



TOWN OF WATERBORO
PLANNING BOARD
WATERBORO, MAINE

PROPOSED ZONING CHANGES PUBLIC HEARING

FEBRUARY 13, 1991

7:00 P.M.

Present from the Planning Board were Chairman, John Roberts, Jon Gale, Roland Denby, Dwayne Woodsome, and Judi Carll.

John Roberts called the Public Hearing to Order at 7:08 P.M.

Since the proposed changes came from the Zoning Board of Appeals, John Roberts asked Millard Genthner, Chairman of ZBA to explain the proposed changes.

Article 1

Shall the Town vote to amend Article 3, Section 3.03 Summary of Dimensional Regulations contained in Article 3 as follows:

Not presently in the Zoning Ordinance this would be an addition:

"Wheelchair ramps are exempt from the side, rear, and frontyard setbacks, but not from the shoreland setback, providing they meet the performance standards in Article 7 and Article 4 as determined by the Planning Board."

Article 2

Shall the Town vote to amend Article 7 by adding the proceeding section:

1. Built according to BOCA and Life Safety Building Codes.
2. It shall not be wider than 6 feet at any point.
3. It shall be constructed of wood or some other material which may be removed when the need for the ramp no longer exists.
4. The applicant shall present to the Planning Board written evidence that someone using the property needs the ramp.
5. The applicant shall present to the Planning Board written evidence that it cannot be constructed within the normal setback requirements due to the configuration of the property and location of the structure being accessed.
6. The applicant shall present to the Planning Board a written statement as to when the ramp will be removed. If not date can be given, then the statement shall include a statement of events which shall lead to removal. In no case can the property be transferred to a new owner until the ramp has been removed unless written evidence has been presented to Town officials that the new owner needs the ramp for handicapped access.

Article 3

Shall the Town vote to amend Article 12 Fees, Violations, Enforcement, Section 12.01 Permit and Review Fees as follows:

Variance Request	\$100.00 (See Section 2.08 and Section 10.04)
Administrative Appeal	\$100.00

Now Reads:

Variance Request	\$50.00 (See Section 2.08 and Section 10.04)
Administrative Appeal	\$50.00

The Zoning Board of Appeals follow four criteria to justify a variance. A personal hardship cannot be used to grant a variance. The court has so determined. Therefore the reason for the suggested change.

Jon Gale thought this to be a good idea however would view a handicapped person purchasing a home differently than someone living in a home and becoming handicapped. Maybe this could be addressed.

Question was asked if the Selectmen could override Zoning. Only the vote of the town's people can do this.

Willis Lord is drafting legislation to address this issue throughout the state for variance requests.

Article #2 was drafted by Madge Baker from Southern Maine Regional Planning Commission and Millard felt comfortable with that. Jon Gale again stated his concerns with a person purchasing a home versus living in a home and becoming handicapped. This would not be equal for the non-handicapped person. Dale Witman voiced his concern of the town being faced with the legal issue of discrimination. One case has been presented to the ZBA regarding this issue and they had dealt with it but would prefer that something written directly addressing this issue is necessary.

Merle Davis explained the case to those present. Please keep in mind that this would deal with standard sizes by Zoning requirements. Lots that are substandard would go to the Planning Board for review under Section 2.08. The Zoning Board's hands are tied relating to handicapped accessibility.

Article 3

Suggested change from both the Finance Committee and the Board of Appeals to be used towards operational funds. The Board had 13 appeals which in some cases required some legal opinions. The monies collected are not sufficient to cover the costs.

It was noted that as this change is written this would still go into an account to be used by Code Enforcement Office, and Planning Board. This was duly noted and a change was suggested fees collected for ZBA be applied to ZBA expenses.

Addition of the following recommended:

Applicant present to the Planning Board written evidence that resident of dwelling needs handicapped access and the need became apparent after ownership. ZBA did not have a problem with this recommendation.

Change allowing fees collected from ZBA be applied to ZBA expenses.

Hearing closed at 7:47 P.M. Discussion followed among citizens present.