

# Town of Waterboro

## Planning Board Minutes

August 14, 2002

### I. ROLL CALL

Chairman, Susan Dunlap calls the meeting to order at 7:35 p.m. noting attendance of Tim Neill, Everett Whitten, Kurt Clason, and Dwayne Woodsome enters at 8 p.m.

Sue states that Roland Denby is not here due to having surgery and the board wishes him a good recovery.

### II. APPOINTMENTS

~~7:30 p.m. Dale Simmons~~ with a conditional use / setback reduction application on map ~~41 lot 23~~ on Silas Brown Road. Mike explains that he wants to remove the existing camp and rebuild a year-round residence further back from the lake, but in order to meet the 100 foot setback from the lake he needs a front yard setback reduction. The existing camp is 20 feet from the lake and runs on a cesspool system. Mike has a septic design to install an up to date septic system. This lot is a non-conforming lot of record in the AR zone. The lot size is 20,000+ square feet and the required lot size is 80,000 square feet. Mike provided a class D survey of the property dated June 20, 2002 from Northeast Civil Solutions. There is discussion regarding what appears to be a paper street on the survey. Although there is currently a structure on it and no one uses it. Patti will research what the planning board did a few years ago regarding paper streets. Mike states that the lane is only used for power lines. Sue explains that section 2.06 requires that individual lots shall have only one principal structure.

Tim Neill made the motion to approve the conditional use / setback reduction pursuant to sections 2.08, 3.06, 4.01 and 9.01 of the zoning ordinance for Mike Jariz property located on Silas Brown Road tax map 41 lot 23 with the following conditions:

1. Sideline setback on both sides 30 feet.
2. Front yard setback of 20 feet.
3. All structures must meet the 100 foot setback from the high-water mark of the lake.
4. Existing camp to be removed prior to occupancy.
5. No Structures to be built on the "avenue" shown on the plans.

Everett Whitten seconds the motion. Motion carries with a unanimous vote in favor.

~~8:00 p.m. Dale Simmons~~ with a ~~30%~~ expansion application on Map 45 lot 1518 to put raise the foundation under his existing house. The house is 97 feet from the high-water mark of Lake Arrowhead. There is discussion regarding whether the measurement was taken to the deck or the house. If it was taken to the deck it is probable that the foundation is beyond the 100 foot setback from the water and doesn't need approval from the board. The Saco River Corridor

approval gives approval to expand by 342 square feet but requires that a portion of the cellar be unimproved and left as a dirt floor.

Sue reads from section 7.02 subsection 2 of the zoning ordinance that regulated expansion in the shoreland zone and it states that raising a foundation by 3 additional feet or less is not considered to be expansion. Sue adds that the planning board does not think that Saco River Corridor Commission ruled correctly on this application. Dale states that Steve Wentworth tried to advocate for him with SRCC but was not successful. Dale stated that he didn't feel like he had a chance at winning an appeal of this ruling if the Steve couldn't get anywhere with it.

Dwayne Woodsome made the motion to approve the 30% expansion pursuant to sections 3.09, 4.01 and 7.01 of the zoning ordinance to put a full foundation under the existing structure with the following conditions:

1. The foundation not to exceed the existing footprint of the structure of 38 x 20.
2. If the applicant moves the house out of the 100 foot setback from the shoreline this Conditional use is not needed or valid.

Everett Whitten seconds the motion. Motion carries with a unanimous vote in favor.

**8:35 p.m. Luverne Preble with a conditional use / 30% expansion application to add a deck on property on East Shore Road on map 35 lot 24.** Steve Cote the contractor hired to do the work is present along with Luverne to answer questions from the board. Steve explains that the existing stairs from the door are 3 steps down to a steep embankment. The camp was moved back from the water in 1981 and new septic system installed at that time. No expansions have occurred after that date. There have been no expansions after January 1, 1989 when the current 30% expansion law was adopted. Luverne states that she has to repair the steps and deck because of rot and while she was doing this wanted to make these steps safer for her grandchildren by adding a 56 square foot portion between the existing deck and the stairs from the door. Kurt Clason suggested an alternative design with Steve Cote and Luverne, which they will consider. The existing structure is shown to be 31 feet from the lake. Sue questions whether the addition of this deck will be closer to the water than 31 feet and whether the board has authority to grant this. Under section 7.01 subsection 2-B-(a) it states; no structure which is less than the required setback from the normal high water line of a water body shall be expanded toward the water body.

