

*original
copies*

Waterboro Planning Board

TOWN OF WATERBORO

MAINE

SPECIAL MEETING, JANUARY 16, 1975, 4:30 p.m., TOWN CLERK'S OFFICE

Members present: Chmn. Gannett, Wade Junkins, Daniel Willett,
Daniel Sanford and Frank Goodwin.

WEST WIND ACRES--E.A. Garland

Mr. Garland had been over the proposals made at his last appearance before the Board. He reported that he had contacted the State Dept. of Transportation who recommended that only from 10 to 15 ft. of the stone wall between lot 22 and West Rd. be removed and that no trimming would be required. The Board agreed to accept this provided it received the recommendation from the Dept. of Transportation in a letter.

The matter of rearranging the lot 11 boundaries was discussed. It was proposed and agreed to that the easterly boundary would be moved westward by about $\frac{1}{2}$ the width of the lot and approximately parallel to the existing boundary and that the westerly boundary would be moved a similar distance westward and parallel to the westerly boundary. Mr. Garland pointed out that the turn-around would have to be moved ahead by about the bigness of it in order to provide adequate frontage on it for lot 11. This was agreed to.

With regard to the proposed combining of lots 3, 4 and 5, and the elimination of lots 13 and 14 as house lots and the relocation of the right-of-way to the picnic area to lot 13, Mr. Garland registered strong objection. He maintained that lots 3, 4 and 5 were large enough and that, contrary to the position of the Board, 13 and 14 were buildable. He indicated that each lot lost would deprive him of about \$3000 profit. The Chmn. explained to him that all other considerations had precedence over profit. The proposals agreed to, after lengthy discussion, are as follows:

1. Lots 3, 4 and 5 will be combined and divided into 2 lots of approximately the same area and street frontage.
2. The boundaries of lot 12 will be changed as follows:
the easterly boundary to be moved westward approximately one half the width of the lot and approximately parallel to its existing bearing; the westerly boundary to be moved westward into lot 11 by a similar distance and approximately parallel to the bearing of the existing westerly boundary.
3. The turn-around at the end of West Winds Dr. will be relocated westward, as required, to provide for adequate frontage on the turn-around for the rearranged lot 11.
4. Lots 13, the picnic area, the right-of-way from West Wind Dr. across lot 14 to the picnic area shall be accessible to all occupants of the subdivision and, along with all drainage easements, shall be a conservation easement to the Town of Waterboro, the upkeep being the responsibility of the subdivision community under the surveillance of the Town.

5. The Board will accept, upon the receipt of a letter from the Dept. of Transportation, their recommendations for the removal of only 15 ft. of the stone wall along the easterly boundary of lot 22, beginning at West Wind Dr. northward and that no trimming will be needed.
6. It will be agreeable to the Board for the developer to take whatever steps are necessary to make lots 1 and 17 a part of the subdivision, should they be sold prior to approval of the Final Plan.

It has been previously agreed that:

1. The easement from West Rd. along the northerly side of lot 23 and terminating at the westerly boundary of lot 23 will remain.
2. A suitable fence will be constructed by the developer around the old cemetery, and the cemetery will be deeded to the Waterboro Historical Society.

When a Preliminary Plan, altered to show the above changes plus other provisions previously agreed upon, is presented to the Waterboro Planning Board it will be accepted. The Final Plan will, however, bear several restrictions of a general nature.

SACO RIVER CORRIDOR--DISTRICTING

The Board directed its attention to the matter of its recommendation to the S.R.C.C. for the districting of the land within the Waterboro section of the Corridor. The Tax Maps of the Town of Waterboro were used to show the area under consideration. The approximate boundary had been drawn upon these maps by Mr. Goodwin. The land use at this time was general knowledge of the Board and had been for a matter of years. Outside of the Lake Arrowhead Estates, there is relatively little development in progress within the Corridor, namely, one by the Woodsome Lumber Co. consisting of 11 contiguous 3/4 acre lots on a portion of a large tract of land in No. Waterboro and Wilderness Acres by Mr. Stanley Harmon consisting of 10 lots on 16 acres near the Hollis Town line.

Arrowhead has, within the Corridor, 582 lots with a considerable network of roads and an approximately equal length of water system. This degree of development stands apart from anything in the entire Corridor, except the Limerick portion of Arrowhead, and, as a consequence, posed a question as to whether or not it should be classified as Limited Residential or General Development. Section 14, subsection 1 of the Act is as follows:

Areas to be included. The General Development District shall include those areas within the Corridor which exhibit a clearly defined pattern of intensive residential, commercial or industrial development and such reserve growth areas as may be deemed necessary by the Commission after considering ---

It was agreed that there had been "development" in accordance with the stated definition in the Act but the uncertainty was about the term "intensive" for which no criteria had been stated for it in the Definition section of the Act, none from the Commission nor from the Office of the Atty. General. For the want of guidance, therefore, Mr. Goodwin referred to the dictionary definition as applied to this use: "constituting or relating to a method of land cultivation calling for large-scale employment of capital and labor". He maintained that "cultivation" was merely an exemplary term and that "development" could as well have been used; that it was the remainder of the definition that was important. However there was wide spread doubt as to whether the construction of only 49 houses on 582 lots since the approval of this subdivision in 1973 would constitute "intensive development". Mr. Goodwin called attention to the 6th paragraph on page 29 of the Saco River Corridor Commission's Comprehensive Plan in which an indirect reference is made to the Arrowhead development as "intensive", and to Section 10 of the Act which states that this Plan "shall be used as a guide by the planning boards of the municipalities within the Corridor in making recommendations for district boundaries---", suggesting, therefore, that the Planning Board may well be bound by law to declare Arrowhead General Development. Chmn. Gannett pointed out that the paragraph referred to also regarded this intensive development as a possible detrimental fate to the goals of the Act. The area was then examined with regard to the 6 qualifying statements under Subsection 1. The Board agreed that:

- A. There is suitable area outside the Corridor which could adequately accommodate the anticipated growth of the area of intensive development.
- B. The growth of the area of intensive development within the Corridor is not necessary or desirable
- C. The reserve growth area qualifies for inclusion in the Resource Protection District.
- D. The reserve growth area is suitable for the uses permitted within this district.

