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Happy Easter !! Hope you are well.

06/14/22 9:12 AM 11:28 AM

1940

GOING HAND OF A LADY

1033 THE APPEAL

1000

Total: 230.00*

Paul H. David Boardman

Revised: 0.10

04/25/2025 11:00 AM

Check : 330-01

3937 - 330.00

Received

4/14/2022 AC
Date Initials

ZONING BOARD OF APPEALS APPLICATION

Town of Waterboro

24 Townhouse Road
East Waterboro, Maine 04083

Dear Applicant/Agent for an Appeal:

In order for the Board of Appeals to consider a case, the law requires that you present the Board with a complete application. The purpose of this letter is to provide you with instructions on how to meet your responsibilities, so the Board may hear your case in a timely manner.

Before filing an application, you should review the Town's ordinance(s) and make sure you understand why your permit application was denied or any other basis of your appeal to the Zoning Board of Appeals. If you do not know what zoning district your property is in or specific zoning restrictions on the property, you may obtain this information from the Code Enforcement Officer.

Next, you must provide the Board with the information required on the form given to you. You must provide the Board of Appeals with proof that you have a legal interest in the property about which you are bringing an appeal, in addition to information about the property, including any details about its physical characteristics that may be relevant to your appeal.

Then you must decide what kind of appeal you wish to bring. Your options are to bring an administrative appeal or variance appeal. The Code Enforcement Officer may give you some guidance in making this decision, but ultimately it is your decision to make, not the CEO's. What are the differences?

- An administrative appeal is an appeal from a decision of either the CEO or the Planning Board. You may file an administrative appeal if you do not agree with the Town's interpretation of the ordinance or if you think the Town made some administrative error when processing your permit application. On the application you must explain what the decision said, what you want to do with your property, why you think the decision was wrong and relief you are seeking from the Board of Appeals.
- A variance appeal is used when you cannot meet one or more of the dimensional standards of the ordinance, such as setback, lot coverage, or parking space requirements. On the application you must illustrate precisely what dimensional standards you do not meet and exactly how much of a variance you seek. You will need to provide evidence to the Board that you meet all of the standards for the type of variance that you are seeking.

An undue hardship is required for any type of variance in a shoreland zoning district, or any variance other than a dimensional variance, in any other district. The standards for an undue hardship variance are:

#1. That the land in question cannot yield a reasonable return unless the variance is granted. The Board will review your application to determine whether you can make a beneficial use of your property without a variance. A “reasonable return” in the eyes of the law does is not a maximum financial return. The Board may grant a lesser variance than you seek if it determines that the lesser variance will result in a reasonable return.

#2. The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood. This standard requires a showing that your property is somehow different from other property in the neighborhood. Differences could include its shape, its topography, or its unique location.

#3. The granting of a variance will not alter the essential character of the locality. To meet #3 you must prove to the Board that what you propose to do will not change the neighborhood or pose health or safety problems.

#4. The hardship is not the result of action taken by the applicant or a prior owner. For this standard, you will need to present to the Board the history of how the property was created and developed over the years.

For a dimensional variance for a property that is not located in whole or in part in a shoreland zoning district, you must meet all of the following standards:

#1. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood; and

#2. The granting of variance will not produce an undesirable change in the character of the neighborhood and will not unreasonable detrimentally affect the use or market value of abutting properties; and

#3 The practical difficulty is not the result of action taken by the applicant or a prior owner; and

#4 No other feasible alternative to a variance is available to the applicant; and

#5 The granting of a variance will not unreasonable adversely affect the natural environment; and

#6. The property is not located in whole or in part within the shoreland area as described in 38 M.R.S.A. §435.

As used in this section “dimensional standards” means and is limited to ordinance provisions related to lot area, lot coverage, frontage and setback of front, sides and rear requirements.

