

TOWN OF BOWDOINHAM
PLANNING BOARD MINUTES
VIRTUAL MEETING VIA ZOOM MEDIA
April 23, 2020 – 7:00 P.M.

MEMBERS PRESENT: Nate Drumond
 Alyson Dame
 Mark Favreau
 Tracy Krueger
 Justin Schlawin
 Reeve Wood

MEMBERS ABSENT: William Shippen

STAFF PRESENT: Nicole Briand, Director of Planning and Development
 Towns Marijuana Attorney was also present

On Thursday, April 23, 2020, a meeting of the Bowdoinham, Maine Planning Board was held via Zoom media with everyone participating from their residences due to the Covid-19 pandemic.

1. 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. CONSIDERATION OF MEETING MINUTES FROM FEBRUARY 27, 2020

Motion was made by Tracy Krueger, seconded by Mark Favreau to accept the meeting minutes of the February 27, 2020 meeting as written.

Chairman Drummond called for an “Aye Vote” from those in favor of the motion, or a “Nay Vote” from those opposed. 100% of those voting voted “Aye” and there were no “Nay” votes, **so the motion passed unanimously.**

4. PUBLIC HEARING – PROPOSED LAND USE ORDINANCE AMENDMENTS

Planner Briand explained that people from the public will be allowed to comment on the proposed changes to the Land Use Ordinance Proposed Amendments during the Public Hearing portion of the meeting by raising their hand, being acknowledged and giving their name and address. The changes are being proposed to coincide with definition changes received from the State.

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A document, “The Land Use Ordinance Proposed Amendments,” which were approved on March 3, 2020 on Marijuana and Select Board Licensing was reviewed. Note was included explaining that the proposed additions to the existing Code section are underlined; and the proposed deletions of the existing Code sections are ~~crossed-out~~. It was noted that other sections of the Ordinance are unchanged.

Proposed changes included:

- Article 2: Definitions;
- Table 5.1 – Land Uses Permitted in Zoning Districts;
- Article 10: Site Plan Review;
- B) Site Plan Application Review Procedures,
- 2) Classification of Projects; b), c) and d)
- E Use-Specific Performance Standards; 21 a) thru f)
- Article 11: Administration, Enforcement and Penalties
- A) Administering Agencies 7) Select Board
- C) Permit Application Review Procedure 6) a and b
- D) Permit Application Submission Requirements 1) and 2)

Mr. Wood had a question on Article 11: Administration, Enforcement, and Penalties A) Administering Agencies, 7) Select Board – *“The Select Board shall be responsible for reviewing and acting upon marijuana and State required licenses as set forth in this Ordinance. The purpose of the license is to ensure that the applicant is operating within the Planning Board approval and meeting the applicable performance standards within the Land Use Ordinance.”*

He said it reads confusing to him, that is implies the Select Board is being the body that administers licenses required under State of Maine law. He said he thinks the State required licenses language is kind of a hold over on automobile grave yard and junk yard statutes that require a municipal permit and we have added marijuana, but because we have State licensing required for marijuana and a municipal license, it could be confusing to someone reading. He said it might be easier to say something along the lines of: *“Shall be responsible for reviewing and acting upon municipal licenses as set forth in this ordinance.”*

The Planner suggested crossing out *“marijuana and State required.”* And no objections were expressed.

With no further comments from Board members, at 7:15 p.m. Chairman Drummond closed the regular meeting and declared the Public Hearing open. He reviewed the procedure for members of the public to use who wished to comment... *“raise your hand.*

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You will be unmuted one at a time. Introduce yourself and give your address and state your comment.”

Chairman Drummond recognized **Martha Cushing** – Ms. Cushing said she “*really appreciates that the Board is doing the meetings on Zoom. She added, where this is a public comment meeting, I am able to watch and understand what is going on. There is maybe only one other person on here from the public where this is a public forum. I question the legality of what we are doing where this is supposed to be a public meeting and open to the public. Obviously, our public in Bowdoinham, and even what’s going on with the expansion of, hopefully, our new communication with our access to the internet in process is that we don’t have the opportunity to give our residents the opportunity to participate in the public forum and I don’t have an issue with what is happening right now with what you guys are working on. I appreciate the time and the work that you are putting into it and I just wanted to say that our public is not able to participate. No fault of yours or mine. Just a comment. And thanks.*”

Chairman Drummond said he understands the concerns. He added that the Board takes written comments and reads them into the record. He asked if there were others from the public wishing to comment on the proposed ordinance amendments regarding marijuana and recognized **Robert Small** – Mr. Small said he didn’t have any comments to add.

With no one requesting to comment, Chairman Drummond said he would keep the Public Hearing open until 7:30 to be sure everyone had an opportunity to raise their hand. **Chas Gil, East Bowdoinham** was recognized and asked how the permitting fees were determined. He said they seemed high. Planner Briand responded and said those fees are the same the Planning Board uses for site plan applications.

