

PLANNING BOARD

Town of Waterboro

WORKSHOP

OCTOBER 11, 1999

Doug Foglio called the workshop to order at 7:30 p.m. noting the attendance of Susan Dunlap, Dwayne Woodsome, Everett Whitten, Roland Denby, Todd Morey, Millard Genthner and Steve Foglio.

Doug feels that this Gravel Extraction Ordinance is not what the Town should have as an ordinance. The ordinance first needs definitions of the terms used.

Everett noted the in order to have a new ordinance passed it will require hours of operation or it may be defeated.

Millard made a few recommendations as noted below:

Active Status: A minimum of 450 yards of material is to be extracted over a 3 year period to maintain its active status.

Hours of Operation: Monday - Friday 6:00 a.m. to 6:00 p.m.

Saturday 7:00 a.m. to 2:00 p.m.

Sundays and Holidays - Closed

Blasting: A notification of blasting to the area residents as to the approximate time and day as to when the blasting will occur.

Emergency Clause: In case of an emergency, caused by mother nature, operations at the gravel pits may be allowed.

Definition of a working pit: "Working Pit" means the extraction area, including side slopes, of an excavation for borrow, clay silt or topsoil. "Working pit" does not include a stockpile area or an area that has a permanent fixed structure such as an office building, permanent processing facility or fixed fuel storage structure.

Discussion of Millard's recommendations are as follows:

Active status needs to be defined between a Non-municipal approved pit and a municipal approved pit. An annual fee (approx. \$50 - \$100) to include an annual review of the active gravel pits by the Code Enforcement Officer.

Hours of operation should state "The processing of materials is prohibited between Saturday 2 p.m. to Monday 6 a.m."

All gravel pits should be required to pave a minimum of 200' of their entrance.

The Extractive Ordinance Workshop is complete at this time. Another workshop has been scheduled for Monday, October 18, 1999 at 7:30 p.m.

P.O. Box 130, Waterboro, Maine 04087 • 247-6166 • FAX 247-3013

<http://www.mix-net.net/~waterboro/>

Email: waterboro@mix-net.net

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Steve Foglio presented the new Flood Plain Ordinance. This ordinance is imposed by the Federal Government. The Town has no choice but to adopt it. Failure to adopt this ordinance will effect the Flood Insurance Coverage that many residents are required to have.

Dwayne made a motion to schedule a Public Hearing on Thursday, October 28 at 7:30 p.m. to discuss the Flood Plain Management Ordinance. It is also recommended that the board reads through the ordinance prior to the hearing. Susan seconds. Motion carries a 5-0-0 vote in favor.

An ad in the Smart Shopper should read:

The Planning Board will hold a Public Hearing for the purpose of reviewing the proposed changes to the Flood Plain Management Ordinance for the Town of Waterboro. It is imperative that the residents requiring Flood Insurance attend this meeting to ensure Flood Insurance Coverage. A copy of the Flood Plain Management Ordinance is available in the Code Office for your viewing.

Dwayne made a motion to adjourn the meeting at 9:33 p.m. Susan seconds. Motion carries a 5-0-0 vote in favor.

Respectfully submitted,

Dwayne Woodsome
Secretary/Treasurer
Planning Board

DW/lmm

PLANNING BOARD

Town of Waterboro REGULAR MEETING

WEDNESDAY
October 13, 1999

*Duplicate
Agenda*

I ROLL CALL

Doug Foglio called the meeting to order at 7:30 p.m. noting the attendance of Dwayne Woodsome, Roland Denby, Everett Whitten, Todd Morey and Steve Foglio. Also present are Tim Neill and Frank Faith of the Deering Ridge Road.

II APPOINTMENTS

7:45 ROBERT FAREWELL Map 32 Lot 14 represented by Steve Foglio.
Steve stated that Robert Farewell presented to the Code Office an application to place a foundation under their existing cottage on Little Ossipee Lake. Because it is within 100' of the water it requires Planning Board approval.

Doug noted that by placing a foundation under an existing camp it will be converted to year round use. In order to do so an HHE200 will be required in order to verify an acceptable septic system. All erosion control measures are also needed.

Dwayne made a motion to table the decision until more information is received. The additional information needed is:

- Septic Plan design
- Lot size
- All setbacks

Everett seconds. Motion carries a 4-0-0 vote in favor.

Any Planning Board member and the Code Officer who wish to visit the site may do so at any time.

