

# **TOWN OF WATERBORO**

## ***PLANNING BOARD***

### ***MEETING MINUTES***

***January 20, 2010***

***7:00 p.m.***

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

##### **Board Members**

Present: Frank Allen Judy Carll Kurt Clason  
Doug Foglio Tim Nelson

Absent: David Benton Steve Eveld

Others Present: Chris Ciolfi, Mariner Tower Louis Vitali, Mariner Tower  
Peter Marchant, AT&T Other audience members  
Tom Ursia Tina Smith David Lowe

Tim Nelson, chair, called the meeting to order at 7:06 p.m.

#### **II. APPOINTMENTS**

##### ***Conditional Use Permit - Communications Tower and Facility Tax Map 10, Lot 12 – Mountain Road Christopher Ciolfi, Mariner Tower***

Mr. Ciolfi addressed the board regarding a conditional use permit to construct a communications tower and facility. The applicant stated that there was inadequate cell phone coverage in the area and provided a map showing the current and proposed coverage areas.

The Chair asked for comments from audience members. Discussion ensued about the correct name of the road; it was determined that the site would be accessed from McLucas Road.

Doug Foglio disclosed that he is the current President of the Land Trust. After discussion, board members agreed that there was no conflict of interest.

The information provided by the applicant was reviewed and the following items were noted.

- The property is owned by the Town of Waterboro and leased to Mariner Tower II, LLC (Memorandum/Notice of Lease filed at York County Registry of Deeds 11/4/2009 Book 15754, Pages 581 to 585)
- The property is located within the Conservation zoning district.
- Communications towers, high voltage transmissions poles, lines, unmanned substations, etc. are a conditional use in the Conservation zone.

- The applicant is seeking a conditional use permit to construct a free standing one hundred and eighty foot tall (180') self-supported lattice style transmission tower to be used to support antennas and equipment for wireless service providers. The tower will be located within a chain link fence enclosure, topped with barbed wire to secure the compound. Facility to be located within the surveyed 10 acre lease area. Planning Board has authority to grant conditional use permit in accordance with Section 3.08.02, Article 4 and Article 11 of the Waterboro Zoning Ordinance.
- The applicant is seeking a height modification for a special structure to exceed the height limitation of 35'. Planning Board has authority to grant request in accordance with Section 8.01 of the Waterboro Zoning Ordinance.
- The planning board verified that the applicant's abutters were notified.

Judy Carll made a motion to approve the conditional use application for a 180' communication tower as shown in the presented plan with the following conditions:

- As built plan to be provided by the applicant after construction
- Third party engineering review and documentation provided by the applicant after construction
- Mariner Tower to waive reimbursement fees for power extensions to the Town of Waterboro or Waterboro Land Trust

The motion was seconded by Frank Allen and passed 5-0.

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

Kurt Clason made a motion to approve the minutes for the meeting held November 18, 2009. The motion was seconded by Frank Allen and carried 5-0.

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

### **V. OLD BUSINESS**

### **VI. COMMUNICATION**

Tom Ursia addressed the board regarding the creating of a Comprehensive Planning Committee. This committee will consist of 7 to 9 members and will require a major overhaul of the existing plan. It is anticipated that the work will take 18 to 24 months to complete.

### **VII. MISCELLANEOUS**

Board members discussed changing the time for the scheduled Planning Board meeting. It was agreed to continue to meet on the first and third Wednesday of each month.

### **VIII. NEW BUSINESS**

### **IX. ADJOURNMENT**

### **X.**

Kurt made a motion to adjourn the meeting at 8:15 p.m. The motion was seconded by Judi Carll and passed unanimously.

Approved Date: 4-21-10

Don Mc  
Secretary  
Douglas C. Galt  
Medien Case

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**TOWN OF WATERBORO**  
***PLANNING BOARD***

***MEETING MINUTES***

***March 10, 2010***

***7:00 p.m.***

**I. ROLL CALL**

Board Members

Present:	Frank Allen	David Benton	Judi Carll
	Kurt Clason	Doug Foglio	Tim Nelson

Absent:	Steve Eveld
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Others Present:	Andy Cote	Ken Cole	TammyJo Girard
	Gordon Littlefield	Tom Ursia	Tina Smith
	David Lowe		

Tim Nelson, chair, called the meeting to order at 7:05 p.m.

