

# PLANNING BOARD

## Town of Waterboro

REGULAR MEETING

JUNE 27, 1996

Meeting called to order by Chairman, Cindy Allen at 7:30 p.m.

Dianne Holden was not in attendance due to illness.

**I ROLL CALL:** Present were Larry Jacobsen, Roland Denby, Everett Whitten and Cindy Allen, Chairman.

**II MINUTES OF PREVIOUS MEETINGS:** April 25, 1996, May 8 and May 23, 1996 and June 12, 1996.

Everett Whitten moved and Roland Denby seconded a motion to approve April, 25, May 8, and May 23, 1996 minutes as printed. Vote was 3-0-0 in favor.

Roland indicated a change for the June 12, 1996 minutes regarding his question to Attorney Chris Vaniotis. He indicated to Mr. Vaniotis that the difference between a graveyard and re-cycling was the permit. Roland also noted that the section that Chris Vaniotis noted should have been paragraph B and not D as noted in the minutes.

### III COMMUNICATION AND BILLS:

1. Letter from the Board of Selectmen requesting time be set aside at the beginning of each meeting for either the Town Planner or the Board,
2. Renewal of Conditional Use Permit issued to Ruth Kearn
3. Letter from Woodard & Curran Re: Findings of Review of Shaker Valley Farm
4. Bill for services rendered from Woodard & Curran for Shaker Valley Farm
5. Letter from Southern Maine Regional Planning Commission Re: July 10, 1996 meeting,
6. Information from HydroSource Associates, Inc.
7. Letter from Tewhey Associates Re: Townhouse Woods Nitrate Evaluation Review

Larry Jacobsen moved to re-approve the Conditional Use Permit issued to Ruth Kearn dated 12/13/95. Roland Denby seconded the motion the vote was 3-0-0 in favor.

### IV REPORT OF OFFICERS:

### V APPOINTMENTS:

7:30 P.M. SAD #57 MAP 1 LOT 39 VILLAGE ZONE  
7:45 P.M. ROBERT RYDER LAKE ARROWHEAD LOTS A93, A396 AND A 545  
8:00 P.M. DENNIS BABB MAP 5 LOT 13A AR ZONE  
8:10 P.M. WAYNE GAUTHREAU MAP 41 LOT 20 AR ZONE  
8:20 P.M. RACHAEL MCADOO MAP 9 LOT 6-3 AR ZONE  
8:30 P.M. EDWARD DUFFY MAP 47 LOT 117 AR ZONE  
8:45 P.M. DAVID GIRARD MAP 45 LOT 1439 R ZONE

**7:30 P.M. SAD #57 MAP 1 LOT 39 VILLAGE ZONE**

SAD #57 received a variance from the Zoning Board of Appeals of the 35 ft. height restriction to allow the installation of 70 ft. light poles for lighting of the soccer and football fields. This use is considered under Section 8.03 Height Modification and also is listed under the land use chart 3.09 Item #44 as a Conditional Use. SAD #57 is also requesting permission to locate an additional modular classroom at the Middle School as indicated in the updated site plan drawn by Sebago Technics. Mr. Lebel of SAD #57 and Mr. Morton of Sebago Technics were present as representatives of the school system.

The placement of eight poles on the fields for lighting of the soccer and football fields is required. Each pole will have ten lights to provide the required candle watts for the lighting of the field. This project is in conjunction with the school and the boosters club. The cost is reasonable for the usage. Mr. Lebel indicated approximately \$4.00 per hour for the usage of the lights.

Larry Jacobsen moved and Everett Whitten seconded a motion to approve the Conditional Use and Height Modification request as presented under section 3.09 #44 and 8.03 not to exceed the seventy (70) ft. variance granted by the Zoning Board of Appeals. Vote was 3-0-0 in favor.

The second request of SAD #57 is to allow placement of a new portable classroom in the same area as the existing two portable classrooms. Mr. Lebel indicated they are simply running out of room. The distances are tight and they will be placing the new unit on the walk area.

