

LIMERICK PLANNING BOARD – Approved 2/3/16

Minutes December 2, 2015

Dottie Richard, Aaron Carroll, Ilene Dashner and Wendy Farrand were all present and Aaron welcomed Dave Coleman and thanked him for filling in on the board until the March meeting.

WALK INS: None

CORRESPONDENCE:

1. A request for an appeal from Steve McLean – will be on file
2. A letter from Frank Carroll II which Aaron read pertaining to the used car sales on Route 5.
3. A letter from the town attorney, Natalie Burns in answer to questions asked her by Andy Ivey – will be on file.

MINUTES:

Wendy motioned and Dottie seconded the motion that the minutes for August 5, 2015 be approved.

Vote 4-0 with Dave abstaining

Aaron presented the budget prepared by Andy and it was discussed and Aaron will present the budget to the budget committee the following night. All were in favor.

The current update on new member information will be done by the Secretary.

Dave Coleman stated that he will be abstaining from this review.

MICHLER SUBDIVISION REVIEW:

6.2 Submissions completed for final plan was discussed with Mike LaLonde surveyor and the restrictions for Lot 5 are noted on the plan as #11. Wendy motioned and Dottie seconded the motion that everything was submitted.

Vote 3-0 In Favor -1 abstained

6.2.1 Field Survey, corners marked and referenced

Wendy asked if the location of the pin that was in question on the plan was approved. The surveyor and Aaron stated that Ray bishop had been spoken with and everything was OK. Mike stated the pins were in per the plan. Wendy motioned and Dottie seconded the motion that this this was met.

Vote 3-0 In Favor – 1 abstained

6.3 Sewerage Collection System. Wendy motioned and Dottie seconded the motion that this condition is not applicable.

Vote 3-0 In Favor – 1 abstained

4. On site water/sewer site evaluation. Wendy motioned and Dottie seconded the motion that based on the site evaluation and letter from the well driller this was met.

Vote 3-0 In Favor – 1 abstained

5. Not called for an answer.
6. On site water. Wendy motioned and Dottie seconded the motion that based on the well drillers letter this was met.

Vote 3-0 In Favor – 1 abstained

7. Name of Subdivision. Mike LaLonde stated that the name of the subdivision on the plan is Fox Ridge, the plan is marked Final Plan of Lot 5 in the town of Limerick. Wendy motioned and Dottie seconded the motion this was met.
8. Name of record owner – date – North Point – Abutters listed on plan. Mike went over these items and Wendy motioned and Dottie seconded the motion that this was met.

Vote 3-0 In Favor – 1 abstained

9. Wendy motioned and Dottie seconded the motion that the street design was not applicable.

Vote 3-0 In Favor – 1 abstained

Aaron went on to the State of Maine Standards:

30-A 4404 Subdivision Review Criteria

When adopting any subdivision regulations and when reviewing any subdivision for approval, the municipal reviewing authority shall consider the following criteria and, before granting approval, must determine that:

1. **Pollution.** The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:
 - A. The elevation of the land above sea level and its relation to the flood plains;
 - B. The nature of soils and subsoil's and their ability to adequately support waste disposal;
 - C. The slope of the land and its effect on effluents;
 - D. The availability of streams for disposal of effluents;

The applicable state and local health and water resource rules and regulations; Wendy motioned and Dottie seconded the motion that there was no undo water and air pollution.

Vote 3-0 In Favor – 1 abstained

2. **Sufficient Water.** The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision. Wendy motioned and Dottie seconded the motion that there is sufficient water.

Vote 3-0 In Favor – 1 abstained

3. **Municipal Water Supply.** The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used; Aaron motioned and Wendy seconded the motion that this is not applicable.

Vote 3-0 In Favor – 1 abstained

4. **Erosion.** The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that dangerous or unhealthy conditions result; Wendy motioned and Dottie seconded the motion that the board had taken into consideration soil erosion and this has been met.

Vote 3-0 In Favor – 1 abstained

5. **Traffic.** The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section; Wendy motioned and Dottie seconded the motion that based on the information provided there traffic was a consideration and this has been met.

