

**RICHMOND PLANNING BOARD  
TUESDAY, NOVEMBER 9, 2010  
TOWN OFFICE MEETING ROOM  
6:00P.M.**

**MINUTES**

**1.0 CALL TO ORDER**

Present: Renea Hovey, Corina Perry, Emily Vigue, Kate Foss, Dick Ashcroft, Janice Ashcroft, Charles Braden, Charles Hutchins, Theresa Porter, Tim Porter and Mark Tuttle.

Members Present: Laurisa Loon; Secretary, Jessica Alexander, Jeff Severance, Russ Hughes, Bill Schellinger, Tom Nugent and Michael Lane (arrived at 6:49p.m.)

Jeff Severance called the meeting to order at 6:05p.m.

**2.0 UNFINISHED BUSINESS**

**2.1 Mark Tuttle-Garage/Repair Shop-Public Hearing Continuation**

Russ Hughes made a motion to open the public hearing, Bill Schellinger seconded, motion passed (3-1-1), Tom Nugent opposed, Jeff Severance abstained from vote.

Russ Hughes questioned Mark Tuttle if there was an alternative location for his business to be located where all the neighbors are opposed. Mark Tuttle responded that it would be too much of an expense.

Several residents expressed concerns for their property values and ground water protection against oil, gas and chemical spills and how that might affect their wells.

After much discussion, Russ Hughes made a motion to come out of public hearing, Jessica Alexander seconded, motion passed (5-0).

Michael Lane arrived at 6:49p.m.

Michael Lane stepped into the adjacent room to review the application and minutes from the previous meeting.

The board updated Michael Lane on the public hearing. The board's consensus was to allow Mike to vote on this matter and to reopen the public hearing.

Russ Hughes made a motion to open the public hearing, Tom Nugent seconded, motion passed (3-1-2), Tom Nugent opposed, Jeff Severance and Michael Lane abstained from the vote.

The residents expressed their concerns for their wells being contaminated and the value of the property decreasing.

Mark Tuttle stated that all work would be done in the garage, there will be a 2" perimeter around the concrete slab and he has hired Safety Clean to remove waste oil.

A resident was concerned with leakage from parked vehicles.

Tim Porter expressed that if this business is allowed then similar businesses will go up in the area, this sets a precedent, it seems this business should be placed in a more suitable district.

Dick Ashcroft stated he also agrees with the abutters, he is concerned with his property value and their rights.

Another resident expressed concern for runoff into streams if the water was to be contaminated it would spread to neighboring homes and wells.

Michail Grizkavitsch resident of Route #24, expressed his support for Mark Tuttle.

Bill Schellinger made a motion to close the public hearing, Russ Hughes seconded, motion passed (5-1), Jeff Severance abstained from the vote.

Michael Lane stated that after reviewing the findings from the last meeting he is concerned with that the application does not meet the criteria for 1.B. and therefore does not comply with article 4.F.1, Purpose of the Agricultural District: To enhance farming, forestry and agricultural uses, while protecting open space and the public health and safety, environmental quality and economic well-being of the Municipality by imposing minimum controls on those uses which, by virtue of their external effects (waste discharge, noise, glare, fumes, smoke, dust, odors, or auto, truck, or rail traffic) could otherwise create nuisances or unsafe or unhealthy conditions, which would adversely affect farming and agriculture uses. Therefore this project fails to meet the criteria for section 1 and does not conform with the Richmond Land Use Ordinance.

The board chose to designate Michael Lane as a voting member. At the previous public hearing Michael Lane was absent and the board's vote was a deadlock. Russ Hughes stated that he believe since Michael Lane was able to hear the public hearing testimony this evening and has thoroughly reviewed the application and minutes from the previous meeting, made a motion to designate Michael Lane a voting member, Bill Schellinger seconded, motion passed (4-1-1), Michael Lane abstained from the vote.

Tom Nugent stated he is concerned that with regard to the criteria for Technical and Financial Capacity that the letter provided was not sufficient. Jessica Alexander stated that the board accepted the letter at the previous meeting therefore meets the requirement.

Russ Hughes stated that he feels this project has the potential to be a nuisance.

Jessica Alexander stated she sees the board being inconsistent with the interpretation of the Land Use Ordinance.

Russ Hughes made a motion to reconsider Article 8, Section C. Standards and Criteria, Bill Schellinger seconded, motion passed (3-1-2).

Russ Hughes made a motion that the project does not comply with Article 8 Section C. 1.b. "complies fully with all other requirements and standards of this Ordinance and any other applicable Town ordinances" which reflects Article 4. F. 1, referenced above, Michael Lane seconded, motion passed (4-1), Jeff Severance abstained from vote.

Russ Hughes made a motion to adopt the findings previously found and as amended as of this date 11/9/2010 to reflect the findings for Article 8.C.1., Michael Lane seconded, motion assed (4-1-1), Jeff Severance abstained from the vote.

Russ Hughes made a motion to deny the application, Tom Nugent seconded, motion passed (3-2-1), Jeff Severance abstained.

Russ Hughes made a motion to amend the agenda to include Emily Vigue to 2.1, Michael Lane seconded, motion passed (6-0).

## **2.2 Emily Vigue-Non-Conforming Lots**

Michael Lane stated that the board does not issue advisory statements. Emily Vigue responded that the houses have been occupied since 1993, each home owner is related, deeds were done June 14, 2010 by order of Probate Court.

Emily Vigue stated she is requesting a letter that the lots do not create a subdivision.

The board issued a letter stating:

“In response to your letter dated October 8, 2010 (copy attached). The outconveyances and retained letter referenced in your letter do not create a subdivision requiring the Richmond Planning Board’s approval under Title 30-A M.R.S.A. Section 4401 et seq.”

**3.0 NEW BUSINESS-** Reminder the Appeals and Planning Board Workshop will be held tomorrow November 10, 2010 at 6:00p.m.

**4.0 CORRESPONDENCE-**None

## **5.0 APPROVE MINUTES-OCTOBER 26, 2010**

Russ Hughes made a motion to approve the minutes, Jessica Alexander seconded, motion passed (5-0-1), Michael Lane abstained from the vote.

5.1 Findings of Fact/Conclusion of Law-Tom Connolie

5.2 Findings of Fact/Conclusion of Law-Andy Warlick

The board reviewed and signed the documents.

## **6.0 ADJOURN**

Russ Hughes made a motion to adjourn at 8:30p.m., Jessica Alexander seconded, motion passed (6-0).