

PLANNING BOARD

Town of Waterboro

REGULAR MEETING

JANUARY 8, 1997

- I ROLL CALL:** Present were Roland Denby, Larry Jacobsen, Dwayne Woodsome, and Chairman, Douglas Foglio, Sr.

Meeting was called to order by Chairman, Doug Foglio at 7:34 p.m. Mr. Foglio then turned the Public Hearing portion of the evening over to Dwayne Woodsome to chair since Mr. Foglio would be abstaining due to his having done work for the applicant of Sunlight Acres Subdivision, Kathleen Skelton and Mr. Steve Face by installing a septic system.

- II MINUTES OF PREVIOUS MEETINGS:**

December 11, 1996 Minutes

- III COMMUNICATION AND BILLS:**

- 1) Draft Application for Conditional Use
- 2) Notice of Change in Code Enforcement/Building Office Hours

- IV REPORT OF OFFICERS AND COMMITTEES:**

- V APPOINTMENTS:**

7:30 P.M. Public Hearing for Sunlight Acres

Public Hearing was called to order by Acting Chairman, Dwayne Woodsome at 7:40 p.m. Present were to above noted Planning Board members, Bill Thompson and Associate from BH2M and Kathleen Skelton and Steve Face, Patricia Sicard and Sharon Abbott. There was no one from the public at large at this public hearing.

Mr. Thompson explained to those present that this was a four lot subdivision being developed by the owner, Kathleen Skelton. The surveying and site evaluation were completed by Timothy Brown an associate of BH2M. The property is denoted on Waterboro Property Tax Map 11 Lot 46 and is located in an Agriculture/Residential Zone which requires a minimum lot size of 80,000 sq. ft. and a minimum of 150 ft. of road frontage. Mr. Thompson noted that each of the four lots meets and exceeds the minimum requirements. The test pits for private septic systems have been completed and are noted on the plan. Private drilled wells are planned for each site. The septic systems will be loam lined as is noted on the plan and referenced in the deeds. A twenty-five (25) ft. greenbelt at the front of the lot and is called out on Note #18 on the plan with instructions on maintenance in the deed as well. The driveway entrance permits have been forwarded to the Department of Transportation and a copy is on file in the Planning Office. Lots 1 and 2 will share a common drive entrance.

Lot 3 has an existing foundation and has a drive entrance and lot 4 will be serviced by a separate drive entrance, location to be determined by the owner at the time of development. The site distance is excellent since there is a long straight stretch in front of this parcel.

Dwayne Woodsome asked for questions.

Roland Denby asked about the loam liners in the septic system. Mr. Thompson explained that a loamy gravel would be added to the bottom of the bed to slow down the infiltration process to meet the required nitrate level of 5/mgl as required by the Town of Waterboro.

Larry Jacobsen noted for the record the amount of development in this area and the need for the board to consider requiring the ten (10) percent allowed by the Subdivision Regulations to allow for recreation purposes possibly a ball field, etc.

It was noted that there were no people from the general public present at this hearing. Meeting was closed at 7:45 p.m.

Regular Meeting re-opened at 7:46 p.m.

VI OLD BUSINESS:

1. Sunlight Acres Final Plan

Sharon indicated to the Board members that the checklist for Final Plan is complete.

Roland Denby moved and Larry Jacobsen seconded a motion to approve the Final Plan of Sunlight Acres. The vote was 3 in favor 0 opposed and Mr. Foglio abstained from voting due to his completing work for Kathleen Skelton.

Douglas Foglio resumed as Chairman of the meeting at this time.

December 11, 1996 minutes. Members present requested time to review the minutes since some time has elapsed since they had received them. The minutes will be brought up at the January 23, 1997 meeting.

Sharon reviewed the paperwork for the board. A copy of "An Introduction to the Legal Framework of Zoning and Land Use Regulation for Maine Planning Boards" was made available to each member along with a proposed "Conditional Use Permit Application". Sharon noted that this was something that Ralph Stanley, Code Enforcement Officer has used before and found it useful in reviewing Conditional Use requests. Possibly this could be linked with our Site Plan Review Regulations to assist the Board in its review process.

Also a copy of a memorandum indicating a change in office hours for the Code Enforcement/Building Office was given to each member.

Pat Sicard, Selectmen's Assistant/Planner informed those present that Waterboro has a home page on the Internet. This may generate more public interest for meetings held by committees within the Town. People have access to the Internet from there place of business. The minutes from meetings will be on the Internet.

Pat also noted that four people have come forward and are not members of the Re-Cycling Committee.

Fire Department: Long range planning and the results of a study being completed for the Fire Department may show needs that the Planning Board can work with. What does the Town need for services? Pat noted that the Planning Board would be the group that the town will look towards to try to map out and strategize.

Dwayne Woodsome noted the need for a volunteer fire department. The state and federal regulations don't allow just doing what needs to be done like saving the structure that is burning.

Pat noted that she is working with the High School for an intern program to help educate the youth in municipal government. Maybe someone from the board could work with the civic classes. Also the internship could assist with filing and other office duties. To date the R.O.T.C. group has shown interest. Maybe something will develop from this interest.

Pat also noted that the Department of Transportation has sent a letter and map of the plowing compact area. When the population of towns exceeds 3500 the state may turn sections of road back to the towns for winter maintenance. She is letting the board know that a representative will be in to meet with her sometime next week. In planning for the future the board is the global planning for the town.

Does the town wish to be a bedroom community? Doug Foglio noted that if discrimination against businesses then we will by our own acts create a bedroom community. Pat Sicard noted that it is part of her position to assist with development grants. Doug noted that he has spoken with the Selectmen's Assistant in the past and future. He indicated that he has never been approached by the town regarding any available assistance. Pat Sicard indicated that she is working to create a better atmosphere. The town is too small for a Chamber of Commerce but there is a need to work with businesses and that is in the process. Also the importance of Home Occupations and she commends the board for looking toward the future by looking at home occupations to keep services in the community.

Issue On Roads - Some roads will be turned back to towns. Towns are refusing them with due to the existing conditions until the roads are brought upgraded.

2. Articles for Town Meeting Warrant / Pat Sicard

Pat needs to know if the board plans on placing any zoning changes on the warrant. The context of those changes and the amount of space needed.

Pat noted that she has asked the Road Commissioner to review the roads and the status and create a list. Doug Foglio noted that he has suggested to the Road Commissioner the need to purchase equipment that would more accurately measure distances of roads. At this time telephone poles are the only means of measurement (such as improvement of road from pole number to pole number) instead of accurate measurement from the end of the road. This equipment is very versatile and would cost only \$800 and would allow measurement in a more exact manner.

Pat noted what technology will the town need without sacrificing the characteristic of the town. We need to put away resources now for the future.

Items for the warrant need to be recognized. Pat noted that some towns have changes to zoning on the ballot versus on the warrant.

Pat asked will there be anything on the warrant dealing with Home Occupations? With the current time frames for posting and Public Hearings the board would have until the second week in February to place a finalized article for the warrant. It was noted that there were only four of seven members present. Larry Jacobsen felt that due to time constraints maybe a list of criteria such as lighting, sound, traffic could be developed for conditional use review. Larry believed that the board could have changes ready.

Roland Denby noted he has thought a lot about Home Occupations. Maybe there is too much concern with what takes place inside home and maybe concentrate more on what impact they would offer to the exterior of the home. The location of the property may determine the nature of the impact. A note was made that the regulations should be enforceable.

Dwayne Woodsome noted "Why the twenty-five percent restriction?" Inconsistencies in the types of uses.

The possibility of creating a checklist categorizing the different types of Home Occupations. Since some might require a different review process. Residential subdivisions versus properties that are located in rural setting. Doug Foglio asked should the board have ideas on home occupations or should subdivisions for associations that would control home occupations? Doug also noted the ordinance should be reviewed with other regulations and ordinances. The town needs a charter.

If home occupations could be categorized some could be reviewed by the Code Enforcement Office others may require Planning Board review. The character of the town was very different when the ordinance was created.

Roland Denby suggested that maybe a list of criteria could be presented with a six month review. Pat Sicard suggested that maybe a small group could meet with her to formulate changes and then forward those suggestions to all Planning Board members. If this works then the board could roll with it.

Doug felt maybe Home Occupations could be eliminated from zoning. Sharon noted that the board may not want to eliminate it since a legal opinion has noted that if a use is not stated in the ordinance then the use would not be allowed. Doug noted his view was if a use is not noted in the ordinance then the use is allowed. Doug also noted his belief that legal opinions are solicited.

Workshops - Pat mentioned scheduling a refresher meeting with legal counsel on legal issues. It was mentioned that maybe Chris Vaniotis could help the board write the ordinance. Pat noted that time is expensive when using an attorney.

Doug noted the board used to have three members meet with legal counsel to go over changes to insure that the written document met the intended criteria of the board as well as meeting the legal measurement. A draft was then given to board members. It was noted that those present did not have a problem meeting with the attorney at their office.

Does the board want to call a special meeting?

Pat Sicard asked that the board give her direction in the following areas:

- 1) Will the board have something for the warrant?
- 2) What is the subject matter?
- 3) How much space will be needed on the warrant?

It would not appear that there is enough time to enable changes to be ready for Town Meeting.

Dwayne Woodsome moved and Roland Denby seconded a motion to step ahead and work on Home Occupations throughout the winter months for Town Meeting, but not for March 1997 Town Meeting.

Discussion: Nothing says that the Board could commit to having items for the warrant and if time does not allow the commitment the subject could be pulled from the warrant. Pat Sicard could work with the Board members present or the remaining three members not present at this meeting feel there is not enough time. Vote was 1 in favor 1 opposed and 0 abstention. Motion fails.

Roland Denby moved and Dwayne Woodsome seconded a motion to start the January 23, 1997 meeting at 7:00 p.m. and the meeting be specifically zoning with a posted snow date for the following week, January 30, 1997. Vote was 3-0-0 in favor of the motion.

VII NEW BUSINESS:

1. Possible Change of Day and Time of Regular Meetings

VIII ADJOURNMENT: Meeting adjourned at 10:05 p.m.

Respectfully submitted,

Dwayne Woodsome
Dwayne Woodsome
Secretary/Treasurer

Poland E. Darby
Lauren E. Jacobs

PLANNING BOARD

Town of Waterboro

REGULAR MEETING

January 23, 1997

Meeting was called to order by Douglas Foglio, Sr., Chairman at 7:10 p.m.

- I ROLL CALL:** Present were Roland Denby, Dwayne Woodsome, Judi Carll, John Roberts, Larry Jacobsen and Douglas Foglio, Sr., Chairman.
- II MINUTES OF PREVIOUS MEETINGS:** December 11, 1996 and January 8, 1997
- III COMMUNICATION AND BILLS:** None
- IV REPORT OF OFFICERS:** Dwayne Woodsome provided a copy of page 1 of a run off sheet to each member and a copy of the entire report was placed on file.
- V APPOINTMENTS:**

Workshop for Changes to Ordinance for presentation at Annual Town Meeting 1997

Copies of Section 7.04, 3.09 and 14.02 were provided for all members. These sections have been worked on by a sub-committee of Roland Denby and Larry Jacobsen with Pat Sicard and Sharon Abbott since the January 8th meeting to provide proposed changes for the entire board to work on for the Annual Town Warrant and Meeting on March 8, 1997. The proposed changes provided were as follows:

ARTICLE : Shall the Town vote to Amend Article 7, Section 7.04 Home Occupations and Professional Home Offices (Amended 9/25/90) as follows:

ARTICLE 7 PERFORMANCE STANDARDS

Section 7.04 Home Occupations

In addition to the limitations contained in the definition of these items, a home occupation or a professional home office shall be subject to the following performance standards;

- A. The home occupation shall be carried on primarily by a member or members of the family residing in the dwelling unit and does not alter the residential character of the lot from its principal use as a residence.
- B. The Home occupation or professional activity shall be carried on wholly within the principal structure,
- C. No equipment or materials used in a home occupation may be stored or stacked out of doors,
- D. No mechanical, electrical, or other equipment which produces a nuisance, noise, vibrations, smoke, dust, odors, magnetic interference or electrical disturbance to the exterior of the building inconsistent with a residential neighborhood may be used,
- E. In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of each employee and the vehicles of the maximum number of users the home occupation may attract during peak operating hours.

- The traffic generated by such home occupation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood,
- F. One non-illuminated sign, no larger than six square feet may be erected on the premises.

NOW READS:

ARTICLE 7 PERFORMANCE STANDARDS

Section 7.04 Home Occupations and Professional Home Offices (Amended 9/25/90)

In addition to the limitations contained in the definition of these items, a home occupation or a professional home office shall be subject to the following performance standards;

- A. The home occupation shall be carried on primarily by a member or members of the family residing in the dwelling unit. Not more than two (2) persons who are not family members residing in the dwelling unit, shall be employed.
- B. The Home occupation or professional activity shall be carried on wholly within the principal or accessory structure,
- C. No equipment or materials used in a home occupation may be stored or stacked out of doors,
- D. No mechanical, electrical, or other equipment which produces a nuisance, noise, vibrations, smoke, dust, odors, magnetic interference or electrical disturbance to the exterior of the building inconsistent with a residential neighborhood may be used,
- E. In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of each employee and the vehicles of the maximum number of users the home occupation may attract during peak operating hours. The traffic generated by such home occupation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood,
- F. One non-illuminated sign, no larger than six square feet may be erected on the premises.
- G. No more than 25% of the total floor area in any residential building (principal or accessory) may be given over to home occupation.

ARTICLE : Shall the Town vote to Amend Article 14 DEFINITIONS, Section 14.02 Words and Terms Defined as follows:

HOME OCCUPATION: A use that is clearly a incidental and subordinate to its use for residential purposes.

NOW READS:

HOME OCCUPATION: An occupation, professional activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit or accessory structure to the dwelling unit which does not alter the exterior of the property or affect the residential character of the neighborhood. A home occupation must conform to the standards set forth in Article 7.04 of this ordinance.

The following are examples of permitted uses under this definition:

- a. Office of teacher or musician;
- b. Office of real estate broker, salesman, or insurance agent;
- c. Dressmaker;
- d. Beauty shop;
- e. Day care home, which cares for six or less children;
- f. Woodworking shop
- g. Arts and crafts studio or shop;
- h. Small engine repair, excluding motorized vehicles such as mopeds, motorcycles, ATV's and snowmobiles.

The following uses are specifically prohibited as home occupation;

- A. Auto Body repair;
- B. Auto repair;
- C. Slaughter house. (Amended 6-4-94)

ARTICLE : Shall the Town vote to amend Article 3 Zoning Districts, Section 3.09 Land Use Chart, Item #24 as follows:

Item #24 Home Occupations
Conservation (10 Acres) Permitted (P)

NOW READS:

Item #24 Home Occupations
Conservation (10 Acres) Conditional (C)

ARTICLE : Shall the Town of Waterboro vote to add Section 7.09 Accessory Occupations as follows:

7.9 ACCESSORY OCCUPATIONS

An occupation or small business occupied within an existing accessory structure to a family residence shall be subject to the following performance standards;

- A. The occupation or business shall be carried on primarily by a member or members of the family residing in the dwelling unit.
- B. The occupation or professional activity shall be carried on wholly within the accessory structure. Occupation use area within the accessory structure not to exceed 1,000 sq. ft.
- C. Outside storage of equipment or materials used in an accessory occupation to be reviewed by the planning board,
- D. No mechanical, electrical, or other equipment which produces a nuisance, noise, vibrations, smoke, dust, odors, magnetic interference or electrical disturbance to the exterior of the building inconsistent with a residential neighborhood may be used,

- E. In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of each employee and the vehicles of the maximum number of users the home occupation may attract during peak operating hours. The traffic generated by such home occupation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood,
- F. One non-illuminated sign, no larger than six square feet may be erected on the premises.

ARTICLE : Shall the Town vote to **Amend ARTICLE 14 DEFINITIONS, Section 14.02 Words and Terms Defined** by adding the following:

ACCESSORY OCCUPATION: An occupation or business use within an existing detached accessory structure that is incidental and subordinate to the residential purposes of the property.

Doug Foglio suggested that they go through the proposed change to see what the differences were. Under A. the number of people has been eliminated which was something that was presented at previous public hearings by the public. B. Accessory structure has been deleted, C through F remain the same and G has been deleted.

Roland Denby explained the idea was to make home occupation simpler and something that would allow the Code Enforcement Office to issue permits. The creation of 7.09 Accessory Occupations was to allow the home owner the right to have an occupation or business in an accessory structure but allow the planning board to review the proposal. Roland noted that in discussion with Ralph Stanley, Code Enforcement Officer and Sharon Abbott that about 60 - 70 percent of home occupations are currently being operated from inside the home versus an accessory structure.

Judi Carll asked about a checklist? She noted her concern with the potential for hazardous waste being dumped into a private septic system. If the Code Enforcement Office issued the permit would this be taken into consideration?

Pat Sicard spoke - If someone is putting this down the sink she believed the property owner would be cautious. There isn't a true way to monitor something like that. She noted most people would think of that before doing it.

Doug Foglio - Noted that the direction from the public was to make the process simpler and that is what would be accomplished by these changes.

Judi Carll, Doug Foglio and John Roberts voiced their concern with the accessory structure having to meet different regulations than an attached garage or structure. Felt that this would be a concern of the public.

John Roberts moved and Dwayne Woodsome seconded the motion to add "or occupancy structure" to item B. Dwayne Woodsome noted that home occupation would be able to get a permit from the CEO and the new section 7.09 would send the applicant through the planning board for review.

Judi Carll noted she did not see the difference between a business in a home with an attached garage or structure and a detached garage or structure. Vote was 3 in favor 2 opposed. Motion carried.

John Roberts moved to strike 7.09. Doug Foglio noted this did not need to be voted on.

John Roberts moved to accept 7.04 - Doug indicated that he had concerns about item F before the meeting he had spoken with Sharon and he indicated that the Town of Sanford has experienced some problems with the interpretation of the dimensions of signs and suggested the following:

Sign to include the supporting structure, excluding the post and suggested nine sq. ft. as a dimension. He also noted that he did not see the reason for non-illuminated signs. Possibly allowing the sign to be illuminated during hours of operation only. It was noted that possibly someone's hours of operation could be late in the evening. Discussion regarding the latest hour for illumination with the following results:

John Roberts moved and Dwayne Woodsome seconded a motion to allow a sign under F not to exceed nine sq. ft. including supporting structure, (excluding post) may be erected on the premises, no illumination of sign after 9:00 p.m. Vote was 5-0-0 in favor.

