

PLANNING BOARD

Town of Waterboro
JANUARY 12, 2000
REGULAR MEETING

I ROLL CALL

Doug Foglio called the meeting to order at 7:30 p.m. noting the attendance of Susan Dunlap, Dwayne Woodsome, Roland Denby, Everett Whitten, Todd Morey, Tim Neill and Frank Faith.

II APPOINTMENTS

III MINUTES OF THE PREVIOUS MEETING

Dwayne made a motion to approve the December 23, 1999 minutes as written. Everett seconds. Motion carries a 6-0-0 vote in favor.

IV NEW BUSINESS

V REPORT OF OFFICERS

VI OLD BUSINESS

No old business was discussed at this meeting.

VII COMMUNICATION

- The Selectmen minutes of December 28, January 3, 4 and 6 were reviewed.
- Communication from Patti regarding the scanner was reviewed
- Communication from Patti regarding the Flood Management Ordinance was reviewed
The Flood Management Ordinance was only reviewed by the Planning Board at the Selectmen's request for their recommendation. The Planning Board recommended that the Selectmen request a deadline extension for Town Meeting. If the Selectmen wish to have the Planning Board proceed with warrant request they will do so.

VIII MISCELLANEOUS

Ordinance reviews:

There was discussion on placing the Site Plan Review for Mineral Extraction on a referendum versus a warrant. A public hearing to inform the public would need to be held so that any possible revisions could be made immediately. The referendum needs to be in the Town Clerk's hands by January 26, 2000. After much discussion the majority of the board felt it best to go through referendum.

Everett made a motion to request that the Selectmen place the Site Plan Review for Mineral Extraction on a referendum vote. Susan seconds. Motion carries a 6-0-0 vote in favor.

Dwayne questioned the possibility of having the Board present it to the Selectmen rather than a simple written request. The Board noted interest in doing so. Lisa will ask Pam for an appointment with the Selectmen to present our request. The Flood Plain Management will also be discussed.

Dwayne made a motion to send the final draft to Ken Cole to review and also have him present at the Public Hearing to answer any questions immediately that may come up. Everett seconds. Motion carries a 6-0-0 vote in favor.

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**Planning Board
January 12, 2000
Page Two**

Dwayne made a motion to have a Special Meeting for January 24, 2000 to conduct normal business after the public hearing. Roland seconds. Motion carries a 6-0-0 vote in favor

Dwayne made a motion to have a law enforcement officer present at the Public Hearing of January 24, 2000. Everett seconds. Motion carries a 5-0-1 vote in favor with Tim Neill opposed.

Flood Plain Management Ordinance:

Dwayne made a motion to send the Flood Plain Management Ordinance to the Town Meeting as a Warrant Article if the Selectmen chose to have the Planning Board handle the warrant. The Flood Plain Ordinance is to be included as the first item of discussion at the January 24, 2000 Public Meeting. Todd seconds. Motion carries a 6-0-0 vote in favor.

Lake Arrowhead zoning change:

It is discussed to have the zoning change as a warrant article. The lot frontage requirements were reviewed.

Dwayne made a motion to approve the Village Residential District as printed and present it as a Warrant Article at the Town Meeting. Todd seconds. Motion carries a 6-0-0 vote in favor.

Dwayne motion to amend the above motion to add the Lake Arrowhead zoning change to the January 24, 2000 Public Meeting and the second item of discussion. Todd seconds the amendment. Motion carries a 6-0-0 vote in favor.

Dwayne made a motion to approve the amendment as amended. Todd seconds. Motion carries a 6-0-0 vote in favor.

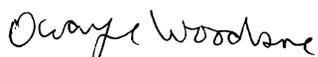
BOCA Building Codes:

Dwayne made a motion to place the BOCA Building Code upgrade on the agenda of the Public Hearing as the third item to be discussed, placement on the warrant will be determined at a later date. Todd seconds. Motion carries a 6-0-0 vote in favor.

IX ADJOURNMENT

Dwayne made a motion to suspend the meeting until Monday, January 17, 2000 at 8:00 to continue the discussion of the zoning changes. Todd seconds. Motion carries a 6-0-0 vote in favor.

Respectfully submitted



Dwayne Woodsome
Secretary/Treasurer
Planning Board

DW/lmm

January 12, 1999
Planning Board
Page Three

ACCEPTED: _____

Richard E. Dealy

Everett Whitten

Jim Hall

Manuel Lopez
Angela F. Gale

PLANNING BOARD
Town of Waterboro
January 17, 2000
Workshop &
Continuance of January 12, 2000 meeting

Doug Foglio, Sr., Dwayne Woodsome, Tim Neill, Todd Morey, Roland Denby and Everett Whitten are present for the Workshop/meeting.

The items of discussion during the workshop are as follows:

- The definition of Hammerhead turn
- Eliminating one side entry decks from meeting setbacks
- Mobile Classroom Regulations
- Reviewed Section 2.04 1st paragraph
- Rephrase Section 2.09
- Redefining Setback definition

The completion of the January 12, 2000 meeting is called to order at 8:00 p.m.

The following are Zoning Ordinance changes that the Board will present to the Selectmen for the Town Meeting in March, 2000.

Dwayne made a motion to add section 3.03.1. Everett seconds. Motion carries a 5-0-0 vote in favor.

One (1) standard size side entry deck and steps are exempt from the sideline setback in all districts with the exception of the Village Residential Zone if approved.

With a definition of:

Standard size entry deck: A standard size entry deck will consist of a 4' x 4' platform with a maximum of 6 steps.

Everett made a motion to add the definition of Hammerhead turns to Article 14. Todd seconds. Motion carries a 5-0-0 vote in favor. Definition to read:

Hammerhead turn: A gravel area built entirely outside of the right of way a minimum of 75' sq. for the purpose of vehicular maneuvering.

The area of the right of way adjacent to the hammerhead turn must consist of a 75' x 50' gravel area. The right of way must extend 75' beyond the hammerhead turn with a graveled area of 75' x 35'. The right of way with a hammerhead turn shall be built in compliance with the sketch shown on _____.

January 17, 2000
Workshop/continuation of
January 12, 2000 meeting
Page Two

Todd made a motion to add the Mobile Classroom Regulations to the Zoning Ordinance as subsection 4.04 if Boards gravel ordinance passes or 4.05 if Gravel Ordinance fails. Everett seconds. Motion carries a 5-0-0 vote in favor.

Mobile Classroom Regulations are to read:

Mobile classrooms will not be allowed in the municipality which does not provide the following within the classrooms:

- A restroom facility;
- Drinking water;
- A temperature controlled environment

All classrooms must be equipped with:

- An emergency fire warning system;
- Fire extinguishers and;
- Communication system

That operates in conjunction with the main building.

Mobile classrooms become a conditional use permit within any zone where a school is permitted.

Dwayne made a motion to make the clerical corrections as needed. Everett seconds. Motion carries a 5-0-0 vote in favor. The following sections are to be corrected:

- Section 7.01.8 B first paragraph;
- Section 2.03 second paragraph;
- Section 2.09 first paragraph;

Everett made a motion to add to Section 2.04 paragraph 1 "except when in the shoreland zone." Todd seconds. Motion carries a 5-0-0 vote in favor.

Todd made a motion to rephrase Section 2.09 to read "... Public records which shall be kept on file in the Code Enforcement Office and which may be inspected..." Currently reads "Municipal Clerk's Office." Everett seconds. Motion carries a 5-0-0 vote in favor.

**January 17, 2000
Workshop/continuation of
January 12, 2000 meeting
Page Three**

Roland made a motion to amend the definition of setback. Dwayne seconds. Motion carries a 5-0-0 vote in favor. Definition to read:

The minimum horizontal distance from a lot line, the normal high water line or the side of a right-of-way easement or deeded right-of-way (see section 3.03) to the nearest point of a structure.

Todd made a motion to add "and" between primary use & structure on Section 2.08 paragraph 3. Tim seconds. Motion carries a 5-0-0 vote in favor. Sentence to read:

...existing requirements of state law are met, be used to construct, renovate, or reconstruct a primary use and structure in spite of the fact....

Doug turned the meeting over to Dwayne Woodsome at this time to discuss the "Old Business" left unfinished.

VI OLD BUSINESS

Roland made a motion to hold a public hearing and a Special Meeting afterwards to discuss the following items:

- Subdivision owned by Cal Knudsen located on the Deering Ridge Road
- Conditional Use Application for the Gravel Extraction owned by Doug Foglio, Sr.,

Todd Morey seconds. Motion carries a 4-0-0 vote in favor.

Everett made a motion to adjourn the meeting at 10:20 p.m. Roland seconds. Motion carries a 4-0-0 vote in favor.

Respectfully submitted,

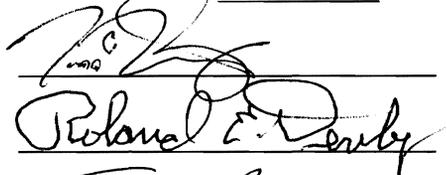


Dwayne Woodsome
Secretary/Treasurer

DW/lmm

January 17, 2000
Workshop/continuation of
January 12, 2000 meeting
Page Four

ACCEPTED. _____



Robert E. Deuby

Tim Hill

PLANNING BOARD

Town of Waterboro

JANUARY 24, 2000

PUBLIC HEARING

Doug Foglio called the Public Hearing to order at 7:30 p.m. noting the attendance of Susan Dunlap, Dwayne Woodsome, Tim Neill, Todd Morey, Everett Whitten, Roland Denby and Ken Cole. Also present are Willis Lord, Brenda Charland and Millard Genthner. There were also approximately 37 members of the public in attendance.

The first public hearing is to discuss the Floodplain Management Ordinance. Our current Floodplain Management Ordinance was enacted in 1987 and has never been updated with the revisions. There are 26 families in the Town of Waterboro who's flood insurance will be canceled if the Town fails to adopt the updated Flood Ordinance. In September, 1999 the Board of Selectmen requested an extension to enact the new ordinance at the March 11, 2000 Town Meeting. The request was granted. The Floodplain Management Ordinance is a Federally back Insurance that needs to be periodically voted in by the Town.

Ray Michaud: I do not know much about the Floodplain Mgmt. I do know that we recently applied for a home equity loan only to discover that our property is in the flood zone. No one in the family was ever aware of this until now. The only reason that he could understand for not knowing that they were in the flood zone is that some of the markings are not longer there. He thought that he might learn more about the flood zone tonight.

Doug This is something that is administered by the government. We as a town have no say in the changes or policy. We can only offer it to the voters which is being done on behalf of the Selectmen and the Town to hopefully vote in favor of it. This will allow the people needing the insurance the ability to receive flood insurance. Unless this update is enacted they will not be able to do that.

Les Leighton: Haven't we had a flood plain ordinance over the years? Why vote on this now?

Doug Foglio: There have been changes that have never been voted on to update the ordinance on the books in order to bring the ordinance to compliance with the federal regulations. A few months ago we had the administrator attend a public hearing to better explain the changes. Without the updates FEMA will not continue to support the Town of Waterboro and cover its residents requiring flood insurance.

Dwayne noted that we requested an extension in order to allow for a town vote in March rather than try and hold a special town meeting.

The first public hearing is closed at 7:40 p.m.

The second Public Hearing is to discuss the zoning change in Lake Arrowhead Community from Residential to Village/Residential.

The purpose of this ordinance change is to bring the lots of Lake Arrowhead more into compliance with the regulations of the Town of Waterboro and to create a district that fits the lots that were created before the ordinance went into effect.

Doug asked if there were any questions from the public.

Jeff Brown, the new manager at Lake Arrowhead: Jeff stated that up until last week he was not aware that the Planning Board had any intention of rezoning LAC and the board did not have a chance to review this. The Board of Trustees wanted the Planning Board to be made aware of this and that they would appreciate notification and the possibility to discuss any changes in the future when such proposals come

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January 24, 2000

Page Two

about. I received a copy by fax last week and from my perspective, what is being proposed is very benign. It is relatively for the benefit of the Lake Arrowhead Association as well as the Planning Board. I cannot speak for the Board of Trustees, I can only speak on my own behalf. There were rumors running rampant among the residents as to what this meant to them. There were some concerns as to the buffer areas between the homes being reduced.

Les Leighton: 1. What prompted the Board to place LAC in a village/residential district? 2. Can we do this without LAC approval since they are their own little community?

Doug: The LAC members have their voice in the subject of rezoning like any other citizen in the Town of Waterboro. As for LAC community goes they have no jurisdiction of the Town of Waterboro Zoning Ordinance. This has come about due to the number of people coming to the Planning Board for a setback reduction to put a 34' house on a 100' lot and still maintain 35' sideline setbacks. The residents of LAC have continually questioned why the dimensions have not been changed. Because of the zone you cannot change dimensional setbacks so a new district had to be created. This only impacts the lots that hook-up to the LAC water supply and pay dues to LAC association. If you have a lot that pays dues but does not hook up to the water than it does not fall under this zone.

Dwayne Woodsome: I just want to clarify that LAC has been involved. The previous 2 managers at LAC have been notified and one has been present at a meeting to discuss the zoning change. They have increased the dimensional house size to 700 sq. ft. A home that size will not currently sit on many of the lots in LAC with the current zoning requirements.

Jeff Brown: If I'm incorrect with the comments I made earlier about LAC not being involved, its only because its possible or probable that the managers have not conveyed the information to the Board of Trustees. The Board of Trustees, when we discussed this last week did not have any information about this. So if a manager had been involved then its the lack of communication internally that is the issue. I think that the effort has been put forth by the Planning Board and I also feel that this has been a very proactive and productive way of handling this. Again, I have only been here for 3 weeks and have not received any information if there has been any communication with the managers and the board. If I passed along misinformation again, I apologize.

Doug: Over the years there has been much communication with the administration of LAC to review the zoning districts. With the change in administration up there it may have been wise for us to have contacted them at some previous point. The request was recently returned to the Planning Board to hold a Public Hearing. The property owners of LAC currently have to pay a \$50.00 fee and wait 8 -10 weeks to get on the agenda to request a setback reduction.

This particular piece of ordinance change has been on our books since before town meeting last year. We didn't have it ready to go to Town Meeting. The appropriate time also came about due to the number of homes being and currently built in LAC. Many have come to the Planning Board and asked why they have to be there. The Planning Board had hoped that there would be more interest from the residents of LAC at this Public Hearing this evening.

Jeff: The office has received all the calls on the rezoning.

Brenda Charland: Will this change the persona of the area? I have received many calls from residents asking if the change in zone will grant the approval to place filling stations, convenience stores etc.?

January 25, 2000
Page Three

Doug: No, the village/residential zone will have the same uses as currently permitted in LAC which is residential homes only. The dimensional setbacks that we are using are in line with the setbacks that have been granted with a setback reduction. On a 100' lot this will allow you to build a house and garage of approximately 60' wide. Hopefully the Planning Board will be able to adhere to these setbacks and not further reduce them.

Todd Morey: One of the items discussed with the LAC managers is that this rezoning will simply give the homeowner and/or builder a larger envelope to work in with a possibility to place a garage. In turn the rezoning can only increase the value of the properties in LAC. The majority of the homes being built currently fall under these setbacks when approved by the Planning Board with a setback reduction.

Doug: The board has been approached by LAC to change the setback in the well head district. This was proposed some time ago that this be done. We will be meeting with LAC in the next few weeks.

The Public Hearing on the Village/Residential District change was called to a close at 7:56 p.m.

The Site Plan Review for Mineral Extraction was called to order at 7:56 p.m.

Paul Kussman: I was hoping for a general overview from the board in terms of the intent and purpose of this ordinance. How do you think this ordinance protects the health and prosperity of the people?

Roland : Is an immigrant of Waterboro, acceptances in the Town of Waterboro comes over a period of time. I have always had my land open to everyone and have never restricted the land to anyone. I don't know what your stabbing at but I think I have become more of a conservationist.

Paul I'm not stabbing at anything, my intent is why is this ordinance being proposed when the overall intent of this ordinance is to protect the health. What do you see this ordinance do to protect the Town?

Roland: It points people in the right direction. It points them towards all the state requirements and also clarifies a lot of areas in what the state requires. In putting this ordinance together we looked at 8 different ordinances in the Towns surrounding and picked out the items that we think this ordinance needs.

Paul: You are not requiring any reclamation bonding under 5 acres?

Roland: We have a section that allows the Planning Board to require a surety, bond or deposit for the reclamation.

Paul: It allows it but it does not require one. It just give the Planning Board the authority to ask for it if it is deemed fit. So there is no requirement for someone who opens a 5 acre or less pit that there be a reclamation intent.

Everett We can require it. I'm not saying its mandatory. As a site plan we have tried to fix it so that when it goes over 5 acres it will flow through the town regulations right into conformance with the States regulations.

Paul: So a reclamation plan is not required but you could ask for it?

Everett: A reclamation plan is required for over & under 5 acres. What is not required is the bond for it.

January 25, 2000

Page Four

Paul You don't require a bond, that's what I meant. I noticed in the comprehensive long range plan of 1990 the philosophy. The philosophy that everybody knows how to use their property to the best of their ability. We respect people and how they want to use their property. The philosophy is that it will be enforced according to the performance standards.

Dwayne Woodsome: The Planning Board was not involved with the comprehensive plan in 1990. There was probably 1 or 2 members that attended 1 to 2 meetings.

Paul: I am opposed to this ordinance because if a small business was to open next door and they went bankrupt there is nothing that would prevent him from leaving the property unreclaimed. There is nothing in this ordinance that will protect my interest. You seem to be protecting the rights of the pit owner and the small pit owner. What about my interest as a residential tax payer? How is my interest being met with this type of ordinance?

Doug: Mr. Kussman, have you ever attempted to get a bond?

Paul: No sir.

Doug: You should look into the process to get a bond before you criticize everyone for what they are doing.

Paul Bonding does not have to be the only arrangement to assure that there is some financial capability when the operation has been exhausted.

Doug: If you read this ordinance you will see that the Planning Board has a right to request surety.

Paul: The board has a right but they also have a right not to do it?

Doug: That is correct.

Paul: But under this ordinance, how am I protected as a tax payer and property owner if the abutting property will be used as a 4 acre gravel pit when you don't require any type of bonding or surety and the business goes out of operation and the land is discarded. How does that protect my interest?

Doug: We will get to that further in this discussion.

Tim Neill: As the ordinance presented stands tonight, I am opposed to it because it weakens the ordinance we currently have. I noticed in the comprehensive plan it requires a conditional use permit for pits in certain areas and this one conflicts with the comprehensive plan of the Town.

Todd Morey: In developing this ordinance there were several key items that I wanted to see in it. Such as the actual professional that prepares the plan and performs the work on these operations as well as the provisions for the applicant to provide a reclamation/restoration plan with an estimate of cost. In my mind the same reclamation plan will not be suitable in all pits. They need to be viewed individually.

What we tried to do is to provide firm guidelines for the board to follow as to how these things are designed and operated over the years.

January 25, 2000
Page Five

Paul: You indicated that there is a requirement for estimate of cost. But there is no guarantee that the cost will be covered. If the operator doesn't make it and you don't impose a reclamation bond/surety, how am I protected?

Todd: That will be left up to the Board and how it will be run. It could be a large commercial outfit to a small farmer. Depending on the size of the operation, ex. A farmer with a knoll of over ½ acre in a 100 acre parcel may not be required to bond.

As an abutter, what would you like to see?

Paul: I would like to see some money put up front so my interest is protected as to the value of my property.

Todd: That causes an issue. Someone with a 100 acre parcel that wants to take a knoll down that is over ½ acre but wants to use the remaining land for farming will not be bothering anyone. Can that farmer also afford to put up the surety, bond or passbook? This leaves the decision up to the board, the abutter and the land owner.

Paul: I am just protecting my interests. I don't think this ordinance does anything for me and my rights! I hear you protecting the pit owner, can they afford a bond, its a pain in the neck to acquire a bond, but what about me? What about my rights as a property owner?

Everett: We do not know all the applications that will come forward. We need to review them on an individual basis.

Todd: You can put it in writing that a bond is required or leave it at the discretion of the board. You don't want to over regulate. The Board will try to make it work for the property owner as well as for the abutters.

Everett: Each one of these applications are different, the abutters are notified and a public hearing will be held. I think that the decision for a bond requirement should be made at that time. If its a ½ acre knoll on 100 acres and no one will see it the board probably would not require it. But if it is visible to the abutters it would make a big difference on whether we would ask for a bond/surety or not.

Paul: I call this under regulating not over regulating!

Dwayne: A 100 acre parcel with a bond on the whole property will get the largest number of trucks to clear out the 100 acres as quickly as they can because the bond will expire and he will have to put down \$5,000 to \$10,000 down annually out of his pocket or would you prefer to see a gradual extraction done on a long term period being taxed at a larger percentage than the average homeowner. The gradual extraction will have less of an impact on the area. The taxes on an extraction operation is outrageously larger than on a standard parcel of land. Its not fair to have a property owner be forced to haul 3 to 4 times more gravel a year just to pay the bond. Does that make sense to you?

Paul: Yes. As an abutter it does. Bonds or passbook do not require these operators to pay the monies on a yearly basis.

Dwayne: A bond is renewable on a yearly basis. With a bond it will make a lot more work for the town to assure that these bonds are current.

January 25, 2000
Page Six

Paul: What about a passbook? Again, I keep hearing its not fair to the pit owners. I say its not fair to the abutters, its not fair to the general public of Waterboro.

Dwayne: A farmer will not have \$5000.00 to put up, they take it when it comes. In most cases it won't take more than \$700 to \$800 to reclaim an acre.

Paul: I sympathize with the plight of the land owner but also sympathize with an abutter. Setbacks have also been reduced!

Dwayne: No, you are looking at the shoreland which has a stricter ordinance.

Susan Dunlap We looked at 6 or so different ordinances in the area, including the State Ordinance and the Model Municipal Ordinance. We looked at a lot of different things to get the best of all of them into one. All of which has been opened to the public, I wanted to comment on the reclamation the cost/surety. There has to be someone to manage that. Currently there is no one who is able to follow-up on the bonds. Site plans are generally not required to present a surety. Shop 'n Save was not required to put up a bond and that would have been an eyesore if it had been left unfinished and nobody asked them to put up a surety. I think its worth mentioning that we don't do it to others but the option is there.

Whether gravel extraction is a Site Plan or not there will always be a public hearing, the public is always welcome to come and if 25 people show up and their concern is that they could see this from their house I think the sensible people of the board would say that this is a special circumstance that we should make sure that there is some kind of money set aside. Even then, what if the pit is open for 10 - 15 years. It may cost today \$700 per acre but how about in 10 years, you go after the owner and say we now need \$1,500 an acre. We need the people of the Town to come and tell us on a per site basis of what the need will be as Todd mentioned. That's how were protecting the abutter, on an individual basis.

Paul Thank you for your thoughtful rationalization but I fully disagree with you. One comment is that if one of the costs is administering the bonding issue, I would be one to want more tax dollars be spent on the Code Enforcement and improving our Code Enforcement capabilities in this town. I see it clearly would be the job of the Code Enforcement Officer so if we have to spend more money to protect the real interest of the people of Waterboro I would be willing to it as a taxpayer.

Sue: We cannot pass a budget increase for the Code Enforcement Office. That has be proposed and done at town meeting as a separate warrant.

Les Leighton: I'm involved with a couple of properties where extraction is being done. We don't ask anyone else in town to come up with a bond. If my neighbors house burns down that house may sit there until someone cleans it up. What protects me from something like that. Once we go over 5 acres DEP is right there to tell us how to reclaim the property. We can't decide that ourselves, we have to get an approval. I have a neighbor next to one of the properties that extraction is taking place. He's so irate with me that he's pile up garbage dumpsters all the way down the property line along with junk cars. There is no bond there to clean this up. A bonding Co. does not guarantee that they are going to stay in business. If the Co. isn't around to renew than your out of luck. Then what do you do?

I do not know of any gravel extraction properties that post the land to unable snowmobilers and 4-wheelers from using the land.

Willis: Item 4 in Section VIII should clarify the concerns brought forward regarding conditions. The Planning Board may impose such conditions that are necessary to minimize the adverse impact associated

January 25, 2000
Page Seven

with mineral extraction operations. It would seem that reclaim as they go along, every 1 ½ - 2 acres at a time would save a lot of trouble. I feel the trouble is when they don't do anything until the 5 acres is reached. If you reclaim as you go then you'll get into a system. If possible and/or feasible, before issuing a permit, request that they begin reclaiming after an acre or so.

The setbacks imposed, how do they correspond to the DEP setbacks?

Doug: The Town has stricter regulations.

Doug Yoman: I am not a student of Code Enforcement but a student of language. Apparently this ordinance is something less than the ordinance that is on record, otherwise it would be a seamless transition. This ordinance is pointing to become compatible with the state regulations. I heard that the Board is trying and also that the board has the option to bring this up to snuff.

Mr. Woodsome has made a comment that the bonds would create a faster extraction operation. I think that if you're going to speak something on paper than you should act that way too.

Dean Waterhouse: I'd like to know why there are no hours of operation?

Susan: Yes there is.

Dean: No, that's just for the crusher, I mean hours of operation on all areas of the gravel extraction.

Dwayne: The hours of operation are listed for the processing.

Dean: Does processing include hauling?

Dwayne: No, processing means the screening, crushing and sculping. Do you work on Sunday?

Dean: No, I take the day off to work on my trucks in the garage.

Dwayne: You are discriminating one business in Town, the variety stores are open every morning. If you owned a gravel pit which you do and you wanted to grade the road on the weekends and we restricted you, you wouldn't be able to grade it so that the trucks could use it on Monday. If the owner can go in on Saturday or Sunday when the trucks and crushers aren't running is a different story. Do you want it shut down so that the maintenance of the pit like sweeping the roads and greasing the equipment can't be done?

Dean: I don't call that hours of operation. I'm talking about hours of hauling that gravel out of the pit and a lot of towns do have this.

Susan: We chose the most objectionable operations that are covered by this. Correct me if I'm wrong but the Town pit will also have to abide by these regulations.

Dean: Not on emergencies.

Sue: Now you have to define an emergency and what mechanisms do we have in place to authorize that on the weekend. We can't allow the Town to haul sand on the weekend if we don't allow everyone to haul on weekends. So we chose the most objectionable operations. In my mind we have put firm restrictions on when those materials can be processed.

January 25, 2000
Page Eight

Todd: I work Monday thru Friday, 6a.m. to 7p.m. which leaves Saturdays & Sunday to work around the house. When I first moved into my home I had a large hole in my backyard. I bought fill on the weekends from the small contractors in the area so that I didn't have big piles all over my yard upsetting my neighbors. The materials did not come from the large contractors in town. They came from the smaller contractors that did this kind of thing on the weekends. By limiting the processing we have tried to eliminate the noisiest operations. We have put firm restrictions on when those materials can be processed. When all the emotions are set aside, it is a business, Shop 'n Save, Lakeside they are businesses. We don't restrict their business, I personally don't feel its right to completely shut them down by having those kind of weekend hours.

Tim: The boards has learned from the Town Attorney that the extraction industry is allowed to be singled out. I was in the same boat as Todd, however, I went to the larger suppliers and had them deliver the materials during the week and did my work on the weekend.

Everett: I just feel that this is going to restrict the small pit owners more than a large pit owner. I don't want to see a small pit owner who works a separate job not be able to haul on the weekends.

Roland: I never had much knowledge about gravel pits but I did pick up a lot during the last few months. One of the first things we should do is get away from the word "pits". I've seen some extractive industries remove an esker and improve the land. A lot of times the extractive industry may simply improve the use of the land.

Bob Fay: On page 8 section 6, If there is a problem does this section allow them to come back and if necessary, restrict the hours? Zoning is never dispensed equally to all so the argument that "because you don't place something on all businesses" doesn't hold up to me. The people in Town did expect stricter restrictions on Sundays and Holidays.

To Ken Cole, if this passes and there are problems may this come back to the board again for further restrictions?

Ken Cole: Yes and no. Yes they can impose those conditions at the time they approve the Site Plan. No they cannot impose hours of operation at a later date. Further restrictions can be imposed if the applicant returns to change some of the conditions on his Site Plan approval.

Bob Fay: That doesn't give me much does it? I hope you all realize that if this passes it may come back to you again.

Mr. Yoman: What Mr. Fay says has crossed my mind. If you do have an ordinance that doesn't cut the mustard to the previous ordinance you'll find yourself looking back to the previous ordinance.

Doug: You are under a very large misconception if you feel that this ordinance is not equal to or better than what we have in place right now. Although I feel we have a very good ordinance in place right now.

Frank Faith: Now versus proposed. Upon my own research in educating myself with the ordinances I have a few questions. In the issuance of a site plan review under this proposed ordinance will require Planning Board review. The Board reviews it, it comes back with a recommendation and it goes back and forth until an agreement is made. It is further reviewed by the public in a hearing and then approved. Once its done and I want to change something or if someone has a complaint against me can additional review be done?

January 25, 2000
Page Nine

Ken Yes, you can review if there are any violations. It can only be modified by the applicant at its request or by the town for enforcement. If you want to amend it you have to return to the Planning board. If the original approval did not designate hours of operation you cannot, after the fact, impose them.

Frank: Can it be done if enough people come back to the Board and they have sufficient interest in an area to say that we would like reconsideration of this site approval?

Ken: Its not different than a conditional use permit. Once they have the permit its the same as any other permit.

Frank: But it can be modified down the road through the proper channels.

Ken: If your wondering if this is something that can be modified by abutters and or other interested parties the answer is no. It can only be modified by the applicant or it can be enforced by the Town in the event the applicant violated its terms. Its the same as the conditional use permit.

Frank: The only modification through the Town then is through enforcement?

Ken: Right, which is the same as what is on the books now.

Frank: In review of other permits ex: Northeast and Dyer pits, I understand that these have changed hands many times. The Northeast documents were no where to be found after searching for 1 - 1 ½ hours. With regards to the Dyer Pit, it changed ownership three times. Each time there were requested changes brought forward which makes it a legal document.

The one question I have is on the existing permits, its a paperwork mess, there have many changes, some large, some small in the ordinance in the last 10 -15 years and the paperwork hasn't been kept up with. Particularly the Northeast Pit. I have not been able to even see a permit. I'm just wondering in the scheme of this new ordinance, how will it bring the permits to date so the Code Officer can go in and locate the specifications for the individual operation. Is there a way that this new ordinance will deal with that?

Dwayne The Northeast pit had received the majority of its permits under Kasprzak Inc. After receiving the majority of its permits through DEP it was sold to Northeast.

There will be a yearly fee of \$100 to track all the active pits in Town. This will allow the Code Office to inspect the pits on a yearly basis.

Frank: So it will be up to the Code Officer to ensure the documentation is there?

Dwayne: Yes.

Fred Fay, Road Commissioner: Am I under the impression that this will exempt the towns pit on holidays and weekends due to floods and/or storms?

Doug: This effects only the processing further restrictions may be placed on a pit by pit basis. Placing distinct hours does not end all discussion on the hours. This allows the Board to afix hours to a pit depending on the location, area and development.

January 25, 2000

Page Ten

Dwayne: Most pits in Waterboro have sand. This will allow them to haul sand from their pit to sand door-yards, Shop 'n Save etc.

Dean: I can see sanding. Normal people have the day off during the holidays but those around the pits can't. Sanding on an emergency basis is reasonable. What I'm talking about is hauling 5 or 6a.m. as unreasonable, that's not an emergency.

Millard: The definition of processing, what is meant by sculpting?

Dwayne: It is not sculpting it is sculping.

Doug: Sculping is sizing material over a non-mechanical device. The materials are run over bars and/or chains.

Mark Cyr: Hours of operation, If your hauling out of a pit at midnight loading crushed rock in an aluminum body, is that considered processing or is it allowed? Does this ordinance prevent that because of the noise once it hits the aluminum?

Dwayne: Under the proposed ordinance yes.

Les Leighton: How many complaints over the last couple of years have occurred due to dumping of rock at 12:00 at night? Is that something we should be addressing?

Dwayne: Mr. Leighton, the only complaints have been because of you. I won't say any hour but you are the only one complaints have been made on.

Eric Herrle: I'd say that 80% of the work in this ordinance is nice work, but would like to clarify a couple of areas with Ken Cole. First I would like to request from Lisa copies of all the Performance Bonds that have been granted since 1977. I will gladly give a couple weeks and pay for the copies.

Question to Ken: My major issue is under Section II Applicability, line 4 beginning with " new excavations regulated under....". Extraction is currently not a permitted use anywhere in this Town unless it has a Conditional Use Permit.

Doug Foglio: This is your interpretation of a Conditional Use Permit.

Eric: That is the Zoning Board of Appeals interpretation. When you go to Section 3 in the Land Use Chart, mineral extraction is listed as a Conditional Use Permit. Is this going to stand as it is or are you going to change this as a permitted use.

Ken: This will change to a permitted use with Site Plan Review in the AR, FA and C zones only. This is an amendment to the Ordinance not a free standing ordinance. There are series of bookkeeping amendments that accompany this to make it consistent with the existing ordinance as a whole.

Eric: So if we vote this in, then resource extraction will be permitted throughout the Town?

Ken: No, it will be permitted in the same three districts that it is currently permitted with a Conditional Use Permit and that is all. It will be prohibited in the Village and Residential zones as always.

January 25, 2000

Page Eleven

Doug: Mr. Cole, the point that Mr. Herrle is trying to point out is that Mr. Herrle believes that a conditional use is not a permitted use. A conditional use permit is a 100% permitted use with such conditions that the Town wishes to apply. But for the purpose of this meeting Mr. Herrle would like to make everyone in Town believe that this changes conditional non-permitted uses to approved uses to permitted use with Site Plan Approval which is a far better procedure for the Town to use than the current Conditional Use method

Ken: Ten years ago in the Town of Brunswick the law courts said that that was the case. A conditional use is a permitted use with conditions applied.

