



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

Minutes of April 6, 2021

Members present: Sonia Frye (Chairperson), Kurt Wood (Vice-Chairman), Deb Merrill (member), Doug Heroux (member), Joe Egan (member) Judi Tordo and Mitch Dondero (alternate).

There were no members absent.

Others present: Pam Thomas (Secretary), Richard Perreault (Fire Chief), Mike Bebis and Dan Malloy.

Present via Zoom: Durward Parkinson (Planning Board Attorney) attending until 8:30 p.m., Jeffrey Wilson (Attorney for Adam Martinese) Matt Dubois (Attorney for Mike Bebis) attending until 9 p.m., Dawn Dyer attending until 8:24, Whit Lucy, and initials only SB attending until 8:24. Laurie Jacques attending until 8:24. Two phone numbers showed up via Zoom with no names attached to the phone numbers, one with a Massachusetts area code 978-852-3638 and one with a Maine area code 207-256-7216 attending until 8:25.

With seven members present, a quorum did exist and business could be conducted.

The meeting was called to order at 7:05 p.m.

The minutes of March 2 minutes were reviewed by members.

Motion To: Accept the minutes as written.

Made by: Kurt

Seconded by: Joe

Vote: 5-0-0

The Planning Boards Town Report was reviewed by members.

Motion To: Accept the report as written and submit to the Town Clerk.

Made by: Deb

Seconded by: Kurt

Vote: 5-0-0

Motion To: Allow payment of \$90.00 for three webinars for Deb Merrill, one of the webinars is free.

Made by: Kurt

Seconded by: Joe

Vote: 5-0-0

Workshop notes taken on March 16 and March 30 were signed by the chair.

Correspondence

An email from Jeffrey Wilson, lawyer for Clean Green LLC has replied to an email sent from the board on March 16. In this email members are asking for an explanation for the differences between the state information and the Marijuana Establishments Licensing Ordinance Application. The applicant submitted paperwork from the state for a cultivation license, status, pending conditional for a Cultivation Tier 3 (2001-7000 square foot canopy) and in the Marijuana Establishments Licensing Ordinance Application, the applicants are applying for a Cultivation Tier 2 (501-2000 sq. foot canopy).

The following was read to all in an email dated March 30th from Atty. Wilson: Yes, Adam had applied to the State for Tier 3, but the license cost in Town caused him to amend down locally to a Tier 2, so the application in Brownfield will be for Tier 2 approval in Brownfield.

Kimberly Lee has requested guidance to clarify the Local Food and Community Self-Governance Ordinance of 2020. In this email, she has written that she would like to open a small take out business in her home, three (3) nights a week, pre order.

Board members agreed that selling chickens and vegetables to customers is one thing, preparing the chicken and vegetables and selling them as a takeout business is another but also stated that the purpose of this ordinance is to allow people to see if they are able make a go out of a business before putting out the expense.

After a short discussion, members decided to send this information over to Attorney Durward Parkinson to determine if this request would fall under the Local Foods Ordinance.

Members would like the Local Foods Ordinance to be updated with the following amendment included within the Ordinance:

Municipal Liability Protection. The Town of Brownfield assumes no liability for any products utilized under this ordinance. Nothing within this ordinance indemnifies the producer or the processors from liability for their products.

Motion To: Send a copy of the Local Foods Ordinance, a copy of the letter from Kimberly Lee and the proposed clause amendment to Atty. Parkinson.

Made by: Kurt
Seconded by: Deb
Vote: 5-0-0

Laurie Jacques attending via Zoom asked if the meetings were again open to the public. Members stated that with the restrictions of Covid, only twelve people can attend at this time. Members stated that applicants should be able to attend if the restrictions can be met. Members told Laurie that she can request to be placed on the agenda or she can take a chance and show up at the meeting.

Motion To: Schedule workshops on April 13 and April 27th and a meeting on May 4.
Made by: Kurt
Seconded by: Deb
Vote: 5-0-0

The revised proposed draft copy of Camper Regulations have already been accepted by the board. The final copy was submitted.

Maineline Farms LLC Tax Map R2-Lot 10

In an email dated March 22 Matt Dubois, attorney for Mike Bebis DBA Maineline Farms LLC submitted a site plan as an amendment to his application. Planning Board members are requesting that a larger map be submitted and one was submitted at this meeting. Also, the Land Use requirements 4.9 d. and e. had not been submitted prior to this meeting in time for members to review. The amended requirement replies dated April 6, 2021 were dropped off at the town office today. The board requires any paperwork to be submitted two weeks prior to a regularly scheduled meeting.

