

Bucksport Planning Board
6:30 P.M., Tuesday, November 2, 2010
Bucksport Town Office
50 Main Street

AGENDA
(Amended 10-26-10)

1. Call to Order

2. Roll Call

- | | | |
|---|---|---|
| <input type="checkbox"/> John Daniels | <input type="checkbox"/> Marc Curtis | <input type="checkbox"/> George Hanson |
| <input type="checkbox"/> Gail Hallowell | <input type="checkbox"/> Rosemary Bamford | <input type="checkbox"/> Edward Belcher |
| <input type="checkbox"/> David Grant | | |

3. Review and Acceptance of Minutes: Minutes from the October 5, 2010, meeting.

4. Chairman's Report

5. Code Enforcement Officer's Report

6. Unfinished Business

- A. Application for approval of a commercial expansion at 110 Broadway, tax map 2, lot 39. The applicant proposes to construct a ~~9,000~~ **6,500** square foot two-story addition to the existing health center for offices, meeting rooms and patient rooms. The applicant proposes to construct additional parking with related landscaping and stormwater management improvements.
Applicant: Bucksport Regional Health Center, Inc.

7. New Business:

- A. Application for approval of a change of use of an existing commercial building at 123 Main Street. The applicant proposes to occupy a portion of the building with a place of worship.
Applicant: River of Hope Church of the Nazarene
- B. Application for approval of an expansion of an existing industry land use. The applicant proposes to expand a power generating facility with the addition of a 25 megawatt steam turbine generator and related site improvements.
Applicant: Verso Paper

8. Other Business:

- A. Public hearing for a proposed ordinance regulating marijuana dispensaries and growing facilities.
- B. Review of the draft findings for the CMP transmission line upgrade and expansion.
- C. Review of the draft findings for the Buckstown Heritage Park Subdivision Phase 2.
- D. Request for a finding that the proposed Miles Lane Trail extension is consistent with the recommendations of the town's 2003 Comprehensive Plan.

9. Discussion

10. Adjournment

**Bucksport Planning Board
6:30 P.M., Tuesday, November 2, 2010
Bucksport Town Office
50 Main Street**

MINUTES

1. Call to Order: 6:30 P.M. by Secretary Marc Curtis, acting Chair

2. Roll Call

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> John Daniels | <input checked="" type="checkbox"/> Marc Curtis | <input type="checkbox"/> George Hanson |
| <input checked="" type="checkbox"/> Gail Hallowell | <input checked="" type="checkbox"/> Rosemary Bamford | <input checked="" type="checkbox"/> Edward Belcher |
| <input checked="" type="checkbox"/> David Grant | | |

Staff present : Jeffrey Hammond, CEO, Dave Milan Economic Development Director

3. Review and Acceptance of Minutes: Minutes from the October 5, 2010 meeting were reviewed.

MOTION(Daniels): To approve the October 5, 2010 Minutes, as submitted.

SECOND(Hallowell)

DISCUSSION: None

VOTE: 5-0-1 motion adopted (Member Bamford abstained because she did not attend the October 5th meeting)

4. Chairman’s Report: No report

5. Code Enforcement Officer’s Report: No report. The CEO requested the board to take up agenda item 8.D out of order. The item would take very little time and it is last on the agenda. Out of consideration for the parties involved, a motion was made:

MOTION(Bamford): To take up agenda item 8.D out of order and consider the item before conducting unfinished business.

SECOND(Belcher)

DISCUSSION: None

VOTE: 6-0 motion adopted

Item 8.D: Request for a finding that the proposed Miles Lane Trail extension is consistent with the recommendations of the town’s 2003 Comprehensive Plan.

Roger Raymond, Town Manager, conducted a presentation to describe the proposed trail extension and the purpose for seeking the planning board’s approval. The board must find the proposed trail extension to be consistent with the goals of the town’s comprehensive plan in order for the town to be eligible to receive grant funds for the improvements. The trail extension will increase the Miles Lane trails to approximately 3 miles. The board asked a few general questions and then a motion was made:

MOTION(Grant): To find the proposed trail extension to be consistent with the goals of the town’s comprehensive plan.

SECOND(Bamford)

DISCUSSION: None

VOTE: 6-0 motion adopted

6. Unfinished Business

A. Application for approval of a commercial expansion at 110 Broadway, tax map 2, lot 39. The applicant proposes to construct a ~~9,000~~ 6,500 square foot two-story addition to the existing health center for offices, meeting rooms and patient rooms. The applicant proposes to construct additional parking with related landscaping and stormwater management improvements.

Applicant: Bucksport Regional Health Center, Inc.

Andrew Hedrick from Gartley & Dorsky was present to represent the applicant. Mr. Hedrick provided the board with a revised site plan showing a modified parking lot behind the existing health center. An access control gate was added to restrict traffic movement through the parking lot. This change was made to address a traffic safety concern expressed by the RSU 25 superintendent. Mr. Hedrick also noted that a sign will be erected informing drivers that the new entrance off Miles Lane will be for authorized use only. A stop sign will also be installed at this entrance, and also at the relocated entrance on Broadway.

