

**TOWN OF BOWDOINHAM
PLANNING BOARD MEETING MINUTES
VIRTUAL MEETING VIA ZOOM MEDIA
June 24, 2021 – 7:00 P.M.**

MEMBERS PRESENT: Nate Drummond
 Tracy Krueger
 Justin Schlawin
 Reeve Wood
 Allen Acker

MEMBERS ABSENT: William Shippen
 Richard Joyce

STAFF PRESENT: Darren Carey, Codes Enforcement Officer
 Jenn Curtis, Director of Planning and Development
 Nicole Briand, Town Manager

On Thursday, June 24, 2021, a meeting of the Bowdoinham, Maine Planning Board was held via Zoom media with everyone participating from their residences due to the Covid-19 Pandemic.

It was noted on the agenda that, for the time being, the Town of Bowdoinham will be conducting public meetings via video conferencing. This is in accordance with emergency legislation (PL 2019, c. 617) enacted by the Maine Legislature on March 17, 2020, which temporarily authorizes remote participation at municipal board and committee meetings by board members and the public.

If joining by computer you may be required to download the Zoom app in order to connect. This is free and easy to use. Make sure to log in a few minutes early to ensure you can connect.

If joining by phone, if you cannot join by computer, you may call into public meetings and participate by phone. At the time of a scheduled public meeting, call (646) 876-9923. When prompted, the meeting ID is 894 1148 5907 and the password is 281934.

1. REGULAR MEETING CALL TO ORDER

Chairman Drummond called the meeting to order at 7:00 p.m.

DETERMINE QUORUM AND VOTING MEMBERS

It was determined that a quorum was present. Chairman Drummond explained that the meeting will not continue beyond 10:00 p.m. If any agenda items are not completed by 10:00 p.m., they will be tabled and a date will be set to hear the remaining cases.

2. REVIEW OF MINUTES

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Tracy recommended the following edits -

- On 2nd page under approval of minutes – change “Ms” to “Mr” Acker
- Remove power pole FROM plan
- Show building TYPE on the plan
- Sewer to yellow building septic is holding tank and has been located
- #20 trash will be carry-in/carry-out and there will be no trash receptacles on site.

N. Drummond noted that Brown Tail Moths may have been considered in the selection of trees.

T. K made motion to approve as

A. Acker 2nd

AIF (Krueger, Schlawin, Wood, & Acker)

3. SITE PLAN REVIEW – TIER 2 APPLICATION

Applicant – T&H Excavation Inc.

Owner – Adam Samson

Property – Millay Rd (R02-045-C)

Project – Applicant is proposing to move existing business (T&H Excavation) onto property and into an existing 40ft by 90ft garage.

The Board reviewed the items that were remaining from the prior meeting.

- Parking spaces were added to the parking lot
- A letter from the abutter stating that they are aware of and approve of the location of the access drive
- Lighting description was added to the narrative
- Power pole was removed from the plan
- Building height was added to plan
- Dumpster was added to plan
- Diesel storage area added to plan

The Board had no further concerns about performance standards being met.

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Chairman Drummond said the application met all performance standards and at this time the Approval Criteria would be addressed. Ms. Krueger read each of the standards. Ms. Krueger made all the motions (in bold print) and Mr. Wood seconded each one. Vote was called and the Board unanimously voted in favor of every motion.

- 1) Vehicular Access – The proposed site layout will provide for safe access to and egress from public and private roads.

Whereas the applicant is proposing to utilize an existing driveway that is located at 188 Millay Road. There will be no additional traffic generated as the business being relocated to the site exists on Millay Road. The driveway is not located within 150ft of intersections. There have been no concerns from the Road Commissioner or Public Works Department related to this project. Therefore, I find that the standard has been adequately met.

- 2) Internal Vehicular Circulation – The proposed site layout will provide for the safe movement of passenger, service, and emergency vehicles through the site.

Whereas proposed layout provides for safe movement of passenger, service, and emergency vehicles through the site. Therefore, I find that the standard has been adequately met.

- 3) Pedestrian Circulation – The proposed site layout will provide for safe pedestrian circulation both on-site and off-site.

