

**Town of Limington
Planning Board Meeting
October 16, 2023**

The meeting was called to order at 7:00 p.m. at the Limington Municipal Complex by Chair, Joyce Foley. Members present: Joyce Foley, Pete Langevin, Darryl Hubbard, Victoria Kundishora and Grace Davis, alternate.

Staff present: Craig Galarneau, Code Enforcement Officer, Donna Sawyer, Secretary

Staff Absent: Bob Gervais

Others present: Mahmoud Kanj, Jason Webster, Brian Leavitt, Jeremiah O'Brien, Jason Vafiades, Linda Gain, Carl Gain, Matthew Gain, Paul & Nancy Libby and Jason Alficro

Chair Foley announced that Grace Davis, alternate member, will be a voting member of the Board because Bob Gervais is absent.

Agenda

1. Public Hearing for expansion of Hidden Lake Village, Lots 30A, 31,33A – Jason Vafiades, Consultant
2. Conditional Use Permit for an Open-Air Antique Auto & Equipment Museum, Map R14, Lot 29-16B – Applicant Carl Gain, Jr.
3. Conditional Use Permit to add an airplane in back of the Runway Restaurant, Map R15, Lot 2-A – Mahmoud Kanj
4. Amendment to Leavitt Earthworks Gravel Extraction operation to lease a 100' x 100' area to store empty dumpsters
5. Workshop to discuss potential referendum questions
6. Approve Meeting Minutes of October 2, 2023
7. Other

Public Hearing for Expansion of Hidden Lake Village, Lots 30A, 31, 33A

Jason Vafiades, Consultant for Hidden Lake Village, and Jeremiah O'Brien came to the microphone to discuss the expansion.

Mr. Vafiades explained what a lotting plan is for a manufactured housing park as one big piece of land. He continued by saying the lots are leased by owners of a manufactured unit but do not own the land underneath. He said lot lease areas are surveyed around the units in place. Hidden Lake is a very old park and predates 1973 when a lot of the laws came online. Along the way lot lines may change as old units are taken out and new units come in and may be placed differently on a lot. As this process moves along the lots, over time, are out of whack and lot lines do not match up with lots depicted on the plan. He pointed where the new lots exist.

Vafiades displayed the old plan for the park as well as the new surveyed plan. Chair Foley asked for public comments and there were none. Foley asked the Board members for comment. Board member Victoria Kundishora asked if each unit had a septic and the reply was that 3 to 4 units may share a septic system. All of them are placed within the park and the Park Manager knows where each one is placed.

Chair Foley closed the Public Hearing and told the applicant the Board usually votes on the application the same night as the hearing at the end of the meeting. She told the applicant they could stay for the vote later or leave.

Conditional Use Permit for an Open-Air Antique Auto & Equipment Museum, Map R 14, Lot 29-16B – Applicant Carl Gain, Jr.

Mathew Gain came forward and Chair Foley told the applicant that if the Board accepts the application tonight, a site walk needs to be scheduled and it was scheduled for Saturday, November 4 at 10:00 am.

The applicant said there had been a junk yard on the property. Since 2005 or 2006 the property has been open for the public to view the old tractors and autos. The vehicles have been moved to the front and a sign posted. They have also cleaned the area.

Questions from Board members included:

How long has it been open to the public? Years

When was the decision made to open as a Museum? It has always been a museum with a junk yard being a part of it and a way to make money.

Will there be any employees? No, it will be Mathew and his Dad.

What days will it be open and the hours? Days open will be Monday through Friday, probably 9 am to 4 pm. Operate from May 1 to October first.

A stream is close to the property and how far is it away from your property? The museum is far enough away to not cause an issue.

Will there be work on the automobiles and, if so, what kind of machines? No work will be done on the autos or tractors.

Does the Board have a map of the area? It is a hand drawing.

How many tractors? Not known

What is the flow of traffic through this museum and how much will you charge for entry? The fee schedule has not been established.

Do you know what the definition of a junkyard is? Yes, I am different because I am not scrapping vehicles; I am restoring them.

Have you developed a plan yet? No, not yet

As of right now, it is a junk yard? No, as of right now it is a museum.

At the site walk, you will let us know how many vehicles, tractors and what the traffic flow will be? Yes, I will have all of that data.

Chair Foley made a motion to accept the application. Grace Davis seconded the motion. Pete Langevin, Board member was opposed. Four members voted to accept the application. Passed by a majority.

A site walk is scheduled at 10:00 am on November 4th.

Chair Foley said the applicant would have a public hearing on November 6th at 7:00 pm.

Conditional Use Permit to place an MD88 airplane near the rear of the Runway Restaurant, Map R15, Lot 2-A – Mahmoud Kanj

Mohmoud Kanj, applicant, and the Runway Restaurant Manager, Jason Alficro, came forward. Mahmoud Kanj wants to park an MD88 airplane in the rear of the Runway Restaurant. He plans to use the plane in a future business venture.

Questions were:

The plane would seat 170 passengers

How are you getting the plane to Maine? It will be delivered in three pieces by professionals. Mahmoud Kanj said the plane will be used for special occasions, private lounge and parties. The restaurant will provide the food for any occasion held in the plane.

Does the plane need FAA approval? No

Will there be a fence? Yes, all the way around it.

Will the State have to approve the plane for approval. No

How many tables? Four in first-class section.

