

TOWN OF WATERBORO  
PLANNING BOARD  
WATERBORO, MAINE

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**REGULAR MEETING WATERBORO PLANNING BOARD NOV. 10, 1993**

Meeting Called To Order By Chairman, John Roberts at 7:40 p.m.

**I ROLLCALL:** Present were Judi Carll, Cindy Allen, Roland Denby, Jon Gale, Dwayne Woodsome and Chairman, John Roberts.

Van Foglio was in to speak with the Board regarding people who place Right of Ways on property lines. The Zoning Ordinance does not regulate the placement of Right of Ways currently. By placing the Right of Way on a property line in many cases it causes an abutting property owner's buildings to be in violation of setback regulations. Discussion followed with the Board members noting that solutions would be worked on possibly for June Town Meeting.

**II MINUTES OF PREVIOUS MEETINGS:**

Jon Gale moved and Roland Denby seconded a motion to accept October 13, 1993 minutes. Vote was 5-0-0 in favor.

**III COMMUNICATION AND BILLS:**

1. DEP Letter of notice State Imposed Shoreland Zoning
2. Info from Maine Cranberry Company
3. Letter Re: Status of Pace Landing Subdivision
4. Letter from Coastal Bank Re: Lot 800 Map 43
5. Invoice for Middle Point Subdivision from Tewhey Associates
6. Letter to Lions Club Re: Site Plan Review
7. Letter to Tom Tierney
8. Maine Business Indicators Newsletter
9. Letter to Property owner in New Arbor Estates

**IV REPORT OF OFFICERS:**

**V APPOINTMENTS:**

7:45 PM WAYNE GAUTREAU MAP 41 LOT 20 AR ZONE  
8:00 PM CHAMPION CONST/FLORENCE BOTH MAP 35 LOT 22 AR ZONE  
8:15 PM DOGGETT/MCAULIFFE ASSOC MAP 58 LOT 7 FA ZONE  
8:30 PM WILLIS WENTZELL MAP 42 LOTS A-1 & A-208 R ZONE  
8:45 PM ROBERT RYDER MAP 44 LOT A-455 R ZONE  
9:00 PM JAMES GERRY MAP 1 LOT 22 AR ZONE  
9:15 PM FERNAND CHAMPAGNE MAP 43 LOT 800 R ZONE

**7:45 PM WAYNE GAUTREAU MAP 41 LOT 20 AR ZONE**

Mr. Gautreau is located near the end of Silas Brown Road and Chadbourne Ridge Road. Mr. Gautreau received approval for renovation and an addition of a deck in 1989. A portion of the foundation was existing however, was an older foundation. Mr. Gautreau would like to upgrade the old section of the foundation. At the time the Board granted permission for the addition the status of the septic system was questioned and the Board conditioned the approval to be season use only for the cottage. The Board informed Mr. Gautreau that typically a condition of approval is to upgrade the septic system. Questions were asked about the secondary structure on the lot Mr. Gautreau disconnected all power etc. to the trailer and uses it for accessory purposes only.

Jon Gale moved and Roland Denby seconded a motion to allow Mr. Gautreau to construct the foundation provided that the septic system meets current plumbing code or a new system is installed. Vote was 5-0-0 in favor.

**8:00 PM CHAMPION CONST/FLORENCE BOTH MAP 35 LOT 22 AR ZONE**

Glen Charette of Champion Construction is representing Florence Both. The location of the cottage is in the same area as Donald Prokey. Mrs. Both is requesting permission to move the exiting cottage back from the water 8 feet and lift the cottage 4 ft. from the current elevation as well as adding decks.

It was explained to Mr. Champion that the DEP rules indicate that to raise or lower a sill plate by more than 3 ft. within 100 ft. of the high water mark of a great pond would place the proposal as expansion and would be figured in as volume in the 30% calculation. The proposal as presented exceeds the Planning Boards authority because the proposed additions and the lifting of the cottage is more than 30% of existing footprint sq. footage and volume. If the cottage elevation did not exceed the allowed 3 ft. then the remainder the additions proposed would be allowable.

The Board also questioned the existing status of the septic system? Mr. Champion thought that a new bed had been installed however the town records did not indicate that a permit had been issued.