Whereas the applicant is proposing four Employee parking spots and nine vehicle parking spots and will primarily be used by employees and not the public, the proposed layout is adequate for pedestrian circulation. Therefore, I find that the standard has been adequately met.

- 4) Municipal Services – The development will not have an unreasonable adverse impact on municipal services, including municipal road systems, fire department, solid waste program, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

Whereas no concerns have been expressed by municipal officials. Therefore, I find that the standard has been adequately met.

- 5) Visual Impact – The proposed development will not have an adverse effect on the scenic or natural beauty of the area, including water views and scenic views.

Whereas the project is not located with a designated scenic view or water view. Therefore, I find that the standard has been adequately met.

- 6) Lighting – All exterior lighting will be designed to avoid undue glare, adverse impact on neighboring properties and rights-of-ways, and the unnecessary lighting of the night sky.

Whereas the proposed shaded & directional outdoor lighting is to be located on the front and rear of the building to specifically illuminate entrance areas. Therefore, I find that the standard has been adequately met.

- 7) Signage – The proposed signage will not detract from the design of the proposed development and the surrounding properties and will not constitute hazards to vehicles and pedestrians.

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Whereas the proposed business is not proposing any signage, I find that the standard has been adequately met.

- 8) Buildings – The proposed structures will relate harmoniously to the terrain and to existing buildings in the vicinity, so as to have a minimally adverse effect on the environmental and aesthetic qualities of the neighboring areas.

Whereas the building is located where it is not visible from the road, and the building meets the building performance standards. Therefore, I find that the standard has been adequately met.

- 9) Landscaping – The proposed development will provide adequate landscaping in order to define, soften, and/or screen the appearance of parking and developed areas as well as to enhance the physical design of the buildings and the overall development.

Whereas the building is not visible from the road and has an existing 50-foot wooded buffer. Therefore, I find that the standard has been adequately met.

- 10) Buffering – The proposed development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas.

Whereas the existing wooded buffer is adequate to meet the performance standard. Therefore, I find that the standard has been adequately met.

- 11) Utilities – The proposed development will not impose an unreasonable burden on existing utilities.

Whereas the electrical service is an existing service and will be located underground from an existing utility pole. Therefore, I find that the standard has been adequately met.

- 12) Water Supply – The proposed development will be provided with an adequate supply of water.

Whereas no water supply is proposed. Therefore, I find that the standard has been adequately met.

- 13) Sewage Disposal – The proposed development will be provided with adequate sewage waste disposal.

Whereas no water supply is proposed for the building and no subsurface wastewater system is proposed or required. Therefore, I find that the criteria have been adequately met.

- 14) Fire Protection – The proposed development will have adequate fire protection.

Whereas there were no concerns expressed from the Bowdoinham Fire Chief and the applicant is proposing to install two fire extinguishers at each entrance/exit. Therefore, I find that the standard has been adequately met.

- 15) Capacity of Applicant – The applicant meets the following criteria:

- a) Right, Title and Interest in Property – The applicant has the right, title and interest in the property.

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Whereas the proposed property is owned by Adam Samson and is leasing the area and building to T&H Excavation. Therefore, I find that the standard has been adequately met.

- b) Financial Capacity – The applicant has the financial capacity to complete the proposed development.

Whereas the building is existing and the applicant has shown financial capacity to complete the project. Therefore, I find that the standard has been adequately met.

- c) Technical Ability – The applicant has the technical ability to carry out the proposed development.

Whereas the applicant owns and operates a successful excavation business and has the technical ability to complete the project. Therefore, I find that the standard has been adequately met.

16) Special Resources –

- a) Shoreland – The proposed development will be in compliance with the Town’s Shoreland Zoning Ordinance.

Whereas the development is located outside of the Shoreland Zone. Therefore, I find that the standard has been adequately met.

- b) Floodplain – The proposed development will be in compliance with the Town’s Floodplain Management Ordinance.

Whereas the development is located outside of the floodplain. Therefore, I find that the standard has been adequately met.

- c) Wetlands & Waterbodies – The proposed development will not have an adverse impact on wetlands and/or waterbodies, to the extent that is practicable.

Whereas no wetland impacts are proposed and is not located in adjacent to wetlands or waterbodies. Therefore, I find that the standard has been adequately met.

