

Town of Waterboro

Planning Board Meeting Minutes for January 9, 2002

I. ROLL CALL.

Chairman, Susan Dunlap calls the meeting to order at 7:36 p.m. noting attendance of Tim Neill, Todd Morey, Dwayne Woodsome, Roland Denby. Everett Whitten and Ken Danforth are absent.

II. APPOINTMENTS

Diane Millette with a preliminary and final plan for a 2 lot subdivision on Ossipee Hill Road on Map 4 lot 13-5. The preliminary checklist is reviewed. Todd Morey Made the motion to waive the following requirements: the hydrogeological study, the erosion control and stormwater drainage plans, and contour intervals. Roland Denby seconds the motion. Motion carries with a unanimous vote in favor. Based on all of the items on the checklist being provided, Dwayne Woodsome made the motion to approve the preliminary plan. Todd Morey seconds. Motion carries with a unanimous vote in favor. The checklist for final plan is reviewed. Based on the fact that all of the items on the final plan were provided Dwayne Woodsome made the motion to approve the final plan of Diane Millette for a 2 lot subdivision. Roland Denby seconded. Motion carries with a unanimous vote in favor.

Stephen Kostis with a sketch plan for a 6 lot subdivision on West Road on map 3 lot 44. Andy Nadeau from Cornerpost land surveying Inc. is representing Mr. Kostis. Dwayne Woodsome asks if they have applied for their state entrance permits yet. They have not. This is a revised sketch plan from the previously submitted plan. The lots have been reduced to 6 and the entrances have been reduced to 3. The board informs the applicant that they will be required to get a written recommendation from the fire chief regarding fire protection. They will also be required to provide a written statement from SAD 57 transportation dept. regarding school bus pick up. They will have to send the plan to the road review committee and get their input on the entrances.

Dwayne Woodsome made the motion to accept the sketch plan of ELCON for a 6 lot subdivision on West Road. Roland Denby seconds. Motion carries with a unanimous vote in favor.

At this time the board informed the applicant and Mr. Nadeau that along with the above mentioned items the board is probably going to require some soil testing for herbicides and pesticides based on the information received from the Maine Dept. of Agriculture. Sue informed the applicant that any information provided by them may be sent to a peer review by the town.

Andrew Sevigny with a 30% expansion request representing Henry Gardner on Map 32 lot 32. Dwayne Woodsome made the motion to table this application until the CEO has reviewed the revised plan. Andrew Sevigny explains that they have gone back

to their original plan so there has been no change. Steve Wentworth is asked to explain what he has provided for information. Steve explains that the applicants applied in 1989 to put a foundation under the camp. They also applied to construct a deck and remove a concrete patio. It appears they constructed the deck and removed the patio, but replaced a patio under the deck. Dwayne Woodsome pulled the motion back at this time, and made a motion that the whole board goes on a site walk to inspect this property and give the board time to do some research. Tim Neill seconds the motion. Motion carries with a unanimous vote in favor. The site walk is scheduled for Saturday January 19 at 9 a.m.

Roland Denby states that the board should be aware that this lot is part of Johnson Park Subdivision.

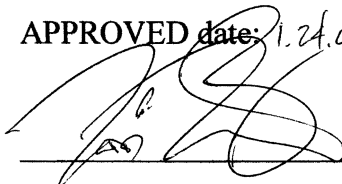
Sue Dunlap informs Mr. Sevigny that she wants the application to state what it is they want to construct.

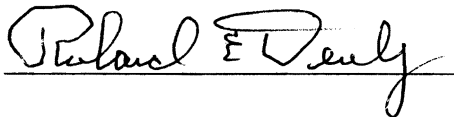
Sue read the email from Alex Wong that states if the concrete patio was still on the property that the deck should be counted in the lifetime 30% expansion and that if the patio was still there It would be in violation of the NFPA permit.

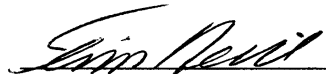
IX ADJOURNMENT

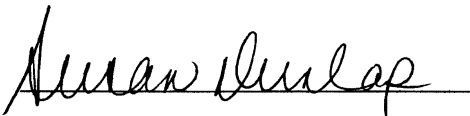
Dwayne Woodsome made a motion to adjourn at 9:10 p.m. Todd Morey seconds. Motion carries with a unanimous vote in favor. It is reminded that the workshop was continued until Monday January 14 at 7.

APPROVED date: 1.24.02









Town of Waterboro

Planning Board Meeting Minutes January 24, 2002

I. ROLL CALL

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

II. APPOINTMENTS

There are no scheduled appointments for tonight's meeting.

III. REPORT OF OFFICERS

Everett Whitten reports on the Transfer Station Committee that he attends as the representative of the Planning board. The town has bought a new cardboard compactor. The town is going to issue new dump stickers. There are going to be new charges implemented for dumping anything other than household trash.

Susan D. states that since there are no appointments that she would like to review the request of the Comprehensive Plan committee that the board review and comment on the executive summary of the comprehensive plan. The board discussed the goals that were spelled out in the original plan to see which have been accomplished or not.

Goal #5 - Public facilities and services regarding securing lands. The board rezoned the Bennett Hill Road area to allow for gravel extraction for the town gravel pit.

Goal #6 – Fiscal capacity regarding phased growth strategy. The town has not done that.

Goal #7 – Visual & Historic Resources regarding requiring buildings to be compatible with historic areas. Sue thinks this standard has been set and is followed. Everett adds that the two banks that the board has approved fit in with the surrounding buildings. Todd Morey thinks that this should be made a requirement and not left up to the board's discretion.

Under goal 7 is a statement to preserve natural features of the land. Sue states that the board always encourages developers to preserve stone walls and views.

Goal #11 Land use regarding locating future growth where services are available. Sue states that the board is doing this by requiring new businesses to extend the water line.

Monitoring future growth is being done regarding services of fire and rescue. Sue states that the services have enlarged with the growth.

Promote economic expansion. Sue states this has not happened.

Establish land use strategies to accommodate for gravel extraction and forestry. Sue states that this has not been done. Gravel extraction has been restricted with the adoption of the new Gravel ordinance and the Planning Board's gravel ordinance being defeated.

Expand a program for the responsible conservation of Waterboro's water resources. Sue states that the two wellhead protection zone were added in 1993.

The board reviewed the Implementation strategies as listed in the executive summary.

Affordable housing – the board has allowed the development of manufactured houses.

Encourage apartment conversions – The board brought an article to town meeting to adopt lesser density for conversions and it passed.

Provide opportunities for elderly housing. Applewood was developed in 1994.

Institute reduced widths of road right of ways to lessen development costs but allow for adequate design and safety standards. The selectmen proposed to widen the required right of ways in 2000. The costs to the town for development have gone up and the board is now looking into requiring more information and stricter standards, which reduces the time to review applications. The board has adopted revised checklists to aid in the review process. The board is considering raising the fees for review so that the developer is bearing more of the weight of the review.

Natural Resource Plan

Establish Watershed protection district. The town adopted shoreland zoning.

Future Land Use Plan – existing zoning districts and proposed suggested. The town has added a VR zone to encompass all of Lake Arrowhead properties.

III. MINUTES OF PREVIOUS MEETINGS

Roland Denby made a motion to approve the January 9, 2002 meeting minutes. Todd Morey seconded the motion. Motion carries with a vote of 3-0-1 in favor with Everett Whitten abstaining, as he was not present.

Tim Neill made the motion to approve the December 27, 2001 meeting minutes. Roland Denby seconds the motion. Motion carries with a vote of 3-0-1 with Everett W. abstaining.

The minutes for December 12, 27 and January 9 were signed.

V. OLD BUSINESS

The Kenneth Pierce conditional use is put off until the next meeting.

The board discusses proposed zoning changes at this time. An all-purpose zone is discussed. Tim N. thinks this should be done in phases. Todd M. states he doesn't think it should extend beyond the water lines and that he would like to see some kind of standards adopted for development in this zone. Such as building design standards that fit in and landscaping standards. Sue states that the board always has the option to tie the review in with the Comprehensive Plan, which should accomplish that.

The area that the board would like to submit to town meeting to rezone as all-purpose is discussed. A straw poll of the board was taken and all agreed to stay conservative on the area and based on Roland Denby's suggestion to do this rezoning in phases and to start small and learn from the process, Everett Whitten made the motion to bring try to rezone the Route 202 corridor from the Alfred town line to the Lyman Town line in an L shape, as an all purpose zone excluding current village and conservation zones which would remain as is. Roland Denby seconds the motion. Motion carries with a unanimous vote in favor.

The board will think about more aspects of this proposed change and discuss this further at future meetings. Tim Neill made a motion to hold a workshop on Monday February 4, 2002 at 7 p.m. to discuss zoning changes. Todd Morey seconded the motion. Motion carries with a unanimous vote in favor.

VI. COMMUNICATIONS

1. There is a memo from the board of selectmen regarding their proposal for an article to raise fees in Section 12 of the zoning ordinance. The board decides that they would like to present their request to raise fees separately from the Selectmen's request.
2. The notice of decision on Kenneth Pierce conditional use permit was given to the board.
3. The attorney invoice for the month of January was given to the board for their review. There were no items on it from the Planning board budget.

VII. MISCELLANEOUS


Roland Denby asks the board if they wish for him to continue the project he started of photographing the Route 202 corridor to have a documentation of the changes that are occurring. It is agreed that the board wants Roland and Everett to continue on with that project.

VIII. NEW BUSINESS

IX. ADJOURNMENT


Todd Morey made the motion to adjourn the meeting at 9:50 p.m. Roland Denby seconds the motion. Motion carries with a unanimous vote in favor.

APPROVED Date: 2.13.02



Roland Denby

Everett Whitten



Susan Dunlap

Town of Waterboro

Planning Board Workshop

Minutes

February 4, 2002

Chairman Susan Dunlap begins the workshop at 7 p.m. Noting attendance of Roland Denby, Everett Whitten, and Tim Neill.

The purpose of this workshop is to continue working on articles for town meeting.

The first topic was how to deal with the issue regarding whether pavement will be treated as a structure or not. It is generally agreed on that the board would like to require some kind of green belt between businesses so that Waterboro doesn't look like Windham.

Roland D. suggests that we use the definition of greenbelt from the Subdivision regulations as follows:

For the purpose of these regulations, a "greenbelt" is defined as a strip of land vegetated with grass or other plant life maintained as open green space. Removal of dead trees, mowing of grass and pruning of other vegetation, to the extent appropriate for routine maintenance, are the only cutting permitted within a greenbelt area. The only construction permitted within a greenbelt is that necessarily related to the exercise or use of a utility easement and/or that necessarily related to a driveway. If another means of access to the property other than through the greenbelt is available, construction related to utility easements shall be the only permissible construction within the greenbelt boundaries.

There was discussion about requiring a 10' greenbelt for the side and rear property lines of all non-residential buildings and uses, with the minimum front setback being 25 feet as stated in section 5 of the zoning ordinance. With the planning board reserving the right to require up to the standard setback for the zone for special circumstances.

It is agreed that an addition to Article 5 Traffic and Parking of the Zoning Ordinance should be amended to add the requirement of a greenbelt so that all non-residential uses will fall under this requirement. If it were just in the site plan, some businesses would not have to have planning board approval. This is in an attempt to treat all businesses fairly. A reference should be put in the site plan review ordinance to Article 5 of the zoning ordinance and the definition should be added to the site plan and zoning ordinances.

An article to add the following to the site plan review ordinance as follows:

To amend section I- D #3 of the Town of Waterboro Site Plan Review Ordinance to say: Layout and location of off-street parking: loading: and access drives: and vehicular maneuvering areas to conform with the standards set forth in Article 5 of the Waterboro Zoning Ordinance.

To amend section IV. Definitions: Greenbelt: For the purpose of these regulations, a "greenbelt" is defined as a strip of land vegetated with grass or other plant life maintained as open green space. Removal of dead trees, mowing of grass and pruning of other vegetation, to the extent appropriate for routine maintenance, are the only cutting permitted within a greenbelt area. The only construction permitted within a greenbelt is that necessarily related to the exercise or use of a utility easement and/or that necessarily related to a driveway. If another means of access to the property other than through the greenbelt is available, construction related to utility easements shall be the only permissible construction within the greenbelt boundaries.

To amend Article 5 Traffic, Parking and Road Access Section 5.01 third paragraph to read:

All parking and loading areas including areas used for maneuvering and interior circulation, shall be set back at least twenty-five (25) feet from the roadway on which they front; and will maintain at least a ten (10) feet greenbelt on the side and rear property lines with the planning board having the ability to require the standard setback of the zone under extenuating circumstances.

Now reads: All parking and loading areas including areas used for maneuvering and interior circulation, shall be set back at least twenty-five (25) feet from the roadway on which they front.

To amend Article 14 of the Waterboro Zoning Ordinance to add the definition of Greenbelt,

To Read: Greenbelt: For the purpose of these regulations, a "greenbelt" is defined as a strip of land vegetated with grass or other plant life maintained as open green space. Removal of dead trees, mowing of grass and pruning of other vegetation, to the extent appropriate for routine maintenance, are the only cutting permitted within a greenbelt area. The only construction permitted within a greenbelt is that necessarily related to the exercise or use of a utility easement and/or that necessarily related to a driveway. If another means of access to the property other than through the greenbelt is available, construction related to utility easements shall be the only permissible construction within the greenbelt boundaries.

The next topic discussed was the requirement in the zoning ordinance for some businesses to be located on a state aid highway. Patti will call Maine DOT and ask them what roads in Waterboro are currently state aid roads. It is mutually agreed that this issue is not as high on the priority list at this time and we can wait until next year to decide whether to change this requirement. Roland D. states that he thinks the town should get going on researching the right of way widths of all town roads for the record and maintaining a record of it. Often times the planning board gets conflicting information on the width of roads and this could create a potential of someone not meeting the required setbacks.

The zoning chart is discussed and how to fix the discrepancies between it and the written descriptions of the uses allowed in each zone. It is suggested instead of fixing the chart to remove it altogether. Tim Neill states that it over simplifies the descriptions and if someone were only looking at the chart, there could be valuable information missed in the written description. It is agreed to word an article to take the chart out of the zoning ordinance.

To amend Article 3 Section 3.10 by removing the Land Use Chart.

David Benton enters the workshop to discuss two issues. The state aid roads and David also asked the board to forward the design plans of commercial buildings within the Water District to them in the future. It is decided to add an item on the site plan checklist to require the plans to be forwarded to the water district and a written recommendation be obtained from the water district to the planning board.

Before the next workshop, Patti will gather all workshop minutes and discussions regarding zoning changes and list the items that have been decided, and voted on, or need to be voted on so that the board can wrap up this part of the process.

It is agreed that the board has proposed enough changes for this town meeting and that the only thing left to decide on is the all purpose zone.

Patti will request of the selectmen's office the time frame for town meeting and the deadlines that we have to prepare the wording and for public hearings.

Another workshop meeting is set for February 18, at 7 p.m. and will be dedicated to the all-purpose zone provided that all members can attend.

Workshop ends at 9:40 p.m.

Respectfully submitted,
Patti Berry,
Secretary

Town of Waterboro

Planning Board Meeting Minutes February 13, 2002

I. ROLL CALL

Chairman, Susan Dunlap calls the meeting to order at 7:40 p.m. noting attendance of Dwayne Woodsome, Tim Neill, Everett Whitten, Todd Morey and Roland Denby.

II. APPOINTMENTS

7:30 Richard Wasina with a preliminary subdivision application for Woodland Ridge subdivision on Goodwins Mills road on tax map 2 lot 9. Richard Wasina explains this is a 15 lot subdivision application. There are two access drives for the fifteen lots. One common drive serving two lots and a private road to serve the remaining 13 lots. The stormwater drainage will be managed by four level spreaders within 75' of restrictive wooded buffers. There will be a 10,000 gallon water cistern for fire protection. Dwayne Woodsome asks Rich if he wouldn't be better off to hook up to town water by the time he installs a cistern. Rich answers no. The cistern is at the beginning of the subdivision so that the road can be used as the turn around. Sue thinks there would have to be a legal easement to the cistern.

Sue Dunlap asks how the common land will be handled? Rich explains that 1/15th interest will be shared between owners and is noted on the subdivision plan in note #6.

Sue Dunlap explains that the proposed road exceeds the limit of a dead end road and the applicant will need a waiver from the board on the road length. Rich states that he has requested a waiver in his application. Rich adds that he is applying for a longer road as opposed to having more entrances onto Goodwins Mills Road. Sue asks if the road entrance comes out onto a hill? Rich that Goodwins Mills Road is fairly level at the point that the entrance comes out onto it. Sue explains that Rich will have to provide a letter from SAD 57 regarding transportation for school buses.

Rich explains that his plan is being reviewed by DEP. DEP has asked how he is going to handle and manage the restrictive buffers. Rich states that these will be incorporated into the deed restrictions.

Todd Morey asks about the common drive on lots 1 and 2. Todd requested that there be covenants between the two lots stating that it is a shared drive and that the developer installs the first 20 foot apron to secure the driveway location. Dwayne adds that the applicant will have to apply for an entrance permit from DOT where this is a state aid road. Rich agrees to make a notation on the plan regarding the common drive.

A complete current deed of ownership will have to be provided to the town to insure there are no current deed restrictions.

The setback lines on the lots are 50' frontyard, 20' sideline and 35' rear setbacks. Section 8.02 and 8.03 allows the board to reduce the setbacks in cluster subdivisions. Rich states that where this is a cluster he wanted to keep the houses to the front of the lots to minimize the impact on the area. Sue would like to see a note on the plan that agrees to no further subdividing of this parcel. The board was in agreements of the reduced setback requirements.

Rich will provide proposed deed covenants before the next review. The easements for lots 1 and 2 will be amended on the plan. A letter from the post office regarding mail delivery will be provided.

It is decided to send the plan to the road review committee for review and input. Dwayne Woodsome states that before the final plan will be approved the applicant will need to provide the entrance permit from the state.

Rich explains that the road profile plan shows that the road will be 20' wide with 4' shoulders. The detail sheet shows cross section of 3" crushed aggregate and 15" aggregate sub-base.

Rich explains that he plans on having a 25' to 50' greenbelt. Sue states that she would like to see at a minimum 25' greenbelt and for that to be shown on the plan. Todd Morey states that the note on the plan that refers to clearing of existing right of way and obtaining site distance should be more definitive and on the plan.

There is discussion regarding sidewalks. Todd thinks there should be some provision for sidewalks but would like to see the site before discussing this further.

Sue states that under section 8.8 of the subdivision regs. The board has the authority to require a greenbelt and she would like it to show on the plan.

It is requested that the applicant add a statement to the plan that states that driveways 3 and 15 off the private road will be no closer than 100' to Goodwins Mills Road.

The applicant is asked to contact the 911 coordinator to request a road name for the proposed road.

Rich states he is selling the lots to a builder, not developing them himself.

Dwayne Woodsome states that he notices between each lot is drainage and that's why he would like to see town water brought into the development. Todd Morey states he wants to see a full copy of the stormwater run off evaluation.

Rich explains that with the level spreaders with the 75' buffers the stormwater will infiltrate the ground prior to being drained between the lots and there will be restrictive covenants to restrict cutting in the buffer strips.

The developer has retained the right to unrestricted access over a 50' strip between lots 1 and 2 for ingress and egress. See note 15 on the plan.

There will be a homeowners association for maintenance of the road and the level spreaders as noted on the plan in note 12.

There is discussion regarding the applicant providing sufficient information proving that there is adequate room on each lot for a septic design and a well. The applicant will provide that information.

The road length is discussed. Todd Morey made the motion to waive the requirement on dead end roads and allow this proposed road to be up to 1100 feet in length. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

A site walk is scheduled for February 23 at 9 a.m. at the site. A public hearing is scheduled for February 28 at 7:30 p.m. Tim Neill made the motion to send this plan to Southern Maine Regional Planning for peer review. Dwayne Woodsome seconds the motion. Motion carries with a vote of 4-1-0 with Todd Morey voting in opposition.

Dwayne Woodsome made the motion that the cost of this review not exceed \$200 and that the review must be done prior to the 28th. Tim Neill seconds. Motion carries with a unanimous vote in favor.

III. MINUTES OF PREVIOUS MEETINGS

Todd Morey made the motion to approve the January 24 meeting minutes as written. Roland Denby seconds the motion. Motion carries with a 4-0-1 in favor with Dwayne Woodsome abstaining, as he was absent.

IV. REPORT OF OFFICERS

V. OLD BUSINESS

Discussed the proposed all purpose zone. Sue would like it verified that CMP owns the land under the power lines. No decisions were made at this meeting.

VI. COMMUNICATIONS

The following communications were noted and / or reviewed:

1. Letter from SAD 57 to Dwayne Woodsome regarding the subdivision application off West Road.
2. Memo forwarded to the board of selectmen from the developer of Killock Drive asking the selectmen to put a request on the warrant to accept Killock Drive as a town road.
3. Memo from Planning Board secretary to the selectmen forwarding the street design ordinance standards regarding the request to accept Killock Drive as a town road.
4. Noted stop work order from CEO to Salvo.
5. Deadline to submit amendments to zoning to selectmen for town meeting is reported to be March 12.

VII. MISCELLANEOUS

Dwayne Woodsome made the motion to continue this meeting and cancel the workshop that was planned for Monday.

Everett Whitten seconded. Motion carried with a unanimous vote in favor.

Continuation of meeting on February 18, 2002.

Due to a lack of quorum this meeting could not be continued at this time. It was agreed to reschedule this meeting until February 20.

Continuation of meeting on February 20, 2002. Sue called the meeting back to order at 7 p.m. noting attendance of Tim Neill, Roland Denby, Everett Whitten, and Dwayne Woodsome.

V. OLD BUSINESS

Sue notes that all of the items on the agenda were covered except for the proposed zoning amendments.

The proposals were reviewed and voted on as follows:

1. Dwayne Woodsome made the motion to send the following article to the selectmen to request it be placed on the warrant for town meeting. Everett Whitten seconded the motion. Motion carries with a unanimous vote in favor.

ARTICLE: Shall the town of Waterboro vote to amend Article 3 Sections 3.04.02, 3.05.02, 3.06.02, 3.07.02, 3.08.02 to add licensed Day Care facilities and Home Day Care providers as a conditional use in all zoning districts as of April 27, 2002 excluding the (VR) district. All day care facilities shall be required to construct a fence that the Planning Board deems suitable (see Article 4 Sections 4.01, 4.02, 4.03) to enclose the outdoor activity area of the facility. The fence shall be a minimum of 4' in height.

2. Everett Whitten made the motion to send the following article to the selectmen to request it be placed on the warrant for town meeting. Tim Neill seconds. Motion carries with a unanimous vote in favor.

ARTICLE: shall the Town of Waterboro vote to amend Article 14 of the Waterboro Zoning Ordinance to adopt the State of Maine definition of Day Care Facility and Home Day Care Provider as follows:

To read: **Day Care Facility:** A house or other place in which a person maintains or otherwise carries out a regular program, for consideration, for any part of a day providing care and protection for 3 or more children under 13 years of age. Day Care Facility does not include any facility operated as a nursery school, a home day care provider, a summer camp established solely for recreational and educational purposes, or a formal public or private school.

To Read: **Home Day Care Provider:** A person who receives some type of payment to provide child care in his or her own home on a regular basis, for 3 to 12 children under 13 years old, who are not the provider's own children.

3. Everett Whitten made the motion to send the following article to the selectmen to request it be placed on the warrant for town meeting. Tim Neill seconds. Motion carries with a unanimous vote in favor.

ARTICLE: Shall the town vote to amend Article 12 Fees of the Zoning Ordinance

To read:

<u>Conditional Use Review</u>	<u>\$100.00</u>
<u>Site plan review</u>	<u>\$200.00</u>

4. Dwayne Woodsome made the motion to send the following article to the selectmen to request it be placed on the warrant for town meeting. Tim Neill seconds. Motion carries with a unanimous vote in favor.

ARTICLE: Shall the town vote to amend Section 10.08 of the Waterboro Zoning Ordinance to read:

Section 10.08 Judicial Review – **A request and hearing for reconsideration may be made to the Zoning Board of Appeals within thirty (30) days from any final order, relief, or denial by an aggrieved party in accordance with 30A MRSA §2691 and 4353 and Maine Civil Procedure , Rule 80B.**

An appeal may be taken, within **forty five (45) days** after a Zoning Board of Appeals decision is rendered by an **aggrieved** party to Superior Court from any final order, relief or denial in accordance **with 30-A MRSA §4353 and with Maine Rules of Civil Procedure, Rule 80B.** The hearing before the Superior Court shall be a trial do novo without a jury.

Now reads:

Section 10.08 Judicial Review – An appeal may be taken, within thirty (30) days after a Zoning Board of Appeals decision is rendered by any party to Superior Court from any final order, relief or denial in accordance with Maine Rules of Civil Procedure MRSA tit. 14 (as amended) Rule 80B. The hearing before the Superior Court shall be a trial do novo without a jury.

