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A P P R O V E D
LINCOLNVILLE PLANNING BOARD
MEETING MINUTES
Wednesday, April 25, 2012

The Town of Lincolnville Planning Board convened on Wednesday, April 25, 2012 at 7:00 PM in the Lincolnville Central School.

PRESENT: Chair: Lois Lyman, CEO Frank Therio Members: Scott Crockett, Paul Crowley, Bobby Winslow. Alternate Ladleah Dunn.

Agenda:

Commercial Site Plan Review:

1. **Donald R. Heald, IV; Applicant/Owner**
Map 27, Lot 3; 926 Beach Road
Re: Gunsmith Shop Preliminary Review

Lyman: I would like to table the Minutes of March 12, 2012 until after the Review, since they do not pertain to this process.

Therio: I'd like to provide some background on this application.

Summary: The Applicant is here to ask the Board to approve a larger sign. He was given a home occupation permit for his winter bait business. He would like to expand his business to include weapon repair service. With a home occupation permit, the approved size of the sign is 3 sq ft. The Applicant is coming before the Board for a Commercial Site Plan approval so he can get a larger sign. He would like a commercially appropriate sign of 80 sq ft.

Lyman: So this is like Viking, because it's pre-existing.

Therio: Yes. He had an option to apply and be declined so he could go to the Appeals Board. But he doesn't want to do that. He's here before the Board to get approve this as a Commercial Site Plan approval.

Applicant (Heald): We thought it would be better to have a formal record of everything.

Applicant (Heald): I'm making it similar in size to the sign that North East Charter has. I will use a different solar light, not the solar cone lamps in the picture. If you look on the edge of the picture, you'll see a side profile that

47 looks like the letter "A" on a stick. That shows what it looks like from the edge.
48 The sign construction is on 6" x 6" posts with a spring loaded hanging sign
49 board between the posts. There is a small roof with cedar shingles on it. Under
50 the roof edge, I'll put some dual bright LED lights in a 4 x 8 square. It's an LED
51 solar appliance.

52

53 My target hours are only evenings to start, 5-8:00 pm and Saturdays. I'm
54 targeting after work business. The primary business is gun repairs. Old guns
55 that misfire, or have missing parts are the bulk of the business. The repair shop
56 has lathes, drill presses, etc. It's a repair shop, not a firearms showroom.
57 However I will operate with a Federal Firearms License, so if a customer wants
58 to order a particular gun that is possible.

59

60 **Lyman:** Let's go through the submission requirements.

61

62 **Heald:** The CEO encouraged me to make a bullet point presentation so this is
63 provided with the application. Each is listed how it relates to the Ordinance. He
64 liked the ones that previous applicants had submitted so he made it as easy as
65 possible for the Board.

66

67 **Submission Requirements:**

68 **Lyman:** This is an existing site. A lot of things will not change. All application
69 fees are paid. The applicant is not asking for a waiver because of pre-existing
70 state of the site.

71

72 **Heald:** The State has inspected it for sight distance involved for the speed limit
73 of the road. The State gave their Approval. A copy of the permit is in the
74 packet.

75

76 **Lyman:** So that is for the existing driveway?

77

78 **Heald:** Yes, because there is nothing new proposed. It's already there and
79 must have a change of use designation.

80

81 **Crowley:** The only thing new that is proposed is a sign.

82

83 **Heald:** I put it together so there will be a record under a minor commercial site
84 plan. Last winter, the obvious positive results of putting up a larger bait sign
85 indicated that a larger sign is needed. A small placard by the door is not visible
86 enough, and is too far from the road to appreciate what it says. The sign needs
87 to be visible and professional. It will be constructed in house, created in the
88 shop and will be hand painted.

89

90

91

92 **Section 10.2 General Information**

93 **10.2 a.** The property owner/Applicant's name, address and phone number are
94 on the application.

95

96 **10.2 b. Location of all required setbacks and buffers.**

97 Site is pre-existing; Not Applicable.

98

99 **10.2 c.** A list of names and addresses of all property owners within 500 ft of
100 the boundaries is provided.

