



TOWN OF MADAWASKA

328 St. Thomas Street, Suite 101, Madawaska, Maine 04756-1299
Tel — (207) 728-6351 • Fax — (207) 728-3611

MADAWASKA PLANNING BOARD MINUTES
PUBLIC MEETING
MONDAY, DECEMBER 8, 2014
AT 5:00 P.M.

TOWN COUNCIL MEETING ROOM

MEMBERS PRESENT: Vincent Sirois; Chairperson, Vincent Vanier, Thomas Schneck, Gary Dufour, Adam Kavanagh

OTHERS PRESENT: Vince Frallicciardi, Yves Lizotte, Christina Therrien, Jim Soucy

CODE ENFORCEMENT OFFICER: Robert (Bob) Ouellet

RECORDING SECRETARY: Sarah Pelletier

Article 1: Call the Meeting to Order.

The Planning Board meeting was called to order at 5:01p.m.

Article 2: Establish a Quorum of Members.

Planning Board members Vincent Sirois, Vincent Vanier, Thomas Schneck, Gary Dufour and Adam Kavanagh were present and a mandatory quorum was established.

Article 3: Determine any Conflict of Interest or Bias.

None of the Planning Board members have a conflict of interest or bias to the following Articles.

Article 4: Continued discussion of setback within Commercial District with James Soucy; Fire Chief and Yves Lizotte; Public Works Supervisor.

Gary Dufour summarizes the prior meeting where the proposed Commercial setbacks were first discussed. The Planning Board is looking into the feasibility of reducing setback requirements for Commercial Zones from the current thirty (30) feet setbacks to five (5) or ten (10) feet all around. Gary believes this would give Residential and Commercial owners in the Commercial Zone the ability to build and utilize their property to its fullest. He states that some properties are small and the large setbacks make it so the property owner is limited on what they can do on their parcel of land. Gary states that people have to request a Variance and go before the Board of Appeals every time they wish to do

something within the thirty foot setback. According to Mr. Dufour, over the past thirty five(35) or forty years(40), these setbacks have caused frustration to some business owners. Gary continued to say that High Density Residential setbacks are five feet and his personal opinion would be that he'd like the Commercial setbacks to reflect the High Density Residential setbacks. Vince Sirois comments that it would make the Town of Madawaska more business-friendly to have smaller setbacks. He wants to consider the ramifications to the Public Works Department and the Fire Department.

Chairperson Vincent Sirois questions the Fire Chief, Jim Soucy, on the five or ten foot proposed side setback. Jim Soucy responds that a five foot side setback is not quite enough space in the case of a fire. A fire on the side of a building radiates a lot of heat and it would cause another building loss. Mr. Soucy believes that a five or ten feet distance from building to building is not enough distance. He states that twenty or thirty feet from each other wouldn't be so bad.

Business owner, Vince Frallicciardi, owns abutting lots and argues that by the time he takes ten feet from each side of the lot, he's not left with very much to do anything because of the size of his lots. He points out the existing buildings on Main Street that have under five feet setbacks. He believes it gives adequate room to move around.

Town Manager, Christina Therrien, comments that she doesn't think it's wise to continue building in that way. It wasn't good planning and it isn't good practice to continue. These buildings are grandfathered in.

Mr. Frallicciardi retorted that if a business owner currently wishes to build anything on his lot, he has to request three variances for each sideline. He also mentions that if his neighbor doesn't like him, he won't get that variance. The Code Enforcement Officer Bob Ouellet corrects him by stating that each individual can present their case to the Board of Appeals and the Board makes the final decision.

Fire Chief, Jim Soucy, interjects by saying that he understands what is being said but, a five foot setback is really close and very difficult to get a ladder in there. Vince Frallicciardi agrees that if there is a fire in one building, it will more than likely affect other buildings. He points out that when Chug a Mug was built, they were permitted to build against the House of Pizza building. Mr. Frallicciardi points out that the new Family Dollar will be located near the Post Office on one side and houses on the other. He suggests that having larger setbacks in this case is understandable because of the homes. He points out that in the center of Town, the buildings are touching each other.

