

**Town of Limington  
Planning Board Meeting  
Held**

April 3, 2023

The meeting was called to order at 7:00 p.m. at the Limington Municipal Complex by Chair, Joyce Foley. Members present: Joyce Foley, Pete Langevin, Bob Gervais, Joyce Foley, Victoria Kundishora and Debra Black.

Members absent: Darryl Hubbard

Staff present: Donna Sawyer, Planning Board Secretary and Craig Galarneau, Code Enforcement Officer

Chair Foley asked Victoria Kundishora, alternate member, to represent Darryl Hubbard because he was absent. Victoria agreed.

Others present: Leanna Nelsen, Carl Nelsen, III, Scott Dumont, Marlene Dumont, Emil Braley, Owen Sprague, Jonathan Kinney, Rene Kinney, Ray Marshall, James Seymour, Sebago Technics, Inc., John Palmitessa, Chris Chudzik and Sean Babb

**Agenda**

1. Public Hearing to operate an Automobile Garage and Repair Shop, Map R9, Lot 35, 173 Beaver Berry Road – applicant Carl J. Nelsen, III
2. Lot Line change for 2 lots at Coventry Drive in the Coventry North Subdivision
3. Max Rubenstein, Whaleback Road, discussion of one campsite
4. Signing of plan for Stonebrook Subdivision to reflect lot line change of 2 abutters
5. Sean Babb, 1298 Cape Road, discussion of constructing a campground on his property
6. Approve Minutes of March 6 and March 20, 2023

**Public Hearing for Carl Nelsen, III, Automotive Garage, 173 Beaver Berry Road**

Carl Nelsen, applicant, came forward and said he wished to operate an automotive repair garage.

Chair Foley asked for comments from the public. Jonathan Kinney came to the podium and spoke about the Sketch Plan submitted by Mr. Nelsen. Mr. Kinney referred to the driveway and said when he bought his property the neighbor's driveway was on his land. Mr. Kinney had a survey done and after the survey, Mr. Nelsen no longer used his driveway. The driveway is one foot from the property line and there is no 30 ft. setback as required in zoning. Kinney did not want customers parked on that road which is close to his line which should be a buffer zone.

Next, he referred to debris on the east side of the garage, however, there is debris on the north side of the garage and some on the east side. Not on the plan is a brook and vernal pool that runs through his property. If a survey had been done, it would have shown the driveway and vernal pool on the property. It would have also shown where his well is located.

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The application states Nelsen has several options to dispose of his waste oils and fluids from autos and there needs to be a firm contract. Proper disposal of fuels is of concern to Mr. Kinney because his well is only 150'. from the neighbor's garage. State of Maine drinking water rules state that wells need to be 300' from any source of contamination.

Kinney said hours of operation are a concern because his property is close to the applicant. There are big doors on 2 sides of the garage and the noise from air compressors and other impact tools easily carries noise to his property.

There are numerous vehicles located on the property and it is unknown if they are registered. Mr. Kinney is concerned about the devaluation of his property if this garage operation if this garage is allowed to move forward. Kinney asked that a fence be installed by the applicant that would reduce noise pollution.

Further, Mr. Kinney has concerns about traffic on a single lane paved road. There is a sandy/gravel aquifer that includes the Little Ossipee and Saco River, Horseshoe Bend, Beaver Berry Road, Boothby Road and Horseshoe Bend. The Board needs to do due diligence on this property because of the aquifer and Mr. Kinney's well.

Chair Foley asked if there were any more comments. Rena Kinney, abutter, came forward and said she has many concerns. They are:

- Will the operation paint cars?
- will there be car restoration?
- How many unregistered cars will be allowed?
- Will used car parts and used tires be stored outside?
- Beaver Berry Road will have more traffic and the road is deteriorating and who will do maintenance?
- How many car bays will be licensed?
- How many employees will work there?
- What are hours of operation?
- During warmer months the garage doors will be open and will generate more noise. Who will monitor the noise?
- Does he have the necessary State licenses?
- Has Nelsen filed for the appropriate taxes?
- Does he have an employee identification number?
- Does he have proper insurance for a repair business?
- Who is going to assure that he follows the safety and environmental concerns?
- There will be oil, liquid chemical waste, antifreeze, dust, fumes and possible soil contamination. Who will monitor?
- How was this business allowed to operate without proper approvals?
  
- There is a pond across the road and a brook running through the property. Who will assure me that the water will not become contaminated?
- How is waste going to be discarded, i.e., used auto parts, oil barrels and other contaminants?

