

# **Town of Waterboro**

## **Planning Board Meeting Minutes**

### **January 10, 2001**

#### **I. ROLL CALL**

Chairman, Douglas Foglio calls the meeting to order at 7:35. In attendance are: Douglas Foglio, Susan Dunlap, Everett Whitten, Todd Morey, Roland Denby Dwayne Woodsome and Tim Neill. Also Attending: Steve Kasprzak, Jim Webster, Jeff Brown and Norm Labbe.

#### **II. APPOINTMENTS**

**7:30 Sebago Technics site plan Waterboro town hall expansion.** Chairman Doug Foglio states that by purchasing the Day property this lot has gone from a non-conforming lot to a conforming lot. The previous approval may not have taken that into consideration. This probably should have gone before the Zoning Board of Appeals. The Planning Board considers safety issues of egresses and parking and such, this is more of a building change, going from a two story to single story building. Doug thinks should vote to approve the site plan under the condition that they receive a frontyard setback from the Zoning Board of Appeals. Susan states that they talked about the building being in two zones and a minor part of the building is in village zone. Doug states that there is different opinions of what is allowed if one building is in two different zones. It is an attached building in the sense that the roofed concrete walkway will attach the two parts of the building, per Steve Kasprzak.

Doug states that originally the Planning Board felt that because the building is attached and because the setback is not changing that they had the right to approve this. By their approval of this conception the voters have approved this plan.

Steve K. asks if Section 2.08 applies to this project. Doug discusses the letter from Ken Cole stating that the Planning Board does not have the right to issue dimensional size reductions on lots created prior to March of 1977. Doug states that he felt the letter to Ken Cole from the Jim Webster, CEO was misleading because it did not address the issue of non-conforming lots of record. Jim states that his intention was not to mislead.

Doug states that this lot is not non-conforming since the town bought the Belval property. This lot started at 1.37 acres and added 3.88 acres with the Day's property. This is a conforming lot with a non conforming structure.

Steve Kasprzak would put emphasis on the paragraph that states that the increase of a non conformance should not be encouraged.

Everett Whitten made the motion to accept this minor change subject to the town receiving all necessary permits. Roland seconds. Motion carries with a unanimous vote in favor.

Todd Morey made the motion to allow the driveway to be moved 10 lateral shift as long as it does not decrease the setback from the right of way, if it means that we can save the 40" spruce trees. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

Doug discusses the letter from Ken Cole of December 11<sup>th</sup>. Ken was asked in a letter from Jim Webster a two part question. Ken only answered one part of the question.

**Town of Waterboro**  
**Planning Board minutes 1/10/01**  
**Page two**

Ken answered the question regarding a conforming lot stating it would have to go to the Zoning Board to get a setback reduction in the form of a variance. Sue reviews section 2.08. Doug states that the Board is going to ask for a new definition of this from the attorney after tonight's meeting. The Zoning Ordinance is very specific that lots created before the zoning ordinance was adopted in March of 1977 could be reviewed for dimensional setback reductions by the Planning Board. Any lot created after that has to conform to today's standards or go to the Zoning Board of Appeals.

There is discussion between the Planning Board and Jim Webster, (CEO) regarding section 2.08. There is further discussion regarding the 30% rule in the shoreland zone. Todd Morey states that no longer should this board sit down and figure out volume increases for applicants. There is lengthy discussion of the Moore conditional use permit. Sue states that Mr. Moore admitted he was over the calculations of the 30% volume increase. Sue states that applications will not be considered at all unless they are complete and concise. Doug states that the board used to make applicants draw their plans to scale. Doug states that the code enforcement officer has the right to require a survey. Doug states that the site plan must be drawn to true scale and a site walk is done to view the property, and if it is approved then it goes on to the CEO and he has the right to require a survey. Dwayne Woodsome states that Roland and Everett will do a site walk done once someone in the shoreland zone applies to go before the Planning Board prior to their meeting with the Planning Board. Todd states that as a Planning Board member his expectations are to be fed the information that is needed to review their applications. Todd adds that as a Planning Board member he should not be doing the applicants work for them, at the expense of the town. Doug states that the Code Office and the Planning Board should give assistance to the applicants. Jim Webster states that if there is a violation, regardless of who the violation is against he will enforce the ordinance. Todd Morey made the motion for a 10 minute recess. Dwayne Woodsome seconds.

**8:30 Jeff Brown and Norm Labbe representing Lake Arrowhead Association regarding the proposed Wellhead protection zone.**

- Jeff Brown states that when he discussed with the Planning Board last January he was asked to provide a set of plans. This map he has presented tonight represents demonstrates the zones that have been proposed.
- Susan asks what is this intent of this proposed change? Sue adds that are they going to propose this change by way of petition or is Lake Arrowhead looking for an endorsement from the Planning Board to bring this to town meeting. Sue states that she believes that the Planning Board last year agreed that they were not going to endorse this proposed change.
- Todd asks what Zone A is on the map.
- Norm Labbe answers Zone A is a 200 A capture zone for the first well. Zone A and B overlap. In Zone A it is required that no new structures be constructed except for LAC community monitoring wells.
- Todd asks who owns that lot. The answer was Lot 1A, B and C Lake Arrowhead owns. Lot 1 is privately owned.
- Sue asks if the people who own lot 1 know that this is being proposed.
- Jeff Brown states that no that not until the public hearing process would they know. Jeff states that the owner has not received notification of this proposal. Norm Labbe explains how the capture zone is determined by the engineers.

**Town of Waterboro**  
**Planning Board Minutes 1/10/01**  
**Page three**

- Doug states that what the Planning Board asked for at the last meeting was a map with clear delineation of what is being proposed.
- Sue states that this map does not show the different property owners that this proposal affects. This map does not reflect all the information that the Planning Board needs to review this proposal.
- Doug states that this proposal does not take into account any of the other three wellhead zones in the town of Waterboro.
- Todd asks what was done to establish the current wellhead protection zones. What was done for reports and analysis and what was done to get these zones voted in. We are getting asked to create a new wellhead zone based on a map that they are having a hard time following without any supporting information. Todd would like to follow the same model that was used to vote in the wellhead zones that we have now. Todd states that they need to know that the property owners know that they are going to be affected by this change.
- Jeff Brown states that he was asked last January for this specific map. He states that he requested what the Planning Board needed in order to review this request. Jeff states that he requested to meet last April and repeatedly until now so that this wouldn't be a last minute request.
- Doug and Todd both state that the well has already been installed and hooked up and now Lake Arrowhead wants to create a zone to protect it and take away the right of private property owners to build anything on their property. Todd states that is far above and beyond what our current ordinance has that can't see any reason for it.
- Jeff Brown states that "this is a proposal and if there are parts of the proposal that the board isn't comfortable with this would be revised or refined to the point where the proposal is ready for public hearing to inform the abutters. This meeting was geared to have occurred last April so that this process could have started much earlier. He is here to ask that this process get underway so that they can do anything they need to do to satisfy the needs to move forward with this."
- Doug states again that the well has already been installed which infringes on the rights of the abutting property owners, and now they want the Planning Board to justify it. This affects the wellhead zone of the whole town.
- Sue asks "what are we protecting this well from. There are houses in that zone, why are we restricting all other houses to be built."
- Doug adds "they are trying to do after the fact what they should have done up front. They are taking these people's land without compensation or justification."
- Mr. Labbe states that the first well was put in prior to any type of wellhead protection zone. Norm's opinion is that the State is going to mandate that Water Districts develop wellhead protection zones within the next three years.
- Sue adds that in that zone almost nothing is allowed other than houses or churches. It is a residential zone and there is no access to state aid road. So there wouldn't be any gas stations or any hazardous uses allowed anyway.
- Jeff wants a laundry list of what is needed to review this proposal. He will provide what is asked. The only thing he was asked for is this map that he has brought to the board tonight.
- Sue states that last year the message was very clear that the Planning Board did not support this proposal, and feels that they still don't support it.

**Town of Waterboro**  
**Planning Board Minutes 1/10/01**  
**Page four**

- Dwayne Woodsome made the motion to set a public hearing for February 22. Motion fails for lack of a second.
- Jeff Brown states that he doesn't think they are ready to go to the public.
- Doug suggests we need to have two or three members of the Planning Board meet and read through this and come up with something that we could discuss and meet with the hydrologist. This isn't something we can do before March.
- Doug is willing to review it.
- Todd states he is willing to help.
- Jeff Brown states that they will make themselves available at the Planning Board's time table.
- Doug states the first meeting in March they will set a time table to meet and review the information. Doug states it would be very helpful to think of modifications in the A district that Lake Arrowhead could live with.
- Sue asks isn't it about time that the abutters know this dialogue is going on.
- Doug states we should try to prepare first before informing the public. Doug would like have a list of every property owner that falls within the A and B zone for the March 14<sup>th</sup> Planning Board meeting. At that time the Planning Board may at Lake Arrowhead's expense notify these people.

Everett Whitten made the motion to postpone this meeting till next Monday night, January 15<sup>th</sup>, to discuss gravel pits only at 7 p.m.

**III. MINUTES OF PREVIOUS MEETINGS**

**IV. REPORT OF OFFICERS**

**V. OLD BUSINESS**

**VI. COMMUNICATIONS**

**VII. MISCELLANIOUS**

**VIII. NEW BUSINESS**



**Town of Waterboro  
Planning Board Minutes 1/10/01  
Page five**

Continuation of 1/10/01 meeting.

January 15, 2001

Susan reconvenes the meeting at 7 p.m. noting attendance of: Todd Morey, Tim Neill, Roland Denby, Dwayne Woodsome, Willis Lord, Eric & Diane Herrle and Teresa Lowell.

**OLD BUSINESS**

Reclamation plans will be reviewed on the following four gravel pits: The town's pit, Glenn Bean's pit, MacDonald pit, and Forest Owen's pit.

Discussed the fact that the secretary did not get the entire checklist as discussed at the workshop. Everyone puts their notes together to come up with the complete checklist.

Roland asks about the banking of the pit. Does it have to be in the parameter of the pit or can that go into the setback. Todd states that they discuss the active extraction can not go into the setback but on a case by case basis the reclamation plan might break into that setback, but shouldn't be going to the property line. Roland states that you'd have to go 40' to meet the grade. Susan states the ordinance states working pit. Todd states that this will be discussed more when we get new applications for pits. The Board will have to make the applicant provide specific measurements of the working pit and reclamation slope.

Sue asks how many monitoring wells does the old ordinance require. There are two required for every five acres. The new ordinance only requires one, so the board will require the most stringent being two.

Sue questions sections 10-3, 10-4 and 10-5 where it states that pits aren't required to file a plan. You would want to be able to verify a few things like a monitoring well. Maybe the board can require them to submit a letter of their intentions. Until we resolve this part we can get a letter of intent to comply with section 10. Todd thinks they should make it part of their conditional approval. Todd thinks that these should be standard conditions for all pits.

Roland asks the difference of the 1991 standards as mentioned in section 10-7 as opposed to the old ordinance required 1974 guidelines. Todd answers that the 1991 standards are what the state uses and the 1974 standards are obsolete now. The Planning Board will use the current regulations being 1991 guidelines. Roland states the 100 yards quoted in section 10-9 should be 1,000. This is something that ought to be fixed.

Willis Lord asks if you have a 10 acre pit shouldn't the pit owner have to reclaim anything over the five acre limit as they go? Todd states that DEP requires that you can only have a five acre working pit at a time, and once you get to acre six you have to reclaim. Willis asks if DEP has this regulation shouldn't the town have the same requirement? Todd states that if it is already covered by the state, the requirement is there.

**Town of Waterboro**  
**Planning Board Minutes 1/10/01**  
**Page six**

Diane Herrle asks why the Planning Board is discussing holding a public hearing on the reclamation plans. Todd Morey explains to the Mrs. Herrle that it is a requirement under section 6.2 of the ordinance.

After this discussion the following was the end result for the checklist for Reclamation Plan Review.

- Land owners name and all abutting property owners names including tax map and lot numbers
- All zones must be depicted on map
- Existing waterbodies on existing properties and proposed waterbodies
- Access roads / major roads in relation to property
- erosion control plan as a minimum or current state standards
- A recent survey that will include the total property showing the current area of extraction. This survey must have been done within the last five years or provide a guarantee that the most recent boundary lines have not changed
- Must show existing trees and proposed trees that will serve as the visual and acoustical buffers. A photo is sufficient if the trees are existing.
- Show slopes no steeper than 4-1
- Statement regarding loamed and seeded areas will be guaranteed for 18 months showing trees that are going to be preserved or planted. A photograph would be sufficient.
- Proposed visual and acoustic buffer
- Gates may be waived under Section 4.03 (optional)
- Provide language and placement of posted signs
- Confirm via statement a guarantee that maintenance on this project will continue through the rehabilitation of the project and provide the general maintenance plan
- Provide estimated cost of rehabilitation plan.
- If there will be standing water at the completion of rehabilitation the plan must meet all the requirements of the Extractive Industry and Land Reclamation Ordinance section 11.7 a through g.

**The first pit to be reviewed for reclamation plan is Forest Owen.**

The following is a list of additional information required to move forward with the review of this reclamation plan.

- Survey of the property showing the zoning districts your property covers.
- Provide all abutting landowners names with tax map and lot numbers.
- Depict all existing and proposed waterbodies on your plan.
- Clearly depict the overall extraction area.
- Show all access and major roads on your plan.
- Provide an erosion control plan which complies with current state standards.
- Show 4-1 slopes.

**Town of Waterboro  
Planning Board Minutes 1/10/01  
Page seven**

- Provide a statement on how your intend to dispose of the grubblings generated which complies with all state and town regulations.
- Provide a statement on the plan to giving guarantee that all loamed and seeded areas will remain so for a period of no less than 18 months.
- Must show existing trees and proposed trees that will serve as the visual and acoustical buffers. A photo is sufficient if the trees are existing.
- Provide the language and posting location of all signs.
- Provide a statement guaranteeing continued maintenance of this project through the reclamation process per the rehabilitation plans.
- Provide the cost of the rehabilitation.
- Provide a statement as to whether or not there will be standing water at the termination of the project and if it is expected provide a further statement showing a plan for compliance with Section 11.7 a-g (copy enclosed).
- The Planning Board has waived the requirement to gate your property under section 4.03 of the ordinance.
- Reiterate the same information that was included in the 12/8/00 letter regarding the expected final use of the property after reclamation and the estimated completion and closure date.

**The next pit reviewed was Glenn Bean's pit. The following is a list of additional information required to move forward with the review of reclamation plan.**

- A Larger scale drawing and or map.
- Show all waterbodies including streams etc, labeled clearly on the drawing.
- A recent Survey of your property lines. This survey must have been done within the last five years or provide a guarantee that the most recent boundary lines have not changed since the last survey.
- Label Route 202 on the map.
- Show 4-1 slopes.
- A statement on how you intend to handle the grubblings per town & state ordinance.
- A statement of guarantee that the seeded and loamed areas will remain for a period of 18 months.
- Show the trees on the property that serve as visual and acoustical buffers. A photo is sufficient.
- Provide the language and posting location of all signs.
- Confirm that you will provide maintenance of your project through the rehabilitation process in compliance to the rehabilitation plan.
- Provide the cost of the rehabilitation plan.
- Make statement as to whether or not there will be standing water at the completion of the rehabilitation and if so, you must provide a statement showing that you intend to comply with section 11.7 a through g of the Extraction Ordinance ( a copy enclosed).

**Town of Waterboro  
Planning Board Minutes 1/10/01  
Page eight**

**The next pit reviewed is the MacDonald pit run by Leighton Excavation. The following is a list of additional information required to move forward with the review of this reclamation plan.**

- The remainder of the abutters shown need tax map and lot numbers labeled on their property. The property owners across the street need to be listed with map and lot numbers as well.
- Depict the zones that your property is in on your map.
- Provide a standard topographical map.
- Provide a statement as to whether or not there are existing or proposed waterbodies on the property.
- Depict the overall extraction area on your map.
- Add metes and bonds along with a certified surveyors stamp.
- Label all access roads and major roads on the plan.
- Provide an erosion control plan to comply with current state standards.
- Show 4-1 slopes on the plan.
- Statement on the plan showing how you intend to dispose of grubblings complying with town and state regulations.
- Statement on the plan to giving guarantee that all loamed and seeded areas will remain so for a period of no less than 18 months.
- Must show existing trees and proposed trees that will serve as the visual and acoustical buffers. A photo is sufficient if the trees are existing.
- Provide the language and posting location of all signs.
- Provide a statement guaranteeing continued maintenance of this project through the reclamation process per the rehabilitation plans.
- Provide the cost of the rehabilitation.
- Provide a statement as to whether or not there will be standing water at the termination of the project and if it is expected provide a further statement showing a plan for compliance with Section 11.7 a-g (copy enclosed).
- The Planning Board has waived the requirement to gate your property under section 4.03 of the ordinance.

**The last pit to be reviewed is the town pit on Bennett Hill Road.**

The following is a list of additional information required to move forward with the review of this reclamation plan.

- Provide a list of all abutters names and tax map and lot numbers to this property.
- Depict all correct and current zones your property is in (see your note 3)
- Show any proposed zones, if none so state.
- The plan needs to show consistency in active area size and final area size.
- Show access roads on the plan.
- The plan must comply with town and state ordinances regarding grubblings (see Note 11)
- Provide a statement of guarantee that the loamed and seeded areas will remain so for a period

**Town of Waterboro**  
**Planning Board Minutes 1/10/01**  
**Page nine**

of no less than 18 months.

- Depict the trees used for visual and acoustical buffers. If existing, a photo is sufficient.
- Provide the cost of rehabilitation.

Get the checklist officially typed up and titled. A copy to each applicant. A review of the checklist as it relates to their pit will also be sent to the pit owner.

It is decided to send a registered letter to these four pit owners giving them notice of these required additional information. The due date for the information will be four Planning Board meetings from the date the letter is sent out.

Respectfully submitted,

*Dwayne Woodsome*

Dwayne Woodsome  
Treasurer/ Secretary

**APPROVED** Date: 2/22/01

\_\_\_\_\_  
Chairman, Doug Foglio

\_\_\_\_\_  
Dwayne Woodsome

*Todd Morey*  
\_\_\_\_\_  
Todd Morey

*Everett Whitten*  
\_\_\_\_\_  
Everett Whitten

*Susan Dunlap*  
\_\_\_\_\_  
Vice Chair, Susan Dunlap

*Roland Denby*  
\_\_\_\_\_  
Roland Denby

\_\_\_\_\_  
Tim Neill

# Town of Waterboro

January 25, 2001  
Planning Board Meeting Minutes

## I. ROLL CALL

Chairman, Douglas Foglio calls the regular Planning Board meeting to order at 7:40 p.m. Attending from the Planning Board are: Doug Foglio, Chairman, Susan Dunlap, Dwayne Woodsome, Everett Whitten, Tim Neill, Todd Morey, and Roland Denby. Attending from the public: Teresa Lowell and R. Georgitis.

## II. APPOINTMENTS

**7:30 P.M. R. Georgitis representing Edna Kasprzak regarding application for a three lot subdivision on Map 11 Lot 15.** Mr. Georgitis reviews the proposal stating that the property is a 10 acre lot located off Webber Road. The request is for three lots. Two of the lots are 80,000 square feet each and the third back lot is the remainder of the parcel being 6 acres. The soils are gravelly. The frontage for these lots is off Hanscom Road. Roland Denby questions whether Hanscom Road is a town Road. There is discussion regarding where the run-off from these lots would go. It is agreed that there will have to be a site walk of the property to determine whether there will be a waiver regarding contour lines on plans. Dwayne Woodsome made the motion for the Planning Board to have a site walk at the property at 9 a.m. this Saturday, January 27, 2001. Todd Morey seconded the motion. Motion carries with a unanimous vote in favor. This subdivision application will be brought up at the next Planning Board meeting under old business to review the waiver requests and review the preliminary subdivision plan.

**8:00 P.M. Andre and Susan Cote application for height modification on May 11 Lot 42 under Section 8.01 of the Zoning Ordinance.** The Cote's are not present to review the plans, and it is decided to review them anyway. Doug Foglio asks whether this should go to the ZBA for a variance. After some discussion it is decided to write to the town attorney and request a clarification as to what triggers whether the Planning Board has the right to review a height modification under Section 2.08 or whether the ZBA must grant a variance. Susan Dunlap made the motion to hold the Cote application until the next meeting after receiving clarification on this question. Dwayne Woodsome seconds the motion. Motion carries with a unanimous vote in favor.

## III. MINUTES OF PREVIOUS MEETINGS

There was not an original copy of the last meetings to be approved. No minutes were approved at this time.

## IV. REPORT OF OFFICERS

Doug Foglio brings up that it has been brought to his attention that there is a complaint regarding a lot in Sunshine Acres subdivision off Robert's Ridge Road. One of the lot owners isn't happy than another lot owner has a right to pass across their lot, which is allowed under subdivision. Doug suggests that if they come to the Planning Board to revise the subdivision plan that they be sent to DEP to revise the plan, since DEP originally had to approve this subdivision.

**Page 2**  
**Planning Board Minutes**  
**January 25, 2001**

Dwayne Woodsome reports that he has had a complaint about a lot on Webber Road that a house has been built too close to the cemetery. The plan was reviewed for this subdivision and it is determined that the house may not be in violation of the subdivision requirements.

**V. OLD BUSINESS**

Selectmen's Assistant, Nancy Brand had requested that Dwayne Woodsome bring up the subject to the Planning Board of the overlay voted in at last year's town meeting and whether the intent was for that to be temporary or permanent. Todd Morey states that however the article reads is all that matters. There was nothing in the wording of that article to suggest it was a temporary overlay.

Susan Dunlap submits to the Board the research that she did regarding injuries to people as a result of gated properties. Susan states that she feels the Planning Board should not get involved in demanding the gravel pit owners to gate their property for the reasons she submits in her research.

**VI. COMMUNICATIONS**

Discussed Bob Fay's letter regarding consultant fees.

Discussed the memo to the Planning Board requesting an opinion on Jim Webster's request to submit two warrant articles on shoreland zoning to town meeting. Todd Morey made the motion to recommend to the Selectmen not to put these warrant articles on this year's town meeting due to time constraints in getting public input. Susan Dunlap seconded the motion. Motion carries with a unanimous vote in favor.

Discussed the letter from DEP regarding East Waterboro Mini Storage. It refers to a letter from the Planning Board office dated 12/29/00. The Board directs Patti to research the content of that letter. The Board also directs Patti to write a letter to East Waterboro Mini Storage and ask what their intentions are for further development on that site.

**VII. MISCELLANEOUS**

**VIII. NEW BUSINESS**

**IX. ADJOURNMENT**

Dwayne Woodsome made the motion to adjourn at 10:05 p.m. Susan Dunlap seconds the motion. Motion carries with a unanimous vote in favor.

Respectfully submitted,  
Dwayne Woodsome, Secretary – Treasurer

**Page 3**  
**Planning Board Minutes**  
**January 25, 2001**

Approved Date: 2/14/01

\_\_\_\_\_  
Douglas C. Foglio, Chairman

Dwayne Woodsome  
Dwayne Woodsome, Secretary- Treasurer

Roland Denby  
Roland Denby

Everett Whitten  
Everett Whitten

\_\_\_\_\_  
Susan Dunlap, Vice Chairman

Todd Morey  
Todd Morey

Tim Neill  
Tim Neill



# **PLANNING BOARD**

## **Town of Waterboro**

### **Meeting minutes**

### **February 14, 2001**

#### **I. ROLL CALL**

Dwayne Woodsome called the meeting to order at 7:50 p.m. noting the attendance of Todd Morey, Everett Whitten, Tim Neill and Roland Denby. Attending from the public: Cal Knudson.

#### **II. APPOINTMENTS**

##### **7:30 Cal Knudsen Map 5 Lot 31 Request for lot line change on lot #4 Bartlett Pines Subdivision**

Cal states he would like to start off with a couple of questions. 1. What is the lot size requirement and road frontage for duplexes in that zone. Todd states that Road frontage is the same requirement by zone no matter what the use is. Dwayne states that as far as duplexes go, the lot size would be two times the requirement for a single family residence in a particular zone.

2. What the zoning requirements are for in-law apartments. Dwayne Woodsome states that in-law apartments require a conditional use permit for the fact that one condition would be that if the situation changes the apartment can not be used as a rental unit. One requirement for an in-law apartment is that it doesn't have a separate entrance. There would have to be access from the apartment through the house. Dwayne suggests to Cal that he build duplexes, not in-law apartments. Because if the property is sold, in-law apartments are not to be rented.

Cal presents his plan for Bartlett Pines with the proposal that the 10 foot buffer zone that he kept in the original plan between properties be deeded to the right of way. This would make a 60 foot right of way. The purpose of the 60 foot right of way is for ingress and egress. Cal states that it is possible that he builds the road so it loops back out onto Deering Ridge Road. Cal informs the Board that he is purchasing the land abutting Bartlett Pines and his intentions are to apply to Waterboro for Bartlett Pines Phase II. He also wants to subdivide the abutting lot which is in the town of Lyman.

Cal asks the Board their opinion on whether he should apply to Waterboro first before applying in Lyman? Dwayne states that Waterboro would inform Lyman of any activity that abuts town lines.

Cal also informs the Board that if time constraints come into play that he is within his rights to deed a right of way to the abutting parcel and build one house on it prior to getting subdivision approval. The Board doesn't argue that he has that right.

Discussion reverts back to the lot line change. The Board doesn't have a problem with this change and informs that Cal would have to get written approval from all property owners within the approved subdivision prior to any change to the subdivision plan. Patti is asked to research what this will entail and get back to Cal.

### **III. MINUTES OF PREVIOUS MEETINGS**

Everett Whitten made the motion to approve the minutes of December 13, 2000. Roland Denby seconded. Motion carries with a vote of 4-0-0 in favor.

Todd Morey made the motion to approve the minutes of January 25, 2001. Everett Whitten seconds. Motion carries with a vote of 4-0-0 in favor.

### **IV. REPORT OF OFFICERS**

### **V. OLD BUSINESS**

- Discussed **proposed Edna Knoll Subdivision Map 11 Lot 15**. Everett and Roland went on the site walk. Todd also stopped by the property to look at the land. Todd states that based on the way the land slopes he feels there would have to be quite a bit of fill and that would change the drainage patterns. Todd adds that it is not uncommon for property close to a waterbody having a clay lens below the gravel and this would also effect the water drainage. For this reason he would like to see a hydro plan. Dwayne Woodsome states that they required these plans for the Webber Farm subdivision and that is on the other side of Webber Road, because people were concerned about the lake. At this time the request for waivers of section 6.2.1 were discussed. Todd Morey made the motion to approve the waiver for Centralized Mail Delivery and to deny the request for waiver on 6.2.1.9 Contour Intervals, and 6.2.1.14 Drainage Plan, and 6.2.1.21 Soil Erosion & Sediment Plan and 6.2.1.26 Hydrogeological Impact Study. Tim Neill seconds the motion. Motion carries with a vote of 4-0-0 in favor.
- Discussed the proposed zoning article as put on the warrant for town meeting by the Board of Selectmen. The Board feels that the Selectmen have made it possible with two articles to be back to square one with the town's pit being not allowed in that zone. The Board also noted that it would have been good policy to have received a notice that this would be placed on the warrant. The Board doesn't fully understand the intent or purpose of the article to form a committee to review primary and conditional uses.
- Planning Board reviewed the checklist for Reclamation plans and Todd suggested to word the slope requirement to "Show slopes no steeper than 4-1" The Board also reviewed the letters to the four pit owners who are in the reclamation plan review process. Todd states that with the change in the wording regarding the slopes to send the letters out requesting more information with the April 10<sup>th</sup> deadline and to send them registered mail.

### **VI. COMMUNICATIONS**

- Discussed the letter from Bob Fay to Patricia Swett. Dwayne Woodsome states that he agrees that squaring off that road would be an improvement but he does not agree that there should be any violations because the town created this problem. Todd agrees that you can't even call that a violation.
- Discussed the email from Chuck Crook regarding a right of way problem in Sunshine Acres. He will be referred to DEP because DEP had to review and permit this subdivision.

## Planning Board Meeting Minutes 2/14/01

### Page Three

- Discussed the request from Willis Lord to meet with Rich Baker from DEP and the Board of Selectmen and the Zoning Board of Appeals regarding the 30 % volume increase in the shoreland zone. The Planning Board feels they fully understand that they can not go over 30% increase in volume or square footage. They understand they can't exceed either one. Todd Morey made the motion to invite the Selectmen to the February 22<sup>nd</sup> Planning Board meeting to explain this. Everett Whitten seconds. Motion carries with a vote of 4-0-0 in favor. Roland Denby states that the Planning Board is going to require the applicant to provide certified proof of the calculations.
- Planning Board notes the invitation from the Board of Selectmen to the Comprehensive Plan update meeting on February 26<sup>th</sup>.

### VII. MISCELLANEOUS

### VIII. NEW BUSINESS

- **Gorham Savings Bank** (Map 25 Lot 6) submitted a request to install pole lights on their site instead of the proposed Bollard lights. Patti reports that she spoke with Sue Dunlap regarding this request and passed on Sue's opinion that if the plan specified the lighting that Sue felt this should go back to a public hearing. After review of the final plan and seeing that the lighting was not specified, and the memo from Jim Webster, CEO that he found this to be a minimal and positive change, Todd Morey made the motion to consider this a minor change and to send this to the CEO for approval. Everett Whitten seconds. Motion carries with a vote of 4-0-0 in favor.

### IX. ADJOURNMENT

Todd Morey made the motion to adjourn at 9:45. Everyone seconded. Motion carried with a 4-0-0 vote in favor.

*Dwayne Woodsome*  
Respectfully submitted,  
Dwayne Woodsome,  
Secretary/Treasurer

APPROVED Date: 2/22/01

Chairman, Doug Foglio

*Roland E. Denby*  
Roland Denby

Vice Chair, Susan Dunlap

*Everett Whitten*  
Everett Whitten

Tim Neill

*Todd Morey*  
Todd Morey

Dwayne Woodsome

# **PLANNING BOARD**

## **Town of Waterboro**

### **Planning Board Meeting Minutes February 22, 2001**

#### **I. ROLL CALL**

Susan Dunlap calls the meeting to order at 7:35 p.m. noting attendance of Dwayne Woodsome, Roland Denby, Todd Morey and Everett Whitten. Attending from the public are Bob Fay, Willis Lord, Bob Gobeil, Teresa Lowell.

