

Town of Limington
Planning Board Meeting
November 20, 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, Darryl Hubbard, Victoria Kundishora, Bob Gervais and Grace Davis, alternate.

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

Members absent: Pete Langevin, Board Member

Others present: Linda and Carl Gain, Matt Gain, Nancy & Paul Libby, Phil Pomerleau, Bonnie Gain, Emil Braley

Agenda

1. Vote on Open-Air Antique Auto & Equipment Museum, Map R14, Lot 29-16B – Applicant Carl Gain, Jr.
2. Vote 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. Review the updated **Fire Protection & Public Safety section of the Subdivision Ordinance** – Emil Braley, Fire Chief
4. Approve Meeting Minutes of November 6, 2023
5. Other

Vote to approve/decline the Open-Air Antique Auto & Equipment Museum, Map R 14, Lot 29-16B – Applicant, Carl Gain, Jr.

Chair Foley called the meeting to order and said that the first item of business is to vote to approve or decline Carl Gain's Open-Air Museum. She 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.

There is no clearly established entry and exit lines and the lot lines are not clearly developed.

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.

It was not on the plan presented to the Planning Board.

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

There was no plan presented to the Board and it is uncertain if there is groundwater pollution or spills that may have happened in the past.

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.

The owner has not met this standard.

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

The Standards have not been met because of unpaid fees. Mr. Gain has not paid junkyard renewal fees for the past 20 to 25 years. Mr. Gain has not applied for a Conditional Use Permit to operate a Museum. On the site walk there was no sign that vehicles had been worked on.

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

No identifying markers to keep people away from or climbing on to junk vehicles.

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

Not Applicable

Other applicable comments are:

At the meeting for the Public Hearing a question was asked if any work on vehicles and tractors would be done. The applicant said there would not be work done on vehicles or tractors.

The applicant's representative did not have a licensed engineer prepare a plan that clearly showed lot lines and did not provide when the Museum would be open and what would be the hours of operation?

Applicant has not presented a detailed survey plan by a licensed engineer that clearly depicts lot lines, buildings, or any other information.

There are a significant number of junk cars that may be located on neighbors' properties.

If it was a showroom, the lot would be the museum and needs to show where 160 or more parking spaces will be sited. This is on page 86 of the Ordinance that addresses parking areas.

Chair Foley pointed out that Limington's Ordinance has a definition for Junkyard and Automobile Graveyard. She referred to page 10, and feels this property falls into both of these categories. The definition of junkyard is on page 19 and also applies to this property.

In closing Chair Foley said this has been a junkyard and operating 40 or more years and operating without a Conditional Use Permit and not paying renewal fees for the past 25 or so years as a junkyard. In the last month, the owners have removed some junk materials from the property.

Chair Foley moved that the Board deny this application as it does not meet the criteria to be a museum, and, in fact, it is an automobile junkyard or automobile graveyard and does not meet the qualifications as an operating museum. Bob Gervais seconded the motion and he said he has struggled with this application because several of Mr. Gain's neighbors came forward to support him and his quest to operate a museum. However, the Board is tied to uphold the Ordinance and this property does not yet meet the definition. The lot still needs to be cleaned up more and he cannot vote yes.

Chair Foley told the applicant that he is welcome to come back before the Planning Board with a plan for a business use and the Board would review it and work with him.

Darryl Hubbard said he would like to see a professional plan done by an engineer that shows lot lines. Chair Foley showed a plan to the other members that was presented today. It does not show the lot lines on the plan. Grace Davis and Victoria Kundishora, Board Members, agreed that some work needs to be done to get approval. Chair Foley reiterated that the applicant could

come back with another application when more work has been on the site.

Matthew Gain came to the microphone and said they have put gravel down and they are working on getting a professional plan done.

Chair Foley said there is a motion and a second on the floor to deny this application and asked for a show of hands. The vote was unanimous to deny.

There was discussion about paying another \$400 application fee and Chair Foley said it can be discussed again if another application comes before the Board.

Phil Pomerleau, 57 Northeast Road, Standish, came forward and said he helped put together the hand drawn plan presented tonight. He also said he had spoken with BH2M, an engineering firm, and all of the engineering firms are booking surveys about a year out.

