

**Town of Limington
Planning Board Meeting
November 6, 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, Bob Gervais and Grace Davis, alternate.

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

Others present: Linda and Carl Gain, Matt Gain, Nancy & Paul Libby, Jason Alfiero, Mahmoud Kanj, John Wolfe, Dan Wolf, Phil Pomerleau, Bonnie Gain, Emil Braley, Luke Taylor and David Taylor

Agenda

1. Public Hearing for an Open-Air Antique Auto & Equipment Museum, Map R14, Lot 29-16B – Applicant Carl Gain, Jr.
2. Public Hearing to add an airplane in the space in back of the Runway Restaurant to be used in the future, Map R15, Lot 2-A – Mahmoud Kanj
3. David Taylor, Tucker Bend I Subdivision,
4. Workshop to discuss potential referendum questions.
5. Approve Meeting Minutes of October 16, 2023
6. Other

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

Matthew Gain came forward and said the site walk took place on November 4, 2023. His father has had a junk yard for years and a good portion of the “junk” has been removed.

Chair Foley opened the meeting for a public hearing.

Nancy Libby of 9 Hemlock Lane said that Carl Gain took care of the road plowing for many years. She encouraged the Board to approve this application. The site has been cleaned up and a lot of friends showed up to help.

Dan Wolf, 468 Main Street, Gorham - Told the Board that Carl was a good man and asked that the Board approve Carl Gain’s application.

Phil Pomerleau, 57 Northeast Road, Standish, spoke next. He said Carl had been a dear friend for over 40 years. Mr. Pomerleau was involved in the clean-up and further said that most of the autos/tractors are well over 40 to 50 years old. If the autos/tractors are gone there is nothing out there to replace these old memorabilia pieces.

The applicant said there had been a junk yard on the property since 2005 or 2006 and the property has been open for the public to view the old tractors and autos. The applicant stated that the area has been cleaned and vehicles have been moved to the front. Chair Foley closed the Public Hearing and said that a vote tonight might not happen because of the length of tonight's agenda.

Review minutes of October 16, 2023

Before the next agenda item, Chair Foley moved to the review of the minutes of October 16, 2023. Chair Foley had several changes to the Minutes of October 16. Changes were noted by the secretary. Victoria Kundishora made a motion to accept the minutes with the changes as noted. Pete Langevin seconded the minutes. All in favor and motion carried.

Discussion of Cistern, Tucker Bend I, David Taylor

Chair Foley asked David Taylor to come forward and he placed an Ipad on the table so that the members could review a section of the January 3, 2022, meeting. At this meeting Mr. Taylor was asking for approval of a 5th lot to his Tucker Bend subdivision. In this meeting Mr. Taylor was also asking to move the cistern to Lot 2.

After viewing this section of the January 3rd meeting, it was obvious that there were differences of opinion among all of the members and David Taylor, the applicant. Due to differences of opinions, Chair Foley asked Emil Braley, Fire Chief, to come forward to speak about the cistern. Emil Braley displayed pictures on a screen of the Tucker Bend I Cistern as it sets today showing that it is not in compliance with the Ordinance.

More discussion took place and Chair Foley asked that a meeting be scheduled with the Fire Chief, Public Works Director and Code Enforcement Officer to resolve the cistern issue. Chair Foley said Tucker Bend II Subdivision can move forward once the cistern issue is resolved. Chair Foley asked David Taylor to outline in a letter his concerns.

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

Mahmoud Kanj, applicant, and the Runway Restaurant Manager, Jason Alfiero, came forward.

No one from the public showed up to ask questions about this application and Chair Foley asked Board members for questions. At the site walk, Mr. Kanj told the Board Members he may offer overnight reservations. Chair Foley told the applicant that the Board would not vote on the application tonight because she wanted to review issues. The Board will vote at the November 20th meeting.

LD 2003 Discussion

Chair Foley told the members that she has invited Lee Feldman to attend the November 20, 2023, meeting to discuss affordable housing as it pertains to LD 2003.

Chair Foley also said she wants the vote on LD 2003 to be on the June 2024 ballot during the referendum vote in June. This move allows the Board to continue with drafting our Ordinance.
Update: Lee Feldman will come to a Planning Board meeting after the holidays.

