

PLANNING BOARD

Town of Waterboro

REGULAR MEETING

MAY 25, 1995

Meeting was called to order by Chairman at 7:28 p.m.

- I ROLL CALL:** Present were Cindy Allen, Judi Carll, Everett Whitten, Roland Denby and Chairman, John Roberts.
- II MINUTES OF PREVIOUS MEETINGS:** Regular Meeting April 12, 1995 and Public Hearing April 12, 1995
- III COMMUNICATION AND BILLS:**
1. Notice of Intent to File a Natural Resource Protection Permit by Thomas Bullard for Stream crossing
 2. RTAC Newsletter for May
 3. Letter from DEP Re: James Peverill
- IV REPORT OF OFFICERS AND COMMITTEES:**
- V APPOINTMENTS:**
- 7:00 P.M. Art Smith Map 24 Lot 2 AR Zone
7:30 P.M. Sampson/Johnson Map 39 Lot 6 V Zone
7:45 P.M. Fred & Judi Fay Map 31 Lot 11 AR Zone

Art Smith Map 24 Lot 2 AR Zone

Mr. Smith is proposing to remodel an existing porch by changing the pitch of the roof and adding new windows. Mr. Smith is within 100 ft. of the normal high water mark of Middlebranch Pond. The new roof would allow cathedral ceilings and therefore volume would be added to this structure a total of 6.5%.

Roland Denby moved and Everett Whitten seconded a motion to approve request and plans submitted be followed under section 7.01, 2. 1.A.

Sampson/Johnson Map 39 Lot 6 V Zone

This lot is located on the corner of Silas Brown Road and Route 5 in North Waterboro. Michael Sampson was before the board on several occasions regarding the size of a farm stand. Richard Johnson, Annie Sampson, and Maria Johnson are now requesting approval to add Flea Market tables, sell ice cream baked goods, crafts and baskets to the previously approved use. This lot is listed as having 1.8 acres and has a home on the property as well as the Farm Stand. The proposal is to expand the parking lot to have

direct access from Route 5. They intend to fill in the land between the stand and Route 5 to allow for the parking lot once they receive approval from the Board. The applicants planned about 6 tables for the Flea Market and proposed renting these out. Not sure where or how the ice cream would be sold just an idea. Parking lot area? They were waiting for approval from the board.

Board members discussed number of uses. This was previously approved as a farm stand. The Board members explained that sale of ice cream and flea market would be additional uses and therefore required more land. Crafts? Local farm products and nursery items were previously approved. Crafts could fall under Home Occupation as long as no more than 25% of the building were dedicated to the display of crafts. (including under the overhang of same building)

A permit from D.O.T. would be required regarding the entrance off Route 5. Board informed the applicants that they should contact the State regarding this matter.

Roland Denby moved and Everett Whitten moved to approve the request for Arts & Crafts to be no greater than 25% of structure under Section 3.09 #24, 3.06 and 7.04. Vote was 3-0-0 in favor.

Fred & Judi Fay Map 31 Lot 11 AR Zone

The Fay's are requesting permission to construct an addition on the existing structure which falls within 100 ft. of the normal high water mark of Ossipee Lake. The Fay's are requesting the maximum allowed. Dwayne Morin reviewed the plans and the tax records and found that the existing structure has 2,784 sq. ft. of living space which would allow an 11' x 50' two story addition. The configuration of the addition is to add to both sides of the first floor and add a second story. As proposed this would be a 29.23% expansion to that portion of the home which falls within 100 ft.

Roland Denby moved and Everett Whitten seconded a motion to approve an 11' x 50' 2 story addition which falls within 100 ft. of the normal high water mark of Ossipee lake equaling a 29.23% expansion under Section 7.01, 2.B.1.A.. Vote was 4-0-0 in favor.

Judy Fay noted that the septic system is being moved away from the lake as part of this project.

VI OLD BUSINESS:

1. Ray Dupuis - Map 40 Lot 12 AR Zone

Mr. Dupuis was before the board at the May 10th meeting. Mr. Dupuis had indicated to the board that he planned to make the portion of the deck that was over the water

removable. At the on site inspection May 17, 1995, which Roland Denby attended and Cindy Allen checked at a later time on the 17th, photos were taken and Roland and Dwayne Morin found that the deck was solid. The only thing that will move the deck and platform area would be the ice. Mr. Dupuis was aware that might happen but still chose to construct this attached to the stairs.

Roland stated he felt this was an allowed use however this was constructed without permission. Roland also noted that the addition of the steps was much better than a beaten path. Mr. Dupuis noted he planned to place crushed rock under the stairway. He was informed that this was not allowed.

Everett Whitten moved and Roland Denby seconded a motion to approve existing deck and stairs that were constructed without permits under Section 7.01, 3.E. Vote was 4-0-0 in favor. It was noted that Mr. Dupuis had set the structure on the ground and had not done any digging.

Penalties - Fines - A double fee is usually assessed for persons starting construction without a permit. Dwayne Morin indicated to those present that Mr. Dupuis was told not to start the project without permits. Mr. Dupuis had indicated to Tim and Dwayne previously that he was on vacation and had planned to complete the project then. It was noted that the CEO could take care of the penalty and fine. Tim asked if the Board would support his decision on the fine. John Roberts indicated yes.

