

# PLANNING BOARD

## Town of Waterboro

August 9, 2000  
REGULAR MEETING

### I ROLL CALL

Sue Dunlap called the meeting to order at 7:40 p.m. noting the attendance of Dwayne Woodsome, Roland Denby, Everett Whitten, Todd Morey, Tim Neill. Doug Foglio Sr., entered at 7:50. Also present are Teresa Lowell and Bob Gobel.

### II APPOINTMENTS

**7:45 Ray Dumont Map 49 Lot 10C** is present with an applications to install an in-ground pool with a 57' x 36' building surrounding the pool. A setback reductions is needed.

Dwayne made a motion to do an on-site before the public hearing tomorrow. Everett seconds. Motion carries a 5-0-0 vote in favor.

Todd motion to have Mr. Dumont return under Old Business after the public hearing with an accurate sketch of what is needed. Roland seconds. Motion carries a 5-0-0 vote in favor.

**8:15 Renee Coolman Map 24 Lot 30** is presenting an application for an after-the-fact conditional use permit for her shore front property. Ms. Coolman explained that the work had been started last year by a contractor who has since been paid and left before completing the work. She was told by the contractor that Planning Board approval was not needed. The deck is 12'x 35' which includes a 3'x 24' expansion towards the water. Ms. Coolman would like to have the new contractor complete the job which included screening in a 12'x 25' section of the deck. The stairs do not go closer to the water than the existing deck.

Under section 2.07, 2.08, 7.01, 9.01 and 9.03 Dwayne made a motion to approve an after the fact conditional use permit for the 12'x 35' deck with a 12'x 25' roofed area which will use 315 sq. ft of the 375 sq. ft. 30% allowable expansion in the shoreland zone. The stairs are not to go closer than 50' from the water or extend beyond the existing deck. This approval is not intended to encourage building in violation and requesting a conditional use permit afterwards. Todd seconds. Motion carries a 6-0-0 vote in favor.

**8:30 Hughe's "Ford Pond Estates" Subdivision, Map 5 Lot 34** - John Mitchell of Mitchell and Associates is presenting this subdivision as a Cluster Subdivision.

Everett stated that he was approached by an abutter who had concerns about the dam and who will be responsible for the up-keep and maintenance. John stated that the association will be responsible and that he will make sure that it is in writing with the deed covenants.

The preliminary plan check list was reviewed. The following is needed:

- #3 in the deed covenants needs additional information. (Example of wording may consist of: Two lots in common ownership needs to be deeded as a single lot of record.);
- #7 in the deed covenants states the Town of Waterboro, this needs to be removed and replaced with "without approval of the association";
- There needs to be a reference on the subdivision plan stating that this is a cluster subdivision which allows for the altered setbacks.

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Doug would like to see a signature sheet that will be attached with the deeds being recorded stating that the buyer is aware and has reviewed the deed restrictions.

Sue made a motion to send the hydro-study out for peer review. An estimate will be acquired before any review is done so that the applicant can approve and submit the payment to be placed in an escrow. Roland seconds. Motion carries a 6-0-0 vote in favor.

John Mitchell stated that he will forward a letter authorizing the Planning Board to hire the services of either Gillespie & Assoc. or Richard Swett & Assoc. depending on their availability.

Waivers are requested:

1. Road width of 18' with grass shoulders to minimize the impervious surface and impact to the wetland and water quality;
2. Length of the road to 1,300' to minimize the impact to the wetlands and site.

Everett made a motion to approve the preliminary plan noting the changes discussed above. Sue seconds. Motion carries a 6-0-0 vote in favor.

Notifications of abutters for a Public Hearing scheduled on August 24 at 7:30 will be done by the applicant via certified return receipt mail.

If the subdivision is done in phases there will need to be phase lines with temporary turnarounds available. This does not need to be done on the mylar.

**III MINUTES OF PREVIOUS MEETINGS:**

No minutes were reviewed at this meeting. They will be done at the next regular meeting.

**IV REPORT OF OFFICERS**

The report of officers is postponed until the next regular meeting.

**V OLD BUSINESS**

Doug was not present for this appointment. Sue chaired the meeting

**Todd Schunneman Map 49 Lot 18** - Mr. Schunneman would like to build a 22' x 24' garage attached to the house by a deck with a setback to the back side of Hanna Drive. A site walk was done at the property by Roland and Everett. Sue and Todd also drove by the property on their own time.

The setback is marked by the cedar trees on the corner of the lot. The garage will be 10' from the right of way (Hanna Drive). The garage will be built 10' from the house but will be attached to a lower deck that will be also be attached to the existing deck.

Under section 2.08, 3.03 and 4 Everett made a motion to approve the request of a northern setback reduction to 10'. Todd seconds. Motion carries a 4-0-1 vote in favor with Dwayne abstaining, he was not present at the initial meeting.

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**Thelma Toothaker Map 35 Lot 14** Also present is Brenda Charland to explain the Selectmen's vote.

Doug questioned if Ms. Toothaker was under the impression that the road has been vacated.

Brenda had voted at the Selectmen's meeting to begin the process of vacating the road. Neither the Code Enforcement Office or the Selectmen are aware of the process needed. The Selectmen's Assistant will have a report with the process to proceed with the vacating after doing some research.

Sue stated that this is a subdivision and a subdivision revisions require all the owners of the subdivision to be notified via certified mail of the request to revise a plan.

Todd still feels that either a revision or amended plan needs to be done so it reflects the change in the deeds.

The Selectmen will know Tuesday evening on the process. Doug stated that there are clear procedures to vacating a road. Notification needs to be given to all involved, a public hearing needs to take place. If all is done and approved then the road can be vacated. There are also subdivision regulations that fall into place which will require Ms. Toothaker to submit a subdivision revision plan again notifying all involved.

