

TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE



Regular Meeting of the Planning Board      January 13, 1988

Meeting called to order at 7:45 P. M.

I      **Rollcall:** Dwayne Woodsome, Anna Jackson, Roland Denby, Larry Jacobsen, and Doug Foglio. Anna Jackson was empowered to vote.

II     **Minutes:**

III    **Communication and Bills:**

1. December Issue of Maine Enterprise
2. Letter from Karen Lovell Re: Leighton Subdiv. Violation
3. Letter from Richard Davis Atty. Re: McKelvey Lot
4. Information forwarded by Steve Kasprzak
5. Proposed Changes to Subdiv. Regulations
6. PATCH Info
7. Plans for Lions Club Subdiv.
8. Copy of Letter to Selectmen from Andrew Re: PURC Test
9. Issue of Me. Business Indicators
10. Copy of Proposed Changes to Zoning Ordinance
11. MAP December Issue
12. Copy of letter sent to ZBA from PB Re: Shawn Shoemaker
13. Copy of letter sent to Selectmen Re: GTE Building
14. Letters from Atty. RE: Effect of moratorium on submitted Planning Board Applications
15. Thank you from Leslie Hammond
16. Application for subscription to Economic Growth Report
17. Application for subscription to BIOCYCLE
18. Copy of letter sent to Mr. Jones from Health Officer

#8. Comment made on what could be done. Andrew looking at options. Sanford's Code Enforcement Officer is notified before testing of soil is to be done. He then can be present while test is performed or has the option to waive that right.

IV    **Report of Officers and Committees:**

**Treasurer's Report:** Larry Jacobsen reported a Balance of \$940.51

V     **Appointments:**

8:00	P. M.	Westridge Commons	Map 9	Lot 20
8:30		Robert Reinken	Map 4	Lot 25
9:00		Mt. Holly, Inc.	Map 9	Lot 140

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**Westridge Commons    Map 9    Lot 20**

Mr. Hall's Attorney and Fran Lapierre from Oak Point Associates requested the Board's opinion on a new sketch plan placed on record. The new sketch plan has thirteen (13), three (3) bedroom houses to be in keeping with the Condominium concept. Mr. Hall had taken into consideration the strong feelings voiced at the Public Hearing and felt that the new plan would be more widely accepted by the people. The new plan had approximately 60 ft. between buildings. The road into the development would be 24 ft. wide pavement width with no sidewalks. The association would be responsible for the maintenance of the exterior of all buildings, the care of the grounds, the drive into the development and the remaining parcel of land to remain as common land. The Board commented that the distance between the buildings should be in keeping with requirements of the Zoning setbacks using an imaginary property line with setback to be measured from that. If in the future this were to be split up this would cover. Placement of septic system of previous sketch plan was to be kept in the cul-de-sac. The plan to possibly have 2 large common septic systems or to save 1 backup as the primary with sewerage to be pumped. Not sure of specifics on sewerage at this time. Town concerned with the possible maintenance falling back on them. Review process will be affected by this. Researching what other Boards require. Common sewerage to be the responsibility of the Association. Should be set up correctly. Will be provided for in the contract. A common well planned. Water reports to be supplied by Dick Sweet. A house lot was being cut out by Mr. Hall. A self imposed 200 ft. greenbelt to be a covenant in the deeds not to be cleared or cut in the future. A recreational area possibly to include a Tennis court or a Ballfield. Board mentioned that a 4% slope was considerable for play area possible to require leveling. Existing and proposed contours can be shown. Garages and Breezeways placement may vary. Mr. Hall intends to maintain as much vegetation as possible. Mr. Hall will possibly need a drainage plan for dispersal of run off to a filtration system. Discussion on differences in the two plans, 40 unit apartment vs. 13 single housing units. By-laws would govern what would be permitted in the development such as pools, gardens etc. to be in place at final plan. Board pointed out that when dealing with condominiums you would like people purchasing to be happy. Waterboro area does not have a lot to offer for recreational activities. Comments on not being able to develop on the new road for a while. Time frame proposal for building on rear of the lot? Mr. Hall would be advised and would answer the Board at another time. Is this sketch plan acceptable to the Board? Overall view leaned more towards a cluster effect. Currently there is no access to the new road. Most land owners do not own from the West road to the New road. Possibly look at Mr. Hall leaving a 50 ft. right of way for future town use. Should a Conservation easement be considered? Forty plus acres to be common ownership.

Dwayne Woodsome moved to accept sketch plan submitted 1-13-88. Roland Denby seconded. Vote unanimous in favor. Planning Board fees to be reviewed at a later point in the meeting if there is a fee notification will be forwarded. On a long term plan what provisions would be necessary to be placed in the deed on the commonly owned property to change the use from the association to the Town. For example, by vote of the association, selectmen and planning board the use of the commonly owned property could be changed for possible use for a Fire Barn, School etc. Comments made concerning Eminent Domain being a factor.

**Robert Reinken**

**Map 4 Lot 25**

Present with Mr. Reinken were representatives from Stevens Morton Rose & Thompson. Pamphlet's were given to members of the Board. Mr. Reinken is proposing a 7 lot subdivision. Affordable housing approximately \$90,000.00 per lot. To be developed and built by Mr. Reinken. Basic Deed restrictions with limiting factors such as no mobile homes would be in place. Probable 2 bedroom cape with an expandable upstairs or 3 bedroom ranch to be built. Perimeter survey is complete boundaries found to be a little different from what is shown on the Tax Map. Lots to be 40,000 sq. ft. Reason for 50 ft. right of way? Allows development on lot behind. Could create problems to people in the cul-de-sac thinking that their lot is fairly secluded and then having traffic going through the 50 ft. right of way. Mr. Reinken was not sure of the lot behind his having access. Board felt the right of way was not necessary. Cul-de-sac limit in ordinance states 600 ft. Cul-de-sac measured from road through circle. In this case would make the cul-de-sac approximately 825 ft. A point that will need to be addressed. A waiver provision in Zoning 2.06 lot frontages can be reduced up to 50%. Pavement of cul-de-sac necessary. Town acceptance is measured in length of road. Different style turns could be used. Minimum of 75 ft. frontage off cul-de-sac most narrow on record is 60 ft. Waivers not usually granted at this stage. Sketch plan is a basic design to start from. Land to be kept as common or deeded to abutters a possibility at the end of the cul-de-sac opening onto rte. 202. Land could include Bus stop, mail boxes, possibly some or all on one side. A protective shelter possibly for children waiting at the Bus stop. Right of way going to Town recreational area should be for pedestrian traffic only, would be better if placed between lots 2 and 3. Planned on Town acceptance of road. Mr. Sweet to do water study. Board in the process of reviewing to require full water study. Water quality hydrological looks for phosphorus, chlorine, chemicals, natural pollution on ground and in water. This also helps determine the number of lots the land will support. Mr. Sweet basically looks for nitrates. The Ordinance allows the Board a lot of lee-way. Working on more specific water study requirements to be written out. On Site scheduled Tuesday January 19, 1988 at 10:00 A.M. Mark property lines. Storm date January 25, 1988. Mr. Reinken looking to construct homes in approximately 1 to 1 1/2 years from start. The Board is looking for voluntary submittals of longer building term to slow the rate of development. Mr. Reinken should adjust the following;

1. Front area frontages on lots 2, 3, 4, and 5.
2. Do away with 50 ft. right of way.
3. 10 ft. right of way for pedestrian traffic to recreational area.
4. Let Planning Board know when Dick Sweet is expected.

5. Common ownership of buffer area.

6. List of variances together for review before another meeting

Registered soil scientist? Licensed site evaluator? Have always accepted these. Require 2 test pits per lot 50 ft. apart. Ann Jackson moved to accept sketch plans with discussed revisions. Larry Jacobsen seconded. Vote unanimous infavor.

**Mount Holly, Inc.            Map 9   Lot 14D**

Have a Sales and Purchase agreement. Strictly Land Developers. Mr. Cameron upgraded the road. Town has since done some developing of it. Will be improving a section of Red School House Rd.. If this is a town road whose permission does he get? What specs does he go by to develop the road? Believed to be discontinued. Inquiry from the Selectmens Office as to current status of road. Status of roads all over town is in question. Precedence of roads in the area. Paving should not be prerequisite. Fifteen ft. of base, three ft. of stone. Discussion of cul-de-sac length as written in zoning ordinance. Could possibly reduce the number of lots to help with length of cul-de-sac. The design of a reversed nine is undesirable do to difficulty in plowing. Equal bubble is most desirable. On site possibly Tuesday, January 26, 1988 at 10:00 a.m. if not used as a snow date by previously scheduled on site appointments. Deed restrictions to go with what is currently there in the area. No further subdivision of property restriction. Board suggested that they look at slightly different deed restrictions for lots bordered by property with existing buildings. Shoestring lots were mentioned. Intent was to ask for town acceptance of road. The Board was not sure that the town would accept a gravel road but would look into what might be done. Private road variance, requirement was that the road be owned in common, lesser right of way would be required not as much gravel and every deed would state private never to be accepted as a town road. An association would have to be formed. The road does not appear to be on this years priority list for up-grading. For on site the road in to development should be flagged and the side lines to be flagged by approximately 100 ft. Not necessary to walk the perimeter. Anna Jackson moved to accept sketch plan with revisions to road and cul-de-sac. Dwayne Woodsome seconded the motion. Three voted in favor and one abstension.

Motion to adjourn was made at 12:05 A.M. since it was past curfew of 11:30. Motion died for lack of a second.

## **OLD BUSINESS**

Glaude on site was scheduled for Tuesday, January 19, 1988 at 11:30 A.M.

Sumner Campbell (On Site Review)

At the on site inspection it was discovered that the proposed road into the development was to go through a large mound on the property. It was suggested that Mr. Campbell change his plans so that the buildings were positioned so that the road could go around the mound therefore using the mound as a way of blocking the view of other buildings in the proposed development. A new sketch plan was presented with suggested changes with a request for a 180 day extension for review to enable Mr. Campbell the amount of time needed for studies to be complete before addressing the Board with Preliminary Plan. The units to be 2 bedroom and approximate construction schedule to be 2 to 4 years to complete project. A thirty ft. green belt to be included.

Roland Denby moved to accept sketch plan as submitted 1/13/88 and to allow a 180 day extension as requested by Mr. Campbell. Dwayne Woodsome seconded the motion. Three in favor and one abstension.

Larry Jacobsen moved to recess the meeting due to late hour until Monday, January 18, 1988 at 6:30 P.M. Anna Jackson seconded the motion. Vote was unanimous in favor.

Planning Board Meeting Reconvened January 18, 1988 at 7:00 P.M.

Present were Roland Denby, Anna Jackson, Larry Jacobsen, Mike Hammond, Dwayne Woodsome and Doug Foglio.

**OLD BUSINESS:**

Sumner Campbell: The zoning ordinance state that a PUD can be approved by the Planning Board in the F&A zone but must also be approved by the Selectmen. At what point should selectmen's approval be requested. The Selectmen also have the power to request conditional use.

Ossipee Woods II Review of On site Inspection to be brought up at next meeting.

McKelvey to be brought up at next meeting.

Drown Agency to be brought up at next meeting.

Maine Association of Planners - Andrew attended the meeting.

Information of Leighton - Les Leighton is in violation of subdivision law. Board to consider shoestring lots on Route 5.

Meeting with the Finance Committee is scheduled for Thursday, January 21, 1988 all planning board members are invited to attend with Mr. Foglio. The Finance Comm. would like the Planning Board to break out its own legal fund. Mr. Foglio discussed a letter from Ken Cole concerning State Law and the right to take action on violation without going to Selectmen.

**NEW BUSINESS**

Planning Board Permit Fee to be brought up at next meeting.

Blackburn Campground - in violation. Planning Board has appropriately conditioned to protect neighbors. Board has previously notified Selectmen of violation. A four seasons campground should be accessible to people on a non-permanent basis. Board to compile a list of violators and forward to Selectmen.

Comprehensive Plan (consultants)

Mr. Foglio has been in touch with Mr. Seavey and was initially turned down due to their feeling that since they represent a number of potential developers there might be a conflict of interest. Board would seek other consultants in cases concerning conflict on interest. Selectmen would be informed before taking any action.

Sherlon Westleigh

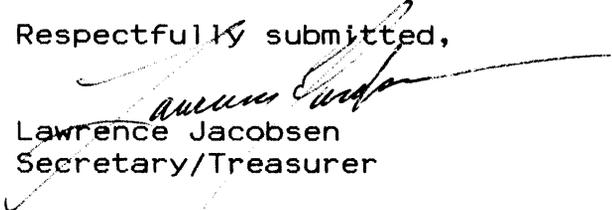
Code Enforcement Officer requests clarification concerning the request by Mr. Westleigh to jack up house located directly in front of Mr. Robert Jones Property on Rt. 202, S. Waterboro, to put a foundation under it. Does Mr. Westleigh need conditional use from the Board or can the CEO issue a permit? Board to study and will be brought up at next meeting.

Discussion on Zoning and Revisions that should be made. Possibly to have handling of Minor and Major Subdivision clarified. Currently zoning handles subdivision (not as specific as it should be). How changes could be presented. Mr. S. Kasprzak suggested making small changes at Special Town meeting instead of trying to have such large changes all at Annual Town Meeting.

Discussion on Moratorium Meeting to be chaired by the Planning Board. Approximately 51 units have been discouraged by the Planning Board this past year (1987). More lots are created by circumventing then by subdivision. The town cannot justify by current numbers that subdivisions are the problem. The lots in Arrowhead that the townspeople voted to sell created a problem for the town. Doug read a letter of concerns to the Board concerning subdivision on the State level. Certain areas should be covered by the State to aid towns in additional coverage for subdivision. If the Towns did not have Zoning to cover the State would then back up the local Zoning Ordinances. Currently there are 129 lots before the Board to be subdivided.

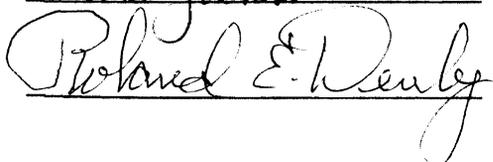
Mike Hammond moved to adjourn at 9:15 P.M. Anna Jackson seconded the motion. Vote unanimous in favor.

Respectfully submitted,

  
Lawrence Jacobsen  
Secretary/Treasurer

  
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TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE

Regular Meeting of the Planning Board      January 28, 1988

Meeting called to order at 7:30 P.M.

- I      **ROLLCALL:** Roland Denby, Anna Jackson, Larry Jacobsen, John Roberts, Douglas Foglio. Anna Jackson and John Roberts were empowered to vote.
- II     **MINUTES OF PREVIOUS MEETINGS:** John Roberts moved to accept December 9, 1987 minutes as printed. Larry Jacobsen seconded. Vote Unanimous in favor.  
Anna Jackson moved to accept January 13, 1988 minutes as printed. Larry Jacobsen seconded. Vote Unanimous in favor.
- III    **COMMUNICATIONS AND BILLS:**
1. Letter to Mrs. Dugas from Selectmen
  2. Info from Southern Maine Regional Planning Comm.
  3. Meeting Agenda MAP
  4. Requested Changes to Ordinance
  5. Building Code Handout
  6. Info from S. Kasprzak
  7. Info from S. Kasprzak (Finance Comm.)
  8. Info on PATCH
  9. Community Programs Info on Subdiv. Review Procedure
  10. Growth Management in Maine Info from Univ. Of So. Maine
  11. Request from Selectmen on Closing of Roads
  12. Revised Water Impact Study
  13. Legislative Bulletin
  14. H.I.L. Tech. Info
  15. Info from American Planning Assoc.
  16. Letter from Lake Arrowhead Re: Bruce Bryant
  17. Letters concerning McKelvey lot
  18. December Issue S.M.P.R.C.
16. Mr. Bryant has not supplied information requested by the Board. Upon submission of plot plan Board will take action.

17. McKelvey lot. At the time of subdivision there was no clear right of way. Upon receipt of right of way a building permit should be issued. This should now be a buildable lot. Established right of way should have been 50 ft. required by the P. Board. By taking right of way out at the time of subdivision it stopped a potential illegal subdivision of land at the rear of subdivision (N.E. Log Homes of Me. Ctry. Estate). Deeded right of way submitted questioned the need or legality of deeding a right of way from your own property to yourself.

John Roberts moved to grant a building permit as they have fulfilled requirements that the Planning Board requested in submission of a deeded right of way. Doug Foglio seconded.

**Discussion:** Right of way existant since John Hanscom owned the property. A copy of John Hanscoms' deed would help clarify the right of way. Was the right of way reserved from the original sale? How can previous owners deed right of way if they no longer own the property?

Vote two (2) in favor, two (2) opposed. Motion fails to pass.

4. John Roberts moved that Zoning Ordinance change submitted by Dianne Holden be forwarded to the attorney by the Board to rewrite Section 10.05 in Zoning Ordinance. To be returned as soon as possible in order to process at Town Meeting. Roland Denby seconded the motion. **Discussion:** Clarification on changes submitted needing a \$100 fee upon presentation. The Board will be recommending the change therefore no charge necessary. Three in favor of motion. Unanimous in favor.

John Roberts moved to send the proposed Swimming Pool Ordinance and Groundwater Impact Study Ordinance to attorney along with Zoning rewrite for legal changes if necessary. Upon receipt of the three from attorney a Public Hearing to be held. Roland Denby seconded the motion. Three in favor. Vote Unanimous.

Doug Foglio will not be able to attend the February 10, 1988 meeting. Mike Hammond will be in concerning new building being constructed. This to be the first such case dealing with in house subdivision. Four Businesses in Building with Radio Shack at one end of complex and Waterboro Superette to be at the other end with two rental spaces in the middle. Should only need site plan review. Basic house size septic system to be used. Soil is sandy. Nearest building approximately 120 ft. from building.

South Portland has a designed water system that deals with situations like Mr. Owens. Andrew to check with the Planner from So. Portland to obtain further information.

Birchcrest: Problem with a well being on someone else's property after new survey has been done. If approximately four ft. strip of land is sold to insure well maintenance the abutting lot frontage would be reduced to 96 ft. This would create an unbuildable lot. Can an easement be obtained? Board not sure.

#### IV REPORT OF OFFICERS AND COMMITTEES:

Treasurers Report: (at first regular meeting of the month only)  
Balance \$

#### V APPOINTMENTS:

8:00 P.M. ELWIN OWEN (GAS TANK ADDITION) Map 19 Lot 24&25 V Zone  
8:30 WES LEIGHTON (ALDER ACRES) Map 7 Lot 66 AR Zone  
9:00 ED LACOURSE (BOARDING HOUSE) Map 4 Lot 37A AR Zone  
9:15 LES LEIGHTON (SUBDIV SKETCH) Map 8 Lot 19 AR Zone

#### 8:00 P.M. ELWIN OWEN MAP 19 LOT 24 & 25 V ZONE

Tanks are registered with the State and has made one payment on tanks. State has been in with people to propose entrance design. Heaviest expected vehicle to be Dump trucks. H. A. Mapes to be the installer. Currently only sidewalk, there are no marked entrance and exit from proposed parking lot. How far are tanks from nearest water supply? Abutters do not mind gas tanks being installed. Mr. Owen does not know exact location of nearest water supply. Mr. Owen wants to eliminate parking in front of the store. Driveway to be paved as soon as the frost goes out of the ground with parking spaces marked out. Scott paving company to pave sometime in May. A ten ft. Island proposed by Me. DOT would be installed. There would be no added traffic on the corner. Drainage a major concern. Where does run off go? Drainage expected to run into two culverts that the State put in. It is believed that this dumps towards stream. Culverts are existing. According to DEP gas tanks can be placed within two ft. of water supply. Monitoring wells to be in place. Water supply for store believed to be at rear area of store away from side where proposed gas tanks would be. Why did you chose to go with monitoring wells? Advised by the State. DEP was contacted today and they informed Board that two methods are used, monitoring wells or double containment. Monitoring wells a less expensive method. Old tanks still located on Property? Paul Ricard has told Mr. Owen that probing had been done and the old tanks are gone. It had been passed on to Mr. Owen that an Oil tank was located and removed with the old building. That being the only known tank still existant on lot. DEP had advised the Board that they might require Mr. Owen to probe for old tanks. This being a way of determining old tanks existance. Glen from DEP has insured Mr. Owen that monitoring wells is the best way to insure safety of detecting any leakage. ~~Andrew commented that in order to have~~ monitoring wells the water table must be no higher than 15 ft. If less, another method would be necessary. Gas station to be separate business? This is a new product offered by a convenience store not a gas station but gasoline. Lot size questioned. With removal of

building the lot now measures in excess of 15,000 sq. ft. Public Hearing necessary? Business should have 40,000 sq. ft. Mr. Owen asking to increase potential traffic into store on less than half the required lot size. Will have additional parking Mr. Owen believes he helped the corner traffic problem in removal of the building. Gas station to add to traffic flow? Mr. Owen does not believe so. Have you had an engineer design a drainage plan? Mr. Owen has not. If gasoline is spilled by customers this gasoline would be dispersed into storm drain that eventually goes into stream without purification. Board feels that certain questions need to be answered. Who monitors the monitoring wells? Mr. Owen responsible. Andrew had checked with DEP and they informed him that people responsible for monitoring do not always do what is expected. Area by gas pumps to be cement. H. A. Mapes believed to be very reliable. DEP does not feel spillage from consumer a problem. Antiflotation device to be used? Mr. Owen not sure, has left the installation entirely up to H.A. Mapes. (a licensed installer) Would it present a problem to Mr. Owen if the Board requested returning with Mapes to answer further questions? Mr. Owen did not see a problem. A letter from Paul Ricard with information on old tanks necessary for the Planning Board. Mr. Owen's attorney pointed out Zoning issues. Zoning permits this type of use. It was a prior nonconforming lot. Not to be a service station. State responsible for finding water table, all part of requirements of permit. Local approval normally received before seeking State approval. Mr. Owens' attorney and the CEO had informed him that State approval was needed. Mr. Owen has kept the CEO and Town Planner informed. Mr. Foglio expressed to attorney his feelings concerning Zoning. Did not feel that the two areas of concern could be separated. Sections covering this noted Pg. 10 of Zoning B. # 13., Pg. 11, Conditional Uses, #11. It is a conditional use and their is not land enough. Pg. 61 Conditional Use, Undersized and Bulk Storage: Board has the right and duty to ask the same questions as DEP and more if in the Public interest. Water problems in area being used currently as parking space obvious last week, there was 6 to 10 inches of water standing in area. Did not run into culverts. Mr. Owen realized the current situation does not appear good, however, has not had weather conditions that allow installation of pavement that would correct this problem. Drainage to be taken care of when area is paved. Board expressed that a number of people were concerned with access to gas tanks creating a traffic hazard. Busiest area in the town. Traffic and pollution seem to be major area of concern by townspeople. Gas tanks to be manned or self service? Self service. Matter to be continued until further information could be collected.

Mr. Owen could present information to the Code Enforcement Officer on Old tanks. Water table to be determined and Board to be informed. Drainage plan to be presented. Grade elevation. Notify abutters for Public Hearing. Mr. Mapes to be present for a Public Hearing? Board to notify Public safety, School Board Members, Hazardous Waste and any other committees interested for input. Board felt State approval was necessary if underground drainage was used. Currently there is only water draining from property, once gas tanks installed the potential for gasoline to be mixed with water great. Water may have to pass through grease trap or separator to dispense gas from run off. John Roberts moved that Mr. Owen contact Sharon Abbott with date of completion of drainage study and within 20 days a Public Hearing be scheduled. Roland Denby seconded the motion. Vote Unanimous in favor. Mr. Owen expressed concern at time frame to get before the Board. This matter to be handled either under Old Business or a Special Meeting can be scheduled by the Planning Board. A copy of the minutes to be sent to Mr. Owen.

**8:30 P.M. WES LEIGHTON ALDER ACRES MAP 7 LOT 66 ZONE AR**

Mr. Foglio had spoken with Wes and had informed him that he would be coming in for review of Final on Alder Acres and upon obtaining a Bond could come in under Old Business to receive Final Approval. Road review committee should send results of findings to the Planning Board. Mr. Leighton needs to finish road but does not wish to finish until fall. Possibly to use asphalt or spray tar finish. Dependent upon Final Approval as to which method used. Board will need to review Bond. Appendix V Subdivision Checklist used. Note at least 6 copies of Final Plan needed. Anything on plan needs to be exact to Milar, if not exact they will not be recorded. Road square footage not required. Noted that one lot has 95 ft. frontage. Zoning referred to, covered under Section 2.06. Curve data not on plan will need to have this done. Needs endorsement by York County Soil Conservation. Set new grades established by on site by road review. A letter from the Road Review Comm. to cover. Bring a copy of Road profile for the records. Landscaping to be approved with final plan. Upon Road Bond, request for landscaping to be included with road amount. One culvert, 18 inches not written on plan, to be added. Profile to be attached on Final copy. No green belt requested. Drainage easement to be clear. Copy of deed showing drainage easement. Call Karen to find out if we need anything in writing other than what is on the plan and in the deeds concerning drainage easement. Drainage easement needs to cover no culverts in easement. A 6 ft. flow line, 10 ft. minimum span, 2 ft. above invert of drainage way. Fifty ft. right of way to be marked, retained by owner on plan. Estimate for road on file from Tilcon for MC 250 and Bituminous concrete. If subdivision complete by May or June will probably use hot top. Road currently constructed to the cul-de-sac circle. Bonding: two choices. 1) Bonding company

2) Cash in an account upon inspection by road review money could be released. Type and specifications needed. Upon road completion Bond can be released. Performance of Bond covered in three areas releasing monies at three stages, 1) pavement (estimated cost \$10,600) 2) loaming and seeding (estimated cost \$2,000) 3) Performance Bond (estimated cost \$2,500 to be released after acceptance by the Town) The subdivision owner is responsible for the maintenance of the road until the Town accepts this as a town road. The \$2500 dollar bond would be used only if the subdivision owner were to back out on maintaining the road. Amount of the Bond to be \$14,560.00. What if Town does not accept the road? The Town would have \$2500. of developers money until road accepted. Bond to be signed by the Planning Board and the Selectmen. Concern expressed by Kathy Leighton that their monies (14,560) would be tied up until Towns acceptance of road. Clarified that if Bond is in 3 stages as each stage is completed monies are released. The only amount held would be the \$2500 for the Performance Bond for the road. Wes to be aware that he might have to run 6 or 8 copies of Final Plan.