SACO RIVER CORRIDOR--cont.

- E. The uses permitted in this district within the reserve growth area would result in water quality degradation.
- F. The uses permitted in this district within the reserve growth area would reasonably interfere with the fish or wild life habitat and the scenic values of those areas eligible for inclusion within the Resource Protection District.

Discussion on the matter having been concluded, Chmn. Gannett inquired whether or not any member desired to propose the districting of any of the Waterboro land within the Corridor for General Development. Mr. Goodwin, believing that, in its Comprehensive Plan under Present Land Use, the Commission has definitely classified the Arrowhead development as "intensive", and being mindful of Section 10 of the Act, moved that the Arrowhead Estates property be districted General Development. The motion was defeated by a vote of 4 to 1. The Chmn. made the same inquiry regarding the remaining land. There being no response he moved that all Town-owned land, wetlands, swamps and bogs within the Town of Waterboro and within the boundary of Corridor, including the 100 year flood plain, not to exceed 1000 ft., as outlined on a map provided by Mr. Carl Laws, Exec. Director of the Commission, be recommended for districting as Resource Protection. The motion was unanimously carried. In accordance with the Act, all land not districted as Resource Protection or General Development is automatically recommended for Limited Residential. The matter was closed. The Chmn. will notify Mr. Laws of the Planning Board's decision.

The next meeting, Jan. 22, 1975, at the Town Clerk's office.

Meeting adjourned.

Respectfully submitted,

Frank R. Goodwin
Frank R. Goodwin, Secy.

Addenda to the minutes of Jan. 16, 1975 meeting
to correct an omission.

SACO RIVER CORRIDOR--DISTRICTING

(to be entered after: F. ----Resource Protection District.)
Mr. Willett pointed out that, if the Board wished to base
its decision precedents of the S.R.C.C., it could consider
the districting of areas such as in Acton (on the lake),
Hollis along the Saco or Bar Mills all of which contain
more building per unit area than Arrowhead and all of which
have been districted as Limited Residential.

A partial report of the minutes of
the special meeting of Jan. 10, 1975
held at the Town Clerk's Office

SACO RIVER CORRIDOR--DISTRICTING

The Board directed its attention to the matter of its recommendation to the S.R.C.C. for the districting of the land within the Waterboro section of the Corridor. The Tax Maps of the Town of Waterboro were used to show the area under consideration. The approximate boundary had been drawn upon these maps by Mr. Goodwin. The land use at this time was general knowledge of the Board and had been for a matter of years. Outside of the Lake Arrowhead Estates there is relatively little development in progress within the Corridor, namely, one by Woodsome Lumber Co. consisting of 11 contiguous 3/4 acre lots on a portion of a large tract of land in No. Waterboro and one by Mr. Stanley Harmon (Wilderness Acres) consisting of 16 acres (10 lots) near the Hollis town line.

Arrowhead has, within the Corridor, 582 lots with a considerable network of roads and an approximately equal length of water system. This degree of development stands apart from anything in the entire Corridor, except the Limerick portion of Arrowhead, and, as a consequence, posed a question as to whether or not it should "limited residential" or "general development". It was agreed that there had been "development" in accordance with the stated definition. Section 14, subsection 1 states that those areas which exhibit a "clearly defined pattern of intensive development" shall be included in the General Development District. However, there was serious doubt as to whether the construction of only 49 houses on 582 lots since the approval of this subdivision in 1973 would constitute "intensive development", even admitting the fact that there were 275 lots on sales contracts. The uncertainty was about the term "intensive" and the lack of a clear definition for it as intended in the Act. Mr. Goodwin pointed out that the S.R.C.C. Comprehensive Plan regarded this development as "intensive" and that the Act specifically stated that municipal planning boards were to be guided by this Comprehensive Plan in making recommendations for districting. Further, for want of better guidance as to the meaning of the term "intensive", the dictionary definition, in this use, described it as land development "calling for large scale employment of capital and labor".

Discussion on the matter having been concluded Chmn. Gannett enquired whether or not any member desired to propose the districting of any of the Waterboro land within the Corridor for General Development. Mr. Goodwin motioned that the Arrowhead Estates land be so districted. The motion was defeated by a 4 to 1 vote. The Chmn. made the same inquiry regarding the remaining land. There being no response he moved that all the wetlands, swamps and bogs, as outlined on the map provided by Mr. Laws, Exec. Director of the Commission, be recommended for Resource Protection. The motion was unanimously carried. In accordance with the Act, All not districted as General Development or Resource Protection is thereby recommended for Limited Residential. The matter was closed with the statement that the Chmn. would notify Mr. Laws of the Planning Board's action.

Respectfully submitted, Frank R. Goodwin, Secy.

Supplied by complete minutes