

PLANNING BOARD

Town of Waterboro

REGULAR MEETING

APRIL 25, 1996

Meeting called to order by Cindy Allen, Chairman at 7:45 p.m.

I ROLL CALL: Present were Chairman Cindy Allen, Everett Whitten, Judi Carll, & Roland Denby Planning Board Members. Also present were: Tim Nelson, CEO and Dianne Holden, Planner.

II MINUTES OF PREVIOUS MEETING:

III COMMUNICATIONS AND BILLS:

IV REPORTS OF OFFICERS AND COMMITTEES:

V APPOINTMENTS:

7:30 PM BOB BOISVERT MAP 24 LOT 13 AR ZONE

7:45 PM KIM JANOTTA MAP 6 LOT 29 AR ZONE

8:00 PM LEIGH GOREN MAP 44 LOT 2259 R ZONE

7:30 PM BOB BOISVERT MAP 24 LOT 13 AR ZONE

Mr. Boisvert is requesting permission to expand an existing addition by tearing down the existing structure to the foundation and reconstructing using the same footprint but utilizing a different ceiling height. This would be an expansion of volume by 14 percent.

Everett Whitten made the motion to give Mr. Boisvert permission to expand an existing structure located at Northwest Pond by adding to an existing porch as presented, with a volume addition of 14% under Section 2.08, 4.02 and 7.01, 2. B.1 a. Roland Denby seconded. Vote passed, 3-0.

Note: Dwayne Woodsome, Planning Board member arrived.

7:45 PM KIM JANOTTA MAP 6 LOT 29 AR ZONE

Owens McCullough of Sebago Technics, Inc. represented Mr. Janotta. Copies of the proposed West Hill II Subdivision Plan, Subdivision Application, Sample Descriptions of subdivision lots, copies of the Wastewater Disposal System Applications and a copy of the impact letter by John B. Rand, Hydrogeologist were distributed to those members present. Waivers to be requested include: Soil Characteristics, Soil Suitability Report, Erosion Control and Stormwater Drainage Plan (due to size of lots), Street Elevations, Street Grades, Sidewalks (as it will be a private gravel road), Scale (from 1/60 to 1/150),

Contour Intervals (twenty feet) and Road Length (over 600 feet). Mr McCullough stated that Note #12 on the Plan was Mr. Rand's recommendation. Mr. Nelson, CEO noted that the Town's drinking water standards is 5MG, or one-half of the State and Federal regulations, and therefore, Mr. Rand's letter would have to be updated to reflect the Town's requirements.

Chm. Allen asked if the Board felt that Tewhey Assoc. should look over the impact statement. Mr. Denby stated that it was not crucial due to the lot sizes.

Mr. McCullough had prepared the package for both Preliminary and Final Subdivision Approval.

Review of the Plan resulted in the following changes: Mr. Janotta to sign plan, Name and address of the Soil Scientist and Hydrogeologist need to be added, add the width of the adjacent street, Cross Road, Change note #11's last line to read "...the road is improved to meet the Town's current Road Standards at the time of acceptance." (deleting the presented wording) and deleting Note #13 as it is not needed on the plan.

Dwayne Woodsome made the motion to grant waivers for Street Elevations, Street Grades and Sidewalks. Everett Whitten seconded. Vote passed, 4-0.

Dwayne Woodsome made the motion to grant waivers to Soil Characteristics and Soil Suitability Reports due to the size of the lots. Roland Denby seconded. Vote passed, 4-0.

Dwayne Woodsome made the motion to grant waivers for Erosion Control and Stormwater Drainage Plan due to the size of the lots. Everett Whitten seconded. Vote passed, 4-0.

Dwayne Woodsome made the motion to accept 20' contour lines and change the Scale from 1/60 to 1/150. Roland Denby seconded. Vote passed 4-0.

Dwayne Woodsome made the motion to accept the presented plan as the Preliminary Plan with all the changes as outlined above. Everett Whitten seconded. Vote passed 4-0.

