

TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE



Regular Meeting

Waterboro Planning Board

May 11, 1988

MEETING CALLED TO ORDER AT 7:30 P.M.

I **ROLLCALL:** Anna Jackson, Roland Denby, Michael Hammond, Larry Jacobsen, Dwayne Woodsome and Douglas Foglio.

II **MINUTES:**

III **COMMUNICATIONS AND BILLS:**

1. Memo: Re: Lake Arrowhead Water Supply
2. Information Re: Registration of Farmland for Spraying of Chemicals
3. Letter Re: Waste Disposal
4. Letter Re: Conditional Use granted to Richard Hall
5. Notification of Application to S.R.C.C.
6. Copies of Outgoing Communication
7. Letter from Structure and Design
8. Whitman & Howard Re: Ground Water Study Straw Mill Meadows
9. Letter from K. Lovell Re: Retroactive Ordinance Provisions
10. Letter form Lee Nelson
11. Letter from James Swewll Co.
12. May Issue of UPDATE
13. Letter from John Rand (Town Geologist-Water exploration)
14. Letter to Mrs. Dugas Re: Violations

#10. Under section 2.08 of Zoning Ordinance the Code Enforcement Officer can issue Building Permits. The CEO was given the authority to issue building permits on substandard lots as long as setback requirements could be met. This includes the **Note under Section 3.03 on Page 8 of the Waterboro Zoning Ordinance.

OLD BUSINESS: Alder Acres Final Plan

Michael Hammond moved to accept Alder Acres as Final Plan together with a copy of the Bond. Bond will be retained on file. A copy of the road profile placed on file. Dwayne seconded the motion. Vote was unanimous in favor (5).

Bond file to be made in records. Receipt given for Final Plan.

6 Lots @ \$25. = \$150.00 800 ft. of Road @ \$.50 = \$400.00

20 ft. of culvert @ \$.50 = \$10.00 Total \$560.00

Check for Filing of Plan given to Roland Denby.

V REPORT OF TOWN PLANNER:

VI APPOINTMENTS:

8:00 P.M. WESTRIDGE COMMONS Cancelled
8:30 P.M. MOUNT HOLLY
9:00 P.M. ROBERT REINKEN

ROBERT REINKEN STRAW MILL MEADOWS MAP 4 LOT 25 ZONE V

Changes noted per Planning Board request. #18 of Notes added. Height of planting noted. Ball field labeled on plans. Road, Hydrology study, Letter of credit. Road changes discussed. Eliminated sheeting drainage.

Road review committee to be notified during construction of road to insure verification that road was constructed to town specifications. Michael Hammond moved to accept Straw Mill Meadows as Final Plan with Road profile. Addition to letter of credit that no funds be released until inspected by the road review committee. Dwayne Woodsome seconded the motion. Unanimous in favor (5).

Michael Hammond moved to waive water line pipe fee for Straw Mill Meadows due to cooperation of developer to install pipe at no cost to the town. Dwayne Woodsome seconded the motion. Unanimous in favor (5).

7 Lots @ \$25.00 = \$175.00 965 ft. Road @ \$.50 = \$482.50
30 ft. culvert @ \$.50 = \$15.00 Total \$672.50
Credit of \$50.00 deducted Receipt for \$622.50 given.

MOUNT HOLLY SHERBURNE WOODS MAP 9 LOT 14D ZONE F&A

Mr. Hewitt engineer of Seacoast Engineering Assoc. Inc. informed the Board of the problems with the proposed cul-de-sac. If road specifications were adhered to it would be necessary to cut 20 ft. into a bank. The site distance requirement throughout cul-de-sac was the major problem. They would have to move a major amount of fill. No feasible location on property to place fill. If a "P" configuration was used it would cut down on the cut into the bank. Also if the 300 ft. site distance could be reduced by 30 percent it would help. "P" shape design of cul-de-sac preferred by developer. Work session to be set up to work on this plan. After the work session and the review of the Hydrology study by the town consultants the Board would have Mount Holly back under Old Business for acceptance of Preliminary Plan. Mount Holly to prepare a couple different designs for the workshop. Before the Board can render a decision they would need to see alternative designs for the road. Lots to be serviced from cul-de-sac a great influence. Board suggested trying a "P" shape cul-de-sac and also 30% reduction in verticle curves to spin circle into the west. Dwayne Woodsome moved to extend Final Plan of Sherburne Woods to November 9, 1988. Michael Hammond seconded the motion. Unanimous in favor (5).

