

# PLANNING BOARD

## Town of Waterboro

REGULAR MEETING

FEBRUARY 27, 1997

Chairman Douglas Foglio Sr. called the meeting to order at 7:29 p.m.

- I **ROLL CALL:** Present were Judi Carll, Everett Whitten, Roland Denby, John Roberts, Dwayne Woodsome, Larry Jacobsen and Chairman Douglas Foglio Sr.
- II **MINUTES OF PREVIOUS MEETINGS:** February 12, 1997
- III **COMMUNICATION AND BILLS:**
  - 1. Notice of Site Review and Subdivision Workshops from SMRPC
  - 2. Letter to Bill Speed Re: February 27<sup>th</sup> Appointment
  - 3. Letter to Robert Yarumian Re: February 27<sup>th</sup> Appointment
- IV **REPORT OF OFFICERS:**
- V **APPOINTMENTS:**

*7:30 p.m. Kirk Butterfield, William Burrows with Representative Bill Speed*

Bill Speed, Kirk Butterfield and Rick Hull, Attorney were present for review of a new proposal of a three lot subdivision. Due to previous comments and concerns the developer has scaled down the project staying away from the corner which was the priority noted when a previous sketch plan for five lots was presented.

Waivers being requested of the subdivision regulations were as follows:

#9 Contour lines at ten ft. intervals,

#14 Storm drainage plan - drainage was extensively reviewed and system upgraded during approval process for Old Mill Grove,

#21 Location of buildings to be determined by home owner with C.E.O. review and approval,

#26 Nitrate Impact Statement in place of a full report. With an average density of one lot per ten acres (twice the area required under the Town of Waterboro's Zoning Ordinance), it is believed that nitrate infiltration should not be a concern.

John Roberts moved and Judi Carll seconded a motion to waive item #9 contour lines. Vote was 6-0-0 in favor.

Item #14, Larger culverts installed that dump water across the road onto this property. If waiver were granted the concern noted was that a property owner could fill an area that would block the drainage of storm water. Restriction of placement of structures was considered. Soil and Erosion Sedimentation plan could address this activity.

Roland Denby noted at the on site there seemed to be a lot of water from drainage.

Due to the topography and the slope towards this lot and culverts that drain toward the corner of this lot the board weighed the request carefully.

Dwayne Woodsome felt that items #14, #16 and #21 all go together and if the homes were constructed in the wrong place it create a problem. He indicated his feelings were that no waiver be granted.

Doug Foglio indicated that his problem was with the waiver of the storm water drainage if the develop were to locate on the plan the culvert and drainage way and present a drainage easement and place a note on the plan. To waive the plan not knowing the course would a wise idea. Once easements are established the location would be somewhat set for building envelope.

Developer indicated that a control plan was on file for this area when the previous sketch plan was presented. Lot 3 denoted on this three lot subdivision was three lots on the 1<sup>st</sup> sketch plan presented previously. The building envelope would be fairly large with approved soils.

It was questioned why the new plan with three lots. The developer indicated that the difficulty getting the plan approved was a consideration. With three lots the amount of traffic would be cut.

Doug Foglio indicated that the board should protect from filling and keeping the drainage course clear. Once the drainage is noted and easements are noted possibly a waiver could be considered.

Larry Jacobsen mentioned that someone down stream could have a potential water problem.

Storm drainage plan laid out on plan. Soil erosion would be different if areas were not defined. Dwayne Woodsome noted that a building envelope would almost need to be set.

The developer indicated that this lot is approximately 12 acres in size.

Doug Foglio noted drive entrance. Bill Speed noted that if the developer were to be required to install the drive ways set up a potential for further erosion. He noted other drives that had been installed on the New Road by a Thomas Toye and the entrance areas were installed at the time of approval. They are now overgrown and also have significant erosion. Doug indicated that the board has requested installation prior to final plan approval. John Roberts indicated that with common drive entrances installation has been required. Doug Foglio noted that the reason the developer is required is that a property owner does not expect to do additional work after purchasing a parcel of land. Another note was that drives installed to specifications prior to the issuance of a building permit.

Bill Speed noted that he believed that the goal would be to have proper installation of a drive entrance. If a permit is issued and the drive is installed now and no one builds on the lot within a short time frame then the potential for erosion and the growth of saplings becomes greater.

Doug Foglio then noted that the developer could put up a performance bond. The property owners are not willing to do the work that is required.

With a lot that has sixteen acres and considerable frontage you cannot guess where the entrance should be if the entrance is installed by the developer the buyer may not choose that location.

