

Newfield Planning Board
Meeting Minutes of May 4, 2022

Chair, Gloria D called the meeting to order at 7:02 PM with a quorum in attendance as follows: Gloria D, Ben B, Dan P, Emily F, and Skip T. Anthony G is excused this evening. Ben B (alternate) will be a voting member this evening. Also in attendance were Town Attorney Leah R, CEO, Norman Hutchins, Tracy Gibson, four (4) members of the public and Administrative Assistant, Maria Marchant.

The Pledge of Allegiance was recited by all in attendance.

Town Attorney Leah R is in attendance this evening for the CUP Amendment and the Board agreed to review prior months meeting minutes after the CUP Amendment review.

At this time an application for a CUP Amendment - Boat Storage for the Balch Lake Marina located at 375 Sanborn Rd, West Newfield with Map 47 and Lot 27 was reviewed. The Amendment requested is "Boat Storage Amendment to existing permit. Months of Storage to year-round. Minimal in summer months." The Board ensured that the application is complete. Gloria D asked, and proprietor Tracy G confirmed, that there has been no change in ownership, uses on site, the number of employees, vehicles entering or exiting, and square footage since the inception of the Balch Lake Marina business in 2018. The letters from the Rescue Squad, Road Commissioner, Fire Dept, NRCS or DEP letter (due to wetlands out back), copies of the application were received along with the application fee and all of the above were located in the file and dated in 2018 and are accepted without the need of replacements. CEO Norman H sent a couple of letters with the most recent sent on January 18, 2022. A notice of violation to conditions regarding boat storage from CEO Norman H stated that "No boats will be left on site during those months of storage." Gloria D asked for CEO Norman H to explain this as she thinks there is a typo. After clarification was given to the Board by CEO Norman H, and with the wording assistance of Attorney Leah R, he stated "No boats will be left onsite during alternate months of storage." Because this is an Amendment to an existing Conditional Use Permit, only the Amendment portion will be reviewed. Attorney Leah R stated that on January 2, 2019 there was an Appeal in Superior Court and the Superior Court denied this Appeal. As a result of the Superior Court Ruling, whatever was in place as of January 2, 2019 cannot be appealed again or undone and the existing criteria stands. Discussion was had regarding a potential site walk and public hearing to be held on June 1, 2022. Gloria D asked owner Tracy Gibson her reason for filing this amendment and her hopeful outcome. Tracy stated that she met with CEO Norman H in 2020 and traffic was a question referring to the Conditional Use Permit Finding of Fact 5J in the original permit by some abutters. During the months of 'April out and November in' the yard is most active due to traffic during the months of April thru November. It was agreed that this verbiage is confusing. Gloria D mentioned that a few complaints were received regarding boat storage and the review of the CUP Amendment began with the Balch Lake Marina CUP Amendment request of "Boat Storage Amendment to existing permit to year-round. Minimal in summer months." At this time Frank Ring, abutter of the 375 Sanborn Road, mentioned that dozens and dozens of boats are lined up at his property line and all he sees is white all the time. He further stated that the Board should go to the site immediately and see what it looks like. "If you wait until June then they will move everything

to their other location and you won't get the true picture." Gloria D recommended a site walk for June 1, 2022 at 6 pm and a public hearing to follow at the Newfield Planning Board meeting at 7 pm. The decision of the Board is to hold a site walk at 375 Sanborn Rd on June 1, 2022 at 6pm and hold a public hearing at 7pm at the Newfield Town Hall at 23 South Effingham Rd. Notification to abutters, postings around town and advertising in Your Weekly Shopper's Guide will be handled by the Administrative Assistant. At this time citizen Al Petkevitch of Sanborn Rd asked how violations are handled. Chair Gloria D referred him to CEO Norman H as he is the officer in charge of these records. The members of the public and the applicant left this meeting at 7:22 pm.

At this time Gloria D asked the Board members if anyone had any question for Town Attorney Leah R since she is available at this meeting. Dan P asked Leah R, "if barbed wire could be used in lieu of razor wire by property owners. If so, should it be included as a definition regarding the use of razor wire?" The definition of barbed wire was questioned. It was determined that barbed wire is, "a type of strong wire with sharp points on it, used to prevent people or animals from entering or leaving a place, especially a field." Gloria D explained that this proposed ordinance change does not pertain to the farming owners in town or their cattle pens. The Public Hearing is May 18, 2022 regarding the proposed ordinance change and will be a secret ballot vote on June 14, 2022.

Gloria D asked Leah R about Caregiver Medical Marijuana Laws as these are not considered a home occupation and is actually light industrial and could it require a conditional use permit depending on zoning? Leah R replied, "Yes." CEO Norman H shared that the State of Maine now has a law that these businesses must have a septic tank in accordance with DEP regulations and must be in compliance with their manner of how dispose of waste material, etc. Dan P asked CEO Norman H if all of the facilities in town are in compliance with the State septic law. CEO Norman H replied, "Only one that I know of is in compliance with State rules." Dan P asked if the others which are not in compliance are grandfathered and CEO Norman H replied, "Yes, unless they change something." The "grandfather law" would only be accepted if the business was established prior to 2018. Leah R stated that DEP would be responsible and NOT the town regarding the septic law; however, if a current business has an amendment or a new business is established then the town language would apply according to the town standards.

Frank Ring and Molly reentered the meeting at 7:35 pm.