Vote 3-0 In Favor – 1 abstained

6. **Sewage disposal.** The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized; Wendy motioned and Dottie seconded the motion that based on reviewing the soil test information this has been met.

Vote 3-0 In Favor – 1 abstained

7. **Municipal solid waste disposal.** The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized. Wendy motioned and Dottie seconded the motion that this will not cause municipal solid waste burden.

Vote 3-0 In Favor – 1 abstained

8. **Aesthetic, cultural and natural values.** The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline; Wendy motioned and Dottie seconded the motion that this will not cause undo aesthetic and cultural value and natural beauty.

Vote 3-0 In Favor – 1 abstained

9. **Conformity with local ordinances and plans.** The proposed subdivision conforms with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans; Wendy motioned and Dottie seconded the motion that this conforms with local ordinances and plans.

Vote 3-0 In Favor – 1 abstained

10. **Financial and technical capacity.** The sub divider has adequate financial and technical capacity to meet the standards of this section; Wendy motioned and Dottie seconded the motion that the applicant has adequate financial capacity.

Vote 3-0 In Favor – 1 abstained

11. **Surface waters; outstanding river segments.** Whenever situated entirely or partially within the watershed of any pond or lake within 250 feet of any wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

- A. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a

combined lot shore frontage and setback from the normal high-water mark of 500 feet.

(1) To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shore land strip narrower than 250 feet, which is not plotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.

(2) The frontage and setback provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shore land zoning. Title 38, chapter 3, subchapter I, article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of section 4401, subsection 1, on September 23, 1983; Wendy motioned and Dottie seconded the motion that after the review of the site this has been met.

Vote 3-0 In Favor – 1 abstained

12. Ground water. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water; Wendy motioned and Dottie seconded the motion that this will not affect quantity or quality of water in the area.

Vote 3-0 In Favor – 1 abstained

13. Flood area. Based on Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. In the subdivision, or any part of it, is in such an area, the sub divider shall determine the 100-year flood evaluation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood evaluation; Wendy motioned and Dottie seconded the motion that numbers 13 and 14 are not applicable.

Vote 3-0 In Favor – 1 abstained

14. Freshwater wetlands. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

15. River, stream or brook. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district; Wendy motioned and Dottie seconded the motion that this is not applicable.

Vote 3-0 In Favor – 1 abstained

16. Storm water. The purposed subdivision will provide for adequate storm water Management; Wendy motioned and Dottie seconded the motion there will be adequate storm water management by using the DEP best management practices.

Vote 3-0 In Favor – 1 abstained

17. Spaghetti-lots prohibited. If any lots in the proposed subdivision have shore Frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ration greater than 5 to 1; Wendy motioned and Dottie seconded the motion that 17, 18 and 19 are not applicable.

Vote 3-0 In Favor – 1 abstained

18.Lake phosphorus concentration. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great ponds phosphorus concentration during the construction phase and life of the proposed subdivision.

19.Impact on adjoining municipality. For any proposed subdivision that crosses Municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of a subdivision is located.

20. Liquidated harvesting is Not applicable

Vote 3-0 In Favor – 1 abstained

Wendy motioned and Dottie seconded the motion to grant final approval of Fox Ridge Estates – Lot # 5 Revision.

Vote 3-0 In Favor – 1 abstained

The board signed the Mylar and six copies of the subdivision.

Aaron asked Steve McLean to the podium to answer upcoming questions.

Dave Coleman asked the chairman if the board would like his input in this review and Aaron stated that Dave's experience would be helpful.

REVIEW McLean Used Car Conditional Use:

Article VII – Conditional Uses

- 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; Wendy motioned and Dottie seconded the motion that based on our land use chart this needs a conditional use permit in the Farm, Forest and residential district.

Discussion: The equipment sales have been scratched out by the applicant.

Vote 3-0 In Favor 1 Abstained

- 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; Wendy motioned and Dottie seconded the motion that this 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: Hours of operation were discussed and it was stated that this would be included later in the decision.

Vote 3-0 In Favor 1 Abstained

- 3. Will not have a significant adverse effect on adjacent or nearby property values; Wendy motioned and Dottie seconded the motion that this will not have a significant effect on adjacent or nearby property values.