#### **II. APPOINTMENTS**

**7:30 Attending from the Board of Selectmen are Bob Fay and Willis Lord.** Dwayne Woodsome explains that the request from Willis Lord for a meeting with DEP regarding the 30% rule is not necessary. Dwayne explains that the planning board understands the intent of the letter from DEP. Roland Denby explains the planning board's reason for the calculations they were using to figure the 30%. In the guidelines it says to figure square footage or volume so the board was using either or and whichever was less. Now the Board understands that neither square footage or volume can exceed 30% expansion. Susan states that she feels a letter of explanation should go to Rich Baker from the Planning Board so that they understand the planning board was not blatantly disregarding their guidelines. The Planning board is no longer going to do the calculations for the applicant. The applicant will provide the figures by someone qualified.

There is a brief discussion regarding the two warrant articles that affect the Planning Board. Bob Fay stated that the intention of a review committee to look at conditional and primary uses is for that committee to come back with suggestions to the planning board for possible future changes to the zoning ordinance. The Planning Board expressed their concerns with the article relating to the zoning change for Bennett Hill road area and wondered if the Selectmen understood the overlay that was voted in could be repealed and the second article changing the zone could be denied, leaving the town's pit illegal in the zone that it is in. Both Willis and Bob said they are aware of that possibility.

**8:00 Site Plan Review application from Frances Edward Wood for a Car wash / Laundromat / coffee shop at the corner of Hamilton Road and Route 202 Tax map 11 lot 42.**

Attending to present this proposal is Steve Stearns and Alan Burnell from Pinkham and Greer and Kevin Smith and Ed Wood property owners.

Steve Stearns gives an over view of the proposal. There are 50 parking spaces provided in this plan. A stormwater management plan will have to be approved by DEP. Pending the Planning Board review they will make application to DEP for the necessary permits.

Allen Burnell explains the waste management system. There are three areas for waste water to be contained. The water from the coffee shop will go through a grease trap and then on into a septic system. The lube shop will have no floor drains. DEP treats auto car washes as high risk waste so the water from the car wash will run through a reclaim system and be treated and then sent to the

**Planning Board minutes 2/22/01**

**Planning Board minutes 2/22/01**

**Page two**

septic system. Mr. Wood adds that 70-80% of the water will be reclaimed and re-used. The septic systems are leachfields with concrete chambers.

The narrowest distance from the pavement to the brook is 55 feet. There are no buildings within the 100 foot setback from the brook.

Dwayne Woodsome feels that before we go too far we should send this project to DEP for their permits and then have the town review it.

Roland Denby asks if the soils are adequate to handle the septic system and how high is the water table on this lot. Mr. Burnell answers the water table is five feet below the surface. There are four monitoring wells on the lot and they have studied the level and flow of the ground water as is depicted in the reports on nitrates and ground water flow done by Gillespie and Associates.

Roland Denby states his concern that the run off into Hamilton Brook flows into Shaker Pond.

Mr. Burnell states that they are required under storm water law to apply to DEP and that is why they have installed the capturing ponds and retreating the water. Mr. Burnell adds that all water from this site will remain in the ponds and be treated.

Dwayne Woodsome asks them to depict where the floodplain is on their maps. Susan states that it would be hard to convince anyone with these reports that this area isn't wet when we see the flooding every season.

Susan asks how close the pavement is to the closest property line. It is 15 ' at the closest point.

Susan asks if they have considered going to DEP first for their stormwater permit and permit by rule? Mr. Stearns answers that Waterboro's is the most stringent restrictions so they wanted to get a ruling from the Planning Board first so as not to have to apply to DEP with an unapproved plan.

Susan asks how many people are estimated to use the car wash. Mr. Wood answers his estimate is 30-35 cars a day.

Todd Morey states that parking facilities are not permitted in the stream protection district according to the Zoning Ordinance. They would have to remove the parking lot from the stream protection zone.

Teresa Lowell asks about the source of water. Susan states that they would be on town water and feels that the current system is at capacity. The Waterboro Water District would have to be involved in this process.

Dwayne Woodsome explains that DEP has been in contact with the town because they have received complaints about this project. Susan asks what the neighbors have been told about this project. Mr. Wood states that only within the last couple of days were the abutters informed in writing of this proposal.

**Planning Board minutes 2/22/01**

**Page three**

Bob Gobeil would like to know if they are providing sidewalks as part of their proposal. This would all be discussed at any future public hearings. Mr. Wood is agreeable to providing sidewalks in his proposal.

Dwayne asks if there is going to be room for tractor trailers to pull in off the road to get to the coffee shop. Mr. Wood answers that there plan by design is to discourage that type of traffic. Susan asks about the hours of operation. Mr. Wood answers that the coffee shop/ Laundromat could possibly be open from 4-5 a.m. to 10 at night. The car wash would be from 7-8 a.m. to 7-8 at night. They would turn the lights off at night.

Susan states that the first thing they need to do is remove the pavement from the stream protection zone. The town also needs to know that DEP is being consulted on the necessary permits in writing by DEP. There will be a third party review of this application.

Mr. Burnell will provide a new plan showing the parking lot out of the stream protection zone. They will provide proof that they are in contact with DEP and they will provide sidewalk access on their plan. This information will be provided prior to the next meeting so that the planning board members may review it prior to their meeting.

**9:00 Bill Thompson from BH2M for a preliminary plan for Meadowbrook Acres subdivision proposed by Andy Cote on Tax map 11 Lot 42.**

Bill Thompson gives an over view of the plans for this 14 lot subdivision. He explains the contour lines are hand topo for the road design and drainage and the rest are taken from the USGS topo maps.

There is a fire pond for safety and all the stormwater will be drained to this fire pond.

Dwayne states that the first thing we need to address is the length of the dead end road being 1800' and he is asking for a request for a waiver. Brookside drive was designed as a low volume road and has already received two waivers to extend the dead end. Dwayne questions whether the Planning Board can grant another extension. Todd Morey states that more than 25 houses on a road puts into a collector road status and a collector road cannot be a dead end.

Dwayne states that the road will either have to extend to Deering Ridge Road or create some type of loop so this is not a dead end.

Susan states she is not in favor of developing a road through that beautiful piece of property or of having all that traffic coming out onto that hill.

Dwayne states that if he has his way if this subdivision goes through there will be a stipulation that there will be no further development of this property and Mr. Cote would have to sign off on that and it would also be required to be recorded on the plan.

Dwayne thinks this should be sent to the Road review committee to make a recommendation. Roland states that the requirement for a dead end road is no more than 600'. They have granted

## **Planning Board minutes 2/22/01**

### **Page four**

waivers but 1200' is as long as they've gone. Susan asks if they are proposing to build this road up to town standards. Mr. Thompson answers yes. Susan adds that she doesn't want him to understand this means it is a town road or that the town will maintain it.

Bill Thompson asks the Planning Board what their concern is regarding the length of the dead end. Dwayne answers that safety is the concern. If a tree or wire is down there are a lot of people who wouldn't be able to get out.

Dwayne Woodsome makes the motion to refer this to the town attorney to see if the Planning Board has the right to create a collector road that is a dead end. A copy of the Street design ordinance will be sent to the attorney as well as information on the original subdivision. Dwayne makes reference to section 9.3.1.6 in the Subdivision regulations regarding dead end road standards as well. Everett Whitten seconds. Motion carries with a 4-0-0 in favor.

### **III. MINUTES**

Dwayne Woodsome made the motion to approve the January 10 meeting minutes with the change as discussed with Susan. Roland Denby seconds. Motion carries with a unanimous vote in favor.

Dwayne Woodsome made the motion to approve the February 14 meeting minutes. Todd Morey seconds. Motion carries with a unanimous vote in favor.

### **IV. REPORT OF OFFICERS**

### **V. OLD BUSINESS**

Dwayne Woodsome states that the information on the Otto Brandt pit has been located which provides the necessary information to exempt this pit from active status of the gravel ordinance. Dwayne Woodsome made the motion based on this information pursuant to section 16.1 of the Extractive Industry and Land Reclamation Ordinance that the Otto Brandt pit owned by Douglas Foglio is exempt from proof of active status requirements. This is due to the fact that this pit has a current DEP permit filed with the town and through the towns lack of objection to this process has approved this pit. This is in accordance with town attorney advice. Permit # 362 was issued on 8/18/99 by ME DEP. Roland Denby seconds the motion. Motion carries with a vote of 3-0-1 in favor with Everett Whitten abstaining.

### **VI. COMMUNICATIONS**

### **VII. MISCELLANEOUS**

### **VIII. NEW BUSINESS**

**IX. ADJOURNMENT**

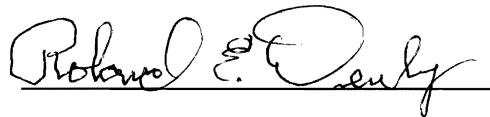
Dwayne Woodsome made the motion to adjourn at 10:25 p.m. Roland seconds. Motion carries with a unanimous vote in favor.

Approved Date: 3/4/01

A stylized, handwritten signature in dark ink, appearing to be 'Dwayne Woodsome', written over a horizontal line.

Dwayne Woodsome

Everett Lebeck

A handwritten signature in dark ink, appearing to be 'Roland E. Lebeck', written over a horizontal line.



# **PLANNING BOARD**

## **Town of Waterboro**

**Planning Board Minutes**  
**March 14, 2001**

### **ROLL CALL**

Doug Foglio calls the meeting to order at 7:30 noting attendance of Dwayne Woodsome, Tim Neill, Todd Morey, Roland Denby and Everett Whitten. Bob Gobeil was also present.

### **APPOINTMENTS**

#### **7:30 Kevin and Elwyn Owen - Site Plan application for a Rest/Café I on Map 19 Lot 23**

Kevin Owen explains the project. They want to tear down the building where the mustangs country store is now and add on to the building where the video store is to make it a Restaurant/Café. Kevin states in his opinion this would spruce up that corner.

Doug asks Kevin if he has been in contact with DOT. Kevin has the permits from DOT to enter onto West Road.

Todd Morey asks about the portion of the pavement that appears to be in the stream protection zone. Todd states that pavement would have to come out of that zone. This would eliminate 12 parking spaces.

Doug Foglio states he has a concern that they are proposing to tear down one of the last original buildings left in South Waterboro Village that survived the '47 fire.

Doug adds that in addition to site plan review the Owen's will have to apply for a conditional use permit. Kevin disagrees stating that he discussed this with Jim Webster and they are applying for a Rest/Café I which his project falls within those guidelines. They are under 1000 square feet of retail space and using under a 1000 gallons of water per day.

Doug says there is only one bathroom on this plan. Kevin states that is all that is intended. Doug asks how many tables are in this proposal. Kevin states the plan is to supply 60 chairs.

Roland Denby asks if he plans to be on the public water system. Kevin states yes.

Doug asks how many employees and the answer is 5.

Based on that information there would need to be 22 parking spaces provided. Todd asks if there is any handicap parking provided. Kevin answers two spaces on each side of the door.

Doug states that measurements need to be taken as to whether they are 100' away from Hamilton Brook. Kevin states that the drainage from that lot does not drain towards the brook, it drains towards the road.

Doug states that without a complete set of plans that would have elevation contours, the Board has no way to determine this. Doug adds there should be grades on the parking lot, and there should be

**Planning Board minutes 3/14/01**

**Page 2**

some type of contaminant drainage. They can't tell any of this from the map. There is storm drainage on the other side of the street but that belongs to DOT and you can't tie into it.

Doug states they need more information on this map. Doug lists the site plan requirements that are lacking on this plan. Doug states that 1 foot contours will be required on this plan.

There is discussion about the septic system variance application and permit. Doug states that he has concerns about this permit. The application states it is for a building that is going to be torn down and

that the video store will remain on the existing system. The first line of the approval calls this a replacement system for a use that he is not applying for. Dwayne Woodsome states that this would have to be revised.

Doug states that the application states the design flow for this system will be 1,350 gallons per day which puts this in the 40,000 square foot category not the 20,000. This would mean this project would need conditional use review. Kevin states that in the back of that application is the waterflow calculations. The system is designed for that amount of flow but will not be using over 900 gallons total waterflow per day.

Doug asks if Kevin has had a nitrate study done yet. No.

It is decided to turn these plans back to the Code Enforcement Officer for review and insuring that all the required information is provided prior to the application being reviewed by the Planning Board again. Prior to the next meeting the applicant will notify all abutters of this meeting by registered mail as is requirement by the Site Plan Review Ordinance. At the time that a complete set of plans is obtained a public hearing will be scheduled.

Doug states that he thinks that the Historical Society should be made aware of this application and see if they have any objections to this building being torn down.

**8:00 Cal Knudsen - Sketch Plan application for Bartlett Pines II for 7 lot subdivision on Map 5 Lot 31** This is a 27 acre parcel split into 7 lots in the AR zone off Deering Ridge Road. Dwayne Woodsome asks Cal about the request at the last meeting to deed the 10' buffer strip to the 50' road. Cal explains that under the requirements of the subdivision regulations this change would have to be approved by all property owners in the subdivision and not all of them will agree to this change. So he has come in with a new sketch plan providing a 50' right of way across the 10' strip of land. Cal owns the 50' road and the 10' buffer strip and the abutting lot. Cal intends to loop the road back onto Deering Ridge Road with the other end of the loop coming out in Lyman. Cal brings a section of his Declaration of Road Easement to the Board's attention. On Page 3 paragraph 9 it states "The landowner recognizes that additional landowners will be added hereto in the future due to development of properties that may be accessed by the subject right of way." Cal also presented to the Board a copy of a recorded deed that makes specific reference to the Declaration of Road Maintenance Easement.

Doug asks, if it is permissible to deed across the 10' buffer strip to give access to the road, why would it not be legal to deed access across it for driveways to the abutting subdivision to have right of way to the road. Doug requests a written statement from Cal's attorney why it is legal to create the 50' right of way across the 10' buffer strip. The intention is to have the town attorney review this opinion.

Doug asks about the back lot #7 that appears to have no road frontage. Cal states that he intended to create this nonbuildable lot until such a time as the road coming in from Lyman gives it road frontage. Doug states that the Planning Board cannot approve a subdivision that creates a lot with no ingress or egress. Doug adds that because this portion of the subdivision involves splitting town lines between Lyman and Waterboro that a copy of these plans will be forwarded to the Lyman Planning Board for their information.

At this time the Pre-application check list is performed. After determining that the necessary information is provided on the sketch plan Dwayne Woodsome made the motion to accept the sketch plan as presented. Roland Denby seconds. Motion carries with a unanimous vote in favor.

Cal asks two questions of the Board. 1. The road requirement is a 90 degree angle at the intersection. Doug adds, yes plus or minus 10 degree radiuses. The radiuses must be shown. 2. The intention is to pave this road and at what width would be required. The road must be paved 20' wide with 3' shoulders.

**9:00 Lucien Frechette - Setback reduction on Map 29 Lot 28** Mr. Frechette explains that he wishes to tear down his existing 20 x 16 garage and construct 24 x 40 2 car garage on the same spot. His application asks for a workshop area and on the 2<sup>nd</sup> floor to have a great room, a weight room, a bathroom and a kitchen area. There is discussion as to whether this would be considered an apartment. Mr. Frechette states that he has no intention of using this as an apartment. This is an undersized lot of record and is not in the shoreland zone so section 2.08 applies to this request. Doug asks if the lot has been surveyed. It has not. Doug states that any time that a request has been made to go within 10' of the property line the Planning Board has required a letter from the abutting property owner agreeing to the application. Mr. Frechette disagrees this is necessary because he is not going any closer than his garage is now. Doug states he is going from 16' to 40' long and that is why it should be required.

Dwayne Woodsome made the motion to table this application until an onsite visit can be performed and bring this application back under old business at that time. Todd Morey seconds. Motion carries with a unanimous vote in favor.

**9:30 Tom Soule - Site Plan phase II for East Waterboro Mini Storage on Map 5 Lot 35A** Tom Soule and a representative from Land Use Consultants to present Phase II of his application for storage units. Tom would like to move forward with Phase II now and doesn't intend to construct Phase III for several years. Tom is under the impression that the whole site plan was approved based on DEP approval. Doug refers to the minutes of April 14, 1999 where it states the approval was for Phase I only with Phase II and III subject to Planning Board and DEP approval. Doug states that the Board has not been provided a copy of the stormwater management

## **Planning Board minutes 3/14/01**

### **Page 4**

plan and under the site plan requirements a copy for each member of the board and one for the file must be provided.

There is much discussion regarding the natural drainage of this property. There is a 94 grade that runs right through the property that is the natural drain for all the properties on the left side of this lot. Doug states that one thing that was discussed in phase I of this project was that this would not be below the grade of Route 202 and it is. Doug adds that it is this Board's responsibility to look at the affect of a project to abutting properties. The concern is that this project will block the natural flow of drainage in that area.

The representative from Land Use Consultants states that she feels the water will drain to the detention pond. Doug disagrees stating that to get to that detention pond the water would have to run uphill according to the grades shown on this plan. Doug adds that he does not believe that it is legal to block a natural drainage flow. Dwayne Woodsome adds that all the water from this area drains into Cook's Brook.

Doug states that under site plan review ordinance we have the option to send this stormwater management plan out for peer review. Someone who is not a member of this board to confirm or deny the Board's concerns. Roland states that DEP has reviewed this and has approved of their plan. Doug states yes, but he questions whether DEP took into consideration the abutting properties in their approval.

Tom Soule asks if he puts a culvert in where the 94' grade is to keep the natural drain flowing through there would the Board be satisfied with that. The representative from Land Use Consultants asks if they ditch this along the left side of the project and drain that into another detention pond would that work?

Doug states that this should be sent for a peer review so that the Board's concerns can be addressed. Todd Morey agrees that there should be a peer review. Doug adds that there will be another public hearing required.

Todd Morey made the motion to send the stormwater management plan out to peer review and to schedule a public hearing for April 11<sup>th</sup> and we will bring this back under old business for final review on the same night. Dwayne Woodsome seconds the motion. Motion carries with a unanimous vote in favor. Doug adds that we will try to get this done as quickly as possible.

### **III MINUTES OF PREVIOUS MEETINGS**

Roland Denby doesn't like the wording that states that the 30% expansion will be reviewed by someone certified, in the minutes of Feb. 22. He thinks it should state that the applicant will provide that information by someone qualified to do so.

Dwayne Woodsome made the motion to approve the minutes of February 22, 2001 with that change. Todd Morey seconds the motion. Motion carries with a unanimous vote in favor.

#### IV REPORT OF OFFICERS

Dwayne Woodsome reported that he approved the purchase of one file cabinet for the Planning Board.

#### V OLD BUSINESS

The letter from Ken Cole regarding dead end roads is discussed. Doug states that it is clear that there are options for the property owner to do something different than create an extension of a dead end. They could create a horse shoe road like Mr. Knudsen is proposing on his application. Todd states that this letter from Ken is really unclear as to what he suggests. It simply states it is up to the Planning Board.

#### VI COMMUNICATIONS

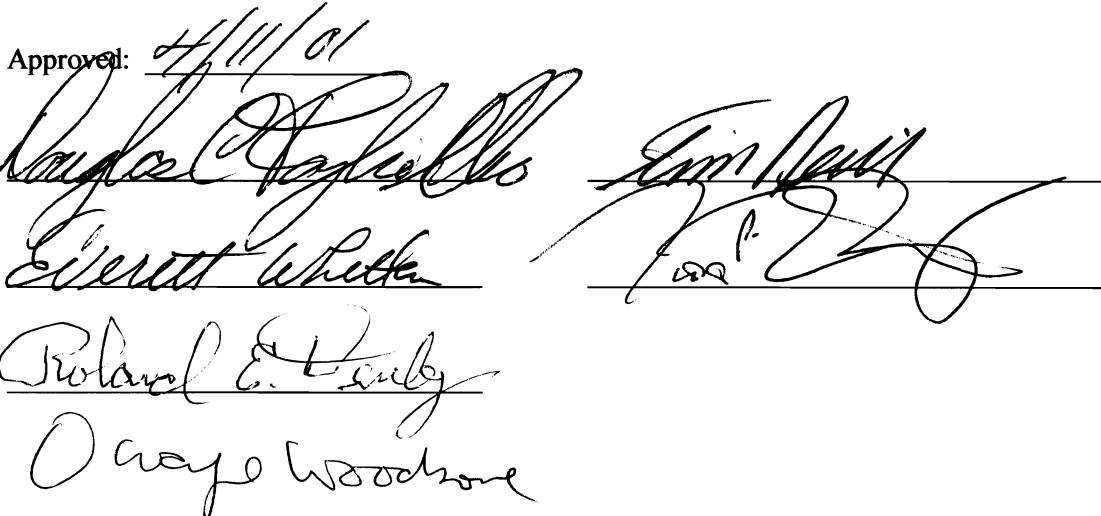
Doug Foglio brings up the letter from Rich Baker and would like to write a letter to him as the Chairman. Doug made the motion for the Planning Board to allow him to write a letter to Richard Baker of Maine DEP to tell him that if the state is going to mandate the town to review their guidelines and there is an expense incurred then the state should be reimbursing the town for that. Everett Whitten seconds the motion. Motion carries with a vote of 3-1-0 with Todd Morey opposing.

#### VII MISCELLANEOUS

#### VIII NEW BUSINESS

#### IX ADJOURNMENT

Todd Morey made the motion to adjourn at 10:45. Tim Neill seconds. Motion carries with a unanimous vote in favor.

Approved: 4/11/01  
  
Doug Foglio  
Everett Whitten  
Roland E. Leiby  
Dwayne Woodsome

# **PLANNING BOARD**

## **Town of Waterboro**

### **MEETING MINUTES**

#### **APRIL 11, 2001**

#### **I. ROLL CALL**

Chairman, Doug Foglio called the regular meeting to order at 8 p.m. following the public hearing of East Waterboro Mini Storage. Attending from the Planning Board are: Doug Foglio, Everett Whitten, Roland Denby, Todd Morey, Dwayne Woodsome, Tim Neill. Attending from the public are: Teresa and Russell Lowell, Bob Gobeil, Robert Georgitis, Steve Kasprzak, Terrance Hackett, Tom Soule, Rick Light, Sharon Illig

#### **II. APPOINTMENTS**

8:00 p.m. Under old business the site plan for East Waterboro Mini Storage Phase II and III on Map 5 Lot 35A is reviewed. Doug Foglio explains that he met with Sebago Technics and the engineers of this plan and reviewed it with them. This drainage plan with its revisions now addresses the additional 16 acres of this lot, which was not dealt with prior to this. Doug stated that Shawn Frank, the engineer from Sebago Technics reviewed this plan for the town. Shawn assured Doug that this plan is acceptable. The town was supposed to receive a fax from Sebago Technics but it hadn't come in prior to the meeting.

Doug states that he sees there is 100' of 12" culvert that is set at ½% grade which he feels will plug in a very short time. Another concern is that the town of Waterboro has a minimum standard for culverts of 15" for. Doug states the proposed culvert does not meet town standards and further believes that the culvert should be 18". Doug adds that the rest of the plan seems to be fine.

Rick Light explains that he can't disagree on the culvert velocity, however this is meant to be an equalizing culvert. Rick stated that the Planning Board could have a condition of approval that the applicant flush out the culvert periodically. They could further condition that they install a smooth culvert in place of corrugated.

Dwayne Woodsome asked if the applicant would rather put in an 18" smooth culvert or have to bond the project? Rick Light states that he is not sure that the 18" culvert will fit.

Todd Morey states he feels that an 18" culvert would slow the flow of water.

Doug Foglio states that the water is not going to flow anyway at ½ % grade. The ground is flat. Doug adds that in the conditions of this approval there should be a complete set of as built plans submitted to the town and that no concrete is poured until an engineer has verified the elevation of all pads and adds that the as built should be done by a registered surveyor or a certified engineer.

Doug states that this is a self created problem by the property owners, because this project was not constructed to the specs of the first approval by the Planning Board. The elevations of the buildings were supposed to be 100.8, which would make it level with Route 202. As it sits right

## **Planning Board minutes 4/11/01 page 2**

now it is 3/10 below the road. If this was built to spec the project would be level with the road and the 18" culvert would fit.

Todd Morey asks for an explanation from Doug regarding that statement as he was not on the board when Phase I was approved. Doug explained that when the project was approved and prior to its completion there were changes in the code enforcement officer at the town and nobody checked the grades. Doug states this is why he thinks the town should require as built plans prior to occupancy being granted. Doug states he is not sure that a code enforcement officer is trained to check the grades and that the planning board should look at reviewing the site plan ordinance to add that requirement of as built plans and checking grades of projects before concrete is poured.

Roland Denby asks Todd Morey if he feels a 12" culvert is adequate.

Todd states that he sees the point Doug was trying to make earlier. That the outlet of the pipe is at the same elevation so the water could back up into it. Doug adds that water will seek it's own level.

Rick Light states he has not problem installing a 15' culvert. He adds that he realizes the flow rate is slow through that culvert but it is meant more to be an equalizing pipe than a drainage pipe.

Doug states that his concern here has never been a question of flow it has been of keeping the water moving through there as it always has.

Rick Light states that he thinks this is a conservative plan to cover the worst case scenarios.

Doug Foglio replies that there is no question about their calculations. When you have a 12' pipe it is very easy for a small animal to get in there and block the pipe. If you gate the ends of the pipe to prevent that, then you can be assured that leaves will clog then end of the pipe. A pipe should allow for some sedimentation but should still allow for flow.

Rick Light states that is reasonable to presume that a businessman being onsite would check the pipe regularly.

At this time the checklist for site plan is reviewed.

- The Boundaries of the site and abutting streets don't apply to this plan.
- The outlines of the building are shown.
- The layout and location of parking is satisfactory.
- The Location of free standing structures (fence) is satisfactory
- The Location of screening and buffers is satisfactory.
- The Location of the utilities does not apply.
- The Topography showing effects on adjacent property is acceptable with the change from a 12" pipe to a 15" smooth bore pipe.

Doug adds that the buildings are equipped with lights so the applicant can submit the plans of the buildings to the CEO before he gets his permits.

### **Planning Board minutes 4/11/01 page 3**

Dwayne Woodsome made the motion to approve the site plan of East Waterboro Mini Storage Phase II and III with the following conditions:

1. Install a 15" smooth bore pipe in place of the 12".
2. Supply the CEO with proof of lighting prior to issuance of a building permit.
3. Verify the grade of the pads prior to pouring any concrete by a certified engineer or registered surveyor.
4. The developer is to furnish the town with a set of as built plans upon completion of the project and prior to occupancy being granted.

Everett Whitten seconds the motion. Motion carries with a vote of 4-1-0 with Todd Morey opposing.

**8:25 Steve Kaskprzak and Robert Georgitis for preliminary plan approval of Edna Knoll Subdivision on Map 11 Lot 15.** Steve Kaskprzak reviews what he has made available to the planning board for their review. He has provided along with the letter of March 16<sup>th</sup>, a hydrogeological study, a nitrate study, and a soil and erosion control plan. Steve reviewed the nitrate study, which he states meets the town's standards.

Roland Denby states that when they did the site walk on this property he noticed a sheer wall where there was once a small pit. Steve says there is a sharp drop and they are going to regrade the pit area to a 2/1 slope near the driveway on lot 1. Steve says this has been like this for 40 years and he doesn't think there is any real danger.

Todd Morey asks if lot 3 is going to be brought up to same grade as the road. Steve answers no.

The checklist for preliminary subdivision plan is reviewed. They need to provide the following information on the plan for final review:

- Add the address of the soil scientist.
- Add the name and address of the hydro-geologist
- Add the width of Logan circle.
- Provide a copy of the restrictive deed covenants

There is a brief discussion about adding a restriction that these lots will not be further subdivided. Roland Denby asks if Steve plans to have any deed restrictions and Steve answers just to have single family residences.

Roland Denby made the motion to approve the preliminary plan subject to the corrections mentioned on the checklist. Todd Morey seconds. Motion carries with a vote of 4-1-0 in favor with Dwayne Woodsome opposing.

**8:55 Terrance Hackett for conditional use / setback reduction on Map 14 Lot 2.** Mr. Hackett explains that by the design of this lot he cannot meet the required setbacks. He is asking for a 1' reduction in the side setback requirement. It is explained to Terrance that he has not included drip edge or steps into his measurements and they are considered for setback.

Dwayne Woodsome made the motion pursuant to section 2.08 to grant a 70' frontyard setback and a 30' rear lot line setback with the following conditions:



## **Planning Board minutes 4/11/01 page 4**

- that all other setbacks are met under section 2.08.
- That the house be laid out by a registered surveyor prior to pouring the foundation to insure setbacks are met.

Roland Denby seconds.

There is some discussion about the septic tank. Dwayne Woodsome recommended that the tank be moved to the other side of the property in case they ever wanted to put a garage there. Doug added that the leach bed should be on the other side of the driveway to the front of the lot so that the well could be moved to the rear away from what Doug knows to be another septic system on an abutting lot. This would allow the availability of the whole right side of the lot for a garage and they would not have to drive across the leach field.

Motion carries with a unanimous vote in favor.

### **III. MINUTES OF PREVIOUS MEETINGS**

Dwayne Woodsome made the motion to approve the minutes of March 14, 2001 as written. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

### **IV. REPORT OF OFFICERS**

### **V. OLD BUSINESS**

Doug Foglio states that a letter was sent to Francis E. Wood regarding the waterways project with concerns about the project being 100' from Hamilton Brook. There has been a site plan application by the Owens's for a use that also abuts Hamilton Brook and all of the same criteria should apply to their application as applies to Waterways. Even though the application from the Owens's has been withdrawn at this point, they are still trying to inquire with the Code Enforcement office about a restaurant on his property.

Doug states that he spoke with Mr. Wood regarding Waterways and they are still going to come before the Planning Board on the 26<sup>th</sup> with a revised set of plans, pulling the whole project out of the 100' setback from Hamilton Brook and other concerns they have about their project.