- d) Historic & Archaeological – The proposed development will not have an adverse effect on historic and/or archaeological sites.

Whereas the proposed development not impact any historic and archaeological sites. Therefore, I find that the standard has been adequately met.

- 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.

Whereas the proposed development will not affect the quality or quantity of groundwater. Therefore, I find that the standard has been adequately met.

- f) Wildlife Habitat – The proposed development will not have an undue adverse effect on wildlife habitat.

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Whereas the proposed development does not interfere with significant habitats mapped by the Maine Department of Fisheries and Wildlife or have an adverse effect on wildlife or habitat. Therefore, I find that the standard has been adequately met.

- g) Natural Areas – The proposed development will not have an undue adverse effect on rare and irreplaceable natural areas.

Whereas the project will not have an undue adverse effect on rare and irreplaceable natural areas. Therefore, I find that the standard has been adequately met.

- 17) Environmental Impact – The landscape will be preserved in its natural state to the extent that is practical by minimizing tree removal, disturbance of soil and retaining existing vegetation.

Whereas the development is located to minimize soil disturbance and limit tree removal by maintaining a wooded buffer. Therefore, I find that the standard has been adequately met.

- a) Solid Waste Management – The proposed development will provide for adequate disposal of solid wastes.

Whereas the applicant is proposing to use a dumpster on site. The dumpster is located on the north side of the building. Therefore, I find that the standard has been adequately met.

- b) Hazardous, Special & Radioactive Materials – The proposed development will handle, store, and use all materials identified as hazardous, special or radioactive in accordance with the standards of Federal and State agencies.

Whereas the applicant is proposing to store diesel fuel in two containment tanks on a curbed concrete pad. All hazardous, special & radioactive materials must be stored in accordance with all federal, state and local regulations. Therefore, I find that the standard has been adequately met with adherence to conditions of approval.

- c) Air Quality – The proposed development will not result in undue air pollution or odors.

Whereas the proposed development will not produce undue air pollution or odors. Therefore, I find that the standard has been adequately met.

- d) Water Quality – The proposed development will not result in water pollution.

Whereas the proposed development does not have a negative impact on water quality. Therefore, I find that the standard has been adequately met.

- e) Stormwater – The proposed development will provide for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other impervious surfaces, which must not have an adverse impact on abutting or downstream properties.

Whereas the location, existing wooded buffer and grading of the gravel area will prevent any water runoff that will not have an adverse effect on abutting or downstream properties. Therefore, I find that the standard has been adequately met.

- f) Sedimentation & Erosion Control – The proposed development will take adequate measures to prevent soil erosion and the sedimentation of watercourses and waterbodies.

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Whereas sedimentation and erosion controls shall be met with the condition of approval that the erosion and sedimentation controls meet State Rules. Therefore, I find that the standard has been adequately met with adherence to conditions of approval.

- 18) Noise – The proposed development will control noise levels so that it will not create a nuisance for neighboring properties.

Whereas the proposed development will be in operation between 6:00 a.m. and 6:00 p.m. and noise levels will meet ordinance requirements. Therefore, I find that the standard has been adequately met.

- 19) Compliance with Ordinances – The proposed development conforms with the provisions of this Land Use Ordinance and other ordinances and regulations of the Town of Bowdoinham.

Whereas the proposed development is in compliance with the Land Use Ordinance and other ordinances and regulations of the Town of Bowdoinham. Therefore, I find that the standard has been adequately met.

- 20) Town Plans & 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.

Whereas the proposed farm store is consistent with the Town's Plans and Vision Statements. Therefore, I find that the standard has been adequately met.

Ms. Krueger made a motion to waive the performance standard that requires access drives to be 10' from a side lot line.

Mr. Joyce asked if the lot line had been surveyed. The applicant indicated that it had been, and the Board agreed that it had.

Mr. Wood seconded the motion.

The motion passed unanimously.

VOTED

Chair Drummond said that where the Board finds the application meets the criteria for approval, he motioned to approve the application with the following conditions:

1. The applicant shall reimburse the Town for all noticing fees.
2. The development shall adhere and comply with all Federal, State and Local regulations related to the storage of Hazardous, Special & Radioactive Materials.
3. The development shall comply with the Sedimentation & Erosion Control Performance Standard of the Town's Land Use Ordinance.

