

NORTH BERWICK, ME 03906

MINUTES OF PLANNING BOARD JANUARY 22, 2015

Present: Geoffrey Aleva, Rick Reynolds, Mark Cahoon, Jon Morse, Matthew Qualls

Absent: Chairman Barry Chase, Anne Whitten

Also Present: Jeremy Lovejoy, Stan Rice, James Samp, Robert Desrochers, Bonnie Desrochers, Glenn R. Thompson, David Willey, Owen Thyng, Dan Wick

Vice Chairman Geoffrey Aleva will be acting Chairman for tonight.

1. Call to Order:

Vice Chairman Aleva called the meeting to order at 6:30 pm.

Vice Chairman Aleva moved Matthew Qualls to full voting status.

2. Review Previous Minutes:

Jon Morse motioned to accept the minutes from January 8, 2015. Rick Reynolds seconded the motion. VOTE: 4-0 Abstain: 1

3. Current Business:

Vice Chairman Aleva stated that the item on the Agenda was a Planning Board Workshop regarding a proposed change to the Zoning Ordinance to allow Auto Repair as a Conditional Use Permit in the Residential District. He asked Larry Huntley to provide some information about it.

Larry Huntley stated that about three months ago, he approached Dan Wick about working at his rental home in the Residential District. He notified Mr. Wick that he could not do his auto repair business in the Residential District because it is not allowed. Dan Wick told him that he had been working there for about 20 years or so repairing vehicles. Larry told him to apply for a permit to work there as a grandfathered clause and Mr. Wick inquired about what he needed to do to obtain this. Mr. Huntley told him that he would have to get some affidavits stating how long he had been working there. People in the area did provide affidavits to him. After this, Larry had to look up when that District was formed, when the house was actually established on that property and when the workshop that he is working out of was established on the property. Larry found that the Zoning Ordinance was initiated in 1978. He stated that the house was built

in 1986 which means it was built after the Ordinance was enacted. He stated that the garage was established in 1990 and Mr. Wick has been working there part time ever since. Larry stated that the zoning was changed to not allow that particular use in that zone in 1978. Even though he has been working out of there since 1990, it has been a use that is not allowed in that zone. Mr. Wick had been allowed to continue because he had been working at his parent's garage. Larry said that he didn't even know that this was going on. He stated that the previous Code Enforcement Office was aware of it. Larry said that since the parent's garage has become non-established and they actually ceased and desisted in October, 2014, Larry Wick and Dan Wick had to find someplace else to conduct their business. Larry Wick applied for the same type of permit that Dan had applied for and was approved. His property had been established before 1978 so he was grandfathered in. His affidavits went fine so he was approved. Larry Huntley told Dan Wick that he would allow him to continue working out of his garage until the beginning of the year and after that, they would try to do something to work out this situation.

Larry Huntley stated that, at this point, he has officially sent Dan Wick a letter to cease and desist doing auto repair on that property full time. Larry stated that he spoke with Mr. Wick and they have discussed proposing a zoning change to allow Auto Repair Garage in the Residential I and Residential II Districts. Larry read the definition of an Auto Repair Garage into the minutes:

Auto Repair Garage

Article 3.2 Definitions:

Auto Repair Garage: An enclosed structure where minor automobile repair is conducted. Sale of parts specific to said repair is permitted, not including storage of unlicensed vehicles and not including body, fender, frame straightening and repair. Total floor area shall not exceed 1500 s/f.

Larry also read into the minutes the change to Land Use Table 4-11B:

Now Reads: Automobile Service Stations, Motor Vehicle Sales and Auto Repair Garages, and Car Washes are not allowed in any zone except Commercial Zone.

Proposed to read: Automobile Service Stations, Motor Vehicle Sales and Car Washes are not allowed in any zone except Commercial Zone.

Larry said that they would add the following:

Auto Repair Garage as a Conditional Use in the Residential Districts.

Larry stated that the Planning Board would need to decide tonight whether to accept this as a new Ordinance. They could get it on the Warrant before Town Meeting so that the town could

vote on it. The Planning Board needs to approve this to go to a Public Hearing. The Board would then have to vote to accept it or not and forward it to the Board of Selectmen to review by March 4th. Larry stated that if they agree on it tonight, they can have a Public Hearing at the next meeting.

Mark Cahoon asked Larry if there had been any complaints from neighbors with Larry Wick's garage and Mr. Huntley said that he had not. Mr. Huntley stated that he had a long discussion with Larry Wick about operating there and he has kept it clean.

Matthew Qualls asked Mr. Huntley where the 1500 square feet came from. He was wondering if it was a standard size. Larry stated that he asked Dan Wick what the size of his garage was and Mr. Wick stated that 1500 square feet would be fine. Mr. Huntley stated that Home Occupations actually allows 2500 square feet but he doesn't feel that this needs to be that big.

Rick Reynolds asked Larry where he got the definition of minor automobile repair. Larry stated that he looked to see what it is for service stations right now and the definition of a service station is minor repairs but they also include sale of gasoline and other things. This would not be allowed under the proposed definition.

Mark Cahoon stated that he didn't see a problem with moving this forward for a change. Vice Chairman Aleval agreed but stated that it should be a Conditional Use permit in Residential, Commercial and Industrial Districts.

Larry stated that there was another issue that the Board needed to be made aware of. He stated that Wick's Garage had another piece of property across the road. This is grandfathered as auto sales and auto repair at this time. Next October, it will lose the grandfathered status if somebody doesn't continue that work over there. Mark Cahoon asked if that meant that Dan Wick could use this garage to work out of and Larry said that he could.

Vice Chairman Aleval asked Larry if there were any other auto repair businesses in town. Larry stated that there was one on Fox Farm Hill Road called Larry's Garage. Larry stated that he was established prior to zoning so he is grandfathered in.

Vice Chairman Aleval opened the meeting for public comment at 6:48 pm. He also emphasized to make sure that they come back for the Public Hearing so they can be heard.

Vice Chairman Aleval closed the meeting for public comment at 6:48 pm.

Jon Morse motioned to accept the proposal to change the Zoning Ordinance to allow Auto Repair Garage as a Conditional Use Permit in the Residential Districts. Mark Cahoon seconded the motion.

Vice Chairman Aleva told Larry that they need to write it up so they show exactly how it will read in the Table. He would like that for the Public Hearing.

VOTE: 5-0

Larry stated that the Public Hearing will be 2/12/14. Larry explained to everyone there what the process was. The Planning Board has to propose it as an Ordinance change. Then there needs to be a Public Hearing so anybody can voice their opinions. The Planning Board will then send it over to the Selectmen and if they approve it to move forward, they will have a Public Hearing. It would then go to the Town Meeting for a vote.

Larry stated that Dan Wick is not allowed to operate anything out of the garage until the final vote.

4. Other Business:

Elections will be held at the next meeting on February 12, 2015. Jon Morse state that he will not be at any of the meetings in February.

5. Adjournment:

Rick Reynolds motioned to close the meeting at 7:01 pm. Jon Morse seconded the motion.

VOTE: 5-0

Lawrence Huntley, CEO
Planning Coordinator

Respectively submitted,
Susan Niehoff, Stenographer

Chairman Barry Chase

Geoffrey Aleva

Rick Reynolds

Mark Cahoon

Jon Morse

Anne Whitten

Matthew Qualls