



TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE

Regular Meeting of the Planning Board      January 28, 1988

Meeting called to order at 7:30 P.M.

- I      **ROLLCALL:** Roland Denby, Anna Jackson, Larry Jacobsen, John Roberts, Douglas Foglio. Anna Jackson and John Roberts were empowered to vote.
- II     **MINUTES OF PREVIOUS MEETINGS:** John Roberts moved to accept December 9, 1987 minutes as printed. Larry Jacobsen seconded. Vote Unanimous In favor.  
Anna Jackson moved to accept January 13, 1988 minutes as printed. Larry Jacobsen seconded. Vote Unanimous In favor.
- III    **COMMUNICATIONS AND BILLS:**
1. Letter to Mrs. Dugas from Selectmen
  2. Info from Southern Maine Regional Planning Comm.
  3. Meeting Agenda MAP
  4. Requested Changes to Ordinance
  5. Building Code Handout
  6. Info from S. Kasprzak
  7. Info from S. Kasprzak (Finance Comm.)
  8. Info on PATCH
  9. Community Programs Info on Subdiv. Review Procedure
  10. Growth Management in Maine Info from Univ. Of So. Maine
  11. Request from Selectmen on Closing of Roads
  12. Revised Water Impact Study
  13. Legislative Bulletin
  14. H.I.L. Tech. Info
  15. Info from American Planning Assoc.
  16. Letter from Lake Arrowhead Re: Bruce Bryant
  17. Letters concerning McKelvey lot
  18. December Issue S.M.P.R.C.
16. Mr. Bryant has not supplied information requested by the Board. Upon submission of plot plan Board will take action.

17. McKelvey lot. At the time of subdivision there was no clear right of way. Upon receipt of right of way a building permit should be issued. This should now be a buildable lot. Established right of way should have been 50 ft. required by the P. Board. By taking right of way out at the time of subdivision it stopped a potential illegal subdivision of land at the rear of subdivision (N.E. Log Homes of Me. Ctry. Estate). Deeded right of way submitted questioned the need or legality of deeding a right of way from your own property to yourself.

John Roberts moved to grant a building permit as they have fulfilled requirements that the Planning Board requested in submission of a deeded right of way. Doug Foglio seconded.

**Discussion:** Right of way existant since John Hanscom owned the property. A copy of John Hanscoms' deed would help clarify the right of way. Was the right of way reserved from the original sale? How can previous owners deed right of way if they no longer own the property?

Vote two (2) in favor, two (2) opposed. Motion fails to pass.

4. John Roberts moved that Zoning Ordinance change submitted by Dianne Holden be forwarded to the attorney by the Board to rewrite Section 10.05 in Zoning Ordinance. To be returned as soon as possible in order to process at Town Meeting. Roland Denby seconded the motion. **Discussion:** Clarification on changes submitted needing a \$100 fee upon presentation. The Board will be recommending the change therefore no charge necessary. Three in favor of motion. Unanimous in favor.

John Roberts moved to send the proposed Swimming Pool Ordinance and Groundwater Impact Study Ordinance to attorney along with Zoning rewrite for legal changes if necessary. Upon receipt of the three from attorney a Public Hearing to be held. Roland Denby seconded the motion. Three in favor. Vote Unanimous.

Doug Foglio will not be able to attend the February 10, 1988 meeting. Mike Hammond will be in concerning new building being constructed. This to be the first such case dealing with in house subdivision. Four Businesses in Building with Radio Shack at one end of complex and Waterboro Superette to be at the other end with two rental spaces in the middle. Should only need site plan review. Basic house size septic system to be used. Soil is sandy. Nearest building approximately 120 ft. from building.

South Portland has a designed water system that deals with situations like Mr. Owens. Andrew to check with the Planner from So. Portland to obtain further information.

Birchcrest: Problem with a well being on someone else's property after new survey has been done. If approximately four ft. strip of land is sold to insure well maintenance the abutting lot frontage would be reduced to 96 ft. This would create an unbuildable lot. Can an easement be obtained? Board not sure.

