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Meeting Minutes  
Brownfield Planning Board  
82 Main Street  
Brownfield, Maine

Date: March 12, 2024

Time: 7:00 P.M.

Meeting Location: Town Office Conference Room

Attendees:

Sonia Frye-Chair	X	Joe Egan	X
Kurt Wood Vice Chair	X	Judi Tordo*	X
Doug Heroux	X	Eric Walker *	X
Kristin Tremblay			

\*Alternates

Others present: Mike Vane (CEO), Dana Forcier and Pam Thomas (Secretary).

A quorum was determined, and the meeting was called to order at 7:30. The Budget Committee meets prior to the Planning Board meeting in the same room as the Planning Board and their meeting ended at 7:25.

Agenda items:

- A. A motion was made by Joe and seconded by Kurt to approve the minutes of January 2. The vote was called and carried 4-0-0.
- B. A motion was made by Joe and seconded by Kurt to approve the Public Hearing minutes of February 6 held at the BCC. The vote was called and carried 4-0-0.
- C. A motion was made by Kurt and seconded by Joe to approve the revised minutes of December 5, 2023. The vote was called and carried 4-0-0.

- D. The workshop notes of January 30<sup>th</sup> were signed by the Chair.
- E. The workshop notes of February 20<sup>th</sup> were signed by the Chair.
- F. The workshop notes of February 27<sup>th</sup> were signed by the Chair.

G. Correspondence:

1. Mike Vane, Code Enforcement Officer (CEO) for the Town of Brownfield was present at this meeting to speak about 4.6 of the Land Use Ordinance (LUO). In a letter dated February 27, 2024, Mike requested that the Board consider revising the current camper regulation to address ongoing situations with campers in Town and conflicts with State guidelines on Subsurface Wastewater Disposal. Currently 4.6 is written as follows:

- 4.6 Occupied travel trailer campers and recreational vehicles containing living units are permitted only on a temporary basis for not more than four months in any twelve-month period.

Mike had submitted the following draft copy of proposed revisions to the Board at a workshop on February 27:

- a. No camper, RV or travel trailer may be placed on any lot in the Town of Brownfield except within licensed campgrounds and seasonal storage unless there is an approved septic system on the site to handle waste from the unit and must also have a potable water supply for each unit. The water supply must be tested by a state licensed laboratory for human consumption. The unit shall be placed on a conforming lot as found in the Town of Brownfield's Land Use Ordinance or the Town of Brownfield's Shoreland Zoning Ordinance.
- b. No composting toilets or pit privies are allowed unless approved by a Maine licensed soil engineer and the Town of Brownfield's local plumbing inspector.
- c. No camper, RV or travel trailer may be lived in or used for a dwelling unit from November 30<sup>th</sup> to April 15<sup>th</sup> of each calendar year. The unit must be vacated, winterized, or removed from the lot no later than one week after November 30<sup>th</sup> of each calendar year.
- d. Only the owner of the lot or land may occupy any given camper, RV or travel trailer that is located on the owner's lot. One guest camper may be allowed but only for 30 days in a calendar year.

- e. If the time restrictions cannot be strictly adhered to, then a written approval from the CEO may be granted with a specific length of time given.
- f. For the purposes of this ordinance or any other applicable ordinance in the Town of Brownfield. Any camper, RV or travel trailer shall not be classified as a dwelling unit but must adhere to minimum lot size requirements. Any state and local laws that apply such as building or life safety codes shall be used in the enforcement of this ordinance.

(After a discussion, Mike stated that he may want to revise the above further, to include only 4.6 a. and 4.6 e. in order to keep a plan in place for campers. The Chair, Sonia Frye asked Mike to write something up, submit it to the Board and members will present it to our attorney to review.)

\* A few concerns brought up during the conversation between Mike and members were as follows: Mike stated that pressurized water needs a full septic system and would like to have "pressurized water" defined.

\* Mike is considering changing the wording "septic plan" to "disposal plan."

\*Judi has concerns with septic overflowing onto to other people's yards.

\*Mike is considering creating tags or receipts for waste disposals that must be presented by the homeowners to Mike for his signature.

\*Mike stated that most areas in Brownfield have sand, and that is helpful.

Mike will clean up 4.6 and submit the proposed changes to the Planning Board.

2. In an email received, dated January 10 from Attorney Ben McCall, is in reply to a question from the CEO sent on January 9.

