

# PLANNING BOARD

## Town of Waterboro

Regular Meeting

September 28, 1995

- I **ROLL CALL:** Present were Everett Whitten, Judi Carll, Larry Jacobsen, Dwayne Woodsome, Roland Denby and Cindy Allen, Chairperson.  
Opened the meeting at 7:30 p.m.
- II **MINUTES OF PREVIOUS MEETINGS:** Sept. 13, 1995
- II **COMMUNICATION AND BILLS:**
- IV **REPORT OF OFFICERS:**
- V **APPOINTMENTS:**

### 7:30 p.m. Public Forum Re: Zoning Revisions

Meeting opened by Cindy Allen. Approximately 30 people in attendance were welcomed by Cindy. Planning Board members introduced themselves.

Cindy asked those present for their ideas, concerns or questions regarding zoning. Dwayne Morin then spoke on changes that were presented at the June Town Meeting that were voted down or simply tabled. The first meeting was with business owners and the second meeting was with property owners.

Virginia Hewes - When zoning is changed how are people notified? Notification is really done by means of a vote by townspeople at Annual Town Meeting where changes are voted in.

Suggestion given regarding the zoning ordinance.- It should be easier to acquire a variance - not as strict to allow small businesses to start up.

John Sokolowski - Indicated Waterboro was a nice town. He felt that the Board should work on developing some rules on barking dogs. It feels there are no rules on this and it should be addressed. Dwayne Morin indicated that the Board of Selectmen were working on an ordinance.

Dale Witman - Indicated an audible burglar alarm that sounded for 7 1/2 hours. He would like to see regulation on alarm systems maybe an ordinance. Also he noted a citizen that had 17 acres of land with 30 ft. of frontage that cannot acquire a Building Permit since he does not meet the requirements in the zoning ordinance and people in Lake Arrowhead are allowed to build on 1/2

acre lots. Seems to be something wrong. Dwayne Woodsome asked if this was caused by the landowner by splitting the lot and not leaving enough land for the zoning requirement or was the 30 ft. right-of-way existing prior to zoning being adopted? Dale thought the owner had created the problem. Dwayne Woodsome indicated there was quite a difference.

Dale also indicated situations that come about in the Village zone and many times the Zoning Board of Appeals hands are tied when a request is made for a variance. In the village zone there are two different setback requirements if the intent is to preserve the nature of the area and 70% of the homes fall under one of those areas why not change the zoning to meet the average instead of asking for stricter regulations. It was indicated that Route 202 has been widened over the years thereby creating the close proximity on the front yard setback. Dwayne Woodsome indicated that a vehicle is approximately 17 ft. long and if a 25 ft. setback is required it does not leave much space for parking.

Roland Denby spoke on the lot size in Lake Arrowhead Subdivision. The lots were created prior to zoning and prior to the minimum lot size of 20,000 sq. ft. required by Department of Human Services to support a septic system. The project was pushed through just prior to the state minimum lot size law going into effect.

Larry Jacobsen noted that lot size has a lot to do with the value of a house. Zoning does protect the value of homes. Larry indicated several entry level homes have been constructed in Lake Arrowhead which has flooded the school system placing constant stress on the schools. Zoning is a necessary evil to protect investments.

Roland Denby - indicated that we are running into restrictions every day. Roland spoke of a section in the ordinance that used to allow the Planning Board and the Board of Selectmen to approve a like use in one zone and apply it to another zone. That was wiped out. Section 2.08 allows the Board to act on grandfathered lots. Legally Roland noted he was not sure if that section could be put back in the ordinance. Zoning has the ability to be changed by the vote of townspeople. If zoning says it is not allowed, it's not allowed, if the Planning Board makes a ruling a person has the right to appeal the decision to the Zoning Board of Appeals.

Dale Witman complimented the Board for the type of forum this meeting provided.

Larry Jacobsen informed those present that some restrictions are by deed covenant during development. The Board doesn't always set the regulations. The town only has so much leeway. Many things that Board has no control of.

Dwayne Woodsome mentioned shoreland zoning. It was a mandate even though it is inclusive in our ordinance.

Changes to the ordinance to bring it into compliance with the comprehensive plan need to be completed by January 1998. If this is not done then virtually we have no ordinance. Once you lose local ordinance the state would take precedence and sometimes that is more restrictive than local ordinances.

Ideas requested from those present that would allow easier passage at town meeting. More input gives the board better directive.

State and Federal regulations seem to be more restrictive. Question posed to the audience on what allowed uses they would like to see added. What are we lacking? If the ordinance is restrictive what development should be encouraged? Industrial, apartments, small businesses?

Susan Dunlop - Curious as to what effect a change from Agriculture/Residential to Residential would be. She indicated she would like to see it stay as it is. Was there any plan to change it? Not unless it is voted on at Town Meeting. It was explained that at the previous forum one individual suggested one acre lots throughout the Town of Waterboro.

Larry Jacobsen - When the Board reviews changes in zoning they do not look at financial gain since decisions made reflect on the town 100 years from now. The Town is not growing it is being developed. Do we develop to change atmosphere? We see color changes at this time of year in the Town of Waterboro. The only color change that Biddeford sees is when someone paints their house. Atmosphere can be maintained. We need industry, businesses which helps with fire and rescue personnel. The Planning Board could work with businesses for as little impact as necessary.

Forest & Agriculture - What is the difference from Agriculture/Residential to Forest & Agriculture? Resident indicated he was now farming, if you have more critters it creates more noise. If developed people might not want farming. It was explained that agriculture is an allowed use. If development took place the prescriptive use would still be allowed.

