

Town of Waterboro

Planning Board Meeting Minutes February 13, 2002

I. ROLL CALL

Chairman, Susan Dunlap calls the meeting to order at 7:40 p.m. noting attendance of Dwayne Woodsome, Tim Neill, Everett Whitten, Todd Morey and Roland Denby.

II. APPOINTMENTS

7:30 Richard Wasina with a preliminary subdivision application for Woodland Ridge subdivision on Goodwins Mills road on tax map 2 lot 9. Richard Wasina explains this is a 15 lot subdivision application. There are two access drives for the fifteen lots. One common drive serving two lots and a private road to serve the remaining 13 lots. The stormwater drainage will be managed by four level spreaders within 75' of restrictive wooded buffers. There will be a 10,000 gallon water cistern for fire protection. Dwayne Woodsome asks Rich if he wouldn't be better off to hook up to town water by the time he installs a cistern. Rich answers no. The cistern is at the beginning of the subdivision so that the road can be used as the turn around. Sue thinks there would have to be a legal easement to the cistern.

Sue Dunlap asks how the common land will be handled? Rich explains that 1/15th interest will be shared between owners and is noted on the subdivision plan in note #6.

Sue Dunlap explains that the proposed road exceeds the limit of a dead end road and the applicant will need a waiver from the board on the road length. Rich states that he has requested a waiver in his application. Rich adds that he is applying for a longer road as opposed to having more entrances onto Goodwins Mills Road. Sue asks if the road entrance comes out onto a hill? Rich that Goodwins Mills Road is fairly level at the point that the entrance comes out onto it. Sue explains that Rich will have to provide a letter from SAD 57 regarding transportation for school buses.

Rich explains that his plan is being reviewed by DEP. DEP has asked how he is going to handle and manage the restrictive buffers. Rich states that these will be incorporated into the deed restrictions.

Todd Morey asks about the common drive on lots 1 and 2. Todd requested that there be covenants between the two lots stating that it is a shared drive and that the developer installs the first 20 foot apron to secure the driveway location. Dwayne adds that the applicant will have to apply for an entrance permit from DOT where this is a state aid road. Rich agrees to make a notation on the plan regarding the common drive.

A complete current deed of ownership will have to be provided to the town to insure there are no current deed restrictions.

The setback lines on the lots are 50' frontyard, 20' sideline and 35' rear setbacks. Section 8.02 and 8.03 allows the board to reduce the setbacks in cluster subdivisions. Rich states that where this is a cluster he wanted to keep the houses to the front of the lots to minimize the impact on the area. Sue would like to see a note on the plan that agrees to no further subdividing of this parcel. The board was in agreements of the reduced setback requirements.

Rich will provide proposed deed covenants before the next review. The easements for lots 1 and 2 will be amended on the plan. A letter from the post office regarding mail delivery will be provided.

It is decided to send the plan to the road review committee for review and input. Dwayne Woodsome states that before the final plan will be approved the applicant will need to provide the entrance permit from the state.

Rich explains that the road profile plan shows that the road will be 20' wide with 4' shoulders. The detail sheet shows cross section of 3" crushed aggregate and 15" aggregate sub-base.

Rich explains that he plans on having a 25' to 50' greenbelt. Sue states that she would like to see at a minimum 25' greenbelt and for that to be shown on the plan. Todd Morey states that the note on the plan that refers to clearing of existing right of way and obtaining site distance should be more definitive and on the plan.

There is discussion regarding sidewalks. Todd thinks there should be some provision for sidewalks but would like to see the site before discussing this further.

Sue states that under section 8.8 of the subdivision regs. The board has the authority to require a greenbelt and she would like it to show on the plan.

It is requested that the applicant add a statement to the plan that states that driveways 3 and 15 off the private road will be no closer than 100' to Goodwins Mills Road.

The applicant is asked to contact the 911 coordinator to request a road name for the proposed road.

Rich states he is selling the lots to a builder, not developing them himself.

