

PLANNING BOARD

Town of Waterboro PUBLIC HEARING

APRIL 27, 1995

PROPOSED ZONING BOUNDARY LINE CHANGES

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CHANGES TO SHORELAND ZONING

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ADDITIONS TO ARTICLE 7 OF RECREATIONAL VEHICLE

Hearing was called to order by Planning Board Chairman, John Roberts at 7:04 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 20 residents and Robert Fay.

John Roberts opened the meeting noting the purpose of the hearing was for discussion of zoning changes. John noted to those present that if they were not at the April 12th Public Hearing they should state their name prior to speaking for the recorder. 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.

Shoreland Zoning Changes reviewed as follows:

John Roberts asked if there were questions? None asked except Mr. Coyne who asked about the boundary changes. John told him they would get to those in a few minutes.

Recreational Vehicle Changes as follows:

RECREATIONAL VEHICLE CHANGES

Dwayne Morin explained that existing rules allow a Recreational Vehicle to be placed on a lot for 15 days in a calendar year. The change would allow 90 days as long as adequate sewerage and water were available and would include a \$10.00 permit. Planning Board approval would be required for a vacant lot. Any land within shoreland would not be allowed to have a recreational vehicle. Repeal of existing. Questions ? None

Article: To see if the Town will vote to amend Article 7 of the Waterboro Zoning Ordinance by adding the following Section:

Section 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 front yard setbacks. The Code Enforcement Officer shall require written proof of permission n 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, side line 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 body of the recreational vehicle is at least 10 feet from the apparent sideline of the road or right-of-way; and
 - d) 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 unity 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.

E. The Planning Board may extend the ninety (90) day time period for utilizing a recreational vehicle as temporary living space for an additional ninety (90) day time period provided the applicant can show need and that undue hardship will result if the time period is not extended.

Article: To see if the Town will vote to amend the Waterboro Zoning Ordinance by deleting the following paragraph from Article 7, Section 7.03:

Recreational vehicles may not be used as permanent residences in the Town of Waterboro. They may be stored when not in use in any parking space authorized or required to be created by this ordinance. They may be used as intended in any campground designated to accommodate such vehicles which complies with all of the provisions of this ordinance. In addition, persons utilizing recreational vehicles who are known to and guests of residents of the town may temporarily park on any portion of their host's lot area and utilize their recreational vehicle for temporary living quarters for a period not to exceed fifteen (15) days provided that the minimum setback requirements of the zoning district are observed and that the occupants of the recreational vehicle utilize the sanitary facilities located in their host's residence.

Article: To see if the Town will vote to amend the Waterboro Zoning Ordinance by adding the following to Article 12, Section 12.01 Permit and Review Fees:

Recreational Vehicle Temporary Living Space Permit	\$10.00
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No questions were asked.

Change of 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.

John Roberts asked if there were questions? None asked except Mr. Coyne who asked about the boundary changes. John told him they would get to those in a few minutes.

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 subdivision have been completed in this area. Most of the subdivision 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.

Dwayne Morin

Dwayne indicated that zoning changes as presented were to make the zoning ordinance consistent with the Comprehensive Plan. The Town has until January 1, 1998 to change zoning to be consistent with the comprehensive plan or, change the comprehensive to reflect no changes and remain with the existing ordinance regulations or to compromise and change both the comprehensive plan and the zoning ordinance.

Meeting was opened for question and answer period.

The Board has worked for the last year on the proposed changes and Legal Counsel believes that the changes are consistent with the Comprehensive Plan.

Dwayne Morin noted changes since the public hearing on April 12th R zone will follow rear property lines instead of going to Sayward Ridge Road. Small change near the Lyman Town Line and increase AR along Townhouse Road due to good soils, topography, etc.

Randall Coyne asked about Village Zone, he was informed that 20,000 sq. ft. and 40,000 sq. ft. lots were required. This appears to be a large expansion for Village.

Lake Arrowhead: do they pay taxes? Informed yes they do pay taxes to the Town of Waterboro as well as association dues to the association.

New Road: Five acre lots though it was good but stated a lot of Village.

Larry Jacobsen - one of reasons that taxes are so high is because of Lake Arrowhead and the size of the lots. No area open for Commercial development that would pay pure tax since there are no children to educate. West Road has beautiful homes which are premium dollar for premium lots help offset the \$60,000.00 homes. The Board could proposed one acre lots throughout the entire town which would allow trailers and possibly another Lake Arrowhead. Board felt the town needs a better balance.

