

PLANNING BOARD

Town of Waterboro

September 28, 2000

Regular Meeting

I. ROLL CALL.

Susan Dunlap called the regular meeting to order at 7:42 p.m., in attendance are Roland Denby, Everett Whitten, and Tim Neill. Absent were Dwayne Woodsome, Todd Morey and Doug Foglio. Also in attendance was Bob Gobiell.

II. APPOINTMENTS.

7:45 Hughey's "Ford Pond Estates" Subdivision - Map 5, Lot 34 John Mitchell of Mitchell & Associates and Doyle Marchand are here for "final approval of plan" for a nine (9) lot residential cluster subdivision located on the southwesterly side of Main Street in East Waterboro.

John Mitchell reiterated what took place at the last Planning Board meeting and what has been performed by them regarding the issues and concerns raised.

Roland indicated that Gillespie & Associates had recommended that the wells be drilled and not dug. Tim asked John Mitchell what the present level of Ford Pond was. Mr. Mitchell did not know but indicated that he would benchmark the dam. Sue asked if the homeowners would be responsible for handling the installation of their respective wells. Doyle Marchand replied that, yes, the homeowners would be responsible but that a disclosure would be issued to all potential purchasers regarding this issues.

Roland asked how the streets would be affected by 911. Bob Gobiell indicated that Augusta would have to approve it as well as the Post Office. Sue asked what happens if after the Board approves the plan as proposed the street names are found to not to be acceptable. Doyle answered that they would change the names as recommended by the State and/or the Post Office. Sue asked that we get an updated 911 street address list from someone downstairs and attach it to the Plan checklist.

Sue reviewed the Final Subdivision Plan Checklist. The following was recommended:

- New copies of the Plan are needed to reflect the changes made to the Mylar; and,
- Road entrance permits must be obtained from the State (to be indicated as a condition in the Board's Motion for approval).

Everett made a motion to approve the final plan for "Ford Pond Estates" contingent upon the following:

- No road construction shall be commenced until a permit is obtained from the State; and
- 2 additional copies of the new plan (in conformance with the mylar) are needed prior to the Board signing the plan(s).

Roland seconds. The Motion carries a 3-0-0 vote in favor.

Dwayne Marchand praised the Board for their objectivity and for being so beneficial.

8:00 Emil Whitten - Map 45, Lot 1509 Mr. Whitten is requesting to build a 35' x 50' Ranch with daylight basement and attached 26' x 28' garage on his waterfront property. It should be noted that Mr. Whitten has obtained prior approval for the project from the Saco River Corridor Commission.

Everett made it known that he is not related to the applicant (as they have the same last name).

P.O. Box 130, Waterboro, Maine 04087 • 247-6166 • FAX 247-3013

<http://www.mix-net.net/~waterboro/>

Email: waterboro@mix-net.net

**Planning Board
Regular Meeting
September 28, 2000
Page Two**

Roland indicated that it will be necessary to go back under the old by-laws for this vote. It was further noted that the lot in question was created in 1971 and is therefore grandfathered.

After discussion, Roland made a Motion to approve the application as requested under Section(s) 2.08 and 4.02 of the Waterboro Zoning Ordinance with the following conditions:

- A front yard setback of 40' from Diamond Drive;
- A sideline setback of 22';
- A shoreline setback from the lake of 71'; and
- All other setbacks must be met.

Everett seconded. Motion carries a 3-0-0 vote in favor.

8:15 Armand Desrochers - Map 29, Lot 14 Mr. Desrochers is requesting a permit to build a 34' x 24.6' 2-car garage to be attached to his current residence on his waterfront property off of Townhouse Road. He would also like to demolish the old garage that is on the property and build a gazebo. The house which the garage would be attached to is currently approximately 50' (61.5') from the water. Mr. Desrochers indicated that the three (3) other older cottages currently on the property are about 75 years old.

The Board reviewed the old 1995 Planning Board Minutes in the file regarding the construction of the current residence (which the garage is to be attached to) in an attempt to ascertain what figures were used by the board at that time to determine what the 30% expansion would be. It should be noted that the 1995 Minutes state that the full 30% had been used at the time to build the current residence. However, as there was a question with respect to how the prior 30% was calculated, Sue suggested that the Board take the issue to the Town Attorney for interpretation.

After much discussion, Everett made a Motion to send this to the Town Attorney for clarification of:

- whether all of the buildings' measurements can be used in determining the 30%; and
- the difference between the apparent way the 30% was determined by the 1995 Board and how it is done now.