**LACOURSE (BOARDING HOUSE) MAP 4 LOT 37A ZONE AR**

Maximum of 10 elderly Boarders. Currently obtained a license from the State for four boarders. To increase with a maximum of ten. Recreation room will be available. Meals will be provided. Regulations from the State very stiff. Requires sprinkler system after 6 Boarders. Emergency lights, egress windows. Starting with 4 boarders to give them time and finances to add sprinkler system and other requirements adding to total of 10. Covered under item #12 of Conditional Use. Dimensions of rooms not included on sketch plan submitted. A water test is required by State. Can you provide the Planning Board with all information, permits, tests results etc.? Information will be forwarded by Mr. Lacourse. This is a new area to the Planning Board and will set precedence for any future uses in this area. Thorough records will be helpful. Make sure we have a letter from the local fire department stating that they are aware of the new use of building for ambulance service, in case of fire the layout of the rooms and the accessibility to this area for any emergency that should arise. A copy of State Permit to be provided to the Planning Board. A sketch plan for proposed parking area (Boarders and or visitors). Board to investigate the criteria for parking area (to be paved or gravel). Will need a plan with dimensions of rooms for the files. Upon submission of all items requested by Planning Board this will be brought up under Old Business at the next meeting. Copy of minutes to be forwarded.

**LES LEIGHTON (SUBDIVISION RT. 5) MAP 8 LOT 19 ZONE AR**

Sketch Plan submitted. Two trailers currently on 2 lots, not sure if they are to be included in subdivision. One more trailer is planned and a four unit apartment building. Easement marked out. Wife owns 2 lots. On Site scheduled for February 3, 1988 at 9:30 A.M. Cancelled if it storms. Twenty five ft. easement shown bordering Hart property kept for access if ever needed. The easement shown on sketch plan CMP pole line owned by Les Leighton. The only conditions Les must comply with from CMP is never to place Poles or monuments under lines. Needs permission from CMP to take over upkeep of Pole line. Needs exact usage spelled out. Questioned as to why the three lots for trailers were created in shape shown on plan. Had Mr. Leighton known that this might be a problem he could have done differently. In order to develop this piece of property as he wanted it was necessary to shape lots as presented on sketch plan. State is pushing Towns to discourage shoestring lots. They want common drives to be used to discourage number of drives opening onto highways. Drive shown on plan under Pole line could serve as a common drive for apartment building and the third trailer lot. The positioning of the lot lines in a different configuration would have placed the rental building closer to the Pole line and would not have looked as nice. Water table in that area approximately 8 to 10 ft. rising about 2 1/2 ft towards rear of lots.

**VI OLD BUSINESS**

1. Robert Reinken: Parks and Recreation not yet contacted. Presented sketch plan with recommended changes and submitted waiver request. First request falls well within requests granted in the past. Second request that a State Licensed site evaluator be used falls within criteria. Third, one ft. contours are present on sketch plan. The road design on cul-de-sac until you come in with a profile, the drainage would not be acted on. Please be aware that at a Public Hearing the 50 ft. right of way could be brought up. You stated that you had researched this and found none. Public opinion could prove different. Anna reported that the foot path easement should take into consideration the placement of Lions Club trailer in direct flow of traffic. Might want to consider curving this path. One seventh ownership of frontage into development to be written into deeds as suggested by Mr. Reinken's attorney. Roland Denby moved to approve items one and two of waiver request noting State licensed soil evaluator. Larry Jacobsen seconded the motion. Vote Unanimous. Waiver request on file in folder.

Roland Denby moved to wait until more information is provided concerning Section 6.2.1.14 Preliminary Plan Submittals as printed in Waiver Requests at a later time. Larry Jacobsen seconded. Vote Unanimous in favor.

Anna Jackson moved to waive Section 2.06 to allow 75 ft. frontage on cul-de-sac for lots 2, 3, 4, and 5. Larry Jacobsen seconded. Vote unanimous in favor.

Anna Jackson moved to accept revisions on sketch plan as submitted 1/28/88. Larry Jacobsen seconded. Vote unanimous in favor. Public Hearing will be next move should notify abutters. Notify Sharon to schedule Public Hearing.

2. Mr. Glaude: Building to be 48 x 100. Forty eight ft. width for storage of boats. Twenty units. Building to be 80 ft. back from road. Screening from the road. Majority of the building will be in the wooded area. Will be clearing only what's necessary. Horseshoe shape building proposed if building is added on to the current 48 x 100 structure requested. Keep in mind that snow removal in this section of the country presents a problem. How do you plow snow in the horseshoe form? On site recommends that the Board accept this plan. Anna Jackson moved to accept plans for storage units as per plans submitted 1-12-88 with entrance to be paved from Rt. 202 to an area that levels off with a twenty ft. area level remaining area to be left gravel around building (48 ft. x 100 ft.). All disturbed area to be loamed and seeded with a minimum of vegetation to be removed. Roland Denby seconded the motion. Vote unanimous in favor.

3. Michael Libby. Leave under Old Business. Contact Mike to research Deed information from Registry of Deeds.

9. Ossipee Woods II: Roland Denby moved to approve sketch plan as submitted 1-28-88. Anna Jackson seconded the motion. Vote unanimous in favor.

5. Articles to Finance Comm. how much money Planning Board needs. Suggested they ask for \$25,000 to revise comprehensive plan. John Roberts moved to request \$10,000 for enforcement of Land Use Regulations and subdivision use as per Ken Cole's letter.

ARTICLE II ENFORCEMENT

To see what sum of money the Town of Waterboro will appropriate for the Planning Board to use for enforcement of the Town/s Subdivision Ordinance:

Planning Board Requests: \$  
Anna Jackson seconded the motion. Vote Unanimous in favor.

Roland Denby moved to combine areas F and G of proposals. Larry Jacobsen seconded. Vote Unanimous in favor.

Doug Foglio to come in Tuesday to construct articles. Call if he does not show.

Meeting was adjourned at 12:38 A.M.

Respectfully submitted,

Lawrence Jacobsen  
Secretary/Treasurer

*Anna Jackson*  
\_\_\_\_\_  
*Douglas C. Foglio*  
\_\_\_\_\_  
\_\_\_\_\_

TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE



REGULAR MEETING WATERBORO PLANNING BOARD FEBRUARY 10, 1988

MEETING CALLED TO ORDER AT 7:35 P.M.

I **ROLLCALL:** Present were Michael Hammond, John Roberts, Anna Jackson, Roland Denby and Dwayne Woodsome. Anna Jackson and John Roberts were empowered to vote.

II **COMMUNICATIONS:**

1. Maine Assoc. of Planners Informational Packet
  2. Information from DEP RE: Distribution Tank Owner
  3. Information from Dubois & King
  4. Letter from York County Soil & Water Conservation Dist.  
Re: Wes Leighton Alder Acres
  5. Letter from Mount Holly, Inc. Re: On Site Inspection
  6. Letter from DEP Re: Request from Project Review  
Re: Sunshine Acres Subdivision
  7. Letter to Town from DEP Re: Water Supply Investigation  
(S. Waterboro)
  8. Notice of Decision from Zoning Board of Appeals
  9. Info from American Planning Assoc.
  10. Planners Bookstore
  11. Info from York County Soil & Water Conservation Dist.
  12. Letter from Bernadine Gerry
5. Mt. Holly. Planning Board to notify as soon as weather permits an on site inspection.  
Drown Agency. Planning Board to notify as soon as weather permits an on site inspection.
10. Andrew Timmis to order books necessary and to forward bill to the Town.

**OLD BUSINESS**

**Birchcrest** To be placed under old business. To contact Town Atty to see what the next step is.

A copy of minutes of meeting that Willie Cotsifas attended to Willie's Pizza. At that meeting conditions were discussed that must be met to come into compliance.

Robert Parker Subdivision: Is advertising lots under a different name. Contact the Town Atty. to see what must be done

## **Mike Libby**

Has been determined that the lot is a grandfathered lot. There is a cottage on the lot. The on site was done and discovered that the cottage is 35 ft. from the second cottage on the adjacent lot and 9 ft. from one side line and 12 ft. from the other side line. The cottage sets approx. 50 ft. from the water. The current structure measures 22' x 32'. Mr. Libby wishes to tear down the existing cottage and build a new one 26' x 36". A foundation to be put in. It would be necessary to mark exact position of the existing cottage to insure new building would be no closer to the water. Mr. Libby has not applied to the state for Permit. Lots under 20,000 square ft. must go to the State for a permit. Will lot 39 on Tax Map 36 support this size home? Subsurface testing has not been done. This would have to be done before the Planning Board could act. The use would be changing from Seasonal to Year round which would mean a different size system. Then the sideline setbacks would need to be looked at. Grandfathered lot would allow the Planning Board to position house on the lot. To increase the size of building would mean that current setbacks would have to be met. Before Mr. Libby comes back he will need to:

1. Acquire a Permit from the State
  2. Have a septic system laid out on the lot.
  3. Come back with plans for the same size building (22' x 32').
- Planning Board referred to Section 2.08 of Zoning Ordinance. Planning Board cannot act until all requested information has been provided. Mr. Libby has the option of going before the Zoning Board of Appeals if he does not like the decision of the Planning Board. Mr. Libby should be aware that there is certain criteria that he must meet in order for the ZBA to grant his request. Mr. Libby would also need to contact the Dept. of Human Services for the undersized lot. Address given to Mr. Libby. This to be handled under old business, Mr. Libby would not have to be present. Decision would be forwarded to him by the Planning Board.

### **III APPOINTMENTS:**

<b>8:00 P.M.</b>	<b>LIONEL BELANGER</b>
<b>8:30 P.M.</b>	<b>THOMAS TOYE (SUBDIV)</b>
<b>9:00 P.M.</b>	<b>THOMAS TOYE (SUBDIV)</b>
<b>9:15 P.M.</b>	<b>HAMMOND ENTERPRISES</b>

**8:00 P.M.**      **LIONEL BELANGER**                      Did not show.

**8:30 P.M. THOMAS TOYE SUBDIVISION MAP 9 LOT 21T AR/FA/C ZONE**

Bill Speed and Dick Moulton were representing Mr. Toye. Lot to be developed was previously owned by Helen Brock. After the surveying was complete Mr. Toye had decided that he wished to divide the front section of the lot into four house lots. The remaining acreage to possibly be sold in two forty acre parcels to remain as 40 acre parcels. Would not pursue development of the remaining 80 to 90 acres. Would Mr. Toye be willing to divide the 80 to 90 acres now? Currently Mr. Toye wishes to divide the front into four lots. Land abutts Mr. Randall. The shape of the lot as shown on Tax Maps is believed to be wrong. In surveying and examination of surrounding lots found lost owners that the Town does not currently have information on. Would provide this information for the Town. They have a preliminary water study done by Mr. Gillespie. To place common drives. On site and Public Hearing would need to be held. The entire front section to be divided is fairly high. John Roberts moved to accept Sketch Plan as submitted 2-10-88 for Fall Lot Estates and allow for a five ft. contour lines on Preliminary Plans. Roland Denby seconded the motion. Vote was unanimous in favor. Next plan to be a blow up of the four lots being subdivided.

**9:00 P.M. THOMAS TOYE MAP 6 LOT 2 AR ZONE**

Sixty-six acre parcel to be subdivided. Affordable housing. Mr. Toye and his representatives had looked at several alternatives in laying out the lot for subdivision. The rural setting of the area was taken into consideration and Mr. Toye and representatives had felt that a seven lot subdivision was the best. Each lot would have seven acres or more. They used Bassland Acres as an example. Mr. Gillespie says that the acreage would support 15 to 20 house but due to the surrounding rural setting less was found to be more desirable. The road will not currently allow a bus and a motor vehicle to pass at the same time. Would they have a problem with a green belt with the understanding that if at any time the land abutting the New Road needed to be used to widen the road the Town would be able to do so? Mr. Toye's representatives did not have a problem with that. Felt that it was a good idea. Comments concerning shoestring concept in the design of the lots. An on site inspection would be necessary at a later date when weather permits. Also a Public Hearing. John Roberts moved to accept Sketch Plan for Deer Watch Subdivision as submitted 2-10-88 and allow for 5 ft. contour lines on Preliminary Plans. Roland Denby seconded the motion. Vote was Unanimous in favor.

## **OLD BUSINESS**

**LES LEIGHTON            BLEAR ACRES            MAP 8   LOT   18E**

Review from on site inspection of five lots. Currently there are 2 driveways with a third to service the remaining development of the property. Site lines are not good to the existing trailers. The low place visible from Rt. 5 is to be filled in for the third drive. Mr. Leighton has no plans to sell trailers he is now renting. Lot listed as Hart on the subdivision plans has to be included due to an illegal subdivision of land. Questioned classification of subdivision. board determined that it was an eight lot subdivision. A third trailer to be positioned as the existing two. A proposed four unit apartment complex to be constructed on the remaining acreage. board commented on the shoestring lots. Also commented on the number of driveways in the area of proposed subdivision. Upon completion of water study the development of the land could be better determined. Land might not support what Mr. Leighton has in mind. Should have a site distance from driveways. Anna Jackson will take care of and report her findings to the Board at the next meeting. There should be a 500 ft. site distance. To review driveways more thoroughly at the Preliminary along with the water analysis. Anna Jackson moved to accept Les Leighton subdivision of Blear Acres. John Roberts seconded the motion. Vote was Unanimous in favor.

**Roland Denby designated as the Chairman Pro tem**

**9:15 P.M.   HAMMOND ENTERPRISES            MAP   19   LOT   1**

Mr. Hammond questioned the Board concerning subdivision. Is this a subdivision? The land is in trust. The corporation is leasing from the trust. The seven acre parcel is owned by three people and is divided 24%, 24%, and 52%. Two of the owners will have two areas in the building. The remaining two are to be leased out. Currently only one of the remaining spaces is leased. The name of the development is to be Brookfield Place. Board to check with the Town Atty. to clarify the subdivision question. Also to check at the meeting scheduled for Thursday night for Planning Board. A site review should be required. To build according to the need of potential lessee. Possibly to be eliminated from required water study since the septic system to be used is no larger than that required for a house. Concerns expressed that the current use does not necessarily require water study however what if a laundromat or a restaurant were to lease the remaining space. Provisions could be listed in the contract. If use increased the septic system would have to be updated. Drainage of surface water has already been done. There will no dispensing of foreign material. Other towns handle this as a Site Review or Developmental Review. To be brought up under Old Business next meeting.



TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE

Regular Meeting of the Planning Board February 24, 1988

Meeting called to order at 8:37 P.M.

- I **Rollcall:** Anna Jackson, Michael Hammond, Dwayne Woodsome, Douglas Foglio. Anna Jackson was empowered to vote.
- II **Minutes:** Dwayne Woodsome moved to approve the minutes of January 28, 1988. Michael Hammond seconded. Vote Unanimous. Anna Jackson moved to approve the minutes of February 10, 1988. Douglas Foglio seconded. Vote Unanimous.

III **Communication and Bills:**

1. Correspondence from the Planning Board.
2. Saco River Corridor Comm.
3. February Issue of UPDATE
4. Correspondence BH2M Re: Campbell Subdivision
5. BCI Geonetics, Inc. Info on Ground Water Studies
6. BCI Geonetics, Inc. Info on Services Provided by Co.
7. DEP Shoreland Zoning Newsletter
8. Letter from Ed Bradley Re: Water Resources
9. Info from DEP Re: Sunshine Acres Subdiv.
10. Me. Resource Conservation & Development Area

Communication to be reviewed after appointments.

IV **Appointments:**

- 8:00 P.M. Westridge Commons - Cancelled  
8:30 P.M. Custom Built Homes of Maine  
9:00 P.M. Thomas Searles  
9:15 P.M. Sumner Campbell Subdivision - Cancelled

**8:30 P.M. Custom Built Homes of Maine Map 46 Lot 2193 Zone R**

Owens a corner in Lake Arrowhead. Plot plan shown to the Board. Cannot meet setback requirements from both Pine Crest Circle and Greenwood Drive. Unsure as to which road water and power would come in on. A solid greenbelt would be necessary with a possible utility easement. Developer to realize that all measurements are taken from whatever is closest to the lot lines (i.e. deck, steps, roof overhang) not the foundation. Dwayne Woodsome moved to grant conditional use as follows: 1) Front lot line from Greenwood Drive to be 70 ft. from the foundation of the main structure (60 ft. from deck) with all utilities coming in from Greenwood Drive if possible. 2) 35 ft. from Pinecrest Drive to include a 20 ft. greenbelt. 3) 30 ft. from lot line bordering lot #2192. Keeping in mind all measurements are from drip of eave, steps, bulk head, deck etc. Mike Hammond seconded the motion. Vote was Unanimous in favor.

**9:00 P.M. Thomas Searles Map 36 Lot 30 Zone AR**

Mr. Searles had been in before the Board concerning garage last year. Records referred to. Currently Mr. Searles has his business office located in the second floor of his garage. It would be more convenient if bathroom facilities were in the same building. Currently Mr. Searles and his partner use facilities in the house approximately 70 ft. from the garage. He would like to use the same system as the house. Mr. Searles business is of Construction and Real Estate nature. Usage would be minimum. Required size of a lot in this zone is 80,000 sq. ft. Mr. Searles has about 16,000 sq. ft. Two problems: 1) a substandard lot and 2) borders the lake. The septic system is small and designed for seasonal use. Currently it is being used yearly. If Mr. Searles came in now for conversion he would have to upgrade the septic system. Home occupation allows a percentage of space but the intent is not to further tax property. Mr. Searles decided to rescind his request.

Mr. Searles questioned the board on another matter. Mr. Libby whose land abutts Mr. Searles had approached him to sell a piece of his lot to Mr. Libby to be used as parking space. Mr. Searles was advised that he needed all the land he had to support his house. Right of way was questioned however this could be a future problem.

### **III Communications**

5. & 6. Chairman had spoke of getting a consulting firm to do water studies. This firm Andrew Timmis had been in touch with and had forwarded Resume and contract to the Board for further examination. Rates stated in letter were \$65. per hour plus 15% above expenses. Contract was dated March 1, 1988 to June 1988. Chairman to bring this to the Selectmen for review.

9. Sunshine Acres discussion and original subdivision plan referred to. Letter composed to be forwarded to DEP. Someone requesting a separate drive.

TO: Waterboro Planning Board

FROM: DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF LAND QUALITY CONTROL, STATE HOUSE STATION 17, AUGUSTA, MAINE

DATE: 2/1/88

SUBJECT: REQUEST FOR PROJECT REVIEW

This constitutes a request for your agency's review of the project identified below and your submission of comments in accordance with our Memorandum of Agreement on Project Reviews.

Questions concerning this project should be directed to the DEP Project Manager, David Bagley, at 289-2111.

The deadline for agency comments is 3/1.

PROJECT	APPLICANT
NUMBER: <u>L-6298-86-A-M</u>	NAME: <u>Paul Noel</u>
NAME: <u>Sunshine Acres Subdivision Road Modification</u>	CONTACT: <u>247-6974</u>
LOCATION: <u>Waterboro</u>	

After a thorough review of the above project, as presented to us, and consideration of our agency's standards, programs and responsibilities, the following comments are submitted to the Department of Environmental Protection.

Check if requesting copy of draft Findings of Fact and Order.

(Comments must be signed and dated in order to be accepted by this Department.)  
(If additional space is needed, please attach another sheet.)

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE



February 25, 1988

David Bagley  
Dept. of Environmental Protection  
Bureau of Land Quality Control  
State House Station 17, Augusta, Me. 04333

Project:  
# L-6298-86-A-M  
Sunshine Acres Subdivision  
Road Modification  
Waterboro

Subject:  
Answers to request for Project Review:

1. (a) The Board finds the driveway to be located as per plan.  
(b) It is not the fault of DEP or the Planning Board that the owner and contractor did not properly lay out the house. We feel that this is a basic part of home construction.
2. A properly placed directional sign with name attached would relieve this confusion.
3. There is a 25 ft. green belt which he may cut brush up to two inches in diameter to thin for visibility as per Waterboro Subdivision. There have been other homes burglarized within the last year right out in the open.
4. Bus stop set by S.A.D. #57 is located at the common drive not in front of the house. Changing the driveway would not correct this problem.
5. Mr. Mathews maintains his own drive to Lot #6 and as far as Lot #7 and Lot #8 its a civil matter that should have been decided when property was purchased.
6. We are unable to verify all signatures due to lack of clarity.
7. The entrance is supposed to be 29.7 ft. of gravel surface. That is more width than Route 5 which supports, by Me. DOT records, over 1500 cars per day. The road in front of his property is less than 18 ft. in width.

8. In the original plan the subdivider, refusing to take the Planning Boards advice to build an internal road for the subdivision, submitted the common drive concept as a more practical solution and was able to give the Town of Waterboro residents more affordable housing, is supported by notes on the plan and deed covenants.
9. The Town of Waterboro is documented as one of the fastest growing communities in York County. Who is to say that there would not be future subdivision in this area.

Sincerely,

*Lawrence Jacobsen*

Lawrence Jacobsen SA  
Secretary/Treasurer

PB/sa

## Old Business

5. Hammond Enterprises: Chairman had checked with attorney and the Board had two ways that this could be handled:

1. They could request nothing from Hammond Enterprises.
2. They could request site plan review.

This does not appear to be a subdivision. Currently nothing has been decided by the State Judicial system concerning this type of case. A milar to be brought in under site plan review. A list of items to be waived. Subdivision requirements could be waived except milar and impose Zoning requirements.

6. Parker Subdivision Name Change. Attorney had been contacted by Mr. Timmis and Mr. Parker will have to bring in copies of subdivision with name change and milar to be signed at a cost of \$25. per lot. Mr. Parker has been notified.

7. Birchcrest: A copy of the Public Hearing Minutes to be sent to Evelyn Adams, 70 Johnson Road, Gorham, Maine 04038. The only remaining requirements are: Bring in new copies of subdivision map and milar for signing at a cost of \$25. per lot.

8. List of possible violation on conditional uses issued by Planning Board to be compiled at a later time.

9. Thomas Toye III: A letter to go out with requested changes by the Board after further review. Deer Watch Subdivision that you have not lots of greater than five to one frontage ratio. Fall Lot Estates that you position a fifty foot right of way with two lots on either side. You would have the option then of having a dead end road or use a cul-de-sac.

It was asked of the Board if a perennial flower business in Brookside Development with no buildings to be built would need Planning Board review.

Would Roland Pierce need to come before the Board to create a lot in Village Zone without meeting frontage requirements?

Meeting adjourned at 11:50 P.M.

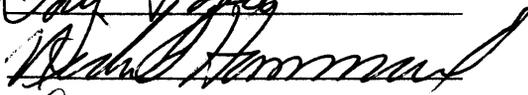
Respectfully submitted,



Lawrence Jacobsen  
Secretary/Treasurer



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Anna Jackson

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Dwayne Woodson

PUBLIC HEARING

PROPOSED CHANGES TO WATERBORO ZONING ORDINANCE & SUBDIVISION  
(See Attached Sheet of Changes)

FEBRUARY 24, 1988

1. Millard Genthner explained that the intent of the Zoning Board of Appeals was to Add as a definition not change anything. The Zoning Board of Appeals has been confronted with problems where a lot borders more than one road. Hopefully this would help land owners in this particular situation. Possible problem; once posted would these changes be allowed? Selectmen Dennis Abbott clarified. The reason for the Public Hearing was to discuss proposed changes and if changes were needed it was possible. Is there a State mandate concerning corner lots meeting setbacks? Mr. Foglio was aware that several towns operate similar to Waterboro but unsure as to legalities or possible mandate. Town attorney should be contacted.
2. Mr. Genthner explained that the person sometimes is not present at a hearing/appointment. It is extremely difficult when specific questions arise that are unanswered due to that person not being present. The meetings have to be postponed and re-scheduled. By requesting the person be present the Zoning Board of Appeals hopes to alleviate this situation. It was suggested that it could read and/or attorney or agent to act on their behalf. Many times an attorney or contractor is as prepared to answer on behalf of the appellant. Would the Zoning Board of Appeals please rework their changes and return to the Selectmens Office tomorrow morning. Secretary Jean Chick would take care of this.
3. Amount changes due to increased costs to the town such as time spent on inspections, studies, legal fees, water study review, road review. The presently has no way to recoup the money. It should be the developers cost not the Towns.
4. Minimum cost of \$25.00 for Building Permit. No charge for under \$500. Over \$12,500. would be \$2.00 per thousand. This would cover the cost of the Code Enforcement Officers expenses. Fee structure based on inspections, mileage, no way to recoup cost other than through building permit fees.
5. Would there ever be a split of the Building Officer and the Code Enforcement Officer making these separate jobs? Zoning refers to both uses of Titles. Should be left as printed.