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- Who will enforce the above issue?
- Can I be assured that the Code Enforcement Officer will provide and bring issues regarding enforcement to the attention of town officials

Mr. Nelsen came forward again and said he can address many of the issues that have been raised tonight. The driveway will be paved and he is working toward improving it. As it concerns the junkpile, he is working and reducing the pile and has disposed of 100 tires that were stored inside the garage. Mr. Nelsen said his business got shut down by the Code Enforcement Officer. Regarding cars, he has 6 registered vehicles in the yard that belong to family members and he works on all of them. Junk piles will be stored out of sight.

Regarding waste oils and fluids, he uses Clean Harbors, and as far as the stream is concerned, it is a swamp at certain times through the year.

He does not plan to have employees because it will be a one-man operation. Concerning the fence, he will install one as time and money permits.

Mr. Nelsen said he has insulated the doors and has tested the noise by walking around the perimeter of the property. He has invested in better tools and they are much quieter. He uses many cordless tools.

His hours of operation will be 8:00 to 5:00 and 8:00 to noon on Saturday.

Joyce asked the Board if there are questions. Bob Gervais asked about fencing and Mr. Nelsen said he plans to install one.

Bob Gervais asked about what garage door(s) would be used and Nelsen said he could access 2 bays by using the one door to drive in and back out of it. Nelsen felt, at most, he would have no more than 2 vehicles a day coming to the garage.

Nelsen said he has one (1) unregistered vehicle in his yard and the rest are used by family members.

Debra Black asked about storage containers for oil. He has containers that hold oil and they are in the containers in which they were shipped.

Victoria asked about the timing for installing the fence and Nelsen agreed to have half of the fence installed this summer. He also assured the Board that the junk pile will not be piling up. Weekly he goes to the dump and car parts accumulated will be taken care of promptly.

Chair Foley closed the Public Hearing and she said if there is enough time at the end of the meeting, the Board will discuss this approval.

**Preliminary Discussion for campground** on property (Tiedeman property) located at 697 Sokokis Avenue – Ray Marshall, property owner

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James Seymour, Sebago Technics Civil Engineer, presented an updated plan that addressed some of the concerns raised when he appeared before the Board on March 6, 2023.

Mr. Seymour said he wants to discuss more technical issues tonight as he knows the issues will come up before this project is approved. He said he has not presented an application yet because there is technical field work to do which includes mapping the wetlands. Sebago Technics will be doing field work before an application comes to the Board.

He said that the plan tonight has 26 sites shown. Fourteen (14) sites are for RV's and shown on the plan with brown rectangles. Seymour said he has reviewed Limington's Ordinance and he feels the design meets those standards.

The yellow circles represent nine (9) sites for tents/geodomes and there will not be any services on these 9 sites. There will be showers and bathroom facilities provided for these sites located in a central area.

He has questions and they are:

- regarding the access road, Mr. Marshall would like gravel instead of asphalt on access roads, and Marshall wants the Board to wave this requirement

Seymour reviewed some of the changes and they are:

- additional parking has been added to the west of the septic field
- there will be wells on the property to provide water to the tent sites
- there will be two areas to address storm runoff and they are a filter basin and stormwater pond located on the site.
- all roads will have hammerhead turns so traffic can turn around efficiently.
- there will be dumpsters behind the barn for campers' waste. There will be two access roads from Route 11.

He has questions about 6 H.3.B in the Ordinance and he wants to know why the Board would need increased setbacks and yards? Chair Foley said if the design meets standards there would "probably" be no need for an increase.

Chair Foley asked about the number of showers and the facilities inside the RV's. Seymour said the RV's will have bathrooms and the RV's have a chassis.

Chair Foley asked for any additional comments and there was none.

**Max Rubinstein, 141 Whaleback Road, came forward** and he operates a small perennial nursey. He came forward to ask if he needs Planning Board approval to put in one campsite on his property? It would be 415 ft away from the street and obscured by trees. There would be no bathroom or running water. Human waste disposal would be via a lugaloo container into his septic tank. It would be rustic accommodations and parking would be in his driveway. It would be limited to 6 people and 2 autos and space for 2 tents. Chair Foley asked that Mr. Rubinstein fill out an application and give it to the Code Enforcement Officer.

**Sean Babb lives at 1298 Cape Road** and owns about 59 acres. Babb wants to build a campground and have 15 to 24 sites and is looking to see if he can do this on his property? Chair Foley said his property is in a zone to build a campground. Foley told him to fill out an application and when it is ready submit it to the CEO.

