



TOWN OF READFIELD

8 OLD KENTS HILL RD. • READFIELD, MAINE 04355
TEL. (207) 685-4939 • FAX (207) 685-3420

September 29, 2014

KJ Legal Ad - 9-24-14
Butter Notice 9-22-14
Notice to applicants 9-8-14

To: Readfield Select Board
From: Paul Mitnik, P.E.; Codes Officer
Subject: Automobile Graveyard Renewals

I have completed the review of the four automobile graveyard applications and undertaken inspections of the yards. Scott Lucas and Ken / Mark Edgecomb have well run operations and are in compliance with all state and local requirements. I am recommending that their renewals be approved. Cyrus Whitcomb and Steven Thum have admitted on their applications that they are not businesses and cannot be permitted as automobile graveyards. This is due to requirements in state law that requires a demonstration by applicants that they are businesses either selling the cars or their parts (see packet material) at the time of renewing their license. This state law is within the operating standards (MRSA 30-A Section 3754 (5)(D)) that became effective in 2005. State law also requires a state recycler's license for vehicles that are being stored or displayed. In summary, you cannot be an automobile graveyard without having either a dealers or recyclers license from the state.

I spoke with Evert Kaherl who is a Senior Detective for the Bureau of Motor Vehicles and he confirmed my interpretation of Maine Law. When I worked for the Town of Vassalboro in Code Enforcement I had to shut down 4 of the 12 automobile graveyard there who were not businesses due to this change in Maine law. One was right in my neighborhood only two miles from our home. This person thought he had 40 or 50 cars, and found out he had over 200. At \$300 per car he made over \$60,000 and more for all the trees that had to be removed to get to the cars. He was able to build a new home with this money.

I have structure the permits for Mr. Whitcomb and Mr. Thum as temporary 90 day permits with a condition to obtain either a recycler's permit or dealers permit in that time period as allowed in state law. If the state permit is not obtained within 90 days, state law then requires that the vehicles be removed within 180 days.

You may wonder why this was not an issue in the renewals issued from 2005 to present. Many towns either did not know about this requirement or were of the mistaken opinion that existing automobile graveyards were grandfathered from these requirements. State law does not allow the grandfathering of the operating standards for any permit whether it be new or renewed.

I have written letters to Mr. Thum to inform them of this issue. In the letter I have offered assistance to help them through the state licensing if they choose that path. I have offered them a path to compliance and the rest is up to them.

I spoke with Steve Thum today and he may fit into the category of a hobbyist which is allowed in Readfield's Land Use Ordinance. He would have to reduce his inventory so that only two makes and models of vehicles are within his yard. He will provide us with an inventory of the vehicles and discuss projects he is working on.

- ▼ [§3754-A PDF](#)
- ▼ [§3754-A MS-WORD](#)
- ▼ [STATUTE SEARCH](#)
- ▼ [CH. 183 CONTENTS](#)
- ▼ [TITLE 30-A CONTENTS](#)
- ▼ [LIST OF TITLES](#)
- ▼ [DISCLAIMER](#)
- ▼ [MAINE LAW](#)
- ▼ [REVISOR'S OFFICE](#)
- ▼ [MAINE LEGISLATURE](#)

(1) Within 100 feet of any body of water or freshwater wetland, as defined by Title 38, section 436-A, subsection 5;

(2) Within the 100-year floodplain; or

(3) Over a mapped sand and gravel aquifer; [2003, c. 312, §9 (NEW).]

C. Junk, scrap metal, vehicles or other solid wastes may not be placed or deposited, directly or indirectly, into the inland waters or tidal waters of the State or on the ice of inland waters or tidal waters or on the banks of inland waters or tidal waters in such a manner that they may fall or be washed into these waters; [2005, c. 247, §2 (AMD); 2005, c. 247, §7 (AFF).]

D. Junkyard and automobile graveyard owners must demonstrate at the time of licensing that the facility or facilities for which they seek permits are, or are part of, a viable business entity and the facility or facilities are actively engaged in the business of salvaging, recycling, dismantling, processing, repairing or rebuilding junk or vehicles for the purpose of sale or trade; [2005, c. 683, Pt. A, §51 (RPR).]