Vote to add an airplane in the space behind the Runway Restaurant to be used in the future, Map R15, Lot 2-A – Mahmoud Kanj

Chair Foley asked the members to move to page 56 in the Ordinance and she 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.

Meets

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.

Prior to opening for business, the applicant must provide the Code Enforcement Officer with an agreement of how to dispose of wastewater and solid waste.

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.

Buffering is already in place.

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.

Yes will meet.

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

It will not adversely impact the site.

Other Conditions:

Mr. Kanj cannot have overnight guests on the plane. Chair Foley spoke with the Town's attorney who said that would constitute a dwelling and the applicant would need a building permit. He would also need a septic system and water on site.

The caterer cannot take alcoholic beverages from one building to the other as it would be illegal.

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If Mr. Kanj wants to have BYOB, he can apply to the State for a license for one-day. Or, he can apply for BYOB Function Permit and then renew it each year.

Chair Foley made a motion to approve Mr. Kanj's application to have a plane placed behind the restaurant with the above stipulations. Victoria Kundishora seconded the motion. All in favor and motion carried.

Review the updated Fire Protection & Public Safety section of the Ordinance in the Subdivision section.

Emil Braley, Fire Chief, came forward to review with the Board his changes to the current Ordinance which begins on Page 34 of the Subdivision section.

Chair Foley said she would like to review and discuss only the items that were changed. Chief Braley said that changes were in bold type and the old language was crossed out.

The Board thanked the Chief for his hard work on the new language with the help of the Planning Board Secretary

Please refer to Attachment 1 at the end of these minutes. It is the document that Emil Braley reviewed with the members.

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There were a few changes requested by Board members. The secretary will make the changes.

Chair Foley made a motion to approve with changes noted. Victoria seconded the motion. All in favor and motion carried.

The meeting adjourned at 9:00 pm.



Limington Fire/EMS

SUBDIVISION ORDINANCE TOWN OF LIMINGTON

March 1, 2022 version
Beginning on page 34

B. Fire Protection and Public Safety

B.1 Authority

A. Except for exemptions cited herein, ~~this s~~Section D shall be applicable to the following structures constructed after November 6, 2018:

1. Residential subdivisions regulated by 30-A MRSA §4403 and subdivisions exempt by 30-A MRSA §4401.4 and 4401.4D -1, D-2, D-3, and D-4 [Probate and family divisions] consisting of:

a. Three (3) ***or more lots located more than ~~1,500 linear~~1200 road feet by established an approved or legally nonconforming travel way from a designated and operational Fire Department water supply of at least 15,000 gallon capacity.***

b. ~~Between four (4) and seven (7) lots located more than 1,500 linear feet by established travel way from a designated and operational Fire Department water supply of at least 15,000 gallon capacity.~~

2. Commercial and institutional structures ~~with~~in excess of 4,000 square feet of area, excepting agricultural buildings.

B.2 Performance Standards

A. Residential Fire Protection Water Supply ***(cistern, Dry Hydrant, or existing water supply).***

1. Proximity to Fire Protection Water Supply:

All residential buildings governed by B.1. shall be located within 1,200 ~~linear road~~ feet by ~~established~~ ***an approved or legally nonconforming*** travel way of a designated and operational Fire Department water supply of at least 15,000-gallon capacity.

2. Alternative Water Supply Required:

Proposed new residential structures failing to meet the standard B.2.A.1 will be required to provide one of the following ~~remedies~~ **alternatives**:

- a. Install a residential fire sprinkler system in all residential units in conformance with the standards of NFPA 13D or latest published edition of NFPA;
- b. Install an enclosed concrete or polycarbonate cistern with a minimum 15,000 gallon capacity on site or within 500 feet ~~by established travel way of the principal structure and provide Fire Department vehicular access to the cistern;~~ **1200 road feet by an approved legally nonconforming travel way of all new dwellings within the subdivision development.**

(Document page 35)

~~B. Non-Residential Fire Protection Water Supply~~ Fire Protection Water Supply for Commercial and Institutional Structures

