

PLANNING BOARD

Town of Waterboro

REGULAR MEETING

March 27, 1997

Meeting called to order by Vice Chairman, John Roberts at 7:37 p.m.

- I **ROLL CALL:** Present were Judi Carll, Larry Jacobsen, Dwayne Woodsome and John Roberts, Vice Chairman.
- II **MINUTES OF PREVIOUS MEETINGS:** February 27, 1997 minutes noted by Vice Chairman to be taken up after the appointments.
- III **COMMUNICATION AND BILLS:**
1. Memo from the Board of Selectmen and Calendar of Events for April
- IV **REPORT OF OFFICERS:**
- V **APPOINTMENTS:**

7:30 SAD #57 Map 1 Lot 39 Village Zone

Dana Morton was present representing the school with Mr. D. Lebel, Business Manager of SAD #57. Requesting placement of two temporary modular classrooms at the Junior High. There are already three temporary modular classrooms at this same location. As the enrollment moves through the grades they may have to relocate these modular classrooms to the High School Complex. There has been an increase of 110 students at the Junior High Level. A copy presented of the layout. Septic location and the original drawing of the septic system. There will be no additional bathrooms. An intercom will be installed in the classrooms. The two units as presented are at the front of the Junior High Building. To be located across the bus lane would require the students to cross the lane of traffic and this presents a safety concern. Mr. Morton noted that the location of the units in front of the building also presents an in your face view for the public to see the need for an addition to the Junior High Complex.

A new cut is planned for the bus lane. Present parking in front of the Junior High will be relocated to the side and rear of the building. Did the school consider locating the two units at the side or rear of the building? Mr. Lebel and Mr. Morton noted that all areas had been reviewed and due to the safety issues placement of the units in the front was deemed to be the best location. The rear of the building received deliveries and the side entrance is the main entrance to the gymnasium and would yield high traffic at times to the building.

Ralph Stanley noted his concerns with placement of the buildings on the tar and the requirement for tie downs by building code. A foundation may not be appropriate but the tie down issue is a legitimate concern. The board noted that they did not have say over the code. Mr. Morton noted that he would work with the Code Enforcement Officer on this matter.

Judi Carll moved and Larry Jacobsen seconded a motion to approve plans as presented dated March 15, 1997 under Section 3.09 Item #50. Vote was 3 in favor 1 opposed.

8:00 Judith Durney Map 36 Lot 34 AR Zone

Requesting permission to place a foundation under a portion of existing cottage within 100 ft. of the high water mark of Ossipee Lake. Mr. Stanley, CEO noted that a permit from DEP was not required. Mr. Durney indicated to the board that the purpose of the new cellar was due to the seasonal washout of the pier supported section of the cottage. No living space is planned in the basement. The septic system was installed in 1986 with a pump station. The material from under the cottage is to be hauled away estimated between 70 and 100 yards of material. They plan to jack the cottage during construction of the foundation. One tree to be removed during excavation. It was noted that the Code Enforcement Officer will need to verify the current sill elevation prior to the commencement of the project. John Robert noted that the existing elevation cannot be raised or lowered by more than 3 ft. under the current regulations.

Dwayne Woodsome moved and Judi Carll seconded the motion to allow the camp to be jacked to place new foundation, erosion/sedimentation control methods to be placed surrounding the cottage under Section 7.02. Vote was 3 in favor 0 opposed.

8:30 Milk Room Map 19 Lot 42 Village Zone

Mr. Pelletier is requesting permission to have self service versus a manned booth. Also Mr. Pelletier would like to install a sign. Mr. Pelletier information regarding the sign. He would like to take down the existing Milk Room sign and install a two posted sign advertising the gas and the Milk Room. Has Mr. Pelletier received permits from the State? Mr. Stanley indicated that this property is located in an Urban Compact zone and the town would therefore be the issuing agent. The state has however indicated that they will not hesitate to enforce the state law pertaining on premise signs.

Mr. Pelletier presented a letter from Mr. Owen that he is purchasing the Milk Room and property from him and he also indicated he would provide his attorney's name if needed. Mr. Owen holds the mortgage and title to the property until Mr. Pelletier has paid for the property. Lot #42 is owned by Mr. & Mrs. Pelletier. Mr. Pelletier noted that he had not invested \$250,000 in this project and not be allowed to advertise. Mr. Pelletier has a sales agreement but it was not presented to the board. This would be operated as a sole proprietorship. It was noted that one lot is owned by Kevin and Elwyn Owen and one lot by Dorothy Owen and lot 42 by the Pelletiers.

Dwayne Woodsome noted if a sales agreement on the store and the land is presented then that would indicate to him that as long as Mr. Pelletier makes the payments he should be able to say he owns all three parcels. Once paid for it would be all on lot.

Larry Jacobsen noted that possibly they could contract with themselves. The permission was granted for lot 42, one lot and not expanding. Judi Carll asked if this is allowed the board would be allowing expansion of a non-conforming lot. The gas is currently on a separate lot. If the request to have self service gas is allowed then there would be two primary uses on a non-conforming lot and would be an expansion.

There are two different titles on properties noted as lot #24 and lot #25 and Mr. Pelletier is in ownership of lot #42. The variance from the Zoning Board of Appeals was granted on a plan for that lot. Self service would be expanding the non-conformance by having two primary uses on a single lot.

