

TOWN OF WATERBORO PLANNING BOARD

MINUTES
May 18, 2005
7:30 p.m.

I. ROLL CALL

Board members present: Judy Carll Roland Denby Susan
Dunlap Tim Nelson Everett Whitten

Board members absent: Kurt Clason Jonathan Raymond

Others present: Troy Jipson Jennifer Jipson James
Gendron Gordon Daney, Jr. Helene Boucher-Daney
Tina Smith

II. APPOINTMENTS

Ø Troy Jipson (Map 17, Lot 9C) - Setback reduction

The Board met with Troy and Jennifer Jipson. The Jipsons are seeking a front setback reduction to 55' in order to build a garage on their property. This lot is a non-conforming lot of record in the F&A Zone bordering the Little Ossipee River. In February 2003, a front setback reduction to 55' was granted to the previous owners (Travis and Karen Tremblay) in order to construct the house. The Jipsons explained that the house has a daylight basement and could not be placed closer to the back of the lot because of the steep banking behind the house; the garage also cannot be placed closer to the back of the lot.

The Board had been advised by the town attorney that Maine's Law Court, in Sawyer v. Town of Cape Elizabeth, found that the only way to modify dimensional requirements is to seek a variance from the Board of Appeals. After discussion, a motion was made by Judy Carll to table the application awaiting further clarification from the town attorney. The motion was seconded by Everett Whitten and unanimously passed. The board requested that the applicant seek approval from Saco River Corridor Commission. After that approval is received, the Board will determine whether the application should be placed before the Planning Board or the Zoning Board of Appeals.

Ø Helene Boucher-Daney (Map 3, Lot 62-2) - Conditional Use

Helene Boucher-Daney addressed the Board regarding a Conditional Use application to process firewood on their property at 21 Andrews Lane (F&A zone). The applicants will have tree length wood delivered to them; they will cut and split the wood.

The abutters, Mr. & Mrs. Gendron, have a 50' by 200' right of way over this property. After discussion, the Board stated that the conditional use cannot obstruct the easement and the abutters must have access to their property. The right of way issues are a civil dispute.

Tim Nelson made a motion to allow the conditional use with the following stipulations: The hours of operation will be Monday through Friday, 8 a.m. to 7 p.m.; no cutting or processing to be done on Saturday or Sunday; not to exceed 50 cord of wood stored on the property. The motion was seconded by Judy Carll and unanimously carried.

Ø **Sketch Plan - Sand Crossing (Map 1, Lot 26T)**

The preliminary plan for the Sand Crossing subdivision was presented to the Board. There will be four lots on 16.51 acres. The checklist was reviewed. Two items remained open, the anticipated price range and the status of the road. The review from SMRPC noted that the third lot has a shallow building envelope. The possibility of stream protection and resource protection areas needs to be evaluated.

III. MINUTES OF PREVIOUS MEETINGS

A motion was made by Judy Carll, seconded by Susan Dunlap and unanimously carried (Tim Nelson abstaining) to approve the minutes for the meeting held May 4, 2005

IV. REPORT OF OFFICERS

V. OLD BUSINESS

Sue Dunlap reported on the site walk conducted on the Jarosz property, Blueberry Road Map 24, Lot 25. The survey of the property line remains in question with a 6' difference being noted. The applicants will meet with the board when the survey line has been determined.

VI. COMMUNICATION

VII. MISCELLANEOUS

VIII. NEW BUSINESS

IX. ADJOURNMENT

A motion was made by Tim Nelson, seconded by Judy Carll and unanimously carried to adjourn the meeting at 9:10 p.m.

Approved Date: _____

