

Planning Board Meeting Minutes 01/08/03

To: WaterboroME_PlanMin

Abstract: Planning Board Minutes January 8, 2003

The Planning Board held a workshop from 7:10 p.m. to 8:30 p.m. to meet with the road review committee. Attending from the road review committee were David Benton, Road Commissioner, Fred Fay, Chairman, Frank Birkemose, Sr., Jon Tufts and Russell Lowell.

The board discussed with the road review committee the idea to require some sort of road standard for all new houses constructed in town which do not have road frontage on an existing road. The proposal is as follows:

ARTICLE : Shall the townspeople vote to amend Article 2 Section 2.06 paragraph 1 sentence 1

To Read: No building permit shall be issued to erect any structure on a lot without frontage on a public way unless an access road meeting the following criteria has been constructed within a deeded right of way, a minimum of fifty feet in width. The access road shall be constructed to a minimum width of twelve feet in width if serving one dwelling unit, and fifteen feet if serving two dwelling units. The access road shall contain a minimum depth of fifteen inches of bank run gravel and have drainage ditches and culverts at all appropriate points as determined by the Waterboro Road Commissioner. Such an access road shall serve no more than two dwelling units. Any access road serving between three and eight dwelling units shall meet the road design and construction standards for a low volume road but need not be paved. Any access road serving more than eight dwelling units shall meet the road design and construction standards of the Town of Waterboro for " " roads. All privately owned roads will remain private until such time as all the requirements of the Town of Waterboro Street Design Ordinance are met and the road has been approved and accepted by the voters at an annual town meeting.

There was much discussion regarding whether to require all roads to be paved and constructed to town road design standards.

It was decided to request that the road review committee discuss this and bring back a recommendation to the planning board. Dwayne Woodsome suggested that if the road review committee needed consultant help that the planning board vote to approve an expenditure from the consultant moneys. This will be discussed in open meeting.

I. ROLL CALL

Chairman, Susan Dunlap opened the regular planning board meeting at 8:30 p.m. noting attendance of: Dwayne Woodsome, Tim Neill, Teresa Lowell, Kurt Clason, Everett Whitten and Roland Denby.

II. APPOINTMENTS

8:30 P.M. Dana Morton and Candice Gooch from Morton Land Surveyors were present to give a short presentation on how the proposed site for the new Middle School was picked. Dana explains that the state is requiring a letter from the planning board that the

site chosen for the proposed school is not contrary to zoning, land use or the comprehensive plan.

Dana reviewed the process by which this site was chosen. This is a proposed middle school for 7-8 graders, which would house approximately 700 kids. They started with a map of the school district and this map showed no town line boundaries. There were two people from each town within the district chosen to serve on the site selection committee. The town's zoning ordinances were reviewed for districts where schools are allowed. They looked at the soils next. Their search was for soils that would support a larger development. They blocked out the areas that were unsuitable. They then looked at the slope of the land. This proposed building would have unit dimensions of 3-400 feet so slopes of 5% or greater would not work for the structures or the athletic fields. Those areas with slopes were blocked out. The utilities were reviewed. They needed a site with access to three -phase power, access to public water and sewer if possible. They needed a site that is at least 50 acres. Based on all of these qualifications they came up with a road corridor throughout the towns and mapped out an area 2,000+ feet on both sides of the corridor to choose the site from. They looked at a map of the school district and mapped out every house with a school kid in it. They looked at the transportation routes in regards to what a new school would do to the system. There were 8 potential sites chosen. They started to review the tax maps. The state of Maine is concerned that schools are located in what could be considered a growth zone. The next step was to contact all the landowners of these sites to see if they would be interested in selling their property. They got 3 yes answers. It was narrowed down to two sites. The committee set a list of criteria and rated both sites accordingly and one site was chose above the other. The committee has requested that SAD 57 do more specific research of this particular property.

This is a 112 acre site owned by Dayton Sand and Gravel in between Route 5 and Old Alfred Road. The site has been surveyed. RW Gillespie has been hired to do hydro-geological studies and to look into any concerns about stormwater especially related to the old gravel pit on this property. There is an appraisal in process. This site was chosen over the other mainly because it is possible to make the buildings and fields efficient and compact. When the state funds moneys for a school, there will be a certain amount of money allotted. A consideration has to be made regarding the groundwork needed to make the site efficient. This site will require less site development

They have met with DOT and the State Planning Office. DOT is mandating that the main entrance be off Old Alfred Road at the entrance to the old gravel pit. The exit will be on Route 5 and the buses will use the Route 5 entrance. The Sheriff's dept. would like to see two ways into and out of the project. The intersection of Townhouse Road and Route 5 is on the list to be redone by DOT.

It is very important to bring the public water supply for the long-term benefit of this project. This is being looked into. They will have to apply for grants. This has been discussed with the Water District.

Roland Denby stated that there was some concern about what was burned in the old gravel pit years ago. This site is still on the DEP clean up list. All the information gatherec so far does not indicate contamination. There are existing monitoring wells that have been

re-opened and they have drilled 8 more. They have done testing and nothing has been found. There will be a public hearing on Jan. 14 at the high school.

Dwayne Woodsome made the motion to have Sue Dunlap and Patti draft the letter to Dana Morton stating that the planning board is aware of the project, that the site is in an allowed zone, there are no major objections to this site and it is in an area of growth. Tim Neill seconds. Motion carries with a unanimous vote in favor.

Dana added that they tried to purchase property to connect the elementary school to this site but the private owners did not want to sell.

9:00 p.m. John Perry with the final plan for Star Hill subdivision on map 3 lot 22-4. The checklist was reviewed of the remaining items that were requested from the board.

Finding that all the requested information was provided Kurt Clason made the motion to approve the final plan as presented on the mylar. Everett Whitten seconds. Motion carried with a unanimous vote in favor. The plan is signed. John Perry states that he will record the plan and bring 5 copies to the town. John also paid the \$100 final plan fee by check to the secretary.

III. MINUTES OF PREVIOUS MEETING

The board did not review the minutes.

IV. REPORT OF OFFICERS

V. OLD BUSINESS

Dwayne Woodsome made the motion to approve the first 6 articles proposed on the worksheet for proposed amendment at town meeting and to send them to the town attorney to review for legal wording. Everett Whitten seconds. Motion carries with a unanimous vote in favor. The wording is as follows:

ARTICLE : Shall the townspeople vote to amend Article 3 Section 3.03 and Section 3.10 and paragraph one of Section 2.06 of the Waterboro Zoning Ordinance to read: The boundaries of these seven (7) zones are established by the enactment of this Ordinance and are as shown on the Official Zoning Map of the Town of Waterboro, dated February 7, 1977; the Town of Waterboro Wellhead Protection Zone Map; and on the 1970 Town Maps. The Official Zoning Maps are integral parts of this certified copy of the zoning ordinance (maps and text) shall be available to the public at all times in the Town Clerk's office. The February 7, 1977, and as further amended from time to time, zoning map was drafted so that the zoning district boundaries followed property lines as depicted on the 1970 maps. It should be interpreted accordingly. (amended 3-11-89 & 3-11-00)

General Purpose: Minimum Road & Shoreland Frontage 150'

Now reads:

Shall the townspeople vote to amend Article 3 Section 3.03 of the Waterboro Zoning Ordinance to read: The boundaries of these six (6) zones are established by the enactment of this Ordinance and are as shown on the Official Zoning Map of the Town of Waterboro, dated February 7, 1977; the Town of Waterboro Wellhead Protection Zone Map; and on the 1970 Town Maps. The Official Zoning Maps are integral parts of this certified copy of the zoning ordinance (maps and text) shall be available to the public at

all times in the Town Clerk's office. The February 7, 1977, and as further amended from time to time, zoning map was drafted so that the zoning district boundaries followed property lines as depicted on the 1970 maps. It should be interpreted accordingly. (amended 3-11-89 & 3-11-00)

General Purpose: Minimum Road & Shoreland Frontage ()

Section 3.10 paragraph #2 to read:

The minimum lot size in the General Purpose District (GP) is 40,000 sq. ft. depending on the lot being serviced by the public water system. If the lot is not serviced by public water the minimum lot size is 80,000 sq. ft. Any lots under 80,000 sq. ft. will be required to be serviced by public water supply. The minimum lot width and frontage requirements of 150' will be required No principle 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 principle 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 fall within the General Purpose (GP) District will retain their original zoning requirements.

Now reads:

The minimum lot size in the General Purpose District (GP) is 40,000 sq. ft. depending on the lot being on the 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 principle 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 principle 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 fall within the General Purpose (GP) District will retain their original zoning requirements.

Section 2.06 To Read:

All lots shall abut upon an existing or proposed road which meets all municipal and other applicable government regulations and standards or, if landlocked, shall have a legally recorded access right-of-way, of no less than fifty (50) feet in width, to a public or private road. All lots, with the exception of landlocked lots, shall have a minimum road and/or water frontage of one hundred (100) feet in the Village zone, one hundred (100) feet in the Village/Residential zone except on cul-de-sacs where fifty (50) feet will be required. one hundred fifty (150) feet in the Residential, the Agriculture/Residential and the General Purpose zones and two hundred (200) feet in the Forest/Agriculture and Conservation zones. Situations involving or utilizing cul-de-sacs, curvilinear streets, cluster design or planned unit design permitted by the Subdivision Regulations or by this ordinance (see Section 8.02 and 8.03) when the Planning Board determines that these frontage requirements are not practical it may approve frontage reductions of up to fifty (50) percent. (Amended 3/11/89 & 3/11/00)

Now Reads: All lots shall abut upon an existing or proposed road which meets all municipal and other applicable government regulations and standards or, if landlocked,

shall have a legally recorded access right-of-way, of no less than fifty (50) feet in width, to a public or private road. All lots, with the exception of landlocked lots, shall have a minimum road and/or water frontage of one hundred (100) feet in the Village zone, one hundred (100) feet in the Village/Residential zone except on cul-de-sacs where fifty (50) feet will be required, one hundred fifty (150) feet in the Residential, the Agriculture/Residential zones and two hundred (200) feet in the Forest/Agriculture and Conservation zones. Situations involving or utilizing cul-de-sacs, curvilinear streets, cluster design or planned unit design permitted by the Subdivision Regulations or by this ordinance (see Section 8.02 and 8.03) when the Planning Board determines that these frontage requirements are not practical it may approve frontage reductions of up to fifty (50) percent. (Amended 3/11/89 & 3/11/00)

ARTICLE : Shall the townspeople vote to amend Article 2 Section 2.10 paragraph 1

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

Now reads: 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 by the Town of Waterboro Site Plan Review Ordinance adopted June 28, 1988.

ARTICLE : Shall the townspeople vote to amend Article 4 Section 4.01 paragraph 3

To Read: If the Planning Board feels it is necessary to either gather information, resolve conflicting information, or to inform the public, it may hold a hearing, pursuant to the provisions of Section 13.07, before deciding an application to commence a conditional use. The Applicant is required to notify abutters of the property the conditional use is applied for within 10 days prior to the scheduled Planning Board meeting. This notice shall inform the abutters of the application for conditional use, the date and time of the meeting and that the abutters must submit their concerns in writing to the planning board prior to the meeting date.

Now Reads:

If the Planning Board feels it is necessary to either gather information, resolve conflicting information, or to inform the public, it may hold a hearing, pursuant to the provisions of Section 13.07, before deciding an application to commence a conditional use.

ARTICLE : Shall the townspeople vote to amend Article 12 Section 12.01 to add the following:

Code Enforcement Re-Inspection fee \$25.00

Renewal permit fee \$50 (see Section 2.03)

Building Permit Fee shall not be less than \$50.00 in any case except there shall be no fee if estimated cost does not exceed \$1,000 (see Section 2.03)- otherwise \$4.00 per One Thousand dollars of estimated cost. (Amended 3/12/88, 4/27/02)

Site Plan Review \$400.00

Now Reads:

Building Permit Fee shall not be less than \$25.00 in any case except there shall be no fee if estimated cost does not exceed \$1,000 (see Section 2.03)- otherwise \$4.00 per One Thousand dollars of estimated cost. (Amended 3/12/88, 4/27/02)

Site Plan Review \$200.00

ARTICLE : Shall the townspeople vote to amend the Town of Waterboro Site Plan Review Ordinance

To Read: The Planning Board may waive certain requirements for projects of less than 5,000 square feet.

ARTICLE : Shall the townspeople vote to amend Article 2 Section 2.03 to add paragraph to require electrical permits.

To Read: An electrical permit, designed to insure compliance with state law must be obtained from the Code Enforcement Officer as a requirement of the building permit application.

Dwayne Woodsome made the motion to approve the following articles and send to the town attorney for review. Teresa Lowell seconds. Motion carried with a unanimous vote in favor.

ARTICLE : Shall the townspeople vote to amend Section 7b. of the E911 Ordinance to add:

The developer shall be responsible to purchase and place all road signs upon approval of the road name by the board of selectmen and prior to any occupancy permits being issued in the development. Such road signs shall be of the same color and design as used throughout the town of Waterboro and approved by the Road Commissioner prior to installation.

ARTICLE : Shall the townspeople vote to amend Section 7 of the Town of Waterboro Subdivision Regulations to add a new requirement:

To Read:

Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to procure an assigned number from the E911 coordinator. This shall be done at the time of issuance of the building permit.

Subdivisions. Any prospective subdivider shall show a proposed road name and the lot numbering system on the preliminary plan submission to the planning board. Approval by the planning board shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing the proposed roads, the applicant shall mark on the plan, lines or dots in the center of the streets

at every fifty (50) feet so as to aid in the assignment of numbers to structures subsequently constructed.

ARTICLE : Shall the townspeople vote to amend Article 3 Section 3.06.01 and section 14.02 to add Contractor Business as a permitted use in the V, AR and GP zoning districts.

Add definition to Section 14.02

Contractor Business: A business engaged in the provision of services off the premises, but which has an office and equipment / materials stored on the premises.

ARTICLE : Shall the townspeople vote to amend Article 14 section 14.02 to change the reference to parking spaces to correspond with Article 5's definition of parking:

To Read: Parking area: An unobstructed area consisting of one or more 200 sq. ft. parking spaces no part of which is located in or on any public or private right of way and the principle use of which is the temporary storing and maneuvering of vehicles.

Now Reads: Parking area: An unobstructed area consisting of one or more 222 sq. ft. parking spaces no part of which is located in or on any public or private right of way and the principle use of which is the temporary storing and maneuvering of vehicles.

ARTICLE :

To Read: Shall the townspeople vote to amend Article 7 Section 7.02 A. Authority and Purpose (1) Notwithstanding other provisions of this Ordinance, the Planning Board in reviewing and approving proposed mobile home park developments in the Residential Zone, shall apply the provisions of this section, as well as the requirements of the Waterboro Land Subdivision Regulations and Waterboro Mobile Home Park & Trailer Park Ordinance. Where the provisions of this section conflict with specific provisions of the Town of Waterboro Land Subdivision Regulations and/or the Town of Waterboro Mobile Home Park & Trailer Park Ordinance, the provisions of this section shall prevail

Now Reads: Shall the townspeople vote to amend Article 7 Section 7.02 A. Authority and Purpose (1) Notwithstanding other provisions of this Ordinance, the Planning Board in reviewing and approving proposed mobile home park developments in the Village and Residential Zones, shall apply the provisions of this section, as well as the requirements of the Waterboro Land Subdivision Regulations and Waterboro Mobile Home Park & Trailer Park Ordinance. Where the provisions of this section conflict with specific provisions of the Town of Waterboro Land Subdivision Regulations and/or the Town of Waterboro Mobile Home Park & Trailer Park Ordinance, the provisions of this section shall prevail.

ARTICLE : Shall the townspeople vote to amend Article 2 Section 2.03 to add this paragraph just prior to paragraph three.

Prior to the issuance of any occupancy permit for any structure with a potable water supply system, a water quality analysis demonstrating that the State of Maine Safe Drinking Water Guidelines are met shall be submitted to the Code Enforcement Officer.

VI. COMMUNICATIONS

The board reviewed the letter from SAD 57 regarding the 2,000 acre parcel in North

Waterboro and noted it for the record.

The board reviewed the announcement of a GIS users group workshop this Thursday, Jan. 16. Sue stated she would like to go. Dwayne Woodsome made the motion that the planning board pays the fee for anyone on the board who attends this workshop. Tim Neill seconds. Motion carries with a unanimous vote in favor.

VIII. NEW BUSINESS

1. Request to change the planning board meeting nights. Dwayne Woodsome made the motion to amend the planning board by-laws to change the meeting nights to the first and third Wednesday of each month. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

2. Dwayne requested that the board consider requiring all day cares to register with the town. We could grandfather the ones that already exist. We could run an ad in the Smart Shopper giving them a certain time in which to register and there could be no fees until maybe April. This request is tabled until a workshop night to discuss further.

3. There was a request from a Limington applicant who is submitting a subdivision plan with crosses the town line by 20-30 feet and wanted to know what kind of input the Waterboro board wanted to have. Sue states that the state law mandates that we participate in joint approval of a subdivision that crosses town lines so Waterboro wants to be notified of the meetings and will have to sign approval on the final plan.

4. Dwayne Woodsome made the motion to approve the road review committee to use planning board consulting funds for advice in revising the road design standards on the planning board's behalf up to \$500. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

5. Sue Dunlap reports that from her work with the comprehensive plan committee she has learned that the state is mandating that towns define areas in town for growth, transitional areas, critical areas and rural areas. They are working on making these areas mesh with existing zoning. They have to designate where they want housing, businesses or undeveloped land. Sue shows the existing working map with proposed areas colored in. Sue invited the board to attend the comprehensive plan meeting tomorrow night at 6:30.

Dwayne Woodsome made the motion to continue this meeting on January 20 at 7 - 8:30 p.m. and to include a workshop. Roland Denby seconds. Motion carries with a 5-1 vote in favor with Everett Whitten abstaining, as he will be out of town on that night.

On January 20, 2003 the meeting was opened at 9:00 p.m. after a workshop on proposed zoning amendments. The meeting closed with no action at 9:00 p.m. There was discussion regarding the proposed zoning amendments and it was decided to discuss questions with Patti at the next meeting. There was no one to run the camera in attendance at this meeting.

Planning Board Meeting Minutes 01/23/03

To: WaterboroME_PlanMin

Abstract: Planning Board Meeting Minutes January 23, 2003

I. ROLL CALL

Chairman, Susan Dunlap calls the meeting to order at 7:35 noting attendance of Dwayne Woodsome, Tim Neill, Teresa Lowell and Roland Denby. Kurt Clason and Everett Whitten are both absent.

II. APPOINTMENTS

7:30 p.m. Jennifer Nevells with a conditional use application for an in home daycare on map 3 lot 48-2 on West Road. Jennifer states that their house is 90' off the road on a 3.2 acre lot. Sue asks how many children she plans on caring for? Jennifer states 12 not including her 2 and that this is before and after school age children only. The board reviews section 3.06.02 and Section 4. Tim Neill asks if they are aware of the requirements of a fence? Dwayne Woodsome asks where will the outside play area. Mr. Nevells states that the children will have an area out in back of the house as a play area. Jennifer asks if only the outside play area is required to be fenced in? Dwayne answers yes. Tim Neill adds that the minimum height for the fence is 4 feet. Dwayne asks if there is enough plumbing facilities? Jennifer states that the state fire Marshall did an inspection and determined the facilities were acceptable. Dwayne Woodsome made the motion to approve the daycare facility to Jennifer and Anthony Nevells with the condition that a fence in the back yard in the kids play area to supply a copy of the fire Marshall's inspection and the water test to the code enforcement office. Tim Neill seconded the motion. There is discussion regarding the length of time to construct the fence. Dwayne amended his motion to state the fence must be constructed of a minimum of 4 feet in height and prior to June 1, 2003. Tim Neill seconded the amended motion. Motion carries with a unanimous vote in favor. Jennifer asked about what kind of sign she could have. Dwayne informed her that any sign under 20 square feet did not need a building permit.

8:00 p.m. Ron Woodward from Gallo Construction with a site plan application and conditional use permit for York County Community Action Head Start Program on map 3 a portion of lot 58. Ron states that this is a very professional organization and they take their program very seriously and feels this will be an asset to the community of Waterboro.

Dwayne Woodsome asked how far up Middle Road is this site? Ron states it is just past the dirt extension of Ossipee Hill Road where it comes out onto Middle Road.

Ron explains that the drive entrance is in a circular pattern for the kids to be dropped off one way and cars to travel one way for greater site distance. The intent of this project was to pick a rural spot to be safer not on a densely traveled highway with high-speed traffic.

The intent is to house 20 children of pre-school age with three staff people to include one

cook and two daycare staff.

Tim Neill asks if this is just daytime use, no overnight use? Ron replies that the hours of operation are expected to be 8 a.m. to 1 p.m. and no use past that time.

Ron explains the drainage plan stating it is designed so there will be no run off onto Middle Road or abutting land. The center of the cul-de-sac is 2' lower so that water will retain there until it drains and all the stormwater drainage is directed to the lower corner of the property. There will be no change from the current drainage on that property. Roland Denby asks if there will be standing water in the area in the middle of the circle? Ron states that there will not.

Teresa Lowell asks how this got to the planning board because schools are not an allowed use in the Forest and Agriculture zone? Ron states that a school according to legal terms is Kindergarten through twelfth grades. This is a head start program for preschool age children. Ron shows the board the license for the Biddeford Head start program from the state of Maine. That state licenses them as a childcare center. The maximum number of children will be 24 in this facility.

Roland Denby asks who will maintain snow removal. Ron replies that York County Community Action will maintain the property. The town will not assume any responsibility for maintenance.

Tim Neill asks if there are any houses near this proposed building? Ron states that the closest house is 600 feet away on the opposite side of the road.

Teresa Lowell asks if there will be a fenced in area around the outside play area? Ron states the play area will be fenced. Ron points to the map to show the dotted line indicates a fence.

Sue Dunlap asks about note 4 referencing this being a portion of a larger parcel. Ron states that this lot was bought independently from a larger parcel to indicate to the code enforcement officer that this was a lot split.

Teresa Lowell asks about parking. Section 5 of the zoning ordinance is reviewed. The requirement is 1 space for every 20 kids and 1 space for every three employees. This site would require 3 parking spaces.

Ron Woodward states that the intention of York County Community Action in selecting this site was for a childcare facility to better serve kids.

Sue asks if they did any nitrate studies? Ron states that because of the low flow design of the septic system he did not feel this was required by the ordinance. Ron states that the septic design has been completed and shows Sue a copy of it. The code enforcement office will have three copies to permit when they get ready for the building permit process.

Dwayne Woodsome states that they are pretty close to the center of the lot with the septic system.

Sue asks what is the flow on the design? Ron states that the septic system is designed for 260 gallons per day of flow. The ordinance requires nitrate studies for designs that would exceed 800 gallons per day.

Dwayne Woodsome asks if there is verification that the code enforcement officer has reviewed these plans? Patti replies, yes the Code Officer did review and determine the plans to be complete and in compliance and there is written verification of that.

The site plan checklist is reviewed at this time.

The intention for signage on the site is to have a sign on the front of the building.

The outdoor lighting will consist of only one light at the gable end of the building. The hours of operation are 8-1 and is never an intention for nighttime use so no need for more lighting.

There is minimal landscaping. All disturbed areas will be loamed and seeded.

There will be underground electrical service to the building.

A hydro-geological study is not required, as the septic design does not exceed 800 gallons per day.

The code enforcement officer noted on the checklist that this day care facility meets the definitions and requirements set forth in the zoning ordinance.

There is a dry hydrant at the Kruegar property where the pond is. There is some discussion about fire protection. Patti informs the board that because this is a commercial use the applicant is required to obtain a construction permit from the State of Maine which will include a barrier free permit to insure that the site follows ADA requirements. This will also include a State Fire Marshall inspection and documentation is forwarded from the State to this office.

Ron states that there will be nothing done on this property to jeopardize the soils or create run off onto other properties.

They intend to drill an artesian well for well water. A water test will have to be approved by the state.

Tim Neill asks if the remaining area of the lot will remain undisturbed? Ron replies yes

Sue asks about the style of the building and adds that design standards are not part of our zoning ordinance currently but the board has worked to encourage a common style of building to the area and encourages a country look. Such as Gorham Savings Bank and Saco Valley Credit Union. Dunkin Donuts has designed a colonial style structure as a part of their application. Ron states that this building is designed as a ranch style home with a gable extension on the front with vinyl siding and asphalt roof. This will be a typical structure.

Teresa Lowell states that the building plans do not show any access to the outside play area. Ron states that the building plans are preliminary to show the board the design for the building, and will make sure that the door that is intended to the outside play area is depicted on the plan. Sue states that they should amend the legend to show the dotted line to indicate the fenced in area.

Dwayne Woodsome thinks that this plan should go to peer review. Dwayne made the motion to send this plan to peer review and to the road review committee for comments and schedule a public hearing. Dwayne is asked why the road review committee? Dwayne

replies that they might like to ask for a road maintenance easement on that section of Middle Road.

Sue asks what is the setback of the paved parking area from the property line? Section 5.01 requires all parking areas to be setback a minimum of 25 feet from the front property line and maintain a 10 foot greenbelt on the side and rear property lines.

Ron states that the plans will be amended to show the parking area to meet those requirements.

Dwayne Woodsome added to his motion to require the fire chief's recommendations.

Ron states that he has already spoken with the fire chief and was told the plans are on file at the town hall for him to review.

Dwayne added to his motion to send the plans to Sebago Technics for peer review and to schedule the public hearing for February 19, at 7:30 p.m., with a snow date of February 20. . Tim Neill seconded Dwayne's motion. Motion carried with a unanimous vote in favor.

III. MINUTES OF PREVIOUS MEETINGS

Dwayne Woodsome made the motion to approve the minutes of the December 11, 2001 meeting. Teresa Lowell seconds. Motion carries with a unanimous vote in favor.

IV. REPORT OF OFFICERS

At this time a ten minute break is taken.

V. OLD BUSINESS

Sue gave a synopsis of the workshop held last week and these will be incorporated into the minutes of the January 8 meeting. Patti asked about adding a requirement that road signs be replaced by the private road owners if they get stolen. Currently the town is funding to replace all these signs.

Daycares and group homes are discussed. The board wonders if group homes should be included in the daycare requirements so that abutters can be informed when a group home is proposed. Patti states that often group homes are for people with disabilities and the board has to be careful because ADA regulations are federal regulations. Patti adds that she has done some research and received attorney opinion regarding a current group home and will provide that at the next meeting.

Dwayne made the motion to send articles 7 & 8 to the attorney and add to the list for public hearing. Teresa Lowell seconds. Motion carries with a unanimous vote in favor.