In addition to the standards for an undue hardship variance or a practical difficulty variance, Section 10.04.3 requires the Board to consider the following standards when reviewing any variance application:

1. Before a variance may be issued, the Board must determine, in addition to its finding of undue hardship or practical difficulty, that the granting of a variance would not negatively impact the best interest of the community; and
2. Undue hardship shall not be construed to include: self-imposed hardships; an inability to realize as great an economic gain as would be possible if the variance were granted; or a hardship that is not unique to the applicant's land; and
3. A variance, if granted, should necessitate only a slight departure from the stated requirements of an ordinance, usually not exceeding a fifteen (15) percent increase or decrease from the stated requirements; and
4. A variance, if granted, must not subvert the intent of the Town's Comprehensive Plan, this ordinance or local subdivision regulations as manifested in the language of the Plan or the particular provisions from which the variance is sought; and
5. A variance, if granted, must not have a harmful effect on the use of nearby land and structures insofar as that land is being used in conformity with state and local land use ordinances and regulations. The Board in granting a variance may attach appropriate conditions which will avoid harm to adjacent property owners and the public.

BE SURE TO COMPLETE the application form(s) and provide the Board with as much evidence in support of your case as you can. In addition to any written material submitted with the application, you may also bring to the hearing any witnesses you wish to have present evidence on your behalf about the property in question, any sworn written statements from individuals with personal knowledge of the property, and any documentation of previous building permits or ordinances.


An administrative appeal must be submitted to the Board of Appeals within 30 days of the issuance of the CEO's or Planning Board's decision in order for the appeal to be heard by the Zoning Board. The Board will not hear your appeal until you have provided them with a complete application. You are also **required** to submit a fee of \$330.00 in order for the application to be judged complete.

The Town will notify property owners of the hearing on your appeal as set forth in Article 9 Section 9.05 of the Zoning Ordinance. You are responsible for the costs of such notice.

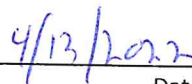
In the event you are granted a variance, you must record the variance in the Registry of Deeds within 90 days according to state law in order for the variance to be valid. The Board of Appeals will provide you with the signed form.

Any decision of the Board is subject to reconsideration or appeal within 45 days of the Board's vote.

I have read and understand the above information.



Applicant/Agent Signature



Date

Town of Waterboro, Maine
Zoning Board of Appeals

24 Townhouse Road
East Waterboro, Maine 04030

Telephone: (207) 247-6166 x121

email: ceosec@waterboro-me.gov

APPLICATION FOR ADMINISTRATIVE APPEAL

Please print LEGIBLY.

Appellant(s): David Boudreau

Mailing Address: 5 Hansel Drive Best contact number: 207-420-0882

Town/State/Zip: North Waterboro Maine 04061

Email: Boudreau.david41@yahoo.com

Tax Map# 43 Lot # 2

Physical Address: Same as above

Agent Information (if applicable):

Name: _____

Relationship to Appellant(s): _____

Mailing Address: _____

Town/State/Zip: _____

Best contact number: _____

Email: _____

Owner of Record: David Boudreau

Deed Information: Book 15867 Page 898-901 Date of Recording: 5.24.2010

An Administrative Appeal is being sought for the relief from the decision, or lack of a decision, of the Code Enforcement Officer or the Planning Board in regard to an application for a permit or use approval. The undersigned believes that: (Check one)

☐ An error was made in the denial of a permit or use.

☐ The denial was based on a misinterpretation of the ordinance.

☐ There had been a failure to approve or deny a permit or use within a reasonable period of time.

☒ Other – please specify: violates zoning ordinance due process and zoning ordinance criteria for this location

1. Attach a copy of any relevant papers (applications, site drawings, decisions, etc.) concerning the decision by the Code Enforcement Officer or Planning Board.

2. Attach a recorded copy of the deed, sales agreement, or contract that gives you title, right, or interest in this appeal, whichever is most current.

3. Indicate what section(s) of the ordinance(s) that you believe is/are relevant to your appeal: _____

Zoning Ordinance 2.09-2.11 2.10-2.03-1.03 Maine State Law title 30A Part 2
Chapter 187 Article 23 A(2)

4. Attach a statement describing the facts concerning your filing appeal.

I hereby acknowledge that I have read this application and pertinent sections of the ordinances, and state that the information in this document is to the best of my knowledge true and accurate.