1. Proximity to Fire Protection Water Supply:

Commercial and institutional structures in excess of 4,000 square feet in area must be located within 1,200 ~~linear road~~ feet by established **an approved or legally nonconforming** travel way of a designated and operational Fire Department water supply of at least 15,000-gallon capacity, **or a greater capacity if recommended by the Fire Chief, due to the subject property's size, use, fire load, and/or number of buildings served.** The Fire Chief and/or Planning Board may require a water supply in excess of 15,000 gallons based on building size, use, fire load, and/or number of buildings served by the water supply. **Based on building size, use, fire load, and/or number of buildings served by the water supply, the Fire Chief may recommend to the Planning Board, a capacity larger than 15,000 gallons.**

2. Design Standards:

All hydrants shall be designed and constructed in conformance with ~~NFPA 24 or the~~ latest published edition of NFPA 24. No hydrant shall be serviced by a water supply main of less than six (6) inch diameter.

3. Costs & Responsibilities:

- a.** The applicant shall be responsible for expenses associated with the installation, maintenance, and/or lease of ~~fire hydrants~~ **the water supply** located in private ways, driveways, and private property.
- b.** Applicants shall also be responsible for the installation and lease costs associated with a ~~hydrant~~ **water supply** installed in the right-of-way of a Town -

or State road for a period of three (3) years, where upon all lease costs shall be assumed by the Town of Limington.

C. Automatic Fire Sprinkler Systems

1. Fire Sprinkler Design Standards

All Automatic Fire Sprinkler Systems shall conform to the following design criteria:

- a. NFPA 13D or latest published edition for one and two family residential dwelling units;
- b. NFPA 13R or latest published edition in all residential structures except for one and two family dwelling units;
- c. NFPA 13 or latest published edition in any commercial or nonresidential structure.

D. Fire Cistern Performance Standards

1. **Fire** Cisterns **design and installation:**

Fire Water Supply cisterns shall be designed as follows: ~~36~~

(Document page 36)

Performance Standards

a. All Cisterns shall be waterproofed prior to installation.

b. The top of the tank shall be buried a minimum of four (4) feet from the surface to ensure frost protection.

~~b.~~ **c. Cisterns shall be plumbed with a six (6) inch drafting outlet *with an elbow three (3) feet above the ground.* with a A threaded fitting, *including a metal cap, will shall be attached to the drafting outlet and shall face the pumping apron.* with long handles and a metal cap mounted on an elbow at least two (2) feet above the surface of the ground.**

~~c.~~ **d. All plumbing fixtures shall be metal in construction.**

~~d.~~ **e. A separate vent pipe shall be installed.**

- ~~e.~~ **f.** A separate fill pipe **shall be on an elbow** mounted at least ~~2~~ **three (3)** feet above the ground ~~and fitted with a threaded 2.5 inch wye~~ **mounted horizontally**.
- ~~f.~~ **g.** A **commercial** sight gauge showing water level in the cistern **shall be part of the vent pipe**.
- ~~g.~~ **h.** Cisterns shall be constructed with a cleanout manhole enabling maintenance access to the interior with a locking mechanism to prevent vandalism.

2. Pumping Apron:

- a. Apron Design: A paved access apron at least 15 feet long shall be constructed from the cistern ~~to the edge of the street or private way to provide easy Fire Department access to the dry hydrant and fill pipe.~~ **There shall be a paved access apron from the edge of the approved or legally nonconforming travel way. It shall measure 20 feet wide beginning at the drafting outlet connection. The length shall and extend a minimum of 20 feet on either side of the drafting outlet connection. Refer to figures 1 and 2 below.**
- b. **The apron base material shall be 18 inches of MDOT Type D gravel compacted to 95 Proctor.** Bituminous Surface: The apron shall consist of 2.5 inch bituminous concrete surface constructed on 18 inches of MDOT Type D gravel compacted to 95 Proctor.
- c. **The paved Surface shall consist of 2.5 inches of bituminous concrete.**
- ~~e.~~ **d. Protective Bollards:** Two three-inch concrete filled **schedule 40** metal pipe bollards shall be **six-inches in diameter extending five 5 feet above the surface of the apron** shall be installed on either side of the drafting outlet connection in order to protect the fittings from impact from vehicles. **These bollards shall be painted safety yellow.**