ARTICLE: Shall the townspeople vote to amend Article 9 Section 9.05 paragraph 1?

To Read: Nonconforming single lots of record on the date of enactment of this ordinance may be utilized as provided in Section 2.08. Two or more contiguous lots of record in common ownership at the time or since adoption or amendment of this ordinance, shall be combined and treated as a single lot or parcel of land. If the dimensional or area requirements of the district in which the combined parcel is situated are not met development shall be in conformance with the provisions of this ordinance.

Now Reads: Nonconforming single lots of record on the date of enactment of this ordinance may be utilized as provided in Section 2.08. Two or more contiguous lots of record in common ownership on the date of enactment of this ordinance, shall be combined and treated as a single lot or parcel of land. If the dimensional or area requirements of the district in which the combined parcel is situated are not met development shall be in conformance with the provisions of this ordinance.

ARTICLE : Shall the townspeople vote to amend Article 3 Section 3.03 to add a paragraph:

Lots divided by district boundaries: When a lot is divided by a land use district boundary, other than the boundary to an overlay zone, the following rules shall apply:

A. On lots two acres or less in area, the lot shall be used as if the entire lot were in the district, which comprises the larger portion.

B. On lots larger than two acres, the district regulations shall be followed in each portion.

After discussing with Patti the benefits of electrical inspections, Dwayne made the motion to add article 6 to that. Roland Denby seconds. Motion carries with a unanimous vote in favor. Patti explained the CEO is already performing these inspections of electrical and not getting the funding for that service. It is not to be restrictive that the CEO wants to see this permit required. It is a safety issue that this office often finds mistakes or issues with electrical that could be a life safety hazard and when brought up to the contractor they are grateful for that finding. Often this office is requested by the contractor to check the electrical. We just are not getting the fees from the permit to pay for this service.

ARTICLE : Shall the townspeople vote to amend Article 2 Section 2.03 and Article 12 Section 12.01 to add paragraph to require electrical permits.

Section 2.03 To Read: An electrical permit, designed to insure compliance with state law must be obtained from the Code Enforcement Officer as a requirement of the building permit application.

Section 12.01 to add: Electrical permit fee \$25

Tim Neill made the motion to include article 12 as follows to the list. Roland Denby seconds. Motion carries with a unanimous vote in favor.

ARTICLE : Shall the townspeople vote to amend Article 3 Section 3.06.01 and section 14.02 to add Contractor Business as a permitted use in the V, AR and GP zoning districts.

Add definition to Section 14.02

Contractor Business: A business engaged in the provision of services off the premises, but which has an office and equipment / materials stored on the premises.

The board discussed the noise ordinance proposal. Dwayne suggested checking with Dave Chauvette to see if York County even has the equipment to test noise levels.

Dwayne made the motion to include the noise ordinance in the public hearing and asked Patti to get information from Buxton and Hollis on their ordinances. Tim Neill seconds. Motion carries with a unanimous vote in favor. Dwayne adds that this does not mean that the board endorses this ordinance but will let the people at the public hearing determine

whether they want it or not. There was discussion about where in the ordinance would we add a noise ordinance. Patti suggested Section 7. Performance Standards.

Dwayne Woodsome made a motion to set a workshop for Wednesday January 29, 2003 at 7 p.m. Patti will post the meeting tonight before she leaves and the posting will be within the legal time frame. The discussion at the workshop will be cluster developments, site plan standards for design. Tim Neill seconds. Motion carries with a unanimous vote in favor.

VI. COMMUNICATIONS

1. Reviewed the letter from Susan Dunlap to Dana Morton regarding the site location for the proposed Middle School.

2. Dwayne discussed the memo from the selectmen stating that if the board wanted copies of invoices of attorney bills their secretary could make them and that other expenses can be tracked through the purchase order policy.

3. Dwayne reports that he requested for a third time a meeting with the selectmen. Sue states she has requested a meeting with the selectmen too and has never been put on the agenda either. Tim Neill asks if the board should check with MMA regarding the budgetary questions the board has. Dwayne states that he, as treasurer has always been able to show accountability for the planning board's accounts. The rolled over consultant money still does not show in our budget.

Patti informs the board that requests for peer review are sent directly to the planning board office first. Sue states her main concern is the legal bills. She would like accountability for what is being charged to the planning board.

Dwayne states that he has discussed with the finance committee that this board should be funded from fees. That the contractors should be paying for our time, not the townspeople. This board should be self-sufficient. Dwayne states that when we do get a meeting with the selectmen he would like to see all members of the planning board attend that meeting.

Sue states that she has been requesting that the secretary receive a performance evaluation and that still has not happened.

They need information in order to defend their budget requests at town meeting.

3. There is a request for a meeting from the finance committee for February 19 at 7 p.m. The board will meet with the finance committee prior to their scheduled public hearing.

4. Dwayne made the motion to hold a public hearing on the proposed changes to zoning ordinances on February 19 immediately after the first public hearing for York County Community Action Head Start, with a snow date of Feb. 20. Tim Neill seconds. Motion carries with a unanimous vote in favor.

VII. MISCELLANEOUS

VIII. NEW BUSINESS

IX. ADJOURNMENT

Dwayne Woodsome made the motion to adjourn at 9:30 p.m. Roland Denby seconds.

Motion carries with a unanimous vote in favor.

Planning Board Meeting Minutes 02/05/03

To: WaterboroME_PlanMin

Abstract: Planning Board Meeting Minutes
February 5, 2003

I. ROLL CALL

Vice Chairman, Tim Neill called the meeting to order at 7:30 p.m. noting attendance of Dwayne Woodsome, Teresa Lowell, Kurt Clason, Everett Whitten, Roland Denby and Susan Dunlap entered at 7:35.

II. APPOINTMENTS

7:30 p.m. Mitchell Rasor with revised sketch plan for Ossipee Landing on map 17 lot 4T. This is the 2,000 acre parcel owned by Carthage Lumber off New Dam Road.

Mitchell states that the survey is now complete and will be submitted with the preliminary plan. This is the revised sketch plan more in keeping with the board's recommendations from the last meeting. There is an internal road where Old Portland Road used to cross over New Dam Road and they have just continued the old road. There will be a common green developed as a ball field for public use. There is also 650' of frontage on Little Ossipee River. This is a cluster design development with reduced lot sizes and frontages around the green with larger open space to the back of the property. There is one lot for sale currently, which will be an out sale on the final plan. There is one lot proposed for a church. One front lot is designed for professional office buildings. There is only one curb cut on New Dam Road and there is a visual buffer so there will be zero visual impact from New Dam Road. The engineering firm of Sevee and Maher is performing the groundwater study. If possible Mitch intends to lend assistance to help with the water issues in Lake Arrowhead if there is enough available water supply. Mitch is reviewing with SAPPJ paper to propose the 800-1,000 acres of open land to be put in tree management program and donated to the town for continued maintenance and income. They hope to provide the total 2,000 acre concept plan soon. They are performing an impact study to show the 20 years impact of the development on the town. Mitch presents the board with a draft called "We have a choice." Released from the state planning office regarding growth management requirements. Mitch is still maintaining the Chadbourne Ridge website which has links included for Planning assistance.

Tim Neill asks how many lots are there and do they need to be numbered as lots. This is discussed that every lot has to be numbered and it is a state requirement that any subdivisions with 15 lots or over requires DEP site plan review. It is explained to Mitch that any land donated to the town will have to be accepted by the townspeople at a town meeting. Mitch states that they plan to apply to DEP with their master concept plan.

Mitch explains that he can present to DEP a master concept plan and they can give master concept plan permit. This can be done in phases.

Roland Denby asks if they have applied to Saco River Corridor Commission. Mitch states

he has not because at this point they aren't building anything. This will be an issue for future lot owners.

Sue asks if they have given any thought to a protection strip along the shoreline of the river between lots. Mitch states that he is proposing a trail easement so the shoreline will always be public access to the river. There is already a very nice trail there and he would like to keep that. Sue states she has a concern about people owning land along the river. The town consistently has problems with people violating the shoreland zoning ordinance. Mitch states there will be strict deed restrictions that will clearly spell out the restrictions on the shoreline.

Kurt Clason thinks that the lots along the shoreland are spaghetti lots. Lots in the shoreland zone cannot have a 5-1 shoreland frontage ratio. This is prohibited by state law. It is also pointed out that some of the lots are within the flood zone.

Sue states that the plan will have to provide a note stating that any structure built within the 100 year flood plane must be built at least 1 foot above the base flood elevation.

Mitch asks if the hydro study can wait until further sections of the plan for the whole parcel because the ground is frozen. Lots can't be sold until test pits are done. Dwayne Woodsome states that there has to be test pits. Mitch states he may request a waiver of the hydro study since there are no signs of a nitrate plume. Sue states that the board historically does not waive hydro studies for anything over three lots and sometimes depending on the area they don't waive that requirement even on three lot subdivisions.

Mitch states that he is going to be unrolling the big picture concept plan soon. Should he come to the planning board or the selectmen? Sue asks Eric Herrle who is present at the meeting. Eric was asked his opinion. Dwayne Woodsome suggested a joint informational meeting on an off night from the regular planning board meeting. Eric was agreeable to that.

8:15 p.m. Travis and Karen Tremblay on map 17 lot 9C for a setback reduction on a undersized lot of record in Wilderness Acres Subdivision approved in 1974. This lot is non-conforming in the F & A zone bordering the Little Ossipee River off Route 117. Because of the 100 foot shoreline setback and the 100 foot frontyard setback it is impossible to build on this lot. They are asking for a frontyard setback reduction so they can maintain the shoreland setback. It was asked why they couldn't go further into the lot than they were proposing. Travis stated because of the flood zone this spot is about the only spot on the lot to put the house.

Sue asks if there is a driveway plowed so the board could look at the lot. The road is plowed but the driveway is not.

Dwayne Woodsome made the motion to approve the conditional use / setback reduction to build a house on map 17 lot 9C to the Tremblay's with a front setback of 55 feet and all sideline setbacks are to be met and a 200 foot shoreland setback. Everett Whitten seconds. Roland Denby states that they have to remember that the setbacks are measured from the drip edge of the house not the foundation. They better have a surveyor make sure the setbacks are met. Sue states that the sketch plan needs to be revised to have accurate setback dimensions. Dwayne added that to his motion and Everett added that to his

second. Motion carries with a unanimous vote in favor.

III. MINUTES OF PREVIOUS MEETINGS

Dwayne Woodsome made the motion to approve the minutes of January 8 as written. Teresa Lowell seconds. Motion carries with a unanimous vote in favor.

Dwayne Woodsome made the motion to approve the minutes of January 13 as written. Tim Neill seconds. Motion carries with a 4-2 vote in favor with Everett and Kurt abstaining, as they were absent.

IV. REPORT OF OFFICERS

Dwayne Woodsome reports that the planning board has a meeting scheduled with the selectmen next Tuesday night at 8 for issues related to the budget.

Teresa Lowell reminded the board that there is a workshop scheduled for shoreland zoning in the 13th.

The LAC Village corporation meeting is on the 15th.

The Finance committee has invited the planning board to meet with them on the 19th at 7 p.m. and the planning board has a public hearing scheduled for the 19th at 7:30.

V. OLD BUSINESS

Sue reviews the items of discussion from the workshop on January 29. Dwayne Woodsome made the motion to send the recommendations from the workshop to add to the approved amendments for public hearing and to the attorney for review.

The recommendations for cluster development were reviewed. Dwayne made the motion to send these proposed changes to the attorney and add to the public hearing list. Roland states that the idea of clustering is to squeeze down the lot size area and leave the rest of the land in open space. If we take all these exceptions to the land allowed to go towards the open space, what is the incentive to cluster? Roland states we ought to leave the incentive to go to cluster development. Patti suggested that the board consider the thought that our growth ordinance discourages subdivision review of more than 3 lots so we are actually encouraging what we were trying to avoid. (sprawl) The board doesn't require internal roads for 3 lot subdivisions so we will have driveway entrances along existing roads.

There is discussion about talking to the Parks and Rec. department about the proposed ballfield in the Carthage sketch plan. There is discussion regarding the fact that there is no proposed parking around that proposed ball field. Sue mentions that the approval of that subdivision plan is not contingent upon the parks and rec. approval. The selectmen have to make a decision within 31 days of receiving the request whether they will forward a request to accept town land to town meeting for approval.

Teresa asked about the proposed article about access to new houses and that the road review committee hasn't gotten back to us yet. Sue asks if we want to set a public hearing now? Dwayne Woodsome made the motion to schedule a public hearing on January 24 at 7:30 p.m. to review the proposed articles for town meeting. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

Dwayne Woodsome rescinded his motion to send the cluster development standards to public hearing. Dwayne Woodsome made the motion to redraft the cluster development standards as discussed and send to public hearing. Kurt Clason seconds. Motion carries with a unanimous vote in favor.

VI. COMMUNICATIONS

VII. MISCELLANEOUS

VIII. NEW BUSINESS

IX. ADJOURNMENT

Dwayne Woodsome made the motion to adjourn at 10 p.m. Everett Whitten seconds. Motion carried with a unanimous vote in favor.

Planning Board Meeting Minutes 02/19/03

To: WaterboroME_PlanMin

Abstract: Planning Board Meeting Minutes

February 19, 2003

The Planning Board met with the Finance Committee to review the budget at 7 p.m. In attendance at this meeting was Sue, Tim, Dwayne, Teresa, Kurt, Roland and Everett. Dwayne states that the planning board has about \$50,000 in its budget including \$14,000 in designated funds. The operating expenses for the board were reviewed with the finance committee. The budget for a full time planner was reviewed. The planning board has discussed this after the budget proposal was written and they would like to see a part time planner / CEO be hired. The board isn't sure what the selectmen are going to do with hiring a code enforcement officer but they would like assistance with the planning end but don't think the work warrants a full time planner. Dwayne states he thinks there is enough money in the current budget to support a part time planner until town meeting.

Paul Verrell asks the board, "isn't the CEO busy enough?" It was explained that this request for a part time planner / CEO would be additional to the current CEO position, not in place of. Sue states that they wouldn't have to call the position town planner, we could call it planning administrator or assistant. Paul asks if the town planner would be writing grants. Sue states that yes if grants are available such as there is information that grant money could be possible for GIS mapping programs. The board has consultant money left in their budget which could be used to pay for the GIS programming which we are estimating to be about \$5-7,000. There will be a meeting with the selectmen at some point in the near future to discuss purchasing this program. Sue Dunlap states that purchasing this mapping program will save the board money in consultant fees.

Dave Fedrizzi asks does it make sense to the board to go with a CEO/ Planner or a full time planner? The planning board agreed that it makes more sense to go with a CEO/ planner.

At this time the board left to attend the public hearing scheduled in the other meeting room.

Public Hearing

I ROLL CALL

Sue Dunlap called the public hearing to order at 7:30 p.m. for review of the York County Community Action Head Start Program. Michael Gallo from Gallo Construction and Tom Nelson the executive director for York County Community Action head start are present to review the project and answer questions.

Mike Gallo gave a description of the project first. This is a proposed wood framed building approximately 700' up Middle Road from Ossipee Hill Road on map 3 a portion of lot 58. It is a five acre parcel. The soil has been tested and the site has been fully engineered. The site drainage has been planned, the parking is adequate and they feel they

have addressed every requirement necessary for approval. The building will be on a concrete slab on a frost wall. It will have radiant heat. The expected life span of the building is 75-80 years and is designed to be maintenance free.

Sue states that based on the plan presented tonight that the planning board's requests have been addressed.

Tom Nelson reviews the operations side of Head Start. This program is proposed to serve 16-18 children ages 4-5 and will provide two daily meals. The daily program will begin at 8:30 a.m. and will consist of free play, breakfast and teeth brushing, group time, activity, outdoor play, story time, lunch and teeth brushing and then the kids will leave about 12:45 p.m. The program runs from September through May. There will be no evening or off season use of this building.

David Benton, Road Commissioner asks when do they want to start building because he has a project to finish on Middle Road and he would rather not do it before they bring in cement trucks on his fresh pavement. The town has completed the ditching and tree removal and has to pave before June first.

Mike Gallo states that they will begin to build immediately upon approval. They intend to get their building permit and start construction and by June 1 they should be done. The paving won't be done until after that though. Mike suggests that maybe they could coordinate the paving to be done at the same time and by the same company. Mike states that they have measured the site distance of the entrance and it meets the requirements of the town. Dave states that he thinks some tree work need to be done to make the entrance safer. Dave states that to the right of the entrance there is a ledge knoll that if he could take out he could take the corner out and make that section of Middle Road safer. Mike Gallo states that although he has not purchased the property yet, there is a purchase and sales agreement that gives him the property rights to make the decision to allow Dave Benton to remove the ledge. Mike states that he would be very happy to allow David to do that and to give the town an easement. Dave states that this will increase the site distance at the entrance and that the town only wants permission to take the land out not to take the land. Mike states he has no problem putting that in writing.

Mike discusses the fact that this property is part of a 60-78 acre parcel and because of state zoning changes a 40 acre parcel is no longer exempt from subdivision.

At this time, Sue opened the floor for public input.

David Garnett resident of Middle Road states that he has a petition signed by 35 residents of Middle Road who do not want this project to be approved. It is in the AR zone and is not a commercial property.

Sue states that there is no such thing as commercial land. The AR zone does allow certain businesses. To clarify this is not an issue of this use being a violation. Mr. Garnett states that he has already hired an attorney to sue the town if this project is approved. They don't want the extra traffic and they want to maintain Middle Road as a residential road. They are going to fight this and that will include going to court.

Sue read from section 3.06 the primary uses in the AR zone without planning board approval. Zoning is voted on at town meeting. Sue states that this land is actually in the F

& A zone and read the primary and conditional uses from section 3.09.

Tim Neill states that the board cannot legally deny something that is allowed by zoning. The board does not have that option. Sue adds that the board can't deny the application and the planning board has to do what the law provides for or the applicant can sue the town.

Dave Garnett states that what the board is saying is that 100 residents opinions don't matter and the board doesn't care. Sue states that the residents can get a petition and draft a zoning change.

Nancy Peterson states that she is concerned about traffic and property values. Doesn't something have to be done about traffic? Middle Road is in a constant state of repair.

Teresa Lowell asks what is the level of road? Dave Benton states that it is not a collector road. It is a local road.

Mike Gallo states that the kids will be dropped off in private vehicles. The worst case scenario there will be 32 cars per day. Mike adds that half the people will be coming from the other direction.

Chris Ellerson states that at one time there was a pre-school on Middle Road and even though his kids went there he was happy when it left. He adds that his father started a head start school in New Hampshire and that Middle Road is a back road and this is a poor choice. No one wants it on Middle Road. What is there for security? He wouldn't want his kids going there.

Teresa Lowell states that it is interesting that Mr. Ellerson refers to Head Start as a school. There is discussion regarding the use of the application. Is it a school or a daycare. Tom Nelson presents the license issued by the state of Maine to the board for their review. YCCA Head start program is licensed as a daycare by the state of Maine.

Tom Nelson states that the reason the building is being located here is that the number of kids needing to be served. Waterboro is the highest growth area and this lot is centrally located and will fit a playground. It is not so far out. Around the corner is the Middle School. The price of the property was right for YCCA.

Sue read the letter from the town attorney that states the code enforcement officer interprets the application and determines whether the use is an allowed use in the zone. The state licenses YCCA head start as a daycare. It is not the planning board's call to make a zoning interpretation.

Russell Lowell states that he lives on Middle Road. Head start is a fantastic program and he is glad to see it coming to Waterboro. His concern is that the lot is in the F & A zone and that head start is being called a daycare. According to the head start national website this is not a childcare facility.

Tom Nelson states that he would like to site some differences between schools and daycares. The people head start hires do not have to have the same credentials as schools. The state of Maine has licensed them as a daycare for 38 years and regulates them as such. The rules they have to follow are regulated by the department of human services.

Russell Lowell states that in terms of licensing under DHS do they turn into a school if

legislation passes that wants to move head start from DHS regulation to the Dept. of education. What are the ramifications of that proposed legislation?

Tom states that this is a block grant from the state proposed for 2005 and he doubts it will pass.

Sue states the board cannot hold up an application process for proposed legislation.

Teresa Lowell asks what would happen if the board approved this project and the legislation did pass in 2004? Sue states then the daycare would be grandfathered as all other zoning changes that change existing uses.

Sue adds that the board has no jurisdiction to decide whether this is a daycare or a school. This was the CEO's call to make.

Chris Ellerson asks the board if the petition means nothing? He asks what kind of taxes does this business pay and is the town going to give them a tax break or is this a tax free thing? Sue answers that this has nothing to do with the planning board and he will have to ask Jerry Daigle the town's assessor.

Mike Gallo states that he would like to re-cap two major issues. He will not address the personal feelings of people on the street or whether this is a daycare or not. The traffic study done for the entrance took into consideration turning left and right from the entrance. This can be done quickly because there is room within the site for stacking of cars. The straightness of the entrance allows people to see before they go onto Middle Road.

Mr. Garnett asks who is going to pay for the road improvements of taking out the ledge and widening that corner? Sue states that town meeting has approved the repair of that section of Middle Road at last April town meeting. Sue added that now with Mr. Gallo's permission the town could take the ledge out and make that corner even safer. Without that, the town wouldn't be able to do that.

Mike Gallo states that the balance of this land on Middle Road is going to be developed as housing units. He understands where the residents are coming from but they can't stop growth.

Tim Neill asks the residents who live across the street to speak as they live as close as anyone else to this project.

Bob McKay states that he lives on 30 Middle Road, he is the first house. He doesn't know how a traffic study was done on this street but where traffic comes around this corner at incredible speeds. He would not want his kid coming out onto that road and he doesn't want to see 32 more cars traveling that road.

Sue states this isn't just a Middle Road problem. She lives on Deering Ridge Road and it is too dangerous for a bus to stop at her house. The speed and corners make it very dangerous. Middle Road has the least amount of issues compared to other roads.

Bob McKay asks if they will be putting up caution signs and posted speed limits.

Sue asks Dave Benton if this will be done. Dave says yes it will. Sue adds that enforcement is the issue not restricting people from building according to zoning.

Bob McKay thinks it's a shame this is going in a residential zone.

Tim Neill states that this project will have to maintain a greenbelt, as the ordinance requires. The rest of the site will remain intact. The pavement will be at least 25 feet from the front lot line.

Mike Gallo thinks it would help if these people looked at the plans. This is going to be built to look like a house with gables at the end. Yes they are going to add some traffic but this is such a minimal use. As far as the taxes go, the town will be getting a lot more tax dollars from this use than if it were a house.

Sue adds that there will be 16 cars maximum in the a.m. and in the afternoon. With one small subdivision of 8 houses there will be more traffic than that. There is 40 acres of land here and if this proposal were for houses would they be as opposed? This is less invasive to the property than a subdivision.

Sue states that unless someone has something new to say the board will have to move on.

Teresa Lowell states she wants to address the issue of whether this is a daycare or a private school. She thinks it is a private school. Sue points to the letter from Ken Cole stating that it is not the planning board's jurisdiction to determine what the use is and talking about it tonight is not going to get the board anywhere. Sue suggests anyone who questions it goes to the CEO to challenge this.

Sue closes the public hearing at 8:30 p.m.

The public hearing to review proposed zoning is opened at 8:30 p.m.

Sue reviews proposed amendments as follows:

ARTICLE : Shall the townspeople vote to amend Article 3 Section 3.01 and 3.02

To read:

Section 3.01 General - For the purpose of this ordinance the Town of Waterboro is divided into the following seven (7) districts; a Village district (V); a Village/Residential district (VR); an Agriculture - Residential district (AR); a Forest and Agriculture district (FA); a Conservation district (C); and a General Purpose district (GP). In addition to these districts, the Town of Waterboro has two (2) overlay districts; the Shoreland Overlay Districts divided into four (4) subdistricts; Resource protection, Limited Residential, Limited Commercial and Stream Protection as described in section 7.01; and the Well-head protection districts divided into three (3) subdistricts; District #1, District #2 and District #3 described in section 7.06. (Amended 6-3-95, 3-11-00, 6-24-00, 4-27-02

Now reads:

Section 3.01 - For the purpose of this ordinance the Town of Waterboro is divided into the following six (6) districts; a Village district (V); a Village/Residential district (VR); an Agriculture - Residential district (AR); a Forest and Agriculture district (FA); a Conservation district (C); and a General Purpose district (GP). In addition to these districts, the Town of Waterboro has two (2) overlay districts; the Shoreland Overlay Districts divided into four (4) subdistricts; Resource protection, Limited Residential, Limited Commercial and Stream Protection as described in section 7.01; and the Well-

head protection districts divided into three (3) subdistricts; District #1, District #2 and District #3 described in section 7.06. (Amended 6-3-95, 3-11-00, 6-24-00, 4-27-02

To read: Section 3.02 - Zoning map - The boundaries of these seven (7) zones are established by the enactment of this Ordinance and are as shown on the Official Zoning Map of the Town of Waterboro, dated February 7, 1977; the Town of Waterboro Wellhead Protection Zone Map; and on the 1970 Town Maps. The Official Zoning Maps are integral parts of this certified copy of the zoning ordinance (maps and text) shall be available to the public at all times in the Town Clerk's office. The February 7, 1977, and as further amended from time to time, zoning map was drafted so that the zoning district boundaries followed property lines as depicted on the 1970 maps. It should be interpreted accordingly. (amended 3-11-89 & 3-11-00)

Now reads:

Section 3.02 - The boundaries of these six (6) zones are established by the enactment of this Ordinance and are as shown on the Official Zoning Map of the Town of Waterboro, dated February 7, 1977; the Town of Waterboro Wellhead Protection Zone Map; and on the 1970 Town Maps. The Official Zoning Maps are integral parts of this certified copy of the zoning ordinance (maps and text) shall be available to the public at all times in the Town Clerk's office. The February 7, 1977, and as further amended from time to time, zoning map was drafted so that the zoning district boundaries followed property lines as depicted on the 1970 maps. It should be interpreted accordingly. (amended 3-11-89 & 3-11-00)

ARTICLE : Shall the townspeople vote to amend Article 3 Section 3.03 and Section 3.10 and paragraph one of Section 2.06 of the Waterboro Zoning Ordinance to read

To Add: General Purpose: Minimum Road & Shoreland Frontage 150'

Now Reads: General Purpose: Minimum Road & Shoreland Frontage was not specified.

