

**TOWN OF BOWDOINHAM
PLANNING BOARD MEETING MINUTES
Town Office – Kendall Rm
November 18, 2021 – 7:00 P.M.**

APPROVED -December 16, 2021

MEMBERS PRESENT:

Justin Schlawin
Reeve Wood
Richard Joyce
Tracy Krueger (Vice Chair)
Allen Acker

MEMBERS ABSENT:

William Shippen
Nate Drummond (Chair)

STAFF PRESENT:

Jennifer Curtis, Town Planner and Economic Development
Coordinator

1. REGULAR MEETING CALL TO ORDER

Vice Chair Krueger 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 MINUTES FROM OCTOBER 28, 2021

The Board reviewed the minutes of the previous meetings

Mr. Schlawin made a motion to approve the minutes,

Mr. Wood 2nd, and

The Board voted unanimously to approve the minutes, with the following changes:

- Pg 3 second paragraph. Clarify that the 10' suggested buffer was along N, S, &W
- Richard Joyce's name removed from Members Absent list
- Schedule 3 is the LLC Agreement

4. Site Plan and Shoreland Zoning Review – Tier 2 Application

Applicant – Hatch Point Enterprises, LLC

Property – Map R12 Lot 015

Project – Develop a wedding and event venue, including a barn and dock

Mr. Carey stated that there is a discrepancy between the narrative and the plan – the plan shows a 9' access drive, and the narrative lists a 15' one. The plan is the proposed version.

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Mr. Schlawin asked the applicant to speak to the Municipal Services Impact Statement submitted by the Fire Chief. Mr. Carey explained how they were planning to create enough space for emergency vehicles to turn around on the accessway.

The applicant clarified that the location of the dumpster had been moved to the parking area, and it will be enclosed for buffering purposes.

Mr. Carey stated that the sign light will be on a timer and turned off once everyone leaves.

Ms. Krueger noted that the rain gardens would count as landscaping.

Mr. Wood made a motion that the Board found that the Hatch Point, LLC application meets the performance standards. Mr. Acker 2nd. All in favor.

Chairperson Krueger said that at this time the Approval Criteria would be addressed. She read each of the criteria. Mr. Schlawin made all motions (in bold print) and Mr. Wood seconded each one. Vote was called and the Board unanimously voted in favor of every motion, as follows:

Site Plan Review:

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

Finding: Access to the site will be directly off of River Road/State Route 24. There is adequate site-lines. The applicant submitted a Maine DOT Driveway Entrance Permit for the site dated October 6, 2021. There is adequate turnaround to allow vehicles to maneuver and park without backing onto the highway.

The closest unsignalized intersection is Hatch Point Ln, approximately 500' north. There are no signalized intersections within 150' of the site.

The proposed access drive is 260' north of an existing driveway, which is proposed to remain in its current state.

The proposed road will have 18' of travel way width and 2' shoulders, for a total width of 22', which matches the dimensions of the town standard for roads serving less than 10 dwelling units, which is consistent with the use at the site. The proposed road appears to follow natural contours and appears to avoid steep grade changes. The standard has been adequately met.

Conclusion: This 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.

Finding: The proposed road follows natural contours, which would minimize filling, grading, and excavation.

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There is adequate turnaround space at the base of the drive for emergency vehicles, including use of the access way to the accessory structure. The proposed parking area is sufficient to accommodate traffic turnaround and movement.

Conclusion: This standard has been adequately met.

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

Finding: The proposed site layout will provide for adequate space and visibility for pedestrians. The applicant states that the road system will allow for guest drop off at the front of the venue by utilizing a one-way system. The application also states that there will be 4-foot wide wood chip paths connecting the parking area with the venue, accessory structure, and the new cabin.

Conclusion: This 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.

Finding: Municipal Service impact concerns were solicited from department heads. One concern was noted by the Fire Chief about Internal Vehicle Circulation, that have been addressed.

