

# PLANNING BOARD

## Town of Waterboro

### REGULAR MEETING WATERBORO PLANNING BOARD MAY 12, 1994

Meeting called to order by Chairman, John Roberts at 7:20 p.m.

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

**II MINUTES OF PREVIOUS MEETINGS:**

April 13, and April 28, 1994 Minutes

**III COMMUNICATION AND BILLS:**

**IV REPORT OF OFFICERS:**

**V APPOINTMENTS:**

**7:15 PM James Peverill Map 29 Lot 22 AR Zone**

Mr. Peverill would like permission to construct a deck onto a cottage located off East Shore Road. The addition will not fall within the 100 ft. Shoreland Area and zoning setbacks will be met.

Roland Denby moved and Cindy Allen seconded a motion to approve the plan as presented, that Mr. Peverill's addition go no closer than 100 ft. to the normal high water mark of Lake Ossipee and all other setbacks be maintained. Vote was 4-0-0 in favor.

**VI NEW BUSINESS:**

**Karen Lovell, Legal Counsel**

The Board requested Karen's presence at the Board meeting to discuss the status of old subdivisions that have substandard lots in them. Should lots be combined until they meet the current zoning density requirement.

Karen noted that in old subdivisions the state law allows for the developer or the owner of a subdivision to prove vested rights which basically means an investment for development of the subdivision would insulate the particular parcel/parcels from zoning changes.

Several questions were asked. A developer can have many expenses during subdivision approval process. Could these expenses be considered vested rights? A person could go through the subdivision process and be denied. This person incurs the same expenses but those would not be considered vested rights. Karen felt this was a good comment.

Paper subdivisions: Those subdivisions that received approval prior to Zoning Regulations that are still not developed would fall under Section 9.05 that states:

Two or more contiguous lots of record in common ownership on the date of enactment of this ordinance shall be combined and treated as a single lot or parcel of land. If the dimensional or area requirements of the district in which the combined parcel is situated are not met development shall be in conformance with the provisions of this ordinance.

If the Planning Board finds that roads have been constructed or other improvements that would prove vested rights then the subdivisions would be insulated from zoning changes.

Karen stated that there is nothing written that clarifies what constitutes vested rights other than somewhere between nothing being done to an approved subdivision other than drawing the subdivision on paper and the installation of roads. Each case is taken on an individual basis.

The board briefly discussed the upcoming Town Meeting and the zoning change requested by the Brookside residents with Karen.

## **VII OLD BUSINESS:**

### **1. Philip Lord**

Affidavit was signed for the relocation of the drive entrance.

### **\* Tim Nelson reported that Mr. Curit has removed the structure in Twin Pines.**

\* Discussion regarding old subdivisions and the status. Sharon and Dwayne to review old subdivisions and present a list at a later meeting.

\* Cindy Allen moved and Roland Denby seconded a motion to approve 4/13/94 minutes as printed. Vote was 4-0-0 in favor.

\* Judi Carll moved and Jon Gale seconded a motion to approve 4/28/94 minutes as printed. Vote was 4-0-0 in favor.

**VIII ADJOURNMENT:**

Meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

Judith Paul

Guthrie Allen

Jeff Sells

Richard E. Denton