

PLANNING BOARD
Town of Waterboro

Public Hearing Notice

The Planning Board of the Town of Waterboro will meet at 7pm on April 1, 2015 at the Meeting Room in the Town Hall Annex for the purpose of holding a Public Hearing on the Conditional Use proposal for Tim Fox's Used Auto Sales and Repair (Tax Map 4 Lot 37-4).

The public will be given an opportunity to be heard by the Planning Board prior to the final determination. A copy of the application and supporting documents are available for review with the Administrative Assistant for the Code/Planning Offices at the Town Hall or at www.waterboro-me.gov.

Town of Waterboro Planning Board

Kurt Clason, Vice-Chair Waterboro Planning Board

**MEMORANDUM OF
HIGHWAY ENTRANCE PERMIT WAIVER**

Pursuant to 23 M.R.S.A. § 704 and the Driveway and Entrance Rules promulgated hereunder, 17-229 CMR Chapter 299, the **Maine Department of Transportation** has granted a waiver that allows the access to the highway from the parcel of land, all as described below.

Owner(s) of Parcel: Gregory and Judith Bean, Trustees
18880 Pesante Road
Prunedale, CA 93907

Applicant(s): Timothy Fox
1 Cornucopia Way
Gorham, ME 04038

Permit number: 15660

Parcel Description:

Location: Waterboro, York County, on the northwesterly side of Route 202 / Main Street
Deed Reference: York County, Book #11440, Page #328 - 329
Street Address: Main Street, Waterboro
Tax Map Reference: Map 4, Lot 37-4

Entrance Description:

Location: **In the Town of Waterboro on the northwesterly side of Route 202 / Main Street, approximately 1038 feet northeasterly of Old Alfred Road and approximately 36 feet northeasterly of utility pole 78. (N43.56327, W-70.69760)**

Type: Entrance 35 feet in width plus radii.

Use: To serve a commercial / industrial building.

Special Waiver Conditions:

W-1) The Mobility Arterial spacing standard for entrance separation distance has been reduced from 525 feet to 272 feet to the left (northeasterly direction).

W-2) The Mobility Arterial minimum sight distance has been reduced from 990 feet to 753 feet to the left (northeasterly direction).

Date: 3-16-2015

Maine Department of Transportation

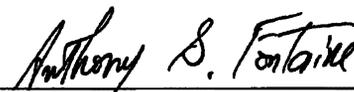


By: Kyle Hall, P.E.
Southern Maine, Region Engineer

STATE OF MAINE
County of Cumberland

Date: 3-16-15

Personally appeared the above named Kyle Hall and acknowledged the foregoing instrument to be his free act and deed in his said capacity.



Notary Public

Print Name: Anthony S. Fontaine

My Commission Expires: 1-12-2019



Maine Department of Transportation

Paul R. LePage
Governor

Driveway/Entrance Permit

David Bernhardt, P.E.
Commissioner

Permit Number: 15660 - Entrance ID: 1

LOCATION

OWNER
Name: **Gregory and Judith Bean, Trustees**
Address: **18880 Pesante Road**
Prunedale, CA 93907
Telephone:

Route: **0202X, Main Street**
Municipality: **Waterboro**
County: **York**
Tax Map: **4 Lot Number: 37-4**
Culvert Size: **15 inches**
Culvert Type: **metal/plastic**
Culvert Length: **68 feet**
Date of Permit: **March 12, 2015**
Approved Entrance Width: **35 feet**

Date Printed: March 12, 2015

In accordance with rules promulgated under 23 M.R.S.A., Chapter 13, Subchapter I, Section 704, the Maine Department of Transportation (MaineDOT) approves a permit and grants permission to perform the necessary grading to construct, in accordance with sketch or attached plan, an **Entrance to Commercial Industrial** at a point **1038 feet East from Old Alfred Road**, subject to the Chapter 299 Highway Driveway and Entrance Rules, standard conditions and special conditions (if any) listed below.

Conditions of Approval:

This Permittee acknowledges and agrees to comply with the Standard Conditions and Approval attached hereto and to any Specific Conditions of Approval shown here.

(W = Waiver; S = Special Condition)

W - The Mobility Arterial spacing standard for driveway separation distance has been reduced from 525 feet to 272 feet to the left (northeasterly direction).

W - The Mobility Arterial minimum sight distance has been reduced from 990 feet to 753 feet to the left (northeasterly direction).

