

PLANNING BOARD

Town of Waterboro

REGULAR MEETING

MARCH 23, 1995

Meeting called to order by Chairman at 7:08 p.m.

I ROLL CALL: Present were Roland Denby, Everett Whitten, Dwayne Woodsome, Cindy Allen, Judi Carll, Larry Jacobsen and Chairman, John Roberts.

II MINUTES OF PREVIOUS MEETINGS:

February 23, 1995 and March 8, 1995

III COMMUNICATION AND BILLS:

1. Letter from K Lovell Re: Proposed changes to the Recreational Vehicle Ordinance

IV REPORT OF OFFICERS:

V APPOINTMENTS:

7:00 P.M. EDWARD AND GRACE LACOURSE MAP 4 LOT 37A AR ZONE

Mr. & Mrs. LaCourse are requesting permission to have a Foster Boarding Care Facility for age 18 and up possibly some mentally handicapped. Mrs. LaCourse noted that she currently is licensed for foster care of one child who resides in her home and foster care of two adults. The license for foster care of two adults can be expanded to four once the LaCourses receive approval through the Board.

There is currently one bedroom on the first floor that will have two beds. Once the second floor is finished the intent is to have one bed per room however they could hold two beds. The building as constructed would allow the LaCourses to be licensed for ten. Currently they have applied for four people. They would also be interested in respite care and therefore asked that the Board not limit them to four. The septic system is designed for foster care of ten people.

The Fire Marshall will require smoke alarms, egress windows. Over six boarders would require sprinkling of the building. The LaCourses currently have to test their drinking water three times through the state and one private testing.

Does the State dictate the supervision of care in the number of boarders to supervisor or number of hours of direct care? Upon receipt of a boarder specific orders are given. Currently none of the boarders require 24 hour supervision. Asked what type of boarder? Mrs. LaCourse noted she has no intention of taking violent boarders.

The Board requested a copy of licenses for the file. Roland asked about an on site inspection. John asked if there was a need since this was a renewal. Roland felt an on site would be beneficial. Roland Denby moved and Larry Jacobsen seconded a motion to hold an on site inspection of the LaCourse property.

Larry noted that possibly the board should consider limiting the number of residents to six since this seems to be the break point for sprinkler system. The foster child would be excluded from this count.

Vote was 4-1-1 in favor. On site scheduled for Friday, March 24, 1995 at 10:00 a.m.

A copy of all licenses requested. The Fire Marshall has just come and Mrs. LaCourse did not know how long it would be before the license would be issued.

Public Hearing Need? This is the same type of request as in 1988. Boarders previous that were presumed to be able to care for themselves versus supervision and around the clock care. Just looking to protect from discontented neighbors.

Explained that a previous situation that the Board had dealt with was the reason for considering a Public Hearing. After discussion the Board did not feel the need to hold a Public Hearing.

The LaCourses will be placed under Old Business on the April 12, 1995 agenda.

VI OLD BUSINESS:

VII NEW BUSINESS:

Karen Lovell was present at the request of the Planning Board to assist in the review of proposed changes in zoning lines.

The Board had requested review and suggestions for storage criteria of recreational vehicles for addition to the Zoning Ordinance.

Proposed to Add the Following:

Recreational Vehicle: Storage and as Temporary Living Space

7.03.01 Recreational Vehicles

A recreational vehicle shall not be occupied in the Town of Waterboro outside a campground designated to accommodate such vehicles which comply with all provisions of this ordinance; except as herein specifically permitted.

A. Provided a permit is first obtained from the Code Enforcement Officer, it shall be permissible for the owner or lessee of a single-family dwelling to allow one (1) recreational vehicle to camp or park in his/her yard adjacent to his/her home for a period not to exceed ninety (90) days in any calendar year in every zoning district in the Town of Waterboro except the shoreland overlay district. However, such a vehicle is to be used only for sleeping purposes during the ninety day period, providing the homeowner shall have granted permission to the recreational vehicle occupants to use the homeowner's sanitary facilities and the location of the vehicle meets all sideline, rear and frontyard setbacks. The Code Enforcement Officer shall require written proof of permission from the homeowner that the vehicle can be parked in the homeowner's yard, the date of arrival of vehicle, duration of visit and date of departure.

