

Newfield Planning Board  
Public Hearing and Planning Board  
Minutes of February 2, 2022

Chair, Gloria called the Planning Board Meeting to Order at 7:00 pm with a quorum of the following in attendance: Gloria, Anthony, Ben (Alternate Member), Dan, Emily, Skip and Administrative Assistant, Maria Marchant. The Pledge of Allegiance was recited.

Chair, Gloria made a motion for the Public Hearing to be called to order at 7:01 PM and was seconded by Anthony followed by a unanimous vote by all members in attendance. (5-0-0)

Chair, Gloria thanked the public for coming to the Public Hearing and introduced all members of the Planning Board. She then explained the purpose of the Public Hearing is to inform the voters of proposed Land Use Zoning and Shoreland Ordinance changes which will be on the Town of Newfield Warrant and described the proposed changes. She stated that this Public Hearing was published in the newspaper, two post offices, the local general store, on the Town of Newfield website and that abutters within 500 feet of the Vernon Walker Wildlife Management Area (VWWMA) were notified via certified mail. Copies of all material was made available to those in attendance and all were informed that materials are also available on the Town of Newfield website. Gloria explained the Shoreland Map as the area in "dark red or maroonish colors" regarding zoning within the VWWMA and stated that there are two ordinance books, The Town of Newfield Ordinances and the State Department of Environmental Protection (DEP) guidelines that had inconsistencies. The State of Maine had guideline changes back in 2015 or 2016 which are mandated to be followed. At the time of the notification to the Planning Board, the Town had a CEO employee transition and the Board was at that time working on the Comprehensive Plan and then COVID-19 hit. The Planning Board is now back on track. Gloria explained that the plan is to correlate the two books to be in consistency with each other with the stricter of the two ordinances in both volumes. This does not constitute a change in the Ordinance but rather makes them both the same so that, especially, the Code Enforcement Officer would only need to read one book, rather than both books to locate information needed. The Board edited the book to remove language not pertinent to the Town of Newfield, such as saltwater, saltwater marshes and wetlands and stated that "we may have missed a few but we got most of them." The DEP has a litany of guidelines to be met if you are building on shoreland. Examples are what types of vegetation would need to be planted and the proximity to the home and shore, rules regarding tree removal, etc. Even though the Town has our own guidelines we must follow the State guidelines for building and/or additions to homes. There is a new method called the "Footprint" method; it used to be the "volume" method. Before 1989, if you wished to expand on shoreland/wetland/lake, the method used was the 30% rule. The method now to be followed is the footprint which is the entire ground property measurement. This new footprint method may allow more flexibility to the homeowner pertaining to the size and frontage of the property. Gloria mentioned the Land Use, Shoreland and State codes with reference to travel trailers/campers. These will now be consistent at 120 days if permitted by the Code Enforcement Officer. She further explained that there are definitions regarding recreational vehicles and what may or may not be allowed to be used to camp in.

At this time Gloria opened this hearing to public discussion requesting the speaker to state their name and/or where they are from. There were approximately 10 members of the public in attendance from Newfield and Shapleigh. The first speaker began at approximately 7:10 pm.

Eileen Hennessy of Water Street in Newfield for 60 years began her dialogue with mention that, "You said there are two books that apply and I would like to start by making a clarification. There are actually

three documents issued by the State to be applied when building to include the Saco River Corridor which will impact anybody on Balch, Little Ossipee River and shoreline. That's all I can think of off of the top of my head. This is another State document that does apply to this. So, if you consolidated two books then you should be consolidating the third for the CEO to be able to do his job. These are just comments that I have on your shoreline. I think I want to commend you all. You did an excellent job and I just looked at it as a person that's proofreading, but I do have questions on the proofreading." Eileen made further mention of multiple discrepancies within the Shoreland Ordinance as follows: "Your Shoreline document on page 11 - we have limited commercial, general development or commercial/fisheries/maritime activities/districts. We are not proposing that at all with the Town. We have only a couple of categories for the Town; Stream Protection and Resource Protection. Why do we have three categories that we do not have in Town? And I don't expect the answers tonight."

