



MINUTES PLANNING BOARD JUNE 23, 2011

John Potvin - Regular 2014
Don Fellows - Regular 2015
Jeffrey Ganong - Regular 2015
Dan Nezol - Regular 2011
Francis Drake, Jr. - Regular 2011
Steve Warren - Associate 2011

- 1. CALL TO ORDER:** The Chairman, Mr. Potvin called the meeting to order at 7:03 PM.
- 2. ROLL CALL:** Regular members present were Dan Nezol, Jeffrey Ganong, John Potvin, Francis Drake, Jr., and Don Fellows. Steve Warren, Associate member ; Michael Cote, Code Enforcement Officer ; Joan Walton, AVCOG; Paul Adams, Water Dept.; William Bauer, Water Commissioner; Roger Cote, Town Councilor; Fern Larochelle, Town Councilor; Roger Bickford, Town Councilor; and Mark Lunt, Town Councilor, were also present. There were approximately 15 citizens in the audience.

The Chairman reviewed the Board's policies and procedures.

3. PUBLIC HEARINGS: NONE

4. REGULAR MEETING: (Discussion only)

Access Management Ordinance: Driveway standards applied to all public and private accesses to State and State-Aid roads.

Mr. Potvin asked Joan Walton to summarize the purpose of the new ordinance.

Joan Walton explained that the purpose of this ordinance is to improve safety on Rt. 196 by establishing some standards which will help the Planning Board when use changes from residential to commercial to industrial. The Statewide regional perspective is to move the traffic through Rt. 196. The obstacle is that Rt. 196 runs through our villages. This is a road that is not regulated by the State of Maine through its access management because it is a State Urban Compact road. There is a balance that needs to be managed that addresses traffic going through the town with the needs of the people living in the town. This was precipitated by the change in Lewiston where Rt 196 went from four lanes to three lanes. There is a short list of roads that would be regulated: Main Street north of Huston Street, Mill Street, Ridge Road, and Upland Road.

Mr. Potvin said that this is the final opportunity for discussion before it is passed on to Council. Mr. Fellows asked about the definition of change of use. He said there are different definitions and why is this one the one being used. Ms. Walton said she added criteria to allow for flexibility if a parcel of land changes usage. Mr. Warren said the State's standards are much more practical in defining a change that is relevant for traffic. Ms. Walton said Section 6. 2. 3 covers change in use. She tried to make the new ordinance as consistent as possible with what we already have. She said it was her goal to make it as simple as possible.

Board members agreed they are ready to hold a public hearing on the current language provided in the draft dated May 5, 2011.

ACTION TAKEN: None

Review Wellhead Protection Ordinance:

Mr. Potvin said that in 2009 the Water Department presented a Wellhead Protection Ordinance to protect the groundwater and aquifers in Lisbon. The Planning Board has been working on the ordinance ever since. In Nov. 2010, the Planning Board recommended the new ordinance to Council and the Planning Board went to Council on June 7, 2011 where there were some concerns mentioned by the Water Dept. Mr. Potvin asked that someone from the Water Dept. discuss the new ordinance line by line with the Planning Board to make sure it meets needs of the Water Dept, the townspeople, and the water.

Mr. Adams asked Mr. Potvin to review what was said at the Council meeting on June 21. Mr. Potvin said that everyone has a problem with footnote 14, that it is difficult for the Planning Board and the Water Dept. and for Council to read. He said the reason he was there and that Roger Therriault was there was to get guidance from Council on how to proceed. The outcome of that Council meeting is that language will be written that provides for input from the Water Dept., the Town Engineer, and if need be, from the Planning Board for remediation activities. Mr. Potvin said we probably won't finalize footnote 14 tonight, so we may need to have a workshop. Many of the items discussed with the Water Dept. have been discussed with Roger Therriault and he is changing language. Mr. Potvin said those items could be reviewed now.

Mr. Adams asked about the 1500-foot radius and the 2 foot versus 5-foot separation mentioned in Mr. Lea's email. Reading from Mr. Lea's email Mr. Adams disagreed with those arbitrary numbers and Mr. Lea's contention that we may get legal action later. Mr. Adams said he believes we need to be concerned with protecting our resources not how we are going to defend it later. Mr. Adams said he mentioned the 1500-foot radius; do we have to own the land to protect if. He said this refers to a specific location, but what if there is another spot for a well. This has to be written to encompass that, not just that particular place. In defense of the Water Dept., a test well was drilled and a study of that site was made. Mr. Adams said the reasons why this site has not been developed are that we don't own that location and secondly, that it is very expensive to get power to that location and then to pump that water back to the town, so the Water Commissioners have chosen not to do that yet. Mr. Adams said they have been working on this ordinance since 2007 not 2009 and at that time the 1500-foot circle was the State standard for undelineated wells.

Mr. Adams questioned why the map was changed from the 1500-foot radius to the Shore Land zoning area. Mr. Potvin said the Planning Board did nothing with the maps. Mr. Adams said that was all Mr. Maloney and Mr. Lea who made that change. Mr. Adams said this is what he takes issue with, that we should still have that 1500-foot radius protected. He said it is up to the Commissioners if they purchase the land.