E. A log must be maintained of all motor vehicles handled that includes the date each vehicle was acquired, a copy of the vehicle's title or bill of sale and the date or dates upon which all fluids, refrigerant, batteries and mercury switches were removed; [2005, c. 247, §3 (NEW); 2005, c. 247, §7 (AFF).]

F. All fluids, refrigerant, batteries and mercury switches must be removed from motor vehicles that lack engines or other parts that render the vehicles incapable of being driven under their own motor power or that are otherwise incapable of being driven under their own motor power, appliances and other items within 180 days of acquisition. Motor vehicles, appliances and other items acquired by and on the premises of a junkyard or automobile graveyard prior to October 1, 2005 must have all fluids, refrigerant, batteries and mercury switches removed by January 1, 2007. Fluids required to be removed under this paragraph must be removed to the greatest extent practicable; [2005, c. 247, §3 (NEW); 2005, c. 247, §7 (AFF).]

G. Storage, recycling or disposal of all fluids, refrigerant, batteries and mercury switches must comply with all applicable federal and state laws, rules and regulations; and [2005, c. 247, §3 (NEW); 2005, c. 247, §7 (AFF).]

H. All fluids, refrigerant, batteries and mercury switches must be removed from motor vehicles, appliances and other items before crushing or shredding. Fluids required to be removed under this paragraph must be removed to the greatest extent practicable. [2005, c. 247, §3 (NEW); 2005, c. 247, §7 (AFF).]



TOWN OF READFIELD

8 OLD KENTS HILL RD. • READFIELD, MAINE 04355
TEL. (207) 685-4939 • FAX (207) 685-3420

Mr. Stephen Thum
397 Gordon Rd
Readfield, ME 04355

RE: Status of Automobile Licensing Renewal

Dear Mr. Thum:

I regret to inform you that due to state law requirements for Operating Standards of automobile graveyards that became effective in 2005, I will not be able to recommend approval of your license renewal. More specifically, MRSA 30-A, Section 3754 (5) (D) requires that all automobile graveyard owners demonstrate at the time of permit renewal that they are or part of a viable business engaged in salvaging, recycling, dismantling, processing, repairing, or rebuilding vehicles for the purpose of sale or trade. You have informed me in your application that you are not a business. I have discussed this with Evert Kaherl who is a Senior Detective for the Bureau of Motor Vehicles and he has confirmed my interpretation of state law.

You have two options to become compliant with state law. One is to become a business. This would require you to obtain either a state recycler's license or dealer's license from the state. Since a dealer's license requires a minimum number of sales per year, a recycler's license is more likely a better option for you. I am willing to facilitate this effort and provide assistance to you if you choose this option. The Town could issue a temporary automobile graveyard permit of up to ninety days conditioned to obtaining a recycler's license within that period. You would have to obtain a sign displaying your business name along with some other requirements.

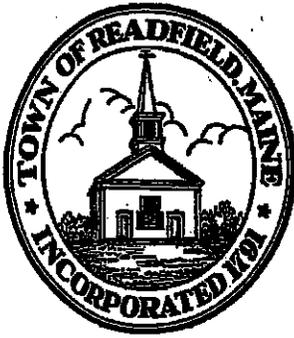
The other option, if you choose not to become a business, is to remove all of the vehicles from your property within 180 days. MRSA 30-A Section 3758 (6) requires that all vehicles be removed within 180 days of all denials and appeals.

You may wonder why this was not an issue in the renewals issued from 2005 to present. Many towns either did not know about this requirement or were of the mistaken opinion that existing automobile graveyards were grandfathered from these requirements. State law does not allow the grandfathering of the operating standards for any permit whether it be new or renewed.

I am hoping that we can resolve this issue in a collaborative manner and as mentioned earlier I will offer assistance to help you through this process.