5. Dwayne Woodsome made the motion to send the following article to the selectmen to request it be placed on the warrant for town meeting. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

ARTICLE: Shall the town of Waterboro vote to amend Article 2 General Provisions Section 2.03 Paragraph 2, Last sentence, to refer to the correct section of the BOCA Code:

To read:

All construction of pools to conform with BOCA Code, Swimming pools Section **421.0**.

Now reads:

All construction of pools to conform with BOCA Code, Swimming pools Section **616.0.**

6. Tim Neill made the motion to send the following article to the selectmen to request it be placed on the warrant for town meeting. Dwayne Woodsome seconds. Motion carries with a 3-1-0 vote in favor with Everett Whitten voting in opposition.

ARTICLE: Shall the town of Waterboro vote to amend Article 2 General Provisions Section 2.04 paragraph 2 to increase the dollar figure as a factor in requiring a building permit.

To read:

Where construction of a permitted accessory structure occupying less than one hundred (100) square ft. of ground or floor space and costing less than one thousand dollars (**\$1,000**) for improvement, or alteration of any existing permitted structure involving less than one hundred (100) sq. ft. of ground or floor space and costing less than **one thousand dollars (\$1,000)** for improvement; where repairs not involving a change in use or in increase in the area of any permitted structure (including accessory structures) are contemplated except when in the Shoreland Zone;

Now reads:

Where construction of a permitted accessory structure occupying less than one hundred (100) square ft. of ground or floor space **and costing less than five hundred dollars (\$500) for improvement**, or alteration of any existing permitted structure involving less than one hundred (100) sq. ft. of ground or floor space **and costing less than five hundred dollars (\$500) for improvement**; where repairs not involving a change in use or in increase in the area of any permitted structure (including accessory structures) are contemplated except when in the Shoreland Zone;

7. Dwayne Woodsome made the motion to send the following article to the selectmen to request it be placed on the warrant for town meeting. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

ARTICLE: Shall the town of Waterboro vote to amend Article 3 Sections 3.04.02 A. 4, 3.05.02 –4, 3.06.02 – 3, 3.07.02 – 3, 3.08.02 – 6 to make reference to section 7.04 performance standards for home occupations in all zones:

To read: Home Occupations in accordance with the performance standards of section 7.04.

Now reads: Home Occupations.

8. Tim Neill made the motion to send the following article to the selectmen to request it be placed on the warrant for town meeting. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

ARTICLE: Shall the town vote to amend the following amendments to correct a clerical error made in the warrant of March 14, 1998 when town meeting approved to add the definitions to Article 3, Sections 3.04, 3.05, 3.06, 3.07, and 3.08.

Explanation of error: On June 5, 1993 town meeting approved the adoption of a chart of uses and removed the definitions of land uses in Section 3. On March 14, 1998 town meeting approved to put the definitions back into Section 3 to go along with the chart. The purpose was to put back what had been removed in 1993 along with any changes made to that section through 1998. The warrant was typed with Section 3 from the 1977 original ordinance. All of the approved town meeting changes to section 3 between 1977 and 1998 were removed due to this clerical error. The intent of this article is to restore the zoning ordinance to what

has been approved by town meeting vote. Only the town meeting approved articles from 1977 through 1998 are listed as they were approved: (Omitting the change on extraction approved on 3/11/89 to avoid conflict with the Extractive Industry and Land Reclamation Ordinance enacted on March 11, 2000.)

9. Dwayne Woodsome made the motion to send the following article to the selectmen to request it be placed on the warrant for town meeting. Tim Neill seconds. Motion carries with a unanimous vote in favor.

ARTICLE: Shall the town vote to amend Article 5 Traffic, Parking and Road Access Section 5.01 third paragraph to read:

All parking and loading areas including areas used for maneuvering and interior circulation, shall be set back at least twenty-five (25) feet from the roadway on which they front; **and will maintain at least a ten (10) foot greenbelt on the side and rear property lines with the planning board having the authority to require the standard setback of the zone under extenuating circumstances.**

Now reads: All parking and loading areas including areas used for maneuvering and interior circulation, shall be set back at least twenty-five (25) feet from the roadway on which they front.

10. Dwayne Woodsome made the motion to send the following article to the selectmen to request it be placed on the warrant for town meeting. Tim Neill seconds. Motion carries with a unanimous vote in favor.

ARTICLE: Shall the town vote to amend Article 14 Definitions by adding the following:

To Read: Greenbelt: For the purpose of these regulations, a "greenbelt" is defined as a strip of land vegetated with grass or other plant life maintained as open green space. Removal of dead trees, mowing of grass and pruning of other vegetation, to the extent appropriate for routine maintenance, are the only cutting permitted within a greenbelt area. The only construction permitted within a greenbelt is that necessarily related to the exercise or use of a utility easement and/or that necessarily related to a driveway. If another means of access to the property other than through the greenbelt is available, construction related to utility easements shall be the only permissible construction within the greenbelt boundaries.

11. Dwayne Woodsome made the motion to send the following article to the selectmen to request it be placed on the warrant for town meeting. Tim Neill seconds. Motion carries with a unanimous vote in favor.

ARTICLE: Shall the town vote to amend Article 3 Zoning Districts by deleting section 3.10 removing the Land Use Chart.

12. Everett Whitten made the motion to send the following article to the selectmen to request it be placed on the warrant for town meeting. Roland Denby seconds. Motion carries with a unanimous vote in favor.

ARTICLE: Shall the town vote to amend Article 2 General Provisions of the Waterboro Zoning Ordinance by add section 2.09 and changing the current wording of Section 2.09 to Section 2.10 and to amend Article 11 Planning Board as follows:

To read: **Site Plan Review - Site Plan Review and Approval by the Planning Board shall be required before issuance of a building permit or certificate of occupancy for any building or structure or any expansion of any building or structure 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; as provided in the Town of Waterboro Site Plan Review Ordinance Adopted June 28, 1988.**

Site Plan Review and Approval shall not be required:

1. To change a use permitted by the zoning ordinance to another permitted use, in an existing structure, provided;

a. The change does not increase the requirements for off-street parking, as provided by the Zoning Ordinance for the Town of Waterboro; and

b. The floor area devoted to the proposed use is equal to or no less than that devoted to the existing use; and

c. No structural changes are proposed for the existing building; and

d. No changes are proposed for the site on which the existing building is located.

2. For single family dwellings and accessory facilities.

3. For multi-family dwellings of no more than two dwelling units and their accessory facilities.

4. Any development reviewed by Planning Board as a residential subdivision.

Shall the town vote to amend Article 11 Planning Board to add the following bullet:

To Read: Article 11 Planning Board:

Section 11.01 General – In addition to the duties conferred to the Planning Board by the Town of Waterboro acting pursuant to MRSA title 30 § 4961 – 4963 or the Home Rule Powers (see Section 1.01), the provisions of this ordinance impose responsibilities on the Board which are essential to the effective implementation and carrying out of the intent and purpose of the ordinance. These include:

- reviewing and deciding with the Selectmen whether to permit or not allow uses presently not permitted by this ordinance but which are similar in character to uses which are permitted, see section 2.07;
- reviewing and deciding whether to permit or not allow a temporary use and if allowed the extent, scope, and conditions (if any) of the temporary use, see section 2.07;
- reviewing applications for building permits from owners of substandard sized lots to determine what (if any) conditions need to be attached to protect adjacent property owners and the public interest, see section 2.08;
- reviewing and ultimately approving or disapproving applications to commence a conditional use, see Article 4;
- reviewing parking space requirements and parking and loading area design plans, particularly the design of road and driveway intersections in drive-in commercial enterprises and large vehicle loading and parking areas to determine if special safety features are necessary, see sections 5.03 and 5.04;
- reviewing and ultimately approving or disapproving proposed departures from the height requirements of this ordinance necessitated by the unique or special characteristics of the structure, see section 8.01;

- reviewing and ultimately approving or disapproving applications to undertake a planned unit development or cluster development, see sections 8.02 and 8.03;
- reviewing and forwarding a recommendation to the Selectmen as to whether common space and open area which a developer contemplates dedicating to the town as part of a PUD or cluster development proposal should be accepted, see subsection 8.02.03 and section 8.03;
- conducting a joint PUD or cluster development and subdivision review, see subsection 8.02.04 and section 8.03;
- participation in hearings held pursuant to requests for a variance, see section 10.05;
- making recommendations with respect to the issuance of enforcement orders by the selectmen, see section 12.03;
- reviewing and ultimately deciding whether particular developers will be required to post performance bonds to insure compliance with the provisions of this ordinance and the plans, specifications, or conditions upon which required approvals and permits were sought and obtained, see section 12.04;
- reviewing and forwarding a recommendation to the, Selectmen with respect to proposed amendments to this ordinance, see section 13.04;
- commenting and offering recommendations at the hearing which would be required if repeal of this ordinance was sought, see section 13.05;
- Conducting hearings in addition to those which are specifically required to facilitate carrying out any of the above responsibilities, see sections 11.02 and 13.07;
- **Reviewing and ultimately approving or disapproving applications for site plan review, see the Town of Waterboro Site Plan Review Ordinance.**

Now reads: Article 11 Planning Board:

Section 11.01 General – In addition to the duties conferred to the Planning Board by the Town of Waterboro acting pursuant to MRSA title 30 § 4961 – 4963 or the Home Rule Powers (see Section 1.01), the provisions of this ordinance impose responsibilities on the Board which are essential to the effective implementation and carrying out of the intent and purpose of the ordinance. These include:

reviewing and deciding with the Selectmen whether to permit or not allow uses presently not permitted by this ordinance but which are similar in character to uses which are permitted, see section 2.07;

reviewing and deciding whether to permit or not allow a temporary use and if allowed the extent, scope, and conditions (if any) of the temporary use, see section 2.07:

reviewing applications for building permits from owners of substandard sized lots to determine what (if any) conditions need to be attached to protect adjacent property owners and the public interest, see section 2.08:

reviewing and ultimately approving or disapproving applications to commence a conditional use, see Article 4:

reviewing parking space requirements and parking and loading area design plans, particularly the design of road and driveway intersections in drive-in commercial enterprises and large vehicle loading and parking areas to determine if special safety features are necessary, see sections 5.03 and 5.04:

reviewing and ultimately approving or disapproving proposed departures from the height requirements of this ordinance necessitated by the unique or special characteristics of the structure, see section 8.01;

reviewing and ultimately approving or disapproving applications to undertake a planned unit development or cluster development, see sections 8.02 and 8.03;

reviewing and forwarding a recommendation to the Selectmen as to whether common space and open area which a developer contemplates dedicating to the town as part of a PUD or cluster development proposal should be accepted, see subsection 8.02.03 and section 8.03;

conducting a joint PUD or cluster development and subdivision review, see subsection 8.02.04 and section 8.03;

participation in hearings held pursuant to requests for a variance, see section 10.05;

making recommendations with respect to the issuance of enforcement orders by the selectmen, see section 12.03;

reviewing and ultimately deciding whether particular developers will be required to post performance bonds to insure compliance with the provisions of this ordinance and the plans, specifications, or conditions upon which required approvals and permits were sought and obtained, see section 12.04;

reviewing and forwarding a recommendation to the, Selectmen with respect to proposed amendments to this ordinance, see section 13.04;

commenting and offering recommendations at the hearing which would be required if repeal of this ordinance was sought, see section 13.05;

Conducting hearings in addition to those which are specifically required to facilitate carrying out any of the above responsibilities, see sections 11.02 and 13.07:

The proposed subdivision changes were discussed and it is agreed to review the State law and see what changes should be incorporated or if the board can make changes to the ordinance without town meeting approval.

The proposed site plan review changes were reviewed. Dwayne Woodsome made the motion send the following article to the selectmen to request it be placed on the warrant for town meeting. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

As attached:

There is discussion regarding the request from the Conditional use / Primary use committee to the Board of Selectmen for an article on the warrant. Dwayne Woodsome stated that he didn't think the committee finished with the decisions. The chairman was going to check on something with the town attorney and there was never another meeting after that. Tim Neill made the motion to table making a recommendation to the Selectmen until more information is received. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

There is discussion regarding the All purpose zone proposal. Dwayne Woodsome made the motion to change the AR zone to a General Purpose Zone and to exclude three items from the permitted uses and make them conditional uses as follows: Hotels and motels, Gas stations, and indoor recreation facilities. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

There was discussion about where the general purpose zone should be. Dwayne Woodsome made the motion to follow Route 202 in to the pole line to where the old railroad tracks are and out to Route 5 and down Route 202, to exclude the Conservation and Village zones. Roland Denby seconds. Motion carries with a unanimous vote in favor.

VIII. NEW BUSINESS

It is noted for the record that Dwayne Woodsome signed a Saco River pole relocation permit application as a conditional use.

IX. ADJOURNMENT

Dwayne Woodsome made the motion to adjourn the meeting at 9:31 p.m. Roland Denby seconds. Motion carries with a unanimous vote in favor.

APPROVED date: 3/13/02

Dwayne Woodsome

Roland E Denby

Everett Whittle

Ernsty Hill

Town of Waterboro

Planning Board Minutes

February 28, 2002

Chairman, Susan Dunlap calls the public hearing for Woodland Ridge Subdivision to order at 7:30 p.m. Susan introduces the applicant Richard Wasina who explains the plans for a 15 lot subdivision on Map 2 Lot 9 off the Goodwins Mills Road. There are 5 citizens present from the public.

Rich Wasina explains that there will be a road called Woodland Ridge which will service 13 lots and there will be a shared drive which will service the two remaining lots. This plan was designed as a cluster development to provide for more open space. The developer is not going to build starter homes or mobile homes. The homes will be upscale homes and there will be deed restrictions to insure this.

The developer will install a 10,000 gallon water cistern for fire protection and surrounding community protection at the first lot so that it is accessible to the fire trucks.

The stormwater drainage plan is designed with cross culverts that take run off to level spreaders and then to a 75' buffer strip that will be restricted from cutting so that there is ample opportunity to be absorbed into the ground. The applicant has received a permit by rule for his stormwater management plan from DEP. There is a buffer strip to the rear of the lot where cutting will be restricted.

The floor is opened up for questions at this time.

David Benton, Road Commissioner asks if the developer intends to keep this a dirt road and if the plan is that it will be maintained by the owners.

Rich Wasina states that this road is designed as a private road with a homeowners association that would be responsible for the maintenance. The association could vote in the future to pave the road and request it be accepted as a town road. David Benton states that the road design meets all of the town standards except that it is not a tarred road.

Todd Morey reads the road review committee's recommendations and concerns. The letter states that the committee reviewed the subdivision application and that there were two concerns as follows: 1. the amount of water that could be created to flow through the culvert, and 2. the maintenance of the level spreaders. The committee wants to insure that they should be maintained on an annual basis and that this gets included in the association requirements.

Rich Wasina's response is that the level spreaders and 75' buffer will let the stormwater infiltrate before it would ever get to the culvert. Rich stated that he would add that requirement to the association agreement.

Susan reported that the review came back from Southern Maine Regional Planning.

The public hearing portion of the meeting closed at 7:45.

I. ROLL CALL

Chairman, Susan Dunlap called the regular meeting to order at 7:46 noting attendance of Dwayne Woodsome, Roland Denby, Everett Whitten and Tim Neill.

II. APPOINTMENTS

Richard Wasina for preliminary review of the 15 lot subdivision application on Map 2 lot 9 off Goodwins Mills Road. Susan Dunlap reviewed the letter from the road review committee regarding their review of the proposed

road. Sue explained that this application and plans were sent to Southern Maine Regional Planning Commission for review. There is a report from SMRP commission to review as follows:

The report from Kate Albert stated that the plans submitted met the requirements of the Waterboro zoning ordinance but there was no mention of the following review of state criteria:

1. Pollution – This project will not result in undue water or air pollution. Rich Wasina states that he has taken care of water pollution with the buffer zones.
2. Sufficient water supply - A letter from Sweet Associates was provided stating that the water yields are sufficient.
3. Municipal water does not apply as it is not supplied to this area.
4. Erosion and control – Erosion control is shown on the plans sheets numbered 5 and 6.
5. The required letter from York County Soil – Rich had requested a waiver of this requirement in writing on his application and this has not been discussed or voted on yet.
6. Traffic – reference to traffic generation. There will be two entrances onto Goodwins Mills Road. The site distance has to be met according to DOT and this couldn't cause unreasonable congestion. Todd Morey adds that this is below the threshold for a state permit.
7. Sewage disposal – the plan shows that individual septic systems are proposed for these sites.
8. Municipal solid waste disposal – does not apply the town does not provide waste pick up.
9. Aesthetic, cultural and natural values – Rich states that he is preserving the stone walls and allowing for more open space by clustering the building lots and providing green belts.
10. Financial and technical capacity – the board states there is no reference to that in our ordinance.
11. Surface waters – not applicable to this development.
12. Ground water – the level spreaders are provided to let run off absorb into the ground naturally.
13. Flood area – this property is not within the 100 year flood zone.
14. Freshwater wetlands – all the wetlands are depicted on the maps. They are forested wetlands and none of those depicted are wetlands of significance.
15. River stream or brook – does not apply to this application.
16. Stormwater – Rich reports that they've applied for stormwater management permit by rule from DEP and they have already been approved. The town does have a copy of that.
17. Spaghetti lots – do not apply to this development, as it is not in the shoreland.
18. Lake phosphorus concentrations – does not apply.
19. Impact on adjoining municipality – does not apply to this application.

There was a question from the review from SMRP regarding whether a previous split on the main lot would put this development over the threshold for requiring Site Location Development review from DEP. A letter from Alex Wong from Maine DEP was presented to the board stating that this subdivision does not trigger site law review by that department.

The suggestion from SMRP to show the elevation of the hydrant and bollards on the details page of the plan was noted although the board agreed was not necessary.

Rich provided the letter required for mail delivery. He provided a letter with his original submitted from the fire chief. Dave Benton states that the plans show the elevation of the cistern on the detail plan and it refers to it being 36" above grade.

At this time Everett Whitten made the motion to waive the requirements of Erosion control from York county Soil District. Because this has been reviewed by DEP. Roland Denby seconded. Motion carries with a unanimous vote in favor.

At this time the preliminary checklist was reviewed.

All the items except for the following were found to be acceptable:

1. Signature line for the developer and owner.
2. The width of all the roads on the plan.
3. The widths of all easements and setbacks adjusted accordingly.
4. Proposed restrictive covenants.
5. Put a note on the plan to show that drives for lots 3 and 5 must be at least 100' from Goodwins Mills Road.

These items must be provided prior to final plan review.

Tim Neill made the motion to approve the preliminary plan of Woodland Ridge Subdivision. Everett Whitten seconds the motion. Motion carries with a unanimous vote in favor.

At this time the final plan checklist was reviewed. The only thing needed from this list above what is mentioned from the preliminary list for final approval is the DOT road entrance permit from the state of Maine.

8:30 p.m. Norm Labbe representing Lake Arrowhead Community with a request for the planning board to support an article for town meeting to develop a wellhead protection zone for the Lake Arrowhead water supply wellhead. Tim Neill suggested that since the board has met with representatives from Lake Arrowhead in the past regarding this proposal to skip the presentation and get down to business.

Susan Dunlap stated that in the past the board has been over this subject at great length.

Sue adds that the board did not support this before and that had nothing to do with not wanting to protect the water supply. It had to do with the fact that Lake Arrowhead had not notified the abutters that this would affect prior to bringing it to the town. Sue stated that the board felt it was depriving the landowner of their rights to move forward without their being notified. Sue asked Norm Labbe if the abutting property owners have been notified of this meeting tonight.

Norm replies that he is not sure if Lake Arrowhead has notified the abutting property owner. Norm explains the fact that the last time when there was a problem with the board if he recalled correctly is that the mapping of the zone had not been done. Norm has provided accurate mapping for this meeting depicting the zone A and zone B and the watershed areas. The Lake Arrowhead lots that might be affected are already restricted by nature of the community rules. Zone A would affect less than 10% of the abutters land. Zone A is not taking the abutters

rights away. 90% of Zone A is owned by Lake Arrowhead. The abutting lot is 80-acre parcel currently undeveloped. It wouldn't prohibit them from using that area for overall development.

Everett Whitten states that he would be more comfortable hearing from the property owners that would be affected. Sue Dunlap added that this is very last minute to get it included on the warrant.

Norm Labbe states that the wells are already installed, running and serving 1,100 homes and producing about 1/3 million gallons a day.

Sue states that there are only 13 working days to before the warrant has to be printed. There would have to be a public hearing. Sue adds that she would like to see some documentation that the abutting property owner has been notified. This would have to go to the town attorney to be reviewed. The time is running out to get this on the warrant.

Sue asks David Benton chair of the Waterboro Water District if he has anything to add regarding this discussion. David states that the Water District is fine with this and will probably adapt to their wellhead protection zone.

Norm states that the State has a model that it wants water districts to follow to minimize the impact on town ordinances. They have created a zone A which is added to the current wellhead protection zone and items 18-27 were added. Everything else is the same.

Sue states that the town is obligated by law to notify abutting property owners of the public hearing and town meeting. There will be a public informational meeting on March 11 to review the planning board's proposed zoning. The public hearing would be sometime after March 26. The board has been given a deadline of March 13 to submit articles for the warrant. After some discussion Todd Morey made the motion to add this proposed wellhead protection zone to the articles to submit to the board of selectmen for town meeting warrant. Everett Whitten seconded the motion. Motion carried with a unanimous vote in favor.

This meeting was moved and continued in the planning board office.

OLD BUSINESS

Dwayne Woodsome made a motion to bring back to the table the amendment to site plan. Roland Denby seconds. Motion carries with a vote of 4-0-1 with Todd Morey abstaining.

There is discussion to clarify section B.4 to add the word residential to... any development reviewed by the planning board as a **residential** subdivision. There is discussion to change the sections in the site plan standards to requirements instead of reasons for denial.

Dwayne Woodsome made the motion to make the above changes and request the selectmen add this article to the warrant. Everett Whitten seconds the motion. Motion carries with a unanimous vote in favor.

The proposed General Purpose Zone is discussed. The following is the end result of this discussion and what will be presented to the board of selectmen for the warrant.

ARTICLE: Shall the town vote to amend Article 3 Zoning Districts Section 3.01 to add a General Purpose (GP) Zone for the following map and lot #'s to read:

Section 3.01 General – For the purpose of this ordinance the Town of Waterboro is divided into the following six (6) zoning districts; a Village district (V); a Village/Residential district (VR); an Agriculture-Residential district (AR); a Forest-Agriculture district (FA); a Conservation district (C); and a General Purpose district (GP). In addition to these districts, the Town of Waterboro also has two (2) overlay

districts; the Shoreland Overlay Districts divided into four (4) sub-districts; Resource protection, Limited Residential, Limited Residential, Limited Commercial and Stream Protection as described in Section 7.01; and the Well-Head Protection Districts divided into three (3) sub-districts; District #1, District #2, and District #3 described in Section 7.06 (Amended 6-3-95, 3-11-00, 6-24-00).

Now reads:

Section 3.01 General – For the purpose of this ordinance the Town of Waterboro is divided into the following five (5) zoning districts; a Village district (V); a Village/Residential district (VR); an Agriculture-Residential district (AR); a Forest-Agriculture district (FA); and a Conservation district (C). In addition to these districts, the Town of Waterboro also has two (2) overlay districts; the Shoreland Overlay Districts divided into four (4) sub-districts; Resource protection, Limited Residential, Limited Residential, Limited Commercial and Stream Protection as described in Section 7.01; and the Well-Head Protection Districts divided into three (3) sub-districts; District #1, District #2, and District #3 described in Section 7.06 (Amended 6-3-95, 3-11-00, 6-24-00).

To Read: Section 3.10 General Purpose Zone (GP)

The General Purpose (GP) District includes land which at present is generally suited for the development of broad uses including residential, commercial, and industrial. This area is widely served by a public water system and would support commercial development. This area has access to a state road.

The minimum lot size in the General Purpose District (GP) is 40,000 sq. ft. depending on the lot being on public water system. If the lot is not on public water the minimum lot size is 80,000 sq. ft. Any lots under 80,000 sq. ft. will be required to be on public water supply. No principal or accessory structure may be placed within thirty-five (35) feet of any side or rear lot line. Such structures must be set back fifty (50) feet from the front lot line. No principal or accessory structure may exceed thirty-five (35) feet in height. See Section 2.06 for minimum lot width and frontage requirements. Abutting properties purchased that do not fall within the General Purpose (GP) District will retain their original zoning requirements.

