

TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE

REGULAR MEETING WATERBORO PLANNING BOARD DECEMBER 11, 1991

MEETING CALLED TO ORDER BY CHAIRMAN, JOHN ROBERTS AT 7:34 PM

I ROLLCALL: Present were Judi Carll, Kerry Perkins, Roland Denby, Cindy Allen, Dwayne Woodsome, and Chairman John Roberts.

II MINUTES OF PREVIOUS MEETINGS: October 24, 1991, November 13, 1991

III COMMUNICATION AND BILLS:

1. Saco River Corridor Commission
2. Letter from Smith & Elliott Re: Margaret Barbaro
3. Updated Letter of Credit for Deer Acres (Wentzell)
4. Incoming & Outgoing Communication Re: Thornton
5. Request for Budget-Due to Selectmen 12/31/91
6. Letters from Dorothy Stetson White

IV REPORT OF OFFICERS:

V APPOINTMENTS:

7:30 PM DOROTHY STETSON WHITE SUBDIVISION  
IVORY, REGINA & MARK LIBBY SUBDIVISION  
8:15 PM DAVID GAGNON MAP 52 LOT 11 ZONE AR  
8:30 PM ALBERT GROVER MAP 35 LOT 28 ZONE AR  
8:45 PM BLEAR PARK PRELIMINARY PLAN

Chairman opened the meeting at 7:34 p.m., since several people were in attendance it was noted that a ten minute time frame for speaking would be in place.

**Dorothy Stetson White Subdivision**

Mr. Frank Emery was present representing Dorothy Stetson White. Mr. Emery explained the basic background of the entire 80 acre parcel and the method he used to locate each lot within this subdivision. A full boundary survey is complete and the interior lots were well marked. The deeds are not accurate and there is not enough land to use the deed calls. Mr. Pierce had marked the lots very well. Mr. Emery noted that the original surveyor hired by Mr. Pierce never ran the line bordering Lucinda Thornton property other than by computer. A predecessor deed was found by Mr. Emery and it clearly defined the property.

Mr. Emery also noted that he has conferred with at least six other surveyors regarding the method he has used to locate the interior lots. Each of these surveyors has agreed with Mr. Emery's method. Mr. Emery noted that Mr. Thornton was the first to hire him for this project and since that time he has picked up other people within this same area. Because of this he has been able to offer his services at a reasonable rate and feels that this will finally straighten out the problem.

Mr. Emery showed those present one plan with all of the lots there are still a few that Mr. Emery would need to complete ground work on. He is currently working on Mr. Balducci's lot.

Most people were shown there lines at the time Mr. Pierce transferred ownership. The dimensions in the deeds read plus or minus and in some cases there just isn't enough land to allow for the measurements to be used. Once the subdivisions are accepted new deeds can correct the problem. Unfortunately Mr. Pierce never numbered the lots. It would have made this project a lot easier. If deeds were written and the property had not been marked this would be a nightmare. Basically Mr. Emery has accurately measured Mr. Pierce's markings.

Mr. Charles Thornton addressed the chairman and requested permission to speak. Mr. Thornton stated that Mr. Emery has not done a survey. He has not truly surveyed the boundary of his lot and he has not properly placed Pierce Lane.

Mr. Emery noted that he has done a boundary survey.

Mr. Thornton doubted the Planning Board's authority regarding the single lot subdivisions since the state has nothing nor does the town have anything that governs a single lot subdivision. Mr. Thornton noted that if each property owner split the lots potentially there could be 25 to 30 buildable lots within this area and he believed the issue of the road being private would be a problem with the town.

John Roberts noted to Mr. Thornton the entire Lake Arrowhead subdivision has private roads as do other approved subdivisions.

Mr. Thornton asked the board what action had been taken on his objections that he had noted by letter as well as stated at two other meetings.

Mr. Thornton also noted that the placement of the right of way should not be Mr. Emery's discretion. Mr. Thornton noted that he and his wife had set the pins for his lot. Mr. Thornton also noted his objection to this single lot subdivision because it is cutting his daughter-in-law of land and also himself. Mr. Thornton stated that Note #6 on the plans confirmed that Mr. Emery did not do a survey he proceeded to read this note. Mr. Thornton questioned Mr. Emery's ability. Mr. Emery was given a list of items that the Planning Board has requested be placed on the milar for Mr. Thornton's subdivision. Mr. Emery refused to place the note regarding his having placed the pins since he had not done so himself, Mr. Thornton said he had taken his money and flew to Florida. Mr. Thornton noted that Cindy Thornton's deed states the property line goes straight for 1300 ft. and she will have approximately 2 acres less land by this plan and Mr. Emery has not conferred with either himself or Cindy Thornton.