101

102 **Heald:** Mother is in the process of selling property in the back. I'll work with
103 the realtor and send them a post card as well because they are within 500 feet.

104

105 **Lyman:**

106 **10.2 d.** All names and addresses of consultants are on the project.

107 N/A, Applicant is doing all work himself.

108

109 **10.2 e.** Sketch map showing the location of the site is provided in the
110 Application.

111

112 **10.2 f.** Boundaries of contiguous property are shown on the application.

113

114 **10.2 g.** Tax map and lot number are on the Application.

115

116 **10.2 h.** Copy to the deed to the property is provided in the Application.

117

118 **10.2 i.** N/A; the submitted plan is prepared by the Applicant.

119

120 **10.2 j.** Evidence of the Applicant's technical and financial capability to carry out
121 the project is provided.

122

123 **Winslow: Motion: To make as a Finding of Fact that the information**
124 **submitted in section 10.2 is accurate and correct.**

125 **Second: Crockett.**

126 **Vote: 5-0 in favor.**

127

128 **Section 10.3 Existing Conditions**

129 **10.3 a.** N/A. The property lines are on the survey.

130

131

132

133

134 **10.3 b.** N/A. There is no new development.
135
136 **10.3 c.** N/A. Existing sewer and water mains will remain. A culvert is there.
137
138 **10.3 d.** N/A. Streets and rights of way are on survey.
139
140 **10.3 e.** N/A. Ground Elevation of the slope around the house is pre-existing.
141
142 **10.3 f.** Location and dimensions are on the tax map that shows the driveways
143 and entrance to property.

144
145 **Crowley: Motion: To waive the submission requirement for elevation**
146 **information since the only new proposed change is erecting a sign.**
147 **Second: Lyman.**
148 **Vote: 5-0 in favor.**

149
150 **10.3 g.** Locations and dimensions of driveways are on the site. Roads and
151 driveways are on the survey.

152
153 **Winslow: Motion to include Items 10.h and 10.i into the above motion.**
154 **Lyman: Second.**
155 **Vote: 5-0 in favor.**

156
157 **10.3 j.** Fire Hydrant
158 The cut sheet is detailed with the tax map where the fire pond is.

159
160 **10.3 k.** The cut sheet of sign is quite detailed.

161
162 **10. I.** Location and dimensions of existing easements are provided on the
163 Application.

164
165 **Winslow: Motion that we accept as a Finding of Fact that the items**
166 **submitted for 10.3 are accurate and correct as submitted.**

167 **Second: Crockett.**
168 **Vote: 5-0 in favor.**

169
170 **Section 10.4 Proposed Development Activity**

171 **10.4 a. Estimated Water Demand, Supply and Sewage**

177 **Discussion:**
178 **Lyman:** Do you have a need for water in the shop?
179 **Applicant:** Yes. For my fish and for potential fire hazards. The abandoned,
180 original well is 200 feet behind the house. I redug the well, installed a fresh
181 pump and new pipes. In my shop there is an above ground pump and a tank
182 that will be housed outside the shop. There is water available year-round for
183 the fish and a spigot. The gravity fed water pump works even if the power is
184 off.
185
186 **10.4. b** N/A. it's a pre-existing, grandfathered site. There is no change.
187
188 **10.4.c.** N/A. There is no change.
189
190 **10.4.d** N/A. No change; it's the same driveway.
191
192 **10.4. e.** No landscaping proposed. There is vegetation on the right side of the
193 property.
194 **Discussion:**
195 **Heald:** I plan to maintain and enhance the landscaping. We planted willow
196 trees. We will be adding more willows and some cedars. We will cut out the
197 dead growth on the edge of the driveway. We are adding more buffering for the
198 neighbors' sake. A massive firewood pile serves for now as a buffer on one side
199 of the house.
200
201 10.4. f. N/A. There is no expansion, no change.
202
203 **10.4 g. Signage:** This is the only thing that is changing The CEO is in charge of
204 approving all commercial signs according to the Ordinance.
205
206 **10.4 h.** N/A. There is no new exterior lighting. Exterior lighting is not changing.
207 Shop is flush with the front of the house. He has existing dual angle flood for
208 extra light. Hours of operation will necessitate lighting only in the winter
209 between hours of 5-8 pm.
210
211 **10.4. i. Utilities.** N/A. There are no new utilities, no change.
212
213 **10.4. j. Proposed Use** is a gun repair and ice fishing bait shop.
214
215 **10.4k. Peak hour traffic is between 5-8 pm.**
216 Normal traffic flow is 2-3 cars at a time in the driveway. Friday nights are peak
217
218
219
220

