

**Planning Board
Town of Waterboro
Meeting Minutes
October 24, 2002**

I. ROLL CALL

Vice Chairman, Tim Neill called the meeting to order at 7:30 p.m. noting attendance from the board of Kurt Clason, Everett Whitten, Roland Denby, Dwayne Woodsome, and Teresa Lowell. Susan Dunlap was absent due to illness.

II. APPOINTMENTS

7:30 p.m. Larry Goddard with a conditional use / setback reduction application on map 31 lot 6 off East Shore Road. This is an old subdivision plan with a right of way through it. Larry owns three of the lots shown. Larry is asking to build a garage but cannot meet the required setback or the frontyard setback from the right of way as required by section 3.03. This lot is within the AR zone and is less than 80,000 square feet, which deems this a non-conforming lot of record. Section 2.08 gives the board authority to review this application. Kurt Clason made the motion to do an onsite visit of the property. Teresa Lowell seconds. Motion carries with a unanimous vote in favor. The on site is scheduled for Saturday November 2 at 8 a.m.

7:50 Mitchell Rasor from MRLD representing Carthage Lumber on a preliminary subdivision plan called Ossipee Landing off New Dam Road on map 17 lot 4. Mitch explains the 2 changes from the sketch plan. The 100 year flood plain is shown on the map. Lot 3 has become part of lot 4 due to the wetlands involved. In reply to the memo from JT Lockman from Southern Maine Regional Planning Commission the magnetic North arrow is now in the plan.

JT Lockman states that the preliminary plan should include the entire parcel with remaining land shown as a lot #.

Mitch states that he is not sure what the setback is from the large wetland area.

Mitch states that they did not do a stormwater drainage plan because at this point there is no roadwork planned and will not be creating abnormal stormwater drainage.

There is a proposed dedication of open space to the town to give access to Ossipee River below the dam. The proposed use of the undeveloped land that is still to develop a master plan based on input from public meetings and the planning board.

An erosion and sediment control plan has not been done. The developer is going to discuss centralized mail delivery with the postal service. The high intensity soil survey is tied in with the onsite septic test pits and location of wells. They have reviewed the soils and installed test pits and have marked the wetlands affecting this area of subdivision. The site distance for the accesses to the lots is sufficient. It wouldn't be a problem to mark the sites and log the site distance on the plan. Fire protection will meet the fire chief's recommendations. They can install a dry hydrant if needed. The letter from attorney Perkins office states that the applicant has sufficient right, title and interest in the property to submit this application.

JT Lockman states that the first thing that the board should decide is whether it accepts the lots with driveway entrances onto New Dam Road or do they want to request that the developer present a plan that is phase I of the entire development. JT suggests that the board may wish to deal with the entire site right up front as state law requires. JT adds that the least troubling to him is the deed issue. The Planning Board should never be expected to determine deeds. The board's only job is to determine if the applicant has sufficient right title and interest in the property. Any other issue is a civil matter for a judge to determine. JT states that he thinks the letter from Bruce Leddy should satisfy the board that the applicant has sufficient right title and interest in the property.

JT states again that he feels the entire parcel should be shown and considered in this review and should show the entire parcel on the survey. JT asks if the board will be reviewing the preliminary checklist and allowing conditional approval or does it normally require all items on the checklist to be completed prior to an approval. Tim Neill states that it has been the board's policy to receive all required information before moving on to the next level of review.

JT states that if there are no roads being constructed in this phase of development he would agree that there wouldn't need to be a stormwater management plan. JT asks the board if they are going along with this design when they had expressed concerns regarding the accesses onto New Dam Road.

Mitch states that he has stated why they are going with this approach. He personally has worked on 3 out of the 4 Great American Neighborhoods and this one is unlike all of those. The developer wants these lots differentiated from Lake Arrowhead. The developer is nervous and wants to do something conservative at this stage. There is a very different plan for the rest of the parcel. This is the path of least resistance at this point to move forward with the larger plans.

Teresa states that she would rather see a cluster design not the lots spread over New Dam Road. Teresa asked if the road shown on the map as Ossipee Landing Road is going to be a dead end road. Mitch states that it will remain undeveloped for now. Teresa asked if the driveways on lots 12, 13, 3, 4 should be designated on the map. Mitch states that they have to be beyond the 50' greenbelt but he can put them on the plan. Dwayne states that the board in most cases requires the developer to put in the first 50 feet of the driveway prior to building permits being issued.

Tim Neill polls the board whether they wish to move forward with this concept or request something different before moving on to the checklist. JT states that the board should feel comfortable with where the roads are on the plan are intended to be before moving forward. Mitch states that Old Portland Road already exists. Ossipee Landing Road is at the base of the hill above the wetland and Old Emery Road already exists.

Roland states that the board should take a good look at requiring an internal road and what is the relationship of this application to the rest of the parcel and development plans. Roland adds that there is a lot of material here and he doesn't think anything should be resolved or approved tonight and suggests the board strongly consider requiring an internal road.

Teresa asks how much of the future development will funnel through Lake Arrowhead road system. Teresa adds that he could rearrange the lots of the Old Portland Road. Tim adds that the board just required a 7 lot subdivision on Webber Road to have an internal road.

JT adds again that the ordinance requires the developer to disclose the full extent of the tract of land on the preliminary plan. The statutes read now that lots over 40 acres are not exempt lots from subdivision requirements and a municipality can adopt home rule saying 40 acres is not a lot but never if that lot falls within shoreland zoning. Waterboro's ordinance does not address the 40 acre lot exemption. So the state law rules.

