

TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE



MINUTES

Regular Meeting, Feb.28,1980

Called to order at 7:30p.m. by Vice Chmn. Gardner; others present were Russell Keith, R. Goodwin and F. Goodwin. Mr. R. Goodwin was empowered to vote. Chmn. Foglio and Mr. Hamilton joined the meeting shortly after.

MINUTES

Mr.Keith moved, R. Goodwin seconded and the vote was unanimous to accept the minutes of the Feb.6,1980 as written.

CORRESPONDENCE & BILLS

None.

REPORTS OF OFFICERS & COMMITTEES

The Treasurer reported that the bill for \$519.75 from Roberts Office Supply had been paid and the subscription to the S.R.C.C. News Letter had been renewed at a cost of \$1.00. He further reported that a check for \$300. had been received from the Selectmen.

OLD BUSINESS

Stephen Kasprzak: Mr. Kasprzak presented the Preliminary Plan for his proposed 1- lot subdivision on Hanscom Extension off Webber Rd. He was requested to show the names of the Soil Scientist, the zone and the lot and map # on the Final Plan and notify the abutters and bring in a copy of the deed to the property. He paid the \$25.00 fee. Mr.Gardner, Hamilton and F.Goodwin conducted an on-site inspection on Feb, 8th and found the lot satisfactory.

Steven Libby: Brought in the Final Plan for his Middle Road Lots subdivision for approval. Mr. Robert McAuliffe appeared stating his concern about granting of approval on the grounds that each of these 2 lots, being considerably greater than 5 acres each, could be further subdivided into, at least, 7 lots and that if that was done it would expose Middle Rd., which he claimed was in no way up to Town standards, to an overburden of traffic. He also stated that while he had been granted permission to construct 12 housing units nearby he had refrained from doing so because of his concern regarding the condition of the road.

In discussion it was mentioned that the Board could give approval on condition that neither lot could be subdivided for a period of five years, as has been done in other cases before

Mr. Libby who had already entered into a sales agreement to sell one of the lots claimed that this could adversely affect the sale since, heretofore, no mention of this intent had been made, the prospective buyer had no knowledge of it. Further, he doubted if the Board had the authority to impose such a restriction. Chmn. Foglio pointed to Article III which sets forth the criteria to be considered in approval calling attention to item E relative to roads.

Mr. Gardner moved, Mr. R. Goodwin seconded that the Final Plan should be approved subject to the condition that neither lot should be subdivided for a period of five years.

Mr. Keith said that to base this restriction on the condition of the road would create a precedent which should, hereafter, apply to many Town roads some of which were in worse condition than this section of Middle Rd. He also drew attention to the fact that the Board had recently approved the construction of a 12 unit housing development just below this location with no restrictions or concern regarding the same road and argued that it was inconsistent. Further, he felt that whether or not the condition of the road was cause for concern should be a matter of the opinion of the Road Commissioner. Further consideration of Mr. Libby's concern about the effect of this restriction upon his sale caused Mr. Gardner to revise his motion as follows: The Final Plan is to be approved on the condition that the deed for each lot, 1 & 2, shall be covenanted to the effect that not more than one dwelling shall be constructed on each lot within 5 years from the date of approval unless the Middle Road, up to and beyond, shall have been brought up to Town standards within that period. Mr. Goodwin who seconded the original motion accepted the revision. This would allow subdivision and possibly satisfy any prospective buyer.

Mr. Goodwin cautioned that the remainder of these lots (and all other similar lots) fronting on the Middle Road, in interest of consistency, should also be similarly restricted as should all similar lots on other Town roads in the same or poorer condition. He also raised the hypothetical question as to what would the Board's reaction^b if a developer should wish to make a subdivision on this or a similar road.

Mr. Keith believed even this restriction to be inconsistent, unfair and made without the expert advise of the Road Commissioner. Mr. R. Goodwin echoed the same sentiments.

The vote was Messrs. Gardner, Hamilton and F. Goodwin in favor; Messrs. Keith and R. Goodwin opposed.

Mr. Libby paid the Final Plan application fee of \$50.00. It was agreed that he be allowed to take the drawing with him in order to enter a note relative to the covenant on it and that he return it for signatures along with the required number of prints.

Zoning: A workshop to be held at the Town Office at 7:30 p.m. on March 6th.

Minutes: The Board will reciprocate with all committees which gives it a copy of their minutes.

NEW BUSINESS

The Waterboro Company: Has inquired whether or not the establishment of a shoe manufacturing facility within the existing complex on Goodwin's Mills Rd. to be operated under the existing management. as a subsidiary or other would be allowable under the Zoning Ordinance. It is understood that it will not involve any volatile or toxic substances that all wastes will be collected and properly disposed of and that no additional building will be required.

The consensus of the Board was that this, at the most, would need no more than Board approval as a conditional use, if that, since it is only an expansion of the present use which is a permitted use.

The Secretary was directed to inform the management that it saw no impediment to this proposal from the Zoning point-of-view, but that it would request that, if the rear lot was to be used for general personnel parking, access would be made to it to enable traffic to use only the gates fronting on the Goodwins Mills Rd. rather than using May St.

Fire Insurance: Mr. Hamilton has been looking into the fire insurance rates in Waterboro and surrounding Towns. He is of the opinion that there is a possibility that a rerating might be made which would make a worthwhile reduction in premium. This matter will be discussed with the Fire Chief and Selectmen to decide whether or not it would be beneficial.

Meeting adjourned at 10:20 p.m.

Respectfully submitted,
Frank R. Goodwin
Frank R. Goodwin, Secy.

Approved by:

Raymond C. Taylor
Philip D. [unclear]
Russell C. Keith
James O. Hamilton

Redd