

PLANNING BOARD

Town of Waterboro

REGULAR MEETING WATERBORO PLANNING BOARD APRIL 28, 1994

Meeting Called To Order by Chairman, John Roberts at 8:00 p.m.

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

II MINUTES OF PREVIOUS MEETINGS:

III COMMUNICATION AND BILLS:

1. Letter from Road Review Committee
2. Information Re: Computer-aided Design
3. SMRPC Re: Planning Board Workshop Notice Subdivision Review
4. Letter from Custom Built Homes of Maine SRCC Intent to File

IV REPORT OF OFFICERS:

V APPOINTMENTS:

7:15 p.m.	Richard Michaud	Map 32 Lot 25 AR Zone
7:30 p.m.	Tom Dupuis	Map 45 Lot 1586 R Zone
7:40 p.m.	Tom Dupuis	Map 45 Lot 1587 R Zone
7:45 p.m.	Tim McCandless	Map 37 Lot 11 AR Zone
7:50 p.m.	Renald Collins	Map 42 Lot A-205 R Zone

7:15 p.m. Richard Michaud Map 32 Lot 25 AR Zone

Mr. Michaud is requesting permission to remove weather damaged masonite siding and install plywood and then cover the area with cedar shingles, also replace second story casement window and install a first story awning window. Mr. Michaud is also proposing a slightly different roof line due to poor installation years ago (press board in lieu of plywood). Most of the changes are cosmetic in nature. The structure falls within 100 ft. of the normal high water mark of Ossipee Lake. Also Mr. Michaud would like to replace existing shed with a wooden structure utilizing the same dimensions.

Cindy Allen moved and Judi Carll seconded a motion to approve renovations as presented. Vote was 5-0-0 in favor.

Jon Gale moved and Cindy Allen seconded a motion to approve proposal of restoration of shed provided Mr. Michaud stays within the confines of the original cement foundation under 9.03. Vote was 5-0-0 in favor.

7:30 p.m. Tom Dupuis Map 45 Lot 1586 R Zone

Mr. Dupuis is requesting a building envelope for lot 1586. This is a very narrow lot measuring 90 ft. in width and 180 ft. in depth. Mr. Dupuis is proposing a 24' x 32' cape style home and is requesting the use of less restrictive sideline setbacks. Front and rear setbacks can be maintained.

Mr. Dupuis requested 30 ft. sideline setbacks however this would allow only inches to place the foundation in the correct location. Utilization of 28 ft. setbacks would allow a good margin.

7:40 p.m. Tom Dupuis Map 45 Lot 1587 R Zone

Mr. Dupuis also is requesting approval to construct a home 24' x 32' cape on lot 1587. All setbacks can be maintained on this lot.

Roland Denby moved and Cindy Allen seconded a motion to approve request for lot 1587 and that Mr. Dupuis maintain all required setbacks under section 2.08, and lot 1586 meet setback from the Old Portland Road, sideline setbacks be 28 ft from lot 1587 and 1585 under section 2.08 and 4.02. Vote was 5-0-0 in favor.

7:45 p.m. Tim McCandless Map 37 Lot 11 AR Zone

Mr. McCandless is proposing to add approximately 4 courses of cement blocks to an existing foundation. It was explained that the State Shoreland allows the elevation of a cottage to increase by no more than 3 ft. or the entire area is counted in the 30% calculation. The existing 5 ft. crawl space does not count towards living space by the states interpretation. The Board could request an opinion from DEP if Mr. McCandless would like.

Code Enforcement Officer to take measurement of existing sill plate. Bench mark to be set by CEO.

Bulkhead & stairs are 6 ft. from the front of the building facing the water. If the bulkhead currently counts could a balcony be placed to allow access from the existing front door. Due to the increase in elevation a balcony would be needed to allow access from the existing front door. Stairs would end flush with the corner of the house. It was explained that the measurement is taken from the drip edge. So Mr. McCandless might need to set post in 1 1/2 inches so the drip edge does not go closer to the normal high water mark (6' x 20')

Jon Gale moved and Roland Denby seconded a motion to allow request, increase in elevation no more than 36 inches above present level and allow the construction of a deck no more than 6 ft. wide on the front side of the house or closer than the existing bulkhead or that the stairs

go no further than the edge of the house in either direction which would be closer to the normal high water mark under 2.08, 4.02, 7.01 and Mandatory Shoreland. Vote was 5-0-0 in favor.

7:50 p.m. Renald Collins Map 42 Lot A-205 R Zone

Mr. Collins is requesting approval to construct a home on Lot A-205. All required setbacks can be maintained.

