

**TOWN OF BOWDOINHAM
PLANNING BOARD MEETING MINUTES
Town Office – Kendall Rm
September 23, 2021 – 7:00 P.M.**

APPROVED -October 28, 2021

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

MEMBERS ABSENT: William Shippen, Justin Schlawin

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.

DETERMINE QUORUM AND VOTING MEMBERS

It was determined that a quorum was present. Mr. Joyce, the Planning Board alternate member will be a voting member for any project other than the Gallant Project.

2. APPROVAL OF THE MINUTES OF THE August 26, 2021 MEETING

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

VOTED

To approve the minutes of the August 26, 2021 meeting, as amended.

Amendments: Remove one instance of “Reeve Wood” from the members present list. Amend on page 2 “Chairman Drummond allowed. Halfway up page 5.

Item 3: **Public Hearing Tier 2 Application Amendment**
7:15 PM Applicant - Five Buds Farm, LLC
 Property – 112 Pond Rd, Bowdoinham, ME 04008
 Project – Medical marijuana indoor cultivation facility within the Libby Business Park

Chairman Drummond called the hearing to order and reviewed public hearing purpose and procedure.

Taber Newton introduced the project. They are looking to operate a medical marijuana cultivation facility.

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Public testimony was submitted by AJ Booty at 88 Pond Road. Mr. Booty stated that the odors at the existing establishments at the Libby Business park are bad and is concerned what the policy is at the Town. He stated that the odor makes him and his daughter nauseous. He stated that it could be smelled from the road.

Julie Booty spoke, saying she's not opposed to medical marijuana, and asked about carbon filtration.

Mr. Newton spoke, stating that he would be required to have an odor mitigation plan. The mitigation plan needs to prevent it from being detected at the property boundary. The annual licensing will require it be in compliance.

Mr. Drummond stated that the Planning Board hears their concerns and will make sure the applicant is presenting a plan that will work and has the necessary component.

Mr. Booty asked how they could tell if it was this business or other business. He also expressed concerned that there was a dumpster fire at the site once that could happen again.

The Planning Board recommended the applicants involve the Code Enforcement Officer.

Ms. Booty asked how often they would be harvested. There was a brief discussion about odors.

Mr. Joyce asked how the waste would be handled. Mr. Newton responded that the waste would be sealed in contractor bags and placed in a locked dumpster.

The public hearing was called to a close.

Item 4: **Public Hearing – Tier 2 Application**
7:30 PM Applicant - Scott Gallant
 Property - 17 School (U01-017)
 Project - Applicant is proposing to develop a marijuana establishment.

Chairman Drummond called the hearing to order and reviewed public hearing purpose and procedure.

Mr. Drummond recapped the concerns of written comments they had received so far, including many concerns about traffic, parking, proximity to library and town office, buffering, the adequacy of the septic, ability to meet setbacks, ability to conform to easement terms, and the technical capacity of the applicant.

Sarah Stapler at 16 School St stated that she is concerned the building does not meet the 39.5' permitted height. She estimated the height of the building as up to 46 feet 9 inches and 47'.

Sarah stated her primary concern is actually the odor.

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Doug Tourtelotte (did not state residency) said he is not against marijuana. He said the sight distance requirement is 250' because the standard is 10' per mile an hour and the posted speed is 25mph. He said he is concerned with the driveway easement, which says it is exclusively for driveway purposes.

Richard Joyce spoke to the lot lines on either side. He stated that Mr. Gallant is trying to claim property that he doesn't own, that belongs to his brother Dan Joyce.

Wendy Rose of 14 Hillcrest Lane spoke on behalf of the Library Board and staff. Concerned that the building is unsightly, about odor, the use of the building – the library hosts homeschooling groups and tutoring groups, and concerned about the applicant's Financial Capacity

Kevin Twine at 38 Center Street.
Concerned about scenic and natural impacts
Historic and archeological resources impacts
He stated that we don't know what exterior materials will be on the building.

Dan Joyce spoke
He spoke about the impacts of drugs
His main concern is that he would like to have protection from the adjacent property. A line survey is needed between the Joyce-Gallant property.
He's concerned about the parking, traffic, policing - he stated it would be easy access to do a "hit up" on the building from 295.
Odors, parking, snow removal on the side of the site with his property.
Groundwater
Lighting & cameras
He's very concerned about privacy and the impacts on the local residents.

Jeremy Cluchey of Brickyard Way, spoke on behalf of the Select Board. He read a written statement neither for nor against. Concerns revolve around parking related to the access easement. He stated that the SB requests that there is a condition of approval there will be no parking in the easement area.
The proposed landscape buffer is on town property and should not be relied on.

