

LIMERICK PLANNING BOARD — approved 3/2/16

Minutes November 18, 2015

Dottie Richard, Aaron Carroll, Ilene Dashner and Wendy Farrand were all present.

Aaron opened the meeting at 7:00 PM and announced that Andy Ivey had submitted his resignation, Aaron accepted his resignation with regret. The board voted to elect Aaron Carroll as chairman and Wendy Farrand as vice-chair.

PUBLIC HEARING:

Aaron opened the public hearing for J. Marsha Michler of 173 Watson Hill Rd. Limerick for a subdivision revision of Fox Ridge Estates subdivision adding 22 acres to Map 11 lot # 5 in that subdivision. Mike Lalonde surveyor gave a brief overview of the subdivision revision and showed the final plan, the applicant is planning to build a house and barn on the 22 acres.

Aaron asked both the board and audience for comments or concerns and stated that there was going to be guidelines he would be using for the meeting:

1. In order to speak you must be recognized by the chairman and go to the podium.
2. Questions and comments need to be directed to the chairman.
3. Questions and comments must be new subject matter and be germane to the subject matter.

Dottie motioned to close the public hearing and a vote was taken 3-0 in favor but there was no apparent second to the motion.

Aaron read the announcement for the next public hearing which opened at 7:06 PM for Steve McLean for a used car sales on a lot on Route 5, Sokokis Trail North a portion of Map 17 Lot 66.

Steve McLean gave a brief overview of his plan for this conditional use.

Correspondence pertaining to this conditional use was read by both the chairman and vice-chair from Francis Carroll II, Ronald A Carroll, and John Eikenburg all were in opposition.

Aaron asked the applicant for clarification as to the location of nearest house lots.

Steve stated that the 100 ft. x 120 ft. parcel is on the south end of 60-acres parcel and does not abut house lots.

Aaron asked the audience if anyone wanted to speak.

Frank Carroll II questioned the sketch plan and why it was not to scale.

Wendy said she had done some research on this and many conditional uses did not have sketch plans or plans to scale.

Frank stated that his tower conditional use had a plan designed to scale by engineers.

Steve stated that there was no requirement to have a plan.

Aaron stated that there was no requirement for a conditional use to have a sketch plan, it may be coming to that but at this time there is not one.

Denise Benton questioned the driveway entrance and the fact that the town ordinance under Section 7E-1-4 does not allow buildings or equipment to be placed within 50 feet of the road and was the lot deep enough she also had questions about the fencing mentioned in the section and questioned the driveway entrance and guardrails.

James McLean gave more information on the location of the driveway and the guardrails.

Steve McLean stated that the state had been to the property about 2 years ago and had approved the location of the driveway and the location of the rocks.

Judy LePage discussed Section 7E 1-4 and stated these should not have been considered in this category as a part of used cars sales these are questions asked for salvage operations as specified in number 3.

Aaron stated that other used car operations in the past did not screen used cars; CIA for example if they had cars they were working we asked them to screen them.

Frank II asked about the sketch plan again and asked without a surveyed plan how will the code enforcement officer know where the set backs are.

Aaron stated that he owns the rest of the property.

Frank stated but what if he sells it, he needs defined boundaries around it and it says he is selling equipment, what kind of equipment, what's the equipment going to look like, there are neighbors across the street and what about the lighting he has a strobe light there those lights glare at the neighbors, I can see it from my house and it's not attractive.

Dottie asked Steve if he had modified his application and added equipment.

Steve's response could not be heard.

Shawn Carroll stated he agrees with the correspondence that was read, he stated he couldn't say it better. Shawn questioned the other applications he has including a violation across town, and the tower he is trying to get up on the hill. Shawn stated he think he is thumbing his nose at the town and he asked the board to table this matter.

John Medici stated that the subdivision that was just approved had all the paper work that would stand the test of time. I think he should have something professionally done, just because somebody else didn't need to do it doesn't make it right. Every aspect of it should be looked at from the lighting, the signage, the runoff, the placement of the driveway, I can't see how any intelligent board could make this decision.

Dottie stated that there is nothing in our ordinance that says he has to have a design.

John stated from the audience this other gentleman did it.

Dottie stated but that is a subdivision what they did was required.

There was disturbance from the audience and Aaron reminded them to speak they had to go to the podium.

