

**RICHMOND PLANNING BOARD
TUESDAY, FEBRUARY 22, 2011
TOWN OFFICE MEETING ROOM
6:00P.M.**

MINUTES

1.0 CALL TO ORDER

Present: Mike Griskewitsch, Mike Griskewitsch III, Renea Hovey, Corina Perry, Kate Foss, Dick Ashcroft, Janice Ashcroft, Charles Braden, Charles Hutchins, Tim Porter, Mark Tuttle, Brian Morse, Secretary-Laurisa Loon

Members Present: Michael Lane, Tom Nugent, Bill Schellinger, Jeff Severance and Jessica Alexander

2.0 UNFINISHED BUSINESS

2.1 Mark Tuttle-Garage/Repair Shop-Public Hearing

Chairman Michael Lane announced the protocol of the meeting.

Michael stated that an application was submitted on August 19th there was a pre-application meeting held October 12, 2010. A public hearing on the project was held October 26, 2010 public comment was taken and the public reviewed Article 8C 1-26 where the board found that the project satisfied all 26 criteria, on a final vote the board was deadlocked (2-2-1). The meeting was tabled until November 9, 2010 and after reviewing the project the board found that it failed to comply with the Land Use Ordinance Article 8.C.1.B pursuant to Article 4.F.1, the final vote was (3-2), the project was denied. The applicant filed an appeal and met with the Richmond Board of Appeals on January 5, 2011, the appeal was granted in favor of the applicant. The Appeals Board turned the project back to the Planning Board for consideration, the board met on January 25, 2011 and tabled the project to allow the 45 days appeal process to run and scheduled the project for a continuation of Public Hearing on February 22, 2011.

Michael Lane stated that the board will open the public hearing, take public comment, and vote on 8.C.1.B.

Tom Nugent stated the previous vote on the approval standards and criteria 2-26 needs to stand, we need to vote on the mandated article that the appeals board stated.

Tom Nugent made a motion to open the public hearing to reconsider the November decision which was "that this project fails to meet Article 8B1C, Article 4F1" to solely

discuss the board of appeals January 5th decision, Bill Schellinger seconded, motion passed, (4-0-1) Jeff Severance abstained from the vote.

Mike Griskavitsch apologized for his behavior at the previous meeting and thanked the Chairman for explain the procedural process.

Tim Porter questioned which article in the ordinance the board was referencing. Michael Lane replied that Article 8.C.1 states that it must comply with all town ordinances, the board expressed concern that the project didn't comply with Article 4.F.1. The Appeals Board remanded it back to us for review. It's their understanding we misinterpreted the ordinance.

Dick Ashcroft stated that he is concerned with the 300ft distance from his well

Charlie Hutchins also stated he is concerned with the 300ft distance.

Michael Lane stated that the board found the project complied and they are only here to discuss Article 8.C.1B. in reference to Article 4.F.1.

Bill Schellinger made a motion to come out of public hearing, Jessica Alexander seconded, motion passed (3-0-2).

Brian Morse reviewed the minimum controls on the operation.

Bill Schellinger made a motion to reopen the public hearing to discuss conditions of operations, Jessica Alexander seconded, motion passed (4-0).

Conditions:

1. No outside storage of new or used motor oil, transmission fluid, gasoline, anti-freeze or axel lube/grease. Must be contained in an approved container by MeDEP at all times and kept under shelter away from the elements.
2. No outside storage of batteries. Batteries must be kept on a pallet and kept away from the elements.
3. There shall be no more than 6 vehicles at one time on the lot for the purpose of repairing and shall place drip pans under such vehicles. Excluding Mark Tuttle's or household vehicles.
4. Of the 6 vehicles no more than 2 shall be uninspected at one time within a 30 day period.
5. Mark Tuttle shall keep a monthly record of all waste oil, anti-freeze, transmission fluid and gasoline taken in and disposed of and include the receipt from the waste hauler (if applicable.)
6. There shall be no more than 20 used tires at any one time located anywhere with-in Mark Tuttle's property lines.

7. Storage of metals incidental to auto repair shall be in accordance with MeDEP. All metals shall be kept away from the elements.
8. There shall be no accumulation of junk: Wood debris, metals not associated with auto repair, plumbing, etc.
9. Hours of Operation: 7:00a.m. to 5:00p.m. Monday thru Friday except for emergency services.
10. May be inspected by the Town of Richmond CEO during normal Town Office business hours.
11. Follow all State and Federal regulations that apply to automotive repair.

Tim Porter stated in reference to condition 3, he would like to see drip pans be placed under each car. Mark Tuttle stated he will eventually have concrete poured where cars will be parked.

The board revised condition #3 to say... "and shall place drip pans under such vehicles."

Bill Schellinger made a motion to come out of public hearing and back to deliberation, Jessica Alexander seconded, motion passed (4-0-1) Jeff Severance abstained from vote.

Bill Schellinger made a motion to reconsider the November decision with respect solely to the finding and conclusion in Article 8C1B with respect to Article 4F1 based upon instructions from the Board of Appeals on January 5, 2011 that we find that the project as proposed and subject to attached conditions of approval as amended, meets the applicable sections of Article 4 and 8 and based on the application the board finds these are sufficient minimal controls on the use on the property as a permitted automobile service/repair garage and that these conditions of operation minimize the creation of nuisances, unsafe or unhealthy conditions.

The project complies with article 8C1B and based on our findings from November complies with the other 25 standards in Article 8, therefore we approve the project.

Jessica Alexander seconded, motion passed (4-0-1) Jeff Severance abstained.

3.0 NEW BUSINESS

4.0 CORRESPONDENCE

5.0 APPROVE MINUTES OF FEBRUARY 8, 2011 AND FINDINGS OF FACT ON KAREN SEIGARS

Tom Nugent made a motion to approve the minutes and findings of fact, Jeff Severance seconded, motion passed (5-0).

6.0 ADJOURN

Tom Nugent made a motion to adjourn, Jeff Severance seconded, motion passed (5-0).