Subsection 3.10.01 Primary Uses and Structures -

1. **All types of retail shops and service stores (repair shops, barbers, beauticians, cleaners, etc.) fifty thousand (50,000) square feet or less of store area.**
2. **Restaurants, lounges, cafes.**
3. **Bank, insurance, real estate, stock brokerage, general business offices.**
4. **Newspaper, radio, or television offices, studios, facilities.**
5. **Signs not requiring a permit and signs requiring a permit (see Article 6).**
6. **Single through multi-family residences at no greater density than one family unit for each 40,000 sq. ft. in the total parcel being developed.**
7. **Home occupations and professional home offices.**
8. **Police and fire protection facilities.**
9. **Outdoor recreation facilities including ball fields, parks, picnic areas, tennis courts, golf courses and driving ranges.**

10. Churches, public and private schools, and other public buildings or facilities.
11. Professional offices outside of the home (doctor, dentist, lawyer, engineer, accountant, etc.).
12. All types of wholesale, warehouse and bulk storage facilities with 50,000 square feet of area or less.
13. Clubs, lodges, meeting halls.
14. Funeral homes.
15. Hospitals, nursing homes, sanitariums, etc.
16. Single-family camps.
17. Farming, grazing, poultry and livestock raising including farm residences.
18. Forestry.
19. Orchards.
20. Wildlife preserves including maintenance of nesting and breeding areas.
21. Fishing, trapping and hunting including maintenance of hatchery facilities.
22. Soil and water conservation facilities.
23. Harvesting of wild crops, grasses, etc.
24. Commercial stables.
25. Commercial breeding, raising, and care of dogs, cats, mink, rabbits and other domesticated or fur bearing animals.
26. Veterinary offices and facilities.
27. Antique shops.

Subsection 3.10.02 Conditional Uses and Structures

1. Clustered single through multi-family residences at no greater density than one family unit for each 40,000 sq. ft. in the total parcel being developed where public water supply is available. If public water is not available the maximum density shall be 80,000 square feet per family unit.
2. Mobile home parks at no greater density than one family unit for each 40,000 sq. ft. in the total parcel being developed.
3. Planned unit developments (hereafter referred to as PUD's) limited to residential, resort, recreational, or combinations of the above including bar and, food service. Residential PUD's may not exceed one family unit for each 40,000 sq. ft. in the total parcel being developed.
4. Communications poles, towers, lines, unmanned substations, etc.

5. Storage and selling of local farm, orchard, or forest products.
6. Horticultural activities including nurseries, greenhouses and commercial sale of such products.
7. Wood products processing facilities (sawmills, lumberyards, etc.).
8. Fabricating, manufacturing, light industrial activities and facilities with no more than fifty thousand (50,000) sq. ft. of work area.
9. Bulk fuel oil, gasoline storage, cement mixing, general construction tanks, trucks, equipment, and facilities on parcels not less than five (5) acres in size.
10. Commercial campgrounds including day and overnight facilities.
11. Marinas including sale of boat, bait, and tackle supplies.
12. PUD's limited to industrial and/or commercial activities on parcels not within five hundred (500) feet of a waterbody and with direct access to a state or federal aid highway. PUD's providing resort and recreational facilities including overnight, year-round, or seasonal accommodations, bar and food service. Notwithstanding the provisions in subsection 3.06.01 principal or accessory structures in all such developments shall not be built within one hundred and twenty-five (125) feet of any side or rear lot line and must be set back one hundred and fifty (150) feet from the front lot line. PUD's in this zone must provide a form of public water.

Temporary uses; and accessory uses and structures are permitted within the limits outlined in section 2.07.

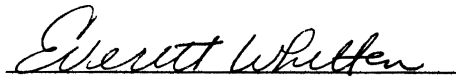
Todd Morey made the motion to send the draft zoning changes to the attorney tomorrow and to hold a public informational meeting on March 11 at 7 p.m. with a regular meeting scheduled immediately following to vote. Everett Whitten seconds the motion. Motion carries with a unanimous vote in favor.

Sue states that the meeting will be held to a limit of 2 hours.


Todd Morey made the motion to adjourn at 11:10 p.m. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

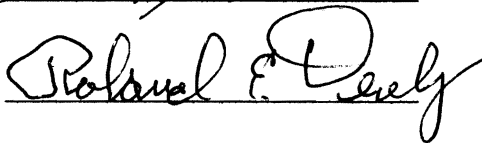
Approval date: 3.29.02














Town of Waterboro

Planning Board Meeting Minutes March 28, 2002

I. ROLL CALL

Susan Dunlap called the meeting to order at 7:34 p.m. noting attendance from the board of Todd Morey, Dwayne Woodsome, Roland Denby, Everett Whitten and Tim Neill.

Sue presents the board with a notebook from Gary Lamb Wildlife Biologist / Landscape Planner for the Maine Department of Inland Fisheries and Wildlife. The title of his research is Beginning with Habitat. Gary would like the board to review the book when they get a chance and will call and schedule to meet with the board at a later date to discuss a cooperative effort to get planning boards to consider wildlife habitats in their decision making process.

II. APPOINTMENTS

Russell and Trina Waterman Map 6 Lot 18 re-application for Conditional Use Permit to have a used car sales.

The Waterman's report that the Selectmen instructed them to reapply to the Planning Board due to the fact that a decision was not given to the Waterman's in a timely manner to give them the right to appeal the last decision of the board to go to the Zoning Board of Appeals. The Selectmen waived all fees for this re-application as well.

Susan asks if the Waterman's have new information to present. Trina states that the letter from attorney Jeff Clark was not reviewed by the board in the last review of this application and the information obtained by MMA and town's attorney Ken Cole recently. There is a deed presented that has been on file with the town that deeded out the seven subdivision lots separately from the remaining land which includes the deed restrictions where the deed to the remaining land includes no deed restrictions.

Dwayne Woodsome made the motion to hold a public hearing to follow the same protocol that the last review followed where the abutters were so adamant against the use. Everett Whitten seconds the motion. Motion carried with a unanimous vote in favor. The hearing is scheduled for April 10 at 7 p.m. The secretary will notify the abutters at the town's expense according to the selectmen's office.

Mark Elliott with a conditional use application for a used car sales garage on Map 4 lot 35A-2 on Old Alfred Road.

Mark explained that he has applied for a land use permit for used car repair and sales.

Roland asks if they have their used car license? Mark replies yes he does. They have had their license for 10 years in Arundel. This lot is a 3-4 acre lot and the garage sits back 500 feet from the road.

Sue asks if there is any intent to live in this building. Mark answers no intent to live in the building but they do intend to build a house on this lot in the future.

Tim Neill asks the applicant if he is aware that his lot falls within the wellhead protection zone. Mark was not aware of it. Mark states that he won't be doing any oil changes and there will not be any chemicals there. Not even painting. He sends his cars to Maaco to be painted.

Roland asks if they plan to recycle cars or are they going to be a graveyard and how many cars would be on site at one time? Mark answers that there would probably be six cars there at once. He has 3 dealers' plates. Everett asks what is the average sales for one year? Mark states that last year he sold 15 cars.

Sue states that she thinks that section 7.06 Wellhead protection zone restricts this use on this property. Tim States that auto sales is a prohibited use in the wellhead zone.

Todd asks if there is a clear delineation of whether this property is in the wellhead protection zone or not. No the CEO did not verify this. Tim states that the board will have to have the code enforcement officer verify that this lot is in the wellhead protection zone and if it is and this use is prohibited the planning board will refund the money for this application because he should not have been sent to them if that is the case.

Sue states that before the board goes any further they need to verify the definition of whether this is a prohibited use or not after they get a determination of whether it is in the wellhead protection zone.

Sue adds that if the board determines that it can move forward with this review there would have to be a public hearing and that the board had already performed a site walk of the property.

III. MINUTES OF PREVIOUS MEETINGS

Dwayne Woodsome made the motion to approve the minutes of the February 28, 2002 meeting. Everett Whitten seconds the motion. Motion carries with a unanimous vote in favor.

Everett Whitten made the motion to approve the March 13, 2002 meeting. Roland Denby seconds the motion. Motion carries with a 4-0-2 vote in favor with Susan and Todd abstaining, as they were absent from the meeting.

Dwayne Woodsome made the motion to approve the March 11, 2002 meeting. Todd Morey seconds the motion. Motion carries with a unanimous vote in favor.

IV. REPORT OF OFFICERS

V. OLD BUSINESS

Discussed how to handle the public hearing on April 2nd regarding the zoning changes.
Discussed the GP zone and the limitation of 50,000 sq. ft. buildings.

VI. COMMUNICATIONS

Sue noted the following communications:

1. Selectmen meeting minutes.
2. Notice of Decision for Andrea Valway, Henry Gardner and Woodland Ridge Subdivision.
3. Notice from DEP regarding the siting of new underground tanks.

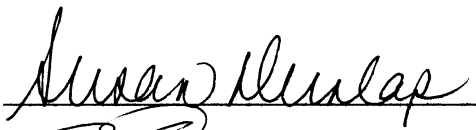
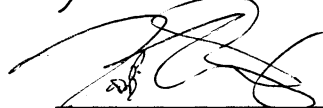
VII. MISCELLANEOUS

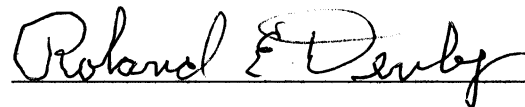
VIII. NEW BUSINESS

IX. ADJOURNMENT

Dwayne Woodsome made the motion to adjourn at 8:25 p.m. Everett Whitten seconds the motion. Motion carries with a unanimous vote in favor.

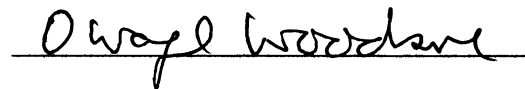
Approval date:









Planning Board
Public Hearing meeting minutes
April 10, 2002

Chairman Susan Dunlap called the public hearing to order at 7:05 p.m. stating the purpose of the public hearing is to review the application and hear input from the public of Russell and Trina Watermans application for a used car sales on their property on Waterman Drive. Attending from the Planning board are Todd Morey, Dwayne Woodsome, Tim Neill and Roland Denby and Everett Whitten enter at 7:20 p.m. There are 10 members of the public in attendance.

Sue Dunlap explains this is the Waterman's second application with a long history and the board has conflicting attorney opinions. Sue states that she will summarize what the limitations are. Sue states that in her opinion there is enough documentation that this lot is part of Fieldstone Acres subdivision. The issue is whether the deed restrictions on the other lots apply to the Waterman's lot. Sue states that we will not be discussing whether this lot is part of the subdivision or not.

Russell Waterman explains the proposed use for the used car sales. They would like to have a small used car lot with 6-8 cars. The gravel lot area for the cars to be is a 50 x 100 foot area. Their state license allows for 50 car sales a year. They are expecting to only have 5 or so cars at a time. There would be no maintenance at all to any of the vehicles. There will be no special building built for this business, they will do the office work out of the house. There will be no tow trucks. All of the vehicles will be driven onto the lot. There will be no outside storage.

Sue Dunlap asks about a sign. Trina Waterman states that she believes the state will require a sign and the sign will be on Waterman Drive but they are not sure exactly where it will be placed yet.

Sue Dunlap opens the meeting up for public comment.

Greg Lee asks the board if they have received the most recent petition. Sue Dunlap states that they have. Greg then asks if the town attorney has changed his opinion.

Sue Dunlap states that the latest attorney letter dated February 27, 2002 states that the planning board has the authority to make a ruling whether the deed restrictions apply to this lot or not based on evidence provided by the land owners and abutting property owners. There is also a letter from Maine Municipal Association dated February 20, 2002 that states that the planning board should not be looking at deed restrictions at all.

Greg Lee states that he agrees with the March 2000 opinion from the attorney in that the board should be looking at the common scheme of development and if the balance of the land is developed one way that the subdivider can not unilaterally change that scheme unless they specifically reserved that right. Greg Lee states that he read through the minutes of the approvals for Fieldstone Acres from 1989 and did not see where the owner reserved that right.

Eilleen Lee states that the attorney disagrees with Mr. Katsificas from MMA. That is sounds to her as if the attorney's opinion stands as it was in 2000. Eilleen adds that she thinks this lot should be governed by the restrictions placed on the lots within the subdivision.

Donna Dawloff states that she bought land from Dean Webber and she has different deed restrictions. When she bought her property she thought her home would be in a residential area.

Sue Dunlap states that the board can not look at what she thought when she bought her property and that is actually the AR zone where a lot of uses are allowed.

Trina Waterman reads from the Jeffery Clark letter dated September 14, 2000 the second page last paragraph: where it states the obvious intent of the developer was clear when he made two conveyances on the same day; one to the development company for lots 1 through 7 and a second to his wife and child for the remaining land. The deed for lots 1 through 7 has approximately three pages of restrictive covenants, whereas the deed to Mrs. Brown and Gregory Brown does not. Anyone searching title to any of the lots 1 through 7 could not help but notice this fact.

Trina Waterman reads from the Robert Yarumian opinion of April 10, 2002. Trina reads that the Waterman lot is not one of the numbered lots of this seven lot subdivision. The property is the remaining land of Brown shown on the subdivision. The area summary on the plan indicates that the subdivided area is 14.13 acres this indicates that the total area being divided and approved by the planning board is limited to the seven lots. The area summary further indicates that the remaining land including the right of way 9.038 acres indicates the land is being separated from the subdivided area. If the area of remaining land of Brown, (now Waterman) was included then then the total subdivided area would have been over 20 acres. If the remaining land was part of the subdivision the planning board would have required it to have a lot number, soils tests, contour lines, potential well site, Hydrogeo study and proper road frontage. The deed to the Waterman property does not mention that the property is subject to any conditions and or restrictions except that the right of way is subject to the rights of the owners for lots 3 and 4 which is because of note 14 on the subdivision plan. He states that those reasons listed above are significant enough to indicate that the Waterman property is not part of Fieldstone Acres Subdivision.

Sue Dunlap reads from the MMA opinion that states that the remaining land is part of the subdivision.

Fred Pierce states that he lives across the street and that he walked this lot and knows the land and was told there would be 7 houses and the rest of the land would be conservation land. Mr. Pierce asks if the application is approved where would they display the cars? The cars would be up on the Waterman's property.

Eileen Lee states that she lives on the right of way and the bus picks up six children there and she feels that the right of way should be bound to the restrictions of all the lots within the subdivision. Eileen adds that she feels the kids should have the right to ride their bikes in safety on that right of way.

Sue Dunlap confirms from the deed that the Waterman's own the right of way and that she would argue the rights of kids to play in the road.

Eileen states that they shouldn't be allowed to test drive cars on that right of way.

Dwayne Woodsome asks the Lee's if they own frontage on West Road? Yes they do.

Hearing no further discussion Sue Dunlap closed the public hearing portion of the meeting at 7:35 p.m.

Minutes of the regular Planning Board meeting April 10, 2002

Chairman Susan Dunlap calls the regular meeting to order at 7:36 p.m.

APPOINTMENTS

7:30 p.m. Russell & Trina Waterman with conditional use application for a used car sales on map 6 lot 18. Sue Dunlap states that this is not a public hearing. This is an application for a used car sales on

West Road. The issue is whether this lot is bound by restrictive covenants that the other lots are bound by.

Sue would like the petition signed by 10 residents opposing the used car sales to be entered into the record. A letter from Janice Jarosz also in opposition is also read and entered into the record.

Sue reads from notes she has made from reviewing the file regarding her thoughts on where the board stands with this application;\

1. Brown deeded 7 lots to Brown lumber and the remaining land to relatives with no obvious deed restriction on the remaining land.
2. Attorneys agree that the remaining land is part of the subdivision.
3. Ken Cole states that the intent was to restrict all the lots.
4. Ken Cole states that the planning board should hear evidence to decide if the restrictions apply.
5. MMA states that most likely this lot is not subject to the deed restrictions.
6. MMA also states that there are circumstances where lots are restricted but not in the deed.
7. MMA states that deed restrictions are not enforceable by the town and the planning board must rule on land use only.
8. Jeffery Clark states that the Brown's records reveal obvious intent that the lot is not restricted. Sue does not think that the intent is obvious at all.
9. The real issue is do the restrictions apply to this lot or not.

Tim Neill states that board's responsibility is to enforce the ordinances of the town. This seems a matter of interpretation and he doesn't feel the planning board should be in that position.

Todd Morey states that he doesn't think its up to the planning board to determine previous intent. There are other boards and bodies that do that. Todd states that he feels the restrictions should apply to the Waterman's lot but that this board doesn't have the authority to make that decision.

Dwayne Woodsome states that he doesn't think anything has changed as far as the status of this lot and he thinks the intent was that this lot be part of the subdivision.

Everett Whitten made the motion to deny this conditional use application because there are conflicting attorney opinions and this should receive an interpretation from the Zoning Board of Appeals. Roland Denby seconds the motion. Motion carries with a unanimous vote in favor.

Victor Wright for an informational meeting for expansion of his business. He is looking to construct an additional free standing structure on the same property and possibly rent out the existing building to another business. There was discussion regarding the proposed general purpose zone.

Susan Anderson with a conditional use application for a setback reduction on map 49 lot 11E. Susan is asking for a 35' frontyard setback to Alder Drive. She is on the corner lot of Alder Drive and Oak Lane. Susan states that they have considered the overhang in the reduction request. There is discussion about having an as built survey before and after the foundation is poured.

Dwayne Woodsome made the motion pursuant to section 2.08 to approve the setback reduction application of Susan Anderson on Map 49 lot 11E with the following conditions: all other setbacks to be met, applicant to provide an as built set of plans upon completion of construction. Todd Morey seconds the motion. Motion carries with a unanimous vote in favor.

OLD BUSINESS

Ed Daye with a setback reduction met with the board in November and was asked to provide a septic design to prove that this lot will support a new septic system. He was also asked to provide a revised site plan with the setback that he was requesting. Mr. Daye provided the requested information. Todd Morey made the motion to approve the sideline setback to 15' with the following conditions: all other setbacks to be met, provide and as built set of plans upon completion of the construction, all erosion control measures to be used during all phases of construction. Dwayne Woodsome seconds the motions. Motion carries with a unanimous vote in favor.

Discussed the public hearing of April 2 where public opinion wanted to increase the building size allowed in the general purpose zone. Dwayne Woodsome made the motion to approve the changes as printed in the warrant based on that public hearing. Todd Morey seconds the motion. Motion carries with a unanimous vote in favor.

COMMUNICATIONS

Susan Dunlap reviews the selectmen meeting minutes where it is stated that the selectmen plan to bring a growth ordinance and impact fees proposals to special town meeting in September. Sue states that Willis stated that the planning board is not taking any action on the growth in town and Sue disagrees with that statement. Sue added that the board has brought many changes to this annual town meeting in response to growth issues and that Doug Foglio stated in that same meeting that there has been no great outcry from the public asking for a growth ordinance.

NEW BUSINESS

MICELLANEOUS

Dwayne Woodsome states that we should send a request to the Water District regarding the application for used car sales on the property that falls in the wellhead protection zone. Dwayne states that this should be a standard for all lots that are within that zone.

Dwayne would like an item on the agenda for the next meeting setting aside some time to assign warrant articles to each member of the planning board for town meeting discussion.

MEETING MINUTES

Todd Morey made the motion to approve the March 28 minutes as written. Roland Denby seconds the motion. Motion carries with a unanimous vote in favor.

ADJOURNMENT

Everett Whitten made the motion to adjourn at 8:45 p.m. Roland Denby seconds the motion. Motion carries with a unanimous vote in favor.

APPROVED DATE:

<u>Susan Dunlap</u>	<u>Everett Whitten</u>
<u>Jim Davis</u>	<u>Dwayne Woodsome</u>
<u>Roland E. Denby</u>	_____

**Planning Board Meeting
Minutes For April 25, 2002**

Susan Dunlap called the meeting to order at 7:30 p.m. noting attendance of Dwayne Woodsome, Tim Neill, Roland Denby, and Everett Whitten.

APPOINTMENTS

7:30 p.m. Andre Cote application for Meadowbrook Subdivision presents a revised preliminary plan. The checklist is reviewed. Sue asked the applicant to refresh their memory. The nitrate study is presented to the board. Sue asks if they are asking for any waivers. No they are not at this point. They eliminated one lot and the configuration of the lots a little bit. Went through the changes. They have the hydro study, lot bearings and distances, two test pits per lot for septic design, soil surveys are done, erosion and sediment control, waiting for 911 approval, drainage plan, details of fire pond at the looped road, signature on the plan. They have shown 1-foot contour intervals. Names of abutting property owners are shown. There are no existing deed restrictions on the property.

Sue explains that this is a 12-lot subdivision application at the end of Brookside Drive.

The fire chief's letter recommends that the fittings for the dry hydrant be changed to use what the fire department uses. The chief would also like to see 8' schedule 40 pvc piping used throughout the whole system. The turnout at the fire pond needs to be paved.

Sue states that the road review committee is reviewing the plan to make a recommendation. The road is discussed at this time. There will be two 12' lanes. There are three sheets of road profiles. No sidewalks are proposed. Driveway locations are shown. The drainage is going to be ditching and cross culverts.

The preliminary plan checklist was

Make the changes the fire chief was asking for. Submit restrictive covenants. The road review committee will submit their recommendations. Sue asks what interest does the applicant have on submitting a hydro-geological impact study. Tim states it is required in the ordinance that it is required. Section of the Subdivision regulations 6.2.1 shows the requirements.

Dwayne questions the safety of the kids regarding the fire pond. They could maintain a bigger safety fence.

Is there going to be some time of association or is it going to be maintained by the developer. Andre Cote states that he is going to build the road to town specs and intends to put it to the town to be accepted as a town road. Roland asks Mr. Cote that if he could have an engineer to certify that the road has been built to specs. Andre Cote asks if the board wants to have an inspection schedule. Dwayne states the road review committee can help with this.

Sue states that the board needs more information on whether we need someone to look at this information and

Dwayne Woodsome made the motion to send this application to peer review, to see if this information meets our ordinance or not. Roland Denby seconds. Vote is unanimous in favor.

Dwayne W. made the motion to send to the road review and make a written recommendation. Everett Whitten seconds. Vote is unanimous in favor.

There is discussion regarding whether to hold a public hearing or not. Sue states that all they would discuss at the public hearing is new issues.

Dwayne thinks its still up in the air as to whether the developer of this subdivision would be responsible to build up Brookside Drive. Sue states this town does not have impact fees and that is what that would be used for. Dwayne W. made the motion to hold a public hearing is set for May 8 at 7 p.m. Everett Whitten seconds. Vote is unanimous in favor.

A workshop is requested at the next road review committee meeting on May 2 to discuss this road and whether the developer should upgrade Brookside drive to the new road standards.

8:30 p.m. Mark Elliott is back for a conditional use permit application for a small used car lot on Old Alfred Road. There is a note in the file from the CEO confirming that the lot is in the wellhead protection zone. Tim asks if we have heard from the Water District about that yet. Sue states there is nothing in writing in the file. She was told he is very concerned there be no coolant storage or changes, or oil storage or changes or scrap storage. Sue states they should re-review the wellhead zone and whether it prohibits the sale of cars. Sue asks the applicant to explain what his intentions are. Going to put one car down by the road where the driveway is and put a couple up near the old section of Old Alfred Road. Applicant intends to keep the tree line for privacy. Wants to keep five vehicles for sale at a time. Sue informs the applicant there will be a public hearing on this application. Mark states, under six at a time. Mark states that they sold 15 cars last year in Arundel. Tim states that the application must be updated as well to state vehicle sales only. Roland asks if the state license regulates the type of car that he sells. Mark says no, that he has to get town approval and then state approval first but does not regulate the type of car he sells. Mark states that he doesn't have a tow truck so if they can't drive it home they won't buy it. Tim asks if Mark would be comfortable with a six-car limit.

Mark says he'd be ok with whatever the board felt comfortable with. It is decided to have the public hearing at the May 8 meeting at 7:30. Roland asks how many cars at one time.

Charles Beach contractor for John Lynch regarding 30% expansion within the shoreland zone. The structure has an upper deck. Applicant wants to repair and enclose the deck. Only a portion of the entire structure is within the shoreland zone. There was no decision made on this other than to tell the applicant that he must meet the requirements to review 30% expansions within the shoreland zone.

OLD BUSINESS

PREVIOUS MEETING MINUTES

MISCELLANEOUS

Dwayne Woodsome signed a pole relocation permit for Saco River Telephone.

ADJOURNMENT

Dwayne Woodsome made the motion to adjourn at 9:15 p.m. Everett Whitten seconds. Vote is unanimous in favor.

Approved date:

Laura Dunlap

Everett Whitten

Tim Perry

Dwayne Woodsome

Roland E. Denny

Planning Board Minutes
May 8, 2002

Susan Dunlap called the meeting to order at 7:35 p.m. noting attendance of Dwayne Woodsome, Everett Whitten, Tim Neill, and Roland Denby.

APPOINTMENTS

7:30 p.m. Bruce Lewis with Sketch plan application for Ledgewood subdivision off of Goodwins Mills Road on map 2 lot 9. Mr. Lewis explains this is an application for a 5 lots with under 30 acres of development. Sue states that when she saw this application she took the liberty to have Southern Maine Regional Planning Commission look at this application as this appears to be an extension of the application just approved for Woodland Ridge Subdivision and that they are actually making a 30 lot subdivision out of one piece of property.

Sue gave Mr. Lewis the names of two DEP contacts to send his application to see if it falls under Site law.

