

TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE

REGULAR MEETING

JUNE 22, 1995

Meeting called to order by Chairman, John Roberts at 7:18 p.m.

- I **ROLL CALL:** Present were Roland Denby, Cindy Allen, Judi Carll and John Roberts.
- II **MINUTES OF PREVIOUS MEETINGS:** Regular Meeting May 10, 1995, May 25, 1995, June 14, 1995

Motion made by Roland Denby and seconded by Cindy Allen to approve May 10, May 25 and June 14, 1995 minutes. Vote was 3-0-0 in favor.

III **COMMUNICATION AND BILLS:**

IV **REPORT OF OFFICERS AND COMMITTEES:**

V **APPOINTMENTS:**

7:00 P.M. Paul Tebbetts Map 20 Lot 2 V Zone

7:15 P.M. Ted Dewitt Map 8 Lot 27 AR Zone

7:30 P.M. Mark Morin Map 41 Lot 26 AR Zone

7:00 P.M. Paul Tebbetts Map 20 Lot 2 V Zone

Mr. Tebbetts is requesting the expansion of an existing house within the Village Zone on a substandard lot by adding two bedrooms and a bath. The proposed addition is set back from Ricker Lane less than the required 50 ft. however, the existing structure is currently 22 ft. from Ricker Lane and the addition is set back further than the 22 ft. All other setbacks can be met. There is no septic design on file for the home. since the addition of two bedrooms is requested a new septic system should be considered. The lot is substandard and requires Planning Board approval under Section 2.08.

Mr. Tebbetts plan to install a new septic system and noted he would have no problem waiting until a design prior to applying for a building permit for the project.

Roland Denby moved and Cindy Allen seconded a motion to grant the request provided that Plumbing Code be adhered to and a Building Permit not be issued until an adequate septic system is designed under Section 2.08. Vote was 3-0-0 in favor.

7:15 P.M. Ted Dewitt Map 8 Lot 27 AR Zone

Mr. Dewitt is requesting permission to construct a single story garage and a mobile home on a substandard lot on Roberts Ridge Road. The lot is approximately 40,000 sq. ft. in a two acre zone. All setbacks can be maintained.

Cindy Allen moved and Roland Denby seconded a motion to approve the plan as presented under Section 2.08. Vote was 3-0-0 in favor.

Mr. Dewitt asked if he could construct the garage without using manufactured trusses. A new plan would need to be presented with changes

7:30 P.M. Mark Morin Map 41 Lot 26 AR Zone

Mr. Morin is requesting permission to place an asphalt walkway from his cottage on Lake Ossipee to the shoreline onto a dock to allow him access to his boat. The proposed walkway appears to be approximately 45 ft. in length by 4 ft. in width. Mr. Morin has made inquiries through DEP Natural Resource Protection Division regarding the process needed to allow handicap accessibility. Tim Nelson spoke with Doug Burdick and Will Cook from the South Portland Office and they have noted if the job can be completed with one day he can do what is proposed without permits. Will Cook did recommend that the Board request the placement of native shrubs to be added to buffer the wash from the asphalt.

Dwayne Morin indicated in review of Section 7.01 Section 2 Paragraph 5 of the Waterboro Zoning Ordinance and Section 7.05 that the handicap accessibility is allowed however the proposed use of asphalt is a concern. Denis Pratt , an engineer from Alpha One had suggested the use of stone dust in place of asphalt. This is a preferred substance within shoreland zones. The use of wood timbers along said walkway could be used. The main concern is the wash from the asphalt going directly into the lake.

Mr. Morin indicated that the asphalt would stop four ft. from the waters edge.

Asphalt is also pretty permanent. According to Denis Pratt stone dust is a porous substance while compacting to a very hard surface for use of wheelchair. A motion could be made that Mr. Morin comply with the ordinance . If that was not satisfactory he could make application to the Zoning Board of Appeals.

A wood ramp would work. Mr. Morin noted that he was looking for aesthetics as well as accessibility. The asphalt is planned to be flush with the terrain. It was explained that asphalt is an oily substance. DEP says not allowed with 75 ft.

Mark Morin asked about existing boat launches that go directly into the water. Those existing cannot be made to remove them. Mark did not see how the oil from the asphalt would reach the water? Dwayne asked if he had ever noticed the algae bloom in areas on the lake that currently have asphalt. It take 2 1/2 gallons of petroleum to one ton of asphalt. One gallon of petroleum will contaminate one million gallons of water. What about concrete? Not readily removable. Patio blocks could be used but are hard to roll wheelchair over. Alpha One would provide the specs for stone dust if needed.

