

**Planning Board Meeting
Held**

January 3, 2022

The meeting was called to order at 7:00 p.m. at the Limington Municipal Complex by Chair, Joyce Foley. Planning Board members present: Joyce Foley, Bob Gervais, Darryl Hubbard and Pete Langevin.

Members absent: Pete Talbot

Staff present: Donna Sawyer, Planning Board Secretary and Norm Hutchins, Code Enforcement Officer

Others present: Bonnie Lord Laughlin, Dave Taylor, Lucy & Robert Ruggiere, Emil Braley, Max Rubinstein and Hannah Tauroney

Agenda Items:

1. Public Hearing for American Custom, DIY Studio, Map R3, Lot 61.2, 900 Cape Road – Lucy & Robert Ruggieri applicants
2. Public Hearing for Amendment to Tucker Bend Subdivision, Map 12, Lot 10 – David Taylor, applicant
3. Public Hearing for Whaleback Nursery, Map R11, Lot 26B, 142 Whaleback Road – Max Rubinstein, applicant
4. Meeting Minutes previous meetings
5. Other

American Custom, DIY Studio, Map R3, Lot 61.2, 900 Cape Road

Chair Foley asked the applicants, Lucy & Robert Ruggieri, to come forward and tell the public about their plans for their “Do it Yourself” classes at their studio. Ms. Ruggieri said she intends to have classes at least twice a month and from time to time she will have a guest speaker, i.e. quilting, jewelry making, woodworking classes, painting, etc.

It is designed for handicap, veterans and mentally challenged. Class size will not exceed 12 students.

Bonnie Laughlin came forward and said she is an abutter and they share a brook between their properties. A few years ago a new culvert was installed near that brook and she wanted any information shared about the drainage of the brook. She also asked if any hazardous waste would be used on site, such as paint and paint thinners, solvents, etc.

Chair Foley asked if she needed any State approvals and she said 'No'. Norm Hutchins, CEO, said he had done an onsite inspection earlier today and the building and parking areas met all of the criteria for a small business. Exit signs were clearly marked and the only thing he asked of the Ms. Rugeiri was to replace the existing fire extinguisher.

Chair Foley referred to the site plan that was presented and asked about which building will be used as the classroom, classroom tables, retail area and the parking area. Ms. Rugeiri said due to COVID, her classes will be limited to 5 students and once COVID is over she plans to have no more than 10-12 students per class.

Ms. Rugeiri said all of her paints are natural and there are no fumes. She assured Bonnie Laughlin that all of her paints are safe.

Bob Gervais asked about the retail space available? Ms. Rugeiri said her plans are to offer retail space for her students to sell their wares 4 times a year. There were no more questions and Chair Foley closed the Public Hearing.

Chair Foley moved to page 56 in the Ordinance and she read from Section G, Standards Applicable to Conditional Use.

6. G. 1. It shall be the responsibility of the applicant to demonstrate that the proposed use meets all of the following criteria. The Planning Board shall approve the application unless it makes written findings that one or more of these criteria have not been met:

A. The use will conserve shore cover and visual, as well as actual, access to water bodies.

Not applicable

B. Traffic access to the site meets the standards contained in this Ordinance; and traffic congestion has been addressed in accordance with performance standards in this Ordinance.

Yes, the site has a driveway to Cape Road. No issues.

C. The site design is in conformance with all municipal flood hazard protection regulations.

Not applicable

D. Adequate provision for the disposal of all wastewater and solid waste has been made.

Has been addressed and meets criteria

E. Adequate provision for the transportation, storage and disposal of any hazardous materials has been made.

Not applicable

F. A storm water drainage system meeting State standards shall be installed.

Not applicable

G. Adequate provisions to control soil erosion and sedimentation have been made.

Not applicable

H. There is adequate water supply to meet the demands of the proposed use and for fire protection purposes.

Fire extinguisher will be replaced and exits are clearly marked. Meets

I. The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties, including public areas, from detrimental features of the development, such as noise, glare, fumes, dust, odor, adverse visual impact, and the like.

