



MINUTES PLANNING BOARD APRIL 26, 2012

Francis Drake, Jr. - Regular 2012
John Potvin - Regular 2012
Don Fellows - Regular 2013
Jeffrey Ganong - Regular 2013
Dan Nezol - Regular 2014
Gerry Kamke - Associate 2013
Steve Warren - Associate 2014

- 1. CALL TO ORDER:** The Chairman, Mr. Ganong called the meeting to order at 7:00 PM.
- 2. ROLL CALL:** Regular members present were Jeffrey Ganong, Dan Nezol, Francis Drake, Jr., and John Potvin. Don Fellows was excused. Associate members present were Steve Warren. Gerry Kamke was excused. Also present, Michael Cote, Code Enforcement Officer; Stephen Eldridge, Town Manager; Scott Benson, Director of Economic & Community Development; Councilor Roger Bickford; Councilor Mark Lunt; Stephanie Hubbard, Wright-Pierce Engineering; Paul Adams, Water Department Manager; Kenneth Wells, Water Commissioner; totaling approximately 52 citizens in the audience.

The Chairman reviewed the Board's policies and procedures and extended voting privileges to Steve Warren due to Don Fellow's absence.

3. PUBLIC HEARING:

FLOOD HAZARD DEVELOPMENT PERMIT APPLICATION:

Case # 11-06 Applicant: Swift Demolition Co.
Property Location: 743-745 Lisbon St., Lisbon Falls
Tax Map: U1- Lots 1& 2
Zone: Commercial/Industrial
Intended Use: Demolish & remove existing buildings at the old Masonite fiberboard site.

The Chairman, Mr. Ganong opened the public hearing and invited Don Stenger from Swift Demolition Company to explain their request. Mr. Stenger said that Swift Demolition purchased the Knight-Celotex property. They would like to demolish existing buildings and clean up the property in hopes to make it more attractive for development and to add appeal to the property.

Seeing no public comments, the Chair closed the public hearing.

4. REGULAR MEETING:

FLOOD HAZARD DEVELOPMENT PERMIT APPLICATION:

Case # 11-06 Applicant: Swift Demolition Co.
Intended Use: Demolish and remove existing buildings at the old Masonite fiberboard site.

Mr. Potvin asked how long the asbestos abatement would take and when would the buildings be coming down.

Mr. Stenger said it would take around three weeks once they received permitting from the DEP and demolition of buildings will begin once an area has been cleared. All buildings should be down, separated, and shipped within a six-month period.

Mr. Warren asked if the Fire Department would be doing any burning as training.

Mr. Stenger stated that all materials would be separated and recycled before anything is burned. He said he had a brief discussion in passing with the Fire Chief about the possibility of a controlled burn but not of a building.

Mr. Warren pointed out that the notice on form D of the Asbestos Project Notification filed with the DEP had the box checked yes, that the building would be intentionally burned for the purpose of demolition or fire department training. He is concerned about even a controlled burn because of the possible chemicals in the materials.

Mr. Stenger is not sure why that box was checked yes, he said that they would not have a controlled burn if the community does not want them to. He said that no formal agreement or arrangements had been made that they just wanted to show their willingness to work with the community.

Mr. Warren asked if everything would be brought up to grade without leaving mounds of excess materials on the property.

Mr. Stenger said that it would be brought up to grade.

ACTION TAKEN: Mr. Potvin seconded by Mr. Drake moved to approve the Flood Hazard Development Permit for Swift Demolition Company with the condition that once demolition is complete Swift Demolition will complete grading acceptable to the Town and the Code Enforcement Officer signs his approval. Vote: 5-0 Carried.

SITE PLAN/SUBDIVISION FINAL PLAN APPLICATION:

Case # 11-05 Applicant: Premier Development LLC

Intended Use: Develop a commercial park

Stephanie Hubbard, Project Engineer Manager at Wright Pierce on behalf of Scott Kelly and the Kelly Park development gave a brief overview of the subdivision and a review of the conditions placed by the Planning Board that have been incorporated into the final plan. A lighting plan using LED Phillips Fixtures was forwarded to the Planning Board as requested. There will be four fixtures as a part of this plan with further installations dictated by future development. The locked bollards are in the plan as discussed. An abutters meeting took place on Saturday, April 7, 2012 on site and property owner concerns were discussed. The next abutter's meeting is scheduled in July. The road name will be Premier Drive an E911 acceptable name. Additionally, they have met with the Water Commissioners regarding the pipe requirements and answered questions that they had.

Mr. Ganong asked if the sample provided is what the actual lights will look like and has the plan for the sign changed.

Scott Kelly said the fixture looks like the sample provide and it would be on a 25 foot brushed stainless pole and they are building a decorative wall right now and no formal decisions have been made on the final design of the sign.

Mr. Warren wanted to know if anything on the outfall pipe flowing into the Sabattus River should be in the plan. He wondered what kind of pipe was used and if it had too much drop?

Ms. Hubbard said that the pipe was installed last year through permitting by rule because it was requested to get that done prior to the upcoming roadwork on Route 196. It is an 18' corrugated PVC pipe that matched the existing invert. She said that it is slightly above water level in a high water event, that there should not be a lot of sediment going out and they have done erosion control at the site.