Mr. Emery was granted time for a rebuttal. Mr. Emery stated that an accurate perimeter survey has been done. Mr. Thornton had told Mr. Emery that he had a boundary survey already completed. Once Mr. Emery got involved he found the perimeter was haywire. A letter was written to Mr. Thornton stating until the perimeter was straightened out Mr. Emery was on hold. Two markers on Mr. Thornton's lot are correct the other two were set by Mr. Thornton and Mr. Emery found them to be incorrectly placed. Mr. Emery also stated that he has deeds that back up the perimeter survey of the entire parcel. Since the deeds tend to overlap and Mr. Pierce had clearly marked out the lots these markings would be used. Mr. Emery noted that he had been in this business for 35 years and he knows what he is doing. Mr. Emery noted that the previous survey had some lines that appeared to be computer fudged. Mr. Emery had also consulted with six other experienced surveyors.

Kerry Perkins asked Mr. Emery if he had enough information to stamp this plan with a Category I Condition II Boundary Survey. Mr. Emery noted he has met these requirements. He also noted to Mr. Thornton that using the method he had Mr. Thornton would retain more land than if deeds were used.

If Mr. Thornton feels the survey is incorrect you would have to take action by separate survey or court action.

Karen Lovell, town counsel, noted that the issue the Board is dealing with is have all the requirements been met by the applicant. Dwayne Morin has reviewed the plans and find that all requirements have been met for Preliminary Plan.

Mr. Thornton asked if the chairman or the attorney could state why Mr. Pierce had not been charged with an illegal subdivision instead of putting the burden onto the current property owners and made to comply with state and local subdivision laws.

Karen Lovell, noted that the Planning Board does not have enforcement power and were not involved in the decision and did not need to respond.

Dorothy Stetson White has complied with all criteria.

Kerry Perkins moved to grant Preliminary Approval. Judi Carll seconded the motion. Vote was 5-0-0 in favor.

Dorothy Stetson White has requested Final Plan approval at this time. Final checklist is complete. Final plan scale has been waived. Mr. Thornton asked for a copy of the request for waivers. A copy was provided.

Mr. Thornton asked why he had been told he had to wait 30 days? Mr. Morin noted to Mr. Thornton that he had been informed of the correct procedure.

Kerry Perkins moved to grant Final Plan approval pending Mr. Emery providing the Board with a milar and 5 copies to be signed. Cindy Allen seconded the motion. Vote was 4-0-1 in favor. The plans can be signed at the December 19, 1991 meeting.

### **Libby Subdivision**

One lot with existing house which Mr. Pierce had built. One of the older lots created. Mark Libby currently resides there. The front pin bordering Pierce land was not found and Mr. Emery has set this missing pin. Very clearly marked lot since two sides are bordered by rock walls. House was constructed prior to 1977 so does not conform with current Zoning.

Judi Carll moved to accept Preliminary Plan of Ivory, Regina & Mark Libby. Kerry Perkins seconded the motion. Vote was 5-0-0 in favor.

The Libby's have also requested Final Plan approval as well. Check list is complete.

Kerry Perkins moved to approve the Final Plan of Ivory, Regina & Mark Libby pending Mr. Emery providing 5 copies and a milar to be signed once provided. Cindy Allen seconded the motion. Vote was 4-0-1 in favor. If provided these could be signed they could be signed at the December 19, 1991 meeting.

**8:00 P.M. DAVID GAGNON MAP 52 LOT 11 AR ZONE**

Mr. Gagnon is seeking permission to construct a 20' x 20' and a 15' x 15' addition to his home located on the corner of Partridge Road and Beaver Run in the Beaver Ridge Subdivision. Currently the house is located 50 ft. from Beaver Run and 85 ft. from Partridge Road. The proposed additions will encroach on the Beaver Run setback by 10 ft. A 75 ft. setback is required in the AR zone from the front yard. Mr. Gagnon's home was constructed prior to 1977. Mr. Gagnon noted his addition is for a family room and bedrooms. Currently the home is a four bedroom with interior renovations and the addition the Gagnon's will have three bedrooms. Questions on the existing septic system.

Kerry Perkins moved to approve David Gagnon's request under Section 2.08 for a 20' x 35' addition provided he updates his septic system or provides documentation from a Soil Scientist that the existing system is sufficient. If a system is designed it should be filed with his deed at the registry. Roland Denby seconded the motion. Vote was 5-0-0 in favor.