Not applicable

J. All performance standards in this Ordinance, applicable to the proposed use will be met.

Yes, will meet

K. The use will not result in unsafe or unhealthful conditions.

No

L. The use will not have an adverse impact on natural beauty, historic sites, or rare and irreplaceable natural areas.

Not applicable

Chair Foley moved on to the Conditions of Approval:

1. A maximum of 12 students per class
2. The CEO shall issue a Business Certificate once the fire extinguisher is replaced
3. The applicant will use only natural products that have no toxic ingredients or fumes

Darryl Hubbard made a motion to approve this application for use as a DIY studio. Bob Gervais seconded the motion and all in favor. Motion carried.

Amendment to Tucker Bend Subdivision, Map 12, Lot 10 – David Taylor, applicant

David Taylor, applicant, said he is seeking approval for a fifth (5) lot to his subdivision known as Tucker Bend. The plan clearly showed the location of the fifth lot.

Chair Foley said that because this subdivision had already gone through a preliminary and final plan of approval as a major subdivision, she is not going to require that process for the approval of this lot.

Chair Foley asked if the cistern has been installed? Mr. Taylor said he has not received an approval from the Fire Chief in Limington yet.

Foley reviewed the Conditions of Approval for the original subdivision. Discussion moved to the installation of the cistern. Norm Hutchins said that the usual procedure is to not issue the last Building Permit for the last lot in the subdivision until the cistern is installed.

Chair Foley moved to Conditions of Approval:

1. The cistern shall be installed and approved by the Limington Fire Chief and the Fire Chief shall provide written approval to the Code Enforcement Officer.
2. Before the final Building Occupancy Permit is issued the cistern shall be installed.

At this point in the meeting, the Limington Fire Chief arrived and he said he has approved the location of the cistern and its design. Braley will provide a copy of his letter that approves the cistern to the Code Enforcement Officer.

Discussion went back and forth about the installation of the cistern. Dave Taylor said he has moved the location of the cistern to Lot 2. Discussion continued and neither the CEO or the Fire Chief had been notified of the change of location of the cistern. Chair Foley stated that the conditions of approval shall be shown on the new Subdivision Plan. As well, the location of the cistern and easement shall be shown on the new plan.

Darryl Hubbard made a motion to approve another lot in the Tucker Bend Subdivision and it is known as number 5. Bob Gervais seconded the motion. All in favor and motion carried.

Public Hearing for Whaleback Nursery, Map R11, Lot 26B, 142 Whaleback Road – Max Rubinstein, applicant

Max Rubinstein came forward and said he wants to establish a small nursery on his property on Whaleback Road. He will sell native trees, shrubs and perennials. He plans to sell at the local Farmer's Market, online and be open 1 or 2 days a week on his site.

Chair Foley read a letter that was forwarded to her from Terry Weymouth who spoke in support of this application for a native plant nursery.

Chair Foley opened the meeting to public comment. Bonnie Laughlin came forward and asked again when he would be open? Max replied, "1 or 2 days a week".

Chair Foley asked for questions from the Board. There was none. She asked about the location of Mr. Rubenstein's greenhouse.

Chair Foley then moved to page 56 in the Ordinance and she read from Section G, Standards Applicable to Conditional Use.

6. G. 1. It shall be the responsibility of the applicant to demonstrate that the proposed use meets all of the following criteria. The Planning Board shall approve the application unless it makes written findings that one or more of these criteria have not been met:

A. The use will conserve shore cover and visual, as well as actual, access to water bodies.

Not applicable

B. Traffic access to the site meets the standards contained in this Ordinance; and traffic congestion has been addressed in accordance with performance standards in this Ordinance.

Not applicable.

C. The site design is in conformance with all municipal flood hazard protection regulations.

Not applicable

D. Adequate provision for the disposal of all wastewater and solid waste has been made.

Max Rubenstein will use compost for planting and will not use any pesticides or hormone products. He will possibly use seaweed compost.

E. Adequate provision for the transportation, storage and disposal of any hazardous materials has been made.

Not applicable

F. A storm water drainage system meeting State standards shall be installed.

Not applicable

G. Adequate provisions to control soil erosion and sedimentation have been made.

Not applicable

H. There is adequate water supply to meet the demands of the proposed use and for fire protection purposes.

Yes

I. The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties, including public areas, from detrimental features of the development, such as noise, glare, fumes, dust, odor, adverse visual impact, and the like.

