

LIMERICK PLANNING BOARD – Approved April 15, 2015

Minutes March 25, 2015

Andrew Ivey, Dottie Richard, Aaron Carroll, Howard Burnham and Wendy Farrand were all present.

WELCOME: New Member Dottie Richard was welcomed to the Board by Andy Ivey.

ELECTION OF OFFICERS: Wendy Farrand motioned and Howard Burnham seconded the motion for Andy Ivey as chairman.

Vote 4-0 In Favor - Andy abstained

Wendy Farrand motioned and Dottie Richard seconded the motion for Howard Burnham to be vice-chairman.

Vote 3-1 In Favor - Howard abstained

Andy opened the meeting at 7:00 PM.

Walk-Ins:

Marsha Michler returned to the Board looking for direction in solving the violation notice issued by Norm Hutchins dated March 13, 2014 concerning the need for a subdivision revision for the 25 acres she purchased behind Lot # 5 of the Fox Ridge subdivision. In the violation notice Norm states "To correct this violation, you must seek Planning Board approval for the change to the Fox Ridge Estates subdivision." Norm references the Town of Limerick subdivision standards on page 32, item #4 as well as the State of Maine Planning and Land Use Laws, Title 30-A 4406.

The Board was given a copy of the code officers file concerning this violation.

After a lengthy nearly one hour discussion with Ms. Michler the Board voted to table the issue until the next meeting at which time Norm will be back from vacation to discuss this issue with the Board and Ms. Michler. After discussing it the Board was not clear as to what issue is still pending so tabling the issue seems the best for all parties concerned.

Aaron asked about scheduling a public hearing for Arthur and Adele Carroll's zoning problem at the airfield.

Andy stated that he is not sure where this issue is at the present time.

Aaron stated that Arthur would like to move forward with changing the Business Zone to allow agronomy in that district; he would like to do this as soon as possible.

Andy stated that this issue was discussed at the last meeting and as far as he knows Norm is handling this and how it would be resolved.

Aaron stated that the Board should be able to set a public hearing without Norm.

Howard asked what is it that Arthur want to accomplish.

Aaron stated he wants to be able to legally be able to bale hay.

Howard stated we need to wait for Norm on this issue I don't want to get going doing something and find out it's not right.

Andy stated that we need to wait until the April 15th meeting to discuss this with Norm and not schedule a public hearing until we do talk with Norm; in the meantime we can discuss it further at our workshop on April 1st as it effects the Land Use Chart. We'll set up a schedule for advertising and set up a public hearing after the meeting on the 15th.

MINUTES:

Howard motioned and Wendy seconded the motion to accept the minutes for March 25, 2015.

CORRESPONDANCE:

None

ITEMS PENDING:

1. Back Lot Ordinance
2. Rte. 5 Changes to zone.
3. Changes to Land Use Chart – In progress
4. Changes to 16- Conditions – In progress
5. Private Driveways
6. Roads and Road Frontage
7. Marsha Michler – subdivision revision
8. Carroll Zoning Violation

REMINDERS:

Workshop April 1, 2015 at 7 pm
Regular Meeting April 15, 2015 at 7 pm

ADJOURNMENT:

The Board adjourned the meeting.

Respectfully Submitted,

Joanne L. Andrews, Secretary

LIMERICK PLANNING BOARD-Approved March 25, 2015

Minutes February 18, 2015

Andrew Ivey, Howard Burnham and Wendy Farrand were present, Ilene Dashner and Aaron Carroll were absent.

Andy opened the meeting at 7:00 PM.

Walk-Ins: Arthur Carroll concerning farming in the Business District

Arthur gave a brief statement on being notified by Norm Hutchins, Code Enforcement Officer that they were in violation of the Limerick Zoning Ordinance, that farming is not allowed in the Business District and their property at the airfield is located in the Business District.

Arthur stated that he cuts the grass at the airfield and he does not want to be in violation of the zoning ordinance. Arthur stated that he and his wife Adele purchased the property from Air Tech after they moved to Sanford and they use the runway for their personal use. The Carroll's wish to keep the property in the Business Zone and are planning to build something that will be beneficial to both them and the Town, a pharmacy was suggested by Adele, a family physician. Arthur stated that the airfield is available for use by Medivac and they allow other uses there for other town functions. Arthur stated that he had a concern about the trees that were hazardous to the airfield, they were damaged by wind and ice storms so after cutting them he started the cleanup and planted it to grass for hay. Arthur's brother Tony being a dairy farmer has use of the hay in his farming operation. After Norm informed them of the violation he emailed the Planning Board and was there to discuss the possibility of changing the use in that zone to allow the production of the hay; they have no intention of having animals located on the property.

Andy stated that the Board had discussed his email at the last meeting and if his memory is correct the Board members thought they would address this along with other things that need to be changed.

Wendy asked what is in the ordinance.

Andy stated no farming allowed in that zone.

Wendy stated that if he just mowed it and left it then there wouldn't be a problem.

Arthur stated that at other airfields this practice is followed as maintenance.

Howard stated that number one there are no animals down there and he is just performing maintenance, and he doesn't see a problem, just leave it alone.

Andy stated that it cannot be left alone because Norm has to follow the ordinance.

Arthur asked if the ordinance has a definition for farming.

The Board looked at the definition of farming that the State of Maine uses and the Town uses that definition.

Andy asked if the farm was commercial and Arthur stated that Tony's farm is considered a commercial farm.

Howard asked how many acres were in the parcel and Arthur stated about 12 acres that includes the runway.

Howard asked just the land used for grass; Arthur stated somewhere around 5 or 5 ½ acres and some of the land is also in Shoreland.

Andy stated that it should be fixed so the violation can be corrected, it should be an easy fix it may only need to allow certain types of agriculture.

The Board continued to discuss the possible fixes.

The Secretary stated that it has been mentioned that the Smiths' have hoop greenhouse and are going to raised produce so they should consider adding horticulture to the fix as well as allowing agronomy.

Andy stated that we need to fix these problems when these things come up, it should be an easy fix and we should put this on the agenda for the next workshop.

Tony Carroll came in and gave the Board what he remembers as being the intent of the Board when the land use chart was developed; Tony served on that Board and that Board was mainly concerned about having livestock in the Business Zone.

Andy stated that they might as well set the dates for March and suggested that the first Wednesday the 4th for the workshop and the 18th for the monthly meeting; the 18th was changed to the 25th because some members would not be available. Andy also invited Arthur and Tony to attend the workshop for possible input.

Andy asked Norm Hutchins, code officer, if he wished to speak on his proposed changes to the Back lot ordinance at this meeting or at the workshop on the 4th of March. Norm responded at the workshop.

The Secretary asked if the Board could still hold a workshop if there was no quorum considering there is no vote taken at a workshop; Andy will look into this question.

Andy asked for a motion for the January 21st minutes. Howard motioned and Wendy seconded the motion to accept the minutes.

Vote 3-0 In Favor

Andy read Norm's new proposed back lot ordinance that was sent to the Board.

Norm stated he looked at two other towns' ordinances and combined ideas creating a draft to protect the party that created the back lot and the lots right of way should be retained by that person not deeded.

Howard stated he thinks that the right of way needs to be deeded and part of the back lot and not be just a deeded right of way.

There was a lengthy back and forth between the Board members and the CEO.

Norm stated that there are lots out there that have only 175 foot frontage but are long and deep and he is trying to help out people not making it worse for them, this way they can create a back lot with only 175 foot frontage.

CORRESPONDANCE:

None

NEW BUSINESS:

None

OLD BUSINESS:

Ron Nevers will be contacted by the Secretary as to the change for the March meeting from the 18th to the 25th.

ITEMS PENDING:

1. Rte. 5 Changes to zone.
2. Changes to Land Use Chart – In progress
3. Changes to 16- Conditions – In progress
4. Private Driveways
5. Roads and Road Frontage

REMINDERS:

Workshop March 4, 2015 at 7 pm

March meeting the last Wed of the month, the 25th at 7 pm.

ADJOURNMENT:

The Board voted unanimously to adjourn the meeting.

Respectfully Submitted,

Joanne L. Andrews, Secretary

LIMERICK PLANNING BOARD – Approved February 18, 2015

Minutes January 21, 2015

Andrew Ivey, Aaron Carroll, Howard Burnham and Ilene Dashner were present and Wendy Farrand was absent.

Andy opened the meeting at 7:00 PM.

Walk-Ins: None

CORRESPONDANCE:

- SMRPC annual fee notification 3% increase to \$796.00 for 2015
- FEMA on risk assessment data
- Memo: Reminder PB 2014 Report is due for annual report
- Arthur & Adele Carroll email to Andy RE: agriculture activity at airport not allowed under zoning ordinance.

NEW BUSINESS:

The Board had a brief discussion concerning the email from the Carroll's and talked with Norm Hutchins about the violation. Aaron stated that he spoke with his father Tony who served on the Board when the land use chart was developed and the Board's concern at that time was not to have livestock being raised in that zone next to the Supermarket. Andy and Howard both stated they thought that raising hay should be allowed, Norm also agreed. Aaron stated that maybe it should be changed to allow growing of hay for feed in that zone.

