

PLANNING BOARD

Town of Waterboro

REGULAR MEETING

FEBRUARY 22, 1996

Meeting called to order by Vice Chairman, Roland Denby at 7:05 p.m.

I ROLL CALL: Present were John Roberts, Larry Jacobsen, Judi Carll, Dwayne Woodsome and Vice Chairman, Roland Denby.

II MINUTES OF PREVIOUS MEETINGS: January 25, 1996 Change to page three noted minutes to be brought back on March 13, 1996 meeting.

III COMMUNICATION AND BILLS:

1. Inf. from USM Re: Conflict Management Program
2. Inf. from Transportation & Land Use News
3. February Issue of Planning
4. Letter from Finance Committee Re: Recommendation for Town Meeting
5. Inf. from John Bradford subdivision on Deering Ridge Road
6. York County Soil & Water Conservation District News
7. Legislative Report
8. Letters of notification of canceled meeting and new meeting time
9. Letter of Introduction from Coastal Environmental
10. MMA Bill for 2 Handbooks
11. MMA Order for Subscription to Maine Townsman
12. Minutes of Alfred Planning Board with Maine Cranberry
13. Letter of Decision from ZBA Laskey's Garage
14. Letter from Bob Fay Re: Decision of ZBA

IV REPORT OF OFFICERS AND COMMITTEES:

V APPOINTMENTS:

7:15 P.M. Robert Paquette Map 32 Lot 7 AR Zone

7:30 P.M. Michelle Deering Map 49 Lot 16 R Zone

7:45 P.M. Kim Janotta Map 6 Lot 29 AR & FA

7:15 P.M. Robert Paquette Map 32 Lot 7 AR Zone

Mr. Paquette is requesting permission to create a room by enclosing a portion of an existing deck that falls approximately 25 ft. from the normal high water mark of Ossipee Lake. The area being enclosed is 10' x 16' which will add an 8% volume expansion to the home. A new septic was installed in 1981.

John Roberts moved and Judi Carll seconded a motion to allow Mr. Paquette to enclose a section of the existing deck 10' x 16' as presented going no closer to the water under Section 2.08, 4.02 and 7.01 2. B. 1. A. of the Waterboro Zoning Ordinance. Vote was 4-0-0 in favor of the motion.

Mr. Paquette was informed that the drip edge of the roof could not go closer to the lake than the existing deck drip edge.

7:30 P.M. Michelle Deering Map 49 Lot 16 R Zone

Michelle Deering is requesting permission to place a structure on this substandard lot on Lakewood Drive off the Old Alfred Road. The required setbacks can be maintained as shown on the site plan. John Roberts moved and Dwayne Woodsome seconded a motion to allow Michelle Deering to place proposed residence as long as setbacks are maintained under Section 2.08 and 4.02 of the Waterboro Zoning Ordinance. 3-0-1 in favor.

7:45 P.M. Kim Janotta Map 6 Lot 29 AR & FA

Mr. Janotta is back before the Board since he would like to split the remaining 99.5 acres into two 40+ acre parcels and one 7.5 acre parcel with a right of way being an easement through each of the three proposed lots. Mr. & Mrs. Janotta were present with Owen McCullough of Sebago Technics, Inc. Mr. McCullough had spoken with Dwayne Morin in October of 1995 regarding the proposal and the two forty acre parcels would fall under the exemption which left one countable lot. Since the subdivision was completed over five years ago, could the lot be sold without an amendment to the subdivision? The Planning Board had questions regarding the location of the 50 ft. wide easement going through the property. Would the easement split the lots even though the land would include ownership of the easement? The first section of the right of way would be owned by Kim Janotta the second portion of the easement would be owned by the new owner of the 7.5 acre parcel and likewise with the two remaining 40+ acre parcels?

Possibly a legal opinion regarding the easement dissecting a lot would this create two lots or since the person owning the parcel owned the land under the easement would this be considered a lot unto itself?

Larry Jacobsen moved and John Roberts seconded a motion to research and that Tim Nelson take the proposal to the attorney regarding the right of way and access without creating additional lots. Vote was 5-0-0 in favor.

VI OLD BUSINESS:

1. Robert Jones Map 4 Lot 29

Mr. Jones was in before the Board at the January 25, 1996 meeting and the Board asked for further information regarding the aquifer. The Jones' have presented a copy of the report completed during a search for town water as further information. The Jones are asking for approval of an automobile graveyard. Ruth Jones indicated they would not be recycling bottles and cans. Mr. Nelson asked if they intended to strip vehicles and use these parts to rebuild other vehicles they replied yes. Mr. Nelson contended that they would be recycling. Ruth Jones indicated that to recycle this would have to be 80% of the business and utilize 80% of the land area. The Board members were in agreement that the state regulations were unclear and needed clarification.

Mr. Jacobsen indicated to Mr. Jones that the property is messy. Mr. Jones has not received complaints from anyone other than the Town regarding his property. Mr. Jones stated that DEP had been to the site to check things out. DEP does not get involved unless there is a spill of over 500 gallons on the property. Tires are allowed on the property as used tires only. Mr. Jones also indicated that DEP had informed him that tires if cut up could be buried. Mr. Jones was informed that the Town of Waterboro has a landfill ordinance that would prohibit the burying of tires. Ruth Jones indicated that she had spoken with a Randy McMullen from DEP. There was much discussion between the property owners and Mr. Nelson and Board members.

John Roberts moved and Judi Carll seconded a motion that the Jones bring something from a hydrogeologist that proves that an aquifer does not exist on this property.

