



MINUTES PLANNING BOARD MAY 23, 2013

Don Fellows - Regular 2013
Jeffrey Ganong - Regular 2013
Dan Nezol - Regular 2014
Joshua Holmes - Regular 2015
James Lemieux - Regular 2015
Curtis Lunt - Associate 2013
Karin Paradis - Associate 2014

- 1. CALL TO ORDER:** The Chairman, Mr. Fellows called the meeting to order at 7:02 PM.
- 2. ROLL CALL:** Regular members present were Don Fellows, Dan Nezol, Josh Holmes, and James Lemieux. Associate members present were Curtis Lunt and Karin Paradis. Jeff Ganong was absent, excused. Also present were Dennis Douglass, Code Enforcement Officer; Fern Larochelle, Town Council Chair; Roger Bickford, Town Councilor; Dillon Pesce, Town Councilor; William Bauer, Water Commission Chair; Kenneth Wells, Water Commissioner; Paul Adams, Water Department General Manager; Tim Sawtelle, Dirigo Engineering; David Bowie, Ethics Panel Chair; and approximately fifteen citizens in the audience.

Mr. Fellows granted voting privileges to Curtis Lunt.

3. CHAIR'S REVIEW OF MEETING RULES:

The Chairman, Mr. Fellows, reviewed the meeting procedures.

Mr. Fellows asked permission to move Case 13-6 to the front.

VOTE (2013-29) Mr. Lunt, seconded by Mr. Lemieux, moved to take up Case 13-6 out of order. **Order passed - Vote 5-0.**

4. PUBLIC HEARING:

Case 13-6: Conditional Use Application: U26 - 045

Christine Allen / Child Care Facility

Open a small home daycare business at 12 Wing Street, Lisbon Falls, ME

The Chairman Mr. Fellows opened the public hearing.

Mrs. Allen indicated that she wants to have a daycare business for four children. The ordinance allows her to have eight. She is working towards getting her license. The backyard is fenced with a chain link fence.

Gary David, an abutter, asked if a capacity limit could be placed on the daycare.

Mr. Fellows said in a Limited Residential area no signs are permitted and the maximum children allowed for a daycare is 8.

Mr. David asked if Mrs. Allen's daycare could be limited to four.

Mr. Holmes said he would not want to put more restrictions on her.

Mr. Fellows said we could put restrictions on her, but it would be up to the Board whether or not they do.

Andy Cooper, abutter, said the Allens have been extremely good neighbors. They are very responsible and he said he hoped they never moved.

Hearing no further comments, Mr. Fellows closed the public hearing.

Case 13-4: Site Plan Review Application: U23 - 018

Conrad P. Davis II / Davis Landscape Co., Inc.

Grade rear of lot to establish more uniform slope at 78 Lisbon Street, Lisbon, ME

The Chairman Mr. Fellows opened the public hearing.

Mr. Douglass said Mr. Davis could not be here tonight. The rear of Davis Landscape slopes uphill. Mr. Davis has made sure through Maine DEP that he is not in any wetland. DEP gave their approval. The intention is to grade the area and grass it over.

Hearing no further comments, Mr. Fellows closed the public hearing.

Case 13-5: Site Plan Review Application: R5 - 010**Lisbon Water Department****Construct new Standpipe water reservoir at 170 Ridge Road (Upland Road)**

The Chairman opened the public hearing and invited the Water Department to present the case.

Mr. Bauer said about three years ago the town put in a new water line up Route 9. The Council asked if there was any interest in the Water Department in putting a water line up Upland Road from Lisbon to Lisbon Falls. The Water board at the time said yes. We knew we needed more water. The water supply comes from Lisbon and we need to push it towards Lisbon Falls. The line in Route 196 is old and if it should break we would have trouble getting water to Lisbon Falls. This presented a good opportunity to put a line in Upland Road.

Mr. Bauer said he told the Council at the time that this would be a two phase project: one, to put in the water line and two, to put in a water tank. The town paid for Route 9 and the Water Department paid for the Upland Road project. The big thing with these tanks is maintenance. The new tank will have a very small maintenance fee. The tank in Lisbon was built in 1922 and needs to be painted within the next five years at a cost of \$250,000. The board feels this would be an ideal time to take care of Upland Road and to avoid the \$250,000 cost to refurbish the Lisbon water tank.