Aaron suggested to limit that area and develop that area under a "P7" allowance allowing only agronomy activity. The Board discussed holding a public hearing for allowing this activity in the Business Zone.

MINUTES:

Howard motioned and Aaron seconded the motion to accept the minutes for December 17, 2014.

Vote – 4-0 In Favor

OLD BUSINESS:

Ron Nevers contacted the Board and they will not be ready for the preliminary review until the February 18th meeting.

NEW BUSINESS:

Norm stated that he is completing a new draft of the Back Lot Ordinance for the Board to review.

ITEMS PENDING:

1. Rte. 5 Changes to zone.

Howard has gone over the maps and has the information on his deck the new zone will cut across Rt. 5 at the property located behind Tibbett's Park. He will bring the info to the next workshop.

2. Changes to Land Use Chart – In progress

3. Changes to 16- Conditions – In progress

4. Private Driveways

Howard asked, what was the problem with this ordinance draft at the public hearing. Andy stated that the problem rose during the public hearing was that property owners did not agree with the driveway standards that were contained within the ordinance; they didn't like being told how to get into their own. There was additional conversation with the code enforcement officer about what the new draft should say so as not to make the process so expensive for the property owners. This ordinance first draft was voted down by the voters.

5. Roads and Road Frontage

Aaron stated that he would not be available for the February 18th meeting. The Board set February 4th for the workshop and February 25th for the meeting.

Andy stated that they need to include the change to the farming in the Business Zone with a public hearing for the new draft of the Back Lot Ordinance.

Howard stated that the Board should take a good look at School Street about rezoning it for Business. He mentioned that Carolyn Kilday has an antique shop and it has been brought to his attention that she does not have a conditional use permit.

Aaron stated that business has been there a long time and may be before the changes.

Howard stated that the whole block should be rezoned as far as he is concerned and if they don't have parking they can park on Main Street or the town lot and walk to the businesses.

Norm stated that parking on Main Street will need an ordinance.

Andy stated that he feels it is better to put one or two ordinances on the ballot, last time there were too many on the ballot, one or two has a better chance of passing; we should have the back lot ordinance and the change to the land use chart the next time we put anything on the ballot.

Howard stated that we should also work on having a business issued a business permit instead of all businesses needing a conditional use permit; Cornish uses this and charges

\$50.00 to register a business. Small businesses should not have to go through getting a conditional use permit, just hearing this would make some people throw up their hands and go somewhere else.

Aaron stated that if a business can meet minimal conditions like parking they could be given a permit without being conditional use.

The Board continued this discussion with the code officer going back to the last few conditional uses issued and discussing which ones should or shouldn't have been required to have a conditional use permit.

Aaron stated that he feels that getting a conditional use permit is really not a big deal and he still thinks it is a good idea.

Andy stated that he agrees with Aaron, he thinks it is good to have new business owners go to the podium and tell them about their new business. I think it's a small price to pay and we don't hold people up they are in and out very quickly.

Howard stated that is not true he was held up for 5-months and several hundreds of dollars.

Andy stated he thinks its safety more than anything and he does not believe this Board has held anyone up.

Aaron asked Norm if the people that call him about establishing a business, is there a trend that he sees does the conditional use permits stop people.

Norm stated that he tells people it is not a big deal getting a conditional use permit and since people don't have to come back unless there is a change in use it has eliminated the need for renewal every two years.

Steve MacLean stated that back in the 1980's the town wanted businesses out on Route 11 where his business is and nothing has been done to expand the district to this day also there are some other area pockets that could be expanded for business.

Aaron stated that he still feels the town cost for issuing a permit should be covered by the applicant, secretary time, mailing and advertising should be paid for by the applicant not the taxpayers.

REMINDERS:

Workshop February 4th at 7 pm

February meeting changed to the 25th at 7 pm.

ADJOURNMENT:

The Board voted unanimously to adjourn the meeting.

Respectfully Submitted,

Joanne L. Andrews, Secretary

LIMERICK PLANNING BOARD - Approved 1/21/15

Minutes December 17, 2014

Andrew Ivey, Wendy Farrand, Aaron Carroll and Howard Burnham were present, Ilene Dashner was absent.

Andy opened the meeting at 7:00 PM. Andy went over the agenda for the night including major subdivision requirements for the Nevers Subdivision as well as the opinion survey.

MINUTES:

Howard motioned and Wendy seconded the motion to accept the minutes for November 19, 2014.

Vote – 4-0 In Favor

OLD BUSINESS:

Nevers Subdivision – the Board discussed the contours that will be required on the plan an Andy suggested 10 foot contours.

Aaron stated that we plan to ask for these contours and Aaron motioned to require ten-foot intervals, Howard seconded the motion.

Vote 4-0 In Favor

The Secretary asked if this will be required on the final plan and Andy stated yes.

Aaron stated this needs to be present on the Preliminary Plan as well and all the requirements listed under #7.2 will have to be met in order to move forward with the Final Plan.

Andy stated he will need to have his High Intensity Soils Survey done on the preliminary as well and continue through the 23 items in the list.

Howard stated that a survey showing the Applicants entire property will be needed to show the subdivision out of the entire piece.

Aaron stated that the parcel remaining will then become the eighth lot.

Andy stated the Soil and Sediment Control Plan will also be necessary.

Howard stated that the lot boundaries need to be flagged before the Board does a site walk.

Andy stated that the Applicant has already met with Bob Richardson, Road Commissioner as to the location and site distance of the driveways and Bob approve the location of only four driveways for the seven lots, and three are joint driveways.

Wendy asked if they need to contact someone in the State concerning # 22 the Maine Natural Areas, I think we should make a recommendation that they provide us with a report; there is no charge for that.

Howard stated that they will also need DEP approval for this subdivision prior to submitting the Final Plan; 4 lots or more need DEP approval.

While Aaron was confirming the 4 lots or more rule Andy asked the Secretary to prepare a list of what the Board has done in 2014 so he has this information when meeting with the Budget Committee the following night when presenting the 2015 budget.

The Secretary stated that the Limerick ordinance reads that 40 acre lots need to be counted and are not exempted.

Andy asked if anyone else has any thoughts on what the Nevers need to present to the Board at the time of Preliminary Plan submission.

Aaron stated that the subdivision cannot have a detrimental effect on scenic beauty, natural resources, wildlife habitat, etc. this is part of the review. There have been issues in the past where this has not been considered when reviewing subdivisions; the State of Maine does require this as part of its review.

Andy moved on to the Opinion Survey pending and he hoped to have a draft ready but with the holidays he has not finished; does anyone have any additional questions that should be added to the new survey before it is finished. Andy stated that he is including in the budget, in addition to money for plans, money to do this mailing.

Howard stated the survey shouldn't have several parts to them.

Andy stated that the questions need to be relevant to what the Board is trying to accomplish; we will continue working on this at our next workshop.

The Board set the meeting dates for January. January 7th will be the workshop and January 21st will be the next regular meeting.

The Board discussed the Back Lot Ordinance that was voted down; Howard stated that it still needs to be revisited.

Andy stated that it was voted down due to confusion, the code officer did not have the second page (part) of the proposal.

The Board asked Norm to come in and discuss his concerns.

A lengthy discussion ensued concerning suggestions on how to proceed with the Back Lot Ordinance and Norm's proposal. Norm gave the Board a copy of his original proposal and the discussion continued for several minutes concerning 50 foot easements as opposed to 50 foot deeded access to the back lot; deeded ownership versus right of way not owned by the back lot owner.

Andy stated that the Board needs to come up with a definition for a hammerhead.

Norm stated that when mentioning roads in an ordinance it should state both public roads and or private roads.

The Secretary asked about a definition for road standards in addition to the subdivision road standards in case dealing with a non-subdivision or just state that a road must meet the standards as stated in the Limerick Subdivision Ordinance.

Aaron stated there should be a requirement that the driveway or road should be located in the middle of the 50-foot not along the edge of the 50-foot, this was a concern of Brad Libby at the public hearing; the travelled way should state being no wider than 20 feet.

After more than a half hour of discussion the conclusion of the Board is that the Board cannot anticipate every different scenario that may come up with the back lots and much more thought needs to be put into a new proposal and worked on in workshops.

Aaron stated that the more the Board tries to expand this ordinance he feels that it should be left as is and let Norm handle these situations as he has been handling them.

Walk-Ins:

The Board allowed Steve MacLean to speak under the Walk-In section of the meeting. Steve stated he wants the code officer to speak to illegal sized lots created on Carroll Lane and lots that were not taxed in the past on Range E Road, part of the Moulton Subdivision and many subdivisions that were not taxed. Steve stated he has been told this was a Planning Board problem.

Aaron stated he did not agree with this, it appears to be either an assessing problem or a code officer problem, not the Planning Board.

Norm stated that many of these lots are non-conforming lots and his only recourse is not to give a building permit until it has been straightened out.