Mr. Howard Soloman spoke (did not state residence). He is not opposed to marijuana. He doesn't object to the outward aesthetics of the building. His objections were about the location and scale. Traffic and parking, including impact on a septic tank. Public safety – does the fire dept have ability to fight the fire? Does the proposal explain how water will be used, stored, etc. Project completion – how long will it take to complete the project? The history of the applicant and the inability to finish the 2015 project that was permitted.

Daphne White lives at 39 Piper Lane
She previously submitted written comments and has questions related to the site walk.
She mentioned Mr. Gallant planned to pave the area between the stonewall and the building. Her concern is about the stormwater runoff.

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She stated that the landscape buffer is on town property and the property owner should have it on their own property.

She stated that standard code is that there should be a minimum of 8” between zip sheeting and the ground

She’s concerned about the storage of the water on the side of the building and making sure that the weight could be supported.

Calvin Temple lives on Spring Street

Concerned with the smell and the possible noise from exhaust fans

The street is narrow, and he is concerned about the traffic.

He’s wondering about the impact on property values.

He smells for skunk before he lets his dogs out. If he smells skunks all the time, how will he know it’s OK to let the dogs out?

Christopher Reed on Spring St.

Has been a firefighter for close to 30 years.

He’s concerned about the height of the building

Constricted traffic flow

Concerned by lack of sprinklers

To use the hydrants, they would have to set up a tanker shuttle.

No fire escape or egress noted from the top floor

A fire truck could not make it around the corner of Spring and School St. The average turning radius for a 110’ ladder truck is 30+ feet. Without a ladder truck, they would be required to use ground ladders, of 30-50’, which no town has.

Judy (Gray)

Read her letter previously submitted. “Call a halt to this unfortunate progression.”

Lee Parker’s letter was summarized by Chairman Drummond.

Jan DeBlieu’s letter was summarized by Chairman Drummond. Scale and Height. Concern that building is out of compliance. Project is inconsistent with the Town’s plans, including comprehensive plan. Concern for visual impact and whether the applicant has capacity to complete the project.

Scott Gallant (the Applicant) spoke. He said he has gone through all the processes with the town and said it is not out of anything that the town doesn’t allow. That’s all he had to say.

Chairman Drummond closed the public hearing at 8:38 and reopened the regular planning board meeting.

The Planning Board took a 5 minute break to reconvene at 8:43.

The board reconvened at 8:45PM.

The Board discussed the timeline and current conformance. If the building is non-conforming, It

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was stated by Planner Curtis that the building height and rear setback need to be verified from previous permits, in order for the building to be legally usable.

The Planning Board discussed the draft findings. Where there was a positive finding, nothing was noted. Additional discussion and notes were:

Side setback needs to be verified.

Chair Drummond stated that the line needs to be surveyed and that Mr. Gallant needs to provide a certification of the setback.

Allen Acker stated that a full survey of all the property boundaries would go a long way, given the concerns of the abutting landowners. Disputed boundaries typically require a survey. Typically, a site plan would include the boundaries and all setbacks.

Planner Curtis to look into the significance of the expiration of the 2015 permit.

Chair Drummond stated that they still need the building height.

Full survey, with property lines and setbacks, and building height – certified.

Adequacy of the road system – professional traffic impact study needs to be completed that includes sight distances, amount of traffic, turning radii, etc. Chair Drummond stated that the onus is on the applicant to provide a professional impact study proving that it can be utilized in a safe manner for the business.

Mr. Gallant said he talked to “Mark” at DOT who told Darren to allow the driveway.

Chair Drummond reiterated that they would need to see a traffic impact study.

Mr. Wood noted it should involve the traffic movements in the lower driveway, including accessing the dumpster.

The parking standards were reviewed. The narrative should include how snow will be managed on the downhill side.

How emergency vehicles will access the back of the site needs to be clearly documented.

In the southern lot, it’s not clear how the two vehicles will pull in and out of the parking spots.

It’s not clear that there’s enough space for snow removal and accessing the dumpster.

How traffic will move in the customer driveway needs to be fleshed out so that bottlenecks, parking in the driveway, and backing into the road will not be an issue.

The proposed access drive on the municipal property side does not appear to meet the 10’ buffer requirement and should be verified.

The Board discussed that a professional traffic impact study of the internal and external vehicular

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circulation.

Employee parking space dimensions need to be marked out on the site plan.

The Board discussed what would be needed on a new site plan using the new surveyed information.

The number of parking spaces included for employees is insufficient and the parking for the residence needs to be stated and shown on the plan.

Mr. Gallant stated in 2009 he was told he could use the town parking lot.

The Board gave the guidance that it could not be relied on in this instance. The applicant needs to have a more full description of the maximum number of employees working at any time and adequate parking.

The site plan should show how the pedestrian walkways will be demarcated on the ground.

The Board gave the applicant guidance on the type of information they will need on their site plan.

