

**RICHMOND PLANNING BOARD  
TUESDAY, OCTOBER 26, 2010  
TOWN OFFICE CONFERENCE ROOM  
6:00P.M.**

**MINUTES**

**1.0 CALL TO ORDER**

Present: Tom Connelie, Theodore Richard, Tim Porter, Therese Porter, Charles Hutchins, Joe Murphy, Brian Morse, Harold Averell, Mark Tuttle, Gary Babbitt, Alice Knapp, Andy Warlick

Board Members: Russ Hughes, Jessica Alexander, Jeff Severance, Tom Nugent, William Schellinger

Called the meeting to order 6:03p.m.

**2.0 UNFINISHED BUSINESS**

**2.1 Tom Connelie-Construct concrete foundation under existing cottage and retain present location-Public Hearing.**

Jeff Severance designated Russ Hughes as a voting member.

Jessica made a motion to open the public hearing, Bill Schellinger seconded, motion passed (5-0).

There being no public comment, Tom Nugent made a motion to close the public hearing, Russ Hughes seconded, motion passed, (5-0).

The board addressed Article 8, Section C, Approval Standards and Criteria and found the following Findings of Fact and Conclusion of Law.

Pursuant to the provisions of the Town of Richmond Land Use Ordinance and the standards of 30-A M.R.S.A. § 4404 as currently written as may be amended from time to time, the Richmond Planning Board has considered the application of Thomas Connelie including supportive data, public hearing testimony and related materials contained in the record. The Planning Board makes the following Findings of Fact and Conclusion of Law for "66 Mansir Lane" at Map U16-015-00 in Richmond, Maine.

**HISTORY**

Applicant submitted an application on September 28, 2010. The proposal is install a concrete foundation under an existing cottage within the shoreland district.



## TERMS AND CONDITIONS

In addition to the terms and conditions set forth in these findings, the application (as amended) and all attachments hereto, this approval is subject to the following specific conditions. In the event of a conflict between the above referenced materials, the written findings of fact and conclusions of law shall control conditions of approval.

- Special Conditions.   1. Town Building Permit Required along with Maine DEP regulations.  
                                  2. Receipt of permit to cut a tree.

## **APPROVAL STANDARDS AND CRITERIA**

1. Compliance with State Law and Richmond Ordinances. The Planning Board shall determine that the application meets each of the following criteria. In all instances the burden of proof shall be on the applicant and such burden shall include the project evidence sufficient to support a find that the proposed development.

**Finding:**

**The proposal complies with ordinances.**

**Conclusion:**

**The project complies with State and Richmond Land Use Ordinances.**

2. **Shoreland District and Resource Protection District Permit Standards**

**FINDINGS:**

**The proposed construction meets the criteria of the Richmond Land Use Ordinance.**

**CONCLUSION:**

**The board concludes that final permitting will need to be approved through MaineDEP**

3. **Special Exception Standards in the Resource Protection District**

**FINDINGS:**

**N/A**

**CONCLUSION:**

**N/A**

4. Utilization of the Site

**FINDINGS:**

The proposed site reflects the natural capabilities to support the development.

**CONCLUSION:**

The board concludes that the proposed site reflects natural capabilities for use of the site. No environmentally sensitive areas were identified.

5. Access to the Site

**FINDINGS:**

N/A.

**CONCLUSION:**

N/A

6. Access into the Site

**FINDINGS:**

Private residence there is adequate provision for the circulation of traffic and parking.

**CONCLUSION:**

There is sufficient access to the site to support the development.

7. Access Design

**FINDINGS:**

Private residence there is adequate provision for the circulation of traffic and parking.

**CONCLUSION:**

The board concludes that the access design is safe and convenient.

8. Accessway Location and Spacing

**FINDINGS:**

N/A

**CONCLUSION:**

N/A

9. **Construction Materials/Paving**

**FINDINGS:**

Poured cement along with silk barriers, hay bales installed as required.

**CONCLUSION:**

The board finds the materials sufficient for this specific construction.