Parking lot by salt water marsh was an example used by Alpha One and its success in the shoreland areas. It is not know why DEP had no problem with the installation of asphalt. Examples of properties in the shoreland zone that had installed concrete that had been made to remove were given. Mr. Morin asked how across from Brunetti's on the point someone had installed a cement boat launch. Not known but Tim Nelson would check this out. If a cement wall exists DEP will allow up to 50% repair if new they request rip rap. Waterboro Zoning Ordinance states wood or other material that can easily be removed.

Mark stated that asphalt is easily removed. Dwayne Morin disagreed. Cindy moved to approve under Section 7.05, and 7.01, Section 2 Paragraph 5.. Mark asked if he signed something that says he would remove the asphalt once he sold it would that make a difference? He would be required by the ordinance to remove it anyway.

The ordinance doesn't specify asphalt but is noted as a pollutant and not allowed within 75 ft. of normal high water mark under DEP regulations. Asphalt driveways are considered a structure. Planning Board does not have the authority to allow structures within 100 ft. of the water unless it is an addition to an existing structure and then they can not allow an addition greater than 30% and they must not go closer to the water.

Wheelchair ramps are allowed by the Planning Board. Mark stated he could remove the asphalt without the use of equipment. John Roberts explained that the board was concerned for the potential pollution with the use of asphalt.

Cindy asked about the time limit noted in the conversation with Mr. Nelson. Generally the same process for stone dust as for installation of asphalt. DEP might not check Dwayne did not think if it took a bit longer to install that it would be a problem.

Dwayne had contacted Rich Baker from Shoreland Zoning Division of DEP however no one was in the office. Mr. Morin utilizes the cottage year round but his residence is not in Waterboro. Mr. Morin noted he is just shooting for something that would allow him access by himself without assistance. Mark noted that those areas utilizing stone dust that he had seen were a sandy consistency. Stone is a natural substance. Board members indicated they did not wish to make it more difficult for Mr. Morin.

Cindy Allen moved to grant permission for ramp of wood or other material under Section 7.01 and 7.05 . Motion failed for lack of a second.

Mark noted to the board members that they were adding an interpretation that didn't exist in the ordinance. Board noted asphalt not allowed within 75 ft. of shore. The Planning Board could request a written opinion from NRPA not Shoreland Zoning . Mark asked if DEP says okay why would the board be concerned.

Cindy Allen moved and Roland Denby seconded a motion to ask for DEP opinion. Vote was 3-0-0 in favor. DEP within 25 ft. of high water mark if long form. Mark Morin indicated that the licensing bureau in Augusta decided with the situation no permit would be needed. Mark's situation was different. Mark to be placed under Old Business on July 12th. John Roberts indicated he would not be at the July 12th meeting.

VI OLD BUSINESS:

1. Fredericks Map 33 Lot 37 AR Zone

Mrs. Fredericks had previous approval for an addition of a two story garage with living space above structures to go no closer than 10 ft. to the rear and side property lines. The permits were never issued and now the plan has changed to add a deck to a garage without living space above. This lot is a back lot away from the water. Does not fall under the 30% expansion rule. New request is legitimate no longer plan on a breezeway.

Cindy Allen moved and Roland Denby seconded a motion to approve amended plan dated 6/21/95 for garage and attached walkway under Section 2.08. Vote was 3-0-0 in favor. Permits should be ready Tuesday.

Would Alpha One give written opinion? Dwayne Morin will check.

Note made to Tim regarding a refrigerator below water level where cottage burnt. Tim indicated letter was being sent.

Dwayne Morin indicated to the Planning Board the potential problem with the vote at Town Meeting regarding the two articles on Recreational Vehicles. Dwayne was providing the attorney with minutes and necessary paperwork. Robert Fay had suggested possibly considering placing zoning changes as a referendum. A lot of towns are doing this now.

VII NEW BUSINESS:

Maine Cranberry Company - Does not have a complete application at this time. Letter to them from Dwayne and Tim indicating items needed prior to review by the Board. Have asked for detail drawings, permits from licensing agencies, survey and specifications.

Dwayne briefed those present on the request for a variance from Piscatiqua Cellular for a 180 ft. tower . Dwayne thought that due to Section 8.01 they would possibly be granted a variance. Once the Planning Board reviews the application under Conditional Use the board should look at the technical aspects - wattage - fencing etc. The Board has the right to request independent technical advice or assistance.

VIII ADJOURNMENT:

Meeting adjourned at 8:53 p.m.

Respectfully submitted,

Dwayne Woodsome
Secretary/Treasurer

Guthrie Allen
Judith Abel
Roland E. Denby

