

LINCOLNVILLE PLANNING BOARD
MINUTES OF MEETING
March 30, 2016

PRESENT: Chair Ron Moran; Members Dorothy Havey and Scott Harrison; Alternate Member Mark Thurlow; and CEO Frank Therio

ABSENT: Member Robert Bickford and Alternate Member Jay Foster (excused)
Member John Ianelli has resigned from the Board.

The meeting of the Planning Board convened at 7:00 pm. These minutes are a summary of the Board's discussions. A video recording of this meeting is available at the Town Office.

DECLARATION of CONFLICT of INTEREST:

The Chair asked if there were any Members wishing to declare a conflict of interest - there were none.

The Chair appointed Mr. Thurlow to serve as full members for the evening's business.

1. COMMERCIAL SITE PLAN: Determination of Review
Dale Turk and Kathryn Capra: Map 12 Lot 18: 2060 Atlantic Highway

Will Gartley of Gartley and Dorsky Engineering and Surveying was present on behalf of the Applicants, the owners of the Red Barn. The owners plan on continuing the commercial use of the building as an antique business, a use that was in existence for many years. Because this use will be the same as the previous commercial use, the owners are asking the Board to consider whether or not full Site Plan Review is required.

This past summer Ms. Capra sold home-baked goods in a part of the building she converted into a small bakery. That business will continue, and the CEO explained that the bakery will still be considered a Home Occupation which is permitted in an accessory building.

The owners want to lease space to antique dealers. It will not be run as an "Antique Mall" where various owners are given stalls in which to display their goods, but as a single shop where owners will not be required to be present. The former antique business run by the shop owner who also owned all of the goods being sold. Mr. Gartley believes that ownership of the antiques being sold should not be a factor in determining whether or not this is a new business requiring Site Plan Review.

Mr. Gartley went through the various "triggers" for Commercial Site Plan Review outlined at Section 18 Section 2.1 of the Land Use Ordinance (LUO); explaining why the Applicants believe that none of these triggers apply to this resumption of a commercial use of the property. (See Applicant's Submission letter dated March 16, 2016.)

Mr. Gartley then addressed the provision of Section 2.1.1 of the LUO: Ability of a Landowner to Seek Planning Board Determination About Need for Site Plan Review

A landowner may ask the Planning Board, or the Planning Board may ask a landowner, to appear before the Planning Board to request a formal determination as to whether proposed use

or land use activity requires full Site Plan Review under Sections 11, 12 and 13 of the Commercial Site Plan Review Ordinance and/or whether the waiver of any submission requirements pursuant to Section 10.1 of the Commercial Site Plan Review Ordinance is appropriate. In making this determination, the Board shall consider the following: (The Applicants' arguments are entered below in italics.)

- i. the size of the proposed use compared with surrounding uses;
The use is existing and proposed to remain.
- ii. the intensity of the proposed use, including amount and type of traffic to be generated, hours of operation, expanse of pavement, and similar measures of intensity of use, compared with surrounding uses;
The Red Barn will continue to function similar to its historic use as a retail store for antiques. Minor improvements will be made to the parking area.
- iii. the potential for generation of noise, dust, odor, vibration, glare, smoke, litter, and other nuisances;
No change.
- iv. unusual physical characteristics of the site, including size of the lot, shape of the lot, topography, and soils, which may tend to aggravate adverse impacts upon surrounding properties;
No change.
- v. potential for increased impact on the environment;
No change.
- vi. the ability of traffic to safely move into and out of the site at the proposed location;
The existing parking will remain, with slight improvements to eliminate backing onto Route 1.
- vii. the presence of facilities to assure the safety of pedestrians;
No change.
- viii. the capacity of neighborhood streets and roads to accommodate the proposed level of use; and
No change.
- ix. adequacy of the storm drainage system to accommodate the proposed use.
No change.

BOARD DISCUSSION:

The Applicants' representative confirmed:

- The MDOT has no problem with the resumption of the commercial use; a new entrance permit is not required
- Delivery trucks, which may have presented a safety problem backing onto Route 1 or occupying the small parking area, will use the northern side of the building (accessed by

- a separate drive) where there is an overhead door for loading good into the building
- No changes will be made to the exterior lighting or signs

The Board made clear that if anything on the Site changes – like exterior lighting, for example, the owners will need to return to the Board for review of those changes.

MOTION by Ms. Havey seconded by Mr. Thurlow that the Board Find that the information as presented indicates that this change does not change the existing commercial use and that Site Plan Review is not required.

VOTE: 4-0-0

MINUTES: Two sets of Minutes from February 10 and March 9 are outstanding. The Board will discuss how to approve the Minutes; now that Mr. Ianelli is gone it will not possible to have a quorum of those present to Vote.

OTHER:

1) The Board agreed that the continued absence of Rob Bickford must be dealt with, especially now that Mr. Ianelli is gone. It could be difficult at times to get a quorum together to hold meetings so they need to replace these two members, and they hope that the Board of Selectmen is actively seeking new members. This is especially important since the Harbour Pointe Subdivision will be returning in May to resume review of Phase II.

2) The Board asked that at the last meeting in April (the 27th) time be set aside to review the Subdivision Ordinance and the process they will use when the next subdivision comes before them. No one on the Board except Mr. Foster has ever been through this kind of review.

There being no further business before the Board they adjourned at 7:40pm

Respectfully submitted,

Jeanne Hollingsworth, Recording Secretary