

PLANNING BOARD

Town of Waterboro

Regular Meeting

June 12, 1996

Meeting called to order by Vice Chairman, Roland Denby at 7:27 p.m.

I ROLL CALL: Present were Larry Jacobsen, Everett Whitten, Dwayne Woodsome and Roland Denby, Vice Chairman. Cindy Allen and John Roberts arrived at 7:45 p.m.

II MINUTES OF PREVIOUS MEETINGS: April 25, 1996, May 8, 1996 & May 23, 1996
No action taken on minutes.

III COMMUNICATION AND BILLS:

1. Letter from John L. Murphy Re: Traffic Study of Thyngs Mill Road
2. Letter from Sharon to Fred O'Clair Re: Subdivision
3. Letter from Southern Maine Regional Planning Commission
4. Letter from HAS HydroSource Associates, Inc. A Hydrogeologist firm
5. Letter from Woodard & Curran Re: Maine Cranberry Company
6. Variance Approval for Raymond Marcotte Lot A40 & SAD #57
7. Letter from Chris Vaniotis Re: Jones Site Plan Review

No action taken on communication.

IV REPORT OF OFFICERS:

V APPOINTMENTS:

7:15 P.M. F M ABBOTT POWER EQUIPMENT MAP 5 LOT 48 V ZONE

7:45 P.M. WES LEIGHTON MAP 1 LOT 6 V ZONE

8:15 P.M. BRUNETTI'S RESTAURANT MAP 30 LOT 71V AR ZONE

**8:35 P.M. SITE PLAN FOR JUNKYARD PERMIT ROBERT & RUTH JONES
MAP 4 LOT 29 AR ZONE**

9:00 P.M. MAINE CRANBERRY COMPANY MAP 1 LOT 25 AR ZONE

7:15 P.M. F M ABBOTT POWER EQUIPMENT MAP 5 LOT 48 V ZONE

Sharon informed the board members that Tim Nelson had reviewed the site plan of F.M. Abbott Power Equipment and had found it to be complete and in compliance with all zoning regulations. Mr. Nelson issued a permit for the foundation of the proposed addition to the commercial building.

Abutter's have been notified and committee chairmen notified. No response from general public or any persons notified. Roland Denby noted that the applicant was requesting a waiver of the topographic lines being on the plan since the area of construction is flat.

Larry Jacobsen moved and Dwayne Woodsome seconded a motion to waive Section 1. Procedure Item D. #8 (topography of a contour interval not greater than two feet). Vote was 4-0-0 in favor.

Tim Nelson had reviewed the site plan prior to his leaving and found it to be complete. Mr. Abbott has received his permit from the State Fire Marshal's Office for accessibility and a set of certified architectural drawings are on file.

Larry Jacobsen moved and Dwayne Woodsome seconded the motion to accept the site plan as presented dated April 1996. Vote was 4-0-0 in favor.

7:45 P.M. WES LEIGHTON MAP 1 LOT 6 V ZONE

A review of the site plan has been completed and the following compiled are areas of concern:

- 1) The septic system design appears to be designed for office type uses. If a dental or medical use is proposed this system is too small. Need to know exactly what the planned uses are. See chart 901.2 of the Subsurface waste regulations.
- 2) Also Biohazard waste from dental or other medical uses would require a Hazardous Waste Permit.
- 3) The number of parking spaces required is determined by the use of the building,
- 4) Nothing on the site plan indicates the location of signage or loading and off loading areas.

Wes Leighton indicated that the septic system was over designed by Mr. Gardner. The rental spaces have approximately 800 sq. ft. area once you have taken the area designated for the bathroom and kitchen area. The entire building is 3200 sq. ft. The parking spaces on the plan have been calculated for large vehicles not the new standards and 23 parking spaces are noted on the plan. The water supply planned is an artesian well. Off loading will be at the rear of the building. There is nothing on the plan for landscaping since Wes noted the entire open area around the building is to be paved.

Larry Jacobsen moved and Everett Whitten seconded a motion to approve the site plan as submitted. Vote was 4-0-0 in favor. The plan was signed by those present and dated.

Cindy Allen and John Roberts arrived at 7:45 p.m.

8:15 P.M. BRUNETTI'S RESTAURANT MAP 30 LOT 71V AR ZONE

Carl, Herbert & Rita Ricker are requesting a Conditional Use Permit so that the restaurant currently know as "Brunetti's" can be used in the following manner:

"An Eating Place / Take out Place / Grocery Store," (including sale of beer and cigarettes)

- 1) Eating place would encompass the sale of fast food, with "no full meals" and no china service
- 2) Proposed seating: 20 seats inside, plus 20 seats outside, plus one employee.
- 3) Use would include the sale of such staples as soda, groceries, beer and cigarettes, together with a continuation of the take-out service which has traditionally been undertaken by Brunetti's. There is currently a take-out window, ample parking, estimated 15 spaces, beautiful water views, and an adequate septic system (estimate 584 gallons per day).