Everett Whitten asks what the remaining land will be used for. Mr. Lewis states that at this point he does not intend to develop it. Bruce states that he will follow up with DEP.

Dwayne asks how much of this land is wetlands.

Bruce Lewis states that a piece of the land next to the Laskey property is wetlands. Part of the space designated at open land is the wetland area.

Dwayne asks if this is a cluster subdivision. Bruce answers yes it is clustered with the lots being at least 1 acre in size.

Tim Neill asks if the road is intended to be private or town. Bruce replies that he will build it to town specs. Bruce asks if the board is going to require a hydro-geological study.

Sue answers yes and it will be sent to peer review.

Roland Denby asks the price range of the lots. Bruce answers they will be between 25-30,000.

Sue asks again what is the intention for the remaining land because it appears that the 50' right of way between lots 1 and 2 of Woodland Ridge is access to this remaining land for future subdivision. Bruce states that he has no intention of making another 30 lots back there. Bruce states he wouldn't have a problem stating he would not access that property through the 50' right of way.

There is discussion regarding requiring this subdivision to bring town water to it. Roland thinks they should find out if the Water District can support 30 more homes. Bruce asks what is the concern about the water, is it drinking water or fire protection. Dwayne answers that when this lot was previously reviewed for subdivision there were so many lots that there was a concern

about the affect on the groundwater being so high and the drainage going across the property and what that might mean to the drinking water. Also this property drains into Shaker Pond.

Dwayne states that they will need a letter from the fire department, the post office, 911 coordinator, a letter from the SAD 57 Transportation dept. and an entrance permit from DOT. Dwayne mentioned that the board might want the applicant to contact Gary Lamb from fish and game to get an impact study on the wildlife on this property.

Dwayne made the motion to accept the sketch plan of Ledgewood subdivision. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

8:00 p.m. Mark Mosnicka with an application to construct a handicap ramp to the water at Lake Sherburne on Map 47 lot 145. Dwayne made the motion to schedule an onsite inspection of the property and that the applicant apply for a permit by rule with DEP. Everett Whitten seconds the motion. Motion carries with a unanimous vote in favor. The site walk is scheduled for Thursday the 16th at 6 p.m.

MISCELLANEOUS

Dwayne Woodsome made the motion to hold a workshop and invite the selectmen regarding their proposal on a growth management ordinance. Tim seconds the motion. Motion carries with a unanimous vote in favor. Meeting is scheduled for Monday the 20th at 7 p.m.

Dwayne suggests that the board require all day cares to register with the town so that the board had information regarding what day cares were in existence at the time of enacting the changes of April 27 town meeting making day cares a conditional use.

ADJOURNMENT

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

Approved Date: _____

Mark Mosnicka

Everett Whitten

Tim Davis

Dwayne Woodsome

Robert E. Deely

Town of Waterboro
Planning Board Minutes
June 12, 2002

I. ROLL CALL

Susan Dunlap calls the meeting to order at 7 p.m. noting attendance of Kurt Clason, Tim Neill, Everett Whitten, Roland Denby and Dwayne Woodsome. Also attending is Town Attorney, Ken Cole.

Everett Whitten made the motion to go into Executive Session to consult with Ken Cole regarding legal questions. Tim Neill seconds. Motion carried with a unanimous vote in favor.

Motion to come out of executive session was made at 7:30 p.m. and was seconded and passed.

II. APPOINTMENTS

Colby Sanborn: Map 11 lot 48 for 30% expansion review. Mr. Sanborn explains the project he is applying for. He would like to construct a 10 x 14 enclosed glass sunroom onto his existing camp and intends to live here year round. After reviewing the correspondence provided by Attar Engineering, Inc. which certifies that the addition falls within the 30% expansion of the existing structure, Dwayne Woodsome made the motion to allow Colby Sanborn to construct a 10 x 14 sunroom attached to the current structure as presented in his plan with the following conditions: Addition is to be 10' back from the front corner of the house, all erosion control measures be used during construction, all DEP permits be obtained prior to construction. Everett Whitten seconds the motion. Motion carried with a unanimous vote in favor.

Mark Elliott: Map 4 lot 35A-2 for a conditional use for a used car sales at his property on Old Alfred Road. A public hearing has been held and this application has been reviewed and should have been voted on at the last meeting but there was not a quorum to hold a vote. Dwayne Woodsome made the motion to approve the used car sales for Mark Elliott with the following conditions: No more than 6 cars and 1 unstickered vehicle on the property at one time. No outside storage of any auto parts. No vehicle maintenance on the property due to the fact that the property is in the wellhead protection zone. No parking on the roadside. Tim Neill seconded the motion. Motion carried with a unanimous vote in favor.

Paul and Patricia Lamontagne Map 47 Lot 24 and 25 for conditional use / setback reduction to construct a 26 x 42 ranch on their property at Lake Sherburne. The lot is undersized even given that they have purchased two lots and combined them. They cannot fit this house or any house on this lot due to the setback requirements of the AR zone being 75-foot frontyard, 35-foot side and rear and 100-foot shoreland. Dwayne Woodsome made a motion to do a site walk of this property, which he later rescinded to make a different motion. Dwayne Woodsome made the motion to grant a side and front setback of 30 feet with the following conditions: Construction must meet the shoreland setback. It is suggested that the applicant contact DEP to see if the shoreland setback can be reduced due to the fact that this is a manmade lake. It is also suggested to have DEP come out to determine exactly where the shoreline starts. If there is any adjustment to the setback, the applicant must amend the site plan in the file with the code enforcement office. Tim Neill seconds the motion. Motion carried with a unanimous vote in favor.

Barbara Hamor map 33 lot 13 for conditional use / setback reduction to construct ramps on her camp on Banks Drive off of East Shore Road. Her camp is currently 8 feet from the shoreline. The camp is 79 years old. Mrs. Hamor needs to have a ramp on both sides of the camp and she would like to tar her driveway due to the fact that an ambulance could not get down to the camp the way the driveway currently exists. The board informs Mrs. Hamor that she will need a DEP permit for the paving and the ramps and is given that information and application to contact DEP. Mrs. Hamor will come back to the board after those permits have been acquired.

John Perry for Preliminary plan review of Avery Star Subdivision on map 3 lot 22-4. There is much discussion regarding the status of Avery Road and Starr Hill Road. Sue questions whether this subdivision requires DEP Site Review and it is determined that it does not fall within those guidelines, as it is under 15 lots. Sue asks about concerns on the width of the roads and the safety of traffic. Sue states it will have to be determined what the board will require due to the two letters of concern received by the planning board. John Perry states he would not want to disturb the stone fences. John Perry states that he intends to form a road maintenance agreement between property owners for the maintenance of this section of abandoned road. Dwayne thinks that the applicant should be required to build this section of road up to current town standards for the safety of those who travel the road. Dwayne Woodsome made the motion to send this application to Southern Maine Regional Planning regarding the road standards on Avery Road for their review and recommendation and to see if there are similar circumstances in area towns for the board to use as a guide. Tim Neill seconds the motion. Motion carried with a unanimous vote in favor. Discontinued roads falls under Title 23 Chapter 304 section 3026. Dwayne Woodsome made the motion for this plan to be sent to the road review committee for their review on the same question. Everett Whitten seconds the motion. Motion carried.

Sue states that the board needs to resolve the issue over the road standards before it can do anything else.

The road review committee will be asked to look at the speed limit of the road and to verify with the road commissioner the driveway entrances.

A public hearing is scheduled for July 25 at 7 p.m.

Dwayne Woodsome suggests that a workshop be held with the road review committee and to invite Kate Albert at Southern Maine Regional Planning to attend.

III. MINUTES OF PREVIOUS MEETINGS

Dwayne Woodsome made the motion to approve the April 25 meeting minutes. Everett Whitten seconds the motion. Motion carried with a vote of 5-0-1 with Kurt abstaining.

Dwayne made the motion to approve the April 10 minutes as written. Everett Whitten seconds the motion. Motion carried with a vote of 5-0-1 with Kurt abstaining.

Dwayne Woodsome made the motion to approve the May 8 minutes as written. Everett Whitten seconds the motion. Motion carried with a vote of 5-0-1 with Kurt abstaining.

Applicant is informed that he is responsible to notify abutters of the public hearing.

V. OLD BUSINESS

Mark Mosnicka for conditional use / setback reduction to construct a handicap ramp to the water on his property located at Lake Sherburne on map 47 lot lots 145 and 146. The applicant applied for and received a permit by rule from DEP as requested by the board. The board did an on onsite inspection of the property. Tim Neill made the motion to approve the ramp to be built with the following conditions: Ramp must be constructed in compliance with Section 7.05 of the Waterboro Zoning Ordinance. All erosion control measures must be used during construction. Everett Whitten seconds the motion. Motion carried with a unanimous vote in favor.

VI. COMMUNICATIONS

It is noted for the record that the following communications were received by the board members at this meeting:

- Letter from MRLD re: development off New Dam Road
- Letter from Ken Cole re: proposed Growth Management Ordinance
- Letter from Ken Cole re: 40-acre lots in subdivision review and new state law.
- Letter from Saco River Corridor Commission re: Water testing of Lake Arrowhead.

VII. MISCELLANEOUS

VIII. NEW BUSINESS

Dwayne Woodsome made the motion to hold a public hearing on June 27 at 7 p.m. to review the proposed Growth Management Ordinance. Everett Whitten seconds the motion. Motion carried with a unanimous vote in favor.

Dwayne Woodsome made the motion to invite Ken Cole to the public hearing to answer any legal questions the public may have. Kurt Clason seconded. Motion carried with a unanimous vote in favor.

IX. ADJOURNMENT

Dwayne Woodsome made the motion to adjourn at 10:15 p.m. Tim Neill seconds the motion. Motion carried with a unanimous vote in favor.

Approved Date: _____

Town of Waterboro
Planning Board
Meeting Minutes
June 27, 2002

I. ROLL CALL

Susan Dunlap calls the public hearing to order at 7:10 p.m. Noting attendance from the board of Kurt Clason, Everett Whitten, Dwayne Woodsome, Roland Denby and Everett Whitten, Town Attorney, Ken Cole; Selectmen Bob Fay, Willis Lord, Doug Foglio, and 45 members of public present.

The purpose of the public hearing is to review the proposed Growth Management Ordinance and to hear comments from the public.

Sue states that Waterboro has expanded by 38% between censuses and that we are the second fastest growing town in Southern Maine. Sue reviews the proposed ordinance and states that this is not necessarily the final document and that changes can be made after tonight's meeting.

At this time Sue introduces Phil Tarr who is the manager of Lake Arrowhead to speak before the floor is opened for questions. Phil reads a letter from himself on behalf of the board of directors in support of this growth management ordinance.

Sue introduces Ken Cole, the town attorney who is present to answer any legal questions regarding this proposed ordinance.

Sue states that the limit of 70 permits per year is not less than what we are already giving out. We took the average of the permits issued over 10 years although 70 is less than the last 2 or 3 years.

Willis Lord feels 70 is too high.

Sue states that they took a 10-year average and mimicked an ordinance from other towns that has held up in court.

Rich Wasina asked when the town started thinking about this. He wonders why no one mentioned this. John Perry agrees with these questions.

Sue states she has mentioned a growth ordinance for a couple of years. This has been mentioned in public meetings.

Rich asks how they came up with the April 1 retroactive date. Sue answers that is the first time it was officially discussed at a Selectmen's meeting and decided to work on a growth management ordinance.

Rich states that he has several lots that are promised to people and why is the town targeting subdivisions? Sue states that it is obvious in a town that has a 38% growth rate that we are going to do what we can to manage it. Sue adds that they are trying to make it as fair to people with private lots. Rich asks what if the lots are already sold. Sue states that people will have to apply for growth permits if this passes. Sue adds that since April 2 they have already issued over the # of allowed permits that would be allowed for the year.

John Perry states that he feels there has been no prior notification. Sue states that his subdivision application started over a year ago and they didn't have this information when that process started. John

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states that he thinks there should be an extension for those who are in the process of subdivision. John asks why doesn't the town just impose impact fees.

Sue states that is just passing the cost on to the buyer and impact fees can only be used for certain things. A lot of research needs to be done prior to imposing impact fees legally.

John McCaw asks about a permit that he had on file for months. The date of application is when the application is completed.

Sue states that there has been 22 permits issued since April 2 with 8 more waiting to be processed.

An unidentified person states that they have a signed contract for land in a subdivision as of April 6. Sue states that approval of a subdivision does not guarantee the issuance of a building permit.

Tim Blanding who is representing the board of directors of Lake Arrowhead states that this concept has been discussed for years and has been seriously discussed with the selectmen for months. Lake Arrowhead has imposed impact fees and this has had no effect on the number of houses going in. Tim adds that Lake Arrowhead has to sacrifice the income stream of the new houses to slow down the growth so they can manage upgrading the water lines and roads. The board of directors is in favor of this ordinance.

Paul Lamontagne asks that if the town has already given out 22 permits this year are they still going to cap it at 70 for the year? Sue states that this will be taken under consideration and discussed with the attorney.

Ken Cole states that there could be a possible middle ground to make the ordinance effective July 1. It would be easier to administer. The code enforcement office has been warning people since this proposal came out of its possible effect on their building permit applications. Once this proposal was made the town has been on notice and until voted in we can't know its exact effect. The effective date only affects permits already issued.

Sue states that any pending applications can still go ahead if we structure it the way Ken mentioned. The retroactive ordinance has stood up in court. The retroactive date of April 2 is there because that is the first day that this was mentioned at a public selectmen's meeting.

An unidentified woman states that she had no warning and did not get a notice.

Ken Cole states that essentially we are all on warning of any issue discussed at a public meeting. Any person is presumed to have notice because the meetings are public.

Rich Wasina states that he called 3 weeks ago and asked if there was a potential cap or moratorium and he was told by a town employee that there was not.

Sue states that Rich should take this up with the selectmen and isn't fair to discuss that at a public meeting.

Bob Fay states that no matter what they figure out there will be some unhappy people. The selectmen took this to the attorney and got advice and researched other town's ordinances.

Ryan Raymond states that this is the first time he's pulled a permit in Waterboro. People building a \$200,000 homes have to take the heat for the growth in Lake Arrowhead.

Barbara Clegg states that she lives in Lake Arrowhead and she builds 3-4 houses a year and she is going to be effected by this. Wouldn't it be wise to put this in the paper and give people more of a notice?

Sue states that the town meeting will be posted in the legal time frame, as was this meeting, which includes legal notices in the newspaper.

Tom Losa states that he was told by a town official that we are creating our own ghetto. Sue states that if he has an issue with town officials, take that to the selectmen.

Teresa Lowell states that she has questions with the wording of the ordinance. #6 is not clear at all. Sue states they will look at rewording that. Teresa states that the VR zone should be depicted on the zoning map. Teresa adds that Alfred just passed a cap of 40 houses per year and the planning board could have suggested a 120 day moratorium on building and that could be extended to 180 days legally. This could be worse.

Henry Holmes states that he does a lot of building in Lake Arrowhead and Waterboro. He has contracts signed to build homes. What happens to those contracts? Henry suggests activating this on the day of voting to be fair. Henry states that as a developer he is speaking for future residents of Waterboro.

Sue states that she would like to hear from people who are not developers.

Judy Fay feels the town should start by July 1 or people will just come in and push permits through. There is a huge problem with over crowding in the schools.

Dwayne Woodsome made the motion to adjourn this public hearing because he thinks that the board has gotten what they need out of this meeting.

Doug Foglio added that the selectmen will hold another public hearing on this ordinance.

Kurt Clason seconds the motion. Motion carries with a unanimous vote in favor.

This meeting recessed for 15 minutes.

Regular Planning Board meeting of June 27

II. APPOINTMENTS

Rich Wasina with sketch plan for Birchwood subdivision map 11 lot 17 on Webber Road. The application is for 10 lots on 20-acre parcel. They are proposing a 700' gravel road and will be looking for a waiver on the minimum dead end of 600'. They may need a stormwater permit from DEP depending on the impervious area. If DEP requires it they will make that application.

The sketch plan checklist is reviewed.

Rich states that he will meet with the fire chief to get his recommendations on the fire pond requirements. The proposal includes common driveways for lots 3 & 4, and 5 & 6 with the private gravel road servicing the rest of the lots. Doug Foglio states that the board should consider not allowing egress and ingress off of town roads and require all lots to be serviced from internal roads that are built to town specs.

Rich states that the configuration of this lot makes it impractical for the return of the lots. The owner of the property, David Dunn states that this is a cost factor.

Doug Foglio states that Webber Road is a major artery and that the road could be turned so that it can service all lots. In his opinion subdivisions should have 100% internal roads. The lot values are there to support this.

Sue states that the board can vote on the sketch plan with the understanding to the applicant that the board may want to require an internal road. The developer is requested to consider an alternate layout.

Roland asks if these could be considered spaghetti lots. The ratio can't be more than 5-1. These are not spaghetti lots.

Dwayne Woodsome made the motion to table this application. Motion does not get a second.

Kurt Clason makes the motion to accept the sketch plan with the caveat that the proposed driveways do not meet the approval of the board at this time. Tim Neill seconds. Motion carries with a vote of 3 in favor 1 opposed and 1 abstention with Dwayne Woodsome opposing and Roland Denby abstaining. Dwayne states he opposes it because he would like to see a sketch plan with an internal road.

Robert Dame with Conditional Use Permit application on map 16 lot 19D for a small welding shop in his existing garage. The property is 1 mile short of the Limerick Line on Route 5. The garage is on a cement slab with no floor drains. There are not any neighbors that are close to his property. There is 300' of frontage. He has not talked to his neighbors about this. There won't be anything stored outside. He has a mig welder. Dwayne asks if the welder would affect the neighbor's electricity?

Dwayne made the motion to do an onsite visit. Everett Whitten seconds. Dwayne wonders if this wouldn't fall under home occupation. Kurt asks if he intends to have a sign? Sue's concern is about fire protection. There is a hydrant near the property. Robert states the inside of the garage is lined with fire proof sheetrock. The motion carries with a unanimous vote in favor. This site walk will be performed prior to the July 10 meeting and this application will be brought back under old business at that meeting.

Laurent Ouellette map 47 lot 45 for an after the fact conditional use permit for a setback reduction. They built a 12 x 20 deck and got a stop work order from the code enforcement office. Sue asks how many square feet the lot is. It is less than 80,000 square feet. The sideline requirement is 35' in the AR zone.

Dwayne Woodsome states that it is hard to figure the setback when they aren't sure where their front property pins are. Dwayne Woodsome made the motion to table this application until the property pins are located and then do an onsite. Dwayne added that under section 2.08 non-conforming lots created prior to the zoning ordinance must have a standard boundary survey. Everett Whitten seconds the motion. Motion carries with a unanimous vote in favor. The applicant is instructed to inform the secretary when they've done the survey and a site walk will be scheduled at that time.

Andre Cote – Meadowbrook Subdivision application for preliminary approval map 11 lot 42. The list of items that needed to be added to the plan was reviewed. The name of the hydro geologist has been added. The width of adjacent streets has been added. The dry hydrant has been amended according to the fire chief's recommendations. The 8 x 60 turnout will be paved.

Dwayne Woodsome asked who would be responsible to maintain the fire pond. There is no hydro-geo impact study but there is an extensive nitrate study. There was a motion made at the April meeting to send this to peer review to decide whether this nitrate study covers the requirements the town is looking for. Kate Albert at Southern Maine Regional Planning will be asked to review this.

The deed covenants are not completed yet and they will be noted on the final plan.

Dwayne Woodsome states that he wonders about reducing the width of the road to reduce speed. In looking at other town's developments they are reducing the widths. Sue states that we could have the fire chief and road review committee comment on that.

Dwayne Woodsome made the motion to approve the preliminary plans as presented with questions being answered as noted. Roland Denby seconds the motion. Motion carries with a unanimous vote in favor.

III. MINUTES OF PREVIOUS MEETINGS

Dwayne Woodsome made the motion to approve the June 12 meeting minutes. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

IV. REPORT OF OFFICERS

V. OLD BUSINESS

The mylar for the Ford Pond Estates subdivision does not match the final plan on file. Dwayne Woodsome made the motion to table this until the mylar meets final plan approval. Tim Neill seconds. Motion carries with a 4-0-1 in favor with Kurt Clason abstaining.

VI. COMMUNICATIONS

VII. MISCELLANEOUS

VIII. NEW BUSINESS

Discussion regarding the growth ordinance and the recommendation to the board of selectmen. Dwayne Woodsome made the motion to send the proposed growth management ordinance to the selectmen to take to special town meeting. Tim Neill seconds. Motion carries with a unanimous vote in favor.

The recommendation to the selectmen from the board is discussed. Sue states that they should set a workshop to discuss this. Dwayne Woodsome made the motion to continue this meeting on July 1 at 8 p.m. to finish this agenda to make the recommendation to the selectmen regarding the growth management ordinance. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

Continuation on July 1, 2002

Sue reconvened the meeting at 8:35 p.m. noting attendance of Everett Whitten, Roland Denby, Tim Neill, Dwayne Woodsome and Kurt Clason.

Sue states that the board needs to put on the list for next year's zoning changes to change the frontage requirement in the GP zone.

Discussion of the Growth management ordinance.

Item #6 – it is decided to change sections 2 and 3 around and add the word remaining permits. So that this section is more clear.

It is decided to recommend a July 1 effective date.

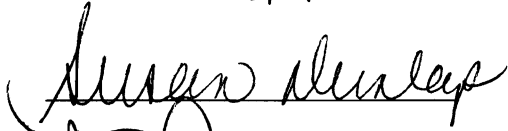

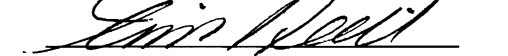
It is decided to recommend that permits be issued quarterly with 6 per quarter for the 1,2 and 4 quarters and 7 in the 3rd for private lots and subdivision lots and 5 per quarter for LAC lots. If there are extra permits in any quarter those could be carried forward into the next quarter and be issued to subdivision lots in a lottery. Any extra permits cannot be carried forward into the next fiscal year. No contractor could pull more than 6 permits per year if they happened to get a permit by lottery. The town clerk would be responsible to perform the lottery.


Dwayne Woodsome made the motion to send these recommendations to Ken Cole for review and forward them to the Selectmen. Tim Neill seconds. Motion carries with a unanimous vote in favor.

IX. ADJOURNMENT

Dwayne Woodsome made the motion to adjourn the meeting at 9:30 p.m. Motion is seconded and passed unanimously.

Approved date: 8/14/02



Town of Waterboro

Planning Board Minutes

July 10, 2002

I ROLL CALL

Chairman, Susan Dunlap called the meeting to order at 7:35 p.m. noting attendance of Kurt Clason, Roland Denby, Everett Whitten, Tim Neill.

Sue reports that a site walk was done at the Robert Dame property prior to this meeting.

II APPOINTMENTS

Mitchell Rasor with a 14 lot sketch plan on map 17 lot 4T called Ossipee Landing off of New Dam Road and along Little Ossipee River. The lot is approximately 2,000 acres. This 14-lot proposal is about 80 acres out of that lot. The lots are split zoned with the front portions falling within the Residential zone and the back portions falling within the Forest and Agriculture Zone.

They have been harvesting trees from this property. They are proposing a 50-foot right of way to the river. There are three lots on New Dam Road with an interior road to service three back lots and the remaining lots would have one driveway entrance for each two lots for a total of 7 entrances onto New Dam Road. They will maintain 250' setback from the wetlands. They have done some test pits and are in the process of getting the topographical maps done. BH2M is the engineer firm performing the survey work. They are proposing a 50' no cut zone along New Dam Road. The selective timber harvesting of this property has been completed. They are currently surveying the property for flood zone elevations.

The deed presented with the application is dated May 31, 2002. The board would like to verify that this has been recorded at York County Registry. Applicant should provide book and page numbers.

Sue states that the board will have to look at the driveway entrances and she feels the applicant should reduce the number of entrances. Sue states that there is a small lot that even though called unbuildable the board does not like to create substandard lots. Sue adds that the board will have to look at added traffic along the river and that the board should protect the river so that it remains as beautiful as it is today.

Sue informs the applicant that the board cannot accept land for the town. This can only be done at town meeting by vote of the townspeople.

Mitchell Rasor states that they have proposed lots with 300' of shore frontage on the river when the ordinance calls for 200'.

Kurt Clason asks the applicant to consider moving the driveway that is on the curve. Mitchell states that he will measure the site distance.

Roland Denby asks about deed covenants. There is mention of them in the deed but nothing specific. Sue asks Mitchell to provide copies of deeds that are referenced in his deed.

Sue asked about the reference to the washout tract. Mitchell states that it is a portion of the lot that runs along the back of the lots fronting on Townhouse Road and is a beautiful tract with a stone bridge that was washed out. Mitchell states that he will try to reduce the driveway entrances and will keep the buffer as wide as he can. He will measure the site distance of that entrance near the curve and will provide deed references.

