

**Decision on an application for a Site Plan Review Permit
under the Site Plan Review Ordinance for the Town of Starks
Findings of Fact, Conclusions of Law, and Decision
Planning Board, Town of Starks, Maine**

Date: December 1, 2021

1. Name of Proposed Project: Scott & Sons Garage

Applicant: Scott Sanville

Contact Person: Scott Sanville

Address: 2 Sawyers Mills Road

Starks, ME 04911

Telephone: 696-4131

Cell Phone: 860-9433

Email: sanville1991@gmail.com

Property Owner information: same

Proof of Right, Title and Interest has been provided

Warranty Deed: Doc. 8654 Book 5178 pg., 230 Somerset County Registry of Deeds July 12, 2017

Type Business: Sole Proprietor

2. Is the proposed project part of a subdivision? shoreland zone? floodplain? The property is not a subdivision nor is it within a Shoreland Zone or floodplain

3. Description of Project:

Location (Town Tax Map): Map #: U 2; Lot #: 9

Street Address: 2 Sawyers Mills Road

Size of Parcel: 13 acres

Existing Use(s): Residence and garage

Proposed Use(s) Automobile repair garage

Structures (size) garage with two bays: 1400 sq. ft. (50' x 28')

parking area outside road right-of-way: 2800 sq. ft. (50' x 56')

Size of Impervious areas (see definition): NA

4. Summary of Submissions:

Application: First submitted July 26, 2021 (incomplete application), but due to the applicant canceling meetings/site visits, progress was delayed in the review; Updated application discussed on November 3, 2021, at which time the Board requested additional information.

Application Fee: \$50 received November 29, 2021

Attachments:

1) Starks tax map

2) Site drawing (updated in final application)

3) Copy of deed

4) Requests for waivers: See minutes of August 7, 2021, pre-application conference; waived soil and boundary surveys and topographic map

5) Applicant's letter, dated November 28, 2021, proposing the handling of parts cars

5. Process:

- 1) Date Board met to consider application: November 3, 2021 (additional information was requested)
- 2) Pre-application conference August 7, 2021: Board determined the proposed project was a "minor development" (Site Plan Review Ordinance Sec. 5.2.2)
- 3) Date Board determined the application to be complete for processing: December 1, 2021
- 4) List of any waivers of application requirements:
Applicant requested waivers for 1) boundary survey, 2) topographic survey and 3) soil survey
At the pre-application conference (8/7/21) the Board approved all three waiver requests. The proposed project lies within property owned by the applicant. The land is flat and creates no issues with stormwater runoff or drainage.
- 5) Date Board held a public hearing: December 1, 2021
- 6) Date Board made a decision: December 1, 2021

6. Public Comments. A brief description of the substantive materials and testimony received at the public hearing or otherwise (in writing)

No public comments or questions

7. Findings of Fact and Conclusions on Law: Section 7 Approval Standards and Criteria (section numbers are listed below)

7.2 Lot Size and Setback Requirements

Findings and Conclusions: The proposed project is located on a 13-acre parcel. The garage is a non-conforming, grandfathered structure set back 49 feet from the center line of the Sawyers Mills Road. The plan complies with the minimum lot size requirement and the side and rear lot line setbacks. The front setback is grandfathered. Therefore, the garage complies with the Building Ordinance for the Town of Starks.

Upon a motion and second that the application is in compliance with this section, motion carried

7.3 Utilization of the Site and Preservation of Important Natural and Cultural Features

Findings and Conclusions: The lot is a 13-acre parcel with a residence, garage building (1400 sq. ft.) and parking area (2800 sq. ft). The area on which the garage and parking are located is relatively flat, open land. The area where parts vehicles are to be stored is at a lower elevation that is forested. There is a small graveyard adjacent to the parking area and ramp to the parts vehicle area. As a condition of approval, the garage owner will maintain a minimum 5 ft. natural buffer to protect the graveyard. The natural buffer shall be a minimum of 5 ft from all sides of the existing stone wall of the graveyard. Two boulders no less than 2 ft. in diameter shall be placed at the outside SE and SW corners of the buffer. The Town's Road Commissioner should be consulted if either of these boulders will be located within the town road right-of-way. The project does not impact any other identified natural or cultural features.