8:00 RENALD COLLIN, represented by Dave Greateon on Map 45 Lot 1474 Setback Reduction
Dave Greateon presented a building envelope for Map 45 Lot 1474. A sideline setback is requested to 30' on the left and 25' on the right.

Roland made a motion to grant Renald Collin a sideline setback reduction of 30' on both sides. The structure will also need to be moved back in order to meet this setback. It is also recommended that the building be laid out by a surveyor. Everett seconds. Motion carries a 4-0-0 vote in favor.

8:15 JOSEPH VITKO - Setback reduction on Ossipee Lake Lot Map 38 Lot 30
Joseph Vitko presented the board with an application to build a 2 bedroom home on Ossipee Lake.

Doug noted that due to the Shoreland Zoning he will need to acquire DEP approval before the Planning Board can take any action. A site walk is scheduled for Monday, October 18, 1999 at 6:00 p.m.

Mr. Vitko is to return under "Old Business" after he receives DEP approval.

8:30 JOYCE JONES - Map 30 Lot 71V "Brunetti's Restaurant"
Joyce Jones is present to inquire about the possibilities of converting Brunetti's into a fast food take-out, bait & tackle store with most of the building being used as a private residence.

After review of the existing file Dwayne made a motion to take a copy of the file to Ken Cole for his opinion. Joyce is to return under "Old Business" on November 10, 1999. Roland seconds. Motion carries a 4-0-0 vote in favor.

8:45 MERCER BONNEY of Mitchell & Assoc. for a 13 lot subdivision on Map 5 Lot 34, 34-2 & 34-3 Mercer Bonney is presenting a 13 lot single family home subdivision on the property located on Map 5 Lots 34, 34-2 & 34-3 owned by Hughey's Inc. The proposed subdivision is located on a 73 ½ acre parcel. All lots will have between 3 to 8 acres and falls under the Residential and Agricultural/Residential zone.

Waivers being requested are for a 2100' length and 18' width (with grass shoulders) of the road. The road is to be tarred. Mercer stated that she spoke with the Lyman Planning Board secretary and they would like to meet with the Waterboro Planning Board at some point to discuss the subdivision seeing that part of the properties are located in Lyman. Homes will not be located in Lyman due to the acreage requirements and lack of road frontage.

Roland noted that several of the lots are spaghetti lots which is illegal in the State Mandates.

Dwayne noted that 2 firetrucks would have difficulty passing each other on this road as presented. Immediate concern is with the width of the road.

The possibilities of extending the road through to the Jellerson Road is minimum due to the wetlands.

Mr. Kinney would prefer to have the town maintain the road, in the event the town would be unwilling the association would manage it. Dwayne stated that the road width waiver would not meet town specifications.

A dry hydrant will be necessary. A copy of the plans should be sent to Frank Birkemose (Fire Chief) for review.

Mercer noted that there is a possibilities that shared driveways will be created in order to minimize the impact on the wetlands. Doug stated that the Planning Board will require a written statement from the homeowners stating that they will not return for single drive access. The Planning Board will also require the developer to install all driveway entrances 50' before any building permits will be granted.

Ford Pond is not a great pond, it falls just over 8 acres with surrounding wetlands creating the freshwater.

Roland asked what is available in the upland for a building envelope. It was noted that one could build 100' with a conditional setback reduction or 250' without a conditional setback reduction permit.

It is also suggested by the Planning Board that an alternate access turn for emergency vehicles be created, preferably near the hydrants.

Doug suggested the possibility of creating part of the development as a P.U.D. in order to minimize the disturbance on the wetlands.

Mercer is to return under "Old Business" when she has completed the updates.

III MINUTES TO PREVIOUS MEETINGS

Everett made a motion to accept the September 23, 1999 meeting minutes. Dwayne seconds. Motion carries a 4-0-0 vote in favor.

IV NEW BUSINESS

V REPORT OF OFFICERS

Everett made a motion to elect Sue Dunlap as Vice-Chairman with the remaining officers to remain the same. Todd seconds. Motion carries a 4-0-0 vote in favor.

VI OLD BUSINESS

Doug turned the meeting over to Dwayne at this time for review of the communications due to the correspondence received from the Deering Ridge Road property owners.

