

# PLANNING BOARD

## Town of Waterboro

### REGULAR MEETING

January 23, 1997

Meeting was called to order by Douglas Foglio, Sr., Chairman at 7:10 p.m.

- I **ROLL CALL:** Present were Roland Denby, Dwayne Woodsome, Judi Carll, John Roberts, Larry Jacobsen and Douglas Foglio, Sr., Chairman.
- II **MINUTES OF PREVIOUS MEETINGS:** December 11, 1996 and January 8, 1997
- III **COMMUNICATION AND BILLS:** None
- IV **REPORT OF OFFICERS:** Dwayne Woodsome provided a copy of page 1 of a run off sheet to each member and a copy of the entire report was placed on file.
- V **APPOINTMENTS:**

Workshop for Changes to Ordinance for presentation at Annual Town Meeting 1997

Copies of Section 7.04, 3.09 and 14.02 were provided for all members. These sections have been worked on by a sub-committee of Roland Denby and Larry Jacobsen with Pat Sicard and Sharon Abbott since the January 8<sup>th</sup> meeting to provide proposed changes for the entire board to work on for the Annual Town Warrant and Meeting on March 8, 1997. The proposed changes provided were as follows:

**ARTICLE** : Shall the Town vote to Amend Article 7, Section 7.04 Home Occupations and Professional Home Offices (Amended 9/25/90) as follows:

#### **ARTICLE 7 PERFORMANCE STANDARDS** **Section 7.04 Home Occupations**

In addition to the limitations contained in the definition of these items, a home occupation or a professional home office shall be subject to the following performance standards;

- A. The home occupation shall be carried on primarily by a member or members of the family residing in the dwelling unit and does not alter the residential character of the lot from its principal use as a residence.
- B. The Home occupation or professional activity shall be carried on wholly within the principal structure,
- C. No equipment or materials used in a home occupation may be stored or stacked out of doors,
- D. No mechanical, electrical, or other equipment which produces a nuisance, noise, vibrations, smoke, dust, odors, magnetic interference or electrical disturbance to the exterior of the building inconsistent with a residential neighborhood may be used,
- E. In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of each employee and the vehicles of the maximum number of users the home occupation may attract during peak operating hours.

- The traffic generated by such home occupation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood,
- F. One non-illuminated sign, no larger than six square feet may be erected on the premises.

**NOW READS:**

**ARTICLE 7 PERFORMANCE STANDARDS**

**Section 7.04 Home Occupations and Professional Home Offices (Amended 9/25/90)**

In addition to the limitations contained in the definition of these items, a home occupation or a professional home office shall be subject to the following performance standards;

- A. The home occupation shall be carried on primarily by a member or members of the family residing in the dwelling unit. Not more than two (2) persons who are not family members residing in the dwelling unit, shall be employed.
- B. The Home occupation or professional activity shall be carried on wholly within the principal or accessory structure,
- C. No equipment or materials used in a home occupation may be stored or stacked out of doors,
- D. No mechanical, electrical, or other equipment which produces a nuisance, noise, vibrations, smoke, dust, odors, magnetic interference or electrical disturbance to the exterior of the building inconsistent with a residential neighborhood may be used,
- E. In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of each employee and the vehicles of the maximum number of users the home occupation may attract during peak operating hours. The traffic generated by such home occupation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood,
- F. One non-illuminated sign, no larger than six square feet may be erected on the premises.
- G. No more than 25% of the total floor area in any residential building (principal or accessory) may be given over to home occupation.

**ARTICLE** : Shall the Town vote to Amend Article 14 DEFINITIONS, Section 14.02 Words and Terms Defined as follows:

**HOME OCCUPATION:** A use that is clearly a incidental and subordinate to its use for residential purposes.

**NOW READS:**

**HOME OCCUPATION:** An occupation, professional activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit or accessory structure to the dwelling unit which does not alter the exterior of the property or affect the residential character of the neighborhood. A home occupation must conform to the standards set forth in Article 7.04 of this ordinance.

The following are examples of permitted uses under this definition:

- a. Office of teacher or musician;
- b. Office of real estate broker, salesman, or insurance agent;
- c. Dressmaker;
- d. Beauty shop;
- e. Day care home, which cares for six or less children;
- f. Woodworking shop
- g. Arts and crafts studio or shop;
- h. Small engine repair, excluding motorized vehicles such as mopeds, motorcycles, ATV's and snowmobiles.

