

TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE

REGULAR MEETING WATERBORO PLANNING BOARD MARCH 24, 1994

MEETING CALLED TO ORDER BY CHAIRMAN, JOHN ROBERTS AT 7:15 PM

I ROLL CALL: Present were Roland Denby, Cindy Allen, Jon Gale, Judy Carll, Dwayne Woodsome and Chairman John Roberts.

II MINUTES OF PREVIOUS MEETINGS:

Roland Denby moved and Cindy Allen seconded a motion to accept March 9, 1994 Minutes as printed. Vote was 3-0-0 in favor.

III COMMUNICATION AND BILLS:

1. Letter from Dept. of Transportation
2. Minutes from Finance Committee
3. Planning & Zoning Newsletter
4. Public Notice Re: Maine Cranberry Company Re-application

IV REPORT OF OFFICERS:

V APPOINTMENTS:

- 7:00 p.m. Tim Greaton/Renald Collins Map 46 Lot 2089 R Zone
7:15 p.m. Pam MacGray Brookside Drive Re: Zoning Changes
7:45 p.m. Stuart Gannett Map 5 Lot 19 Village Zone
8:00 p.m. Public Hearing Re: Proposed Zoning Changes

7:00 p.m. Tim Greaton/Renald Collins Map 46 Lot 2089 R Zone

Mr. Collins would like permission to construct a cape style home on this lot in the Lake Arrowhead subdivision. The lot is 100 ft. wide. The proposed plans indicate the footprint would use 28 ft. of the 100 ft. this would allow 1 ft. on either side. Mr. Collins would like permission to utilize 34 ft. sideline setbacks to insure proper placement of the home without creating a zoning setback violation.

Roland Denby moved and Cindy Allen seconded a motion to allow sideline setbacks of 34 ft. all other setback requirements to be met under Section 2.08 and 4.02. Vote was 3/0/0 in favor.

7:15 p.m. Pam MacGray Brookside Drive Re: Zoning Changes

Introductions made of those present on the Board. Pam was the general spokesperson for those present. The concern of this neighborhood is with the placement of group homes on roads that have no direct access to State Aid Roads.

Citizens present to see what could be done. Since the Spurwink School proposed utilizing a home in the Brookside Development the neighbors felt that the school was utilizing loop holes in local ordinances to allow group homes. The people present are before the Board to see what options are available that would define this type use to require Planning Board review and to require such use to have direct access to a State Aid Highway. Those present asked the Board members what could be done. Dwayne Morin explained that the Board could bring the requested changes before the Townspeople or if the Board felt they could not support the changes requested, a petition requiring 25 signatures could be presented to the Board of Selectmen requesting the proposed changes as private citizens..

Proposed Changes would include:

Group Home - definition to be added to Section 14.02

Change to Land Use Chart allowing Group Home in the AR Zone as a Conditional Use with Direct Access to a State Aid Highway.

*Also noted was the possible need to redefine Family.

Those present were concerned that the closing of A.M.H.I. and other such facilities would increase the possibility of other such proposals entering residential areas in rural communities like Waterboro. Those present feel that such use should be classified other than family use and should require Planning Board review, notification of neighbors of the type use and property being used should have direct access to a State Aid Highway.

Those present noted they were not opposed to the Spurwink School as presented with three autistic adults however Mr. McPherson could not guarantee that the resident's would remain for long periods of time and that a petafire or juvenile delinquent would take the autistic persons place in the home.

Jon Gale expressed his concern of this request being special interest and the Board's job is to look at proposed changes for the entire community. As presented the protection was proposed for one neighborhood.

Those present explained their feelings that group homes are being operated as an institution with paid care. Families are being placed at risk. Mr. McPherson of the Spurwink School agreed that they were a business but under the definition of family they were allowed to use residential housing for this use. Those present felt there were better locations for group homes than in residential areas. Conditional Use Review would allow notification of neighbors so uses like the Spurwink School wouldn't simply sneak in to residential areas.

Questions posed regarding Brookside greenbelt. Two lots abut a State Aid Highway in this subdivision. Even with the requested change a group home would be allowed on at least one of the lots in this subdivision.

Dwayne Morin expressed his concerns as to the legal ramifications of the proposed changes. With the State closing institutions there might be certain laws that would supersede local zoning. Jon Gale did not feel he could vote to support the request until he had seen a legal opinion on this issue. Making group homes a conditional use to keep them away from residential uses might be restrictive and before placing this for a vote all legal aspects should be thoroughly investigated. Roland Denby noted that a definite definition of group home would be needed before going to the town attorney and the board would also need a rational reason for requesting the change other than special interest.

