

**TOWN OF WATERBORO  
PLANNING BOARD MEETING MINUTES**

**January 7, 2003**

**7:30 p.m.**

**I. ROLL CALL**

Chairman, Susan Dunlap called the meeting to order at 7:30 p.m. Attendance from the board is as follows: Kurt Clason, Teresa Lowell, Roland Denby, Everett Whitten and Jonathan Raymond. Denise Everest is absent.

Sue Dunlap introduces new Planning Board member, Jonathan Raymond and briefly discusses the different processes and policies the planning board follows.

**II. APPOINTMENTS**

The applicants scheduled for tonight's meeting, Linda Morin and Larry Plourde, will not be attending this meeting as it was determined there were still too many unresolved issues with the peer review to attempt final approval.

Sue reminds the board that there will be a workshop with Natalie Burns, the Town Attorney, on January 21 from 7-8 pm. It is noted that the selectmen has expressed interest in possibly attending the workshop to discuss the water processing plant moratorium. Also planned for that night will be a board vote for Vice Chairman and Secretary/Treasurer. The board discussed the need to hold the vote as soon as possible, with the positions being held until April as this is the regularly scheduled time for such a vote. Roland questions whether the board could vote for a vice chairman on an "as needed" basis if the standing chair is not present at a meeting.

The board discussed an e-mail received from Natalie Burns, the town's attorney, regarding whether or not the planning board has the authority to require applicants to run town water.

*"The board has two site plan standards that apply here, 12 (proposed water supply will meet the demands of the proposed use or for fire protection) and 15 (second sentence concerning groundwater contaminants). The applicant has the burden of proof on those standards and should be asked to provide sufficient information (as set forth in Section II.A, the information should be written) to allow the board to determine whether the standards have been met. If the standards are not met, the board can condition the project on an extension of public water if the extension would mean that the standards would be met. The board does have the authority to approve projects with conditions, but the board should be able to demonstrate why a condition is necessary."*

The board will discuss this issue further with Natalie when she comes for the workshop.

Issues for a possible town meeting vote are reviewed. The possibility of re-configuring the distribution of growth permits, with the number allotted to Lake Arrowhead reduced for the purpose of assigning them to designated growth areas is discussed. Phil Tarr will be contacted for an opinion from LAC on this issue prior to the next planning board meeting.

The following are issues the board would like to discuss with Natalie Burns at the workshop on January 21 in preparation for a possible town meeting vote:

- age restriction exemption in the growth ordinance
- water processing plant moratorium
- potable water
- differential growth

It is determined that in order to meet the deadline for town meeting a public hearing will have to be set the week of February 9, 2004. An extra meeting will also be held January 28, 2004 to discuss information received from Natalie at the workshop and to prepare for town meeting.

### **III. MINUTES OF PREVIOUS MEETING**

December 3, 2003 - minutes tabled to sign at next meeting due to a typo

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

### **V. OLD BUSINESS**

### **VI. COMMUNICATION**

### **VII. MISCELLANEOUS**

### **VIII. NEW BUSINESS**

### **IX. ADJOURNMENT**

Kurt made the motion to adjourn at 9:00 p.m. Everett seconded and the motion passed with a unanimous vote.

**TOWN OF WATERBORO**  
**PLANNING BOARD MEETING MINUTES**  
**January 21, 2004**  
**7:00 p.m.**

The Planning Board held a workshop with Natalie Burns, Esq. Prior to tonight's regularly scheduled meeting. Attendance from the board is as follows: Susan Dunlap, Teresa Lowell, Roland Denby, Everett Whitten, Denise Everest and Jonathan Raymond

The board discusses the age restriction exemption and the current wording in the growth ordinance. The board would like to change the restriction and is leaning towards changing the age to 62. The board discusses the best way to word the change without excluding nursing homes and assisted living facilities. Sue asks what the definition of a legal definition of a group home is. Natalie says that generally there are 2 different classifications of group homes: ADA protected, which include homes for physically disabled, recovering alcoholics, mentally ill, etc. The second classification are those that are not ADA protected. The board discusses whether or not, in changing the exemption age to 62, the board would be excluding people they did not intend to. Natalie suggests the following wording: "housing for older persons that comply with the Fair Housing Act for 62 or older". Natalie will draft a recommendation that can be reviewed by the board before the next meeting.

The board reviewed the distribution of growth permits and the possibility and legality of re-distributing growth permits. Natalie feels that from a legal standpoint this would be acceptable. A meeting will be held with Phil Tarr from the Lake Arrowhead Association to discuss the possibility of re-assigning some of the 20 growth permits currently allocated to LAC. Natalie also discusses the required 3 year review of the growth ordinance. This shall include information on the impact on various town resources in relation to the number of growth permits. Another issue that will be reviewed is how often and when the growth permit cap has been reached. A review will need to be done this year. Teresa asks about the possibility of impact fees and what those fees can be used to fund. The impact fee study committee doesn't recommend trying to implement an impact fee at this time.

The Planning Board asks Natalie what changes must be made to give the Planning Board the authority to require town water. Natalie feels that with the growth ordinance we currently have the cost to developers would be prohibitive. The cost of putting in a development is already restrictive as only 3 houses per year can go in, putting a delay on a financial return to developers and placing the financial burden to run town water would be too much. Sue feels that the planning board needs to have some standard in place to require town water if a developer is within a certain number of feet from the town water line. The board specifically discusses an application that will be coming for final approval.

tonight. The board is concerned about a possible contaminated water source due to a contaminated site approximately 500 feet away. The board inquires about the town's liability if the applicant was not required to run town water. Natalie feels that the board has every right to require the applicant to provide the board with the necessary information to prove that the added draw will not contaminate surrounding wells. Natalie feels that the town probably could not be held responsible if this site did contribute to the contamination of surrounding wells. Ultimately the burden of proof is on the applicant and the board should not feel pressured to make a decision until this information is received.

The water processing plant moratorium is discussed. The dates on the draft moratorium can be changed and it is determined that a moratorium can be extended by order of the selectmen in 180 day increments as needed.

## **I. ROLL CALL**

Chairman, Susan Dunlap called the meeting to order at 8:00 p.m. Attendance from the board is as follows: Susan Dunlap, Kurt Clason, Teresa Lowell, Roland Denby, Everett Whitten, Denise Everest and Jonathan Raymond.

Sue Dunlap introduces new Planning Board member, Denise Everest and briefly discusses the different processes and policies the planning board follows.

## **II. APPOINTMENTS**

### **Linda Morin and Larry Plourde for final approval of 50's Diner on Map 8 Lot 1B**

The outstanding drainage calculation issues are discussed and it is determined that the issues have been resolved to the satisfaction of the peer reviewer, Deluca Hoffman. The applicants will be putting in a larger retaining area and changing the grade of the parking lot to divert runoff. Teresa asks if there will be any entrance and exit signs or stop signs. Teresa states that it is a requirement in our ordinance for commercial buildings with more than 50 spaces. Sue feels that entrance and exit signs are unnecessary as there is only one entrance/exit but that a stop sign should be placed. The applicant agrees to place a stop sign.

The checklist is reviewed at this time. The waterline is the last outstanding issue. The board discusses the contaminated site that is located approximately 500 feet away. The Department of Environmental Protection has not signed off on the site and the contamination issues. The board has concerns that the added draw on the water supply might disturb the heavy metals/contaminants and possibly contaminate the applicants and neighboring wells. Al Frick states that the water has been tested and that the water underground is currently moving in a southerly direction, away from the site. Kurt would like to see the water test from Swett Assoc. Sue feels this would not be helpful as the test only measures the applicant's impact on their own property, not the abutters. Sue further states that in her opinion there are too many outstanding issues with the contaminated site

and the planning board is not qualified to make the determination of whether or not this added draw would be a problem.

Al Frick states that the applicant will be putting in a bedrock well, which should not effect the ground water. Al further states that is also a requirement of the DHS to test public water supplies monitoring of the water quality. Sue feels that the board does not want to wait until there is a problem as the risk is too great. The attorney for the applicant states that this proposed diner site is located in the GP zone, which is a commercial zone, and asks whether the planning board will require all new commercial buildings to run town water. Sue informs the applicant's attorney that if there is a question of safety the planning board can require it and has required town water for prior applicants.

Everett suggests a letter from a hydrologist addressing the contaminated site, stating that a well drilled into bedrock will not disturb any contaminants. Everett makes a motion to send to a hydrologist for review to get assurance that the applicants well will not cause any contamination to abutter's wells. The applicants request a five minute break to discuss from 9:10 to 9:15.

The applicant's attorney states that the applicants understand the issues at hand. They would like to request a conditional approval pending the letter from the hydrologist. Everett amends his motion to include a conditional approval. Jonathan seconds the motion. Motion carries with a 5-1-0 vote, with Teresa opposing

**Village Pines Subdivision for final approval on Map 5 Lot 9** Everett Whitten excuses himself from the board to present final plans for his subdivision. Sue Dunlap points out that Jonathan Raymond and Denise Everest, as new members, are not familiar with this subdivision. Sue reviews the details of the subdivision with the new members. It is determined that the letter or credit is the only outstanding issue. The minutes from the November 19 meeting are reviewed as this is the last time Everett came before the board. The board discusses various possible wording of a motion to include approval of the road top coat by a third party engineer. It is also noted that the road width shown on the plan is 18 feet and needs to be changed to 22 feet with 2 feet on either side. The final plan will also need to reference the road specifications.

It is determined that Sue Dunlap will have to vote tonight on this motion as Jonathan Raymond and Denise Everest have not been involved in any previous meeting in regards to this subdivision.

Teresa motions for a conditional approval with the following conditions

- road width needs to be changed on final plan to 22 feet wide with 2 feet on either side
- road specifications need to be corrected and referenced on the plan
- road must be built according to road specifications as certified by a 3<sup>rd</sup> party

engineer

- top coat must be finished as approved by a 3<sup>rd</sup> party engineer
- no building permits may be issued until the road is constructed to the base tar

Kurt seconds and the motion carries with a 4-0-2 vote with Jonathan and Denise abstaining.

Everett Whitten re-joins the board at 10:10

### **III. MINUTES OF PREVIOUS MEETING**

December 3, 2003 - tabled - to be signed at next meeting

January 7, 2003 - tabled - to be signed at next meeting

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

### **V. OLD BUSINESS**

### **VI. COMMUNICATION**

### **VII. MISCELLANEOUS**

### **VIII. NEW BUSINESS**

### **Board Vote for the positions of Secretary/Treasurer and Vice Chairman**

Sue Dunlap nominates Everett Whitten for the position of Secretary/Treasurer. Teresa seconds and the nomination passes with a unanimous vote in favor.

Teresa Lowell nominates Kurt Clason for the position of Vice Chairman. Jonathan Raymond seconds and the nomination passes with a unanimous vote in favor.

### **IX. ADJOURNMENT**

Kurt made the motion to adjourn at 10:20 p.m. Teresa seconded and the motion passed with a unanimous vote.

**TOWN OF WATERBORO  
PLANNING BOARD MEETING MINUTES  
January 28, 2004  
7:30 p.m.**

Chairman, Susan Dunlap called the meeting to order at 7:40 p.m. Attendance from the board is as follows: Susan Dunlap, Kurt Clason, Teresa Lowell, Roland Denby, Everett Whitten, Denise Everest and Jonathan Raymond.

Tonight's meeting will not be televised or recorded as the meeting location does not allow it.

## **II. APPOINTMENTS**

The main purpose of tonight's meeting is to review material received from Natalie Burns regarding zoning changes and discuss town meeting articles.

\* The first issue discussed was a change in the over 55 exemption of the growth ordinance. Natalie suggested the following wording

### **5. EXEMPTIONS~**

#### **This Ordinance shall not apply to the following:-**

A. The repair, replacement, reconstruction or alteration of any existing building or structure provided the number of dwelling units is not increased, regardless of the need for a variance.

B. Dwelling units constructed by the York & Cumberland Housing Authority; an agency of the state or federal government; or by a private developer or contractor ~~with a continuing age restriction of persons 55 years of age or older~~ if such dwelling units are located in a subdivision or multi-family dwelling development that is permanently limited by deed, covenant, or other legally enforceable restriction housing for persons sixty-two (62) years of age or older, provided that such subdivision or multi-family dwelling development complies with the requirements of the Federal Fair Housing Act, 42 U.S.C.A §§~3601-3631, as may be amended from time to time, and all applicable federal regulations promulgated under that law. Any conversion of these units eliminating the age restriction ~~would~~ shall require a Growth Permit prior to the conversion.~

(Note: Additions are underlined; deletions are ~~struck through~~).

Everett motions to accept the change as worded above. Teresa seconds and the motion carries with a unanimous vote in favor.

\* Differential growth and the possible re-distribution of 10 of the 20 growth permits currently given to Lake Arrowhead is reviewed. The board discusses the best possible use for these extra permits. It is noted that the state planning office tries to encourage controlling sprawl. The board would like to see the additional 10 growth permits allocated to subdivisions that will be serviced by town water. Natalie Burns will be consulted as to her opinion in this matter.

\* Currently, daycares are a conditional use in all zones in Waterboro. The Board is under the impression, however, the Lake Arrowhead Association's bylaws prohibit daycares in LAC. The Lake Arrowhead office will be contacted in regards to this issue so the board can clarify this.

\* The board discusses the water processing plant moratorium. The selectmen have expressed interest in voting on this issue. It is decided that a copy of the draft moratorium from Natalie Burns will be forwarded to the Selectmen's office

### **III. MINUTES OF PREVIOUS MEETING**

December 3, 2003 - tabled - to be approved at next meeting

January 7, 2004 - tabled - to be approved at next meeting

January 21, 2004 - tabled - to be approved at next meeting

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

### **V. OLD BUSINESS**

Linda Morin and Larry Plourde are present to present a letter from Richard Sweet from Sweet Associates as discussed in the minutes of the January 21, 2004 planning board meeting. The applicants were asked to provide certification from a hydrologist to give the board assurance that the applicants well will not cause any contamination to abutter's wells. Also present are Sandra Guay, Esq., Al Frick and Dick Sweet. The board reviews the letter from Sweet Assoc. Kurt feels the wording in the letter is ambiguous, using words such as "highly unlikely", "partially" and "with little penetration".

Kurt is concerned that the water source isn't completely sealed. Dick Sweet states that nothing is ever completely sealed and states that the area's top 50 feet is sand and the underlying 50 feet is hard glacial material. Mr. Sweet further states that by putting a well down through sand and drilling into bedrock, the water would be coming from the upper layer, pulled from the sides. Mr. Sweet says that water would not be able to be pulled from the more compacted lower levels. Mr. Sweet says that the contaminated site is located approximately 1000-1500 feet away and that according to his calculations the direction of water flow would not be changed as they are planning on putting the well into bedrock and the flow of water is coming from the north.

Kurt asks Mr. Sweet how the added burden of Hannaford also discharging water effects the area. Mr. Sweet explains that when water is discharged it creates a "bump" on the water table and slowly moves through the sand in a southerly direction.

Sue asks if the Hannaford discharge effects the plume and whether it has effected the direction of the plume. Mr. Sweet explains that the ground is dissipating water at a quick enough rate, otherwise there would be visible surface water near the site.



Everett asks if the state has any records on the contamination levels and whether or not the levels have decreased. Mr. Sweet answers yes, they do. Sandra Guay states that the last tests at the site only showed high levels of aluminum, but at acceptable levels, and that DEP had no issues with the site. Ms. Guay spoke with Wayne Paradise at the DEP.

Everett states that he owns property near this same site and he used to receive studies from the DEP twice a year. Everett also notes that DEP required Hannaford to remove large amounts of soil from the site and send it to Fryeburg for treatment.

Teresa consults the following paragraph from Mr. Sweets letter: *'DEP is planning to sample the SMFC wells to confirm their conclusion that no further action is required. The last known sampling was conducted by DEP in June 1998 '.* Teresa asks if the above referenced testing has been done. Ms. Guay states that she contacted DEP who said the testing had been done but the results were unavailable as they had been archived. Mr. Sweet states that the concentration of contaminants at the site has been flushing and will continue to flush from the site.

Teresa asks if the heavy metals can be shocked free. Al Frick answers that yes, they can be shocked free but heavy metals tend to be attracted to and bind to clay.

Sue addresses Dick Sweet and asks if he feels very comfortable stating that years from now there will be no problems caused by this diner. Sue further states that many residents are concerned that three other businesses in the area were required to run town water and the diner was not required to. Denise states that the public is aware of this contaminated site.

Mr. Sweet states that the diner would be required to do regular testing through DHS, but they probably don't test for the types of contaminants that are being referred to from the nearby contaminated site. Mr. Sweet suggests that any testing include periodic testing for heavy metals. The code enforcement office will contact DHS and find out what the required testing would include and whether or not that would include testing for heavy metals.

