

Town of Waterboro

Planning Board Meeting Minutes July 26, 2001

I. ROLL CALL

Susan Dunlap calls the meeting to order at 7:45 p.m., noting attendance of Todd Morey, Everett Whitten, Dwayne Woodsome, and Tim Neill. Attending from the public: Andrew and Gail Woodsome.

II. APPOINTMENTS

Susan Dunlap reported that the Planning Board attended a site walk at the Myron Ederly site plan on Route 202 and that Everett Parker Sr. and Jr. both attended the site walk as well. They walked all the way through to the back of the property with the abutters to look at their water concerns.

Communications:

1. Susan notes letter from Natalie Burns clarifying the conditional use question on the review of the grandfathered gravel pits. Sue asks Patti to put a copy of this letter in each pit folder.
2. Susan notes the letter from Ken Cole's office informing the board about new amendments to state subdivision law.

7:45 Roy Russell for renewal of his Conditional use permit on Map 48 Lot 4.

Findings of Fact:

- The name of the applicant is Roy Russell.
- Mailing address 40 Cottage St.
- City or Town Cambridge
- State of Massachusetts 02139
- Telephone 617-808-5114
- The owner of the property Robin Chase and Roy Russell.
- The property is located at Blueberry Road.
- The Zoning District is Agriculture / Residential and also falls within the shoreland zone.
- The property is designated as Tax Map 48 Lot 4 on the Assessor's maps.
- The applicant is Roy Russell and who has provided a copy of a deed.
- A complete application was received July 25, 2001 and fee of \$50.00 paid at that time.
- The applicant has proposed the rebuild existing cottage.
- The applicant applied for and received a permit by rule from Maine DEP on July 10, 2001.
- The applicant received a letter from James Webster on June 30, 2001 mailed by certified letter (return receipt # 7099 3400 0016 6507 9417) issuing a stop work order. The reason for the order was due to the building permit expiring and the conditional use permit expiring. There was also an issue that a requirement of the conditional use permit issued on August 7, 2001 was violated. The existing deck was to remain on the property and this has been removed as shown to the board by picture take by James Webster on June 27, 2001.
- The camp has been torn down and there is nothing existing on this site at this time.

- There is discussion about the second survey needed as per the original conditional use permit. The board would like the second survey performed after the completion of the building.
- There is discussion regarding why the permits expired and what is meant by actual construction. The applicant did not understand that actual construction meant at least the foundation work. There has been no construction as of this date. The only work done is the removal of the existing structures and groundwork preparing for the foundation. The board agreed that they would say actual construction was preparing to pour the foundation at the least. The Board added that this is really up to the interpretation of the code enforcement officer.

Dwayne Woodsome made the motion pursuant to sections 2.03, 4.01 and 7-2-B-3 on July 26, 2001 to approve the renewal of the Conditional Use Permit application of Roy Russell to rebuild the camp with the following conditions:

1. Expand up to 1088 sq. ft. using the total 30% allowable square feet expansion.
2. No part of the structure may be closer than 50' to the high water mark of the shoreland.
3. The sideline setback on one side no closer than 10' and the sideline on the other side no closer than 25'.
4. The frontyard setback to be no less than 45' from the road.
5. Submit a stamped as-built survey performed by a certified engineer at the completion of the construction to the Code enforcement officer insuring that all setbacks have been met.
6. Provide an HHE200 and have a suitable septic system installed.
7. All other setbacks to be met.

Everett Whitten seconds the motion. Motion carries with a unanimous vote in favor.

8:00 p.m. Kate Donovan with American Tower Conditional Use application on map 13 Lot 44-2. Dwayne Woodsome is abstaining from voting on this project. Kate Donovan gives an explanation about the why they chose this spot to put a communications tower. The goal is to provide seamless coverage. This is a large piece of property so will hide the intrusiveness of the tower as best possible. American Tower has already received a height variance from the Zoning Board of Appeals. They have notified abutters of tonight's meeting.

Susan Dunlap asks if they are leasing the property? Kate replies yes. Susan states that the board had a concern on a previous tower about the leasing of less than a minimum size lot in that zone. In this case the minimum lot size is 80,000 sq. ft. Susan adds that the board does not want to support the possibility of creating a non-conforming lot. The Right of way area can be included in the lot.

Susan states that the board will need to see the lease agreement showing that American Tower has authority from the property owners, Andrew and Gail Woodsome, describing the 80,000 sq. ft. lot.

Tim Neill stated that the board would like the lot to be large enough to cover the fall zone of the tower. The board informs Kate that the lot should encompass at least a 190' radius in the total 80,000 sq. ft. to cover the fall zone.

Susan Dunlap asks how much of the tower will be visible to the public and if a balloon photo has been done? Kate Donovan will supply a sketch of a balloon photo with locations marked for a 2-mile radius of the site.

Susan Dunlap states that Conditional Use permits require a public hearing. The public hearing is scheduled for August 8, 2001 at 8 p.m.

Bob Gobeil asks if the tower has to be lighted. Kate Donovan replies that they have done a flight determination with the FAA and they do not have to light the tower.