### **VI. COMMUNICATIONS**

The following communications were handed out to the Planning Board members:

1. Letter from Ken Cole to ZBA
2. Letter from Doug Foglio to Waterways
3. Letter from Ken Cole regarding review of Bartlett Pines Subdivision ROW
4. Letter from Ken Cole regarding subdivisions
5. Letter from Ken Cole regarding recent supreme court rulings
6. Notice of Public Hearing for ZBA of 4/25/01 of Russell & Trina Waterman

### **VII. MISCELLANEOUS**

**Planning Board minutes 4/11/01 page five**

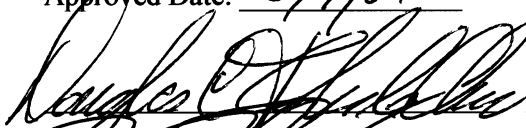

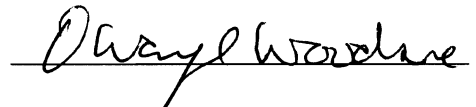
1. Doug and Todd discuss setting a meeting with Lake Arrowhead to review their proposed wellhead protection zone. Todd will call Patti with his available dates and she will set a meeting with Jeff Brown and their engineer and inform Doug and he will make every effort to be there.
2. Discussed holding a workshop to continue the process of reviewing the zoning ordinance with Sebago Technics. Doug states that he would like on the agenda for that meeting to discuss a change to the site plan inspections and having as built done of projects to make sure projects are built to spec.  
Dwayne Woodsome made the motion to set a workshop date of May 3 at 7:30 and will invite Walt Stinson from Sebago Technics to sit in on this workshop as a consultant. Roland Denby seconds the motion. Motion carries with a unanimous vote in favor.
3. Doug announces the Zoning Board of Appeals hearing of 4/25/01 to hear the appeal of the planning board decision for Russell and Trina Waterman.

**VIII. NEW BUSINESS**

**IX. ADJOURNMENT**

Dwayne Woodsome made the motion to adjourn at 9:30 Everett Whitten seconds. Motion carries with a unanimous vote in favor.

Approved Date: 5/9/01

 Roland E. Denby  
 Everett Whitten  
 Dwayne Woodsome

# **PLANNING BOARD**

## **Town of Waterboro**

### **Public Hearing Minutes**

**April 11, 2001**

Dwayne Woodsome called the public hearing to order at 7:38. Attending from the Planning Board were Dwayne Woodsome, Everett Whitten, Tim Neill, Roland Denby, Todd Morey and Doug Foglio. Attending from the public were: Teresa and Russell Lowell, Bob Gobeil, Tom Soule, Sharon Illig, Rick Light, Robert Georgitis and Steve Kasprzak.

This meeting is called to review and hear comments regarding the proposed Phase II and III of East Waterboro Mini Storage owned by Tom Soule on tax map 5 Lot 35A on Route 202.

Tom Soule gives an overview of the project. Rick Light introduces himself and Sharon Illig as the project engineers and explains the drainage and stormwater plan. The natural flow of this property is being retained with the revisions made in the drainage plan as discussed at previous meetings with the Planning Board and as reviewed by Sebago Technics. The reasons for making the changes are to treat the water flowage by allowing sediment to drop as it passes through the detention ponds and by allowing stormwater detention in the ponds. The water will continue to drain as it did prior to the project across the property with the installation of the culvert.

Rick Light further explains that Sebago Technics has reviewed the plan for the town and they are comfortable with the calculations.

They are creating a crown by building up the dirt road on the side so that water will not back up onto abutting property.

Roland Denby asks if they build the road up, what will that do to Bob Gobeil's property?

Rick answers that they are grading the road to leave a low point that will remain at the existing grade so that water can continue to drain onto the property.

Todd Morey states that he doesn't feel good about building the road up to a 94.9 grade. Rick Light explains the relief area at the existing grade so that it won't act as a dam.

Dwayne Woodsome asks if there are any questions of the public. There are none.

Dwayne closed the public hearing at 7:55 p.m. and turned the meeting over to the Chairman, Doug Foglio for the regular meeting.

Respectfully submitted,  
Patti Berry, Secretary

# PLANNING BOARD

## Town of Waterboro

Meeting Minutes of April 26, 2001

### I. ROLL CALL

After a ten minute recess of the Bartlett Pines II public hearing closed, Doug Foglio, Chairman called the regular meeting of the Planning Board to order.

Attending from the Planning Board is: Doug Foglio, Susan Dunlap, Dwayne Woodsome, Todd Morey, Everett Whitten, and Roland Denby.

### II. APPOINTMENTS

**Mr. John Hatch with a request for an after the fact setback reduction of 7 feet, 56' to 49' on his property located on tax map 35 lot 25.**

Mr. Ken Clegg of Burke and Clegg out of Sanford is present representing Mr. Hatch as well as John Hatch Jr.

Ken Clegg states that he is here to request a change of the conditional use granted by the Planning Board on June 14, 2000 from 56' to 49'. This property is on Ossipee Lake. The plan was to remove the existing structure and build a home. The vote by the planning board was explicit in that Mr. Hatch could have no more than 898.8 square feet of living space and that he could go no closer to the water than the existing structure. Mr. Clegg stated that they measured from the shed to get the 56' setback from the water that was depicted on the building permit application sketch. An excavator was hired. Gary Moreau put stakes in where the mobile was and began construction with the deck being 49' from the water.

Mr. Clegg states that Mr. Webster was looking at the conditional use permit not the wording of the building permit, which states that the new structure could be no closer than the existing mobile home. Mr. Clegg states the new structure is no closer than where the mobile home was.

Gary Moreau was asked to speak by Mr. Clegg on how he determined where to place the new structure. Mr. Moreau states that before he took the structure down he staked out the mobile home. He found out the new structure had a deck proposed so he had to slide it back 3 feet to get a variance for the septic system replacement. He states the deck is 3 feet back further than where the old structure was.

John Hatch Jr. states that the edge of the mobile is 3' in front of what the deck is today. Sue Dunlap asks why is 56' chosen by the planning board as a setback from the lake. Because that is what Mr. Hatch portrayed to the Planning Board.

Todd Morey states that when the application was submitted the board relies on the information provided by the applicant being accurate. He adds that their requirement of 56' came from the applicant's measurements.

Doug Foglio states that the minutes are very clear. Doug reads the motion of June 14, 2000, "With the updated plan presented Sue made the motion under Sections 2.08, 3.03, 7.01 and 9.03 to allow Mr. Hatch to build a home and open deck not to exceed 898.8 sq. ft. using the total 30% expansion allowed. The standard size entry deck is not to be considered in the expansion. Home and deck is not to be closer than 56' from the water with 30' sideline setbacks. Todd seconds. Motion carries with a 6-0 vote in favor."

Doug Foglio states that the building permit clearly states to build his home per planning board approval and that it is to be no closer than the existing mobile. If the applicant said the mobile was 56' from the water in the sketch that is what the planning board went by.

Doug Foglio further adds that the applicant gave us the building permit application asking for a 55' setback from the water, and the sketch states that the mobile is currently 56' from the water the planning board went by exactly what the applicant gave us. The conditional use permit states that the applicant must record the permit in Alfred at the registry of deeds to become a part of the deed.

Ken Clegg states that he is trying to make the board understand how this occurred.

Doug Foglio asks the CEO who issued the permit to speak. Doug states that Steve Foglio is his brother and asks if anyone has any objections to that. Doug asks if in Steve's opinion did Mr. Hatch understand the 56' setback?

Steve Foglio states that he believed at the time that Mr. Hatch fully understood the setback was 56'. Steve states it was on the sketch plan and on the conditional use permit. Steve added that he issued a stop work order for encroaching on the sideline setback and that Mr. Hatch had to take part of the foundation out because he was 2' too close to the right hand sideline. Steve adds that it stated on the building permit "per planning board approval". Steve adds that a second stop work order was issued because the deck was too close to the water and the living space in the basement was exceeding the 30% expansion.

John Hatch Jr. requested to speak on behalf of his father. He states that his father submitted the plan and several changes were made in the process. His father relied a lot on the code enforcement officer Foglio and the chairman of the planning board. He thinks that Gary Moreau and the carpenter and his father never wanted anything to go wrong. They readily took the foundation out and moved back when it was found over the setback. He explained how the stakes were touching the edge of the structure before it was torn down. He states this is a number error on the plan submitted with a difference of 7 feet. He adds that the so-called living space in the basement is a workshop area not living space. He states that they willingly moved the septic system back.

Dwayne Woodsome states that the septic system would have never been put where it existed so they had to move it.

Roland Denby asks Gary Moreau if he went by the building permit? Gary answers that he never saw the permit. He hadn't seen any building plans and had to come in to the town office to see those.

Todd Morey states that if the building was really 46' from the water and that if they had represented it that way he would have asked them to move it back. It was accepted at 56' because that is how it was presented.

Ken Clegg states that he did go back 3' to 49' not 46' because they had to obtain a variance for the septic.

Susan Dunlap states that they cannot go closer to the water than 56' because that is what it was presented as.

Doug Foglio asks current Code Enforcement Officer, Jim Webster if he has anything to add. Jim states that when he does inspections he goes by the conditional use and enforces those requirements. The reason he put the second stop work order is he did not meet the 56' setback.

Doug Foglio states that at this time the board has two options. One is to take a vote now or they could set up another meeting to review all the tapes. Doug states that any motions made should be in the positive.

Roland Denby states that he thinks this should go before the zoning board of appeals. Roland is informed that they did go before the ZBA and were denied.

Susan Dunlap is very concerned about making a positive motion. She states that to allow them to go any closer to the water is allowing more than the 30% expansion and the state is already watching the town in that regard.

Todd Morey made the motion to approve the request from 56' to 49' under sections 2.08, 3.03, 7.01 and 9.01 to allow Mr. Hatch to build a home and open deck not to exceed 898.8 sq. ft. using the total 30% expansion allowed. The standard size deck is not to be considered in the expansion. Home and open deck is not to be closer than 49' from the water with 30' sideline setbacks. Dwayne Woodsome seconds.

There is discussion regarding this motion.

Jim Webster states that it would not be legal to vote in favor of this motion. We would be allowing a greater non-conformity and someone from the state may intervene.

Susan states she doesn't know how we can allow this. It isn't legal.

This motion is put to a vote at and the motion fails with a unanimous vote opposing.

Doug Foglio states that in the past there was a requirement that all structures on non-conforming lots requires a survey and if we had required on in this case the stakes would have been placed at 56'.

**9:00 p.m. Bill Thompson of BH2M for Andre Cote and his application for subdivision of Meadowbrook Acres requesting further input from the Planning Board.**

Mr. Thompson pulls out the preliminary plan for Meadowbrook Acres and is here to discuss the extension of the dead end that is currently Brookside Drive. Mr. Thompson refers to the letter from the town attorney of March 1, which states that the planning board has the authority to grant a waiver of extension of the dead end.

They intend to do some test pits to see if the ground water will support a fire pond, knowing that fire prevention may be a concern of having such a lengthy dead end. Mr. Thompson lists off some other roads within town depicting their widths; Brookside is 23.6' wide, Townhouse Road is 22' wide. Roland asks what the right of way is on Brookside. Bill answers 50'.

They discussed having a cluster development trying to keep the road to one side of the stream. They need direction from the board before they can proceed with this application.

Doug Foglio states that there has not been a public hearing yet. The owner has the availability of making another access road onto Deering Ridge Road. The length of Brookside drive has already been waived and this is a cloudy area whether the board had the right to grant a waiver of the length of a dead end on top of another waiver.

Doug states he talked with the fire chief about this road with the hammerhead turns and discussed the probability of emergency vehicles getting clustered out there. There are also right of ways depicted on the plan which leaves the possibility of future development so there may be more houses intending here then what this application applies for.

Doug states that in his opinion sis tens would be the better way to plan for fire prevention than a fire pond. There is no danger involved with them, and there would be no worry of freeze ups in the wintertime. Water would always be available. It is within the board's right to require this. The ground water up there appears that it would be very difficult to support a fire pond.

Andre Cote states that he would be receptive to agreeing to never ask to extend the road again after this and would not have a problem agreeing to no further subdivision. His intention is to preserve the area. He has moved to Waterboro and his home is on the back part of this property.

Doug Foglio asks if they plan to build this in one shot or to do it in phases. They plan to build it in one shot.

Dwayne Woodsome asks if they intend to build this road to town specs to be brought to town meeting to become a town road. Bill Thompson answers yes that is the plan.

Doug Foglio states that the next step is to have a public hearing and that the road length is a very large issue.

Andre Cote states there are many roads not plowed through in the winter so basically there are miles of dead end roads in town during the winter months.

Doug Foglio agrees we do have a lot of dead end roads but most of them were created before the street design and subdivision ordinances were adopted. Before the '47 fire there were almost no dead end roads with the exception of Thyng's Mills but that has two ways out.

A public hearing is scheduled for May 24, 2000 at 7:30 p.m. at the town hall to review the application for Meadowbrook Subdivision. After the public hearing we can go over the plans.

A 10-minute recess is taken before the next applicant is heard.

9:30 p.m. Steve Stearns, Alan Burnell from Pinkham and Greer, And property owner, Francis Wood for the Waterways project are present to review their site plan.

Steve Stearns states that they are here to talk about issues that have come up with the project and hopefully get a public hearing scheduled to move forward with this application.

The plan is reviewed and Mr. Stearns explains how the detention pond has been pulled out of the stream protection zone as DEP views this as a structure.

Steve explains the stormwater management plan. He states that they have to treat the first 2 ½ inches of stormwater. The pre-treatment plan has changed since the last meeting.

Doug Foglio asks how long will it be before they are ready for peer review. Doug states to the members of the public who are here because they were notified of this meeting that this is not a public hearing. There will be a public hearing scheduled for this project where they will all be allowed to voice their concerns. Doug further explains that the peer review should be done before the public hearing. When do they expect DEP approval on this project?

Steve answers that with the changes in the sub surface waste system for DEP to review them they don't expect approvals for a week or two after next week.

Doug Foglio explains that we require the plans to meet the standards of our ordinance and that is why we require a peer review. DEP is looking at the plan for their requirements and we are two different organizations.

Steve Stearns reports that they have received the entrance permit from DOT dated April 13<sup>th</sup>.

They moved the treatment for the Laundromat and they are making sure there are no wells within 100' radius of the septic system.

They are building the property up 3-4' to get the drainage to work properly.

Alan Burnell gives an overview of the septic systems. There will be three. One will be a regular domestic system servicing the coffee shop and bathrooms in the Laundromat. One will service the carwash area. The last one will serve the Laundromat with 14 machines and 1800 gallons per day flow. There will be a pre-treatment system and the water will be recycled for the Laundromat.

They have made application to DEP for the system for the automatic car wash, which requires a waste discharge license, and they expect this license around June.

Alan explains the reclaim system. Each bay has a mud sump and the first flush goes into that. Then it goes into a settling tank. Then it goes into an ozonation system before it then goes to the septic tank. Nothing from the car wash will be going into the ground.

Doug Foglio asks if there is a chance of looping the road back around to exit onto 202, in case people ask for that. Steve Stearns doesn't know if DOT will allow two entrances on 202 but they will look into it.

Doug Foglio states that first we have to get a peer review done on the stormwater study and all water discharge studies with nitrates included. Doug adds that under our ordinance we have to have those studies reviewed to make sure that their plans fall within town standards.

Doug states that they should seek alternative outlets than what is on their plan right now. A lot of concerns have been addressed to the board about traffic and about the proximity to wells.

Steve Stearns states that they will locate any wells within 100' radius of the septic systems.

Doug Foglio points out that once the flow of water into a system reaches 2000 gallons per day the distance from wells is required to be at 300'. Doug states that 270 gallons to 1999 gallons the requirement is 100'.



Susan Dunlap questions if there is going to draw on the town water supply too much. Steve Stearns states that he spoke with the Water District and they feel the system can handle the draw. Doug Foglio adds that 2500 gallons per day is an insignificant draw on the water system.

Doug informs the applicants to get their package ready for peer review and to inform the board when they get their first notice that the DEP permits are pending approval. At that time we will schedule a public hearing.

### III. MINUTES OF PREVIOUS MEETINGS

The minutes were not discussed.

### IV. REPORT OF OFFICERS

### V. OLD BUSINESS

The reclamation plans were put off because of the lateness of this meeting.

### VI. COMMUNICATIONS

### VII. MISCELLANEOUS

Roland Denby reported that he and Everett attended that workshop on Boardsmanship. Roland gave all the members a handout from the workshop.

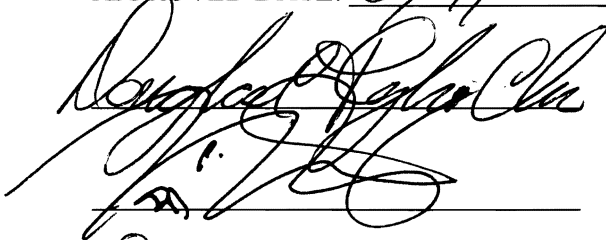
Todd Morey reported that he attended the ZBA hearing of the Waterman's and that is was tabled until they could get more information from their attorney about the fact that the Waterman's did not receive written notification until 23 days had passed.

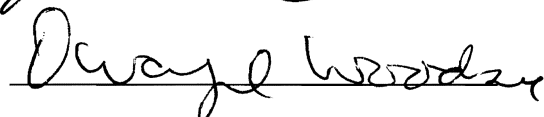
### VIII. NEW BUSINESS

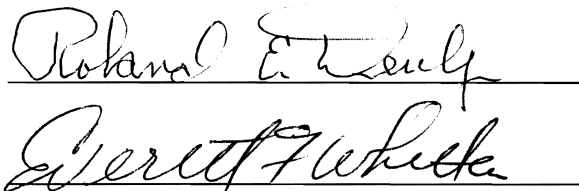
### IX. ADJOURNMENT

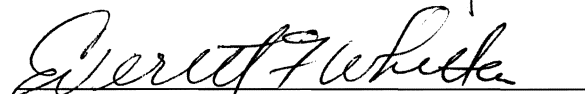
Roland Denby made the motion to adjourn at 10:30. Everett Whitten seconded. Motion carries with a unanimous vote in favor.

APPROVED DATE: 5/9/01

  
\_\_\_\_\_  
Roland Denby

  
\_\_\_\_\_  
Everett Whitten

  
\_\_\_\_\_  
Roland Denby

  
\_\_\_\_\_  
Everett Whitten

# PLANNING BOARD

## Town of Waterboro

Meeting Minutes

May 9, 2001

### I. ROLL CALL

Chairman, Douglas Foglio called the meeting to order at 7:40 noting attendance from the Planning Board of Roland Denby, Dwayne Woodsome, Todd Morey and Everett Whitten.

### I. APPOINTMENTS

#### **7:30 Robert Georgitis for final plan review of Edna Knoll Subdivision Tax Map 11 Lot 15.**

The final plan was reviewed to make sure the four requirements from the preliminary plan review were added. The following four items were added and do appear on the final plan: The address of the soil scientist, the name and address of the hydro geologist, the width of Logan Circle and a copy of the proposed deed restrictions was provided.

After review of the checklist and finding all the required information on the final plan, Todd Morey made the motion to approve the final plan for Edna Knoll Subdivision. Everett Whitten seconds the motion. Motion carries with a unanimous vote in favor.

#### **8:00 p.m. Setback reduction application of John Tondreault Tax map 24 lot 28**

Mr. Tondreault is looking for a setback reduction to 10' of his side property line to build a garage. Mr. Tondreault stated that he has to turn the garage a little more than it is shown on his application and he is proposing to make the garage two feet longer.

Dwayne asks why he can't move the driveway over to fit the garage in better. Mr. Tondreault explains that there are a lot of trees there preventing him from moving the driveway. He doesn't want to cut the trees. He already has to cut three trees as it is and have CMP come out to drop the wires because the wired run right through the trees.

Doug Foglio states that it looks like Mr. Tondreault needs more than a sideline setback reduction. He is going to need a frontyard setback as well. Because of the lake, this property had two frontyard setback requirements. It was suggested to Mr. Tondreault that the garage set back more towards the 100' setback of the lake. Mr. Tondreault doesn't really want to cut off the access to the cottage by putting the garage at the head of the driveway.

Dwayne Woodsome made a motion to have the onsite committee go look at this lot and bring this application back under old business after that had been done. Everett Whitten seconded the motion. Motion carries with a unanimous vote in favor.

Doug Foglio adds that when they go out there they want to make sure that the garage is not going to sit on the septic tanks. Doug also informs Mr. Tondreault that he will have to get a statement from the abutting property owner that they don't object to his garage being 10' from their property line. Doug also wants to make sure that there aren't two buildings on abutting lots that are closer than 20' to each other.

### III. MINUTES OF PREVIOUS MEETINGS

Dwayne Woodsome made the motion to approve the minutes of April 11, 2001 as written. Everett Whitten seconded. Motion carries with a unanimous vote in favor.

Everett Whitten made the motion to approve the April 26, 2001 minutes as written. Motion carries with a unanimous vote in favor.

## **V. OLD BUSINESS**

Joe Vitko requested an extension of his conditional use permit. Doug Foglio explains that Mr. Vitko has not been able to start construction because he was required to get permits from DEP. The Town has received a copy of his approvals from DEP to construct his house. Everett Whitten made the motion to grant an 8 month extension on the Conditional use given to Karen Vitko on September 22, 2000 for property located on Tax map 38 Lot 30.

## **VIII. NEW BUSINESS**

1. Discussed the new format for notice of decision and finding of fact that was done for the last two decisions. Dwayne Woodsome made a motion to approve that format for future notice of decisions. Roland Denby seconded. Motion carries with a unanimous vote in favor.

2. Discussed having Patti take extra time to work on the zoning ordinance getting it ready for Sebago Technics as was discussed in the workshop last Thursday. The plan was to have Patti work on this project taking extra time to do it and to pay her out of the consultant fees. Doug states it is more cost effective to have Patti doing the work than to pay Sebago Technics to do the work. Everett Whitten made the motion to approve of Patti doing this extra work and to be paid out of the consultant account. Roland Denby seconds. Motion carries with a unanimous vote in favor. Dwayne Woodsome adds that he did speak with Nancy Brandt, the Selectmen's assistant about this and she did not have a problem with it.

At this time Doug Foglio turns the meeting over to Dwayne Woodsome and leaves the meeting.

## **II. APPOINTMENTS**

**8:30 Ron Dearborn to discuss the permitting process of his pit on Route 202 and 5 on Tax map 5 lot 35.** Ron Dearborn and Rene' Perron enter from Dearborn Brother's Construction to discuss a letter received by the Code Enforcement Office stating that the expansion of their pit had to conform with the new Gravel Ordinance. Ron Dearborn states that he has a letter from the Planning Board stating that his pit is exempt from the requirements of the new ordinance. They have acquired a permit from Maine DEP and feel that they have met the guidelines for permitting through the town. The DEP permit is for up to 25 acres and states they have to remain 75' from any wetlands and they are closing up the pit and reclaiming it as they go. After some discussion it was decided that the planning board does not need to take any action on this appointment and to let Jim Webster know that the exemption letter received by Dearborn construction from the Planning Board applies to that entire pit as long as they have maintained their DEP permits.

## **V. OLD BUSINESS**

Discussed the request submitted by Glenn Bean for a two week extension to submit his reclamation plan. After a brief discussion Todd Morey made the motion to extend the time to submit reclamation plans for the MacDonald, Owen and Bean gravel pits until May 23, at 5 p.m. A final decision on those reclamation plans to be made at the may 24 Planning Board meeting. Motion carries with a vote of 3-0-1 with Everett Whitten abstaining.

**IV. REPORT OF OFFICERS**

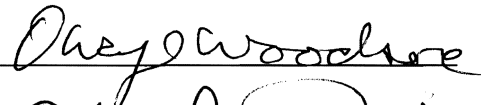


1. Patti reported that she contacted Lake Arrowhead regarding the workshops that were to be set up between Lake Arrowhead manager Jeff Brown, Todd Morey and Doug Foglio to review the proposed Wellhead Protection Zone in Lake Arrowhead. Jeff Brown is on an indefinite medical leave of absence and Nadine Daniels (acting manager) stated that Lake Arrowhead would contact the town when they were prepared to move forward with this project.

2. Roland Denby reported that he and Everett Whitten and Jim Webster did two site walks last week. One on Lone Pond and one on Ossipee Lake.

**IX. ADJOURNMENT**

Everett Whitten made the motion to adjourn at 9:15. Roland Denby seconds. Motion carries with a unanimous vote in favor.

**APPROVED DATE:** 6/4/01

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

# **Town of Waterboro**

## **Planning Board Meeting Minutes May 24, 2001**

Vice Chairman, Susan Dunlap called the Public Hearing portion of the meeting to order at 7:35 p.m. Attending from the Planning Board are: Susan Dunlap, Tim Neill, Todd Morey, Roland Denby. Doug Foglio and Dwayne Woodsome entered the meeting shortly after it started. 27 members of the public are present.

Susan Dunlap introduces Bill Thompson of BH2M who has been hired by owner Andre Cote to subdivide lot 11/42 into 14 house lots at the end of Brookside Drive.

Bill Thompson explains the project. It is a 14-lot subdivision, which will have its own fire protection either by fire ponds or cisterns (holding tanks). The land is covered by mixed woods. The project covers 27 ½ acres out of the total 331 acre parcel.

Susan Dunlap asks Bill Thompson if he has a copy of the recommendations from the Waterboro Fire Chief. Mr. Thompson does have that copy. Susan states to the public that the recommendations are to loop the road around so that it is not a dead end. The fire chief also states that a Hammerhead turn is unsatisfactory to serve that many lots. The letter from the fire chief is made part of the record as written:

May 17, 2001

To Waterboro Planning Board,

Re: Recommendations from Fire Chief on proposed Meadowbrook subdivision

- a. There should either be a fire pond that supplies a sustained yield of 120,000 gallons of water year round, or install three 10,000 gallon cisterns to be placed as follows: the first one being at the very beginning of the proposed extension of the road, the second in the area of the proposed fire pond and the third at the end of the subdivision by lot 14.
- b. If any additional lots are added in the future a 10,000 gallon cistern should be installed to service every additional five lots.
- c. I would feel more comfortable for fire protection if the road looped from the right of way between lots 3 and 5 to where the hammerhead turn is proposed.
- d. A hammerhead turn is unsatisfactory for fire protection on a road, which services this many lots.

Fire Chief, John Littlefield

Chairman, Doug Foglio states that he would like to make the letter from the Road Review Committee part of the record at this time.

- Peter Harriman requested that the letter be read and Susan Dunlap reads the following letter:

**Road Review Committee  
Meeting Minutes for  
April 11, 2001**

Attending: Fred Fay, Road Commissioner, David Benton, Tim McCoy, Russell Lowell, Willis Lord, Bob Gobeil, and Doug Foglio representing the Planning Board.

The purpose of this meeting is to get a recommendation from the Road Review Committee regarding a subdivision application, which requests an extension of Brookside Drive.

Doug Foglio explains the applicant's request for a 14-lot subdivision extending Brookside Drive a considerable distance and continuing to be a dead end road.

After some discussion the Road Review Committee will send the following recommendation to the Planning Board for their review of this subdivision.

The typical sections in the blueprints were fine for the proposed road except the shoulders should be 4' instead of 3'.

The hammerhead turn should be a circle or a cul de sac with a radius of 100'.

In reality it would be a betterment to the road and a better situation of the road looped rather than came to a dead end to service these proposed houses.

The Committee recommends that there be a drainage study done for the existing development road to be sure the impact of a new road does not force water onto existing properties.

The existing road should be repaired or replaced including the culverts attached to the catch basin at the beginning of the Brookside Drive where it connects to Townhouse Road.

Brookside Drive is currently an 18' road and the committee recommends it be upgraded to a minimum of 24' paved road including shoulders and ditching.

The general feeling of the committee is that to add 14 more homes to a road that was built to handle the existing 18 would be disastrous to the existing road, unless the road is rebuilt and brought up to standard.

These minutes will be forwarded to the Planning Board for their information in reviewing this subdivision application.

Respectfully submitted, David Benton

- Doug Foglio adds that he also sent a letter to the Planning Board members stating his concerns about allowing a Hammerhead turn in this development. Doug read the letter and it also becomes part of the record as attached:

May 11, 2001

To: Planning Board Members,

I am writing to express my concerns about the proposed hammerhead turn on the application for Meadowbrook Subdivision presented by Andre Cote.

I am urging you to be very cautious as a Board in the use of hammerhead turns. They were not designed or ever intended for use in larger subdivisions. They were designed for smaller subdivisions. I believe this subdivision would not be serviced well with the number of houses proposed being 14 on top of 18 existing homes. Allowing a hammerhead turn for this number of homes could result in serious problems.

I am strongly urging you to require a full circle turnaround at the very least in this subdivision.

Douglas Foglio, Planning Board Chairman

At this time the floor is opened up to comments and questions from the public as follows:

- Brett Davis states that he has concerns that two variances have already been granted to this road to make it longer than is allowed and there has never been a third issued. To widen the road will take chunks out of the abutting property. The trucks that will have to travel the road to do the building up there. The vast majority of the neighborhood is opposed to this subdivision. He wonders how it will affect the wetlands. Where will this subdivision expand?
- Doug Foglio states he would like to clarify that Brookside Drive is already a 50' right of way. The widening of this road will not take land from anyone. The Town of Waterboro since 1973 or 1974 has required a 50' right of way.
- Susan Dunlap states that the planning board grants waivers not variances. The ZBA is the only authority that can grant variances.
- Rachel Curtis states that she lives at the end of Brookside and she has safety concerns for any houses past what is there already. The dirt road is on her front lawn already and there has been two accidents there. She has two small children and her neighbors have two small children. She has a problem with the road being widened and having more traffic on the road.
- Kyle Curtis shows on the plan where his house is and states if he had known before he bought the house that this was possible he wouldn't have bought there.
- Doug Foglio states again that there is an existing right of way of 50'. Doug adds that on the original plan of Brookside Drive there is a 50' right of way to this property out beyond. Mr. Cote owns between the Curtis and Skelton lots.
- Steve Face asks what is the difference between a right of way and a public road.
- Roland Denby replies that the right of way for Route 5 and Old Alfred Road is 66' and most state roads are 100'.
- Doug Foglio adds that Ted Plummer owned the property and sold it to Mr. Cote.
- Steve Face asks who owns the right of way.
- Susan Dunlap states Mr. Cote owns the right of way and now he is exercising his right to improve on the right of way. This will be a private road until town meeting approves it as a town road.
- Doug Foglio adds that Mr. Cote owns a 50' strip of land which the neighbors have a right to use.

