

# **PLANNING BOARD**

## **Town of Waterboro**

**MAY 20, 1999**  
**REGULAR MEETING**

### **I ROLL CALL**

Doug Foglio, Chairman, called the meeting to order at 7:35 p.m. noting the attendance of Dwayne Woodsome, Roland Denby, Everett Whitten and Duane Fay. Susan Dunlap entered the meeting at 9:30 p.m.

### **II APPOINTMENTS**

#### **9:00 Virginia Giarusso Map 44 Lot 535**

Virginia Giarusso has presented a request for a sideline setback reduction on Map 44 Lot 535 in Lake Arrowhead.

Duane Fay made a motion to grant Virginia Giarusso a sideline setback of 28' on both sides of the property. All other setbacks must be met. Everett Whitten seconds. Motion carries a unanimous vote in favor.

### **III MINUTES OF THE PREVIOUS MEETING**

No minutes were reviewed at this meeting.

### **IV NEW BUSINESS**

### **V REPORT OF OFFICERS**

### **VI OLD BUSINESS**

#### **7:30 Kim and Dorothy Janotta, Jan Tech Homes, West Hill II Subdivision**

Kim and Dorothy Janotta, not present, have submitted a revised West Hill II Subdivision Plan. The revision consists of a change in the right-of-way to access lots 3 and 4.

Abutters Jack and Jackie Saunders are present to note their concerns. Jack stated that he was told by the property owner of lot 3 and 4 (Denoted as Map 6 Lots 29-30 and 29-40 on the Town of Waterboro Tax Map) that the subdivision was no longer a subdivision and the Private Right of Way was no longer in existence.

Doug noted that he researched the property and subdivision and stated that the developer (Jan Tech) came to the Town Code Officer regarding moving the private road. Than Code Officer (Rob Baker) said it was okay, however he had no authority in granting Jan Tech the change in subdivision plans.

Mr. & Mrs. Saunders contacted the Code Officer, Steve and Doug visited the property and clearly noted that the road had been moved with the approval of lot #5.

The Saunders claim that they had made an arrangement with Jan Tech that there would never be a house where one is currently being proposed. They also feel that having the right of way locked eliminates access to abutters and the culverts have not been installed per subdivision plans.

Roland Denby requested a copy of the Saunders' deed.

Dwayne Woodsome noted the interest in having a Public Hearing and site walk for the members that are not familiar with the property. Dwayne also noted that he was not aware of what authority the Planning Board has on a private right-of-way. The notes on the 1993 West Hill Subdivision clearly noted that the right-of-way was always to be a Private Right of Way so road standards to not come into effect.

Dwayne made a motion to schedule a Public Hearing on June 9 at 7:30 and requested that all Board Members individually site walk the property prior to the next meeting. Jan Tech is to notify all the abutters of the change and the Public Hearing, return receipts are requested. Duane Fay seconds. Motion carries a unanimous vote in favor.

**8:15 Wes Leighton Map 21 Lot 18**

Wes Leighton is present for setback reductions to construct a 40' x 20' two story building on Map 21 Lot 18 located on Route 202 in So. Waterboro.

Doug asked where the abutters wells were located and what source of water did he plan on using? Wes stated that both abutters are on public water and he also intended on hooking up to well water.

Doug asked how many uses will the building be maintaining? Wes noted that he planned on using the building solely for 1 business, a Travel Agency. Wes also noted that he has already worked with DHS for an acceptable septic design with a 750gal tank.

Duane Fay asked if he planned on paving the parking area. Wes stated he planned on having 8 parking spots, 4 of which are required. The paved area will be over concrete chambers with a manhole cover over the tank for the septic system.

Everett Whitten made a motion to approve the construction of a single use office building with 10' rear and right sideline setbacks. Plans are to be corrected to include the 8 designated parking spots with the rear of lot remaining loamed and seeded, public water supply and H2O septic design. Roland Denby seconds. Motion carries a unanimous vote in favor.

**8:00 Review of Gravel Pit Ordinance with Eric & Diane Herrle (This business was taken at 8:45 due to a delay in the first appointment).**

Doug noted that the process would be time consuming. The Planning Board Members will cover section by section noting questions/concerns as we go along.

Upon review of the noted sections, the following comments, questions and concerns were noted:

Section 1. TITLE - Reviewed. No questions

Section 2. PURPOSE AND INTERPRETATION - Reviewed.

**Duane Fay** - "Noting in this ordinance shall prohibit the Planning Board from imposing stricter standards when deemed necessary to accomplish the purposes of the ordinance". This creates an open ended phrase.

**Eric Herrle** - There are no quick answers. Stated that the board cannot go less but may go stricter.

Neither the Planning Board or Town has the authority to issue waivers from this point per the written interpretation.

### **Section 3. DEFINITIONS**

**Extractive Industry:** Topsoil, rock, sand, gravel, and/or similar earth materials” Doug noted that these items cannot have the same specifications, there should be different criteria’s for different products. Eric noted that these are definitions of what might be considered an extractive industry.

