

# PLANNING BOARD

## Town of Waterboro

### REGULAR MEETING WATERBORO PLANNING BOARD AUGUST 10, 1994

Meeting called to order by Chairman, John Roberts at 7:15 P.M.

**I ROLL CALL:** Present were Judi Carll, Cindy Allen, Roland Denby, Dwayne Woodsome, Lawrence Jacobsen and John Roberts.

**II MINUTES OF PREVIOUS MEETINGS:** July 13, 1994

**III COMMUNICATION AND BILLS:**

1. Letter from John Tewhey Assoc. Re: Old Mill Grove Subdivision
2. RTAC Newsletter
3. Minutes from Zoning Board of Appeals
4. Notice of Intent to File an Application from SRCC
5. Letter from R. W. Gillespie & Assoc., Inc. Re: Old Mill Grove Subdivision
6. Copies of Communication for rescheduling appointments from July 28th meeting
7. Thank you note from the Foglio Family

**IV REPORT OF OFFICERS:**

**V APPOINTMENTS:**

- 7:00 P.M. ESTHER WIGGINS. MAP 30 LOT 11 AR ZONE
- 7:15 P.M. JIM PEVERILL MAP 29 LOT 22 AR ZONE
- 7:20 P.M. PRISCILLA WAITE MAP 11 LOT 61 AR ZONE
- 7:30 P.M. THE MILK ROOM MAP 19 LOT 42 V ZONE
- 7:45 P.M. WILLIAM RAWSON MAP 38 LOT 37 AR ZONE
- 8:00 P.M. ROLAND ST. PIERRE MAP 45 LOT 1608 R ZONE
- 8:15 P.M. BOB RYDER MAP 46 LOT 2085 & MAP 44 LOT A396 R ZONE
- 8:30 P.M. SUMMER PLACE CONSTRUCTION MAP 42 LOT A48 R ZONE

**7:00 p.m. Esther Wiggins Map 30 Lot 16 AR Zone**

Mrs. Wiggins is requesting permission to repair/replace a retaining wall that has been deteriorating over the years. She has made application to DEP. As you know since retaining walls have been treated as a structure and due to the slope of the property the Planning Board needs to review this application. Mrs. Wiggins property abuts the beach area on Route 5 used by Blackburn's Campground. Mrs. Wiggins home is across the road however would like to stop the erosion that seems to worsen each year. DEP called two weeks ago and asked Mrs. Wiggins to do as little as possible, not to tear up banking (lawn area) and to leave trees and brush since they would be more effective than riprap. Person Mrs. Wiggins spoke with was Avery Kamilla.

Roland Denby moved and Cindy Allen seconded a motion to approve as per DEP Permit-by-Rule. Vote was 3-0-0 in favor.

**7:10 p.m. James Peverill Map 29 Lot 22 AR Zone**

Mr. Peverill was before the Board a short time ago to place a deck on an existing cottage. He now finds the need to receive approval to work on a ditch that extends from Townhouse Road to the waters edge. The area they want to work on is from the lake and back about 40 feet. The work they would like to do is to remove a pile of debris that has accumulated over the years by the previous owner. The second portion of the project would be to lay about 2 feet of 1 1/2" to 2" stone in the ditch followed by a larger of pea stone, a layer of fabric and capped off with top soil. The ditch is dry about 10 months out of the year and only flows early in the Spring.

Mr. Peverill has forwarded pictures to assist the Board in rendering a decision.

Dwayne Woodsome was concerned that the proposed size of the rock and the process proposed would not hold. Mr. Peverill did not have a problem using larger stone. Request to be forwarded to the Road Review Committee for recommendation. Dwayne Woodsome felt that the Board should wait for DEP approval before voting or rendering a decision. Mr. Peverill would be notified and placed under Old Business at the next meeting.

**7:25 p.m. Priscilla Waite Map 11 Lot 61 AR Zone**

Mrs. Waite is requesting permission to tear an existing, freestanding deck that currently sits 15 ft. from the normal high water mark of Lone Pond and measures 13' x 20' and in its place add an 8' x 32' deck on the front of the cottage which would be approximately 31 ft. from the normal high water mark. In September of 1989 Mr. Waite went before the Planning Board and the Zoning Board of Appeals to request permission to leave a deck that he had constructed without building permits. Mr. Waite was granted a permit to construct a deck to the side of the cottage. We have pictures on file that indicate a platform deck as indicated on the plot plan that has been submitted with the application. The Waite's have also placed a foundation under the existing cottage with the Planning Board's approval. Since the structure falls within 100 ft. of the normal high water mark the project falls under the 30 % Rule of expansion.

