

Town of Lincolnville  
Planning Board Meeting Minutes  
February 8, 2023  
7:00 PM

1. Call to order: The meeting of the Planning Board convened at 7:00 pm in the Selectmen's Room of the Town Office. These minutes are a summary of the Board's discussions. A video of the meeting is available at the Town Office as well as the option to view the meeting on Channel 22.

Members present: ◇ Sandy Delano                      Others: CEO Frank Therio  
                         ◇ Earl Brown                              Alyssa Pulver, DBA Gartley & Dorsky  
                         ◇ Dick Vermeulen                              Nancy Weser, Scribe  
                         ◇ Janis Kay  
                         ◇ Bill Norfleet, alternate

Absent: Dick Butler, Chair

Sandy Delano, appointed Chair for the meeting asked for introduction of the Board and Presenter. S. Delano stated the Board will review the Standards & Criteria for the final approval on the Katie's Commercial Site Plan. The Board will reference Commercial Site Plan 18 page 50 thru 70, subsections 11, 12 & 13. Alternate B. Norfleet will abstain from voting.

Findings of Fact & Conclusion of Law

Date: February 8, 2023  
Application type: Commercial Site Plan  
Owner: Dale Turk  
Located: 2164 Atlantic Highway, map 13 lot 03  
Deed: Bk 4796 page 66  
Zone: General District

Section 11.1 Utilization of the Site

- a. The plan for the development must reflect the natural capabilities of the site to support development.  
Board determined nothing has been changed, the site has an existing approval.
- b. Environmentally sensitive areas, including but not limited wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, rare and endangered plants & animals.

Board determined the site was previous approved.

Motion: E. Brown made a motion to approve Section 11.1, it has met the criteria for the Standard, seconded by D. Vermeulen. Motion passed by a vote 4, 0 opposed.

11.2 Traffic Access & Parking

- a. Vehicular access to the site must be on roads which have adequate capacity to accommodate the additional traffic generated by the development.  
Board determined from the testimony of A. Pulver, presenter that DOT was notified and project site in along RT 1 which has sufficient capacity for additional traffic.
- b. Vehicular access to and from the development must be safe and convenient.

1. Any driveway or proposed street must be designed so as to provide and maintain the minimum sight distance. Presenter Pulver stated that there would be an ingress and egress driveway eighteen wide each, the change from existing site was sent to the DOT for permitting. Board determined that 11.2 b.1 meets the criteria of the Standard.
2. Points of access and egress must be located to avoid hazardous conflict with existing turning movements and traffic flow. Presenter Pulver stated an entrance & exit signs will designate the two driveways. Board determined that 11.2.b.2 meets the criteria of the Standard.
3. The grade of any proposed drive or street must be not more than +/-3% for minimum of two (2) car lengths or forty (40) feet from intersection. There is an existing driveway that was approved on the site. Board determined that 11.2.b.3 meets the criteria of the Standard.
4. The intersection of any access/egress drive or proposed street must function, if the project will generate one thousand or more vehicle trips per twenty-four hour period. Presenter Pulver stated this application is for 4 apartments, figuring on each apt. generating two cars, there will be less traffic than the existing site has generated presently. Board determined that 11.2.b.4 meets the criteria of the Standard.
5. Access from other streets may be allowed if it is safe and does not promote shortcutting through the site. The Plat Plan shows no streets access into the site. Board determined that 11.2.b.5 meets the criteria of the Standard.
6. Applicant shall be responsible for providing turning lanes, traffic directional islands and traffic controls within public streets. Board determined from the design of the Plat Plan that Standard 11.2.b.6 was non-applicable.
7. Access-ways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street. Board determined from the design of the Plat Plan that Standard 11.2.b.7 was non-applicable.
8. The following criteria must be used to limit the number of driveways serving a proposed site. Board determined the changes to the existing driveways has been permitted by the DOT, 11.2.b.8 criteria has been met.
9. Where an existing or planned public sidewalk is interrupted by a proposed project driveway. Board determined from the design of the Plat Plan that Standard 11.2.b.9 was non-applicable.

#### C. Access-way Location and Spacing

1. Private entrance/exits must be located a minimum of 75 feet from the closest intersection without traffic signals. Board determined from the design of Plat Plan that Standard 11.2.c.1 was non-applicable.
2. Private access-ways in and out of a development must be separated by a minimum of 75 where possible. Board determined this is one lot site, Standard 11.2.c.2 was non-applicable.
3. There shall be no more than two access-ways per lot. Board determined the proposed development has only one lot, Standard 11.2.c.3 was non-applicable.

