

# Town of Waterboro

## Planning Board Minutes

February 28, 2002

Chairman, Susan Dunlap calls the public hearing for Woodland Ridge Subdivision to order at 7:30 p.m. Susan introduces the applicant Richard Wasina who explains the plans for a 15 lot subdivision on Map 2 Lot 9 off the Goodwins Mills Road. There are 5 citizens present from the public.

Rich Wasina explains that there will be a road called Woodland Ridge which will service 13 lots and there will be a shared drive which will service the two remaining lots. This plan was designed as a cluster development to provide for more open space. The developer is not going to build starter homes or mobile homes. The homes will be upscale homes and there will be deed restrictions to insure this.

The developer will install a 10,000 gallon water cistern for fire protection and surrounding community protection at the first lot so that it is accessible to the fire trucks.

The stormwater drainage plan is designed with cross culverts that take run off to level spreaders and then to a 75' buffer strip that will be restricted from cutting so that there is ample opportunity to be absorbed into the ground. The applicant has received a permit by rule for his stormwater management plan from DEP. There is a buffer strip to the rear of the lot where cutting will be restricted.

The floor is opened up for questions at this time.

David Benton, Road Commissioner asks if the developer intends to keep this a dirt road and if the plan is that it will be maintained by the owners.

Rich Wasina states that this road is designed as a private road with a homeowners association that would be responsible for the maintenance. The association could vote in the future to pave the road and request it be accepted as a town road. David Benton states that the road design meets all of the town standards except that it is not a tarred road.

Todd Morey reads the road review committee's recommendations and concerns. The letter states that the committee reviewed the subdivision application and that there were two concerns as follows: 1. the amount of water that could be created to flow through the culvert, and 2. the maintenance of the level spreaders. The committee wants to insure that they should be maintained on an annual basis and that this gets included in the association requirements.

Rich Wasina's response is that the level spreaders and 75' buffer will let the stormwater infiltrate before it would ever get to the culvert. Rich stated that he would add that requirement to the association agreement.

Susan reported that the review came back from Southern Maine Regional Planning.

The public hearing portion of the meeting closed at 7:45.

### I. ROLL CALL

Chairman, Susan Dunlap called the regular meeting to order at 7:46 noting attendance of Dwayne Woodsome, Roland Denby, Everett Whitten and Tim Neill.

### II. APPOINTMENTS

Richard Wasina for preliminary review of the 15 lot subdivision application on Map 2 lot 9 off Goodwins Mills Road. Susan Dunlap reviewed the letter from the road review committee regarding their review of the proposed

road. Sue explained that this application and plans were sent to Southern Maine Regional Planning Commission for review. There is a report from SMRP commission to review as follows:

The report from Kate Albert stated that the plans submitted met the requirements of the Waterboro zoning ordinance but there was no mention of the following review of state criteria:

1. Pollution – This project will not result in undue water or air pollution. Rich Wasina states that he has taken care of water pollution with the buffer zones.
2. Sufficient water supply - A letter from Sweet Associates was provided stating that the water yields are sufficient.
3. Municipal water does not apply as it is not supplied to this area.
4. Erosion and control – Erosion control is shown on the plans sheets numbered 5 and 6.
5. The required letter from York County Soil – Rich had requested a waiver of this requirement in writing on his application and this has not been discussed or voted on yet.
6. Traffic – reference to traffic generation. There will be two entrances onto Goodwins Mills Road. The site distance has to be met according to DOT and this couldn't cause unreasonable congestion. Todd Morey adds that this is below the threshold for a state permit.
7. Sewage disposal – the plan shows that individual septic systems are proposed for these sites.
8. Municipal solid waste disposal – does not apply the town does not provide waste pick up.
9. Aesthetic, cultural and natural values – Rich states that he is preserving the stone walls and allowing for more open space by clustering the building lots and providing green belts.
10. Financial and technical capacity – the board states there is no reference to that in our ordinance.
11. Surface waters – not applicable to this development.
12. Ground water – the level spreaders are provided to let run off absorb into the ground naturally.
13. Flood area – this property is not within the 100 year flood zone.
14. Freshwater wetlands – all the wetlands are depicted on the maps. They are forested wetlands and none of those depicted are wetlands of significance.
15. River stream or brook – does not apply to this application.
16. Stormwater – Rich reports that they've applied for stormwater management permit by rule from DEP and they have already been approved. The town does have a copy of that.
17. Spaghetti lots – do not apply to this development, as it is not in the shoreland.
18. Lake phosphorus concentrations – does not apply.
19. Impact on adjoining municipality – does not apply to this application.

