

Planning Board Meeting Minutes 01/23/03

To: WaterboroME_PlanMin

Abstract: Planning Board Meeting Minutes January 23, 2003

I. ROLL CALL

Chairman, Susan Dunlap calls the meeting to order at 7:35 noting attendance of Dwayne Woodsome, Tim Neill, Teresa Lowell and Roland Denby. Kurt Clason and Everett Whitten are both absent.

II. APPOINTMENTS

7:30 p.m. Jennifer Nevells with a conditional use application for an in home daycare on map 3 lot 48-2 on West Road. Jennifer states that their house is 90' off the road on a 3.2 acre lot. Sue asks how many children she plans on caring for? Jennifer states 12 not including her 2 and that this is before and after school age children only. The board reviews section 3.06.02 and Section 4. Tim Neill asks if they are aware of the requirements of a fence? Dwayne Woodsome asks where will the outside play area. Mr. Nevells states that the children will have an area out in back of the house as a play area. Jennifer asks if only the outside play area is required to be fenced in? Dwayne answers yes. Tim Neill adds that the minimum height for the fence is 4 feet. Dwayne asks if there is enough plumbing facilities? Jennifer states that the state fire Marshall did an inspection and determined the facilities were acceptable. Dwayne Woodsome made the motion to approve the daycare facility to Jennifer and Anthony Nevells with the condition that a fence in the back yard in the kids play area to supply a copy of the fire Marshall's inspection and the water test to the code enforcement office. Tim Neill seconded the motion. There is discussion regarding the length of time to construct the fence. Dwayne amended his motion to state the fence must be constructed of a minimum of 4 feet in height and prior to June 1, 2003. Tim Neill seconded the amended motion. Motion carries with a unanimous vote in favor. Jennifer asked about what kind of sign she could have. Dwayne informed her that any sign under 20 square feet did not need a building permit.

8:00 p.m. Ron Woodward from Gallo Construction with a site plan application and conditional use permit for York County Community Action Head Start Program on map 3 a portion of lot 58. Ron states that this is a very professional organization and they take their program very seriously and feels this will be an asset to the community of Waterboro.

Dwayne Woodsome asked how far up Middle Road is this site? Ron states it is just past the dirt extension of Ossipee Hill Road where it comes out onto Middle Road.

Ron explains that the drive entrance is in a circular pattern for the kids to be dropped off one way and cars to travel one way for greater site distance. The intent of this project was to pick a rural spot to be safer not on a densely traveled highway with high-speed traffic.

The intent is to house 20 children of pre-school age with three staff people to include one

cook and two daycare staff.

Tim Neill asks if this is just daytime use, no overnight use? Ron replies that the hours of operation are expected to be 8 a.m. to 1 p.m. and no use past that time.

Ron explains the drainage plan stating it is designed so there will be no run off onto Middle Road or abutting land. The center of the cul-de-sac is 2' lower so that water will retain there until it drains and all the stormwater drainage is directed to the lower corner of the property. There will be no change from the current drainage on that property. Roland Denby asks if there will be standing water in the area in the middle of the circle? Ron states that there will not.

Teresa Lowell asks how this got to the planning board because schools are not an allowed use in the Forest and Agriculture zone? Ron states that a school according to legal terms is Kindergarten through twelfth grades. This is a head start program for preschool age children. Ron shows the board the license for the Biddeford Head start program from the state of Maine. That state licenses them as a childcare center. The maximum number of children will be 24 in this facility.

Roland Denby asks who will maintain snow removal. Ron replies that York County Community Action will maintain the property. The town will not assume any responsibility for maintenance.

Tim Neill asks if there are any houses near this proposed building? Ron states that the closest house is 600 feet away on the opposite side of the road.

Teresa Lowell asks if there will be a fenced in area around the outside play area? Ron states the play area will be fenced. Ron points to the map to show the dotted line indicates a fence.

Sue Dunlap asks about note 4 referencing this being a portion of a larger parcel. Ron states that this lot was bought independently from a larger parcel to indicate to the code enforcement officer that this was a lot split.

Teresa Lowell asks about parking. Section 5 of the zoning ordinance is reviewed. The requirement is 1 space for every 20 kids and 1 space for every three employees. This site would require 3 parking spaces.

Ron Woodward states that the intention of York County Community Action in selecting this site was for a childcare facility to better serve kids.

Sue asks if they did any nitrate studies? Ron states that because of the low flow design of the septic system he did not feel this was required by the ordinance. Ron states that the septic design has been completed and shows Sue a copy of it. The code enforcement office will have three copies to permit when they get ready for the building permit process.

Dwayne Woodsome states that they are pretty close to the center of the lot with the septic system.

