

Meeting Minutes
Brownfield Planning Board
82 Main Street
Brownfield, Maine 04010
207-935-2007 ext. 201

Date: January 3, 2023

Time: 7:00 P.M.

Location: Town Office Conference Room

Attendees:

Sonia Frye-Chair	X	Carrie Garland	X
Kurt Wood Vice Chair	X	Judi Tordo*	X
Doug Heroux	X	Mitch Dondero *	X
Joe Egan	X		

*Alternates

Others present: Richard Perreault (Fire Chief), Jordan Pike (HEB), Pam Thomas (Secretary), Dana Forcier and Hailey Boudrea.

Attending via Zoom: Attorney Durward Parkinson and Attorney Jeffrey Wilson.

Agenda items:

- A. A quorum was determined and the meeting was called to order at 7:00P.M.

This meeting is being held via ZOOM as well as in person attendees.

The Board now has their own Zoom account, Attorney Durward was not able to attend the meeting because of technical problems with Zoom until approximately 7:25.

A motion was made by Joe and seconded by Kurt to approve the minutes of December 6, 2022. The vote was called and carried 4-0-1. Sonia was absent at this meeting and abstained from the vote.

- B. Joe made a motion that was seconded by Kurt to move Correspondence to the end of the meeting. The vote was called and carried 5-0-0.
- C. Kurt made a motion that was seconded by Carrie to pay invoice #1000432524 in the amount of \$35.00 to MMA for Joe Egan to attend the FOAA webinar on December 19. The vote was called and carried 5-0-0.
- D. Joe made a motion that was seconded by Kurt to pay invoice #1000433637 in the amount of \$90.00 to MMA for Joe Egan and Carrie to attend the Local PBBOA Zoom Webinar on December 13. The vote was called and carried 5-0-0. A motion was made for a second \$35.00 invoice that was a duplicate billing error from MMA.
- E. Carrie stated that she was recusing herself from the Brownfield Community Development Project application. The chair asked Carrie if she had a letter to submit to the board stating that she will recuse herself from participation in the application. Carrie asked the Chair why she needed to submit a letter stating that she could have it in the minutes. Kurt explained that it is better to have a copy of her recusal in the file as other members have done in the past. The Chair requested that she submit this letter by the next meeting. (Carrie's son, Dana Forcier has an application before the Board DBA Brownfield Community Development Project, a four lot subdivision).

F. Brownfield Community Development Project

Jordan Pike of HEB Engineers submitted a Preliminary Plan for a four (4) lot Major Subdivision.

Article VII – Preliminary Plan for Major Subdivision

7.2. D.

Jordan stated that at this time there is no development or housing planned and so he would like to first present the waiver requests noting that these lots will be subject to regulations in the future. They will need to go through the building process or if a commercial business is proposed for any of the lots, they will go through that process and come back to the town for any future development. Jordan stated that they have met with the D.E.P.

(Department of Environmental Protection) and a lot of the conditions do not qualify for Site Law Permitting which would add significant costs.

Durward suggested that the Board discuss the waivers individually, make sure that they meet the ordinance standards and vote on each waiver request as written in Section 7. (Health, safety and welfare). Durward also suggested that the waivers and votes are put into the Findings for the development and sent to the applicant.

The requirements were read from the Subdivision Regulations Ordinance Manuel as the replies to the answers were read from submissions from the applicant.

Durward suggested that if anyone was doing something other than placing a single family home on a lot, they would then need to come back to the Board for approval and suggested that there should be a note placed on the plan.

Jordan stated that he did not see what an extra condition would do.

Durward stated that he thought it was a good policy to have this on the final plan and in the findings, that things get forgotten down the road.

Jordan stated that it is on the plan, #6. #6 reads as follows: No development is currently proposed on the subject property. Further division of the proposed lots will constitute a revision of this plan and shall be subject to applicable subdivision regulations and any condition placed on the approval of this plan.

Durward stated that "this is a little different and he is thinking about further development, examples, restaurants, stores, gas station. The note doesn't exactly say that the way it is written."

Jordan stated that the subdivision regulations do.

Durward stated that subdivision regulations are enforced during the approval process, if they aren't put on the plan they are sometimes forgotten. Jordan stated that he had no problem with a condition that they will follow land use and subdivision regulations.