Bens's reply follows:

State statute requires Brownfield to allow tiny homes to be used as a primary or an accessory dwelling unit. However, this can only occur with the proper permitting, and with you checking for compliance with all provisions of the Land Use Ordinance that apply specifically to dwelling units. If you issue a building permit for a shed, the structure can only be used as a shed. If you discover that

a previously permitted shed has been converted into a dwelling unit, you should issue a notice of violation and work with the property owner to either discontinue the dwelling unit or ensure that the converted shed is up to code. Compliance with Article III of the Land Use Ordinance will be most important.

3. Kurt made a motion that was seconded by Joe to pay Jensen Baird, Attorneys at Law \$410.00 for invoice # 332593 dated February 6, 2024, for emails and telephone conferences discussing LD 2003. (Attorney Ben McCall). The vote was called and carried 4-0-0.

4. Joe made a motion that was seconded by Kurt to pay Jensen Baird, Attorneys at Law \$881.64 for invoice # 334055 dated March 7, 2024. These expenses are for Attorney McCall 's attendance at the Public Hearing for the proposed changes to the Land Use Ordinance and for email exchanges regarding road frontage questions posed to the Planning Board by the Select Board. The vote was called and carried 4-0-0.

H. Sonia made a motion that was seconded by Joe to ask Attorney Ben McCall if he will represent the Planning Board. The vote was called and carried.

G. Correspondence continued:

5. Kurt made a motion that was seconded by Joe to pay \$39.00 to The Conway Sun for advertising of the Public Hearing for the proposed changes to the Land Use Ordinance in order to be compliant with LD 2003 on February 6<sup>th</sup>. Transaction # 103546 dated January 30.

6. Kurt made a motion that was seconded by Joe to Pay Bergen Parkinson, LLC, (Attorney Gregory Braun) \$157.50 to review questions concerning the budget. The vote was called and carried 4-0-0.

7. In an email dated February 15 from Joe Egan to members of the Planning Board, Joe stated that Dick Norcross had a question for Joe, and Joe stated that he was not authorized to represent the Planning Board and that he would mention it to the Board. The question in part follows: How would the minimum lot road frontage be determined for a subdivision that is served by a right of way?

The question was not completely answered when presented to the Planning Board attorney, Ben McCall.

In an email dated January 9 from the CEO to Ben, the question was presented as follows: What do you do if you do not have 150 feet of road frontage?

Ben replied that 3.1 of the Land Use Ordinance states below and the answer is 3.2 below.

The minimum lot size shall be two acres. Minimum lot road frontage shall be 150 feet; minimum setback from the centerline of any road shall be 55 feet except for four-rod roads which shall have a 75 foot setback from the center of the road.

Property rear and sideline minimum setbacks shall be 25 feet. Lots with duplexes or multi-family structures on them shall have an additional 50 feet of road frontage for each dwelling unit over one. Lots with two or more dwelling/units shall comply with current building and or building codes. Setback requirements pertain to all structures, both principal and accessory; however, structures already in place by June 4, 1988 may be added to only if dimensional standards are not further violated.

For non-conforming lots of record smaller than two acres, the minimum setbacks from rear and side property lines shall be 25 feet or 10 % of the lot width, whichever is less.

- 3.2 Answer: No building permit shall be issued to erect a dwelling unit on a lot without frontage on a public or private way, unless an access road meeting the following criteria has been constructed within a deeded right-of-way. The access road shall be constructed to a minimum width of (18) eighteen foot traveled way.

The access road shall contain a minimum depth of 18 inches of gravel and have drainage ditches and culverts at all appropriate points.

- (a.) Any pre-existing non-conforming rights of ways, which are less than the fifty foot requirement mentioned in 3.2 and which have been recorded in the Oxford County Registry of Deeds prior to July 1, 2013 shall be exempt.

After a brief discussion, members stated that they have not been formally asked to send this information to their attorney. The secretary will ask Dick

to submit a more detailed request in order to receive a more detailed reply from the attorney.

8. The Selectmen's assistant left a message for the secretary to contact Wanda Allen who has concerns that 5 G towers are going to be installed in Town. The secretary called Wanda and told her that she had not heard anything about 5G moving forward at this time. The secretary suggested that Wanda contact the Selectmen assistant and request that she be placed on their agenda in order to ask them if they had any information. Wanda has been forwarding information that she is gathering, and the secretary has been passing that information on to members.