Sue asks what is the flow on the design? Ron states that the septic system is designed for 260 gallons per day of flow. The ordinance requires nitrate studies for designs that would exceed 800 gallons per day.

Dwayne Woodsome asks if there is verification that the code enforcement officer has reviewed these plans? Patti replies, yes the Code Officer did review and determine the plans to be complete and in compliance and there is written verification of that.

The site plan checklist is reviewed at this time.

The intention for signage on the site is to have a sign on the front of the building.

The outdoor lighting will consist of only one light at the gable end of the building. The hours of operation are 8-1 and is never an intention for nighttime use so no need for more lighting.

There is minimal landscaping. All disturbed areas will be loamed and seeded.

There will be underground electrical service to the building.

A hydro-geological study is not required, as the septic design does not exceed 800 gallons per day.

The code enforcement officer noted on the checklist that this day care facility meets the definitions and requirements set forth in the zoning ordinance.

There is a dry hydrant at the Kruegar property where the pond is. There is some discussion about fire protection. Patti informs the board that because this is a commercial use the applicant is required to obtain a construction permit from the State of Maine which will include a barrier free permit to insure that the site follows ADA requirements. This will also include a State Fire Marshall inspection and documentation is forwarded from the State to this office.

Ron states that there will be nothing done on this property to jeopardize the soils or create run off onto other properties.

They intend to drill an artesian well for well water. A water test will have to be approved by the state.

Tim Neill asks if the remaining area of the lot will remain undisturbed? Ron replies yes

Sue asks about the style of the building and adds that design standards are not part of our zoning ordinance currently but the board has worked to encourage a common style of building to the area and encourages a country look. Such as Gorham Savings Bank and Saco Valley Credit Union. Dunkin Donuts has designed a colonial style structure as a part of their application. Ron states that this building is designed as a ranch style home with a gable extension on the front with vinyl siding and asphalt roof. This will be a typical structure.

Teresa Lowell states that the building plans do not show any access to the outside play area. Ron states that the building plans are preliminary to show the board the design for the building, and will make sure that the door that is intended to the outside play area is depicted on the plan. Sue states that they should amend the legend to show the dotted line to indicate the fenced in area.

Dwayne Woodsome thinks that this plan should go to peer review. Dwayne made the motion to send this plan to peer review and to the road review committee for comments and schedule a public hearing. Dwayne is asked why the road review committee? Dwayne

replies that they might like to ask for a road maintenance easement on that section of Middle Road.

Sue asks what is the setback of the paved parking area from the property line? Section 5.01 requires all parking areas to be setback a minimum of 25 feet from the front property line and maintain a 10 foot greenbelt on the side and rear property lines.

Ron states that the plans will be amended to show the parking area to meet those requirements.

Dwayne Woodsome added to his motion to require the fire chief's recommendations.

Ron states that he has already spoken with the fire chief and was told the plans are on file at the town hall for him to review.

Dwayne added to his motion to send the plans to Sebago Technics for peer review and to schedule the public hearing for February 19, at 7:30 p.m., with a snow date of February 20. . Tim Neill seconded Dwayne's motion. Motion carried with a unanimous vote in favor.

III. MINUTES OF PREVIOUS MEETINGS

Dwayne Woodsome made the motion to approve the minutes of the December 11, 2001 meeting. Teresa Lowell seconds. Motion carries with a unanimous vote in favor.

IV. REPORT OF OFFICERS

At this time a ten minute break is taken.

V. OLD BUSINESS

Sue gave a synopsis of the workshop held last week and these will be incorporated into the minutes of the January 8 meeting. Patti asked about adding a requirement that road signs be replaced by the private road owners if they get stolen. Currently the town is funding to replace all these signs.

Daycares and group homes are discussed. The board wonders if group homes should be included in the daycare requirements so that abutters can be informed when a group home is proposed. Patti states that often group homes are for people with disabilities and the board has to be careful because ADA regulations are federal regulations. Patti adds that she has done some research and received attorney opinion regarding a current group home and will provide that at the next meeting.

Dwayne made the motion to send articles 7 & 8 to the attorney and add to the list for public hearing. Teresa Lowell seconds. Motion carries with a unanimous vote in favor.

ARTICLE: Shall the townspeople vote to amend Article 9 Section 9.05 paragraph 1?

To Read: Nonconforming single lots of record on the date of enactment of this ordinance may be utilized as provided in Section 2.08. Two or more contiguous lots of record in common ownership at the time or since adoption or amendment of this ordinance, shall be combined and treated as a single lot or parcel of land. If the dimensional or area requirements of the district in which the combined parcel is situated are not met development shall be in conformance with the provisions of this ordinance.

