

**TOWN OF BOWDOINHAM
PLANNING BOARD MEETING MINUTES
Town Office – Kendall Rm
August 26, 2021 – 7:00 P.M.**

APPROVED 9-23-2021

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

MEMBERS ABSENT: William Shippen

STAFF PRESENT: Jennifer Curtis, Town Planner and Economic Development
Coordinator

1. REGULAR MEETING CALL TO ORDER

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

2. DETERMINE QUORUM AND VOTING MEMBERS

It was determined that a quorum was present.

3. APPROVAL OF THE MINUTES OF THE July 22, 2021 MEETING

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

VOTED

To approve the minutes of the July 22, 2021 meeting, as amended.

Amendments: Search and replace “Mr. Reeve” with “Mr. Wood”

Item 3: **Site Plan Review – Tier 2 Application Amendment**
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.

Chairman Drummond reviewed additional materials submitted by the applicant.

Mr. Wood asked Mr. Panzino about the pollution insurance quote. Mr. Panzino stated it was the same quote previously provided.

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Mr. Acker stated that the insurance could be used in the case that the cost of cleanup is greater than the amount he can pay out of pocket.

Chair Drummond read aloud the proposed stormwater plan. He then asked if the applicant had considered moving the location of the development to be further from the wetland (5').

Ms. Krueger asked about the location of the proposed silt fence. The applicant stated it would be around the whole site.

Mr. Acker asked about how the applicant would pay for a spill that's on the upper end of a spill cost of \$10,000.

Chair Drummond stated that there are a couple potential issues – one being onsite remediation and removal of materials, and also a larger concern related to groundwater contamination, where the pollution insurance would cover it. He didn't think regular liability insurance would cover it. He also said he thought it was worth looking more exhaustively for pollution policies.

Mr. Panzino said the best quote he could get was \$7,000 a year with a \$5,000 deductible that covers industrial type cleanups, including nuclear waste.

Mr. Drummond said he was concerned that if a well was contaminated, without the pollution insurance, wouldn't be able to cover the cost of cleanup.

The board decided to discuss any performance standards they have concerns with and then decide if they want to move forward with approval criteria.

Mr. Drummond said the well and cemetery setback issue looks like it has been satisfied. The next matter to consider is wetland and stormwater and water quality concerns. He stated he had an ongoing concern, elements of the stormwater plan are not graphically displayed on the plan, and he feels that is important. He feels, having seen the site, that the grade and proximity to a seasonally flowing stream that runs to abutting property under the road, it's hard for him to feel comfortable with.

Other members agreed that the proximity and grade make it of concern. They discussed the stormwater performance standards and if they would be met.

Mr. Schlawin suggested moving the developed area 10' closer to the cemetery.

Ms. Krueger suggested grading the pad away from the wetland and placing a permanent berm around it.

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Chair Drummond stated that they would like to see a stormwater plan that is drawn and indicates how the water will flow and how it will be mitigated when it flows off. It needs to demonstrate that it will slow, catch, disperse, and cleaned. He doesn't feel it needs to be professionally produced.

Ms. Krueger would like the plan to address decreasing the flow (volume) and direction of flow, but doesn't necessarily feel the need for a depiction of the plan on a map.

The applicant suggested placing pressure treated barrier against the wetland and grade it away from it.

The Chair said he wanted the drawing of the plan to show the edge of the developed area and how it relates to the stream.

There was a discussion about moving it 10' toward the cemetery and if a new surveyed measure would be required. The board recommended a new drawing labeled "stormwater plan" that includes the stream and designated measurements and whatever details such as where the absorptive socks are going to be and the silt fences and what the slope is.

The applicant agreed to create a depicted stormwater plan.

There was a discussion about the requirement to comply with NRPA, and the board agreed that based on the information the applicant submitted from Maine DEP, it does not.

The differences between SPCC and stormwater plan were discussed.

Mr. Drummond stated he would like to see a draft of the SPCC all together in one place and not just the elements of it, including the inspection logs that will be kept. The plan should be labeled "Panzino Garage SPCC Plan" (or similar) and list all the elements and include the checklist log that will be kept.

It was discussed that the location of the paved/gravel area needs to be changed on the big plan that gets signed.

The board suggested keeping the same surveyed markers and adding to them.

There was discussion about re-routing the trench or how the wetland would be stabilized, such as vegetation.

Chair Drummond suggested taking pictures of the site to demonstrate the change in conjunction with any proposal to alter the stream.

If there is a spill, what he will do. How he will prevent. How materials will be stored.