Upon a motion and second that the application, with the above stated condition, is in compliance with this section, motion carried

7.4 Water Quality and Quantity Protection

Findings and Conclusions: The proposed project will not require water nor impact groundwater quality or quantity with the following conditions:

- a) All fluids, including, but not limited to, engine lubricant, transmission fluid, brake fluid, battery acid, engine coolant, gasoline, and oil, must be properly handled so that these substances do not leak, flow or discharge into or onto the ground or into a body of water, and in compliance with state and local laws, whichever is more restrictive.
- b) Any hazardous, toxic and nuisance substances (e.g., oil, antifreeze, batteries) will be stored in 55-gallon drums or otherwise contained and protected from the elements and disposed of in compliance with State and local laws, whichever is more restrictive. No more than 165 gallons of fluids shall be stored on site for longer than consecutive 30 days.
- c) Within 10 days of receiving a motor vehicle or other equipment to be used for parts, the battery must be removed, and the engine lubricant, fuel, transmission fluid, and engine coolant must be drained into watertight, covered containers. No discharge of any fluids from any motor vehicle may be permitted into or onto the ground.
- d) Vehicles and other equipment used for parts shall be parked in the wooded area beyond the parking area screened from public view and not accessible to the public. Vehicles used for parts may remain on-site for a maximum of 180 days, as specified in state statute. Scott and Sons shall maintain a system to track the length of time parts vehicles are kept on site. The tracking system shall consist of 1) Every parts vehicle shall be clearly and visibly marked (at least 4" lettering) with the date the vehicle was acquired; 2) A corresponding paper or electronic log shall be maintained and made available for inspection by the CEO. The log will include the make, model, year, VIN number, date the vehicle was acquired, date the vehicle was removed, and the 180-day expiration date., Scott and Sons has 30-days from this approval (Dec 1, 2021) to setup this system with existing parts vehicles logged as being newly acquired.

Upon a motion and second that the application, with the above stated conditions, is in compliance with this section, motion carried

7.5 Water Supply

Findings and Conclusions: The residence is served by a private well. Any water usage associated with the garage business will be minimal and come from this private water supply.

Upon a motion and second that the application is in compliance with this section, motion carried

7.6 Sewage Disposal

Findings and Conclusions: There is an existing subsurface wastewater disposal system serving the residence. The proposed project will not generate any additional sewage.

Upon a motion and second that the application is in compliance with this section, motion carried

7.7 Solid Waste Management

Findings and Conclusions: The proposed project will use a private service (dumpster) to dispose of solid waste materials.

Upon a motion and second that the application is in compliance with this section, motion carried

7.8 Storage of Materials

Findings and Conclusions: All materials stored outdoors shall be stored in such a manner to prevent the breeding and harboring of insects, rats or other vermin; not be a fire hazard; and otherwise not create a public health hazard or nuisance to adjacent properties. The proposed project will provide for adequate storage of materials as follows: 1) dumpster(s) for solid waste disposal; 2) parts, equipment, and other materials to be stored within the garage; 3) parts vehicles to be parked in an area screened from view and not accessible to the public; and 4) as specified in Section 7.4, above.

Upon a motion and second that the application, with the above stated conditions, is in compliance with this section, motion carried

7.9 Traffic Access, Internal Traffic Circulation and Parking

Findings and Conclusions:

The project will generate a modest amount of traffic with an estimated 7 to 10 vehicles entering the premises per day. As required in Section 7.9.4(C) for a 2-bay garage, at least 10 parking spaces have been designated in the 2800 sq. ft. parking area adjacent to the garage, an area which is outside the public road right-of-way.

