

TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE



MINUTES

REGULAR MEETING

MARCH 10, 1976

Meeting called to order at 7:35 p.m. by Vice Chmn. Dyer; others present were Raymond Kellett, Sheryl Smith and Frank Goodwin--Chmn. Foglio joined the meeting later.

RICHARD PROVENCHER

Mr. Provencher and his carpenter were present to discuss his application to the Board for a permit to add a second story to his home off West Shore Rd. on Little Ossipee Lake and in the Resource Protection Zone under the Shoreland Zoning Act, and, thus, is non-conforming. Furthermore, it is but 22 ft. from the normal high water line. Mr. Provencher displayed a ground plan of the existing structure and one showing the projected ground coverage after the additions. The latter showed that the second story would overhang the ground floor on the side away from the Lake about 8 ft. on the southerly end and about 16 ft. on the northerly end. The front-to-back dimension for the entire width of the house not to exceed 8 ft. The additional coverage would be approximately 480 ft. Mr. Provencher stated that there were no structures near enough to have their view affected. Mr. Kellett moved, Mr. Dyer seconded and the board unanimously voted that the permit be granted for the proposed construction on the condition that he provide a plan of his entire lot showing all rights-of-way and abutments and the orientation, dimensions and set-backs of his existing structure with the proposed outside dimensions super-imposed thereon by dashed lines.

TREASURER'S REPORT

Mr. Kellett moved, Mr. Dyer seconded the the vote was unanimous to accept the report as read.

BROOKSIDE SUBDIVISION

Mr. John Fallon of Land Management, Inc. was present to further clarify the allegations stated in an attachment to a letter to the Waterboro Planning Board, dated Feb. 23, 1976, asking the Board to rescind the approval of the Preliminary Plan of Brookside Subdivision. The import of Mr. Fallon's charge was that, since the Board had approved the Plan without first having seen a perimeter survey of the owner's (Harriman) land and not having seen a copy of any contract between Harriman and the applicant and without factual knowledge that the abutments had been notified, and, lastly, that the Plan bore no Registered Land Surveyor's seal and signature, the approval was given without vital information in which case it should be declared defective and, therefore, rescinded. Although he presented nothing

to substantiate it Mr. Fallon stated that, in fact, the abutters were not notified and that the applicant's surveyors did knowingly include, within the boundaries of the proposed subdivision, land belonging to Land Management, Inc. without their consent or understanding.

It was the consensus of the Board, and Mr. Fallon was told, that it dared not act until it had heard both sides of the matter. Further, that since Mr. Fallon's letter was received, Chmn. Foglio had communicated with Nolette & Payeur, their surveyors and lawyers in an effort to get their reaction. Mr. Fallon strongly criticized such oral communications maintaining that all discourse on matters of such consequence should be by documented word and that all concerned parties should receive authenticated copies. He then advised that the Planning Board should give Nolette & Payeur a reasonable time in which to appear and substantiate their plan or to admit their errors, withdraw their original application and submit a proper one. Mr. Goodwin moved, Mr. Kellett seconded and it was unanimously voted that a letter be sent to Nolette & Payeur asking them to appear at a special meeting on March 17, 1976, 7:30 p.m., prepared to discuss the alleged irregularities in the Brookside Subdivision.

Meeting adjourned at 11:40 p.m.

Respectfully submitted,

Frank R. Goodwin
Frank R. Goodwin, Secy.

Approved:

Douglas Foglio
Donald H. ...
Raymond A. Kellett