Eric: Thank you, I didn't understand the difference between the two.

Currently you have to be 500ft from any existing residence, camp or waterbody as noted in section 3.06, 3.07 and 3.08. It appears from the new document that you are reducing the setback to 200 feet. How does this protect the well being of the Town as a whole?

Diane Herrle: Currently a hydro study is required for new pits and also expanded pits over 5 acres. I feel it is very important for the protection of the wells and groundwater. Why you chose to require it only if the pit will dig up to 2' above the water line. I feel that doesn't take into consideration the blasting that can be done well above the water table which can disturb wells. Why did you choose to do this?

Todd: What do you think a hydro study does?

Diane: It shows how the water flows underground to let you know if the table drops creating a problem in peoples wells, you can tell what wells will be effected.

Todd: We've asked for a hydrogeological survey on all externally drained pits and when extraction will occur within 2' of the water table. When you have a pit that is completely internally drained you cannot determine the effect of the water migration from one side to the other. Completing hydro study in this case is an unnecessary requirement.

Diane Herrle: I do not believe that is true. The water is still flowing underground in the same direction.

Todd: Case by case based on how the land is formed and drained. The board will require it on a case by case basis.

Diane: Just wanted to be on the record as objecting to the lack of requiring a hydrogeological survey.

Willis: Don't they have to dig a well to establish where the water table is?

Doug: Under our proposed ordinance 2 test wells are required in the first 5 acres. An engineer or soils scientist has to mark the elevation above sea level on top of the well and clearly indicate its location on the plan. This needs to be made accessible so the Code Officer or designate may check to see the bottom elevation of the excavation is proper to the level of the water table.

Mr. Yoman: How much does a hydrogeological study cost for a 5 acre pit.?

Todd: Depending on what needs to be reviewed and what the initial findings are it may run a few thousand dollars to \$60 - \$70,000 depending on what is found.

January 25, 2000
Page Twelve

Frank Faith: Asked Ken Cole to review statutes and see if they applied in this case.

Ken: The document states that all zoning ordinances must be in compliance with the Comprehensive Plan. That is a general statute. Ken noted that he has only met 1 zoning ordinance that wasn't in compliance with the Comprehensive Plan because it is incredibly broad and grants a great deal of flexibility.

Frank: Questioned if the proposed ordinance is still in compliance with the comprehensive plan.

This proposed amendment is to remove it as a conditional use application and replace it with the Site Plan Review. The future land use plan in the comprehensive plan breaks down the various zones and districts and lists what is permitted, prohibited and the lot size. The comprehensive plan lists extractive industries as a conditional use and as I see it they are looking to have the extractive industry remain as a conditional use.

Ken: Mr. Foglio noted earlier and I will say it again, a conditional use is a permitted use under Maine Law. By doing this as a Site Plan Review it is actually being more restrictive.

Frank: By doing this as a Site Plan review is it still in the Town Theme of the comprehensive plan.

Ken: Yes.

Frank: In the current proposed amendment you are differentiating what will require a hydrogeological study as being warranted and where it is not, am I correct in that assumption?

Dwayne Woodsome: You are correct, but if you are taking off a knoll a hydro study is not needed when all he's doing is creating a field.

Frank: Does the Town feel that they will still fall under the Comprehensive Plan?

Ken: Absolutely. The comprehensive plan has a broad spectrum.

Willis: Isn't the comprehensive plans suppose to be updated every 5 years?

Ken: As always, it got passed in the early nineties, then the development ended, so the updates were not created.

Eric: I am requesting that the remaining portion of the special meeting be continued to be recorded for the public access.

Public Hearing closed at 9:32.

PLANNING BOARD

Town of Waterboro

JANUARY 27, 2000
REGULAR MEETING

I ROLL CALL

Doug Foglio Sr., called the meeting to order at 7:30 p.m. noting the attendance of Susan Dunlap, Dwayne Woodsome, Roland Denby, Everett Whitten and Tim Neill.

II APPOINTMENTS

8:00 Jeff Brown, Lake Arrowhead Manager, with Richard Long, Water Operator, are present to discuss the Well Head Protection.

Jeff began by apologizing again for the misconception of the lack of information received prior to the public meeting on the zoning change. He was asked to relay the lack of knowledge by the Board of Trustees with LAC and fully apologies.

Dwayne questioned who drafted the Well Head Protection Amendment. Jeff noted that it was Mr. Labbe.

Dwayne noted that he sees a problem with the proposal seeing that the property it is located on is not even owned by LAC.

Jeff stated that the wellhead effects approximately 30% of the unowned property. He also noted that the attorney felt that the ordinance being presented is to broad based and lenient. LAC has a responsibility to protect the private water supply and he feels the they are trying to find a balance.

Doug noted concern as to how much more protection does this change have compared to what is currently on the books. Jeff noted that there were some changes made to the word district making it plural where necessary and the second item was creating to districts within the LAC itself. It is referenced as Zone A and Zone B which are clarified as:

- Zone A - Immediate Recharge Area, shall include the area around the existing wellhead that includes the 200-day capture zone, which is an area which extends from the wellhead to the 200-day ground water time-of-travel boundary.
- Zone B - Primary Recharge Area, shall be include the area outside the Zone A that includes the 1000 day capture zone, which is an area which extends from the outer boundary of Zone A to the 1000-day ground water time-of-travel boundary.

Jeff stated that LAC's intention is to protect the water for the community, not for the abutting property owner. We should not have to forfeit the protection of our water supply just because someone happens to own a parcel of land that is adjacent to our water supply. The 1000 day boundary will not further effect the property than the existing ordinance does.

Sue feels that if we rush through this ordinance change simply to get it on the Town floor this year it will not do any justice to the townspeople and LAC.

After much discussion the Board feels that further information is needed before deciding on the future process of the Wellhead Protection. Items needed are:

- Over lay map of the wellhead area to use with our LAC map;
- Picture of the present zone

- A copy of the proposed A & B zone to scale with the Town Map

Jeff is to apply to the Selectmen for a zoning change which then will be forwarded up to the Planning Board.

III MINUTES OF PREVIOUS MEETING

Dwayne made a motion to approve the January 12, 2000 minutes as written. Everett seconds. Motion carries a 5-0-0 vote in favor.

Everett made a motion to re-approve the October 13 minutes as duplicate originals. Roland seconds. Motion carries a 5-0-0 vote in favor.

IV NEW BUSINESS

V REPORT OF OFFICERS

VI OLD BUSINESS

VII COMMUNICATION

Memo from Brenda Charland was reviewed.

VIII MISCELLANEOUS

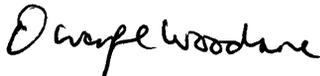
After discussing the purchase of a new computer from Planning Board funds, Roland made a motion to purchase a new computer that will be compatible with the rest of the Town Office computers with a price not to exceed \$3,000. Everett seconds. Motion carries a 5-0-0 vote in favor.

Dwayne made a motion to pay Patti from the Planning Board funds for any time that she is putting in regarding the zoning revisions, public hearing and consultations with the time being retroactive. Susan seconds. Motion carries a 5-0-0 vote in favor.

IX ADJOURNMENT

Everett made a motion to adjourn the meeting at 10:15 p.m. Roland seconds. Motion carries a 5-0-0 vote in favor.

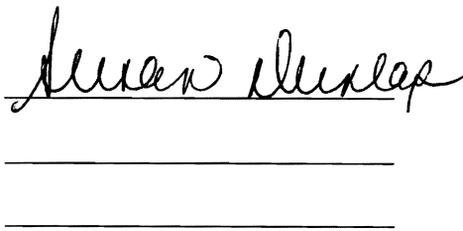
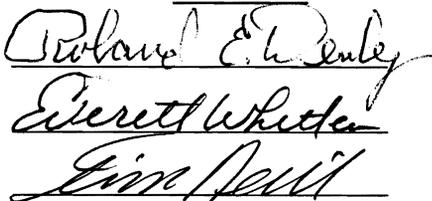
Respectfully submitted,



Dwayne Woodsome
Secretary/Treasurer

DW/lmm

ACCEPTED:



PLANNING BOARD

Town of Waterboro

JANUARY 31, 2000
PUBLIC HEARING
AND
SPECIAL MEETING

Susan Dunlap called the Public Hearing to order at 7:33 p.m. noting the attendance of Dwayne Woodsome, Todd Morey, Tim Neill, Everett Whitten and Roland Denby. Frank Faith, Ms. Betty Mitchell, Willis Lord and Mr. & Mrs. Arthur Green are also in attendance.

Susan informed the public that the only hearing this evening is for Cal Knudsen on a 3 lot subdivision. The hearing for the Chadbourne Pit has been postponed until February 10 at the request of the applicants engineer.

Cal Knudsen presented a 3 lot subdivision named Stonegate Subdivision located on the Deering Ridge Road. Cal informed the public that the drive will be a private drive with a hammerhead turn at the end. The lots will have private wells and septic and consist of the following acreage:

Lot 1	=	2.4 acres
Lot 2	=	2 acres
Lot 3	=	16.3 acres

A fire pond will serve as fire protection for the lots.

There is an existing 10' right of way between Stonegate Subdivision and Ms. Mitchell's property that extends to the conservation area. This is for pedestrian access only.

Dwayne noted that this is a re-subdivision of an existing 3 lot subdivision and that Cal now owns 2 of the 3 lots.

Frank Faith noted that there are no speed limit signs going eastbound on the Deering Ridge Road.

Dwayne stated that the Planning Board can pass this along to the Road Review committee.

Frank also questioned if the two private right of ways are going to be maintained with a maintenance agreement?

Cal stated that there will be a maintenance agreement for the upkeep of the road.

Willis noted that he had driven into the Bartlett Pines and was very impressed with the development of the property and road.

Ms. Mitchell stated that she doesn't like to see the land developed but feels that if Cal continues to do the work that had been done to Bartlett Pond she will be happy to see it again on Stonegate.

With no further questions from the public or board Sue called the Public Hearing to a close at 7:50 p.m.

Sue called the special meeting to order at 8:04 p.m.

Sue questioned if a letter from the Fire Chief was obtained for the approval of the fire pond? Cal stated that he hadn't. The previous subdivision he was required to provide a 3,000 gal tank or a fire pond.

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<http://www.mix-net.net/~waterboro/>
Email: waterboro@mix-net.net

Todd asked if Cal knew what vertical draw could be pulled by the fire trucks? Cal was not sure.

Cal asked to let him know what the board wanted. Dwayne stated that Lisa will leave a copy of the plan for Frank Birkemose with a letter requesting his review and recommendations especially on the draw.

Cal stated that a Hydro letter is in the process of being prepared.

Todd noticed a triangular piece at the 75' section adjacent to the right of way beneath the notation of L4, Cal stated that it is part of lot 3 and not part of the right of way.

The common land is owned by Cal. The Board would like an inset describing the common land with a reference of the book and page stating so.

After reviewing the checklist Dwayne made a motion to approve the preliminary plan noting the following information as needing to be changed/updated:

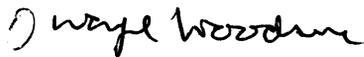
- Item 15 currently states "Cumberland County Registry", should read "York County Registry";
- Item 23 "shal" should be "shall";
- Add Owner with book and page reference to the Common Land owned by Cal;
- Final Plan in box is spelled incorrectly.

Everett seconds. Motion carries a 5-0-0 vote in favor.

Cal will return under Old Business on February 24 for the Final Plan review.

Dwayne made a motion to adjourn at 8:50 p.m. Everett seconds. Motion carries a 5-0-0 vote in favor.

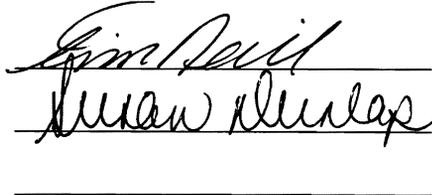
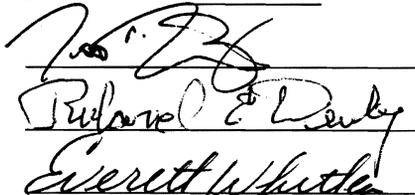
Respectfully submitted,



Dwayne Woodsome,
Secretary/Treasurer

DW/lmm

ACCEPTED:



PLANNING BOARD

Town of Waterboro

February 9, 2000
Regular Meeting

I ROLLCALL

Susan Dunlap called the meeting to order at 7:30 p.m. noting the attendance of Todd Morey, Roland Denby and Tim Neill.

II APPOINTMENTS

7:45 Dave Greaton for re-approval of expired Setback Reduction permits

Dave is representing Raymond Marcotte, **Map 45 Lot 1776**. Mr. Marcotte received a setback reduction permit on May 12, 1999 which has expired due to the lack of acquiring a building permit and beginning construction.

Todd made a motion to re-approve the setback reduction of 30' on both sides as originally granted on May 12, 1999. Mr. Marcotte will also be required to have a surveyor set the building envelope. Roland seconds. Motion carries a unanimous vote in favor.

Dave is representing Fern Champagne, **Map 44 Lot A539**. Mr. Champagne received a setback reduction permit on May 12, 1999 which has expired due to the lack of acquiring a building permit and beginning construction.

Roland made a motion to re-approve the setback reduction of 30' on both sides as originally granted on May 12, 1999. Mr. Champagne will also be required to have a surveyor set the building envelope. Todd seconds. Motion carries a unanimous vote in favor.

Dave is representing Virginia Giarusso, **Map 44 Lot A535**. Mrs. Giarusso received a setback reduction permit on May 20, 1999 which has expired due to the lack of acquiring a building permit and beginning construction.

Roland made a motion to re-approve the setback reduction of 28' on both sides as originally granted on May 20, 1999. Mrs. Giarusso will also be required to have a surveyor set the building envelope. Todd seconds. Motion carries a unanimous vote in favor.

8:15 TOM SOULE, MAP 5 LOT 53A

Tom is requesting a conditional use permit to allow him to have Ryder truck rentals in conjunction with the approved storage facility on Route 202 in East Waterboro. He has been approved for 3 trucks by the Ryder Truck Rental Company. There may be up to 5 trucks at one time for a short period when one way vehicles are returned. There is a Ryder service facility in Kennebunk. The storage facility will not be offering any maintenance or fueling on site.

The parking of the vehicles will be in the front of the property for the smaller trucks and beside the right-of-way owned by the applicant for the large trucks.

Sue reviewed the previous minutes for the site plan.

PLANNING BOARD

February 9, 2000

Page Two

Tim noted that Mr. Soule is not requesting any further space that the truck rental dovetails with the current business being operated.

Tim made a motion to add the use of Rental Trucks to the previously approved Site Plan approval. Motion dies due to the lack of a second.

Todd made a motion to send this to Public Hearing and the notification of the abutters by certified return receipt mail is required. A copy of the return receipt is to be forwarded to the Planning Board for the file. Tim seconds. Motion carries a 3-0-0 vote in favor.

Todd made a motion to hold a Public Hearing on the February 24, 2000 Planning Board meeting but to begin at 7:00. Tim seconds. Motion carries a 3-0-0 vote in favor.

8:30 TRINIA & RUSSELL WATERMAN, MAP 6 LOT 18

Trinia and Russell are presenting an application to operate a small used car sales on their property located on the West Road, Map 6 Lot 18 AR zone. Use of car sales is a permitted use with Conditional approval by the Planning Board.

The State has sent all the necessary application paperwork one of which requires Town approval first. The State requires a 50' x 100' gravel area. The plan presented shows two proposed sites. There will only be one site used, two areas shown so that an option of either may be used and is acceptable to the applicant. The State also requires that a small sign noting the car sales is placed at the edge of the entrance.

There are homes located on the lots noted as 3 and 4 on the sketch plan. The homes are located closer to the road.

Approximately 10 - 12 cars would be placed on the lot at one time. No service will take place. Vehicles will be acquired via auctions, retail and wholesale. The vehicles will be cleaned and resold.

Waterman Drive is approximately 850' to the house from the West Road. Approximately 600' of the drive borders the front properties.

Todd made a motion to hold a public hearing on February 24 at 7:00 following the request by Tom Soule. Notification of the abutters by certified return receipt mail is required. A copy of the return receipt is to be forwarded to the Planning Board for the file. Tim seconds. Motion carries a 3-0-0 vote in favor.

III MINUTES OF PREVIOUS MEETINGS

Todd made a motion to approve the January 17 minutes as written. Tim seconds. Motion carries a 3-0-0 vote in favor.

The resigning of the September 23, 1999 minutes is postpone until more members of the board are present.

IV NEW BUSINESS

V REPORT OF OFFICERS

Officers report was postponed until the next meeting.

VI OLD BUSINESS

Joseph Vitko, Map 38 Lot 30 is present to request a setback reduction on all four sides in order to construct a 24 x 36 2 bedroom home with a 10' deck on the waterfront side of the home. Mr. Vitko has received DEP approval as requested at the October 13, 1999 appointment. He plans to construct the home with the deck approximately 46' from the water and 52' from the road. The location of the home is also determined by the location of the septic system which needs to be 10' from the property line. The home will be built as a year round home, however, may not immediately be used as such.

Sue questioned the septic design by John Large noting the remark by Mr. Large that the property lines are vague. Mr. Vitko states that the measurements were taken from the pins that are located near the road.

The Board would like a sketch clarifying the 4 setbacks needed (requested) to include the steps. A clarification on the comment made by John Large is also requested.

Todd made a motion to continue the appointment under Old Business when Mr. Vitko has presented the board with the following information:

- Redefine the measurements of all 4 setbacks including the eaves and stairs;
- A note from John Large clarifying the vague setbacks on page 3 of the septic design;

Tim seconds. Motion carries a 2-1-0 vote in favor with Roland opposed.

VII COMMUNICATION

The following communications were reviewed:

- Memo to Frank Birkemose regarding the fire pond on Stonegate Subdivision
- Sebago Tech letter to postpone the Public Hearing of Chadbourne Pit until February 10, 2000.
- Letter from Ken Cole to Selectmen regarding the proposed gravel ordinances.
- Reviewed the letter from Steve Foglio on the BOCA changes.
- Reviewed letter from Lewis & Laura Randall to the Selectmen regarding Townhouse Woods II subdivision noting the location of Killock Drive.
- Minutes of the Selectmen's meeting were noted

VIII MISCELLANEOUS

It is requested in the Selectmen minutes that 3 board members are seated at the front table during the February 14, 2000 Public Hearing to review the Gravel Ordinances and answer questions. It is decided that the 3 members will be discussed the night of the meeting.

IX ADJOURNMENT

PLANNING BOARD
February 9, 2000
Page Four

Todd made a motion to adjourn the meeting at 10:00. Roland seconds. Motion carries a 3-0-0 vote in favor. Meeting adjourned.

Respectfully submitted,

Dwayne Woodsome
Secretary/Treasurer
Planning Board

ACCEPTED: _____

Marian Dunlap
Roland & Wendy
Emmitt

/lmm

PLANNING BOARD

Town of Waterboro

February 10, 2000

Public Hearing &
Special Meeting

Susan Dunlap called the Public Hearing to order at 7:31 p.m. noting the attendance of Dwayne Woodsome, Tim Neill, Roland Denby and Todd Morey. Also present were Charlie Brown of Sebago Technics, Doug Foglio Jr., for Foglio Inc., Patti Berry, Beth & Mark Cyr, Diane & Eric Herrle, Dean & Denise Waterhouse, Mr. & Mrs. Hennessey, Shawn Shoemaker, Mike Hammond. There were approximately 25 members of the public at this hearing.

Sue presented the initial application and requested that Charlie Brown of Sebago Technics and Doug Foglio Jr., present their plan to the public. Sue noted that the public would have an opportunity to voice their comments and/or concerns after the presentation.

Charlie stated that he began working with Foglio, Inc. to draw up plans for the conditional use application and project. The original purchase of the property was made by Shawn Shoemaker who conveyed by sale approximately 64 acres to Doug Foglio Sr. The original parcel is located on Map 11 Lot 44.

The second plan presents the reclamation plan. It notes the existing and proposed grades of the property. The property will be completed with a 3-1 slope with the bottom being graded at a fairly flat slope. The water will be retained within the pit.

The gravel road was in place prior to the purchase by Doug Foglio Sr. All the setbacks have been held. The existing esker will remain in place to be used as a buffer to the Shoemaker's and the wetlands area. The reclamation shows the groundwater contours which was provided by Swett Associates as described in the Hydrogeological survey.

A 500' setback is provided from Meadow Brook.

The third sheet further explains the general notes as derived by the survey. Areas in yellow are wetland boundaries, red notes the mineral excavation area of approximately 11 acres, blue notes the access sites.

The fourth sheet is a sample of what the property may be used for following the excavation of the property an example is six 2-6 acre parcels to be used for single family homes.

The fifth and final sheet is the erosion control plan and the details for gating the site and maintenance.

Public questions:

Mr. Hennessey: Questioned if they had established dates of when the project would begin/end and approximately how many yards were anticipated to be removed.

Doug Foglio Jr.: An anticipation of approximately a couple hundred thousand yards. There is currently no start or ending date on the project.

Gail Hennessey: In September a group of us stood up at the Selectmen's meeting and presented some letters of concerns. Have those been reviewed by the board and if so, we have not received any responses.

Sue referred to the letters and noted that the issues will be addressed towards the end of the public hearing.

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Eric Herrle is representing Frank Faith due to his being unable to attend the meeting. Mr. Faith requested that the two packets of questions/comments and concerns be included as an attachment to the final draft of the meeting minutes.

Eric briefly reviewed the information that was forwarded by Mr. Faith and presented photos also taken by Mr. Faith in October 1999 and January 2000. The question of when, what and why was the clearing done as noted by the satellite imagery?

Doug Foglio Jr., stated that the only clearing that was done, which was to remove the knoll in order to place the road to the back of the property, was done by Shawn Shoemaker before selling the rear parcel to Doug Foglio Sr.

In general the information presented by Eric for Mr. Faith further states "We are against the issuance of a Conditional Use Permit for the Chadbourne Pit (Townhouse Road Map 11 Lot 44) based on the particulars as stated below" (refer to item B attached to the minutes).

Eric reviewed the "Particulars" as noted in item B attached and also noted that if the Planning Board were to approve the application that the following was discussed (for a complete description refer to Item B attached:

1. Noise: Establishing of reasonable hours of operation;
2. Road Traffic: Prohibit/Restrict Applicant's truck traffic on Deering Ridge Road;
3. No Defined Site Life or Time Limit: Issue Permit for Extractive Operations only.

As previously noted Eric wanted to reaffirm that he was sole representing the issues as written by Frank Faith.

Doug Foglio Jr. noted that the applicant is submitting a letter to the Planning Board requesting the Board to recommend to the Board of Selectmen to have the Deering Ridge and Webber Roads posted to through traffic. This should address the concerns of the residents of the Deering Ridge Road and the use of the Deering Ridge Road.

In response to the duration of the operation, if we were to concentrate heavily on the extraction of the property the project could be completed soon. Otherwise, if hauling is at a minimum with less of an impact to the area it will be open with a longer time-frame. There will be a topsoil reclamation and no blasting on the site will not be necessary.

Terry McIlveen: If approval is received tonight will there be hauling as soon as tomorrow? Do you have a estimated time frame for the extractive process?

Doug Jr.: I cannot answer to the time-frame question it would be an uneducated guess.

Leo Peterman: What is the connection between Webber and Deering Ridge Road?

Doug Jr.: I do not believe the Planning Board has the authority to post. It is requested that the Board recommended the posting to the Selectmen to post both Webber and Deering Ridge Roads.

Sue Dunlap: I would like to clarify the posting of the Webber and Deering Ridge Road. Doug, when you refer to posting the road you are clearly stating for the use of through traffic, local deliveries will be allowed.

Doug Jr.: The intent is for local deliveries only and not to allow through traffic.

Dwayne Woodsome: The Planning Board do not have any control on the weight limit. A recommendation can be made to the Selectmen and the Road Commissioner to post the roads. Northeast agreed to a recommendation as requested by the Planning Board and the Road Commissioner which was agreed upon.

Doug Jr.: Since the original request was made to the Board we have submitted and received our DEP license with a license # of 378.

Sue addressed the letters dated September 1999:

Rick & Diane Madruga concerns:

- Jake brakes
- covering of loads
- Hours operation
- Sensibility to noise and speed

Tim & Joanne Neill concerns:

- Well problems
- Hours of operation
- Life of operation
- Property value

Roger Teachout concerns:

- Noise & pollution
- Speed
- Peacefulness of Road
- Constant digging and blasting
- Reduction in property values
- Quality of life

Sue noted the following to the main concerns as listed above:

- Blasting: It is already noted that no blasting will be needed on the site.
- Speed and peacefulness of the road: There is some commitment that there will be no through travel on the Deering Ridge Road even without it being posted.

Mrs. Hennessey: What about the contamination of wells?

Sue stated that there is no evidence that an extraction operation has ever contaminated a well.

Doug Jr. also noted that this is the reason the Hydrogeological survey was done and Charlie can further explain the outcome.

Charlie explained that the conclusion of the Hydro study showed no additional ground water is expected.

Roland requested an approximate depth of extraction to the water table.

Charlie stated that the excavation was not to be closer than 5' of the water table.

Diane Herrle wanted to point out the Mr. Faith had also mentioned the opinion of an outside consultant to appraise the property values of the homes in the vicinity of a gravel pit.

Shawn Shoemaker: Noted that he was the previous owner of the property now owned by Doug Foglio Sr. He sold the property to Doug approximately 8 months ago and further noted that he has seen the entire

site and would not have invested his money in building the extravagant home that he built if he thought the property value would decrease due to a gravel pit being placed right behind him. When he considered selling the property he took into consideration a company that would operate the extraction operation in a neighborly manor versus someone out of state that would not care about the neighbors. These trucks will be driving in and out of my drive, I don't hear them and I am not concerned with them coming through daily.

Shawn believes that the plan that was presented today will go through in the future. With the recent construction of his home Shawn had an appraisal done, the appraiser knew that the was going to be a gravel extraction operation behind his home. The appraiser stated that as long as it is reclaimed it will have no affect to the appraisal value of his property. Shawn had taken the appraiser through the site. In the end the appraisal value came back higher than Shawn himself had anticipated.

Doug Jr.: When Shawn built the house there was concerns with Mr. Hanson and the drainage of the ground waters. Foglio Inc., Mr. Hanson and DEP met to discuss the issue. Foglio Inc. agreed to place a catch basin and culvert so that Mr. Hanson's property would not be affected by the road.

Doug Jr. further stated that provided the application is approved the will pave a minimum of 600' possibly to Town Specs. The paving is intended to be completed by June 15, 2000. The 600' will bring the road beyond Shawn's and Mr. Hanson's home.

Tim Neill: Will there be strictly extraction on the site or will processing also take place?

Doug Jr.: The gravel Road that comes down to the extractive site narrowed and had an esker. Gravel was crushed at that time to make the road. There is a little bit of gravel that may be processed and/or screened. There will be very minimal processing and screening down on the site.

Dwayne noted that in ariel photo taken in 1991 there was approximately a 1/2 acre pit that had been opened in the '60's or '70's.

Shawn stated that he was very much aware that there had been some extraction done on the site at some point prior to him owning the property.

Mark Cyr questioned on the mention of a "1/2 acre pit" and what information is available to prove that it was in existence.

Dwayne stated that a company in Gorham has all the ariel photographs of Waterboro. He is aware that someone had gone in and reviewed them. The actual photo is slightly bigger than what has been presented. On these maps you will see a white spot which generally states a pit at some time. If you went to Gorham they have all the plans marked for easy reference.

Sue closed the Public Hearing at 8:31 p.m. After a short break the Planning Board will continue with the Special Meeting as advertised.

(A)

TO: Waterboro Planning Board
FROM: Frank Faith
SUBJECT: Public Hearing on Conditional Use Permit Application For Chadbourne Pit
(Townhouse Rd. Map 11, Lot 44)
DATE: February 10, 2000

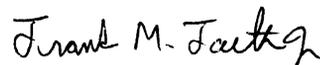
Planning Board Members,

As a result of the rescheduling of this hearing, I am unable to attend due to a prior commitment to my employer from which I am unable to be released.

I hereby authorize Eric Herrle, on my behalf, to submit for the Board's review all written documentation I had gathered to present during this hearing. I wish it to be known that all said documentation was compiled on my own at my own expense. I do not represent any group, organization, or committee nor do I represent the residents of Deering Ridge Rd. All documents, written statements and opinions are strictly representative of myself and my family. That being said, I consider the document outlining my questions to the Code Enforcement Officer along with the supporting satellite imagery and aerial survey photos of Lot 44 to be available to any person at this hearing, including the Applicant, for their review and further questions or discussion. I have provided additional copies of this document for anyone interested. Furthermore, I make this documentation available to anyone viewing this hearing via Public Access TV.

My only request is that all documentation submitted tonight be formally entered into the public record pertaining to the Public Hearing on Conditional use Permit Application For Chadbourne Pit (Townhouse Rd. Map 11, Lot 44).

Respectfully Submitted,



Frank M. Faith Jr.

5

TO: Waterboro Planning Board
FROM: Frank & Lisa Faith
SUBJECT: Conditional Use Permit Application for Chadbourne Pit (Townhouse Rd.
Map 11, Lot 44)
DATE: January 31, 2000

GENERAL STATEMENT

We are against the issuance of a Conditional Use Permit for the Chadbourne Pit (Townhouse Rd. Map 11, Lot 44) based on the particulars as stated below.

REFERENCES

Town of Waterboro Zoning Ordinance

- 1.02 - "promote the health, safety, morals, prosperity, aesthetics, and general welfare of the town of Waterboro."
- 1.03 - "lessen congestion on and promote the safety and efficiency of streets and highways;"
 - "stabilize and protect existing public and private property and the value inherent therein;"
 - "insure the appropriate use of land and the conservation of natural resources;"
 - "preserve and promote the historic character and beauty of the town;"
- 4.02 - "will not result in unreasonable noise levels,"
- 13.02 - "it is the intent of the Town that the provisions of this ordinance be regarded as minimum requirements and that they be liberally construed in favor of the town so that the purposes and intentions (see Sections 1.02 and 1.03) of the ordinance may be achieved.

Town of Waterboro Planning Board Workshop, October 11, 1999

PARTICULARS

A. As a Landowner

- 1) Excessive Noise - 4.02 "will not result in unreasonable noise levels,"
Comment - Noise was heard during the initial site clearing/road work. Investigated and determined that noise was in conjunction with house construction (Shoemaker residence) and, therefore, temporary in nature. Was not aware at time that site was being cleared behind residence for eventual gravel operation. Noises heard included backup beepers (which, by design, have a very distinct and penetrating tone), heavy equipment operation, and the sharp slamming sound sometimes made by truck gates when a load has been deposited.

- 2) Excessive Road Traffic - 1.03 “lessen congestion on and promote the safety and efficiency of streets and highways;”

Comment - Deering Ridge Road has many families with small/school age children.

- Extensive road repairs have been done on the Deering Ridge Road. Constant use by the Applicant’s trucks would be detrimental to the quality of the road surface.
- There is currently nothing within the Ordinance which would prevent the Applicant’s trucks from using the Deering Ridge Road on a daily basis.

- 3) No Defined Site Life or Time Limit

Comment - Once the material has been excavated and removed from the site, there is nothing to prevent this specific Operator from importing materials from other locations and processing it at the site. This would allow the Operator to continue to use the site indefinitely.

- 4) Effect on Property Values - 1.03 “stabilize and protect existing public and private property and the value inherent therein;”

Comment - We feel that the operation of a gravel pit in an area zoned Agricultural/Residential will have a negative impact on property values for residents adjacent to and in the immediate vicinity of such an operation. However, as neither the residents nor the Town Planning Board have the required expertise to make a valid assessment of the effect on property valuation, it is felt that this question should be analyzed by an independent, duly qualified property assessor.

B. As a Resident

- 1) Current Ordinance under which Conditional Use Permit is being sought is viewed by both the Planning Board and at least some town citizens as inadequate.

Comment - Minutes from Planning Board workshop dated October 11, 1999. In the second sentence the Planning Board Chairman “feels that this Gravel Extractive Ordinance is not what the Town should have as an ordinance.”. Workshop’s goal is to revise/enhance current ordinance.

- Citizen’s proposed ordinance is on referendum for Town Meeting on March 11, 2000.
- Town Planning Board currently planning to have proposed ordinance on referendum for Town Meeting on March 11, 2000.
- Two civil suits currently underway concerning gravel/quarry operations operating under current ordinance. Both suits have issues involving interpretation/enforcement of current ordinance. This example is used only to illustrate the demonstrated potential for increased conflict for all concerned parties under the current ordinance.