Dwayne Woodsome moved and Cindy Allen moved to approve the plan provided the existing system meets today's code or a new system be installed, elevation of the sill not to exceed 3 ft. up or down from existing location. This proposal would be 25% approval under section 2.08, 4.02, 7.01 and 9.03. Vote was 5-0-0 in favor.

**8:15 PM DOGGETT/MCAULIFFE ASSOC MAP 58 LOT 7 FA ZONE**

Mr. Doggett is requesting the placement of a single driveway for access to lot 7 in the Bassland Acre Subdivision. A letter of approval of the is proposal from the Road Review Committee was placed on file.

Cindy Allen moved and Roland Denby seconded a motion to approve the proposal as per the Road Review Committee Recommendation. Vote was 5-0-0 in favor.

**8:30 PM WILLIS WENTZELL MAP 42 LOTS A-1 & A-208 R ZONE**

Mr. Wentzell is requesting Planning Board Approval to construct a home on Lot A-1 and Lot A-208. All setback requirements can be met on both lots.

Dwayne Woodsome moved and Judi Carll seconded a motion to approve as long as setbacks can be met under Section 2.08. Vote was 5-0-0 in favor

Dwayne Woodsome moved and Cindy Allen seconded and motion to approve as long as setbacks can be met under Section 2.08. Vote was 5-0-0 in favor.

**8:45 PM ROBERT RYDER MAP 44 LOT A-455 R ZONE**

Mr. Ryder is requesting Planning Board approval to construct a single family dwelling and a future garage utilizing frontyard setbacks and is requesting approval to build no closer than 30 ft. to the property line abutting the 20 ft. greenbelt. All other setbacks as per Zoning Ordinance.

Cindy Allen moved and Roland Denby seconded a motion to approve a 30 ft. rear setback toward the greenbelt all other setbacks to be met under Sections 2.08 and 4.02. Vote was 5-0-0 in favor.

**9:00 PM JAMES GERRY MAP 1 LOT 22 AR ZONE**

Mr. Gerry is before the Board for permission to construct a bridge over Hamilton Brook. Mr. Gerry began construction before inquiring about Town permits. The bridge is being constructed for a CMP utility line. Mr. Gerry acquired an easement from Jim Triance to utilize a "grandfathered" 20 ft. easement to construct a utility line. Mr. Gerry as also been informed that he will not be able to utilize this easement to access his property because he is required to have a 50 ft. easement. The grandfathered status of the easement is only valid for Mr. Triance's land. The Board members questioned the structural soundness of the proposed bridge. Mr. Gerry informed the Board that this was constructed very like the old logging bridges.

Jon Gale moved and Cindy Allen seconded a motion to allow Mr. Gerry to construct a bridge not to be used as an access road under Section 2.08, 4.02 and 7.01. Vote was 5-0-0 in favor.

**9:15 PM FERNAND CHAMPAGNE MAP 43 LOT 800 R ZONE**

Mr. Champagne is requesting Planning Board approval to construct a single family dwelling utilizing all required setbacks.

Cindy Allen moved and Jon Gale seconded a motion to approve request as long as all setbacks can be met as per the Waterboro Zoning Ordinance. Vote was 5-0-0 in favor under Section 2.08.

**VII OLD BUSINESS:**

**1. Mr. & Mrs. Houle Map 48 Lot 14 AR Zone**

An on site inspection of this lot was completed and Dwayne Morin played a video for those members unable to attend the on site. Members that completed the on site felt that the garage could be attached to existing cottage.

Jon Gale moved and Cindy Allen seconded a motion that the request to construct a free standing garage as presented at the last Board meeting be denied. Vote was 5-0-0 in favor.

Jon Gale moved and Cindy Allen seconded a motion to approve construction of an attached garage not going closer to the Right of Way than the existing cottage under Section 2.08. Vote was 5-0-0 in favor.

**2. Don Prokey Map 35 Lot 15 AR Zone**

Mr. Prokey has presented plans for an attached garage to existing cottage. Proposed addition would go no closer to lines than existing structure. The proposed addition would not exceed 30% expansion.

Cindy Allen moved and Roland Denby seconded a motion to approved the plan as amended under 2.08, 4.02 therefore approving a 29.99% expansion. Vote was 5-0-0 in favor.