Sue asks Mr. Sweet if he knows who did the hydro review for Hannaford. Mr. Frick thought it was Deluca Hoffman but Al Frick believes it was Robert Gillespie

Kurt motions to send a copy of Mr. Sweets letter to the Town Attorney for her opinion, to have the Code Enforcement office contact Wayne Paradis to confirm the conversation he had with Ms. Guay, and to contact DHS to find out what their required testing standards are. Everett seconds and the motion carries with a unanimous vote in favor.

## **VI. COMMUNICATION**

**VII. MISCELLANEOUS**

**VIII. NEW BUSINESS**

**IX. ADJOURNMENT**

Everett made the motion to adjourn at 9:30 p.m. Denise seconded and the motion passed with a unanimous vote in favor.

**TOWN OF WATERBORO**  
**PLANNING BOARD MEETING MINUTES**  
**February 11, 2004**  
**7:30 p.m.**

**PUBLIC HEARING**

Chairman, Susan Dunlap called the public hearing to order at 7:30 p.m. The purpose of this public hearing is to discuss possible zoning changes to take to town meeting. There were no members of the public present. Attendance from the board is as follows: Susan Dunlap, Kurt Clason, Teresa Lowell, Roland Denby, and Everett Whitten. Denise Everest and Jonathan Raymond are absent.

The first issue discussed to the possibility of adding the following paragraph just prior to paragraph three in Article 2 Section 2.03

*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.*

It is determined by the board that a definition of potable water must also be added.

The second issue discussed is a change to the age restriction in the growth ordinance. The current ordinance has an over 55 exemption. The current exemption contains loopholes, is unclear and creates a lot of Federal Fair Housing paperwork and record keeping. The proposal is to raise the exemption age to 62 and reads as follows:

**This Ordinance shall not apply to the following:~**

- A. The repair, replacement, reconstruction or alteration of any existing building or structure provided the number of dwelling units is not increased, regardless of the need for a variance.~
- B. Dwelling units constructed by the York & Cumberland Housing Authority; an agency of the state or federal government; or by a private developer or contractor ~~with a continuing age restriction of persons 55 years of age or older~~ if such dwelling units are located in a subdivision or multi-family dwelling development that is permanently limited by deed, covenant, or other legally enforceable restriction to housing for persons sixty-two (62) years of age or older, provided that such subdivision or multi-family dwelling development complies with the requirements of the Federal Fair Housing Act, 42 U.S.C.A. §§~3601-3631, as may be amended from time to time, and all applicable federal regulations promulgated under that law. Any conversion of these units eliminating the age restriction ~~would~~ shall require a Growth Permit prior to the conversion.~  
(Note: Additions are underlined; deletions are ~~struck through~~).

The third issue discussed is the possibility of issuing **5 additional** growth permits per year for subdivisions being served by the Waterboro Water District and would read as follows:

AMENDMENTS TO GROWTH MANAGEMENT ORDINANCE  
SECTION 6.C-MAXIMUM NUMBER OF PERMITS ISSUED PER SUBDIVISION

ADMINISTRATION~

Issuance Procedure

1. Growth Permit Applications shall not be accepted by the CEO until on or after the effective date of this Ordinance. Growth Permit Applications shall be on file with the CEO. From that time on, Applications will be accepted, and Growth Permits issued, as provided for herein.
2. Growth Permits shall be available on a first-come, first-served basis.~
3.
  - i. The CEO shall notify an applicant once the applicant is entitled to have a Growth Permit issued.
  - ii. Expired Growth Permits shall be available for reissue.
  - iii. The CEO shall issue Growth Permits for all complete Applications if they do not outnumber the supply of Growth Permits.~
    - a. If Applications exceed supply for any given year, Permits shall be issued on the basis of the order complete Applications were received by the CEO. Those on the list who do not get a Permit for that year shall have first priority to get a Permit in the next year, in the order in which the Applications were deemed to be complete.
4. With respect to Growth permits sought for property located within a subdivision approved by the Planning Board of the town, no more than three growth permits shall be issued during any year for the building of dwellings in a single subdivision, where the lots within the subdivision will not be served by the Waterboro Water District. No person, partnership, or corporation shall be entitled in any single year to more than two of the three growth permits allowed to a subdivision. No more than five growth permits shall be issued during any year for the building of dwellings in a single subdivision where the lots will be served by the Waterboro Water District. No person, partnership, or corporation shall be entitled in any single year to more than two of the five growth permits allowed to a subdivision in which the lots will be served by the

Waterboro Water District.

With respect to permits allocated to a subdivision, corporations shall be treated as the same corporation for purposes of this Ordinance if they share common directors (or their spouses) and / or shareholders (or their spouses) of 10% or more of the stock. Any person or corporation which is a partner in a partnership shall also be considered the same person as the partnership.

With respect to Growth Permits sought for property not located within a subdivision approved by the Planning Board of the Town, no more than 2 Growth Permits shall be issued during any year to any one person, partnership or corporation.

5. If, at the end of the fiscal year, there are any unissued Growth Permits still available, they shall not be carried over to the next year.

(Note: Additions are underlined; deletions are ~~struck through~~)

**II. APPOINTMENTS**

The following recommendations are voted on by the planning board to take to town meeting:

**Teresa motions to add the following paragraph just prior to paragraph three in Article 2 Section 2.03:**

*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.*

A definition of potable water will also be added.

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

**Teresa motions to bring the following revision to the growth permit ordinance to town meeting:**

**EXEMPTIONS:**

This Ordinance shall not apply to the following:~

- A. The repair, replacement, reconstruction or alteration of any existing building or structure provided the number of dwelling units is not increased, regardless of the need for a variance.~
- B. Dwelling units constructed by the York & Cumberland Housing Authority; an agency of the state or federal government; or by a private developer or contractor ~~with a continuing age restriction of persons 55 years of age or older~~ if such dwelling units are located in a subdivision or multi-family dwelling development that is permanently limited by deed, covenant, or other legally enforceable restriction to housing for persons sixty-two (62) years of age or older, provided that such subdivision or multi-family dwelling

development complies with the requirements of the Federal Fair Housing Act, 42 U.S.C.A. §§~3601-3631, as may be amended from time to time, and all applicable federal regulations promulgated under that law. Any conversion of these units eliminating the age restriction ~~would~~ shall require a Growth Permit prior to the conversion.~ (Note: Additions are underlined; deletions are ~~struck through~~).

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

**Kurt motions to bring the following revision to the growth ordinance to town meeting:**

AMENDMENTS TO GROWTH MANAGEMENT ORDINANCE  
SECTION 6.C-MAXIMUM NUMBER OF PERMITS ISSUED PER SUBDIVISION

ADMINISTRATION~

Issuance Procedure

1. Growth Permit Applications shall not be accepted by the CEO until on or after the effective date of this Ordinance. Growth Permit Applications shall be on file with the CEO. From that time on, Applications will be accepted, and Growth Permits issued, as provided for herein.
2. Growth Permits shall be available on a first-come, first-served basis.~
3.
  - i. The CEO shall notify an applicant once the applicant is entitled to have a Growth Permit issued.
  - ii. Expired Growth Permits shall be available for reissue.
  - iii. The CEO shall issue Growth Permits for all complete Applications if they do not outnumber the supply of Growth Permits.~
    - a. If Applications exceed supply for any given year, Permits shall be issued on the basis of the order complete Applications were received by the CEO. Those on the list who do not get a Permit for that year shall have first priority to get a Permit in the next year, in the order in which the Applications were deemed to be complete.
4. With respect to Growth permits sought for property located within a subdivision approved by the Planning Board of the town, no more than three growth permits shall be issued during any year for the building of dwellings in a single subdivisor, where the lots within the subdivision will not be served by the Waterboro Water District. No person, partnership, or corporation shall be entitled in

any single year to more than two of the three growth permits allowed to a subdivision. No more than five growth permits shall be issued during any year for the building of dwellings in a single subdivision where the lots will be served by the Waterboro Water District. No person, partnership, or corporation shall be entitled in any single year to more than two of the five growth permits allowed to a subdivision in which the lots will be served by the Waterboro Water District.

With respect to permits allocated to a subdivision, corporations shall be treated as the same corporation for purposes of this Ordinance if they share common directors (or their spouses) and / or shareholders (or their spouses) of 10% or more of the stock. Any person or corporation which is a partner in a partnership shall also be considered the same person as the partnership.

With respect to Growth Permits sought for property not located within a subdivision approved by the Planning Board of the Town, no more than 2 Growth Permits shall be issued during any year to any one person, partnership or corporation.

5. If, at the end of the fiscal year, there are any unissued Growth Permits still available, they shall not be carried over to the next year.

(Note: Additions are underlined; deletions are ~~struck through~~)

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

**III. MINUTES OF PREVIOUS MEETING**

**IV. REPORT OF OFFICERS**

**V. OLD BUSINESS**

**VI. COMMUNICATION**

**VII. MISCELLANEOUS**

**VIII. NEW BUSINESS**

**IX. ADJOURNMENT**

Everett made the motion to adjourn at 8:50 p.m. Teresa seconded and the motion passed with a unanimous vote in favor.

**TOWN OF WATERBORO**  
**PLANNING BOARD MEETING MINUTES**  
**February 18, 2004**  
**7:30 p.m.**

**I. ROLL CALL**

Chairman Susan Dunlap called the meeting to order at 7:30 p.m. Attendance from the board is as follows: Teresa Lowell, Roland Denby, Jonathan Raymond and Denise Everest.

**II. APPOINTMENTS**

**Dana Borgkvist for a setback reduction on Map 43 Lot 7** Chuck Turnage speaks for the applicant as the contractor for the job. The property is located in the Basken Shores development which is in the Residential zone. The applicant is requesting a reduction in side setbacks from 35 feet to 20 feet on either side. It is noted that the applicant originally came before the board on July 16, 2003 and the Planning Board requested the applicant get a survey of the property. The property has a current septic design for the property with no variance needed.

The board reviews the zoning ordinance in regards to their authority to grant this type of setback reduction. Sue feels that being in such close proximity to Lake Arrowhead that a reduction of this nature would be consistent with the other homes in the area.

Teresa motions to approve the 20 foot side setback request with the following conditions: The structure may not be any closer than 20 feet from the property line as measured from the drip edge and the applicant must obtain a survey at foundation showing setback requirements are met. Roland seconds and the motion passes with a unanimous vote in favor.

**III. MINUTES OF PREVIOUS MEETING**

January 21, 2004 - Teresa motioned to accept minutes Jonathan seconded and the motion carried with a unanimous vote in favor.

January 28, 2004 - Teresa motioned to accept minutes Jonathan seconded and the motion carried with a unanimous vote in favor.

**IV. REPORT OF OFFICERS**

**V. OLD BUSINESS**

Linda Morin and Larry Plourde for the proposed 50's diner proposed on Map 8 Lot 1B.



Linda Morin, Larry Plourde, Albert Frick and Attorney Sandra Guay are present. The board reviews various letters from Wayne Paradis at the DEP and Andrews Tolman from the State of Maine Division of Health Engineering. Specifically Sue references the letter from Wayne Paradise that states in the DEP's opinion, they do not anticipate a new water production well to draw any contamination from the nearby Southern Maine Finishing contaminated site. It is also noted in the letter from Andrews Tolman the following statement, "*Based on their (DEP) work, which indicates there is little or no residual contamination at the site, and on their findings that nearby residential bedrock wells were not contaminated by the site, it appears unlikely that a new well approximately 1,000 feet up-slope from the site would be contaminated by SMF.*"

The town's attorney, Natalie Burns advises the board that the issue the planning board needs to decide tonight is to decide whether the outstanding water issues have been addressed by Richard Sweet's letter to the satisfaction of the board.

Sue suggests that as part of a possible motion the board could require periodic testing for the specific existing known contaminants and heavy metals. The possibility of sending Richard Sweet's report to a peer reviewer is discussed.

Attorney Guay feels that a peer review is not necessary as the DEP and DHS have already backed up the report from Richard Sweet.

Teresa asks if a well drilled into bedrock will be able to produce a high enough yield for fire protection purposes. Teresa states that a typical bedrock well only yields enough water to supply a single family home. The site plan ordinance is reviewed and it is determined that site plan requires that it meets the demands of the use and fire safety. Where the building is not going to have a sprinkler system, the board has no authority to dictate water quantity issues.

Teresa asks whether the abutters septic should be shown on the site plan. Attorney Burns states that DHE will take the abutters septic and their locations into consideration.

Sue addresses the fact that for this size septic system the State requires it be placed at least 300 feet from any wells. The leach bed/well separation is currently shown as 208 feet. It is noted that the size of the lot appears to make this setback requirement impossible. The applicants are in the process of going through DHE to determine the leach bed/well separation distances that will be required. Sue points out to the applicant that while this is an issue that the code enforcement office will be dealing with, if the location of anything changes from what is on the site plan, the applicant will be required to come back before the planning board for approval of the change.

Sue states that in her opinion, the planning board has done all they can do as far as requiring reviews and gathering information from DEP and DHE

Eric Herrle speaks as a member of the board of selectmen and states that he feels it would

be in the public's best interest to have the applicants run town water to the proposed diner.

Attorney Burns feels that an ordinance amendment needs to be done to create a clear understanding as to when the planning board can require town water.

Attorney Guay states that it would cost the applicants approximately 120-140 thousand dollars to run town water. Attorney Guay also states that requiring town water is not part of the town's current ordinance.

Teresa notes the following statement in a letter from Andrews Tolman

*"One of the requirements for a new PWS well is a separation of at least 300 feet from any new septic system leachfield. I note that on-site disposal is proposed for this facility. You should review the site plan for conformance with this requirement, which is in both the DWP rules and the Plumbing Code."*

Teresa questions if this is a responsibility of the planning board to review the site plan. It is determined that it is the responsibility of the code enforcement officer. Patti McIntyre states that the diner will be required to monitor their water usage and if they go over their proposed use they will be required to expand their system.

David Benton, Water District Trustee is asked for a rough estimate for running town water. David states that the cost per foot would be approximately \$50-\$55.

Jonathan Raymond feels that the applicants have not pursued the details of running town water thoroughly enough. Attorney Guay answers that the town has no requirement or standard in place to require town water and that the contaminants at the SMF site are above safe drinking levels. Teresa still questions that effect the added draw on the bedrock may have.

Eric Herrle questions the definition of safe drinking level. Attorney Guay states that safe drinking levels are the same standard that the municipal water supply has to meet.

Attorney Burns suggests a possible motion to table a vote to allow for time for the applicants to meet with the water district to discuss prices of running town water. At this time a break is taken and the applicants and Attorney Guay speak with David Benton.

Attorney Guay states at this time the applicants are willing to work with the water district in running town water and would like approval tonight based on that fact. Linda Morin states that Mr. Woodsome has expressed a willingness to help them out financially to run the water line.

The board reviews the revised plan. Sue states that any work involving the road will require permits through the DOT as the water line work is along a state road not a town road. The only change that will be made on the existing plan is the addition of a stop sign

and the well crossed off with a notation that town water will be servicing this site

Teresa motions the following approval. The planning board approves the site plan dated January 12, 2004 subject to the following conditions of approval: The applicant has agreed to eliminate the proposed well shown on the plan as providing the water supply to the project. The applicant has agreed to extend Waterboro Water District water service up Route 5 to the site to serve the project. The applicant will submit a revised site plan showing this change for signature by the planning board and a corrected as-built plan will be submitted. Jonathan seconds and the motion carries with a unanimous vote in favor.

The applicant makes the changes tonight on the existing plan and the board will sign it tonight.

**VI. COMMUNICATION**

**VII. MISCELLANEOUS**

**VIII. NEW BUSINESS**

**IX. ADJOURNMENT**

Teresa made the motion to adjourn at 9:40 p.m. Jonathan seconded and the motion passed with a unanimous vote in favor.

**TOWN OF WATERBORO  
PLANNING BOARD MEETING MINUTES**

**March 17, 2004**

**7:30 p.m.**

I. ROLL CALL

Chairman Susan Dunlap called the meeting to order at 7:30 p.m. Attendance from the board is as follows: Kurt Clason, Teresa Lowell, Roland Denby, Everett Whitten and Jonathan Raymond. Denise Everest is absent.

II. APPOINTMENTS

Bruce Lewis Ledgewood Subdivision review on Map 2 Lot 9. Bruce Lewis explains that the outstanding issue of the sidewalk design has been addressed by Deluca Hoffman and the new design is reflected on the plan. Bruce does not have anything in writing from Todd Morey at Deluca Hoffman regarding this but will get a copy for the planning board file

Sue inquires about a performance bond. Bruce submitted the following proposal for performance guarantee on February 13, 2004:

The required improvements include road construction with associated stormwater management measures, underground utilities and two fire tanks.

- Except or sale of the entire project, no lot(s) shall be sold until the subbase of gravel is in place and level spreaders and associated drainage measures are in place as well as underground utility lines that are to be run under the roadway.
- No Occupancy permits shall be issued until the binder course of pavement is completed on both the roadway and the sidewalk and at least one fire tank is installed. The second fire tank must be installed before the tenth occupancy permit may be issued.
- The finish course of pavement must be completed before occupancy permits are issued for the 13th and 14th lots or an escrow account must be established at 110% of the estimated cost of completing the final course.