6. What is a substandard lot? Explained that its different in each Zone but basicly means that there is less square footage than required by Zoning. Most of these were not intentionally done but were made substandard by the enactment of the Zoning Ordinance. When inspecting it is difficult many times to know where lot lines are. Also the banks require a Class D Survey. Sometimes upon completion of these surveys houses are found to be to close to lot lines. This was believed to help alleviate the problem.

7. A number of years ago it was required by Zoning that people within 1000 ft. be notified. It was then deleted entirely. The intent was not to delete entirely. Due to rising cost of mailing it was suggested that abutters be notified. This being a medium ground. Would this include land owners directly across the road or private way? Not as written. Not always are the people across the road affected in the same way as an abuttor. It is also posted in five places. Selectmen to recommend this change.

8. Should change to read not less than \$100 or not more than \$2500. Should read Volume 1 after edition and insert all construction requiring a building permit within the town. Why does this need to be accepted again? BOCA makes changes once every three years. This gives the town the option of accepting or deleting these changes.

9. Resident not in favor of multiple dwellings but might this cause a hardship to the developer? Mr. Timmis explained that this is calculated by computers. A simulated program is run using information gathered from the water study. Current Zoning states ground water study required. This addition would set guidelines leaving less margin of error. This would require land owner/developer to use tested area for water or waste. Do people place in a different location? Currently there is nothing to stop them? Noted that (If) should be deleted.

Discussion on fee structure. How was \$25. fee on sketch plan derived? By comparison of surrounding communities. Rising costs to the town need to be covered. Comprehensive plan drawn up was requested by the Planning Board as well as continuing with the Town Planner and fees to be used by the Planning Board to prosecute violations. These are a other requests made by the Board that are not being discussed this evening.

\$.50 per lineal foot for all pipe going in? Yes.

Meeing adjourned at 8:25 P.M.  
Approximately 25 people in attendance.

#3 To see if the Town will authorize the Planning Board to change the fee structure on subdivisions:

Now reads: \$25.00 for Sketch Plan  
Preliminary plan: \$25.00 plus \$2.00 per lot in excess of 4 lots  
Final Plan: \$25.00 per lot

Change to:  
Sketch Plan review: \$25.00 plus \$2.00 per lot  
Submission of Preliminary: \$25.00 plus \$25.00 per each lot  
Final Plan: \$25.00 per lot plus \$.50 per lineal foot of road, plus \$.50 per lineal foot of pipe.

#4 To see if the Town will vote to amend Article 12 Section 12.01 of Waterboro Zoning Ordinance.

Now Reads:  
\$2.00 per one thousand dollars of estimated cost up to \$50,000 plus \$1.00 per thousand dollars estimated cost between \$50,000. and \$100,000. plus \$0.50 per thousand dollars of estimated cost over \$100,000. The fee shall not be less than \$25.00 in any case except that there shall be no fee if the estimated cost does not exceed five hundred dollars (\$500.) (see section 2.03)

Change To:  
Building permit: the fee shall not be less than \$25.00 in any case except that there shall be no fee if estimated cost does not exceed \$500.00-(see section 2.03)-otherwise \$2.00 per One Thousand Dollars of estimated cost.

\*2 To see if the Town will vote to amend Article 10, Section 10.03 of the Waterboro Zoning Ordinance by adding the following:

The Appellant shall be present <sup>or agent</sup> at his or her hearings pertaining to their Administrative Appeal or Variance Request. Failing to be present can be a reason for denial of Administrative Appeal or Variance Request.

\*1 To see if the Town will vote to amend Article 14, Section 14.02 of the Waterboro Zoning Ordinance ~~to read:~~ by adding the following

Now reads: ~~Frontage: That portion of a lot or parcel of land abutting a public or private right-of-way or shoreline frontage.~~

Add to: (for description purposes only)

Change to:  
Front Yard Setback: The portion of a lot or parcel of land that the front door/entrance, of the structure faces that abutts a public or private right-of-way or shoreline frontage.

#5 To see if the Town will vote to amend Article 2, Section 2.03 of the Waterboro Zoning Ordinance by adding the following as a second paragraph to the existing Section 2.03.

Plan and permits: A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged or altered until plans have been submitted and a permit has been obtained from the Code Enforcement Officer. The approval of all city, county and state authorities having jurisdiction over swimming pools shall be obtained before applying to the Code Enforcement Officer for a permit. Certified copies of these approvals shall be filed as part of the supporting data for the application for the permit. All construction of pools to conform with BOCA Code, Swimming pools Section 616.0.

#6 To see if the Town will vote to amend Article 2, Section 2.08 of the Waterboro Zoning Ordinance by adding the following paragraph to the existing Section 2.08.

Lots created before the enactment of the Waterboro Zoning Ordinance, that are substandard are required to have a "Class D" survey performed, or present evidence to show the true boundary lines, (i.e. a plot plan prepared by a certified surveyor), before a building permit can be issued.

#7 To see if the Town will vote to amend Section 10.05 first paragraph of the Waterboro Zoning Ordinance to read:  
Now Reads:

All Board meetings at which appeals or requests for variances are heard, considered and decided are public hearings (see Section 13.07). Notice of a public hearing, which must include an agenda and the time and place of the hearing, shall be given at least seven (7) days prior to the hearing date by general advertisement to the public and by mail to the following individuals each of whom shall be deemed a party to an appeal or a variance request proceeding, the person appealing and/or applicants whose variance requests are on the agenda, the Code Enforcement Officer and members of the Planning Board. In addition to the parties listed above any member of the public present at the hearing who is recognized by the Chairman and participates by offering testimony in an appeal or variance request proceeding shall be deemed a party to that proceeding.

**Change To:**

All Board meetings at which appeals or requests for variances are heard, considered and decided are public hearings (see Section 13.07). Notice of a public hearing shall be given at least seven (7) days prior to the hearing date by general advertisement to the public. At least ten (10) days prior to the date set for the Zoning Board of Appeal's hearing on an appeal or a variance application the Zoning Board of Appeals shall cause written notice, by certified mail, of that hearing to (a) all property owners of record whose land abutts the property lines of the property for which the variance is requested; (b) the person making the appeal; (c) the Planning Board; (d) the Code Enforcement Officer and (e) any other parties of record to the proceedings.

The owners of property shall be considered to be those shown on the tax lists of the Town. Failure of any abutting property owner to receive notice shall not necessitate another hearing or invalidate the action of the Board.

The mailed and published notices shall include the following information:

- (1) The name of the applicant;
- (2) A brief description of the property involved;
- (3) A brief statement of the nature and extent of the variance requested;
- (4) The time and place of the Board's hearing on the variance.

#8 Shall the Town adopt the Building Officials Conference of America ("B.O.C.A.") Basic National Building Code, 1987 Edition, as the governing standard for all construction within the Town. The penalty for violating B.O.C.A. code requirements shall not be less than \$100-\$2500 per day per violation. Any fines so collected shall be paid to the Town of Waterboro, to be used by it for its general purposes.

To see if the Town will vote to amend Article VI s26 of Land Subdivision Regulations by adding the following to the existing Article.

26.A a hydrogeologic impact study prepared by a State of Maine Certified Geologist or a Registered Professional Engineer with experience in hydrogeology shall be provided for all subdivisions utilizing on-site septic disposal systems. This study shall contain, at a minimum, the following components:

A. 1. A map showing the soil types using the Unified Soil Classification System (USCS).

2. Groundwater levels and flow rates through the site, and the aquifer type should be determined.

3. An analysis of surface drainage conditions and their relationship to off site conditions.

4. Data on groundwater quality for the site should be provided. Collection of this data can either be provided by test wells on abutting properties, provided that the data collected from those wells would represent the groundwater on the site.

5. A calculation of average nitrate nitrogen levels on-site after development and a calculation of nitrate nitrogen levels at the down gradient property line(s). These calculations should be done under normal rainfall and draught conditions.

6. A map showing the recommended sites for the individual subsurface waste water disposal systems and wells in the subdivision.

B. No development shall increase nitrate nitrogen concentrations at the property line of the development in excess of the primary drinking water standard. (Currently 10 mg/l)

C. If groundwater contains contaminants in excess of the primary drinking water standards, and the subdivision is to be served by on-site groundwater supplies, the applicant shall demonstrate how water quality will be improved or treated.

D. Subsurface waste water disposal systems and drinking water wells shall be constructed in the locations shown on the map submitted with the assessment. ~~■~~ construction standards for drinking water wells and subsurface waste water disposal systems shall be included as a note on the final plan, and as restrictions in the deeds for the effected lots.

*Change noted  
is correct on warrant. a sentence  
left out.*

TOWN OF WATERBORO  
**PLANNING BOARD**  
WATERBORO, MAINE

REGULAR MEETING (Rescheduled) WATERBORO PLANNING BOARD MARCH 9, 1988  
MEETING CALLED TO ORDER AT 8:00 P.M.

- I **ROLLCALL:** Douglas Foglio, Michael Hammond, Roland Denby,  
John Roberts, Larry Jacobsen, Anna Jackson and Dwayne Woodsome.
- II **MINUTES:** Dwayne Woodsome moved to accept the February 24,  
1988 Minutes as written. Michael Hammond seconded. Unanimous  
in favor.
- III **COMMUNICATIONS:**
1. Maine Assoc. Of Planners RE: Workshop (Impact Fees)
  2. Agreement to extend Subdivision Review
  3. Saco River Corridor Comm.
  4. York County Soil and Water Conservation District
  5. Legal Notes
  6. S.M.R.P.C. Feb. Newsletter
  7. Maine Enterprises Jan/Feb Issue
  8. Letter from Mr. Kasprzak RE: Request from Board
  9. Wetland Workshop Info.
  10. Letter to Thomas Toye RE: Ossipee Woods II
  11. Town Profiles
  12. BH2M RE: Sumner Campbell Subdivision

# 2, 8, and 12 to be brought up under New Business

- IV **Report of Officers and Committees:**
- |           |         |          |
|-----------|---------|----------|
| Treasurer | Balance | \$948.90 |
|-----------|---------|----------|

Dwayne Woodsome moved to send letter to Mr. Noel notifying him that after DEP reviews his request that he must come to the Planning Board for the approval of the change. Mike Hammond seconded the motion. Anna Jackson asked for clarification, she understood that the Planning Board had instructed Mr. Noel to go before DEP. Before the Board could act Mr. Noel needed to go before DEP. The Planning Board has the final decision. Unanimous in favor.

- V **Appointments:**

8:00 P.M.	Donald Fogg	Map 29	Lot 23	Zone AR
8:30 P.M.	Allan Bass	- Bassland II	Map 9	Lot 45 Zone F&A
8:45 P.M.	Wade Junkins	Map 8	Lot 43	Zone V
9:00 P.M.	Bill Baynes	Map 46	Lot 2047	Zone R
9:15 P.M.	Maple Leaf Dev.	Map 8	Lot 20B	Zone AR

**8:00 P.M. DONALD FOGG MAP 29 LOT 23 ZONE AR**

Dimensions of lot (150' frontage on the lake, 197.5 East Shore Rd., on the right 110', go over 75' then 75' to lake. A dog leg shaped lot. Cottage size 24' x 32'. Cottage sets 34 ft. from the lake. Approximately 40 ft. 3 in. from the jut of lot to cottage. Septic system towards the East Shore Road. Need to lift cottage approximately 3 feet in order to put a foundation under the cottage. External dimensions will not change. Dwayne Woodsome moved to approve under Section 7.01 and 9.03 pending an On-Site inspection. Prior to issuance of permits a subsurface waste system to be completed. Deck to be without a roof, not to be a room. Stairs off deck to be placed towards the side. Erosion control to be used. Roland Denby seconded the motion. Unanimous in favor. Could the cottage be moved back? A very large fireplace in the center of the cottage would make it impossible. On-Site scheduled for Tuesday, March 15, 1988 at 9:30 A.M.

**8:30 P.M. BASSLAND II MAP 9 LOT 45 ZONE F&A**

Fifty-eight acre parcel. Topography interesting. Plan A presented with 10 lots to be the best division of property. The road is paved in front of this lot. Land very wet, will require extensive engineering. Lots 10 through 6 and first lot in are very wet. Does the Board allow wetlands to figure in for density. Board could tell better after an on-site inspection. Road into proposed development expected to be kept as a private road. If built for Town acceptance the cost of road might nullify the entire project. If kept as a private road the Board proposed common ownership or an association of property owners. A carefully worded deed covenant explaining that each lot owner would own a percentage of all improvements, maintenance and that any and all improvements would be the owners expense and at NO time would the town accept this as a road. Mr. Speed felt that the lay of the land would present more of a problem than the private road. Board also commented on the use of a 5 to 1 ratio for lot dimensions. Under Article 8 Section 8.2 non-buildable lots referred to wetlands. On site needs to be scheduled however, the Board has several others that will need to be scheduled before this. It will be a while. Mr. Speed will be notified of the date of an on-site inspection. Driveways will need to go with the contours.

**8:45 P.M. WADE JUNKINS MAP 8 LOT 43 ZONE V**

New building for Millwork Specialties currently operating in the old Leathermill and they are running out of space. Building size proposed 80' x 180'. Manufacturing and storage assembly of doors and windows. Three and a half acre lot. Section 3.04.03 No. 9 and 10 referred to. In the village zone. Has not positioned the building on the lot. Intends to be as far from Route 5 as possible. Noise factor should be minimal. At current status there are no plans to run more than one shift. Generally the shift runs from 7:00 A.M. to 4:30 P.M. Structure to be a prefinished metal skin. 48' x 50' open storage space. 32' x 36' to be office and personnel. 32' x 60' to be shop area relegated to door assembly. 32' x 32' immediate shipping. 32' x 36' special windows. Area of manufacturing approximately 3,072. Work area under 5,000 square ft. would be 5,000 square ft. standard conditional use. Even including the office it falls under 5,000 sq. ft. Would be at least 150 ft. back from the road. If this can't be done in this area he would like to know now. Subsurface to be completed. Proposed building seems okay. Board will need accurate figures. It is a permitted use. Plot plan to be brought in. When Mr. Junkins has everything ready he can come in under Old Business. Action to be taken at that time.

**9:00 P.M. BILL BAYNES MAP 46 LOT 2047 ZONE R**

House is being constructed. Requesting conditional use for a 5 ft. wide deck with steps. Minimum required by BOCA Building Code 3' x 3'. This is a reasonable size house on a small lot. 5 ft. deck not large. Deck to be used as a landing minimum of 6 ft. Michael Hammond moved to approve under Section 4.03 deck with steps no wider than 5 ft. from the side of the house. No closer than 31 ft. from the side of porch to lot line. Dwayne Woodsome seconded the motion. Unanimous in favor.

**9:15 P.M. MAPLE LEAF DEVELOPMENT MAP 8 LOT 20B ZONE AR**

7.9 acre lot. Existing house to be one lot. Might build on proposed two lots or they might just sell them. Complete survey is done and pins are set. Status of gravel way in front of lot #3. (Not a road) On-site will need to be scheduled. Notification to be sent out. Next appointment 4/26/88. Next meeting will try to schedule on-site inspections. Public Hearing necessary? The Planning Board has been scheduling Public Hearings on all subdivisions. Zoning does not differentiate. Does not abutt land of C. Swett. Name change requested. Using the names of trees and leaves are out. Water study needed? They are only increasing density by two homes. Good sized lots. Part of the study would also determine the quality of water. The study is for impact or quality. Drilled wells intended. Water within 15 ft. from the top of the well. After on-site decision could be made concerning water study.

## **OLD BUSINESS:**

#2. Agreement to extend Subdivision Review to be sent to Town Attorney before the Board will act. Extension notify Steve Kasprzak.

Mr. Chadbourne asked when they would be in in May. He did not set up an appointment. He needs to know if the Board would schedule an appointment. Well completed, study for design in process. Since the three month limit was waived he was under the impression that they would be back before the Board some time in May. Mr. Chadbourne informed Mr. Timmis that a letter would be coming from his office concerning this matter. The Board to deal with this upon receipt of a letter.

Birchcrest: Lady in to discuss concerns. All matters are civil. A section of land has been designated in case the town needs to widen the road. Deeds state not town road. They have decreased the density. Dwayne Woodsome moved to accept revised final plan as re-aligned as advised by August 25, 1987 letter from Town Attorney. Michael Hammond seconded the motion. Unanimous in favor.

## **NEW BUSINESS:**

Appointments: Non-kept appointments-cancellations are not to be filled by anyone. With a backlog any cancellations will allow Planning Board to utilize time for Planning and further work. Chairman could set policy. Special meeting for backlog of conditional uses, meeting scheduled for April 4, 1988 at 7:30 P.M. Six (6) appointments scheduled.

Building Office requested clarification for Cynthia Ferguson of Brookside Development. Could she have a rock garden and sell bulbs and or flowers from her property without Planning Board approval? Board does not need to act. Plant away until such time that they have a complaint issued. At such time the Board would need to act.

Also does Roland Pierce need to come before the Planning Board in order to create a lot without proper amount of frontage that is required for that zone. He intends to deed an acre with a right of way or a deeded roadway as an access to the property. Board does not need to act.

Selectmen requested a possible change in the second meeting of the Planning Board so that Andrew Timmis could represent the Town on the fourth Thursday of the month with Regional Waste Systems. To be addressed next meeting.

Water system to be addressed. Suggested placing water mains into developments so that they could tie into them without tearing up the developments. Another two months they should know more.

Preliminary Plan Fees to be charged on proposed plan. Notice to be sent making developers aware that it is on proposed on accepted lots. After Town Meeting to notify all developers of changes accepted.

Whitman-Howard have been in contact with Mr. Timmis. They will do a hydro study for \$55. per hour. Mr. Langill and Mr. Gile have informed Mr. Timmis that they are prepared to handle studies. They have quite a large staff. Selectmen instructed Mr. Foglio that the Planning Board could enter into a contract with the company of the Planning Boards choice. Whitman-Howard have a Scarborough office. BCI is located in Winslow and there would be one person reviewing it. Travel expenses over hourly rate. Chairman could contact both companies to see how long a review process would be. Mr. Timmis told the Board it could vary according to project. Dwayne moved to allow chairman to check with Mr. Seavey for a possible recommendation for company to do water studies for the Town and upon information received to sign a contract with said company. Michael Hammond seconded the motion. Unanimous in favor.

Planning Board to vote on policy that Developers submit to the Town Planner subdivision plans two (2) weeks prior to their scheduled meeting with the Planning Board with a complete application for review. This could be specified in the subdivision booklet. Andrew to get a list of changes and form needed. Public Hearing can be held to make changes suggested.

Meeting adjourned at 11:15 P.M.

Respectfully submitted,

*Lawrence Jacobsen*

Lawrence Jacobsen  
Secretary/Treasurer

*Michael Hammond*  
*Raymond Woodson*  
*Robert E. Deuby*

PUBLIC HEARING  
ROBERT REINKEN SUBDIVISION  
ROUTE 202 S. WATERBORO  
MARCH 9, 1988

Stevens, Morton, Rose and Thompson representing Robert Reinken. Hydrology study for sewerage has been done. A copy was placed on file. The water quality leaving the property should be of equal quality or better. A firm to be contracted by the town to review projects for the Planning Board to insure that the data provided by the developer is accurate. State law requires that the septic system be 100 ft. from a well. The study done has requested 114 ft. from the water source. Explained that right of ways were being provided, walk path to play area. Perimeter boundary completed had shown some variation. Each lot to have their own septic and water? At this time yes. Entrance to development would be accessed from Route 202 between white cape and P. Gagne. Land on either side of entrance will be kept as common land each person in the development to own a share. Lady slippers growing in this area would be in danger. There would also be a designated area set aside for school bus stop.

Water source to be artesian wells. These wells should not affect neighboring wells. Price range for units expected to be approximately \$90,000. Photographs shown of example houses constructed by Mr. Reinken in Waterboro area. Mr. Reinken to be the developer. His homes can be recognized by the natural cedar siding. A natural barrier of shrubs, etc., to be used to shield existing landowners homes from the new subdivision. Mr. Reinken intends to keep everything as natural as possible with minimal cutting of existing wooded area. The foot path to be a nature trail effect to help discourage cyclists.

There appears to be enough water to support the development. Water study does not determine quantity but aimed more at quality. The study would have made the hydrologist aware of the water table. There are currently 3 test wells in the area.

Lots 2 & 3 abutt the Medical Center lot line by the trailer. Appears to be a high water yield area. Gravel pit approximately 600 ft. to 700 ft. from property line. Fire protection should not be a problem. Waterboro sets on a small aquifer. Artesian or bedrock wells go deeper than required by Planning Board. Most wells in the area are approximately 12 to 14 feet deep. Medical Center has an artesian well. Water in the area known to have an odor at shallow levels. Levels of phosphorus shown by testing to be 6.6 and cannot increase past 10 when leaving property.

Variance required on lot lines? No. The frontage on cul-de-sac can be reduced to 75 ft. Is the road to be turned over to the town? Yes. Would this design be difficult to plow? The road has been increased from 50 to 75 ft. in cul-de-sac. The road will meet all requirements as set by Zoning Ordinance.

Start Date? As soon as everything meets town specifications. The 3 steps of subdivision are SKETCH, PRELIMINARY AND FINAL (these steps were defined by the chairman)

SKETCH: Public Hearing usually scheduled at this stage. It's easier and less costly to the developer. Perimeter survey done.

PRELIMINARY: More technical data (water studies, road review, etc.)

FINAL: Preliminary stage 100% done.

Parcel is approximately 8.1 acres.

Approximately 20 people in attendance.

Meeting adjourned at 7:47 P.M.

TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE

REGULAR MEETING (Rescheduled) WATERBORO PLANNING BOARD MARCH 23, 1988

MEETING CALLED TO ORDER AT 7:55 P.M.

- I **ROLLCALL:** Anna Jackson, Dwayne Woodsome, Roland Denby, John Roberts, Larry Jacobsen, Michael Hammond. John Roberts was empowered to vote.
- II **MINUTES:** Dwayne Woodsome moved to accept the March 9, 1988 minutes as printed. John Roberts seconded. Unanimous in favor.
- III **COMMUNICATIONS:**
1. Letter from Kenneth Nagy
  2. Letter from Janson Real Estate
  3. MAP Letter
  4. APA Literature
  5. Letter from Rodney Chadbourne Re: Appointment for Subdiv.
  6. March Issue of UPDATE
  7. Letter from Karen Lovell Re: Westwinds Drive
  8. Letter from Karen Lovell Re: Review Extension
  9. Info from Dept. of Economic & Comm. Dev.
  10. Info from Whitman & Howard
  11. Response from Dick Moulton Re: Toye Dev.
  12. Notification of Mrs. Dugas Public Hearing
  13. Letter sent to Mr. Noel
  14. Letter sent to Mark Caldwell
  15. Letter sent to Developers
  16. Graphic Arts Trade Show Info
  17. March Issue of Maine Enterprise

Items 1, 2, 5, 8, 10, and 11 to be taken up under Old Business.

MAP - Membership. Andrew Timmis has membership. The Planning Board does not need membership.

Agreement of Extension- Karen Lovell reviewed and thought it was a good idea. Changes suggested on file.

Hydrogeologic firm-signing of contract. Dwayne Woodsome moved to allow the Vice Chairman, Michael Hammond to handle the contract with the Hydrogeologic Company. John Roberts seconded the motion. Unanimous in favor.

On Site Inspection: Mr. Fogg A fire destroyed the original cottage and when rebuilt they built around the fireplace. Wants a place to store boat. Squaring off the cottage not going any closer to the lake. Putting in a new septic system. On Site Committee measured from a tree to the eave for waterline measurement. Roland Denby moved to approve conditional use to lift cottage and put a foundation under existing cottage. To use conservation procedures and have an updated HHE 200. Section 7.01 and 9.03. John Roberts seconded the motion. Unanimous in favor. Note: See 3/9/88 minutes for further information.

#### **IV APPOINTMENTS:**

8:00 P.M. East Meadow Construction Map 11 Lot 10-2 Zone AR  
8:30 P.M. Douglass Nason Map 32 Lot 42 Zone AR  
8:45 P.M. Robert Reinken Map 4 Lot 25 Zone V  
9:15 P.M. D. Eric Johns (Don Damon) Map 43 Lot 909 & 910 Zone R

#### **8:00 P.M. EAST MEADOW CONSTRUCTION MAP 11 LOT 10-2 ZONE AR**

Mr. Robert Beck of East Meadow Construction presented a Sketch plan proposing the split of a lot. By splitting this lot it was creating a third lot thereby creating a subdivision. Gillespie Assoc. study placed on file. Mr. Beck should have the 6.4 acre piece included in the Sketch plan (issue debated). One driveway to come off Oak Street the second drive to come off Webber Road. A road review and on site inspection to be done before exact placement of drives. Power line to come in on green belt side. Subdivision to be named Robert Beck Subdivision. Mr. Beck requested contour lines to be waived from 5 ft. to 20 ft. Structures price range to be in excess of \$90,000. A deed was presented from Building Office files. Contour lines to be on Preliminary Plan. April 4, 1988 Special Meeting of the Planning Board on site inspections would be scheduled, Mr. Beck to be notified. Dwayne Woodsome moved to accept as Sketch Plan Robert Beck Subdivision as submitted 3/23/88.

