

**Planning Board Meeting
Held
January 21, 2025**

The meeting was called to order at 7:00 p.m. at the Limington Municipal Complex by Chair, Joyce Foley. Planning Board members present: Joyce Foley, Darryl Hubbard, Bob Gervais, Victoria Kundishora and Grace Davis.

Members absent: Pete Langevin

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

Others present: Steven Colby, Kathleen Colby, Ashley Watters, Joel Morales and Carl Nelsen, III.

Agenda Items:

1. **Public Hearing to operate an Auto Repair Shop**, 2 Durgin Farm Road, Map R-2, Lot 13-2 – Joel Morales, owner
2. **Review of Conditions of Notice of Decision** issued to Carl Nelsen, III – Map R-9, Lot 35
3. **Review Minutes of January 6, 2025**
4. Other

Before the Board moved to the Public Hearing, Chair Foley announced that Grace Davis would be voting for Victoria Kundishora who was absent.

Public Hearing to operate an Auto Repair Shop, Map R-2, Lot 13-2 – Joel Morales

Chair Foley asked Joel Morales to come forward and he said he is expanding his car repair business and will operate out of the garage on the property he owns. He said the business is 2 years old

The Chair asked if there was anyone in the audience that wished to speak and Steven Colby came to the microphone. He said he is an abutter and lives at 40 Durgin Farm Road at the very end of the road. He wants all the vehicles coming and going to the business to be on Mr. Morales' property. Mr. Colby does not want low-bed trucks or any other vehicles parked beside the road. The big trucks can use the hammerhead to turn around which is located just beyond Mr. Morales' home.

A question was asked if there was a firewall between the garage and house and Mr. Morales said yes.

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Mr. Colby said Durgin Farm Road is a private road and he plows the road at his leisure and the road may not be plowed when Mr. Morales opens for business.

Mr. Morales said his operating hours are 10:00 a.m. to 3:00 p.m. In addition, Mr. Morales said he will abide with Mr. Colby's concerns about keeping the business on his property only.

Chair Foley asked Mr. Colby to come forward with the subdivision plan and asked about the location of the hammerhead and Mr. Colby's property. Discussion went back and forth and Mr. Morales said he will hire someone to plow when or if necessary.

Discussion with Carl Nelsen, 173 Beaver Berry Road, operation of his automative garage

Chair Foley began the discussion by reviewing Carl Nelsen's Notice of Decision when granted by the Planning Board on April 3, 2023. The Conditions of Approval are:

No more than 2 unregistered vehicles at any time: Carl Nelsen said the issue has been taken care of and there are only 2 on site now.

A 6' fence will be installed (50') in both directions from the center of the garage. Mr. Nelsen responded by saying about half of the fence has been installed and apologized for being lax. Chair Foley specified that the rest of the fence needs to be installed in the spring.

Paving will be done on the south side of the driveway and the applicant will have a year to accomplish this task. Mr. Nelsen indicated he was a bit overwhelmed after his approval and has not started the paving operation and he wants to correct the situation. The driveway is dirt/gravel on the south side and he has added gravel and it disappears. He admitted gravel was not solving the dirt part of the driveway.

Discussion moved back to unregistered vehicles in his yard and Mr. Nelsen said he does not look at cars once they come in needing work and, often, they are unregistered. Chair Foley said the CEO reported there were 15 unregistered cars in his lot when he visited Mr. Nelsen. She continued by saying you must be diligent in controlling how many cars are on the lot at any one time. Chair Foley was firm when she reiterated that unregistered cars cannot be left in his yard for months and months.

Foley moved back to the paving issue. She spoke about reclaimed pavement saying it might be acceptable. Mr. Nelsen said he did not know about reclaimed pavement and needed to research it. Foley asked him to get quotes for crushed stone, pavement and/or reclaimed pavement.

(Note: There was discussion by the members present and too many members were speaking at once and unable to understand discussion here and the applicant was away from the microphone.)

