

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, NOVEMBER 3, 2014
AT 5:00 P.M. AT TOWN COUNCIL MEETING ROOM**

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

OTHERS PRESENT: Mary Scott, Vince Frallicciardi, Richard and Ann Cayer

CODE ENFORCEMENT OFFICER: 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.

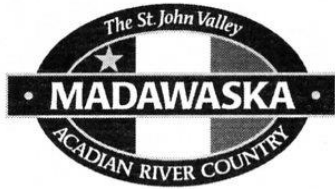
A quorum was established with Planning Board members Vince Sirois, Vince Vanier, Thomas Schneck, Gary Dufour, Adam Kavanagh being present.

ARTICLE 3: Determine any Conflict of Interest or Bias

The Planning Board has no conflict of interest or bias to the following Articles.

OUT OF ORDER:

Chairman and Select Person, Vince Frallicciardi, addressed the Planning Board concerning the changes that the Planning Board have proposed to the Land-Use Ordinance. At the last Public Meeting, an article on the proposed Building permits was addressed. Vince Frallicciardi stated that they looked into the rules and regulations and were informed that there has to be a statement granted that if we allow anything lower than \$15,000.00, we have to be in accordance to the 2009 Building Code. There are MUBEC Codes regarding windows and roofs that need to be addressed, monitored and made clear to the public. Vince Frallicciardi states that if somebody puts on a roof, the trusses need to be certified; they need to be in accordance to the MUBEC standards. He sent a letter to MMA asking for the correct “verbage” to apply to the proposal. They are waiting for a legal opinion from MMA in regards to various questions regarding MUBEC and building permits.



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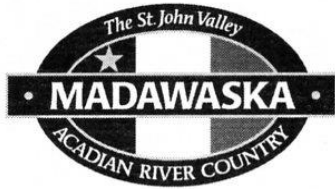
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Mr. Frallicciardi also states that the Select people also questioned MMA whether the Town can amend or alter MUBEC rules to coincide with the Town Ordinance. They also questioned MMA on an amendment to the Super Ordinance Enterprise Account. Does it have to be reviewed by the Planning Board or since it's an enterprise account, does it fall on the Plumbing rules and regulations. As soon as the Board of Select People receives the legal response from MMA, they will give a copy to Code Enforcement Officer, Bob Ouellet. Vince also states an issue Mr. Bick Cayer has made concerning making similar changes to Shoreland Zoning as they make changes to the Land Use Ordinance. Without making this change to both Ordinances, there would be inconsistencies. Mr. Frallicciardi believes that these were valid concerns that Mr. Bick Cayer had brought up. Planning Board Chairperson, Vincent Sirois, informed Vince Frallicciardi that at the last Planning Board meeting, the process to align both Ordinances was put in motion.

ARTICLE 4: Review and discuss setback requirements in all Commercial Zones.

Chairperson of the Select People, Vince Frallicciardi, states that this Article was brought about by the Select People in an effort to begin the process of defining the Town's Strategic Management Plan. This Article will address an item in "Summary of Actions" for the Plan concerning the rezoning of some areas in the Town to make it more user-friendly for businesses. The Select People are asking the Planning Board to help them out with this issue.

Planning Board member Gary Dufour states that the concerns for businesses are that the Commercial District lot sizes are too big and the setbacks are too excessive for a Commercial Zone. Mr. Dufour states that this has been a subject of contention in the past thirty years in the downtown Madawaska. The minimum lot size and minimum side line in both Commercial and Residential are too large. Gary Dufour believes that Commercial Zone minimum setbacks should be the same minimum setbacks as High Density Residential. He believes that it would eliminate the smaller problems that the Board of Appeals has to address with Sub-Commercial building and Residential part of the Commercial Zone. He comments that when it comes to larger Commercial structures that have to address parking space and loading space than; naturally, this must be brought to the Board. He proposes that the side yard setbacks be reduced and back setbacks be reduced to reflect the High Density Residential five foot setbacks. In the last thirty years, the Commercial setbacks had been changed and it has prevented business expansion. Gary commented that there hasn't been development in the past thirty years because a person would have to buy three properties in order to make changes to a Commercial building and to be in compliance with setbacks. It would also eliminate the problem of preventing people in Residential properties, located in the Commercial Zones, from making changes and Expansions because of large setbacks. Gary proposes that the setbacks for Residential