The following uses are specifically prohibited as home occupation;

- A. Auto Body repair;
- B. Auto repair;
- C. Slaughter house. (Amended 6-4-94)

**ARTICLE** : Shall the Town vote to amend Article 3 Zoning Districts, Section 3.09 Land Use Chart, Item #24 as follows:

Item #24 Home Occupations  
Conservation (10 Acres) Permitted ( P )

**NOW READS:**

Item #24 Home Occupations  
Conservation (10 Acres) Conditional ( C )

**ARTICLE** : Shall the Town of Waterboro vote to add Section 7.09 Accessory Occupations as follows:

**7.9 ACCESSORY OCCUPATIONS**

An occupation or small business occupied within an existing accessory structure to a family residence shall be subject to the following performance standards;

- A. The occupation or business shall be carried on primarily by a member or members of the family residing in the dwelling unit.
- B. The occupation or professional activity shall be carried on wholly within the accessory structure. Occupation use area within the accessory structure not to exceed 1,000 sq. ft.
- C. Outside storage of equipment or materials used in an accessory occupation to be reviewed by the planning board,
- D. No mechanical, electrical, or other equipment which produces a nuisance, noise, vibrations, smoke, dust, odors, magnetic interference or electrical disturbance to the exterior of the building inconsistent with a residential neighborhood may be used,

- E. In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of each employee and the vehicles of the maximum number of users the home occupation may attract during peak operating hours. The traffic generated by such home occupation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood,
- F. One non-illuminated sign, no larger than six square feet may be erected on the premises.

**ARTICLE :** Shall the Town vote to **Amend ARTICLE 14 DEFINITIONS, Section 14.02 Words and Terms Defined** by adding the following:

**ACCESSORY OCCUPATION:** An occupation or business use within an existing detached accessory structure that is incidental and subordinate to the residential purposes of the property.

Doug Foglio suggested that they go through the proposed change to see what the differences were. Under A. the number of people has been eliminated which was something that was presented at previous public hearings by the public. B. Accessory structure has been deleted, C through F remain the same and G has been deleted.

Roland Denby explained the idea was to make home occupation simpler and something that would allow the Code Enforcement Office to issue permits. The creation of 7.09 Accessory Occupations was to allow the home owner the right to have an occupation or business in an accessory structure but allow the planning board to review the proposal. Roland noted that in discussion with Ralph Stanley, Code Enforcement Officer and Sharon Abbott that about 60 - 70 percent of home occupations are currently being operated from inside the home versus an accessory structure.

Judi Carll asked about a checklist? She noted her concern with the potential for hazardous waste being dumped into a private septic system. If the Code Enforcement Office issued the permit would this be taken into consideration?

Pat Sicard spoke - If someone is putting this down the sink she believed the property owner would be cautious. There isn't a true way to monitor something like that. She noted most people would think of that before doing it.

Doug Foglio - Noted that the direction from the public was to make the process simpler and that is what would be accomplished by these changes.

Judi Carll, Doug Foglio and John Roberts voiced their concern with the accessory structure having to meet different regulations than an attached garage or structure. Felt that this would be a concern of the public.

John Roberts moved and Dwayne Woodsome seconded the motion to add "or occupancy structure" to item B. Dwayne Woodsome noted that home occupation would be able to get a permit from the CEO and the new section 7.09 would send the applicant through the planning board for review.

Judi Carll noted she did not see the difference between a business in a home with an attached garage or structure and a detached garage or structure. Vote was 3 in favor 2 opposed. Motion carried.

John Roberts moved to strike 7.09. Doug Foglio noted this did not need to be voted on.

John Roberts moved to accept 7.04 - Doug indicated that he had concerns about item F before the meeting he had spoken with Sharon and he indicated that the Town of Sanford has experienced some problems with the interpretation of the dimensions of signs and suggested the following:

Sign to include the supporting structure, excluding the post and suggested nine sq. ft. as a dimension. He also noted that he did not see the reason for non-illuminated signs. Possibly allowing the sign to be illuminated during hours of operation only. It was noted that possibly someone's hours of operation could be late in the evening. Discussion regarding the latest hour for illumination with the following results:

John Roberts moved and Dwayne Woodsome seconded a motion to allow a sign under F not to exceed nine sq. ft. including supporting structure, (excluding post) may be erected on the premises, no illumination of sign after 9:00 p.m. Vote was 5-0-0 in favor.

Larry Jacobsen noted the concerns indicated that residential neighborhoods would turn into commercial atmosphere. That was the consideration noted by the use of a home occupation taking place within the residence versus in an accessory structure. An accessory structure allows the occupation to spill outward.

