

PLANNING BOARD

Town of Waterboro

REGULAR MEETING

MARCH 28, 1996

Meeting called to order by Cindy Allen, Chairman at 7:15 p.m.

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

II MINUTES OF PREVIOUS MEETINGS: March 13, 1996

Judi Carll moved and Joe Whitten seconded a motion to accept the minutes of March 13, 1996 as written.

Discussion: Dwayne Woodsome believed he voted against the subdivision on Thyng's Mill Road. Those present remembered he voted in favor.

Vote was taken 4 in favor 0 opposed 2 abstentions.

III COMMUNICATION AND BILLS:

None

IV REPORT OF OFFICERS AND COMMITTEES:

V APPOINTMENTS:

7:15 P.M. RAYMOND DOLBEC MAP 8 LOT 40 RESIDENTIAL ZONE

7:45 P.M. ROAD REVIEW COMMITTEE

7:15 P.M. RAYMOND DOLBEC MAP 8 LOT 40 RESIDENTIAL ZONE

Sketch Plan Review of a three lot subdivision proposed on the Roberts Ridge Road located in the Residential Zone by Raymond and Patricia. A copy of the tax map, sketch plan and a copy of the wetland mapping were forwarded to the Board members previously. Mr. Dolbec has since presented two additional layouts for Sketch Plan. The first is a sketch plan for a 27 lot mobile home park and the second is for a 9 lot subdivision.

Will cook of D.E.P. has visited the site with Mr. Dolbec and Tim Nelson and has indicated the best location for an entrance off Roberts Ridge Road is approximately 200 ft. from the northerly property line. Mr. Cook indicated a Permit-by Rule process would be required. Mr. Dolbec indicated he would like a feel from the board for the additional proposals. The amount of time to get approval was requested. Approximately 6 months for a three lot subdivision in the past provided there is no major problem or hold up with the hydro study. Since is would appear DEP would require one entrance due to environmental

impact how would that affect the mobile home park presentation with the horseshoe drive? What would the board request for road standards? It was noted that that would depend on the status of the newly created road whether it would be presented for approval as a town road or to remain private. The board would request review by the Fire Department, SAD #57 Transportation for safety and bus stop location. Larry Jacobsen indicated the bus may have to travel into the individual lots and therefore might have to be paved.

Cindy Allen indicated that the waiver requests presented deal only with the proposed three lot subdivision. It was noted that a common septic system would be utilized if Mr. Dolbec decided to go with a Mobile Home Park. John Roberts asked about topography? While on site Kenneth Gardner has indicated the potential location of a one acre system for a Mobile Home Park. Lots #6-12 on down would be gravity feed to the septic system all others would be pumped to the septic system.

Tim Nelson indicated that Will Cook had indicated if the Board requested two entrances into this site Mr. Dolbec would need to make application through DEP under a different process than Permit by Rule.

Cindy Allen indicated waiver requests for contour lines, soil erosion and sedimentation plan and a hydro study for the three, five acre lot subdivision Sketch Plan. Mr. Dolbec indicated he would go with the three lot subdivision and would continue with his research for the other two proposals.

Dwayne Woodsome indicated the board could act on the waivers on the three, five acre lot subdivision and if Mr. Dolbec changes his mind they could act on the proposal upon presentation.

John Roberts moved and Roland Denby seconded a motion to allow 10 ft. contour lines under Section 6.2.1 #9 as requested for the three lot subdivision of Map 8 Lot 40. Vote was 6-0-0 in favor.

John Roberts moved and Roland Denby seconded a motion to deny the waiver request of Section 6.2.1 #21 soil erosion and sediment control plan. Vote was 6-0-0 in favor.

Larry Jacobsen moved and Roland Denby seconded a motion to deny the waiver of Section 6.2.1 #26.

Discussion: Location of project to homes within the area? Towards Route 5 there is a subdivision and George Abbott has a home that abuts this site. Tim Nelson asked if an impact statement could be completed and if the results show the need for complete hydro study they could then require it? Mr. Dolbec asked if a letter from DEP would be acceptable? It was noted that the hydro study deals with nitrates and DEP would not be looking for the same issues. Mr.

Dolbec described the lot as having ledge, boulders and some sand with outcroppings of rock. Mr. Dolbec did not believe there would be much ledge. Mr. Dolbec noted septic system would be up on a hill about 1,000 ft. from the stream. Building envelope? Nice view from the higher point of the lots. Vote was 6-0-0 in favor.