Discussion: Mr. Beck asked if everything is on Preliminary Plan could this be accepted as Final. Would the Board take into consideration? An on site inspection still to be scheduled the Board expressed concerns with the driveways. Mr. Beck could bring in Milar if changes are not requested if might be possible. However, the on site inspection would not be scheduled until 4/4/88 and there would be no meeting between possible on site and the next regular meeting of the Planning Board. Two voted in favor and Two abstained. Motion carried.

**8:30 P.M. DOUGLASS NASON MAP 32 LOT 42 ZONE AR**

Mr. Nason would like to construct a garage but cannot meet setbacks. House was constructed approximately 25 years ago. Mr. Fred Fay had maintained the septic system and had given Mr. Nason a report of his findings (on file). Deck to be added. Dwayne Woodsome moved to schedule an on site and report at the 4/4/88 special meeting and to be voted on at that time. Mr. Nason to be notified of outcome. On site scheduled for Thursday March 24, 1988 at 9:00 A.M. Garage to be attached to cottage. Also placed on file were the changes to be made to the interior of cottage.

**8:45 P.M. ROBERT REINKEN MAP 4 LOT 25 ZONE V**

No deed due to easement for water still being in question. If town water comes by property, a dry hydrant would not be necessary. Andrew suggested donating an amount to be used for hydrant improvement in that area. Installation of water lines while doing the road much easier and less costly than after completion of road. At this time there is an 80% chance that water lines will be coming by this development. The question at this time is how soon. The wells immediate use will be to service the 15 homes that have contaminated water. The time frame is still unknown. The State is involved. The rough cost to the developer around \$10,000. Concern as to developer withstanding cost if the water line entered his property from the rear instead of from Route 202. At this time it is believed that the water would enter from Route 202. The Planning Board would not expect Mr. Reinken to withstand the cost totally of a major water main entering from the rear of property. Since this is not believed to be the route taken this would not be a concern. Buffer zone planting believed to be either white pine or fir of substansial size possible 4 ft. in height. It should be recorded that the maintainence of buffer zone would be that of the landowner. John Roberts moved to accept Strawmill Meadows Preliminary Plan with the following conditions:

1. Mr. Reinken to supply 8 inch main to 6 inch stub line to fire hydrant reduced to 4 inch to service lots.
2. Install a 20 foot planting of trees for buffer zone on lots 1 and 2 and the buffer zone on the right side of the entrance area.

Discussion: People will be required to hook up to the water system in order to support the water district/company. Regular crown road in cul-de-sac with the center to be grassed for low maintainence.

Vote unanimous in favor.

**9:15 P.M. D. ERIC JOHNS (DONALD DAMON)**

Mr. Damon has bought two lots and would like to place house as on plan submitted. Two ft. contour intervals, on plan. Due to this location Mr. Damon cannot meet the 100 ft. setback from the water. Placement of house 70 ft. from the water. He has been to Saco River Corridor Commission and has been granted permission with conditions (see file). The Commission looks more on environmental view. House size to be 42 ft. x 26 ft. no garage the lot is to steep. Steps going to the water were approved by the Commission. Site to be monitored by Stevens Morton Rose & Thompson during the building process with at least 3 inspections. A final inspection to be done as well by SMRT. Board requested that a copy of these reports be forwarded to them. Roland Denby moved to approve the plan as presented as per Saco River Corridor Commission recommendations. Section 2.08, 4.01, 7.01, 9.03. Vote was unanimous in favor.

**V OLD BUSINESS:**

2. Drown Agency: Correspondence item #5 referred to. On site to be scheduled at the 4/4/88 special meeting. Board requested a representative for the Drown Agency be present. Board to notify them as to date of on site.

A June 8, 1988 meeting was scheduled for the Drown Agency.

5. Hammond Enterprises: State had been contacted for entrance permits and the State had informed Hammond Enterprises that a permit was not needed.

7. Kenneth Nagy: Mr. Nagy is requesting an additional 92 square feet of living space to be added to his original request. (See file) Roland Denby moved that Mr. Nagy's new project have a on site to be scheduled on the 4/4/88 special meeting. Larry Jacobsen seconded the motion.

Discussion: Dwayne Woodsome suggested sending a letter informing Mr. Nagy of the March 12, 1988 changes in the Zoning concerning "Class D Survey. This Survey would be necessary unless Mr. Nagy chose to build to the original Conditional Use granted by the Planning Board. Roland Denby withdrew the motion. Larry Jacobsen withdrew his second. Sharon to send Mr. Nagy a copy of 3/12/88 changes.

8. Richard Hall: Mr. Hall was to have his lot surveyed as one of the conditions of the Conditional Use granted. He has not been able to have this done and feels that he needs more time. Since his conditional use is good for six months he is requesting an extension. Dwayne Woodsome moved to extend Mr. Hall's Conditional Use for three months under Section 2.03, and 4.01. John Roberts seconded the motion. Vote was unanimous in favor.

Item #2 of Correspondence: Andrew reviewed the Zoning concerning this matter and could find no reason that Mr. Janson would have to have Planning Board Approval. This was an accessory use. Larry Jacobsen moved to send the Code Enforcement Officer a letter stating that Mr. Janson could place this modular home on the lot for a period of one (1) year. At the end of the year a review would be required. The use would be for Janson Realty only and would not be transferrable. The Modular Home could not be hooked up to plumbing, electricity and would have no foundation under it. To be used for display purposes only. John Roberts seconded the motion. Vote was unanimous in favor.

## **VI NEW BUSINESS**

1. Andrew Timmis: The Selectmen requested that Andrew pass by the Board, all members of the Planning Board having the right to vote. MMA had been contacted and had suggested that this could be brought to a Public Hearing and an ordinance created that would handle this. The Board discussed this and felt that the Planning Board By-laws could be changed in place of a new ordinance. Possibly having seven members with voting powers but keeping two as associates. Requiring the first year that a person is appointed to the Board to remain as an associate. Dwayne Woodsome moved to send to Karen Lovell for advice. Keeping five (5) regular members to be appointed for five year term and two (2) associate members to serve one (1) terms. Seven (7) voting members. New member to serve as an alternate with voting rights before being able to be appointed to a regular member for five (5) years. Roland seconded the motion. Unanimous in favor.

Andrew noted that he had come across possibly three illegal subdivisions. Mr. Steeves: rumored that he is selling another lot. Andrew to send to Karen.

Map #13, Lot #71, 71A, 71A-1 Mobile Home in possible violation of Shoreland Zoning.

One determined was alright.

Blackburn Camping Area: Van Foglio is working on.



TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE



Special Meeting Waterboro Planning Board April 4, 1988

I **ROLLCALL:** Douglas Foglio, Dwayne Woodsome, John Roberts, Anna Jackson, Roland Denby, Larry Jacobsen, and Michael Hammond.

II **MINUTES:**

III **COMMUNICATIONS AND BILLS:**

IV **REPORT OF OFFICERS AND COMMITTEES:**

V **APPOINTMENTS:**

8:00 P.M. MARK CYR  
8:15 P.M. PAULETTE DAVIS  
8:30 P.M. MICHAEL LINSKY  
8:45 P.M. KENT LEWIS (3)

8:00 **MARK CYR**

Mr. Cyr wishes to construct a garage, cannot meet setback requirements. It is not feasible attaching garage to house. A 4 1/2 acre lot. To the right of the lot is a drop off. If he goes further from the line he will need to blast into ledge. If the lot were substandard and grandfathered the Planning Board could act. The Board must legally deny and forward to the Zoning Board of Appeals. There is a list of criteria that must be met. Application for the Zoning Board of Appeals was given to Mr. Cyr. Mr. Cyr thanked the Board for their time. Michael Hammond moved to deny under Section 3.03 and 3.06. Mr. Cyr does not have a grandfathered lot. Larry Jacobsen seconded the motion. Vote was unanimous in favor.

Michael Hammond moved to allow all members present the right to vote. Discussion concerning by-laws and policy. Michael Hammond withdrew the motion.

**8:15 P.M. PAULETTE DAVIS - MR. FRECHETTE**

Mr. Frechette presented plot plan for a two car garage. The lot size is approximately 45,000 square ft. The garage is to have a regular pitch roof with no intention for expansion for living quarters. The garage not to be used for business. Intends to have a four (4) ft. addition on the side of garage for storage of equipment (lawn mower, etc.). Larry Jacobsen moved to schedule an on-site inspection and requested that Mr. Frechette investigate the front lot lines. Roland Denby seconded the motion. Vote was unanimous in favor. Mr. Frechette informed the Board that the proposed position of the garage could be moved closer to the house if necessary. Board requested that Mr. Frechette mark by stake where he wished to position the garage and the lot line next to the Marina. On-site inspection scheduled for garage and conditional use inspection for April 14, 1988 at 10:00 A.M. Mr. Frechette intends to fill in the area before construction of the garage. The drive area to be used for Beauty Shop parking as well.

**8:30 P.M. MICHAEL LINSKEY**

Mr. Linskey presented two proposals to the Board. The first proposal is to increase front deck from existing 4 ft. deck to 12 ft. deck. The second proposal was to add a deck to the side of the cottage towards Kasprzak property. The first proposal is preferred by Mr. Linskey. This proposal would decrease the distance towards the lake from 75 ft. to 67 ft. The second proposal would make the cottage closer to side line. This is a grandfathered lot but the Board cannot allow moving closer to the water. The Board can deny this request and it then goes before the Zoning Board of Appeals. The Board however did not have a problem with the second proposal. Mr. Linskey asked if the Board could deny the first proposal to send him to ZBA. He then asked if this did not pass the ZBA would the Board then approve the second proposal. A letter was placed on file from S. Kasprzak stating that there was no problem with allowing Mr. Linskey to move closer to the lot line bordering the Kasprzak property. The Board reviewed proposal #2. If the ZBA chose not to approve Mr. Linskey's proposal #1 the Planning Board could act on Proposal #2 under Old Business. Unlike Mr. Cyr the \$25.00 fee could not be waived because the Board had acted on this matter. The State mandates the lake frontage. Michael Hammond moved to deny under Section 9.03 and Maine State Guidelines for Shoreland Development. Larry Jacobsen seconded the motion. Vote was unanimous in favor. Mr. Linskey to set up appointment with Sharon for ZBA. Zoning Board of Appeals can only grant 15% of the setback requirement.

**8:45 P.M. LAKE ARROWHEAD CORPORATION**

Map 42 Lot A-88 setback requirement cannot be met due to it being a corner lot. The house to face Keystone Drive. Needs a front and rear setback. Drive to come off Keystone Drive placed on side with the most sideline setback to allow for possible garage. Approximate width of house to be 24 ft. Michael Hammond moved to have house no closer than 45 ft. Steps not closer than 40 ft. to the front lot line. All utilities to come in from Keystone Drive. A twenty (20) ft. non-cutttable greenbelt off Northland Road. Rear setback to be twenty-five (25) ft. from rear lot line. To be approved under Section 2.08, 3.05.01, 4.01, 4.02, 4.03. House length to be no longer than 40 ft. and garage no larger than 24 x 24. All remaining setbacks to be met. Roland Denby seconded the motion. Vote unanimous in favor.

Map 42 Lot A-13 setback requirements cannot be met due to it being a corner lot. Michael Hammond moved to have house no closer than 45 ft. from the front lot line with front steps no closer than 40 ft. to the front lot line. The house to face Lynwood Drive. Drive to come off Lynwood Drive as well as utilities. A twenty (20) ft. non-cutttable greenbelt off Mayfair Way. Bulkhead will need to be placed on the side of the house. Rear setback to be twenty-five ft. from rear lot line. All remaining setbacks be met. To be approved under Section 2.08, 3.05.01, 4.01, 4.02, 4.03. Roland Denby seconded the motion. Vote unanimous in favor.

Map 46 Lot 2168 setback requirements cannot be met due to it being a corner lot. Michael Hammond moved to have house no closer than 45 ft. from the front lot line with front steps no closer than 40 ft. to the front lot line. The house to face Pine Crest Circle. Drive and utilities to come off Pine Crest Circle. A twenty (20) ft. non-cutttable greenbelt off Greenwood Drive. Bulkhead will need to be placed on the side of the house. Rear setback to be twenty-five ft. from rear lot line. All remaining setbacks to be met. To be approved under Section 2.08, 3.05.01, 4.01, 4.02, 4.03. Roland Denby seconded the motion. Vote unanimous in favor.

Mr. Kent Lewis was informed to bring his subsurface waste permits with him on any further lots requiring Planning Board Approval.

**VI OLD BUSINESS:**

On-site inspections scheduled:

Maple Leaf Development            4/7/88            8:30 A.M.  
Mount Holly - Sherburne Woods 4/7/88            9:30 A.M.  
Drown Agency - Birchcrest        4/7/88            12:00 - 1:00

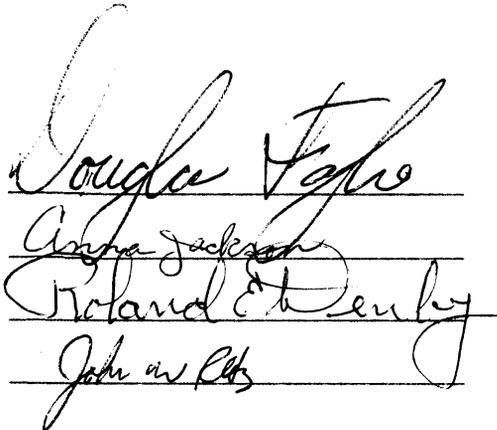
East Meadow Construction        4/11/88    with Road Review Comm. 6:00 PM

Notify Bassland II that a copy of the deed be forwarded to the Planning Board as soon as possible.

Michael Hammond moved to adjourn at 10:50 P.M. Roland Denby seconded the motion. All in favor.

Respectfully submitted,

Lawrence Jacobsen  
Secretary/Treasurer

  
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TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE

REGULAR MEETING WATERBORO PLANNING BOARD APRIL 13, 1988

MEETING CALLED TO ORDER AT 8:00 P.M.

I **ROLLCALL:** Anna Jackson, Roland Denby, John Roberts and Douglas Foglio.

Anna Jackson and John Roberts were empowered to vote.

II **MINUTES:** John Roberts moved to accept 3/23/88 and 4/4/88 Minutes as printed. Vote in favor Unanimous.

III **COMMUNICATIONS:**

1. Me. Business Indicators USM
2. Downtown Research Info
3. Letter from K. Lovell Re: Const. on Non-Conforming Lots
4. Me. Historic Preservation Commission
5. Letter from K. Lovell Re: Subdivision Review Agreement
6. Dept. of Human Services
7. DEP Re: Mr. & Mrs. Paul Noel
8. Letter from K. Lovell Re: Statute of Limitations
9. Letter from K. Lovell Re: Provision of Public Water
10. Letter from K. Lovell Subdivision Interior Roads
11. Letter from K. Lovell Re: Impact Fees
12. Proposal Mapping Wetlands (Eco-Analysts, Inc.)
13. Saco River Corridor Commission
14. Letter from K. Lovell Re: Changing Road Names
15. Letter from Mike Frechette Re: Cond. Use
16. April Issue of UPDATE
17. Correspondence sent from P. Board
18. Info update
19. Letter from SMRPT
20. Affordable Housing Seminar
21. Deed for Bassland II Subdiv.

Discussion concerning the Meeting with Mr. Blackburn. During the time that Roland Denby served as chairman Mr. Blackburn claimed that he was told he could have a four season campground. Mr. Blackburn said that there are currently no children from his campground attending Waterboro Schools. This matter was referred to the Town Attorney. The Planning Board, Selectmen and Mr. Blackburn to be notified of attorney's decision. As per minutes of June 8, 1988: Mr. Denby requested minutes show that he had made no such statement, as was stated in the above information.

IV **REPORT OF OFFICERS:**

V **APPOINTMENTS:**

- 8:00 P.M. EAST MEADOW CONSTRUCTION
- 8:30 P.M. WESLEY HALL
- 9:00 P.M. MARK CYR (Rescheduled)
- 9:15 P.M. ROLAND PIERCE (Notified by P.B. Approval not needed)

**8:00 P.M. EAST MEADOW CONSTRUCTION MAP 9 LOT 10A ZONE AR**

Name to be PACE LANDING, Mr. Tom Greer representing Mr. Robert Beck. Reviewed Sketch Plan to be placed on file. Intention is to extend road into development. Intend to set aside property for the Town. Cluster concept. Two plans presented a 15 lot and a 12 lot reason for this is a discrepancy between the Tax Map and the Deed. Upon completion of the survey the number of lots to be determined. Site is well draining soil. Sensitive to contaminants moving to fast. Gillespie to be used. Possible community wells or community septic system. 150 ft. frontage, 250 ft. apart. Permeability, DEP has required them to be spread 250 ft. apart. Assured that people will be concerned when project is publicized. Forty percent of parcel to be set aside. Aiming at first time home buyers. Right of way set aside for adjoining property in case of future development. Areas of concern:

1. Access to the parcel over the camp road.
2. The site development may have an impact on the ground water.
3. Suitable septic systems dities will be located on each. A cluster septic system may be required as a result of the geotechnical investigations.

Mr. Cameron has not been contacted concerning access over camp road. Road if town is under abandonment. Currently privately maintained. From point of entrance road 1350 ft. long including circle need to add length from Ross Corner road. 1800 ft. would have a definite bearing on length of cul-de-sac if second means of exit using existing camp road. Ross corner roads letter on file refers to this road as West road all the way to Shapleigh line. Triangle shown, no record of ownership. Intersection might need changes, blind, icy, and speed a definite factor of danger. No federal funds sought. To be affordable housing. Boundary survey believed to be done some time the end of May. Topography a week later. Public Hearing scheduled seems to be more advisable at Sketch stage. Public Hearing as quick as possible to give input at stage easiest to make changes. Area of town with most concentrated development. Developer felt that the cluster concept was good what could the board suggest. Board generally accepted the cluster concept, affordable housing needed in Waterboro, the 12 lot plan seems to fit well with the area. Location of wells and septic systems is a concern that will need to be addressed. It will be June before Mr. Gillespie will have more information. If Mr. Beck were to secure a traffic count and traffic countability from the State it would be helpful. Public Hearing to be scheduled. Covenants to be delt with. Central Maine Power will need to be contacted concerning availability of power. It might be advisable to check out the property abutting for a possible right of passage. A site distance would be needed for proposed entrance into development. Minutes to be forwarded.

8:30 P.M. WESLEY HALL MAP 11 LOT 30F ZONE AR

Mr. Hall explained that he was proposing a 3 lot subdivision. He was in the process of incorporating. Parcel to be divided leaving one remaining parcel of 31.41 acres. This lot is adjacent to Mr. Fallon's property. Mr. Hall explained that a Mr. Devareau was the owner and that this parcel of land was not under the court order of Mr. Fallon. This parcel excluded from DEP's decision. A full boundary survey has been done, 35.17 acres in parcel. Ron Gillespie and soils engineer have stated that there were six good sites within the 35.17 parcel. Road costs to excessive therefore a three lot subdivision preferred. The Board asked if there would be a deed covenant on the third lot that it could never be subdivided. Mr. Hall informed the board that he would rather not include that covenant if possible. The rear portion was unreasonable for subdivision the soils were not that good. Glen Foye had done the original survey and the plan presented was a blow up of that survey. The boundaries for lots 1 and 2 have been set. The boundary of the parcel will be rechecked. Intension is for affordable housing. A proposed common drive for lots 1 and 2. Mr. Hall believes there to be a 375 ft. site distance in one direction and 800 ft. in the other direction. Mr. Hall believed that this met all current requirements. The Deering Ridge Road has a forty-five mile an hour speed limit and this might require a different site distance. (450 ft.) The proposed name was close to another subdivision in process. A name change would be necessary. Change requested. On site to be scheduled. Public Hearing is at the Boards discretion. Public outcry handled best through Public Hearings. Changes if necessary are easier to handle at Sketch Plan stage. Currently no difference in handling of major and minor subdivisions. Mr. Hall commented that this made it difficult in knowing how to schedule meetings. At the Public Hearing the Board could act on acceptance of Sketch Plan. Mr. Hall has been in touch with DEP. Could Preliminary and Final be handled at the same meeting? Andrew Timmis suggested that a (minor) subdivision be done in two meetings. Current ways of handling were adding a drag creating more work for the Planning Board. Next meeting the handling of such subdivisions would be discussed. Would the Board take this project into consideration of such a proposal? Board could not at this time decide due to this not having been on the Agenda. Everything submitted at this time is at Preliminary and Final stage.

Questions concerning property title. Entire parcel to Jarvis. Could be sold to abutters and one lot sold under the five year statute. The title examination was complete no illegal subdivision found. Groundwater studies for this size subdivision. What would be required? If you wish to do different then required you could submit a letter of request to waive certain portions. What would the Board suggest? Letter of request could be acted on under correspondence. Request directed to the Planning Board. Contours? The board could tell Mr. Hall at the time of the site walk. Geologic 7 minute quad. 10 ft. contours just released.

## VI OLD BUSINESS:

#9. Maple Leaf Dev: Request to waive geologic study and Public Hearing. Signatures from abutters of water quality. Have a 4/28 meeting scheduled. Name changes as requested to be Ridge Subdivision. Geologic and water study to be determined after on site. On site complete. Building approximately 3-5 years old. Has not received sketch approval. At first meeting Public Hearing was not addressed. Gravel drive- Town has accepted responsibility 3/4 of the year but do not plow it. Believed to be the original road (Buxton Rd.). Application for second entrance State or Town? Needs to be checked. Letter needed from developer to this effect. John Roberts moved to accept Ridge Subdivision Sketch Plan as submitted 4/13 after recommendation of on site. (Agreed that drive should start separating after stone wall. Would look into correct position. Road review comm. to meet to review for the Planning Board, subdivider to take care of necessary drainage.) Drive that has limited distance not to extend fifteen feet in width off each lot left of the boundary, maximum of thirty feet opening in rock wall from the center of pin. Contour lines are at five feet. True North to be shown. Alternate pit. Two test pits minimum of fifty feet apart to be shown. All pins are set completed survey. Checklist Sketch Plan Okay. Anna Jackson seconded the motion. Unanimous in favor. Impact not a major concern with this type of subdivision., Public Hearing- Board could ask developer to notify abutters. Letter to abutters that he abutts within 200 ft. if input is received by the next meeting by certified mail of proposed subdivision, waiver request to be considered.

Anna Jackson moved to go into Executive Session for discussion of legal interpretations at 11:10 P.M. John Roberts seconded. Unanimous in favor.

John Roberts moved to exit Executive Session at 11:20 P.M. Anna Jackson seconded the motion. Unanimous in favor.

John Roberts moved to bring up at the next regular meeting a way to get minor (3) lot subdivisions back in accordance with subdivision regulations and possibly bring up under Old Business to allow us to meet subdivision time frames. Roland Denby seconded. Unanimous in favor.

Douglas Foglio moved to hold Election of Officers at next regular meeting when Board can be in full force. John Roberts seconded. Unanimous in favor.

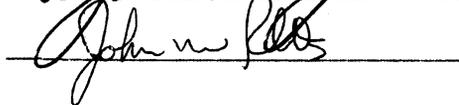
#14. Douglass Nason: On Site Comm. reported trees to be marked to site proper location of garage. Garage to be attached to house by breezeway. Info on file. Anna Jackson moved pursuant to on site inspection that Mr. Nason be granted permission as long as he adheres strictly to the on site finding. John Roberts seconded. Unanimous in favor.

Fall Lot On site inspection May 4, 1988 at 10:00 A.M.  
Deer Watch  
Pace Landing Public Hearing scheduled May 16, 1988 7:00 P.M.  
Wesly Hall Public Hearing scheduled May 23, 1988 7:00 P.M.  
Kevin Owen Public Hearing scheduled May 9, 1988 7:00 P.M.

John Roberts moved to adjourn at 12:03 A.M. Roland Denby seconded. All in favor.

Respectively submitted,

Lawrence Jacobsen  
Secretary/Treasurer

  
  
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TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE



REGULAR MEETING

WATERBORO PLANNING BOARD

APRIL 28, 1988

MEETING CALLED TO ORDER 7:40 P.M.

I ROLLCALL: Roland Denby, Anna Jackson, Larry Jacobsen, Michael Hammond, and Douglas Foglio.

Anna Jackson was empowered to vote.

II MINUTES:

III COMMUNICATIONS:

1. Waterboro Conservation Comm.
2. CIP Workshop
3. Letter Re: Deer Watch
4. Maine Historic Preservation Comm.
5. Letter Re: Lot 2033 Lake Arrowhead Comm.
6. Letter Re: Car Wash
7. Letter from Karen Re: Proposed Village Zoning Ammendments
8. Lettter Re: Deering Ridge Estates
9. BCI Geonetics Re: Evaluation of Mr. Beck Subdiv.
10. MAP Annual Awards
11. Maine Townsman
12. S.M.R.P.C. Workshop Notice
13. Legislation passed
14. Office Comm.
15. York County Soil & Water Conservation District  
Re: Straw Mill Meadow Subdivision
16. Letter Re: Ridge Subdivision
17. Meeting Tuesday 5/2/88
18. Letter from Mike Frechette

IV REPORT OF OFFICERS:

V TOWN PLANNER: Comprehensive plan - Several Towns have mailed copies of their comprehensive plans that can be used as guidelines. Further discussion to be left until later in the meeting. New books are in. Various topics addressed: cluster, sand pit ordinance, landscaping among others.

Anna Jackson asked if the one Thursday night meeting per month could be changed to Wednesday on a permanent basis? Board to consider this at another time.

Discussion concerning grandfathered lots of record that all setbacks can be met. Could the Board allow the CEO to handle this without this coming before the Board? No decision made at this time.