It was noted that if the issuance of a building permit was delayed until the installation of the drive entrance and noted in the deed this should cover all avenues.

Ralph Stanley, Code Enforcement Officer noted that he had never dealt with prior installation of driveways, let the property owner decide the location. Lots 1 and 2 have 300 ft. of frontage.

Bill Speed noted that as long as site distance can be met a building permit may not be issued until the driveway is installed.

John Roberts moved and Judi Carll seconded a motion to require an impact statement in place of a full blown hydrogeologic study. Vote was 5-1-0 in favor of the motion.

John Roberts moved and Dwayne Woodsome seconded a motion to table the request to waive #14 and #21 at this time. Vote was 6-0-0 in favor of the motion.

#16 was explained by the board members and the developer rescinded his request to waive this item.

Items #14 and #21 if shown on the plan will answer the storm water and show building areas and it was noted that this should be sufficient.

Doug Foglio requested a copy of the drainage easement wording with a drainage plan to relate to each other. No building construction or alteration of natural nature.

Roland Denby asked about the drainage - new culverts were installed. Should the board look at the other subdivision? Now worried about blockage of drainage.

John Roberts moved and Roland Denby seconded a motion to accept the Sketch Plan of Carpenter's Woods three lot subdivision. Judi Carll asked about the fencing around the cemetery? Bill Speed indicated that the developer would still be interested in doing something.

Gary Rhoades asked to speak. He indicated that he was still concerned about safety. The project was turned down before and is now back. No one is addressing the issue. If the developer had done as requested he would have been okay. Mr. Rhoades indicated that he had previously presented a petition, photographs and he and neighbors were present at a site walk.

Doug Foglio explained that this is only the first step. Pat Sicard indicated that the drainage problem should be addressed the drive location will be away from the corner and she felt that the safety issue is a mute point now. A public hearing notice will be posted. A site walk may be scheduled in the future but not at this time.

Vote on the motion to accept Sketch Plan was 5-0-1 in favor of the motion.

***8:00 p.m. Robert Yarumian Representative of Russell & Trina Waterman  
Revised Plan of Fieldstone Acres***

Mr. Yarumian was present representing the Waterman's. The Waterman's purchased an eight acre lot from Dennis Brown. The lot was noted on the subdivision plan of Fieldstone Acres and accessed by a fifty ft. right-of-way. In order to pull a building permit the Code Enforcement Officer had requested the extension of the right-of-way into the lot 150 ft. Mr. Waterman has no intention of splitting the lot at this time. Code Enforcement Officer noted revision of plan on the mylar. Mr. Yarumian didn't feel the need to have a revision when all that is being shown is the extension of the right-of-way. Each lot would have two recordings at the registry. Also he has been asked to do something with the Title Block. A building permit has been issued. Is the plan okay as presented or what would need to be done?

John Roberts indicated that Section 2.06 deals with this if landlocked. Mr. Stanley indicated that the board had allowed the developer to create the rear parcel with only a 50 ft. right-of-way where does the 150 ft. required frontage come from.

Larry Jacobsen indicated that the attorneys have informed the board that lots must have frontage. John Roberts read Section 2.06 and he noted he doesn't believe that Mr. Yarumian needs to be before the board. If this needs to be done then this is the boards fault. Also noted that there have been other subdivisions with this same situation. Larry noted that he believed the attorney had told them that in order to create a right-of-way, at least two abutters must be deeded access rights to classify a right of way otherwise you are creating a lot with 50 ft. of frontage. Noted that this should be straightened out.

Doug Foglio asked if this was holding up the process of building. The home is about half complete.

Ralph Stanley indicated that the banks and surveyors for mortgage inspections read the same ordinance and call asking the code enforcement office looking for frontage requirements. This may hold the Waterman's up for financing.

Legal opinion to be sought. Board's choice for attorney. Roland Denby and Doug Foglio to go and speak with the attorney. If there is a problem then the board needs to find out. Roland asked if there were something in the minutes of the subdivision approvals. Board to check subdivision approval and consult with attorney.

- 1) Is 150 ft. of frontage necessary,
- 2) Is it necessary to revise the subdivision plan.

Doug Foglio noted that a simple deed and sketch would have referenced this situation. Now the situation could be confusing. Believed that before people were sent away they would be told exactly what needs to be done.

If required to have 150 ft. extension then does the board approve this? Mr. Yarumian asked is there anything else that would be needed. Not creating a cul de sac just a private right-of-way.