John Roberts moved and Dwayne Woodsome seconded a motion to send the change to 7.04 deleting "these items" and "or a professional home office," and then forward to town counsel and then to be placed on the town warrant. Vote was 4 in favor 1 opposed. Motion carried.

John Roberts moved and Dwayne Woodsome seconded a motion to send the definition of Home Occupations to town counsel and then to be placed on the town warrant as one article. Vote was 5-0-0 in favor of the motion.

Article 3, Section Land Use Chart #24 Home Occupations change to permitted in Conservation Zone currently it is a Conditional Use.

John Roberts moved and Judi Carll seconded a motion to amend the motion that article 3.09 change to allow home occupations in all zones. Vote was 5-0-0 in favor.

Judi Carll moved and John Roberts seconded a motion to approve the December 11, 1996 minutes. Vote was 5-0-0 in favor of the motion.

Dwayne Woodsome moved and Roland Denby seconded a motion to approve the January 8, 1997 minutes. Vote was 5-0-0 in favor of the motion.

The financial report was given to the board members by Dwayne Woodsome. This report predated the information that Sharon had given the members at the beginning of the meeting.

The following to go to the attorney for review.

**ARTICLE \_\_\_\_\_**: Shall the Town vote to Amend **ARTICLE 7 PERFORMANCE STANDARDS, Section 7.04 Home Occupations and Professional Home Offices (Amended 9/25/90), ARTICLE 14 DEFINITIONS, Section 14.02 Words and Terms Defined and ARTICLE 3 ZONING DISTRICTS, Section 3.09 Land Use Chart, Item #24** as follows:

**TO READ:**

**ARTICLE 7 PERFORMANCE STANDARDS  
Section 7.04 Home Occupations**

In addition to the limitations contained in the definition of a home occupation shall be subject to the following performance standards;

- A. The home occupation shall be carried on primarily by a member or members of the family residing in the dwelling unit and does not alter the residential character of the lot from its principal use as a residence.
- B. The Home occupation or professional activity shall be carried on wholly within the principal or accessory structure,
- C. No equipment or materials used in a home occupation may be stored or stacked out of doors,
- D. No mechanical, electrical, or other equipment which produces a nuisance, noise, vibrations, smoke, dust, odors, magnetic interference or electrical disturbance to the exterior of the building inconsistent with a residential neighborhood may be used,
- E. In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of each employee and the vehicles of the maximum number of users the home occupation may attract during peak operating hours. The traffic generated by such home occupation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood,
- F. One sign, no larger than nine square feet including supporting structure, (excluding post) may be erected on the premises, no illumination of signs after 9:00 p.m..

**NOW READS:**

**ARTICLE 7 PERFORMANCE STANDARDS  
Section 7.04 Home Occupations and Professional Home Offices (Amended 9/25/90)**

In addition to the limitations contained in the definition of these items, a home occupation or a professional home office shall be subject to the following performance standards;

- A. The home occupation shall be carried on primarily by a member or members of the family residing in the dwelling unit. Not more than two (2) persons who are not family members residing in the dwelling unit, shall be employed.

- B. The Home occupation or professional activity shall be carried on wholly within the principal or accessory structure,
- C. No equipment or materials used in a home occupation may be stored or stacked out of doors,
- D. No mechanical, electrical, or other equipment which produces a nuisance, noise, vibrations, smoke, dust, odors, magnetic interference or electrical disturbance to the exterior of the building inconsistent with a residential neighborhood may be used,
- E. In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of each employee and the vehicles of the maximum number of users the home occupation may attract during peak operating hours. The traffic generated by such home occupation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood,
- F. One non-illuminated sign, no larger than six square feet may be erected on the premises.
- G. No more than 25% of the total floor area in any residential building (principal or accessory) may be given over to home occupation.

**TO READ:**

**ARTICLE 14 DEFINITIONS**

**Section 14.02 Words and Terms Defined**

**HOME OCCUPATION:** A use that is clearly a incidental and subordinate to its use for residential purposes.

**NOW READS:**

**HOME OCCUPATION:** An occupation, professional activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit or accessory structure to the dwelling unit which does not alter the exterior of the property or affect the residential character of the neighborhood. A home occupation must conform to the standards set forth in Article 7.04 of this ordinance.

The following are examples of permitted uses under this definition:

- a. Office of teacher or musician;
- b. Office of real estate broker, salesman, or insurance agent;
- c. Dressmaker;
- d. Beauty shop;
- e. Day care home, which cares for six or less children;
- f. Woodworking shop
- g. Arts and crafts studio or shop;
- h. Small engine repair, excluding motorized vehicles such as mopeds, motorcycles, ATV's and snowmobiles.