Teresa mentions that #24 on the plan only mentions one cistern. It is determined that this is an error and Mr. Lewis agrees to have that changed on the plan. The placement of the driveway for lot #1 is discussed. The board agrees that they would like to see the driveway placed at least 100 feet up into the subdivision away from Goodwins Mills Road. The board also agrees that they would like to see the location of the mail boxes at least 100 feet up into the subdivision and away from Goodwins Mills Road. Bruce will speak to the post office regarding this. The stop sign at the end of the subdivision also needs to be shown in the plan. The board would like to have the performance guarantee on the final plan in case the subdivision is ever sold.

Sue asks Bruce if he ever received anything in writing from SAD 57 regarding site distance and the best possible spot for a bus stop. Bruce tells the board that he has not spoken to anyone from SAD 57 regarding this yet but will. The board would like to know the school transportation recommendations regarding stopping on Goodwins Mills Road, site distance and if a pull off area is required. Mr. Lewis will get these recommendations from SAD 57 and forward them to the board.

Teresa refers to #2 of the performance guarantee in regards to the location of the first cistern to

be installed. Teresa feels that the first cistern to be installed should be the one at the top of the hill as this would offer the best fire protection. Bruce is directed to get an opinion in writing from the fire chief as to his recommendation.

The board reviews the final checklist at this time. The only outstanding issues from the checklist are as follows: A copy of the road entrance permit and a copy of the stormwater permit needs to be provided.

Bruce refers to the stormwater waivers approved by Deluca Hoffman and asks if they should be listed on the plan. Sue asks what kind of waivers Bruce is referring too. Bruce is referring to waivers involving septic locations. The plan shows exclusion zones as opposed to specifying locations for well/septic.

The board discusses Deluca Hoffmans suggestion to restrict houses in this development based on studies done in 1990. It is determined that this restriction, with the exception that any more than 4 bedrooms would trigger a need for a groundwater impact study needs to be on the plan

Sue refers to waiver requests made by Sweet Associates as follows:

A.2. Groundwater levels and flow rates through the site and aquifer, if one is determined to exist, should be determined. Deluca Hoffman concurs with this waiver request.

A5. A calculation of average nitrate-nitrogen levels on-site after development and calculation of nitrate-nitrogen levels at the down gradient property line(s). These calculations should be done under normal rainfall and drought conditions. Deluca Hoffman concurs with this waiver request

Kurt motions to approve the above referenced waiver requests and that a note needs to be placed on the plan stating that houses in the development must be limited to 4 bedrooms with the exception that a request for a home with more than 4 bedrooms would be subject to the normal review process. Everett seconds and the motion carries with a unanimous vote in favor. It is noted for the record that the newest planning board member, Jonathan Raymond had reviewed the information pertaining to this subdivision.

The board discusses a note on the checklist regarding the schedule of construction. The board decides a written statement regarding the developers schedule of construction is sufficient.

The following items are outstanding:

- Stormwater review pending.
- Letter from SAD #57 regarding the school bus turnaround and site distance requirements.
- Letter from the Fire chief stating his preference for location for first installed cistern in relation to the performance guarantee.
- Note 24 on plan regarding the cistern locations needs to be fixed.
- Letter from the postmaster regarding locating mailboxes at least 100 feet into the subdivision.
- Performance proposal needs to be noted on the plan (with a change to #2 if needed)
- Copy of the entrance permit.
- Location of stop signs and street sign need to be located on plan.
- Note on the plan stating that bedrooms need to be limited to 4 bedrooms or a groundwater impact study will have to be done.
- Letter submitted regarding schedule of construction.

III. MINUTES OF PREVIOUS MEETING

March 3, 2004 - Teresa motioned to accept minutes. Kurt seconded and the motion carried with a unanimous vote in favor.

#### IV. REPORT OF OFFICERS

Sue Dunlap shares with the board and the public that she has recently attended a SAD 57 school board meeting. The SAD 57 building committee was present at this meeting and stated that they have two proposed plans they are considering sending to the planning board. When asked her opinion Sue discussed the planning board's process and suggested sending the plans as soon as possible. The building committee had wanted the school board to decide which plan to send to the planning board. Sue states that she informed them that it would ultimately be the planning boards decision. The school board agrees and will be submitting the proposed plans soon.

The Board reviews the status of outstanding subdivisions under review. Developers have not been held to the timeframes required as put forth in the subdivision ordinance. The planning board secretary will send a letter to the developers of these outstanding subdivisions regarding their intentions.

#### V. OLD BUSINESS

Discuss correspondence from Genest Concrete regarding re-opening gravel pit on Map 13 Lot 59-1. The attorney for Genest concrete has requested to have this discussion tabled until the May 5th meeting so she may be present.

Discuss and review proposal/recommendation from Patti McIntyre regarding changing zoning in GP-Shoreland zone. The board reviewed the proposal from Patti. Sue questions the proposed 75 foot setback from the water and states that the requirement for residences is 100 feet. Sue feels that a commercial use will have more impact in this area and therefore should be held to the 100 foot setback.

Teresa suggests reviewing the proposed land use chart to include the stricter requirements. Teresa would also like to include footnotes as in the state shoreland ordinance of chapter 1000 and to add more definitions to our ordinance.

Patti informs the board that she has done a sitewalk with DEP and they have stated that they have no issue with this change in this area. DEP has requested the 75 foot setback from the water as opposed to the State's setback requirement of 25 feet.. The board discusses the water setback and agrees they would like to see a 100 foot water setback. Kurt motions to approve the proposal to send to the Selectmen with the only change being a 100 foot setback from the water as opposed to the 75 foot setback. Jonathan seconds and the motion carries with a unanimous vote in favor.

#### VI. COMMUNICATION

The board reviews a letter from Don Boilard regarding his concerns as an abutter of the lot for the new proposed middle school. The board feels that Mr. Boilard's concerns are being addressed by the school board and will continue to be addressed throughout the planning process.

#### VII. MISCELLANEOUS

#### VIII. NEW BUSINESS

#### IX. ADJOURNMENT

Kurt made the motion to adjourn at 9:30 p.m. Everett seconded and the motion passed with a

unanimous vote in favor.

**TOWN OF WATERBORO  
PLANNING BOARD MEETING MINUTES**

**April 7, 2004**

**7:30 p.m.**

**I. ROLL CALL**

Chairman Susan Dunlap called the meeting to order at 7:30 p.m. Attendance from the board is as follows: Kurt Clason, Roland Denby, Denise Everest and Everett Whitten. Jonathan Raymond and Teresa Lowell are absent.

**II. APPOINTMENTS**

**Kenneth Labbe for a conditional use/setback reduction on Map17 Lot 9H.** The board reviews the layout of the development on the tax maps. The planning board has done previous sitewalks in this development and is familiar with the layout. This property is in the FA zone and the required setbacks for this zone are 100' front and 50' side. It is noted that the lot directly abutting the applicants lot received a 50 foot setback reduction. The board reviews the plan provided by the applicant and notes that there is a 20 x 16 utility shed that is proposed to be placed 25 feet from the west side property line. It is determined that a side setback reduction will also be required for the 20x16 utility shed only. The minimum lot size in this zone is 1.36 acres which is under the 5 acre minimum required in this zone.

Kurt motions to approve the request, citing Section 2.08 of the zoning ordinance, for a 50' front setback and a 25' west side setback for the 20x16 shed only as depicted in the plan shown to the planning board. The house must meet the required side setback of 50 feet. The applicant must maintain the 100' setback to the water. The applicant must provide a survey of the lot prior to obtaining a building permit and a survey at foundation to insure the setback requirements are met. Everett seconds and the motion passes with a unanimous vote in favor.

**Jonathan Kinsky for a 30% expansion review on Map 39 Lot 1.** Mr. Kinsky would like to add a 3 season porch to the existing camp. The site walk committee did a site walk on this property on April 5, 2004 and the board reviews the pictures taken at that time. There was a permitted expansion on the camp in 1998 that was calculated by the code enforcement officer and taken into account when calculating the figures for this expansion.

Everett motions to approve the expansion citing section 7.01, Section B of the shoreland zoning ordinance. This expansion will consist of a 26.6% increase in cubic volume and a 16.2% increase in square feet. Any disturbance to the soil in the shoreland zone needs to



include appropriate erosion control. Roland seconds and the motion carries with a unanimous vote in favor.

### **III. MINUTES OF PREVIOUS MEETING**

March 17, 2004 - Kurt motioned to accept minutes. Everett seconded and the motion carried with 4-0-1 vote in favor with Denise abstaining as she was absent for that particular meeting.

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

It is noted that elections need to be scheduled for the positions of Planning Board Treasurer and Vice Chair. This vote will be held at the April 2<sup>st</sup> meeting.

### **V. OLD BUSINESS**

### **VI. COMMUNICATION**

### **VII. MISCELLANEOUS**

Several planning board members discussed attending a growth ordinance workshop Monday April 12<sup>th</sup>.

### **VIII. NEW BUSINESS**

### **IX. ADJOURNMENT**

Kurt made the motion to adjourn at 8:20 p.m. Everett seconded and the motion passed with a unanimous vote in favor.

**PLANNING BOARD  
MEETING MINUTES  
APRIL 21, 2004**

**I. ROLL CALL**

Chairman, Susan Dunlap calls the meeting to order at 7:30 p.m. noting attendance of Kurt Clason, Teresa Lowell, Roland Denby, Everett Whitten and Jonathan Raymond. Denise Everest is absent. Code Enforcement Officer, Patti Berry attended the meeting.

Board members requested of the chairman information regarding their payroll that they did not receive for the quarter. Susan reported that the payroll was not submitted and that the two new members of the board need to fill out papers for the treasurer to process. Jonathan received his paperwork and filled it out and handed it in at the meeting. Denise will be mailed her paperwork and the payroll will be submitted

**II. APPOINTMENTS**

**Bruce Lewis and David Dunn Preliminary Subdivision application for Birchwoods on map 11 lot 17.** Susan asked if the sketch plan had been approved. The revised sketch plan was approved in September of 2002. Susan asked what has developed since the sketch plan approval. Bruce Lewis reports that the soil work has been done, the hydro study was done, they redesigned the internal road adding sidewalks, the stormwater management plan has been done. Bruce reported that he has spoken with Frank Birkemose the fire chief and that Frank prefers the fire tank to be near the front of the development. Teresa Lowell states that section 8.7 of the subdivision regulations requires fire protection or tank for every five houses. This subdivision is ten lots. Bruce states that lot 17-1 was sold in 2001 and a house was constructed and because that happened within the last five years it has to be included in this subdivision plan. However, they access their lot from Townhouse Road and not from this proposed internal road off of Webber Road. Teresa asks if they have received an entrance permit from the town Road Commissioner yet. They have not.

Teresa Lowell states that in the groundwater study it states it is based on 3-4 bedroom homes. On another subdivision the planning board required that if a house proposed was designed for more than 4 bedrooms a revised groundwater study would have to be done and a note on the plan to that affect was required. Applicants stated they didn't have a problem adding a note stating that.

Kurt Clason stated that in the groundwater study it states that this study is based on a previous subdivision study and asks the code enforcement officer if this is acceptable. Patti stated that the person doing the peer review should determine whether that was sufficient information.

The board requested the code enforcement officer to have the fire chief document on the plan his recommendation for fire protection.

There is discussion regarding the waiver request for monitoring wells. This waiver request will be passed along to the peer reviewer and a recommendation from them will be requested by the planning board.

The preliminary checklist is reviewed at this time. The outstanding items from the checklist are as follows:

- Show location of Logan Circle on the plan.
- Show the existing house on lot 17-1.
- Set the temporary boundaries prior to the site walk.
- Show a 25'-50' greenbelt on the Webber Road side of the subdivision as required by section 8.8.2 of the subdivision regulations.
- Make note 18 consistent with the sheet 2 of 4 regarding stormwater management.
- Provide written information from the post office regarding mail delivery and show mail delivery box on the plan.
- Define the driveways on the first two lots abutting Webber Road with the driveway a minimum of 50' from the intersection of Webber and the proposed Briar Lane as per section 5.01 of the Waterboro Zoning Ordinance.
- The road frontage the lots fronting on Briar will be totaled and added to the plan.
- Abutters as defined by section 6.2.1.4 of the subdivision regulations will be added to the plan to include across Webber Road.
- 50' interval marks shall be added to the road plan for E911 numbering purposes.
- A road entrance permit shall be obtained from the road commissioner for Briar Lane off Webber Road.

Waivers requested were for the monitoring wells and for the York County Soil and Water District recommendations on erosion control. The peer reviewer will be asked for an opinion on both of these waiver requests.

The applicant agrees to have Delucca Hoffman do the peer review for the town.

The site walk was scheduled for May 5<sup>th</sup> at 6 p.m. The public hearing is scheduled for May 5<sup>th</sup> at 7 p.m.

**Chris Walked for the Depeter's for 30% expansion of camp on 24 Faith Lane on Map 37 lot 15.** Chris Walker was present at the meeting for the owners. Susan reported to Chris that because the calculations he provided do not match the code enforcement office calculations, and because they did not include a deck in the square feet of the existing structure, the board is going to exercise its right to require the information to be provided by a certified engineer. This lot will be required to be surveyed prior to getting the building permit as per section 2.08 of the Waterboro Zoning Ordinance. Chris will contact a surveyor and the owner and go from there.

**Cliff Ongley for a setback reduction on map 47 lot 22 on Northeast Road.** Cliff Ongley is present to review the application. A site walk was done by the site walk committee and pictures were reviewed by the board. Susan informs Mr. Ongley that he will be required to provide a boundary survey prior to getting a building permit as per section 2.08. Kurt Clason made the motion to approve the sideline setback reduction to 18 feet on the northwest property line abutting lot 23 with the conditions that the applicant provides a boundary survey, and maintains proper erosion control throughout construction. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

**Ed Gowen with 30% expansion application for camp at 74 Hushpuppy Road on map 40 lot 2.** Mr. Gowen is present to review his application. Mr. Gowen has provided a boundary survey and calculations of existing and proposed square feet and cubic feet. Mr. Gowen is requesting to move the camp closer to the front property line away from the lake. The board will have to consider the slope and tree cutting that would be involved in moving the camp. The board reviewed pictures that are on file from site walks performed by the site walk committee. Mr. Gowen had previously received approval to expand a detached deck by 30% last year. Susan suggests to the board that they all do a site walk before making a ruling on this application. She would like to see the slope for herself and feels the board should look at this before voting. The board agrees. The site walk is scheduled for Saturday April 24 at 8:30 a.m. as a continuation of this meeting. The abutters who are present at this meeting will be at the site walk to voice their concerns.

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

Kurt Clason made the motion to approve the minutes of April 7 meeting. Everett Whitten seconds. Motion carries with all in favor except the Teresa and Jonathan abstained from voting, as they were absent from that meeting.

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

Teresa Lowell reported on the public hearing to review the warrant articles for town meeting. The selectmen raised concerns about wording of lots being served by public water. They felt this was not defined enough. The selectmen also felt that the article to require testing of potable water was not clear enough so that people on public water supply won't have to test their water. Susan stated that it upsets her that these concerns were not raised in a timely manner so that they could be addressed before town meeting. The planning board held a public hearing in time for these concerns to be brought forward and dealt with.

### **V. OLD BUSINESS**

### **VI. COMMUNICATIONS**

## **VII. MISCELLANEOUS**

## **VIII. NEW BUSINESS**

Election of Officers is discussed. Teresa stated that because there are four members of the board that are up for re-appointment, she feels that the elections should wait until after July. Teresa made the motion to postpone elections until after appointments are made in July. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

There is discussion about amending the planning board by-laws, as they are outdated. Susan appointed Teresa Lowell and Kurt Clason to a sub-committee to review the by-laws and suggest updates to the rest of the board.

## **IX. ADJOURNMENT**

Kurt Clason made the motion to adjourn at 9:20 p.m. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

Teresa Lowell reminds the board that we agreed to continue this meeting for the site walk at Mr. Gowen's property. Teresa made the motion to reconsider the adjournment and to continue this meeting on Saturday at 8:30 a.m. Jonathan Raymond seconds. Motion carries with Kurt, Sue, Teresa and Jonathan voting in favor. Everett and Roland had left the meeting.

