

June 30, 2021

Nathan Drummond, Chair
Town of Bowdoinham Planning Board
13 School Street
Bowdoinham, Maine 04008

***Re: Amended Application of William Panzino for Site Plan Approval of an
“Automobile Repair Garage” and/or an Automobile Recycling
Business at 791 Carding Machine Road***

Dear Chair Drummond and Members of the Board:

As you know, this office represents Sharon Kegerreis, who owns property at 732 Carding Machine Road shown as Lot 39-A on Tax Map 5 (hereafter the “Kegerreis Property”). Ms. Kegerreis has expressed her objections to Mr. Panzino’s site plan applications on many occasions.

Ms. Kegerreis just discovered, by sheer coincidence, that Mr. Panzino has filed with the Planning Board applications for amended site plan approvals that apparently refer to both an automobile repair garage and an automobile recycling business. Neither Mr. Panzino nor the Town provided notice to abutting landowners of those amended applications.

On behalf of Ms. Kegerreis, I object to the Planning Board’s review of these applications without providing adequate prior notice to Ms. Kegerreis as an abutting landowners.

In addition, because the applications have been radically revised to show an entirely new facility, in a different location, at which the automobile repair garage and/or the automobile recycling business would be operated, I object, on Ms. Kegerreis’s behalf, to the Planning Board reaching a decision concerning the merits of these applications without first holding a public hearing after adequate notice to abutting landowners.

Thank you for your attention to this letter.

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Sincerely,

A handwritten signature in black ink, appearing to read "John C. Bannon", with a long horizontal flourish extending to the right.

John C. Bannon

JCB/kwm

cc: Sharon Kegerreis

From: [Arthur Frizzle](#)
To: [Brad Pattershall](#)
Cc: [Nicole Briand](#); [Jennifer Curtis](#)
Subject: Re: Will Panzino
Date: Monday, June 7, 2021 9:32:06 AM

Good morning,

They initial site proposal involved working on a vehicle or two at a time with minimal on-site storage of debris and hazardous materials (batteries/fuel/oil etc.) as such my concerns were minimal and included appropriate access for fire department vehicles with improvement of any driveway/access roads to support their weight. Apparently, the site proposal has been changed to incorporate more vehicles and onsite storage. I have not seen the updated site proposal, so I am unable to comment on specific needs however his new plan will need to incorporate earlier access requirements in addition to any considerations he will be making for on-site storage.

Arthur Frizzle
Fire Chief
Town of Bowdoinham
13 School Street
Bowdoinham, Maine 04008

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afrizzle@bowdoinham.com

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From: Brad Pattershall <brad@law207.com>
Sent: Friday, June 4, 2021 10:05
To: Arthur Frizzle <AFrizzle@bowdoinham.com>; Afrizzle@gmail.com <Afrizzle@gmail.com>
Subject: Will Panzino

Good morning Chief Frizzle,

My name is Brad Pattershall. I am an attorney in Brunswick and am helping Will Panzino, who has a pending application before the Bowdoinham Planning Board for an auto repair garage and auto recycling business. The Planning Board has asked us to provide the following in connection with Will's application: "The location of the nearest fire hydrant and

a letter of plan for adequate fire protection as determined by the Fire Chief." Will has previously provided a map showing the location of the closest fire hydrant, so we are looking for "a letter of plan for adequate protection as determined by [yourself]." Will is proposing to have a fire extinguisher in his garage. I am not a land use attorney *per se*, so I am wondering if you could assist us with a letter indicating what you deem to be a plan for adequate fire protection for Will's planned project. I am happy to provide any additional information you may need and can be reached at 373-9309 or via email.

Thank you very much for your assistance. I look forward to hearing from you.

Brad Pattershall

Law Office of Bradford A. Pattershall, LLC

18 Pleasant St., Ste. 202

Brunswick, ME 04011

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law207.com

Staff note:
Submitted by Asmussen, David
Received July 22, 2021

Regarding the application for an auto recycling/repair facility at 791 Carding Machine Rd.

The proposed lot is not acceptable for an industrial and commercial automobile related business because it is in the residential and agricultural district. The planning board shall be guided by goals specified in the Comprehensive Plan and this use is inconsistent with the Comprehensive Plan. This industry has disproportionate impacts and a large portion of the comprehensive plan is dedicated to preserving natural resources and minimizing negative effects on our surroundings. This industry belongs in one of the “growth areas” as defined in the Land Use Ordinance and Comprehensive Plan.

Town of Bowdoinham Comprehensive Plan:
Land Use, Rural Area – Pg. 17 – “the Town should consider restricting commercial and industrial uses that would negatively impact the existing uses and important natural resources. Additionally, the Town should take steps to protect and maintain its agricultural activities and agricultural soils.”

Economy, Pg. 48 – “There are no areas suitable for heavy industry. Areas most suitable for light industrial or commercial development in Bowdoinham include the area around the highway interchange, the village area and along Route 201.”

