



TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE

Regular Meeting of the Planning Board

November 12, 1986

Meeting called to order at 8:00 p.m.

I Rollcall: Roland Denby, Mike Hammond, Doug Foglio, Chairman, Dwayne Woodsome and John Roberts, alt. John Roberts was empowered to vote.

II Minutes of the October 23, 1986 meeting were unanimously accepted as read.

III Old Business:

Doug Foglio reported that he has requested permission from the Selectmen to hire another Attorney for another opinion regarding interpretation of Section 2.08 of the zoning ordinance. The Selectmen suggested that the firm of Bernstein, Shur, Sawyer and Nelson of Portland be contacted regarding this matter.

In regards to the survey received from DEP for completion - Dwayne Woodsome made the motion that this survey be sent to the Conservation Commission. John Roberts seconded. Unanimously approved.

IV Appointments:

8:00 p.m. Peter C. Doyle d/b/a P.A.C. Tool of Me.
8:15 p.m. Ronald & Anna Warren
8:30 p.m. Robert D. Agan
9:00 p.m. Guilford Berube

V Communications:

1. Letter from Drummond Woodsum Plimpton & MacMahon, Attorneys re: Mr. Ronald Jarosz' request for two building application approvals.
2. Letter from Karen B. Lovell, Attorney re: Jarosz matter.
3. Letter from Bourque & Clegg, Attorneys re: Earl Pennell.
4. Letter from Attorney Karen B. Lovell to Bourque & Clegg re: Earl Pennell.
5. Letter from Merton Day of Porter, Maine requesting copy of Town's Land Fill Ordinance before November 6th, 1986. This was mailed.
6. Letters from C.E.O. to Carl H. & Deborah Mooers on a complaint and Steven & Patricia Gilmore and Mark Brackett on building permit violations.
7. DEP Department Order in the matter of Norman E. Ritchie's application to replace a deteriorated concrete block wall with rock riprap to prevent erosion.
8. Letter from Dep. C.E.O. to R.P. Titcomb re: John Hutchins Construction Inc., on advice from Attorney Karen B. Lovell.
9. University of Southern Maine Conference, Thursday, November 20, 1986 at the Sheraton Inn, Sth. Portland from 3-9 p.m.
10. Maine Coastal Heritage Trust Newsletter and request for a contribution.

11. Maine Assn. of Planners Bulletin # 7 and Notice of Workshop - Topic 'Market Studies', to be held on Friday, November 7, 1986 from 10-3 p.m. at John Martin's Manor Restaurant, 54 College Avenue, Waterville, Me.
12. Public Meeting on Enforcement of Land Use Laws and Ordinances at the York County Courthouse, Alfred on November 13, 1986 at 7:30 p.m.
13. Maine Assn. of Conservation Commissions - Several workshops November through December.
14. November, 1986 issue of Update.
15. Notice of Intent to File an Application with the Saco River Corridor Commission re: Stanley and Norma Fialkosky.
16. Notice of Public Hearing from Saco River Corridor Commission on November 19, 1986 at 7:30 p.m. at Saco Valley High School re: Stanley Fialkowsky.
17. Notice of Public Hearing on Dorothy Dugas and Roland Gendron at 7:45 p.m. and 7:30 p.m. respectively.

VI

New Business:

Peter C. Doyle, d/b/a P.A.C. Tool of Me: Map 20, Lot 3, Zoned V

Before buying this property Mr. Doyle wishes to know if he will be able to replace roof and rebuild porch, tear down old entryway and put in cement floors. He would like to install a retail business with an office 240sq. ft. in area and a warehouse. This would be for P.A.C. Tool of Maine a precision tool company. The lot size is approx. 82'x142'. When asked about the number of employees, Mr. Doyle stated that there would be himself and an office girl in the near future with the probability of four or five other employees in a few years time. The Board asked if there would be truck deliveries and Mr. Doyle said that UPS would be delivering every day with truck delivery maybe once a month. The Board said that the telephone pole should be moved to allow for easy access. Mr. Doyle said that he would like to see the telephone pole removed. The septic system needs to be improved, and a soils test is being done. The Board would require two off street parking spaces, and would like a copy of the sales agreement for the files. John Roberts made the motion that we approve under Sections, 2.08, 3.04.02, 9.03, 5.02 and 5.03 item #11 with the conditions :

1. On property parking for tractor trailer and a turnaround.
2. Operating hours between 7 a.m. and 6 p.m.
3. Two off street parking spaces in front of retail outlet.
4. State approved septic system.
5. Sales agreement or deed and completed HHE -200 to be presented, when applying for permit.

