



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

Minutes of November 10<sup>th</sup>, 2020

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

No members were absent.

Others present: Pam Thomas (Secretary), Maria Manning , Joseph Manning arrived at 7:15, Richard Perreault (Fire Chief), Mike Vane (CEO), Scott Rumrill, Russ Canavari, Lori Talman, Bill Flynn ( Selectman) , David Brown, Whit Lucy and Dana Forcier.

With five members and two alternates present, a quorum did exist and business could be conducted.

The meeting was called to order at 7:00.

The minutes of October 6<sup>th</sup> were reviewed by members.

Motion To: Accept the minutes as written.

Made by: Deb

Seconded by: Joe

Vote: 5-0-0

### Scott Rumrill

Scott was present with his builder, Russ Canavari to present a plan for a new home building in the Shoreland Zone. The property is located at 51 Swan Road and can be found on tax Map U6-Lot 040-000.

### Background history of plans

In an email dated September 19, 2018, Scott reached out to the Planning Board stating that he was about to close on this property and he had two things that

needed to happen, one was to have a cesspool waste disposal system removed to be replaced with a septic system and have a new well dug further from the proposed septic system. He had an approved septic plan from May of 2018 by the current owners of the property. Scott was asked to contact the CEO at the time, Jesse Winters.

Plans were submitted to the CEO dated March 5, 2019.

Scott asked to be placed on the agenda on March 5<sup>th</sup>, 2019. Scott called to say that he would reschedule.

September 24<sup>th</sup>, 2020- Scott, in an email submitted new house plans and asked to be placed on the agenda. (November)

Secretary contacted Scott on November 2 to ask if new plans had been submitted. Scott had sent them to the CEO, Mike Vane but Scott had not forwarded them to the Planning Board. Scott did forward them via email and the agenda was revised to include Scott.

The new plans received November 2, 2020 were reviewed by members.

The proposed plan for the building is fifty eight (58) feet from the water at its closest point.

Scott stated that this cannot be placed any further back from the water. The proposed build is twenty (20) feet from the center of the road. The square footage of the old building with the deck is 602 or 608 square feet. The new proposed plan is 968 square feet. In a non-conforming lot an increase is allowed to 30 %.

Scott asked if the town adopted the state regulations. Members stated that it has adopted the state regulations.

Members stated that the structure is acceptable they need to review the ordinance because they believe the limit is only 30 % or 800 Square Feet, Scott believes it is 1000 square feet.

Mike Vane (CEO) sent a letter to Scott that was read at the meeting explaining why he needed to be placed on the Planning Boards agenda. In the letter Mike writes in part that removing the entire structure and placing a foundation under it gets complicated in the shore land zone. The town ordinance states:

Article C-2 of the shoreland zone whenever a new enlarged or replacement foundation is constructed under a nonconforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the planning board.

After members reviewed the plans that Scott submitted they stated that the plan for the building cannot be more non-conforming in the Shore land Zone.

Scott stated that the site currently has a cesspool, his plans indicate a septic system which will be located as far as permitted from the shoreline.

Scott was told that he will need a variance for his septic plan.

The lot is .02 of an acre, Scott has a problem with parking on this lot and needs to make space for parking.

Scott was asked to provide an approved septic plan, a larger scale copy of the map and plan.

The board would like Scott to take pictures of the building as it sits now and the property and have an engineer show that it is not any more non-conforming.

A new site plan and updated floor plan need to be submitted and Jon Bliss will need to be contacted to see if the plan for the septic has expired.

Scott will be placed on the agenda again when this information is submitted.

Joseph and Maria Manning have submitted two commercial business applications for the board to review.

The property can be found on Tax Map R13 Lot 24 and located at 154 Sam Brown Hill Road.

The first application for Mountain Treehouse Kombucha for the production, bottling and distribution of Kombucha and locally produced food items was read to all present. The business is a LLC and Maria added that to the application and initialed the changes.

Brownfield Land Use Ordinance 4.9 a. through j.