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Mr. Wood seconded the motion

The motion passed unanimously.

4. SITE PLAN AND SHORELAND ZONING REVIEW – TIER 2 APPLICATION AMENDMENT

Applicant – Town of Bowdoinham

Property – 8 River Rd (U01-001)

Project – Applicant is proposing to re-develop old public works facility to a public park. This phase of the project includes the development of an access drive, parking spaces, boat trailer parking, construction of a 40ft by 80ft open air pavilion, multiple pathways, recreational areas, establish utilities and natural landscaping.

The Board reviewed the items that were remaining from the prior meeting, that needed waivers or conditions of approval.

- Discussion of lighting – the Board didn't feel it was necessary to require anything related to lighting. A waiver was requested from the photometric standard because of the light that would occur on River Road at the entrance to the site.
- The Town will request an amendment to the application when the building designs and septic designs are ready to be proposed.
- The Board decided that the information on the site related to MDIFW and MNAP was adequate, in conjunction with the finding that the proposal is to redevelop a previously developed area, and no additional information was required on impacts to wildlife and habitat.
- NRPA PBR and Stormwater PBR will be required as Condition of Approval as part of the standard condition requiring all necessary state permits.
- Mr. Joyce raised concerns about the adequacy of trailer parking on site and the request to reduce the road width from 24' to 22'. Braden Drypolcatcher with Mitchell & Associates, presenting on the project, stated that the new parking would alleviate pressure on the parking at adjacent Maily Waterfront Park and that the spaces and road were designed to allow adequate room for trailers to back into the road before they pull out. Voting members of the Board unanimously approved the waiver of the standard for road width, to allow the road to be 22' wide.

The Board had no further concerns about performance standards being met.

Chairman Drummond said the application seemed to be able to meet all performance standards and at this time the Approval Criteria would be addressed. Chair Drummond read each of the standards. Mr. Wood made all the motions (in bold print) and Ms. Krueger seconded each one. Vote was called and the Board unanimously voted in favor of every motion.

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- 1) Vehicular Access – The proposed site layout will provide for safe access to and egress from public and private roads.

Whereas the Town has met or received a waiver from all performance standards and received an Entrance Permit from MDOT. Therefore, I find that the Vehicular Access approval criteria has been adequately met.

- 2) Internal Vehicular Circulation – The proposed site layout will provide for the safe movement of passenger, service, and emergency vehicles through the site.

Whereas internal vehicular circulation performance standards have been met or waived, and the site provides at 22ft access drive and adequate parking for the public. Therefore, I find that the approval criteria has been met.

- 3) Pedestrian Circulation – The proposed site layout will provide for safe pedestrian circulation both on-site and off-site.

Whereas the performance standards have been met and the project includes adequate trails and pathways throughout the property. Therefore, I find that the approval criteria has been met.

- 4) Municipal Services – The development will not have an unreasonable adverse impact on municipal services, including municipal road systems, fire department, solid waste program, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

Whereas no concerns have been expressed by municipal officials and the project will become an asset for the Town, and its recreational program. Therefore, I find that the municipal services approval criteria has been met.

- 5) Visual Impact – The proposed development will not have an adverse effect on the scenic or natural beauty of the area, including water views and scenic views.

Whereas the visual impact performance standards have been met and the project will improve the visual impact of the property by stabilizing the shoreline, adding landscaping, and public trail access. Therefore, I find that the approval criteria has been met.

- 6) Lighting – All exterior lighting will be designed to avoid undue glare, adverse impact on neighboring properties and rights-of-ways, and the unnecessary lighting of the night sky.

Whereas the lighting performance standards have been met or waived. Therefore, I find that the lighting approval criteria has been met.

- 7) Signage – The proposed signage will not detract from the design of the proposed development and the surrounding properties and will not constitute hazards to vehicles and pedestrians.

Whereas the proposed project is not prosed at this time, but that signage approval criteria will be met subject to a condition of approval requiring that any future signage meet the site plan performance standards. Therefore, I find that the approval criteria has been met.