Mr. Foglio asked who is going to compensate land owners from property taken (restricted) from owners by the wetland mapping? Andrew Timmis has evaluation information coming in. There is a certain criteria that has to be met. The firm doing the mapping is considered one of the best. The wetland mapping is necessary for protection of natural resources. There will be different classifications throughout the Town. Aquifers would be evaluated different than other areas. All wetlands of 1977 classification were placed in Conservation Zone. Mr. Foglio felt that this was a back door approach to growth control. Mr. Timmis explained that this was not the intent of Wetland Mapping. It is designed to protect natural resources etc.

**VI APPOINTMENTS:**

8:00 P.M.  
8:30 P.M.  
9:00 P.M.

**8:00 P.M. ROBERT REINKEN STRAW MILL SUBDIVISION**

Technical Checklist not complete. Hydrogeologist report not back. Hydrology person doing the report has not completed the project. Board possibly to consider that this project was submitted prior to the ruling of water study. Mr. Sweets work has been accepted before by the Board and possibly the Board could accept this one project. The Boards reason for hiring a firm to analyze water studies was that they did not feel that they were competent in this particular field to review reports. There were items that were not always being addressed that the Board felt were necessary. The majority of the water studies were to insure better water quality. Mr. Timmis had been in contact with the firm and the person handling this project felt that portions of the report done by Mr. Sweet were based on assumptions. The firm is not that familiar with the Town so this project was taking a little longer due to certain research being necessary. Mr. Reinken is scheduled on next meeting agenda. Water study not expected to allow necessary time to be ready for next meeting. Things to be addressed could be location of wells in reference to the septic systems. Mr. Sweet seemed to have assumed through calculating versus actual checking. The study could change the size of the lots or the number. Should approval be based on the first occupancy permit for the road to be done and all excavation and landscaping or should this be required to be complete upon receiving occupancy permit for the final lot? Mr. Reinken could start the road without final approval. This would be at the developers own risk. Problems seen from the developers point of view concerning the water study is that you hire a good person like Mr. Sweet, paying more, and then getting bogged down by the water study.

Administrative Checklist: Financial - Bond

Technical - Street light for the end of the road. Name, Address and signature. Playground - Town of Waterboro is sufficient. Certificate - Ray Voyer okay. Deed supplied by Mr. Reinken 4/28/88.  
Road - engineer to review? Would the road need to be recorded at the registry? Not believed necessary. Road should be built to street ordinance requirements if Mr. Reinken's intent was to have this a Town approved Road. Mr. Reinken intends to construct the school bus shelter. Comments concerning the grade of the road, ditches for the water to run into. Mr. Reinken should obtain a Street Ordinance if this was to be a Town accepted road it would be to his benefit. Road would need to crown to allow water to run off. 3/8 inch pitch. Water table high for dry wells to handle water run off. Mr. Reinken proposes cellar floor elevation three ft. below surface of existing ground level. Approximately 40 inches of fill necessary. Transportation coordinator had placed the location of the bus shelter. Inclement weather bus shelter would be used believed to be facing the right direction with the usual direction of the winds. Road standards require .5 Waiver for grade (slope). Board agreed that once water study is back that this could be signed Final under Old Business. Do the changes to the road need to be made on the Plan or could they be made in the field? Plan to be changed. Could look at first 40 ft. to be kept fairly level so that vehicles leaving development were on fairly level ground to prevent any excess spinning. Consultant to be notified by Mr. Timmis that he could contact Mr. Sweet directly. A possible solution would be to have Mr. Sweet and the consultant meet in the office. Paving to be done by Tilcon Paving. Theriault to do the construction of the road.

### 8:30 P.M. RIDGE SUBDIVISION

Stone wall across Buxton Rd. makes the right of way more clear. Changes noted at last meeting have been changed. Checklist for Preliminary. County Commissioners office for the layout of the Buxton road. Road review committee suggested that off Lot 3 the road grade should not be greater than 3 percent. Road commissioner to set the culvert size. Would he be opposed to paving approximately 30 ft. from Buxton Road in. This is usually required. This insures that the drive is not repositioned by a new owner. Soil record on file. Will need a copy of restrictive deed covenants. No intention of clearing the rear of the lots. If land is sold short of deed restrictions property owner would be able to clear land. Entrance permits needed check with the Road Commissioner. Could be State or Town. This is a State Aid Road. Drilled wells intended. The Board would like a letter of intent that water will be drawn from drilled wells not shallow ground water wells. Include rear fifty feet of the lot deed covenant that the rear fifty feet of the lot cutting would be kept at

minimum never to deforest the rear fifty feet of the lot. A copy of this letter to be forwarded to Mr. Yohman. A cover letter to go with the letter from the Board stating that the Board took under advisement the concerns of Mr. Yohman and requested the developer to restrict the rear fifty feet of the lots and that deep wells be drilled. Developer has agreed to this requests. Developer concerned this is the last scheduled meeting he has since this was a small three lot subdivision. The Board decided subject to receiving missing information for Preliminary this could be handled under Old Business.

**9:00 P.M. ERVINE RICHARDSON MAP 9 LOT 4 ZONE AR**

Proposed 3 lot subdivision. Lot 3 does not meet requirements would need to request variance. Less than required 150 ft. frontage. Section 2.06 referred to. Possibly intended to keep the woods road. Raises serious legal question where is frontage. Does frontage need to be contiguous? Board does not classify this as shoe string lots. Need legal interpretation. Board of Appeals could not act. Water issue needs to be addressed. Access or frontage? Board to get legal opinion. Results to be forwarded to S.M.R.P.T. from attorney.

Letter from Wilderness acres. Planning Board has jurisdiction. This would be placed in turn with other Conditional Uses. As soon as a Special Meeting was scheduled encompassing this Conditional Use notification to be sent. Letter of Oct. 1, 1986 referred to.

#11. Roland Denby moved to extend William Welch's Conditional Use for three months. Larry Jacobsen seconded the motion. Vote unanimous in favor.

Roland noted the camera needs film. Roland to pick film up a the Waterboro Superette.

Mr. Elwyn Owen to be notified of missing information requested at previous meeting. Information to be brought in to the CEO prior to the Public Hearing. Mr. Owen's Public Hearing to be reviewed under Old Business at the May 11, 1988 meeting.

Comprehensive Plan: Planning Board to be the major committee. The Planning Board would be working directly with the Comprehensive Plan once accepted by the Town. Committees would be formed for different aspects. Board needs to come up with a questionnaire. Planning Board to be major base for all incoming information. Board try to get public input from the community. If the Comprehensive Plan is put out to bid before input the firm will take State information to write the Comprehensive Plan.

An Advertisement to be Published in the Budget Saver: Notice Full Page Ad. To contain the following information: Looking for people to go in search of information for the Comprehensive Plan. Comments (input). Meetings will be scheduled at various hours to accommodate all interested persons. Time available. Name, Address, Telephone Number.

Notify selectmen that the Planning Board is devising a plan to take the job of Comprehensive Plan. The Planning Board is soliciting people through a full page advertisement in the Budget Saver Press and are also making available to interested persons morning, afternoon and evening meetings for persons who may work different shifts. The Planning Board is very interested in receiving written comments from each member of the Board of Selectmen and other Boards as to specific topics to be aired in a questionnaire.

Should a meeting be set up information on overview of committee jobs; what and how the committees should address the information. Board decided to have Jim Upham of Dubois King and Dan Fleichman of S.M.R.P.C. come for a Public Information meeting to be taped for viewing on Channel 3 for interested people who are unavailable to attend the meeting.

Three Conditional Use Appointments to be scheduled at the end of the May 16, 1988 Public Hearing.

Anna Jackson moved to close meeting due to the lateness of the hour meeting to reconvene on Monday, 5/2/88 at 7:30 P.M. Michael Hammond seconded the motion. Unanimous in favor. Meeting closed at 12:35 P.M.

Meeting Reconvened at 7:38 P.M. Monday May 2, 1988

Present were John Roberts, Anna Jackson, Michael Hammond, Roland Denby and Larry Jacobsen. Douglas Foglio came in at 9:30 P.M.

John Roberts and Anna Jackson were empowered to vote.

**IV OLD BUSINESS: (CONT'D)**

Davis on site proved interesting. The Deed measurements show lot line to be in the center of the church addition. Concerning garage all set backs can be met with the placement of garage as proposed. Mr. Davis stated proposed drive could be used for Beauty Shop parking. The lower portion of the house to be used for the Beauty Shop and the Tanning Salon. Mr. Frechette to use upstairs as an apartment. The lot measures approximately 40,000 square ft.

John Roberts moved to deny until Conditional Use conditions of May 29, 1987 were met. No further construction or modification until conditions are met. Roland Denby seconded the motion. Unanimous in favor. The definition of requirements recorded in the minutes had been previously mailed.

#2. Drown on site: Site is wet in several spots. Intends to use pond as run off for wet areas. Some sign of moose and deer crossing. Will need waiver of road engineering due to location being steep.

#3. Mount Holly: Red School House Rd. - Still a question on road - abandonment or discontinued. Land of 50 ft. easement for any future development of road (Red School House Rd.). Exiting proposed subdivision would be difficult with buses. Easement to rear lot #17, appears to be landlocked. Mount Holly to request change of appointment had spoken to Andrew Timmis. Due to the lateness of the on site being complete Mr. Grimes would not be ready. His next scheduled meeting is November. Could he switch with someone booked for the second meeting in May at the same stage. Sharon to contact Mr. Rice and Mr. Belanger to see if they would change their appointment. If so Mr. Grimes could come in at the second meeting.

#9. Bassland II: On site scheduled for May 10th at 9:30 A.M. Board to meet at the Town Offices. Notify Mr. Speed.

#12. Deer Watch - Bill Speed if ready will do this on May 4, 1988 with Fall Lot Estates.

**VII NEW BUSINESS:**

Extension Forms: Anna Jackson moved to approve extension forms as written. John Roberts seconded the motion. Unanimous in favor.

Notice of Decision Forms: Anna Jackson moved to approve Subdivision Approval Forms SA #1 as printed. John Roberts seconded the motion. Unanimous in favor.

Anna Jackson moved to approve Subdivision Denial Forms SD #1 as printed. John Roberts seconded the motion. Unanimous in favor.

John Roberts moved to accept Receipt of Subdivision Application (SR-1) Notification of Incomplete Subdivision Application (SR-2) and Notification of Complete Subdivision Application (SR-3). Anna Jackson seconded the motion. Unanimous in favor.

Roland Denby moved to accept Subdivision Application and Record of Events Forms as printed. Anna Jackson seconded the motion. Unanimous in favor.

Comprehensive Plan: Board members to digest the information given to them by Andrew Timmis. Go over the existing Comprehensive Plan.

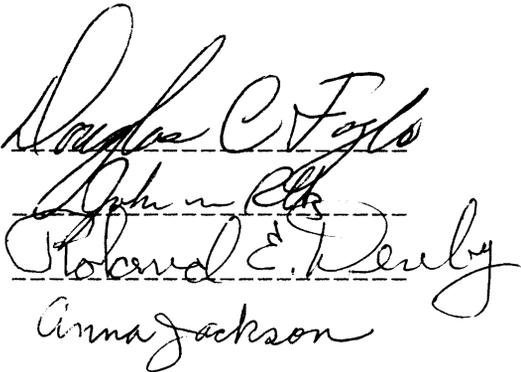
After the May 23, 1988 Public Hearing, Conditional Use applications to be heard at a Special Meeting following the Public Hearing. Number of applications to be scheduled to be determined at the May 11, 1988 meeting.

Election of Officers to be held after the determination of number of voting members has been decided.

John Roberts moved to adjourn meeting at 10:35 P.M. Anna Jackson seconded the motion. Unanimous in favor.

Respectfully submitted,

Lawrence Jacobsen  
Secretary/Treasurer

  
Roland E. Denby  
Anna Jackson

Meeting called to order by Douglas Foglio at 7:10 P.M.

The Milk Room requesting proposed gas pumps. Two tanks underground. Mapes to be the installer. State licenses obtained for tanks. Licenses from the State for entrances. Engineer for water run off. Frank Scott to pave the parking area. Monitoring wells to be used. Mr. Owen has gone through all the channels. Main concern when he purchased the property of using underground tanks for gas. Mapes stated that the tanks could be installed and maintained without concern of leakage. Mr. Owen just wants to improve the area. Abutters had been notified. It was asked of him if there would be large trucks. Mr. Owen said he would not be selling diesel fuel and did not expect there to be a problem with large trucks. Mr. Abbott, an abutter had told Mr. Owen that he had no problem with the proposed gas pumps. Mr. Owen had purchased the property directly across the street and intends to upgrade the parking area and other facial improvements to the property.

Ray Dyer: Was this a sensitive area? Believed to be. Tanks to be steel. Did the installation meet Chapter 6, 91. Monitoring wells - would the Town be able to have access to the monitoring wells records. It is not standard practice but both Kevin and Elwin had no problem with the Town having access.

Plan for drainage placed on file as well as the Hydrogeologic study. Questions concerning the sidewalk area and the proposed curbing. Would the curbing be placed between the sidewalk and the parking area? Drainage? Where would the water flow? It will flow towards the Goodwins Mills Road and towards Route 202. The intent is to tip the pavement away from abutting property and towards existing catch basins.

Mr. Gobeil: What is the relationship between Mr. Owen and Woody Owen that the town is having trouble with? Mr. Owen has no ownership in the Race Track.

The actual discharge believed to go into Carpenter Brook that runs between McCoy and Thornton property of Route 202.

Island to be 100 ft. from the store. Believed that the tanks were to be in direct sight at all times by the attendant in the store. Mr. Owen commented that these were no further away from the building than Mr. Chick's and that they did not seem to have a problem.

Letter of concern placed on file from Mrs. Heck stating a potential hazard with the buses entering at this very busy intersection.

Letter from the State: Entrances shown do not conform with Waterboro Zoning 5.04 this states that no entrance shall be within 50 ft. from any intersection. This seen as a potential problem with the intersection and leaving the site.

The engineer from the State didn't take this into consideration. This fall within a compact area of Town. The Town supersedes the State in this matter. Pictures shown by Mr. Owen showed that the original drive was 50 ft. from the intersection. Mr. Scott had suggested dumping the run off into the existing catch basin. Douglas Foglio stated that the type of system proposed was called sheeting drainage. Mr. Mapes is a licensed installer.

Sidewalks? Positioning of the curb to be better defined on the plans. The sidewalk will remain the same on Route 202. No sidewalk proposed for Goodwins Mills Rd. As it is currently the buses cannot square up from 202 heading east on the Goodwins Mills Rd. When this occurs no traffic flow at all. The State could reevaluate.

Mr. Owen has observed the flow of traffic. He agreed that there is a problem and he is willing to work to insure that all the bugs are worked out. Mr. Owen had tested other ways of handling the problem with the buses and agrees that the positioning of the entrance would help alleviate the problem. Mr. Owen stated that he and his son were looking to improve the corner. He felt that he should be fair to his son. This is not an easy project. They do not want the tanks to damage anything either. Traffic light? Mr. Andrew Timmis - Town Planner - had contacted Mr. Lee Chase concerning a traffic light. The school had expressed a potential need. The state says that there is not enough volume to substantiate a light. The cost runs from \$30,000. to \$35,000. to install. The state is only responsible for the light for the first 6 months and after that the Town assumes the responsibility at approximately \$100. per month. Mr. Gobeil commented that this was a perfect opportunity to have one installed and the Town would not have to absorb the cost of installation. It was noted that even if a light is requested by the town there is currently nothing to substantiate then need and the State would not install one. The last traffic count for the South Waterboro area was done in 1981, it showed 4500 cars per day. The count done by the Old Alfred Rd. in 1981 showed 3,809 cars per day and in 1987 showed 6,480. Traffic flow definitely higher.

Questions on the sidewalk? Curbing? The plans do not state what is intended for the curbing. Mr. Dick Currier, engineer from S.M.R.P.T., stated that this information can be clarified on the plan. There is currently a sidewalk that runs from the Swett property to the parsonage.

Safety island and two entrances are allowed by zoning. Design accepted by the State. Permits received from the State were included in the package Mr. Owen presented to the Board. The Board had requested certain information and not all of this information has been received. There would be no decision made at this meeting tonight. This meeting was for Public input to be added to the process and issues brought up would be considered by the Board when rendering a decision. Mr. Gobel felt that the curbing should be clarified on the plan before any decisions were made.

Gas spill: Would this go into the basin? How long before this would reach the brook? Actual flow rate not known at this time. The State would be notified if such a spill did occur. Mr. Owen felt that Mr. Laskey might know how this was handled. Mr. Laskey referred to the so called gas leak on his property and felt that 8 years was long enough for this to go on. Mr. Owen clarified he was referring to a leak going into the catch basins. Most spillage that would occur would be minimal. Comments made of people driving off with the hose still in the tank and pulling the hose from the tank causing a serious spillage.

Questions concerning the gas tank in place under the building that was taken down? Was it still in the ground? Mr. Owen stated that the tank that was under the building was removed at the time of demolition and hauled away by the demolition company. Could find no record of the old tank that was in front of the building towards Rt. 202. Mr. Owen had check with Mr. Ricard and Mr. Gerry, former owners of the property and that knew of no such tanks or record of its removal.

Old Gas Tanks: It was felt that the issue of the old gas tanks needed further investigation. Possibly seeking a private concern to assist in determining tanks existence.

The Planning Board had been in contact with E.C. Jordan concerning an oil and water separator system to possibly be installed by Mr. Owen. This system separates oil and water through use of a chambering system. It allows the water only to be discharged from the system the oil and or gas would remain in the system and would be pumped out. However without proper positioning of pipe drainage this system could not be used. Input from this hearing will be considered by the Planning Board. Mr. Gobeil asked if another gas station was really needed in Town? Zoning allows gas stations and if someone wishes to install one it is there right to do so. The best we can do is to come up with the best and safest and most legal way to do this. The reason that Mr. Owen is before the Board is the size of his lot. In this Zone 40,000 square ft. is the required lot size. Mr. Owen falls short of this. This can be a Conditional Use. Section 3.04.3, #11. Millard Genthner asked what was the actual size of the lot. Believed to be approximately 14,000 sq. ft.

Vance Porter: Have purchased the old Stanley Ricker property directly across the street. He had come down the Goodwins Mills Road at an off time from the School hours and had to wait approximately three minutes to get across Rt. 202. Who would need to request a traffic study, the Planning Board, the Selectmen? Suggested that this be investigated. Mr. Porter would have no problem with the proposed gasoline island as long as all guidelines had been followed by Mr. Owen. Either the Planning Board or the Selectmen could request a traffic study be done. However the state is extremely slow. Mr. Timmis has just received the count taken last fall. There are privately owned companies that do these studies and they do not take as long.

Mr. Willis Lord asked if the Fire Dept. had been notified requesting input? Mr. Foglio noted that all committees in Town were notified of this Hearing and that all committees received a copy of the Planning Board Minutes and that they could comment at any time on areas of concern.

Mrs. Cognato noted that the issue of the old tanks if they were still in the ground and if there was anything in them could be a problem for Mr. Owen if they were to leak. It would give the appearance that his new tanks might be leaking, giving a false reading. State law requires that all old tanks be removed. Several people attending could not recall the old tanks removal. Mr. Ayotte said that there was no record of any tanks possibly on the tax cards it was noted. Mr. Linwood Rollins a former owner of the property would be a person to contact since he owned the property for several years and had removed the roof overhang and the island. Could metal detectors be used to locate potential location of these tanks? The only problem with metal detectors is they pick up everything metal.

Mr. Dyer asked if Mr. Owen might formulate a contingency plan to be used by all employees in case of a spill. Leaving no question as to the procedure when and if a spill occurred. Both Kevin and Elwin had no problem doing this.

Upon completion of the paving there would be no parking at the front of the building. Mr. Fay was questioned concerning a certain ordinance prohibiting parking on Rt. 202? The only thing that he could find at this time was no parking within 25 ft.

What hours would deliveries of gasoline be scheduled. Since the gasoline would come from Sanford the hours were flexible and could be scheduled around school hours. Deliveries were not scheduled any earlier than 6:30 A.M. and no later than 9:00 P.M.

Gas Spill: Who would own up to it, etc? There would be no doubt as to who's responsibility it would be.

What does Mr. Owen carry for insurance? Currently has one million dollar liability coverage.

No further questions. Meeting adjourned at 8:16 P.M.

Planning Board Members in attendance: Douglas Foglio, Roland Denby, Anna Jackson, Larry Jacobsen, and Dwayne Woodsome.

Approximately 30 people in attendance.

TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE



Regular Meeting

Waterboro Planning Board

May 11, 1988

MEETING CALLED TO ORDER AT 7:30 P.M.

I **ROLLCALL:** Anna Jackson, Roland Denby, Michael Hammond, Larry Jacobsen, Dwayne Woodsome and Douglas Foglio.

II **MINUTES:**

III **COMMUNICATIONS AND BILLS:**

1. Memo: Re: Lake Arrowhead Water Supply
2. Information Re: Registration of Farmland for Spraying of Chemicals
3. Letter Re: Waste Disposal
4. Letter Re: Conditional Use granted to Richard Hall
5. Notification of Application to S.R.C.C.
6. Copies of Outgoing Communication
7. Letter from Structure and Design
8. Whitman & Howard Re: Ground Water Study Straw Mill Meadows
9. Letter from K. Lovell Re: Retroactive Ordinance Provisions
10. Letter form Lee Nelson
11. Letter from James Swewll Co.
12. May Issue of UPDATE
13. Letter from John Rand (Town Geologist-Water exploration)
14. Letter to Mrs. Dugas Re: Violations

#10. Under section 2.08 of Zoning Ordinance the Code Enforcement Officer can issue Building Permits. The CEO was given the authority to issue building permits on substandard lots as long as setback requirements could be met. This includes the \*\*Note under Section 3.03 on Page 8 of the Waterboro Zoning Ordinance.

OLD BUSINESS: Alder Acres Final Plan

Michael Hammond moved to accept Alder Acres as Final Plan together with a copy of the Bond. Bond will be retained on file. A copy of the road profile placed on file. Dwayne seconded the motion. Vote was unanimous in favor (5).

Bond file to be made in records. Receipt given for Final Plan.

6 Lots @ \$25. = \$150.00      800 ft. of Road @ \$.50 = \$400.00

20 ft. of culvert @ \$.50 = \$10.00      Total      \$560.00

Check for Filing of Plan given to Roland Denby.

**V REPORT OF TOWN PLANNER:**

**VI APPOINTMENTS:**

8:00 P.M. WESTRIDGE COMMONS Cancelled  
8:30 P.M. MOUNT HOLLY  
9:00 P.M. ROBERT REINKEN

**ROBERT REINKEN STRAW MILL MEADOWS MAP 4 LOT 25 ZONE V**

Changes noted per Planning Board request. #18 of Notes added. Height of planting noted. Ball field labeled on plans. Road, Hydrology study, Letter of credit. Road changes discussed. Eliminated sheeting drainage.

Road review committee to be notified during construction of road to insure verification that road was constructed to town specifications. Michael Hammond moved to accept Straw Mill Meadows as Final Plan with Road profile. Addition to letter of credit that no funds be released until inspected by the road review committee. Dwayne Woodsome seconded the motion. Unanimous in favor (5).

Michael Hammond moved to waive water line pipe fee for Straw Mill Meadows due to cooperation of developer to install pipe at no cost to the town. Dwayne Woodsome seconded the motion. Unanimous in favor (5).

7 Lots @ \$25.00 = \$175.00      965 ft. Road @ \$.50 = \$482.50  
30 ft. culvert @ \$.50 = \$15.00      Total \$672.50  
Credit of \$50.00 deducted      Receipt for \$622.50 given.

**MOUNT HOLLY SHERBURNE WOODS MAP 9 LOT 14D ZONE F&A**

Mr. Hewitt engineer of Seacoast Engineering Assoc. Inc. informed the Board of the problems with the proposed cul-de-sac. If road specifications were adhered to it would be necessary to cut 20 ft. into a bank. The site distance requirement throughout cul-de-sac was the major problem. They would have to move a major amount of fill. No feasible location on property to place fill. If a "P" configuration was used it would cut down on the cut into the bank. Also if the 300 ft. site distance could be reduced by 30 percent it would help. "P" shape design of cul-de-sac preferred by developer. Work session to be set up to work on this plan. After the work session and the review of the Hydrology study by the town consultants the Board would have Mount Holly back under Old Business for acceptance of Preliminary Plan. Mount Holly to prepare a couple different designs for the workshop. Before the Board can render a decision they would need to see alternative designs for the road. Lots to be serviced from cul-de-sac a great influence. Board suggested trying a "P" shape cul-de-sac and also 30% reduction in verticle curves to spin circle into the west. Dwayne Woodsome moved to extend Final Plan of Sherburne Woods to November 9, 1988. Michael Hammond seconded the motion. Unanimous in favor (5).

**Walk in:** Mr. Leveille would like to place a recreational trailer on Mr. Robert Jones property in South Waterboro. To be used as a food concession stand on a temporary basis. Intended time of May 30 to the end of Sept. Open from 4 P.M. to 9 P.M. during the week and Friday and Saturday 11:00 A.M. to 10:00 P.M. Sunday from 11:00 A.M. to 6:00 P.M. Placement of trailer to be in the general area of the garage of neighboring property to allow for ample parking. Board to send to the attorney for clarification.

## **VII OLD BUSINESS:**

#8. Fall Lot on site. Every lot is 80,000 square ft. the size will need to be increased due to easement. Adjustment could be allowed for at the rear of lots. Common drives site distance appeared to be okay. Noted that this was a bad area.