Other

Chair Foley reminded the members that they voted at the last meeting to have the Extraction Ordinance on the ballot for the March 2024, Town Meeting. There are no changes to this document.

Junk Yards

Chair Foley referred to the Maine Municipal's definition of a junk yard and she said that the town's definition in our Ordinance does not need to change. It was agreed to continue using the definition that exists in our Ordinance.

Review of our Fire Ordinance for Subdivisions

Chair Foley asked the Fire Chief to come forward and review with the Board his changes. Emil Braley said the document is a work in progress. However, he reviewed the following:

Under d. Fire Protection & Public Safety

- On page 34 under Authority B.1.b, it should read *3or more lots located within 1,200 road feet by approved travel way from a designated and operational fire department water supply of at least 15,000 gallon capacity.*

Under B.2 Performance Standards 1 – should read:

- *Proximity to Fire Protection Water Supply: All residential buildings governed by B.1 shall be located within 1,200 feet by approved travel way of a designated and operational Fire Department water supply of a least 15,000 gallon capacity.*

Under B.2.1 should read (instead of 500 feet) *1,200 feet*

D.B.3 Heading for Non-Residential Fire Protection Water Supply shall read: *Fire Protection Water Supply for Commercial and Institutional Structures*

Under B.3.1. 1,200 linear feet to read *1,200 feet along an approved travel way and add . . .based on building size, use fire load and/or. . . to end of sentence.*

Under B.3 change fire hydrants to *the water supply*

Under B.4. Heading Performance Standards to read *Cisterns Performance Standards* and crossed out Performance Standards because it is stated in the new heading.

Added in this section is: *The top of the tank shall be buried a minimum of four feet from the surface to ensure frost protection*

Emil Braley continued through the requirements for a cistern. The Fire Chief said he is working on the language for the *Pumping Apron*. His goal is to be very specific in this section in order to prevent any future installation(s) to be placed incorrectly. Emil showed his 2 sketches to the Board that showed 2 different configurations for placement of a cistern next to the pumping apron.

Some discussion followed regarding cisterns. Emil promised to have his recommendations drafted by the next meeting on the 20th of November and will review all the changes with the Board members.

Maine Unified Building & Energy Code (MUBEC).

Chair Foley moved to the MUBEC language and asked the Board to go to page 69 in the Ordinance under General Land Use in their Ordinance book. Chair Foley made a motion to have the MUBEC language added as No. 2 on page 69 and it will read as follows: The Maine Universal Building & Energy Code (MUBEC) be adopted for issuing all building and electrical permits issued in the future. Bob Gervais seconded the motion. All in favor and motion carried.

This item also needs to be placed on the March referendum as a question. The question will read as: Shall the town vote to adopt the Maine Uniform Building & Energy Code (MUBEC) in the Limington Ordinance. Chair Foley made a motion to have this referendum question on the ballot. Bob Gervais seconded the motion. All in favor and motion carried.

Tiny Homes

Chair Foley moved to 2 items she wants defined. They are: 1) definition of a Tiny Home (work with Lee Feldman for definition), and 2) where should a tiny home be placed in Limington's Land Use Table. Chair Foley asked the members to move to page 66, under 29 a principle residential structures. Foley made a motion to have 29 a read: *Single-family, tiny home or two-family dwelling including driveways*. Bob Gervais seconded the motion. All in favor and motion carried.

Next Chair Foley said she spoke with the Town's attorney and she asked about where should a tiny home be situated. The attorney said *anywhere but could not be so restrictive that it will not fit on a house lot*. Discussion went back and forth of where to place a Tiny Home on the Dimensional chart on page 71. Finally, Chair Foley made a motion to add tiny home to the Dimensional Chart as follows: adding *under D an Accessory dwelling must have a minimum of 30 ft. setback from the existing dwelling*. Bob Gervais seconded the motion. All in favor and motion carried.

Planning Board Minutes
November 06, 2023

Discussion moved to **setback** of front property line on the Dimensional Requirement Table on page 71. Discussion went back and forth and in the end the Board could not come to a consensus of opinion as to what to do about front property lines concerning public or private ways.

The meeting adjourned at 9:15 pm. These minutes were typed by Donna Sawyer, secretary.