The Secretary asked to be heard and gave a little background on how subdivisions were taxed prior to 2007. The Moulton subdivision was approved in 2003 and prior to the revaluation in 2007 all subdivisions were not taxed on individual lots within the subdivisions, this was not right and was changed by O'Donnell's assessing in 2007. The Planning Board secretary has established a data base of over 200 maps which include

subdivisions as found in the old files and piles of maps that were found after 2007. There are now checks and balances in place that were not in place prior to 2007, now the Town requires from a subdivider three sets of recorded plans, one plan goes to the code office, one plan goes to the assessing office and is sent to O'Donnell's and the third plan is in the Planning Board files and added to the database. The only way that a subdivision lots are not taxed individually now is if this checks and balances are not followed, assessing cannot create the individual tax bills if they are not aware of the subdivision.

Steve continued by stating that he has informed the code office that lots in the Carroll Lane subdivision that were exempt because they were given to family members have been sold prior to the 5- years they are required to be held by the family members receiving the gift.

Norm stated that in this instance it's a matter of catching these exemptions when they are sold or transferred for 5 years.

CORRESPONDANCE:

No correspondence

ADJOURNMENT:

Andy asked for a motion to adjourn, Howard motioned and Aaron seconded the motion to adjourn.

Vote 4-0 In Favor

ITEMS PENDING:

1. Rte. 5 Changes to zone.
2. Changes to Land Use Chart
3. Changes to 16- Conditions
4. Private Driveways
5. Roads and Road Frontage

REMINDERS:

- There are 2 3-year terms for the Planning Board is open for people to take out nomination papers.
- Workshop scheduled for January 7th at 7 P.M.
- Regular meeting scheduled for January 21st at 7 P.M.

Respectfully Submitted,

Joanne L. Andrews, Secretary

LIMERICK PLANNING BOARD – Approved Dec 17, 2014

Minutes November 19, 2014

Andrew Ivey, Wendy Farrand, Ilene Dashner, and Aaron Carroll were present, Howard Burnham was absent.

Andy opened the meeting at 7:00 PM.

SITE WALK:

Andy, Aaron and Wendy attended the site walk for Nathan Chasse.

PUBLIC HEARING:

Andy opened the public hearing for Nathan Chasse's conditional use permit for a bakery at his home on 79 Patterson Rd. at 7:02 PM. Andy asked Nathan to give a brief overview of their plans for the bakery.

Nathan stated that they planned a bakery in a separate room segregated from their home and were going to make cookies, muffins, bagels, jams and jellies for sale.

Andy stated that the Board attended a site walk prior to the meeting and he asked the Board and the audience if they had any questions or concerns, hearing none he closed the public hearing and asked if they should proceed to the review so the Chasse's could go home to their children.

Wendy asked Nathan if they were on Facebook and did they have a web site.

Nathan stated that on Facebook just type in Sweet and Savory Maine and the web site is the same Sweet and Savory Maine.webs.com.

Aaron stated that before proceeding with the review he was making a motion that the Chasse's business falls under an at home business not requiring a conditional use permit.

Andy stated that this was discussed earlier and he briefly spoke to the code officer, Norm Hutchins and Norm feels that they would be selling from their home in addition to selling off premise and their business falls under a retail business in the RFF District.

Aaron read the definition for an at home business on page 5 of the zoning ordinance and that this type of retail sales, on premises, did not require a permit.

Andy asked Wendy to see if Norm could come in and speak to this issue; he stated that he feels that the Chocolate House's conditional use permit dealt with the same issue.

Aaron stated that the Chocolate House business required more than 20% use of the home and she had two kitchens.

Andy asked Nathan if their oven was commercial or residential.

Nathan stated they have two ovens, one electric and one gas and they are both residential units.

Aaron stated that he was familiar with those that established the at home business ordinance and this business was exactly what they were thinking of when they worded the at home business definition as they did.

Norm came in and stated that under the land use chart in the RFF district a retail business requires a conditional use permit.

Aaron again read the definition for an at home business.

Norm stated that there appears to be an issue that needs more clarification with two things saying different things..

Aaron stated that when a business occupies more than 20% of the home he feels a permit is required like the Chocolate House did, also she has a commercial kitchen as well as her home kitchen, she is using over 20% of the home for the business.

Norm stated that if Aaron is basing this on the 20% usage he has no problem with this.

Andy asked if there was a second to Aaron's previous motion, Wendy seconded the motion and the vote was unanimous 4-0 in favor.

Aaron stated that the Chasse's should get their \$250.00 fee returned.

Andy stated that he was getting to that and he would instruct the Secretary to have their fee returned.

Nathan stated he is licensed through the State as an at home kitchen, if we catered we would be required to get a commercial license we also cannot sell meat items.

Andy stated if there is an expansion of the business they need to come back to the Board.

Norm stated that they need a Home Business Permit.

Andy asked if the Chasse's could get this tonight and Norm stated yes.

CORRESPONDANCE:

The Board received two letters one from Mary Harkins and one from Christine Sears, both referring to Forum questions.

WALK-INS:

Ron Nevers presented the Board with one copy of a Conceptual Plan (Sketch Plan) for a 7-lot major subdivision on Dole's Ridge Road. Mr. Nevers stated that Bob Richardson, Road Commissioner, had worked with him on driveway locations.

Andy stated that those driveways would be shared rather than one for each of the 7-lots.

Ron stated that the Road Commissioner was pleased with this concept.

Aaron asked about soils tests and septic tank designs.

Ron stated that there will be a test and design for each of the lots.

Aaron stated that the Board may require high intensity soils and when would the lots be pinned.

Ron stated that this would be done for the Preliminary Plan.

Aaron asked if the subdivision has a name.

Ron stated that they are in the process of establishing a new corporation and the name will depend on the name of the corporation that is approved by the State.

Aaron stated that for the time being then it will be known as the Nevers Subdivision on Dole's Ridge Rd.

Andy stated that he would give the Nevers a copy of the checklist of things that need to be completed for the Preliminary Plan so that both the Board and the Nevers would be on the same page.

Aaron motioned to accept the plan as the Sketch Plan for the Nevers Major Subdivision on Dole's Ridge Road, Wendy seconded the motion.

Vote 4-0 In Favor

The Board has a lengthy discussion about the December and January schedules and decided that there would be no workshop in December and set December 17th at 3:30 for a site walk for the Nevers subdivision. Mr. Nevers would be at the site walk to answer any questions the Board Members might have.

Aaron stated that the public hearing should be set for the January meeting on January 21st.

Mr. Nevers asked if they needed to notify the abutters, there may be only one or two.

Andy stated the abutters would be notified by the Secretary.

Mr. Nevers stated that the deed will be in the name of the new corporation by then.

Aaron asked if they have a copy of the procedure and he briefly went over some of the requirements including that the ordinance requires 3-copies of the Preliminary Plan and all other requirements need to be completed before going on to the next phase, make sure they go by 7.1.3 – 7.1.4 and have the Secretary mail this to them.

MINUTES:

Wendy motioned and Aaron seconded the motion to accept the minutes for October 15, 2014 as presented.

Vote – 4-0 In Favor

OLD BUSINESS:

Andy reported that he felt that the first Forum went well and his opinion is that a second one should be scheduled, maybe the end of January; Howard was heading this up and we should move forward with this in the next couple of months.

Wendy asked about getting the Waterboro Town Planner and Andy stated not at this time.

Ilene stated that the Businesses were going to get together to get some of the new businesses instead of Waterboro and Cornish getting them all; the Businesses need to make this happen.

Wendy stated that a group including Diane Snow, Shelley Burbank and others are working on something.

Wendy reported on a new committee, the Rural Active Living Concept Committee including Cindy Smith, Gil Harris, Shelley Burbank, and Wendy will work with a woman to observe the town's characteristics, inventory, areas for physical activities like lakes, and possible bike paths. This study can be used by Groups as information in applying for grants, the study will be housed in the Library. After a lengthy discussion it was decided that this would be a good tool for grants but that the Planning Board should come up with another survey like the one discussed at the Forum.

Ilene stated that she feels we should go ahead with our own survey.

Andy will get with the Secretary to see if there is money to support copying and mailing it to townspeople.

Andy asked if the Board had anything else to discuss.

Aaron stated he had been looking over the Nevers Sketch Plan and there is a mistake, the square foot area for a lots should be 62,500 sq. ft. and the plan under the notes reads 62,000 probably a typo also the Board needs to research what is the normal request for contour intervals for a major subdivision.

NEW BUSINESS:

Mr Melanson and others in attendance asked the Board how they should proceed to have the Business lots on Carroll Lane changed from Business to Residential Farm and Forest.

Andy stated he believes the Subdivider needs to do a subdivision revision.

Aaron stated that maybe it would be possible to have a citizens petition to rezone those lots but RFF does not make sense maybe Residential in his opinion.

There was discussion on the background leading up to making the Business Zone 1,000 ft. back from Washington Street years ago.

The above two suggestions were given as possibilities to Mr. Melanson's question after which time the Planning Board may then become involved.