Are the seats going to be removed? Most will be removed and seating will be in an open space in the plane.

The first-class section will have seats. Yes

The members had no more questions and the site walk was scheduled for November 4 at 10:45 am.

The public hearing was scheduled for December 6, 2023. **Note:** the public hearing was held on Nov 6th instead of December 6th.

Chair Foley made a motion to accept Mahoud Kanj's application for placement of a MD88 airplane in rear of the Runway Restaurant to be used for a future business. Victoria Kundishora seconded the motion. All in favor and motion passed.

Amendment to Leavitt Earthworks Gravel Extraction operation to lease a 100' x 100' area to store empty dumpsters

The Board members reviewed the plan submitted from Leavitt Earthworks which showed the exact area where the 100' x 100' on the plan. The area will be leased to another party and used to store empty dumpsters.

Chair Foley asked for a motion to approve the application by Leavitt Earthworks to have a 100' x 100' area to be leased by a third party to store empty dumpsters. Darryl Hubbard made the motion and Pete Langevin seconded the motion. All in favor and motion carried. Chair Foley will be forwarding a Notice of Decision to Brian Leavitt.

Expansion of Hidden Lake Village, Lots 30A, 31,33A -

Chair Foley moved to page 56 in the Ordinance and read through the Standards Applicable to Conditional Uses as follows:

6. G. 1. It shall be the responsibility of the applicant to demonstrate that the proposed use meets all of the following criteria.

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, addressed.

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.

Yes

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 an 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.

Yes

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

Yes

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

True

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

Not Applicable

Jason Vafiades told the Board that every driveway will be paved and the work has started today.

Chair Foley said the only requirement to be met is the issuance of Building Permits for each mobile home. Chair Foley made the motion to approve the park expansion with the stipulation that the park must obtain Building Permits for each new mobile home. Grace Davis seconded the motion. All in favor and motion passed. Members signed the new plan.

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Chair Foley asked for each member to go to page 34 in the Subdivision Ordinance that outlines Fire Protection & Public Safety. She requested the Fire Chief to come forward.

She referred to (page 34) under Authority B.1.b to read (*more than*) should be **within 1,200 road feet** instead of *1,500 linear feet*.

In B2.A.1 should read **1,200 road** feet instead of *linear feet*.

Chair Foley made a motion that under B.1.b *more than* should read **within** and *1,500 linear feet* should read **1,200 road feet**. Victoria Kundishora seconded the motion. All in favor and motion carried.

Still on Page 34 under B.2.A.1 Chair Foley made a motion to change the word *linear* to **road**. Grace Davis seconded the motion. All in favor and motion carried.

Next, Chair Foley moved to LD 2003. She told the members that the Board had to go through this new law, LD 2003, and determine what the changes need to be to comply.

Regarding **Tiny Homes** the Board needs to have a definition and Chair Foley said that we can use the definition from the State. Further, Chair Foley continued by saying Tiny Homes needs to be on the Dimensional Requirements Table Chart, page 71, once the Board determines what size will be used and located in what zones.

She moved to page 64, of the Land Use Table and discussion moved back and forth amongst the members about what zones a tiny house could be located. She felt tiny homes should not be in the shoreland zone. She had more questions than answers and will talk with MMA regarding her questions.

Discussion continued. The issue of parking came up and the law says no parking can be added with the addition of another tiny home as well as placement of tiny homes, setbacks, etc. Finally, it was decided to have each member study the law and formulate questions to bring to the next meeting.

Chair Foley brought up the Maine Uniform Building and Energy Code and thought it should be added to the Limington Ordinance. Foley made a motion to have a referendum question on the March Town Meeting and the question would be: Shall the town vote to adopt the Maine Uniform Building and Energy Code (MUBEC) in the Limington Ordinance. Pete Langevin seconded the motion. All in favor and motion carried.

Chair Foley moved to the changes made to the Extraction section of the town's ordinance. MMA's Legal Department said if the Board makes no changes, a Public Hearing is not necessary.

Foley said that she and Craig met with the Select Board last week. She told them that she felt the Planning Board would vote to have the new language added to the Extractive Ordinance. This will come to a vote at the March Town Meeting.

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Foley referred to a letter from Leland Murray, III, that he was opposed to section 12.I.8 that refers to Renewal Submissions. It states the following is required: 1) proof of Liability Insurance, 2) Payment of renewal fees as established by Limington fee schedule, 3) Submission of water test results from monitoring pits onsite, 4) Air quality results and costs will be borne by the quarry operator.

He says that it will cause a significant cost burden to the operation of his sand pit. Discussion followed and it was felt that the Board would move forward and allow the Extraction Ordinance changes be voted on by the public. Foley made a motion that the Gravel Extraction Ordinance move forward as printed as a Referendum question to be voted on at the March Town Meeting. Grace Davis seconded the motion. All in favor and motion passed.

Growth Ordinance was discussed next. No decision was made.

Budget – Foley reviewed the 2024 budget for Planning. Foley asked the secretary to give her the amount spent YTD for stipends. She agreed. \$15,370 is the total as presented by Joyce.

Minutes of October 2, 2023

There were changes. Foley had 4 changes. Chair Foley made a motion to accept the minutes with the 4 changes discussed. Grace Davis seconded the motion. All in favor and motion carried.

Meeting adjourned at 8:59 pm. These minutes were typed by Donna Sawyer, secretary.