Larry Jacobsen indicated a safety concern since the students will most probably redirect into the driveway utilized by the buses. Possibly a barrier to allow an alternate route to the sidewalk. Larry indicated that there is enough room to rope off an area adjacent to the old sidewalk that would allow the buses access and be barricaded off to allow students a means of access as well and provide a safer environment.

Sharon Abbott inquired as to the status of the existing septic system since each of the portables adds approximately 70 students. It was noted that the school is possibly looking at the addition of two more portable units in another year. The calculation used to design systems is 6 to 10 gallons per day. The system has been added to since the original installation.

Larry Jacobsen moved and Roland Denby seconded a motion to approve the addition of a portable classroom with the condition that a safe alternate means of access be provided for the sidewalk that is being covered by the portable classroom. Vote was 3-0-0 in favor.

**7:45 P.M. ROBERT RYDER LAKE ARROWHEAD LOTS A93, A396 AND A 545**

The lots are configured to allow a building to meet the setbacks. Mr. Ryder indicated that these lots as presented are not sold however he would provide updated plans as they are sold. He asked if the board could allow the a larger envelope since once the steps and bulkhead and overhang are there is very little space to deal with. He has not been off up to this date however if possible this would allow a margin for error. The lots have not been surveyed however Mr. Ryder indicated he has located the pins on each lot. He checks the placement of the excavation area for the foundation and marks it he then checks the location of the footings and then the forms for the foundation walls.

Larry Jacobsen moved and Everett Whitten seconded a motion to grant permission to utilize 34 ft. sideline setbacks on lots, A93, A396 and A545, all other setbacks to be maintained, under section 2.08 and 4.02 of the Waterboro Zoning Ordinance. Vote was 3-0-0 in favor.

#### **8:00 P.M. DENNIS BABB MAP 5 LOT 13A AR ZONE**

Mr. & Mrs. Babb are requesting permission to construct a garage on a non-conforming lot located off route 202 & 4 in East Waterboro. The board previously approved the use of less restrictive setbacks to allow the construction of a house on the lot. The garage can meet the same setbacks granted the house. Mr. Babb indicated that the 75 foot setback could be maintained however he would like to place the garage in line with the home if possible. Mr. Babb would also like to place an above ground pool on the property at the end of the house.

Larry Jacobsen moved and Everett Whitten seconded a motion to allow the construction of a garage using the same setbacks as previously approved October 14<sup>th</sup>, November 18<sup>th</sup> and issued December 1, 1992 and the placement of a twenty ft. above ground pool and deck utilizing the same 48 ft. setback from Mast Camp Road and 50 ft. front yard setback from Route 202/4 for the pool only and the sideline setback of 35 ft. to be met under Section 2.08, 4.02 of the Waterboro Zoning Ordinance. Vote was 3-0-0 in favor.

#### **8:10 P.M. WAYNE GAUTHREAU MAP 41 LOT 20 AR ZONE**

Mr. Gautreau is requesting permission to remove an exiting trailer that has been utilized as a storage structure for several years and replace it with a smaller shed style building. As presented the proposed structure is 112. Sq. ft. smaller in dimension and would not go closer to the property line or the water than existing structures now located on the property. This lot does fall within the shoreland zone.

Larry Jacobsen moved and Roland Denby seconded a motion to allow the demolition of the trailer and allow a 12 ft. x 20 ft. shed to be constructed no higher than 14 ft. to the peak of the roof and no closer than 10 ft. to Silas Brown Road and no further than 15 ft. from the Silas Brown Road under section 2.08, 4.02 and 7 2. B. #3. Vote was 3-0-0 in favor. Mr. Gautreau asked about a fence. He was informed that a fence could be placed on the property as noted by himself along Silas Brown Road without a building permit.

#### **8:20 P.M. RACHAEL MCADOO MAP 9 LOT 6-3 AR ZONE**

The applicant is proposing the use of an existing garage on the property to be utilized as a flea market. The zoning ordinance allows for this use as a conditional use to be reviewed by the Planning Board under section 3.09 Item #18. Bernadette Gerry and Rachael McAdoo are the only people that will be employed. There are two locations adjacent to the driveway that will handle the parking for this use. Rachael McAdoo also has a small woodworking shop in the garage. Bernadette Gerry will be running the flea market.