S - In the town of Waterboro on the northwesterly side of Route 202 / Main Street, approximately 1038 feet northeasterly of Old Alfred Road and approximately 36 feet northeasterly of utility pole 78. (N43.56327, W-70.69760)

S - The culvert shall be aluminum coated corrugated metal pipe (Type 2) or HDPE smoothbore plastic pipe. The Property Owner must contact MaineDOT at (207)324-5322 prior to culvert installation to arrange for an inspection.

S - This shall be the only access from Route 202 to this lot. Any additional lots created by the subdivision of this lot (#37-4) will NOT be allowed direct access to Route 202.

S - Entrance shall be constructed in general conformance with the plan titled "Development Survey" drawn by Stephen W. Everett, PLS 2161 in February, 2015.

The MaineDOT has determined that:

1. The waiver will not significantly detract from public safety,
2. The proposed driveway/entrance meets the standards to the maximum extent practicable, and
3. There is no feasible alternative.

A notarized, written waiver determination has been sent to the owner. The owner shall record the waiver determination in the Registry of Deeds in the County in which the property is located within 90

3/12/2015

days of the date of the waiver, or the waiver will be null and void and the permit will expire.

Approved by: Anthony Fontana Date: 3-12-2015

STANDARD CONDITIONS AND APPROVAL

1. Provide, erect and maintain all necessary barricades, lights, warning signs and other devices as directed by MaineDOT to properly safeguard traffic while the construction is in progress.
2. At no time cause the highway to be closed to traffic
3. Where the driveway is located within a curb, curb and gutter, and/or sidewalk section, completely remove the existing curb, curb and gutter, and/or sidewalk as may be required to create the driveway and restore drainage. All driveways abutting sidewalk sections shall meet the requirements set forth in the Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12131 et seq.
4. Obtain, have delivered to the site, and install any culverts and/or drainage structures which may be necessary for drainage, the size, type and length as called for in the permit pursuant to 23 M.R.S.A. Sec. 705. All culverts and/or drainage structures shall be new.
5. Start construction of the proposed driveway within twenty-four (24) months of the date of permit issuance and substantially complete construction of the proposed driveway within twelve months of commencement of construction.
6. Comply with all applicable federal, state and municipal regulations and ordinances.
7. Do not alter, without the express written consent of the MaineDOT, any culverts or drainage swales within the MaineDOT right of way.
8. File a copy of the approved driveway permit with the affected municipality or LURC, as appropriate within 5 business days of receiving the MaineDOT approval.
9. Construct and maintain the driveway side slopes to be no steeper than the adjacent roadway side slopes, but in no case to be steeper than 3 horizontal to 1 vertical, unless the side slope is behind existing roadway guardrail, in which case it shall be no steeper than 2 horizontal to 1 vertical.
10. Notify the MaineDOT of a proposed change of use served by the driveway when increase in traffic flow is expected to occur. This does not exempt the need for obtaining a Traffic Movement Permit (TMP) if trip generation meets or exceeds 100 passenger car equivalents (PCE) during the peak hour of the day.
11. Construct or implement and maintain erosion and sedimentation measures sufficient to protect MaineDOT facilities.
12. Driveways shall be designed such that all maneuvering and parking of any vehicles will take place outside the highway right-of-way and where vehicles will exit the premises without backing onto the highway traveled way or shoulders. All driveways will have a turnaround area to accommodate vehicles using the premises.

