



Town of Windham, Maine

Code Enforcement Department
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Zoning- Building Inspections- Code Enforcement

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Memorandum

DATE: September 21, 2021
TO: Town Council
FROM: Jonathan Rioux, Interim Director of Code Enforcement
CC: Barry Tibbetts, Town Manager
RE: 26 Anthoine Road application for renewal "Recycler Permit" application

The following information is provided to aid in your consideration of the above reference license renewal. Additional background, photographs and application materials are included in your packet.

Background:

Map 10 Lot 38B is located at 26 Anthoine Road in the FR (Farm Residential District) Zone. A recycler "renewal" permit application was approved by the Council on September 22, 2020 with an expiration date of October 1, 2021 to permit automobile graveyard, automobile recycling business and a junkyard. The property located at 26 Anthoine Road is currently subject to enforcement action, as staff has determined that the operations taking place on the site are classified as a junkyard, automobile graveyard/ recycler under State Statute and are operating without proper land use approval (and Town Council licensure, as is required).

Our files indicate that the property had previously (prior to 1984) obtained municipal permits to operate or maintain an automobile graveyard or junkyards, subject to existing rules, conditions under regulations and any amendments per the State Statute. Our Land Use Ordinance, specifically Section 201 considers the use of property as nonconforming: *"the use of land or structures that are existing and lawful at the time of adoption, or subsequent amendment, of this Ordinance may continue and be expanded subject to the provisions of this Section"*.

Public Hearing 21-115:

On June 22, 2021, a public hearing was held and the application for "automobile graveyard/ automobile recycling business and/ or junkyard permit" was denied, as staff determined that the property has not been actively used as a junkyard for several years, as classified under State Statute, and further, that pursuant to 30-A M.R.S Section 3755 automobile graveyard and junkyard permits are not transferable.

Land Use Violation(s):

On July 13, 2021 Chris Hanson, Director of Code Enforcement and Zoning Administrator issued a notice of violation to the property owner for registering/ obtaining valid inspection stickers for the

vehicles on the lot, and or, removing in excess of two (unregister/ nonvalid inspection sticker) motor vehicles from the lot, SEE, the attached Notice of Violation.

Pending Renewal Permit Application:

On August 12, 2021 Lewis Weatherby applied for a renewal of his existing license naming Mike Bryant as an “individual”/ Owner.

Current Status:

Lewis Weatherby, the property owner has been operating as a “automobile graveyard/ automobile recycling business and/ or junkyard permit”, in violation of our land use ordinance, as a non-conforming use. A field inspection on 9/21/2021 revealed that the property remains noncompliant, specifically 12 unregistered vehicles remain on the property, SEE, the attached photographs.

Recommended Action:

As indicated, very little progress has taken place, and our office recommends further enforcement action to initiate revocation of the license for the junkyard.