

**TOWN OF HOLDEN
PLANNING BOARD MEETING MINUTES**

Tuesday, December 20, 2017

Holden Municipal Building

6:00 P.M.

I. Open Meeting

Chair, Jeffrey McBurnie opened the meeting at 6:00 P.M.

Members present: Jeffrey McBurnie, Carol Cuddy, Lance Lord (appointed to take Malcolm Coulter's position), Susan McKay and Michael Pedreschi.

Members absent: Joy Knowles and Allan Poole.

Others present: Town Manager/Code Enforcement Officer Ben Breadmore, Tom Copeland, Holden Councilman; Tim Broschu of CES, Inc. agent for applicant AMF Property Management; Marc Gagnon of Landmark Construction; and Mike Soucy of Port Harbor Marine.

II. Minutes of November 14, 2017, digital recordings on file.

MOTION was made by Susan McKay and seconded by Mike Pedreschi to approve the Minutes for November 14, 2017. Vote 4 in favor, 1 abstention, and 2 absent.

III. Site Plan Review request to operate a Greenhouse located on Lot 18 of Tax Map 34 at 231 Main Rd. AMF Property Management, Inc. applicant.

Chair Jeff McBurnie explained the procedure for a site plan review and public hearing. He added that he knows the human resource officer for CES, but that he would not let that influence him in this matter. Tim Broschu of CES, Inc. then introduced himself as the agent for the applicant AMF Property Management. Mr. Broschu explained that the project involves renovating a vacant building at the former Port Harbor Marine property to retrofit it for use as an indoor greenhouse. They would not be changing the site and would use the existing sewer and water systems. The only additions will be a drain out of the building and a small piece of fencing. The outside of the building will stay pretty much the same, maintaining the front entrance and boarding up a few overhead doors, and maintaining a couple of doors in the back. There will be no outdoor displays.

Mr. Broschu said they are requesting three waivers associated with the boundary survey, site construction, and mapping wetlands. [See III. continued below.]

IV. Public Hearing - Site Plan Review request to operate a Greenhouse located on Lot 18 of Tax Map 34 at 231 Main Rd. AMF Property Management, Inc. applicant.

The applicant requested that a public hearing be held to show on the record that the public had been invited to express their concerns and ask questions. MOTION was made by Susan McKay and seconded by Carol Cuddy to hold a public hearing. Vote 5 in favor, 2 absent.

Chair Jeff McBurnie opened the hearing at 6:22 P.M. In answer to Chair McBurnie's question about special security systems or alarms on the property, Mr. Broschu explained that the entire building would be secured and basically in lock-down. Town Manager Breadmore added that there was no proposed signage or any other indication that this was anything but a blank warehouse. Chair McBurnie explained that this project was basically to convert use of an existing property, and the new use is allowed by our zoning ordinances. Town Manager Breadmore added that the fire and police departments have weighed in on this project, and they are very much interested in working with the applicant to help prepare the town to deal with this type of business which may come before the Planning Board again in the near future. Town Manager Breadmore stated that the Fire Department will be doing a floor-plan walk-through so they would not be going in blind in the event of a fire or other unfortunate accident.

In answer to questions from the Planning Board, Mr. Broschu explained that the inside renovations will be to section off rooms for subleasing to tenants. This floor plan layout would not change with the change in tenants, without coming before the Planning Board for approval. All the subleases would prescribe to the same operational and safety conditions. Town Manager Breadmore added that this project is coming before the Planning Board for the purpose of approving a change in the use of the site only. The Planning Board's role in this project is to review whether or not the site is suitable and is the use suitable for the ordinance. Mr. Broschu advised that the applicant has other well-established facilities just like this in Maine which have been operating for about a year, and that the applicant is considered one of the premiere growers in the state. The operation is an extremely low traffic generator, there will be no public comings and goings, there might be 6-8 workers at a time, and there will probably be one or two 18-wheeler shipments a month at harvest time. There will be some small trucks delivering nutrients every two weeks.

There being no additional testimony or questions, Chair Jeff McBurnie announced that the Public Hearing could be closed at 6:24 P.M.

III. (Continued) Site Plan Review request to operate a Greenhouse located on Lot 18 of Tax Map 34 at 231 Main Rd. AMF Property Management, Inc. applicant.

Three Waivers were approved and made as part of this site plan:

1. The applicant has requested a waiver from Article 8 Section 806.6.2 Boundary Lines of the parcel to be developed, etc. No substantial alterations to the existing site are

proposed as part of the proposed project and the only changes to the existing site will be the installation of a drain and small amount of fencing. MOTION was made by Susan McKay and seconded by Lance Lord to approve the granting of this waiver. Vote 5 in favor, 2 absent.

2. The applicant has requested a waiver from Article 8 Section 806.6.9, mapping site construction, etc. No site construction is proposed, so no adverse impact is anticipated. MOTION was made by Carol Cuddy and seconded by Susan McKay to approve the granting of this waiver. Vote 5 in favor, 2 absent.
3. The applicant has requested a waiver from Article 8 Section 806.6.11, mapping site wetlands, etc. No site construction is proposed, so no adverse impact is anticipated. MOTION was made by Carol Cuddy and seconded by Lance Lord to approve the granting of this waiver. Vote 5 in favor, 2 absent.