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- 8) Buildings – The proposed structures will relate harmoniously to the terrain and to existing buildings in the vicinity, so as to have a minimally adverse effect on the environmental and aesthetic qualities of the neighboring areas.

Whereas no buildings are proposed, the performance standards have been met. Therefore, I find that the approval criteria has been met.

- 9) Landscaping – The proposed development will provide adequate landscaping in order to define, soften, and/or screen the appearance of parking and developed areas as well as to enhance the physical design of the buildings and the overall development.

Whereas the landscaping performance standards have been met and the landscaping is designed to enhance the appearance of the proposed development. Therefore, I find that the landscaping approval criteria has been met.

- 10) Buffering – The proposed development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas.

Whereas the project meets the performance standards for buffering and there is no proposed mechanical equipment storage areas. Therefore, I find that the buffering criteria has been met.

- 11) Utilities – The proposed development will not impose an unreasonable burden on existing utilities.

Whereas the water district has provided notice that it has ability to serve the development and any new service will be located underground. Therefore, I find that the utility criteria has been met.

- 12) Water Supply – The proposed development will be provided with an adequate supply of water.

Whereas the property is currently served by public water supply and the water district will be able to provide it with adequate water supply. Therefore, I find that the water supply criteria has been adequately met.

- 13) Sewage Disposal – The proposed development will be provided with adequate sewage waste disposal.

Whereas no sewage disposal facility is proposed the performance standards have been met. Therefore, I find that the sewage disposal criteria have been adequately met.

- 14) Fire Protection – The proposed development will have adequate fire protection.

Whereas the applicant is proposing an open space park which includes a dry hydrant at the request of the Bowdoinham Fire Chief and no other concerns were brought forward by the Bowdoinham Fire Chief. Therefore, I find that the fire protection criteria has been adequately met.

- 15) Capacity of Applicant – The applicant meets the following criteria:

- a) Right, Title and Interest in Property – The applicant has the right, title and interest in the property.

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Whereas the applicant has demonstrated that they are the fee owner of the property. Therefore, the right title and interest approval criteria have been met.

- b) Financial Capacity – The applicant has the financial capacity to complete the proposed development.

Whereas the Town of Bowdoinham is the municipal entity and will be funding the project using grant funds as they become available and the Planning Board requests that the window of completion be extended to 15 years to carry out construction and development of Phase I and Phase II of the proposed development. Therefore, I find that the financial capacity approval criteria has been met.

- c) Technical Ability – The applicant has the technical ability to carry out the proposed development.

Whereas the Town as the municipal entity is the applicant, and has the technical ability to complete the project. Therefore, I find that the standard has been adequately met.

16) Special Resources –

- a) Shoreland – The proposed development will be in compliance with the Town’s Shoreland Zoning Ordinance.

Whereas the Shoreland performance standard has been met subject to the condition of approval that the Town Shoreland Zone Application has been approved. Therefore, I find that the shoreland approval criteria has been adequately met.

- b) Floodplain – The proposed development will be in compliance with the Town’s Floodplain Management Ordinance.

Whereas the grade of the site has been designed to be in compliance with the Town’s Floodplain standards. Therefore, I find that the floodplain criteria has been adequately met.

- c) Wetlands & Waterbodies – The proposed development will not have an adverse impact on wetlands and/or waterbodies, to the extent that is practicable.

Whereas the proposed development meets the wetlands and water bodies performance standards and the Town has obtained a NRPA permit. Therefore, I find that the wetland and waterbodies approval criteria has been adequately met.

- d) Historic & Archaeological – The proposed development will not have an adverse effect on historic and/or archaeological sites.

Whereas the development proposed is located on a previously developed site and will not adversely affect historic and archaeological sites. Therefore, I find that the approval criteria has been adequately met.

- 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.

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Whereas the groundwater performance standard has been met. Therefore, I find that the approval criteria has been adequately met.

- f) Wildlife Habitat – The proposed development will not have an undue adverse effect on wildlife habitat.

Whereas the wildlife and habitat performance standards have been met and the proposed development is on a site that was previously developed. Therefore, I find that the approval criteria has been adequately met.

- g) Natural Areas – The proposed development will not have an undue adverse effect on rare and irreplaceable natural areas.