8:45 PM LEIGH GOREN MAP 44 LOT 2259 R ZONE

Mr. Tim Greateon represented Mr. Goren which is the owner of a non-conforming lot that the Planning Board has to review. The site plan indicates that all setback requirements can be met. Dwayne Woodsome made the motion to accept the application and plan as presented under section 2.08 and 3.03 of the Zoning Ordinance. Judi Carll seconded. Vote passed 4-0.

VI OLD BUSINESS:

1. Mr. John Bradford was present to discuss the 3 lot subdivision located on Deering Ridge Road, Map 5 Lot 27 in the AR Zone that falls within the Shoreland Zone. Discussion of (1) Common area for two lot owners or (2) square wetland area off and deed to middle lot owner. The Sketch Plan presented was approved contingent on the final decision made on ownership of the wetland area after Mr. Bradford talks with the owner of the middle lot. The Board felt that an Impact Letter was sufficient due to the size of the lots. Judi Carll made the motion to accept an Hydrogeologist's Impact Letter rather than a full Hydro Study. Everett Whitten seconded. Vote passed 4-0.

Roland Denby made the motion to accept the presented plan as the Sketch Plan with the common area being allotted to the middle lot owner and the lot closest to the Mitchell property. (1/2 interest each) Everett Whitten seconded. Vote passed 4-0.

A Site Walk of the subdivision was scheduled for June 5 at 6 pm.

2. State Senator Willis Lord was present to discuss his proposed legislation known as LD 1672, which the Planning Board has send him a letter of non support. Further, the legislation did not get passed by the State. He stated that the legislation was created after he received a call from a resident of Great East Lake that subsequently gave him a petition with 350 signatures to address the situation. The reasoning behind the legislation was to help people with smaller camps to exceed the current 30% volume requirement. 30% volume regulations favors older cottages. Sen. Lord told the Board not to pay attention to the crap that Maine Municipal Association printed in it's newsletter. It was a conspiracy against him by the Natural Resource Council and the Audubon Society. How much is added to a building has to do with having the septic inspected. Currently if no bedrooms are added, no septic inspection is necessary. The proposal was permissive legislation, not mandatory. Sen. Lord feels that the Planning Board's letter was out of line. The Board should have asked him in to discuss it. And further, after discussing the matter with two of the Board's members how could the Board say it was a unanimous vote, as one of the members was absent from the meeting and another had left the room at the time the vote was taken. He still feels that the legislation is the right thing to do.
3. Kurt Butterfield was present to discuss his proposed subdivision located on Thyngs Mill Road. A site walk of the road was held at 6:30 pm this evening by the Planning Board, the Road Review Committee and several interested neighbors. Roland Denby questioned MRSA 23 ss 2101-2103 in regards to how the three rod width is arrived at. Mr. Butterfield said that he felt it was 1 1/2 rods from the center line of the road. Mr. Denby further questioned who determines where the centerline of the road is, as it may not

necessarily be the middle of the tarred portion of the right of way. Discussion of the trees blocking the line of site from lot #2 towards lot #1 could be removed with no problem. Dwayne Woodsome questioned Mr. Butterfield on what plans he had on addressing the turn, driveways and site distance on turn east of lot #5. Mr. Butterfield responded by stating that the driveway envelope on lot #5 had not been developed as yet. 160 ft. from the boundary of lots #4 and #5 looks like a possibility, but wants to wait until the soils, etc. are worked up. Mr. Butterfield's response to the line of site at the corner of Clarks Bridge Road was why would the Board want him to set a plan for land he doesn't own? Dwayne Woodsome questions the width of Thyngs Mills Road as the stone walls says it's a two rod road, but the developer says it's a three rod road. Discussed the 'Orchard Lot' for which the owner is unknown, but concluded that this lot is not part of the site distance problem.

