

LIMERICK PLANNING BOARD

MINUTES APRIL 6, 2016 – Approved 7-20-16

Aaron opened the meeting at 7:03 pm with Sean Carroll, Wendy Farrand, and Dottie Richard in attendance, Barbara Fifield was absent.

WALK-INS:

331 Stone Hill Rd. building a 14 x 44 greenhouse (prefab barn) to grow medical marijuana ½ for his patients and ½ for his brother-in-law's patients they are both caregivers. The property is located in the RFF zone.

Ron Phinney the code officer stated that he has had experience with this same request in Limington and experienced no problem during his time there as code officer and this is allowed in that zone.

Aaron asked if this is considered a retail business and a brief discussion ensued.

Ron stated that this business is closely regulated by the State of Maine and is considered an agricultural business.

Aaron stated there was no ordinance in place and this is no different than corn or pumpkins.

Sean stated to make sure it is classified correctly.

Aaron stated as long as they don't sell anything that they don't raise.

Ron stated all they need to do is see me for a permit for the building.

Aaron stated that he appreciated them coming in and no conditional use was needed.

CORRESPONDENCE:

1. Letter from Ryan Headstrom 560 Elm St stating he does not wish to be included in the Route 11 Business District read by Aaron
2. Notice for MMA for a workshop on April 12, 2016.
3. Letter from Denise Benton dated April 6th read by Aaron.
4. Correspondence from Barbara Fifield Aaron stated it would be filed, not read.

MINUTES:

Wendy motioned and Dottie seconded the motion to accept the minutes of January 6, 2016.

Vote 2-0 In Favor 1 Abstained

ELECTION of OFFICERS:

Sean motioned for Aaron as chairman, no second.

Vote Sean Aaron and Wendy voted yes.

Wendy motioned for Dottie as vice-chairman and it was seconded by Sean.

Vote 3-0 In Favor Dottie abstained.

OLD BUSINESS:

Aaron stated that the board needs to address the conditional use permit for the proposed used car business for Steve McLean on Route 5 Sokokis Trail North that was sent back to the board by the Board of Appeals to redo the 16-conditions.

There arose a discussion concerning bias and Wendy stated that during the training put on by MMA if anyone has spoken out publicly against a project that have to recuse themselves. Wendy stated that she has reviewed the public hearing and both Barbara and Sean had spoken out negatively about the proposal, and therefore should not participate in the review.

Aaron asked the board if they would like him to get an opinion from MMA or the attorney how the process should be handled.

Sean stated yes, I do, as far as I'm concerned I am part of the board and I can act on it.

Wendy you need to review the meeting and you did speak out publicly.

Aaron Barbara is a direct abutter; I don't know about Sean, I will have to listen to it.

Wendy stated that Sean said, we don't want it there its offensive.

Dottie stated that both are new members and were not involved in the process.

Aaron stated he will call MMA for the process for new members; I'll call MMA or the lawyer.

Dottie stated that Dave Coleman when he was filling in recuse himself from the process because he was not involved.

Wendy stated it's not because they are new members it's because they spoke out publicly against the project.

Dottie stated let's just go on with the meeting, you are going to call.

Aaron stated at this point I'm going to call MMA and find out their thoughts.

Aaron stated we need to schedule CIA Salvage and he asked the secretary when that was due.

Secretary stated his permit has lapsed it was up in January.

Aaron stated he just photocopied the last one; he needs to get us a new application.

Code officer Ron Phinney stated that he has talked with Shawn and he thinks he's all set, he showed me a copy of his current state license not his conditional use permit.

Aaron asked if the secretary or Ron will follow up.

Ron stated he will follow up.

one Aaron stated we need to set up a joint meeting with the selectmen for a meeting with Southern Maine Planning that was voted on at town meeting for \$7,500.00.

There was a lengthy discussion concerning who would contact SMP.

Wendy motioned and Sean seconded the motion that Dottie being vice-chairman and the town's liaison to SMP she should contact them.

Vote 3-0 In Favor

Aaron then stated that the selectmen need to have the board deal with the Citizen's Petition.

Wendy stated that she was under the impression that the selectmen want the board to compose a letter stating if it passes it is either legal or not legal.

Judy LePage stated if this passes is it legal to have these lots as shown on the map become a business zone, this is what the selectmen want to know.

Dean LePage asked where does his request for changing his property from the Residential Zone to the Residential Farm & Forest Zone.

Aaron showed the new members the maps that were developed by a prior board member, Howard Burnham.

After a lengthy discussion Sean motioned and Wendy seconded the motion there is no issue with this being a Business Zone surrounded by a RFF Zone.