10. **Internal Vehicular Circulation**

**FINDINGS:**

N/A

**CONCLUSION:**

N/A

11. **Pedestrian Circulation**

**FINDINGS:**

Not Applicable

**CONCLUSION:**

This is Not Applicable.

12. **Stormwater Management**

**FINDINGS:**

The project is relatively small size and the impervious surface does not appear to have any adverse affect on surrounding properties.

**CONCLUSION:**

The Site Plan shows sufficient management and impact on stormwater drainage.

13. **Erosion Control**

**FINDINGS:**

The site is already existing. Silk barriers and hay bales will be used during the pouring of concrete.

**CONCLUSION:**

The planning board finds the project adequately covers erosion control standards.

14. **Water Supply**

**FINDINGS:**

The site is existing and adequate provision for water supply to the site.

**CONCLUSION:**

The project must meet the standards of the State of Maine for drinking water.

15. **Utilities**

**FINDINGS:**

Existing site, the plans do not show that this project would use extraneous use of utilities due to the size and nature of the project there are no adverse impact on utilities.

**CONCLUSION:**

The site will be provided with adequate utility service.

16. **Natural Features**

**FINDINGS:**

The proposed site reflects the natural capabilities to support the project. One tree on site will be cut, receipt of permit to remove tree will be needed

**CONCLUSION:**

The board concludes that the proposed site reflects natural capabilities for use of the site.

17. **Groundwater Protection**

**FINDINGS:**

The scale or scope of the project would not adversely affect ground water protection.

**CONCLUSION:**

The project makes sufficient provision to protect the groundwater.

18. **Water and Air Pollution**

**FINDINGS:**

Nothing in the application would suggest water or air adversely effected.

**CONCLUSION:**

The board concludes that the proposed project will not result in any undue water or air pollution.

19. Exterior Lighting

**FINDINGS:**

N/A

**CONCLUSION:**

N/A

20. Waste Disposal

**FINDINGS:**

The statement provided that the contractors will remove any waste or construction debris

**CONCLUSION:**

Disposal of solid waste is adequate.

21. Landscaping

**FINDINGS:**

The board finds the statement provided by the applicant suitable and meets the standards of the ordinance.

**CONCLUSION:**

The applicant stated that he would plant shrubs and bushes, suitable to the area and suitable by the soil and water conservation.

22. Shoreland Relationship

**FINDINGS:**

The board finds that the proposed construction will not adversely affect the water quality or shoreline of the adjacent water body.

**CONCLUSION:**

The board concludes that the footprint of the building is not increasing and will not adversely affect the water quality or shoreline.

23. Technical and Financial Capacity

**FINDINGS:**

The site is already existing and owned by the applicant the owners has stated that he has sufficient funds for the project.

**CONCLUSION:**

There is nothing that demonstrates there is no technical or financial capacity.

24. **Buffering**

**FINDINGS:**

N/A

**CONCLUSION:**

N/A

25. **Off-Street Parking**

**FINDINGS:**

N/A

**CONCLUSION:**

N/A

26. **Historic and Archaeological Resource.**

**FINDINGS:**

There is nothing in the application that demonstrates that Historic and/or Archaeological resources would be impacted by the development

**CONCLUSION:**

There are no historic or archeological resources on site as defined.

Tom Nugent made a motion to approve the application, Jessica Alexander seconded, motion passed (4-0-1), Jeff severance abstained from vote..

**2.2 Andy Warlick-Truck Sales-Public Hearing**

Tom Nugent made a motion to open the Public Hearing, Bill Schellinger seconded, motion passed (5-0).

Harold Averell questioned how many vehicles will be on the property? Andy Warlick responded around 6-7 carriers and/or wreckers, 3 regular cars, 3 pickups and maybe a couple of motorcycles.

Hearing no further public comment, Russ Hughes made a motion to close public hearing, Jessica Alexander seconded, motion passed (5-0).

Tom Nugent stated that the development consists of a modest lot, do you have any thoughts or plans on expansion. Andy Warlick responded that there is no room his main business is in Litchfield.