Ken Wells, Water Commissioner asked if they were putting the bollards on both sections of the gravel access road.

Mr. Kelly said that the bollard is at the end of the hammerhead and the Moody Road side would be gated.

ACTION TAKEN: Mr. Potvin seconded by Mr. Drake moved to approve the Site Plan/Subdivision Final Plan Application for Premier Development LLC. Vote: 5-0 Carried.

5. PUBLIC HEARING:

COMPREHENSIVE PLAN AMENDMENTS, SPECIFICALLY FOR LIMITED COMMERCIAL USES FOR THE PROPERTIES DIRECTLY ABUTTING ROUTE 9 IN LISBON FALLS:

The Chairman opened the public hearing and briefly described that the reason the Planning Board is looking at this is because there are businesses operating on the Route 9 corridor in the Rural Open Space I zone. He said that the Planning Board recommended a change to the Town Council who sent it back to us and tasked us with coming up with something better.

Roger Cote, 189 Ridge Road asked why we were doing this. He wanted to know why we don't do more code enforcement in this town. He said that codes and zoning mean nothing if you don't enforce it and that it would take a good lawsuit to stop what is going on.

David Bowie, 140 Upland Road, said that this whole process was just completed in March of 2010 when it was decided to keep only a couple of small commercial zones on Route 9. One at the intersection of Upland Road and Route 9 and one closer to the Sabattus town line to accommodate any potential growth in relation to the new turnpike access point. He mentioned that there are some real problems with the current proposal such as how far back in ROS1 will they allow some commercial uses. He said that millions of dollars in homes are invested along Route 9 and Upland Road; there is not any sewer or water infrastructure to support commercial uses and allowing commercial uses there will impact homes on Route 9, Upland, and Gould Roads. He stated that allowing commercial uses creates strip developments and other communities have done that and wished to change it later, which is not a healthy way to let the town grow. He also indicated that allowing businesses to circumvent the rules and operate at a lower cost affects other legal businesses in town who are doing things right. If you make a zone change to accommodate these businesses now it will set a bad precedent to act now and ask questions later.

Councilor Lunt, 192 Ridge Road, said that he is not out to attack existing businesses there but indicated perhaps the Planning Board is allowing more than they realize. He said that the Maine Supreme Court has ruled that a permitted use is an allowed use. He said that it will create a conflict with the Comprehensive Plan and what it intended to do with the ROS I, ROSII, and Agriculture zones in that area. He mentioned the best way to address the issue is to create an entirely new zone, to strike the whole provision, go back to the current zone, and draft a new ordinance for home businesses.

Mr. Warren said it would be useful for the public to know that we were not going to change the zone to Commercial. What was explained was very much, what we were trying to accomplish with this amendment. The thing that remains in question is should we make provisions for existing businesses on Route 9 or shouldn't we.

Seeing no more comments, the Chair closed the public hearing.

6. REGULAR MEETING:

COMPREHENSIVE PLAN AMENDMENTS, SPECIFICALLY FOR LIMITED COMMERCIAL USES FOR THE PROPERTIES DIRECTLY ABUTTING ROUTE 9 IN LISBON FALLS:

Mr. Ganong asked Ferg Lea, Androscoggin Valley Council of Government (AVCOG) if there is a way to address this or if it is even wise to.

Mr. Lea said that the court would probably stand behind the town if we wanted to shut down the businesses but, in most cases, towns try to work with those businesses. He said that there are four possible ways to try to address the problem.

1. Close down the businesses
2. Take enforcement by having them sign an agreement giving them a designated number of years before they have to close or relocate.

3. Make amendments to the current zone (which he does not recommend).
4. Create an overlay zone or carefully create a new zone.

Dorothy Fitzgerald, 6 School Street, said that Codes have gone lax and that this was not well thought out and needs to be voted down.

Mr. Warren suggested that we come up with something to apply to the whole zone.

Mr. Potvin agrees with Steve Warren and thinks we need to hold a workshop on this.

Curtis Lunt, 192 Ridge Road suggested a workshop environment would be better than this formal set up that creates this you versus us environment.

ACTION TAKEN: Mr. Potvin seconded by Mr. Warren moved to table the Comprehensive Plan Amendments until after a workshop is held for further discussion. Vote: 4-0-1 Carried. Abstaining: Nezol.

A workshop will be scheduled once all board members are present. Abutters will be notified of the workshop details once determined.

7. OTHER BUSINESS

Larry Judd, 402 Ridge Road said that his major concern with Route 9 is the 50-60 tractor-trailer trucks a day that go by his place at high speeds.

Richard Nadeau, 76 Summer Street, said there is a section of Route 196 by the Farwell Mill Apartments that is dangerous for bicycle and pedestrian traffic that needs to be addressed.

8. WRITTEN COMMUNICATIONS:

ACTION TAKEN: Mr. Potvin, seconded by Mr. Drake moved to accept the minutes of 3-22-2012. Vote: 5-0 Carried.

9. ADJOURNMENT:

ACTION TAKEN: Mr. Potvin, seconded by Mr. Drake moved to adjourn at 8:19 PM. Vote: 5-0 Carried.

Jody Durisko
Administrative Assistant

Date Approved: _____

** These minutes are not verbatim. A recording of the meeting is on file.*