Dwayne Morin read a definition of Group Home from the American Planner's Association, "A Survey of Zoning Definitions", Comment at the end of definition is as follows:

The Federal Fair Housing Amendments Act of 1988 prohibits zoning practices that discriminate against or unnecessarily restrict community-based housing for handicapped people. The above definition was developed to comply with the provisions of the Act by the land-use law firm of Siemon, Larsen, and Purdy. The definition of handicapped is consistent with the definition included in the Act. The Federal Fair Housing Act should be consulted before drafting a definition of group home.

Pam asked if the Planning Board would bring the changes to the townspeople and received no comment from Board members present. No action was taken on the request of the Brookside Development. Dwayne Morin explained the process as outlined in the Zoning Ordinance. A petition would be required and brought to the Selectmen it would then be forwarded to the Planning Board and then to Town Meeting.

Request should include additions to 14.02 and 3.03. Dwayne would review the proposed changes if they would like before going to petition for signatures. Deadline of April 4th has been set for non-money articles. Requests can be placed after this deadline.

7:45 p.m. Stuart Gannett Map 5 Lot 19 Village Zone

Mr. Gannett was present as well as Ron Williams. Mr. Williams owns a woodworking business that is currently operated in Scarborough. Mr. Williams would like a larger facility to house his business to allow for future expansion. Mr. Gannett has an existing garage style building on his property. The building currently has no heat and no bathroom facilities. Questions were asked about the materials to be used for finishing the furniture and the glue substance. Mr. Williams uses an oil based product for finishing that dries non toxic and the glue is water base.

All materials would be stored inside. Nothing on site would change. Mr. Williams does mostly wholesale work however does do some custom work. Mr. Gannett was asked if the land is under restriction from DEP?

Mr. Gannett noted no specific restrictions that he was aware of. The building is currently being used for light storage of personal items by Mr. Gannett.

Roland Denby moved and Judi Carll seconded a motion to approve the request under Section 3.03 Item #15 and Section 4.01 with the recommendation of the Hazardous Waste Committee. Vote was 5-0-0 in favor.

8:00 p.m. Public Hearing Re: Proposed Zoning Changes

The Public Hearing was opened by Chairman John Roberts at 8:20 p.m. There were six Planning Board Members present, three residents, Dwayne Morin and Sharon Abbott.

Dwayne Morin explained the reasoning behind the lessening of density for apartment conversions. No comments from those present regarding this issue.

Home Occupations and Homes Offices:

This was explained as close to last years proposal only instead of one additional employee besides property owners has been increased to two employees.

Section D. possibly add after electric disturbance (to the exterior)

G. Change to the existing description.

Office Complex:

Item 2. All parking must be as article reads.

Shoreland Zoning:

Dwayne explained the imposed State Shoreland Zoning. The proposed changes have been reviewed and approved by the State. The only major difference in this proposal from last years proposal is the addition of wetland areas.

Hearing closed at 9:08 p.m.

VI NEW BUSINESS:

Two additional Zoning issues need to be covered: Business Occupancy Permits being required as businesses move in and out of spaces and the creation of right-of-ways that place abutting property owners homes and other structures in violation of setbacks.

VII OLD BUSINESS:

1. Old Home Days Conditional Use Permit

The Conditional Use Permit previously issued to cover the vendors and temporary structures during Old Home Days at Friendship Park. This permit was to be renewable by the Code Enforcement Office each year. The Old Home Days will be held this year at Friendship Park and S.A.D. 57 High School Complex.

Judi Carll moved and Cindy Allen seconded a motion to allow Conditional Use Permit for Old Home Days Committee for Vendors and Temporary structures in connection with the event for a period not longer than one week at Friendship Park and/or S.A.D. #57 High School Complex, permit renewable yearly by the CEO.

2. Signing of New Arbor Estates Subdivision Revision

The revision of New Arbor Estates was previously approved. The plan has just been presented with the changes approved at the previous meeting. Those present signed the revised plan of New Arbor Estates Subdivision.

VIII ADJOURNMENT:

Meeting adjourned at 9:30 p.m.

Respectfully submitted,
Dwayne Woodsome
Secretary/Treasurer

John W. Carll
Roland E. Denby
Dwayne Woodsome

Judith Carll
Cynthia Allen
