

# **PLANNING BOARD**

## **Town of Waterboro**

**JANUARY 13, 1999**  
**MINUTES**  
**PUBLIC HEARING**

### **I ROLL CALL**

Doug Foglio called the meeting to order at 7:05p.m. noting the attendance of Susan Dunlap, Everett Whitten, Dwayne Woodsome, Roland Denby and John Roberts.

### **II PUBLIC HEARING**

Judy Courtway was present for a Public Hearing for a change use permit. Judy would like to convert her existing residential garage to a small repair shop.

Doug opened the hearing to the public for questions, concerns and/or comments. There were no comments.

Doug noted that Judy currently held letters from Jimino in Windham to recycle the used anti-freeze and coolant, and a letter from TWM who will be handling the removal of oil.

Everett Whitten made a motion to approve the conversion of their existing garage to a small service station under the following conditions:

1. Business will be limited to 2 (two) employees at all times;
2. No outside storage of any type including but not limited to unregistered vehicles;
3. Anti-freeze and waste oil is to be stored inside the garage in the proper storage unit/containers until licensed pick-ups;
4. Code Enforcement Officer is to follow-up in 6 (six) months to verify that all conditions are being adhered to.

Roland Denby seconds. Motion carries a unanimous vote in favor.

The Planning Board will continue with the Regular Meeting at this time.

### **APPOINTMENTS**

#### **7:30 Hannaford Bros.**

Vicki Bell is present with engineers to request a Final Site Plan Approval. All state permits have been received.

Items 1-15 in the Site Plan Review application have been addressed on pages 8-12 in the Site Plan Application. Deluca-Hoffman will write a state of fact coinciding with our numbers. A copy of the update has been attached for our records.

**Planning Board**

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**Planning Board  
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John Roberts made a motion to grant Hannaford Bros. a final approval under Section 3.04 and Article 4 of the Waterboro Zoning Ordinance with the following conditions:

1. Hannaford Bros. Co. agrees to enter into an agreement with the Waterboro Water District for the extension of the public water main down Route 202 to the project site.
2. That Hannaford Bros. Co. agrees to provide an updated traffic review of the conditions at the Route 5/202 intersection during the first July-August period which is a minimum of 6 months after the store opening.
3. That Hannaford Bros. Co. receives and complies with all applicable permits including local, state and federal, including but not limited to MeDEP, U.S. ACOE, U.S. EPA, Building Permit, MDOT Developer-State agreement.

Everett Whitten seconds. Motion carries a unanimous vote in favor.

**8:00 Conrad Cyr for Robin Perry, Map 43 Lot 913**

Conrad Cyr is present for Robin Perry to request a sideline setback reduction to place a 10' x 20' deck.

Everett Whitten made a motion to grant a 7' sideline setback reduction to be reduced from 35' to 28'. All other setbacks must be met. John Roberts seconds. Motion carries a unanimous vote in favor.

**8:15 Robert Hindle, Map 19 Lot 7**

Robert Hindle is present with the AMVET's organization. They would like to use the existing buildings as follows:

1. Front building will be used to hold their regular meetings. A liquor license will be requested.
2. The small front building will be used during the summer months to sell lobsters and steams for take out only.

Doug has requested that this application be reviewed to determine if a Conditional Use Permit is needed. The planning board members are to follow-up with this request and notify Mr. Hindle of their decision.

**8:30 Joanne Semo, Robert and Stephanie Kuni, Gold Mine Acres Subdivision  
Map 4 Lot 3C**

Joanne, Robert and Stephanie are present with a Sketch Plan approval request to re-subdivide the 1 lot subdivision currently known as Gold Mine Acres.

John Roberts made a motion to approve the amended Gold Mine Acres Sketch Plan with the following conditions:

1. The right of way is to never be a public road, all maintenance is to be done by the owners.

The following waivers have been requested and granted:

1. Hydro-geological study;
2. Contour interval study;
3. Nitrate Test;
4. The 600' minimum length of the right of way;
5. Waive the cul-de-sac radius turn for a hammer head turn;
6. Water holes or dry hydrant;
7. Soil characteristics

**8:45 Ben Chretien - Conditional Use Permit, Map 40 Lot 7**

Ben Chretien presented to the Planning Board an application for a sideline setback reduction to construct a 20' x 22' garage on a grand-fathered lot.