The following uses are specifically prohibited as home occupation;

- A. Auto Body repair;
- B. Auto repair;
- C. Slaughter house. (Amended 6-4-94)

**TO READ:**

**ARTICLE 3 ZONING DISTRICTS**  
**Section 3.09 Land Use Chart**

Item #24 Home Occupations  
Conservation (10 Acres) Permitted ( P )

**NOW READS:**

**ARTICLE 3 ZONING DISTRICTS**  
**Section 3.09 Land Use Chart**

Item #24 Home Occupations  
Conservation (10 Acres) Conditional ( C )

**VI OLD BUSINESS:**

**VII NEW BUSINESS:** A request for an amendment to Section 12.01 was presented to the board. Ralph Stanley, Code Enforcement Officer was present with proposed amendment to this section. Ralph explained that the changes as noted below would allow the adjustment of fees through a separate process by means of a public hearing to be held by the Board of Selectmen prior to any changes in the fees without going to an Annual Town Meeting.

**ARTICLE :** Shall the Town of Waterboro vote to amend Section 12.01 of the Waterboro Zoning Ordinance by adding the following paragraphs:

the Board of Selectmen shall establish and maintain a schedule of application, permit, review, escrow, publishing, and appeal fees for activities regulated by this ordinance; after giving public notice and conducting a public hearing on the proposed fee or schedule.

The Selectmen shall give at least seven (7) days notice by posting notice of any public hearing scheduled at the Town Office and at all post offices located in the Town of Waterboro. Notice shall also be published in at least one newspaper of general circulation serving the community.

Ralph noted that the as ordinance indicates the key issue is to help fund and defray costs of administering and enforcing the provisions of the ordinance. Currently the fees are helping fund approximately 25% and the hope is to up this to 50%. A sample of a fee structure was given to the members present. There was a method described for escrow for developments. This would assure that the Town would be paid for services rendered during the review process. Currently the town pays the bills and waits sometimes months to be reimbursed. If a developer were to pull out of the review process the town would still be liable for the bills incurred. It was noted that the Board of Selectmen intend to go forward with this proposal. The selectmen would hold a public hearing for public in put to assist with the restructuring of fees.



Doug Foglio noted this was a lot to digest. Ralph noted that the idea is to look at the amendment and not get hung up on the sample schedule fees. This was meant as an example only to give the board an feel for the process. Time constraints? Pat Sicard noted February 18, 1997 is the deadline to post notice. Public Hearing for stop sign at the end of New Dam Road on February 25<sup>th</sup>.

Doug Foglio indicated that he personally felt the change to 12.01 would take the vote away from town meeting.

Dwayne Woodsome moved and John Roberts seconded a motion to vote at the February 12<sup>th</sup> regular meeting on the proposed change to 12.01 for a formal vote of the board. Vote was 5-0-0 in favor of the motion

Sharon asked if a Public Hearing needed to be scheduled for proposed changes to the ordinance. If so we would need to set a date now to allow the attorney to properly review the changes for legality and publish for hearing.

John Roberts moved and Dwayne Woodsome seconded a motion to hold a Public Hearing on February 12, 1997 articles regarding Home Occupations and Section 12.01 with a snow date of Thursday February 13, 1997 as a snow date. Vote was 5-0-0 in favor of the motion.

The articles to be published in the Smart Shopper it was indicated that a half page add should be adequate. Doug Foglio and Larry Jacobsen to review the information prior to publication in the paper.

Ralph Stanley indicated to those present that Home Occupations are very difficult to enforce.

If the ordinance was reviewed regularly then maybe there would be less problems. It was suggested to continue with the review of ordinances.

Meeting was turned over to Vice Chairman, John Roberts since Douglas Foglio had to leave the meeting.

Pat Sicard indicated that the Stop Sign Hearing would be held on February 25, 1997 and Candidates Night would be held on February 26, 1997.

The Board of Selectmen had received a recommendation from a consulting engineer and they voted to place a stop sign.

Law suit - Pat Sicard indicated she has not heard anything recently from Karen Lovell. The insurance will cover those named in the suit however the insurance company has given the go ahead for us to use our own legal counsel. Pat also indicated that a Business Directory is being put together. Anyone with a business or anyone that knows someone who has a business should contact the office with the information.

VIII ADJOURNMENT: Meeting adjourned at 9:05 p.m.

Respectfully submitted,

*Dwayne Woodsome*  
Dwayne Woodsome  
Secretary/Treasurer

*Raymond E. ...*  
*Lawrence E. ...*  
*Richard E. ...*

*John ...*  
*Justin ...*