maintaining 35 ft. from 1449, 50 ft. front yard setback and 35 rear with 29 ft. from sideline of 1447.

Discussion:

Tom Dupuis indicated he is building the house for himself. If given 30 ft. Tom could place the home on the lot as it would fit to meet those setbacks. Vote was 5-0-0 in favor.

**7:30 p.m. Lewis Johnson Map 32 Lot 1B AR Zone**

Mr. Johnson requested permission to reconstruct a home on this lot in 1991. That project was squashed and Mr. Johnson now would like to square off the cottage by adding a 12' x 16' addition going no closer to the side lot lines than existing structure. Seasonal use only intended by the owner. Mr. Johnson is planning to install a new septic system.

Larry Jacobsen moved and Cindy seconded a motion to re-approve under Section 2.08 utilizing plans from Hancock Lumber dated July 10, 1995, utilizing erosion control measures to protect existing road and a new septic system be installed prior to Occupancy Inspection. Vote was 5-0-0 in favor.

**7:45 p.m. Paulette Davis Map 38 Lot 43 AR Zone**

Dwayne Morin had reviewed the plan. Paulette indicated she would like to have a barn style roof at a later time. Paulette is requesting permission to construct a deck over existing roof and square off building as planned the it appears the expansion would be 29.38% expansion. The roof would have to be redone utilizing the same pitch if Paulette intends to re-roof the structure. Paulette asked if she would over 100 ft. from the normal high water mark would this make a difference. She felt some of what she has proposed does not fall in the 100 ft. setback. This would make a difference in the calculation of the 30% expansion rule.

Larry Jacobsen moved and Roland Denby seconded a motion to hold a on site. Vote was 5-0-0 in favor. Scheduled for Friday, August 11, 1995 at 9:30 a.m.

**8:00 p.m. David Girard Map 44 Lot A443 R Zone**

It appears that all setbacks can be maintained on this substandard lot in Lake Arrowhead. Cindy Allen moved and Roland Denby seconded a motion to approve the plan all setbacks to be maintained as indicated on plot plan presented under Section 2.08. Vote was 6-0-0 in favor.

**8:15 p.m. Ronald Brown Map 34 Lot 3 AR Zone**

Mr. Brown is before the board to request permission to replace an existing deck. Mr. Brown constructed the deck without permits and has removed the violation. Mr. Brown is before the board to request permission to construct a 13' 6" x 11' 9" deck with attached stairs going down to the water. This request appears to fall within the guidelines. It was asked if Mr. Brown could utilize four ft. landings instead of a 12 ft. long walkway. Mr. Brown agreed that he could utilize platforms. Tim Nelson indicated Mr. Brown would not be going closer to the water and Mr. Brown indicated his awareness to the issues involved. This would be a 21.18% expansion.

Roland Denby moved and Everett Whitten seconded a motion to approve under section 2.08, 7.01 2.B.1.A. expansion of 21.18% , erosion/sedimentation control measures to be in place and approve the stairs under section 7.01 2.A.5. with no platform larger than 4' x 4'. Vote was 6-0-0 in favor.

**VI OLD BUSINESS:**

Guy Beaulieu is back before the Board since he discovered he did not have a tank but a cesspool. Since this was different that the Board approve Tim placed a stop work and he is back for re-approval. A system is being designed by Albert Frick for a chamber system. The plans for the cottage have not changed. Previous approval was for a Holding Tank with alarm system.

Mr. Beaulieu indicated to the Board that he is still utilizing a one room concept however a site evaluator designs a septic system by the number of bedrooms that is why the area notes design for two bedroom. Concern for neighbors well location. As a last resort a holding tank with an alarm would be used. Holding tanks are allowed as replacement systems. Not allowed as a new installation.

Roland Denby moved and Cindy Allen seconded a motion to approve the permit with no Occupancy Permit being issued until an approved HHE 200 is installed be it a septic system or a holding tank. Stop work until system is designed. Vote was 6-0-0 in favor.

**VII NEW BUSINESS:**

**Election of Officers:**

John Roberts opened nominations for Chairman. Judi Carll nominated Cindy Allen for Chairman and she accepted the nomination. Nominations ceased Secretary cast one vote. Cindy Allen the newly elected Chairperson.

John Roberts opened nominations for Vice Chairman. Cindy nominated Judi Carll . Judi declined the nomination.

Judi Carll nominated Roland Denby for Vice Chairman. Roland accepted the nomination. Nominations ceased Secretary cast one vote. Roland Denby the newly elected Vice Chairman.

John Roberts opened nominations for Secretary/Treasurer. John Roberts nominated Dwayne Woodsome. Dwayne accepted the nomination. Vote was 6-0-1 in favor.

New Slate of Officers:

Cynthia Allen, Chairperson  
Roland Denby, Vice Chairperson  
Dwayne Woodsome, Secretary/Treasurer

**VIII**            **ADJOURNMENT:** Meeting adjourned at 8:39 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

Cynthia Allen  
Everett White  
Judith Carll

Roland E. Denby  
Laurence Jacob

# **PLANNING BOARD**

## **Town of Waterboro**

### **PUBLIC HEARING**

**AUGUST 9, 1995**

### **EVERETT & BONNIE WHITTEN GRAVEL EXTRACTION PROJECT MAP 5 LOT 40 T**

Hearing was called to order by Chairman, John Roberts at 7:11 p.m.. Planning Board members in attendance were Lawrence Jacobsen, Roland Denby, Cindy Allen, Judi Carll and John Roberts. Also attending were approximately five citizens at large. Code Enforcement Officer, Tim Nelson, Planning Board Clerk, Sharon Abbott and Town Planner/Selectmen's Assistant, Dwayne Morin were also in attendance.

John Roberts gave the Whittens an opportunity to speak regarding the project. Dwayne Morin gave a brief overview and showed those present the film he had taken of the project area for those who were unable to visit the site prior to the meeting. Dwayne Morin narrated during the presentation of the video. The project planned will be approximately 3 acres in size. The project is to excavate three knolls from the site.

Mr. Clinton Woodsome asked the reason for extraction. Mr. Whitten informed those present that money was needed to care for Annie Ford.

One knoll is approximately 20 to 25 ft. in height. The extraction was closed by DEP because they exceeded five acres and the contractor pushed stumps into a wetland area. DEP has inspected the restoration and have given their okay. The contractor was Beach Sand & Gravel and they were responsible for the reclamation of the area.

Meeting Adjourned at 7:19 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

# **PLANNING BOARD**

## **Town of Waterboro**

### **REGULAR MEETING**

**AUGUST 24, 1995**

Meeting called to order at 7:32 p.m. by Chairperson Cindy Allen.

**I ROLL CALL:** Present were Judi Carll, Roland Denby, Everett Whitten, Larry Jacobsen, and Cindy Allen.

**II MINUTES OF PREVIOUS MEETINGS:** July 12, 1995, July 27, 1995 and August 9, 1995 Public Hearing and Regular Meeting.

Roland Denby moved and Judi Carll seconded a motion to approve July 12, July 27 and August 9 minutes as written. Vote was 4-0-0 in favor.

**III COMMUNICATION AND BILLS:**

1. Letters from DEP Re: Violations on Ossipee Lake

**V REPORT OF OFFICERS:**

Roland Denby reported that an on site inspection was completed by himself, Judi Carll, Dwayne Morin and Tim Nelson, CEO on August 15, 1995 at Everett Whitten's property.

Roland also reported that the Planning Board has had representation at Counsel Meetings from January 1995 through Tuesday August 22, 1995 by a least one member and at times as many as four attending.

**V APPOINTMENTS:**

None

**VI OLD BUSINESS:**

**VII NEW BUSINESS:**

During general discussion Roland Denby asked if the Board could provide a process for excavation projects that were excavating knolls instead of creating a pit? This might be something the Board could present for next Town Meeting.

Everett Whitten noted he was not sure the reason for reclamation. Dwayne Morin indicated the intent was to slow the surface waters progression into the water table.



Preparation for Town Meeting? What does the Board wish to present to the Townspeople?

Possibly hold an open forum to provide the Board with input from local townspeople and area businesses.

Cindy Allen mentioned maybe looking at simplifying the ordinance. Roland mentioned non-conformance and how the ordinance seems to be against it however the Board seems to deal with it on a regular basis.

Commercial Zone that the Board had previously proposed might be an area to start to attempt to promote Commercial growth within the town. Hold a meeting with area business people to get their view point.

Maybe dedicate a counsel meeting for input. Also the board might consider requesting the Selectmen to place changes on a ballot instead of in the warrant.

Maybe send area businesses an invitation to a forum style meeting. Possibly springboard from changes to the Village Zone.

Roland suggested having a guest speaker to draw people to a meeting. (SCORE or something similar)

Public Hearing to be scheduled for September 13, 1995 at 7:30 p.m. Advertisement in local paper and invitation to area businesses. Appointments prior to the Hearing.

Possibly a Did You Know? type of information to utilize as a drawing card for the meeting. Board would leave this up to Dwayne.

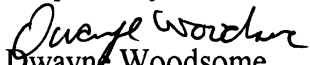
Also something that has been brought up through the Code Enforcement Officer is the need to address Community Living Arrangements, Foster care, Residential care. State Law does address this for towns whose Zoning Ordinances do not.

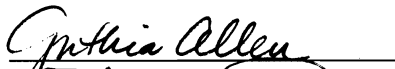
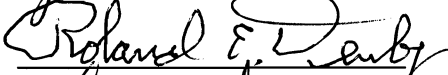
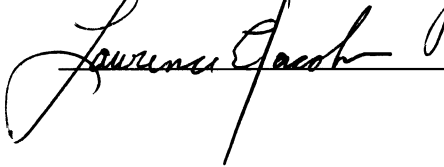
Tim Nelson informed the members that the Zoning Board of Appeals is holding a hearing a Variance Request for Piscatiqua Cellular Telephone Corp. Cellular on Tuesday August 29, 1995.


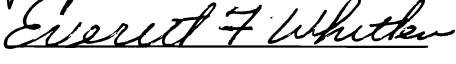
Also if interested a meeting will be held at Verillo's Restaurant on September 19, 1995 from 2 - 5 in the afternoon to review a new permitting process by the Army Corp.

**VIII ADJOURNMENT:** It was moved and seconded to adjourn at 8:47 p.m.

Respectfully submitted,

  
Dwayne Woodsome  
Secretary/Treasurer

  
  
\_\_\_\_\_

# **PLANNING BOARD**

## **Town of Waterboro**

**Regular Meeting**

**September 13, 1995**

Meeting called to order by Chairman, Cindy Allen at 7:12 p.m.

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

**II MINUTES OF PREVIOUS MEETINGS:**

August 24, 1995 Roland Denby moved and Everett Whitten seconded a motion to approve the August 24, 1995 minutes. Vote was 4-0-0 in favor.