Dwayne Woodsome states that he notices between each lot is drainage and that's why he would like to see town water brought into the development. Todd Morey states he wants to see a full copy of the stormwater run off evaluation.

Rich explains that with the level spreaders with the 75' buffers the stormwater will infiltrate the ground prior to being drained between the lots and there will be restrictive covenants to restrict cutting in the buffer strips.

The developer has retained the right to unrestricted access over a 50' strip between lots 1 and 2 for ingress and egress. See note 15 on the plan.

There will be a homeowners association for maintenance of the road and the level spreaders as noted on the plan in note 12.

There is discussion regarding the applicant providing sufficient information proving that there is adequate room on each lot for a septic design and a well. The applicant will provide that information.

The road length is discussed. Todd Morey made the motion to waive the requirement on dead end roads and allow this proposed road to be up to 1100 feet in length. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

A site walk is scheduled for February 23 at 9 a.m. at the site. A public hearing is scheduled for February 28 at 7:30 p.m. Tim Neill made the motion to send this plan to Southern Maine Regional Planning for peer review. Dwayne Woodsome seconds the motion. Motion carries with a vote of 4-1-0 with Todd Morey voting in opposition.

Dwayne Woodsome made the motion that the cost of this review not exceed \$200 and that the review must be done prior to the 28th. Tim Neill seconds. Motion carries with a unanimous vote in favor.

III. MINUTES OF PREVIOUS MEETINGS

Todd Morey made the motion to approve the January 24 meeting minutes as written. Roland Denby seconds the motion. Motion carries with a 4-0-1 in favor with Dwayne Woodsome abstaining, as he was absent.

IV. REPORT OF OFFICERS

V. OLD BUSINESS

Discussed the proposed all purpose zone. Sue would like it verified that CMP owns the land under the power lines. No decisions were made at this meeting.

VI. COMMUNICATIONS

The following communications were noted and / or reviewed:

1. Letter from SAD 57 to Dwayne Woodsome regarding the subdivision application off West Road.
2. Memo forwarded to the board of selectmen from the developer of Killock Drive asking the selectmen to put a request on the warrant to accept Killock Drive as a town road.
3. Memo from Planning Board secretary to the selectmen forwarding the street design ordinance standards regarding the request to accept Killock Drive as a town road.
4. Noted stop work order from CEO to Salvo.
5. Deadline to submit amendments to zoning to selectmen for town meeting is reported to be March 12.

VII. MISCELLANEOUS

Dwayne Woodsome made the motion to continue this meeting and cancel the workshop that was planned for Monday.

Everett Whitten seconded. Motion carried with a unanimous vote in favor.

Continuation of meeting on February 18, 2002.

Due to a lack of quorum this meeting could not be continued at this time. It was agreed to reschedule this meeting until February 20.

Continuation of meeting on February 20, 2002. Sue called the meeting back to order at 7 p.m. noting attendance of Tim Neill, Roland Denby, Everett Whitten, and Dwayne Woodsome.

V. OLD BUSINESS

Sue notes that all of the items on the agenda were covered except for the proposed zoning amendments.

The proposals were reviewed and voted on as follows:

1. Dwayne Woodsome made the motion to send the following article to the selectmen to request it be placed on the warrant for town meeting. Everett Whitten seconded the motion. Motion carries with a unanimous vote in favor.

ARTICLE: Shall the town of Waterboro vote to amend Article 3 Sections 3.04.02, 3.05.02, 3.06.02, 3.07.02, 3.08.02 to add licensed Day Care facilities and Home Day Care providers as a conditional use in all zoning districts as of April 27, 2002 excluding the (VR) district. All day care facilities shall be required to construct a fence that the Planning Board deems suitable (see Article 4 Sections 4.01, 4.02, 4.03) to enclose the outdoor activity area of the facility. The fence shall be a minimum of 4' in height.

2. Everett Whitten made the motion to send the following article to the selectmen to request it be placed on the warrant for town meeting. Tim Neill seconds. Motion carries with a unanimous vote in favor.

