

LIMERICK PLANNING BOARD MEETING SEPTEMBER 7, 2022 – Approved 10/5/22

Aaron opened the meeting at 7:00 PM with the flag salute and he along with Demetria and Jason were present, Greg and Wendy were absent.

Aaron opened the public hearing for Shawn and Dennis Girard for an automobile graveyard, Junkyard and used cars conditional use permit on Map 30 Lot 18B 41 Range E Road, Limerick, Maine at 7:02 PM.

Aaron asked Shawn to give information on his plans and stated that this was remanded back to the Planning Board by the Appeals Board after the court case and would cover the four questions that would be covered at this hearing; he continued by stating that there was a site walk earlier in the day and was attended by himself and Demetria as planning board members.

Shawn and his attorney Brad Morin came to the podium and Attorney Morin stated that they have supplied the board with new materials for the four criteria in question:

1. Under #2 question determinantal affect there was not enough information given or on the site plan and it is their position that this is primarily storage and only a one-man operation with low intensity,
2. Under #3 They have provided for the board a letter from a real estate broker that he didn't find any evidence of a significant affect that that the use was not visible from the road and was an allowed use. Attorney Moring mentioned the two letters from Mike O'Donnell the town's assessor.

Aaron then explained how these letters came about and his conversation with Mike O'Donnell and he told Aaron he would supply a letter he had use in connection with a gravel pits.

3. The next question is concerning the Storm Water Plan and the Attorney stated that even though a plan was not required Shawn did hire an engineering firm and they have supplied the board with a plan.
4. The attorney stated that Shawn submitted a letter from the fire chief stating it meets the criteria outlined in the subdivision ordinance.

Demetria asked if that letter shows that it covers a junkyard not just storage.

Stan Hackett code officer stated the fire chief was not concerned with storage.

Aaron sked Attorney Morin if he was aware that a requirement of the conditional use was that a SWPP was a requirement of the conditional use prior to the appeals bord sending it back to the planning board.

Attorney Morin stated no.

Aaron continued stating it was a requirement that there would be a SWPP plan done, and that Shawn did not comply with that requirement.

This triggered a long discussion by Shawn concerning why he did not have to do a SWPP, and he also went back to discuss more about property values.

Aaron asked Shawn and his attorney to finish their presentation and he went on the say he was going to open the hearing to the public.

Aaron asked Demetria to read a letter into the record from the Carroll Living Trust dated August 30, 2022, and signed by Arthur and Adele Carroll as trustees.

Merrill Farrand stated he was at the site walk earlier and he stated that his testimony would be lengthy. 26.18 on CD

Mr. Farrand continued with his testimony and ended that at 101.59 on CD

Frannie Burrige an abutter owning 2 fields on Range E across from the Girard property she stated that she is concerned about property values and is concerned about runoff that comes across the road to her property and she stated she spent about \$10,000.00 on the drainage making it flow properly.

Tony Carroll stated he was on the board for twelve years and was on the board when the conditional use came into effect. He continued stating that his brother is an abutter on two sides of the property, and he purchased this property as an investment. It is my understanding that a junkyard salvage yard on a small lot does not have proper buffer protection for the abutter; this lot is approximately 200 feet by 700 feet 7.1 acres if you take a 50 foot buffer all the way around the lot plus the buildings and the apartment building out of it what's left, how are you going to have a business unless you're on the abutters property. Conex boxes, shipping boxes, I have heard over and over by Mr. Girard that he was going to build a fence out of those commercial shipping containers are not adequate buffers, planning board members should have significant buffers if they are going to permit this use. I have farmed this land and it is very shallow to ledge and the ledge rolls off mostly toward my brother's property any contamination will be on my brother's property, water follows ledge.

Cortland Alexander stated he is concerned is that piece of property has adequate space for this business and if violations are not cured then the burden will be on the taxpayers then the contamination issue, that is a big one and the cost of the controlling of that. These are my concerns.

Martha Hamilton Smith, she stated I am a landowner but not adjacent to this and is concerned about the conditional use process that was originally stated so young people could come to town not a huge business not envisioned at that time.

There being no other people wishing to speak the chairman recognized Shawn and his attorney to rebut starting at 118.11 on the CD

Attorney Morin stated that the Board must look at all the evidence here, we have a storm water expert saying low risk. The DEP stating, they don't need to be involved based on what is there now and no expert to the contrary on that.

Aaron stated that he is a licensed site evaluator and intends to be the expert in that field.