**II COMMUNICATION AND BILLS:**

1. Letter from Champion Construction
2. Letters from CEO Re: Violation letters
3. Letter from DEP Re: Corriveau Violation

**IV REPORT OF OFFICERS:**

**V APPOINTMENTS:**

- 7:00 p.m. Robert French Map 43 Lot 902 R Zone  
7:15 p.m. Robert Pomerleau Map 45 Lot 1338 R Zone  
7:30 p.m. Public Forum with Area Businesses

**7:00 p.m. Robert French Map 43 Lot 902 R Zone**

Mr. French replaced an existing patio with a newly constructed deck, railing and balusters. The Code Enforcement Office forwarded a letter of violation since permits were required from the Town of Waterboro and the Saco River Corridor Commission. Mr. French has received SRCC permit and is now before the Board requesting permission to leave the deck as constructed. Currently the closest point to Lookout Circle is believed to be 32 ft. by Mr. French. Mr. French indicated that the new deck is approximately 200 sq. ft. smaller than the previous deck.

John Roberts moved and Roland Denby seconded a motion to allow the deck to stay as constructed under Section 7.01 B. 3. Replacement. Vote was 4 in favor, 1 opposed and 1 abstention of the motion.

### **7:15 p.m. Robert Pomerleau Map 45 Lot 1338 R Zone**

Mr. Pomerleau is requesting permission to construct a home and a garage on a substandard lot in Lake Arrowhead. The request is for a 20 ft. front yard setback, 26 ft. from one sideline and 27 ft. from another. Mr. Pomerleau has received a permit from Saco River Corridor Commission however they have allowed Mr. Pomerleau construction of the garage as long as it is attached. The plan shows a wooden walkway attaching the two structures.

Dwayne Morin informed the Board that previous records show no less than a 35 ft. frontyard setback being allowed. Members of the Board expressed the size of the lot in comparison to the structure being proposed. After much discussion with Mr. Pomerleau regarding the placement of the proposed structures John Roberts moved and Everett Whitten seconded a motion to approve a 35 ft. front yard setback from property line abutting Old Portland Road, a 30 ft. setback from abutting sidelines which excludes the steps on sideline abutting 1337 (steps not to exceed five (5) treads) under Section 2.08 and 4.02. Vote was 6-0-0 in favor.

### **7:30 p.m. Public Forum with Area Businesses**

Cindy Allen opened the Forum at 7:40 p.m. with all seven Planning Board members present, and approximately 30 people in attendance.

Cindy thanked Businesses for attending. At town meeting the Board proposed changes to Village Zone Zones. This change was included with other changes to zones within the Town of Waterboro. Cindy explained that the areas proposed for expansion were E. Waterboro, South Waterboro area that is served by Town water and N. Waterboro along Route 5.

Pat Papa asked if the changes were not tied together with the other changes in all zones if the towns people would be receptive.

Paul Tebbetts spoke noting zoning was originally based on Geologic survey of the Town. He believed there should not be a Residential lot more than one acre in size. We are pushing people out into back roads and undeveloped areas. Bagley Road has five acres lots on one side and 2 acre lots on the other side. What is the difference? We are pushing people from town or to the outskirts which make fire, ambulance and maintenance of town roads more difficult. He also indicated that Waterboro measures from the drip edge and Gorham, South Portland and Westbrook do not. John Roberts noted that this is a common practice. The ordinance is not contractor friendly. If we required 200 ft. of frontage then a setback of 50 to 60 ft. off the road should be enough for residential, one acre would be sufficient.

Judi Carll asked Paul if he was familiar with the Comprehensive Plan? Judy explained that zoning was in keeping with the comprehensive plan to maintain rural characteristic. Judi asked if Paul believed one acre zoning would be acceptable in town he replied yes. The Town could restrict Building Permits. Zoning was developed with the use of Geologic study. Paul indicated that he knew that the report was off by 100's of feet. It was noted that the Planning Board tried to utilize property boundaries instead of splitting lots by zone lines.

Judi indicated that the Board had tried to expand the Village zone which allowed smaller lot size while allowing close proximity to services.

John Roberts noted that he owned property on Deering Ridge Road which is a two acre zone he owns seventeen acres and he had only one test pit location on entire parcel. The area would not yield one acre lots and John also indicated he did not want to be 150 ft. from the road as Paul had noted before.

Question asked do you zone on revenue? Zone location was based on geologic studies. Taxes and revenue have nothing to do with zoning.

Waterboro is a residential Town. It costs \$4500 to educate a child. The town needs something other than residential lots as revenue. We need something to stimulate or attract businesses. Comprehensive plan says little about business.

Wade Junkins indicated the bank in South Waterboro should not be where it is. Believed there were other proposals more conducive to business of bank than current location. Larry Jacobsen explained that the Board has to look at a mix of uses - animals - residential - business. We need commercial and industrial to assist residential. That was the reason the Planning Board proposed expansion of the Village Zone. Number of jobs available in Town? What do the Town administrators and the Planning Board do to promote business? Advertising - can be done through state agencies. Wade noted the lack of time administrators had spent at his business. Asked about assets by letter. No interest shown in business.

Mr. Brewster - other towns seem to center around an industrial park. Has the Town of Waterboro considered establishing an Industrial Park? You would need a good road in and adequate water and sewer supply. The Town might have to spend money to entice industry.

Tim McCandless - More business? The board explained the purpose of meeting in a public forum was to get ideas from area businessmen concerning zoning that would make Waterboro more attractive to business and things that can be addressed by zoning. The second meeting would be dedicated toward the property owners for their input.

Comprehensive Plan established by town committees and voted in at Town Meeting. This sets the atmosphere of zoning laws that must agree with the plan. If not then the Comprehensive would have to be changed. Tim stated then it's a question of what do we want as a community?

Right now the Board is trying to bring the zoning into to compliance with the Comprehensive Plan. This is then voted on at Town Meeting by a majority.

Medical Building - maybe we could entice more into town. What influence does tax have to zoning?

Mike McAlevey indicated that right now S.A.D. #57 is the single largest employer in town. We need a balance with residential and commercial uses. Mike indicated that the state Economic Counsel has been organized to help bring businesses into Maine. Also noted that the Town is in need of a Chamber of Commerce to promote and advertise. We need to develop that type of atmosphere. Do we want to replicate Auburn or Van Buren?

Bob Fay - Does not disagree with Mike he hears Wade and agrees with the idea of an industrial park. What does it take to create this? We don't have sewerage. This would be quite a gamble. Larger entities are not allowed. Southern Maine has service industries. Unum - Pratt & S.D.

Warren are down sizing. Home Occupations Permitted. Service uses Day Care services. South Waterboro - with water. If business hooked up possibly zoning to allow less restrictive zoning. town needs sewerage.

Mr. Brewster - indicated he was not pushing for an industrial park. Type of business limited in Village - would be small - disturb the residential life there.

Mike Hammond - Does not feel zoning is business friendly. Asked if a twelve unit motel were proposed how many times do you go before the board? How long before it would be approved? Is there some way to streamline the process? Nothing is beyond the realm of possibility.

Douglas Foglio - In 1977 \$20,000 to have maps that delineate zoning and districts. Charts are available Doug felt if charts were in front of us it would be nice. Disappointed that they are not up.

Doug stated zoning passed in Feb. of 1978 - Changes have been made since that time most have been adverse to the Town of Waterboro that is why several have not passed at Town Meetings.

Basis of Comprehensive plan is simple - Where are we now? - Where do we want to go? Years ago it was believed a fifth center in Ross Corner would develop that should be done, in eighteen years that has gone unnoticed. Comprehensive plan is a loose document - Ordinance doesn't steer it. Douglas indicated businesses existent years ago - Boarding house owned by Gram Libby, Carlton Kimball had cottages, Leisure Motel at Ossipee Lake. Years ago South Waterboro had water and sewerage (dumped into brook).

Douglas stated the Town of Waterboro placed the bank where they are now. Lack of interest from the Town to businesses. Town does not visit businesses. Doug has largest private business - no business help comes forth from town.

40,000 sq. ft. district for house decrease zoning sizes unfair to the remainder of the town. It is unfair that Lake Arrowhead can build on 10,000 sq. ft. Doctor's office - shoe shine - no interest in seeing small business in excess of 1,000 sq. ft. Maybe they don't direct to taxes but they contribute to excise tax contribute to other stores - restaurants - and the health of the town.

Small business on undersized lot - dedicated land - no provision for adjacent land use for period of time of business.

Setback from wetlands and streams - we have one state has another. Must make this more friendly to business. If you walk into Town people don't wish to help you.

It is unjust and unfair that 16 trailers can be placed on ten acres and 16 houses would require 16 acres of land.

We should have an inventory of buildings - vacant - zoning stops them from being occupied. Bed and Breakfast? Would zoning allow? Hassle and fight to do something - property owners looking towards retirement - intent of officials of town to break everyone.

Is there help from State and local? Planner - Selectmen should set a portion of his time to be set aside to help people in town. The order to do this has to come from someone else.

Breaks for business - Assessor - Selectmen- Board of assessment review possibly cut taxes 50% for five years. No! You'll double his taxes. Information on available trades, supplies and services. Pamphlets of available business in town. What can be done? This was started but died.

If someone comes into town extreme rate to hook on to water system. We are shooting ourselves in the foot. People should be helped. Rate could be lowered.

Pat Papa - noted she sells houses and rents to seven businesses. When Pat comes for help to bring more business there is no place to locate them. People don't always want one acre with a home. Possibly the Board should consider presenting the expansion of the Village Zones separately from the other zones.

Larry Jacobsen noted that everything seemed to fall through because of the West Road. Why not keep it a separate issue? One of the reasons for the proposal of five acre was the issue of the Town being responsible for rebuilding the West road.

Small services - dry cleaning - other services - need a blend of business - new ideas - variety of businesses - not a glut.

Larry was not on the board when the bank was approved. Pat Papa indicated the bank was good for the town no matter where they located.

Mr. Langill - Geographically we are not in a good area. The rates one has to charge because we're so far away. Mr. Langill noted he has contemplated opening a photography studio out of his home or moving to Saco or possibly to rent space in Alfred. Mr. Langill likes his home and was informed that a separate structure, to house his business, was not allowed by zoning and a variance was needed. Mr. Langill also noted the area is rural and maybe the neighbors would not be pleased with him having this business in his home. If he utilizes the business as a Home Occupation then he can use no more than 25% of his home, this is a bit of a damper. Board might like to consider enlarging the percentage. The trend is to have home operated businesses. Board maybe take a look at that to loosen those restrictions.

Wade Junkins - Has a business in the Town of Waterboro - Look at Town generally - industrial or commercial in Southern Maine there is no better location than to be on Route 5 or Route 202 with the number of people that go by to go to work in other locations. A lot of people that drive out of town to work would like to stay in Waterboro.

Mr. Horton - only seafood plant away from the ocean - congestion and high real estate values keep him away from the waterfront. It is easy to get goods in and out of Waterboro. Future access to water and sewerage critical to the growth of his businesses. Effluent gray water is a great concern for his business.

McCandless - Fundamentals that need to be dealt with. Environment that has been created. Are you mandated by the state? Planning Board cannot control state and federal mandates. Is a six to twelve month period realistic for development? Is this a process that can be changed?

Roland Denby - State required the board to write a new comprehensive plan in 1989. Townspeople served on seven committees totaling 59 people - volunteered over a period of one and

a half years. Five Public Hearings were held to allow people input from people. Comprehensive Plan went to the state for approval and was then brought before Town Meeting and was voted in. A lot of zoning issues from 1977 to 1989.

