

PLANNING BOARD

Town of Waterboro

REGULAR MEETING

RESCHEDULED

NOVEMBER 14, 1996

Meeting called to order by Chairman, Douglas Foglio at 7:27 p.m.

I ROLL CALL: Present were Larry Jacobsen, Everett Whitten, Judi Carll, Roland Denby, John Roberts, and Douglas Foglio, Chairman. Approximately 25 citizens present for the meeting.

II MINUTES OF PREVIOUS MEETING: October 24, 1996 John Roberts moved and Everett Whitten seconded a motion to accept the October 24, 1996 minutes. Vote was 3-0-2 in favor of the motion.

III COMMUNICATION AND BILLS:
None

IV REPORT OF OFFICERS:

A copy of the budget provided to the board members. Roland Denby has worked the figures. Sharon indicated a change due to the difference in pay for herself as clerk. Larry Jacobsen moved and John Roberts moved to submit the budget of \$13,575 to the Board of Selectmen. Vote was 5-0-0 in favor of the motion.

V APPOINTMENTS:

Charles Thornton Map 18 Lot 3 Village

Mr. Thornton received approval to convert a mobile home into a Nursery School and is now requesting permission to revert back to the original dwelling use. John Roberts moved under section 2.03 and 2.08 of the ordinance to allow this request provided Mr. Thornton acquires any necessary permits from the Building Office if needed. Vote was 5-0-0 in favor of the motion.

Mr. Thornton asked why a building permit was needed and John Roberts asked if any changes had been done to convert the use of the mobile home. Mr. Thornton replied no changes had been completed. A change of use permit may be required Mr. Thornton should check with the Code Enforcement Office.

VI OLD BUSINESS:

VII NEW BUSINESS:

Discussion For Proposed Changes To Waterboro Zoning Ordinance

Doug Foglio opened this portion of the meeting explaining that this was the first open forum type meeting that the board has held to acquire input from the public regarding suggestions for future changes to the zoning ordinance.

Steve Kasprzak spoke regarding property owners that have lost homes or structures due to a calamity that are now being prevented from rebuilding on the old foundation due to the time limit of two years. He indicated this was a penalty for people in these situations and maybe the board should consider adjusting this section.

Home Occupations - Ideas requested. Douglas Foglio indicated that the board will be considering lots that are on town water versus those who have private wells in the types of uses and number of uses. He also mentioned the two year time limit to rebuild after a calamity and also uses in non-conforming structures that are discontinued for a period of one year that at this time would not be allowed to reopen. Also setback requirements - porches and stairs are considered in the setback. Bob Fay - felt that a moderate roof overhang, tents, and above ground pools are some items that should be reviewed to see if they should meet the setbacks as noted in each zone. Mr. Fay concerned with setback rules. Availability to Home Businesses, Elderly Care, Day Care. Some zoning rules are a tragedy and seem to be restrictions for restrictions sake.

Duane Fay - Home Occupations, small business are the backbone of our society. This should be taken into consideration the town should help support this effort.

Sharon Abbott - spoke to the Home Occupation uses. Currently the ordinance states 25% of the home or accessory structure may be dedicated for use as a home occupation, this isn't always enough room and the character of the home would not necessarily change.

Dale Witman - expanded on Home Occupations and the need to allow them. In some instances our regulations stronger than the states.

Roland Denby - indicated that Sharon had gathered material from several towns to get material on Home Occupations and how other communities handle them to assist the board. Steve Kasprzak asked if we had a copy of Kennebunk's Land Use Regulations. He would forward a copy to the Town Office. They have specific performance standards that he felt worked very well. He indicated that he had included home occupations within deeds of a recent development due to the good standards called out in Kennebunk.

Roland indicated that a Machine Shop on the West Road was a prime example of a Home Occupation that needed review as a Conditional Use due to the potential for outside storage, additional traffic and possibly noise. Also noted was a Ceramic Shop within a residential neighborhood that the board gave a conditional use permit to after review for similar reasons.

Larry Jacobsen - indicated he has discussed home occupations with the Town Planner, Pat Sicard. He believes we should promote businesses. Many home owners in Lake Arrowhead are afraid to put signs up due to restrictions within the private community. Also people are afraid to promote their business due to personal property tax. Equipment for uses as home occupations many times are minimal and can be deducted on peoples income tax.