Dwayne Woodsome seconded. Mike Hammond abstained from voting. Four approvals.

Ronald and Anna Warren:

Map 45, Lot 1409, Zoned R

Mr. & Mrs. Warren request permission to build a 22'x22' two car garage on an undersized lot on Crescent Drive. Their house was built in the last two years and they would like to build a detached garage. If detached, the garage would be only 20' from the sidelines. Permission to build closer than 35' to lot lines will be needed from the Zoning Board of Appeals, said the Board. The Warrens do not want to attach garage to house as this would block sun from entering their sun room. The Board could not approve on a building which would be too close to sidelines of lot. Mr. Warren said that he would attach garage to his house. Dwayne Woodsome made the motion to approve the building of a two car garage 22'x22', under Section 3.03 and 2.08. Roland Denby seconded. Unanimously approved.

Robert Agan: Map 54, Lot 12, Zoned, AR.

Mr. Agan showed the Board a letter from his Attorney Bruce W. Bergen asking the Board to sign a plan of Lot 12 in the Westwinds Subdivision showing the location of Mr. Agan's well, house and deck and the triangular parcel of land which he proposed to purchase from all parties in interest so that his buildings and improvements are all located upon Lot # 12. The Attorney, in this letter also asks the Board, if they should decline to take jurisdiction over this matter, that they would record their declination, and have an acknowledgement taken. Mr. Agan's house is presently located too close to his lot line and the deck is over the lot line onto the common open space, also the well is located in this area. Mr. Agan plans to buy a triangular parcel of land to correct this problem. The Board decided that legal counsel should be consulted in this matter. The ownership of the common lot appears to be with the original developer. A letter will be sent to Karen B. Lovell asking her to discuss this with Mr. Agan's Attorneys Verrill & Dana, then to inform us of her opinion in this matter. This decision to be relayed to Mr. Agan.

Guilford Berube: Map 1, Lot 3-2, Zoned AR - Pine Hollow Subdivision.

Mr. Berube came before the Board because he has created a driveway where greenbelt is indicated on subdivision plan. The four lots in this subdivision were to be serviced by two dual driveways. The C.E.O. drew Mr. Berube's attention to the fact that the driveway was no in the place designated by the Final Plan. Dwayne Woodsome made the motion that the Board go into Executive Session. It was the opinion of the Board that Attorney Karen B. Lovell be asked if anything can be done for Mr. Berube. Copy of plan of Pine Hollow Subdivision will be sent to Attorney and a decision requested as soon as possible as Mr. Berube is selling the house on this lot.

Regarding Ronald C. Jarosz. Doug Foglio made the motion to send a letter to Mr. Jarosz telling him that it is the Board's decision that the road is in common ownership with all lots, therefore it is one contiguous piece of land. A copy of this letter to be sent to Town Attorney. John Roberts seconded. Unanimously approved.

Doug Foglio made the motion that we sent a letter to Earl Pennell telling him that we do not believe this road is a separation of properties. It is the belief of the Board that the title and land under road is in question. A copy of this letter to be sent to Town Attorney. John Roberts seconded. Unanimously approved.

John Roberts made the motion to send a letter to Karen B. Lovell to see if we do have the authority to request developers to install actual driveway as a condition of final plan approvals. Dwayne Woodsome seconded. Unanimously approved.

Doug Foglio made the motion that a letter be sent to Rodney Chadbourne asking him why he failed to make note on the Final Plan of Pine Hollow Subdivision of the need for common driveways, and in deed restriction. A copy of this letter to go to Karen B. Lovell. John Roberts seconded. Unanimously approved.

VII Adjournment: The motion to adjourn was made at 11:30 p.m.

Respectfully submitted,

Lawrence Jacobsen, Secretary/Treasurer.

Rayla O. Filer
George W. Deane
Roland E. Dealy
John W. Ritts
Nick Hamel

Agenda for December 10, 1986's meeting:

8:00 p.m. Robert C. Jones