Chairperson Vince Sirois questions whether it makes sense to have different setbacks for a building versus a parking lot. Mr. Frallicciardi questions what if an individual wished to build on his parking lot, he would have to come get a variance to build on this parking lot. He states that he falls in all categories because he has properties all around. Mr. Frallicciardi claims that Bob can attest that in the past he applied for an extension to his computer store. He had to go five feet on three sides of his building. He had to build his extension crooked in order to follow the specks. He had to get another three variances for another extension to another building.

Vince would like to see that the option be given to go in a perpendicular line with the surrounding building.

Code Enforcement Officer, Bob Ouellet, states that because it is an old town, there are people that will be affected in this way. He gives the example of what occurred in Fort Kent after the large fire. The business owners that lost their businesses in the fire could have rebuilt. Instead, they sold the property to another business and the new business had to follow the current setbacks for the building and parking lots.

Gary Dufour suggests that the focus be that certain size buildings would be ten foot setbacks and if a business is a certain size, than they would have to have the extra property around it to facilitate the use of the property. They would need to buy enough property to have thirty foot setbacks for the parking lots.

Discussion continued on concerning old building setbacks versus current setbacks located in the downtown area. Discussion also took place concerning Residential homes in the Commercial Zone. Town Manager, Christina Therrien, suggests that the current buildings in the Commercial area be grandfathered.

Chairperson Vincent Sirois suggests that there be certain setbacks to existing properties and different setbacks for new construction. He also suggests that setbacks be different for Commercial properties versus Residential properties. Further discussion took place on the Residential Commercial Zone setbacks and past problems it has cost people who were once considered living in a Residential Zone and now are considered Commercial.

Discussion was also had where some people believe there have been inconsistencies with Board of Appeal decisions.

Town Manager Christina Therrien reminds the Planning Board that their responsibility is to make appropriate plans for the development of the Town of Madawaska and to consider the health and safety of the Town as a whole. "It doesn't matter what these businesses can and can't do," she states. Christina also reminds the Board to consider what Yves Lizotte, the Public Works director, has stated. He needs at least ten foot setbacks for the side streets so when he plows the roads, it doesn't throw rocks in the front windows or people's cars or bury cars in the snow. She continues that hearing from the Fire Chief and Public Works director is valuable information for the Board to consider when they make decisions. She also states that when the Fire Chief states that there should be enough feet for the fire trucks to come in and do "stuff", she believes that this is valuable information for the Planning Board to consider.

Vince Frallicciardi suggests that residents in the Commercial Zone be classified as High Density setbacks. He also suggests that New Commercial buildings be in one class and Existing Commercial Buildings in another class.

Vince Vanier mentions that the setbacks are currently thirty feet. Code Enforcement Officer, Bob Ouellet, points out Page 27A relating to when a Commercial Zone is abutting a Residential Zone there is a 40 foot setback. Gary Dufour suggests a property size minimum. According to Christina Therrien, the setbacks have been gaged by lot size and Commercial use. She gave examples that if the lot was 50'X50', the setback would be 5ft; if 75'X75', setbacks would be 10ft; if 100'X100', setbacks would be 15ft. Ms. Therrien informs the Board that they have a right to review new Commercial plans and to make those calls. She encourages that there should be something in the ordinance with a clause for certain Commercial Businesses. Vince Sirois summarizes the concerns that have been discussed and questions Yves Lizotte and Jim Soucy on his understanding. Absolute minimum for Residential and Commercial would be 10 feet from the front and five feet side setbacks. This would be the absolute minimum. Bob Ouellet wants to clarify if the ten feet is from the road, sidewalk or the right of way. He wants everyone to

understand that the 10ft. Sidelot is not from the road; it's from the right of way. Mr. Ouellet makes it clear that Jim Soucy is requesting another 10ft..