#10. Deer Watch on site. New road thirteen to fourteen feet of pavement. Two plans presented. If reviewed by DEP they would require minimum of eighteen feet of road with three foot shoulders. The potential for further development in the area is great. Driveways dumping onto New Road not good at all. Roland noted that information on roads very important. Research necessary. Check with town attorney to verify enactment of law making all town roads minimum of two rods wide. Some county roads are three and four rods wide. Michael Hammond moved to notify Mr. Speed to include an internal road on both Deer Watch and Fall Lot subdivision. Upon completion to come back before the board. Upon finding of on site committee findings as previously requested in original letter of March 29, 1988. Dwayne Woodsome seconded the motion. Unanimous in favor (5).

### **Old Business:**

Dwayne Woodsome moved that the Code Enforcement Officer in conjunction with original plan submitted to the Planning Board and Conditional Use granted issue building permit. Anna Jackson seconded the motion. Unanimous in favor (5).

Michael Hammond abstained.

#11. Kevin Owen: Review of Public Hearing. Previous minutes referred to noted Mr. Owen to come under Old Business for review of Public Hearing. Deed presented and placed on file. Mr. Owen noted that as of September 17, 1987 he had let people know of his plans to install gas tanks. He had notified abutters and received no opposition. Mr. Owen felt that there were two major concerns that came from the Public Hearing. One being that of concern of existing tanks in front of the store. Proof that they were no longer in the ground. Second the proposed entrance onto Goodwins Mills Road. If entrance were moved fifty feet from the corner it would take three parking spaces however these could be repositioned elsewhere on the lot. Mr. Owen felt he had done everything that the Board had requested and could see no reason why a decision could not be rendered tonight. Decision requested. Anna stated possible need for traffic study before going any further. Mr. Owen's attorney, Mr. Ayotte did not feel that the traffic study was an issue since this business was existing and would not affect traffic. When property was purchased this was noted as being the local hang out. Mr. Owen was not happy with this and took measures to improve area. Purpose of Study? Safety factor. There was only the addition of a product this should not add to the traffic flow. Mr. Owen has gone to great expense to improve the quality of the corner and to delay further for a traffic study the attorney could see no justification. A request had been made from the school to the State at that time the State could see no justification. People had voiced concern of four entrances on to property. Mr. Owen commented that legal council and civil engineer were costly.

The State has no authority in certain areas. Zoning supercedes State requirements. The lot size is approximately 14,000 sq. ft. this would be over a 75% reduction being requested. Board had requested investigation of installing a water/oil separator with the engineering study. This was not presented to the Board. It was asked that you investigate the old tanks to date this information had not been provided.

Mr. Ayotte referred to Section 2.08 of Zoning Ordinance and read second paragraph. Noted that this was a fixed lot size and the two lots joined were nearer compliance than before building was removed. Legally Mr. Ayotte felt that this section allowed the installation of gas tanks. The entrance and exit if necessary could be conditions that Mr. Owen could do. Mr. Ayotte asked that the Board apply the ordinance as written.

Minutes of January 28, 1988 referred to. Noted drainage water with gas and or oil would run into drainage existant, this would dump directly into brooks. Abutting neighbors do not express concern but they would not be directly affected due to area of run off. Traffic not believed to be a problem since they would not be drawing more people for a specific purpose. Attorney described the detailed specifications required by DEP as being the safest design. Annual fee that is required. Daily inventory, monthly inspection, etc. Reports in triplicate one to DEP, one to Fire Department and one to the owner. Mr. Ayotte read subchapter. Permitted use in this area. If the town has other laws or books that he was not aware of please advise him. DEP enforces requirements.

Have old tanks been removed this has not yet been confirmed? Mr. Owen willing to dig in the area suggested at the time of installation of new tanks. He will use every reasonable effort. If there have been problems for eight years someone should have been interested before. It is possible that when the road was straightened out that the tanks were taken out. If not they would now be on State property and they would be the responsibility of the State. Road was straightened in 1952.

Mr. Ayotte noted that Mr. Owen's first booked an appointment in October and the Board should consider the case on its merits. He urged that a decision be made. Spillage? John Mapes noted that there is an instrument that will pick this up. However on a day to day basis the small amount of spillage would not be picked up by this instrument. Large amount of spillage booms could be used. Information from Maine State right of way map given to Mr. Ayotte for research.

Concerns of people in a small town are not always expressed at Public Hearings. However, Board members had received comments from concerned citizens. Most comments were not in favor. Discussion concerning previous owner's. History of the lot in general was given. Mr. Ricard had informed the Board that he intended the space where the old building was located to be used for parking. Mr. Ricard was allowed two years to demolish the building. Records could be checked. Believed that this is bulk storage not just gas station. Under Village Zone bulk storage required Conditional Use. Section 3.04.03, #11.

Tanks were the safest possible today. Board would like to consult with their attorney and have their engineer review the design presented by Mr. Owen's engineer. Upon completion of review by the Town engineer Mr. Owen would be brought back under Old Business. Dwayne Woodsome commented that after listening to the people at the Public Hearing he would feel uncomfortable not knowing whether old tanks exist.

Intersection very dangerous with gas station. Buses, vehicular traffic, students a major concern. The traffic flow would be more with a convenience store than with a gas station. This area is highly explosive situation. The Waterboro Patent Company property is still under investigation by DEP. When Board makes a decision they would like necessary information to justify the decision. Another meeting scheduled for Monday night 5/16/88 will try to schedule another meeting. Two weeks necessary to set meeting up. Notify Mr. Owen and Engineer of date and time.

Dwayne Woodsome moved to send plan out to the Town Engineer chairman to handle. Larry Jacobsen seconded the motion. Four in favor one abstention.

#6. Roland Pierce: Board gave a fifteen month Conditional Use Permit for trailer. Fifteen months expired May 1, 1988. CEO needs to know direction to take. Dwayne Woodsome moved to waive enforcement of Conditional Use until July 1, 1988. Anna Jackson seconded the motion. Unanimous in favor (5).

12. Kenneth Nagy: Dwayne Woodsome moved to extend Conditional Use of October 14, 1988 to June 1, 1988. Larry Jacobsen seconded the motion. Unanimous in favor (5).

Mr. Hall failed to take into consideration eaves being part of the dimensions. Anna Jackson moved to give Mr. Hall an additional eight (8) inches each side for his eaves. Roland Denby seconded the motion. Unanimous in favor (5).

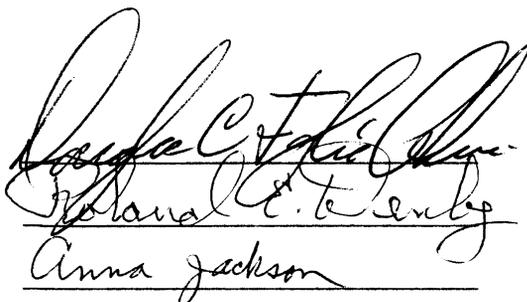
Dwayne Woodsome went to Mr. Peewee Dube's. It did not require a decision from the Planning Board since he is not going closer to property line or closer to the lake.

Five (5) appointments to be notified for the May 23, 1988 Special Meeting.

Dwayne Woodsome moved to adjourn. Anna Jackson seconded the motion. All in favor. Meeting adjourned at 12:47 A.M.

Respectfully submitted,

Lawrence Jacobsen  
Secretary/Treasurer

  
Anna Jackson

PACE LANDING SUBDIVISION

MAY 16, 1988

PUBLIC HEARING

Meeting called to order at 7:12 P. M. Approximately eight people in attendance. Present from the Planning Board were Anna Jackson, Larry Jacobsen, Roland Denby and Douglas Foglio.

Developer presented the project represented by Tom Greer consulting engineer from Pinkham & Greer. Developer Robert Beck. Information requested by the Planning Board at previous meeting supplied and placed on file. Accident reports from the Dept. of Transportation in the general area to be developed. Number of homes or lots one per 80,000 square ft. Sketch based on Tax Map tracing. Presented the 12 lot layout. Looking for Public input to meet local needs and developers. Under the cluster concept the developer is required to set aside property. Entrance into development from camp road off West Road. Ratio, 60% lots, 40% open space and buffers.

Hydrogeotechnical water study to be done as per zoning. Topography to be presented. DEP to review. Abutters will be notified upon DEP review. If layout needs to be changed it could be adjusted easier at SKETCH plan stage. DOT information taken from Westwinds drive to area of proposed development. Critical factor of less than one (1). Numbers well below capacity of the road. Entrance to be 350 ft. from the intersection. Is this project any where near the sharp turn on West Rd.? The entrance would be in the middle of straight stretch. Intending to pave the road. Common space to be set aside possibly Parks & Rec. to look at. Not to be built upon. Each lot approximately one acre to build on and one acre of common ownership of open property.

Septic systems to be worked out with the next phase. State Plumbing Code requires at least 100 ft. from water source. Planning on individual septic system. If necessary a common septic system and common water system could be investigated. Drilled wells. Mr. Lawler stated that this was not country anymore.

No test wells at this time. Boundary survey still being done. Soils testing to start on the 21st of May. To be complete sometime in June.

Public Hearings are held for the purpose of Public input to projects. Guide the Planning Board by their input.

Homes to be marketed to first time home buyer. Two to three bedroom homes proposed. How can a one acre lot support a house of this size? There should be no problem with this in some areas in Town people have less land with homes on them. This area is zoned for two acres. There would be one acre with the home and the second acre would be a portion of the open common land. The developer wishes to have a close protected area, small community effect with this subdivision. Zoning stated expected village area to be Ross Corner area.

What protection would neighbors have. Currently natural vegetation. A possible green belt could be included in the final plan with stipulation that the green belt not ever be cut. Upon completion of Hydrogeologic study actual number of lots could be better determined.

The Waterboro Tax Map shows 25 acres and the deed reads 30 acres that is why the developer shows two plans. The Board has commented that the 12 lot plan is favored keeping more open land. Intersection has been discussed. Deed states usage of road from Mr. Cameron is acceptable. Deed placed on file. The developer know has an interest in the road. In several towns the developer would be at Preliminary state before a Public Hearing is scheduled. The Board has found that the first step is the easiest to make adjustments. If they find no objections and the studies come back along with input from hearing the Board is able to decide what is best for the town.

Private road and camp road, the traffic flow in and out will need to be addressed. Any further questions? John Lawler asked if the Board could point out Mary Wish's property. He believed that a surveyor had placed stakes in this area. Mr. Beck's engineer stated that the surveyor places stakes for control points. Mr. Lawler owns property across the road as well. Styles of homes to be used? Raised ranch, full cape, gambrel. Price range expected to be \$100,000. Summer of 1989 possible start date.

Mr. Lawler felt that he has got to have a survey done to protect his rights. Approximately eleven land owners abut property to be developed. Boundary survey expected to be complete by sometime next week. Abutters will receive notice from the state when being reviewed by DEP.

Gentleman asked if the Board was aware of any deed restrictions in the development at the rear of Mr. Beck's property. He had been told that there was a clause restricting mobile homes. How enforceable was this restriction. Board can require deed restrictions but cannot enforce them. This would be a civil matter. Lot in question is #18.

Required registered survey will be provided by a certified surveyor. State seal tells the Board they have to accept report. Mr. Lawler could have survey done if discrepancy he could then present information.

Meeting adjourned at 7:50 P.M.

TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE

Special Meeting

Waterboro Planning Board

May 16, 1988

MEETING CALLED TO ORDER AT 8:07 P.M.

I ROLLCALL: Dwayne Woodsome, Anna Jackson, Roland Denby, Larry Jacobsen and Douglas Foglio.

II MINUTES:

III COMMUNICATIONS AND BILLS:

IV REPORT OF OFFICERS:

V REPORT OF TOWN PLANNER:

VI APPOINTMENTS:

8:00 P.M. Robert Patch  
8:30 P.M. Bernadine Gerry  
9:00 P.M. Michael McDonald

8:00 P.M. ROBERT PATCH

Mr. Patch has footings in. The contractor placed footings three ft. too close to the left side line. Lot #399 in Lake Arrowhead on Victoria Lane Map #44. Mr. Ed Doggett the contractor and also the owner of the land abutting to the side in question. The house to be a double wide modular 28 x 54 including eaves. Steps off the front. 107 ft. frontage decreasing to 83 ft. at the rear of lot. Lot is 220 ft. deep. If the building would not have fit the lot the Board can be of assistance. Board determined by original subdivision map that there was not enough room to place the house without needing a conditional use. Building Permits were issued with the information presented by the Patch's. Roland Denby moved to grant Conditional Use of five ft. bordering Lot #400 under Sections 2.08, 3.04.03 and 4.03. Anna Jackson seconded the motion. Vote Unanimous (4). Board noted that the Conditional Use should be registered with the deed at the Register of Deeds in Alfred.

8:30 P.M. BERNADINE GERRY

Would like to have a Bed and Breakfast as well as a room large enough to cater Reunions, Birthdays, capacity of room to be for fifty people. This lot a parcel from Mrs. Gerry's subdivision approved by the Board. The lot is in A&R Zone. This would require a conditional use. Mrs. Gerry intends to set 170 ft. from the front line. Would this require a Public Hearing? No liquor at all for catering or Bed and Breakfast. Plans are for a Duplex house plus Bed and Breakfast. Four acres would be required for the Duplex. Mrs. Gerry has her mother and an elderly lady living with her these two ladies would remain in her care. Bed and Breakfast for overnight guests only there would be no breakfast served as a restaurant business. Two entrances were intended by the Gerry's. Plan for the building by Northern Products. Current

residence is on the market, new building would be constructed within 5 months of the sale of residence. Mrs. Gerry should see her engineer and set up a site design for presentation to the Board showing the location of building, parking spaces, intended drives etc. The parking to accommodate function room, bed and breakfast and any employees. Formula for number of parking spaces is found in the Waterboro Zoning Ordinance on Page 27. The Board felt that 23 spaces was the approximate number needed. A green belt would be a condition of the Use permit. Mrs. Gerry to review with her engineer Section 5.01, 5.02 and 5.03 and all other sections pertaining to this Conditional Use. Mrs. Gerry to give the office a call upon completion of information requested.

**9:00 P.M. MICHAEL MCDONALD**

Mr. McDonald has been to Saco River Corridor Commission and has been granted a permit to build. Permit placed on file. The lot does not allow construction due to the narrow width of the lot. Dwayne moved to grant a Conditional Use of the side line abutting lot #1671. Sideline setback to be 27 ft. Sideline abutting lot #1673 setback to be 23 ft. Larry Jacobsen seconded the motion. Unanimous in favor (4).

**VII OLD BUSINESS:**

**VIII NEW BUSINESS:**

Meeting adjourned at 9:10 P.M.

Respectfully submitted,

Lawrence Jacobsen  
Secretary/Treasurer

*Stephen C. Folden*  
*Michael E. Deuby*  
*Anna Jackson*

PUBLIC HEARING

ORCHARD HILLS

MAY 23, 1988

Developer-Wes Hall: Proposal is for a three lot subdivision. Lots #1 and #2 approximately 82,000 sq. ft. with approximately 150 ft. to 180 ft. of road frontage. Lot #3 will be thirty-one acres. Geotechnical Engineer to evaluate. Lot #3 could support six or seven lots the developer chose to limit the lots and road work necessary for more lots. Soils adequate to support more than the proposed three lots.

Mr. Currier: Why did he get a call for his boys to dig a hole for the soils tests? He was not able to dig a hole five ft. in depth how could the soils engineer? Soils engineer had been out and had successfully tested the soils. Low income housing proposed depending on requirements imposed he hoped to keep these lots at a low income housing bracket.

Criteria has to be met by developers as per regulations of the Town of Waterboro. Mr. Hall is at the first stage known as Sketch Plan. The Board has found that it is easier to make adjustments at this stage therefore the Public Hearing has been called for Public input to further direct the Board.

Mr. Hall intends these lots for single family units. Eleanor Moses asked what range was considered moderate? Mr. Hall expected the cost to be with house between \$90,000. to \$100,000. The #3 lot would naturally be more due to the acreage. Mr. Hall's intention at this time is to leave lot #3 as one parcel. The Board had asked if Mr. Hall would mind putting a stipulation in the deed for lot #3 that it could not ever be subdivided this is more binding than placing this on the Final Subdivision Plan. Mr. Hall stated that he would be willing to live with that if the Board requested this of him.

Legality as to what the Board can request. If the subdivider chooses to include a stipulation this would be the best way to insure no further development. Mr. Hall had asked the Board to handle this subdivision as a minor subdivision. Since the Town currently has no such definition they were working with developers to expedite these small subdivisions. Subdividing is usually a very length process.

Board would look more favorably on a three lot subdivision with lot #3 to remain as one lot. Resubdivision can create legal problems.

After the water studies are complete they are forwarded to the town consultant for review. No further meetings for this subdivision have been held. Nothing has been approved.

Mr. Mills: Commented that he had spoken with a realtor and had been told that there was a 47 acre parcel for sale. Mr. Hall noted that this was the same lot but that one lot sold to Mr. Bubary of approximately 2 acres. Leaving a 45 acre piece.

Letter entered into record from the Town attorney in regards to the legality of the division of land. Mr. Hall was requested to prove clear title to property.

Mr. Currier commented that if lot #3 were left without deed stipulations that a possibility of this lot being subdivided could exist at the right price.

Mr. Currier also felt that the wildlife in the area should be a consideration before the board finalized the plan. Mr. Hall was formerly from the northern portion of the state and was well aware of the importance of wildlife.

Eleanor Moses for clarification would Mr. Hall be able to place the right of way between lot #1 and #2 to lot #3. Mr. Hall stated at this point he did not have a problem with that concept.

Mr. Mills was concerned with the position of the entrance onto the road. The traffic does travel quite a bit faster than 35 miles per hour.

Nothing is approved until Final Plan has been signed by the Board. An on site inspection to follow. At the time of the inspection Mr. Hall would roughly flag the location of the lot lines and the right of way.

Bill Mansure supported the Boards decision of three lots. Minimum of three lots would fit with the area.

If changes were made to this plan other than discussed at this Public Hearing the Board would probably request another Public Hearing.

Lot abutting Mr. Currier's believed to be illegal sized lot. Would be brought to the CEO's attention.

Meeting adjourned at 8:03 P.M.

Chairman announced that any changes other than those discussed tonight another Public Hearing would be called.

Present at Public Hearing were approximately 25 people.

Anna Jackson, Douglas Foglio, Roland Denby, John Roberts and Larry Jacobsen were in attendance from the Planning Board.

TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE



Special Meeting of the Waterboro Planning Board May 23, 1988

Meeting Called to Order at 8:08 P.M.

I ROLLCALL: Anna Jackson, Lawrence Jacobsen, John Roberts, Roland Denby, Douglas Foglio.

II MINUTES:

III COMMUNICATION AND BILLS:

IV REPORT OF OFFICERS:

V REPORT OF TOWN PLANNER:

VI APPOINTMENTS:

8:00 P.M. Richard Sears  
8:15 P.M. Mr. Forshner  
8:30 P.M. Bernice Fields  
8:45 P.M. Roland Smyth  
9:00 P.M. Mr. Wishart

8:00 P.M. RICHARD SEARS

Mr. Sears owns a lot in Bassland Acres. He is requesting position change of driveway. There is quite a drop off in the designated area as per Final Plan of Bassland Acres. Mr. Sears presented pictures to the Board showing the area of concern. Final Plan reviewed it is believed that the abutting lot is to share the drive as a common drive and the expense of the drive to be equally shared. Code Enforcement Officer and Town Planner had been up and investigated but lot lines were hard to establish. Glen Bean to do the excavation. Pictures were okay but board felt that an on site inspection was necessary. Deed was checked for the sharing of a common right of way. The board follows a certain criteria for drives accessing onto roads in the town. For Mr. Sears sake an on site would be necessary scheduled for June 1, 1988 at 9:30 A.M. Board to meet at the Town Hall.

8:15 P.M. LAWRENCE FORSHNER

Mr. Forshner wishes to enclose existing deck and put a room under it. Deck is 16 x 24 and is 75 ft. from the lake. Mr. Forshner has owned the cottage for approximately one and one half years. Did Mr. Forshner know how long the deck had been existing. This would need to be determined before the Board could take action. The State Shoreland Zoning does not allow the Board to grant such requests. If the deck were constructed prior to Zoning then it could be considered grandfathered. Board could not allow expansion towards the lake. If Mr. Forshner wanted the Board have to deny and he could then appeal to the Zoning Board of Appeals. The house was believed to be grandfathered and the Board could grant conditional use to build within 10 ft. of the property line or 20 ft. from next cottage or Mr. Forshner could withdraw his request.

Mr. Forshner withdrew his request after lengthy discussion of the Board.

8:30 P.M. BERNICE FIELDS MAP 19 LOT 8 V ZONE

Mrs. Fields and Gloria Ross presented plans for a studio apartment above a new garage and breezeway. The apartment would have a bedroom kitchenette and a family room or den. A two car garage would be under this apartment. The existing garage would be torn down or moved. Board discussed several areas of concern.

1. Approximate size of lot one acre.
2. If a kitchen were placed in the apartment this would then be classified as two residences and the lot is not large enough.
3. Doorways off the breezeway to be used as free access to the apartment and Mrs. Fields home.

The Board would check with the Town Attorney for further input. Notification would be sent and Mrs. Fields would be asked to return under Old Business.

8:45 P.M. ROBERT SMYTH

Mr. Smyth had a representative present. His appointment was scheduled for September and he had not yet been to Saco River Corridor Comm. Due to the large amount of time to get before the Board Mr. Smyth had not been in pushing. He wishes to build a 26 x 36 cape. Board normally acts after Saco River Corridor Comm. has made their recommendations. Mr. Smyth to come back under Old Business after receiving Saco River Corridor Comm. approval.

9:00 P.M. EVERETT WISHART

Mr. Wishart present pictures of cottage. He would like to add a dormer and change the pitch of the roof for the kitchen to allow for cathedral ceilings. Board to make an on site inspection on Wednesday, June 1, 1988 directly following the previously scheduled on site of 9:30 a.m.

VII OLD BUSINESS:

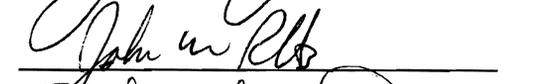
VIII NEW BUSINESS:

IX ADJOURNMENT:

Meeting adjourned at 9:37 P.M.

Respectfully Submitted,

Lawrence Jacobsen  
Secretary/Treasurer


TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE

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REGULAR MEETING WATERBORO PLANNING BOARD MAY 26, 1988

MEETING CALLED TO ORDER AT 8:25 P.M.

**I ROLL CALL:** Michael Hammond, Anna Jackson, Roland Denby,  
John Roberts, and Lawrence Jacobsen.  
Also present was Mr. Roger Elliott, Attorney for the Town  
of Waterboro.

**II MINUTES:**

**III COMMUNICATIONS AND BILLS:**

1. Letter from Jensen Baird Gardner & Henry
2. Letters from K. Lovell Re: Balckburn, Re: Owen
3. Letter from Conservation Committee
4. Letter Re: BCI Geonetics, Inc.
5. Letter from D.L. Punch Jr., Inc.
6. Letter from Kevin Grimes
7. Letter from Dubois & King, Inc.
8. Letter from Selectmen
9. MAP
10. Info from Zoning Board of Appeals
11. SRCC
12. Letter from City of S. Portland
13. Maine Business Indicators
14. Memo from Health Officer

Letter presented to the Board from Attorney Re: Jones Property rental trailer lunch wagon.

**IV REPORT OF OFFICERS AND COMMITTEES:**

**V REPORT OF TOWN PLANNER:** Continued until later in the meeting.

**OLD BUSINESS:**

**RIDGE SUBDIVISION:** John Roberts moved to accept the Final Plan of Ridge Subdivision as shown on Plan. Roland Denby seconded the motion. Three in favor.

**VI APPOINTMENTS:**

- 8:00 P.M. DESIGN PROPERTIES
- 8:30 P.M. LIONEL BELANGER
- 9:00 P.M. FALL LOT ESTATES

**8:00 P.M. DESIGN PROPERTIES MAP 10 LOT 7-1 ZONE F&A AND C**

Proposing a three lot subdivision. Entire parcel needed to go through subdivision process if the lot were split due to its having been split once before. Since subdivision was necessary developer was trying for three lots. Lots size to be seven acres. Calculated on 2/3 of zone. No records were found on the width of the Middle Road developer believed that the three rod road applied.

Recommendation from Mr. Elliott to go to the Zoning Board of Appeals for a Variance. No provision in the ordinance that handles this type of problem. These were undersized lots. No one proposed lot has proper amount of land for Zoning requirements. Creating more lots than the land will bear. Options are:

1. Zoning Board of Appeals
2. Create two lots that meet zoning requirements
3. Forget the whole project
4. Contact Selectmen to change zoning
5. Purchase seven more acres

Planning Board doesn't have authority to allow less than 10 acres per lot. Zoning Board of Appeals has that authority. No procedure set at this time. Will need to come bac with a new sketch plan. Public Hearing and on site usually done before acceptance of Sketch Plan. This could be kept under Old Business until solution could be presented in a new Sketch Plan.