Tim Neill made the motion to accept the sketch plan with the understanding of the boards concerns as listed above. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

Mitchell asks about the third lot that is to be accessed by the internal road and whether it can be accessed by that driveway. Sue states that the road would have to be built to town standards and that corner lot would have to have the required road frontage and meet the frontyard setbacks from the right of way.

Mitchell asks if the road has to be paved. Sue states that the board doesn't always make applicants pave the roads unless they intend for it to be approved at town meeting as a town road. Mitchell states that it is intended to be a town road. Sue states that there will have to be a road maintenance agreement which would be responsible if and until the road is accepted by the town. Mitchell states that a statement could be put in that agreement that the developer would pave the road at the time that they intended to request it be a town road.

Sue states that the board is asking people to make reference to their deed restrictions on the plan. The board will get back to him on the creation of the undersized lot.

8:30 p.m. Eric Goodenough with a conditional use application on map 7 lot 25 on Ossipee Hill Road. Eric is applying to have a processing facility of the agricultural products he grows on his property in the addition that he has applied to construct behind his barn. This is primarily for dried fruits and vegetables. Eric states that he intends to install a separate septic system for the processing. Sue asks if the proposed addition meets all required setbacks. Eric states that he spoke to Steve Wentworth who verified with Ken Cole that the addition will have to meet the required sideline setback and he has it set at 60', which meets that requirement.

Sue asks if there will be any chemicals used in the processing. Eric states that his is a certified organic orchard so the chemicals he uses is very limited. The harshest chemical would be diluted chlorine for the cleaning of the equipment and washing the floor and that would go into the septic system.

Everett Whitten made the motion to approve the conditional use permit with the following conditions:

- This use complies with the Hazardous Waste Ordinance.
- Applicant provides the town with the list of chemicals being used.

Roland Denby seconds. Motion carries with a unanimous vote in favor.

9:00 p.m. Russell and Trina Waterman Map 6 lot 18 with conditional use application to run a used car sales lot on their property at Waterman Drive. The Notice of decision from the ZBA was reviewed, which states that the Waterman's lot is not part of Fieldstone Acres Subdivision and therefore the deed restrictions do not apply to this lot. A letter from Greg and Eileen Lee asking to have input on the conditions was read and noted for the record.

Sue explained the history of this application to Kurt as he is a new member of the board.

Sue states that she has talked to the town attorney and he still stands by what he has stated. Sue notes for the record that she disagrees with the statement from the ZBA notice of decision that the planning board ruled in error because the planning board voted to send them to the ZBA for an interpretation of whether the lot was restricted by the subdivision covenants.

Because of the ZBA ruling the board has to look at this as a conditional use in that zone. Russell Waterman states that there will be no maintenance of vehicles on the lot.

Sue states that the neighbors would like some restrictions because they have a right of way to use the Waterman's road, but the Waterman's own the road. Sue wonders if there should be another public hearing.

Sue also wonders if there is a way for the board to set speed limits on that road because the only concern raised at the public hearings already held were about traffic on Waterman Drive.

Everett thinks that there is no reason to have another public hearing.

Russell is asked how many cars he would have on the lot at any one time. Russell answers 6-8 and adds that he does not intend to store parts or salvage vehicles.

Tim Neill made the motion to approve the application of Russell and Trina Waterman for conditional use to have a used car sales on their property on Waterman Drive, tax map 6 lot 18 with the following conditions:

- Lot is restricted to 6 used vehicles for sale at any one time.
- There shall be no servicing or maintenance of vehicles on the lot.
- There shall be no storage of used parts or cars or oils or waste on the lot.

Everett Whitten seconds the motion. Motion carries with a vote of 3-0-1 with Kurt Clason abstaining, as he was not a part of previous meetings.

9:00 p.m. Bart and Deborah Smith with application to amend Townhouse Woods subdivision to change their driveway entrance. The Smith's provided letters of agreement from all but one property owner within the subdivision. They explained that they started to change their driveway and the CEO stopped them. They did receive a DOT entrance permit to add their driveway onto Townhouse Road. Sue states she doesn't know how we can grant this application because the board gets numerous complaints about the number of entrances on Townhouse Road now.

Deborah Smith states that it is a safety issue. The shared driveway is no wider than a single driveway and at times she has to stop in the road to wait until a car gets out of her way to pull in.

They explained that the CEO approved them to cut the trees at first and then informed the Smith's that there is a no cut greenbelt in the subdivision plans. Sue states that the subdivision plans allow for a 40' wide easement for the shared driveway to be located within and why can't they just widen the driveway to allow for cars to pull in while one is pulling out. Sue states that to allow another driveway entrance is contrary to the steps that the board has taken to limit entrances onto busy roads.

The Board decided that it would like to take a look at the location and scheduled a site walk on July 18 prior to their workshop meeting with the road review committee at 7:30. This application will be put under old business on the July 25 meeting.

III. MINUTES OF PREVIOUS MEETINGS

There are no minutes done for approval.

IV. REPORT OF OFFICERS

Sue reports that the Charter Commission will be asking one member from each committee to report suggestions on what could be written into the charter that would help the Planning Board. Sue thinks that it would be nice to get to a point where the board is able to get some training and possible technical assistance or a planner. The town attorney offers workshops and in the near future one will be set up for a joint workshop for the planning board and zoning board of appeals since there are new members on both.

Sue reports that she visited the Pad Printing Company with Dave Benton and John Vacari of the water district for a tour of the facility regarding the contamination that was found in the septic system. There were various

unidentified chemicals on the site that have been contained and made ready to be removed according to DEP guidelines. Sue stated that there was a concern about some parts of the floor where the cement is exposed to bare ground which acts as a floor drain right into the ground if there ever were a chemical spill. Sue reported that there was obvious spillage in back of the building where an empty barrel was left uphill of the stream and the bank was full of construction debris.

The septic tank has been pumped. It was reported by John Vacari at the site walk that there is a 90% probability that water from this site will make it to the wellhead. The Code Enforcement Office in conjunction with the town's attorney is looking into whether the town's hazardous waste ordinance applies. DEP has been requested to keep the town informed of any information regarding this site.

V. OLD BUSINESS

Roland suggests inviting Fish and Wildlife to look at the application for the 2,000-acre lot. Gary Lamb will be invited to the next planning board meeting.

Roland states that the board should get a 10-year forecast on traffic. Roland made the motion to have Kate Albert from Southern Maine Regional Planning assist the board with the Ossipee Landing subdivision. Tim Neill seconds. Motion carries with a unanimous vote in favor.

Robert Dame application for Conditional use permit for a welding shop map 16 lot 19d. The board reviewed section 7.04 on Home Occupations. The board is wondering if this would be a home occupation. There are no neighboring structures so that is a plus. Home occupations are allowed in the AR zone and light manufacturing is a conditional use in that zone.

Tim Neill made the motion to have the fire dept. take a look at the building and give their recommendations and bring back to the next meeting. Kurt Clason seconds. Motion carries with a unanimous vote in favor. Robert would have to apply for a state electrical permit for this use.

VI. COMMUNICATIONS

There are no communications to review at this meeting.

VII. MISCELLANEOUS

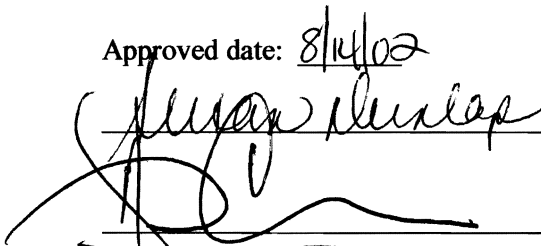
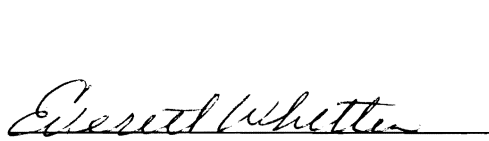
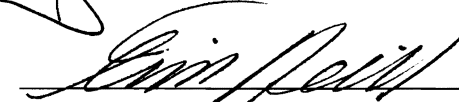
VIII. NEW BUSINESS

Sue reports that Gary Lamb from Maine Inland Fisheries and Wildlife has requested to meet with the board regarding impact of developments from development. Gary will be invited to the next meeting.

IX. ADJOURNMENT

Roland Denby made the motion to adjourn the meeting at 10:20 p.m. Everett Whitten Seconds. Motion carries with a unanimous vote in favor.

Approved date: 8/14/02

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Town of Waterboro

Planning Board meeting minutes July 25, 2002

I. ROLL CALL

Sue Dunlap calls the public hearing to order at 7:20 p.m. noting attendance from the board of Tim Neill, Everett Whitten, Roland Denby, and Dwayne Woodsome. John Perry, Kevin Cullenberg, Carl Hoos.

The public hearing is on Avery Starr Subdivision application of John Perry. Kevin Cullenberg is the engineer for the project for owner John Perry addresses the board to clarify some issues raised at the road review committee workshop. The definition of the discontinuance is from the end of the McKonkey property to the Alfred line. The CEO signed off on how the subdivision was created and that it was not an illegal subdivision and he does not think the applicant should be charged for incorporating the three lots into the plan. There is an agreement already in place to make a fire lane.

Carl Hoos has an appointment with the board of selectmen on July 30 to get a determination from them on the status of Avery Road. The developer accepts the fact that this road was abandoned.

Carl Hoos, abutter to John Perry's property and lives at the end of Avery Road states that he lives just past the last proposed lot of this subdivision. He has widened Avery Road to 14' and has put \$25-30,000 into the road. His concern is that with the addition of more people using the road there is no guarantee to him that the road will be maintained by anyone but him. He feels there should be a road maintenance plan put together and made legal before this subdivision application is approved.

Kevin Cullenberg replies that he would like to have as a condition of approval on this plan to have a signed agreement with Mr. Hoos to maintain the road. The applicant doesn't have a problem with the board requiring such an agreement. The applicant would however like to keep the character of the road.

Carl Hoos states that the character of the road will have to change with the added traffic these house lots will bring.

Dwayne Woodsome states that a road design plan that would bring the road up to a standard acceptable to all current and future land owners will have to be presented, reviewed and approved.

Public hearing closes at 7:55 p.m.

II. APPOINTMENTS

John Perry for preliminary review of Avery Starr subdivision. The preliminary checklist is reviewed.

The following items are still outstanding on the checklist:

- Signature line for the subdivider
- The board needs to verify the completeness of the nitrate study vs. hydro-geo study.
- The view easements need to be defined on the plan.
- Proposed restrictive covenants.
- Road design bringing the road up to an agreeable standard.
- Erosion control and stormwater drainage plan

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- Depict on the plan the stone walls
- Proposed road maintenance agreements.

Dwayne Woodsome made the motion to send the nitrate study along with the road design to peer review when the road design is submitted. Tim Neill seconds. Motion carries with a unanimous vote in favor.

Dwayne Woodsome made the motion to send Star Hill section to the road review committee to obtain a 50' right of way for the town's future use. Tim Neill seconds. Motion carries with a unanimous vote in favor.

Dwayne Woodsome asks if there is a brook running through the property where the pond is. John Perry states there is a seasonal brook going in and out of the pond. Dwayne states that this should be depicted on the plan.

Sue asks what is the .57 acre piece by lot 7. Kevin Cullenberg states that this piece will be joined with lot 7.

The road review committee will be asked to go out soon so we can move forward with this application.

Dwayne Woodsome made the motion to table this application based on lack of information. Tim Neill seconds. Motion carries with a unanimous vote in favor.

Kevin Cullenberg states that he would like to withdraw his application and consider alternate plans. If the board would provide information on what standard they will require the applicant to construct the road he could make a decision whether to move forward with this plan or a new one. The applicant would like to keep it a private road and not have to build it up to town standards. If the board is going to require the road to be built to town specs then they can't go forward with this plan.

Sue reads section 9.3.1.3 of the subdivision regulations that states, construction of streets shall conform to applicable standards.

The applicant will inform the board in writing as to their intentions with this application.

8:30 p.m. Bart and Deborah Smith application to amend Townhouse Woods I subdivision. The board reviewed their findings of the site walk. Roland states that every house in that subdivision has a greenbelt and we shouldn't allow them to cut trees. Bart Smith states he intends to replant trees where he has removed them after he moves the driveway. Bart states that he got permission from Steve Wentworth to do this. Then he found out he was part of a subdivision and that there was a no cutting green belt.

Roland states that the road is bad along that stretch as far as high speeds. Everett thought that all those lots were shared driveways and he only saw two that were. The subdivision plan was reviewed and all the lots within the subdivision are supposed to have shared driveways.

Dwayne Woodsome made the motion to deny the application to amend Townhouse Woods I to change the driveway entrance of Bart and Deborah Smith. Tim Neill seconds. Motion carries with a unanimous vote in favor.

Patti will check into who enforces the driveway violations. Dwayne states that the developer was supposed to put those driveways in. Sue states that the Smith's have an alternative and that is to widen the current driveway to make it safer.

9:00 p.m. Candice Gooch application of SAD 57 to place a portable classroom at the high school complex. Candice states that this portable will be placed near the gym entrance. It will be hooked into the current septic system. Dwayne states that our ordinance requires, air conditioning units, drinking water, restrooms, and fire alarm system hooked into the main building. Candice submits the specs for the modular that will show that all of these items are included. There is a proposed fence between the entrances to the classroom and the parking lot. Dwayne Woodsome made the motion to approve the conditional use permit to SAD 57 to place a portable classroom at the high school with the following conditions: The fence is installed, the portable is equipped with air conditioning, toilet facilities, drinking water, and the fire alarm system is hooked up to the main building, occupancy inspection and permit is issued prior to any use of the modular. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

III. MINUTES OF PREVIOUS MEETINGS

The minutes for June 27 and July 10 are presented to the board for their review and will be voted on at the next meeting.

IV. REPORT OF OFFICERS

V. OLD BUSINESS

Robert Dame with Conditional use application to have a small welding business in his garage on map 16 lot 19d. The board reviewed the fire chief's recommendations with the applicant. The chief required that he purchase a 10 lb fire extinguisher to add to the 5 lb. One the applicant already has and to install one at each entrance to the garage. The applicant must finish taping the sheetrock to bring it up to a 1 hour fire rating as per code. The applicant will have to wire the electricity to code and get a state electrical permit. The opening to where the stairs were much be closed off. Robert stated that he has already purchased the fire extinguisher and finishing the sheetrock, and bought the wiring and will comply with getting the state electrical permit. Based on the facts as presented, Everett Whitten made the motion to approve the conditional use permit of Robert Dame for a welding business in his garage on Route 5 with the following conditions: Obtain state electrical permit and inspection prior to occupancy, meets the requirements of the fire chief's recommendations prior to occupancy, do not use the state right of way for storage or selling. Roland Denby seconds. Motion carries with a unanimous vote in favor.

VI. COMMUNICATIONS

VII. MISCELLANEOUS

Dwayne asks Sue to send a letter to the selectmen regarding the secretary work falling behind because the Code enforcement duties are taking precedence. Sue mentioned that the selectmen have allowed Wendy Carter to help Patti in the office.

VIII. NEW BUSINESS

Dwayne Woodsome states that he would like to send a request to the road review committee to provide a proposal for road standards within subdivisions so that this can be incorporated into the subdivision regulations.

Sue states that the board also wanted to look at design standards for site plan review and different levels of site review.

Roland Denby would like a copy of the road manual that Sue obtained from Kate Albert. Patti will make a copy for all members.

Sue asked Patti to discuss with the attorney about setting up a workshop for the planning board and it was suggested that we wait until we have a full board so the newest member can take part. There has been no word from the selectmen's office about replacing the vacancy on the board.

Dwayne discussed the idea the board talked about last year, about re-zoning the lots around Ossipee Lake to Residential and if the board wants to move forward with that we should set up workshops and start the process.

Roland and Everett have finished their review of the by-laws and are ready to present their proposed amendments.

Dwayne states that the board will have to watch how the growth management ordinance is working to see if it needs any changes for town meeting.

A workshop is set up for August 19 at 7:30 p.m. to prioritize issues for next year's town meeting.

IX. ADJOURNMENT

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

Approved date: _____

Kate Albert
Roland Denby
Everett Whitten
Dwayne Woodsome

Town of Waterboro

Planning Board Minutes

August 14, 2002

I. ROLL CALL

Chairman, Susan Dunlap calls the meeting to order at 7:35 p.m. noting attendance of Tim Neill, Everett Whitten, Kurt Clason, and Dwayne Woodsome enters at 8 p.m.

Sue states that Roland Denby is not here due to having surgery and the board wishes him a good recovery.

II. APPOINTMENTS

~~7:30 p.m. Dale Simmons~~ with a conditional use / setback reduction application on map ~~41 lot 23~~ on Silas Brown Road. Mike explains that he wants to remove the existing camp and rebuild a year-round residence further back from the lake, but in order to meet the 100 foot setback from the lake he needs a front yard setback reduction. The existing camp is 20 feet from the lake and runs on a cesspool system. Mike has a septic design to install an up to date septic system. This lot is a non-conforming lot of record in the AR zone. The lot size is 20,000+ square feet and the required lot size is 80,000 square feet. Mike provided a class D survey of the property dated June 20, 2002 from Northeast Civil Solutions. There is discussion regarding what appears to be a paper street on the survey. Although there is currently a structure on it and no one uses it. Patti will research what the planning board did a few years ago regarding paper streets. Mike states that the lane is only used for power lines. Sue explains that section 2.06 requires that individual lots shall have only one principal structure.

Tim Neill made the motion to approve the conditional use / setback reduction pursuant to sections 2.08, 3.06, 4.01 and 9.01 of the zoning ordinance for Mike Jariz property located on Silas Brown Road tax map 41 lot 23 with the following conditions:

1. Sideline setback on both sides 30 feet.
2. Front yard setback of 20 feet.
3. All structures must meet the 100 foot setback from the high-water mark of the lake.
4. Existing camp to be removed prior to occupancy.
5. No Structures to be built on the "avenue" shown on the plans.

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

~~8:00 p.m. Dale Simmons~~ with a ~~30% expansion application on Map 45 lot 1518~~ to put raise the foundation under his existing house. The house is 97 feet from the high-water mark of Lake Arrowhead. There is discussion regarding whether the measurement was taken to the deck or the house. If it was taken to the deck it is probable that the foundation is beyond the 100 foot setback from the water and doesn't need approval from the board. The Saco River Corridor

approval gives approval to expand by 342 square feet but requires that a portion of the cellar be unimproved and left as a dirt floor.

Sue reads from section 7.02 subsection 2 of the zoning ordinance that regulated expansion in the shoreland zone and it states that raising a foundation by 3 additional feet or less is not considered to be expansion. Sue adds that the planning board does not think that Saco River Corridor Commission ruled correctly on this application. Dale states that Steve Wentworth tried to advocate for him with SRCC but was not successful. Dale stated that he didn't feel like he had a chance at winning an appeal of this ruling if the Steve couldn't get anywhere with it.

Dwayne Woodsome made the motion to approve the 30% expansion pursuant to sections 3.09, 4.01 and 7.01 of the zoning ordinance to put a full foundation under the existing structure with the following conditions:

1. The foundation not to exceed the existing footprint of the structure of 38 x 20.
2. If the applicant moves the house out of the 100 foot setback from the shoreline this Conditional use is not needed or valid.

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

8:35 p.m. Luverne Preble with a conditional use / 30% expansion application to add a deck on property on East Shore Road on map 35 lot 24. Steve Cote the contractor hired to do the work is present along with Luverne to answer questions from the board. Steve explains that the existing stairs from the door are 3 steps down to a steep embankment. The camp was moved back from the water in 1981 and new septic system installed at that time. No expansions have occurred after that date. There have been no expansions after January 1, 1989 when the current 30% expansion law was adopted. Luverne states that she has to repair the steps and deck because of rot and while she was doing this wanted to make these steps safer for her grandchildren by adding a 56 square foot portion between the existing deck and the stairs from the door. Kurt Clason suggested an alternative design with Steve Cote and Luverne, which they will consider. The existing structure is shown to be 31 feet from the lake. Sue questions whether the addition of this deck will be closer to the water than 31 feet and whether the board has authority to grant this. Under section 7.01 subsection 2-B-(a) it states; no structure which is less than the required setback from the normal high water line of a water body shall be expanded toward the water body.

Dwayne Woodsome made the motion to approve the conditional use / 30% expansion application pursuant to sections 3.06, 4.01 and 7.02 of the zoning ordinance of Luverne Preble on East Shore Road on map 35 lot 24 with the following conditions:

1. Expansion not to exceed 100 square feet.
2. Expansion to be no closer to the lake than existing structure.
3. Applicant shall provide an exact plan of the deck with distances from the water, to the CEO prior to building permit being issued.

4. Applicant shall provide to the CEO the square feet of existing buildings and the square feet of this expansion so that the office can track any future expansions and this to be counted towards the lifetime expansion.
5. Applicant must obtain a permit by rule from DEP prior to the issuance of a building permit.
6. Applicant must submit an erosion control plan prior to the issuance of a building permit.
7. Applicant must maintain proper erosion control throughout the construction of the deck.

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

9:00 p.m. Ron Morin with a conditional use / setback reduction application for a garage on Partridge Road on map 52 lot 48. Sue confirms that this is a non-conforming lot of record in the AR zone. Ron explains that he wants to build a 24 x 32 garage and is requesting a 59' front setback from the property markers. Ron explains that he can't set the garage further back because of the septic system. Everett Whitten asks why he can't put the garage on the other side of the house where he could meet setbacks. Ron explains that he would have to take out approximately 20 trees, he would have to connect the garage to the bedroom, the water line is on that side and would have to be moved, the power lines would need another pole installed, and the driveway would have to be moved. Sue asked what year the house was built. Ron replies in 1974. Sue explains that section 3.03 states that in any case where structures are in existence at the time of enactment of this ordinance, additions may be made to within 10 feet of the side or rear lot line.

Dwayne Woodsome made the motion to approve the conditional use permit application pursuant to sections 3.03, 3.06, 2.08 and 4.01 of Ron Morin to construct a 24 x 32 garage on Partridge Road on map 52 lot 48 with the following conditions:

1. Front yard setback of 55 feet.
2. Sideline setback of 11 feet.

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

III. MINUTES OF PREVIOUS MEETINGS

Dwayne Woodsome made the motion to approve the June 27, 2002 minutes as written. Kurt Clason seconds. Motion carries with a unanimous vote in favor.

Kurt Clason made the motion to approve the July 10, 2002 minutes. Tim Neill seconds. Motion carries with a vote of 3-0-1 in favor with Dwayne Woodsome abstaining, as he did not attend that meeting.

Dwayne Woodsome made the motion to approve the July 25 minutes as written. Everett Whitten seconds. Motion carries with a vote of 3-0-01 in favor with Kurt Clason abstaining, as he did not attend this meeting.

IV. REPORT OF OFFICERS

Everett Whitten states that there is a transfer station committee meeting on the 27th where he represents the planning board is there anything anyone wants him to bring up? Sue states that those people with more than 1 vehicle that wish to use the public beach have to have a dump sticker to park at the beach. She wishes they could do something different.

Everett adds that he doesn't think trailers should have to require a separate sticker if you have one for the car you are pulling the trailer with.

V. OLD BUSINESS

Dwayne states that the board should require the applicant of Avery Road subdivision to improve the road up to public road status and require a 50 right of way when it comes time for final plan review.

The plans for Ford Pond Subdivision have been amended to read exactly what the October 2001 plans that were approved by the board. Dwayne Woodsome made the motion to sign the subdivision plans. Tim Neill seconds. Motion carries with a unanimous vote in favor. Plans are signed.

VI. COMMUNICATIONS

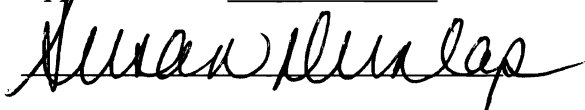
Sue reminds everyone that there is a workshop next Monday at 7:30 p.m.

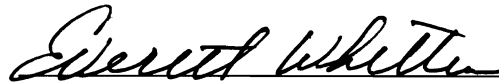
VIII. NEW BUSINESS

IX. ADJOURNMENT

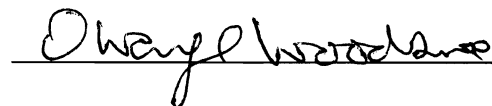
Dwayne Woodsome made the motion to adjourn at 9:45 p.m. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

Approved date: _____











**Planning Board
Workshop Meeting Minutes
August 19, 2002**

Sue Dunlap began the workshop at 7:30 p.m. noting attendance of Kurt Clason, Tim Neill, Everett Whitten and Dwayne Woodsome entering at 8 p.m. Roland Denby was absent due to having an operation.

The first order of business is to discuss adding a road frontage requirement to the GP zone under section 3.03. All agreed to keep the road frontage requirement the same as it was before the zone changed from AR to GP at 150 feet. The reasoning is partly due to DOT road entrance standards and not to encourage anything less stringent than might be allowed by those guidelines.

Sue discussed adopting different levels of site plan review for different size buildings. Patti will check with Southern Maine Regional to see if there are any model ordinances we could use.