Attorney Morin stated that they have been criticized for bring in a realtor, just to let you know that what I do I bring in experts in their field you have to determine whether there is enough to show substantial adverse impact we believe the record shows that there isn't and another part of that is

also a junkyard is an allowed use how is a junkyard going to satisfy the town. In looking at it here I know all uses are not popular that the towns must deal with all the time with pot when they are moving in close to houses everyone doesn't like it, but this is allowed under the ordinance and if the person has met the criteria under the ordinance, then the town needs to grant it. There have been several issues about enforcement that is not an issue here that is an issue for code enforcement in dealing with a conditional use permit; he can address issues about concerns and compliance, but this is not an issue before the board. With the issue of the stormwater concerns first there is no evidence of contamination now those again are enforcement issues if there was going to be an issue of contamination then that would be something in dealing with the DEP and the code enforcement officer. In this case they are really on the same page and stormwater engineering that there is no risk here and that stormwater permits and if the intensity increases like recycling, then we would have to go to a different procedure with the DEP.

Demetria stated we understand this intent for the conditional use is the junkyard so does DEP confirm in writing that with its findings that this is for the future a junkyard and not just for storage.

Shawn stated that if in the future he does recycling he will have to go back to the DEP.

Demetria stated That is the problem with this application there is no wording from the DEP that they have knowledge that this is going to be a salvage yard not just storage.

Shawn stated for them to look at Allison Moody's paperwork.

Demetria said I'm not looking for if and when's I am looking for more from the DEP since this is your intention to have a salvage yard, what will it look like and if it satisfies the requirements.

Shawn stated if we do anything car why's then we must go back until then I do not have too.

Demetria said since we know what your intentions are I would like to have the paperwork say that this is for what you intend it for not just for storage.

Jason Wright stated that this is not what the conditional use you are asking for is what is requested. what you are asking for now is not what you are doing now it's not the conditional use permit. I don't know why we keep having this discussion the conditional use permit you are requesting is not for what you are doing now, you're asking for a permit for a junkyard but that is not what you are doing now in the sweat plan it talks about a storage facility over and over again and that is not what you are going to do.

Attorney Morin stated it was my understanding that he was instructed to apply for a junkyard based on what he is doing over there, he turned to Shawn and asked you didn't start out to apply for a junkyard.

Shawn stated I didn't start out to apply for a junkyard.

Jason stated but how many times have you stated you are going to have a junkyard you are in the junkyard business, and you plan to expand that business in another area in town. I don't want to appear confrontational, but I feel you are telling something that is not true; so what are we talking about are you going to have a sweat plan for a junkyard or a sweat plan for a storage facility if it's a storage facility no problem but not including any cars this seems crazy this going round and round.

Shawn stated that storing wood on the property is part of a junkyard by the town's ordinance.

Jason stated OK if you're going to have a storage facility for wood then store wood but that should not include cars.

Shawn went over the process and violations that required a junkyard permit.

Aaron stated that he agreed with Jason about going around and around but I asked Shawn what it is you intend on doing and Shawn stated I want to do what I am doing now but I want to store cars, I want to crush cars. Shawn, you just stated you want to just do what you are doing there now but then in a second breath you state no you want to store cars, you want to crush cars, you want to dismantle cars, if all you want is to store lumber there in a neat and orderly way then we are talking a whole different thing.

Shawn disagreed.

Aaron, you have applied for an automobile graveyard, a junkyard and salvage yard, so if you get rid of the salvage yard, Shawn interrupted.

Shawn indicated by shaking his head no.

Aaron stated that in dealing with you for 15-years and you saying I will do that for you and then you don't.

Demetria stated it is not up to the town to find something wrong and it is your job to follow the placement used.

Aaron asked Attorney Morin if they had any further to discuss and was told no.

From 142:04 on the CD to 154.40 there was some discussion mainly from the code officer going over his authority for enforcing violations he stated that Shawn is applying for an auto graveyard, salvage and an automobile junkyard and is thereby clarifying his enforcement duties.

Aaron made a motion and Demetria seconded the motion to end the public hearing at 154.40

Vote 3-0 In Favor

Aaron asked Blake Cormier to run down his plans for what he is requesting for a conditional use permit.

Blake stated he wants a small repair business at his home he said he has been doing this since 2018 and now wants to continue with a conditional use permit.

Aaron motioned and Demetria seconded the motion to accept Mr. Cormier's application and set the public hearing for October 5, 2022, at 7 pm and the site walk that same day at 5:30pm.

Vote 3-0 In Favor

The minutes were tabled until the next meeting which will be September 21, 2022, at which time there will be a site walk for Quarry Valley subdivision Nakita Nevers and a public hearing that night at 7:30 pm.

Aaron stated that the board will discuss the Range E Road issue on the 21st.

ADJOURNMENT:

Aaron motioned and Demetria seconded the motion to adjourn the meeting at 204.54 on the CD approximately 3 hours and 20 minutes.

Respectfully submitted:

Joanne L Andrews

Planning Board Secretary