

Selectmens' Office  
Town Of Waterboro  
P.O. Box 130  
Waterboro, Maine

January 29, 1990

Gentlemen:

On January 24, 1990, Nancy Thornton received a Certified Letter from the Code Enforcement Office. This letter was (authorized by Vanduro Foglio C.E.O.) signed by T.J. Nelson. Deputy C.E.O.. The letter was referred to me for evaluation.

Within this letter is a threatening tone which I felt was unnecessary. In order to clarify this situation and show that in no way did we intend to violate any condition set forth by the Planning Board, please evaluate the following:

On November 11, 1989, the Waterboro Planning Board granted Nancy Thornton a Change Of Use and permission to operate a Nursery School on Lot 3, Map 18 in Waterboro Village Zone.

On November 13, 1989, Ms. Sharon Abbott, secretary to the Planning Board sent Nancy Thornton a copy of the Minutes Of The Planning Board Meeting of 11/8/89 pertaining to our request. On the bottom of the page of these Minutes, Ms. Abbott in her own handwriting made a notation that she would call Nancy Thornton when the paperwork was signed. (copy enclosed) Subsequent to the notation of 11/13/89, Nancy Thornton called the C.E.O. office numerous times to find out if the paper work was ready, each time the answer was negative. Our telephone answering machines both here and at the Nursery School have been on any time we were away and to date we have not received any calls from that office.

I feel such a threatening letter was uncalled for. We have complied with all aspects of the permit process as set forth in the Waterboro Zoning Ordinance enacted March 12, 1977. We intend to comply in the future. We will pay for and pick up our permit on January 30, 1990, now that it is finally ready. A mere phone call per agreement letting us know the paperwork was complete would have solved this problem, plus saving the town money for Certified mail etc. I feel a letter of apology is in line from the C.E.O. office.

Since an issue of possible violation has been raised by the C.E.O. office, I would like to point out a direct violation to Section 2.06, "Site Restrictions" as set forth in the Waterboro Zoning Ordinance. Within this section pertaining to any parcel of land it clearly states: " if land locked shall have a legally recorded access right of way no less than fifty (50) ft. in width, to a public or private road ".

In 1988-89, Vanduro Foglio C.E.O. granted his son Douglas Foglio Sr. and his grandson Douglas Foglio Jr. and Charles Waterhouse permits to build houses, install Subsurface Waste Water Disposal Systems and connect Utilities on lot #6 and 6A Map 2 located off the Goodwins Mills Road in Waterboro, Maine. These lots have only a twenty (20) foot deeded Right Of Way to the Public Highway, across lands owned by Jean B. Thornton and Ricky and Kila DeWitt, which is a direct violation to the Zoning Ordinance, since no variation was ever granted.

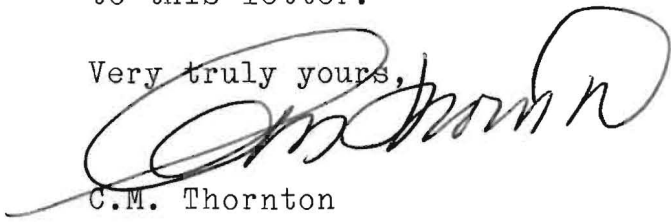
Vanduro Foglio C.E.O. during 1989, further granted to his son Douglas Foglio Sr., a permit to expand his place of business on Pearl Street, again in direct violation to the Zoning Ordinance section 3.03

It is apparent that Waterboro Zoning laws pertain only to certian people and residents of this town. It appears the former Planning Board Chairman, the Code Enforcement Officer, his friends and family are exempt from such laws.

These violations should be addressed by your board. If you agree, a tear down order should be issued, to those mentioned above, citing such violations otherwise, our Zoning Ordinance will be worth no more than the paper it is written on, and certian to be challenged and possibly unenforceable in the future.

I look foward to your action along with a written reply to this letter.