Andy asked for a motion to adjourn, Wendy motioned and Aaron seconded the motion to adjourn.

Vote 4-0 In Favor

ITEMS PENDING:

1. Rte. 5 Changes to zone.
2. Changes to Land Use Chart
3. Changes to 16- Conditions
4. Private Driveways
5. Roads and Road Frontage

REMINDERS:

- There will be a site walk for Nevers Subdivision Doles Ridge Rd. on December 17th at 3:30 PM.

Respectfully Submitted,

Joanne L. Andrews, Secretary

LIMERICK PLANNING BOARD – Approved November 19, 2014

Minutes October 15, 2014

Andrew Ivey, Wendy Farrand, Ilene Dashner and Howard Burnham were present, Aaron Carroll was absent.

Andy opened the meeting at 7:00 PM.

SITE WALK:

Andy, Howard and Wendy attended the site walk for Shawn Shoemaker

PUBLIC HEARING:

Andy opened the public hearing for Shawn Shoemaker's renewal of a past conditional use permit Tax Map 49 Lot 8 19 Foss Road, Limerick at 7:02 PM.

Both the Fire Chief and Road Commissioner have been to the property and submitted the forms. Shawn stated he was surprised to realize that the conditional use permit did not stay with the property but with the property owner; he had previously sold the building and then bought it back and in other town's he deals with the permit runs with the property unless there is a change in use at which time a new permit is applied for.

Andy stated that this is the way it has always been in the past.

Shawn Shoemaker gave an overview of what he is continuing to do at the property, he currently has a church holding services in the hall and he continues to deal with his antique autos in the building.

Shawn had a suggestion to make about the upcoming forum and stated that he feels that the conditional use permits should run with the property not with the owner, he feels this is bad for businesses operating in town or planning to operate a business in town.

Hearing no additional comments or questions from those in attendance Andy asked for a motion to close the hearing. At 7:09 PM. Howard motioned and Wendy seconded the motion to close the public hearing.

Vote 4-0 In Favor

And went directly into the review of the permit for Mr. Shoemaker.

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; Howard motioned and Wendy seconded the motion that this condition has been met.

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; Howard motioned and Wendy seconded the motion that this condition has been met.

Vote 4-0 In Favor

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

Vote 4-0 In Favor

4. Will not result in significant hazards to pedestrian or vehicular traffic or significant traffic congestion; Howard motioned and Wendy seconded the motion that this condition has been met.

Vote 4-0 In Favor

5. Will not result in significant fire danger; Howard motioned and Wendy seconded the motion that this condition has been 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; Howard motioned and Wendy seconded the motion that this condition has 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; Howard motioned and Wendy seconded the motion that this condition has been 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; Howard motioned and Wendy seconded the motion that this condition has been 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; Howard motioned and Wendy seconded the motion that this condition has been met.

Vote 4-0 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; Howard motioned and Wendy seconded the motion that this condition has been met.

Vote 4-0 In Favor

11. Makes adequate provision for disposal of wastewater or solid waste and for the prevention of ground or surface water contamination; Howard motioned and Wendy seconded the motion that this condition has been met.

Vote 4-0 In Favor

12. Makes adequate provision to control erosion or sedimentation; Howard motioned and Wendy seconded the motion that this condition has been met.

Vote 4-0 In Favor

13. Makes adequate provision to handle storm water run-off and other drainage problems on the site; Howard motioned and Wendy seconded the motion that this condition has been met.

Vote 4-0 In Favor

14. Provides for a water supply that will meet the demands of the proposed use; Howard motioned and Wendy seconded the motion that this condition has been 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; Howard motioned and Wendy seconded the motion that this condition has been 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; Howard motioned and Wendy seconded the motion that this condition has been met.

Vote 4-0 In Favor

SPECIFIC CONDITIONS OF APPROVAL: Ongoing unless change in use.

Andy stated that this permit has been approved and will be ready for signing at the meeting next month.

Andy stated that Ron Nevers was scheduled but the survey for his subdivision has not been finished and he will be moved to next month's meeting.

WALK-INS:

Nathan Chasse and his wife of 79 Patterson Rd. Tax Map 52 Lot 13 is applying for a conditional use permit to operate a Bakery Shop, open to the public, at his home at the above address. Nathan stated they have been selling wholesale and attending Farmer's Markets all summer; and they have already been licensed by the State of Maine to operate this business, he plans to use the front room in their home for this use selling baked good, bagels, breads, English muffins, jams, jellies, pickles and other homemade goods and will also have items paid for through "the honor system".

The Board set the following Dates:

Wednesday November 5th for their workshop.

Wednesday November 19, 2014 at 6:15 P.M. a site walk for Nathan Chasse and a public hearing at 7:00 P.M. that same evening.

CORRESPONDENCE:

No correspondence.

MINUTES:

Howard motioned and Wendy seconded the motion to accept the minutes of September 17, 2014 as presented.

Vote – 4-0 In Favor

ITEMS PENDING:

1. Rte. 5 Changes to zone.
2. Changes to Land Use Chart
3. Changes to 16- Conditions
4. Private Driveways
5. Roads and Road Frontage

The Board went on to the Joint Hearing with the Board of Selectmen.

JOINT PUBLIC HEARING:

Andy opened the joint public hearing with the Board of Selectmen regarding the Back Lot Ordinance that will appear on the town ballot on November 4th.

Andy read the proposed Back Lot Ordinance as it appears on the Town of Limerick Warrant for the November 4, 2014 election.

Michael Moulton, taxpayer, stated he owns a back lot and he came to the Board's workshop several months ago. In talking with Howard in the past it was agreed that his lot met all the qualifications. Years ago Michael stated he went before the Selectmen and at that time if you has a 50 foot right of way to a back lot and you could create a driveway with a total of 175 foot frontage this would create a buildable lot, that is why he purchased this lot, he also does not own this right of way but has the right to make improvements. Owning the square footage of the right of way in this proposal may make his a non-buildable lot because he does not own the right of way. When he spoke at the last public hearing he had suggested that the ordinance start from the date of the approval and other property including his would be grandfathered, this apparently is not in this proposal.

Andy and the other board members went in to a lengthy discussion concerning different situations that may occur where this ordinance may be helpful and also discussed Mr. Moulton's problem that may occur. It was suggested that Mr. Moulton discuss this

situation with Norm Hutchins, code officer and see if this ordinance would affect Mr. Moulton's lot.

FR Carroll Sr. asked the Board what standards will be used in the construction of these driveways. There was a lengthy discussion between Frank and the Board and the fact that the Town only has road standards in place for subdivisions, not driveways. There was additional discussion with someone in the audience who did not go to the podium and whose presence could not be determined.

Brad Libby a resident and taxpayer also had back and forth discussions with the Board and is concerned about a lot abutting his home; he noted that the road standards and setbacks are not in place at this time, thus giving no protection to abutting property owners as to setbacks and possible drainage issues created by the driveway being built with no standards.

Scott Nutting also has concerns about snow being plowed on the abutting property and not being addressed in this proposal.

Howard stated that the Board knows there are problems with this ordinance but the ordinance could be written many times and still not be correct, this ordinance can be amended as necessary.

Denise Carroll asked if this proposed ordinance was on the web site, she did not recall seeing it there.

More lengthy discussion continued with more concern about those issues being discussed. It was asked if the code officer was in agreement and Howard stated that this has been discussed at many workshops and the board meetings are always open to the public; this is why we are having the upcoming Forum to discuss ways to improve communication.

Selectman Dean LePage said that either the voters can vote it down and have it come back with improvements or vote it in and immediately pass amendments.

The Board adjourned the meeting at 8:09 P.M. and the first Public Forum Meeting was started.

FORUM:

The question came up as to how the town's population may have increased since the 2000 census; in 1970 the population was 963, in 2000 it grew to 2,240 and in 2010 it had increased to 2,892.

Wendy stated that after the forum gets underway the Board will keep track of ideas.

Howard presented the power point presentation covering the following:

- Purpose
- What do we want to accomplish?
- The process

A previous Comprehensive Plan Survey done in 2001 was handed out for the audience to review and Howard went through the results of that survey. It was determined that between 2000 and 2010 the population has increased by 650 people so it would be interesting to see how people back in 2001 answered the survey questions.

Because the Forum was so lengthy the results of the first public forum, which was attended by many residents and business owners, including those discussions, questions and ideas presented during the forum will be available for viewing online through Saco River Cable TV (SRCTV.org) go to Planning Board Video Minutes for October 15, 2014 see and listen to the First Public Forum right after the regular meeting and public hearings end.

REMINDERS:

- There will be a site walk for Nathan Chasse at 6:15 PM on November 19th followed by:
- A public hearing for Nathan Chasse at 7:00 PM November 19th followed by:
- Regular Monthly Business immediately following the Chasse public hearing.
- Review of the Chasse Conditional Use Permit.

Respectfully Submitted,

Joanne L. Andrews, Secretary

LIMERICK PLANNING BOARD — Approved October 15, 2014

Minutes September 17, 2014

Andrew Ivey, Wendy Farrand, Ilene Dashner and Howard Burnham were present, Aaron Carroll was absent.