ARTICLE: shall the Town of Waterboro vote to amend Article 14 of the Waterboro Zoning Ordinance to adopt the State of Maine definition of Day Care Facility and Home Day Care Provider as follows:

To read: **Day Care Facility:** A house or other place in which a person maintains or otherwise carries out a regular program, for consideration, for any part of a day providing care and protection for 3 or more children under 13 years of age. Day Care Facility does not include any facility operated as a nursery school, a home day care provider, a summer camp established solely for recreational and educational purposes, or a formal public or private school.

To Read: **Home Day Care Provider:** A person who receives some type of payment to provide child care in his or her own home on a regular basis, for 3 to 12 children under 13 years old, who are not the provider's own children.

3. Everett Whitten made the motion to send the following article to the selectmen to request it be placed on the warrant for town meeting. Tim Neill seconds. Motion carries with a unanimous vote in favor.

ARTICLE: Shall the town vote to amend Article 12 Fees of the Zoning Ordinance

To read:

<u>Conditional Use Review</u>	<u>\$100.00</u>
<u>Site plan review</u>	<u>\$200.00</u>

4. Dwayne Woodsome made the motion to send the following article to the selectmen to request it be placed on the warrant for town meeting. Tim Neill seconds. Motion carries with a unanimous vote in favor.

ARTICLE: Shall the town vote to amend Section 10.08 of the Waterboro Zoning Ordinance to read:

Section 10.08 Judicial Review – A request and hearing for reconsideration may be made to the Zoning Board of Appeals within thirty (30) days from any final order, relief, or denial by an aggrieved party in accordance with 30A MRSA §2691 and 4353 and Maine Civil Procedure , Rule 80B.

An appeal may be taken, within **forty five (45) days** after a Zoning Board of Appeals decision is rendered by an **aggrieved** party to Superior Court from any final order, relief or denial in accordance **with 30-A MRSA §4353 and with Maine Rules of Civil Procedure, Rule 80B.** The hearing before the Superior Court shall be a trial do novo without a jury.

Now reads:

Section 10.08 Judicial Review – An appeal may be taken, within thirty (30) days after a Zoning Board of Appeals decision is rendered by any party to Superior Court from any final order, relief or denial in accordance with Maine Rules of Civil Procedure MRSA tit. 14 (as amended) Rule 80B. The hearing before the Superior Court shall be a trial do novo without a jury.

5. Dwayne Woodsome made the motion to send the following article to the selectmen to request it be placed on the warrant for town meeting. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

ARTICLE: Shall the town of Waterboro vote to amend Article 2 General Provisions Section 2.03 Paragraph 2, Last sentence, to refer to the correct section of the BOCA Code:

To read:

All construction of pools to conform with BOCA Code, Swimming pools Section **421.0**.

Now reads:

All construction of pools to conform with BOCA Code, Swimming pools Section **616.0.**

6. Tim Neill made the motion to send the following article to the selectmen to request it be placed on the warrant for town meeting. Dwayne Woodsome seconds. Motion carries with a 3-1-0 vote in favor with Everett Whitten voting in opposition.

ARTICLE: Shall the town of Waterboro vote to amend Article 2 General Provisions Section 2.04 paragraph 2 to increase the dollar figure as a factor in requiring a building permit.

To read:

Where construction of a permitted accessory structure occupying less than one hundred (100) square ft. of ground or floor space and costing less than one thousand dollars **(\$1,000)** for improvement, or alteration of any existing permitted structure involving less than one hundred (100) sq. ft. of ground or floor space and costing less than **one thousand dollars (\$1,000)** for improvement; where repairs not involving a change in use or in increase in the area of any permitted structure (including accessory structures) are contemplated except when in the Shoreland Zone;

Now reads:

Where construction of a permitted accessory structure occupying less than one hundred (100) square ft. of ground or floor space **and costing less than five hundred dollars (\$500) for improvement**, or alteration of any existing permitted structure involving less than one hundred (100) sq. ft. of ground or floor space **and costing less than five hundred dollars (\$500) for improvement**; where repairs not involving a change in use or in increase in the area of any permitted structure (including accessory structures) are contemplated except when in the Shoreland Zone;