Dwayne Woodsome made a motion to grant an 8' setback under Section 2.08 of the Waterboro Zoning Ordinance.

Roland Denby seconds. Motion carries a 4-1-0 vote approving the Conditional Use with John Roberts opposed.

**9:15 Shawn Shoemaker - Conditional Use Permit,**

No Show

**III MINUTES OF PREVIOUS MEETING**

John Roberts made a motion to approve the December 9, 1999 minutes as written. Dwayne Woodsome seconds. Motion carries a unanimous vote in favor.

**IV NEW BUSINESS**

**V REPORT OF OFFICERS**

**VI OLD BUSINESS**

**VII COMMUNICATION**

The following communications were reveiwed:

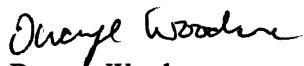
- Request from Eagles to remain open 1 additional hour on Super Bowl Sunday. Roland made a motion to grant the additional hour on Super Bowl Sunday, January 31, 1999 only, hours are to resume on Monday February 1, 1999. Everett Whitten seconds. Motion carries a unanimous vote in favor.

- Pine Tree bill of \$450.00 for Interpretation costs. Dwayne Woodsome made a motion to pay the Pine Tree bill of \$450.00 for services rendered at the Shop 'n Save Public Hearing. Susan Dunlap seconds. Motion carries a unanimous vote in favor.
- Bill from Sebago Technics for \$2,204.67 for services rendered to date. Susan Dunlap made a motion to pay the Sebago Technics bill of \$2,204.67. Dwayne Woodsome seconds. Motion carries a unanimous vote in favor.
- Letter from Karen Lovell re: McCandless Matter
- Letter to Vickie Bell re: Sebago Technics bill
- Memo from Steve Kasprzak re: Shop 'n Save Traffic
- Letter from Federal Emergency Management Agency
- Letter from DEP re: Leighton Excavating
- Review of Town Owned Properties. Dwayne Woodsome visted a large majority of the sites listed before Christmas with the Selectmen, Conservation Committee members and LAC members. What the conservation suggests be sold on Hunter road should not, they are very wet properties. Dwayne mentioned that he voiced his opinion to the Selectmen on Tuesday, January 12, 1999. Lisa has typed a list of the properties visited which will be included in the next meeting list of communications.


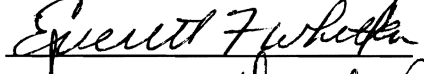
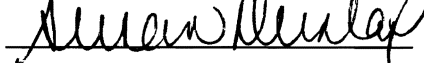
### VIII ADJOURNMENT

Dwayne Woodsome made a motion to adjourn the meeting at 10:30 p.m. Susan Dunlap seconds. Motion carries a unanimous vote in favor. Meeting adjourned.

Respectfully submitted,

  
Dwayne Woodsome  
Treasurer/Secretary  
Waterboro Planning Board

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## WATERBORO PLANNING BOARD'S FINDINGS OF FACT ATTENDANT WITH THE PLANNING BOARD DECISION OF JANUARY 13, 1999

With respect to the fifteen Site Plan Review Standards of the ordinance, the following Findings of Fact have been made by the Planning Board:

1. *The proposed use meets the definitions or requirements set forth in the Zoning Ordinance.*

**Finding** – The proposed project is located within the Town's Village District and is defined as a "Retail and Service Stores II use and is a permitted use for the lot since the lot size exceeds 40,000 s.f. The proposed lot size is 10 acres. The layout of the proposed building and parking area meets the definition, space, and bulk requirements set forth in the zoning ordinance. The following table summarizes the zoning ordinance requirements for the project:

### Zoning Compliance Summary

Zone: Village District

Permitted Use: Retail and Service Store II

Site and Bulk Summary		
Criteria	Required/Allowed	Proposed
Minimum Lot Area	40,000 s.f.	437,505 s.f. (10.04 acres)
Minimum Street Frontage	100 ft.	1,074.16 ft. (Route 202) 397.35 ft. (Route 5)
Minimum Front Setback	50 ft.	98.59 ft. (Route 202)
Minimum Side Setback	20 ft.	75 ft.
Minimum Rear Setback	20 ft.	N/A
Maximum Building Height	35 ft.	<35 ft.