Site Walk? Maybe wait until the ground dries out. Long driveways. Decided to wait to see what is going to do with development regarding the right of way construction to allow compliance with the frontage. Development as proposed would have a right of way starting about 200 ft. from the northerly property line into the first lot turning and running with the lots to meet the required frontage.

Dwayne Woodsome asked why the developer was not running lines to the road? The development would then fall under the 20 acre site location review by DEP. Does the right of way have to be built the entire length of the frontage to make the lots meet the frontage requirement or can it be a paper road? Attorney to answer since the board was not sure. Roland Denby asked about the spaghetti lot ratio. 5 to 1 was noted.

John Roberts moved and Larry Jacobsen seconded a motion to ask the town attorney if 150 ft. frontage can be from a paper right of way or does it have to be a traveled right of way? Vote was 6-0-0 in favor.

John Roberts moved to accept revised Sketch plan with the right of way located 200 ft. on the pole line side and going across three lots. Vote was 6-0-0 in favor.

It was noted that proof of ownership needs to be provided for the files.

7:45 P.M. ROAD REVIEW COMMITTEE

Doug Foglio noted he disapproved of the Board's decision regarding the action by the board on the Thyng's Mill Road. The Road Review Committee has thoughts different from the Boards. In discussing request of the Road Review Committee with the developer he noted that this was not his property where the trees blocked the visibility on the curve. After considerable discussion the Board voted that if changes were to be made to that corner for safety reasons that the developer since he is not the owner of the land could not be held financially responsible. The developer offered to grant the town an easement to relocate the stone wall on there property. Fred Fay, Road Commission asked if a survey has been completed of this property? He also noted that the board should know that this development will cause more hazard. It will be more of a problem than it is now. The Road Review Committee's request would save money for the town. Cindy noted she didn't feel that the board had legal right

to ask someone who does not own the property to take care of an existing safety problem.

Douglas Foglio, indicated that there is no existing safety hazard. The developer is creating the hazard. The safety hazard is being created by the developer. Cindy noted believed that the buses and other traffic presented a safety hazard now. Doug noted that may be what the developer would have you believe. Cindy stated that was not how this had been presented to the board by the people at the Public Hearing. Doug noted that the Road Review had held a Public Hearing as well and that wasn't what they were hearing from the people.

Judi Carll asked is the road safe if nothing changes? Mr. Rhodes from the audience noted no it will become worse? But it is a safety hazard now. It is going to become worse, that's why they brought it up at this time with the development going in. John Roberts read Section 3, item E of ordinance. This section would give the board the opportunity to have the developer do the work. Doug noted that section 6.1.7 would also cover this if an argument from the developer. This could be part of the plan. If information is brought to the board's attention after approval that part of the plan can be changed. Section 8.6 requires improvements (section read). You may waive as you see necessary. Also read article 3 purpose of Planning Board. Section 6.1.7 and 8.1.6 required not to create hazard not greater than one if it is existing 4.3 site distances posted speed limits, if unposted is 35 miles per hour, 350 ft. site distances required of all subdivisions. Subdivision on Ross Corner Road the board had required common drive because site distance could not be met. Douglas also indicated that the town has a highway entrance ordinance. Planning Board members noted they did not have a copy of this document in their notebook. Douglas read a section. It is up to the Planning Board to properly insure that the Zoning Ordinance and other ordinances appropriately apply to subdivision the Subdivision Ordinance and make decisions by that. Roland Denby noted a private piece of property in the area of the stone wall. The town did not put the stone wall there he believes it is or was owned by someone. Roland indicated he did not believe the town owned behind the stone wall. State law allowed towns to take up to 25 ft. from the center of the road. In many cases the old right-of-ways were 33 ft. in width. It was believed that if a stone wall sits in the right-of-way for a specific amount of time a property owner could claim the land.

Douglas Foglio - Just because this surveyor says the Town owns the land unless they bring proof - Roland noted the Board has not committed at this time.

Douglas - The fact of the matter is after the home owner moves in regardless of stakes if you were to go move the rocks all of a sudden you are ruining the beauty and aesthetic value.

Roland - a lot of information - people told the board that they have a serious problem right now. The developer stated he didn't have the right to intrude on the Town's property.