7. Dwayne Woodsome made the motion to send the following article to the selectmen to request it be placed on the warrant for town meeting. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

ARTICLE: Shall the town of Waterboro vote to amend Article 3 Sections 3.04.02 A. 4, 3.05.02 –4, 3.06.02 – 3, 3.07.02 – 3, 3.08.02 – 6 to make reference to section 7.04 performance standards for home occupations in all zones:

To read: Home Occupations in accordance with the performance standards of section 7.04.

Now reads: Home Occupations.

8. Tim Neill made the motion to send the following article to the selectmen to request it be placed on the warrant for town meeting. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

ARTICLE: Shall the town vote to amend the following amendments to correct a clerical error made in the warrant of March 14, 1998 when town meeting approved to add the definitions to Article 3, Sections 3.04, 3.05, 3.06, 3.07, and 3.08.

Explanation of error: On June 5, 1993 town meeting approved the adoption of a chart of uses and removed the definitions of land uses in Section 3. On March 14, 1998 town meeting approved to put the definitions back into Section 3 to go along with the chart. The purpose was to put back what had been removed in 1993 along with any changes made to that section through 1998. The warrant was typed with Section 3 from the 1977 original ordinance. All of the approved town meeting changes to section 3 between 1977 and 1998 were removed due to this clerical error. The intent of this article is to restore the zoning ordinance to what

has been approved by town meeting vote. Only the town meeting approved articles from 1977 through 1998 are listed as they were approved: (Omitting the change on extraction approved on 3/11/89 to avoid conflict with the Extractive Industry and Land Reclamation Ordinance enacted on March 11, 2000.)

9. Dwayne Woodsome made the motion to send the following article to the selectmen to request it be placed on the warrant for town meeting. Tim Neill seconds. Motion carries with a unanimous vote in favor.

ARTICLE: Shall the town vote to amend Article 5 Traffic, Parking and Road Access Section 5.01 third paragraph to read:

All parking and loading areas including areas used for maneuvering and interior circulation, shall be set back at least twenty-five (25) feet from the roadway on which they front; **and will maintain at least a ten (10) foot greenbelt on the side and rear property lines with the planning board having the authority to require the standard setback of the zone under extenuating circumstances.**

Now reads: All parking and loading areas including areas used for maneuvering and interior circulation, shall be set back at least twenty-five (25) feet from the roadway on which they front.

10. Dwayne Woodsome made the motion to send the following article to the selectmen to request it be placed on the warrant for town meeting. Tim Neill seconds. Motion carries with a unanimous vote in favor.

ARTICLE: Shall the town vote to amend Article 14 Definitions by adding the following:

To Read: Greenbelt: For the purpose of these regulations, a "greenbelt" is defined as a strip of land vegetated with grass or other plant life maintained as open green space. Removal of dead trees, mowing of grass and pruning of other vegetation, to the extent appropriate for routine maintenance, are the only cutting permitted within a greenbelt area. The only construction permitted within a greenbelt is that necessarily related to the exercise or use of a utility easement and/or that necessarily related to a driveway. If another means of access to the property other than through the greenbelt is available, construction related to utility easements shall be the only permissible construction within the greenbelt boundaries.

11. Dwayne Woodsome made the motion to send the following article to the selectmen to request it be placed on the warrant for town meeting. Tim Neill seconds. Motion carries with a unanimous vote in favor.

ARTICLE: Shall the town vote to amend Article 3 Zoning Districts by deleting section 3.10 removing the Land Use Chart.

12. Everett Whitten made the motion to send the following article to the selectmen to request it be placed on the warrant for town meeting. Roland Denby seconds. Motion carries with a unanimous vote in favor.