### **Continuation Saturday April 24, 2004 8:30 a.m. -**

Planning Board members Susan Dunlap, Teresa Lowell, Kurt Clason, Jonathan Raymond, Everett Whitten, Roland Denby and CEO, Patti Berry were in attendance of the continuation at 74 Hushpuppy Road. Mr. And Mr. Gowen , Mr. And Mrs. Martell and John Cloonan were also in attendance. The board looked at the site, discussed the slope of the property, and heard the neighbors concerns about parking and property lines. The board decided to request that the applicant get a recommendation from York County Soil and Water District regarding stabilizing the slope during and after construction. The board also decided that they would like a recommendation from DEP on what is practical in this case. The applicant is requesting to move the camp closer to the road and further from the lake. With the slope being what it is the board is requesting from DEP what is the greatest practical extent? There is discussion about moving the camp further from the sideline of the Martell property. Section 7.01 - 2 - C #2 states that relocation of a non conforming structure will be approved or denied by the planning board after determining what it the greatest practical extent. Patti will arrange a site walk with the site wall committee and a representative from DEP to ask their opinion about the greatest practical extent and moving the camp; and bring this application back under old business at the next available meeting. Kurt Clason made the motion to adjourn the meeting at 9:20 a.m. Teresa Lowell seconded. Motion carried with a unanimous vote in favor.

**TOWN OF WATERBORO**  
**PLANNING BOARD MEETING MINUTES**  
**May 5, 2004**  
**7:10 p.m.**

Chairman Susan Dunlap called the Public hearing for Birchwoods Subdivision to order at 7:10 p.m. Noting attendance of the board as follows: Kurt Clason, Teresa Lowell, Roland Denby, Denise Everest and Everett Whitten. Jonathan Raymond is absent. There are no members of the public present.

There was also a site walk held for this proposed subdivision immediately before the meeting from 6-7 pm. There were no members of the public present for the site walk. The planning board reviewed the lot lines, abutter's property lines, the drainage swale on lots 17-6 and 17-7, walked the road and cul de sac and reviewed the road frontage for the lots on Webber Rd.

Bruce Lewis states that this proposed subdivision is located on Map 11 Lot 17 off Webber Road with one of the lots having some frontage on Townhouse Road. All new lots in the subdivision will be accessed via a road that ends in a cul de sac off Webber Road. The total acreage of the original lot is 18 acres. They are proposing 9 new lots in the subdivision. It is also noted that there will be a drainage easement located on Lot 17-7. Bruce states that this lot is level and has consistent soils.

Sue Dunlap reads a letter from an abutter, Paul Marble, requesting a 50' no-cut buffer zone along the eastern portion of his boundary to preserve the character of his property. Sue asks the applicant if he would be willing to comply with this request. The applicant states that Mr. Marble has clear cut a large portion of his property and therefore has created his own lack of buffer.

Sue inquires about a tote road that crosses this lot. The applicant states that to his knowledge that is not a legal R.O.W. for anyone. Sue would like to have documentation in the file confirming this fact. Sue also suggest that the applicant re-plant trees in that area that the tote road enters the property to discourage further traffic down this trail. The applicant expresses a willingness to do this and to also re-ditch the tote road.

Because there are no further questions or public comments, the public hearing is closed at 7:30.

## **II. APPOINTMENTS**

**Genest Concrete on Map 13 Lot 59-1** Attorney Peggy McGehee is present to represent Genest Concrete. Also present are Chris and Matt Genest. Chris Genest explains that the property is located off Sokokis Trail. Attorney McGehee states that the Genest's

originally filed an application for a conditional use permit to operate a gravel pit in February of 1997. There was a public hearing held on May 14, 1997. Attorney McGehee explains that shortly after there were some boundary issue that arose between an abutter and the Genest's. In January 2000, the boundary issue was resolved. Attorney McGehee states that while the Genest's were waiting for a resolution to the boundary issue, the Town enacted the Extractive Industry and Land Reclamation Ordinance.

Attorney McGehee states that the town never notified the applicants that they were terminating their application.

Sue Dunlap informs Attorney McGehee that the Town's Attorney, Natalie Burns feels that the applicants must comply with the new ordinance.

Sue explains that a few years ago there was a lot of controversy surrounding gravel pits and this new ordinance was adopted. Sue states that all gravel pits in town were contacted and informed that the new ordinance was being enacted but the town received no response from the Genest's. Sue feels that the Genest's should have responded when they received the certified letter. Attorney McGehee states that the Genest's felt that the letter was addressed to pits with an "active" status and where the Genest's application was pending they felt it did not apply to them.

Sue inquires what the official status of the gravel pit was prior to 2000. Chris Genest states that the pit was inactive but the prior owner did some extraction in 1993. Chris states that the DEP has verified that no extraction has taken place since that point.

Denise inquires when the boundary issue was resolved with the abutter. Attorney McGehee states that the dispute was resolved in late 1999. Attorney McGehee further states that the application has been pending and was initiated prior to the enactment of the new ordinance. Therefore, she feels the Genest's application should be "grandfathered" and held to the standards of the old ordinance.

Sue Dunlap feels that the board is not prepared to make a decision and will make no progress on this issue tonight. The new ordinance defines active status as operating for remuneration for at least 6 months per year for the 3 year period immediately preceding the effective date of the ordinance. It is unclear at this point what the past status of the pit was.

Sue suggests a workshop with the town attorney to discuss this issue and the apparent overlapping of ordinances. The town attorney will be contacted about holding a workshop on June 16 from 7-8p.m. or June 21 from 7-8p.m.

**Bruce Lewis for final approval of Ledgewood subdivision on Map 2 Lot 9** Bruce gives a brief overview of the proposed subdivision and tells the board that Lot # 14 as shown on the plan will be retained as open space.

Bruce informs the board that his Maine DEP stormwater permit is still pending but has been reviewed and approved by York County Soil and Water Conservation District. The board reviews the checklist and confirms that it is complete with the exception of the Maine DEP stormwater permit.

Denise makes a motion to approve the final plan for Ledgewood Subdivision pending receipt of the Maine stormwater permit along with a concurrence from York County Soil and Water Conservation District that their recommendation has not changed. The board discusses the possibility of placing guidelines on a time frame for substantial construction. Everett seconds the motion to approve and the motion passes with a unanimous vote in favor.

### **III. MINUTES OF PREVIOUS MEETING**

April 21, 2004 - Teresa motioned to accept minutes. Kurt seconded the motion but Sue feels the fact that Kurt suggested moving the house and the applicant agreed to the possibility should be in the minutes. Sue feels the minutes should be changed to reflect this. Teresa and Kurt withdraw their motions so the minutes can be changed.

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

### **V. OLD BUSINESS**

### **VI. COMMUNICATION**

### **VII. MISCELLANEOUS**

Denise asks fellow planning board members their views on impact fee's and the possibility of an impact fee study committee. Sue states that based on the feedback she has received from the townspeople, they are interested and feel that the townspeople would like to see the possibility of a committee pursued. Sue directs Denise to speak with the Selectmen's office or the Town Administrator.

### **VIII. NEW BUSINESS**

### **IX. ADJOURNMENT**

Everett made the motion to adjourn at 9:10 p.m. Roland seconded and the motion passed with a unanimous vote in favor.



**TOWN OF WATERBORO  
PLANNING BOARD MEETING MINUTES**

**May 19, 2004**

**7:30 p.m.**

Vice Chairman Kurt Clason called the meeting to order at 7:30 p.m. Attendance from the board is as follows: Teresa Lowell, Jonathan Raymond, Roland Denby, Denise Everest and Everett Whitten. Sue Dunlap is absent.

**II. APPOINTMENTS**

**Ossipee Estates preliminary Subdivision Plan on Map 3 Lot 58**

Ron Woodward introduces himself and explains that this proposed subdivision consists of an 8 lot subdivision with each lot ranging from 5 to 28.4 acres. Ron states that the total lot size is 63 acres and is located in the Forest and Agriculture (FA) Zone. The lots will be serviced by private wells and septic.

Teresa inquires about a lot split that was done within the last 5 years. The applicant states that they sold off a 5 acre parcel to York County Community Action to construct the Head Start School. The board discusses how this effects this proposed subdivision. It is determined that this should be considered a 9 lot subdivision as opposed to an 8 lot as proposed due to the sale of a parcel within the last 5 years.

Teresa points out a discrepancy in the lot size between the plan and the application. The plan lists the lot size as 70 acres and the application states 63 acres. The applicant defers to the plan and states that the size of the lot is 70 acres.

The board reviews the checklist at this time. A waiver has been requested for the Hydro-geological Impact study. The following is a list of outstanding items from the preliminary checklist:

- Width of any easements (easement on lot 4? Need to verify)
- Waterholes/dry hydrant - need Fire Chief recommendation
- Soil suitability report
- Location of temporary boundary - needs to be better marked per applicant
- Location & sizes of proposed utilities & easements - need to be on plan
- Landscaping - possible 50 foot buffer zone needs to be considered
- Off street parking (driveway locations) - recommendation from the Road Review Committee is a preference for shared driveways
- Storm sewers, catch basins and culverts - shown for lots 6 & 8 but need location and size of driveway culverts on plan
- Road/Driveway issues need to be addressed including site distances

- Location of septic and leachfields need to be shown on plan
- Proposed restrictive covenants need to be shown on plan

At this time the board asks David Benton, Road Commissioner, for his recommendation and comments. The Board reviews a letter dated May 19 from the Road Review Committee that states there are no plans to improve the Ossipee Hill Road Extension within their 5 or 10 year plans. The Road Review Committee further states that if these plans ever do proceed and the road is brought up to standard and approved, it should only be approved with joint driveways, at which time they hope to receive a better set of plans with driveways located so they can check sight distances and elevations on the road and check on adequate drainage, pavement width and other issues. Dave Benton states that the town currently maintains the road only to make it passable for fire and police purposes. Teresa reads the state regulations on abandoned roads. Mr. Woodward says that the town has maintained and upgraded the road in the past and that many people use it. The road is currently plowed up to where the proposed lot 4 would be located. Patti Berry, the CEO asks the applicant who will be maintaining the section of road beyond lot 4. Mr. Gallo would like the town to declare it a town road and expresses that he would like to work with the town to come to some kind of agreement regarding upgrading and maintenance.

Denise notes a description in the stormwater management report that states that this property is located within the watershed of Shaker Pond which is classified a "most at risk" by Maine DEP.

Kurt directs the applicant to contact the selectmen to determine the road status. Dave Benton states that the road review committee has recommended joint driveways for this subdivision. The applicant states that due to the layout of the lot an internal road is not possible and for that same reason joint driveways would not be possible. Dave Benton informs the applicant that the town has been trying to combine driveways whenever possible when a subdivision will not be serviced by an internal road.

Dave Benton also points out to the board that this lot is located within the wellhead protection zone and should be subject to having a hydro-geological study done. The applicant has requested a waiver for the hydro-geo study.

A site walk of this proposed subdivision is scheduled for Saturday, June 5, 2004 at 8:00 a.m. A public hearing is scheduled for June 16, 2004 at 8:15 p.m

**Malcolm Gale for Michael Mason for a 30% expansion review on Map 24, Lot 15.** Mr. Gale is present to represent the property owner, Michael Mason. The board reviews the expansion calculations and various pictures taken by the site walk committee. The proposed addition would consist of a 192 square foot, 1344 cubic foot expansion. The calculations provided match town assessing records.

Teresa motions to approve the expansion, and notes that the expansion will be a 13%

square foot, 16% cubic volume expansion, with construction going no closer to the lake and with all appropriate erosion control measures taken. Everett seconds and the motion carries with a unanimous vote in favor.

**George Adams for Steve Testra for a 30% expansion review on Map 35, Lot 8.** Mr. Adams is present to represent the property owner, Steve Testra. The board reviews the expansion calculations and pictures taken by the site walk committee. The proposed addition would consist of 732 square foot, 9620 cubic foot expansion. The calculations provided match town assessing records.

Diane Bergeron, an abutter, is present to inquire as to the extent of the construction. Roland motions to approve the expansion, to the rear of the home. The proposed addition will consist of a 13% increase in square footage and a 29+% increase in cubic feet, leaving no further expansion allowed to the property. Applicant will take all appropriate erosion control measures necessary. Everett seconds and the motion carries with a unanimous vote.

### **III. MINUTES OF PREVIOUS MEETING**

April 21, 2004 - Teresa motioned to accept minutes. Jonathan seconds and the motion carries with a unanimous vote in favor.

May 5, 2005 - Teresa motioned to accept minutes. Denise seconds and the motion carries with a unanimous vote in favor.

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

### **V. OLD BUSINESS**

**Ed Gowen 30% expansion review.** Patti Berry and Mike Morse from DEP did a site walk of the property on May 3, and the planning board reviews Patti's report of the site walk. Mike Morse stated that because the slope is the same grade throughout the front of the property, it is practical to require Mr. Gowen to move the camp back. Mike Morse further states that Mr. Gowen couldn't have a deck on the front of the camp whether he moves the camp back or not. That would be making the camp even more non-conforming. Mr. Gowen can keep the decks to the side of the camp and the rear as they are now.

Mike Morse suggested that the camp moves back straight from where it is, if the planning board wants it further from the lake. Moving it away from the abutters line actually may bring the camp closer to the lake because the shoreline juts in on that side of the lot. Mike stated that he was reluctant to give a decision as to the exact placement of the house because in doing so a setback reduction from the planning board may be required.

Kurt is concerned that moving the camp back would be encroaching on the abutters

parking area. The board discusses the height of the building in relation to the grade

Everett motions to approve with the following conditions: Camp must be moved back to no closer than 20 feet from front setback, expansion is not to exceed the 30% as previously determined and noted in file, applicant can have no deck on front side of camp, the applicant must get a recommendation from York County Soil and Water District regarding erosion control and permanent stabilization of all slopes and disturbed areas, applicant may go no closer to the sideline of the property. Denise seconds and the motion carries with a unanimous vote in favor.

## **VI. COMMUNICATION**

A letter dated May 8, 2004 from Mr. Simanonok is noted as being received by all the planning board members.

## **VII. MISCELLANEOUS**

Teresa reminds the board that the water moratorium issue needs to be placed on the agenda and discussed. It will be placed on the next available agenda under old business.

## **VIII. NEW BUSINESS**

## **IX. ADJOURNMENT**

Everett made the motion to adjourn at 9:25p.m. Denise seconded and the motion passed with a unanimous vote in favor.

**TOWN OF WATERBORO  
PLANNING BOARD MEETING MINUTES**

**June 2, 2004**

**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, Jonathan Raymond, Roland Denby, Denise Everest and Everett Whitten.

**II. APPOINTMENTS**

**SAD 57 Informational Meeting - New Middle School proposed on Map 7 Lot 61E**

Tom Greer, Dana Morton, the Building Committee and various others involved in the planning of the proposed Middle School are present at tonight's meeting. Sue Dunlap reminded everyone present tonight that the Board would not be able to vote on any issues tonight as there is no application that has been filed with Planning Board. Sue urges SAD 57 to submit an application as soon as possible.

Tom Greer reviews the various site plans and explains the location. Mr. Greer states that the traffic issues would be dictated by school needs and DOT requirements. Mr. Greer states that according to the site evaluators, the 3<sup>rd</sup> sketch plan presented is the best location on the lot for the septic system.

SAD 57 is planning on bringing public water to the site and is planning on bringing the line up Sokokis Trail. There will be 2 hydrants located on site. Mr. Greer would like to state for the record that this location was a hazardous waste site, but that all indications from DEP show the site as being clean now.

Sue Dunlap asks Dana Morton if he will be the clerk of the works for this job. Dana Morton states that he will not. Mr. Greer says that there will be 2 representatives involved.

Diane, who has been working with DOT for the traffic movement permit, and has been involved with the traffic analysis states that there will be more traffic to the school in the A.M. hours. They predict having 424 one-way trips in and out of the school per day. This will require a traffic movement permit. They have met with DOT on 2 occasions and they will be studying the triangle area between Old Alfred Road and Sokokis Trail. There will probably be a need for turn lanes in various locations.

Sue asks Diane what is the estimated percentage of people that will access the school by way of Sokokis Trail and Old Alfred Road. Diane states that it will probably be an even split, with approximately half using Sokokis Trail and half using Old Alfred Road. Sue

states that DOT is currently doing a project on the intersection just up the street from the school location and inquires if this is scheduled for completion soon. Diane states that she believes it is. Teresa asks if the intersection of Old Alfred Road and 202 is being considered for a traffic study. Diane states that it is not at this time because that intersection has a new passing lane and the occurrence of accidents has been greatly reduced.

Roland states that in the past there have been drainage problems in a subdivision off Old Alfred Road and inquires if the engineers will be looking at culvert sizes. Tom Gree states that the drainage from the site is very good but they will be looking at the culverts Sue states that she has heard that people in that area are concerned about flooding and says that the engineers are addressing this and will be responsible for assuring there will be no flood problems. Mr. Greer states that they are working with DEP and assures there will be no impact from runoff from the site.

Sue inquires about what appears to be a road with a dotted line going to Hemlock Ave. shown on the plan that has an entrance/exit onto Sokokis Trail. Mr. Greer states that this is a path only.

Sue tells Mr. Greer that they have done an excellent job in incorporating everyone's concerns. Sue states that she likes the idea of having 2 plans and would like to see public input. Mr. Greer states that it isn't financially possible to do 2 complete sets of plans

Teresa points out to Mr. Greer that as a member of the site selection committee the State Planning Office would like to see students walking to school using sidewalks and asks Mr. Greer about this. Mr. Greer says that it is a tough section to place sidewalks. The area is very flat and there is no drainage in place to support them.