Douglas - by the entrance ordinance even after the Board approves the plan the Road Commissioner cannot issue a permit if it creates a hazard, therefore, who is right and who is wrong. Town's responsibility to go out and do the work to make the subdivision legal? Douglas stated "I don't think so".

Roland asked what is the status of the road? Is it passable? Is it safe?

Douglas - In it's present status it is passable.

Roland - some tell you can't plow, can't get snow off the road, others say (general public) the corner is dangerous at the present time.

Douglas - I suppose like any questions, you ask ten people a questions, you get ten different answers. It is plowable. You have a road that was built for one house. It now has thirteen houses with these proposed potential of nine more all on this turn. Is the turn unsafe? If you drove in a proper manner it might not be but you put nine more houses there with nine families with an average of 1.5 children per family, send the kids out in the middle of the road, someone comes around the corner doing 35 mph which is the speed limit, they don't see little tots, they get run over, then who's responsibility is it? So in dealing with people it is easy to say it's someone else's responsibility if you can get them to believe it is. After going to Town Meeting and trying to defend the budget of the roads as Road Review Chairman, and then see people intentionally create cost for the town in order for them to make a profit I think that's not correct. I don't think they should do that.

John Roberts noted the Board had a subdivision, he couldn't remember the name, it came out on a dirt road and they make the developer give the town land to make a 50 ft. right-of-way. Noted this isn't a precedence that we make them do something on other options.

Ordinance on file allows Planning Board to do many things, they could request a common driveway to lots 5 & 4 accessible on lots 3 & 4. There is an obvious problem other options available. Board could ask or instruct the developer to complete a traffic and safety environmental study.

Douglas - asked "Don't you think the subdivider has done projects before, brought subdivision in the winter purposely.

Douglas - quoted the road standards regarding the intersection of Thyng's Mill Road and Clark's Bridge and the required 90 degree angle. Douglas also spoke of moving the road and cost. Concern of driveway placement and site distances. Noted eight trees that might need to be removed.

Board members indicated they had completed an on site last fall.

Douglas noted the need to place major amounts of fill to prepare the sites prior to building on the lots. Drive entrances previously were required to be placed in off the road a minimum of 50 ft. Douglas noted that the stone wall relocation could be used as fill to do the site preparation.

Douglas noted if people came in as responsive they might enter into conversation with the Road Review Committee, Road Commissioner and Board of Selectmen about sharing cost. Dollar value of improvement very small noted \$2,000 to \$3,000 and would benefit the remainder of the road.

Drainage problem - should have requested something be done across road when the previous development was before the board

The trees are not on the property - line indicated on the plan and developer believes they are on the towns property. As part of the approval a request to the Board of Selectmen be made to allow contractor to do this.

Douglas asked if the surveyor has provided a layout of the road? Stonewall there for years the ownership of the wall could have been previous owners. Douglas indicated the board could ask for proof. Sure the developer is willing to give an easement. Sometimes uncomfortable and take advantage. This is not the first time for the developer. Even without the subdivision this is a bad corner. The lots across the road are higher and would have different site distances. The developer is creating more of a hazard. If they don't haul in 1,000 yards of fill the driveways will be up hill entering onto the Thyng's Mill Road. A lot can be done in the name of safety.

Should common drives be considered? The Road Review Committee tired to come up with an economical solution.

Impact Fees - Members of the Planning Board asked Douglas Foglio what he thought. He noted there may be a time when they become necessary. The budget for the town is growing in areas such as recreation. Should the town be responsible for paying their fair share? He thought as long as common sense is used regulation is possible. Seems that developers should realize they have some responsibility to the town. As long as that works, impact fees probably not necessary.

It is difficult since the town doesn't provide public utilities. If you impact, you will have responsibility. Roland Denby read letter from attorney dated 1988. Douglas noted he believed Steve Murray helped the board more than anyone years ago. Always deemed difficult since the town doesn't provide services. Douglas noted the planning board had a tremendous amount of power.

It would probably be worth the board having another on site with the road review committee and the developer. Douglas stated that the town needs to spend monies in the future on this section of Thyng's Mill Road.

Roland Denby suggested opening the meeting to those present from the Thyng's Mill Road neighborhood.

