

Town of Waterboro
Planning Board Minutes
July 10, 2002

I ROLL CALL

Chairman, Susan Dunlap called the meeting to order at 7:35 p.m. noting attendance of Kurt Clason, Roland Denby, Everett Whitten, Tim Neill.

Sue reports that a site walk was done at the Robert Dame property prior to this meeting.

II APPOINTMENTS

Mitchell Rasor with a 14 lot sketch plan on map 17 lot 4T called Ossipee Landing off of New Dam Road and along Little Ossipee River. The lot is approximately 2,000 acres. This 14-lot proposal is about 80 acres out of that lot. The lots are split zoned with the front portions falling within the Residential zone and the back portions falling within the Forest and Agriculture Zone.

They have been harvesting trees from this property. They are proposing a 50-foot right of way to the river. There are three lots on New Dam Road with an interior road to service three back lots and the remaining lots would have one driveway entrance for each two lots for a total of 7 entrances onto New Dam Road. They will maintain 250' setback from the wetlands. They have done some test pits and are in the process of getting the topographical maps done. BH2M is the engineer firm performing the survey work. They are proposing a 50' no cut zone along New Dam Road. The selective timber harvesting of this property has been completed. They are currently surveying the property for flood zone elevations.

The deed presented with the application is dated May 31, 2002. The board would like to verify that this has been recorded at York County Registry. Applicant should provide book and page numbers.

Sue states that the board will have to look at the driveway entrances and she feels the applicant should reduce the number of entrances. Sue states that there is a small lot that even though called unbuildable the board does not like to create substandard lots. Sue adds that the board will have to look at added traffic along the river and that the board should protect the river so that it remains as beautiful as it is today.

Sue informs the applicant that the board cannot accept land for the town. This can only be done at town meeting by vote of the townspeople.

Mitchell Rasor states that they have proposed lots with 300' of shore frontage on the river when the ordinance calls for 200'.

Kurt Clason asks the applicant to consider moving the driveway that is on the curve. Mitchell states that he will measure the site distance.

Roland Denby asks about deed covenants. There is mention of them in the deed but nothing specific. Sue asks Mitchell to provide copies of deeds that are referenced in his deed.

Sue asked about the reference to the washout tract. Mitchell states that it is a portion of the lot that runs along the back of the lots fronting on Townhouse Road and is a beautiful tract with a stone bridge that was washed out. Mitchell states that he will try to reduce the driveway entrances and will keep the buffer as wide as he can. He will measure the site distance of that entrance near the curve and will provide deed references.

Tim Neill made the motion to accept the sketch plan with the understanding of the boards concerns as listed above. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

Mitchell asks about the third lot that is to be accessed by the internal road and whether it can be accessed by that driveway. Sue states that the road would have to be built to town standards and that corner lot would have to have the required road frontage and meet the frontyard setbacks from the right of way.

Mitchell asks if the road has to be paved. Sue states that the board doesn't always make applicants pave the roads unless they intend for it to be approved at town meeting as a town road. Mitchell states that it is intended to be a town road. Sue states that there will have to be a road maintenance agreement which would be responsible if and until the road is accepted by the town. Mitchell states that a statement could be put in that agreement that the developer would pave the road at the time that they intended to request it be a town road.

Sue states that the board is asking people to make reference to their deed restrictions on the plan. The board will get back to him on the creation of the undersized lot.

8:30 p.m. Eric Goodenough with a conditional use application on map 7 lot 25 on Ossipee Hill Road. Eric is applying to have a processing facility of the agricultural products he grows on his property in the addition that he has applied to construct behind his barn. This is primarily for dried fruits and vegetables. Eric states that he intends to install a separate septic system for the processing. Sue asks if the proposed addition meets all required setbacks. Eric states that he spoke to Steve Wentworth who verified with Ken Cole that the addition will have to meet the required sideline setback and he has it set at 60', which meets that requirement.

Sue asks if there will be any chemicals used in the processing. Eric states that his is a certified organic orchard so the chemicals he uses is very limited. The harshest chemical would be diluted chlorine for the cleaning of the equipment and washing the floor and that would go into the septic system.

Everett Whitten made the motion to approve the conditional use permit with the following conditions:

- This use complies with the Hazardous Waste Ordinance.
- Applicant provides the town with the list of chemicals being used.

Roland Denby seconds. Motion carries with a unanimous vote in favor.

9:00 p.m. Russell and Trina Waterman Map 6 lot 18 with conditional use application to run a used car sales lot on their property at Waterman Drive. The Notice of decision from the ZBA was reviewed, which states that the Waterman's lot is not part of Fieldstone Acres Subdivision and therefore the deed restrictions do not apply to this lot. A letter from Greg and Eileen Lee asking to have input on the conditions was read and noted for the record.

Sue explained the history of this application to Kurt as he is a new member of the board.

Sue states that she has talked to the town attorney and he still stands by what he has stated. Sue notes for the record that she disagrees with the statement from the ZBA notice of decision that the planning board ruled in error because the planning board voted to send them to the ZBA for an interpretation of whether the lot was restricted by the subdivision covenants.