The restaurant has been closed for over a year. The Ricker's and attorney Peter Clifford had met with Tim Nelson and Dianne Holden to discuss the process to reinstate a use for the property.

John Roberts moved and Roland Denby seconded a motion to allow a Conditional Use under Sections 2.08, 4.02 and Article 9 Section 9.04 on the building and property to allow the sale of fast food and take out on single use utensils with twenty seats inside and twenty seats outside or the use as a variety store which would be allowed ten inside seats and twenty outside seats.

Discussion: Larry Jacobsen noted to those present that in 1985 the Ricker's had come before the Planning Board requesting permission to place a 15' x 7' washroom addition. The request was denied. If the building is to be bank financed the violation may present a problem. Mr. Ricker indicated that he was not the person that placed the addition on the building. The area is being used to store refrigeration. The buildings have been connected for over 4 ½ years. It has been there for a long time and nothing has been done as of this time.

The vote was 4 in favor none opposed and one abstention.

**8:35 P.M. SITE PLAN FOR JUNKYARD PERMIT ROBERT & RUTH JONES
MAP 4 LOT 29 AR ZONE**

Attorney Chris Vaniotis was present at the meeting at the Planning Board's request to assist them in interpretation of all state and local regulations regarding the request for a junkyard permit for this property. Note the attached copy of the written interpretation of areas of concerns that Mr. Vaniotis was asked to address by the Planning Board. A copy of the letter was presented to Mr. & Mrs. Jones. (See Attached Letter)

Larry Jacobsen asked Mr. Vaniotis if the required setbacks were being met. Mrs. Jones replied that they were being met. Mr. Jones indicated to Mr. Jacobsen not to get smart with Mrs. Jones.

Words were exchanged by Mr. Jones and Mr. Jacobsen and Mr. Jacobsen chose to leave the meeting for the evening.

Roland Denby indicated that basic differences between a junkyard and re-cycling were the permit requested by the applicant. Mr. Vaniotis indicated the major differences as stated in his letter and also indicated the difference from a one year permit to a five year permit. The aquifer was definitely a concern however the fact that one existed does not constitute the denial of the application. The Waterboro Zoning Ordinance does require certain criteria such as a minimum setback of 500 ft. from a residence and Mr. Vaniotis indicated the board could condition the approval as they saw fit to assist in protecting the general area.

The Board of Selectmen still have to issue a permit under the State Law. The Planning Board proceeded to review the plan for compliance with the Site Plan Regulations. It was noted that there were no topographic lines on the site plan and a waiver would be needed.

John Roberts moved and Roland Denby seconded a motion to waive Section D Item #8 of the Site Plan Review Ordinance. Vote was 4-0-0 in favor of the motion.

Abutters have been notified of the project. Dianne Holden indicated that she is an abutter and she did not receive notification.

The board should keep in mind that the Board of Selectmen will have to issue a permit by the State Classifications for a Junkyard.

John Roberts noted Item #13 which deals with hazardous material. A copy of the Hazardous Waste Ordinance including the application was given to the applicant.

John Roberts moved and Everett Whitten seconded a motion to approve the Junkyard/Site Plan as defined in Article 14 and the Site Plan Review Standards and a Conditional Use Permit under 3.09 Item #29, 4.02 subject to an approval for a Hazardous Waste Permit issued by the Code Enforcement Officer and that a monitoring well be installed in the existing gravel area 100 ft. from the vehicle graveyard and the applicant shall present a water test before the junkyard opens to be used as the control test and a yearly test completed by a licensed laboratory be presented and if the test results show disintegration this would be grounds for revocation of the Conditional Use Permit under Item 2 and Item 13 of the Site Plan Review Ordinance and further the site shall be developed and utilized only as shown on the approved site plan and any modifications will require further approval by the Planning Board. Vote was 4-0-0 in favor of the motion.

9:00 P.M. MAINE CRANBERRY COMPANY MAP 1 LOT 25 AR ZONE

The Board asked Mr. Garson to respond to the letter dated June 10, 1996 presented by Acheron Engineering Services. Dan Garson believed that the board had focused on two structures the first was the pesticide storage and the second was the design and construction of the intake structure.

The applicant's letter responding to these questions has addressed all of the concerns raised and the responses were found to be complete and adequate for review purposes.

Based on the materials reviewed and the responses noted, Woodard & Curran recommends that the Board adopt certain conditions of approval that should be incorporated to any permit granted to the applicant.