Sincerely

Paul Mitnik, P.E.
Codes Officer



TOWN OF READFIELD

8 OLD KENTS HILL RD. • READFIELD, MAINE 04355
TEL. (207) 685-4939 • FAX (207) 685-3420

Mr. Cyrus Witcomb
42 Witcomb Dr
Readfield, ME 04355

RE: Status of Automobile Licensing Renewal

Dear Mr. Witcomb:

I regret to inform you that due to state law requirements for Operating Standards of automobile graveyards that became effective in 2005, I will not be able to recommend approval of your license renewal. More specifically, MRSA 30-A, Section 3754 (5) (D) requires that all automobile graveyard owners demonstrate at the time of permit renewal that they are or part of a viable business engaged in salvaging, recycling, dismantling, processing, repairing, or rebuilding vehicles for the purpose of sale or trade. You have informed me in your application that you are not a business. I have discussed this with Evert Kaherl who is a Senior Detective for the Bureau of Motor Vehicles and he has confirmed my interpretation of state law.

You have two options to become compliant with state law. One is to become a business. This would require you to obtain either a state recycler's license or dealer's license from the state. Since a dealer's license requires a minimum number of sales per year, a recycler's license is more likely a better option for you. I am willing to facilitate this effort and provide assistance to you if you choose this option. The Town could issue a temporary automobile graveyard permit of up to ninety days conditioned to obtaining a recycler's license within that period. You would have to obtain a sign displaying your business name along with some other requirements.

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I am hoping that we can resolve this issue in a collaborative manner and as mentioned earlier I will offer assistance to help you through this process.

Sincerely

Paul Mitnik, P.E.
Codes Officer

TOWN OF READFIELD
2014-15
AUTOMOBILE GRAVEYARD/JUNKYARD
PERMIT

(Permit to be displayed on premises)

This permit is to establish, operate or maintain an **automobile graveyard, automobile recycling business and/or junkyard as part of a viable business entity** and is subject to existing rules, regulations and any amendments that may be made thereto, under the provisions of MRSA Title 30-A, Sections 3751 to 3760 and the Town of Readfield Land Use Ordinance. A public hearing regarding this permit was conducted on October 6, 2014.

This permit is hereby approved by the Municipal Officials and granted upon condition that the automobile graveyard, automobile recycling business or junkyard does not violate any of the above Sections of Title 30-A, or any applicable provisions of the Town of Readfield Land Use Ordinance, or any conditions of Planning Board land use approval, and complies with all conditions of approval imposed by the Municipal Officers as specified below.

Owner's Name: Scott Lucas

Business Name: Lucas Auto Parts & Salvage

Location: 283 Plains Rd. Road, Assesor's map 129 lot 014

Mailing Address: 113 Plains Rd.

City/Town: Readfield

This permit expires *September 30, 2015* unless sooner revoked by the Municipal Officials.

Dated at the Town of Readfield 9/22/14

Code Enforcement Officer _____
(for the Municipal Officials)

Conditions of Approval:

1. Site is to be available for inspection by the Code Enforcement Officer;
2. Owner/operator to comply with all applicable State regulation;
3. Road into yard to be maintained open at all times for emergency vehicle access;
4. Any expansion, change of use, or other modification to the application or site plan as approved requires prior approval from the Town of Readfield.
5. Licensee to comply with all guidelines described in the "Best Management Practices for Motor Vehicle Recycling" as published by the Maine Department of Environmental Protection, (September 2002, revised Aug. 2003).
6. For emergency protection, a ten (10) foot area around the exterior of the working garage must be kept clear of all storage and debris, with the exception of the area immediately in front of the garage door for parking of vehicles being serviced.

permit number: 14-33

TOWN OF READFIELD
2014-15
AUTOMOBILE GRAVEYARD/JUNKYARD
TEMPORARY PERMIT
(Permit to be displayed on premises)

This permit is to establish, operate or maintain an **automobile graveyard, automobile recycling business and/or junkyard** and is subject to existing rules, regulations and any amendments that may be made thereto, under the provisions of MRSA Title 30-A, Sections 3751 to 3760 and the Town of Readfield Land Use Ordinance. A public hearing regarding this permit was conducted on October 6, 2014.