VII COMMUNICATION

The following communications were reviewed:

Selectmen Minutes
Shoreland Zoning News
Letter from Deering Ridge property owners
Communication from Attn. Ken Cole re: Herrle vs. Town of Waterboro & Foglio
Communication from Scott Treworgy re: Road revision on West Hill II. Roland made a motion to have Doug review the West Hill II communications with the Town Attorney. Everett seconds. Motion carries a 4-0-0 vote in favor.

VIII MISCELLANEOUS

- Appointment for the Taylor House. Roland informed the Board that he would maintain his position with the Taylor House although he feels he is unable to help in the areas that are most needed.
- The ordering of the new Planning & Land Use Laws for the year 2000
- For informational purposes Doug has gone to the assessor and requested a list of all Town owned properties. It is estimated that the Town properties are worth \$2,264,000.00 and consists of approximately 177 lots. In 1987 the taxpayers voted approximately 800+ lots be sold.
- The information packet that Doug received at the Jensen, Baird seminar on September 29, 1999 was briefly discussed.
- Another workshop was scheduled on Monday, September 11, 1999 for Monday, September 18, 1999 to further review the Extraction Ordinance.

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IX ADJOURNMENT

Roland made the motion to adjourn the meeting. Dwayne seconds. Motion carries a 4-0-0 vote in favor. Meeting adjourned at 11:45.

Respectfully submitted,

Dwayne Woodsome
Dwayne Woodsome
Secretary/Treasurer
Planning Board

ACCEPTED:

Richard E. Devly
Eileen W. Devly
Jim Devly

PLANNING BOARD

Town of Waterboro

OCTOBER 28, 1999

PUBLIC HEARING

AND

REGULAR MEETING

Doug called the Public Hearing to order at 7:30 p.m. noting the attendance of Susan Dunlap, Everett Whitten, Todd Morey, Roland Denby, Dwayne Woodsome and Louis Sidell from the State Planning Office.

There was two members from the public in attendance, however they were not required to have flood insurance coverage.

Lou began by explaining that the Town of Waterboro adopted the Floodplain Ordinance in 1987 and since has not been updated. If the community fails to amend this ordinance FEMA may discontinue insurance coverage. It was pointed out that if more than 50% of the structure was damaged it must be rebuilt in conformance with the ordinance.

Board Questions/Comments

Dwayne Woodsome - If you are to bring a home up to elevation in a subdivision you will tend to have only 1 or 2 homes that will be elevated. Also by elevating a home you will then need steps and stairways which on some lots won't meet our zoning setbacks.

Doug noted that the largest problem is that our maps are not updated. These maps need to be updated so that the Town or the residents aren't required to spend large amounts of money trying to prove that their home is not in the flood zone. As a board we have been asked for our opinion, as a board we would also like to see these maps updated.

Lou stated that there is a new program that has been created. Since 1990 there have only been 9 residents in the Town of Waterboro that has applied for a correction in their elevation. If the Town has significant information and TOPO maps we would be willing to endorse the Town's request to have the maps updated. Even if he endorsed the request it would not guarantee that FEMA would immediately grant the update. It all depends on the funds available.

Doug asked why this has such a great importance at this time that we pass these updates. Lou stated that it has always been important to update the ordinance. The town has just become lax in keeping the Flood Ordinance current.

Currently the deadline of December 31, 1999 was given to the Town. Lou felt that an extension may be possible. He stated that if an extension letter was forward directly to him he would be willing to get it to FEMA. If an extension is not granted than the Town will have to hold a Special Town Meeting.

Doug called the Public Hearing to a close at 8:15 and called the regular meeting to order.

Susan made a motion to recommend that the Selectmen request a 3 month extension taking us to April 1, 2000. If an extension is not granted than a Special Town Meeting will then have to take place. Upon noting the interest at the Public Hearing it would be beneficial for the taxpayers and the Town to wait until the regular Town Meeting. Everett Whitten seconds. Motion carries a 5-0-0 vote in favor.

II APPOINTMENTS

8:00 Joe Calvo Map 2 Lot 6E/F - Joe and Melisa Calvo are requesting a Condition Use Permit to operate a sawmill on their property. Dwayne asked the location of the brook on their property. Joe noted that only a portion of the back property is touched by the brook.

The lot size is approximately 4.3 acres. Map 2 Lot 6E will maintain the sawmill, his home is on Lot 6F. There will be no problem in meeting all boundary lines.

Member concerns are on the sawdust and the location of the brook.

