

Newfield Planning Board
Meeting Minutes of April 6, 2022

Chair, Gloria D called the meeting to order at 7:02 PM with a quorum in attendance as follows: Gloria D, Anthony G, Dan P, and Skip T. Ben B and Emily F are excused this evening. Also in attendance were CEO, Norman Hutchins, Butch Sanborn, Linda Corbin and Administrative Assistant, Maria Marchant.

The Pledge of Allegiance was recited by all in attendance.

Gloria D asked for approval and a motion of the March 2, 2022 Meeting Minutes. Anthony G made a motion and Gloria D made the second motion. Dan P requested a minor correction to the initial of his last name. He stated that while he appreciates being quoted his last name begins with a "P" not a "F" and would like the "F" removed and changed to a "P." Another correction made by Gloria D was to remove Ben B and Skip T as attendees at the Harris Farm Site-Walk held on March 2, 2022 and to also place a period after the word "chief" on page 2 and to remove "as he must visit the site." which is the remainder of the sentence. The March 2, 2022 Meeting Minutes were accepted with these afore-mentioned amendments. 4-0-0

The Findings of Fact for CUP Amendment regarding Harris Turkey Farm Map 35, Lot 12 were reviewed by the board members in attendance. Skip T motioned and Gloria D made the second to accept the Findings of Fact with the removal of Ben B and Skip T as attendees. 4-0-0

Gloria D moved onto the next topic of the agenda which was the Shoreland Map Certification. The new maps were signed this evening by the board members present and she must forward this to Jeff Kalnich as everything passed at the Annual Town Meeting. She reminded all the they should have received a Town Clerk signed copy of the Shoreland Ordinance and suggested that all members replace their current Shoreland Ordinance with this new one. She and CEO Norman H confirmed that he received the copy that she placed under his door. She moved onto the Libby Road Subdivision and the driveways and this agenda item was determined to be resolved. The signed letter received by the board closes this file. The next topic is the Land Use Buffer Area Amendments. They have been reviewed by the Town lawyer, the wording is accepted, the Selectmen have signed it and this will be on the secret ballot in June 2022. There will be a Public Hearing by the Newfield Selectmen regarding Land Use Buffers and the Newfield Rescue on May 18, 2022. Dan P and Gloria D will attend this Public Hearing.

The Sanborn Used Car Sales CUP for Butch Sanborn and Linda Corbin (applicants) was reviewed by the board members in attendance. Gloria D mentioned that she and the Administrative Assistant sent a letter to the applicants by the Administrative Assistant on March 9, 2022 with guidance and references required for their CUP. Although the

applicants submitted more detailed descriptions and uses Gloria D explained that more is still necessary especially pertaining to the exact uses of existing buildings. Linda Corbin inquired if Gloria in fact spoke with the fire chief and Gloria D confirmed that she did speak with fire chief Bill N. Gloria D explained that if the driveway is not to be changed that the letter from the previous fire chief is accepted. She further noted that her discussion with the new fire chief was to also inform him of his role with the Planning Board in these matters. Gloria D informed the applicants that the Board appreciates them getting more information to them but that there are quite a few issues remaining. One issue is that DEP must submit documentation due to the aquifers throughout the property. She urged the applicants to contact DEP regarding their Used Car Sales business. She stated that a Junk Yard cannot be had where there are aquifers and further stated that she is aware that they are not applying for a Junk Yard Permit but wants to ensure that the Used Car Sales is accepted by DEP and that the water is protected. As a result, a letter from DEP is required to abide by the laws in place. Butch Sanborn stated that he is not a soil scientist but that Bruce dug the original well on the existing property and stated that there is no aquifer there. Gloria D noted that these maps are all on the State Geological website. She also stated that the water goes all the way to the road and might go a little bit towards the truck depot but it's mostly on this property. She stated that their statement is better than last time and offered paperwork to better assist them with how they would be able to improve the application. She further explained that the more information provided, such as how many employees, proposed uses of buildings, etc., is required and remains a permanent public record. Gloria D extended her appreciation for their hard work in getting the information back to the Board and reminded the applicants that a complete and detailed description helps to also expediate the process with the Board. At this time Linda Corbin stated that she has attempted several times to contact Land and Water and DEP and has had no returned phone calls and that she is unable to even reach a live person. Gloria D provided a name and number of a contact person from a couple of years ago that was used prior and stated that even if the person has moved on that the phone number should be correct. She commented that the diagram has dimensions and labels written on the buildings; i.e., 5,000' display area, office, storage, storage, storage and a rental. She noted that a rental would require a proposed use and would need to be added to the original application. She also explained that doors, exits, bathrooms, etc. should be labeled as examples of what the Board is requiring for the building proposed to be used as the office. This should also be completed for the rental and the repair shop. She gave an example that the repair shop description should include where waste oil and fluids will be. She also gave instruction to include the number of employees on site, the traffic pattern, water supply sufficiency (private or public water), how many used cars on lot, auto detailing, oil catch basins, oil separators, etc., should be on the diagram. Also included should be how clean-ups will be handled. Gloria D instructed them to the Land Use Book from Article 9.1 through Article 9.15 and to address all that apply to them as best as they can in their statements and diagrams.