Whereas the natural areas performance standards have been met and the proposed development is happening on the site of an existing development. Therefore, I find that the natural areas approval criteria has been adequately met.

- 17) Environmental Impact – The landscape will be preserved in its natural state to the extent that is practical by minimizing tree removal, disturbance of soil and retaining existing vegetation.

Whereas the proposed development is restoring vegetation in previously developed areas and is located on the site of a previously developed site. Therefore, I find that the environmental impact criteria has been adequately met.

- a) Solid Waste Management – The proposed development will provide for adequate disposal of solid wastes.

Whereas the proposed development is a carry-in/carry-out recreational park. Therefore, the solid waste approval criteria has been adequately met.

- b) Hazardous, Special & Radioactive Materials – The proposed development will handle, store, and use all materials identified as hazardous, special or radioactive in accordance with the standards of Federal and State agencies.

Whereas the proposed development is a park and no hazardous wastes will be stored thereon. Therefore, I find that the hazardous, special, and radioactive material approval criteria has been adequately met.

- c) Air Quality – The proposed development will not result in undue air pollution or odors.

Whereas the proposed development is a recreational park and will result in any undue air pollution or odors. Therefore, I find that the air quality approval criteria has been adequately met.

- d) Water Quality – The proposed development will not result in water pollution.

Whereas the proposed development is a park and has been designed to minimize the amount of runoff, and as a result the water quality performance standards have been met. Therefore, I find that the water quality approval criteria has been adequately met.

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- e) Stormwater – The proposed development will provide for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other impervious surfaces, which must not have an adverse impact on abutting or downstream properties.

Whereas the proposed development meets the stormwater performance standards and is designed to minimize runoff from impervious surface. Therefore, subject to the condition of approval that the Town receive a stormwater permit from the Maine DEP, I find that the approval criteria has been adequately met.

- f) Sedimentation & Erosion Control – The proposed development will take adequate measures to prevent soil erosion and the sedimentation of watercourses and waterbodies.

Whereas the proposed development is subject to a condition of approval that all development be conducted subject to the requirements of Maine Erosion and Sediment Control Best Management Practices. Therefore, I find that the approval criteria has been adequately met with adherence to conditions of approval.

- 18) Noise – The proposed development will control noise levels so that it will not create a nuisance for neighboring properties.

Whereas the proposed development will be a recreational park with noise levels similar to that of the existing waterfront park. Therefore, I find that the approval criteria has been adequately met.

- 19) Compliance with Ordinances – The proposed development conforms with the provisions of this Land Use Ordinance and other ordinances and regulations of the Town of Bowdoinham.

Whereas the proposed development conforms with the provisions of the Land Use Ordinance and other ordinances and regulations of the Town of Bowdoinham. Therefore, I find that the standard has been adequately met, subject to the condition of approval that it's Shoreland Zoning application is approved.

- 20) Town Plans & 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.

Whereas the proposed development is a recreational park that is called for in both the Waterfront Plan and the Comprehensive Plan. Therefore, I find that Town's Plans and Vision Statements approval criteria has been adequately met.

VOTED

Chair Drummond said that where the Board finds the application meets the criteria for approval, he motioned to approve the application with the following conditions:

1. The applicant shall reimburse the Town for all noticing fees.
2. Any future signs shall meet the requirements of the Town's sign ordinance

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3. The development's Shoreland Zoning Application shall be approved by the Planning Board
4. The development shall receive all necessary state and federal permits.
5. The development shall comply with the Sedimentation & Erosion Control Performance Standard of the Town's Land Use Ordinance.

Ms. Krueger seconded the motion

The motion passed unanimously.

Shoreland Zoning Approval Criteria

1. *Will maintain safe and healthful conditions.*

Whereas the proposed development is a park and has been designed to minimize impervious surface and runoff, and therefore the development will maintain safe and healthful conditions.

2. *Will not result in water pollution.*

Whereas the proposed development is a park that has been designed to minimize runoff, therefore the proposed development will not result in water pollution.