Fred Pierce - stated his confusion on the reasoning for changing West Road to five acres. If he had ten acres he could only feasibly get two house lots instead of five. Much of his land is for his retirement. Two years ago the town needed money and they boosted the

land valuation which made his taxes un-affordable so he had to sell 40 to 50 acres to his son. Mr. Pierce felt that the town has shafted him.

Larry Jacobsen - Value of existing property has gone up.

Fred Pierce - AR to R - West Road making up the slack. Nice homes - what is the difference.

Ron Woodward - Nice home of Fred Pierce and he sympathizes with him. Mr. Woodward has a home which sets 250 ft. off West Road with eleven acres. He had anticipated being able to split this lot twice for each of his two children. With the proposal he could only cut one lot off. Also noted his brother-in-law owned 9.9 acres he would not be able to divide the lot into two lots. What happens to people on that road now? This is a serious impact.

It was noted that legal counsel had been at a regular meeting to discuss this issue and according to the attorney this change within this area is in keeping with the Comprehensive Plan that the townspeople voted for. The town has until 1998 to meet compliance with state mandates.

Tim Allen - It appears that most areas were helped by zoning with the exception of West Road and felt if you can't help land owners don't hurt them. The changes favor Mr. Allen however everyone in town should work together to solve a problem. Mr. Allen stated should try not to shaft landowners.

Dottie Janotta - Stated she had studied the maps and done research. People with larger acres are out of towners that have no vote regarding the proposed increase on West Road. In the Village area stated she though industry was a good idea also the water system could help. Problems with the increase like with Mr. Pierce he had purchased land with the intention of doing something worthwhile. Why not Roberts Ridge? People would not pay more for larger lots. Why not have a compromise? Why not propose 3 acres for everyone?

Dottie asked who takes care of offering incentives for commerce? Tax breaks? Dwayne Morin noted that it was against state law to offer tax breaks. The town had an Industrial Committee.

Three acre house lots would allow for nice development. Believed the tax base would be lower. It was noted that real estate alone will not carry the expense of education. Dottie asked if the board would consider suggestion.

Dwayne Morin noted that most of the subdivisions in the last few years have made lots five acres many times due to the topography on West Road. Pre-existing subdivisions would be grandfathered and non-conforming.

Judi Carll - noted that the Board members had reviewed existing Village areas and tried to increase for future expansion and then around the Village area had allowed increase to residential since most of the services are located in the Village zone allowing the residential area to wrap around the Village. This made for easier accessibility for fire, ambulance and water. Further out from Village larger density called for less accessibility to services. Tried for progressive zones. What effect would this have on taxes? Shouldn't have any effect.

Roger Deering - Deering Ridge Road. Stated he likes the change to F & A. His mother who owns land that probably will not be developed thinks the change is acceptable.

Tim Allen - Why was the Village Zone expanded in Waterboro Center just large enough to include Foglio property, just so he could make a few bucks. Plan for business to come in. How many banks?

Board members tried to explain that while increasing zones they did not look at existing property owners. They were concerned with available undeveloped land that would allow expansion. They looked at this as an entire unit not individual lots. Typically strip development happens. This area would allow commercial growth with access to two state aid highways and is somewhat screened. Also topography, water table, soils etc. were reviewed.

AR zone does not allow much commercial development unless you have direct access to a state aid highway.

To go through a subdivision process a hydrogeological study costing in the area of \$10,000.00 has to be completed which many times limits the number of homes allowed in a subdivision. If over twenty acres are developed DEP review is mandated costing in the area of \$100,000.00 for review. A large subdivision does not happen overnight. Example given of existing approved trailer park in Center Waterboro that started as 36 lots and was reduced to 23 lots due to the strict specification of the hydrogeological study.

Dwayne Morin noted that the West Road is located along a ridge that has approximately 400 ft. drop to the Middle Road and New Road with ledge out croppings. Dwayne asked Kim Janotta what the depth of his well was he replied 200 ft. Area does not lend itself for development. Over the past seventeen years the West Road has shown development as a Forest & Agriculture Zone. Agreed that zoning is detrimental in restricting peoples rights.

Harry Jarosz - Rational from AR to FA? Mr. Jarosz is a non-resident - no kids in the system. New Road has no ledge. Tremendous amount of development not under five acres. Dwayne Morin noted that this area cannot pass the hydrogeological study and that past development has leaned toward 5 acre and greater lots.