Vote 3-0 In Favor 1 Abstained

4. Will not result in significant hazards to pedestrian or vehicular traffic or significant traffic congestion; Wendy motioned and Dottie seconded the motion that this will not result in significant hazards to pedestrian or vehicular traffic or significant traffic congestion.

Discussion: The applicant stated that there were 8 DOT permits issued and the entrance already exists, there was continued discussion on if the permit should be for business rather than residential and the applicant stated to put this as a condition of approval.

Vote 3-0 In Favor 1 Abstained

5. Will not result in significant fire danger; Wendy motioned and Dottie seconded the motion that this business will not result in significant fire danger.

Vote 3-0 In Favor 1 Abstained

Discussion: About a plan for hazardous spills and about no ground or surface water contamination. The board asked if the applicant would be checking daily on the cars and he stated yes, he also wanted to know what Larry Whiteley was asked on his conditional use and this was read.

6. Will not result in significant flood hazards or flood damage, drainage problems, ground or surface water contamination, or soil erosion; Wendy motioned and Dottie seconded the motion that based on the fact this business will not have any buildings and will have a plan for hazardous spills and no ground or surface water contamination this condition has been met.

Discussion: About a plan for hazardous spills and about no ground or surface water contamination. The board asked if the applicant would be checking daily on the cars and he stated yes, the applicant also wanted to know what Larry Whiteley was asked on his conditional use and this was read.

Vote 3-0 In Favor 1 Abstained

7. Will not create a safety hazard because of inadequate access to the site, or to the buildings on the site, for emergency vehicles; Wendy motioned and Dottie seconded the motion that based on the fact there are no buildings at the present time this condition has been met.

Discussion: No buildings planned at the present time.

. Vote 3-0 In Favor 1 Abstained

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; based on information gathered during the site walk and the fact that the applicant has asked for information from CMP for a light on a pole back lite the same as the light at the lookout this condition has been met.

Discussion: There was lengthy discussion with the applicant concerning this. The applicant stated there will be no building needing exterior lighting and he has contacted CMP for a price to install a light the same as the one at the scenic lookout which will be facing back and back lite the same as the lookout light.

Vote 3-0 In Favor 1 Abstained

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

Discussion: The applicant stated that there would be no buffer along the road, the tree line is the buffer along the back and trees on both sides, the nearest lots are 1,000 feet to the left and 500 to 600 feet to the right of this lot.

Vote 3-0 In Favor 1 Abstained

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; Wendy motioned and Dottie seconded the motion that based on information provided by the applicant and at the site walk and the applicant stating that the primary entrance to the business is between the two poles this will be the entrance to safely load and unload vehicles.

Discussion: The applicant stated that the sketch he gave the chairman at the public hearing showed the entrance and there have been cars pulling in to park for Christmas trees, the sketch given shows the lot size as 130 feet by 100 feet

Vote 3-0 In Favor 1 Abstained

11. Makes adequate provision for disposal of wastewater or solid waste and for the prevention of ground or surface water contamination; Wendy motioned and Dottie seconded the motion that based on information provided by the applicant about the wastewater or solid waste there will be no subsurface waste, no wastewater, solid refuse will be deposited in the transfer station and existing surface is adequate for runoff and that there is no on site water or septic.

Discussion: Wendy feels strongly that the applicant should maintain a spill kit on premises for oil leaks or something and there is no proposed building and no water. Dave suggested wording to include in the motion concerning no subsurface water and no waste water and solid refuse would be deposited in the transfer station and the existing surface is adequate for runoff.

Vote 3-0 In Favor 1 Abstained

12. Makes adequate provision to control erosion or sedimentation; Wendy motioned and Dottie seconded the motion that based on information provided by the applicant and information at the site walk and the commitment toward maintaining vegetation this condition has been met.

Discussion: The applicant stated there has been a buffer to mitigate erosion control, the area has been seeded and grassed over since 2008, he is not going to pave it and will keep it as it is and mow the grass.