- Steve Face states that four years ago they subdivided some land up there and noted that there are no recreational facilities in that area. The roads are not wide enough.
- Susan states that we can ask the property owner to offer land for recreation area. Susan adds that the Parks and Rec. department would be the department to talk to about this.
- Doug Foglio states that town meeting has addressed some of the road issues. The town approved to spend \$400,000 on Townhouse Road. There was a parcel of land on Townhouse Road near the end of Brookside Drive that was given by Kasprzak Inc. and accepted at town meeting that was offered for a recreational field. The Board of Selectmen have not taken up on any of the offers to build the recreational field. The Planning Board set the wheels in motion to have a recreational area and it hasn't been followed through with.
- Steve Face asks if there is any other access to this land that won't affect all of these families.
- The answer is yes. There is other access through Deering Ridge Road.
- Peter Harriman states that he doesn't think Mr. Cote owns clear title to that right of way. There was an exclusive right of way of 50' laid out in Brookside subdivision. Grace Smith and Theodore Plummer sold the property to himself, Peter Harriman. When Mr. Cote bought the Plummer property he bought the right of way. There was legal paperwork done 18 months ago to clear up the right of way through the Smith property. He doesn't know who has clear title to the right of way. Peter Harriman, Andre Cote and Grace Smith has rights to the right of way.
- Peter Harriman asks what is the status of Brookside Drive.
- Doug Foglio answers that it is a town road, maintained by the town since it was accepted by town meeting.
- Peter Harriman states that there is a piece of property that is a conservation area in the development that is owned in common by all owners. The area has never been developed as a recreation area.
- Cathy Brandt states that she is concerned about who will maintain the right of way if there are 14 new houses.
- Doug Foglio explains that Cote's Road would begin at the circle and go out through to the new houses. That this will be a private road until the town accepts it by town meeting vote.
- Jim Fergeson states that he has lived on Brookside Drive for 15 years. The road is now is pretty poor shape. There are 18 houses there. There is 3/4" to 2" of emulsified asphalt sprayed tar and he does not remember any maintenance on this road being done. The ditches have not been maintained. There is a big bump where the culvert at the beginning of the road crosses and had been like that for 15 years. The ditches need to be stabilized. For 15 years he hasn't complained but now that they are talking about adding 14 more homes to travel this road he doesn't think its right. What is the design criteria for a cul-de-sac and what is a school bus supposed to do. What are our options? What rights do we have on Brookside, when they bought this property as a dead end? Does this plan meet all of the state guidelines? Does this plan meet the requirements of a growth plan?
- Doug Foglio answers that Mr. Cote has the right to come through Brookside Drive. Doug adds that he thinks it would be irresponsible of the Board to allow the development without first making stipulations regarding Brookside Drive prior to development. Doug reads the recommendations of the Road Review Committee again at this time.
- Jim Fergeson asks what about stabilizing the slopes? He asks is there any rights to keep this road as a dead end.
- Doug Foglio answers that the limit to the length of dead end roads is 600' and the planning board has to vote to waive the requirement of 600'. Doug adds that he feels this is the key issue in this proposal. The board made waivers for the existing subdivision of Brookside Drive.
- Jim Fergeson asks how long is Brookside Drive now.
- The answer is approximately 2100'



- Dwayne Woodsome asks would the neighbors rather see a through road from Deering Ridge Road to Townhouse Road through Brookside Drive? Because Mr. Cote owns all the way through and could possibly develop a through road.
- Jim Fergesen states that if he has the choice he would rather see a dead end.
- Doug Foglio explains that on the original plan the road is 2210' long and these lots were created before zoning. It was obvious at the time that there are three 50' rights of way to reserved land which left access to the rest of the property for future development. There were areas left for expansion. If there were to be any more houses added to this road it would have to be built up to a different type of road. More than 25 houses on a road changes a road from a rural road to a collector road. The Planning board must follow the road and subdivision standards and is the reason that they asked the road review committee to evaluate this proposal of the road servicing 18 and going to add 14 more homes. The Board has asked the developer to consider other ideas such as a cluster development, or to use a loop or possibly bring the road out to Deering Ridge Road. That is why we are here tonight to get input to give the board ideas of how we can use our regulations to keep harmony between property owners.
- Jim Fergesen asks what would be the traffic pattern?
- Doug Foglio states that the board has authority to require a design for the best flow of traffic. The board usually asks the developer for authority to send his plans out to peer review to verify their studies to make sure the plan meets town standards.
- Peter Harriman states that he thinks that they all should listen to what Mr. Woodsome said. Mr. Cote owns out to Deering Ridge Road and to bring that road out and open it up there would be a tremendous amount of traffic and Mr. Cote would have no obligation to do anything to Brookside Drive. We all received notice from the realtor before the property was publicly listed. Mr. Cote bought it. We want to be careful what we do.
- Sheryl Roux asks who will be responsible for maintaining the road.
- Doug Foglio replies that it depends on whether it is a private road or whether it is public if it is accepted by the town. If it were private an association would be formed and the maintenance would be split between property owners.
- Sheryl asks if Mr. Cote would have to upgrade Brookside Drive?
- Doug Foglio replies that would be part of the approval of the subdivision. It depends on how it is worded. The Planning Board's authority ends once the subdivision is approved. It then becomes the responsibility of the Code Enforcement officer to enforce the regulations.
- Sheryl states that she wanted to live on a dead end road and that is why she moved to Brookside Drive. Her concern is with traffic. Sheryl presents the Planning Board with a petition recording 30 names from the subdivision requesting that the subdivision be denied. The petition is entered into the record of the Subdivision application.
- Valerie Olsen states that she has lived on Brookside Drive for 15 years and asks Mr. Cote if he plans to eventually come out onto Deering Ridge Road.
- Mr. Cote replies that he is not prepared to answer that.
- Kathy Brandt asks who takes care of the right of way in between Brookside Drive and the new subdivision.
- Doug Foglio states that it will either be maintained by the town if it is accepted as a town road or privately maintained.
- Brett Davis asks where the equipment will come in to do the work on the houses and the new road.
- Bill Thompson answers through Brookside Drive.
- Steve Face states that Jim Fergeson touched on the traffic concerns and the children's safety with adding an average of 30 more vehicles on that road.
- Roland Denby asks if their deeds said anything about access to the back lot. The right of way to his parcel was there when their houses were built. Roland asks if there were any deed

restrictions. Nobody knew. Doug Foglio proceeded to research the Brookside Drive file for the deed restrictions.

- Susan Dunlap states that she feels extending this road to exit onto Deering Ridge Road would be extremely unsafe. There are already numerous accidents on Deering Ridge Road. She would want to know what the state requirements for site distance is.
- Doug Foglio explains that the Planning Board requires a copy of the deed restrictions prior to approving subdivisions. He found the deed covenants for the existing deeds in Brookside and they are as follows:
  1. can't cut trees over 4" in diameter.
  2. No trailers or mobile homes – single family residences only.
  3. no junk or abandoned vehicles or trash stored on the properties.
- Kathleen Skelton Face states that this is personal to the people of this neighborhood. She wishes there was another access to this land. She asks the developer to keep their concerns in mind.
- Dan Charette states that he moved to Brookside Drive because it was a dead end. He asked why Mr. Cote refused to answer the question whether he intended to extend the road through to Deering Ridge Rd. He feels that because he wouldn't answer the question that Mr. Cote intends to keep developing right through and the road will be destroyed.
- Willis Lord states that the first thing he wants to say is that statement about the proposed ballpark on the Kasprzak land that the Selectmen stopped it is a mis-statement. The town already named the park Millard Genthner ballpark. Willis adds that he went out and measured Brookside Drive and he had to sweep sand off the road to find about 20' wide road of sprayed tar. Willis thinks the board should make provisions to keep the kids out of the road. To make the road wide enough to have a bike lane along side of the road. Willis thinks Brookside Drive should be rebuilt with a walking/bike path on new roads in subdivisions. Willis announces that there is going to be a public hearing on June 5 on proposed amendments to the street design ordinance to require a five foot walking/bicycle lane. Safety has to be a factor that the Planning Board should insist on in the future.
- Doug Foglio states that in defense of the Planning Board, safety has always been a concern when they review plans. Doug adds that the wider the street is built the faster people are going to go on it.
- Andre Cote states that the last thing he intends to do is ruin these people's neighborhood. He is moving to Waterboro to enjoy the openness and this is going to be his own yard as well. His original intention is not to take the road through to Deering Ridge Road. His sole purpose in developing this land is to recoup some of the money he spent when he bought this parcel. He is not going to lose his options. If they can come to some sort of compromise to make this work for all he would be receptive to an agreement not to take the road through. If this project costs him too much money he will have to develop more of the land to recoup that money.
- Steve Face asks Mr. Cote if he is accessing his home off Brookside Drive.
- Mr. Cote answers that he is coming in off Deering Ridge Road.
- Steve Face asks Mr. Cote if he owns the right of way.
- Mr. Cote replies that he believes that he does own it. He bought 350 acres and has a quitclaim deed between the Plummers and Mr. Harriman. The whole purpose of the deed transfer was to give him access to the property. The Plummers had to gain access and they sold those access rights to him.
- Steve Face asks Mr. Cote why he is moving from Biddeford to Waterboro.
- Mr. Cote answers for a change.
- Sheryl Roux asks why did he choose to access the property for development at Brookside Drive and not Deering Ridge Road.
- Mr. Cote replies that he will address the safety concerns with the board.
- Steve Face asks if this goes through is there something that can be done for speed bumps.

- Willis Lord asks how many kids under 18 live in this development.
- Steve Face answers at least 20.

The public hearing portion of this meeting is closed at 9:25 p.m. The Secretary will send Mr. Cote a copy of the public hearing minutes and he will address these issues in his preliminary plan application. When this subdivision is on the agenda this meeting will be posted in the Smart Shopper. Doug wants everyone to understand that it will not be an open forum. The public can attend but they won't be allowed to speak.

At this time a ten minute recess is taken before getting to the regular meeting appointments.

**Regular Meeting  
March 24, 2001**

**II. APPOINTMENTS**

**Lucien Frechette for a Conditional Use / Setback reduction on map 29 lot 28. This application is to remove an existing garage and build a 24 x 40 garage with living space upstairs.**

The letter from Jim Webster, Code Enforcement Officer is reviewed stating his concerns that this would be adding another living unit and he could not issue a permit under those conditions. Dwayne Woodsome states that this application has all the ingredients for a house. Doug Foglio states that the Planning Board does not have authority to allow two residences on one lot.

Mr. Frechette presents a letter of agreement between himself and the abutting property owner, Stacey Cote. The agreement states that Mr. Frechette will not rent out the room above the garage. Tim Neill states that doesn't change the ordinance that does not allow two residences on one lot.

Dwayne states we can allow the garage and if they wanted to put a bathroom in that would probably be alright.

Susan Dunlap states that these two camps are still on two separate pieces of property. The permit states this is one lot when it actually is two lots. This is a mis-statement on the application.

Roland Denby reports that during the site walk Jim Webster talked with Mrs. Frechette and Jim stated if they didn't have kitchen facilities he wouldn't have a problem with their floor plan. Roland adds to Mr. Frechette to remember that the sideline has to be figured from the drip edge.

Doug states that the two lots should be joined together into one lot. Doug asks Mr. Frechette if this garage can be set 10' from the property line. Mr. Frechette states he would rather keep it where the existing garage is. Doug states he thinks the only time the Planning Board has allowed anyone to build within 10' of the property line is when there is an existing structure. This is removal of one building and building a new one. Doug reviews Section 2.08 regarding the Planning Board having authority to require a survey and a plot plan to set the building corners. The CEO gets a copy of this and the plot plan would be recorded along with the Conditional Use permit. The purpose for this is then there is no question in the future as to why this doesn't meet Waterboro Zoning.

Dwayne Woodsome made a motion to approve this Conditional Use / Setback reduction Under Section 2.08 and section 3.03 to allow Lucien Frechette to construct a 24 x 40 garage with the following conditions:

1. Garage must be constructed no closer than 10' to the sideline abutting lot 29.
2. A complete bathroom facility is allowed on the second floor.
3. A great room with fireplace is allowed on the second floor.
4. A building layout survey which marks out the corners of the building per this Conditional Use permit shall be submitted to the Code Enforcement officer prior to the issuance of a building permit.
5. A certified and sealed plan of the foundation, insuring the required setback is met shall be provided to the Code Enforcement Officer prior to the issuance of an occupancy permit.
6. An amended floor plan shall be submitted to the Code Enforcement Office prior to the issuance of a building permit.
7. An HHE200 shall be submitted to the Code Enforcement Officer to ensure that the area will support a new septic system if it becomes necessary.
8. A letter from the abutter shall be submitted and become part of the file stating that they are aware and agree to the garage being placed 10' from the property line.
9. Lots 27 and 28 shall be combined together as one lot and a deed shall be presented to the Code Enforcement Officer prior to the issuance of a building permit.
10. All other setbacks to be met.

Tim Neill seconds the motion. Motion carries with a vote of 3 in favor and 2 opposed. Susan Dunlap and Todd Morey vote in opposition.

**The next appointment is Cal Knudsen with Preliminary application for Bartlett Pines II subdivision on Map 5 lot 31.**

Present from the Lyman Planning Board are Steve Stearns, Rod Hammond and Steve Brown. There is discussion regarding the Gammons property in Lyman which abuts where Cal intends to take the road out onto Deering Ridge Road. Doug Foglio feels that the road should be paved in beyond the Gammons house as their home is pre-existing and their house should remain dust free. This proposed road should not affect them.

Cal is questioned whether Cal Vista Drive will be paved. Cal states that he proposed this as a gravel road but he doesn't have a problem with what they are asking to pave beyond the Gammon's house.

Steve Stearns asks Cal to submit a plan to the Lyman fire chief for his recommendations to add to the Waterboro fire chief's recommendations. Steve adds that Cal will need to check with Carol at the Lyman town hall regarding the name of the road for E-911 purposes.

Steve Stearns states that he would like to see that the residents of the road be responsible for the maintenance of the road. Cal states that he has a road association agreement that goes with every lot. Every property owner would be responsible for 1/6<sup>th</sup> of the maintenance. The deed that goes to each lot will make reference to the road maintenance agreement. Steve Stearns states that the road maintenance agreement for Waterboro residents refers to the portion of the road that is in Lyman and it should be very clear that this is a private way and will remain a private way.

Doug Foglio states that the Planning Board will make sure the agreement refers to both roads.

Steve Stearns asks for a typical road section. He wants to make sure the standards will cover the road standards for Lyman. The road will be 20' with 3' shoulders. Cal states that he does not have the road layout done yet. Cal adds that he would like to keep this road consistent with the Waterboro road.

The Preliminary checklist is reviewed and the following is a list of items that Cal will need to submit prior to any further review of this plan.

1. the name of the subdivision
2. the date
3. the name and address of the hydro geologist
4. the widths of Deering Ridge Road and Bartlett Pines Drive
5. the locations and sizes of existing utilities.
6. deed description of parcel being developed.
7. building setback lines
8. location and size of proposed utilities easements
9. proposed restrictive deed covenants
10. proposed parks, playground or other public areas.
11. proposed street layout (in conformance with Waterboro Road Ordinance)
12. street elevations
13. street grades
14. sidewalks
15. three copies of erosion control and stormwater drainage plan
16. street signs and locations

There is discussion about the existing cemetery. Cal states he would like to provide for historical people to do maintenance on the cemetery.

Steve Stearns asks Cal if the stone wall signifies anything. Cal relies that it does not.

Doug asks who is going to pay the taxes on the common land that is in Lyman when the house lots are in Waterboro. How is Lyman going to access the common land?

Steve Stearns asks doesn't the same thing apply to the road. No because Cal is going to retain ownership of the road and will grant a right of way over the road. So the assessor will assess that to him. Steve Stearns asks why Cal wouldn't retain ownership of the common space as well. Cal asks wouldn't that be creating a non-conforming lot? Steve S. answers that lot 6 could include the road as one piece of property.

Doug states that we have to have the lot that is in Lyman identified by acreage on the map.

Willis asks how can Lyman accept this as a town road. Steve answers they can't.

There is discussion as to how this subdivision should be ruled on where the lot exists in two towns. Steve S. says state law says dividing a lot into 3 or more lots creates a subdivision no matter if the lot is in two towns. There is discussion how to deal with this approval between the two towns. Doug states we will check with our attorney and get back to Cal and to the Lyman Planning Board.

After reviewing the checklist the board tabled preliminary approval until the applicant submits all the required information and this will be brought back under old business.

Dwayne Woodsome made the motion to continue this meeting on June 4, 2001 at 7:30 to finish this posted agenda only. Todd Morey seconds. Motion carries with a unanimous vote in favor.

Meeting is recessed at 11:45 p.m.

## CONTINUATION

June 4, 2001

Susan Dunlap calls the meeting to order at 7:35 p.m. Noting attendance of Dwayne Woodsome, Roland Denby, Todd Morey, Tim Neill. And Teresa Lowell.

This meeting was recessed from the May 24<sup>th</sup> meeting to finish the agenda.

## NEW BUSINESS

Jim Webster submitted a question to the Planning Board asking for a recommendation on a request from **Gorham Savings Bank**. Gorham Savings requested a temporary occupancy permit so they could open on June 14. This traffic light won't be installed by then and they are requesting a temporary occupancy permit so they can open. The Planning Board is not in favor of that and would not recommend a temporary occupancy.

## OLD BUSINESS

The Planning Board begins the review of the reclamations plans.

The first plan to be reviewed is **Glenn Bean's pit**. The letter that was sent to Glenn Bean stating the requirements was reviewed. The only question the board had was there is no name on the brook that is shown on the plan and the slopes are stated on the plan as 2-1. The board will have to clarify that the slopes are to be 4-1. The checklist for Reclamation Plan survey is reviewed next. There is no erosion control plan submitted with his plan. There was discussion regarding the survey requirement. Glenn submitted a statement of guarantee that the lot lines have not changed since he purchased the property.

Dwayne Woodsome made the motion to approve the Glenn Bean Sr. Reclamation plan subject to submitting the following information:

- adding the zones to the map
- provide an erosion control plan
- show 4-1 slopes on the cross section of the pit area

These three items to be checked before final approval is signed. The deadline to submit the information is June 22 and to be taken up at the June 28 meeting. Roland Denby seconds the motion. Motion carries with a unanimous vote in favor.

Susan Dunlap states that according to legal advice the board has received, the board has the authority to grant an extension.

The next pit to be reviewed is the **Arrowhead pit owned by Frank Jewett and operated by Jon Jewett**.

All the items required in the February 13 letter have been received. Todd Morey states that he would like to see the well marked on the map and the distance from the well to the pit area. Todd would also like to see the distance from the wetlands marked on the map.

The reclamation checklist is reviewed and all items on the checklist are received. Todd states that he has a problem with not requiring a survey of the property. Dwayne mentions that one of the subdivisions which was surveyed should show this property. Sokokis Estates subdivision surveys are reviewed and it does show the Jewett property line. A copy of this survey will be put in the Arrowhead pit file.

Todd Morey makes the motion to approve the reclamation plan for Arrowhead Pit operated by Jon Jewett upon the receipt of the location and type of wells shown on the map and the measurement from the well to the pit area, and the measurement to the limits of the wetlands on the property, and to have a survey of Sokokis Estates put in this file. The deadline to submit this information is June 22 and to be reviewed by the board at the June 28 meeting. Tim Neill seconds the motion. Motion carries with a vote of 3-1 with Todd Morey opposing.

**The Town of Waterboro Municipal Pit on Bennett Hill Road** is reviewed next. The letter of February 13 is reviewed first. The board has not received the hydro geological study from Sebago Technics. There is no statement regarding whether there will be standing water at the completion of the reclamation. There is an area of working pit that is in the shoreland and this will need to be reclaimed as soon as conditions permit.

Tim Neill made the motion to approve the reclamation plan of the Town of Waterboro Municipal pit under the conditions:

- the time limit to reclaim the area that is in the shoreland is September 1, 2001 and this will have to be confirmed by the code enforcement officer.
- The requirement of the gate is up to the discretion of the property owner.
- A statement regarding the standing water shall be submitted to the board.
- The hydro-geological study shall be submitted to the board.

The deadline to submit this information is June 22 and will be reviewed June 28 for final approval. Todd Morey seconds the motion. Motion carries with a unanimous vote in favor.

## **NEW BUSINESS**

Todd Morey brought up to the board the fact that there is a public hearing tomorrow night held by the Selectmen to amend the Street Design Ordinance to require a 5' paved walk/bike path on each side of any road within a subdivision. Todd states he is in favor of making space for kids to be safe and applauds the effort but disagrees with the method. He thinks this is the wrong way to go. He thinks this should be tabled for special town meeting and have consultation with the planning board and the road review committee and brought to an annual town meeting. Todd feels that 34' of pavement is too wide. He is not convinced that is a safe way to accomplish the goal. With no separation between the bike lane and the road there is nothing to separate the kids from the traffic. The wider you pave a road the faster the traffic will go.

Dwayne Woodsome made the motion for the Planning Board to send a memo to the Selectmen for tomorrow nights public hearing that the board does not agree this article be taken up at special town meeting. To table it until annual town meeting. That this is a serious safety hazard. The Planning Board request this to be read at the public hearing. Roland Denby seconds. Motion carries with a unanimous vote in favor.

## OLD BUSINESS

**The Forest Owen/ June Broomhall pit** is discussed at this time. There has been no reclamation plan submitted to this office. Dwayne Woodsome made the motion to deny the reclamation of the June Broomhall/ Forest Owen pit based on lack of completion of the reclamation plans and based on the fact that the property owner did not comply with the deadlines or extensions. Tim Neill seconds. Motion carries with a unanimous vote in favor.

## MINUTES OF PREVIOUS MEETINGS

Dwayne Woodsome made the motion to approve the minutes of May 9, 2001. Todd Morey seconded. Motion carries with a vote of 3-0-2 with Tim Neill and Susan Dunlap abstaining.

## OLD BUSINESS

At this time Dwayne Woodsome excuses himself from the meeting as the last pit to be reviewed is the MacDonald pit. Even though this isn't really a conflict of interest because Dwayne doesn't own the pit anymore, he feels it would be better if he was not involved.

After a brief review of the plans of the **MacDonald Pit on Bennett Hill Road**, Todd Morey made the motion to request the owner in to explain how this reclamation plan complies with the letter of requirements and the ordinance. The meetings are full until July so an appointment will be set for a July meeting. Tim Neill seconds. Motion carries with a unanimous vote in favor.

## MISCELLANEOUS

Susan Dunlap reports that she may be late getting to the next week's meeting.

## ADJOURNMENT

Todd Morey made the motion to adjourn the meeting at 10:05. Tim Neill seconds. Motion carries with a unanimous vote in favor.

## APPROVED

Date: 4/28/01

Dwayne Woodsome

Susan Dunlap

Douglas G. G. G. G.

Tim Neill

Everett Whittier

Roland E. Denby

\_\_\_\_\_



# PLANNING BOARD

## Town of Waterboro

### Meeting Minutes

June 13, 2001

#### I. ROLL CALL

Susan Dunlap calls the meeting to order at 7:35 noting attendance of Todd Morey, Tim Neill, Roland Denby, Everett Whitten. Doug Foglio entered the meeting at 7:45.

Susan announces there is a Zoning Board of Appeals workshop tomorrow night here at the town hall and the Planning Board is welcome to attend this workshop.

#### II APPOINTMENTS

The first appointment was with Richard Pierce with a Conditional Use / Review of 30% expansion within the shoreland on tax map 11, lot 60. Mr. Pierce is proposing to build an addition of a 10' x 21' 4" bedroom and screen porch to his existing camp on Waterlilly Lane on Lone Pond.

There is a question about the calculations submitted by Corner Post Land Surveying, Inc. regarding whether they should have figured the shed and privy in the total square feet. Sue Dunlap reads a letter from the town attorney dated November 8, 2000, which states that he cannot accumulate the square footage of all the parcels on his site for the 30% expansion rule. The board feels that the square footage of what is the primary structure only should be calculated for the 30% expansion.

Richard Pierce states that he is transferring 146 square feet of the deck. There is discussion regarding allowing the calculations from the deck.

Everett Whitten thinks that the Planning Board should get an updated letter from the CEO. Doug Foglio states that he spoke with Jim Webster this morning and Jim stated that this fell within the 30% expansion.

Roland Denby provides a newsletter from DEP that the Planning Board reviews, which explained the transference of the deck. After some discussion, the Board allowed for the 146' to be transferred to the house.

Doug Foglio states that if Mr. Pierce reduced the bedroom by 8" this would give him less than 30% expansion.

Todd Morey made the motion to approve Richard Pierce application to expand up to 834.6 square feet, removing the 12 x 12 deck resulting in a total of 1008 cubic feet of volume with the following conditions:

- Remove the 12 x 12 deck.
- Modify the bedroom plan to reduce the wall 8" shorter.
- Provide to the CEO an amended set of building plans showing the bedroom to be 12' 8" long by 10" in width.
- Provide an amended survey noting that the 146 square feet has been transferred to the house.

Tim Neill seconds the motion.

Discussion of the motion. Susan Dunlap asks how do we document that these changes have been met. Doug thinks if a note is put on the survey that the privy and shed were not used in the calculations that should be enough.

Patti states that Jim reviews the conditional use permits to insure that the conditions are met prior to issuing a permit.

Motion carries with a vote of 4-1-0 with Susan Dunlap opposing.

P.O. Box 130, Waterboro, Maine 04087 • 247-6166 • FAX 247-3013

[http: www.mix-net.net/~waterboro/](http://www.mix-net.net/~waterboro/)

Email: [waterboro@mix-net.net](mailto:waterboro@mix-net.net)

**Second appointment is Paul Tebbetts application for 30% expansion on map 38 lot 35 to construct an 18' x 24' addition to his existing cottage. Because this is in the shoreland zone the 30% expansion rule applies.** Mr. Tebbetts presented his calculations as performed and certified by BH2M.

Everett Whitten states that the only concern that Jim Webster had during the site walk that was performed, was the drainage created by the added roofline. Paul Tebbetts explained that he intends to add a retaining wall and a drainage system containing two other levels of drainage. One are of drainage near the building and another closer to the parking area. Everett Whitten asks Mr. Tebbetts to add this drainage system to his application.

Susan Dunlap asks how big is the cellar under the main building. Mr. Tebbetts answers that it is 24 x 24 and all finished off.

Everett Whitten asks if this cottage is for year round living. Mr. Tebbetts answers no.

There is a question regarding using the garage and carport in the calculations as these two are outside of the 100' setback of the lake. It is agreed that these square footages, and volume calculations should not have been used in the totals.

The Board would want Paul Tebbetts to show that the area under the proposed addition would be used as living space. It is decided that Mr. Tebbetts will amend his application and will come back to the Planning Board under old business.

**The third application is Don Toothaker Map 7 lot 65C for Conditional Use/ Setback reduction.** Upon review of his application he does not need approval from the Planning Board. Mr. Toothaker's application fee will be refunded to him.

**The fourth application is Stacey Cote for review of expansion within the shoreland zone to expand living space at his property located on map 29 lot 29.** Mr. Cote provided the calculations of his expansion by BH2M engineers. According to the calculations Mr. Cote's expansion falls within the 30% expansion rule. Mr. Cote is applying to expand the upstairs by making a bedroom with windows on the lakeside putting the bedroom in the attic.

After review of the engineer's calculations, Todd Morey made a motion to approve Stacey Cote's application to expand the living space on Map 29 Lot 29 by the figures presented by BH2M. Everett Whitten seconds the motion. Motion carries with a unanimous vote in favor.

### III. MINUTES OF PREVIOUS MEETINGS

The minutes of March 24, 2001 will be discussed at the next meeting.

### IX. ADJOURNMENT

Roland Denby made the motion to adjourn at 9:45 p.m. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

APPROVED:

Date: 6/28/01

Oliver Woodson  
Roland E. Denby  
Everett Whitten

Jim Davis  
Douglas C. Fogel  
Susan Dunlap

# PLANNING BOARD

## Town of Waterboro

### MEETING MINUTES

JUNE 28, 2001

#### I. ROLL CALL

Chairman Doug Foglio called the meeting to order at 7:45. Attending from the Planning Board are: Doug Foglio, Susan Dunlap, Everett Whitten, Roland Denby, Tim Neill and Dwayne Woodsome enters at 8 p.m.

#### II. APPOINTMENTS

7:30 Susan Dunlap presents Doug Foglio with a cake and gift from the Planning Board members for this being Doug's last meeting. Susan and the Board all expressed their thanks for the knowledge that Doug has shared with us over the years and the hopes that the Board will have the opportunity to work with Doug again in the future.

**7:45 Jim Keenan with a Site Plan Application for Saco Valley Credit Union on Map 22 Lot 10.** Mr. Keenan introduces Dave Douglas who did the septic design for this site, Mike Keen who did the survey work and landscaping design and George Sawyer who did the drainage calculations.

Mike Keen explains the site plan proposal. The site will be cleared of existing buildings. They will be saving the perimeter trees. There will be two entrances onto Route 202 one entrance and one exit. There will be a 35' vegetative buffer at the front of the property. The building will be a 1-½ story cape style consisting of 5,000 sq. feet. It will be built on a slab on grade. There will be no public access to the second floor. Plantings will be placed where headlights would shine off the property. The location of the onsite lighting was shown.

Doug Foglio states that the Board has required that the lighting of all site plans remains 100% on the property so as not to disturb abutters.

Mike Keen states that all the lighting is boxed so the light itself will not be seen.

Doug Foglio asks what the total lot coverage is including parking? Mike Keen stated he wasn't sure but would get those figures for the Board.

Dave Douglas explains the site drainage. The site will be built up 2-3 feet. There won't be any flow of water off this property or through this property created by this site plan.

Susan Dunlap asks if this is going to be a painted building. Jim Keenan states yes, it will be a solid stain with three colors. Probably there will be white trim and an offset color for the shutters.