Larry Jacobsen noted the concerns indicated that residential neighborhoods would turn into commercial atmosphere. That was the consideration noted by the use of a home occupation taking place within the residence versus in an accessory structure. An accessory structure allows the occupation to spill outward.

John Roberts moved and Dwayne Woodsome seconded a motion to send the change to 7.04 deleting "these items" and "or a professional home office," and then forward to town counsel and then to be placed on the town warrant. Vote was 4 in favor 1 opposed. Motion carried.

John Roberts moved and Dwayne Woodsome seconded a motion to send the definition of Home Occupations to town counsel and then to be placed on the town warrant as one article. Vote was 5-0-0 in favor of the motion.

Article 3, Section Land Use Chart #24 Home Occupations change to permitted in Conservation Zone currently it is a Conditional Use.

John Roberts moved and Judi Carll seconded a motion to amend the motion that article 3.09 change to allow home occupations in all zones. Vote was 5-0-0 in favor.

Judi Carll moved and John Roberts seconded a motion to approve the December 11, 1996 minutes. Vote was 5-0-0 in favor of the motion.

Dwayne Woodsome moved and Roland Denby seconded a motion to approve the January 8, 1997 minutes. Vote was 5-0-0 in favor of the motion.

The financial report was given to the board members by Dwayne Woodsome. This report predated the information that Sharon had given the members at the beginning of the meeting.

The following to go to the attorney for review.

ARTICLE _____: Shall the Town vote to Amend **ARTICLE 7 PERFORMANCE STANDARDS, Section 7.04 Home Occupations and Professional Home Offices (Amended 9/25/90), ARTICLE 14 DEFINITIONS, Section 14.02 Words and Terms Defined and ARTICLE 3 ZONING DISTRICTS, Section 3.09 Land Use Chart, Item #24** as follows:

TO READ:

**ARTICLE 7 PERFORMANCE STANDARDS
Section 7.04 Home Occupations**

In addition to the limitations contained in the definition of a home occupation shall be subject to the following performance standards;

- A. The home occupation shall be carried on primarily by a member or members of the family residing in the dwelling unit and does not alter the residential character of the lot from its principal use as a residence.
- B. The Home occupation or professional activity shall be carried on wholly within the principal or accessory structure,
- C. No equipment or materials used in a home occupation may be stored or stacked out of doors,
- D. No mechanical, electrical, or other equipment which produces a nuisance, noise, vibrations, smoke, dust, odors, magnetic interference or electrical disturbance to the exterior of the building inconsistent with a residential neighborhood may be used,
- E. In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of each employee and the vehicles of the maximum number of users the home occupation may attract during peak operating hours. The traffic generated by such home occupation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood,
- F. One sign, no larger than nine square feet including supporting structure, (excluding post) may be erected on the premises, no illumination of signs after 9:00 p.m..

NOW READS:

**ARTICLE 7 PERFORMANCE STANDARDS
Section 7.04 Home Occupations and Professional Home Offices (Amended 9/25/90)**

In addition to the limitations contained in the definition of these items, a home occupation or a professional home office shall be subject to the following performance standards;

- A. The home occupation shall be carried on primarily by a member or members of the family residing in the dwelling unit. Not more than two (2) persons who are not family members residing in the dwelling unit, shall be employed.

- B. The Home occupation or professional activity shall be carried on wholly within the principal or accessory structure,
- C. No equipment or materials used in a home occupation may be stored or stacked out of doors,
- D. No mechanical, electrical, or other equipment which produces a nuisance, noise, vibrations, smoke, dust, odors, magnetic interference or electrical disturbance to the exterior of the building inconsistent with a residential neighborhood may be used,
- E. In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of each employee and the vehicles of the maximum number of users the home occupation may attract during peak operating hours. The traffic generated by such home occupation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood,
- F. One non-illuminated sign, no larger than six square feet may be erected on the premises.
- G. No more than 25% of the total floor area in any residential building (principal or accessory) may be given over to home occupation.

TO READ:

ARTICLE 14 DEFINITIONS

Section 14.02 Words and Terms Defined

HOME OCCUPATION: A use that is clearly a incidental and subordinate to its use for residential purposes.

NOW READS:

HOME OCCUPATION: An occupation, professional activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit or accessory structure to the dwelling unit which does not alter the exterior of the property or affect the residential character of the neighborhood. A home occupation must conform to the standards set forth in Article 7.04 of this ordinance.

The following are examples of permitted uses under this definition:

- a. Office of teacher or musician;
- b. Office of real estate broker, salesman, or insurance agent;
- c. Dressmaker;
- d. Beauty shop;
- e. Day care home, which cares for six or less children;
- f. Woodworking shop
- g. Arts and crafts studio or shop;
- h. Small engine repair, excluding motorized vehicles such as mopeds, motorcycles, ATV's and snowmobiles.

The following uses are specifically prohibited as home occupation;

- A. Auto Body repair;
- B. Auto repair;
- C. Slaughter house. (Amended 6-4-94)

TO READ:

ARTICLE 3 ZONING DISTRICTS
Section 3.09 Land Use Chart

Item #24 Home Occupations
Conservation (10 Acres) Permitted (P)

NOW READS:

ARTICLE 3 ZONING DISTRICTS
Section 3.09 Land Use Chart

Item #24 Home Occupations
Conservation (10 Acres) Conditional (C)

VI OLD BUSINESS:

VII NEW BUSINESS: A request for an amendment to Section 12.01 was presented to the board. Ralph Stanley, Code Enforcement Officer was present with proposed amendment to this section. Ralph explained that the changes as noted below would allow the adjustment of fees through a separate process by means of a public hearing to be held by the Board of Selectmen prior to any changes in the fees without going to an Annual Town Meeting.

ARTICLE : Shall the Town of Waterboro vote to amend Section 12.01 of the Waterboro Zoning Ordinance by adding the following paragraphs:

the Board of Selectmen shall establish and maintain a schedule of application, permit, review, escrow, publishing, and appeal fees for activities regulated by this ordinance; after giving public notice and conducting a public hearing on the proposed fee or schedule.

The Selectmen shall give at least seven (7) days notice by posting notice of any public hearing scheduled at the Town Office and at all post offices located in the Town of Waterboro. Notice shall also be published in at least one newspaper of general circulation serving the community.

Ralph noted that the as ordinance indicates the key issue is to help fund and defray costs of administering and enforcing the provisions of the ordinance. Currently the fees are helping fund approximately 25% and the hope is to up this to 50%. A sample of a fee structure was given to the members present. There was a method described for escrow for developments. This would assure that the Town would be paid for services rendered during the review process. Currently the town pays the bills and waits sometimes months to be reimbursed. If a developer were to pull out of the review process the town would still be liable for the bills incurred. It was noted that the Board of Selectmen intend to go forward with this proposal. The selectmen would hold a public hearing for public in put to assist with the restructuring of fees.

Doug Foglio noted this was a lot to digest. Ralph noted that the idea is to look at the amendment and not get hung up on the sample schedule fees. This was meant as an example only to give the board an feel for the process. Time constraints? Pat Sicard noted February 18, 1997 is the deadline to post notice. Public Hearing for stop sign at the end of New Dam Road on February 25th.

Doug Foglio indicated that he personally felt the change to 12.01 would take the vote away from town meeting.

Dwayne Woodsome moved and John Roberts seconded a motion to vote at the February 12th regular meeting on the proposed change to 12.01 for a formal vote of the board. Vote was 5-0-0 in favor of the motion

Sharon asked if a Public Hearing needed to be scheduled for proposed changes to the ordinance. If so we would need to set a date now to allow the attorney to properly review the changes for legality and publish for hearing.

John Roberts moved and Dwayne Woodsome seconded a motion to hold a Public Hearing on February 12, 1997 articles regarding Home Occupations and Section 12.01 with a snow date of Thursday February 13, 1997 as a snow date. Vote was 5-0-0 in favor of the motion.

The articles to be published in the Smart Shopper it was indicated that a half page add should be adequate. Doug Foglio and Larry Jacobsen to review the information prior to publication in the paper.

Ralph Stanley indicated to those present that Home Occupations are very difficult to enforce.

If the ordinance was reviewed regularly then maybe there would be less problems. It was suggested to continue with the review of ordinances.

Meeting was turned over to Vice Chairman, John Roberts since Douglas Foglio had to leave the meeting.

Pat Sicard indicated that the Stop Sign Hearing would be held on February 25, 1997 and Candidates Night would be held on February 26, 1997.

The Board of Selectmen had received a recommendation from a consulting engineer and they voted to place a stop sign.

Law suit - Pat Sicard indicated she has not heard anything recently from Karen Lovell. The insurance will cover those named in the suit however the insurance company has given the go ahead for us to use our own legal counsel. Pat also indicated that a Business Directory is being put together. Anyone with a business or anyone that knows someone who has a business should contact the office with the information.

VIII ADJOURNMENT: Meeting adjourned at 9:05 p.m.

Respectfully submitted,

Dwayne Woodsome

Dwayne Woodsome
Secretary/Treasurer

Raymond E. Dwyer
Lawrence E. Jackson
Richard E. Dwyer

John M. Dwyer
Richard E. Dwyer

PLANNING BOARD

Town of Waterboro

REGULAR MEETING

FEBRUARY 12, 1997

MEETING CALLED TO ORDER BY CHAIRMAN, DOUGLAS FOGLIO SR. AT 8:25 P.M.

- I **ROLL CALL:** Present were Everett Whitten, Judi Carll, Roland Denby, Larry Jacobsen, John Roberts, Dwayne Woodsome and Chairman, Douglas Foglio, Sr.

John Roberts moved and Dwayne Woodsome seconded the motion to move the appointments up on the agenda due to the hour. Vote was 6-0-0 in favor of the motion.

- II **MINUTES OF PREVIOUS MEETINGS:** January 23, 1997

- III **COMMUNICATION AND BILLS:** None

- IV **REPORT OF OFFICERS:** None

- V **APPOINTMENTS:**

Robert Ryder Map 42 Lot A93, Map 44 Lot A396 and Map 44 Lot A545

Mr. Ryder received approval from the Planning Board utilizing 34 ft. sideline setbacks for each of the above lots on June 27, 1996. A building permit has not been issued for any of the lots and Mr. Ryder is requesting re-approval of these lots utilizing the same setbacks as previously approved.

John Roberts abstained from voting.

Dwayne Woodsome moved and Everett Whitten seconded the motion to approve **Map 44 Lot A545** as approved on June 27, 1996 subject to the same conditions. Vote was 5-0-1 in favor of the motion.

Dwayne Woodsome moved and Everett Whitten seconded the motion to approve **Map 42 Lot A396** as approved on June 27, 1996 subject to the same conditions. Vote was 5-0-1 in favor of the motion.

Dwayne Woodsome moved and Larry Jacobsen seconded the motion to approve **Map 42 Lot A93** as approved on June 27, 1996 subject to the same conditions. Vote was 5-0-1 in favor of the motion.

Minutes of the previous meeting January 23, 1997. Motion made by John Roberts and seconded by Dwayne Woodsome to approve as written. Vote was 5-0-1 in favor of the motion.

Dwayne Woodsome noted that he had met with the Finance Committee and the Committee were concerned that 80% of the budget has been used for the secretary. Dwayne indicated that he had no answer for them.

VI OLD BUSINESS: Vote to act on proposed changes to 12.01 presented by the C.E.O. at the January 23, 1997 meeting.

John Roberts moved and Judi Carll seconded the motion to place a note on the article from the Planning Board - Planning Board recommends - **Ought Not To Pass.**

Douglas Foglio asked for discussion - Larry Jacobsen noted he was not sure if the fees should be set by the Planning Board or the Board of Selectmen. As administrators maybe they should set the fees.

John Roberts indicated he did not have a problem as long as the people vote on proposed changes at Town Meeting. As presented he believes it would take the power of the towns people away. He also noted that if it was such an emergency the Board meets twice a month. A special town meeting could be called. John indicated he had been on the board for a long time and the fees have been reviewed once in seven years.

Fee structure - zoning or building? Supposed to work with the CEO - just come to a meeting. Fees aren't out of line. Zoning would be amended.

Roland Denby believed it should stay as it is. Anyone can request a change as a standard procedure.

Vote was 6-0-0 in favor of the motion.

John Roberts moved and Judi Carll seconded a motion that the Planning Board sent Section 7.04, 3.09 and 14.02 to the townspeople with a recommendation from the Planning Board - **Ought to Pass.** Vote was 6-0-0 in favor of the motion.

VII NEW BUSINESS: Financing of the clerk for the planning board - Dwayne Woodsome spoke regarding the letter that has been forwarded to the members by Bob Fay. Currently 80% of the budget for the clerk has been spent. Dwayne indicated that he has asked the selectmen what they are planing on doing and he has not received an answer. Sharon has been given a raise and Dwayne thought a change in the hours. Sharon pointed out that she is still working 15 hours per week for the planning board. Bob sent a letter out, Dwayne noted maybe this is Bob's way of not answering the question on financing. In April the funds will be gone and presumed no Secretary. Bob is coming to the next meeting. Dwayne noted that in five weeks no decision has been rendered he has been informed that this issue has been placed on the agenda twice and not yet addressed.

The ordinance states fees are supposed to be available to run everything but Roland noted he has never asked. Sharon informed the members that all fees collected are credited to the Planning Board. Roland indicated that last year the funding for the planning board came from Miscellaneous Fees (\$5000)and Taxation (\$10678).

Pat Sicard indicated that the town maybe stream lining the current budget process next year. She explained that miscellaneous fees is really miscellaneous income from hall rental etc. In the future the area money is taken from will be better identified. The board needs to ask themselves what do you need for support. Do the members have time to dedicate for research and review of projects, ordinances etc. What things can members take on? Roland noted that he believed a clerk is necessary. By-laws call for this and who would answer questions on a daily basis that need to be dealt with.

It should be a decision by the whole board - Roland noted that no questions answered at home by board members. Every member needs to talk as a group and identify time and what it is worth to them if you wish to stay status quo. Miscellaneous fund - broad category. Anticipation is difficult with town meeting in March.

Legal fees - guessing at fees difficult to project. Pat Sicard again noted as a board you need to decide on what support system you need. Who would be available for calls, copying etc.

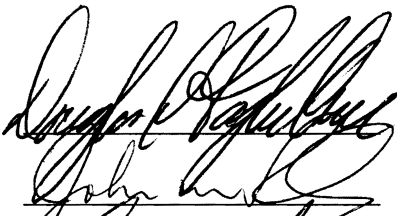
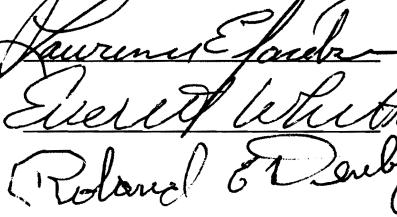
It was asked has the question of funding for the planning board come up at a Selectmen's Meeting? Dwayne has been trying to find out where money is going to come from. Expended more money than at this point last year.

Pat noted that she has not heard a request of that nature. Dwayne indicated that Patti Berry had noted that this subject was on the agenda two weeks ago. Pat has not heard the concern that the board is running out of money. Dwayne noted that Dale had said he would take care of it and that this would be brought up.

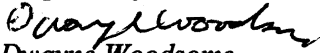
John Roberts moved and Dwayne Woodsome seconded a motion that a letter to the Board of Selectmen requesting an answer as to where the funding will come from when the existing money runs out for the clerk. Vote was 6-0-0 in favor of the motion.

Pat Sicard updated the board members on the law suit. The Lamontagne's requested a dismissal and their request had been granted with prejudice and court fees. Mr. Simanonok asked for a reconsideration after the time expired and the judge granted his request. The town had considered going this route until the reconsideration judgment by the court. At this time Ralph Stanley is the only employee that has been served personally by a Sheriff. The town's insurance companies have informed Pat that the employees are covered under the existing policies.

VIII ADJOURNMENT: Motion to adjourn by John Roberts and seconded by Roland Denby.
Vote was 6-0-0 in favor of the motion.

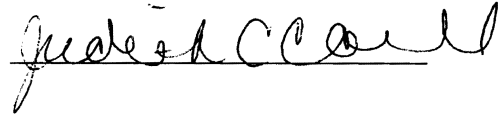


John Roberts
Roland Denby

Respectfully submitted,



Dwayne Woodsome

Secretary/Treasurer



PLANNING BOARD

Town of Waterboro PUBLIC HEARING

FEBRUARY 12, 1997

7:00 P.M.

PROPOSED CHANGES TO SECTION 7.04 , HOME OCCUPATIONS, 14.02 DEFINITIONS AND 3.09 LAND USE CHART AS WELL AS SECTION 12.01 FEES.

The meeting was called to order by Douglas Foglio, Sr., Chairman of the Planning Board at 7:05 p.m.. Present from the Planning Board were Roland Denby, Larry Jacobsen, Everett Whitten, Judi Carll, Dwayne Woodsome, John Roberts and Chairman. Also present were Dennis Abbott, Robert Fay and Dale Witman, Board of Selectmen, Ralph Stanley, Code Enforcement Office, Pat Sicard, Selectmen's Assistant/Town Planner, Sharon Abbott, Clerk for the Planning Board and eight citizens from the public.

Douglas Foglio asked Sharon how many locations the hearing had been advertised. The Journal Tribune, Smart Shopper, Local Post Offices and Our Town News. Doug indicated that the date was not included in Our Town newspaper. The same notice was forwarded to all locations.

Douglas Foglio indicated to those present the purpose for the hearing was two fold 1) being to discuss changes to Home Occupations and 2) to allow Selectmen to set fees both issues proposed changes to the Zoning Ordinance for the Annual Town Meeting, March 8, 1997. Doug then opened the meeting to the general public for comments on the printed changes.

First to speak was Paul Kussmann - He indicated that he is looking forward to retiring in the future and he enjoys the quality of life that Waterboro enjoys. He indicated that it looks as though the proposed changes would liberalize the Home Occupations they would be less restrictive - appears to enlarge the signs and would be silent on the number of employees allowed. Mr. Kussmann asked if this was the intent of the changes and if so why?