3. *Will provide adequate provisions for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other impervious surfaces.*

Whereas as a condition of approval, the proposed development will use Best Management Practices under the Erosion Control and Sedimentation handbook, and will obtain a Stormwater permit from the Maine DEP, therefore the project will provide adequate provisions for the collection and disposal of all stormwater that runs off impervious areas.

4. *Will take adequate measures to prevent soil erosion and the sedimentation of watercourses and waterbodies.*

Whereas as a condition of approval, the proposed development will use Best Management Practices under the Erosion Control and Sedimentation handbook that the development will take adequate measures to prevent soil erosion and the sedimentation of watercourses and waterbodies.

5. *Will take adequate measures to avoid and to minimize having an adverse effect on wetlands and/or waterbodies.*

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Whereas the Town has obtained a Natural Resources Protection Act from the Maine Department of Environmental Protection the development will take adequate measures to minimize adverse effect on wetlands.

6. *Will provide for the disposal of all wastewater in accordance with the State of Maine Subsurface Wastewater Disposal Rules.*

Whereas no wastewater disposal facilities are proposed at this time, that the proposed development will meet the approval criteria.

7. *Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other riparian wildlife habitat.*

Whereas the proposed development is occurring on the site of pre-existing development and where the Maine DIFW has reviewed the proposed development and voiced no opposition, the proposed park will not have an undue adverse impact on spawning grounds, fish, aquatic life, bird or other riparian wildlife habitat.

8. *Will conserve natural, native vegetation along the shoreline.*

Whereas the proposed project increases native vegetation near the shoreline, the approval criteria have been met.

9. *Will conserve visual corridors.*

Whereas the proposed development is a public park that the proposed development will conserve visual corridors.

10. *Will conserve access to inland and coastal waters.*

Whereas the proposed development is a public park that includes a new access point to the Cathance River and will enhance access to that river, the proposed project will conserve access to inland and coastal waters.

11. *Will not have an adverse effect on historic and/or archaeological sites.*

Whereas the proposed development is on the site of existing development, it will not have an adverse effect of historic or archaeological sites.

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12. *Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district.*

Whereas the proposed development will be a public park, it will not not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district.

13. *Will be in compliance with the Town's Floodplain Management provisions.*

Whereas the proposed development has been designed to be in compliance with the Town's Floodplain requirements, it meets the approval criteria.

14. *Will be in conformance with the provisions of Article 7, Section D, Performance Standards.*

Whereas the proposed project will be in conformance with the provisions of Article 7, Section D, Performance Standards, the approval criteria has been met.

VOTED

Chair Drummond stated that based on the above findings and conclusions, the Board finds the application meets the criteria for approval, and motioned to approve the application with the following conditions:

1. The applicant shall reimburse the Town for all noticing fees.
2. The development shall receive all necessary state and federal permits.
3. The development shall comply with the Sedimentation & Erosion Control Performance Standard of the Town's Land Use Ordinance.

Mr. Wood seconded

The motion passed unanimously.

Chairman Drummond recognized that it was 9:35PM and the Board discussed scheduling a follow-up meeting to finish agenda items that could not be completed by 10PM. The Board agreed to reconvene on July 1, 2021, where items 6 and 7 could be taken up. It was determined that the meeting would also be held over Zoom.

The Board took a five-minute break.

5. SITE PLAN REVIEW – TIER 2 APPLICATION AMENDMENT

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Applicant: William Panzino
Property: 791 Carding Machine Road (R05-035)
Project: Applicant updated the proposed locations of an autobody garage and an automobile recycling business, and associated application material.

Chair Drummond reconvened the meeting and welcomed Mr. Panzino and his representative, Mr. Brad Pattershall.

Chair Drummond reviewed the recent project history, noting that the project has been reviewed before, and that the latest application for the project includes both an autobody garage and an automobile recycling business, and that the Town's Legal Counsel, Leah Rachin at Drummond Woodsum, had informed the Town that the applicant did not have standing from the previous application, to be reviewed under the previous ordinance, and would be evaluated under the updated ordinance, including changes approved at Town Meeting earlier in June 2021. He noted that the changes won't change how the Board reviews it, but puts them more up front, and recognized State standards that they ran into.

Chair Drummond noted that for this application and other Tier II and III applications going forward, based on staff recommendation, the Board will not be waiving the technical review fee, because the Town is ending up owing money for review fees.

