

PLANNING BOARD - TOWN OF MACHIAS

OCTOBER 3, 2018

This meeting was called to order at 7:16 PM by Board member Joe Gurney. In attendance were Board members Ed Pellon and David Barker; Secretary Cathy Lord; Ronald Mosley, Nancy Manchester, Dallas Ward, Sally Ward, Bob Beta.

1. NOMINATION FOR ACTING CHAIRMAN

On a motion by Ed Pellon, seconded by David Barker, the Board
VOTED:

To appoint Joe Gurney as Acting Chairman for this meeting.

Mr. Gurney apologized to those present for the delay in beginning the meeting while the Board's secretary contacted a third member of the Board to ensure a quorum.

2. MINUTES - REVIEW AND ACTION

On a motion by Ed Pellon, seconded by David Barker, the Board voted to approve the minutes of the September 5, 2018 Board meeting.

3. BUILDING PERMIT APPLICATIONS - REVIEW AND ACTION

A. The Board reviewed a building permit application submitted by Nancy Manchester for the location of a pre-fabricated garage to be placed on a lot located at 20 Davis Road. Ms. Manchester noted that the garage will be used for storage and is being placed on an existing cement pad.

On a motion by Ed Pellon, seconded by David Barker, the Board
VOTED:

To approve a building permit application submitted by Nancy Manchester for the location of a pre-fabricated garage to a lot located at 20 Davis Road.

B. The Board reviewed a building permit application submitted by Nancy Manchester for the location of a 10X16 foot pre-fabricated building to be used for storage purposes to a lot located at 468 Kennebec Road. Dallas Ward asked if he could comment on the application. He urged the members of the Board to vote against this permit; he noted his concern that "an industrial complex has developed on this property". Mr. Ward pointed out that the initial building permit submitted by Ms. Manchester had called for the creation of ten (10) parking spaces; he pointed out that the addition of this shed to the site will take away spacing that was to be allocated for the location of these ten parking spaces.

Mr. Ward noted that a chainlink fence is currently being installed around the greenhouse and he questioned if permission was given to build such a fence. Mr. Pellon noted that the Machias ordinance does not prevent anyone from building a fence on their property. Sally

Ward said that she was concerned that there will be wiring placed at the top of the fence. Ms. Manchester confirmed that wiring will be placed on top of the fencing and that the fence will be electrified to prevent anyone from accessing the greenhouse. She pointed out that the greenhouse has already been broken into.

Mr. Ward questioned the land use for what is occurring on this property which is in a residential neighborhood. Mr. Pellon pointed out that the Board carries out its responsibilities as dictated by the building ordinance and that the permit before the Board meets the requirements of the ordinance. Mr. Gurney explained that the site plan accompanying the permit indicates that the building meets the setbacks of the building ordinance; he added that the Planning Board cannot limit people's use of their land. Mr. Ward suggested that it was time for the Planning Board to think about land use. Mr. Pellon explained that a land use ordinance would have to be put before the citizens, probably as a warrant article for annual town meeting and would need to be acted upon by the residents of the town. Mr. Ward said that the Planning Board should be deciding where it wants commercial development and should be proposing land use ordinances. Mr. Barker noted that the Board would probably seek advice from the Board of Selectpeople if it were to consider land use restrictions.

Mr. Ward commented that Ms. Manchester's previous application did not mention placement of a fence, the application did mention ten parking spaces, and the previous application did not say anything about annoying lighting and noise. He added that "the lighting and noise does cause annoyance to us as neighbors". Mrs. Ward asked if any member of the Planning Board had taken a ride by the property to see the lights at night. None of the three Board members said they had seen the property at night. Mrs. Ward asked that the members of the Board "take a ride by the site to see what is happening". Ms. Manchester advised the Board that she is in the process of installing a shade system which will limit the light spilling to the outside of the greenhouse; she noted that she is waiting for the parts for the installation.

Mr. Ward told the Board that the complex has "incrementally grown" and that he had never imagined that what has happened on this property would happen on property located in a residential area. Mrs. Ward said that the smell coming from the facility is "bad" and that because of the smell and the noise they cannot use the back side of their adjacent property. She noted that at night the "lighting is overwhelming". Mrs. Ward expressed disappointment that not one Board member has driven by the facility. Ms. Manchester reiterated that the shade system to be installed in the greenhouse will alleviate the lighting concerns.

Mr. Gurney explained that the Town does not have ordinances that limit people's use of their land; he added that there is no municipal ordinance governing land use when considering the permit before the Board. Mr. Pellon noted that any ordinances would have to be enacted by town citizens. Mr. Ward asked that the members of the Board at least look at the property at night and see what effect there is on neighboring property. Mr. Ward commented that the Planning Board can originate and propose an ordinance. He observed that the facility next to his property "seems to be incrementally growing"; he noted that many things happening on the property were not mentioned in the original permit such as the lights or the noise but that the permit did say there would be ten parking spaces. Mr. Pellon cautioned that the Board cannot create an ordinance at this moment and can't prevent something that is pre-existing. He explained that the Board can

ask the Code Enforcement Officer to specifically look at the site for the lighting and noise and make sure the building meets all the setback requirements.

The members of the Board discussed tabling the permit to allow the Code Enforcement Officer the opportunity to visit the property to examine concerns raised by Dallas and Sally Ward. The Board looked at the calendar to schedule a special meeting to take action on the building permit and allow the full Board to be assembled to consider the permit. Ms. Lord said that she would talk with Ms. Clifton about advertising this special Planning Board meeting. Ms. Manchester noted that she would be leaving for Florida on October 13th. She also pointed out that the building permit was submitted over thirty days ago and under the ordinance is automatically approved. Mr. Gurney noted that if the meeting was held next week Ms. Manchester could be present as well as the entire membership of the Planning Board and the Code Enforcement Officer. Mr. Barker suggested that members of the Board of Selectpeople would also be welcome to attend the meeting.

On a motion by Ed Pellon, seconded by David Barker, the Board
VOTED:

To table a building permit application submitted by Nancy Manchester for the location of a pre-fabricated building to a lot located at 468 Kennebec Road pending review of the site by the Code Enforcement Officer and to schedule a special meeting on Thursday, October 11, 2018 at 7:00 PM to take action on the permit and consider the Code Enforcement Officer's report.

C. The Board reviewed a building permit application submitted by Ronald Mosley for the construction of a two-car garage on a lot located at 12 Elm Street; it was noted that this garage will replace a demolished detached garage on the same footprint.

On a motion by David Barker, seconded by Ed Pellon, the Board
VOTED:

To approve a building permit application submitted by Ronald Mosley for the construction of a two-car garage on a lot located at 12 Elm Street.

On a motion by Ed Pellon, seconded by David Barker, the Board voted to adjourn the meeting at 7:55 PM.