#### IV REPORT OF OFFICERS AND COMMITTEES:

Treasurers Report: (at first regular meeting of the month only)  
Balance \$

#### V APPOINTMENTS:

8:00 P.M. ELWIN OWEN (GAS TANK ADDITION) Map 19 Lot 24&25 V Zone  
8:30 WES LEIGHTON (ALDER ACRES) Map 7 Lot 66. AR Zone  
9:00 ED LACOURSE (BOARDING HOUSE) Map 4 Lot 37A AR Zone  
9:15 LES LEIGHTON (SUBDIV SKETCH) Map 8 Lot 19 AR Zone

#### 8:00 P.M. ELWIN OWEN MAP 19 LOT 24 & 25 V ZONE

Tanks are registered with the State and has made one payment on tanks. State has been in with people to propose entrance design. Heaviest expected vehicle to be Dump trucks. H. A. Mapes to be the installer. Currently only sidewalk, there are no marked entrance and exit from proposed parking lot. How far are tanks from nearest water supply? Abutters do not mind gas tanks being installed. Mr. Owen does not know exact location of nearest water supply. Mr. Owen wants to eliminate parking in front of the store. Driveway to be paved as soon as the frost goes out of the ground with parking spaces marked out. Scott paving company to pave sometime in May. A ten ft. Island proposed by Me. DOT would be installed. There would be no added traffic on the corner. Drainage a major concern. Where does run off go? Drainage expected to run into two culverts that the State put in. It is believed that this dumps towards stream. Culverts are existing. According to DEP gas tanks can be placed within two ft. of water supply. Monitoring wells to be in place. Water supply for store believed to be at rear area of store away from side where proposed gas tanks would be. Why did you chose to go with monitoring wells? Advised by the State. DEP was contacted today and they informed Board that two methods are used, monitoring wells or double containment. Monitoring wells a less expensive method. Old tanks still located on Property? Paul Ricard has told Mr. Owen that probing had been done and the old tanks are gone. It had been passed on to Mr. Owen that an Oil tank was located and removed with the old building. That being the only known tank still existant on lot. DEP had advised the Board that they might require Mr. Owen to probe for old tanks. This being a way of determining old tanks existence. Glen from DEP has insured Mr. Owen that monitoring wells is the best way to insure safety of detecting any leakage. ~~Andrew commented that in order to have~~ monitoring wells the water table must be no higher than 15 ft. If less, another method would be necessary. Gas station to be separate business? This is a new product offered by a convenience store not a gas station but gasoline. Lot size questioned. With removal of

building the lot now measures in excess of 15,000 sq. ft. Public Hearing necessary? Business should have 40,000 sq. ft. Mr. Owen asking to increase potential traffic into store on less than half the required lot size. Will have additional parking Mr. Owen believes he helped the corner traffic problem in removal of the building. Gas station to add to traffic flow? Mr. Owen does not believe so. Have you had an engineer design a drainage plan? Mr. Owen has not. If gasoline is spilled by customers this gasoline would be dispersed into storm drain that eventually goes into stream without purification. Board feels that certain questions need to be answered. Who monitors the monitoring wells? Mr. Owen responsible. Andrew had checked with DEP and they informed him that people responsible for monitoring do not always do what is expected. Area by gas pumps to be cement. H. A. Mapes believed to be very reliable. DEP does not feel spillage from consumer a problem. Antiflotation device to be used? Mr. Owen not sure, has left the installation entirely up to H.A. Mapes. (a licensed installer) Would it present a problem to Mr. Owen if the Board requested returning with Mapes to answer further questions? Mr. Owen did not see a problem. A letter from Paul Ricard with information on old tanks necessary for the Planning Board. Mr. Owen's attorney pointed out Zoning issues. Zoning permits this type of use. It was a prior nonconforming lot. Not to be a service station. State responsible for finding water table, all part of requirements of permit. Local approval normally received before seeking State approval. Mr. Owens' attorney and the CEO had informed him that State approval was needed. Mr. Owen has kept the CEO and Town Planner informed. Mr. Foglio expressed to attorney his feelings concerning Zoning. Did not feel that the two areas of concern could be separated. Sections covering this noted Pg. 10 of Zoning B. # 13., Pg. 11, Conditional Uses, #11. It is a conditional use and there is not land enough. Pg. 61 Conditional Use, Undersized and Bulk Storage: Board has the right and duty to ask the same questions as DEP and more if in the Public Interest. Water problems in area being used currently as parking space obvious last week, there was 6 to 10 inches of water standing in area. Did not run into culverts. Mr. Owen realized the current situation does not appear good, however, has not had weather conditions that allow installation of pavement that would correct this problem. Drainage to be taken care of when area is paved. Board expressed that a number of people were concerned with access to gas tanks creating a traffic hazard. Busiest area in the town. Traffic and pollution seem to be major area of concern by townspeople. Gas tanks to be manned or self service? Self service. Matter to be continued until further information could be collected.

