

PLANNING BOARD

Town of Waterboro

Meeting Minutes
September 27, 2001

I. ROLL CALL

Susan Dunlap called the meeting to order at 7:30 p.m. noting attendance of Roland Denby, Tim Neill, Ken Danforth, Everett Whitten, Todd Morey. Dwayne Woodsome enters the meeting at 8:15 p.m.

II. APPOINTMENTS

Election of Officers. The board decided to follow the by-laws of the Planning Board which states that the annual elections are held in April and that the board can at any time vote to fill vacancies. The Chairmanship is vacant and Tim Neill nominates Susan Dunlap for Chairman. The vote is unanimous in favor. Susan Dunlap nominates Todd Morey for Vice Chairman. The vote is unanimous in favor. All other officers remain the same until the annual election in April.

Waterways project Map 22 Lot 4B for final approval of site plan application for a Car Wash / Lube Shop / Coffee Shop. Susan Dunlap begins this discussion with a review of the attorney's opinion regarding whether pavement is a structure according to the Waterboro Zoning Ordinance. Ken Cole advised the board that his interpretation was that pavement is a structure according to Waterboro's ordinance and as such should have to meet the required setbacks of each zone. Although driveway entrances should not be considered as structure and should not have to meet setbacks. Steve Stearns stated that he disagrees that pavement is a structure and gives the board a letter giving examples where the planning board has historically not considered the paved parking area as a structure and was not made to meet setbacks. Tim Neill suggested that we go forward with this project as we have historically considered parking areas and to consider changing the ordinance to be more specific, and this be the last project that the planning board allows parking in the setback until the ordinance is more specific. Susan Dunlap adds that if we do this it is the board's responsibility to inform all applicants that pavement will be considered as a structure.

Tim Neill made the motion that in the case of the Waterways site plan application the board will allow the parking area not to be subject to setback requirements and that upon advice of the town attorney, from this day forward pavement will be considered a structure. The definition of structure will be reviewed by the board and clarified and brought to town meeting for approval. Ken Danforth seconded. Motion carries with a vote of 4-1 with Todd Morey opposing.

Susan Dunlap discusses sending the wastewater system to peer review. Susan points out that a previous meeting the applicant was informed that the waste water system would be sent out to peer review. Patti has sent the information to Sebago Technics for an estimate for the applicant's approval. Steve Stearns states that he reviewed the minutes and this was a statement made by the chairman that the waste water system would go to peer

review and it was not by a vote of the board. Francis Wood states that the project has received final approval from DEP and presents the board with the license. Steve Stearns states that the DEP review is similar to a peer review because it is reviewed by hydro geologists at DEP and the project would not receive a license unless it met the criteria. Francis Wood explains that this DEP license requires strict monitoring for the first 18 months of the project, and then may be reduced to once per quarter upon request of the licensee unless DEP finds that more frequent monitoring is warranted based on the initial 18 months of data from the operation of the system. The licensee shall monitor and report perimeters monthly during the first three months of operation. After the initial three months the frequency of monitoring may be reduced at the request of the licensee to once per quarter unless the DEP finds more frequent monitoring is warranted.

Susan Dunlap notes that in the DEP waste discharge license it states that the State of Maine has advertised this application in local papers for public comment and they did not receive substantive comment.

There was discussion regarding the right of way width of Hamilton Road. The survey from Cornerpost Land Surveyors was reviewed and on Note #4 it states that there was no record of Hamilton Road and it is assumed to be three rods wide.

The plans submitted for tonight's meeting were reviewed. The board had requested the parking spaces to be 200 square feet as is required by the ordinance. Susan informs the applicant that the parking spaces will have to be striped according to section 5.03 of the zoning ordinance. If there is more than one use, the parking requirements for each use are to be combined for the total project. If the number of spaces required by the ordinance is over 10 the ordinance requires the spaces to be marked.

The contractor hired to service the car wash facility explained that he will be responsible to clean the filters twice a month and to monitor the system. The system is called Conserve system. They water will be changed as needed to keep it clean. The Conserve system purifies the water with an ozonation system which removes material out of the water before discharging it.

