

LIMERICK PLANNING BOARD MINUTES. -approved 8/16/23

August 2, 2023

Aaron opened the meeting with the flag salute at 7:00 pm. Aaron, Cheryl, Demetria, Brian and Jason were present.

PUBLIC HEARING:

Aaron opened the public hearing for Nicholas Storer for a motor vehicle repair business and Nick gave a brief overview of his proposed use stating he is going to have an auto repair shop, diesel shop right at my residence on Stone Hill Road.

Aaron asked, “so you are going to work on cars, trucks.

Nick said yes and he is planning to have an inspection station.

Aaron asked the board if they had any questions.

Demetria asked how many parking spaces or do you have a general idea of how many using the areas size.

Nick answered I think around 10 to 15.

Demetria asked are you were going to store any vehicles there or were going to be just in and out.

Nick said just in and out.

Demetria said they had talked about expanding, can we go over that again.

Nick said he is planning to widen the driveway so he can get trucks with trailers in more safely and when we do that, we are going to put a new culvert in bringing it up to eighteen inches right now it is fifteen inches.

Demetria said this is not necessary.

Nick said no it isn't necessary, what is there is fine but when we expand the driveway we will put in all new.

Demetria said so we will note that so in the future it is in the paperwork.

Aaron asked so is there enough room to get a truck in there or do they have to back out into the street or back in.

Nick said yes, I think there's plenty of room.

Aaron asked, “are you planning to have big trucks with trailers.

Nick said yes.

Aaron asked if anyone else had any questions.

Brian said the only question I had at the site walk was this specifies that he needs an eighteen inch culvert it doesn't specify when he expands the width of the driveway to bring it up to code, I didn't know if that should be amended to say that he is fine with the way it is now but if he does modify the driveway he would then need a new culvert.

Aaron said that is something we can make as a condition we can say that it is adequate and according to the road commissioner's letter he will increase the size of the culvert if he does such and such.

Jason asked if he had any problems this year.

Nick said he did, and he had to take the excavator and clean out the culvert.

Aaron said he would prefer backing up into the driveway if necessary.

Aaron asked for input from anyone in the audience, hearing none closed the public hearing at 7:07 PM.

Aaron said we have a little bit of business to do and then we will do the review for Nick.

MINUTES:

Demetria motioned and Brian seconded the motion to approve the minutes for July 12, 2023.

Vote 4-0 In Favor - Jason was not at the meeting.

so abstained.

Aaron continued with the agenda and called for any updates from code officer Stan Hackett.

Stan stated regarding Range E Road Shawn and his father Denis have continued to clean up the yard there was a couple of questions concerning DEP concerns I spoke to Eric (Hamlin) at DEP and there were none so other than that there has been no change and I think they are still waiting for Stillwater to do the revised Sweat Plan or at least I think I was told he was going to revise it.

Shawn Girard spoke from the audience, but the conversation could not be heard.

Aaron spoke to Shawn and said that he could not be heard speaking from the audience; he continued by asking Stan if he was waiting for the SWPP plan.

Stan said he is going to call and ask about it because he understood that he was going to revise it, but again that may be misunderstood.

Aaron said is that concerning the vegetative areas.

Stan said he did send a report from his site walk. He said everything looked good he did include the areas outside of Shawns property so that must be clarified if that is a concern or not.

Aaron, speaking to Shawn in the audience, said it was thought that the vegetative areas would be on your property and not on someone else's.

Shawn shook his head in the affirmative and said yes.

Aaron asked Stan if he had anything else and Stan said no, he continued saying that the board has a meeting with Attorney Brandwein at the next meeting on August 16th, Shawn asked to go to the podium.

Shawn said that the update from Stillwater is the one I turned over to you (the July 12, 2023 report Range E Road Site Inspection by Jeffry Spaulding, Project Manager of Stillwater Environmental). If there are any questions in there Stillwater will address it before the next meeting. Thank you.

Aaron said I would ask everyone to look at it and if you have questions email me and I will forward the questions to Stan.

Shawn asked if the meeting with the attorney is going to be an open meeting or closed session.

Aaron apologized saying that he does not know now he will talk with the attorney to find out, either way I think if there is a session where we discuss things with the attorney as a board and then we will have a session we will come out and talk with you and your lawyer.

Shawn stated he would like to apologize for his anger and frustration with the board.

Aaron said to Merrill Farrand, "I don't want to get into a lot tonight but will give you a minute to speak if you have a question.

Merrill asked Stan if he could provide a list of the deficiencies that exist on Range E Road that need to be remedied in order to be in compliance with the past permit or whatever license has been given. I would like to know what has been done and what is expected to be done.

Stan said he can provide a list, there are going to be some things that are ongoing.

Aaron went on to the Review for Nick Storer stating that this use is under motor vehicle repair and service facilities in the land use chart and is conditional in the RFF District.

REVIEW:

NOTE: For all the conditions Nick's answers to the questions will be read and be a part of these minutes and review.