221 hours where 2-10 cars could potentially be there at a time.

222

223 **10.4. I. Storm Water**

224 N/A. There is no change to the existing storm water measures.

225

226 **10.4. m. Copies of applicable State approvals.** The Applicant submitted a
227 copy of his Federal Firearms License. Copies of his permits of operation under
228 the FFL will be visible.

229

230 **Lyman:** We should approve what ever you are doing as a whole as an existing
231 site.

232

233 **10.5 Additional Information**

234 N/A. It's not a major project.

235

236 **Winslow: Motion: Finding of Fact: The evidence presented is testified to**
237 **be true and accurate at this time.**

238 **Second: Lyman.**

239 **Vote: 5-0 in favor.**

240

241 **Section 11 Standards and Criteria**

242

243 **11.1 Utilization of the Site**

244 **Lyman: Motion: 11.1 is not applicable because it is a pre-existing site,**
245 **there will be no excavation, nothing will be disturbed.**

246 **Winslow: Second.**

247 **Vote: 5-0 in favor.**

248

249 **11.2 Traffic Access and Parking**

250 **11.3 a, b, 1 & 2 are all on the approved DOT entrance permit.**

251

252 **11.2.3. Grade and Intersection.**

253 N/A. The grade and intersection already exist. The DOT has already approved
254 it.

255

256 **Lyman: Motion: Traffic Access and parking is not applicable because this**
257 **is a Pre-existing site. There will be no excavation, nothing will be**
258 **disturbed.**

259

260

261

262

263

264 **Foster: Second.**
265 **Vote: 5-0 in favor.**

266
267 **Winslow: Motion: Finding of Fact: The DOT entrance permit has been**
268 **submitted and approved and all other elements of 11.2 are already in**
269 **existence; they are grandfathered in.**

270 **Crowley: Second.**
271 **Vote 5-0 in favor.**

272
273 **11.3 Storm Water Management**

274 **Lyman: Motion: Storm Water Management will not change because this**
275 **is a pre- existing site.**

276 **Crockett: Second.**
277 **Vote: 5-0 in favor.**

278
279 **11.4 Erosion Control**

280 **Winslow: Finding of Fact: Pre-existing site nothing will change that**
281 **affects erosion control.**

282 **Lyman: Second.**
283 **Vote: 5-0 in favor.**

284
285 **11.5 Water Supply Provisions**

286 **Applicant:** I have a gravity fed, 28 ft deep x 8 ft wide well. Also have access to
287 an artesian well that is used by the house. He is also within 300 yards from a
288 fire pond that has a fresh spigot and has been freshly re-dug.

289
290 **Motion: The Applicant meets the Standards in Section 11.5 because it he**
291 **has described adequate water supply provisions.**

292 **Crowley: Second.**
293 **Vote: 5-0 in favor.**

294
295 **Winslow: Motion: Sections 11.6 – 11.9 are already pre-existing**
296 **conditions on the site; there will be no change to the conditions and as**
297 **such they are grandfathered in.**

298 **Second: Dunn.**
299 **Vote: 5-0 in favor.**

300

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305

306 **11.10 Hazardous Special and Radioactive Materials**

307 **Discussion:**

308 **Lyman:** Will there be gunpowder stored onsite?