Based on the fact that the applicant has supplied the board with all of the required information, Everett Whitten made the motion to approve the site plan application of Waterways project on map 22 lot 4B contingent upon removing the reference to Laundromat on the title of the plan. Ken Danforth seconds the motion. Motion carries with a vote of 4 in favor and 2 opposed with Todd Morey and Dwayne Woodsome opposing.

Cal Knudsen presents revised preliminary plan for Bartlett Pines Phase II subdivision application on Map 5 Lot 31. Steve Stearns is present to represent the Lyman planning board.

Cal Knudsen states that he intends to amend the plan that the board has before them tonight to state the right of way widths will all be 50' and not the 60' that the plans show now.

Roland Denby asks Cal what his future plans are for lot 6 as it is labeled remaining land of Cal Knudsen. Roland explains that the board has had trouble in the past with people buying property after the fact not realizing that this piece will be subject to the subdivision restrictions. Cal replies that lot 6 will carry the same deed restrictions that run with the rest of the lots. The same deed restrictions will apply to all lots including the Lyman lots.

Dwayne Woodsome asks Cal if he would be opposed to agreeing to no future subdividing of the lots. Cal is not agreeable to that.

There is discussion regarding the road through the subdivision. Steve Stearns states that Lyman may ask Cal for a statement that the road will be private and remain private. Cal states he is requesting a waiver from the dead end length requirement. Steve Stearns asks Cal if there will be a homeowner's association and will they be responsible for road maintenance. Cal answers yes to both.

Steve Stearns brings up a concern about 911 calls. Because the road entrance to the Lyman lots will be through Waterboro. There is no access to the Lyman lots through Lyman. Steve suggests that both fire departments look at this plan and give a recommendation to both boards as to how 911 calls would be handled.

Susan Dunlap asks if another public hearing should be required. Cal states that he doesn't feel Waterboro should require another public hearing because the Waterboro side of this subdivision has not changed since we held the public hearing on this application.

Steve Stearns asks Cal if he has considered splitting this lot right down the town line and applying to each town individually for subdivision approval. Susan explains to Steve that there is a right of way dispute and Cal is trying to acquire clear access to the Lyman side of this parcel so that may not be an option to him at this time.

There is discussion regarding how this plan must be reviewed and approved by Lyman and Waterboro jointly where the lot falls in both towns. Lyman is holding a meeting on October 3 to review this application with Cal. Tim and Susan say they plan to attend this meeting to continue holding joint meetings.

Dwayne Woodsome states that he does not believe that Cal needs a waiver on the dead end. There is discussion regarding this and it is agreed that Cal doesn't need a waiver because the portion of the road in Waterboro is not longer than 600 feet. This will be discussed further with the Lyman board next week.

Cal asks the board if he would need to keep the hammerhead turn at lot 5. The board says yes he does need to keep it.

There are no decisions made on this plan tonight.

III. MINUTES OF PREVIOUS MEETINGS

Todd Morey made the motion to approve the September 12, 2001 minutes. Tim Neill seconded. Motion carries with a unanimous vote in favor. Minutes are signed.

IV. REPORT OF OFFICERS

V. OLD BUSINESS

VI. COMMUNICATIONS

Patti reports that Sebago Technics will meet with the board on October 8 at 7:30.

The Lyman Planning Board sent a notice that they will be meeting with Cal Knudsen regarding the Bartlett Pines Phase II subdivision application the lies in both Lyman and Waterboro. This meeting is scheduled for October 3 at 8 p.m. at the Lyman Town hall. This application has to be voted on jointly between both towns so some Waterboro Planning board members will attend this meeting.

VII. MISCELLANEOUS

VIII. NEW BUSINESS

IX. ADJOURNMENT

Todd Morey made the motion to adjourn at 9:30 p.m. Ken Danforth seconded the motion. Motion carries with a unanimous vote in favor.

Approved Date: 10/10/01

<u>Wayne Woodson</u>	<u>Luana Knudsen</u>
<u>Robert E. Deely</u>	<u>Ken Danforth</u>
<u>Ernest Whitten</u>	<u>Ken Danforth</u>
<u>Tim Neill</u>	