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Two separate plans – one for the lot, and one for the garage.

The board said they were going to have a hard time approving a waiver for pollution insurance.

A liability business policy that covers pollution might be an option the board would consider.

The abutters have raised good points about the concerns of contamination, and also it's important for businesses in the rural areas to have viable options to exist. He would like to figure out solutions, with tools such as insurance, that provides mitigation to the risks to the neighbors.

The applicant asked if he can find liability that will cover cleanup of a neighbors well, the board agreed.

Ms. Krueger suggested calling the Maine Auto Recyclers Association and asking what others do for insurance.

The board discussed whether there is a foreclosure proceeding against the property, effects the performance standards of right title and interest or financial capacity. Chair Drummond said there is no precedence that he's aware of, for looking at more than "what is the development budget?" and "does the applicant have funds or a line of credit that would reasonably cover the cost?"

With regard to financial capacity, the scope of the project is fairly minimal, and so a deep dive on applicant's financials is not appropriate to review further.

The board felt that the situation being that the applicant may not stay at the site, the mitigation of liability is of increased importance and discussed a potential condition of approval that might incorporate the requirement that the foreclosure proceedings be ceased prior to construction or operation.

Chair Drummond made a motion to extend the review of the application.

Mr. Wood seconded, and the board voted unanimously in favor.

The board took a two-minute break

Item 4: **Site Plan Review – Tier 2 Application**
Applicant - Scott Gallant property - 17 School (U01-017)
Project - Applicant is proposing to develop a marijuana establishment.

The board discussed the outstanding application materials.

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It was noted that the water district letter says it understands that the water will be for domestic service and that no fire suppression system will be required.

The applicant stated that he will use water from the roof in the hydroponics. He stated that no sprinklers are proposed. Mr. Acker asked does the use of the water for a hydroponic system count as a commercial use?

The applicant stated that the public water can't be used for growing unless it's run through a reverse-osmosis system.

Chair Drummond noted there is more information provided on page two of the application about the business, and engineering drawings that show where the store will be located and where the growing portion will be located.

Mr. Wood was hoping the narrative would be able to tie in to the drawing to tell what is happening where.

Chair Drummond instructed the applicant to get copies of the large-scale plans that are in a form that are legible. It needs to come from the engineers. Scaling up doesn't work.

The applicant agreed to submit files similar to the top floor plan for the other engineered plans.

The board noted that the board is now proposing a residential top floor to replace the previous top floor plan for storage.

Chair Drummond asked to confirm that the plan is for a mixed-use commercial and residential facility. The applicant confirmed.

The board discussed whether there is enough information in the application for the public to consider for a public hearing. The board said a clear statement of what the proposal is and what things are proposed to be done there would be helpful.

Ms. Krueger stated that she was confused about where the water supply was coming from and didn't feel like for that particular standard she didn't have what she needed to evaluate it. Chair Drummond agreed that he couldn't evaluate the performance standards on water supply based on the information available, but felt like it made sense to move forward at this point and consider all the additional information required to review the performance standards at the same time.

The board further reviewed if it made sense to find the application complete. They discussed the difference between the clarity of what is proposed vs the lack of information related to performance standards.

Ms. Krueger feels that the application needs to say all of the things that the business will be in one place.

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Mr. Schlawin made a motion to find the application complete

Mr. Wood seconded and motion passed unanimously.

A public hearing and site walk need to be scheduled.

Staff and board will investigate the best option for facilities for the public hearing.

A public hearing was scheduled for September 23rd at 7:30PM

A site walk at 6PM on September 23rd. The applicant suggested that the attendees bring headlamps for lighting. He also stated he would provide for adequate lighting for folks to walk around.

Item 5: Site Plan Review – Tier 2 Application Amendment
Applicant - Five Buds Farm, LLC
Property – 112 Pond Rd, Bowdoinham, ME 04008
Project – Medical marijuana indoor cultivation facility within the Libby Business Park

The applicant introduced the project saying that the project is for a 500sf marijuana cultivation facility.

The board noted that the evidence of financial capacity should be submitted for the next meeting.

Security plan can be a condition of approval – that it meets the state license. The Code Enforcement Officer needs to have access.

Mr. Schlawin made a motion to find the application complete

Mr. Wood seconded and the motion passed unanimously.

Need to schedule a public hearing. 7:15PM.

ADJOURN MEETING

Motion was made, seconded, and it was unanimously

VOTED

To adjourn the meeting at 10:06 p.m.