

**LIMERICK PLANNING BOARD** — Approved July 16, 2012  
**Minutes June 18, 2012**

Dave Coleman, Jean Pellegrino, Adam Wardwell and Frank Carroll II were present; Andrew Ivey, Aaron Carroll and Ronnie Oliver were absent.

**PUBLIC HEARING:**

**Dave** read the public hearing notice for a conditional use permit applied for by Kevin Smith on Central Ave, Route 11 to operate a seasonal haunted attraction and asked for comments or concerns from citizens or the board members.

**Kevin Smith** addressed the board with a brief description of what he plans for his haunted attraction. The attraction will be a walk-thru attraction with no motorized vehicles and he will construct small buildings or shacks in conjunction with the theme.

Again **Dave** asked if anyone had questions or concerns, hearing none Dave closed the public hearing at 7:01 PM.

**MINUTES:**

**Adam** motioned and **Jean** seconded the motion to accept the minutes for May.

Vote 4-0 In Favor

**WALK-INS:**

**Vickie Carroll** addressed the board with information for her planned business. **Vickie** stated she plans to have built a gift shop designed as a school house where she will sell gifts including Maine Made Products. The shop will be located on property across from their home on Elm Street on Tax Map 30 Lot 7.

The board discussed dates for a site walk and public hearing and decided on July 16, 2012 at 6:30 PM for the site walk to be followed at 7:00 PM with the public hearing at the Municipal Building prior to the regular July meeting.

**Gary Labbe** addressed the board with a proposed change to the Clipper Merchant Tea House conditional use permit located on Main Street. The Labbe's have applied for and have been issued a Class 3 Wine License by the State of Maine. **Gary** stated he would like the board to amend their current permit to allow the sale of wine at the tea house during normal business hours and following state guidelines.

There was a brief discussion **Jean** motioned and **Adam** seconded the motion to amend the existing permit to include the sale of wine during normal business hours and following state guidelines.

Vote 4-0 In Favor

**Dave** stated that the secretary will amend the permit and have the paperwork ready for the board to sign on July 16<sup>th</sup>.

**CORRESPONDENCE:**

1. A copy of a letter from Limerick Road Commissioner Robert Richardson to Dan Stewart Maine Department of Transportation applying for a grant to reconstruct sidewalks on Main Street, and a portion of Route 11 and Route 5. The Town would be responsible for 20% of the cost to construct 1,337 feet of sidewalk at an estimated cost of \$100.00 per foot. The money needed from the Town for this project will be in a Warrant Article for the March 2013 town meeting and the project is scheduled for 2013.
2. Board member Ronnie Oliver submitted his resignation effective June 18, 2012. Ronnie is relocating to England as soon as possible and **Dave** read the resignation letter and thanked Ronnie for his years of service to the community. **Dave** stated that due to the change in the number of planning board members as voted at the 2012 town meeting Ronnie's resigned position will not need to be filled.

**OLD BUSINESS:**

**Dave** reported that he will follow up to see if the fire chief has done the inspection for Wayne Littlefield.

**CONDITIONAL USE REVIEW:**

**Kevin Smith REVIEW:  
Article VII – Conditional Uses**

**Dave** stated that the board has conducted a site walk and the public hearing was held earlier this evening, the permit will be reviewed as an Outdoor Recreational Use. Kevin Smith's written responses to the 16-conditions will be read and those written responses will become a part hereof.

- A. A conditional use permit is designed for those uses, which may be permitted as a service to the community or for the benefit of the town's general welfare. The standards of this provision are designed to ensure adequate control of the location, design and operation of conditional uses.

B. The Planning Board may approve an application for a Conditional Use Permit if the applicant demonstrates that the proposed use:

1. Will meet the definition and specific requirements set forth in this ordinance for the specific use; **Adam** motioned and **Jean** seconded the motion that this meets the conditions as an outdoor recreation use.

Vote 4-0 In Favor

2. Will not have a significant detrimental effect on the use and peaceful enjoyment of adjacent or nearby property as a result of noise, vibrations, fumes, odor, dust, light, glare or other cause;

Discussion: **Kevin Smith** stated that 99% of the time he will be operating in the month of October but there may be other times of the year that there may be special circumstances to operate for a few days. There was discussion on hours of operation but in the end no hours were set. In the future if the hours of operation become a problem then the board may meet to set hours this condition was fine with the applicant. **Adam** motioned and **Jean** seconded the motion that based on the information provided the applicant has met this condition.

