

**TOWN OF WATERBORO**  
**PLANNING BOARD MEETING MINUTES**  
**September 17, 2003**  
**7:30 p.m.**

Chairman, Susan Dunlap called the meeting to order at 7:30 p.m. Attendance from the board is as follows: Kurt Clason, Teresa Lowell, Everett Whitten, Roland Denby and Dwayne Woodsome and Tim Neill.

Sue makes reference to and discussed the site walk for the proposed Village Pines Subdivision held on September 16th. Members of the Planning Board in attendance were Sue Dunlap, Teresa Lowell, Roland Denby, and Dwayne Woodsome. Everette Whitten, applicant for the subdivision, was present as well as David Benton from the Road Review Committee and the Water District, and Russell Lowel from the Road Review Committee. No members of the public were present at the site walk with the exception of Bill Nurmi, who came at the end of the site walk.

A workshop with the town attorney followed immediately after at the town hall.

## **II. APPOINTMENTS**

### **7:30 p.m. Robert Stackpole for a Conditional Use/Setback Reduction on Map 47 Lot 32.**

Robert Stackpole explains that this is a legal non-conforming lot of record located in Lake Sherburne. He would like to place a 26x36 modular with a 10' deck. Sue Dunlap inquires about the possibility of turning the house and placing it sideways on the lot. Robert says that is a possibility. Kurt Clason asks if a smaller home is a possibility. Robert would like to go with a home this size. The board discusses the dimensions of the lot and they feel that the lot is big enough to place this modular on the lot sideways with less impact. Sue states that the board has been trying to place homes without using the maximum setback reduction if another alternative can be found. If Robert turned the house location sideways he would only need a 6' reduction only. Teresa inquires whether a sitewalk should be done. Kurt asks the applicant what his timeframe is on construction. Robert would like to put the foundation in as soon as possible and place the modular in the spring. Tim does not feel a sitewalk is necessary and motions to approve an 8' reduction in the front setback to make it 57'. There is an existing variance in file giving this lot a 65' setback. A survey must be done at foundation to assure the setbacks are met. Everett seconds and the motion carries with a unanimous vote in favor.

**Ledgewood Subvivation- review** Bruce Lewis, the applicant and Will Cany Esq. introduce themselves. Tim Neill states for the record that Will Caney has provided legal representation for him in the past but he doesn't feel that will make him biased. Sue asks Bruce if he has amended his plans as discussed at previous meetings. The issue of private wells being placed in the lots is discussed. Bruce says he still wants to do individual wells. Sue asks about the letter from Deluca Hoffman referring to the stormwater management report from Sebago Technics. The report refers to a culvert on Goowins Mills Road. Sebago Tech recommends a 15" culvert on page one and a 24" culvert on page 2. Bruce states that he feels this is a discrepancy on Sebago Tech's part and the culvert should be 15". He will speak to them and clear this up. Sue notes that the Lasky junkyard problem has been remedied.

The 10% road grade in conjunction with the curve is discussed. Dwayne feels this would be a

very dangerous curve for residents, emergency vehicles and snowplows. Teresa asks if the entrance was widened for mail purposes. Bruce says it has been. Sue states that the road grade on lot 9 may be too steep. The road standard allows for that grade but Dave Benton, the Road Commissioner, questions that. Dwayne states that he would like to see town water run into the development not private wells. Kurt disagrees and would like to see something in writing from the water district regarding whether the water district can even support the additional use. Teresa questions the plumes shown on the plans limiting the area that a well and septic could be placed on the lot.

The number of cisterns is discussed. Bruce states that there will be 2 cisterns as per the ordinance.

Teresa would like a letter from the water district stating that they can handle the extra capacity of hooking up this subdivision. Dave Benton, speaking for the Water District, approximates that this subdivision would call for 60 gallons per person per day. He feels that this would not be a problem for the water system. Sue says that if the water is run into the development we also need to take into consideration that would open up the door for other homes and subdivisions in between to also hook up to the system. Sue says that considering this is a real possibility, would the water district be able to handle the capacity of others hooking on in the near future? Dave Benton states that the water district is not up to full capacity yet but within 5 years they will be up to full capacity and would have no problem handling that.

Patti McIntyre, CEO, asks if having the water quality tested is a possibility. Tim Neill states that he has heard that the water quality in Woodland Ridge, the neighboring development, is poor. Sue is concerned about requiring developers to run town water because the town has no standard in place for requiring it. Dwayne states again that he is concerned that private wells would be too close to septic plumes. Everett states that he feels the board cant force the developer to put in town water. Dwayne states that when this subdivision was originally proposed in the 90's, the board was going to require them to put town water in. Sue refers to and reads the following statement from a letter from Deluca Hoffman:

"While we concur with Attorney Cole's position that the two subdivisions on Goodwins Mills Road are legally two different subdivisions from a Maine Department of Environmental Protection regulatory standpoint, we believe the Town of Waterboro should review these projects as common and/or concurrent projects with respect to cumulative impacts to drainage, septic, water, traffic and other relevant issues."

Teresa states that based on the applicants own calculations putting in own water would be fairly cost effective. Kurt feels the issue is that, according to the plans, every lot has had a feasible place to put a well and the town has no standard in place to force the developer to put in town water.