Durward replied to this by adding, "Yes, if it's a single family residential use, it goes to the CEO, anything beyond that will need approval from the

Planning Board or in accordance with the Land Use Ordinance and the Subdivision Ordinance at the time.”

Waivers

Requirement: 7.2D.6 Test pit analyses, prepared by a Licensed Site Evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted.

Waiver Request: Test pit analysis is not included with this preliminary submission. No development or structures are proposed on these lots at this time. The primary purpose of a Test Pit analysis prepared by a Licensed Site Evaluator would be for septic design. Since the type, size, and location of future development on these lots is unknown at this time, the preparation of a Test Pit analysis has no impact on how these lots are subdivided. The performance standards of these regulations and criteria of the Subdivision Statute will be fulfilled in the future when a dwelling structure or other development requiring Test Pit analyses is proposed on any of the lots within the parcel and added:

Per Article XIV –Waivers, the proposed four (4) lot subdivision of vacant land has no impact on public health, safety, or welfare, or is inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision. Therefore, it is requested the Board grant a waiver for Test Pit analyses.

Discussion: Doug asked the applicant that if was going to buy a lot, he would want to know about the test pits and asked , “how do you address that the land is viable for a septic system without digging six test holes, and asked if he was proposing to sell the lots as is” ?
Dana replied “yes”.

Mitch suggested that on each of the waivers that the board approves, it be written that they must meet the criteria of the LUO and the Subdivision Regulations and that a stipulation should be put on each of those lots in writing so when someone buys a lot they know this and to also place it on the plot plan.

After a brief discussion Durward suggested that a condition be placed on the plan that no lots are sold until the specific use is determined, again stating that there is a difference between developing a lot and selling a lot. Also adding that you would need to agree that lot owners would have to come back to the Planning Board for the use of that lot.

Jordan stated that there is no zoning in the town and if someone wanted to develop the land further they would have to come back to the Planning Board.

Durward suggested that members vote on waivers and not applicable separately.

Durward stated that he has never seen anyone come in for a subdivision where the use hasn't been determined yet. The concerns that I have are with the road forward, dividing up into 5 parcels and not saying what they will be used for will require a little extra effort to make sure that everyone is protected.

Members went on to read all the waivers followed by the not applicable Requirements.

7.2 D.6 Joe made a motion that was seconded by Kurt to grant the waiver.

The Chair appointed Judi (alternate) to replace Carrie as a voting member. The vote was called and carried 5-0-0.

7.2D10 Requirement: A high intensity soil survey by a Registered Soil Scientist. Wetland areas shall be identified on the survey, regardless of size.

Reply: Waiver Request: No wetlands were identified within the subject parcel; wetland mapping was provided with the preapplication materials. A high-intensity soil survey was not prepared for this preliminary submission. No development or structures are proposed on these lots at this time. The proposed subdivision does not trigger Site Law as defined by the Maine Legislature, and the proposed lot subdivision will not adversely impact the environment. The performance standards of these regulations and criteria of the Subdivision Statue will be evaluated in the future when a dwelling structure or other development requiring a high-intensity soil survey is proposed on any of the lots within the parcel.

A motion was made by Joe and seconded by Kurt that this requirement has been met. The vote was called and carried 5-0-0.

7.2D23 Requirement: A hydrogeologic assessment prepared by a Certified Geologist or Registered Professional Engineer, experience in hydrogeology when:

a. Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled Hydrogeologic Data for Significant Sand and Gravel Aquifers", by the Maine Geological Survey, 1987, Map No. 13; or

b. The subdivision has an average density of more than one dwelling per 100,000 square feet.

The Board may require a hydrogeologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on ground water quality. These cases include extensive areas of shallow to bedrock soils; or cluster developments in which the average density is less than one dwelling unit per 100,000 square feet but the density of the developed portion is in excess of one dwelling unit per 80,000 square feet or proposed use of shared or common subsurface waste water disposal systems.

The hydrogeologic assessment shall be conducted in accordance the provisions of Section 11.12.A.1

Waiver Request: A hydrogeologic assessment was not prepared for this preliminary submission. No development or structures are proposed on these lots at this time. The proposed lot subdivision does not trigger Site Law as defined by the Maine Legislature, and the proposed lot subdivision will not adversely impact the environment. The performance standards of these regulations and criteria of the Subdivision Statue will be evaluated in the future when a dwelling structure or other development requiring a hydrogeologic assessment is proposed on any of the lots within the parcel.

