

WISCASSET PLANNING BOARD
MINUTES, JANUARY 12, 2015

Present: Larry Barnes, Al Cohen, Tony Gatti, Jackie Lowell, Peter McRae, Lester Morse, Karl Olson, Deb Pooler, Ray Soule and Town Planner Jamel Torres

1. Call to Order

Chairman Soule called the meeting to order at 7 p.m.

2. Approval of Minutes of November 24, 2014

Karl Olson moved to approve the minutes as presented. The secretary clarified that the notice of the November 24 meeting had not been sent to Thomas and Kathleen Bryant as noted in the minutes. Vote 7-0-2 (Barnes and Cohen abstained).

3. Allen Cohen – Reconsideration of application for addition to storage building, 2 JB's Way, R07, Lot 8A

Al Cohen and Karl Olson recused themselves. Kathleen Bryant said she and others living close to the warehouse were concerned about safety because of the intended storage of fireworks in the building. She presented a photocopy of a petition signed by residents in the area of the warehouse who were not comfortable with storage of fireworks in their area and a map showing more than 50 houses in the neighborhood of the storage building. She said that NFPA 1124 prohibits storage of fireworks in residential areas. She said it was not a zoning issue. She asked the board to rescind its previous vote.

Larry Olwell said there is a small field between his house and the warehouse and there was no way a fire department could get to his house in time in the event of a fire.

Tom Bryant said there were 48 signatures on the petition and he is still collecting signatures of residents within a half mile radius of the warehouse.

Allen Cohen noted that the map submitted showed houses within one mile of the storage building. He said the town's comprehensive plan states what uses are permitted in each district. The area where the storage building is located is designated as the Rural zone and the use (to store fireworks) is allowed. He displayed his federal licenses, signature of the State Fire Marshall who had inspected the property, a letter from the Wiscasset Fire Department that had no issues with the use and a list of the allowed uses in the Rural Zone. He said that if the area was zoned residential, rather than rural, homeowners would be paying higher taxes. According to NFPA, the building must be 60 feet from a residence and he said the building was well over 60 feet from the nearest residence. He said he had conformed to every section of the law.

Ray Soule said the Planning Board had followed Wiscasset's ordinances to a T; if it had denied the permit, it would have gone against the ordinances.

Town Attorney Mary Costigan said this was a jurisdictional issue; the planning board cannot legally deny an application based on non-compliance with the NFPA. The planning board reviewed town standards in the initial approval and the use was permitted in the Rural zone. She said it was up to the State Fire

Marshall to enforce the NFPA codes. Costigan said she had spoken with the Fire Marshall and had been informed that no approval or license was needed.

Mrs. Bryant said her attorney had sent a letter to the Fire Marshall, but no response had been received. In response to her question, Al Cohen read the wording on the license issued to him and his corporation, which allowed transporting, shipping, receiving or possessing explosive materials.

Jackie Lowell moved to approve the application again. Vote 6-0-3 (Barnes, Cohen and Olson abstained)

4. Other Business

Jamel Torres reported that the State Forestry Department had presented three options regarding timber harvesting in shoreland and he will refer the letter to the Ordinance Review Committee.

5. Adjourn

Al Cohen moved to adjourn at 7:15 p.m. Vote 9-0-0.