

**Town of Newfield Planning Board  
Meeting Minutes of October 6, 2021  
Newfield Town Hall  
23 South Effingham Road  
West Newfield, ME 04095**

**Attendance:**

Chair, Gloria, Anthony, Ben, Dan, Eric (Consultant from SMPDC),  
Administrative Assistant, Maria Marchant and Emily arrived at 7:47 PM

**Excused:** Skip

**Quorum Status:**

Quorum was met with four voting members in attendance at 7:00 PM as follows:  
Chair, Gloria, Anthony, Ben and Dan

The Newfield Planning Board meeting of October 6, 2021 was called to order with a Quorum of four voting members in attendance by Chair, Gloria at 7:00 PM and the Pledge of Allegiance immediately followed.

**Meeting Minutes of September 1, 2021**

The Newfield Planning Board meeting minutes of September 1, 2021 were reviewed. Dan stated that he liked the accurate detail of these minutes. Gloria typed these minutes. No further discussion. Chair, Gloria asked for a motion and vote to be made to approve and accept the September 1, 2021 meeting minutes as written. A motion of acceptance and approval was made by Dan and Seconded by Anthony. A unanimous vote was cast as 4 – 0 – 0 .

**Public Hearing**

**MRSA §403-B SP 40-LD 32 Sec. 1.1: Policy for Remote Participation for  
Newfield Planning Board Meetings**

This public hearing was called to order by Chair, Gloria at 7:05 PM. Southern Maine Regional Planning remitted a document at the Town Office titled MRSA §403-B SP 40-LD 32 Sec. 1.1 which allows public bodies, if they wish, to allow remote participation meetings after July 1, 2021. The body must adopt a written policy which the Newfield Planning Board adopted in August of 2021. The policy states that in person meetings are the default; i.e., whenever possible in person meetings are to be held. Remote participation of any member of the body would be considered in emergency situations only. Some examples of emergency situations would be health reason, inclement weather, road closures and the like. Public notice of any remote meeting must be made in advance with instructions as to the manner in which the public participates; i.e., listen only or allowed to speak and/or comment) and how to log into the meeting.

Anthony inquired if the public is provided computers or other means of communication devices. Chair, Gloria explained that the definition of public access to the meeting only includes notification of the meeting, literature made available and the manner in which the public participates. The criteria would be posted on the Town's website and advertised in the same manner as all other Newfield Planning Board meetings.

This Public Hearing was advertised to the public to attend and be informed. There were no members of the public in attendance. As a result, there is no public comment to record. The Public Hearing for MRSA §403-B SP 40-LD 32 Sec. 1.1: Policy for Remote Participation for Newfield Planning Board Meetings was declared closed at 7:09 PM.

**Public Hearing**

**Town of Newfield Residential Growth Ordinance**

This public hearing was called to order by Chair, Gloria at 7:09 PM. The Newfield Planning Board reviewed the Newfield Residential Growth Ordinance in approximately July of 2021 which is required to be reviewed every three years per State Statute. There were no changes made in the Ordinance. Growth permits allowed

in a calendar year; i.e., January 1 through December 31, remains the same at 22. The original Ordinance was passed in 2003 and is reviewed regularly.

Data supplied by CEO Norm Hutchins and Selectmen Secretary Nichole Hubbard were available. Norm stated that, to the best of his knowledge, as he was not the Town's CEO 10 years ago, that the Town of Newfield has 86 new homes within the past 10 years. In 2020 there were 21 Growth Permits issued and as of July 2021 there are 11 Growth Permits issued. There was no further discussion. The last two years have had the greatest number of new homes built in Newfield. The following is a sample breakdown of year and new homes built.

<u>YEAR BUILT</u>	<u>NUMBER OF NEW HOMES</u>
2014	5
2015	5
2016	2
2017	7
2018	7
2019	8

This Public Hearing was advertised to the public to attend and be informed. There were no members of the public in attendance. As a result, there is no public comment to record. The Public Hearing for the Newfield Residential Ordinance was declared closed at 7:12 PM.

#### Old Business

#### Medical Caregiver License Ordinance

The Newfield Select Board is in approval of this Ordinance to go before the public for a vote when completed.

Eric, a consultant from the SMPDC, handed out sample Ordinances from the towns of Berwick and Hollis. He mentioned that Heather Sullivan of the Hollis Planning Board is willing to meet with the Newfield Planning Board to answer any questions on the topic. Eric also mentioned that Heather is also heavily involved with a company in California that drafts these types of documents and their intricacies. Gloria mentioned that Heather is also involved in the business of marijuana and would be knowledgeable on the subject. Heather is aware that Newfield is a Medical Caregiver town only. The Hollis Planning Board meet on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday monthly.

Discussion regarding that if a Registered Medical Caregiver cultivates medical marijuana only for themselves or members of the household would be exempt from obtaining a license from the Town was a topic for review. The Planning Board members present agreed with this type of exemption as long as the wording in the Ordinance are clear and concise. It was mentioned by Gloria that the THC has a higher concentration level in medical use marijuana as compared to recreational use; however, the actual number of plants allowed is unknown for medical caregivers. Gloria also mentioned her understanding of State Licensure for Medical Caregiver Establishments to mean that the State of Maine only licenses the caregiver within the establishment/building/business not the establishment/building/business itself.

Eric mentioned that specific criteria must be met such as a map showing that the medical marijuana caregiver is not within 1000' of a school and show their license as examples. The Conditional Use Permit would need to have 5 or 6 other things added and noted that there are separate standards for marijuana uses. When voting on an application for a medical caregiver license it must be proven to meet the Conditional Use Permit and marijuana standards.

