

# PLANNING BOARD

## Town of Waterboro

Regular Meeting

September 13, 1995

Meeting called to order by Chairman, Cindy Allen at 7:12 p.m.

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

**II MINUTES OF PREVIOUS MEETINGS:**

August 24, 1995 Roland Denby moved and Everett Whitten seconded a motion to approve the August 24, 1995 minutes. Vote was 4-0-0 in favor.

**II COMMUNICATION AND BILLS:**

1. Letter from Champion Construction
2. Letters from CEO Re: Violation letters
3. Letter from DEP Re: Corriveau Violation

**IV REPORT OF OFFICERS:**

**V APPOINTMENTS:**

- 7:00 p.m. Robert French Map 43 Lot 902 R Zone
- 7:15 p.m. Robert Pomerleau Map 45 Lot 1338 R Zone
- 7:30 p.m. Public Forum with Area Businesses

**7:00 p.m. Robert French Map 43 Lot 902 R Zone**

Mr. French replaced an existing patio with a newly constructed deck, railing and balusters. The Code Enforcement Office forwarded a letter of violation since permits were required from the Town of Waterboro and the Saco River Corridor Commission. Mr. French has received SRCC permit and is now before the Board requesting permission to leave the deck as constructed. Currently the closest point to Lookout Circle is believed to be 32 ft. by Mr. French. Mr. French indicated that the new deck is approximately 200 sq. ft. smaller than the previous deck.

John Roberts moved and Roland Denby seconded a motion to allow the deck to stay as constructed under Section 7.01 B. 3. Replacement. Vote was 4 in favor, 1 opposed and 1 abstention of the motion.

### **7:15 p.m. Robert Pomerleau Map 45 Lot 1338 R Zone**

Mr. Pomerleau is requesting permission to construct a home and a garage on a substandard lot in Lake Arrowhead. The request is for a 20 ft. front yard setback, 26 ft. from one sideline and 27 ft. from another. Mr. Pomerleau has received a permit from Saco River Corridor Commission however they have allowed Mr. Pomerleau construction of the garage as long as it is attached. The plan shows a wooden walkway attaching the two structures.

Dwayne Morin informed the Board that previous records show no less than a 35 ft. frontyard setback being allowed. Members of the Board expressed the size of the lot in comparison to the structure being proposed. After much discussion with Mr. Pomerleau regarding the placement of the proposed structures John Roberts moved and Everett Whitten seconded a motion to approve a 35 ft. front yard setback from property line abutting Old Portland Road, a 30 ft. setback from abutting sidelines which excludes the steps on sideline abutting 1337 (steps not to exceed five (5) treads) under Section 2.08 and 4.02. Vote was 6-0-0 in favor.

### **7:30 p.m. Public Forum with Area Businesses**

Cindy Allen opened the Forum at 7:40 p.m. with all seven Planning Board members present, and approximately 30 people in attendance.

Cindy thanked Businesses for attending. At town meeting the Board proposed changes to Village Zone Zones. This change was included with other changes to zones within the Town of Waterboro. Cindy explained that the areas proposed for expansion were E. Waterboro, South Waterboro area that is served by Town water and N. Waterboro along Route 5.

Pat Papa asked if the changes were not tied together with the other changes in all zones if the towns people would be receptive.

Paul Tebbetts spoke noting zoning was originally based on Geologic survey of the Town. He believed there should not be a Residential lot more than one acre in size. We are pushing people out into back roads and undeveloped areas. Bagley Road has five acres lots on one side and 2 acre lots on the other side. What is the difference? We are pushing people from town or to the outskirts which make fire, ambulance and maintenance of town roads more difficult. He also indicated that Waterboro measures from the drip edge and Gorham, South Portland and Westbrook do not. John Roberts noted that this is a common practice. The ordinance is not contractor friendly. If we required 200 ft. of frontage then a setback of 50 to 60 ft. off the road should be enough for residential, one acre would be sufficient.

Judi Carll asked Paul if he was familiar with the Comprehensive Plan? Judy explained that zoning was in keeping with the comprehensive plan to maintain rural characteristic. Judi asked if Paul believed one acre zoning would be acceptable in town he replied yes. The Town could restrict Building Permits. Zoning was developed with the use of Geologic study. Paul indicated that he knew that the report was off by 100's of feet. It was noted that the Planning Board tried to utilize property boundaries instead of splitting lots by zone lines.

Judi indicated that the Board had tried to expand the Village zone which allowed smaller lot size while allowing close proximity to services.