Mr. Bauer said there are three hydrants along Upland Road that cannot be used because they have no water pressure. Mr. Bauer indicated that we would be able to use those hydrants if there is a tank on Upland Road.

Mr. Fellows asked about the purchase and sale agreement for \$40,000. He asked where the money for the project came from.

Mr. Bauer said the Water Department took a bond out for Upland Road. There was money leftover, which is allowed, but that money has to be used in conjunction or appurtenances with the Upland Road water line. That's where the money comes from so we don't have to get more money.

Mr. Fellows said you are anticipating a bond in November.

Mr. Bauer said we are anticipating two bond issues in November: one to replace the water line to repair the breaks on Frost Hill Avenue and the other to see if the town would borrow the money to build a tank at the site you visited tonight.

Mr. Curtis asked about when construction would begin and at what cost.

Mr. Bauer said construction would begin next spring. The cost would be \$1.5 million. It would require a vote from the residents for both projects.

Mr. Nezol asked how many new customers were added to the new line.

Mr. Adams said there were no new customers on Upland Road. On Route 9 there were probably 15 new customers.

Mr. Bauer said when wells on Route 9 were discovered to be contaminated with salt, the Town asked the Water Department to put in a water line.

Mr. Fellows asked if the water line could go up Route 9.

Mr. Bauer said not past the intersection. The hydraulics won't allow it much further and there is a moratorium on digging up that road. The cost is about \$100 per foot now. Our pumping capacity at Moody Road would have to be changed in order to pump water farther up Route 9.

Mr. Bauer said the new water tank would eliminate the cost of maintaining the Lisbon water tank, plus being able to feed those hydrants, plus being able to have another supply of water to come into Lisbon Falls if there was a major fire.

Mr. Adams said the original bond project we borrowed enough money to try to finish the tank, but the town needed some of that bond money so they withdrew \$230,000 from that and put it into the town's kitty. The other funds were taken by the Route 196 project where we replaced the water main from Moody Road to Crest Avenue. Right now we have a small amount left. He indicated that the time limit for using the bond money is vague. Based on the past, the rate increase would be \$10-15 per quarter or a 20-25% increase. The bond is paid for by ratepayers.

Mr. Sawtelle said specific information about hydraulics would be best answered at a water board meeting. The tank site is halfway between Lisbon and Lisbon Falls. The tank can have an internal back up chamber so that if the tank has to be serviced, service can be maintained. It won't need to be taken offline. There is a fair amount of clearing that has to be done on the site because the tank has to be built on site. The tank color will be concrete color with a gunite finish on the outside.

Mr. Sawtelle said we have a preliminary footprint plan. This design has been around for some time. It will last many years. There are some tanks that were built in the 1970s. This tank is as close as you can get to maintenance free.

Mr. Lunt asked about cell phone towers on this tank.

Mr. Bauer said there are two cell phone towers on the Lisbon tank. The Water Department receives \$50,000 a year in rental fees from Verizon and T-Mobile. We have a 30 year lease. Verizon has no plans to relocate. Lisbon Police and Fire Department have approached the Water Department to place a white stick antenna. The site in Lisbon is much better suited to their broadcasting needs.

Mr. Bauer said Mr. Sawtelle recommended a site further up the hill. When I talked to Mr. Upham about purchasing land further up the hill, he said no.

Mr. Sawtelle said the further up the hill you can go, the shorter and fatter the tank. But further up the hill, you get issues with pumping at Moody Road. You have to decide how many different pressure zones you want. If you go way up to the top of the hill, we would have to change the pumps at Moody Road. It is problematic to go too high.

Mr. Fellows said it is not the purview of the Planning Board to decide where a water tank should be. It is the purview of the Planning Board to see if it meets the criteria for a particular site that is selected.

Mr. Fellows invited direct abutters to give their opinions and questions.

Floyd Webber said he is an abutter and he is concerned that the tank is going to be right out his window. The trees will be gone. He understood that the tank would be further away. He said all that area has always been wetland. He said it is not the right place to put it; that it should be further up the hill.

Mr. Bauer said they have plans to replant trees.