It was discussed to require site plan review on all commercial buildings with two levels of requirements based on the size of the building. They could require less rigorous standards for smaller businesses. It will be voted on in a future meeting whether to change Section 2.10 to say "any commercial use". The board members are asked to start thinking about preparing a list of requirements that could be waived if a project was less than 5,000 square feet.

The third topic of discussion is to re-zone the lots in the whole perimeter of Ossipee Lake to Residential zone (from Webber Road side to the lake, from Townhouse Road side to the lake, from Route 5 to the Lake, and from Silas Brown road to the lake). It is decided that if the board is going to seriously consider this that the first thing that needs to be done is notify the Ossipee Lake Association of this idea and get their input. There should also be a public informational meeting at the very early stages of this idea before the board gets too involved in it.

The workshop closes at 9:30 p.m.

Respectfully submitted,

Patti McIntyre

Planning Board
Workshop Meeting Minutes
August 19, 2002

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The workshop closes at 9:30 p.m.

Respectfully submitted,

Patti McIntyre

Town of Waterboro

Planning Board Meeting Minutes August 22, 2002

I. ROLL CALL

Chairman, Susan Dunlap calls the meeting to order at 7:40 p.m. noting attendance of Tim Neill, Everett Whitten, Kurt Clason and Dwayne Woodsome.

II. APPOINTMENTS

7:30 p.m. ~~Barbara Hamor~~ with a conditional use application to pave her driveway and build ramps on each side of her porch for access to her camp within the shoreland zone.

A findings of fact that was done for the board's information is reviewed as follows:

Findings of Fact:

1. The name of the applicant is Barbara Hamor.
2. Mailing address is Po Box 371.
3. Town of East Waterboro
4. State of Maine 04030
5. Telephone number is 247-6029
6. The name of the property owner is Barbara Hamor.
7. The location of the property is Banks Drive off East Shore Road.
8. The property is further denoted as Assessor's tax map ~~33 lot 13~~.
9. The property is within the Agriculture and Residential (AR) zoning district.
10. The applicant has demonstrated a legal interest in the property by providing a copy of recorded deed book 4000 page 245.
11. The applicant has proposed to construct two ramps for access to house and pave the driveway to the porch.
12. Original application submitted May 21, 2002.
13. Applicant met with Planning Board on June 12, 2002 as noted in minutes of that meeting.
14. Applicant was informed to apply to DEP for a permit by rule prior to any further review from the board.
15. Applicant applied for and was granted a permit by rule signed by Dawn Buker from DEP on July 17, 2002 to pave driveway and seasonal ramps.
16. It appears from a site plan in the building file that the camp is 17 feet from the high-water mark of Ossipee Lake.
17. Lot size is approximately 136,454 square feet and is a conforming lot of record.
18. Section 7.01 subsection 14 of the zoning ordinance regulates driveways in the shoreland zone.
19. Section 7.05 of the zoning ordinance regulates wheelchair ramps, which do not meet town setback requirements.

Based on the above facts, Kurt Clason made the motion to approve the construction of the two ramps to be no closer to 20 feet from the water and all erosion control measures taken prior to construction the throughout the completion of the work.

Everett Whitten seconds the motion. Motion carries with a vote of 3-1 in favor with Dwayne Woodsome opposing.

8:00 p.m. ~~Andy Cote with final plan for Meadowbrook Subdivision~~. Bill Thompson from BH2M is also present to address the board. Bill states that the plan has received preliminary approval and there have been no engineer changes since then. Dwayne Woodsome addressed the ownership of the fire pond and that there is no reference on the plan to it. Andy Cote stated that that the pond will be owned and maintained by a homeowners association.

Sue states that the deed covenants should be noted on the face of the plan.

Sue brought up the road mapping that had been discussed at previous meetings where the applicant would make record of the existing conditions of Brookside Drive. Bill Thompson states that doing the road mapping is not a problem and they agreed to do it but didn't want to put the expense into it until they received final approval.

Bill Thompson states that there are some shared driveways on the plan at the request of DEP.

The final plan checklist is reviewed and found that the following is still needed on the plan before signing:

1. Restrictive covenants on the plan.
2. The road mapping of existing conditions of Brookside Drive
3. DEP stormwater management permit has not been received yet.
4. Statement regarding ownership of the fire pond on the plan

Based on the above findings Dwayne Woodsome made the motion to approve the final plan of Brookside Drive with the changes as listed made to the mylar before the board will sign it, and that a note be added to the plan that the fire pond will be completed as per plan approval within 18 months and that Brookside Drive be maintained at current conditions with a benchmark to be established and be monitored by the Road Commissioner and the Selectmen and be reviewed on a yearly basis until the completion of the project. Everett Whitten seconds the motion. Motion carries with a unanimous vote in favor.

9 p.m. ~~Jeffery Morrell~~ with a conditional use / Setback reduction application on map 47 lot 55.

The prepared findings of fact of the property up to this point is reviewed by the board as follows:

1. The name of the applicant is Jeffrey Morrell.
2. Mailing address is 17 Hillcrest Drive.
3. Town of Kennebunk
4. State of Maine 04043
5. Telephone number is 468-2568
6. The name of the property owner is Jeffrey Morrell
7. The location of the property is North Shore, Lake Sherburne lot 2A on the subdivision plan recorded on plan book 53 page 5 at York County Registry of Deeds.
8. The property is further denoted as Assessor's tax map 47 lot 55.
9. The property is within the Agriculture and Residential (AR) zoning district.
10. The applicant has demonstrated a legal interest in the property by providing an unrecorded copy of a deed from May of 2002.
11. The applicant has proposed to construct a gambrel garage with partial foundation and walk out cellar with well and septic at this time with hopes of building a house in the future.
12. Original building permit application submitted August 6, 2002.

13. Applicant is applying for a setback reduction to 55 feet from the front yard setback requirement of 75 feet.
14. This lot is in an approved subdivision called Lake Sherburne created before 1977.
15. The lot size is approximately 22,000 square feet making this a non-conforming lot of record as the required lot size is 80,000 square feet.
16. Applicant provided two proposed site plans from Corner Post land surveying dated July 2, 2002, showing the boundaries of the lot and two possible placements of the garage.
17. Subdivision file shows a variance was granted for various lots on March 10, 1987.
18. The first lot noted on the decision is that Lot 2A must meet set backs from section 3.03 and class D survey be made.

This building permit application is for a garage that they eventually want to turn into a house. There is discussion regarding the previous zoning board of appeals ruling on this property. Dwayne Woodsome made the motion to table this application and check with the town attorney to see if the planning board has authority to review this application after the ZBA has made a ruling on it. Tim Neill seconds. Motion carries with a unanimous vote in favor.

9:10 p.m. Roy Michaud with a Conditional Use / 30% expansion application on map 36 lot 21. Application is to make an addition to the living space of the house and two new decks, one being over the existing boathouse. There are questions regarding the calculations of the engineer on the proposed expansion. The board reviewed the prepared findings of fact as follows:

1. The name of the applicant is Roy Michaud.
2. Mailing address is 14 Penny Circle.
3. Town of E Waterboro
4. State of Maine 04030
5. Telephone number is 247-6048
6. The name of the property owner is Roy Michaud
7. The location of the property is Penny Circle.
8. The property is further denoted as Assessor's tax map 36 lot 21.
9. The property is within the Agriculture and Residential (AR) zoning district.
10. The applicant has demonstrated a legal interest in the property by being the owner of record in the assessing files.
11. The applicant has proposed to construct a 12 x 24 addition with 480 square feet of new decks.
12. Original application submitted August 7, 2002 and fee of \$100 paid at that time.
13. Applicant submitted calculations of existing and proposed square feet and volume dated July 27, 2002 by Pochebit Co. from 171 Warren Ave. Portland Me 04103.
14. It appears that all of the new decks are not calculated. Survey shows 72 feet of new deck. Plan appears to show 480 square feet of new decks and 288 square feet for the new addition.

Based on the above information Tim Neill made the motion to table this application and request the applicant to bring the calculations back to the engineer to re-calculate. Applicant to contact the secretary with corrected plan and it will be brought back before the board. Kurt Clason seconds the motion. Motion carries with a unanimous vote in favor.

III MINUTES OF PREVIOUS MEETINGS

Tim Neill made the motion to approve the minutes from August 14, 2002 meeting as written. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

IV. REPORT OF OFFICERS

V. OLD BUSINESS

VI. COMMUNICATIONS

Sue noted that the board received a letter from John Perry stating he is withdrawing his subdivision application on Avery Road.

VII. MISCELLANEOUS

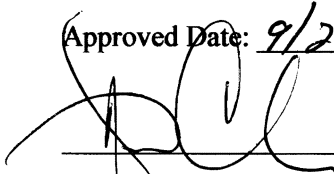
Sue discusses documenting approvals differently. The motions don't always entail all the requirements. Site plans are not signed and they should be.


VII. NEW BUSINESS


IX. ADJOURNMENT

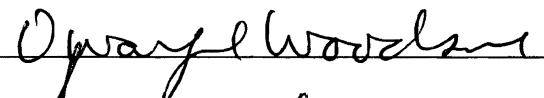
Dwayne Woodsome made the motion to adjourn at 9:45. Everett Whitten seconds the motion. Motion carries with a unanimous vote in favor.


Approved Date: 9/26/02











Town of Waterboro

Planning Board Meeting Minutes September 11, 2002

I. ROLL CALL

Susan Dunlap calls the meeting to order at 7:35 p.m. noting attendance of Kurt Clason, Tim Neill, Everett Whitten, Roland Denby and Dwayne Woodsome enters at 8:30 p.m. Susan welcomes Roland Denby back from recuperating from his operation.

II. APPOINTMENTS

~~David Dunn and Rich Wasina~~ Rich Wasina with revised sketch plan for ~~Birchwood Subdivision~~ on map 11 lot 17 off Webber Road. Rich Wasina presents the revised plan that shows one internal road giving access to all but one lot. Lot 10 has already been split, sold and built on but is included in the plan because it was split less than 5 years ago.

Kurt Clason asked if the first two lots would be required to use the internal road for access to Webber Road?

The Board agrees that they support this plan over the previous one.

Roland asked about section 5.04 which states that driveways have to be set back at least 50' from a public road. David Dunn states he does not have a problem with that and adds that he intends to do this project in two phases and constructing the road accordingly.

Rich asked if they could have a temporary turn around at the end of the road until the road construction is built beyond the houses that are developed? The board doesn't see a problem with that. The board informs Rich that he should check with the fire department regarding fire protection. That they had discussed the fact that there are ponds close by for water but the fire department is the final authority on that.

Roland reminded David Dunn that he would have to check with the 911 coordinator regarding the name of the road.

The checklist for sketch plan was reviewed. Everything was determined to be acceptable. Everett Whitten made the motion to accept the revised sketch plan for Birchwood Subdivision off Webber Road. Roland Denby seconds the motion. Motion carries with a unanimous vote in favor.

8:30 p.m. Joe Vitko with a request to amend a conditional use permit after the fact on map 38 lot 30. Joe explains that the setbacks granted by the board were reversed by accident. It is four feet closer on one side and four feet further away on the other side. Mr. Vitko owns the adjacent lot to the left and there is a house on the lot to the right. Sue asks if Mr. Vitko could potentially sell either lot in the future. Mr. Vitko answered yes. Sue states the board cannot allow a structure to be closer than 10 feet to the property line. On one side the foundation right now is at 11 feet. It was suggested that the applicant have a survey done placing the foundation on the lot and showing distances to the property lines. This survey should show the proposed structure and how far the closest points of the structure would be to the property lines.

Tim Neill made the motion to require the applicant to have the property surveyed placing the foundation and the proposed structure and revise the application accordingly. Kurt Clason seconds the motion. Motion carries with a unanimous vote in favor.

~~9:00 p.m.~~ Mitchell Razor with MRLD to present his analyses on real estate and demographics of Southern Maine as developed by David Verselle. Susan Dunlap introduces Kate Albert from Southern Maine Regional Planning who will be working with the board throughout all phases of this application. Mitchell explains that this is a long-term plan for the Chadbourne Ridge area of the 2,000 acre parcel with frontage on Little Ossipee River. They are here to talk about the General Concept Master plan analysis. They are still at the information gathering stage. They will want to hold planning workshops along the way. They have completed the economic and demographic analysis which is what they will go over with the board at this meeting. They have used as part of their research: 1. What can the market bear over the next 15 year period, 2? What can the ecology bear over that time frame and 3? What does the town of Waterboro need over that time frame?

They are working on putting 2 foot contour lines on the survey for the entire parcel. They are working on the soils studies and habitats studies for the entire site.

David Verselle reviews the analysis studies. He explains the reasons for the demand in housing and growth in Waterboro as a job growth in the Portland and Southern Maine Regions; the rising coastal housing costs are driving people inland; and the age profile for Waterboro is much younger than area towns = Waterboro is attracting younger families. The median age for Waterboro is 33 years with the median age in Lake Arrowhead being 30 years old. This is much less than surrounding towns. There are 39 service centers in the state of Maine. It is becoming more of a priority to preserve rural areas.

Growth management in the area is reviewed. Alfred has adopted a management plan and Waterboro very recently has adopted one. The demand does not go away. The road system in Waterboro and nearby towns is as it will be. There is a limited road network. There will not be a new interstate. The housing demand has grown in Waterboro over the last 10 years. Looking ahead if you extend the percentage of past growth between 2,000 and 1,500 new houses will be built before the year 2015. The projections of the Maine State Planning office showed 700 new houses over the next 10 years.

The population has been divided into 5 different income groups. There is a potential in the development of this property for a village center with 30% if the housing coming from high income households.

Carthage Lumber has submitted a sketch plan for a 14 lot subdivision with 5-7 acres in each lot to draw the higher income buyer. After these test lots have been sold out, they will be much more aggressive in developing the property.

The impact of Lake Arrowhead on housing in the entire state of Maine has been 25 % of the growth over the last five years. The town has capped the number of units that can be developed. Eventually they will run out of lots. The demand does not go away. This Chadbourne Ridge development can support 250-333 housing units by 2015.

The plan is to develop 700-1,000 acres and leave up to 1,000 acres of open space with a large portion of that being donated to the town of Waterboro.

David Verselle hands out a report called EPA New England 2001. This report reviews the TDR program. (Transferable Development Rights) This program was developed in towns and cities experiencing growth and capping growth, to give relief from a towns building permit limit to those who donate land. For every certain amount of acres donated to preserved land a building permit can be issued. The developers offer

this as a tool to the Planning board for possible consideration for future ordinance amendments to growth management.

Mitchell Rasor states that he and the developer wish to maintain a good relationship with the town. The town has leverage for future development to preserve some open space can use a project of this magnitude. The hope is that as this process proceeds that the town makes progress as well. The town made the first step in adopting the growth management ordinance to manage growth in a healthy way. The next step is to develop a plan that will mesh with the comprehensive plan and growth management strategies.

David Verselle states that developing a neighborhood commercial development program for an area that already has 2,000 homes and talk of adding up to 700 more. A small commercial development in the area less than the area of Hannaford to support the homes within the development is being worked on.

Sue asks what the purpose of tonight's meeting is. Mitchell states that the purpose of this meeting is to keep the board informed of where the project is.

Sue asked if they have done any traffic studies? Mitchell replies they have started to. Sue states that she cannot fathom that many more houses and that many more cars on our roads. Mitchell states that the laws allow them to develop this property and he is interested in working with the town to do this well. The town can't stop them.

Sue asks what the next step is.

Mitchell states they will keep doing their research and reporting back to the board as they go along.

Everett Whitten asks about road system concerns regarding the traffic on Route 5 and Webber Road. David Verselle replies that this is a major reason why they are proposing to have a village services center to limit the trips out of the development. The commute to work is only 1/3 of the trips in a neighborhood; the other two are to the stores or taking children to games and such.

Roland asks what are they doing about open space? David V. answers that what is dedicated to the town will be done so as never to be developed.

Roland asks what is the plan for wildlife in the area? Mitchell replies that they are doing those types of studies now. They are hoping to provide different sized areas of land for development with some large blocks where hunting could still be allowed. Roland states that the town wants to keep the rural attraction.

Sue states that the planning board will be contacting Gary Lamb from Maine inland fisheries and wildlife for assistance regarding what size lands are needed to support wildlife habitats.

Dwayne Woodsome asks if they are planning on public water and sewer? David Verselle states that they are in discussions regarding being a test site for onsite water and sewer for a development being privately owned and funded through association dues, not through the PUC.

Mitchell Rasor states that there is grant moneys available for different projects so as not to impact the town as much and they intend to apply for those types of grants.

Sue asks how soon do they think they will be back before the board? Mitchell Rasor states that he should have some more site specific information in about a month or so.

Tim Neill states that they should check in with the comprehensive plan committee for a long term solution.

Mitchell Rasor states that they are developing a project website that should be up and running soon.

Sue asks about the preliminary plan for the 14 lot subdivision they have received sketch plan approval for? Mitchell states that they have done the title research the board asked for and there are no title encumbrances. They are looking at the site distances on the driveways. They are doing wetlands and soil testing on the site. They are looking to come back within a month.

Kate Albert states that they may want to consider one access road into the 14 lots off New Dam Road stating the board's desire is the less curb cuts the better.

III. MINUTES OF PREVIOUS MEETINGS

The minutes for August 22 were not reviewed or approved at this meeting.

IV. REPORT OF OFFICERS

V. OLD BUSINESS

~~Roy~~ **Michaud** was present with an amended application for 30% expansion in the shoreland zone on his property at lot map ~~38~~ lot 21. The application has been amended due to conversations and reviews from Alex Wong at DEP. Alex confirmed that the deck over the boathouse was ok to do. Alex confirmed the existing square feet and volume of the boathouse could not be included as it is a separate building. Alex also confirmed that the square feet of the new decks must be added into the proposed 30% expansion. After reviewing the prepared findings of fact, Kurt Clason made the motion to approve the amended application of Roy Michaud for the 30% expansion with the following conditions:

- Using 2389.75 of the total 30% (2488) allowed in square feet
- Using 4077 of the total 30% (4147) allowed in volume
- All erosion control measures taken prior to construction and throughout completion.

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

Discussed the application of ~~Jeffrey Morril~~ for conditional use / setback reduction on map ~~47~~ lot 55. Reviewed attorney letter stating that section 2.08 of the zoning ordinance gives the board authority to rule on this application and a previous ruling from another board does not affect that authority. The board set a date for a site walk of September 20 at 5 p.m. at the site. The applicant will be informed of this and asked to attend.

VII. MISCELLANEOUS.

~~Mark~~ **Brad Elliott** is present and wishes to address the board regarding a previous conditional use granted to him to operate a used car sales business on his property at Old Alfred Road. It is a condition of the state license that he is able and equipped to fix stickerable items for a period of up to 30 days after a sale. His conditional use states "no vehicle repair or maintenance". ~~Brad~~ is asking for an exception to that. Sue reviews section 7.06.03 wellhead protection zone. Vehicle repair is prohibited in the wellhead protection zone and this property is within that zone. The board does not have authority to allow it.

mark

The board discussed a joint meeting with the Comprehensive plan committee to hear a presentation from Gary Lamb from Inland Fisheries and Wildlife regarding the affects of development on wildlife habitat. A meeting is set for October 7 at 7 p.m. Dwayne Woodsome made the motion for the planning board to provide refreshments for the meeting. Tim Neill seconds. Motion carries with a unanimous vote in favor.

VIII. NEW BUSINESS

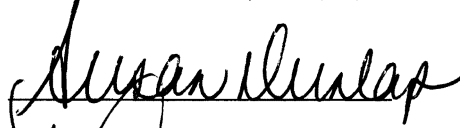
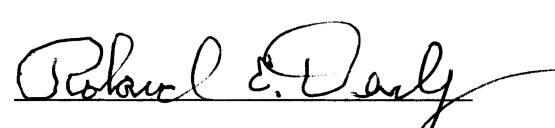
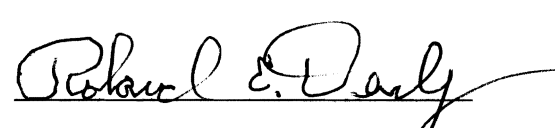


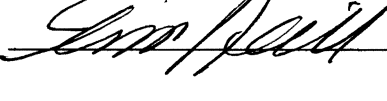
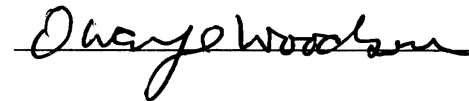
Sue discussed a proposal to require applicants do something different in applying for 30% expansions in the shoreland zone. The board requires the applicant to have an engineer do the calculations but the engineers are working for the applicant and trying to figure so that the applicant can get as much expansion as they can. This is not working as the board had hoped because we are still trying to do the calculating to make sure the figures are correct. Dwayne Woodsome suggests that if we have questions on the calculations provided the board requires a peer review.

Sue also proposes that a zoning change be added to what the board brings to town meeting this year that an applicant for a conditional use permit be required to notify the abutters of their application or initial meeting. This will be added to the list of items to work on for town meeting.

X. ADJOURNMENT

Tim Neill made a motion to adjourn the meeting at 10:15 p.m. Kurt Clason seconds the motion. Motion carries with a unanimous vote in favor.

Approved Date: 9/26/02

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**Town of Waterboro
Planning Board
Meeting Minutes
September 26, 2002**

I. ROLL CALL

Chairman, Susan Dunlap calls the meeting to order at 7:35 p.m. noting attendance of Tim Neill, Everett Whitten, Roland Denby, Dwayne Woodsome and Kurt Clason. Sue also introduces the board's newest member, Teresa Lowell.

II. APPOINTMENTS

7:30 Paul Lamontagne with an application to amend a conditional use permit issued on map 47 lots 24 & 25. Paul states he wants to amend the front setback to build a cape 26 x 26 instead of the ranch he received the previous CUP for. He is requesting a 20' front yard setback. Teresa Lowell asks how far does the septic field encroach on the 100' setback from the water. Paul states that he can pull the leachfield back with the house and that he cannot put it on the other side because that would violate the 300' setback from the community well.

Dwayne Woodsome made the motion to approve amending the CUP with a 25' setback from Lake Sherburne Road with the condition that the applicant amend his building permit application and planning board application to reflect this and that the applicant meet the 100' shoreland setback and the previously approved sideline setback of 30'. Everett Whitten seconds the motion. Motion carries with a unanimous vote in favor.

Sue questioned whether the board wanted to require a survey insuring the foundation met the setbacks. Paul stated that he is planning to have a surveyor set the pins and certify that the house meets the setbacks anyway.

8:00 p.m. Andy Nadeau from Corner Post Land Surveying representing ELCON with preliminary subdivision application for a 6-lot subdivision Orchard Hill on West Road. Christine Kostis, property owner is also present. Andy reports that they have completed the hydro-study and obtained DOT entrance permits. They have consulted with the Giles who operated the orchard on the property to determine what was sprayed on the trees so they will know what to test the soils for. They have reduced the lots down to 6 from 7 with three shared drives accessing the lots off West Road. Andy states that the driveways are going to be built up so the site distance will increase from what is current.

Everett Whitten asks if they have considered a pull off for the school bus? Teresa Lowell states that she is very concerned about the site distance at this property because of the terrain and contour of the land.

The waivers that have been requested are as follows: Stormwater management, soil erosion and sediment control plan.

Sue states that there is a wetland to the southern portion of the lot. The plume is going in the direction of the wetland and towards Shaker Pond, which has been deemed by the state to be a water body most at risk.

Andy states that he doesn't see a lot of stormwater run-off being generated by six houses.

Kate Albert states that the developer should provide at the least, information regarding pre-development stormwater analysis and post development. An engineer ought to be able to report what the pre and post run off would be. Tim Neill states that in the hydro report it shows that the groundwater is 1-2 feet below ground level.

There is discussion regarding the request for waiver of the erosion and sediment control plan. Kate states that this plan is necessary only during construction. There should at least be a statement that the developer will use standard best management practice during construction for erosion and sediment control. If the developer can get York County Soil and Water to approve of their plan then the board should be ok with that.

Tim states he thinks the board should involve the road commissioner. Sue states that other then the contamination of the soil from pesticides used on the apple trees the biggest concern is traffic and bus stops.

Tim states he would like to see some sort of turn out for the bus. Sue states that it is important that SAD 57 transportation department let the town know where the stops would be. Teresa asks if there could be some sort of internal path for the kids to walk to a bus stop so they do not have to walk on West Road on that hill and corner.

Kate Albert states that the board could ask the applicant to provide a path in the 25' greenbelt that is required and write into the notes on the plan that the path exists for that purpose and is to be maintained.

Dwayne Woodsome made the motion to require the developer to get a letter from SAD 57 informing where the bus would stop based on their revised plan and if they have concerns on safety of any children having to ride the bus. The applicant is also required to send the plan to the Road Commissioner and road review committee to get their input in writing and forward it to the board. The applicant is required to provide a stormwater drainage statement that stormwater will remain onsite. The applicant is required to get a letter from York County Soil and Water regarding erosion control. The applicant is required to provide a statement as to what has been sprayed on the trees so that the board will know what to require soil testing for. Everett Whitten seconded. Sue states that she would like to see all these things before there is a vote to approve the preliminary plan. There is discussion at this time about requiring an internal road. Dwayne states he would still like to see one road entrance. Andy states that is not feasible to the developer and that the state has determined they have met the minimum standard for road entrances. Motion carries with a unanimous vote in favor. The landowner requests that any correspondence be copied to her at 282 River Street in Springvale.