Gloria replied, "I will let you make your comments and then we will answer you or we'll discuss it later."

Eileen said, "Sure. I am just trying to speed it up cuz I have a lot of things." She continued with, "On the same page, on your Table of Use, under Local Plumbing Inspector. I am not aware of having one in town and if anything, it is done by our CEO. On the next page, the Table, under categories, #13, we have Industrial, Governmental and Institutional and they all say that we are proposing the changes but they are not allowed. On the next page 14, under #15 we have a reference again to the Government, Institutional and Commercial and never said what the parameters are for those categories, yet those categories are not allowed. Why do we have those categories? That's setting the Town of up for an Appeal."

At approximately 7:15 PM Gloria asked Eileen how many more comments she had and Eileen replied, "Oh, I have about 15 more." Gloria asked, "Can you shorten it so we could let other people speak or maybe we could come back? Do you have two more for right now?"

Eileen continued, "OK. I'm going to the end of the document and the State Mandate that we have to comply with in the Town. The Medical Marijuana. Has Medical Marijuana been taken into consideration on anything to do with this Ordinance? We have under Commercial Use – Home Occupation, on page 40. I, as a person in the Town, I can start growing Medical Marijuana. I have been to Town Meetings where the people have come in and that they have been told by DEP to just take the Medical Marijuana plants when they are through with them and the fertilizer and everything that's been associated with them, to just dig a hole and dump them on their property. That's causing contamination in our shoreline districts if we do not put a regulation in this ordinance pertaining to Medical Marijuana. I am also concerned about this ordinance that it does not apply to the State of Maine. The State of Maine needs to be included in this. An example of why is the bridge right on Bridge Street. They are putting regulations on the land users and the owners in this State that says what they can do with their property, yet they are violating their own ordinances. On Bridge Street, that Bridge right there over the Little Ossipee River, has 5" openings for water to run right down off the bridge, so the bridge doesn't flood, into the river. There's no drainage, there's no septic. Yet this ordinance states that we need to, if we have runoff from the road, have it go into areas so it is retained and not go straight into our waterways. There is no provision at all to hold the State accountable for dumping into our waterways. Yet, the landowners in this State are being held liable that they have to comply with all of these. Yet, the State, on State roads, is not having to."

At 7:25 pm Gloria stated to Eileen that we may be able to come back to her but would like to allow other people to speak. Gloria asked if there was anyone else that might have comments or questions.

Will Trafton of Shapleigh introduced himself and stated that he is in attendance with his two sisters and that his land abuts the VWWMA. "My question is regarding Vernon Walker Wildlife Management Area. The use and regulations is governed by the State of Maine?"

Gloria replied, "The State of Maine Property and the Inland Fisheries and Wildlife manage it." Mr. Trafton, "So they define the use and terms within the VWWMA. And so, looking at the maps that Newfield has, as you stated, incorporated about some of the use along shorelines for how Newfield wants to manage it, but governing the whole use of that wildlife area is controlled by the State of Maine."

Gloria replied, "Yes." She also offered, "The State has a management plan that she believes is available. They give permits for hunting, trail use for snowmobiles, projects like rabbits and managing the forest to get it to grow. That's all in their management plan."

Mr. Trafton referenced Mirror Lake where it abuts the management area and inquired about camping being allowed with permits.

Gloria explained that Inland Fisheries and Wildlife does not allow camping as rule, but, is unsure if they allow individual permits like they do for hunting.

She asked Mr. Trafton if she sufficiently answered his questions and he replied, "Yes, thank you."

Gloria again explained the VWWMA maps and informed those in attendance that the new zoning ordinance of placing the existing area into the Resource Protection would not affect the abutters. She explained that this will protect the habitat, such as birds, wildlife, water, and waterfowl. She reminded all that these proposed changes were made in coordination with DEP who controls it.