Doug Foglio asks about the sidewalks. He doesn't see them on the plan. Sidewalks have to be taken into considerations to protect walkers from the traffic. The Board attempts to have the plans show everything related to the site plan.

Roland Denby asks if the credit union will provide service to the general public and what is the criteria if so? Yes and it is by membership and you have to live or work in the community to become a member. There are 8 towns, which Waterboro is one of in their community area. They have a branch in Saco and the main office is in Saco.

Jim Keenan explains that there will be granite curbing around the building as opposed to concrete. They have included their state curb cut in their paperwork submitted with the application.

Doug Foglio asks if they have done a nitrate study. Dave Douglas states he doesn't feel that is necessary. There will be a 195 gallon flow from the septic system. This is a very small amount of flow.

Doug Foglio asks if abutters have been notified. Jim Keenan states yes they have and the receipts have been submitted to the secretary for the file.

Doug Foglio asks if the building will be sprinkled. Jim Keenan replies yes.

Roland Denby asks if they intend to hook up to town water. Jim Keenan replies yes they do. Doug Foglio adds that a letter from the Water company will be required to insure that the Water District has adequate water to supply this site. Doug adds that if they are going on public water they should request a waiver on the hydro-geological study.

Doug Foglio reviewed the checklist for site plan. There were two items that will need to be addressed on the plan prior to approval. The location and size of all signs is needed on the plan. The Location, direction and type of outdoor lighting will have to show where the lighting will illuminate on the property to insure that all light is contained entirely on site.

Doug Foglio states that this is a reasonably flat site which will create little run off. They are taking no water out of the ground so he feels a hydro-geological study is not needed. Doug asks the Board if they feel a peer review is needed? Everett Whitten made the motion not to send this to peer review. Roland Denby seconds. Doug states that impervious area is 24,000 sq. ft. which is under the DEP threshold of 120,000 sq. ft. This is all surface water.

Susan Dunlap asks if they required peer review on Gorham Savings. Tim Neill answered that they did on the traffic study but nothing else.

The vote on the motion is unanimous in favor not to require peer review.

The Board scheduled a Public Hearing for July 16, 2001 at 7:30 p.m. to review this Site Plan. This project will be put on the agenda on July 26 for a vote.

Patti is asked to revise the site plan checklist to include all the items that the Planning Board should be looking at in reviewing these applications.

**8:00 p.m. Donald Bernier for Cynthia Ladderbush with an application for a Conditional Use Permit to expand in the shoreland zone on Map, Lot 30.** Donald Bernier explained the application to build a 4.5 x 20 storage addition to an existing camp on Connelly Point Road. This addition falls within the 100' setback of the lake so the 30% expansion rule imposed by Maine DEP applies to this application. The application was reviewed by the Board. The stamped and certified letter from Paul Gadbois P.E., P.L.S. was reviewed. The calculations stated that the existing structure equals 660 sq. ft and 7,920 cu. ft. The proposed addition equals 90 sq. ft and 495 cu. ft. The percentage of increase is 13.65% in area and 6.25% in volume. A letter from James Webster, Code Enforcement Officer dated June 8, 2001 was reviewed. The letter stated that in his opinion the expansion would have no adverse affects on the property or the lake and is

letter from Cynthia Ladderbush was submitted giving Donald Bernier authority to act on her behalf in obtaining this permit and this letter will remain in the file. Everett Whitten made the motion to approve the application of Cynthia Ladderbush to construct a 4.5 x 20 storage addition with the condition that all erosion control measures are used during construction and this is to be inspected by the Code Enforcement Officer. Roland Denby seconded the motion. Motion carried with a unanimous vote in favor.

### **III. MINUTES OF PREVIOUS MEETINGS**

Dwayne Woodsome made the motion to approve the May 24, 2001 minutes as written. Everett Whitten seconds the motion. Motion carried with a unanimous vote in favor.

Dwayne Woodsome made the motion to approve the minutes of June 13, 2001 as written. Roland Denby seconds the motion. Motion carried with a unanimous vote in favor.

### **IV. REPORT OF OFFICERS**

### **V. OLD BUSINESS**

There is discussion regarding who is supposed to record the conditional use permits at the registry, the applicant or the Planning Board secretary. The Board felt that they had taken a vote to have the secretary do this some time ago. Everett Whitten made the motion that the Planning Board secretary record all required paperwork at the registry at the applicants expense to be charged with building permit issuance, and also to charge a \$10 recording fee. These will be filed with the registry within 30 days of issuance. Roland Denby seconds. Motion carries with a unanimous vote in favor.

**Paul Tebbetts Map 38 Lot 35 with revised information on his Conditional Use application for expansion within the shoreland zone.** Paul submitted his revised site plan showing he reduced the size of the addition by one foot on the width and one foot on the length, making it a 23' x 17' addition. Paul submitted his revised calculations performed and certified by BH2M which removed the structures from the calculations that were not within the 100' setback of the lake. The amended calculations are 1,600 sq. ft. for the existing structures and 13,140 cu. ft. for the existing structures. The reduced size addition would have 432 sq. ft and 3,910 cu. ft. The proposed increase would be 27% in sq. ft. and 29.7% in volume. Paul also added his drainage plan to his site plan showing how he intends to insure proper drainage on the site. Everett Whitten made the motion to approve the application of Paul Tebbetts to construct a 23' x 17' addition to an existing camp on his property located on West Shore Road with the following conditions: All erosion control standards are used during construction and this to be verified by the code enforcement officer; the drainage to be installed as per plan submitted and inspected by the code enforcement officer; submit an updated application showing the revised building plans. Roland Denby seconds the motion. Motion carries with a vote of 4-0-1 with Dwayne Woodsome abstaining.

**Dorothy Ridley Cliché Map 24 lot 18 with updated information on her Conditional Use application for expansion within the shoreland zone.** Mrs. Ridley came before the board last fall to build a 24' x 12' carport and was informed she needed to locate her septic system and that a site walk would have to be performed. Jim Webster, Code enforcement officer went to Mrs. Ridley's property and sketched the septic system on a site plan. An amended plan was submitted to the board revising the carport to 14' x 12'. The board reviewed a letter submitted by Jim Webster dated June 20, 2001 stating that the carport would contain 168 sq. ft. of expansion which

is less than the allowable 172.8 sq. ft. and he recommended the board grant the expansion. Susan Dunlap made the motion to grant the expansion of Dorothy Ridley Cliché to construct a 14' x 12' open carport with the following conditions; The application be amended to reflect the revised dimensions of the carport; the carport cannot be enclosed; all appropriate erosion control measures are taken and inspected by the code enforcement officer. Roland Denby seconded the motion. Motion carried with a unanimous vote in favor.

The Gravel pit reclamation plans are not discussed this evening.

## **VI. COMMUNICATIONS**

The Zoning Board of Appeals has scheduled an administrative appeal applied for by Kevin Owen on a decision of the Code Enforcement officer on his property located on Map 19 Lot 23. The hearing is scheduled for July 12, at 7 p.m. at the town hall.

## **VII. MISCELLANEOUS**

Doug Foglio brings up a discussion about the Planning Board by-laws. These need to be amended to say that the seven members of the board have voting power. The by-laws have not been amended since their adoption in 1976. Roland Denby explains that the attorney has referred to a statute that is not correct. Roland states that the original statute that has been repealed governs this board but there is a provision called a savings clause where a planning board can be governed by the old statute that it was created under and can continue under. Roland is concerned that if the attorney is quoting the new law that the Charter will quote the new law, and he feels the Planning Board should operate under the old law that it was created under. Roland states that he thinks the board should preserve their right to amend the subdivision regulations that they adopted without going to town meeting. Roland states that if the board wants to maintain the present status they have to quote the old law in any correspondence. Patti will request the attorney to correct that reference to the new law.

Doug Foglio states that the board should revise the by-laws relatively quickly. As chairman, Doug appoints a two member committee to bring proposed amendments to the full board for their review and adoption. This would be brought to a public hearing prior to any votes. The main concern and needed change is to make all seven members voting members. Doug would like to see this ready for the end of July. Tim Neill and Everett Whitten are appointed to work on this. This could be ready for public hearing on July 26<sup>th</sup> and adopted at that meeting following.

## **VIII. NEW BUSINESS**

## **IX. ADJOURNMENT**

Everett Whitten made the motion to adjourn the meeting at 9:50. Roland Denby seconded the motion. Motion carried with a unanimous vote in favor.

APPROVED:

Date: 7/26/01

Luan Blunlap O Wayne Woodruff  
Everett Whitten \_\_\_\_\_  
Erin Paul \_\_\_\_\_

# **Town of Waterboro**

## **Planning Board Meeting Minutes July 11, 2001**

### **I. ROLL CALL**

Vice Chairman, Susan Dunlap calls the meeting to order at 7:30 noting attendance of Tim Neill, Everett Whitten and Ken Danforth. Ken Danforth the newest member of the board is introduced.

### **II. APPOINTMENTS**

7:30 Communications are reviewed as follows

1. Selectmen meeting minutes from June 12, 19 and 26 are noted.
2. A stop work order that was issued by Jim Webster on the Roy Russell property was noted. Patti reported that Mr. Russell will be at the July 26 planning board meeting to apply for a renewal of his conditional use permit.
3. There are two letters from Steve Kasprzak to the Selectmen that were noted. One is regarding the issue of the Selectmen posting John Smith Road where Mr. Kasprzak is asking for public debate on this issue. Susan Dunlap states she feels the public had their say when they voted this road in as a public road. She thinks the selectman should remove the sign stating authorized vehicles only.
4. A letter from Doug Foglio to the planning board regarding the Andre Cote application for subdivision is reviewed. A workshop is set for August 1, 2001 at 7:30 with Mr. Cote to review what the next step will be. There is discussion as to whether this should be advertised as it was stated at the public hearing that all meetings with Mr. Cote would be advertised. The board felt that where this is a workshop they did not feel the need to publicize.
5. Sue Dunlap asks Patti to make sure to send a report down to the Selectmen for council meetings each month.
6. Everett Whitten states that he thinks the board should start working on Zoning Changes. Everett thinks that they should be looking at the Village Zone. Sue states that the Conditional Use Committee is looking at some of those issues.

**7:45 Myron Edgerly with a Site plan application for Baker Automotive and Funtime Video-Tanning on Route 202, Tax map 4 Lot 41.** Myron explains the plans. This is for a repair garage only with no gas pumps. There will be three 55-gallon drums, one to sell motor oil, one for used motor oil and one for antifreeze. The used oil and antifreeze will be sent out and recycled and they currently have a contract for the removal of those wastes.

Mr. Edgerly is requesting a waiver on the hydro-geological study. Mr. Edgerly also has a letter from the Water District stating that the district can handle the water usage of this business.

This is a 24-acre parcel and this business will be located on 10 acres of the total parcel. The last 10-12 acres will be held aside for possible future development.

Everett Whitten asks what the drainage ditches are on the plan. Myron replies that he intends for these ditches to collect any run-off of water and direct the water to the back of the lot to avoid any run-off onto abutting properties. The property is very flat. If there is any water it would collect in the ditches.



Myron states that there is a family of beaver living out to the back of the property that keeps that portion of the lot flooded. There is a natural drain to this property that flows out to where the beaver are living.

Mr. Edgerly asks if the pond that is located on the property was dug by the State when they built up Route 202. Everett Whitten states that it was.

Mr. Edgerly states that he has had a soil test done but he does not have the septic design yet. The system would have to be built up and he is intending to install a 350-400 gallon flow system.

There is going to be a 50' buffer strip of existing tree line along the sides of the property. The ditches along the sides of the property are for rainwater drainage.

Susan Dunlap asks about parking. The parking area will be paved and the area is shown on the site plan. The requirement for this use is 1 space for every 200 square feet of the use and 1 space for every 3 employees. The square footage of the building is 4,000. Susan adds that the spaces will have to be marked. This is a requirement of the zoning ordinance that any more than 10 spaces must be marked.

Susan asks Patti to research what is the limit on impervious area before a project requires DEP review.

Mr. Edgerly states that he intends to pave in front of the store and on the sides and 50' out back. He adds that it will be a 2" base of pavement with a 1" topcoat.

Mr. Edgerly reports that he has checked with the State regarding his entrance permits and they are going to require a 16" culvert.

This will be a metal roofed building with vinyl siding.

Susan Dunlap asks if they have a contract for disposal of their waste. Yes they do. Ken Danforth asks if they intend to store any parts or cars out back. Larry Baker answers that he gets rid of all of his junk on a weekly basis.

Susan Dunlap asks about landscaping plans. Mr. Edgerly states that he will slope and seed the ground into a swale ditch and leave the natural tree line to protect abutting property.

The Board decided to schedule a site walk of this property on July 26 at 6:30 p.m. before the regular meeting. They will wait until after the site walk to decide on the request for waiver of the hydro-geological study.

The checklist for site plan is reviewed at this time. The following is a list of addition information that will be required to be submitted on the engineered plan:

1. Show the right of way width of Route 202 on the plan.
2. Show the layout and location of off-street parking and loading areas (with spaces and aisles marked) and of all access drives and vehicular maneuvering areas.
3. Show the topography of a contour interval not greater than 2 ft. showing the effects upon adjacent properties.
4. Show the setback envelope of the property on the plan depicting the buildings and distances from property lines.

The following list of items is satisfactory to the board for further review of this site plan:

1. The outline of the building.
2. The location and size of all signs and similar freestanding structures. Mr. Edgerly states that the signs will be located on the building to start off with. There will be no other freestanding structures. There will be no gasoline pumps.
3. The location and direction and type of outdoor lighting. Mr. Edgerly explains that there will be 12 candle lights. They are adjustable and are located on the side of the building shining down at the pavement. The light should not shine on abutting properties with the trees for a buffer.
4. The location of all utilities. Mr. Edgerly explained that there will be 1 utility pole set and then will be run underground.

Mr. Edgerly explains that he intends to hook up to public water. He can dig a settling pond if he has to, to ease abutting property owners concerns.

Everett Parker Jr. and Sr. are present and voiced their concern about effects on their property, which abuts this property. Everett Parker Jr. requests that the board require a survey from inland fisheries and wildlife and a TOT survey. They also felt the request for a waiver of the hydro-geological survey should not be granted. Susan Dunlap states that the board will look into whether they can mandate a study from inland fisheries and wildlife and who would be responsible to pay for it.

Susan Dunlap states that the applicant has already stated they have a current contract for the disposal of their waste. That the Board has the option to have this plan sent out to peer review at the applicants expense if needed.

Susan Dunlap informs Mr. Edgerly that the board would like to see all the information provided on one engineered survey.

A public hearing is scheduled for August 8, 2001 at 7:30 for this site plan application.

**The next appointment is Jeff MacDonald to review the reclamation plan for the pit located on Bennett Hill Road on Map 5 Lot 21-3.** Jeff MacDonald is present to review the plan with the Board. The reclamation checklist is reviewed. The board requested the following information to be added to the reclamation plan:

1. Depict Maddock Brook that runs through the property on the plan.
2. Show the current area of extraction on the plan.
3. Provide a current survey showing the lot that was recently taken out of the property.
4. Show the required setbacks on the plan.
5. Add a statement of guarantee that the maintenance of this project will be carried out through the reclamation of the project.
6. Provide an erosion control plan that meets the minimum 1991 requirements.

The gate requirement is discussed. Susan Dunlap would like the record to show that the Planning board waived this as a requirement in a previous vote for safety reasons. It is entirely up to the pit owner whether they have a gate or not and the board is not requiring a gate.

There was discussion about the alternate reclamation plans. Jeff stated that he isn't positive what the end result will be for this property. Susan Dunlap explained that all the board needs to know at this point is what he is reclaiming the property to. If it is a hay field, that is all they need to know. It is decided to remove the alternate B reclamation plan from the file.

Jeff explained the topographic plan to the board. This was done at 5' contour intervals. The proposed contour after reclamation is also shown.

A site walk is scheduled for August 1, 2001 at 6:30 at the site to view the property. Jeff MacDonald requested that any members of the public obtain written permission from him to attend this site walk.

Susan Dunlap states that she suggests that Jeff wait until after the site walk to do any changes to his plans in case something comes out of the site walk that he may need to change.

**The next appointment is John Perry and Kevin Cullenberg with a sketch plan application for an 8-lot subdivision on Map 3 Lot 22-4.** Kevin Cullenberg explained the subdivision that is located along Star Hill Road and Avery Road on a 22-acre parcel. The checklist for sketch plan was reviewed. The following list of items were received by the planning board:

1. Sketch plan
2. Subdivision application
3. Name of subdivision
4. Estimated Acreage of lots
5. Road Locations are existing roads
6. There are no natural features of the property that need to be on the map
7. Plan conforms with Zoning

The following is a list of items that will need to be submitted to the Planning Board for preliminary review:

1. A deed of proof of ownership or a statement giving authority to act on the owner's behalf.
2. Plan will have to be reviewed for conformity with the comprehensive plan.

Kevin Cullenberg explained that two of the lots included in this application already exist. They want to include these two lots in the subdivision but are requesting to exclude them from the fee system because they are existing lots. It is explained that the lots were broken out with the understanding that the remaining lot was over 40 acres and therefore exempt from subdivision. A survey was recently performed and the developer has learned that the remaining land is not 40 acres. They would like to clear this up with this subdivision application and include those lots to make this all legal.

Susan Dunlap states that this is not a decision they can make tonight but the board will look into what the options are. Sue explains that the next step is to present the board with a Preliminary Plan. A site walk and public hearing will probably be scheduled at the time of Preliminary review.

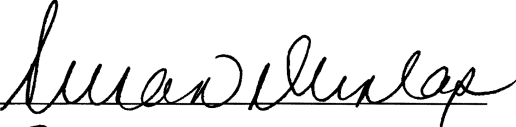

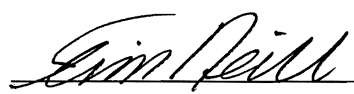
There is discussion regarding the hydro-geological impact study and it is noted that the applicant has requested a waiver on this in his application.

It is decided to add the remaining items on this agenda to the next meeting due to the lateness of the meeting and the number of Planning Board members absent tonight.

**IX. ADJOURNMENT**

Tim Neill made the motion to adjourn at 10:30 Everett Whitten seconds. Motion carried with a unanimous vote in favor.

APPROVED DATE: 7/26/01

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

# **PLANNING BOARD**

## **Town of Waterboro** Public Hearing Meeting Minutes July 16, 2001

Dwayne Woodsome called the public hearing to order at 7:34 noting attendance from the Planning Board of Tim Neill, Everett Whitten, and Susan Dunlap entered at 7:37. There were 10 plus members of Saco Valley Credit Union present and no members of the public.

This public hearing is to hear comments from the public regarding the site plan application of Saco Valley Credit Union on Map 22 Lot 10 on Route 202.

James Keenan is the project manager; Michael Keen and Dave Douglas are engineers for the project. Terry Shaw and Phil Trudeau are officials of the Credit union.

James Keenan explains the submission of the additional information on the plan that was requested at the initial meeting of the planning board. Sidewalks were added to the plan. They have depicted the foot candles to show that no light will shine on adjoining properties. They have submitted a request in writing for a waiver on the hydro-geological study. They have submitted a letter from the Water District that the public water supply can handle the usage of this business.

Mike Keen explains the project. They will replace the existing dwellings on the property. There will be two entrances onto Route 202. They have acquired their state entrance permits. They now own the property as they have closed on the sale. The drive up traffic will go around the back of the building. There will be 2 drive through windows and one 24-hour ATM. There is a by pass lane for people not wishing to use the drive through. There are 30 parking spaces on site. The site will be elevated 2' graded to the swales to keep any drainage on site.

The building will be constructed on a slab on grade. They will be hooking up to town water and will install on site septic system.

The building will be a 1-½ story cape style building. This property is located in the village zoning district with a requirement of a minimum of 40,000 sq. ft. which they have. The second floor of the building will hold employee lounges and there will be no public access to the second floor. There will be a handicap restroom facility on the first floor to meet ADA requirements.

The landscaping plan was explained. Some of the existing mature trees will remain on the site. The lighting plan was explained and a photometric study was presented. All the lighting fixtures will be shielded so no light spillage will occur off the property lines. None of the light sources will be visible.

Dave Douglas who is the soil scientist and performed the soil evaluation and designed the septic system explains that the water table is high on this property. He has designed a 16-

chamber system with a 195-gallon flow, which is actually less flow than what exists on the property now.

Jim Keenan introduced the sign information to be reviewed by the board at their next meeting. They are proposing a 90 sq. ft. sign, which is shown on the plan, and one sign on each end of the building.

The floor is opened up for questions at this time.

There are no members of the public present.

Susan Dunlap asks about the sign. James Keenan states that the sign is 85 sq. ft., which is under the 100' sq. ft. allowed. It is a 9' x 10'. It is under 25' in height and will be a free standing sign.

Susan Dunlap asks how many parking spaces are they proposing. James Keenan answers 30. Mike Keen adds this is based on 3,000 sq. ft. of public service area and 1 space for each 3 employees. The requirement in the zoning ordinance for financial institutions is 1 space for every 200 sq. ft. of public service area and 1 space is required for every three employees.

Dave Douglas states that the green space of the property vs. the impervious area is that the total sq. feet of the property is 43,000 +, the sq. feet of impervious area is 27,087 which is 65% of the lot being impervious area. There is 14,000+ sq. feet of green space intended on the lot.

Dwayne Woodsome asks about the entrance and exits. Dwayne states that he would prefer that the entrance be one way and the exit be one way. He feels that it would be safer.

James Keenan states that they are looking at having one-way entrance and exits. The entrance and exit will both be 24' wide. James believes that the customer will have the ability to exit the lot without having to go around the back of the building.

At this time there are no further questions or comments.

Dwayne Woodsome calls the public hearing to a close at 7:50.

# Town of Waterboro

## Planning Board Meeting Minutes July 26, 2001

### I. ROLL CALL

Susan Dunlap calls the meeting to order at 7:45 p.m., noting attendance of Todd Morey, Everett Whitten, Dwayne Woodsome, and Tim Neill. Attending from the public: Andrew and Gail Woodsome.

### II. APPOINTMENTS

Susan Dunlap reported that the Planning Board attended a site walk at the Myron Edgerly site plan on Route 202 and that Everett Parker Sr. and Jr. both attended the site walk as well. They walked all the way through to the back of the property with the abutters to look at their water concerns.

#### Communications:

1. Susan notes letter from Natalie Burns clarifying the conditional use question on the review of the grandfathered gravel pits. Sue asks Patti to put a copy of this letter in each pit folder.
2. Susan notes the letter from Ken Cole's office informing the board about new amendments to state subdivision law.

#### **7:45 Roy Russell for renewal of his Conditional use permit on Map 48 Lot 4.**

##### **Findings of Fact:**

- The name of the applicant is Roy Russell.
- Mailing address 40 Cottage St.
- City or Town Cambridge
- State of Massachusetts 02139
- Telephone 617-808-5114
- The owner of the property Robin Chase and Roy Russell.
- The property is located at Blueberry Road.
- The Zoning District is Agriculture / Residential and also falls within the shoreland zone.
- The property is designated as Tax Map 48 Lot 4 on the Assessor's maps.
- The applicant is Roy Russell and who has provided a copy of a deed.
- A complete application was received July 25, 2001 and fee of \$50.00 paid at that time.
- The applicant has proposed the rebuild existing cottage.
- The applicant applied for and received a permit by rule from Maine DEP on July 10, 2001.
- The applicant received a letter from James Webster on June 30, 2001 mailed by certified letter (return receipt # 7099 3400 0016 6507 9417) issuing a stop work order. The reason for the order was due to the building permit expiring and the conditional use permit expiring. There was also an issue that a requirement of the conditional use permit issued on August 7, 2001 was violated. The existing deck was to remain on the property and this has been removed as shown to the board by picture take by James Webster on June 27, 2001.
- The camp has been torn down and there is nothing existing on this site at this time.

- There is discussion about the second survey needed as per the original conditional use permit. The board would like the second survey performed after the completion of the building.
- There is discussion regarding why the permits expired and what is meant by actual construction. The applicant did not understand that actual construction meant at least the foundation work. There has been no construction as of this date. The only work done is the removal of the existing structures and groundwork preparing for the foundation. The board agreed that they would say actual construction was preparing to pour the foundation at the least. The Board added that this is really up to the interpretation of the code enforcement officer.

Dwayne Woodsome made the motion pursuant to sections 2.03, 4.01 and 7-2-B-3 on July 26, 2001 to approve the renewal of the Conditional Use Permit application of Roy Russell to rebuild the camp with the following conditions:

1. Expand up to 1088 sq. ft. using the total 30% allowable square feet expansion.
2. No part of the structure may be closer than 50' to the high water mark of the shoreland.
3. The sideline setback on one side no closer than 10' and the sideline on the other side no closer than 25'.
4. The frontyard setback to be no less than 45' from the road.
5. Submit a stamped as-built survey performed by a certified engineer at the completion of the construction to the Code enforcement officer insuring that all setbacks have been met.
6. Provide an HHE200 and have a suitable septic system installed.
7. All other setbacks to be met.

Everett Whitten seconds the motion. Motion carries with a unanimous vote in favor.

**8:00 p.m. Kate Donovan with American Tower Conditional Use application on map 13 Lot 44-2.** Dwayne Woodsome is abstaining from voting on this project. Kate Donovan gives an explanation about the why they chose this spot to put a communications tower. The goal is to provide seamless coverage. This is a large piece of property so will hide the intrusiveness of the tower as best possible. American Tower has already received a height variance from the Zoning Board of Appeals. They have notified abutters of tonight's meeting.

Susan Dunlap asks if they are leasing the property? Kate replies yes. Susan states that the board had a concern on a previous tower about the leasing of less than a minimum size lot in that zone. In this case the minimum lot size is 80,000 sq. ft. Susan adds that the board does not want to support the possibility of creating a non-conforming lot. The Right of way area can be included in the lot.

Susan states that the board will need to see the lease agreement showing that American Tower has authority from the property owners, Andrew and Gail Woodsome, describing the 80,000 sq. ft. lot.

Tim Neill stated that the board would like the lot to be large enough to cover the fall zone of the tower. The board informs Kate that the lot should encompass at least a 190' radius in the total 80,000 sq. ft. to cover the fall zone.



Susan Dunlap asks how much of the tower will be visible to the public and if a balloon photo has been done? Kate Donovan will supply a sketch of a balloon photo with locations marked for a 2-mile radius of the site.

Susan Dunlap states that Conditional Use permits require a public hearing. The public hearing is scheduled for August 8, 2001 at 8 p.m.

Bob Gobeil asks if the tower has to be lighted. Kate Donovan replies that they have done a flight determination with the FAA and they do not have to light the tower.

There is discussion regarding fencing the compound. Todd Morey asks Kate to get in touch with DEP and request whether this project requires DEP review and provide that documentation to the board.

Kate informs the Board that SHPO , State Historical Preservation Organization is reviewing this plan and the NEPA, National Environmental Protection Agency is reviewing this plan as well. The FCC will not allow this project to move forward until this plan complies with those guidelines.

The Woodsomes have already gotten a state entrance permit for the access road that has been on this property.

9:00 p.m. Dana Morton (project engineer) and Bill Brockman (SAD 57) with applications for Conditional Use Permits for three portable trailers for the school district. The first one reviewed was for a temporary portable classroom at Massabesic High School.

**Findings of Fact:**

- The name of the applicant is Dana Morton project engineer and Bill Brockman from SAD 57.
- Mailing address PO Box 499
- Town of Waterboro
- State of Maine 04087
- Telephone 324-3222
- The owner of the property is MSAD 57.
- The property is located at West Road.
- The Zoning District is Village.
- The property is designated as Tax Map 1 Lot 39/40 on the Assessor's maps.
- The applicant is Dana Morton and Bill Brockman who are acting on behalf of MSAD 57.
- A complete application was received May 31, 2001 and fee of \$50.00 paid at that time.
- The applicant has proposed place a temporary portable classroom.
- Applicant explains that the portable will be placed 20' from the building on existing pavement.
- This unit will be connected to the existing septic system.
- Applicant provides an email from Jay Hardcastle, from State of Maine DHS, who recommends to hook into the system and to monitor the water meter readings to see if the use exceeds the systems design capacity.
- Applicant provides a notice from the Maine Department of Public safety Fire Licensing stating the permits will be issued for the portable units.
- Applicant provides a letter from the local fire chief stating the portables are acceptable.

- The unit has heat and air installed.
- The unit has bathroom facilities.

Todd Morey asks what is meant in the proposal by funding for construction for a new facility is pending and this overloading situation will go away soon. Dana Morton explains that Fred Bechard made application for funding and they are hoping that SAD 57 is at the top of the list. Todd asks how optimistic are they that they are going to get this funding so this is not an ongoing situation of placing portable classrooms. Bill Brockman states they are optimistic that they won't get bumped off the list this year. Bill adds that if the district gets funding for a middle school, that the Jr. High will become another elementary school and will also be used for additional administration offices.

Dwayne Woodsome made the motion pursuant to sections 2.03, 4.01 and 4.05 of the Waterboro Zoning Ordinance on July 26, 2001 to approve the application for a Conditional use permit to place one temporary portable classroom at Massabesic High School with the following conditions:

1. Unit must be hooked up to existing septic system as per plans.
2. This conditional use permit expires in five (5) years when the lease for this unit expires and to be reviewed and inspected by the Code Enforcement officer at that time.
3. This temporary classroom is to be numbered and reported to the Waterboro Fire Department.
4. This unit to be hooked into the school fire and alarm system.

Everett Whitten seconds the motion. Motion carries with a unanimous vote in favor.

**The second application reviewed is for the temporary portable classroom at the elementary school.**

**Findings of Fact:**

- The name of the applicant is Dana Morton project engineer and Bill Brockman from SAD 57.
- Mailing address PO Box 499
- Town of Waterboro
- State of Maine 04087
- Telephone 324-3222
- The owner of the property is MSAD 57.
- The property is located at Route 5.
- The Zoning District is Village.
- The property is designated as Tax Map 7 Lot 80A on the Assessor's maps.
- The applicant is Dana Morton and Bill Brockman who are acting on behalf of MSAD 57.
- A complete application was received May 31, 2001 and fee of \$50.00 paid at that time.
- The applicant has proposed place a temporary portable classroom.
- The applicant provides an HHE200 for the septic system that is proposed to be installed and this will be forwarded to the code enforcement officer.
- The unit will be placed to the front of the building and a paved walkway will be installed to the school with a fence to keep the children out of the bus lane.