E. Approvals and Inspections

1. **The Fire Chief or designee and Code Enforcement Officer shall approve:**
 - a. **Proposed location of water supply prior to Planning Board approval of Subdivision, or prior to the CEO's issuance of a building permit for a building or development that is not subject to subdivision review.**
 - b. **Water supply type and design prior to Planning Board approval of Subdivision, or prior to the CEO's issuance of a building permit for a building or development that is not subject to subdivision review.**

- 2. The Fire Chief or designee and Code Enforcement Officer shall have authority to inspect all phases of construction.**
- 3. The Fire Chief or designee and/or Code Enforcement Officer will conduct inspections during all construction phases, including but not limited to the following:**
 - a. Excavation of site before placement of cistern, or dry hydrant.**
 - b. Dry hydrant or cistern tank shall be inspected and checked for leaks prior to backfilling.**
 - c. The Code Enforcement Officer shall inspect pumping apron prior to paving.**
 - d. The Fire Chief or designee shall conduct final inspection of water supply to ensure all performance standards have been met.**

F. Fire Response Accessibility

1. Road & Parking Design:

All private ways, subdivision roads (***whether or not the same are proposed for Town acceptance***), private driveways, and parking lots shall be designed to provide adequate travel way widths and curve/curb radii to accommodate a 100-foot ladder /tower apparatus with a minimum 65 - foot inside turning radius.

2. Fire Lanes:

Buildings of high-density occupancy, public accommodation or hazardous conditions; including but not limited to multifamily complexes, shopping centers, auditoriums, theaters, office buildings, hospitals, lodging, and manufacturing facilities, shall provide 15-foot fire lanes designated as "No Parking Zones" that will enable rapid and ~~37~~ unimpeded access of fire/rescue equipment and personnel to the interior, roof, mechanical room, and/or other critical areas. The Limington Fire Chief or designee shall exercise sole discretion in the location and design of such Fire Lanes.

(Document page 37)

3. Fire Department Connection (FDC)

All buildings fitted with an Automatic Fire Sprinkler System in conformance with NFPA 13 and NFPA 13R shall provide an exterior Fire Department Connection (FDC) in a location readily accessible to responding Fire apparatus. The Fire Chief or designee shall exercise sole discretion on the location of the FDC, and the configuration of road access to the FDC.

4. "Knox Box" Rapid Entry System (RES)

All multi-family ~~uses~~ **buildings** and non-residential buildings, including but not limited to places of public accommodation, manufacturing and fabrication facilities, gated emergency accesses and similar uses shall install a secure Rapid Entry System box, containing keys facilitating rapid entry of fire and rescue personnel to a locked facility. The Limington Fire Chief or designee shall specify the location and number of such Knox Box systems.

~~3.~~ 5. Exemptions and Additions:

~~1.~~ a. Exemptions:

Given the proximity of adequate established Fire Department water supplies, the Fire Chief or designee may exempt, ***in their sole discretion*** a proposed development from providing an on-site water supply, ***if the Fire Chief or designee determines that public health and safety are not adversely impacted by such exemption.***

~~2.~~ b. Additional Requirements:

Given site conditions and constraints, inaccessibility, fire loads, and /or exposures, the Fire Chief or designee may impose additional fire protection standards beyond the minimum requirements specified in Section B in order to maintain neighborhood safety, preserve property, and protect civilian and firefighter lives.

G. Easement Deed

1. When ~~water storage means~~ cisterns are ~~used~~ installed, the developer shall provide an executed dry hydrant easement deed to the Town of Limington in a form approved by the Town Attorney.

2. Developer must provide proof of easement deed prior to final subdivision approval.

H. Maintenance of Fire Protection Systems

1. Maintenance of ~~Water Storage Means~~ cisterns

a. ~~Water storage means~~ Cisterns and dry hydrants associated with water storage arrangements shall be maintained as required by NFPA 1142, Chapter 8, Section 8.7.1 and 8.7.6. The homeowners' associations shall be responsible for the maintenance of the fire protection system, if common storage means are used. Maintenance requirements shall be included in the homeowner's association's declaration, which shall be in a form approved by the town attorney.

2. Maintenance of Sprinkler Systems

a. Maintenance of individual sprinkler systems shall be the responsibility of the individual owner.

All applicable requirements in this section shall be completed prior to the issuance of any occupancy permit. If ~~assurance~~ a performance bond has been required, items covered by the bond shall be completed within one year from the date of approval by the Planning Board.