

TOWN OF BOWDOINHAM
PLANNING BOARD MINUTES
VIRTUAL MEETING VIA ZOOM MEDIA
June 25, 2020 – 7:00 P.M.

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

MEMBERS ABSENT: William Shippen

STAFF PRESENT: Nicole Briand, Director of Planning and Development

On Thursday, June 25, 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 7:05 p.m.

2. DETERMINE QUORUM AND VOTING MEMBERS

It was determined that a quorum was present.

3. APPROVAL OF THE MINUTES FROM THE MAY 28, 2020 MEETING

Motion was made by Mr. Favreau, seconded by Mr. Schlawin to approve the minutes of the May 28, 2020 minutes as amended.

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

Amendment: Page 4, 1st paragraph, last sentence to read: “During further discussion, the applicant said he could extend the road to the 2nd entrance or switch the direction of traffic through the parking area.”

4. 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 applicants have provided some changes to their plans, including:

- An updated road plan,
- Updated Buffering and Landscaping plan,
- Updated Parking Plan,
- Change in the height of the fence from 10’ to 8’,

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- Addition of Robert Gaudette, Jr. as a co-applicant,
- Adjustment of hours of operation from 7:00 a.m. to 7:00 p.m.,
- Easements added for the Estabrook Driveway,
- Far entrance changed to be one way (closest to the dumpster).

Chairman Drummond noted there are several letters in file from abutters expressing concerns addressed in the updated materials from the applicant and gave a brief synopsis:

- Lack of a survey for the road and right of way for road improvements,
- Lack of review of the road improvements plan by CMP staff,
- Potential need to move CMP poles, and any associated costs of moving them,
- Concerns that if poles and underground wiring need to be moved that cost be borne by applicant,
- Widening of the road may not recur wholly within the right of way,
- Updated buffering and landscaping plans still need improvements,
- Fence at 10-feet being too high,
- Plants selected won't be able to grow fast enough,
- Location of dumpster. Is it in the right of way?
- Security plan adequate for the store, and
- Hours of operation 7 days a week from 7:00 a.m. to 7:00 p.m. too long and would encourage too much traffic.

At this point in the meeting, the Board reviewed the General Performance Standards and also the General Marijuana Performance Standards.

During discussion and review several comments were made including:

- All excavation will be done to the left side.
- If any work occurs on the right side the Board would request a professional survey and a visual of the pins must be found as some of the original pins are missing and there are no pins that correspond to the maps provided.
- No issue, as long as all the work is done on the left side. (Will be made a condition of approval as well as if poles are moved, cost associated with same will be borne by the applicant.)
- Board agreed with the new parking plan.
- Handicapped parking OK as shown.
- Parking area will remain graveled.
- No concern expressed with municipal services.
- New buffering plan meets requirements with fast growing Juniper trees planted.
- Fence to be sanded and stained OK at 8-feet rather than 10-feet.
- No concerns with lighting.

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- Signage will meet Town Ordinance requirements.
- New proposed landscaping plan OK.
- Concern was expressed if the dumpster is in the 50-foot right of way. Applicant said he will be sure the dumpster is situated outside of the 50-foot right of way. He will move it if necessary. It was noted if legal questions arise between applicant and abutters, they will be dealt with through the legal system.
- No concern with utilities.
- Applicant not proposing to have water connection at the farm stand, no plumbing or septic system. If this changes applicant will have to come back before the Board.
- No concerns with fire protection.
- Financial capacity of applicant has been met in writing from bank.
- Farm stand not of any historic or archaeological standing.
- No groundwater concerns.
- No wildlife habitat involved with farm stand.
- No environmental impact involved with farm stand.
- Regarding solid waste management, applicant stated no marijuana waste products will be deposited in the dumpster. Disposal of same must meet State Standards.
- No hazardous or radioactive materials involved in the project.
- Farm stand will pose no threat to air or water quality.
- There are no stormwater concerns.
- Construction of the road must meet standards for sedimentation and erosion control.
- Hours of operation will be from 7:00 a.m. to 7:00 p.m. to keep noise to a minimum.
- A,B,C,D,E – Retail Medical Marijuana Sales – there will be no graphics per ordinance.
- No waivers have been requested for this project.

Motion was made by Mr. Favreau, seconded by Mr. Schlawin, to approve the Performance Standards as reviewed and also the Marijuana Performance Standards.

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

Next, the Board reviewed and discussed the Approval Criteria as follows:

Site Plan Review Approval Criteria

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

Finding: Motion was made by Mr. Wood, seconded by Mr. Favreau that **whereas the applicant is proposing to upgrade the road to be 18-foot wide with 2-foot shoulders, we find that this standard shall be adequately met with adherence of the following conditions of approval. That the road be 18-foot wide with 2-foot shoulders, that all work done to widen the road be on the south side, or if any work be done on the north side of the road that pins be in**

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place and that any cost associated with moving utilities serving the abutters, that cost shall be borne by the applicant.

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

- 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 Board agreed that the proposed layout provides for safe movement of passenger, service, and emergency vehicles through the site.

Conclusion: Motion was made by Mr. Schlawin, seconded by Mr. Favreau that the proposed layout provides for safe internal vehicle circulation criteria has been met. : Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

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

Finding: The proposed layout is adequate for pedestrian circulation.

Conclusion: Motion was made by Mr. Wood, seconded by Mr. Favreau, that whereas the Board finds that the proposed layout is adequate for pedestrian circulation, this criteria is adequately met. : Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

- 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: No concerns have been expressed by municipal officials and the Board finds this criteria has been adequately met.

Conclusion: Motion was made by Mr. Schlawin, seconded by Mr. Favreau, that the Board finds that no concerns have been expressed by municipal officials and therefore the Municipal Services Criteria has been met. Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

- 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.

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Finding: It was agreed that the project is not located within a designated scenic view or water view.

Conclusion: Motion was made by Mr. Wood, seconded by Mr. Favreau, that whereas the project is not located with a designated scenic view or water view, that this standard has been adequately met. : Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

- 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 proposed lighting has been located to illuminate the parking and entrance areas.

Conclusion: Motion was made by Mr. Schlawin, seconded by Mr. Favreau, that whereas the proposed lighting has been located to specifically illuminate parking and entrance areas that the Lighting Approval Criteria has been met. : Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

- 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 business name sign shall meet the performance standards of this Ordinance.

Conclusion: Motion was made by Mr. Wood, seconded by Mr. Favreau, that whereas the final business name sign shall meet the performance standards, and shall not exhibit any marijuana details or accessories, the Signage Approval Criteria has been met. Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

- 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 Board was in agreement that the building proposed for the farm store meets the building performance standards.

Conclusion: Motion was made by Mr. Schlawin, seconded by Mr. Favreau, that whereas the proposed structure will relate harmoniously to the terrain and to existing buildings in the vicinity so as to have minimum adverse effect on the environmental and aesthetic qualities of the neighboring areas, the Building Approval Criteria has been met. Vote was called with

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

- 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: A fence is proposed along with new and existing landscaping for buffer for the proposed farm store.

Conclusion: Motion was made by Mr. Wood, seconded by Mr. Favreau, that whereas a wooden fence is proposed, along with new and existing landscaping for the farm store that the Landscaping Approval Criteria has been met. Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

- 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: A fence is proposed along with new and existing landscaping for buffering the proposed farm store. A wood enclosure has been built to buffer the dumpster.

Conclusion: Motion was made by Mr. Schlawin, seconded by Mr. Favreau, that whereas a new fence has been proposed along with existing and new landscaping for the farm store and a wooden enclosure will buffer the dumpster, that the Buffering Criteria has been met. Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

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

Finding: No new utilities are proposed.

Conclusion: Motion was made by Mr. Wood, seconded by Mr. Favreau, that whereas no new utilities are proposed, the Utilities Performance Standard has been met. Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

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

Finding: No water supply is proposed for the farm store. If a water supply is later added to the proposed store, then the appropriate sewage disposal must also be added.

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Conclusion: Motion was made by Mr. Schlawin, seconded by Mr. Favreau, that whereas no water supply is proposed for the farm store, that this criteria has been met with the condition of approval that if employees are to be added that will be working in the farm store, it will be necessary that the applicant come back before the Board for sewage disposal approval. Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

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

Finding: No water supply is proposed. If a water supply will be added to the proposed store, then the appropriate sewage disposal must also be added, according the State’s Subsurface Waste Water Rules.

Conclusion: Motion was made by Mr. Wood, seconded by Mr. Favreau, that whereas no water supply is proposed the sewage disposal approval criteria is adequately met with the condition that should the applicant have an employee working at the farm stand that the applicant will need to come back before the Board to resubmit the plan for appropriate approval to meet the State’s Subsurface Waste Water Rules. Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

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

Finding: The Board found that the farm stand will have adequate fire protection.

Conclusion: Motion was made by Mr. Wood, seconded by Mr. Favreau, that whereas no concerns were expressed by the Chief of the Bowdoinham Fire Department, the Fire Protection Criteria has been met. Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

- 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: The property is owned by Robert Gaudette Jr., who has given the applicant permission to apply for and operate the proposed store, and is a joint applicant.

Conclusion: Motion was made by Mr. Schlawin, seconded by Mr. Favreau, that whereas the proposed property is owned by Robert Gaudette, Jr. who has given permission to the applicant to apply for and operate the proposed store, and is a Joint Applicant, the Right, Title and

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Interest in the Property has been satisfied and the Criteria met. Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

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

Finding: A bank letter has been provided to satisfy this criteria

Conclusion: Motion was made by Mr. Wood, seconded by Mr. Favreau, that whereas the Planning Board has received a bank letter indicating that Mr. Gaudette, Jr. has the financial capacity to complete the proposed development, the Financial Capacity Criteria has been met. Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

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

Finding: The applicants are registered marijuana caregivers with the State of Maine.

Conclusion: Motion was made by Mr. Schlawin, seconded by Mr. Favreau, that whereas the applicants are currently registered marijuana care givers with the State of Maine, the Technical Ability Criteria has been met. Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

- 16) Special Resources –

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

Finding: The proposed project is not located within the Shoreland Zone.

Conclusion: Motion was made by Mr. Wood, seconded by Mr. Favreau, that whereas the property is not located within the Shoreland Zone, the Shoreland Approval Criteria has been met. Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

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

Finding: The proposed project is not located within the Floodplain.

Conclusion: Motion was made by Mr. Schlawin, seconded by Mr. Favreau, that whereas the proposed project is not located with the Floodplain, the Floodplain Criteria has been

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

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

Finding: No wetland impacts are proposed.

Conclusion: Motion was made by Mr. Wood, seconded by Mr. Favreau, whereas no wetlands impacts are proposed as reported by the Maine Department of Environmental Protection that the Wetlands and Waterbodies Approval Criteria has been met. Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

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

Finding: The proposed farm store will not have an adverse effect on historic and/or archaeological sites.

Conclusion: Motion was made by Mr. Schlawin, seconded by Mr. Favreau that whereas the proposed farm store has a limited footprint and does not intersect with any historic and archaeological sites, that this approval criteria has been met. Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

- 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 proposed farm store will not adversely impact the quality or quantity of groundwater as no water will be piped to the store.

Conclusion: Motion was made by Mr. Wood, seconded by Mr. Favreau, that whereas the proposed farm store will not affect the quality or quantity of groundwater, The approval criteria is met. Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

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

Finding: The proposed farm store will not have an undue adverse effect on wildlife habitat.

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Conclusion: Motion was made by Mr. Schlawin, seconded by Mr. Favreau, that whereas the proposed farm store does not intersect with significant habitats mapped by the Maine Department of Fisheries and Wildlife, that this project will not have an adverse effect on wildlife or habitat, so the Wildlife Habitat Approval Criteria has been met. Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

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

Finding: The proposed farm store will not have an undue adverse effect on rare and irreplaceable natural areas.

Conclusion: Motion was made by Mr. Wood, seconded by Mr. Favreau, that whereas the project will not have an undue adverse effect on rare and irreplaceable natural areas, therefore the Natural Areas Approval Criteria has been met. Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

- 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 proposed farm store was located to minimize its impact on the land and the farm area.

Conclusion: Motion was made by Mr. Schlawin, seconded by Mr. Favreau, whereas the farm store is located to minimize its impact on the land and the farm area, the Environmental Impact Approval Criteria is met. Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

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

Finding: The applicant is proposing to use a dumpster.

Conclusion: Motion was made by Mr. Wood, seconded by Mr. Favreau that whereas the applicant is proposing to use a dumpster on site, the Solid Waste Management Approval Criteria is met with the condition that all cannabis byproducts will not be disposed of in the dumpster and will be disposed of in a manner to meet State Standards. Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

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- 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: No materials identified as hazardous, special or radioactive are proposed to be used in the Farm Store.

Conclusion: Motion was made by Mr. Schlawin, seconded by Mr. Favreau that whereas no materials identified as hazardous, special or radioactive are proposed to be used in the farm store, the Hazardous, Special and Radioactive Materials Approval Criteria has been met. Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

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

Finding: The proposed farm store will not cause undue air pollution or odors.

Conclusion: Motion was made by Mr. Wood, seconded by Mr. Favreau that whereas the proposed farm store will not produce undue air pollution or odors, therefore the Air Quality Approval Criteria has been met. Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

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

Finding: The proposed development will not cause water pollution.

Conclusion: Motion was made by Mr. Schlawin, seconded by Mr. Favreau that whereas the proposed farm store will not have any impact on water quality, the Water Quality Approval Criteria has been met. Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

- 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 Board was in agreement that water from the farm stand will not run off streets, parking areas and will not have an adverse impact on abutting or downstream properties.

Conclusion: Motion was made by Mr. Wood, seconded by Favreau that whereas the proposed development will not result in water runoff to impact abutting or downstream properties, therefore the Stormwater Approval Criteria is met. Vote was called with

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

- f) Sedimentation & Erosion Control – The proposed development will take adequate measures to prevent soil erosion and the sedimentation of watercourses and waterbodies.

Finding: Erosion and sedimentation controls shall be used as required by State Rules.

Conclusion: Motion was made by Mr. Schlawin, seconded by Mr. Favreau that we find that sedimentation and erosion control met with the condition of approval that the erosion and sedimentation shall meet State Rules. Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

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

Finding: The proposed farm store will not create loud noise levels.

Conclusion: Motion was made by Mr. Schlawin, seconded by Mr. Favreau that whereas the proposed farm store will not create loud noise levels, the Noise Approval Criteria has been met with the condition that the store hours of operation are limited from 7:00 a.m. to 7:00 p.m. and noise levels will meet ordinance requirements. Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

- 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 farm store is in compliance.

Conclusion: Motion was made by Mr. Wood, seconded by Mr. Favreau, whereas the proposed farm store is in compliance with the Land Use Ordinance and other ordinances and regulations of the Town of Bowdoinham, this approval criteria is met. Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

- 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: The proposed farm store is in compliance.

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Conclusion: Motion was made by Mr. Schlawin, seconded by Mr. Favreau that whereas the proposed farm store is in compliance with the Town’s Plans and Vision Statements, the Towns Plans and Vision Statements Approval Criteria has been met. Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

Motion was made by Mr. Schlawin, seconded by Mr. Favreau, to approve the Site Plan Application of Robert and Kate Gaudette, 50 Birchwood Lane with the following Conditions of Approval:

1. Reimbursement of noticing fees.
2. That appropriate sedimentation and erosion measured will be taken during construction while meeting State Standards.
3. The store hours of operation will be from 7:00 a.m. to 7:00 p.m. and that the noise performance standards shall be met.
4. That the business sign will follow the general performance standards as well as medicinal marijuana standards.
5. That the road will be upgraded to 18’ wide with 2-foot shoulders on either side or a total of 22 feet wide. The work will be on the south side of the road. If any work occurs on the north side of the road, survey pins must be located to ensure that the road is located within the Gaudette’s property boundary. Any cost associate with power poles or otherwise effecting the electrical of abutters, must be borne by the applicant.
6. Any marijuana disposal must be done by State Laws and not be placed in the dumpster.
7. If any employees are to be included in the farm store business and therefore requiring water and wastewater disposal, the applicant will return with a plan to the Planning Board if that is the case.
8. The Planning Board will receive an updated plan with any recent adjustments and include a signature block.

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

Motion was made by Mr. Favreau, seconded by Mr. Schlawin to amend Condition No. 5 to state “utilities” instead of “electrical,” Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

The Planning Board took a 10-minute break at this point in the meeting.

5. SHORELAND ZONING AND SITE PLAN REVIEW, TIER 1 APPLICATION - 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

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AND ASSOCIATED SITE AMENITIES ALONG WITH THE DEVELOPMENT OF THE TRAIL SYSTEM

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

It was noted that there are no changes to the application since it last appeared before the Board. Planner Briand said, regarding temporary parking, she took new pictures for the file, now that all the buildings are down. She said DEP permits for both the shoreline stabilization and the boat launch have been received and now just waiting for the Army Corp permits. No letters expressing comments have been received from members of the public. No waivers are required, but all the standards need to be approved.

Chairman Drummond reviewed the Shoreland Zone Performance Standards listed on page 87 of the Ordinance. Following are comments received during his review:

- Minimum lot Standards – Not an issue.
- Principal Lot Structures – Not an issue – There are no structures for this phase.
- Bridges, etc. over the water line – Boat Launch.
- Project not offending natural beach areas.
- Campgrounds – Not an issue.
- Camp Sites – Not an issue.
- No change in roadways or driveways.
- No parking areas within 75' – Met.
- Roadways/Driveways – No changes.
- Stream crossing – Not an issue.
- Signs – No sign with this phase.
- Stormwater runoff – Not an issue.
- Impervious Surfaces – No reductions noted.
- Creating new vegetative buffers along the shoreline.
- Doing wetland improvements.
- Trail plans are for out back.
- There will be a trail that goes down to the water.
- Will make improvements to present trail.
- Brush removal will be done.
- Trails in the plans met the 4-foot wide State Standards with gravel base.
- Essential services – Not applicable.
- Timber Harvesting – Not applicable.
- There is a spread sheet showing over 1,000 plants.
- 8 or 9 trees will be removed.
- 700 plus shrubs, 44 new trees and perennials.

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- Erosion and sedimentation control can be found under “General Notes” on plan.
- Maine Historic Preservation has requested a Phase I in the back field and trails area, but since no construction is being planned, nothing has to be done. They have cleared the whole front area.

With all comments having been heard, motion was made by Mr. Wood, seconded by Mr. Favreau, that the proposed development is in conformance with the General Performance Standards.

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

Motion was made by Ms. Krueger, seconded by Mr. Favreau, to approve the Shoreland Zoning Performance Standards.

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

Site Plan Review Approval Criteria

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

Motion was made by Ms. Krueger that since no proposed change has been made to the existing drive, that this standard has been adequately met.

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

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 Ms. Krueger, seconded by Mr. Favreau, that whereas there will be adequate parking for the hand carry boat launch for this phase of the development and there is adequate internal circulation for safe movement of vehicles, this standard has been adequately met.

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

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

Motion was made by Mr. Wood, seconded by Mr. Favreau, whereas the existing site has ample space for safe pedestrian circulation and whereas trails will be developed as part of the redevelopment, the Pedestrian Circulation has been adequately met.

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

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.*

Motion was made by Ms. Krueger, seconded by Mr. Favreau that whereas the development will not have an unreasonable adverse impact on municipal services and will enhance the Town’s recreational services, the standard has been adequately met.

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

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. Favreau that whereas the proposed development will improve the visual impact of the property as viewed from public views by stabilizing the shoreline planting landscaping and providing trails to scenic views, the Visual Impact Approval Criteria has been met.

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

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 Ms. Krueger, seconded by Mr. Favreau, that whereas there is no proposed lighting at this time, this standard has been adequately met.

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

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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. Favreau, that whereas no signage is proposed at this time and any potential signage for the boat launch will not detract from the design of the proposed development and the surrounding properties, the Signage Approval Criteria has been adequately met.

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

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 Ms. Krueger, seconded by Mr. Favreau, that whereas no buildings are proposed at this time, this standard has been adequately met.

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

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. Favreau, that whereas the proposed landscaping has been added for shoreline stabilization and there is no development happening on the property, the Landscaping Criteria has been met. Vote was called with “Aye” if in favor or “Nay” if opposed, and the motion passed with a unanimous vote of “Ayes.”

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.*

Motion was made by Ms. Krueger, seconded by Mr. Favreau, that whereas no mechanical equipment or storage areas are proposed and the previous public works buildings and storage areas have been removed, the buffering standard has been adequately met.

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

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

Motion was made by Mr. Wood, seconded by Mr. Favreau, that whereas no new utilities are proposed for the development that the Utilities criteria has been adequately met.

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

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

Motion was made by Ms. Krueger, seconded by Mr. Favreau, that whereas the property is currently served by public water and no additional usage is proposed, this criteria has been adequately met.

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

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

Motion was made by Mr. Wood, seconded by Mr. Favreau, that whereas no sewage disposal is proposed for the development at this time, the Sewage Disposal Approval Criteria has been adequately met.

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

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

Motion was made by Ms. Krueger, seconded by Mr. Favreau, that whereas the proposed development is an outdoor public park and the Fire Chief has proposed no concerns about the project, the Fire Protection Standard has been adequately met.

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

15. Capacity of Applicant – The applicant has the capacity to carry out the proposed project.

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Motion was made by Mr. Schlawin, seconded by Mr. Favreau, that whereas the Town has the right, title and interest in the property and it has the financial capacity and technical ability to complete the project, therefore, we find the Capacity of Applicant Criteria has been met.

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

16. Special Resources –

- a. Shoreland – The proposed development will be in compliance with the Town’s Shoreland Zoning Ordinance.*

Motion was made by Ms. Krueger, seconded by Mr. Favreau, that the proposed development is in compliance with the Town’s Shoreland Zoning Requirements, therefore the standard has been adequately met.

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

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

Motion was made by Mr. Wood, seconded by Mr. Favreau, that whereas the proposed development will be in compliance with the Town’s Floodplain requirements, the Floodplain requirement has been adequately met.

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

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

Motion was made by Ms. Krueger, seconded by Mr. Favreau, that the Town has obtained a Natural Resources Protection Permit from the Maine Department of Environmental Protection, therefore the Wetlands and Waterbodies Criteria is met.

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

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

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Motion was made by Mr. Wood, seconded by Mr. Favreau that the proposed development will not have an adverse effect on historic or archaeological sites as confirmed by the Maine Historic Preservation Commission, therefore making the standard met.

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

- 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.*

Motion was made by Ms. Krueger, seconded by Mr. Favreau, The proposed project will not adversely affect groundwater, therefore the standard has been adequately met.

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

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

Motion was made by Mr. Wood, seconded by Mr. Favreau, that whereas the proposed park will increase the wildlife habitat by increasing the buffer along the river edge, therefore, the Wildlife Habitat Criteria has been adequately met.

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

Motion was made by Ms. Krueger, seconded by Mr. Favreau, that the proposed development will not have an undue adverse effect on rare and irreplaceable natural areas and therefore the Natural Areas Criteria is met.

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

- 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.*

Motion was made by Mr. Wood, seconded by Mr. Favreau that whereas the proposed project will be restoring native vegetation to previously developed areas, the Environmental Impact Criteria is adequately met.

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

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

Motion was made by Ms. Krueger, seconded by Mr. Favreau that whereas the proposed park during Phase I will be a carry-in, carry-out facility that the Solid Waste Management Standard has been adequately met.

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

- 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.*

Motion was made by Mr. Wood, seconded by Mr. Favreau, that whereas the proposed park will not involve with the handling, storing, of any hazardous or radioactive wastes, the Standard has been adequately met.

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

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

Motion was made by Ms. Krueger, seconded by Mr. Favreau, that the proposed park will not result in undue air pollution or odors, therefore the Air Quality Criteria has been adequately met.

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

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

Motion was made by Mr. Wood, seconded by Mr. Favreau, that whereas the proposed park will not result in water pollution and will increase buffering to the river, the Water Quality Criteria has been adequately met.

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

- 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.*

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Motion was made by Ms. Krueger, seconded by Mr. Favreau, whereas the project will have an overall reduction in impervious services, will make improvements to the existing drainage swale and increase vegetative buffers, the Stormwater criteria has been adequately met.

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

f. Sedimentation & Erosion Control – The proposed development will take adequate measures to prevent soil erosion and the sedimentation of watercourses and waterbodies.

Motion was made by Mr. Wood, seconded by Mr. Favreau that whereas the proposed development will take adequate measures to prevent sedimentation and erosion control during construction phases of the project, the Sedimentation and Erosion Control Criteria has been adequately met

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

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

Motion was made by Ms. Krueger, seconded by Mr. Favreau whereas the park is expected to keep noise levels similar to the existing Maily Waterfront Park, that this standard has been adequately met.