Kurt states that he prefers the plan that has the majority of traffic going to Sokokis Trail. Teresa and Jonathan agree that they prefer this one as well.

Sue asks Mr. Greer when they expect to have an application and final plan to present to the planning board. Mr. Greer states that they hope to by the end of the month.

Kurt is concerned that the plan showing 2 entrances may become a shortcut for people going between Sokokis Trail and Old Alfred Road. Mr. Greer states that with the significant curve in the road and the stop sign he feels that will provide adequate traffic control and discourage people from using it as a short cut.

**Scott Collard for Henry Holmes - Sketch plan submittal for Map 13 Lot 51.** Mr. Collard is from Land Use Consultants and is representing Henry Holmes who is also present. Mr. Collard explains that this lot consists of 33 acres, approximately 5 of which will be broken off leaving 28 acres for this proposed elderly housing project. This property is located in the AR zone. This would be a subsidized elderly housing

development. The proposed building is 2 stories with each living unit having between 750 and 950 square feet of living space each. Mr. Collard states that there will be study given to future development for breaking off a residential lot on the northeastern end of the site in the future.

Roland asks what the future plans are for the 2 lots that are being split off. Henry Holmes states that Lot A has been sold to a church and Lot B will be strictly residential.

Sue asks the applicant if he will retain ownership of the housing unit. Henry Holmes states that he will retain ownership and will be managing all Federal Fair Housing requirements. The remainder of the open land will be held by the applicant's corporation.

The board reviews the ordinance as it relates to conditional uses; specifically as it applies to over 4 unit developments. Sue reads the definition of a Planned Unit Development and states that a P.U.D. has a 150 foot front setback requirement.

At this time the board reviews the checklist. The following items are outstanding

- Subdivision application
- Name of subdivision
- Deed of proof of ownership
- Natural features

Sue would like to clarify whether or not this should be considered a PUD with the code enforcement officer and if it is subject to approval as a conditional use with site plan approval and will discuss this issue with the CEO.

**Scott Collard for Henry Holmes - Sketch plan submittal for Map 13 Lot 56** Scott Collard explains that this is a 24 acre lot that runs back to the Little Ossipee outflow. The lot has 850 feet of road frontage on Sokokis Trail. Mr. Collard explains that there will be a 5 acre parcel withheld for the existing farmhouse on the property and two 80,000 square foot single family parcels. The remaining land will be developed for a cluster development consisting of 3 duplex housing units with frontage and access off an existing 50 foot right of way.

The applicant explains that this property also falls under the jurisdiction of the Saco River Corridor Commission and this project will require their review and permitting as well.

Henry Holmes would like to extend a 50 foot right of way to the water for service to the subdivision residents. An abutter that is present Scott Shaw addresses the board and expresses his concern that his deeded right of way and parking area not be infringed upon. Scott Shaw would like his 50' right of way shown on the final plan. John Barth, also an abutter, is present and provides the board with deeds showing creation of the right of way and parking area. Sue agrees that this right of way should be shown on the plan.

Teresa reads from the road ordinance and points out that according to the road ordinance it states that all subdivisions have a 60 foot right of way

Kurt asks the applicant why lots 1 and 2 can't be split east to west with access on a right of way. Kurt feels this would limit access off Sokokis Trail. Henry Holmes questions whether this would be feasible and agrees that this would only change the building envelope and agrees to look at this option.

Sue Dunlap feels that this proposed development has the same issues as the proposed development across the street and referenced above. Sue would like to clarify whether or not this should be considered a PUD with the code enforcement officer and if it is subject to approval as a conditional use with site plan approval.

**Everett Whitten for final subdivision approval for Village Pines on Map 5 Lot 9**

Everett Whitten excuses himself from the board to present final plans for his proposed subdivision, Village Pines. It is noted that this subdivision was previously granted a conditional approval on January 21, 2004 with the following conditions:

- road width needs to be changed on final plan to 22 feet wide with 2 feet on either side
- road specifications need to be corrected and referenced on the plan
- road must be built according to road specifications as certified by a 3<sup>rd</sup> party engineer
- top coat must be finished as approved by a 3<sup>rd</sup> party engineer prior to last 2 occupancy permits being issued.
- no building permits may be issued until the road is constructed to the base tar

The board reviews the above mentioned outstanding items and determines that all outstanding items have been addressed. The board agrees that they will sign the final plan tonight.

**III. MINUTES OF PREVIOUS MEETING**

May 19, 2004 - Tabled until next meeting

**IV. REPORT OF OFFICERS**

**V. OLD BUSINESS**

**VI. COMMUNICATION**

**VII. MISCELLANEOUS**

**VIII. NEW BUSINESS**



## **IX. ADJOURNMENT**

Kurt made the motion to adjourn at 10:25p.m. Everett seconded and the motion passed with a unanimous vote in favor.

**TOWN OF WATERBORO  
PLANNING BOARD MEETING MINUTES**

**June 16, 2004**

**8:15 p.m.**

Vice Chairman Kurt Clason called the public hearing for Ossipee Estates to order at 8:15 p.m. Attendance from the board is as follows: Teresa Lowell, Jonathan Raymond, Roland Denby and Everett Whitten. There are no members of the public present.

There was a site walk held for this proposed subdivision held on Saturday, June 5, 2004. The following Planning Board Members were present for the sitewalk: Susan Dunlap, Kurt Clason, Teresa Lowell, Roland Denby and Everett Whitten . There were no members of the public present.

Ron Woodward gives a brief overview of the proposed subdivision. This subdivision is located on the Ossipee Hill Road extension. The total lot size is 70 acres and this is an 8 lot subdivision with 7 of the lots accessing off the Ossipee Hill Road extension and 1 lot accessing off the Middle Road. The proposed lot size ranges from 5 to 10 acres

Mr. Woodward provides the board with information he has brought with him regarding the road status. According to the road records, Ossipee Hill Rd is a town road and maintained as such for 3.8 miles. Teresa questions the applicant where the 3.8 mile mark falls in relation to the proposed subdivision. The applicant states that he does not know.

Mr. Woodward states that the town has done improvements to that section of the road and feels that it is a town road. Teresa states that according to the road commissioner that section of road has been improved and maintained only for emergency purposes

Kurt asks if the applicant has considered creating a road coming off the Middle Road for access to this subdivision. Kurt feels that based on what he was seen at the sitewalk this may be a possibility. Ron Woodward states that the nature of the land would prevent this.

The public hearing closes as 8:40 p.m

## **II. APPOINTMENTS**

**Ron Woodward - Ossipee Estates Subdivision Map 3 Lot 58** The Board reviews the checklist at this time. It is determined that the following items are still outstanding

- Width of any easements (easement on lot 4 needs to show on plan)
- Waterholes/dry hydrant - need Fire Chief recommendation

- Soil suitability report
- Location & sizes of proposed utilities & easements - need to be on plan
- Landscaping - possible 50 foot buffer zone needs to be considered
- Off street parking (driveway locations) - recommendation from the Road Review Committee is a preference for shared driveways
- Storm sewers, catch basins and culverts - shown for lots 6 & 8 but need location and size of driveway culverts on plan
- Road/Driveway issues need to be addressed including site distances
- Location of septic and leachfields need to be shown on plan
- Proposed restrictive covenants need to be shown on plan

The applicant agreed to withdraw the waiver request for the hydro-geological study.

The applicant is again directed to meet with the selectmen to discuss determination of the road status.

### **III. MINUTES OF PREVIOUS MEETING**

May 19, 2004 - Tabled until next meeting

June 2, 2004 - Tabled until next meeting

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

### **V. OLD BUSINESS**

**Robert Depeters 30% expansion review on Map 37 Lot 15** The board reviews new calculations provided by surveyor, Steve Everett and a letter from Patti Berry, CEO. It is determined that the existing square feet of this property is 1,906 and the existing cubic feet is 13,810.

The proposed sunroom is a total of 160 square feet and 1,360 cubic feet.

Patti writes that the applicant has already made several additions to the original building which have not been calculated towards the total 30% allowed for the lifetime of the property; see calculations in letter to planning board from CEO dated June 16, 2004.

Taking the additional expansion into consideration the proposed calculations should be 606.5 square feet which calculates to a 32% expansion. The total proposed cubic feet should be 2,196, which is 16% of the allowed expansion.

Based on the above findings the Roland makes a motion to table so the applicant may submit a new plan that stays within the allowed 30% expansion. Jonathan seconds and the motion carries with a unanimous vote in favor.

**VI. COMMUNICATION**

**VII. MISCELLANEOUS**

**VIII. NEW BUSINESS**

**IX. ADJOURNMENT**

Everett made the motion to adjourn at 9:20p.m. Jonathan seconded and the motion passed with a unanimous vote in favor.

**TOWN OF WATERBORO**  
**PLANNING BOARD MEETING MINUTES**  
**July 7, 2004**  
**8:30p.m.**

Chairman, Susan Dunlap called the meeting to order at 8:30 p.m. Attendance from the board is as follows: Teresa Lowell, Jonathan Raymond, Roland Denby and Everett Whitten. Kurt Clason and Denise Everest are absent.

**II. APPOINTMENTS**

**Linda Kemper 30% expansion review for Map 36 Lot 3** Linda Kemper and Walter Fletcher, the applicant's contractor, are present and explain the proposed plans. The applicant would like to demolish the current structure and rebuild it in the existing footprint. The applicant would like to remove the bedroom kick-out on the current camp.

The board reviews the applicant's file and calculations. There appears to be some discrepancies between current dimensions and the dimensions shown on the town's records. The board also discusses what appears to be a split in the original lot that the house is on and questions how and when this happened. The applicant states that she does receive 2 separate tax bills for this property, with a garage being located on the adjoining lot. The board questions whether these are contiguous lots.

Jonathan motions to table this matter so the applicant can determine the status of the lot. The board believes there has been a previous expansion and the applicant is directed to re-calculate the calculations to include a 16x12 deck that appears to have been installed in 1992. Everett seconds and the motion carries with a unanimous vote in favor.

**III. MINUTES OF PREVIOUS MEETING**

May 19, 2004 - Teresa motions to accept the minutes. Everett seconds and the motion carries with a unanimous vote in favor.

June 2, 2004 - Teresa motions to accept the minutes. Jonathan seconds and the motion carries with a unanimous vote in favor.

June 16, 2004 - Tabled to make a minor addition

**IV. REPORT OF OFFICERS**

**V. OLD BUSINESS**

**Discuss Ossipee Overlook status and determine application deadline** The board

reviewed the status of the proposed Ossipee Overlook Subdivision. This application was first proposed a year ago and has received preliminary approval. Due to the fact that there has been no further action taken by the applicant the board requests that the Planning Board Secretary send Mr. Higgins, the applicant, a certified letter stating that if there is no response within 10 days the Board will take whatever steps that are allowed to terminate the application and the applicant will be forced to start the process over from the beginning.

**Re-review Robert Depeters 30% expansion on Map 37 Lot 15** The board reviews new calculations provided by Chris Walker showing that he has reduced the size of the proposed sunroom. The original proposed sunroom was 10'x16', 160 square feet, and put the applicant over the allowed 30% expansion at 32%. The new proposal is a 10'x14'8", 148 square feet sunroom, equaling just under the allowed 30% expansion.

Based on the above findings Everett motions to approve the expansion contingent upon the Code Enforcement Officers concurrence that the calculations are below the allowed 30%, with no further expansion allowed for the lifetime of the property. Teresa seconds and the motion carries with a unanimous vote in favor.

**Sign final plan for Ledgewood** The board re-reviews the final plan for Ledgewood. The board is concerned that they could find no documentation in regards to the sidewalk. The board would like to wait for the applicant to come back before the board to clarify sidewalk issues.

## **VI. COMMUNICATION**

## **VII. MISCELLANEOUS**

The board inquires about the status of the water moratorium. The Planning Board secretary will check with the Selectmen's office to determine the status

## **VIII. NEW BUSINESS**

## **IX. ADJOURNMENT**

Everett made the motion to adjourn at 10:35p.m. Jonathan seconded and the motion passed with a unanimous vote in favor.

**TOWN OF WATERBORO**  
**PLANNING BOARD MEETING MINUTES**  
**July 21, 2004**  
**7:40p.m.**

Chairman, Susan Dunlap called the meeting to order at 7:40 p.m. Attendance from the board is as follows: Teresa Lowell, Jonathan Raymond, Roland Denby, Everett Whitten and Kurt Clason. Denise Everest is absent.

**II. APPOINTMENTS**

**Chris Binette setback reduction for Map 33 Lot 51** The board reviews the application and plot plan. This is a legal non-conforming lot of record and the property is located in the AR zoning district. The applicant is requesting a 2' setback reduction on both sides to place a garage. Due to the nature of the lot the board feels a reduction may be necessary on all 3 sides.

Everett motions to approve a 32' setback on 3 sides citing Section 2.08 of the Waterboro Zoning Ordinance. Kurt seconds and the motion carries with a unanimous vote in favor.

**Jerry Kennie setback reduction for Map 49 Lot 5** The board reviews the application and plot plan. This is a legal non-conforming lot of record and the property is located in the R zone. The side setback in that zone is 35'. The applicant is requesting a 25 foot side setback. Sue states that there are no sight issues that will be created in approving this setback reduction.

Kurt motions to approve a 25' setback on the south property line and the applicant will also need to have the lot surveyed prior to a building permit being issued. Jonathan seconds and the motion carries with a unanimous vote in favor.

**Rob Ryder for Frank Tarazewich for a 30% expansion review on Map 30 Lot 7** The board reviews the existing and proposed calculation of both the camp and the garage. The applicant is proposing to move the camp approximately 5' further away from the lake and expand. Existing cubic feet of the camp is 3084 and the applicant is looking to expand an additional 902.2 cubic feet. The applicant is also proposing to re-build the garage adding a volume only expansion by changing the pitch of the roof, using only 8% of the allowed expansion to the garage. It is determined the applicant will also require a front setback reduction.

Kurt motions to approve the approve the expansion under the following conditions: The applicant is expanding the camp 29% in cubic feet of the allowed 30% so no further expansion to the camp for the lifetime of the property will be allowed, applicant is

expanding the garage 8% in cubic feet of the allowed 30%, applicant is granted a 40' front setback and is required to use appropriate erosion control. Everett seconds the motion and the motion carries with a unanimous vote in favor.

### **III. MINUTES OF PREVIOUS MEETING**

June 16, 2004 - Kurt motions to accept the minutes. Teresa seconds and the motion carries with a unanimous vote in favor.

July 7, 2004 - Teresa motions to accept the minutes. Jonathan seconds and the motion passes with a 5-0-1 vote with Kurt abstaining as he was absent from this meeting.

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

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

**Linda Kemper 30% expansion review for Map 36 Lot 3** Linda and Richard Kemper are present and explain the proposed plans. The applicant would like to demolish the current structure and rebuild it in the existing footprint and to remove the bedroom kick-out on the current camp. Sue notes that the sitewalk committee has been out to the site and it is determined and noted that due to the slope around the camp there is no practical means of moving the camp from the current footprint.

Teresa motions to approve the expansion to the camp, which calculates to 28% cubic feet of the allowed 30% with the camp being rebuilt in the current footprint. Roland seconds and the motion carries with a 4-0-1 vote with Kurt abstaining as he was absent for the previous meeting with the applicants.

**Sign final plan for Ledgewood** The board re-reviews the final plan for Ledgewood. Bruce Lewis has brought a revised set of plans referencing the sidewalk and road specifications on the detail sheet. This was the last remaining item required prior to signing the final plan. Since the subdivision has already received a conditional approval the board signs the final plan for Ledgewood Subdivision.

**Determine status of Genest Concrete** The board discusses the workshop that was held with Genest, their attorney and the town attorney. The board decides to vote tonight to determine if Genest Concrete should be held to the new ordinance standards or the old ordinance.

The board determines that Genest Concrete should be held to the new ordinance standards citing the following reasons: The State gave Genest a permit prior to the enactment of the new ordinance claiming them as an active pit, the board feels the applicant was given appropriate notice and time to respond to and apply for active status and also based on Attorney Coles interpretation of the new ordinance and Attorney Natalie Burns' opinion in a prior workshop.



Based on the above mentioned facts, Kurt motions to hold Genest Concrete to the new Extractive Industry and Land Reclamation Ordinance enacted on March 11, 2000. Jonathan seconds and the motion carries with a unanimous vote in favor.

- VI. COMMUNICATION**
- VII. MISCELLANEOUS**
- VIII. NEW BUSINESS**
- IX. ADJOURNMENT**

Kurt made the motion to adjourn at 8:50 p.m. Everett seconded and the motion passed with a unanimous vote in favor.

