

TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE

CORRECTED COPY

Regular Meeting of the Planning Board

Meeting called to order at 7:30 p.m. April 26, 1984

I Rollcall: Roland Denby, Frank Griggs, Mike Hammond in attendance. Kathy Moody Chairman.

II The minutes of the previous meeting of April 11, 1984 were read and Roland Denby requested that changes be made. Corrected copies will be made and sent out.

III Appointments:

1. 8:00 p.m. Jim & Dianne Seward
2. 8:30 p.m. Raymond Dolbec DID NOT SHOW
3. 9:15 p.m. Oliva & Deanna Perreault
4. 9:30 p.m. Theodore Pitas, Jr.

IV Communications

1. Letter from SMRPC regarding Annual Workshop.
2. Letter from Paul Gendron regarding proposed Dolbec subdivision.
3. Notice of Decision—ZBOA—Raymond Johnson.
4. Notice of Decision—ZBOA—Dwayne Phillips
5. Notice of Decision—ZBOA—Dana Woodsome
6. Notice of Decision—ZBOA—Donald Graves
7. Letter from Selectmen regarding Hazardous Waste Ordinance.
8. Letter from Roger Elliott in response to PB letter of March 16, 1984 regarding Dolbec subdivision.
9. Letter from ME Assn. Conservation Commission.
10. Copy of letter from Patricia Dolbec sent to abutters.
11. Notice of Public Hearing—SRCC.

V Reports of Committees.

There were no reports as this meeting.

VI New Business:

1. Jim & Dianne Seward: Katie Smith also joined the meeting. Kathy Moody brought the PB members up-to-date on the road. Crab Trees Acres subdivision was approved by the PB in 1979 with the condition that nothing but seasonal dwellings be built within five (5) years. This condition led the Seward's to believe that the Town would do something about this at a later time. The Seward's have copies of all the papers concerning this subdivision when this was done. They have letters from two (2) attorneys saying that unless this road is discontinued by name that it cannot be discontinued. Roland Denby stated that there are three (3) categories of roads: town way, private way, and private road. Roland Denby also stated that it is very hard to decide what is what. Mr. Seward said that they are not asking for a highway. He also said that they are prepared to take some of the responsibility for the road and Katie Smith said that she was also. Mike Hammond asked if the other two (2) lots had been sold. Mr. Seward said no. Mike Hammond also stated that as of January 1, 1985 they could build a full yearround dwelling. Kathy Moody said no, that this was approved on April 26, 1979. Mrs. Seward said that the people who own the first lot have permission

to have a yearround home. Mr. Seward said that there was nothing that the Board can do about the road. Roland Denby asked if they wanted the right to build. Mr. Seward said that they had to have permission to build from the Board. Mr. Seward said that they are requesting to build a yearround dwelling instead of a seasonal dwelling. Frank Griggs stated that it is not out of the ordinary to have notations put on and guidelines put on that are agreed to. Mr. Griggs also said that he didn't understand why the year 1984 was put on. Mike Hammond said that after 1984 that they don't need Planning Board approval. Mr. Seward also asked the Board for permission to cut on the side of the road to make a road. He said that the road is all grown in, and before we can cut we must have permission to cut. Mike Hammond said that the road itself can be cut. Mr. Seward told the Board that the road as it stands right now is just about wide enough to drive through. Mike Hammond asked if there were two (2) stone walls. Mr. Seward said that there were. Mr. Seward also said that Glen Bean has had someone in cutting already. Roland Denby said that the road varies according to the map. Mr. Seward said that as you go through the road it turns to nothing. Mr. Denby also wondered why this restriction on seasonal dwellings was put on. Mr. Seward said that because during the winter you could get out on a snowmobile but during the summer you could drive out. Kathy Moody said that she didn't know what the Board's authority was. Kathy Moody said that five (5) years from April 26, 1979 would be tonight. Roland Denby asked if there are any restrictions on giving a permit in relation to access. The Board members did not know of one. Roland Denby asked if that was a Town road. Kathy Moody said that she has not been able to locate anything to say that it is not a Town road. Roland Denby said that the Planning Board approved these roads so we must assume that this road met the minimum safety regulations. Mr. Seward that even before they can start building that something was going to have to be done about the road because you can't even get in there. He said that a culvert would have to be put in. Kathy Moody asked the Board if they thought they should talk to another Board in Town about this. Mr. Seward said that they have talked to the Selectmen and they left it up to the Planning Board. Mr. Seward also said that they are going to have to get together with Glen Bean about the road, and that they would put the culvert in. Roland Denby said that we are talking about 1000 feet of road. Mike Hammond said that according to the minutes that after five (5) years they don't even have to come to the Planning Board. Kathy Moody said that the covenant supersedes this. Frank Griggs said that he didn't know how the Board could make a determination on this. Mr. Seward said that they weren't here to build a road; they were here for permission to obtain a Building Permit. Roland Denby said that with "after the year 1984", it still left the approval up to the Planning Board. Mr. Denby didn't see any objection to the Planning Board approving the Permit, but he wanted to make sure that the Board is not making any commitment on the road. Mike Hammond stated that the Board has already allowed a yearround dwelling in this subdivision. Roland Denby made the motion that the Planning Board approve a Building Permit to allow yearround dwellings on Lot #2 & #3 of the Crab Tree Acres. Frank Griggs seconded. Unanimously approved. Mr. Seward asked about cutting trees. Mr. Denby told him he could limb and clean out the weeds.