There is discussion regarding fencing the compound. Todd Morey asks Kate to get in touch with DEP and request whether this project requires DEP review and provide that documentation to the board.

Kate informs the Board that SHPO , State Historical Preservation Organization is reviewing this plan and the NEPA, National Environmental Protection Agency is reviewing this plan as well. The FCC will not allow this project to move forward until this plan complies with those guidelines.

The Woodsomes have already gotten a state entrance permit for the access road that has been on this property.

9:00 p.m. Dana Morton (project engineer) and Bill Brockman (SAD 57) with applications for Conditional Use Permits for three portable trailers for the school district. The first one reviewed was for a temporary portable classroom at Massabesic High School.

Findings of Fact:

- The name of the applicant is Dana Morton project engineer and Bill Brockman from SAD 57.
- Mailing address PO Box 499
- Town of Waterboro
- State of Maine 04087
- Telephone 324-3222
- The owner of the property is MSAD 57.
- The property is located at West Road.
- The Zoning District is Village.
- The property is designated as Tax Map 1 Lot 39/40 on the Assessor's maps.
- The applicant is Dana Morton and Bill Brockman who are acting on behalf of MSAD 57.
- A complete application was received May 31, 2001 and fee of \$50.00 paid at that time.
- The applicant has proposed place a temporary portable classroom.
- Applicant explains that the portable will be placed 20' from the building on existing pavement.
- This unit will be connected to the existing septic system.
- Applicant provides an email from Jay Hardcastle, from State of Maine DHS, who recommends to hook into the system and to monitor the water meter readings to see if the use exceeds the systems design capacity.
- Applicant provides a notice from the Maine Department of Public safety Fire Licensing stating the permits will be issued for the portable units.
- Applicant provides a letter from the local fire chief stating the portables are acceptable.

- The unit has heat and air installed.
- The unit has bathroom facilities.

Todd Morey asks what is meant in the proposal by funding for construction for a new facility is pending and this overloading situation will go away soon. Dana Morton explains that Fred Bechard made application for funding and they are hoping that SAD 57 is at the top of the list. Todd asks how optimistic are they that they are going to get this funding so this is not an ongoing situation of placing portable classrooms. Bill Brockman states they are optimistic that they won't get bumped off the list this year. Bill adds that if the district gets funding for a middle school, that the Jr. High will become another elementary school and will also be used for additional administration offices.

Dwayne Woodsome made the motion pursuant to sections 2.03, 4.01 and 4.05 of the Waterboro Zoning Ordinance on July 26, 2001 to approve the application for a Conditional use permit to place one temporary portable classroom at Massabesic High School with the following conditions:

1. Unit must be hooked up to existing septic system as per plans.
2. This conditional use permit expires in five (5) years when the lease for this unit expires and to be reviewed and inspected by the Code Enforcement officer at that time.
3. This temporary classroom is to be numbered and reported to the Waterboro Fire Department.
4. This unit to be hooked into the school fire and alarm system.

Everett Whitten seconds the motion. Motion carries with a unanimous vote in favor.

The second application reviewed is for the temporary portable classroom at the elementary school.

Findings of Fact:

- The name of the applicant is Dana Morton project engineer and Bill Brockman from SAD 57.
- Mailing address PO Box 499
- Town of Waterboro
- State of Maine 04087
- Telephone 324-3222
- The owner of the property is MSAD 57.
- The property is located at Route 5.
- The Zoning District is Village.
- The property is designated as Tax Map 7 Lot 80A on the Assessor's maps.
- The applicant is Dana Morton and Bill Brockman who are acting on behalf of MSAD 57.
- A complete application was received May 31, 2001 and fee of \$50.00 paid at that time.
- The applicant has proposed place a temporary portable classroom.
- The applicant provides an HHE200 for the septic system that is proposed to be installed and this will be forwarded to the code enforcement officer.
- The unit will be placed to the front of the building and a paved walkway will be installed to the school with a fence to keep the children out of the bus lane.

- Applicant provides a notice from the Maine Department of Public safety Fire Licensing stating the permits will be issued for the portable units.
- Applicant provides a letter from the local fire chief stating the portables are acceptable.
- The unit has heat and air installed.
- The unit has bathroom facilities.

Dwayne Woodsome made the motion pursuant to sections 2.03, 4.01 and 4.05 of the Waterboro Zoning Ordinance on July 26, 2001 to approve the application for a Conditional use permit to place one temporary portable classroom at Waterboro Elementary School with the following conditions:

5. Septic system to be installed and unit hooked up to as per plans.
6. This conditional use permit expires in five (5) years when the lease for this unit expires and to be reviewed and inspected by the code enforcement officer at that time.
7. This temporary classroom is to be numbered and reported to be kept on file with the Waterboro Fire Department.
8. This unit to be hooked into the school fire and alarm system.

Tim Neill seconded the motion. Motion carries with a unanimous vote in favor.

Dwayne Woodsome made the request to Bill Brockman that the principal of that school put the older kids in the portables.