The municipal impact statement requirements were mentioned at the public hearing. It also requests that the applicant provide adequate information about roads, parking, landscaping and buffering.

Scenic impact – encroachment issues

Knowing what the building will look like will be important.

Chair Drummond noted that the existing incomplete building would have a difficult time meeting the minimization of encroachment.

Mr. Gallant stated that the footprint is exactly the same as when it was originally built.

Lighting type and specification needs to be included.

Details of proposed signs need to be submitted.

Archeological and historical – The Board discussed the review standard and that they need more detailed exterior design drawings including a clear depiction of where any solar panels will be located so that it will not cause encroachment issues.

Board discussed the difficulty of meeting the standard without a buffering option.

The town requests that the existing landscaping not be relied on for buffering purposes.

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The Board discussed buffering. Landscaping and buffering needs to be on the applicant's property. The applicant needs to provide a buffering solution whereby the driveway, parking, and main access to the business is screened to the north.

Dumpster needs to be screened. Remove composting area from the site plan if no longer proposed.

Applicant should verify what specific changes to utilities are proposed and what infrastructure will be visible.

Applicant needs to provide a plumbing plan schematic. Where one of the requests in the Municipal Impact Statement was to minimize conditions of approval, an addition to the plans needs to be details of the water system – such as where the water storage tanks will be located and where the water lines will be located, how water will move through and be disposed of.

There needs to be proof that the plan meets the Fire Marshals approval without sprinklers, or if it will require sprinklers, that needs to be incorporated into the water supply plan.

Sewage – need verification that the existing system is adequate and designed to meet the proposed uses, or a new septic needs to be designed that meets the requirement. The Board noted there is a different need for disposal of wastewater from reverse osmosis and other projects have provided permits that specifically state that they are adequate for that purpose.

Fire protection – there are numerous fire safety concerns. Chair Drummond stated that the onus is on Mr. Gallant to get determination from the Fire Marshal and Fire Chief and specifically, it needs to say that it does not require an internal sprinkler system and a statement from the local chief that they don't have concerns with their ability to access and fight a fire at the site.

Need clarification that Kathy is co-applicant or agrees to the proposal for title right and interest.

Clear verification within the site plan that all of the parking is outside that existing easement.

Mr. Gallant stated that they have been parking in it for 8 years.

Mr. Gallant stated that there was another letter stating that he and Kathy had the capacity. Drummond stated the board needed a clear statement of who the applicant(s) are and clear evidence of financial capacity. If there are other members of the LLC, their approval should be included.

Chair Drummond noted that the project is not insignificant and would require significant management.

Very well written development plan or arrangement with a general contractor with a history of business completing projects like this.

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Solid waste – applicant should provide more details and an updated solid waste management plan. Dumpster screening should be shown on the site plan.

Air quality – odor is a significant concern

Needs to be an actual detailed plan for stormwater management.

Noise – Mr. Acker made some suggestion of how it could be managed.

Buffering – needs to be pretty significant buffering proposed – “...if not now, then when?” To buffer the abutting residential use and public uses.

Allen stated that the state doesn’t recognize Sunday schools as schools.

The Board discussed the impacts of odor.

The purpose of buffering was discussed and Mr. Wood made the case that it was to help limit the general constant awareness that the business is there.

Chair Drummond stated that if it was a small discrete boutique type shop it would be far less concerning.

The Board agreed that even if it wasn’t a marijuana use, they would want to see some sort of buffering at the site.

Chair Drummond stated he would need to see some sort of buffering that screens the development from the adjacent properties.

The Board discussed if a Sunday School is a school and decided that during the time the setback from churches were discussed, Sunday Schools were considered and it was decided that that did not change the determination.

Mr. Wood accepted the findings as amended during the meeting.

Ms. Kreuger 2nd.

AIF.

Mr. Gallant gave his narrative of the zoning history of the site.

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The Board stated that there was a lot that would be needed to prove that the performance standards could be met. They are happy to give him time if he would like, and if he would like to come back they will vote on the approval criteria.

[Staff member Curtis left]

There was a discussion about the difference between a driveway permit and a traffic impact study.

Mr. Gallant said Planner Curtis hadn't sent him anything.

Chairman Drummond said he would help make sure the notes were available.

Mr. Wood noted that Mr. Gallant could refer to the draft findings document

Mr. Gallant clarified that it was "the one with all the red?"

Mr. Wood affirmed, and said that also in the minutes from the meeting there would be some changes to it, such as that the Board will be requiring a boundary survey for the setback, which may not be clear in the draft findings document.

It was decided that the meeting would be reconvened next Thursday, September 30th at 7PM where remaining agenda items could be considered.

The Board told him he could come back when he is ready and they would vote then.

ADJOURN MEETING

Motion was made, seconded, and it was unanimously

VOTED

To adjourn the meeting at 11:26 p.m.