There was a question from the review from SMRP regarding whether a previous split on the main lot would put this development over the threshold for requiring Site Location Development review from DEP. A letter from Alex Wong from Maine DEP was presented to the board stating that this subdivision does not trigger site law review by that department.

The suggestion from SMRP to show the elevation of the hydrant and bollards on the details page of the plan was noted although the board agreed was not necessary.

Rich provided the letter required for mail delivery. He provided a letter with his original submitted from the fire chief. Dave Benton states that the plans show the elevation of the cistern on the detail plan and it refers to it being 36" above grade.

At this time Everett Whitten made the motion to waive the requirements of Erosion control from York county Soil District. Because this has been reviewed by DEP. Roland Denby seconded. Motion carries with a unanimous vote in favor.

At this time the preliminary checklist was reviewed.

All the items except for the following were found to be acceptable:

1. Signature line for the developer and owner.
2. The width of all the roads on the plan.
3. The widths of all easements and setbacks adjusted accordingly.
4. Proposed restrictive covenants.
5. Put a note on the plan to show that drives for lots 3 and 5 must be at least 100' from Goodwins Mills Road.

These items must be provided prior to final plan review.

Tim Neill made the motion to approve the preliminary plan of Woodland Ridge Subdivision. Everett Whitten seconds the motion. Motion carries with a unanimous vote in favor.

At this time the final plan checklist was reviewed. The only thing needed from this list above what is mentioned from the preliminary list for final approval is the DOT road entrance permit from the state of Maine.

8:30 p.m. Norm Labbe representing Lake Arrowhead Community with a request for the planning board to support an article for town meeting to develop a wellhead protection zone for the Lake Arrowhead water supply wellhead. Tim Neill suggested that since the board has met with representatives from Lake Arrowhead in the past regarding this proposal to skip the presentation and get down to business.

Susan Dunlap stated that in the past the board has been over this subject at great length.

Sue adds that the board did not support this before and that had nothing to do with not wanting to protect the water supply. It had to do with the fact that Lake Arrowhead had not notified the abutters that this would affect prior to bringing it to the town. Sue stated that the board felt it was depriving the landowner of their rights to move forward without their being notified. Sue asked Norm Labbe if the abutting property owners have been notified of this meeting tonight.

Norm replies that he is not sure if Lake Arrowhead has notified the abutting property owner. Norm explains the fact that the last time when there was a problem with the board if he recalled correctly is that the mapping of the zone had not been done. Norm has provided accurate mapping for this meeting depicting the zone A and zone B and the watershed areas. The Lake Arrowhead lots that might be affected are already restricted by nature of the community rules. Zone A would affect less than 10% of the abutters land. Zone A is not taking the abutters

rights away. 90% of Zone A is owned by Lake Arrowhead. The abutting lot is 80-acre parcel currently undeveloped. It wouldn't prohibit them from using that area for overall development.

Everett Whitten states that he would be more comfortable hearing from the property owners that would be affected. Sue Dunlap added that this is very last minute to get it included on the warrant.

Norm Labbe states that the wells are already installed, running and serving 1,100 homes and producing about 1/3 million gallons a day.

Sue states that there are only 13 working days to before the warrant has to be printed. There would have to be a public hearing. Sue adds that she would like to see some documentation that the abutting property owner has been notified. This would have to go to the town attorney to be reviewed. The time is running out to get this on the warrant.

Sue asks David Benton chair of the Waterboro Water District if he has anything to add regarding this discussion. David states that the Water District is fine with this and will probably adapt to their wellhead protection zone.

Norm states that the State has a model that it wants water districts to follow to minimize the impact on town ordinances. They have created a zone A which is added to the current wellhead protection zone and items 18-27 were added. Everything else is the same.