**II. APPOINTMENTS**

***Ken Cole, Jensen Baird Gardner & Henry  
Conflict of Interest***

Ken Cole addressed the board regarding the 'Conflict of Interest' issue. He stated that this issue comes up in every municipality; the individual should make a disclosure and step down if it is determined to be a conflict based on the vote of the rest of the board. Doug Foglio stated that he disclosed that he owns a parcel abutting Mr. Cote's property; his property does not abut the subdivision. Ken Cole explained 'perception of conflict.' The board needs to consider the 'perception' of the average citizen, well-informed enough to know what is going on.

After discussion, Tim Nelson asked for a motion from the board. Kurt Clason made a motion that this is not a conflict of interest and Mr. Foglio should stay on the board as a voting member for this subdivision review. The motion was seconded by Judi Carll. There was no further discussion and the vote carried 4-0-1 (David Benton abstained).

Ken Cole also reviewed a letter from Patti Berry, CEO, regarding the applicant's request for clarification on the waiver for a dead-end road. According to the CEO, the proposed road is not a dead end because it connects to a private road network which connects to a public road. Ken Cole added that it is within the board's authority to determine the degree to which the road is built based on the development. This decision should be part of the recorded plan.

Doug Foglio added that the board had asked the applicant for an overview of what he is planning to do with the rest of the land, but the applicant has not submitted that information.

*Preliminary Plan - Meadowbrook Acres II Subdivision  
Tax Map 11 Lot 42  
Bill Thompson, BH2M*

Andy Cote stated that Bill Thompson, BH2M, was not available for this meeting and asked that his appointment be moved to the next agenda.

**III. MINUTES OF PREVIOUS MEETINGS**

**IV. REPORT OF OFFICERS**

**V. OLD BUSINESS**

**VI. COMMUNICATION**

**VII. MISCELLANEOUS**

**VIII. NEW BUSINESS**

**IX. ADJOURNMENT**

Approved Date: 6/2/10

Judith Carol

Dee R. Sanders Sr

Charles A. Taylor

Franklin J.

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# **TOWN OF WATERBORO**

## **PLANNING BOARD**

### ***MEETING MINUTES***

***April 21, 2010***

***7:00 p.m.***

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

##### **Board Members**

Present: Frank Allen David Benton Judi Carll  
Doug Foglio Tim Nelson

Absent: Kurt Clason Steve Eveld

Others Present: Andy Cote Bill Thompson, BH2M  
Roger Lauzier Ed Leblanc Sarah Leblanc  
Tina Smith David Lowe

Tim Nelson, Chair, called the meeting to order at 7:05 p.m.

#### **II. APPOINTMENTS**

***Conditional Use Permit/Seasonal farm stand  
Tax Map 25, Lot 1, 192 Main Street  
Ed & Sarah LeBlanc***

Ed Leblanc addressed the board regarding a conditional use permit to open a seasonal farm stand. They currently operate Anderson Farms from Dayton and have fields in four towns. They do business with Hannaford and Shaw's and also operate a retail farm stand. Mr. Leblanc is proposing to purchase the property at 192 Main Street, Map 25, Lot 1. The property is located in the Village Zone. They are planning to remove the house from the existing foundation. The proposed structure will be handicapped accessible and cover a portion of that existing foundation and will be no closer to the road. They are planning to use existing well and septic system. They have contacted DOT regarding an entrance permit. The site will have parking for 12 vehicles. They are planning to be open 7 days per week, in season, from 10 a.m. to 6 p.m.

After discussion, Doug Foglio made a motion to grant the conditional use permit with the following conditions:

- Provide a minimum of 12 parking spaces
- Sanitary facilities for public use in accordance with the State Plumbing Code.

The motion was seconded by Frank Allen and passed 5-0.

***Preliminary Plan - Meadowbrook Acres II Subdivision  
Tax Map 11, Lot 42  
Bill Thompson, BH2M***

Bill Thompson addressed the board regarding the Meadowbrook Acres II subdivision. He submitted letters requesting waivers.

