

PLANNING BOARD

Town of Waterboro

REGULAR MEETING

April 24, 1997

Meeting called to order by Chairman, Douglas Foglio Sr. at 7:32 p.m.

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

II **MINUTES OF PREVIOUS MEETINGS:** April 9, 1997

III **COMMUNICATION AND BILLS:**

1. KIDS & Transportation News
2. 1994 Maine Occupational Wage Report/Invoice
3. Letter from Christopher Vaniotis Re: The Milk Room
4. FAME *Info*

IV **REPORT OF OFFICERS:**

V **APPOINTMENTS:**

7:30 Map 13 Lot 59 -1 AR Zone Genest Concrete

The applicant is requesting a Conditional Use Permit for Expansion of Existing Sand & Gravel Borrow Pit. Chris Genest was present representing the company. The chairman asked if Mr. Genest had received a response from the companies meeting with Saco River Corridor Commission and the approval granted approximately one month ago? Mr. Genest indicated he had not received anything from the commission or hear from the Executive Director, Dennis Finn. Notification was forwarded to abutting property owners during the Saco River Corridor Commission permitting process. Mr. Foglio asked for a copy of the certified mail receipts for the file. Mr. Foglio indicated that at this time the Board should schedule a public hearing. Re-notification of abutters? It was noted that once the public is notified it should not be necessary to re-notify.

A copy of a letter from Southern Maine Regional Planning Commission review of the project was given to Mr. Genest. There were a few concerns noted in the letter.

Roland Denby asked about the four lot subdivision on this property. The board had acted on the request to nullify the four lot subdivision. The board voted in favor of deleting the subdivision. Sharon Abbott indicated that to her knowledge this had not been completed. Mr. Stanley, Code Enforcement Officer had forwarded a letter indicating to Genest Concrete the method needed to delete the subdivision.

Dwayne Woodsome moved and Roland Denby seconded a motion to hold a Public Hearing for Genest Gravel Extraction Conditional Use Permit on May 14, 1997 at 7:30 p.m. Vote 4-0-0 in favor of the motion.

Sharon Abbott would post the Public Hearing notice and no notification of abutters necessary by the applicant.

Judi Carll moved and Dwayne Woodsome seconded a motion to approve the minutes of April 9, 1997. Vote was 2-0-0 in favor of the motion.

Communication from Christopher Vaniotis Re: The Milk Room

A copy of the letter from Christopher Vaniotis was given to each of the members. Roland Denby indicated that the format suggested in this letter might be tough for the board to complete.

Doug Foglio indicated that the board should take time to review the letter and enclosures. This was information that all members should consider. Chris did indicate that this was something the board could use he did not indicate they had to utilize it.

Roland Denby noted that the attorney had not quoted any sections from the zoning ordinance and customarily the minutes include the section under which the approvals are granted.

Ralph Stanley indicated to the board members that a motion was made at the last meeting to combine lots. You cannot combine lots that under owned by different people. The benefit of utilizing the suggested format would allow anyone reading the files to know how the board got to the decision. Pat Sicard indicated that the attorney had noted format. Minutes do not give as comprehensive documentation of information that the draft formulated by Christopher Vaniotis. If in the future a problem came up this would be a consistent means of tracking the process. Pat also indicated that Chris Vaniotis has indicated he would be available for a training session.

Dwayne Woodsome indicated that item #2 and his motion are the same thing.

Doug Foglio noted that he has not been involved with the Milk Room case however, in reading the minutes of the meeting it would be less paperwork to be created if the board continued with existing practice. Pat Sicard again noted that this was a tracking mechanism with pertinent, clear and direct statement without having to look through records.

Doug Foglio indicated that this was bureaucracy that creates jobs for people. Attorneys draw up paperwork that helps support them. It was noted that the board as a whole should discuss and decide. Members to take the letter and enclosures home and review it.

Roland Denby moved and Dwayne Woodsome seconded a motion to spend a couple of weeks to work on the Findings, Conclusions and Decision Re: "The Milk Room" forwarded by the Town's Attorney and act on it at the next meeting. Roland noted that maybe the Board doesn't have the expertise to handle this process. Vote was 4-0-0 in favor of the motion.

8:00 Map 36 Lot 4 AR Zone George Condon

The applicant is being represented by Robert Ryder requesting 30% expansion in the Shoreland Zone. Mr. Ryder indicated that the volume will equal the existing structure due to the stepping down of the roof line. Calculations of the expansion were forwarded to board members in their information packet. Bob Ryder indicated that he has location boundary markers and the addition would be the required 10 ft. from the property line on the east side of the cottage the property line is about 42 ft. from the west side of the cottage. The addition would go 5 ft. closer to this property line. Closest structure to the abutting property lines is about 60 ft. The measurement is approximate it has not been measured. The addition is to make a bathroom bigger. What is the status of the septic system. Mr. Ryder did not know he believed that there should be some documentation. There is no plan to add bedrooms just expanding an existing 3 ft. by 5 ft. bathroom. There will be a toilet, sink and washer, same fixtures but low consumption which will be decreasing the flow.