Section 3.10 paragraph 2 to read:

Section 3.10 - General Purpose Zone (GP) - The minimum lot size in the General Purpose District (GP) is 40,000 sq. ft. depending on the lot being serviced by the public water system. If the lot is not serviced by public water the minimum lot size is 80,000 sq. ft. Any lots under 80,000 sq. ft. will be required to be serviced by public water supply. The minimum lot width and frontage requirements of 150' will be required No principle 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 principle 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

Now reads:

The minimum lot size in the General Purpose District (GP) is 40,000 sq. ft. depending on the lot being on the 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 principle 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 principle 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 fall within the General Purpose (GP) District will retain their original zoning requirements.

To Read:

Section 2.06 Site Restrictions - All lots shall abut upon an existing or proposed road which meets all municipal and other applicable government regulations and standards or, if landlocked, shall have a legally recorded access right-of-way, of no less than fifty (50) feet in width, to a public or private road. All lots, with the exception of landlocked lots, shall have a minimum road and/or water frontage of one hundred (100) feet in the Village zone, one hundred (100) feet in the Village/Residential zone except on cul-de-sacs where fifty (50) feet will be required, one hundred fifty (150) feet in the Residential, the Agriculture/Residential and the General Purpose zones and two hundred (200) feet in the Forest/Agriculture and Conservation zones. Situations involving or utilizing cul-de-sacs, curvilinear streets, cluster design or planned unit design permitted by the Subdivision Regulations or by this ordinance (see Section 8.02 and 8.03) when the Planning Board determines that these frontage requirements are not practical it may approve frontage reductions of up to fifty (50) percent. (Amended 3/11/89 & 3/11/00)

Now Reads:

Section 2.06 Site Restrictions - All lots shall abut upon an existing or proposed road which meets all municipal and other applicable government regulations and standards or, if landlocked, shall have a legally recorded access right-of-way, of no less than fifty (50) feet in width, to a public or private road. All lots, with the exception of landlocked lots, shall have a minimum road and/or water frontage of one hundred (100) feet in the Village zone, one hundred (100) feet in the Village/Residential zone except on cul-de-sacs where fifty (50) feet will be required, one hundred fifty (150) feet in the Residential, the Agriculture/Residential zones and two hundred (200) feet in the Forest/Agriculture and Conservation zones. Situations involving or utilizing cul-de-sacs, curvilinear streets, cluster design or planned unit design permitted by the Subdivision Regulations or by this ordinance (see Section 8.02 and 8.03) when the Planning Board determines that these frontage requirements are not practical it may approve frontage reductions of up to fifty (50) percent. (Amended 3/11/89 & 3/11/00)

ARTICLE : Shall the townspeople vote to amend Article 2 Section 2.10 paragraph 1

To read: Site Plan Review and approval by the Planning Board shall be required before issuance of a building permit or certificate of occupancy for any commercial building or structure, or the expansion of any commercial use or structure 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.

Now reads: 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 by the Town of Waterboro Site Plan Review Ordinance adopted June 28, 1988.

ARTICLE : Shall the townspeople vote to amend Article 4 Section 4.01 paragraph 3

To Read: If the Planning Board feels it is necessary to either gather information, resolve conflicting information, or to inform the public, it may hold a hearing, pursuant to the provisions of Section 13.07, before deciding an application to commence a conditional use. The Applicant is required to notify abutters of the property of the conditional use that applied for within 10 days prior to the scheduled Planning Board meeting. This notice shall inform the abutters of the application for conditional use, the date and time of the meeting and that the abutters must submit their concerns in writing to the planning board prior to the meeting date.

Now Reads:

If the Planning Board feels it is necessary to either gather information, resolve conflicting information, or to inform the public, it may hold a hearing, pursuant to the provisions of Section 13.07, before deciding an application to commence a conditional use.

ARTICLE : Shall the townspeople vote to amend Article 12 Section 12.01 to add the following:

Code Enforcement Re-Inspection fee \$25.00

Renewal permit fee \$50 (see Section 2.03)

Building Permit Fee shall not be less than \$50.00 in any case except there shall be no fee if estimated cost does not exceed \$1,000 (see Section 2.03)- otherwise \$4.00 per One Thousand dollars of estimated cost. (Amended 3/12/88, 4/27/02)

Site Plan Review \$400.00

Now Reads:

Building Permit Fee shall not be less than \$25.00 in any case except there shall be no fee if estimated cost does not exceed \$1,000 (see Section 2.03)- otherwise \$4.00 per One Thousand dollars of estimated cost. (Amended 3/12/88, 4/27/02)

Site Plan Review \$200.00

ARTICLE : Shall the townspeople vote to amend Article 2 Section 2.03 and Article 12 Section 12.01 to add paragraph to require electrical permits.

Section 2.03 To Read: An electrical permit, designed to insure compliance with state law must be obtained from the Code Enforcement Officer as a requirement of the building permit application.

Section 12.01 to add: Electrical permit fee \$25

ARTICLE : Shall the townspeople vote to amend Article 9 Section 9.05 paragraph 1

To Read: Nonconforming single lots of record on the date of enactment of this ordinance may be utilized as provided in Section 2.08. Two or more contiguous lots of record in common ownership at the time or since adoption or amendment of this ordinance, shall be combined and treated as a single lot or parcel of land. If the dimensional or area requirements of the district in which the combined parcel is situated are not met development shall be in conformance with the provisions of this ordinance.

Now Reads: Nonconforming single lots of record on the date of enactment of this ordinance may be utilized as provided in Section 2.08. Two or more contiguous lots of record in common ownership on the date of enactment of this ordinance, shall be combined and treated as a single lot or parcel of land. If the dimensional or area requirements of the district in which the combined parcel is situated are not met development shall be in conformance with the provisions of this ordinance.

ARTICLE : Shall the townspeople vote to amend Article 3 Section 3.03 to add a paragraph:

Lots divided by district boundaries: When a lot is divided by a land use district boundary, other than the boundary to an overlay zone, the following rules shall apply:

A. On lots two acres or less in area, the lot shall be used as if the entire lot were in the district which comprises the larger portion.

B. On lots larger than two acres, the district regulations shall be followed in each portion.

ARTICLE : Shall the townspeople vote to amend Article 2 Section 2.06 paragraph 1 sentence 1;

To Read: No building permit shall be issued to erect any structure on a lot without frontage on a public way unless an access road meeting the following criteria has been constructed within a deeded right of way, a minimum of fifty feet in width. The access road shall be constructed to a minimum width of twelve feet in width if serving one dwelling unit, and fifteen feet if serving two dwelling units. The access road shall contain a minimum depth of fifteen inches of bank run gravel and have drainage ditches and culverts at all appropriate points as determined by the Waterboro Road Commissioner. Such an access road shall serve no more than two dwelling units. Any access road serving between three and eight dwelling units shall meet the road design and construction standards for a low volume road but need not be paved. Any access road serving more than eight dwelling units shall meet the road design and construction standards of the Town of Waterboro for local roads. All privately owned roads will remain private until such time as all the requirements of the Town of Waterboro Street Design Ordinance are met and the road has been approved and accepted by the voters at an annual town meeting. (still waiting for wording from road review committee but this is the intent). For fire protection purposes all access roads must be maintained and plowed the required width of the road.

B. No building permit shall be issued to erect a structure which is located more than 100 feet from a public or private road unless an access road meeting the condition standards of section A. above has been constructed.

Now Reads: All lots shall abut upon an existing or proposed road which meets all municipal and other applicable governmental regulations and standards or, if landlocked, shall have a legally recorded access right of way of no less than fifty (50) feet in width, to a public or private road.

ARTICLE : Shall the townspeople vote to amend Article 3 Section 3.06.01 and section 14.02 to add Contractor Business as a permitted use in the V, AR and GP zoning districts.

Add definition to Section 14.02

Contractor Business: A business engaged in the provision of services off the premises, but which has an office and equipment / materials stored on the premises.

ARTICLE : Shall the townspeople vote to amend Article 14 section 14.02 to change the reference to parking spaces to correspond with Article 5's definition of parking:

To Read: Parking area: An unobstructed area consisting of one or more 200 sq. ft. parking spaces no part of which is located in or on any public or private right of way and the principle use of which is the temporary storing and maneuvering of vehicles.

Now Reads: Parking area: An unobstructed area consisting of one or more 222 sq. ft. parking spaces no part of which is located in or on any public or private right of way and the principle use of which is the temporary storing and maneuvering of vehicles.

ARTICLE :

To Read: Shall the townspeople vote to amend Article 7 Section 7.02 A to correspond with allowed uses in Sections 3.04 and 3.05.

To Read: Authority and Purpose (1) Notwithstanding other provisions of this Ordinance, the Planning Board in reviewing and approving proposed mobile home park developments in the Residential Zone, shall apply the provisions of this section, as well as the requirements of the Waterboro Land Subdivision Regulations and Waterboro Mobile Home Park & Trailer Park Ordinance. Where the provisions of this section conflict with specific provisions of the Town of Waterboro Land Subdivision Regulations and/or the Town of Waterboro Mobile Home Park & Trailer Park Ordinance, the provisions of this section shall prevail.

Now Reads: Shall the townspeople vote to amend Article 7 Section 7.02 A. Authority and Purpose (1) Notwithstanding other provisions of this Ordinance, the Planning Board in reviewing and approving proposed mobile home park developments in the Village and Residential Zones, shall apply the provisions of this section, as well as the requirements of the Waterboro Land Subdivision Regulations and Waterboro Mobile Home Park & Trailer Park Ordinance. Where the provisions of this section conflict with specific provisions of the Town of Waterboro Land Subdivision Regulations and/or the Town of Waterboro Mobile Home Park & Trailer Park Ordinance, the provisions of this section shall prevail.

ARTICLE : Shall the townspeople vote to amend Article 2 Section 2.03 to add this paragraph just prior to paragraph three.

Prior to the issuance of any occupancy permit for any structure with a potable water

supply system, a water quality analysis demonstrating that the State of Maine Safe Drinking Water Guidelines are met shall be submitted to the Code Enforcement Officer.

ARTICLE: Shall the townspeople vote to Amend Section 14 of the Waterboro Zoning Ordinance to add amend the definition of Substantial work.

To Read: Substantial work: (actual construction) a term evidencing the point at which a nonconforming use status arises and/or that degree of reliance upon a building permit or variance sufficient to prevent its expiration for non-use. The point at which the planning and site preparation phase of a project gives way to actual construction aimed at bringing the contemplated structure or use into being. Documentation of an approved inspection of a completed foundation is sufficient to meet the requirements of substantial work.

Now Reads: Substantial work: (actual construction) a term evidencing the point at which a nonconforming use status arises and/or that degree of reliance upon a building permit or variance sufficient to prevent its expiration for non-use. The point at which the planning and site preparation phase of a project gives way to actual construction aimed at bringing the contemplated structure or use into being.

ARTICLE: Shall the Town of Waterboro vote to amend the Waterboro Subdivision Regulations, General Requirements as follows:

To add to Section 7.2 the following two paragraphs:

9. The subdivider shall receive written approval from the E911 coordinator of any proposed road names prior and show the road names on the final plan. The applicant shall mark on the plan, lines or dots in the center of the streets at every fifty (50) foot interval so as to aid in the assignment of numbers to structures subsequently constructed and all other requirements set forth in conformance with the E911 ordinance adopted June 3, 1995.

10. Wherever any residence or other structure is developed, it shall be the duty of the lot owner to procure the assigned number from the E911 coordinator. This shall be done at time of issuance of the building permit.

Section 8.7

To Read: 8.7 Fire protection: The Board shall require one of the following forms of fire protection for all developments and the applicant shall provide written verification from the fire chief that their proposal meets his approval.

for every five houses or units the devlepor shall provide one of the following means of fire protection:

Sprinkler system installed in the house;

provide a 10,000 gallon cistern;

hook up to town water system and provide a hydrant every 8-10,000 feet;

construct a fire pond that will sustain a minimum of 20,000 gallons of water and a hydrant that meets the standards of the Waterboro Fire Department;

There shall be a written maintenance plan on the final plan for the annual maintenance and upkeep of any and all fire protection devices or ponds.

Now Reads: 8.7 Dry Hydrants

8.7.1 The Board may require that the developer provide, under the direction of the Fire Chief, a dry hydrant for fire protection.

Shall the townspeople vote to amend the Town of Waterboro Site Plan Review Ordinance as follows:

Add section III. Design Standards and change current section III. Administration to section IV, change current section IV. Definitions to Section V;

Architectural Design:

a. The purpose of these guidelines is to provide design standards with which to assist the development or renovations of commercial properties to compliment the overall rural atmosphere of the Town of Waterboro. The guidelines are directed towards, but are not limited to, assisting corporate franchises and commercial development in the design of structures which reflect the small town atmosphere of Waterboro. Consideration must be given to scale and pedestrian orientation for the design of, or renovation of a commercial structure so as to make it fit in and compliment the surrounding neighborhood. Consideration must be made to encourage the ability of pedestrians to gain access where none is currently provided between commercial buildings to include but not limited to sidewalks.

b. The objective of these regulations is not intended to restrict imagination, innovation or variety in the new construction or renovation of commercial buildings and related property, but rather to encourage continued economic development, conserve property values and further enhance the visual appearance of the community with these standards in mind:

Design Standards

Monotony of design or warehouse style structures shall be avoided. Variation in detail, form and siting shall be used to provide visual appeal. In order to prevent the construction of warehouse style buildings - buildings with long horizontal rooflines - all new buildings and additions shall have pitched roofs of 3:12 or greater or gabled roofs, where practical. In cases where pitched roofs are not practical, the use of false building fronts shall be used to imitate pitched roofs to vary the horizontal lines along portions of the façade to crate the appearance of multiple attached buildings. All sides of a structure should receive deign consideration. In commercial structures with over 100 feet parallel to the road front, building elevations facing the road shall be designed to give the appearance of multiple attached buildings. Wherever possible, all roof top mechanical units shall be located so as not to be visible from the street level or from public areas from ground level.

The exterior surfaces of all buildings shall be covered with wood or vinyl clapboard, wood or vinyl shingles or brick. Pitched roofs shall be constructed with shingles, metal roofing (with consideration made to a snow fall area) or other materials traditionally used in this region.

Windows shall comprise no less than 10 % and nor more than 40% of the exterior wall surface of the portions of the building facing the road front. Windows may be used for either interior illumination or for display purposes.

Landscape:

Boundaries with existing residential properties must be planted with vegetative screening which will create an effective visual barrier from the ground level to a height of ten feet. If the existing vegetative cover meets the intent of this standard the existing cover may be maintained.

Design of Drive thru facilities: Any use that provides drive-through service must be located and designed to minimize the impact on neighboring properties and traffic circulation. No drive through facility shall be located in the area of the site adjacent to a residential use or residential zone. Communications systems must not be audible on adjacent properties to residential uses. Vehicular access to the drive-through shall be a separate land that prevents vehicle queuing within normal parking areas. Adequate queuing space must be provided to prevent any vehicles from having to wait on a public street, within the entry from the street, or within designated parking areas. The drive through must not interfere with any sidewalk or bicycle path.

Amend Section II 12. to read:

The proposed water supply will meet the demands of the proposed use or for fire protection purposes. If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

Amend Section III. Administration by adding the following sections:

Recording of the Approved plan: One copy of the approved site plan must be recorded in the York County Registry of Deeds within thirty (30) days of approval and a certified copy with the book and page number provided to the Code Enforcement Officer. Failure to record the plan within thirty (30) days shall void the approval. The Planning Board may extend this period for cause.

Improvement Guarantees:

(1) Improvement Guarantee - The Planning Board may require the posting of an improvement guarantee in such amount and form as specified in subsection 2 below as reasonably necessary to ensure the proper installation of all off-site improvements required as conditions of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.

(2) Upon substantial completion of all required improvements, the developer must notify the Planning Board of the completion or substantial completion of improvements, and must send a copy of such notice to the appropriate municipal officials. The respective municipal officials shall inspect all improvements and shall file a report indicating either approval, partial approval, or rejection of such improvements with a statement of reasons

for any rejection.

(3) The Planning Board shall either approve, partially approve or reject the improvements on the basis of the report of the municipal officials.

(4) If the improvements are approved, the guarantee shall be released. Where partial approval is granted, the developer shall be released from liability only for that portion of the improvements approved.

2. Form of Guarantee - Performance guarantees may be provided by a variety of means including, but not limited to, the following which must be approved as to form and enforceability by the Town Manager, Town Planner, Board of Selectmen or Town Attorney.

(1) Security Bond. The applicant may obtain a security bond from a surety bonding company authorized to do business in Maine.

(2) Letter of Credit. The applicant may provide an irrevocable letter of credit from a bank or other reputable lending institution.

(3) Escrow Account. The applicant may deposit cash, or other instruments readily convertible into cash at face value, either with the municipality, or in escrow with a bank. Any such account must require Town approval for withdrawal and must stipulate that the Town can withdraw the money upon forty-eight (48) advance notice to the applicant to complete the guarantee improvements.

Minor changes to approved plans: Minor changes in approval plans necessary to address field conditions may be approved by the Planner or Code Enforcement Officer provided that any such change does not affect compliance with the standards or alter the essential nature of the proposal. Any such changes must be endorsed in writing on the approved plan by the Planner or Code Enforcement Officer.

Approval Block: Space must be provided on the plan drawing for the signatures of the Planning Board and date together with the following words, "Approved: Town of Waterboro Planning Board."

Amendments to Approved plans: Approvals of site plans are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents, except minor changes that do not affect approval standards, is subject to review and approval. (A note on the plan submitted for final approval with this statement shall be required.)

Amend section III. G. To read: Appeals involving an action of the Planning Board under this ordinance shall be to the Zoning Board of Appeals. Any such appeal must be filed within thirty (30) days of the date upon which the Planning Board voted to take action on the application. Any aggrieved party may appeal the action of the Planning Board.

Add a section as follows:

Administration and Enforcement

This ordinance shall be administered and enforced by the Code Enforcement Officer (CEO) appointed by the Municipal Officers.

It shall be the duty of the CEO or his/her agent to enforce the provisions of this ordinance. If the CEO or his/her agent shall find that any provision of this ordinance is being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. The CEO shall order the discontinuance of illegal use of buildings, structures, additions, or work being done, or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

The CEO is hereby authorized to institute or cause to be instituted, in the name of the municipality, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this ordinance; provided, however, that this section shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions of this ordinance.

Any person, firm, or corporation being the owner of or having control or use of any building or premises who violated any of the provisions of this ordinance, shall be fined in accordance with Title 30A, §4452 and Section 12 of the Waterboro Zoning Ordinance. Each day such a violation to exist after notification shall constitute a separate offense. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

To amend Section III. I. To read: Each applicant shall pay a filing fee in the amount of \$400.00 at the time the application is submitted, and consultant fees as required by Article III, Section B.

There is discussion about cluster developments and road issues that have not been decided on yet. It is decided to come in to the meeting on Monday prepared to present revisions.

Chris Ellerson asks about the 10 year plan and the growth management ordinance. Sue states that the growth ordinance was developed according to state law. 70 houses is the minimum the town could limit to. This was based on the average of the last ten years of permits. Sue adds that the comprehensive plan is working on preserving areas of town to limit growth more. They are looking at designating growth areas where there can be differential growth permits.

The public hearing closed at 9:20 p.m.

The regular meeting opened at 9:25 p.m. with Gerald Gannett asking to address the board. He states that talking about the growth ordinance and a cap of 70 permits per years with 20 in Lake Arrowhead. He adds that the limit of 3 permits per year for other subdivisions

with a requirement to build internal roads is impossible to do. What is going to happen is there is going to be a flood of 3 lot subdivisions and the board or the town will have no control. This has created a problem. We are not directing growth and are creating sprawl not avoiding it.

Sue asks Gerald if he would support differential growth areas. Gerald says yes he would.

Sue states this is not the final answer. The comprehensive plan committee is trying to find a balance between economic growth vs. residential growth.

II. APPOINTMENTS

YCCA Head Start facility for final approval on Map 3 lot 58. The peer review was performed by Sebago Technics for the town and the letter from them was reviewed. Sue states that it appears that the technical questions the board had have been addressed. Kurt Clason points out that the well is not located on the plan. Mike Gallo states that they have not determined where the well is going to be yet. Dwayne states that Mike Gallo owns all the way around this project. The wellhead protection zone for a public well is 300 feet. Mike asks if they would like a well envelope on the plan? Mike adds that they have to meet the state standards for drinking water and DHS will test for lead and arsenic. He states the board could approve with the condition that the CEO approves of the well site before getting a building permit.

Sue reviews the checklist items. A hydro study is not required because the septic is designed for less than 800 gallons per day.

Mike states that he is planning to have the septic 300 feet from the well in case YCCA wants to expand the use in the future. Sue states that the application is for 16-18 kids and to add more kids would be a different intensity of review and would have to come back before the board for a change of the plan. Mike states he understands that and he is giving YCCA a better product for future use with that understanding.

The location of the nearest hydrant is the Kruegar fire pond. The state fire marshall will inspect the building. The fire chief has given his verbal ok of the building.

Tim Neill made the motion to approve the site plan application of YCCA head start contingent upon the well being placed on the plan and the well to be no closer than 300 feet to the septic system and be within the sideline setback of the property.

Sue states that she would like some mention of the agreement between the developer and the road commissioner in the motion. Mike states that this plan meets the requirements for site plan the way it exists and that he doesn't want to hold up the building permit for this verbal agreement. Sue states that this verbal agreement makes the plan better for traffic purposes and she would like it documented that it will happen.

Tim Neill adds to his motion that the agreement between the developer and the road commissioner that the outcropping of ledge will be removed to improve site distance on Middle Road and a quitclaim deed from the developer to the town for said piece of land will be passed. Dwayne Woodsome seconds the motion.

Kurt Clason asks about the calculations on the drainage plan that was addressed by Sebago Technics. Mike points to the change on the plans and shows that the calculations

were addressed.

Teresa Lowell believes that this is a private school. She states that on September 30, 2003 the website states that half the teachers have a degree in early childhood development. Teresa reads from information she has gathered from the internet regarding head start programs and states that the programs hires teachers, holds parent-teacher conferences, discusses classroom size, curriculum, etc.

Sue states that she saw a poster in a local store and the only hint of education on the poster was a statement that they prepare a child for school.

Teresa Lowell states that her information is off the national website and that the state has a cooperative agreement with the federal government for funding.

Tom Nelson states that they operate under Maine State Law, which licenses them as a daycare. They fall under those guidelines as any other daycare would.

Sue states that the head start employees could not get a job as a teacher.

Teresa Lowell asks what if the president's proposal passes? Tim Neill states that this is no different from when Ken Cole stated that developers who knew that a growth cap was coming and who built anyway were in violation.

Tom Nelson stated that the governor was over at head start in Biddeford. The president's proposal is for the year 2005 to make head start come under the jurisdiction of the department of education.

Teresa asks what is the impact of that if that happens? Sue answers that the use would be grandfathered just like any other zoning change.

Dwayne Woodsome moved the question.

David Benton asks if he can comment regarding daycare. He says people don't have to be certified teachers to be a substitute teacher in our school system.

Sue calls for a vote where Dwayne has moved the question. Motion carries with a vote of 5-1-0 in favor with Teresa Lowell voting in opposition.

Dwayne Woodsome made the motion that the plan be amended to show the location of the well and be brought back Monday for signing. Everett Whitten seconds. Motion carries with a vote of 5-0-1 with Teresa Lowell abstaining

ADJOURNMENT

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

Planning Board Meeting Minutes 02/24/03

To: WaterboroME_PlanMin

Abstract: February 24, 2003

I. ROLL CALL

Sue Dunlap calls the meeting to order a 7:35 p.m. noting attendance of Tim Neill, Dwayne Woodsome, Roland Denby, Teresa Lowell, Everett Whitten and Kurt Clason.

II. APPOINTMENTS

Ron Woodward is present with his revised plan for YCCA head start showing the location of the well with a wellhead protection zone being 300 feet from the septic system. The plans are signed by the board.

III. MINUTES OF PREVIOUS MEETINGS

IV. REPORT OF OFFICERS

Roland Denby presented an amendment for the town report stating that thanks should be given to the secretary.

V. OLD BUSINESS

David Benton entered the meeting and verified the road reviews agreement with the proposed article to require road standards for access to new houses with the exception of changing the limit to nine houses to coincide with the street design ordinance.

Roland states the standards for a cul-de-sac should be in the road standards not the subdivision standards.

There is discussion about amending the distance to increase it to more than 100 feet for requiring a certain standard of access. Dwayne Woodsome made the motion to approve the road standards with a distance of 250 feet. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

Dwayne Woodsome made the motion to approve as written for article numbered 17. Roland Denby seconds. Motion carries with a unanimous vote in favor.

ARTICLE : Shall the townspeople vote to amend Article 2 Section 2.06 paragraph 1 sentence 1;

To Read: A. No building permit shall be issued to erect any structure on a lot without frontage on an existing public or private way unless an access road meeting the following criteria has been constructed within a deeded right of way, a minimum of fifty feet in width. The access road shall be constructed to a minimum width of twelve feet in width if serving one dwelling unit, and fifteen feet if serving two dwelling units. The access road shall contain a minimum depth of fifteen inches of bank run gravel and have drainage ditches and culverts at all appropriate points as determined by the Waterboro Road Commissioner. Such an access road shall serve no more than two dwelling units. Any access road serving between three and nine dwelling units shall meet the road design and construction standards of the Town of Waterboro Street Design Ordinance for a low

volume road but need not be paved. Any access road serving more than nine dwelling units shall meet the road design and construction standards of the Town of Waterboro Street Design Ordinance. All privately owned roads will remain private until such time as all the requirements of the Town of Waterboro Street Design Ordinance are met and the road has been approved and accepted by the voters at an annual town meeting. Where additional dwelling units will be built on an existing private way, resulting in three or more dwelling units being served by the existing private way, such private way must be upgraded to the requirements established by this section for access roads serving three or more dwelling units. For fire protection purposes all access roads must be maintained and plowed the required width of the road.

B. No building permit shall be issued to erect a structure which is located more than 250 feet from a public or private road unless an access road meeting the condition standards of section A. above has been constructed.

Now Reads: All lots shall abut upon an existing or proposed road which meets all municipal and other applicable governmental regulations and standards or, if landlocked, shall have a legally recorded access right of way of no less than fifty (50) feet in width, to a public or private road.

Dwayne Woodsome made the motion to approve article 18 and send to town attorney. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

ARTICLE : Shall the townspeople vote to amend the Town of Waterboro Site Plan Review Ordinance as follows:

Add section III. Design Standards and change current section III. Administration to section IV. change current section IV. Definitions to Section V;

To read: Architectural Design:

A. The purpose of these guidelines is to provide design standards with which to assist the development or renovations of commercial properties to compliment the overall rural atmosphere of the Town of Waterboro. The guidelines are directed towards, but are not limited to, assisting corporate franchises and commercial development in the design of structures that reflect the small town atmosphere of Waterboro. Consideration must be given to scale and pedestrian orientation for the design of, or renovation of a commercial structure so as to make it fit in and compliment the surrounding neighborhood.