Andy opened the meeting at 7:00 PM.

WALK-INS:

Shawn Shoemaker Map 49 Lot 8 on the Foss Road for a conditional use permit.

Andy asked that the Board set the dates for the Shoemaker site walk and public hearing so as not to hold up Mr. Shoemaker. Andy asked Mr. Shoemaker what he wanted to do and what he is trying to accomplish.

Mr. Shoemaker responded that he had a permit in the past, he sold the property and has recently purchased it back and was told by code enforcement that he needed to obtain a new permit.

Andy stated that the Board has the application and they need to set the dates for site walk and hearing; the Board set the site walk for the same day as the public hearing, the next meeting is Wednesday October 15th, is 6:30 OK.

Howard suggested that the site walk should be set for 6:15 to give a little more time before the meeting at 7:00.

Andy asked the applicant if the 15th at 6:15 is OK and then they will proceed to the meeting for the public hearing after the site walk.

Mr. Shoemaker responded, yes that is fine.

CORRESPONDENCE:

Andy referenced copy of a letter to Norm Hutchins, code officer from Jensen. Baird .Gardner. Henry, dated August 21, 2014 pertaining to the issues concerning the retained easement by the Carroll's from Carroll Lane to their remaining property that has been sold to James and Julianne McLean and Stephen McLean. Attorney Natalie Burns finding that the right of way is 60 feet in width for total length of 880.02 feet and does not contain a turnaround.

Wendy informed Andy that Ray Bishop was in attendance as a walk-in and had a question.

Andy asked Ray to step to the podium.

Ray stated he has property on Watson Hill Rd. Map 11 Lot 4-1, 7.9 acres that he has purchased next to his home on Map 11 Lot 4-2, 4 acres. His reason for purchasing the 7.9 acre lot is to give it to his two children and he intends on splitting it. He is aware that these lots are part of an old subdivision and his question is what he needs to do to if I split this lot, what frontage they will need to build on these lots.

Howard stated that if this is an old subdivision he didn't remember there being a 7.9 acre lot. Ray explained that this lot was combined with Steve Manchester's (the abutter) property and became part of that 50+ acre property. The tax maps showed that this lot was part of the Manchester's property but it was never deeded together, it was purchased separately by the abutting Manchester's.

Howard stated that the problem is that 4-1 does not have enough road frontage to split the lot but this is being addressed with a proposed new ordinance. This new Back Lot Ordinance would allow a private road to be access to a back lot but without this ordinance you couldn't split this lot. The Board will be voting tonight to move forward with this back lot proposal.

Andy stated that in addition this is part of a subdivision and would require a subdivision revision to divide that lot.

The secretary advised the Board that the original developer is deceased.

Andy stated that would then require an approval of the lot owners within the subdivision as this lot is part of the original subdivision but will also require the Back Lot Ordinance is approved by the voters. Andy asked if this is something that Ray needs to see done right away.

Ray stated no there is nothing pending right now.

Andy stated that Ray should get back to the Board after the vote in November and they will move forward with it if the ordinance passes.

Andy stated back to **Correspondence:**

The Board has a poster from Howard Burnham concerning the proposed Public Forum. Andy asked if the Board could proceed with the agenda and table this to the end of the meeting for discussion, Howard answered yes.

MINUTES:

Howard motioned and Wendy seconded the motion to accept the minutes of July 16, 2014 and August 20, 2014.

Vote – 4-0 In Favor

OLD BUSINESS:

There was a brief discussion about finalizing the individual proposed changes to the Land Use chart to be discussed at the next workshop along with the Back Lots ordinance.

Andy stated that Howard should proceed with the discussion of this as his proposed forum may impact any proposed changes to the Land Use Chart.

Howard stated that is going over the chart and discussions with Wendy they decided to propose the forum hoping to get input from the public as to any suggestions to changes in the chart before the Board proceeds with any recommendations. These suggestions should come from not only the public but from business owners; do people want to see more small businesses or not. If the people don't want to give suggestions at least we would have tried; all we are looking for is ideas or concerns.

Ilene stated her concerns and she stated she believes there should be some guideline to be followed, an open forum bothers me she stated, the word open, there needs to be some guidelines to be followed and I feel that we should hold these forums either once or maybe twice but they should not be ongoing.

Howard stated there would be no arguing what we will be asking for is ideas on what people would like to see happening to their town in the future. I will have a power point presentation and as the ideas are presented we will add these ideas to the presentation so we have them correctly worded. Howard stated that no more than two sessions will be needed and maybe only one will be enough; when we see our businesses moving or businesses closing we need to do something. We need to change the attitude toward businesses. Howard referred to a survey conducted by the Town in 2001 in working on the comprehensive plan, he stated that these questions could be used as questions asked as part of the forum and would be interesting to see if people feel the same as they did in 2001. We have laughed in the past about certain businesses that would not be good for the Town and I would rather see an ordinance that says some businesses should be prohibited as not being good for the Town rather than being accused of not planning well, why we have not planned better.

There was conversation from the audience that could not be heard.

Andy stated that he is also concerned about calling it an open forum, I would like to see us come up with a list of questions like the ones asked in the 2001 survey.

There was more discussion about what businesses we have lost or may be lost when certain properties are sold. Wendy stated that maybe people don't want to see downtown hopping, maybe they want it to stay just the way it is; giving people an opportunity to express ideas that we may not even think of is what we need to do. We need to ask questions like "In what ways can we add businesses to create a better tax base."

Ilene stated, I think we need to have a planning forum and ask the questions we want to get answers for.

Andy stated that Aaron sent me an email and said he would be unable to attend tonight's meeting, he also has concerns about an open forum; Andy read Aaron email stating his concerns about doing this at this time.

There was discussion about the public not having to go to the podium.

Andy stated that we really need a questionnaire or a structure to follow.

Howard stated that people come in to Town to start a business and are hit with needing a Conditional Use Permit so they say "the heck with it we'll go to Cornish or Waterboro", we need to address these things to gain more businesses.

Ilene stated that her fear is that without structure the meeting may turn out to be a free for all and she is willing to go along with one meeting to see how it goes, if all goes well then we can look at another meeting.

Wendy stated she thinks this is a good idea and a valid suggestion.

Andy asked how quickly we should have this, can we look at this at our next workshop. The problem I have is the hearing of the same topics that we face at each workshop, at each meeting the same topic keeps arising, the Selectmen's meetings have been increasingly bad and I don't want to see our meetings turn in to the same ongoing problems as the Selectmen have faced in the past. What if we take the first meeting, take this survey and ask these questions at the end of this meeting ask what questions are missing beyond these questions.

The discussion kept ongoing and at the end it was decided to ask the same general questions as were asked in the 2001 survey and to go over these in the next workshop, this meeting will not be to debate but to be a meeting to get ideas and expand on these ideas.

The question came up as to how the town's population may have increased since the 2000 census. The Board asked the Secretary to find out how the population has increased since 2000.

Howard will take the survey and put those questions on power point and then see how to proceed from there; Howard stated I will bring that power point presentation to the workshop and we can go over it then. It was then asked to those listening at home to send questions or ideas to the members, their email addresses are on the town website.

A motion was made by Howard to have a Public Forum; we will fine tune the questions at the workshop and then have the forum at the next regular October meeting.

Ilene suggested to call this a Public Planning Forum, all agreed.

Wendy suggested to change the wording on the flyer that will be advertised in the Shopping Guide, changes were made, Wendy will email the Public Planning Forum ad to the secretary to be distributed and advertised. Andy asked that Wendy put his email address on the flyer so people can email him and set the time as 7:00PM.

Howard motioned, based on above conversation, to go ahead with the forum, motion seconded by Wendy.

Vote 4-0 In Favor

There was a discussion concerning the change in zoning on a portion of Main Street from Residential to RFF, as it is now the Business zone stops at the park, becomes Residential for a short way and then beyond Greg LePage become RFF. There was also discussion concerning possibly changing the zoning on School St by expanding the Business Zone. Public hearings will be held and may be put on the ballot for March town meeting.

REMINDERS:

- There will be a workshop to discuss the structure for the Public Planning Forum, Wed evening October 1st at 7:00 PM
- There will be a site walk for Shawn Shoemaker at 6:15 PM on October 15th followed by:
- A public hearing for Shawn Shoemaker at 7:00 PM October 15th followed by:
- A joint public hearing with the Selectmen on the proposed Back Lot Ordinance followed by:
- Regular Monthly Business meeting followed by:
- Public Planning Forum.

ADJOURNMENT:

Howard motioned and Wendy seconded the motion to adjourn the meeting.

Vote 4-0 In Favor

Respectfully Submitted,

Joanne L. Andrews, Secretary

LIMERICK PLANNING BOARD
Minutes August 20, 2014

Andrew Ivey, and Howard Burnham were the only ones present so the meeting could not proceed due to the lack of a quorum. Next meeting September 17, 2014.