309 **Applicant:** Yes. Gunpowder will always be stored in its original shipped
310 containers, either cardboard or plastic. Once the reloading of equipment is
311 done we put all of it back in the original containers and placed in a firebox. I
312 treat them like fireworks and store them in a fire proof box or in a 40 millimeter
313 grenade container which is rubber sealed and has double latches on each end of
314 the box. It's watertight and fireproof. I also use cleaning solvents such as MPro
315 7 brand, it is biodegradable, nontoxic and odorless. He uses an ultrasonic dip
316 tank fluid. It's a recyclable fluid that can be cleaned. It's very benign.

317

318 **Lyman: Motion: The Application meets the Standards because owner has**
319 **described satisfactory best practice uses for storage of these materials.**

320 **Second: Winslow.**

321 **Vote: 5-0 in favor.**

322

323 **Winslow: Motion: Sections 11.11 – 11.14 are not applicable. The site is**
324 **pre-existing; there are no changes on the site that will affect the**
325 **Standards.**

326 **Lyman: Second.**

327 **Vote: 5-0 in favor.**

328

329 **11.15 Fire Protection Provisions**

330 **Applicant:** Has also sealed the concrete slab on the building so no liquids or
331 caustics can penetrate the slab. He will place an OMD Hazardous Materials
332 placard outside the door so people will understand that gunpowder is present.
333 He will also meet with the fire chief and give him a layout of the shop so he is
334 aware. I will also place an orange triad on the door.

335

336 **Winslow: Motion: Section 11.15 Finding of Fact: The Applicant has**
337 **stated his fire protection plans and they are adequate to meet the**
338 **Standard.**

339 **Crockett: Second.**

340 **Vote: 5-0 in favor.**

341

342 **Section 12 Good Neighbor Standards**

343

344 **12.1 Exterior lighting**

345 N/A. The lighting will not change. He has a double spot flood for wintertime

346

347

348

349

350 safety. The shop is flush with the front of the house, so the light he has will be
351 adequate. The majority of lighting needed will be in the winter from 5-8 pm.

352

353 **12.2 Buffering**

354 N/A. Mentioned previously, it will not change.

355

356 **Lyman: Motion: 12.1 and 12.2 are not applicable because the property is**
357 **pre-existing.**

358 **Second: Crockett**

359 **Vote: 5-0 in favor.**

360

361 **12.3 Noise**

362 **Heald:** At present, I live fire most firearms on the premises with a handful of
363 rounds. I plan to bring a tractor trailer body on the property in order to prevent
364 potential noise issues with the neighbors. This ensures control of projectiles
365 expelled on the property. Gunpowder will be stored in the basement, in dry
366 containers, away from the shop where torches are used. Bulk gunpowder won't
367 be present in the workspace. Every effort will be made to contain noise.

368

369 **12.4 Storage of Materials**

370 **Lyman: Motion: Storage of materials is adequate due to the reasons**
371 **stated by the Applicant.**

372 **Winslow: Seconded.**

373 **Vote: 5-0 in favor.**

374

375 **Section 13 Design Standards.**

376 **13.2, Signs, business signs are up to the CEO to approve.**

377

378 **Winslow: Motion: Section 13 Design Standards is not applicable**
379 **because it is pre-existing.**

380 **Crowley: Second.**

381 **Vote: 5-0 in favor.**

382

383 **Discussion:** We usually make an applicant come back before we approve a
384 commercial site. But in light of the fact that the only change is the sign, we
385 should go ahead and approve this application tonight.

386

387 **Crowley: Motion: To find this Application complete and approve it. The**
388 **only change whatsoever is the addition of the commercial sign.**

389

390

391

392

393 **The sign is approved by the CEO in accordance with the Ordinance. This**
394 **is a rare case where the Board can and should approve the application**
395 **tonight.**

396 **Winslow: Second.**

397 **Vote: 5-0 in favor.**

398

399 **Lyman: Motion: To approve Minutes of 3.14.12 as amended.**

400 **Second: Crockett.**

401 **Vote: 3-0.**

402

403 **Winslow: Motion to adjourn.**

404 **Second: Lyman**

405 **Vote: 5-0 in favor.**

406

407

408 **Respectfully Submitted,**

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411 **L. Jaye Bell,**

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413 **Recording Secretary**

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