Project Plan Description: I am applying for a Conditional Use Permit to establish an automotive garage located at my residence at 265 Stone Hill Road, Tax Map 21 Lot 11A. The total footprint of my garage is 1008 sq. ft. and will hold 2 cars at once along with various tool storage. The hours of operation would be Monday- Friday 8:00AM to 5:00PM and Saturday 8:00AM to 12:00PM. There will be 6 customer parking stalls as depicted on the site plan.

CU#1. Will meet the definition and specific requirements set forth in this ordinance for the specific use.

The purposes and definition of a conditional use contained in the Limerick Ordinance are satisfied by this project as follows. The use of my garage as a business requires a conditional use permit in the Residential Farm and Forest District that my property is located in. The increased cost of vehicles vs. the availability of timely mechanical services in the area I would be serving will greatly help citizens keep their current vehicle operational and safe.

CU#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, dust, light, glare, or other cause.

As stated my property is located in the Residential Farm and Forest District approximately 2 miles from Route 11 on Stone Hill Road. The garage borders my parents, Mike & Debra Storer on all 3 sides. Lights or glare will be minimal with all exterior lighting pointed downward or have lamp shades that are tastefully used s accent lighting to illuminate the building and not the surrounding landscape. Noise and vibrations will be muffled in the insulated garage.

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

The exterior of the garage will be kept up and clean and landscaping maintained. There will be no accumulated trash or parts outside.

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

There will be no change in pedestrian or vehicular traffic. The garage has a driveway set back from the road with ample turnaround space to easily turn around and re-enter Stone Hill Road safely. There is ample parking provided so there will be no parking back up on the side of the road.

CU#5. Will not result in significant fire danger.

There will be several appropriate fire extinguishers on site that I have been trained in the appropriate usage. Any flammable materials will be kept in a safe metal cabinet.

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

My garage will not cause significant flood hazards or flood damage. The driveway is gravel with adequate natural drainage and the location is not located within a flood zone. The property is flat with roof sheet flow equivalent to that of a single-family residence creating no additional soil erosion.

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

There is a large driveway with clear access to the building with appropriate lines of sight distance. Brush at the driveway entrance will be kept trimmed back for safety of exiting the location.

CU#8. Has proposed exterior lighting which will not which will not create hazards to motorists traveling on adjacent public streets, is adequate enough for safety of occupants or users of the site, will not damage the value and diminish the usability of adjacent properties.

Existing exterior lighting on site is downcast and does not create glare or blinding for passing traffic. No additional lighting is proposed.

CU#9. Make provisions for onsite buffers or landscaping which provide adequate protection to neighboring properties from detrimental features of the development.

Current natural buffer will remain in place with no additional clearing planned.**CU#10. Makes provisions for vehicular loading and unloading, parking, vehicular, and pedestrian circulation on site and onto adjacent public streets which neither create hazards to safety nor impose significant burdens on public facilities.** Large onsite parking lot already existing large enough to accommodate customer parking as well as delivery trucks for products. There are no public facilities therefore no impact. All circulation will be held onsite with no offsite parking.

CU#11. Makes adequate provisions for disposal of wastewater or solid waste for the prevention of ground or surface contamination.

No plumbing in the garage so wastewater disposal is not applicable. All other solid waste/ waste materials will be disposed of correctly with a dumpster located on site.

CU#12. Makes adequate provision to control erosion or sedimentation.

Site is relatively flat gravel with adequate natural drainage, no additional sheet flow.

CU#13. Makes adequate provision to handle storm water run-off and other drainage problems on the site.

Storm water runoff equivalent to that of a single-family residence so no provisions necessary and will not create drainage problems on site.

CU#14. Provides a water supply which will meet the demands of the proposed use.

No existing water supply in the garage

CU#15. Makes adequate provision for the transportation, storage, and disposal of hazardous substances and materials as defined by State law.

If any Hazardous materials are produced and/or utilized they will be disposed of properly through correct procedures, whether picked up and removed by a waste management company and/ or recycled utilizing a solvent recycler machine.

CU#16. Will not have adverse impact on significant scenic vistas or on significant wildlife habitat, which could be avoided by reasonable modification of the plan.

There will not be any wildlife habitat affected by my operation. The footprint of the garage is relatively small and already exists in a wooded area with no further plans of clearing at this time.

STORER REVIEW

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; Aaron motioned, and Demetria seconded the motion that this business is conditional in the residential farm and forest zone for motor vehicle repair and services and is allowed with a conditional use permit.

Vote 5-0 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; Demetria motioned, and Cheryl seconded the motion that this is met based on the information provided by the applicants answers, the site walk, the public hearing, also that minimal mechanical work can be done in the area outside and adjacent to the garage.

Vote 5-0 In Favor.

3. Will not have a significant adverse effect on adjacent or nearby property values; Aaron motioned and Demetria seconded the motion that based on the information provided by applicant, his answers, the site walk, public hearing and the majority of the work will be done inside the building with minimal work done outside, this condition is met.