Joan Hill of Mann Road in Shapleigh said, "I am pleased to see the changes within the VWWMA as by doing this it will protect the habitat which includes butterflies, snakes, frogs, rabbits and vegetation."

Gloria asked if there was anyone else that wished to speak before returning to Eileen. Eileen offered to leave her document for the Board to review but did not do so.

At this time Gloria reviewed the Warrant Articles to be voted on at the March 12, 2022 Town Meeting. She also reminded everyone that these Warrant Articles will be voted on in person only at the Annual Town Meeting on March 12, 2022. She continued to briefly explain Article X, Section 20 Campers and Travel Trailers. Before these proposed changes, the Land Use book would allow you to camp in your woods, or if your in-laws came to visit, you could have a private camp for 30 days. However, if you had a private campsite on shoreland, the allowable time is 120 days. Since there is a conflict and difficult enforcement between the two, it was decided to have 120 days permitted in the Land Use and Shoreland Books. Gloria went on to explain The Article Definition: Recreational Vehicles is defined as follows: A vehicle or an attachment to a vehicle designed to be towed, designed for temporary sleeping or living quarters.

At 7:30 pm Eileen Hennessey again had the floor as follows: "What I was saying was, in your Shoreline you still have references to tent, and are describing recreational vehicles and you have eliminated tent trailers, example on page 18, # 7 and #8. You have included tent and you would need to have a definition for a tent. I don't mean to be mean."

Gloria replied, "It is an inconsistency but not sure if we can make it the same. We could make it more strict by removing the word tent but I'm not sure. We will need to take a look at that." Gloria asked if anyone on the Board would like to address any comments made earlier, regarding, waste, bridge, etc.

Ben asked Eileen what her reference was regarding page 11. Eileen said that to her "Maritime" references the ocean not lakes and rivers. She also referenced Table 1 at #13 stating none of these categories are allowed or being proposed by the town.

Gloria mentioned that this was previously discussed and the Board had removed them but the State put them back in. Eileen would like to know, "If we don't allow it, why is listed? On page 13 under 15.A.1.B categories - we're defining the minimum lot, that's opening the Town up for an appeal since all of the requirements are provided. This is a contradiction." Eileen stated that she is mainly just doing this as proofreading. Eileen again offered to leave her marked up copy for the Board to review but she did not leave this; instead, she continued with her comments.

"Page 14, #5 referencing Table 1 – Categories/Principal Government, Institutional and Industrial. On page 18, #6 reference to local plumbing inspector. Should we have local plumbing inspector and/or CEO? We do not have a separate plumbing inspector, our CEO does it all. If you put the and/or CEO you are covering yourself. Under page 29, # 7 – I can't see where Coast Guard would have anything to do with our town. I can see EPA but cannot see the Coast Guard. Under page 32 Administrative Bodies – defines Code Enforcement, Board of Appeals and the Planning Board but if we are referencing in this document the local plumbing inspector then we should be having that in there as well. Under 33 #3 – Top of page – also implies to your plumbing inspector. Reference again in the next paragraph the local plumber, but we have in this town a CEO. Page 34 #6 – To define our comprehensive plan – that I know you are working on to bring it up to date – historical resources and archaeological resources you make reference to a document that I don't know if we have those things in our document."

Gloria replied that she believes this is in a document referencing the homes in Willowbrook.

