

TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE



Regular Meeting of the Waterboro Planning Board

Meeting called to order at 7:40 p.m.

May 14, 1986

- I Rollcall: Larry Jacobsen, John Roberts alt., Roland Denby, Mike Hammond, Philip Woodward alt., Dwayne Woodsome and Douglas Foglio Chairman.
- II Minutes of the April 24, 1986 meeting were unanimously approved. The Board discussed setting a time frame for appointments and adjournment. The last appointment for each meeting will be scheduled for 9:30 p.m., leaving some time available for walk-ins. The meetings will adjourn at 11:30 p.m. The minutes will be mailed to the Board members unsigned to be approved and signed at the following meeting.
- III Treasurer's Report: Larry Jacobsen reported a balance of \$635.72 in the checking account. The Board accepted this report as submitted.
- IV Appointments:
- 8:00 p.m. Rodney Chadbourne - N.E. Log Homes of Me. Subdivision
 - 8:45 p.m. Jerry D. McCoy
 - 9:00 p.m. Richard E. Brooks
 - 9:15 p.m. Albert L. Grover
 - 9:30 p.m. Aubin Huertas
- V Communications:
1. Maine Association of Planners April Newsletter. The Board acknowledges receipt of this letter.
 2. Copy of letter sent to Peter Harriman from C.E.O. dated 4-25-86. The Board acknowledges receipt of this letter.
 3. Copy of letter sent to Oliva Perreault from C.E.O. dated 4-25-86. The Board acknowledges receipt of this letter.
 4. Copy of letter sent to Howard Anderson from C.E.O. dated 4-25-86. The Board acknowledges receipt of this letter.
 5. Letter to C.E.O. from Stephen M. Kasprzak dated 4-29-86. re: Oliva Perreault's garage. The Board acknowledges receipt of this letter.
 6. Copy of letter sent to Robert Jones from C.E.O. dated 5-2-86. The Board acknowledges receipt of this letter.
 7. Copy of letter sent to Robert Jones from Selectmen dated 5-7-86. The Board acknowledges receipt of this letter.
 8. Copy of letter sent to Clarence D'Entremont from C.E.O. dated 5-2-86. The Board acknowledges receipt of this letter.
 9. Letter from Smith & Elliott, P.A. to Selectmen regarding Proach, dated 5-7-86. The Board acknowledges receipt of this letter.

10. Letter from Smith & Elliott, P.A. to C.E.O. regarding Howard Anderson dated 5-1-86. The Board acknowledges receipt of this letter.
11. Applicant's Notice of Intent to File an Application with Saco River Corridor Commission - Benny and Rosemary Saraceno. The Board acknowledges receipt of this.
12. Applicant's Notice of Intent to File an Application with Saco River Corridor Commission - Robert and Dolores Russell. The Board acknowledges receipt of this.
13. Notice from the Selectmen re: Workplace Smoking Act 1985 - Smoking Policy - The Board acknowledges receipt of this.
14. May Issue of Maine Enterprise Magazine. The Board acknowledges receipt of this magazine.
15. Notice of a Public Hearing to be held on May 20, 1986 at 7:30 p.m. at the Waterboro Town Hall re: variance request by Peter Harriman. The Board acknowledges receipt of this notice.
16. Water analysis by Peck Laboratories Inc., on seven locations in the vicinity of Southern Maine Finishing. The Board acknowledges receipt of this analysis.
17. Two letters from University of Southern Maine regarding a conference "Leadership for Community Planning" to be held on May 29th and 30th at Atlantic House, Scarborough, Maine. The Board acknowledges these letters.
18. Basic Planning Board Workshop to be held on Wednesday, May 28 at Alfred Town Hall, Second Floor at 7:30 p.m. or Thursday, May 29 at Cornish Town Hall at 7:00 p.m. The Board acknowledges receipt of this.