Roland Denby moved and Everett Whitten seconded a motion to grant approval of the Conditional Use Permit for the Flea Market - Woodworking- Odds & Ends under Section 3.09 Item #18 of the Waterboro Zoning Ordinance. Vote was 3-0-0 in favor.

**8:30 P.M. EDWARD DUFFY MAP 47 LOT 117 AR ZONE**

Mr. Duffy has contracted with Donald Burns to construct a 10 ft. x 27 ft. deck to be constructed on the water side of the cottage. As presented the site plan shows the house to be over 100 ft. from the high water mark. It is questionable whether the addition would infringe on the 100 ft. shoreland setback.

Mr. Burns noted that the deck can meet the setbacks. Those presented indicated that if the deck does not meet the required 100 ft. setback the deck may have to be removed. Mr. Burns indicated that he has measured the structure on site and finds it to be 110 ft. from one corner and 112 ft. from the second corner.

Everett Whitten moved and Roland Denby seconded a motion to approve provided the deck remains 100 ft. from the normal high water mark under sections 2.08 and 4.02 of the Waterboro Zoning Ordinance. Vote was 3-0-0 in favor.

**8:45 P.M. DAVID GIRARD MAP 45 LOT 1439 R ZONE**

Mr. Girard has received his permit from Saco River Corridor Commission for the construction of a cape style home. As indicated by the plan presented by Mr. Girard the front yard setback from Ebony Lane of 50 ft. cannot be met. Mr. Girard indicated that SRCC has approved this construction project however he must maintain a green belt off Ebony Lane.

Roland Denby moved and Larry Jacobsen seconded a motion to grant the request of David Girard allowing a 38 ft. front yard setback off Ebony Land and all other setbacks be met as per section 2.08, 4.02 of the Waterboro Zoning Ordinance and Saco River Corridor Permit. Vote was 3-0-0 in favor.

**VI OLD BUSINESS:**

**1) *PAULETTE DAVIS MAP 38 LOT 43 AR ZONE***

Ms. Davis is requesting permission to construct a new style roof over the existing cottage. A small dog house style structure is also noted on the plans presented. The Planner has not gone over the plan to calculate the 30 % expansion allowed for this structure. It would appear by the figures presented that the sq. footage has been calculated however the increase in volume has not been taken into consideration. Also the plan shows an existing deck over the roof facing the water. This deck was placed without first receiving permits from Mr. Nelson. Both Ms. Davis and Gary Pennell were before the board and indicated there discussion with a carpenter who had been in to inspect the building and he informed both Ms. Davis and Mr. Pennell that the structure was extremely well built. It was noted to the board by Mr. Nelson that a foundation has been installed, a landing area has been newly renovated and a patio installed. The building is approximately 75 ft. from the normal high water mark.

Larry Jacobsen moved and Everett Whitten seconded a motion to have the Town Planner forward the plans to Southern Maine Regional Planning Commission for assistance with the review. The vote was 3-0-0 in favor.

Issues in Mr. Nelson's memo were brought up, a copy of the areas of concern was given to Ms. Davis. 1) Loam in front of cottage towards West Shore Drive, 2) Approval for work completed to date on foundation and the land/patio, 3) Question on the existing septic system.

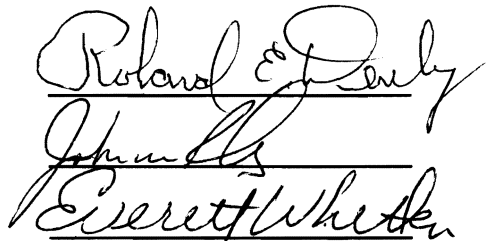
Ms. Davis indicated that a cement pad has been placed in front of the front door. The cinder block foundation was repaired and rotten boards removed and the area is now covered with a tarp. The seven foot wall was cracked, a seven foot wall was placed and the sand as noted in the memo was stabilized.

**VII NEW BUSINESS:** Communication from John Tewhey & Associates was reviewed. Since the applicant was not in attendance the board took no action on the information presented by Mr. Tewhey.

**VIII ADJOURNMENT:** Meeting adjourned at 9:45 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

  
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