

**NORTH BERWICK, ME 03906**

**MINUTES OF PLANNING BOARD FEBRUARY 12, 2015**

**Present:** Chairman Barry Chase, Geoffrey Aleva, Rick Reynolds, Matthew Qualls

**Absent:** Mark Cahoon, Jon Morse, Anne Whitten

**Also Present:** Robert Desrochers, Bonnie Desrochers, Rob Desrochers, Gene Hayes, Dave Willey, Larry Wick, Karen Menter, Dan Wick, Scott Emmons, Shirley Barto, Lorinda Hilton, Stan Rice, Carol Duckworth, Mark Duckworth, Jason Staples, Shannon Staples, Shannon Smith, Reiley Smith, Jayson Smith

1. Call to Order:

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

Chairman Chase moved Matthew Qualls to full voting status.

2. Review Previous Minutes:

Geoffrey Aleva motioned to accept the minutes from the January 22, 2015 as written. Rick Reynolds seconded the motion. VOTE: 3-0 Abstain: 1

3. Current Business:

Chairman Chase stated that the meeting tonight was for a Public Hearing on a Proposed change to a Zoning Ordinance to allow Automobile Repair Garages in Residential Zoning Districts as a Conditional Use Permit.

Chairman Chase read the proposed Zoning Ordinance Change 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 straitening and repair. Total floor area shall not exceed 1500 s/f.

Chairman Chase went on to read the change to the Land Use Table 4-11B:

Now Reads: Automobile Service Stations, Motor Vehicle Sales and Auto Repair Garages, and Car Washes.

Proposed to read: Automobile Service Stations, Motor Vehicle Sales and Car Washes.

Chairman Chase stated that they will also add the following:

Auto Repair Garage – CU permit: Residential, Commercial, and Industrial Districts. Not allowed in all other Districts

Larry Huntley stated that he would like to propose a change in the reading of the definition for Auto Repair Garage. Where it currently reads: “..not including storage of unlicensed vehicles...” should read: “...not including storage of vehicles...”. Rick Reynolds also stated that, in the same paragraph, the word “straitening” is misspelled. It should be “straightening”.

Rick Reynolds motioned that under the definitions for Auto Repair Garage in Article 3.2, the word “unlicensed” be deleted and to change the spelling from “straitening: to “straightening”. Geoffrey Aleva seconded the motion. VOTE: 4-0

Chairman Chase opened the Public Hearing for comment at 6:35 pm.

Shirley Barto asked about what this change would involve. Larry Huntley stated that this was a change in the Residential I and Residential II districts to allow everybody in these districts to have a repair garage if they want one. It would be specific to the proposed definition. It would not exceed 1500 s/f and no body, fender or frame straightening, no vehicle storage, etc. as mentioned previously. It would be a Conditional Use Permit in the Residential, Commercial and Industrial Districts. It will not be allowed in any other district. It would have to come before the Planning Board for a conditional use permit. That way, the Board could put any restrictions on it, such as how many cars would be allowed to be serviced in a day, what the operating hours would be and other things that they feel would be needed. Larry stated that the people need to be made aware that this is a change to allow anybody, not just Dan Wick, to have a garage in a Residential zone.

Gene Hayes stated that he lives on that road for a while now. He stated that since the garage on Route 9 closed down, traffic has really picked up considerably. He stated that it is like a dust bowl. He stated that if this change goes through, he feels that something needs to be done about the road. Chairman Chase stated that this change was for any of the mentioned districts in the town not just for one road. He stated that if somebody comes in for a Conditional Use Permit, there would be a Public Hearing where those types of issues could be brought up. Larry stated that if it was a Conditional Use Permit and somebody wanted to have a garage on a road that was dirt, they would probably be made responsible to take care of the dirt on the road that would cut down on the dust.

Shirley Barto asked if this was going on the Ballot for sure. Chairman Chase stated that if the Planning Board approved it to go forward, it would go to the Board of Selectmen. They would have another Public Hearing and vote on it. Mrs. Barto stated that she feels the Ordinances are getting weakened every year and she doesn't understand why this would be allowed in the Residential zone.

Chairman Chase asked Larry how this proposed change had come forward. Larry stated that he got a lot of phone calls from people that felt that Dan Wick should be allowed to run his business out of his home. Larry stated that he did some research on that particular area and decided that it would not be allowed because it was not grandfathered and it was being operated illegally at this time. Since it was an issue that people were bringing up, they would propose this Ordinance change so anybody could do it. It wouldn't really be fair to just let one person do it and not allow everyone else have the opportunity. He stated that if the Selectmen vote on putting it on the Warrant than the whole town will get a chance to vote on it.

Matthew Qualls stated that people should be able to earn a living and support themselves as long as it doesn't hurt anybody else. He asked Larry how having a garage in the Residential zone could harm other people. Larry stated that one of the things that could be harmful would be spilled oil or radiator fluid getting into the ground and possibly the ground water.

Chairman Chase closed the Public Hearing at 6:45 pm.

Rick Reynolds stated that some of the environmental issues would be part of the conditions. They would need proper floors and proper storage of waste. Matthew Qualls stated that he had no issues at this time. Chairman Chase stated that they also had Home Occupation in a number of things but this is just one that was not allowed. Larry stated that one of the issues with Home Occupations is that you can't go out and buy things and resell them. He looked into allowing it under Home Occupation but it states that you cannot resell parts. That is why it states in the definition that only parts specific to the repair is permitted.

Rick Reynolds motioned that they accept the proposed zoning ordinance change for Auto Repair Garage as follows:

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 vehicles and not including body, fender, frame straightening and repair. Total floor area shall not exceed 1500 s/f.

Land Use Table 4-11B:

Proposed to read: Automobile Service Stations, Motor Vehicle Sales and Car Washes.

Added:

Auto Repair Garage – CU Permit: Residential, Commercial and Industrial Districts. Not allowed in all other Districts.

They will send it to the Selectmen for their review.

Geoffrey seconded the motion. VOTE: 4-0

4. Other Business:

Larry stated that they need to have their election for a new Chairman and Vice Chairman.

Chairman Chase nominated Geoffrey Aleva to be Chairman. Rick Reynolds seconded the motion. VOTE: 4-0

Geoffrey Aleva nominated Rick Reynolds to be Vice Chairman. Matthew Qualls seconded the motion. VOTE: 4-0

5. Adjournment:

Geoffrey Aleva motioned to close the meeting at 6:50 pm. Rick Reynolds seconded the motion. VOTE: 4-0

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