Environment and nature detrimental (suppress things) fees, taxes, federal, state. At the Town level what control does Planning Board have to reduce the burden to function in society.

At many meetings need an attorney, engineer, geologist. Responsibility of the Board to uphold damages that may occur within the town.

If it takes 6 - 12 months they may be broke before they get through the process.

Bob Fay - We got hit with a growth spurt. We passed rigid code because we were afraid of growth. Pollution and quality of life always a concern. We can't do anything about state and federal laws created by the bureaucrats that jump in, then we can't breathe.

No one in the Town office influenced the bank. Not everyone qualifies for state assistance. When building a house you should not have to go through five or more inspections.

Paul Tebbetts - Wanted to buy the two story red building on route 202 in South Waterboro. He asked to jack it up and repair it. He didn't plan to have a bathroom. He was asked to move the building at a cost of between \$2,000 and \$3,000. Town made it hard. Now the building is in disrepair no one can do anything with it! Would have remained a small business instead of an eye sore. Paul believed that the building has come before the Board for reconstruction and nothing has happened. Paul agreed with a previous comment that expensive housing was needed. Paul indicated the poor quality of Bagley Road (dirt section) during portions of the year that he has dropped a plow to smooth the gravel out. Storms cause ruts and he believed that he should not have to do this he has a \$200,000 home that is worthless.

Mike McAlevey - What changes are being considered?

Cindy indicated the board is just beginning to discuss issues that need to be presented. Board has to consider all people that zoning affects. Some people feel zoning is restrictive others feel zoning should be protective. The Planning Board has to strike a balance.

As jobs decrease home occupations can be important. Home Occupations can alienate neighbors. It was asked why is a percentage of living space considered?

Water system bureaucracy makes connecting to the system cost prohibitive. Towns not changing to adapt to it. Currently they don't finance hooking on to the system. It was noted that the school complex is not hooked up. Bob Fay indicated that it may be the Selectmen's job to be more aware of peoples needs.

Questions asked about the possibility of a motel. This is an allowed use. Other questions asked about uses on small lots. It was indicated that the Town has adopted regulations that deal with lot coverage - parking capacity - and septic system. In many cases DEP Site Location Law would take precedence over Town that might slow a development down.

Doug Foglio noted that the ordinance used to be simple - today we have to go to the town attorney because it is difficult to understand, everyone decided to re-create it. Site Plan review written in



great haste for a particular issue. As soon as that issue was no longer a problem it was to have been changed. Site Plan needs to be modified and re-written.

Dwayne Morin indicated that Site Plan doesn't mean the use is forbidden it just needs review.

Doug noted that the regulations are cost prohibitive and needs review. A three lot subdivision would be required to have a hydro study is placed on a 100 acre parcel. If 100 houses were placed on 100 acres there would be cause for a study.

It used to be that an allowed use in one zone could be approved if it received Selectmen's approval and Planning Board approval. That was taken out of the ordinance. Douglas indicated that the Board of Selectmen requested that section to be removed from the ordinance during the Sumner Campbell project which was the placement of 5 houses on a five acre parcel and the remaining land put into a conservation easement. Section 2.08 allows the Board to grant expansions to buildings that were existing prior to the enactment of the ordinance.

Water and sewerage were discussed most importantly the need to dispose of raw sewerage. Mr. Horton asked if we knew of open land that the sewerage could be dumped and tilled into the soil. The Town dumped 334,000 gallons of raw sewerage through Sanford Waste Facility at \$.11 per gallon. If we were able to spread the waste it might be less expensive. It was also brought up that James Hamilton received permits to dump sludge on his property. It was explained that people in many communities have said no way to that method. The Board of Selectmen have to abide by townspeople's wishes, those that have children and families are concerned about disease. Several communities have had to address this same issue.

Mike Hammond - Kimball Cabins if constructed today would be required to be 70 ft. apart. Dwayne Morin indicated that they would have a setback requirement from property lines not from structures - regulations do allow cluster development.

Comment from a citizen - Attorneys are used by the town, does anyone say to the attorneys we're paying you, how can the attorneys say you can't do it?

Bob Fay - Attorney does have an obligation to protect the town. Over 2,000 bills went through the state and 1400 new laws were passed. Southern Maine is down sizing industry - new businesses seem to be service oriented businesses. Industrial Park - Sewerage and water not likely - more likely are small businesses. Douglas Foglio and Andrew Woodsome have built businesses in town. Many businesses are successful but not aren't large employers. Service oriented businesses react to people's needs like the photographer.

Larry Jacobsen - noted he had been in business a long time, several others have also. The majority of businesses close up. Motorcycle races closed, the beach area is closed to public. Larry indicated a lot of traffic, a lot of turn over through the years. Larry noted that he had to build his business as his business he could not depend on things like the motorcycle races or the beach area. to entice people to the area.

Doug - Most of his business is out of town and is well known - he cannot depend on work in the town of Waterboro to survive.

Bob Fay - Selectmen made a stand and he supports town control of the beach area on Route 5.

It was noted that the Girl Scout camp doesn't pay taxes. A non-profit entity maybe they could allow property owners on the weekends the use of the beach area.

Tim McCandless - individual or environmental changes - takes the same amount of time and energy if you suppress - if you do not change business will decline whether it is the Town or the State.

**VI OLD BUSINESS:**

**VII NEW BUSINESS:**

**VIII ADJOURNMENT:**

Meeting adjourned at 9:32 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

Guthrie Allen  
Everett F. White  
Judith Corel

\_\_\_\_\_  
\_\_\_\_\_  
Laurie E. Paul

# PLANNING BOARD

## Town of Waterboro

Regular Meeting

September 28, 1995

- I     **ROLL CALL:** Present were Everett Whitten, Judi Carll, Larry Jacobsen, Dwayne Woodsome, Roland Denby and Cindy Allen, Chairperson.  
Opened the meeting at 7:30 p.m.
- II    **MINUTES OF PREVIOUS MEETINGS:** Sept. 13, 1995
- II    **COMMUNICATION AND BILLS:**
- IV    **REPORT OF OFFICERS:**
- V     **APPOINTMENTS:**

### 7:30 p.m. Public Forum Re: Zoning Revisions

Meeting opened by Cindy Allen. Approximately 30 people in attendance were welcomed by Cindy. Planning Board members introduced themselves.

Cindy asked those present for their ideas, concerns or questions regarding zoning. Dwayne Morin then spoke on changes that were presented at the June Town Meeting that were voted down or simply tabled. The first meeting was with business owners and the second meeting was with property owners.

Virginia Hewes - When zoning is changed how are people notified? Notification is really done by means of a vote by townspeople at Annual Town Meeting where changes are voted in.

Suggestion given regarding the zoning ordinance.- It should be easier to acquire a variance - not as strict to allow small businesses to start up.

John Sokolowski - Indicated Waterboro was a nice town. He felt that the Board should work on developing some rules on barking dogs. It feels there are no rules on this and it should be addressed. Dwayne Morin indicated that the Board of Selectmen were working on an ordinance.

Dale Witman - Indicated an audible burglar alarm that sounded for 7 1/2 hours. He would like to see regulation on alarm systems maybe an ordinance. Also he noted a citizen that had 17 acres of land with 30 ft. of frontage that cannot acquire a Building Permit since he does not meet the requirements in the zoning ordinance and people in Lake Arrowhead are allowed to build on 1/2

acre lots. Seems to be something wrong. Dwayne Woodsome asked if this was caused by the landowner by splitting the lot and not leaving enough land for the zoning requirement or was the 30 ft. right-of-way existing prior to zoning being adopted? Dale thought the owner had created the problem. Dwayne Woodsome indicated there was quite a difference.

Dale also indicated situations that come about in the Village zone and many times the Zoning Board of Appeals hands are tied when a request is made for a variance. In the village zone there are two different setback requirements if the intent is to preserve the nature of the area and 70% of the homes fall under one of those areas why not change the zoning to meet the average instead of asking for stricter regulations. It was indicated that Route 202 has been widened over the years thereby creating the close proximity on the front yard setback. Dwayne Woodsome indicated that a vehicle is approximately 17 ft. long and if a 25 ft. setback is required it does not leave much space for parking.

Roland Denby spoke on the lot size in Lake Arrowhead Subdivision. The lots were created prior to zoning and prior to the minimum lot size of 20,000 sq. ft. required by Department of Human Services to support a septic system. The project was pushed through just prior to the state minimum lot size law going into effect.

Larry Jacobsen noted that lot size has a lot to do with the value of a house. Zoning does protect the value of homes. Larry indicated several entry level homes have been constructed in Lake Arrowhead which has flooded the school system placing constant stress on the schools. Zoning is a necessary evil to protect investments.

Roland Denby - indicated that we are running into restrictions every day. Roland spoke of a section in the ordinance that used to allow the Planning Board and the Board of Selectmen to approve a like use in one zone and apply it to another zone. That was wiped out. Section 2.08 allows the Board to act on grandfathered lots. Legally Roland noted he was not sure if that section could be put back in the ordinance. Zoning has the ability to be changed by the vote of townspeople. If zoning says it is not allowed, it's not allowed, if the Planning Board makes a ruling a person has the right to appeal the decision to the Zoning Board of Appeals.

Dale Witman complimented the Board for the type of forum this meeting provided.

Larry Jacobsen informed those present that some restrictions are by deed covenant during development. The Board doesn't always set the regulations. The town only has so much leeway. Many things that Board has no control of.

Dwayne Woodsome mentioned shoreland zoning. It was a mandate even though it is inclusive in our ordinance.

Changes to the ordinance to bring it into compliance with the comprehensive plan need to be completed by January 1998. If this is not done then virtually we have no ordinance. Once you lose local ordinance the state would take precedence and sometimes that is more restrictive than local ordinances.

Ideas requested from those present that would allow easier passage at town meeting. More input gives the board better directive.

State and Federal regulations seem to be more restrictive. Question posed to the audience on what allowed uses they would like to see added. What are we lacking? If the ordinance is restrictive what development should be encouraged? Industrial, apartments, small businesses?

Susan Dunlop - Curious as to what effect a change from Agriculture/Residential to Residential would be. She indicated she would like to see it stay as it is. Was there any plan to change it? Not unless it is voted on at Town Meeting. It was explained that at the previous forum one individual suggested one acre lots throughout the Town of Waterboro.

Larry Jacobsen - When the Board reviews changes in zoning they do not look at financial gain since decisions made reflect on the town 100 years from now. The Town is not growing it is being developed. Do we develop to change atmosphere? We see color changes at this time of year in the Town of Waterboro. The only color change that Biddeford sees is when someone paints their house. Atmosphere can be maintained. We need industry, businesses which helps with fire and rescue personnel. The Planning Board could work with businesses for as little impact as necessary.

Forest & Agriculture - What is the difference from Agriculture/Residential to Forest & Agriculture? Resident indicated he was now farming, if you have more critters it creates more noise. If developed people might not want farming. It was explained that agriculture is an allowed use. If development took place the prescriptive use would still be allowed.

Home Occupations - Right now limits the number of people to two employees in addition to the person or persons owning the home occupation. How does a small business make the step from home to a business structure? People in attendance felt we should be more lenient. Board indicated they would be presenting something for Town Meeting.