Mr. Adams said the second item is the 2 feet versus 5 feet. He said Mr. Lea said this is an arbitrary number but Mr. Adams said it is the State's rule on gravel pits. Mr. Adams said 5 feet is set. Mr. Potvin said that DEP would give a variance for 2 feet. Mr. Adams said that is true, but DEP does not have our interests at heart; and that the work going on at the Dragon pit is proof of that. He said all they have at heart is the law and the law does not regulate that pit, only the town regulates that pit.

Mr. Potvin said to explain to the public that Mr. Kelly at the Dragon pit is complying to the new ordinance already. Mr. Adams said he agreed, but that the DEP is only follows the law and that if there is no law to prevent something, they will not interfere. He said to say the DEP has this under control, in my view they may or may not have our interests at heart, which is my issue with the variance from 5 feet to 2 feet; it may not be in the town's best interest to gain that variance. Mr. Potvin said Mr. Lea's point was that there is no scientific basis for 5 feet.

Mr. Adams said regarding the second item, Sand and Gravel maps, that if we are not sure where the well is going to be, then we should be more cautious. Mr. Potvin said the point Mr. Lea is making is how accurate can the radius be if you don't know the center of the circle which is where the well is going to be. Mr. Cote said there is only one configuration on the map that has changed because the specific site for the well has not been determined. Mr. Adams questioned if that 1500-

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foot standard had changed and since Mr. Lea could not come to the meeting that issue can not be resolved tonight.

Mr. Adams said regarding page 3, the heating oil storage issue, , the ordinance was written when there was no storage in Zone 1. Now that has changed and the Water Dept. discussed not allowing petroleum based fuels in that area. Mr. Potvin said it is conditional use; it would have to come before the Planning Board for approval. Mr. Adams said this only effects people building and going forward. He said that there would still be nonconforming homes, so why exacerbate the problem, which could contaminate our aquifer. Mr. Potvin said there is only one vacant lot where this could happen.

Mr. Potvin said Mr. Lea is researching and changing the page 6 note so that it is consistent with the language further on in the ordinance. Also, page 6, footnote 10, will be changed. Mr. Adams said that leaves page 7, footnote 14. Mr. Potvin said at the Council meeting the Planning Board asked for guidance. If the Town Engineer and the Water Board agree on this, it does not have to go to the Planning Board. The spirit of note 14 is that everybody is kept informed; it protects the water, allows Maine Electronics to continue their remediation efforts without putting undue burden on them but also protects the town. He asked if Mr. Gray from Maine Electronics would like to speak. Mr. Gray said he did not have a presentation but would answer questions. Mr. Adams said the Water Dept. looks into everything that Maine Electronics is doing; he said we are always vigilant with our resource.

Mr. Bauer said he agrees that Mr. Kelly is taking all precautions to take care of the area he is working in. He asked what the next step is. He said that there have been miscommunications regarding meetings but that is in the past. Mr. Potvin said a workshop will be held before the public hearing scheduled for July 28. He said after the public hearing the ordinance will go to Council for first reading. Mr. Bauer said to keep them informed and they would have representation at the meetings. Councilor Cote said in the future anytime anything goes to the Town Engineer regarding water should also go to the Water Dept. Mr. Potvin said the only thing that goes to the Engineer is note 14. Mr. Cote said he had had many calls from townspeople wanting their elected Water Board at the meetings.

Mr. Warren said that note 14 defines inconsequential changes that do not have to go before the Planning Board. Mr. Potvin said not everything has to come to the Planning Board, the onus is on the Town Engineer and the Water Dept. to determine whether an issue needs to come before the Planning Board. Mr. Warren said the grammar needs correcting. Mr. Potvin said it needs to be simplified and that can be resolved in a workshop.

Mr. Potvin closed the regular portion of the meeting.

ACTION TAKEN: None

5. OTHER BUSINESS: None.

6. WRITTEN COMMUNICATIONS:

Minutes of May 26, 2011 and June 8, 2011.

ACTION TAKEN: Mr. Ganong seconded by Mr. Drake moved to approve the minutes of May 26, 2011 and June 8, 2011. Vote 5-0. Carried.

Councilor Cote said when he was on the Steering Committee Mr. Maloney gave a workshop showing how curb cuts slowed down traffic. If it is too hard for people to go through town, they will find an alternate route. Mr. Potvin said the whole point of that ordinance was to limit access to

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Rte 196. Council Cote said educating people about curb cuts would help. He said Ms. Walton will discuss this with the Board.

Larry Fillmore said there are two trucking companies operating out of Huston Park. He said he is concerned about 18-wheelers loaded with scrap metal in Huston Park and said they are a hazard. He said he could not find any ordinance about these vehicles on local roads. Some of them are parked on the opposite side of the road facing the wrong way. Mr. Cote said that is a limited residential zone. He said there is a zoning ordinance that covers what businesses can be in that area. Mr. Potvin said that unfortunately that does not come under the Planning Board purview.

Mr. Fillmore said when an application comes to the Planning Board for conditional use, then that use should have conditions placed upon it. Mr. Potvin said sometimes conditions are placed on it, depending on the use. Mr. Fillmore said if the Water Dept. says water is mostly found in a gravel pit, the conditional use should not give them carte blanche.

7. ADJOURNMENT:

ACTION TAKEN: Mr. Fellows, seconded by Mr. Ganong moved to adjourn at 8:10PM.
Vote 5-0 Carried.

Respectfully submitted,

Elizabeth French
Assistant Town Clerk