



July 13, 2021

ID #: 21-00008

Lew Weatherby/ Atlas Auto Mike Bryant/ SOS Salvage
147 Albion Rd
Windham, ME 04062

Re: Junkyard and Automobile Graveyard at 26 Anthoine Rd., 010038B 000

Dear Lew Weatherby/ Atlas Auto Mike Bryant/ SOS Salvage:

An inspection of the above referenced property was made on July 13, 2021. As a result of this inspection, the condition described below was observed:

Condition:

The condition described above is in violation of Title 30-A M.R.S.A. 3751-3760 of the Title 30-A M.R.S.A. 3751-3760 . Title 30-A M.R.S.A. 3751-3760 of the State of Maine Automobile and Junkyard law.

Automobile grave yard means a yard, or other outdoor area used to store three or more unregistered or uninspected motor vehilces or parts of vehicles.

Junkyard means a yard, field or other outside area used to store, dismantle or otherwise handle: discarded worn out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances or furniture; discarded, scrap and junked lumber; and old or scrap copper, ferrous on nonferrous material.

Failure to comply in 14 days could result in the Town taking legal action, including an action in the Portland District Court to enforce the provisions of the Maine Uniform Building and Energy Code. If the Town is the prevailing party, the Town may seek penalties of between \$100 and \$2,500. Those penalties may be awarded on a daily basis for each day that a violation continues. In addition, 30-A M.R.S.A. Section 4452 states that when the Town is the prevailing party, it must be awarded reasonable attorney fees, expert witness fees and court costs.

If you wish to dispute this Notice of Violation, you may appeal my decision to the Board of Appeals pursuant to Section 1105 of the Land Use Ordinance. Such appeal must be filed in the office of the Code Enforcement Officer at the Windham Town Hall on forms provided by the Town, together with the appropriate filing fee, within thirty (30) days of the date of this letter. Failure to do so may deprive you of your ability to contest this Notice of Violation in any subsequent proceedings. However, filing an appeal with the Board of Appeals does not relieve you of your responsibility to correct the violations or of any liability for civil penalties.

Your cooperation in this matter is greatly appreciated. If we can be of further assistance to you, or can answer any questions regarding this matter, please contact this office at (207) 894-5960.

Sincerely,

Town of Windham
8 School Road
Windham, ME 04062



Code Enforcement
Voice (207) 894-5960 Ext. 1
Fax (207) 892-1916

Christopher Hanson
Director of Code Enforcement and Zoning

RECIPIENTS: Lew Weatherby/ Atlas Auto Mike Bryant/ SOS Salvage (Owner)

Certified Mail # 7017 3380 0000 1752 0426



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CORRECTION LIST

Re: 26 Anthoine Rd., Code Enforcement Department, ME

Junkyard and Automobile Graveyard

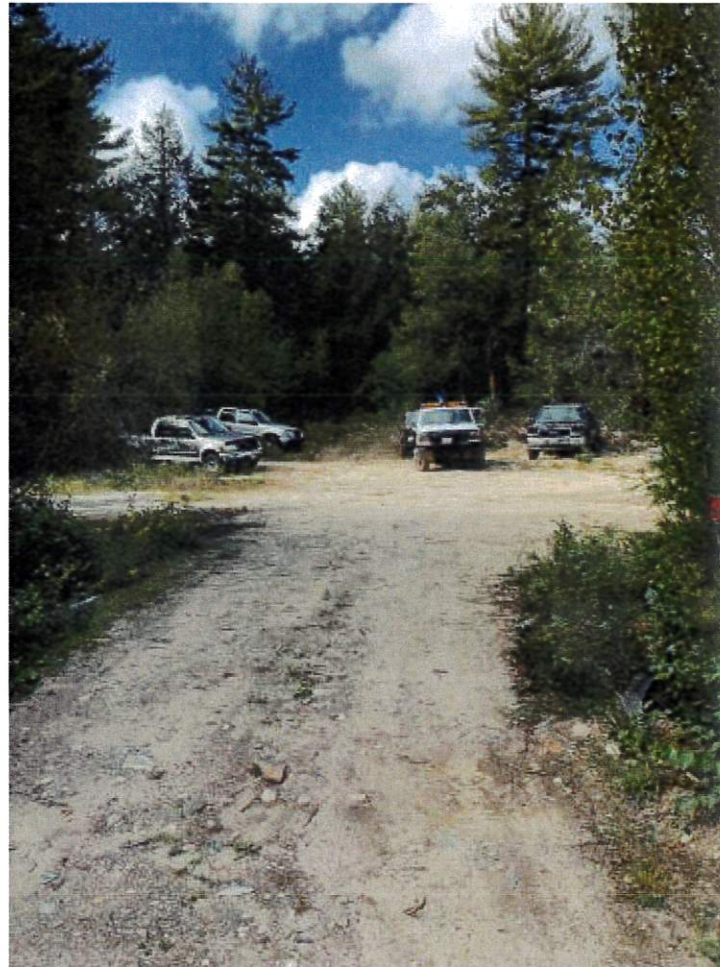
- Automobile Graveyard
 - you must register and, obtain a valid inspection sticker in excess of the two you are allowed under State law or remove all but 2 of the motor vehicles and parts of motorvehicles from the property or store in a permanent structure.
- Junkyard
 - You must remove all the junk or store in a permanent structure.