Tim seconded. The Motion carries with a 3-0-0 vote in favor.

Mr. Desrochers will come back under "Old Business" on the October 26, 2000 Agenda.

8:30 Malcolm Roberts - Map 29, Lot 15 Mr. Roberts is requesting a permit to build a 16' x 24' 1-car garage to be attached to his current residence on his waterfront property off of Townhouse Road. He would like to come within 11' of the sideline setback.

After some discussion regarding the location of a right-of-way and a determination that it was not on his property, Everett made a Motion to approve Mr. Roberts' application under Section(s) 2.08, 3.03(*Note) and 4.02 of the Waterboro Zoning Ordinance with the conditions that (1) the sideline setback is reduced to no less than 10' and (2) that all other setbacks must be met. Roland seconded. The Motion carries with a 3-0-0 vote in favor.

III. MINUTES OF PREVIOUS MEETINGS.

The reading of the Minutes were waived. They will be done at the next regular meeting.

IV. REPORT OF OFFICERS.

V. OLD BUSINESS.

Frank Salvo - Map 41, Lot 25 Mr. Salvo would like to build a new 45' x 30' home and later remove the existing camp, and to add two (2) new decks measuring 10' x 20' and 10' x 14' towards the water line on his waterfront property. (See previous Minutes of August 24, 2000.)

Everett and Roland indicated that they went to the property and performed an on site, checking the measurements, etc.

There was much discussion including the question of why the new plans have the building closer to the water, what the right-of-way, if any, was and why the old structure will remain until after the proposed one is built. Mr. Salvo indicated that the bank would not allow him to tear the old structure down as he has a mortgage on it. He also indicated that he was trying to get the sidelines of the property in conformance but was actually moving closer to the water. Roland indicated that he may need a variance from the ZBA.

After some discussion, Tim made a Motion to deny Mr. Salvo's request under Section 7.01(2)(B)(c)(3) of the Waterboro Zoning Ordinance as it increases the non-conformance of the property. Everett seconded. The Motion carries with a vote of 3-0-0 in favor of denying the request.

Jean Moreau - Map 11 Lot 29A Mr. Moreau returns to request a permit to build a 24' x 24' shed to store his pop-up and snow blower. The shed will be 46' from the swamp area. (See Minutes of August 24, 2000 and September 13, 2000.)

At the last meeting it was decided to send the Code Enforcement Officer to Mr. Moreau's property to measure all buildings within the shoreland and to report his findings to the Board, however, the Code Officer had not had a chance to do so prior to this meeting. Mr. Moreau did bring a list of the measurements of the building with him.

Sue asked where the septic is located and indicated that the Code Officer would have to check on that as well since Mr. Moreau has plans to put the shed on a cement slab. The Code Officer will be going to Mr. Moreau's prior to the next regular meeting.

There was discussion on the issue of the trailer which is currently on the property and whether or not that can be used in determining the 30% expansion as there is no permit for it and it is not grandfathered any longer.

Everett made a Motion to send this to the Town Attorney for clarification of whether the trailer could be used in the determining the 30% expansion allowed. Tim seconded. Motion carries a 3-0-0 vote in favor.

Discussion of Gravel Pits - Because there would not be a quorum (as Everett abstains from voting on issues related to the gravel pits), issues regarding the gravel pit could not be discussed. There was, however, a brief discussion on whether the plans should be submitted to an engineer. In addition, Roland read the Extraction

**Planning Board
Regular Meeting
September 28, 2000
Page Four**

Ordinance as well as an article which he received from the State regarding gravel pits. It was suggested that we get a copy of the "Maine Erosion and Sediment Control, On Commercial, Industrial, Residential, Recreation, and Government Construction Sites Environmental Quality Handbook", dated June 1974 from the Maine Soil and Water Conservation Commission.

VI. COMMUNICATIONS.

The Board has taken the communications from Eaton Traffic Engineering to review. They will discuss this at the next meeting.

No other communications were discussed at this time.

VII. MISCELLANEOUS.

VIII. NEW BUSINESS.

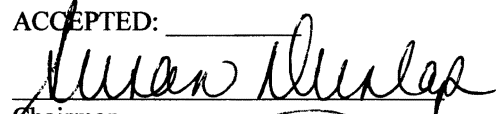
IX. ADJOURNMENT.

Roland made a motion and Everett seconded to adjourn the meeting at 10:18 p.m. Motion carries a 3-0-0 vote in favor.

Respectfully submitted,

Dwayne Woodsome,
Secretary/Treasurer
Planning Board

ACCEPTED: _____


Chairman