Eileen Hennessey continued, "On page 35 Installation of Public Utility Services – we don't have a water district, we don't have a sanctuary district maybe in the future we will, but again, just to take a look at that; our supplying or referencing something that doesn't exist. Under page 38 – Enforcements – CEO #2A – I think we should be including the local plumbing inspector. Under page 39 – definition of Agriculture with reference to Greenhouses. Greenhouses are being used by the Medical Marijuana Industry and under Agriculture, now I know they are not agriculture, but I know that they are something for order or issue by the State of Maine affecting our Town and they CAN be in our shoreland or Saco River Districts. We need to have some kind of language to address the waste coming out of that industry. Same thing under page 40 under Commercial Use and looking at marijuana and how they apply there. I'm just about done. On page 41 the functions of water dependent use we have language in here relating to finfish, shellfish processing fish related storage. I don't believe we have any of that in this town, wholesale fish marketing, facilities, waterfront dock. This seems to be all of the entities that are all on the ocean. But we also should have language pertaining to water dependent use to businesses that could be coming in, producing and using our water and it running off. Ok. That's my last comment. And I want to thank you very much for putting out this document and doing this for the town as volunteer workers." 7:40 PM

Gloria thanked Eileen and said, "We should have had you come earlier when we proofread this thing like 40 times!" Gloria mentioned that most of them are proofreading issues but then some are waste and drainage. Eileen offered, "I will use my property as an example. The State came and put a hump at the end of my driveway so I couldn't get the runoff going down. But they then put pipe/pavement down and

then took it onto the neighbors' property at the corner of Bridge St. They put some bric/brac in to protect the bank that was falling down and have channeled all the water coming by my house on Water Street right down into that mans property going then into the river. That is something done by the State of Maine. Which is a violation of the ordinances for shoreline as to how things are supposed to be done for runoff, driveways. If we are, as residents, in these towns, to be liable to their regulations they should also be held liable to the regulations."

Gloria mentioned that she thinks in the Table that there may be something regarding Governmental which protects them. Eileen feels that the State put the liability onto somebody else by doing what they have done with the drainage from Water Street to Bridge Street to the river. She again reiterated that she feels that the State is putting liability onto private property owners.

Gloria asked if anyone else had any further questions or comments and with no response she called the Public Hearing to a close at 7:43 PM and thanked all for coming with a reminder that if they live in Newfield to come to the March Town Meeting.

At this time the Planning Board Meeting continued and Gloria made a motion to accept the January 5, 2022 meeting minutes and Emily gave a second motion. Discussion followed and the following changes were made:

Article X, Section 20 - Land Use and Zoning Ordinance: Travel Trailers and Campers:

First sentence - change "will" be issued to "may" be issued

Shoreland Ordinance - Section 13A (5) – Change to the exact wording of the entire paragraph.

The Administrative Assistant - Change the word "received" to "reviewed" with reference to the letter from the Board to Scott Lindsay.

Gloria asked for a vote to accept the January 5, 2022 meeting minutes with amendments. The vote was 5-0-1 as Skip abstained since he was not present at the January monthly meeting.

At 7:50 PM Conditional Use Permit for Amendment at Harris Farm Map 35, Lot 12 began.

Harris Farm has already been given a permit for a neighborhood store in the rural zone on April 4, 2018 and signed by Chairperson Ben Buzzell. Gloria reviewed the application for conditions needed and noted that a letter by the Fire Dept. was enclosed and then asked Jason to explain the desired outcome.

The current permit is raising and processing turkey (this does not require a permit), Food trailer commercial kitchen, making food products, preparation for hot servings and a retail store. Gloria reviewed the criteria of the CUP. The CUP fee of \$100.00 was paid at the Selectmen's Office.

Gloria asked Jason and Chase if they would like to explain to the Board what they are looking to do and what they are asking for.

Jason and Chase explained to the Board that in 2020 when Covid hit they began take-out orders. In 2021 they were open from approximately 4:30 pm – 7:00 pm but often closed earlier as they would sell out of product. The approximate number of cars in 2021 were about 20 at one time. The vehicles are able to enter and exit at the same time. Overflow parking could be added if the Board deems necessary. They would like to add beer and wine on Friday and Saturday evenings. Only one of them, in order to be licensed through the State of Maine, must take a Safe Serve Course which basically will allow them to identify if someone is intoxicated. They typically have one tractor trailer delivery on a Tuesday during closed hours of operation. The barn is primarily used for storage and is 24' x 24'. They are hoping to use

a quadrant of the barn for a beer and wine service window and will have a permanent Food Trailer. They will also have a port-a-potty on premises as in the past.