Vote 3-0 In Favor 1 Abstained

13. Makes adequate provision to handle storm water run-off and other drainage problems on the site; Dottie motioned and Wendy seconded the motion that based on information provided by the applicant that this condition has been met by maintaining a grass area and this will handle runoff and other drainage.

Discussion: The applicant stated that the area has always mitigated runoff by grass and any runoff runs onto applicants abutting property.

Vote 3-0 In Favor 1 Abstained

14. Provides for a water supply that will meet the demands of the purposed use; Wendy motioned and Dottie seconded the motion that based on information provided this is not applicable because no water supply on site.

Discussion: Aaron stated that if the applicant puts in water he will have to come back to the board.

Vote 3-0 In Favor 1 Abstained

15. Makes adequate provisions for the transportation, storage and disposal of hazardous substances and materials as defined by State law; Wendy motioned and Dottie seconded the motion that based on information provided by the applicant that there will be no storage of hazardous substances and materials and as a condition the applicant will create a plan to deal with spills such as call DEP and that he maintain a spill kit, this condition has been met.

Discussion: The applicant stated there will be no storage of hazardous substances and materials, there are no buildings or structures and no antifreeze or oil and he will have a spill kit on site.

Vote 3-0 In Favor 1 Abstained

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; Dottie motioned and Wendy seconded the motion that based on information provided by the applicant this condition has been met.

Discussion: The applicant stated that the only true abutter is F.R. Carroll about 500 feet down the road he has two lots and the board cannot be argued on scenic vista. When Carroll Lane Estates was approved it was important that there would be an abutting business of more than 10,000 Christmas trees.

Vote 3-0 In Favor 1 Abstained

SPECIAL CONDITIONS:

17. Wendy motioned and Dottie seconded the motion that the hours of operation shall be Monday through Friday 8-4, Saturday 8-2 and closed on Sunday.

Discussion: There was discussion concerning setting the hours the same as CIA and the hours were read from the CIA ad.

Vote 3-0 In Favor 1 Abstained

18. Wendy motioned and Dottie seconded the motion that the business signs shall be turned off at 9PM and there will be no electronic signs that are internally illuminated.

Discussion: There was a lengthy discussion of signage and the lighting of the signs and when they should be turned off.

Vote 3-0 In Favor 1 Abstained

Article VI Section E 1-4

1. No structure (buildings or equipment) shall be located within (50) fifty - feet of any property line, public way, or within two hundred (200') feet of any dwelling not on the premises. Dottie motioned and Wendy seconded the motion that there are no buildings or equipment on premises this requirement in not applicable.

Vote 3-0 In Favor – 1 abstained.

2. The issue of burning torches for repair or dismantling of vehicles shall be confined to non- combustible floors in enclosed buildings, or in the open, only upon areas cleared of all vegetation and other combustible materials; Dottie motioned and Wendy seconded the motion that this requirement in not applicable.

Vote 3-0 In Favor – 1 abstained

3. A screen of plantings not less than fifteen (15') feet in depth shall be maintained as a visual barrier to conceal salvage operations, and dismantled or stored vehicles from view of any dwelling or public right of way. Such vegetative screen shall have a mature height of not less than fifteen (15') feet. Wendy motioned and Dottie seconded the motion that this requirement in not applicable this is not a salvage operation.

Discussion: Discussion with the applicant and he stated he will have no stored vehicles on the premises.

Vote 3-0 In Favor – 1 abstained

4. Planning Board may require construction of an eight (8') foot high wooden fence, which shall blend harmoniously with its environs, in such cases where vegetation is not feasible, desirable, or effective; Wendy motioned and Dottie seconded the motion that this requirement in not applicable.

Vote 3-0 In Favor – 1 abstained

5. The proprietor of any such facility shall apply for renewal of his conditional use permit every two (2) years. Failure to comply with the provisions of this ordinance, as interpreted by the Planning Board shall be cause for revocation of the conditional use permit after public hearing of non-compliance.

Wendy motioned and Dottie seconded the motion to grant this conditional use permit with the restrictions that the board has set forth.

Vote 3-0 In Favor- 1 abstained

Aaron announced that the next planning board meeting will be December 16, 2015.

Respectfully submitted:

Joanne L. Andrews
Secretary