John Roberts noted that he owned property on Deering Ridge Road which is a two acre zone he owns seventeen acres and he had only one test pit location on entire parcel. The area would not yield one acre lots and John also indicated he did not want to be 150 ft. from the road as Paul had noted before.

Question asked do you zone on revenue? Zone location was based on geologic studies. Taxes and revenue have nothing to do with zoning.

Waterboro is a residential Town. It costs \$4500 to educate a child. The town needs something other than residential lots as revenue. We need something to stimulate or attract businesses. Comprehensive plan says little about business.

Wade Junkins indicated the bank in South Waterboro should not be where it is. Believed there were other proposals more conducive to business of bank than current location. Larry Jacobsen explained that the Board has to look at a mix of uses - animals - residential - business. We need commercial and industrial to assist residential. That was the reason the Planning Board proposed expansion of the Village Zone. Number of jobs available in Town? What do the Town administrators and the Planning Board do to promote business? Advertising - can be done through state agencies. Wade noted the lack of time administrators had spent at his business. Asked about assets by letter. No interest shown in business.

Mr. Brewster - other towns seem to center around an industrial park. Has the Town of Waterboro considered establishing an Industrial Park? You would need a good road in and adequate water and sewer supply. The Town might have to spend money to entice industry.

Tim McCandless - More business? The board explained the purpose of meeting in a public forum was to get ideas from area businessmen concerning zoning that would make Waterboro more attractive to business and things that can be addressed by zoning. The second meeting would be dedicated toward the property owners for their input.

Comprehensive Plan established by town committees and voted in at Town Meeting. This sets the atmosphere of zoning laws that must agree with the plan. If not then the Comprehensive would have to be changed. Tim stated then it's a question of what do we want as a community?

Right now the Board is trying to bring the zoning into to compliance with the Comprehensive Plan. This is then voted on at Town Meeting by a majority.

Medical Building - maybe we could entice more into town. What influence does tax have to zoning?

Mike McAlevey indicated that right now S.A.D. #57 is the single largest employer in town. We need a balance with residential and commercial uses. Mike indicated that the state Economic Counsel has been organized to help bring businesses into Maine. Also noted that the Town is in need of a Chamber of Commerce to promote and advertise. We need to develop that type of atmosphere. Do we want to replicate Auburn or Van Buren?

Bob Fay - Does not disagree with Mike he hears Wade and agrees with the idea of an industrial park. What does it take to create this? We don't have sewerage. This would be quite a gamble. Larger entities are not allowed. Southern Maine has service industries. Unum - Pratt & S.D.

Warren are down sizing. Home Occupations Permitted. Service uses Day Care services. South Waterboro - with water. If business hooked up possibly zoning to allow less restrictive zoning. town needs sewerage.

Mr. Brewster - indicated he was not pushing for an industrial park. Type of business limited in Village - would be small - disturb the residential life there.

Mike Hammond - Does not feel zoning is business friendly. Asked if a twelve unit motel were proposed how many times do you go before the board? How long before it would be approved? Is there some way to streamline the process? Nothing is beyond the realm of possibility.

Douglas Foglio - In 1977 \$20,000 to have maps that delineate zoning and districts. Charts are available Doug felt if charts were in front of us it would be nice. Disappointed that they are not up.

Doug stated zoning passed in Feb. of 1978 - Changes have been made since that time most have been adverse to the Town of Waterboro that is why several have not passed at Town Meetings.

Basis of Comprehensive plan is simple - Where are we now? - Where do we want to go? Years ago it was believed a fifth center in Ross Corner would develop that should be done, in eighteen years that has gone unnoticed. Comprehensive plan is a loose document - Ordinance doesn't steer it. Douglas indicated businesses existent years ago - Boarding house owned by Gram Libby, Carlton Kimball had cottages, Leisure Motel at Ossipee Lake. Years ago South Waterboro had water and sewerage (dumped into brook).

Douglas stated the Town of Waterboro placed the bank where they are now. Lack of interest from the Town to businesses. Town does not visit businesses. Doug has largest private business - no business help comes forth from town.

40,000 sq. ft. district for house decrease zoning sizes unfair to the remainder of the town. It is unfair that Lake Arrowhead can build on 10,000 sq. ft. Doctor's office - shoe shine - no interest in seeing small business in excess of 1,000 sq. ft. Maybe they don't direct to taxes but they contribute to excise tax contribute to other stores - restaurants - and the health of the town.