Mr. Stanley the Code Enforcement Officer had indicated to Sharon that he had checked the project and he didn't have a problem with the additions as proposed

Larry Jacobsen noted concern that in the past the board has required others making upgrades to cottages to establish the status of the septic systems. It was noted that the upgrades usually constitute more use.

Bob Ryder noted that a tree had fallen on the camp and Mr. Kasprzak had worked with him to repair and renovate. The changes will constitute approximately \$6,000. All additions will be placed on sonar tubes. The existing support is varied from footings with wood piers, some rests on tree log and others on a cement pad. The property is rented one month each year and the owner uses the cottage for two to three weeks for personal use.

Mr. Jacobsen noted that with the explanation it makes one wonder what type of system is present. Dwayne Woodsome that possibly there are pumping records that would indicate the type of tank. Mr. Foglio noted that there would be no expansion of use. Judi Carll felt that you don't need to fix what isn't broken.

Bob Ryder asked for clarification of what is the customary handling of this type of request?

In the past with the possibility of year round use a condition of approval has always been to upgrade the septic system. Doug Foglio noted that he didn't feel this was the same and Judi Carll agreed.

Larry Jacobsen felt that the system should be checked to see if it is a system versus a cesspool. What if a cesspool was found? Larry Jacobsen noted that a new system should be installed. Would the board shut down a project without plans for a replacement? Larry noted that if he were the property owner he would feel an obligation to upgrade the septic system if it were found to be a cesspool. Mr. Ryder indicated that he was a representative and was not sure what the owner wishes to do.

If there was a problem with the septic system the owner would need to replace it. Judi Carll indicated that she did not feel that the board had the right to request an upgrade. Larry Jacobsen felt that the board should be responsible to check it.

If a full time occupancy then there might be a need to check the existing system. Since the use is not be increasing feeling was no need. The standard practice of the board for upgrade with change of use and Mr. Foglio indicated he did not feel that this request fell into that category.

Judi Carll moved and Dwayne Woodsome seconded the motion to approve the expansion of the camp located on Property Tax Map 36 Lot 4 as presented providing he goes no closer the the water then existing structure, no more than 30 percent expansion and addition go no closer than 10 ft. to the sideline to be approved under Sections 2.08, 4.02 and Article 7, Section 7.01, 2. B. 1. And 3. Bob Ryder noted to the members that as presented on the plot plan it appears that the new construction would be closer to the normal high water mark however on site the measurements indicate no closer to the normal high water mark and there would be no disturbance of soil. Bob also noted that he had strung the lines and marked the area.
Vote was 3 in favor 1 opposed and no abstentions.

VI OLD BUSINESS:

1. Waterman Represented by Robert Yarumian

A revised plan was presented of Mr. Waterman's lot noted as Map 6 Lot 18 noting the change of right-of-way.

Roland Denby moved and Judi Carll seconded the motion if the plan was approved and checked the board to approve and sign.

Mr. Yarumian noted that the changes called for were a note and Revision of Fieldstone Acres.
Vote was 4-0-0 in favor.

Dwayne Woodsome asked for the cost of a second mylar. Mr. Yarumian indicated approximately \$25.00, of which \$9.00 was for the mylar paper the remainder for his cost. Mylar's are now computer generated.

Dwayne Woodsome moved that a letter be sent to the Code Enforcement Officer indicating that any changes on a mylar not be made until they were reviewed by the Planning Board.

Plans were signed.

2. The Milk Room

See discussion regarding communication from attorney Christopher Vaniotis.

VII NEW BUSINESS:

Special Town Meeting coming up. Ordinance changes were noted by Mr. Foglio. Pat noted that the board had discussed taking a look at the entire ordinance as a whole and since there was currently nothing in the works time would not allow changes.

Mr. Simanonok Case:

Another quirk with the filing of the law suit. Attorney's currently working on dismissal of case. Also noted that Mr. Simanonok has filed 25 federal lawsuits and 6 times to Supreme Court more than most attorney's file.

VIII ADJOURNMENT:

Larry Jacobsen moved to adjourn, Judi Carll seconded motion. Vote was 4-0-0 in favor. Meeting adjourned at 9.02 p.m.

Respectfully submitted,

Dwayne Woodsome
Secretary/Treasurer

Judi Carll
Roland E. Derby
Lawrence Jacobs

