



MINUTES PLANNING BOARD AUGUST 14, 2014

Dan Nezol - Regular 2014
Karin Paradis - Regular 2015
James Lemieux - Regular 2015
Richard Long - Associate 2015
Curtis Lunt- Regular 2016
Don Fellows - Regular 2016
Tyler Golletti - Associate - 2016

- 1. CALL TO ORDER:** The Chairman, Mrs. Paradis called the meeting to order at 7:30 PM.
- 2. ROLL CALL:** Regular members present were Don Fellows, James Lemieux, Dan Nezol, and Karin Paradis. Excused absence was Curtis Lunt. Associate members present were Richard Long and Tyler Golletti. Also present were Dennis Douglass, Code Enforcement Officer; Amanda Bunker, Community Planning Studio Land Use Planner; Roger Bickford, and Eric Metivier; Town Councilors; and approximately seven audience members.
- 3. CHAIR'S REVIEW OF MEETING RULES:**

The Chairman gave a brief overview of the meeting rules for this meeting and granted voting privileges to Richard Long.

- 4. WRITTEN COMMUNICATIONS:**

VOTE (2014-42) Mr. Fellows seconded by Mr. Long moved to approve the minutes of July 24, 2014 as corrected.

Mrs. Bunker said that the minutes should be corrected to reflect that she is no longer a Wright Pierce Land Use Planner and the board agreed to reflect the changes to her title accordingly.

Order passed. Vote: 5-0.

- 5. PUBLIC HEARINGS:**

The Chairman, Mrs. Paradis opened the public hearing for:

Case # 14-06 CH. 70 ZONING ORD. DIV. 2. GROUNDWATER & WELLHEAD PROTECTION

Mr. Fellows summarized the recommended changes:

- Changing the title of the division from Groundwater and Wellhead protection to the Aquifer Protection Overlay Zone
- Add the words except in the Aquifer Protection Overlay Zone to Sec. 70-1 (2) under the definitions of accessory use or structure
- Add the following definition: Motor fuel means oil that is motor gasoline, aviation gasoline, #1 or #2 diesel fuel or any grade of gasohol typically used in the operation of a vehicle or motor engine.
- Sec. 70-562 (1) add the reference that defines the aquifers and aquifer recharge areas - Emery & Garrett, 1993: *The Costs of No Wellhead Protection in Maine* and Caswell, Eichler & Hill (1989) and by standard are geologic and hydrologic investigations which may include drilling observation wells, pumping tests, water sampling and geologic mapping ...
- Sec. 70-562 (a) change Wellhead to Aquifer Protection Overlay Zones...
- Sec. 70-562 Add (5) Where there is conflict between the provisions of this Division and the provisions of Title 38 M.R.S.A. Section 1393 and Title 38 M.R.S.A. Section 1394 the more restrictive shall control.
- Amend use chart note 10 as follows: delete single-walled and add has only one double-walled fuel tank not exceeding 275 gallon capacity and is capable of containing at least 110% of the capacity of the inner tank. Such tank must be "listed" (tested) by a nationally recognized testing laboratory and installed only

by certified Oil and Solid Fuel Board oil burner technicians; or if the tank is outside serving manufactured housing, by a mobile home mechanic licensed by the Oil and Solid Fuel Board. Storage of up to 15 gallons (in three containers of 5 gallon capacity) of gasoline or similar fuel for home use is allowed as are tanks of motor fuel in registered automobiles and yard maintenance equipment to be used on site and in boats, ATV's and snowmobiles for personal use.

Seeing no questions or comments from the public, the Chair closed the public hearing.

The Chairman, Mrs. Paradis opened the public hearing for:

Case # 14-07 CH. 70 ZONING ORDINANCE. DIVISION 5. SIGNS

Amanda Bunker, Community Planning Studio Land Use Planner gave a power point presentation and provided a one (1) page handout (*see attached*) reviewing the proposed revisions to Division 5. Signs of the Zoning Ordinance. Ms. Bunker said amendments are being considered because the current ordinance is incomplete, difficult to understand, and hard to enforce. The proposed language was reviewed by AVCOG and Maine DOT.

Mr. Douglass, Code Enforcement Officer said that Chip Kelly of Maine DOT said that the proposed changes are very well done and his only feedback is that directional signs should be 1 x 4 or 4 square feet because they are issued by State permit the criteria should match.

George Janasco, Pine Knoll, Lisbon Street, said that volunteers spend a lot of hours working on the gardens and they put up signs for these events and it doesn't look good and also asked if there would be anything to regulate gas station signs.