B. It shall be permissible for a landowner to allow one (1) recreational vehicle to be parked on vacant land for a period not to exceed ninety (90) days in any calendar year provided the Planning Board has approved such temporary living quarters. In applying for the request, the applicant shall provide the Planning Board with information sufficient to allow the Board to determine that the following requirements have been met:

- Existence of adequate sanitary facilities and provisions for disposal of wastewater as permitted under the State of Maine Plumbing Code;
- Adequate provisions for the disposal of solid waste;
- If the unit contains cooking or heating facilities, and related fuel storage, those must be safe and adequate for the intended use;
- Existence of adequate water supply;
- Landowner permission, date of arrival, duration of visit and date of departure;

- Location of placement is not in the shoreland overlay zoning districts; and
 - Location meets all rear, sideline and front setbacks of the zoning district.
- C. A recreational vehicle may be stored in the Town of Waterboro regardless of the provisions of this ordinance, provided that it shall not be used for living or sleeping purposes during such time it is stored and provided it shall not be deemed a nuisance. Recreational vehicles being stored shall meet the following requirements:
- 1) Inside parking, or
 - 2) Outside parking in the side yard or the rear yard, or on vacant land, or
 - 3) Outside parking in the front yard, provided
 - a) Space is not available or there is no reasonable access to either the side yard or rear yard; a corner lot is always deemed to have reasonable access to the rear yard; a fence is not necessarily deemed to prevent reasonable access;
 - b) Inside parking is not possible;
 - c) The unit is parked perpendicular to the road or right of way;
 - d) The body of the recreational vehicle or boat is at least 11 feet from the apparent sideline of the road or right-of-way; and
 - e) No part of the unit extends over the road or right-of-way;
 - 4) Storage is permitted only if the unit, while parked, is
 - a) Not used for dwelling purposes;
 - b) Not connected to sewer lines, water lines, fuel tanks or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries and such other purposes;
 - c) Not used for storage of goods, materials, or equipment other than those items considered to be a part of the unit or essential for its immediate use.

5) Notwithstanding the provisions of this section, a unit may be parked anywhere during active loading or unloading, and use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.

D. The Code Enforcement Officer shall, if the occupation or storage of a recreational vehicle is deemed to be a nuisance and/or health hazard, order the immediate compliance of the recreational vehicle with the applicable ordinance(s) or law(s). If the situation is not brought into compliance within seven days, then the Code Enforcement Officer can order the immediate removal of the recreational vehicle.

Remove C. and the boat section of D. and 10 ft. in place of 11 ft.

Fee of \$10.00 would be in the Fee Section of the ordinance.

Larry asked if this would allow the parking of a recreational vehicle while packing a week or so. As above noted it would then be out of storage. This would not be allowed in the Shoreland Overlay Zone.

Paragraph to be added allowing use during construction with Planning Board approval an additional 90 day period as found in Section 2.07.

Dwayne Morin showed the Planning Board the Town Map with changes as discussed at the last meeting indicating he had tried to stay strict to property line, streams etc. West Road to go from A & R to F & A.

Karen asked the reason for changes to zone lines? Once the Town's population reaches 6,000 the State will analyze the town and assess the number of drives within 200 ft. for each 1/4 of a mile. The Town is then responsible for the maintenance of the road denoted by the state as an urban compact area. This could potentially include the entire length of West Road. Also the comprehensive plan called for the change. The topography really dictates size of lots to be 5 acres in place of 2 acres. Dwayne showed those present the ridge area as denoted on previous Resource Capability Analysis completed by Land Use Consultants, Inc. in February 1977.

The Board members considered what this would do to existing subdivisions. Those that have gone through recently have setback lines and therefore would meet those standards. Others have been approved already as five acres in size. Lake Sherburne lots are currently are substandard and require Planning Board approval to allow construction utilizing less restrictive setbacks.

Dwayne Woodsome suggested a no building zone around the Town property on the Bennet Hill Road surrounding the transfer station. This might be classified as taking land.