Parking and Loading Summary		
Criteria	Required/Allowed	Proposed
<b>Parking Spaces:</b>		
Number	1 space per 200 s.f. gross floor area (47,770 x 1/200 = 239 spaces) plus 1 space per 3 employees (assume 50/3 = 16 spaces – Total = 255	1 space per 177 s.f. gross floor area (269 spaces)
Size	10' x 20'	10' x 20'
Setback	25 ft. from roadway	35 ft. from roadway
<b>Loading Spaces:</b>		
Number	1 space per 2,500 s.f. commercial floor area* (47,770 x 1/2,500 = 20 spaces)	1 space per 2,389 s.f. gross floor area* (20 spaces)
Size	500 s.f.	500 s.f. (10' x 50')

\*The ordinance does not define commercial floor area for use in computing loading space requirements. Use of the gross floor area in this computation results in grossly conservative results. A sketch demonstrating the area is available to meet the loading spaces required by the Town was presented to the Planning Board.

Post-It® Fax Note	7671	Date	1-20	# of pages	4
To	LISA	From	Steve		
Co./Dept.		Co.	DeLuca-Hoffman		
Phone #		Phone #			
Fax #		Fax #			

Signage	
Criteria	Required Allowance
Size:	
Signs Requiring Permits	300 s.f. maximum limit each 4 signs maximum 340 s.f. total signage
Signs not Requiring Permits	20 s.f. maximum limit 2 signs maximum
Height:	
Wall Signs	25 ft.
Freestanding Signs	25 ft.
Setbacks:	No signs within Right of Way

**Hannaford Bros.  
Co. will apply for  
signage  
separately.**

Landscape Requirements	
Requirement	Provided
"... all outside parking and loading areas servicing more than 20 vehicles shall be screened from view by suitable landscaping materials – evergreen shrubs or trees, fencing, walls, berms or any combination thereof. Such screening shall be at least four (4) feet high."	The grading plan and the landscape plan feature a combination of berming, fencing and landscaping to meet or exceed this ordinance requirement.

2. *The proposed use will not create fire safety hazards and adequate access to the site, or to the buildings on the site, for emergency vehicles; adequate dry hydrants; or adequate access offsite dry hydrants is provided.*

**Finding** – The proposed project will provide sufficient fire protection and emergency access.

3. *The proposed exterior lighting will not create hazards to motorists traveling on adjacent public streets and adequate for the safety of occupants or uses of the site and will damage the value and diminish the usability of adjacent properties.*

**Finding** – The proposed project has been designed with adequate parking area illumination to provide a minimum 3 foot candle coverage. The proposed shoe box style fixture will minimize glare to passing traffic and nearby uses.

4. *The provisions for buffers and onsite landscaping provide adequate protection to neighboring properties from detrimental features of the development.*

**Finding** – The proposed project will be sufficiently landscaped along the Route 5 and Route 202 frontage. Landscaped berms with post and rail fence and vegetative plantings will be provided along the berms and within the parking fields and access drive end caps. Natural vegetation buffering will be maintained at the rear of the site to provide shielding from adjacent properties and to provide buffering to the wetland and stream natural resources.

5. *The proposed use will not have a significant detrimental effect on the use and peaceful enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust glare or other cause.*

**Finding** – The project is considered a minor generator of noise, odors, fumes or dust glare as evidenced by Sections 6, 7, 10 and 11 of the MeDEP application which were included in Attachment H of the site plan application and will not have a significant detrimental effect on the use and peaceful enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust glare or other cause..