Sue asks the opinion of Patti McIntyre, Code Enforcement Officer, on the well vs. town water issue. Patti feels that whenever possible we should try to extend our infrastructure. This is an area that has been designated as a growth area. The possibility of giving subdivisions additional growth permits in exchange for agreeing to extend the water line is discussed. Dwayne states that lots in a subdivision are valued at \$5000 more than lots with private wells. Sue feels that unless we give developers a break on the growth permit ordinance it is not fair to expect a developer to shoulder the cost of putting in town water because the growth ordinance prevents them from being able to recoup the money put in to the water line in a timely manner.

Will Caney speaks for the applicant. Will states the Code Enforcement Officer would already be assuring that private wells would be placed in the proper places and questions whether it is reasonable to require developers to put in town water. He suggests that the town needs to have a standard in place. He states that the original development that was proposed consisted of 38 houses and that would have had a bigger impact. Teresa says that this is the first development proposed that is in the water district. The difference in bringing the water line to the end of the development road vs. all the way into the subdivision is only \$2000. Dwayne suggests the possibility of doing the water line in stages and it is stated that a performance bond could be set up that relates to that.

Dwayne Woodsome makes a motion to require developer to put town water all the way into the subdivision. Teresa seconds the motion. Motion fails with a vote of 2-4-0 with Kurt, Roland, Tim and Everett opposed.

The possibility of sidewalks in the development is discussed. Kurt motions to require separated sidewalks in this development. Tim seconds and the motion carries with a unanimous vote in favor. The applicant will come back before the board with information on raised vs. non raised sidewalks.

The board reviewed a letter from Bruce Lewis that refers to the items discussed at the workshop. It is determined that stowmwater and erosion control issues have been addressed by York County Soil and Water. Dwayne motions to send to Deluca Hoffman to see if a waiver request is acceptable. Kurt seconds and the motion carries with a unanimous vote in favor.

Teresa asks about a performance bond for the subdivision. Kurt states that the dollar amount has to exceed 100% of the total cost. Bruce Lewis asks at what point he will have to put up a performance bond. It is determined that he would have to put up the bond prior to the board signing the final plan. Tim thinks the selectmen need to advise the applicant and approve the bond. Sue and Patti feel that the Code Enforcement office can help guide the applicant through this process. Dwayne feels the road can be done in phases but the bond needs to be in place until the completion. Dwayne also has issues regarding site distance for a school bus stop and feels this needs to be addressed. Bruce was directed to contact SAD 57 in regards to this.

**Henry Holmes Conditional use/Setback reduction for Map 17 Lot 9E.** The following property abutters were present at the meeting: Mary Moore, Jessica Moore and Arden Davis. For the record, Sue also notes letters received from 2 other abutters. The abutters were concerned about the board granting a front yard setback reduction. It was determined by the Code Enforcement Officer that the abutters had also been granted setback reductions to build their homes and that they were unaware of this fact. This is a legal nonconforming lot of record and Henry is requesting a 25' reduction in the front setback. Henry explains that he has recently had the lot surveyed and found that he has less room in the front than he originally thought. Patti McIntyre confirms that if this setback reduction is granted she will require a survey to confirm the setback distances are met. Kurt motions to approve the setback reduction of 75'. Henry notes that he also has a 4' porch. Kurt modifies his motion to 71' to allow for a 4' porch. Applicant must have a survey at the foundation confirming setback. Tim seconds and the motion carries with a unanimous vote in favor.

### **III. MINUTES OF PREVIOUS MEETINGS.**

Minutes for August 20 signed

Tim Neill motions to approve minutes of September 3 planning board meeting. Teresa seconds and the motion carries with a unanimous vote in favor.

#### **IV. REPORT OF OFFICERS**

#### **V. OLD BUSINESS.**

Discussed the issue of requiring daycares in Waterboro register with the town. The town will run an ad in the local newspapers notifying only licensed daycares that they need to register with the town.

#### **VI. COMMUNICATION.**

#### **VII. MISCELLANEOUS.**

#### **VIII. NEW BUSINESS.**

The board discussed imposing a moratorium on water processing plants in town until a study can be done regarding its impact. The board would like to let the public know that tonight's meeting serves as public notice that the planning board is considering imposing a moratorium on water processing plants. The town attorney has drafted a moratorium. The purpose of this moratorium is to give the town time to do impact studies and draft regulations. The moratorium is only good for 180 days and can be renewed at the end of that time if good progress on studies are being made. The suggestion was made to possibly pool resources with a neighboring town to do the research. Tim motions to pursue the moratorium issue at a public hearing. Kurt seconds and the motion carries with a unanimous vote in favor.

The board would also like to let the public know that tonight serves as public notice that the planning board is considering a change in the growth ordinance regarding the over 55 exemption. Federal regulations state that only 80% of residents in an over 55 subdivision have to be 55. Due to the issues discussed at the workshop with the town attorney and the amount of red tape involved, Natalie, the town attorney suggests the growth ordinance should refer to the Federal law and guidelines. Dwayne thinks the selectmen can approve a revision to the growth ordinance. Sue feels the public should be aware and involved in any change to the ordinance.

It is decided that the best way to bring the various issues to the public is to schedule a public hearing. A public hearing is scheduled for October 22, 2003 at 7:00 to review the following issues:

- Differential growth
- Water processing plant moratorium
- Growth ordinance "over 55" exemption

A public hearing for Everett Whittins proposed Village Pines subdivision is also scheduled for October 15, 2003 at 7:00.

#### **IX. ADJOURNMENT**

Kurt made the motion to adjourn at 10:50 p.m. Tim seconds and the motion carries with a unanimous vote

in favor.