

LIMERICK PLANNING BOARD MINUTES Approved 5/1/19

April 17, 2019

Dottie opened the meeting with Wendy, Laura, and Aaron present, Ed was absent. Dottie lead the audience in the flag salute.

PUBLIC HEARING:

Dottie opened the public hearing for Steve McLean DBA SA Mclean Inc. for renewal of the Used Car and Equipment Sales Conditional Use Permit at 7:04 PM, she read a letter from an abutter Ronald A. Carroll opposing the renewal, Dottie closed the hearing at 7:05 PM.

MINUTES:

April 3, 2019 tabled until next meeting

CORRESPONDENCE:

None

NEW BUSINESS:

Aaron stepped down because he was not at the site walk earlier in the afternoon therefore abstaining from voting on the renewal.

For the renewal Dottie read the answers to the 16 conditions as presented to the Appeals Board and labeled “CEO Amended answers for the 16 conditions Rt. 5 Used Car Lot.”

CEO Amended answers for the 16 conditions on Rt. 5 Used Car Lot

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 run off or other draining problems. The proposed use will not create any increased risk of storm water run off 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.

McLean Review:

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

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

Vote 3-0 In Favor

3. Will not have a significant adverse effect on adjacent or nearby property values; Laura motioned and Wendy seconded the motion that based on the previous conditional use permit this condition has been met.

Vote 3-0 In Favor

4. Will not result in significant hazards to pedestrian or vehicular traffic or significant traffic congestion; Wendy motioned and Laura seconded the motion that this condition has been met based on there being ample parking.

Vote 3-0 In Favor

5. Will not result in significant fire danger; Wendy motioned and Laura seconded the motion that by virtue of the site walk and prior history this condition has been met.

Vote 3-0 In Favor

6. Will not result in significant flood hazards or flood damage, drainage problems, ground or surface water contamination, or soil erosion; Wendy motioned and Laura seconded the motion that by virtue of the site walk, and grading this condition has been met.

Vote 3-0 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; Wendy motioned and Laura seconded the motion that by virtue of the permit (DOT) and access this condition has been met.

Vote 3-0 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; Wendy motioned and Dottie seconded the motion that this condition has been met.

Vote 3-0 In Favor

9. Makes provisions for buffers and on-site landscaping, which provides adequate protection to neighboring properties from detrimental features of the development; Wendy motioned and Laura seconded the motion that this condition has been met there is no structure.

Vote 3-0 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; Wendy motioned and Laura seconded the motion that based on the site walk and the turnaround displayed this condition has been met.

Vote 3-0 In Favor

11. Makes adequate provision for disposal of wastewater or solid waste and for the prevention of ground or surface water contamination; Wendy motioned and Laura seconded the motion that based on the fact that there is no bathroom facilities this condition has been met.

Vote 3-0 In Favor

12. Makes adequate provision to control erosion or sedimentation; Wendy motioned and Laura seconded the motion that based on the site walk and grading condition has been met.

Vote 3-0 In Favor

13. Makes adequate provision to handle storm water run-off and other drainage problems on the site; Wendy motioned and Laura seconded the motion that based on the site walk and no storm water runoff this condition has been met.

Vote 3-0 In Favor

14. Provides for a water supply that will meet the demands of the proposed use; Wendy motioned and Laura seconded the motion that based on the CEO's determination concerning no water supply use this condition has been met.

Vote 3-0 In Favor

15. Makes adequate provisions for the transportation, storage and disposal of hazardous substances and materials as defined by State law; Wendy motioned and Laura seconded the motion that by virtue of information provided at the site walk this condition has been met.

Vote 3-0 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; Wendy motioned and Laura seconded the motion that there is nothing there no buildings this condition has been met.

Vote 3-0 In Favor

SPECIFIC CONDITIONS OF APPROVAL:

Dottie read Sections C, D and E under Article VII Conditional Uses to be part of these minutes and also to insert the Paragraph for all Conditional Uses per the Town Attorney Natalie Burns:

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.

Wendy motioned and Laura seconded the motion to approve this renewal of the Conditional Use Permit for Steven McLean (DBA SA McLean Inc.).

Vote 3-0 In Favor

OLD BUSINESS:

Wendy motioned and Aaron seconded the motion to approve the fee schedule proposed by the code enforcement officer and send it on to the Selectmen.

Vote 4-0 In Favor

ANNOUNCEMENTS:

Dottie announced the next meeting of the Planning Board will be May 1, 2019.

ADJOURNMENT:

Wendy motioned and Laura seconded the motion to adjourn the meeting at 7:23 PM.

Vote 4-0 In Favor

Respectfully Submitted:

Joanne L. Andrews

Secretary