Sue states that the town is obligated by law to notify abutting property owners of the public hearing and town meeting. There will be a public informational meeting on March 11 to review the planning board's proposed zoning. The public hearing would be sometime after March 26. The board has been given a deadline of March 13 to submit articles for the warrant. After some discussion Todd Morey made the motion to add this proposed wellhead protection zone to the articles to submit to the board of selectmen for town meeting warrant. Everett Whitten seconded the motion. Motion carried with a unanimous vote in favor.

This meeting was moved and continued in the planning board office.

#### OLD BUSINESS

Dwayne Woodsome made a motion to bring back to the table the amendment to site plan. Roland Denby seconds. Motion carries with a vote of 4-0-1 with Todd Morey abstaining.

There is discussion to clarify section B.4 to add the word residential to... any development reviewed by the planning board as a **residential** subdivision. There is discussion to change the sections in the site plan standards to requirements instead of reasons for denial.

Dwayne Woodsome made the motion to make the above changes and request the selectmen add this article to the warrant. Everett Whitten seconds the motion. Motion carries with a unanimous vote in favor.

The proposed General Purpose Zone is discussed. The following is the end result of this discussion and what will be presented to the board of selectmen for the warrant.

**ARTICLE:** Shall the town vote to amend Article 3 Zoning Districts Section 3.01 to add a General Purpose (GP) Zone for the following map and lot #'s to read:

**Section 3.01 General – For the purpose of this ordinance the Town of Waterboro is divided into the following six (6) zoning districts; a Village district (V); a Village/Residential district (VR); an Agriculture-Residential district (AR); a Forest-Agriculture district (FA); a Conservation district ( C); and a General Purpose district (GP). In addition to these districts, the Town of Waterboro also has two (2) overlay**

**districts; the Shoreland Overlay Districts divided into four (4) sub-districts; Resource protection, Limited Residential, Limited Residential, Limited Commercial and Stream Protection as described in Section 7.01; and the Well-Head Protection Districts divided into three (3) sub-districts; District #1, District #2, and District #3 described in Section 7.06 (Amended 6-3-95, 3-11-00, 6-24-00).**

Now reads:

Section 3.01 General – For the purpose of this ordinance the Town of Waterboro is divided into the following five (5) zoning districts; a Village district (V); a Village/Residential district (VR); an Agriculture-Residential district (AR); a Forest-Agriculture district (FA); and a Conservation district (C). In addition to these districts, the Town of Waterboro also has two (2) overlay districts; the Shoreland Overlay Districts divided into four (4) sub-districts; Resource protection, Limited Residential, Limited Residential, Limited Commercial and Stream Protection as described in Section 7.01; and the Well-Head Protection Districts divided into three (3) sub-districts; District #1, District #2, and District #3 described in Section 7.06 (Amended 6-3-95, 3-11-00, 6-24-00).

**To Read: Section 3.10 General Purpose Zone (GP)**

**The General Purpose (GP) District includes land which at present is generally suited for the development of broad uses including residential, commercial, and industrial. This area is widely served by a public water system and would support commercial development. This area has access to a state road.**

**The minimum lot size in the General Purpose District (GP) is 40,000 sq. ft. depending on the lot being on public water system. If the lot is not on public water the minimum lot size is 80,000 sq. ft. Any lots under 80,000 sq. ft. will be required to be on public water supply. No principal or accessory structure may be placed within thirty-five (35) feet of any side or rear lot line. Such structures must be set back fifty (50) feet from the front lot line. No principal or accessory structure may exceed thirty-five (35) feet in height. See Section 2.06 for minimum lot width and frontage requirements. Abutting properties purchased that do not fall within the General Purpose (GP) District will retain their original zoning requirements.**