David Bowie said he believes he is an abutter because he abuts Mr. Upham's land. He said there are more than just three abutters. He said it is not 170 Ridge Road, it is 170 Upland Road. He said he won't see the tank. He asked how the water pressure would be affected along the line.

Mr. Douglass said the address is for the whole large piece of property. The purchase is for a piece of that property so until an address is ascribed to that lot it is 170 Ridge Road.

Mr. Sawtelle said the new tank will stay at the current level.

Dot Fitzgerald asked about the water tank on Summer Street.

Mr. Bauer said it was built in 1955 and is in excellent condition. The plan would be not to have water in the Lisbon tank; that tank would be kept for the \$50,000 cell phone rental fees.

Mr. Sawtelle said the cost of maintaining steel tanks which need to be painted every 20 years compared to the onetime cost of constructing a new tank, the new tank would be the lowest long term cost to the ratepayers.

Celine Goddard said it was unethical to notify only two other abutter as it impacts more than those two. The ad in the paper is very small.

Mr. Fellows said no one was left out intentionally. A small ad is used because a larger ad is too costly.

Mrs. Goddard said we don't need a new water tower. Why spend more money when it is not necessary. She said she called the PUC and she believes that \$1.5 million is not an appurtenance. A new water tank along with the re-val is an unethical burden on the taxpayers. Another site on Fairbanks Avenue would be better and the tank would be almost underground. She indicated that no second option was considered. She asked that the board table this until the town attorney can see that this is the best possibility for the town.

Marty Roop said why we aren't building on the present site; it would save money.

Mr. Sawtelle said the best place for this tank is in the middle of the system. It will eventually allow the elimination of one or more sites and will save the cost of maintenance.

Ken Fairbanks said we're getting \$50,000 per year from Verizon and T-Mobile, doesn't that offset the maintenance costs? Mr. Bauer said that money is spent elsewhere. Mr. Fairbanks said how many years will the gunite spray be guaranteed for? It is made to sound like it is maintenance free but nothing is. What is the cost to the taxpayer for this project? What is the cost of tearing down the old tanks and even if they aren't torn down for cell phone towers, what is the cost of maintaining the tank for that? He asked if the Fire Department would not be drawing water from the river if there was a fire. He asked what the interior condition of the Lisbon tank is and said the exterior was purely cosmetic.

Mr. Adams said the one in Lisbon Falls is welded steel and the one in Lisbon is riveted steel.

Mr. Wells said when the bond is taken out, the users of the water will be paying the bond, not the taxpayers if they are not connected to the water system. This is one step in the process to the end result.

Mr. Adams said the balance in our bond fund is roughly \$240,000.

Mr. Sawtelle said the Lisbon tank, if you stop using it for water and use it just for cell phone towers, will probably still be standing in 100 years. The issue of maintenance is that it will leak when water is in it.

Mr. Fellows said it is not the purview of the Planning Board to decide if that is the best location.

Ms. Goddard asked what the site evaluation cost.

Mr. Bauer said he did not have the information tonight.

Mr. Wells said Fairbanks Road was evaluated and compared to Upland Road, Upland Road was the best hydraulic design for the amount of money that we are willing to spend. There will be public meetings on this. We could change our mind if the public doesn't want this. To put it up Fairbanks Road, we don't know what is up there. If there is ledge that has to be blasted, that is expensive. The Upland Road site would also solve the water pressure problems on Upland Road.

Ms. Goddard said her group is hiring an attorney, Michael Huston. She said they are looking at what is best in the long term for the taxpayers.

Seeing no further comments, the Chairman closed the public hearing.