Discussion regarding the existing deck, wouldn't the deck be the closest point to the water. Approval could be no closer to the water than the deck? Also the Waite's were denied by the Zoning Board of Appeals on the same request. Dwayne Morin noted that the deck and the cottage are treated as separate structures. Possibly an opinion from DEP would help the Board in rendering a decision. Judi Carll felt that the Planning Board could approve the proposal pending DEP approval. Dwayne Morin noted to those present

that if DEP disagrees with the Planning Board they can have the person move the structure and assess fines to the individual as well as the Town.

Cindy Allen moved and Judi Carll seconded a motion to request a written opinion from DEP prior to the Board acting on the request. Vote was 4-0-0 in favor.

Judi Carll moved and Dwayne Woodsome seconded a motion to approve the request to construct an 8' x 32' deck on basement level of cottage and remove the existing deck by the water this would be a 5.7% expansion, upon receipt of DEP approval. Vote was 3-0-1 in favor.

### **7:35 p.m. The Milk Room Map 19 Lot 42 Village Zone**

The Pelletier's have a contract on this property. The proposal is to remove the existing house and secondary structure on the property and replace it with a gas station. The existing single family dwelling is an allowed use and they wish to exchange the allowed use with a conditionally allowed use of a gas station. This parcel abuts the Milk Room Property on the rear boundary. The plans indicate two islands with a 48' x 24' canopy. One 10,000 gallon tank and one 8,000 gallon tank are proposed. The proposed location appears to be within the foundation area of the existing structure. It has been customary practice for the Board to hold a Public Hearing prior to rendering a decision.

Dwayne Morin explained the history of the lot prior to the Pelletier's taking over the property regarding a previous request to place a gasoline station on an adjacent lot. Drainage and the potential for contamination were strong reasons for concern. The Pelletier's have a sales agreement on this lot contingent upon approval from the Town. The Pelletier's intend to place a 12,000 gallon double wall tank with a monitor in between the walls with an alarm system. The Board noted their previous concern with spillage since the underground drainage feeds directly into Hamilton Brook. Request to be forwarded to the Road Review Committee for recommendation. The Board reviewed Mr. Owens request and noted three concerns:

- 1) Grading of parking lot to a central catch basin to a oil and water separator,
- 2) DEP specifications would be met,
- 3) Entrance and Exit

Mr. Pelletier noted that if approved the Main Entrance into the Building would be relocated to the center of the building hopefully redirecting the traffic flow away from Route 202/4. Dwayne Morin recommended that the Board hold a Public Hearing.

Dwayne Woodsome explained to those present that a rumor was abound stating that the Pelletiers would breeze through the Planning Board since a member of the Board was purchasing the structure and relocating it. Dwayne Woodsome asked if the rumor was true that the Board member not have anything to say or vote on this request. Mr. Pelletier

stated that he had not made any arrangements with anyone and that the only person who had made direct contact with him about the structure was Douglas Foglio.

Cindy Allen moved and Roland Denby seconded a motion to hold a Public Hearing at 7:30 P.M. on August 25, 1994. Vote was 4-0-0 in favor.

**7:45 p.m. William Rawson Map 38 Lot 37 AR Zone**

Mr. Rawson is requesting permission to enlarge an existing deck. The property is located on Lake Ossipee. Mr. Rawson remodeled this cottage in May of 1989 and he also received permission from the Board to construct a retaining wall at the rear of the cottage in October of 1989. The Board reviewed a request to replace a deck adding an additional 10 ft. in August of 1989 and the Board allowed the alterations to the cottage excluding the additional dimension increases on the deck. The cottage to remain seasonal summer cottage not to be winterized. Mr. Rawson is requesting permission to add a 16' x 6'9" addition to the existing deck. The addition does fall under the 30% Rule. The proposed location would go no closer to the normal high water mark than the existing cottage.

Discussion regarding the history of the lot. Reason for previous denial questioned. Also questioned the reconstruction of the cottage when previous permission allowed a new roof. Addition of the deck, it was not clear why the board had not granted permission previously. A distance of 20 ft. between buildings can be met going no closer to the water or property lines. This would be a 7.6% expansion.

Cindy Allen moved and Judi Carl seconded a motion to allow construction of deck under Article 7, section 2. B. 1. A. structure to go no closer to the normal high water mark and not extend further then side wall of storage area and no closer than 10 ft. to side property line. Deck approved dimensions were 6' 9" x 16'. Vote was 3-0-1 in favor.