Applicant/Agent Signature: David Boudreau

Printed Name(s): David Boudreau

Date(s) Signed: 4/13/2022

- ② Question Legality of the Amendment.
- ③ MAINE Law Title 30-A - 4352
 - Z.O. must be consistent with Comprehensive Plan Village + General Purpose - This Use an Ordinance
- ④ MAINE Law Title 38 Chapter 3 436 (1B) (Aquaculture)
List uses allowed (Two Combustibles are not)
- ③ MAINE Law Title 38 Chapter 3 ~~435~~ Article 2-B
 - Mandatory Shoreland Zoning -
 - Cannot be within 250' of fresh water wetland
 - 250' normal high water line.
 - Survey not on it -
 - 114' feet from the property line
- ⑤ Surveyors Stamp and Signature 114' off property line
250' Wet land not shown not shown
- ④ State Law Title 12 Part 2 Chapter 200
Sec 402 (1) ~~must~~ waters must be
clean enough for fishing, swimming.

⑥ Z.O. Section 2.09

②

(B5) Location of lights? Direction?

(B8) Effects of drainage from the site to the adjacent property.

Subsection Study

(*) (*) Professional Engineer with experience in Hydrogeology SHALL Contain

(C) surface drainage conditions.

Z.O. 209 (2) Initial Meetings Date?
Fine Check?

Proof abutters were notified by certified mail
Z.O. 211 (A) P.B shall require a Public Hearing upon initial review and to notify abutters by certified mail

Sec 210 Z.O.

(3)

- (1) ~~Proposed development~~
The proposal meets the requirements set forth in this ordinance.
- (2) Letter will not create a fire hazard.
by not providing access to emergency vehicles. To Dept. Letter?
- (3) Lights will not damage the value and diminish the usability of adjacent properties. (Winter No Foliage Leaves)
- Mostly ~~pine~~ Pine trees
- (4) Buffers provide protection to neighboring properties from the detrimental features of this proposal
- (5) Will not have detrimental effects on the peaceful enjoyment of abutting property as a result of - Noise - Vibrations - Fumes - Odor - dust - glare - OR other cause

(7) Will not have ^{PAUSED Areas} detrimental effect on private development on adjacent properties, OR on the value of adjacent property. (4)

(8) Flooding of the adjacent property.

(10) Controlling erosion and sedimentation
- refer - to wet lands. (No storm water
MANAGEMENT plan)

(11) Storm water run off and other drainage problems.

(14) ~~do~~ Will not effect wild life habitat.
- Title 12 Part 13 Chapter 925 Conservation
Sub 12806 (1A)

Sub 12803 (E) Requires a letter from the Commissioner
this man made factor will not have an
affect on the Habitat. (Shore land)

- This is a Change in Use
not

Conditional Use (Busy Bee Day Care)

⑤

- Z.O. Change of Use

(Different class of Activity (Switch) use of Land)

→ Section 2.03 Permits for Change in Use.

- Amendment to Ordinance Section 1.08 (1) ~~XXXX~~
BOS. to P.B.

↓
- Z.O. to ensure compliance with State Law.
and Ordinance.

~~Initial Meeting~~

- Conditional Use (definition) Z.O.

Avoidance of Harm to Public or Private Interest.

- NUISANCE (definition) Unreasonable interference
with the right with a persons use and enjoyment
of their land.

Z.O. Section 1.03 Intent of this Ordinance (6)
Protect existing Public and Private property
and the Value inherant therein.

Application asks is it near a school?
- What's the difference of your children
sitting in a class room or your living room
- What's the distance from a school it has to be?
Should be the same for Houses

Notice it doesn't mention Houses as
supports it was never intended in
these areas

It does ask about next door
Welding Metal, Cutting, Fabrication.
SPARKS

NO Campfires

Where is the proof? (210)

(3) Exterior lighting will not create damage and decrease the value of the adjacent property.

(4) Buffers provide protection for neighboring properties from detrimental effect features of the development.

They say its 50' from property line.

- Application says they have to flat land 30'

- Leaving 20' of nothing in the winter

(5) Will not have a detrimental effect on the use and peaceful enjoyment of the abutting property - noise - vibrations - fumes - odor - dust - glare - glare.
Head lights, project lights.

20. 210 1/4th of 1/2 acre.

