

SUMNER CAMPBELL APARTMENT PROJECT

PUBLIC HEARING

AUGUST 25, 1988

Meeting was called to order at 7:20 P.M. Present from the Planning Board were Roland Denby, John Roberts and Douglas Foglio, chairman. Mr. Foglio opened the hearing. There were approximately 25 people in attendance.

Mr. Dan Abraham: In the F&A Zone one may be issued a building permit for one house for five acres of land?

Mr. Foglio: When this or any parcel brought up under State Regulations it was believed that to build multi or individual or several houses per lot the Town, MMA and the Town Attorney all agreed that Subdivision was required. Mid winter the Maine Supreme Court ruled that as many residences as possible could be built without going through subdivision. The definition of subdivision was the physical dividing of the property. A vast majority believed it exceeded split of use and created subdivision. The Supreme Court ruled against.

Mr. Abraham: Could Mr. Campbell acquire a building permit for eight units without Planning Board approval?

Mr. Foglio: Part way through Mr. Campbell could have dropped out and only gotten a Conditional Use. No law required him to come for subdivision. Site Plan Review process could be requested. This process goes through the Code Enforcement Officer. He reviews the projects and lists items needing Planning Board attention. This process is similar to subdivision just not as time consuming. At this time two buildings could be constructed without Planning Board Approval throughout the Town.

Mr. Abraham: Were these to be rental or for Sale?

Mr. Bill Thompson from BH2M a firm from Gorham representing Mr. Campbell gave the presentation for Mr. Campbell:
Project location approximately three miles off the West Road on Middle Road. Intent is to develop four duplexes, with a total of eight rental units. One entrance of 20 ft. wide. Intend to develop only five of the forty acres leaving the remaining thirty five acres in its natural state. The project meets all state regulations. Mr. Campbell not sure what phase at this time would be used through completion. One duplex unit would be constructed to aid in the cost of the power line from CMP. The drainage plan has been reviewed by YCSE and is back. Erosion and sedimentation plan as well. Suggested well locations to be a minimum of 100 ft. from leach fields. Questions to be saved until completion of presentation. A packed surface to be used for the drive. A letter from the Fire Dept. Chief in packet notes no major problems with service to this area. School bus stop noted as per the SAD #57 transportation dept.

The Road Commissioner had inspected the project and had noted that a 15 inch culvert be used at entrance. Rip rap to be used at the inlet and outlet of the culvert to prevent erosion. Central mail boxes in a cluster assembly to be used. Overhead power proposed with small amount of cutting through greenbelt for utilities. As much of the site as possible to be left in its natural state. Detail planting for the front of the complexes to dress up the site. A three percent to eight percent grade leveling into the cul-de-sac to be used for the road. Presentation concluded questions addressed.

Rental apartments to be controlled by the Campbell's.

Mr. Slaughtt an abutter presented a letter of concerns to the Board and read the letter to all present:

AUGUST 25, 1988

MR. DOUGLAS FOGLIO, CHAIRMAN
WATERBORO PLANNING BOARD
WATERBORO TOWN HALL
WATERBORO, ME 04087

RE: PROPOSED MULTIFAMILY DEVELOPMENT ON MIDDLE ROAD BY SUMNER
CAMPBELL, JR. (TAX MAP 6 LOT 271, ZONE: F&A).

DEAR MR. FOGLIO:

THE FOREST AND AGRICULTURE DISTRICT IN WHICH THIS DEVELOPMENT IS PLANNED INCLUDES LAND WHICH IS NOT WELL SUITED FOR HIGH DENSITY DEVELOPMENT BECAUSE OF LACK OF PROXIMITY TO MUNICIPAL SERVICES, PLACES OF EMPLOYMENT, PUBLIC TRANSPORTATION, BUSINESS SERVICES AND SHOPPING, AS WELL AS THE INADEQUACY OF UTILITIES AND IMPROVED ROADS, AND THE CONNECTION OF THIS AREA TO THE MORE DEVELOPED PORTIONS OF THE TOWN (MIDDLE ROAD IS A DEAD END ROAD FOR THE WINTER AND SPRING MONTHS DUE TO SNOW AND MUD). MOST OF THE LAND IN THIS AREA AND DISTRICT HAS HISTORICALLY AND IS TODAY BEING USED FOR AGRICULTURE AND TIMBER PRODUCTION PURPOSES. MOST OF THE HOLDINGS ARE LARGE, WITH LITTLE DESIRE BY RESIDENTS TO A MORE INTENSIVE DEVELOPMENT. ACCORDINGLY, SECTION 3.07 OF THE WATERBORO ZONING ORDINANCE LIMITS THE TYPE OF USES AND STRUCTURES IN THIS ZONE.

WITH REGARD TO THE CASE AT HAND, I.E., RESIDENCES, ACCORDING TO SUBSECTION 3.07.02 RESIDENCES ARE LIMITED UNDER LINE 1 TO SINGLE FAMILY RESIDENCES ONLY, AND UNDER SUBSECTION 3.07.03 TO CLUSTERED SINGLE FAMILY RESIDENCES. THEREFORE THE PROPOSED PLAN FOR MULTIFAMILY DWELLINGS IS AT ODDS WITH THE ORDINANCE AND SHOULD BE DENIED. IF THIS PLAN IS TO BE CONSIDERED A PUD (PLANNED UNIT DEVELOPMENT) IT WOULD ALSO FALL UNDER SUBSECTION 3.07.03 WHICH LIMITS PUDs TO INDUSTRIAL AND/OR COMMERCIAL ACTIVITIES... WITH DIRECT ACCESS TO A STATE OR FEDERAL AID HIGHWAY. THE PROPOSED PLAN FAILS AGAIN UNDER THIS REGULATION, SINCE IT IS A RESIDENTIAL NOT A COMMERCIAL AND/OR INDUSTRIAL ACTIVITY, AND DOES NOT HAVE DIRECT ACCESS TO A STATE OR FEDERAL AID HIGHWAY.