Roland asked if he will be cutting rough boards and planing. Joe stated that the mill is currently successful just as a rough board mill.

Susan noted concern with the noise of the rough cutting and possibly future planing, that it would create complaints from the neighbors. Joe noted that the mill will be in the woods. Neighbors will not be able to see the building.

Everett made a motion to do an onsite on Thursday November 4 to meet at the Milkroom at 3:00. Susan seconds. Motion carries a 5-0-0 vote in favor.

The Code Officer is to check with the State in regards to sawdust regulations.

Joe and Melisa are to return under "Old Business" on November 10.

8:15 Mike Diaz Map 42 Lot 240-241 Mike presented an application to build a deck on his property. The property has previously gone before the Selectmen for a dimensional setback violation and has received an Agreement for penalty in lieu of legal action letter that was granted to the builder.

Due to the existing violation agreement the board is unsure in the procedure to take. Dwayne motioned to send this application and previous penalty action letter to the Attorney. Does the Board have the authority to grant a setback reduction on the same sideline that the violation was originally created? Would the previous owner who was denied a setback reduction on an existing violation have reason for a lawsuit for the fine that was imposed? Everett seconds. Motion carries a 5-0-0 vote in favor.

Due to other commitments Doug has excused himself from the meeting and turned over to Sue at this time.

8:30 Roy and Charlene Michaud Map 36 lot 21 Roy and Charlene are present with an application for a setback reduction to build a garage. The proposed area is currently a tarred parking lot. He has it staked out where he hopes to put the garage.

Due to the location of the property and the right of way that is owned by the Michaud's Dwayne has made a motion to have an on-site, the on-site can be done at the members convenience before the next meeting. Todd seconds. Motion carries a 4-0-0 vote in favor. Mr. & Mrs. Michaud are to return under "Old Business" on November 10.

III MINUTES TO PREVIOUS MEETINGS

Everett made a motion to accept the October 13, 1999 minutes as written. Roland seconds. Motion carries a 4-0-0 vote in favor.

IV NEW BUSINESS

V REPORT OF OFFICERS

VI OLD BUSINESS

Dwayne made a motion to reapprove the Forest Acres subdivision plan dated 6/11/99 due to the owner address being incomplete for registry. Everett seconds. Motion carries a 3-0-1 with Todd abstaining, vote in favor. Plans are signed.

The Vitko sitewalk was discussed and noted that very little capabilities for meeting setbacks was found. Mr. Vitko is to return under "Old Business" after getting written DEP approval.

VII COMMUNICATION

The following communications were reviewed:

October 12, 1999 Selectmen minutes
Maine DEP Grant Program
New Planning and Land Use Booklets
State of ME Public Workshops on Subdivision Laws

VIII MISCELLANEOUS

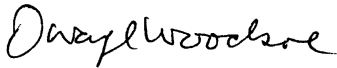
Everett made a motion to schedule Gravel Ordinance workshops every Monday through November. Dwayne seconds. Motion carries a 4-0-0 vote in favor.

Lisa informed the board that the Town's Attorney will be present at our November 15, 1999 workshop to review the Site Plan Ordinance.

IX ADJOURNMENT

Everett made a motion to adjourn at 9:45 p.m. Dwayne seconds. Motion carries a 4-0-0 vote in favor.

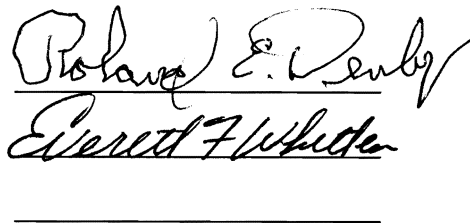
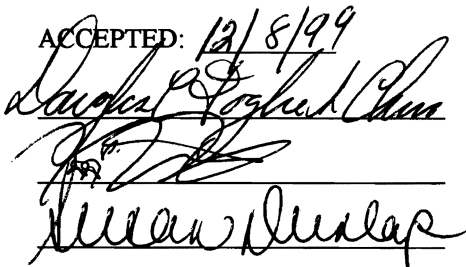
Respectfully submitted,



Dwayne Woodsome
Secretary/Treasurer

DW/lmm

ACCEPTED: 12/8/99



PLANNING BOARD

Town of Waterboro GRAVEL ORDINANCE

WORKHOP

NOVEMBER 1, 1999

Present are Todd Morey, Doug Foglio Sr., Dwayne Woodsome, Everett Whitten, Roland Denby and Frank Faith.