CORRESPONDENCE:

Andy referenced an FR Carroll letter to all departments from Carroll's attorney John L. Elmen with Beagle, Steeves and Ridge, LLC dated June 27, 2014 pertaining to the issues discussed this evening.

OLD BUSINESS:

1. The Board signed the Findings of Facts for Diane Snow's conditional use permit.
2. There was a brief discussion about finalizing the individual proposed changes to the Land Use chart to be discussed at the next workshop along with the Back Lots ordinance.
3. Shawn Shoemaker was tabled and Andy asked the secretary to mail him a letter letting him know he is on the agenda for the August meeting.
4. Table all additional pending changes until the next workshop.
5. Someone in the audience asked about definitions to go along with the Land Use Chart and Andy stated that he has some definitions to go along with suggested changes and this is something the Board needs to keep in mind when making changes to the chart.

REMINDERS:

ADJOURNMENT:

Respectfully Submitted,

Joanne L. Andrews, Secretary

LIMERICK PLANNING BOARD – Approved 9-17-14

Minutes July 16, 2014

Andrew Ivey, Aaron Carroll, Wendy Farrand and Howard Burnham were present, Ilene Dashner was absent.

Andy opened the meeting at 7:00 PM.

WALK-INS:

The Nevers addressed the Board; they own a lot on Doles Ridge Road and want to create a 7-lot subdivision.

Andy asked for the map and lot number and because Mr. Nevers was not at the podium this secretary could not ascertain the map and lot number involved. Mr. Nevers also showed a plan to the Board.

Mr. Nevers stated that his surveyor, Joe Stanley, told them that they can sell one lot before creating the subdivision; some Board members felt that this lot should also be part of the subdivision.

Aaron stated that either way this will be a major subdivision and he also stated that the Road Commissioner will also have to be involved concerning that number of driveways entering on to the town road. Aaron stated that if the Board went to all this work and then found out the Road Commissioner had a problem with that many driveways or site distances it would be better to find that out in the beginning. Aaron also stated that a major subdivision may also require a high intensity soils survey; individual lot soils tests do not indicate a high intensity soil study.

Andy stated that the Board had no information as to what the Nevers wanted to do and therefore they will be placed on the agenda in August; this will give the Board a chance to review major subdivision requirements as the Board had not done a major subdivision in awhile.

Aaron stated he also had a question about the lots Mr. Nevers stated he was going to give his daughters, should those lots be included on the plan.

Howard stated that they should get an application for a major subdivision from the secretary.

Aaron also stated they should talk with the Bob Richardson, Road Commissioner.

Shawn Shoemaker was next on the agenda and was not present at the meeting. Andy asked the secretary if there was any correspondence with Mr. Shoemaker and the secretary stated no. Andy tabled Mr. Shoemaker's application and reschedule him for the August meeting.

F.R. Carroll Sr. addressed the Board concerning a right of way off of Carroll Lane. Frank stated that in 2010 his mother did a subdivision revision for the subdivision along Carroll Lane. Frank stated that the Code Officer is confusing the subdivisions and is not going by the revised plan.

Andy asked what plan the Code Officer is using; is he going by the original subdivision plan before the revision.

Frank stated yes, he is going by the original subdivision without the revisions. He stated the code officer was blaming the Planning Board for the road on the plan not being named.

Andy asked what road Frank was talking about and Frank stated the easement.

Andy asked if Frank was referring to Christmas Tree Lane.

Frank stated that his mother gave 4-lots and easement over this road that was an old woods road back in the 1950's; these lots were so steep on the Carroll Lane frontage that his mother gave an easement on the back side of the lots for easier access. Frank stated there has been an ongoing problem with this 60-foot easement and the turnaround shown on the plan and the extra width on the road frontage. Frank stated that the code officer is not using the revised plan.

Andy stated that he should be using the revision plan.

At that point Norm Hutchins code officer came in to the meeting and Andy asked him what plan he is using.

Norm stated the plan he is using is 2009, there is no road named. Norm stated that any road shown on a plan has to be approved by the road commissioner and he indicated that if there is 3-lots using that road then it has to have a turnaround for emergency vehicles. The secretary gave the Board both the 2009 original plan and the 2010 revised plan to review. Both Frank and Norm joined the Board at the table and there was a lengthy discussion concerning the right of way shown on the revised plan.

Howard asked Frank what is the concern he has for that road. Frank stated that he had put up a sign on the road and it was taken down and the land owner put up a new sign.

Howard asked who was paying the taxes on the right of way. There was another lengthy discussion concerning Frank's issues and it was finally determined after reviewing the deed from the Carroll's to the MacLean's that the MacLean's own the right of way and according to the deed received by the MacLean's there is no mention of an extra 141 foot width at the entrance of the right of way, only mentioning the easement being 60 foot wide and there is also no language concerning retaining rights to the turnaround as shown on the plan.

After reviewing the deed Howard stated that he felt this is not a planning board issue. The Board also discussed the naming of the road and also felt that the MacLean's owned the right of way and having ownership of the road had the right to name the road for E911 purposes.

Steve Maclean was also present during this conversation and asked to approach the Board.

Andy asked Steve to be brief as the Board had discussed this for a long time and needed to move forward with the agenda.

Steve stated that the parties had met with the surveyor, Scott Metcalf as short while ago and it was determined that it was intended to show that right of way as an approved road but that never happened it was deeded to him as a 60-foot right of way and that is what it is, what was intended never happened. Steve went on to say that he had erected a gate on the right of way and as everyone in town knows that gate was torn down so I had a surveyor come down and had two attorneys look at the description and it is in plain English a 60-foot right of way; there also is no mention of a hammerhead at the end of

the right of way. There was more discussion concerning other issues between the parties concerned.

Aaron stated that he does not believe the Planning Board was involved with the right of way given to previous lots deeded by the Carroll's; it is shown on the plan but was labeled as a right of way, 60-feet wide.

At the end of this discussion it was determined that even if the intent was to widen the frontage on Carroll Lane to 140-feet that the deed was not written that way and the deed description is what prevails.

CORRESPONDENCE:

Andy referenced an FR Carroll letter to all departments from Carroll's attorney John L. Elmen with Beagle, Steeves and Ridge, LLC dated June 27, 2014 pertaining to the issues discussed this evening.

MINUTES:

Howard motioned and Aaron seconded the motion to accept the minutes of June 18, 2014.

Vote – 4-0 In Favor

OLD BUSINESS:

1. The Board signed the Findings of Facts for Diane Snow's conditional use permit.
2. There was a brief discussion about finalizing the individual proposed changes to the Land Use chart to be discussed at the next workshop along with the Back Lots ordinance.
3. Shawn Shoemaker was tabled and Andy asked the secretary to mail him a letter letting him know he is on the agenda for the August meeting.
4. Table all additional pending changes until the next workshop.
5. Someone in the audience asked about definitions to go along with the Land Use Chart and Andy stated that he has some definitions to go along with suggested changes and this is something the Board needs to keep in mind when making changes to the chart.

NEW BUSINESS:

The Board set the workshop date at August 6th at 7:00 PM and the next regular meeting will be August 20th at 7:00 PM.

LIMERICK PLANNING BOARD – Approved July 16, 2014

Minutes June 18, 2014

Andrew Ivey, Aaron Carroll, Ilene Dashner, Wendy Farrand and Howard Burnham were present.

PUBLIC HEARING:

Andy opened the meeting at 7:00 PM. With the Public Hearing for Diane Snow Map 32 Lot 5A.

Andy asked Diane to give a brief description of her proposed art and antiques gallery.

There were no questions or concerns from either the Board or from the Public in attendance.

Andy went on to the Review of the 16- Conditions.

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;

Howard motioned and Wendy seconded the motion that this condition has been met.

Vote 4-0 In Favor with Ilene abstaining

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 motioned and Howard seconded the motion that due to the nature of the business this condition will be met.

Vote 4-0 In Favor with Ilene abstaining

3. Will not have a significant adverse effect on adjacent or nearby property values;

Howard motioned and Wendy seconded the motion that this condition has been met.

Vote 4-0 In Favor with Ilene abstaining

4. Will not result in significant hazards to pedestrian or vehicular traffic or significant traffic congestion;

Discussion: Andy stated that Diane has a parking area adjacent to the house and Diane stated yes she has the 10 required spaces and much more than that for parking.

Aaron asked about the Road Commissioner's approval and Diane stated she had given Bob the paperwork and he had signed off on it.

Aaron motioned and Wendy seconded the motion that based on the information provided by the Applicant and the approval by the Road Commissioner this condition has been met.

Vote 4-0 In Favor with Ilene abstaining

5. Will not result in significant fire danger;

Discussion: Andy asked if the Fire/EMA Report had been signed by the Fire Department. Diane stated yes the form had been signed.

Aaron motioned and Howard seconded the motion that based on the information provided by the Applicant and the letter signed by the Fire Chief, this condition has been met.

Vote 4-0 In Favor with Ilene abstaining

6. Will not result in significant flood hazards or flood damage, drainage problems, ground or surface water contamination, or soil erosion;

Aaron motioned and Howard seconded the motion that due to the nature of this business this condition is not applicable.