CONCLUSION

- 1) It is strongly felt that the concern raised in Part B cannot be resolved at this time. **Due to the lack of confidence in the ability of the current Ordinance to effectively serve the needs and greater interests of the Town as expressed by both the Planning Board and citizens through their respective actions regarding proposed Ordinances, it is clearly evident that now is not the time to be issuing Conditional Use Permits for any Extractive Operation Applicants.** The Town should first define what it will utilize as its Gravel Extractive Ordinance based on the results of the various proposed Gravel Extractive Ordinances to be voted on at Town Meeting, and then invite this and any other Applicant to re-apply for a Conditional Use Permit for Gravel Extraction.
- 2) If the Planning Board feels compelled to push this Conditional Use Permit through in spite of the current volatile Ordinance environment as well as the valid concerns of the affected citizens, then three of the four issues listed in Part A (Noise, Road Traffic, No Defined Site Life or Time Limit) can and should be dealt with by the Planning Board via Section 4.03 of the Ordinance by means of additional requirements (conditions). The following requirements (conditions) should be included in the Conditional Use Permit to deal with the concerns stated while also permitting the Applicant to operate the gravel pit.
 - 1) Noise – Establish reasonable hours of operation
 - Planning Board has previously done this (see Conditional Use Permit Tax Map 10, Lot 49).
 - Applicant has previously agreed to this (see Conditional Use Permit Tax Map 10, Lot 49).
 - 2) Road Traffic - Prohibit/Restrict Applicant's truck traffic on Deering Ridge Road.
 - Informed by various Planning Board members that such restrictions exist for NE Gravel with regard to the Webber Road (unable to locate NE Gravel Conditional Use Permit to confirm).
 - 3) No Defined Site Life or Time Limit – Issue Permit for Extractive Operations Only
 - Ensure site is for extraction purposes only, not to be utilized indefinitely for processing of imported materials. This would allow for residential site reclamation per Site Plan in a timely manner.

NOTE

ARTICLE 4 CONDITIONAL USES

Section 4.01 General Requirements

4th paragraph – **“Planning Board approval or disapproval of an application to commence a conditional use must include a statement of reasons for the approval or disapproval.”**

ARTICLE 1 INTRODUCTION

Section 1.01 Statutory Authority -This ordinance is enacted pursuant to the authority granted in MRSA Tit. 30 Sections 4961-4964 and the Home Rule powers granted in Article VIII-A of the Maine Constitution implemented by legislation contained in MRSA Tit. 30 Chapter 201A- particularly Section 1917. Therefore, the citizens of Waterboro do enact and ordain as follows:

████████████████████-The purpose of this ordinance is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of the Town of Waterboro.

████████████████████It is the intent of this ordinance to regulate and restrict the use of all lands, waters, and structures; regulate and restrict lot coverage, population distribution and density, and the size and locations of all structures so as to: lessen congestion on and promote the safety and efficiency of streets and highways; secure safety from fire, flooding, and other dangers; provide adequate light, air, water supply, sanitation, drainage, and access to roads and waterbodies; avoid undue population concentrations; facilitate the adequate provision at reasonable costs of public facilities and utilities; stabilize and protect existing public and private property and the value inherent therein; insure the appropriate use of land and the conservation of natural resources; preserve and promote the historic character and beauty of the town. It is further intended to provide for the administration and enforcement of this ordinance and to provide penalties for its violation.

Section 1.04 Underlying Assumptions and Premises -Existing natural phenomena within the Town of Waterboro, the geographic size of Waterboro, the present and foreseeable population of Waterboro, and the actions of governmental agencies outside of Waterboro give rise to a series of conditions, assumptions, and premises upon which this ordinance is predicated. They include: existing major roads and highways, which are largely funded and maintained by county and state highway departments, will remain unchanged--major extensions, resurfacing, or widening are not anticipated in the short run (5-10 years); public water supply, which does not now exist, is, because of the prohibitive cost involved, also unlikely in the short run; public sewage collection and storm water drainage systems, which also do not now exist, are, because of the prohibitive cost involved, unlikely even in the long run (20-30 years); public school construction, expansion, and location is not controlled exclusively by the Town of Waterboro but by the State Department of Education and School Administration District 57 which presently includes Waterboro and 5 adjacent municipalities--no major organizational changes in SAD 57 or capital construction projects are anticipated in the short run; higher density residential and mixed use districts must have proximity to essential public facilities and both public and private services (schools, roads, police and fire protection, utilities, shops); districts which permit only lower density development either lack this necessary proximity or have other physical limitations involving soils, slope, drainage, suitability for subsurface waste water disposal etc.

[REDACTED] - In addition to findings that the general and specific requirements for conditional use approval set out in the section permitting a particular conditional use in a particular district (see Sections 3.04-3.08) have been met, and that, where applicable, those substantive requirements for approval imposed by other articles of this ordinance, specifically articles 5, 6, 7, and 8, have also been met, the Planning Board must additionally find before a conditional use is approved that the proposed use in the specific location contemplated: will be in harmony with the Town's Comprehensive Plan and existing subdivision regulations; provides safe and adequate access to the road system of the town; provides safe and adequate means for water supply, waste water disposal, and solid waste disposal; is capable of being reasonable served by schools, public utilities, public safety agencies, and other public agencies and service; provides an adequate and permanent natural buffer or artificial screen between itself and adjacent properties which are being used in alternative ways permitted by this ordinance; will not result in damage to waterbodies, marsh or other natural areas, scenic or historic areas; will be built on soil types which are suitable to the nature of the undertaking; has taken all reasonable steps to fit itself harmoniously into the existing environment and existing (if any) development; will not result in the unnecessary removal of natural vegetation, the permanent scarring of the land, or soil erosion; will not result in unreasonable noise levels, harmful air emissions, or offensive odors; is in possession of or in the process of obtaining (and ultimately does obtain) all required state permits and approvals.

[REDACTED] - If in the contest of reviewing a particular conditional use application it becomes apparent to the Planning Board that the public's health, safety, or general welfare will be threatened, even though all of the required findings are made and all general and specific conditions for approval imposed by this ordinance and supporting regulations are met, the board is authorized to frame and impose additional special requirements (conditions) for approval. In such cases the board in its decision must fully set forth the unforeseen circumstances, the need for and the underlying rationale of the attached special requirements (conditions). Use of the extraordinary power conferred by this section shall be kept to a minimum.

Section 4.04 Special Requirements for Extraction Operation Approval - An applicant for a extraction operation conditional use permit must obtain and submit a restoration/reclamation plan, erosion/sediment control plan, and Hydrogeological Study for review and approval by the Planning Board before conditional use approval of a new extraction operation can be granted. Extraction operations in existence and actual operation on March 11, 1989 cannot be expanded to encompass more than five (5) acres in area unless Planning Board approval of a suitable restoration/reclamation plan, erosion/sediment control plan and Hydrogeological Study is first obtained.

In preparing the plans for the extraction operation approval, the applicant shall use United States Geological Survey (USGS) datum in establishing existing topography and final topography. description of the USGS datum, bench marks height as specified by the USGS shall be displayed on the plans.

ARTICLE 13 LEGAL STATUS

Section 13.01 Abrogation and Greater Restrictions - It is not the intent of this ordinance to abrogate, repeal, annul, impair or interfere with any existing easements, covenants, deed restrictions or agreements; or with state statutes, rules, regulations, or permits; or with other local ordinances or regulations. However, in all of the above situations where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

████████████████████ Interpretations of words, phrases, or specific provisions of this ordinance leading to the grant or denial of a necessary permit, the approval or disapproval of any proposal, or any other action or refusal to act by the Code Enforcement Officer, the Planning Board, or the Selectmen of the town may be appealed to the Zoning Board of Appeals by an aggrieved applicant whose request gave rise to the interpretation in question, by any property owner or resident of the town whose property is within one thousand (1000) feet of the lot line of the applicant's project site, or by any of the elected or appointed municipal officials or employees listed above. The Zoning Board of Appeals interpretation of any word, phrase, or provision of this ordinance called in question shall be final subject only to judicial review.

In judicial proceedings arising out of this ordinance and its application by the Town of Waterboro, it is the intent of the Town that the provisions of this ordinance be regarded as minimum requirements and that they be liberally construed in favor of the town so that the purposes and intentions (see Sections 1.02 and 1.03) of the ordinance may be achieved.

All persons interpreting words, phrases, or provisions of this ordinance shall be bound by the definitions set out in Article 14, by the normal and usual meanings of words and phrases in everyday speech and by the meaning to be drawn from the context in which a particular word, phrase, or provision is set. All interpretations must be in harmony with and seek to achieve the overall purpose and intent of the ordinance.

Section 13.03 Severability - If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 13.04 Amendment - Pursuant to the same authorities by which this ordinance is enacted (see Section 1.01) the regulations, restrictions, and boundaries established by this ordinance may be changed, supplemented, or repealed. A proposal for such action except repeal of the entire ordinance, (see Section 13.05) shall be referred to as a proposed amendment. A proposed amendment may be offered by any person who owns land in Waterboro, any resident of the Town, the Code Enforcement Officer, the Planning Board, and the Selectmen.

PLANNING BOARD

Town of Waterboro

February 10, 2000
Special Meeting

Sue called the Special Meeting to order at 8:48 p.m. Those remaining in attendance were Doug Foglio Jr., Charlie Brown, Shawn Shoemaker, Dan Abraham and Mike Hammond.

Sue wanted to propose a question to Tim Neill before the meeting proceeded. She asked if Tim felt comfortable partaking in this vote due to the enclosed letter that was reviewed during the Public Hearing?

Tim noted that the letter was written before he was appointed to the Board and did not feel that he had any prejudices towards the developer and the site so as to alter his decision when voting.

Doug Jr. noted that the possible future use of the land that was presented was only a potential future use that it was not to be considered an application.

Roland wants it clearly stated that the Town does not end up with 2 different uses on the property as in a gravel extraction operation and a subdivision at the same time.

Doug Jr. stated that the issue would only come about when an application for a subdivision was presented in front of the Planning Board.

Roland stated he understood that but wants to make sure the board is aware that no development is started until the extraction operation is completed. Roland further stated that he does not wish to have the same situation that is currently being done on Route 5.

Doug Jr. noted that he did not see building a house on a reclaimed portion of the property while excavating further on as having a detrimental effect on the home.

Roland just stated that it was something he felt needed to be reviewed.

Receipts for the notification of abutters is in the file. The DEP permit has been received.

Based on the Public Hearing Sue felt the Board should discuss hours of operation .

Hours of processing were discussed and the following presented to be agreeable to the Board, applicant and Shawn Shoemaker:

- 6:30a.m. to 7:00p.m. Monday - Friday
- 6:00a.m. to 2:00p.m. Saturday
- No processing from 2:00p.m. Sunday to 6:30a.m. Monday
- No operations or processing on the 7 major holidays:
 - New Years Day
 - Easter
 - Memorial Day
 - July 4th
 - Labor Day
 - Thanksgiving
 - Christmas

Doug Jr. said he would agree to the no operations on the 7 Holidays listed with the times noted.

Tim stated that he felt the public mentioned the hours of operation but did not offer an acceptable time frame.

Doug Jr. stated that if they had to stop processing at 7:00 that it was fine with him. They intended on posting their hours of operation.

Todd felt that we should follow our proposed ordinance allowing for routine maintenance with no processing at the designated times.

Dan Abraham asked if his assumption that any emergency would overrule the hours was correct.

Sue stated that yes, an emergency would overrule the hours.

Roland feels that we should leave it in the hands of the Selectmen to declare an emergency and wave the hours of operation.

Todd agrees with Roland, the Planning Board does not have the authority to declare an emergency.

Todd noted a conflict in depth of the extraction and questioned Charlie on how close to the water table they intended on going.

Charlie stated 5 feet.

Todd noted that there is a section that states 3' is that an error.

Charlie stated that it should read 334, it is a typo.

Roland asked if all the concerns brought up by Mr. Faith have been reviewed?

Sue stated that we are in the process of going through the questions.

Roland questioned the aerial photos and their accuracy.

Dwayne noted that they are fairly close.

The noise that was initially presented was associated with the construction of the home. Traffic has been addressed with the letter presented by Foglio, Inc. The issue of the property values was clarified by Mr. Shoemaker and his recent property valuation. The Town does not have an ordinance to deal with what is stated as unreasonable noise levels.

Doug Jr. stated that the Air Emission Engineers regularly visit the sites and an Air Emission License is needed. We are continually being monitored by professionals and we have to be in order to operate.

Todd feels that Mr. Faith's statement about tabling any decision until after Town meeting is placing a moratorium on Gravel Pits until a new ordinance is voted on.

Sue clarifies that the Planning Board has no jurisdiction in postponing a decision when all conditions are met.

Tim asked if the Conditional Use runs with the land. Tim further asked what can prevent a new owner from blasting if a stipulation is not placed on the approval. Todd stated that the only way there would be blasting on this property is if it went beyond the proposed site which is not likely due to the wetlands.

Tim also asked if the board can request the traffic direction. Dwayne stated that the Board had not authority but the Board can make a recommendation to the Selectmen to post the road. We cannot single out an individual contractor.

Tim noted to Doug Jr. that he had discussed hauling in topsoil for stockpiling. Won't this be causing more traffic.

Doug Jr. said that it is possible that when they are delivering material to a site that topsoil may be taken from that site and brought back to the extractive site. It does not create more traffic, it is done during the normal travel to and from the sites.

Review of the Conditional Use application requirements are reviewed. It is noted that the following has been completed and presented:

- Hydrogeological survey
- Erosion control
- Restoration plan
- Public Hearing
- Abutter notification receipts

Conditions discussed to date:

- Hours of operation
- Paving
- Completing of project before beginning another

Doug Jr. questioned the last condition and its meaning. If this project was to change in any way shape or form I couldn't return to the Board until it was completed?

Sue noted that yes, if it is approved as stated that it would mean you could not return to the Board for a revision.

Dwayne noted on the plan that if someone wanted to build on the knoll he would not be allowed because the extraction has not been completed.

Todd stated that no matter what he does he would have to return to the board, if he does anything different than what has been proposed as in build a house.

Lisa clarified that a house could be built. The 2nd house would trigger a subdivision if built within 5 years from the purchase of the initial property split of Shoemaker to Foglio.

Roland wants to see it worded so that we do not end up with another trailer park and extraction situation.

Dwayne explained the process necessary to reach the grades in the trailer park. He further stated that he did not believe that the Board created the situation, it is mainly a landowner and operator civil dispute.

Sue stated that the property is in the AR zone. Anything in the Primary Uses would be allowed and some items may trigger the need for Site Plan Review.

Mike Hammond also noted that he will come under the restrictions in the AR zone and there is nothing the Board can do.

Todd mentioned that he is not comfortable with the added restriction for the future Board members. Dwayne agrees with Todd. We did not do anything wrong with the Trailer Park, it is a civil matter. It

may be a different board if and/or when the applicant returns and the Board will still have the same regulations to abide by.

Doug Jr. noted that giving a Conditional Use Permit for this project under the mentioned restrictions will prevent him from returning to the Board for anything until the operation is complete. Does not want to eliminate the opportunity to be able to return to the Board for future improvements as the project is being done.

Roland made a motion to send to the Town Attorney the question of setting a one use stipulation until extraction is completed on the approval. Motion dies due to the lack of a second.

Todd made a motion to approve the Conditional Use Application for Mineral Extraction on the Chadbourne Pit under section 4.04 with the following conditions:

1. Hours of processing:
 - 6:30a.m. to 7:00p.m. Monday - Friday
 - 6:00a.m. to 2:00p.m. Saturday
 - No processing from 2:00p.m. Sunday to 6:30a.m. Monday
2. No operations or processing on the 7 major holidays:
 - New Years Day
 - Easter
 - Memorial Day
 - July 4th
 - Labor Day
 - Thanksgiving
 - Christmas
3. Paving of at least 600' of the drive/entrance
4. A recommendation that the road is inspected by either an engineer or the Road Review Committee with a letter (if completed) be submitted to the Code Office stating that it was constructed to the Town Specification.

Clarification of the typo (330' to 333') before the plans are signed.

Dwayne seconds.

Todd made a motion to amend his motion to add that the following conditions have been provided:

- Restoration plan
- Erosion control plan
- Hydrogeological Survey
- Notification of abutters
- A public hearing was held

Dwayne seconds the amended motion.

Discussion: Dwayne would like it noted that he feels the Board has met the neighbors concerns. The only issue left is the beeping of the trucks and it is not in the control of the town or operator, it is a State regulation for any large vehicle.

Motion carries a 4-0-0 vote in favor.

Dwayne made a motion to approve all the amended motions as stated. Roland seconds. Motion carries a 4-0-0 vote in favor.

Dwayne made a motion that the plans will be signed at the next regular meeting when the correction is made (330' to 333'). He does not intend to sign the Conditional Use Permit until 3 members have reviewed the permit for typographical errors and/or omissions. Roland seconds. Motion carries a 4-0-0 vote in favor.

Doug Jr. requested that the letter for posting the Webber and Deering Ridge Road be forwarded to the Selectmen.

Dwayne made a motion to forward the posting of the Webber and Deering Ridge Roads request made by Foglio, Inc. be forwarded to the Board of Selectmen. Todd seconds. Motion carries a 4-0-0 vote in favor.

Dwayne made a motion to place the attached letter as proposed by Sue in the Smart Shopper. Todd seconds. Motion carries a 4-0-0 vote in favor.

Dwayne made a motion to sign the letter as Dwayne, Sue, Todd, Tim and Roland. Todd seconds. Motion carries a 4-0-0 vote in favor.

Dwayne made a recommendation to have 3 Planning Board Members and 3 members of the Citizen Petition sit up front to discuss the ordinance issues. Does not have a problem with having Todd, Sue and Doug.

Dwayne made a motion to hold a workshop at 6:45 p.m. on Monday February 14 to discuss the issues of the Planning Board before the Hearing. Todd seconds. Motion carries a 4-0-0 vote in favor.

Dwayne made a motion to adjourn at 10:50 p.m. Roland seconds. Motion carries a 4-0-0 vote in favor.

Respectfully submitted,

Dwayne Woodsome
Dwayne Woodsome
Secretary/Treasurer

DW/lmm

ACCEPTED: _____

[Signature]

[Signature]

[Signature]

[Signature]

PLANNING BOARD

Town of Waterboro

February 24, 2000
Regular Meeting

I ROLL CALL

Doug called the regular meeting to order at 8:10 p.m. noting the attendance of Roland Denby, Susan Dunlap, Todd Morey, Tim Neill and Dwayne Woodsome.

II APPOINTMENTS:

8:00 Dick Neault is presenting an application for a 60' front yard setback reduction on Map 3 Lot 14 located on the corners of the Starr Hill Road and West Road.

Dwayne made a motion to approve a 65' front yard setback from the backside of the rock wall due to the incline of the land, not to include the front steps. All other setbacks must be met. Todd seconds. Motion carries a 4-1-0 vote in favor with Sue opposed.

8:15 Larry & Maryanne Baker Map 8 Lot 43A - No show

III OLD BUSINESS:

Cal Knudsen is present for final plan approval of Stone Gate subdivision. The changes requested at the previous meeting have been reviewed and noted as complete. Dwayne made a motion to approve the Stonegate Subdivision as presented. Todd seconds. Motion carries a 5-0-0 vote in favor

Dwayne called a recess at 8:45 to attend the remainder of the Candidates night. Roland seconds. Motion carries a 5-0-0 vote in favor.

Dwayne made a motion to allow Tom Soule operate a Ryder Truck Rental with no more than 10 rental vehicles at one time. This can be modified in the future if more parking spaces are available upon the completion of future phases of the storage facility and by the vote of the board. There will be no maintenance on site. Roland seconds. Motion carries a 5-0-0 vote in favor.

Doug called the meeting back to order at 9:45. Todd has left the meeting at this time.

IV MINUTES OF PREVIOUS MEETINGS:

Sue made a motion to approve the February 9 minutes, noting the typographical errors to be corrected. Roland seconds. Motion carries a 3-0-1 vote in favor with Dwayne abstaining.

Sue made a motion to resign the September 23 minutes as duplicate originals. Dwayne seconds. Motion carries a 3-0-1 vote in favor with Tim abstaining.

V NEW BUSINESS

VI REPORT OF OFFICERS:

Appropriations report was received by Dwayne.

**Regular Meeting
February 24, 2000
Page Two**

Dwayne made a motion at 11:25 to continue the meeting at 2:00 p.m. Friday afternoon. Susan seconds. Motion carries a 4-0-0 vote in favor.

Doug called the meeting to order on Friday, February 25 at 2:15 p.m. noting the attendance of Sue Dunlap, Roland Denby and Dwayne Woodsome.

VII COMMUNICATION

The following communications were reviewed:

Selectmen meeting minutes of January 26 and February 8
Letter from Eileen Lee regarding Waterman Conditional Use Application
Letter from Steve Foglio regarding Shop 'n Save
Copy of letter sent to Waterman's regarding illegal junkyard.

VIII MISCELLANEOUS

Roland made a motion to have Dearborn Bros. Inc. meet with the Code Officer to review the application to ensure it is complete. Dwayne seconds. Motion carries a 4-0-0 vote in favor.

Dwayne made a motion to run 2 full page ads in the Smart Shopper, one in edition of February 29 and March 7 regarding the Site Plan Review for Mineral Extraction Ordinance. Roland seconds. Motion carries a 3-0-0 vote in favor.

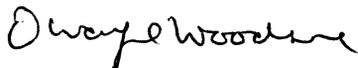
Meeting will be continued on Monday, February 28 at 7:00 p.m. Meeting temporarily adjourned at 5:15 p.m.

Doug called the meeting to order on Monday, February 28 at 7:00 p.m. noting the attendance of Susan Dunlap, Roland Denby, Dwayne Woodsome, Tim Neill and Todd Morey.

Dwayne made a motion to run the draft concept of the ad in the next Smart Shopper with the tinkering made by Doug, Sue and Todd. Roland seconds. Motion carries a 5-0-0 vote in favor.

Todd made a motion to adjourn the meeting at 10:30 p.m. Sue seconds. Motion carries a 5-0-0 vote in favor.

Respectfully submitted



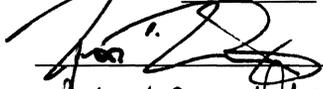
Dwayne Woodsome
Secretary/Treasurer
Planning Board

DW/lmm

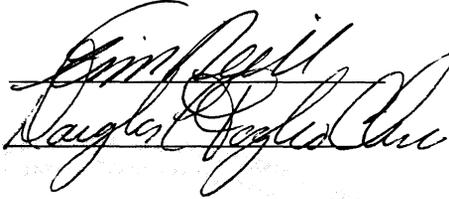
Town of Waterboro

Regular Meeting
February 24, 2000
Page Three

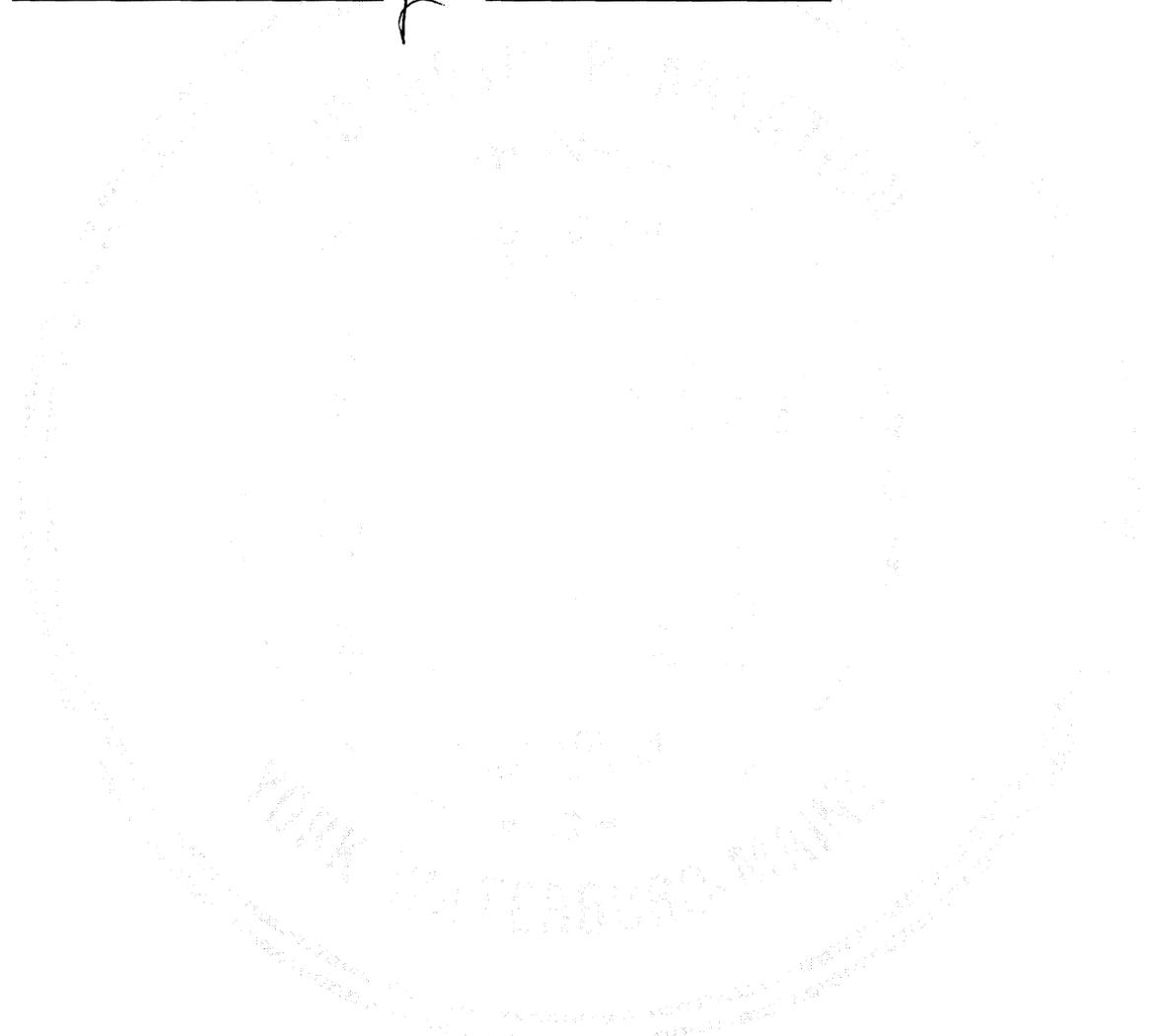
ACCEPTED:



Juan Muelas
Roland E. Deely



Douglas Fogles



PLANNING BOARD

Town of Waterboro

FEBRUARY 24, 2000

PUBLIC HEARING

&

REGULAR MEETING

Public Hearing

Sue Dunlap called the Public Hearing to order at 7:10 p.m. noting the attendance of Todd Morey, Roland Denby, Tim Neill and Dwayne Woodsome. There are approximately 15 members of the public in attendance for the public hearing.

Tom Soule is presenting an application to provide Ryder Rental Trucks in conjunction with the Self Storage facility on Route 202 in E. Waterboro.

Tom explained the process and need for the rental trucks. There may be approximately 3 - 6 trucks at one time due to returns. There will be approximately 3 - 4 trucks available for local rentals. The one way trucks will be picked up by the Kennbunk Ryder who will also take care of the maintenance, oil changes etc. Nothing will be done on site. Fueling will be done at the local stores as needed.

Seeing that there are no questions from the public or the Board the first public hearing is called to a close at 7:15 p.m.

The Public Hearing for **Trina and Russell Waterman** was called to order at 7:17 p.m. Russell explained that there would be a 50' x 100' gravel area for a used care lot with approximately 0 - 50 vehicles as would be permitted by the State. The State also requires him to place a business sign by the road.

The only maintenance to be done on the property will be minor tinkering. No fueling will be done and approximately 10 cars at one time will be on the site. The State would agree to the use of a street sign size business sign below the Waterman Drive sign.

Greg Lee is the owner of Lot 4 and borders the right-of-way. Greg is presenting 2 petitions opposed to the used car sales lot. One petition is from property owners along the West Road and one is from the immediate occupants of Fieldstone Acres along with a list of the Deed Restrictions for the property.

Roland Denby referred to Ms. Crabtree and the letter submitted. The letter stated that attached were deed restrictions referencing item 4, 7, 8, 12 & 14. I don't not seem to find anything attached to your letter. Lisa stated that there were no attachments with the letter. Greg Lee noted that the deed restrictions is attached to the information he presented.

Roland asked Russell if he originally owned the property before it was subdivided. Russell stated that the Brown's previously owned the property.

Barry Hobbins, Attorney for the Waterman's distributed a packet noting the history of the property and presenting that the lot does not have to conform to the restrictions. The restrictions were not part of the deed is noted in the Brown to Lee deed dated November 13, 1991. The parcel in question was retained by Dennis Brown and later transferred to wife Barbara and son, Gregory at no cost in April 1990. The family transfer was then sold to the Watermans in November 1996. A title search done by Jeffrey Clark did not refer to deed restrictions, it only stated that lots 3 and 4 are subject to the right to utilize a portion of the right-of-way. Unlike the other deed's in the Fieldstone Acres subdivision, the Waterman's deed does not have the restrictive covenants included with the deed.

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Email: waterboro@mix-net.net

Town of Waterboro

Public Hearing
February 24, 2000
Page Two

Attorney Hobbins referred to the later by Attorney Christopher L. Vaniotis. On page 2 under title Revision to the Subdivision Plan, Attorney Vaniotis did not take into consideration that the property was conveyed to a family member in 1990 then sold to the Watermans in 1996 which under subdivision laws was over a 5 year time-frame.

Sue stated that no decisions would be made tonight. There is a discrepancy in what Attorney Hobbins is saying and what is stated in the deed of Brown to Brown. It clearly states here "for considerations paid".

Dick Elmore asked if it was possible to have different deed restrictions within the lots of a subdivision. Attorney Hobbins states yes.

Greg Lee, is there an amended opinion from the Town Attorney? Sue noted that there was not. If the Board wishes to send this to the Town Attorney after the Public Hearing is closed they will forward it at that time.

David & Pam Crabtree: David is the son-in-law of the Crabtree's and has visited the West Road area since 1960. He has enjoyed the quietness of the area and is offended with the thought that someone wants to bring something like this to the area. He further stated that he was not sure if his feelings/thoughts counted. Pam and her sister are co-owners of one of the lots in Fieldstone Acres.

One question for Mr. Waterman, can you make any money with a used car lot on the West Road?

Russell: I'm not looking to make a lot of money. I just want to earn a little extra.

Deborah Costis owns lots 1 & 2. Where on the right of way to you intend on putting the sign? A sign is a structure and I believe that structures have to meet setbacks on a right of way.

Trina: The State told us that we could put it directly on our street sign.

Dwayne: If you owned one side of the right-of-way you would be able to place a sign/structure on that sideline.

Elizabeth Johnson: Resident of the West Road wanted to let the Board now that she recently moved to the West Road due to the quietness of the area. She has previously lived on Route 202.

Greg: Does the Town have a comprehensive plan for the West Road and how would the approval of this use effect the comprehensive plan?

Sue: The Planning Board goes by the Zoning Ordinance, if there are no concrete reasons not to approve this the board is pressed to approve the application. There are a lot of permitted uses in these zone that require a conditional use permit. This allows the Board to place tougher guidelines in the process of approval.

Greg: Is there a licensing process from the State for a used car lot?

Russell: Yes.

Town of Waterboro

Public Hearing
February 24, 2000
Page Three

Mrs. Crabtree: When we purchased lot # 6 there was not indication whatsoever that the back lot did not have to abide by the same restrictions.

Dwayne: The Code Officer has recently sent you a letter regarding the number of unregistered vehicles on your property. Has this been taken care of?

Russell: Yes, I was not aware that there was a limit, there are only 2 remaining cars there at this time.

Roland: Wanted it noted that there are 17 conditional uses in the A/R zone. The Board tried several years ago to turn the A/R zone to F/A zone and the residents of the West Road turned the request down.

With no further questions Sue closed the Public hearing at 8:07 p.m.

PLANNING BOARD

Town of Waterboro

March 8, 2000
Regular Meeting

I ROLL CALL

Sue Dunlap called the meeting to order at 7:35 p.m. noting the attendance of Dwayne Woodsome, Todd Morey, Roland Denby, Everett Whitten and Tim Neill. Doug entered at 8:00 p.m.

Sue began by reviewing the letter sent by Tony Vigue regarding the audio tape for the February 21, 2000 Public Hearing and the reason for the inability to air it.

Dwayne noted to the Board that we now have our own video recorder that may be used to record the regular meetings and taken during on-sites.

II MINUTES OF PREVIOUS MEETING

Dwayne made a motion to approve the January 31 minutes with the clarification made on page 2 re: L4 and the right-of-way. Todd seconds. Motion carries a 5-0-0 vote in favor.

Dwayne made a motion to approve the January 27, 2000 meeting. Everett seconds. Motion carries a 4-0-1 vote in favor, Todd abstained due to being absent.

III OLD BUSINESS

Joe Calvo is present to clarify his recent Conditional Use approval to operate a saw mill on his property. Item #2 on the approval stated a 100' uncut buffer from the property lines. Joe feels that he may have misunderstood the Board when this was discussed. Leaving a 100' uncut buffer around the property would not allow him to place a building on the property to operate the sawmill. Joe believes that he needs to meet 75' from the right of way and 35' from the side and rear with 100' from the brook. Doug explained that when a conditional use application is received the Planning Board has the authority to increase the setbacks depending on the application.

Joe also questioned the extension of his driveway to the site. Doug mentioned that Joe stake out the boundary and call Lisa to have Roland & Everett make arrangements to visit the site again to see what is left for the building envelope. Joe will return under "Old Business" when this has been done.

Sue turned the meeting over to Doug at 8:27 p.m.

Sue made a motion to re-approve the Conditional Use Application for Old Home Days for the year 2000 with the following amendments:

- Prior to the fair the committee provides an estimate of attendees so they may be adequate restroom facilities and sufficient security personnel for traffic control.

Todd seconds, motion carries a 5-1-0 vote in favor with Dwayne opposed.

The following questions will be sent to Ken Cole regarding the request for a Used Car Lot by Trina and Russell Waterman:

- Is the parcel part of the subdivision?