Gloria asked if the applicants would care to explain about the rental as this was not in their original CUP. Linda Corbin stated that right now the building is being used for storage as the person that is renting it is now living in a camper somewhere in the Town of Newfield. Gloria asked if the building is to be used as storage and Linda Corbin stated that she believes that the renter is going to use the building for Medical Marijuana. Gloria explained that the applicants must be clear as to the use of the building and to include the specifics for that proposed use as certain guidelines must be followed for each individual use. Linda Corbin stated that she believes the renter already has a Medical Marijuana business within the Town of Newfield but have left that property and that they were going to be dealing directly with CEO Norman H. Gloria explained that when operating a commercial business then the request must come to the Planning Board. Linda Corbin stated that the renter has already been approved for this business elsewhere. Gloria replied that the Board does not approve the person it only approves the site. Medical Marijuana is licensed with the State of Maine not the Planning Board but the Board must follow the rules, regulations and laws of the site within the Town of Newfield. In this case, the building or site would need to be documented as to how many employees, where the exits are, parking areas, is there ventilation, would there be noise, how would they handle odor, buffers, etc. Linda Corbin relayed that the renter would work directly with CEO Norman H since she and Butch don't know what the renters are going to do. Gloria D asked if Linda Corbin and Butch Sanborn are the property owners and Linda Corbin replied, "Yes." Gloria then informed them that they must get together with the renter and acquire their exact plan for the site and building as the property owner. The owner is responsible for the buildings on site. Dan P asked if the building in question is the main building on the site and the reply was that the building is way out back and was used for storing doors and windows. The building is on a foundation. There was mention made that on a prior site-walk of this property, the buildings were going to be torn down so the Board did not have a need to look at the buildings. This is a new applicant with a new CUP for a different use and the buildings will now be looked at for relevance and proposed uses to this CUP only. Gloria D further stated that all licenses issued by the State will need to be forwarded to the Board and CEO Norman H as well. Linda Corbin stated that they are going to be changing location and Gloria D replied that at that time a transfer of the existing license would be forwarded to the Board and CEO Norman H and placed in the file and could also be a condition added to their CUP.

At this time Gloria asked the applicants to verbally describe what they are planning now for the repair shop. She asked, "Will there be a lift and what kinds of things will be done on site?" Butch Sanborn stated that there will be a rental on the property and a repair shop. It was mentioned that changing oil, transmission fluid would be done. He stated, "If we do fluid changes, they will jug it up and send it to the transfer station and get rid of it in the same jugs it came out of. If the transfer station does not accept it then they will bring it somewhere else." Gloria asked if washing and shining the cars would be done on site and Butch Sanborn said, "No, we do not." Gloria requested they put that in their description. Vacuuming is about all that is done to the cars. Linda Corbin stated,