Mr. Owen could present information to the Code Enforcement Officer on Old tanks. Water table to be determined and Board to be informed. Drainage plan to be presented. Grade elevation. Notify abutters for Public Hearing. Mr. Mapes to be present for a Public Hearing? Board to notify Public safety, School Board Members, Hazardous Waste and any other committees interested for input. Board felt State approval was necessary if underground drainage was used. Currently there is only water draining from property, once gas tanks installed the potential for gasoline to be mixed with water great. Water may have to pass through grease trap or separator to dispense gas from run off. John Roberts moved that Mr. Owen contact Sharon Abbott with date of completion of drainage study and within 20 days a Public Hearing be scheduled. Roland Denby seconded the motion. Vote Unanimous in favor. Mr. Owen expressed concern at time frame to get before the Board. This matter to be handled either under Old Business or a Special Meeting can be scheduled by the Planning Board. A copy of the minutes to be sent to Mr. Owen.

**8:30 P.M. WES LEIGHTON ALDER ACRES MAP 7 LOT 66 ZONE AR**

Mr. Foglio had spoken with Wes and had informed him that he would be coming in for review of Final on Alder Acres and upon obtaining a Bond could come in under Old Business to receive Final Approval. Road review committee should send results of findings to the Planning Board. Mr. Leighton needs to finish road but does not wish to finish until fall. Possibly to use asphalt or spray tar finish. Dependent upon Final Approval as to which method used. Board will need to review Bond. Appendix V Subdivision Checklist used. Note at least 6 copies of Final Plan needed. Anything on plan needs to be exact to Milar, if not exact they will not be recorded. Road square footage not required. Noted that one lot has 95 ft. frontage. Zoning referred to, covered under Section 2.06. Curve data not on plan will need to have this done. Needs endorsement by York County Soil Conservation. Set new grades established by on site by road review. A letter from the Road Review Comm. to cover. Bring a copy of Road profile for the records. Landscaping to be approved with final plan. Upon Road Bond, request for landscaping to be included with road amount. One culvert, 18 inches not written on plan, to be added. Profile to be attached on Final copy. No green belt requested. Drainage easement to be clear. Copy of deed showing drainage easement. Call Karen to find out if we need anything in writing other than what is on the plan and in the deeds concerning drainage easement. Drainage easement needs to cover no culverts in easement. A 6 ft. flow line, 10 ft. minimum span, 2 ft. above invert of drainage way. Fifty ft. right of way to be marked, retained by owner on plan. Estimate for road on file from Tilcon for MC 250 and Bituminous concrete. If subdivision complete by May or June will probably use hot top. Road currently constructed to the cul-de-sac circle. Bonding: two choices. 1) Bonding company

2) Cash in an account upon inspection by road review money could be released. Type and specifications needed. Upon road completion Bond can be released. Performance of Bond covered in three areas releasing monies at three stages, 1) pavement (estimated cost \$10,600) 2) loaming and seeding (estimated cost \$2,000) 3) Performance Bond (estimated cost \$2,500 to be released after acceptance by the Town) The subdivision owner is responsible for the maintainence of the road until the Town accepts this as a town road. The \$2500 dollar bond would be used only if the subdivision owner were to back out on maintaining the road. Amount of the Bond to be \$14,560.00. What if Town does not accept the road? The Town would have \$2500. of developers money until road accepted. Bond to be signed by the Planning Board and the Selectmen. Concern expressed by Kathy Leighton that their monies (14,560) would be tied up until Towns acceptance of road. Clarified that if Bond is in 3 stages as each stage is completed monies are released. The only amount held would be the \$2500 for the Performance Bond for the road. Wes to be aware that he might have to run 6 or 8 copies of Final Plan.

**LACOURSE (BOARDING HOUSE) MAP 4 LOT 37A ZONE AR**

Maximum of 10 elderly Boarders. Currently obtained a license from the State for four boarders. To increase with a maximum of ten. Recreation room will be available. Meals will be provided. Regulations from the State very stiff. Requires sprinkler system after 6 Boarders. Emergency lights, egress windows. Starting with 4 boarders to give them time and finances to add sprinkler system and other requirements adding to total of 10. Covered under item #12 of Conditional Use. Dimensions of rooms not included on sketch plan submitted. A water test is required by State. Can you provide the Planning Board with all information, permits, tests results etc.? Information will be forwarded by Mr. Lacourse. This is a new area to the Planning Board and will set precidence for any future uses in this area. Thorough records will be helpful. Make sure we have a letter from the local fire department stating that they are aware of the new use of building for ambulance service, in case of fire the layout of the rooms and the accessibility to this area for any emergency that should arise. A copy of State Permit to be provided to the Planning Board. A sketch plan for proposed parking area (Boarders and or visitors). Board to investigate the criteria for parking area (to be paved or gravel). Will need a plan with dimensions of rooms for the files. Upon submission of all items requested by Planning Board this will be brought up under Old Business at the next meeting. Copy of minutes to be forwarded.