Conclusion: This 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.

Finding: The applicant states that the proposed development will maintain a 25' vegetated wooded buffer on the North, West and South property lines. Clearing of vegetation in the Shoreland Zone will be done in accordance with the Shoreland Zoning standards.

Conclusion: This 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.

Finding: The application states that there will be lights on the front that are downward facing. Entrances will be illuminated with recessed lighting. Security lights will be located on the four corners, will be adjustable and shielded. The walkways and parking areas will use low-intensity solar lights.

Conclusion: This 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.

Finding: The proposed signage will be less than 15 square feet, will be at a right angle to the road, and will be secured using decorative wooden posts with natural wood stain. The sign will be illuminated with a shielded light fixture.

Conclusion: This standard shall be adequately met with adherence to the Conditions of Approval.

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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.

Finding: The proposed new barn structure is compatible with the neighborhood with regard to bulk, square footage, and dimensions. There will be no visual impact of the building from the public way, as noted in Scenic Impacts findings, as the building will be screened from view by vegetation.

The applicant is proposing a barn-type structure with a pitched roof, and multiple windows on the first and second floors. Siding will be wood. The color will be black. Because the building will not be visible from the road or abutting properties, it is exempt from the architectural design standard.

Conclusion: This standard has been met or is exempt due to screening.

- 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.

Finding: The parking will be lawn area underlain by permeable pavers, surrounded by existing natural vegetation. Additional landscaping will be used to define walkways and buffer storage areas. Plantings will be native species.

Conclusion: This 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.

Finding: The application states that they will maintain a 25' vegetated/wooded buffer on the north, west, and south property lines and the side facing the river will be maintained according to the requirements of the Shoreland Zoning ordinance.

Conclusion: This standard has been adequately met.

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

Finding: The site will be supplied with electricity and telecommunication service. The electricity will be aboveground to an area around the parking area, and then go underground. Junction boxes will be screened.

Conclusion: This standard has been adequately met.

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

Finding: The proposed development will rely on a drilled well water, due to the lack of access to public water.

Conclusion: This standard has been adequately met.

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

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Finding: The applicant submitted an Subsurface Wastewater Disposal System Application prepared by licensed Site Evaluator Mark J. Hampton, dated October 8, 2021. The system will have capacity to serve 250 seats, and one bedroom. It will have 3,000 gallon holding capacity and 1,430 gallons per day flow design. The proposed location of the septic is shown on the plan including leach fields and storage tanks.

Conclusion: This standard shall be adequately met with adherence to the Conditions of Approval.

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

Finding: The applicant is proposing to install sprinklers in the main venue building, and obtain permits from the Fire Marshall's office. The road will be adequately constructed to support fire trucks access and there will be adequate space to turnaround.

Conclusion: This standard has been adequately met with adherence to conditions of approval.

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.

Finding: Hatch Point Enterprises, LLC, the applicant, submitted a warranty deed for the property, listing them as the owner.

Conclusion: This standard has been adequately met.

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

Finding: The applicant submitted a letter from CPA Lawrence Robinson dated November 19, 2021 stating that Justin Fletcher has the financial capability and capacity to complete the barn project. The applicant also submitted Schedule A of the Hatch Point LLC registration documents, which indicate that Justin Fletcher has 50% membership interest.

Conclusion: This standard has been adequately met.

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

Finding: The applicant has hired professional site evaluators, surveyors, and design professionals and is demonstrating an understanding of and efforts to carry out the project in accordance with the ordinance and that the applicant does not have a prior history of violations of unfinished projects.

Conclusion: This standard has been adequately met.

16) Special Resources –

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

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Finding: The applicant is seeking a shoreland zoning approval for the placement of a temporary dock in the Resource Protection District and the cabin within the Limited Residential District. Approval of the Shoreland Zoning application shall be obtained before any work is done in the Shoreland Zone.