“Waterboro put them through the mill and that they paid \$100,000.00 getting what they wanted from them. She stated it was a crazy and harrowing experience. They’re very, very, very tough.” Dan P asked why they are leaving Waterboro and Linda Corbin and Butch Sanborn both stated that they sold the property and are now renting their space. She stated that the building was 50’ x 80’ and they have downsized and that Butch Sanborn only sells about 4 or 5 cars a month. They further stated that they will be storing boats, cars and motorcycles, excavators, trucks, tractor trailers, etc. Gloria D reminded the applicant that these uses must be added as proposed uses on their application and urged both applicants (Butch Sanborn and Linda Corbin) to provide as much information and detail as possible. She further inquired about some cars which are unregistered sitting on the site. She offered that they could put these inside a building as some calls have been placed inquiring if this is a junk yard. If there are 3 or more unregistered vehicles on the property then a Junk Yard Permit is required. If these are your own personal collections not related to the Used Car Sales business then out of sight is the solution. Gloria again reiterated that they must document all that will be on the site as this is commercial property and not a home occupation so detail is crucial so the Board knows exactly what they will be approving. She reminded them that if it’s not in their application then it could be conceived as a Junk Yard. Gloria D further mentioned that they must document which and what type of vehicles may be stored on site and their location of storage. She stated that this will also help the CEO Norman H if he should receive complaints and also helps the Board to not have to ask them back in the future and get all completed at once. Dan P stated, “There are enough razor wire and chain linked fences around. These are added to keep people out and are not user friendly.” Linda Corbin replied, “No razor wire. I believe that they will have a security system and good locks on the door.” Gloria D responded, “That is already required.” Linda Corbin continued, “I believe that they were already licensed with the State of Maine facility in the Town of Newfield so it is not another new one. It is a replacement one.” Dan P stated, “Regardless of the number of marijuana growers there are in Newfield, only one person knows how many there are and he’s sitting right over there. None of us can find out because that is the criteria with the State. Right Norm?” Norman H did not respond. Butch Sanborn said, “Well, there seems to be a big one right across the street.” Dan P said, “There is, there is.” Gloria D stated, “People come and some put it in the public but it is not required to put in the public. It’s confidential. It’s an allowed business from State and we just have to make the conditions of the use; that’s all.” Dan P asked if there would be any outdoor growing or trailers added. The response from Linda Corbin was “No, I don’t believe that’s going to happen. If they suggest it, I will probably say no and make sure they have a good security system and good doors. I don’t want any razor wire or chain link fence.” Dan P said, “Well, there’s enough eye sores around Town so let’s try to make things look nice.” Gloria D added, “And health and safety. Those are really the key issues. The safety of people driving and walking around the business, fire, odor, making somebody sick. So, make sure when you do the application that you include the details about the rental building. So, you’re going to need to get that from your renter so you know what to present.” Linda Corbin said, “Well that’s going to be limited to what I can

get from the renter. As far as the building, I can get all of that but I don't know what they can actually tell me about their business." Gloria D replied, "They can tell you how many employees they expect which will tell us how much traffic is expected and how many parking spaces will be needed. We need to look at egress, if there's a fire, you know all of those health and safety things. You will need to know what it is they are proposing to do otherwise there could be a problem for us if we don't have all of the information. Since you're the owner we can't really go them. We need to go to you because you're the landlord." Skip T stated, "Also detail if their business is interior to the rental or is it going to expand out." Linda Corbin said, "Oh, no, there is not going to be any room outside." Skip T, "Your discussion about their activities is making a statement that we're not going to see 40 40' trailers out there." Linda Corbin, "No and you're not going to see a fenced in area with outdoor plants out there either. If they want to do that, they can do it elsewhere." Gloria D mentioned, "So, when we issue a Conditional Use Permit; so, let's say you are the landlord, we look at all of these criteria that's in our Land Use Book and some of what we've talked about. The Conditional Use Permit runs with the land for up to two (2) years. So, if you were to sell it tomorrow and we've approved all of these things, then the next person that buys it can automatically come in and take over those permits as long as they start within two (2) years. If longer than two (2) years they have to start over. So, although you many not have outdoor growing or whatever, the next person might. That's why we need to consider everything and it has to be in writing. They might have a different standard than you do. We want to protect the people of the Town, health, safety and environment. That's pretty much what we do. We issue permits around that. I don't think we've denied any permit. There's usually conditions we can put in but you have to provide the information. I mean, we can deny, but I don't ever remember denying it. We just usually say that you have to provide x, y and z." Skip T said, "Put as much as you can in your description so you don't have to keep coming back here to add." Linda Corbin said, "OK." Gloria D instructed Linda Corbin and Butch Sanborn to get all of their information together and get it to us at least one week before the next meeting of May 4, 2022. There was further discussion about how to contact the DEP and the Natural Resources if applicable regarding the aquifers. The reason is there has never been this type of business on this property. This Used Car Dealership and a possible rental need to be determined safe for the property and aquifers and if there are any performance standards that must be completed to protect the water. Linda Corbin said, "I want to be very clear that we do not want to deal with any junk cars or scrap metal or fluids. If there are any cars that come in that we are not going to fix and are too far gone we put it on a ramp truck and haul it to Berwick Iron or CIA or wherever. We don't deal with the fluids; we don't deal with any of that. If it's a car we're not going to fix it goes on the ramp truck and out the door. It's not going to be processed there in any way." Gloria D replied, "That's going to be great for the water." Gloria D mentioned that a couple of calls came in regarding digging of trenches. Both Sanborn and Linda Corbin stated, "That's a drilled well." Gloria D asked, "The other well is no good." Linda Corbin replied, "No. Well, it's too far away." Linda inquired if a permit was required for a drilled well. She was informed it is not but would be for electrical, septic and that kind of stuff. Linda Corbin stated "Western