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- If the parcel is part of the subdivision, does it need to conform to the deed restrictions the run with the remaining lots?
- Signs are not currently allowed on the right-of-way, the Waterman's own the right-of-way with rights of passage granted to lots 3 and 4. Does the ownership of the right-of-way grant him the authority to place a business sign on it?
- Whether the property is part of the subdivision or not? and the deed restrictions do not apply to the property can the Board deny the application due to the great opposition received on the matter.

IV APPOINTMENTS

8:00 Hughey's Inc. Subdivision on Ford Mill Pond

Everett has requested to abstain during the Hughey's appointment. He is an abutter and has received communications via mail and phone regarding the property.

John Mitchell of Mitchell & Associates, Doyle Marchand and Wes & Gwendolyn Hughey-Kinney are presenting a revised plan for the Hughey's Inc. subdivision on Ford Pond, Rte 5.

Doug noted that Steve Foglio, Mercer Bonnie with Mitchell & Assoc., Steve Arnold and himself visited the site in November to get a clear understanding of where the wetlands are located.

John Mitchell stated that the property in questions consists of 73.5+/- acres with 10 acres being in Lyman. The subdivision as proposed consists of 9 house lots, non of which will be located in Lyman, and approximately 47 acres of open space.

Sue questioned the no disturbance areas. If these are no disturbance areas how to you propose to place a road. John Mitchell stated that the area is less than 4,300 sq. ft. which is permitted by a permit by rule with DEP.

Doug asked how much of the road did the owner anticipate on keeping private. John stated that the initial intention was to build the road as a private road with maintenance agreements.

Doug noted his concern with restricting public access to the pond, the road may be combined with public access only to the entrance of Ford Pond.

Doyle Marchand discussed the hammerhead turn at the end of the two of the drives.

Dwayne asked if the cul-de-sac will have trees in the center. John Mitchell asked how the Board would feel if the center was left at a natural state.

Doug asked if the cul-de-sac had a 75' radius. John says yes.

John further stated that the gravel road is shown as 24' wide. Environmentalists seem to prefer the narrower gravel roads.

Doug noted that he would like to see the private road paved in approximately 400' from Route 202 & 5 to avoid tracking the gravel onto the main road with the second entrance for lot 1 paved approximately 100' in.

**March 8, 2000
Planning Board
Page Three**

Roland questioned if the Lyman portion is to be retained out of the subdivision. Doyle stated that there are not clear intentions to develop the 10 acres. If someone does approach the board for development it is in the hands of the Planning Board.

Dwayne noted that it would be on the Lyman property and Lyman does have a copy of the plans at this time for review.

Doyle asked the Board what they would like to see done with the Lyman property. Dwayne stated that the Board can give their input but a joint meeting would be required with Lyman. Doug stated that he would like to see it included in the open space, cut the right of ways short of the Lyman line and deed parts of the land to lots 9 and 4 so it would create an unbuildable lot in Lyman. There is also questions and confusion on which Town would provide emergency services, access is through Waterboro but structure would be in Lyman.

Todd noted that there is a potential for 4 lots of open space with it noted in the deeds as open space/conservation district.

Doyle suggested that the building envelopes on lot 4 & 9 be kept in Waterboro.

Doug asked the Board if they agreed that not seeing the Lyman property developed was a fair request. The Board all felt the it was a fair request. Doyle meet with the applicants privately, upon return they also agreed to the request

Dwayne noted that need for some type of hammerhead turn or parking space at the end of the paved area for the public access to Ford Pond to use.

Roland asked if there would be deed restrictions on the property. Doyle stated that there will be and he would provide the Board with a copy when they were drafted.

Doug stated that the plan will also need to go to the Fire Chief for his review.

The following will also need to be determined:

- CMP Power source - Overhead or Underground
- Signage
- Deed Restrictions

8:45 David Weisenbach Map 45 Lot 1655, 1662, 1663 Is presenting an application for a 12' shoreland setback reduction.

Sue questions that the lot, combined, has over 40,000 sq. ft. Due to the now conformance of the lot she feels the Planning board may not be the one to hear this request.

After much discussion of the 3 lots, combined or not, Sue made a motion to send the information to the Town Attorney for legal interpretation, the Zoning Ordinance states (Section 9.05) Two or more contiguous lots of record in common ownership on the date of enactment of this ordinance shall be combined and treated as a single lot or parcel of land. Lake Arrowhead continues to charge fees as individual lots, does the Town have the authority to combine the lots for consideration of this request?

March 8, 2000
Planning Board
Page Four

Doug stated that the Board will reconsider the request under "Old Business" pending the decision of the Attorney. There is adequate information here that the Weisenbach would not have to return from Pennsylvania for the board to render their decision. Doug also feels that if the Town is going to require the lots to be combined than an amendment to the subdivision must be done so that the assessment is done on a single lot by the Town and Lake Arrowhead.

V REPORT OF OFFICERS

The appropriations report was reviewed by Dwayne.

VI NEW BUSINESS

VII COMMUNICATIONS

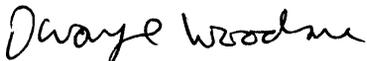
The Selectmen meeting minutes of February 15 and 22 were reviewed.

VIII MISCELLANEOUS

IX ADJOURNMENT

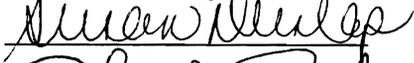
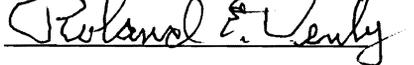
Todd made a motion to adjourn the meeting at 12:00 a.m. Sue seconds. Motion carries a 6-0-0 vote in favor. Meeting adjourned.

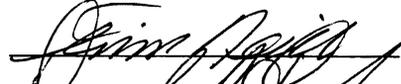
Respectfully submitted,


Dwayne Woodsome
Treasurer/Secretary

DW/lmm

ACCEPTED: _____


PLANNING BOARD

Town of Waterboro

March 23, 2000
Regular Meeting

I ROLL CALL

Sue Dunlap called the meeting to order at 7:40 p.m. noting the attendance of Todd Morey, Dwayne Woodsome, Everett Whitten, Roland Denby, Tim Neill. Doug entered at 7:50.

II APPOINTMENTS

7:45 Bill Earl has presented an application to operate a mobile Lunch Truck. He has received written approval to set up at Jim Getty's Station. He will operate in approximately 6 hours evening shifts. He has also been approached by several business in the Town to set up during lunch hours. The unit will get inspected by the Department of Health.

The Board does not feel that Bill needs any permit from the Planning Board as long as it remains in the Village Zone or contracted for private use. Registering the Business name with the Town is required.

Dwayne made a motion to indefinitely table the application and return Bill the \$50 fee. Todd seconds. Motion carries a 5-0-0 vote in favor.

Sue turned the meeting over to Doug at 8:00

8:15 William Hanson Jr., is requesting a Conditional Use Permit to operate a U-haul Truck Leasing service in conjunction with the Storage Facility on Route 5, Map 13 Lot 43 in the AR zone.

Sue made a motion to schedule a Public Hearing on April 12 at 7:30 p.m. and return under "Old Business" that same evening. Todd seconds. Motion carries a 6-0-0 vote in favor.

8:20 Nicholas G. Tsakirism ATA Realty Group is presenting Architectural Skylight with an application for a 20' x 210' second story addition on their building located on Map 4 Lot 30. He has meet with the ADA for the updated safety requirements. A copy of the ADA requirements will be forwarded prior to the Boards final decision.

The addition will be within the same parameters of the existing foot print. Upgrading of the boiler room is necessary.

The Board reviewed the Site Plan Review check list. Item needed are as follows:

- Written request for a waiver of item 1;

A public hearing has been scheduled for April 12, 2000 at 7:30 p.m.

III MINUTES OF PREVIOUS MEETINGS:

Dwayne made a motion to approve the February 10, 2000 minutes. Todd seconds. Motion carries a 5-0-1 vote in favor with Everett abstains as not being present at the meeting.

**Planning Board
March 23, 2000
Page Two**

Todd made a motion to approve the February 24, 2000 minutes. Sue seconds. Motion carries a vote 5-0-1 vote in favor with Everett abstaining as not being present for the meeting.

Sue made a motion to approve the March 8 minutes. Todd seconds. Motion carries a 6-0-0 vote in favor.

IV NEW BUSINESS

V REPORT OF OFFICERS

VI OLD BUSINESS

VIII COMMUNICATION

The following communications were discussed:

- Selectmen meeting minutes of March 7
- Request from Parks & Rec. for a Committee Member. Dwayne made a motion to have Tim serve on the Parks and Rec. Committee, Tim agreed. Todd seconds. Motion carries a 5-0-1 vote in favor, Tim abstained. Dwayne informed Tim that the next meeting is on Wednesday, March 29.
- DEP communication regarding Architectural Skylight
- DEP stop work order from Les Leighton
- DEP site location for SAD #57

VIII MISCELLANEOUS

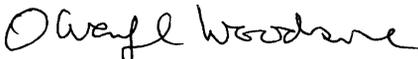
Sue wanted it noted in the minutes that there were parts missing for the Planning Board camera in order to place it on the tripod for taping. Lisa is to try and locate the part and order it if necessary.

Discussion of the Old Homes Days will be placed on the next agenda.

IX ADJOURNMENT

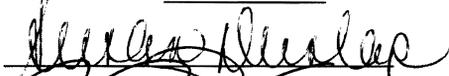
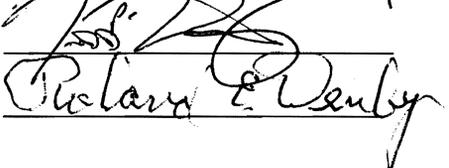
Todd made a motion to adjourn the meeting at 9:40 p.m. Sue seconds. Motion carries a 6-0-0 vote in favor.

Respectfully submitted,


Dwayne Woodsome

DW/Imm

ACCEPTED: _____



PLANNING BOARD

Town of Waterboro

APRIL 12, 2000

I ROLL CALL

Sue Dunlap called the meeting to order at 7:10 p.m. noting the attendance of Todd Morey, Dwayne Woodsome, Everett Whitten, Roland Denby, Tim Neill, Willis Lord, Millard Genthner and Brenda Charland. Doug Foglio entered at 7:35.

II APPOINTMENTS

7:00 Selectmen - The Board of Selectmen are present to discuss with Board the Town Pit which needs to be brought into conformance with the Town and State guidelines.

Brenda feels that Town Pit should be exempt. Willis would like to see the Pit rezoned. Brenda fully disagrees. Brenda states that the Selectmen are not united in the process of making the pit an allowable use which is why there are here to get the Planning Board's guidance.

Dwayne does not feel that the Planning Board can rezone it. It would be up to the Selectmen to present it to the Townspeople. Dwayne is also against spot zoning, feels that if you are going to rezone the Town Pit than the whole strip should also be rezoned.

Sue asked the Selectmen what they would expect to hear from a Public Hearing. Brenda noted it would be to have the public guide the Selectmen on what direction they wish to take.

Dwayne stated from the zoning that anything allowed in one zone can be permitted in another zone.

Brenda stated that a public hearing should be held after getting a recommendation by the Attorney. Roland added that a financial statement should be included to inform the residents the possible cost to purchase gravel and sand elsewhere if the pit is closed.

Doug stated that he is against rezoning and exempting the pit. A Public Hearing should be presented by the Planning Board and Selectmen.

Dwayne recommended hold a workshop with the Selectmen after getting the Attorney's recommendation before holding a Public Hearing so the Boards can present a proposal to the public.

Dwayne made a motion to hold a special workshop with the Selectmen on Monday, April 24, 2000 at 7:30 p.m. to discuss the recommendation of the Attorney.

Sue turned the meeting over to Doug at this time.

8:15 Thelma Toothaker Map 35 Lot 14 - Thelma Toothaker is present for a setback reduction on her property located on Ossipee Pond. She would like to build a 28' x 36' two story camp with a walkout basement and a 28' x 12' deck.

Upon reviewing the deed, it is noted that there are conveyances for a right of way.

The applicant will need to provide the Board with the conveyance and deed rights before they can act on the request for a setback reduction. A title search will need to be done to determine who has the rights to access the use of the road.

An onsite is scheduled for Monday, April 17 at 6:30 for any Board member wishing to see the property.

III MINUTES OF PREVIOUS MEETING:

Dwayne made motion to approve the minutes to the March 23 meeting with the changes made on Bill Earl's appointment. Sue seconds. Motion carries a 6-0-0 vote in favor.

V REPORT OF OFFICERS

VI OLD BUSINESS

Joseph Vitko is representing Karen Vitko, Map 38 Lot 30 has presented the information requested at the February 9, 2000 meeting. A letter from John Large with reference points of the property line, and a plot plan. Mr. Vitko is requesting setback reductions as follows: 41' from the lake, 17' left sideline, 14' right sideline and 31' from the road.

Section C item 1 in the Soil Disturbance Standards from DEP states that a 25' setback must be maintained between the normal high water line or upland edge of the protected natural resource and the activity. (complete requirements may be found in the file copy of the Soil Disturbance Standards).

Dwayne made a motion to grant Mr. Vitko the following setbacks under Section 2.07, 2.08 and 4.02:

- 40' setback from the lake
- 17' left sideline setback
- 14' right sideline setback and;
- 30' front yard setback.

All erosion control measures must be taken. The house must be laid out by a surveyor to make sure that the lot lines are met. A copy of this surveyor needs to be forwarded to the Code Office for the file before an occupancy permit is issued. NRPA requirements on erosion control need to be followed and HHE200 conformance requirements need to be followed as designed. Todd seconds. Motion carries a 6-0-0 vote in favor.

Trina and Russell Waterman have presented a letter from Maine Boundary Consultants and would like the Board to table any decisions on their request to operate a used car lot on the property located on Map 6 Lot 18.

Doug states that although Robert Yarumian submitted his opinion does not mean that he is correct in his belief.

The Waterman's stated that at the original meeting they were told that it was an allowable use. Sue clarified by stating that in the AR zone it is, but the deed restrictions state otherwise.

Dwayne made a motion to table the decision for 1 month. If the applicant's attorney, Barry Hobbins makes an appointment with Ken Cole it will be at the applicants expense. If no further information is received by the first meeting in May the Board will base their decision on the information present. Everett Whitten seconds.

Doug stated that Attorney Barry Hobbins cannot personally meet with Ken Cole, correspondence can be submitted via mail. Ken Cole is not the applicants Attorney but the Towns. An individual meeting between the Attorneys cannot take place.

Dwayne withdrew his motion, Everett withdrew his second.

The Waterman's stated that they would expect to be responsible for the fee to have Attorney Ken Cole review the information with their Attorney, Barry Hobbins.

Doug noted the right to review in the ordinance and stated that an estimate can be obtained from Ken Cole before he reviews the information. The estimate will be forwarded to the Waterman's and forward a check for that amount for the Town to place in a retainer. Any remaining funds would then be reimbursed to the applicants.

Everett made a motion to forward a copy of the letter from Maine Boundary Survey to Ken Cole requesting and a cost estimate of time to review. When funds are received from the Waterman's, Lisa will call Ken and let him know it is okay to begin the review. All correspondence will be via memo with copies being forwarded to the Planning Board and the Waterman. Sue seconds. Motion carries a 6-0-0 vote in favor.

Old Home Days - Dwayne made a motion to reconsider the original Conditional Use Permit granted to the Old Home Days of March 8, 2000. Sue seconds. Motion carries a 6-0-0 vote in favor.

Dwayne made a motion to change the requirements of item 4 to: "Meet Town, State and Federal Regulations with sufficient security personal for traffic control". Roland seconds. Motion carries a 6-0-0 vote in favor.

VII COMMUNICATION

The following communications were reviewed:

- Memo to Zoe Anderson regarding the research on the Bennett Hill Road
- Letter from Ken Cole to Steve Foglio
- Letter from Zoe Anderson to Selectmen
- Memo to Zoe Anderson regarding research on the conflict of interest.
- Memo to Trina and Russell Waterman regarding research policy
- Selectmen minutes of March 14, 16, 21 and 28

VIII MISCELLANEOUS

Doug would like Lisa to contact Land Use Consultants about getting a copy of the original zoning map with overlays (full size) with a price.

IX ADJOURNMENT

Dwayne made a motion to adjourn at 10:15. Everett seconds. Motion carries a 6-0-0 vote in favor.

Respectfully submitted,

Dwayne Woodsome

Dwayne Woodsome
Secretary/Treasurer
Waterboro Planning Board

ACCEPTED: *4/27/2000*
Roland E. Derby
Everett White
Jim Hill

[Signature]
[Signature]

PLANNING BOARD

Town of Waterboro

APRIL 27, 2000

Regular Meeting

I ROLLCALL

Doug Foglio called the meeting to order at 7:45 p.m. noting the attendance of Tim Neill, Dwayne Woodsome, Everett Whitten Roland Denby and Todd Morey.

II APPOINTMENTS

8:00 Robert Paquette Map 32 Lot 7 is proposing to enclose an 8' x 10' deck to make more living space on his shoreland property on Ossipee Lake. Mr. Paquette enclosed a 10' x 16' section of the deck in February 1996 creating an 8% volume expansion.

Roland motioned to schedule an onsite. Everett seconds. Dwayne mentioned having Steve Foglio also attend the site walk. Roland and Everett agreed. Motion carries a 5-0-0 vote in favor.

8:15 Owens McCoullough with Sebago Technics presented the sketch plan for the Municipal Fire Facility under Site Plan Review. The plan design is similar to the one recently built in Lyman except that it is 30' longer. Building will include 4 bays to be built as a wood structure with a concrete foundation, brick face and vinyl siding. The building will also have meeting rooms and office space for a total sq. footage of 3,100 sq. ft.

Everett questioned the egress access through Rte 5 instead of the Old Alfred Road to avoid the already busy and dangerous intersection.

Dwayne stated that the access safety wise is poor. Also with the proposed changes to the Old Alfred Road the emergency vehicles will need to make 2 right hand turns and a left before going to North Waterboro. Extending the road to Rte 5 would only require a single left turn.

Todd questioned the likelihood of turning the building to face North with the road extending to Rte 5.

Doug agreed that running all the trucks down the Old Alfred Road does not make sense.

Owen asked the Board if having the school access 200' away is a concern if the entrances was to be on Route 5. The Board stated there was little concern.

Dwayne made a motion to schedule a Public Hearing on Thursday, May 11, 2000 at 7:30 p.m. Todd seconds. Motion carries a 5-0-0 vote in favor.

Owen questioned the notification of abutters. The only abutter is SAD 57.

8:30 Raymond Sylvestre - Map 5 Lot 20 has presented a Conditional Use Application to operate a small nursery sales business on his property on the Bennett Hill Road. Mr. Sylvestre feels that he could well service the area due to the traffic going to the Transfer Station.

Doug noted that this is a permitted use in the Zone with conditions one being the need to be on direct access to the Sate Aid Highway which this property is not.

Planning Board

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Email: waterboro@mix-net.net

Dwayne made a motion to deny the application under Section 4.02 and 3.05 subsection 3.05.02 item 9 due to the lack of Direct State Aid Highway access. Everett seconds. Motion carries a 5-0-0 vote in favor.

8:45 Robert Farwell - Map 32 Lot 14 has presented a Conditional Use application to place a foundation under the existing camp with the same perimeters. The total sq. footage of all the roofed buildings on the property consists of approx. 1,691 sq. ft.

Dwayne made a motion to send Everett, Roland and Steve Foglio on a site walk. Todd seconds. Motion carries a 5-0-0 vote in favor.

III MINUTES OF PREVIOUS MEETINGS

Everett made a motion to accept the April 12 minutes as written. Todd seconds. Motion carries a 5-0-0 vote in favor.

IV NEW BUSINESS

V REPORT OF OFFICERS

VI OLD BUSINESS

VII COMMUNICATION

The following communications were reviewed:

Letters from Ken Cole to Selectmen dated 3/23 and 4/10/2000

- The Board reviewed the Attorney letter with the recommendations of what can be done to make the town pit conforming.

Selectmen minutes of April 4, 11 and 22

VIII MISCELLANEOUS

Doug reviewed the incident with the Wateman's at the Selectmen's meeting last week and the representation to the Selectmen.

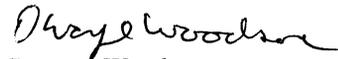
Doug clarified that Mrs. Toothaker needed to acquire a Title Search on the deed to determine the status of the Right of Ways and who has the rights to access the use of the road before returning to the Planning Board.

Everett stated that the right-of-way stated on the paper is not what is being used. They are using a road that was created through the middle of an abutters property.

IX ADJOURNMENT

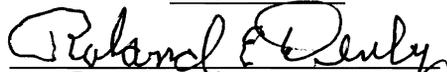
Dwayne made a motion to adjourn at 10:00. Everett seconds. Motion carries a 5-0-0 vote in favor.

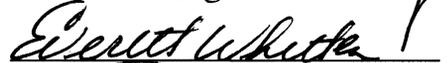
Respectfully submitted,


Dwayne Woodsome,
Secretary/Treasurer

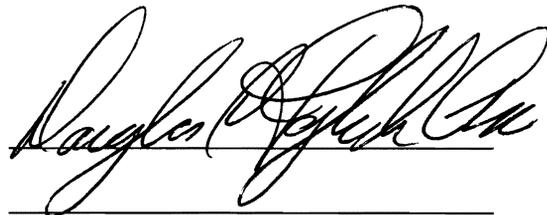
DW/lmm

ACCEPTED: _____









PLANNING BOARD

Town of Waterboro

May 10, 2000
Regular Meeting

I ROLL CALL

Chairman, Doug Foglio Sr., called the meeting to order at 7:30 p.m. In attendance are Tim Neill, Everett Whitten, Roland Denby, Dwayne Woodsome, Todd Morey and Susan Dunlap.

II APPOINTMENTS

8:00 Hughe's Inc. - no show

8:30 Dennis Breen Map 8 Lot 3 is present with an application to operate a used car lot on a 43, 264 sq. ft. lot located on Rte 5 in the AR zone.

Mr. Breen would like to have 4-6 vehicles for sale at one time to operate as a part-time business.

Todd questioned the minimum lot size requirements of 80,000 sq. ft. and if the Board could act on the request. Doug and Dwayne both explained that this is a non-conforming lot with an application for a conforming use. It is an undersized lot of record.

Mr. Breen intends to service and sell vehicles. Servicing will consist of tune-ups, brake jobs and issue stickers.

Doug noted that the past approvals of similar uses the Board required several strict conditions to follow. Doug requested that Lisa forward a copy of Judy Courtway and Robert Jones conditional use permits to Mr. Breen for his review.

Mr. Breen will contact Lisa upon reviewing the information and let us know if he wishes to proceed. The Board can then schedule a Public Hearing at the next meeting for June.

III MINUTES OF PREVIOUS MEETINGS

The May 10, 2000 minutes will be approved at the May 25 meeting after corrections are made to the Municipal Fire Barn portion of the minutes.

IV REPORT OF OFFICERS

Dwayne reviewed the appropriation report.

There are approximately 3 hours of legal fees to be paid.

V OLD BUSINESS

The requested information was not received by Thelma Toothaker, no action taken at this meeting.

Robert Farewell - Map 32 Lot 14. Steve Foglio, Roland and Everett did a site walk on April 28, 2000. The cottage is approximately 8 - 10' from the lake. The cottage may be moved back some, there is a CMP pole that services the Farewell's camp and two sheds behind it. CMP may have to move the pole back to allow for more room to move the camp.

Planning Board
May 10, 2000
Page Two

Dwayne made a motion to allow the Farewell's place a full foundation beneath the camp creating a 875 sq. ft. basement allowing only 500 sq. ft. to be used as living space. This will use the 30% allowed of the 1691 sq. ft. of all existing roofed buildings. The 500 sq. ft. will be used as living space. The cottage is to be moved a minimum of 10' away from the lake and cannot be raised more than 3' above the ground level. A copy of the Soil Disturbance measures will be enclosed and required while all construction is being done. Repair to the carport that has been taken down by the weather is also permitted with the same dimensions. Everett seconds. Motion carries a 5-0-1 vote with Sue abstaining due to not being present at the previous meeting.

Joe Calvo Map 2 Lot 6E/F - Everett and Roland visited Mr. Calvo's property on May 8, 2000 as required at the previous meeting once he had placed the stakes to show the location of the building. Two sideline stakes were a over 100' from the boundary, the ROW was 112' and the sideline abutting his own property was 64'.

Everett made a motion to allow Mr. Calvo build his saw mill with the following setback requirements. Three lots are to maintain a 100' minimum setback, the sideline abutting his own property is the be a minimum of 35'. Mr. Calvo will need to submit a plan showing the 50' easement to the mill before a building permit is issued. Roland seconds. Motion carries a 6-0-0 vote in favor.

Robert Paquette Map 32 Lot 7 - Steve Foglio, Roland and Everett visited the property on April 28. The base of the deck is 24' 18" from the lake and the overhang is okay. Roland made a motion to allow Mr. Paquette to enclose the 8' x 10' section of his deck to remain within the existing drip edge of the previous enclosure. Everett seconds. Motion carries a 5-0-1 vote in favor with Sue abstaining due to not being present at the previous meeting.

Architectural Skylight Map 4 Lot 30 have requested their final approval for the loading docks to allow for the paving of the site. All the necessary information that was requested at their December 6, 1999 meeting has been received. Dwayne made a motion to approve the final plan upon an onsite inspection by the Code Office to ensure that the plan presented corresponds with what was constructed. Everett seconds. Motion carries a 6-0-0 vote in favor.

VII MISCELLANEOUS

VIII NEW BUSINESS

Lisa informed the Board that she will give a list of all Active Status forms received at the next meeting.

IX ADJOURNMENT

Dwayne made a motion to adjourn the meeting at 9:55 p.m. Everett seconds. Motion carries a 6-0-0 vote in favor.

Respectfully submitted,

Dwayne Woodsome
Secretary/Treasurer

Planning Board
May 10, 2000
Page Three

ACCEPTED: 5/25/00

Robert A. Derby
Elliott Whittier
Jim Hill

Gregory J. [unclear]
[unclear] [unclear]

PLANNING BOARD

Town of Waterboro

May 17, 2000
Special Meeting

I ROLL CALL

Doug Foglio, Sr., called the meeting to order at 7:35 p.m. noting the attendance of Roland Denby, Susan Dunlap, Tim Neill, Everett Whitten and Dwayne Woodsome. Also in attendance were Frank Birkemose, Jr., Don Day, Brad Elliott, Steve Kasprzak, Willis Lord, Owens McCullough with Sebago Technics, John Monteith and Shawn Shoemaker.

II OLD BUSINESS

Doug opened the meeting by questioning if anyone had concerns regarding the Planning Board's right to issue the site plan for the future fire station. There was no discussion on this topic. Steve Kasprzak discussed the revised plans in an overview of the planned fire station and property. At the Municipal Complex meeting held the night before, three options were discussed:

1. Keeping the same building plan but continue the access road through to enter and exit on Old Alfred Road and Route 5;
2. "Flip the building over" so the apron of the bays would exit onto Route 5, or;
3. Rotate the building 90°.

Their committee selected this third option. This would provide a 28' road to pass through to both Route 5 and Old Alfred Road. There would be no distraction to the students in the elementary school, and access to all parts of the town could be possible by using all major roads. Emergency lighting at both exits could be planned. Steve asked the board to approve this building proposal with the conditions that after 6 months any additional costs could be requested in the 2001 Town Meeting to cover lighting, paving the road, or other items that may not be included in the \$500,000.00 already granted. The bidding procedure will proceed with some line items noted to be adjusted to fit the money allotted. It was suggested by Doug that in lieu of traffic warning lights, that for the time being a volunteer firefighter might be needed to direct traffic until lights are installed. He offered that signs would be sufficient to control traffic along the service road - he was not in favor of a sliding gate system as mentioned at the last Public Hearing. Planning for the future would still allow two more buildings to be erected on the property, and able to use the road and parking areas being planned now. Steve is fairly sure the building can be constructed under budget. Any remaining costs could be added in phases. Owens suggested ditches for drainage and to store snow. It was mentioned that drainage could be achieved through dry wells and inverted French drains. Roland asked about the water situation. The plans are for a 200' well with a 5 gallon per minute flow. There could be provisions made to equip the building with pips for the eventual connection to town water. This can be added to the mechanical specs. Owens went through the Application for Site Plan Review. Dwayne made a motion to approve the site plan as presented with the changes to the road design to three lanes on the Route 5 side (allowing for 100') and;

1. Allow the fire department 1 year to evaluate the situation. The first fire/police responder will direct traffic until the fire trucks leave the building;
2. Stop signs to be installed at both ends of the access road - Route 5 and Old Alfred Road;
3. Speed limit signs of 15 mph placed on Route 5
4. Four more copies of the grading plan to be given to the Planning Board including the drainage plan along the road.

Everett seconds. Motion carries a 5-0-0 vote in favor.

Planning Board
May 17, 2000
Page Two

It was mentioned that there were only 5 present at the Public Hearing for the gravel pit issue. Four pits are located in a residential area. Three of these pits are apparently "grandfathered" in, leaving the pit owned by the Town of Waterboro in question as it was created after zoning. The Town pit began in non-

conforming use 5 years after the zoning started. After considerable discussion of six different options it was thought that any gravel pit in operation at the time the Town pit began would be allowed to expand on their land ONLY until the code is enacted. This will be put on the agenda for Thursday, May 25, 2000.

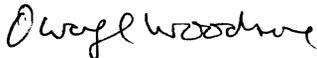
Everett made a motion to allow Lisa to advertise a Public Hearing and special meeting on the zoning change on Lake Arrowhead Community and possible gravel pit if necessary. The date will be arranged. Roland seconds. Motion carries a 5-0-0 vote in favor.

The Candidate Night has been postponed to June 1, 2000.

III ADJOURNMENT

Meeting adjourned at 9:35.

Respectfully submitted,



Dwayne Woodsome
Secretary/Treasurer

DW/wlc

ACCEPTED: _____

William Dunlap
Roland E. Dery
Everett Whitson

George [unclear]
[unclear]

PLANNING BOARD

Town of Waterboro

May 25, 2000
Regular Meeting

I ROLL CALL

Douglas Foglio Sr., called the meeting to order at 7:40 p.m. In attendance are Roland Denby, Everett Whitten, Susan Dunlap, Tim Neill, Todd Morey and Dwayne Woodsome. Also in attendance are Willis Lord, Brenda Charland, Bob Gobiell, Dean Look and Tammy Wells with the Journal Tribune.

II APPOINTMENTS

7:45 Robert and Joan Farwell Map 32 Lot 14 are present to discuss their Conditional Use approval of May 10, 2000. They feel that they are unable to meet the requirement of moving the camp back a minimum of 10' as set forth in the permit. Moving the camp back 10' will place them approximately 5' from a telephone pole that service other cottages, 2 trees and possibly eliminate their view of the lake due to the carport.

Roland clarified that during the initial meeting it was stated that the cottage could be moved back. Mr. Farwell said that once they really looked at the property moving the camp would not be as feasible as previously discussed.

Everett made a motion to place the full foundation under the existing camp with the existing setbacks. If possible the building should be moved back. All erosion control measures shall be utilized. Roland seconds. Vote was a 3-3-0 vote with Sue, Todd and Dwayne opposed. Doug abstained from voting. Motion was not approved.

Another site walk is scheduled for Wednesday, May 31, 2000 at 7:30 with the entire Planning Board.

8:00 Dana Morton and Dee Lebel are present with an application to place a mobile classroom at the Jr. High, Map 1 Lot 39, and one at the Elementary School, Map 7 Lot 80A. Both classrooms meet the ordinance requirements as set forth in section 4.05. Each include restrooms, ventilation unit; one larger than necessary with air conditioning, and water. Units will be placed on gravel ground.

Doug asked how many years they expected to use the mobile classrooms. Dana stated that the Town of Waterboro is currently 25th on the States list for bi-annual funding.

Todd asked what the cost was for a 4 year lease. Mr. Lebel said it costs the schools \$1,210 mo. for a 4 year lease.

Todd questioned if a time limit has ever been placed on the mobile classrooms. Doug noted that he would like to see some time-frame set forth on the units.

Sue questioned if the owner of the classrooms have any responsibilities for the repairs. Mr. Lebel told the Board that the owner/manufacture has the responsibility during the 4 year lease option.

Doug review the previous conditions placed on the last mobiles. All the requirements for the new ordinance is being met with this application.

Planning Board
May 25, 2000
Page Two

Sue made a motion to approve the application to place a mobile classroom at the Jr. High and also at the elementary for the life of the 4 year lease only. The applicant is to return for re-approval after acquiring a letter from the Code Enforcement Officer stating that an inspection has been done. The number of the classroom is also to be recorded with the Waterboro Fire Department. Todd seconds. Motion carries a 6-0-0 vote in favor.

8:15 James and Brenda Monteith, Map 5 Lot 11 have presented an application for a sideline setback reduction to place a 24' x 26' 2 story addition to their home. The property is an undersize lot of record in the AR zone.

Dwayne made a motion to grant James and Brenda Monteith a sideline setback reduction up to 20'. All other setbacks must be met. Todd seconds. Motion carries a 6-0-0 vote in favor.

8:45 Howard Burnham is representing Ethel Abbot, **Map 32 Lot 26**. Ms. Abbott would like to place a 14' x 16' deck on top of the existing slab towards the water. The slab is approximately 28' from the water.

Dwayne made a motion to hold an onsite on Map 32 lot 26 on Wednesday. Everett seconds. Motion carries a 6-0-0 vote in favor. A letter from DEP with the approval or no jurisdiction is needed.

