

Town of Waterboro

Planning Board Meeting Minutes December 27, 2001

I. ROLL CALL

Susan Dunlap calls for a motion to officially close the last meeting that was continued from the 12/12/01 meeting and cancelled due to weather conditions. Dwayne Woodsome made the motion to adjourn the 12/12/01 meeting. Roland Denby seconded the motion. Motion carries with a unanimous vote in favor.

Susan Dunlap calls this meeting to order at 7:35 p.m. noting attendance of Tim Neill, Ken Danforth, Dwayne Woodsome, Todd Morey, and Roland Denby. Everett Whitten is absent and excused as he is on vacation.

II. APPOINTMENTS

Kenneth Pierce Map 32 Lot 71H with a Conditional use / setback reduction application to place a mobile home on one of the lots that he owns. Sue reads the findings of fact that were prepared by the secretary prior to the meeting for the record as follows:

Findings of Fact:

1. Original permit application submitted on 8/11/00 to place a mobile on Lot 9 abutting lot 10 of Ossipee Leisure Park Subdivision.
2. Both Lots created in 1969.
3. Lots are in AR zone
4. An addition was placed on the mobile in 1993, which created the encroachment to the line between lots 9 and 10.
5. Applicant purchased adjoining lots on January 31, 1996 (see attached deed book #7950 Page 065)
6. Applicant originally met with board on Sept. 13, 2000 to put a mobile on his property referring to former lot 9. (see attached minutes) Application was withdrawn at this time. No action taken.
7. Applicant met with board on November 8, 2000 to request to place a trailer on the same lot as his existing residence. It was determined that the maps of the original subdivision would have to be researched because it appeared that the addition on the mobile crossed the lot lines between 9 and 10. Applicant was also informed that the zoning ordinance did not allow for two residences on one property.
8. Section 9.05 refers to existing nonconforming lots of record requiring that they be combined.
9. Secretary requested of town attorney Ken Cole on 12/27/01 if there was any provision that lots in an approved subdivision are exempt from the requirement of Section 9.05. Ken stated that our ordinance would have to specifically exempt subdivision lots from this requirement. Ken's opinion was that these two lots became one lot when purchased by the same owner on the same date by the same deed according to the provisions of sect. 9.05.
10. Secretary inquired about LAC lots and why that provision doesn't apply in that case. This has to do with LAC legislation and by-laws incorporated in such.
11. Title 30A §4401 defines a tract or parcel of land as being all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road.
12. A survey from corner post land surveying was provided to show that the mobile does not encroach over the original lot line between the two lots.

There is discussion regarding whether section 9.05 applies to these two lots. Dwayne Woodsome states that if a structure was on lot 10 when they purchased the lot then lot 9 is still buildable.

Todd Morey states that section 9.05 states non-conforming lots in common ownership on the date of enactment of this ordinance become joined. These lots were purchased after 1977.

Ken Pierce states that he thought there was an attorney opinion regarding grandfathering lots in approved subdivisions from the provisions of section 9.05. An opinion from Ken Cole dated Aug. 24, 1999 stating that although our ordinance provides for no specific grandfathering provision, it has been interpreted for 20+ years that approved subdivision lots were not subject to section 9.05.

Roland Denby states the board should require an up to date sketch plan. The survey does not show how close the trailer is to the lot line.

Sue Dunlap asked if the property would have its own well and septic. Mrs. Pierce stated that it would have its own septic but would share a well and she realizes she will have to deed rights to the well in case the lots are ever split.

Sue Dunlap states that the applicants will have to come back for a setback reduction on their lot as well if the board agrees that there are two lots because their trailer will not meet the required setbacks from the property line.

Dwayne Woodsome made the motion to approve the conditional use / setback reduction to place a mobile home on lot 9 pursuant to section 2.08 and based on the attorney opinion dated 8/24/99 from Ken Cole, with the following conditions:

- sideline setbacks of 35'
- frontyard setback from road no closer than 50'
- rear setback no closer than 30' to property line between the two lots
- provide completed plot plan prior to issuance of a building permit.

Tim Neill seconds the motion. Motion carries with a 4 -1-0 vote in favor with Todd Morey opposing.

Sue Dunlap informs the applicants that they must have their surveyor provide on the plan the building envelope as approved by the board tonight on lot 9 prior to getting a building permit. Sue adds that the setbacks of the buildings on lot 10 must be added to the survey and the applicants are to come back to get a setback reduction conditional use for that lot to make it legal.

III. MINUTES OF PREVIOUS MEETING

Tim Neill made the motion to approve the minutes of December 12, 2001 with the addition of the vote to adjourn from tonight's meeting. Todd Morey seconds the motion. Motion carries with a unanimous vote in favor.

IV. REPORT OF OFFICERS

VI. COMMUNICATIONS

Sue Dunlap notes for the record the receipt of the following communications.

1. Notice of decision from the ZBA hearing on 12/19/01 for Saco Valley Credit Union. Sue reported that Tim Neill and she went to the hearing. A height variance was granted to place a cupola at the credit union according to section 8.01 of the Zoning Ordinance.
2. Notice of decision from the ZBA hearing on 12/19/01 for J. Quattrucci. Sue explained that this was an administrative appeal on a stop work order from the CEO who found what he determined

to be a second living unit above a garage when the building permit was issued for storage above the garage. The ZBA upheld the decision of the CEO and instructed the applicant to re-apply for what he is actually building.

3. Sue explained the third hearing where an applicant wanted a frontyard setback variance for a garage and the ZBA is getting advice from the town attorney as to whether the garage could fall under the disability variance. This hearing was tabled until the attorney gets back to the Zoning board.

V. OLD BUSINESS

Dwayne Woodsome made the motion to set up a workshop meeting for January 7 at 7 p.m. to work on zoning changes with a storm date of 1/14 at 7 p.m. Todd Morey Seconds the motion. Motion carries with a unanimous vote in favor. Patti will send a post card as a reminder.

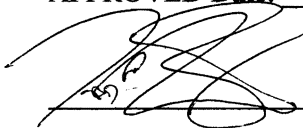
VII. MISCELLANEOUS

VIII. NEW BUSINESS

IX. ADJOURNMENT

Tim Neill made the motion to adjourn the meeting at 9:05 and go into workshop to work on zoning changes. Dwayne Woodsome seconds the motion. Motion carries with a unanimous vote in favor.

APPROVED Date: 1.24.02



Roland & Dery

Tim Neill

