

**Minutes of Public Hearing on Junkyard Permit Application
John Clark, III, Clark's East Side Scrap
March 28, 2012, 6:30 p.m. Chelsea Town Office**

Chelsea Officers/Officials Present: Gary Quintal, Code Enforcement Officer
Linda Leotsakos, Chair – Selectboard
Benjamin Smith – Selectman

Other Members of public: John Clark (Clark or Applicant) and Michael White

I. Public Hearing and Meeting Called to Order at 6:40 p.m.

II. Presentation of Application Permit:

Code Enforcement Officer, Gary Quintal (CEO) introduced the application by John Clark (Clark or Applicant). Clark and CEO offered several exhibits identified as Exhibit #1 through Exhibits 2(a) through 2(j). The Exhibits, which were accepted into the hearing record, are more fully described below:

1. Permit application by John Clark along with receipt showing advanced payment of application fee of \$60.00.
- 2 (a): Tax map depicting boundary lines of the proposed permitted location and location of all abutting landowners and tax commitment book excerpts with identified property adjacent property owners.
- 2 (b): Print out of map of soil description along with associate legend.
- 2 (c): Sheet with proposed findings of the CEO that the proposed salvage yard property is not located close to the location of any sand and gravel aquifer recharge area.
- 2 (d): Sheet with proposed findings of the CEO that the proposed salvage yard property and location of cars to be stored is not located within 500 feet of a residence or school.
- 2 (e): Department of Environmental Protection (DEP) field determination describing the proposed salvage yard property to include a wetland of special significance and indicating that any soil disturbance within 75 feet of the wetland or brook will require a permit from DEP prior to the start of any disturbance. Also included with this exhibit was a sheet by the CEO containing proposed findings that the salvage yard property was not located in an area within the Town of Chelsea's 100 year flood plain.

- 2 (f): Sheet with proposed findings by the CEO containing a description of all roads within 1000 feet of the proposed salvage yard property (only affected road is Route 17).
- 2 (g): Proposed Fluid Containment Plan by applicant describing the conditions on which Clark's East Side Scrap would accept or purchase cars or pickups and describing the plan for containment of fluids and containment and disposal of batteries and storage and disposal of tires. Proposed plan included, but was not limited to the following, mitigation plan and controls for fluid containment: Clark's East Side Scrap will not accept cars or pickups that have not been drained prior to delivery of any oil, gas, antifreeze or other fluids. Other large machinery may be purchased without prior draining of fluids. Salvage yard property Clark's East Side Scrap will dismantle and drain these larger pieces of equipment at a designating location on site and will store any fluids batteries or other materials on site in a designated building for such containment. Clark's East Side Scrap will utilize a grease trap to trap any runoff. Waste oil will be used to heat garage. Tires will be crushed and shipped with the cars.
- 2(h)(i)(j): A sheet containing a proposed site plan of Clark's East Side Scrap depicted the proposed site plan layout of the salvage yard, the location within boundary lines where vehicles will be drained, dismantled and stored. The exhibit also described the location of all private or public wells within 500 feet of the location where vehicles or parts thereof, or items of junk will be stored. (only one well – Paul's Pick a Part septic and well is to be located within 500 feet of the location where vehicles or parts thereof, or items of junk will be stored). The exhibit also contained the proposed location of a building required to be used to store all vehicle fluids, batteries and other items required to be stored in keeping with state law or applicable ordinance.

Applicant also offered various photographs depicting the nature of the proposed facilities and equipment and showing the general layout and nature of facilities and equipment to be located on the premises. The photos were of another salvage yard owned and operated by applicant that is located in Hallowell, Maine.

The proposed salvage yard property is to be located on a parcel of property that has been previously granted a permit for the operation of a salvage yard (Paul Pinette -- Paul's Pick a Part). Applicant is seeking authority to operate a salvage yard property on the property under his own business name and recently acquired approximately 5 acres of property from Paul Pinette for that purpose.

As part of the application, applicant stated that the yard will be screened by natural buffering (trees, landscape, hill, buildings) but assured the Board that additional measures would be taken to ensure that no visible components of the yard or salvage material would be visible from the road or adjacent properties.

The edge of the yard is to be located 400 feet from the centerline of Route 17.

The property that will consist of the proposed yard has been in use for similar purposes since 1950. The applicant proposes to reconfigure the location, blanket the entire yard with concrete, place grease traps and tanks at the lower portion of the yard to ensure no runoff of caustic or toxic substances into nearby property or wetland. Applicant also plans to install a well, septic system and leachfield to allow for limited domestic water use and toilets.

Applicant stated that he plans to construct a building to house and store all vehicle fluids, batteries and other items required to be stored in keeping with state law or applicable ordinance.

Applicant stated that he understands that certain DEP permitting may be required and gave assurances that required permitting by DEP would be obtained prior to operation of the salvage yard.

Applicant also stated that a sign would be placed at the entrance of the property that would explain in clear/plain terms that the conditions on which Clark's East Side Scrap will accept or purchase cars or pickups and describing the plan for containment of fluids and containment and disposal of batteries and storage and disposal of tires.

Although not required, the applicant also stated his interests in ensuring that patrons of the yard not offer salvage material that may be the fruits of criminal behavior and stated his prior experience in this regard.

The CEO stated that he believed that the applicant had provided all necessary materials. He stated that, because the prior owner had a similar permit to operate as a salvage yard, granting the present junkyard permit would essentially be a continuation of an existing permit.

When questioned about whether any additional materials should be provided, the CEO mentioned that there is no proposed fencing material proposed to be used by the applicant and that this may be preferable. However, because there may be adequate natural buffering to screen the yard and facilities and the applicant ensured that reasonable efforts would be taken to ensure that the yard would be screened from view, the CEO was comfortable with granting the application based on the current use of natural screening. The CEO further noted that, in the event that future operation of the yard would reveal that further buffering would be needed, the town could require the applicant to construct fencing prior to issuance of a subsequent annual permit.

III. Public Comments

Although not a direct abutter, Michael White offered comments in favor of the applicant and described his knowledge of the applicant's similar business in Hallowell, Maine, which he described as very clean and organized.

IV. Discussion and Decision

Based on the complete and detailed contents of the application and the detailed exhibits and photographs, and because the current application is a continuation of existing uses for the property, Chairman Leotsakos proposed that the Board make findings that the application along with the proposed exhibits and photographs met the required submission requirements under Section 8 of the Chelsea Automobile Graveyard/Automobile Recycling and Junkyard Permitting Ordinance.

Selectman Smith agreed with the proposed findings and moved the Board approve the application for an annual permit (to be effective immediately and expire under the Ordinance on October 1, 2012) based on the proposed factual findings and the Applicant's proposed compliance with applicable standards under the Ordinance, including, but not limited to the operational standards under Section 9. Chairman Leotsakos seconded the motion. No further discussion occurred. A vote was taken which was unanimous in favor of granting the applicant's permit.

V. Adjournment:

No other business being before the Board, Chairman Leotsakos declared the meeting adjourned at 7:40 p.m.

Approved by a majority of the Chelsea Board of Selectmen on April 25, 2012.

Linda Leotsakos

Michael Pushard

Benjamin Smith