The applicant requested a waiver of Article VI, 6.2.1 (16) ***Suggested location of buildings.*** Application will show setback lines as allowed by the Zoning Ordinance. Doug Foglio made a motion to allow this waiver; the motion was seconded by Frank Allen and passed 5-0

The applicant requested a waiver of Article VI, 6.2.1 (21) ***Soil Erosion and Sediment Control Plan endorsed by York County Soil and Water Conservation District or Maine Soil and Water Conservation District.*** Bill Thompson noted that the project would be reviewed by DEP for Stormwater and Erosion Control Standards and will conform to the Best Management Practices Standards. He feels that this requirement would be redundant. After discussion, Doug Foglio made a motion to grant the waiver pending receipt of a written report from DEP stating that requirements have been met. The motion was seconded by Judi Carll and carried 5-0.

The applicant requested a waiver of Article VI, 6.2.1 (26) and (27) ***Report prepared by a geologist registered in the State of Maine, to evaluate the impact the development will have on ground water.*** Doug Foglio noted that there are two test pits provided for each lot. Bill Thompson added that the test pits were 14" to 24" to restrictive layer; there was sandy loam with friable consistency. Doug Foglio suggested that the separation from well to septic be at least 125' not in the direction of travel of nitrate plume. Frank Allen made a motion to allow the waiver with 125' separation between well and septic. The motion was seconded by Dave Benton and passed 5-0.

The applicant requested a waiver of Article VI, 6.1.5 (3) ***Board determines amount of improvements and bond required as a prerequisite to final approval.*** Board members discussed the amount of improvements required; the developer is to determine the amount of money required to do the project. This would be part of the final approval process. Board members agreed to table the request until all of the issues are decided.

Bill Thompson reviewed the preliminary check list, noting the following items:

6. Location of culverts shown on the plan and road way sheets
9. Contour lines at 1' intervals
10. Logs for soils have been done; information will be given to board
11. Update deed descriptions are being completed
12. Individual wells
13. Test pits will be shown on plan
14. Storm water application to be submitted to DEP; 15" culvert may need to be upgraded pending DEP review
15. Not applicable
16. Waiver granted
17. Site has been flagged
18. No proposed public open space; open space to be owned by homeowners
19. Entire holdings not being proposed for development
20. Not applicable

21. Waived
22. Prior to final approvals, schedule of construction will be submitted
23. Homeowners association agreement to be drawn by applicant's attorney covering open space and road maintenance
24. Applicant to meet requirements as proposed by Post Office (central box)
25. Location map
- 26 & 27. Waivers requested

Board members and the applicant agreed to hold a public hearing; site walk has been conducted. Doug Foglio made a motion to hold the public hearing on May 19, 2010, at 7 p.m. Frank seconded, and the motion carried 5-0. Preliminary approval for the subdivision plan will be reviewed after the public hearing.

Board members discussed the second access road to this subdivision. Tim Nelson suggested that we contact a Professional Engineer to guide the board in decisions and answer questions. DeLuca Hoffman, Sebago Tech and Pinkham & Greer were discussed. After discussion, everyone agreed to contact Pinkham & Greer and ask for their engineer to be present at a workshop on May 12, 2010. This third party review will be at cost to the applicant.

***Final Plan - Lakeview Estates Subdivision  
Map 11, Lot 15-1  
Steve Everett***

Roger requested a 90 days extension for final approval of the subdivision. Doug made a motion to extend approval of the final plan for another 90 days. The motion was seconded by Frank Allen and carried 5-0. A site walk will be conducted on Wednesday, May 5, 2010, at 6 p.m.

**III. MINUTES OF PREVIOUS MEETINGS**

**IV. REPORT OF OFFICERS**

**V. OLD BUSINESS**

**VI. COMMUNICATION**

***SMRPC – Workshop – April 28, 2010  
Subdivision Review for Planning Board Members***

**VII. MISCELLANEOUS**

Doug Foglio will attend the Board of Selectmen's meeting and speak on behalf of the Planning Board.

**VIII. NEW BUSINESS**



## IX. ADJOURNMENT

At 9:10 p.m., Dave Benton made a motion to adjourn the meeting. The motion was seconded by Frank Allen and passed unanimously.

Approved Date: 10/13/10

Agony J. Kelly, Chair  
Frank Allen  
Quentin Carroll

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**TOWN OF WATERBORO**  
**PLANNING BOARD**

***MEETING MINUTES***  
***May 5, 2010***

***6:00 p.m. - Site Walk***  
***Lakeview Estates Subdivision***  
***Map 11, Lot 15-1***

***7:00 p.m. - Meeting***

**I. ROLL CALL**

Board Members

Present:	Frank Allen Doug Foglio	David Benton	Judi Carll
Absent:	Kurt Clason	Steve Eveld	Tim Nelson
Others Present:	Frank Gooding Buddy Knight Tina Smith	Donna Young Daryl Johnson David Lowe	Sam Pasquarelli

Judi Carll, acting chair, called the meeting to order at 7:15 p.m. Board members had attended a site walk at Lakeview Estates subdivision.