- 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. Our Kombucha business requires minimal deliveries requiring the regular purchase of bottles, loose leaf tea and granulated sugar. Flavoring agents such as blueberry, cherry and grape juices are either made on the premise (berries grown on the property) or purchased in small quantities. We do not currently intend on having our Kombucha distributed through a distributor (we are not currently licensed to do so) and therefore deliveries will be conducted by the owner in a personal vehicle. We are also not currently licensed to have a tasting room, and therefore do not anticipate any traffic in the area for patrons wishing to purchase or drink Kombucha on site.

The sketch below details the location of our business relative to Sam Brown Hill Rd. (roughly 1300 feet away) in addition to our small loading door and adjacent driveway.

Motion To: Accept that requirement has been met.  
Made by: Deb  
Seconded by: Kurt  
Vote: 5-0-0

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

Reply: Yes, the site is not in a floodplain and includes a well thought out and pre-approved septic design that allows for adequate drainage (see attached septic plan and HHE form)

Motion To: Accept that requirement has been met.  
Made by: Sonia  
Seconded by: Deb  
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, the septic design is appropriate for the intended use (designed for a three bedroom house) and does not produce any hazardous materials or any significant organic or inorganic waste.

Discussion: Joe asked what residue is left over from the process.

Maria explained that the approximately four (4) Tablespoons of tea left over are composted , product leftover that is water soluble goes into the septic system and they use Star San Sanitizer. (Made from food-grade phosphoric acid, safe for people and the environment.)

Motion To: Accept that requirement has been met.  
Made by: Deb  
Seconded by: Joe  
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. If not available contact CEO for possible waiver.

Reply: Yes, the plan includes swails, perimeter drains, and culverts.

Discussion: Doug asked where the swails are located and who created them. Maria stated they are from an excavator and the plans are from Steve Sanborn, (former CEO of Brownfield).

Motion To: Accept that requirement has been met.

Made by: Deb

Seconded by: Joe

Vote: 5-0-0

- e. An erosion and sedimentation control plan has been formulated. If not available contact CEO for possible waiver.

Reply: Yes, excavation work includes the planting of grass with appropriately sloped surfaces to avoid erosion and runoff.

Motion To: Accept that requirement has been met.

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. Written approval from Fire Chief designating source required.

Reply: Yes, water lines have been run from a drilled well on site. The closest water supplies for fire protection purposes, as identified by the Brownfield Fire Department are located on Old County Road and include two 10,000 gallon tanks in addition to Shephard River.

Motion To: Accept that requirement has been met.

Made by: Deb

Seconded by: Joe

Vote: 5-0-0

- g. No water pollution will be caused.

Reply: Yes, The production of both Kombucha and other foods in the commercial kitchen will not cause water pollution. The process of producing Kombucha involves the fermenting of green and black tea, subsequent bottling and carbonation. Since the tea is self-carbonating, no carbon dioxide tanks are necessary ~~at this time~~. The production of local foods such as hummus, pesto, and sauces also do not pose a threat to water quality.

Discussion: Judy asked about the reply that no carbon dioxide tanks will be used at this time.

The board asked Maria to cross out "at this time".

Motion To: Accept the requirement as complete after reply had been revised and initialed by the applicant.

Made by: Deb  
Seconded by: Joe  
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 Kombucha business is located on the first floor, complete with locked windows and doors. There is also a locked internal door separating the Kombucha business from the rest of the building. (See sketch of Kombucha room attached).

Discussion: Is the door between the two businesses a fire rated door?  
Fire Chiefs reply: It does not need to be a fire door.

Motion To: Accept that requirement has been met.  
Made by: Deb  
Seconded by: Joe  
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, the proposed business is not visible from the road and includes no plans for excessive lighting.

Motion To: Accept that requirement has been met.  
Made by: Deb  
Seconded by: Joe  
Vote: 5-0-0

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

Reply: Yes, the closest building to the proposed business (our own home) is more than 100 feet away.

Discussion: Judy asked about people staying upstairs in the guesthouse that are less than 100 feet from this business.

Motion To: Accept that requirement has been met.  
Made by: Deb  
Seconded by: Joe  
Vote: 5-0-0

Conditions that will be placed on this permit are as follows:

1. Kombucha stays Kombucha, there will be no beer or brewery permitted with this application.

Discussion: Maria asked members if she wanted to brew beer, she would need to come back to the board?