VI

New Business:

Rodney Chadbourne: New England Log Homes of Maine Country ^{Final Plan} Estates
 Mr. Chadbourne presented Board with a copy of deed from William Goodrich conveying the right to use right-of-way to Linda R. McKelvey, Thomas & William Caffyn, their heirs and assignees forever. The Board understands this to mean that as the Caffyn's and McKelvey sell their land, the right to use the right-of-way can be assigned to the new owner. Mr. Thompson, one of the abutters that were present, questioned where the bounds of the road is, and does not think that Mr. Goodrich has the right to convey the right to use the right-of-way to Linda McKelvey and the Caffyns. He believes that Mr. Goodrich has created an illegal subdivision. The Board said that this is a civil matter. One 25 acre parcel has been split three times. This is the reason that the Linda McKelvey lot is included in the plan for subdivision said Mr. Chadbourne. Mr. Thompson said that the road should be brought up to Town standards to service back lots. He also said that he doesn't want the back lots to be buildable lots. He has no objection to the front six lots on Webber Road being developed. The Board said that at Town Meeting the attorney's letter was read saying that a right-of-way to a Town road is meeting Town requirements. It was noted that this was referring to Town owned property. Mr. Thompson says he owns up to the middle of the right-of-way and that it was intended for use by lake property owners. The road bounding the right of the proposed subdivision is a private way. There was some discussion as to the plowing of some private roads by the Town. In 1972 the Town agreed to plow some of the older Town Roads to the point that they were plowing at that time. Mrs. Goodrich was disabled so that road was plowed. Mr. Thompson said that he had accepted that he would have to take care of his road, and that he had conveyed a letter to Mrs. Drinker declaring that he would maintain the road so that the Bank would give her a loan.

Mr. Thompson said that he would be prepared to go to Court to prove that he owns half of the road. There was discussion as to whether or not the road giving access to back lot #7 should be made up to Town Standards. Mr. Chadbourne said that Mr. Goodrich has no deeded right to use the other road so he cannot give the right to Caffyns and McKelvey. At this point a letter from DEP was handed to interested parties to read re: Lot 7 of the proposed plan. Section 2.06 re: Site Restrictions was read aloud as follows: All lots shall abut upon an existing or proposed road which meets all municipal and other applicable governmental regulations and standards or, if land-locked, shall have a legally recorded access right-of-way, of no less than fifty(50) feet in width, to a public or private road. All lots, with the exception of land-locked lots, shall have a minimum road and/or water frontage of one hundred (100) feet in the village zone, one hundred and fifty (150) feet in the Residential and the Agriculture-Residential zones and two hundred (200) feet in the Forest-Agriculture and Conservation zones. Situations involving or utilizing cul-de-sacs, curvilinear streets, cluster design or planned unit design permitted by the subdivision Regulations or this Ordinance (see sections 8.02 and 8.03) when the Planning Board determines that these frontage requirements are not practical it may approve frontage reductions of up to fifty (50) percent.

If Board accepts subdivision with Lot 7 as a buildable lot, will the 50' right-of-way clear the way to build on what is on the subdivision as a non-buildable lot? Mr. Chadbourne said that this is a non-buildable lot. The Board quoted legal opinions obtained by the Board since this proposed subdivision was brought before the Planning Board. A letter dated 3-4-86 from Town Attorney stated "In common usage a right-of-way is equivalent to an easement or a right of passage over land owned by other. Applying this interpretation to your Zoning Ordinance would require the conclusion that as long as a lot owner would document his legal entitlement to an easement meeting Section 3.03 length requirements, zoning frontage provision with respect to his lot would be satisfied." That is the reason that Mr. Chadbourne was required to bring in this deed. The deed gives right to use right-of-way. The abutters feel that to build on the back lots would create hardship for them. There is no objection to the 6 front lots. The linen was checked against the Preliminary Plan. The Board noted that everything that was on the Preliminary Plan is on the Final Plan with conditions as requested by the Board at the last meeting. Mr. Chadbourne met all the requirements of the Board. Letters were sent to the abutters informing them of the date and time of the Final Plan hearing. Larry Jacobsen made the motion that we send this Final Plan to the Attorney for interpretation of Lot # 7. Mike Hammond seconded. Larry Jacobsen made the motion to have a roll-call vote. Roland Denby seconded. Chairman gave his right to vote to John Roberts (alt.), because he has not been on the Planning Board during the previous meetings for discussion of this proposed subdivision. The vote to have a rollcall vote was defeated. Three(3) against, two (2) for. A time frame was set for Final Plan decision, sixty (60) days from May 14, 1986. Dwayne Woodsome made the motion to go ahead with plan to submit Final Plan to Attorney for interpretation, and that we act on proposal Thursday, May 22, 1986. Roland Denby seconded. Unanimously approved.

Mr. Denby, at this point, read a letter from Smith & Elliott, P.A., dated March 14, 1986, to all those present. Re: land within rights-of-way and land-locked lots.