**7:30 p.m. Roland St. Pierre Map 45 Lot 1608 R Zone**

Mr. St. Pierre is requesting permission to construct a home on this lot in Lake Arrowhead Estates. The plot plan presented indicates a front setback of 70 ft., 35 ft. sideline setbacks however would like to utilize a 34 ft. rear setback. The house proposed is a 24' x 34' with an 8' deck on the front of the home, steps to the side and a bulkhead to the rear. Saco River Corridor Commission has approved the location. There is a greenbelt to the rear and side property lines.

Roland Denby moved and Cindy Allen seconded a motion to allow a 34 ft. setback from the sideline abutting 1607, 32 ft. setback from the rear property line and 34 ft. setback from lot 1609 under Section 2.08 and 4.02. Vote was 4-0-0 in favor.

**8:20 p.m. Robert Ryder Map 46 Lot 2085 R Zone**

Bob Ryder is requesting permission to construct a 24' x 32' home on this lot meeting all required setbacks. Since this is a substandard lot it requires Planning Board Approval prior to issuance of a Building Permit.

Cindy Allen moved and Judi Carll seconded a motion to approve request under section 2.08. Vote was 4-0-0 in favor.

**Map 44 Lot A396 R Zone**

Bob Ryder is requesting permission to construct a 24' x 32' home on this lot meeting all required setbacks. Again since this is a substandard lot it requires Planning Board Approval prior to issuance of a Building Permit.

Cindy Allen moved and Roland Denby moved to approve under Section 2.08. Vote was 4-0-0 in favor.

**8:45 p.m. Map 42 Lot A-48 R Zone Summer Place Construction**

Tony Grant and Cliff Sawyer are requesting permission to construct 24' x 34' cape meeting all required setbacks. Since this is a substandard lot it requires Planning Board Approval prior to issuance of a Building Permit.

Dwayne Woodsome moved and Cindy Allen seconded a motion to approve request under Section 2.08. Vote was 4-0-0 in favor.

**VI NEW BUSINESS:**

**VII OLD BUSINESS:**

**Lance Roy Map 45 Lot 1617 R Zone**

Lance has requested an extension or a renewal of a previously issued Conditional Use Permit to allow construction of a house on this lot. Mr. Roy has asked for renewal previously it seems that his customers are backing out after approval is received.

Cindy Allen moved and Judi Carll seconded a motion to approve renewal of the Conditional Use Permit with an additional \$50.00 fee to be assessed. Vote was 4-0-0 in favor.

**Laskey's Automobile Graveyard**

Dwayne Morin informed the Board that Danny Laskey has applied for a junkyard permit from the Board of Selectmen. Board of Selectmen would like a recommendation from the Planning Board.

Judi Carll moved and Cindy Allen seconded a motion to forward a letter stating the Board believes that the Laskey operation is grandfathered. Vote was 4-0-0 in favor.

Dwayne Morin requested permission to order copies of the updates for Zoning Ordinance. Cindy Allen moved and Roland Denby seconded a motion to grant Dwayne Morin permission to go to Bob Welch for copies of Zoning Ordinance for four sections not to exceed \$500.00, funds from the State Grant Funds. Vote was 4-0-0 in favor.

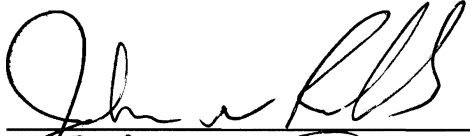
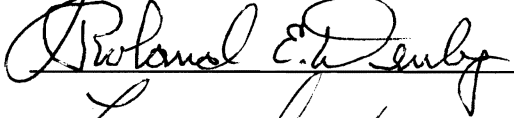
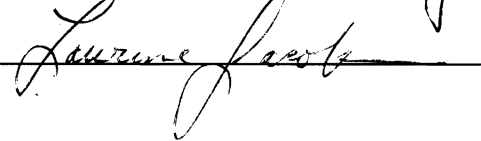
Dwayne Woodsome moved to send notices of the Public Hearing for the Milk Room to all Businesses requesting placement in their place of business, also that the Hazardous Waste Committee, Fire Department and Road Review Committee be notified.


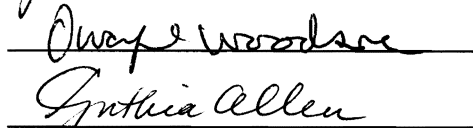

**VIII ADJOURNMENT:**

Meeting adjourned at 9:08 P.M.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

  
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