Dwayne Woodsome indicated that the intent was to open home occupation uses to not keep the uses silent. There is currently a Business Directory started and not everyone sneaking in businesses that they feel they would need to hide.

Mr. Kussmann- Would this affect taxes collected by the Town? Does property value go up if a business is located within the home?

Dennis Abbott - The only affect would be personal property tax on equipment that would be used for the business use but property would not be taxed as commercial. It is not the intent to broaden tax base.

Larry Jacobsen - Indicated that he had spoken to the Tax Assessor and only tools or equipment would be taxed as personal property. He also indicated that they may be tax advantages for people that have a home occupation when filing their yearly Federal Tax Return.

Mr. Kussman - What brought forth the changes?

Doug Foglio - Noted that the board had held previous Public Hearings and the sentiment from those hearings was to allow home occupations. One individual had indicated that if he held computer courses within his home and had more than two instructors with the current regulations the individual would be in violation of the ordinance. He indicated that several people have noted with the current regulations would be restricted. Doug also noted that when this was drafted there were certain uses that not allowed. Those did not get added.

Larry Jacobsen - Almost impossible to cover all uses. The performance standards dealing with mechanical, electrical or other equipment which produces a nuisance, noise, vibrations, smoke, dust, odors, magnetic interference or electrical disturbance would restrict some uses.

Mr. Kussman - Who enforces this? A nuisance to someone maybe a necessity to someone else. He is coming to a town that has charm. The advantages of zoning is to plan the type of town we want to be in 25 to 50 years. The character and usage of properties such as residential /rural quality.

Larry Jacobsen - To a lot of people the largest investment their home. It is harder to own a home and not be allowed to work within it other than to reside within it. Larry felt the need to allow the usage of a home for home occupation.

Mr. Kussmann - Examples such as home computer service which would be relatively invisible while those that are being deleted as not allowed would be intrusive.

Duane Fay - How can a home occupation taking place in a garage affect the neighbor if they meet the standards?

Mr. Kussmann - Indicated that you may have a neighbor that is very neat and then another who leaves a lot of debris laying around. Who would enforce this?

Duane Fay - Noted you wouldn't need to worry about enforcement in this town! If you have a complaint call the Code Enforcement Officer.

Bob Fay - No one wishes to add problems. If you what to control neighbors land you should consider buying it.

Mr. Kussmann - Noted that to report a problem to the C.E.O would create disharmony with neighbors. The proposed changes could cause more problems in the future.

Bob Fay - Home Occupations are difficult to enforce however the town does have other ordinances such as Hazardous Waste Ordinances that cover other areas of concern and help protect.

Larry Jacobsen - Noted a diverse job base. Professional uses might be viewed as okay while a body shop might be a use that some might find offensive. Everyone looks at their specific interest and it is the job of the planning board to protect everyone.

If a neighbor were to complain to the Code Enforcement Office and action was taken that a neighbor did not agree with any individual has the right to appeal a decision to the Zoning Board of Appeals.

What is the difference between Home Occupation and Business - the determining factor is when does it become a business. It was noted that when the occupation cannot be kept within the home. An auto body shop would be hard to keep inside.

John Roberts - Indicated that he was not aware of anyone having a five car garage that was mentioned and other than a 9 sq. ft. sign the occupation should not be known.

Dennis Abbott - In the determination process for compliance a neighbor would have a right to appeal.

Other than a sign you should not know that a home occupation exists.

Dwayne Woodsome - Other uses might be allowed but would require Planning Board review and approval. People have home occupations now not much would change.

Ralph Stanley - Currently a Use permit is issued by the Code Enforcement Officer. The board needs to implement regulations that allow consistency. How much is a tax payer willing to spend to determine, for instance, traffic flow to see if a home occupation is increasing the traffic flow? Lighted sign - If for instance property owners within Brookside Subdivision were to all have lighted signs and someone were to leave the lights on longer than allowed, what provisions are existing to allow for enforcement. Currently as written there is not much that could be done.

Dennis Abbott - Anyone can challenge the ordinance. If a home is required to have more parking then doesn't that automatically indicated an increase in traffic?

John Roberts - The language would not change from existing ordinance for Home Occupations, has Mr. Stanley received any calls?

Mr. Stanley indicated that he agreed with the changes - however the board needs to insure that the standards are clear and not ambiguous.

John Roberts indicated that he has been a member of the Planning Board for many years and he cannot remember code enforcement officers having a problem.

In the past Auto body repair was not allowed as a Home Occupation with the proposed changed - potential now for that to happen. Mr. Stanley noted that in his years of experience there can be problems of noxious odors. If the C.E.O. were to request a filtration system at a significant cost any property owner would balk at this, it then becomes a push and shove situation when livelihood is in jeopardy.

Judi Carll - No matter what regulations are in place nothing is cut and dried.

Bob Fay - Noted that he would not like an auto body shop or some other uses but we need to open things up a bit.

John Roberts - At previous hearings people have been concerned with home day care. Our ordinance allows 6 or less as a home occupation. The State now licenses these facilities for 12 children. People indicated that the ordinance was too restrictive and needed to update the ordinance. The board is trying to do that.

Doug Foglio - Discussed traffic issue at length. Felt that Mr. Stanley had made a very good point.

Bob Fay - noted that recreational vehicles can be more of a nuisance than additional traffic.

Dennis Abbott - noted that the standards are basically the same as existing. The removal of the number of people allowed to work that are not directly related and the percentage of the home allowed to be utilized and the list of non-allowed uses this basically reads the same. Traffic could definitely be an issue. Mr. Abbott noted someone might have a Mail box etc. business and this could generate an abnormal amount of traffic.

The ordinance alone could be the most protective. Doug Foglio indicated that it now reads to review once every three years. He indicated that he felt it should be mandatory that two hearings a year be held to allow people to voice their concerns.

Bob Fay - People want less restrictions. The board can revisit the changes in a year if they find a problem.

Roland Denby indicated that the board has held several hearings/forums to acquire input from citizens and that information has assisted the board in the need to lessen restrictions. Roland also noted that there are other regulations both state and local that govern some uses other than land use which is governed by the Waterboro Zoning Ordinance. The town is growing and the board cannot foresee everything.

Mr. Kussmann - Asked for clarification on the difference between a home occupation and a business use that would not enjoy the regulations of home occupation?

It was noted that a home occupation is a secondary use to the home. There must be a home unit. A business use would be in a building that had no kitchen and operated with no one living within the structure. A business can be run on property. A home occupation must be completely within the home. Hairdressing - would not be a business. The business would probably only use two rooms and potentially have no more than four cars at one time.

Richard Sevigney - Anything can happen unless someone complains and authorities are notified. He noted that less restriction will infringe on the quality of life within a neighborhood.

Pat Sicard - Commented on the characteristics of Waterboro being very rural and a bedroom community. With companies downsizing more people are working within their homes. While retaining the rural atmosphere the board is looking to:

- a) accommodate the needs of the community, and
- b) encourage atmosphere for start up businesses that will grow into local commerce in the future.

Rural characteristics have pollution, noise by means of operating chain saws, farm equipment, manure spreading and many times those uses are disturbing to others.

Duane Fay - Noted that not everyone is retiring many are young and have families and need to work in a place that is less expensive. Also noting that neighbors have certain rights as well.

Section 12.01 Fees

Dennis Abbott indicated that in the past fees have been inclusive in the zoning ordinance. There has been no approach to change them in at least seven years. Should the towns people be funding the building industry. Maybe the proposed change would allow a better assessment of fees. The change as presented defines the method for change which would allow public input by means of a public hearing prior to any fee changes.

Duane Fay - Asked if the fees would be determined by the Board of Selectmen or would this be passed to someone to protect their budget.

The Board of Selectmen will set fees upon holding a public hearing for feedback. Would the persons setting the fees be accountable?

John Roberts - Indicated that the townspeople would have to vote on a change to the fees as the ordinance allows right now. With the proposed change he feels uncomfortable since the vote would not be from the public at large.

Mr. Abbott - Noted that approximately 100 plus people would be making a decision for thousands of people. Is that a fair number to be making decision for the community.

Mr. Foglio - Noted that information received from a public hearing can be overlooked and a vote can be made opposing public sentiment.

Discussion followed regarding the potential to create escrow accounts during development to protect the town from having to expend money to consultants and then wait for the developer to reimburse the town. A few subdivisions were named that the town has had to complete roads after the developer has failed to provide the financing.

It was noted that it was a sad situation when the board advertises considerably and only a handful of people that attend the meetings. There are over 3,000 registered voters yet they don't attend hearings.

Bob Fay - Indicated that the proposed change would allow a less cumbersome method then being tied into the ordinance. Selectmen have fiscal responsibility to the citizens of Waterboro. Mr. Fay stated he believes the fee structure should be taken out of the ordinance.

Dale Witman - Stated that it was the consensus of the Board of Selectmen to streamline the process for fees to allow a more responsive changes.

Douglas Foglio closed the hearing at 8:23 p.m.

Respectfully submitted,

Dwayne Woodsome
Secretary/Treasurer

PLANNING BOARD

Town of Waterboro

REGULAR MEETING

FEBRUARY 27, 1997

Chairman Douglas Foglio Sr. called the meeting to order at 7:29 p.m.

- I ROLL CALL:** Present were Judi Carll, Everett Whitten, Roland Denby, John Roberts, Dwayne Woodsome, Larry Jacobsen and Chairman Douglas Foglio Sr.
- II MINUTES OF PREVIOUS MEETINGS:** February 12, 1997
- III COMMUNICATION AND BILLS:**
 - 1. Notice of Site Review and Subdivision Workshops from SMRPC
 - 2. Letter to Bill Speed Re: February 27th Appointment
 - 3. Letter to Robert Yarumian Re: February 27th Appointment
- IV REPORT OF OFFICERS:**
- V APPOINTMENTS:**

7:30 p.m. Kirk Butterfield, William Burrows with Representative Bill Speed

Bill Speed, Kirk Butterfield and Rick Hull, Attorney were present for review of a new proposal of a three lot subdivision. Due to previous comments and concerns the developer has scaled down the project staying away from the corner which was the priority noted when a previous sketch plan for five lots was presented.

Waivers being requested of the subdivision regulations were as follows:

#9 Contour lines at ten ft. intervals,

#14 Storm drainage plan - drainage was extensively reviewed and system upgraded during approval process for Old Mill Grove,

#21 Location of buildings to be determined by home owner with C.E.O. review and approval,

#26 Nitrate Impact Statement in place of a full report. With an average density of one lot per ten acres (twice the area required under the Town of Waterboro's Zoning Ordinance), it is believed that nitrate infiltration should not be a concern.

John Roberts moved and Judi Carll seconded a motion to waive item #9 contour lines. Vote was 6-0-0 in favor.

Item #14, Larger culverts installed that dump water across the road onto this property. If waiver were granted the concern noted was that a property owner could fill an area that would block the drainage of storm water. Restriction of placement of structures was considered. Soil and Erosion Sedimentation plan could address this activity.

Roland Denby noted at the on site there seemed to be a lot of water from drainage.

Due to the topography and the slope towards this lot and culverts that drain toward the corner of this lot the board weighed the request carefully.

Dwayne Woodsome felt that items #14, #16 and #21 all go together and if the homes were constructed in the wrong place it create a problem. He indicated his feelings were that no waiver be granted.

Doug Foglio indicated that his problem was with the waiver of the storm water drainage if the develop were to locate on the plan the culvert and drainage way and present a drainage easement and place a note on the plan. To waive the plan not knowing the course would a wise idea. Once easements are established the location would be somewhat set for building envelope.

Developer indicated that a control plan was on file for this area when the previous sketch plan was presented. Lot 3 denoted on this three lot subdivision was three lots on the 1st sketch plan presented previously. The building envelope would be fairly large with approved soils.

It was questioned why the new plan with three lots. The developer indicated that the difficulty getting the plan approved was a consideration. With three lots the amount of traffic would be cut.

Doug Foglio indicated that the board should protect from filling and keeping the drainage course clear. Once the drainage is noted and easements are noted possibly a waiver could be considered.

Larry Jacobsen mentioned that someone down stream could have a potential water problem.

Storm drainage plan laid out on plan. Soil erosion would be different if areas were not defined. Dwayne Woodsome noted that a building envelope would almost need to be set.

The developer indicated that this lot is approximately 12 acres in size.

Doug Foglio noted drive entrance. Bill Speed noted that if the developer were to be required to install the drive ways set up a potential for further erosion. He noted other drives that had been installed on the New Road by a Thomas Toye and the entrance areas were installed at the time of approval. They are now overgrown and also have significant erosion. Doug indicated that the board has requested installation prior to final plan approval. John Roberts indicated that with common drive entrances installation has been required. Doug Foglio noted that the reason the developer is required is that a property owner does not expect to do additional work after purchasing a parcel of land. Another note was that drives installed to specifications prior to the issuance of a building permit.

Bill Speed noted that he believed that the goal would be to have proper installation of a drive entrance. If a permit is issued and the drive is installed now and no one builds on the lot within a short time frame then the potential for erosion and the growth of saplings becomes greater.

Doug Foglio then noted that the developer could put up a performance bond. The property owners are not willing to do the work that is required.

With a lot that has sixteen acres and considerable frontage you cannot guess where the entrance should be if the entrance is installed by the developer the buyer may not choose that location.

It was noted that if the issuance of a building permit was delayed until the installation of the drive entrance and noted in the deed this should cover all avenues.

Ralph Stanley, Code Enforcement Officer noted that he had never dealt with prior installation of driveways, let the property owner decide the location. Lots 1 and 2 have 300 ft. of frontage.

Bill Speed noted that as long as site distance can be met a building permit may not be issued until the driveway is installed.

John Roberts moved and Judi Carll seconded a motion to require an impact statement in place of a full blown hydrogeologic study. Vote was 5-1-0 in favor of the motion.

John Roberts moved and Dwayne Woodsome seconded a motion to table the request to waive #14 and #21 at this time. Vote was 6-0-0 in favor of the motion.

#16 was explained by the board members and the developer rescinded his request to waive this item.

Items #14 and #21 if shown on the plan will answer the storm water and show building areas and it was noted that this should be sufficient.

Doug Foglio requested a copy of the drainage easement wording with a drainage plan to relate to each other. No building construction or alteration of natural nature.

Roland Denby asked about the drainage - new culverts were installed. Should the board look at the other subdivision? Now worried about blockage of drainage.

John Roberts moved and Roland Denby seconded a motion to accept the Sketch Plan of Carpenter's Woods three lot subdivision. Judi Carll asked about the fencing around the cemetery? Bill Speed indicated that the developer would still be interested in doing something.

Gary Rhoades asked to speak. He indicated that he was still concerned about safety. The project was turned down before and is now back. No one is addressing the issue. If the developer had done as requested he would have been okay. Mr. Rhoades indicated that he had previously presented a petition, photographs and he and neighbors were present at a site walk.

Doug Foglio explained that this is only the first step. Pat Sicard indicated that the drainage problem should be addressed the drive location will be away from the corner and she felt that the safety issue is a mute point now. A public hearing notice will be posted. A site walk may be scheduled in the future but not at this time.

Vote on the motion to accept Sketch Plan was 5-0-1 in favor of the motion.

***8:00 p.m. Robert Yarumian Representative of Russell & Trina Waterman
Revised Plan of Fieldstone Acres***

Mr. Yarumian was present representing the Waterman's. The Waterman's purchased an eight acre lot from Dennis Brown. The lot was noted on the subdivision plan of Fieldstone Acres and accessed by a fifty ft. right-of-way. In order to pull a building permit the Code Enforcement Officer had requested the extension of the right-of-way into the lot 150 ft. Mr. Waterman has no intention of splitting the lot at this time. Code Enforcement Officer noted revision of plan on the mylar. Mr. Yarumian didn't feel the need to have a revision when all that is being shown is the extension of the right-of-way. Each lot would have two recordings at the registry. Also he has been asked to do something with the Title Block. A building permit has been issued. Is the plan okay as presented or what would need to be done?

John Roberts indicated that Section 2.06 deals with this if landlocked. Mr. Stanley indicated that the board had allowed the developer to create the rear parcel with only a 50 ft. right-of-way where does the 150 ft. required frontage come from.

Larry Jacobsen indicated that the attorneys have informed the board that lots must have frontage. John Roberts read Section 2.06 and he noted he doesn't believe that Mr. Yarumian needs to be before the board. If this needs to be done then this is the boards fault. Also noted that there have been other subdivisions with this same situation. Larry noted that he believed the attorney had told them that in order to create a right-of-way, at least two abutters must be deeded access rights to classify a right of way otherwise you are creating a lot with 50 ft. of frontage. Noted that this should be straightened out.

Doug Foglio asked if this was holding up the process of building. The home is about half complete.

Ralph Stanley indicated that the banks and surveyors for mortgage inspections read the same ordinance and call asking the code enforcement office looking for frontage requirements. This may hold the Waterman's up for financing.

Legal opinion to be sought. Board's choice for attorney. Roland Denby and Doug Foglio to go and speak with the attorney. If there is a problem then the board needs to find out. Roland asked if there were something in the minutes of the subdivision approvals. Board to check subdivision approval and consult with attorney.

- 1) Is 150 ft. of frontage necessary,
- 2) Is it necessary to revise the subdivision plan.

Doug Foglio noted that a simple deed and sketch would have referenced this situation. Now the situation could be confusing. Believed that before people were sent away they would be told exactly what needs to be done.

If required to have 150 ft. extension then does the board approve this? Mr. Yarumian asked is there anything else that would be needed. Not creating a cul de sac just a private right-of-way.

John Roberts moved and Dwayne Woodsome seconded the motion that this be sent to an attorney with whomever would like to go and that the recommendation that it go to Bernstein, Shur, Sawyer and Nelson and at least it will be a decision that some will stand behind. Decision of those taking the plan to determine. Vote was 6-0-0 in favor.

If it is found that the Planning Board does not have to approve this plan then the block to be removed.

John Roberts moved and Roland Denby seconded the motion to accept the February 12th 1997 minutes as read. Vote was 6-0-0 in favor.

VI OLD BUSINESS:

Robert Fay, Chairman of the Board of Selectmen

Mr. Fay indicated that he was not present on an antagonistic mission. It noted that it is not easy working with zoning. It is a fight when you look to increase zoning. Tension between Code Enforcement Office and the Planning Board. The selectmen wish to inform those present that if you wish to change the CEO/Secretary then the Board of Selectmen will make a change. Status quo is okay too.

