

PUBLIC HEARING

PROPOSED CHANGES TO WATERBORO ZONING ORDINANCE & SUBDIVISION
(See Attached Sheet of Changes)

FEBRUARY 24, 1988

1. Millard Genthner explained that the intent of the Zoning Board of Appeals was to Add as a definition not change anything. The Zoning Board of Appeals has been confronted with problems where a lot borders more than one road. Hopefully this would help land owners in this particular situation. Possible problem; once posted would these changes be allowed? Selectmen Dennis Abbott clarified. The reason for the Public Hearing was to discuss proposed changes and if changes were needed it was possible. Is there a State mandate concerning corner lots meeting setbacks? Mr. Foglio was aware that several towns operate similar to Waterboro but unsure as to legalities or possible mandate. Town attorney should be contacted.
2. Mr. Genthner explained that the person sometimes is not present at a hearing/appointment. It is extremely difficult when specific questions arise that are unanswered due to that person not being present. The meetings have to be postponed and re-scheduled. By requesting the person be present the Zoning Board of Appeals hopes to alleviate this situation. It was suggested that it could read and/or attorney or agent to act on their behalf. Many times an attorney or contractor is as prepared to answer on behalf of the appellant. Would the Zoning Board of Appeals please rework their changes and return to the Selectmens Office tomorrow morning. Secretary Jean Chick would take care of this.
3. Amount changes due to increased costs to the town such as time spent on inspections, studies, legal fees, water study review, road review. The presently has no way to recoup the money. It should be the developers cost not the Towns.
4. Minimum cost of \$25.00 for Building Permit. No charge for under \$500. Over \$12,500. would be \$2.00 per thousand. This would cover the cost of the Code Enforcement Officers expenses. Fee structure based on inspections, mileage, no way to recoup cost other than through building permit fees.
5. Would there ever be a split of the Building Officer and the Code Enforcement Officer making these separate jobs? Zoning refers to both uses of Titles. Should be left as printed.

6. What is a substandard lot? Explained that its different in each Zone but basicly means that there is less square footage than required by Zoning. Most of these were not intentionally done but were made substandard by the enactment of the Zoning Ordinance. When inspecting it is difficult many times to know where lot lines are. Also the banks require a Class D Survey. Sometimes upon completion of these surveys houses are found to be to close to lot lines. This was believed to help alleviate the problem.

7. A number of years ago it was required by Zoning that people within 1000 ft. be notified. It was then deleted entirely. The intent was not to delete entirely. Due to rising cost of mailing it was suggested that abutters be notified. This being a medium ground. Would this include land owners directly across the road or private way? Not as written. Not always are the people across the road affected in the same way as an abuttor. It is also posted in five places. Selectmen to recommend this change.

8. Should change to read not less than \$100 or not more than \$2500. Should read Volume 1 after edition and insert all construction requiring a building permit within the town. Why does this need to be accepted again? BOCA makes changes once every three years. This gives the town the option of accepting or deleting these changes.

9. Resident not in favor of multiple dwellings but might this cause a hardship to the developer? Mr. Timmis explained that this is calculated by computers. A simulated program is run using information gathered from the water study. Current Zoning states ground water study required. This addition would set guidelines leaving less margin of error. This would require land owner/developer to use tested area for water or waste. Do people place in a different location? Currently there is nothing to stop them? Noted that (If) should be deleted.

Discussion on fee structure. How was \$25. fee on sketch plan derived? By comparison of surrounding communities. Rising costs to the town need to be covered. Comprehensive plan drawn up was requested by the Planning Board as well as continuing with the Town Planner and fees to be used by the Planning Board to prosecute violations. These are a other requests made by the Board that are not being discussed this evening.

\$.50 per lineal foot for all pipe going in? Yes.

Meeing adjourned at 8:25 P.M.
Approximately 25 people in attendance.

#3 To see if the Town will authorize the Planning Board to change the fee structure on subdivisions:

Now reads: \$25.00 for Sketch Plan
Preliminary plan: \$25.00 plus \$2.00 per lot in excess of 4 lots
Final Plan: \$25.00 per lot

Change to:
Sketch Plan review: \$25.00 plus \$2.00 per lot
Submission of Preliminary: \$25.00 plus \$25.00 per each lot
Final Plan: \$25.00 per lot plus \$.50 per lineal foot of road, plus \$.50 per lineal foot of pipe.

#4 To see if the Town will vote to amend Article 12 Section 12.01 of Waterboro Zoning Ordinance.

Now Reads:
\$2.00 per one thousand dollars of estimated cost up to \$50,000 plus \$1.00 per thousand dollars estimated cost between \$50,000. and \$100,000. plus \$0.50 per thousand dollars of estimated cost over \$100,000. The fee shall not be less than \$25.00 in any case except that there shall be no fee if the estimated cost does not exceed five hundred dollars (\$500.) (see section 2.03)

Change To:
Building permit: the fee shall not be less than \$25.00 in any case except that there shall be no fee if estimated cost does not exceed \$500.00-(see section 2.03)-otherwise \$2.00 per One Thousand Dollars of estimated cost.

*2 To see if the Town will vote to amend Article 10, Section 10.03 of the Waterboro Zoning Ordinance by adding the following:

The Appellant shall be present ^{or agent} at his or her hearings pertaining to their Administrative Appeal or Variance Request. Failing to be present can be a reason for denial of Administrative Appeal or Variance Request.