Per Article XIV-Waivers, the proposed four (4) lot subdivision of vacant land has no impact on public health, safety, or welfare, or is inappropriate because of inadequate or lacking connecting facilities adjacent to or in the proximity of the proposed subdivision. Therefore, it is requested the Board grant a waiver for a hydrogeologic assessment.

A motion was made by Joe and seconded by Kurt to grant a waiver. The vote was called and carried 5-0-0.

Included:

Requirement: 7D1 Proposed name of the subdivision, or identifying title, and the name of the municipality in which located, plus the Assessors Map and Lot Numbers.

7.2D1 Reply: included, please see the application and subdivision lot layout plan in Attachment A.

Kurt made a motion that was seconded by Joe that this requirement has been met. The vote was called and carried 5-0-0.

7.2D2 Requirement: Verification of right, title or interest in the property.

7.2D2 Reply: included, please see the recorded Deeds in Attachment B.

Sonia made a motion that was seconded by Kurt that this requirement has been met.

The vote was called and carried 5-0-0.

7.2D3. Requirement: A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel shall be located on the ground and marked by monuments. The plan shall indicate the type of monument found or to be set at each lot corner.

7.2D3 Reply: Included, please see the Subdivision Plan.

When Jordan was asked by Mitch if monuments have been set he replied that they had not been set as of yet. Mitch stated that the monuments need to be set or how will we know that it will be done?

Durward stated that the CEO can hold off on the building permit until after they are set.

A motion was made by Kurt that monuments must be set upon approval of the final plan. The motion was seconded by Joe. The vote was called and carried 5-0-0.

72D.4 Requirement: A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

Reply: Included. Please see the recorded deeds.

A motion was made by Kurt and seconded by Sonia that this requirement has been met. There are no Deed restrictions proposed at this time. The vote was called and carried 5-0-0.

7.2D.5 Requirement: A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivisions.

7. D5. Reply: Included, please see the recorded deeds.

7. D5. ~~Included, please see the recorded deeds.~~ Revised to read as follows:

7. D5 Not applicable. No Deed restrictions are proposed at this time.
Signed and initialed (J.D.P.) by Jordan Pike.

A motion was made by Sonia and seconded by Kurt. The vote was called and carried 5-0-0.

7.2D8 The date the Plan was prepared, north point, and graphic map scale.

Reply: Included, Please see the Subdivision Plan.

A motion was made Kurt and seconded by Joe that the requirement has been met. The vote was called and carried 5-0-0.

7.2D9 The names and addresses of the record owner, subdivider, and individual or company who prepared the plan, and adjoining property owners.

7.2D 9 Reply: Included Please see the application and subdivision plan.

Kurt made a motion that was seconded by Joe that the requirement has been met. The vote was called and carried 5-0-0.

7.2D11 The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features. The location of any trees larger than 24 inches in diameter at breast height shall be shown on the plan.

7. D11. Reply: Included, please see the Subdivision Plan. It should be noted that the subject parcel was approved for up to 20 acres of clearing on April 18, 2022, by the Maine Department of Agriculture Conservation & Forestry (Permit ID 49002035).

Kurt made a motion that was seconded by Joe that the requirement has been met. The vote was called and carried 5-0-0.

7.2D12 The location of all rivers, streams and brooks within or adjacent to the proposed subdivision. If the proposed subdivision is in the direct watershed of a great pond, the application shall indicate which great pond.

7. D12. Reply: Included: Rivers, streams, and brooks were not identified within the subject parcel. The proposed subdivision is shown within the larger watershed of Moose Pond-Saco River. Please see Watershed Map in Attachment C.

Discussion: Judi requested to see the whole map to see what the box is covering.

Kurt made a motion that was seconded by Joe to approve that this requirement has been met when the map is supplied. The vote was called and carried 5-0-0.

7.2D 13 Contour lines at the interval specified by the Board, showing elevations in relation to Mean Sea Level.

7D.2 13 Reply: Included intervals and vertical datum information are included within Note #4 on the subdivision site layout plan.

Kurt made a motion that was seconded by Joe that this requirement has been met. The vote was called and carried 5-0-0.