2. Steve Brunette: representing C & S Development Corporation. The C & S Development Corporation is proposing a three (3) lot subdivision on Route #202. Zoned AR. Mr. Brunette presented the Board with a sketch plan from Middle Branch Engineering. Roland Denby asked Mr. Brunette about the proposed driveways on Route #202. Mike Hammond said that they must obtain state permission for that. Mr. Brunette said that they have the necessary applications and that the State will tell them what size culverts must be put in. Mr. Denby asked Mr. Brunette what they planned to build, and Mr. Brunette said that plan to build homes. Mr. Denby asked if the Old Route #202 was still blacktopped. Van Foglio said that it is all stove up. Mr. Denby asked if they

had copies of the Zoning Regulations. Mr. Brunette said yes. Roland Denby said that the copy of the sketch plan met the requirements as far as he was concerned. Kathy Moody agreed. Kathy Moody asked what type of houses they planned to build. Mr. Brunette said that they hoped to build stick houses with a minimum of \$50,000. price range. Roland Denby pointed out that if there are any historical markers that they are to be preserved. Mr. Denby also stated that the Board wanted to make sure that the lots are not stripped. Mr. Brunette said definitely not. Mike Hammond made the motion to accept the sketch plan as presented. Roland Denby seconded. Unanimously approved. The Board set up an appointment for an on-site inspection for Monday, April 30, 1984 at 2:30 p.m. The members of the Planning Board who attended the on-site inspection were Roland Denby, Frank Griggs and Mike Hammond.

3. Oliva & Deanna Perreault: Property located on Map 37, Lot 3, Zoned AR. Grandfathered lot. The Perreaults are requesting a Conditional Use Permit for an auto body shop. Kathy Moody said that according to the minutes that there are four (4) lots in this subdivision that the restrictions of "no businesses or trailers" were not put on. Mrs. Perreault said that the lawyer they contacted said that there is nothing in their deed that states these restrictions. Roland Denby said that according to the law the Board does not enforce the deed restrictions. The question is if the Planning Board put on these restrictions or were they in the deed. Roland Denby also said that the Board went through all of their records and tried to find an answer to this question, and we never found the answer. Mr. Denby said that Mr. Eon put these on his map, and Mr. Denby did not know if the Planning Board has incorporated these deed restrictions. Kathy Moody said that the cutting restriction was put on by the Planning Board. (Kathy Moody read this from past minutes.) Kathy Moody asked the Board if they were going to take any kind of position on this. Roland Denby said that these people were here two (2) years ago and they are essentially waiting for an answer. Mike Hammond asked what kind of hours Mr. Perreault wanted. Mr. Perreault said 8:00 a.m. to 5:00 p.m., and half-days on Saturdays, and that anything after that would be his own. Kathy Moody said that the only thing that she can find the Planning Board had dictation on was the cutting, and that she is of the opinion that the Planning Board did not restrict the businesses. Van Foglio made the suggestion that the Planning Board grant Mr. Perreault a permit to build a garage and then when Mr. Perreault wants to start his business to have him come back. In the interim the Planning Board will research the files. Mike Hammond made the motion that the Board approve the Building Permit for a 30' x 30' garage. Frank Griggs seconded. Unanimously approved.

4. Theodore Pitas, Jr.: Property located on Map 45, Lots #1392, 1393, 1394, Zoned Residential. Mr. Pitas has gone through SRCC, and they have approved everything, but they require Mr. Pitas to have a five (5) foot sideline change. SRCC gave Mr. Pitas a map stating that only the shaded portions of the map are buildable. Roland Denby made the motion that the Planning Board approve the five (5) foot sideline change. Frank Griggs seconded. Unanimously approved.

5. Roger Chick: Property located on Map 17, Lot 10, Zoned F & A. Mr. Chick would like to renovate the house and put a foundation under it. Mr. Chick has been to SRCC and they told him that he can't enlarge the house, the only thing he can do is put two (2) bedrooms upstairs and replace the foundation. Roland Denby made the motion to approve this under Section 2.08 of the Zoning Ordinance. Mike Hammond seconded. Unanimously approved.

6. The Planning Board was asked to attend a meeting on the Hazardous Waste Ordinance with the Selectmen and Paul McElhinney. Those in attendance were Kathy Moody, Roland Denby, Mary Elizabeth Smith and Mike Hammond from the Planning

Board, and Dennis Abbott for the Selectmen..

VII Communications:

1. Letter from SMRPC regarding the Annual Workshop for Planning Boards. This was discussed and several members plan to attend.
2. Letter from Paul Gendron regarding the proposed Dolbec subdivision stating that he was not in favor of the proposed subdivision. The Board will send Mr. Gendron a letter requesting his specific reasons for objecting to the subdivision.
3. Notice of Decision—ZBOA—Raymond Johnson. The Board acknowledges receipt of this..
4. Notice of Decision—ZBOA—Dwayne Phillips. The Board acknowledges receipt of this.
5. Notice of Decision—ZBOA—Dana Woodsome. The Board acknowledges receipt of this.
6. Notice of Decision—ZBOA—Donald Graves. The Board acknowledges receipt of this.
7. Letter from Selectmen asking the Board to send a copy of the Hazardous Waste Ordinance to every business in Town. The Board will write a letter to the Selectmen asking for the names of all the businesses in order to do this.
8. Letter from Roger Elliott regarding the Dolbec subdivision stating that he believed the Dyer's would have to follow the Town's Subdivision Regulations. The Board will send a letter to Mr. Elliott asking him to explain this to the Board.
9. Letter from Maine Association of Conservation Commissions. The Board acknowledges receipt of this.
10. Copy of letter from Patricia Dolbec to abutters regarding her proposed subdivision.
11. Notice of Public Hearing—SRCC. The Board acknowledges receipt of this.

VII Adjournment.

The meeting adjourned at 11:05 p.m.

Respectfully submitted,


Michael L. Hammond
Secretary/Treasurer