III MINUTES OF PREVIOUS MEETINGS:

Dwayne made a motion to approve the May 10, 2000 minutes with the 2 corrections. Sue seconds. Motion carries a 5-0-0 vote in favor.

Dwayne made a motion to approve the April 27, 2000 meeting minutes as written. Everett seconds. Motion carries a 4-0-1 vote in favor with Sue abstaining, was not present at the meeting.

IV REPORT OF OFFICERS

The election of officers has been postponed until the next meeting.

V OLD BUSINESS

Trina & Russell Waterman - canceled

Dennis Breen Map 8 Lot 3 - Dwayne made a motion to hold a Public Hearing at 7:30 before the June 14 meeting to present the Used Vehicle Sales and Service station.

Town Gravel Pit Map 8 Lot 47 Doug reviewed what the Planning Board was initially requested by the Selectmen. The Selectmen asked the Planning Board for a recommendation as to where the Town should move with the issue. Doug feels that if the proposal of the Planning Board is not one that the Selectmen wish to go forward with the Board will remove it from the public hearing scheduled for June 12.

Willis stated that he would like to see anything that will allow the Town to receive State approval and continue operating.

**Planning Board
May 25, 2000
Page Three**

The recommendation of overlaying the pits in the residential zone around the Bennett Hill Road to an Agriculture Residential zone would only be in effect until the Annual Town Meeting where it would be reaffirmed or restructured.

Brenda agreed that if a temporary approval is submitted at the Special Town Meeting that it be reaffirmed at the Annual Town Meeting in March 2001.

Todd clarified that he does not wish to have a permanent overlay over the municipal or any other pit in that area. He would like to see that once they are inactive the overlay zone is no longer valid and the property returns to the Residential zone.

Roland feels that the 1994 rezoning proposal should also be represented for the area.

Everett agrees with the temporary overlay zone.

Tim feels that the Town pit should be permanent at Special Town Meeting and then represent the whole area at the Town Meeting in March.

Todd agrees with Tim.

Sue feels that with all the accusations the Town is getting about not treating the residents fairly we should consider the area all together. Understanding all the other issues also present Sue would like to see the need to be fair to the legally grandfathered pits.

Doug noted that we have 2 gravel ordinances in this Town. If the people are so confident with these ordinances there is no reason why anyone would not allow the operation to continue.

Dean Look - We all know the current status and how the grandfathering status created questions. He does not see enough justification to have this zoned as a Residential Zone. Allowing for a buffer on the residences and rezoning that area should suffice.

Sue made a motion to have the Attorney draft a warrant article that will create an overlay zone in the Residential zone of the Bennett Hill Road changing it to Agriculture/Residential covering any existing operation at the last Annual Town Meeting as long as it is owned by the same person and including only the land owned at that time. If the property is sold it will lose its overlay status. Everett seconds. Motion carries a 5-1-0 vote with Tim opposed.

Todd left at 9:45 p.m.

VI COMMUNICATION

The following communications were reviewed:

Letter from Bob Fay

Memo from Patti re: Map America. The Board asked that Lisa forward to Pam the following to place on a panel of the Town Street Maps: Planning Board Meetings
2nd Wednesday & 4th Thursday
Open to the Citizens and Taxpayers
of the Town of Waterboro

VII MISCELLANEOUS

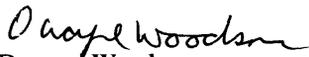
VIII NEW BUSINESS

Discussion of the Active Status Pits has been postponed until Wednesday, May 31 at 7:30.

IX ADJOURNMENT

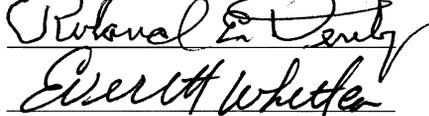
Dwayne made a motion to postpone the adjournment of this meeting until Wednesday, May 31 at 7:30 when the 2 site walks will be done followed by the discussion of the Active Status forms. Everett seconds. Motion carries a 5-0-0 vote in favor.

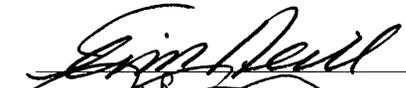
Respectfully submitted,


Dwayne Woodsome
Secretary/Treasurer
Waterboro Planning Board

DW/lmm

ACCEPTED: _____


Robert E. Derry

Everett Whitten


Erin Bell

Douglas J. Gault

PLANNING BOARD

Town of Waterboro

May 31, 2000
Continuation of May 25, 2000
Regular Meeting

Sue Dunlap re-opened the meeting noting the attendance of Tim Neill, Everett Whitten, Roland Denby and Dwayne Woodsome. Theresa Lowell is also present.

VIII NEW BUSINESS

The Planning Board discussed the process to be taken with the Proof of Active Status forms received due to the new Extractive Ordinance requirements.

The definition of Active Status was reviewed.

Dwayne questioned if an affidavit needs to come from a pit owner or from someone other than the owner who has hauled from the pit. Sue noted that the same question goes for verbal testimony. Sue also noted that the definition of Active Status is not clear on who the affidavit or verbal testimony needs to come from so the board can accept either. Verbal testimony should be video taped so that we have it on record and may be used as evidence.

Dwayne stated that some gravel pits have multiple companies hauling materials out of them, some have leased the property for hauling. We need to set a criteria to what is expected from these pit owners.

Theresa asked if the Board is going to require the affidavit to be notarized and if the Board will also require more than 1 item of evidence on the list?

Sue clarified that it does not say what is required and that the Board will do their best in deciphering what is expected from the ordinance.

Tim feels that the important documentation is verbal testimony. He also notes that the notification of abutters will also need to be done.

Sue referenced item 16.2 in the Extractive Ordinance. The owners do not need to notify the abutters until after active status has been determined and they proceed through to the approval process. What we need to concentrate on is creating an acceptable list of evidence needed.

Theresa noted that the proposed ordinance given during a Public Hearing states in item 4 that the notification is required.

Sue again noted that we are not looking at the approval process, the only thing the Board is required to do at this time is review the active status claims received.

Upon further discussion Dwayne made a motion to send a letter to the owners who have filed for Active Status a request that they provide the following information before June 16 and also note that the Planning Board may do an onsite on Thursday, June 22 between 7 - dusk.

1. Cash receipts and/or canceled checks relevant to the property in question;
2. Affidavit (as defined: A written declaration made under oath before a notary public or other authorized officer) Affidavit may be made by any person supporting the active status claim;
3. Verbal or written testimony by any person supporting the active status claim (may be taped or transcribed by the Planning Board);

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<http://www.mix-net.net/~waterboro/>
Email: waterboro@mix-net.net

**Planning Board
May 31, 2000
Page Two**

5. Ariel photographs, videos or otherwise demonstrating the activity on the property for 3 years;
6. Other reliable information

Everett seconds. Motion carries a 4-0-0 vote in favor

Dwayne made a motion to adjourn at 10:00 p.m. Everett seconds. Motion carries a 4-0-0 vote in favor.

Respectfully submitted,

Dwayne Woodsome
Dwayne Woodsome
Secretary/Treasurer

DW/lmm

ACCEPTED: 6/14/00

Richard E. Dery
Everett White
Jim Paul

[Signature] ^{not present}

PLANNING BOARD

Town of Waterboro

JUNE 14, 2000
PUBLIC HEARING
&
REGULAR MEETING

Douglas C. Foglio, Sr., called the Public Hearing to order at 7:35 p.m. In attendance are Todd Morey, Tim Neill, Everett Whitten, Roland Denby, Dwayne Woodsome and Sue Dunlap. Members of the public present are Dennis Breen, applicant, Beverly St. Michael, Ken Grant, Rick Madruga and Mr. Breen.

Dennis Breen presented to the residents that he intended to operate a part-time sales/service station with approximately 3 - 4 cars for sale at one time. He plans on doing light duty maintenance from approximately 3:30 - 8 p.m. including Saturdays.

Ken Grant, neighbor, is concerned with the hours of operation for repair work. Currently Dennis will work on vehicles sometimes late. He feels his only concern is the hours of operation.

Beverly St. Michael, neighbor, states that Mr. Breen has been a wonderful neighbor but does not wish to have a used car lot 20' from her well. Ms. St. Michael stated that she was told 5 years ago that she was unable to build a 2 car garage so close to her well. Ms. St. Michael also feels that the corner is not a safe location to operate a used car lot. It would be dangerous for someone shopping to park their vehicle on the side of the road.

Ken Grant stated that there have been accidents in the past where the vehicles have flipped over in that yard.

Tim Neill asked Mr. Grant what he felt would be reasonable hours of operation. Mr. Grant noted 9:00 p.m.

Sue referenced a letter received by Annette Allen for the record. Ms. Allen referenced "reasonable beauty of a property". Sue questioned a recent law suit about ones opinion on "reasonable". As noted in the settlement we can not justify what one's opinion may be (see attached ruling).

Doug also noted that Ms. Allen raises other questions that are note worthy and feels that an onsite should be scheduled for the board to view the property. The board will be able to see where the area of operation will take place.

Beverly St. Michael asked if the location of the cars will be displayed near her property line or on the opposite site. Dennis clarified that yes it would be near her property line.

Roland noted that the lot is just about an acre.

Sue again noted the letter from Ms. Allen, item "b" states that there is insufficient acreage for the zone. This is a non-conforming lot of record. It was created before the zoning ordinance, even though the lot is non-conforming the use is a permitted use with Conditional Use Permit.

Doug referred to item "e" stating that they are dealing with cyanide from an old tannery. Doug clarified that there it was not a tannery. Item "g" referenced the property on Rte 202, again Doug noted that the property on "202" was strictly for a repair and service and the surrounding properties are all vehicle service of some sort.

With no further questions from the Board Members or the public Doug called the Public Hearing to a close at 7:53 p.m.

REGULAR MEETING

II APPOINTMENTS

8:15 Robert Heggerick Map 41 Lot 29 - Steve Foglio is representing Mr. Heggerick for an application to build a deck on an existing concrete pad 23' from the high water mark. Mark Clark with DEP stated that there will not be any soil disturbance, a DEP Permit by Rule is not required. The deck will not be any closer to the water than the existing slab, stair access was not requested.

Everett made a motion under Section(s) 2.08, 3.03, 7.01 and 9.03 to approve the 8' x 28' deck not to exceed the existing concrete footprint with no outside stairway, contingent on getting a non-jurisdictional letter from DEP. Sue seconds. Motion carries a 6-0-0 vote in favor

8:30 John Hatch - Map 35 Lot 25 - Mr. Hatch presented a plan to replace an existing mobile home with a new home. At the June 9, 1999 meeting the Board told Mr. Hatch that he could build up to an 898.80 sq. ft. structure which would use the 30% expansion allowed.

With the updated plan presented Sue made a motion under Sections 2.08, 3.03 7.01 and 9.03 to allow Mr. Hatch build a home and open deck not to exceed 898.8 sq. ft. using the total 30% expansion allowed. The standard size entry deck is not to be considered in the expansion. Home and open deck is not to be closer than 56' from the water with 30' sideline setbacks. Todd seconds. Motion carries a 6-0-0 vote in favor.

8:45 Ralph Petit - Map 43 Lot 23 - Mr. Petit presented an application to build a 10' x 24' addition on sono-tubes to be used as a recreational area. The maximum expansion allowed is 241.5 sq. ft., a 10' x 24' addition will cover 240 sq. ft. of the maximum allowed.

Dwayne made a motion under Section 2.07, 3.03, 7.01 and 9.03 to allow Mr. Petit to place a 10' X 24' addition. All erosion control measures must be taken. Addition is not to be any closer to the water than existing structure and built under Saco River Corridor Commission standards. Everett seconds. Motion carries a 6-0-0 vote in favor.

III MINUTES OF PREVIOUS MEETINGS

Everett made a motion to approve the May 17, 2000 Special Meeting minutes as written. Roland seconds. Motion carries a 6-0-0 vote in favor.

Sue made a motion to approve the May 25, 2000 Regular Meeting minutes with the corrections made to the phrasing of the Farwell vote. Everett seconds. Motion carries a 6-0-0 vote in favor.

Dwayne made a motion to approve the May 31, 2000 minutes as written. Tim seconds. Motion carries a 6-0-0 vote in favor.

IV REPORT OF OFFICERS

Dwayne reviewed the appropriations report.

Election of Officers was done by secret ballot vote which resulted in the following:

Chairperson:	5 Doug Foglio	1 Sue Dunlap	1 No vote
Vice Chairperson:	6 Sue Dunlap	1 Doug Foglio	
Secretary/Treasurer:	7 Dwayne Woodsome		

V OLD BUSINESS

Ethel Abbott - Map 32 lot 26 had presented an application to place 14' x 16' deck on the water side of the camp. Upon doing a site walk on June 14, 2000, Sue Dunlap made a motion to approve the application under Sections 2.08, 3.03, 7.01, 9.03 and the DEP Permit by Rule to construct a 14' x 16' deck to be no closer than 28' from the water. All erosions control measures are to be taken during the construction phase. Everett seconds. Motion carries a 6-0-0 vote in favor.

Special Town Meeting items - Todd Morey motioned to change the wording "in operation on March 11, 2000" to "on or before March 11, 2000". Sue seconds. Motion carries a 5-0-1 motion in favor with Dwayne abstaining.

Dwayne made a motion to send the Overlay Zoning and Housekeeping items to Special Town Meeting, as per the Public Hearings, on June 24, 2000. Sue seconds. Motion carries a 6-0-0 vote in favor.

VI COMMUNICATION

The following communications were reviewed:

- Letter from Zoe Anderson
- Correspondence from Town Website
- Selectmen minutes of May 23, 30 and June 6
- Correspondence from Ken Cole regarding wording for Overlay of Bennett Hill Road

VII MISCELLANEOUS

Dwayne recommended purchasing a video camera like the one being used in the Selectmen's office and meeting tables to better position the members with the space available.

Everett made a motion to purchase a video camera and tables not to exceed \$2,500. Tim seconds. Motion carries a 6-0-0 vote in favor.

VIII NEW BUSINESS

IX ADJOURNMENT

Sue made a motion to adjourn at 10:05 p.m. Todd seconds. Motion carries a 6-0-0 vote in favor.

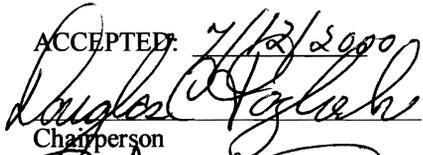
Planning Board
June 14, 2000
Page Four

Respectfully submitted,

Dwayne Woodsome
Planning Board
Secretary/Treasurer

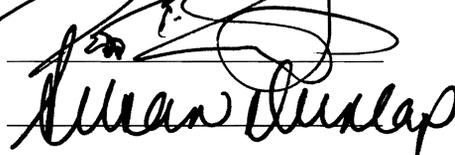
DW/lmm

ACCEPTED: 7/12/2000


Chairperson





PLANNING BOARD

Town of Waterboro

June 22, 2000
Site Walk
and
Regular Meeting

From 7:15 - 8:45 p.m. Dwayne Woodsome, Tim Neill, Todd Morey, Roland Denby, Sue Dunlap and Lisa Morse did a site walk to the following Gravel Pit Operations that have filed Active Status:

Dearborn Construction
Everett Whitten
McDonald
Leighton, Rte 5
June Broomhall
Glenn Dyer

Only Dearborn and Everett Whitten's pits were video taped due to the battery dying.

Dwayne motioned to have Steve Foglio and Lisa Morse visit the remaining pits during regular business hours at their convenience.

I ROLL CALL

Sue Dunlap called the meeting to order at 8:50 noting the attendance of Dwayne Woodsome, Roland Denby, Tim Neill and Todd Morey. Absent are Doug Foglio Sr., and Everett Whitten. Sue noted that the camera was out of order.

II APPOINTMENTS

8:30 Don Mondor Map 52 Lot 45 - Don Mondor presented an application to build a 18' x 26' one story addition to his existing home. The home currently sits approximately 60' from the road with a deck about 56' from the road. The addition will be no more than 58' from the road and 26' from the left sideline.

Under Section 2.08, 4.03 and 9.02 Dwayne made a motion to approve Mr. Mondor's application to build an 18' x 26' addition no closer than 23' from the sideline and no closer to the road than the existing front deck. Todd seconds. Motion carries a 4-0-0 vote in favor.

III MINUTES OF PREVIOUS MEETINGS

IV REPORT OF OFFICERS

V OLD BUSINESS

Robert and Joan Farwell Map 32 Lot 14 - Sue, Everett, Roland, Tim and Dwayne did a site walk at the Farwell property on Monday, June 12. Upon visiting the site and noting that moving the cottage back will not be economical and under Section 2.08, 4.02 and 9.01 Tim made a motion to allow the Farwell's place a foundation under the existing camp using the same footprint and require that the Farwell's move the existing deck 10' over which will give a greater shorefront setback. All erosion control measure must be taken and follow the requirements of the DEP Permit by Rule. Of the 875 sq. ft. of the foundation only

**Planning Board
June 22, 2000
Page Two**

500 sq. ft. is allowed to be used as living area which is all of the 30% allowed for expansion. Roland seconds. Motion carries a 4-0-0 vote in favor.

Trina and Russell Waterman Map 6 Lot 18 - Trina and Russell Waterman are present of the approval of their Used Car Lot on the property located on the West Road.

Sue briefly reviewed the file noting the letter from the Town's Attorney dated March 23, 2000 and the letter from Maine Boundary Consultants dated April 10, 2000.

Under Section 3.06.02 and 4.01 Dwayne made a motion to approve the Used Car Lot off the West Road known as Waterman Drive. Todd Morey seconds.

Ms. Goodwin Pierce asked to speak and noted that when her husband Frank was on the Board the AR zone did not allow this sort of business. Sue pointed out that under Section 3.06.02 item 15 a used car lot is a permitted use with Conditional Approval.

Tim Neill stated that he did not know how he could make a determination to approve this application with the conflicting information presented by the Town Attorney and the Surveyor. Motion carries a no vote of 0-4-0.

Mr. Waterman questioned the basis of the no-vote. Dwayne stated that under the Attorney's recommendation that they are part of the Subdivision "Field Stone Acres" which does not allow businesses.

VI COMMUNICATIONS

VII MISCELLANEOUS

VIII NEW BUSINESS

IX ADJOURNMENT

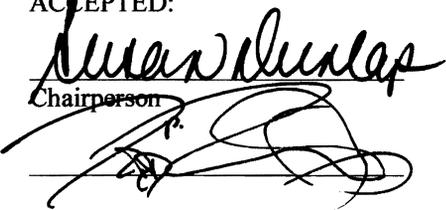
Dwayne made a motion to adjourn at 9:20 p.m. Roland seconds. Motion carries a 4-0-0 vote in favor.

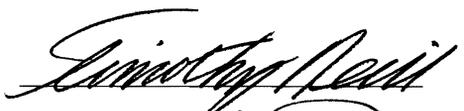
Respectfully submitted,

Dwayne Woodsome
Planning Board
Secretary/Treasurer

DW/lmm

ACCEPTED:


Chairperson




PLANNING BOARD

Town of Waterboro

JULY 12, 2000
Regular Meeting

I ROLL CALL

Doug Foglio Sr., called the meeting to order at 7:40 p.m. In attendance are Todd Morey, Tim Neill, Everett Whitten, Roland Denby. Sue Dunlap entered at 8:10 p.m. Absent is Dwayne Woodsome. Theresa Lowell, Harry Baker and Annette Allen are present.

II APPOINTMENTS

8:00 Gorham Savings Bank, Map 25 Lot 6 Mike Yendall, President of Gorham Savings Bank introduced Nancy Gilbert with Sebago Technics and Michelle Nappi, Senior vice-president.

Nancy presented the plan for Gorham Savings Bank. The building will be 2500 sq. ft. located on a 1 acre parcel. There will be a drive-thru and 2 ATM machines. The entrance/exit is aligned with Rte 202, 4 and 5. Nancy reviewed the Subsurface Waste Disposal System, the preliminary nitrate tests. The property currently has 2 wells on site which will be decommissioned, capped and abandoned. An extension of the water line is proposed. The water line currently ends on Rte 202 at the Shop 'n Save site. A hydrant is proposed on the corner of the lot. Propane fuel will be used, the tank will be fenced in. A traffic study has been done by Bill Eaton. The site will also propose 24 parking spaces. The building will be colonial style with a wrap-around porch. There will be 9 employees including several part-time employees

Doug questioned what the total customer service space will be available and if the figure will change with the small addition that is being proposed. The board will need this figure in order to properly calculate the parking spaces needed.

Everett questioned if the 5 shrubs on the edge of the road will limit the visibility exiting the site. Nancy explained that they are green mountain sugar trees and that the trees boarding the redemption center will be cleared back.

Doug mentioned to the board that an on-site be done before the Public Hearing so the Board can note the location of the building according to the plans presented. Doug is also concerned that there will be too many traffic control signals.

Nancy asked Bill Eaton if their business will warrant a traffic light he did not believe it would.

Sue has a lot of concerns with the statement in the report that the location is not "high accident" prone. She is very concerned with the intersection and feels that the Board cannot continue to place businesses on this intersection. Will the State decide one is warranted after there has been several tragic accidents?

Doug feels that we need to try and bring the public into realization that there is an intersection there. He does not feel that a light is going to be the answer. One other consideration in the traffic flow will be the peak hours. A schedule of the bank hours will be needed.

Mike Yandell said the bank will close at 4 p.m. Monday thru Thursday and 6 p.m. on Friday.

A Public Hearing has been scheduled for Wednesday, July 26 at 7:30 with a site walk on the property at 7:00.

Doug has stepped out for a moment. Sue Dunlap will chair the next appointment.

Planning Board

July 12, 2000

Page Two

8:30 Donna Urbanski - Map 43 Lot 6 Donna is present to see if Map 43 lot 6 would allow her to build a home. The lot is approximately 80' x 114'.

Sue stated that it is a lot of record in the worse case a building footprint would be given by the Planning Board and the applicant would need to work with that.

Doug reentered at this time.

8:45 Erik Carson with ATC Realty is representing Barbara Bean and Spectrum Resources Tower Map 4 lot 37. Erik is presenting a plan to install a 190' wireless tele-communications facility off the Old Alfred Road and Boulder Drive.

Spectrum Resources Tower has a lease option with Barbara Bean. An 8' chain link fence with a lock box which can be available to the public safety officials will surround the tower. The driveway is no more than a 4% grade and an existing farm road will be utilized. The structure base is 75' x 75' and the leased area will be 100' x 100'.

The tower can provide space for at least 6 carriers with an area of coverage ranging from 1 ½ to 5 miles.

Doug questions the location and distance of the existing houses on and near the property site and fall zone.

Erik replied that the structures are constructed to have break areas at particular points. He can provide the distance from the tower to the neighboring homes.

Todd noted that he is interested in seeing photographs from the Old Alfred Road.

Erik has lifted a balloon 190' and drove around to see the visibility of the balloon from different areas in Waterboro. Distances from the tower to the residences can be created with a program he has.

Sue questions if the property currently has a residence. Erik stated that her son has a home.

Lisa noted that the lot is a 33 acre parcel with a 17 acre parcel being taken from the original parcel.

Doug feels that the tower needs to stand on its own building size lot for that particular zone which is 80,000 sq. ft.

Sue made a motion to ask the Town Attorney the following questions:

1. Does the applicant need to get height modifications from the ZBA before Planning Board approval?;
2. Does the structure need its designated parcel of land per the ordinance standards?;
3. Does the fall zone also have to be included in the leased property?

Roland seconds. Motion carries a 5-0-0 vote in favor.

Erik will return under "Old Business".

III MINUTES OF PREVIOUS MEETINGS:

Sue made a motion to approve the June 14 minutes as written. Todd seconds. Motion carries a 4-0-0 vote in favor.

Roland made a motion to approve the June 22 minutes as written. Todd seconds. Motion carries a 4-0-0 vote in favor.

IV REPORT OF OFFICERS

V OLD BUSINESS

7:30 Dennis Breen Map 8 Lot 3 The Board discussed the site walk with the following concerns:

Roland - The effect the used car and vehicle repair shop may have on the 2 wells. Questioned the possibility of parking the cars in the rear.

Tim - Had concerns with the traffic, speed and visibility along with the wells.

Todd - Agreed with Roland and Tim. There is some screening to buffer the neighbor but the traffic and visibility is a major concern.

Roland - The neighbor may request buffers along the line to divide the properties.

Everett - Noted that he had driven by but not stopped. He is not familiar with the location of the wells.

Doug - Feels that the wells and aquifer are a concern. Doug asked Dennis if he had access to purchase the neighboring lot. Dennis said no.

Doug reviewed the letter that was presented at the Public Hearing. Todd asked Dennis if he has addressed any of the issues that was presented at the Public Hearing. Dennis stated that his hours of operation would be; weekdays 4 p.m. - 8:30/9:00 p.m. including Saturdays until 8:30/9:00 p.m.

Doug noted that Mr. Breen is allowed 1-2 cars without a license.

Under section 4.01, 4.03 and 5.01 Tim made a motion to disapprove the application based on the close proximity of the wells, traffic flow and visibility to the proposed Used Vehicle Sales and Repair shop. Roland seconds.

Discussion: Harry Baker expressed his understanding of the Boards concern but questioned if Mr. Breen moved the location back. There should not be a concern with the wells when there are several cars located by the wells. There needs to be a little flexibility. Shop 'n Save is just down the road, you will have this kind of application in front of you.

Everett clarified that the Board made a decision based on how Mr. Breen proposed his business on the application. He has not offered any alternatives or requested we table this application until he presents an alternative plan. Parking is also a consideration, Shop 'n Save has a parking lot, much of the parking with this business as presented will be on the road.

Doug referred to Shop 'n Save which is located in the village zone and requires 1 acre, they have 12 acres, a significant amount of money was spent on engineering to assure that the site was adequate. Mr. Breen

**Planning Board
July 12, 2000
Page Four**

has 50% of the required acreage in the Agriculture/Residential Zone. Today's zoning requires one to have 80,000 sq. ft. to have a single use parcel, 160,000 sq. ft. is needed to operate two uses (residence and business)

Harry asked if there is anything that Mr. Breen can do to satisfy everyone involved. Doug mentioned increasing the lot size if possible. Mr. Breen has two choices, 1) is to resubmit his application with a revised plan meeting the criteria and concerns listed and 2) Submit an appeal to the Zoning Board of Appeals as presented to the Planning Board.

Motion carries a 4-0-0 vote, application is not approved.

VI COMMUNICATION

The following communications were reviewed:

- Notification of SMRPC Workshop; Tim Neill noted interested in attending this workshop, he will call to see if space is available.
- Copy of letters dated June 23 and June 29 from Zoe Anderson
- Copy of letter to Diane Herrle from Steve Foglio
- Selectmen's Meeting Minutes, June 13 and June 27
- Memo from Pam to Dianne re: Pay increases

Doug has left the meeting at this time. Sue Dunlap will complete and close the meeting.

VII MISCELLANEOUS

Todd made a motion the if time permits following the Site Walk and Public Hearing with Gorham Savings Bank the Planning Board will continue its review of the Claims for Active Status. Tim seconds. Motion carries a 3-0-1 vote in favor with Everett abstaining due to being a pit owner.

VIII NEW BUSINESS

IX ADJOURNMENT

Todd made a motion to adjourn the meeting at 11:00 p.m. Roland seconds. Motion carries a 4-0-0 vote in favor.

Respectfully submitted,

Dwayne Woodsome
Secretary/Treasurer
Planning Board

DW/Imm

Planning Board
July 12, 2000
Page Five

ACCEPTED: *7/27/2000*

[Signature]
Chairman
[Signature]
[Signature]

[Signature]
[Signature]
[Signature]

PLANNING BOARD

Town of Waterboro

JULY 26, 2000
PUBLIC MEETING
&
SPECIAL MEETING

Doug Foglio Sr., called the Public Hearing regarding Gorham Savings Bank to order at 7:35 p.m. In attendance are Sue Dunlap, Everett Whitten, Roland Denby, Todd Morey, Tim Neill and Dwayne Woodsome. Also in attendance are Mike Yandell, Michelle Nappi, Nancy Gilbert, Bill Eaton, John Carter, Zoe Anderson, Theresa Lowell and Paul Kussman.

Nancy reviewed the site location and building style. The public water supply will be extended from the Shop 'n Save site on 202 with two stubs in the directions of Rte 202/4/5 & Rte 5. All the proposed building corners are currently flagged on the site.

Bill Eaton, Traffic Engineer discussed the traffic count that was done on June 27 between 3:00 & 6:00 p.m. The peak traffic time was between 4:30 & 5:30 p.m. A 1 - 2% increase is added to the report to accommodate for peak times.

Gorham Savings Bank estimates about 25 customers per hour giving 50 trips through the intersection (25 in/25 out).

The sight distances are measured at 10' for every mile per hour which would be 350' for this location. There are several trees that will be removed along JD Redemption entrance to also increase visibility. Pavement markings will need to be changed.

Willis asked how much more traffic will be required before a traffic light is warranted? Bill stated that even with the bank traffic it still will not warrant a traffic light. He also noted that there are approximately 333 vehicles traveling towards Ossipee Lake and 107 towards Hollis on peak hours.

Doug noted that approximately 440 cars would be affected by the lights if they were placed.

Theresa Lowell questioned the placement of dotted yellow lines directing traffic flow. Bill responded that State approval is required for the yellow lines.

Tim asked Bill if he felt that the placement of a traffic light would cause more accidents and Bill stated that there would be an increase in rear-end collisions.

Sue stated that trying to get through Rte 5 to Rte 202 coming out of Gorham Savings Bank is going to be virtually impossible. It is more than likely that people will make a U-turn through JD Redemption or cut through Shop 'n Save which will create other problems.

Dwayne asked if Gorham Savings was aware that there is a strip of land running parallel Gorham Savings and JD Redemption that serves as a right-of-way access to a parcel in the rear. Nancy noted that they were aware of this strip of land.

Doug recommends that Gorham Savings Bank, Sebago Technics, D.O.T. a Selectmen and a Planning Board Member meet at the intersection to review the status of the intersection. Nancy will make the arrangements.

**Planning Board
Public Hearing
July 26, 2000
Page Two**

It is mentioned that Gorham Savings Bank contacts the owner of the right-of-way prior to removing the trees along the property line to get their permission. Mike Yandell said the bank would be willing to pay to remove the trees but is not willing to pay a monetary amount to also be allowed to remove the trees.

The Board was asked about the time frame in acquiring final site plan approval. Doug stated that a final public hearing will be done before the final plan is approved so the residents can see the final plans.

Doug called the public hearing to a close at 8:30 p.m.

Following a brief break the Planning Board will continue their review of active status claims.

JULY 26, 2000
SPECIAL MEETING
Active Status Review

Sue called the special meeting to order noting in attendance Roland Denby, Tim Neill, Dwayne Woodsome, Todd Morey. Also present are Theresa Lowell, Paul Kussman, Zoe Anderson, Everett Whitten was also present however did not participate in the meeting.

Todd made a motion to adjourn the review of active status at 10:00 p.m. Tim seconds. Motion carries a 4-0-0 vote in favor.

Sue stated that there are 14 applications to review.

The applications are being reviewed on an individual basis.

Dwayne made a motion to eliminate the Whitten Pit from active review under the new ordinance per section 16.1 and the Zoning Board of Appeals interpretation of June 7, 2000. Everett holds a Conditional Use Permit dated October 12, 1995. Todd seconds. Motion carries a 4-0-0 vote in favor

Dwayne made a motion to eliminate the Foglio/Dyer Pit from active review under the new ordinance per section 16.1 and the Zoning Board of Appeals interpretation of June 7, 2000. Foglio Inc. holds a Conditional Use Permit dated August 30, 1995. Todd seconds. Motion carries a 4-0-0 vote in favor.

Todd made a motion to eliminate the Foglio/Chadbourne Pit from active review under the new ordinance per section 16.1 and the Zoning Board of Appeals interpretation of June 7, 2000. Foglio Inc. holds a Conditional Use Permit dated June 2, 2000. Dwayne seconds. Motion carries a 4-0-0 vote in favor.

Northeastern, Map 13 Lot 75A, has presented cash receipts for 6 months in 3 consecutive years, a Conditional Use Permit is being located. Todd made a motion to accept the active status application of Northeastern meeting the minimum proof as defined in the definition of Active Status, Section 3 pending the review for a Conditional Use Permit to exempt this application. Roland seconds. Motion carries a 4-0-0 vote in favor.

MacDonald/Leighton, Map 5 Lot 21-3, has presented cash receipts for 6 months in 3 consecutive years. Todd made a motion to accept the active status application of MacDonald/Leighton meeting the minimum proof as defined in the definition of Active Status, Section 3. Roland seconds. Motion carries a 2-1-1 vote with Tim opposed and Dwayne abstaining from the vote as a previous owner of this pit.

Otto Brandt Pit owned by Foglio Inc., Map 8 Lot 19, has presented receipts for the previous 3 years and a written & notarized affidavit. There is no motion at this time, this application was set aside for further review.

Debra Dupee, Map 4 Lot 1, has presented a written notarized affidavit. A copy of the 1993 tax card is also in the file stating that it is a "non-working gravel pit". The Board requested that the assessor is asked how his determination of a non-working gravel pit is brought about. Was there a request by the homeowner?

Tim made a motion to adjourn at 10:00 p.m. Roland seconds. Motion carries a 3-1-0 vote in favor with Dwayne opposed.

