

LIMERICK PLANNING BOARD MINUTES-approved 12-27-23

December 6, 2023

Aaron opened the meeting with the flag salute. Aaron, Cheryl, Demetria, and Brian were all present, Jason was absent.

Aaron opened the meeting at 7:03 pm.

**PUBLIC HEARING:**

Those present at the meeting: Merrill Farrand, Stan Hackett code officer, Shawn Girard, Attorney Brad Morin representing CIA, and Attorney Brandwein the Planning Board council.

**MINUTES:**

Demetria motioned and Jason seconded the motion that the minutes for both October 18, 2023 and November 1, 2023, be approved.

Vote 3-0 with Brian abstaining not at one meeting.

**CORRESPONDENCE:**

None

**OLD BUSINESS:**

Those present at the meeting: Merrill Farrand, Stan Hackett code officer, Shawn Girard, Attorney Brad Morin representing CIA, and Attorney Brandwein the Planning Board council.

Aaron started by introducing Zack Brandwein, the Planning Board's Attorney who was asked to be present by the Board to guide them through the process of reviewing the sixteen conditions for this conditional use permit. The Board members asked Attorney Brandwein some questions on procedure before starting the review.

**REVIEW: CIA Salvage – Range E Road, Limerick Maine Map 30 Lot 18B**

**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:

NOTE: During this review, the applicants answers to this renewal were noted, these answers and the application are a part hereof, the application date being March 3, 2022, the Board issued final approval of the original March 20, 2020 application on May 3, 2023.

1. Will meet the definition and specific requirements set forth in this ordinance for the specific use; Brian motioned, and Cheryl seconded the motion that based on the Land Use Chart this is permitted with a conditional Use Permit.

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; The board discussed testimony during the public hearings from abutters and discussions during the site walk on new information, based upon this deliberation by the Board, Demetria motioned and Brian seconded the motion that based upon all this information, this condition is not met.

Vote 3-1 In Favor

3. Will not have a significant adverse effect on adjacent or nearby property values; the Board discussed all the information presented to them and Demetria motioned, and Cheryl seconded the motion this condition is met.

Vote 4-0 In Favor

4. Will not result in significant hazards to pedestrian or vehicular traffic or significant traffic congestion; Cheryl motioned, and Brian seconded the motion that there is not a significant hazard based on this the condition is met.

Vote 4-0 In Favor

5. Will not result in significant fire danger; Aaron motioned, and Jason seconded that based on the applicant answers, the inspection report from the Fire Chief, Vincent Pelletier, and testimony by Stan Hackett Code Enforcement Officer, this 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; the Board discussed this at great lengths and determined that the SWP Plan which is part of the March 2020 approval needs to be updated, they considered new information during the site walk, there being no vegetative buffers or vegetative areas for runoff on the property, Brian motioned and Aaron seconded the motion that based on this the condition has not 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; Aaron motioned, and Demetria seconded the motion that based on information provided by the code officer and the fire chief, this condition is met.

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; Aaron motioned, and Cheryl seconded the motion that based on the applicants' answer and having no additional lighting planned, this condition is 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; The board discussed this at length and noted that since the original approval the berms and buffers have been removed, the testimony by the code officer as to the lack of trees within the 15-foot area around the property and due to the overall significant changes to the property during the site walk and since, this condition has not been met.

Vote 3-1 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; Brian motioned, and Cheryl seconded that based on the applicant answers this is met.

Vote 4-0 In Favor

11. 11. Makes adequate provision for disposal of wastewater or solid waste and for the prevention of ground or surface water contamination. The Board discussed that if a septic system is installed then it will need approval from the code officer therefore Aaron motioned, and Demetria seconded the motion that based on the applicants' answers, this condition is met.

Vote 4-0 In Favor

12. Makes adequate provision to control erosion or sedimentation; The Board discussed this for a long time and took into consideration new information and prior testimony from Stan Hackett, Code Enforcement Officer, and the fact that the existing berms and tree buffers were removed, and the lack of adequate vegetation Brian motioned, and Demetria seconded the motion that this condition has not been met.

Vote 4-0 In Favor

13. Makes adequate provision to handle storm water run-off and other drainage problems on the site; Brian motioned, and Aaron seconded the motion that based on the same considerations being met as in condition number 6 (six) the Board conditionally approve this based upon the implementation of the conditions in number 6 (six).

Vote 4-0 In Favor

14. Provides for a water supply that will meet the demands of the proposed use; Aaron motioned, and Brian seconded the motion that based on the applicants' answers and there being a well on site this condition is 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; Demetria motioned, and Aaron seconded that based on not having any added information this is 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; The Board discussed new information concerning the lack of privacy to neighbors by the removal of berms and trees being removed from the borders of the property and removal from the frontage of the property therefore impacting the abutters views of the property. Brian motioned and Demetria seconded the motion that based on this impact to the property this condition has not been met.

Vote 2-1 In Favor – Aaron 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 (two hundred’) feet of any dwelling not on the premises. The Board discussed this and with information gathered at the site walk they voted that this condition has been met.

Vote 4-0 In Favor

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. The Board discussed this and determined that no added information or changes had been received and this condition has been met.

Vote 4-0 In Favor

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. The 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: The Board took into consideration the testimony of the code officer and the fact that there is a lack of vegetation between the fence and the boundaries around the perimeter of the property also on the berm side of the

property there is the same lack of trees and screening. Brian motioned and Aaron seconded the motion that this condition has not been met.

Vote 3-1 In Favor

4. 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. Aaron motioned and Demetria seconded the motion that the applicant submitted a revised renewal application on March 3, 2022, therefore this condition was met.

Vote 4-0 In Favor

**DECISION:**

The Board voted that Conditions under Article VII Standards numbers 2, (two), 9 (nine), twelve (12), and sixteen (16) were not met as well as number three (3) under Article VI, therefore this Application is denied.

Aaron motioned and Cheryl seconded the motion that the Board review the draft of the written decision on Wednesday night December 13, 2023, at 6:00 pm and if approved by the Board sign the Notice of Decision to be sent to the Applicant.

Vote 4-0 In Favor

**NEW BUSINESS:**

The code officer will be bringing to the Board some proposed changes to ordinances, the date discussed is December 27<sup>th</sup> at 7:00pm.

**ADJOURNMENT:**

The Board closed the meeting at 10:13 pm.

**ANNOUNCEMENT:**

Next meeting December 13, 2023, at 6:00 pm.

Respectfully submitted:

Joanne Andrews

Planning Board Secretary.