Vote 4-0 In Favor with Ilene abstaining

7. Will not create a safety hazard because of inadequate access to the site, or to the buildings on the site, for emergency vehicles;

Howard motioned and Wendy seconded the motion that this condition number 7 has been met.

Vote 4-0 In Favor with Ilene abstaining

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;

Howard motioned and Wendy seconded the motion that number 8 has been met.

Vote 4-0 In Favor with Ilene abstaining

9. Makes provisions for buffers and on-site landscaping, which provides adequate protection to neighboring properties from detrimental features of the development;

Aaron motioned and Howard seconded the motion that since this business is primarily inside this condition has been met.

Vote 4-0 In Favor with Ilene abstaining

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;

Howard motioned and Aaron seconded the motion that number 10 has been met.

Vote 4-0 In Favor with Ilene abstaining

11. Makes adequate provision for disposal of wastewater or solid waste and for the prevention of ground or surface water contamination;

Discussion: Aaron asked the Applicant if she has a rest room. Diane stated yes, she has a rest room it is directly off of the second gallery space.

Aaron motioned and Howard seconded the motion that based on the information provided by the Applicant this condition will be met.

Vote 4-0 In Favor with Ilene abstaining

12. Makes adequate provision to control erosion or sedimentation;

Aaron motioned and Howard seconded the motion that this condition does not apply

Vote 4-0 In Favor with Ilene abstaining

13. Makes adequate provision to handle storm water run-off and other drainage problems on the site;

Aaron motioned and Howard seconded the motion that this condition does not apply due to the nature of the business.

Vote 4-0 In Favor with Ilene abstaining

14. Provides for a water supply that will meet the demands of the proposed use;

Howard motioned and Wendy seconded the motion that this is not applicable.

Vote 4-0 In Favor with Ilene abstaining

15. Makes adequate provisions for the transportation, storage and disposal of hazardous substances and materials as defined by State law;

Discussion: There was a brief discussion concerning paint materials but Aaron stated the Board is reviewing the gallery not the art studio area, so this does not apply to this permit.

Aaron motioned and Howard seconded the motion that this condition has been met based on the information provided by the Applicant.

Vote 4-0 In Favor with Ilene abstaining

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;

Aaron motioned and Howard seconded the motion that this condition does not apply due to the nature of the business.

Vote 4-0 In Favor with Ilene abstaining

Aaron motioned and Howard seconded the motion to grant the conditional use permit.

Vote 4-0 In Favor with Ilene abstaining

SPECIFIC CONDITIONS OF APPROVAL:

No Special Conditions will be on going unless changes are made to the business.

WALK-INS: None Scheduled

Andy stated that as a reminder that any and all business to be heard by the Board needs to be in the Planning Board Office at least two weeks prior to the monthly meeting which is on the third Wednesday of each month.

CORRESPONDENCE:

1. Saco River Corridor notice "Intent to File an Application" by Applicant Colin Paterson Map 45 Lot 75 to construct an access road from Waycross Way to a proposed building, power, septic system for a single family home.

MINUTES:

Howard motioned and Aaron seconded the motion to accept the minutes for May 21, 2014.

Vote 5-0 In Favor

OLD BUSINESS:

Aaron stated that the first item concerning Michler/Kilday be tabled and considered a Code Enforcement issue as there is nothing the Board needs to deal with at the present time.

Andy stated that at the June 4th workshop they talked about the Land Use Chart which they will continue to work on this issue.

The Sludge Ordinance was discussed and has been tabled, Aaron stated that this was brought to the Board's attention by the Code Officer; the State now has laws that cover this. Someone in the audience spoke but the discussion was not recognizable as they did not go to the podium to be recognized.

Andy stated that Howard had sent the members of some proposals for changes to the existing chart and all members will be making suggestions based on this proposal at the next workshop.

After a brief lively discussion between Howard and Andy, Howard will type up the proposal for changes to the Back Lot ordinance.

Andy also mentioned Private Driveways and Roads and Road Frontage which the Board will continue to work on. Andy also stated that his goal is to present the changes to the

Land Use Chart, Back Lots and Route 5 Zone changes for the November election and the Board will schedule public hearings in the near future.

Aaron stated that a lot of these issues need to go back to the CEO, he had brought several proposals to the Board and many of these will need to be worked on further and get updates from Norm before continuing.

Dean LePage asked if the Board has done anything on the changes to the Route 5 zones.

Howard stated that this is still being worked on and all that was needed was a description for the changes, the description will run with the lots not a specific depth.

Dean stated that when the Land Use Chart was originally established there were many public hearings, did the Board feel that this will be the same this time.

Andy stated that this will depend on the amount of input we get at the public hearing we never know it could take one public hearing or it could be ten.

Howard stated that these changes to the chart will allow for more business, there are a lot of areas on that chart right now that just stifles businesses; it nice to say we'll just rely on the Business Park but that just doesn't cut it as far as I'm concerned. The chart should be a work in progress and should constantly be worked on as well as the entire ordinance.

There was a lengthy discussion between Board members about making changes to the Land Use Chart and the proposal to have a new ordinance for Back Lots, lots being divided from larger lots and rights of way for those back lots.

Andy asked if there were any other issues to discuss.

Aaron stated that in setting a date for the next workshop if we have a short agenda for the next meeting could we have the workshop at that one meeting instead of having to meet twice in July.

Andy stated he didn't see a problem with that especially for the month of July have only one meeting and I think we may like to schedule a public hearing.

Howard and Aaron stated they thought it was going to take more meetings before scheduling public hearings.

Andy stated that July 16th would be a monthly meeting and then have a workshop on Back Lots, Rte 5 description and the Land Use Chart changes.

There was more discussion between Board members and people in the audience that could not be heard on the tape concerning the Land Use Chart.

REMINDERS:

There will be only one meeting in July – July 16th at 7:00 PM for a regular meeting and time permitting the Board will hold a workshop on the above discussed issues.

ADJOURNMENT:

Aaron motioned and Howard seconded the motion to adjourn the meeting.

Vote 5-0 In Favor

Respectfully Submitted,


Joanne L. Andrews, Secretary

LIMERICK PLANNING BOARD – Approved June 18, 2014

Minutes May 21, 2014

Andrew Ivey, Aaron Carroll, Ilene Dashner and Wendy Farrand were present, Howard Burnham was absent.

Andy opened the meeting at 7:00 PM. And asked for Diane Snow to present her proposal.

WALK-INS:

Diane Snow presented the Board with a brief overview of what she is planning for a retail gallery for the sale of art and antiques; the location is in her home at 705 Range E Road on Map 32 Lot 5A. The gallery will be held in two rooms in her home and will showcase her own art that she will preview on Friday May 23, 2014 and throughout the weekend. After receiving her Conditional Use Permit she will ask friends and fellow artists to participate.

The Board set the dates for site walk and public hearing on June 18th at 6:30 PM and 7:00 PM respectively.

Someone in the audience asked a question about why a conditional use permit was required.

Aaron explained it was outside of the business zone and required in the zone it is going to be located in.

Diane presented the secretary with Site Inspection Report signed by Bob Richardson and the Fire & Rescue Inspection Report signed by Michael McLean prior to the start of the meeting and the Secretary copied the forms for the Board.

Andy explained to the Board Members how they should set up a password for their roadrunner email account.

OLD BUSINESS:

Andy announced that the Michler/Kilday lot on Watson Hill has been deeded back from Kilday to Michler and the deed has been sent to the Town Attorney to verify that the problem has been resolved.

Code Enforcement Officer Norm Hutchins was in to speak with the Board concerning illegal changes to approved subdivisions, a discussion back and forth between Norm and the Board with the reasoning behind Norm sending the Michler/Kilday deed to the Town Attorney for approval; he is not sure that it was done properly and did put the lots back as in the original subdivision.

The **Secretary** stated that Marsha Michler told her she intends on placing a deed restriction on the lots that they cannot be further subdivided in the future and shall remain as Conservation Land. The **Secretary** stated that she believes if the deed described the two parcels in separate paragraphs that this would help with the problem.

The upcoming May 7th workshop was discussed and the Board will hope to finalize the proposed Back Lot Ordinance. There was discussion concerning other pending ordinances including repealing the Sludge Ordinance.

Discussion: **Jonathan Malmude** stated he was involved many years ago in drafting the Sludge Ordinance and why was the Board considering a proposal to repeal the ordinance.

Aaron stated he believes that the State now has laws that are stricter than the Town's Ordinance and better serve the issue.

Jonathan asked if **Aaron** believes that there are new State Laws that now covers Sludge.

Aaron stated yes he believes so.

Andy stated that the State Laws are stricter than the town's ordinance.

Aaron stated that Norm (CEO) came to the Board with proposals on changes to existing ordinances as well as new ordinances and this was one of his proposals, to repeal the Sludge Ordinance because State Law overrides the Town's ordinance. **Aaron** stated that he would like to see this dropped from the list of pending proposals on the agenda as the Board has more things pending that are more important.