ARTICLE: Shall the town vote to amend Article 2 General Provisions of the Waterboro Zoning Ordinance by add section 2.09 and changing the current wording of Section 2.09 to Section 2.10 and to amend Article 11 Planning Board as follows:

To read: **Site Plan Review - Site Plan Review and Approval by the Planning Board shall be required before issuance of a building permit or certificate of occupancy for any building or structure or any expansion of any building or structure of 1,000 square feet or more: including but not limited to: Office buildings; multi-family residences; shopping centers; mobile home parks; travel trailer parks; and commercial complexes; as provided in the Town of Waterboro Site Plan Review Ordinance Adopted June 28, 1988.**

Site Plan Review and Approval shall not be required:

1. To change a use permitted by the zoning ordinance to another permitted use, in an existing structure, provided;

a. The change does not increase the requirements for off-street parking, as provided by the Zoning Ordinance for the Town of Waterboro; and

b. The floor area devoted to the proposed use is equal to or no less than that devoted to the existing use; and

c. No structural changes are proposed for the existing building; and

d. No changes are proposed for the site on which the existing building is located.

2. For single family dwellings and accessory facilities.

3. For multi-family dwellings of no more than two dwelling units and their accessory facilities.

4. Any development reviewed by Planning Board as a residential subdivision.

Shall the town vote to amend Article 11 Planning Board to add the following bullet:

To Read: Article 11 Planning Board:

Section 11.01 General – In addition to the duties conferred to the Planning Board by the Town of Waterboro acting pursuant to MRSA title 30 § 4961 – 4963 or the Home Rule Powers (see Section 1.01), the provisions of this ordinance impose responsibilities on the Board which are essential to the effective implementation and carrying out of the intent and purpose of the ordinance. These include:

- reviewing and deciding with the Selectmen whether to permit or not allow uses presently not permitted by this ordinance but which are similar in character to uses which are permitted, see section 2.07;
- reviewing and deciding whether to permit or not allow a temporary use and if allowed the extent, scope, and conditions (if any) of the temporary use, see section 2.07;
- reviewing applications for building permits from owners of substandard sized lots to determine what (if any) conditions need to be attached to protect adjacent property owners and the public interest, see section 2.08;
- reviewing and ultimately approving or disapproving applications to commence a conditional use, see Article 4;
- reviewing parking space requirements and parking and loading area design plans, particularly the design of road and driveway intersections in drive-in commercial enterprises and large vehicle loading and parking areas to determine if special safety features are necessary, see sections 5.03 and 5.04;
- reviewing and ultimately approving or disapproving proposed departures from the height requirements of this ordinance necessitated by the unique or special characteristics of the structure, see section 8.01;

- reviewing and ultimately approving or disapproving applications to undertake a planned unit development or cluster development, see sections 8.02 and 8.03;
- reviewing and forwarding a recommendation to the Selectmen as to whether common space and open area which a developer contemplates dedicating to the town as part of a PUD or cluster development proposal should be accepted, see subsection 8.02.03 and section 8.03;
- conducting a joint PUD or cluster development and subdivision review, see subsection 8.02.04 and section 8.03;
- participation in hearings held pursuant to requests for a variance, see section 10.05;
- making recommendations with respect to the issuance of enforcement orders by the selectmen, see section 12.03;
- reviewing and ultimately deciding whether particular developers will be required to post performance bonds to insure compliance with the provisions of this ordinance and the plans, specifications, or conditions upon which required approvals and permits were sought and obtained, see section 12.04;
- reviewing and forwarding a recommendation to the, Selectmen with respect to proposed amendments to this ordinance, see section 13.04;
- commenting and offering recommendations at the hearing which would be required if repeal of this ordinance was sought, see section 13.05;
- Conducting hearings in addition to those which are specifically required to facilitate carrying out any of the above responsibilities, see sections 11.02 and 13.07;
- **Reviewing and ultimately approving or disapproving applications for site plan review, see the Town of Waterboro Site Plan Review Ordinance.**

Now reads: Article 11 Planning Board:

Section 11.01 General – In addition to the duties conferred to the Planning Board by the Town of Waterboro acting pursuant to MRSA title 30 § 4961 – 4963 or the Home Rule Powers (see Section 1.01), the provisions of this ordinance impose responsibilities on the Board which are essential to the effective implementation and carrying out of the intent and purpose of the ordinance. These include:

reviewing and deciding with the Selectmen whether to permit or not allow uses presently not permitted by this ordinance but which are similar in character to uses which are permitted, see section 2.07;

reviewing and deciding whether to permit or not allow a temporary use and if allowed the extent, scope, and conditions (if any) of the temporary use, see section 2.07:

reviewing applications for building permits from owners of substandard sized lots to determine what (if any) conditions need to be attached to protect adjacent property owners and the public interest, see section 2.08:

reviewing and ultimately approving or disapproving applications to commence a conditional use, see Article 4:

reviewing parking space requirements and parking and loading area design plans, particularly the design of road and driveway intersections in drive-in commercial enterprises and large vehicle loading and parking areas to determine if special safety features are necessary, see sections 5.03 and 5.04:

reviewing and ultimately approving or disapproving proposed departures from the height requirements of this ordinance necessitated by the unique or special characteristics of the structure, see section 8.01;

reviewing and ultimately approving or disapproving applications to undertake a planned unit development or cluster development, see sections 8.02 and 8.03;

reviewing and forwarding a recommendation to the Selectmen as to whether common space and open area which a developer contemplates dedicating to the town as part of a PUD or cluster development proposal should be accepted, see subsection 8.02.03 and section 8.03;

conducting a joint PUD or cluster development and subdivision review, see subsection 8.02.04 and section 8.03;

participation in hearings held pursuant to requests for a variance, see section 10.05;

making recommendations with respect to the issuance of enforcement orders by the selectmen, see section 12.03;

reviewing and ultimately deciding whether particular developers will be required to post performance bonds to insure compliance with the provisions of this ordinance and the plans, specifications, or conditions upon which required approvals and permits were sought and obtained, see section 12.04;

reviewing and forwarding a recommendation to the, Selectmen with respect to proposed amendments to this ordinance, see section 13.04;

commenting and offering recommendations at the hearing which would be required if repeal of this ordinance was sought, see section 13.05;

Conducting hearings in addition to those which are specifically required to facilitate carrying out any of the above responsibilities, see sections 11.02 and 13.07:

The proposed subdivision changes were discussed and it is agreed to review the State law and see what changes should be incorporated or if the board can make changes to the ordinance without town meeting approval.

The proposed site plan review changes were reviewed. Dwayne Woodsome made the motion send the following article to the selectmen to request it be placed on the warrant for town meeting. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

As attached:

There is discussion regarding the request from the Conditional use / Primary use committee to the Board of Selectmen for an article on the warrant. Dwayne Woodsome stated that he didn't think the committee finished with the decisions. The chairman was going to check on something with the town attorney and there was never another meeting after that. Tim Neill made the motion to table making a recommendation to the Selectmen until more information is received. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

There is discussion regarding the All purpose zone proposal. Dwayne Woodsome made the motion to change the AR zone to a General Purpose Zone and to exclude three items from the permitted uses and make them conditional uses as follows: Hotels and motels, Gas stations, and indoor recreation facilities. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

There was discussion about where the general purpose zone should be. Dwayne Woodsome made the motion to follow Route 202 in to the pole line to where the old railroad tracks are and out to Route 5 and down Route 202, to exclude the Conservation and Village zones. Roland Denby seconds. Motion carries with a unanimous vote in favor.

VIII. NEW BUSINESS

It is noted for the record that Dwayne Woodsome signed a Saco River pole relocation permit application as a conditional use.

IX. ADJOURNMENT

Dwayne Woodsome made the motion to adjourn the meeting at 9:31 p.m. Roland Denby seconds. Motion carries with a unanimous vote in favor.

APPROVED date: 3/13/02

Dwayne Woodsome

Roland E Denby

Everett Whittle

Ernsty Hill