In some developments - how large a business do you want in a residential area? How late do you want them to work? This is a very sensitive subject. On a large lot a home occupation is not a problem. In a small development neighbors don't always want the home occupation.

A question posed is at what point does a home occupation become a business. Those present indicated it would depend on what the business would generate for noise and impact. Large volume of traffic or noise - parking - each case is unique (examples given).

Virginia Hewes - Bicycles riding on Route 5 have no space to ride. The roads are not wide enough for use of bicycles. Could the Board address this? Dwayne Morin indicated they could contact their state representatives. Mrs. Hewes thought if the Planning Board made the suggestion it would be better received than individuals.

Dwayne Morin also indicated he had spoken with Emile LeBlanc and the state has limited funds and they try to stretch dollars that is the reason for no break down lanes. Dwayne noted that three years ago when the state proposed widening the turnpike they were defeated. Legislation created

RTAC. Road projects have to go through RTAC which is very tough and not very successful. Paving is exempt from RTAC review. That is why you see re-paving of areas that don't appear to be too bad. To rip up and replace pavement would take approximately 2 years through RTAC. The Board could however consider requesting new developments to have wider streets.

Dwayne Morin reviewed the suggestions made at the last public forum:

Expansion of Village Zones - Those lots having access to Town Water possibly have less density for requirement if they hook onto the system. Standish and Windham both allow this type of process and they do not have public sewer. This would allow businesses there would still be restrictions. There is a natural evolution with zoning if you all take a look at South Sanford, and North Windham Village centers evolve to create a commercial hub. Four or five businesses on a four or five acres lot - parking is 1/2 the density of the lot. Take a portion of residential zone and turn it into commercial - it makes more sense to have commerce on state maintained roads.

Dale Witman - Problems are generated from residential area versus small impact of business. We don't need to fear industry as much as residential.

Larry Jacobsen indicated he drives bus. There are four buses that drive into Lake Arrowhead area. It costs \$4,500.00 to educate a child and approximately \$1,100.00 is collected in property tax which is not cost effective we need other revenue. We need larger parcels of land made available to allow new industry to locate.

Fire and Rescue Personnel is becoming a problem since we don't have many people in town available on a volunteer basis. In 1968 the Town of Waterboro's population was 1200, in 1995 we have 5,500. During the 1980's the town's population doubled.

Need to key on service oriented businesses - we are a bedroom community - industry is harder to attract. Day care centers are one example of service businesses. It would cost the Town of Waterboro approximately 1/2 million dollar to get an industrial park started. Without an anchor for the park the financing would be extremely difficult.

The volume of water and sewerage is a liability. Sanford, Biddeford, Saco and Westbrook have industrial parks still under development and they are nearer highways than Waterboro.

Architectural Skylight Building - Coca Cola showed interest until they discovered we have no sewerage. Industrial pollution not something the town needs.

What is the status of the tannery? It is still an "Uncontrolled Hazardous Waste Site". Noted that this is a good location since it is right in the center of South Waterboro. It is currently privately owned and we would need to convince DEP to allow use of the sight.

Articles were tabled at Town Meeting. If tabled there is no discussion. This did not give the Planning Board any directive. Zoning changes were discussed. Having the zoning changes grouped together not a good idea. Suggested if presented they areas should be separated.

Dale Witman believed change of format to one issue at a time would help pass changes. Referendum - he did not think it was a good idea. Believed referendum would kill anything put before the people.

Board doesn't have control over discussion. Also the placement on the warrant was not good. The Board indicated they had held two public hearing last year and only four or five people showed up. This is the second forum and the turnout is great. Those present thought the invitations were helpful. They also indicated using the sign in front of the town hall. The board noted that each month there is a counsel meeting open to the public. It was suggested that the planning board could forward information with the tax bills. Tax bills will go out in two weeks and the board works through out the winter on proposed changes.

Roland Denby - Felt we should nibble not gulp zoning issues - a slower operation.

RV plan - This proposal was less restrictive and people turned it around to be negative. Common sense is a factor that was not considered.

Susan Dunlop - indicated she had contacted Roger Elliott to purchase property and was informed that he could change zoning without too many problems. Dwayne Morin noted he would be speaking with Mr. Elliott within the week and would check this out.

As of the 29th of September DEP controls all wetlands over one tenth of an acre and within 250 ft. of the upland edge. The required setback of a wetland is 100 ft. The new regulations are restrictive in nature. This new process is supposed to make the permit process easier. Fees skyrocketed and the turnaround is 30 - 60 days. Land Use Laws are restrictive around water.

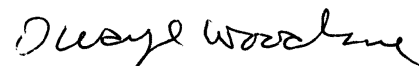
## **VI OLD BUSINESS:**

Review of September 13, 1995 Forum Input

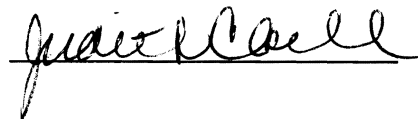
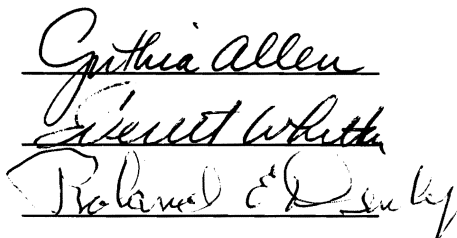
## **VII NEW BUSINESS:**

**VIII ADJOURNMENT:** Meeting was closed at 9:03 p.m.

Respectfully submitted,



Dwayne Woodsome  
Secretary/Treasurer



# **PLANNING BOARD**

## **Town of Waterboro**

**Regular Meeting**

**October 11, 1995**

Meeting called to order by Cindy Allen at 7:15 p.m.

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

**II MINUTES OF PREVIOUS MEETINGS:** September 13, and September 28, 1995

**II COMMUNICATION AND BILLS:**

1. Memo from Board of Selectmen Re: Budget Requests

Roland Denby to work on the budget for submission on November 1, 1995.

**IV REPORT OF OFFICERS:** None

**V APPOINTMENTS:**

7:00 p.m. Piscataqua Cellular Map 14 Lot 43 F&A Zone

7:30 p.m. William Coyne Map 47 Lot 126 AR Zone

**7:00 p.m. Piscataqua Cellular Map 14 Lot 43 F&A Zone**

Mr. Barry Hobbins attorney, representing Piscataqua Cellular, also Charles Brown of Sebago Technics and Jim Wilson Cellular One/Van Guard Cellular. Mr. Hobbins informed those present that under their license they are obligated to provide services. Part of that service is the proposed switch facility within a 240 sq. ft. building and construct a 180 ft. tower. This facility is being placed on a five acre portion of a lot that the company has a lease agreement on. Mr. Hobbins asked for a waiver of water, sewer and solid waste since this is an unmanned site. There will be someone on site three to four times a month to maintain equipment. Reference to the site information provided and placed on file. The property is currently in tree growth, the proposal is to remove no more than five acres from tree growth. They will actually be utilizing two acres. The wetland report addresses storm water run off. The site is approximately 2,000 ft. beyond the intersection of Chadbourne Ridge Road and the Buxton Road. There is currently a driveway that has been used for the wood lot, this same entrance is to be used to access the site.



The tower has been relocated since being reviewed by the Zoning Board of Appeals. They have an easement deed for the land that exceeds the five acre area being utilized for the switch station and tower to allow for fall zone of the tower. The land drops off very quickly. The site is a plateau. Erosion control will be utilized during construction. There are two wetlands described in the wetland report. Installation of silt fence along the edge of one wetland. The second wetland is on the border of property owned by Michael Guest. These wet areas are a series of pockets which eventually run off to the Northeast. The tower is designed for 100 psi wind speed.

Today, less than two percent of the population has cellular phones. In 15 years, market penetration is expected to be 95 percent. Most zoning laws and ordinances never thought of cellular towers. The projected watts of energy produced is about 100 watts that equal to a hair dryer.

The network of towers currently being used by Maine Cellular was shown to those present. It was explained that originally towers were very high. Calls are handed off to other towers which allows more calls to be handled. Currently towers are placed 15 miles apart.

This site was chosen since it works well with the central switch in Westbrook. The frequency band that is used does not get skip. Studies done show no direct hazards, health, safety, or environmental issues from the energy emitted from the tower. There should be no interruption in television, radio or CB, since they are on a different band and they are obligated by FCC to fix a problem if it exists.

What is baseline for interference? Any objectionable interference. A ham radio produces more electro magnetic. Asked if a co-location with Star Cellular was investigated. There is currently no policy for that. There will be a pre-cast building measuring 12' x 20' enclosed by a fence. Nothing on the tower will exceed 180 ft. Over 200 ft. in height F.A.A. regulations require lights.

It was asked what the proposal included? Three antenna to start with and a micro wave dish. The site is to be accessed one to two times per month. The road is not plowed by the town to the site. Cellular One would park and snowmobile in unless the board addresses concern for fire safety. The building is cement the tower steel. Some sites have propane tanks however this site will not. A portable generator could be taken to this site if needed.

Grid plan shown - the topography of this site is good. Ossipee Mountain a great location but there is no much space there. There will be 22 - 23 1/2 ft. between the legs of the tower. A study was done on the visibility of the tower from SW - NE not much of the tower will be seen from area homes, from NW - SE most of the tower will be seen. Anyone could check with other towns where they have constructed similar towers and they are a first class business.

Area coverage of this tower will be 15 to 20 mile radius. Ossipee Mountain will affect transmission some. Each company is assigned a frequency. Anything shared is a roaming charge. The fence will be an 8 ft. chain link with barbed wire at the top. One double entry gate that will be locked. Barrier gates 125 ft. from traveled way. There is an internal silent alarm to Cellular One. There will be one light over the door only.

Section 8.01 deals with height limitations increase of setback to height ratio. This calculation would push structures to 514 ft. front setback and 257 ft. from sidelines. Charlie Brown indicated that if they had to go back 500 ft. the tower would be 55 to 60 ft. below current proposed elevation which would mean the tower would have to be 260 ft. tall and would be lighted and would have a greater impact of the woodlands. Mr. Hobbins felt this section was intended as permissive in nature. They read this to be the fall zone. The tower should fall like an erector set. Mr. Hobbins believed the board has the discretion to grant less restrictive setbacks. Mr. Morin agreed that the ordinance allows for discretion.

Roland Denby questioned the proximity of this project to Starrett Pierce illegal subdivision. Charlie Brown indicated that a thorough survey was done along the southwest sideline and remnants of an old barbed wire fence and pins were found. Southeast a row of pines towards Lewis Lane. Southwest line and actual southwest of Simonds Property is very accurate.

Larry Jacobsen and Cindy Allen were in attendance at the Zoning Board of Appeals Hearing and felt that a Public Hearing was in order. Dwayne Morin recommended a Public Hearing. If there are issues raised Mr. Hobbins would provide the expertise to answer them. Screening is good on this site. If the Planning Board feels it necessary they will bring appraisers for land values.

John Roberts moved and Roland Denby seconded a motion to hold a Public Hearing at the October 26, 1995 meeting at 7:00 p.m. Vote was 6-0-0 in favor.