Roland Denby asked who and where the complaints were from? Doug Foglio wished to place this on hold until after Town Meeting.

John Roberts noted that the problem is how the position will be funded. Planning Board is given budget responsibility.

Bob Fay noted that the budget is voted but not the Planning Board to fund or worry about. If there is a problem with the budge the Selectmen would deal with it.

Dwayne Woodsome noted that he had gone to Bob Fay with a concern that the secretarial account was 75% spent. Before raises were given by the Board of Selectmen they should have come to the Planning Board. Dwayne noted that he did not know about the expenditure until he met with the Finance Committee.

Bob Fay indicated that salaries are given by the Selectmen. If there is a problem then the voters will deal with it not the Planning Board. Bob asked does the Planning Board wish to continue with the secretary from the Code Enforcement Office?

John Roberts noted that if there is not enough money then the question is mute. Is the Board going to have the money.

Pat Sicard has explanation of the money spent and expected revenue and this was passed out to all members. Pat indicated that some of the board members did not have a clue that a problem existed and had called the office asking questions. If a problem exists then the board needs to discuss it as a group. The Planning Board should not run out of money.

Doug Foglio indicated that the board meets twice a month for six hours a month and expressed a great concern about the money being taken from the planning board. Is there funding for the secretary to the assessor? It was noted that the Code Enforcement Office is being charged for the additional hours.

It was noted by Pat Sicard that members are skirting the issue. Margaret Beavis and Nancy Brandt used to log 10 hours per month and now we are logging 60 hours per month. Is the time being spent on planning.

Sharon Abbott then addressed the board members to inform them that it was an insult to have members think that she was charging the planning board for work that she was not performing specifically for planning issues. Roland Denby then indicated that he had been in the office on several occasions and had worked with Sharon and she is extremely busy and has assisted with the paper roads and has met with the sub committee while working on changes to Home Occupations etc.

Judi Carll noted that she has not seen the planner position being filled and noted that Dianne Holden or Pat Sicard have not filled this position. She noted that maybe the name needs to be changed since the planning portion doesn't exist. Judi noted the need for the planning to come back. The position to the selectmen may have changed.

She also noted that the Planning Board and the Code Enforcement Office are connected. Both use the same set of records. Sharon can usually come up with the information.

Bob Fay noted that the Planning Board isn't being charged for work that is not being done. He came to the meeting to make sure that the board has what it wants. Dwayne Woodsome indicated he has yet to receive an explanation. He got answers from the Finance Committee and is has a right to ask since he is the Secretary/Treasurer.

Dwayne Woodsome moved to postpone until after town meeting. Dwayne Woodsome asked if the there would be a town planner.

Everett Whitten thought that by being on the Planning Board he would be working on zoning not dealing with budgeting.

Pat Sicard asked if the board members wanted a change were the members prepared to spend time?

Doug Foglio indicated that the Town Planner should be a free mind a neutral person. A Secretary takes notes, types etc. Discussion followed regarding politics.

Motion failed lack of second.

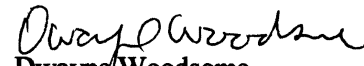
Dwayne Woodsome moved and John Robert seconded a motion that Doug contact attorney.
It was noted that at least two members go - all members and anyone that wishes to go will be invited. Vote was 6-0-0 in favor.

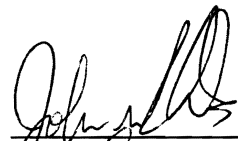
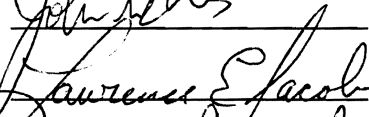
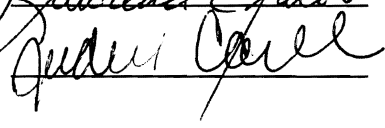
Status of the law suit. Pat Sicard indicated that the State Department of Environmental Protection Agency has filed for dismissal. Continuing case.

VII NEW BUSINESS:

VIII ADJOURNMENT: Motion to adjourn moved and seconded at 9:40 p.m.

Respectfully submitted,


Dwayne Woodsome
Secretary/Treasurer

PLANNING BOARD

Town of Waterboro

REGULAR MEETING

March 27, 1997

Meeting called to order by Vice Chairman, John Roberts at 737 p.m.

I ROLL CALL: Present were Judi Carll, Larry Jacobsen, Dwayne Woodsome and John Roberts, Vice Chairman.

II MINUTES OF PREVIOUS MEETINGS: February 27, 1997 minutes noted by Vice Chairman to be taken up after the appointments.

III COMMUNICATION AND BILLS:

1. Memo from the Board of Selectmen and Calendar of Events for April

IV REPORT OF OFFICERS:

V APPOINTMENTS:

7:30 SAD #57 Map 1 Lot 39 Village Zone

Dana Morton was present representing the school with Mr. D. Lebel , Business Manager of SAD #57. Requesting placement of two temporary modular classrooms at the Junior High. There are already three temporary modular classrooms at this same location. As the enrollment moves through the grades they may have to relocate these modular classrooms to the High School Complex. There has been an increase of 110 students at the Junior High Level. A copy presented of the layout. Septic location and the original drawing of the septic system. There will be no additional bathrooms. An intercom will be installed in the classrooms. The two units as presented are at the front of the Junior High Building. To be located across the bus lane would require the students to cross the lane of traffic and this presents a safety concern. Mr. Morton noted that the location of the units in front of the building also presents an in your face view for the public to see the need for an addition to the Junior High Complex.

A new cut is planned for the bus lane. Present parking in front of the Junior High will be relocated to the side and rear of the building. Did the school consider locating the two units at the side or rear of the building? Mr. Lebel and Mr. Morton noted that all areas had been reviewed and due to the safety issues placement of the units in the front was deemed to be the best location. The rear of the building received deliveries and the side entrance is the main entrance to the gymnasium and would yield high traffic at times to the building.

Ralph Stanley noted his concerns with placement of the buildings on the tar and the requirement for tie downs by building code. A foundation may not be appropriate but the tie down issue is a legitimate concern. The board noted that they did not have say over the code. Mr. Morton noted that he would work with the Code Enforcement Officer on this matter.

Judi Carll moved and Larry Jacobsen seconded a motion to approve plans as presented dated March 15, 1997 under Section 3.09 Item #50. Vote was 3 in favor 1 opposed.

8:00 Judith Durney Map 36 Lot 34 AR Zone

Requesting permission to place a foundation under a portion of existing cottage within 100 ft. of the high water mark of Ossipee Lake. Mr. Stanley, CEO noted that a permit from DEP was not required. Mr. Durney indicated to the board that the purpose of the new cellar was due to the seasonal washout of the pier supported section of the cottage. No living space is planned in the basement. The septic system was installed in 1986 with a pump station. The material from under the cottage is to be hauled away estimated between 70 and 100 yards of material. They plan to jack the cottage during construction of the foundation. One tree to be removed during excavation. It was noted that the Code Enforcement Officer will need to verify the current sill elevation prior to the commencement of the project. John Robert noted that the existing elevation cannot be raised or lowered by more than 3 ft. under the current regulations.

Dwayne Woodsome moved and Judi Carll seconded the motion to allow the camp to be jacked to place new foundation, erosion/sedimentation control methods to be placed surrounding the cottage under Section 7.02. Vote was 3 in favor 0 opposed.

8:30 Milk Room Map 19 Lot 42 Village Zone

Mr. Pelletier is requesting permission to have self service versus a manned booth. Also Mr. Pelletier would like to install a sign. Mr. Pelletier information regarding the sign. He would like to take down the existing Milk Room sign and install a two posted sign advertising the gas and the Milk Room. Has Mr. Pelletier received permits from the State? Mr. Stanley indicated that this property is located in an Urban Compact zone and the town would therefore be the issuing agent. The state has however indicated that they will not hesitate to enforce the state law pertaining on premise signs.

Mr. Pelletier presented a letter from Mr. Owen that he is purchasing the Milk Room and property from him and he also indicated he would provide his attorney's name if needed. Mr. Owen holds the mortgage and title to the property until Mr. Pelletier has paid for the property. Lot #42 is owned by Mr. & Mrs. Pelletier. Mr. Pelletier noted that he had not invested \$250,000 in this project and not be allowed to advertise. Mr. Pelletier has a sales agreement but it was not presented to the board. This would be operated as a sole proprietorship. It was noted that one lot is owned by Kevin and Elwyn Owen and one lot by Dorothy Owen and lot 42 by the Pelletiers.

Dwayne Woodsome noted if a sales agreement on the store and the land is presented then that would indicate to him that as long as Mr. Pelletier makes the payments he should be able to say he owns all three parcels. Once paid for it would be all on lot.

Larry Jacobsen noted that possibly they could contract with themselves. The permission was granted for lot 42, one lot and not expanding. Judi Carll asked if this is allowed the board would be allowing expansion of a non-conforming lot. The gas is currently on a separate lot. If the request to have self service gas is allowed then there would be two primary uses on a non-conforming lot and would be an expansion.

There are two different titles on properties noted as lot #24 and lot #25 and Mr. Pelletier is in ownership of lot #42. The variance from the Zoning Board of Appeals was granted on a plan for that lot. Self service would be expanding the non-conformance by having two primary uses on a single lot.

In order to proceed after purchase will everything be in the same name. Mr. Pelletier noted that if sold everything would have to be sold as one lot.

Dwayne Woodsome noted that the board previously approved no entrance to the lot other than through lots #24 & #25.

Larry Jacobsen noted that there were currently three lots owned by three separate owners. No title just a sales agreement.

Mr. Pelletier noted that he had been more than reasonable, he had given the Town of Waterboro a 25 ft. curb cut and has invested \$225,000.00 into the corner. He currently has 15,000 gallons of gas on site. It was asked of Mr. Pelletier what it would take to gain title to the property. Mr. Pelletier indicated he would have to go to the bank.

John Roberts noted upon review of the ordinance wouldn't the addition of the sale of gas be an added commodity and not a separate use. There is no definition in the ordinance for gas station but is one for retail sales. As proposed this would be run out of the general store out of one cash register.

Judi Carll noted the previous court case regarding two of the three lots presented. Are you now going to marry the three lots? Larry Jacobsen asked how can this be bound without acquiring title to the property?

Mr. Pelletier still owns the gas station. Property not under the same ownership. Can you let someone else have a business on someone else's property? Singular use on a leased piece of property. Mr. Stanley noted that he has reviewed the file to see what he could do to assist Mr. Pelletier. Finding nothing he had forwarded Mr. Pelletier to the Planning Board. How was the approval given. Mr. Pelletier got a variance for the setback from the Zoning Board of Appeals and the Planning Board dealt with the primary or secondary use.

House on lot #42 a primary use. Replacement one to one primary. Dwayne Woodsome noted that the Conditional Use Permit listed several restrictions but none of these were regarding a manned booth as a condition of approval.

It was noted that the board needs to meet with the attorney and John recommended taking this case to the attorney and getting an opinion as to whether gas pumps are a primary use when run out of a General Store when a cable to the store and the money collected are the only attachment.

Dwayne Woodsome noted that his opinion was that this would be run out of the store. Mr. Pelletier again noted that he had given a curb cut to the town and had installed an oil and water separator as requested and if Mr. Owen took the Milk Room back the line could be cut and the pumps could run separately. He has four more years until the title is transferred.

Mr. Stanley noted that a meeting has not yet been set up to meet with the attorney by the chairman. Mr. Roberts noted that this was not the case and this would be taken up later. John Robert noted that if okay with everyone the board will run this by the attorney along with the road issue.

Dwayne Woodsome moved and Judi Carll seconded a motion to sent this case to the attorney. Vote was 3 in favor 0 opposed.

John Roberts would call Doug Foglio to set up appointment.

Dwayne Woodsome moved and Judi Carll seconded a motion to get back to Mr. Pelletier by the April 9th meeting and he would be placed under Old Business. Vote was 3-0-0 in favor of the motion.

Dwayne Woodsome moved and Judi Carll seconded the motion to approve February 27, 1997 minutes. Vote was 3-0-0 in favor.

VI OLD BUSINESS:

1. Meeting with Attorney to be set by the Chairman

John Roberts noted that he had spoken with Doug and the lawyer says if more than three members of the board go to his office this would be considered a public meeting. John asked for a pole of the members present on who planned to attend? Pat Sicard indicated that she had been in touch with Doug and a tentative meeting date was set with Chris Vaniotis however she had been out of work due to sickness. She noted that Chris Vaniotis would prefer to meet with everyone. Chris had indicated he would be available to meet with the full board.

Ralph Stanley asked why a questions couldn't be presented to the attorney? He indicated that there are several legal opinions in the office regarding the 50 ft. right of way and frontage issue and he noted it seems rather expensive to get another opinion.

Judi Carll noted that if a decision is going to be rendered then she felt that all members should be allowed to attend.

Larry Jacobsen moved and Judi Carll seconded the motion to have Chris Vaniotis to a meeting to address the questions and concerns. Vote was 3-0-0 in favor.

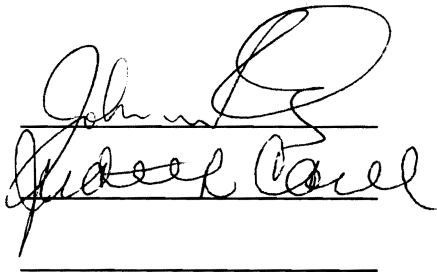
What is Mr. Vaniotis is not available prior to the April 9th meeting. Mr. Woodsome noted that he had just made a motion to get back to Mr. Pelletier at this meeting.

Pat Sicard indicated she would check with Doug Foglio first and then check on the availability of Mr. Vaniotis. Dwayne Woodsome noted that we should probably publish a notice in the Journal Tribune if necessary.

Pat Sicard noted to the board that the Ossipee Lake Association is planning a water shed study. Also notified those of upcoming meetings on planning. One noted on April 10th in Freeport and also SMRPC is still available for updates. Pat Sicard also noted that a hearing regarding a Bill for Saco River Corridor Commission will be held in Augusta.

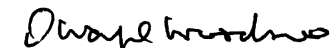
VII NEW BUSINESS:

VIII ADJOURNMENT: There being no further business a motion was made a seconded to adjourn at 9:20 p.m.



Judi Carll

Respectfully submitted,


Dwayne Woodsome
Secretary/Treasurer

PLANNING BOARD
Town of Waterboro
APRIL 1, 1997
PLANNING BOARD MEETING
WITH CHRISTOPHER VANIOTIS
TOWN ATTORNEY
7:00 P.M.

Meeting called to order at 7:10 p.m.

Present were John Roberts, Judi Carll, Lawrence Jacobsen, Roland Denby and Douglas Foglio.
Also present were Ralph Stanley, Code Enforcement Officer and Town Attorney Christopher Vaniotis.

Subjects Discussed:

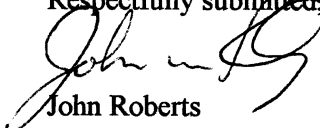
- 1) Russell & Tina Waterman - Right of Way,
- 2) Conforming lot with non-conforming lot,
- 3) When does a lot become a lot,

Doug left at 8:25 p.m.

- 4) MilkRoom,

Meeting Ended At 9:00 p.m.

Respectfully submitted,


John Roberts
Secretary - ProTem

PLANNING BOARD

Town of Waterboro

REGULAR MEETING

April 9, 1997

Meeting called to order by Chairman, Douglas Foglio, Sr. at 7:32 p.m.

- I ROLL CALL:** Present were John Roberts, Judi Carll, Dwayne Woodsome and Douglas Foglio, Sr., Chairman.
- II MINUTES OF PREVIOUS MEETINGS:** March 27, 1997 and April 1, 1997
- III COMMUNICATION AND BILLS:**
 - 1. Letters from Chris Vaniotis Re: The Milk Room & Waterman R.O.W. etc.
- IV REPORT OF OFFICERS:**
- V APPOINTMENTS:**

7:30 Map 5 Lot 19 Village John Boucher/Evergreen Custom Woodwork

This is the old site of Southern Maine Finishing. The applicant is requesting a Conditional Use Permit to hold a Flea Market. Mr. Boucher explained to the board that he planned on having between 10 and 20 tables with collectibles, wood and craft items preferably. He indicated he is not looking for tables of junk.

John Roberts moved and Dwayne Woodsome seconded the motion to approve John Boucher's request for a Flea Market under Section 4.01.

Discussion: Sharon indicated that Mr. Boucher is requesting permission to hold Flea Market on a regular basis. Mr. Boucher indicated that he is planning on either May - Sept. or June - Oct. definitely seasonal. He would probably have them for two days or for the weekend. Proper signage for off street parking, trash receptacles, signs noting watch for children. Mr. Boucher has already contacted his insurance carrier and has been notified that liability insurance would not be a problem. He also noted that he would like to have a hot dog steamer and a cooler of cold drinks there would be no seating provided. Noted to check with CEO and Board of Selectmen for a permit if needed.

Has Mr. Boucher received permission from the owner of the property, Mr. Gannett. Mr. Boucher indicated he has a verbal agreement as long as he provides the necessary insurance. Board indicated this should be provided in writing. Bathroom facilities? Mr. Boucher noted that a bathroom facility available for those crafters renting a space. A new bathroom was installed in the building he is currently leasing.

John Roberts moved to amend his motion to require written permission from the property owner prior to the issuance of the Conditional Use Permit, Dwayne Woodsome seconded that motion. Vote was 3-0-0 in favor.

John Roberts moved and Dwayne Woodsome seconded a motion to approve the March 27, 1997 minutes as read. Vote was 3-0-0 in favor of the motion.

Douglas Foglio Sr. turned the meeting over to John Roberts, Vice Chairman. Doug stayed to constitute a quorum but noted he would not participate.

VI OLD BUSINESS:

1. The Milk Room

A letter from Christopher Vaniotis, legal counsel for the Town of Waterboro was given to each member of the Planning Board and a copy was given to Raymond Pelletier and Paul Pelletier for review.

John Roberts noted that the first issue regarding this project was could the pumps be combined with the Milkroom business by means of an unmanned booth for the gas. The board reviewed the attorney's letter.

Dwayne Woodsome moved and Judi Carll seconded a motion that Mr. Pelletier be allowed to run the gas pumps from the Milk Room and combine three lots to one lot forming one zoning lot. Everything to be run out of the Milkroom as one business. Vote was 3-0-1 abstention.

