

LIMERICK PLANNING BOARD MINUTES – Approved 1/15/20

November 20, 2019

Dottie opened the meeting with Laura, Wendy, Ed and Aaron were all present and led with the pledge of allegiance.

**CORRESPONDENCE:**

None

**MINUTES:**

None available

**WALK-INS:**

Shawn Girard was in attendance to answer questions that the board may have on his pending Conditional Use application on his property on E. Range Rd.

Dottie asked what he is going to do with this property.

Shawn stated he is there to answer questions the board might have and he said that he understands there is a problem with what is being done with the property so he submitted the application and said he is going all out and get a junkyard license and according to the ordinance junkyards are allowed in that district; previous owners stored cars there before me so I will get a junkyard license and my long term goal is to build a house over there.

Dottie asked in place of a junkyard or with the junkyard.

Shawn stated with a junkyard.

Ed asked the code officer if he considers there is a junkyard there now.

Mike stated that he has determined that it is being used as a junkyard.

Ed stated he considers it is useable material and may be bulk storage.

Mike stated that we use the state definition for junkyard and using that definition even though most may be useable it still falls under the state definition.

In the 2019 Maine Land Use Law Chapter 183 Section 3752. “Automobile Graveyard” means a yard, field or other outdoor area to store 3 or more unregistered or uninspected motor vehicles, as defined in Title 29-A section 101, subsection 42, or parts of the vehicles. “Automobile Graveyard” includes an area used for automobile dismantling, salvage and recycling operations..

Dottie read the definition of “Junkyard” in the same law book

- . Junkyard means a yard, field or other outside area used to store, dismantle or otherwise handle:
- A. Discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances or furniture:
  - B. Discarded, scrap and junked lumber; and
  - C. Old scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all iron scrap, steel and other scrap ferrous or nonferrous material.”

Ed stated he didn't see the items that were read there, he saw metal eye beams and useable lumber, roof trusses and he does not know what is stored in the trailer but he supposes it is the same types of materials, salvage that you can either use or reuse or put up for sale. Ed continued can I suggest we change the use and consider it bulky storage/dry storage.

Shawn stated why not a junkyard and get it over with.

Ed stated well I am trying to avoid that to be honest with you Shawn because you have several properties that you could do the same thing and to have three or four junkyards in town probably isn't a good use.

Shawn stated I'm not looking for bulk storage I want a junkyard.

Wendy stated that looking at the 1973 law under section 375 4-A a junkyard cannot be within three hundred feet of public buildings and that includes schools.

Shawn said where is the school?

Wendy said the brick building is a one room historical schoolhouse.

There was a conversation concerning if that building would be considered a school.

Dottie stated that the building is on the National Registry of Historical Places with the state.

Mike went to the podium and stated that the reason we are here tonight is because when I reviewed Mr. Girard's conditional use for the property it was for a machine shop and it is my understanding the property has not been used for that in some time; I investigated the use and it appears to be used as a junkyard.

The board continued with discussion with Shawn concerning what the property is being used for now and the complaints that have been received because of material being in front of the berms that were put in for the original permit for Cameron's.

Ed asked if Shawn was going to expand the material he presently has on the property.

Shawn stated that according to the ordinance he can have a junkyard next door, he can have a junkyard by the lake, and he can have a junkyard anywhere in the farm forest district.

Ed stated that is what we are trying to avoid.

Shawn stated that he wants this junkyard license so that it establishes it as a junkyard in the future in case he sells CIA Salvage and he suggested that if the board fights back he also has seven other properties that can be a junkyard so he might as well get all his properties licensed as junkyards.

The secretary stated that when Shawn replaced the front page of his original application on October 30<sup>th</sup> he did not replace the information on the second page which is dated October 10<sup>th</sup> and that page still specifies the following as a use: storage of lumber for construction projects, store cars, working on personal boats, trailers for projects we are working on.”

After a discussion Shawn was allowed to change the use on the second page to reflect “junkyard – used car” and date it October 30<sup>th</sup>; the 16-conditions from the original application were not changed.

Shawn stated that his intention is to have both a junkyard and a used car permit and he understands they have been split so he would like to add used cars to this application and will forward the information for the used cars to the board the following day so you can accept this one and then accept the other one and set a date for the site walks any time.

Ed stated so we are doing just the junkyard not the used cars.

Dottie stated yes they are two separate things.

While Shawn was correcting the second page the board discussed upcoming agenda items.

Dottie mentioned just the solar farm ordinance on the agenda.

Mike got up and started to speak to the solar ordinance and Ed asked that they could take up one thing at a time, Mike said he would wait.

Shawn again stated he wants the board to accept this application for both a junkyard and used cars and he will bring in the application tomorrow for the used cars so that it can be accepted at the next meeting.

Aaron stated what do you want, do you want us to accept this application as a junkyard and you will bring in an application for the used cars so they can be done together.

Shawn stated I want the application to be for a junkyard and used cars and tomorrow I will bring in the information for the used cars, then at the next meeting you can accept that one and then set up the site walks.

Aaron stated so we can accept this one tonight and then accept the used car one and set the date for site walk for December 18<sup>th</sup>.

Aaron stated the only problem with that is we don't have the other application how will we notify the abutters.

Ed stated we don't notify anyone until we have accepted the other application.

Aaron stated that's my problem so I don't think we should set a site walk until we have the second application, I think Shawn seems to be OK with that.

Aaron stated I would like to make a motion to accept his application with the changes he made today and to postpone the site walk until we have the next application.

Ed seconded the motion.

Shawn gave the members a copy of the changed second page dated 10/30/19.

Dottie asked for a vote.

Vote 4- In Favor- Wendy Opposed

Dottie said this is accepted with the other one due tomorrow, that one we will deal with at the December 4<sup>th</sup> meeting.

### **NEW BUSINESS:**

Mike Gilpatrick, code officer, brought to the board two solar farm ordinances from Thorndike and Lovell, the reason he is presenting them to the board is he had an inquiry from an engineer from N.Y. and a firm from Portland, they came in to the office with a location they are considering and asked if it would be allowable in that location and what do we have as an ordinance.

There was a discussion on whether or not this project can be done if it were or were not on the land use chart.

Mike stated that in 2018 he has an attorney opinion that a use does not have to be on the land use chart, he realizes that if you ask the same question in 2020 you might get a different answer but he feels since there is no disclaimer in our ordinance he operates as the attorney stated in 2018 and he will continue this as long as he is code officer. Mike asked the board how the town should proceed in the future and if they want to make drastic changes to our land use chart.

Aaron stated that maybe we should do both (add a disclaimer and make changes to the chart).

Mike stated he thinks that the town should be pro-business.

There was a lengthy discussion with the code officer concerning the fact that the town has no site plan review for businesses and discussion continued on the conversation on solar farms and requirements.

The board will discuss more fully the solar farm ordinance at the next meeting.

**ADJOURNMENT:**

Aaron motioned and Wendy seconded the motion to adjourn the meeting at 8:15.

Vote 5-0 In Favor.

**ANNOUNCEMENTS:**

Dottie announced that the next meeting will be held on December 6, 2019

Respectfully Submitted:

Joanne L. Andrews - Secretary