

# PLANNING BOARD

## Town of Waterboro

Regular Meeting

December 13, 1995

Meeting Called To Order at 7:23 p.m. by Chairman, Cindy Allen.

I **ROLLCALL:** Present were Roland Denby, Everett Whitten, Larry Jacobsen, Dwayne Woodsome and Cindy Allen.

II **MINUTES OF PREVIOUS MEETINGS:** November 8, 1995

III **COMMUNICATION AND BILLS:**

1. Letter from SMRPC Re: Changes to Shoreland Zoning
2. Memo from Selectmen's Office Re: Annual Report
3. Traveling & Growing Smart from Natural Resources Council of Maine

IV **REPORT OF OFFICERS:**

V **APPOINTMENTS:**

7:15 P.M. Carl Goodwin Map 33 Lot 31 AR Zone

7:30 P.M. Sketch Plan Review Lorinda Bradford Map 5 Lot 27 AR Zone

7:45 P.M. Marjorie Kiley Map 3 Lot 47A AR Zone

8:00 P.M. Thad Wessell Map 20 Lot 18D V Zone

7:15 p.m. Carl Goodwin Map 33 Lot 31 AR Zone

Mr. Carl Goodwin is the contractor for Ruth Kearn and is acting on behalf of Ms. Kearn on the project. The request is to allow an addition to the cottage by squaring off a section of the cottage. The addition would be 10' x 12' 5" single story addition for a new bedroom. As presented, Mr. Goodwin shows existing structure to contain 1,424 sq. ft. of area. Proposed addition is 130 sq. ft. which is well below the 30% expansion rule this would calculate to 10.5% expansion. The structure appears to be about 20 ft. to 25 ft. from the normal high water mark of Ossipee Lake. See attached plot plan presented for review.

Board members asked to status of the septic system. Mr. Goodwin was unsure but thought it had to be in place for at least 15 years. A full basement is planned under the new addition. The area will be hand dug due to the close proximity to the water.

Dwayne Morin recommended erosion - sedimentation control methods be in strictly adhered to and indicated that the Planning Board has normally conditioned approval on the installation of an updated septic system. State Plumbing Code also addresses this. Mr. Goodwin indicated that the present porch has been used as an additional bedroom and would be eliminated once the addition is complete.

Roland Denby moved and Everett Whitten seconded a motion to grant approval of the request to expand the cottage by 10.5% under Section 2.08, 4.01, 4.02, 7.01 2.B.1.A. and 7.01 2.B.1.B. on the condition that an adequate septic system is provided prior to the issuance of a Building Permit and the new addition to go no closer to the lake than existing structure and disturbance of soil be appropriately controlled

**7:30 p.m. Lorinda Bradford Map 5 Lot 27 AR Zone**

Mr. John Bradford is representing Lorinda Bradford for subdivision Sketch plan approval of a three lot subdivision located on Deerings Ridge Road in East Waterboro. The parcels proposed are adjacent to Bartlett Pond. The smallest lot proposed is 27 acres, the second lot is 36.6 acres and the lot adjacent to Elizabeth Mitchell's lot is 36.9 acres. The larger lots contain 14 and 15.4 acres of wetland respectively. Dwayne Morin indicated one problem with the proposal and that is Shoreland Zone does not allow spaghetti lots. State Law Prohibits the Planning Board granting approval.

Mr. Bradford indicated this parcel has been in the family for years and they have no desire to place excessive development on this lot. The center lot has been sold. Dwayne indicated that this lot meets the criteria. However, the other two lots do not. One lot by his calculation is 5.02 to 1 which is very close and suggested Mr. Bradford have his surveyor calculate the ratio. One lot has a ratio of 8 to 1. If Mr. Bradford could meet the criteria the Planning Board could assist him with the subdivision. Alternatives were discussed and Mr. Bradford will be placed under Old Business as soon as his surveyor has made the necessary adjustments for compliance with State, Federal and Local Subdivision laws.

Mr. Bradford asked about waiver requests. Customarily these are addressed after Sketch Plan approval is granted. No action taken under adjustments are made and presented.