Suggestion for changes:

Section III

#2: change 60' to 100'

#5: a hydrogeological survey on all externally drained pits and internally drained pits going closer than 2' of the water table shall be required.

ADD: from the Sanford ordinance items a, c and h.

- a: methods of removal or processing;
- c: type and location of temporary structures;
- h. cleaning, repair and/or resurfacing of streets used in removal activity which have been adversely affected by said activity.

Any gravel extraction operations not located on a state road or highway....

Request to selectmen that no through signs for trucks over 30gvw permitted. Local deliveries only for Deering Ridge and Webber Road.

PLANNING BOARD

Town of Waterboro

NOVEMBER 10, 1999
REGULAR MEETING

I ROLL CALL

Doug Foglio Sr. called the meeting to order at 7:30 p.m. noting the attendance of Todd Morey, Dwayne Woodsome, Everett Whitten, Roland Denby and Steve Foglio.

II APPOINTMENTS

8:30 Dave Greateon, Map 42 lot A-16. Dave Greateon is representing Renald Collin on Map 42 Lot A-16. An application is presented requesting sideline setback reductions.

Upon review of the application Everett Whitten made a motion to grant Renald Collin a left sideline setback of 25' and a right setback of 30'. All other setbacks must be met. A surveyed layout of the building envelope is recommended with a copy forwarded to the Code Office for the file. Todd Morey seconds. Motion carries a 4-0-0 vote in favor.

8:45 Jay DePaul setback reduction - Cancelled

9:00 Architectural Skylight Map 4 Lot 30 - Kevin Johnson is presenting a Site Plan application for Architectural Skylight Co., Inc. The proposed site will include a 55' x 75' addition to be used as a loading/receiving dock.

Doug noted his concern that the site may require DEP approval due to its size.

Upon review of the plan presented it is found that the following is needed:

1. Oil & water separator;
2. Diagram of the maneuvering areas need to be clarified;
3. Indicate the paved, graveled and parking areas;
4. Indicate outdoor lighting;
5. A complete drainage plan; and
6. A written request to extend the paving requirement until spring will also be needed.

Dwayne made a motion to accept the site plan as presented and to submit to the board a completed plan noting the items 1 thru 6 above. Roland seconds. Motion carries a 4-0-0 vote in favor.

Everett made a motion to cancel the November 25, 1999 meeting due to the Holiday. Roland seconds. Motion carries a 4-0-0 vote in favor.

November 10, 1999
Planning Board
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Dwayne made a motion to have a special meeting on Monday, November 22 to replace the Thursday, November 25 meeting due to the Holiday. Architectural Skylight is to be the only appointment on this meeting, it is to be followed by our regularly scheduled workshop. Everett seconds. Motion carries a 4-0-0 vote in favor.

III MINUTES OF PREVIOUS MEETINGS

No minutes were approved

IV NEW BUSINESS

Steve Foglio presented a letter that was recently sent to Robert Hindle, Map 19 Lot 7. The letter clarified the recent violations on the property and felt it necessary to inform the Board that a Site Plan has been triggered because a 5th structure/use is now being placed on the property.

Steve had some questions on the E. Waterboro Self Storage. Mr. Soule, owner, was under the assumption that the rental of U-haul trucks was discussed and also approved with the site plan. Doug noted that it was not, he will need to present his interest to the Board.

Dwayne also stated that he thought he could not rent until the paving was completed, Section 5.03, he currently has "rents available" signs on the property.

Steve will inform Mr. Soule of his need to return to the Planning Board and look into the paving of the property.

V REPORT OF OFFICERS

VI OLD BUSINESS

7:45 Joe Calvo - Map 2 Lot 6E/F The site was visited by Roland and Everett on November 4, 1999. Sue called and stated that she waited until 3:30 but apparently must have missed them.

Roland stated that the sawmill site was marked. The existing mill was also visited. Roland and Everett noted that he did not feel that the noise level was excessive. Everett stated the you were not able to hear anything until they got fairly close to the building. While inside and standing approximately 20 ft. away from the machinery they were able to maintain a conversation without the need of significantly raising their voices.

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Doug asked Joe if the mill will be placed on a separate lot from the house. Joe stated yes, that it was a separately deeded lot.

When asked what he planned to do with the sawdust Joe noted that at the original meeting he stated that the sawdust was to be stored upstairs. The existing sawmill cannot hold onto his sawdust because there is such a demand for it.