6. *The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets will not create hazards to safety or impose significant burdens on public facilities which could be avoided by reasonable modification of the plan.*

**Finding** – The proposed project includes the construction of approximately 269 parking spaces at 10' wide by 20' long, which exceeds the Town of Waterboro Standards. Access drive aisle will be provided to allow ease of circulation and access in and out of the parking area from both Routes 5 and 202. Adequate maneuvering area for a WB-62 tractor-trailer truck is provided at the loading area located at the rear of the store. Hannaford Bros. Co. will be responsible for offsite roadway improvements including the following:

Offsite Roadway Improvements:

- Left turn bypass lane on Route 202 at Old Alfred Road.
  - Left turn lanes on Route 202 at Main Street Site Driveway and Woodsomes Feed n' Needs Store.
  - Revise approach geometry on Route 202 at Route 5.
  - Install an overhead flashing beacon at Route 202 and Route 5.
  - Install left turn bypass lane on Route 5 at Site Driveway.
  - Install flashing beacon stop sign on Townhouse Road at Route 5.
7. *The bulk, location, height or design of proposed buildings, structures or paved area, or the proposed uses thereof, will not have a significant detrimental effect on private development on adjacent properties, or on the value of adjacent properties which could be avoided by reasonable modification of the plan.*

**Finding** – The proposed building size and height are within the limits allowed by the Waterboro Zoning Ordinance and are not considered to have a detrimental effect on private development of adjacent properties or the value of adjacent properties.

8. *The design of the site will not result in significant flood hazards or flood damage and is in conformance with applicable flood hazard protection requirements; and storm water detention pond(s) are adequate.*

**Finding** – The proposed project does not include placement of fill within a floodplain nor will it result in significant flood hazards based on the results of a formal stormwater management report. The project will include a formal stormwater runoff collection system and water quality treatment facilities that will convey stormwater runoff from the site to Cooks Brook. The site's peak development flows will discharge in advance of the greater watershed peak flow. Downstream peak flows from the Cooks Brook watershed will not be increased.

9. *Adequate provision has been made for the disposal of wastewater or solid waste or for the prevention of ground or surface water contamination.*

**Finding** – The project has made adequate provisions for wastewater disposal by the design of an engineered onsite subsurface wastewater disposal system. Solid waste removal during construction and during store operation will be provided by Yarmouth Rubbish and Recycling as evidenced by Section 5 of the MeDEP Application, were contained in Attachment I of the application.

10. *Adequate provision has been made to control erosion or sedimentation.*

**Finding** – An erosion and sediment control plan and report meeting State standards were included in Attachment J of the application.

11. *Adequate provision has been made to handle storm water runoff or other drainage problems on the site.*

**Finding** – A formal stormwater management report and design computations were contained in Attachment G of the application. The site's design include adequate provisions to handle stormwater runoff and drainage from the site in accordance with State regulations and requirements.

12. *The proposed water supply will meet the demands of the proposed use or for fire protection on the site.*

**Finding** – MeDEP Section 13 in Attachment E to the application presents evidence that the project will include adequate water supply for domestic and fire protection purposes. The Planning Board requested Hannaford Bros. Co, pursue the extension of the public water main. Hannaford Bros. Co. has considered this option. The Planning Board makes this finding based upon Condition 1 of this approval.

13. *Adequate provision has been made for the transportation, storage and disposal of hazardous substances and materials as defined by state law and Waterboro Hazardous Waste Ordinance.*

**Finding** – The proposed project will not involve the transportation, storage and disposal of hazardous substances and materials as defined by State law and Waterboro Hazardous Waste Ordinance.

14. *The proposed use will not have an adverse impact on significant scenic vistas or on significant wildlife habitat which could be avoided by reasonable modification of the plan.*

**Finding** – As outlined in MeDEP application Section 18 contained in Attachment D to the application, the project will maintain a naturally wooded wildlife corridor along Cooks Brook at the rear of the site. No Scenic vistas will be adversely impacted by the development

15. *The project will not increase nitrate nitrogen concentrations in surface or groundwater at the property line of the site in excess of 5 mg/l. If groundwater contains contaminants in excess of the primary drinking water standards and the project is to be served by onsite groundwater supplies, the applicant shall demonstrate how water quality will be improved or treated to meet applicable standards.*

**Finding** – A Geohydrologic Study by Sevee & Maher Engineers, Inc. shows that the project's wastewater disposal area and nitrate plumes will not exceed the 5 mg/l threshold at the property line. Hannaford Bros. Inc. will provide wastewater pretreatment prior to discharge to disposal field chambers.