A site walk was scheduled for Wednesday October 18, 1995 at 5:00 - 5:15 p.m. Mr. Hobbins was informed that direct abutters should be notified of the Public Hearing. Sharon to change appointments to allow for the Public Hearing.

#### **7:30 p.m. William Coyne Map 47 Lot 126 AR Zone**

Mr. Coyne is the contractor for Mr. & Mrs. Buchalter who own a cottage on property located in the Lake Sherburne Subdivision denoted on Waterboro Property Tax Map #47, Lot #126 in the AR Zone. The project is to replace an existing deck and enclose it. The project is 101 ft. from the normal high water mark of Lake Sherburne. The deck is smaller in dimension than the main section of the house. It does not appear that the project will go closer to the side property lines as presented than the existing structure.

Stairs from deck currently go towards the water. Mr. Coyne first proposed including the stairs within the deck to be finished. The Planning Board informed Mr. Coyne that as long as the stairs were replaced in the exact footprint they could be replaced. Mr. Coyne informed the Board that there would be six windows on the pond side of the enclosed area the intended use is as a sun room there will be no plumbing.

John Roberts moved and Roland Denby seconded the motion that this be approved as presented and that the project go no larger than the existing structure and the stairs go no closer to the property lines or the normal high water mark under Section 9.03. Vote was 6-0-0 in favor.

## **VI OLD BUSINESS:**

### **1. Mr. Peverill Map 29 Lot 22 AR Zone**

Mr. Peverill is back before the board to finalize a project near the shoreline of Ossipee Lake off East Shore Road. Mr. Peverill is working with DEP on the project of rip rapping the existing ditch. The Planning Board went out to review a proposal to rip rap the drainage ditch from the lake to the tree (40 ft.). DEP has had Mr. Peverill place three water bars on the property. Mr. Peverill is now looking to place fabric in the ditch and rip rap as approved by a Permit-by-rule.

John Roberts moved and Everett Whitten seconded a motion approve the request and that Mr. Peverill follow DEP requirements. Vote was 5-1-0 in favor of the motion.

### **2. Douglas Foglio Map 19 Lot 33A V Zone**

Mr. Foglio is before the board to renew a previously issued Conditional Use Permit for additions to a home located adjacent to his business on Route 202/4 in South Waterboro Village.

Proposed addition and foundation work. Mr. Foglio plan to rebuild porch, add a garage and room. New addition will be constructed 6 inches further back from the existing structure. The front wall of the existing foundation is collapsing.

John Roberts moved to re-approve with the same conditions utilized in permits issued November 14, 1990 and again January 28, 1993. Vote was 6-0-0 in favor of the motion.

### **3. Everett Whitten Map 5 Lot 40T AR Zone**

Mr. Whitten has a new contractor for the excavation project that the Board recently approved in August of this year. The new company would like to screen and crush rocks on site. Since the original proposal did not include this issue the Code Enforcement Officer felt the Board should review the new proposal. Mr. Whitten informed the Board that he does not have a contractor however this may be something that he would like to allow. Board discussed the location and the area of extraction is off the road quite a ways. A previous gravel extraction site off Silas Brown Road was given hours for operation of Monday through Friday 7:00 a.m. to 5:00 p.m.

John Roberts moved and Dwayne Woodsome seconded a motion to allow crushing and screening with the same approval as granted Mr. Foley for hours of operation. Vote was 5-0-1 in favor of the motion.

## **VII NEW BUSINESS:**

Dwayne Morin reviewed the new Wetland Regulations. The process is improved the Army Corp of Engineers is a bigger player than would appear since they have veto power currently. Federal wetland map of 1/2 acre or greater Army Corp controlled by a Nation Wide Permit which entailed calling, they would check the map and give you a verbal okay. A large wetland Army Corp and DEP different conditions.

DEP approval first then the corp and many times the corp would place contradictory conditions. Now is a one stop shop for 4200 sq. ft. or greater of wetland area disturbance or impact. There are Tier 1,2 3 and Individual review. Dwayne explained that a Permit by rule for under 15,000 ft. of wetland for Tier 1 with a decision to be rendered within 30 days.. Tier 2, 15,000 ft. to 40,000 ft. more strict, delineation required with a decision to be rendered within 60 days. Tier 3 is an individual review. You can call DEP and request a consultation.

Judi Carll moved and Everett Whitten to approve the minutes of 9/13/95 as written. Dwayne Woodsome questioned comments that were made at the meeting derogatory to the Selectmen, Planning Board, Code Enforcement that were not recorded in the minutes. He did not indicate specific information. Vote was 3-2-1 in favor. Dwayne Woodsome commented that the minutes would not have the Secretaries signature since he felt the minutes were not correct

Roland Denby indicated three changes were needed on the September 28, 1995 minutes, page 1 of the minutes under Virginia Hewes should read Notification is really done by means of a vote by townspeople at Annual Town Meeting where changes are voted in.

The second change is on page 2 under Roland Denby should read If zoning says it is not allowed, it's not allowed, if the Planning Board makes a ruling a person has the right to appeal the decision to the Zoning Board of Appeals.

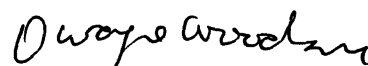
The third change is on the last page Roland made the comment not Fred Pierce that we should nibble not gulp zoning issues - a slower operation.

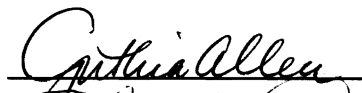
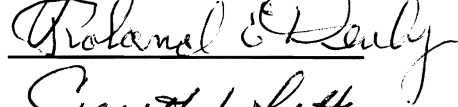

Roland Denby suggested that before the Board goes to Town Meeting perhaps the board should seek the Board of Selectmen's opinion on the changes. It is nice to have the support of the Selectmen at Town Meeting.


#### VIII ADJOURNMENT:

Meeting adjourned at 9:38 p.m.

Respectfully submitted,

  
Dwayne Woodsome  
Secretary/Treasurer

  
\_\_\_\_\_  
\_\_\_\_\_

# **PLANNING BOARD**

## **Town of Waterboro**

### **PISCATAQUA CELLULAR**

#### **PUBLIC HEARING**

**OCTOBER 26, 1995**

Hearing was called to order by Cindy Allen Chairman of the Waterboro Planning Board at 7:18 p.m. with one member of the public present. Dwayne Woodsome, Roland Denby, Everett Whitten and Judi Carll were also present from the Planning Board. Code Enforcement Officer, Town Planner and Clerk for the Planning Board were also in attendance. During the meeting more people were in attendance from the general public.

Mr. Hobbins, Charles Brown and Jim Wilson were present on behalf of Piscataqua Cellular. Mr. Hobbins gave an overview regarding previous meetings and approvals. The Zoning Board of Appeals granted a variance for a 180 ft. tower. A Site Walk was held by the Planning Board on August 18, 1995. It was asked why the particular location for the tower. There is a knoll that site higher in elevation? The real estate consultant indicated concern with the impact to the land currently in tree growth. There were be a minimal impact if the chosen site were utilized since less clearing would be needed and the location is also closer to the intersection at Chadbourne Ridge. The tower will not be lighted. Tim Nelson went to visit the site with D.E.P. to review the wetland area and Mr. Hobbins also indicated the wetland report that was presented with the application.

The Town has received one questions from a citizen that could be in attendance tonight. What impact will the signal have to animals, birds and other wildlife. The signal is higher than animals can hear.

Roland Denby asked if the license from the state is for a certain zone or can more than one company be licensed for each zone. There are currently two companies licensed in the geographic area Star Cellular and Maine Cellular. You can co-locate however the current policies do not address this. Due to competition it isn't always feasible. Cellular One has not adopted this as a policy. Durham NH may be the first area to be utilized by competitors. The tower at the top of Ossipee Mountain was investigated but there is not much space for expansion. This summer two million cellular calls were processed and the market is only 2% penetration.

Plowing - setbacks - turn around- and parking were discussed. Piscataqua Cellular has addressed these concerns in other communities in a satisfactory manner. There are two options they could plow to and around the site or they could park and snowmobile in to the site. If they were to plow the entrance way they would consider hiring the same contractor that the town has to plow the roads. This is a first class company and if the Board were to condition the permit they would be receptive to upgrading the road.

It was noted that the Board was in receipt of the Road Review Committee's Report concerning the seasonal status of the road.

Frank Allen

Mr. Allen asked if the ratio setback can be met? Or has this been compromised? If so Why? Due to the visual aspect of this project the full setback should be met. If elevation is an issue, by using the knoll would this make a difference? Mr. Hobbins indicated that a variance would need to be acquired if they met the front ratio setback since the land drops off very quickly and 180 ft. would not allow the tower to operate correctly. They are currently leasing the land closest to the existing road and believe they are using the best site of the parcel available.

Mr. Allen indicated the visual aspect is being taken away if the setback has not been met. Mr. What other towers in the area and setbacks they had to meet? Other than Mr. Allen who met the setbacks at the time of installation no other towers in this area. Mr. Allen indicated his feelings that the contribution from Piscataqua Cellular was small in comparison to what is being taken away. Mr. Allen did not feel the setback should be compromised.

Charlie Brown indicated that a 257 ft. sideline setback with a 300 ft. wide lot would not allow one sideline setback to be met. A 514 ft. front yard setback would drop the elevation of the tower and would not meet the needs of Cellular One.

What is the status of Lewis Road in reference to the project if ratio setbacks were met? Approximately 500 ft. from the road and the setback would place the tower down over the hill towards Starrett Property.

It was stated that Section 8.01 has permissive language regarding the ratio setbacks. The Zoning Board of Appeals dealt with the stricter criteria from the stand point of the process.

The Zoning Board of Appeals deals with non-permissive issues in the ordinance allowing the Planning Board to deal with the portions of the ordinance that are permissive in nature. The ordinance and the comprehensive plan were written to allow for permissiveness.

Mr. Hobbins indicated that Mr. Allen had a 90 ft. tower. Mr. Allen felt this was different since he was a resident of the town and he does not take away from the scenic beauty of Waterboro. Mr. Allen felt that this was the first tower and the Planning Board would be setting precedence for future requests for towers. Mr. Hobbins explained as in previous meeting that cellular service is more of an essential service now than when it first started. Mr. Allen disagreed with Mr. Hobbins because the service provided is not totally for Waterboro. Mr. Allen would rather not have them in town. This will be a visual impact. The location of the tower as presented would allow for less impact since it would be 40 ft. shorter than in another location. Mr. Allen again indicated that the Planning Board should not be permissive on the first tower. This was the first of many that would be proposed and the town should make the developer toe the line. Mr. Allen felt if the use doesn't fit the lot than you could try somewhere else. It was noted that the people from the neighborhood did not want this they would be present at this hearing. Mr. Allen indicated that his two concerns were setback compliance and the road.

The color of the tower was discussed it will be metal gray in color. The tower doesn't cost for education it is a passive use with no health problems - no impact on town functions Mr. Hobbins also indicated that the Board could check with other communities where towers have been installed and he was sure they would attest to Cellular One's compliance with requests made of them during approval process. This site is the optimum site other than Ossipee Mountain. Mr. Carroll was not in agreement with sharing the site.

