

TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE



MINUTES

Special Meeting, March 23, 1977

Meeting called to order at 7:30 p.m. by Vice Chmn. Ronald Dyer; other members present were Raymond Kellest, Phillip Gardner, Stephen Kasprzak, James Hamilton, and Frank Goodwin. The Chmn. empowered Mr. Kasprzak to vote. Mr. & Mrs. Frank W. Berkemose, Mr. Robert Cyr, their Atty., Mr. Roger Elliott, Town Counsel, Mr. Allen Jordan, Code Enforcement Officer were also present.

COMMUNICATIONS & BILLS

It was unanimously voted to pay a bill of \$42.00 from the Portland Press Herald for legal advertisements.

REPORTS OF OFFICERS & COMMITTEES

Mr. Gardner made a brief report on his attendance at a Conservation Commission meeting on March 16, and made hand outs of some material on the Maine Tree Growth Tax Law.

OLD BUSINESS

For the discussion of the Berkemose matter Selectmen Willett, McCarthy and Monteith joined the meeting. Mr. Berkemose: Mr. Berkemose had purchased a lot from Ms. Katherine Fallon which, not to his knowledge, created a 'subdivision' under the law. His Attorney and Town Counsel had met to find a remedy for Mr. Berkemose which would expedite building and power permits to enable him to build without lengthy and expensive legal proceedings, Town Counsel recounted the land transactions and confirmed his agreement with Atty. Nelson's opinion that Mr. Berkemose's lot was in subdivision status. Mr. Elliott, stating that it was acceptable to Mr. Berkemose and his attorney, advised that the simplest remedy was to have Mr. Berkemose get, from the Planning Board, subdivision approval for his lot. He explained that such a solution was unusual but believed it to be legally safe one since it upheld the intent of the Statutes, and from the Planning Board point of view,

a satisfactory one, first, for the same reason and, second, that it was the quickest way to provide relief for Mr. Berkemose. Atty. Cyr, because it might be of interest to the Planning Board, and with the Board's consent, explained the contention of Mr. Fallon, the broker in the land transaction, that a 'subdivision' did not exist. Chmn. Willett of the Selectmen said that whatever decision was reached that it must be applicable and would be applied to any future similar case and, with this proviso, indicated the consent of the Selectmen to the remedy for Mr. Berkemose. He further stated that appropriate action should immediately be taken on the violation of the Subdivision Statute. Mr. Kasprzak moved, Mr. Gardner seconded and it was unanimously voted that the Board waive the preapplication, the Preliminary Plan and the Topographical survey requirements and encourage Mr. Berkemose to submit an application for approval of a Final Plan of his lot strictly in accordance with the "Land Subdivision Regulations" of Waterboro effective on this date; such plan should particularly show the proposed location of the 25 ft. driveway, provision for a possible service road connecting the two adjacent lots. Atty Cyr purchased a copy of the Subdivision Regulations. The fee of \$2.50 was remitted to the Town Clerk by the Secy.

Frank Jewett: Development off Cotton Rd. Mr. Kasprzak moved Mr. Kellett seconded and the vote was unanimous that a letter be written to Mr. Jewett referring to his Sketch Plan and to the on-site inspection and enforming him that he may proceed with a Preliminary Plan which should in particular show (1) any proposed 'open space' area (see 8.1), (2) the wet land as a conservation area which can also be used as a drainage sump (see 8.4), (3) a proposed green belt (see 8.8.2) and (4) a route for an access or collector street which will pick up all lots and have 2 entrances/exits to a town way (see 8.9.1). The letter should also require that topographical survey plan with 5 ft. contours be submitted with or as a part of the Preliminary Plan. A copy of the Zoning Ordinance and copies of App. II and App. III, to be transmitted with the letter.

NEW BUSINESS

On-Site Inspection: Town Counsel was asked about the Boards prerogative of deferring on site inspections until the snow cover had receded enough to reveal vital characteristics to which he replied that it would not only be within the Board's right but also be well advised.

Road Construction Standards: This topic was discussed briefly and copies of Kennebunk's proposal were handed out. Consideration will be continued at the next meeting.

Meeting adjourned at 9:30 p.m.

Respectfully submitted,

Frank R Goodwin

Frank R. Goodwin, Secy.

Approved by:

[Signature]
[Signature]