The operating times for the business are listed as seven (7) days a week, twenty-four hours a day. The applicant added to these hours language to show that the typical hours of operation are six (6) a.m. to ten (10) p.m. Mike Bebis initialed and dated his changes.

The application was read to all. Members voted on each requirement as complete or not complete. These requirements will be read and voted on at a public hearing, members will vote on each requirement and at that time find if each requirement has been met.

Brownfield Land Use Ordinance 4.9 a. – j.

Dated April 7, 2021

- a. Access to the site from existing and proposed roads is safe and adequate. The proposed use will not cause or aggravate undue traffic congestion. Off-

street parking and loading facilities will accommodate anticipated business at all times.

Yes; The Site will be accessed from Pease Lane, which is a public way. The Site will generate minor traffic due to minimal employees necessary for daily operations. Supply deliveries via UPS, FedEx and other small delivery vehicles will vary; similar to large residential households. The site is not open to the public.

Driveway access has been site-walked by Khiel Excavation and Blais Engineering for planning and design prior to upgrading.

Motion: The requirement is complete.

Made by: Kurt

Seconded by: Joe

Vote: 5-0-0

- b. The site design is in conformance with all flood hazard protection regulations.

Yes; This Site is not located in a regulated flood area as shown on FEMA's National Flood Hazard Layer Viewer (FIRMette); labeled 'Area of Minimal Flood Hazard'.

Motion: The requirement is complete.

Made by: Joe

Seconded by: Kurt 5-0-0

Vote: 5-0-0

- c. Adequate provision for the transportation, storage, and disposal of any solid waste and hazardous matter has been made.

Yes; the greenhouse will generate minimal solid waste, similar to a residential household, and will be either transported to a transfer station or hauled off-site by a private contractor. A preliminary site evaluation handled by Bliss & Associates is attached. Operational organic waste will be composted onsite per state regulations. Construction waste will be stored in containers and transported off-Site to be disposed per all applicable local, state, and federal regulations.

Motion: The requirement is complete.

Made by: Kurt

Seconded by: Joe

Vote: 5-0-0

- d. A stormwater drainage system capable of handling a 25-year storm without adverse impact on adjacent properties has been designed.

Yes; The Conceptual Site Plan dated 2/26/21 shows two stormwater detention basins that will capture stormwater runoff and mitigate 25- year peak flows leaving the Site to levels that are at or below current conditions.

Comments: Members stated that the plan submitted is conceptual, they are requiring an actual site plan. Distances, septic and well locations, drainage, roadways, dimensions, setbacks, location of retention pond etc. must be shown.

The answer is not complete, the board will not accept this plan.

Motion: This plan is not complete and this reply will not be accepted.

Made by: Kurt

Seconded by: Joe

Vote: 5-0-0

- e. An erosion and sediment control plan has been formulated.

Yes; Best management practices (BPMs) including sediment barriers, stone check dams, a construction entrance, and vegetation will be implemented to control erosion and sedimentation consistent with the Maine Department of Environmental Protection Standards.

Discussion: Mike Vane, CEO did not submit a waiver for this requirement. Mitch asked the applicants where on the plan the retention ponds were located and that the site plan needs more detail.

Joe stated that if the applicants were to give this plan to a contractor, he would tell them that he could not build from that plan.

Doug stated that many items are required. The site plan and the site drawing should be incorporated together.

Joe would like a site engineer to show where everything is going, the plans to be combined with erosion and sedimentation. The conceptual plan does not show the 25 year plan (for handling a 25 year storm).

Doug gave the applicant a list for guidance on what the board finds is necessary in order to complete this requirement. It is not all inclusive.

Other concerns: Sonia has concerns with the site walk information and what was communicated on that day by the engineers on site stating that they may have to blast. The drainage plan will have to wait until the property lines for the town have been found.

Mitch: Abutters should know where everything is going, it doesn't show how the abutter's property will be affected.

Judi: The road is different (from the plan as walked by members at the site walk). The neighbor will now have all of the traffic going past their house.

Laurie Jacques asked for permission to speak via Zoom.

The motion was made by Sonia and seconded by Kurt to allow her to speak. The motion carried 5-0-0. Laurie stated that it was her belief that the board would be conducting another site walk to see where the property posts are.

Members all agreed that the plans have changed from the date of the site walk.

Motion: This requirement is *not* complete as written.

Made by: Kurt

Seconded by: Joe

Vote: 5-0-0

The selectmen will be sending someone to Pease Road to find the town property and the private property lines. There are concerns with the turn around and where it is located on that road and they will need to determine where the right of way ends. The board would like to have a plan submitted that is definite.

Motion To: Table the application until more information is submitted, the application is incomplete.