**8:00 p.m. Marjorie Kiley Map 3 Lot 47A AR Zone**

Marjorie Kiley is located on the West Road. She is requesting permission to construct a free standing garage meeting all required setbacks on a non-conforming lot. As per the Zoning Ordinance under Section 2.08 this requires Planning Board Review prior to issuance of Building Permits by the Code Enforcement Officer.

Everett Whitten moved and Roland Denby seconded a motion to approve the request for construction of a garage maintaining the required setbacks under Section 2.08 , 4.01 and 4.02.

**8:15 p.m. Mr. & Mrs. Thad Wessell Map 20 Lot 18D V Zone**

Mr. & Mrs. Thad Wessell are also requesting permission to construct a free standing garage on a non-conforming lot and maintain the required setbacks for the Village Zone. Once again Planning Board Approval is required under Section 2.08 of the Zoning Ordinance prior to issuance of a Building Permit.

Everett Whitten moved and Roland Denby seconded a motion to approve the request to construct a garage meeting required setbacks under Section 2.08, 4.01 and 4.02. Vote was 3-0-0 in favor.

**V OLD BUSINESS:**

Bill Speed is representing Kirk Butterfield for the proposed five lot subdivision on Thyngs Mill Road in North Waterboro. The proposed lot size being 2.4 acres with total density being 6 acres. Bill Speed indicated they had checked for drive entrances and the lots match up with the entrances across Thyngs Mill Road with the exception of lot 5. The Sediment & Erosion control plan will give a better view once completed. There is currently no drive entrance across from Lot 1 of the Old Mill Grove Subdivision. An on site inspection has been completed by Board members on November 5th.

Dwayne Morin indicated that Dwayne Woodsome had contacted him and was unsure that he would be in attendance tonight but he had one concern that he felt should be addressed. He believes that there is a second cemetery on the property that needs to be identified. Dwayne Morin has checked the records on cemeteries and the record shows one cemetery on the property. The Board requested this be investigated. Bill Speed indicated this would not be a problem and a setback indicated on the plan.

Water from an existing well appears to have more run off than by natural means. The parcel has a gradual slope from the road toward the rear of the property. The following waivers were requested:

#9 Contour lines at 10 ft. intervals

#14 Storm drainage plan - drainage was extensively reviewed and system upgraded during approval process for Old Mill Grove.

#16 Location of buildings to be determined by home owner with CEO review and approval.

#21 Soil erosion and sediment control plan for Lot 5 only

#26 Nitrate Impact Statement in place of a full report. Due to the amount of open land, it is believed that nitrate infiltration should not be a concern.

Roland Denby moved and Larry Jacobsen seconded a motion to grant the request for waiver of 6.2.1 #9 of the Subdivision Regulations. Vote was 3-0-0 in favor.

Everett Whitten moved and Larry Jacobsen seconded a motion to grant the request for waiver of 6.2.1 #14 of the Subdivision Regulations. Discussed that the Road Review Committee had required an upgrade to the storm drainage knowing the development across the street would be creating more runoff therefore recommending the upgrades at that time. Vote was 3-0-0 in favor.

Roland Denby moved and Everett Whitten seconded a motion to deny the waiver request to not place the building location on the plans, instead allow placement of a typical house location with a note indicating this on the plan. Vote was 3-0-0 in favor.

Everett Whitten moved and Larry Jacobsen seconded a motion to waive 6.2.1 #26 full fledged nitrate report instead an impact statement to be completed if the report findings indicate the need for a full blown nitrate report then one will be provided by the developer. Vote was 3-0-0 in favor.

Roland Denby moved and Everett Whitten seconded a motion to waive 6.2.1 #21 soil erosion and sediment control plan on all but lot #5 of the proposed subdivision. Vote was 3-0-0 in favor.

A Public Hearing to be held January 10, 1996 at 7:15 p.m. with a snow date of January 25, 1996 at 7:15 p.m. Developer to notify abutters and property owners across from the proposed development.

Mr. Speed asked the Board members how they wanted the project laid out. It was discussed and determined that two sheets would be used the first sheet only to be recorded at the York County Registry the second sheet to include the technical data such as wetland and Mr. Gillespie could incorporate the information with the study. Sheet #1 should have a reference note to sheet #2.

Roland Denby moved and Everett Whitten seconded a motion to approve the November 8, 1995 minutes. Vote was 3-0-0 in favor.