Consideration must be made to encourage the ability of pedestrians to gain access where none is currently provided between commercial buildings to include but not limited to sidewalks.

b. The objective of these regulations is not intended to restrict imagination, innovation or variety in the new construction or renovation of commercial buildings and related property, but rather to encourage continued economic development, conserve property values and further enhance the visual appearance of the community with these standards in mind:

Design Standards

Monotony of design or warehouse style structures shall be avoided. Variation in

detail, form and siting shall be used to provide visual appeal. In order to prevent the construction of warehouse style buildings - buildings with long horizontal rooflines - all new buildings and additions shall have pitched roofs of 3:12 or greater or gabled roofs, where practical. In cases where pitched roofs are not practical, the use of false building fronts shall be used to imitate pitched roofs to vary the horizontal lines along portions of the façade to create the appearance of multiple attached buildings. All sides of a structure should receive design consideration. In commercial structures with over 100 feet parallel to the road front, building elevations facing the road shall be designed to give the appearance of multiple attached buildings. Wherever possible, all roof top mechanical units shall be located so as not to be visible from the street level or from public areas from ground level.

The exterior surfaces of all buildings shall be covered with wood or vinyl clapboard, wood or vinyl shingles or brick. Pitched roofs shall be constructed with shingles, metal roofing (with consideration made to a snow fall area) or other materials traditionally used in this region.

Windows shall comprise no less than 10 % nor more than 40% of the exterior wall surface of the portions of the building facing the road front. Windows may be used for either interior illumination or for display purposes.

Landscape:

Boundaries with existing residential properties must be planted with vegetative screening, which will create an effective visual barrier from the ground level to a height of ten feet. If the existing vegetative cover meets the intent of this standard the existing cover may be maintained.

Design of Drive thru facilities: Any use that provides drive-through service must be located and designed to minimize the impact on neighboring properties and traffic circulation. No drive through facility shall be located in the area of the site adjacent to a residential use or residential zone. Communications systems must not be audible on adjacent properties to residential uses. Vehicular access to the drive-through shall be a separate lane that prevents vehicle queuing within normal parking areas. Adequate queuing space must be provided to prevent any vehicles from having to wait on a public street, within the entry from the street, or within designated parking areas. The drive through must not interfere with any sidewalk or bicycle path.

Amend Section II 12. To read: The proposed water supply will meet the demands of the proposed use or for fire protection purposes. If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

Now Reads: The proposed water supply will meet the demands of the proposed use or for fire protection purposes.

Amend Section III. Administration by adding the following sections:

Recording of the Approved plan: One copy of the approved site plan must be recorded in the York County Registry of Deeds within thirty (30) days of approval and a certified copy with the book and page number provided to the Code Enforcement Officer. Failure to record the plan within thirty (30) days shall void the approval. The Planning Board may extend this period for cause, provided that the request for extension is made in writing prior to the end of the thirty (30) day period.

Improvement Guarantees:

(1) Improvement Guarantee - The Planning Board shall require the posting of an improvement guarantee in such amount and form as specified in subsection 2 below as reasonably necessary to ensure the proper installation of all off-site improvements required as conditions of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.

(2) Upon substantial completion of all required improvements, the developer must notify the Planning Board of the completion or substantial completion of improvements, and must send a copy of such notice to the appropriate municipal officials. The respective municipal officials shall inspect all improvements and shall file a report indicating approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.

(3) The Planning Board shall either approve, partially approve or reject the improvements on the basis of the report of the municipal officials.

(4) If the improvements are approved, the guarantee shall be released. Where partial approval is granted, the developer shall be released from liability only for that portion of the improvements approved.

2. Form of Guarantee - Performance guarantees may be provided by a variety of means including, but not limited to, the following which must be approved as to form and enforceability by the Town Manager, Town Planner, Board of Selectmen or Town Attorney.

(1) Security Bond. The applicant may obtain a security bond from a surety bonding company authorized to do business in Maine.

(2) Letter of Credit. The applicant may provide an irrevocable letter of credit from a bank or other reputable lending institution.

(3) Escrow Account. The applicant may deposit cash, or other instruments readily convertible into cash at face value, either with the municipality, or in escrow with a bank. Any such account must require Town approval for withdrawal and must stipulate that the Town can withdraw the money upon forty-eight (48) hours advance notice to the applicant to complete the guarantee improvements.

Minor changes to approved plans: Minor changes in approval plans necessary to address field conditions may be approved by the Planner or Code Enforcement Officer provided that any such change does not affect compliance with the standards or alter the essential nature of the proposal. Any such changes must be endorsed in writing on the approved

plan by the Planner or Code Enforcement Officer.

Approval Block: Space must be provided on the plan drawing for the signatures of the Planning Board and date together with the following words, "Approved: Town of Waterboro Planning Board."

Amendments to Approved plans: Approvals of site plans are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents, except minor changes that do not affect approval standards, is subject to review and approval by the Planning Board. A note on the plan submitted for final approval with this statement shall be required on all plans.

Amend section III. G. To read: Appeals involving an action of the Planning Board under this ordinance may be appealed to the Zoning Board of Appeals of the town of Waterboro by the applicant or an aggrieved party. Any such appeal must be filed within thirty (30) days of the date upon which the Planning Board voted to take action on the application.

Add a section as follows:

I. Administration and Enforcement

This ordinance shall be administered and enforced by the Code Enforcement Officer (CEO) appointed by the Municipal Officers.

It shall be the duty of the CEO or his/her agent to enforce the provisions of this ordinance. If the CEO or his/her agent shall find that any provision of this ordinance is being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. The CEO shall order the discontinuance of illegal use of buildings, structures, additions, or work being done, or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

The CEO is hereby authorized to institute or cause to be instituted, in the name of the municipality, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this ordinance; provided, however, that this section shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions of this ordinance.

Any person, firm, or corporation being the owner of or having control or use of any building or premises who violated any of the provisions of this ordinance, shall be fined in accordance with Title 30A, §4452 and Section 12 of the Waterboro Zoning Ordinance. Each day such a violation to exist after notification shall constitute a separate offense. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to

public health and safety or will result in substantial environmental damage.

To amend Section III. I. To read: Each applicant shall pay a filing fee in the amount of \$400.00 at the time the application is submitted, and consultant fees as required by Article III, Section B.

Now Reads: Each applicant shall pay a filing fee in the amount of \$200.00 at the time the application is submitted, and consultant fees as required by Article III, Section B.

Tim Neill made the motion to approve article 15 with the addition of replacing road signs being the responsibility of the owners of the road. Kurt Clason seconds. Motion carries with a unanimous vote in favor.

ARTICLE: Shall the townspeople vote to amend Section 7b. of the E911 Ordinance to add:

The developer shall be responsible to purchase and place all road signs upon approval of the road name by the board of selectmen. Replacement of private road signs shall be the responsibility of the developer or the home-owners association and/or residents of the road. The numbers shall be placed on each house and all road signs placed prior to any occupancy permits being issued in the development. Such road signs shall be of the same color and design as used throughout the Town of Waterboro and approved by the Road Commissioner prior to installation.

Cluster development standards are discussed. Dwayne made the motion to send article 25 as printed. Teresa Lowell seconds. Motion carries with a unanimous vote in favor.

ARTICLE : Shall the townspeople vote to amend Article 2 Section 2.03 to add the following statement at the very beginning and keep the rest of the existing wording

Section 2.03 To Read:

A building permit and all subsequent construction shall be in conformance with 1993 BOCA building code.

Dwayne made the motion to send everything from this meeting to town meeting. Tim Neill seconds. Motion carries with a unanimous vote in favor.

VI. COMMUNICATION

VII. MISCELLANEOUS

Dwayne made the motion to send a letter to the selectmen to see if they want the planning board to set up a meeting regarding computer updating and purchasing the arcview program or do the selectmen want to do it. Tim Neill seconds. Motion carries with a unanimous vote in favor.

VIII. NEW BUSINESS

Roland Denby made the motion to commend the secretary for her hard work and to add this to the town report. Dwayne Woodsome seconds. Motion carries with a unanimous vote in favor.

IX. ADJOURNMENT

Dwayne Woodsome made the motion to adjourn at 8:45 p.m. Teresa Lowell seconds. Motion carries with a unanimous vote in favor.

[Back to Months](#)Fourth Meeting:

Zoning Board of Appeals

Planning Board

Shoreland Zoning Workshop

February 13, 2003

Patti introduces Michael Morse the town's DEP representative to both boards at 7 p.m.

Attending from the Zoning Board of Appeals are Dave Kruegar, Beth Cyr and Jon Tufts. Absent is: Frank Faith, Shawn Shoemaker, Nathan Ford and Mark Cyr.

Attending from the Planning Board is: Susan Dunlap, Everett Whitten, Roland Denby, Dwayne Woodsome, Teresa Lowell, Tim Neill. Absent: Kurt Clason.

Patti McIntyre and Gerald Gannett, CEO are also in attendance.

Mike Morse gives a brief overview of the basics beginning with the history of shoreland zoning. In 1971 the state shoreland zoning ordinance was adopted. In 1974 all towns had to have adopted a shoreland zoning ordinance or go by the state shoreland zoning law. In 1989 the 30% rule was adopted that limited a house within 100 feet of a lake could only expand up to 30% of the existing square feet or volume of the structure.

Inland Fisheries and Wildlife publishes where rivers begin. Shoreland zoning covers the area within 250 feet of pond 10 acres or greater, freshwater or non-forested wetlands, rivers, lakes and streams or wetlands connected to a waterbody.

Forested wetlands can be regulated by a town if they are a size of 2 contiguous acres within 250 feet of the shoreland zone. This should be resource protection. Just the resource itself even if it weren't within 250 feet shoreland zone. Gerald asks Mike what constitutes contiguous standards. Mike replies wetlands that are contiguous are generally 100 feet long by 100 feet wide is the rule of thumb although it is not spelled out in state guidelines.

A town can chose to include the following areas in Resource protection, wildlife habitats, archeological sites or scenic vistas.

Roland Denby asks questions about forested wetlands. Mike states that to be considered a forested wetland an area has to meet all three following criteria. (Predominantly wetland vegetation, wetland soil types, hydrology -standing water) Roland asks what about vernal pools? Mike states that those are considered wetlands that DEP can't regulate unless they are part of a larger wetland or unless Inland Fisheries and Wildlife has mapped them as vernal pools.

Mike reports that the permit by rule standards have changed to include 75 feet from the high-water mark instead of 100 feet and cannot disturb soils within 25 feet of the resource.

Measuring slopes is discussed in measuring setbacks from the resource. Always measure

to the closest point of the structure and the high water mark. When there is a slope have to measure horizontally. Straight line up and straight line over, not measure with the land.

Non-conformance - existing structures too close to the shoreline. Expansion is limited to 30% with no expansion allowed towards the shoreline. Structures damaged or destroyed by 50 % can be applied to rebuild within one year. The board can allow the reconstruction with the structure being moved back to the greatest practical extent from the water. The 50% figure means 50% of the appraised value of the structure.

Things that the planning board should take into consideration when determining the greatest practical extent are as follows: Consider the condition of the foundation. If it is bad and there is room to move the structure back they should require it. If the foundation is good and the septic system is in the way or there is a garage in the way or the lot is too small it is appropriate to issue the permit to rebuild in the same footprint.

Dwayne asks what if they don't want to move it back 100 feet even if there is room. Mike states that if they can easily move it back 100 feet then the board should stick to the ordinance and require it be moved back. If they can substantiate not requiring a structure to be moved back DEP won't have a real problem with it. If the town has a lot of cases where they are not requiring it then DEP won't have as much sympathy with the town and this could result in legal issues.

Sue asks how the board should look at it when people use the argument that they can't move the structure back because they don't want to cut a certain tree. Is there more impact to cut the tree or move the camp? Mike states that assuming there is nothing else precluding them from moving the camp back the board should make them move the camp and cut the tree.

Dwayne states that sometimes a camp owner will have a planned replacement septic system if the current one fails in a place that would not allow the camp to be moved back. Mike states that the board should look at alternatives to a planned replacement system. New leachfields and tanks have to be 100 feet from the water and is regulated by the local plumbing inspectors and department of human services. Another thing the board needs to think about is that if a person has to cut a tree to move a camp back they should require the replanting of trees to replace that tree. Dwayne asked if the board should make them replant a tree where the camp is moved back in between the camp and the lake. Mike states that not many camps have trees between the camp and the water. Revegetation is required to keep the ground stable for reasons of erosion. If there were existing lawn he probably wouldn't require they plant trees in it. If it were treed he would require the replanting. It depends on the site.

Mike states that DEP appreciates when setbacks from the roadway can be reduced to make the setback from the water greater.

Jon Tufts asks about the 30% expansion ruling. Is it increase limited to square feet and volume? Mike states that the square feet of the structure depends on how many stories it is and whether they have a daylight cellar. Jon asks if they have a daylight cellar and full dormer on top and a 1-story camp, could they create a full second story? Mike states the second story would increase both square feet and volume and neither can exceed 30%.

Mike briefly discussed the alternative to the 30% expansion rule that DEP allows towns to adopt. A camp within 25 feet of the water could not expand at all. A camp within 75 feet could expand up to a maximum total floor area of 1,000 square feet, and one over 75 feet a maximum threshold of 1,500 square feet. There is another clause that gives a bonus provision for an additional 500 square feet on top of the allowed expansion if they are willing to plant a decent buffer where there is none. There are a handful of towns that have adopted this alternate way to regulate expansion within the shoreland zone. Poland is one. There are three towns in the southern region of the state that have adopted this alternative. None of those have used the bonus provision. Waterboro has not chosen to adopt this alternative. Mike states if you adopt the alternative you can't keep the 30% expansion rule. It is one way or the other not choosing between the two.

Mike adds that any part of the camp that is within 100 feet can be expanded beyond the 100 foot mark but never closer to the resource.

Patti asks if the zoning board of appeals can grant a variance to go closer to the lake? Mike states that in that case the applicant would have to prove hardship. Patti asks who has authority to reduce the shoreland setback? Mike states only the zoning board. The planning board has no legal authority to issue approvals outside of their guidelines.

The zoning board has to vote on whether the applicant meets the hardship criteria. Those are pretty hard to meet. There is a good reason for the board to grant approvals on existing non-conforming lots of record if the criteria is met. The hardest criteria to meet is reasonable return. This does not mean the highest value you could get for the property. The courts have ruled that any return is reasonable. Reasonable is any not the most return.

A local property is discussed. The Vitko lot that Mike visited with Patti a few weeks ago Mike states that that lot is a case where a variance should not have been issued. The slope is so great and the whole lot is only about 100 feet deep. There is no legal authority for the board to approve a variance if the applicant doesn't meet the standards. Patti asks if there are lots that are technically non-buildable such as ones like the Vitko lot where the slopes are too steep? Mike answers yes there are sites that should not be built on. Mike states that the whole lot was cleared to get the equipment in to dig the foundation. This is not acceptable. The lot should only be cleared within 5 feet around the house to allow equipment to do the work.

Teresa Lowell asks about what about a neighbor who says precedence was set because their neighbor got approval. Patti states that precedence can only be set by a court of law not by past actions of a town official or board.

Mike states that an applicant has to meet the hardship criteria to build on a lot within 100 feet of the water.

Roland asks about the seasonal conversion of a camp? Mike states that the first and foremost thing the board wants to look at is if the lot will support a replacement septic system.

Dwayne states that 5 feet around a foundation for removal of trees is hard to do a foundation within that small an area. This causes cut roots and in a windstorm could

cause trees to fall on the house. Dwayne thinks 10 feet is more reasonable. Mike states that is a town decision on what is reasonable. Dwayne asks if DEP prefers stumps to be pulled or ground down? Mike states that is it better to grind the stumps and leave the root system for erosion control until the loose ground is seeded.

Mike states that on the Vitko site that is right along side the road, there is equipment that could reach and have done that job from the front side of that lot and they should not have had to build an access road, which required the cutting of most of the trees on two lots.

Mike adds that Mr. Vitko applied for and received a full NRPA permit from DEP. The town has to separate itself from DEP decisions. The town does not have to base its decisions on DEP approvals or denials. If something doesn't meet town standards the town shouldn't issue a permit. In the DEP NRPA permit Vitko was required to maintain a 30-foot buffer along the shoreline. The town's shoreland zoning ordinance states that no cleared opening is cut of 250 square feet. The town could certainly make their approval with the condition that the applicant gets DEP approval but don't issue a permit just because DEP issued one.

Dwayne asks Mike about Cook's Brook taking on stormwater. There is a project where town water is proposed to be used so not taking any water out of the ground but the project will be putting water into the ground. Mike states that is not his area in DEP although he was in licensing prior to taking this position in Portland. Mike states that they look at the peak flow prior to development and post development and the quantity and quality of water leaving the site.

Gerald asks Mike to review the 30% expansion rule again when talking about basements. The ordinance gives a provision to put a foundation under a camp and it doesn't count towards expansion unless it is raised more than 3 feet. Where do you measure from to count the height being raised? Mike says to measure the height of the foundation on the uphill side of the structure. When measuring the height of the structure go from the lowest point of the exposed foundation.

Increasing a non-conforming structure is discussed. Mike states that generally speaking non-conformity cannot be increased. A boathouse is not a functionally water dependant use. A gazebo is not a functionally water dependent use. A boat ramp is and a dock is. A dock extends over the water a deck is on the ground and is not a dock. A dock gives access to the water, as does a boat ramp.

Mike reviewed a case where motor homes on wheels in some cases want to leave them there and build a deck off the side. This is clearly a structure and has to meet setbacks.

Mike is asked if when issuing a permit does an erosion control plan have to be done by an engineer. Mike answers no but it should meet the requirements.

A structure or impervious area cannot exceed 20% lot coverage. Measuring the shoreland frontage is reviewed. Measure in straight lines from post to post, not with the land if there are curves.

Non-conforming lots in the same ownership are required to be combined to make the lots conforming.

Discussed clearing for development. Mike states again that no new opening in the tree canopy can be made greater than 250 square feet. You can clear outside of the 100-foot buffer up to 10,000 square feet or 25% of the lot whichever is greater.

Gerald asks why is it allowed to prune the lower 1/3 of a tree but not ok to cut brush that is lower than 4 feet? Mike states that you should always look to maintain the existing ground cover of the existing pond. Groundcover less than 3 feet has to remain in place.

Mike is asked what is the requirement for replanting when a camp is moved back and a tree is cut. Mike states that sometimes a person applies to cut trees that are 60-foot pines and their branches could fall onto decks or roofs. A person is allowed to remove up to 40% beyond 100 feet of the water of the trees with certain conditions as outlined in the zoning ordinance, but if someone wants to cut more than that the tree would have to be dead or dying to give permission to cut it. A licensed arborist could tell the town if a tree were diseased or a hazard. DEP would not argue with that. Mike adds that it should not be just a blanket approval to remove, that there should also be a plan to replant and replace a native species tree in the same general area of the one cut.

Reviewed the four criteria for zoning board of appeals review.

1. The land in question cannot yield a reasonable return unless a variance is granted; and
2. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and
3. The granting of a variance will not alter the essential character of the locality; and
4. The hardship is not the result of action taken by the applicant or prior owner.

Patti asks if a realtor comes in and applies for a variance based on the sale depending on the building of a house, would that be considered a self-created hardship? Mike answers yes it would but if someone came to the board who owned the property the courts have ruled that a reasonable return is a garage or small house and must be limited to the minimum amount necessary to get a reasonable return. Mike reminds the boards that they should be specific in allowing a cleared opening and that any approvals within the shoreland zone have to be forwarded to DEP within 14 days. This gives the department enough time to request reconsideration. DEP cannot tell a board to overturn a decision and they can't require it. The can ask for a reconsideration if DEP feels a variance was issued in error. If the board decides not to overturn a decision DEP can threaten legal action and take the town to court. DEP doesn't do that often but if the town is blatantly disregarding the shoreland zoning ordinance it might take a town to court.

Mike adds that the boards should be specific about equipment used and the space needed to clear to get the work done, the deck should be to the side not to the front.

The town cannot allow a variance to the 30% expansion law. There is no variance to allow for more than 30% expansion.

Dwayne asks if a site plan comes before the board should the town notify DEP with concerns if we have them? Mike states sure but not to him specifically but the stormwater division.

The workshop adjourns at 9:30 p.m.

Respectfully submitted, Patti McIntyre Secretary

Planning Board Meeting Minutes 03/05/03

To: WaterboroME_PlanMin

Abstract: Planning Board meeting minutes

March 5, 2003

I ROLL CALL

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

II APPOINTMENTS

7:30 p.m. Ron Woodward representing GWG properties with a sketch plan for a 9 lot subdivision of 65.7 acres on Middle Road and Ossipee Hill Road. The lot is part of map 3 lot 58. The majority of this parcel was owned by Ralph Emerson with an outsale to YCCA. The remaining land of 10 acres will be deeded to GWG properties Inc. The estimated sale price of the land will be 30-40,000 and with a house range of 100-130,000 The topography of the land is quite sloped and quite rocky. An effort was made to divide the land in such a way for driveway entrances and viable location for houses on the lots. Most lots exceed the minimum of 5 acres. One lot is 5 acres and the rest are in excess of that and up to 12.7 acres.

Dana Libby who engineered the plan discussed the land to be conveyed to the abutter.

Mike Gallo purchased a piece of land in the 70's which abuts this lot. It has not appeared on the tax maps. The remaining land will be conveyed to him. This piece is owned from a different title.

Tim Neill asks about the status of that section of Ossipee Hill Road. Teresa Lowell states that she understands it is an unimproved section of a town road. The town maintains up to the Wentworth lot. Teresa asks how will that impact the project if there are no moneys approved to upgrade the road until 2005?

Sue Dunlap asks if they have considered an internal road system? She adds that the planning board has been going that route because of complaints about allowing too many driveways on existing roads. Ron Woodward states that he as a developer encourages the use of cluster developments. They are currently doing a subdivision in Alfred right now as a cluster. Whenever possible it is something they will do.

The best way to subdivide a property is not just how much money it will give you. You have to look at positive lots. This property does not lend itself to an internal road system.

Dana Libby states that there are a lot of hills and that the topography will not support an internal road.

Ron W. states that the lots are larger than what they had to be and the number of lots allowed on this property was reduced by at least one lot.

Sue asks if they have considered a willingness to pay for upgrading of Ossipee Hill Road.

Ron states they have not considered it.

Tim Neill states just to be clear that there is no access to the first three lots. Sue asks do we know that this section of Ossipee Hill Road is not abandoned. Ron W. states that he had an informal discussion with the road commissioner and he was under the impression that the town would be responsible to build this section of road up.

Dwayne Woodsome made the motion to send this application to the road review committee for recommendations. Tim Neill seconds.

Sue states that someone has to prove what the real status of this road is. If it is being maintained as a fire road it could be discontinued and the developer will have to upgrade it.

Roland asks where do you go to find out about this? Dana Libby states that generally you go to the towns for this. But that the state has records and the county has records.

Sue state that the town road book states that the length of Ossipee Hill Road is 3.8 miles. The state has the length as 4.5 miles.

The vote on the motion is unanimous in favor to send to the road review committee for recommendation and in the meantime the applicant will research the status of the road.

Dwayne Woodsome made the motion to accept the sketch plan as is and the developer to clear up the status of the road. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

III MINUTES OF PREVIOUS MEETINGS There are not minutes available to be approved.

IV. REPORT OF OFFICERS

The treasurer's report is reviewed. The current balance of the planning board budget is \$56,000 +. This includes the carry forward from last year of \$30,000+ and revenues.

The board is comfortable with these figures. There may be some minor adjustments to this account between line items.

V. OLD BUSINESS

There is a new proposed article to amend subdivision fees by increasing them. Dwayne Woodsome made the motion to send this article to the selectmen to request it being added to the warrant. Everett Whitten seconds. Motions carries with a unanimous vote in favor.

ARTICLE: Shall the townspeople vote to amend Article XIII Fees of the Town of Waterboro Subdivision Regulations as follows:

All persons developing or utilizing land, water, or structures in a manner which requires Planning Board review under these regulations shall pay fees for the review process to the Town of Waterboro according to the appropriate fee schedule. These fees shall be used to defray the costs of the Planning Board review process.

The fee schedule for all lots within a subdivision is as follows:

\$250 per lot within the subdivision with a minimum application fee of \$1,000

At final plan stage charge \$.75 per lineal foot of road and \$.50 per lineal foot of pipe

All fees received for subdivision review under these regulations shall be used by the Planning Board and Planning Department towards operational funds.

ARTICLE: Shall the townspeople vote to approve the formation of an Impact Fee Study Committee and fund the committee for \$4,000 to do the necessary studies to bring an article to the 2004 annual town meeting with a recommendation regarding impact fees.

VI. CORRESPONDENCE

Sue asks Patti to write a letter to the town of Limington as to what part of the town of Waterboro this subdivision application is for and give us notice of their meeting to review it.

Discussion about the arcview program. Dwayne Woodsome made the motion for Sue and Patti to set up a meeting with Wright Pierce to go over the Arcview program and to set up a meeting with the selectmen. Teresa Lowell seconds. Motion carries with a unanimous vote in favor.

Dwayne Woodsome made the motion for a letter to go to the selectmen to pull the article requiring electrical permits from the warrant. Teresa Lowell seconds. Motion carries with a unanimous vote in favor.

VII. MISCELLANEOUS VIII. NEW BUSINESS

Dwayne Woodsome made the motion to ask the selectmen to put an article to form an impact study committee and if they will the board will support it. Teresa Lowell seconds. Motion carries a unanimous vote in favor. IX. ADJOURNMENT

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

Planning Board Meeting Minutes 04/16/03

To: WaterboroME_PlanMin

Abstract: Planning Board meeting minutes

April 16, 2003

I. ROLL CALL

Chairman, Susan Dunlap called the meeting to order at 7:36 pm. Identifying the members present as Roland Denby, Teresa Lowell, Tim Neill, Everett Whitten, and Dwayne Woodsome. Kurt Clason arrived shortly after the meeting began.