5. UNFINISHED BUSINESS: Consideration of applications for:

- **Case 13-6 / Christine Allen / Small home daycare business**

VOTE (2013-30) Mr. Holmes seconded by Mr. Lunt moved to approve the home daycare business of Christine Allen at 12 Wing Street. **Order passed - Vote 5-0.**

VOTE (2013-31) Mr. Lunt, seconded by Mr. Fellows moved to amend the motion to limit the capacity for children to six. **Order passed - Vote 3-1-1 (Abstained: Nezol, Opposed: Holmes).**

VOTE (2013-32) Mr. Holmes seconded by Mr. Lunt, move to approve the amended primary motion to approve a home daycare business of Christine Allen at 12 Wing Street with a limit to the capacity for children to six. **Order passed - Vote 5-0.**

- **Case 13-4 / Davis Landscape Co. / Grade rear lot**

VOTE (2013-33) Mr. Holmes, seconded by Mr. Lemieux, moved to approve the application by Davis Landscape Co. to grade the rear lot as written. **Order passed - Vote 5-0.**

- **Case 13-5 / Lisbon Water Dept. / New reservoir tank**

VOTE (2013-34) Mr. Holmes seconded by Mr. Lunt, moved to table the application for the new reservoir tank pending developing the plans to include a 55 foot set-back, show meeting Access Management standards, and buffering landscaping, and cost for camo paint for the tank. **Order passed - Vote 5-0.**

Mr. Fellows said there are concerns about landscaping and buffering. There may be a set-back conflict. According to our ordinances, the set-back should be 55 feet off the rock wall.

Mr. Sawtelle said that could be done.

Mr. Lunt said out west they have water towers that are painted to blend in with the woods.

Mr. Sawtelle said I've seen the camo tanks and I don't know the cost to do that. The tank is 55 feet tall and the trees are about 35 feet. Most of the neighbors, except for Mr. Webber, will be looking down on the tank. I don't know that that paint job would completely hide the tank.

Mr. Adams said it can be painted any color, but in the wintertime you will see the snow and it is going to be whatever color it is.

Mr. Fellows said is there any way to keep from cutting trees anywhere near Mr. Webber's land.

Mr. Nezol said in wetland if a hurricane comes through the trees will come down.

Mr. Sawtelle said the trees near Mr. Webber are not very tall and are likely alders. We will try to find a species that will adapt well with the soil.

Mr. Holmes said should we be concerned about the set-back constrictions placed on this site?

Mr. Sawtelle said if it needs to be 55 feet we will do that, but DEP doesn't want us to take any more wetlands.

Mr. Fellows said there are also Access Management restrictions. Some pavement needs to be at the throat of the driveway.

Mr. Douglass said it meets the standards for the turnaround, the entrance by the cemetery. From the Access Management standard it meets all of the criteria.

Mr. Adams asked for clarity on the buffer.

Mr. Fellow said we are concerned with buffering with fast growing trees. We are not so much concerned with Upland Road as we are the abutters. We are concerned with fast growing trees not beauty.

Mr. Fellows asked for a five minute recess.

6. NEW BUSINESS: None

7. WRITTEN COMMUNICATIONS

VOTE (2013-35) Mr. Lunt, seconded by Mr. Lemieux, moved to approve the minutes of May 9, 2013. **Order passed - Vote 5-0.**

Mrs. Paradis said there are many conditions on this purchase and sale. She said we need the town attorney to tell us if the purchase and sale agreement is still current.

Mr. Douglass said he would give the Water Department formal notice of what the Board requires.

Mr. Douglass asked the Board how to handle notices to abutters in the future. We had one large parcel of land, 170 Ridge Road, so abutters were based on that, not on the piece.

Mr. Fellow said I think we don't need to be so black and white. There is no harm in letting people know.

Mr. Lemieux said Mr. Douglass did the right thing.

8. CODE ENFORCEMENT OFFICIAL BUSINESS:

Mr. Douglass gave a permit update for May:

- 14 building permits
- 5 plumbing
- 7 electrical
- 3 miscellaneous

Mr. Douglass gave each of the members a Shoreland District map. The districts are within the existing zoning areas.

Mr. Fellows said the public hearing for the Shoreland District Map will be before the Route 196 public forum on May 29 at 5:30 PM. He encouraged board members to attend.

Mr. Fellows said the Water Department will be back at the next meeting. The Route 196 Steering Committee has submitted an application to the Moxie Festival. They will have a booth so committee members can explain the master plan to the public. He said he will put items from the list of goals on the agenda.

9. ADJOURNMENT:

VOTE (2013-36) Mr. Lemieux, seconded by Mr. Lunt moved to adjourn at 9:15 p.m. **Order passed - Vote 5-0.**

 Elizabeth French
 Assistant Town Clerk

Date Approved: _____

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