John Roberts noted that the attorney noted that the gas pumps could be taken as a commodity as accessory to the Milkroom.

Dwayne Woodsome moved and Judi Carll seconded a motion that the gas be used as an accessory use. Vote was 3-0-1 abstention.

Lastly the sign - Ralph Stanley indicated to those present that he would be dealing with the issue of the sign.

Mr. Pelletier was asked how long before he would be pumping gas. About two weeks before the hot top plants are operating. Since the oil and water separator is installed he would wait for the pavement to be completed.

2. Russell & Trina Waterman

Doug Foglio asked if Mr. Yarumian had been notified. Sharon Abbott indicated that the letter from Mr. Vaniotis had been forwarded to the office on Wednesday and without direction from the Planning Board the letter had not been released. It was noted that Mr. Yarumian receive a copy of the attorney's letter and he could be scheduled for the next meeting.

VII NEW BUSINESS: It was asked if there were any appointments for the next meeting. Sharon indicated that Genest Company has requested a Gravel Expansion Permit and would be on the April 24th agenda. John Roberts noted that possible the abutters should be notified.

Doug Foglio noted that abutters could be notified of the public hearing.

VIII ADJOURNMENT: Motion to adjourn by Dwayne Woodsome and seconded by Judi Carll at 8:00 p.m. Vote was 3-0-0 in favor.

Respectfully submitted,

Dwayne Woodsome
Dwayne Woodsome
Secretary/Treasurer

Judi Carll

PLANNING BOARD

Town of Waterboro

REGULAR MEETING

April 24, 1997

Meeting called to order by Chairman, Douglas Foglio Sr. at 7:32 p.m.

I ROLL CALL: Present were Roland Denby, Larry Jacobsen, Dwayne Woodsome, Judi Carll and Chairman, Douglas Foglio Sr.

II MINUTES OF PREVIOUS MEETINGS: April 9, 1997

III COMMUNICATION AND BILLS:

1. KIDS & Transportation News
2. 1994 Maine Occupational Wage Report/Invoice
3. Letter from Christopher Vaniotis Re: The Milk Room
4. FAME *Info*

IV REPORT OF OFFICERS:

V APPOINTMENTS:

7:30 Map 13 Lot 59 -1 AR Zone Genest Concrete

The applicant is requesting a Conditional Use Permit for Expansion of Existing Sand & Gravel Borrow Pit. Chris Genest was present representing the company. The chairman asked if Mr. Genest had received a response from the companies meeting with Saco River Corridor Commission and the approval granted approximately one month ago? Mr. Genest indicated he had not received anything from the commission or hear from the Executive Director, Dennis Finn. Notification was forwarded to abutting property owners during the Saco River Corridor Commission permitting process. Mr. Foglio asked for a copy of the certified mail receipts for the file. Mr. Foglio indicated that at this time the Board should schedule a public hearing. Re-notification of abutters? It was noted that once the public is notified it should not be necessary to re-notify.

A copy of a letter from Southern Maine Regional Planning Commission review of the project was given to Mr. Genest. There were a few concerns noted in the letter.

Roland Denby asked about the four lot subdivision on this property. The board had acted on the request to nullify the four lot subdivision. The board voted in favor of deleting the subdivision. Sharon Abbott indicated that to her knowledge this had not been completed. Mr. Stanley, Code Enforcement Officer had forwarded a letter indicating to Genest Concrete the method needed to delete the subdivision.

Dwayne Woodsome moved and Roland Denby seconded a motion to hold a Public Hearing for Genest Gravel Extraction Conditional Use Permit on May 14, 1997 at 7:30 p.m. Vote 4-0-0 in favor of the motion.

Sharon Abbott would post the Public Hearing notice and no notification of abutters necessary by the applicant.

Judi Carll moved and Dwayne Woodsome seconded a motion to approve the minutes of April 9, 1997. Vote was 2-0-0 in favor of the motion.

Communication from Christopher Vaniotis Re: The Milk Room

A copy of the letter from Christopher Vaniotis was given to each of the members. Roland Denby indicated that the format suggested in this letter might be tough for the board to complete.

Doug Foglio indicated that the board should take time to review the letter and enclosures. This was information that all members should consider. Chris did indicate that this was something the board could use he did not indicate they had to utilize it.

Roland Denby noted that the attorney had not quoted any sections from the zoning ordinance and customarily the minutes include the section under which the approvals are granted.

Ralph Stanley indicated to the board members that a motion was made at the last meeting to combine lots. You cannot combine lots that under owned by different people. The benefit of utilizing the suggested format would allow anyone reading the files to know how the board got to the decision. Pat Sicard indicated that the attorney had noted format. Minutes do not give as comprehensive documentation of information that the draft formulated by Christopher Vaniotis. If in the future a problem came up this would be a consistent means of tracking the process. Pat also indicated that Chris Vaniotis has indicated he would be available for a training session.

Dwayne Woodsome indicated that item #2 and his motion are the same thing.

Doug Foglio noted that he has not been involved with the Milk Room case however, in reading the minutes of the meeting it would be less paperwork to be created if the board continued with existing practice. Pat Sicard again noted that this was a tracking mechanism with pertinent, clear and direct statement without having to look through records.

Doug Foglio indicated that this was bureaucracy that creates jobs for people. Attorneys draw up paperwork that helps support them. It was noted that the board as a whole should discuss and decide. Members to take the letter and enclosures home and review it.

Roland Denby moved and Dwayne Woodsome seconded a motion to spend a couple of weeks to work on the Findings, Conclusions and Decision Re: "The Milk Room" forwarded by the Town's Attorney and act on it at the next meeting. Roland noted that maybe the Board doesn't have the expertise to handle this process. Vote was 4-0-0 in favor of the motion.

8:00 Map 36 Lot 4 AR Zone George Condon

The applicant is being represented by Robert Ryder requesting 30% expansion in the Shoreland Zone. Mr. Ryder indicated that the volume will equal the existing structure due to the stepping down of the roof line. Calculations of the expansion were forwarded to board members in their information packet. Bob Ryder indicated that he has location boundary markers and the addition would be the required 10 ft. from the property line on the east side of the cottage the property line is about 42 ft. from the west side of the cottage. The addition would go 5 ft. closer to this property line. Closest structure to the abutting property lines is about 60 ft. The measurement is approximate it has not been measured. The addition is to make a bathroom bigger. What is the status of the septic system. Mr. Ryder did not know he believed that there should be some documentation. There is no plan to add bedrooms just expanding an existing 3 ft. by 5 ft. bathroom. There will be a toilet, sink and washer, same fixtures but low consumption which will be decreasing the flow.

Mr. Stanley the Code Enforcement Officer had indicated to Sharon that he had checked the project and he didn't have a problem with the additions as proposed

Larry Jacobsen noted concern that in the past the board has required others making upgrades to cottages to establish the status of the septic systems. It was noted that the upgrades usually constitute more use.

Bob Ryder noted that a tree had fallen on the camp and Mr. Kasprzak had worked with him to repair and renovate. The changes will constitute approximately \$6,000. All additions will be placed on sonar tubes. The existing support is varied from footings with wood piers, some rests on tree log and others on a cement pad. The property is rented one month each year and the owner uses the cottage for two to three weeks for personal use.

Mr. Jacobsen noted that with the explanation it makes one wonder what type of system is present. Dwayne Woodsome that possibly there are pumping records that would indicate the type of tank. Mr. Foglio noted that there would be no expansion of use. Judi Carll felt that you don't need to fix what isn't broken.

Bob Ryder asked for clarification of what is the customary handling of this type of request?

In the past with the possibility of year round use a condition of approval has always been to upgrade the septic system. Doug Foglio noted that he didn't feel this was the same and Judi Carll agreed.

Larry Jacobsen felt that the system should be checked to see if it is a system versus a cesspool. What if a cesspool was found? Larry Jacobsen noted that a new system should be installed. Would the board shut down a project without plans for a replacement? Larry noted that if he were the property owner he would feel an obligation to upgrade the septic system if it were found to be a cesspool. Mr. Ryder indicated that he was a representative and was not sure what the owner wishes to do.

If there was a problem with the septic system the owner would need to replace it. Judi Carll indicated that she did not feel that the board had the right to request an upgrade. Larry Jacobsen felt that the board should be responsible to check it.

If a full time occupancy then there might be a need to check the existing system. Since the use is not be increasing feeling was no need. The standard practice of the board for upgrade with change of use and Mr. Foglio indicated he did not feel that this request fell into that category.

Judi Carll moved and Dwayne Woodsome seconded the motion to approve the expansion of the camp located on Property Tax Map 36 Lot 4 as presented providing he goes no closer the the water then existing structure, no more than 30 percent expansion and addition go no closer than 10 ft. to the sideline to be approved under Sections 2.08, 4.02 and Article 7, Section 7.01, 2. B. 1. And 3. Bob Ryder noted to the members that as presented on the plot plan it appears that the new construction would be closer to the normal high water mark however on site the measurements indicate no closer to the normal high water mark and there would be no disturbance of soil. Bob also noted that he had strung the lines and marked the area.
Vote was 3 in favor 1 opposed and no abstentions.

VI OLD BUSINESS:

1. Waterman Represented by Robert Yarumian

A revised plan was presented of Mr. Waterman's lot noted as Map 6 Lot 18 noting the change of right-of-way.

Roland Denby moved and Judi Carll seconded the motion if the plan was approved and checked the board to approve and sign.

Mr. Yarumian noted that the changes called for were a note and Revision of Fieldstone Acres.
Vote was 4-0-0 in favor.

Dwayne Woodsome asked for the cost of a second mylar. Mr. Yarumian indicated approximately \$25.00, of which \$9.00 was for the mylar paper the remainder for his cost. Mylar's are now computer generated.

Dwayne Woodsome moved that a letter be sent to the Code Enforcement Officer indicating that any changes on a mylar not be made until they were reviewed by the Planning Board.

Plans were signed.

2. The Milk Room

See discussion regarding communication from attorney Christopher Vaniotis.

VII NEW BUSINESS:

Special Town Meeting coming up. Ordinance changes were noted by Mr. Foglio. Pat noted that the board had discussed taking a look at the entire ordinance as a whole and since there was currently nothing in the works time would not allow changes.

Mr. Simanonok Case:

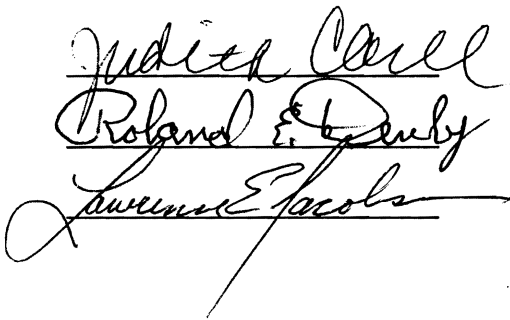
Another quirk with the filing of the law suit. Attorney's currently working on dismissal of case. Also noted that Mr. Simanonok has filed 25 federal lawsuits and 6 times to Supreme Court more than most attorney's file.

VIII ADJOURNMENT:

Larry Jacobsen moved to adjourn, Judi Carll seconded motion. Vote was 4-0-0 in favor. Meeting adjourned at 9.02 p.m.

Respectfully submitted,

Dwayne Woodsome
Secretary/Treasurer


Judi Carll
Roland E. Derby
Lawrence Jacobs

PLANNING BOARD

Town of Waterboro

REGULAR MEETING

May 14, 1997

Meeting called to order by John Roberts, Vice Chairman at 8:15 p.m.

- I **ROLL CALL:** Present were Roland Denby, Larry Jacobsen, Judi Carll and Vice Chairman, John Roberts.
- II **MINUTES OF PREVIOUS MEETINGS:** April 24, 1997
- III **COMMUNICATION AND BILLS:**
 - 1. **Letter from Dianne Holden Re: TOWN PLANNER Maine's Community Calendar of Scarborough**
- IV **REPORT OF OFFICERS:**
- V **APPOINTMENTS:**

7:30 Map 13 Lot 59 -1 AR Zone Genest Concrete Public Hearing

John Roberts indicated to the Beaubien's that the Planning Board cannot act on requests in a Public Hearing and noted if they wanted to stay the Project will be taken up on the regular agenda. The applicant is requesting a Conditional Use Permit for Expansion of Existing Sand & Gravel Borrow Pit .

Roland Denby noted the rights and easements on the deed presented to the board by Mr. Genest.

The DEP Permit requires a 100 ft. setback from the wetland to buffer and also requires a sedimentation pond.

There is no current plan of action as to the location where the project of extraction will start. Just an overall plan for the entire project. DEP permit is to dig to the sedimentation plan and show financial capability.

Saco River Corridor Commission Permit? Mr. Genest attended the meeting and received the verbal permit however he has not received a written permit. The permit is believed to be for a period of 10 years. Currently the Executive Director is out of town. DEP will be inspecting the parcel for open area, size and reclamation.

John Roberts referred to the letter from Southern Maine Regional Planning Commission who reviewed the project for the Planning Board. General consensus was that the project fit within the Comprehensive Plan guidelines. Screening both sides of the new entrance road was discussed or the possibility of placing the screening at the property line nearest the Hansons to help screen the dust. The location of the trees to be planted should not block visibility for trucks pulling out onto Route 5.

A note was made regarding the status of the old access road and the need to close is off so no one can use it.

Larry Jacobsen moved and Roland Denby seconded the motion that the developer plant a landscape buffer between the new access road and the property line abutting the Hanson property back to the existing tree line. Vote was 3-0-0 in favor of the motion.

Buffers to wetlands were addressed in the permits from S.R.C.C. and D.E.P. Sharon Abbott asked about environmental issues with wildlife. A previous developer had indicated deer yards. Wouldn't this be a concern? John Roberts noted that the area was small and the board had no control. The parcel is approximately 71 acres and 36.4 acres was planned for this project with a five acre area opened at one time.

Roland Denby moved and Judi Carll seconded a motion to issue a Conditional Use Permit to Genest Concrete Works Partnership to expand a borrow pit and that all requirements placed by D.E.P. and S.R.C.C. be complied with, that the plan include the standard note used by the board linking the paperwork on file with the approval, that the banks downgrade to a minimum pitch and loam and seed and utilize drainage swales and silt fence be used, all environmental measures be complied with, noise, dust, erosion control also the documentation of withdrawal of the four lot subdivision is executed and recorded and comes before the board for signature prior to the issuance of the Conditional Use Permit for the Extraction Expansion.

Discussion: Would the property be gated? None planned but if a problem starts the developer would consider gating an option however the people having access would be notified and provided with a key if necessary.

Working the pit on the weekend? Mr. Genest indicated that they do not operate past 3:30 p.m.

Survey of the property completed? A copy of the financial capacity should be forwarded for the records.

8:00 Map 33 Lot 43 AR Zone Richard Massucco

The applicant is requesting permission to raise the existing cottage sill 2 ft. 3 inches to add a foundation under the remaining portion of the cottage. Sharon indicated that the only concern that Ralph Stanley noted was the elevation of the sill and Mr. Massucco had returned with 2 ft. 3 inches above existing elevation when finished.

Judi Carll moved and Roland Denby seconded the motion to approve the Massucco's to raise the sill by 2 ft. 3 inches to allow for a new foundation under Section 7.02 2.B.1.B. and the owner utilize sedimentation control measures during construction. Vote was 3-0-0 in favor of the motion.

A caution or recommendation - applicant have a fixed bench mark prior to the commencement of the project. Mr. Massucco indicated that there is a partial foundation which will remain and is a fixed mark.

8:30 Map 47 Lot AR Zone Charles Harris

Since Mr. Harris is not here the Board moved the Carpenters Woods project ahead of this appointment.

VI OLD BUSINESS:

1. Carpenter Woods Subdivision

Judi Carll asked about a public hearing? John Roberts noted this should not be necessary since a previous hearing had been held for a five lot subdivision. Project has been scaled back since then to three lots.

Present were Bill Speed, Curt Butterfield and Attorney Rick Hull. Copies of plans showing drainage swale - topography - and layout information was provided and placed on file.

Judi Carll moved and Roland Denby seconded a motion to approve a scale of 1" - 100 '. Vote was 3-0-0 in favor of the motion.

Preliminary Plan Checklist reviewed. Logs presented for all test pits. Deed in the application packet.

Check Historical Society - Fencing as previously noted at prior meetings.

Bill Speed provided the board with a copy of the plan showing the road layout from Surveyor Jeff Ross noting a three rod road.

Rural delivery - Judi Carll noted that the area now has rural delivery.

Hydro Impact Statement presented and placed on file. John Tewhey & Associates for an independent review given approval by the developers. Sharon noted she would forward the information to Mr. Tewhey by the end of the week. If any revisions were required to the plans contact Bill Speed.

Larry Jacobsen moved and Roland Denby seconded a motion to accept the Preliminary Plan of Carpenters Woods Subdivision. Vote was 3-0-0 in favor of the motion.

It was noted that signature lines for the owners and the Planning Board members would need to be added to the Final Plan.

8:30 Map 47 Lot AR Zone Charles Harris

Mr. Harris is requesting permission to square off an existing structure that falls within 100 ft. of Lake Sherburne by adding a deck. Mr. Harris is unable to attend any of the Board meetings and has asked if the board can act on his request in his absence. Concerns of the board were the age of the structure and the addition going closer to the water.

Larry Jacobsen moved and Judi Carll seconded the motion to approve the proposed deck provided that it go no closer than the existing building and that it meet the appropriate sideline setback for the age of construction for original building under Section 7.02 2.B.1.A. Vote was 3-0-0 in favor of the motion.

Other items needing attention under Old Business were:

The Milk Room

The board tabled action on a Findings of Fact that Christopher Vaniotis had forwarded to the board for consideration. Mr. Stanley had indicated to Sharon Abbott that he was waiting for a decision from the board on this matter prior to him issuing a permit for a sign for the project.

The file was reviewed and John Roberts noted that Christopher Vaniotis had noted items in his letter to the board on page 2 item #2 and he did not feel that the board's action was any different and did not need to utilize the Findings of Fact that was forwarded at a later time.

Roland Denby moved and Judi Carll seconded the motion to approve April 24, 1997 minutes as read. Vote was 3-0-0 in favor of the motion.

Pat Sicard informed the board members that the court has ruled on a portion of the case of Simamonak vs. Venduro Foglio, Lawrence Morrill and Kerry Perkins by dismissing it.