Barbara Fifield stated her name and told the board she lives diagonally across from this property, I built a house this past summer and my enjoyment of a scenic view both day and night is not the same anymore. Barbara asked the board how they would determine the answer to # 4 "will not result in significant hazards to pedestrian or vehicular traffic or significant traffic congestion", how to determine that one.

Aaron stated we usually defer that one to either the state or the road commissioner.

Barbara stated so you do a traffic analysis.

Aaron stated no.

Barbara stated that the board should, she has trouble coming out of 14 Kingfield Rd because of the speed limit and the amount of trucks on that road.

Frank Carroll Sr. as long as conditions are met one can have a conditional use. He discussed that there are 30 house lots recorded around this lot and it's a pretty dense residential area, as long as he complies with all the rules I don't have a problem with it.

Denise Benton questioned the size of the lot and the possible multi use on the McLean property.

Aaron Carroll stated that where his mother's gift shop is located there is multi use on that parcel.

Shawn Carroll stated being worried about what if the permit wasn't followed and the applicant's track record on another property he owns.

Judy LePage stated that this use is allowed in the district with a permit and if there is a violation the code officer will pull the permit.

James McLean asked if people saw the article in the paper concerning scenic views in the Portland waterfront and he also stated that it should be a warning with Dollar General not being wanted in the business district that other unwanted businesses may be allowed and those abutters don't have a say at all.

Aaron Carroll stated that many uses are not allowed in the business district in the land use chart.

Shawn Carroll opposes the car lot and stated it should be in the business park.

Steve McLean stated that this use is permitted in the RFF district with a conditional use permit.

Jeannine Housley an abutter worried about property value and destroying the scenic view and very worried about looking at the heavy equipment that is currently on the property that may be in addition to used cars.

Steve Malmude asked the board to take into account the people who are there that are not opposed to this project and the other people who had notice and didn't bother to come, I think it's a question of difference in taste.

Steve McLean stated that the equipment parked on his property is equipment they use in operating the tree farm stumping the land after it was stripped off and planting 10,000 Christmas trees and he asked the chairman if in fact he doesn't have a lot of farm equipment on his property.

Denise Benton stated she is opposed because of a lack of information; she congratulated the McLeans for the hard work in improving the land for the tree farm.

Frank Carroll II stated that the applicant cannot get a state license at this secondary location because he cannot meet state guidelines, he is also interested in the lighting on the property it's a huge issue, hours of operation, only one name on the application and the lack of information, does he really need it on this lot, what about stuff being spilled from the vehicles, this is why he is calling for another public hearing and he wants the board to restrict anything else from be advertised for sale on the whole 60-cares.

Steve McLean discussed having a spill kit for any spills this is going to be taken up under the 16-conditions.

Barbara Fiefield had questions about the towns' general welfare or service to the public and he needs to have plans in place for everything required.

John Medici asked about going through the 16-conditions for the public to have input.

Aaron stated that when the 16-conditions is gone through by the board he may or may not allow public input.

Wendy stated that in all the past conditional uses the applicant is asked how they are going to deal with say the lighting and they answer how they will handle it that's how this has always been handled in the past. It is not the board's job to make everybody happy, that will never happen.

Judy LePage stated she feels that after the public hearing the public doesn't need to have input.

Jim Carroll has questions about how they will get information that the public hasn't been told about and as an abutter why he needs a lot there when he has one on Route 11.

Lengthy opposition to the lack of information or opposition to the project as a whole continued from James Carroll, Shawn Carroll, Barbara Fiefield, Frank Carroll II, and Barton Knight.

Aaron called for the public hearing to be closed and all were in favor.

Aaron went on with the remainder of the regular meeting and as for any walk-ins; Mike LaLonde, surveyor for Marsha Michler presented the board with the final plan for her subdivision revision.

CORRESPONDENCE:

Email from Attorney Burns was tabled by the chairman, this was in answer to former chairman Andy Ivey's questions to her.

Notice concerning a public hearing for the new bridge construction over the Ossipee River on the Waterboro/Limerick line on Route 5.

Memo from code officer concerning constitutional issues.

REMINDERS:

December 2nd and December 16th dates for next two meetings, the next meeting Michler final approval review and the McLean used car review in that order.

Aaron called for adjournment at 9 PM, Ilene motioned and Wendy seconded the motion all in favor.

Respectfully submitted,

Joanne Andrews
Secretary