

PLANNING BOARD

Town of Waterboro

REGULAR MEETING

September 26, 1996

Meeting called to order by Chairman, Douglas Foglio at 7:36 p.m.

I ROLL CALL: Everett Whitten, Roland Denby, Judi Carll and John Roberts, Larry Jacobsen, and Chairman Douglas Foglio.

II MINUTES OF PREVIOUS MEETINGS: September 11, 1996

John Roberts moved to accept the minutes of September 11, 1996 as written, Roland Denby seconded the motion. Vote was 5-0-0 in favor of the motion.

III COMMUNICATION AND BILLS:

- 1) Memo from Board of Selectmen Re: Budget Due December 6, 1996
- 2) Permit By Rule Notification Form From: Ethel Abbott
- 3) Solid Waste Order Transfer for Hamilton Site on Hamilton Road
- 4) DEP Information Sheet

IV REPORT OF OFFICERS:

V APPOINTMENTS:

7:30 p.m. Lucinda Bradford Map 5 Lot 27 AR/C/Shoreland Zones Public Hearing

Mr. Foglio opened the Public Hearing for the Bartlett Pond/Brook Subdivision at 7:45 p.m. Mr. Bradford was the only person present other than the Planning Board members and the Clerk, Sharon Abbott. The center lot has been sold and the property owner has informed Mr. Bradford that they do not want to have a shared interest in a common area. Lot 1 and lot 3 do not abut one another. Due to the state statutes dealing with the dividing of property that falls within Shoreland and the ratio requirements of depth to shore frontage of no more than 5 to 1 (Statute ss 682 & 682-A) needs to be addressed with lot 3. Sharon asked if lot 2 would be linked in with the subdivision. Board indicated that lot 2 could not be considered by the board in setting conditions, etc. Mr. Foglio suggested that the developer create a 10 ft. walkway for citizens of Waterboro to access for lot 1 and citizen's. A clear property line should be delineated on the plan indicating the common area. One half interest to the conservation/common area to lot owner 1 and owner 3. A note on the plan indicating the interest on the plan and a copy of a sample deed to be placed on file.

Reason for the public easement - at this time there is no known access for the public to Bartlett Pond the board would be remiss if they did not consider this as an option. There may only be access to the pond during the winter season but currently there is no access.

Hearing closed at 7:52 p.m.

PLANNING BOARD

Town of Waterboro

September 20, 1996

To: Waterboro Planning Board Members

From: Sharon

Re: Thursday, September 26, 1996 Public Hearing and Meeting

As instructed at the September 11th meeting I have posted for the Public Hearing on the three lot subdivision on Deering Ridge Road "Bartlett Pond/Brook" and the changes to Section 2.08 allowing the Building Office to issue permits on non-conforming lots that can maintain the required setbacks for the zone the lots are located in.

Mr. Bradford, the developer for Bartlett Pond/Brook Subdivision is requesting Preliminary Plan approval. Ralph and I have run through the checklist for Preliminary and have noted items that the board may wish to require or decide the need for on the plans. Those concerns are noted below:

- 1) Conservation Easement Language (should it be noted on the plan? Or a copy on file?)
- 2) If the wetland area is to be owned in common then this would affect the size of the lots, and the acreage of the common area should be noted.
- 3) How is lot three going to access the common area to lot one and vice versa?
- 4) Should the Resource Protection Zone be delineated on the plan?
- 5) Bulk and space information should be included on plan,
- 6) Address of Soil Scientist,
- 7) Standard Note linking the supporting documents on file to the recorded plan as suggested by legal counsel.

Request for waivers of the following:

- 1) Scale of 1" = 100' to 1" = 60',
- 2) Storm drainage plan,
- 3) Contour intervals of 10 ft.
- 4) Soil erosion and sedimentation control plan,
- 5) Geological report and impact statement.

Note on the plan referencing the deeds for common ownership of the common area.

Note on the plan noting foot traffic for ingress/egress 10 ft. in width and enough brush to be cut to allow travel across the easement.

John Roberts moved and Roland Denby seconded the motion to accept Preliminary Plan of Bartlett Pond/Brook Subdivision and that the Bradford's present with the Final Plan a sample deeds referencing the common area and easement access and that Mr. Bradford update the plan according to the findings of the checklist dated 9/26/96 and that Mr. Bradford add the standard note and others suggested during the review. Vote was 5-0-0 in favor of the motion.