Mr. Rhoades - Safety issue with the development and blind drives on the corner would be an impact. People riding horses, bikes, and more cars would make an effect. He indicated he thought it was a good idea to revisit the site. Safety the main issue. Everyone there at the meeting is concerned.

On Site scheduled for April 10, 1996 at 6:30 p.m. Advertise the meeting on Thyng's Mill Road in the Smart Shopper and notify developer.

VI OLD BUSINESS:

Kim Janotta

Mr. Janotta present with Owen McCullough of Sebago Technics, Inc. since they had questions on the road being utilized for access to rear lots. A letter from the town attorney was faxed late in the day and the board members and the developer reviewed the letter. After discussion with the attorney it was determined that the lots fall within the shoreland zone and therefore the project would require subdivision review.

A new layout was presented to the board for consideration with the access road continuing across the wetland and the remaining two lots would have frontage on the access road. No lots would be split by the access road as in previous proposal. The ordinance has a limit of 600 ft. for a dead end road. The road in to the property would be 1300 ft. in length. Douglas Foglio noted waiver has been granted before on other projects.

Note on the plan Private Road never to be accepted by the Town unless the road is brought up to Town of Waterboro Road Standards.

If further subdivision of the land is proposed they would have to come before the planning board.

Owen McCullough noted Kim was looking for two things:

- 1) The board's view on the new proposal,
- 2) Would the board be willing to grant a waiver for an easement with a hammerhead turn instead of running the easement through the lots and connecting with the Cross Road.

It was noted that a hammerhead turn was used on Stanton project noted on Sokokis Estates Subdivision. This plan was checked and the turn was used with the idea that the road would at a later time be continued.

This project is a proposed private road. Intended one house on each lot. First lot is 7.5 acres, second lot is 45-47 acres and the third lot is 43 acres.

John Roberts moved and Everett Whitten seconded a motion to accept Sketch Plan of West Hill II 2/28/96 as revised 3/28/96. Vote was 6-0-0 in favor.

John Roberts moved and Judi Carl seconded a motion to require a hydro impact statement versus requiring a full blown study.

Discussion: Due to size of the lots & wetland it was felt this was needed. Vote was 6-0-0 in favor.

John Roberts moved and Roland Denby seconded a motion to publish the meeting time of the Planning Board starting May 1, 1996 meetings will start at 7:30 p.m. Vote was 6-0-0 in favor.

It was noted to the board members that Maine Cranberry will be on April 10, 1996 agenda.

No motion made to notify developer on Thyng's Mill Road. Mr. Speed know of the meeting by whatever means 0 no action taken by the board. Discussion on the road not the subdivision. Legal ramifications? Board has the right to review. The board has control of when approvals are granted.

Kasprzak Landbank will be on April 10, 1996 agenda with Sketch Plan Review of a ten lot subdivision located off Townhouse Road.

Response from Willis Lord? None through the offices. John Roberts indicated he would be in to see the board. John indicated he did not have a problem with the proposed change to the shoreland expansion being presented by Mr. Lord. He indicated the letter to Mr. Lord should have indicated unanimously voted by members present. Since John was not present it was not a unanimous vote. John was upset that people would think he was in support of the letter sent to Mr. Lord by the Planning Board.

John Roberts noted that when Town Meetings were held in June he was not able to attend them. He was voted out because of this and it was good to see that the chairman was not in attendance at town meeting this year. Cindy indicated there was nothing on the warrant being presented by the board this year and due to other commitments she was sorry she could not attend. John noted people acted behind his back. Larry - maybe some have different views

on things. Dwayne - indicated that Larry's statement was very poor, he commented Larry could pack his bags and go back to Massachusetts.

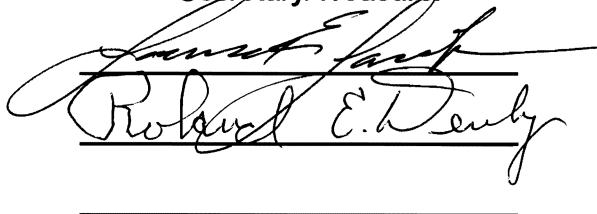
VII NEW BUSINESS:

VIII ADJOURNMENT: Meeting adjourned at 9:43 p.m.

Respectfully submitted,

Dwayne Woodsome
Secretary/Treasurer

Guthia Allen
Everett Whitten
Judith Coel


Robert E. Dewly