**LES LEIGHTON (SUBDIVISION RT. 5) MAP 8 LOT 19 ZONE AR**

Sketch Plan submitted. Two trailers currently on 2 lots, not sure if they are to be included in subdivision. One more trailer is planned and a four unit apartment building. Easement marked out. Wife owns 2 lots. On Site scheduled for February 3, 1988 at 9:30 A.M. Cancelled if it storms. Twenty five ft. easement shown bordering Hart property kept for access if ever needed. The easement shown on sketch plan CMP pole line owned by Les Leighton. The only conditions Les must comply with from CMP is never to place Poles or monuments under lines. Needs permission from CMP to take over upkeep of Pole line. Needs exact usage spelled out. Questioned as to why the three lots for trailers were created in shape shown on plan. Had Mr. Leighton known that this might be a problem he could have done differently. In order to develop this piece of property as he wanted it was necessary to shape lots as presented on sketch plan. State is pushing Towns to discourage shoestring lots. They want common drives to be used to discourage number of drives opening onto highways. Drive shown on plan under Pole line could serve as a common drive for apartment building and the third trailer lot. The positioning of the lot lines in a different configuration would have placed the rental building closer to the Pole line and would not have looked as nice. Water table in that area approximately 8 to 10 ft. rising about 2 1/2 ft towards rear of lots.

**VI OLD BUSINESS**

1. Robert Reinken: Parks and Recreation not yet contacted. Presented sketch plan with recommended changes and submitted waiver request. First request falls well within requests granted in the past. Second request that a State Licensed site evaluator be used falls within criteria. Third, one ft. contours are present on sketch plan. The road design on cul-de-sac until you come in with a profile, the drainage would not be acted on. Please be aware that at a Public Hearing the 50 ft. right of way could be brought up. You stated that you had researched this and found none. Public opinion could prove different. Anna reported that the foot path easement should take into consideration the placement of Lions Club trailer in direct flow of traffic. Might want to consider curving this path. One seventh ownership of frontage into development to be written into deeds as suggested by Mr. Reinken's attorney. Roland Denby moved to approve items one and two of waiver request noting State licensed soil evaluator. Larry Jacobsen seconded the motion. Vote Unanimous. Waiver request on file in folder.

Roland Denby moved to wait until more information is provided concerning Section 6.2.1.14 Preliminary Plan Submittals as printed in Waiver Requests at a later time. Larry Jacobsen seconded. Vote Unanimous in favor.

Anna Jackson moved to waive Section 2.06 to allow 75 ft. frontage on cul-de-sac for lots 2, 3, 4, and 5. Larry Jacobsen seconded. Vote unanimous in favor.

Anna Jackson moved to accept revisions on sketch plan as submitted 1/28/88. Larry Jacobsen seconded. Vote unanimous in favor. Public Hearing will be next move should notify abutters. Notify Sharon to schedule Public Hearing.

2. Mr. Glaude: Building to be 48 x 100. Forty eight ft. width for storage of boats. Twenty units. Building to be 80 ft. back from road. Screening from the road. Majority of the building will be in the wooded area. Will be clearing only what's necessary. Horseshoe shape building proposed if building is added on to the current 48 x 100 structure requested. Keep in mind that snow removal in this section of the country presents a problem. How do you plow snow in the horseshoe form? On site recommends that the Board accept this plan. Anna Jackson moved to accept plans for storage units as per plans submitted 1-12-88 with entrance to be paved from Rt. 202 to an area that levels off with a twenty ft. area level remaining area to be left gravel around building (48 ft. x 100 ft.). All disturbed area to be loamed and seeded with a minimum of vegetation to be removed. Roland Denby seconded the motion. Vote unanimous in favor.

3. Michael Libby. Leave under Old Business. Contact Mike to research Deed information from Registry of Deeds.

9. Ossipee Woods II: Roland Denby moved to approve sketch plan as submitted 1-28-88. Anna Jackson seconded the motion. Vote unanimous in favor.

5. Articles to Finance Comm. how much money Planning Board needs. Suggested they ask for \$25,000 to revise comprehensive plan. John Roberts moved to request \$10,000 for enforcement of Land Use Regulations and subdivision use as per Ken Cole's letter.



ARTICLE II ENFORCEMENT

To see what sum of money the Town of Waterboro will appropriate for the Planning Board to use for enforcement of the Town/s Subdivision Ordinance:

Planning Board Requests: \$ :  
Anna Jackson seconded the motion. Vote Unanimous in favor.

Roland Denby moved to combine areas F and G of proposals. Larry Jacobsen seconded. Vote Unanimous in favor.

Doug Foglio to come in Tuesday to construct articles. Call if he does not show.

Meeting was adjourned at 12:38 A.M.

Respectfully submitted,

Lawrence Jacobsen  
Secretary/Treasurer

*Anna Jackson*  
\_\_\_\_\_  
*Douglas C. Foglio*  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_