**8:30 P.M. ALBERT GROVER MAP 35 LOT 28 ZONE AR**

Mr. Grover is requesting permission to construct a cement block foundation as well as add an 8' x 8' addition to existing living area. The foot print would not change. His cottage is located on East Shore Road on Little Ossipee Pond. Mr. Grover has received permission from the DEP to construct the foundation. Mr Grover's cottage is approximately 15 ft. from the high water mark. The addition will not disturb the foot print of the building and is well within the 30% expansion rule outlined in the Mandatory Shoreland Zone Act. Mr. Grover has already updated his Septic System in compliance with a year round residence. All work will have to be done by hand. DEP approval conditioned on Soil Erosion measures being met.

Kerry Perkins moved to approve Albert Grover's request to add an 8' x 8' area to his living space and place a foundation under the cottage under the Mandatory Shoreland Zoning, Section 2.08 and as per DEP approval, the elevation of the cottage not to go higher or lower than 3 ft. from existing elevation and immediate removal of fill as its excavated. Roland Denby seconded the motion. Vote was 4-0 in favor.

**8:45 P.M. BLEAR PARK II MOBILE HOME PARK MAP 8 LOTS 15-2/3/4**

Notes given to Les Leighton of items that need to be placed on the Preliminary Plan and items that may need to be addressed. Mr. Morin suggested scheduling of a workshop with the Planning Board, Mr. Leighton and his engineering firm.

Major issues that need to be dealt with before any further approvals are granted are:

- Waiver on Cul-de-sac Road Length. Subdivision Regulations state that a dead end road cannot be more than 600 ft. in length. Blear Park II has proposed a 1,696 ft. dead end road.
- Only one access has been shown. Fire Department as well as Rescue Department should be consulted on using only one access.
- Water Supply proposed.
- Landscaping Plan. Since this is in an old gravel pit there is no grass, trees, shrubs, etc. A Landscaping Plan should be prepared and should include the above mentioned grass, etc.
- An Erosion Control and Stormwater Drainage Plan should be prepared.
- The fire pond proposed does not have access or a management plan.
- Buffer strips should be utilized around the entire park.
- A traffic study should be conducted to determine impact on neighboring properties as well as road network.
- Mobile Home Park Rules & Regulations need to be formulated.

- Road details, profiles, etc. need to be prepared should a waiver be granted.

Workshop to be held on January 24, 1992 at 8:00 p.m. Plan to be forwarded to Fire Department, Rescue, School Department, Postal Department for review and suggestions.

Mr. Leighton noted that all roads within the park are to be paved.

**VI NEW BUSINESS:**

**VII OLD BUSINESS:**

1. Lance Roy Map 45 Lot 1617 Zone R
2. Margaret Barbaro Map 45 Lot 1431 Zone R
3. Colin Canning Map 28 Lot 51 Zone AR

**LANCE ROY MAP 45 LOT 1617 ZONE RESIDENTIAL**

Mr. Roy is seeking reapproval of the Conditional Use Permit granted on January 9, 1990 for his lot in Lake Arrowhead. Mr. Roy's first Conditional Use Permit is now invalid because he did not start construction within the required 6 month time period. Mr. Roy has Saco River Corridor Approval.

Roland Denby moved to grant request for Conditional Use Permit Extension with same conditions. Kerry Perkins seconded the motion. Vote was 4-0 in favor.

**MARGARET BARBARO MAP 45 LOT 1431 ZONE RESIDENTIAL**

Karen Lovell has sent a letter to the board which states that the Board may act upon Mrs. Barbaro's request to reapprove the previous Conditional Use Permit granted on September 28, 1989 and again March 14, 1990 even though a law suit is pending with Mr. Walton who acted as Mrs. Barbaro's representative.

Roland Denby moved to grant an extension of Mrs. Barbaro's Conditional Use Permit with the same conditions. Judi Carll seconded the motion.

**COLIN CANNING MAP 28 LOT 51 ZONE AR**

After further review with Karen Lovell, Tim Nelson and Dwayne Morin determined that the Planning Board can reduce the 500 ft. setback required to install a 4,000 gallon steel septage

tank because he has a substandard "grandfathered" lot. Mr. Canning is therefore seeking a reduction of the 500 ft. setback requirement.


Roland Denby moved to approve Mr. Cannings request with the same conditions as previously approved, Mr. Canning to supply reports of test wells to the board and note footage from Townhouse Road. Judi Carll seconded the motion. Vote was 4-0 in favor.

Kerry Perkins moved to accept the October 24, 1991 and November 13, 1991 as written. Judi Carll seconded the motion. Vote was 4-0 in favor.

**VIII ADJOURNMENT:** It was moved and seconded to adjourn at 10:05 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

  
Roland E. Denby  
Judi Carll  
Lynthia Allen