**8:30 LIONEL BELANGER MAP 7 LOT 76 ZONE AR**

Cul-de-sac meets standards set by the Town. Greenbelt? Why is this necessary? Required as per Subdivision Ordinance. Lots are not marked out. Have you considered installing a water line? Mr. Belanger had not. There are currently three test pits that Mr. Dick Sweet has been evaluating for about four months. Mr. Belanger has no plans to build just in subdividing the parcel. How soon could Mr. Belanger have the lots marked. He could have them ready this weekend. Mr. Belanger has a copy of the road standards. On site scheduled for Wednesday, June 1, 1988 at approximately 11:00 A.M. Question concerning loam mining? Did Mr. Belanger have intentions of mining further? No further plans other than the location of the road into subdivision. Roland Denby moved to accept Sketch Plan of Deer Acres as drawn May 26, 1988. Anna Jackson seconded the motion. Four in favor.

**9:00 FALL LOT ESTATES MAP 9 LOT 21T ZONE AR**

During the site walk it was suggested that the lots be enlarged due to the width of the road. Adjustment has been made approximately one acre had been added to each lot. Remaining parcel has been split into two forty plus acre lots with approximately 350 ft. frontage. West road is four rods wide. Planning Board has to be concerned with the entire parcel therefore the reason for prior requests. Groundwater study supports not placing an internal road. Howard Hall's property directly across the road. Proposed 13 unit housing to go in. DOT has issued permits for two exits. DOT is willing to issue permits for abutting drives. Larger lots are now in keeping with the rural area. Public Hearing will need to be scheduled. West road is a State aid road. In 1982 the State switch to a Block Grant program. The number of entrances onto the road no longer has an affect. The following items missing:

1. Legend missing
2. Envelopes - septic system locations as noted in Bob Gillespies study.
3. Copy of restrictive deed covenant

Developer to send registered letters to abutters to be sent out within seven (7) days. Upon receipt of comments the Board to determine the necessity of a Public Hearing.

**VII OLD BUSINESS:**

10. Terrance Hackett: Mr. Hackett was notified by the CEO that he was in direct violation of his Conditional Use Permit issued by the Planning Board. Mr. Hackett would like the Board to reconsider the requirements of the Conditional Use. Town attorney's advice that Mr. Hackett go to the Zoning Board of Appeals. An application was given to Mr. Hackett. Minutes and file reviewed.

6. Kevin Owen: Traffic count done on May 19, 1988 results approximately two weeks. Accident survey from DOT would be helpful. Engineer to review before anything further can be done as well as the information being supplied by Mr. Owen per Board's request.

9. Leveille: This reviewed. Attorney's letter entered into the records. If this is made stationary this would make Mr. Jones in violation of subdivision. Health Inspector's letter placed on file. Mr. Leveille need to be licensed by the Dept. of Human Services. If the trailer is on the lot for more than seven days he is considered permanent and must meet the same requirements as a restaurant and will need water piped and a septic system installed. He will need to request one or the other Permanent or Mobile and then he will need a Conditional Use from the Planning Board and a Victualars License. CEO to notify Mr. Leveille before he progresses further.

Correspondence # 5 Lawrence Jacobsen moved to notify Mr. Punch that his proposed use of property as mentioned in his letter of May 25, 1988 would require a Conditional Use from the Board and he would need to supply the Board with an application, Purchase and sales agreement or a deed and plans for the intended lot use. Anna Jackson seconded the motion. Four in favor.

11. Election of Officers: John Roberts nominated Douglas Foglio, Sr. for Chairman. Michael Hammond seconded. Four in favor.

Vice Chairman: Anna Jackson nominated Michael Hammond for Vice Chairman. Lawrence Jacobsen seconded. Michael Hammond declined the nomination.

Michael Hammond nominated Anna Jackson for Vice Chairman. Lawrence Jacobsen seconded. Anna Jackson declined the nomination.

Anna Jackson nominated John Roberts for Vice Chairman. Michael Hammond seconded. Three in favor, one opposed, one abstention.

Michael Hammond nominated Lawrence Jacobsen for Secretary/Treasurer. John Roberts seconded. Four in favor.

Elections closed.



TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE

Workshop Meeting Waterboro Planning Board June 6, 1988

Meeting called to order at 8:00 P.M.

Present were Douglas Foglio, Anna Jackson, Roland Denby, John Roberts, Lawrence Jacobsen and Dwayne Woodsome.

Workshop schedule for two reasons.

1. Proposed additions to subdivision ordinance as posted.

Andrew Timmis reviewed the changes as suggested by Karen Lovell Town Attorney. Board felt that the following changes as well as changes necessary for legal review would be satisfactory.

ARTICLE VI SECTION 26

- E. The developer shall bear all of the cost for the Planning Board's consultant to review the hydrogeologic impact study. The Planning Board's consultant fee shall be paid within thirty (30) days of its transmission to the developer.

This ammendment is intended to be retroactive, and shall apply to all hydrogeologic impact studies submitted after March 12, 1988.

ARTICLE VI

- 6.1.9 When professional services are required to evaluate a proposal, design or assessment, the expense of these reviews shall be borne by the subdivider. The cost shall be paid to the Planning Board's consultant prior to Final Plan approval or in case of withdrawal no building permit shall be issued until this has been paid to the Town. If the property being developed is done so solely on a legal contract to purchase the land then the original owner shall be advised by the Board through certified mail of Article VI Section 26. E and Article VI Section 6.1.9 of the Ordinance.

ARTICLE VII

- 7.3.3 Final approval of a subdivision will be withheld until all consultant fees have been paid in full as stated in Article VI Section 26. E and Article VI Section 6.1.9.

2. Second The Maine Supreme Court ruling that subdivision meant the physical subdividing of land now left an area uncovered by the subdivision regulations. A Site Plan Review would pick up the remainder. Since the Town does not currently have a Site Plan Review Ordinance one should be enacted as soon as possible. Andrew Timmis has reviewed several town's Site Plan Reviews. The following was worked on and will be sent to the Town Attorney for review. This to be enacted as soon as possible on a temporary basis until such time that another can be worked on and adopted.

SECTION        SITE PLAN REVIEW

PROCEDURE:

- a. Site Plan approval shall be required before a building permit or Certificate of Occupancy for any commercial, industrial or office building with more than three (3) offices and/or land use, or multi-family dwelling of three (3) or more units, may be approved by the Codes Enforcement Officer. However, a change from one permitted use to another in an existing structure, which does not increase the floor area of the structure or the requirements for off-street parking or involve changes to exterior site developments,, shall not require site plan approval.
  1. This regulation shall work with the existing Zoning Ordinance. The Town of Waterboro Zoning Ordinance shall be an integral part of this Site Plan Review.
  
- b. All application for Site Plan Review shall be filed with the Codes Enforcement Officer on forms made available. He shall then forward to the Town Planner. The application shall also include six (6) copies of a 24 x 36 blue line or black line print or photo copy of a plan drawn to scale of not greater than 1" to 100' showing the following features, both existing and proposed:
  1. Boundaries of the site and abutting streets with widths.
  2. Outlines of all buildings - showing the number of stories, accesses and use.
  3. Layout and location of off-street parking and loading and access drives and vehicular maneuver-areas.
  4. Location and size of all signs, gasoline pumps, and similar freestanding structures.
  5. Location, direction, and type of outdoor lighting.
  6. Location and type of screening and/or buffers and other landscaping.
  7. Location of all utilities.
  8. Topography of a contour interval not greater than two feet showing the effects upon adjacent property. A greater contour interval may be used if the Planning Board determines that the plan is adequate to evaluate site conditions.

- c. The Town Planner shall review the application and plan for compliance with the Zoning Ordinance, and shall within fourteen (14) working days of receipt of the complete application and plan;
  1. Forward a complying application and plan (w/written statement to that effect) to the Planning Office for scheduling of Site Plan Review, or
  2. Notify the applicant in writing of the reasons why the application and/or site plan does not comply with the Zoning Ordinance.
- d. The Secretary shall within seven (7) working days schedule an appointment before the Planning board.
- e. The Planning Board shall review the site plan and consider the following features, and before granting approval shall determine that the proposed site plan is adequate and suitable to promote the intent and purpose of this Ordinance and all other Town of Waterboro Ordinances.
  1. Traffic access, circulation, and parking.
  2. Drainage on-site and off from the site.
  3. Location, size, and direction of outdoor lighting.
  4. Preservation of natural vegetation and proposed installation of landscaping.
  5. The treatment of open space, drainage ways, slopes, yards, and required setback areas along the property line to reduce dust and erosion and to enhance their visual appearance by such means as seeding, or the placement of sod.
  6. Expected levels of noise and odors to be generated.
  7. The relationship of proposed buildings with respect to the above and with respect to fire protection and the movement of fire apparatus on site.
  8. Other features which the Committee or Planning Board determine are required to promote the intent and purpose of the Ordinance.
  9. Hydrogeologic study.

e.

1. Where the Board determines that, due to certain conditions existent in a proposed site plan review, the provision of certain required improvements is not requisite in the public interest, or is inappropriate because of inadequacy or lack of prerequisite facilities in the proximity of the proposed site plan review, it may waive such requirements, subject to appropriate conditions as will, in its judgement, secure substantially the objectives of the requirements so varied or modified.

2. When professional services are required to evaluate a proposal, design or assessment, the expense of these reviews shall be borne by the applicant. The cost shall be paid to the Planning Board's consultant prior to Site Plan Approval or in case of withdrawal no building permit shall be issued until this has been paid to the Town. If the property being developed is done so solely on a legal contract to purchase, the original owner shall be advised by the Board through certified mail of Article VI Section 26. E and Article VI Section 6.1.9 of the Ordinance.

f. The Planning Board shall then, based on the standards in e-1, above, approve, approve with conditions, or deny the application and forward its action in writing to the Codes Enforcement Officer.

g. The Planning Board shall treat applications for which conditional use permits are required as projects of substantial magnitude.

h. The Planning Board shall notify the following:

1. The Board of Selectmen.
2. The Fire Department Chief.
3. Chairmen of all Town Committees.

i. Appeals involving an action of the Planning Board shall be to the Zoning Board of Appeals.

j. Failure to comply with any conditions of the Site Plan Review subsequent to the receipt of a building permit, shall be construed to be a violation of this ordinance and shall be grounds for the revocation of any building permit by the Codes Enforcement Officer.

k. Fees to be assessed in the amount of \$100.

l. Fines for violation of this ordinance shall not be less than \$100. per day or more than \$2500. per day.

Meeting Adjourned at 10:35.

Respectfully submitted,

Lawrence Jacobsen  
Secretary/Treasurer

*John W. [unclear]*  
*Linda Jackson*  
*Roland E. [unclear]*

TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE



REGULAR MEETING

WATERBORO PLANNING BOARD

JUNE 8, 1988

Meeting called to order at 7:50 P.M.

- I        **ROLLCALL:** Roland Denby, Anna Jackson, John Roberts, Michael Hammond and Douglas Foglio. Chairman Douglas Foglio chaired the meeting.
- II       **MINUTES:** John Roberts moved to accept April 13, 1988 minutes as printed. Anna Jackson seconded the motion. Three in favor. One abstention. Roland Denby stated that he had made no such statement as was noted in the April 13, 1988 minutes concerning the Four Seasons Campground as was stated by Mr. Blackburn. Note change on minutes 4-13-88. Anna Jackson moved to accept April 28, 1988 minutes as printed. Roland Denby seconded the motion. Unanimous in favor. Roland Denby moved to accept May 11, 1988 minutes as printed. Douglas Foglio seconded the motion. Unanimous in favor. John Roberts moved to accept May 26, 1988 minutes as printed. Roland Denby seconded the motion. Unanimous in favor.

III      **COMMUNICATIONS AND BILLS:**

1. Letters from Town Atty. Re: Lots Split by Zoning, Deering Ridge Estates, Regulation Bed and Breakfast Facility, Wilderness Acres, Town of York V. Cragin, Deer Watch Subdivision.
2. Letter from Jensen Baird Gardner & Henry Re: Town of York v. Cragin.
3. Letter from Whitman & Howard
4. Letter from Lake Arrowhead Community, Inc.
5. Letter from Cartographic Associates, Inc.
6. Letter of transmittal SMRT Richardson Subdivision
7. Quotation from Jamar Sales Co., Inc. Re: Traffic Recorder
8. Report from Dept. of Transportation
9. MAP
10. Letter from the Selectmen
11. SRCC
12. Patch
13. Groundwater Protection Science and Technology: A Focus on the Northeast
14. Interoffice Communication
15. May Issue Maine Townsman
16. May issue Enterprise
17. Public Hearing Notice ZBA 6-28-88
18. Growth Management Conference 6-28-88

On Site Inspection of Bassland Acres driveway placement of Lot #7 is positioned in the wrong place. Doug Foglio will try to take a look to see what could possible be done. The placement of the drive as per subdivision plans would be difficult.

**IV REPORT OF OFFICERS AND COMMITTEES:**

**V REPORT OF TOWN PLANNER:**

**VI APPOINTMENTS:**

8:00 P.M. Drown Agency Preliminary Plan  
8:30 P.M. Deer Watch  
9:00 P.M. Cancelled

**8:00 P.M. DROWN AGENCY WOODLAND HEIGHTS**

Hydrology study presented. Notice of subdivision changes given to representatives for review concerning new additions to the subdivision regulations noted in 6/6/88 workshop meeting minutes. The Board uses two companies for review of water studies, BCI and Whitman Howard. Board noted that changes were necessary due to the cost. Hearing June 9, 1988 believed that the Town Meeting was scheduled for June 14, 1988.

Cost for study not actually known. Estimate of \$55. and \$65. per hour from the two companies used. Board could try to get an estimate from both companies if requested by the developer.

Drown Agency questioned if the people doing the water study are licensed why should they hire people to check their work. The criteria is based on theory. It is not a precise science. The Data given is examined and used to determine the best information. Mr. Chadbourne questioned the legality of the retroactive clause. The Town attorney had been consulted and the changes would be retroactive for subdivisions in process.

Preliminary Plans brought to the Town Planner. One complete copy of the application 82 sheets inclusive in package. Study done by Mr. Gillespie. 38 lots on 97 acre parcel. Basin design same as presented on Sketch Plan. Fire pond not completed by engineer only one on checklist not completed. Detention basin to double as fire pond. It was asked what the gallonage of water at the lowest level? Noted in the report on page B 567. Water to leave site but will not surge. Pond will detain the surge. Separate dike, to be separate from the road. Inclusion of the pond was not necessary but desirable for the effect. Trailer across the road from the project would be in the area of the run off from the project and the Board should be aware of this as a potential problem. All roads noted on the plans are known as or so called. Could find no definite information on the exact names of the roads. The pedestrian easements were suggested by the Town

## VII OLD BUSINESS:

MICHAEL LIBBY

Has all information as per request of the Board. Wishes to build a house on lot at Ossipee Lake. Old cottage to be removed from site. New building to be 2 ft. wider and 2 ft. longer than existing and to be 2 stories tall. New cottage to be exact distance from the water as the existing cottage, to be no closer to the water. Septic HHE 200 presented. Minutes dated 2/10/88 error on the dimensions of the existing cottage should read 24 x 34. New construction to be 26 x 36. Michael Hammond moved to approve conditional use under Section 2.08, 4.01, 4.02, 4.03 and 7.01. Surveyor to position new structure with front exact distance or no closer to the lake. Plot plan of existing to be done by a registered surveyor and to the satisfaction of the Code Enforcement Officer prior to issuance of Building Permits. Anna Jackson seconded the motion. Unanimous in favor (4).

WADE JUNKINS

Presented plot plan and plans for his building. Leach field not in parking area they are in a green area at the front of the building. Mr. Junkins does not intend to open up the area more than necessary. Village Zone. Actual work area 4,560 sq. ft. A five acre parcel. Referred to minutes of March 9, 1988. Parking area not to be paved immediately. Hot top as can be afforded. Would eighteen months be reasonable amount of time. Mr. Junkins felt that was reasonable. Dust control measures would need to be used.

John Roberts moved to approve conditional use under Section 3.04.03 item #10. with the following conditions:

1. Pavement to be laid down within eighteen (18) months from June 8, 1988.
2. Dust control by calcium chloride.

Unanimous in favor (4).

## 8:30 P.M. DEER WATCH SUBDIVISION

Two preliminary plans presented. Same number of lots different configuration. The board had requested 5 to 1 depth ratio therefore the second configuration. The shaded areas on the plan are to be donated to the Town for future widening of the road if necessary. Internal road requested. Letter from the town attorney concerning this request placed on file. Mr. Dick Moulton making the presentation for Mr. Thomas Toye would like to work with the Board to resolve differences so the project could continue. Letter of April 23, 1988 referred to. Mr. Toye wished to maintain large lots and keep the cost to a home buyer in a reasonable ball park to allow affordable housing.

Mr. Moulton suggested establishing a fund that would be available for future development of the New Road. The expense of an internal would chew up the lot size and would still not address the problem of the condition of the New Road. Traffic count from DOT with the peak count factored in. There have been no reported accidents on this road.

The Board would like an internal road. This could potentially be the main road from S. Waterboro to Ross Corner one day. Mr. Toye seems insistent on keeping out of DEP's hands. If DEP reviewed this project they would probably require New Road to be at least eighteen feet wide with a two to three ft. shoulder. Approximate cost of internal road figured at 93,000. This would make the marketable lot value somewhere around \$23,000. Mr. Toye would like to hold the cost down to keep cost of lot and house in the mid \$90,000 range. Low cost housing for the state believed to be about \$56,000. for the state of Maine. This area believed to be somewhat higher. The road frontage of 1856 ft. for this lot. Mr. Toye requesting five accesses. Four shown on plan one to be positioned by the Board. Would Mr. Toye through Mr. Moulton consider \$3200. per lot to upgrade the New Rd. and use a minimum setback of 300 ft. from the road for all buildings on the lots.

The Board concerned with future growth on this road. Their job is to plan as well. They do not wish to create another heavily traveled road like the Old Alfred Road. An internal road would handle internal traffic. Mention of a pathway across all lots for walk path.

Mr. Moulton again stressed that he was willing to work with the Board and would like to keep the area wooded. Would it be possible to work with the town to establish a fund for the New Road? A general consensus among attorneys that the board has the right to impose impact fees. Reconstruction would be 3/4 to 1 mile approximate cost \$210,000 to upgrade the road this distance.

This area has great potential of future development. Mr. Howard Hall has already presented his plan to the board. His property abuts Mr. Toye's. There are six abutters to this section of the road if the board divided the \$210,000. approximate cost of upgrading of New Road and equally divided the cost between six abutters this would leave Mr. Toye's portion somewhere around \$35,000. to be earmarked for the New road. Two other problems:

1. If no internal road is put in this may be setting a precedent for future development in this area.
2. There should be some means of connecting adjacent subdivisions.

Mr. Moulton noted that the other side of the New Road is a mapped aquifer and he did not feel that this would have a great density for building. The last year that the New Road was upgraded believed to be 1959. Mr. Moulton asked if the Board would be willing to work with them with an Impact Fee v. an internal road.

Planner as a means of passage to the pond. The report referred to Common areas these are never to be divided to be owned in common by an association formed by the property owner's in the development. DEP presentation for approval believed to be ready some time the first of July. A Public Hearing still needs to be held for this project. This project may require a Public Hearing from DEP concerning stream alteration however these would probably be held at different times since one is held by the town and one by the state. After the Board has had a chance to study the plans presented a workshop to be scheduled. Tom Greer possibly could attend the workshop to clarify any questions concerning the engineering portion of the proposal.

NOTE: Sheet C2 of the plans the Roadway should be 22 ft. What will be done to protect the pond from silt. This would be handled by the association under maintenance for the subdivision. Public Hearing scheduled for July 18, 1988 at 7:30 P.M. Drown Agency requested estimate of water study. Andrew to get information from both firms used by the Planning Board. Rough timetable for the project: Public Hearing - Hydrology reviewed (30 days) - workshop - review of Public Hearing and review of information presented. Acceptance of Preliminary not advisable until hydrology review is back to substantiate the number of lots proposed. DEP and the Town to review separately but simultaneously with feedback to Drown Agency.

Abutters to be notified within 7 days under Section 6.1.8 also note notification of Public Hearing set for July 18, 1988.

REQUEST FOR WAIVERS:

Page 4 of application. Centralized mail deliveries currently there is 1/2 delivery and 1/2 P.O.Box.

6.2.1 #24.

6.2.1. #10.

Road Ordinance variance on 200 ft. tangents. Error in placement of test pit. This will be corrected on Final Plan. 100 ft. of straight road. Ordinance requires 200 ft. reverse curve, road off ridge convenient for the Building Site with 100 ft. curve able to extend the site distance, 200 ft. would reduce site distance. P1 slope less than 3% in 100 ft. ordinance requires 50 ft. % to be indicated for the Public Hearing 1250.

Address waivers at Public Hearing Board to handle at workshop.

Second appointment Deer Watch allowed review of two items under Old Business to allow people waiting to be able to leave since presentation could be lengthy.

An internal road defeats the purpose of keeping the cost down for economic housing. Board pointed out other possible layouts for this lot. A cul-de-sac could be used and still maintain the same number of lots. Other configurations suggested. Mr. Moulton stated this still does not address the problem of the New Road. General discussion concerning alternate solution. Four commonly shared drives with a minimum setback of 300 ft. from the front lot line. Impact fee of \$35,000 earmarked for the New Road. Mr. Moulton to present suggestions to Mr. Toye and see what he felt of them. Public Hearing has not yet been held concerning this subdivision. After generalized meeting the Board to contact Mr. Toye with further information.

### VII OLD BUSINESS:

Kevin Owen: Meeting scheduled for Wednesday, June 22, 1988 at 7:30 P.M.

Mr. Leveille: This requires a Conditional Use. John Roberts moved to approve Conditional Use request of Mr. Leveille under Section 3.06.03 #14. with the following conditions:

1. That he be a minimum of 75 ft. from the edge of the State Right-of-way.
2. No parking on Route 202. Conditional Use can be revoked at any time that this becomes a nuisance or any conditions are not adhered to or traffic and parking becomes a problem.
3. The trailer must be removed from the property for a period of 24 hours once each week.
4. This Conditional Use permit will terminate on September 30, 1988.
5. Trash not to be disposed of in the Town of Waterboro trash compactor.

Michael Hammond seconded the motion. Unanimous in favor (4).

Mount Holly: Notify Mr. Grimes of the scheduled meeting of June 22, 1988. Sherburne Woods subdivision workshop to follow Mr. Owen's scheduled appointment.

Douglas Foglio moved that from now on Old Business issues shall be required to file a request fifteen (15) days prior to a meeting to be brought back on the agenda. Roland Denby seconded the motion. Unanimous (4)

Meeting adjourned at 12:55 A.M.

Respectfully submitted,

Lawrence Jacobsen  
Secretary/Treasurer

*John M. Alb*  
-----  
*Michael Hammond*  
-----  
*Roland E. Denby*  
-----  
*Anna Jackson*  
-----

PUBLIC HEARING  
SUBDIVISION CHANGES

JUNE 9, 1988

Meeting called to order at 7:36 P.M.

Present were Anna Jackson, Roland Denby, Douglas Foglio Chairman, assistant CEO, Town Planner Andrew Timmis, and two town citizens.

The idea of the changes because of hydrogeologic survey. If this change were voted in favor the developer will have to pay the entire cost. The Board has taken in approximately \$1000. and the cost of the studies to date on projects is approximately \$4000. This is not in the best interest of the tax payers. There are approximately 16 projects before the Board at this time. The least expensive study believed to be about \$400. for a two lot subdivision. Soils make a difference in the cost of the study.

Ray Dyer: The retroactive clause would this be possible?

As per attorneys instruction yes.

Two subdivisions studies have gone through. Nothing can be done concerning these. The Board has given the developers the option of choosing the firm for the water study review. Estimates to be requested from the two firms used by the Planning Board and presented to the developer.

Reason for Article 7 and 10. Certain people that come before the Board will have hydrogeologic study. The study might show that the number of lots that the land would support might change and it would not be advisable or financially feasible for the project to continue so would withdraw their plan. This would protect the Town from absorbing the cost. The Planning Board does not feel that the tax payers should bear the cost.

Mr. Gobeil: How far back would the retroactive clause go? Applicants since March 12, 1988. There is only one that has not been reviewed at this point. Two or three projects in the near future. Others have been completed.

Article 10: Comment that this needs stronger language. Noted that this is covered in Article #7.

Final stage has so many days to take action. 90 days to sign. After this it becomes null and void.

Waiver given due to back up of appointments. Necessary to act within 60 to 90 days. The Planning Board has been giving an additional 90 days. Time runs out because of no money for consultant fee.

Developer could request waiver of approximately 30 days. Would have to pay.

Board has not had a problem since Mr. Foglio has been on the board. If they have gone this far they usually have everything covered.

Mr. Gobeil commented that he could not believe that no other people were in attendance at this Public Hearing, however the developers would be complaining later.

Meeting closed at 7:46 P. M.

PUBLIC HEARING  
SITE REVIEW ORDINANCE

JUNE 16, 1988

Meeting called to order at 7:43.

Present were Roland Denby, John Roberts, Town Planner, Andrew Timmis, and Chairman Douglas Foglio.

Written comments received and to be entered into the record. See attached copy.

See attached changes as per request of those in attendance at the Public Hearing. These changes to be reviewed by the attorney and noted for the Town Meeting scheduled for June 21, 1988.

Discussion concerning the review process of more than one duplex being built on lots. To note in the review more than one duplex or single house would require site plan review. Commercial buildings, would not come under review need to make notations to include.