7.2D14 The Land Use district in which the proposed subdivision is located and location of any Land Use or zoning boundaries affecting the subdivision.

Reply: Included, please see the Submission Plan and the location map in Attachment E.

~~Reply: Included, please see the Submission Plan and the location map in Attachment E.~~

Jordan changed and initialed the reply to the following:
Not applicable, there is currently no zoning.

Kurt made a motion that was seconded by Joe that the requirement has been met. The vote was called and carried 5-0-0.

7D.15 the location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.

Included, please see the Subdivision Plan. No sewers, water mains, culverts or drainage ways are proposed or were located on or adjacent to the subject parcel.

Kurt made a motion that was seconded by Joe that the requirement has been met. The vote was called and carried 5-0-0

7.2D 16 The location, names, and present widths of existing streets and highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.

Reply: Included, please see the subdivision plan.

Joe asked who maintains Rye Rd. Dana replied that he does.

Sonia asked if all the roads are on the map and would like to see all of the roads on the map. Dana stated no, Pig Street and Ryefield Road are.

Kurt made a motion that was seconded by Joe that this requirement has not been met. The vote was called and carried 5-0-0 that the requirement has not been met.

7 2. D17 The width and location of any streets, public improvements or open space shown in the Comprehensive Plan, if any, within the subdivision.

Reply: Included.

Kurt made a motion that was seconded by Joe that the applicant is to submit a plan within 30 days that show the dimensions on the streets. The vote was called and carried 5-0-0.

7.2D18 The proposed lot lines with approximate dimensions and lot areas.

Reply: Included, please see the Subdivision Plan.

Kurt made a motion that was seconded by Joe that this requirement has been met. The vote was called and carried 5-0-0.

7.2D 21 The area on each lot where existing forest cover will be permitted to be removed and converted to lawn or other cover and any proposed restrictions to be placed on clearing existing vegetation.

Reply: 7. D21. Included: As mentioned above, the subject parcel was approved for clearing through the Maine Department of Agriculture Conservation and Forestry (Permit ID 49002035). No other restrictions on clearing existing vegetation are proposed at this time.

Kurt made a motion that was seconded by Doug that the requirement has been met. The vote was called and carried 5-0-0.

7D2.22 If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.

Included: FEMA Flood Rate Insurance Mapping was provided with the preapplication materials. No portion of the subdivision is in a flood-prone area as identified on FEMA's Flood Rate Insurance Map.

The applicant stated that this material will be reprinted and provided soon.

Kurt made a motion that was seconded by Joe that the requirement has been met with the submission of the reprinted material. The vote was called and carried 5-0-0.

7D.2 26 Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the Comprehensive Plan. If any portion of the subdivision is located within an area designate as a critical natural area by the comprehensive plan or the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.

Reply: Included, areas of high moderate value wildlife habitat were not identified. Please see the Maine Department of Inland Fisheries & Wildlife Map in Attachment D.

Members have requested a new map 11 by 17, this requirement has not been met.

Kurt made a motion that this requirement has not been met, seconded by Joe. The vote was called and carried 5-0-0.

7.2D28 All areas within or adjacent to the proposed subdivision which are either listed on or eligible to be listed on the National Register of Historic Places, or have been identified in the comprehensive plan as sensitive of likely to contain such sites.

Reply: 7. D28. Included, no areas listed on or eligible to be listed on the National Register of Historic Places were identified within or adjacent to the

proposed subdivision. See Attachment F for Oxford County properties listed on the National Registry.

Kurt made a motion that was seconded by Joe. The vote was called and carried 5-0-0.

Not applicable

7.2D7 Indication of the type of water supply system(s) to be used in the subdivision. When water is to be supplied by public water supply, a written statement from the servicing water district shall be submitted indicating there is adequate supply and pressure for the subdivision.

7. D7 Reply: Not applicable Indication of the type of water supply systems isn't applicable to this subdivision of vacant land, and is not included with this preliminary submission. No development or structures are proposed on these lots at this time. It is anticipated water supply for future developments will be provided through drilled wells.

Kurt made a motion that was seconded by Joe that they are in agreement that this requirement has been met. The vote was called and carried 5-0-0.

7.2D19 All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all public open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If open space or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer to convey title shall be included.

Reply: Not applicable. No parcels of land are proposed to be dedicated to public use at this time.

