



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

Minutes of October 6, 2020

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

Members absent. Mitch Dondero (alternate).

Others present: Pam Thomas (Secretary), Maria and Joseph Manning, Richard Perreault (Fire Chief), Mike Vane (CEO), Richard Kurzontkowski and Joseph Kurzontkowski.

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

The meeting was called to order at 7:00.

The minutes of September 1 were reviewed by members.

Motion To: Accept the minutes as written.

Made by: Kurt

Seconded by: Deb

Vote: 5-0-0

Maria Manning was present to discuss the tabled application for Mountain Treehouse Kombucha, LLC.

The Public Hearing for the proposed business took place on September 1, 2020.

During the public comment portion of the hearing, new information was brought forward that the Manning's were advertising and using the upstairs portion of the proposed Kombucha business for an Air B & B operating under

the business name Mountain Treehouse Guesthouse. The information was given verbally and a copy of the businesses website pages were presented to the board by a member of the public.

The board would like to conduct another site walk on the property. At the site walk on November 25, 2019, there was no mention of another business. On the Air B & B site the owner states that the owner has access to the space below the apartment for storage but is not often in that space. Members want to be reassured that the proposed Kombucha business still meets the requirements submitted with the latest application dated July 13, 2020 and updated with an expanded description of the business to include seeking an additional license for a small brewery.

The name of the business was changed after the Site Walk and Public Hearing were advertised in the paper. The site walk took place on November 25, 2019 and the Public Hearing was held on December 3, 2019. At that meeting the applicants stated that they had changed the name from "Taste of June" to "Mountain Treehouse Kombucha, LLC." This was noted at the Public Hearing.

The sketch plan submitted does not show the Mountain Treehouse Guesthouse and the requirements have not been met, specifically:

1. The sketch plan submitted is not correct, does not include the business located upstairs.
2. Requirement c. f. and h. only apply to the Kombucha business.
  - c. Adequate provision for the transportation, storage, and disposal of any solid waste and hazardous matter has been made.
  - f. There is adequate water supply to meet the demands of the proposed use, and for fire protection purposes.
  - 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.

Maria stated that the guest house is mostly for their parents when they are visiting.

(Joseph Manning arrived at 7:10).

The Manning's asked if other Air B&Bs in town were asked to come to the Planning Board in order to run their business. Members stated that they are

not aware of any other Air B&B businesses and it is not the Planning Boards job to ask businesses to submit an application but this business (Mountain Treehouse Guesthouse) has now been brought to the attention of the board and now they must deal with it. (By having the Manning's submit a complete application with all requirements being met.)

The building permit request that the Manning's submitted and received on September 6, 2017 was to build a 20 by 32, 1½ story garage.

Joe Egan stated that the permit given for the garage is no longer a garage, it is a place for a proposed Kombucha business and an Air B&B business with different code requirements. Sonia asked the applicants to fill out another building permit.

Members stated that the application for the Kombucha business with the addition of the Air B & B does not match what is on the application.

Doug stated that the Planning Boards concern is that the health and safety of all have been addressed. The Planning Board is not anti-small business and you tell us that you have separations from the two businesses but we do not know that, this information was not presented previously.

If there are other unpermitted Air B&Bs and someone gets hurt, Mike Vane finished the sentence with it's the liability of the town.

The Manning's were asked if a state inspection had been done. Maria stated that there has been no inspection.

Doug suggested that members conduct another site walk.

Sonia stated that this is a change of use, members were not aware of the two floors that contain two separate businesses.

Richard Perreault stated that the Fire Marshalls will be contacted. Kurt asked Richard if he would sign off, Richard said Rich McCarthy needs to be called.

Sonia stated that the application has been amended and a new one needs to be submitted. Members cannot approve the application before them at this time, a new sketch plan needs to be submitted, and a new application needs to be submitted. Sonia stated that anyone looking at this application would have an issue with it as it is written.

When asked if they had a copy of the septic plan they stated that they do have one.

Members would like the plan to be attached to the application.

When Joe Manning questioned the new site walk, he stated that he did not want certain people on his property or even knowing where he lived. Members told him that site walks are open to the public. Joe stated that he was uncomfortable with people that showed up at his public hearing.

(At this point in the meeting there were many side conversations taking place in the audience, the Planning Board secretary could not take minutes with the noise level.)

One of the side conversations were brought to light by the Fire Chief Richard Perreault, who stated that he and the CEO ( Mike Vane) would go to the site and conduct an inspection of the property and bring back the findings to the board. When asked if this could replace a public site walk members agreed to allow their findings.

### Site Walk

Motion To: Allow Mike Vane and Richard Perreault to conduct a site inspection at the proposed business of the Manning's and report back to the Planning Board.

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

### Building Permit

Fill out an amended application.

### Application

Permit will only be for Kombucha.  
Requirements have not been met. The plan has been changed from the first site walk, a new site walk will need to take place.  
Submit Septic Plan

### Requirements of 4.9 a through j.

Have not been addressed and therefore have not been met. Will need a new application.

Motion To: Deny this application and request that a new application is submitted.

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

Motion To: Schedule the next meeting on November 10<sup>th</sup> at 7.  
Made by: Sonia  
Seconded by: Kurt  
Vote: 5-0-0

### Joseph Kurzontkowski

Building Permit request for Shoreland Property – Tax Map U2 Lot 34  
63 Clearwater Pt.

A letter submitted to the CEO Mike Vane was read into the record. In this letter he states that Richard would like to lift his non-conforming structure off concrete columns to provide and install a full foundation following the same footprint of the home. Mike states that after completing his site evaluation he has determined that the foundation and structure cannot move forward due to encroachment on the water body and cannot move backwards due to the septic tank and leech field.

Joseph stated that the home was built in the 1970s, the stream that feeds the lake is behind the property and the property is 42 feet from the water.

Mike Vane stated that non-conforming buildings cannot be made any more nonconforming.

Members had concerns with the excavating, the filling in of holes, fencing that will be needed and the trees that will be cut. Members stated that the DEP should be involved at this point and a certified contractor. After looking at the plan, members stated that they did believe that this plan cannot be made more conforming. When asked if they will have any test borings done, Joseph stated “no, this will not be in the water table.”

Motion made that: The plan stays within the structure and cannot be moved to a greater setback.

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

Motion To: Sign the building permit  
Made by: Kurt  
Seconded by: Deb  
Vote: 5-0-0

The chair signed the building permit.

Motion To: Submit a bill to the town clerk to pay Deb Merrill \$49.99 for a USB bought at Staples on September 11, 2020.

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

Motion To: Send the questions for MUBC to the attorney  
Made by: Sonia  
Seconded by: Judi  
Vote: 5-0-0

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

The meeting adjourned at 9:30.

Submitted by,

Chair,

Pam Thomas

Sonia Frye