Ron Woodward - What's wrong with a 200 ft. well? The fact that some people chose larger tracts and have not developed a lot, have been respectful. Pay a lot of taxes now

finding out that plans are down the drain for splitting of lots. Another thorn - cable TV. Informed by the cable company that the density is not right. How dense does it have to be? Disappointed that the town didn't make it a stipulation with the cable company that the fringed area be included in their plans. Ron's only recourse now is to put in a dish. Felt people have been good residents are getting a raw deal. Not thrilled about three acres but would be an easier pill to swallow. There are a lot of people on West Road. Hope you would take into account three acres being easier to handle. Please take people into consideration

John Roberts noted that there are no guarantees. If you invested in stock you take a chance that it may be worth less. Could go belly up. No guarantees.

Dwayne Woodsome noted that with every proposed subdivision several people from the West Road had been opposed. Proposed cluster development shot down.

Mr. Woodward - People not looking for over development. Bad Road for that type of development.

Mr. Woodsome noted that the subdivider had met the density requirements of zoning and could still have done as proposed.

Fred Pierce - asked if anyone remembered Gerry/Jerry deal where district boundaries were changed to get more votes. Mr. Pierce feels hurt and put upon. Asked if this has to go through Town Meeting? Stated this would probably be last on the agenda.

Mr. Woodward - Noted that West Road is a badly maintained road with many accidents. Put a bunch of subdivisions didn't make sense.

Board members noted that were trying to be sensible with the zoning. Roland Denby noted that Shoreland Zoning was a silent problem. If you had wet areas on your property you would need to maintain a 250 ft. setback around that area and could lose the use of 10-12 acres where you cannot cut trees or build roads. This is a sizable piece of land.

Tim Allen - Route 5 asked if he could still use the density. Dwayne Morin explained that wetland could be used for density you would need to maintain certain criteria.

Kim Janotta - Noted that what he had wanted to say had already been said. His land goes 1,000 ft. and drops about 120 ft. not 400 ft. Beyond the current location of two homes that he built is sandy soil. His lot currently is split by AR & FA zoning.

Elizabeth Mitchell - Deering Ridge Road - noted she was in favor of the increase to five acres .

Mr. Coyne - Vote on the warrant or ballot? Noted on the warrant. Thought the 3 acre zone was a nice idea.

Judi Carl - noted that the Board members had reviewed existing Village areas and tried to increase for future expansion and then around the Village area had allowed increase to residential since most of the services are located in the Village zone allowing the residential area to wrap around the Village. This made for easier accessibility for fire, ambulance and water. Further out from Village larger density called for less accessibility to services. Tried for progressive zones. What effect would this have on taxes? Shouldn't have any effect.

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Harry Jarosz - Rational from AR to FA? Mr. Jarosz is a non-resident - no kids in the system. New Road has no ledge. Tremendous amount of development not under five acres. Dwayne Morin noted that this area cannot pass the hydrogeological study and that past development has leaned toward 5 acre and greater lots.

Ron Woodward - What's wrong with a 200 ft. well? The fact that some people chose larger tracts and have not developed a lot, have been respectful. Pay a lot of taxes now

Fred Pierce - asked the difference between West Road and Middle Road -stated two and five respectively.

Robert Fay - If anyone wishes to change a portion of the ordinance there is a process which allows the change to be brought before the town to vote on. The Comprehensive Plan was passed through town meeting. A yes or no vote to the package being presented. If no the Planning Board would have to come back with another plan. The Planning Board is bringing these changes before the townspeople due to the comprehensive plan being accepted. They are not randomly choosing to do this. The Planning Boards responsibility is to bring the changes to the townspeople. No one on the Board decided on their own to make the changes. The Board still has the opportunity to change the proposal. All meetings are public. Meeting following this hearing. Board meets on the second Wednesday and fourth Thursday of each month.

Liz Gould - What is the acreage for Residential - stated one acre. It was noted that the area where Ms. Gould is would not be changing. Liz stated that the twins in town want to buy her land - this would be one mess close to town. Hopes that it doesn't pan out.

Question on tax increase? State there should be no increase in the tax bills if changes are made. Town taxes on what is taking place on the land not what it could have.

Tim Allen - Would Village Zone change his taxes. Not until it was developed.

Hearing was closed at 8:31 p.m.

Respectfully submitted,

Dwayne Woodsome
Secretary/Treasurer