Jonathan asked if it were brought up again could he be notified.

Aaron stated that there are always written notices in the Shopping Guide about upcoming public hearings.

Jonathan stated his concern is with medical waste and heavy metals.

Aaron motioned and **Wendy** seconded the motion to table, for the time being, the proposal to repeal the Sludge Ordinance.

Vote 4-0 In Favor

Andy stated there was also discussion about changes to the Route 5 Residential Zone and the Zoning Ordinance as a whole. The Town had attempted to address changes to the entire Zoning Ordinance several years ago but there was too much information all at once.

CORRESPONDENCE:

Forms from both the Road Commissioner and the Fire Chief concerning the Snow CU Permit at 705 Range E Rd.

MINUTES:

Aaron motioned and Wendy seconded the motion to accept the minutes for April 16, 2014 with a slight grammatical change.

Vote 4-0 In Favor

A group of several citizens came to observe the meeting and there ensued lengthy discussions with Board Members concerning the Town Zoning and the role the Planning Board has in proposing changes to the Ordinance and specifically the land use chart and what is allowed in various zones. The Board Members answered various questions asked by those observers in attendance, Steve Malmude, Ilene Bryant as well as Jonathan Malmude.

After these discussions Aaron asked if the Board can set an agenda for the workshops; the last workshop the Board did not accomplish much with questions being asked from those in attendance, discussions were all over the place.

Andy asked the Secretary to prepare an agenda for the workshops as well as the monthly meeting agendas.

NEW BUSINESS:

The Board set the following dates and times for the site walk and public hearing for Diane Snow's art and antique gallery:

Site Walk – 6:30 PM June 18, 2014 at 705 Range E Road.

Public Hearing – 7:00 PM June 18, 2014 before the start of the regularly scheduled monthly meeting in the Municipal Building Media Room.

June 4th at 7:00 PM workshop.

REMINDERS:

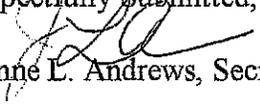
- Wednesday June 4th workshop with Back Lot Ordinance proposal, Route 5 Zone changes and other various issues before the board.
- Wednesday June 18th 6:30 site walk for Diane Snow Conditional Use.
- Wednesday June 18th 7:00 public hearing for Diane Snow proposal.

ADJOURNMENT:

Aaron motioned and Ilene seconded the motion to adjourn the meeting at 8:10 PM.

Vote 4-0 In Favor

Respectfully Submitted,


Joanne L. Andrews, Secretary

LIMERICK PLANNING BOARD- Approved May 21, 2014

Minutes April 16, 2014

Andrew Ivey, Howard Burnham, Aaron Carroll and Ilene Dashner were present, Wendy Farrand was absent.

WALK-INS:

Marsha Michler and Carolyn Kilday Map 11 Lot #5 violation of Land Use Laws under Title 30-A 4406. Norm Hutchins, CEO notified them on March 13, 2014 of violation.

Aaron asked that this be tabled until Norm Hutchins comes in to give the board some background information on this.

Andy stated that there was no problem in waiting for Norm; he has someone in the office with him at the moment.

CORRESPONDENCE:

Norm told the board that Jen Gerrish was coming in about a day care (over 8 children); she has not as yet notified the board.

Flood Risk Assessment information is available at the Selectmen's office.

WALK- INS continued:

Ilene Bryant stated that there are a lot of yellow signs posted around town on roads, there is one on Carroll Lane and dated May 1st. she is wondering what that is in regard too.

Andy answered stating that those are road posted signs put up by the road commissioner to eliminate road damage when the frost is coming out of the roads. This limits truck from travel if the temperature is above 32 degrees and is for the purposed of saving the roads from damage.

Ilene stated that is appears to be beyond JP Carroll fuel.

Andy stated that the posting begins from where the sign is posted and that the road being posted beyond the fuel depot is so that they can continue to make deliveries.

Ilene stated that she took a walk down Carroll Lane and it looks like there is another road coming off what she believes is the Christmas Tree trail and it seems to run parallel with the Hoyt Rd. and is being blocked with rocks.

Andy stated that is something for the code officer, the planning board would have nothing to do with that unless it was a subdivision.

MINUTES:

Howard motioned and Aaron seconded the motion to accept the minutes for March 19, 2014.

Vote 4-0 In Favor

Norm came in and went to the podium and Andy stated that Ilene Bryant has a question for him before the board continued with its agenda.

Ilene asked Norm about the road being blocked running parallel with the stream.

Norm stated that he didn't have any information concerning that question.

Howard asked Norm about some background on Michler/Kilday.

Norm stated it was brought to his attention and the question was asked as to how a lot in a subdivision could be split without going back to the planning board for a revision of the subdivision. Norm stated he checked it out and the lot was split without going to the planning board. They purchased a back lot and split the front lot (Lot 5) so that they both had access to half of the back lot they purchased; and therefore splitting that lot created a subdivision change.

There was much discussion between the board, Norm and the lot owners much of which was not discussed without going to the microphone and much could not be picked up by the microphone.

Marsha Michler presented the board with a letter from a former code officer, Steve Foglio stating that splitting Lot 5 did not create a subdivision, that letter was dated September 12, 2000; the subdivision was created in 1993.

There continued much discussion and Aaron stated that the letter from Foglio stated it was not an illegal subdivision by splitting the lot, but by splitting the lot the subdivision has been changed.

It was determined that by splitting Lot 5 then both lots only have about 125 feet of frontage and those lots are sub standard and if the right of way is to be used as frontage then the right of way has to be built to town standards so that both lots have 175 feet. It was finally determined that the right of way would have to be extended beyond the depth of Lot 5 and then extended to make the 175 foot frontage and a subdivision revision was needed.

Andy asked Norm if a subdivision revision was necessary and he stated yes.

OLD BUSINESS:

NEW BUSINESS:

REMINDERS:

- Wednesday April 2nd workshop with Route 5 Abutters and other various issues before the board.
- Wednesday April 19, 2014 is scheduled for the next meeting.

ADJOURNMENT:

Andy motioned and Wendy seconded the motion to adjourn the meeting at 8:30 PM.

Vote 4-0 In Favor

Respectfully Submitted,

Joanne L. Andrews, Secretary

LIMERICK PLANNING BOARD – Approved 4-16-14

Minutes March 19, 2014

Andrew Ivey, Howard Burnham, Aaron Carroll and Wendy Farrand were present Ilene Dashner was absent.

ELECTION OF OFFICERS:

Andy opened the meeting at 7:00 pm and welcomed the new member Wendy Farrand also announcing that Ilene Dashner was unable to attend but had called in her absence.

The first on the agenda was Election of Officers for 2014. Howard Burnham motioned and Aaron Carroll seconded the motion that Andrew Ivey serve as the chairman for 2014.

Vote 3-0 In Favor Andy abstained

Andy motioned and Aaron seconded the motion to have Howard Burnham serve as vice-chairman for 2014.

Vote 3-0 In Favor Howard abstained

PRESENTATION:

LaMarr Clannon, Director of NEMO gave a 45 minute power point presentation on Low Impact Development and the issues to our lakes and streams created by development and how rain and snow run-off affects pollution to our water sources. She will give this presentation to 20 municipalities and then a joint meeting with town officials and planning board members will follow in the future to discuss this topic.

Those present took a few minutes to make out a post presentation survey requested by LaMarr.

WALK-INS:

Norm Hutchins will postpone questions he has for the board until their April 2nd workshop.

CORRESPONDENCE:

MINUTES:

Howard motioned and Aaron seconded the motion to accept the minutes for February 19, 2014 as presented.

Vote 3-0 In Favor

OLD BUSINESS:

Andy gave a brief overview of the Appeals Board hearing for CIA Salvage.

Aaron stated

The secretary asked for direction as far as getting the permit to Shawn for signing, should she wait until something was received from the Appeals Board as to their decision. Andy reported that the zone change for the Lamontagne's was approved by voters on March 7, 2014. The map showing that zone change will be changed reflecting that change.

The board discussed the rescheduling of the meeting with the Route 5 Abutters to the proposed expansion of the Business District and directed the secretary to mail the abutters a letter announcing the workshop for Wednesday April 2nd and asking for their input.

NEW BUSINESS:

Town Clerk, Judy LePage gave the board members updated sections for their binders and the most current zoning map that does not yet include the Lamontagne's change to Map 24 Lot 59, 24 Central Ave.

REMINDERS:

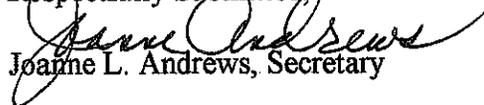
- Wednesday April 2nd workshop with Route 5 Abutters and other various issues before the board.
- Wednesday April 19, 2014 is scheduled for the next meeting.

ADJOURNMENT:

Andy motioned and Wendy seconded the motion to adjourn the meeting at 8:30 PM.

Vote 4-0 In Favor

Respectfully Submitted,


Joanne L. Andrews, Secretary