Waiver request for scale. John Roberts moved and Everett Whitten seconded a motion to allow Bartlett Pond/Brook to utilize a 1" = 100'. Vote was 5-0-0 in favor.

A signature line needs to be added as well as the address and license number of the Soil Scientist.

Request to waive the Hydro study. John Roberts moved and Roland Denby seconded a motion to waive Hydrogeologic Study, Section 6.2.1 Item #26 due to the size of the lots. Vote was 5-0-0 in favor of the motion.

Clarify the acreage of the lots and add the 10 ft. pedestrian access easement and provide a sample deed.

Note on plan indicating the use of private water supply and private septic systems. Restrictive covenant to be supplied. Public access on Final Plan.

Note that conservation wetlands to be preserved.

John Roberts moved and Larry Jacobsen seconded a motion to waive the soil erosion sedimentation control plan since the area of construction will be flat. Vote was 5-0-0 in favor.

John Roberts moved and Everett Whitten seconded a motion to grant a waiver of the storm drainage control plan. Vote was 5-0-0 in favor.

Douglas Foglio moved and John Roberts seconded a motion that Roland Denby work on a proposed budget for the Planning Board and bring it back before the board at his convenience. Vote was 6-0-0 in favor. Doug indicated that a budget could be adjusted after it was presented.

Public Hearing called to order at 8:38 p.m.

Public Hearing on Zoning Change Section 2.08 and Change to the Subdivision Regulations for the October 29, 1996 Special Town Meeting were read by the chairman and a signed copy is inclusive with the minutes. There were six planning board members and Sharon Abbott, clerk present noting no one from the general public in attendance. Roland Denby noted if something unusual were to come up the Code Enforcement Officer could refer the applicant to the Planning Board when it falls under Section 2.08.

Public Hearing closed at 8:45 p.m.

Doug noted to the members that Pat Sicard had notified him that she would not be at the meeting tonight.

VI OLD BUSINESS:

VII NEW BUSINESS:

Doug noted that he would like to see additional changes made and was there enough time to have a public hearing to get additional items on the warrant? Believed that the Warrant has to be posted either 7 or 10 days prior to a Special Town Meeting.

Next meeting a hearing to be scheduled for changes. John Roberts moved and Everett Whitten seconded a motion to hold a public hearing at 7:30 p.m., October 9, 1996 to discuss zoning changes to section 2.08 second paragraph:

Now Reads:

Lots created before the enactment of the Waterboro Zoning Ordinance that are substandard are required to have a Standard Boundary survey performed or present evidence to show the true boundary lines, (i.e. a plot plan prepared by a certified surveyor) before a building permit can be issued. AMENDED 3-12-88 & 3-11-89)

Change To:

Lots created before the enactment of the Waterboro Zoning Ordinance that are substandard present evidence to show boundary lines. In the absence of such evidence a boundary survey may be required.

And, Article 9 Nonconformance, Section 9.03 paragraph one,

Now Reads;

A nonconforming use or structure which is damaged by fire, explosion, flood, or other calamity may be rebuilt or repaired provided the restoration is completed within two (2) years and does not entail an expansion of the nonconforming use or structure.

Change To:

A nonconforming use or structure which is damaged by fire, explosion, flood, or other calamity may be rebuilt or repaired provided the restoration is completed within five (5) years, retroactive to any structure that has been damaged by fire, explosion, flood, or other calamity three (3) years prior to vote at October 29, 1996 Town Meeting and those people would have three (3) years to rebuild.

PLANNING BOARD

Town of Waterboro

September 17, 1996

WATERBORO PLANNING BOARD

NOTICE OF PUBLIC HEARING

September 26th, 1996

at 8:00 p.m.

For Review of the Proposed Amendment to

Waterboro Zoning Ordinance Section 2.08 (third paragraph)

In addition, any single lot of record on the date of enactment of this ordinance in any zoning district created by this ordinance may if the existing requirements of state law are met, be used to construct, renovate, or reconstruct a primary use structure in spite of the fact that otherwise applicable dimensional requirements of this ordinance can not be met except where the realignment of lots is possible (see Section 9.01). Applications for building permits in (such circumstances)(bolded to be deleted) cases where all applicable setback requirements cannot be met (underlined to be added) shall be reviewed by the Planning Board and may be appropriately conditioned to avoid harm to adjacent property owners and the public, in accordance with the standards set forth in Section 4.02 of this Ordinance. (AMENDED 9/25/90). Departures from the usual dimensional requirements of this ordinance shall be kept to a minimum. Applications for building permits in cases where all applicable setback requirements can be met may be submitted directly to the Code Enforcement Officer and shall not require prior Planning Board review. (underlined to be added)

