

Dresden Planning Board
P. O. Box 30
Dresden, Maine 04342
Meeting minutes of February 06, 2018

Present - Linda Biden, Stacy Barnes, Misty Parker, Russell Peckham, Jay Cummings and Dan Hanley.

Jeff Pierce was absent.

Others present – Neal Amirault (business owner) Rebecca St. Clair, William Costello (Complainants), James Valley (CEO), Warren Skillins (resident), Maia Zewert (LCN) and Shari Lilly (recording secretary).

Dan opened the meeting at 6:30 p.m. beginning with the Pledge of Allegiance. He then requested a waive of the agenda order to proceed to the complaint issued against Neal Amirault,owner of 128 Used Car Dealership. All members were in agreement.

Item #1 – Neal Amirault – Response to complaint from abutting landowners –

Dan noted that this is a public meeting for the Board to give Mr. Amirault the opportunity to address the complaint brought in regard to the possible misuse of the CUP issued to him in October of 2014. He then asked the Board members if they have any questions.

Russell asked him if he still owned the business. Mr. Amirault said that he does. Russell then asked if he pays an employee. Mr. Amirault said he doesn't; they share the work responsibility which is how they are paid. However, Mr. Amirault does pay all the bills.

Linda noted that in accordance with the conditions placed on his CUP, there is not supposed to be any junk cars. Mr. Amirault said that what we might consider a junk car, he might not. All the cars belong to customers that are there for repairs and about 90% of them are registered. May be 3 or 4 with no plates. When the CEO was there to check things out, James said everything was okay according to his permit conditions.

Russell asked if he is doing just minor repairs still? Mr. Amirault responded that anything he can't do, he sends out to someone else. He may do some body work, some rust work, and/or some minor engine repairs. Russell asked if he does any spraying (lacquer or other). Mr. Amirault said sometimes maybe a fender or bumper. Russell then noted that in referencing the complaint, it seems he is doing more work than before. Mr. Amirault said that is mostly due to people coming back or sending others to him to get work done.

Dan asked him what he is having for hours. Mr. Amirault said usually 8 or 9 a.m. until about 8 p.m. Dan noted the neighbors have noticed activity even late into the night. No hours were listed on the CUP.

Stacy asked if they are all able to take a sticker at some point? Mr. Amirault asked what that would have to do with his business. Stacy said those could be considered junks.

James said that a junk car is clarified as one that is unregistered or unstickered. He is allowed two (2) or less and a limit of four (4) if they aren't his. Just because a vehicle is unregistered or unstickered doesn't mean it's a junk. Depending on what he's doing. He said that while he was there, only two (2) cars were Mr. Amirault's. He did have some there that are completely legal. The rest belong to customers that they are fixing. A vehicle can seem like a junk car, but someone can find parts to fix it, then it wouldn't be.

In regard to the amendment to the CUP, James said it depends on if it is a State Inspection or a garage. People can be confused by it if he fixes a car to get a sticker or if he's doing

a full repair. Mr. Amirault said the original project was to include this as the State says he needs to be able to do repairs in order to get the vehicles ready for inspection stickers. He doesn't do major repairs. James doesn't feel everyone is understanding the fact that Mr. Amirault is required to be able to do these things in order to keep his business going and what is involved for details. It does take research to know the specifics, but as he has complied by the regulations set by DEP and others, he isn't doing anything wrong. He has to be an inspection station in order to be a repair shop. Mr. Amirault said it's State law for his business. James said that it would be nice if sometime the parties could get together and come to a common resolution.

Misty, who wasn't on the Board during this project, said she isn't 100% sure what our role could be. We needed to make sure he met all the criteria of the ordinances. However, in reading our ordinances, it does state there is to be screening of some type separating abutting landowner properties. Linda noted that she doesn't think that was addressed at the time of the public hearing.

Ms. St. Clair, requesting to address the Chair, said after receiving the original letter she had a discussion with Mr. Amirault about his project, but there was no mention of an open garage taking in multiple cars, so didn't feel that, at that time, it would be a problem. She indicated she wasn't given the proper notice about his plans on the second part of his CUP. She wonders, if the Board can't do anything at this time, where can she go to next. She noted that she doesn't want to hurt anyone trying to make a living, but feels that this creates a difficult situation with her life, especially having her granddaughter that likes to play down near that property. They moved here for peace and quiet and a good environment. A business shouldn't be given more precedent over others. There has to be an equal understanding. She doesn't want loud noise at night or fumes coming into her gazebo.

Warren Skillins lives next door to the business and said he hasn't had an issue with anything. He is usually there from 6 a.m. To 6 p.m. and on weekends. Hasn't noticed much noise, distractions or any issue with fumes.

Misty was curious as to why there wasn't another notice for the amended part. Linda noted that as it was a small change, we never thought it needed to be done. Russell said it was just to add an inspection station for the public, which Mr. Amirault has to have for his business. Stacy said so he did have it noted to do public inspections.

Ms. St. Clair said she would have been pleased with a fence to keep the fumes out and the noise down. We could have worked with that, but not one that was leaning on cars.

Mr. Amirault said he had offered to put up a fence, but when he started to put one up, the neighbors complained they could hear people talking so he decided not to take his time and money to finish it.

Misty said she didn't want them to think she meant that one person's issue is more important than another. She explained that the PB can only abide by what the ordinances dictate.

Dan told all attendants that the Board members will take all of their concerns and information into consideration, take time to discuss it when all the members are present and will see what the next step will be. He thanked all for coming and then closed the public meeting. *Ms. St. Clair* asked to be notified of what the next step would be and any conclusions the Board has in case they are not satisfied with the end result.

Dan then closed the public meeting.

Item #2 – New Business – Pre-application (Informational) – George Labar – Penibagos Trail (off Common Road) – Proposed subdivision – James has met with Mr. Labar & Karl Olson (Site Evaluator) and has presented him to the Board as having a pre-application proposal for our consideration. Mr. Labar said he has 6.3 acres on Penibagos Trail. He has lived there for 3½ years. He wants to block off about 1½ acres to build a new house. His present property would go to his daughter. The property was originally developed by Kerry Bryant. As it was done as a four-lot 'minor' subdivision, this would probably make it a 'major'. Mr. Labar plans to have a modular home, built by Dirigo Builders of Bath. The driveway would go onto Common Road. He needs to get a septic test and other necessities that he has already discussed with the CEO. Mr. Labar said that now he knows what he needs to do, he will be coming to the PB with an application. *Linda* asked if he had talked to the neighbors. Mr. Labar said he has talked with most of them and he only knows of one that may be difficult (where an old junk yard used to be). *Russell* asked about the five year limitation for subdivisions. Misty then explained the process of an approved subdivision also depends on what the conditions that are already in place plus as it also involves family. However, the CUP has a condition that says any changes would have to come back to the PB. This was noticed by the site evaluator, so Mr. Labar wanted to meet with the PB to let us know that he will be back on February 20.

We will now resume the order of the agenda.

Item #3 – Review Minutes of Jan. 02, 2018 – (No business meeting held on Jan. 16 due to no quorum) – Linda made a motion to accept; Russell seconded; so voted with 2 abstentions.

Item #4 - Old Business –None.

Item #5 - Other Business – Welcome to new member, Jay Cummings who replaces Ken Stewart, jr.

Item #6 - Adjournment – Misty motioned, Linda seconded. Adjourned at 7:30 p.m.

Respectfully submitted,