Conclusion: This standard has been adequately met with adherence to Conditions of Approval.

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

Finding: The only part of the development proposed to be in the floodplain is the temporary seasonal dock. A floodplain permit shall be obtained before the dock is placed in the water.

Conclusion: This standard shall be adequately met with adherence to the Conditions of Approval.

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

Finding: Wetlands and waterbodies were delineated by Mark Hampton of Hampton Associates. The road was located to minimize the impact on wetlands and water bodies. The applicant submitted proof of submission of a Maine DEP -NRPA Permit by Rule application, which shall be obtained before any work occurs within 75’ of a wetland.

Conclusion: This standard has been adequately met with adherence to Conditions of Approval.

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

Finding: A letter dated November 8, 2021 from Maine Historic Preservation Commission stating that they agree with the report submitted by Bertrand Pelletier, dated November 5, 2021, concluding that there were no archeological sites present, and that there will be no historic or archeological properties affected by the proposed dock and access road for the wedding venue project.

Conclusion: This 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.

Finding: The on-site subsurface wastewater disposal system is appropriately sized, and is not proximal to the public water supply system.

Conclusion: This standard has been adequately met.

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

Finding: The applicant has received comment from Maine Inland Fisheries and Wildlife, regarding significant wildlife habitats within the property and that the only wildlife habitat

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of note that intersects with the property is tidal waterfowl wading bird habitat which occurs exclusively within the river portions of this project. The recommendation based on the concern raised in the letter is that to the extent practical impacts be kept to a minimum. The only proposed project work in that area is the placement of a temporary dock, at the location of a previous dock.

Conclusion: This standard has been adequately met.

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

Finding: The applicant solicited comments from the Maine Natural Areas Program. A representative of the Maine Natural Areas Program stated that the northeastern portion of the property contained an area of freshwater tidal marsh on the tidal river and that subsequently the applicant is proposing a 250' natural buffer within the area identified by the Maine Natural Areas Program. The applicant has additionally not proposed to clear additional vegetation within streams and intends to use best management practices limiting sedimentation and erosion control.

Conclusion: This 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.

Finding: The landscape will be preserved in its natural state to the extent that it is practical.

Conclusion: This standard has been adequately met.

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

Finding: The plan includes a dumpster to be located on-site adjacent to the parking area. The application states that it will be screened with fencing and landscaping.

Conclusion: This 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.

Finding: The proposed project will not handle, store, or use materials identified as hazardous, special or radioactive.

Conclusion: This standard has been adequately met.

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

Finding: The proposed development will not result in any change to air quality.

Conclusion: This standard has been adequately met.

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

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Finding: The applicant is not proposing the use, storage, or discharge of any materials that will be odiferous, unsightly or harmful to humans, wildlife, or aquatic life, the septic system has been adequately sited and the applicant is not proposing to discharge any other water pollutants.

Conclusion: This 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.

Finding: The runoff from the proposed roadway will drain to adequately vegetated area. The parking area will be lawn and drain to adjacent vegetation and/or be underlain by permeable pavers. Stormwater falling on the structure roofs will be collected by perimeter drains that will gravity drain to nearby vegetated area for treatment.

There will be rain gardens around the barn and between the turnaround and accessory structure, and the area to the north of the barn will include infiltration stairs constructed with crushed stone encased by 6"x6" timber. The forested buffer around the buildings will be maintained by limiting the clearing around the buildings to 30'.

Conclusion: This 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.

Finding: The applicant is proposing a combination of sediment and erosion control measures including silt fencing, riprap, staked filter socks, and erosion control blankets to prevent erosion during construction and until the site is stabilized. Best management practices and measures will be taken.

Conclusion: This standard shall be adequately met with adherence to the Conditions of Approval.

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

Finding: The application states that the structure will be fully insulated and soundproofed and that noise will be kept to a minimum between 9PM and 6AM and keeping noise to a minimum to a practical extent.