Cindy Allen moved and Judi Carll seconded a motion to approve construction and all setbacks be met under section 2.08. Vote was 5-0-0 in favor.

VI NEW BUSINESS:

VII OLD BUSINESS:

1. Philip Lord

Mr. Lord was present at the last Planning Board Meeting requesting a new driveway entrance to his property, no longer sharing a common drive with abutting lot.

The proposal was forwarded to the Road Review Committee for a recommendation. The report from the Road Review Committee advised the following:

1. Removal of pine tree within the Town's Right-of-way, Town will roll the rock to Mr. Lord's property,
2. Removal of pine tree within the right-of-way along the abutting property line of lot #5,
3. Driveway entrance for the first 50 ft. to maintain a 90 degree angle to Ross Corner Road,
4. A culvert measuring 15 inches by 24 feet in length,
5. Cutting brush to maximize sight distance,
6. Driveway to measure 15 inches above existing road grade of Ross Corner Road to improve sight distance.

If Mr. Lord will agree to the above then the Town will remove the stone wall and roll the big rock out of the way to maintain the necessary slope to allow proper drainage and maximize the sight distance requirements for the new location of Mr. Lord's driveway. The Town will dig the drainage ditch and install the culvert. Mr. Lord must pay for the culvert installation.

Although the recommendations seem numerous most will be completed by the Town. The property owner can dispose of the trees in his own manner. The property owner might contact Lucas tree or someone in the same line to remove one of the trees. Mr. Foglio had stated to

Mr. Morin that he could push one of the trees over very easily. The second tree might need more careful tending due to the close proximity to the neighbor's house.

Roland Denby moved and Cindy Allen seconded a motion to accept the recommendation of the Road Review Committee in relation to Philip Lord's lot and if he complies with this that the Board approve the new location of the drive. Vote was 4-0-1 in favor.

An affidavit can be drawn up and placed on file at the registry and in the town's files. Property owner agreed with this recommendation. Affidavit to be completed prior to the issuance of the Road Entrance Permit. Dwayne to give some examples to Mr. Lord by Wednesday of next week.

2. Zoning

The petitioned changes to the Zoning Ordinance regarding definition of family and the addition of Halfway Houses, Boarding Homes and Group homes to Institutional Facilities.

Jon Gale moved and Judi Carll moved that the Planning Board's Recommendation for new definition of Family read ought not to pass. Vote was 5-0-0 in favor.

Jon Gale moved and Dwayne Woodsome seconded a motion that the Planning Board's Recommendation for the definition change for Institutional Facilities read ought not to pass. Vote was 3-0-2 in favor.

Those present from Brookside asked for an explanation of the vote. Dwayne Morin informed those present that the proposed change is not going to do what the Brookside contingency want it to. He explained the discussion with Pam MacGray and the result was different. Also explained the cost for legal fees if legal action against the changes were to be brought. Currently the town has expended over \$15,000 for an ongoing law suit at the direction of the Annual Town Meeting Vote. The Board did not feel they should overlook the Town Legal Counsel's opinion regarding this issue.

Also to be added to the proposed addition of Office Complex and Apartment Conversions should be the Planning Board's right to waive the hydrostudy requirement.

Judi Carll moved and Cindy seconded a motion that we go with Karen Lovell's recommendation regarding proposed changes, if changes proposed are minor in nature from Karen then Dwayne proceed in a positive manner if changes are major then Dwayne has the Board's permission to pull the article from the warrant. Vote was 5-0-0 in favor.

Dwayne Morin informed the Board members of a seminar he recently attended. The attorneys at the seminar discussed substandard lots in grandfathered subdivisions. It would appear from

their interpretation that Lake Arrowhead lots as well as other subdivisions where property owners have abutting lots those lots become one. An example was given at the seminar where an individual owned an entire subdivision, the lots did not meet the new density requirements, the property owner checkerboarded the lots, one to the wife one to himself. The subdivision was sold and the deed was for the entire subdivision because of this the entire subdivision became null and void. Before anything is done the board should check with legal counsel. Check to see if Karen Lovell can attend the next meeting.

Dwayne Morin and Sharon will not be able to attend the May 11th meeting. The next meeting to be moved to Thursday May 12, 1994. Notify all appointments and see if Karen Lovell can attend this meeting.

VIII ADJOURNMENT:

The meeting was adjourned at 10:00 p.m.

Respectfully Submitted,

Dwayne Woodsome
Secretary/Treasurer