The advantages to people registering by coming forward may be the entire community to benefit from the services. Larry indicated that almost every Home Occupation could be looked at by the Planning Board or maybe another board. In the beginning it might create a lot of paper work. Larry noted that many times people have sufficient land and parking and home occupations would be no problem. Larry noted that there would be advantages to people registering by coming forward, maybe the town can benefit from the services home occupations would provide.

Donna Castaldo - Wished to open a Nursery School in Lake Arrowhead as a Home Occupation. The town told them that she could have no more than 6 children. The Community approved this use for 21 children. She was therefore forced to do this part time. Years ago Lake Arrowhead did not allow home occupations. They now allow them. Signs were not allowed. Maybe the size of signs was a concern in Lake Arrowhead.

Pat Sicard - Selectmen's Assistant/Town Planner informed those present that Dave Kruegar, Chairman of the Zoning Board of Appeals had called and forwarded a message that he was unable to attend due to a prior commitment and wanted to let everyone know of his interest. Pat congratulated the board on working on a plan, to call a meeting and listen to citizens was proactive. The Town of Waterboro does not have a lot of industry but is the perfect place to accommodate home occupations that sometimes are created from the down sizing of companies. People are looking for alternatives or simply tired of the stress of the corporate lifestyle. The need for a Business Directory has been recognized however we need to have people register to allow for accurate information. Pat indicated that the town plans to provide a series of workshops on taxes, insurance, bookkeeping etc., but before the workshops - we need to identify and make people feel comfortable and promote business so residents can use them and keep the dollars within the community. This will help create financial stability in town.

Lake Arrowhead rules are different from the towns but if the residents don't like their rules maybe they could meet and change them.

Home Occupations - maybe some should be conditioned. Town regulations can be made more user friendly.

Businesses can generate traffic, people in a residential neighborhood expect a certain amount of peace and quiet. Twenty-five percent in many cases may not be adequate for a home occupation. The board could look at homes that might be on town roads versus residential subdivisions and state highways to help control traffic generated. Number of employees should there be a limit?

Mr. Daley - What about the potential for expansion of the Village Zone? Larry Jacobsen indicated that the board had spent a lot of time and effort and made a presentation for change in zones at a previous town meeting but it had not passed. Mr. Daley noted that right now there is not a lot of area for businesses to go if they needed to rent, lease or build new. Larry noted that maybe the board should look the changes over and could increase the Village Zones. Mr. Daley - wouldn't this bring revenue to the town.

Douglas Foglio - Route 202/4 & 5 is the only major highway system to enter the Town of Waterboro. By expanding the Village District we could face the expense of acceptance of a section of the state roads at a great cost to property owners. The Town of Standish is currently dealing with this same issue. Areas become classified as Urban Compact zones and the town takes over maintenance of main arterial roads.

Bob Fay - Indicated that he believed the town's population is also a consideration as well as drive entrances.

Douglas Foglio - Noted that some uses require Direct Access to a State Aid/State Highway which covers a lot of uses that would not be allowed.

It was brought up that on 20,000 sq. ft. size lots Home Occupations are not allowed. What about lots that are existing? Performance standards might help. Do we want to make our town more accessible or allowed as long as you don't go beyond boundaries. More simplistic and cost effective with reasonable performance standards.

Larry Jacobsen indicated his belief that almost everything would need to be reviewed. If run properly - there is also a need to protect for those that may not comply. What we have isn't enforceable. Something needs to allow uses without having a negative impact and when necessary something that can if need be, be enforced.

Sharon Abbott - indicated the discrepancy between licensed daycare facilities by the state and what the town allows. The state requires licensing for more than 3 children up to 12 children. The zoning ordinance call out up to 6 as a Home Occupation and over 6 as a Day Care Facility.

Judi Carll indicated that she is Post Master in North Waterboro and many times Home Occupations create a problem since there is inadequate parking and people park on streets. From a postal aspect this creates a travel problem. It was noted that parking is called out in the ordinance.

Steve Kasprzak - Again suggested making some deletions and add performance standards to what is currently in the ordinance and take it from there. Minor streets in comparison to other roads.

Roland Denby indicated it is nearly impossible to write something that would cover everything.

Mrs. Hewes - Asked if something was being considered for the Old Alfred Road. She voiced concern with truck traffic. This is a residential neighborhood and maybe this should be no through truck traffic.

Douglas Foglio - Indicated that there is a proposal before the Board of Selectmen regarding Route 5, Old Alfred Road and Townhouse Road. Truck traffic should cease on Old Alfred Road, the portion of the road in front of the Fire Department Building should be closed, the monument moved and a two lane road for better flow of traffic. Doug indicated that Route 5 and Old Alfred Road are both state roads.