Pursuant to the provisions of the Town of Richmond Land Use Ordinance and the standards of 30-A M.R.S.A. § 4404 as currently written as may be amended from time to time, the Richmond Planning Board has considered the application of Andy Warlick including supportive data, public hearing testimony and related materials contained in the record. The Planning Board makes the following Findings of Fact and Conclusion of Law for “165 Brunswick Road” at Map R03-044-00 in Richmond, Maine.

**HISTORY**

Applicant submitted an application on September 28, 2010. The proposal is to run operate an auto sales shop. The current use of the property has been used for towing and commercial auto repairs.

**TERMS AND CONDITIONS**

In addition to the terms and conditions set forth in these findings, the application (as amended) and all attachments hereto, this approval is subject to the following specific conditions. In the event of a conflict between the above referenced materials, the written findings of fact and conclusions of law shall control conditions of approval.

Special Conditions. None

**APPROVAL STANDARDS AND CRITERIA**

- 1. Compliance with State Law and Richmond Ordinances. The Planning Board shall determine that the application meets each of the following criteria. In all instances the burden of proof shall be on the applicant and such burden shall include the project evidence sufficient to support a find that the proposed development.

**Finding:**

**The proposal complies with ordinances.**

**Conclusion:**

**The project complies with State and Richmond Land Use Ordinances.**

- 2. **Shoreland District and Resource Protection District Permit Standards**

**FINDINGS:**

**N/A**

**CONCLUSION:**

N/A

3. **Special Exception Standards in the Resource Protection District**

**FINDINGS:**

N/A

**CONCLUSION:**

N/A

4. **Utilization of the Site**

**FINDINGS:**

The proposed site reflects the natural capabilities to support the development.

**CONCLUSION:**

The board concludes that the proposed site reflects natural capabilities for use of the site. No environmentally sensitive areas were identified.

5. **Access to the Site**

**FINDINGS:**

Given the provided plan there is adequate provision for the circulation of traffic and parking.

**CONCLUSION:**

There is sufficient access to the site to support the development.

6. **Access into the Site**

**FINDINGS:**

Given the provided plan there is adequate provision for the circulation of traffic and parking.

**CONCLUSION:**

There is sufficient access to the site to support the development.

7. **Access Design**

**FINDINGS:**

Given the provided plan there is adequate provision for the circulation of traffic and parking.

**CONCLUSION:**

The board concludes that the access design is safe and convenient.

8. **Accessway Location and Spacing**

**FINDINGS:**

Given the provided plan there is adequate provision for the accessway, location, spacing and parking.

**CONCLUSION:**

Accessway location and spacing has been determined compliance with the ordinance and will provide safe and convenient access and spacing in the development.

9. **Construction Materials/Paving**

**FINDINGS:**

No proposed construction, site already existing.

**CONCLUSION:**

The board finds the existing materials sufficient for this specific development.

10. **Internal Vehicular Circulation**

**FINDINGS:**

Parking and traffic movement patterns are depicted on the plan.

**CONCLUSION:**

Internal parking is safe and convenient and complies with the ordinance.

11. **Pedestrian Circulation**

**FINDINGS:**

There is no proposed pedestrian circulation. Not Applicable

**CONCLUSION:**

The project does not change existing pedestrian circulation or traffic pattern. This is Not Applicable.

12. **Stormwater Management**

**FINDINGS:**

The project is relatively small size and the impervious surface does not appear to have any adverse affect on surrounding properties.

**CONCLUSION:**

The Site Plan shows sufficient management and impact on stormwater drainage.

13. Erosion Control

**FINDINGS:**

The site is already existing, no construction. The site improvement for parking makes adequate provision for erosion control.

**CONCLUSION:**

The planning board finds the project adequately covers erosion control standards.

14. Water Supply

**FINDINGS:**

The site is existing and adequate provision for water supply to the site.

**CONCLUSION:**

The project must meet the standards of the State of Maine for drinking water.