Gloria would like only large establishments/buildings/businesses be required to obtain a Conditional Use Permit. She would like to have an exemption for the family medical caregiver; a section regarding the conflict

of other Ordinances and a definition of the size of the business included in the Ordinance when determining if a Conditional Use Permit is required.

The Newfield Planning Board members in attendance reviewed the sample Ordinances from each town provided to them and discussed portions of the worded text and their actual meanings. The members in attendance decided to invite Heather Sullivan of Hollis to attend at 7:20 pm on November 3, 2021 which is the next scheduled Newfield Planning Board Meeting.

Eric will be working on Google Docs with the Newfield Planning Board's original draft as well as from Berwick, Hollis and Turner and perhaps other towns, in a draft format and send them to the Newfield Planning Board members for their review and comments within two weeks. Upon feedback from the Newfield Planning Board members, he will provide printed copies at the November 3, 2021 Newfield Planning Board meeting.

### **Old Business**

#### **Shoreland Ordinance Update**

##### **30% Expansion vs Footprint**

Newfield Code Enforcement Officer (CEO) Norm Hutchins was invited to attend this meeting for questions and clarification regarding the new "Footprint Law". Norm arrived at 7:35 p.m. The Planning Board had specific questions after their review of the Ordinance and the first question is in regards to Contiguous Lots, etc. Discussion ensued regarding lot size and frontage. The old law required 20,000 sq. ft minimum by state law in any lot size. The new shoreland revision, or footprint, requires 40,000 sq ft. and 200' of water frontage. There is an exemption to those having 2 non-conforming lots prior to the revision which would be Grandfathered. Norm stated that Balch Lake is all filled up. Mirror Lake is the only lake that has not many lots at all. Rock Haven Lake has been used up. Subdivision areas that have been approved and are nonconforming and legally established may still be built upon as long as set-back requirements are met or a variance is given. A variance cannot be given on the distance of water. The old Ordinance was 75' and the new Ordinance is 100'. If less than 100' frontage then the 30% by expansion rule could apply if not already used. If within the 75' then the approximate 1000 sq ft area maximum rule applies. If within 100' then 1500 sq. ft. area maximum is allowed. Then there is the "either/or" method. Example: whichever is the greatest 1400 sq. ft. or 30% by expansion if not used even if it goes over the 1500 sq. ft. area. The old law was 30% by expansion the new law is 30% of the footprint but cannot use more than 20% of the lot in a vegetative area. If the 30% by square footage has already been used then the 30% of the footprint cannot be used. All is dependent on lot size and each situation is different. Chair, Gloria asked Norm if he would ever need the old formula for anything and he replied, "No. It is 30% of the footprint only." The footprint is the structure and any porches or decks (anything attached to the dwelling) it does not include outbuildings. Norm recommended that the new footprint be in the Shoreland Ordinance for Newfield in response to being questioned by Chair, Gloria.

#### **Shoreland Ordinance Update**

##### **Lakes, Ponds, Rivers and Streams**

The Planning Board, with Eric of SMPDC, reviewed notes written by Jeff from the State. Discussion ensued regarding lakes, ponds, rivers and streams. Great Ponds are determined by area or acreage and depth of the body of water. A Great Pond is a body of water larger than 10 acres. Further discussion was held regarding which bodies of water are known as rivers or streams. The Planning Board will continue with their review for this ordinance. The Vernon Walker Acreage was discussed with Norm to determine if this should remain listed as a resource protection area.

**Shoreland Ordinance Update**  
**Campers and Travel Trailers on Personal Property**

Further discussion regarding campers and travel trailers on any and all property was held. It was decided to have wording similar to as follows: Campers or Travel Trailers may remain on personal property for 120 days total in any one calendar year. The members are in agreement to have Gloria and Maria work together on the appropriate language which will be consistent in both the Shoreland Ordinance and the Town of Newfield Land Use Book regarding campers and travel trailers on personal property. This language will be brought to the November 3, 2021 Planning Board Meeting for a vote.

Future plans are to hold a Shoreland Ordinance Public Hearing. Jeff will be consulted as well as the town lawyer, when applicable, and then advertising. The hope is to bring this to vote at the next annual town meeting in March 2022. Norm departed this meeting at 8:29 pm.

**New Business**

**Live Broadcasting of Town Board Meetings**

Skip wished to discuss the possibility of live broadcasting of town board meetings. Skip is excused from the meeting this evening so the members present opted to table this discussion until a meeting which Skip is in attendance.

**Ongoing Business**

**M 27 lots 4.11 & 4.11.1, Tank Removal**

Gloria mentioned that she attends the Selectboard meetings. At the most recent Selectboard meeting it appeared that the tank has yet to be removed to be in compliance on the three lots. The members discussed approaching Norm for follow-up and confirmation that these lots are in compliance.

**Tentative Agenda for November 3, 2021**

Proposed 2022 Planning Board Budget  
Language for Ordinance Books regarding Campers and Travel Trailers  
Shoreland Ordinance  
Guest Speaker, Heather Sullivan of Hollis  
Status of Solar Array Permit Issued Dec.2020, M 22 Lot 4.1  
Subdivision Compliance discussed with C.E.O.  
Joanne's Hill Subdivision driveway resolution M 29 L 3  
M 27 lots 4.11 & 4.11.1, tank removal  
Lot Division Oak Ridge Subdivision M 18  
Wood Haven Subdivision Road and Erosion Control Plan, Lake Ridge Rd., M 20

Motion made by Ben and seconded Anthony by to adjourn October 6, 2021 Planning Board Meeting at 8:45 pm. Unanimous vote: 5-0-0

**THESE MINUTES ARE NOT VERBATIM**

Maria Marchant  
Administrative Assistant