Vote 3-0 In Favor

There was a very lengthy discussion continued with Dean and then Tony Carroll came in with his request that a portion of his farm needs to be changed from Residential to RFF. The board told both to get the description of their proposals to the Secretary so that the public hearing can be scheduled for May 4th.

Steve McLean had a discussion with the board about how to proceed with the Business Zone change on Route 11 if the selectmen decide to deny the petition because of irregularities in the petition and decide to move this forward with the corrected lots involved.

Aaron asked Steve if he would mind if the board discussed how to proceed with this instead of starting the review on the McLean conditional use that is pending.

The board discussed with Steve the correct lots involved in the zone change on Route 11 including the addition of the 2 Moulton lots.

Aaron distributed the 2016 copy of the Code of Ethics from the Selectmen.

Motion to authorize the Secretary to accept the proposals from residents, Steve McLean and citizens on Rte. 11, Tony Carroll, and Dean LePage for requests for zoning changes. Sean motioned and Wendy seconded the motion for the above.

Vote 3-0 In Favor

Aaron gave the board members and Steve McLean a copy of the typed guidelines for additional information that will need to be provided for conditional uses; another lengthy discussion ensued.

REVIEW: Santa's Workshop Gift Shop

Aaron asked Steve if he considered it to be a retail business.

Steve answered, yes.

Aaron read A #1 and stated a retail business is allowed in the RFF zone with a conditional use.

- 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;

Sean asked Steve if he would only be open during the holidays.

Steve stated with a conditional use he could be open year round.

Sean asked Steve what are your hours.

Aaron stated right now we are looking for a motion for # 1; we need to say specific requirements, a retail business in that zone and requires a conditional use permit.

Sean motioned that this is a retail business by the Applicant requires a conditional use permit in Residential Farm & Forest. Wendy seconded the motion.

Aaron asked if there was any discussion.

Vote 2 In Favor and Sean abstained.

There was a question concerning the vote and Aaron stated there were 2 for yes, Sean abstained and I only vote if there is a tie.

Steve asked, can Sean vote if he did not attend the site walk.

Aaron stated yes, but they are very familiar with the site, I generally say I didn't go on the site walk but I'm very familiar with the site.

Sean stated I didn't vote because I'm against it.

Steve stated I know when Dave Coleman was new on the board he wouldn't vote because he was just appointed by the Selectmen and wasn't part of it.

Aaron stated let's go on with #2 it's almost 10 o'clock.

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;

Aaron read Steve's answer to # 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 building is already in place.

Sean stated I don't see how it can have a detrimental affect; I'd like to know more about the business itself, hours, lights, is it seasonal and questions about traffic.

From the audience Steve Colby co-owner of Kingfield Road asked, what's going to be done with the road, who's going to take care of the road. You people are putting people over our road.

Dottie stated that's between you and the Applicant.

Wendy stated we don't have anything to do with that, we're not supposed to get involved with that.

Dottie stated Aaron already had a determination from the town's attorney.

There were continued objections from Steve Colby from the audience and he stated he'll put up a gate on the road.

Sean read # 2 again and mentioned dust from the road. Sean continued stating lights, and dust from a dirt road, deterioration of that road, traffic up that road, how can you say we has nothing to do with us.

Wendy stated that in the planning board manual with respect to rights of way we're not supposed to comment on rights of way.

Several all talking at once.

Sean stated I'm not talking about legality of a right of way, you've got a dirt road and deterioration, this has nothing to do with deeds.

Wendy stated, in the past we may have said, are you going to maintain the road and keep the dust down, that's what we would have done in the past.

There was a continued long lengthy

Dottie gave Sean a copy from MMA that the board cannot deny the application because the proposed use would violate a private deed restriction that otherwise would comply.

Sean stated to Steve Colby you have asked about the condition of the road and that

is between you and him.

Steve Colby stated it is a detrimental effect on the abutters and if the road is all wash board going up that hill someone's going to maintain it.

Sean asked how many days a week are you going to be open, that's going to affect traffic, how many months a year, how many hours.

Steve Mc Lean stated I haven't gotten that far yet it may only be seasonal, the last shop to get a conditional use permit there were no hours set.

More lengthy discussion with someone in the audience about what if something happens and what can be done if someone has a conditional use permit, does one wait until the permit comes up again.

Wendy stated that once you get a conditional use permit it doesn't come up again, it's ongoing.

Aaron stated unless there is an expansion or change in use.

Wendy added or if there are complaints.

Aaron stated these things will come up under # 6, I'd like to stick to # 2. I'd like to stick with light, dust, glare and noise.; and he stated he would like to postpone the review until the May 4th meeting.

ADJOURNMENT:

Aaron asked for a motion to adjourn.

Wendy motioned and Sean seconded the motion.

Vote 3-0 In Favor

Respectfully submitted,

Planning Board Secretary