15. Utilities

**FINDINGS:**

Existing site, the plans do not show that this project would use extraneous use of utilities due to the size and nature of the project there are no adverse impact on utilities.

**CONCLUSION:**

The site will be provided with adequate utility service.

16. Natural Features

**FINDINGS:**

The proposed site reflects the natural capabilities to support the development.

**CONCLUSION:**

The board concludes that the proposed site reflects natural capabilities for use of the site. No environmentally sensitive areas were identified.

17. **Groundwater Protection**

**FINDINGS:**

The scale or scope of the project would not adversely affect ground water protection.

**CONCLUSION:**

The project makes sufficient provision to protect the groundwater.

18. **Water and Air Pollution**

**FINDINGS:**

Nothing in the application would suggest water or air adversely effected.

**CONCLUSION:**

The board concludes that the proposed development will not result in any undue water or air pollution.

19. **Exterior Lighting**

**FINDINGS:**

The exterior lighting identified complies with the ordinance and makes for safe use of the property at night and not burden adjacent properties.

**CONCLUSION:**

The project will provide adequate exterior lighting.

20. **Waste Disposal**

**FINDINGS:**

The statement provided that trash will be hauled by a private hauler, and any waste oil generated will be picked up local individuals such as

Gordon Sherman and Wilbur Gilpatrick who have furnaces that burn waste oil.

**CONCLUSION:**

Disposal of solid waste is adequate.

21. **Landscaping**

**FINDINGS:**

The applicant has requested a waiver from any additional landscaping from what is existing, he has places several large boulders to create a boundary for parking which complies with the general requirements of the ordinance.

**CONCLUSION:**

The project provides for adequate landscaping.

22. **Shoreland Relationship**

**FINDINGS:**

N/A

**CONCLUSION:**

N/A

23. **Technical and Financial Capacity**

**FINDINGS:**

The site is already existing and owned by the applicant there is no new construction.

**CONCLUSION:**

There is nothing that demonstrates there is no technical or financial capacity.

24. **Buffering**

**FINDINGS:**

The Plan and application depicts that buffering has been adequately addressed to meet the ordinance standards.

**CONCLUSION:**

The applicant has provided sufficient documentation providing adequate buffering.

25. **Off-Street Parking**

**FINDINGS:**

There shall be no off-street parking.

**CONCLUSION:**

The project provides for adequate parking for the scale of the development.

26. **Historic and Archaeological Resource.**

**FINDINGS:**

There is nothing in the application that demonstrates that Historic and/or Archaeological resources would be impacted by the development

**CONCLUSION:**

**There are no historic or archeological resources on site as defined.**

Russ Hughes made a motion to approve the application, Jessica Alexander seconded, motion passed (4-0-1) Jeff Severance abstained from the vote.

**2.3 Mark Tuttle-Garage/Repair Shop-Public Hearing**

Russ Hughes made a motion to open public hearing, Tom Nugent seconded, motion passed (4-0-1) Jeff Severance abstained from the vote.

A resident stated that he was told that no business could be in the agricultural zone unless it was farm related. He is also concerned with his well being 300 feet within the location of the property.

Tim Porter a resident stated he is worried about oil contamination and having 20 or more vehicles in the yard along with it turning into an auto salvage yard.

Charlie Hutchins stated he is worried about the noise the business will generate.

A resident stated that he is worried about their property values decreasing.

Hearing no further discussion from the public Tom Nugent made a motion to close the public hearing, Bill Schellinger seconded, motion passed (4-0-1), Jeff Severance abstained from the vote.

Jeff Severance stated he would like to see a letter or statement signed and notarized from Patricia Ware who is named on the Warranty Deed, that she has no interest in the property or opposes the business being built on the property.

Tom Nugent expressed that it seems the residents are concerned with hazardous waste, noise, trash, too many vehicles and the effect on property values and he wants to take this into consideration.

Jessica Alexander stated that only two of the letters are from abutters within the 500 foot radius and two letters for the project are also immediate abutters to the property who stated they are in favor of the project. The remaining letters are from neighbors outside of the 500 foot notice perimeter.

