

LIMERICK PLANNING BOARD MINUTES approved 6/17/20

February 19, 2020

Dottie opened the meeting with Laura and, Ed present Aaron and Wendy absent.

Dottie opened the meeting with the Pledge of Allegiance

**WALK-INS:**

None

**CORRESPONDENCE:**

None

**MINUTES:**

None

**NEW BUSINESS:**

None

**OLD BUSINESS:**

**CIA Salvage - Conditional Use Permit Map30 Lot 18B 41 Range E Rd Limerick**

**Junkyard/Automobile Graveyard**

**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.

Dottie read article VII – A and B and then read the answer submitted by the applicant in the original application dated 10/10/19 for each and every conditional Dottie will read the applicants response, said responses are hereby attached to these minutes and becomes a part hereof.

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; Ed motioned and Laura seconded the motion that based on information

provided that this condition number 1 has been met it is allowed in that district as a conditional use.

Vote 3-0 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; Ed motioned and Laura seconded the motion that the applicant has not met condition number 2.

Dottie repeated the motioned to Shawn and then stated it was time for discussion.

Ed repeated the condition and Shawn's response but stated that yes he has seen the berm that Shawn mentions in his response and the trees but the board has received complaints about noise, vibration, dust and I believe that is long after the berm was put in so how do we respond to what you are saying that there isn't any noise and vibrations

Shawn responded by stating that the berm is along the front and then started talking about building a house in front and he plans to have storage containers along that wall.

Ed stated alright the Range E Rd side is the south side of the property.

Shawn responded when you pull up to the property on E Range Rd and sit there looking at the property the old red schoolhouse is on the right, then on that side you see the berm and some storage containers there and we are going to line that side of the property with storage containers which are approximately ten feet tall.

Ed stated so on the west side of the property, the Carroll side.

Shawn stated yes we are going to slope the ground on that side down because we are higher than Aaron's uncles side, we will slope that back and erect a fence or whatever along there and in that ten feet we will plant some trees and let them grow.

Ed stated that the ordinance calls for a fifteen foot planting or a fence, so you are going to move everything within fifty feet of the property line in toward the working part of the property; so everything around that property you are going to move everything in.

Shawn stated we will either plant trees or put up a fence within those fifteen feet, yes.

Ed stated everything with those fifty feet will be moved in along the property lines.

Dottie interjected at this point and stated I think what we are going to need Shawn is a site plan, we are going to need a set of drawings showing exactly what you are proposing because whatever your saying here I'm not fully picturing it before we can go on any further anyway because if Ed's motion passes this fails so the best thing we can do is stops this right now.

Shawn stated but I can't come to this board and say this is what I am going to do without the board saying this is what we want you to do; the board has to come to me and say this is what we want.

Dottie said we want a set of plans so we can see exactly what you are saying and what you are going to do, you should have given that to us with your application.

Shawn said how come you're just asking for it today.

Dottie stated I am not used to doing conditional uses so that's on me, I'm sorry; but with what you are describing I'm not fully getting the picture; so before we go forward we need a set of plans so we can see what your proposing.

Shawn said why don't we just keep going and get this done.

Dottie stated because if this motion passes the way Ed stated then the junkyard fails, you won't get it.

Shawn said so how many times do you have to come back, in the past the board has asked for certain things then we go down through it

Dottie stated you already had a junkyard before this is new and that's why I want a set of plans.

Shawn, so let's say we table it and next week I come back with a set of plans and we get to number 3 and you want something else.

Dottie stated we will go through the rest of the conditions, we won't vote just go through them.

Ed stated well I am going to rescind my motion, Laura rescinded her second. Now Ed said we will go through the rest and give you what we would like to see, you will come back with the plans, or whatever like some of them that need valuations not saying to the people on either side saying no there is no change in valuation, that's not what I understand, we will want something from someone that deals in that to say on your behalf there is no decrease in value for having that property there.

Shawn said you are not going to get a letter from any real estate that says that, that doesn't exist.