II. APPOINTMENTS

7:30-- Patricia McHugh

Mrs. McHugh requested to speak to the Board regarding rules and regulations of establishing businesses in the AR zone, specifically Ossipee Hill Road. An upholstery business, machinist shop and a paving company are all located on Ossipee Hill Road. Tim Neill mentioned that the paving company just stores machines on site. The furniture shop is a home occupation. Other than a sign indicating the business locale, there is nothing stored outside. The machinist shop is also a home occupation, unless this business has more than 3 employees. Mrs. McHugh needs to identify these businesses in the AR portion of the zoning ordinance book. The Board members identified a number of details that are allowed in this zone. Sue mentioned that the AR and FA zones allow a great number of various activities. Mrs. McHugh said that she would not want some of these businesses to move in next to her, even if they were allowed under the permits of the AR zone. Sue suggested that Mrs. McHugh may wish to change the zoning of Ossipee Hill Road to Residential or request to change the uses of the AR zone by getting an article on the warrant for the annual Town Meeting. Sufficient signatures and legal wording would be necessary for placement on the warrant. Mrs. McHugh would have to speak with Nancy Brandt to find out the number of signatures needed for a petition.

Victor Wright- site plans for Heritage Company.

Sue identified the large field on 202 where R/C planes are flown. It is also in the wellhead protection area. A site plan presented earlier has now been revised. The existing building is too small, and a new building is needed. The shop is to fabricate the copper and to store the equipment. Mr. Wright is requesting approval of a new building. There are 7 full time employees with others hired for the additional workload in the summer. Customer parking is not needed because customers do not come to the manufacturing site. The existing building is could be rented to businesses approved for that zone. The checklist of requirements was reviewed. A concern centered around the matter of two septic systems on the property and issues of storm water drain off. A Public Hearing will be planned. May 14 at 7:30 will be scheduled for the Public Hearing on this matter. Bill Thompson-Bartlett Pines II.

Lot 6 may be divided because part of this lot was in Waterboro and the other part is in

Lyman. The issue of roads to these lots was discussed. Most of the work for Bartlett Pines II will be in the Town of Waterboro. Mr. Thompson was requesting information for the next step involving the roads and to update the Planning Board on the issues relative to the delay in progress with the Bartlett Pines II development.

Andy Nadeau--Corner Post Land Surveying for Village Pediatrics

Village Pediatrics is planning to prepare a site for three doctors in the medical (pediatric) field in the location of Funtime Video on Route 5 through rebuilding the interior of the existing building. More parking will require 14 parking spaces. Minor modifications to the exterior will need to be made. 2200 sq. ft. of pavement will be added to make the total pavement coverage well over 10,000 sq. ft. The only addition will be to modify the entrance to allow for wheelchair access. Our zoning regulations require a separation of employee's parking and patient parking. The plans seem to indicate sufficient parking spaces. Proposal of an entrance and exit are defined. A traffic study is being conducted. There are no plans to change the location of the access to the parking area off Route 5. A new septic design is contained in the plans presented because the existing one will not be adequate. Sue explained that this works well with the ideas expressed in the Comprehensive Plan to prepare the grounds to be in keeping with the rural atmosphere of the town.

The checklist was reviewed and the following were items that the board requested more information on:

- The width of Route 5 needs to be shown on the plan

- Landscaping plan will be added to the plan.

- A wastemanagement plan for the hazardous medical waste will be given to the town for their record.

- A nitrate study is required.

The board agreed that 14 parking spaces will satisfy the requirements of Section 5 of the zoning ordinance.

A public hearing was scheduled for May 14th at 7 p.m.

Planning Board Minutes May 7, 2003

I. ROLL CALL

Attending from the Planning Board, Tim Neill, Everett Whitten, Dwayne Woodsome, Roland Denby. Kurt Clason and Teresa Lowell are absent.

II. APPOINTMENTS

The first appointment is a public hearing for Ossipee Landing subdivision. Sue Dunlap called the public hearing to order at 7 p.m. Attendance from the public as follows: Jason L'Heureux, Jon Gale, Debbie Downs, Dave Fedrizzi, Doug Foglio, Phil Tarr, Wayne Blue, David Benton, Road Commissioner, Steve Everett, Craig Higgins, and J.T. Lockman from SMRPC.

Mitchell explains the subdivision. Mitchell Rasor explains that there will be open space including a ball field and he understands that open space will be held in common by the landowners until the trust takes it over or the town meeting has accepted it as town owned property.

Dave Fedrizzi asks if homeowners could change the restrictions of the open space. Mitchell states that someone like the Nature Conservancy would oversee the open space with the town having an active role.

Sue explained the site walk. They held the sitewalk this evening at 5:30 prior to the hearing. There was no public attendance at the site walk. Sue asks what they intend to do with the wet spot in the middle of where the roads will be. Mitch states it is intended to leave it in its natural state, and drainage will be directed away from that area.

Phil Tarr, manager of Lake Arrowhead stated that he has reviewed the plan and it is good. His only concern is the traffic that will be created at a new four way intersection across from Old Portland Road. Phil asks if they have considered any safety signs as a part of the approval process? Other than that concern Phil welcomes the development to the neighborhood.

Mitch states that they have met the required site distances but will agree to signs if required.

Doug Foglio states that the planning board can require signs and can also require a traffic study to see if this intersection will warrant a traffic signal. The board can also require a certain amount of money to be set aside for a future traffic light. Doug adds that if the developer is going to turn the open space over to any group it should be to the town conservation commission. Mitchell states they have not made arrangements with any land trust and would love to know who to speak with representative of the town to negotiate with the conservation commission.

The public hearing closed at 7:26 p.m. and the regular meeting started.

Phil Tarr with a conditional use / setback reduction on map 45 lot 1336.

Phil explained that what they want to build is a central mailbox and the lot will not allow them to place it at the required 40 feet because it drops right off to the water. There is a cluster mailbox there now, they want to build this one further back and make it bigger.

There will be lighting and a yard hydrant for watering plants. They have room to make more parking if the board requires that. Dwayne Woodsome made the motion to approve the 15 foot front yard setback for cluster mailboxes on Old Portland Road with the construction of off street parking be from the road to the mailboxes, no water, no plumbing inside the building unless for fire protection. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

Mitchell Rasor review of subdivision. J.T. Lockman states that he is very pleased about how the project has shaped up since he saw it last year. At this time the narrative of JT's review is gone over.

Recording the plan is supposed to show the entire parcel owned by the developer.

The survey should be recorded along with page one of the subdivision.

JT questioned the floodplain is 1' and many towns require a structure to be 2' above the floodplain. Waterboro requires 1 foot. York County is reviewing the soil erosion control plan.

Biggest concern is the management of open space. JT suggests that the board have more details prior to final approval. Mitch states he has met with a land trust. He will meet with the conservation commission next month. He can say that the land will remain in control of Carthage Lumber with the intention to give to a trust in the future. He is hoping the board will not hold up the approval for the details. JT states that is isn't the details that would be required for approval. It is the board needs to know what will happen if the plan to give to a trust doesn't happen. Dave Fedrizzi states that the conservation commission meets the first Wednesday of every month at 7 p.m. If the planning board plans to attend this will have to be posted.

The applicant needs written approval with the fire chief regarding fire protection.

Need cost estimates for the performance bonds.

Because this is a small part of a larger project the stormwater report should be for the entire project. This part doesn't trigger DEP review and it would be unfortunate if stormwater plan had to be amended when they bring forth the master plan for the rest of the parcel. Mitch states he has had conversations with DEP and he doesn't want this to be a condition of approval of these lots. This is an isolate area because of the wetland and he can't envision having to change anything when the rest of the lots are developed.

Show sidewalks on the plan. The board has talked about bike lanes and he thought the direction was bike lanes. Doug Foglio states that if the board doesn't require sidewalks at this time they should at least consider a 10 foot easement removed from the road to keep children separate from the road. It would set the land aside and give the town the flexibility in years to come to place a sidewalk.

List the waivers applied for and granted on the plan.

There is a requirement for a high intensity soil survey. The board may have accepted the hydro study in place of this. It the board isn't going to require it they should

vote to waive it. Mitch did not ask for a waiver on the high intensity soil survey. It should have been presented to the town.

The well location on lot 8 looks like it may be iffy whether a well can go on this lot. If there is a need for an easement on another lot it should be shown on the plan. Mitch states he will do whatever the town wants. There could be a note on the plan and deed that lot 8 may have an easement for a well.

Before final approval ask for a narrative on future proposed phases. Mitch states that they are working on the master concept plan. Some information has been provided to the town.

If the larger phase is going to have cluster septic or well system would the first 13 homes be added later? Mitch states this phase will have individual well and septic. They are looking at the potential of high yield wells and community septic system as part of the master plan. These first lots will remain privately served. These are isolated from the rest of the site.

Pam L'Heureux states they should re-consider the name of the road because it sounds too similar to Ossipee Hill Road. Mitch states he has already been asked to do that.

Tim Neill made the motion for York County Soil to peer review the erosion and sediment control plan and for Sebago Technics to peer review the hydro study and the stormwater management plan. Roland Denby seconds. Motion carries with a vote of 3-0-1 with Dwayne Woodsome absent from this portion of the meeting.

JT states that when the board accepts the letter of credit to look for a one year expiration date and have some sensible system for renewal so that it can easily be rolled over for another period.

Mitch provided proof of mailing to abutters of this public hearing.

JT reminds the board that one issue that hasn't been nailed down is what the board wants to do about the four way intersection, reminding the board that DEP will be looking at this when the master concept comes out and will look at requiring a traffic study. Most towns don't require a traffic study until the project brings an added 200 trips per day.

Jon Gale states the board should at least require a certain amount of money for a traffic light for the future. The board agreed to wait on this requirement until this is triggered DEP review.

Sue asked if they took the deer yards into consideration? Sue states to cut all those trees is contrary to what they say they want to do. Mitch states that they have not clear cut the land.

Kent Whitten with sketch plan application for map lot off of Mast Camp Road.

Sue asks if anyone on the board feels that any member could not be biased where this is Everett Whitten's property. Everett states that he is biased. Dwayne Woodsome notifies the board that he owns land that abuts Everett's but he doesn't feel he is biased but if he does become biased he will let the board know. Tim Neill made the motion to excuse Everett Whitten from the board because of bias. Dwayne Woodsome seconds. Motion carries with a unanimous vote in favor.

The board reviewed the sketch plan. Everett is requesting setbacks 20 foot front and 10 foot side setbacks. 6 ½ acres out of the total 13.4 will be developed. He has decided to limit the houses to age 55 and older. Sue asks if he intends to bring in town water? Everett states it depends on the lot where people are looking at building a diner. He is requesting a waiver on the hydro study. The flow from his property is towards the back where there is no development.

Dwayne suggests they look at building a sidewalk to Hannaford. They required Dunkin Donuts to do that. Everett asks if this is just on the development road or to Hannaford. Dwayne states he thinks one should be built to Hannaford.

Dwayne states that if this is elderly housing kids can't stay there for more than 10 days and school buses can't stop there. Dwayne states that the growth ordinance exempts elderly housing.

The proposed hammerhead is discussed. Dwayne says he'd rather see the road come out. The hammerhead turns were adopted at the 2000 town meeting. Sidewalks are still up in the air and deed restrictions to define over 55.

Dwayne made the motion to send this elderly housing plan to SMRPC as far as age restrictions to be paid out of consultant fees. Tim Neill seconds. Motion carries with a unanimous vote in favor.

Reviewed the checklist. The subdivision needs a name.

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

The board tells Everett he needs to consider sidewalks.

III. MINUTES OF PREVIOUS MEETINGS

IV. REPORT OF OFFICERS

V. OLD BUSINESS

VI. CORRESPONDENCE

Dwayne made the motion to acknowledge the letter from the North Waterboro Post office requesting that any new developments be forwarded to them. Roland seconds. Sue states that she is concerned about groups getting special attention. We don't run a mailing list.

Dwayne said that his motion is that the developers do the mailing that is to continue following our same policy where the developer notifies. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

VII. MISCELLANEOUS

Roland Denby asks if each member of the board can get a copy of the revised comprehensive plan and of the charter.

IX. ADJOURNMENT

Dwayne made the motion to adjourn at 10:10 p.m. Roland Denby seconds.

Planning Board Meeting Minutes

May 21, 2003

Susan Dunlap calls the public hearing for Ledgewood Subdivision to order at 7:15 p.m.

Attendance from the board is noted as follows: Everett Whitten, Kurt Clason, Teresa Lowell, Tim Neill and Dwayne Woodsome. Attendance from the public are: Bruce Lewis, Mr. And Mrs. Donald Horton, Dave Benton, Road Commissioner, Doug Foglio, Kurt and Lisa Heinemann and Mr. And Mrs. Gordon Fosher.

Bruce explains that this is a cluster subdivision. There is a wetland to the back of the property and to the front left. The road doesn't cross any wetland. This project will require stormwater review from DEP.

Kurt Heineman asks if there has been any thought of the use of the remaining land?
Bruce there are no plans for now.

Doug Foglio, Chairman of the board of selectmen wishes to speak as a selectman. He states it is clear that the developers have attempted to circumvent the law. He asks the board to seriously consider requiring that public water be run to this subdivision. He asks the board to look at road standards. The road design standards allows for a 10% grade but not a 10% grade on a 75 degree turn. There are serious questions about site distance.

Dave Benton, Road Commissioner, states that the road review committee went on a site walk and was concerned with lot 9 site distance because it is at the end of the radius and top of the hill. He knows it meets the standards but it is a steep pitch. Dave says he won't speak about running town water as he is on the water district.

Don Horton asks what effect this will have on his property that abuts this subdivision?
Bruce states that there shouldn't be any impact as there is a buffer strip on that side of the property that abuts his land.

Gordon Fosher states that his lot abuts lot 13 and it is soaking wet there. Some of his property is under water for $\frac{3}{4}$ of the year. He can't see why they would think of putting houses there without running town water. There is sewerage from the houses running that way. Bruce states that the groundwater doesn't run that way. Sue adds that according to the peer review done by Delucca Hoffman the plume runs in a southeasterly direction.

Doug Foglio states that he wishes to talk as a citizen and businessman in Waterboro. He has been in the excavating business for 41 years, has built 265 subdivisions in southern Maine including 7,000 house lots. This is a clear case of circumventing subdivision regulations. Doug noted a letter brought forward by Southern Maine Regional Planning questioning whether this was an amendment to the previous subdivision. There were questions raised by DEP as well. The first subdivision placed on the remainder of this land should have had public water run to it. As a citizen he asks the board to reverse subdivision approval on the first subdivision. They have five houses in it already. The company handled both transactions on both land sales and subdivision applications. The stormwater plan refers to phase I and phase II on every page. They have yet to install fire protection in the first subdivision. They haven't removed a pine tree that was cut last year. There are dangers in phase I that could endanger people in the future. It is a clear cut sign

the right of way easement to remaining land.

There was a subdivision application in the past that required more stormwater management plan. Now almost no work is planned because they broke into two separate lots.

Doug asks the planning board to look at the previous requirements of the first subdivision application in the 80's and because these two subdivisions are being done by the same firm to require some of the same work.

Doug asks the board not to approve a waiver on the maximum dead end allowed. The 75 degree turn on a 10% slope is going to be difficult to maintain should this become a town road. He asks the board to require a 150% performance bond and no occupancy permits allowed until the infrastructure is complete except for finish pavement. He asks that Woodland Ridge be deemed out of compliance.

Patti requests to speak on behalf of the code enforcement office. She states that the office has an agreement with the developer of Woodland Ridge that they would not get their fourth occupancy permit until the fire protection was installed and that the developer has agreed to this.

Tim Neill states that the 50 foot easement is there at the request of the planning board due to requirements of the subdivision regulations.

Dwayne adds that there is a junkyard next to the property and the ordinance states that a junkyard can't be closer than 500 feet to any houses.

Doug states that is a cloudy area. The least they should do is put a note on the deeds of people who might have houses within 500 feet so they have knowledge they are building next to a junkyard.

There is discussion about what is required to prove that a road is built according to the approved plan. It is written into the road design ordinance that before a town can accept a road the developer has to provide certified proof that it was constructed according to the road design standards.

David Benton states that he has a question about the depth of the conduit that houses the electrical supply is only 6 " under the invert of the ditch. Dave said he saw what appeared to be a foundation drain underneath one of the leachfields.

Sue asks is Dave is concerned these same types of things will happen in this subdivision? Dave said no, he only wants the board to look at these things in future subdivisions.

Doug states that road standards gives typical road profile. The planning board has complete control over this. A performance bond would require certified as built plans by a third party before the bond could be released and that would be proof that the project was constructed according to the approved plans.

Teresa Lowell asks what depth the underground utilities are planned to be in this subdivision? Bruce states that on sheet 6 it states the underground utilities will be 30" for the telephone cable and 12" below that will be the electrical cable.

Sue states that she has said all along that this was one project. Phase I and II. They are

doing the building together but they want it to be considered two subdivisions. Sue thinks they are not passed the legal question of whether this is one or two subdivisions. Sue states Bruce's own documentation corroborates that this is phase I and II. And they claim this is not related to the other subdivision.

Bruce asks as far as the remaining land goes what would the board want, no more than two more house lots? Patti states that the board has the right to require a plan for the total parcel.

Dwayne states that the board hasn't discussed whether to require sidewalks to the village down Goodwins Mills Road.

Sue thinks the board needs to pull the previous subdivision file and see if these requirements match the previous requirements. The comparisons should be the same.

Bruce states he doesn't know about the engineering requirements of the subdivision in the late 80's but he is using a reputable engineer, Sebago Technics. The town will have this peer reviewed.

Doug states that had this come to the board as one parcel and not two individual parcels there would not be two dead end roads and the drainage would have been taken care of.

Sue states she hopes that Bruce can find a way to address these concerns before the next meeting as follows:

Town water

Adjacent junkyard

Grade and degree of the road

Potential well location problems

One project in two phases

Should there be a concept plan

Doug suggests the board have a workshop to review the old subdivision information compared to this one.

Public Hearing closes at 8:25 p.m.

Regular meeting opens at 8:26 p.m.

II APPOINTMENTS

Tim Neill made the motion to hold a workshop on June 10 at 7 p.m. to review this subdivision. Kurt Clason seconds. Motion carries with a unanimous vote in favor.

Andy Nadeau for site plan approval of Village Pediatrics.

The width of the road was added to the plan. A nitrate study was done and provided to the town. They have added a landscaping plan. They could open in 6-8 weeks after renovations are done. They are putting on a new ramp. Kurt states that the nitrate plume will come out to within 15 feet of the well. They plan on hooking up to town water but what about until then? They are going to use the dug well for now but only for washing. They are bringing in bottled water. Patti states that the state regulates the distance a septic

system can be from the well. It is required to be 100 feet and a variance can reduce it to 60 feet on the owner's own property.

Dwayne made the motion to approve the site plan application of Village Pediatrics with the condition that they provide their water passes safe drinking standards. Tim Neill seconds. Motion carries with a unanimous vote in favor.

Victor Wright for site plan approval of Heritage Company.

There was a question about what impervious area requires DEP review. The answer is 40,000 square feet. The plan has been updated to show the town water line and the location of the hydrant. Dwayne states that this property is in the wellhead protection zone. Dave B. states that if Victor intends to put both buildings on public water they will have to have separate meters and that is a requirement of the PUC.

Kurt Clason made the motion to approve the site plan application with the condition that he adds covenants of prohibited uses of the existing building being in the wellhead protection zone. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

III. MINUTES OF PREVIOUS MEETINGS

Teresa Lowell made the motion to approve the minutes of March 19. Tim Neill seconds. Motion carries with a unanimous vote in favor.

IV. REPORT OF OFFICERS

V. OLD BUSINESS

Dwayne states that he got a copy of deed restrictions on elderly housing and Patti will get copies to all board members.

Dwayne asks if the board wants to move forward to get the defeated town meeting articles ready for special town meeting. The board agreed to work on these for next annual town meeting.

VI. COMMUNICATIONS

The letter from Bob Fay regarding in law apartments was noted for the record.

IX. ADJOURNMENT

Kurt Clason made the motion to adjourn at 9:15 p.m. Everett Whitten seconded. Motion carries with a unanimous vote in favor.

Planning Board Meeting Minutes 06/08/03

I. ROLL CALL

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

II. APPOINTMENTS

7:30 Susan and Michael Merrill for conditional use / setback reduction on map 52 lot 13. Michael Merrill states that he would like to build a front porch and cannot meet the required 75 foot frontyard setback. This is in an approved subdivision prior to 1977 and a legal non-conforming lot of record. This property is in the AR zoning district. Dwayne Woodsome made the motion to grant the conditional use with a front setback of 55 feet. Everett Whitten seconds the motion. Motion carries with a vote of 4-0-1 in favor with Teresa abstaining due to lack of information on the application.

8:00 Linda Morin application for site plan for a 50's diner on map 5 lot 13 on Route 202 and Mast Camp Road. Albert Frick speaks for the applicant as their representative. He explains the project as being on Route 202 just south of Hannaford and the Blue Seal store in the GP zoning district. This application is for a 100 seat 50's style diner. The lot size is 1.28 acres. The building is a 42 x 65 square feet in size. Albert Frick is the soil scientist for this project, David Boufant did the survey work, Dana Morton is the engineer doing the stormwater plan, Richard Sweet is the engineer that performed the hydro study and groundwater impact study.

They have proposed 36 parking spaces. The septic system design has been submitted to the state dept of health and engineering for minimum lot size variance. The building is 135 feet from Dolly Brook. There is currently a single family dwelling and a garage on the property that will be removed.

Albert states that the soils are moderately to well drained. There is a forested wetland that will remain undisturbed. Everett Whitten states that he owns property across the street from Mast Camp Road and has an applied for a 10 lot subdivision. Everett asks how much traffic is this going to increase coming out of Mast Camp Road? Albert states that the proposal is to have the main entrance off of Route 202. They have applied to DOT and they would prefer to have the main entrance off Mast Camp Road. Dana Morton is going to negotiate with DOT to have two entrances.

Parking is discussed. The ordinance requires 37 parking spaces according to 100 seats and 7 employees. The applicant will reduce the number of seating to 99 so the required parking is 36 spaces. They have planned for 36 spaces. The hours of operation will be from 6 a.m. to 8-9 p.m. The proposed greenbelt area meets the requirements of section 5.01 with 25 foot buffer area from Route 202 and Mast Camp road and 10 feet on each side. The landscaping and buffer area will be planted with 4 foot arborvitae trees close enough together to be an effective screen for headlights.

Dana Morton is working on the stormwater management plan.

The site plan review checklist is reviewed at this time. The following is a list o

information that will need to be addressed and provided to the planning board prior to the next meeting:

Utilities shall be shown on the plan.

Finished elevation of the parking area shall be shown on the plan.

Change the reference to the brook to Cook's Brook.

Provide written verification from the fire chief that the plan meets with his approval regarding fire protection.

The loading areas shall be shown on the plan.

Submit the stormwater management plan.

Provide written verification that the public water supply will support this use.

Plan shall show the square feet of any proposed free standing signs.

Plan shall show the type and direction of lighting.

Plan shall show the width of Route 202 and Mast Camp Road.

Dwayne Woodsome made the motion to send the hydro study, the stormwater management plan and the DOT approval to peer review. Teresa Lowell seconds but then pulls back second because motion includes DOT peer review. Everett Whitten seconds Dwayne's motion. Kurt Clason states he doesn't think this should include DOT review. Motion carries with a vote of 3-2-0 in favor with Kurt and Teresa voting in opposition.

III. MINUTES OF PREVIOUS MEETINGS

Board signs the minutes of May 21 that were approved at a previous meeting.

IV. REPORT OF OFFICERS

Dwayne Woodsome made the motion to order what the planning board office needs prior to June 30. Kurt states that he thinks the members should have an engineer's rule and a calculator. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

V. OLD BUSINESS

Smokey Cove Estates application in the town of Limington was discussed. A small triangular piece of the road entrance goes through the Town of Waterboro. The Planning board agreed to request in writing from Limington that according to state law both towns need to approve this plan and request a signature block for Waterboro planning board to sign. The planning board would also like a note on the plan that absolves the Town of Waterboro from any liability on the roads.

VI. COMMUNICATIONS

Copy of letter to Dean Webber regarding his property on West Road.

Notice of ZBA meeting on July 10 for a request for variance.

Notice from Stephen Kostis from Elcon pulling his subdivision application for Orchard Acres on West Road.

Letter from Richard Wasina regarding Woodland Ridge Subdivision stating that he

will be installing the cistern in June.

VII. MISCELLANEOUS

Dwayne Woodsome reminds Patti that the conservation commission is interested in being notified of our meetings so they can participate if they have an interest.

VIII. NEW BUSINESS

IX. ADJOURNMENT

Kurt Clason made the motion to adjourn at 8:58 p.m. Dwayne Woodsome seconds. Motion carries with a unanimous vote in favor.

Planning Board Meeting Minutes June 18, 2003

I. ROLL CALL

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

II. APPOINTMENTS

7:30 Susan and Michael Merrill for conditional use / setback reduction on map 52 lot 13. Michael Merrill states that he would like to build a front porch and cannot meet the required 75 foot frontyard setback. This is in an approved subdivision prior to 1977 and a legal non-conforming lot of record. This property is in the AR zoning district. Dwayne Woodsome made the motion to grant the conditional use with a front setback of 55 feet. Everett Whitten seconds the motion. Motion carries with a vote of 4-0-1 in favor with Teresa abstaining due to lack of information on the application

8:00 Linda Morin application for site plan for a 50's diner on map 5 lot 13 on Route 202 and Mast Camp Road. Albert Frick speaks for the applicant as their representative. He explains the project as being on Route 202 just south of Hannaford and the Blue Seal store in the GP zoning district. This application is for a 100 seat 50's style diner. The lot size is 1.28 acres. The building is a 42 x 65 square feet in size. Albert Frick is the scientist for this project, David Boufant did the survey work, Dana Morton is the engineer doing the stormwater plan, Richard Sweet is the engineer that performed the hydro study and groundwater impact study.

They have proposed 36 parking spaces. The septic system design has been submitted to the state dept of health and engineering for minimum lot size variance. The building is 135 feet from Dolly Brook. There is currently a single family dwelling and a garage on the property that will be removed.

Albert states that the soils are moderately to well drained. There is a forested wetland that will remain undisturbed. Everett Whitten states that he owns property across the street from Mast Camp Road and has an applied for a 10 lot subdivision. Everett asks how much traffic is this going to increase coming out of Mast Camp Road? Albert states that the proposal is to have the main entrance off of Route 202. They have applied to DOT and they would prefer to have the main entrance off Mast Camp Road. Dana Morton is going to negotiate with DOT to have two entrances.

Parking is discussed. The ordinance requires 37 parking spaces according to 100 seats and 7 employees. The applicant will reduce the number of seating to 99 so the required parking is 36 spaces. They have planned for 36 spaces. The hours of operation will be from 6 a.m. to 8-9 p.m. The proposed greenbelt area meets the requirements of section

5.01 with 25 foot buffer area from Route 202 and Mast Camp road and 10 feet on each side. The landscaping and buffer area will be planted with 4 foot arborvitae trees close enough together to be an effective screen for headlights.