#### D. Internal Vehicular Circulation Frontage

1. Nonresidential projects that will be served by delivery vehicles must provide a clear route for such vehicles. Board determined this proposed project is strictly residential, Standard 11.2.d.1 has been satisfied.
2. Clear routes of access must be provided and maintained for emergency vehicles to and around buildings must be posted with appropriate signage. Board determined Standard 11.2.d.2 was an approved existing Site which met the criteria.
3. The layout and design of the parking areas must provide for safe and convenient circulation of vehicles throughout

the lot. Board determined Standard 11.2.c.3 was an approved existing site which met the criteria.

4. All roadways must be designed to harmonize with the topographic and natural features of the site. Board determined from the design of the Plat Plan there are no roadways, Standard 11.2.C.4 criteria has been met.

#### E. Parking Layout and Design

1. Parking areas must be arranged so that it is not necessary for vehicles to back into the street. Board determined from the existing site and parking lot, no vehicles are backing up on Rt. 1, Standard 11.E.1 criteria has been met.
2. All parking spaces, access drives, and impervious surfaces must be located at least five feet from any side or rear lot line, except where standards for buffer yards require a greater distance. Board determined there is five feet designated on the Plat Plan, Standard 11.E.2. criteria has been met.
3. a. Provisions must be made to restrict the overhang of parked vehicles when it might restrict traffic flow on adjacent through roads restrict pedestrian or bicycle movement on adjacent walkways or damage landscape materials.  
b. oversized vehicle parking (for trucks, busses or recreation vehicles) shall be provided where appropriate. Board determined from the design of Plat Plan, testimony from Presenter and proposed application info for a 4 apartment residence, Standard 11.E. 3. A&B are non-applicable.

#### F. Pedestrian Access

The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of the development. Board determined the proposed design will have on one-side a walkway to connect to each apartment.

E. Brown made a motion to approve Section 11.2, the criteria for the Standards have been met, seconded D. Vermeulen. Motion passed by a vote of 4, 0 opposed.

#### 11.3 Storm Water Management

1. To the extent possible, the plan must retain storm water on site using the natural features of the site.
2. Storm water runoff systems must detain or retain water such that the rate of flow from the site
3. The applicant must demonstrate that on and off site downstream channel or system capacity is sufficient to Board determined this is a previously approved site, Standard 11.3 criteria has been met. E. Brown made a motion to approve 11.3 seconded D. Vermeulen. Motion passed by a vote of 4, 0 opposed.

#### 11.4 Erosion Control

All building, site and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible. Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of the current Maine Erosion and Sediment Control Handbook for Construction. Board determined there are no changes to the previously approved site, 11.4 has met the criteria of the Standard. E. Brown made a motion to approve 11.4 seconded by D. Vermeulen. Motion passed by a vote of 4, 0 opposed.

#### 11.5 Water Supply Provisions

Determination of adequate supply of water for domestic and fire protection sprinkler system shall be governed by the rules and regulations of the Office of State Fire Marshall and applicable National Fire Protection

Association (NFPA) standards. Presenter stated several efforts have been made to notify the State Fire Marshall's office. CEO recommends approving the Standard contingent on receiving the building permit. J. Kay made a motion to approve Standard 11.5 on the contingency that the notification of the building permit will be received in 30 days, seconded by D. Vermeulen. Motion passed by a vote of 4, 0 opposed.

#### 11.6 Sewage/ Wastewater Disposal

The development shall provide a method of disposing of sewage/wastewater that is in compliance with the State Plumbing Code. The Applicant is proposing to install a new legal approved subsurface wastewater disposal system, exhibit HHE-200 has been submitted. D. Vermeulen made a motion to approve 11.6 from the information submitted, the criteria for the Standard has been met, seconded by E. Brown. Motion passed by a vote of 4, 0 opposed.

#### 11.7 Utilities

The development shall be provided with electrical, telephone and telecommunication service adequate to meet the anticipated use of the project. Utility structures shall be screened from view. Board determined there are no changes to the existing approved site. E. Brown made a motion to approve 11.7 the criteria of the Standard has been met, seconded by D. Vermeulen. Motion passed by a vote of 4, 0 opposed.

#### 11.8 Natural Features

The landscape must be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil and by retaining existing vegetation insofar as practical during construction. Board determined from the information in the packet and from Presenter Pulver, there will little changes in the existing site and plantings of trees, flowers and hedges are planned. J. Kay made a motion to approve the plan the applicant has stated for landscaping thus the criteria for Standard 11.8 has been met, seconded by D. Vermeulen. Motion passed by a vote of 4, 0 opposed.