Until the road is vacated the Board has no right to approve the application for constructing a cottage as presented. Once it is vacated and the subdivision revision is complete Ms. Toothaker will need to return to the board before getting a building permit because it is an undersized lot of record, she may do so under "Old Business".

**Doug has turned the meeting over to Sue at this time. Review of the Proof of Active Status forms will be reviewed. Everett has also left this portion of the meeting.**

**Deborah Dupee Map 4 Lot 1** - Presented with the active status form was a notarized letter. A copy of the tax assessment card was copied dated 1993 stating "non working gravel pit". Gerald Daigle, Assessors agent submitted a letter explaining the taxes are reduced by not being a working pit.

Todd made a motion to deny active status based on the Tax Assessors letter. Tim seconds. Motion carries a 4-0-0 vote in favor.

**Glenn Bean Map 4 Lot 22A & 23** - Presented with the active status form was two notarized letters and photographs.

Dwayne made a motion to approve active status to Glenn Bean with the information given to the Board as meeting the minimum proof required as defined in the definition of Active Status § 3. Todd seconds. Motion carries a 4-0-0 vote in favor.

**Lesley Leighton Map 4 Lot 3A & 3B** - Presented with the active status form was a letter stating that he had removed the minimum requirements needed to maintain his grandfathered status. A letter from the tax assessor Gerald Daigle stating the property is no longer being taxes as a working pit.

Dwayne made a motion to deny active status to the gravel pit located on Map 4 Lot 3A & 3B due to the lack of evidence, the letter from the assessor and a letter submitted by Les Leighton dated 6-29-95. Todd seconds. Motion carries a 4-0-0 vote in favor.

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**Town of Waterboro Map 8 Lot 47** - A written affidavit was submitted with the Town's application for active status. Todd made a motion to approve the active status with the information given to the Board as meeting the minimum proof required as defined in the definition of Active Status § 3. Dwayne seconds. Motion carries a 4-0-0 vote in favor.

**June Broomhall Map 16 Lot 19** - Presented with the active status form was a written letter from Woody Owen.

Dwayne made a motion to approve pending the receipt of additional acceptable information supporting the active status by August 23, 2000. Todd seconds. Motion carries a 4-0-0 vote in favor.

**Northeastern Map 13 Lot 75A** - Is exempt from having to claim active status as per the 6/14/89 Planning Board minutes approving the pit, a State Permit, cash receipts.

Dwayne made a motion to exempt Northeastern from needing to meet active status due to the minutes of 6/14/89. Todd seconds. Motion carries a 4-0-0 vote in favor

**Jon Jewitt Map 13 Lot 65** - Presented with the active status form were 2 notarized letters and 1 other letter.

Dwayne made a motion to approve the active status claim with the information given to the Board as meeting the minimum proof required as defined in the definition of Active Status § 3. Todd seconds. Motion carries a 4-0-0 vote in favor

**Dearborn Map 5 Lot 35** - Presented with the active status form were 2 letters; 1 notarized and 1 not and cash receipts.

Dwayne made a motion to approve the active status claim with the information given to the Board as meeting the minimum proof required as defined in the definition of Active Status § 3. Todd seconds. Motion carries a 4-0-0 vote in favor

**Lesley Leighton Map 8 Lot 15-3, 15-4, 15-5** - Presented with the active status form were cash receipts for the past 3 years.

Dwayne made a motion to discard the application due to having an approved Subdivision plan which requires extraction on the site to prepare for the placement of the mobile homes. The extraction will cease on completion of the subdivision. Todd seconds. Motion carries a 4-0-0 vote in favor.

**Foglio "Otto Brandt Pit" Map 8 Lot 19** - Presented with the active status form were cash receipts and a notarized letter from the owner.

Dwayne made a motion to approve the active status claim with the information given to the Board as meeting the minimum proof required as defined in the definition of Active Status § 3. Todd seconds. Motion carries a 4-0-0 vote in favor.

The final review of the Active Status claims are as follows:

- 1 - Does not apply

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- Leighton - Map 8 Lot 15-3, 15-4, and 15-5
- 2 - Denied
  - Dupee - Map 4 lot 1
  - Leighton - Map 4 Lot 3A-3B
- 4 - Exempt
  - Northeastern - Map 13 lot 75A
  - Foglio - Map 11 Lot 44-1
  - Foglio/Dyer - Map 10 Lot 49
  - E. Whitten - Map 5 Lot 40T
- 7 - Approved
  - MacDonald/Leighton - Map 5 Lot 21-3
  - Foglio - Map 8 Lot 19
  - Jewett - Map 13 Lot 65
  - Broomhall - Map 16 lot 19
  - Glenn Bean - Map 4 Lot 22A & 23
  - Town of Waterboro - Map 8 Lot 47
  - Dearborn Bros. - Map 5 lot 35

**VI COMMUNICATION**

**VII MISCELLANEOUS**

Dwayne mentioned hiring Lisa after she leaves to continue working on the Town Ordinance at her convenience at home. He would like the Board to think about it and discuss at the next regular meeting.

**VIII NEW BUSINESS**

**IX ADJOURNMENT**

Todd made a motion to adjourn at 11:45 p.m. Dwayne seconds. Motion carries a 4-0-0 vote in favor. Meeting adjourned.

Respectfully submitted,

*Dwayne Woodsome*  
Dwayne Woodsome  
Treasurer/Secretary  
Planning Board

ACCEPTED: 8/24/00

Chairman

*Alan Dunlap*  
*Roboval & Donly*

*Everett Whelan*  
*[Signature]*  
*[Signature]*