## M E M O R A N D U M

TO: Steve Kasprzak

FROM: Jim Van Wyck

DATE: June 15, 1988

SUBJECT: Review of Proposed Waterboro  
Site Plan Review Ordinance

I have reviewed the proposed Waterboro Site Plan Review Ordinance and have the following comments:

1. The definition of which projects require site plan review leaves a loophole for large single-use facilities such as industrial or commercial buildings. As written, if these types of projects were a single use with no division of the building or site, they would not require site plan or subdivision review.

I have attached excerpts of the Kennebunkport and Gorham Site Plan Review Ordinances. You will note that these require review for any conditional use and any other building, expansion or change of use. The only exceptions are for single family dwellings and minor expansions. These may seem too comprehensive, but it is a much cleaner definition. I think the proposed Waterboro Ordinance is still rooted in the subdivision philosophy with its use of 3 or more units as a determining criteria. In my opinion, this should have nothing to do with whether a plan requires site plan review.

In addition to this, the ordinance definition does not exempt single family subdivisions. It appears to me that any subdivision would require both subdivision and site plan review and approval. I don't think that is what the planning board intended to accomplish.

2. It seems excessive to require a hydrogeologic study on all site plan reviews. It is quite possible that many projects going through site plan review could have septic disposal systems for only one or two bathrooms and have less potential impact than a single family home. I suggest requiring a study if the septic system (or systems if more than 1 on a site) have a design flow in excess of 2,000 gal. or if the effluent is predominantly made up of other than typical septic waste. This 2,000 gal. figure is currently the point at which the state requires an engineered system.

JVW/wl  
Enclosure

## I. PROCEDURE

- A. Site Plan Review and Approval by the Planning Board shall be required before issuance of a building permit or certificate of occupancy for any building or structure; including but not limited to: office buildings; multi-family residences; shopping centers; mobile home parks; travel trailer parks; and commercial complexes; except as provided in Subparagraph (B).
- B.
- 2. Subdivisions, single family residence(s) and single duplex house(s).
- D.
- 9. The applicant shall, in addition, submit for any project utilizing an on site septic disposal system if the septic system has a design system flow in excess of 800 gallons or if predominantly made up of nontypical septic waste, a hydrogeologic impact study prepared by a State of Maine Certified Geologist or a Registered Professional Engineer with experience in hydrogeology. This study shall contain, at a minimum, the following components:
  - F. The Planning Office Secretary shall within seven (7) working days after receiving a Site Review packet from the code Enforcement Officer, identify the next available appointment before the Planning Board, schedule the application for Planning Board Review; and notify the applicant; the Board of Selectmen; the Chief of the Fire Department; the Chairmen of all Town Committees.
  - G. Owners of abutting property shall be notified by the applicant, by certified mail of the date, time and purpose of that appointment.

## II. SITE PLAN REVIEW STANDARDS

### A.

- 1. The proposed use does not meet the definitions or requirements set forth in the Zoning Ordinance;
- 2. The proposed use will create fire safety hazards by not providing adequate access to the site, or to the buildings on the site, for emergency vehicles,\*or adequate dry hydrants and access to the site;

\*Dry hydrants shall be required in off site locations if necessary.

8. The design of the site will result in significant flood hazards or flood damage or is not in conformance with applicable flood hazard protection requirements; or storm water detention pond(s) are not adequate;
13. Adequate provision has not been made for the transportation, storage and disposal of hazardous substances and materials as defined by state law and Waterboro Hazardous Waste Ordinance;
15. The project will increase nitrate nitrogen concentrations in surface or groundwater at the property line of the site in excess of 5 mg/l. If groundwater contains contaminants in excess of the primary drinking water standards and the project is to be served by on site groundwater supplies, the applicant shall demonstrate how water quality will be improved or treated to meet applicable standards.

### III. ADMINISTRATION

- H. No certificate of Occupancy shall be issued until all improvements shown on site plan are installed or a sufficient Performance Guarantee has been posted for improvements not yet completed (including but not limited to grading, drainage, paving, planting, landscaping, structures, buildings or single duplex homes in permitted accessory uses set forth by site plan review.

TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE

SPECIAL MEETING

WATERBORO PLANNING BOARD

JUNE 22, 1988

MEETING CALLED TO ORDER BY VICE CHAIRMAN JOHN ROBERTS AT 7:40 P.M.

I ROLLCALL: Anna Jackson, Roland Denby, Dwayne Woodsome and John Roberts, Vice Chairman. Karen Lovell, Town Attorney was also present.

II COMMUNICATIONS:

1. Letter from Karen Lovell Re: Owens Property

7:30 P.M. Elwyn and Kevin Owen

Present were Mr. Elwyn and Kevin Owen with their attorney Mr. Ronald Ayotte.

Letter from DOT Re: Goodwins Mills Road width as recorded may have an impact on the lot size. A copy was given to Mr. Owen for his records and a copy to Mr. Ayotte.

May 11, 1988 meeting the Board voted to send the survey to the Town Engineer. This done and notes made between Mr. Owen's engineer and the Town's engineer. At that time a meeting was requested. Mr. Ayotte requested that letter dated 5/18/88 be made part of the record. Nine days following:

#1. Had agreed that this would be taken care of at the time of installation of the new tank.

#3. To comment later

#4. Letter of 6/7/88 Mr. Ayotte placed on file and read in answer to 5/18/88 letter from Town Attorney.

DEP set standards they will be met and the entrances changed to two all requirements met. Opinion of the Board was for oil and water separator. CEO was asked as to what could be put in. Unless drainage was such that drainage could not go into states drainage, the unit of drainage does not pertain to this type for the situation. D. N. Brown and DEP insured Mr. Owens that their requirements were sufficient. Mr. Owen would like to be used as everyone else.

This site is not a usual site. Pollution a definite problem in the surrounding area. A #1 in the State. (Waterboro Patent Site named an uncontrolled site by DEP)

*Smith & Elliott, P.A.*

ATTORNEYS AT LAW

199 MAIN STREET - P.O. BOX 1179

SACO, MAINE 04072

207-282-1527

103 MAIN STREET - P.O. BOX 980

KENNEBUNK, MAINE 04043

207-985-2690

May 18, 1988

ROGER S. ELLIOTT  
ALAN S. NELSON  
RANDALL E. SMITH  
CHARLES W. SMITH, JR.  
TERRENCE D. GARMER  
KAREN B. LOVELL  
PETER W. SCHROETER  
RICHARD P. ROMBO  
ROBERT H. FURBISH  
THOMAS S. COWARD  
WILLIAM S. KANY  
JOHN H. O'NEIL, JR.  
HARRY B. CENTER II

**COPY FOR YOUR  
INFORMATION**

CHARLES W. SMITH  
(1915-1983)

DANIEL E. CROWLEY  
OF COUNSEL

SAMFORD  
207-334-1560

PORTLAND  
207-774-3199

FAX  
207-283-4412

Ronald E. Ayotte, Esq.  
P.O. Box 555  
Saco, Maine 04072

Re: Owen Matter

Dear Ronnie:

I met with the Planning Board Chairman yesterday morning, with regard to the application presently pending before the Planning Board, seeking approval for the installation of gas pumps adjacent to the Milk Room convenience store. I have been instructed to inform you that the final hearing on this application will not be scheduled until the Planning Board is provided with certain additional evidence. That is as follows:

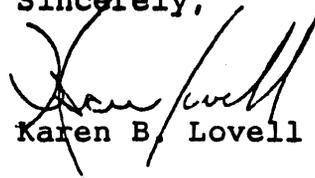
- 1) Written confirmation that there are no presently existing underground petroleum tanks on the site. A number of years ago Mobil gasoline was apparently sold at this location. Many of the private wells in this part of Waterboro are already contaminated by leaking underground tanks. As a matter of public health and safety, therefore, the Board wants to be absolutely certain that all storage tanks on or adjacent to the Milk Room property have been removed before installation of new tanks takes place.
- 2) The Board has sent your proposed drainage plan to Sebago Technics for review and evaluation. It will need to have received Sebago Technics' report on that proposal before the Board can satisfactorily evaluate its sufficiency, and make an informed decision on the project.
- 3) The Planning Board is requiring that you provide a plan for gasoline drainage and safety measures to be taken in the event of a gasoline spill. This information will need to be

submitted and, if the Board concludes it is necessary, evaluated by an engineering firm for the Town, before the Planning Board can render its final decision.

4) Mr. Owen will need to revise his plan so that there are only two entrances to the property, one on each of the two roads abutting it. Section 5.04 of the Town's zoning ordinance requires that each of these entrances be at least fifty feet from the road intersection.

We will be in a position to schedule the final decisional hearing on the Owen application, once you have provided the additional information requested in this letter, and the Board has had sufficient time to seek such professional evaluation of that evidence as it feels to be appropriate.

Sincerely,



Karen B. Lovell

KBL/mkc

cc: Andrew Timmis

# Ronald E. Ayotte

ATTORNEY AT LAW

P.O. BOX 555  
SACO, MAINE 04072  
(207) 284-4310

June 7, 1988

Karen B. Lovell, Esq.  
Smith & Elliott, P.A.  
Post Office Box 1179  
Saco, Maine 04072

COPY

Re: Owen Matter

Dear Karen:

This letter is in response to your letter of May 18, 1988, and in confirmation of our telephone conversation this day. I will address the concerns and requests for information as they are listed.

1. Concern about possible existing underground tanks. Mr. Owen has agreed to have the D.E.P. present at the site at the time of the installation of the new tanks. At this time he would have a licensed excavator and installer, at which time the concern would be investigated and if found to exist, removed.

To address this concern now, as requested in your letter, Mr. Owen had an excavator on site, together with a D.E.P. engineer, who had a metal detector. It was determined that there were no existing underground petroleum tanks on the property. The costs to Mr. Owen to have the equipment on site and the work done was \$350.00. Mr. Raymond Dyer the chairman of the Hazardous Waste Commission was present at the site with D.E.P.

2. Sebago Technics have reviewed our drainage plan as recommended minor changes which were adopted. I understand that they have reported that the drainage is adequate.

3. Mr. Owen has applied for and obtained a permit from the D.E.P. for the installation of the gasoline tanks and pumps, all in compliance with the provisions of M.R.S.A. Title 38, Section 563. The design and installation standards for new and replacement facilities are now set forth in Section 564, and the issuance of a permit by the D.E.P. is confirmation that all these prescribed standards have been met.

4. Mr. Owen has revised his plan to comply with the Town's Zoning Ordinance, as requested.

Page 2

Re: Owen Matter

At the Board meeting of May 11th, 1988, which was the last hearing held on the matter, the board indicated to Mr. Owen that once the matter had been reviewed by the Town Engineer, Mr. Owen would be brought back under old business.

At this time, I would urge that the matter be heard under old business at the next meeting which is scheduled for June 8, 1988.

Very truly yours,

---

Ronald E. Ayotte, Sr.

REA/bt

cc: Andrew Timmis  
Doug Foglio, Sr.  
Elwyn Owen

*Smith & Elliott, P.A.*

ATTORNEYS AT LAW

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SACO, MAINE 04072

207-282-1527

103 MAIN STREET - P.O. BOX 980

KENNEBUNK, MAINE 04043

207-985-2690

**COPY FOR YOUR  
INFORMATION**

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207-774-3199  
FAX  
207-283-4412

June 14, 1988

Douglas Foglio, Sr.  
Chairman  
Planning Board  
P.O. Box 130  
Waterboro, Maine 04087

Re: Elwyn Owen Application

Dear Doug:

The purpose of this letter is to confirm Roger's and my opinion on Elwyn Owen's application to add self-service gas pumps to the Milk Room property.

It is our understanding that this proposal is before the Planning Board pursuant to zoning ordinance §2.08, which requires Planning Board approval of construction on substandard nonconforming lots. The Milk Room convenience store has for many years occupied a substandard lot on Route 202 in the South Waterboro business district. Fairly recently an adjacent building was torn down. Mr. Owen now proposes to add self-service gasoline pumps to the site. Sale of gasoline from those pumps would be handled through the Milk Room. No other automobile service facilities are proposed to be provided.

It is our opinion that your zoning ordinance prohibits the Planning Board from granting the Owen application. The third paragraph of subsection 2.08 provides that a grandfathered substandard lot may be used "to construct, renovate, or reconstruct a primary use structure." The ordinance does not allow construction of secondary or supplemental use structures on nonconforming lots. A primary use structure, the Milk Room itself, already exists on the property. The proposed gas pumps would be secondary uses to the convenience store use, and clearly

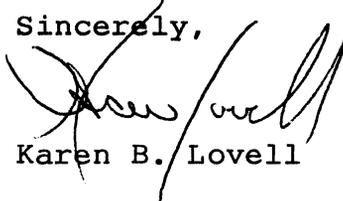
Douglas Foglio, Sr.  
June 14, 1988  
Page 2

fall within the zoning ordinance's definition of "structure." The zoning ordinance would therefore not permit this secondary use to be made of this substandard lot.

There is also a second related basis for the Planning Board's denial of this application. The fact that the Milk Room was in operation prior to enactment of the zoning ordinance allows that operation to continue, even though the lot is substandard and falls far short of meeting applicable area requirements. The Milk Room's legally nonconforming or "grandfathered" status is strictly circumscribed, however. It is well established under Maine law that a nonconforming use cannot be expanded unless the expansion complies with all requirements of zoning, or unless a variance is obtained. That variance would, of course, need to be considered by the Zoning Board of Appeals. The Zoning Board of Appeals also would have jurisdiction to determine whether or not the addition of gas pumps to the Milk Room would constitute an illegal expansion of the nonconforming status.

It is my understanding that the Planning Board will be making its final decision on this application at its June 22, 1988 hearing. At your request, I have planned to be present at that hearing. If your receipt of this letter eliminates the need for my attendance, I trust you will let me know.

Sincerely,



Karen B. Lovell

KBL/mkc  
cc: Andrew Timmis

Was the Board aware that two tanks were put in at the school? Is there a oil and water separator at this site? To the Boards knowledge these tanks were installed without Towns knowledge. SS Title 38 UNDERGROUND OIL STORAGE AND PROTECTION 570C. If town does not have ordinance then the state statutes cover this. The Board should not selectively create requirements for any particular situation. If legal opinion is needed before decision rendered Board to go into Executive Session.

Oil and water separation system refused to be placed. Mr. Ayotte stated, if after Executive Session Board decides that this should be a condition this could be included as a condition for the Conditional Use Permit. Section 4.02 read from the Waterboro Zoning Ordinance.

Mr. Ayotte commented that DEP had suggested design was appropriate. Mr. Timmis commented that the standards being used for Mr. Owen were minimum standards, DEP if asked would probably agree. Mr. Ayotte: the Law says that DEP is to design, as the Town they have to accept. Standards, the town could make stronger Karen Lovell, town attorney to advise during Executive Session.

The only question concerned with was gas spill. Legal and town and people in the town want. Mr. Owen commented overwhelming comments in favor of the gas pumps.

Anna Jackson moved to go into Executive Session. Dwayne Woodsome seconded the motion. Vote was unanimous (3) in favor.

Mr. Ayotte read from DEP information concerning the State Law. Town was asked to read letter dated 6/14/88 and to be part of the record. Letter was read, response from Mr. Ayotte and/or Mr. Owen was requested.

Application was made in September or October if these questions were raised this could have been addressed before this meeting. It was made known that the intention of the building being torn down was to put gas pumps in. The CEO was informed of gas tanks, he noted it was no concern of the town's so therefore went to the State.

Mr. Ayotte commented that the board was exchanging expansion and tearing down of the building. He felt that the executive session was Re: State Statutes. Counsel advised not to condition the use. This letter to weigh on the decision. Mr. Owen exited with his attorney for legal consultation.

Mr. Ayotte in full disagreement of the legal opinion from the Town counsel. Section 3.04.02 of Zoning Ordinance referred to by Mr. Ayotte. This section covered gas stations, all convenience stores selling, completely unfair to after four hearing and spending monies to comply with the Board's requests. Mr. Ayotte requested that a decision to let Mr. Owen know results through Town counsel. Not expanding an original lot expanding by increasing lot size by ten times. Still substandard but grandfathered. Relying on ordinance that allows adding a product with ten times more parking. Excuse found but not a reason.

Roland Denby moved to deny the request for Conditional Use on the findings provided on the advise of Town Counsel's letter of 6/14/88. Dwayne Woodsome seconded the motion. Four in favor. Request denied.

Mr. Ayotte commented that there was no question where this will be taken from here. Mr. Owen thanked the Board for rendering a decision. Also thanked the Board for their time.

Meeting adjourned at 8:37 P.M.

Respectfully submitted,

Lawrence Jacobsen  
Secretary/Treasurer

John W. [Signature]  
Lawrence Jacobsen  
Roland E. Denby

TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE



SPECIAL WORKSHOP

WATERBORO PLANNING BOARD JUNE 22, 1988

WORKSHOP CALLED TO ORDER AT 8:40 P.M.

ROLLCALL: Present were Anna Jackson, Roland Denby, Dwayne Woodsome and John Roberts Vice Chairman who chaired the workshop.

PRESENT WERE KEVIN GRIMES FROM MOUNT HOLLY MAP 9 LOT 14D ZONE F&A

Concerns on road design to keep with the street ordinance realistically deal with this. Hydrostudy not complete. May 11, 1988 minutes is was stated that the Board would schedule a workshop for different designs for the road, (930 ft.). A waiver was granted at Sketch Plan Approval. The variance for the length of the cul-de-sac was granted April 7, 1988. Site distance requested at the May 11, 1988 meeting of 210 minimum for design to show cuts are reduced. To eliminate cuts. All other road design standards are being met. "p" shape will service the same number of lots. Better traffic flow if the road continued in the future is would still work well. Green area to be left in the center of the cul-de-sac. Quantity of fill down to 6-8 ft.

Drives #3 and #4 were 20-25 ft. cuts. Grades not figured. Physical out asthetically necessary. Road the responsibility of Mount Holly. Plowing an open cul-de-sac more of a problem than a lollipop or "P" shape. The "P" shape still has a 75 ft. radius. Will be dedicating this to the town. The road to be built to town specifications.

TJ> Enterprises from Massachusetts previous owner's before Andrews.

Board to discuss at their June 23, 1988 meeting a Public Hearing. Hydro study to go out to consultants for an estimate. Mr. Grimes was informed of the new changes to be voted on at a June 28, 1988 Special Town Meeting. Study to go out to both of the firms that the Planning Board uses for an estimate. The choice then left to the developer. Acceptance of Preliminary usually after a Public Hearing.

Concern for prior to Public Hearing acceptance. York County Soils and Sebago Technics to review before hearing is scheduled.

Changes needing to be made Mr. Holly would like to be informed of any so that they can make changes to be ready for the Public Hearing.

Reviewed by the Town Planner to see if application is incomplete or complete. Notification as soon as possible. One drive intended to position road to be built before selling lots.

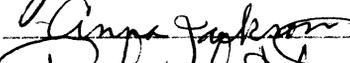
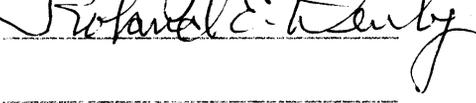
Greenbelt: area to be left natural to act as buffer. Stipulation in deed with no clearing. Board would be under the opinion to restrain cutting to 10 ft. utility easement and a 20, 30, or 40 ft. driveway easement. NOTE will state overhead powerlines.

Mr. Grimes would like to see some cutting allowed.  
One reason for greenbelt is to limit access. Status of road not  
higher traveled. Lots #1, 6, and 7 the only lots that access Ross  
Corner Road, that they be allow access for maintenance of lot,  
woodcutting etc. Dwayne Woodsome noted that in this area the majority  
of the trees are either scrub pine or scrub oak. Plan taken under  
advisement.

Meeting closed at 9:25 P.M.

Respectfully submitted,

Lawrence Jacobsen  
Secretary/Treasurer

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE

REGULAR MEETING WATERBORO PLANNING BOARD JUNE 23, 1988

MEETING CALLED TO ORDER AT 7:46 P.M.

I ROLLCALL: Anna Jackson, Roland Denby, John Roberts and Douglas Foglio chaired the meeting.

II MINUTES:

III COMMUNICATIONS:

1. Letter from Fred I. Merrill, Inc.
2. Letters from Karen Lovell Re: William Cotsifas, Leighton Subdivision, Jones, Webber Property, SMRPC Road Letter and Davis.
3. Letter from Board of Selectmen Re: Leveille Conditional Use
4. Letter from Steve Kasprzak
5. Public Hearing Notice ZBA
6. Zoning Board of Appeals Decisions
7. Letter from Woodman & Edmands Re: Filing of Conditional Use
8. Interoffice Communications
9. Letter from Drown Agency Re: Abutting property owners
10. Letter from Fred Pierce Re: Sale of real estate
11. Saco Bay Federation
12. Lombardo & Association, Inc.
13. June Issue of UPDATE
14. Info from Prentice Hall
15. New Applications
16. Letter from Bernstein, Shur, Sawyer and Nelson Re:  
Waterboro Patent Corporation Site.
17. New Laws effective August 4, 1988
18. Cartographic Associates, Inc.
19. SMRT Letter of Transmittal Re: Ervine Richardson Subdiv.
20. BCI Geonetics, Inc.

#2. Mr. Neal Tranten a new land owner of Mr. Webber Property was present to see what the Board's feelings were regarding this matter. Rough summation given. Letter of 6/16/88 Re: Webber Property given to land owner. If illegal subdivision has been created this would not allow you to build but would give you recourse. Mr. Tranten was given time to digest the contents of the letter.

#3. Anna Jackson moved to change the last condition of the Conditional Use to read: Waste removal must comply with Solid Waste Ordinance of the Town of Waterboro. Roland Denby seconded the motion. Three in favor.

#15. New Forms for Conditional Use Approval and New Application Form: John Roberts moved to adopt as written. Roland Denby seconded the motion. Three in favor.

#2. John Roberts moved that the Town Attorney draft a letter of notification of illegal subdivision to be sent to Mr. Dean Webber stating no building permits would be issued until proof that the sale of his property is not an illegal subdivision or that an illegal subdivision does not exist. Anna Jackson seconded the motion. A copy of this letter to be sent to Mr. Dean Webber, Mr. Greg Fall of Century 21 in Sanford, and a copy to Mr. Neal Tranten, land owner.

#2. Discussion Regarding Mr. Jones Conditional Use Permit. Roland Denby moved to notify Mr. Jones to build up the earthen wall and seed as per Conditional Use of 12/10/86. This must be complied with by September 30, 1988 and that Mr. Jones purchase a Hazardous Waste Ordinance. Anna Jackson seconded the motion. Three in favor.

#1. John Roberts moved to send a letter to Mr. Stu Gannet and Mr. Punch stating that until the Board is presented with a survey it is unable for them to determine the disturbed area of this plot. As for the grandfathered status more evidence must be produced to prove grandfathered status. Doug Foglio seconded the motion. Vote was Unanimous in favor (3).

#8. John Roberts moved to accept the Site Plan Review as per 6/16/88 Public Hearing with legalized changes. Roland Denby seconded the motion. Unanimous in favor (3).

John Roberts moved to accept Subdivision Ordinance changes with legalized changes. Roland Denby seconded the motion. Unanimous in favor. (3)

#8.

**IV REPORT OF OFFICERS AND COMMITTEES:**

**V TOWN PLANNER:**

- |                         |                                |
|-------------------------|--------------------------------|
| 1. Forty Acre Exemption | 2. DOT Communication           |
| 3. Traffic Count Info   | 4. Comprehensive Plan Strategy |

**VI APPOINTMENTS:** All Appointments Rescheduled

**VII OLD BUSINESS:**

1. Michael Libby: John Roberts moved to send Michael Libby a letter stating that per the original notification to him the building was not to be increased in dimensions. No building permits will be issued until plans with those dimensions are presented. Roland Denby seconded the motion. Unanimous in favor (3).

12. A letter to be sent to Mr. Campbell asking him to contact the Town Planner relative to his subdivision. Notes to be taken of meeting with the Town Planner.

2. Mount Holly: John Roberts moved that with the hydrostudy that when it comes in the Town Planner to send out for estimates. Roland Denby seconded the motion. Unanimous in favor (3).

8. Complete Application signed Fall Lot Estates.

6. Deer Watch: Mr. Dick Moulton per phone conversation agreed to \$32,500. and has since been in contact with the chairman, Mr. Foglio and agreed to improve the New Road under the Road Review Committee's approval in the amount of \$32,500.

The last drive to be placed abutting Howard Hall Property.

Public Hearing to begin at the conclusion of Drown Agency Public Hearing scheduled for July 18, 1988 at 7:30 P.M.

4. Orchard Hills: Roland Denby moved to approve sketch plan. Anna Jackson seconded the motion. Three in favor, one abstention. Motion passed.

5. Pace Landing: Anna Jackson moved to approve sketch plan. John Roberts seconded the motion. Vote was unanimous in favor (3).

10. Herbert Wishhart: On Site Committee report recommends approval. Roland Denby moved to approve under Section 2.08. Anna Jackson seconded the motion. Vote was unanimous in favor (3).

7. Deer Acres: Two (2) ft. contours to be used. On Site Committee noted they had found rubbish on the site and recommended it be removed. The Site is very flat.

#### **VIII NEW BUSINESS:**

July 13th notify Greg Bean after June 28, 1988 Special Town Meeting Site Plan Ordinance acceptance. Mr. Bean to come in for Site Plan Review.

July 14, 1988 Special Meeting schedule the next four (4) Conditional Use Applications.

IX ADJOURNMENT:

Meeting adjourned at 10:50 P.M.

Respectfully submitted,

Lawrence Jacobsen  
Secretary/Treasurer

*John W. B.*  
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*Anna Jackson*  
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*Richard E. Tenby*  
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