

LIMERICK PLANNING BOARD MINUTES Approved 8/4/21

July 7, 2021

Aaron opened the meeting at 7:00 pm. Laura, Wendy, Greg and Dave were all present.

WALK-INS:

None

MINUTES:

Wendy motioned and Laura seconded the motion to approve the minutes for June 2, 2021.

5-0 In Favor

CORRESPONDENCE:

None

OLD BUSINESS:

REVIEW for Steve McLean renewal of his used car and equipment sales Map 17 a portion of Lot 66.

Steve spoke about the renewal of his used car permit and discussed his displeasure of having to go through this process every two years and the cost associated with the ordinance procedure.

After this brief discussion Laura motioned and Dave seconded the motion to approve all 16-conditions for this renewal based on information and site walk.

This motion was discussed whether to continue with the normal process or approve the 16-conditions without voting on each one individually. Greg and Aaron spoke about continuing the current process, Greg stating that he thinks the people at home would like to hear the answers to the 16-conditions Aaron agreed stating that earlier in the year CIA had gone through the process.

The board voted on the motion Two in Favor and 3 Not in Favor.

The board continued with the review:

McLEAN 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; Laura motioned and Greg seconded the motion that this condition has been met based on the applicants answer from the 2019 application and information at site walk.

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; Wendy motioned and Laura seconded the motion based on the business history and commitment to the 2019 conditions this has been met.

Vote 5-0 In Favor

3. Will not have a significant adverse effect on adjacent or nearby property values; Laura motioned and Greg seconded the motion that this has been met based on the answer to number 2 and also the information from the site walk.

Vote 5-0 In Favor

4. Will not result in significant hazards to pedestrian or vehicular traffic or significant traffic congestion; Laura motioned and Greg seconded the motion that this condition has been met based on the site walk and the 2019 applicant answers.

Vote 5-0 In Favor

5. Will not result in significant fire danger; Laura motioned and Wendy seconded the motion this has been met based on the 2019 answers.

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; Laura motioned and Wendy seconded the motion this has been met based on the site walk and 2019 answers.

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; Laura motioned and Wendy seconded the motion this has been met based on the site walk and 2019 answers.

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; Laura motioned and Wendy seconded the motion this has been met based on the site walk and 2019 answers.

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; Laura motioned and Wendy seconded the motion this has been met based on the site walk and 2019 answers.

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; Laura motioned and Wendy seconded the motion this has been met based on the site walk and 2019 answers.

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; Laura motioned and Wendy seconded the motion this has been met based on the site walk and 2019 answers.

Vote 5-0 In Favor

- 12.** Makes adequate provision to control erosion or sedimentation; Laura motioned and Wendy seconded the motion this has been met based on the site walk and 2019 answers.

Vote 5-0 In Favor

- 13.** Makes adequate provision to handle storm water run-off and other drainage problems on the site; Laura motioned and Wendy seconded the motion this has been met based on the site walk and 2019 answers.

Vote 5-0 In Favor

- 14.** Provides for a water supply that will meet the demands of the proposed use; Wendy motioned and Laura seconded the motion this has been met based on the site walk and 2019 answers.

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; Laura motioned and Greg seconded the motion this has been met based on the site walk and 2019 answers.

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; Laura motioned and Wendy seconded the motion this has been met based on the site walk and 2019 answers.

Vote 5-0 In Favor

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.

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.

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 Limerick 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.

Aaron motioned and Laura seconded the motion that numbers 1 through 3 are not applicable.

Vote 5-0 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 Laura seconded the motion that the applicant has met this condition.

Vote 5-0 In Favor

The following are the answers to the 16-conditions as attached to the 2019 Findings of Facts for that renewal and submitted by the Applicant as attached to his application for answers to this 2021 review.

McLean Review Answers:

CEO Amended answers for the 16 conditions on Rt. 5 Used Car Lot as submitted to the Appeals Board in 2019.

1. Is allowed in this district with a conditional use permit.
2. It will not generate any appreciable noise, vibrations, fumes, odor, dust, light or glare and will not affect the peaceful enjoyment of adjacent or nearby properties.
3. See 2
4. Will not result in hazards, a DOT entrance permit for subdivision/development has been granted. Ample room for parking and unloading.
5. The site of proposed use is cleared. Access Rt. 5 and will have fire extinguisher on site.
6. The parking lot and access ways have been in place for a long time. The site has never experienced drainage issues, flood damage or soil erosion. The proposed use has no attributes which could contribute to or cause ground or surface water contamination. Spill kit will be on site.
7. State DOT permit issued.
8. There is no structure involved, what minimal lighting will be aimed away (back lit)
9. There will be no structure on site. Area on left, right, and rear belong to owner.
10. State DOT permit issued enough room to turn around. Please see attached aerial photograph with scaling which shows the provisions made for vehicular and pedestrian circulation on this site.
11. If needed will make use of a portable toilet.
12. As explained above existing site improvements have been in place for a number of years, the site has not experienced any issues with erosion or sedimentation. The proposed use will not create any increased risk of erosion or sedimentation at the site.
13. As explained above existing site improvements have been in place for a number of years, the site has not experienced any issues with storm water runoff or other draining problems. The proposed use will not create any increased risk of storm water runoff or other draining problems at the site.
14. No buildings of food involved no need of water supply per CEO determination.
15. Not applicable no hazardous waste.
16. There will be no building or structures on this site that will not interfere with any scenic vistas or habitat.

SPECIFIC CONDITIONS OF APPROVAL:

Aaron motioned and Laura seconded the motion that this renewal be approved based upon the 16-conditions and that:

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.

Vote 5-0 In Favor

Aaron motioned and Wendy seconded the motion that based upon a suggestion from the town attorney the board voted on adopting 1 MRSA 403 (2) a 2-page Request for Copies of Public Documents to be the policy for this board to follow.

Vote 5-0 In Favor

NEXT MEETING:

The next meeting will be on August 4, 2021.

ADJOURNMENT:

Laura motioned and Wendy seconded the motion to adjourn the meeting at 7:50 PM.

Vote 5-0 In Favor

Respectfully submitted:

Joanne L. Andrews

Planning Board Secretary