Mr. Douglass said that they have an ordinance that already regulates signs in those areas that only allows non-profit organizations to place signs with Town Manager approval.

Mrs. Bunker said there isn't a section on gas station signage alone but they hope that the temporary sign standard would help clean up gas station sign clutter.

Dot Fitzgerald, School Street, Lisbon Falls, said that it is great to make the ordinance but they need to be enforced.

Mr. Douglass said the reason behind this is so he can do enforcement.

Mr. Fellows requested that on page 9 section (d) that the word should be changed to shall and on page 8 the maximum sign size needs clarification.

Seeing no questions or comments from the public, the Chair closed the public hearing.

6. UNFINISHED BUSINESS:

SUBDIVISION REVIEW APPLICATION

Case # 14-05 Applicant: Kelly Park
Property Location: 177 Lisbon Street
Tax Map: U21-5 & 6
Zone: Commercial
Intended Use: Amend existing plan to create smaller lots

Curt Neufeld, Sitalines, P.A., representing Kelly Park said that the Planning Board completed a site visit and they are requesting final plan approval. DEP has asked for clarification on a couple of items, which they have provided. The DEP has everything they need and project management

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said it would be issued and there were no further issues. He said they would have the permit in hand very soon.

Mr. Douglass said the items on the checklist that needed attention were:

1. DEP permit approval - Dennis Douglass, Code Enforcement Officer talked to the DEP and the permit should be in hand by the end of the month.
2. Monuments must be set - Dennis Douglass, Code Enforcement Officer said monuments would be set as sites are developed.
3. Air pollution must be addressed - The Board is satisfied that proper measures are being taken to reduce air pollution.

VOTE (2014-43) Mr. Lemieux seconded by Mr. Long moved to approve the Subdivision Review Application with the condition of DEP permitting. **Order passed. Vote: 5-0.**

Mr. Fellows wanted to ask Mr. Kelly to pay attention to the erosion and sedimentation plan.

Mr. Kelly wanted to review some of the measures he has taken to address those issues to date. He said he built a 22 foot wall to act as a fence and have planted more and moved more material than originally intended. He said he moved material that was not planned to be moved for several years in order to reduce the air pollution.

DIVISION 2. GROUNDWATER AND WELLHEAD PROTECTION ORDINANCE

Case # 14-06 Changes are being made to the existing ordinance to bring it into compliance with state law.

VOTE (2014-44) Mr. Fellows seconded by Mr. Lemieux moved to approve the Subdivision Review Application with the condition of DEP permitting. **Order passed. Vote: 5-0.**

DIVISION 5. SIGNS

Case # 14-07 New sign ordinance being proposed to replace the existing sign ordinance.

VOTE (2014-45) Mr. Fellows seconded by Mr. Long moved to approve the new language for Division 5. Signs with the following corrections:

- Page 9 - section (d) that the word should be changed to shall
- Page 5 - strike other temporary signs
- Page 8 - clarify number of signs and maximum size
- Page 13 - add brightness to section (3)
- Page 8 - increase directional signs to 4 square feet
- Page 9 - add no sign shall obstruct another sign

Order passed. Vote: 4-1.

7. NEW BUSINESS:

FLOOD HAZARD DEVELOPMENT PERMIT

Case # 14-08 Applicant: Maine Electronics, Inc.
Property Location: 19 Saint Ann Street
Tax Map: U18 Lot 3
Zone: Industrial
Intended Use: Drilling in the ground to install groundwater pumping wells and excavation trenches to install utilities and water infiltration pipes.

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VOTE (2014-46) Mr. Long seconded by Mr. Lemieux moved to table this item until August 28, 2014. **Order passed. Vote: 5-0.**

8. OTHER BUSINESS:

LISBON HIGH SCHOOL GYMNASIUM PROJECT UPDATE

Mr. Douglass said the Site Plan Review for the LHS Gymnasium project will be on the next agenda and he has the plans in his office for review.

9. CODE ENFORCEMENT OFFICIAL BUSINESS:

Mr. Douglass, Code Enforcement Officer asked the board members to sign the quarterly payroll for submission.

10. ADJOURN TO WORKSHOP

VOTE (2014-47) Mr. Fellows, seconded by Mr. Lemieux moved to adjourn at 8:51 PM. **Order passed. Vote: 5-0.**

Jody Durisko
Administrative Assistant
Date Approved: