

TOWN OF BOWDOINHAM
PLANNING BOARD MINUTES
VIRTUAL MEETING VIA ZOOM MEDIA
May 28, 2020 – 7:00 P.M.

APPROVED 6/25/20

MEMBERS PRESENT: Nate Drummond
 Alyson Dame
 Mark Favreau
 Tracy Krueger
 Justin Schlawin
 Reeve Wood (joined the meeting in progress)

MEMBERS ABSENT: William Shippen

STAFF PRESENT: Nicole Briand, Director of Planning and Development

On Thursday, May 28, 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 7:04 p.m.

2. DETERMINE QUORUM AND VOTING MEMBERS

It was determined that a quorum was present.

3. APPROVAL OF THE MINUTES FROM THE APRIL 30, 2020 AND MAY 8, 2020 MEETINGS

April 30, 2020 Minutes – Motion was made by Mr. Favreau, seconded by Mr. Schlawin to approve the minutes of the April 30, 2020 minutes as corrected. (Corrections included: Pg. 6, 3rd par., change “Gary Favreau” to “Mark Favreau.” Pg. 4, par. 5, eliminate complete paragraph and replace with “Was wondering if the members of the public were more concerned of having a business on the road, or specifically a business with marijuana products.” Pg. 7, par. 6, eliminate complete paragraph and substitute with: “Concerning right, title and interest, the Board made it clear that a notarized writing from Robert Gaudette, Sr. would be required to demonstrate that he has given the applicant the right to undertake the proposed improvements. The Board also noted that if the Court found out the proposed improvements obstructed abutters use of the deeded right of way, the applicants will be required to relocate their improvements; they would likely need to go through the site review process again.”)

A vote of “Aye” if in favor, or “Nay” if opposed, was called and the motion passed with a unanimous vote of “Ayes.”

May 8, 2020 Minutes - – Motion was made by Mr. Favreau, seconded by Mr. Schlawin to approve the minutes of the May 8, 2020 minutes as corrected. (Correction was on Pg. 2, change “disciples” to “decibles.”)

A vote of “Aye” if in favor, or “Nay” if opposed, was called and the motion passed with a unanimous vote of “Ayes.”

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The regular Planning Board meeting was closed and the Public Hearing was declared open.

4. **APPLICANT, TOWN OF BOWDOINHAM, 8 RIVER ROAD, MAP U01, LOT 001 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 LAUNCH, SHORELINE STABILIZATION AND ASSOCIATED SITE AMENITIES ALONG WITH THE DEVELOPMENT OF THE TRAIL SYSTEM**

PUBLIC HEARING

Travis Pryer, from Baker Consultants, was present at the meeting and represented the applicant.

Mr. Pryer presented a quick synopsis of the first phase plan. He said this project is the first phase of implementation improvements at the water front. A Master Plan was done a couple years ago by Richardson Associates. Baker Consultants has assisted the Town in acquiring grants for the project. The first phase includes a hand-carry boat launch where the Public Works Garage used to be. No motorized boats will be allowed. Shoreline stabilization is also included. There will be a 25-foot wide vegetative buffer with a walking path.

Chairman Drummond asked if there were any questions, comments or concerns from members of the public. Those responding included:

John Sullivan – Mr. Sullivan said he holds a vested interest as he can see the project from his window. He asked if there would be any lighting, how will parking spaces be handled and what are the hours of operation. Mr. Pryer responded that there is no parking planned in the first phase as far as master planning. The Master Plan shows parking along the tracks but for now the gravel access drive will be used to get to the boat launch with informal parking. The Master Plan has not gotten into any details for lighting, but will be discussed later. The Town still has not determined the operation times. The Planner responded that she believes the hours of operation will be the same as Maily Park, sunrise to sunset.

Harvey Rice – Said he had a lot to do with the Maily Park development, was chairman on the waterfront committee. Went through the Department of Conservation. They will furnish the ramp, docks, etc. and you just need to get in touch with them. They are right across the road from Peacock Beach. Said he didn't understand why we were building our own when we could have gotten one for nothing through the Department of Conservation. Mr. Pryer responded that his firm looked into their plans. He said you're right, they did support Maily Park. The Town applied for those funds to what is now the Department of Agriculture, Conservation and Forestry, what they have folded into. We did the design around their precast concrete planks.

John Sullivan – Mr. Sullivan asked if there was a start date for shoreline stabilization and then the hand-carry boat launch. Response was that the Town will go after boat launching

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funds. The permit is in hand through the State but grants can't be applied for at this time due to the Covid-19 pandemic. There is no construction window at this time.

With no further comments to be heard, the Public Hearing was declared closed and the regular Planning Board meeting was reopened.

The Board went through the General Performance Standards. No concerns were noted. It was agreed to look for approval at the next meeting of the Board. (Mr. Wood joined the meeting at this point.)

5. SITE PLAN REVIEW – TIER 2 APPLICATION – APPLICANT ROBERT AND KATE GAUDETTE, 50 BIRCHWOOD LANE, MAP R02, LOT 052 IS PROPOSING A FARM STORE THAT WOULD INCLUDE MEDICAL MARIJUANA, HEMP AND HERBAL APOTHECARY PRODUCTS

Chairman Drummond said the applicant has made a number of changes since the last meeting before the Board. A number of emails are on file from abutters. They were sent out from the Planning Office to the Board members for review, but several of the recipients could not open the mail due to technical difficulties.

Chairman Drummond asked the applicants to review changes to their project. There was a transmission problem with the applicants Zoom audio; they could be seen but not heard. They called in and everyone could hear them. Kate Gaudette said their proposed changes include widening the road to a 22-foot minimum, including two new replacement culverts. The building has been relocated to be within the right-of-way setback. Regarding the buffering requirement, Robert Gaudette said they feel a fence is a better solution but are open to talk to the Town to see what could be done. A Road Plan was submitted showing the width of the road. Also, a new sketch of the building in its new location was submitted with the proposed fence buffer and parking spaces.

A one-way circulation passed the farm stand is now being proposed along with the sign location. Photographs were included with the new submission of a fence. The applicant said the fence will be a round log cedar fence, 10' spacing with rough cuts 1x4; just a solid fence to block light. The fence will be placed behind the trees. If the fence is finished, it will be a stain of natural color. Applicant said he is considering placing some ivy along the front of the fence, but were waiting to talk to the Board to see if they had any recommendations.

When asked for comments from the Board regarding the fence, Mr. Favreau said his concern is that a 10-foot wall, 75 to 80 feet long is not quite a natural buffer. He said he would like to see some bushes or natural buffers in front of the fence to soften the look.

The discussion moved on to the Road Plan. Chairman Drummond noted that the Plan proposes to widen the road to 22-feet (essentially 18-feet with 2-foot trippers on each side and 2 new culverts.

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Doug Toutelotte said the road specifications are basic. Dig along side of the road, on whatever side is feasible. Dig along the edge of the gravel for 4 or 5 feet, and add 4" crushed gravel. Grade it. Add to the culvers or put new ones in and grade it with inch-and-a-half of crushed gravel and compact it. Mr. Favreau asked if the majority of this work is going to be done on the left hand side. Mr. Tourtelotte responded, "probably", we may widen it to the right to get a little more width." The majority will be on the left hand side. Question was asked, have you actually verified that this can be done without moving any of the utility poles? Mr. Tourtelotte responded he was not 100% sure but thought it could be done on one side or the other without moving any poles. Mr. Schlawin asked if there were any areas where the applicant's are asking for a waiver for the road widening? Applicants responded that they were not asking for any waivers. Mr. Favreau said his only concern with the driveway is the one way where people are pulling out from the new parking area from Smalls driveway to the end; it could be two-way traffic at that end. The applicant responded the two-way traffic would only be for him as his driveway begins there. During further discussion, the applicant said he could extend the road to the second entrance or switch the direction of traffic through the parking area.

Chairman Drummond said there continues to be concerns from abutters about the driveway or the road, whether or not the proposed widening will be able to be done sufficiently without the moving of power. If there has to be movement of utility poles, whether it would disrupt power of the abutters. There were comments on the buffering of the fence. Several abutters asked for a vegetative layer in front of the fence. There are continuing concerns of not proposing a bathroom for the store, as we heard at the public hearing. There are ongoing concerns about the proposed time of operations, particularly to be open 7 days at week from 7:00 a.m. to 9:00 p.m. These will be considered as we move into the specific Performance Standards.

Robert Small said CMP should come out and take a look at those poles before the road is widened. That is their normal policy to receive a courtesy call.

Chairman Drummond asked the Board if they felt what was presented is sufficient for the proposed road plan. He said he has specific concern that we don't have notification from CMP that the poles do not have to be moved and there is adequate space to widen the road. Regarding the road details, the Board was in agreement that more specific dimensions should be noted. Mr. Tourtelotte said there are two poles and it depends where the right of way is on the right side. He asked the Board if they would approve the project with conditions on the road. Mr. Favreau said he would like to see a little more detail on the parking on the plan. The Board requested more information on signage and a detail of same on the plan.

Chairman Drummond said there was concern expressed from abutters that the cost listed for completing the road was not sufficient to result in a quality product. Question was asked if the Board wanted to see more information regarding products or work provided to be used and more breakdown than Mr. Tourtelotte provided. Mr. Favreau responded that Doug Tourtelotte knows how to build roads well. He doesn't want to get called back there that the road turned to clay. He said he was fine with Mr. Tourtelotte's expertise.

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The applicant was told that the Board was satisfied with making the road 22-feet and if that involves moving poles, then that is what you will have to do. At this point, the Board is not considering any waivers for the road to be less than 22-feet.

Regarding the buffering and landscaping, the Board expressed that a 10-foot tall solid wood fence 3-feet from the building, setback one foot from the edge of the right of way, provides sufficient blockage as far as blocking the site, but it does not provide pleasing buffering. Chairman Drummond said he would like to see a little bit of planting in front of the fence. He said where the applicant moved the building has handicapped him as there is not much room for plantings. He added he wasn't 100% sold on just ivy, but it would be good to plant something with a little more depth. Mr. Favreau said that most applicant's don't move buildings until they have received approval so they have brought on the handicap themselves. The ordinance says they need to soften the sight of the fence to please the neighborhood. He said he would like to see some sort of plant that can be placed in the one foot area or they will have to move the building again. It was noted it was outside of the Board's purview to say what type of plantings should be used. The applicants asked if they should wait for approval before planting anything and the Board responded "yes."

Chairman Drummond asked the applicant if they still plan to have no water and septic and will not have any employees work at the store. They responded "yes." As far as hours of operation, the applicants said they would like to apply to be open 7 days a week (even though they probably will only be open 4 days a week). The hours will be from 7:00 a.m. to 7:00 p.m. The Board asked the applicants to come back before the Board with drawings and information as requested during discussion.

With no other comments to be heard, Chairman Drummond thanked abutters for their comments.

No action was taken.

6. **OTHER BUSINESS** – It was noted that Town Meeting has been scheduled for July 14, 2020.
7. **ADJOURNMENT** – The meeting was adjourned at 9:04 p.m.

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