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properties located in Commercial Zones be set from the current 30 feet front and 30 feet side and back setbacks (according to 27a) and be changed to 15 ft. frontline setback. Gary is concerned that the Main Street properties currently have no space to build beyond this setback. His thought is that they stay in line with the buildings that are adjacent to each other on the front line. He is also gave the example that if a person wished to tear down a dwelling or structure and rebuild, he would have more space to work with. He proposes that the side and back setbacks be redefined to reflect the High Density Residential setbacks which are five feet on each side.

Gary Dufour motions to open to the public; Tom Schneck seconds the motion. All are in favor.

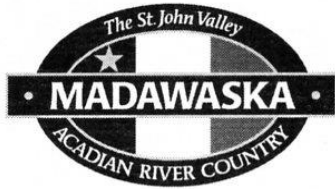
Vincent Frallicciardi states that he has three pieces of properties on Main Street where the property line is right on the curb of the sidewalk. One time he tore down an old garage and was looking to extend the building to the back. For one project, he applied for three Variances for each side of the building because he was five feet on three sides. It cost him \$300.00 for these Variances. Vince continued that he's locked in on all his Commercial properties; he can't do anything. He comments that he even had to buy an additional piece of property to provide him another sixty feet to his adjoining property. He stated that for one project, he needed to get eight Variances because of the current Commercial setbacks. Every which way that he wishes to extend his properties, Mr. Fallicciardi will have to get a variance each time.

Discussion took place on Main Street buildings and neighborhoods that are considered Commercial Zones and whether proposed five foot setbacks would be apply to all sections. The Code Enforcement Officer, Bob Ouellet, questions the Board whether the Planning Board would change side setbacks for all properties in the Commercial Zone. Adam Kavanagh gives the example of the new Family Dollar building that will be located abutting a Residential property. Gary Dufour suggests that a limit would be set that any Commercial building over 2000 square/feet have an extra 5 feet to the side line setbacks. Gary states that the setbacks could be organized in steps. Richard Cayer comments that the majority of the buildings in Town are leading right up to the sidewalk. He questions whether it was possible to eliminate all setbacks. He believes that if it would be helpful for business growth, than it should be explored.

Vince Sirois believes that an abutting resident should be given a little discretion. The abutting resident may not care for a business building being so close.

Vince Vanier comments that this should be addressed with the Fire Chief, Jim Soucy. Would the setbacks make it harder to fight fires? Mr. Vanier mentions the fires that devastated Main Street in the Town of Fort Kent a few years ago. It took down a few buildings because of the close proximity of those buildings. He also mentioned that the fire at Jeff's Pizza could have destroyed a lot of buildings here in Madawaska. He believes that the setbacks do make a difference and he wishes to get Jim Soucy's input on this matter.

Mr. Cayer state that if someone wanted to build with no sideline setbacks, they could



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always be required to put up some kind of Firewall made with material such as concrete. Gary Dufour comments that this ordinance hurt him when he moved to West Main Street. The Board of Appeals wouldn't allow him to expand his building any bigger than what he already had. He had to build his shop with the minimum that was allowed. Gary mentions that he wasn't treated fairly and mentioned that when another business went before the Board requesting a Variance to expand, they were given the Variance. He feels the Board wasn't consistent in their decisions. Gary states that he owns four properties on Main Street and only one of these properties can he make changes to but, he pays taxes on full Commercial. Gary feels that changing the Commercial setbacks have needed to be addressed for many years.

Vince Vanier questions Bob Ouellet whether there are there any definitions about adjoining walls or sharing common walls in putting up new structures.

Bob responded, "Yes, it's in the MUBEC Code. Anything Commercial, the Fire Marshall has to look up the plans."

Vincent Vanier questions, "Is there a definition or does it have to be a fire proof construction?"

Bob again responds, "Yes, there will have to be rated, hourly rated, so there's time for the fireman to get there. The fire marshal will also look into the sprinkler system."