THESE ORDINANCES WERE ESTABLISHED AND APPROVED FOR THE BETTERMENT OF THE TOWN IN THE AREAS OF HEALTH, SAFETY, MORALS, PROSPERITY, AESTHETICS, AND THE GENERAL WELFARE. THERE ARE AREAS OF THE TOWN MUCH BETTER SUITED FOR SUCH DEVELOPMENT. LET US CONTINUE TO STRIVE TO MAKE WATERBORO A BETTER PLACE TO LIVE AND WORK. WE CAN DO THIS BY ADHERING TO THESE ORDINANCES IN SPIRIT AS WELL AS IN THE LETTER. THIS PROPOSED DEVELOPMENT IS ILL-SUITED TO THE AREA, IS UNWANTED BY THE RESIDENTS AND LANDOWNERS, AND IS UNACCEPTABLE BY THE ZONING ORDINANCE FOR THIS ZONE. A BREAK IN THE DAM WILL ALLOW A FLOOD OF SIMILAR DEVELOPMENT IN AN AREA WHICH IS SUPPOSED TO BE PROTECTED FROM JUST SUCH ACTIVITIES. THERE IS NO OVERRIDING COMMUNITY NECESSITY THAT SHOULD BE CAUSE FOR NEGLECT OF THE ZONING ORDINANCE FOR THIS F&A ZONE. THIS PROPOSAL MUST BE REJECTED.

VERY TRULY YOURS,

Stanley S. Slayton

Millard Genthner: Four duplex units to be contained in five acres?
Also clarified school transportation coordinator not the school board
had designated the area for a bus turnaround.

Richard Winslow: Mr. Campbell has 1615.8 ft. frontage on the middle
road for the entire project. Anyone else would have to have a minimum
of 200 ft. frontage per house in the F&A Zone.

Mr. Foglio: a limit for F&A is 200 ft. however, subdivision
regulations note it placed on a cul-de-sac the frontage can be
reduced. Fifty ft. frontage right of way, public or private to
service project as were several projects throughout the Town,
Brookside, Beaver Ridge, with a total frontage of 1,000 ft. On a cul-
de-sac the Planning Board can waiver the length of 600 ft. up to 1800
ft. for x number of units.

Two major rules: one development or five acres with 200 ft. frontage.
Mr. Winslow stated the intent of zoning was to hold down density in
this area. If this was a PUD this would not be an allowed use under
3.07.02 and 3.07.03 as stated in the letter read by Mr. Slaughtt.

The intent of this project was to develop as little of the forty acres
as necessary leaving the remaining thirty five acres in its natural
state in keeping with the area surrounding the project.

It was believed that the true intent was that for a person to build a
farm. Property would probably not be developed. Eight places would
probably never be allowed by frontage. This would open up the storm
gates.

Pat Slaughtt: Other area of concern is that with power being brought
in and the Board allowing this type of project in it would open this
area up for other developers. People move to these areas for the
secluded nature of the Zone.

Cluster provision would this be allowed?

Richard Winslow: Work done proves intention to create a nice
development. Not many regulations dealing with this project.
Mr. Winslow expressed concern Re: trailers in this area using a 50 ft.
right-of-way. Seem to be no regulations for this area. People in the
community and the people representing the town should look at this
further.

Mr. Foglio: The worst case would be for someone to petition the town
to decrease the density.

Worst type does not justify this project. This project goes against
all allowed in the Zone.

Mr. Denby noted that eight houses could be placed in this same manner under the cluster provision. Not all people can afford to live in this area this would allow them to live in a rural atmosphere at a reasonable cost.

Mr. Abraham: Agreed with Mr. Slaughtt original intent of zoning that structures like this not be allowed. A precedence could be set here for the remaining F & A Zone of Waterboro.

Comments concerning the areas of development on the other end of Middle Road. General comments regarding the area made. General feelings were that single houses were more in keeping with the area than apartment complexes. The other end of the Middle Road in question was in better shape than the section in question.

Mr. Abraham: Concern with water quality leaving the proposed site. There is a marsh area and a brook that lay below the proposed site. A firm is hired to review the water studies that are presented to the Board. These reviews are done to insure that all concerns are addressed to insure that the quality of the water leaving the site is equal to or better than that entering the site.

Mr. Winslow: Would urge powers that be before further considering project the critical nature for water sheds.

Mr. Abraham: Branch of a brook that crosses West end of property. Water flow going towards marsh land into the Buff.

Mr. Thompson in defense of the septic quoted that by State Regulations all leach systems must be kept 100 ft. from any body of water. This had all been taken into consideration by the water study.

Discussion regarding the use of property located in the general area of the Campbell project.

Letter in file read from people that own the orchard read by Mr. Campbell in favor of project.

Mr. Slaughtt: Noted that these people lived in Massachusetts. Concern that several people, once the power is in will be more apt to build. Another reason that this project should be reviewed carefully.

Public Hearing closed at 8:25 P.M.