Dana Morton is working on the stormwater management plan.

The site plan review checklist is reviewed at this time. The following is a list of information that will need to be addressed and provided to the planning board prior to the next meeting:

- Utilities shall be shown on the plan.
- Finished elevation of the parking area shall be shown on the plan.
- Change the reference to the brook to Cook's Brook.
- Provide written verification from the fire chief that the plan meets with his approval regarding fire protection.
- The loading areas shall be shown on the plan.
- Submit the stormwater management plan.
- Provide written verification that the public water supply will support this use
- Plan shall show the square feet of any proposed free standing signs.
- Plan shall show the type and direction of lighting.
- Plan shall show the width of Route 202 and Mast Camp Road.

Dwayne Woodsome made the motion to send the hydro study, the stormwater management plan and the DOT approval to peer review. Teresa Lowell seconds but then pulls back second because motion includes DOT peer review. Everett Whitten seconds Dwayne's motion. Kurt Clason states he doesn't think this should include DOT review. Motion carries with a vote of 3-2-0 in favor with Kurt and Teresa voting in opposition.

III. MINUTES OF PREVIOUS MEETING

Board signs the minutes of May 21 that were approved at a previous meeting.

IV. REPORT OF OFFICERS

Dwayne Woodsome made the motion to order what the planning board office needs prior to June 30. Kurt states that he thinks the members should have an engineer's rule and a calculator. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

V. OLD BUSINESS

Smokey Cove Estates application in the town of Limington was discussed. A small triangular piece of the road entrance goes through the Town of Waterboro. The Planning board agreed to request in writing from Limington that according to state law both towns need to approve this plan and request a signature block for Waterboro planning board to

sign. The planning board would also like a note on the plan that absolves the Town of Waterboro from any liability on the roads.

VI. COMMUNICATIONS

1. Copy of letter to Dean Webber regarding his property on West Road.
2. Notice of ZBA meeting on July 10 for a request for variance
3. Notice from Stephen Kostis from Elcon pulling his subdivision application for Orchard Acres on West Road.
4. Letter from Richard Wasina regarding Woodland Ridge Subdivision stating that he will be installing the cistern in June

VII. MISCELLANEOUS

Dwayne Woodsome reminds Patti that the conservation commission is interested in being notified of our meetings so they can participate if they have an interest.

VIII. NEW BUSINESS

IX. ADJOURNMENT

Kurt Clason made the motion to adjourn at 8:58 p.m. Dwayne Woodsome seconds. Motion carries with a unanimous vote in favor.

Planning Board Meeting Minutes 07/02/03

July 2, 2003

I. ROLL CALL

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

II. APPOINTMENTS

Phillip Hamel Map 17 lot 9G for conditional use / setback reduction on River Ridge Road off Route 117. Mr. Hamel reports that Saco River Corridor Commission has given their approval to construct a home with a minimum setback of 100 feet from the highwater mark of Little Ossipee River. They need a 40 foot front yard setback to construct the home they want to build. The lot is in the forest and agriculture zoning district, which requires a 100 foot front setback. The lot is just over 2 acres and the minimum lot size in the F & A zone is 5 acres. Section 2.08 gives the planning board authority to grant a setback reduction because it is a non-conforming lot of record. The planning board scheduled a site walk for July 16th at 6:30 p.m.

Ruth Brown on Map 7 Lot 3A on Ossipee Hill Road for a conditional use for Auto repair in the Agriculture and Residential zone. Ruth explains that they currently have a paving business at their property and they would like to offer towing and repair to one commercial account. Sue Dunlap explains that auto repair in the AR zone is allowed with direct access to a state aid highway. The board all agreed that towing could be done under the contractor business that is a primary use in the AR zone. But service cannot be allowed because Ossipee Hill Road is not a state aid road. Ruth withdrew her application and her \$100 application fee will be refunded.

Myron Edgerly with Site Plan application for Massabesic Health Recourses on map 4 lot 41 off Route 202. Myron explains that he is the contractor for the owners whose current lease is up in 2006 in the building where the post office is. The current building just isn't big enough for their use and they want to build a new building of their own. The building is proposed to be on a 4' frost wall with a poured slab. The applicant requested a waiver on the requirement of a nitrate study. Dwayne Woodsome made the motion to waive the nitrate study. Everett Whitten seconded. Motion carries with a unanimous vote in favor.

A public hearing is scheduled for July 23 at 7:30. A site walk is scheduled for July 23 at 6:30 and a regular meeting will be held immediately following the public hearing so the board can act on the site plan application and any other applications that are scheduled for this extra meeting.

The checklist is reviewed for site plan. The applicant provided all of the required information.

III. MINUTES OF PREVIOUS MEETINGS

Teresa Lowell made the motion to accept the minutes of the June 18 meeting. Tim Neill seconds. Motion carries with a unanimous vote in favor.

IV. REPORT OF OFFICERS

V. OLD BUSINESS

All of the computer equipment and programming has been ordered in time for this fiscal year.

VI. COMMUNICATIONS

1. It is noted for the record that a letter was forwarded from BH2M that they have withdrawn their application with the town of Lyman to amend Bartlett Pines Phase II.

VII. MISCELLANEOUS

Patti asks the board if they would be interested in seeing a presentation from NEMO regarding nonpoint source water pollution and how pollutants get into lakes, stormwater management information? Dwayne suggested that we try to schedule one for after summer and invite the town of Lyman or other towns and host a regional workshop. The board agreed to have Patti look into this.

VIII. NEW BUSINESS

IX. ADJOURNMENT

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

Planning Board Meeting Minutes July 16, 2003

I. ROLL CALL

Susan Dunlap called the regular meeting to order at 7:30 p.m. noting attendance of Tim Neill, Everett Whitten, Roland Denby and Teresa Lowell. Dwayne Woodsome was absent to attend a workshop. Kurt Clason was absent as he was out of town.

II. APPOINTMENTS

Sue Noted for the record that the board performed a site walk on Beaver Ridge Road on map 17 lot 9G for Phillip Hamel setback reduction application. No members of the public were there.

7:30 Dana Borqukuist map 43 lot 7 Conditional use / setback reduction application. Charles Turnage spoke on the applicant's behalf. This lot is within Eastern Shores subdivision approved in 1966. This lot is in the Residential zoning district although when the applicant researched the zone on the tax maps the maps said the lot was in the VR zoning district. That was an error from the mapping company because only those lots within the Lake Arrowhead Association are in the VR zone. Eastern Shore lots are in the Residential zoning district with minimum setbacks of 50 feet front and 35 side and rear.

This lot is just over 14,000 square feet and is a non-conforming lot of record. The planning board has authority to reduce the setback according to section 2.08.

The applicant is requesting the same setbacks as would be allowed in the VR zone, 40 feet front and 20 side and rear. The secretaries did not inform the applicant that it is required that he informs his abutters of this meeting per ordinance. A site walk is scheduled for July 23 at 5:45 p.m. and the applicant will be put on the next available planning board meeting after that evening to provide for the notification to abutters.

8:00 p.m. Peter Hasler with Conditional use application for a wood processing business on Middle Road on map 9 lot 40. This lot is in the Forest and Agriculture zoning district. The applicant explained his proposal. Sue asked Teresa Lowell if she feels she might be biased because she lives on Middle Road. Teresa stated she didn't feel she was biased. Sue explained to the rest of the board that they could question another board member's ability to be unbiased. The board didn't feel Teresa would be. Applicant stated he had no intention of developing this property in housing units. Sue made it clear that this permit had nothing to do with timber harvesting rules; they are only permitting the storage and equipment operations. He was not informed of the requirement to notify his abutters and will have to do so. He is rescheduled for the August 13 meeting that will give him time to meet that requirement.

The board normally would be meeting the first Wednesday in August but due to vacations the board decided to hold their meeting on August 13 instead.

8:30 p.m. Craig Higgins with preliminary plan application for Ossipee Look subdivision on Bagley Road. The board reviewed the checklist for preliminary plan. The outstanding items are as follows:

Add a 20 foot easement to the cemetery.

Add a signature line for the subdivider.

Add name and address of soil scientist and hydrogeologists.

Add the names of the abutting property owners.

Add the width of Bagley Road.

Add utilities lines.

Add name of proposed road.

Add old homestead.

Add a note regarding the right of way easement for Bagley Road maintenance and show that the minimum front setback lines are from the easements.

The planning board would like to have wording on the plan requiring retaining the rock walls.

The applicant shall provide an written opinion from the road review committee regarding the proposed road.

Show the proposed driveway entrances.

Provide 50 foot interval tick marks to assist in assigning E911 numbers along the proposed road.

Provide written verification from the E911 coordinator regarding the name of the road.

Make a reference to the road profile plan on the signature plan for recording.

Dwayne Woodsome entered the meeting and asked the applicant if he would be willing to put a fence around the cemetery. Dwayne also stated that he was happy with the changes on the restrictions regarding farm animals.

A site walk is scheduled for August 13 at 6 p.m. A public hearing is scheduled for 7:30 p.m. on August 13.

Based on the checklist Tim Neill made the motion to approve the preliminary plan pending the submission of the outstanding items. Teresa Lowell seconded the motion. Motion carried with a unanimous vote in favor.

III. MINUTES OF PREVIOUS MEETING:

There was an error on the July 2 minutes that needs to be corrected before they can be approved.

IV. REPORT OF OFFICERS

V. OLD BUSINESS

The conditional use application for Philip Hamel on map 17 lot 9G on Beaver Ridge Road is scheduled for August 13 to give him time to notify his abutters.

VI. COMMUNICATIONS

VII. MISCELLANEOUS

VIII. NEW BUSINESS

IX. ADJOURNMENT

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

Planning Board Meeting Minutes July 23, 2003

I. ROLL CALL

Chairman, Susan Dunlap called the public hearing to order at 7:35 p.m. noting attendance of the board as follows: Roland Denby, Everett Whitten, Dwayne Woodsome, Tim Neill and Teresa Lowell.

The public hearing is for Massabesic Health Resources on tax map 4 lot 41 located on Route 202. Myron Edgerly speaks representing the owner, who is present. Sue Dunlap notes for the record that there are no members of the public in attendance.

Myron explains the project. This project is proposed to be on 5 acres of the original lot. It is a 70 x 100 building with a pool inside for therapeutic use. This business is for physical therapy. It is located on Route 202 across from the golf course. It is a vinyl covered one story building. The building will be constructed level with Route 202. There will be a 4' stone bed around the building to handle run off water from the building. There will be paved parking. The parking area is partially within the wetland.

Since there is no public and no questions the public hearing portion of this meeting is closed at 7:46 p.m.

Regular Meeting

II. APPOINTMENTS

Myron Edgerly Site plan application for Massabesic Health Resources on map 4 lot 41. The board discussed whether it should require a peer review. The nitrate study was waived by the board at the last meeting. Dwayne suggested that we review what we did for the funtime application since it is the same lot. The hydro study and the nitrate study were waived for funtime so there was no peer review done on that application. Dwayne Woodsome made the motion that the requirement of peer review be waived on this project because the studies were waived for the previous project, the stormwater is being drained to the back of the property and the lot is big enough to handle the stormwater from this use, and because the finished floor elevation will be at least that of or higher than Route 202. Tim Neill seconds the motion. Motion carries with a unanimous vote in favor.

The checklist for site plan was reviewed and everything was found to be satisfactory.

Tim Neill made the motion to approve the site plan application of Massabesic Health Resources on map 4 lot 41 with the following conditions:

Contingent on DOT approval of the entrance.

Provide a set of certified as built plans confirming the elevations of the site and that the project is constructed according to the approved plan.

Verify with DEP whether they need Permit by Rule to alter the wetland area where the

parking is.

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

The site plan was signed by the board.

III. MINUTES OF PREVIOUS MEETINGS.

The minutes of July 2 were corrected as noted at last week's meeting. Dwayne Woodsome made the motion to approve the minutes of July 2. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

Everett Whitten made the motion to approve the minutes of July 16 with the corrections as discussed. Minutes to be signed next meeting after the correction are made. Roland Denby seconds. Motion carries with a vote of 4-0-1 with Dwayne Woodsome abstaining, as he was absent for most of that meeting.

IV. REPORT OF OFFICERS

Patti reports from the code enforcement office that all but 5 subdivision growth permits have been issued for the fiscal year July 1, 03-June 30, 04.

V. OLD BUSINESS

The board decided to hold the boat ride / site walk on Tuesday August 12. The board will meet at the public boat launch at 6 p.m.

VI. COMMUNICATIONS

VII. MISCELLANEOUS

VIII. NEW BUSINESS

Everett Whitten asked to be excused from the board to make a request of the board. Dwayne asked if the board should allow it where Everett is not on the agenda? Everyone agreed that Everett will be placed on the agenda at the next meeting to make his request.

IX. ADJOURNMENT

Everett Whitten made the motion to adjourn at 8:30 p.m. Tim Neill seconded. Motion carries with a unanimous vote in favor.

Planning Board Meeting Minutes August 13, 2003

I. ROLL CALL

Chairman, Susan Dunlap called the public hearing to order at 7:30 p.m. noting attendance of the board as follows: Roland Denby, Everett Whitten, Dwayne Woodsome, Tim Neill, Teresa Lowell and Kurt Clason.

A site walk for Ossippe Overlook was held prior the public hearing. There were 3 members of the public in attendance.

The public hearing is for Ossipee Overlook subdivision on tax map 10 lot 29 located on Bagley Rd. Planning Board member Tim Neill chooses to sit out on this matter due to personal reasons. Sue Dunlap notes that there are members of the public present and asks that they state their names when addressing the board.

Craig Higgins speaks, explaining that this is a 90 acre lot located in the FA zone. The proposed subdivision would be divided into 14 lots.

Jeffrey Smith inquires about the proposed building envelopes as shown on the plan and whether or not a potential builder would be held to that envelope. Craig advised him that the recommended envelopes would be the best buildable spots.

Eddie Hutchinson would like to see the cemetery that is already in existence on the property walled in. There are many veterans buried in the cemetery. Eddie would also like to know if the residence of the subdivision could be required to maintain the cemetery. Craig doesn't think it would be a problem to wall in the cemetery using some of the rocks from walls already existing on the property. He will check the deeds of the original owners on the wording of existing ROW's to the cemetery

Diane Seward inquired about the proposed 100' roadside buffer and how that would be enforced. Craig explained it as a deed restriction and gave an overall description of deed restrictions.

Paula Lubec stated for the record that she, as an abutter, did not get notified. It was established that this was because she is a new owner of record and the applicant is only required to notify the abutters that the town shows on its tax records. Paula also inquired about possible disruption of drainage on her property. Craig feels that due to the nature of the soil this should not be a problem.

Dwayne Woodsome expressed concern that the intersection would not be wide enough for a school bus to turn around and suggested SAD 57 have someone look into this. Craig agreed that it would be looked at and stated that the road would be built up to town standards.

Theresa Lowell would like to know if the Post Office had been notified regarding mail delivery. Craig says the post office has been notified and he is just waiting to hear back from them.

With no further question from the public the public hearing closes at 8:20.

Regular Meeting

II. APPOINTMENTS

Phillip Hamel Map 17 Lot 9G for conditional use/setback reduction on River Ridge Road off Route 117. Mr. Hamel originally met with the planning board on July 2, 2003. The planning board requested a site walk at that time, which was held July 16th and that he notify his abutters of this meeting which he has done. Mr. Hamel would like to request a 40' front yard setback. The lot is just over 2 acres and the minimum lot size in F & A zone is 5 acres. It is agreed that this is a legal non-conforming lot of record. Patti states that she has been to the site and measured and feels that granting a 50' setback is sufficient. Everett Whitten motions to grant a 50' setback with the condition that the lot is surveyed and the foundation is surveyed as meeting setbacks. Motion seconded and carried with a unanimous vote with 2 abstaining.

Peter Hassler Map 9 Lot 40 for a conditional use for a wood processing business. Peter explained that this is a 150 acre parcel that he would store, cut and split wood on. Mr. Hassler has notified his abutters of this meeting. Patti McIntyre states that this is a permitted conditional use in the F & A zone. Patrick Fennell inquired as to whether there would be a storage facility on the property. Mr. Hassler states that the lot would be used primarily as a processing facility and that no structures would be going up at this time. Theresa expressed concern about logging truck going in and out of the road. Mr. Hassler states that during the muddy spring season the roads will be posted anyway so that shouldn't be a concern. Parker Sherman from the Nature Conservancy expressed the conservancy's approval of this use. Dwayne Woodsome made the motion to approve. Motion seconded and carried with a unanimous vote in favor.

Village Pines Subdivision application of Everett Whitten on Map 5 Lot 9
Everett explains that this is a proposed cluster subdivision which would consist of 10 house lots and have an deed restriction of age 55. It was discussed how the growth ordinance could be enforced in regards to this type of deed restriction. Dwayne Woodsome discussed getting opinions from Southern Maine Regional Planning and Ken Cole on how to handle definitions and enforcement of elderly housing. The board discussed the possibility of doing this in the form of a workshop.

Dwayne Woodsome questioned possible nitrate plume running into neighboring lots. Dwayne states that this is very fast draining porous soil. Everett states that the study shows less than 5 parts per million would be leaving the lot. Dwayne says he does not like the design of the road and feels that any trucks would have a hard time getting down the road. Sue Dunlap feels the hammerhead design of the road is no different than in many other approved subdivisions and noted that in Bartlett Pines II they were required to put in a turnaround. Dwayne states that the road issues have not been addressed yet and need to be.

Dwayne thinks that due to the nitrate levels the septic systems would be too close to do a cluster development. Patti McIntyre points out that nitrogen concentration regulations are to be measured from the property lines of the development as a whole not individual lots within the subdivision, according to subdivision regulations.

The preliminary subdivision plan checklist is reviewed at this time. The following is a list of information that needs to be addressed and provided to the planning board prior to the next meeting:

Plan needs signature line.

Need width of Mast Camp Road.

Width of any easement needs clarification.

Plan shall show 100 year flood line.

Plan shall show Hydrants.

Plans shall show building setback lines.

Property lines physically marked at the site.

Plan shall show underground utilities and water line.

Plan shall show a proposed street layout that will comply with the Waterboro Zoning Ordinance.

Plan shall show right of way width.

Plan shall show proper right-of-way turn around access.

Plan shall show pavement width, street elevations, grades and sidewalks.

3 copies of Erosion Control and Stormwater Drainage Plan.

Tim Neill made a motion to table until more information is provided. Kurt Clason seconds motion. Motion carries with a vote of 4-1 in favor with Roland opposing.

Tim Neill made a motion to waive Hydro geological study. Roland Denby seconds motion. Motion carries with a 4-1 in favor with Dwayne Woodsome opposing.

III. MINUTES OF PREVIOUS MEETINGS.

The minutes of July 16th and 23rd were tabled to be signed at the August 20th planning board meeting.

IV. REPORT OF OFFICERS

V. OLD BUSINESS

The board decided to reschedule the boat ride / site walk for Tuesday August 26. The board will meet at the public boat launch at 6 p.m. The issue of reimbursing Paul L'Heurux \$50.00 for his time and gas for the boat ride was discussed. Motion made to approve made by Tim Neill and seconded by Roland Denby. Motion carries with a unanimous vote.

VI. COMMUNICATIONS

Copies of outgoing violation letters from CEO office

VII. MISCELLANEOUS

VIII. NEW BUSINESS

IX. ADJOURNMENT

Tim Neill made the motion to adjourn at 11:00 p.m. Kurt Clason seconds. Motion carries with a unanimous in favor.

Planning Board Meeting Minutes

August 20, 2003

I. ROLL CALL

Chairman, Susan Dunlap called the public hearing to order at 7:35 p.m. noting attendance of the board as follows: Roland Denby, Everett Whitten, Tim Neill, Teresa Lowell and Kurt Clason. Dwayne Woodsome joined the meeting at 7:50.

II. APPOINTMENTS

Final plan review of Ossipee Landing subdivision. The board reviews the peer review from Sebago Tech and a memo from the conservation committee. Theresa asks if impact study has been done and notes that the applicant has not provided a master plan. Board discussed assess to lot 10. At this time the board also reviews the checklist for Ossipee Landing. It is noted and discussed that there is no narrative of scheme of development. Mitch states that he believes he has submitted a narrative. Sue feels a narrative should be in place to prevent being overdeveloped in the future.

The issue of the common land and how it will be held is discussed. It is asked if the proposed roads will be meant to access future subdivisions. Sue states that subdivision regulations state that a road servicing more than 150 residents must be 24'. Mitch states that as far as future developments this would not be the only access road and says he originally had proposed a 24' road but reduced it at the board's request. Mitch would like to address the issue of open space. He believes the land is un-buildable because it is in the flood zone. He intends the land to be used by the town for recreation purposes and will be meeting with the conservation committee to decide how the land can be conveyed. Mitch says nothing will happen until they receive the master DEP permit. Mitch feels the developer shouldn't be penalized because the town is unsure as how to accept the land. The land is supposed to be conveyed before 75% of the lots are sold. Kurt asks what will happen if the town is not in a position to accept the land at that time. Mitch says their intention is to either turn the land over to the town or transfer it into a trust. Sue thinks his intent here settles this question.

Dwayne Woodsome asked what Mitch's intentions with the \$10,000 in escrow and if the developer will put in a ballpark with that money. Dwayne questions the legality of the town taking trust money, and thinks it would be best if the developer put in the ballfield.

Sue Dunlap brings up the issue of the performance guarantee. Dwayne thinks the money, currently being held in a Canadian bank, should be in a U.S. bank. Doug Foglio, speaking as a member of the Board of Selectmen, says that nothing can be approved by the planning board until the selectmen agree to accept the letter of guarantee. Mitch agrees to have the money transferred to a U.S. bank.

At this time the Sebago Technics report was reviewed by the board. It is noted that there were a few concerns and Mitch states that he feels Sebago Tech's concerns are merely misinterpretations and that he will have the engineers discuss this. The following is a list of information that needs to be addressed and provided to the planning board prior to the next meeting for final approval:

Road name approved by the fire chief

Road entrance permit

Master plan narrative

Performance bond (or letter of credit) approved by the selectmen and Town attorney

Items A-E from the Sebago Tech report regarding stormwater management - This is a matter of a letter from Sebago Tech certifying it meets town requirements

Written certification of agencies are required (Fire Chief, Road Review)

Final approval will be considered at next planning board meeting provided the above information is provided.

At this point in the meeting Sue Dunlap, Chair of the Board, excuses herself from the meeting and Tim Neill takes over as chair for the remainder of the meeting.

Site Plan review for Architectural Skylight on Map 4 Lot 30. Nicholas Tskaris explains the plans for the proposed expansion. It is noted by the planning board that Architectural Skylight has come before the board before on this expansion and was granted permission. At this time the checklist is reviewed. It was noted that Architectural Skylight also needs to get a State construction permit. Mr. Tskaris states that he is aware of this fact. Roland Denby motions to approve. Kurt Clason seconds the motion. Motion to approve carries with a unanimous vote in favor.

III. MINUTES OF PREVIOUS MEETINGS.

Dwayne motioned to approve July 16 minutes. Roland seconds and motion carries with a 4-0-1 vote in favor with Kurt abstaining. Dwayne motions to approve minutes of July 23. Tim seconds and motion carries with a unanimous vote in favor. Kurt motions to approve August 13 minutes. Dwayne seconds and the motion carries with a unanimous vote in favor.

IV. REPORT OF OFFICERS

V. OLD BUSINESS

Myron Edgerly submitted in writing a revised D.O.T. entrance permit. Dwayne motions to approve change. Roland seconds and the motion carries with a unanimous vote in favor.

VI. COMMUNICATIONS

Board discusses notification from Limington in regards to Smokey Cove Subdivision, a proposed subdivision partly in Waterboro. Tim Neill will attend the Limington planning board meeting representing the Waterboro planning board. Tim Neill proposes that a letter is written and sent to the town of Limington disallowing liability in regards to the subdivision road. Kurt seconds the motion carries with a unanimous vote in favor.

VII. MISCELLANEOUS

VIII. NEW BUSINESS

IX. ADJOURNMENT

Dwayne made the motion to adjourn at 10:30 p.m. Kurt Clason seconds. Motion carries

with a unanimous vote in favor.

TOWN OF WATERBORO
PLANNING BOARD MEETING MINUTES
September 3, 2003
7:30 p.m.

Chairman, Susan Dunlap called the meeting to order at 7:30 p.m. Attendance from the board is as follows: Kurt Clason, Theresa Lowell, Everett Whitten, Roland Denby and Dwayne Woodsome. Tim Neill was absent.

The Board made reference to and discussed the Public Hearing/Boat ride held August 26, 2003. Sue states that there were no members of the public in attendance. The Planning Board found it very educational and Sue states for the record that due to circumstances and what is happening on the shoreland she feels every property owner that comes before the planning board must have a sitewalk held before any decisions are made. Sue says there may also be changes in policy resulting from what they saw on the boat ride.

II. APPOINTMENTS

7:30 p.m. Final plan review of Ossipee Landing subdivision, Map 17 Lot 4T. Sue Dunlap asked about the issue of the performance bond. Mitch Rasor says the selectman have come to an agreement on the new amount and the attorneys are working on an agreement which will be voted on by the selectmen on September 8.

Mitch refers to Dave Bentons road measurements and the discrepancies in the "stopping" requirements. Mitch feels his measurements, 380 feet are within acceptable ranges for this road. Dave Benton measured the stopping distance at 300'. The required distance is 350' for an auto and 475' for a single unit truck. Sue points out that would be 20% reduction from the requirement and that Mitch has been told in the past that this is a high traffic area. The speed limit is discussed for this road. Mitch asks how Dave measured the stopping distance. Dave explains how he measured and different methods for measuring in circumstances like this. Sue reads the road regulations and finds that a 30% reduction can be granted. Dave Benton points out the need to also trim vegetation back on the Dam side of the road due to poor visibility. Mitch states that this is a no-cut green zone but whatever the town would like him to do, he will do. Mitch points out that he already has the approval of the Fire Chief and the School District on the road entrance and hopes the board has enough information to make a decision to approve. Sue Dunlap questions the measuring standards used to measure stopping distance and the different methods are discussed. Mitch volunteers to meet Dave Benton at the site the following day to measure the road entrance but would like to have the planning board sign the final plans in the meantime. Dwayne Woodsome motions to approve final plan but not sign pending approval of performance bond by the selectmen and the road entrance by Dave Benton. Sue would like it noted that there is nothing in ordinance that states the planning board required the selectmen's approval of the performance bond. Kurt Clason seconds and the motion carries with a unanimous vote.