Now Reads: Nonconforming single lots of record on the date of enactment of this ordinance may be utilized as provided in Section 2.08. Two or more contiguous lots of record in common ownership on the date of enactment of this ordinance, shall be combined and treated as a single lot or parcel of land. If the dimensional or area requirements of the district in which the combined parcel is situated are not met development shall be in conformance with the provisions of this ordinance.

ARTICLE : Shall the townspeople vote to amend Article 3 Section 3.03 to add a paragraph:

Lots divided by district boundaries: When a lot is divided by a land use district boundary, other than the boundary to an overlay zone, the following rules shall apply:

A. On lots two acres or less in area, the lot shall be used as if the entire lot were in the district, which comprises the larger portion.

B. On lots larger than two acres, the district regulations shall be followed in each portion.

After discussing with Patti the benefits of electrical inspections, Dwayne made the motion to add article 6 to that. Roland Denby seconds. Motion carries with a unanimous vote in favor. Patti explained the CEO is already performing these inspections of electrical and not getting the funding for that service. It is not to be restrictive that the CEO wants to see this permit required. It is a safety issue that this office often finds mistakes or issues with electrical that could be a life safety hazard and when brought up to the contractor they are grateful for that finding. Often this office is requested by the contractor to check the electrical. We just are not getting the fees from the permit to pay for this service.

ARTICLE : Shall the townspeople vote to amend Article 2 Section 2.03 and Article 12 Section 12.01 to add paragraph to require electrical permits.

Section 2.03 To Read: An electrical permit, designed to insure compliance with state law must be obtained from the Code Enforcement Officer as a requirement of the building permit application.

Section 12.01 to add: Electrical permit fee \$25

Tim Neill made the motion to include article 12 as follows to the list. Roland Denby seconds. Motion carries with a unanimous vote in favor.

ARTICLE : Shall the townspeople vote to amend Article 3 Section 3.06.01 and section 14.02 to add Contractor Business as a permitted use in the V, AR and GP zoning districts.

Add definition to Section 14.02

Contractor Business: A business engaged in the provision of services off the premises, but which has an office and equipment / materials stored on the premises.

The board discussed the noise ordinance proposal. Dwayne suggested checking with Dave Chauvette to see if York County even has the equipment to test noise levels.

Dwayne made the motion to include the noise ordinance in the public hearing and asked Patti to get information from Buxton and Hollis on their ordinances. Tim Neill seconds. Motion carries with a unanimous vote in favor. Dwayne adds that this does not mean that the board endorses this ordinance but will let the people at the public hearing determine

whether they want it or not. There was discussion about where in the ordinance would we add a noise ordinance. Patti suggested Section 7. Performance Standards.

Dwayne Woodsome made a motion to set a workshop for Wednesday January 29, 2003 at 7 p.m. Patti will post the meeting tonight before she leaves and the posting will be within the legal time frame. The discussion at the workshop will be cluster developments, site plan standards for design. Tim Neill seconds. Motion carries with a unanimous vote in favor.

VI. COMMUNICATIONS

1. Reviewed the letter from Susan Dunlap to Dana Morton regarding the site location for the proposed Middle School.

2. Dwayne discussed the memo from the selectmen stating that if the board wanted copies of invoices of attorney bills their secretary could make them and that other expenses can be tracked through the purchase order policy.

3. Dwayne reports that he requested for a third time a meeting with the selectmen. Sue states she has requested a meeting with the selectmen too and has never been put on the agenda either. Tim Neill asks if the board should check with MMA regarding the budgetary questions the board has. Dwayne states that he, as treasurer has always been able to show accountability for the planning board's accounts. The rolled over consultant money still does not show in our budget.

Patti informs the board that requests for peer review are sent directly to the planning board office first. Sue states her main concern is the legal bills. She would like accountability for what is being charged to the planning board.

Dwayne states that he has discussed with the finance committee that this board should be funded from fees. That the contractors should be paying for our time, not the townspeople. This board should be self-sufficient. Dwayne states that when we do get a meeting with the selectmen he would like to see all members of the planning board attend that meeting.

Sue states that she has been requesting that the secretary receive a performance evaluation and that still has not happened.

They need information in order to defend their budget requests at town meeting.

3. There is a request for a meeting from the finance committee for February 19 at 7 p.m. The board will meet with the finance committee prior to their scheduled public hearing.

4. Dwayne made the motion to hold a public hearing on the proposed changes to zoning ordinances on February 19 immediately after the first public hearing for York County Community Action Head Start, with a snow date of Feb. 20. Tim Neill seconds. Motion carries with a unanimous vote in favor.

VII. MISCELLANEOUS

VIII. NEW BUSINESS

IX. ADJOURNMENT

Dwayne Woodsome made the motion to adjourn at 9:30 p.m. Roland Denby seconds.

Motion carries with a unanimous vote in favor.