Further discussion was had on Current Commercial Zone setbacks and Adam Kavanagh questioned Mr. Ouellet if they had an available resource on the amount of Commercial properties are grandfathered and how many are non-conforming. Code Enforcement Officer responded to the inquiry by saying that he would provide the Board with a property map with Commercial and Resident dwellings marked off. He also pointed out the various uses of Google Earth as a tool to measure size and depth of a property. Discussion occurred concluding that the Planning Board wishes to facilitate the proprietors of existing buildings and potential buildings in maximizing property buildings for what they need it for. The Planning Board agreed that they wish to Mirror the High Density Residential setbacks in the Commercial Zone. Vince Vanier reiterated Adam Kavanagh's request to take a look at the existing Commercial Zone and what implication it will have. He suggests that this be addressed at the next meeting. Mr. Vanier reminds the Board members that at least they have the Fire Chief's request for the ten feet setback rather than the previous five feet setbacks.

Gary Dufour mentions Commercial Zones in Saint David. Bob Ouellet address the Planning Board telling them that they need to address the Depth of the lot that is Commercial because some lots are not all Commercial. Some people are in both districts.

Vincent Vanier makes the motion to table this Article for further discussion at the next meeting. Tom Schneck seconds the motion. All are in favor.

Article 5: MMA letter regarding Land-Use building permits

Bob Ouellet speaks in regards to the letter. The Town Manager, Christina Therrien, sent a letter to MMA regarding the MUBEC Code. She requested that the Fire Marshall come and address matters such as building permits and design plans. According to Board of Select people's Chairperson, Vince Frallicciardi, Cristina has been trying to reach the Fire Marshall but to date, has not heard anything. The goal is to have him come up here and a meeting will be lined up.

Vincent Sirois questions what the purpose of the Planning Board concerning building Code and Building repairs. Code Enforcement Officer, Bob Ouellet responds that there are two different parts to this. There is the actual building part and the other is Land-Use. In the Land Use Code, it says that if you wish to extend ect..., you need a permit. MUBEC is saying that some things need a permit on while others, you don't. You still have Land Use because not every use of the land is acceptable. Vince Frallicciardi wants to get MUBEC's interpretation and clarification in regards to building and changes. Adam wasn't on the Planning Board when this process began.

Adam Kavanagh wants clarification of the reasons why the Planning Board has taken this up in the first place. Was it the cost associated with the permit or was it the actual process of getting the permit. Vince Frallicciardi responds that people are getting frustrated with having to obtain a permit for simple things such as replacing a few pieces of rotted wood and with the concerns over MUBEC Building Codes. The Planning Board discussed the cost of obtaining a MUBEC Code book. The 2012 Edition is 78 pages but Vince Frallicciardi advises that people go online to get information and he also mentions that the link should be put on the Madawaska Web Site. Further discussion and clarification took place concerning the Planning Board's responsibility in regards to Permits, Codes, Zones and/or Districts and the Land Use Ordinance.

Adam Kavanagh motions to table Article 5 until Vince Vanier and Vincent Sirois meet with the Fire Marshall from MUBEC. Tom Schneck seconds the motion; All are in favor.

Article 6: To review and approve previous Planning Board Minutes.

Vince Vanier points out a correction that needed to be made to the September 2014 Minutes. He was not present at this meeting and his name must be taken off.

Gary Dufour motions to accept two sets of Minutes presented with the changes Vince Vanier pointed out. Adam Kavanagh seconds the motion; all are in favor.

Article 7: Other Business

Vince Sirois informs the Board that he will be putting all Agendas and approved Minutes on the Madawaska Web Site.

Gary Dufour requested his own Madawaska email to protect his personal email. Discussion occurred concerning the Planning Board's communications being Public records.

Bob Ouellet informs the Planning Board that the Madawaska Post Office did not agree to sharing their entrance with the prospective Dollar Store. They have contacted DOT concerning their new plans for the entrances and they had the property resurveyed and have new plans for the store.

Article 8: Adjournment

Gary Dufour motions to adjourn the meeting at 6:47p.m.. Adam Kavanagh seconds the motion. All are in Favor.