Ms. Krueger suggested that the Board does not need to review every application submission item, because the Staff has reviewed them previously and verified that items have been submitted. Chair Drummond agreed with the addition that they should still discuss any performance standards they would like to, even if the submission requirement has been met.

Mr. Pattershall reviewed project history, stating that Mr. Panzino had been before the Board several times, the first time to put in an automobile recycling lot on the property of Ms. Soule, that was ultimately denied because it was within 500' of a burial site, deemed a cemetery. The second time he proposed an autobody garage that was in an existing garage, that was denied because it was within 300' of a well on a neighboring property. This application is intending to relocate the automobile recycling business, and the proposed garage, to a location that was more than 300' away from the closest well, and more than 500' from a cemetery, and the submission items show those requirements have been met. The applicant did meet with Staff to discuss the best way to file the application, and Staff recommended it be filed as an amendment to a previous application.

There was a discussion about the meaning of the application not having standing. It was agreed that it meant that the current version of the application would be reviewed by the then current version of the ordinance.

Reviewing submission items that were not marked as received. The Board noted that the requirement to submit the technical review fee was noted as not being complete. Where there was

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no recent precedent to hold up a finding of application completeness because of it, the Board did not want to do so, but noted that they did want it to be paid as part of the project moving forward.

Chair Drummond noted that the scale stated on the plan is 1" = 60" which is adequate, but the scale as stated didn't match up with the plan and might be something that comes up when the Board reviews performance standards, because the applicant is looking to locate the businesses between two different setbacks and it's a fairly tight squeeze. At some point the Board will need to evaluate the locations relative to the setbacks and having a plan that's a little ambiguous will be extra challenging. Having a surveyor certify the setbacks, stakes in the ground, and/or some other method to verify accuracy of the measurements will likely be needed to verify compliance with performance standards and make sure the setbacks are what they state they are.

Ms. Krueger agreed that she would be uncomfortable about approving the plan without additional verification as the measurements would be close and crucial.

Chair Drummond noted that there is a letter from the credit union stating there is adequate capacity to cover the additional project costs.

Submission requirement 3, c) – existing conditions on the plan were reviewed. The Board reached consensus that they had enough information with regard to 3,c)

Location, and dimensions of existing buildings are shown. No existing elevations were shown, but the Board didn't feel it was necessary.

The applicant made a motion to waive the submission requirement for existing ground floor elevations of buildings on the site.

Mr. Wood Seconded

Motion passed unanimously.

All other elements were checked off as being complete.

The handling of hazardous wastes was discussed. Mr. Wood recommended more information related to the handling of hazardous wastes, particularly as related to the auto recycling business. Chair Drummond said where the applicant is proposing the same practices, then those should be stated and described as they were in the initial application, even if at one point in a previous application it was provided. Mr. Wood clarified that he wasn't looking for engineer's statements but looking for the applicant to state how fluids in the automobiles will be handled at the auto recycling business. Chair Drummond clarified that if the applicant was still planning to deal with spills and potential fluids the same way, he should transfer the information to the new application.

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Chair Drummond proposed that the application be found complete, with condition that small additions they asked for have been provided by the next meeting.

VOTED:

Mr. Wood made a motion to find the application complete.

Ms. Krueger seconded.

The motion passed unanimously.

Mr. Pattershall sought clarification on what the Board was looking for:

He noted:

- More accurate setback measurement
- A better narrative of the uses
- Disposal of the potential hazardous wastes for the two different uses

The Board agreed that a surveyed measurement didn't need to be in place for the next meeting but would likely be helpful later on. More information about hazardous waste handling, as was submitted in a previous application, would be helpful.

The Board scheduled a public hearing for the project at 7:15PM at the next meeting on July 22nd.

The Board scheduled a site visit for the project at 4 PM on July 19, 2021.

FUTURE MEETING: The Board was in agreement that the applications of Scott Gallant; and Jane Bradley & Peter Bradley applications will continue to be heard on Thursday, July 1, 2021 at 7:00 p.m.

10. ADJOURN MEETING

Motion was made, seconded, and it was unanimously **VOTED** to adjourn the meeting at 10:1 p.m.