JT states that this issue that the applicant is waiting for the survey to be done prior to preliminary plan approval is a real issue. The issue that they need to sell 14 lots to pay for the survey of 2,000 acres should not be an issue for the board to consider.

Kurt makes a motion to request a redesign of the subdivision and take into consideration an internal road.

Dwayne Woodsome states that the developer could have more lots in the R zone and end up with more than 13 lots. It was asked why this couldn't be designed as phase I of the whole rest of the development. Mitch states that this is an isolated piece of the development, the path of least resistance to generate income to proceed with the rest of the project.

Teresa states that she thinks that an internal road would create more of a community oriented atmosphere than having all the driveways dump onto a major thoroughfare.

Mitch states that he agrees in principle. This design is basically sprawl development.

Tim reminds the board there is a motion on the table. Teresa seconds the motion.

JT suggests that the board be specific about what it would like to see in a redesign.

Kurt states that he really hasn't considered what type of design he prefers over another but he does know that he prefers an internal road over the entrances coming out onto the main road. Teresa Lowell seconds the motion.

There is some discussion regarding the convergence of the three roads, New Dam, Old Emery and Ossipee Landing. Mitch states that the intersection of Emery and Ossipee Landing Road will be resigned so that there is only one curb cut onto New Dam Road.

The motion carries with a vote of 4-1-0 with Dwayne Woodsome voting in opposition.

Mitch asks for clarification on what sort of design the board would like him to bring back before them and if he has to survey the whole parcel before coming back.

JT explains that a preliminary plan requirements include that the developer show the entire tract of the parcel being developed. JT states that he would fully expect an applicant to explore the selling off of one of the lots to get the money to survey the entire parcel and all lots split within five years be included in the subdivision plan.

Teresa Lowell made the motion to require the developer to survey the parcel within the bounds of Little Ossipee River, Chadbourne Ridge Road and New Dam Road and include this in the total preliminary plan. Kurt Clason seconds the motion. Dwayne Woodsome states that the board has the right to waive this requirement. JT explains that it is state law that the subdivider survey the entire tract of land being developed except where the lot is split by a road. That is the only exception the board should make.

Mitch states that he could put one lot on the market now and JT states that it would have to be shown on the plan when he brings in the subdivision application to include the total parcel. The board could not make the applicant reconfigure the lot but it would have to be included.

Mitch asked the board if they are interested and understand the concept of cluster developments and are they ok with that type of concept for this parcel. Tim Neill polls the board and five of the six were in favor of cluster development with Dwayne being against.

The vote on Kurt's motion was 5-1 in favor with Dwayne Woodsome opposing. Motion passed to require the survey as worded in Teresa's motion.

III. MINUTES OF PREVIOUS MEETINGS

Dwayne Woodsome made the motion to approve the October 9 minutes. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

Kurt Clason made the motion to approve the September 26 minutes. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

IV. REPORT OF OFFICERS

Tim reminded the board that we have a workshop on Monday evening at 7 at the town hall.

V. OLD BUSINESS

Trina Waterman put in a request to amend her conditional use permit for a used car sales. The State Motor Vehicle Licensing department contacted the office and requested a copy of their conditional use permit. The woman from the state, Sue, told Patti that with the condition prohibiting the servicing of vehicles, the state was unable to approve the license for the Waterman's. The information provided with the request to amend the conditional use permit to allow service and repair was reviewed. The Waterman's lot is within the AR zone. Section 3.06.02 conditional uses in the AR zone allows vehicle sales, service and repair. Ken Cole sent an opinion regarding this amendment application dated October 23 stating that the board should require the same notice to abutters that it would for any other conditional use application as if it were the original application. It was discussed amongst the board that even though we are considering a zoning change that requires notice to abutters, the board has not and does not always or even very often require notice to abutters. Kurt Clason asked why the restriction of no

repairs or service was placed on the conditional use in the first place. Patti stated that she thought that the board had just recently reviewed a similar application and the board applied the same restrictions in an effort to treat similar applications fairly and equally. However, the previous applicant's property fell in the wellhead protection zone and the Waterman's property does not. There are no overlying zones or wetland issues on the Waterman parcel. Kurt asked how the other applicant got state licensing to sell cars because it appears that he is open for business. There was no answer for that, except that Patti informed the board that the State did not call for a copy of the previous conditional use permit and they did call for a copy of the Waterman's. The state sent a copy of their requirements for the board's information and consideration in the future.

Dwayne Woodsome made the motion to approve the amendment of Trina Waterman's conditional use permit to allow vehicle sales, service and repair as worded and allowed in section 3.06.02 in the AR zone with the conditions that any waste fluids be contained in approved containers, and all fluids be hauled off by licensed waste haulers and the applicant to maintain a current contract with a licensed waste hauler if they intend to do repairs that require fluid changes. Everett Whitten seconds the motion. Motion carries with a vote of 4-0-2 in favor with Kurt and Teresa abstaining, as they were not involved with the previous approval.

VI. COMMUNICATIONS

VII. MISCELLANEOUS

Dwayne Woodsome made the motion to move the November 28 meeting to the Monday before which falls on November 25. Kurt Clason seconds the motion. Motion carries with a unanimous vote in favor.

VIII. NEW BUSINESS

IX. ADJOURNMENT

Dwayne Woodsome made the motion to adjourn at 10 p.m. Teresa Lowell seconds. Motion carries with a unanimous vote in favor.

Approved date: 11/13/02












