

TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE



PUBLIC HEARING

PROPOSED CHANGES TO THE WATERBORO ZONING ORDINANCE

January 10, 1990

Shall the Town amend Section 10.04 paragraph one of its Zoning Ordinance to read:

The Board shall receive, hear, and decide all requests for variances (see Section 2.03). A variance shall be granted or denied within sixty (60) days of receipt of a completed request. A variance may be granted by the Board only where strict applications to the applicant's property would cause undue hardship or would not be in the best interest of the community. (see MRSA tit. 30 Section 4963 (3)).

NOW READS:

The Board shall receive, hear, and decide all requests for variances (see Section 2.03). A variance shall be granted or denied within thirty-one (31) days of receipt of a completed request. A variance may be granted by the Board only where strict applications to the applicant's property would cause undue hardship or would not be in the best interest of the community. (See MRSA tit. 30 Section 4963 (3)).

Shall the Town amend Section 10.04 the last sentence of paragraph six to read:

All such appeals shall be decided within sixty (60) days of receipt of a notice.

Debra Downs spoke on behalf of the Zoning Board of Appeals:

State requirements have become more complex. The State now requires the Zoning Board of Appeals to forward a complete application to DEP when necessary at least 20 days prior to an Appeals Hearing. By law DEP also has a 20 day review period of the applications. To assure the Zoning Board is in compliance the need to extend the time frame from 31 to 60 days is necessary.

The Chairman of the Board forwards necessary information to members of the Zoning Board of Appeals. The Board is also supposed to utilize the information sent from DEP when making its decisions.

Is there a clause in the Ordinance that would allow the ZBA to extend the review period by vote of the Board? Ms. Downs did not believe that there was a provision in the Ordinance.

Request by Private Citizen:

Request that an addition of #18 be included in the AR zone Conditional Uses:

TO READ:

18. All types of retail and service stores (repair shops, barbers, beauticians, cleaners, etc.) with less than one thousand (1000) sq. ft. of store area, except shops or stores requiring a daily water consumption in excess of one thousand (1000) gallons.

Tony Grant commented that as the ordinance now reads gas stations, restaurants, etc. are allowed in the AR zone. These are like uses to retail shops and they would like to see this change.

Sharon Abbott noted that the AR Zone encompasses the largest area in the Town of Waterboro and if this section were added to the Conditional Uses that this would open the Rural characteristics up to Village characteristics.

Mr. Grant noted that one would have to have a good location in order to place a convenience store in this Zone. Common sense would tell most people that this would stop the area from having a lot of this development. A parcel of land bordering the Lake Arrowhead development is in the AR zone. This could be a speculative location for a convenience store.

Ms. Downs noted that a great deal of thought went into the creation of the Zoning Ordinance and with this change it could go totally against the characteristics.

Previously there was a clause in the Ordinance allowing the Planning Board and the Selectmen to approve like uses in other zones. However, the first test case was challenged and that clause has since been deleted.

Comments noting that this would open this zone up and comments noting that common sense would dictate proper use of this additional section proposed.

#### 4.04 Special Requirements for Extraction Operation Approval

Under Sections 3.06.03-4, 3.07.03-4, and 3.08.03-7, an applicant for a extraction operation conditional use permit must prepare a suitable restoration/reclamation plan, erosion/sediment control plan, and Hydrogeological Study before Planning Board approval of a new extraction operation can be granted. As of 3/11/89, existing grandfathered extraction operations can not be expanded more than 5 acres in size without obtaining Planning Board approval of suitable restoration/reclamation plan, erosion/sediment control plan, and Hydrogeological Study.

In preparing the plans for the extraction operation approval, the applicant shall use United States Geological Survey (USGS) datum in establishing existing topography and final topography. A description of the USGS datum, bench mark height as specified by the USGS, shall be displayed on the plans.

The conditional use application along with four (4) copies of the set of plans, which include (1) a restoration/reclamation plan, (2) erosion/sediment control plan, and (3) Hydrogeological study shall be submitted to the Planning Office within 14 working days of the applicant's initial appointment.

Owners of abutting property shall be notified by the applicant via certified mail of the date, time, and purpose of the appointment a minimum of seven (7) days prior to the appointment for the applicant's extraction operation conditional use permit.

Applicants who are not required to file an application with the State of Maine Department of Environmental Protection under the site location development law must gain approval of their restoration/reclamation plan, erosion/sediment control plan, and Hydrogeologic Study from the York County Soil Conservation Commission before the Planning Board will grant approval of the extraction operation.

In addition, the Planning Board reserves the right to;

- 1) Hold a public hearing, pursuant to the provisions of Section 13.07, to either gather additional information, resolve conflicting information, or to inform the public before deciding an application to commence a conditional use.

- 2) Hire outside professionals to evaluate a proposal or design's compliance with this ordinance, with the expense of the review borne by the applicant. The estimated cost of the consultant's review fees shall be paid by the applicant to the Planning Board at the time the conditional use application is reviewed. The remaining balance due, if any, shall be paid prior to the issuance of a conditional use permit.

4.04 Special Requirements for Extraction Operation Approval Cont'd

The Planning Board is trying to stiffen up our Gravel Pit requirements to be more in keeping with the State Regulations.

Number 2: Would place the expense of a review of the required Hydrostudy upon the developer instead of the Town.

No further comments. Meeting closed at 7:25 P.M.

Respectfully submitted,

*Anna Jackson*  
Anna Jackson  
Secretary/Treasurer