Discussion: It was stated that it is the responsibility of the Board to see that there is no chance for contamination. It was also noted that a consultant would be hired to review what the Jones present in form of a report and the developer would bear the expense. Mr. Jones felt that if no one can be on an aquifer then no one would be allowed a permit. Mr. Jones indicated his belief that another business within the Town has acquired a Junkyard permit and he believes that that property lies over an aquifer as well. He believes that all should be treated equal. Mr. Nelson indicated that the permit had been issued by the Board of Selectmen. Mrs. Jones felt that this person should have been made to provide the same information that is being required of them.

Roland called for a vote, the board voted four in favor, one against and none opposed.

Roland Denby indicated that the decision of the Board could be appealed to the Zoning Board of Appeals if they were not in agreement with the Board's decision.

Mr. Jones indicated to the Board that he wished the Board could help with his request. He would accept any restriction the Board would place on a permit.

If vehicles were dismantled in an enclosed building what harm would be done to the aquifer?

The Jones were informed that the rules in place at this time have to be followed. If Mr. Jones has a problem with other sites then he should seek the Selectmen's opinion. A Conditional Use cannot override state law. Mrs. Jones again stated they are not applying for a re-cycling permit. She noted that she could apply for a graveyard permit. Mr. Jones explained that he had placed trucks at the rear of the property and they had found parts missing, windows smashed and consequently had to move the trucks to the front of the property. Mr. Jones also indicated that an aquifer drops from 3-6 inches per year. The map that is in the Town office could need adjustment.

Roland suggested Mr. Jones see the Board of Selectmen or the Zoning Board of Appeals. A Zoning Board of Appeals application was given to Mrs. Jones upon request. Roland indicated the need to move on since the board had other appointments waiting.

2. Thyng's Mill Subdivision Map 13 Lot 17 F & A Zone

Mr. Burrows and Mr. Speed indicated that the project is on hold at present waiting for a report from the Road Review Committee on the Thyng's Mill Road regarding the corner near the beginning of the proposed subdivision that people had expressed a concern with at the January 10, 1996 meeting. Mr. Speed indicated that the developer would not have a problem with granting the town a five foot swath of land to allow for the widening of the road or an easement to allow for tree cutting. Mr. Speed also was not sure how the additional land would provide a cure for the potential problem since this is an inside curve. Mr. Speed felt that the Road Review Committee had been given ample time to review this and get back to the Board. They would be happy to grant land or an easement to cut trees if necessary. The status of the Clark's Bridge Road at this intersection is believed to be abandoned. Garland Hill Road believed still open. This is actually a four way intersection. Bill Speed suggested a stop sign to solve the problem. Several citizens were in attendance and they indicated no one would stop.

Larry Jacobsen moved and John Roberts seconded a motion to seek legal opinion on the status of the small lot noted as "Chadbourne Orchard" by deed exclusion. Vote was 5-0-0 in favor.

Citizens present voiced several concerns regarding the continuation of the project until the road problem has been fixed. Board members explained that the developer can receive approval if all regulations are met.

Mr. Nelson explained several issues regarding this subdivision due to the fact that several were not present at the Public Hearing and the information that they had received was not always correct. The Planning Board does not allocate money for roads this is handled by the Road Review Committee and the Road Commissioner and then voted on at Town Meeting.

A Public Hearing has been held for this subdivision and abutting property owners had been notified. This is a regular meeting of the Planning Board. A petition was read by Gary Rhodes which requested the approval of this development be contingent on the modification of the Thyng's Mill Road. Those present were informed they should take the petition to the Board of Selectmen since the Planning Board has no control over town roads. Board indicated they cannot restrict development. People are allowed to develop as long as they meet the requirements prescribed by the town ordinances. Those present asked how things could be changed. Those present were informed that the Board has many times presented changes to the Townspeople and just last year many were tabled at Town meeting. Proposals from local citizens should be presented to the Planning Board for the Board to review and act on to bring changes to Town Meeting.

Bill Speed asked what the status of the subdivision currently is? Believed that the Board is waiting on a report from the Road Review Committee with recommendations regarding the curve and concerns brought up by people living in the general area of the proposed subdivision. Informed they could move forward with the Preliminary Plan they could address the suggested changes in layout then since the development has enough frontage.

Cemetery - Bill Speed indicated that Judi Carll as a member of the Historical Society had requested the possibility of the cemeteries being deeded to the town and developer to provide fencing around the cemetery. Mr. Speed indicated that cemeteries are to be reserved for family and did not believe it could be deeded to the town.

Mr. Speed also indicated that the developer was willing to make a material donation for the rail fencing around cemetery. Mr. Burrows has received two estimates one from H. A. Stone of \$390 and Gorham Fencing \$400. Roland Denby apologized for the meeting being slightly disorganized. Mr. Burrows asked if they could move forward with the project.

Larry Jacobsen moved and John Roberts seconded the motion to continue the project under Old Business. Vote was 5-0-0 in favor.

John Roberts moved and Larry Jacobsen seconded a motion to pay Invoice from MMA. Vote was 5-0-0 in favor.

John Roberts moved and Dwayne Woodsome seconded a motion to entitle all members to receive the Maine Townsman. Vote was in favor 5-0-0.

Joint meeting with Alfred for Public Hearing for Maine Cranberry Company to be discussed at the March 13th meeting of the Board.

Dwayne Woodsome indicated to the Board members the need to take a leave of absence. He will try to be at meetings whenever possible. He requested all communication still be forwarded to him and he would still be available for signature of approvals. John Roberts indicated he did not see it as a problem and thanked Dwayne for being courteous in informing the board. If the position of Secretary becomes a problem the board could address this at that time.

VII NEW BUSINESS:

VIII ADJOURNMENT: Meeting was adjourned at 9:38 p.m.

Respectfully submitted,

Dwayne Woodsome
Secretary/Treasurer

Judith Cole
Laurence E. French
Robert E. Dwyer