**TOWN OF WATERBORO  
PLANNING BOARD MEETING MINUTES**

**August 4, 2004**

**7:30p.m.**

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

Kurt Clason introduces the newest member of the Planning Board, Tim Nelson. Tim has been appointed by the selectmen and will be filling the vacancy left by Denise Everest

**II. APPOINTMENTS**

**Bruce Lewis and David Dunn for Birchwoods Subdivision review on Map 11 Lot 17**

This is a 10 lot subdivision located off the Webber Road. The board reviews the checklist and peer review. The applicant is questioned on note #2 of the stormwater evaluation section of the peer review report. It states that the majority of runoff from HSG A soils typically occurs during the winter and spring months when the ground is still frozen and rainfall cannot be infiltrated in the frozen soils. Deluca Hoffman recommends the computations be revised to include wet saturated ground conditions to more accurately determine if the sizing of the natural depression area on lots 17-6 and 17-7 is adequate. The applicant states that they will be enlarging the swale on lot 17-6. The applicant also states that on lot 17-2 there will be a grass swale put in

The applicant supplies the planning board with a copy of the road maintenance agreement.

The board reviews the checklist. Teresa questions the number of dry hydrants shown on the plan. The requirement is one hydrant for every 5 houses. This subdivision will have 10 lots on an internal road with one lot being accessed from Webber Road. Frank Birkemose, the Fire Chief has previously approved the 1 dry hydrant shown on the plan.

Peer review states that having a 5 foot sidewalk adjacent to the road should not be considered an acceptable. Deluca Hoffman recommends requiring either a raised sidewalk separated from the roadway by curbing, a 5 foot wide grassed esplanade between the roadway and the sidewalk, or a combination of both.

Bruce Lewis feels that due to the flat nature of the lot drainage would be a problem if they were to put in raised separated sidewalks. The applicant is directed to get a recommendation from the Road Review Committee.

The applicants have requested a waiver from Section 6.2.1.21 requiring an endorsement from the York County Soil and Water Conservation District. Deluca Hoffman does not support this waiver request due to the fact that the project site is located within a watershed that has been designated as a "lake watershed most at risk from development"

The applicant states that they have sent applied to YCSWCD for approval and withdraw their request for a waiver.

Teresa asks about the discrepancies pointed out by peer review in regards to the plan not matching the deed presented. The applicant states that this is not abnormal and the discrepancies are minimal and to be expected from 2 different surveys.

Kurt inquires about #3 in the peer review under "Other Plan Comments" stating that the pavement joint detail should be modified to depict the surface course of pavement to extend all the way across the joint. It appears the plan does reflect this detail. The applicant believes that the peer reviewer was looking at old plans

Tim Nelson points out that on the plan note on page 1 note #10 states that all homes are required to have a positive foundation drain or sump pump. Tim feels this is not necessary to require and the board agrees that they have not seen this requirement on previous plans that have come before the board. The applicant agrees and plans on removing the note.

Teresa asks the applicant about note #17 where there is an easement given to the town for maintenance/use of the 1000 gallon fire tank. Teresa feels that this gives the impression that the town is supposed to be responsible for maintaining the fire tank in all respects. The applicant feels this note is only here so the fire department can access the tanks when and for whatever their needs are.

Everett motions to accept the preliminary plan pending approval/recommendations from the road review committee, approval from YCSWCD, and a written recommendation from the post office regarding the location of the mailboxes. Tim seconds and the motion carries with a unanimous vote in favor. It is also noted by the board that note #10 on the plan regarding foundation drains may be removed as it is not a requirement.

**Lester Berry for Berube Builders for Ossipee Landing subdivision revision on map 17 Lot 4T** The board reviews the new plan. Ossipee Landing received a conditional final approval on September 3, 2003 pending approval of the performance bond by the Board of Selectmen.

Berube Builders would like to amend the subdivision plan by eliminating the ball field that was on the original plan. Lester Berry states that when this plan originally came before the board it was presented as stage I of a much larger subdivision. Mr. Berry feels that since this is a single small subdivision the ball field is not necessary and would like to

designate that area as open space instead.

Teresa questions the fire protection provisions on the original plan. Since this subdivision has been approved, the standards have become stricter, requiring 10,000 gallon tanks as opposed to the 5,000 gallon tanks approved. The board discusses whether the applicant should be required to comply with the new regulations. Patti Berry, CEO, feels that since this subdivision received approval prior to the new fire protection regulations the board has no authority to impose the new regulations.

Mr. Berry inquires whether or not the board might support the removal of the sidewalks in this subdivision. Tim Nelson states that perhaps the board should wait to make a decision as the plans the applicant brought in for signature do not reflect this proposed change in the sidewalks. Mr. Berry states that they are willing to keep the sidewalks on the plan.

Teresa asks Mr. Berry if there has been a recommendation from the post office regarding the location of the mailboxes. The applicant is not sure if this has been done, and Teresa expresses that she would like to have seen that on the plan.

This matter is tabled pending approval of the performance bond by the board of selectmen.

**Robert Mazzola 30% expansion review for Map 33 Lot 25** The board reviews the applicants existing and proposed calculations. The sitewalk committee did a sitewalk of the property, which is located at 9 Esther Lane, on Tuesday, August 3, 2004. Tim motions to approve this expansion with the following conditions: the applicant must receive approval from DEP, a class D survey to verify the 10' sideline setback, the applicant must use appropriate erosion control, and the expansion is not to exceed the allowed 30%. Everett seconds and the motion carries with a unanimous vote in favor.

### **III. MINUTES OF PREVIOUS MEETING**

July 21, 2004 - Teresa motions to approve the minutes of this meeting. Jonathan seconds and the motion carries with a 5-0-1 vote with Tim abstaining as he was not present at that meeting.

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

### **V. OLD BUSINESS**

### **VI. COMMUNICATION**

### **VII. MISCELLANEOUS**

**VIII. NEW BUSINESS**

**IX. ADJOURNMENT**

Roland made the motion to adjourn at 8:48 p.m. Jonathan seconded and the motion passed with a unanimous vote in favor.

**TOWN OF WATERBORO**  
**PLANNING BOARD MEETING MINUTES**  
**August 18, 2004**  
**7:30p.m.**

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

**II. APPOINTMENTS**

**Ed Benway for Sayward Ridge Subdivision sketch plan review on Map 3 Lot 16**

This is a 13 lot subdivisor located off the Avery Road and Starr Hill Road. The property is located in the AR zone. The proposed lot size will be 2+ acres with road frontage of 200+ feet. The board reviews the checklist. The applicant states that the existing topography over the area covered by the lots is a 5 degree slope.

The board reviews the sketch plan and asks the applicant if he is aware of the condition of Starr Hill and Avery Road. Sue states that in many places the road is not wide enough for 2 vehicles to pass. The board just wants to inform the applicant that the road issue will be a big one.

Teresa also informs the applicant that according to the new guidelines for fire protection, the applicant will be required to put in two 10,000 gallon fire cisterns.

The applicants were asked about the open space shown on the plan. The open space will need a lot number and the applicant stated that access is left off Avery Road next to lot 13 for possible future use/development. The applicant also stated that he will sell the lots with wells and septic to individuals only.

It is noted that the applicant will be requesting waivers from Topography and the Hydro-Geo Study. Although the board is not at the point yet to vote whether or not to allow these exemptions, the applicant is advised that they will probably not allow the waiver for the Hydro-Geo study.

Tim suggests including contours on the next plan and the applicant agrees to do 10' (ten foot) contours on the next plan. Tim also suggests that the applicant meet with a road engineer for suggestions on the road situation.

**Genest Concrete re-consideration for gravel pit on Map 13 Lot 59-1** Sue recaps what has occurred with this case up to this point. Tim states that he will abstain from voting as he has not been involved in any previous meetings with the applicant.

Teresa motions to reconsider this case to allow the applicant the opportunity to speak. This motion is not to imply that there will be a change in the original vote. Everett seconds and the motion passes with a 4-0-1 vote with Tim abstaining.

Jonathan motions to hold Genest Concrete to the new Extractive Industry and Land Reclamation Ordinance enacted on March 11, 2000.

Chris Genest speaks and describes what kind of materials they produce and states that they are a family owned business. Mr. Genest further states that the money they have spent preparing plans to re-open the business was with the impression that they would be able to extract 1 million cubic yards from the pit. The applicant states that if they are held to the new ordinance that figure would be cut 54 percent.

Attorney McGehee hands out a "proposal" to the planning board outlining that they would like to be held to the old Extraction Ordinance but voluntarily comply with all but 2 of the requirements of the new Extractive Ordinance. The 2 standards in the new ordinance they wish to be exempt from are relating to the grade and the setback requirements.

The applicant reiterates that he feels that since his was an outstanding application and the code enforcement officer at the time could not direct him as to what he should do, he should be held to the old ordinance.

The Board again reiterates their original reasoning for their original vote to hold Genes Concrete to the new ordinance. Teresa seconds the motion to re-affirm their original vote and the motion carries with a 4-0-1 vote with Tim abstaining

### **III. MINUTES OF PREVIOUS MEETING**

August 4, 2004 - Teresa motions to approve the minutes of this meeting. Jonathan seconds and the motion carries with a unanimous vote in favor.

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

### **V. OLD BUSINESS**

### **VI. COMMUNICATION**

### **VII. MISCELLANEOUS**

Roland asks when the board had discussions about changing the zoning in the area around Ossipee Lake. The board discusses the area and Sue believes it was when the GP zone was established. The board would like to see any old information in regards to discussions on changing the zoning in that area.

**VIII. NEW BUSINESS**

**IX. ADJOURNMENT**

Teresa made the motion to adjourn at 9:20 p.m. Tim seconded and the motion passed with a unanimous vote in favor.



**TOWN OF WATERBORO**  
**PLANNING BOARD MEETING MINUTES**  
**September 1, 2004**  
**7:30p.m.**

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

**II. APPOINTMENTS**

**Shawn Grant for Calvin Tingley for a 30% expansion review on Map 39 Lot 13**

The board reviews proposed plans and calculations. This property is located within the shoreland zone. The sitewalk committee has held a sitewalk on this property on September 10, 2004. The CEO has provided calculations that have been verified with current assessing records.

Tim motions to approve this expansion, going no closer to the water than currently located and not to exceed the allowed 30%, per Section 7.01 of the Zoning Ordinance.

**SAD 57 Middle School Map 7 Lot 61E** Steve Drane from Semple & Drane Architects introduces Tom Greer from Pinkham and Greer, Building Committee Members, Ken Bissell, Gloria Dyer, Dominic Vermette and Bruce Lamb. Engineer, Dana Morton is also present.

Mr. Drane explains that this building will be positioned approximately in the middle of this lot. The first floor will be approximately 77,000 square feet. The building will be steel frame structure with brick veneer on the entire structure. The roof will have a fairly flat pitch with rain being directed to the stormwater management system. The board reviews the floor plan layout of the school.

Tom Greer states that they are still at the design/development stage with the Bureau of General Services and are finalizing the scope. Mr. Greer states that they are at the beginning stages with the Department of Transportation and they have a scooping meeting coming up. Mr. Greer further states that today they did a final submittal to D.E.P. They have submitted the septic design to D.H.S. for review. D.H.S. will also send the design to D.E.P. to review the nitrate analysis.

As part of the D.E.P. approval process SAD 57 has also held a neighborhood meeting to address concerns of people living in the area. The board reviews arial photographs showing the area layout.

The proposed school will have 2 entrance/exits. One onto Sokokis Trail and one onto the

Old Alfred Road, connecting with an internal loop road that will have an intersection to control traffic. There is a wetland on site that will be used as a training tool for the science program.

The site pitch on the lot is in a north to south direction with the groundwater flowing in the same direction. The abutters to the south have expressed that there was a significant drainage problem when their houses were first built. The applicant feels that a large ditch to divert runoff, coupled with the small infiltration basins they have designed for around the fields will control runoff.

The applicant states that another abutter has expressed concern that pedestrian access be controlled from Sokokis Trail. The applicant states that if this becomes a problem it will be dealt with by the school administrators at that time.

The athletic fields will be irrigated using wells from the south end of the lot and will be serviced by underground power/electric. The exits from the school will have left and right turning lanes.

The applicant states that at this time they would like the board to accept this application as complete, schedule a sitewalk and public hearing and send out for whatever peer review the board would like to have done. The overall schedule the applicants are hoping for is approval sometime in December, sending out requests for bids in early January with construction commencing in March of next year and opening Fall 2006.

Sue asks the applicant to summarize the Archeological and Historical survey. The applicant states that as part of the D.E.P. process they are required to submit letters to Maine Historical Committee. If there are feature found on the site that indicate there may have been Native Americans living on the site, a more in depth study would be required. The report states that no artifacts were found on this site.

Sue inquires why a botanical study was done but not a wildlife study. The applicant states that Inland Fisheries and Wildlife checked the site for rare and endangered habitat. Teresa points out that in the conclusion of a letter it stated that a lack of data may indicate a lack of survey efforts rather than confirming the absence of rare botanical features. The applicant states that this is a standard comment meant to trigger more studies.

Sue informs the applicant that a straw pole has been done and feels the 2 entrance/exit plan will be a big issue. The board would like to see one entrance/exit. Teresa informs the applicant that on the plan Sokokis Trail is listed as State Rt 5 and on plan sheet C1.1 the Townhouse Rd is labeled Buxton Road. Teresa inquires if there will be an elevator in the school and the applicant states that there is one planned and shows the location on the plan.

Teresa inquires as to where the students will be exiting the building to get on busses. The applicant states that the intent is to have the students arriving use the main front entrance

and students leaving at the end of the day will use the side exits. Teresa expresses concerns about the students walking between 4 rows of busses at dismissal. The applicant states that there will be walking lanes, isles and islands to facilitate safe entrance to the busses. The busses will also be leaving as a fleet, not staggered

Teresa states that this lot is twice the size required and the original intention was to allow room for possible future expansion but feels that the current design is too sprawled to allow for room for growth. The applicant states that they have worked with the building committee and have done several sketches as to how that might possibly work.

Teresa inquires if the Planning board will be notified when the traffic scooping meeting will take place. The applicant states that they probably will not be notified and that the scooping meeting is normally done between the traffic consultants and M.D.O.T. Teresa asks if there will be minutes available that the board can review and the applicant states that they will get the traffic consultant to do that. The applicant states that they will decide at the scooping meeting how far the traffic study needs to go and that they have already done a lot in researching the data. The intersection most closely being looked at is Old Alfred Road. Teresa states that the Comprehensive Plan identifies the intersection of Old Alfred Road and Rt. 202 and the intersection of Old Alfred Road and Townhouse Road as high crash areas. Teresa says that at the informational meeting that the turnout lane going onto Old Alfred Rd from Rt.202 had had alleviated the problems with that intersection. Teresa states that that lane has been there for a decade and the calculations are still showing it as a high crash area. The applicant states that that will all be reviewed in the traffic scooping meeting. The board would like documentation showing that the crash rates have been reduced the last couple of years.

Teresa asks if there is a primary and secondary entrance into the school and the applicant states that according to a traffic study, the traffic will be more or less split equally between Old Alfred Road and Sokokis Trail. Teresa asks what the general consensus at the neighborhood meeting with regards to the increased amount of traffic expected on Old Alfred Road. The applicant states that it was mentioned along with the speed limit on the road but that it was not a major issue.

Don Boilard speaks as an abutter and states that Old Alfred Rd is not designed to support the weight of the busses. Sue informs Mr. Boilard that as chair of the Board she conducts the meeting. Sue asks Mr. Boilard to make sure his comments are contained to subjects he has personal knowledge of and tells Mr. Boilard that it will be up to the applicants to prove that the road can support the increased traffic and weight. Mr. Boilard states that this project is interfering with his property. Sue informs Mr. Boilard that unless the applicant violates any town laws, he should confine his comments to what is applicable to him.

Sue asks if there is space for possible future portable classrooms if the need should ever arise. The applicant points out a grassy area located on the lot that may be a possible location. Sue is concerned that this location would create a hazard with kids crossing

parking areas to get to the portable.

Kurt asks if this building will be designed with the capacity to add a 4<sup>th</sup> floor. The applicant states that it is not and that there is room for expansion off the classroom wing if it is ever needed. This school is designed to comfortably fit 800 students and there are currently 650 students.

Sue would like to state that while the board welcomes comments from the public, she had a discussion with Mr. Boilard prior to this meeting and made it clear that public input tonight would be limited and that he would have the opportunity at the public hearing and sitewalk to voice his concerns. Sue does not want to encourage using these meetings improperly. Sue further states that Mr. Boilard has previously submitted his concerns in writing and the board has been aware of them.

Kurt points out that on the Electrical plan ES 101 an entrance sign is placed 6 feet away from a 6 foot high fence. The applicant states that this was an error and the sign location will be changed to the other side of the fence.

David Woodsome, a member of the public inquires as to why the school will have a flat roof and says he feels that that a few years down the road it could lead to major problems. The applicant replies that State guidelines and criteria dictate the design of the school. The applicant further states that a building of this size with a pitched roof would generate significant amount of stormwater runoff as well as snow problems.