## **VII NEW BUSINESS:**

Dwayne Morin reviewed the following information with the Planning Board for consideration at the Annual Town Meeting in March of 1996 as they previously requested:

**PROPOSED CHANGES TO ZONING ORDINANCE FOR  
1996 ANNUAL TOWN MEETING**

**Article:** To see if the Town will vote to amend Article 7, Section 7.01 Development on Shorelands by adding the following paragraph:

**8. Mineral Exploration and Extraction**

New mineral extraction operations are prohibited in the Resource Protection Districts adjacent to moderate and high value freshwater wetlands as determined by the Department of Environmental Protection.

**Article:** To see if the Town will vote amend Article 7, Section 7.01, paragraph 2. A. as follows:

**2. Principal And Accessory Structures**

A. All new principal and accessory structures shall be set back at least one hundred (100) feet from the normal high-water line of all water bodies, including great ponds classified GPA, rivers that flow to great ponds classified GPA, and seventy-five (75) feet from tributary streams or the upland edge of a wetland.

Now Reads:

**2. Principal And Accessory Structures**

A. All new principal and accessory structures shall be set back at least one hundred (100) feet from the normal high-water line of all water bodies, including great ponds classified GPA, rivers that flow to great ponds classified GPA, tributary streams or the upland edge of a wetland.

**Article:** To see if the Town will vote to amend the Article 13 of the Waterboro Zoning Ordinance by adding the following Section:

**Section 13.09 Conflicting or Inconsistent Provisions**

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

**Article:** To see if the Town will vote to amend Article 14, Section 14.02 Definitions of the Waterboro Zoning ordinance as follows:

**FRESHWATER WETLANDS:** Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of 10 acres; and
2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition. (AMENDED 6-4-94)

**FORESTED WETLANDS:** A freshwater wetland dominated by woody vegetation that is six(6) meters, 19.7 ft., tall or taller.

**Article:** To see if the Town will vote to amend Article 3, Section 3.03 of the Waterboro Zoning Ordinance as follows:

**Section 3.03 Summary of Dimensional Regulations Contained in Article 3**

ZONING DISTRICT	MINIMUM LOT SIZE	MINIMUM ROAD FRONTAGE	MINIMUM FRONT YARD SETBACK	MINIMUM SIDE & REAR <sup>1</sup> SETBACK	MINIMUM SHORELAND SETBACK <sup>2</sup> / FRONTAGE	MAXIMUM BUILDING HEIGHT
Village	20,000	100'	25'	20'	100' / 100'	35'
	40,000	100'	50'	20'	100' / 100'	35'
Residential	40,000	150'	50'	35'	100' / 200'	35'
Agriculture & Residential	80,000	150'	75'	35'	100' / 200'	35'
Forest & Agriculture	5 acres	200'	100'	50'	100' / 200'	35'
Conservation	10 acres	200'	100'	50'	100' / 200'	35'

1. In any case where structures are in existence at the time of the enactment of this ordinance, additions may be made to within ten (10) feet of the side or rear lot line but in no case should the buildings on one lot be closer than twenty(20) feet to a building on an abutting lot.

2. Shoreland Setback for streams and wetlands is seventy-five feet from the normal high water mark of the stream and upland edge of the wetland.

Now Reads:

**Section 3.03 Summary of Dimensional Regulations Contained in Article 3**

ZONING DISTRICT	MINIMUM LOT SIZE	MINIMUM ROAD & SHORELAND FRONTAGE	MINIMUM FRONT YARD SETBACK	MINIMUM SIDE & REAR* SETBACK	MINIMUM SHORELAND SETBACK	MAXIMUM BUILDING HEIGHT
Village	20,000	100'	25'	20'	100'	35'
	40,000	100'	50'	20'	100'	35'
Residential	40,000	150'	50'	35'	100'	35'
Agriculture & Residential	80,000	150'	75'	35'	100'	35'
Forest & Agriculture	5 acres	200'	100'	50'	100'	35'
Conservation	10 acres	200'	100'	50'	100'	35'

**\*NOTE:** In any case where structures are in existence at the time of the enactment of this ordinance, additions may be made to within ten (10) feet of the side or rear lot line but in no case should the buildings on one lot be closer than twenty(20) feet to a building on an abutting lot.