Amend Article VI Preliminary Plan of Waterboro Subdivision Regulations

6.1.8 Within seven (7) days after submitting the Preliminary Plan, the developer shall notify, by (registered mail)(change bolded to underlined) certified mail return receipt, all property owners within two hundred (200) feet of the perimeter of the proposed development that they have seven (7) days from the mailing date in which to register, by mail, with the Waterboro Planning Board, their adverse reaction and comment relative to the proposed subdivision. The developer shall, at the same time, send a copy of the notice and list of those notified to the Board.

TO BE PUT ON FILE
D.C.T.
Chairperson

And Article 9 Section 9.04 Abolishment and Transfer - Paragraph One

Now Reads:

A nonconforming use of land or structure permitted pursuant to the provision of Section 9.01 may not be resumed if such use is abandoned or discontinued in actual factor a period of twelve (12) months. In either circumstance the renewed use of such land or structure must be in conformance with the provisions of this ordinance. When and if a nonconforming use of land or structures is converted by the landowner or lessee to a permitted or conforming use of the land or structures, the former nonconforming activities may not thereafter be resumed.

Change To:

A nonconforming use of land or structure permitted pursuant to the provision of Section 9.01 may not be resumed if such use is abandoned or discontinued in actual factor a period of sixty (60) months from the date the use was discontinued. In either circumstance the renewed use of such land or structure must be in conformance with the provisions of this ordinance. When and if a nonconforming use of land or structures is converted by the landowner or lessee to a permitted or conforming use of the land or structures, the former nonconforming activities may not thereafter be resumed.

Add:

Section 9.07 Extensions

The Planning Board upon request has the authority to extend the time frame no more than five (5) years.

After the attorney reviews these changes the chairman and the planner to review and make necessary changes. Vote was 4-0-0 in favor of the motion.

John Roberts moved and Everett Whitten seconded a motion to amend the Waterboro Subdivision Regulations Section 6.2.1 Item #26 B

Now Reads:

B. No development shall increase nitrate nitrogen concentrations at the property line of the development in excess of (5mg/l).

Change To:

B. No development shall increase nitrate nitrogen concentrations at the property line of the development in excess of (10mg/l).

And Section 6.2.1 Item 26 B. 1.

Now Reads:

1. On site drinking water wells shall be located in areas where it has been determined that the nitrate nitrogen concentrations are at or below (5mg/l). Added (3/11/89)

Change To:

1. On site drinking water wells shall be located in areas where it has been determined that the nitrate nitrogen concentrations are at or below (10mg/l). Added (3/11/89) (Amended 10/29/96)

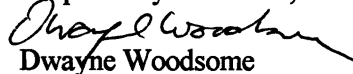
Vote was 4-0-0 in favor of the motion.

This change is to bring our ordinance in conformity with the state regulations. John Roberts requested Sharon check with the attorney regarding this change.

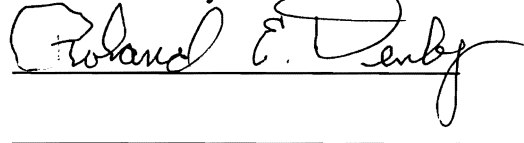
VIII ADJOURNMENT:

John Roberts moved and Roland Denby seconded a motion to adjourn at 10:03 p.m.

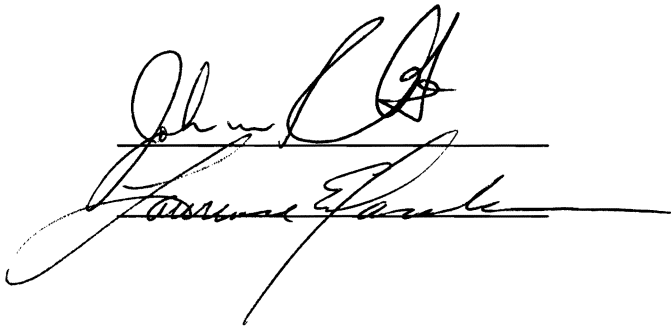
Respectfully submitted,


Dwayne Woodsome

Secretary/Treasurer



Roland E. Denby



John Roberts