2. Milk Room

The Milk Room received approval on September 12, 1994 pending the presentation of information. The minutes were reviewed and read. A plan along with narrative was presented by Paul Pelletier from Portland Pump.

A slight change to the previous plan is to have a manned booth instead of self-serve. The entire structure including canopy will be on Lot 42.

A 4 x 4 sump noted would take substance and pump into a self contained tank that would be pumped out (water and oil/gasoline) rather than dispersing the water into the existing drainage.

On plans submitted it appears that the canopy would go within 16 ft. of Pearl Street. It was noted that the Zoning Board of Appeals Variance had no restrictions regarding setbacks. The file was checked for supporting documents and the current proposal is like that submitted to the ZBA. The location of the storage tank is towards the side property line situated nearer the Milk Room building.

No entrance from Pearl Street. Paul noted the use of boulders on Pearl Street and around the corner to Goodwins Mill Road. It was noted that the entrance has to be at least 50 ft. from intersection. Paul indicated everything will be paved and lined.

Dwayne Morin recommended that the Board approve the plan presented with the inclusion of the 1,000 gallon tank and the oil and water separator. Pearl Street be blocked and the entrance be 50 ft. from the intersection and the parking lot be paved and striped.

Roland Denby moved and Cindy Allen seconded a motion to approve Dwayne Morin's recommendation to approve plan as presented with the inclusion of an oil and water separator, that Pearl Street be blocked and entrance be 50 ft. from the intersection, the parking lot be paved and striped. Tim Nelson to be on site during installation. Could ask for an As-Built drawing of the area be presented from Portland Pump. Vote was 4-0-0 in favor.

Suggested Portland Pump engineer seal an As-Built plan and a diagram for the oil/water separator be presented with the Building Permit Application.

Roland Denby asked about First Quarter Payment for the Board members. Sharon will submit it.

Roland Denby moved and Judi Carll seconded a motion to approve April 12, 1995 minutes. Vote was 4-0-0 in favor.

3. Town Meeting Spokesperson

Asked who was planning on attending Town Meeting. Cindy, Judi and Roland would be there. Cindy noted she could not be there all day. Judi would present the changes with help from Cindy and Roland. It was noted that whoever is the spokesperson Dwayne Morin would write up a synopsis and review prior to Town Meeting.

Dwayne Morin indicated he would speak on Shoreland Zoning Changes if asked. Dwayne to do posters for the Town Meeting with the history of process. Plan to stress the point that the proposals were a unanimous vote from the Board members.

VII NEW BUSINESS:

Letter read by Dwayne from Resources for Change regarding development of Kim Janotta's parcel on the West Road. Dwayne briefed the Board on his telephone conversation with this company and was concerned that the company is asking him to do their work. Dwayne indicated to the Board that legally he could not tell someone how to develop and had informed Mr. Watson of this. Roland Denby suggested contacting legal counsel for advice. (See Attached Letter)

Resources for Change

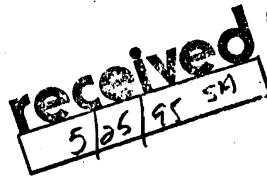
130 Church Street, Suite 1, Burlington, VT 05401-8401
(802) 860-6203

Annie Dunn Watson, M.A., C.M.T.

Michael Watson, M.A., Ph.D, LCMHC

May 21, 1995

Dwayne Morin
Town Planner
Town Office
Town House Road
Waterboro, Maine
04087



Dear Mr. Morin:

This letter is a follow-up to our telephone conversation of May 18th. As I thought about our conversation, it seemed important to place it in writing so that you can correct any mistakes in meaning under which we may be working. My understanding of our conversation is that:

1. The Janottas must have their road at the 8% grade if the road is to be a town road. They have an option to make the road a private road with a slightly steeper grade. However, a road with a grade greater than 8% must forever remain a private road.
2. You have walked the parcel and remain concerned about the steep slope of the hillsides.
3. The integrity of the wetlands must be maintained.
4. It is the policy of your office to work cooperatively with citizens.
5. A plan developed in cooperation with your office, and designed within the parameters of the relevant town regulations, is no more likely to received approval by the various and many town boards than plans developed without consultations with your office.

As we have thought about these points, a number of questions have occurred to us. Given the steep slopes, what development would the town favor? Given the seasonality and small size of the wetland, would you favor a plan which enhances the existing wetland with a pond or other water containment structure, and with improved and managed wildlife habitat? Is there a method in place which allows developers to work actively with the town to limit design costs, and devise mutually beneficial development strategies and outcomes? If not, would the town develop such a protocol and use it with the Janottas? If such a protocol exists, how do we access it?

While we welcome further telephone conversations, we think it important to also have clear written conversations in order to minimize confusion and the potential for ill feelings in the future. Thus, we hope that you will respond to these questions in writing, and in a timely manner.

Thank you.

Sincerely,


Michael Watson


"Resources: a combination of inner and outer supports and strengths that help us cope with a changing field of experience."

Litalien case discussed and noted that DEP has reviewed and it appears that the Zoning Board of Appeals should have considered the structure on site as reasonable use since their was an electric service and propane gas tanks attached to the shed. Legal Counsel informed us that time has elapsed for further review by Town.

VIII ADJOURNMENT: Meeting was adjourned at 9:07 p.m.

Respectfully submitted,

Dwayne Woodsome
Secretary/Treasurer



Richard E. [unclear]

Guthrie Allen