Pat also noted that she is currently working on a Risk Management Plan. She also asked for input from the board to work on identifying a long range plan that would help future businesses who would benefit from some of the grants available. Pat asked for two volunteer to help identify perspective area. Business - Community Development Grants etc. There are also private foundations that assist municipalities.

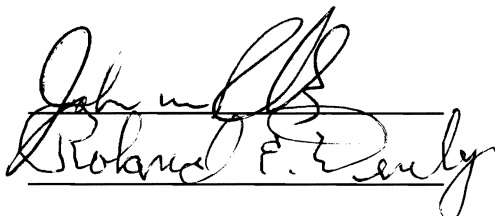
The board members asked if there was any talk about hiring a Town Planner? Pat Sicard indicated that she would be handling everything but land use planning.

VII NEW BUSINESS: Paper Streets - It was noted that if no applicants for the meeting that the May 22, 1997 meeting be a workshop for Paper Streets. Sharon will contact SMRPC for more information on this issue for the workshop. Meeting to start at 7:30 p.m.

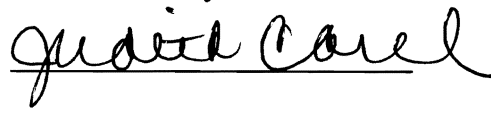
VIII ADJOURNMENT: Meeting adjourned at 10:00 p.m.

Respectfully submitted,

Dwayne Woodsome
Secretary/Treasurer



Handwritten signature of Roland F. Denby.



Handwritten signature of Judi Carll.

PLANNING BOARD

Town of Waterboro

GENEST GRAVEL EXPANSION OF A SAND & GRAVEL BORROW PIT

Map 13 Lot 59-1 AR Zone

PUBLIC HEARING

WEDNESDAY, MAY 14, 1997

7:30 P.M.

Meeting was called to order by Vice Chairman, John Roberts at 7:32 p.m. Present were Roland Denby, Larry Jacobsen, Judi Carl and John Roberts. Also present was the Developer Christopher Genest, Brenda Charland, Selectmen Elect, Sharon Abbott, Planning Clerk, Patricia Sicard, Planner/Selectmen's Assistant and approximately three citizen's of which two were abutters to the property being mined.

Christopher Genest gave a brief explanation of the proposed extraction project indicating that his company has received the required permit from Department of Environmental Protection and he also noted receiving permits from Saco River Corridor Commission but he has not received his permit from the Commission as of this date. Mr. Genest indicated that a new road would be constructed for access and as per permit received would be paved into the project quite some distance. Mr. Genest indicated that his permit allows clearing of 4 to 5 acres before restoration is required.

April Beaubien - abutter to the project asked how far into the property was the removal project. Mr. Genest showed Ms. Beaubien the dotted line which indicates the outside boundary of the entire project. What amount is actually good may vary for actual extraction but will not encroach any closer than indicated on the plans.

Mr. Beaubien - Asked about the hill at the rear of his property and he noted that maybe he would consider having Mr. Genest remove the hill.

Sharon Abbott - Indicated for the record having received a call from Mr. & Mrs. Hanson who abut this project and the only concern voiced was of dust control. Mr. Hanson has been quite ill and Mrs. Hanson cannot tolerate the dust. She was informed that a new location of an entrance was planned by the developer.

The four lot subdivision previously approved and then this year a request to delete the subdivision has yet to be completed.

Larry Jacobsen - Asked if there was a possibility of the developer placing a buffer of trees to help with the dust? Mr. Genest indicated he would not have a problem with doing that. He might be able to utilize trees from the site and replant them.

Subdivision status - Mr. Genest indicated he is working with Mr. Stanley, the Code Enforcement Officer. The surveyor is working on the project. Roland Denby commented that the revision of the plan would need to come back before the board for signing.

The new road will be constructed to handle the weight load required. Entry onto Route 5? Mr. Genest noted that a permit would be acquired. People owning cottages would have a clean and open access to their property.

Larry Jacobsen asked about the right of way within the property boundaries for the property owners of the cottages on the waters edge. Mr. Genest noted that the right of way in drawings as a utility easement and access and the entry is planned to follow the access road.

Meeting closed by Vice Chairman at 8:15 p.m.

PLANNING BOARD

Town of Waterboro

REGULAR MEETING

June 11, 1997

Meeting called to order by Vice Chairman, John Roberts at 7:48 P.M.

- I ROLL CALL:** Present were Everett Whitten, Roland Denby, Dwayne Woodsome, Judi Carll and John Roberts, Vice Chairman.
- II MINUTES OF PREVIOUS MEETINGS:** May 14, 1997
- III COMMUNICATION AND BILLS:**
1. Tewhey Associates Re: Carpenter Woods Subdivision
 2. Permit for Genest Gravel Extraction from Saco River Corridor Comm.
 3. Letter to Chairman of Planning Board From: Steve Kasprzak
 4. Notice of Intent To File: Biosolid Application to property located on Middle Road and Knight Road on property owned by James Hamilton
- IV REPORT OF OFFICERS:** Dwayne Woodsome reported the Planning Board has \$1539.09 in their account as of June 6, 1997.
- V APPOINTMENTS:**
- 7:30 p.m. Map 47 Lot 49 AR Zone Matthew Colton**

Mr. Colton requested permission to construct a 24' x 44' home on a lot in the Lake Sherburne Subdivision. The width of the lot measures 75 ft. and required setbacks of 35 ft. allow a 5 ft. building envelope. Sharon noted that the measurements noted on the plot plan are foundation measurement only and does not include eaves, steps, etc. Mr. Colton indicated that the entry from the basement toward the side of the home would be a walkout at ground level. The most he would need would be a step.

Everett Whitten moved and Judi Carll seconded a motion to grant approval utilizing 23 ft. sideline setbacks, front and rear setbacks be maintained per ordinance under Section 2.08 and 4.02 of the Waterboro Zoning Ordinance. Vote was 4-0-0 in favor of the motion.

VI OLD BUSINESS:

1. *Carpenter Woods Final Plan Map 13 Lot 17 F & A Zone*

The Planning Board reviewed the Final Plan of Carpenter Woods utilizing the final checklist. A copy of the May 14, 1997 minutes was reviewed and it appears that the requested additions have been made to the final plan.

DRAFT

Dwayne Woodsome indicated that there were several letters from the Road Review Committee that have not been addressed. He also noted that unless something is done he did not feel the plan should be signed.

It was noted by the developer that some changes have been made through Preliminary Plan. No measurable impact to the road would occur through the development as noted by a Road Engineer. His report is on file with the Planning Board. The plan has been scaled down from five lots to three lots.

Dwayne Woodsome noted that the Road Review Committee had met three or four times and as currently situated there would be not allowance to straighten the curve on Thyngs Mill Road. Dwayne also indicated that between 30 or 40 ft. would allow for snow plowing during the winter. He indicated that during winter months this road is down to single land and until a deed is presented by the developer he would suggest not signing the plan.

Mr. Speed indicated that the plan shows the layout of the road. At the last meeting a layout plan was presented and placed on file. The stone wall is the towns. Mr. Speed requested a recess.

Mr. Speed and Kirk Butterfield with attorney Rick Hull re-entered the meeting and presented a proposal to deed an easement to the Town to allow construction/reconstruction of the highway measuring approximately 25 ft. from the front property line of lot #3.

Everett Whitten moved and Roland Denby seconded a motion to approve the Final Plan of Carpenter Woods Subdivision with the condition that an easement deed granting the Town of Waterboro the right to construct and reconstruct highway starting 0 ft. uphill from the corner of Clarks Bridge Road at the second culvert down to the corner pin of the Orchard lot, intending to grant approximately 25 ft. easement at its widest point, be secured from the developer prior to the filing of the plan at the registry. Vote was 3-0-1 in favor of the motion.

Paper Roads - Southern Maine Regional Planning Commission

Sharon had suggested contacting Southern Maine Regional Planning Commission to have a representative at the June 26, 1997 meeting for consultation purposes regarding paper streets. The members

Judi Carll moved and Roland Denby seconded a motion to approve the minutes of May 14, 1997. Vote was 3-0-2 in favor of the motion.

VII NEW BUSINESS:

Letter to Chairman of Planning Board From Steve Kasprzak

The letter was regarding Zoning Changes addressing recent changes by the legislature on variance appeals allowing home rule.

Dwayne Woodsome indicated that there were several letters from the Road Review Committee that have not been addressed. He also noted that unless something is done he did not feel the plan should be signed.

It was noted by the developer that some changes have been made through Preliminary Plan. No measurable impact to the road would occur through the development as noted by a Road Engineer. His report is on file with the Planning Board. The plan has been scaled down from five lots to three lots.

Dwayne Woodsome noted that the Road Review Committee had met three or four times and as currently situated there would be no allowance to straighten the curve on Thyngs Mill Road. Dwayne also indicated that between 30 or 40 ft. would allow for snow plowing during the winter. He indicated that during winter months this road is down to single land and until a deed is presented by the developer he would suggest not signing the plan.

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Mr. Speed and Kirk Butterfield with attorney Rick Hull re-entered the meeting and presented a proposal to deed an easement to the Town to allow construction/reconstruction of the highway measuring approximately 25 ft. from the front property line of lot #3.

Everett Whitten moved and Roland Denby seconded a motion to approve the Final Plan of Carpenter Woods Subdivision with the condition that an easement deed granting the Town of Waterboro the right to construct and reconstruct highway starting at 0 ft. uphill from the corner of Clarks Bridge Road at the uphill side of the drainage easement at the second culvert down to the corner pin of the Orchard lot, be secured from the developer prior to the filing of the plan at the registry. Vote was 3-0-1 in favor of the motion.

Paper Roads - Southern Maine Regional Planning Commission

Sharon had suggested contacting Southern Maine Regional Planning Commission to have a representative at the June 26, 1997 meeting for consultation purposes regarding paper streets. The members

Judi Carll moved and Roland Denby seconded a motion to approve the minutes of May 14, 1997. Vote was 3-0-2 in favor of the motion.

VII NEW BUSINESS:

Letter to Chairman of Planning Board From Steve Kasprzak

The letter was regarding Zoning Changes addressing recent changes by the legislature on variance appeals allowing home rule.

The board requested that Sharon contact the attorney to have her draft changes to the Waterboro Zoning Ordinance, Section 10 which the board would review and schedule future public hearings.

VIII ADJOURNMENT: Motion to adjourn made and seconded at 9:00 p.m. Vote 4-0-0 in favor.

Respectfully submitted,

Dwayne Woodsome
Secretary/Treasurer

PLANNING BOARD

Town of Waterboro

REGULAR MEETING

June 26, 1997

I ROLL CALL:

II MINUTES OF PREVIOUS MEETINGS: June 11, 1997

Judi Carll moved and Roland Denby seconded a motion to approve the minutes of June 11, 1997 as read. Vote was 2-0-1 in favor.

III COMMUNICATION AND BILLS:

IV REPORT OF OFFICERS:

V APPOINTMENTS:

7:30 Map 45 Lot 1522 Residential/Shoreland Zone Timothy Paquette

The applicant is requesting permission to construct a home on this property within the shoreland zone. The setback requirements are very close leaving inches to spare. Measurement is to the foundation. The board members indicated the importance of meeting the setbacks and the problems that some people have had in the past. Possibly the applicant should hire a surveyor to place the foundation.

Roland Denby moved and Judi Carll seconded a motion to approve the construction with the applicant meeting the water setback and the front yard setback and utilize 32 ft. sideline setbacks and follow the Saco River Corridor Commission Permit and utilize Soil & Erosion Control Methods during construction. Under Section 2.08, 4.02 and 7.01 Vote was 3-0-1 in favor of the motion.

VI OLD BUSINESS:

1. Carpenter Woods Subdivision -

Deed to be forwarded to Karen Lovell to insure language is correct. Dwayne Woodsome moved and Roland Denby seconded a motion to accept the deed and pending the attorney review to insure the town is protected for construction of drainage, utility, maintenance and reconstruction over and under the road. Vote was 4-0-0 in favor of the motion.

VII NEW BUSINESS: Kate Albert of Southern Maine Regional Planning Commission present and had a handout for each of the Board members. The board must take some action. If the town vacates the road then the property owners need to deal with the status of the land. If any issues are not addressed under the state law to the board's satisfaction then the board may need to seek legal assistance.

Notification needs to be made to owners within the area that the questionable street is located. A hearing should be held to determine what the use of the so-called paper street would be by the abutters. The letter could indicate if no response from the property owner then the board would take action to vacate.

Kate suggested reading the supplied material and go from there. Place Paper Streets on the next meeting agenda. Kate indicated that she would be available for questions. If any legal questions we could contact MMA or our own attorney.

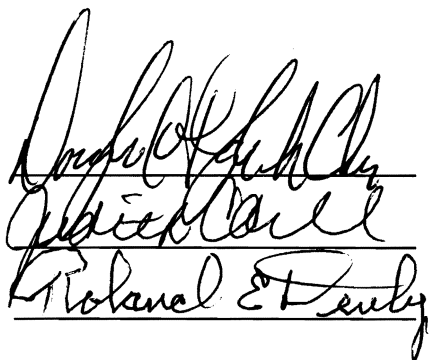
Sharon Abbott informed the board members that she had given her notice effective June 30, 1997. This would be her last meeting with the Planning Board.

VIII ADJOURNMENT:

Dwayne Woodsome will not be at the July 9th Planning Board Meeting.

Respectfully submitted,

Dwayne Woodsome
Secretary/Treasurer



Richard E. Deuby

PLANNING BOARD

TOWN OF WATERBORO

REGULAR MEETING

July 9, 1997

Chairman Doug Foglio called the meeting to order at 7:30 p.m. noting that a quorum was met.

In the absence of a secretary, Judy Carll moved and Everett seconded that Brenda Charland take minutes. Vote was 5-0-0.

I. ROLL CALL:

Present: Chairman Doug Foglio, Judy Carll, Roland Denby, Larry Jacobsen, Everett Whitten

II. MINUTES OF PREVIOUS MEETING: June 26, 1997

Judy Carll moved and Roland Denby seconded the motion to approve the minutes of June 26, 1997 as read. Vote was

III. COMMUNICATIONS AND BILLS:

A letter from Bernstein, Shur regarding the Carpenter Woods Subdivision was deferred for later discussion.

IV. REPORT OF OFFICERS:

Chairman Doug Foglio suggested that each member verify that they have a current copy of the Town of Waterboro Comprehensive Plan. If not, be sure to get a copy from the Selectmen's Office.

V. APPOINTMENTS:

Map 19, Lot 15 T. K. Machining (Robert and Kayla Dewitt)

The applicants are requesting permission for two conditional use permits for property located on Route 202 in South Waterboro.

Doug Foglio expressed concern that the applicants requested permission for two permits. The applicants explained that they were requesting two permits so that the property would be more attractive for resale purposes, however, they have no intention of selling the property at this time. Doug noted that applying for two uses would not be beneficial because every change of use requires a conditional use permit and use does not pass with the property. A new owner must apply for a use change.

Formerly the property was approved for up to five uses on one property. The applicants would relocate their machine shop and office space to this location.

Parking would be provided for the five employees by removing the garage and part of the apartment building in the rear of the building. Access to parking and deliveries would be from the Pine Street side. Parking at the front of the building from Route 202 would be for customers and sales people only. The company is primarily involved in contract work for larger companies so parking would be minimal.

Larry Jacobsen made the motion and Everett seconded that the living area and exiting garage in the rear of the building be removed to the original building with ~~only~~ the steel structure remaining; a parking area be constructed in the rear of the property for employees; one use, being the fabrication, manufacture and sale of product and accessories, will be conducted on the property; the upstairs will be used exclusively for storage. The motion passed 5-0-0.

Map 32 lot 8 AR - Emile LeBlanc

The applicant is requesting permission to expand his home which falls within the 100 ft. setback from the normal high water mark of Ossipee lake by adding an attached garage.

Based on the fact that the expansion would bring the property no closer to the water front and that it uses less than 30% of the allowable expansion, Everett Whitten made the motion and Larry Jacobsen seconded that permission to expand the home be granted subject to onsite inspection for the purpose of verifying the setbacks based on the rules and regulations of the DEP. Roland Denby and Larry Jacobsen will conduct the inspection and will notify the Selectmen's Assistant to advise the CEO. The motion passed 5-0-0.

Map 41 lot 27 AR - Paul Gendron

The applicant is requesting permission to expand his home which falls within the 100 foot setback from the normal high water mark of Ossipee lake by adding to an existing deck.

Based on the fact that the expansion would bring the property no closer to the water front, Judy Carll made the motion and Everett Whitten seconded that permission to expand the deck be granted subject to onsite inspection for the purpose of verifying the setbacks based on the rules and regulations of the DEP. Roland Denby and Larry Jacobsen will conduct the inspection and will notify the Selectmen's Assistant to advise the CEO. The motion passed 5-0-0.

VI. OLD BUSINESS:

Paper Streets:

This being a serious problem, the board should call a hearing. The identification and notification of which paper streets exist in Waterboro must be completed by September 30 or the properties automatically revert to the town.

Everett made the motion and Roland seconded it that an opinion be obtained from the attorney regarding the town's responsibility and the possibility of an extension. The motion passed 5-0-0.

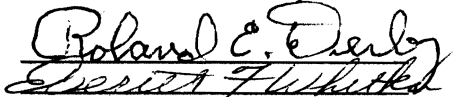
Carpenter Woods Subdivision:

After discussion regarding the letter from Berstein and Shur, it was decided that the chairman will contact the attorney to clarify the contents of the letter

V. NEW BUSINESS:

VI. ADJOURNMENT:

The chairman adjourned the meeting at 9:50 p.m.



Respectfully submitted,
Dwayne Woodsome
Secretary/Treasurer

PLANNING BOARD

Town of Waterboro

REGULAR MEETING

AUGUST 13, 1997

Vice-Chairman John Roberts called the meeting to order at 7:30 p.m. noting that a quorum was met.

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

II MINUTES OF PREVIOUS MEETINGS:

Moved by Vice-Chairman John Roberts, seconded by Roland Denby to accept minutes of previous meeting as presented. Motion passed 4-0-0.