**Scott and Marlene Dumont** came forward and presented a plan showing new property lines with an abutter in the Stonebrook Subdivision. Bob Gervais made a motion to accept the plan and Debra seconded the motion. All in favor and motion passed. The members signed the new subdivision plan which shows the lot line change. The Dumonts will record the plan at the Registry of Deeds.

**John Palmitessa and Chris Chudzik** brought in a new plan for two properties (abutters) in the Coventry North Subdivision. The plan required Planning Board members to sign and have the plan recorded at the Registry of Deeds.

**Public Hearing for Carl Nelsen, III, Automotive Garage**, 173 Beaver Berry Road

Chair Foley moved to Carl Nelsen's application next. Chair Foley asked about a vernal pool on Mr. Nelsen's property. Jonathon Kinney, landowner next door, indicated there was a vernal pool on the applicant's property. Chair Foley asked the applicant to tell the Board the location of the vernal pool. The applicant said on one side of his house the land slopes drastically and for at least 200 feet there is basically a swamp. The vernal pool is located across the road.

Chair Foley referred to the 30' setback of the applicant's driveway and did not believe that it applied here for his driveway.

Chair Foley asked about the location of Mr. Kinney's well and the applicant said it is 150' plus from his garage.

Vice Chair, Bob Gervais, expressed concern about the storage of hazardous waste in the garage and how will it stored. The applicant indicated that the waste was stored in his garage side and the container is rupture proof. The applicant is willing to store them inside.

Chair Foley moved to page 56 of the Ordinance to review **Standards Applicable to Conditional Uses**. Chair Foley read through the Standards:

**6. G. 1. It shall be the responsibility of the applicant to demonstrate that the proposed use meets all of the following criteria.**

**A. The use will conserve shore cover and visual, as well as actual access to water bodies.**

Not applicable.

**B. Traffic access to the site meets the standards contained in this Ordinance; and traffic congestion has been addressed in accordance with performance standards in this Ordinance.**

Chair Foley said the traffic issue meets the standard.

**C. The site design is in conformance with all municipal flood hazard protection regulations.**

The applicant meets this requirement. He is not in a floodplain.

**D. Adequate provision for the disposal of all wastewater and solid waste has been made.**

All trash is stored inside. Weekly, the applicant takes solid waste to Limington's Transfer Station and that trash is stored inside the garage.

**E. Adequate provision for the transportation, storage and disposal of any hazardous materials has been made.**

Storage of all hazardous waste and other materials shall be stored inside the garage. A Containment Unit that holds 2 drums in an impervious, low profile spill containment pallet will be used inside of the garage.

**F. A storm water drainage system meeting State standards shall be installed.**

Not applicable

**G. Adequate provisions to control soil erosion and sedimentation have been made.**

Not applicable.

**H. There is adequate water supply to meet the demands of the proposed use and for fire protection purposes.**

Yes

**I. The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties, including public areas, from detrimental features of the development, such as noise, glare, fumes, dust, odor, adverse visual impact, and the like.**

A 6 ft. high fence will be installed 50 feet in both directions from the center of the garage.

**J. All performance standards in this Ordinance, applicable to the proposed use will be met.**

Yes

**K. The use will not result in unsafe or unhealthful conditions.**

The Planning Board will get clarification for the State of Maine requirements.

**L. The use will not have an adverse impact on natural beauty, historic sites, or rare and irreplaceable natural areas.**

True

**Other conditions will be:**

1. There will be no more than 2 unregistered automobiles stored on the property at any time.
2. Hours of operation will be 8:00 to 5:00 and 8:00 to noon on Saturday
3. The initial paving of the driveway will be on the south side and will be half of the driveway, the other half will be next year.
4. The aquifer location will be researched by the Chair

Pete Langevin made a motion to approve the application to operate an automobile garage at 173 Beaver Berry Road. Victoria Kundishora seconded the motion. There was no more discussion and motion carried.

**Minutes of March 6, 2023**

4 small changes were requested. Debra Black made a motion to approve with changes and Bob seconded the motion. All in favor and motion carried.

**Minutes of March 20, 2023**

Bob Gervais asked that the following sentence be added: Bob Gervais asked if new deeds had been drafted reflecting the new lot lines? Palmitessa indicated that new deeds were drafted and had already been recorded with the Registry.

Under election of officers, Chair Foley wanted the word nominate added to Debra Black's motions.

Debra Black made a motion to accept the minutes of March 20 as proposed. Pete Langevin seconded the motion. All in favor and motion carried.

The meeting adjourned at 9:15 p.m. These minutes were taken and transcribed by Donna Sawyer, Secretary to the Board.