The Town's Sawyers Mills Road right-of-way is 33 ft. from both sides of its centerline, which brings the right-of-way to about 17 ft. of the front of the garage building. In accordance with the Town's No Parking Ordinance (dated 7/24/2000), parking is prohibited within the road right-of-way. The purpose of such restriction is to maintain the public's right and use of this area, separate from any business-related use, and to allow space for public road maintenance, including snowplowing. As a condition of approval, the applicant shall not use the public right-of-way as a parking or storage area, (the area further than 17 ft. from the garage building) and shall discourage patrons from parking in the right-of-way, and otherwise always keep the public roadway clear.

Vehicles used for parts are to be parked in the wooded area beyond this parking area. (Note: See Section 7.4 for conditions related to parts vehicles).

Upon a motion and second that the application, with the above stated conditions, is in compliance with this section, motion carried

7.10 Hazardous, Special, and Radioactive Materials

Findings and Conclusions: The project will not entail the use of hazardous, special, or radioactive materials, other than those identified in Section 7.4, as identified by a state or federal agency, and will not entail bulk storage of flammable or explosive liquids, solids, or gases.

Upon a motion and second that the application, with the above stated conditions, is in compliance with this section, motion carried

7.11 Stormwater Management and Erosion and Sedimentation Control

Findings and Conclusions: The parcel of land is generally flat; stormwater runoff and soil erosion are not anticipated to be issues. Other than the addition of gravel for the parking area, no filling, grading, excavation, or other activities are proposed that would disturb the soil. As a condition of approval, if in the future the applicant expands the parking area with additional fill, erosion control measures, such as silt fences and mulch hay will be utilized.

Upon a motion and second that the application, with the above stated condition, is in compliance with this section, motion carried

7.12 Nuisance and Aesthetics

Findings and Conclusions: The project will conduct all business during the hours of 8:00 a.m-5:00 p.m., which means any noise associated with the business will occur at these times. Lighting for the business is not anticipated. The applicant does not anticipate that there will be any noise, dust, fumes, or other nuisances associated with the business that will impact adjacent properties.

Upon a motion and second that the application is in compliance with this section, motion carried

7.13 Signs

Findings and Conclusions: The applicant plans to install a sign (approx. 2' x 4') on the garage building. The sign will not be higher than 20 ft. above the ground and will not be lighted.

Upon a motion and second that the application is in compliance with this section, motion carried

7.20 Capacity of the Applicant

Findings and Conclusions: Scott and Sons Garage has been operating for several years, and appears to have the capacity to continue operating, including meeting the conditions of this application. No significant additional costs or expenses are anticipated because of this application.

Upon a motion and second that the application is in compliance with this section, motion carried

7.21 Impact on Community Services

Findings and Conclusions: The project does not anticipate having any significant impact on community services. However, business operations within the public road right-of-way, can impact the maintenance of the Sawyers Mills Road and shall be avoided (See Sec. 7.9 conditions of approval). Additionally, the applicant will provide a letter signed by the Starks Fire Chief indicating that the project conforms with applicable fire safety requirements.

Upon a motion and second that the application is in compliance with this section, motion carried

7.22 Conformance with Other Laws

Findings and Conclusions: The applicant will obtain all other required permit approvals and comply with existing State, local and federal regulations.

Upon a motion and second that the application is in compliance with this section, motion carried

Other Sections

The following sections are not applicable: 7.14 Landscaping, 5.15 Common Open Space, 7.16 Auto Graveyards, Auto Recycling Businesses and Junkyards, 7.17 Commercial Water Extraction, 7.18 Kennels and Veterinary Hospitals and 7.19 Multifamily Developments.

Upon a motion and a second the above sections are deemed not applicable, the motion carried.

