

Dayton Planning Board
January 23, 2018

Members Present: Dan Plourde, Darren Adams, Bruce Reynolds, John Boissonnault, Shannon Belanger

Town Employees Present: Jim Roberts (CEO), Linda Bristol (Secretary)

Public Present: Justin and Amanda Normand

Administrative:

Meeting Minutes were read from January 9, 2018. Darren Adams made a motion to accept the minutes and John Boissonnault seconded the Motion. All voted in favor.

Old Business:

Marijuana Ordinance.

Shannon has not finished drafting Dayton's ordinance with conditions from Saco's ordinance that the Board would like to utilize.

Dan said that is fine and Jim asked if Shannon could incorporate into the ordinance that any fees pertaining to any required inspections are the person's responsibilities. Shannon said that she will do it.

Dan told Shannon how much the Board appreciates the work that she has done on this.

New Business:

Justin and Amanda Normand, 62 Clark Street, Saco, Maine, appeared before the Board with their request for a storage building on 1090 New County Road. This is a property they are considering purchasing.

They want to build a storage building for boats to grow the current boat storage business. Amanda's parents now own the property. The dimensions of the building within setbacks will be 200 feet in length by 100 feet in width by 35 feet in height. It will have a steel frame and roof with aluminum siding.

Dan said the property is in a mixed-use area, so the setback is less.

Shannon asked if the small engine repair business is still there.

Jim stated that it is.

Justin said the business is leaning toward boat storage. The only engine repair is on boat engines.

Dan said if this is a two-acre lot that would equal 90,000 square feet and that 40 percent would be allowed for commercial use.

Jim said that there was a house and a mobile home at one time. The land was split off with the house on one lot and the mobile home on the other.

Jim said this would be business use sharing with residential. Thinking that more acreage for an accessory building may be needed.

Amanda thought this would grandfathered as a non-conforming lot.

Jim said consideration would need to be made if this is a separate structure or an accessory building.

Bruce asked what the plans are for the house.

Amanda said they planned to let her parents stay there for five to seven years.

Dan asked if they would be renting the house and Amanda said they would be. Dan stated whether you rent the house or not, it is yours if you buy it.

Jim noted that on the Beach Glass case, he had six acres and on another case there was enough acreage.

Dan stated that if you need two acres for residential and one acre for commercial, then three acres would be needed.

Shannon said that to her it seems it would be grandfathered with the 2.2 acres.

Jim said a Conditional Use Permit would be needed for the expansion of use.

Shannon noted that you can have multiple uses on the property.

Jim said that it would be considered two structures if the owners are not living in the house.

Dan stated that one acre is needed for commercial and they have 2.2 acres.

Jim said there would be residential and commercial use. Where they are not living in the house, you would have a dwelling and a business and need three acres.

Shannon said the property is grandfathered so 2.2 acres should be enough.

John said we don't want to set a precedence.

Jim said you need to look at expansion of use at 2.3 which talks about expansion.

Dan said that pertains to shoreline.

Shannon said 2.5 talks about non-conforming lots which this would be.

Jim said that 2.4.3 talks about change of use.

Shannon asked if it is non-conforming.

Jim stated that it is a change of use because he has a conditional use permit for the small engine repair, but not for the boat storage. If this is an accessory building, then this is not a problem

Bruce asked if it would be considered an accessory building because it is commercial.

Shannon said that the way it is written, 2.2 is not an issue. It is a permitted use.

Dan asked if that is because it is Grandfathered, and Shannon said yes. She said they wouldn't need a variance for the setback because it is Grandfathered.

Dan agreed that that makes a lot of sense.

Shannon said that by getting it approved would fix the small engine issue.

Dan asked if the garage had been expanded and Justin said that it had not.

Dan questioned if they are allowed to do this.

Jim said that according to 2.4.3, Non-conforming Use, it was conforming at the time, but it is a non-conforming use now.

Shannon asked if outside storage is allowed in this zone and Jim said that it is.

Shannon also asked if the engine repair is attached to the house and Justin said it is not. She said this could be three principal buildings.

Jim said the outside storage which he already has. Basically, the same.

Dan said that technically the use is not being changed. They are just expanding from outside storage to inside which is pretty much allowable. They would need to come in for a Conditional Use Permit for the storage building.

Darren asked if the building for the small engine repair will stay and Justin said that will

be his in-laws garage and not small engine repair.

Shannon said then it would be two buildings that are Grandfathered and should be allowed.

Dan asked if they need a Conditional Use Permit and she said they would.

Dan said that tonight the Board has been asked if they can put up a building. You are good to go with the building. Once you own the property, come in for a Conditional Use Permit. You just need to have a Purchase and Sale Agreement with the condition that you can do this, and we can move forward.

John told the Normands that they need to have it surveyed where the building is going.

Dan suggested refining it a little better by putting a string on the property lines and measuring.

Darren asked if they have any thoughts of expanding the small engine repair business and Justin said no, that there is occasional work such as oil changes.

Jim asked how the oil is disposed of and Justin said he would get more details.

Bruce made a motion to allow the Justin and Amanda Normand to come to the Board with a Purchase and Sales Agreement and a Conditional Use Application which requires a \$150 fee.

Shannon seconded the motion and it was unanimous.

Jim gave Amanda the Conditional Use Permit form.

John made a motion to adjourn and Darren seconded it. The meeting adjourned at 7:30 PM. The next meeting will be on Tuesday, February 13, 2018, at 6:30 PM at the Dayton Town Office.

Linda Bristol Date: 2/13/2018

Linda Bristol, Secretary

Dan Plourde Date: 2-13-18

Dan Plourde, Chairman

COPIES TO: Jim Roberts, Code Enforcement Officer; Selectmen; and Tax Assessor
THESE MINUTES MAY NOT BE TRANSCRIBED VERBATIM. SECTIONS MAY BE
PARAPHRASED FOR CLARITY.