Karen noted that to limit construction is usually to protect a resource, the dump would not be so classified. Possibly the town should consider purchasing the adjacent property. Dwayne Morin noted a proposal to do this at Town Meeting.

Karen noted that the Board must take care to be consistent with the Comprehensive. The presentation for Town Meeting should be topography, useages and environmental impact and the flavor of existing development.

The Board asked Karen to see what could be added or changed to the Subdivision Regulations that would allow addition of land to an existing subdivision that would allow an easier process. Karen did note that the Board should take care not to form ordinances to particular problems since many times this comes back to haunt you.

A plan would still have to be filed at the registry of the change to an existing subdivision for re-configuring of a lot.

Are the proposed zone line changes consistent with the Comprehensive Plan to satisfy the State. Dwayne Morin noted that the Comprehensive Plan had suggested changes that dealt with the growth changes in the future since the growth pattern has slowed the current suggested changes do appear to conform. If not the Comprehensive Plan might need to be changed and could be done as a separate article or concurrent with the adoption of the change of zone.

John Roberts will not be able to attend Town Meeting. Judi Carll felt that the Planning Board should be presenting the changes to the zones and zoning ordinance not the Town Planner. All were in agreement and thought since Judi was doing such a good job she could be the spokesperson.

A Public Hearing to be scheduled before the next two meetings at 7:00 p.m. The first hearing should be on the zone line changes and the second hearing to encompass the zone line changes and the changes to the zoning ordinance for shoreland and recreational vehicles. Dwayne Morin expressed that a bulk mailing to go out prior to the second public hearing with the proposed changes on maps. Sebago Technics should be able to assist us in time for the hearing. Dwayne is in hopes to add the Shoreland overlay and wellhead protection overlay onto the maps.

Larry Jacobsen asked if there were any standards for recreational acreage that a town is supposed to own. Dwayne Morin noted none. There are standards for ballparks, tennis courts, skating rinks, basketball courts and nature fitness trails. The town meets almost all of these standards.

The town currently owns approximately 580 acres which includes 79 lots in Lake Arrowhead, the transfer station property, the mountain and other small parcels.

What would the Board like to do with the four different proposals for zone line changes. Judi Carll moved and Cindy Allen seconded a motion to use the map closest resembling the comprehensive plan marked last revision initialed by members present. Vote was 6-0-0 in favor Chairman did not vote.

Dwayne Morin stated he would compose a narrative to go out in the bulk mailing. Possibly publish a map with the notice?

April 12, 1995 no appointments to be scheduled just the Public Hearing at 7:00 p.m. and the LaCourses under Old Business.

April 27, 1995 suggested only two appointments be scheduled depending on the nature of business.

Notice to be published in three newspapers. Possibly a news release.

Roland Denby suggested John Roberts ask for Steve Kasprzak's assistance since he was extremely helpful during the original proposal for zoning in 1977.

Minutes of February 23, 1995 under Patrick Chevalier should note old subdivision on Hamilton Road should read Mountain View Subdivision. Roland Denby moved and Dwayne Woodsome seconded a motion to approve 2/23/95 minutes with change. Vote was 5-0-0 in favor.

Roland Denby moved and Everett Whitten seconded a motion to approve March 8, 1995 minutes. Vote was 5-0-0 in favor.

Dwayne Woodsome moved to reimburse Judi Carll and Cindy for their time if they help with the laminating of the subdivision maps. Motion dies due to no second.

Dwayne Woodsome moved and Larry Jacobsen seconded a motion to pay those members that attend workshops or other such meetings concerning Planning Board issues. Vote was 7-0-0 in favor.

Town Meeting is slated for Saturday, June 3, 1995.

Dwayne Woodsome, John Roberts, Roland Denby and Everett Whitten will be attending the meeting scheduled by S.M.R.P.C. on March 27, 1995. Sharon will call to let S.M.R.P.C. know how many plan to attend.

VIII ADJOURNMENT:

Meeting adjourned at 9:29 p.m.

Respectfully submitted,

Dwayne Woodsome

Dwayne Woodsome
Secretary/Treasurer

John Roberts
Guthrie Allen
Lawrence E. Jacobs

Everett Whitten
Sharon Coul
Roland E. Denby