

**TOWN OF HOLDEN  
PLANNING BOARD MEETING MINUTES  
Tuesday, December 11, 2018  
Holden Municipal Building  
6:00 P.M.**

**I. Open Meeting**

Chair, Jeffrey McBurnie opened the meeting at 6:00 P.M.

Members present: Jeffrey McBurnie, Carol Cuddy, James Pelletier (new), Susan McKay, Michael Pedreschi and Allan Poole.

Members absent: Joy Knowles

Others present: Town Manager/Code Enforcement Officer Ben Breadmore; Arthur Unobskey, Holden Code Enforcement Officer; Tom Copeland, Town Council Chair; Craig Dyer of Craig Dyer Enterprises, Inc. (business Superior Fence LLC), Tonya Bickford and Nick Robertson of Ron's Moving LLC.

**II. Minutes of May 9, 2018, digital recordings on file.**

MOTION was made by Allan Poole and seconded by Michael Pedreschi to approve the Minutes for May 9, 2018. Vote 4 in favor, 2 abstentions, and 1 absent.

Chairman Jeff McBurnie welcomed our newest Board member, James Pelletier.

**III. Election of Officers**

Chairman Jeff McBurnie opened the nominations for Planning Board Officers. MOTION was made by Carol Cuddy and seconded by Susan McKay that the same officers serve for the next term. Presently the Secretary is Carol Cuddy, Vice Chairman is Allan Poole, Chairman is Jeff McBurnie. Chairman McBurnie asked for nominations from the floor. There being none, all the officers were polled and stated that they were willing to serve again, so nominations were closed. Vote 5 in favor, 1 abstention, and 1 absent.

**IV. Public Hearing – Site Plan Review request for proposed operation of Superior Fence on Lot 22 of Tax Map 19 at Main Road. Craig Dyer Enterprises applicant.**

Chairman Jeffrey McBurnie explained the reasons for holding or not holding a public hearing, which is basically to give the public an opportunity to ask questions and discuss details about the proposed project. Town Manager Ben Breadmore advised that this applicant has paid for information to be published in the Bangor Daily News so if the Board determines that a public hearing is warranted, this will obviate the need for scheduling a second meeting.

Chairman Jeff McBurnie advised that this project is basically taking over the site where the previous owner initially received approval from the Planning Board to operate a used car business. The new owner Craig Dyer Enterprises now plans to finish construction of the existing building, add a business front, and pave the lot. This proposed project is an approved use. Town Manager Ben Breadmore stated that abutters were notified and proper posting was put in the Bangor Daily News. Though no one has reached out specifically, incidentally Town Manager Ben Breadmore conversed with one business nearby that was “tickled pink” to see this project completed and looks forward to having a nice new neighbor next-door. Upon invitation from Chairman Jeff McBurnie for public input, there was none. MOTION was made by Michael Pedreschi and seconded by James Pelletier that we waive the public hearing, Vote 6 in favor, 1 absent.

**V. Site Plan Review request for the proposed operation of Superior Fence, including sales office, parts office, material storage, display area, and indoor show room on Lot 22 of Tax Map 19, Craig Dyer Enterprises applicant.**

Craig Dyer was introduced by Chairman Jeff McBurnie. Mr. Dyer said he wants to move a well-established business from Brewer to Holden and will add a showroom and office space as well as a workshop in the back and outdoor storage of materials. There also will be some outdoor displays. Town Manager Ben Breadmore stated as a point of interest that this business is presently installing fencing along the retaining wall at the cemetery on Wiswell Road.

**Site Plan Review**

Background Information:

1. The applicant is Superior Fence, Inc.
2. The applicant has demonstrated a legal interest in the property by providing a copy of their Warranty Deed dated August 1<sup>st</sup>, 2018.
3. The parcel is located on the North side of Route 1A, and is identified on the Holden Tax Map 19, Lot 22.
4. The parcel is currently located wholly within the General Commercial Zone.
5. The project will use private sewer and water.
6. The Site Plan application indicates an existing structure of 1, 930 square feet and an addition to that structure of 2,372 square feet.

Three Waivers were approved under Sections 806.6.15, 806.6.16, and 806.6.17. Chairman Jeff McBurnie pointed out that since this is a minor development, the waivers requested are non-applicable under Section 807 for major developments.

Six Conditions were made as part of the approval of this site plan:

1. The applicant, their heirs and assigns, shall construct and utilize the site according to the plans and documents submitted as part of this review and the approved site plan

as well as any oral commitments regarding the project which were specifically made by the applicant to the Board in the course of its deliberations.

