

**MINUTES
PLANNING BOARD MEETING
TOWN OF BOWDOINHAM - 13 SCHOOL STREET
IN PERSON IN THE KENDALL MEETING ROOM,
ON-LINE VIA ZOOM, OR BY TELEPHONE
JULY 27, 2023 – 6:00 P.M.**

MEMBERS PRESENT: Nate Drummond (Chair)
 Tracy Krueger (Vice Chair)
 Richard Joyce
 Justin Schlawin
 William Shippen
 Reeve Wood

STAFF PRESENT: Yvette Meunier, Town Planner

1. REGULAR MEETING - CALL TO ORDER AND DETERMINE QUORUM

On Thursday, July 27, 2023, a meeting of the Bowdoinham, Maine Planning Board was held in the Kendall Room at the Town Office. Chairman Drummond called the meeting to order at 6:00 p.m. It was determined that a quorum was present. Board member Joyce said he would abstain from voting on Item 3 – the Site Plan Review for Jandy Organics – so Mr. Shippen was designated a voting member.

2. CONSIDERATION OF THE MINUTES FROM THE APRIL 27, 2023 AND JUNE 22, 2023 MEETINGS

JUNE 22, 2023 MINUTES REVIEWED FIRST

Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED

To approve the minutes of the June 22, 2023 meeting as amended.

Amendments included: Pg. 2, 5th par., 3rd line, change “care” to “car.” Pg. 12, #25, add “N/A” to end of line.

Because of the time nearing the 6:15 scheduled Public Hearing, it was agreed to review the April 27th minutes at the end of the meeting.

PUBLIC HEARING ON THE SITE PLAN FOR JANDY ORGANICS, LLC

At 6:15 p.m. the Public Hearing was declared open.

Chairman Drummond asked if the applicants wished to add anything to their application and they responded they did not. Ms. Bowidowicz said nothing had changed. It was again mentioned that everything will be done inside the home and no permanent structure is being built. Chairman Drummond asked if the Security Plan provided was sufficient to meet State of Maine requirements.

Ms. Bowidowicz responded that it was. Mr. Drummond advised the applicant that the Security Plan needs to be given to the Planning Department with verification that it has been approved by the State. The Plan will remain confidential for safety purposes. There was a discussion regarding the carbon filter and it was noted that the filter is inside the tent and not attached to it.

Peter Smith, who lives at 161 Main Street, spoke and said he was in attendance at the Public Hearing because he was curious about the project. He wanted to know if there would be any structures built on the property and was told that the complete business would be done within the home as it now appears.

With no further comments to be heard, the Public Hearing was declared closed and the regular meeting was re-opened.

ITEM 3 – SITE PLAN REVIEW – TIER II APPLICATION

APPLICANT, ANDY AND JENNIFER BOWIDOWICZ (JANDY ORGANICS LLC) ARE PROPOSING A 500 SQUARE FOOT INDOOR MARIJUANA CULTIVATION FACILITY AT 175 MAIN STREET

The Approval Criteria was reviewed at this point in the meeting and again reviewed as each item was read by Mr. Drummond, and then moved by Mr. Schlawin with a second made by Mr. Shippen as follows:

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

Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED

That the proposed site layout will provide safe access and egress from public and private roads. No employees or patients will come to the property and no more than 20 vehicle trips per day will be made pertaining to the business.

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

Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED

That we find that the proposed site layout will provide for safe movement for emergency vehicles through the site. The property has a turnaround that will be improved for owners to utilize. Vehicles will be parked at the end of the driveway for any potential emergency vehicles.

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

Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED

That the proposed site layout indicates that there is adequate pedestrian circulation so this approval criteria is 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.

Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED

That since no concerns were raised by municipal departments that this approval criteria have 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.

Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED

That no external changes will be made to the property.

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.

Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED

That only a standard residential motion sensor light will be used for security, replacing the current outside light.

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.

Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED

That there will be no outside signage so this criteria does not apply.

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.

Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED

That there will be no external buildings with this application, so this criteria does not apply.

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.

Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED

That there will be no additional landscaping to what is in existence at the location.

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.

Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED

Since the proposed use will be only on the inside of the swelling, the current buffering is sufficient as it exists.

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

Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED

That the Planning Board finds that there are no additional new utilities being proposed for this project, therefore this performance standard has been adequately met.

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

Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED

That the well will supply adequate water which is assumed to be 12 gallons per day.

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

Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED

That the design of the septic system is adequate for the proposed use, and therefore this criteria is met.

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

Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED

That the Planning Board finds that given the approval from the Fire Chief regarding the use and that the appropriate permits are obtained that this approval criteria have been met.

15. **Capacity of Applicant** – The applicant meets the following criteria:

- a) Right, Title and Interest in the Property - The applicant has the right, title, and interest in the property.
- b) Financial Capacity – The applicant has the financial capacity to complete the proposed development.
- c) Technical Ability – The applicant has the technical ability to carry out elements of the plan including expanding the driveway back to the storage lot.

Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED

That the applicants will continue working full-time in their present jobs. The State has issued the proper license for the business to operate.

16. **Special Resources**

- a. Shoreland - The proposed development will be in compliance with the Town's Shoreland Zoning Ordinance.
- b. Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED

That since the proposed project is not in the shoreland, this criteria does not apply.

17. **Floodplain**

- a. Floodplain - The proposed development will be in compliance with the Town's Floodplain Management Ordinance.

Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED

That because the proposed business is not located in the floodplain, this criteria does not apply.

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

Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED

That because the proposed business does not have any wetlands or waterbodies, this criteria does not apply.

19. **Historic and Archaeological** - The proposed development will not have an adverse effect on historic and/or archaeological sites.

Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED

That as there are no changes proposed to the structure, this criteria has been met.

20. **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.

Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED

The Board finds that this business use will not adversely impact either the quality or quantity of groundwater to abutting properties or to public water supply systems.

21. **Wildlife Habitat** – The proposed development will not have an undue adverse effect on rare and irreplaceable natural areas.

Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED

The Planning Board did not identify any habitat or irreplaceable natural areas on the property and therefore finds that this standard has been met.

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

Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED

That the established use will not have any undue adverse effect on rare and irreplaceable natural areas, so therefore this criteria has been met.

23. **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.

Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED

That no changes will be made to the landscape, and the business is contained inside the home, this criteria has been met.

24. **Solid Waste Management** – The proposed development will provide for adequate disposal of solid wastes.

Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED

As waste will be contained in a locked compost bin located out of view from the road, behind the east side of the home.

25. **Hazardous, Special and 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.

Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED

As there are no hazardous, special, or radioactive materials involved with the business operation, I move that this criteria does not apply.

26. **Air Quality** – The proposed development will not result in undue air pollution or odors.

Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED

That the business will install carbon filters in each 10' by 10' tent that is 8 feet tall to eliminate the smell while the cannabis is growing and the air filters will provide an air exchange rate of 1,202 cubic feet per minute, with all harvested product stored in smell proof and airtight containers, the Board finds that this criteria is met.

27. **Water Quality** – The proposed development will not result in water pollution.

Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED

The Board finds that the business will not cause any water pollution so this approval criteria is met.

28. **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.

Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED That no new development is proposed with this project, therefore, this approval criteria has been met.

29. **Sedimentation and Erosion Control** - The proposed development will take adequate measures to prevent soil erosion and the sedimentation of water courses and waterbodies.

Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED

That since no changes are proposed to be made to the property, and the business will be contained in the home, this approval criteria does not apply.

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

Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED

That since the business will be operated entirely within the home, no noise will emanate outside the home, so the approval criteria has been met.

Motion was made by Mr. Schlawin, seconded by Ms. Krueger, and it was

VOTED

That the Board finds that all General Performance Standards and Use Specific Standards have been adequately met as discussed.

31. **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.

Motion was made by Mr. Schlawin, seconded by Ms. Krueger, and it was

VOTED

That whereas the marijuana business is allowed the Board finds this approval criteria has been met.

32. **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.

Motion was made by Mr. Schlawin, seconded by Ms. Krueger, and it was

VOTED

The Board finds that this approval criteria has been met.

Motion was made by Mr. Schlawin, seconded by Mr. Shippen, and it was

VOTED

That the Planning Board hereby approves the application of Andy and Jennifer Bowidowicz (Jandy Organics, LLC) to operate a 500 square foot indoor Marijuana Cultivation Business at 175 Main Street, with no noted conditions of approval.

NEW BUSINESS

ITEM 4 - LAND USE ORDINANCE AMENDMENT – CANNABIS

THE SELECT BOARD IS REQUESTING AN AMENDMENT TO THE LAND USE ORDINANCE TO CHANGE THE WORD MARIJUANA TO CANNABIS IN ALIGNMENT WITH THE RECENT 2021 LAW CHANGES

Ms. Meunier informed the Board that the Select Board is requesting that the Land Use Ordinance be consistent with the 2021 State Law changes which replaces the word ‘marijuana’ with ‘cannabis’. These word changes can easily be made with the find-and-replace choice in the Word program and rearrangement with relist to maintain alphabetical order.

It was noted in memo dated July 18, 2023 from Ms. Meunier, Director of Planning and Development, that the change has been discussed with the Town’s attorney who performed a spot check of various provisions of the LUO and compared them with State Law. They noted that there are more inconsistencies than just terminology. For example, there are many legal citations that need to be updated. However, our lawyer has not had time to do this more in-depth analysis in time for tonight’s presentation.

It was suggested that the Planning Board move forward with this update with the goal of it being brought to the November 2023 ballot at Town Meeting. Another update could come before the June 2024 Town Meeting once a more complete analysis has been done. In the meantime, the office will reach out to the State’s Office of Cannabis Policy for more recommendations.

A draft document was distributed for the Board to review with the suggested change in place. During discussion suggestion was made to catch a place on page 59 where Marijuana Cultivation Facility was crossed out, but not replaced with the word cannabis. The same replacement needs to be made on page 60 where marijuana was crossed out and cannabis not put in its place.

The Board agreed not to move forward with the proposed changes.

OTHER BUSINESS

ITEM 5 - FUTURE MEETING DISCUSSION

There was a discussion of the need for an ordinance to cover general parking. Suggestion was made to include wording to be sure there was ample parking for employees and also for general parking. Ordinances from other towns will be reviewed and some appropriate language written for consideration.

Board member Krueger mentioned that the Comprehensive Plan Committee, which she is a member of, is talking about updating the Land Use Ordinance covering items such as cluster

housing, and perhaps updating subdivision rules to enable a large building containing several apartments. Minimum/Maximum lot sizes need to be discussed.

REVIEW OF THE APRIL 27, 2023 MINUTES

The April 27, 2023 minutes were reviewed. The Board was in agreement that the findings for the performance criteria should contain more detail. Staff noted that this meeting had technological difficulties with video recording and therefore the level of detail available has been captured in these notes.

Motion was made by Ms. Schlawin, seconded by Ms. Krueger, and it was

VOTED

To approve the minutes of the April 27, 2023 meeting as amended.

ITEM 6 -ADJOURN

Motion was made, seconded and it was unanimously

VOTED

To adjourn the meeting at 7:33 p.m.



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_____	_____
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