8:30 p.m. Sam Pasquarelli with a conditional use application for 30% expansion within the shoreland zone on map 36 lot 32 owned by Timothy Cuff. Mr. Pasquarelli is the contractor representing the homeowner. The application is to remove the flat roof of the camp and replace with a 5 ½ pitched roof. They came into the code office and spoke with James Webster and was told that this would fall within the 30%. There is a letter from the current code enforcement officer, Gerald Gannett stating that this application is within 30% but right at the limit. This was verified by Charles Brown from Sebago Technics. Kurt Clason made the motion to approve the application pursuant to sections 2.08, 3.06 and 7.01 based on the recommendation of the CEO to replace the roof with the following conditions: Applicant is using the total 30% expansion allowed for the lifetime of the structure, the front overhang does not exceed the current setback, the side soffets not to exceed the current footprint. Everett Whitten seconds the motion. Motion carries with a unanimous vote in favor.

III. MINUTES OF PREVIOUS MEETINGS

Dwayne Woodsome made the motion to approve the 8/22/02 minutes as written. Kurt Clason seconds. Motion carries with a vote of 4-0-3 with abstentions for absence.

Everett Whitten made the motion to approve the 9/11/02 minutes with the change of the name of the applicant to Mark Elliott. Tim Neill seconds. Motion carries with a vote of 6-0-1 with Teresa abstaining.

IV. REPORT OF OFFICERS

Roland, Kurt and Everett made the onsite visit at Lake Sherburne for the Morrill property on September 20. Dwayne stated he went out there the next day.

V. OLD BUSINESS

Joseph Vitko map 38 lot 30 is present with the survey requested by the board on his application to amend his conditional use permit after the fact. Survey was done by Stephen Everett and certifies the setbacks as depicted on the sketch plan. Tim Neill made the motion to approve the amendment under section 2.08 and 4.02 and to accept the survey with the conditions that the structure to come no closer than 10 feet to the left property line as shown on the survey, to come no closer than 20 feet to a structure on an abutting lot and to use all proper erosion control measures and that all other conditions on the most recent CUP still apply. Everett Whitten seconds. Motion carries with a vote of 5-0-1 with Dwayne Woodsome abstaining for the reason that he does business with Mr. Vitko.

VI. COMMUNICATIONS

It was noted for the record that the board received two zoning board of appeals decisions. The denial of Lesley Leighton on the administrative appeal of a decision of the CEO related to the growth ordinance. An approval for Alan Bolduc for a variance in the shoreland zone.

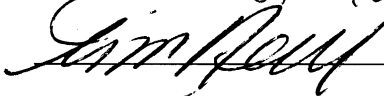
VII. MISCELLANEOUS

VIII. NEW BUSINESS

IX. ADJOURNMENT

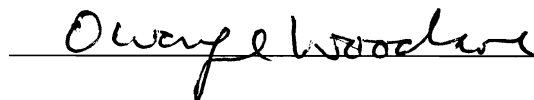
Dwayne Woodsome made the motion to adjourn at 9:35 p.m. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

Approved date: 10/24/02

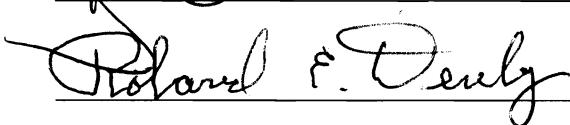
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**Meeting of the Planning Board
October 7, 2002**

Attending: Kurt Clason, Roland Denby, Sue Dunlap, Teresa Lowell, Tim Neill, Dwayne Woodsome

Also Attending: Members of the Comprehensive Plan and Conservation Committees, Eric Herrle, Paul Verrell, Genevieve Pence (the Nature Conservancy), Donald Cameron (ME Department of Conservation), and Barbara Charry (ME Audubon Society), Kate Albert (SMRPC), Wendy Carter

This evening's meeting opened with introductions by Sue Dunlap. The Comprehensive Plan and Conservation Committees were invited to this presentation because the material discussed significantly overlapped their areas of interest and impacted planning. Barbara Charry explained that the Beginning With Habitat program has been a joint project with a number of departments such as the Inland fisheries and Wildlife, Maine Audubon Society, Maine Department of Conservation, Maine Coast Heritage Trust and The Nature Conservancy. It is a joint response by the above organizations to sprawl with a concern toward habitat and wildlife.

Understanding that development will take place throughout the state but focusing attention specifically in York County and Waterboro, this program attempts to direct planning efforts so that the waterways, plants and wildlife will be marginally impacted. Construction of roads and homes remove habitat and develop barriers that reduces territories and compounds stress of animal populations. There have been considerable numbers of rare, endangered and threatened animal and plant life documented in and around Waterboro. Ms. Charry identified the following as points to consider when conserving open space:

- Size
- Shape
- Proximity
- Barriers
- Corridors
- Habitat type

Speakers indicated that not all land area is quality space for conservation. The use of slides aided her presentation. Three sets of large format maps and one binder of written information and other supporting material have been given to the town for public and committee use and will be located in the Code Enforcement Office. Digital data will be made available to the land trusts upon request.

A question and answer session followed the presentation. It was indicated by several in attendance that communities and towns adjacent to Waterboro need to accept responsibility in growth and development. Our planning committees and boards may wish to include these towns in discussions and plans at some point. A number of

suggestions were aired but strong enforcement by the Code Enforcement Officer will be essential.

A public presentation by the Francis Small Heritage Land Trust is currently being planned for this fall at the Waterboro Town Hall.

The meeting formally adjourned at 8:45 pm.

Respectfully submitted,

Wendy Carter, Secretary

This project was completed on grant monies and was not funded by

Town of Waterboro
Planning Board Meeting Minutes
October 9, 2002

I. ROLL CALL

Susan Dunlap called the meeting to order at 7:40 p.m. noting attendance of Dwayne Woodsome, Roland Denby, Tim Neill, Kurt Clason, and Teresa Lowell with Everett Whitten being absent due to an operation.

II. APPOINTMENTS

7:30 p.m. Election of Officers – Tim Neill made the motion to do elections by secret ballot. Motion fails for lack of a second. Dwayne Woodsome made the motion for Tim Neill to be elected as Chairman and Sue Dunlap elected as Vice Chairman. Motion failed for lack of a second. Teresa Lowell nominates Sue Dunlap as Chairman. Tim Neill seconds. Motion carries with a unanimous vote in favor.

Dwayne Woodsome nominates Tim Neill as Vice Chairman. Kurt Clason seconds. Vote was unanimous in favor.

Roland Denby nominates Dwayne Woodsome as Secretary/ Treasurer. Kurt Clason seconds. Vote is unanimous in favor.

7:45 Jeffrey Morrill with his application for conditional use / setback reduction on map 47 lot 55. The board decided that it does have authority to review this application under section 2.08 based on advice from town attorney. Kurt asks why the applicant wants to place the structure so close to the front. Jeffrey states mainly so that he can have a walkout basement. Kurt asked if they can rotate the house to make it fit better within the envelope then they would not need as much of a reduction. They could but this is not the way they want to place the house. Dwayne Woodsome made the motion to approve the conditional use permit with the following conditions: Sideline setbacks no closer than 25 feet, front setback no closer than 60 feet, provide an as-built survey at inspection of foundation to the CEO office to insure setbacks have been met. Tim Neill seconds the motion. There is discussion about requiring the structure to be 75 feet from the front. Dwayne explains that most of the houses are 40-50 feet from the road and this wouldn't be doing anything different. Teresa Lowell adds that the ZBA variance gave precedence with their approvals to be this close to the property lines. Motion carried with a vote unanimous in favor.

There is also discussion regarding the fact that this permit is for a garage to be converted to a house in the future. Jeffrey states it is their intention to convert the garage to a house in two years. The board feels that the applicant should apply for a growth permit with this building permit application as this is really intend it to be a house.

8:15 p.m. John Perry and Kevin Cullenberg with revised application for Avery Subdivision. Sue pointed out that the remaining land depicted on the map requires a lot number. It was explained

to the applicant that the 40 acre exemption from subdivision review no longer applies according to state law. Applicant stated that he would incorporate the remaining land into lot 5.

Dwayne Woodsome brought up the idea to require a public easement of 17 feet for any future road maintenance to Avery Road if the town ever wanted to widen or take out some of the corner. Applicant was agreeable to this idea.

Applicant was informed by the Chairman to add a note to the plan that states any amendments to the approved plan has to be reviewed and approved by the planning board to reflect section 7.4.1 of the subdivision regs.

Sue took a poll of the board to either move on with preliminary plan review with this revised plan or start from scratch as a sketch plan. It was agreed to review the preliminary checklist, as this was a smaller subdivision than the approved sketch plan.

The following is a list of items needed on the preliminary plan:

Name and address of the hydro-geologist.

Note reflecting section 7.4.1 of the subdivision regulations.

Note on the plan that lot 4 already has a structure on it.

Applicant must have the fire chief review the subdivision plans for fire protection and provide a written statement from the fire chief.

The State criteria for subdivision application was reviewed and the board found no concerns.

Kurt Clason made the motion to approve the preliminary plan with the required information. Tim Neill seconds. Sue states that the board has steered away from conditional approvals when all of the information is not provided. Kurt withdrew the motion and Tim withdrew the second.

III. MINUTES OF PREVIOUS MEETINGS

There are no minutes available for approval.

IV. REPORT OF OFFICERS

Dwayne Woodsome reported that the board has spent approximately 10% of the annual budget so far. The consultant money still doesn't appear on the financial report but Dwayne has been assured the money is still there and just waiting for the auditor's final report.

Dwayne stated that he noticed some bills paid out to Southern Maine Regional Planning and questions whether the board needs to take a vote to authorize these expenditures prior to ordering the services.

V. OLD BUSINESS

Kurt Clason made the motion that Dwayne Woodsome continues to sign pole re-location permits as the secretary. Tim Neill seconds. Motion carries with a unanimous vote in favor.

VI. COMMUNICATIONS

Communications were reviewed as listed on the agenda. A notice of intent to file for a stump & brush processing facility was noted filed by RPG on behalf of Douglas C. Foglio Sr., for property on Chadbourne Ridge Road. Patti is asked to find out exactly where this property is.

VII. MISCELLANEOUS

The memo from Selectmen's Assistant, Nancy Brandt was reviewed regarding the deadline for town meeting articles. The deadline for non-money articles is February 25, 2003. A workshop to work on zoning changes is set for October 17, at 7-9 p.m.

VIII. NEW BUSINESS

Patti informed the board that they will be invited to a November 1 meeting with Lake Arrowhead Board of Directors and the town of Limerick to discuss possibility of creating a village corporation.

IX. ADJOURNMENT

Dwayne Woodsome made the motion to adjourn at 9:50 p.m. Kurt Clason seconds. Motion carries with a vote unanimous in favor.

Approved date: 10/24/02

Tim Neill

Everett Whitten

Teresa Lawler

Dwayne Woodsome

[Signature]

Paul & Daryl

**Planning Board
Workshop minutes
October 17, 2002**

The workshop started at 7 p.m. Chairman, Sue Dunlap noted attendance of Kurt Clason, Everett Whitten, Dwayne Woodsome, Tim Neill, Teresa Lowell and Roland Denby.

The board reviewed the proposal to re-zone the lots around Ossipee Lake. A letter was sent from the Ossipee Lake Association with questions. Questions were as follows:

1. Does the board know the number of buildable lots currently on the lake and the number of potential buildable lots the proposed zoning change would add?
2. Are there any other waterbodies in Waterboro that similar zoning changes are proposed?
3. Will the town be notifying the taxpayers on Little Ossipee Lake of this proposal?
4. Anticipated enforcement date of the zoning change if voted in.

Research is going to be done to see how many vacant lots are around the lake and the size of the larger lots. Research will be done to see how many vacant lots around Lake Sherburne. Tim Neill researched the lots with the roads around the lake and there are about 600 lots.

The board discussed creating a Lake Residential zone and leave the same lot size requirement of 80,000 square feet so as not to encourage more houses on smaller lots. To reduce the businesses allowed in that zone. There was discussion about reducing the setbacks on lots that are undersized lots of record similar to the setbacks in Lake Arrowhead.

The following items were listed for consideration for amending the zoning ordinance:

1. Requiring abutter notification on conditional use applications.
2. Authorizing the CEO to charge a re-inspection fee for cases when a building isn't ready for the inspection appointment made by the contractor and a re-inspection is necessary.
3. Add definitions to go along with section 3.03 frontyard setback requirements for rights of way.
4. Authorizing the planning board to waive certain requirements from site plan review for projects less than 5,000 square feet.
5. Add a 150' road frontage requirement to the GP zone.
6. Change the wording of section 2.10 to state that any commercial use requires site plan review.

The Planning board invited the road review committee into our workshop to discuss minimum standards for construction of new roads within subdivisions. It was brought up that maybe the street design standards can be amended to include new private roads, and that the subdivision regulations refer to those standards. The road review committee agreed to work on that and set some standards that they would like to see.

The fire chief had ideas about requiring certain standards for fire protection and giving choices that would suit those standards. Patti will ask him to submit those ideas to the planning board.

Patti will get any recommendations from the code enforcement officer for requested zoning amendments.

Sue informed the board that on Oct. 28 Suzanne LePage from DOT will be addressing the comprehensive plan committee regarding the new regulations for entrance permits. The board agreed to attend this meeting from 7-8 p.m. and hold a workshop from 8-9:30 p.m. afterwards to further discuss zoning changes.

Workshop ends at 9 p.m.

Respectfully submitted,

Patti McIntyre

**Planning Board
Town of Waterboro
Meeting Minutes
October 24, 2002**

I. ROLL CALL

Vice Chairman, Tim Neill called the meeting to order at 7:30 p.m. noting attendance from the board of Kurt Clason, Everett Whitten, Roland Denby, Dwayne Woodsome, and Teresa Lowell. Susan Dunlap was absent due to illness.

II. APPOINTMENTS

7:30 p.m. Larry Goddard with a conditional use / setback reduction application on map 31 lot 6 off East Shore Road. This is an old subdivision plan with a right of way through it. Larry owns three of the lots shown. Larry is asking to build a garage but cannot meet the required setback or the frontyard setback from the right of way as required by section 3.03. This lot is within the AR zone and is less than 80,000 square feet, which deems this a non-conforming lot of record. Section 2.08 gives the board authority to review this application. Kurt Clason made the motion to do an onsite visit of the property. Teresa Lowell seconds. Motion carries with a unanimous vote in favor. The on site is scheduled for Saturday November 2 at 8 a.m.

7:50 Mitchell Rasor from MRLD representing Carthage Lumber on a preliminary subdivision plan called Ossipee Landing off New Dam Road on map 17 lot 4. Mitch explains the 2 changes from the sketch plan. The 100 year flood plain is shown on the map. Lot 3 has become part of lot 4 due to the wetlands involved. In reply to the memo from JT Lockman from Southern Maine Regional Planning Commission the magnetic North arrow is now in the plan.

JT Lockman states that the preliminary plan should include the entire parcel with remaining land shown as a lot #.

Mitch states that he is not sure what the setback is from the large wetland area.

Mitch states that they did not do a stormwater drainage plan because at this point there is no roadwork planned and will not be creating abnormal stormwater drainage.

There is a proposed dedication of open space to the town to give access to Ossipee River below the dam. The proposed use of the undeveloped land that is still to develop a master plan based on input from public meetings and the planning board.

An erosion and sediment control plan has not been done. The developer is going to discuss centralized mail delivery with the postal service. The high intensity soil survey is tied in with the onsite septic test pits and location of wells. They have reviewed the soils and installed test pits and have marked the wetlands affecting this area of subdivision. The site distance for the accesses to the lots is sufficient. It wouldn't be a problem to mark the sites and log the site distance on the plan. Fire protection will meet the fire chief's recommendations. They can install a dry hydrant if needed. The letter from attorney Perkins office states that the applicant has sufficient right, title and interest in the property to submit this application.

JT Lockman states that the first thing that the board should decide is whether it accepts the lots with driveway entrances onto New Dam Road or do they want to request that the developer present a plan that is phase I of the entire development. JT suggests that the board may wish to deal with the entire site right up front as state law requires. JT adds that the least troubling to him is the deed issue. The Planning Board should never be expected to determine deeds. The boards only job is to determine if the applicant has sufficient right title and interest in the property. Any other issue is a civil matter for a judge to determine. JT states that he thinks the letter from Bruce Leddy should satisfy the board that the applicant has sufficient right title and interest in the property.

JT states again that he feels the entire parcel should be shown and considered in this review and should show the entire parcel on the survey. JT asks if the board will be reviewing the preliminary checklist and allowing conditional approval or does it normally require all items on the checklist to be completed prior to an approval. Tim Neill states that it has been the board's policy to receive all required information before moving on to the next level of review.

JT states that if there are no roads being constructed in this phase of development he would agree that there wouldn't need to be a stormwater management plan. JT asks the board if they are going along with this design when they had expressed concerns regarding the accesses onto New Dam Road.

Mitch states that he has stated why they are going with this approach. He personally has worked on 3 out of the 4 Great American Neighborhoods and this one is unlike all of those. The developer wants these lots differentiated from Lake Arrowhead. The developer is nervous and wants to do something conservative at this stage. There is a very different plan for the rest of the parcel. This is the path of least resistance at this point to move forward with the larger plans.

Teresa states that she would rather see a cluster design not the lots spread over New Dam Road. Teresa asked if the road shown on the map as Ossipee Landing Road is going to be a dead end road. Mitch states that it will remain undeveloped for now. Teresa asked if the driveways on lots 12, 13 3, 4 should be designated on the map. Mitch states that they have to be beyond the 50' greenbelt but he can put them on the plan. Dwayne states that the board in most cases requires the developer to put in the first 50 feet of the driveway prior to building permits being issued.

Tim Neill polls the board whether they wish to move forward with this concept or request something different before moving on to the checklist. JT states that the board should feel comfortable with where the roads are on the plan are intended to be before moving forward. Mitch states that Old Portland Road already exists. Ossipee Landing Road is at the base of the hill above the wetland and Old Emery Road already exists.

Roland states that the board should take a good look at requiring an internal road and what is the relationship of this application to the rest of the parcel and development plans. Roland adds that there is a lot of material here and he doesn't think anything should be resolved or approved tonight and suggests the board strongly consider requiring an internal road.

Teresa asks how much of the future development will funnel through Lake Arrowhead road system. Teresa adds that he could rearrange the lots of the Old Portland Road. Tim adds that the board just required a 7 lot subdivision on Webber Road to have an internal road.

JT adds again that the ordinance requires the developer to disclose the full extent of the tract of land on the preliminary plan. The statutes read now that lots over 40 acres are not exempt lots from subdivision requirements and a municipality can adopt home rule saying 40 acres is not a lot but never if that lot falls within shoreland zoning. Waterboro's ordinance does not address the 40 acre lot exemption. So the state law rules.

JT states that this issue that the applicant is waiting for the survey to be done prior to preliminary plan approval is a real issue. The issue that they need to sell 14 lots to pay for the survey of 2,000 acres should not be an issue for the board to consider.

Kurt makes a motion to request a redesign of the subdivision and take into consideration an internal road.

Dwayne Woodsome states that the developer could have more lots in the R zone and end up with more than 13 lots. It was asked why this couldn't be designed as phase I of the whole rest of the development. Mitch states that this is an isolated piece of the development, the path of least resistance to generate income to proceed with the rest of the project.

Teresa states that she thinks that an internal road would create more of a community oriented atmosphere than having all the driveways dump onto a major thoroughfare.

Mitch states that he agrees in principle. This design is basically sprawl development.

Tim reminds the board there is a motion on the table. Teresa seconds the motion.

JT suggests that the board be specific about what it would like to see in a redesign.

Kurt states that he really hasn't considered what type of design he prefers over another but he does know that he prefers an internal road over the entrances coming out onto the main road. Teresa Lowell seconds the motion.

There is some discussion regarding the convergence of the three roads, New Dam, Old Emery and Ossipee Landing. Mitch states that the intersection of Emery and Ossipee Landing Road will be resigned so that there is only one curb cut onto New Dam Road.

The motion carries with a vote of 4-1-0 with Dwayne Woodsome voting in opposition.

Mitch asks for clarification on what sort of design the board would like him to bring back before them and if he has to survey the whole parcel before coming back.

JT explains that a preliminary plan requirements include that the developer show the entire tract of the parcel being developed. JT states that he would fully expect an applicant to explore the selling off of one of the lots to get the money to survey the entire parcel and all lots split within five years be included in the subdivision plan.

Teresa Lowell made the motion to require the developer to survey the parcel within the bounds of Little Ossipee River, Chadbourne Ridge Road and New Dam Road and include this in the total preliminary plan. Kurt Clason seconds the motion. Dwayne Woodsome states that the board has the right to waive this requirement. JT explains that it is state law that the subdivider survey the entire tract of land being developed except where the lot is split by a road. That is the only exception the board should make.

Mitch states that he could put one lot on the market now and JT states that it would have to be shown on the plan when he brings in the subdivision application to include the total parcel. The board could not make the applicant reconfigure the lot but it would have to be included.

Mitch asked the board if they are interested and understand the concept of cluster developments and are they ok with that type of concept for this parcel. Tim Neill polls the board and five of the six were in favor of cluster development with Dwayne being against.

The vote on Kurt's motion was 5-1 in favor with Dwayne Woodsome opposing. Motion passed to require the survey as worded in Teresa's motion.

III. MINUTES OF PREVIOUS MEETINGS

Dwayne Woodsome made the motion to approve the October 9 minutes. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

Kurt Clason made the motion to approve the September 26 minutes. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

IV. REPORT OF OFFICERS

Tim reminded the board that we have a workshop on Monday evening at 7 at the town hall.

V. OLD BUSINESS

Trina Waterman put in a request to amend her conditional use permit for a used car sales. The State Motor Vehicle Licensing department contacted the office and requested a copy of their conditional use permit. The woman from the state, Sue, told Patti that with the condition prohibiting the servicing of vehicles, the state was unable to approve the license for the Waterman's. The information provided with the request to amend the conditional use permit to allow service and repair was reviewed. The Waterman's lot is within the AR zone. Section 3.06.02 conditional uses in the AR zone allows vehicle sales, service and repair. Ken Cole sent an opinion regarding this amendment application dated October 23 stating that the board should require the same notice to abutters that it would for any other conditional use application as if it were the original application. It was discussed amongst the board that even though we are considering a zoning change that requires notice to abutters, the board has not and does not always or even very often require notice to abutters. Kurt Clason asked why the restriction of no

repairs or service was placed on the conditional use in the first place. Patti stated that she thought that the board had just recently reviewed a similar application and the board applied the same restrictions in an effort to treat similar applications fairly and equally. However, the previous applicant's property fell in the wellhead protection zone and the Waterman's property does not. There are no overlying zones or wetland issues on the Waterman parcel. Kurt asked how the other applicant got state licensing to sell cars because it appears that he is open for business. There was no answer for that, except that Patti informed the board that the State did not call for a copy of the previous conditional use permit and they did call for a copy of the Waterman's. The state sent a copy of their requirements for the board's information and consideration in the future.

Dwayne Woodsome made the motion to approve the amendment of Trina Waterman's conditional use permit to allow vehicle sales, service and repair as worded and allowed in section 3.06.02 in the AR zone with the conditions that any waste fluids be contained in approved containers, and all fluids be hauled off by licensed waste haulers and the applicant to maintain a current contract with a licensed waste hauler if they intend to do repairs that require fluid changes. Everett Whitten seconds the motion. Motion carries with a vote of 4-0-2 in favor with Kurt and Teresa abstaining, as they were not involved with the previous approval.

VI. COMMUNICATIONS

VII. MISCELLANEOUS

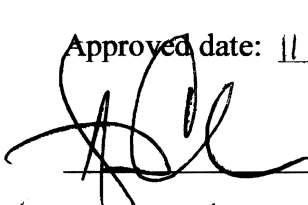
Dwayne Woodsome made the motion to move the November 28 meeting to the Monday before which falls on November 25. Kurt Clason seconds the motion. Motion carries with a unanimous vote in favor.

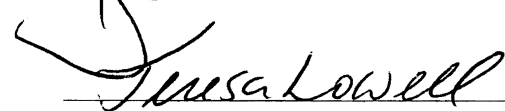
VIII. NEW BUSINESS

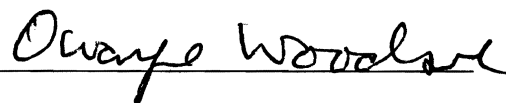
IX. ADJOURNMENT


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

Approved date: 11/13/02

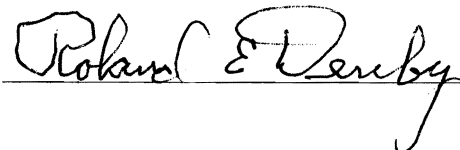












**Town of Waterboro
Planning Board Meeting
Minutes for
November 13, 2002**

I. ROLL CALL

Susan Dunlap calls the meeting to order at 7:30 p.m. noting attendance of Dwayne Woodsome, Tim Neill, Everett Whitten, Roland Denby, Kurt Clason and Teresa Lowell.