- Applicant provides a notice from the Maine Department of Public safety Fire Licensing stating the permits will be issued for the portable units.
- Applicant provides a letter from the local fire chief stating the portables are acceptable.
- The unit has heat and air installed.
- The unit has bathroom facilities.

Dwayne Woodsome made the motion pursuant to sections 2.03, 4.01 and 4.05 of the Waterboro Zoning Ordinance on July 26, 2001 to approve the application for a Conditional use permit to place one temporary portable classroom at Waterboro Elementary School with the following conditions:

5. Septic system to be installed and unit hooked up to as per plans.
6. This conditional use permit expires in five (5) years when the lease for this unit expires and to be reviewed and inspected by the code enforcement officer at that time.
7. This temporary classroom is to be numbered and reported to be kept on file with the Waterboro Fire Department.
8. This unit to be hooked into the school fire and alarm system.

Tim Neill seconded the motion. Motion carries with a unanimous vote in favor.

Dwayne Woodsome made the request to Bill Brockman that the principal of that school put the older kids in the portables.

**The Special Education Office Portable unit is reviewed last.** Dana Morton explains that this portable is for added administration space only. This portable does not have a bathroom because the existing space exceeds the minimum requirements. The number of people is not changing this is just to expand the space. Dana provides a letter from the State Fire Marshall. The board informs the applicants that they will have to coordinate with the code enforcement officer on fire protection. There are no classrooms in this unit. Bill Brockman explains that the special ed. Program must provide private consultation areas in order to gain access to the Medicaid program. Currently consultations are done in an open area. This unit is to provide space for social workers to have private area. Susan asks is this is to be a permanent building. Dana Morton replies that this is meant to be temporary. Dana Morton adds that when they get funding from the state this whole complex will change. Bill Brockman states that all the windows are egress windows.

Dana Morton reports that a new irrigation system was installed for the athletic fields and that the well has more than adequate capacity and that the water has passed all water tests.

Dwayne Woodsome states that he would suggest putting a time limit on the conditional use permit. Bill Brockman states that this is a six-year lease.

Susan Dunlap questions whether this unit needs a conditional use permit because it is not a classroom.

Patti will check with Jim Webster to see if this unit requires a conditional use permit and if it does it will be brought back to the board under old business on August 8. Dana would not have to attend because the board has already reviewed the application.

### **III. MINUTES OF PREVIOUS MEETINGS**

Dwayne Woodsome made the motion to approve the June 28, 2001 minutes as written. Everett Whitten seconds the motion. Motion carries with a vote of 3-0-1 with Todd Morey abstaining because he was not in attendance of this meeting.

Everett Whitten made the motion to approve the July 11, 2001 minutes as written. Tim Neill seconds the motion. Motion carries with a vote of 3-0-1 with Todd Morey abstaining because he was not in attendance of this meeting.

The public hearing minutes for July 16 were noted as being complete but do not need approval.

### **IV. REPORT OF OFFICERS**

Dwayne Woodsome reports that the Selectmen gave the secretary an increase in her hourly rate. Dwayne adds that he feels the selectmen should check with the board prior to granting increases to insure that the budget will support the increase.

Dwayne Woodsome as treasurer reports that we are into the new fiscal year on our budget and that the consulting and legal fees were carried forward into this new year but everything else was rolled over into surplus. Dwayne reminds the board that they will begin to see their increase in their next quarterly payroll.

### **V. OLD BUSINESS**

1. James Keenan representing Saco Valley Credit Union and various members of the credit union are present for final approval of their site plan application. James K. submitted a letter requesting a waiver of the hydro-geological study. Dwayne Woodsome made the motion to grant the waiver based on the fact that the building will be on town water and they are installing an adequate private septic system. Tim Neill seconds the motion. Motion carries with a vote of 3-0-1 with Todd Morey abstaining, as he did not attend the meetings where this project was reviewed. James Keenan reviews the revised lighting plan showing that the lighting will not shine on abutting properties. James K. provided information in the signs as requested by the board. The checklist is reviewed and the two items that the board requested, being the lighting plan and the signs were deemed satisfactory. Tim Neill made the motion to approve the final plan of Saco Valley Credit Union. Everett Whitten seconds the motion. Motion carries with a vote of 3-0-1 with Todd Morey abstaining.
2. Discussed the Avery/ Star Subdivision application. The board hadn't voted to approve the sketch plan at their last meeting. Susan Dunlap feels that the board needs more discussion regarding those lots that were already created. Todd Morey states that the first thing the board should do is deal with the illegal subdivision. Dwayne Woodsome suggest we invite the developer to the workshop next week. Dwayne Woodsome made a motion to invite the Avery Star subdivision developers to the workshop next week and to limit the applicants both to one hour. Everett Whitten seconds. Motion carries with a unanimous vote in favor.
3. Dwayne brings up whether the board should advertise the Cote workshop next week where they had told the public that all future meetings would be advertised. Todd agrees that as a courtesy this should be advertised. Dwayne Woodsome made the motion to run an ad in the smart shopper that the board is holding a workshop with Mr. Cote on his

application for Meadowbrook Subdivision. Todd Morey seconds the motion. Motion carries with a unanimous vote in favor.

4. Discussed a request by Cal Knudsen to amend Bartlett Pines Subdivision. The board told Patti to inform Cal that he had to submit an application for amendment and provide written documentation that the property owners in that subdivision agree to the change.

#### VIII. NEW BUSINESS

Dwayne Woodsome brought up a discussion about the list of lots that are going up for auction in August. He could not make the meeting that the selectmen invited the planning board to attend. Dwayne points out a section of lots that the town property committee had agreed would be set aside for a ballfield, and a section of lots that did not have public water supply. It is agreed to send a request to the selectmen to remove those lots from the auction list.

#### IX. ADJOURNMENT

Everett Whitten made the motion to adjourn at 10:50. Todd Morey seconds the motion. Meeting is adjourned.

Approval Date: 9/27/01

Roland E. Derby

Everett Whitten

Luan Dunlap

Dwayne Woodsome

Kathy Dufek

Emm Hall

# Town of Waterboro

## Planning Board Meeting Minutes For workshop August 1, 20001

### I. ROLL CALL

Susan Dunlap calls the workshop to order at 7:40 p.m. noting attendance of Todd Morey, Tim Neill, Everett Whitten, Ken Danforth, and Dwayne Woodsome enters the meeting at 8:15 p.m. Attending from the public are Bill Thompson, Andre Cote, and one resident from Brookside Drive. John Perry and Kevin Culllenberg.

### II. APPOINTMENTS

Susan noted that the board performed a site walk at 6:30 this evening at the Bennett Hill Road Pit owned by James MacDonald.

#### **7:30 Andre Cote and Bill Thompson to review the plan for Meadowbrook subdivision application.**

Susan Dunlap states that a concern of hers is that she feels the town should look at upgrading Brookside Drive because that road is in bad shape now. Todd Morey suggests having Mr. Cote's engineer look at estimating the cost of upgrading Brookside Drive to current town standards and possibly splitting the cost between the developer and the town.

Mr. Cote states that he has not seen any other subdivision in town being required to upgrade current road conditions.

Todd adds that we are talking about a dead end here, not a through road.

Mr. Cote states that he is willing to have a traffic engineer look at the intersection that the current residents are concerned about. He is willing to install speed bumps. Is willing to install fire protection.

Todd Morey states that he feels a 3,900 foot dead end is too long.

Mr. Cote states he is willing to state no further extensions of this dead end will be requested. He is willing to agree to never extend this as a through road to Deering Ridge Road.

Susan asks if there is any way to loop this road around. Mr. Cote replies that he doesn't feel making a longer road is going to make it any safer.

Todd Morey states that adding more traffic is going to affect Brookside Drive and the town has to look at that.

Everett Whitten asks if the developer will consider any alternatives to the hammerhead turns? Mr. Cote replies yes he is open to alternatives.

Mr. Cote states that he is looking for approvals before winter so he can get most of the work done over the winter months when he feels will be least damaging to Brookside Drive. Mr. Cote states he is not willing to upgrade Brookside Drive. That is not feasible for him and he will have to develop more land to recoup the cost. He is willing to address the safety concerns. He will do whatever the fire chief requires. He will agree to no additional subdivision applications. He will remove the added rights of way for future development. He will agree to a cul de sac. He will agree to never develop the road through to Deering Ridge Road. He will dedicate open space to the town. He is trying to develop as little road as possible as he can for feasibility reasons. Mr. Cote adds that he was a little upset that the road review committee met to discuss this proposal and he was not informed about the meeting so he could have input into that process.

Susan Dunlap states that she would like to pursue looking into the current conditions of Brookside Drive. Sue adds that she has a problem with making the developer responsible for the current conditions of that road.

Ken Danforth asks if Mr. Cote intends to build the road up to town specs? Mr. Cote replies yes his intention is to build the road to be accepted by town meeting as a town road.

Susan states that Mr. Cote should understand that any deterioration done by his equipment to the existing road would be his responsibility to fix.

It is agreed that the next step has to be a decision on the request for a waiver for the extension of the dead end road. Mr. Cote thinks the ordinance should be changed so there is a definite length that the town will not go beyond. Right now the board has the authority to grant the waiver. It is agreed that the request for a waiver for the dead end will be put on the August 8 agenda for a vote so that Mr. Cote can move on with his project.

There is discussion about requesting the road review committee to look at Brookside Drive. The board decides to ask the road review committee to do a site walk with them at Brookside Drive on August 16 at 6:30. They will meet at the circle.

**9:00 p.m. Kevin Cullenberg and John Perry for their application for an 8-lot subdivision on Avery Road and Star Hill Road.**

Susan Dunlap explains that three of these lots on the plan are existing lots and there is a house on two of the lots. The applicants are asking for this subdivision application to consume the existing lots.

Dwayne asks who will be plowing and sanding the road and how do they propose to people in and out? John Perry answers that it is already a 33' wide road. Kevin Cullenberg states that they won't be asking the town to maintain the road unless it is brought up to town specs.

There is a view easement on three of the lots that nothing can be built in that area due to the view of Mt. Washington. The common area will be owned by all lot owners.

There is discussion about the right of way. There is a 50' easement currently. The board informed the applicants that they would require a deeded 50' right of way which would mean changing the lots lines on the back sides of the lots. Todd added they would want to see a minimum 18' wide road. The fire chief may require a wider road. The current property owners would have to agree to this. Todd adds that the developers will have to get a recommendation from the fire chief.

Dwayne adds that they would need to build a turnaround for fire equipment.

Sue asked about fire ponds. John Perry states there is already a fire pond and they can install a dry hydrant.

There is discussion regarding the status of Avery Road. The developers believe it is an abandoned road.

A site walk is scheduled for August 8, 2001 at 6:30 at Avery Road.

Kevin Cullenberg would like to clear up the issue about the lots being illegally subdivided. He wanted it to be clear that this was not intentionally done. That the developer at the time thought the remaining parcel was over 40 acres and according to the survey done at the time it was more than 40 acres. When Kevin went and performed a current survey with more updated instruments he found the remaining parcel was 33 acres.

Sue states that our concern is that there are current deed restrictions on the existing lots and they are proposing different restrictions for the rest of the lots. There is discussion about leaving one or two of the lots out of the subdivision. Two of the lots are legally split. Lot 8 can either be excluded from the subdivision or if the owner of lot 8 agrees to the restrictions there is no problem.

This workshop adjourns at 10:00 p.m.



# PLANNING BOARD

**Town of Waterboro**  
**Meeting of the Planning Board**  
**Wednesday, August 8, 2001**

**Attending:** Ken Danforth, Susan Dunlap, Todd Morey, Tim Neill, Everett Whitten, Dwayne Woodsome

**Absent:** Roland Denby

Following a site walk at Avery Road and Star Hill Road held at 6:30 pm. the Planning Board opened its regular meeting with a Public Hearing for Myron Edgerly's request for a site plan for Baker Automotive /Funtime Video and tanning. (Map 4 Lot 41) Mr. Edgerly distributed copies of the survey indicating the building, parking lot, lighting and sewer system—24 Acres in all. The garage would be available for repairs, mechanical work, oil changes and alignments only. Gasoline would not be available for purchase at this site. A tanning salon and video store is planned at the opposite end of the building with office space between. Todd inquired about the soil evaluation and the necessity of providing a statement on the nitrate system. Mr. Edgerly indicated that he recycles antifreeze and burns used oil. Public questions asked about DEP regulations. It was stated that DEP had been informed about the proposal but Mr. Edgerly doesn't need a permit due to the size of the property. The Department of Inland Fish and Wildlife claimed that the winter deer populations and insects will not be affected by this business. A survey indicated where the old ROW was and new ROW is at present therefore reducing the amount of land in the parcel from 24 acres to about 21 acres. 202 is now wider and took up land from all abutting properties. The impervious area is less than 1 acre. Mr. Edgerly indicated that in Waterboro, all areas that have been dug out can be refilled if there is no stream that feeds the excavated area. There were no further questions from the public. Todd required a nitrate study and documentation on drainage and elevation levels. There will not be floor drains inside the garage section. Drains are not recommended. The Public Hearing was closed at 8:03 pm.

A Public Hearing for American Tower (Map 13 Lot 44-2) was opened at 8:12 pm. The results of the balloon test indicated that the tower can be seen from all locations but that it was not visually intrusive. The current plan is being amended to show the 190 foot fall zone. Currently applicant is waiting for the NEPA report from DEP. There were no further questions. The Public Hearing closed at 8:20 pm. The applicant has 6 months in which to obtain a building permit, 6 months from then in which to begin building and 2 years in which to complete construction.

Richard Wasina presented a sketch plan for a 15 lot subdivision to be located off South Waterboro Road. (Map 2 Lot 9) There would be a planned 1100 foot new road with cluster configuration lots of about 150 foot frontage for 14 lots and 1 lot to front onto Goodwins Mills Road. The whole land area is about 29.9 acres. Topography increases from the road so drainage is toward the existing road. Preliminary soil tests have been completed and results reportedly were satisfactory. 90 subsurface test pins also reported satisfactory sub-surface waste water and individual well results. The developers would be willing to pave the roads to Waterboro standards and also provide underground electric service. Questions were centered around the availability of water for fire purposes. The closest hydrant is about 2000 feet up Goodwins Mills

Road. The Fire Chief should be consulted and report with his opinion of a fire pond v. use of the hydrant. The depth of each lot has been shortened to accommodate an 'open space' buffer behind the development. The original property has been divided and sold. The original plan for this development did not get approval. The property is owned by Robert and Mary Fogg. The original plans had some tests completed the results of such could be retrieved. It was established that the land in the rear needs access due to the sale of adjacent properties and a sizable wetland. The first plan required town water due to the poor quality and quantity of dependable supply. The Board requested information based on new plans. Sue suggested that the old results are to for referral purposes to see why original was denied. Sue questioned if there was a checklist for sketch plans. It was not established if the old plan had ever been recorded or if it had just been approved. Presently this is a wooded lot. Sue asked if there was a restriction of the number or percent of trees that can be cut. The sale of lots to a contractor or to individual homeowners has not been decided. It was explained that a road cannot be made into a town road by the Planning board—that needs to go before the people at the Town Meeting in the Spring. Further discussion centered around the public's desire to improve the town by requiring the construction of sidewalks. Final decision was to go forward with the preliminary plans but to consider curbing, sidewalks, fire pond and sight distances.

9:00 pm. Angie Brewer presented her proposal for a garage (Map 19 Lot 43). An original application for a garage 24 X 28 has been amended to 24 X 24. The proposed garage will be set back further than the existing house and up to 10 feet from the existing property line. At this time there is no building along the other side of the property line. The amended plan does not indicate a breezeway and is a self-standing construction on a sub-standard lot. Board members indicated that as long as the garage is 10 feet from the property line it can be connected to the house. A modified application will require a new application but not an additional charge. Dwayne made a motion to approve the garage no closer than 10 feet to the property line and no closer to South Waterboro Road than the existing house, plus a Class D survey to be completed to locate pins of the foundation and the verification of the paperwork by the CEO before issuing the permit. Additionally, Todd requested an updated application and sketch be submitted before a permit is issued. Tim seconded this motion. No discussion. Vote 6-0-0. Applicant will pay for the recording fee and Patti will record this in York County.

Brookside Drive--This meeting was only for the consideration of the subdivision. Mr. Ferguson inquired about the special circumstances surrounding the development of this road and hoped that other options could be considered. The Board assured him that other choices have been examined and that their decision is that a loop is not considered a dead end road. Sue emphatically pointed out that there are many examples of dead end roads in Waterboro where there is only one way in and out. Dwayne said the original plan was to develop Brookside Drive. Sue will not support additional access to Deering Ridge Road because it is already too busy. Mr. Cote cannot develop off Hooper Hill due to the steep incline or off Deering Ridge because of rock. The land owned by Mr. Cote is more appropriate for development off Brookside. Mr. Cote is requesting a waiver to build an extension onto the dead end of Brookside Drive. Dwayne made a motion to deny Mr. Cote his request for a waiver to extend the road 600 feet. Sue added that the Board would entertain other options. Mr. Cote cited 1) safety issues were already approved by the lawyer and the fire chief 2) There would be no ROW for future development 3) agreed to providing a fire pond 4) agreed to a traffic study and signage instead of the cul de sac

5) will provide a green space for children's activities 6) he will maintain the dead end if the project is approved. Mr. Cote feels he has complied with the Boards concerns and suggestions. Todd suggested that he can develop for the distance of 600 feet beyond the existing dead end, but not beyond the beginning of the split of the loop. Brookside Drive is a Town road and as such is maintained by the town. The extension will not be maintained by the town. Vote to approve the motion set forth by Dwayne indicating that the waiver be denied 6-0-0.

Conditional use for SAD 57's request for portable office space: Dwayne motioned to issue a conditional use if so needed for portable offices and carport roof connecting one building to another. Todd seconded. Vote 6-0-0.

Dwayne made a motion to elect offices at the first meeting In September. Letters shall be sent to members indicating that this will be the first item on the agenda. Tim seconded. No discussion. Vote 6-0-0.

Avery Star subdivision was postponed. Dwayne mentioned that the developer will research the status of the road. Sight distance is not good at the present time. Developer needs to plan where driveways will be.

30% expansion definition will need to be discussed at the next meeting and should be put on the agenda.

Dwayne made a motion to adjourn. Todd seconded. Vote 6-0-0. The meeting was adjourned at 10:50 pm.

Respectfully submitted,  
Wendy L. Carter

Approved Date: 9/27/01

Robert E. Dault

Everett Whitten

Marian Dunlap

Orange Woodson

Vernon J. Ford

Tim

Emm

# PLANNING BOARD

## Town of Waterboro

Meeting Minutes

August 23, 2001

### I. ROLL CALL

Susan Dunlap called the regular Planning Board meeting to order at 8:45 noting attendance of Dwayne Woodsome, Todd Morey, Roland Denby, Everett Whitten, Tim Neill, and Ken Danforth.

### II. APPOINTMENTS

**Charles Binnette for Lakeside Market with a conditional use application on Map 28 Lot 33A.** Mr. Binette is applying to move the gas pumps and install a new gas tank in the ground. This property is located in the AR zone. Dwayne Woodsome explains that the Binnette's purchased the abutting property and made a non-conforming lot a conforming lot. This property received a variance in 1996 to place the canopy for the tanks to within 19' of the front property line along Route 5. This request for change is moving the canopy back to the abutting lot making the setback 34 feet from Route 5. The applicant is also requesting to install a bigger gas tank. Dwayne Woodsome states that this would make a safer situation because the tankers would not need to refill the tanks as often and reduces the risk of spills. Sue Dunlap states that the applicant has received DEP permits to do this work already.

Everett Whitten made the motion to approve the application of Lakeside Market to move the pumps and canopy back and to install new gas tanks per the diagram presented pursuant to section 3.06.02 (15), and 2.08 of the Waterboro Zoning Ordinance with the following condition:

The applicant shall submit an as built survey to the code enforcement office upon completion of the installation of the tanks and canopy so the town has a record of where the tanks have been placed.

Tim Neill seconds the motion. Motion carries with a unanimous vote in favor.

**Cal Knudsen with application for subdivision amendment of Bartlett Pines Subdivision on Deering Ridge Road on Tax Map 5 Lot 27-3.** Cal explained he would like to deed the 10' buffer strip between Bartlett Pines Road and the abutting property to the abutting lot, which he has since purchased and now owns. Bartlett Pines would remain a 50' road.

Sue Dunlap informs the people present that the town has received advice from the town attorney that this request for amendment does not need approval by owners of property in the subdivision because it does not change the road in which they all have interest in maintaining through the road maintenance agreement that runs with their deeds. This gives the Planning Board the authority to follow their normal procedures in reviewing this amendment request.

Sue Dunlap asks Cal why he is requesting this amendment. Cal replies to give the abutting lot which he owns access to Bartlett Pines. Cal reminds the board that the road maintenance agreement that is referred to in the deeds of lots in Bartlett Pines subdivision states that the road may be used in the future for access to further development and houses.

Sue Dunlap reviews the procedure from the subdivision regulations regarding amendments. The procedure for amending an already approved subdivision is to follow the final plan procedure for subdivision review. There is a discussion regarding whether the board would require a public hearing on this change.

Mr. Kelly who is a property owner in the subdivision asks if breaking this strip away from lot 4 would be further subdividing lot 4? Dwayne Woodsome answers no it is not creating another building lot.

Tim Neill made the motion to proceed with the final plan review of this plan without holding a public hearing. Ken Danforth seconds the motion. Motion carries with a vote of 5 in favor and 1 opposed with Dwayne Woodsome opposing.

The checklist for final plan was reviewed. Finding everything in order, Tim Neill made the motion to approve the Amended final plan of Bartlett Pines Subdivision. Everett Whitten seconds the motion. Motion carries with a unanimous vote in favor.

**Richard Pierce application to amend a conditional use permit issued on 6/26/01 on Map 11 Lot 60 for a 30% expansion in the shoreland zone.** Jim Webster issued a building permit allowing Mr. Pierce to reduce the size of his deck and the condition use permit states that the deck is to be removed. Dwayne Woodsome made the motion to deny the request from Mr. Pierce and that Mr. Pierce re-apply for a conditional use permit to get this changed. Ken Danforth seconded the motion. Motion carries with a unanimous vote in favor.

#### **IV. REPORT OF OFFICERS**

Dwayne Woodsome reviewed the expenses of the Planning Board as of July.

#### **V. OLD BUSINESS**

#### **VI. COMMUNICATIONS**

1. Dwayne Woodsome noted the memo from the board of selectmen requesting that a member of the Planning Board be appointed to serve on the Transfer Station Committee. Everett Whitten stated that he was interested in serving on that committee. Dwayne Woodsome made the motion to appoint Everett Whitten to represent the planning board on the Transfer Station Committee. Ken Danforth seconded the motion. Motion carries with a unanimous vote in favor.

2. Sue Dunlap reviews the notices of planner's conferences that are available in September. Dwayne Woodsome made the motion that any board member and Patti may attend the seminars and the board pays the fees. Tim Neill seconds the motion. Motion carries with a unanimous vote in favor.

3. Sue Dunlap reports that Sebago Technics has finished with their initial review of the zoning ordinance and would like to schedule another workshop with the board. Ken Danforth suggested that some work be done to the road design ordinance so that in the future the board has a clearer set of guidelines to follow when reviewing subdivision applications.

At this time Dwayne Woodsome brings up the fact that a site walk scheduled with the road review committee and the planning board and applicant Andre Cote was cancelled at the last minute and that he was very upset about that. He felt the meeting was scheduled for the applicant to review his request to develop land at the end of Brookside Drive with the road review committee. There was some confusion among the board members as to the reason the meeting was set. Sue Dunlap attempted to explain that the reason she, as acting chairman of the board, cancelled the meeting because she called the board members and realized that a majority of the board would not be able to attend the site walk. Sue thought that combined with the fact that the

waiver for the extension of Brookside Drive was denied, postponement of the meeting seemed to be the best option. Sue believed the purpose of the meeting was for the whole planning board and the road review committee to meet and review these road plans. Dwayne did not accept this as a valid reason. Todd Morey stated that he did not believe that it was the planning board's responsibility to set up meetings with the road review committee, and that if the applicant wishes to set up a meeting he is free to do so. Due to the heated nature of this discussion, Sue Dunlap called for a motion to adjourn the meeting. Agenda items not covered in this meeting will be added to the next meeting. Everett Whitten made the motion to adjourn at 10:20 p.m. Ken Danforth seconded the motion. Meeting adjourns.

APPROVED:

Date: 9/27/01

<u>Robert E. Dwyer</u>	<u>[Signature]</u>
<u>Everett Whitten</u>	<u>[Signature]</u>
<u>Sue Dunlap</u>	<u>Dwayne Woodson</u>
<u>Ken Danforth</u>	

# PLANNING BOARD

## Town of Waterboro

### Public Hearing Minutes

August 23, 2001

Vice Chairman; Susan Dunlap calls the public hearing to order at 7:43 p.m. to review the site plan application of Waterways a car wash, lube service and coffee shop on the corner of Route 202 and Hamilton Road on Map 22 lot 4B of Francis Edward Wood. Fifteen members of the public are in attendance of this hearing.

Steve Stearns, project manager from Pinkham and Greer reviews the project with the public. Mr. Stearns reports that in the process of the meetings with the board the project has changed. They have removed the Laundromat from the project. They have received entrance permits from DOT. The proposed hours of operation are from 4 a.m. to 10 p.m. The application is for a car wash and lube shop with a coffee shop. The coffee shop would have no food preparation. The plans have changed in response to town comments and DEP review. They have pulled all of the stormwater management out of the 100' setback of the stream. Nothing will flow from the site to Hamilton Brook. They have designed the site to maintain the natural drainage character of the site.

They have received two licenses from DEP. The Wastewater discharge license and the stormwater license. They have received both permits from DEP and the town has received copies.

There has been a peer review performed by Sebago Technics and the town has received written confirmation that all town ordinances have been complied with.

At this time the floor is opened for public comment and question.

Joyce Segee states that she is an abutter and is an owner of Senior Services. Mrs. Segee states that in the spring they have to pump water out of their cellar for 6 weeks and they are concerned that this project will make that worse.

Steve Stearns states that the run off water created from this site is drained into two retaining ponds. All stormwater will flow from the middle of the site to either side away from that particular lot to the ponds.

Mr. Segee asks how high do they intend to build up the site. Steve answers that the floor of the carwash bay will be built up 2 1/2 feet above their property.

Mr. Segee states that he wants the planning board to think about this. This is a major issue to them. They feel the water from this site will drain onto their property. If the carwash is going to be 2 1/2 feet higher than their property where is the water going to go. When they bought the property from Mrs. Kimball she had told them that she has seen water sitting in that field. What is going to come off the cars and be washed onto their property? If this property was not in the flood zone he wouldn't care. Another concern is building two ponds right next to the brook.

Sue Dunlap asks Mr. Segee what he means by the flood zone. Does he mean the national flood zone determination or is he just speaking that the property floods in the spring? Mr. Segee replies that he is merely speaking of the flooding that occurs in the spring.

Todd Morey reviews the information provided on the 6 test pits on that site. Todd adds that from everything he has heard about the site that the water table is higher than the tests are showing.

Sue Dunlap asks Todd how much a dry summer can affect the natural ground water? Because we have had a very dry summer. Todd replies that it can have an effect on the testing. Todd adds that the original test pits from when the project first started showed the water table higher to ground level than they are showing in these most recent tests.

Sue Dunlap states that the brook will overflow, as it always does. The water will not be able to flow where it normally does because the site will be built up. The land is very wet. It makes her very nervous that water can not follow its normal path because the lot is built up. Where is the water that we see each year going to go?

Everett Whitten asks Mr. and Mrs. Segee if they pumped water out of their cellar every spring he doesn't understand their concern because they already have a wet cellar. He asks if their concern is that this site is going to make their problem worse?

Mrs. Segee states she has known of the water flooding completely across the road.

Everett Whitten states that this business is not going to make that worse.

Mrs. Segee states that to put a business that processes large amounts of water in an area that is already wet is asking for trouble. If you build that site up 2 ½ feet where is the water going to go?

Sue Dunlap asks Steve Stearns how much water will their design be reclaiming? Steve answers that most of the water will be reclaimed. It goes through an ozonization process and through three holding traps. The location has to be sampled for 18 months according to DEP licensing and there will be two test pits that will also be monitored. The property owner will be responsible to hire a testing lab to sample the water and report to DEP. Steve reads the requirements of the DEP permit at this time showing that they have to test the water.

Steve adds that they have to have two flow meters inside the building, one for the car wash and one for the lube shop. This is so DEP can monitor the actual volume of water being recycled. There are very rigid standards of the quantity and quality of water being discharged.

Roland Denby asks how much water will be recycled and how much will be discharged? Steve Stearns replies that most of the water will be recycled. They can not discharge more than 700 gallons per day. That is all their DEP license allows.

Sue Dunlap asks how much water will be used daily? Steve answers 700 gallons maximum per day. Steve adds they have a 1000 gallon tank where the same water may be used over and over. When the water becomes too dirty to use the system will discharge it to the disposal system. There it will go through two filters and an ozonization process. The sediment will go to a holding tank that will be emptied by contracted and certified waste haulers. The material will be sampled from the manhole on a monthly basis. Then water is added to the system when needed which is also monitored to keep track of how much water the system is using.

Sue Dunlap asks how fast does the 700 gallons go through the system, and where does the water discharge to? Steve answers that the water discharges into the leachfield and then into the ground. The system is designed to accommodate 700 gallons per day.



Sue Dunlap states that she is just trying to figure out where all this water is going to go when the ground is already wet.

Todd Morey states that water will end up in Hamilton Brook.

Steve Stearns states that he would guess that if this area floods that all the houses would already be flooded. This site will be 2-3 feet higher than the natural ground and the system is designed to accommodate this flow.

Everett Whitten states that this board has to go by the engineer's calculations and figures that are presented to us. The town has also had all of the projects reports reviewed by its own engineer, Sebago Technics to insure that all the calculations follow town ordinances.