The Special Education Office Portable unit is reviewed last. Dana Morton explains that this portable is for added administration space only. This portable does not have a bathroom because the existing space exceeds the minimum requirements. The number of people is not changing this is just to expand the space. Dana provides a letter from the State Fire Marshall. The board informs the applicants that they will have to coordinate with the code enforcement officer on fire protection. There are no classrooms in this unit. Bill Brockman explains that the special ed. Program must provide private consultation areas in order to gain access to the Medicaid program. Currently consultations are done in an open area. This unit is to provide space for social workers to have private area. Susan asks is this is to be a permanent building. Dana Morton replies that this is meant to be temporary. Dana Morton adds that when they get funding from the state this whole complex will change. Bill Brockman states that all the windows are egress windows.

Dana Morton reports that a new irrigation system was installed for the athletic fields and that the well has more than adequate capacity and that the water has passed all water tests.

Dwayne Woodsome states that he would suggest putting a time limit on the conditional use permit. Bill Brockman states that this is a six-year lease.

Susan Dunlap questions whether this unit needs a conditional use permit because it is not a classroom.

Patti will check with Jim Webster to see if this unit requires a conditional use permit and if it does it will be brought back to the board under old business on August 8. Dana would not have to attend because the board has already reviewed the application.

III. MINUTES OF PREVIOUS MEETINGS

Dwayne Woodsome made the motion to approve the June 28, 2001 minutes as written. Everett Whitten seconds the motion. Motion carries with a vote of 3-0-1 with Todd Morey abstaining because he was not in attendance of this meeting.

Everett Whitten made the motion to approve the July 11, 2001 minutes as written. Tim Neill seconds the motion. Motion carries with a vote of 3-0-1 with Todd Morey abstaining because he was not in attendance of this meeting.

The public hearing minutes for July 16 were noted as being complete but do not need approval.

IV. REPORT OF OFFICERS

Dwayne Woodsome reports that the Selectmen gave the secretary an increase in her hourly rate. Dwayne adds that he feels the selectmen should check with the board prior to granting increases to insure that the budget will support the increase.

Dwayne Woodsome as treasurer reports that we are into the new fiscal year on our budget and that the consulting and legal fees were carried forward into this new year but everything else was rolled over into surplus. Dwayne reminds the board that they will begin to see their increase in their next quarterly payroll.

V. OLD BUSINESS

1. James Keenan representing Saco Valley Credit Union and various members of the credit union are present for final approval of their site plan application. James K. submitted a letter requesting a waiver of the hydro-geological study. Dwayne Woodsome made the motion to grant the waiver based on the fact that the building will be on town water and they are installing an adequate private septic system. Tim Neill seconds the motion. Motion carries with a vote of 3-0-1 with Todd Morey abstaining, as he did not attend the meetings where this project was reviewed. James Keenan reviews the revised lighting plan showing that the lighting will not shine on abutting properties. James K. provided information in the signs as requested by the board. The checklist is reviewed and the two items that the board requested, being the lighting plan and the signs were deemed satisfactory. Tim Neill made the motion to approve the final plan of Saco Valley Credit Union. Everett Whitten seconds the motion. Motion carries with a vote of 3-0-1 with Todd Morey abstaining.
2. Discussed the Avery/ Star Subdivision application. The board hadn't voted to approve the sketch plan at their last meeting. Susan Dunlap feels that the board needs more discussion regarding those lots that were already created. Todd Morey states that the first thing the board should do is deal with the illegal subdivision. Dwayne Woodsome suggest we invite the developer to the workshop next week. Dwayne Woodsome made a motion to invite the Avery Star subdivision developers to the workshop next week and to limit the applicants both to one hour. Everett Whitten seconds. Motion carries with a unanimous vote in favor.
3. Dwayne brings up whether the board should advertise the Cote workshop next week where they had told the public that all future meetings would be advertised. Todd agrees that as a courtesy this should be advertised. Dwayne Woodsome made the motion to run an ad in the smart shopper that the board is holding a workshop with Mr. Cote on his

application for Meadowbrook Subdivision. Todd Morey seconds the motion. Motion carries with a unanimous vote in favor.

4. Discussed a request by Cal Knudsen to amend Bartlett Pines Subdivision. The board told Patti to inform Cal that he had to submit an application for amendment and provide written documentation that the property owners in that subdivision agree to the change.

VIII. NEW BUSINESS

Dwayne Woodsome brought up a discussion about the list of lots that are going up for auction in August. He could not make the meeting that the selectmen invited the planning board to attend. Dwayne points out a section of lots that the town property committee had agreed would be set aside for a ballfield, and a section of lots that did not have public water supply. It is agreed to send a request to the selectmen to remove those lots from the auction list.

IX. ADJOURNMENT

Everett Whitten made the motion to adjourn at 10:50. Todd Morey seconds the motion. Meeting is adjourned.

Approval Date: 9/27/01

<u>Roland E. Derby</u>	<u>Neil J. J. J.</u>
<u>Everett Whitten</u>	<u>Neil J. J. J.</u>
<u>Luan Dunlap</u>	<u>Emm Hall</u>
<u>Dwayne Woodsome</u>	