

PLANNING BOARD

Town of Waterboro

PUBLIC HEARING

APRIL 12, 1995

PROPOSED ZONING BOUNDARY LINE CHANGES

Hearing was called to order by Planning Board Chairman, John Roberts at 7:10 p.m. Present from the Planning Board were Roland Denby, Cindy Allen, Lawrence Jacobsen, Everett Whitten, Dwayne Woodsome, Judi Carll and Chairman. Also in attendance were 16 residents.

John Roberts opened the meeting noting the purpose of the hearing was for discussion of zoning changes. The article will read: Will the town vote to accept zoning boundary changes? John referred to the handout material and asked for questions. Dwayne Morin, Town Planner/Selectmen's Assistant asked to address those present. Dwayne gave an overview as follows:

The state says that towns that have Comprehensive Plans must adjust zoning to comply with the comprehensive plan.

HISTORY

1977	Town of Waterboro first Comprehensive Plan created.
1977	Town of Waterboro passes first Zoning Ordinance.
1988	Legislature Passes Growth Management Law
1989	Town of Waterboro Selected As Phase I Community
1989	Town of Waterboro Approves Comprehensive Plan
1991	Town of Waterboro Approves Comprehensive Plan
1991	Town of Waterboro Receives Implementation Grant

January 1, 1998 Town of Waterboro must be consistent with the Comprehensive Plan or Ordinance is considered **VOID if not acted upon.**

Dwayne noted there were three ways this could be handled:

1. Change the Comprehensive Plan,
2. Change the Ordinance, or
3. Adjust both the Comprehensive Plan and the Ordinance

Dwayne reviewed existing Land Use and explained that the Board had tried to rely on existing patterns.

ALL ZONING DISTRICTS

As A Rule - Zoning Boundaries followed either property lines, streets, streams, etc. Great effort was placed on trying not to split a property with a zone line.

Village Zones - There has been an increasing demand for increasing commercial opportunity in the Town. The village areas are predominantly the commercial areas in the

Town and thus in the proposed zoning have been expanded. They were expanded to provide more commercial opportunity within the Town Boundaries. Existing Land Uses were reviewed in determining these boundaries

Residential Zones - Were increased to reflect existing housing patterns keeping in mind environmental concerns.

F & A Zones - Were created to reflect current/existing land use patterns along with environmental concerns and land restrictions (i.e. topography, soils, ledge, and wetlands)

Conservation - Used in connection with Shoreland Overlay Zoning along with sensitive lands and existing uses.

SPECIFIC CHANGES

VILLAGE ZONES

North, Center & East Village Zones - There has been an increasing demand for increasing commercial opportunity in the Town. The village areas are predominantly the commercial areas in the Town and thus in the proposed zoning have been expanded. They were expanded to provide more commercial opportunity within the Town Boundaries. Existing Land Uses were reviewed in determining these boundaries

South Waterboro Village - Village Zone was increased to cover areas encompassed by town water. The Water System opens opportunities for commercial and residential growth.

CONSERVATION ZONES

Nature Conservancy Conservation Zone - This conservation zone was expanded to encompass the entire 2,200 acre purchase of the Nature Conservancy. The intent of the Nature Conservancy was to forever protect the Waterboro Barrens. This change furthers this effort.

Other Conservation Zones - The only other changes to these zones resulted from the effort to follow property lines and not split zone properties.

Also the Shoreland Zoning is an overlay onto the Conservation further limiting types of uses of land.

RESIDENTIAL ZONES

Beaver Ridge/Brookside Residential Zone - Changed from A&R to Residential Zone to reflect existing land use patterns. Allows the residents in the subdivisions to bring property and structures into conformance.

Federal Street Residential Zone - This Zone was modified to end the Zone boundary from splitting lots. This expansion is recommended to just expand to rear property boundaries of Federal Street lots.