At this point in the meeting Everett Whitten excuses himself from the board to present plans for Village Pines subdivision.

Village Pines subdivision application of Everett Whitten, Map 5 Lot 9. Everett introduces himself and describes the location of the proposed subdivision. At this time the checklist of

outstanding items is reviewed as well as the revised plans. All outstanding issues have been addressed with the exception of one more hydrant not shown on the plan. Kurt Clason asks if there is town water on the Mast Camp Road. Everette tells him there is not. Dwayne Woodsome feel the waterline should come down the Mast Camp Road as opposed to coming across private property. Sue thinks the Water District needs to discuss that.

Sue asks about the lack of elevation of the road. Everett says that this is because the ground is very flat. Dwayne would like to see some kind of sidewalk in this development and Kurt Clason agrees. Dwayne thinks the sidewalk should extend all the way down the Mast Camp Road. Kurt feels that the Planning Board can not require that since the Mast Camp Road is an existing, established road. Everett states that due to the issue of sidewalk maintenance, that would be counterproductive. Sue suggests widening the road and putting a stripe down the side for a walking lane. Sue feels this should be a walkable subdivision allowing access to nearby businesses. Roland Denby would like to bring up the need, in general, to have more consistent road widths and references. Sue says the issue of sidewalks/walking lane needs to be addressed tonight. The board agrees that a walking lane is a good idea for this subdivision. Dwayne feels the walking lane should be on the right side of the road due to plowing issues. The board discusses best location for walking lane to aid snow removal. Theresa asks if in the future we should send all issues relating to roads to the road review committee and the fire chief for recommendations. Dwayne would like to send Everette to the road review committee to get their recommendations on the following issues:

- design of the proposed hammerhead turn.
- road elevations.
- road layout; best location for walking lane, mailboxes and hydrants.

It is also requested by the board that Everette meet with the Water district for their recommendations on the issue of where the water line should be run.

Dwayne Woodsome expressed concern about headlights from vehicles going into the neighbors yard. It is suggested that this should be looked at during the site walk

Dwayne questions the boards authority to reduce the side setbacks to 10'. Sue points out that the setback reductions for cluster developments are at the discretion of the board. The issue of the deed restrictions being proposed for the subdivision is discussed. The board feels a workshop between the town's attorney and the board is needed to address this matter. A sitewalk is scheduled for Village Pines for Tuesday September 16 at 6:00p.m.

III. MINUTES OF PREVIOUS MEETINGS.

Dwayne Woodsome motions to approve minutes of August 20 planning board meeting. Roland Denby seconds and the motion carries with a unanimous vote in favor.

IV. REPORT OF OFFICERS

V. OLD BUSINESS.

Dwayne brings up the issue of requiring daycares in Waterboro register with the town. Sue suggests we run an ad in the local newspapers notifying daycares that they need to register. Dwayne suggests the planning board secretary draft an ad for the planning board to approve.

VI. COMMUNICATION.

VII. MISCELLANEOUS.

Dwayne feels the planning board needs to start preparing for town meeting. Among some of the issues that need to be discussed are:

- the growth ordinance.
- site plan review - provisions for approving site plans without necessarily approving the use.
- Industrial park review issues.

The board would like to send notification to all committee heads that the planning board is now preparing to work on possible zoning changes. If any of the various committees would like the board to consider any changes, the planning board needs to be notified by October 31, 2003. The board would also like to note that representation from the committees at any public hearing is required in order to have their proposal considered.

VIII. NEW BUSINESS.

IX. ADJOURNMENT

Dwayne made the motion to adjourn at 9:30 p.m. Roland Denby seconds and the motion carries with unanimous vote in favor.

TOWN OF WATERBORO
PLANNING BOARD MEETING MINUTES
September 17, 2003
7:30 p.m.

Chairman, Susan Dunlap called the meeting to order at 7:30 p.m. Attendance from the board is as follows: Kurt Clason, Teresa Lowell, Everett Whitten, Roland Denby and Dwayne Woodsome and Tim Neill.

Sue makes reference to and discussed the site walk for the proposed Village Pines Subdivision held on September 16th. Members of the Planning Board in attendance were Sue Dunlap, Teresa Lowell, Roland Denby, and Dwayne Woodsome. Everette Whitten, applicant for the subdivision, was present as well as David Benton from the Road Review Committee and the Water District, and Russell Lowel from the Road Review Committee. No members of the public were present at the site walk with the exception of Bill Nurmi, who came at the end of the site walk.

A workshop with the town attorney followed immediately after at the town hall.

II. APPOINTMENTS

7:30 p.m. Robert Stackpole for a Conditional Use/Setback Reduction on Map 47 Lot 32.

Robert Stackpole explains that this is a legal non-conforming lot of record located in Lake Sherburne. He would like to place a 26x36 modular with a 10' deck. Sue Dunlap inquires about the possibility of turning the house and placing it sideways on the lot. Robert says that is a possibility. Kurt Clason asks if a smaller home is a possibility. Robert would like to go with a home this size. The board discusses the dimensions of the lot and they feel that the lot is big enough to place this modular on the lot sideways with less impact. Sue states that the board has been trying to place homes without using the maximum setback reduction if another alternative can be found. If Robert turned the house location sideways he would only need a 6' reduction only. Teresa inquires whether a sitewalk should be done. Kurt asks the applicant what his timeframe is on construction. Robert would like to put the foundation in as soon as possible and place the modular in the spring. Tim does not feel a sitewalk is necessary and motions to approve an 8' reduction in the front setback to make it 57'. There is an existing variance in file giving this lot a 65' setback. A survey must be done at foundation to assure the setbacks are met. Everett seconds and the motion carries with a unanimous vote in favor.

Ledgewood Subvission- review Bruce Lewis, the applicant and Will Cany Esq. introduce themselves. Tim Neill states for the record that Will Caney has provided legal representation for him in the past but he doesn't feel that will make him biased. Sue asks Bruce if he has amended his plans as discussed at previous meetings. The issue of private wells being placed in the lots is discussed. Bruce says he still wants to do individual wells. Sue asks about the letter from Deluca Hoffman referring to the stormwater management report from Sebago Technics. The report refers to a culvert on Goowins Mills Road. Sebago Tech recommends a 15" culvert on page one and a 24" culvert on page 2. Bruce states that he feels this is a discrepancy on Sebago Tech's part and the culvert should be 15". He will speak to them and clear this up. Sue notes that the Lasky junkyard problem has been remedied.

The 10% road grade in conjunction with the curve is discussed. Dwayne feels this would be a

very dangerous curve for residents, emergency vehicles and snowplows. Teresa asks if the entrance was widened for mail purposes. Bruce says it has been. Sue states that the road grade on lot 9 may be too steep. The road standard allows for that grade but Dave Benton, the Road Commissioner, questions that. Dwayne states that he would like to see town water run into the development not private wells. Kurt disagrees and would like to see something in writing from the water district regarding whether the water district can even support the additional use. Teresa questions the plumes shown on the plans limiting the area that a well and septic could be placed on the lot.

The number of cisterns is discussed. Bruce states that there will be 2 cisterns as per the ordinance.

Teresa would like a letter from the water district stating that they can handle the extra capacity of hooking up this subdivision. Dave Benton, speaking for the Water District, approximates that this subdivision would call for 60 gallons per person per day. He feels that this would not be a problem for the water system. Sue says that if the water is run into the development we also need to take into consideration that would open up the door for other homes and subdivisions in between to also hook up to the system. Sue says that considering this is a real possibility, would the water district be able to handle the capacity of others hooking on in the near future? Dave Benton states that the water district is not up to full capacity yet but within 5 years they will be up to full capacity and would have no problem handling that.

Patti McIntyre, CEO, asks if having the water quality tested is a possibility. Tim Neill states that he has heard that the water quality in Woodland Ridge, the neighboring development, is poor. Sue is concerned about requiring developers to run town water because the town has no standard in place for requiring it. Dwayne states again that he is concerned that private wells would be too close to septic plumes. Everett states that he feels the board cant force the developer to put in town water. Dwayne states that when this subdivision was originally proposed in the 90's, the board was going to require them to put town water in. Sue refers to and reads the following statement from a letter from Deluca Hoffman:

"While we concur with Attorney Cole's position that the two subdivisions on Goodwins Mills Road are legally two different subdivisions from a Maine Department of Environmental Protection regulatory standpoint, we believe the Town of Waterboro should review these projects as common and/or concurrent projects with respect to cumulative impacts to drainage, septic, water, traffic and other relevant issues."

Teresa states that based on the applicants own calculations putting in own water would be fairly cost effective. Kurt feels the issue is that, according to the plans, every lot has had a feasible place to put a well and the town has no standard in place to force the developer to put in town water.

Sue asks the opinion of Patti McIntyre, Code Enforcement Officer, on the well vs. town water issue. Patti feels that whenever possible we should try to extend our infrastructure. This is an area that has been designated as a growth area. The possibility of giving subdivisions additional growth permits in exchange for agreeing to extend the water line is discussed. Dwayne states that lots in a subdivision are valued at \$5000 more than lots with private wells. Sue feels that unless we give developers a break on the growth permit ordinance it is not fair to expect a developer to shoulder the cost of putting in town water because the growth ordinance prevents them from being able to recoup the money put in to the water line in a timely manner.

Will Caney speaks for the applicant. Will states the Code Enforcement Officer would already be assuring that private wells would be placed in the proper places and questions whether it is reasonable to require developers to put in town water. He suggests that the town needs to have a standard in place. He states that the original development that was proposed consisted of 38 houses and that would have had a bigger impact. Teresa says that this is the first development proposed that is in the water district. The difference in bringing the water line to the end of the development road vs. all the way into the subdivision is only \$2000. Dwayne suggests the possibility of doing the water line in stages and it is stated that a performance bond could be set up that relates to that.

Dwayne Woodsome makes a motion to require developer to put town water all the way into the subdivision. Teresa seconds the motion. Motion fails with a vote of 2-4-0 with Kurt, Roland, Tim and Everett opposed.

The possibility of sidewalks in the development is discussed. Kurt motions to require separated sidewalks in this development. Tim seconds and the motion carries with a unanimous vote in favor. The applicant will come back before the board with information on raised vs. non raised sidewalks.

The board reviewed a letter from Bruce Lewis that refers to the items discussed at the workshop. It is determined that stowmwater and erosion control issues have been addressed by York County Soil and Water. Dwayne motions to send to Deluca Hoffman to see if a waiver request is acceptable. Kurt seconds and the motion carries with a unanimous vote in favor.

Teresa asks about a performance bond for the subdivision. Kurt states that the dollar amount has to exceed 100% of the total cost. Bruce Lewis asks at what point he will have to put up a performance bond. It is determined that he would have to put up the bond prior to the board signing the final plan. Tim thinks the selectmen need to advise the applicant and approve the bond. Sue and Patti feel that the Code Enforcement office can help guide the applicant through this process. Dwayne feels the road can be done in phases but the bond needs to be in place until the completion. Dwayne also has issues regarding site distance for a school bus stop and feels this needs to be addressed. Bruce was directed to contact SAD 57 in regards to this.

Henry Holmes Conditional use/Setback reduction for Map 17 Lot 9E. The following property abutters were present at the meeting: Mary Moore, Jessica Moore and Arden Davis. For the record, Sue also notes letters received from 2 other abutters. The abutters were concerned about the board granting a front yard setback reduction. It was determined by the Code Enforcement Officer that the abutters had also been granted setback reductions to build their homes and that they were unaware of this fact. This is a legal nonconforming lot of record and Henry is requesting a 25' reduction in the front setback. Henry explains that he has recently had the lot surveyed and found that he has less room in the front than he originally thought. Patti McIntyre confirms that if this setback reduction is granted she will require a survey to confirm the setback distances are met. Kurt motions to approve the setback reduction of 75'. Henry notes that he also has a 4' porch. Kurt modifies his motion to 71' to allow for a 4' porch. Applicant must have a survey at the foundation confirming setback. Tim seconds and the motion carries with a unanimous vote in favor.

III. MINUTES OF PREVIOUS MEETINGS.

Minutes for August 20 signed

Tim Neill motions to approve minutes of September 3 planning board meeting. Teresa seconds and the motion carries with a unanimous vote in favor.

IV. REPORT OF OFFICERS

V. OLD BUSINESS.

Discussed the issue of requiring daycares in Waterboro register with the town. The town will run an ad in the local newspapers notifying only licensed daycares that they need to register with the town.

VI. COMMUNICATION.

VII. MISCELLANEOUS.

VIII. NEW BUSINESS.

The board discussed imposing a moratorium on water processing plants in town until a study can be done regarding its impact. The board would like to let the public know that tonight's meeting serves as public notice that the planning board is considering imposing a moratorium on water processing plants. The town attorney has drafted a moratorium. The purpose of this moratorium is to give the town time to do impact studies and draft regulations. The moratorium is only good for 180 days and can be renewed at the end of that time if good progress on studies are being made. The suggestion was made to possibly pool resources with a neighboring town to do the research. Tim motions to pursue the moratorium issue at a public hearing. Kurt seconds and the motion carries with a unanimous vote in favor.

The board would also like to let the public know that tonight serves as public notice that the planning board is considering a change in the growth ordinance regarding the over 55 exemption. Federal regulations state that only 80% or residents in an over 55 subdivision have to be 55. Due to the issues discussed at the workshop with the town attorney and the amount of red tape involved, Natalie, the town attorney suggests the growth ordinance should refer to the Federal law and guidelines. Dwayne thinks the selectmen can approve a revision to the growth ordinance. Sue feels the public should be aware and involved in any change to the ordinance.

It is decided that the best way to bring the various issues to the public is to schedule a public hearing. A public hearing is scheduled for October 22, 2003 at 7:00 to review the following issues:

- Differential growth
- Water processing plant moratorium
- Growth ordinance "over 55" exemption

A public hearing for Everett Whittins proposed Village Pines subdivision is also scheduled for October 15, 2003 at 7:00.

IX. ADJOURNMENT

Kurt made the motion to adjourn at 10:50 p.m. Tim seconds and the motion carries with a unanimous vote

in favor.

TOWN OF WATERBORO
PLANNING BOARD MEETING MINUTES
October 1, 2003
7:30 p.m.

Chairman, Susan Dunlap called the meeting to order at 7:30 p.m. Attendance from the board is as follows: Kurt Clason, Theresa Lowell, Everett Whitten, Tim Neill, Roland Denby. Dwayne Woodsome was absent.

II. APPOINTMENTS

Greg Sanborn for a 30% expansion review on Map 30 Lot 3. Greg explains that his house is located at 493 Sokokis Trail and is in the shoreland zone. Applicant states that he has a permit by rule from DEP to expand his garage and repair a retaining wall. The board reviews the measurements and calculations provided by the CEO. It is noted that the CEO has verified all calculations with the assessing records and onsite with Fred Gallant from DEP. Teresa asks the applicant if the basement is finished. Greg says that it is finished. The board inquires about the location and age of the septic system. The applicant states that he does not know exactly but estimates the system is at least 20 years old. Kurt motions to approve the 30% expansion. Everett seconds and the motion carries with a unanimous vote in favor. Applicant is using 3904 cubic feet out of 4908 cubic feet allowed and has 1007 cubic feet of expansion for lifetime of property.

South Waterboro Bible Chapel Site Plan Review for Map 21 Lots 4&5. Philip Rungren introduces himself as well as Steve Johnson. Philip explains that they would like to add a 40 x 120 fellowship hall to the existing church. Phil states that the addition will be 160' from the brook located at the back of the property. Tim asks if the septic system will be expanded. Phil tells the board that they will be replacing the septic system and the code enforcement office has a copy of the new septic design. Tim also asks about additional paving. Phil states that that is a possibility down the road. The issue of parking is discussed and the number of spots if found to be sufficient. The checklist is reviewed at this time. It is determined that the following items are still needed:

- Route 202 width needs to be on the plan
- Nitrate study needs to be done (Hydro was waived)
- Applicant needs to verify site is not in a flood zone

The board discusses the need of a nitrate study as this is a very large septic system. The applicant has requested waivers on both the hydro and nitrate studies. Everett motions to approve both requests. Roland seconds and the motion fails with a 2-0-4 vote with Teresa, Tim and Kurt opposing. Tim motions to waive the hydro study but to require that nitrate study. Kurt seconds and the motion carries with a 3-0-2 vote with Roland and Everett abstaining. Tim would like the lighting on the plan more clearly defined as down pointing. Tim motions to accept the site plan checklist. Everett seconds and the motion carries with a unanimous vote in favor.

III. MINUTES OF PREVIOUS MEETINGS.

September 17, 2003 - Everett motions to approve the minutes with one small change required in regards to the Ledgewood subdivision. Tim seconds and the motion carries with a unanimous vote in favor.

IV. REPORT OF OFFICERS

V. OLD BUSINESS.

The board discussed a letter received from Bruce Lewis in regards to sidewalks and fire tanks in his proposed subdivision, Ledgewood. Tim motions to accept the recommendations from Bruce Lewis pending stormwater approval as the impact may be changing. Kurt seconds and the motion carries with a unanimous vote in favor.

VI. COMMUNICATION.

The board reviewed various outgoing correspondence from the code enforcement office.

VII. MISCELLANEOUS.

VIII. NEW BUSINESS.

IX. ADJOURNMENT

Kurt made the motion to adjourn at 9:05 p.m. Tim seconds and the motion carries with a unanimous vote in favor.

Planning Board Minutes

October 15, 2003

7:30 p.m.

Chairman, Susan Dunlap called the public hearing for Village Pines to order at 7:02 p.m.

Noting attendance of the planning board of Kurt Clason, Roland Denby, Tim Neill, Everett Whitten and Dwayne Woodsome. Teresa Lowell was absent. Everett Whitten asks to be excused from the board as this is his application. Susan noted for the record that there are no members of the public present at this public hearing. Everett's wife and son, Kent are present for this meeting. Everett Whitten explains that he is applying for a ten lot subdivision off of Mast Camp Road as an age restricted development. He has designed a hammerhead turnaround at the end of the road. This project will only incur the filling of a wetland of 3900 square feet. This is under the maximum allowed by DEP of 4,300 square feet without a permit.

Susan Dunlap asks about the pavement ending before the first group of lots. Everett replies that he intends to run the pavement beyond where the driveways are. They are proposing an 18 foot wide paved road and will provide walking access. They are proposing a homeowners agreement for maintenance of the road until such time as the town may take over the road.

Susan Dunlap asks if the private owners of a proposed easement for the water line would be aware that this would render that portion of their property unbuildable? Everett states that the easement area is already unbuildable and they could still use that land for lawn or garden, etc.

Dwayne Woodsome states that he would like to see a circle drive without getting into the wetlands. Dwayne asks if Everett couldn't move the trailer and come out through there with a road. Everett states that is not a trailer but a stick built home. Dwayne states he thinks it would be safer for emergency vehicles and the applicant definitely has the chance to connect the roads.

Susan Dunlap asks why does Dwayne think this is safer? Dwayne answers that there would be an entrance and an exit. Everett explains the drawbacks of losing road frontage for the rest of his property if he puts the road through this lot.

Kent Whitten asks why is this different than any other dead end in town? Dwayne answers that it is safety for the elderly and the developer has the option of not making this a dead end. Kent states that this is asking his parents to remove a rental property on another lot of land. Susan Dunlap states that the board is only talking about this because Everett happens to own the abutting yet separate parcel of land with a house on it. If someone else owned this lot, this would not even be a question.

Tim Neill states that the board has approved so many dead ends he does not see this one to be an issue.

Because there are no public comments, the public hearing is closed at 7:15 p.m.

Regular planning board meeting opened at 7:30 p.m. Everett Whitten rejoins the planning board.

Chairman, Susan Dunlap called the meeting to order at 7:30 p.m. Attendance from the board is as follows: Kurt Clason, Everett Whitten, Tim Neill, Roland Denby, Dwayne Woodsome. Terresa Lowell was absent.

II. APPOINTMENTS

Ed Gowan for 30% expansion review on Map 4. Lot 20 Mr Gowan explains that he has expanded an existing deck. The original deck, according to town assessing records, was 20x13. It is noted that Patti McIntyre, Everett Whitten and Roland Denby have done a sitewalk of this property. George and Marie Gendron wrote the board expressing their approval of the proposed expansion. Donna and John Martel sent the board letters expressing their disapproval and were also present at the meeting. Sue notes that the addition to the deck is closer to the water than the original deck and needs to be removed. It is also noted that there is a possible side setback violation. Mr Gowen informs the board that he is not sure where the side property line is but is currently having the property surveyed. Sue also notes for the record that there are 2 letters from abutters. The board reviews the calculations. It is determined that the deck, prior the addition per assessing records, was 20x13. He is allowed to expand the deck by 30% in square feet. 30% of 260 square feet is 78. It is determined that Mr. Gowen should be allowed to expand the deck to 338 total square feet for the lifetime of the property. A 26x13 deck would be 338 square feet, or a 20x16.5 would be 330 square feet. Tim Neill motions to approve the 30% expansion with the following conditions: 30% expansion is granted, giving no more that 338 total square feet for the lifetime of the property, the portion of new deck that extends closer to the water than the original deck must be removed and the applicant must meet maintain side setback requirements. Everett seconds the motion. Motion passes with a 4-1-0 vote with Kurt apposing.

Brian Riley for 30% expansion review on Map 24, Lot 22. Brian introduces himself to the board and explains that he would like to change the pitch of the existing roof from flat to the same pitch as the rest of the house. This will not add any living space. It is noted that Patti McIntyre, Roland Denby and Everett Whitten did a site walk of the property prior to the meeting. The board reviews the calculations. Only volume is calculated as the renovation will not be adding any living space. Existing volume calculations total 18,432 cubic feet. 30% of that is 5,526 cubic feet. The new roof will add 720 cubic feet, leaving 4,809.6 cubic feet left to expand in volume for the lifetime of the camp. Dwayne notes that he would like to see silt fencing put down during the construction to prevent debris from going into the lake. The applicant agrees. Kurt motions to approve increase in volume per the calculations and with the stipulation that the applicant agree to use debris control to prevent contamination of the lake. Everett seconds and the motion carries with a unanimous vote in favor.

Village Pines Subdivision on Map5 Lot 9 Everett Whitten excuses himself from the Planning Board at this time to present plans for his proposed subdivision, Village Pines. The board discusses the written comments from the road review committee in regards to the sidewalk and road design. The road review committee noted that the sidewalk could be located on either side of the road and that it would be built to town standards. It was also noted by road review that the plans did not include a cul-de-sac. The board discussed

this and decided that meant the road review committee did not have an issue with the design of the road as proposed. At this time the checklist is reviewed. Kurt feels the plan needs to show road elevations. Everett states that the land is flat and feels that is not necessary. This is discussed and it is determined that State of Maine Land Use regulations require the elevations shown on the plan. The board discusses the number of hydrants required in the subdivision. Regulations call for a hydrant every 800-1000 feet for every 5 houses. It is determined that what is shown on the plan is adequate. The process of hooking up to town water is discussed. The board determined that with the exception of elevations on the plan, the checklist is complete. Tim motions to approve the preliminary plan, noting that elevations will be required on the final plan. Kurt seconds and the motion carries with a 4-1-0 vote, with Dwayne opposing.

The board discussed showing the waterline, in relation to the easement, on the plan. Sue feels as long as the waterlines within the subdivision are shown, that's all that is required.

III. MINUTES OF PREVIOUS MEETINGS.

September 17, 2003 signed - minutes had been previously approved

October 1, 2003 - Dwayne motions to approve minutes. Everett seconds and the motions carries with a unanimous vote.

IV. REPORT OF OFFICERS

V. OLD BUSINESS.

VI. COMMUNICATION.

The board reviewed various outgoing correspondence from the code enforcement office.

VII. MISCELLANEOUS.

VIII. NEW BUSINESS.

Tim Neill reports there is a meeting with SAD 57 next Tuesday regarding the plans for the new Middle School. Sue states she thinks there might be a communication problem because they have not been notified of that meeting yet but have read about it in The Reporter. Sue states that she has heard that the selectmen stated they were not notified of the planning board public hearing on October 22. The notice for that public hearing has been up on the bulletin board for two weeks that she knows of. Sue notes that the town of Lyman is having a public hearing on Tuesday night also. This is a meeting regarding Lyman moratorium process on water processing facilities. Tim Neill states that he would like to go to the Lyman public hearing instead of the selectmen meeting so he can report back to the planning board. Sue states that the board members can decide which meeting they want to attend.

Dwayne reports that he turned in the budget to the selectmen's office this week. He put in for a town planner again this year the same as they did last year. Nothing much changed as far as the regular budget goes. Sue noted that she and some other board members are not getting the Maine Townsman publication anymore.

Sue reports that the code enforcement office was successful in getting the Saco Valley Credit Union to replace the swales that were filled by their landscaper. Patti reports that

the credit union is very happy with how their property has turned out, and that she inspected the swales after this heavy rain and they held water as they are designed to do. By the end of the day the water had drained into the ground.

Dwayne reports that there is a workshop on October 28 put on by Southern Maine Regional Planning on Boardsmanship. Anyone who wishes to attend should report to Dawn so she can RSVP.

Dwayne made the motion to adjourn at 9:05 p.m. Kurt seconds and the motion carries with a unanimous vote in favor.

PLANNING BOARD MEETING MINUTES

December 3, 2003

7:30 p.m.

I. ROLL CALL

Chairman, Susan Dunlap called the public hearing to order at 7:30 p.m. Attendance from the board is as follows: Kurt Clason, Teresa Lowell, Roland Denby, and Everett Whitten. Dwayne Woodsome sat in the audience and abstained due to a conflict of interest.

There are 2 abutters present, Ken Grant and Roger Allen. Dana Morton, Albert Frick Linda Morin and Larry Plourde were also present.

Sue Dunlap refers to the sitewalk that was held Sunday November 30 at 9:00 a.m. Attendance from the board was as follows: Teresa Lowell, Roland Denby, Everett Whitten and Dwayne Woodsome. Kurt Clason and Sue Dunlap were absent. Members of the public that were in attendance at the site walk were as follows: Kenneth Grant, Thomas Seery, Dana Morton and 2 representatives for the applicant.

Al Frick explains the project. This project is a 50's style diner, named "Blast from the Past", and is proposed as a 100 seat diner. This property is located on Rt. 5 in the GP zone. The property is 6.07 acres and is further identified as tax map 8 lot 1B.

Ken Grant, an abutter, expresses his concern that the culverts are inadequate and stormwater may back up onto his property. Dana Morton states that he has recently become aware of the drainage problems in this area and has recently re-visited the site. Dana states that he feels that he can't properly calculate runoff water amounts. To assure this does not become an issue he has redesigned his plan to include 2 additional 30" culverts and a detention swale. Dana feels this will assure that water will leave the property at the same rate it currently leaves.