**Planning Board
Special Meeting
July 26, 2000
Page Two**

Respectfully submitted,

Dwayne Woodsome

Dwayne Woodsome
Secretary/Treasurer
Planning Board

ACCEPTED: 8/24/00

Chairperson

Susan Dunlap
Colonel E. Denby

Everett Whitten

[Signature]
[Signature]

PLANNING BOARD

Town of Waterboro

July 27, 2000
Regular Meeting

I ROLL CALL

Doug Foglio, Sr., called the meeting to order at 7:30 p.m. noting the attendance of Todd Morey, Tim Neill, Everett Whitten, Roland Denby and Sue Dunlap. Dwayne Woodsome is absent. Also in attendance are Nancy Gilbert with Sebago Technics, Mike Yandell with Gorham Savings Bank and Theresa Lowell.

II APPOINTMENTS

7:45 Todd Schunneman Map 49 Lot 18 Todd has presented an application for a setback reduction on Hanna Drive. His property is located at the turn of Hanna Drive which would require him to meet two front yard setbacks. Fred Fay has already looked at the site and has found it to be free of obstructions per Mr. Schunneman. Todd would like to leave a 10' space between the house and the garage to allow them access to the back yard, the proposed garage will sit back approximately 2 - 3 feet further back than the front of the home facing Hanna Drive.

Doug stated that Section 2.08 of the Waterboro Zoning Ordinance allows the Board to grant setback reductions. The Board can also require that the applicant provide them with a Class "D" Survey to determine the boundaries on the site.

Roland and Everett will do an on-site at their convenience before the next meeting. Mr. Schunneman will provide the Board with a boundary survey to determine the exact setback reduction needed and return under Old Business on August 9, 2000.

8:15 Owen McCoullough, Sebago Technics is presenting a site plan for the Town Hall addition. Renovations will be done to the existing building and a 64' x 50'8" addition to the northwest side of the existing structure. The existing parking lot will be repaved, the front parking area will be removed. Additional parking will be added to the right of the addition. The total sq. footage will be 12,600. An elevator will be installed. The existing septic system will be used, the existing Town well will be abandoned and the Day property well will be used for the Town Hall. The Town Hall currently falls in the village district. The addition will be in the agriculture/residential zone.

The Planning Board reviewed the Site Plan check list.

Roland questioned if they will include a stub for future public water as in the fire station? Owen will clarify with the architect.

Steve Foglio noted the cemetery boundaries. The Selectmen have granted a variance reduction.

Everett made a motion to hold a Public Hearing on August 10 at 7:30 p.m. Roland Denby seconds. Motion carries a 5-0-0 vote in favor.

Lisa will also check with Gorham Savings Bank about having them schedule for the August 10 Public Hearing also.

8:45 Gary Moore - Map 28 Lot 25 Steve Foglio stated that he has been to the property which consist of 2 cottages side by side sharing a subsurface waste disposal system. Gary will be installing a

Planning Board
July 27, 2000
Page Two

separate system for his own use. Ken Gardner stated it would be a new SSWD requiring a 10' setback. Jay Hardcastle with the State will consider it a replacement system with a variance of 4.

Gary Moore noted that the existing camp is 47' from the water, the addition will be 78'. The placement of a full foundation to be used as storage and utilities and a 9' x 23' addition is being requested. A sideline setback will be needed on the left side facing the water from the neighboring cottage which is approximately 15'

Todd made a motion to approve an addition not to exceed 30% which is 371 sq. ft. with the condition that the addition is not closer to the property line than the existing camp. The addition should be staked and strung for the Code Officer to approve before any construction is started. The overhang is to be included in the setback measurement. Roland seconds. Motion carries a 5-0-0 vote in favor

II MINUTES OF PREVIOUS MEETINGS

Everett made a motion to accept the July 12, 2000 meeting minutes as written. Todd seconds. Motion carries a 5-0-0 vote in favor.

IV REPORT OF OFFICERS

V OLD BUSINESS

7:30 Gorham Savings Bank Map 25 Lot 6 The Board reviewed the Site Plan check list. The width of the streets was not indicated on the plan.

The sign being proposed will require a conditional use permit. Nancy stated that Gorham Savings Bank will proceed with reducing the size of the sign to fall within the regulations.

Roland made a motion to accept the preliminary sketch plan for Gorham Savings Bank subject to the addition of the road widths and that the sign regulations are adhered to. Everett seconds. Motion carries a 5-0-0 vote in favor.

Roland made a motion to hold a Public Hearing for the final plan. Todd seconds. Motion carries a 5-0-0 vote in favor.

Roland made a motion to submit the traffic study for peer review, Lisa will contact Jack Murphy to get an estimate and forward it to Nancy for approval. Sue seconds. Motion carries a 5-0-0 vote in favor.

Roy Russell Map 48 Lot 4 returned with a Class "D" survey that the Board required him to get before any construction was done on his waterfront property. The survey shows that the left sideline is 5' 7" and not 10' as they had thought. Mr. Russell would like the Board to reconsider his original application at 5' 7" and not 10' to allow him to re-construct the camp in the same footprint. A letter from the abutter is also presented noting that they do not mind having the cottage rebuilt in the same location.

Sue made a motion to grant Roy Russell a 10' left sideline setback and a 25' right sideline setback. A renewal of the original application with the new setback requirements is motioned. Everett seconds. Motion carries a 5-0-0 vote in favor.

VI COMMUNICATION

The following communications were reviewed:

- Selectmen's meeting minutes of July 11
- Letter from Ken Cole regarding tele-communications tower

VII MISCELLANEOUS

Steve Foglio informed the Board that a recent study showed Waterboro as being the fastest growing inland Town in Maine.

Steve also noted that the Board of Selectmen voted to discontinue the paper street on Thelma Toothaker's property.

After much discussion on the Toothaker paper street Everett made a motion to send the Selectmen a letter requesting that they reconsider their decision with the attendance of the Planning Board. Under Title 23 § 3027 the Board does not feel the Selectmen followed the proper guidelines.

VIII NEW BUSINESS

IX ADJOURNMENT

Todd made a motion to adjourn at 10:45 p.m. Everett seconds. Motion carries a 5-0-0 vote in favor.

Respectfully submitted,

Dwayne Woodsome

Dwayne Woodsome
Secretary/Treasurer
Planning Board

DW/lmm

ACCEPTED: 8/24/00

Chairman

Susan Dunne
Roland E. Deuby

Everett Whitten

Eric Deery
[Signature]

PLANNING BOARD

Town of Waterboro

August 9, 2000
REGULAR MEETING

I ROLL CALL

Sue Dunlap called the meeting to order at 7:40 p.m. noting the attendance of Dwayne Woodsome, Roland Denby, Everett Whitten, Todd Morey, Tim Neill. Doug Foglio Sr., entered at 7:50. Also present are Teresa Lowell and Bob Gobel.

II APPOINTMENTS

7:45 Ray Dumont Map 49 Lot 10C is present with an applications to install an in-ground pool with a 57' x 36' building surrounding the pool. A setback reductions is needed.

Dwayne made a motion to do an on-site before the public hearing tomorrow. Everett seconds. Motion carries a 5-0-0 vote in favor.

Todd motion to have Mr. Dumont return under Old Business after the public hearing with an accurate sketch of what is needed. Roland seconds. Motion carries a 5-0-0 vote in favor.

8:15 Renee Coolman Map 24 Lot 30 is presenting an application for an after-the-fact conditional use permit for her shore front property. Ms. Coolman explained that the work had been started last year by a contractor who has since been paid and left before completing the work. She was told by the contractor that Planning Board approval was not needed. The deck is 12'x 35' which includes a 3'x 24' expansion towards the water. Ms. Coolman would like to have the new contractor complete the job which included screening in a 12'x 25' section of the deck. The stairs do not go closer to the water than the existing deck.

Under section 2.07, 2.08, 7.01, 9.01 and 9.03 Dwayne made a motion to approve an after the fact conditional use permit for the 12'x 35' deck with a 12'x 25' roofed area which will use 315 sq. ft of the 375 sq. ft. 30% allowable expansion in the shoreland zone. The stairs are not to go closer than 50' from the water or extend beyond the existing deck. This approval is not intended to encourage building in violation and requesting a conditional use permit afterwards. Todd seconds. Motion carries a 6-0-0 vote in favor.

8:30 Hughe's "Ford Pond Estates" Subdivision, Map 5 Lot 34 - John Mitchell of Mitchell and Associates is presenting this subdivision as a Cluster Subdivision.

Everett stated that he was approached by an abutter who had concerns about the dam and who will be responsible for the up-keep and maintenance. John stated that the association will be responsible and that he will make sure that it is in writing with the deed covenants.

The preliminary plan check list was reviewed. The following is needed:

- #3 in the deed covenants needs additional information. (Example of wording may consist of: Two lots in common ownership needs to be deeded as a single lot of record.);
- #7 in the deed covenants states the Town of Waterboro, this needs to be removed and replaced with "without approval of the association";
- There needs to be a reference on the subdivision plan stating that this is a cluster subdivision which allows for the altered setbacks.

Planning Board
August 9, 2000
Page Two

Doug would like to see a signature sheet that will be attached with the deeds being recorded stating that the buyer is aware and has reviewed the deed restrictions.

Sue made a motion to send the hydro-study out for peer review. An estimate will be acquired before any review is done so that the applicant can approve and submit the payment to be placed in an escrow. Roland seconds. Motion carries a 6-0-0 vote in favor.

John Mitchell stated that he will forward a letter authorizing the Planning Board to hire the services of either Gillespie & Assoc. or Richard Swett & Assoc. depending on their availability.

Waivers are requested:

1. Road width of 18' with grass shoulders to minimize the impervious surface and impact to the wetland and water quality;
2. Length of the road to 1,300' to minimize the impact to the wetlands and site.

Everett made a motion to approve the preliminary plan noting the changes discussed above. Sue seconds. Motion carries a 6-0-0 vote in favor.

Notifications of abutters for a Public Hearing scheduled on August 24 at 7:30 will be done by the applicant via certified return receipt mail.

If the subdivision is done in phases there will need to be phase lines with temporary turnarounds available. This does not need to be done on the mylar.

III MINUTES OF PREVIOUS MEETINGS:

No minutes were reviewed at this meeting. They will be done at the next regular meeting.

IV REPORT OF OFFICERS

The report of officers is postponed until the next regular meeting.

V OLD BUSINESS

Doug was not present for this appointment. Sue chaired the meeting

Todd Schunneman Map 49 Lot 18 - Mr. Schunneman would like to build a 22' x 24' garage attached to the house by a deck with a setback to the back side of Hanna Drive. A site walk was done at the property by Roland and Everett. Sue and Todd also drove by the property on their own time.

The setback is marked by the cedar trees on the corner of the lot. The garage will be 10' from the right of way (Hanna Drive). The garage will be built 10' from the house but will be attached to a lower deck that will be also be attached to the existing deck.

Under section 2.08, 3.03 and 4 Everett made a motion to approve the request of a northern setback reduction to 10'. Todd seconds. Motion carries a 4-0-1 vote in favor with Dwayne abstaining, he was not present at the initial meeting.

**Planning Board
August 9, 2000
Page Three**

Thelma Toothaker Map 35 Lot 14 Also present is Brenda Charland to explain the Selectmen's vote.

Doug questioned if Ms. Toothaker was under the impression that the road has been vacated.

Brenda had voted at the Selectmen's meeting to begin the process of vacating the road. Neither the Code Enforcement Office or the Selectmen are aware of the process needed. The Selectmen's Assistant will have a report with the process to proceed with the vacating after doing some research.

Sue stated that this is a subdivision and a subdivision revisions require all the owners of the subdivision to be notified via certified mail of the request to revise a plan.

Todd still feels that either a revision or amended plan needs to be done so it reflects the change in the deeds.

The Selectmen will know Tuesday evening on the process. Doug stated that there are clear procedures to vacating a road. Notification needs to be given to all involved, a public hearing needs to take place. If all is done and approved then the road can be vacated. There are also subdivision regulations that fall into place which will require Ms. Toothaker to submit a subdivision revision plan again notifying all involved.

Until the road is vacated the Board has no right to approve the application for constructing a cottage as presented. Once it is vacated and the subdivision revision is complete Ms. Toothaker will need to return to the board before getting a building permit because it is an undersized lot of record, she may do so under "Old Business".

Doug has turned the meeting over to Sue at this time. Review of the Proof of Active Status forms will be reviewed. Everett has also left this portion of the meeting.

Deborah Dupee Map 4 Lot 1 - Presented with the active status form was a notarized letter. A copy of the tax assessment card was copied dated 1993 stating "non working gravel pit". Gerald Daigle, Assessors agent submitted a letter explaining the taxes are reduced by not being a working pit.

Todd made a motion to deny active status based on the Tax Assessors letter. Tim seconds. Motion carries a 4-0-0 vote in favor.

Glenn Bean Map 4 Lot 22A & 23 - Presented with the active status form was two notarized letters and photographs.

Dwayne made a motion to approve active status to Glenn Bean with the information given to the Board as meeting the minimum proof required as defined in the definition of Active Status § 3. Todd seconds. Motion carries a 4-0-0 vote in favor.

Lesley Leighton Map 4 Lot 3A & 3B - Presented with the active status form was a letter stating that he had removed the minimum requirements needed to maintain his grandfathered status. A letter from the tax assessor Gerald Daigle stating the property is no longer being taxes as a working pit.

Dwayne made a motion to deny active status to the gravel pit located on Map 4 Lot 3A & 3B due to the lack of evidence, the letter from the assessor and a letter submitted by Les Leighton dated 6-29-95. Todd seconds. Motion carries a 4-0-0 vote in favor.

Planning Board
August 9, 2000
Page four

Town of Waterboro Map 8 Lot 47 - A written affidavit was submitted with the Town's application for active status. Todd made a motion to approve the active status with the information given to the Board as meeting the minimum proof required as defined in the definition of Active Status § 3. Dwayne seconds. Motion carries a 4-0-0 vote in favor.

June Broomhall Map 16 Lot 19 - Presented with the active status form was a written letter from Woody Owen.

Dwayne made a motion to approve pending the receipt of additional acceptable information supporting the active status by August 23, 2000. Todd seconds. Motion carries a 4-0-0 vote in favor.

Northeastern Map 13 Lot 75A - Is exempt from having to claim active status as per the 6/14/89 Planning Board minutes approving the pit, a State Permit, cash receipts.

Dwayne made a motion to exempt Northeastern from needing to meet active status due to the minutes of 6/14/89. Todd seconds. Motion carries a 4-0-0 vote in favor

Jon Jewitt Map 13 Lot 65 - Presented with the active status form were 2 notarized letters and 1 other letter.

Dwayne made a motion to approve the active status claim with the information given to the Board as meeting the minimum proof required as defined in the definition of Active Status § 3. Todd seconds. Motion carries a 4-0-0 vote in favor

Dearborn Map 5 Lot 35 - Presented with the active status form were 2 letters; 1 notarized and 1 not and cash receipts.

Dwayne made a motion to approve the active status claim with the information given to the Board as meeting the minimum proof required as defined in the definition of Active Status § 3. Todd seconds. Motion carries a 4-0-0 vote in favor

Lesley Leighton Map 8 Lot 15-3, 15-4, 15-5 - Presented with the active status form were cash receipts for the past 3 years.

Dwayne made a motion to discard the application due to having an approved Subdivision plan which requires extraction on the site to prepare for the placement of the mobile homes. The extraction will cease on completion of the subdivision. Todd seconds. Motion carries a 4-0-0 vote in favor.

Foglio "Otto Brandt Pit" Map 8 Lot 19 - Presented with the active status form were cash receipts and a notarized letter from the owner.

Dwayne made a motion to approve the active status claim with the information given to the Board as meeting the minimum proof required as defined in the definition of Active Status § 3. Todd seconds. Motion carries a 4-0-0 vote in favor.

The final review of the Active Status claims are as follows:

- 1 - Does not apply

**Planning Board
August 9, 2000
Page Five**

- Leighton - Map 8 Lot 15-3, 15-4, and 15-5
- 2 - Denied
 - Dupee - Map 4 lot 1
 - Leighton - Map 4 Lot 3A-3B
- 4 - Exempt
 - Northeastern - Map 13 lot 75A
 - Foglio - Map 11 Lot 44-1
 - Foglio/Dyer - Map 10 Lot 49
 - E. Whitten - Map 5 Lot 40T
- 7 - Approved
 - MacDonald/Leighton - Map 5 Lot 21-3
 - Foglio - Map 8 Lot 19
 - Jewett - Map 13 Lot 65
 - Broomhall - Map 16 lot 19
 - Glenn Bean - Map 4 Lot 22A & 23
 - Town of Waterboro - Map 8 Lot 47
 - Dearborn Bros. - Map 5 lot 35

VI COMMUNICATION

VII MISCELLANEOUS

Dwayne mentioned hiring Lisa after she leaves to continue working on the Town Ordinance at her convenience at home. He would like the Board to think about it and discuss at the next regular meeting.

VIII NEW BUSINESS

IX ADJOURNMENT

Todd made a motion to adjourn at 11:45 p.m. Dwayne seconds. Motion carries a 4-0-0 vote in favor. Meeting adjourned.

Respectfully submitted,

Dwayne Woodsome
Dwayne Woodsome
Treasurer/Secretary
Planning Board

ACCEPTED: 8/24/00

Chairman

Murray Dunlap
Roboval & Donly

Everett Whelan
[Signature]
[Signature]

PLANNING BOARD

Town of Waterboro

**August 10, 2000
Public Hearing
and
Special Meeting**

Doug Foglio Sr. called the Public Hearing to order at 7:45 p.m. noting the attendance of Everett Whitten, Roland Denby, Todd Morey, Tim Neill, Susan Dunlap, Dwayne Woodsome. Also in attendance were Dave and Brenda Charland, Dave Benton, Willis Lord, Bob Gobiell, Eric and Diane Herrle, Guss Cook, Wendy Carter, Fred Fay.

Charlie Brown and Nancy Gilbert of Sebago Tech and Bill Eaton, Traffic Engineer are presenting the Gorham Savings Bank. Also present are Mike Yandell, President and Michelle Nappi, Vice-president of Gorham Savings Bank.

Nancy reviewed the final plan and has noted that the building is currently staked out on the property. There will be 2 drive thru window and 1 ATM. The water line will be extended from the Shop 'n Save site. The bank will be built as a farmhouse style building. A flashing red light will be added for the right hand exit only drive.

Willis asked if they have considered a traffic light. Bill Eaton stated that a traffic study was done which analyzed the traffic between 4 & 6 p.m. in late June of 2000. 50 trips are being estimated 25 in and 25 out. The bank traffic will not change the number of traffic currently using the intersection.

Because of the location of the driveway landscaping is being kept back, the trees and shrubs will also be cut back. Advanced warning sign of an intersection ahead will be placed. The street marker signs will be adjusted.

Brenda questioned if there is a period of time that Gorham Savings Bank may be liable for unexpected traffic. Bill answered that it has to be requested by the Board at the time of approval for a reevaluation to be done down the road.

Doug noted that Shop 'n Save is required to review the traffic study again 1 year from the date the store opened. D.O.T. has not responded to any of Nancy's attempts to try and meet the applicant, the Planning Board and the Selectmen at the site.

Diane Herrle states that she has concerns daily about the intersection due to the curve and lack of sight distance.

Bill noted that they will do everything possible to notify the drivers of the oncoming intersection.

Bob Gobiell does believe a red light is warranted. He feels the traffic has doubled.

Bill reviewed the traffic count and states that what he counted was less than the amount of traffic Shop 'n Save predicted.

Todd estimates approximately 70% of the vehicles is traveling Route 5 without turning. In the event a stop light is installed what is the estimated back-up that will begin stacking up. Bill replied that the back-up would be light due to the actual vehicles passing through. There would be more rear-end accidents if a light were to be installed.

**Planning Board
Public Hearing
August 10, 2000
Page Two**

Todd spoke with Peter Hedderick the Traffic Engineer who did the Shop 'n Save study and asked the same accident questions. Peter came up with the same answer as Bill Eaton.

Todd asked Bill Eaton if in his opinion would a light help at this intersection and he stated that it would not help.

Eric questioned what the current sight distance is on the property and Bill replied that it was 525'.

Sue noted that in reality that intersection will have 12 lanes. Bill noted that there are 8 full lanes, a straight/left turn lane and a right turn lane on each side.

Sue feels that everyone present at the meeting feel that there is a problem with the intersection. How does the applicant feel about the residents and their location.

Bob Gobiell question the addition of new homes in the area and the impact to the intersection. Bill responded that any activity in the vicinity will have an impact.

Doug would like to state that with all the criticism the Board received for not properly advertising the previous Gorham Savings Bank public hearing there are only 5 additional members of the public in attendance at this meeting.

Mike noted that they will be open until 4 p.m. on Monday thru Thursday, until 6p.m. Friday and 8a.m. - 12 p.m. on Saturdays.

Doug would like to see what will be expected of Gorham Savings Bank in the event a light is later warranted noted in the final plan approval.

Nancy met with the Water District on Monday. An updated utility plan is needed to consist of a shift in the location of the 12' line which will be installed with caps in the event further water line expansion is later needed.

The location of the water hydrant was discussed and will be located on the island near Bonnets and Bows to allow the fire truck to park off the road. Dave Benton with the Water District states that they plan to further extend the water main approximately 90' for the fire hydrant. The Hydrant Cost will be shared by Gorham Savings and the Water Co.

Todd questioned how much further the Water District expected to be able to go on a single main with sufficient water pressure. Dave noted that it depends on if it is a business or residence. They are getting close to being maxed out. When school is operational it will be maxed.

Fred Fay questioned what will guarantee that the fire department will park their truck off the road in the event of a fire. Dave said that there are rules and regulations with the fire department and how the hook up to the hydrants. If the hydrant is facing Bonnets and Bows they will be required to drive in and hook up there.

Charlie Brown discussed the survey he did on the right of way to access the Smith property. The research proved that the 15' right of way parcel was not conveyed to the Kinney's. The last recording was Book 106 Page 17. Ownership is listed with Linda Mills, a copy of the deeds link it to the Smith's.

**Planning Board
Public Hearing
August 10, 2000
Page Three**

Nancy informed the Board that the sign details are being provided to meet the ordinance and not require a conditional use permit.

The first public hearing was called to a close at 9:00 p.m.

Owen McCoullough with Sebago Technics is representing the Town with the addition to the existing Town Hall.

Owen reviewed the plans of the addition, the changes and location of the parking lot. The plans being presented are the same that were passed at the Town Meeting.

Sue questioned how far from the road the addition will be and what zone does it fall under. Owen said the additional will not be any closer to the road than the existing building and the part of the addition will be in the A/R zone.

Diane Herrle asked how close to her property with the parking lot be. Owen stated that the parking will be exactly where the Day home sits.

Eric wonders why the drive-thru lane in the front of the building will be removed. People will enter the wrong drive and have to exit back onto the Townhouse Road to use the proper parking lot. Owen replies that it was a conscious decision made by the building committee to improve the appearance and also hope to save the trees on the front which are getting root-bound.

Bob Gobel asked if there will be a sidewalk from the town hall to Ossipee Pond Park. Doug stated that it has not been presented with site plan. The Board is dealing only with the Town Hall addition.

Todd feels that the Board should start promoting the requirements of sidewalks with the site plan applications.

Doug clarifies that the Finance Committee has been strict on allowing funds to plow the sidewalks the Town currently has. They do not wish to spend the money to repair them.

Dwayne recommends that the Selectmen hire someone to shovel the entrances to the Town Hall.

Eric questioned if the existing tennis and basketball courts will remain. Owen said they will be reconstructed and the parking area will be restripped for additional parking, 45 parking spots are provided, 38 are required.

The seconds public hearing is closed at 9:25 p.m.

**SPECIAL MEETING
AUGUST 10, 2000**

Ray Dumont Map 49 Lot 10C has presented a revised plan showing the lot lines and the requested rear setbacks of 24'. A site walk was done by some Board members this evening before the Public Hearing.

Everett made a motion to approve a rear setback reduction to 24' in order to build a 36' x 57' building surrounding an in-ground pool. Building is not be have any other uses. Any change of use will require Planning Board approval. Roland seconds. Motion carries a 6-0-0 vote in favor.

Gorham Savings Bank - Nancy Gilbert will coordinate with the Water District the appropriate plans for the extension so that it will appear on the final plan.

Dwayne requested that an agreement is made in writing with the property owners of the right of way before having the trees cut. Nancy will contact the heirs of Linda Mills to get their written permission.

Doug wanted to verify that the Water District will extend the water main 130' beyond what Gorham Savings is doing. A letter is on file from the Water District.

The traffic study still needs to be reviewed with D.O.T. Nancy has contacted Roger Gobiell, Division 6 in Scarborough stating that a meeting is requested with the applicant, Planning Board and Selectmen. The request was passed over to Dean Lessard who has been out of the office.

Doug noted that the final plan cannot be approved without the following:

- The traffic review with D.O.T.
- Peer review of the traffic study
- The agreement for removal of trees

Owen McCoullough - Town Hall

Doug noted that because the size of the hall after the addition it will require a sprinkler system. The estimate should be included in the bidding package.

A stub should be added to the plan to show the readiness for possible future public water use.

Dwayne made a motion to approve the final plan with the changes discussed, the water line stub and sprinkler system. Roland seconds. Motion carries a 6-0-0 vote in favor.

Todd made a motion to adjourn at 10:15 p.m. Dwayne seconds. Motion carries a 6-0-0 vote in favor.

Respectfully submitted,

Dwayne Woodsome

Dwayne Woodsome
Secretary/Treasurer, Planning Board

ACCEPTED: _____

Chairman
William Munkap
Roland & Dwy

Everett Whotka
Jim Kent
[Signature]

PLANNING BOARD

Town of Waterboro

August 24, 2000
Regular Meeting

I ROLL CALL

Sue called the regular meeting to order at 8:30 p.m., in attendance are Dwayne Woodsome, Roland Denby, Everett Whitten, Todd Morey and Tim Neill.

II APPOINTMENTS

8:00 Eleanor Stalker - Map 29 Lot 7 Paul Tibbetts is representing Eleanor Stalker. She would like to build a 10' x 24' deck to include steps. The cottage consists of 649.60 sq. ft. with a 140 sq. ft. of loft space and an 80 sq. ft. shed. The total allowable expansion is 260.88 sq. ft. the 10' x 24' deck will use 240 sq. ft.

Tim made a motion under section 2.08, 7.2B, 4 & 9.02 to allow Ms. Stalker to build a 10' x 24' deck 59' from the water with the steps not going any closer to the side line than the existing steps. She will be using 29.6% of the allowable 30% expansion. This is to remain an open deck. Roland seconds. Motion carries a 5-0-0 vote in favor.

8:15 Jean Moreau - Map 11 Lot 29A Mr. Moreau would like to build a 24' x 24' shed to store his pop-up and snow blower. The shed will be 46' from the swamp area.

Dwayne made a motion to do an onsite. Todd seconds. After much discussion Dwayne withdrew his motion, Todd agreed.

Sue questioned if 30% expansion applies to this. DEP will need to be contacted.

Todd made a motion to contact DEP and is if this is allowable in the wetland area. Following the answer with DEP an onsite will be scheduled. Tim seconds. Motion carries a 5-0-0 vote in favor.

Mr. Moreau will stake the property and has given the Board the okay to go at their leisure.

Frank Salvo Map 41 Lot 25 Mr. Salvo would like to build a new 45' x 30' home and later remove the existing camp. The home will be placed closer to the water but will better meet the sideline setbacks. The new camp would range from 80' to 117' due to the cove.

Dwayne made a motion to send Roland and Everett to do an onsite. Mr. Salvo is to return under "Old Business" Todd seconds. Motion carries a 5-0-0 vote in favor.

Mr. Salvo has already staked the building on the lot. He has given permission for the board to visit anytime.

Donna Tondreault Map 24 Lot 48 - Ms. Tondreault would like to build a 16' x 18' addition with an 8' x 16' screened porch to their existing 24' x 34' cottage. Addition will be further from the water but will need to be 3' closer to the sideline. The total number of bedrooms will remain the same. The cottage also has a loft area.

Todd made a motion to allow Ms. Tondreault to build a 16' x 18' single story addition with an 8' x 16' screened porch. Addition is not to go closer than 15' to the easterly sideline setback, the total

**Planning Board
Regular Meeting
August 24, 2000
Page Two**

number of bedrooms will remain as 2. The addition will use 416 sq. ft. of the 528 sq. ft. allowed in the 30% expansion rule. The animal shelter is not considered in the motion, it is not shown on the specs of the application. Everett seconds. Motion carries a 5-0-0 vote in favor.

III MINUTES OF PREVIOUS MEETINGS

Dwayne made a motion to approve the July 26 minutes as written. Roland seconds. Motion carries a 5-0-0 vote in favor.

Todd made a motion to approve the July 27 minutes as written. Tim seconds. Motion carries a 4-0-1 vote in favor with Dwayne abstaining due to being absent for that meeting.

Todd made a motion to approve the August 9 minutes as amended. Dwayne seconds. Motion carries a 5-0-0 vote in favor.

Dwayne made a motion to approve the August 10 minutes as written. Todd seconds. Motion carries a 5-0-0 vote in favor.

IV REPORT OF OFFICERS

V OLD BUSINESS

VI COMMUNICATION

The Board has taken the communications from Gillespie & Associates and Jack Murphy to review. They will discuss this at the next meeting.

No other communications were discussed at this time.

VII MISCELLANEOUS

There was discussion of hiring Lisa as a consultant to complete the review with Sebago Technics and the Zoning Ordinance to bring the Ordinance in conformance with all the updates of the years. Items have been inadvertently omitted over the years. Roland mentioned having a reference of the year and article number that the amendment was made. Lisa will need to report with the Planning Board to review the progress to date.

Everett made a motion and Roland seconds to hire Lisa as a consultant until the project is completed. Motion carries a 5-0-0 vote in favor.

VIII NEW BUSINESS

**Planning Board
Regular Meeting
August 24, 2000
Page Three**

IX ADJOURNMENT

Dwayne motion and Roland seconds to adjourn the meeting at 10:30 p.m. Motion carries a 5-0-0 vote in favor.

Respectfully submitted,

Dwayne Woodsome

Dwayne Woodsome,
Secretary/Treasure
Planning Board

ACCEPTED: _____

Chairman

Roland E. Denby
Ernest White

Tim Ball
[Signature]

PLANNING BOARD

Town of Waterboro

August 24, 2000

Public Hearing and Regular Meeting

Doug Foglio called the public hearing for **Ford Pond Estates Map 5 Lot 34, 34-2 & 34-3** to order at 7:40 p.m. In attendance are Everett Whitten, Roland Denby, Todd Morey, Tim Neill, Sue Dunlap and Dwayne Woodsome. There are also 15 members of the public present.

John Mitchell of Mitchell and Associates and Doyle Marchard are representing Hughey's Inc. The subdivision is presented as a cluster subdivision with 9 lots off Rte 202 and Main St. with a total of 73.5 acres.

The 9 lots are clustered around the perimeter with the common open land being in the center. The changes made since the last Planning Board meeting are as follows:

- Maintenance and upkeep of the dam was incorporated in the association maintenance agreement;
- All subcontracted engineers are listed in the signature block;
- Removed the subdivision Bartlett Pines as an abutter (error)
- Road widths were added
- Not on plan as # 10 stating that this is a cluster subdivision
- Enclosed copy of a warranty deed sample

Forest Abbott is concerned with the level of the dam and wonders if the level will remain the same. John Mitchell will add to the plan that the dam should remain at the present level. Doug mentioned that requirements can be set at the time of the plan approval. If any changes are made to the levels inland fisheries can be contacted.

Doug explained to the public that the original application contained 13 house lots, a longer cul-de-sac road, and open property on the Lyman side of the subdivision with a right of way to the property from Waterboro. The Planning Board had concerns with emergency access, service and addresses. This lot has not been divided and is now owned by the two abutting Waterboro lots.

John Mitchell further explained that the entrance of the subdivision will be paved up to the turn-around that will be provided for Ford Pond. The cluster house now consist of 29.33 acres with the remaining 44.17 acres being open (common land) space.

Fire Chief Frank Birkemose has spoken to John Mitchell regarding the subdivision. Frank will provide John with a spec of the required dry-hydrant. The applicant will be required to provide and install the dry-hydrant. The fire department will to routine tests and periodically practice from the hydrant. Frank would also like the association member know that they may use they hydrant for other properties in the area outside the subdivision.

John questioned if the fire department will be responsible for the maintenance of the hydrant. Frank stated that the association will be responsible for any maintenance but the department will routinely test and back wash all hydrants once a year.

Rene Perron questioned who will police the property especially around Ford Pond turn-around. Doug noted that there will be public access up to the Ford Pond turn-around, the State and Local Police will also have access to the property.

P.O. Box 130, Waterboro, Maine 04087 • 247-6166 • FAX 247-3013

<http://www.mix-net.net/~waterboro/>

Email: waterboro@mix-net.net

**Planning Board
Public Hearing
August 24, 2000
Page Two**

Willis questioned the size of the culverts that will be placed under the road. John referred to the plan showing 2 24" culverts that will be installed to replaced the existing culverts.

Renee referred to the 35' of uncut buffer around the perimeters, will that also be provided by the second entrance and his property line. John stated that a change showing the 35' buffer can be placed on the mylar for the next meeting.

Sue question how much of the property is located in the flood plain and are the homeowners required to build outside of the flood plain. John has noted that the building envelopes take the 100 year flood map into consideration. Not construction will be done in the flood zone.

Todd suggested that the road maintenance agreement specifies that the maintenance of the hydrant and the clearing of any debris and snow is done on a routine basis.

Doug called the public hearing to a close at 8:15 p.m.