Small business on undersized lot - dedicated land - no provision for adjacent land use for period of time of business.

Setback from wetlands and streams - we have one state has another. Must make this more friendly to business. If you walk into Town people don't wish to help you.

It is unjust and unfair that 16 trailers can be placed on ten acres and 16 houses would require 16 acres of land.

We should have an inventory of buildings - vacant - zoning stops them from being occupied. Bed and Breakfast? Would zoning allow? Hassle and fight to do something - property owners looking towards retirement - intent of officials of town to break everyone.

Is there help from State and local? Planner - Selectmen should set a portion of his time to be set aside to help people in town. The order to do this has to come from someone else.

Breaks for business - Assessor - Selectmen- Board of assessment review possibly cut taxes 50% for five years. No! You'll double his taxes. Information on available trades, supplies and services. Pamphlets of available business in town. What can be done? This was started but died.

If someone comes into town extreme rate to hook on to water system. We are shooting ourselves in the foot. People should be helped. Rate could be lowered.

Pat Papa - noted she sells houses and rents to seven businesses. When Pat comes for help to bring more business there is no place to locate them. People don't always want one acre with a home. Possibly the Board should consider presenting the expansion of the Village Zones separately from the other zones.

Larry Jacobsen noted that everything seemed to fall through because of the West Road. Why not keep it a separate issue? One of the reasons for the proposal of five acre was the issue of the Town being responsible for rebuilding the West road.

Small services - dry cleaning - other services - need a blend of business - new ideas - variety of businesses - not a glut.

Larry was not on the board when the bank was approved. Pat Papa indicated the bank was good for the town no matter where they located.

Mr. Langill - Geographically we are not in a good area. The rates one has to charge because we're so far away. Mr. Langill noted he has contemplated opening a photography studio out of his home or moving to Saco or possibly to rent space in Alfred. Mr. Langill likes his home and was informed that a separate structure, to house his business, was not allowed by zoning and a variance was needed. Mr. Langill also noted the area is rural and maybe the neighbors would not be pleased with him having this business in his home. If he utilizes the business as a Home Occupation then he can use no more than 25% of his home, this is a bit of a damper. Board might like to consider enlarging the percentage. The trend is to have home operated businesses. Board maybe take a look at that to loosen those restrictions.

Wade Junkins - Has a business in the Town of Waterboro - Look at Town generally - industrial or commercial in Southern Maine there is no better location than to be on Route 5 or Route 202 with the number of people that go by to go to work in other locations. A lot of people that drive out of town to work would like to stay in Waterboro.

Mr. Horton - only seafood plant away from the ocean - congestion and high real estate values keep him away from the waterfront. It is easy to get goods in and out of Waterboro. Future access to water and sewerage critical to the growth of his businesses. Effluent gray water is a great concern for his business.

McCandless - Fundamentals that need to be dealt with. Environment that has been created. Are you mandated by the state? Planning Board cannot control state and federal mandates. Is a six to twelve month period realistic for development? Is this a process that can be changed?

Roland Denby - State required the board to write a new comprehensive plan in 1989. Townspeople served on seven committees totaling 59 people - volunteered over a period of one and

a half years. Five Public Hearings were held to allow people input from people. Comprehensive Plan went to the state for approval and was then brought before Town Meeting and was voted in. A lot of zoning issues from 1977 to 1989.

Environment and nature detrimental (suppress things) fees, taxes, federal, state. At the Town level what control does Planning Board have to reduce the burden to function in society.

At many meetings need an attorney, engineer, geologist. Responsibility of the Board to uphold damages that may occur within the town.

If it takes 6 - 12 months they may be broke before they get through the process.

Bob Fay - We got hit with a growth spurt. We passed rigid code because we were afraid of growth. Pollution and quality of life always a concern. We can't do anything about state and federal laws created by the bureaucrats that jump in, then we can't breathe.

No one in the Town office influenced the bank. Not everyone qualifies for state assistance. When building a house you should not have to go through five or more inspections.

Paul Tebbetts - Wanted to buy the two story red building on route 202 in South Waterboro. He asked to jack it up and repair it. He didn't plan to have a bathroom. He was asked to move the building at a cost of between \$2,000 and \$3,000. Town made it hard. Now the building is in disrepair no one can do anything with it! Would have remained a small business instead of an eye sore. Paul believed that the building has come before the Board for reconstruction and nothing has happened. Paul agreed with a previous comment that expensive housing was needed. Paul indicated the poor quality of Bagley Road (dirt section) during portions of the year that he has dropped a plow to smooth the gravel out. Storms cause ruts and he believed that he should not have to do this he has a \$200,000 home that is worthless.

