



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

Minutes of January 5, 2021

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

No members were absent.

Others present: Pam Thomas (Secretary), Whit Lucy, Mike Bebis, Matt Dubois, Steve Blais, Dory Molloy and Daniel Molloy.

All members were present, a quorum did exist and business could be conducted.

The meeting room during covid can only accommodate 12 people for the space provided. With restrictions in place and the limit of 12, two of the Planning Board members had to leave so that the applicant's attendees and one other could stay. Judi Tordo and Mitch Dondero will review all information and sign a missed meeting document so that if needed, in the future, they will be able to vote on this application and its completeness.

The meeting was called to order at 7:08.

The minutes of December 8th were reviewed by members.

Motion To: Accept the minutes as written.

Made by: Deb

Seconded by: Joe

Vote: 3-0-2

Sonia and Doug abstained from the vote, they were absent on December 8th.

Motion To: Accept the Finding of Facts for Richard Kurzontkowski (Shoreland Zoning building permit) Tax Map U2-Lot 34)

Made by: Deb

Seconded by: Joe

Vote: 5-0-0

A copy of the Expense Detail Report dated 12/29/2020 of Planning Board expenses was reviewed by members. The line item for legal expenses is in the red minus \$1351.83. The debit is partly due to the selectmen deducting \$3010.00 from the Planning Board account for legal fees for The Hive.

Motion To: Talk with the selectmen about properly assigning legal fees.

Made by: Joe

Seconded by: Deb

Vote: 5-0-0

Motion To: Request that Megan forward all invoices against the Planning Board budget to the Planning Board.

Made by: Joe

Seconded by: Deb

Vote: 5-0-0

ZOOM

Members will be adding Zoom to their budget this year. The total cost is \$15.00 per month. The Planning board will split the cost with the Selectmen.

Motion To: Add Zoom to the budget at a cost of \$7.50 a month.

Made by: Deb

Seconded by: Joe

Vote: 5-0-0

Budget Reduction

Joe had information that the selectmen would like to see a 20 to 25 % reduction in the budget across the board.

Motion To: Keep the budget the same as last year with no changes.

Made by: Kurt

Seconded by: Deb

Vote: 5-0-0

Members decided to table the budget after a brief discussion.

Shoreland Zoning Permit Application

The application for Shoreland Zoning Permit requests was submitted for review. With the exception of the \$100.00 fee being added to the application, no other changes were made to the draft copy.

Motion To: Submit application as written.

Made by: Deb

Seconded by: Joe

Vote: 5-0-0

The application was dated and signed by members for approval.

Motion To: Meet on January 12, 19th and 26th for workshops and schedule February 2 as a regular voting meeting.

Made by: Sonia

Seconded by: Deb

Vote: 5-0-0

Marijuana Fees

Mike Bebis' attorney sent a memo dated 11/24/2020 to the town stating that in his opinion, he has noted that the fees are significantly higher than most municipalities in the state and went on to submit information containing fees from other municipalities. The selectmen set the fees. The Town of Brownfield Marijuana Establishment Fee Application Schedule was set by the selectmen, signed by the selectmen with an effective date of December 3, 2020.

The information was sent along to Attorney Hastings Malia to review and a response was forwarded to Megan Witt, Administrative Assistant on December 9th, 2020.

The Planning Board does not deal with marijuana fees, if anyone wants to argue the fees set, they will need to go to the selectmen.

Camper wording revisions to draft copy

Mike Vane CEO, questioned requirement e. that states: 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.

Mike would like to have the language changed to: If the time restrictions cannot be strictly adhered to, then a written approval from the ~~CEO~~ **Selectmen** may be granted with a specific length of time given. ***Members would like the word "installed" removed from the document.***

Motion To: Send along camper wording to be included in the Land Use Ordinance.

Made by: Deb

Seconded by: Kurt

Vote: 5-0-0

Mainline Farms, LLC

The commercial and industrial application for Mike Bebis DBA Mainline Farms, LLC was read to all present. The Planning Board discovered that there had been two different versions of the requirement replies from the applicant and made a motion to discard the original.

Motion To: Take the original application and cross out a. through j. requirements so there is no confusion with the new replies.

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

Members will be reviewing the requirement replies dated January 5, 2021.

The applicant will get together with the secretary to review the abutter list submitted.

Maineline Farms LLC

PERFORMANCE & DESIGN STANDARDS

The following is a detailed description of the project in terms of the applicable requirements outlined in Section 4.9 of the Town of Brownfield Land Use Ordinance.

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.

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 To: Accept that requirement a. is complete.
Made by: Deb
Seconded by: Joe
Vote: 5-0-0

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

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 To: Accept that requirement b. is complete.
Made by: Deb
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.

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.

Discussion: Joe asked the applicant if he will be bringing his waste to the town transfer station. Deb stated that there was an area for organic waste and if there is a charge, the boys at the transfer station will tell him. Mike Bebis asked if other businesses in town bring their waste to the transfer station. Members stated that some do, if Mikes business exceeds a normal household waste, they would need a dumpster. Mike Bebis stated that his waste will be like any other households waste (Plastic pots, packaging and initially there will be construction waste).

Motion To: Accept that requirement c. is complete.
Made by: Deb
Seconded by: Kurt
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.

A storm water drainage system capable of handling a 25-year storm without any significant adverse impacts on adjacent properties is planned to be designed and constructed; however, a waiver from the (CEO) Code Enforcement Officer has been requested for this standard.