**II. APPOINTMENTS**

***Revision to River Bend Subdivision***  
***(Remove 55+ age restriction)***  
***Tax Map 13, Lot 56-4***  
***Frank Gooding, 6 York LLC***

Frank Gooding addressed the board regarding the River Bend subdivision. The condo units of this subdivision were approved for residents aged 62 and over. One building has been built (two units) and for sale for more than two years. He has been unable to sell and would like to remove the age restriction.

Doug Foglio disclosed that he owns a 55+ subdivision. Frank Allen made a motion that Doug Foglio be allowed to vote on this review. The motion was seconded by Dave Benton and carried 3-0 (Doug Foglio abstained).

Board members agreed that a set of standards be set up to review this change, as there are possible other subdivisions that would require the same procedure.

The following items are to be reviewed:

- Minutes of previous meetings on the subdivision
- Growth permits, opinion of the CEO
- Home owners association documents, what changes need to be made
- Sample deed
- Condo deed

Applicant will supply the requested documents for further review by the board.

***Setback Reduction***

***Tax Map 38, Lot 3, 68 Logan Circle***

***Daryl Johnson***

Daryl Johnson addressed the board regarding a setback reduction for a deck at 68 Logan Circle. The structure would be within 75' of the front property line. Applicant has constructed a 6'8" x 20' deck without a permit. Board members asked for a survey to show the setback reduction being requested. Frank Allen made a motion to require a survey with the cottage and distances to all property lines and all dimensions of the structure before proceeding. The motion was seconded by Dave Benton and carried 4-0. Board members agreed to schedule a site walk when the requested information was received.

**III. MINUTES OF PREVIOUS MEETINGS**

**IV. REPORT OF OFFICERS**

**V. OLD BUSINESS**

**VI. COMMUNICATION**

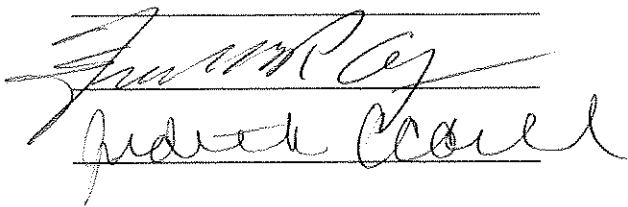
**VII. MISCELLANEOUS**

**VIII. NEW BUSINESS**

**IX. ADJOURNMENT**

At 8:30 p.m., Dave Benton made a motion to adjourn the meeting. The motion was seconded by Frank Allen and passed unanimously.

Approved Date: 10/13/2010

  
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**TOWN OF WATERBORO**  
***PLANNING BOARD***

***MEETING MINUTES***  
***June 2, 2010***

***6:00 p.m. - Site Walk***

***Setback Reduction***  
***Tax Map 38, Lot 3, 68 Logan Circle***  
***Daryl Johnson***

***7:00 p.m. - Meeting***

**I. ROLL CALL**

Board Members

Present:	Frank Allen Doug Foglio	David Benton	Judi Carll
Absent:	Kurt Clason	Steve Eveld	Tim Nelson
Others Present:	Daryl Johnson Tom Ursia	Buddy Knight Tina Smith	Roger Lauzier David Lowe

Judi Carll, acting chair, called the meeting to order at 7:15 p.m. Board members attended a site walk at 68 Logan Circle.

**II. APPOINTMENTS**

***Setback Reduction***  
***Tax Map 38, Lot 3, 68 Logan Circle***  
***Daryl Johnson***

Daryl Johnson addressed the board regarding a setback reduction for a deck at 68 Logan Circle. The survey shows that the deck is 31.5 feet from the property line. Dave Benton suggested that a wall be placed to stop erosion and maintain the stability of the landing. After discussion, Dave Benton made a motion that the owner be allowed to retain the deck at 31.5 feet from the front property line provided a wall is constructed on the road side of the new landing that is 3' taller than the land in order to stabilize the area. Doug Foglio added that the retaining wall should be 3' above and 1' below the bottom

Dave Benton made a motion that

- The applicant construct a 32' long and 4' high interlocking block wall running along the front of the deck and extending toward the property line.