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

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. Favreau that whereas the proposed park will conform with the provisions of this Land Use Ordinance and other ordinances and regulations of the Town of Bowdoinham, and therefore the Compliance with Ordinances Criteria has been adequately met.

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

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.

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Motion was made by Ms. Krueger, seconded by Mr. Favreau, that whereas the proposed park is consistent with the Waterfront Plan and the Comprehensive Plan calls for the implementation of the Waterfront Plan, that this criteria has been adequately met.

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

Motion was made by Mr. Schlawin, seconded by Mr. Favreau, to approve the Site Plan Review of the proposal for the new waterfront park for the Town of Bowdoinham with the Condition of Approval that any construction will apply sedimentation and control measures as required by the State of Maine.

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

Shoreland Zoning Approval Criteria

1. Will maintain safe and healthful conditions.

Motion was made by Ms. Krueger, seconded by Mr. Favreau, that the proposed park will maintain and enhance safe and healthful conditions and therefore the Standard has been adequately met.

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

2. Will not result in water pollution.

Motion was made by Mr. Wood, seconded by Mr. Favreau, that he proposed park will not result in water pollution and with the increased buffering, the standard has been adequately met.

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

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.

Motion was made by Ms. Krueger, seconded by Mr. Favreau that whereas the project will use appropriate Sedimentation and Erosion Control measures during construction and has increased the drainage swale, that the will be used during construction phases of the project and therefore the standard has been adequately met.

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

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

Motion was made by Mr. Wood, seconded by Mr. Favreau, that where Sedimentation and Erosion Control measures will be used during construction phases of the project, this criteria has been adequately met.

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

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

Motion was made by Ms. Krueger, seconded by Mr. Favreau that whereas the Town has received a Natural Resources Protection Act from the Maine Department of Environmental Protection on the proposed wetland impacts, that this standard has been adequately met.

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

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

Motion was made by Mr. Wood, seconded by Mr. Favreau that whereas no wastewater disposal is proposed for the project at this time, the standard has been adequately met.

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

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

Motion was made by Ms. Krueger, seconded by Mr. Favreau, that whereas the proposed project will not have an undue adverse impact on spawning grounds, fish, aquatic life, bird or other riparian wildlife habitat. And that the project will improve the habitat by improving the shoreline stabilization along the shoreland, therefore the standard has been adequately met.

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

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

Motion was made by Mr. Wood, seconded by Mr. Favreau that whereas the proposed shoreline stabilization will conserve and enhance the natural and native vegetation along the shoreline that the standard has been adequately met.

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

9. Will conserve visual corridors.

Motion was made by Ms. Krueger, seconded by Mr. Favreau that whereas the proposed project with conserve and enhance visual corridors, therefore the standard has been adequately met

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

10. Will conserve access to inland and coastal waters.

Motion was made by Mr. Wood, seconded by Mr. Favreau, that whereas the proposed project will enhance the public’s access to the Cathance River, the standard has been adequately met.

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

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

Motion was made by Ms. Krueger, seconded by Mr. Favreau, this phase of the proposed development will not have an adverse effect of historic or archaeological sites as it is taking place in a previously developed area and criteria of the National Historic Commission, so this criteria has been adequately met.

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

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

Motion was made by Mr. Wood, seconded by Mr. Favreau that whereas the proposed project is not located within a commercial fishing or maritime activities in a Commercial Fisheries/ Maritime Activities District the project will not adversely affect either, therefore the standard is adequately met.

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

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

Motion was made by Ms. Krueger, seconded by Mr. Favreau, that the proposed project will be in compliance with the Town’s Floodplain requirements and therefore the standards have been adequately met.

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

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

Motion was made by Mr. Wood, seconded by Mr. Favreau, that whereas the proposed project has been found in conformance with the provisions of Article 7, Section D, Performance Standards, the standard has been adequately met.

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

Motion was made by Ms. Krueger, seconded by Mr. Favreau, to approve the project according to the Shoreland Zoning Approval Criteria.

6. **OTHER BUSINESS** – It was noted that Town Meeting has been scheduled for July 14, 2020 by ballot.

7. **ADJOURNMENT** – The meeting was adjourned at 10:30 p.m.
