

PLANNING BOARD

Town of Waterboro

Planning Board Minutes
March 14, 2001

ROLL CALL

Doug Foglio calls the meeting to order at 7:30 noting attendance of Dwayne Woodsome, Tim Neill, Todd Morey, Roland Denby and Everett Whitten. Bob Gobeil was also present.

APPOINTMENTS

7:30 Kevin and Elwyn Owen - Site Plan application for a Rest/Café I on Map 19 Lot 23

Kevin Owen explains the project. They want to tear down the building where the mustangs country store is now and add on to the building where the video store is to make it a Restaurant/Café. Kevin states in his opinion this would spruce up that corner.

Doug asks Kevin if he has been in contact with DOT. Kevin has the permits from DOT to enter onto West Road.

Todd Morey asks about the portion of the pavement that appears to be in the stream protection zone. Todd states that pavement would have to come out of that zone. This would eliminate 12 parking spaces.

Doug Foglio states he has a concern that they are proposing to tear down one of the last original buildings left in South Waterboro Village that survived the '47 fire.

Doug adds that in addition to site plan review the Owen's will have to apply for a conditional use permit. Kevin disagrees stating that he discussed this with Jim Webster and they are applying for a Rest/Café I which his project falls within those guidelines. They are under 1000 square feet of retail space and using under a 1000 gallons of water per day.

Doug says there is only one bathroom on this plan. Kevin states that is all that is intended. Doug asks how many tables are in this proposal. Kevin states the plan is to supply 60 chairs.

Roland Denby asks if he plans to be on the public water system. Kevin states yes.

Doug asks how many employees and the answer is 5.

Based on that information there would need to be 22 parking spaces provided. Todd asks if there is any handicap parking provided. Kevin answers two spaces on each side of the door.

Doug states that measurements need to be taken as to whether they are 100' away from Hamilton Brook. Kevin states that the drainage from that lot does not drain towards the brook, it drains towards the road.

Doug states that without a complete set of plans that would have elevation contours, the Board has no way to determine this. Doug adds there should be grades on the parking lot, and there should be

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some type of contaminant drainage. They can't tell any of this from the map. There is storm drainage on the other side of the street but that belongs to DOT and you can't tie into it.

Doug states they need more information on this map. Doug lists the site plan requirements that are lacking on this plan. Doug states that 1 foot contours will be required on this plan.

There is discussion about the septic system variance application and permit. Doug states that he has concerns about this permit. The application states it is for a building that is going to be torn down and

that the video store will remain on the existing system. The first line of the approval calls this a replacement system for a use that he is not applying for. Dwayne Woodsome states that this would have to be revised.

Doug states that the application states the design flow for this system will be 1,350 gallons per day which puts this in the 40,000 square foot category not the 20,000. This would mean this project would need conditional use review. Kevin states that in the back of that application is the waterflow calculations. The system is designed for that amount of flow but will not be using over 900 gallons total waterflow per day.

Doug asks if Kevin has had a nitrate study done yet. No.

It is decided to turn these plans back to the Code Enforcement Officer for review and insuring that all the required information is provided prior to the application being reviewed by the Planning Board again. Prior to the next meeting the applicant will notify all abutters of this meeting by registered mail as is requirement by the Site Plan Review Ordinance. At the time that a complete set of plans is obtained a public hearing will be scheduled.

Doug states that he thinks that the Historical Society should be made aware of this application and see if they have any objections to this building being torn down.

8:00 Cal Knudsen - Sketch Plan application for Bartlett Pines II for 7 lot subdivision on Map 5 Lot 31 This is a 27 acre parcel split into 7 lots in the AR zone off Deering Ridge Road. Dwayne Woodsome asks Cal about the request at the last meeting to deed the 10' buffer strip to the 50' road. Cal explains that under the requirements of the subdivision regulations this change would have to be approved by all property owners in the subdivision and not all of them will agree to this change. So he has come in with a new sketch plan providing a 50' right of way across the 10' strip of land. Cal owns the 50' road and the 10' buffer strip and the abutting lot. Cal intends to loop the road back onto Deering Ridge Road with the other end of the loop coming out in Lyman. Cal brings a section of his Declaration of Road Easement to the Board's attention. On Page 3 paragraph 9 it states " The landowner recognizes that additional landowners will be added hereto in the future due to development of properties that may be accessed by the subject right of way." Cal also presented to the Board a copy of a recorded deed that makes specific reference to the Declaration of Road Maintenance Easement.

Doug asks, if it is permissible to deed across the 10' buffer strip to give access to the road, why would it not be legal to deed access across it for driveways to the abutting subdivision to have right of way to the road. Doug requests a written statement from Cal's attorney why it is legal to create the 50' right of way across the 10' buffer strip. The intention is to have the town attorney review this opinion.

Doug asks about the back lot #7 that appears to have no road frontage. Cal states that he intended to create this nonbuildable lot until such a time as the road coming in from Lyman gives it road frontage. Doug states that the Planning Board cannot approve a subdivision that creates a lot with no ingress or egress. Doug adds that because this portion of the subdivision involves splitting town lines between Lyman and Waterboro that a copy of these plans will be forwarded to the Lyman Planning Board for their information.