- Remove the soil on the left side area of the lot and cover with several inches of bark mulch to provide erosion control as directed by the Code Enforcement Officer
  - Deck expansion not to exceed 30% as calculated by the Code Enforcement Officer
- The motion was seconded by Doug Foglio and carried 4-0.

***Final Plan - Lakeview Estates Subdivision  
Map 11, Lot 15-1  
Roger Lauzier***

Roger Lauzier addressed the board regarding the final plan approval for the Lakeview Estates subdivision. After discussion, Doug Foglio made a motion to accept the final plan with the following conditions:

- Formal letter from Roger Lauzier requesting waiver on the grade of the road
- Note on plan: private road maintained by property owners association
- Road name request – G Dow Way

The motion was seconded by David Benton and carried 4-0.

**III. MINUTES OF PREVIOUS MEETINGS**

Dave Benton made a motion to accept the minutes for the meeting held March 10, 2010. The motion was seconded by Frank Allen and passed unanimously.

**IV. REPORT OF OFFICERS**

**V. OLD BUSINESS**

**VI. COMMUNICATION**

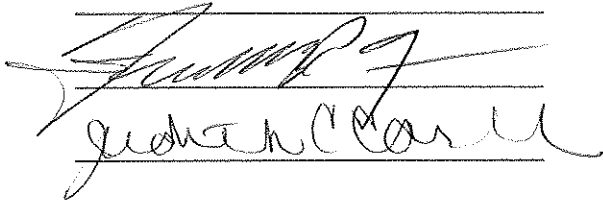
**VII. MISCELLANEOUS**

**VIII. NEW BUSINESS**

**IX. ADJOURNMENT**

At 8:40 p.m., Dave Benton made a motion to adjourn the meeting. The motion was seconded by Doug Foglio and passed unanimously.

Approved Date: 10/13/2010

  
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# **TOWN OF WATERBORO** ***PLANNING BOARD***

## ***MEETING MINUTES*** ***November 17, 2010*** ***7:00 p.m.***

### **I. ROLL CALL**

#### Board Members

Present: Frank Allen                      Judi Carl  
                 Kurt Clason                      Tim Neill

Absent: Tim Nelson

Others Present: Mike Allen                      Tom Ursia  
                 Tina Smith                      David Lowe

### **II. PUBLIC HEARING**

Kurt Clason, Vice Chair, called the public hearing to order at 7:02 p.m.

There were no members of the public in attendance. The Wellhead Protection District portion of the hearing has been rescheduled for January 5, 2011.

#### ***Proposed changes to the Zoning Ordinance:***

- ***Specialized Medical Clinic and Medical Marijuana Grow-Only Facility***  
***Article 3 and Article 14***
- ***Well-Head Protection District***  
***Article 7, Article 12 and Article 14***

Kurt Clason, Vice Chair, closed the public hearing at 7:08 p.m.

### **III. APPOINTMENTS**

### **IV. MINUTES OF PREVIOUS MEETINGS**

### **V. REPORT OF OFFICERS**

### **VI. OLD BUSINESS**

### **VII. COMMUNICATION**

***Memo from Selectmen – Zoning Change Request***

Mike Allen addressed the board regarding his request to rezone Map 25 Lots 5 and 5-1. Frank Allen made a motion to conduct a public hearing on this request on December 15, 2010 at 7 p.m. The motion was seconded by Judi Carll and carried 4-0.

***Genest – Abandon Sokokis Estates Subdivision***

Board members signed the notification to abandon the Sokokis Estates subdivision as approved at a previous Planning Board meeting.

**VIII. MISCELLANEOUS**

Tom Ursia, Town Planner, reminded board members about the upcoming workshop with the Board of Selectmen, Economic Development Committee and 20/20 Committee scheduled for Tuesday, November 30, 2010, at 6:30 p.m.

**IX. NEW BUSINESS**

**X. ADJOURNMENT**

At 7:25 p.m., Frank Allen made a motion to adjourn the meeting. The motion was seconded by Tim Neill and passed unanimously.

Approved Date: 1/26/11

Judi Carll  
Frank Allen  
Tom Ursia  
Tim Neill

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