Bob Gervais spoke up and asked Mr. Nelsen what would a realistic date be to install the rest of the fence. Mr. Nelsen agreed that he could have the remainder of the fence installed by June 1, 2025.

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Finally, it was agreed that Mr. Nelsen would come back at the March 17 meeting to address the South (north) side parking. **Note**, it was determined that the Board was incorrect and all of the above issues are on the **NORTH** side of the garage.

Auto Repair Garage – Joel Morales

Chair Foley moved to page 55 in the Ordinance:

6. G. 1. It shall be the responsibility of the applicant to demonstrate that the proposed use meets all 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 there will be no parking beside the road by commercial vehicles. There will be no parking or turn-around in the paved lot across the street. Commercial vehicles will use the hammerhead across the street to turn around, when necessary.

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

Not applicable

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

The owner has a contract with a vendor who picks up the waste oil and another vendor who picks up metal.

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

Yes, see above.

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.

Not applicable

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

Yes, will meet

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

Meets this requirement.

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

Yes, there will be no impact.

Conditions:

The hours of operation are 10:00 to 3:00 p.m. Monday through Friday.

No parking beside the road.

Commercial vehicles will use the hammerhead to turn around if necessary.

No parking of vehicles in paved parking lot across the street.

Darryl Hubbard made a motion to approve this applicant's Conditional Use Permit to operate an automobile repair garage and Grace Davis seconded the motion. All in favor and motion carried.

Review Minutes of January 6, 2025

There were several items to be edited. On page 1: Add that Grace Davis was going to be voting tonight for Victoria Kundishora who was absent.

Correct the name of the road to Durgin Farm Road.

In the same paragraph change language in 3rd line under Conditional Use Permit to read: Does the garage have a fire wall between the garage and home and applicant said yes and the garage is sheet rocked.

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On page 2, change the second sentence in the next to last paragraph to read: The language they settled on: Remove *Specifically* and the sentence should read: . . . to specify that the infrastructure (in a subdivision) shall be completed 2 years from the date of application approval.

On page 1 change Members Absence to “absent”

Bob Gervais made a motion to approve the minutes as amended and Grace Davis seconded the motion. All in favor and motion carried.

Other

Chair Foley moved to the email handouts. She began with the handout dated January 21 from Ben McCall. Attorney McCall suggested an amendment to include a maximum time that a substantial start must be accomplished, i.e., 30% of the total cost of improvements has been expended.

A discussion followed over when a building permit runs out. Darryl Hubbard said a subdivision must have the infrastructure completed before a building permit can be issued. Craig Galarneau, CEO, said a building permit to build a house is within a 2 year period.

Chair Foley moved the subject back to subdivision ordinance. Attorney McCall said in his memo that holding a Performance Guarantee is just as (if not more) effective than requiring an expired permit holder to come back to the Planning Board. McCall suggested eliminating the suitability of a performance bond under Article 12. An irrevocable letter of credit or escrow account are the best options. The financial institution under Section 12.01.C should also be licensed to do business in Maine.

Chair Foley told the Board that she forwarded McCall’s memo to the Selectboard and asked if they wanted to have input. Foley said no decisions need to be made tonight but the Board needs to think about and begin to work on this issue.

Foley moved on to the automobile hobbyist and the Board needs to have a definition and have it added to the land use table as to where they are allowed and what kind of stipulation(s) put on them. It is a new conditional use. There needs to be Performance Standards, where they will be allowed and stipulations of what constitutes a Automobile Hobbyist. It is a whole new issue that has not been dealt with in the past.

Chair Foley said she will work with MMA first to help the Board write proper language and then have Ben McCall review it. The town attorney, Ben McCall, recommended that the Board review the ordinance on “automotive graveyards” enacted in Sabattus and Oakland and Chair Foley will forward the information to the members to review. Chair Foley asked the members to study the issues and the Board will meet in March to discuss them.

Bob Gervais made a motion to adjourn and Pete Langevin seconded the motion. All in favor and motion carried.

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These minutes were taken and transcribed by Donna Sawyer, Secretary to the Board. The meeting adjourned at 8:30 pm