Dale Witman indicated that he has traveled extensively and he feels a tower would be better at a shorter height and he was not able to share in Mr. Allen's view of the placement of the tower. He indicated that he had a great deal of respect for Mr. Allen however they were at opposite ends regarding concerns.

Meeting was closed at 8:05 p.m. by Cindy Allen, Chairperson.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

# **PLANNING BOARD**

## **Town of Waterboro**

**Regular Meeting**

**November 8, 1995**

**Meeting was called to order by Chairman, Cindy Allen at 7:07 p.m.**

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

**II      MINUTES OF PREVIOUS MEETINGS: October 26, 1995**

Dwayne Woodsome moved and Roland Denby seconded a motion to approve October 26, 1995 minutes. Vote was 3-0-1 in favor.

**II      COMMUNICATION AND BILLS:**

1.

**IV      REPORT OF OFFICERS:**

**V      APPOINTMENTS:**

7:15 p.m. Armand Desrochers Map 29 Lot 14 AR Zone

7:30 p.m. David Girard Map 44 Lot A358 R Zone

7:45 p.m. Renald Collins Map 45 Lot 1587 R Zone

8:00 p.m. Al Broomhall Map 16 Lot 19 AR Zone

**7:30 p.m. David Girard Map 44 Lot A358 R Zone**

Mr. Girard is requesting permission to construct a home on this lot in Lake Arrowhead. All setbacks can be maintained. This lot is on the corner of Timberline and New Dam Road.

Dwayne Woodsome moved and Everett Whitten seconded to approve under Section 3.03, 2.08, 3.05 and 4.02 all required setbacks be met. Vote was 4-0-0 in favor. Mr. Girard asked if the building permits could be processed quickly since Lake Arrowhead does not allow connections to the water system after November 15, 1995.

**7:15 p.m. Armand Desrochers Map 29 Lot 14 AR Zone**

Mr. Descrocher is proposing renovation of three cottages on this lot. The Green cottage is closest to the lake it sits approximately 28 ft. from the high water mark. The cottage measures 24' x 23' the steps have been taken off due to the unsafe nature. An addition is proposed to the side and a full foundation is proposed with a daylight basement.



Tim indicated his concern with the trees and canopy opening which is restricted in the shoreland zone. Tim had counted eight trees that would need to be taken down to allow for the foundation and suggested hiring a Licensed Forester to assist the Desrochers determine the correct canopy opening.

Tim and Dwayne Morin had been out and took pictures using the video and this was viewed by those in attendance. The red cottage is approximately 56 ft. from the high water mark to the front of the cottage and again large trees and the canopy are a concern. The third cottage is yellow and is more than 100 ft. from the high water mark of Ossipee Lake. The proposal is to jack the yellow cottage and set it over. This cottage would then be in between the red and green cottage but a minimum of 100 ft. from the water.

A functional divide was questioned. Dwayne Morin informed the Planning Board that if the cottages were owned by different owners a functional divide would be feasible with all buildings being owned by one person the property cannot be split. It was asked if the 30% was on each building. Dwayne Morin confirmed that each building is allowed 30% expansion not collectively for the lot they're on.

In review of the plans submitted Dwayne Morin indicated that the calculation of the proposed additions were about 10 sq. ft. over the 30%. Mr. Desrocher indicated that there was a set of stairs off the front that he took down due to the hazardous nature of the stairs. Mr. Desrocher indicated that he would make the deck smaller to comply with the 30% if necessary. It was asked by Larry Jacobsen how much of the cottage would be a part of the structure ? Mr. Desrocher indicated basically it all needed to be replaced. If he could replace it it would be preferable. Tim Nelson indicated that DEP regulations state that more than 50% is considered replacement. The building is in bad shape. Mr. Desrocher thought it could be salvaged if necessary .

Tim Nelson indicated that the structure could be placed further away from the water. Fewer trees would need to be cut if the structure were moved. Mr. Desrocher indicated that if he went back too far from the water he would lose the daylight basement.

John Roberts moved and Everett Whitten a motion to allow reconstruction of the cottage with the provision that it be moved a minimum of 15 ft. further back from the existing structure location and Mr. Desrocher re-align the deck to maintain the 30%, sill plate not to move more than the 3 ft. under section 3.03, 3.06, 2.08, 4.02 and 7.01 2.B.1.A., . B. 1. B., 2. B. 2., 2. B. 3 and soil and erosion control methods to be utilized during construction. Vote was 5-0-0 in favor. A new septic system has been designed utilizing three tanks and one field.

A new roof with a different pitch and a small addition is planned for the red cottage. No final plan is on file at this time for this project. Mr. Desrocher would like verification from the Board that this could be done since he currently has a purchase and sales agreement contingent on the approval from the Planning Board.

John Roberts moved and Roland Denby seconded a motion that the red camp be approved for construction not to exceed 30 % upon presentation of a final plan to the Board under Old Business under section 3.03, 3.06, 2.08, 4.02 and 7.01 2.B.1.A., . B. 1. B., 2. B. 2., 2. B. 3 and soil and erosion control methods to be utilized during construction. Vote was 5-0-0 in favor.

John Roberts moved to amend his motion to approve the project proposed to the green cottage to include the installation of the septic system prior to the Certification of Occupancy on the Green camp, Everett Whitten seconded the motion. Vote was 5-0-0 in favor.

The third building is located more than 100 ft. from the normal high water mark of Ossipee Lake and Tim could issue the permit upon presentation of a completed building application. Dwayne and Tim to help set the bench mark.

**7:45 p.m. Renald Collins Map 45 Lot 1587 R Zone**

Mr. Collins is requesting permission to construct a home meeting all required setbacks on a non-conforming lot in Lake Arrowhead Subdivision.

Dwayne Woodsome moved and John Roberts seconded a motion to approve the request all setbacks to be maintained under section 2.08, 4.02, 3.03 and 3.05. Vote was 5-0-0 in favor.

**8:00 p.m. Al Broomhall Map 16 Lot 19 AR Zone**

Mr. Broomhall is requesting permission to construct a handicap ramp on the front of his home on Route 5 in North Waterboro. Due to the nature of the request and the time of year Tim Nelson has placed Mr. Broomhall on the agenda. The existing steps on the front of the house are about 2 ft. The steps are about 30 ft. from the edge of the road and about 12 ft. from the edge of the Right-of-way. The side door cannot be utilized due to the elevation of the door and the land. It was discussed how close to the house the ramp should be placed. The shrubs should be moved to allow the ramp to go no closer to the road than necessary.

John Roberts moved and Everett seconded a motion to allow the handicap ramp under section 7.05 and before the permit is picked up Mr. Broomhall present in writing the information as required under items #4, 5 and 6 of this section staying as close to the house as possible with the ramp. Vote was 5-0-0 in favor.

**VI OLD BUSINESS:**

1. Change in ordinance to deal with structures that do not comply with the setback requirements as indicated in each zone.

Dwayne Morin explained that the Selectmen have requested the Planning Board present a change in the ordinance that would deal with structures that have not been constructed in the required building envelope meeting required setbacks for each zone in the Town of Waterboro. Over the years the Selectmen have had consent agreements that have been created due to the many violations that have turned up during a Class "D" mortgage surveys for re-mortgages. South Portland passed something similar however also stipulated that from the date of approval each new structure must prove compliance with the ordinance by means of a survey.

Board members asked why this was being presented to the Planning Board? It is an ordinance change and therefore the Selectmen have requested the Planning Board review this for presentation at the Annual Town Meeting.

Dwayne Woodsome moved and John Roberts seconded a motion that the Selectmen take care of the problem. Vote was 3-1-1 in favor.

The Board are not surveyors and the board does not require surveys unless a subdivision.

## **VII NEW BUSINESS:**

1. Vote from Planning Board as a Directive for Board of Selectmen  
Re: Town Planner Position

Dwayne Morin indicated that his recommendation to the Board of Selectmen had been not to hire a Planner. John Roberts and Dwayne Woodsome agreed but if the Planning Board is hit with a large amount of development that could change. The amount of planning that Dwayne does is about 20% of his job. SMRPC could be used however they may not be around. Dwayne indicated that the Executive Director has just left and they are down to three people in the office.

Roland Denby believed that the Board needed a Town Planner. They need someone knowledgeable to handle with expertise the information coming from the state. The Board members don't have enough time. Who will be here on a daily basis? Why should people go to individuals at their home or place of business to get answers?

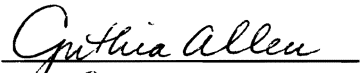
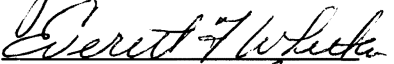

Possibly request that the position may involve working with the Planning Board. A Selectmen's Assistant may not know a lot about Planning Issues.

Requested a meeting be set up for November 21, 1995 with the Selectmen. Sharon to send Board members a reminder.

## **VIII ADJOURNMENT:** Meeting adjourned at 9:03 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# **PLANNING BOARD**

## **Town of Waterboro**

**Regular Meeting**

**October 26, 1995**

Meeting was called to order by Chairman, Cindy Allen at 8:07 p.m.

- I ROLL CALL:** Present were Everett Whitten, Roland Denby, Dwayne Woodsome, Judi Carll, and Cindy Allen, Chairman.
- II MINUTES OF PREVIOUS MEETINGS:** September 28, 1995, October 11, 1995  
Roland Denby moved and Everett Whitten seconded a motion to accept 9/28/95 with changes and 10/11/95 minutes . Vote was 4-0-0 in favor.

Roland had prepared the budget all members received a copy. Everett Whitten moved and Judi Carll seconded a motion to forward the budget to the Selectmen. Vote was 3-1-0 in favor of the motion. Dwayne Woodsome commented that the budget could go to the Finance Committee. This year the Selectmen have requested the budget requests.

**II COMMUNICATION AND BILLS:**

1. Letter from Dianne Holden, Town Clerk
2. Letter to Ralph Fralic Re: Setback Violation
3. Notice of Intent to File an Application from SRCC

**IV REPORT OF OFFICERS:**

**V APPOINTMENTS:**

*Public Hearing 7:00 p.m. Piscataqua Cellular Map 14 Lot 43 F&A Zone*

Public Hearing held and placed under Old Business

7:30 p.m. Robert Jones Map 4 Lot 29 AR Zone

7:45 p.m. Kirk Butterfield, Bill Speed Sketch Plan Map 13 Lot 17 F&A Zone

**7:30 p.m. Robert Jones Map 4 Lot 29 AR Zone**

Mr. Jones is requesting permission to have a junkyard on his property. Previous approval for this lot include permission to have farm equipment on the property. Mr. Jones would like to revise his Conditional Use Permit by adding a junkyard. Tim Nelson noted that since this would be a third use on the property (farm equipment, trailer storage, repair work on trucks) Site Plan Review would be required. Previous permit specified no storage. Trailers are parked on the property since they are not always on the road.

The trailers are not sold for on site storage. Mr. Jones changes motors and other part repair to maintain vehicles because of that he needs to store older trucks for use of the parts. He has been notified that he now has an illegal junkyard. Mr. Jones stated there are only two large junkyards for trucks that he knows of. He also stated that he keeps his property very neat and at one time held a license with the state for a junkyard.