III COMMUNICATIONS & BILLS:

IV REPORT OF OFFICERS:

V APPOINTMENTS:

VI OLD BUSINESS:

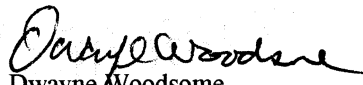
Paper Streets - The committee researched the subject of Paper Streets (see Attachment "A", 4 pages).

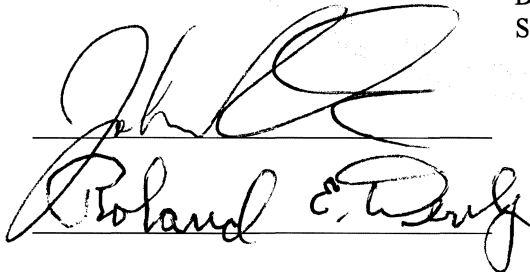
VII NEW BUSINESS:

A motion was made by Dwayne Woodsome and seconded by Everett Whitten to meet as a group with the Board of Selectmen to determine if the Selectmen's Assistant should provide planner duties to the Planning Board. No discussion, motion passed 4-0-0.

VIII ADJOURNMENT: Meeting adjourned at 9:30 p.m.

Respectfully Submitted,


Dwayne Woodsome
Secretary/Treasurer



PLANNING BOARD

Town of Waterboro

REGULAR MEETING

AUGUST 28, 1997

Chairman Doug Foglio called the meeting to order at 7:30 p.m. noting that a quorum was met.

- I ROLL CALL:** Present were Everett Whitten, Roland Denby, Dwayne Woodsome, Duane Fay and Chairman, Douglas Foglio, Sr.
- II MINUTES OF PREVIOUS MEETINGS:** Will approve at next meeting.
- III COMMUNICATIONS & BILLS:**
- IV REPORT OF OFFICERS:**
- V APPOINTMENTS:**

7:30 p.m. Ed Bennett Map 50, Lot 1 Circle Drive - Garage

Mr. Bennett requested permission to add a 36' x 24' garage to his home on Circle Drive. Rough plans for the addition show a 23.5' front setback from Circle Drive in a zone requiring a 75' minimum front yard setback.

Doug Foglio noted the applicants do not know the true location of the boundaries of the 50' right of way on Circle Drive and do not have an accurate reference point for plotting their addition. Before the Planning Board can grant a conditional use, Doug Foglio recommends the applicant acquire a Class "D" survey of the existing structure and the proposed addition. Additionally, Doug would like the board members to do an onsite inspection of the property prior to the next meeting.

**7:45 p.m. BH2M Engineers (Wm. Whitten) Map 11, Lot 11
Sketch Plan, 7 Lot Subdivision, Webber Road**

William Whitten, acting as agent for landowner David Greaton, presented sketch plans for a proposed seven (7) lot subdivision on Webber Road.

Doug Foglio noted the previous owner agreed had discussed additional right-of-way width. Discussions had centered around an approximate 20' right-of-way to enable future road rebuilding. Doug requested that the width of the road be included on the sketch plans and Mr. Whitten agreed. Dwayne Woodsome moved and Everett Whitten seconded a motion to accept the sketch plan. No discussion, vote was 5-0-0 in favor of the motion.

Doug Foglio recommended an onsite inspection of property to discuss driveway site issues. Planning board members may require the sharing of driveway entrances in order to satisfy local minimum safe sight distance standards. Dwayne Woodsome motioned to set up a site walk with members of the Planning Board and members of the Road Review Committee for 9/8/97 at 6:00 p.m.. Everett Whitten seconded the motion, vote was 5-0-0 in favor of the motion with no discussion.

Doug Foglio instructed Sue Macey to send notices of the site walk to all Planning Board members and to members of the old Road Review Committee. Doug also requested that the landowner provide a copy of the sales agreement for the property and a letter authorizing BH2M to act as an agent for Mr. Greaton in negotiations with the Planning Board.

VI OLD BUSINESS:

Doug Foglio motioned to return former Planning Board member Judy Carll's Ordinance Manual. Roland Denby seconded the motion, no discussion. Vote was 5-0-0 in favor of the motion.

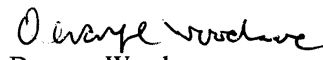
VII NEW BUSINESS:

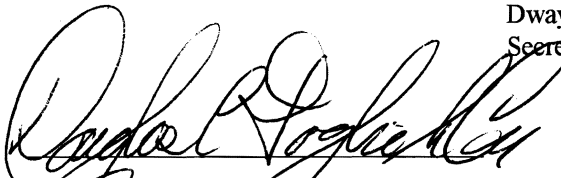

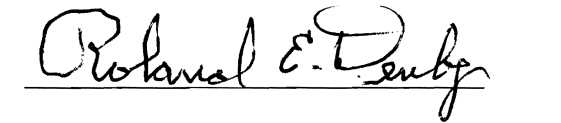
Dwayne Woodsome made a motion to postpone the 9/10/97 meeting with the Waterboro Selectmen until 10/08/97 at 8:30 p.m.. Everett Whitten seconded the motion. Discussion: Doug noted this will give the Planning Board two (2) meetings to discuss plans for the meeting. Vote was 5-0-0 in favor of the motion.

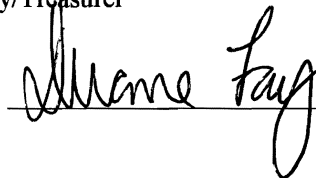
Doug Foglio made a motion to allow Sue Macey to work additional hours for the next 1 to 2 months. Roland Denby seconded the motion. Vote was 5-0-0 in favor of the motion with no discussion.

VIII ADJOURNMENT: Meeting adjourned at 10:30 p.m.

Respectfully Submitted,


Dwayne Woodsome
Secretary/Treasurer



PLANNING BOARD

Town of Waterboro

MINUTES OF SITEWALK - WEBBER FARM SUBDIVISION SEPTEMBER 8, 1997
TAX MAP 11, LOT 11, WEBBER ROAD 6:00 P.M.

ROLL CALL: Present were Planning Board members Roland Denby, Everett Whitten, Dwayne Woodsome, Duane Fay, Chairman Doug Foglio, Sr., Road Commissioner Fred Fay and Road Review Committee Member David Benton.

Those attending arrived at 6:00 p.m.

DISCUSSION: General discussion was held about the area, the subdivision and width of the right-of-way. Sketch plans indicate an approximate 49.72' right-of-way. The town requires an additional easement width of 20'. Sight distances were also discussed.

Those present looked at each of the seven lots:

Lot 7 - Driveway will have to go on east side of the lot. A cemetery is located on this lot and has to be set aside with a right-of-way provided large enough for a truck to enter.

Lot 6 - Driveway needs to be situated on Lot 5 side of lot, leaving some type of roadway to the cemetery.

Lot 5 - Discussed the possibility of using the original Webber Farm driveway.

Lot 4 - Driveway must have minimum safe sight distances figured; if a 50' road is constructed to access back portion of lot, road must be centered in lot.

Lots 2 and 3 - Side by side entrance required; immediately upon leaving right-of-way, driveways will split.

Lots 1 and 2 - Require grading easements.

Site Trees - Pine trees out front must be removed and replaced with two (2) hardwood site trees per lot at least 50' from the right-of-way.

Site walk ended at 7:40 p.m.

PLANNING BOARD

Town of Waterboro

REGULAR MEETING

SEPTEMBER 10, 1997

Chairman Doug Foglio called the meeting to order at 7:35 p.m. noting that a quorum was met.

- I ROLLCALL:** Present were Everett Whitten, Roland Denby, Dwayne Woodsome, Duane Fay and Chairman, Douglas Foglio, Sr.
- II MINUTES OF PREVIOUS MEETINGS:** Roland Denby and Doug Foglio recommended changes before approving minutes of 08/13/97 and 08/28/97. Will approve at next meeting.
- III COMMUNICATIONS & BILLS:**
- IV REPORT OF OFFICERS:**
- V APPOINTMENTS:**

7:30 p.m. Tax Map 44, Lot A-475 Zoned R David & Debbie Woodbury

Applicants are requesting permission to add a deck and aboveground pool to this property located on Victoria Lane in the Lake Arrowhead Subdivision.

Duane Fay motioned and Everett Whitten seconded to approve the project as per the plan with the deck being placed between the pool and the house. The front setback abutting Victoria Lane would remain at 39' and the rear setback abutting Lot A476 would remain at 31' as per Conditional Use permit issued 08/14/91 by the Waterboro Planning Board for this property. The sideline setback abutting Lazy Brook Drive would be 28'. Under Sections 2.03 and 2.08 of the Waterboro Zoning Ordinance as amended March 8, 1997. Vote was 5-0-0 in favor of the amended motion.

8:00 p.m. Map 11, Lot 29-5 A-R Zone Saco River Telegraph & Telephone

Applicant, being represented by Jim Knight at the Planning Board meeting, seeks permission to allow the construction of a 12' x 18' cement pad and remote central office for communication purposes on this property located on the intersection of Townhouse and Deering Ridge Roads. Doug Foglio would like to see proposed construction moved back at least 20' from Townhouse Road right-of-way.

Roland Denby moved and Duane Fay seconded to approve the project provided that the corners of the cement pad are situated a minimum of 25' back from the Townhouse Road right-of-way and a minimum of 25' from the Deering Ridge Road right-of-way. Reference Section 3.09, Item #44 of the Waterboro Zoning Ordinance Land Use Table. Reference is also made to a Conditional Use Permit issued 10/30/90 by the Planning Board to Saco Tel. & Tel. Co. for a remote central office on concrete pad on Lot 12A, Tax Map 9, Zoned AR (see attached).

Discussion: Upon questioning by Doug Foglio, Jim Knight stated that Saco Phone requires the construction of an additional switching station for safety issues due to enhanced 911 service and because of increased traffic caused by the privatization of area phone lines. Vote, motion passed, 5-0-0.

VI OLD BUSINESS:

Meeting with the Waterboro Selectmen - Members of the Board postponed discussion until the next Planning Board meeting.

Paper Roads - Doug Foglio noted that the deadline for recording information on "Paper Roads" is September 29, 1997. He recommended the Planning Board submit to the Waterboro Selectmen for approval a list of all the known roads and an extension for all of the unknown roads. Dwayne Woodsome gave Sue Macey a list of the roads that were discussed at the 08/13/97 meeting. Doug stated he would try to work on this project next week with John Roberts and Sue Macey.

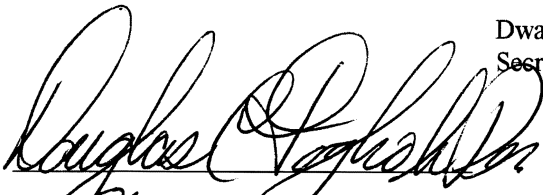
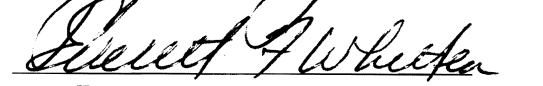
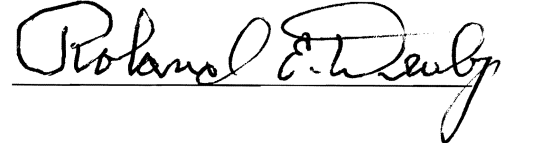
Garage on Circle Drive, Map 50, Lot 1 - Several of the Planning Board members had an opportunity to inspect the property on Circle Drive. Applicants are requesting permission to construct a garage without sufficient setbacks. Doug Foglio suggested that the property owners might consider moving the location of the garage so that it is accessed from the circular part of the road in order to better meet the setback requirements.

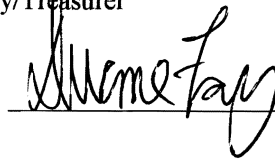
VII NEW BUSINESS:

VIII ADJOURNMENT: Meeting adjourned at 10:00 p.m.

Respectfully Submitted,

Dwayne Woodsome
Secretary/Treasurer



PLANNING BOARD

Town of Waterboro

REGULAR MEETING

SEPTEMBER 25, 1997

Vice-Chairman John Roberts called the meeting to order at 7:35 p.m. noting that a quorum was met.

I ROLL CALL: Present were Roland Denby, Duane Fay, Dwayne Woodsome and Vice-Chairman John Roberts.

II MINUTES OF PREVIOUS MEETINGS: Moved by Roland Denby, seconded by Dwayne Woodsome to accept minutes of August 13, 1997 meeting as presented. Motion passed 4-0-0.

Approval of minutes of August 28, 1997 and September 10, 1997 was deferred until a later time.

III COMMUNICATIONS & BILLS:

1. Letter from Massabesic Health Resources, P.A. concerning the planting of maple trees along Main Street in South Waterboro. Sue Macey will notify Massabesic that they need to contact the state, the water district and possibly Central Maine Power before proceeding to plant the trees.
2. Letter from Waterboro Selectmen concerning the preparation of Town Reports. Will save for discussion at 10/08/97 meeting with the Selectmen.
3. Letter to Selectmen concerning Paper Streets. Sue Macey informed board members that paperwork had been signed by the Selectmen and recorded at the Registry of Deeds.

IV REPORT OF OFFICERS:

V APPOINTMENTS:

7:30 p.m. Map 45, Lot 1501 Zoned R Mark Hazell

Mr. Hazell is requesting a 35' x 24' building package within the shoreland zone. Applicant has received a verbal permit from the Saco River Corridor Commission for the rear shoreland setback requirements. Members indicated the importance of meeting the setbacks and discussed the problems some people have had in the past. They recommended the applicant hire a surveyor to do a Class "D" survey.

Discussion also centered around abutters and the possibility of residences being built on adjoining lots. Applicant mentioned that this property has a relatively steep slope down to the water with a difference of about 20'.

Roland Denby moved and Duane Fay seconded a motion to grant the applicant the following: a 36' front setback abutting Lone Pine Road; a 25' sideline setback abutting Lot 1500; a 30' sideline setback abutting Lot 1502; shoreland setbacks of 100' on the rear corner of the proposed construction closest to Lot 1502 and 83' on the rear corner closest to Lot 1500. Denby further moved that the conditional use permit not be issued until information is received from the Saco River Corridor Commission with the applicant to follow the Saco River Corridor Commission Permit and utilizing Soil & Erosion Control Methods during construction including the use of hay bales and black silk fence along the lake side of the house. Under Section 2.08, 4.02 and 7.01. Vote was 4-0-0 in favor of the motion.

VI OLD BUSINESS:

Meeting with the Waterboro Selectmen - Members of the Board decided to discuss issues concerning the hiring of a Town Planner with the Selectmen during the 10/08/97 meeting. Members feel they need support in deciding various legal issues facing the board.

Minutes of Sitewalk, Webber Farm Subdivision, September 8, 1997, Tax Map 11, Lot 11.

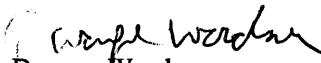
Roland Denby moved and Dwayne Woodsome seconded a motion to change the wording in the minutes from "Green Belt" to "Site Trees" and to add "Pine trees out front be replaced with two (2) hardwood site trees per lot...." See attached amended Minutes of Sitewalk. No discussion, Motion passed, 4-0-0.


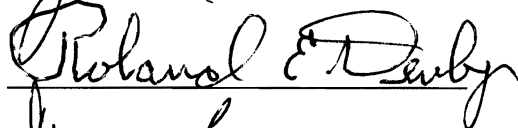

VII NEW BUSINESS: John Roberts scheduled election of officers for the final item on the agenda of the 10/08/97 Planning Board meeting. He instructed Sue Macey to send a letter to all Planning Board Members informing them of the election.

Members were reminded that one Planning Board member must be chosen to serve on the Taylor House.

VIII ADJOURNMENT: Meeting adjourned at 9:00 p.m.

Respectfully Submitted,


Dwayne Woodsome
Secretary/Treasurer

PLANNING BOARD

Town of Waterboro

REGULAR MEETING

OCTOBER 8, 1997

Chairman Doug Foglio, Sr. Called the meeting to order at 7:35 p.m. noting that a quorum was met.

I. ROLL CALL:

Present were Roland Denby, Duane Fay, Everett Whitten, Larry Jacobsen, Vice Chairman John Roberts and Chairman Doug Foglio, Sr. Dwayne Woodsome arrived at 8:00 p.m.

II. MINUTES OF PREVIOUS MEETINGS:

Moved by John Roberts, seconded by Everett Whitten to accept minutes of August 28, 1997 meeting as presented. No discussion, motion passed 5-0-1 with Larry Jacobsen abstaining.

Moved by John Roberts, seconded by Everett Whitten to accept minutes of September 10, 1997 meeting as presented. No discussion, motion passed 5-0-1 with Larry Jacobsen abstaining.

Moved by Roland Denby, seconded by John Roberts to accept minutes of September 25, 1997 meeting as presented. No discussion, motion passed 4-0-2 with Larry Jacobsen and Everett Whitten abstaining.

III. COMMUNICATIONS AND BILLS:

1. Letter from Massabesic Health Resources, P.A. concerning the planting of maple trees along Main Street in South Waterboro: John Roberts motions and Everett Whitten seconds to send a letter to Massabesic recommending they contact private landowners along Main Street to get their permission to plant the maple trees on their land. No discussion, motion passes 6-0-0.
2. SMEDD Inquiry: There is not a building big enough in the Town of Waterboro to house a manufacturing operation of this size.

IV. REPORT OF OFFICERS:

V. APPOINTMENTS:

Before meeting with the Selectmen, there was an open discussion concerning the hiring of a Town Planner. Members want to discuss the job description of the new employee with the Selectmen.

Fee structures were also discussed. Doug Foglio pointed out inconsistencies in the current fee structure. For instance, a conditional use review Costs \$50 while a review of non-conforming lot is \$25. Why is there a difference in the two? Doug feels that a review of non-conforming lot is the same as a conditional use and should not be part of the fee structure.

Doug instructed Sue Macey to call several towns and get copies of their ordinances that discuss building fees, the methods used to determine fees and copies of their fee structures. Those towns to be contacted are Hollis, Buxton, Alfred, Shapleigh, Lyman, Kennebunk, Standish, Gorham and Limington.

Dwayne Woodsome reminded the board that the road bond posed by Willie Wensell for Belanger Drive in Deerfield Acres may be expiring. He instructed Sue Macy to notify the CEO at the time of expiration.

8:30 Waterboro Selectmen

Town Planner

Doug Have you make any progress in hiring a Town Planner?