Richard Cayer addressed the issue of setbacks. He pointed out that the Fire Chief in Fort Kent reported that the building across the street from the fire also had damage.

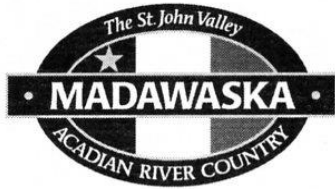
Gary Dufour mentions that with having a five foot setback gives room for people to maintain their properties and have a little privacy. There would be ten feet between buildings with each neighbor having a five foot setback. Gary comments that the growth of the Town of Madawaska is not dependent on this but, it does effect the residents in the Commercial Zone that wish to expand or make changes to their property. Vince Sirois mentioned contiguous lot, combined lots and Vince Frallicciardi explained his experience with having to combine his properties because of Commercial setbacks. Vince Frallicciardi further comments that some property lines go at an angle.

Chairperson Vince Sirois suggests to table this matter for further discussion to get input from the Fire Chief and Public Works. Gary Dufour commented that the Board also needs to consider the side streets and corner lots in the Commercial Zone.

Gary Dufour motions to table the Article until the next meeting and invite a representative from the Fire Department and Public Works to get their input concerning proposed changes of five feet (5ft.) Commercial setbacks. Vince Vanier seconds the motion. All are in favor.

ARTICLE 5: To review and approve previous Planning Board Minutes.

There were no Minutes to be reviewed at this time.



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ARTICLE 6: Other Business

Chairperson Vincent Sirois read the letter to be signed by the Planning Board in support of a Business Assistant Grant spearheaded by Madawaska Economic and Community Development Coordinator, Suzie Paradis, on behalf of Chez Helen Fine Dining. Chez Helen's Fine Dining proposes to use the EDP funds for a number of changes that will help make the diner a more efficient and streamlined diner.

Vince Vanier voices his concerns over the propane tanks being located so close to the property line but then realizes that the letter states that nothing is non-conforming. Gary Dufour comments that the "propane industry" must have their own rules and regulations for a business owner to conform to. The Code Enforcement Officer, Bob Ouellet, reminds the Planning Board that it meets the Comprehensive Plan Objectives.

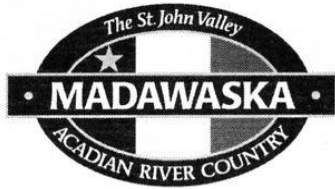
Gary Dufour comments that in the future, he would like the Business owner or Suzie, some kind of representation, to be present when these Business Assistant Grants are brought before the Board.

Gary Dufour motions to approve the Chez Helen Business Grant; Adam seconds the motion. All members are in favor.

Code Enforcement Officer, Bob Ouellet, reminds the Planning Board that when they get these Business Assistant Grants to approve, they are being asked to evaluate whether it lines up to the Town of Madawaska's Comprehensive Plan. They are to evaluate if they wish to see this business thrive, to make money, to employ ect....Yes or No? The issues of Code is up to the Fire Marshal. This becomes the Business Owner's problem, not the Planning Board's issue.

Other Business II:

Bob mentions the issue of the proposed changes to the wording in Shoreland Ordinance lining up to the proposed changes in Land Use Ordinance. Bob Ouellet advises the Planning Board to wait till Maine Municipal Association (MMA) gives a response to the Chairperson of the Board of Selectpeople, Vince Frallicciardi, before pursuing changes to the Shoreland Ordinance. There's still a question whether the proposed changes to the Land Use Ordinance comply with the MUBEC Commercial Building Codes. Discussion took place on MUBEC codes concerning windows and trusses and when people would need to come in to see the Code Enforcement Officer. The Planning Board will wait to get the correct "verbage", correct language, in the Land Use proposals and to bring consistency to the Shoreland Ordinance. Mrs. Ann Cayer questions the Board on the process of getting these proposals to pass to the Town Meeting. The Planning Board plans to bring the proposed changes to the Ordinances to the Town's people to be voted on, at the same time.



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Other Business III:

The next meeting date was established for Monday, December 8, at 5:00p.m..

ARTICLE 7: Adjournment

**Gary Dufour motions to adjourn at 5:52p.m.; Tom Schneck seconds the motion.
All are in favor.**