Gloria D asked Leah if updating the Town's Comprehensive Plan is a worthwhile cause. Leah R responded, "Think of the Comprehensive Plan as a skeleton; i.e., this is what we want our town to like, and your Land Use as the flesh on the skeleton and stated that the Land Use Ordinances should be consistent with the Comprehensive Plan. The Comprehensive Plan is your base and it is what is used to add onto. So, yes, it is worthwhile to update your Comprehensive Plan." The Board thanked Leah R for coming this evening and she left this meeting at 7:42 pm.

Gloria D asked for review and a motion to accept the meeting minutes of April 6, 2022 at 7:45 pm. Skip T inquired if the Meeting Minutes and the Agenda are posted for the public. Gloria D replied that the Agenda is posted around town and on the website before the Board meeting. The Meeting Minutes are posted on the website only after approval by the Board and that the public can ask for a printed copy from the Selectmen's Office if they wish one. The motion by Gloria D and a

second by Skip T was made to accept these minutes as written with no additions or deletions and a unanimous vote was taken. (5-0-0)

Gloria D asked CEO Norman H about the potential new law regarding adding accessory dwelling units and in-law apartments to existing structures effective July 1, 2023 that Governor Mills signed. Norman H responded, "In most towns it is adding one bedroom or adding one unit like above a garage, not adding two individual units. Sometimes towns have maximum accessory units allowed and it should be attached to an existing dwelling." Gloria D asked if the town has a "say" or "choice" with this new law when it goes into effect. CEO Norman H stated that the town would have a "choice" regarding lot size with reference to accessory units if it's a separate dwelling. She asked him to keep the Board updated. CEO Norman H stated he only has bits and pieces of this and will continue to check into it and that he will be attending his annual State CEO Building Codes Training in the coming months and will have more information to relay at that time.

Gloria D inquired about Lake Ridge Road regarding the fixing of the road and the subdivision, the erosion, ditching and overgrowth. CEO Norman H stated, "I met with the people onsite and instructed them as to what they had to do and they that they are going to do it." The Board thanked CEO Norman H for coming this evening and he left the meeting at 7:52 PM.

Gloria D informed the Board that the CUP for Sanborn Auto Sales at 66 Water Street with M22 and Lot 4.1 has been withdrawn.

Gloria D mentioned that every year the Planning Board must elect a Chair, Vice Chair and Statutory Secretary. She inquired if the existing offices would be retained by the current members and all agreed. However, not all members are present at this meeting so the nominations and elections of the Planning Board officers is tabled until the June 1, 2022 meeting so all members are in attendance.

Gloria D announced to the Board that the RSU #57 School vote is scheduled for May 17. On May 18, 2022 the Newfield Selectboard is holding a public hearing regarding the Town of Newfield Rescue and proposed ordinance Referendum vote. This referendum will be on the ballot on June 14, 2022 which is also the RSU #57 Budget vote and the State of Maine Primary elections.

Gloria D stated that the Board will now go into Executive Session pursuant to 1 MRSA § 405 (6) (9) for a personnel matter.

Gloria D stated, "The Board will go into Executive Session. The process is that I will announce when the Board will go into Executive Session pursuant to 1 MRSA § 405 (6) (9) for a Personnel Matter, a vote will be taken to enter into Executive Session. While in Executive Session no audio recording is to be had. Discussion will be held and the Board will come out of Executive Session and then we will have a formal vote on the subject."

Frank Ring asked, "When you have an Executive Session don't you need an attorney?" Gloria D replied, "No, there are situations where a lawyer is not required and there are situations when a lawyer or others can be invited in. This is regarding a personnel matter and we didn't feel that a lawyer is needed." Satisfied with the answer, Frank Ring and Molly left this meeting at 8:05 pm.

Gloria D asked the members of the Board if anyone wished to discuss anything before the vote to enter into Executive Session. Dan P questioned the interpretation of razor wire vs barbed wire and Gloria D noted that this does not pertain to existing operations. The definition of barbed wire is “wire with clusters of short sharp spikes, set to be used as fences or in warfare as an obstruction.”

Gloria D asked the Board Members for a vote to enter into Executive Session pursuant to a Personnel Matter 1 MRSA § 405 (6) (9). Ben B made a motion and Skip T made the second. The unanimous vote of 5-0-0 was tallied. The Board entered Executive Session at 8:07 pm and the Administrative Assistant was invited to enter. The Board came out of Executive Session at 8:32 pm. Ben B motioned to submit to the Newfield Selectboard a pay increase to \$26.00 per hour for the Administrative Assistant per the Planning Board’s favorable review of May 4, 2022. Dan P gave a second to this motion and it carried unanimously 5-0-0.

Tentative Agenda for June 1, 2022 as follows:

Site Walk – 6pm at 375 Sanborn Rd, Balch Lake Marina, M47 and L27

Call June 1, 2022 Planning Board Meeting to Order

Pledge of Allegiance

Public Comment

Public Hearing CUP Amendment – Onsite Boat Storage – Balch Lake Marina, M47-L27

Review of Meeting Minutes of May 4, 2022

Town of Newfield – CUP – Salt & Sand Facility, Water St.

Election of Planning Board Officers

Ongoing Discussions:

Woodhaven Acres, Ordinance Review, Caregiver Medical Marijuana Ordinance

Adjournment

A motion to adjourn was made by Skip T and seconded by Dan P with a unanimous vote of 5-0-0. This meeting adjourned at 8:38 pm.

Respectfully submitted,

Maria Marchant
Administrative Assistant

THESE MINUTES ARE NOT VERBATIM