Because the Planning Board concludes that the application will conform to the Town's Site Plan Review Ordinance with the following conditions, the Board grants the applicable Permit (See next page)Conditions of Approval:

- 1) Scott and Sons will maintain a minimum 5 ft. natural buffer to protect the graveyard. The natural buffer shall be a minimum of 5 ft on all sides from the existing stone wall of the graveyard. Two boulders no less than 2 ft. in diameter shall be placed at the outside SE and SW corners of the buffer. The Town's Road Commissioner should be consulted if either of these boulders will be located within the town road right-of-way.
- 2) All fluids, including, but not limited to, engine lubricant, transmission fluid, brake fluid, battery acid, engine coolant, gasoline, and oil, must be properly handled so that these substances do not leak, flow or discharge into or onto the ground or into a body of water, and in compliance with state and local laws, whichever is more restrictive.
 - a) Any hazardous, toxic and nuisance substances (e.g., oil, antifreeze, batteries) will be stored in 55-gallon drums or otherwise contained and protected from the elements and disposed of in compliance with State and local laws, whichever is more restrictive. No more than 165 gallons of fluids will be stored on site for longer than 30 days.
 - b) Within 10 days of receiving a motor vehicle or other equipment to be used for parts, the battery must be removed, and the engine lubricant, fuel, transmission fluid, and engine coolant must be drained into watertight, covered containers. No discharge of any fluids from any motor vehicle may be permitted into or onto the ground.
 - c) Vehicles and other equipment used for parts shall be parked in the wooded area beyond the parking area screened from public view and not accessible to the public. Vehicles used for parts may remain on-site for a maximum of 180 days, as specified in state statute. Scott and Sons shall maintain a system to track the length of time parts vehicles are kept on site. The tracking system shall consist of 1) Every parts vehicle shall be clearly and visibly marked (at least 4" lettering) with the date the vehicle was acquired; 2) A corresponding paper or electronic log shall be maintained and made available for inspection by the CEO. The log will include the make, model, year, VIN number, date the vehicle was acquired, date the vehicle was removed, and the 180-day expiration date. Scott and Sons has 30-days from this approval (Dec 1, 2021) to setup this system with existing parts vehicles logged as being newly acquired.

NOTE: This approval DOES NOT grant the applicant a permit for an automobile graveyard, automobile recycling business, or junkyard as defined in state statute or in the Starks Site Plan Review Ordinance.

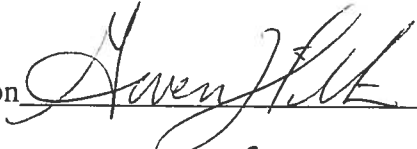
- 3) In addition to the storage requirements above, Scott and Sons will provide for adequate storage of materials using dumpster(s) for solid waste disposal and storage of parts, equipment, and other materials in the garage.
- 4) The Town's Sawyers Mills Road right-of-way is 33 ft. from both sides of its centerline, which brings the right-of-way to about 17 ft. of the front of the garage building. In accordance with the Town's No Parking Ordinance (dated 7/24/2000), parking is prohibited within the road right-of-way. The purpose of such restriction is to maintain the public's right and use of this area, separate from any business-related use, and to allow space for public road maintenance, including snowplowing. As a condition of approval, the applicant shall not use the public right-of-way as a parking or storage area, (the area further than 17 ft. from the garage building) and shall discourage patrons from parking in the right-of-way, and otherwise always keep the public roadway clear.

- 5) The applicant will provide a letter signed by the Starks Fire Chief indicating that the project conforms with applicable fire safety requirements.
- 6) If in the future the applicant expands the parking area with additional fill, erosion control measures, such as silt fences and mulch hay will be utilized.

Note: Any expansion, significant modification or changes to the original plan will require further Planning Board approval.

Upon a motion and second to approve the application with the above stated conditions and grant the applicable permit the motion carries.

Approved: Town of Starks Planning Board

Gwen Hilton  Date 12/15/2021

Ken Lust  Date 12/15/21

Claire Nelson  Date 12-5-21

Joe Hartigan _____ Date _____

John Newsom _____ Date _____