

PLANNING BOARD

Town of Waterboro

REGULAR MEETING

JANUARY 8, 1997

- I **ROLL CALL:** Present were Roland Denby, Larry Jacobsen, Dwayne Woodsome, and Chairman, Douglas Foglio, Sr.

Meeting was called to order by Chairman, Doug Foglio at 7:34 p.m. Mr. Foglio then turned the Public Hearing portion of the evening over to Dwayne Woodsome to chair since Mr. Foglio would be abstaining due to his having done work for the applicant of Sunlight Acres Subdivision, Kathleen Skelton and Mr. Steve Face by installing a septic system.

- II **MINUTES OF PREVIOUS MEETINGS:**
December 11, 1996 Minutes

- III **COMMUNICATION AND BILLS:**
1) **Draft Application for Conditional Use**
2) **Notice of Change in Code Enforcement/Building Office Hours**

- IV **REPORT OF OFFICERS AND COMMITTEES:**

- V **APPOINTMENTS:**

7:30 P.M. Public Hearing for Sunlight Acres

Public Hearing was called to order by Acting Chairman, Dwayne Woodsome at 7:40 p.m. Present were to above noted Planning Board members, Bill Thompson and Associate from BH2M and Kathleen Skelton and Steve Face, Patricia Sicard and Sharon Abbott. There was no one from the public at large at this public hearing.

Mr. Thompson explained to those present that this was a four lot subdivision being developed by the owner, Kathleen Skelton. The surveying and site evaluation were completed by Timothy Brown an associate of BH2M. The property is denoted on Waterboro Property Tax Map 11 Lot 46 and is located in an Agriculture/Residential Zone which requires a minimum lot size of 80,000 sq. ft. and a minimum of 150 ft. of road frontage. Mr. Thompson noted that each of the four lots meets and exceeds the minimum requirements. The test pits for private septic systems have been completed and are noted on the plan. Private drilled wells are planned for each site. The septic systems will be loam lined as is noted on the plan and referenced in the deeds. A twenty-five (25) ft. greenbelt at the front of the lot and is called out on Note #18 on the plan with instructions on maintenance in the deed as well. The driveway entrance permits have been forwarded to the Department of Transportation and a copy is on file in the Planning Office. Lots 1 and 2 will share a common drive entrance.

Lot 3 has an existing foundation and has a drive entrance and lot 4 will be serviced by a separate drive entrance, location to be determined by the owner at the time of development. The site distance is excellent since there is a long straight stretch in front of this parcel.

Dwayne Woodsome asked for questions.

Roland Denby asked about the loam liners in the septic system. Mr. Thompson explained that a loamy gravel would be added to the bottom of the bed to slow down the infiltration process to meet the required nitrate level of 5/mgl as required by the Town of Waterboro.

Larry Jacobsen noted for the record the amount of development in this area and the need for the board to consider requiring the ten (10) percent allowed by the Subdivision Regulations to allow for recreation purposes possibly a ball field, etc.

It was noted that there were no people from the general public present at this hearing. Meeting was closed at 7:45 p.m.

Regular Meeting re-opened at 7:46 p.m.

VI OLD BUSINESS:

1. Sunlight Acres Final Plan

Sharon indicated to the Board members that the checklist for Final Plan is complete.

Roland Denby moved and Larry Jacobsen seconded a motion to approve the Final Plan of Sunlight Acres. The vote was 3 in favor 0 opposed and Mr. Foglio abstained from voting due to his completing work for Kathleen Skelton.

Douglas Foglio resumed as Chairman of the meeting at this time.

December 11, 1996 minutes. Members present requested time to review the minutes since some time has elapsed since they had received them. The minutes will be brought up at the January 23, 1997 meeting.

Sharon reviewed the paperwork for the board. A copy of "An Introduction to the Legal Framework of Zoning and Land Use Regulation for Maine Planning Boards" was made available to each member along with a proposed "Conditional Use Permit Application". Sharon noted that this was something that Ralph Stanley, Code Enforcement Officer has used before and found it useful in reviewing Conditional Use requests. Possibly this could be linked with our Site Plan Review Regulations to assist the Board in its review process.

Also a copy of a memorandum indicating a change in office hours for the Code Enforcement/Building Office was given to each member.

Pat Sicard, Selectmen's Assistant/Planner informed those present that Waterboro has a home page on the Internet. This may generate more public interest for meetings held by committees within the Town. People have access to the Internet from there place of business. The minutes from meetings will be on the Internet.

Pat also noted that four people have come forward and are not members of the Re-Cycling Committee.

Fire Department: Long range planning and the results of a study being completed for the Fire Department may show needs that the Planning Board can work with. What does the Town need for services? Pat noted that the Planning Board would be the group that the town will look towards to try to map out and strategize.

Dwayne Woodsome noted the need for a volunteer fire department. The state and federal regulations don't allow just doing what needs to be done like saving the structure that is burning.

Pat noted that she is working with the High School for an intern program to help educate the youth in municipal government. Maybe someone from the board could work with the civic classes. Also the internship could assist with filing and other office duties. To date the R.O.T.C. group has shown interest. Maybe something will develop from this interest.