**Land Reclamation:** Doug stated the fought with the State Legislature not to reclaim as buildable as understood in “natural state or allows full utility of land”. The property should remain forever wild.

**Denise -** The intention is so that people do not dig a hole and leave it, they want it safe when complete.

**Doug -** The slopes all need to be at a grade and re-vegetated state. **Eric -** We will remove that section.

**Duane -** What is the problem with our reclamation specifications? **Eric -** I’m not sure, I would like an explanation on the difference with the grade slopes.

**Doug -** Did you propose any amount of money to revise this ordinance? **Eric -** No. Doug the changes that will have to be made in the Zoning Ordinance will be expensive, some sections of the ordinance work together will other sections.

**Active Status:** “Six months per year” **Dwayne -** In the event of illness, someone may be unable to operate for more than six months (as in private pits) and taxed outrageously. Do you want to put someone out of business or help them get back on their feet? **Eric -** Point taken, this section may be changed.

**Rehabilitation Plans:** Reviewed, no questions.

### **Section 4. EXTRACTIVE INDUSTRIES**

What is the reason for this section? There seems to be a wide interpretation to what is active, open, closed. You are requiring people to state if the are active or not, what will verify their statements?

**Section 4.3 -Dwayne -** Section 4.3 requires all active pits to re-file under new revisions? **Eric -** No. If you look further in the ordinance (16.2) it states that legal active pits are exempt from most of this ordinance.

**Doug -** DEP will not enforce this ordinance. They would not enforce anything beyond their own ordinance. **Diane** DEP will not touch anything under 5 acres.

**Dwayne -** The time frame in section 4 needs to be reevaluated. If a pit is active, why do they need to file anything until they go beyond 5 acres? **Eric -** Section 4.3 should be eliminated.

### **Section 5. RECLAMATION PROJECTS**

This section is to be revisited at a later date.

### **Section 6. ADMINISTRATION**

**Roland** - Who will handle the functions? **Doug** - We handle the plan but we have no power of enforcement. The Code Enforcement Officer handles the enforcement and returns to the Planning Board stating that the plan is not being followed, Planning Board can then revoke the permit.

The Pit ordinance review is called to a close, we will continue the review on June 24 at 8:00 where we will begin with section 7.

**9:45 Cal Knudson - Bartlett Pond Subdivision**

Doug read a note left by Susan Dunlap earlier stating that Larry Jacobson remembered a condition on the original subdivision that a Public Access was to be available from the lots to the pond. Upon researching the original subdivision plan it is noted that Lot #3 has a 10' Right of Way.

Cal asked what is required for him to receive preliminary and final subdivision approval.

Doug noted that he would like the Board Members and Cal come to an agreement with the property so that a notation is placed on the subdivision plan that the property is never to be re-subdivided.

Cal has stated that if a 4 lot subdivision comes to an agreement that he will put a note on the plan that the property will never be re-subdivided.

Doug stated that a statement of opinion for a hydro-geological and nitrate study on the 4 lots would be satisfactory to the board members.

Cal is to return with the following information for a preliminary subdivision plan approval:

- A Hydro-geological statement of opinion;
- A Nitrate study statement of opinion;
- The fourth lot on the subdivision plan;
- A note stating that the property is never to be re-divided again;
- Row Width
- Size of turn around
- Fire pond/holding tank per Fire Chief and Road Commissioner's written request with its location; and
- Letter from mail carrier for delivery

**VII COMMUNICATION**

**VIII MISCELLANEOUS**

Dwayne Woodsome made a motion to have the Code Enforcement Officer contact Judy Courtway, Map 4 Lot 28 regarding a violation to the Conditional Use Permit issued in January 1999. The Permit stated on item 2 that no outside storage of any type including but not limited to unregistered vehicles was to be permitted. Everett Whitten seconds. Motion carries a unanimous vote in favor.

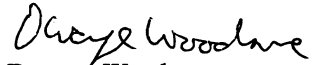
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**IX ADJOURNMENT**

Duane Fay made a motion to adjourn the meeting at 10:45 p.m. Roland Denby seconds. Motion carries a unanimous vote in favor.

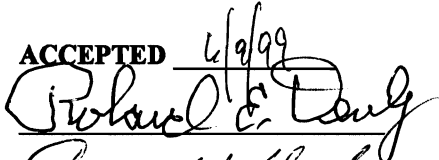
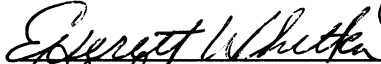

Meeting adjourned!

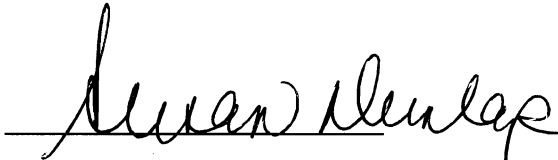
Respectfully submitted,

  
Dwayne Woodsome  
Planning Board  
Secretary/Treasurer

DW/lmm

ACCEPTED

  
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