Walk in: Mr. Leveille would like to place a recreational trailer on Mr. Robert Jones property in South Waterboro. To be used as a food concession stand on a temporary basis. Intended time of May 30 to the end of Sept. Open from 4 P.M. to 9 P.M. during the week and Friday and Saturday 11:00 A.M. to 10:00 P.M. Sunday from 11:00 A.M. to 6:00 P.M. Placement of trailer to be in the general area of the garage of neighboring property to allow for ample parking. Board to send to the attorney for clarification.

VII OLD BUSINESS:

#8. Fall Lot on site. Every lot is 80,000 square ft. the size will need to be increased due to easement. Adjustment could be allowed for at the rear of lots. Common drives site distance appeared to be okay. Noted that this was a bad area.

#10. Deer Watch on site. New road thirteen to fourteen feet of pavement. Two plans presented. If reviewed by DEP they would require minimum of eighteen feet of road with three foot shoulders. The potential for further development in the area is great. Driveways dumping onto New Road not good at all. Roland noted that information on roads very important. Research necessary. Check with town attorney to verify enactment of law making all town roads minimum of two rods wide. Some county roads are three and four rods wide. Michael Hammond moved to notify Mr. Speed to include an internal road on both Deer Watch and Fall Lot subdivision. Upon completion to come back before the board. Upon finding of on site committee findings as previously requested in original letter of March 29, 1988. Dwayne Woodsome seconded the motion. Unanimous in favor (5).

Old Business:

Dwayne Woodsome moved that the Code Enforcement Officer in conjunction with original plan submitted to the Planning Board and Conditional Use granted issue building permit. Anna Jackson seconded the motion. Unanimous in favor (5).

Michael Hammond abstained.

#11. Kevin Owen: Review of Public Hearing. Previous minutes referred to noted Mr. Owen to come under Old Business for review of Public Hearing. Deed presented and placed on file. Mr. Owen noted that as of September 17, 1987 he had let people know of his plans to install gas tanks. He had notified abutters and received no opposition. Mr. Owen felt that there were two major concerns that came from the Public Hearing. One being that of concern of existing tanks in front of the store. Proof that they were no longer in the ground. Second the proposed entrance onto Goodwins Mills Road. If entrance were moved fifty feet from the corner it would take three parking spaces however these could be repositioned elsewhere on the lot. Mr. Owen felt he had done everything that the Board had requested and could see no reason why a decision could not be rendered tonight. Decision requested. Anna stated possible need for traffic study before going any further. Mr. Owen's attorney, Mr. Ayotte did not feel that the traffic study was an issue since this business was existing and would not affect traffic. When property was purchased this was noted as being the local hang out. Mr. Owen was not happy with this and took measures to improve area. Purpose of Study? Safety factor. There was only the addition of a product this should not add to the traffic flow. Mr. Owen has gone to great expense to improve the quality of the corner and to delay further for a traffic study the attorney could see no justification. A request had been made from the school to the State at that time the State could see no justification. People had voiced concern of four entrances on to property. Mr. Owen commented that legal council and civil engineer were costly.

The State has no authority in certain areas. Zoning supercedes State requirements. The lot size is approximately 14,000 sq. ft. this would be over a 75% reduction being requested. Board had requested investigation of installing a water/oil separator with the engineering study. This was not presented to the Board. It was asked that you investigate the old tanks to date this information had not been provided.

Mr. Ayotte referred to Section 2.08 of Zoning Ordinance and read second paragraph. Noted that this was a fixed lot size and the two lots joined were nearer compliance than before building was removed. Legally Mr. Ayotte felt that this section allowed the installation of gas tanks. The entrance and exit if necessary could be conditions that Mr. Owen could do. Mr. Ayotte asked that the Board apply the ordinance as written.