Pat also noted that the Department of Transportation has sent a letter and map of the plowing compact area. When the population of towns exceeds 3500 the state may turn sections of road back to the towns for winter maintenance. She is letting the board know that a representative will be in to meet with her sometime next week. In planning for the future the board is the global planning for the town.

Does the town wish to be a bedroom community? Doug Foglio noted that if discrimination against businesses then we will by our own acts create a bedroom community. Pat Sicard noted that it is part of her position to assist with development grants. Doug noted that he has spoken with the Selectmen's Assistant in the past and future. He indicated that he has never been approached by the town regarding any available assistance. Pat Sicard indicated that she is working to create a better atmosphere. The town is too small for a Chamber of Commerce but there is a need to work with businesses and that is in the process. Also the importance of Home Occupations and she commends the board for looking toward the future by looking at home occupations to keep services in the community.

Issue On Roads - Some roads will be turned back to towns. Towns are refusing them with due to the existing conditions until the roads are brought upgraded.

2. Articles for Town Meeting Warrant / Pat Sicard

Pat needs to know if the board plans on placing any zoning changes on the warrant. The context of those changes and the amount of space needed.

Pat noted that she has asked the Road Commissioner to review the roads and the status and create a list. Doug Foglio noted that he has suggested to the Road Commissioner the need to purchase equipment that would more accurately measure distances of roads. At this time telephone poles are the only means of measurement (such as improvement of road from pole number to pole number) instead of accurate measurement from the end of the road. This equipment is very versatile and would cost only \$800 and would allow measurement in a more exact manner.

Pat noted what technology will the town need without sacrificing the characteristic of the town. We need to put away resources now for the future.

Items for the warrant need to be recognized. Pat noted that some towns have changes to zoning on the ballot versus on the warrant.

Pat asked will there be anything on the warrant dealing with Home Occupations? With the current time frames for posting and Public Hearings the board would have until the second week in February to place a finalized article for the warrant. It was noted that there were only four of seven members present. Larry Jacobsen felt that due to time constraints maybe a list of criteria such as lighting, sound, traffic could be developed for conditional use review. Larry believed that the board could have changes ready.

Roland Denby noted he has thought a lot about Home Occupations. Maybe there is too much concern with what takes place inside home and maybe concentrate more on what impact they would offer to the exterior of the home. The location of the property may determine the nature of the impact. A note was made that the regulations should be enforceable.

Dwayne Woodsome noted "Why the twenty-five percent restriction?" Inconsistencies in the types of uses.

The possibility of creating a checklist categorizing the different types of Home Occupations. Since some might require a different review process. Residential subdivisions versus properties that are located in rural setting. Doug Foglio asked should the board have ideas on home occupations or should subdivisions for associations that would control home occupations? Doug also noted the ordinance should be reviewed with other regulations and ordinances. The town needs a charter.

If home occupations could be categorized some could be reviewed by the Code Enforcement Office others may require Planning Board review. The character of the town was very different when the ordinance was created.

Roland Denby suggested that maybe a list of criteria could be presented with a six month review. Pat Sicard suggested that maybe a small group could meet with her to formulate changes and then forward those suggestions to all Planning Board members. If this works then the board could roll with it.

Doug felt maybe Home Occupations could be eliminated from zoning. Sharon noted that the board may not want to eliminate it since a legal opinion has noted that if a use is not stated in the ordinance then the use would not be allowed. Doug noted his view was if a use is not noted in the ordinance then the use is allowed. Doug also noted his belief that legal opinions are solicited.

Workshops - Pat mentioned scheduling a refresher meeting with legal counsel on legal issues. It was mentioned that maybe Chris Vaniotis could help the board write the ordinance. Pat noted that time is expensive when using an attorney.

Doug noted the board used to have three members meet with legal counsel to go over changes to insure that the written document met the intended criteria of the board as well as meeting the legal measurement. A draft was then given to board members. It was noted that those present did not have a problem meeting with the attorney at their office.

Does the board want to call a special meeting?

Pat Sicard asked that the board give her direction in the following areas:

- 1) Will the board have something for the warrant?
- 2) What is the subject matter?
- 3) How much space will be needed on the warrant?

It would not appear that there is enough time to enable changes to be ready for Town Meeting.

Dwayne Woodsome moved and Roland Denby seconded a motion to step ahead and work on Home Occupations throughout the winter months for Town Meeting, but not for March 1997 Town Meeting.

Discussion: Nothing says that the Board could commit to having items for the warrant and if time does not allow the commitment the subject could be pulled from the warrant. Pat Sicard could work with the Board members present or the remaining three members not present at this meeting feel there is not enough time. Vote was 1 in favor 1 opposed and 0 abstention. Motion fails.

Roland Denby moved and Dwayne Woodsome seconded a motion to start the January 23, 1997 meeting at 7:00 p.m. and the meeting be specifically zoning with a posted snow date for the following week, January 30, 1997. Vote was 3-0-0 in favor of the motion.

VII NEW BUSINESS:

1. Possible Change of Day and Time of Regular Meetings

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

Respectfully submitted,

Dwayne Woodsome
Dwayne Woodsome
Secretary/Treasurer

Poland E. Deby
Laurence Jacobs