**Does the Planning Board wish to pursue Zoning Boundary changes for the 1996 Annual Town Meeting?**

*If so, the following article will be require as well as a map depicting desired changes.*

*Much of the discussion at the Public Forums centered on enlarging Village Zones and Residential Zones while leaving the West Road A&R the same.*

**Article:** To see if the Town will vote to amend Article 3, Section 3.03 Zoning Map of the Waterboro Zoning Ordinance as follows:

**Section 3.02 Zoning Map** -The boundaries of these five (5) zones are established by the enactment or later amendment of this Ordinance and are as shown on the Official Zoning Map of the Town of Waterboro, dated March 9, 1996 ; the Town of Waterboro Wellhead Protection Zone Map; and on the 1996 Town Tax Maps. The Official Zoning Maps are integral parts of this Ordinance. The Zoning Maps and text may be regarded as a single integrated document. A certified copy of the zoning ordinance (maps and text) shall be available to the public at all times in the Town Clerk's Office. The March 9, 1996 zoning map was drafted so that zoning district boundaries followed property lines as depicted on the 1996 tax maps. It should be interpreted accordingly.

Now Reads:

**Section 3.02 Zoning Map** -The boundaries of these five (5) zones are established by the enactment or later amendment of this Ordinance and are as shown on the Official Zoning Map of the Town of Waterboro, dated February 7, 1977 ; the Town of Waterboro Wellhead Protection Zone Map; and on the 1970 Town Tax Maps. The Official Zoning Maps are integral parts of this Ordinance. The Zoning Maps and text may be regarded as a single integrated document. A certified copy of the zoning ordinance (maps and text) shall be available to the public at all times in the Town Clerk's Office. The February 7, 1977 zoning map was drafted so that zoning district boundaries followed property lines as depicted on the 1970 tax maps. It should be interpreted accordingly. (AMENDED 3-11-89)



## **OTHER CHANGES?**

The Public Forums held had two common themes that were expressed in addition to the enlarged Village Zones. These were:

1. South Waterboro Village Zoning be keyed into tying onto the Water System. Ex. Lowering density requirements for those lots tying into the Water System. Windham and Standish are Towns that currently have zoning that does this. These towns have public water but no public sewer so they are typical of S. Waterboro. Minimum lot sizes for watered lots in the business zones are 20,000 sq. ft. with unwatered lots required to have 30,000 sq. ft.
2. Both public forums discussed the need to expand upon Home Occupations within the Ordinance, however, the consensus of the two public forums were vastly different. The Business public forum wanted no control over Home Occupation while the Open Public forum expressed a desire to loosen the Home Occupation criteria on those occupations that do not produce harmful effects on neighbors. One way to meet a middle ground might be to have two Home Occupations standards. One would allow Home Occupations under those conditions that do not produce harmful effects on neighbors such as an insurance agent, real estate broker, accountant, etc. that meet the standards of the current ordinance. The second home occupation would be a conditional use that would allow the Planning board the ability to expand upon the criteria such as allowing more than two persons to work in house, a greater amount of square footage, expand upon trades that may not be specifically defined under the Town's current definition and those occupations that the town may not foresee as a home occupation currently but may become very viable in the future. (Ex. Back in the 70's, no one could have predicted that computer consultants would have become a Home Occupation because computer technology was in its fundamental stages.) By making the Home occupation a conditional use it allows the Planning Board to hold Public Hearings for neighbors to know what is happening in their neighborhood as well as allowing the Planning Board to place certain conditions as may be warranted. A suggestion would also make the permit easier to obtain and at a lesser cost than the current \$75.00 conditional use permit cost (\$25 for meeting & \$50 for permit). The approval should be heard in a maximum 60 day time period and the cost if approved would be \$25 - \$50.00 or possibly \$25 for the meeting and \$10.00 for the Home Occupation permit.

VIII ADJOURNMENT: Meeting was adjourned at 9:20 p.m.

Respectfully submitted,

*Dwayne Woodson*  
Dwayne Woodsome  
Secretary/Treasurer

*Guthrie Allen*  
*[Signature]*

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