Sue Dunlap suggests that the Planning Board have Sebago Technics do a peer review of the wastewater management plan. Sebago Technics reviewed the stormwater management for the town but not the wastewater plan.

Steve Stearns states that he objects to that because engineers have reviewed this plan stringently and the process to get this license involves many reviews.

Sue Dunlap states that she thinks it needs a review by someone who knows the land not some engineer sitting in an office who can't see that the land floods every year. She would like a better feeling that this system that is proposed is suited for this site. The Planning Board has the right to request a peer review.

Dwayne Woodsome states that if they had a foot of water in their cellar than he figures the ground water calculations provided must be correct because it figures out. Dwayne adds the pollution problem in East Waterboro that Mr. Segee has referred to has received a clean bill of health from DEP. DEP has monitored the pollution problem in South Waterboro and that site is listed as being on the national clean up.

Todd Morey states that according to the calculations regarding the ground water levels and the statements of the abutting property owners the calculations correlates to what the abutting property owner is experiencing. Todd adds that the test pits indicate a sand lens and he saw no indication of a clay lens. Todd adds that he doesn't agree with sending the wastewater permit out to peer review. He knows the process that they went through to get the license. DEP will vigorously monitor this system. The contaminants will settle in sediment which is contained in a holding tank and the owner has to have a contract with a licensed waste hauler to dispose of it.

Mrs. Segee states that she was not notified of the public hearing. Steve Stearns said that he would take care of any further notifications. Mrs. Segee adds that they have a growing business in Waterboro and she wants to protect her interests and asks the planning board to keep her interest in mind when making their decision.

There were no further comments from the public or board members.

Public hearing closed at 8:43.

Respectfully submitted,  
Patti Berry

# PLANNING BOARD

## Town of Waterboro

Meeting Minutes  
September 12, 2001

### I. ROLL CALL

Susan Dunlap calls the meeting to order at 7:35 p.m. noting attendance of Tim Neill, Ken Danforth, Roland Denby, Everett Whitten, and Todd Morey.

At this time Everett Whitten made the motion to go into executive session to discuss a committee members status on the board. Todd Morey seconds the motion. Motion carries with a unanimous vote in favor. Sue notes that the party declined to be present at this meeting and that the Planning board by-laws gives the board the authority to enter into this executive session for this reason.

The meeting is called back to order at 8:15 p.m.

Dwayne Woodsome enters the meeting at 8:30 p.m.

### II. APPOINTMENTS

Andre Cote is present with a revised sketch plan for Meadowbrook subdivision on Tax map 11 lot 42. Bill Thompson, project engineer from BH2M was also present along with Dave Ordway who is Mr. Cote's attorney. Bill Thompson explains the revisions to the original plan. The road comes in 600' to a looped end with a 125' radius, which services 3 lots. The plan has been scaled down to 13 lots. The 600' is measured from the end of the 500' dirt road that exists off the end of Brookside Drive and services four to five existing homes. Mr. Thompson states that the lots will be serviced by drilled wells. They plan to provide fire protection either in the form of fire pond or other means if necessary. The gravel access road that is existing will be improved to town standards as will the 600' road into the subdivision.

There is discussion amongst the board whether this road requires a waiver on the length allowed of the dead end. Mr. Thompson stated that the board gave them the direction that the road being constructed would be considered from the end of the 500' gravel access road and that the new portion could not exceed 600'. This is what they have presented to the board in this revised plan.

Todd Morey states that the board gave the developer this direction and said that the 500' gravel access already exists and would not be taken into consideration in the new road. That if the road were not longer than 600' they would not need a waiver.

Bob Gobeil asks how wide the right of way is going to be. Mr. Thompson answers 50'. Bob G. replies that he thinks it should be 60' to give room for sidewalks. Everett Whitten states that there are no provisions in our ordinances to require a 60' right of way or to require sidewalks. Todd Morey adds that if the board were to require sidewalks that they could be incorporated within the 50' right of way. There is no need to require a 60' right of way.

Roland Denby asks if they intend to make this a town road. Mr. Thompson answers that they do. Roland adds that this would have to go to town meeting to be accepted as a town road. Susan Dunlap asks if they intend to bring the 500' existing gravel access road up to town standards as well? Mr. Thompson answers yes.

A resident from Brookside Drive asks what about fixing the existing Brookside Drive? Susan Dunlap states that we are not at that point in the review process yet. The first thing the board needs to decide is if they are going to endorse this plan.

Susan Dunlap asks why the board should not be considering the 500' portion of existing road in the total length being developed? Todd Morey states that the board has discussed this with the developer and has already indicated to Mr. Cote that they would only consider the 600' of new road beyond the 500' that is already there. Todd adds that we are bound to that. Susan Dunlap states as long as the board is comfortable with that. Susan reads from a letter from the town attorney regarding this project advising the board that they need not consider Brookside Drive in the total length of road because that has been accepted as a town road. They should only be considering the length of road in the request for subdivision. Susan asks what was the original request for the waiver? Mr. Thompson replies that it was 1,100 feet on top of the 500 feet.

At this time the Preliminary Plan checklist was reviewed.

The following is a list of items that will need to be provided to the board on the next set of plans for preliminary plan approval.

- Signature line for the developer
- Address of soil scientist
- Address of hydro-geologist
- Dimensions and bearings of all lots
- Widths of all adjacent streets
- Widths of easements
- Show fire ponds and hydrants on plan
- Hydro-geological study
- Soil characteristics
- Soil suitability report
- Restrictive covenants if they decide to have any
- Proposed common land
- Provisions for mail delivery
- Proposed road standards
- Pavement width
- Street elevations
- Street grades
- Sidewalks
- Driveway locations
- Storm sewers, catch basins and culverts
- Erosion control plan and stormwater drainage plan
- Street signs and locations (the developer to check with E911 for the road name).
- Street access to adjoining properties.

At this time Everett Whitten made the motion to accept the Sketch plan of Meadowbrook subdivision as presented. Roland Denby seconded the motion.

There is discussion regarding the hydro-geological study and whether the board is going to require one. Typically the board considers waiving that requirement for subdivision of under 3 lots. There is no motion to waive this requirement. It is noted that a site walk has already been performed on this property.

Mr. Cote asks the board about setting up a new meeting with the road review committee. Todd Morey states that he urges the applicant to set up a meeting with that committee. It is not the planning boards duty to set road review meetings. There is a brief discussion regarding the current condition of Brookside Drive. Roland Denby states that there isn't much the planning board can do about the existing road because it is a town road. Dwayne Woodsome adds that the road review committee will advise the board on the current conditions of Brookside Drive and the planning board can make a decision to require the developer to upgrade Brookside Drive based on that advise. Susan Dunlap states that the advise from the town attorney stated that the board should review this road request solely on its own merits. Sue adds that the board is reviewing a road that will service 13 lots. It is Sue's opinion that if Brookside Drive in currently substandard that it is not Mr. Cote's responsibility to fix that. Dwayne disagrees stating that Brookside Drive was build to a standard to service a certain number of homes and that it is not the town's fault that Mr. Cote is putting 26 more cars on that road. The road will be servicing 13 more homes, which puts it into a different category of road. With that number of homes the road should be a collector road, which is required to be a through road, servicing up to 25 homes.

**The second appointment is Myron Edgerly for final approval of his site plan application for Baker Automotive and Funtime Video and Tanning on Tax map 4 lot 41.** The original checklist for site plan review was reviewed for the items that the board has requested from Mr. Edgerly. The board requested the boundaries of the site and abutting street widths. Mr. Edgerly has provided a plan showing the right of way width of Route 202. The board had requested a layout of off street parking with the spaces and aisles marked on the plan. It is not clear to the board that there is sufficient turn around space between the aisles of the parking because the plan is not drawn to scale. The proposed uses of this site plan require a minimum of 20 spaces according to the ordinance. Todd Morey informs Mr. Edgerly that he must provide a set of plans 24 x 36 to scale as the ordinance requires including the topography of the lot in no greater than 2' intervals. The topography map that Mr. Edgerly provided was a USGS topo map Buxton sheet with 20' intervals. The ordinance states that a minimum of 2' intervals if suggested but the board may allow greater contour intervals. Todd Morey states that the board is requiring a plan with existing topography and proposed topography on a full size set of plans drawn to scale.

Mr. Edgerly will return to the board with the requested material for final review.

**The third appointment is American Tower for final approval of their conditional use application for a 190' tower on Tax map 13 lot 44-2.** Katie Donovan is present to represent American Tower and the property owners Andrew and Gail Woodsome. Katie provides the board with revised plans showing the 190' fall zone, and showing the lease area to be the minimum square feet for the AR zone. Katie provides the curb cut permit from DOT. Katie reports that the balloon test has been completed. Katie provides a draft approval from NEPA and based upon that report is waiting for the SHPO approvals. Based on American Tower providing all the requested information, Todd Morey made the motion to approve the conditional use permit for American Tower with the following conditions:

- Contingent upon approval from SHPO.
- Everett Whitten seconds the motion. Motion carries with a 5-0-1 approving with Dwayne Woodsome abstaining.

**The fourth appointment is Francis E. Wood for final approval for site plan on Waterways project on Tax Map 22 lot 4B.** Steven Stearns and Alan Burnell are present as project engineers from Pinkham and Greer. Mr. and Mrs. Segee have presented the planning board with a letter of their concerns and a copy is given to the applicant and engineers.

Susan Dunlap states that at the public hearing there was a brief discussion regarding whether the board should require the waste water plan to be peer reviewed by Sebago Technics because of the fact that there is a potential for 700 gallons of water per day going into soggy ground. Susan adds that

when you build a 2 ½ foot plateau that is level with Route 202 you are creating a moat and between the plateau and Route 202 there are 2 houses. Susan adds that she can't figure out where 700 gallons of water a day is going to go when the land is already saturated when Hamilton Brook rises up.

Todd Morey asks Steve Stearns if he would like to respond to the letter presented to the board from the abutting property owner's, Mr. and Mrs. Segee.

Mr. Stearns responds to concerns as they are listed as follows.

Concern #1 regarding groundwater contamination. The state of Maine requires wastewater discharge license, which has been applied for and received from Maine DEP for up to a maximum of 700 gallons per day for a car wash facility. The applicant hired a geotechnical engineer to evaluate the groundwater and nitrates generated from the site. There was a 30-day comment period for the wastewater license application and that period ended last Monday. There have been no comments presented to Mr. Stearns knowledge. Mr. Stearns believes that the applicant has addressed the ground water concerns by having the engineer do those studies and by those being reviewed and permitted by the State.

Concern #2 regarding drainage. The site had to be raised 2 ½ feet to make the drainage work to meet state and town requirements because this site falls in the watershed of Shaker Pond, which the state designates as a pond most at risk. They had to meet specific criteria for the stormwater quality as well as quantity. This has been reviewed by DEP and the project has received a stormwater permit as well as passed a peer review by the town's engineering firm, Sebago Technics.

Concern #3 regarding possible snow removal problems. Mr. Stearns states if we have a winter like last winter there could be a snow removal problem. However, there are areas on the site to store snow and Mr. Wood is prepared to haul the snow away if he has to.

Mr. Stearns adds that the Hamilton Road end of the site has not been raised and if anything the project creates a barrier between the brook and the Segee property.

Todd Morey asks a question of the board about what can be built in the setbacks of a lot. Todd doesn't think pavement can be in the side and rear setbacks. Todd believes that pavement falls within the definition of a structure.

Susan Dunlap reads the reason for causes for denial from the site plan ordinance. Sue adds that she doesn't think everyone is in agreement that all of these standards can be met.

Steve Stearns states that regarding the sub surface wastewater disposal system that whenever a permit is issued the board has to rely on state codes and standards. They have complied with state requirements and the board also has to rely on the plumbing inspector to insure that the system is installed to the standards set forth in the design.

The project has a state of the art water recycling system. There will be days when they won't even come close to putting 700 gallons into that system. That is the limit that can be put to the system.

The Segee's state their concerns about the devaluation of their property and the threat of causing more problems on their site. Mr. Segee states that he would like to see a guarantee from the board, from the developer and from the engineers that there will be a remedy should this project create any problems for his property.

Susan Dunlap states that they are never going to get a guarantee from the board. The board relies on the reports received from experts. The Board cannot deny an application because a neighbor thinks it will pollute. The board has to have a valid reason to deny an application and this must be based on evidence.

Susan states that she would like to see the wastewater disposal system sent to peer review so that the board can be sure this is the right project for this site.

Mrs. Segee asks again if there is any way to provide them with some sort of safety net if this doesn't work. Can the developer have some kind of insurance policy or escrow account in place as a contingency plan? Everett Whitten states that he doesn't think the board has authority to do anything like that. Susan states that she wondered about having some sort of bond in place in case they go out of business. There is a provision for the board to require a bond but it is in place for the developer to hold in an account the amount it would take to finish the project through occupancy inspection to insure the project is built according to the specifications.

Mr. Segee asks Alan Burnell when the groundwater testing was done. Mr. Burnell answers that it was done in September of 2000. Mr. Segee is concerned that the fall water table is not the same as the spring water table. Mr. Burnell explains that when he does groundwater testing they look at the seasonal water table. The septic system has to be 2' above the seasonal water table in sandy soils. The seasonal water table on this site is 30-36". The soil tests tell him the same thing no matter when he digs. When they do the test they are not looking for water, they look for a chemical change in the soil indicating where the highest levels of water are.

At this time the site plan checklist was reviewed for completion. It is determined that the 9 x 20 diagonal parking spaces will have to be amended to 200 sq. feet. The sign requirements are reviewed. Will the sign be lit up? Francis Wood replies that they would like to light the sign. The lighting of the site was discussed. The board is requiring a photometric design for all lighting showing that no light will illuminate from this site onto abutting properties. There is going to be a fence between the site and the abutting property to shield the headlights. There are also trees intended for landscaping along the property line.

Steve Stearns added that the developer is also going to run the water line down Hamilton Brook past his site and installing a tee there. The power is overhead electric coming in off Route 202 and then coming in underground. The topography is shown at 1' contour intervals. Mr. Stearns requests that the plan be approved based on the submission of a new plan with revised parking spaces and the photometric design. Susan states that the board is hesitant to do that until they can review all the required plans. When the applicant submits the requested changes they will be put back on the agenda for final review.

Teresa Lowell asks about the pavement and setback question that Todd Morey brought up earlier. Tim Neill made the motion to ask the town attorney if pavement is considered a structure based on the definition in the zoning ordinance and does it have to meet side and rear setbacks. Everett Whitten seconds the motion. Motion carries with a vote of 4 in favor.

Steve Stearns asks how does the board distinguish between access entrances and parking?

The attorney will be asked for his opinion and the applicant will be informed as soon as the reply is in.

### III. MINUTES OF PREVIOUS MEETINGS

Dwayne Woodsome made the motion to approve the July 26 meeting minutes. Todd Morey seconds. Motion carries with a unanimous vote in favor.

Dwayne Woodsome made the motion to approve the August 8 meeting minutes. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

Everett Whitten made the motion to approve the August 23 meeting minutes. Todd Morey seconds. Motion carries with a unanimous vote in favor.

IV. REPORT OF OFFICERS

V. OLD BUSINESS

It was decided to set a meeting to finish up the old business with nothing else being put on the agenda but the following list of unfinished business:

1. Workshop with Sebago Technics to review their findings on the zoning ordinance.
2. Site Plan review checklist.
3. 30% expansion letter.
4. Planning Board by-laws.

This meeting is set for October 8 at 7:30 and if Sebago Technics cannot make that meeting, October 15 is the alternate night.

IX. ADJOURNMENT

Todd Morey made a motion to adjourn the meeting at 11:15. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

Approved date: 9/27/01

Roland E. Deulz  
Everett Whitten  
Marian Dunlap  
Kenal J. Paul

T. Morey  
Erin Davis  
Dwayne Woodsome

# PLANNING BOARD

## Town of Waterboro

Meeting Minutes

September 27, 2001

### I. ROLL CALL

Susan Dunlap called the meeting to order at 7:30 p.m. noting attendance of Roland Denby, Tim Neill, Ken Danforth, Everett Whitten, Todd Morey. Dwayne Woodsome enters the meeting at 8:15 p.m.

### II. APPOINTMENTS

**Election of Officers.** The board decided to follow the by-laws of the Planning Board which states that the annual elections are held in April and that the board can at any time vote to fill vacancies. The Chairmanship is vacant and Tim Neill nominates Susan Dunlap for Chairman. The vote is unanimous in favor. Susan Dunlap nominates Todd Morey for Vice Chairman. The vote is unanimous in favor. All other officers remain the same until the annual election in April.

**Waterways project Map 22 Lot 4B for final approval of site plan application for a Car Wash / Lube Shop / Coffee Shop.** Susan Dunlap begins this discussion with a review of the attorney's opinion regarding whether pavement is a structure according to the Waterboro Zoning Ordinance. Ken Cole advised the board that his interpretation was that pavement is a structure according to Waterboro's ordinance and as such should have to meet the required setbacks of each zone. Although driveway entrances should not be considered as structure and should not have to meet setbacks. Steve Stearns stated that he disagrees that pavement is a structure and gives the board a letter giving examples where the planning board has historically not considered the paved parking area as a structure and was not made to meet setbacks. Tim Neill suggested that we go forward with this project as we have historically considered parking areas and to consider changing the ordinance to be more specific, and this be the last project that the planning board allows parking in the setback until the ordinance is more specific. Susan Dunlap adds that if we do this it is the board's responsibility to inform all applicants that pavement will be considered as a structure.

Tim Neill made the motion that in the case of the Waterways site plan application the board will allow the parking area not to be subject to setback requirements and that upon advice of the town attorney, from this day forward pavement will be considered a structure. The definition of structure will be reviewed by the board and clarified and brought to town meeting for approval. Ken Danforth seconded. Motion carries with a vote of 4-1 with Todd Morey opposing.

Susan Dunlap discusses sending the wastewater system to peer review. Susan points out that a previous meeting the applicant was informed that the waste water system would be sent out to peer review. Patti has sent the information to Sebago Technics for an estimate for the applicant's approval. Steve Stearns states that he reviewed the minutes and this was a statement made by the chairman that the waste water system would go to peer



review and it was not by a vote of the board. Francis Wood states that the project has received final approval from DEP and presents the board with the license. Steve Stearns states that the DEP review is similar to a peer review because it is reviewed by hydro geologists at DEP and the project would not receive a license unless it met the criteria. Francis Wood explains that this DEP license requires strict monitoring for the first 18 months of the project, and then may be reduced to once per quarter upon request of the licensee unless DEP finds that more frequent monitoring is warranted based on the initial 18 months of data from the operation of the system. The licensee shall monitor and report perimeters monthly during the first three months of operation. After the initial three months the frequency of monitoring may be reduced at the request of the licensee to once per quarter unless the DEP finds more frequent monitoring is warranted.

Susan Dunlap notes that in the DEP waste discharge license it states that the State of Maine has advertised this application in local papers for public comment and they did not receive substantive comment.

There was discussion regarding the right of way width of Hamilton Road. The survey from Cornerpost Land Surveyors was reviewed and on Note #4 it states that there was no record of Hamilton Road and it is assumed to be three rods wide.

The plans submitted for tonight's meeting were reviewed. The board had requested the parking spaces to be 200 square feet as is required by the ordinance. Susan informs the applicant that the parking spaces will have to be striped according to section 5.03 of the zoning ordinance. If there is more than one use, the parking requirements for each use are to be combined for the total project. If the number of spaces required by the ordinance is over 10 the ordinance requires the spaces to be marked.

The contractor hired to service the car wash facility explained that he will be responsible to clean the filters twice a month and to monitor the system. The system is called Conserve system. They water will be changed as needed to keep it clean. The Conserve system purifies the water with an ozonization system which removes material out of the water before discharging it.

Based on the fact that the applicant has supplied the board with all of the required information, Everett Whitten made the motion to approve the site plan application of Waterways project on map 22 lot 4B contingent upon removing the reference to Laundromat on the title of the plan. Ken Danforth seconds the motion. Motion carries with a vote of 4 in favor and 2 opposed with Todd Morey and Dwayne Woodsome opposing.

**Cal Knudsen presents revised preliminary plan for Bartlett Pines Phase II subdivision application on Map 5 Lot 31.** Steve Stearns is present to represent the Lyman planning board.

Cal Knudsen states that he intends to amend the plan that the board has before them tonight to state the right of way widths will all be 50' and not the 60' that the plans show now.

Roland Denby asks Cal what his future plans are for lot 6 as it is labeled remaining land of Cal Knudsen. Roland explains that the board has had trouble in the past with people buying property after the fact not realizing that this piece will be subject to the subdivision restrictions. Cal replies that lot 6 will carry the same deed restrictions that run with the rest of the lots. The same deed restrictions will apply to all lots including the Lyman lots.

Dwayne Woodsome asks Cal if he would be opposed to agreeing to no future subdividing of the lots. Cal is not agreeable to that.

There is discussion regarding the road through the subdivision. Steve Stearns states that Lyman may ask Cal for a statement that the road will be private and remain private. Cal states he is requesting a waiver from the dead end length requirement. Steve Stearns asks Cal if there will be a homeowner's association and will they be responsible for road maintenance. Cal answers yes to both.

Steve Stearns brings up a concern about 911 calls. Because the road entrance to the Lyman lots will be through Waterboro. There is no access to the Lyman lots through Lyman. Steve suggests that both fire departments look at this plan and give a recommendation to both boards as to how 911 calls would be handled.

Susan Dunlap asks if another public hearing should be required. Cal states that he doesn't feel Waterboro should require another public hearing because the Waterboro side of this subdivision has not changed since we held the public hearing on this application.

Steve Stearns asks Cal if he has considered splitting this lot right down the town line and applying to each town individually for subdivision approval. Susan explains to Steve that there is a right of way dispute and Cal is trying to acquire clear access to the Lyman side of this parcel so that may not be an option to him at this time.

There is discussion regarding how this plan must be reviewed and approved by Lyman and Waterboro jointly where the lot falls in both towns. Lyman is holding a meeting on October 3 to review this application with Cal. Tim and Susan say they plan to attend this meeting to continue holding joint meetings.

Dwayne Woodsome states that he does not believe that Cal needs a waiver on the dead end. There is discussion regarding this and it is agreed that Cal doesn't need a waiver because the portion of the road in Waterboro is not longer than 600 feet. This will be discussed further with the Lyman board next week.

Cal asks the board if he would need to keep the hammerhead turn at lot 5. The board says yes he does need to keep it.

There are no decisions made on this plan tonight.

### III. MINUTES OF PREVIOUS MEETINGS

Todd Morey made the motion to approve the September 12, 2001 minutes. Tim Neill seconded. Motion carries with a unanimous vote in favor. Minutes are signed.

### IV. REPORT OF OFFICERS

### V. OLD BUSINESS

### VI. COMMUNICATIONS

Patti reports that Sebago Technics will meet with the board on October 8 at 7:30.

The Lyman Planning Board sent a notice that they will be meeting with Cal Knudsen regarding the Bartlett Pines Phase II subdivision application the lies in both Lyman and Waterboro. This meeting is scheduled for October 3 at 8 p.m. at the Lyman Town hall. This application has to be voted on jointly between both towns so some Waterboro Planning board members will attend this meeting.

### VII. MISCELLANEOUS

### VIII. NEW BUSINESS

### IX. ADJOURNMENT

Todd Morey made the motion to adjourn at 9:30 p.m. Ken Danforth seconded the motion. Motion carries with a unanimous vote in favor.

Approved Date: 10/10/01

<u>Wayne Woodson</u>	<u>Susan Knudsen</u>
<u>Robert E. Denny</u>	<u>Ken Danforth</u>
<u>Ernest Whitten</u>	<u>Tim Neill</u>
<u>Tim Neill</u>	

**Waterboro Planning Board  
Meeting Minutes  
October 8, 2001**

**I. ROLL CALL**

Susan Dunlap calls the meeting to order at 7:35 noting attendance of Todd Morey, Tim Neill and Roland Denby. Everett Whitten enters at 9:15. Also attending are Walt Stimpson and Kate Reynolds from Sebago Technics.

**II. APPOINTMENTS**

The only appointment for this meeting is to meet with Sebago Technics regarding their review of the Waterboro Zoning Ordinance for conflicts in the land use chart and the written descriptions of the uses allowed in each zone.

Walt Stimpson reviewed the directions he received from the board at their last meeting. The focus of this first review of the ordinance was to review the conflicts in the land use chart with the written descriptions of allowed uses in each zone. Kate Reynolds from Sebago Technics has done the work on this first review. Kate presents the board with an overview of the discrepancies that she found in sections 3 of the zoning ordinance.

There is discussion regarding how the chart was removed by town meeting vote in 1993, the descriptions that went with the chart were removed. In 1998 town meeting vote put the descriptions of the uses back into the zoning ordinance incorrectly. The descriptions that came out in 1993 were not put back in. A clerical error was made in the warrant of the 98 town meeting and the descriptions from 1977 were put back into the 98 ordinance. This omitted all of the zoning changes from 77-98 in that section of the ordinance and this created much of the conflicts between the chart and the written descriptions of the uses in each zone. According to the town attorney the clerical error cannot be fixed without town meeting vote because it was in the warrant and that is the way it was voted in.

To fix these errors they need to be brought back to town meeting to be approved.

The inconsistencies in the chart were reviewed at this time according to a chart put together by Kate Reynolds.

Kate also listed various definitions that are referred to through out the ordinance that are not defined and presented suggested definitions from a book of zoning definitions widely used by the industry.

There is discussion about what route the board would like to take to get this corrected. It is agreed that the first thing that should be done is to make the chart agree with the descriptions of the zones.

The board will decide what changes it would like to make at this year's annual town meeting and get this to Sebago Technics so that they can help draft the wording and insure that the changes won't further conflict with the ordinance.

At this time the board briefly reviews the list of all the items that have been discussed for possible zoning changes. It is agreed that everyone take the list home and be prepared to make a decision as to which changes will be worked on for the April town meeting.

**V. OLD BUSINESS**

1. Reviewed the format suggested by James Webster for the CEO, Planning Board, applicants and engineers to use in calculating 30% expansions. Attached is a letter from Alex Wong at DEP dated July 23, 2001 in which he has stated the format conforms to DEP's guidelines for expansion in the shoreland zone.

Everett Whitten made the motion to use this format as outlined for the Planning Board, the CEO, the engineers and the applicants as a guide to figuring the 30% expansions as approved by Alex Wong from ME DEP. Todd Morey seconds the motion. Motion carries with a unanimous vote in favor.

2. Discussed revising the site plan review checklist to include all the items in the site plan standards from the ordinance. The board would like to amend the checklist to have a third line where the applicant can make a reference note as to where on the plans each item can be found.

A note will be added to the checklist as follows:

The Planning Board will not review incomplete site plan applications.

Another note will be added at the top of the second page of the checklist as follows:

The applicant shall submit as evidence, a written narrative or description addressing how the proposed plan meets the following standards. Where necessary other town or state agencies may be required to supply documentation. Applicant shall be responsible for obtaining this information prior to Planning Board review of the application.

These changes will be drafted and brought back for further review.

3. Discussed amending the Planning Board by-laws. Town meeting amended the planning board membership to seven members in 1988. The by-laws should be changed to reflect how the planning board is functioning at the present time. Sue Dunlap appoints a committee consisting of Roland Denby, Everett Whitten, and Tim Neill to review the by-laws and come back with proposed changes.

**IX. ADJOURNMENT**

Roland Denby made the motion to adjourn at 10:23 p.m. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

APPROVED date: 10/25/01

Roland E Denby

Sue Dunlap

Everett Whitten

\_\_\_\_\_

Tim Neill

\_\_\_\_\_

**Waterboro Planning Board  
Meeting Minutes  
October 10, 2001**

**I. ROLL CALL**

Susan Dunlap calls the meeting to order at 7:34 p.m. noting attendance of Dwayne Woodsome, Everett Whitten, Tim Neill, Todd Morey and Ken Danforth.

**II. APPOINTMENTS**

**7:30 Shawn Douston with an application to amend Justin Way subdivision on map 4 lot 47-7.**

Shawn is requesting to split lot 7 of this subdivision into two lots. One lot would be 11.73 acres and the second would be 8.44 acres. There were provisions made at the time this subdivision was approved for the further subdivision of lot 7. Shawn provided letters from all property owners within the subdivision that they approved of the amendment. Dwayne Woodsome checked the mylar for the amendment against the original subdivision and found the only change was the split in lot 7 with everything else the same.

There is discussion regarding the wetlands depicted on the map and whether this falls within the resource protection zone. After some discussion and review of the shoreland zoning map it is determined that the setbacks depicted from the wetlands on the original subdivision are sufficient.

Dwayne Woodsome made the motion to approve the amendment to Justin Way subdivision as he has met all of the requirements of the final plan checklist. Everett Whitten seconded the motion. Motion carries with a vote of 5 in favor and 1 abstention with Roland Denby abstaining.

**8:00 p.m. Myron Edgerly for final approval of site plan application for Baker Automotive / Funtime Video and Tanning on map 4 lot 41.** Mr. Edgerly presents the board with the survey that was requested at the last meeting showing the boundaries of the property.

The survey shows the topography of the existing ground and the elevations of the finished building. The finished floor elevation of the building will be 97.5 which is level with Route 202. The plan shows the location and layout of offstreet parking and maneuvering areas. The board decided to waive the requirement for a hydrogeological and nitrate study due to the fact that the septic design is less than 800 gallons of flow per day.

Mr. Edgerly has satisfactorily provided all the information that was required by the board. Tim Neill made the motion to approve the site plan application of Myron Edgerly for Baker Automotive / Funtime Video and Tanning on map 4 lot 41 with the following conditions:

1. There are no floor drains installed in the auto repair garage.
2. Applicant shall provide a certified as built survey at completion of the project to the code enforcement office prior to the issuance of an occupancy permit showing the elevation of the building to be no less than 97.5.

Everett Whitten seconds the motion. Motion carries with a vote of 4 in favor – 1 opposed – 1 abstention. Todd Morey voting in opposition and Dwayne Woodsome abstaining.

**3. Richard Collard with conditional use / setback reduction application on map 29 lot 11.**

Mr. Collard is applying to build a garage and asking for a setback reduction to within 15 feet of one sideline setback. The proposed garage is outside of the 100' setback from the lake. Dwayne Woodsome requests that his plan states there will be no plumbing installed. Todd Morey would like a site plan showing the garage placed on the property and for the applicant to make sure that this setback reduction will be sufficient. This application is tabled until the applicant provides a site plan showing existing

buildings on the property and placing the garage showing the setback distances. It will be brought back under old business.