Discussion: The applicant was asked why he is requesting a waiver for this requirement.
Reply from applicant: I have to deal with CMP, fire trucks, the 25 year requirement might be impracticable. Mike Vane stated that there is no one else around Mike's property, he is up there by himself. The way the property is sloped it, (runoff) will never reach his property.

Motion To: Accept that requirement d. is complete if the CEO is willing to write a waiver.

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

E. An erosion and sediment control plan has been formulated.

Best management practices (BPMs) including sediment barriers, stone check dams, a construction entrance, and vegetation is planned to be designed and

implemented as needed to control erosion and sedimentation; however, a waiver from the (CEO) Code Enforcement Officer has been requested for this standard.

Discussion: There is lots of stone, ledge and rock on the property and it is not like he is down by the water. Mike Vane stated that where he is so remote, this should not be a problem but if there is blasting, that would be different.

Motion To: Accept that the requirement is complete with the submission of the CEOs' waiver.

Made by: Deb

Seconded by: Joe

Vote: 5-0-0

F. There is adequate water supply to meet the demands of the proposed use, and for fire protection purposes.

Yes; Water will be provided by a newly drilled well. The proposed operational use will require less than 400 gallons per day (less than 1,999 gallons per day for Water Extraction exemption).

As an uninhabited agricultural building, sprinklers are not required. Additionally, under that Universal Building Code, uses classified under U (Under 8,500 sq. ft.) do not require sprinkler systems.

Motion: This requirement is incomplete pending a letter from the fire chief.

Made by: Sonia

Seconded by: Deb

Vote: 5-0-0

Discussion: Mike Vane will be checking information about building codes, sprinkler systems and lighting.

The fire chief was present via Zoom and stated that the TOWN does not have a sprinkler ordinance.

Discussion: Kurt stated that this requirement only requires that the applicants get a list from the fire chief of places that will supply water for firefighting purposes.

There was lengthy discussion about MUBC, (Maine Uniform Building Code), IBC (International Building Code), the applicants were advised that they can do the research and look up the code to see what is required of them.

Motion to: Clean up reply on sprinklers, submit a letter from the fire chief and let the fire chief make the determination on the use of sprinklers.

Made by: Kurt

Seconded by: Deb

Vote: 5-0-0

Members would also like the letter from the fire chief BEFORE the site walk.

With the mention of the site walk, members made the motion to conduct one.

Motion To: Schedule a site walk on Tuesday, January 26th at noon with a snow date of Friday, January 29th at noon.

Made by: Deb

Seconded by: Kurt

Vote: 5-0-0

G. No water pollution will be caused.

The Department of Environmental Protection has been contacted on this matter, the operation will not produce nor use chemicals that will cause pollution.

Motion To: Accept, with the inclusion of yes, that this requirement is complete.

Made by: Deb

Seconded by: Joe

Vote: 5-0-0

Requirement G. will read as follows: **Yes**, the Department of Environmental Protection has been contacted on this matter, the operation will not produce nor use chemicals that will cause pollution.

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.

The proposed Site does not pose potential safety hazards to children. Additionally, no persons under the age of 21 will be permitted to enter the premise at any time. Sufficient signage will be posted at driveway entrance.

Motion to: Accept, with the inclusion of yes, that this requirement is complete.

Made by: Deb

Seconded by: Joe

Vote: 5-0-0

Requirement H. will read as follows: **Yes**, The proposed Site does not pose potential safety hazards to children. Additionally, no persons under the age

of 21 will be permitted to enter the premise at any time. Sufficient signage will be posted at driveway entrance.

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

There will be no exterior lighting directing light towards residential properties or any public way.

Motion To: Accept, with the inclusion of yes, that this requirement is complete.

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

Requirement I will read as follows: **Yes**, there will be no exterior lighting directing light towards residential properties or any public way.

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

The greenhouse will be sited well over 100 feet from any dwelling unit.

Motion To: Accept, with the inclusion of yes, that this requirement is complete.

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

Requirement J. will read as follows: **Yes**, The greenhouse will be sited well over 100 feet from any dwelling unit.

Motion To: Revisit requirement replies to a. through e., all above were complete with the inclusion of **Yes**.

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

Motion To: Adjourn to the town office after the site walk for a meeting and set a public hearing date.

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

Jeff Wilson, Adam Martineses' attorney stated that Adam is out of the country and that he would like to have the application for Adam tabled to the February 2 meeting.

Jeff asked the board why Adam is being required to submit another commercial business application stating that nothing has changes from the previous application submitted. Sonia stated that the planning board did not conduct a site walk on the property, Adam did not want the Planning Board to do a site walk. Sonia also reminded Jeff that the board will only be reviewing the commercial industrial application.

Motion To: Table Adams application as requested by his attorney.

Made by: Kurt

Seconded by: Deb

Vote: 5-0-0

Deb will talk to the selectmen about the Planning Board hiring an attorney for the board.

Motion To: Request from Megan that any and all invoices are submitted to the board.

Made by: Deb

Seconded by: Kurt

Vote: 5-0-0

Motion To: Adjourn the meeting

Made by: Sonia

Seconded by: Kurt

Vote: 5-0-0

The meeting adjourned at 9:28

Submitted by,

Chair,

Pam Thomas

Sonia Frye