In order to proceed after purchase will everything be in the same name. Mr. Pelletier noted that if sold everything would have to be sold as one lot.

Dwayne Woodsome noted that the board previously approved no entrance to the lot other than through lots #24 & #25.

Larry Jacobsen noted that there were currently three lots owned by three separate owners. No title just a sales agreement.

Mr. Pelletier noted that he had been more than reasonable, he had given the Town of Waterboro a 25 ft. curb cut and has invested \$225,000.00 into the corner. He currently has 15,000 gallons of gas on site. It was asked of Mr. Pelletier what it would take to gain title to the property. Mr. Pelletier indicated he would have to go to the bank.

John Roberts noted upon review of the ordinance wouldn't the addition of the sale of gas be an added commodity and not a separate use. There is no definition in the ordinance for gas station but is one for retail sales. As proposed this would be run out of the general store out of one cash register.

Judi Carll noted the previous court case regarding two of the three lots presented. Are you now going to marry the three lots? Larry Jacobsen asked how can this be bound without acquiring title to the property?

Mr. Pelletier still owns the gas station. Property not under the same ownership. Can you let someone else have a business on someone else's property? Singular use on a leased piece of property. Mr. Stanley noted that he has reviewed the file to see what he could do to assist Mr. Pelletier. Finding nothing he had forwarded Mr. Pelletier to the Planning Board. How was the approval given. Mr. Pelletier got a variance for the setback from the Zoning Board of Appeals and the Planning Board dealt with the primary or secondary use.

House on lot #42 a primary use. Replacement one to one primary. Dwayne Woodsome noted that the Conditional Use Permit listed several restrictions but none of these were regarding a manned booth as a condition of approval.

It was noted that the board needs to meet with the attorney and John recommended taking this case to the attorney and getting an opinion as to whether gas pumps are a primary use when run out of a General Store when a cable to the store and the money collected are the only attachment.

Dwayne Woodsome noted that his opinion was that this would be run out of the store. Mr. Pelletier again noted that he had given a curb cut to the town and had installed an oil and water separator as requested and if Mr. Owen took the Milk Room back the line could be cut an the pumps could run separately. He has four more years until the title is transferred.

Mr. Stanley noted that a meeting has not yet been set up to meet with the attorney by the chairman. Mr. Roberts noted that this was not the case and this would be taken up later. John Robert noted that if okay with everyone the board will run this by the attorney along with the road issue.

Dwayne Woodsome moved and Judi Carll seconded a motion to sent this case to the attorney. Vote was 3 in favor 0 opposed.

John Roberts would call Doug Foglio to set up appointment.

Dwayne Woodsome moved and Judi Carll seconded a motion to get back to Mr. Pelletier by the April 9th meeting and he would be placed under Old Business. Vote was 3-0-0 in favor of the motion.

Dwayne Woodsome moved and Judi Carll seconded the motion to approve February 27, 1997 minutes. Vote was 3-0-0 in favor.

VI OLD BUSINESS:

1. Meeting with Attorney to be set by the Chairman

John Roberts noted that he had spoken with Doug and the lawyer says if more than three members of the board go to his office this would be considered a public meeting. John asked for a pole of the members present on who planned to attend? Pat Sicard indicated that she had been in touch with Doug and a tentative meeting date was set with Chris Vaniotis however she had been out of work due to sickness. She noted that Chris Vaniotis would prefer to meet with everyone. Chris had indicated he would be available to meet with the full board.

Ralph Stanley asked why a questions couldn't be presented to the attorney? He indicated that there are several legal opinions in the office regarding the 50 ft. right of way and frontage issue and he noted it seems rather expensive to get another opinion.

Judi Carll noted that if a decision is going to be rendered then she felt that all members should be allowed to attend.

Larry Jacobsen moved and Judi Carll seconded the motion to have Chris Vaniotis to a meeting to address the questions and concerns. Vote was 3-0-0 in favor.

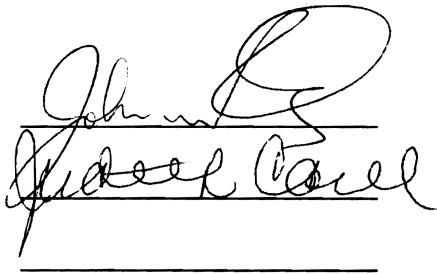
What is Mr. Vaniotis is not available prior to the April 9th meeting. Mr. Woodsome noted that he had just made a motion to get back to Mr. Pelletier at this meeting.

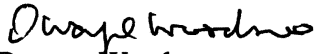
Pat Sicard indicated she would check with Doug Foglio first and then check on the availability of Mr. Vaniotis. Dwayne Woodsome noted that we should probably publish a notice in the Journal Tribune if necessary.

Pat Sicard noted to the board that the Ossipee Lake Association is planning a water shed study. Also notified those of upcoming meetings on planning. One noted on April 10th in Freeport and also SMRPC is still available for updates. Pat Sicard also noted that a hearing regarding a Bill for Saco River Corridor Commission will be held in Augusta.

VII NEW BUSINESS:

VIII ADJOURNMENT: There being no further business a motion was made a seconded to adjourn at 9:20 p.m.



Respectfully submitted,

Dwayne Woodsome
Secretary/Treasurer