I. The Finding of Facts and Conclusions of Law for Brownfield Bridge Auto Sales, Tax Map R3-Lot 29a were reviewed. Kurt made a motion that was seconded by Joe to accept the findings as presented. The vote was called and carried 4-0-0.

J. The Finding of Facts and Conclusions of Law for Timber Creek Kennel Adventures, LLC Tax Map R5-Lot 6 were reviewed. Joe made a motion that was seconded by Kurt to accept the findings as presented. The vote was called and carried 4-0-0.

K. Tamanna and Mubbin Rabbani- Tax Map U3-Lot 21 Shoreland Zoning

In an email dated February 28, 2024, Tamanna reached out to the Planning Board secretary. In this email, Tamanna stated that she was trying to locate the Planning Boards approval (signed building permit) for their project in the Shoreland Zone and requested that the secretary send another copy to her.

Mike Vane, the Code Enforcement Officer for Brownfield was contacted by the Rabbani's and Mike mentioned that the Rabbani's should check the expiration date on the document issued by the Planning Board.

The building permit was approved by members on April 5, 2022, and signed by the Boards Chairperson, Sonia Frye on May 3, 2022. The CEO signed the building permit on May 10, 2022.

16 F. Expiration of Permit. Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

The only change to the building permit is the building contractor. Brandon Reilly, DBA Affordable will be replacing Rick Micklon Maine Building and Development.



The project will be separated into three project phases.

PHASE 1: Completed in Nov 2022 • New drilled well completed by Affordable Well Drilling (Heather).

Demolished shed and some deck space where the living room/kitchen bump out space will be.

PHASE 2: To be started in Spring 2024 add 598 sq ft of living space to existing footprint.

Add second level to existing cottage (Add 2 rooms & 1 bathroom onto 2nd level): 458 sq ft of living space (19.9 ft x 23 ft)

Add side expansion to living area by converting the existing shed and some deck space into living space: 140 sq ft of living space (17.5 ft x 8 ft)

Add heat pump and mini split air conditioners.

Update insulation (walls & under home)

Connect new drilled well to house with updated filtration & pump.

Possibly add a covered parking area against the house (either temporary and add a shed type of roof to planned garage area.)

PHASE 3: To be started at a future date.

Add side garage with second floor living space which is 16 ft by 2 floors for a total of 960 square feet.

In an email dated March 8, 2024, CEO Mike Vane wrote that the existing structure and foundation does not require frost protection where the foundation is existing. However, for any further development, new additions, outbuildings and or garage, the foundations for those structures would have to adhere to the current building code and include frost protection. Mike confirmed that she is o.k. to proceed with the building application renewal and he will conduct the proper inspections as needed.

In an email dated March 4, 2024, the secretary requested that Tamanna, submit preconstruction photographs , no later than 20 days after the completion of the development as well as post construction photographs of the shoreline vegetation and development site as per new State Regulations in the Shoreland Zoning Ordinance that were adopted by the Town on June 26, 2022. The CEO has requested that the applicants submit a renewal for the building permit, (therefore the new regulation will apply.)

L. A Public Hearing was held on February 6 to discuss the amendments to the Brownfield Land Use Ordinance regarding dimensional requirements. PL 2021 Ch. 672(formerly LD 2003) was signed into law by Governor Mills on April 27, 2022. Municipalities in Maine have until July 1, 2024, to update their Ordinances. During the Public comment period, it was noted that in 3.1 the word "road" had been taken out of the sentence. 3.1 was corrected to read as follows:

The minimum lot size shall be two acres. Minimum lot road frontage shall be 150 feet, with an additional 50 feet of frontage required for any additional dwelling unit or use proposed.

Also: 3.10 f. An Accessory Dwelling Unit may not be leased or rented to a tenant for periods of less than sixty (60) days.

Kurt made a motion that was seconded by Joe to delete 3.10 f from the proposed draft copy of revisions and to add the word "road" to 3.1. The vote was called and carried 4-0-0.

Joe made a motion that was seconded by Kurt to return the draft copy to Attorney Ben McCall with revisions for him to review. The vote was called and carried 4-0-0.


Kurt made a motion that was seconded by Joe to schedule a meeting on April 2. The vote was called and carried 4-0-0.

Sonia made a motion that was seconded by Kurt to adjourn the meeting. The meeting was adjourned at 8:47. The vote was called and carried 4-0-0.

Submitted by,

  
Pam Thomas

Chair,

  
Sonia Frye