Because of the ZBA ruling the board has to look at this as a conditional use in that zone. Russell Waterman states that there will be no maintenance of vehicles on the lot.

Sue states that the neighbors would like some restrictions because they have a right of way to use the Waterman's road, but the Waterman's own the road. Sue wonders if there should be another public hearing.

Sue also wonders if there is a way for the board to set speed limits on that road because the only concern raised at the public hearings already held were about traffic on Waterman Drive.

Everett thinks that there is no reason to have another public hearing.

Russell is asked how many cars he would have on the lot at any one time. Russell answers 6-8 and adds that he does not intend to store parts or salvage vehicles.

Tim Neill made the motion to approve the application of Russell and Trina Waterman for conditional use to have a used car sales on their property on Waterman Drive, tax map 6 lot 18 with the following conditions:

- Lot is restricted to 6 used vehicles for sale at any one time.
- There shall be no servicing or maintenance of vehicles on the lot.
- There shall be no storage of used parts or cars or oils or waste on the lot.

Everett Whitten seconds the motion. Motion carries with a vote of 3-0-1 with Kurt Clason abstaining, as he was not a part of previous meetings.

9:00 p.m. Bart and Deborah Smith with application to amend Townhouse Woods subdivision to change their driveway entrance. The Smith's provided letters of agreement from all but one property owner within the subdivision. They explained that they started to change their driveway and the CEO stopped them. They did receive a DOT entrance permit to add their driveway onto Townhouse Road. Sue states she doesn't know how we can grant this application because the board gets numerous complaints about the number of entrances on Townhouse Road now.

Deborah Smith states that it is a safety issue. The shared driveway is no wider than a single driveway and at times she has to stop in the road to wait until a car gets out of her way to pull in.

They explained that the CEO approved them to cut the trees at first and then informed the Smith's that there is a no cut greenbelt in the subdivision plans. Sue states that the subdivision plans allow for a 40' wide easement for the shared driveway to be located within and why can't they just widen the driveway to allow for cars to pull in while one is pulling out. Sue states that to allow another driveway entrance is contrary to the steps that the board has taken to limit entrances onto busy roads.

The Board decided that it would like to take a look at the location and scheduled a site walk on July 18 prior to their workshop meeting with the road review committee at 7:30. This application will be put under old business on the July 25 meeting.

III. MINUTES OF PREVIOUS MEETINGS

There are no minutes done for approval.

IV. REPORT OF OFFICERS

Sue reports that the Charter Commission will be asking one member from each committee to report suggestions on what could be written into the charter that would help the Planning Board. Sue thinks that it would be nice to get to a point where the board is able to get some training and possible technical assistance or a planner. The town attorney offers workshops and in the near future one will be set up for a joint workshop for the planning board and zoning board of appeals since there are new members on both.

Sue reports that she visited the Pad Printing Company with Dave Benton and John Vacari of the water district for a tour of the facility regarding the contamination that was found in the septic system. There were various

unidentified chemicals on the site that have been contained and made ready to be removed according to DEP guidelines. Sue stated that there was a concern about some parts of the floor where the cement is exposed to bare ground which acts as a floor drain right into the ground if there ever were a chemical spill. Sue reported that there was obvious spillage in back of the building where an empty barrel was left uphill of the stream and the bank was full of construction debris.

The septic tank has been pumped. It was reported by John Vacari at the site walk that there is a 90% probability that water from this site will make it to the wellhead. The Code Enforcement Office in conjunction with the town's attorney is looking into whether the town's hazardous waste ordinance applies. DEP has been requested to keep the town informed of any information regarding this site.

V. OLD BUSINESS

Roland suggests inviting Fish and Wildlife to look at the application for the 2,000-acre lot. Gary Lamb will be invited to the next planning board meeting.

Roland states that the board should get a 10-year forecast on traffic. Roland made the motion to have Kate Albert from Southern Maine Regional Planning assist the board with the Ossipee Landing subdivision. Tim Neill seconds. Motion carries with a unanimous vote in favor.

Robert Dame application for Conditional use permit for a welding shop map 16 lot 19d. The board reviewed section 7.04 on Home Occupations. The board is wondering if this would be a home occupation. There are no neighboring structures so that is a plus. Home occupations are allowed in the AR zone and light manufacturing is a conditional use in that zone.

Tim Neill made the motion to have the fire dept. take a look at the building and give their recommendations and bring back to the next meeting. Kurt Clason seconds. Motion carries with a unanimous vote in favor. Robert would have to apply for a state electrical permit for this use.

VI. COMMUNICATIONS

There are no communications to review at this meeting.

VII. MISCELLANEOUS

VIII. NEW BUSINESS

Sue reports that Gary Lamb from Maine Inland Fisheries and Wildlife has requested to meet with the board regarding impact of developments from development. Gary will be invited to the next meeting.

IX. ADJOURNMENT

Roland Denby made the motion to adjourn the meeting at 10:20 p.m. Everett Whitten Seconds. Motion carries with a unanimous vote in favor.

Approved date: 8/14/02