FURTHER CONDITION OF THE PERMIT

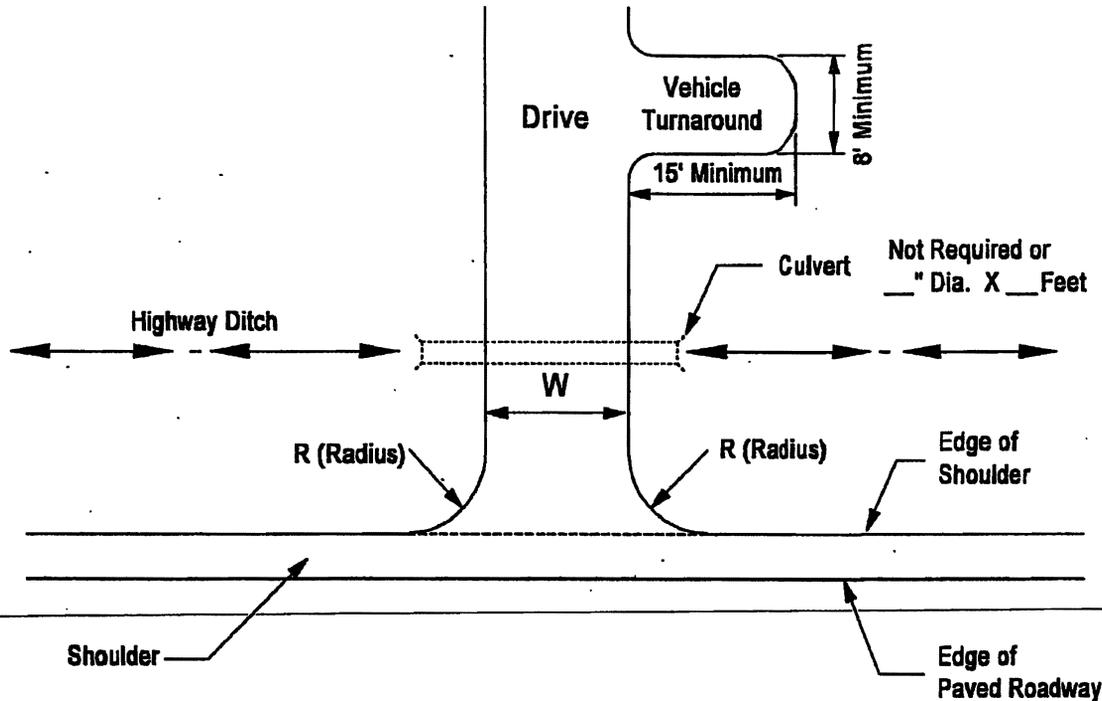
The owner shall assume, the defense of, and pay all damages, fines, and penalties for which he/she shall become liable, and shall indemnify and safe harmless said Department, its representatives, agents and employees from liability, actions against all suits, claims, damages for wrongful death, personal injuries or property damage suffered by any person or association which results from the willful or negligent action or inaction of the owner/applicant (agent) and in proceedings of every kind arising out of the construction and maintenance of said entrance(s), including snow removal.

Nothing herein shall, nor is intended to, waive any defense, immunity or limitation of liability which may be available to the MaineDOT, their officers, agents or employees under the Maine Tort Claims Act or any other privileges and/or immunities provided by law. It is a further condition that the owner will agree to keep the right of way inviolate for public highway purposes and no signs (other than traffic signs and signals), posters, billboards, roadside stands, culvert end walls or private installations shall be permitted within Right of Way limits.