Doug will leave and turn the regular meeting over to Sue.

PLANNING BOARD

Town of Waterboro

September 13, 2000
Regular Meeting

I. ROLL CALL.

Dwayne Woodsome called the regular meeting to order at 7:42 p.m., in attendance are Roland Denby, Everett Whitten, Todd Morey and Tim Neill.

II. APPOINTMENTS.

7:45 Kenneth R. Pierce - Map 32 Lot 71H Mr. Pierce would like to put a mobile home on his property (formerly Lot 9) for his wife's mother to reside in.

After much discussion it was decided that Mr. Pierce would withdraw his permit request and would be submitting another application with a different site plan for the trailer.

Todd made a motion to take no action and to refund Mr. Pierce's fee. Dwayne seconds. Motion carries a 4-0-0 vote in favor.

8:00 Cynthia M. Vermette - Map 28 Lot 2 Mrs. Vermette would like to open a child care center at the corner of Old Alfred Road and Route 5, across from Lakeside Market.

Mrs. Vermette addressed concerns regarding the play area and the fact that not all of the children will be outside at the same time and that a chain-linked 4' fence will be placed around the facility.

In response to questions from the Board, Mrs. Vermette advised that the children would not all be arriving at the same time and that she will establish a standing policy that there will be no parking on Route 5 and, that the only entrance to the facility will be from Route 5. In addition, in response to a question by Tim as to what the maximum capacity would be, she indicated that the State sets those standards in accordance to square footage requirements and other mandated criteria.

Roland asked if the State inspects the facility. Mrs. Vermette indicated that it did and that the Fire Marshall also inspects the premises. Roland indicated that it would be a good idea to have rescue inspect as well.

Dwayne indicated that the entrance may need to be widened.

Roland made a motion to approve the application as requested under Section 3.04.01(B)(5) of the Waterboro Zoning Ordinance provided that all State permits are obtained and a fence must remain up on the Route 5 line and that a 24' opening be maintained for entrance and exit. Everett seconded. Motion carries a 4-0-0 vote in favor.

8:15 Robert L. Saulnier - Map 33 Lot 27 Mr. Saulnier would like to close in his existing concrete (10' x 32') on his property located on West Shore Road. The deck edge is currently 57' from the water.

In response to Dwayne's questions of how long the deck has been there and whether any bedrooms would be included in the addition, Mr. Saulnier informed the Board that the deck has been there for as long as he has owned the camp and that no bedrooms are to be added. The camp is a 24' x 32' single story residence and there are 2 10' x 10' sheds currently on the property. The full 30% expansion will be used for this addition.

Todd made a motion to allow Mr. Saulnier to build a 29' x 10' enclosure on the existing concrete deck, not to exceed 290 square feet. Everett seconded. Motion carries a 4-0-0 vote in favor.

III. MINUTES OF PREVIOUS MEETINGS.

IV. REPORT OF OFFICERS.

Dwayne reported that he has met with Scott and Patti and that they are 99% done in trying to get finances for last year.

V. OLD BUSINESS.

Joseph Vitko - Map 38 Lot 30 Mr. Vitko is requesting an extension of the Conditional Use Permit issued by the Board on April 28, 2000 to his daughter, Karen Vitko, to construct a 24' x 36' Cape with a 10' x 36' deck on her property.

Everett made a motion to grant an 8 month extension from the date the Permit expires, i.e., October 28, 2000. Todd seconds. Motion carries a 4-0-0 vote in favor.

Donald & Diane Holden - Map 32 Lot 39 The Holdens are requesting re-approval of the Conditional Use Permit issued by the Board on May 14, 1999 (which has now expired) to construct a 24' x 24' garage with an attached 8' x 16' shed on the property.

Todd made a motion to re-approve the previous application and to grant the permit pursuant to the previous conditions set forth in the May 14, 1999 Conditional Use Permit, i.e., there must be a sideline setback of 10' to Robert Berry's property and a front yard setback of 40'. The applicants have already met the last requirement of the previous Conditional Use Permit which required a signed agreement from Mr. Berry to a joint 10' sideline setback. The original Permit was approved under Section(s) 2.08, 3.03 and 4.02 of the Waterboro Zoning Ordinance. Everett seconds. Motion carries with a 4-0-0 vote in favor.

Jean Moreau - Map 11 Lot 29A Mr. Moreau returns to request a permit to build a 24' x 24' shed to store his pop-up and snow blower. The shed will be 46' from the swamp area.

It was noted that DEP had been contacted and it was the determination of the DEP that the 30% expansion would apply in this circumstance as indicated in the Memo from Lisa Morse outlining her discussion with DEP.

Todd questioned if the storage shed could be put up closer to the road. Mr. Moreau indicated that it could not. After much discussion, it was determined that the Board would need the exact size(s) of the shed and trailer currently on the property in order to establish what the 30% expansion could be.

Todd made a motion to send the Code Enforcement Officer to Mr. Moreau's property to measure all buildings within the shoreland and report his findings to the Board to enable the Board to make a determination. Everett seconds. Motion carries a 4-0-0 vote in favor.

Roland made a motion to give the Code Enforcement Officer a note to go measure the outer buildings. Everett seconds. Motion carries a 4-0-0 vote in favor.

Todd made a motion to take a 5 minute break and Tim seconds. Motions carries a 4-0-0 vote in favor. The Planning Board meeting is adjourned at 9:00 p.m. Dwayne calls the meeting back to order at 9:05 p.m.

VI. COMMUNICATIONS.

The Board has taken the communications from Jack Murphy to review. They will discuss this at the next meeting.

There was discussion regarding the letters received from 4 of the gravel pit owners requesting an extension of time to file their respective Reclamation Plans.

Todd made a motion to grant a 120-day extension from the original date due (i.e., August 10, 2000) to the 4 gravel pit owners who are Forest Owen, Town of Waterboro, Glenn Bean, and James MacDonald, for filing Reclamation Plans to the close of business on Friday, December 8, 2000. Roland seconds. Motion carries a 3-0-1 vote in favor.

No other communications were discussed at this time.

VII. MISCELLANEOUS.

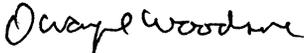
Roland made a motion that copies of the new Town Maps be made for the Planning Board members to assist them when conducting on site inspections and the like. Todd seconds. Motion carries a 4-0-0 vote in favor.

VIII. NEW BUSINESS.

IX. ADJOURNMENT.

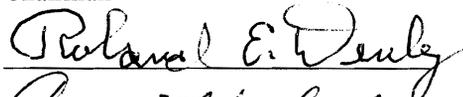
Todd motion and Everett seconds to adjourn the meeting at 9:35 p.m. Motion carries a 4-0-0 vote in favor.

Respectfully submitted,


Dwayne Woodsome,
Secretary/Treasurer
Planning Board

ACCEPTED: _____

Chairman






PLANNING BOARD

Town of Waterboro

September 28, 2000

Regular Meeting

I. ROLL CALL.

Susan Dunlap called the regular meeting to order at 7:42 p.m., in attendance are Roland Denby, Everett Whitten, and Tim Neill. Absent were Dwayne Woodsome, Todd Morey and Doug Foglio. Also in attendance was Bob Gobiell.

II. APPOINTMENTS.

7:45 Hughey's "Ford Pond Estates" Subdivision - Map 5, Lot 34 John Mitchell of Mitchell & Associates and Doyle Marchand are here for "final approval of plan" for a nine (9) lot residential cluster subdivision located on the southwesterly side of Main Street in East Waterboro.

John Mitchell reiterated what took place at the last Planning Board meeting and what has been performed by them regarding the issues and concerns raised.

Roland indicated that Gillespie & Associates had recommended that the wells be drilled and not dug. Tim asked John Mitchell what the present level of Ford Pond was. Mr. Mitchell did not know but indicated that he would benchmark the dam. Sue asked if the homeowners would be responsible for handling the installation of their respective wells. Doyle Marchand replied that, yes, the homeowners would be responsible but that a disclosure would be issued to all potential purchasers regarding this issues.

Roland asked how the streets would be affected by 911. Bob Gobiell indicated that Augusta would have to approve it as well as the Post Office. Sue asked what happens if after the Board approves the plan as proposed the street names are found to not to be acceptable. Doyle answered that they would change the names as recommended by the State and/or the Post Office. Sue asked that we get an updated 911 street address list from someone downstairs and attach it to the Plan checklist.

Sue reviewed the Final Subdivision Plan Checklist. The following was recommended:

- New copies of the Plan are needed to reflect the changes made to the Mylar; and,
- Road entrance permits must be obtained from the State (to be indicated as a condition in the Board's Motion for approval).

Everett made a motion to approve the final plan for "Ford Pond Estates" contingent upon the following:

- No road construction shall be commenced until a permit is obtained from the State; and
- 2 additional copies of the new plan (in conformance with the mylar) are needed prior to the Board signing the plan(s).

Roland seconds. The Motion carries a 3-0-0 vote in favor.

Dwayne Marchand praised the Board for their objectivity and for being so beneficial.

8:00 Emil Whitten - Map 45, Lot 1509 Mr. Whitten is requesting to build a 35' x 50' Ranch with daylight basement and attached 26' x 28' garage on his waterfront property. It should be noted that Mr. Whitten has obtained prior approval for the project from the Saco River Corridor Commission.

Everett made it known that he is not related to the applicant (as they have the same last name).

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**Planning Board
Regular Meeting
September 28, 2000
Page Two**

Roland indicated that it will be necessary to go back under the old by-laws for this vote. It was further noted that the lot in question was created in 1971 and is therefore grandfathered.

After discussion, Roland made a Motion to approve the application as requested under Section(s) 2.08 and 4.02 of the Waterboro Zoning Ordinance with the following conditions:

- A front yard setback of 40' from Diamond Drive;
- A sideline setback of 22';
- A shoreline setback from the lake of 71'; and
- All other setbacks must be met.

Everett seconded. Motion carries a 3-0-0 vote in favor.

8:15 Armand Desrochers - Map 29, Lot 14 Mr. Desrochers is requesting a permit to build a 34' x 24.6' 2-car garage to be attached to his current residence on his waterfront property off of Townhouse Road. He would also like to demolish the old garage that is on the property and build a gazebo. The house which the garage would be attached to is currently approximately 50' (61.5') from the water. Mr. Desrochers indicated that the three (3) other older cottages currently on the property are about 75 years old.

The Board reviewed the old 1995 Planning Board Minutes in the file regarding the construction of the current residence (which the garage is to be attached to) in an attempt to ascertain what figures were used by the board at that time to determine what the 30% expansion would be. It should be noted that the 1995 Minutes state that the full 30% had been used at the time to build the current residence. However, as there was a question with respect to how the prior 30% was calculated, Sue suggested that the Board take the issue to the Town Attorney for interpretation.

After much discussion, Everett made a Motion to send this to the Town Attorney for clarification of:

- whether all of the buildings' measurements can be used in determining the 30%; and
- the difference between the apparent way the 30% was determined by the 1995 Board and how it is done now.

Tim seconded. The Motion carries with a 3-0-0 vote in favor.

Mr. Desrochers will come back under "Old Business" on the October 26, 2000 Agenda.

8:30 Malcolm Roberts - Map 29, Lot 15 Mr. Roberts is requesting a permit to build a 16' x 24' 1-car garage to be attached to his current residence on his waterfront property off of Townhouse Road. He would like to come within 11' of the sideline setback.

After some discussion regarding the location of a right-of-way and a determination that it was not on his property, Everett made a Motion to approve Mr. Roberts' application under Section(s) 2.08, 3.03(*Note) and 4.02 of the Waterboro Zoning Ordinance with the conditions that (1) the sideline setback is reduced to no less than 10' and (2) that all other setbacks must be met. Roland seconded. The Motion carries with a 3-0-0 vote in favor.

III. MINUTES OF PREVIOUS MEETINGS.

The reading of the Minutes were waived. They will be done at the next regular meeting.

IV. REPORT OF OFFICERS.

V. OLD BUSINESS.

Frank Salvo - Map 41, Lot 25 Mr. Salvo would like to build a new 45' x 30' home and later remove the existing camp, and to add two (2) new decks measuring 10' x 20' and 10' x 14' towards the water line on his waterfront property. (See previous Minutes of August 24, 2000.)

Everett and Roland indicated that they went to the property and performed an on site, checking the measurements, etc.

There was much discussion including the question of why the new plans have the building closer to the water, what the right-of-way, if any, was and why the old structure will remain until after the proposed one is built. Mr. Salvo indicated that the bank would not allow him to tear the old structure down as he has a mortgage on it. He also indicated that he was trying to get the sidelines of the property in conformance but was actually moving closer to the water. Roland indicated that he may need a variance from the ZBA.

After some discussion, Tim made a Motion to deny Mr. Salvo's request under Section 7.01(2)(B)(c)(3) of the Waterboro Zoning Ordinance as it increases the non-conformance of the property. Everett seconded. The Motion carries with a vote of 3-0-0 in favor of denying the request.

Jean Moreau - Map 11 Lot 29A Mr. Moreau returns to request a permit to build a 24' x 24' shed to store his pop-up and snow blower. The shed will be 46' from the swamp area. (See Minutes of August 24, 2000 and September 13, 2000.)

At the last meeting it was decided to send the Code Enforcement Officer to Mr. Moreau's property to measure all buildings within the shoreland and to report his findings to the Board, however, the Code Officer had not had a chance to do so prior to this meeting. Mr. Moreau did bring a list of the measurements of the building with him.

Sue asked where the septic is located and indicated that the Code Officer would have to check on that as well since Mr. Moreau has plans to put the shed on a cement slab. The Code Officer will be going to Mr. Moreau's prior to the next regular meeting.

There was discussion on the issue of the trailer which is currently on the property and whether or not that can be used in determining the 30% expansion as there is no permit for it and it is not grandfathered any longer.

Everett made a Motion to send this to the Town Attorney for clarification of whether the trailer could be used in the determining the 30% expansion allowed. Tim seconded. Motion carries a 3-0-0 vote in favor.

Discussion of Gravel Pits - Because there would not be a quorum (as Everett abstains from voting on issues related to the gravel pits), issues regarding the gravel pit could not be discussed. There was, however, a brief discussion on whether the plans should be submitted to an engineer. In addition, Roland read the Extraction

PLANNING BOARD

Town of Waterboro

October 11, 2000
Regular Meeting

I. ROLL CALL.

Susan Dunlap called the regular meeting to order at 7:40 p.m., in attendance are Roland Denby, Everett Whitten, Todd Morey, Dwayne Woodsome and Tim Neill. Absent was Doug Foglio.

II. APPOINTMENTS.

III. MINUTES OF PREVIOUS MEETINGS.

The Minutes of the August 24, 2000, September 13, 2000 and September 28, 2000 Regular Meeting(s) were reviewed by the Board.

With respect to the August 24, 2000 Minutes, Dwayne made a motion to approve the Minutes as prepared. Todd seconds. The Motion carries a unanimous vote in favor.

With respect to the September 13, 2000 Minutes, Dwayne made a motion to approve the Minutes as prepared. Tim seconds. The Motion carries a unanimous vote in favor.

With respect to the September 28, 2000 Minutes - after review, it was found that corrections needed to be made. Tim therefore made a motion that the Minutes be tabled until the next meeting. Everett seconded the motion. However, after discussion, Tim withdrew his motion to table the Minutes and Everett withdrew his second. Tim then moved that the Minutes be approved as revised to be signed at the next meeting. Everett seconded the motion. The Motion carries with a unanimous vote in favor.

Everett leaves and will not be participating in the remainder of the meeting.

IV. REPORT OF OFFICERS.

V. OLD BUSINESS.

Review of Reclamation Plans.

Discussion of the gravel pits was begun. Sue started off by saying that she had a hard time deciphering what the requirements are that the Board must follow. For example, she refers to Section 11.7(d) regarding standing water which reads

“... The Board may require testing of the water in the rehabilitated area for the purpose of detecting unsanitary, unsightly, or odoriferous conditions. ... the Board may require the owner to take appropriate corrective measures:”

She asks, who knows if you will have standing water now. How can we (the Board) judge today what will happen down the road.

Doug Foglio asks what the Board would do when the Ordinance contradicts with State law, for example the regulating of slopes. In addition, there are currently two (2) Ordinances in effect with the Town at this time. How does the Board deal with conflicts of both Ordinances. For example, there are exemptions in the original ordinance which are not in this one. These two ordinances have left the gravel pit owners in a quandary of what they need to file, etc. What happens when reclamation plans to the gravel pits have already been approved - how do you require them to change.

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**Planning Board
Regular Meeting
October 11, 2000
Page Two**

Todd, referring to Section 11.7, indicated that we must make our own decision on what standing water is, and actually come to a group decision on how we should interpret all of these Sections before we review the plans and decide on what this nine (9) subsections mean. For example, there are two different references in this Ordinance to the Maine Soil and Water Conservation Commissions Handbook that we must follow, i.e., the 1974 version or the current 1991 version.

Sue stated that it was her opinion that we go to the Town Attorney for insight on how to interpret the Ordinances.

In response to Doug's question, Sue indicated that she believed that if they are already active, they will need to submit a rehabilitation plan.

Doug asked what happens if the pit is grandfathered?

State DEP RED TN @

Todd asked if we have any gravel pits with ~~Condition Use~~ permits already.

Doug replied that he believed we did. That the State has issued permits to these gravel pit owners following inspection by the State of the pit and after it finds that the pit meets the requirements and regulations. The State then notices the Town and following the mandatory 30-day waiting period, then issues a Registration number to the pit.

Sharon Lane asked what the Board will do with the contradiction in Section 6 which indicates that grandfathered status.

Sue indicated that the question was appreciated but unless it pertains just to the reclamation plan issue, we cannot begin to address or answer any other questions until clarification from the Town Attorney is provided. Sue further indicated that she believed the people who had obtained Conditional Use permits from the Town prior to the enactment of the 03/11/00 Ordinance were exempted.

Ron Dearborn indicated that he had bought his pit off Hughey's and thought that it was grandfathered. He had gotten approval from DEP to build the pond and did so in conformance with DEPs regulations and specifications.

Todd stated that when a gravel pit owner apply for a State license the Town is provided with written notice. The Town is supposed to post that Notice for 30 days and to object to the application within that time frame. If the Town does not respond with the that time frame, the State approves the application and a license is issued. In his opinion, if the gravel pit owners have gone through the State process prior to 3/11/00 and the Town did not respond or object, then the Town has given up the right to contradict the State's license.

Doug indicated that the Town receives the notice and is to put it in public view for 30 days. The Town or anyone else needs to notify DEP within 30 days of any objection. If no objection is received by DEP then the Town has approved this by virtue of its inaction.

Dearborn - someone needs to make a judgment on this.

Sue reiterated that both of these Ordinances contradict each other, they have illegal things in it and even reference an outdated Handbook to base its information on. We (the Board) must use the most strict portion of the ordinance in its determination, but what would that be?

**Planning Board
Regular Meeting
October 11, 2000
Page Three**

Dwayne moved that a 15-minute break be taken to allow the Secretary to retrieve certain information from the files upstairs. Todd seconded. The Motion carried with a 4-0-0 vote in favor. The Board broke at 9:35PM.

The Board reconvened at 9:50PM. Roland indicated that the Board need to get a copy of the Zoning Board of Appeals' decision on the ordinance. (The secretary will get a copy.)

Sue suggested that the Board take no action until it knows what the State law says regarding licensing, etc. and we can find out what the rules are regarding the State's rehabilitation plans. We need to ask the Town Attorney what the law is in that regard. We cannot go anywhere until we know what we can and cannot do - therefore, we cannot do anything on this issue tonight.

Todd asked if there would be a copy in the files. Doug indicated that everyone that applied was in the Planning Board office files, however, files have mysteriously disappeared up there in the past.

Todd asked Mr. Dearborn to get the Board a copy of what was filed by him with the State.

Dwayne indicated that we have two (2) pictures here; we have 2 owners with DEP permits and 1 who is grandfathered in compliance since the 1960s but who needs to know how much more he needs to do. Do we have answers enough to tell him what he needs.

Dearborn - With respect to Section 11.7(e) regarding a bond or insurance. We come into contradiction here too with DEP and the Town requirements. DEP requested that a small pond be built (180x64) on the back side which has 30 acres.

Sue indicated that the Board would not force someone to have insurance for a pond that may not be built.

John Jewitt asked if he needed a gate, where he could get a copy of the 1974 Handbook that is referred to in the new Ordinance and what about vegetation.

Todd indicated that the 1974 Handbook was no longer in effect, that the 1991 version is the current text.

Sue indicated that she also had questions on how the owners are to comply with Section(s) 11.8 and 11.9.

Dwayne suggested that we should probably have a workshop with the Town Attorney on these many unanswered questions.

It was decided that no further action would be taken by the Board until clarification by the Town Attorney was given regarding these outstanding issues.

All other attendees departed with the exception of John Jewett. The Board then sat down with Mr. Jewett to review his preliminary rehabilitation plan.

There was much discussion regarding the existing pit, which has trees already, and that he is not doing anything there. That there is a 50' slope from the sideline, grubbing, etc.

Dwayne asked if we are to grant a 1,2 ... year permit or have him come back every year. Do we need a performance bond of what it will cost to reclaim the land.

**Planning Board
Regular Meeting
October 11, 2000
Page Four**

Sue believed that one would be needed for each phase. Dwayne indicated to Mr. Jewett that he would need to determine his phases. Sue elaborated further that Mr. Jewett would need to tell the Board how much it will cost him in order for a determination of the amount of the bond is made.

Dwayne told Mr. Jewett that he would need to locate the Hanson's well and the Roberts' well and put that on the map. The well needs to be 400' from the well to the site or 200' if it is an artesian well. Mr. Jewett will have to monitor the well part of the rehabilitation plan.

The following statements/conditions are to be placed on the plan:

- All stumps, grubs shall be removed from the site or buried or destroyed.
- A vegetative erosion and sediment control plan shall meet the minimum requirement established by the Maine Soil and Water Conservation Commission as specified in the "Maine Erosion and Sediment Control, On Commercial, Industrial, Residential, Recreation, and Governmental Sites Environmental Quality Handbook", dated 1991. 1974 SD. SW (LSD) TNA
- All loamed, seeded, and planted areas shall be guaranteed for 18 months.
- A visual and acoustical buffer between the project and adjacent properties shall be provided.
- A natural 50' buffer between the Hanson property shall remain for the life of the project.
- All exposed slopes shall be graded and planted, loamed, seeded or otherwise landscaped. Sufficient topsoil shall be retained to cover all areas. (The Board requested that the statement be specific as to what will be done with the topsoil.)
- A gate will be drawn on the plan on all access roads and a statement that it will be closed and located and a sign posted shall be made.
- The owner shall maintain the property in compliance with the rehabilitation plan.
- The site must be 400' from the well to the site or 200' if it is an artesian well located of the Roberts property and the Hanson property.

Sue indicated that in her opinion Mr. Jewett was exempt from Sections 7, 8 and 9 of the Ordinance as his pit is classified as "active status". The question was raised, among others, of whether a public hearing would have to be held on the final plan prior to its approval.

After a brief discussion, Dwayne made a motion that we approve this plan as Mr. Jewett's "preliminary plan". Todd seconds. Sue indicated that we needed to understand what this all means, how to interpret the ordinance, prior to voting on this. Why not vote that he does not need a preliminary plan, he does not have a finished plan yet. There was additional discussion on this issue. Tim felt that the Board could not accept this proposal without a public hearing. Dwayne felt that any Conditional Use permit should be issued under Section 4.04 of the old ordinance. Dwayne subsequently withdrew his motion and Todd his second.

VI. COMMUNICATIONS.

VII. MISCELLANEOUS.

VIII. NEW BUSINESS.

IX. ADJOURNMENT.

Dwayne then made a motion to adjourn. Todd seconded. The motion carries a 4-0-0 vote in favor. The meeting is adjourned at 10:20PM.

Respectfully submitted,

Dwayne Woodsome
Dwayne Woodsome,
Secretary/Treasurer
Planning Board

ACCEPTED: _____

Allen Dunlap
Chairman

Richard E. Dealy

Eric Smith

[Signature]

PLANNING BOARD

Town of Waterboro

October 26, 2000
Public Hearing
&
Regular Meeting

PUBLIC HEARING

Chairman, Doug Foglio, called the public hearing regarding the permit request of Barbara Bean to construct a communications tower for cellular and personal communications service on her property located at Tax Map 4, Lot 37, to order at 7:10 PM and asked for an overview.

Erik Carson of ATC Realty, representing the applicant/property owner, Barbara Bean, gave an overview on behalf of the Spectrum Resources network wire telecommunications tower. Mr. Carson explained the process; area of coverage; that the tower was 190' with an 8' lightening rod; that the plan is to build up Route 202. Spectrum intends to build a gravel driveway; install a 8' chain-link fence with a 12' gate; a separate municipal entrance will be installed; they will put equipment on for the municipality free of charge. They did a balloon test (and showed aerial photos) and were surprised at how much of the tower could not be seen.

Roland Denby asked which zone the tower is proposed to be in. Mr. Carson answered that the property is in the AR (agriculture/residential) zone.

Susan Dunlap asked if the lot size issue had been addressed. Mr. Carson indicated that it had been and that when you add the leased area with the driveway there is approximately 3.19 acres.

Chairman Foglio the public if there were any questions – finding none. The public hearing was closed at 7:32 PM.

REGULAR MEETING

I. ROLL CALL.

Doug Foglio called the regular meeting to order at 7:33 PM, in attendance are Susan Dunlap, Roland Denby, Everett Whitten, Todd Morey, Dwayne Woodsome and Tim Neill.

II. APPOINTMENTS.

7:46 ATC Realty on behalf of Barbara Bean – Map 4, Lot 37 Barbara Bean is requesting a permit to construct a communications tower for cellular and personal communications service on her property. Doug opened the discussion. Dwayne asked about the fence around the tower. Erik Carson indicated that it will be an 8' fence with barbed wire and will have a keyed gate. It will have a municipal lock box. The tower will not be lighted. The generator will be tested once a month and a hospital muffler will be used to keep the sound level down. Dwayne asked if the cement building would be within the compound – Mr. Carson read a letter from the company that makes the tower and read it to the Board. Sue indicated that apparently the public had no objections to this permit request since there were no members of the public in attendance.

Dwayne made a Motion to grant the permit to build a 190' high tower on the property per the plans submitted this evening and to allow approximately 2 to 4 buildings to be included in the compound pursuant to Waterboro Zoning Ordinance Section(s) 3.06(02) and 8; and, also, that it a notation be made on the Conditional Use Permit to indicate the granting of a height variance by the Waterboro Zoning Board of Appeals. Everett seconds. The Motion carries a 6-0-0 vote in favor.

**Planning Board
Regular Meeting
October 26, 2000
Page Two**

8:08 Wayne Baker – Map 39, Lot 2 Mr. Baker is requesting a permit to build on a breezeway and to repair and expand his deck on his waterfront property. Doug asked Mr. Baker where his property was located – Mr. Baker replied, that it was in Herring Cove off of the Silas Brown Road (on the right). Dwayne indicated that he believed this to be the former Dube camp, which he though had had many extensions. Doug indicated that he believed the Board had granted the previous owner the 30% expansion due to a hardship involving his daughter.

After a review of the folder on this property, it was decided that a site walk would be needed on this property prior to the Board rendering its decision. Dwayne made a Motion to perform a site walk and to have Mr. Baker return under “Old Business”. Sue seconds. The Motion carries a 6-0-0 vote in favor.

Doug wanted to point out that he had concerns regarding the lack of on-site inspections being performed on the shorefront properties.

The meeting broke at 8:30 PM to relocate downstairs. The meeting was reconvened at 8:45 PM.

8:45 Mark Morin – Map 41, Lot 26 Mr. Morin is requesting a permit to build a single-story addition with 2-car garage on his waterfront property. Doug asked when the original structure (the house) was built – Mr. Morin responded that he believed it was over 50 years ago. The garage, which is more than 100’ from the waterfront and not at issue) was built in 1996. Sue indicated that it appeared from the site plan design that Mr. Morin was adding over 100%. Mr. Morin replied that he was, but not all of that is within the setback. Doug asked how big the lot was and indicated that the Planning Board had no authority to grant anything beyond 30%. He indicated to Mr. Morin that the Board issues dimensional setbacks and that the density of the lot would need to be determined. He believed that Mr. Morin would need to go before the ZBA and as such, the Board would have to deny his application. Once the ZBA acts, he can come back before the Board. Mr. Morin would need to ask the ZBA for a variance of the 20% density requirement as well as the 30%.

After some discussion, it was decided that the Board would perform an on-site of the property. Everett made a Motion to deny Mr. Morin’s application pursuant to Waterboro Zoning Ordinance Section(s) 7.01 and 2.08 et seq. as it exceeds the 30% rule. Sue seconds. The Motion carries with a 5-0-0 vote in favor. Roland requested that a copy of the Town Attorney’s letter regarding the Desrocher property with respect to the 20% density requirement be given to Mr. Morin – it was so done.

The meeting broke at 9:00 PM to relocate upstairs and was reconvened at 9:05 PM.

9:05 Fred Owen – Map 31, Lot 6 Mr. Owen is here on behalf of the property owners, Lawrence and Sandra Goddard, requesting a permit to replace the existing foundation on their waterfront property. Doug asked where the pump tank was located. Mr. Owen indicated that the plan was to dig it out and pour the foundation; however, if it could be done without raising the building, it will be blocked off. Sue asked if it would be going outside the existing footprint – Mr. Owen responded that it would not. Doug asked if he would be excavating the entire house – Mr. Owen indicated that they would be, all but the chimney. Doug believed there to be a big issue regarding erosion and asked if there would be some grade. Mr. Owen indicated that there would be a 10’ grade outside the building and, that a representative of DEP would be coming.

Sue made a Motion to approve the application pursuant to Waterboro Zoning Ordinance Section 7.01 Development of Shorelands; and, that the Code Enforcement Officer inspect the property for erosion control before any excavation is begun. Everett seconds. The Motion carries a 6-0-0 vote in favor.

**Planning Board
Regular Meeting
October 26, 2000
Page Three**

9:45 Donald Pushaw – Map 38, Lot 19 Mr. Pushaw is requesting a permit to rebuild an existing shed on his waterfront property. Doug asked what kind of setback reduction he was looking for. Mr. Pushaw responded 85' from the shoreline. Sue believed that it looked like it was only 75' and that a sketch would be needed. Mr. Pushaw indicated that the property was approximately 175' x 110'. Discussion was made to send the Code Enforcement Officer over to review the property (and existing structure) for safety. Sue asked to have the CEO go up and look at the property for any options and come back with recommendations. Dwayne made a Motion to approve the building, to be no larger than it currently is and in the same location; that the CEO recommend how to handle the reconstruction and to require a site plan locating all structures on the property. Doug indicated to Mr. Pushaw that he could not tear down the existing shed. After some discussion, Dwayne withdrew his Motion. He then moved that the Board allow Mr. Pushaw to repair the 16' x 16' shed and to put on a gambrel roof and, that the shed be used for nothing but storage; and to require a site plan locating all structures on the property. Doug indicated that he did not believe the Board could allow him to do that, regarding the roof. After some additional discussion, Everett seconded the Motion. The Motion carries a 5-1-0 vote in favor.

III. MINUTES OF PREVIOUS MEETINGS.

The Minutes of the September 28, 2000 Regular Meeting (which had already been approved as corrected) were signed. Dwayne indicated that he had a problem with the Conditional Use Permit granted to Malcolm Roberts. He believes that the Planning Board had rejected a permit request to build a garage on this property in the past, however, there is nothing in the file and Mr. Roberts did not indicate that one had been requested in the past. Dwayne indicated that he will not sign the Conditional Use Permit until the matter is investigated and depending on the outcome of what is found.

With respect to the Minutes of the October 11, 2000 Regular Meeting, Dwayne made a motion to approve the Minutes as corrected. Todd seconds. The Motion carries a unanimous vote in favor.

IV. REPORT OF OFFICERS.

V. OLD BUSINESS.

Armand Desrochers – Map 29, Lot 14 Mr. Desrochers returns to request a permit to build a 34' x 24.6' 2-car garage to be attached to his current residence on his waterfront property off of Townhouse Road. He would also like to demolish the old garage that is on the property and build a gazebo. The Board reviewed the letter from the Town Attorney with Mr. Desrochers and provided him with a copy of same. Mr. Desrochers indicated that he believed the overhang was not calculated in the original expansion and therefore he should be able to use that excess footage now, giving him an extra 100'. Tim explained to Mr. Desrochers that the Attorney is saying that we can only use the buildings in existence at this time. Dwayne reiterated that the 30% expansion had already been used up by virtue of a previously issued Conditional Use Permit and that we could not now go back and change that.

After some discussion, Doug suggested that Mr. Desrochers have the property surveyed to determine the right-of-way and size of the property per his original deed, and to see how much land has been taken by erosion. Or, that the Board could deny the application and it could then be appealed to the ZBA, but that it would be better if he get a surveyor to go out and measure the property from the high water mark, leaving the application open and coming back under "Old Business" at another time. After further discussion, Todd made a Motion to table the application pending a survey or pending the resubmission of a new plan which would not require a survey. Sue seconds. The Motion carries a 6-0-0 vote in favor.

**Planning Board
Regular Meeting
October 26, 2000
Page Four**

Jean Moreau - Mr. Moreau returns once again to request a permit to build a 24' x 24' shed to store his pop-up and snow blower. The shed will be 46' from the swamp area. (See Minutes of August 24, 2000 and September 13, 2000.)