2. This site plan approval is for Superior Fence, Inc.
3. All exterior lighting shall be downward casting in focus.
4. The applicant/occupant shall submit to the Holden Code Enforcement Officer copies of any new or revised State and/or Federal permit approvals which may include, but are not limited to, Maine Department of Transportation, Maine Department of Environmental Protection, and Department of Public Safety Office of State Fire Marshall prior to any Certificates of Occupancy.
5. The applicant shall apply for all necessary permits (building, plumbing, electrical, sign, street opening, fill and grade, Certificate of Occupancy, etc.) at least two weeks prior to the desired start date.
6. Applicant agrees to install a Knox Box on the building for use by the Fire Department.

Site Plan Review Criteria under Article 8, Section 815 were reviewed by the Board.

Section 815.14 - MOTION was made by Michael Pedreschi and seconded by Susan McKay to adopt the findings and six conditions contained therein, and based upon the findings and conditions contained therein, to determine that the proposed development does conform in all respects with the provisions of this ordinance. Vote 6 in favor, 1 absent.

MOTION was made by Allan Poole and seconded by Sue McKay that based upon the Findings of Fact and Conclusions of Law, together with the background information for this application and conditions listed, the Planning Board hereby votes on this day, December 11<sup>th</sup>, 2018 in favor of the proposed Superior Fence, Inc. Site Plan. Vote 6 in favor, 1 absent.

**VI. Public Hearing – Site Plan Review request the proposed conversion of residence to business office for Ron’s Moving, LLC on Lot 28 of Map 21, Ron’s Moving, LLC applicant.**

Chairman Jeffrey McBurnie explained the reasons for holding or not holding a public hearing, which is basically to give the public an opportunity to ask questions and discuss details about the proposed project. Town Manager Ben Breadmore advised that this applicant has paid for information to be published in the Bangor Daily News so if the Board determines that a public hearing is warranted, this will obviate the need for scheduling a second meeting.

Chairman Jeff McBurnie stated that this project proposes simply to convert a former residence to an office building. Town Manager Ben Breadmore said that a neighbor stopped by the Town Office to express some distaste with the idea of a business being located on Church Road. Town Manager Breadmore advised the neighbor that the project does fall within the zoning ordinance there, stating that the Church Road is divided by Limited Commercial and Residential zones. The applicant is in the Limited

Commercial zone. The neighbor was reassured when advised by Town Manager Breadmore that the business trucks will enter onto Church Road and leave from the property directly onto Route 1A. MOTION was made by Carol Cuddy and seconded by Susan McKay and Allan Poole that we waive the public hearing, Vote 6 in favor, 1 absent.

**VII. Site Plan Review request for the proposed conversion of residence to business office and gravel surfaced parking area for company vehicles for Ron's Moving LLC on Lot 28 of Tax Map 21, Ron's Moving LLC applicant.**

Nick Robertson introduced himself and stated that they are going to conduct their business operation out of 84 Church Road, using the space for a small office and for parking their trucks with some employee parking as well. He said they will maintain the residential appearance of the property as much as possible. Town Manager Ben Breadmore added that Ron's has been very good about using the property appropriately and has not made any changes while waiting for their application to get processed. The only improvement made to date has been to open site visibility on Route 1A. He also advised that one of our Board members, Mike Pedreschi, expressed a concern about the trucks entering onto 1A, as they are larger than residential traffic. Town Manager Breadmore explained that this is an existing curb-cut and it is a minor development application, so no traffic study is warranted. However, he understands the sentiment because 1A is bad enough and suggested that we consider adding a condition to this approval request to obtain some documentation from the Department of Transportation allowing Ron's Moving trucks to exit onto 1A, or to specify what improvements have to be made to that entrance and/or exit in order to be adequate in their eyes. Signs indicating trucks entering or exiting, as well as adequate clearing for visibility may be required. We can ask for this under the criteria under Section 815.2 even though no traffic study is required in this circumstance. Board member Mike Pedreschi expressed a desire to add this as a condition and to make a request for input from the DOT because that stretch of 1A is notorious for nasty accidents. Mr. Robertson estimated that an average of 3-4 trucks a day would be leaving/entering.

**Site Plan Review**

Background Information:

1. The applicant is Ron's Moving, LLC.
2. The applicant has demonstrated a legal interest in the property by providing a copy of their Warranty Deed dated April 6<sup>th</sup>, 2018.
3. The parcel is located on the Southern side of Route 1A and is identified on the Holden Tax Map 21, Lot 28.
4. The parcel is currently located wholly within the Limited Commercial Zone.
5. The project will use private sewer and water.
6. The Site Plan application indicates the conversion of an existing residential structure to a commercial Service Business Use.

