

# PLANNING BOARD

## Town of Waterboro

APRIL 12, 2000

### I ROLL CALL

Sue Dunlap called the meeting to order at 7:10 p.m. noting the attendance of Todd Morey, Dwayne Woodsome, Everett Whitten, Roland Denby, Tim Neill, Willis Lord, Millard Genthner and Brenda Charland. Doug Foglio entered at 7:35.

### II APPOINTMENTS

**7:00 Selectmen** - The Board of Selectmen are present to discuss with Board the Town Pit which needs to be brought into conformance with the Town and State guidelines.

Brenda feels that Town Pit should be exempt. Willis would like to see the Pit rezoned. Brenda fully disagrees. Brenda states that the Selectmen are not united in the process of making the pit an allowable use which is why there are here to get the Planning Board's guidance.

Dwayne does not feel that the Planning Board can rezone it. It would be up to the Selectmen to present it to the Townspeople. Dwayne is also against spot zoning, feels that if you are going to rezone the Town Pit than the whole strip should also be rezoned.

Sue asked the Selectmen what they would expect to hear from a Public Hearing. Brenda noted it would be to have the public guide the Selectmen on what direction they wish to take.

Dwayne stated from the zoning that anything allowed in one zone can be permitted in another zone.

Brenda stated that a public hearing should be held after getting a recommendation by the Attorney. Roland added that a financial statement should be included to inform the residents the possible cost to purchase gravel and sand elsewhere if the pit is closed.

Doug stated that he is against rezoning and exempting the pit. A Public Hearing should be presented by the Planning Board and Selectmen.

Dwayne recommended hold a workshop with the Selectmen after getting the Attorney's recommendation before holding a Public Hearing so the Boards can present a proposal to the public.

Dwayne made a motion to hold a special workshop with the Selectmen on Monday, April 24, 2000 at 7:30 p.m. to discuss the recommendation of the Attorney.

**Sue turned the meeting over to Doug at this time.**

**8:15 Thelma Toothaker Map 35 Lot 14** - Thelma Toothaker is present for a setback reduction on her property located on Ossipee Pond. She would like to build a 28' x 36' two story camp with a walkout basement and a 28' x 12' deck.

Upon reviewing the deed, it is noted that there are conveyances for a right of way.

The applicant will need to provide the Board with the conveyance and deed rights before they can act on the request for a setback reduction. A title search will need to be done to determine who has the rights to access the use of the road.

An onsite is scheduled for Monday, April 17 at 6:30 for any Board member wishing to see the property.

**III MINUTES OF PREVIOUS MEETING:**

Dwayne made motion to approve the minutes to the March 23 meeting with the changes made on Bill Earl's appointment. Sue seconds. Motion carries a 6-0-0 vote in favor.

**V REPORT OF OFFICERS**

**VI OLD BUSINESS**

**Joseph Vitko is representing Karen Vitko, Map 38 Lot 30** has presented the information requested at the February 9, 2000 meeting. A letter from John Large with reference points of the property line, and a plot plan. Mr. Vitko is requesting setback reductions as follows: 41' from the lake, 17' left sideline, 14' right sideline and 31' from the road.

Section C item 1 in the Soil Disturbance Standards from DEP states that a 25' setback must be maintained between the normal high water line or upland edge of the protected natural resource and the activity. (complete requirements may be found in the file copy of the Soil Disturbance Standards).

Dwayne made a motion to grant Mr. Vitko the following setbacks under Section 2.07, 2.08 and 4.02:

- 40' setback from the lake
- 17' left sideline setback
- 14' right sideline setback and;
- 30' front yard setback.

All erosion control measures must be taken. The house must be laid out by a surveyor to make sure that the lot lines are met. A copy of this surveyor needs to be forwarded to the Code Office for the file before an occupancy permit is issued. NRPA requirements on erosion control need to be followed and HHE200 conformance requirements need to be followed as designed. Todd seconds. Motion carries a 6-0-0 vote in favor.

**Trina and Russell Waterman** have presented a letter from Maine Boundary Consultants and would like the Board to table any decisions on their request to operate a used car lot on the property located on Map 6 Lot 18.

Doug states that although Robert Yarumian submitted his opinion does not mean that he is correct in his belief.

The Waterman's stated that at the original meeting they were told that it was an allowable use. Sue clarified by stating that in the AR zone it is, but the deed restrictions state otherwise.

Dwayne made a motion to table the decision for 1 month. If the applicant's attorney, Barry Hobbins makes an appointment with Ken Cole it will be at the applicants expense. If no further information is received by the first meeting in May the Board will base their decision on the information present. Everett Whitten seconds.

Doug stated that Attorney Barry Hobbins cannot personally meet with Ken Cole, correspondence can be submitted via mail. Ken Cole is not the applicants Attorney but the Towns. An individual meeting between the Attorneys cannot take place.

Dwayne withdrew his motion, Everett withdrew his second.

The Waterman's stated that they would expect to be responsible for the fee to have Attorney Ken Cole review the information with their Attorney, Barry Hobbins.

Doug noted the right to review in the ordinance and stated that an estimate can be obtained from Ken Cole before he reviews the information. The estimate will be forwarded to the Waterman's and forward a check for that amount for the Town to place in a retainer. Any remaining funds would then be reimbursed to the applicants.

Everett made a motion to forward a copy of the letter from Maine Boundary Survey to Ken Cole requesting and a cost estimate of time to review. When funds are received from the Waterman's, Lisa will call Ken and let him know it is okay to begin the review. All correspondence will be via memo with copies being forwarded to the Planning Board and the Waterman. Sue seconds. Motion carries a 6-0-0 vote in favor.

**Old Home Days** - Dwayne made a motion to reconsider the original Conditional Use Permit granted to the Old Home Days of March 8, 2000. Sue seconds. Motion carries a 6-0-0 vote in favor.

Dwayne made a motion to change the requirements of item 4 to: "Meet Town, State and Federal Regulations with sufficient security personal for traffic control". Roland seconds. Motion carries a 6-0-0 vote in favor.

## **VII COMMUNICATION**

The following communications were reviewed:

- Memo to Zoe Anderson regarding the research on the Bennett Hill Road
- Letter from Ken Cole to Steve Foglio
- Letter from Zoe Anderson to Selectmen
- Memo to Zoe Anderson regarding research on the conflict of interest.
- Memo to Trina and Russell Waterman regarding research policy
- Selectmen minutes of March 14, 16, 21 and 28

## **VIII MISCELLANEOUS**

Doug would like Lisa to contact Land Use Consultants about getting a copy of the original zoning map with overlays (full size) with a price.

**IX ADJOURNMENT**

Dwayne made a motion to adjourn at 10:15. Everett seconds. Motion carries a 6-0-0 vote in favor.

Respectfully submitted,

*Dwayne Woodsome*

Dwayne Woodsome  
Secretary/Treasurer  
Waterboro Planning Board

ACCEPTED: *4/27/2000*

*Roland E. Derby*  
*Everett White*  
*Jim Hill*

*[Signature]*  
*[Signature]*