The board addresses the issue of lights from vehicles going onto neighbors properties. The applicant has proposed to plant hedging to protect the neighbors privacy. The applicant states that it is his understanding that Mr. Grant is agreeable with this.

Sue Dunlap asks if the parking lot will be level with the road. The applicant states that the parking lot will be slightly elevated with a sloping grade. Roger Allen asks what kind of recourse the abutters have in the event that the stormwater runoff starts flooding their property. Sue feels the applicant would be responsible for remedying the problem. The attorney for the applicant states that the process of planning board and peer review is very thorough and a problem of this nature is unlikely to happen.

An abutter inquires about the speed limit on that stretch of Sokokis Trail. The speed limit is currently 50 mph. Sue says that MDOT is responsible for adjusting speed limits and may do so if they determine that a traffic study needs to be done. It is noted that none has been done at this point. Sue suggests if the abutters are concerned they should contact MDOT.

Roger Allen questions why the applicant is not bringing town water up to service the diner. Sue asks the boards opinion on this issue. Teresa states that she thinks it would be a

good idea as this has been designated a growth area and running town water in a growth area is encouraged in the new comprehensive plan. Kurt feels that where there is no standard in place it is difficult to require some applicants to run town water and not others. An abutter questions if the state has a requirement regarding water supply. The applicant states that no, there is no state standard requiring town water and a well is sufficient. Dana also states that the Department of Human Services requires the water to pass safe drinking tests. The applicant also says according to the studies, wastewater plumes will not interfere with a private well on site.

Mr. Plourde says that they may be willing to run town water to the site but would like assurance that whoever hooks up to the system will reimburse them for the expense. The board determines that the applicant needs to contact the water district regarding the formula they use to figure reimbursement costs.

With no further questions or comments from the public, the public hearing portion of this meeting is closed at 8:05 p.m.

Regular Meeting

II. APPOINTMENTS

Linda Morin and Larry Plourde site plan application for 50's Diner. Teresa asks the applicant if and traffic calculations have been done regarding increased car traffic per day. Dana Morton states that none have been done as they are not required if there will be less than 100 cars per hour. The applicant assures that MDOT would not issue an entrance permit unless this issue had been reviewed. Sue asks the applicants if they have obtained a new entrance permit. The one they currently have was obtained for the lot but not for this particular use. The applicant says they have filled out a new application and they will be getting a modification to their entrance permit. The new proposed entrance will be 10' away from the original approved entrance. Sue asks what the use was proposed to be on the land that held the original entrance permit. The applicant says the original entrance permit was issued to service 5 commercial lots of unknown use.

The board reviewed the photometric plan submitted by the applicant. It is determined that 2 lights at the drive need to be relocated. The checklist is reviewed at this time. It is noted that the plan needs to show the screening more specifically. The applicants said they were planning on doing that after getting the public feedback at the public hearing.

The following issues are yet to be addressed by the fire chief:

- Provides adequate access to the site for emergency vehicles;

- Provides adequate dry hydrants and access to the hydrants;

- The proposed water supply meets the demands of the use and for fire protection.

The applicant will be deciding if they would like to run town water or go with an on site well. This will determine the fire protection issues outlined above that are still outstanding. The attorney for the applicant says that in her opinion the ordinance in place is unclear and she questions the planning boards authority to force an applicant to run town water. Sue states that the board is in disagreement on this issue but they should express their preference for the benefit of the applicant tonight. Roland says that in his opinion, due to

prior pollution problems, the aquifer under Rt. 5 could become toxic if there was a heavy draw on it that would disturb the heavy metals. The board further discusses the water issue and overwhelmingly agrees that their preference would be to have the applicant run town water. Patti says that she will schedule a meeting with Frank Birkemose and Dave Benton to discuss the fire safety and water issues.

A peer review will be done and attempts will be made to have it back by December 17.

The board discusses whether or not a performance bond should be required for this project. Kurt feels that if the water line is run then that should be bonded. The applicant will make a decision on the water line after meeting with the Water District. The applicant must also provide a certified As Built Survey.

SAD 57 Portable classrooms/conditional use. Dana Morton and Candace Gooch were present, representing SAD 57. The applicant states that these portables are being requested for autistic students that are already currently enrolled at the High School. The board reviews the plans. The portables will be placed behind the gym and will tie into the existing septic system. Teresa asks where the entrance into the main school from the portables will be and whether there may be a better place to put the trailers for safety reasons. Kurt asks about the possibility of moving the portables closer to the main building so the students wouldn't have to cross the line of traffic going in and out. Dana states that for school bus purposes this is the best location for turning radius and safety purposes. Roland asks Dana is there is a special setup in these classrooms. Dana does not know. Kurt asks if the long range plans for these portables is for them to be temporary or permanent. Dana states that more than likely they will be permanent. The board questions whether or not these portables will always be used for autistic children. Candace tells the board that the design of these portables is more conducive for this use.

Dwayne Woodsome rejoins the meeting at 9:20 p.m.

The board reviews several different possible locations for the portables and it is determined that there are very limited choices.

Dwayne Woodsome makes a motion to approve the plan as presented. The board discussed whether or not to require some type of fence in front of the portables, separating the edge of the roadway. Everett seconds the motion. The board also discusses a painted walkway from the portable to the main entrance of the school.

Everett seconds Dwayne's motion to approve as proposed.

Teresa asks the applicant if the pads will be even with the existing elevation. The applicant states that they will be.

Dwayne amends his motion to include a suitable barrier, as determined by the Fire Chief and Code Enforcement Officer, to delineate the edge of the road and a painted crosswalk from the portable to the primary school entrance. Everett seconds the amended motion. Motion carries with a unanimous vote in favor.

III. MINUTES OF PREVIOUS MEETING.

November 19 minutes: Kurt motions to accept minutes of the November 19 meeting. Teresa seconds and the motion passes with a vote of 5 in favor with Dwayne abstaining as

he sat out on part of the meeting.

IV. REPORT OF OFFICERS.

V. OLD BUSINESS.

VI. COMMUNICATION.

Board reviews various outgoing communications from the code enforcement office.

VII. MISCELLANEOUS.

VIII. NEW BUSINESS

IX. ADJOURNMENT.

Kurt made the motion to adjourn at 10:05 p.m. Teresa seconds and the motion carries with a unanimous vote in favor.

Planning Board Meeting Minutes November 19, 2003

I. ROLL CALL

Chairman, Susan Dunlap called the meeting to order at 7:35 p.m. noting attendance of Dwayne Woodsome, Teresa Lowell, Everett Whitten, Roland Denby and Kurt Clason.

II. APPOINTMENTS

Roger Lauzier 30% expansion review on map 36 lot 12 representing Mr. & Mrs. Loukola. Everett, Roland and Patti did a site walk. Pictures were taken and the board reviewed. The footprint of the building will remain the same. Roger has gotten a new septic system design in case the current system fails. They are adding one bedroom to the camp. Dwayne Woodsome made the motion to approve the expansion under section 7.01 of the zoning ordinance with the conditions that the applicant changes the building plans to reflect 3 bedroom camp and no change of the footprint of the existing camp. Applicant must use all required erosion control measures throughout construction. Applicant is using 2055 cubic feet out of 4575 allowed, and using 640 square feet out of the allowed 658.8 leaving 18.8 square feet or 1995 cubic feet of expansion for the lifetime of the property. Neither can be exceeded. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

Linda Morin & Larry Plourde site plan application for 50'S Diner on Sokokis Trail map 8 lot 1B. Dwayne Woodsome requests to be excused from the board due to conflict of interest. Albert Frick speaks representing the applicants. Also attending are Dana Morton, civil engineer and Sanford Gay, attorney. Sebago Technics did the survey work. David Bufey did the topo work. Richard Sweet did the hydro geological study. This project is planned to be serviced by private septic and water. It is a 6.07 acre parcel in the (GP) general purpose zoning district. This project is very similar to the previous application for the same business by the same applicant but in a different location. They have made application to DEP for minor alteration to the wetland. They have planned for 58 parking spaces. They have potential for a future storage building located on the plans. Patti, CEO asks about the DOT entrance permit. It is not specific to the applicant. Dana Morton states that he has talked to DOT on several occasions and they are aware that this is a commercial use and will get the permit transferred to the applicant.

Patti also reports that a representative of the property abutting this lot called to inform the board that they intend to build a church on that lot. They will be applying for site plan this winter. Patti asks if the Diner intends to serve alcohol and is this a potential problem for the applicant. Dana Morton states that he has looked into this and this project is further away than the required 300'.

Section 5 parking is reviewed. The applicant has proposed 58 parking spaces. They will employ 15 people and with the seating of 100 people the ordinance requires 38 parking spaces.

Kurt Clason asks Albert to give the board an original photo metrics plan. The one provided for tonight's meeting is unclear and doesn't have a scale on it.

Teresa Lowell asks what the proposed hours will be. Larry Plourde replies, 6 a.m. - 9 p.m.

with maybe an exception during hunting season to open earlier.

An abutter asks about the lighting. Larry replies that the lighting will go down to security lighting during the off hours. The type of lighting is shoebox lighting. Everett Whitten informs the members of the public who are in attendance at this meeting that there will be a public hearing held at some point where they will be given an opportunity to voice their concerns.

Another neighbor across the street has a concern about the cross culvert that goes across Route 5 and that a brook runs right through the middle of that property.

They are proposing to use natural buffers on one side of the property that is already existing tree line on the East side and the backside. They propose to plant additional white pines to fill in the westerly side.

Teresa Lowell asks if the greenbelt requirements are met. Section 5.01 requires 25 foot front greenbelt and 10 feet on the side and rear property lines. Sue states that the site walk will be a better place to determine if the proposed and existing buffers will be adequate.

Kurt Clason asks about the water supply and the question of public versus private. The waterline is approximately 1600 feet from the Dunkin Donuts site. The applicant is proposing private water at this site. Sue states that the board has had a lot of pressure to extend the waterline wherever possible and that the applicants should be prepared for this subject to come up again at public hearing and at future planning board meetings.

Al Frick states that the hydro studies show a proposed well and the water supply has to be approved by the Dept. of Human Services because it serves a restaurant of over 26 seats and will be considered a public water supply. The septic system is designed for 1950 gallons per day.

The proposed plan has been sent to the fire chief and the applicant has not received his recommendations in writing as of yet.

Roland Denby asks if the applicant can locate the houses across the street on the plan with distances. There is some discussion from the people currently living across the street about headlights flashing towards their houses and screening and buffers to avoid that. The board agrees the houses should show on the plan and Al Frick agrees to put them on the plan.

The loading area shall be depicted on the plan. Larry Plourde explains that the trucks will pull in at the entrance, back up to the unloading area out back and then just drive out the exit. The delivery hours will be before opening two days a week.

Roland asks about the speed limit and the site distance. The speed limit is 50 MPH through that section of Route 5 and DOT has issued a permit for this site. Al Frick adds that they will get clarification from DOT regarding the entrance permit.

Dana Morton explains the stormwater drainage plan. All the run off from this site will be internally drained. A neighbor from across the street states that the culvert on Route 5 is not for stormwater but for spring run-off. He adds that he wants the board and the applicant to be aware that water in the spring or a heavy rain will be sitting right up to Route 5.

Dana Morton explains that the plan is to temporarily retain the water in detention areas and release it at a rate that currently occurs now. At each area where the water leaves the property pre-development there will be no more water that leaves the property post-development. They are required to calculate stormwater drainage based on a 25 year storm, which is 9" of rain. The plan is to allow the water to back up to an elevation of 96 and within one hour it should drain into the ground.

Sue asks Dana how he feels about the water coming from the property across the street through the culverts? Dana states that he isn't very comfortable with that, and he didn't realize the water backed up over Route 5. He would like to take another look at that area and possibly re-design the stormwater for a 30-40 year storm and be very conservative with the drainage plan.

Dwayne Woodsome states that possibly the applicant should work with the church that will be coming in next door. The ATV's have ruined a brook on the other side of the road up the pole lines. Instead of the water following the natural brook it is running down the power line and has created this water problem.

Kurt Clason states that there is a control structure in the stormwater drainage plan that should be annotated on the plans. Al Frick agrees to put it on the plan.

Roland Denby asks if they will be filling the site? The site will be filled 2-3 feet to raise the parking area up.

Larry Plourde states that there will be no hazardous waste from the site. There is a 1,000 gallon grease trap installed in the septic system as required by plumbing code.

The nitrate study is reviewed. The conclusion in the study is that nitrates will not exceed 5 mg/l at the property lines.

Al Frick agrees to mark the site prior to the site walk, showing the driveway entrance and the boundary lines. The site walk is scheduled for November 30 at 9 a.m.

The public hearing is scheduled for December 3 at 7:30 p.m. The site plan will be put on the agenda for the same evening. In the meantime we can ask for estimates for the peer review. A peer review will not be done until Dana Morton revises the stormwater plan to account for the water entering the property from across the street.

A neighbor asks about the picture of the restaurant in the file and whether the neon sign is being proposed that shows in the picture. Linda Morin states that they do not intend to install that neon sign that shows in the picture.

The checklist was reviewed and the applicant will submit all missing information for the next meeting.

Winifred Heacock with application for 30% expansion at Sunnyside Cottages on map 28 lot 9. Winifred explains that they acquired a permit by rule from DEP to remove fill and retaining walls along the shoreline and restore the area to what it was years ago. DEP suggested that where there will be newly exposed roots that the applicant constructs a dedicated walkway to keep people from walking over the newly exposed ground and root systems to try to save the trees. DEP also recommends ground cover under the walkway such as mulch or stone. Winifred asks the board what they would suggest, a ramp or

stairs leading to the walkway. This building isn't subject to handicap accessibility requirements as it was built in 1904. The board really did not have any preference on the materials or methods used to construct this walkway. Kurt Clason made the motion to approve the construction of the walkway under section 7.01 of the zoning ordinance with the conditions that the walkway not exceed 176 square feet, and all required erosion control measures be used. Everett Whitten seconds. Motion carries with a vote of 4-0-1 with Dwayne Woodsome abstaining.

Dwayne re-enters the meeting at this time.

Everett Whitten requests to be excused from the board at this time. Dwayne Woodsome made the motion to excuse Everett from the meeting. Kurt Clason seconds. Motion carries with a unanimous vote in favor.

Everett Whitten with Final Plan application for Village Pines an over 55 development on Mast Camp Road on map 5 lot 9. Susan Dunlap states that she had asked Patti and Dawn to remind Everett that he should be prepared to put up a performance bond, or discuss it because the board had not brought it up with him prior to this.

The final plan checklist is reviewed at this time. The fire hydrant needs to be relocated to meet the fire chief's recommendations. It is currently shown in the development. The fire chief would like the hydrant to be placed at the end of the development road so that it can service houses outside of the development as well.

The restrictive covenants have been submitted. The road elevation and the flood elevation are on the plan.

The road pavement width is discussed. The board decided that the pavement should be a minimum of 22 feet to include a striped walking lane.

Kurt Clason suggests that the natural hedge that is being maintained as a buffer to block headlights should be shown on the plan. If the hedges are being kept to screen headlights from turning traffic there should be a note on the plan to maintain that natural buffer. The board agrees.

Performance bonds are discussed. Section 7.1.45 of the subdivision regulations reads as follows: " Before the planning board grants approvals of the final plan, the subdivider shall, in an amount set by the board, either file with the municipal treasurer a certified check to cover the full cost of the required improvements, or he shall file with the municipal treasurer a performance bond to cover the full cost of required improvement and as a surety for the fulfillment of other conditions and requirements. Any such bond shall be satisfactory Counsel relative to form, sufficiency, manner of execution and surety. A time within which the required improvements must be made and other conditions met shall be set by the planning board and stated in the bond."

Dwayne states that developments usually don't finish pave until after the construction of houses is complete. Part of the purpose of the bond is to make sure the finish pavement stands up. Kent Whitten asks if final pavement isn't done until after the houses are done can there be a condition that only final pavement has to be bonded and put a note on the plan that says no building permits issued until the road is complete up to a certain standard except final top coat paving. The date of completion should be before the last

two occupancy permits are issued.

Roland Denby states that they have to keep the waterlines in mind so they don't have to dig the road up after.

It is decided the bond will be for 125% of the cost for topcoat finish pavement provided at the time of final approval. A note shall be placed on the plan stating that no building permits will be issued until the road is built to town standards as determined by a third party engineer. The topcoat must be installed prior to the last two occupancy permits being issued. A third party shall review estimates for the cost of topcoating the road.

Teresa Lowell asks if the covenants are sufficient. The board discusses putting the 55 or older covenants on the plan. It is agreed that because a housing development of this type has to follow strict Federal housing standards that the applicant doesn't have to be specific on the approved plan.

Because there are outstanding items on the final checklist, this application will be put under old business on the next agenda.

III. MINUTES OF PREVIOUS MEETINGS

There are various additions to the last meeting minutes and those will be adjusted according to the comments made.

IV. REPORT OF OFFICERS

Dwayne asks about the monthly budget report and the secretary pay not coming out of the planning board budget. Patti reports that has been corrected and should be accounted for in the next monthly budget report.

Dwayne reports that he went to the first impact study committee meeting and the next one is December 1. They are going to ask Southern Maine Regional Planning Commission for help with this.

Susan Dunlap reports that Tim Neill has resigned from the board effective immediately. The board all expressed their regret at that.

V. OLD BUSINESS

Craig Packard application for 30% expansion on map 29 lot 21 is reviewed. Mark Scott who is the contractor representing the applicant provided the class D survey the board requested at the last meeting. Everett, Roland and Patti did a site walk on November 17. Pictures were taken and passed around for the rest of the board to review. Dwayne Woodsome made the motion to approve the 30% expansion under section 7.01 of the zoning ordinance with the conditions that the structure goes no closer to the water or side property lines, and used all erosion control measures as required. Applicant is using 4800 cubic feet out of the allowed 5360, leaving 560 cubic feet of expansion for the lifetime of the property. Applicant is using 480 square feet out of the allowed 535 leaving 55 square feet of expansion for the lifetime of the property.

Susan Dunlap reports that she and Teresa Lowell attended a meeting with the SAD 57 school committee due to concerns the board has with the timing of their plans for a new school. Others attending were as follows: Fred Bechard, superintendent, Pinkham and

Greer, SAD 57 members, traffic engineer from Casey & Godfreid. Susan discussed the planning board process and scheduling with them. They have not made application to the board for the new school because until the project is funded, there technically is no project. They understand the importance of applying soon and stated that they intend to make application in January - February time frame. They want to put the project out to bid in the fall so will come in with a preliminary plan. Patti states that she believes the budget vote has been postponed until May as far as she knows.

The second application under old business for Lionel Belanger on map 29 lot 25 did not submit information to be reviewed at tonight's meeting.

VI. COMMUNICATION

VII. MISCELLANEOUS

VIII. NEW BUSINESS

IX. ADJOURNMENT

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

PLANNING BOARD MEETING MINUTES

December 3, 2003

7:30 p.m.

I. ROLL CALL

Chairman, Susan Dunlap called the public hearing to order at 7:30 p.m. Attendance from the board is as follows: Kurt Clason, Teresa Lowell, Roland Denby, and Everett Whitten. Dwayne Woodsome sat in the audience and abstained due to a conflict of interest.

There are 2 abutters present, Ken Grant and Roger Allen. Dana Morton, Albert Frick Linda Morin and Larry Plourde were also present.

Sue Dunlap refers to the sitewalk that was held Sunday November 30 at 9:00 a.m. Attendance from the board was as follows: Teresa Lowell, Roland Denby, Everett Whitten and Dwayne Woodsome. Kurt Clason and Sue Dunlap were absent. Members of the public that were in attendance at the site walk were as follows: Kenneth Grant, Thomas Seery, Dana Morton and 2 representatives for the applicant.

Al Frick explains the project. This project is a 50's style diner, named "Blast from the Past", and is proposed as a 100 seat diner. This property is located on Rt. 5 in the GP zone. The property is 6.07 acres and is further identified as tax map 8 lot 1B.

Ken Grant, an abutter, expresses his concern that the culverts are inadequate and stormwater may back up onto his property. Dana Morton states that he has recently become aware of the drainage problems in this area and has recently re-visited the site. Dana states that he feels that he can't properly calculate runoff water amounts. To assure this does not become an issue he has redesigned his plan to include 2 additional 30" culverts and a detention swale. Dana feels this will assure that water will leave the property at the same rate it currently leaves.

The board addresses the issue of lights from vehicles going onto neighbors properties. The applicant has proposed to plant hedging to protect the neighbors privacy. The applicant states that it is his understanding that Mr. Grant is agreeable with this.

Sue Dunlap asks if the parking lot will be level with the road. The applicant states that the parking lot will be slightly elevated with a sloping grade. Roger Allen asks what kind of recourse the abutters have in the event that the stormwater runoff starts flooding their property. Sue feels the applicant would be responsible for remedying the problem. The attorney for the applicant states that the process of planning board and peer review is very thorough and a problem of this nature is unlikely to happen.

An abutter inquires about the speed limit on that stretch of Sokokis Trail. The speed limit is currently 50 mph. Sue says that MDOT is responsible for adjusting speed limits and may do so if they determine that a traffic study needs to be done. It is noted that none has been done at this point. Sue suggests if the abutters are concerned they should contact MDOT.

Roger Allen questions why the applicant is not bringing town water up to service the diner. Sue asks the boards opinion on this issue. Teresa states that she thinks it would be a

good idea as this has been designated a growth area and running town water in a growth area is encouraged in the new comprehensive plan. Kurt feels that where there is no standard in place it is difficult to require some applicants to run town water and not others. An abutter questions if the state has a requirement regarding water supply. The applicant states that no, there is no state standard requiring town water and a well is sufficient. Dana also states that the Department of Human Services requires the water to pass safe drinking tests. The applicant also says according to the studies, wastewater plumes will not interfere with a private well on site.

Mr. Plourde says that they may be willing to run town water to the site but would like assurance that whoever hooks up to the system will reimburse them for the expense. The board determines that the applicant needs to contact the water district regarding the formula they use to figure reimbursement costs.

With no further questions or comments from the public, the public hearing portion of this meeting is closed at 8:05 p.m.

Regular Meeting

II. APPOINTMENTS

Linda Morin and Larry Plourde site plan application for 50's Diner. Teresa asks the applicant if and traffic calculations have been done regarding increased car traffic per day. Dana Morton states that none have been done as they are not required if there will be less than 100 cars per hour. The applicant assures that MDOT would not issue an entrance permit unless this issue had been reviewed. Sue asks the applicants if they have obtained a new entrance permit. The one they currently have was obtained for the lot but not for this particular use. The applicant says they have filled out a new application and they will be getting a modification to their entrance permit. The new proposed entrance will be 10' away from the original approved entrance. Sue asks what the use was proposed to be on the land that held the original entrance permit. The applicant says the original entrance permit was issued to service 5 commercial lots of unknown use.

The board reviewed the photometric plan submitted by the applicant. It is determined that 2 lights at the drive need to be relocated. The checklist is reviewed at this time. It is noted that the plan needs to show the screening more specifically. The applicants said they were planning on doing that after getting the public feedback at the public hearing.

The following issues are yet to be addressed by the fire chief:

- Provides adequate access to the site for emergency vehicles;

- Provides adequate dry hydrants and access to the hydrants;

- The proposed water supply meets the demands of the use and for fire protection.

The applicant will be deciding if they would like to run town water or go with an on site well. This will determine the fire protection issues outlined above that are still outstanding. The attorney for the applicant says that in her opinion the ordinance in place is unclear and she questions the planning boards authority to force an applicant to run town water. Sue states that the board is in disagreement on this issue but they should express their preference for the benefit of the applicant tonight. Roland says that in his opinion, due to

prior pollution problems, the aquifer under Rt. 5 could become toxic if there was a heavy draw on it that would disturb the heavy metals. The board further discusses the water issue and overwhelmingly agrees that their preference would be to have the applicant run town water. Patti says that she will schedule a meeting with Frank Birkemose and Dave Benton to discuss the fire safety and water issues.

A peer review will be done and attempts will be made to have it back by December 17.

The board discusses whether or not a performance bond should be required for this project. Kurt feels that if the water line is run then that should be bonded. The applicant will make a decision on the water line after meeting with the Water District. The applicant must also provide a certified As Built Survey.

SAD 57 Portable classrooms/conditional use. Dana Morton and Candace Gooch were present, representing SAD 57. The applicant states that these portables are being requested for autistic students that are already currently enrolled at the High School. The board reviews the plans. The portables will be placed behind the gym and will tie into the existing septic system. Teresa asks where the entrance into the main school from the portables will be and whether there may be a better place to put the trailers for safety reasons. Kurt asks about the possibility of moving the portables closer to the main building so the students wouldn't have to cross the line of traffic going in and out. Dana states that for school bus purposes this is the best location for turning radius and safety purposes. Roland asks Dana is there is a special setup in these classrooms. Dana does not know. Kurt asks if the long range plans for these portables is for them to be temporary or permanent. Dana states that more than likely they will be permanent. The board questions whether or not these portables will always be used for autistic children. Candace tells the board that the design of these portables is more conducive for this use.

Dwayne Woodsome rejoins the meeting at 9:20 p.m.

The board reviews several different possible locations for the portables and it is determined that there are very limited choices.

Dwayne Woodsome makes a motion to approve the plan as presented. The board discussed whether or not to require some type of fence in front of the portables, separating the edge of the roadway. Everett seconds the motion. The board also discusses a painted walkway from the portable to the main entrance of the school.

Everett seconds Dwayne's motion to approve as proposed.

Teresa asks the applicant if the pads will be even with the existing elevation. The applicant states that they will be.

Dwayne amends his motion to include a suitable barrier, as determined by the Fire Chief and Code Enforcement Officer, to delineate the edge of the road and a painted crosswalk from the portable to the primary school entrance. Everett seconds the amended motion. Motion carries with a unanimous vote in favor.

III. MINUTES OF PREVIOUS MEETING.

November 19 minutes: Kurt motions to accept minutes of the November 19 meeting. Teresa seconds and the motion passes with a vote of 5 in favor with Dwayne abstaining as

he sat out on part of the meeting.

IV. REPORT OF OFFICERS.

V. OLD BUSINESS.

VI. COMMUNICATION.

Board reviews various outgoing communications from the code enforcement office.

VII. MISCELLANEOUS.

VIII. NEW BUSINESS

IX. ADJOURNMENT.

Kurt made the motion to adjourn at 10:05 p.m. Teresa seconds and the motion carries with a unanimous vote in favor.