Very truly yours,



C.M. Thornton

cc: Planning Board  
C.E.O Office  
Nancy Thornton

11/8/89

Lawrence Jacobsen made a motion that the Board hold the plan until information back for DEP, once information is received Mr. Gardner will be placed under Old Business. Anna Jackson seconded the motion. Vote was (5) in favor.

#### VI OLD BUSINESS:

RAY KELLETT            MAP    32    LOT   49    ZONE    AR

Mr. Kellett wishes to construct a woodworking shop and part of shed. New plans presented and placed on file. Mr. Kellett has DEP approval. Location for shop 25' from lot line. 45' to camp road. 30' to Proach boundary line. Lot is grandfathered. Size of structure 18'x22'.

Lawrence Jacobsen moved to allow Mr. Kellett under Section 2.08 to build a workshop 18' x 22' with a storage shed 4' x 22' on left hand side facing Route 5, that it be set no closer than 31 ft. to existing camp road, no closer than 23 ft. to the existing boundary line of Proach and Kellett, and Mr. Kellett abide by all recommendations of DEP. Jon Gale seconded the motion. Vote (5) in favor.

NANCY THORNTON        MAP    18        LOT    3        ZONE        VILLAGE

Lot is grandfathered and house is grandfathered. Town attorney noted that you cannot grandfather a use. Exchange one allowed use for another allowed use. This is a primary use. Septic system redone last year. Primary use is inside for 2 hours. Two sessions per day. State allows one person per 12 children. Intent is to work inside. Board members felt that once kids are scheduled for outside play an area should be fenced in. Two entrances none exit out towards Route 202. One is located in office area. Mr. Charles Thornton asked if it was mandatory for fenced in area? Board responded that due to the tight quarters with possibly 12, four year olds without containment this could be a hazard as well as neighbors to consider.

Anna Jackson moved to grant Nancy Thornton permission to have a Nursery School, that anytime she finds she allows children to be outside she have a fenced area outside. Would like to see a fenced area by May 30, 1990. This permit will not be transferrable. Jon Gale seconded the motion. Vote was (5) in favor.

#### HEATH'S VILLAGE VARIETY

Judy Carll moved to approve site plan of Heath's East Village Variety. Anna Jackson seconded the motion. Vote was (3) in favor, (1) abstention.

*Nancy*  
*I have the permission filled out and signed. Anna Jackson.*  
*Signature. All full you when I have the signature.*  
*Sharon*

# Town of Waterboro

January 23, 1990

Nancy Thornton  
Box 354, West Road  
Waterboro, Me. 04087

Dear Ms. Thornton:

On November 8, 1989 you received conditional approval from the Waterboro Planning Board to have a Nursery School on property located on Waterboro Tax Map # 18, Lot # 3, in the Village Zone. An approval shall expire six (6) months from the date of issue unless the permit has been issued.

This is notification that your Conditional Use Permit can be picked up at the Building Office Tuesday evenings from 6:00 P.M. to 9:00 P.M. or Tuesday mornings from 9:00 A.M. to Noon. There is a \$50. fee for this Permit. This permit is necessary in order to operate your Nursery School. If you operate the Nursery School without a permit you will be subject to a fine of not less than \$50. per day for each day the violation exists.

Sincerely,

*T. J. Nelson*  
T. J. Nelson  
Deputy CEO

THIS CHECK IS DELIVERED FOR PAYMENT ON THE FOLLOWING ACCOUNTS	
DATE	AMOUNT
Conditional Use Permit - Tax Map 18	
Lot # 3 -	
WEE People Nursery School.	
Nancy Thornton	
Box 354	
Waterboro, Me	
04087	

**C. M. THORNTON**  
SPECIAL ACCOUNT #1  
P.O. BOX 852 TEL. 247-3121  
WATERBORO, ME 04087

2815

52-36/112

1/20/90 19

PAY TO THE ORDER OF Town of Waterboro, Me \$ 50.00

*Fifty* DOLLARS

**Fleet Bank**  
MEMBER FLEET NORSTAR FINANCIAL GROUP  
SANDFORD, MAINE 04073

JEAN B. THORNTON  
CHARLES M. THORNTON

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