Mike McAlevey - What changes are being considered?

Cindy indicated the board is just beginning to discuss issues that need to be presented. Board has to consider all people that zoning affects. Some people feel zoning is restrictive others feel zoning should be protective. The Planning Board has to strike a balance.

As jobs decrease home occupations can be important. Home Occupations can alienate neighbors. It was asked why is a percentage of living space considered?

Water system bureaucracy makes connecting to the system cost prohibitive. Towns not changing to adapt to it. Currently they don't finance hooking on to the system. It was noted that the school complex is not hooked up. Bob Fay indicated that it may be the Selectmen's job to be more aware of peoples needs.

Questions asked about the possibility of a motel. This is an allowed use. Other questions asked about uses on small lots. It was indicated that the Town has adopted regulations that deal with lot coverage - parking capacity - and septic system. In many cases DEP Site Location Law would take precedence over Town that might slow a development down.

Doug Foglio noted that the ordinance used to be simple - today we have to go to the town attorney because it is difficult to understand, everyone decided to re-create it. Site Plan review written in

great haste for a particular issue. As soon as that issue was no longer a problem it was to have been changed. Site Plan needs to be modified and re-written.

Dwayne Morin indicated that Site Plan doesn't mean the use is forbidden it just needs review.

Doug noted that the regulations are cost prohibitive and needs review. A three lot subdivision would be required to have a hydro study is placed on a 100 acre parcel. If 100 houses were placed on 100 acres there would be cause for a study.

It used to be that an allowed use in one zone could be approved if it received Selectmen's approval and Planning Board approval. That was taken out of the ordinance. Douglas indicated that the Board of Selectmen requested that section to be removed from the ordinance during the Summer Campbell project which was the placement of 5 houses on a five acre parcel and the remaining land put into a conservation easement. Section 2.08 allows the Board to grant expansions to buildings that were existing prior to the enactment of the ordinance.

Water and sewerage were discussed most importantly the need to dispose of raw sewerage. Mr. Horton asked if we knew of open land that the sewerage could be dumped and tilled into the soil. The Town dumped 334,000 gallons of raw sewerage through Sanford Waste Facility at \$.11 per gallon. If we were able to spread the waste it might be less expensive. It was also brought up that James Hamilton received permits to dump sludge on his property. It was explained that people in many communities have said no way to that method. The Board of Selectmen have to abide by townspeople's wishes, those that have children and families are concerned about disease. Several communities have had to address this same issue.

Mike Hammond - Kimball Cabins if constructed today would be required to be 70 ft. apart. Dwayne Morin indicated that they would have a setback requirement from property lines not from structures - regulations do allow cluster development.

Comment from a citizen - Attorneys are used by the town, does anyone say to the attorneys we're paying you, how can the attorneys say you can't do it?

Bob Fay - Attorney does have an obligation to protect the town. Over 2,000 bills went through the state and 1400 new laws were passed. Southern Maine is down sizing industry - new businesses seem to be service oriented businesses. Industrial Park - Sewerage and water not likely - more likely are small businesses. Douglas Foglio and Andrew Woodsome have built businesses in town. Many businesses are successful but not aren't large employers. Service oriented businesses react to people's needs like the photographer.

Larry Jacobsen - noted he had been in business a long time, several others have also. The majority of businesses close up. Motorcycle races closed, the beach area is closed to public. Larry indicated a lot of traffic, a lot of turn over through the years. Larry noted that he had to build his business as his business he could not depend on things like the motorcycle races or the beach area. to entice people to the area.

Doug - Most of his business is out of town and is well known - he cannot depend on work in the town of Waterboro to survive.

Bob Fay - Selectmen made a stand and he supports town control of the beach area on Route 5.

It was noted that the Girl Scout camp doesn't pay taxes. A non-profit entity maybe they could allow property owners on the weekends the use of the beach area.

Tim McCandless - individual or environmental changes - takes the same amount of time and energy if you suppress - if you do not change business will decline whether it is the Town or the State.

**VI OLD BUSINESS:**

**VII NEW BUSINESS:**

**VIII ADJOURNMENT:**

Meeting adjourned at 9:32 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

Guthrie Allen  
Everett F. White  
Judith Corel

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Laurie E. Paul