This permit is hereby approved by the Municipal Officials and granted upon condition that the automobile graveyard, automobile recycling business or junkyard does not violate any of the above Sections of Title 30-A, or any applicable provisions of the Town of Readfield Land Use Ordinance, or any conditions of Planning Board land use approval, and complies with all conditions of approval imposed by the Municipal Officers as specified below.

Owner's Name: Stephen Thum

Business Name:

Location: 397 Gordan Road, Assesor's map 124, lot 002

Mailing Address: 397 Gorden Rd.

City/Town: Readfield

This permit is a temporary permit that expires *December 31, 2014* obtaining a state permit for a recycler or dealer in that time period unless sooner revoked by the Municipal Officials.

Dated at the Town of Readfield _____ 10/6/14 _____

Code Enforcement Officer _____
(for the Municipal Officials)

Conditions of Approval:

1. Site is to be available for inspection by the Code Enforcement Officer;
2. Owner/operator to comply with all applicable State regulation;
3. Road into yard to be maintained open at all times for emergency vehicle access;
4. Any expansion, change of use, or other modification to the application or site plan as approved requires prior approval from the Town of Readfield.
5. Licensee to comply with all guidelines described in the "Best Management Practices for Motor Vehicle Recycling" as published by the Maine Department of Environmental Protection, (September 2002, revised Aug. 2003).
6. For emergency protection, a ten (10) foot area around the exterior of the working garage must be kept clear of all storage and debris, with the exception of the area immediately in front of the garage door for parking of vehicles being serviced.

TOWN OF READFIELD
2014-15
AUTOMOBILE GRAVEYARD/JUNKYARD
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This permit is hereby approved by the Municipal Officials and granted upon condition that the automobile graveyard, automobile recycling business or junkyard does not violate any of the above Sections of Title 30-A, or any applicable provisions of the Town of Readfield Land Use Ordinance, or any conditions of Planning Board land use approval, and complies with all conditions of approval imposed by the Municipal Officers as specified below.

Owner's Name: Cyrus and Seth Witcomb

Business Name:

Location: 42 Witcomb Dr, Assessor's map 109, lot 007

Mailing Address: 397 Gorden Rd.

City/Town: Readfield

This permit is a temporary permit that expires *December 31, 2014* obtaining a state permit for a recycler or dealer in that time period unless sooner revoked by the Municipal Officials.

Dated at the Town of Readfield _____ 10/6/14 _____

Code Enforcement Officer _____
(for the Municipal Officials)

Conditions of Approval:

1. Site is to be available for inspection by the Code Enforcement Officer;
2. Owner/operator to comply with all applicable State regulation;
3. Road into yard to be maintained open at all times for emergency vehicle access;
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2014-15
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This permit is hereby approved by the Municipal Officials and granted upon condition that the automobile graveyard, automobile recycling business or junkyard does not violate any of the above Sections of Title 30-A, or any applicable provisions of the Town of Readfield Land Use Ordinance, or any conditions of Planning Board land use approval, and complies with all conditions of approval imposed by the Municipal Officers as specified below.

Owner's Name: Kenneth & Mark Edgecomb

Business Name: Ken's Drag-In Auto, Inc.

Location: 473 Gordan Road, Assesor's map 123 lot 017

Mailing Address: PO Box 5014

City/Town: Augusta, ME 04330

This permit expires *September 30, 2015* unless sooner revoked by the Municipal Officials.

Dated at the Town of Readfield 9/22/14

Code Enforcement Officer _____
(for the Municipal Officials)

Conditions of Approval:

1. Site is to be available for inspection by the Code Enforcement Officer;
2. Owner/operator to comply with all applicable State regulation;
3. Road into yard to be maintained open at all times for emergency vehicle access;
4. Any expansion, change of use, or other modification to the application or site plan as approved requires prior approval from the Town of Readfield.
5. Licensee to comply with all guidelines described in the "Best Management Practices for Motor Vehicle Recycling" as published by the Maine Department of Environmental Protection, (September 2002, revised Aug. 2003).
6. For emergency protection, a ten (10) foot area around the exterior of the working garage must be kept clear of all storage and debris, with the exception of the area immediately in front of the garage door for parking of vehicles being serviced.

permit number: 14-31