Inventory Maps, Prime Agricultural Soils Bowdoinham, Pg. 191, 192

Analysis of Future Land Use Plan Pg. 150
“One of the goals of the Future Land Use Plan is to encourage new development in the growth area.”

Planning Board Bylaws
10. Decisions D. – “All decisions must be based on whether the applicant has provided sufficient evidence to demonstrate that all applicable statutory and ordinance requirements have been met. The Board, in reaching said decision, shall be guided by standards specified in the applicable statute, Town ordinance, or regulation as well as by community goals and policies as specified in The Comprehensive Plan, and by the findings of the Board, in each case.”

Planning Board Site Plan Review Approval Criteria
20) “Town plans and vision statements – The proposed development is consistent with the intent of the Town’s Plans, including but not limited to the Comprehensive Plan, Waterfront Plan, and Transportation Vision Statement.”

Prohibitions regarding automobile repair garages are common and appropriate. Automobile repair garages are usually prohibited from residential zones. For example automobile repair garages are prohibited from residential zones in neighboring Topsham and Richmond.

Town of Richmond Land Use Ordinance, Article 4, p. 7 Residential District “repair garage, prohibited use”; Town of Topsham Table of Use Regulations, 225 Attachment 1, All Residential Districts “Motor Vehicle Services and Repair, not permitted.”

The storage and repair of cars poses a risk of contamination to wells, surface water and groundwater. This is identified in state legislature, peer reviewed literature, best management practices defined by the Department of Environmental Protection and the Town of Bowdoinham Comprehensive Plan.

In the American Journal of Public Health article "Residential Proximity to Environmental Hazards and Adverse Health Outcomes" researchers specifically identify auto repair shops as hazards and suggest that "government agencies consider these findings in siting of environmentally burdensome facilities and land uses, in regulatory and enforcement efforts concerning pollution, and in the active promotion of environmental health justice and environmental health protection." (<https://ajph.aphapublications.org/doi/pdfplus/10.2105/AJPH.2011.300183>.)

Town of Bowdoinham Comprehensive Plan: Water Resources, Pg. 69
"Sources of aquifer pollution are often located on the ground surface directly above or contiguous to the aquifer. Septic tank effluent, landfill effluent, leakage from ruptured and/or abandoned fuel tanks, uncontrolled hazardous materials sites, road salt, sand-salt storage piles, and agricultural fertilizers and pesticides are all possible sources of aquifer pollution."

"East Bowdoinham lies atop a shallow aquifer and as such is particularly prone to water quality threats from the surface."

"The town's planning process should carefully assess the availability of groundwater in terms of present and future demands for water; the potential lasting values of groundwater should not be jeopardized by excessive exploitation of their other values."

Town of Bowdoinham Comprehensive Plan: Inventory Maps, Water Resources Pg. 194

Planning Board Site Plan Review Criteria, 16) Special Resources e) Groundwater –

"The proposed development will not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems."

Water on a farm is not just for residential use. This water is incorporated into products when they grow, it is on products when they are washed before packaging, and when they are misted at a market. This water is then sold to the public, and consumed in thousands of meals every week. You need to consider the 1000ft wellhead protection zone for public drinking water with agricultural uses. This 1000ft protection zone would encompass the proposed development.

Title 38 M.R.S. §1392. Definitions

Wellhead protection zone. "Wellhead protection zone" means:

A. In the case of a private drinking water well, the area within 300 feet of the well; and [PL 2007, c. 569, §6 (NEW).]

B. In the case of a public drinking water well, the greater of:

(1) The area within 1,000 feet of the well; and

(2) The source water protection area of the well if mapped by the Department of Health and Human Services as described under [Title 30-A, section 2001, subsection 20-A.](#)

All of this is why towns avoid incompatible uses in zones. People live in a residence, which does not go anywhere. Agriculture relies on a specific set of geological conditions for productive well drained soil and reliable water supply, neither of which can be moved, and therefore must be protected from development. Thank you for your consideration.

From: [Melissa Paine](#)
To: [Jennifer Curtis](#)
Subject: opposition to proposal for engine repair business in agricultural area
Date: Wednesday, July 21, 2021 8:31:39 PM

Dear Ms. Curtis,

I am writing to express my opposition to the proposal to put in an engine repair business on Carding Machine Rd. There are several very concerning aspects to this proposal that I hope you consider in your review Thursday.

The Town's Comprehensive Plan explicitly states that the town should seek to protect its agricultural areas by restricting commercial and industrial uses that would negatively impact the existing uses. The proposed area is between three active farms so the contamination of surface and groundwater resources puts current residential and agricultural uses at risk and is a serious concern of putting the public, who consumes these agricultural products, in danger. This would be industrial use in a residential/agricultural district and the location is directly adjacent to a residential zone where this activity is prohibited in Richmond. This is the wrong type of business for this location and as noted in the Comprehensive Plan, would be better suited closer to the freeway.

Thank you for your consideration of my comments.

Sincerely,
Melissa Paine