Vote 4-0 In Favor

3. Will not have a significant adverse effect on adjacent or nearby property values;

Discussion: **Kevin** stated any buildings that may require a permit the applicant will meet with the CEO and he would also like to have a snack shack in the future.

**Jean** motioned and **Adam** seconded the motion that this condition has been met.

Vote 4-0 In Favor

4. Will not result in significant hazards to pedestrian or vehicular traffic or significant traffic congestion;

Discussion: The proposed parking area will be large enough so that vehicles will not be backing out of the lot onto Route 11.

**Jean** motioned and **Adam** seconded the motion that this condition has been met.

Vote 4-0 In Favor

5. Will not result in significant fire danger;

Discussion: Fire permits will be required for bonfires and **Kevin** stated he has water on site with three wells.

**Jean** motioned and **Adam** seconded the motion this condition is met.

Vote 4-0 In Favor.

6. Will not result in significant flood hazards or flood damage, drainage problems, ground or surface water contamination, or soil erosion;

**Adam** motioned and **Jean** seconded the motion that this condition has been met.

Vote 4-0 In Favor

7. Will not create a safety hazard because of inadequate access to the site, or to the buildings on the site, for emergency vehicles;

**Jean** motioned and **Adam** seconded the motion that the access is adequate.

Vote 4-0 In Favor

8. Will not create hazards to motorists traveling on adjacent public streets, is adequate to the safety of occupants or users of the site and will not damage the value and diminish the usability of adjacent properties;

Discussion: **Kevin** stated he plans lighting for the parking area, subdued lighting for the pathways and if he has a lighted sign he will install it per the sign ordinance.

**Jean** motioned and **Adam** seconded the motion that this condition has been met.

Vote 4-0 In Favor

9. Makes provisions for buffers and on-site landscaping, which provides adequate protection to neighboring properties from detrimental features of the development; **Jean** motioned and **Adam** seconded the motion that based on the information provided this condition has been met.

Vote 4-0 In Favor

10. Makes provisions for vehicular loading and unloading and parking for vehicular and pedestrian circulation on the site and onto adjacent public streets which neither create hazards to safety nor impose significant burdens on public facilities; **Jean** motioned and **Adam** seconded the motion that this condition has been met.

Vote 4-0 In Favor

11. Makes adequate provision for disposal of wastewater or solid waste and for the prevention of ground or surface water contamination;

Discussion: The facility will have portable toilets.

**Adam** motioned and **Jean** seconded the motion this condition has been met.

Vote 4-0 In Favor

12. Makes adequate provision to control erosion or sedimentation; **Jean** motioned and **Adam** seconded the motion this condition has been met.

Vote 4-0 In Favor

13. Makes adequate provision to handle storm water run-off and other drainage problems on the site; **Jean** motioned and **Adam** seconded the motion this condition has been met.

Vote 4-0 In Favor

14. Provides for a water supply that will meet the demands of the proposed use; **Jean** motioned and **Adam** seconded the motion this condition has been met.

Vote 4-0 In Favor

15. Makes adequate provisions for the transportation, storage and disposal of hazardous substances and materials as defined by State law; **Jean** motioned and **Adam** seconded the motion this condition has been met.

Vote 4-0 In Favor

16. 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; **Jean** motioned and **Adam** seconded the motion this condition has been met.

Vote 4-0 In Favor

**Jean** motioned and **Adam** seconded the motion to issue a Conditional Use Permit to Kevin Smith for an Outdoor Recreation use for a seasonal haunted attraction.

Vote 4-0 In Favor

**Dave** stated that the Findings of Facts will be ready for the July 16<sup>th</sup> meeting for the board to sign. If **Kevin** cannot attend he stated he will come into the office to sign the board's copy.

**REMINDERS:**

- There will be a workshop held on July 11, 2012 at 7:00 PM to discuss the proposed changes to the town ordinances.
- July 16<sup>th</sup> at 6:30 PM a site walk at the property of Vickie Carroll for a gift shop.
- July 16<sup>th</sup> at 7:00 PM a public hearing for Vickie Carroll's proposed gift shop immediately followed by the regular July meeting.

**ADJOURNMENT:**

**Jean** motioned and **Adam** seconded the motion to adjourn the meeting.

Vote 4-0 In Favor

Respectfully Submitted,

Joanne L. Andrews, Secretary