Hamilton Road Residential Zone - This zone change from A & R to Residential is due primarily to the existing land uses that currently exist along the Hamilton Road while allowing for additional Residential neighborhood on typically good soils, slope (3-8%)

Soils:

Loam - sandy loam
Slightly erodable
Stony/non stony
moderate permeability
greater than 48" depth to water table
greater than 48" to impervious layer
greater than 48" to bedrock

Old Alfred Residential Zone- Expand Residential Zone along Old Alfred Road to comply with current land use patterns keeping in mind the land use restriction:

Good Topography	300' - 400'
Slope	Greater than 3% - 8%
Soils	Loam - sandy loam with sections of peat muck Slightly erodable Non-stony - very stony Moderate - rapid permeability 0-15" depth to water table Greater than 48" depth impervious layer Greater than 48" depth to bedrock

Ties together all three village zones - Center, East and South

Other Residential Zones - The only other changes to these zones resulted from the effort to follow property lines and not split zone properties.

FOREST & AGRICULTURAL ZONE

West Road F & A Zone - The change from A \$ R to F & A is proposed to reflect existing land use patterns. On the whole residential development along the West Road

consists of homes set back 100 ft. or more off the road on larger lots (5 + acres). Concerns of residents along the West Road have been expressed to change this zone to the F & A.

Example: West Road Coalition with Howard Hall Development
West Road Coalition with Brooks Machining

Over the past seventeen years nine subdivisions have been completed in this area. Most of the subdivisions have included larger lots:

- 1986 Cathedral Pines - 4 lots 2.3 acres - 7.5 acres lots
- 1987 Parker Subdivision - 5 lots 3.13 - 5 acre lots
- 1987 Deer Watch - 9 lots 5.20 - 12.19 acre lots
- 1988 Fall Lot Estates - 4 lots 2.8 acre lots
- 1989 Pace Landing - 15 lots - clustered development
- 1990 Field Stone Acres - 7 lots - 2 acre lots
- 1991 New Arbor Estates - 3 lots - 1 - 2 acre and 2 - 8 acre lots
- 1992 Doug Pilon - 2 lots - 14.41 acre lot and 4.55 acre lot
- 1993 West Hill - 3 lots - 1 - 90 acre + lot 1 - 3.8 acre lot 1 - 2.43 acre lot

The land constraints in the zone include:

- Bad topography 400' to 700'
- Excessive slopes 3 - 25%
- Soils Loam - Sandy loam texture
 - Slightly to easily erodable
 - Non stony to extremely stony
 - Moderate to rapid permeability
 - 0 - greater than 48" depth to seasonal water
 - 0 - greater than 48" depth to impervious layer
 - 0 to greater than 48" depth to bedrock (very large area of 0 - 15")

Deering Ridge Road F&A Zone - This area was changed from A&R to F&A. On the whole, the area changed consists of houses located on larger lots. Many vacant lots are predominately large tree growth parcels or sprawling fields which are hayed.

Simonds Lumber F&A Zone - This area's only change was along the Townhouse/Buxton Road where the change from A&R was changed to F&A. This was primarily done due to all parcels abutting the road being under tree growth status.

Other F&A Zones - The only other changes to these zones resulted from the effort to follow property lines and not split zone properties.

AGRICULTURE RESIDENTIAL ZONE

General - The A&R Zones were changed to other zoning classifications as mentioned above. Primarily the A&R zoning was changed to either F&A , Residential, or Village.

As a rule - The A&R Zone is those areas within the Little Ossipee Watershed.

Meeting was opened for question and answer period.

Gus Cook - West Road - Asked if there had been provision for industrial area. Dwayne Morin noted that the Village zone allows for commercial uses.

Would the area changing from A&R to F&A allow single family residence. Yes it does.

Has the town had trouble with law suits due to loss of use? No Planning Board has met with the Town's attorney to make sure of potential law suits because of changes considered.

Kim Janotta - West Road - Kim is a developer this would hinder future development. Kim's hope was that the Planning Board would change the two acre zone to one acre zoning not from 2 acre to 5 acre.

Mrs. McDaniel - Thyngs Mill Road - How would the changes affect tax assessment?