#### 11.9 Groundwater Protection

The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems. Board determined from the setbacks in red on the Plat Plan are in compliance with the criteria of the Standard and the new proposed well is 100 feet from an abutter on the Northside of the site. D. Vermeulen made a motion to approve 11.9, the criteria has been met, seconded by J. Kay. Motion passed by a vote of 4, 0 opposed.

#### 11.10 Hazardous, Special and Radioactive Materials

The on-site transportation, handling, storage and use of materials regulated or identified as hazardous by OSHA, EPA, Maine DEP or Office of the State Fire Marshall shall be done in accordance with the rules and regulations of those agencies. Board determined there are no changes from the previously approved site. D. Vermeulen made a motion to approve 11.10 from the facts from the CEO and Presenter Pulver, the Standard has met the criteria, seconded by J. Kay. Motion passed by a vote of 4, 0 opposed.

#### 11.11 Shoreland

The development must not adversely affect the water quality or shoreline of any adjacent water body. The

proposed application is not near or at a shoreline. D. Vermeulen made a motion Standard 11.11 in non-applicable, seconded by J. Kay. Motion passed by vote of 4, 0 opposed.

#### 11.12 Solid Waste Management

The proposed development must provide for adequate disposal of solid wastes. All solid waste must be disposed of at a licensed disposal facility having adequate capacity to accept the project's waste. J. Kay made a motion that the applicant provides adequate trash bins to comply and meets the criteria of Standard 11.12, seconded by E. Brown. Motion passed by a vote of 4, 0 opposed.

#### 11.13 Historic and Archaeological Resources

If any portion of the site is or has been identified as containing historic or archaeological resource, the development must include appropriate measures for protecting these resources. Board determined the existing approved site doesn't have any historic or Archaeological resources. S. Delano made a motion to approve 11.13 for it has met the criteria, seconded by E. Brown. Motion passed by a vote of 4, 0 opposed.

#### 11.14 Floodplain Management

If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency. Board determined that the site isn't in a floodplain. E. Brown made a Motion 11.14 meets the criteria of the Standard as non-applicable, seconded by D. Vermeulen. Motion passed by a vote of 4, 0 opposed.

#### 11.15 General Fire Protection Provisions

- a. The proposed project must meet the requirements of the current State Life Safety Code.
- b. For projects reviewed under this ordinance, the town reserves the right to require a fire protection plan showing critical code required fire protection and life safety features for each level of the structure.
- c. landscaping or other obstructions placed around structures shall be maintained in a manner that does not impair or impede accessibility for the fire department operations
- d. Fire department personnel shall have ready access to locking mechanisms on any security gates.
- e. During construction (1) vehicular access to all structures by fire department vehicles.
- f. Definitions for fire code terms are on file with the Code Enforcement Officer. Board determined from discussions with Presenter Pulver, the design for the apartment house has no hallways, parking lot is small can't create a fire lane, no security gate is planned, Fire Chief has been notified of the proposed project as well as waiting on the State Fire Marshall to review the site and no signs for fire lane. D. Vermeulen made a motion to approve 11.15, the criteria for the Standard has been met, seconded by E. Brown. Motion passed by a vote of 4, 0 opposed.

#### Section 12.1 Exterior Lighting

- a. The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours. Board determined that additional lighting is in the design, lighting that is down shielded, Presenter submitted examples of new lighting that will be used. Three sets will be added.
- b. Lighting shall be designed so that it does not directly or indirectly produce deleterious effects on abutting properties or impair the vision of a vehicle operator on adjacent roadways. CEO Therio emphasized the all lights needed to be down-shielded. Board determined the new down-shielded lights would protect the driveways into the development.

- C. All exterior lighting except where security lighting is necessary must be turned off between 11PM and 6am unless located on the site of a commercial or industrial use, which is conducting business during that period. Board determined this was an residential use project, but J. Kay made the suggestion in future lease contracts to make it known about the exterior lighting from 11pm to 6 am.
- d. Building entrances may be illuminated using recessed lighting in overhangs and soffits. Direct lighting of limited exterior building areas is permitted only when necessary for security purposes. Presenter lighting is recess for each apartment. Board determined there is no overhang.
- E. Brown made a motion 12.1.a.b.c.d. has met the criteria of the Standard, seconded by D. Vermeulen. Motion passed by a vote of 3, 1 abstained.

## 12.2 Buffering

- a. The development shall provide for the buffering of adjacent uses where there is a transition from one type of use to another use.
- b. Buffering shall be designed and maintained to provide a year-round visual screen in order to minimize adverse impacts.
- c. A development shall provide sufficient buffering when topographical or other barriers do not provide reasonable screening where there is a need. (1) Shield neighboring properties, (2) Shield the development from negative impacts. Board determined the original existing site was approved and Presenter Pulver stated planting of more trees, hedges and flowers in the design plan.
- d. The depth of the buffer may vary depending on the treatment of the area.