Minutes of January 28, 1988 referred to. Noted drainage water with gas and or oil would run into drainage existant, this would dump directly into brooks. Abutting neighbors do not express concern but they would not be directly affected due to area of run off. Traffic not believed to be a problem since they would not be drawing more people for a specific purpose. Attorney described the detailed specifications required by DEP as being the safest design. Annual fee that is required. Daily inventory, monthly inspection, etc. Reports in triplicate one to DEP, one to Fire Department and one to the owner. Mr. Ayotte read subchapter. Permitted use in this area. If the town has other laws or books that he was not aware of please advise him. DEP enforces requirements.

Have old tanks been removed this has not yet been confirmed? Mr. Owen willing to dig in the area suggested at the time of installation of new tanks. He will use every reasonable effort. If there have been problems for eight years someone should have been interested before. It is possible that when the road was straightened out that the tanks were taken out. If not they would now be on State property and they would be the responsibility of the State. Road was straightened in 1952.

Mr. Ayotte noted that Mr. Owen's first booked an appointment in October and the Board should consider the case on its merits. He urged that a decision be made. Spillage? John Mapes noted that there is an instrument that will pick this up. However on a day to day basis the small amount of spillage would not be picked up by this instrument. Large amount of spillage booms could be used. Information from Maine State right of way map given to Mr. Ayotte for research.

Concerns of people in a small town are not always expressed at Public Hearings. However, Board members had received comments from concerned citizens. Most comments were not in favor. Discussion concerning previous owner's. History of the lot in general was given. Mr. Ricard had informed the Board that he intended the space where the old building was located to be used for parking. Mr. Ricard was allowed two years to demolish the building. Records could be checked. Believed that this is bulk storage not just gas station. Under Village Zone bulk storage required Conditional Use. Section 3.04.03, #11.

Tanks were the safest possible today. Board would like to consult with their attorney and have their engineer review the design presented by Mr. Owen's engineer. Upon completion of review by the Town engineer Mr. Owen would be brought back under Old Business. Dwayne Woodsome commented that after listening to the people at the Public Hearing he would feel uncomfortable not knowing whether old tanks exist.

Intersection very dangerous with gas station. Buses, vehicular traffic, students a major concern. The traffic flow would be more with a convenience store than with a gas station. This area is highly explosive situation. The Waterboro Patent Company property is still under investigation by DEP. When Board makes a decision they would like necessary information to justify the decision. Another meeting scheduled for Monday night 5/16/88 will try to schedule another meeting. Two weeks necessary to set meeting up. Notify Mr. Owen and Engineer of date and time.

Dwayne Woodsome moved to send plan out to the Town Engineer chairman to handle. Larry Jacobsen seconded the motion. Four in favor one abstention.

#6. Roland Pierce: Board gave a fifteen month Conditional Use Permit for trailer. Fifteen months expired May 1, 1988. CEO needs to know direction to take. Dwayne Woodsome moved to waive enforcement of Conditional Use until July 1, 1988. Anna Jackson seconded the motion. Unanimous in favor (5).

12. Kenneth Nagy: Dwayne Woodsome moved to extend Conditional Use of October 14, 1988 to June 1, 1988. Larry Jacobsen seconded the motion. Unanimous in favor (5).

Mr. Hall failed to take into consideration eaves being part of the dimensions. Anna Jackson moved to give Mr. Hall an additional eight (8) inches each side for his eaves. Roland Denby seconded the motion. Unanimous in favor (5).

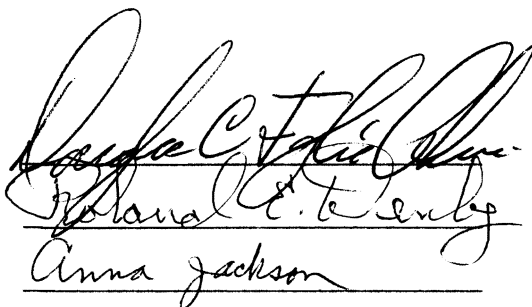
Dwayne Woodsome went to Mr. Peewee Dube's. It did not require a decision from the Planning Board since he is not going closer to property line or closer to the lake.

Five (5) appointments to be notified for the May 23, 1988 Special Meeting.

Dwayne Woodsome moved to adjourn. Anna Jackson seconded the motion. All in favor. Meeting adjourned at 12:47 A.M.

Respectfully submitted,

Lawrence Jacobsen
Secretary/Treasurer


Anna Jackson