David Woodsome points out that the running fields at the school would be getting substantially more use than the softball and baseball fields. Mr. Woodsome asks if the softball/baseball fields would be able to be used as running fields if needed. The applicant states that they are intended to be used as "double duty" fields.

The board discusses the need to schedule a site walk and public hearing. The site walk is scheduled for Saturday, October 2, 2004 at 9:00 a.m. The Public Hearing is scheduled for Wednesday, October 6, 2004 at 7:30 p.m.

Sue asks the applicant if there will be any information from D.O.T. available prior to the October 6<sup>th</sup> meeting. The applicant states that they have to expect something.

Sue states that an interpreter has been requested to be present at the sitewalk and the public hearing. The planning board secretary will inquire about getting one

Mr. Boilard inquires if the proposed sidewalk will be going on his front lawn. Sue informs him that the only sidewalks will be going on school property.

Dana Morton asks if the board will be submitting the information for peer review and Sue informs him that the board will be. The board discusses possibilities for Peer Review. The board decides on using Sevee and Maher to do the peer review work on the Hydro,

stormwater and septic review. Tim Nelson also recommends sending the plan to Southern Maine Regional Planning for confirmation of compliance with the town ordinance.

At this time the board does a review of the checklist.

### **III. MINUTES OF PREVIOUS MEETING**

August 18, 2004 - Teresa motions to approve the minutes of this meeting. Everett seconds and the motion carries with a 4-0-1 motion with Kurt abstaining as he was absent for this meeting.

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

### **V. OLD BUSINESS**

Town Planner possibilities - Sue and Patti will draft a proposal to send to the selectmer Ossipee Landing - The board would like assurance that the 2 plans are the same with the only change being the name change on the plan and the removal of the ballfield. Teresa motions to send both plans to S.M.R.P. to review both sets of plans. Tim seconds and the motion carries with a unanimous vote. After the vote it is noted that S.M.R.P. was originally involved in the planning process of Ossipee Landing. Tim moves to reconsider the vote to send the plans to S.M.R.P. and Teresa seconds. Tim motions to ask Doug Webster, or an equally qualified person, to review both sets of plans for conformity with the only change being the removal of the ball field. Teresa seconds and the motion carries with a unanimous vote.

### **VI. COMMUNICATION**

There is a letter from the Hollis Planning Board telling them of a 5 lot subdivision that is being proposed off the Townhouse Road that is located partially in Waterboro. The meeting will be held at the Hollis Town Hall on September 7 and the Waterboro planning board has been invited to attend. Sue would like to find out if Waterboro Planning board is required to have a quorum in order to participate in the meetings. Patti states that all meetings shall be held jointly by both municipalities, however, the reviewing authority of both town may waive the requirement for joint meetings and hearings. Patti states that the parcel of land that is in Waterboro is a small piece of land. Sue states that she will go to the Hollis Planning Board meeting to review the plans

### **VII. MISCELLANEOUS**

### **VIII. NEW BUSINESS**

## **IX. ADJOURNMENT**

Teresa made the motion to adjourn at 9:30 p.m. Tim seconded and the motion passed with a unanimous vote in favor.

**TOWN OF WATERBORO**  
**PLANNING BOARD MEETING MINUTES**  
**September 15, 2004**  
**7:30p.m.**

Chairman, Susan Dunlap called the meeting to order at 7:40 p.m. Attendance from the board is as follows: Teresa Lowell, Jonathan Raymond, Roland Denby, and Tim Nelson. Kurt Clason and Everett Whitten are absent.

**II. APPOINTMENTS**

**Henry Holmes and Scott Collard Preliminary Plan Review for Map 13 Lot 56** The following members of the public are present as abutters: Joe Labreck, John Barth and Carole Monoco.

Scott Collard introduces himself and describes the proposed project. River Bend is a 4-lot, 11 unit residential subdivision located on the easterly side of Sokokis Trail approximately 3.5 miles north of North Waterboro center. This lot is approximately 24.82 acres in area and is located in the AR zone. The proposed subdivision consists of three (3) single family residential home sites (Lots 1,2,3) and one (1) parcel of land (lot 4) to be developed as a cluster residential development.

The proposed use on Lot 4 (16.25 acres) is to be subsidized senior housing for residents 62 or older. Four duplex units are proposed. Each unit is to include a single car garage and space for an additional vehicle in the unit's driveway

This subdivision will be serviced by an internal road and the applicant states that they have submitted a road entrance permit to D.O.T. The applicant has also submitted an application to the Saco River Corridor Commission.

Sue states that building design appears to be consistent with the desires of the comprehensive plan in regards to its rural look.

At this time the board reviews the sketch plan checklist as it was not voted on and approved at the first meeting. All the items are found to be complete for sketch plan approval. Jonathan motions to approve the sketch plan. Roland seconds and the motion passes with a unanimous vote.

Tim expresses to the applicants that he would like to see the location of the cisterns noted on the plan. Teresa asks the length of the internal road. The applicant states that it will be 2,760 feet and the proposed street name will be River Bend Drive

Roland inquires as to how the site will be lighted. The applicant states that the lights will be directed to be contained to the site.

It is noted that the plan shows the 75 foot required setback from the right of way is not met. That will need to be changed to meet that required setback. The applicant is reminded that they will need to meet that 75 foot setback from Sokokis trail as well as the right of way.

The board reviews the preliminary checklist at this time. The following is a list of outstanding items that are to be addressed prior to preliminary approval:

- Name and Address of Subdivider (Signature Line) on Plan
- Appropriate stamps on Final Plan
- Add Island as abutter and abutter across Sokokis Trail (Lot 51)
- Width of adjacent streets shown on plan
- Width of any easements (R.O.W.) needs to be on plan
- Fire protection requirements need to be determined and shown on plan
- Hydro-Geo study
- The 75 foot required setback from Sokokis Trail and the Right of Way needs to be maintained and shown on the plan as such.
- Proposed picnic area and walking trails need to be shown on plan
- Provisions for mail delivery need to be made
- Road review needs to review all aspects of the proposed road; pavement width, street elevations, grades
- Erosion control and stormwater drainage plan
- Street signs and locations

The abutters that are present express their concern that the right of way be clearly marked on the plan and would also like to see their names printed on the plan as having that deeded right of way. Sue states that this is a legal issue that the planning board has no authority over. Sue further states that she would like to see the applicant willingly add the abutters present to the plan and would like Mr. Holmes to only refer to the right of way on the plan and leave out the other references to ownership.

Tim motions to hold off on a vote to approve the preliminary plan. Jonathan seconds and the motion carries with a unanimous vote.

**Henry Holmes and Scott Collard Preliminary Plan Review for Map 13 Lot 51** This subdivision is a 3 lot, 14 unit subdivision located on the westerly side of Sokokis Trail approximately 3.5 miles north of North Waterboro Center. This lot is approximately 32.62 acres and is in the AR zone. The proposed subdivision consists of Lot 1 (4.76 acres), Lot 2 (26.02 acres) and Lot 3 (1.84 acres)

The proposed use on Lot 2 (26.2 acres) is to be subsidized senior housing for those 62



and older. 12 apartment units are proposed.

The board points out that the parking space needs to be 10x20 or the equivalent of 200 square feet as opposed to the 18x9 lot shown on the plan.

At this time the board reviews the sketch plan checklist as it was not voted on and approved at the first meeting. All the items are found to be complete for sketch plan approval. Teresa motions to approve the sketch plan. Roland seconds and the motion passes with a unanimous vote.

The board reviews the preliminary checklist at this time. The following is a list of outstanding items that are to be addressed prior to preliminary approval:

- Name and Address of Subdivider (Signature Line) on Plan
- Appropriate stamps on Final Plan
- Width of adjacent streets shown on plan
- Fire protection requirements need to be determined and shown on plan
- Hydro-Geo study
- Provisions for mail delivery need to be made
- Erosion control and stormwater drainage plan

The applicant is requested to supply the board with written verification from D.E.P. that they do not need to review the stormwater management or site review.

A site walk is scheduled on this lot for Wednesday, September 29 at 5:30 p.m. and a Public Hearing is scheduled for Wednesday, October 20 at 7:00 p.m.

### **III. MINUTES OF PREVIOUS MEETING**

None to approve at this time.

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

### **V. OLD BUSINESS**

### **VI. COMMUNICATION**

### **VII. MISCELLANEOUS**

The board schedules a Workshop for September 29, 2004 immediately following the Sitewalk on Henry Holmes' property at approximately 6:45.

### **VIII. NEW BUSINESS**

### **IX. ADJOURNMENT**

Teresa made the motion to adjourn at 9:50 p.m. Jonathan seconded and the motion passed with a unanimous vote in favor.

**TOWN OF WATERBORO**  
**PLANNING BOARD MEETING MINUTES**  
**October 6, 2004**  
**7:30p.m.**

Chairman, Susan Dunlap called the public hearing for the new proposed SAD 57 Middle School to order at 7:30 p.m. Attendance from the board is as follows: Teresa Lowell, Jonathan Raymond, Roland Denby and Everett Whitten. Tim Nelson and Kurt Clason are absent.

There are 5 members of the public present and Dominic Vermette and Fred Bechard are also present.

Sue opens the public hearing stating that there was a sitewalk held on the property on Saturday, October 2 at 9 a.m. Sue states that the sitewalk went well and there was good feedback from the 5 members of the public that were present. The abutters had questions and comments that were all addressed at the sitewalk. Sue would like it stated for the record that at the sitewalk she inquired about the possibility of designating Old Alfred Road access as an exit route only.

An abutter at the sitewalk asked about the possibility of blasting on the property. Sue stated that there would probably not be any blasting necessary but if it were the abutters would be notified and may expect gritty water for a short period of time. This information was provided by Tom Greer at the site walk. The question of open space in the subdivision on Belanger Drive was addressed. This open space in the subdivision is common space and not an unoccupied subdivision lot.

Tom Greer reviews and summarizes the plans for the new middle school and the athletic fields. There will be a change to the sidewalks and they will now be granite curbs and concrete sidewalks. There has also been a small change to the right turn into the school. This turn has been widened to accommodate snow banks and assure good sight distance. Sue states that there will be a 6 foot high fence located at the entrance off Old Alfred Road

Tom Greer hopes to have the peer review information done by early next week. Tom states that the ground topo and wetland study by DEP may result in some small changes to the plan.

Tom Greer states that they hope to complete the approval process in January or December and to begin the bidding process in the spring.

The applicant has provided the board with a memo from Diane Morabito, the traffic study

engineer that summarizes the expected trip generations, which the board reviews. It is stated that each bus is the equivalent to 2 cars in terms of impact. The peak a.m. trips are 424 and the peak p.m. trips are 240. Due to this fact a full traffic impact study will be required for the traffic permitting process. Sue states that she will be interested in seeing the totals when they are complete.

Don Boilard, an abutter states that he is concerned about site distance for him pulling out of his driveway if there is a bus in the other lane. Sue asks the applicant if there will be striping in that area on the road. The applicant states that there will. Don Boilard states that a school bus stopped there would have its headlights flashing anyway.

Sue refers to Don Boilard's question from the sitewalk regarding having trees as well as the fence on that side of the entrance. Mr. Greer states that the money for both is not in the budget. Don inquires about the possibility of the fence being green so as to blend in with the foliage and appear more natural. Mr. Greer agrees to review that possibility.

Teresa states that the site selection committee never said that Old Alfred Rd was a major bus corridor, and questions why it is now being considered that. Fred Bechard states that the Old Alfred Road has always been a major bus corridor. Mr. Bechard further states that there is a window of approximately 40 minutes in which busses pick up and drop off.

The board discusses the fact that the speed limit that has recently been raised to 50 MPH in that area and Mr. Greer states that that has been and will continue to be addressed in the traffic study.

Roland inquires whether the school will be entirely serviced by town water or if there will be wells installed on the site. Mr. Greer clarifies that there will be some wells on the site but that they will be used strictly to water the athletic fields.

Craig Therriault, an abutter that lives on Oak Lane expresses concern about flooding and states that there is a significant amount of water in that area in the spring. Mr. Therriault states that he would like to see something in writing stating that either the school or the town would be responsible in the event that flooding does become a problem. Tom Greer states that based on public concern at the sitewalk and previous meetings, the fields have been slightly redesigned and retention basins have been added. Mr. Greer states that most drainage from the site will be directed to the wetlands located on the site. Mr. Therriault feels that he would still like a guarantee from the applicant or town. Sue would like to find out if that might be an issue that could be covered by the performance bond. Sue assures Mr. Therriault that both peer review and DEP will be looking closely at this issue.

Teresa asks whether other homes in the area are expected to be affected by headlights coming and going at the middle school. Sue states that none of the abutters at the sitewalk or previous meetings have expressed any concern in that respect and that traffic leaving the school at a time when headlights are needed will be limited.

Roger Lauzier inquires about water that may run to the bottom of the lot and states that he sees no infiltration trenches on the plan. Tom Greer points out the location of several catch basins on the plan. Mr. Therriault is concerned that the catch basins will not help because in the spring the water flows over the surface due to the frozen ground. Tom Greer says they have factored in the elevation of the groundwater level and that the catch basins are below the frost line to catch springtime runoff. Mr. Greer further states that if it becomes a problem that putting in a berm may be a possibility.

Stuart Dunn, an abutter, inquires as to the direction of busses on the property. Tom Greer explains the procedure of how the busses will be leaving the lot. The busses will be leaving in 2's. Mr. Dunn also asks for assurance that the buffer zone of trees that is currently shown on the plan is set in stone. Sue assures Mr. Dunn that once the plan is approved there will be no changes allowed. Upon completion of the project the project will be an inspection by a 3<sup>rd</sup> party to assure the plan was followed.

Roger Lauzier asks of the stumps that will be buried to create the viewing areas around the athletic fields change due to them decomposing. Tom Greer states that due to the nature of the materials that will be placed over the stumps, there will be some changes and sinking but will not cave in

Teresa asks if the water that is used to irrigate the fields will contribute even more to possible water problems on the lot and surrounding areas. Tom Greer answers that most of the watering will be done during the dry season. Mr. Therriault asks if the abutters wells are expected to be affected, as quite a few in the area are driven points. Mr. Greer states that they will probably be putting more back into the ground than they will be taking.

Sue states that it is known that there are various existing water issues in this area, but would like to make it clear that the school is not responsible for remedying these existing problems. They are only responsible for proving that they will not contribute to further problems.

Don Boilard asks if this school thru-way from Sokokis Trail to the Old Alfred Road will be a thru-way for emergency vehicles. Mr. Greer states that it is not expected to be. There are various turns and stops intended to discourage thru-traffic for safety reasons. Teresa asks what the speed limit will be on school property and it is determined that 15 mph is normally the case.

With no further questions or comments the public hearing is closed at 8:50 p.m.

## **II. APPOINTMENTS**

**Roger Lauzier 30% expansion review on Map 36 Lot 17** The applicant informs the

board that he is basically just changing the pitch on the roof. The board reviews the calculations provided by the applicant and verified by Patti Berry, the Code Enforcement Officer. Teresa motions to approve the expansion of Map 36 Lot 17 that amounts to a 29% expansion of the allowed 30%. Jonathan seconds and the motion carries with a unanimous vote in favor.

### **III. MINUTES OF PREVIOUS MEETING**

September 1, 2004 - Teresa motions to approve, noting that a typo needs to be fixed. Jonathan seconds and the motion carries with a unanimous vote in favor.

September 15, 2004 - Jonathan motions to approve, noting that a typo needs to be fixed. Teresa seconds and the motion carries with a unanimous vote in favor.

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

### **V. OLD BUSINESS**

### **VI. COMMUNICATION**

### **VII. MISCELLANEOUS**

### **VIII. NEW BUSINESS**

### **IX. ADJOURNMENT**

Everett made the motion to adjourn at 9:10 p.m. Roland seconded and the motion passed with a unanimous vote in favor.

**TOWN OF WATERBORO**  
**PLANNING BOARD MEETING MINUTES**  
**October 20, 2004**  
**7:05p.m.**

Chairman, Susan Dunlap called the public hearing for Henry Holmes proposed age restricted and cluster subdivisions, Sokokis Gardens and River Bend on Map 13 Lots 51 and 56 to order at 7:05 p.m. Attendance from the board is as follows: Kurt Clason, Teresa Lowell, Roland Denby and Everett Whitten. Tim Nelson and Jonathan Raymond are absent.

There are 7 members of the public present.

Sue opens the public hearing stating that there was a sitewalk held on the property on Wednesday, September 29, 2004 at 5:30 p.m. Sue states that the sitewalk went well and that there were no members of the public present. The board walked both parcels of land, saw the building footprints as well as the boundaries in relation to abutters lots.

The first project that Mr. Collard describes is Sokokis Gardens, located on Map 13 Lot 51. Sue introduces Scott Collard, who will be presenting the plans and also states that this project is the type that the town likes to see and it is low impact.