Dwayne Woodsome stated that safety-wise, the first fifty feet of driveway should be in before final approval of the subdivision is done. The Board has required developers to do it in the past so that the Board knows that it is done before the lots are sold especially with lots over a three degree grade. Mr. Butterfield said that he had no problem with doing it on the lots without any site problem, but would rather have the purchaser of the lot select the driveway site, especially on lots #1, #2, and #3. Road Review Commission Chairman Douglas Foglio, Sr. said that the Board could require a separate bond, per driveway be recorded with the subdivision plans at the Registry of Deeds office and if the bonds should expire before the sale of the lots, the subdivision becomes null and void. At the time of sale, the driveways would have to be put in to have bond released. Bonds are usually renewable one year at a time. Mr. Foglio further sees an ample need for fill and rip rap. He also doesn't agreed with MRSA 23. As far as he knows, the Selectmen's ruling is that the Town's boundary is the stone walls, if everyone agrees stone walls is the boundary. Mr. Denby read from Section 3 of the Highway Entrance Ordinance and noted that the Road Commissioner has a lot of say on where driveways go in.

Mr. Butterfield asked for a clarification on where the project stands in the process. Mrs. Carll stated that to her to biggest contention is the road frontage on Conservation Plot #B. Mr. Butterfield said that he thought that the line of site was not a problem. Mr. Woodsome stated that safety is the big issue around the turn. Cloudy area of whose property. Feels that it would take two days work to do whole job and a couple thousand dollars. Some fill on site can be used. Mr. Butterfield said that that work would be a lesser concern than the driveways as he is unsure if it is or should be his responsibility.

Mr. Denby asked if any soil work had been done. Mr. Butterfield stated that all lots had been soil tested, and all but one has had multiple test pits.

Chm. Allen stated that the Board needs to get a legal opinion on whose land is what and whose responsible for what. Mr. Woodsome feels that the Town would let the developer move the trees and stonewalls, also that the Board should make the developer put in the

driveways. Mrs. Carll said that she could see a combination of action being taken - put an envelope on some lots, not on others in regards to the driveways. Mr. Butterfield said that he had no problem on bonds being placed per driveway. Mrs. Carll further stated that the safety issue is an existing problem and can't the Town and the Developer work together? Mr. Nelson, CEO questioned where the liability lies. Mr. Butterfield as whether the Public Works Dept. has the capacity to do the work. Mr. Woodsome said that the large pine could be tipped onto the developers land.

The Board agreed to get a legal opinion from the Town's Attorney in regards to the stonewall, and the ownership of the land and road in question. Also, what the Town's liability is, if any.

Mr. Butterfield said that he would share the responsibility and give permission to have the Town tip the trees onto his land and he would have them cleaned up. Mr. Butterfield asked the status of the process. Mr. Nelson, CEO will contact the Attorney to set up a meeting next week. Chm. Allen told Mr. Butterfield that he could come back on May 8th. under Old Business. Mr. Nelson said that it seemed to him that the driveways were workable and that things should go smoother after the road line issue is settled.

Mr. Butterfield - Asked for clarification of Mr. Foglio's task? He believed the Road Review Committee had been requested to determine the line of site and to see if it was a problem. Mr. Butterfield indicated he did not see the line of site to be an issue. Roland Denby indicated that the driveways need visibility both ways. Trees cut and slope of drives to meet certain standards. Other members of the board indicated to Roland that they were discussing a bond being placed to help cover the placement and construction of the drive entrances.

Dwayne Woodsome asked Mr. Butterfield if he understood him to say he did not want to place drives prior to final plan?

Mr. Butterfield is concerned about prematurely committing on driveways before the final plan. He feels that most have at least a hundred foot envelope and he would post bond on all. Chm. Allen said that the Board is not adverse from posting bond. Mr. Denby questioned whether driveway culverts would interfere with culverts from the other side of the road and noted that there's not much of a ditch.

Mr. Woodsome stated that if the three big trees were cut, he didn't feel it would be an issue with the Board, the Town or the Road Review Committee. Mr. Butterfield stated that if the Town would tip the trees onto his land, he would have them cut. The size of one particular tree troubles him to take down.

VIII ADJOURNMENT: Chm. Allen declared the meeting adjourned at 10:20 pm.

Respectively Submitted,

Dwayne Woodsome
Secretary/Treasurer

Guthrie Allen
Richard E Dealy
Everett Whitten