*1 To see if the Town will vote to amend Article 14, Section 14.02 of the Waterboro Zoning Ordinance ~~to read:~~ by adding the following

Now reads: ~~Frontage: That portion of a lot or parcel of land abutting a public or private right-of-way or shoreline frontage.~~

Add to: (for description purposes only)

Change to: Front Yard Setback: The portion of a lot or parcel of land that the front door/entrance, of the structure faces that abutts a public or private right-of-way or shoreline frontage.

#5 To see if the Town will vote to amend Article 2, Section 2.03 of the Waterboro Zoning Ordinance by adding the following as a second paragraph to the existing Section 2.03.

Plan and permits: A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged or altered until plans have been submitted and a permit has been obtained from the Code Enforcement Officer. The approval of all city, county and state authorities having jurisdiction over swimming pools shall be obtained before applying to the Code Enforcement Officer for a permit. Certified copies of these approvals shall be filed as part of the supporting data for the application for the permit. All construction of pools to conform with BOCA Code, Swimming pools Section 616.0.

#6 To see if the Town will vote to amend Article 2, Section 2.08 of the Waterboro Zoning Ordinance by adding the following paragraph to the existing Section 2.08.

Lots created before the enactment of the Waterboro Zoning Ordinance, that are substandard are required to have a "Class D" survey performed, or present evidence to show the true boundary lines, (i.e. a plot plan prepared by a certified surveyor), before a building permit can be issued.

#7 To see if the Town will vote to amend Section 10.05 first paragraph of the Waterboro Zoning Ordinance to read:
Now Reads:

All Board meetings at which appeals or requests for variances are heard, considered and decided are public hearings (see Section 13.07). Notice of a public hearing, which must include an agenda and the time and place of the hearing, shall be given at least seven (7) days prior to the hearing date by general advertisement to the public and by mail to the following individuals each of whom shall be deemed a party to an appeal or a variance request proceeding, the person appealing and/or applicants whose variance requests are on the agenda, the Code Enforcement Officer and members of the Planning Board. In addition to the parties listed above any member of the public present at the hearing who is recognized by the Chairman and participates by offering testimony in an appeal or variance request proceeding shall be deemed a party to that proceeding.

Change To:

All Board meetings at which appeals or requests for variances are heard, considered and decided are public hearings (see Section 13.07). Notice of a public hearing shall be given at least seven (7) days prior to the hearing date by general advertisement to the public. At least ten (10) days prior to the date set for the Zoning Board of Appeal's hearing on an appeal or a variance application the Zoning Board of Appeals shall cause written notice, by certified mail, of that hearing to (a) all property owners of record whose land abutts the property lines of the property for which the variance is requested; (b) the person making the appeal; (c) the Planning Board; (d) the Code Enforcement Officer and (e) any other parties of record to the proceedings.

The owners of property shall be considered to be those shown on the tax lists of the Town. Failure of any abutting property owner to receive notice shall not necessitate another hearing or invalidate the action of the Board.

The mailed and published notices shall include the following information:

- (1) The name of the applicant;
- (2) A brief description of the property involved;
- (3) A brief statement of the nature and extent of the variance requested;
- (4) The time and place of the Board's hearing on the variance.

#8 Shall the Town adopt the Building Officials Conference of America ("B.O.C.A.") Basic National Building Code, 1987 Edition, as the governing standard for all construction within the Town. The penalty for violating B.O.C.A. code requirements shall not be less than \$100-\$2500 per day per violation. Any fines so collected shall be paid to the Town of Waterboro, to be used by it for its general purposes.

To see if the Town will vote to amend Article VI s26 of Land Subdivision Regulations by adding the following to the existing Article.

26.A a hydrogeologic impact study prepared by a State of Maine Certified Geologist or a Registered Professional Engineer with experience in hydrogeology shall be provided for all subdivisions utilizing on-site septic disposal systems. This study shall contain, at a minimum, the following components:

A. 1. A map showing the soil types using the Unified Soil Classification System (USCS).

2. Groundwater levels and flow rates through the site, and the aquifer type should be determined.

3. An analysis of surface drainage conditions and their relationship to off site conditions.

4. Data on groundwater quality for the site should be provided. Collection of this data can either be provided by test wells on abutting properties, provided that the data collected from those wells would represent the groundwater on the site.

5. A calculation of average nitrate nitrogen levels on-site after development and a calculation of nitrate nitrogen levels at the down gradient property line(s). These calculations should be done under normal rainfall and draught conditions.

6. A map showing the recommended sites for the individual subsurface waste water disposal systems and wells in the subdivision.

B. No development shall increase nitrate nitrogen concentrations at the property line of the development in excess of the primary drinking water standard. (Currently 10 mg/l)

C. If groundwater contains contaminants in excess of the primary drinking water standards, and the subdivision is to be served by on-site groundwater supplies, the applicant shall demonstrate how water quality will be improved or treated.

D. Subsurface waste water disposal systems and drinking water wells shall be constructed in the locations shown on the map submitted with the assessment. ~~■~~ construction standards for drinking water wells and subsurface waste water disposal systems shall be included as a note on the final plan, and as restrictions in the deeds for the effected lots.

*Change noted
is correct on warrant. a sentence
left out.*