**3. Middle point Estates Preliminary Plan**

Chuck Pierce and his land surveyor William Pierce were in before the Board. Mr. Pierce is requesting Preliminary Plan Approval. DEP and Army Corp of Engineers approval on file. The following were suggestions for changes to the plan:

1. Driveway placements must be shown on plan, Especially #3.

Board requested erasing driveway location on Lot 1A.

2. Will the Planning Board require a Greenbelt along Middle Road?

Roland Denby moved and Jon Gale seconded a motion to place a 25 ft. greenbelt bordering Middle Road.

Since two of the lots already have homes it would be difficult to now impose a greenbelt on the property owners, since Mr. Pierce no longer owns the lots. Board decided that under the current conditions a greenbelt would not be required.

Roland Denby withdrew his motion and Jon Gale withdrew his second.

3. Get rid of Lot 1A and Note #12. Approval with this lot on plan implies that the Planning Board will allow for non conforming lots to exist.

4. Dimensional Block should be added and include:

- a. # of acres of Parcel being divided
- b. # of acres in lots
- c. # of acres for Right of ways

5. DEP & Army Corps Permit numbers should be placed on plan.

Notes 3,4 and 5 to be complied with. Roland Denby moved and Cindy Allen moved to accept Preliminary Plan with the above noted changes. Vote was 5-0-0 in favor.

#### **4. Pace Landing Subdivision**

Mr. Robert Beck has defaulted on his bank note and the bank has taken over interest in the Pace Landing Subdivision. Mr. Beck sold the lots with 1/15th interest in Pace Landing Drive to each property owner. The bank now holds 4/15 interest in the Road. The bank has expressed to Dwayne that they have no intention of completing the road to allow acceptance by Town Meeting Vote. The people in the subdivision are meeting tonight to form an association and meet with the bank to see where they stand. A letter from Chris Vaniotis was placed on file with his recommendations as to the Town's proposed position. There would appear to be approximately 10,000 to 15,000 dollars worth of work to be completed before the Road Review Committee could inspect for compliance with the Towns Road Standards.

Cindy Allen moved and Judi Carll seconded a motion to notify the Code Enforcement Officer that no further Building Permits shall be issued and that at this point the subdivision of Pace Landing is considered null and void unless conditions noted on the plan are met. Vote was 5-0-0 in favor.

Dwayne Morin noted that the subdivision regulations should be reviewed and the Board agreed to review the regulations at the second meeting in January.

### **5. Mandatory Shoreland Zoning**

Two years ago the Towns people defeated the proposed Shoreland Zoning as proposed by the Waterboro Planning Board. The state is now mandating State Shoreland Zoning. As presented there is no authorized enforcement agent. Therefore the Code Enforcement Office could not enforce as presented by the State.

The Planning Board would have the option of bringing a proposal back to the Townspeople in June or wait to see what the State will do. There were varied opinions among the Board members. Jon Gale felt that the responsible thing would be to bring this back before the Townspeople.

Dwayne Morin asked permission to write the State to clarify a few very important questions such as who would enforce and who would pay for the enforcement? All members present were in favor of Dwayne's request.

### **6. Middleview Estates Driveway Relocation**

No written recommendation is on file from the Road Review Committee however Douglas Foglio, Chairman of the Road Review Committee has poled 6 or 7 members of the committee and they had no problem with the acceptance of the relocation of the driveway as long as the following three items are completed;

- 1) The driveway intersection must meet at a 90 degree angle for the length of a car +/- 10 ° and should continue as engineer designed on plans, and;
- 2). There shall be a culvert sized by the Road Commissioner on the up hill side and ditched the whole length, and;
- 3) Either prior to issuance of a Building Permit or an Occupancy Permit is issued the Road Review or Road Commissioner must sign off on an inspection of the driveway entrance.

Cindy Allen moved and Judi Carll seconded a motion to accept the Road Review Committee's recommendation for relocation of driveway and inspection to take place prior to issuance of a Building Permit and the applicant meet the Subdivision Regulations Section 7.4. Vote was 5-0-0 in favor.

**VIII ADJOURNMENT:**

The meeting was adjourned at 10:32 pm.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

John C  
Dwayne Woodsome  
Richard E. Carll  
Judi Carll  
Cynthia Allen