Reply: The board stated that she would have to come back to the Planning Board.

2. No tasting Room will be allowed under this permit.

If the applicants want to do anything more with their business that has not received Planning Board approval, the applicants will need to come back to the Planning Board for a change of use.

Motion To: Schedule a Public Hearing on December 8<sup>th</sup>, 2020 at 7:15.  
Made by: Deb  
Seconded by: Joe  
Vote: 5-0-0

The Public Hearing Notice will be placed in the Shopping Guide for two weeks, all abutters will be notified via certified mail.

Maria and Joseph Manning's second application for: Mountain Treehouse Kombucha, LLC

The property can be found on Tax Map R13 Lot 24 and located at 154 Sam Brown Hill Road.

Description of business: To open a guesthouse apartment which will be listed on Air B & B that is designed to host a maximum of four (4) people.

Brownfield Land Use Ordinance 4.9 a. through j.

- 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: The guest apartment is designed to host two visitors at a time (maximum four) and therefore should not generate any noticeable increase in traffic on our road. We have a clear sign at the end of our driveway, and have posted thorough directions complete with pictures on the Air B & B website to avoid any confusion concerning the location of our property. Meanwhile, we have recently added two inches of gravel to our driveway and have built a small turn around loop at the entrance to the guest house.

The sketch below details the location of our business relative to Sam Brown Hill Rd. (roughly 1300 feet away) in addition to our small loading door and adjacent driveway.

Motion To: Accept that requirement has been met.  
Made by: Deb  
Seconded by: Joe  
Vote: 5-0-0

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

Reply: Yes, the site is not in a floodplain and includes a well thought out and pre-approved septic design that allows for adequate drainage (see attached septic plan and HHE form)

Motion To: Accept that requirement has been met.  
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.

Reply: Yes, the septic design is appropriate for the intended use (designed for a three bedroom house) and does not produce any hazardous materials or any significant organic or inorganic waste.

Motion To: Accept that requirement has been met.  
Made by: Deb  
Seconded by: Joe  
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. If not available contact CEO for possible waiver.

Reply: Yes, the plan includes swails, perimeter drains, and culverts.

Motion To: Accept that requirement has been met.

Made by: Deb

Seconded by: Joe

Vote: 5-0-0

- e. An erosion and sedimentation control plan has been formulated. If not available contact CEO for possible waiver.

Reply: Yes, excavation work includes the planting of grass with appropriately sloped surfaces to avoid erosion and runoff.

Motion To: Accept that requirement has been met.

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. Written approval from Fire Chief designating source required.

Reply: Yes, water lines have been run from a drilled well on site. The closest water supplies for fire protection purposes, as identified by the Brownfield Fire Department are located on Old County Road and include two 10,000 gallon tanks in addition to Shephard River.

Motion To: Accept that requirement has been met.

Made by: Deb

Seconded by: Joe

Vote: 5-0-0

- g. No water pollution will be caused.

Reply: Yes, the use of the apartment will not cause water pollution.

Motion To: Accept that requirement has been met.

Made by: Deb

Seconded by: Joe

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 entire building is complete with locked windows and doors. The guest apartment has its own private entrance with a locked door separating it from the rest of the building. (See attached sketch).

Discussion: Mitch asked if they had a fire escape, the fire chief has asked them to place a fire ladder in the second floor guesthouse. There are six egress windows.

Motion To: Accept that requirement has been met.

Made by: Deb

Seconded by: Joe

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, the proposed business is not visible from the road and includes no plans for excessive lighting.

Motion To: Accept that requirement has been met.

Made by: Deb

Seconded by: Joe

Vote: 5-0-0

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

Reply: Yes, the closest building to the proposed business (our own home) is more than 100 feet away.

Motion To: Accept that requirement has been met.

Made by: Deb

Motion To: Schedule a Public Hearing for the guesthouse on December 8<sup>th</sup>, 2020 at 7:45

Made by: Deb

Seconded by: Joe

Vote: 5-0-0

The Public Hearing Notice will be placed in the Shopping Guide for two weeks, all abutters will be notified via certified mail.