Jessica Alexander suggested the board make a site visit to see the location of the property and if the garage can be seen by the neighbors or passing traffic. As seen from the application it appears the area is surrounded by a tree lined barricade and can only be seen if someone was to stop and look up the driveway.

Russ Hughes made a motion to table and do a site visit, Jessica Alexander seconded, motion failed (2-2-1), Jeff Severance abstained from the vote.

Mark Tuttle stated he has every intention of running a clean business and keeping his property well maintained, he has no problem with any restrictions the board would want to enforce.

The board addressed Article 8, Section C Approval Standards and Criteria

Article 8 Approval Standards

### **APPROVAL STANDARDS AND CRITERIA**

1. Compliance with State Law and Richmond Ordinances. The Planning Board shall determine that the application meets each of the following criteria. In all instances the burden of proof shall be on the applicant and such burden shall include the project evidence sufficient to support a find that the proposed development.

**Finding:**

**The proposal complies with ordinances.**

**Conclusion:**

**The project complies with State and Richmond Land Use Ordinances.**

2. **Shoreland District and Resource Protection District Permit Standards**

**FINDINGS:**

**N/A**

**CONCLUSION:**

**N/A**

3. **Special Exception Standards in the Resource Protection District**

**FINDINGS:**

**N/A**

**CONCLUSION:**

**N/A**

4. **Utilization of the Site**

**FINDINGS:**

**The proposed site reflects the natural capabilities to support the development.**

**CONCLUSION:**

The board concludes that the proposed site reflects natural capabilities for use of the site. No environmentally sensitive areas were identified.

5. **Access to the Site**

**FINDINGS:**

Given the provided plan there is adequate provision for the circulation of traffic and parking.

**CONCLUSION:**

There is sufficient access to the site to support the development.

6. **Access into the Site**

**FINDINGS:**

Given the provided plan there is adequate provision for the circulation of traffic and parking. Along with letters from Richmond Public Works Department.

**CONCLUSION:**

There is sufficient access to the site to support the development.

7. **Access Design**

**FINDINGS:**

Given the provided plan there is adequate provision for the circulation of traffic and parking.

**CONCLUSION:**

The board concludes that the access design is safe and convenient.

8. **Accessway Location and Spacing**

**FINDINGS:**

Given the provided plan there is adequate provision for the accessway, location, spacing and parking.

**CONCLUSION:**

Accessway location and spacing has been determined compliance with the ordinance and will provide safe and convenient access and spacing in the development.

9. **Construction Materials/Paving**

**FINDINGS:**

Reclaim will be placed on driveway per applicant.

**CONCLUSION:**

The board finds the existing materials sufficient for this specific development.

10. **Internal Vehicular Circulation**

**FINDINGS:**

Parking and traffic movement patterns are depicted on the plan.

**CONCLUSION:**

Internal parking is safe and convenient and complies with the ordinance.

11. **Pedestrian Circulation**

**FINDINGS:**

There is no proposed pedestrian circulation. Not Applicable

**CONCLUSION:**

The project does not change existing pedestrian circulation or traffic pattern. This is Not Applicable.

12. **Stormwater Management**

**FINDINGS:**

The project is relatively small size and the impervious surface does not appear to have any adverse affect on surrounding properties.

**CONCLUSION:**

The Site Plan shows sufficient management and impact on stormwater drainage. Applicant has stated he will be installing a two foot wall around the slab to contain any spillage.

13. **Erosion Control**

**FINDINGS:**

The site improvement for makes adequate provision for erosion control.

**CONCLUSION:**

The planning board finds the project adequately covers erosion control standards.

14. **Water Supply**

**FINDINGS:**

The site is existing and adequate provision for water supply to the site.

**CONCLUSION:**

The project must meet the standards of the State of Maine for drinking water.

15. **Utilities**

**FINDINGS:**

Existing site, the plans do not show that this project would use extraneous use of utilities due to the size and nature of the project there are no adverse impact on utilities.