Ed said but in your response you're saying it's not affected.

Dottie interjected to Ed, so you rescinded your motion and Laura the second; do we have a vote to rescind the motion.

Vote to rescind the motion, 3-0 In Favor

Dottie stated so number one is approved.

Shawn said so number 2 you want a sight plan, so in the past I could line those trailer boxes.

Ed stated so I don't know what you mean the ordinance states you can have two options either a fence or plantings.

Shawn said years ago I could have taken car hoods and screwed them to the fence.

Ed said our ordinance does not say anything about using car hoods for a fence and you stacking up box trucks along the property line is not what the ordinance allows by any stretch of the imagination.

Dottie read this part of the ordinance.

Ed said you are not going to line up those boxes and make that your screening that is not going to happen.

Dottie said it's not either or, that is our call.

Starting at 22 minutes into the meeting there was more discussion between Shawn and the board members concerning fences and plantings and Dottie again read the ordinance.

Shawn stated that he does not have to screen along the road because he is not going to store cars there.

The discussion continues for several more minutes until Ed finally states the site plan must show everything you plan to do including buildings, the fifty foot setbacks, a house if you plan to build that or a shed anything you plan has to be designated on the plan.

Shawn did not agree with the 50 foot setbacks.

Ed read the language in the ordinance dealing with the fifty foot setbacks and that nothing will be maintained in those areas along any property line or road, within 200 feet of any dwelling not on the premises, also no equipment shall be within the fifty foot setback around the perimeter of the entire property.

Shawn still insists on using containers as screening.

Ed stated no we are going by the ordinance.

Dottie said are we good with that.

Shawn said yes.

The board then continued with the discussion for number three and the opinion Shawn needs to come with that says why they agree with your answer to number three.

Shawn argued about providing the letter that agrees with his answer and the board needs to provide a letter that states it will affect the value.

Dottie stated no the burden of proof is on you Shawn not the board.

The discussion, sometimes heated continued for a very long time.

Finally Laura stated that when Shawn brings in a letter to satisfy number 3 then the board will accept it as an answer to that condition, that's what we need.

Ed yes the realtor has experience in this and the board does not, that's all I'm looking for.

Dottie stated that the plan should show where you are putting the house that is going to affect what can go where, if you can get a realtor to provide a letter that will be helpful.

Ed stated from now on we are going to ask everyone for a letter, a set of plans and groundwater I want an engineer to come in and say the groundwater situation here is acceptable, we will follow every one of them for every person, that's what the ordinance is for.

Shawn stated alright I will get you a letter on that.

Ed stated no other information needed for number 4.

Dottie asked if an automobile graveyard has dismantling of equipment

. Code officer Mike Gilpatrick stated that dismantling has to be on a slab.

In discussing number 5 Shawn stated that he is not there for a junkyard he was brought there because he is in violation so now he wants his junkyard license so move forward for me to have my junkyard license and if he decides to do a salvage yard he will come back to the board, I don't plan to put up another building to do dismantling, no. The property can stay as it is I'll plant some trees and put up some fences.

Dottie stated this is because this is what your answer is (stating). She read his answer to number 5.

Ed said if you do this on the plan we need a designated area for this and if you drain fluids where you will do this on or off site.

Shawn stated on site either on gravel or concrete.

Ed stated if on gravel then it may contaminate the gravel.

Shawn if you drain on concrete you clean it up with speedy dry, if on gravel it's the same thing.

Ed stated I don't agree with that.

Mike Gilpatrick talked but not at the podium but could be heard stating that the DEP is in charge of the storm water plan.

Ed asked so does that mean that Shawn has to go to the DEP when it comes to this junkyard/automobile graveyard storm water plan.

Mike's answer could not be determined.

Shawn disagreed that the board could not ask for a site plan.

Ed stated, so I am clear if this condition could not be met because we have not seen the plan.

Mike responded but response could not be heard.

Ed stated so if the board approved this at some future time with this condition being met which we don't know because we haven't seen the plan.

Mike's response could be made out with him saying, approval with conditions.