**4. Cal Knudsen for Preliminary Plan approval of Bartlett Pines Phase II subdivision application on map 5 lot 31.** Cal presents the revised plans with the requested changes from the last meeting with the board. The name of the road has been changed to Savannah Lane. Cal provides a letter of intent to do the hydro geological study on the Lyman land. The right of way widths have all been amended to show 50'.

Cal informs the Planning Board that the town of Lyman is holding a site walk on October 20 at 8 am at the land.

At this time the checklist for preliminary plan is reviewed.

All items on the list were found to be satisfactory.

Cal is getting a letter from the Lyman fire chief regarding who will respond to 911 calls.

Dwayne Woodsome made a motion to approve the preliminary plan for Bartlett Pines Phase II. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

### **III. MINUTES OF PREVIOUS MEETINGS**

Dwayne Woodsome made the motion to approve the minutes of September 27, 2001 as written. Todd Morey seconded. Motion carries with a unanimous vote in favor.

### **VI. COMMUNICATION**

Roland Denby informs the board that there is a workshop being put on by Southern Maine Regional Planning Commission on October 30, 2001 at Massabesic High School at 7 p.m. The workshop is a subdivision review workshop.

### **V. OLD BUSINESS**

The board discussed the list of proposed zoning changes. It is decided to hold a workshop on October 15<sup>th</sup> at 7 p.m. to discuss zoning changes.

### **IX. ADJOURNMENT**

Dwayne Woodsome made the motion to adjourn at 9:40 p.m. Everett Whitten seconded. Motion carries with a unanimous vote in favor.

Approved Date: 10/25/01

Dwayne Woodsome

Roland E. Denby

Everett Whitten

Emil Fenn

Luan Dunlap

Ken Fenn

# Town of Waterboro

## Planning Board Meeting Minutes October 15, 2001

Susan Dunlap calls the workshop to order at 7:05 p.m. noting attendance of Tim Neill, Roland Denby, Everett Whitten, Ken Danforth and Dwayne Woodsome.

This workshop was called to work on proposed zoning changes for the April annual town meeting.

Everett Whitten stated that he would like to amend the gravel pit ordinance and incorporate all gravel regulations into one section and make it a part of the site plan review ordinance.

Everett Whitten stated that the board should also work on distinguishing between major and minor subdivisions.

Dwayne Woodsome would like Daycare facilities to come under site plan review.

The Site plan ordinance was discussed at this time.

There is discussion about putting the square footage trigger back into the ordinance. It was agreed to add the following wording to Section 1. A.:

Site Plan Review and Approval by the Planning Board shall be required before issuance of any building permit or certificate of occupancy for any building, structure or **expansion of any building or structure consisting of 1,000 square feet or more;** including but not limited to: office buildings; multi family residences; shopping centers, mobile home parks; travel trailer parks; and commercial complexes; except as provided in Subparagraph (B).

The following statements will be added to Section III. Administration:

- The Planning Board may require a public hearing upon initial review of the application and at any point thereafter, with applicant bearing the cost of publicizing the hearing notice and the responsibility to notify abutters within 7 days prior to the hearing by certified mail. Applicant shall provide proof to the town of such notice.
- There is discussion about requiring a specific buffer and landscaping. The board will talk to Todd Morey and see if there is a standard format in the industry we could follow.
- Applicant shall provide a certified as built plans at the completion of the project to insure the construction was built according to specs.



- Planning Board shall require the applicant to employ a clerk of the works to certify that the project is being built according to specs.

Discussed increasing the fees for site plan review and subdivision applications. It is decided to increase the site plan fee to \$200 with the cost of adds and legal fees being borne by the applicant.

The following is a list of items that the board will work on for zoning changes for the April town meeting:

- Adopt the alternative shoreland zone expansion as provided by DEP.
- Make the definition of structure clear and if pavement is included reduce the setbacks on parking lots.
- Change Article 2 To read BOCA 421.0 instead of 616.
- Address Day care facilities. It is agreed that the wording should say licensed day cares. Patti will get a definition of Day care from the state.
- Take out the dollar figure in Section 2.04 as a factor in whether a building permit is needed.
- Remove utility poles as a conditional use.

The following items were discussed for possible proposed changes:

Reducing the lot sizes in the village zone for those lots on town water. It is decided to contact SMRP and request information on controlling sprawl and to request the State Planning Offices best practices.

Discussed taking the requirement for businesses in certain zones to be located on a state aid highway. It is decided to discuss this with the road review committee prior to going any further. The road review committee will be invited to a workshop.

Another workshop meeting is set for October 22 at 7 p.m.

Workshop adjourns at 9 p.m.

Respectfully submitted,  
Patti Berry

**Waterboro Planning Board  
Meeting Minutes  
October 25, 2001**

**I. ROLL CALL**

Chairman, Susan Dunlap called the meeting to order at 7:35 p.m. noting attendance of Dwayne Woodsome, Ken Danforth, Tim Neill, Everett Whitten and Roland Denby. Todd Morey is absent.

**II. APPOINTMENTS**

7:30 p.m. – Michael Frechette map 28 lot 4 with a Site Plan Application to change a residential use to operate a real estate office. Mr. Frechette explains that the application is for a 3-4 office realty business with an estimate of 2 employees being at the office at any one time. There is one sign with lighting facing the sign, pointed away from the road. There is no expansion of the building just renovations. This could be converted back to a residence if needed in the future. The office area is 715 square feet. The parking requirement of this square footage is 4 and with the employees the total required spaces will be 5 according to the board.

They have constructed a handicap ramp.

Code Enforcement Officer Gerald Gannett reviewed the original checklist with some additional information required by him prior to this application being deemed complete. According to Gerald Gannett the application became complete on October 4, 2001.

The Planning Board agreed that they would prefer to see the 5 required parking spaces to the left of the building looking from the road and require this change to be made for final approval.

The sign will be lighted and on timers. The Planning Board is requiring a statement on the plan the all lighting will be pointed away from Route 5 and other abutting properties, prior to final approval. Susan added that the note should say light will not shine onto abutting properties.

There is discussion regarding whether the pavement proposed will have to meet setbacks. This application was made on September 12, prior to the attorney opinion received on September 17 stating that pavement was a structure. It is decided that due to that fact this application would follow the previous interpretation of structure. Dwayne Woodsome stated that the approval should give the applicant a year to pave so that there is no question about it having to meet setbacks of a structure.

The owners of abutting property were not notified as is required by site plan review. They will have to be notified of the next meeting to meet that requirement.

Roland Denby requests that the applicant amend the application to read 715 square feet. A written statement is provided by Collin Canning which states the current septic system is adequate to handle this use.

The Board is requesting the following notes to be added to the final plan:

- No residential use of the building while it is being used as a business.
- Add a parking space to the left and show no parking to the right of the building.
- No exterior lighting will shine towards or onto abutting properties or Route 5.

This application will be put on the November 14<sup>th</sup> agenda at 7:30 p.m. for final review and the applicant is to notify abutters of this property by certified mail of this meeting.

**8:00 p.m. Stephen Kostis and Andy Nadeau from Cornerpost Landscaping on a Sketch plan for a 7 lot subdivision on Map 3 lot 44.**

Andy Nadeau reviews the application with the board. This lot is on an old apple orchard on West Road. It has been three seasons since farmed as an orchard. The total parcel is being developed with no remaining land left over.

Susan Dunlap asked if the applicant has done any testing for herbicides or pesticides of the property. Stephen Kostis replies that no testing has been done. Susan informs the applicant that the board will be looking into whether there should be a requirement of testing prior to any approvals being given.

Dwayne Woodsome states that he does not think the board will allow seven driveway entrances onto West Road where there is a hill right there. Dwayne also informs the applicant that he will have to acquire a state road entrance permit prior to any approvals by the board. West Road is a state aid road. Dwayne asks the applicant to consider common drives or an internal road into the property.

A site walk is scheduled for November 3, 2001 at 12 noon at the property to look at the land and look at the site distances for the driveways. The road review committee will be invited to this site walk to assist the Planning Board regarding site distance. The applicant will flag the lots for this site walk.

Susan Dunlap informs the applicant that they have the right to limit public access to this site walk. Applicant has no problem with public being allowed to attend.

No decision is made on the sketch plan until further research is done on the site distances.

**8:30 p.m. Diane Millette with a sketch plan for a 2 lot subdivision on map 3 lot 13-5.**

Andy Nadeau from Cornerpost Land Surveying is also representing this applicant. This split requires subdivision approval because the original lot was a split less than five years ago.

Lot 2 is not showing the required 150' of road frontage. This will have to be amended. The right of way will have to be named according to 911 requirements. Applicant to contact Pam L'Heureux, Waterboro's E-911 coordinator to approve the name. The subdivision will have to be named on the final plan.

A Site walk is scheduled for November 3, at 11:30 a.m. at the site.

Dwayne Woodsome made the motion to approve the sketch plan of Diane Millette for a 2 lot subdivision as presented with the above mentioned changes to be incorporated into the preliminary plan. Tim Neill seconds the motion. Motion carries with a unanimous vote in favor.

### **III. MINUTES OF PREVIOUS MEETINGS**

Everett Whitten made the motion to approve the minutes of the October 8 Planning Board meeting as written. Roland Denby seconds. Motion carries with a unanimous vote in favor.

Dwayne Woodsome made the motion to approve the minutes of October 10, 2001 as written. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

### **IV. REPORT OF OFFICERS**

Dwayne Woodsome reports that the Conditional Use Committee had a good meeting this week and another meeting is scheduled for November 1.

### **V. OLD BUSINESS**

1. Richard Collard submitted the required information for final review of his conditional use / setback reduction application on map 29 lot 11. An amended site plan was provided to show the sideline setback request of 12' on one side of the lot. Everett Whitten made the motion to approve the CUP/ setback application pursuant to sections 2.08 and 3.06 of the zoning ordinance to allow a 12' sideline setback requirement with the following conditions:

- Sideline setback on right side of property from the road to be no less than 12'.
- Garage to be set back further than 100' from the high-water mark of Ossipee Lake.
- Existing driveway to remain the same.
- Trees to be removed are beyond the 100' setback from the Lake.
- No plumbing shall be installed in the garage.
- Loft area to be used for storage only.
- All necessary erosion control measures are used to protect the lake.
- This garage will not be closer than 20' to any building on the abutting lot.
- All other setbacks to be met.

Ken Danforth seconds the motion. Motion carries with a unanimous vote in favor.

2. Richard Pierce request to amend CUP issued on June 26, 2001 to remove the wording in note #2 of the conditions that requires the removal of the 146 sq. ft. deck. James Webster, Code Enforcement Officer issued a permit on June 27 which allowed Mr. Pierce to reduce the size of this deck by 18 sq. ft. to allow him to use the total expansion in

square feet and volume for the life of the property. As the CUP was worded it left Mr. Pierce with the availability to expand another 132 square feet.

Dwayne Woodsome made the motion to amend the conditional use permit so Mr. Pierce can keep the remaining deck of 128 sq. ft. with the following conditions added:

- This allowed amendment means that Mr. Pierce is using the total allowable 30% expansion in both square feet and volume for the life of the property as noted by the CEO on 6/27/01.
- No other structures to be built within 100' of the shoreline.

Tim Neill seconds the motion. Motion carries with a unanimous vote in favor.

## VI. COMMUNICATIONS

Memo from Bob Fay is discussed briefly at the beginning of the meeting. Bob Fay is requesting a meeting with the Board regarding the decision to consider pavement a structure. Bob is requesting this meeting to occur after the election is over.

## VII. MISCELLANEOUS

## VIII. NEW BUSINESS

## IX. ADJOURNMENT

Dwayne Woodsome made the motion to adjourn at 9:45 p.m.

Everett Whitten seconds the motion. Motion carries with a unanimous vote in favor.

APPROVED Date: 11/15/01

Dwayne Woodsome

Susan Dunlap

Robert E. Perry

\_\_\_\_\_

Everett Whitten

\_\_\_\_\_

Tim Neill

Planning Board Meeting  
Minutes for  
November 14, 2001

**I. ROLL CALL**

Chairman, Susan Dunlap called the meeting to order at 7:35 p.m. noting attendance of Ken Danforth, Dwayne Woodsome, Tim Neill, Everett Whitten, Roland Denby and Todd Morey.

Susan Dunlap reports that the Comprehensive plan committee is asking that all committees review an executive summary from 1990 on. The committee would like to meet with all committees to get their input regarding the questions about the summary. A copy is made for all board members and Sue asks everyone to review it and be prepared to provide input after the first of the year to the comprehensive plan committee.

**II. APPOINTMENTS**

**7:30 p.m. Michael Frechette with a Site plan application for Conant House Realty on map 28 lot 4.** Mr. Frechette reports that he did the mailing to the abutters notifying them of this meeting and provided the proof of mailing of the notices to Patti. It is noted that a letter from abutting property owner Winifred and Frank Heacock was received and had no objections to the use on that property. A final plan was presented with the following changes as requested by the board at the last meeting:

- A note was added to the plan stating, "No exterior lighting will illuminate off the property."
- A note was added to the plan stating "There will be no residential use of this property while it is being used as a business."
- The 5 total required parking spaces were all placed to the left side of the building.
- The note regarding employees was amended to read, "The total number of employees during normal business hours is 2 to 3."

Applicant amended the original application to read 715 sq. ft.

Everett Whitten made the motion to approve the Site Plan application of Michael Frechette to change the use of a residential building on Map 28 lot 4 on Route 5 to a real estate office for Conant House Realty with the following conditions:

1. There shall be no on street parking.
2. The lighting on the property shall be turned off by 10 p.m.
3. The applicant has a period of 12 months from this date to pave the driveway. If they decide after that period of time to pave the applicant will be subject to the current regulations.

Tim Neill seconds the motion. Motion carries with a unanimous vote in favor.

**8:00 p.m. Cal Knudsen with the final plan of Bartlett Pines Phase II subdivision application off Deering Ridge Road.** There is discussion as to whether the board can review this final plan without the Lyman planning board according to state law. Dwayne Woodsome refers to MRSA title 30A section 4403 1A which states: If any portion of a subdivision crosses municipal boundaries, all meetings and hearings to review the application must be held jointly by the reviewing authorities from each municipality. The reviewing authorities in each municipality upon written agreement, may waive the requirement under this subsection for any joint meeting or hearing. It is noted that the Lyman planning board was informed in writing of this meeting, however they are having a meeting in Lyman on the same night. However, Waterboro did not receive a waiver from this requirement in writing.

Susan Dunlap informs Cal that the board has received a letter from Richard Cook regarding the setting of CMP poles in Stonegate subdivision. The poles have not been set yet and the Cook's bought property in the subdivision and are in the process of building. Susan adds that it is her understanding that the fire pond required in Stonegate is not holding water and this needs to be resolved as well for the protection of the property owners. Susan Dunlap quoted section 8.6.3 of the Subdivision regulations which states: No plan by the subdivider shall be approved by the Planning Board as long as the subdivider is in default on a previously approved Plan.

Cal states that he has signed the easements to set the poles and paid CMP with check number 1039. Cal adds that he has spoken a number of times with the Waterboro Fire Chief and due to the lack of rain this year, Cal is not sure what the board expects. Cal states that the fire chief has told him to wait until we get a significant rain and see if the pond fills up.

Dwayne Woodsome states that we need to set a joint meeting with the town of Lyman. Dwayne asks if Cal will be willing to agree to no further subdividing of this property. Cal replies that he is not willing to agree to that. He has amended the plan by removing the lots on the Lyman side of the lot. Cal states he is fully aware that if he intends to further subdivide in the future that he will have to come back before both towns again.

Dwayne Woodsome states that he wants to see either an agreement to no further subdivision of this property or to submit the total plan right up front. Because the tax burden for the roads, the fire protection will be on Waterboro residents because the road is only accessed through Waterboro with some residents of the subdivision paying taxes to Lyman. Dwayne feels that the board has the responsibility to Waterboro taxpayers before making a decision on this subdivision.

Dwayne Woodsome made the motion to close this appointment due to the regulations set forth in the state law. Todd Morey seconds the motion. Motion carries with a unanimous vote in favor. Todd Morey adds that we either need to set a meeting with Lyman or get a waiver from them to review this plan without them.

Cal informs the board that he is going over to the Lyman meeting tonight and he has an appointment for Dec. 5 to review the revised final plan with Lyman.

Cal Knudsen leaves the meeting at this time. Richard Cook, who is present, asks to speak to the board regarding his concerns with the setting of the poles and the fire pond's lack of water. After a brief discussion Mr. Cook is informed that the board will look into his concerns.

The board agrees they will attend the Dec. 5 Lyman planning board meeting. Todd Morey made the motion to send the Lyman board a letter explaining the town's position regarding the state law and that Waterboro should hold joint meetings or get a waiver, and to send a letter to Cal Knudsen quoting section 8.6.3 of the subdivision regs to inform him that the board does not have authority to act on this subdivision application until the Stonegate subdivision is completed according to the approved plans.

Tim Neill seconds the motion. Motion carries with a unanimous vote in favor.

### **III. MINUTES OF PREVIOUS MEETINGS**

Dwayne Woodsome made the motion to approve the minutes of October 25, 2001 as written. Everett Whitten seconds the motion. Vote is 5-0-1 in favor with Todd Morey abstaining.

### **IV. REPORT OF OFFICERS**

**V. OLD BUSINESS**

**VI. COMMUNICATIONS**

Susan Dunlap reviews the following communications to the board.

1. The board received information regarding pesticides and the need for testing of old apple orchards for their review on a subdivision application off West Road.
2. Roland Denby provided a report from Maine DOT regarding the status of West Road for the same subdivision off West Road for the board's review.
3. A memo from the selectmen is reviewed that states that the relocating of telephone poles are conditional uses and these applications will be forwarded to the planning board prior to the selectmen approving them. Todd Morey made the motion that from now until May 1 all request for the replacement of utility poles for electric, telephone and cable lines have a blanket conditional use permit until May 1 provided they are located within public or private rights of way and that the Secretary, Dwayne Woodsome will sign the permits. Everett Whitten seconds the motion. Motion carries with a vote of 5-0-1 with Dwayne Woodsome abstaining.
4. The memo from Bob Fay asking to meet with the planning board is reviewed. It is agreed that a workshop will be held from 7-7:30 before the regular planning board meeting on Dec. 12 to meet with the selectmen.
5. The selectmen's meeting minutes for November 8 were given to the board members.

**VII. MISCELLANEOUS**

Dwayne Woodsome reports that the Conditional Use committee is holding a public hearing on November 27, at 7 p.m. to review their proposed changes in conditional uses allowed in the zoning districts. Dwayne urges all the planning board members to attend to have input.

Dwayne Woodsome made a motion to have Patti send a post card to all board members on the upcoming meetings for this month. Nov. 27, public hearing for Conditional Uses, Dec. 5 meeting in Lyman, Dec. 12 regular planning board starts at 7. Everett Whitten seconded the motion. Motion carries with a unanimous vote in favor.

**VIII. NEW BUSINESS**

**IX. ADJOURNMENT**

Dwayne Woodsome made the motion to adjourn at 9 p.m. Everett Whitten seconded the motion. Motion carries with a unanimous vote in favor.

Approved Date: 12/12/01

<u>Dwayne Woodsome</u>	<u>Everett Whitten</u>
<u>Roland Denby</u>	<u>Susan Dunlap</u>
<u>Everett Whitten</u>	<u>[Signature]</u>
<u>[Signature]</u>	



# **Town of Waterboro**

## **Planning Board Meeting Minutes December 12, 2001**

### **I. ROLL CALL**

Susan Dunlap opens the meeting at 7:50 after concluding a workshop with Bob Fay, Chairman Board of Selectmen. The topic of discussion in the workshop was possible proposed zoning changes regarding pavement being considered a structure, zoning and fees of the code enforcement and planning board.

Attendance of the Planning Board as follows: Susan Dunlap, Everett Whitten, Tim Neill, Roland Denby, Todd Morey, Ken Danforth and Dwayne Woodsome.

### **II. APPOINTMENTS**

**Ed Daye application for Conditional Use / Setback reduction permit on map 29 lot 23.** Mr. Daye explained his application. He wants to build a garage and cannot meet the side setbacks on either side of the front portion of his lot. He has a shore front property and his garage is outside of the 100' setback from the shoreline. The waste disposal field will have to be moved to place the garage where Mr. Daye wants to. The setback for a disposal field from a slab is 15 feet. The setback from the property line is 10 feet. The board determines that Mr. Daye has room to move the disposal field to place the garage where he would like to. The board informed Mr. Daye that the setback measurement is taken from the outer most point of the building including the drip edge. It was suggested that Mr. Daye request a greater reduction than he submitted to incorporate the overhang of the garage. The board decided that Mr. Daye must provide to them those two items before they will take a vote on this application. The board instructed Mr. Daye to provide the information to the secretary and he will be scheduled for the next available meeting under old business. He will not have to be in attendance of the meeting for the board to make their decision.

### **III. MINUTES OF PREVIOUS MEETINGS**

Everett Whitten made the motion to approve the November 14, 2001 meeting minutes as written. Ken Danforth seconded the motion. Motion carried with a unanimous vote in favor.

### **IV. REPORT OF OFFICERS**

Dwayne Woodsome reported that the budget for the board was turned into the Selectmen's office for the upcoming fiscal year.

### **V. OLD BUSINESS**

The board continued this meeting in workshop format to discuss possible zoning amendments. The topic of discussion was creating some zoning change along Route 202

and Route 5 to allow for commercial development while keeping the same uses that currently exist. The idea was discussed and the board will continue the workshop on Monday evening December 17 with their thoughts regarding this.

VI. COMMUNICATIONS

Susan Dunlap reported the notice received by the Planning Board of a Zoning Board of Appeals meeting on December 19 at 7 p.m. at the town hall to hear three applications. One is a setback variance request, one is a height variance, and another is an administrative appeal on a stop work order.

VII. MISCELLANEOUS

VIII. NEW BUSINESS

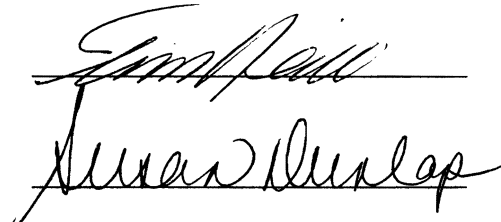
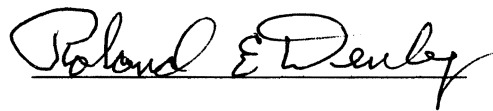
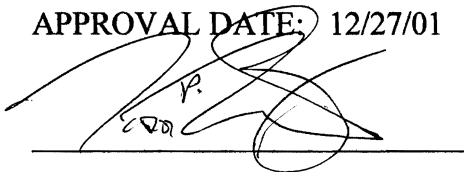
IX. ADJOURNMENT

This meeting was not adjourned. Dwayne Woodsome made the motion to continue this meeting in workshop format on Monday December 17 at 7 p.m. to further discuss possible amendments to zoning.

This meeting was not officially adjourned due to the fact that the 12/17 meeting was cancelled due to weather conditions.

On 12/27/01 Susan Dunlap calls for a motion to officially close the last meeting that was continued from the 12/12/01 meeting and cancelled due to weather conditions. Dwayne Woodsome made the motion to adjourn the 12/12/01 meeting. Roland Denby seconded the motion. Motion carries with a unanimous vote in favor.

APPROVAL DATE: 12/27/01



---

---

---

# Town of Waterboro

## Planning Board Meeting Minutes December 27, 2001

### I. ROLL CALL

Susan Dunlap calls for a motion to officially close the last meeting that was continued from the 12/12/01 meeting and cancelled due to weather conditions. Dwayne Woodsome made the motion to adjourn the 12/12/01 meeting. Roland Denby seconded the motion. Motion carries with a unanimous vote in favor.

Susan Dunlap calls this meeting to order at 7:35 p.m. noting attendance of Tim Neill, Ken Danforth, Dwayne Woodsome, Todd Morey, and Roland Denby. Everett Whitten is absent and excused as he is on vacation.

### II. APPOINTMENTS

Kenneth Pierce Map 32 Lot 71H with a Conditional use / setback reduction application to place a mobile home on one of the lots that he owns. Sue reads the findings of fact that were prepared by the secretary prior to the meeting for the record as follows:

#### Findings of Fact:

1. Original permit application submitted on 8/11/00 to place a mobile on Lot 9 abutting lot 10 of Ossipee Leisure Park Subdivision.
2. Both Lots created in 1969.
3. Lots are in AR zone
4. An addition was placed on the mobile in 1993, which created the encroachment to the line between lots 9 and 10.
5. Applicant purchased adjoining lots on January 31, 1996 (see attached deed book #7950 Page 065)
6. Applicant originally met with board on Sept. 13, 2000 to put a mobile on his property referring to former lot 9. (see attached minutes) Application was withdrawn at this time. No action taken.
7. Applicant met with board on November 8, 2000 to request to place a trailer on the same lot as his existing residence. It was determined that the maps of the original subdivision would have to be researched because it appeared that the addition on the mobile crossed the lot lines between 9 and 10. Applicant was also informed that the zoning ordinance did not allow for two residences on one property.
8. Section 9.05 refers to existing nonconforming lots of record requiring that they be combined.
9. Secretary requested of town attorney Ken Cole on 12/27/01 if there was any provision that lots in an approved subdivision are exempt from the requirement of Section 9.05. Ken stated that our ordinance would have to specifically exempt subdivision lots from this requirement. Ken's opinion was that these two lots became one lot when purchased by the same owner on the same date by the same deed according to the provisions of sect. 9.05.
10. Secretary inquired about LAC lots and why that provision doesn't apply in that case. This has to do with LAC legislation and by-laws incorporated in such.
11. Title 30A §4401 defines a tract or parcel of land as being all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road.
12. A survey from corner post land surveying was provided to show that the mobile does not encroach over the original lot line between the two lots.

There is discussion regarding whether section 9.05 applies to these two lots. Dwayne Woodsome states that if a structure was on lot 10 when they purchased the lot then lot 9 is still buildable.

Todd Morey states that section 9.05 states non-conforming lots in common ownership on the date of enactment of this ordinance become joined. These lots were purchased after 1977.

Ken Pierce states that he thought there was an attorney opinion regarding grandfathering lots in approved subdivisions from the provisions of section 9.05. An opinion from Ken Cole dated Aug. 24, 1999 stating that although our ordinance provides for no specific grandfathering provision, it has been interpreted for 20+ years that approved subdivision lots were not subject to section 9.05.

Roland Denby states the board should require an up to date sketch plan. The survey does not show how close the trailer is to the lot line.

Sue Dunlap asked if the property would have its own well and septic. Mrs. Pierce stated that it would have its own septic but would share a well and she realizes she will have to deed rights to the well in case the lots are ever split.

Sue Dunlap states that the applicants will have to come back for a setback reduction on their lot as well if the board agrees that there are two lots because their trailer will not meet the required setbacks from the property line.

Dwayne Woodsome made the motion to approve the conditional use / setback reduction to place a mobile home on lot 9 pursuant to section 2.08 and based on the attorney opinion dated 8/24/99 from Ken Cole, with the following conditions:

- sideline setbacks of 35'
- frontyard setback from road no closer than 50'
- rear setback no closer than 30' to property line between the two lots
- provide completed plot plan prior to issuance of a building permit.

Tim Neill seconds the motion. Motion carries with a 4 -1-0 vote in favor with Todd Morey opposing.

Sue Dunlap informs the applicants that they must have their surveyor provide on the plan the building envelope as approved by the board tonight on lot 9 prior to getting a building permit. Sue adds that the setbacks of the buildings on lot 10 must be added to the survey and the applicants are to come back to get a setback reduction conditional use for that lot to make it legal.

### III. MINUTES OF PREVIOUS MEETING

Tim Neill made the motion to approve the minutes of December 12, 2001 with the addition of the vote to adjourn from tonight's meeting. Todd Morey seconds the motion. Motion carries with a unanimous vote in favor.

### IV. REPORT OF OFFICERS

### VI. COMMUNICATIONS

Sue Dunlap notes for the record the receipt of the following communications.

1. Notice of decision from the ZBA hearing on 12/19/01 for Saco Valley Credit Union. Sue reported that Tim Neill and she went to the hearing. A height variance was granted to place a cupola at the credit union according to section 8.01 of the Zoning Ordinance.
2. Notice of decision from the ZBA hearing on 12/19/01 for J. Quattrucci. Sue explained that this was an administrative appeal on a stop work order from the CEO who found what he determined

to be a second living unit above a garage when the building permit was issued for storage above the garage. The ZBA upheld the decision of the CEO and instructed the applicant to re-apply for what he is actually building.

3. Sue explained the third hearing where an applicant wanted a frontyard setback variance for a garage and the ZBA is getting advice from the town attorney as to whether the garage could fall under the disability variance. This hearing was tabled until the attorney gets back to the Zoning board.

V. OLD BUSINESS

Dwayne Woodsome made the motion to set up a workshop meeting for January 7 at 7 p.m. to work on zoning changes with a storm date of 1/14 at 7 p.m. Todd Morey Seconds the motion. Motion carries with a unanimous vote in favor. Patti will send a post card as a reminder.

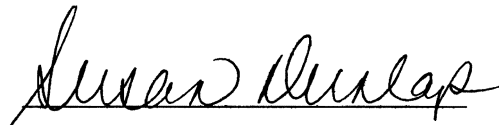
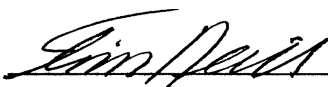
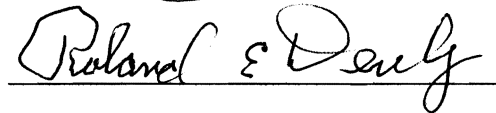
VII. MISCELLANEOUS

VIII. NEW BUSINESS

IX. ADJOURNMENT

Tim Neill made the motion to adjourn the meeting at 9:05 and go into workshop to work on zoning changes. Dwayne Woodsome seconds the motion. Motion carries with a unanimous vote in favor.

APPROVED Date: 1.24.02



---

---