Correspondence: Leah Radkin- Town Attorney-In an email dated November 10, 2020, Leah wrote the following:

Just spoke with my partner who represents Mr. Bebis in other matters. Because we represent both Mr. Bebis and the Town, we believe that it would indeed be a conflict of interest for our firm to represent either party in Mr. Bebis' pending application before the Town. The Planning Board will need to find another lawyer for Marijuana guidance and issues that may arise.

Correspondence: November 10- email from Megan Witt:

Mike Bevis' attorney is also the town of Brownfields attorney. Mike is asking for permission to allow his attorney to speak with the town on his behalf.

### Commercial Business Application

The board discussed the commercial business application and decided that the commercial industrial business application 4.9 a. through j. Good Neighbors standards will need to be submitted along with the Town of Brownfield Application for Marijuana Establishment Licensing.

Motion To: Schedule a meeting on Tuesday December 1 at 7 p.m.

Made by: Sonia

Seconded by: Deb

Vote: 5-0-0

Motion To: Schedule a workshop on Tuesday, November 17th

Made by: Sonia

Seconded by: Deb

Vote: 5-0-0

Motion To: Schedule a workshop on Tuesday, November 24th

Made by: Sonia

Seconded by: Deb

Vote: 5-0-0

Motion To: Pay Mike Morse for services rendered on October 27<sup>th</sup>, 2020 in the amount of \$675.00

Made by: Deb

Seconded by: Kurt

Vote: 5-0-0

Correspondence: The Saco River Corridor Commission (SRCC) emailed a letter explaining that Jason and Angela Tessier (Tax Map R 2- Lot 36) are seeking a permit to construct a single family home residence with an attached garage at 2 Sandy Circle in Brownfield. A copy of the application was attached to the email. The secretary called SRCC asking for more

information. Keisha stated that the SRCC is trying to give municipalities an opportunity to review these applications ahead of time knowing that the applications will eventually end up with the CEO/ and or Planning Board requesting a building permit in the Shoreland Zone.

Mike Vane email

In an email dated October 20<sup>th</sup>, from Mike Vane, (CEO) to Brent Lason, Mike asked for information asking about marijuana waste. A reply was sent via email from Brent to Mike on October 27<sup>th</sup>.

There is a new Dog Ordinance that was enacted on November 3, 2020 in a referendum election, signed by the Selectmen and certified by the Town Clerk on November 3, 2020.

Members will be working on a Shoreland Zoning Application and Deb Merrill submitted copies of other town's applications to review. Examples from Sebago, Rangeley and Acton were handed out to members to review for informational purposes in preparing one for Brownfield.

Marijuana Fees- Copy will be sent to the Selectmen for review.

The Planning Board will set up a zoom meeting on November 17<sup>th</sup> at 7 p.m. with David Heidrich of the Office of Marijuana Policy (OMP) and will coordinate with Megan to set it up.

Board members had questions about the Rehill property. The CEO brought the property to the attention of the Planning Board and have not received any more information on the progress.

Members have questions about MUBC and if the town needs to update their version when the state does, or if it is automatically updated. The secretary will send these questions to the town's attorney.

Motion To: Send questions on MUBEC/MUBC to the town's attorney.

Made by: Mitch

Seconded by: Deb

Vote: 5-0-0

Letter from Malina Dumas, attorney at the offices of DWM Law.

Maria replied to questions submitted via email to her from the board on October 12. The letter was read into the record.

Members asked the secretary to send the following information to Adam Martinese:

The Town of Brownfield Application for Marijuana Establishments License is at this time still in draft form.

The approved application form will not be available prior to December 3, 2020.

The paperwork that you dropped off with the Town Clerk, Michelle Day is not the final draft copy of the application.

No applications will be accepted for review prior to December 3, 2020.

Motion To: Adjourn the meeting.

Made by: Sonia

Seconded by: Judi

Vote: 5-0-0

The meeting adjourned at 9:50.

Submitted by,

Chairperson,

Pam Thomas

Sonia Frye