State of Maine
 Department of Transportation
Entrance / Driveway Details

PLAN

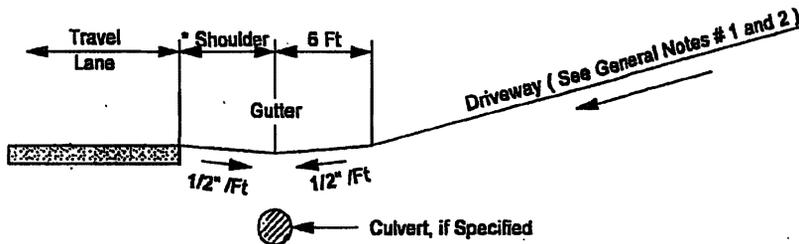


GENERAL NOTES -

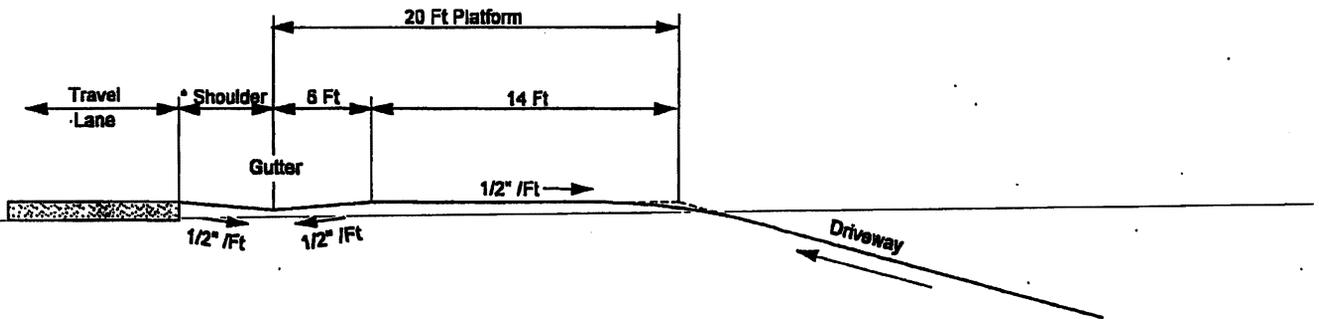
1. ALL RESIDENTAL OR COMMERCIAL DRIVES WITH 10% GRADE OR MORE SLOPING DOWN TOWARDS THE HIGHWAY SHALL BE PAVED TO THE RIGHT OF WAY LINE, AS A MINIMUM, INCLUDING SHOULDER, IF GRAVEL AND HAVE DITCHES TO CONTROL RUNOFF.
2. DRIVES SLOPING TO THE HIGHWAY SHALL BE CROWNED (1/2" PER FT. MINIMUM).
3. TO THE MAXIMUM EXTENT PRACTICAL, THE ENTRANCE MUST BE CONSTRUCTED PERPENDICULAR TO THE HIGHWAY AT THE POINT OF ACCESS. EXCEPT WHERE CURBING EXISTS OR IS PROPOSED, THE MINIMUM RADIUS ON THE EDGES OF THE ENTRANCE MUST BE 10 FEET OR AS OTHERWISE REQUIRED AS SHOWN.
4. ENTRANCES/DRIVEWAYS WILL BE BUILT WITH AN ADEQUATE TURN-AROUND AREA ON SITE TO ALLOW ALL VEHICLES TO MANUEVER AND PARK WITHOUT BACKING ONTO THE HIGHWAY. THIS TURN-AROUND SHALL BE AT LEAST 8 FEET WIDE BY 15 FEET LONG.
5. ENTRANCES/DRIVEWAYS AND OTHER ASSOCIATED SITE WORK WHICH DIRECTS WATER (RUNOFF) TOWARD THE HIGHWAY MUST BE CONSTRUCTED, CROWNED STABILIZED AND MAINTAINED WITH MATERIALS AND APPROPRIATE TEMPORARY/PERMANENT EROSION CONTROL MATERIALS IN ACCORDANCE WITH MDOT BEST MANAGEMENT PRACTICES.
6. THE PROFILE OF THE ENTRANCES MUST COMPLY WITH THE DETAILS SHOWN ON PAGE 2.

MDOT Entrance / Driveway Details, Continued

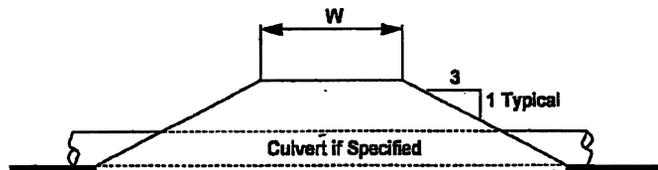
PROFILE Details



NOTE:
Grade of Existing Shoulder Should Be Maintained To Create A Gutter
With a Minimum Of Three Inches Below The Edge Of Traveled Way.
* Distance Of The Gutter From The Edge Of Traveled Way Should Be
The Same As Existing Shoulder Or A Minimum Of 4 Feet.



Driveway Cross Section



Tammy Bellman, Code Office

From: dianne holden <dlh508@live.com>
Sent: Wednesday, March 18, 2015 1:32 PM
To: Steve Everett; ceosec@waterboro-me.gov; Timothy Fox; Judi & Greg Bean
Subject: Tim Fox - Bean Property - DOT Highway Entrance Permit & Waiver
Attachments: doc20150318133548.pdf

Attached please find a copy of the above paperwork that I received from the DOT today. Per their instructions, I will recorded the memorandum of Highway Entrance Permit Waiver at the York County Registry of Deeds tomorrow.

The letter noted that copies of the permit and waiver have been mailed to the Beans and to Mr. Fox.

Dianne Holden, Realtor

The Maine Real Estate Network
397 Sokokis Trail
PO Box 250
East Waterboro ME 04030
Office: 207-247-3232 X203
Fax: 207-247-3255
Cell: 207-929-9651
diannah@themainerealestatenetwork.com

> Date: Wed, 18 Mar 2015 13:35:57 -0400
> From: countrypropertiesofme@gmail.com
> Subject: Do Not Reply
> To: dlh508@live.com
>
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> TASKalfa 3051ci
> [00:c0:ee:b7:e6:b9]
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Date : 17 Mar 2010

Title : Enter the title here...

Desc : Enter the description here...

IES Filename : itl81610.ies

Description : SLIM26
CAST BROWN PAINTED FINNED METAL HOUSING,
1 CIRCUIT BOARD
ONE WHITE MULTI-CHIP LIGHT EMITTING DIODE

For : Client's name or company...

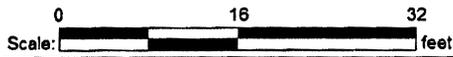
By : Your name or company...

Light Loss Factor : 1.00

Number of Lamps : 1

Lamp Lumens : -1 lms

Luminaire Watts : 26 W



Arrangement Magnification: 100 %