Board determined the buffering has been identified on the Plat Plan. J. Kay made a motion 12.2.a.b.c.d. has met the criteria of the existing approved site of the Standard, seconded by D. Vermeulen. Motion passed by a vote of 4, 0 opposed.

## 12.3 Noise

- a. The development must control noise levels such that it will not create a nuisance for neighboring properties.
- b. No person shall engage in construction activities.

J. Kay made a motion the proposed application is for residential only, no construction on the existing approved site, 12.3 has been met the criteria for the Standard, seconded by D. Vermeulen. Motion passed by a vote of 4, 0 opposed.

## 12.4 Storage of Materials

- a. Refuse must have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets. Board determined no exposed nonresidential storage areas are in the Plat Plan. J. Kay made a motion from the statement of Presenter Pulver there are no exposure of stored materials, 12.4 has been met the criteria of the Standard, D. Vermeulen. Motion passed by a vote, 0 opposed.

## 13.1 Landscaping

- a. A landscaping plan must be provided as part of site design
- b. Landscaping parking lots

Board determined there is planned parking area from the indicated on the Plat Plan

13.2 Business Signs, Board determined no business signs will be necessary, 13.2 is non-applicable.

## 13.3 Roadside and Parking Lot Buffers

- a. A vegetated buffer strip must be established and maintained along the edge of the road right-a-way, and wherever possible, existing vegetative areas will be left intact.
- b. Generous landscaped buffer between the road and parking lot is to be provided.

Board determined the Buffers exist in the site which is an approved site. D. Vermeulen made a motion to approve 13.3, the criteria has been met for the Standard, seconded by E. Brown. Motion passed by a vote of 4, 0 opposed.

#### 13.4 Site conditions

- a. Setback and Alignment of Buildings
- b. Building Orientation
- c. Building Scale
- d. Parking Lot Placement

Only change is the existing building's roof will be higher according to Presenter Pulver and the building will be made into 3 to 4 apartments. Board determined 13.4 is an existing approved site condition thus 13.4 has met the criteria of the Standard. E. Brown made a motion to approve 13.4 the criteria has been met for the Standard, seconded by D. Vermeulen. Motion passed by a vote of 4, 0 opposed.

#### 13.5 Canopies and Drive-Through Facilities

Board determined there is no canopies and drive-through. E. Brown made a motion that 13.5 is non-applicable, seconded by D. Vermeulen. Motion passed by a vote of 4, 0 opposed.

#### 13.6 View Protection

- a. A view that is identified in the Scenic View Map on file in the Lincolnville Town Office.
  - b. Design modifications to minimize encroachment.
- E. Brown made motion that 13.6 is non-applicable, is not in view protection, seconded by D. Vermeulen. Motion passed by a vote of 4, 0 opposed.

#### 13.7 Ridgeline

E. Brown made a motion that 13.7 is non-applicable, there is no Ridgeline in the proposed development, seconded by D. Vermeulen. Motion passed by a vote of 4, 0 opposed.

#### 13.8 Hillside Development

E. Brown made a motion that 13.8 is non-applicable, there is no Hillside Development in the plan, seconded by D. Vermeulen. Motion passed by a vote of 4, 0 opposed.

#### 13.9 Shoreland Development

E. Brown made a motion that 13.9 is non-applicable, the proposed development is not near any water body, seconded by D. Vermeulen. Motion passed by a vote of 4, 0 opposed.

### **Conclusion**

Therefore, the Town of Lincolnville Planning Board hereby approves with the following conditions the application for Dale Turk to convert an existing building into a multi-

unit residential building consisting of 3 or more units at 2164 Atlantic Highway described in the application letter dated January 11, 2023, from Gartley & Dorsky, authorized Agent for Dale Turk. Approval and signed Plat Plan was signed by voting members on February 8, 2023.

Planning Board voting members:

Sandy Delano

Janis Kay

Ed Brown

Dick Vermeulen

Conditions:

- Permit submitted by the State Fire Marshall, 30 day waiting period
- Complete lighting plan
- CEO Therio to oversee the well and septic system.

No review of minutes- January 25, 2023

Adjournment: E. Brown made a motion to adjourn at 8:20pm, seconded by D. Vermeulen. Motion passed by a vote of 4, 0 opposed.

Respectfully submitted,  
Nancy Weser, Scribe

Sandy Delano made a motion to approve the minutes of February 8, 2023 as written, seconded by Dick Vermeulen. Motion passed by a vote 5, 0 opposed on May31, 2023 at the Planning Board Meeting.