**Subsection 3.10.01 Primary Uses and Structures -**

1. **All types of retail shops and service stores (repair shops, barbers, beauticians, cleaners, etc.) fifty thousand (50,000) square feet or less of store area.**
2. **Restaurants, lounges, cafes.**
3. **Bank, insurance, real estate, stock brokerage, general business offices.**
4. **Newspaper, radio, or television offices, studios, facilities.**
5. **Signs not requiring a permit and signs requiring a permit (see Article 6).**
6. **Single through multi-family residences at no greater density than one family unit for each 40,000 sq. ft. in the total parcel being developed.**
7. **Home occupations and professional home offices.**
8. **Police and fire protection facilities.**
9. **Outdoor recreation facilities including ball fields, parks, picnic areas, tennis courts, golf courses and driving ranges.**

10. Churches, public and private schools, and other public buildings or facilities.
11. Professional offices outside of the home (doctor, dentist, lawyer, engineer, accountant, etc.).
12. All types of wholesale, warehouse and bulk storage facilities with 50,000 square feet of area or less.
13. Clubs, lodges, meeting halls.
14. Funeral homes.
15. Hospitals, nursing homes, sanitariums, etc.
16. Single-family camps.
17. Farming, grazing, poultry and livestock raising including farm residences.
18. Forestry.
19. Orchards.
20. Wildlife preserves including maintenance of nesting and breeding areas.
21. Fishing, trapping and hunting including maintenance of hatchery facilities.
22. Soil and water conservation facilities.
23. Harvesting of wild crops, grasses, etc.
24. Commercial stables.
25. Commercial breeding, raising, and care of dogs, cats, mink, rabbits and other domesticated or fur bearing animals.
26. Veterinary offices and facilities.
27. Antique shops.

**Subsection 3.10.02 Conditional Uses and Structures**

1. Clustered single through multi-family residences at no greater density than one family unit for each 40,000 sq. ft. in the total parcel being developed where public water supply is available. If public water is not available the maximum density shall be 80,000 square feet per family unit.
2. Mobile home parks at no greater density than one family unit for each 40,000 sq. ft. in the total parcel being developed.
3. Planned unit developments (hereafter referred to as PUD's) limited to residential, resort, recreational, or combinations of the above including bar and, food service. Residential PUD's may not exceed one family unit for each 40,000 sq. ft. in the total parcel being developed.
4. Communications poles, towers, lines, unmanned substations, etc.

5. Storage and selling of local farm, orchard, or forest products.
6. Horticultural activities including nurseries, greenhouses and commercial sale of such products.
7. Wood products processing facilities (sawmills, lumberyards, etc.).
8. Fabricating, manufacturing, light industrial activities and facilities with no more than fifty thousand (50,000) sq. ft. of work area.
9. Bulk fuel oil, gasoline storage, cement mixing, general construction tanks, trucks, equipment, and facilities on parcels not less than five (5) acres in size.
10. Commercial campgrounds including day and overnight facilities.
11. Marinas including sale of boat, bait, and tackle supplies.
12. PUD's limited to industrial and/or commercial activities on parcels not within five hundred (500) feet of a waterbody and with direct access to a state or federal aid highway. PUD's providing resort and recreational facilities including overnight, year-round, or seasonal accommodations, bar and food service. Notwithstanding the provisions in subsection 3.06.01 principal or accessory structures in all such developments shall not be built within one hundred and twenty-five (125) feet of any side or rear lot line and must be set back one hundred and fifty (150) feet from the front lot line. PUD's in this zone must provide a form of public water.

Temporary uses; and accessory uses and structures are permitted within the limits outlined in section 2.07.

Todd Morey made the motion to send the draft zoning changes to the attorney tomorrow and to hold a public informational meeting on March 11 at 7 p.m. with a regular meeting scheduled immediately following to vote. Everett Whitten seconds the motion. Motion carries with a unanimous vote in favor.

Sue states that the meeting will be held to a limit of 2 hours.

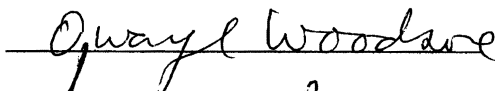
Todd Morey made the motion to adjourn at 11:10 p.m. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

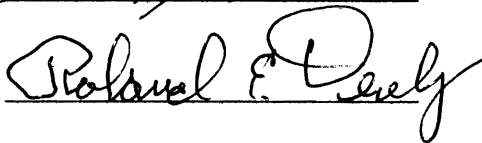
Approval date: 3.29.02

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