**TOWN OF WATERBORO
PLACEMENT ON
PLANNING BOARD AGENDA**

Date received: 01-19-2022

APPLICATION TO BE PLACED ON PLANNING BOARD AGENDA _____

I, Hillel Weisel agent for E23 LLC

Owner ☐ Agent ☒

Address: 1120 Sokokis Trail

Tax Map # 013 Lot # 043-001

N. Waterboro ME 04061

Zone ag/res

Telephone # _____

207-550-1963 cell

207-465-0142 office

HEREBY MAKE APPLICATION TO BE PLACED ON THE AGENDA OF THE WATERBORO
PLANNING BOARD:

Description of project to be presented before the board:

Installation of bulk LP storage tank for filling bobtail delivery trucks and installation of small tank filling station

Is the project in the Shoreland Zone? _____ yes x no

Name (s) of person (s) who will be appearing before the Planning Board:
Hillel Weisel

Please file this form with the Code Enforcement Officer, at which time a non-refundable fee* must be paid. You will be notified of the date and time you are to appear. You shall notify all abutters within 500' of your property of the date, time and purpose of your meeting and allow them 10 days prior to the meeting date to submit any concerns they may have in writing to the Planning Board. Attach all supporting documentation per appropriate checklist.

WATERBORO PLANNING BOARD FEES

Change in use

x Conditional use

\$100.00

 Subdivision Review

\$1,000.00 + \$250.00 per home and \$.75 linear feet of interior road.

 Cluster development (Section 7.02)

\$100.00 + \$50.00 for each residential, commercial or industrial unit in the development

 Planned Unit (Section 7.01)

\$100.00 + \$50.00 for each development review residential, commercial or industrial unit in the development

 Site Plan Review

Less than 1,999 sq. ft. of development \$300.00
2,000 sq. ft. to 9,999 sq. ft. of development \$600.00
10,000 sq. ft. or more of development \$2,000.00



249 Western Ave.
Augusta, ME 04330

T 207.621.7000
TRCcompanies.com

January 18, 2022

Mr. Hillel Wiesel
Fabian Oil, Inc.
P.O. Box 99
20 Oak Street
Oakland, Maine 04963

*SAYS,
114' from the closest property boundary
via E-mail
The print say 30' minimum.*

Re: Fabian Waterboro Facility Proposed 30,000-gallon Propane Tank
Fire Safety Analysis (2020 Edition of NFPA 58)
TRC Project No. 473774.0000.0000

Dear Mr. Wiesel,

TRC Environmental Corporation (TRC) prepared the attached Fire Safety Analysis (FSA) for Fabian Oil, Inc. (Fabian). This FSA was for the proposed above ground tank for storing propane (also referred to as Liquefied Petroleum Gas, LP-Gas, or LPG) at the Fabian North Waterboro, Maine facility located at 1120 Sokokis Trail (see **Figure 1**).

Proposed Installation

Fabian provided the information about the facility and the propane tank. The proposed propane storage tank will be designed and installed in general accordance with the requirements of the 2020 Edition of National Fire Protection Association (NFPA) Standard 58: Liquefied Petroleum Gas Code (NFPA 58) and applicable requirements of the Maine Uniform Building and Energy Code (MUBEC), which incorporates the 2015 International Building Code (IBC).

The site layout showing the location of the propane tank at the facility was shown on the Site Sketch Plan prepared by Gartley & Dorsky Engineering and Surveying of Camden, Maine dated December 15, 2021 (Project No. 2021-0394, Drawing No. SK1), which presented in **Attachment 1**. The tank will be located in the western portion of the property, behind the existing storage buildings.

The proposed location is over 160 feet from the existing storage buildings and over 114 feet from the closest property boundary. There are no nearby assembly, institutional, or educational occupancies, such as churches, long-term care facilities, or schools. In addition, Fabian will establish and maintain separation distances between the propane storage tank and internal facility exposures (e.g., site dumpster, idle or waste pallets, and combustibles) and designated parking areas for bobtails and transports that exceed required minimum distances required by NFPA 58.

Fabian provided preliminary tank design details and TRC understands the following:

1. Proposed propane tank will be 30,000 gallons water capacity and have connections for transport unloading (i.e., filling the tank) and bobtail loading.

Does not

*80ft
Building
Protection*