Vote 5-0 In Favor

4. Will not result in significant hazards to pedestrian or vehicular traffic or significant traffic congestion. Brian motioned and Demetria seconded the motion that based on the information provided by applicant, his answers, the site walk, public hearing and the anticipated expansion of the driveway in the future this condition is met.

Vote 5-0 In Favor.

5. Will not result in significant fire danger; Aaron motioned, and Jason seconded the motion that based on the information provided by the applicant, his answer, the site walk and public hearing and the fire chief's letter this will be met.

The board discussed the applicant providing an appropriate amount of fire extinguishers and the code officer stated he and the fire chief will be doing annual safety inspections.

Vote 5-0 In Favor

6. Will not result in significant flood hazards or flood damage, drainage problems, ground or surface water contamination, or soil erosion; Aaron motioned, and Brian seconded the motion that based on the information provided by the applicant, his answer, the site walk and public hearing and the fact that most work will be done inside the garage, and this is mainly residential property, this is met.

Vote 5-0 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; Aaron motioned, and Brian seconded the motion that based on the information provided by the applicant, his answer, the site walk and public hearing and the letters from the road commissioner and fire chief and when the driveway is extended this is met.

Vote 5-0 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; Aaron motioned, and Jason seconded the motion that based on the information provided by the applicant, his answer, the site walk and the public hearing and if there is a sign it will be minimally lite, this conditions is met.

Vote 5-0 In Favor

9. Makes provisions for buffers and on-site landscaping, which provides adequate protection to neighboring properties from detrimental features of the development; Aaron motioned, and Demetria seconded the motion that based on the information provided by the applicant, his answer, the site walk and the public hearing this condition is met.

Vote 5-0 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; Aaron motioned, and Jason seconded the motion that based on the information provided by the applicant, his answer, the site walk and the public hearing this condition is met.

Vote 5-0 In Favor

11. Makes adequate provision for disposal of wastewater or solid waste and for the prevention of ground or surface water contamination; **Aaron** motioned, and Demetria seconded the motion that based on the information provided by the applicant, his answer, the site walk and the public hearing this condition is met.

Vote 5-0 In Favor

12. Makes adequate provision to control erosion or sedimentation; Jason motioned, and Aaron seconded the motion that based on the information provided by the applicant, his answer, the site walk and the public hearing this condition is met.

Vote 5-0 In Favor

13. Makes adequate provision to handle storm water run-off and other drainage problems on the site. Aaron motioned, and Cheryl seconded the motion that based on the information provided by the applicant, his answer, the site walk and the public hearing this condition is met.

Vote 5-0 In Favor

14. Provides a water supply that will meet the demands of the proposed use; Aaron motioned, and Demetria seconded the motion that this is not applicable since there is no water in the garage at this time this condition has been met.

In time if water is added there will be appropriate permits that are required by the code officer.

Vote 5-0 In Favor

15. Makes adequate provisions for the transportation, storage and disposal of hazardous substances and materials as defined by State law; Aaron motioned and Demetria seconded the motion that based on the information provided by the applicant, his answer, the site walk and public hearing that this condition will be met.

There was a discussion about him providing barrels for proper disposal of these substances.

Vote 5-0 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; Aaron motioned, and Demetria seconded the motion that based on the information provided by the applicant, his answer, the site walk and public hearing that this condition has been met.

There was discussion after being asked how many vehicles the applicant felt would be parked on the property, it was discussed about fifteen registered vehicles, any that are not registered would be only temporary. The code officer Stan Hackett said the law states no more than 180 days for unregistered vehicles.

Vote 5-0 In Favor.

SPECIFIC CONDITIONS OF APPROVAL:

1. Hours of Operation were discussed and per the applicant's answers Monday – Friday 8:00 AM to 5:00 PM and Saturday 8:00AM to 12:00 PM.
2. As mentioned in a prior discussion on page two, this should be clarified under special conditions. When the driveway width is expanded it will require the installation of a new eighteen-inch culvert, as suggested by the road commissioner in his letter, in the meantime the current fifteen-inch culvert is considered adequate.
3. Included in this conditional use is the statement developed by the town attorney and read by Demetria to be added to this conditional use. "This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents, including the supplemental and revised plans, the oral representations submitted and affirmed by the applicant, and conditions of approval

imposed by the Board. Any variation from the plans, proposals and supporting documents and representations, except a change determined by the Code Enforcement to be a minor change that does not affect approval standards or conditions of approval, is subject to the review and approval of the Planning Board prior to implementation.”

Aaron motioned and Demetria seconded the motion to grant this conditional use permit to Nicholas Storer for his motor vehicles repair and services business.

Vote 5-0 In Favor.

Aaron said the next meeting will be held on August 16th and asked for an adjournment.

Cheryl motioned and Brian seconded the motion to adjourn the meeting.

Respectfully submitted:

Joanne Andrews

Planning Board Secretary.