Maine Wells did this last Tuesday, I think.” “\$15,000 was spent for 4 gallons per minute” according to Butch Sanborn. Dan P asked, “Is the rental going to be a residence or is it a growing facility?” Linda Corbin replied, “No, no. They’re not going to live there. Right now, it’s just a storage facility. They are not going to live there. They are living in a camper right now on another property.” There was discussion about the location of the septic system being right outside the building, or right outside the main building closest to the road, and that there are two restrooms in the main building. There is not a septic system nor restrooms in the building way out back that they will be renting. The applicants were reminded that the State may require bathroom facilities in the rental to defer cross contamination, etc. They were asked to inquire with the State if sharing the bathrooms with the rental building employees is allowed.

This CUP for Sanborn Auto Sales will be placed on the agenda for May 4, 2022. Butch Sanborn and Linda Corbin left this meeting at approximately 8:00 PM.

Balch Lake Marina will be on the next meeting agenda and the Town Lawyer, Leah or her associate will be in attendance at the May 4, 2022 meeting and will also prepare the Findings of Fact.

Gloria D informed the Board that a FOAA request has been made regarding Joanne’s Hill and that the Administrative Assistant is currently working on that. The request reads, “I am in receipt of a FOAA request from an Attorney representing Andrew and Diane O’Neil. Their requested documents are:

Documents in the Town’s possession related to complaints that may have been lodged against them and any digital recordings of Planning Board meetings concerning Joanne’s Hill Subdivision.

The Administrative Assistant was hired in September 2021 with the stipulation that a 6-month review would be held to evaluate her performance and to discuss any requirements the Board might have or add. It was decided by the Board to hold an Executive Session at the end of the May 4, 2022 regular Planning Board Meeting for this personnel matter.

Tentative items on the Agenda for May 4, 2022 are as follows:

Balch Lake Marina Boat Yard – CUP Amendment – 385 Sanborn Rd - M47 L27

Sanborn Auto Sales – CUP – 66 Water St – M22 L4.1

Election of Newfield Planning Board Officers (Chair, Vice Chair, Statutory Secretary)

Executive Session Pursuant to 1 MRSA § 405 (6) (9) for a personnel matter

Ongoing: Woodhaven Acres; Ordinance Review; Caregiver Medical Marijuana Ordinance

There was lengthy discussion held among the board members present regarding the Medical Marijuana Ordinance and if there is a way the Board is able to create a permit system so that the CEO or Selectmen can be informed of how many State of Maine

licensed Medical Marijuana operations are in the Town of Newfield. This process would allow for knowing the number and locations of State of Maine licensed businesses or operations ONLY to monitor health, safety and/or complaints, the number of trailers on the premise, etc. If there are three (3) or more individual uses or businesses on a property, this constitutes a subdivision. Without a way to monitor this situation the Town has no way to enforce the performance standards, etc. The State Law allows the Town to have performance standards.

Motion to adjourn was made by Skip T and seconded by Gorla D with a unanimous vote of 4-0-0. This meeting adjourned at 8:40 pm.

Respectfully submitted,

Maria Marchant
Administrative Assistant

THESE MINUTES ARE NOT VERBATIM