Kurt made a motion that was seconded by Sonia that the requirement has been met. The vote was called and carried 5-0-0.

7.2D 20 The location of any open space to be preserved and a description of proposed improvements and its management.

Reply: No open space is proposed at his time.

Kurt made a motion that was seconded by Joe that the requirement has been met. The vote was called and carried 5-0-0.

7.2D24 An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from trip generation Manual, 1991 edition, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.

Reply: 7. D24. Not Applicable: Trip Generation was not prepared for this preliminary submission. No development or structures are proposed on these lots at this time, therefore, it's infeasible to determine the trip generation of vehicular traffic.

Kurt made a motion that was seconded by Joe that this requirement has been met. The vote was called and carried 5-0-0.

7.2D25 For subdivisions involving 40 or more parking spaces or projected to generate more than 400 vehicle trips per day, a traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.

Reply: 7. D25. Not Applicable: A Traffic Impact Study was not prepared for this preliminary submission. No development or structures are proposed on these lots at this time; therefore, the proposed subdivision does not meet the defined criteria for a Traffic Impact Study.

Kurt made a motion that was seconded by Joe that this requirement has been met. The vote was called and carried 5-0-0.

Not applicable: 7.2 D 27

If the proposed subdivision is in the direct watershed or a great pond, and qualifies for the simplified review procedure for phosphorus control, the plan shall indicate the location and dimensions of vegetative buffer strips or filtration systems and the application shall include a long-term maintenance plan for all phosphorus control measures.

Judi had concerns with phosphorus levels. Jordan stated that Site Law has phosphorus allowances and stated the land is flat, sandy and has good drainage.

Doug stated, right now it does but maybe not in the future. Kurt made a motion that was seconded by Joe that this requirement has been met with the submission of a larger plan within 30 days. The vote was called and carried 5-0-0.

Durward stated that the attachments are not labeled, attachments will need to be labeled. Mitch requested that the applicants make full size copies of all maps.

Members requested that the applicant submit whole new packets, 8 copies in all.

Carrie did not need to abstain from the voting on the following:

A motion was made by Kurt and seconded by Carrie to pay \$158.49 for the Planning Board Zoom for the year. The vote was called and carried 5-0-0.

A motion was made by Carrie and seconded by Joe to pay \$120.00 (\$40.00each) to MMA training (Legislative Process A-Z Webinar) to take place on January 31. The vote was called and carried 5-0-0.

Cannabis Fees were discussed. The secretary will check with other towns to see what their fee schedules are.

In an email dated January 6, the CEO Mike Vane informed the Board that he has denied an Occupancy Permit to Adam Martinese DBA Clean Green, LLC. A copy of this letter can be found in the file for Clean Green, LLC.

The applicant submitted an application dated December 28, 2022 for his Marijuana Adult Use license.

The attorney for Adam, Jeffrey Wilson was present via Zoom.

Jeffrey is requesting a 60 day extension for the application process.

Joe stated that the Board would need documentation from the State with dates showing that the applicant is in compliance.

Members requested the secretary to contact their attorney and find out if the Board can grant an extension under these circumstances. (The applicant did not submit his renewal processing paperwork 60 days prior to the expiration date of his license).

Joe made a motion that was seconded by Carrie to have the secretary contact the attorney and ask if the license can be extended. The vote was called and carried 5-0-0.

Sonia made a motion that was seconded by Kurt to schedule workshops on January 10th and January 31 and the next meeting on February 7. The vote was called and carried 5-0-0.

Sonia will meet with the selectmen to discuss Marijuana fees.

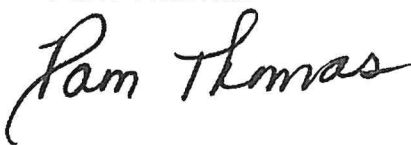
Kurt made a motion that was seconded by Carrie to schedule the next workshop on 7 p.m. and the next meeting on 2023 at 7 p.m. The vote was called and carried 5-0-0.

Sonia made a motion that was seconded by Joe to adjourn the meeting. The vote was called and carried 5-0-0. The meeting adjourned at 9:50.

Submitted by,

Chair,

Pam Thomas

Handwritten signature of Pam Thomas in cursive script.

Sonia Frye

Handwritten signature of Sonia Frye in cursive script.