Site Plan Review Criteria under Article 8, Section 815 were reviewed by the Board.

Four Waivers were granted as part of this plan under Sections 806.6.15, 606.6.16, 806.6.17 and 806.7.6.

Six Conditions were made as part of the approval of this site plan:

1. The applicant, their heirs and assigns, shall construct and utilize the site according to the plans and documents submitted as part of this review and the approved site plan as well as any oral commitments regarding the project which were specifically made by the applicant to the Board in the course of its deliberations.
2. This site plan approval is for Ron's Moving, LLC.
3. All exterior lighting shall be downward casting in focus.
4. The applicant/occupant shall submit to the Holden Code Enforcement Officer copies of any new or revised State and/or Federal permit approvals which may include, but are not limited to, Maine Department of Transportation, Maine Department of Environmental Protection, and Department of Public Safety Office of State Fire Marshall prior to any Certificates of Occupancy.
5. The applicant shall apply for all necessary permits (building, plumbing, electrical, sign, street opening, fill and grade, Certificate of Occupancy, etc.) at least two weeks prior to the desired start date.
6. The applicant will solicit from and submit to the Code Enforcement Officer a report from the Department of Transportation concerning the curb-cut opening onto Route 1A and will abide by their findings.

Town Manager Ben Breadmore added for clarification that Deputy Code Enforcement Officer Arthur Unobskey found in our ordinance that site distance from this area for the travel delay is between 840- and 950-foot distance due to 1As traffic, speed and volume – based on a table of speed – and that we will make sure that is adhered to.

Section 815.14 - MOTION was made by Michael Pedreschi and seconded by Susan McKay to adopt the findings and six conditions contained therein, and based upon the findings and conditions contained therein, to determine that the proposed development does conform in all respects with the provisions of this ordinance. Vote 6 in favor, 1 absent.

MOTION was made by Susan McKay and seconded by Allan Poole that based upon the Findings of Fact and Conclusions of Law, together with the background information for this application and conditions listed, the Planning Board hereby votes on this day, December 11<sup>th</sup>, 2018 in favor of the proposed Ron's Moving, LLC Site Plan. Vote 6 in favor, 1 absent.

**VIII. Site Plan Amendment request for South Street Development LLC, proposes to construct a 4800 square foot warehouse near the existing building on site at Map 17, Lot 6.**

Town Manager Ben Breadmore explained that this is a minor amendment to an existing Planning Board Order. Chairman Jeff McBurnie said that we have already dealt with the criteria for that site and basically the owner wants to add additional warehousing on the site which would involve a small portion on the back part of the property. Town Manager Breadmore added that there is no additional impervious impact, septic or parking and that this is strictly a dry storage building. Randy Bragg, PE of Carpenter Associates said that there will be a more permanent sign installed, but that right now there will not be any electricity or heat or outside lighting.

**Amendment Review**

Property is located at 153 Main Road, Map 17, Lot 6 and is a previously approved Site Plan Application for the use of Warehousing. There is no significant change to the initial proposal as they have ample land to develop, and the proposed 4800 square foot warehouse is in conformance with our Zoning Ordinance.

One Condition was made as part of the approval of this amendment application.

1. Applicant shall install an appropriate sign to be reviewed with the Code Enforcement Officer.

MOTION was made by Allan Poole and seconded by Susan McKay to approve this application and one condition listed for the proposed structure. The applicant, their heirs and assigns, shall construct and utilize the site according to the plans and documents submitted as part of this review as well as conditions in the originally approved site plan, and any oral commitments regarding the project which were specifically made by the applicant to the Board in the course of its deliberations. Vote 6 in favor, 1 absent.

**IX. Public Comment** – Town Manager Ben Breadmore reminded us that there was a Charter Amendment on the November ballot to place a zoning ordinance out of the hands of Town Meeting into the hands of the Planning Board and Town Council. The first amendments to the zoning ordinance will come to the Planning Board for their recommendations and from there will go to Council for their approval or dismissal. He believes there will be some changes in the not too distant future. One change may be for the Holbrook School which is in the Residential Zone on Route 46 and cannot have a sign larger than 4 square feet per ordinance. Also, currently one cannot have a building taller than 35 feet on 1A because we used to have only a 35-foot ladder. Other changes are being contemplated.

**X. Adjournment**

MOTION made by Allan Poole and seconded by Carol Cuddy to adjourn the meeting.  
Meeting adjourned at 7:47 p.m.

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Respectfully submitted,  
Carol Cuddy, Secretary  
Date Approved by Planning Board: January 14, 2019

Wanda Libbey, Town Clerk