With no one else wishing to comment, the Public Hearing was declared closed and the regular Planning Board reopened. The Planner reviewed the other changes in definitions which were included in the Board package. She noted that the marijuana attorney was present if there were any questions. There were no comments **and motion To approve the amendments to the Land Use Ordinance regarding marijuana as provided in the Board packet, as well as the suggestion made by Mr. Wood in Article 11,** was made by Mr. Schlawin, seconded by Mr. Favreau, and it was **unanimously voted** with “Ayes”, there were no “Nays”

At this point in the meeting, Board member Schlawin asked that the agenda for this meeting and the next meeting of the Board be reviewed. He said he noted several people still on the call who may be interested in the agenda for the next meeting. Response was that tonight’s agenda included the public hearing on proposed ordinance amendments and review of the Shoreland Zoning and Site Plan Review, Tier 1 Application for the Town of Bowdoinham for redevelopment of the former public works property along the Cathance River

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At the next meeting (April 30, 2020 at 7:00 p.m.) the Board will review the Gaudette Proposal and Touterlotte Proposal.

5. **SHORELAND ZONING AND SITE PLAN REVIEW – TIER 1 APPLICATION TOWN OF BOWDOINHAM IS PROPOSING TO RE-DEVELOP THE OLD PUBLIC WORKS FACILITY TO A PUBLIC PARK. THIS PHASE OF THE PROJECT INCLUDES THE DEVELOPMENT OF A NON-MOTORIZED BOAT LANCH, SHORELINE STABILIZATION AND ASSOCIATED SITE AMENITIES ALONG WITH THE DEVELOPMENT OF THE TRAIL SYSTEM**

Planner Briand said Engineer, Travis Pryor from Baker Design Consultants, who did the design for the shoreline stabilization was present at the meeting to answer any questions. Work on the project was also done by Richardson and Associates for the non-motorized boat launch. They also did the last phase which was the overall Master Site Plan.

Ms. Briand said the Town is working to redevelop the former Public Works Property along the Cathance River. The redevelopment of the property will happen in phases. The first phase and this application is for:

- change of use of the property;
- development of a non-motorized boat launch and associated facilities (parking, boat racks, etc.);
- development of a living shoreline; and
- the development of the trail system.

Future phases will include the overall design of the property, permitting for new development and phased construction.

Included in the Board packet for review prior to the meeting was a copy of the Overall Concept Plan from Baker Design Consultants showing

- the picnic area;
- improved planting;
- trail improvements;
- location of a new pavilion hand carry boat launch/access and storage area;
- shore/park access road;
- parking and ADA access;
- a nature play area; a boardwalk;
- observation deck;
- the vehicular gate;
- trailhead/kiosk; and
- parking.

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Also included in the Board package for review were 8 double-sided pages of drawings titled: “Town of Bowdoinham Waterfront Plan – Phase I.”

Mr. Pryor reiterated that the project will be reviewed in three different phases. All submission requirements for Tier I projects were reviewed and the Board was in agreement that all requirements of this stage were met. There was an easement right of way for the railway which the DOT has deeded to the Town. Mr. Pryor said there could be a written statement about access to the property in general and the Planner agreed to check the files to determine if such a statement exists. It was noted there is a Trail Plan to work on during the summer months which clearly shows where the trail goes. The Master Plan is included on the Town’s website if citizens would like to review.

Mr. Schlawin inquired about the landscaping plantings to be used as part of the stabilization. He questioned if some of the species listed were appropriate for the State of Maine and said he would discuss his concerns with Mr. Pryor.

Mr. Favreau asked how much of the cement pads will remain on site. Mr. Pryor said the foundation under the old building is still in place but all of the other pads will be removed. The smaller pads on the smaller buildings have not been removed and are not part of the contract. Mr. Pryor said the inspection for any chemical residue has been completed and there are no chemicals present in the ground on the site.

The Shoreland Zoning Application Checklist was reviewed and all requirements have been, or will be met. There is one vernal pool on the site, but it is greater than 350 feet away from the area being developed. There is a separate Wetlands Report on file if anyone would like to review it. Tourtelotte Excavation has a contract to clean up the scrap metal. They have removed the buildings in the past two months. The Planner will get a copy of the old boundary survey. It was noted that the leach field is on the side toward the Public Works building; the septic tank is being removed. No new utilities will be needed and the power lines that served the P/W building are being removed.

Motion was made by Reeve Wood, seconded by Tracy Krueger, **To find the Town of Bowdoinham Shoreland Application complete.** Voice vote was called and the “Ayes” were unanimous in favor. There were no “Nays

Motion was made by Tracy Krueger, seconded by Mark Favreau, **to find the application complete.** Voice vote was called and the “Ayes” were unanimous in favor. There were no “Nays.”

The Tier I Site Plan Review Application Submission Requirements were reviewed and found to be in order.

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Because of several items to consider, the Planner asked what the Board’s thoughts were regarding having one long meeting next month or two shorter meetings? It was decided to make the decision and announce it (1 or 2 meetings in May) in May.

- 6. **OTHER BUSINESS** – None noted.
- 7. **ADJOURNMENT** – The meeting was adjourned at 8:25 p.m.

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