Six Conditions were made as part of the approval of this site plan:

1. The applicant, their heirs and assigns, shall construct and utilize the site according to the plans and documents submitted as part of this review and the approved site plan as well as any oral commitments regarding the project which were specifically made by the applicant to the board in the course of its deliberations.
2. This site plan approval is for AMF Property Management, Inc. at 231 Main Road property owned by Port Harbor Holdings II, LLC.
3. All exterior lighting shall be downward casting in focus.
4. The applicant/occupant shall submit to the Holden Code Enforcement Officer copies of any new or revised State and/or Federal permit approvals which may include, but are not limited to, Maine Department of Transportation, Maine Department of Environmental Protection, and Department of Public Safety, Office of State Fire Marshall prior to any Certificates of Occupancy.
5. The applicant shall apply for all necessary permits (building, plumbing, electrical, sign, street opening, fill and grade, Certificate of Occupancy, etc.) at least two weeks prior to the desired start date.
6. Should the site utilize any alternative means of growing that would yield a concern to the groundwater, the applicant shall install proper filtering or install an approved subsurface wastewater disposal system approved by the Code Official.

MOTION was made by Carol Cuddy and seconded by Mike Pedreschi to include the six conditions listed above as part of this review. Vote 5 in favor, 2 absent.

Site Plan Review Criteria under Article 8, Section 815 were reviewed by the Board. Sections 815.8 and 815.9 were deemed not applicable. After reviewing Section 815.13, a

sixth paragraph was added to the list of conditions pertaining to the drainage from the building which might cause concern to the groundwater on the site.

Section 815.14 - MOTION was made by Lance Lord and seconded by Carol Cuddy to adopt the findings and based upon the findings and conditions contained therein, to determine that the proposed development does conform in all respects with the provisions of this ordinance. Vote 5 in favor, 2 absent.

MOTION was made by Lance Lord and seconded by Sue McKay that based upon the Findings of Fact and Conclusions of Law, together with the background information for this application and conditions listed, the Planning Board hereby votes on this day, December 20, 2017 in favor of the proposed AMF Property Management site plan. Vote 5 in favor, 2 absent.

V. Special Permit request to build a Seasonal Single-Family Dwelling on lot 15 of Tax Map 19, Cottage Shore Dr., Lance Lord applicant.

Town Manager Breadmore explained that this .33acre vacant lot is located in a Low Value and Non-Rated Freshwater Wetland Resource Protection area, and that Holden's land use code does allow for a seasonal single-family dwelling to be built there, provided that it meets the required setbacks. At first, Town Manager Breadmore thought there was not enough space to do this project on this lot. His reference was a tax map that goes with a 1966 survey done when the whole subdivision was planned there. Mr. Lord and his seller got a survey done and found some additional footage from a legal standpoint, from the high-water mark, so there is adequate space to put up the size building requested in this application from the Town's standpoint. The current owner has developed the site within his legal range to do so without Planning Board approval, such as putting in a driveway and a retaining wall with some landscaping. This project will not change the site much.

Upon questioning from the Board, Town Manager Breadmore stated that seasonality is determined by less than six months out of the year as a general term, but that enforcing it is really impossible. He added that this project is no different than any other seasonal camp down there. Now the minimum lot size is one acre, so this is a legal non-conforming lot, which can be built on because it is an existing lot prior to the adoption of the subdivision ordinance. This subdivision was done in 1966 before Holden had subdivision law. The issue of the well and septic distance will require a variance that can be requested from the State as a first-time system variance. The applicant has met all the other setbacks required. The square footage of the overall structure (footprint) is under the threshold allowable by the zoning ordinance, 1500 sf.

Waiver Requested from Article 8, Section 806.6.8 Topography of the site at an appropriate contour interval (1', 2' or 5') depending on the nature of the use and character of the site. The applicant's letter states that all affected areas are prepped and flat by the current owner, additionally within the application any and all improvements proposed are outside the 100-foot setback to high water mark. The Town Manager has

visited the site to confirm the above. MOTION was made by Carol Cuddy and seconded by Mike Pedreschi to approve the granting of this waiver. Vote 4, 1 abstain, 2 absent.

Site Plan Review Criteria under Article 6, Section 614.7.1 thru 614.7.6 were reviewed by the Board. Under Section 614.7.1, a second bulleted paragraph will be added to address the septic system location requiring the approval of a variance. Town Manager Breadmore will edit the findings under Section 614.7.4 to clarify the calculations. With those changes, the findings were adopted by the Board – Vote 4 in favor, 1 abstention, 2 absent.

VI. Public Comment. None.

VII. Adjournment. MOTION was made by Carol Cuddy, seconded by one of the Board members, to adjourn the meeting. Vote 5 in favor, 2 absent. Meeting adjourned at 7.20 P.M.

Approved: May 9, 2018