Gloria reviewed the procedure for the process of the CUP. She stated that the first step is to review the application and that the Board has 30 days to make their decision once it is complete, "which we are doing right now." The decision can be delivered via USPS or in person. Usually, the applicant would be present at the Board meeting. Once the application is complete the Board can ask for additional information. Then review the application with 30 days after that and then determine if a public hearing is wanted and then the Finding of Facts will be done. A site walk may also be done. On the application there is a Planning Board Checklist. Gloria went through this checklist one by one.

CEO, Norm Hutchins forwarded a written question regarding vehicles as follows:

1. How many cars are parked at one time? **Answer:** 18 out front
2. If there is overflow parking then a sketch is required. **Response:** A sketch was provided and the Board requested Jason and Chase to include the total square footage of gravel/walkways/parking areas, etc. Ben explained that they must label the sketch decisively.
3. Is two-way traffic allowed? **Answer:** Yes

It has been noted that D.O.T. would need to be consulted to ensure the driveway and site distance is accepted due to the volume of expected traffic of 25-30 vehicles. It was determined and noted by Jason that Nichole Hubbard would handle the D.O.T. follow-up and that the updated required sketches would be turned into Nichole by Tuesday of next week.

Chair Gloria would like to schedule a site walk. The Board reached consensus that a public hearing is not required as this is an amendment to an existing business. This business, to date, has received zero negative complaints reported by the CEO or at the December 2021 Public Hearing held by the Selectboard and there are no changes in the scope.

A site walk of Harris Turkey Farm will be held on March 2, 2022 at 6:00 pm. The location is 267 Bridge Street, West Newfield, ME with Map 35 and Lot 12. The Newfield Planning Board will then report to the Newfield Town Hall at 23 South Effingham Road, West Newfield, ME at 7:00 PM for their regular monthly meeting. Advertising of the site walk will be required and the Administrative Assistant will forward the information to Nichole Hubbard for publication in the newspaper. The Administrative Assistant will take care of the local and Town website postings.

Dan addressed Jason and Chase and said that due to the lack of a toilet and hand washing station at their location that he would not be a patron. He wished them good luck with their business, but he does not feel comfortable dining and having a drink and then using a port-a-potty and not be able to wash his hands and then return to the table. This is a public health issue.

Chase has been in contact with the Department of Health and Human Services regarding sinks, wastewater and toilet requirements. He was firm but polite and stated that he appreciates Dan's comment but that unless the State or the Town of Newfield mandate it, that he and Jason have no plans of providing a toilet or a handwashing station as it is so costly. Currently they are using a water holding tank. Chase added that they are waiting to hear from the DHHS regarding their Catering and Beer and Alcohol licenses.

At this time Jason and Chase Harris exited the meeting at 8:48 pm.

The Board members resumed discussion regarding the Shoreland Ordinance and unanimously decided to continue with the proposed changes since DEP has approved them. If more work is to be done to the Ordinance; it must be done soon. Gloria suggested that a workshop could be scheduled and asked the members to contact her if they wish to do this. Gloria motioned to accept the Shoreland Map that DEP created on February 2, 2022 which is part of the Shoreland Ordinance to be voted on at the Annual Town Meeting on March 12, 2022. Skip made a second motion and a unanimous vote was had. (5-0-0)

Gloria informed the Board members that on January 18, she presented the proposed 2022 Planning Board Budget to the Selectmen. She made mention that the elections will be held at the Town Hall on March 11, 2022 and the Town Meeting will be held at the Line School on March 12, 2022.

Skip motioned for adjournment and Dan made a second motion. This meeting adjourned at 9:10 pm with a unanimous vote of 5-0-0.

Respectfully submitted,

Maria Marchant  
Administrative Assistant

THESE MINUTES ARE NOT VERBATIM