**CONCLUSION:**

The site will be provided with adequate utility service.

16. **Natural Features**

**FINDINGS:**

The proposed site reflects the natural capabilities to support the development.

**CONCLUSION:**

The board concludes that the proposed site reflects natural capabilities for use of the site. No environmentally sensitive areas were identified.

17. **Groundwater Protection**

**FINDINGS:**

The scale or scope of the project would not adversely affect ground water protection. Any hazardous substances would be kept in the garage. A hired contractor "Safety Clean" will remove any hazardous materials from the area.

**CONCLUSION:**

The project makes sufficient provision to protect the groundwater.

18. **Water and Air Pollution**

**FINDINGS:**

Nothing in the application would suggest water or air adversely effected.

**CONCLUSION:**

The board concludes that the proposed development will not result in any undue water or air pollution.

19. **Exterior Lighting**

**FINDINGS:**

The exterior lighting identified complies with the ordinance and makes for safe use of the property at night and not burden adjacent properties.

**CONCLUSION:**

The project will provide adequate exterior lighting.

20. **Waste Disposal**

**FINDINGS:**

The statement provided that trash will be hauled by a private hauler, and any waste oil generated will be picked up Safety Clean.

**CONCLUSION:**

Disposal of solid waste is adequate.

21. **Landscaping**

**FINDINGS:**

Not applicable, the proposed construction is located in within the residents residential property

**CONCLUSION:**

The board finds the applicant provides for adequate landscaping

22. **Shoreland Relationship**

**FINDINGS:**

N/A

**CONCLUSION:**

N/A

23. **Technical and Financial Capacity**

**FINDINGS:**

The applicant provided a statement that he has the funds to construct a garage.

**CONCLUSION:**

There is nothing that demonstrates there is no technical or financial capacity.

24. **Buffering**

**FINDINGS:**

The Plan and application depicts that buffering has been adequately addressed to meet the ordinance standards. The garage is not visible.

**CONCLUSION:**

The applicant has provided sufficient documentation providing adequate buffering.

25. **Off-Street Parking**

**FINDINGS:**

There shall be no off-street parking.

**CONCLUSION:**

The project provides for adequate parking for the scale of the development.

26. **Historic and Archaeological Resource.**

**FINDINGS:**

There is nothing in the application that demonstrates that Historic and/or Archaeological resources would be impacted by the development

**CONCLUSION:**

There are no historic or archeological resources on site as defined.

Russ Hughes made a motion to deny the application, Tom Nugent seconded, motion failed, (2-2-1), Jeff Severance abstained from vote.

The Code Enforcement Officer stated that this application will probably go to the Appeals Board if denied. He has come up with a list of restrictions that would appease the concerns of the neighbors if approved. Tom Nugent and Russ Hughes feel there is no way to address the concern of a decrease in property value if this business exists.

Each member has no intention of changing their vote at this time. Bill Schellinger made a motion to table the public hearing until November 9<sup>th</sup> when two more board members will be present to hear the project, Russ Hughes seconded, motion passed (4-0-1) Jeff Severance abstained from vote. The public hearing will be continued on November 9, 2010 at 6:00p.m., and will be reposted.

**4.0 CORRESPONDENCE-Letter from Scott Ladd of Farris Law regarding Alfredy & Emily Vigue Property.**

After review the board decided to have Laurisa draft a notarized statement from the Town of Richmond Planning Board indicating that the outconveyances and retained land referenced do not create a subdivision requiring their approved under Title 30-A, Section 4401 et seq. of the Maine Revised Statutes.

**5.0 APPROVE MINUTES-OCTOBER 12, 2010**

Russ Hughes made a motion to approve the minutes, Jessica Alexander seconded, motion passed (5-0).

**5.1 Findings of Fact/Conclusion of Law-Isaac Beck-the board signed the Findings of Fact.**

**6.0 ADJOURN**

Russ Hughes made a motion to adjourn at 8:15, Tom Nugent seconded, motion passed (5-0).