Conclusion: This standard shall be 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.

Finding: The proposed project complies with the Town's Land Use Ordinance, and will require shoreland zoning approval, specifically.

Conclusion: This standard has been adequately met.

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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.

Finding: Proposed project is in compliance with intent and goals of the towns plans. The proposed project intends to preserve and draw on the rural character aspects of the town, building a commercial destination that will attract visitors and minimize impacts to the neighbors and natural resources.

Conclusion: This standard has been adequately met.

Based on the above findings and conclusions, we the Planning Board voted to approve your Site Plan Review application with following Conditions of Approval:

1. The applicant shall reimburse the Town for all noticing fees.
2. The development shall comply with the Sedimentation & Erosion Control Performance Standard of the Town's Land Use Ordinance.
3. DEP-NRPA approval shall be granted before any work may be done within 75’ of a wetland.
4. The applicant shall obtain a floodplain permit prior to engaging in any development in the special flood hazard area.
5. The applicant shall obtain a shoreland zoning approval before performing any work in the shoreland zone.
6. The applicant shall obtain approval from the State Fire Marshall prior to occupancy.

Mr. Schlawin seconded. The Board voted unanimously in favor.

Shoreland Zoning Approval Criteria:

Zone: Resource Protection District – Docks are allowed with a permit from the Code Enforcement Officer. Because the Planning Board is reviewing the Site Plan that includes the dock, they should review the shoreland zoning criteria as well.

Cabin will be located within the Limited Residential Zone.

- 1) Will maintain safe and healthful conditions.

Finding – The proposed activity is removal and revegetation of an existing camp, and placement of a temporary dock.

Conclusion - The standards for this section have been adequately met.

- 2) Will not result in water pollution.

Finding – The plan follows all sedimentation and erosion control performance standards in the Town Site Plan ordinance.

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Conclusion - The standards for this section have been adequately met.

- 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.

Finding – The proposed activity is removal and revegetation of an existing camp, and placement of a temporary dock.

Conclusion - The standards for this section have been adequately met.

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

Finding – The proposed activity is removal and revegetation of an existing camp, and placement of a temporary dock in the Resource Protection Sone and construction of a new accessory structure within the Limited Residential Zone, and no activities will occur in the recommended setback for the tidal marsh.

Conclusion - This standard shall be adequately met with adherence to the Conditions of Approval

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

Finding – The proposed activity is removal and revegetation of an existing camp, and placement of a temporary dock and construction of a new accessory structure within the Limited Residential District of the Shoreland Zone, and no activities will occur within the 250' of the mapped freshwater tidal marsh.

Conclusion - The standards for this section have been adequately met.

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

Finding – No wastewater disposal is proposed in the shoreland zone.

Conclusion - The standards for this section have been adequately met.

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

Finding – The applicant has requested a letter from MDIFW which provided guidance to minimize impacts to Tidal Waterfowl and Wading Bird habitat that borders the riverine section of the property, and the applicant has minimized impacts to this area.

Conclusion - The standards for this section have been adequately met.

- 8) Will conserve natural, native vegetation along the shoreline.

Finding – The proposed revegetation will increase the vegetation along the shoreline.

Conclusion - The standards for this section have been adequately met.

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- 9) Will conserve visual corridors.

Finding - The proposed visible activity is removal and revegetation of an existing camp, and placement of a temporary dock. It is expected to have a minimal or net positive impact on the visual corridor from the Kennebec River.

Conclusion - The standards for this section have been adequately met.

- 10) Will conserve access to inland and coastal waters.

Finding – The project is not proposing any change in access to inland and coastal waters.

Conclusion - The standards for this section have been adequately met.

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

Finding – The applicant has received signoff from the Maine Historic Preservation Commission (see findings of fact under Archeological and Historic above, in Site Plan review)

Conclusion - The standards for this section have been adequately met.