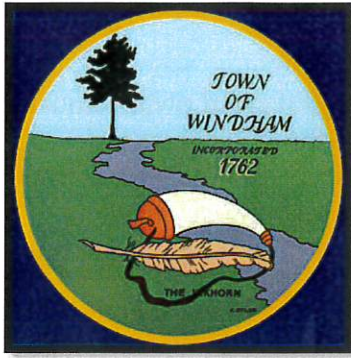
Other Corrections

- Junk Yard and Automobile Graveyard
 - Per Council decision to terminate non-conforming use of Automobile Graveyard and Junkyard within 60 days of decision and remove all cars on property within 60 days of Council decision as of 6/22/21









Town of Windham

Office of the Town Manager
8 School Road
Windham, ME 04062

Barry A. Tibbetts, Town Manager
batibbetts@windhammaine.us

207.892.1907 voice
207.892.1910 fax

FINDINGS OF FACT AND DECISION

Application for Junkyard Permit
26 Anthoine Road
Map 10, Lot 38B

Date: June 22, 2021

These Findings of Fact and Decision concern a request for change of ownership dated May 12, 2021, submitted by Michael Bryant / SOS Auto Salvage related to the property located at 26 Anthoine Road ("the property").

The Town Council has granted annual permits for the property to be maintained as an automobile graveyard and/or junkyard, with the last permit having been issued on September 22, 2020. The Owner's name is listed on the most recent permit as "Lewis Weatherby" and the business name is listed as Atlas Auto Parts.

Applicant Michael Bryant has presented to the Council a Warranty Deed dated May 7, 2021, and recorded in the Cumberland County Registry of Deeds at Book 38215, Page 233, deeding the property from Mr. Weatherby to Mr. Bryant. Mr. Bryant seeks transfer of the automobile graveyard and junkyard permit to his name.

Pursuant to 30-A M.R.S. § 3753 automobile graveyard and junkyard permits are not transferable. Therefore, the Council has evaluated this request as a new application for an automobile graveyard and junkyard permit.

Notice of this request was provided to all abutting property owners and notice of the public hearing was posted in two public places in the Town of Windham and published in the Portland Press Herald on May 18, 2021. A copy was further provided to the Bureau of Motor Vehicles. Public hearing was held on May 25, 2021 and continued to June 15, 2021 and June 22, 2021.

Following public hearing, the Town Council hereby finds as follows:

1. Inspection of the property performed in August, 2020 found that, "The yard is still empty and in compliance. Have removed all debris and junk from the front section, back section is in good shape."

because such business would be in violation of Town of Windham Ordinance.

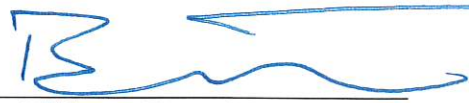
Title 30-A M.R.S. § 3754-A(7) provides that municipal officers shall consider compliance with local ordinances in deciding whether to grant or deny a permit for any automobile graveyard or junkyard. As such, and based on the foregoing findings, the Town Council hereby finds that this application must be DENIED for failure to comply with the Town of Windham Land Use Ordinance as well as 30-A M.R.S. § 3754(5)(D).

NOTICE OF APPEAL RIGHTS

This decision may be appealed within 30 days to the Cumberland County Superior Court, in accordance with Rule 80B of the Maine Rules of Civil Procedure.

These Findings and Decision were approved by the Town Council of the Town of Windham by vote at a properly announced public meeting and continued public hearing on June 22, 2021, at which meeting the Town Manager was authorized to sign the decision on behalf of the Town Council.

TOWN OF WINDHAM COUNCIL

By: 
Barry Tibbetts, Town Manager
Duly authorized