At the last meeting(s) it was decided to send the Code Enforcement Officer to Mr. Moreau's property to measure all buildings within the shoreland and to report his findings to the Board. The CEO did, in fact, go to the property and has submitted a site plan of what he found.

Doug indicated to Mr. Moreau that he believed the Board's hands were tied in view of the Town Attorney's response and that Mr. Moreau would have to go before the ZBA. During discussion it was proposed to Mr. Moreau that the Board would be amenable to granting him a sideline setback of no less than 10'. It was decided to send the CEO over once again to see what sideline setback could be given and that Mr. Moreau would then need to amend his original plan. Mr. Moreau will come back again under "Old Business".

Gorham Savings Bank – Map 25, Lot 6 Mike Yandell of Gorham Savings Bank, Nancy Gilbert of Sebago Technics and Bill Eaton were in attendance on behalf of the Bank. Mr. Yandell gave a brief discussion of the current issues regarding the DOT and Nancy provided the Board with a copy of a letter from Dean Lessard of DOT.

Bill Eaton discussed -

- the movement of traffic along Route 5 and indicated that DOT needs to approve any proposal;
- that the traffic island will be replaced;
- that the draft before the Board is what DOT wants but, that DOT could change it;
- that the lights to be installed will be what is called "soft recall", not blinking lights.

Doug indicated that he did not know how the public was going to feel about the changes and that the reason Gorham Savings Bank is back this evening is not the issues relating to the intersection, but the problems with the exiting the bank. Nancy asked about a stop sign instead of a light. Dwayne said the purpose was to slow traffic down and that it would be impossible for a 60' tractor to get around. Sue suggested that it appears that DOT is not giving a permit unless the road issues are resolved, they (DOT) are tying it to the application. Nancy asked if the Board could separate the traffic issues from the site issues as they are 2 separate issues. Doug concurred. Sue asked if there was anything to prevent DOT from coming back with an alternate plan. Willis Lord made it known that 250 people have signed a petition for a traffic light at that intersection and that it is, in fact, a big concern of the community.

Dwayne asked about the issues of the trees that were discussed at the last Planning Board meeting. Discussion was made and it was believed that DOT and the engineers did not believe it was an issue, not on a 15' piece of land. Nancy asked if the structure could be approved contingent on DOT. Mike Yandell asked that it be approved as proposed. Sue asked if the Board approved the site application and then it is changed by DOT, could they amend it. Doug believed they could and thought that it would be a good idea to have a public hearing on the traffic light issue; that the issues needed to be separate.

After much more discussion it was agreed that the bank should not be held up. Everett then made a Motion to approve the site plan conditioned on having a public hearing (to be scheduled for 11/16/00 or 11/30/00 as an alternate date) for review of the traffic permit at a joint hearing with DOT, Sebago Technics, Gorham Savings Bank, the Selectmen and Town, and to modify (if necessary) the approval of the permit to address concerns raised

at the meeting; and to assure that the bank incur no additional costs over and above that of the current proposal. Roland seconds. The Site Plan Checklist was reviewed prior to a vote. The Motion carried a 5-1-0 vote in favor.

Planning Board
Regular Meeting
October 26, 2000
Page Five

VI. COMMUNICATIONS.

VII. MISCELLANEOUS.

The site walks were scheduled for the Morin and Baker properties for Saturday, 10/28/00, at 8:30 AM, beginning at the Morin property.

Dwayne discussed briefly what he would be proposing for the 2001-2002 budget for the Planning Board.

VIII. NEW BUSINESS.

IX. ADJOURNMENT.

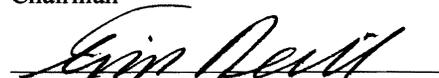
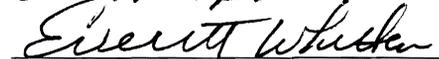
Sue then made a Motion to adjourn. Everyone seconded. The motion carries a 6-0-0 vote in favor. The meeting is adjourned at 11:30PM.

Respectfully submitted,


Dwayne Woodsome,
Secretary/Treasurer
Planning Board

ACCEPTED: _____

Chairman




PLANNING BOARD

Town of Waterboro

November 8, 2000
Regular Meeting

I. ROLL CALL.

Doug Foglio called the regular meeting to order at 7:40 PM, in attendance are Roland Denby, Everett Whitten, Todd Morey, Dwayne Woodsome and Tim Neill. Susan Dunlap was absent. Also in attendance were Bob Gobiell, Terese Lowell, Dena Worster, Willis Lord and Brenda Charland.

II. APPOINTMENTS.

7:30 BH2M on behalf of Andre & Susan Cote – Map 11, Lot 42 Bill Thompson, Project Manager, was present and speaking on behalf of the Cotes and is here for Pre-Application of a 14 lot subdivision off the end of Brookside Road, Zoned AR. All lots are to meet or exceed 80,000 required square feet. Mr. Thompson indicated that he did not believe the Cotes had any interest in further developing the 331+ acres. A second house has already been started at the edge of the Deering Ridge Road.

- The Hammerhead turn around is shown. A 50' right-of-way will be maintained between lots 3 and 5, not to prevent future development if it is every considered.
- 2000' total length of road from Brookside which will be built to Town specifications, but is not sure if it will be offered to the Town.

Doug's concern was that a waiver would be needed for a cul-de-sac road – current right-of-way on Brookside does not appear to be sufficient for Town specifications. Bill believes that Andy owns the 50' right-of-way on Brookside.

Roland questioned what the owner intends to do with the remaining property. Bill stated that he did not believe Andy intended on developing; that he planned on keeping it for his enjoyment.

Everett questioned the deed restrictions. Bill stated that Andy will build completed spec houses that will sell, but will not limit the quality and prices of the other homes. Roland noted that if the Town does not accept the road that they will be required to have a road maintenance agreement. The fire chief will need to look at the subdivision to see if a fire pond is needed.

Doug questioned if the applicant has considered a cluster development. Bill indicated that now that the soils have been reviewed that he may present an alternative to the subdivision. Doug informed Bill that once the road is marked that an onsite is needed. The Brookside subdivision plan will also need to be reviewed before proceeding. The length and capacity of the road needs to be taken into consideration – expanding the width of the Brookside Road may be required.

Bob Gobiell discussed the thoughts of having sidewalks in some of these subdivisions. Doug noted the requirements, alternatives and expenses to sidewalks.

A site walk is scheduled for Saturday, December 2, 2000 at 9:00 AM, to meet at the end of Brookside.

7:45 Salmon Falls Architecture for Saco Valley Credit Union – Map 21, Lot 1 A sketch plan review is presented by Salmon Falls Architecture for the property located on the corner of West Road and Main Street.

- A 2-story, 2300 sq ft per floor.
- There will be 2 road accesses - Main St. being strictly entrance only – West Rd. will have in/out.

- 30 parking spots will be positioned as best as possible to fit the lot. DEP may be approached for parking areas due to 100' setback for brook.

**Planning Board
Regular Meeting
November 8, 2000
Page Two**

- 1200 ft customer service area.
- There would be 3 teller drive-thru stations.

Todd questioned the distance from the ATM – Salmon Falls states about 35'.

Roland questioned the purpose of the credit union and will this fall under DEP. Carrie from the credit union notes – it is a community credit union.

Doug indicated that DEP will need to be involved. A site plan and conditional use permit will be needed with major concerns on the entrance/exit on the West Rd. Peer review will be needed at the credit union's expense. Storm water permit for quality and quantity. Setbacks are used to keep the village appearance of the other homes/buildings in the area.

Carrie stated that many items that were told to them by the realtor they have now found are not true, including lot size, entrances, etc. They would like to proceed with a plan like the one presented tonight whether on this lot or any other lot.

The Planning Board will research the requirements on the parking.

8:00 Russell Coughlin for Robert Hindle – Map 19, Lot 7 Robert Hindle previously came forward as the Amvets – now is proposing a restaurant/lounge and would like a package deal for the entire property. He would like to straighten out all the permit / non-permit issues.

Doug reviewed letters from the Selectmen, Attorney and Code Officer. At the attorney's recommendation, the Board will not review the application set forth. Robert wanted on the record that they were violating his right as a taxpayer.

Todd made a motion to adjourn. Everett seconded. The meeting was adjourned.

Todd made a motion to reconsider the motion to adjourn. Dwayne seconded. The motion carried unanimously.

Todd made a motion to reconvene. Dwayne seconded. The motion carried unanimously. The meeting was reconvened.

III. MINUTES OF PREVIOUS MEETINGS.

IV. REPORT OF OFFICERS.

V. OLD BUSINESS.

Wayne Baker – Map 39, Lot 2 Mr. Baker was not present. The Board discussed the application briefly, specifically regarding the roof between the garage and camp and a mudroom. The attorney has said that the 30% has been more than met. Building added after 70's, 12' to the water. May consider looking into alternative to

30% rule passed 3 years ago. That will have to be brought up in a public hearing. Applicant to bring in new plans.

**Planning Board
Regular Meeting
November 8, 2000
Page Three**

Jean Moreau – Map 11, Lot 29A Mr. Moreau returns with another set of plans in which the garage is constructed to the side of the house instead of behind (130' from wetlands, non-conforming lot, 15' off property line, 30% does not apply) and requests a sideline setback. Septic is in the back of the building. The sidelines have been determined from the corner pins.

Todd made a Motion to approve the application as follows:

- the sideline reduction to be no less than 15',
- the front setback be no less than the front of the existing house;
- at completion of construction, a Class D survey is to be provided to the Code Enforcement Officer.

Dwayne seconded. The Motion carries a unanimous vote in favor.

Kenneth Pierce – Map 32, Lot 71H Mr. Pierce is back to request that a trailer be placed on the same lot as the existing residence. Doug said the Zoning Ordinance prohibits two separate residences on same lot. Mr. Pierce explained that the problem is that the front steps of the residence straddles the property line. Doug explained that an encroachment combines two lots. The easiest way would be to change the property line so that the square footage is not changed. The archived maps will have to be reviewed to determine how the subdivision was recorded. They will need a dimensional setback conditional use. The name of the subdivision was Landry.

Malcolm Roberts – Map 29, Lot 15 Mr. Roberts is here with a revised plan for his garage. He wants to move the garage back 9' towards the water. Doug Foglio excused himself from the discussion on Malcolm Roberts' application.

A motion was made to remove the approved conditional use permit. Everett made a motion that the original unsigned conditional use permit be amended to allow the moving of the garage. It was advanced that the right-of-way affects the sideline. The Zoning does not allow a structure within 35' of a right-of-way. The exemption is that the owner did not create the right-of-way. Dwayne stated that an application to build a garage was denied in the 1980s. Files will be reviewed. Dwayne was concerned that the 30% rule has been met when the new residence was built. Everett explained that no figures are available; the records need to be searched. Everett repeated that without records, there is nothing to base that claim on. The motion failed for lack of a second.

Tim made a motion that the request be tabled until research can be done. The motion failed for lack of a second.

VI. COMMUNICATIONS.

VII. MISCELLANEOUS.

VIII. NEW BUSINESS.

IX. ADJOURNMENT.

A Motion to adjourn was made. Everyone seconded. The motion carried a unanimous vote in favor. The meeting is adjourned.

**Planning Board
Regular Meeting
November 8, 2000
Page Four**

Respectfully submitted,

Dwayne Woodsome
Dwayne Woodsome,
Secretary/Treasurer
Planning Board

ACCEPTED: _____

Chairman

Erin Pettit
Everett Wheeler

Poland E. Dewey

PLANNING BOARD

Town of Waterboro

November 30, 2000

PUBLIC HEARING

Doug Foglio called the Public Hearing to order at 7:15 PM noting the following members in attendance: Susan Dunlap, Dwayne Woodsome, Tim Neill, Todd Morey, Everett Whitten, and Roland Denby. Also present are Willis Lord, Brenda Charland and Robert Fay. Nancy Gilbert of Sebago Technics, William Eaton of Eaton Traffic Engineering, Bruce Ibarquen of the Maine Department of Transportation, Traffic Division in Augusta, and Mike Yendell of Gorham Savings Bank. There were also approximately 20 members of the public in attendance.

This public hearing is to discuss the proposed traffic signal to be placed at the intersection of Routes 5 and 202 and the impact on the businesses in that area.

Nancy Gilbert: Discussed the site plan review that has occurred thus far between the Planning Board and DOT, and what the purpose of tonight's public hearing is about.

William Eaton: Discussed the traffic signal. He stated that they will be adding additional poles; it will be a fully activated traffic signal with sensors at all intersection markers referred to as a "soft recall" which is an automatic default green light, but when a vehicle approaches from the side street it will change, if no vehicles are present, it will not change from green on main road.

Robert Fay: Will it slow down the traffic on Route 202?

William Eaton: No.

Robert Fay: Is the solution a safety problem?

William Eaton: We, as a rule, do not use traffic signals for speed control devices.

Bob Gobiell: Will the traffic flow change? Will the yield sign be removed?

William Eaton: The yield sign should have been removed by virtue of the Shop 'n Save deal.

Doug: The Planning Board is opposed to the traffic signal, actually I am opposed to the signal. People here have pushed for it and DOT has changed the design without notifying the Board. Initially there was just to be a stop sign at the intersection. There are no speed or intersection signs and there should be. Doug discussed the test that he did with one of his trucks and the difficulties that he encountered. He added that if a light is eminent, that any sensors should be put to accommodate trucks. He also has concerns regarding other large vehicles.

Bob Gobiell: Indicated that he has a petition signed by townsmen and presents it to the Board and DOT. He feels that the design should be changed, but that a traffic light is needed.

Willis Lord: The light would be safe; safety is in fact the issue, not volume of traffic.

Bruce Ibarquen: Explained DOT's participation thus far in this process and tries to answer some of the questions posed thus far. Why was it done the way that it is proposed – he does not know, he was not involved in this project, possibly radius was a concern. With respect to the arrows in the road – they are

**Planning Board
Public Hearing
November 30, 2000
Page 2**

there to tell you what lane to be in, not where to turn (directional). The keep right sign should be angled properly – he will check on this.

William Eaton: Wants to keep the proposal without a left-hand lane.

Bruce Ibarquen: Requirement of the DOT permit for Gorham Savings Bank is for a fully actuated signal and to make appropriate pavement, road and sign adjustments. DOT has received letters from the Sheriffs Department, State Police, municipal officers of the town and many other in favor of a signal light.

Willis Lord: Can the island there now be moved to the right for large trailers?

Doug: There is a problem with the right-of-way width and speed.

Robert Fay: The intersection was dangerous before it was remodeled – I do not believe that Shop 'n Save traffic created the problem.

Doug: The Shop 'n Save volume is 15% less than was predicted for the intersection and the business itself has more volume than predicted.

Roland: Is there anywhere to slow the traffic down – all of Route 5 is banked, there is a crown in the road approximately 10" or 12".

Dwayne: Believes that the State a right-of-way goes over Bonnett's property, believes the right-of-way is 10'-12' of State right-of-way. Asks if the safety bumps can be moved.

B. Ibarquen: Does not know the impact it would have on the parking lot for Bonnetts and the ability to conduct business.

Doug: Asks DOT if he was at the meeting in Standish on the traffic signal.

Eric Herle: Let's just get the job done right – redo your design; the large portion of the problem is the bank, they should pay.

Mr. Look: It is too difficult to get in and out of the bank.

Town member: Will there be any sidewalks – people do walk on the sidewalks.

Doug: Will there be any walk lights?

B. Ibarquen: No, without sidewalks and no walk lights. The town needs to address the issue of sidewalks; DOT does not build them.

Doug: The Board does not agree with the lights. Shop 'n Save created the problems with DOT. Doug read the Duluca Report prepared for Shop 'n Save.

B. Ibarquen: Would like to chase down the original designer of the intersection. The Permit will be issued with lights.

**Planning Board
Public Hearing
November 30, 2000
Page 3**

Town member: Who will pay and maintain the light?

B. Ibarquen: The permittee is responsible. The State cannot sign an agreement with the bank only the Town. The town has to reach an agreement on that issue with Gorham Savings Bank.

Dwayne: The developer will pay to install the lights.

Doug: The issue of maintaining the traffic signal will have to go before the Town Meeting.

The public hearing is closed at 8:30 PM.

PLANNING BOARD

Town of Waterboro

December 13, 2000

Regular Meeting

I. ROLL CALL.

Susan Dunlap called the regular meeting to order at 7:32 PM, in attendance are Roland Denby, Everett Whitten, Dwayne Woodsome and Tim Neill. Doug Foglio and Todd Morey were absent.

II. APPOINTMENTS.

7:33 Dorothy Ridley – Map 24, Lot 19 Mrs. Ridley and her contractor were present to request a setback reduction to construct a 24' x 12' carport on her property on the New Road. The lot size is approximately 3750 sq ft (75' x 150') (.39 acres per tax bill). It is a nonconforming lot. Mrs. Ridley's contractor indicated that Mrs. Ridley would like a carport in order to get her vehicle out of the weather.

Sue asked where the septic system was located – is it near the driveway? She indicated that the Planning Board tries to decrease a property's nonconformity, not increase it. She asked if it could be placed somewhere else on the property – believes the distance and leach field are problems. The contractor replied that it could not be placed elsewhere on the property.

Dwayne suggested that a onsite inspection with the CEO be done. Tim asked if the roof pitches towards Blue Road and the water and could it go on the opposite side. Sue asked what the sideline setback is – it is 14' or less. Roland asked if the expansion would meet the 20% density requirement and the 30% expansion requirement – the response was no. The contractor indicated that he could make it smaller.

Roland asked the contractor who made out the application for Mrs. Ridley and how did they arrive at the % figure. The contractor replied that it was derived from what Mrs. Ridley had told him. Sue indicated that the average width was 70' and that the issues of the septic and the proximity to the water of the proposed structure must be addressed. She indicated that the CEO should be sent to look at it. She further indicated that a new sketch would be needed indicating what has been told to the Board this evening. Roland stated that he believed the application should be withdrawn until accurate figures could be ascertained.

Everett asked if this was a corner lot – the contractor indicated that it was not – Sue indicated that it was her belief that it was sort of a corner lot. She also indicated that another issue is that a DEP permit-by-rule should be applied for since the soil will be disturbed.

Dwayne made a Motion to send an onsite committee with the CEO (and anyone else who wants to go) to view the property and prepare a site plan and, to have Mrs. Ridley submit a new application indicating where the septic system is located as well as to provide the Board with a copy of the deed to the property. Everett seconds. The Motion carries with a 4-0-0 vote in favor.

In addition, the Board instructed the contractor to speak with the CEO and to check with DEP to see if a permit-by-rule is necessary.

8:00 Gary Moreau– Map 11, Lot 29-A3 Mr. Moreau was present to request a setback reduction to place an addition on an existing race house for the purpose of raising fish on the property located off the Townhouse Road. Mr. Moreau showed the Board a drawing that he had made of the lot in question. He indicated that the CEO put a Stop Work order on the addition for lack of a building permit. Kathy indicated that there was also an issue regarding the proximity of the addition to the wetlands (per the CEO).

**Planning Board
Regular Meeting
December 13, 2000
Page Two**

Sue asked if Mr. Moreau had a State permit – he indicated that he did and showed something to the Board. Kathy asked for a copy for the file. The Board asked about the frontage. Roland stated that the diagram did not show them anything. Kathy indicated that the CEO believed the construction that Mr. Moreau had already begun was “new construction” and not a replacement of what was already there. There was some discussion by the Board regarding this. Sue referred the Board to §7.01(2)(B)(3) *Reconstruction or Replacement*. A brief discussion on this section was had.

Everett asked Mr. Moreau if the repairs started within the year. Roland read a portion of the letter from the Town Attorney. He also indicated that he believes (from what Mr. Moreau has told the Board) that this is a repair of an existing structure and not an addition. Again, there is brief discussion.

Everett made a Motion to approve Mr. Moreau’s application to **reconstruct** the existing building pursuant to §7.01(2)(B)(3) *Reconstruction or Replacement* of the Waterboro Zoning Ordinance. Roland seconds. The Motion carries a 4-0-0 vote in favor.

Dwayne leaves for a moment to go before the Finance Committee on behalf of the Planning Board. The Board breaks at 8:25 and reconvenes at 8:27.

8:28 Timothy McCoy – Map 19, Lot 29 Tim McCoy is present to request a setback reduction in order to expand the existing structure on his property located off of Route 202. Mr. McCoy describes his property to the Board. He would like to tear down the old foundation (basement). After some discussion, Sue asked if runoff was not counted is the proposed construction within 100’ of the wetland. Roland asked why he was before the Board – did not believe that this was shoreland property. Sue asked how Mr. McCoy was going to reconstruct this – will he have to dig in the ground. Roland asked if Mr. McCoy knew what the previous owner had planned for this foundation. Sue suggested that the property be surveyed to see if it was outside the 100’ setback. Mr. McCoy responded that the property had already been surveyed and that the corner of the structure was 65’ to the high water mark. Sue suggested that we research to see what DEP proposes is the definition of high water and normal high water. Tim referred the Board to page 107 of the *Planning & Land Use Laws* manual. A brief discussion was had on that section. Roland indicated that he believed the Board check with DEP on this one. Sue believed that environmentally there would be no impact to the stream. Everett suggested that the Board have the CEO clarify streams. Mr. McCoy suggested that he could keep the footprint exactly as it currently is. Sue asked if the project would be finished within 2 years otherwise he would have to come back. Mr. McCoy did not believe that it would be. Additional discussion.

Tim made a Motion to consult DEP on this application. Everett seconds. The Motion carries a 3-0-1 vote in favor. Roland makes a Motion to include with the request to DEP what the setbacks to Carpenter Brook should be. Everett seconds. The Motion carries a 3-0-1 vote in a favor.

8:55 Robert McKenney – Map 49, Lot 11-L Mr. McKenney is present and requests a setback reduction to construct a 28’ x 28’ **detached** garage on his nonconforming lot located at Oak Lane. There is brief discussion regarding the subdivision in which the property is located, etc. Dwayne asked if the setbacks could be met. Roland indicated that he believed §§2.08 and 4.02 gives the Board the authority to grant a setback. Sue read the section defining primary use and structures and compared it to the letter from the Town Attorney to the CEO. Sue indicated that this opinion by the Attorney is contrary to what the Board has been doing since 1977. Everett indicated that it was his belief the Board can issue a setback reduction without the structure being connected. There was discussion as to getting additional information from the Town Attorney with respect to what criteria he used for this decision.

**Planning Board
Regular Meeting
December 13, 2000
Page Three**

She also believed that §2.08 allowed the Board to do it. Roland asked if all the setbacks could be met with the garage – the answer was “no”.

Everett made a Motion pursuant to §2.08 et seq. of the Waterboro Zoning Ordinance to grant an 18’ sideline setback from the abutting property (Map 49, Lot 11-M) to build a 28’ x 28’ freestanding structure. Roland seconds. The Motion carries a 4-0-0 vote in favor. Note that the abutting property owner (Craig Theriault) is present.

III. MINUTES OF PREVIOUS MEETINGS.

Dwayne made a Motion to approve the Minutes of the October 26, 2000 Regular Meeting as prepared. Everett seconds. The Motion carries a 4-0-0 vote in favor.

Dwayne made a Motion to approve the Minutes of the November 8, 2000 Regular Meeting as prepared. Everett seconds. The Motion carries a 4-0-0 vote in favor.

It is determined that the Minutes of the November 30, 2000 Public Hearing do not need Board approval but should be put on file. All were in favor.

IV. REPORT OF OFFICERS.

V. OLD BUSINESS.

Mark Morin – Map 41, Lot 26 Mr. Morin returns with new plans. He indicates that the existing structure was built prior to the setbacks of today and has 1,378 sq ft, all within 100’ of the shore – 30% of that existing structure would equal 413.4 sq ft. The proposed one-story addition would add 1,826 sq ft with 410 sq ft of that within the 100 ft shoreline setback, built on a frost wall foundation. It would have an attached entryway; handicapped bathroom; large bedroom and hallway, both with pocket doors for wheelchair maneuverability; a family room; and an attached two-car garage large enough to accommodate the applicant’s van and lift. The area to be disturbed is flat land and is located on the opposite side of the house from the lake heading west towards the Silas Brown Road. The existing area consists of grass and part of the driveway (there are no trees to be removed).

Dwayne informed Mr. Morin that he would need a permit-by-rule from the DEP before any soil could be disturbed. The Board commended Mr. Morin on the thoroughness and accuracy of his application.

Dwayne made a Motion to approve Mr. Morin’s application as presented pursuant to §3.03 of the Waterboro Zoning Ordinance contingent upon the granting of a permit-by-rule from the DEP and, that all erosion control measures be met for this construction. Everett seconds. The Motion carries a 4-0-0 vote in favor.

Wayne Baker – Map 39, Lot 2 Mr. Baker returns following an onsite inspection conducted by the Board of his property. A brief discussion is had wherein Kathy explains her findings with respect to prior activity on this property (i.e., that no prior conditional use permits have been issued, with the exception of a variance by ZBA prior to 1989 (which is when the 30% rule was enacted by the DEP – see handout from DEP website to be attached to these minutes). Dwayne asked what the distance was between the house and the garage. Mr. Baker responded that it was 11’. Sue asked what the square footage was and what the total expansion Mr. Baker was asking for. Tim indicated that the total square footage (excluding overhangs) is 1,602 sq ft. Additional discussion regarding the dimensions of the current structures, etc, was had.

**Planning Board
Regular Meeting
December 13, 2000
Page Four**

Tim made a Motion pursuant to §§9.03, 2.08, 7.02(b) *Expansions* ... of the Waterboro Zoning Ordinance to approve Mr. Baker's application in as far as to allow the breezeway (with overhang) to be constructed and connected to the existing garage (11' x 11') and to connect the roof from the house to the breezeway to include the garage. Mr. Baker will then return at a later date under "Old Business" to review the remaining footage he has for the possible construction of a deck and, that all erosion control measures be in place. Further, that the CEO be sent to the property to measure the existing buildings (with overhangs) and to prepare a site plan for the Board to use to consider the remaining square footage. Everett seconds. The Motion carries a 4-0-0 vote in favor.

Mr. McCoy has returned with a question for the Board and reviews his drawings with them.

Discussion of Gravel Pits Dwayne stated that the Board has (timely) received the four (4) Reclamation Plans from gravel pit owners that were granted an extension of December 8, 2000 at 4:00 PM. He recommended that the meeting be **postponed** (not adjourned) until next week to review and discuss the gravel pits and the plans that have been submitted and to review the letter to the Board from the Town Attorney regarding the discussions at the workshop. Roland suggested that there be a checklist prepared of what has been reviewed thus far. Sue indicated that they needed to decide on a date to meet – Monday, December 18, 2000, was suggested.

Dwayne made a Motion to postpone this meeting until December 18, 2000, at 7:30 PM in order to finish the Agenda. Tim seconds. The Motion carries a 4-0-0 vote in favor.

VI. COMMUNICATIONS.

Sue brought up the concerns raised by Selectman Robert Fay in his recent letter pertaining to the Kenneth Pierce application. She wanted it on record that Mr. Pierce was seen by the Board twice in the last 3 months and that this was a manmade barrier and that options had been presented to Mr. Pierce. Dwayne made a Motion to send copies of the Minutes of those two meetings to Selectman Fay. Tim seconds. The Motion carries a 4-0-0 vote in favor.

The Meeting is closed at 10:45 PM.

December 28, 2000 – Carryover of the December 13, 2000 Regular Meeting of the Planning Board.

The meeting is reconvened by Susan Dunlap at 7:30 PM. In attendance are Roland Denby, Everett Whitten, Todd Morey, Dwayne Woodsome and Tim Neill. Doug Foglio was absent.

Dwayne read a letter that the Board received since December 13, 2000, from Wayne Baker declining the conditional use permit that was granted to him earlier in this meeting as he would like to use the alternative expansion rule of the DEP, when and if this zoning change is approved by the Town.

Tim made a Motion to rescind his previous motion granting the conditional use permit per the request of the applicant. Everett seconds. The Motion carries a 4-0-1 vote in favor.

VII. MISCELLANEOUS.

Sue relayed to the Board that the CEO had received a phone call regarding the Gary Moore property and the 371 sq ft expansion that was granted to Mr. Moore by the Board by virtue of a conditional use permit. She mentioned several issues in question regarding this file:

- The sketch plan is not in the file.
- Was not clear in the Minutes how the 30% was calculated.

She recommended that everything needed for the Board to make its determination on applications be in the file prior to the file being presented to the Board. Dwayne recommended that the Board form an onsite committee to look at the properties to come before the Board and to measure and have the CEO prepare a site plan of same prior to the application being presented to the Board.

Dwayne made a Motion that for the next six (6) months the CEO go with the onsite committee (consisting of Everett and Roland) to the subject properties prior to the applicant coming before the Board for all shoreland properties; that the applicants be required to provide better, more accurate sketch plans (indicating what structures are already on the property), clearer and thorough applications, a chart and a Class D survey prior to any construction. Todd seconds. The Motion carries a 3-0-2 vote in favor.

Sue recommended that we send all requests for setback reductions outside of the shoreland, wetland areas to the ZBA for variances. Todd commented that the towns he has done business with send all setback requests (outside of the shoreland zone) to the ZBA for variances, not to the Planning Board for conditional use permits.

Dwayne commented on another letter to the Board from Selectman Robert Fay regarding the Pierce property. After a brief discussion it was recommended that the CEO and onsite committee be sent to the Pierce property to measure and make recommendations.

Sue recommended that the Board not act on any application unless it is thoroughly complete (as discussed above) and to have the CEO calculate the 30% expansion after he does his onsite inspection.

Roland dismisses himself from the rest of the meeting.

Further discussion of gravel pits – The Board reviewed the letter from the Town Attorney regarding what was discussed at the workshop.

With respect to the Dearborn pit – a review of the file reveals that DEP has issued a permit to Dearborn for a 26-acre worksite external drain pit dated Nov. 9th 1999, bond reclamation has been secured. Sue believes there was a hearing on this. Dwayne concurred and indicated that no one showed up for the hearing except the Dearborn crew, DEP, Dwayne and 2 elderly ladies.

Dwayne made a Motion that the Dearborn pit be placed on the “exempt” list of gravel pits due to prior approval by DEP and the Town’s approval by virtue of its failure to object and/or to act on the permit application in the time prescribed by the DEP, thereby waiving its right to oppose the permit. Further, that the letter stated the opinion of the Town Attorney in this regard be placed in the Dearborn gravel pit file and be attached to these Minutes. Todd seconds. The Motion carries a 4-0-0 vote in favor.

**Planning Board
Regular Meeting
December 13, 2000
Page Six**

With respect to the Brandt pit – after some discussion, Dwayne made a Motion to send the owner a letter indicating that a copy of the DEP letter approving the gravel pit is needed. Todd seconds. The Motion carries a 4-0-0 vote in favor.

Sue proposed a 5-minute recess at 8:10. It reconvened at 8:15 PM.

Sue proposed that the Board review the four (4) reclamation plans which had been received (i.e., Town – Map 8, Lot 47; Bean – Map 4, Lot 22A & 23; Broomhall (Owen) – Map 16, Lot 19; and McDonald – Map 5, Lot 21-3). Per the Town Attorney, the Board needs to acknowledge receipt of these plans in compliance with the requirements set forth for the submission of the plans.

Dwayne made a Motion that the Board acknowledge receipt of the Reclamation Plans from the following gravel pit owners:

- Town of Waterboro – Map 8, Lot 47;
- Bean – Map 4, Lot 22A & 23;
- Broomhall (Owen) – Map 16, Lot 19; and
- McDonald – Map 5, Lot 21-3).

as of December 8, 2000, by 4:00 PM, as per the 120-day extension granted by the Board and as required by the Ordinance. Note that the Board had previously received the Jewett plan. Todd seconds. The Motion carries with a 4-0-0 vote in favor.

Dwayne indicated that on his review it appears that the Board have received three (3) plans with most of the information and one (1) who sent a letter who has a small pit (425' x 500') who plans to reclaim as he goes. Bean wants 5 acres and then stop. The Town is at a threshold and will probably need to go to the DEP, the same with McDonald.

Dwayne presented a newspaper article regarding a child who was killed when he struck a gate that was placed at a gravel pit – the pit owner is being sued. The Board discusses the question of the Town's liability for requiring the pit owners to install a gate. Sue would like the Board to vote to waive that provision of the ordinance. Todd indicated that the Board could not do that – the request would have to come from the applicant.

VIII. NEW BUSINESS.

Lake Arrowhead proposed Wellhead Protection Ordinance. The Board noted that Jeff Brown of the Lake Arrowhead Association is scheduled to come before them at the next regular meeting. The Board would like Mr. Brown contacted and informed that he will need to have everything he is planning on presenting, including the proposed wording of the zoning change, to the Board prior to January 2, 2001. This will enable the Board to review the materials prior to the meeting in an effort to save time. The Secretary is instructed to contact Mr. Brown and relay this to him.

IX. ADJOURNMENT.

Dwayne made a Motion to adjourn this meeting. He further moved that the Board members review the current extraction ordinance and that a workshop be held on the ordinance on January 2, 2001, at 7:30 PM and that the CEO be asked to attend this workshop and to inform him that the Planning Board will pay him out of their budget for his attendance. Todd seconds. The Motion carries a 4-0-0 vote in favor.

**Planning Board
Regular Meeting
December 13, 2000
Page Seven**

The meeting is adjourned.

Respectfully submitted,

Dwayne Woodsome
Dwayne Woodsome,
Secretary/Treasurer
Planning Board

ACCEPTED: *2/14/01*

Chairman

Dwayne Woodsome

Richard E. Dault

Everett Whelan

Jim Hill