Antique Shops - Only allowed in the Agriculture/Residential (80,000 sq. ft. lot) Zone. This must have been an oversight when zoning was adopted and needs to be looked at.

Setback requirements on non-conforming lots maybe we should make it easier to get a permit. Douglas Foglio noted that the State of Maine allows access to the lake but from on ground level it can't be done. By eliminating porches 3' x 5' or maybe 4' x 6' as for access only as a safety feature they would not be required to meet setbacks.

Non-conforming setbacks on conforming lots - a structure in a five acre zone as long and you don't go closer than previous structure you should be allowed. Why should a property owner have to go to the Planning Board or Zoning Board of Appeals.

Property owner on Ossipee Hill Road - Asked why the setback requirements are different on one side of the road from than other. Explained that when the ordinance was adopted many of the road were still dirt and very little development.

Doug Foglio - Indicated that the Road Review Committee had requested money for Middle Road when there were very few homes. Now there are about sixty people there. There used to be a section in the ordinance that allowed like uses in adjacent zones with Planning Board and Board of Selectmen approval. During a development by Sumner Campbell that section was deleted.

Bob Fay - Setbacks when reviewing - how relevant - duplicating bureaucracy - how pertinent to citizens today. Citizens want to regain rights without being impacted on by others or impacting others with setbacks. Temporary type structures or accessory buildings maybe the board should have a different setback.

Mr. Germain - Indicated that maybe the laws don't need to be changed but maybe the process to allow challenge to be easier. The ordinance states the purpose of the law and someone should be able to challenge by reason of purpose. John Roberts indicated that the regulations regarding variances are set by State Law.

Sympathetic to Mr. Germain's situation. He wasn't bothering neighbors. Definition of structures might be changed.

Duane Fay - Noted something needs to be looked at, setback - overhang, set of stairs, deck. The overhang of a roof is 18 inches to 24 inches. A 10' x 10' shed with a 6" overhang would require a building permit. You would need to cheat the building a little.

Roland Denby - Section 2.08 a lot of wisdom when placed in the ordinance. All non-conforming lots had to go through Planning Board instead of requiring a variance. Town attorney has told the board that they can't act on requests where structures can't meet setbacks and another attorney says they can. The banks have accepted Conditional Use Permits.

Steve Kasprzak - Has drafted a bill that would allow Zoning Board of Appeals to grant variances to setback requirements. A copy of the bill could be provided. Maybe if the town passed is locally and let the state take the town to court. Regulations governing variances by the state statutes are not being applied uniformly in all communities.

Emile LeBlanc - Lives on the lake on a non-conforming lot on the lake. The Zoning Board of Appeals needs flexibility. He has three or four sheds on his property, he would like to take these down and replace them with one building but he cannot because of regulations so the three buildings are left remaining.

Steve Kasprzak - Maybe different setbacks should be considered for accessory structures. Maybe amend the ordinance. Ten ft. was mentioned.

Roland Denby - Noted in the past attached structures could go closer to property lines if the structures were existing prior to the adoption of the ordinance. But people were attaching with a 2" x 4" or a concrete wall.

Mr. LeBlanc - In the Shoreland Zone/Agriculture/Residential Zone setbacks are 100 ft. from the water 75 ft. from the front property line and unless you have a large lot to build on it is almost impossible to meet the regulations.

Douglas Foglio - What is classified as an accessory structure, a garage or a shed?

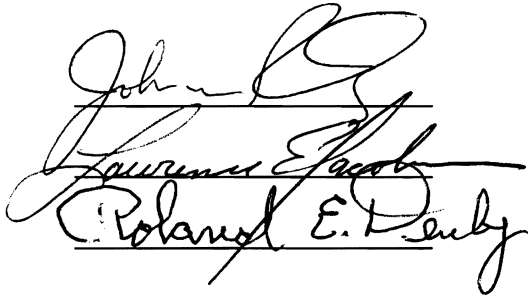
Dale Witman - Believed that the way our ordinance reads today if you owned a fishing shanty you be required to meet setbacks. This seems ridiculous.

Douglas Foglio informed those present that the board will take the information back and try to institute changes. Another meeting for further input and review of changes will be scheduled.

VIII ADJOURNMENT: Larry Jacobsen moved and John Roberts seconded a motion to adjourn at 9:19 p.m.

Respectfully submitted,

Dwayne Woodsome
Secretary/Treasurer



Roland E. Denby