At this time the Pre-application check list is performed. After determining that the necessary information is provided on the sketch plan Dwayne Woodsome made the motion to accept the sketch plan as presented. Roland Denby seconds. Motion carries with a unanimous vote in favor.

Cal asks two questions of the Board. 1. The road requirement is a 90 degree angle at the intersection. Doug adds, yes plus or minus 10 degree radiuses. The radiuses must be shown. 2. The intention is to pave this road and at what width would be required. The road must be paved 20' wide with 3' shoulders.

9:00 Lucien Frechette - Setback reduction on Map 29 Lot 28 Mr. Frechette explains that he wishes to tear down his existing 20 x 16 garage and construct 24 x 40 2 car garage on the same spot. His application asks for a workshop area and on the 2nd floor to have a great room, a weight room, a bathroom and a kitchen area. There is discussion as to whether this would be considered an apartment. Mr. Frechette states that he has no intention of using this as an apartment. This is an undersized lot of record and is not in the shoreland zone so section 2.08 applies to this request. Doug asks if the lot has been surveyed. It has not. Doug states that any time that a request has been made to go within 10' of the property line the Planning Board has required a letter from the abutting property owner agreeing to the application. Mr. Frechette disagrees this is necessary because he is not going any closer than his garage is now. Doug states he is going from 16' to 40' long and that is why it should be required.

Dwayne Woodsome made the motion to table this application until an onsite visit can be performed and bring this application back under old business at that time. Todd Morey seconds. Motion carries with a unanimous vote in favor.

9:30 Tom Soule - Site Plan phase II for East Waterboro Mini Storage on Map 5 Lot 35A Tom Soule and a representative from Land Use Consultants to present Phase II of his application for storage units. Tom would like to move forward with Phase II now and doesn't intend to construct Phase III for several years. Tom is under the impression that the whole site plan was approved based on DEP approval. Doug refers to the minutes of April 14, 1999 where it states the approval was for Phase I only with Phase II and III subject to Planning Board and DEP approval. Doug states that the Board has not been provided a copy of the stormwater management

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plan and under the site plan requirements a copy for each member of the board and one for the file must be provided.

There is much discussion regarding the natural drainage of this property. There is a 94 grade that runs right through the property that is the natural drain for all the properties on the left side of this lot. Doug states that one thing that was discussed in phase I of this project was that this would not be below the grade of Route 202 and it is. Doug adds that it is this Board's responsibility to look at the affect of a project to abutting properties. The concern is that this project will block the natural flow of drainage in that area.

The representative from Land Use Consultants states that she feels the water will drain to the detention pond. Doug disagrees stating that to get to that detention pond the water would have to run uphill according to the grades shown on this plan. Doug adds that he does not believe that it is legal to block a natural drainage flow. Dwayne Woodsome adds that all the water from this area drains into Cook's Brook.

Doug states that under site plan review ordinance we have the option to send this stormwater management plan out for peer review. Someone who is not a member of this board to confirm or deny the Board's concerns. Roland states that DEP has reviewed this and has approved of their plan. Doug states yes, but he questions whether DEP took into consideration the abutting properties in their approval.

Tom Soule asks if he puts a culvert in where the 94' grade is to keep the natural drain flowing through there would the Board be satisfied with that. The representative from Land Use Consultants asks if they ditch this along the left side of the project and drain that into another detention pond would that work?

Doug states that this should be sent for a peer review so that the Board's concerns can be addressed. Todd Morey agrees that there should be a peer review. Doug adds that there will be another public hearing required.

Todd Morey made the motion to send the stormwater management plan out to peer review and to schedule a public hearing for April 11th and we will bring this back under old business for final review on the same night. Dwayne Woodsome seconds the motion. Motion carries with a unanimous vote in favor. Doug adds that we will try to get this done as quickly as possible.

III MINUTES OF PREVIOUS MEETINGS

Roland Denby doesn't like the wording that states that the 30% expansion will be reviewed by someone certified, in the minutes of Feb. 22. He thinks it should state that the applicant will provide that information by someone qualified to do so.

Dwayne Woodsome made the motion to approve the minutes of February 22, 2001 with that change. Todd Morey seconds the motion. Motion carries with a unanimous vote in favor.

IV REPORT OF OFFICERS

Dwayne Woodsome reported that he approved the purchase of one file cabinet for the Planning Board.

V OLD BUSINESS

The letter from Ken Cole regarding dead end roads is discussed. Doug states that it is clear that there are options for the property owner to do something different than create an extension of a dead end. They could create a horse shoe road like Mr. Knudsen is proposing on his application. Todd states that this letter from Ken is really unclear as to what he suggests. It simply states it is up to the Planning Board.

VI COMMUNICATIONS

Doug Foglio brings up the letter from Rich Baker and would like to write a letter to him as the Chairman. Doug made the motion for the Planning Board to allow him to write a letter to Richard Baker of Maine DEP to tell him that if the state is going to mandate the town to review their guidelines and there is an expense incurred then the state should be reimbursing the town for that. Everett Whitten seconds the motion. Motion carries with a vote of 3-1-0 with Todd Morey opposing.

VII MISCELLANEOUS

VIII NEW BUSINESS

IX ADJOURNMENT

Todd Morey made the motion to adjourn at 10:45. Tim Neill seconds. Motion carries with a unanimous vote in favor.

Approved: 4/11/01