Dwayne Morin noted that he had asked the Tax Assessor - Property is assessed on market value around you. Village and Residential are appraised lower. Assessors establish blocks and it would appear that there would be no different rate.

John Cote - Cathedral Pines - If voted in when would the changes become effective? July 1, 1995

Mr. Cook - Law suits because lot requirements were too large? Dwayne Morin noted that to date the Town of Waterboro has not had any law suits due to zoning changes.

Tim Allen - Route 202 - Mr. Allen currently has a garage in an AR zone. How would the change affect his property? The property would be grandfathered and the use could continue. Asked if he could split lot? Dwayne indicated that it would make no difference in splitting lot due to change in density requirement. Subdivision laws are state law.

Single family is allowed in all zones but lot size requirements differ from zone to zone.

McDaniel - Conservation restrictions - Generally sensitive lands most land in the conservation zone would be protected by Shoreland Zone overlay which protects most wetland area.

Gus Cook - If a use is non-conforming, how long before the use is discontinued. If a non-conforming use ceases for 12 months it would lose its grandfathered status.

Tim Allen - Asked about overlay of Shoreland Zone and the proposed development project intended for abutting property. State and Federal regulations - which the town has little or no say in. Wetlands 1/2 acre or greater fall under Army Corp of Engineers permit.

If a property has wetland on it the density is allowed for a cluster type development.

McDaniel - Houses for additions if non-conforming. Planning Board review would be required as it is now. Asked about setback differences. Addition would be non-conforming, Planning Board would review for minimal impact.

Tim Allen - Asked if a single family home is allowed on one acre lot what about a duplex? Basically one acre per dwelling when one acre zoning is imposed.

Noted that the Planning Board had tried to create a plan for the entire community.

Dwayne Morin asked if those present felt the board had been successful in doing that or have they totally missed the boat. No response from those present.

Tim Allen - asked if the Board could help developer on West Road?

Comments will be taken into consideration however the Board must look at what is best for the entire town not intended for spot type zoning.

Kim Janotta - Noted he has built two houses that are high quality homes with 2,200 sq. ft nicely landscaped. What would the town gain by going from 2 to 5 acre zone? Dwayne Morin noted that once the Town reaches 6,000 population the State sets Urban compact areas this is determined by the number of entrances onto a state road or state aid road so many with a 1/4 of a mile. Potentially the Town could be responsible for the maintenance year round as well as reconstruction, paving, sanding and plowing where currently the town sands and plows. Noted that Routes 202 (4), Townhouse Road, West Road, Route 5, Old Alfred Road, Goodwins Mill Road, Federal St. and Chadbourne Ridge Road are considered State Aid Highways. These would be used for consideration under Urban Compact areas. The state currently paves and reconstructs these roads. This would place a great cost onto property owners and property taxes. Kim asked if single family homes would not add to the revenue. Dwayne explained that currently taxes derived from a single family home does not cover the education cost of \$4500.00 per year per child. Commercial growth gives a boost since it is pure tax revenue.

McDaniel - Asked why North Village expansion was so large? Planning Board will review all comments and concerns.

Simonds Property - Townhouse Road - Board to consider remaining AR and maybe increase the AR zone in this area.

East Village - Suggested it not be expanded to the Lyman/Waterboro town line.

Federal Street - R zone not extend to Star Hill Road.

Center Waterboro Village - should be reduced.

McDaniel commented on rational for changes.

Kim Janotta - Industry welcome on West Road now if changed it would not be allowed. On two occasions a coalition has indicated to the Board the need for larger lots and did not feel certain commercial uses should be allowed.

If Mr. Janotta intended future development he could use the wetland area as density to maximize the steep slope to the rear of the lot. Currently the rear section of Mr. Janotta's property is zoned as 5 acres. Mr. Janotta noted that past the wet area there nice level land it is a shame to be able to make use of it. Dwayne Morin stated , in his opinion that the land could still lend a nice development.

Hearing was closed at 7:47 p.m.

Respectfully submitted,

Dwayne Woodsome
Secretary/Treasurer