This subdivision is a 3 lot, 14 unit subdivision located on the westerly side of Sokokis Trail approximately 3.5 miles north of North Waterboro Center. This lot is approximately 32.62 acres and is in the AR zone. The proposed subdivision consists of Lot 1 (4.76 acres), Lot 2 (26.02 acres) and Lot 3 (1.84 acres). The proposed use on Lot 2 (26.2 acres) is to be subsidized senior housing for those 62 and older, which will consist of 12 apartment units. The building itself will be 2 stories and will have an elevator on the premises.

The applicant states that the plans have been changed to include the required fire cisterns.

Lori Anthony, an abutter asks who the developer is. She is informed that it is Henry Holmes. Ms. Anthony asks if this will be apartment style living units. The applicant states that they will. Ms. Anthony asks if there is a chance in the future of these units changing to another use, not necessarily staying as age restricted housing. The board tells her that is the use were to ever change from the approved age restricted use, the owner would be required to get a growth permit for that unit.

Harold Parks, an abutter asks how the increase in stormwater will be dealt with. Mr. Collard tells him that the stormwater from the site will be retained by a detention basin into a culvert and released into the existing swale. Mr. Collard further states that a study

was done specific to the lot and the characteristics of the lot and a design done based on that to hold the water runoff and to maintain preexisting levels.

Harold Parks states that there are already drainage problems in the area. Sue informs Mr. Parks that the applicants responsibility is to insure that they are not increasing the level of runoff and are not responsible for remedying existing problems. Sue states that R.W. Gillespie has done a stormwater study that states there will be no negative impact.

Dale Adams, an abutter, asks if there can be any changes to these plans after they are approved. Sue states that any changes would require approval of the planning board and that abutters would be notified if that were the case.

Scott Collard goes on to describe River Bend which is located on Map 13 Lot 56. River Bend is a 4-lot, 11 unit residential subdivision located on the easterly side of Sokokis Trail approximately 3.5 miles north of North Waterboro center. This lot is approximately 24.82 acres in area and is located in the AR zone. The proposed subdivision consists of three (3) single family residential home sites (Lots 1,2,3) and one (1) parcel of land (lot 4) to be developed as a cluster residential development.

The proposed use on Lot 4 (16.25 acres) is to be subsidized senior housing for residents 62 or older. Four duplex units are proposed. Each unit is to include a single car garage and space for an additional vehicle in the unit's driveway.

This subdivision will be serviced by an internal cul de sac road and will also have fire protection cisterns as required.

The applicant states that the same studies that were done for Sokokis Gardens in regards to stormwater runoff have been done on this lot.

Sue asks if the right of way issue has been resolved on this lot to the abutters satisfaction. Mr. Collard states that the right of way has been noted on the plan.

Harold Parks asks if the applicant will be required to put the road in prior to construction commencing. Mr. Parks states that there is a dust problem due to earthwork currently. Henry Holmes tells Mr. Parks that this is due to the gravel base that they are working with right now. Sue states that it would be impractical to pave prior to construction as construction vehicles would tear up the new pavement.

John Barth thanks the board and the applicant for their reassurance in regards to the right of way but questions why the right of way marked on the plan does not show it going all the way to the waters edge. Sue asks Mr. Barth how it is depicted in the deed. Mr. Barth states that it says the right of way goes all the way to the water. Henry Holmes informs the board that the written description printed on the plan uses the wording directly from the deed. Sue feels that as long as the wording is directly from the deed that is acceptable.



At this time Jonathan Raymond and Tim Nelson join the meeting.

Dale Adams asks what lots 1,2 and 3 are intended for. The applicant states that they are intended to be developed as single family house lots.

Kurt states that the plan show a waterline coming from lot 1 and crossing Route 5 to a well on the lot across the street. The previous owner of the lot is present and states that it is a discontinued well.

Sandy Lambert, an abutter asks the applicant what the timeframe for construction is. Henry Holmes states that he hopes for completion in late winter/early spring.

Lori Anthony, an abutter asks about the walking path that is shown on the plan. She would like to know where it will be located. The applicant state that is will be a 3 foot wide gravel path located in the field. Ms. Anthony asks if there will be any restrictions placed on the use of the path, specifically ATV use. Henry Holmes states that he will add to the deed restrictions that ATV use is prohibited.

With no further questions or comments the public hearing is closed at 7:45 p.m.

Sue Dunlap would like to announce for the record that she attended the SAD 57 traffic scooping meeting. Route 5 and Old Alfred Rd were discussed as well as the traffic studies. The intersection of Rt 202 and Old Alfred Rd. is no longer considered a high risk intersection. The intersection of Rt. 5 and Townhouse Rd. is still considered a high risk intersection. The speed limit along Rt 5 that was recently changes to 50 mph will be changed back to 35 mph soon.

## **II. APPOINTMENTS**

### **Ed Benway preliminary approval for Oakwood Ridge Development on Map 3 Lot 16**

The board reviews various letters that have been received from abutters. Abutters present are Troy Ireland, William Blake and Dave Anderson. It is noted for the record that Starr Hill Rd. is public and Avery Rd. is private. The proposal for this subdivision is 13 houses and the definition and requirements for a town road are reviewed. The requirement for this increased number of houses in this area is a road 18-25 feet wide. The applicants road study states that it will only be 14-15 feet wide. Sue states that she feels that widening the road is changing the character of the area. Tim states that he feels the road should be brought up to town standards all the way through.

The applicants traffic study states that since this will be a gravel road that traffic would naturally be slowed. The board feels that theory generally is not effective. Sue states that she feels that the road from West Rd. to the subdivision should be brought up to town standards.

The board reviews the sketch plan checklist at this time as it was not voted on and

approved at the last meeting. Sue questions the plans conformity with the comprehensive plan and whether or not this area has been designated a Sensitive Rural Zone. Sue reviews the comprehensive plan and determines that it is not in a Sensitive Rural Zone and does not abut un-fragmented habitat.

The applicant states that they are interested in setting the land out back aside and into a land trust and are currently checking into the various types of land trusts. Tim asks the applicant if they plan on placing the land in a trust prior to final approval. The applicant is unsure if he will be able to before final approval

The applicant states that he has spoken on the phone with the Fire Chief and received verbal recommendations but has not arranged a meeting yet.

Kurt motions to approve the sketch plan. Everett seconds and the motion passes with a 5-0-1 vote with Jonathan abstaining.

The board reviews the preliminary plan checklist at this time. The following items are ir outstanding:

- Number of acres in the subdivision - Needs to identify the open space as a lot
- Provisions for mail delivery - Need recommendation in writing
- Erosion and Stormwater Drainage Plan - Needs to be provided in writing

Sue informs the applicant that although the checklist is mostly complete there are still major issues with the road that need to be addressed prior to the public hearing. The applicant is directed to meet with the Road Review Committee for recommendations.

Tim motions to table. Jonathan seconds and the motion carries with a unanimous vote in favor.

**Henry Holmes for Preliminary Approval of Sokokis Gardens**The board reviews the checklist at this time. Tim motions to approve the preliminary plan. Teresa seconds and the motion passes with a unanimous vote in favor.

**Henry Holmes for Preliminary Approval of River Bend**Tim motions to approve the preliminary plan. Everett seconds the motion. Teresa asks the applicant about some tree cutting he has done towards the front of the subdivision. Teresa feels the cutting is excessive per section 9.4.1.1 in the zoning ordinance. The motion to approve the preliminary plan passes with a unanimous vote.

Both plans and Hydro-Geo studies will be sent to peer review. A waiver on the road length will be needed but Sue would like to get a recommendation from the road review committee. Sue would like to get a recommendation within 2 days or they will automatically proceed with the road length waiver.

The board discusses who they will send this project to for peer review. Tim motions to send the Hydro-Geo study to Sevee Maher and the plans to Doug Webster when we get a response from the Road Review Committee. Teresa seconds and the motion carries with a unanimous vote.

### **III. MINUTES OF PREVIOUS MEETING**

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

### **V. OLD BUSINESS**

Election of Officers - Tim nominates Everett as Secretary/Treasurer. Teresa seconds and the motion carries with a unanimous vote in favor. Tim nominates Kurt as Chair and Sue as Vice-Chair. Jonathan seconds. Teresa motions to adjourn to executive session to discuss a personnel issue. Everett seconds and the motion carries with a unanimous vote in favor and the board adjourns to executive session.

Upon returning from executive session Everett motions to table elections pending clarification of wording in the town charter.

### **VI. COMMUNICATION**

### **VII. MISCELLANEOUS**

### **VIII. NEW BUSINESS**

### **IX. ADJOURNMENT**

Tim made the motion to adjourn at 10:00 p.m. Everett seconded and the motion passed with a unanimous vote in favor.

## **Planning Board Meeting Minutes 11/3/04**

**Abstract:** PLEASE NOTE THAT DUE TO THE DAMAGE OF A FLOPPY DISK THESE MINUTES ARE ONLY AVAILABLE BY REQUEST IN THE CODE ENFORCEMENT OFFICE

## **Planning Board Meeting Minutes 11/17/04**

**Abstract:** PLEASE NOTE THAT DUE TO THE DAMAGE OF A FLOPPY DISK THESE MINUTES ARE ONLY AVAILABLE BY REQUEST IN THE CODE ENFORCEMENT OFFICE

## **Planning Board Meeting Minutes 12/01/04**

**Abstract:** PLEASE NOTE THAT DUE TO THE DAMAGE OF A FLOPPY DISK THESE MINUTES ARE ONLY AVAILABLE BY REQUEST IN THE CODE ENFORCEMENT OFFICE

**TOWN OF WATERBORO**  
**PLANNING BOARD MEETING MINUTES**  
**December 15, 2004**  
**7:30p.m.**

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

Sue opens the meeting stating that there was a sitewalk held for the new proposed Baptist Church on Map 7 Lot 70 on Saturday, December 11. Sue states that the sitewalk went well. Present as the sitewalk were: Sue Dunlap, Kurt Clason, Tim Nelson and Dwayne Morin representing the church. There were no abutters present and no issues or concerns raised.

Sue also states that she was notified of a meeting that was scheduled for Friday, December 10 in Hollis. The purpose of the meeting was to review a proposed subdivision that will be partially in Waterboro. There was not enough time to contact other members of the planning board. The applicant, Kevin Martel, did not show up at the meeting. There appears to be an issue regarding boundary lines and Sue feels the board should not sign off on involvement at this time.

## **II. APPOINTMENTS**

**Robert Blake to raise existing camp to place foundation on Map 47 Lot 138** The applicant is proposing to raise the existing camp to place a foundation. Roland Denby, Everett Whitten and Patti Berry have done a sitewalk on this property to determine if the camp is placed back from the water to the greatest practical extent. The camp is currently 90 feet back from the water. Located behind the camp are numerous large trees that would need to be removed if the camp was required to be moved back. The board agrees that the current location of the camp is the most practical. Roland motions to approve the placement of a foundation under the camp with the following conditions: not going any closer to the water, not raising the camp more than 3 feet, foundation to be placed under the camp only, not the deck area, and using all appropriate erosion control measures. This decision is based on accordance with Article 7 of the Zoning Ordinance. Tim seconds and the motion carries with a unanimous vote in favor.

**Eva Sawtelle for a conditional use to open a daycare on Map 4 Lot 31.** The applicant, Eva Sawtelle, introduces herself and explains that the proposed daycare, located at 543 Main Street, is the old Heritage Company building. The applicant states that the daycare would serve children aging from 6 weeks to 5 years old. The daycare will initially care for 20 children with capacity for up to 40 children in the future. The applicant further states

that they have received pre-approval from the state fire marshal and will be having another inspection within a week. The applicant states that to begin she will have 3 other employees. The board inquires if arrangements have been made to construct the fenced in area that is required. The applicant replies that she will be constructing a 4 foot high fence to the side of the building.

Tim inquires about the capacity of the existing septic system. The applicant is unsure as to the size of the current system. Sue explains that this property is located within the Wellhead Protection Zone. This use is not prohibited in that zone but septic systems with a capacity of 1000 or more gallons per day is prohibited. A copy of the current septic design from the building file is reviewed. It is determined that it appears the current septic system is adequate.

Kurt motions to approve the conditional use as presented with the applicant staying in compliance with the Wellhead Protection Zone regulations. Tim seconds with an amendment to the motion for the Code Enforcement Officer to verify that the septic system meets the requirements for the Wellhead Protection Zone. The motion passes with a unanimous vote in favor.

**SAD 57 Site Plan Review for Middle School** The Board reviews the peer review from Southern Maine Regional Planning and Sevee and Maher. Sue states that all the outstanding issues appear to have been addressed. Sue goes on to say that the biggest concern continues to be if the Old Alfred Road can support the increase in traffic. Sue feels the concern is that while the Old Alfred Road is currently a state aid road, at some point in the future it will need repair and the state will turn it back over to the town

Tom Greer presents the board with a couple of revisions to the plan. They have submitted a new lighting plan that may or may not be implemented depending on the funds available at the time of bidding. The applicant also submits a revised entrance plan, showing the entrance had been re-located 10 feet.

Tom Greer informs the board that there have been a few other minor changes to the plan that are as follows: Bedrock has been found and it is likely that a small amount of blasting will be necessary, DEP has required a level 2 study on the site and minor changes have been made to the plan to reflect the new requirements, the plan has been changed to show islands of trees between the ball fields and also leaving as much vegetation as possible.

Kurt asks about the intersection of Townhouse Rd and Route 5. Diane Mortibito states that the State will be placing a temporary traffic light at that intersection. Sue explains that this intersection is also being looked in a study but separately from the school. Diane goes on to explain the expected flow of traffic. Sue states that the traffic study provided by the applicant has not been peer reviewed.



Sue asks Tom Greer what there plans are in regards to Town Water. Dana Morton states that they have spoken with Dave Benton and at this time Dave Benton joins the meeting to address this issue. Dave states that the water line will be coming up the Northeast side of Route 5, which is the opposite side the school is on. Dave Benton informs the board that the water district will be doing some experimental drilling on the side to investigate potential locations for future wells to serve the water district. The board asks about the septic system on the location in regards to the proximity to the possible future wells locations. Dave states that any well would be 600 feet away from the system.

Tim asks when the Water District plans on starting the work on the water line. Dave replies that they are planning it towards the end of the site work, towards the end of 2005. The applicant states that the school is still working to include that in the budget plans. Dana Morton says he would like to thank the Water District for all their help in the planning process for this project.

Tim states that there are likely numerous future businesses on the Route 5 corridor that would probably want to hook up to the water line. Tim asks if it is possible to run the water line up to the site earlier. The applicant states the money acquisition will probably not occur until October of 2005.

Sue says that the checklist appears to be complete, and states that the additional lighting may or may not be on the final plan. Tim asks if the lights on the site will be minimum, so as not the flood onto others property. The applicant replies that the lighting will be low impact and is not anticipated to leave the property.

Dana Morton asks if the board could act to approve the plan tonight to keep the project on schedule. The board expresses concern about approving the plan tonight.

Sue states that this is a very large project, and that while public hearings and notices have been posted, she would like one last opportunity so speak with the selectmen about this project in regards to the road issues.

Tim feels that a peer review should be done on the traffic study. Kurt agrees. Tim motions to send the traffic study to Sevee and Maher, or another traffic engineer for peer review. Roland seconds and the motion carries with a unanimous vote in favor. The secretary will submit the traffic study for peer review and attempt to have it done and back in the office for the January 5 meeting.

Tim motions to table a final vote on this project to the January 5 meeting. Everett seconds and the motion carries with a unanimous vote in favor.

### **III. MINUTES OF PREVIOUS MEETING**

November 15 1, 2004 - Tim motions to approve. Jonathan seconds and the motion carries with a unanimous vote in favor.

December 1, 2004 - Jonathan motions to approve, noting that a typo needs to be fixed. Jonathan seconds and the motion carries with a unanimous vote in favor.

December 15, 2004 - Jonathan motions to approve, noting that a typo needs to be fixed. Teresa seconds and the motion carries with a unanimous vote in favor.

**IV. REPORT OF OFFICERS**

**V. OLD BUSINESS**

**VI. COMMUNICATION**

The board reviews a letter sent to the road review committee regarding timeframes for a recommendation from the committee.

**VII. MISCELLANEOUS**

Dave Benton is present and Tim asks Dave if the Water District has discussed the possibility of working with the planning board to come up with some distances to possibly be used as a requirement for hooking up to town water. The possibility of requiring homes/subdivisions to hook up to town water if they are a certain number of feet from the water line is discussed. Dave states that this is a good time to look at such issues due to the fact that the water district is in the middle of a funded study to help plan for the future of the water district. Dave informs the board that the next water district meeting will be January 7 and tells the planning board they are invited to attend to discuss the above mentioned issues.

**VIII. NEW BUSINESS**

**IX. ADJOURNMENT**

Tim made the motion to adjourn at 9:40 p.m. Roland seconded and the motion passed with a unanimous vote in favor.

Approved Date: \_\_\_\_\_

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