Not applicable

J. All performance standards in this Ordinance, applicable to the proposed use will be met.

Yes, will meet

K. The use will not result in unsafe or unhealthful conditions.

Correct

L. The use will not have an adverse impact on natural beauty, historic sites, or rare and irreplaceable natural areas.

Not applicable

Chair Foley moved on to the Conditions of Approval.

1. There will be 6 parking spaces provided for client parking.
2. The greenhouse meets the setback requirements of the Ordinance.
3. The farm stand meet setback requirements.

Darryl Hubbard made a motion to approve this application with the Conditions as listed above. Pete Langevin seconded the motion. All in favor and motion carried.

Changes to the proposed Ordinances

Chair Foley said the Board should quickly review any changes to the Ordinance(s) as a result of the public hearing held on December 29, 2022. Chair Foley referred to a 6 page letter that she received from Mary Lawrence, Bonnie Laughlin and Sus Silvestra. She said it was too long to read tonight and she referred to one section where the Gravel Extraction Group thought some of the changes were modest in nature. Their concerns are safe drinking water. Foley indicated that the Board cannot make major changes to the document because the Public Hearing has already been made. If there are major changes, another Public Hearing must be held and there is not time to work that into the Board's schedule to submit the document to the Town Clerk for inclusion into a referendum question at town meeting in early March.

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One item in particular concerned the setback for dug wells. The Board recommended 100 feet for dug wells but Foley thought that 200 foot setback should be used as the DEP requires. The section in our Ordinance is 12.I.5.M Setbacks for water supplies. All agreed.

Another item was 12.I.5.N Refueling operation in the pit. Chair Foley read from that section of our Ordinance. Foley specifically referred to the number of gallons of petroleum which was 1,320 gallons. Bonnie Laughlin said there are different ways to satisfy this and Bonnie felt it should remain in the language. Norm Hutchins, CEO, said that most operators use mobile refueling for their equipment by using a truck to visit work site to refuel. The Board agreed to leave that section as it is currently written.

Foley moved to 12.I.8 Renewal Submissions and referred to No. 4 for “Air quality test results”. The Board agreed to remove that item. Darryl Hubbard made a motion to remove “Air quality test” and Bob Gervais seconded the motion. All in favor and motion carried.

Foley then moved to 12.I.8 specifically No.6

This refers to inspections once every 5 years by a licensed professional engineer. Chair Foley wanted it to be a paragraph by itself. Bob Gervais said he is against using this 5 year review inspection and he stated why. He felt it was redundant. Chair Foley said that she thinks the DEP only notifies the Town if there is a problem or if the Code Enforcement Officer requests an inspection. Darryl Hubbard was adamant that this 5 year review was not too much for any operator to comply. Pete Langevin said the Board should consider the smaller pit owners as it might be an expense they could not afford. Bonnie Laughlin came back to the podium and said the Town of Standish has this requirement and it seems to work well. There was much discussion back and forth and Chair Foley asked for a motion for the 5 year review. Darryl made a motion and no one seconded the motion. Chair Foley said she would move for a vote at the February 17 Planning Board Meeting. Finally, Darryl Hubbard said that the sentence that reads as follows is already in there and it is” “Every fifth year the pit owner shall submit to the CEO a letter from a licensed professional engineer confirming compliance with the Conditions of Approval of the permit.” All agreed and it will be a separate sentence in the proposed Ordinance.

Chair Foley said she will submit to the Town Clerk the 4 Referendum questions before the voters for Town Meeting. They are:

1. Shall an Ordinance entitled Limington Growth Permit be repealed
2. Shall an Ordinance entitled Limington Zoning Ordinance be amended
3. Shall an Ordinance entitled Subdivision Ordinance for Limington be amended.
4. Shall an Amendment to the Limington Ordinance for Gravel Extraction be Amended

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Meeting Minutes of 12/20/21

Foley moved to the minutes of December 20, 2021, that were finished today. Members reviewed the minutes and the following changes were recommended:

Typo in the Whaleback Nursery description, page 4 top change wording on Page 54, remove **35F**

Bob Gervais had a typo on page 5 to correct.

Darryl Hubbard made a motion to accept the minutes as amended and Bob Gervais seconded the motion. All in favor and motion carried.

These minutes were taken and transcribed by Donna Sawyer, Secretary to the Planning Board.
Meeting adjourned at 8:45.