



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

Minutes of September 1, 2020

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

Members absent: Mitch Dondero (Alternate).

Others present: Mike Vane (CEO), Pam Thomas (Secretary), Richard Perreault (Fire Chief), Linda Pestilli, Maria Manning, Joseph Manning, Lori Talman and David Brown.

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

The meeting was called to order at 7:00.

STR

Board members discussed the proposed STR Ordinance (Short Term Rental Ordinance) and building code regulations for the town.

The town adopted MUBC (Maine Uniform Building Code) in 2012. The latest update in the state was in 2019. Members question is this: "If when the state updates the code, does the town automatically update?" This depends on the wording in the warrant article.

The 2009 version of the building code was passed in 2012.

Members need to have this information for the proposed STR Ordinance.

In an email from Steve Sanborn, CEO for the Town of Brownfield when this article was written, wrote the following that was submitted to members.

E mail -Dated September 1, 2020 6:12 p.m.

Please find enclosed a copy of the latest law pertaining to the MUBC building code. I highlighted Sect: # 7 which tells what current MUBC is consists of. I believe the Town of Brownfield is still operating under the MUBC, but I don't know if the Town automatically updates when the State does. (From 2009 IRC, IBC, & IEBC--- to the 2015 version.) It would depend on the wording in the article when we originally adopted it. You will have to check with Leah to see. But either way the town would have to enforce what we adopted, the 2009 MUBC.

All Towns must build according to MUBEC, it is a matter of who enforces the code. That is why we had to adopt it so the Town of Brownfield could enforce it. Any residential structure or commercial building has to conform to this code. (Some exceptions apply) If there is no enforcement agency then the burden falls back on the BUILDER & HOMEOWNER to see that they meet code. The Town of Brownfield only adopted MUBC. (2009 version) That means the Town is not responsible to enforce the energy part of the code.

It gets confusing but it boils down to the wording of the article whether we enforce the 2009 version or the 2015 version. Either way we still need to enforce one or the other versions of MUBC.

(End of email from Steve Sanborn).

Members continued the discussion.

When this was first adopted it was MUBEC, legislature broke it into sections. It's a matter of enforcement. If the town doesn't inspect, it falls back onto the inspectors. It costs between 8 thousand to ten thousand dollars to do the work. The town enforces the building part of the code, the homeowner has to have it MUBEC.

Sonia has concerns with the language in the STRO (Short Term Rental Ordinance) and the definition of a bedroom.

Mike Vane (CEO) stated that in the building code, a bedroom has to have a closet but it cannot be regulated in a house.

Members decided that they will have the town's attorney, Leah Radkin draw up the wording.

7:25 Public Hearing for Mountain Treehouse Kombucha, LLC

The application was read to all present.

After the application was read, the chair asked for input from those attending the public hearing.

Lori Talman stated that the applicants also share the proposed Kombucha business with an Air B&B owned and operated by the Manning's and submitted a copy of the website information for the "Mountain Treehouse Guesthouse" to board members. On the site, under Guest Access it states that "The owner also has access to the space below the apartment for storage but is not often in that space." Members stated that the last time they were here at the meeting the Manning's stated that they were using the second floor for storage. Joseph disagreed with that statement.

The concerns that follow are from the public and other town officials present.

People driving up and down neighbors driveways looking for the Air B & B. Roads are a concern with the extra traffic and the high speeds of some of the cars that travel the road. (Danger to pedestrians). There is no signage for their Air B & B business.

Sharing the Air B & B space with a commercial kitchen.

Questions from board members. "Does the state know that you have an Air B & B on the second floor of a proposed brewery?"

Has the State Fire Marshall been contacted?

A concern is the applicants operating an Air B&B during COVID 19 and guests not quarantining and out and about in our town.

Sonia stated that the town cannot enforce an Air B & B at this time.

Dick Perreault stated that is up to the State Fire Marshalls Office.

Mike Vane stated that he has code questions, health code, space size of kitchen, sprinklers.

Joseph and Maria were again asked if the state was aware of the Air B & B when they applied for the brewery license.

Members stated that this is beyond the board without legal advice.

Joseph stated that he found all of this offensive.

Maria stated that they were told that they have to have a Brewery License from the state because once the Kombucha is taken out of the refrigerator, the percentage of alcohol content can change.

The main point expressed with this application is this: The applicants cannot advertise on their Air B & B that the first floor is used for storage and cannot state that the second floor will be used for storage to members of the Planning Board.

Motion To: Table the application and send to legal with questions.
Made by: Deb
Seconded by: Kurt
Vote: 5-0-0

Survey Monkey

Members will be putting a questionnaire together for zoning, the board will review this matter at a workshop.

4.6 of the Brownfield Land Use Ordinance was reviewed.

Mike Vane (CEO) has requested that the board update 4.6.as follows:

Occupied travel trailer campers and recreational vehicles containing living ~~units~~ **quarters or units** are permitted only on a temporary basis ~~for not more than four months in~~ **from April 1st to September 30th any in the same** twelve-month period **for seasonal use.**

Members have a separate draft copy of proposed changes submitted earlier that they will be reviewing. Suggestions from the document are to strike tiny homes from the document, Mike would like to see well/ septic's in place and leach fields.

Mike questions if #2 which reads as follows:" No composting toilets or so called pit privies are allowed unless approved by a Maine Licensed Soil Engineer and the Town Of Brownfields Local Plumbing Inspector and then only in primitive locations, is applicable to state regulations.

Motion To: Send proposed changes to the town's attorney (Striking Tiny Homes).
Made by: Sonia
Seconded by: Kurt
Vote: 5-0-0

8:30 -All those of the public left at this time left the meeting.

Motion To: Contact MMA to sign Deb and Doug up for the workshop on MMA's Legal Update on Recreational Marijuana that will take place as a live webinar on October 29th from 2:00 to 4:00 p.m. and pay the cost out of the Planning Board Budget.

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

Motion To: Accept the minutes of August 4, 2020 as written.
Made by: Sonia
Seconded by: Deb
Vote: 5-0-0

Motion To: Accept the minutes of August 18th as written.
Made by: Sonia
Seconded by: Deb
Vote: 5-0-0

Motion To: Schedule a workshop on September 22 on STR
Made by: Sonia
Seconded by: Deb
Vote: 5-0-0

Motion To: Schedule a second Public Hearing, if needed for the Proposed Town of
Brownfield Marijuana Establishments Licensing Ordinance on September
29 at 6 p.m.

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

Motion To: Adjourn
Made by: Sonia
Seconded by: Joe
Vote: 5-0-0

The meeting adjourned at 9:07 p.m.

Submitted by,

Chairperson,

Pam Thomas

Sonia Frye