Ed stated so we can approve per, when will this go to DEP.

Mike stated that will be per the site plan for the amount of area being used.

Ed said he is using five acres.

Mike said something about a subdivision and it having to be over one acre but he hasn't done the research on a used car or salvage facility to find out what the threshold is.

Ed said so he may not meet that threshold which means we have no say in the erosion control.

Ed stated I understand that someone is going to approve the storm water runoff out there.

Shawn still did not agree that he needed as he called it a SWPP plan.

Ed again read condition number six which specifies drainage problems, ground or surface contamination or soil erosion.

Laura stated we have to be sure that this is satisfied.

Shawn again stated that the board did not require this last week when approving the daycare.

Ed stated you have already used that one and we agreed going forward everyone will be asked the same, what happened yesterday does not make any difference because we need to do this right.

Laura said it is our job to see that these conditions are met so that we are satisfied, we need to have someone tell us yes this will work.

Dottie said that as Mike said we approve this conditionally and once the site plan determines you need a SWPP plan or you don't then DEP will send you that letter that they approve it, you give us that letter and that will be the approval.

Ed said one way or the other we need something from DEP that says yes he does or no he does not, that is it, OK, now we will move on.

Dottie read number seven and stated that is not an issue.

Dottie read number eight and Shawn's response.

Ed said that is not a problem unless you are going to add a series of lighting if you do it will be down lighting no spots OK.

Dottie read number nine and stated that is going to be on the site plan, then she read number ten.

Ed said as long as you are putting traffic flow and entrance on the plan that's fine.

Dottie read number eleven and asked Shawn if he had facilities there.

Shawn said no.

Dottie asked are you planning to put them in?

Shawn said yes.

Dottie stated that will be a permit with Mike, then prevention of ground or surface water contamination will be on site plan and from the DEP letter.

Dottie read number fourteen and said there is no well on site now.

Shawn said yes.

Number fifteen.

Mike stated that if he does dismantle he has to have containment.

Ed said so when he sends his site plan (to DEP) they will tell him what to do.

Mike stated yes.

NOTE: It is noted here that numbers twelve and thirteen seems to have been skipped.

Dottie stated that number fifteen is DEP again.

Number sixteen.

Mike handed out information and stated there was discussion about a vernal pool being on the property and I want you to have this handout as to what the setbacks will be for that vernal pool. The vernal pool is on the adjacent property so it is not an issue.

Ed said so that's all sixteen.

Dottie, said yes that's all sixteen.

Ed said to Shawn if you put a little effort in to that site plan we will have what is needed and I would want to see something from an appraiser or assessor something.

Again Shawn was not happy with the appraisal question; he then went through his notes and stated the board wants a site plan and something from the DEP, he asked if he needed the buildings and everything.

Ed said whatever is on that property, where the fifty foot setbacks are on the scaled drawing, where the buildings are and what you plan on planting from the property line in, what you are going to do for a screen, whether it be a fence, white pines reasonably good size but not fifteen feet, four foot tree, three foot tree.

Shawn stated the board was going outside of the ordinance.

Ed that's an option on our part not his; put your plan together and we will take a look at it what can I tell you.

Laura stated I would rather see a fence if you would have to wait for a tree a foot high to grow.

Shawn still argued; I want to put a fence or a storage container there and be done with it.

Ed said, what are you planning.

Shawn said put a fence up and maintain the fence and make it presentable and nobody can see through it.



Ed said not a metal fence.

Shawn said a pressure treated fence put in something that is done one time and maintain it.

Ed said just put it on the plan what you want to do and we will go on from there.

This conversation continued for another several minutes.

Dottie stated to Shawn our next meeting is March 4<sup>th</sup>.

**ADJOURNMENT:**

Laura motioned and Ed seconded the motion to adjourn at 8:25 PM.

Vote 3-0 In Favor

**ANNOUNCEMENTS:**     Next meeting March 4, 2020

Respectfully Submitted:

Joanne L. Andrews - Secretary