

TOWN OF BOWDOINHAM  
PLANNING BOARD MINUTES  
JOHN C. COOMBS MUNICIPAL BUILDING  
December 18, 2019 – 7:00 P.M.

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MEMBERS PRESENT: Mark Favreau  
Justin Schlawin  
William Shippen  
Reeve Wood

MEMBERS ABSENT: Nate Drummond, Alyson Dame and Tracy Krueger

STAFF PRESENT: Nicole Briand, Director of Planning and Development

A regular meeting of the Bowdoinham, Maine Planning Board was held at the John C. Coombs Municipal Building, 13 School Street, Bowdoinham, Maine in the Kendall Room on Wednesday, December 18, 2019.

**1. CALL TO ORDER**

Acting Chairman Mark Favreau 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. SITE PLAN REVIEW**

**TIER 2 APPLICATION – RX CONSULTING, LLC PROPERTY, 9 MAIN STREET IS PROPOSING TO ADD THE PROCESSING OF MEDICAL AND RETAIL MARIJUANA TO THEIR BUSINESS, TAX MAP U01, LOT 059**

The Public Hearing was declared open.

Applicant Scott Ouellette spoke to his application saying he has a solid plan to get into the rest of the marijuana market to add marijuana cultivation and marijuana processing to his existing hemp processing business. He is also looking to expand the current extraction process. The biomass will be taken completely off site and composted at Mr. Ouellette's residence. He said the business will not increase any traffic. He has a licensed kitchen in place. The applicant's girlfriend and her father were also present at the meeting and Mr. Ouellette said they will be sub leasing grow space on the left side of the building.

Mr. Favreau asked if anyone in the audience wished to comment. With no one wishing to comment, the Public Hearing was declared closed. The Board found the application to be complete.

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The Board reviewed Performance Standards, beginning on page 201 of the ordinance, finding all criteria to be met. Regarding hours of operation, the applicant said he would not be working beyond 9:00 p.m. and generally would be operating from 9:00 a.m. to 5:00 p.m. It was noted that the Use Specific Standards on page 216 of the ordinance were all met.

Regarding the Conditions of Approval, it was agreed that item 8 should be removed with a new number 8 added “8. Add marijuana and marijuana products shall be stored in a secured facility.” And “9. State and local permits and licenses will be required for the proposed use shall be obtained and in good standing.”

The Board discussed the Performance Standards and made the following Findings and Conclusions:

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. Wood, seconded by Mr. Schlawin, and it was unanimously

**VOTED**

That the Board finds that vehicular access is existing and no concerns have been raised from the Public Works Director or Road Commissioner as no changes are proposed so 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.

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

**VOTED**

That the Board finds the Internal Vehicular Circulation standard has been met because the development is existing and no concerns have been raised.

3. Pedestrian Circulation – The proposed site layout will provide for safe pedestrian circulation both onsite and offsite.

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

**VOTED**

That the Board finds that the Pedestrian Circulation standard has been met as the development is existing and no concerns have been raised.

4. Municipal Services – The development will not have an unreasonable adverse impact on municipal services, including municipal road systems, fire department, solid waste

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program, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

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

**VOTED**

This standard has been met as all municipal departments and officers have been notified of the project and no municipal concerns have been expressed.

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. Wood, seconded by Mr. Schlawin, and it was unanimously

**VOTED**

That this standard has been met because this is an existing development and there is no new proposed development.

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. Wood, seconded by Mr. Schlawin, and it was unanimously

**VOTED**

That this standard has been met because the existing lighting meets the performance standard and no new lighting is proposed.

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. Wood, seconded by Mr. Schlawin, and it was unanimously

**VOTED**

That this standard has been met because any proposed signage shall meet the performance standard and no signage has been proposed.

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. Wood, seconded by Mr. Schlawin, and it was unanimously

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**VOTED**

That this standard has been met because the development is located in an existing building.

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. Wood, seconded by Mr. Schlawin, and it was unanimously

**VOTED**

That this standard has been met because this is an existing development and there is no additional development.

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

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

**VOTED**

That the buffering standard has been met because this is an existing development and there is no new proposed development.

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

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

**VOTED**

That the utilities standard has been met because as there is no change in the existing development proposed for this use.

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

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

**VOTED**

That the water supply standard has been met because as the current development is serviced by the Bowdoinham Water District and the Water District has had no issues with additional service to this property, as stated in letter from the Water District dated October 29, 2019.

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

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

**VOTED**

That this standard has been met because the property contains an existing subsurface wastewater disposal system that has a capacity of 750 gallons per day. The additional use will create an addition four employees or an additional 60 gallons per day pursuant to the State of Maine Subsurface Wastewater Rules. The system has adequate capacity to handle the new development.

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

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

**VOTED**

That this standard has been met because the existing development contains a sprinkler system and the Fire Chief has expressed no concerns.

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.

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

**VOTED**

That the Right, Title and Interest in the Property Capacity Standard has been met because the applicant is leasing the property and has provided a copy of the lease to the Planning Office.