John Roberts moved and Dwayne Woodsome seconded the motion that this be sent to an attorney with whomever would like to go and that the recommendation that it go to Bernstein, Shur, Sawyer and Nelson and at least it will be a decision that some will stand behind. Decision of those taking the plan to determine. Vote was 6-0-0 in favor.

If it is found that the Planning Board does not have to approve this plan then the block to be removed.

John Roberts moved and Roland Denby seconded the motion to accept the February 12<sup>th</sup> 1997 minutes as read. Vote was 6-0-0 in favor.

## VI OLD BUSINESS:

### Robert Fay, Chairman of the Board of Selectmen

Mr. Fay indicated that he was not present on an antagonistic mission. It noted that it is not easy working with zoning. It is a fight when you look to increase zoning. Tension between Code Enforcement Office and the Planning Board. The selectmen wish to inform those present that if you wish to change the CEO/Secretary then the Board of Selectmen will make a change. Status quo is okay too.

Roland Denby asked who and where the complaints were from? Doug Foglio wished to place this on hold until after Town Meeting.

John Roberts noted that the problem is how the position will be funded. Planning Board is given budget responsibility.

Bob Fay noted that the budget is voted but not the Planning Board to fund or worry about. If there is a problem with the budge the Selectmen would deal with it.

Dwayne Woodsome noted that he had gone to Bob Fay with a concern that the secretarial account was 75% spent. Before raises were given by the Board of Selectmen they should have come to the Planning Board. Dwayne noted that he did not know about the expenditure until he met with the Finance Committee.

Bob Fay indicated that salaries are given by the Selectmen. If there is a problem then the voters will deal with it not the Planning Board. Bob asked does the Planning Board wish to continue with the secretary from the Code Enforcement Office?

John Roberts noted that if there is not enough money then the question is mute. Is the Board going to have the money.

Pat Sicard has explanation of the money spent and expected revenue and this was passed out to all members. Pat indicated that some of the board members did not have a clue that a problem existed and had called the office asking questions. If a problem exists then the board needs to discuss it as a group. The Planning Board should not run out of money.

Doug Foglio indicated that the board meets twice a month for six hours a month and expressed a great concern about the money being taken from the planning board. Is there funding for the secretary to the assessor? It was noted that the Code Enforcement Office is being charged for the additional hours.

It was noted by Pat Sicard that members are skirting the issue. Margaret Beavis and Nancy Brandt used to log 10 hours per month and now we are logging 60 hours per month. Is the time being spent on planning.

Sharon Abbott then addressed the board members to inform them that it was an insult to have members think that she was charging the planning board for work that she was not performing specifically for planning issues. Roland Denby then indicated that he had been in the office on several occasions and had worked with Sharon and she is extremely busy and has assisted with the paper roads and has met with the sub committee while working on changes to Home Occupations etc.

Judi Carll noted that she has not seen the planner position being filled and noted that Dianne Holden or Pat Sicard have not filled this position. She noted that maybe the name needs to be changed since the planning portion doesn't exist. Judi noted the need for the planning to come back. The position to the selectmen may have changed.

She also noted that the Planning Board and the Code Enforcement Office are connected. Both use the same set of records. Sharon can usually come up with the information.

Bob Fay noted that the Planning Board isn't being charged for work that is not being done. He came to the meeting to make sure that the board has what it wants. Dwayne Woodsome indicated he has yet to receive an explanation. He got answers from the Finance Committee and is has a right to ask since he is the Secretary/Treasurer.

Dwayne Woodsome moved to postpone until after town meeting. Dwayne Woodsome asked if the there would be a town planner.

Everett Whitten thought that by being on the Planning Board he would be working on zoning not dealing with budgeting.

Pat Sicard asked if the board members wanted a change were the members prepared to spend time?

Doug Foglio indicated that the Town Planner should be a free mind a neutral person. A Secretary takes notes, types etc. Discussion followed regarding politics.

Motion failed lack of second.

Dwayne Woodsome moved and John Robert seconded a motion that Doug contact attorney. It was noted that at least two members go - all members and anyone that wishes to go will be invited. Vote was 6-0-0 in favor.

Status of the law suit. Pat Sicard indicated that the State Department of Environmental Protection Agency has filed for dismissal. Continuing case.

**VII NEW BUSINESS:**

**VIII ADJOURNMENT:** Motion to adjourn moved and seconded at 9:40 p.m.

Respectfully submitted,

*Dwayne Woodsome*  
Dwayne Woodsome  
Secretary/Treasurer

*John Robert*  
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*Laurence E. Jacob*  
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*Audrey Carl*  
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