Made by: Sonia

Seconded by: Kurt

Vote: 5-0-0

Clean Green LLC Tax Map R12-Lot 15

Adam Martinese and his lawyer Jeffrey Wilson were present via Zoom. The application was read to all present.

On the map provided by the applicant, it shows that part of his greenhouse and fence are on someone else's property. Also, at the last meeting Adam stated that he could not move the greenhouse from its location because it is on a foundation. The board had initially agreed to allow Adam to submit a notarized letter from the property owner whose property the greenhouse extends onto but they will need to make a new agreement with them. Kurt stated that the board will not approve another person's o.k. to use part of their property for the greenhouse.

- a. Access to the site from existing and proposed roads is safe and adequate. The proposed use will not cause or aggravate undue traffic congestion. Off street parking and loading facilities will accommodate anticipated business at all times.

Reply: Yes, access to the site from the existing road is safe and adequate and will not cause aggravated or undue traffic congestion. There is adequate parking and it is all off street. There are currently six people employed.

Motion To: Accept the requirement as complete.

Made by: Kurt
Seconded by: Sonia
Vote: 5-0-0

- b. The site design is in conformance with all flood hazard protection regulations.

Reply: Yes, the site design is in conformance with all flood hazard protection regulations.

Motion: Accept the requirement reply as complete.

Made by: Sonia
Seconded by: Joe
Vote: 5-0-0

- c. Adequate provision for the transportation, storage, and disposal of any solid waste and hazardous matter has been made.

Reply: Yes, adequate provisions for the transportation, storage, and disposal of any solid waste and hazardous material have been made. There will not be hazardous matter. Trash will be taken to the transfer station and if needed, they will have a dumpster and / or trash pickup.

Motion To: Accept that the requirement is complete.

Made by: Kurt
Seconded by: Sonia
Vote: 5-0-0

- d. A storm water drainage system capable of handling a 25-year storm without adverse impact on adjacent properties has been designed.

Reply: Landscaping has been in existence since 1908 and has been sufficient.

Made by: Sonia
Seconded by: Kurt
Vote: 5-0-0

- e. An erosion and sedimentation control plan has been formulated.

Reply: See answer d.

Motion To: Accept that reply to requirement is complete.

Made by: Kurt
Seconded by: Sonia
Vote: 5-0-0

- f. There is adequate water supply to meet the demands of the proposed use, and for fire protection purposes. Written approval from Fire Chief designating source required.

Reply: Yes, there will be adequate water supply to meet the demands of the proposed use and for fire protection. The Center Conway and Brownfield Fire Department is 3 miles (a) way and water would be trucked.

Discussion: Richard Perreault, (Fire Chief) stated that the hydrants are three miles from Clean Green, LLC, each way.

Motion To: Accept that requirement is complete.

Made by: Sonia

Seconded by: Kurt

Vote: 5-0-0

- g. No water pollution will be caused.

Reply: Yes, no water pollution will be caused.

Motion To: Accept that requirement reply is complete.

Made by: Sonia

Seconded by: Kurt

Vote: 5-0-0

- h. Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter children from entering the premises shall be provided and maintained.

Reply: Yes, the building will be adequately protected and maintained to keep children from entering the premises. Locks on the entryways and windows as well as an alarm system.

Motion To: Accept that requirement reply is complete.

Made by: Sonia

Seconded by: Kurt

Vote: 5-0-0

- i. Strong light or reflection of that light will not travel to residential properties or onto any public way so as to impair the vision of any motor vehicle driver.

Reply: Yes, there will not be any strong light or reflection of light that will travel to any residential property, public ways or impair the vision of any motor vehicle driver.

Motion To: Accept that requirement reply is complete.

Made by: Sonia

Seconded by: Kurt

Vote: 5-0-0

- j. The commercial/industrial activity will take place at least 100 feet from the nearest dwelling.

Reply: Yes, commercial/industrial activity will not take place within 100 feet from the nearest dwelling. The actual footage from the nearest dwelling is 164 feet.

Motion: Accept requirement reply as complete.
Made by: Sonia
Seconded by: Kurt
Vote: 5-0-0

Motion To: Accept application with the conditions that a Deed/ letter are submitted.
Made by: Kurt
Seconded by: Joe
Vote: 5-0-0

Motion To: Schedule a Public Hearing on Tuesday, May 11 at 7:15 for this application.

Made by: Sonia
Seconded by: Joe
Vote: 5-0-0

Motion To: Adjourn the meeting
Made by: Sonia
Seconded by: Kurt
Vote: 5-0-0

The meeting adjourned at 9:15.

Submitted by,

Chair,

Pam Thomas

Sonia Frye