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

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

**VOTED**

That the Financial Capacity standard has been met because the applicant has provided a letter from their bank, cPort Credit Union dated October 25, 2019 stating so.

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

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

**VOTED**

That the technical ability standard has been met because the proposed activity is within an existing development and the applicant has provided a reference from Dr. Dustin Sulak, Medical Director of Integr8 Health.

16. Special Resources

- a. Shoreland - The proposed development will be in compliance with the Town's Shoreland Zoning Ordinance.
- b. Floodplain – The proposed development will be in compliance with the Town's Floodplain Management Ordinance.
- c. Wetlands and Waterbodies – The proposed development will not have an adverse impact on wetlands and/or waterbodies, to the extent that is practicable.
- d. Historic and Archaeological – The proposed development will not have an adverse effect on historic and/or archaeological sites.
- 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.
- f. Wildlife Habitat - The proposed development will not have an undue adverse effect on wildlife habitat.
- g. Natural Areas – The proposed development will not have an undue adverse effect on rare and irreplaceable natural areas.

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

**VOTED**

That the standards have been adequately met on items a, b, c, d, e and f as follows:

Shoreland: *The property is located within the General Development Shoreland Zone. It is an existing development and there is no new proposed development.*

Floodplain: *This is an existing development and there is no new proposed development.*

Wetlands & Waterbodies: *This is an existing development and there is no new proposed development.*

Historic and Archaeological: *This is an existing development and there is no new proposed development.*

Groundwater: *This is an existing development and there is no new proposed development.*

Wildlife Habitat: *This is an existing development and there is no new proposed development.*

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Natural Areas:            *This is an existing development and there is no new proposed development.*

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.
- a. Solid Waste Management – The proposed development will provide for adequate disposal of solid wastes.
  - b. 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.
  - c. Air Quality – The proposed development will not result in undue air pollution or odors.
  - d. Water Quality – The proposed development will not result in water pollution.
  - 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.
  - f. Sedimentation and Erosion Control – The proposed development will take adequate measures to prevent soil erosion and the sedimentation of water sources and waterbodies.

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

**VOTED**

That the standards have been adequately met on items a, b, c, d, e and f as follows:

Solid Waste Management:    *Solid waste shall be the responsibility of the tenant and, as a Condition of Approval, the applicant is planning to continue removing waste for disposal at their farm at 255 Chopps Cross Road, Woolwich, Maine 04579*

Hazardous, Special &  
Radioactive Materials:    *The applicant will store and dispose of all ethanol as required by State and Federal requirements.*

Air Quality:                    *The applicant has submitted an Odor Management Plan and shall keep the plan up to date to ensure there is no odor outside of their premises.*

Water Quality:                *The proposed activity shall not result in water pollution.*

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Stormwater: *This is an existing development and there is no new proposed development.*

Sedimentation & Erosion Control: *This is an existing development and there is no new proposed development.*

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

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

**VOTED**

That the noise standard has been adequately met because the applicant does not foresee any noise coming from the proposed activity.

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.

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

**VOTED**

That the Compliance with Ordinances standard has been met because the proposed use is in compliance.

20. Town Plans and 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. Wood, seconded by Mr. Schlawin, and it was unanimously

**VOTED**

That the Town Plans and Vision Statements standard has been adequately met because the development is existing.

The Board was in agreement that, based on the above findings and conclusions, the Conditions of Approval shall be as follows:

1. The applicant shall reimburse the Town for noticing costs.
2. Signage on-site shall meet the Performance Standard.
3. The applicant’s disposal of solid waste shall meet the Performance Standard.
4. The applicant shall handle, store and use all materials identified as hazardous or special in accordance with the Performance Standards.

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5. In the event there is an issue with odor, the applicant must mitigate the odor and submit an updated Odor Management Plan.
6. Applicant and proposed activity shall meet the Noise Performance Standard.
7. The proposed activity must comply with all applicable Shoreland Zoning Standards.
8. All marijuana and marijuana products shall be stored in a secured facility.
9. All State and local permits and licenses will be required for the proposed use shall be obtained and in good standing.

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

**VOTED**

To approve the RX Consulting, LLC application with the above 9 Conditions of Approval previously discussed.

**4. SHORELAND ZONING AND SITE PLAN REVIEW**

**TIER 2 APPLICATION – ATDT, LLC PROPERTY, RIVER ROAD IS PROPOSING TO CREATE A GENERAL STORE, TAX MAP U03, LOT 026**

No action was taken on this item.

**5. OTHER BUSINESS  
DISCUSS ANNUAL REVIEW OF THE LAND USE ORDINANCE**

No action was taken on this item.

**6. CONSIDERATION OF MEETING MINUTES**

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

**VOTED**

To approve the minutes of the November 21, 2019 meeting as submitted.

It was noted that the next Planning Board meeting will be held on January 23, 2019.

**7. ADJOURNMENT – The meeting was adjourned at 7:50 p.m.**

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_____	_____
_____	_____
_____	_____