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

Finding – The proposed activity is not in a commercial fisheries or maritime district

Conclusion - The standards for this section have been adequately met.

- 13) Will be in compliance with the Town’s Floodplain Management provisions.

Finding - The applicant must obtain a floodplain permit from the town Code Enforcement Officer, as required for any construction within the floodplain zone

Conclusion - The standards for this section will be met with conformance to the conditions of approval,

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

Finding - The applicant will conform with the provisions of Article 7, Section D. Performance Standards, including timber harvesting provisions.

Conclusion - The standards for this section have been adequately met, with adherence to Conditions of Approval.

Chair Krueger stated that based on the above findings and conclusions, we the Planning Board vote to approve your Shoreland Zoning application with following Conditions of Approval:

1. The development shall comply with the Sedimentation & Erosion Control Performance Standard of the Town's Land Use Ordinance.
2. The applicant shall comply with town performance standards for docks, including that the applicant must minimize the use of wood preservatives, stains and paints on said structure.
3. The applicant shall obtain a floodplain permit prior to engaging in any development

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in the special flood hazard area.

Mr. Schlawin seconded, and the Board voted unanimously in favor.

Mr. Joyce left the meeting.

Subdivision Amendment Review– Minor Application

Applicant – Southworth Investments, LLC

Property – Map R06, Lot 40B

Project – 3 lot subdivision of an 8.2 acre parcel at 241 Carding Machine Road.

The applicant’s agent, Steve Roberge introduced the project.

Mr. Roberge described the specifics of the common open space calculations, and the proposed road. A fire hydrant is located adjacent to the proposed hammerhead.

Mr. Roberge said he had looked into the habitat areas designated nearby, and none of them are overlapping with the proposed project. He said it would be submitted with the next application. He has requested a letter from the Maine Historic Preservation Commission.

Mr. Moll intends to self-finance the project and will get a letter from the bank for the next meeting.

The Board discussed the request for a waiver from the high intensity soil survey submission requirement.

Chair Person made a motion to waive the requirement for a high intensity soil survey.

Mr. Acker seconded

AIF

The Board decided that contact with the natural resource agencies would not be required in this case as the applicant had shown that there was no identified habitats in the proximity of the site.

The applicant said that a test pit had been recently dug and would be added to the site. The existing house septic will also be added to the plan.

The applicant stated that the setbacks were meant to act as the building envelope.

The applicant stated that homeowners association documents would be included with the next submission.

Given the amount of stormwater planning that has already been done, the Board felt comfortable not requiring additional stormwater planning.

Chair Krueger made a motion to grant a waiver from the stormwater management plan submission requirement.

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The Board decided to hold a public hearing, but to wait until after the application is complete.

Item 5 Discuss Comprehensive Planning Committee recommended revisions to Land Use Ordinance

Emissary of the Comprehensive Planning Committee presented the latest recommendations from the Committee.

There was discussion of

The Comprehensive Planning Committee recommends to the Planning Board to prohibit airports in Village District 1. Excepting seaplanes and emergency use.

The Comprehensive Planning Committee recommends to the Planning Board to prohibit pulp mills in the Residential/Agricultural District and Village District 1.

The Comprehensive Planning Committee recommends to the Planning Board to include particular water critical businesses under the wellhead protection zone for public drinking water wells per Maine Title 38 Chapter 13-D, §1392 and §1393.

Mr. Wood wanted to find a way to talk about wellhead protection without specifically referring to the State Statute.

The Board decided to wait until the next meeting.

The Board wanted to hold public hearings on proposed ordinance amendments in February and would like all recommendations from the Comprehensive Planning Committee for changes to go to the Annual Town Meeting in 2022, as soon as possible.

Mr. Schlawin said he would like to propose changes to the language regarding resources identified by the Maine Natural Areas Program.

ADJOURN MEETING

Motion was made, seconded, and it was unanimously

VOTED

To adjourn the meeting at 10:17 p.m.