- 1.) Add a three inch raised lip to the entranceways of the chemical storage building, at all overhead and entry doors, to provide a barrier to possible release of chemicals to the environment. All chemical containers inside the building shall be stored on the type of spill containment pallets specified in the applicants letter.
- 2.) A written spill release/emergency plan shall be prepared by the applicant and submitted to the appropriate Town official and/or board.
- 3.) The applicant shall employ a licensed operator for chemical applications and operate in conformance with the regulations for chemical usage of the Maine Pesticide Control Board.
- 4.) A written description shall be prepared by the applicant and submitted to the Town which presents the calculations and measurements that were used to establish the precise water-surface elevation at the intake structure that corresponds to the stream flow limits below which no water can be withdrawn.
- 5.) "As Built" plans of the project shall be prepared by the applicant and submitted to the Town at the conclusion of the project's construction in Waterboro.

John Roberts moved and Roland Denby seconded a motion to approve the Waterboro portion of the site plan dated February 7, 1996 Shaker Valley Cranberry Farm a subsidiary of Maine Cranberry Company with the following conditions:

- 1.) 1) The building be constructed with a three inch raised lip to the entranceways of the chemical storage building, at all overhead and entry doors, to provide a barrier to possible release of chemicals to the environment.
- 2.) A written spill release/emergency plan shall be prepared by the applicant and submitted to the Planning Board and the Waterboro Fire Department.
- 3.) The applicant apply for and receive a Hazardous Waste Permit.
- 4.) The applicant shall employ a licensed operator for any spraying or mixing of chemical applications and operate in conformance with the regulations for chemical usage of the Maine Pesticide Control Board.
- 5.) Applicant supply "As Built" plans of the project shall be prepared by the applicant and submitted to the Town at the conclusion of the project's construction in Waterboro and supply the calculations and measurements that were used to establish the precise water-surface elevation at the intake structure that corresponds to the stream flow limits below which no water can be withdrawn.
- 6.) The site plan shall be developed and utilized only as shown on the approved site plan and any modifications will require further approval.

Vote was 4 in favor none opposed no abstentions. A written summary of the Dan Garson's commentary to the board was requested by the board.

I OLD BUSINESS:

- 1. Carpenters Woods** A copy of the report from John Murphy was presented to the Board. (See attached report.)

Mr. Bill Speed was present and indicated to the Board that John Murphy had covered the issues that the board had concerning the safety issues in the report. Mr. Speed noted that the board had indicated at a previous meeting that they had determined through legal counsel that a developer was responsible for bringing the safety factor back to the existing level of an already existing condition, but not for the entire solution of the existing status of a road. Bill indicated that the cost would appear to be between \$2,000 and \$2,500, he believed that the petition had 17 signatures on it that asked the board to look at the impact to the area. The developer is adding 5 lots to this area which equal 22 responsible people. What constitutes minor in nature. By these numbers it would calculate the developer had 1/5th of the responsibility.

John Roberts moved and Dwayne Woodsome seconded a motion that Carpenter Woods Subdivision can proceed with Preliminary Plan after they have incorporated the recommendation and actions as described in John Murphy's letter dated May 28, 1996 under Subdivision Regulations Article 3 Item E. Vote was 4-0-0 in favor.

1. Victor and Fred O'Clair Subdivision Preliminary & Final Plan

The O'Clair's are back before the board for Preliminary and Final Plan Review and have made the requested changes from the previous meeting. The O'Clair's are requesting permission to take the signed plan to the attorney's office for the heirs of Jean O'Clair to sign. They will not sign the plan until the town has approved it.

John Roberts moved and Roland Denby seconded a motion to grant Fred O'Clair's request for waiver of the scale. Vote was 4-0-0 in favor.

John Roberts moved and Roland Denby seconded a motion to approve plan presented for Preliminary and Final for Fred & Victor O'Clair dated September 24, 1991 revised June 1996 with accompanying deeds from Victor and Fred O'Clair and Joseph Peter Lewis Jr. with regard to the common well and the deed from Fred O'Clair and Joseph Peter Lewis Jr. to Paul and Brenda Gagne and that this approval is conditioned upon the O'Clairs getting the two remaining signatures of the owner's and returning the appropriate plans back along with the appropriate deeds to the Town of Waterboro to register and all fees be paid. Vote was 3 in favor none opposed and Dwayne Woodsome abstained since he had done work for the O'Clairs during this process.

VII NEW BUSINESS:

VIII ADJOURNMENT: Meeting adjourned at 10:05 p.m.

Respectfully submitted,

Dwayne Woodsome
Secretary/Treasurer