Dennis We have received 13 applications, of those we are interested in four. All of these are from the northern part of the state, and we want to research the candidates further before interviewing them.

Doug What will the job description of the new employee be?

Dennis It will remain the same, depending on the candidate. We are looking for people in planning and development roles.

Doug There is a man working for the Town of York as a consultant who might be interesting to talk to. His name is Bryan Chernak and he has a lot of planning experience.

Dennis We are also looking into leads from Southern Maine Regional Planning and Maine Municipal Association.

Doug What about hiring a separate planner and secretary?

John Is your primary focus on a Planner or an Assistant?

Dennis It is weighted toward an Assistant, but we should be able to satisfy both jobs by finding a candidate with a lot of public administration experience.

Dwayne W., and John We would like the Planner to attend Planning Board meetings and gather information for the Planning Board.

Larry What about hiring a full time selectmen and a part time planner?

Dennis That doesn't work, the townspeople would have to decide to do something like that.

Dale We could outsource the planning needs and hire an administrative person. We may have two separate jobs; it depends on the candidates.

Doug We need someone to go to meetings, find out needs and where to get the information to keep us going in the right direction. I hope when someone is hired, we can all sit down with the person and discuss things.

Fees:

Dennis We will resubmit the fee structure to you; it could be included at the Town Meeting.

Doug We will be getting fee structures from nine towns. We'll look at theirs and at your information.

Dale Could it be based on square feet?

Doug Let's look at other towns, get together and agree on fees.

Dennis Maybe we should require developers to put money in escrow to cover any costs incurred should the developer back out of the project.

Doug We really should have different levels of subdivisions in town.

Webber Farm Subdivision

Doug The town has to remove trees and stone walls before the developer can acquire safe site distances. The developer will give an easement to widen the road. We also need a warrant for the town meeting to accept an easement from David Greateon to the Town of Waterboro for this property.

Dennis Doug, see Karen Lovell to get wording for the deeded easement. Make sure it is not binding, that it does not imply approval of the subdivision.

General

Doug Where would you like to see the Planning Board go?

Dennis We need to decide the direction of town growth.

Doug What about a small industrial park in Waterboro?

Dennis I was just at a seminar where they discussed reclaiming contaminated property for industrial uses.

Doug The Water District could be a big asset, but it hasn't been properly used. We had a good opportunity to get industry here in Waterboro. Getchell Ice, located in Sanford.

Doug and Dennis discussed different commercial undertakings in town and the possibility of receiving grants. Doug thinks we should find some land and begin to develop an industrial park. The Planning Board and Selectmen should work together on this, and possibly hire a consultant.

At approximately 10:00 p.m. the Selectmen left and the meeting continued with the seven Planning Board members.

General discussion about zoning ordinances and home occupations. Members feel that home occupations should be allowed in the Village Zone for lots of 20,000 square feet. Home occupation is already a permitted use in lots of 40,000 square feet or more in all zones. A precedent for this issue has been set with other businesses that were given permits for home occupation on lots of 20,000 square feet or less in the same area.

John Roberts motions and Dwayne Woodsome seconds a motion to send a letter to the CEO stating that on the advise of past counselor's letters we feel grandfathered lots in the Village Zone should be considered for 40,000 square foot uses, allowing for Home Occupation, as long as they meet other standard requirements of home occupation. No discussion, motion passed 7-0-0.

V. OLD BUSINESS

Sketch plans, Webber Farm Subdivision - This issue was discussed during the meeting with the Waterboro Selectmen under Item V, Appointments.


VI. NEW BUSINESS

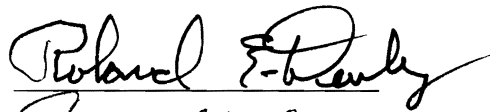
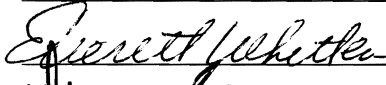
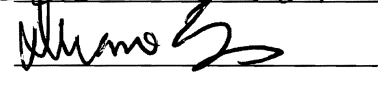
Elections of Officers. John Roberts motioned and Dwayne Woodsome seconded the motion to postpone elections until the next meeting. No discussion, motion passed 7-0-0.

VII. ADJOURNMENT

John Roberts motioned, Dwayne Woodsome seconded the motion to adjourn. No discussion, motion passed 7-0-0.

Respectfully Submitted,


Dwayne Woodsome
Secretary, Treasurer

PLANNING BOARD

Town of Waterboro

MINUTES OF SITEWALK - WEBBER FARM SUBDIVISION SEPTEMBER 8, 1997
TAX MAP 11, LOT 11, WEBBER ROAD 6:00 P.M.

ROLL CALL: Present were Planning Board members Roland Denby, Everett Whitten, Dwayne Woodsome, Duane Fay, Chairman Doug Foglio, Sr., Road Commissioner Fred Fay and Road Review Committee Member David Benton.

Those attending arrived at 6:00 p.m.

DISCUSSION: General discussion was held about the area, the subdivision and width of the right-of-way. Sketch plans indicate an approximate 49.72' right-of-way. The town requires an additional easement width of 20'. Sight distances were also discussed.

Those present looked at each of the seven lots:

Lot 7 - Driveway will have to go on east side of the lot. A cemetery is located on this lot and has to be set aside with a right-of-way provided large enough for a truck to enter.

Lot 6 - Driveway needs to be situated on Lot 5 side of lot, leaving some type of roadway to the cemetery.

Lot 5 - Discussed the possibility of using the original Webber Farm driveway.

Lot 4 - Driveway must have minimum safe sight distances figured; if a 50' road is constructed to access back portion of lot, road must be centered in lot.

Lots 2 and 3 - Side by side entrance required; immediately upon leaving right-of-way, driveways will split.

Lots 1 and 2 - Require grading easements.

Site Trees - Pine trees out front must be removed and replaced with two (2) hardwood site trees per lot at least 50' from the right-of-way.

Site walk ended at 7:40 p.m.

PLANNING BOARD

Town of Waterboro

REGULAR MEETING

October 23, 1997

Chairman Doug Foglio called the meeting to order at 7:35 p.m.

I ROLL CALL: Present were Douglas Foglio Sr., Roland Denby, Everett Whitten, Duane Fay, Dwayne Woodsome.

II MINUTES OF PREVIOUS MEETINGS: There were no minutes to be approved.

III COMMUNICATIONS AND BILLS: The following communications were read.
SMEDD Site Request
Letter from Selectmen/Town Reports
Newspaper Article/Business Parks
Letter to CEO concerning Home occupation
Letter to CEO concerning Deer Acres Subdivision

IV REPORT OF OFFICERS:

V APPOINTMENTS:

7:35 Dale Witman and Brenda Charland enter the meeting at this time to inform the Planning Board that their secretary has left the employment of town offices on this date.

7:40 William Whitten from BH2M representing the land owner for the Webber Farm Subdivision. The Planning Board is waiting for more information to move forward with the subdivision request. They need a report from the Fire Department on the water supply in the area in case of fire within the subdivision. They also need a letter from a drainage expert regarding how the drainage will affect the property and to ensure that drainage will not be directed onto abutting properties. A letter is needed from a well driller to make sure there will be sufficient water supply for the subdivision. Set back from Webber Road is discussed. The Planning Board would like the houses to be set back 200' which is further than normally required setback in the zoning ordinance however the Planning Board would like to keep the rural characteristics of the area. There will be trees planted in between the lots and the required minimum size will be 2 1/2". The Planning Board is requiring a vehicular easement from the driveway on lot 6 to the cemetery on the property. This does not have to be a maintained drive just an easement. The Planning Board is waiting for the return receipts from the post office from the notices sent to abutters of the proposed subdivision.

Dwayne Woodsome motioned to schedule a public hearing for November 12, 1997 at 7:30 p.m. to discuss the Webber Farm Subdivision.

VI OLD BUSINESS Meeting continued on October 29, 1997

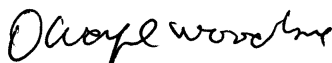
The Planning Board held their elections for officers. Roland Denby motioned to keep the same officers that are currently serving on the board. Everett Whitten seconded. Vote is all in favor, motion carries. Dwayne Woodsome made the motion to appoint Roland Denby as the Planning Board representative from the Planning Board. Everett Whitten seconded. Vote was unanimously in favor. Motion carried.

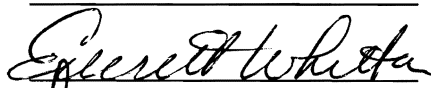
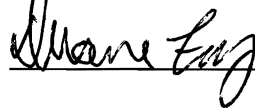
Goals of the Planning Board - Douglas Foglio, Chairman spoke on his vision for the Planning Board. The current zoning ordinance has had many amendments through the years that are referred to as band-aids. Doug would like to see changes incorporated in the zoning ordinance to make the changes to the ordinance a smoother and more consistent throughout the ordinance. In an effort to do this and to save time everyone on the board will take a section of the ordinance and bring back to the board ideas on how it could be better. The board start to put together rough drafts of changes and begin to hold public hearings on the draft changes.

VII NEW BUSINESS

VIII ADJOURNMENT: Meeting adjourned at 10:00 p.m.

Respectfully Submitted,


Dwayne Woodsome
Secretary Treasurer

PLANNING BOARD

Town of Waterboro

Planning Board Meeting November 12, 1997

I ROLL CALL: Douglas Foglio Sr. Calls the meeting to order at 9:00 p.m.

Attending are: Doug Foglio, Roland Denby, Larry Jacobsen, Duane Fay, Dwayne Woodsome, Everett Whitten, John Roberts.

II APPOINTMENTS

Richard Arundel, Paul L'Heureux and Tom ? representing the Fraternal Order of Eagles are present to discuss their application for a change of use on the property located on Route 202 in South Waterboro on map 18 lot 8. Richard Arundel states that they are in the process of buying the old Atkinson Electric building. They would like to open up all the walls and replace with lolly columns. Doug states there is already three residences, one being a business on this property. They might want to consider using public water. The planning board will need to know that the septic system is suitable for the use. It is suggested to get a copy from the Code Enforcement Office of the septic system and to get a soils engineer to evaluate that system to see if they need to update it. They will have to bring a sketch to the planning board of the area they propose to use. They need to come back with a plan of what they want to do. Paving for parking is discussed. This is determined by the applicant and the CEO. The Eagles plan to be open to their membership from 10 a.m. to 10 p.m. John Roberts made the motion to hold a public hearing on the second Wednesday in December at 7:30 on this proposal. Dwayne Woodsome seconded. Vote is unanimous. Motion passes. The Eagles will have to have available one week before the hearing the following: A blueprint of the proposed use, and their plan of what they would like to do, their hours..everything. It is suggested that they have their membership present at the public hearing to answer all questions.

9:30 Esau Crosby regarding his request for a conditional use permit. He is in the process of building a home in Lake Arrowhead and would like to put a 5 x 10 mudroom addition. He presents the board with a copy of his plans for the mudroom. After discussion of the setbacks it is determined that a sideline conditional use to within 28' of the property line is needed. It is explained that the steps to the mudroom must be on the front of the addition so as not to encroach on the sideline setback even further. John Roberts made the motion to grant Esau Crosby a 28' left hand sideline conditional use permit as long as he meets all other setbacks. Duane Fay seconds. Vote is unanimous. Motion passes. Esau will have to contact the CEO to acquire a building permit after the planning board has signed the conditional use permit.

9:45 Jim Gerry regarding his request for a 2 lot subdivision. Doug tells Jim that he will need a certified survey of the proposed subdivision as it will have to be recorded in Alfred. He will need a soils test, the lot lines laid out, and a letter regarding water supply.

III OLD BUSINESS

The Webber Farm subdivision is discussed. John Roberts made the motion to send the studies that were presented tonight to the towns engineer to review. Duane Fay seconds. Vote is unanimous in favor of the motion.

Doug Foglio asks Dwayne Woodsome and Roland Denby to get together and work on their budget request for next year.

John Roberts made the motion to continue this meeting next Thursday at 7:30. Everett Whitten seconds. Vote is unanimous in favor of the motion. This will be posted in the Smart Shopper and in the Town Hall.

CONTINUATION 11/20/97

Present: Douglas Foglio Sr., Duane Fay, Roland Denby, Everett Whitten, Rob Baker.

IV REPORT OF OFFICERS

Dwayne Woodsome gave treasurers report. Roland Denby made the motion to accept the report as read. Everett Whitten seconds. Vote is unanimously in favor. Motion carries.

V. OLD BUSINESS

The proposed budget request for next year is discussed. The agreed upon total request is \$13,885.00. Duane Fay made the motion to submit the budget request as presented and amended. Everett Whitten seconds the motion. Vote is unanimously in favor. Motion carries.

Planning for the ensuing year is discussed. Douglas Foglio made the motion to request \$7,500.00 for a consultant for planning zoning changes and subdivision regulations. Everett Whitten seconds. Vote is unanimously in favor. Motion carries.

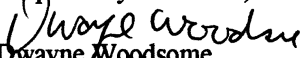
Dwayne Woodsome reported that there are three wells on the Webber Farm property that will need to be discussed with the engineers on what they intend to do with them. Douglas Foglio reported that the drainage report submitted by BH2M on the Webber Farm property has been sent to Sebago Technics for an estimate on reviewing it. The nitrate study has been sent to Tewey Associates and to Gillespie to provide an estimate to review.

Zoning Ordinance changes are discussed. Douglas Foglio proposed to the board that he, Roland Denby and Rob Baker go to the town's attorney, Karen Lovell's office to go over the land use chart and bring back the definitions that were replaced by the chart, plus keep the chart. He would also like to discuss section 2.08 dealing with the planning board's authority on front yard setbacks on existing lots of record. Dwayne Woodsome made the motion that when Doug, Roland, and Rob go to the town's attorney they discuss section 2.08 along with the land use chart and have Karen Lovell's opinion sent back to this office. Everett Whitten seconds the motion. Vote is unanimously in favor. Motion carries.




VII ADJOURNMENT

Dwayne Woodsome made the motion to adjourn at 9:10 p.m. Everett Whitten seconds. Vote is unanimous. Meeting is adjourned at 9:10 p.m.

Respectfully submitted,


Dwayne Woodsome
Secretary/Treasurer

APPROVED

PLANNING BOARD

Town of Waterboro

MEETING MINUTES

DECEMBER 10, 1997

I ROLL CALL: Planning Board members present are: Chairman, Douglas Foglio Sr., Dwayne Woodsome, Duane Fay, Everett Whitten, Roland Denby, Larry Jacobsen.

II MINUTES OF PREVIOUS MEETINGS: October 8, October 23, November 12 are reviewed. The following corrections need to be made. On October 23rd under Old Business Dwayne Woodsome made the motion to appoint Roland Denby to be the Planning Board rep. to the Taylor House Committee. On October 8 Larry Jacobsen made the statement to change to a full time selectmen and part time planner. Roland Denby made the motion to accept the minutes of October 8 with approved changes. Everett Whitten seconds. Vote is 6-0-0 in favor. Roland Denby made the motion to accept the minutes of October 23 with the approved changes. Everett Whitten seconds. Vote is 5-0-1 in favor, with Larry Jacobsen abstaining. Roland Denby made the motion to accept the minutes of November 12. Everett Whitten seconds. Vote is 6-0-0 in favor. Motions pass.

III COMMUNICATIONS AND BILLS:

1. The Deed from the Carpenter Woods Subdivision has been received. Duane Fay made the motion at accept the deed as received and to be put on the next Town Meeting Warrant to be accepted by the townspeople. Everett Whitten seconds. Vote is 6-0-0 in favor.
2. Letter from Bob Fay is passed out to everyone.
3. Letter from Karen Lovell regarding the meeting with Doug Foglio, Roland Denby and Rob Baker on zoning changes is reviewed. Dwayne Woodsome made the motion to purchase a notebook for each member of the planning board to keep all correspondence dealing with zoning changes and one for the office. Roland Denby seconds. Vote is 6-0-0 in favor of the motion. Karen Lovell confirmed that the planning board does have authority to allow deviations from setback on nonconforming lots of record.

IV REPORT OF OFFICERS

Dwayne Woodsome presents the treasurer's report. Roland Denby made the motion to accept the report as presented. Duane Fay seconds the motion. Vote is 6-0-0 in favor. Motion carries.

V APPOINTMENTS

8:45 Philip Weymouth regarding his request for a 1 lot subdivision on Map 4 Lot 3C.
P.O. Box 130, Waterboro, Maine 04087 • 247-6166 • FAX 247-3013

After some discussion on how many splits have already occurred to the original parcel, it is decided that more information is needed. Phil Weymouth will supply the information he has gathered. Dwayne Woodsome made the motion to accept the sketch plan as presented to the board. Roland Denby seconds the motion. Vote is 6-0-0 unanimous in favor of the motion. Dwayne Woodsome made the motion to have an onsite inspection of the property, everyone to go in pairs when they can arrange it. Duane Fay seconds the motion. Vote is 6-0-0 in favor of the motion. Phil is told to have everything flagged where he wants it.

9:00 The request of the Fraternal Order of Eagles is discussed. Dwayne Woodsome made the motion to approve the change of use on Map 18 Lot 8 to allow the Eagles to have their meeting house with the following conditions; a. paved parking to consist of not less than 28 spaces, to be determined by the CEO, by 90 days after opening or July 1, 1998 whichever comes first. b. the Eagles must provide a second HH200 reports with a second acceptable location for the septic system. c. They must hook up to the town water system. d. Never to be over 50 people present at one time. e. No off premise parking allowed. f. Must comply with the town's noise ordinance. g. Required to use the existing entrances to the roads. H. This use will be reviewed in 6 months and again in one year from the date of occupancy permit. Everett Whitten seconds. Vote is 6-0-0 in favor. Motion carries.

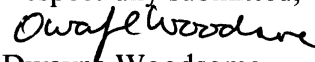
VI OLD BUSINESS

The survey estimates from Tewey and Associates and from Gillespie & Associates for the nitrate study on the proposed Webber Farm Subdivision are reviewed. Roland Denby made the motion to have RW Gillespie & Associates review the study. Everett Whitten seconds. Vote is 6-0-0 in favor. Motion carries.

VII ADJOURNMENT

Dwayne Woodsome made the motion to adjourn at 10:35. Roland Denby seconds. Vote is 6-0-0 in favor. Motion carries.

Respectfully submitted,


Dwayne Woodsome
Treasurer/Secretary

