

PLANNING BOARD

Town of Waterboro

FEBRUARY 24, 2000

PUBLIC HEARING

&

REGULAR MEETING

Public Hearing

Sue Dunlap called the Public Hearing to order at 7:10 p.m. noting the attendance of Todd Morey, Roland Denby, Tim Neill and Dwayne Woodsome. There are approximately 15 members of the public in attendance for the public hearing.

Tom Soule is presenting an application to provide Ryder Rental Trucks in conjunction with the Self Storage facility on Route 202 in E. Waterboro.

Tom explained the process and need for the rental trucks. There may be approximately 3 - 6 trucks at one time due to returns. There will be approximately 3 - 4 trucks available for local rentals. The one way trucks will be picked up by the Kennbunk Ryder who will also take care of the maintenance, oil changes etc. Nothing will be done on site. Fueling will be done at the local stores as needed.

Seeing that there are no questions from the public or the Board the first public hearing is called to a close at 7:15 p.m.

The Public Hearing for **Trina and Russell Waterman** was called to order at 7:17 p.m. Russell explained that there would be a 50' x 100' gravel area for a used care lot with approximately 0 - 50 vehicles as would be permitted by the State. The State also requires him to place a business sign by the road.

The only maintenance to be done on the property will be minor tinkering. No fueling will be done and approximately 10 cars at one time will be on the site. The State would agree to the use of a street sign size business sign below the Waterman Drive sign.

Greg Lee is the owner of Lot 4 and borders the right-of-way. Greg is presenting 2 petitions opposed to the used car sales lot. One petition is from property owners along the West Road and one is from the immediate occupants of Fieldstone Acres along with a list of the Deed Restrictions for the property.

Roland Denby referred to Ms. Crabtree and the letter submitted. The letter stated that attached were deed restrictions referencing item 4, 7, 8, 12 & 14. I don't not seem to find anything attached to your letter. Lisa stated that there were no attachments with the letter. Greg Lee noted that the deed restrictions is attached to the information he presented.

Roland asked Russell if he originally owned the property before it was subdivided. Russell stated that the Brown's previously owned the property.

Barry Hobbins, Attorney for the Waterman's distributed a packet noting the history of the property and presenting that the lot does not have to conform to the restrictions. The restrictions were not part of the deed is noted in the Brown to Lee deed dated November 13, 1991. The parcel in question was retained by Dennis Brown and later transferred to wife Barbara and son, Gregory at no cost in April 1990. The family transfer was then sold to the Watermans in November 1996. A title search done by Jeffrey Clark did not refer to deed restrictions, it only stated that lots 3 and 4 are subject to the right to utilize a portion of the right-of-way. Unlike the other deed's in the Fieldstone Acres subdivision, the Waterman's deed does not have the restrictive covenants included with the deed.

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Attorney Hobbins referred to the later by Attorney Christopher L. Vaniotis. On page 2 under title Revision to the Subdivision Plan, Attorney Vaniotis did not take into consideration that the property was conveyed to a family member in 1990 then sold to the Watermans in 1996 which under subdivision laws was over a 5 year time-frame.

Sue stated that no decisions would be made tonight. There is a discrepancy in what Attorney Hobbins is saying and what is stated in the deed of Brown to Brown. It clearly states here "for considerations paid".

Dick Elmore asked if it was possible to have different deed restrictions within the lots of a subdivision. Attorney Hobbins states yes.

Greg Lee, is there an amended opinion from the Town Attorney? Sue noted that there was not. If the Board wishes to send this to the Town Attorney after the Public Hearing is closed they will forward it at that time.

David & Pam Crabtree: David is the son-in-law of the Crabtree's and has visited the West Road area since 1960. He has enjoyed the quietness of the area and is offended with the thought that someone wants to bring something like this to the area. He further stated that he was not sure if his feelings/thoughts counted. Pam and her sister are co-owners of one of the lots in Fieldstone Acres.

One question for Mr. Waterman, can you make any money with a used car lot on the West Road?

Russell: I'm not looking to make a lot of money. I just want to earn a little extra.

Deborah Costis owns lots 1 & 2. Where on the right of way to you intend on putting the sign? A sign is a structure and I believe that structures have to meet setbacks on a right of way.

Trina: The State told us that we could put it directly on our street sign.

Dwayne: If you owned one side of the right-of-way you would be able to place a sign/structure on that sideline.

Elizabeth Johnson: Resident of the West Road wanted to let the Board now that she recently moved to the West Road due to the quietness of the area. She has previously lived on Route 202.

Greg: Does the Town have a comprehensive plan for the West Road and how would the approval of this use effect the comprehensive plan?

Sue: The Planning Board goes by the Zoning Ordinance, if there are no concrete reasons not to approve this the board is pressed to approve the application. There are a lot of permitted uses in these zone that require a conditional use permit. This allows the Board to place tougher guidelines in the process of approval.

Greg: Is there a licensing process from the State for a used car lot?

Russell: Yes.

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Mrs. Crabtree: When we purchased lot # 6 there was not indication whatsoever that the back lot did not have to abide by the same restrictions.

Dwayne: The Code Officer has recently sent you a letter regarding the number of unregistered vehicles on your property. Has this been taken care of?

Russell: Yes, I was not aware that there was a limit, there are only 2 remaining cars there at this time.

Roland: Wanted it noted that there are 17 conditional uses in the A/R zone. The Board tried several years ago to turn the A/R zone to F/A zone and the residents of the West Road turned the request down.

With no further questions Sue closed the Public hearing at 8:07 p.m.