Mr. Jones file was reviewed. Mound area requested 200 ft. from the road - a 6 ft. berm installed - 10 ft. and trees about 20 ft. in height. Mr. Jones stated the junkyard would be mostly for his own use. Board members asked if Mr. Jones would be crushing vehicles - he indicated no. He would haul them out whole. A cement pad is required for the area where the vehicle is dismantled the fluids would be stored in barrels and hauled off by a company dealing with these materials.

Dwayne Morin indicated to the Board that since this was a change of use this should go through Site Plan Review. A copy of the Site Plan Review Ordinance was given to Mr. Jones. The Conditional Use would follow as a part of the process. This would also allow for a Public Hearing and a Site Walk. Dwayne Morin and Tim Nelson could help Mr. Jones through the process.

Chairman, Cindy Allen expressed this could come back through the Board. An application fee is required. Mr. Jones doesn't care where on the property the junkyard would need to be located. A copy of the state law governing Junkyards was also provided. A concern that the Board would look at is the view from Strawmill Brook Road as well as from Route 202/4.

#### **7:45 p.m. Kirk Butterfield, Bill Speed Sketch Plan Map 13 Lot 17 F&A Zone**

Kirk Butterfield and Bill Speed were in attendance to present a five lot subdivision in a cluster type style. The lots would be about 2 acres in size with the remaining density to remain in a conservation area which includes a wetland area and would provide a buffer from abutters. DEP has been consulted on different ways to handle the conservation easement. Board members questioned location of driveways. Could they be common. The subdivision directly across the road has lots that maintain over 300 ft. of frontage. The Board could check this during a site walk. There has been discussion regarding the cemetery and possibly deeding it to the town.

Judi Carll asked why they had not presented five acre lots. Aesthetically this seems to be more appealing. The average density per lot would calculate to approximately 6 acres. One lot has already been sold from the original parcel. If they maintained the required acreage the lots would be very deep which would give the lots more of a spaghetti lot appearance.

Landowners would hold an easement like the Pace Landing subdivision and the Middle Road apartment complex. A home owner association is also a possibility.

A Site Walk was scheduled for Sunday Afternoon on November 5<sup>th</sup>, 1995 at 1:30 p.m. The Planning Board asked for the corners of the lot to be flagged.

Roland Denby moved and Everett Whitten seconded a motion to accept Sketch Plan. Vote was 4-0-0 in favor.

## **VI OLD BUSINESS:**

### ***1. Piscataqua Cellular Map 14 Lot 43 F&A Zone***

Letter of notification of the Public Hearing were placed on file. A variance has been granted by the Zoning Board of Appeals for the entire parcel. Sideline setbacks would be met approximately 375 ft. from Michael Guest and approximately 620 ft. off Lewis Lane. It would be the Chadbourne Ridge Road setback of 514 ft. that could not be maintained. Approximately 192 ft. from the front lot line the land drops significantly. If they went to the knoll they would be about 300 ft. from Lewis Lane.

Because of the permissive nature of the language in 8.01 the Planning Board can deal with the request. It states : Whenever possible, the approval of a request to exceed the height limitations in a particular district should be compensated for by increasing the setback requirements from all lot lines by that distance which maintains the original height to setback relationship. It states should be not shall be. This allows the Planning Board discretion. Because of the configuration of the lot they cannot meet setback in its strictest interpretation. All criteria should be viewed together.

Visibility aspect - if the tower is pushed to the knoll it would be more visible and 40 ft. higher above the tree line. If the tower sits lower the trees will act as a buffer.

Trees to be cut within the compound are possibly 12 6 to 8 inches for the installation of the driveway and possibly a few in the area of the tower and station.

Road Issue - Letter from the Road Review Committee regarding the status of the road was placed on file. The road is currently a seasonal road. The Town doesn't maintain it.

Dwayne Woodsome moved and Everett Whitten seconded a motion to allow Piscataqua Cellular Telephone Corp. the proposal as presented dated July 20, 1995 under Sections 3.09 #44, 4.02, 4.03, 8.01 and as per the variance granted for height not to exceed 180 ft. dated August 29, 1995 to include antenna, wires, etc. Chadbourne Ridge to be re-graveled and graded from the turn-around to the entrance to the site approximately 600 ft., under the direction of the Road Commissioner and the Road Review Committee to insure the ditch line be functional from the site. This section of Chadbourne Ridge Road is currently seasonal. Parking area also be maintained suitable to the Road Commissioner and the Road Review Committee and not interfere with snowplow turnaround or Town Road. Tower transmission not to interfere with anything and monitored by F.C.C. Vote was 4-0-0 in favor.

On Site to be completed at Robert Jones property immediately following the on site at Thyng's Mill Road. Sharon to contact Mr. Jones.

## **VII NEW BUSINESS:**

Dwayne Morin presented a suggestion from the Board of Selectmen regarding structures that have not met the required setbacks in each zone. South Portland has instituted , effective as of January

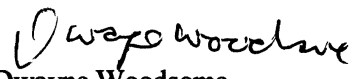
1996 a clause that allows all houses on the in place on the effective date to be declared okay as they set on lots. As part of this all new construction must present a copy of a mortgage survey verifying that setbacks have been maintained. The selectmen would like the Planning Board to consider presenting this for the Annual Town Meeting. Dwayne Morin will put something together for the meeting.


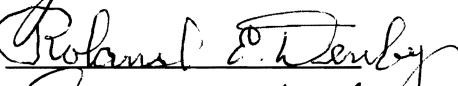

New regulations will have to be followed for Mr. Jones. A junkyard permit has not been issued by the Town of Waterboro for Mr. Jones.

Dwayne informed the Planning Board members that as of December 22, 1995 he would no longer be working for the Town of Waterboro. He has accepted a position as Town Manager for North Berwick, Maine.

**VIII ADJOURNMENT:** Meeting adjourned at 9:48 p.m.

Respectfully submitted,

  
Dwayne Woodsome  
Secretary/Treasurer

---

---

---

# **PLANNING BOARD**

## **Town of Waterboro**

**Regular Meeting**

**December 13, 1995**

**Meeting Called To Order at 7:23 p.m. by Chairman, Cindy Allen.**

- I      ROLL CALL:** Present were Roland Denby, Everett Whitten, Larry Jacobsen, Dwayne Woodsome and Cindy Allen.
- II     MINUTES OF PREVIOUS MEETINGS:** November 8, 1995
- III    COMMUNICATION AND BILLS:**
1. Letter from SMRPC Re: Changes to Shoreland Zoning
  2. Memo from Selectmen's Office Re: Annual Report
  3. Traveling & Growing Smart from Natural Resources Council of Maine
- IV    REPORT OF OFFICERS:**
- V     APPOINTMENTS:**
- 7:15 P.M. Carl Goodwin Map 33 Lot 31 AR Zone
- 7:30 P.M. Sketch Plan Review Lorinda Bradford Map 5 Lot 27 AR Zone
- 7:45 P.M. Marjorie Kiley Map 3 Lot 47A AR Zone
- 8:00 P.M. Thad Wessell Map 20 Lot 18D V Zone
- 7:15 p.m. Carl Goodwin Map 33 Lot 31 AR Zone**

Mr. Carl Goodwin is the contractor for Ruth Kearn and is acting on behalf of Ms. Kearn on the project. The request is to allow an addition to the cottage by squaring off a section of the cottage. The addition would be 10' x 12' 5" single story addition for a new bedroom. As presented, Mr. Goodwin shows existing structure to contain 1,424 sq. ft. of area. Proposed addition is 130 sq. ft. which is well below the 30% expansion rule this would calculate to 10.5% expansion. The structure appears to be about 20 ft. to 25 ft. from the normal high water mark of Ossipee Lake. See attached plot plan presented for review.

Board members asked to status of the septic system. Mr. Goodwin was unsure but thought it had to be in place for at least 15 years. A full basement is planned under the new addition. The area will be hand dug due to the close proximity to the water.

Dwayne Morin recommended erosion - sedimentation control methods be in strictly adhered to and indicated that the Planning Board has normally conditioned approval on the installation of an updated septic system. State Plumbing Code also addresses this. Mr. Goodwin indicated that the present porch has been used as an additional bedroom and would be eliminated once the addition is complete.



Roland Denby moved and Everett Whitten seconded a motion to grant approval of the request to expand the cottage by 10.5% under Section 2.08, 4.01, 4.02, 7.01 2.B.1.A. and 7.01 2.B.1.B. on the condition that an adequate septic system is provided prior to the issuance of a Building Permit and the new addition to go no closer to the lake than existing structure and disturbance of soil be appropriately controlled

**7:30 p.m. Lorinda Bradford Map 5 Lot 27 AR Zone**

Mr. John Bradford is representing Lorinda Bradford for subdivision Sketch plan approval of a three lot subdivision located on Deerings Ridge Road in East Waterboro. The parcels proposed are adjacent to Bartlett Pond. The smallest lot proposed is 27 acres, the second lot is 36.6 acres and the lot adjacent to Elizabeth Mitchell's lot is 36.9 acres. The larger lots contain 14 and 15.4 acres of wetland respectively. Dwayne Morin indicated one problem with the proposal and that is Shoreland Zone does not allow spaghetti lots. State Law Prohibits the Planning Board granting approval.

Mr. Bradford indicated this parcel has been in the family for years and they have no desire to place excessive development on this lot. The center lot has been sold. Dwayne indicated that this lot meets the criteria. However, the other two lots do not. One lot by his calculation is 5.02 to 1 which is very close and suggested Mr. Bradford have his surveyor calculate the ratio. One lot has a ratio of 8 to 1. If Mr. Bradford could meet the criteria the Planning Board could assist him with the subdivision. Alternatives were discussed and Mr. Bradford will be placed under Old Business as soon as his surveyor has made the necessary adjustments for compliance with State, Federal and Local Subdivision laws.

Mr. Bradford asked about waiver requests. Customarily these are addressed after Sketch Plan approval is granted. No action taken under adjustments are made and presented.

**8:00 p.m. Marjorie Kiley Map 3 Lot 47A AR Zone**

Marjorie Kiley is located on the West Road. She is requesting permission to construct a free standing garage meeting all required setbacks on a non-conforming lot. As per the Zoning Ordinance under Section 2.08 this requires Planning Board Review prior to issuance of Building Permits by the Code Enforcement Officer.

Everett Whitten moved and Roland Denby seconded a motion to approve the request for construction of a garage maintaining the required setbacks under Section 2.08 , 4.01 and 4.02.

**8:15 p.m. Mr. & Mrs. Thad Wessell Map 20 Lot 18D V Zone**

Mr. & Mrs. Thad Wessell are also requesting permission to construct a free standing garage on a non-conforming lot and maintain the required setbacks for the Village Zone. Once again Planning Board Approval is required under Section 2.08 of the Zoning Ordinance prior to issuance of a Building Permit.

Everett Whitten moved and Roland Denby seconded a motion to approve the request to construct a garage meeting required setbacks under Section 2.08, 4.01 and 4.02. Vote was 3-0-0 in favor.