Jerry D. McCoy: Mr. McCoy would like to build a house on Lynwood Drive, Lake Arrowhead, Map 42, Lot 145, Zoned R. Approx. 22,196 sq. ft. Larry Jacobsen made the motion that we approve under Section 2.08, allowing a minimum setback from rear lot line of no less than 27' (twenty seven feet). Mike Hammond seconded. Unanimously approved.

Albert L. Grover: Mr. Grover requested permission to put a cement block foundation under camp located on Map 35, Lot 28, Zoned AR., to replace posts. This is a Summer residence, and Mr. Grover will utilize soil as it is removed for inside retaining wall. Dwayne Woodsome made the motion that we approve under Section 9.03, with the condition - Seasonal use only. Larry Jacobsen seconded. Unanimously approved.

Aubin Huertas: Mr. Huertas wants to decrease front boundary lines on Lot 17 from 230' to 180' on his property on Map 8, Lots 16 and 17, Zoned V. Lot 17 is a substandard lot. Mike Hammond made the motion to deny this request under Sections 9.01 and 9.06. Dwayne Woodsome seconded. Unanimously approved.

Report on on-site - Robert Gobeil: Map 30, Lot 71U, Zoned AR. The Board reported that the septic system appears to be where Mr. Gobeil wants to build garage. The garage would be detached from house and therefore does not meet side line requirements. Mike Hammond made the motion to deny permission to build garage under Sections 9.01 and 9.03. Larry Jacobsen seconded. Unanimously approved.

Report on on-site - Leland Scarman: Map 32, Lot 19, Zoned AR. The Board reported that there is adequate room to build a 12'x6' addition. Mr. Scarman also requests that permission be given to lift camp and replace wood posts with concrete. Roland Denby made the motion to approve construction under Section 3.03, with the condition that, if the property is to be used as a year round dwelling that the proper Conversion Permit be obtained. Mike Hammond seconded. Unanimously approved.

William Gurrisi: Map 47, Lot 23, Zoned AR grandfathered. Mr. Gurrisi appeared before the Board for information on the status of his application. Joanne Andrews - Realtor - was present. The Board told Mr. Gurrisi that 20,000 sq. ft. of usable land was needed. Mr. Gurrisi proposes to build a 32'x24' house with a 6' deck. The Board had requested Mr. Gurrisi to have the land surveyed by a registered Surveyor and to place markers to stake out his lot, and that the Board would then schedule an on-site inspection, at the April 24, 1986 meeting. Mr. Gurrisi has not yet had this done. Mr. Gurrisi said that he will have a survey done and an on-site will be arranged with Joanne Andrews.


Earl Pennell: Map 32, Lot 39a, Zoned AR. Mr. Pennell said that this lot has been marked off, but not surveyed. Mr. Pennell has been to see Karen Lovell, Atty., but did not have any written advisement from her. Mr. Pennell gave the Board copy of deed and map for the Board to take under advisement. The Board gave Mr. Pennell an appointment for June 11, 1986 meeting.

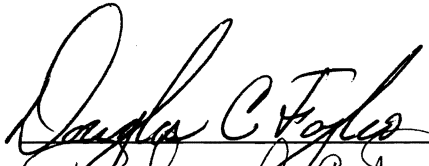
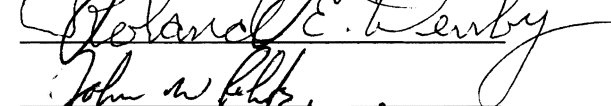

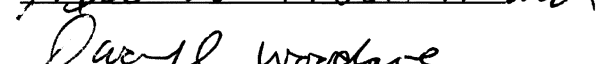
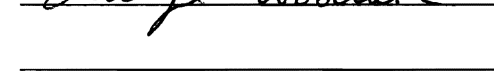
VII Adjournment:

The motion to adjourn was made at 12:00 p.m.

Regular Meeting of the Waterboro Planning Board - May 14, 1986

Respectfully submitted,


Lawrence Jacobsen,
Secretary/Treasurer

Agenda for May 22, 1986's meeting:

8:00 p.m. Rodney Chadbourne - New England Log Homes Subdivision
8:15 p.m. Wayne Collupy
8:30 p.m. Charles W. Binette
8:45 p.m. Robert & Dolores Russell - Cancelled
9:00 p.m. Percy & Jean Eugley
9:30 p.m. Thomas Searles

Agenda for June 11, 1986's meeting:

8:00 p.m. Dwayne Buck - Waterboro Fire Dept.
8:30 p.m. Robert & Dolores Russell
8:45 p.m. Earl Pennell