II. APPOINTMENTS

7:30 p.m. Larry Goddard application for conditional use / setback reduction on map 31 lot 7 to construct a 30 x 50 garage. Mr. Goddard explained that he owns three of the lots within the old subdivision. There is a right of way going through the property that services one lot further in. Tim Neill explains that Mr. Goddard told the board at the site walk that he would provide a new sketch of the deeded right of way. The tax map shows the right of way coming in at an angle and on the face of the earth the driveway comes in at an angle but the deed shows it coming straight through the property. Mr. Goddard provides the revised site plan. Sue asks if the lots in the same ownership should be considered as one lot? They can't because there are two camps on two of the lots. Everett Whitten asks if the application was amended to read lot 7 not lot 6 and it has been.

Kurt Clason made the motion to approve the conditional use / setback reduction pursuant to sections 2.08, 3.06 and 4.02, to Larry Goddard to construct the garage to within 35 feet from the edge of the right of way, 10 feet from the sideline and 25 feet from lot 5. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

Dwayne Woodsome states that he wonders if the applicant shouldn't record the letter from the neighbor along with the conditional use permit. The board recommended the applicant to do that but didn't condition the permit.

8:15 p.m. Dunkin Donuts site plan application on map

Gary Gerette from Alliance Construction representing Dunkin Donuts and Delphi Holdings II. This application is for an 8250 square foot three unit retail space. The building is 165' by 50' in the village zone on map 5 lot 16. They plan to start construction in April of 2003. They have done their wetland studies. They have provided 69 parking spaces and meets the requirements of the zoning ordinance. The traffic flow for the lot will be counter clock wise with a drive-through. There is only one exit from the site. There is cueing for 15 cars. There is truck access at the back of the store. The stores have rear access for loading areas. There will be 2 dumpsters out back to service the whole facility.

They have provided stormwater calculations. There is a detention basin planned. They are looking at an alternative for the stormwater management to run the stormwater in the other direction. Right now it is planned to run the water into a catch basin and to tie it into the current system that runs across Route 5. Because there is a brook across the street that runs into a pond deemed by the state to be most at risk, they are considering running the stormwater to the back of the site. Dwayne Woodsome states that there is a brook out back too and all the water will end up in the same place. Gary replies that the brook in the back of the property runs in the opposite direction.

They are requesting a waiver on the hydro geological impact study. He believes the reason for the study is to study the affect of onsite septic to onsite wells. They are planning to tie into the water system and bring it down Route 5 to their site and provide 2 fire hydrants.

Emergency vehicle access is 100% due to pavement being all the way around the buildings.

The traffic study has been presented to DOT and they are waiting to be scheduled for a scoping meeting and seeking a full permit from them. There are planned to be 344 trips at peak hours.

The site distance at 40 MPH is 710 feet to the left and 780 feet to the right.

They have done a photometric study and providing 22' high fixture lights with full cut off fixtures. No light will be directed up or off the site.

The grading plan shows the landscaping to be a land constructed berm being 4' high with plantings to screen the headlights from traffic.

Tim Neill asked if they have approached Hannaford to connect the parking lots. Gary states that they have and Hannaford was not interested in doing that.

Tim asks what the plans are for the rest of the site. Gary states that there could be a 5 or 10 year plan but for now the plan is as we see it. Dwayne states there is opportunity for something on the north side of the property. Gary states that to one side of the north section is the detention pond.

Everett Whitten asks about the building design. Gary directs the board to a picture of a similar design they are considering. It is colonial style building. They will present actual drawings for this site at the next meeting.

Sue asks if they consider development in the future will it be one site or would they split the lot. Gary states he doesn't know.

Teresa states that the plans don't show that the parking area meets the 50 foot front setback. Gary reviews the plan and states according to his calculations the paved area is set back 50 feet but he will make a note to make sure that it does.

Teresa asks about the sign, does the town have a maximum sign size? Gary states that the ordinance limits a pylon type sign to 300 square feet. He is not asking to exceed that.

Everett Whitten asks how long will it take to build this? About 4-5 months.

Kurt asks what are the proposed hours? From 4-5 a.m. to midnight. Sometimes franchises require 24 hours but that is in heavily traveled areas.

Sue asks if the abutter has been in contact with them? Gary doesn't believe so.

Dwayne made the motion to send this to SMRP to review the plan to see if it is complete. Patti states that the CEO already did that and sent a letter stating the applicant has submitted the required information to be presented to the board. Dwayne withdrew his motion based on that information.

The board reviewed the requirements for a hydro study.

Gary states that is very specific what the study entails to insure that onsite water won't be affected by onsite septic systems.

Sue states that part of the hydro study includes nitrate study and if the designed system is in excess of 800 gallons per day a hydro study is required.

If the site drainage plan is revised the changed plan will be ready within a week. Tim Neill made the motion to send the plan to peer review when the decision is made on the stormwater management plan. Teresa Lowell seconds the motion. Motion carries with a unanimous vote in favor. Patti will get prices from a few firms and provide these to the applicant.

A public hearing is scheduled for the December 11 meeting at 7 p.m. with a snow date of December 19th. This application will be put on the agenda for the same night.

8:30 p.m. John Perry with preliminary plans for Avery Subdivision.

John Perry with preliminary plan for Avery subdivision. Kurt asks about the distances for the view easements. John states that the ones that they had were transferred onto this plan. The name and address of the hydro study was added to the plan, the note reflecting section 7.4.1 was added, the note that lot 4 already has a house on it was added, there is a note regarding the 17' easement as required from the last meeting.

The following is needed prior to final plan review: The view easements need to be defined. A note must be added stating that best management practices for erosion and sediment control during construction. The lot line between lot 5 and what is shown as remaining land needs to be removed. A letter from the fire chief stating his recommendations and approval of the fire pond must be presented to the board.

Kurt Clason made the motion to approve the preliminary plan of Avery subdivision with the above referenced material being provided prior to final plan review. Tim Neill seconds. Dwayne Woodsome states that the easement should state that it is a public easement and the board and road review committee should review the wording before it is recorded. Kurt and Tim both agree to add this to the motion. Sue also states that she would like to see the building envelopes shown on the plan and a note stating that the 75 foot front setback is from the 17 foot easement. Kurt and Tim both agree to add this to the motion. Motion carries with a unanimous vote in favor.

When the applicant submits the final plan they will be scheduled to meet with the board for the next review.

Dwayne states that the board should invite Frank Birkemose Jr., to their workshop meeting about road standards.

III. MINUTES OF PREVIOUS MEETINGS

Dwayne Woodsome made the motion to approve the October 24 meeting minutes as written. Everett Whitten seconds. Motion carries with a vote of 6-0-1 with Sue abstaining as she was absent.

IV. REPORT OF OFFICERS

Dwayne Woodsome says he is working on next year's budget. They have a lot more money left in this years budge and he thought the town should put in for a town planner and maybe to share one with

another town. He is going to speak with the selectmen about that. Sue thought that the board should consider looking at purchasing a GIS program and realizes it would have to be approved at town meeting. Kurt Clason states that he will do some research on this program software.

Sue accepted the financial report from treasurer Dwayne Woodsome

V. OLD BUSINESS

Tim Neil made the motion for Southern Maine Regional Planning to assist the planning board on the Ossipee Landing subdivision application and the Orchard Hills subdivision application. Kurt Clason seconds. Motion carries with a unanimous vote in favor.

Sue states that she would like the board members to decide what they would like for a book bag and let Patti know so we can do purchase order and get those ordered.

Sue would like to set up another workshop for zoning changes. Time will be set aside on the November 25 meeting for a workshop. The board will meet at 6:30 to hold a workshop before their regular meeting. The agenda will have 1. design ordinance, 2. Arcview, 3. CUP standards.

VI. COMMUNICATION

The communications were reviewed as listed on the agenda.

VII. MISCELLANEOUS

It was reported that the members are not all getting their Maine Townsman magazine. Patti will look into this.

VIII. NEW BUSINESS

IX. ADJOURNMENT

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

Approved date: 12/11/02

Dwayne Woodsome Teresa Laver
Robert E. Lewis [Signature]
Everett Whitten _____
Emil Patti _____

**Planning Board Meeting and Workshop
Minutes for November 25, 2002**

The workshop started at 6:30 p.m. Chairman Sue Dunlap notes attendance of Kurt Clason, Teresa Lowell, Roland Denby, Everett Whitten, Tim Neill, and Dwayne Woodsome enters at 7:30.

Sue Dunlap reviews what the comprehensive plan review committee has been working on. She has been tasked with presenting what land use information that should be included in the comprehensive plan. Sue states that she would like to see a report done annually to the selectmen from each committee and department regarding what they have done to comply or follow the comp. Plan. Sue listed off the ideas that she has come up with. To employ commercial design standards, to encourage growth between center and east Waterboro and limit growth in North Waterboro to protect that area.

There is discussion regarding mentioning protecting wildlife habitats. There was discussion about extending the GP zone. Kurt mentioned attempting to develop a main street with a common architectural theme.

Kurt reviewed with the board what he has found out about the ArcView program. It costs around \$1,200 for the program. The town of Wells is using this program right now. The town could use it to define the wellhead protection zone, could have status of all roads, data for building inspections, subdivisions etc. Sue will call the town of Wells to see what she can find out about the cost and set up and equipment training.

The board discussed design standards requirements. They will review the information handed out at this meeting.

Kurt discussed a review process where after a certain time period conditional uses are reviewed to make sure they comply with the permit issued. Do we want to pursue this? Dwayne thinks section 2.05 should be amended to require the CEO to do some kind of periodic inspection.


Chairman Sue Dunlap opened the regular meeting at 8:35 p.m.


The proposed budget for next year was discussed. Talked about the secretarial duties. Tim Neill made the motion to request a workshop with the selectmen to discuss Patti's duties. Kurt Clason seconds. Motion carries with a unanimous vote in favor.

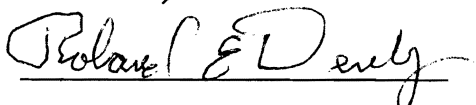
There are two changes in the minutes of November 13 that will be made and presented for approval at the next meeting.

Tim made the motion to adjourn at 8:50 p.m. Everett Whitten seconds the motion. Motion carries with a unanimous vote in favor.

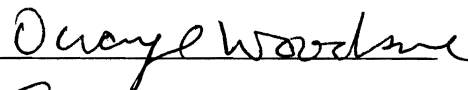
Approved date: 12/11/02




Teresa Lowell


Tim Neill


Roland Denby



Dwayne Woodsome


Everett Whitten

PLANNING BOARD

Town of Waterboro

December 11, 2002

Public Hearing for Dunkin Donuts

Chairman, Susan Dunlap called the meeting to order at 7:00 p.m. noting attendance of 7 members of the public, and planning board members; Kurt Clason, Tim Neill, Teresa Lowell, Roland Denby, Everett Whitten, and Gary Guerette from Alliance Construction representing the owners of the property.

Sue Dunlap explains that this lot is adjacent to the Hannaford property on the Route 5 side.

Gary Guerette presents and reviews the plans for the proposed Dunkin Donuts. This property is map located on 5 lot 16. The developed portion of the lot will cover a little over 1 acre. The proposal is for a Dunkin Donuts and two retail spaces. The building style is colonial with gray siding and white trim with cupolas and a full length porch and vestibules at each entrance.

The landscaping in the front will have an earth mound between the parking area and the road to screen headlight glare from traffic. There is a proposed sidewalk along Route 5. They feel this is a very pedestrian friendly site with covered sidewalks to get from one business to the next. The lighting on the site will be full cut off fixtures with no projection of light off the property or up into the air.

They have made application to DEP and DOT. DOT is requesting adding a lighted pole on the corner so that the intersection is fully lighted. The land on the undeveloped portion of the lot is intended to stay in its natural state. They plan on extending the water line from Hannaford's down Route 5 with a 10" line providing two hydrants and servicing the business with an 8" line.

DEP is reviewing the stormwater calculations.

The applicant has met with DOT and they are reviewing the traffic impact study. DOT is looking at turning lanes into the site and they are waiting for a reply from them.

The applicant has requested a waiver on the hydro-geological study and the board has not made a decision on that yet. There was a ground water study done some years ago on site and a lot of information was provided on that study.

The floor is opened for public input and questions at this time.

Wade Junkins asks how far back on the piece of property from the road will they be cutting? Gary G. replies that the cutting will be 310' by a width of 340'. Wade asks what are they going to do with the property in between the retail area and his lot? Gary G. replies there is no plan as of yet for development of that land.

Wade asks how much of the 11 acre parcel is usable property? Gary G. replies that they had a wetland study done but it would take more studies to determine what is usable or not.

Leo Binette asks what are the proposed hours of operation? Dan, a partner in ownership of the property replies that this is subject to corporate Dunkin Donuts approval but he thinks the hours will be 5 a.m. to 12 p.m. and that he doesn't think this site warrants 24 hour operations.

Leo asks what the other businesses will be? Gary G. replies that he doesn't know who yet, that the owners are in negotiations but are not sure at this point.

Eric Herrle states that he feels this site should require a right hand turn lane into the property. This site has high speed traffic coming almost to the property line just before the intersection of Route 202. He strongly recommends that the board take this into account when reviewing this application. Sue asks Eric if anyone from the town went to the scoping meeting at DOT when their application was reviewed. Eric replied no. Sue stated that DOT will look at that intersection and the board has little to say over DOT's authority.

Gary G. states that DOT has informed him that they are seriously considering moving the 35 MPH zone further down on Route 5 from that intersection.

With no more questions from the public or the board, the public hearing is closed at 7:25 p.m.

Wade Junkins requests to be notified when this project will be on the agenda again.

Sue Dunlap calls the regular meeting to order at 7:30 p.m.

I. ROLL CALL

Sue notes attendance from the board of Kurt Clason, Tim Neill, Teresa Lowell, Roland Denby, Everett Whitten, and that Dwayne Woodsome will be late. Dwayne entered the meeting at 8:30 p.m.

II. APPOINTMENTS

7:30 p.m. Dunkin Donuts map 5 lot 16 for site plan review. Sue reports that the estimates are in from the requests for peer review. Gary G. requests that the board waive peer review on the stormwater management plan in light of the fact that DEP is going to permit this and will do an extensive review. Sue replies that it is for the town's protection that peer review is required. DEP reviews applications for state requirements. The Peer review is done to insure that the project meets town requirements.

Sue adds that until the board fully understands the full impact of the property, knowing what the retail spaces will be used for and the gallons per day used. Gary G. states that they don't intend to have to re-apply to accommodate a different type of use or one that doesn't fit into the design they have been approved for. They are looking at a sub shop and a video store for the other two uses.

Gary G. is requesting site plan approval subject to the approval from DEP and DOT and have peer review done now.

Dwayne Woodsome states that he has been questioning the raising of the water level. Gary G. states that the whole intent of the stormwater management plan is to have zero water impact post development as compared to pre-development.

Sue states that she is concerned that the nitrate level is expected to exceed the town's minimum of 5 mg/l at the property line. Sue adds that the Hannaford septic system is close to their lot line and we have to make sure that their use does not impact the Hannaford site. They will have to get their nitrate levels down to 5 mg/l. Sue notes that they have submitted a revised stormwater management plan.

Kurt Clason asks about the swale. It states it is 3' at the turning point and tapers to 2'. Gary G. states that the berm is proposed to be 3' above the parking lot and taper down to 2' to block headlights. Tim asks if there is a standard height requirement for blocking headlights? Gary states that he can make it 6" higher.

Wade Junkins asks why they have applied for a waiver on the hydro-geologic study. Sue states that the board has not voted on that yet.

Gary G. states that if the town is going to require that they prove that the nitrates will not be more than 5 mg/l at the property line this will require a full hydro-geological study.

Wade states that there is a lot of hear-say that there will be an Irving Gas Station on this property in the future. Gary states this is hear say. Sue Dunlap adds that any additional businesses would have to be approved through the planning board first.

Teresa Lowell asks where exactly is the pylon sign proposed to go and will it block the site distance? Gary answers that DOT is reviewing the plans and will insure that site distance is maintained. Gary showed on the plans where the sign is proposed to be.

Teresa asks if there is a specific requirement that no light will leave the property? There is nothing in the ordinance written, but there is a standard that light from the property will not adversely affect abutting properties. Gary adds that DOT wants the intersection well lit. They have provided a lighting plan that will do that but there are limits on the lights that will keep the lights from affecting abutting properties.

Roland Denby asks what are they going to do with the well that is shown on the plan. Gary states that is a monitoring well which will be used when doing the hydro-geological study. It is noted that the plan calls this well a drinking water well. Gary states that he will look into that and if in fact it is a drinking water well it will be capped off and a note to that effect will be put on the plan.

Wade asks about the detention pond and states that there is a lot of water around there anyway enough to supply mosquitoes and he doesn't really want to see more ponds.

Gary G. explains that this detention pond is an infiltration pond intended to handle excess water in a 25 year or more storm and hold it until it infiltrates into the ground. Water will sit in this pond maybe a couple of days but for the most part will remain dry. DEP will review this in the stormwater management permit review. This pond will actually help clean the stormwater before it infiltrates the ground.

Leo Binette states that the plan states that there is room for 15 cars to line up at the drive thru window. Is that enough and what happens when there are more and the cars are lining up in the road? The owner of the property explains that he owns two other Dunkin Donuts in Biddeford and that the traffic count by those stores are from 19 to 21,000 cars. The stacking for those stores is 15-16 cars. They have never gone into the road. The traffic count by Route 5 is 13,000 cars. They have allowed for 25 cars in this proposal.

Leo Binette asks the board how many franchises can be allowed before the small business operations are run out of town. Leo states that he was told at the beginning of the meeting that they didn't know who the other retail businesses would be and later in the meeting they know who they are. Gary replies that he stated that they are in negotiations but are unsure of what other businesses will be at this time.

Sue states they are talking approvals for a category of business on the plans. If in the end a business that comes in will use a tremendous amount of water or chemicals there would have to be another review of the plan. Sue states that perhaps a statement could be made on the plan that any change would require planning board review and approval.

Someone asked what if a tractor trailer came through the drive thru and tied up a lot of the spaces for cars? A trailer couldn't fit under the drive thru window. There is access for tractor trailers to enter the site for delivery purposes to and will not affect the flow of traffic.

Sue asks if they have approached Hannaford to see if they could build a connector between the two businesses. Gary replies that Hannaford did not seem interested in doing this. Sue states she is disappointed that a consideration for the residents using these two businesses was not taken into consideration. That the

comprehensive plan is pushing for making village areas more walkable. She thinks it would be good for everyone to have a short cut to both businesses.

At this time the checklist for Site plan review is gone over.

A question about the deliveries is made. There will be deliveries made twice a week in the vicinity of early morning the routes are usually done before 5 o'clock.

Wade asks about lighting pollution. Sue states that all applicants are asked to make use of lighting that does not put off light onto abutting properties.

The proposed water supply is that they will have the water line run past this site on Route 5. They have confirmed with the Water District that there is sufficient water to serve this site.

There will not be any hazardous waste. There will be no adverse affect on any scenic vistas. This site did not show up on any wildlife or habitat maps.

The time frame for completion is that they are hoping to begin construction in April and be done in 4-5 months.

There is discussion about performance bond on the project. Gary states that he can provide information regarding what they would propose to put up for a performance bond.

Sue informs the applicants that they will have to provide proof by way of hydro-geological study that the nitrate levels will be in compliance with the site plan ordinance.

Gary G. has agreed to raise the berm by 6" or so to make sure headlights are not interfering with traffic. He will put a note on the plan that any drinking water wells will be capped or that the well is a monitoring well.

Dwayne Woodsome asks about the additional water being put into the ground. Gary G. states there will be no additional water created. They are sheet flowing everything into the swales and into the detention pond. The pond is an infiltration pond, it is not lined, and it will not hold water for long periods of time.

Dwayne states that the biggest concern is the amount of water they will be using in their business. They will not be taking water out of the ground but they will be putting water into it through their septic systems. There could be as much as 6,000 gallons per day between the two businesses and they are already bringing the water table up in East Waterboro. How much more is the ground going to take?

Sue states that the board did not vote to waive the hydro-geological study and these questions should be answered through that.

Gary G. asks if Dwayne's concerns are more of quality or quantity of water. This is the reason we will have a peer review to answer the town's specific concerns. Gary states that there is a 30-100' thick aquifer under the ground but the water table is 6' below the surface.

Sue states that the peer review can compare the levels at the Hannaford site and this site. We have no evidence to support these claims of raising the water table or that they are going to adversely affect the water table.

Gary states that they would like approval of this site plan contingent on DEP and DOT approvals. Sue explains that they have to submit a hydrogeological study and have that peer reviewed before any approval should be given. Gary states that he is hiring RW Gillespie to do the hydro study and this should be done within 3 weeks.

Teresa asks for a chain of events so everyone is clear as to what is supposed to happen next. Sue states that first they need to submit a hydro-geological study. Second the town will have that study peer reviewed. Thirdly the board has to determine what it will require for a performance bond. The stormwater management plan will be peer reviewed.

There is discussion about holding off on the peer review until DEP and DOT have completed their reviews. The reason being if those reviews resulted in any changes to the plan there would have to be a second peer review. Gary states that he would be willing to go through a second peer review rather than wait for the approvals from DEP to begin the peer review.

Teresa asks if the firm doing the peer review would want to see DEP's information along with the plan. Gary replies that the peer review would be done on the same plan that DEP is reviewing.

Dwayne Woodsome thinks the DEP permit should be provided to the town before the town gives approval.

There is lengthy discussion about what would happen if town approvals were given prior to DEP and DOT permits and construction began and there needed to be a change to the plan because of the permits issued from the state. It was determined that any changes that DOT might make would be incorporated into the right of way of Route 5 so the board wasn't as concerned about that permit. A straw poll was taken of the board that the DOT permit could possibly be omitted as a requirement for final approval assuming all else was approved. Dwayne said that an entrance permit would be required by the town at the very least. This poll is not binding.

Teresa Lowell states that she would like to see a dual exit with two way traffic as opposed to an entrance and an exit. Gary states that they don't have a strong feeling for that one way or the other. Sue states that the town should have sent someone to the scoping meeting with DOT on this application. Sue states that if Teresa feels strongly about this she should contact DOT with her concerns.

Leo Binette asks if it is common practice to give approvals prior to state permits being issued. Sue states they have done so in the past. Leo stated that he just wants to be sure that the town treat applicants the same.

The next Planning board meetings are scheduled for Jan. 8 and the 23rd. Gary will submit the hydrogeological study when it is done and a peer review will be scheduled. The performance bond will be discussed at the next meeting.

III. MINUTES OF PREVIOUS MEETINGS

Kurt Clason made the motion to accept the November 13 minutes. Tim Neill seconds. Motion carries with 5 in favor and Dwayne abstaining.

Tim Neill made the motion to approve the November 25 minutes. Kurt Clason seconds. Motion carries with a unanimous vote in favor.

IV. REPORT OF OFFICERS

Dwayne reports that the book bags have been ordered for the board. They should be in soon.

The budget has been turned into the selectmen and overall it was the same as last year. Just over 30,000 plus fees generated.

Dwayne turned in a budget for \$45,000 for a town planner.

Dwayne stated that they should look at fees for site plan and raise them again.

V. OLD BUSINESS

A workshop is scheduled for the January 8 meeting at 7 and Dwayne Woodsome made the motion to invite the road review committee and the fire chief to this workshop to discuss road standards and to start the regular meeting at 8:30 if there are any appointments. Kurt Clason seconds the motion. Motion carries with a unanimous vote in favor.

VI. COMMUNICATIONS

VII. MISCELLANEOUS

Sue reports that she saw in the paper that there is a public hearing on Jan. 14 for the Middle School proposal but saw no information as to where or what time.

VIII. NEW BUSINESS

Dwayne Woodsome made the motion to cancel the December 19 meeting due to no appointments scheduled and Christmas. Tim Neill seconds. Motion carries with a unanimous vote in favor.

Dwayne Woodsome made the motion to send a note to the selectmen requesting that any bills for the planning board be submitted and approved by the board prior to payment with two signatures needed from either Dwayne, Sue or Patti. Teresa seconds. Motion carries with a unanimous vote in favor.

The board asked if there was any news from the selectmen on their request to meet with them. There has been no word.

IX. ADJOURNMENT

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

Approved date: 1/23/03

<u>Marian Dunlap</u>	<u>Dwayne Woodsome</u>
<u>Teresa Lowell</u>	_____
<u>Tim Neill</u>	_____
<u>Roland & Denny</u>	_____