

Planning Board Meeting Minutes March 27, 2023

Members present: Chairman Keith Emery, Scott Warchol, Craig Lefebvre, Chris Baldinelli, Jere Ross.

Meeting minutes: Kelly Willey

Attendees: Jason Ruginski, Stephanie Manzoli, Tim Pothier, Heather Rumery, Henry Huntley, Randall Mayse, Dakota Gagne, Paul Surgiewich, Kiana Kane, Brian Berube, Brittney Berube, Karen Sharples, Richard Chaisson, Attorney David Johnson, CEO Patti McKenna, Administrative Assistant Kelly Willey.

Public Hearing: Conditional use application from Brian Berube to operate an auto repair business at 22 Ripple Lane, tax map 3, lot 1-1A-1. Scott Warchol made the motion to open the public hearing, Craig Lefebvre seconded the motion, all in favor.

Chairman Keith Emery noted that the board would not be discussing the paperwork that was received after the planning board packets were distributed as the board hasn't had time to review that paperwork.

Scott Warchol questioned the reference to an auto service station in the area; it was clarified that the application referred to the mini mart's gas station. Scott Warchol also asked if leased equipment has been removed from the site; Brian Berube confirmed that it has been. Scott Warchol asked how many 55-gallon drums are on site and if they're labeled; Brian Berube said there are approximately 6 drums and they are labeled. Brian Berube also advised he is waiting to hear back from the state regarding his waste oil permit and also from the fire department regarding the knox box. Scott Warchol asked about warming a diesel vehicle up (how long does it take); Brian Berube advised it isn't necessarily to warm them up but to build the air in the air brakes, and once that is done (approximately 10 minutes) the vehicles are moved to the garage area and not left idling near the property line.

Jere Ross started a discussion regarding whether or not this property is located on a prime aquifer. CEO McKenna advised that according to the 2003 aquifer map she believes it is. Our ordinance states the burden of proof is on the applicant to say whether it is or is not on a prime aquifer. Chairman Emery states that the issue with the aquifer is, is the last CEO wasn't concerned with it and allowed the applicant's business to go in there. Chairman Emery advised that the board is not prepared to discuss the aquifer topic as the information was not in the packet. CEO McKenna advised the public hearing is not for the board to answer questions, but moreso for the board to hear the public.

Attorney Johnson (attorney for the applicant) advised when they researched the application they found no evidence of a prime aquifer in the area as defined by the Maine DEP.

Abutter Jason Ruginski spoke. He has concerns with the applicant's type of business in a mainly residential neighborhood with regard to scrap metal piles on the property line, petroleum fuel odor, as well as the runoff from the applicant's property that runs onto his property. The water table in this area is very high and he is concerned about water quality and contamination to the wells in the area. He also questions why the former CEO didn't bring this applicant before the planning board for a public hearing and feels he and his neighbors are 'paying the price' for the oversight of the former CEO.

Abutter Stephanie Manzoli spoke. She states that the applicant is not running an 'auto repair business' but a large diesel equipment repair business. She provided photos of the applicant's property showing many large vehicles, a box truck on her property line, and glare on her property from the applicant's lights. She also played video indicating loud noise from the applicant's business outside of the allowed operating hours. She is concerned about the fumes, noise, and hazardous materials, as well as the type of business being conducted such as heavy equipment repair, sales and rentals.

Attorney Johnson responded indicating that the term 'auto repair business' closely resembles the applicant's business as the applicant is taking vehicles apart, repairing them and putting them back on the road – albeit larger vehicles as opposed to passenger vehicles. Regarding the applicant's sign advertising rentals, this sign is at the applicant's Saco location, which is where the renting of vehicles takes place. Applicant Berube also spoke to explain several of the photos that abutter Manzoli produced.

Abutter Rich Chaisson spoke. His concern is the applicant's use of Rick's Way with heavy equipment going in and out.

Abutter Karen Sharples spoke. She believes this type of business doesn't belong in the residential area. She frequently hears trucks on the road at 5am.

Abutter Tim Pothier spoke. He isn't against that applicant's type of business, however he feels this type of business should be in a commercial or industrial zone.

Scott Warchol spoke with several questions for the applicant and his attorney. He feels that a continuous 8' stockade fence would be better than using the box truck as a buffer. He also mentioned that the applicant's business seems to be growing and suggests the applicant consider whether he can continue at this location in the coming years.

Dakota Gagne spoke on behalf of the applicant. He is that applicant's insurance agent. He wanted to convey that the applicant's property is insured, and if there are valid concerns with health (or other) risks from the applicant's business, that would better be brought to the insurance company rather than the planning board regarding conditional use.

Abutter Stephanie Manzoli spoke again to advise the advertisements she provided to the board all list the applicant's Buxton location.

Jere Ross spoke regarding whether or not this property sits on a prime aquifer. He would like the applicant to hire a geologist to determine this. Attorney Johnson believes the town attorney only suggested a geologist if there was a dispute regarding the prime aquifer. There was then some discussion about the Comprehensive Plan and whether or not the 2003 was approved by the state.

As there is a lot of information to be reviewed and considered, Jere Ross made a motion to continue the public hearing until Monday, April 10; Craig Lefebvre seconded the motion; all were in favor.

Jere Ross reminded the public that the board would like any information to be reviewed to be received by April 3.

CEO report: none

Approval of Minutes: Scott Warchol made a motion to approve March 13, 2023, minutes with one name correction; Chris Baldinelli seconded the motion; 4 in favor, 1 abstained as Jere was not present at that meeting.

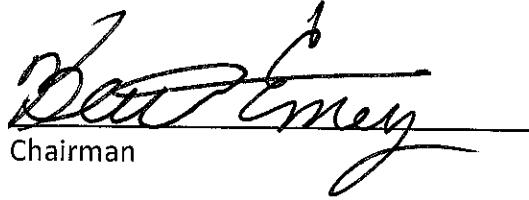
Approval of bills: none

Other business: none

Attendees: No attendees wished to address the board.

Adjournment: Scott Warchol made the motion to adjourn the meeting; Chris Baldinelli seconded the motion; all in favor. Meeting was adjourned at 8:41pm.

Next planning board meeting: April 10, 2023, at 7:00pm


Chairman

4-10-23
Date