Everett made a motion that the abutters be notified by return receipt mail with a copy of the letter, list of abutters and the return receipts be given to the Board for the file. The letter is to reference that a Public Hearing has been scheduled on December 8 at 7:30, any questions, comments, and/or concerns are to be forward to the Planning Board before the meeting. Following the public hearing Mr. Calvo will be placed under "Old Business" to vote on his application. Roland seconds. Motion carries a 4-0-0 vote in favor.

8:00 Joyce Jones - Map 30 Lot 71V - Discussion of the correspondence received from the Town's Attorney reflected that yes, inhibiting the property and the sale of bait is permitted. However, any food sales are not allowed unless it can be proven that the food sale retained its grandfathered status. After much discussion and review of the Attorney's recommendation Joyce will return under "Old Business" on December 8 where she will present to the board her finalized request for the property.

8:15 Roy and Charlene Michaud - Map 36 Lot 21 Todd, Roland, Everett and Dwayne visited the site. They noted an existing paved area which will hold a 24' x 30' garage. There is approximately 16' to Penny Lane which is owned by the Michauds. Due to the slope of the land and the location of the leach field there really is no alternative location of the site unless the leach field or telephone poles were moved.

Dwayne made a motion to have Mr. Michaud redraw the plans clearly noting of the location of the garage and its setbacks. Mr. Michaud is to return on Monday evening when the Town's Attorney is present. Roland seconds. Motion carries a 4-0-0 vote in favor.

VII COMMUNICATION

No communications were reviewed.

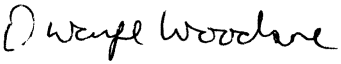
VIII MISCELLANEOUS

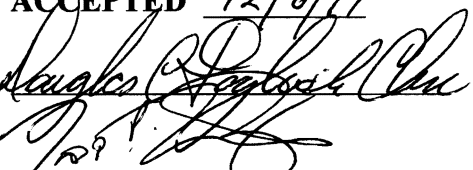
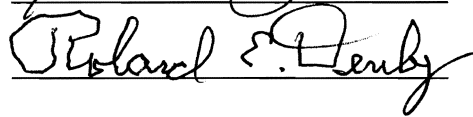
IX ADJOURNMENT

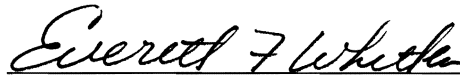
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Planning Board
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Dwayne made a motion to adjourn. Everett seconds. Motion carries a 4-0-0 vote in favor. Meeting adjourned at 10:30 p.m.

Respectfully submitted,


Dwayne Woodsome
Secretary/Treasurer
Planning Board

ACCEPTED 12/8/99





PLANNING BOARD

Town of Waterboro

NOVEMBER 15, 1999
WORKSHOP

Doug Foglio Sr., called the workshop to order noting the attendance of Susan Dunlap, Everett Whitten, Dwayne Woodsome, Roland Denby, Todd Morey and the Town's Attorney Ken Cole.

Ken Cole is present to discuss the Site Plan Ordinance and several other questions that the board has.

1. Ken presented the board with a copy of Gorham's Site Plan for future review. He finds that the Town's Site Plan is very ambiguous, it lacks boundaries and guidelines.

Doug noted that when the ordinance was initially enacted it was triggered at 2,000 sq. ft. At some point it was amended and removed. The Site Plan currently has no trigger.

Contract Zoning was discussed.

Dwayne Woodsome noted that have a multi-use building trigger the site plan over single use.

The board is to review the Site Plan presented by Ken Cole and return with feedback.

2. The Gravel Extraction ordinance that the board has been working on was reviewed. Recommendations from Ken were:

- Possibly changing the notification of abutters to a broader spectrum;
- We may want to "require" a public hearing versus "reserving the right";

Lisa to give Patti disk so she can E-mail Gravel Ordinance to date. Ken will work on the outline of the ordinance.

3. The question on the Diaz property Map 42 Lot 240 - 241 on whether the Planning Board could issue a setback reduction for a deck when a penalty agreement has already be given by the Selectmen. Ken will write a letter stating that the new front yard setback is 47' and that a deck could be built without Planning Board approval if it stayed within the 47'.

4. A right-of-way created prior to ownership of a property. Ken referred to the letter submitted by Karen Lovell on the Chretien property. He felt the same standards applied.