Dwayne Woodsome made the motion to approve the conditional use / 30% expansion application pursuant to sections 3.06, 4.01 and 7.02 of the zoning ordinance of Luverne Preble on East Shore Road on map 35 lot 24 with the following conditions:

1. Expansion not to exceed 100 square feet.
2. Expansion to be no closer to the lake than existing structure.
3. Applicant shall provide an exact plan of the deck with distances from the water, to the CEO prior to building permit being issued.

4. Applicant shall provide to the CEO the square feet of existing buildings and the square feet of this expansion so that the office can track any future expansions and this to be counted towards the lifetime expansion.
5. Applicant must obtain a permit by rule from DEP prior to the issuance of a building permit.
6. Applicant must submit an erosion control plan prior to the issuance of a building permit.
7. Applicant must maintain proper erosion control throughout the construction of the deck.

Tim Neill seconds the motion. Motion carries with a unanimous vote in favor.

**9:00 p.m. Ron Morin** with a conditional use / setback reduction application for a garage on Partridge Road on map 52 lot 48. Sue confirms that this is a non-conforming lot of record in the AR zone. Ron explains that he wants to build a 24 x 32 garage and is requesting a 59' front setback from the property markers. Ron explains that he can't set the garage further back because of the septic system. Everett Whitten asks why he can't put the garage on the other side of the house where he could meet setbacks. Ron explains that he would have to take out approximately 20 trees, he would have to connect the garage to the bedroom, the water line is on that side and would have to be moved, the power lines would need another pole installed, and the driveway would have to be moved. Sue asked what year the house was built. Ron replies in 1974. Sue explains that section 3.03 states that in any case where structures are in existence at the time of enactment of this ordinance, additions may be made to within 10 feet of the side or rear lot line.

Dwayne Woodsome made the motion to approve the conditional use permit application pursuant to sections 3.03, 3.06, 2.08 and 4.01 of Ron Morin to construct a 24 x 32 garage on Partridge Road on map 52 lot 48 with the following conditions:

1. Front yard setback of 55 feet.
2. Sideline setback of 11 feet.

Everett Whitten seconds the motion. Motion carries with a unanimous vote in favor.

### III. MINUTES OF PREVIOUS MEETINGS

Dwayne Woodsome made the motion to approve the June 27, 2002 minutes as written. Kurt Clason seconds. Motion carries with a unanimous vote in favor.

Kurt Clason made the motion to approve the July 10, 2002 minutes. Tim Neill seconds. Motion carries with a vote of 3-0-1 in favor with Dwayne Woodsome abstaining, as he did not attend that meeting.

Dwayne Woodsome made the motion to approve the July 25 minutes as written. Everett Whitten seconds. Motion carries with a vote of 3-0-01 in favor with Kurt Clason abstaining, as he did not attend this meeting.

### IV. REPORT OF OFFICERS

Everett Whitten states that there is a transfer station committee meeting on the 27<sup>th</sup> where he represents the planning board is there anything anyone wants him to bring up? Sue states that those people with more than 1 vehicle that wish to use the public beach have to have a dump sticker to park at the beach. She wishes they could do something different.

Everett adds that he doesn't think trailers should have to require a separate sticker if you have one for the car you are pulling the trailer with.

V. OLD BUSINESS

Dwayne states that the board should require the applicant of Avery Road subdivision to improve the road up to public road status and require a 50 right of way when it comes time for final plan review.

The plans for Ford Pond Subdivision have been amended to read exactly what the October 2001 plans that were approved by the board. Dwayne Woodsome made the motion to sign the subdivision plans. Tim Neill seconds. Motion carries with a unanimous vote in favor. Plans are signed.

VI. COMMUNICATIONS

Sue reminds everyone that there is a workshop next Monday at 7:30 p.m.

VIII. NEW BUSINESS

IX. ADJOURNMENT

Dwayne Woodsome made the motion to adjourn at 9:45 p.m. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

Approved date: \_\_\_\_\_