Home Occupations - Right now limits the number of people to two employees in addition to the person or persons owning the home occupation. How does a small business make the step from home to a business structure? People in attendance felt we should be more lenient. Board indicated they would be presenting something for Town Meeting.

In some developments - how large a business do you want in a residential area? How late do you want them to work? This is a very sensitive subject. On a large lot a home occupation is not a problem. In a small development neighbors don't always want the home occupation.

A question posed is at what point does a home occupation become a business. Those present indicated it would depend on what the business would generate for noise and impact. Large volume of traffic or noise - parking - each case is unique (examples given).

Virginia Hewes - Bicycles riding on Route 5 have no space to ride. The roads are not wide enough for use of bicycles. Could the Board address this? Dwayne Morin indicated they could contact their state representatives. Mrs. Hewes thought if the Planning Board made the suggestion it would be better received than individuals.

Dwayne Morin also indicated he had spoken with Emile LeBlanc and the state has limited funds and they try to stretch dollars that is the reason for no break down lanes. Dwayne noted that three years ago when the state proposed widening the turnpike they were defeated. Legislation created

RTAC. Road projects have to go through RTAC which is very tough and not very successful. Paving is exempt from RTAC review. That is why you see re-paving of areas that don't appear to be too bad. To rip up and replace pavement would take approximately 2 years through RTAC. The Board could however consider requesting new developments to have wider streets.

Dwayne Morin reviewed the suggestions made at the last public forum:

Expansion of Village Zones - Those lots having access to Town Water possibly have less density for requirement if they hook onto the system. Standish and Windham both allow this type of process and they do not have public sewer. This would allow businesses there would still be restrictions. There is a natural evolution with zoning if you all take a look at South Sanford, and North Windham Village centers evolve to create a commercial hub. Four or five businesses on a four or five acres lot - parking is 1/2 the density of the lot. Take a portion of residential zone and turn it into commercial - it makes more sense to have commerce on state maintained roads.

Dale Witman - Problems are generated from residential area versus small impact of business. We don't need to fear industry as much as residential.

Larry Jacobsen indicated he drives bus. There are four buses that drive into Lake Arrowhead area. It costs \$4,500.00 to educate a child and approximately \$1,100.00 is collected in property tax which is not cost effective we need other revenue. We need larger parcels of land made available to allow new industry to locate.

Fire and Rescue Personnel is becoming a problem since we don't have many people in town available on a volunteer basis. In 1968 the Town of Waterboro's population was 1200, in 1995 we have 5,500. During the 1980's the town's population doubled.

Need to key on service oriented businesses - we are a bedroom community - industry is harder to attract. Day care centers are one example of service businesses. It would cost the Town of Waterboro approximately 1/2 million dollar to get an industrial park started. Without an anchor for the park the financing would be extremely difficult.

The volume of water and sewerage is a liability. Sanford, Biddeford, Saco and Westbrook have industrial parks still under development and they are nearer highways than Waterboro.

Architectural Skylight Building - Coca Cola showed interest until they discovered we have no sewerage. Industrial pollution not something the town needs.

What is the status of the tannery? It is still an "Uncontrolled Hazardous Waste Site". Noted that this is a good location since it is right in the center of South Waterboro. It is currently privately owned and we would need to convince DEP to allow use of the site.

Articles were tabled at Town Meeting. If tabled there is no discussion. This did not give the Planning Board any directive. Zoning changes were discussed. Having the zoning changes grouped together not a good idea. Suggested if presented they areas should be separated.

Dale Witman believed change of format to one issue at a time would help pass changes. Referendum - he did not think it was a good idea. Believed referendum would kill anything put before the people.

Board doesn't have control over discussion. Also the placement on the warrant was not good. The Board indicated they had held two public hearing last year and only four or five people showed up. This is the second forum and the turnout is great. Those present thought the invitations were helpful. They also indicated using the sign in front of the town hall. The board noted that each month there is a counsel meeting open to the public. It was suggested that the planning board could forward information with the tax bills. Tax bills will go out in two weeks and the board works through out the winter on proposed changes.

Roland Denby - Felt we should nibble not gulp zoning issues - a slower operation.

RV plan - This proposal was less restrictive and people turned it around to be negative. Common sense is a factor that was not considered.

Susan Dunlop - indicated she had contacted Roger Elliott to purchase property and was informed that he could change zoning without too many problems. Dwayne Morin noted he would be speaking with Mr. Elliott within the week and would check this out.

As of the 29th of September DEP controls all wetlands over one tenth of an acre and within 250 ft. of the upland edge. The required setback of a wetland is 100 ft. The new regulations are restrictive in nature. This new process is supposed to make the permit process easier. Fees skyrocketed and the turnaround is 30 - 60 days. Land Use Laws are restrictive around water.

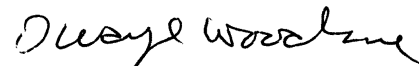
**VI OLD BUSINESS:**

Review of September 13, 1995 Forum Input

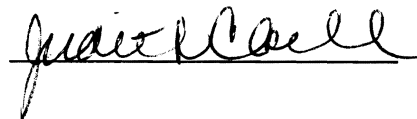
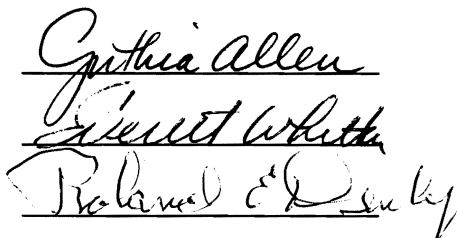
**VII NEW BUSINESS:**

**VIII ADJOURNMENT:** Meeting was closed at 9:03 p.m.

Respectfully submitted,



Dwayne Woodsome  
Secretary/Treasurer



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