**V OLD BUSINESS:**

Bill Speed is representing Kirk Butterfield for the proposed five lot subdivision on Thyngs Mill Road in North Waterboro. The proposed lot size being 2.4 acres with total density being 6 acres. Bill Speed indicated they had checked for drive entrances and the lots match up with the entrances across Thyngs Mill Road with the exception of lot 5. The Sediment & Erosion control plan will give a better view once completed. There is currently no drive entrance across from Lot 1 of the Old Mill Grove Subdivision. An on site inspection has been completed by Board members on November 5th.

Dwayne Morin indicated that Dwayne Woodsome had contacted him and was unsure that he would be in attendance tonight but he had one concern that he felt should be addressed. He believes that there is a second cemetery on the property that needs to be identified. Dwayne Morin has checked the records on cemeteries and the record shows one cemetery on the property. The Board requested this be investigated. Bill Speed indicated this would not be a problem and a setback indicated on the plan.

Water from an existing well appears to have more run off than by natural means. The parcel has a gradual slope from the road toward the rear of the property. The following waivers were requested:

#9 Contour lines at 10 ft. intervals

#14 Storm drainage plan - drainage was extensively reviewed and system upgraded during approval process for Old Mill Grove.

#16 Location of buildings to be determined by home owner with CEO review and approval.

#21 Soil erosion and sediment control plan for Lot 5 only

#26 Nitrate Impact Statement in place of a full report. Due to the amount of open land, it is believed that nitrate infiltration should not be a concern.

Roland Denby moved and Larry Jacobsen seconded a motion to grant the request for waiver of 6.2.1 #9 of the Subdivision Regulations. Vote was 3-0-0 in favor.

Everett Whitten moved and Larry Jacobsen seconded a motion to grant the request for waiver of 6.2.1 #14 of the Subdivision Regulations. Discussed that the Road Review Committee had required an upgrade to the storm drainage knowing the development across the street would be creating more runoff therefore recommending the upgrades at that time. Vote was 3-0-0 in favor.

Roland Denby moved and Everett Whitten seconded a motion to deny the waiver request to not place the building location on the plans, instead allow placement of a typical house location with a note indicating this on the plan. Vote was 3-0-0 in favor.

Everett Whitten moved and Larry Jacobsen seconded a motion to waive 6.2.1 #26 full fledged nitrate report instead an impact statement to be completed if the report findings indicate the need for a full blown nitrate report then one will be provided by the developer. Vote was 3-0-0 in favor.

Roland Denby moved and Everett Whitten seconded a motion to waive 6.2.1 #21 soil erosion and sediment control plan on all but lot #5 of the proposed subdivision. Vote was 3-0-0 in favor.

A Public Hearing to be held January 10, 1996 at 7:15 p.m. with a snow date of January 25, 1996 at 7:15 p.m. Developer to notify abutters and property owners across from the proposed development.

Mr. Speed asked the Board members how they wanted the project laid out. It was discussed and determined that two sheets would be used the first sheet only to be recorded at the York County Registry the second sheet to include the technical data such as wetland and Mr. Gillespie could incorporate the information with the study. Sheet #1 should have a reference note to sheet #2.

Roland Denby moved and Everett Whitten seconded a motion to approve the November 8, 1995 minutes. Vote was 3-0-0 in favor.

## **VII NEW BUSINESS:**

Dwayne Morin reviewed the following information with the Planning Board for consideration at the Annual Town Meeting in March of 1996 as they previously requested:

**PROPOSED CHANGES TO ZONING ORDINANCE FOR  
1996 ANNUAL TOWN MEETING**

**Article:** To see if the Town will vote to amend Article 7, Section 7.01 Development on Shorelands by adding the following paragraph:

**8. Mineral Exploration and Extraction**

New mineral extraction operations are prohibited in the Resource Protection Districts adjacent to moderate and high value freshwater wetlands as determined by the Department of Environmental Protection.

**Article:** To see if the Town will vote amend Article 7, Section 7.01, paragraph 2. A. as follows:

**2. Principal And Accessory Structures**

A. All new principal and accessory structures shall be set back at least one hundred (100) feet from the normal high-water line of all water bodies, including great ponds classified GPA, rivers that flow to great ponds classified GPA, and seventy-five (75) feet from tributary streams or the upland edge of a wetland.

Now Reads:

**2. Principal And Accessory Structures**

A. All new principal and accessory structures shall be set back at least one hundred (100) feet from the normal high-water line of all water bodies, including great ponds classified GPA, rivers that flow to great ponds classified GPA, tributary streams or the upland edge of a wetland.

**Article:** To see if the Town will vote to amend the Article 13 of the Waterboro Zoning Ordinance by adding the following Section:

**Section 13.09 Conflicting or Inconsistent Provisions**

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

**Article:** To see if the Town will vote to amend Article 14, Section 14.02 Definitions of the Waterboro Zoning ordinance as follows:

**FRESHWATER WETLANDS:** Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of 10 acres; and
2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.(AMENDED 6-4-94)

**FORESTED WETLANDS:** A freshwater wetland dominated by woody vegetation that is six(6) meters, 19.7 ft., tall or taller.

**Article:** To see if the Town will vote to amend Article 3, Section 3.03 of the Waterboro Zoning Ordinance as follows:

### **Section 3.03 Summary of Dimensional Regulations Contained in Article 3**

ZONING DISTRICT	MINIMUM LOT SIZE	MINIMUM ROAD FRONTAGE	MINIMUM FRONT YARD SETBACK	MINIMUM SIDE & REAR <sup>1</sup> SETBACK	MINIMUM SHORELAND SETBACK <sup>2</sup> / FRONTAGE	MAXIMUM BUILDING HEIGHT
Village	20,000	100'	25'	20'	100' / 100'	35'
	40,000	100'	50'	20'	100' / 100'	35'
Residential	40,000	150'	50'	35'	100' / 200'	35'
Agriculture & Residential	80,000	150'	75'	35'	100' / 200'	35'
Forest & Agriculture	5 acres	200'	100'	50'	100' / 200'	35'
Conservation	10 acres	200'	100'	50'	100' / 200'	35'

1. In any case where structures are in existence at the time of the enactment of this ordinance, additions may be made to within ten (10) feet of the side or rear lot line but in no case should the buildings on one lot be closer than twenty(20) feet to a building on an abutting lot.

2. Shoreland Setback for streams and wetlands is seventy-five feet from the normal high water mark of the stream and upland edge of the wetland.

Now Reads:

### **Section 3.03 Summary of Dimensional Regulations Contained in Article 3**

ZONING DISTRICT	MINIMUM LOT SIZE	MINIMUM ROAD & SHORELAND FRONTAGE	MINIMUM FRONT YARD SETBACK	MINIMUM SIDE & REAR* SETBACK	MINIMUM SHORELAND SETBACK	MAXIMUM BUILDING HEIGHT
Village	20,000	100'	25'	20'	100'	35'
	40,000	100'	50'	20'	100'	35'
Residential	40,000	150'	50'	35'	100'	35'
Agriculture & Residential	80,000	150'	75'	35'	100'	35'
Forest & Agriculture	5 acres	200'	100'	50'	100'	35'
Conservation	10 acres	200'	100'	50'	100'	35'

**\*NOTE:** In any case where structures are in existence at the time of the enactment of this ordinance, additions may be made to within ten (10) feet of the side or rear lot line but in no case should the buildings on one lot be closer than twenty(20) feet to a building on an abutting lot.

**Does the Planning Board wish to pursue Zoning Boundary changes for the 1996 Annual Town Meeting?**

***If so, the following article will be require as well as a map depicting desired changes.***

***Much of the discussion at the Public Forums centered on enlarging Village Zones and Residential Zones while leaving the West Road A&R the same.***

**Article:** To see if the Town will vote to amend Article 3, Section 3.03 Zoning Map of the Waterboro Zoning Ordinance as follows:

**Section 3.02 Zoning Map** -The boundaries of these five (5) zones are established by the enactment or later amendment of this Ordinance and are as shown on the Official Zoning Map of the Town of Waterboro, dated March 9, 1996 ; the Town of Waterboro Wellhead Protection Zone Map; and on the 1996 Town Tax Maps. The Official Zoning Maps are integral parts of this Ordinance. The Zoning Maps and text may be regarded as a single integrated document. A certified copy of the zoning ordinance (maps and text) shall be available to the public at all times in the Town Clerk's Office. The March 9, 1996 zoning map was drafted so that zoning district boundaries followed property lines as depicted on the 1996 tax maps. It should be interpreted accordingly.

Now Reads:

**Section 3.02 Zoning Map** -The boundaries of these five (5) zones are established by the enactment or later amendment of this Ordinance and are as shown on the Official Zoning Map of the Town of Waterboro, dated February 7, 1977 ; the Town of Waterboro Wellhead Protection Zone Map; and on the 1970 Town Tax Maps. The Official Zoning Maps are integral parts of this Ordinance. The Zoning Maps and text may be regarded as a single integrated document. A certified copy of the zoning ordinance (maps and text) shall be available to the public at all times in the Town Clerk's Office. The February 7, 1977 zoning map was drafted so that zoning district boundaries followed property lines as depicted on the 1970 tax maps. It should be interpreted accordingly. (AMENDED 3-11-89)

## **OTHER CHANGES?**

The Public Forums held had two common themes that were expressed in addition to the enlarged Village Zones. These were:

1. South Waterboro Village Zoning be keyed into tying onto the Water System. Ex. Lowering density requirements for those lots tying into the Water System. Windham and Standish are Towns that currently have zoning that does this. These towns have public water but no public sewer so they are typical of S. Waterboro. Minimum lot sizes for watered lots in the business zones are 20,000 sq. ft. with unwatered lots required to have 30,000 sq. ft.
2. Both public forums discussed the need to expand upon Home Occupations within the Ordinance, however, the consensus of the two public forums were vastly different. The Business public forum wanted no control over Home Occupation while the Open Public forum expressed a desire to loosen the Home Occupation criteria on those occupations that do not produce harmful effects on neighbors. One way to meet a middle ground might be to have two Home Occupations standards. One would allow Home Occupations under those conditions that do not produce harmful effects on neighbors such as an insurance agent, real estate broker, accountant, etc. that meet the standards of the current ordinance. The second home occupation would be a conditional use that would allow the Planning board the ability to expand upon the criteria such as allowing more than two persons to work in house, a greater amount of square footage, expand upon trades that may not be specifically defined under the Town's current definition and those occupations that the town may not foresee as a home occupation currently but may become very viable in the future. (Ex. Back in the 70's, no one could have predicted that computer consultants would have become a Home Occupation because computer technology was in its fundamental stages.) By making the Home occupation a conditional use it allows the Planning Board to hold Public Hearings for neighbors to know what is happening in their neighborhood as well as allowing the Planning Board to place certain conditions as may be warranted. A suggestion would also make the permit easier to obtain and at a lesser cost than the current \$75.00 conditional use permit cost (\$25 for meeting & \$50 for permit). The approval should be heard in a maximum 60 day time period and the cost if approved would be \$25 - \$50.00 or possibly \$25 for the meeting and \$10.00 for the Home Occupation permit.



VIII ADJOURNMENT: Meeting was adjourned at 9:20 p.m.

Respectfully submitted,

*Dwayne Woodsome*  
Dwayne Woodsome  
Secretary/Treasurer

*Guthrie Allen*  
*[Signature]*

\_\_\_\_\_  
\_\_\_\_\_