Craig Bowden, Director of Emergency Services, was present to answer questions concerning the location of fire hydrants. Chief Bowden informed the board that an existing hydrant on Miles Lane will be relocated to a site directly behind the health center. This hydrant will be used instead of the hydrant located on Broadway, if a fire should occur at the health center. This change was made to address the board's concerns about blocking access to the senior citizen housing at the end of Broadway if the fire department had to use the Broadway hydrant.

After discussion, acting Chair Curtis asked for a motion of a finding for the public safety standards.

MOTION(Grant): To find that the proposed land use will have no impact on public safety that is contrary to the purposes of the land use ordinance.

SECOND(Hallowell)

DISCUSSION: The CEO asked if there were any special conditions attached to this motion. The board decided that all the concerns identified at the previous meeting had been addressed, and no further special conditions were necessary.

VOTE: 6-0 motion adopted (Member Bamford participated in the vote after advising the board that her absence at the last meeting did not impede her ability to make an informed decision in the matter. She did review the application material. No board members objected.)

The board proceeded to review the specific use standards. Driveway and parking standards were applicable. Mr. Hedrick advised the board that the proposed parking lot expansion met and exceeded the parking requirements of the ordinance. Winter maintenance was discussed. Mr. Hedrick assured the board that the parking lot was designed so that snow removal would not be difficult. Curbing may be a slight obstacle for plows, but it was necessary for stormwater management purposes.

It was noted that sight distance requirements at both entrances would be met.

After discussion, acting Chair Curtis asked for a motion of a finding for the specific use standards.

MOTION(Bamford): To find that the proposed land use will have no impact on the applicable specific use standards that is contrary to the purposes of the land use ordinance.

SECOND(Hallowell)
DISCUSSION: None.
VOTE: 6-0 motion adopted

The CEO advised the board that the town would not require an easement for the applicant to install rip-rap at the entrance of a cross-culvert on Broadway. The applicant would be responsible for maintenance, but would also need to allow the town to maintain it if necessary. In a memo to the CEO, the town manager suggested that the board hold the applicant accountable for any adverse impacts that may occur in the Nicholson Avenue drainage area. Mr. Hedrick advised the board that there would be no increase in peak run-off from the proposed improvements. The board discussed the town manager's recommendation, but decided to place no condition on their approval to address his concern.

The board proceeded to review the dimensional standards. Front, side and rear setbacks and maximum structure height were found to be applicable. The 10' minimum setback was met by both the structure addition and the parking lot expansion. The maximum structure height of 50 feet was met. A motion was made.

MOTION(Bamford): To find that the proposed land use has met all applicable dimension standards of the land use ordinance.
SECOND(Hallowell)
DISCUSSION: None.
VOTE: 6-0 motion adopted

The board concluded their findings by noting that, based on their findings, the proposed land use will have no impact that is contrary to the purposes of the land use ordinance and is approved.

7. **New Business:**

- A. Application for approval of a change of use of an existing commercial building at 123 Main Street. The applicant proposes to occupy a portion of the building with a place of worship.
 Applicant: River of Hope Church of the Nazarene**

Pastor John Evans was present to represent the applicant. The CEO conducted an introductory presentation. It was noted that the proposed change of use did not include or require any site improvements, and the board would likely find that many of the land use standards were not applicable to their review.

Pastor Evans described the proposed use. He will be conducting services and church-related meetings. Most activities would occur on the weekend. The building can accommodate up to 32 people. On-site and near-by public parking is available. Pastor Evans requested a waiver of the requirement of a survey.

The acting chair asked if any board member had a conflict of interest. No member responded in the affirmative. The public was provided an opportunity to comment. Frank Dunbar spoke about the history behind the building where the church would be located. He also mentioned that the lot had been surveyed, but he could not locate the document.

The board then commenced the standards review.

Environment Standards: None of the standards was found to be applicable.
Special Areas Standards: None of the standards was found to be applicable.

Local Areas Standards: The board found the lighting and noise standards to be applicable. No concerns were noted about lighting. Noise generated by the land use would occur primarily on the weekend and would be limited to traffic movement. Sounds generated inside the building would not be detrimental to abutting properties.

Public Safety Standards: The board found the public safety services standard to be applicable. The occupancy of the building is subject to compliance with NFPA 101 Life Safety Code to ensure that public safety services would not be adversely impacted.

Specific Uses Standards: The board found that the parking standards in Section 13 were applicable. Based on a maximum occupancy of 32, 8 parking spaces were required. The existing on-site parking lot would provide the necessary parking.

Dimensions Standards: None of the standards was found to be applicable.

The board concluded their review of the land use standards and proceeded to conduct the findings.

Environment Standards: None of the standards was found to be applicable and, therefore, a finding was not required.

Special Areas Standards: None of the standards was found to be applicable and, therefore, a finding was not required.

Local Areas Standards:

MOTION(Grant): There is clear and convincing evidence in the record that the proposed land use will have no impact on local areas that is contrary to the purposes of the land use ordinance.

SECOND(Belcher)

DISCUSSION: None.

VOTE: 6-0 motion adopted

Public Safety Standards:

MOTION(Hallowell): There is clear and convincing evidence in the record that the proposed land use will have no impact on public safety that is contrary to the purposes of the land use ordinance.

SECOND(Bamford)

DISCUSSION: None.

VOTE: 6-0 motion adopted

Specific Uses Standards:

MOTION(Hallowell): There is clear and convincing evidence in the record that the proposed land use will have no impact on specific uses, as identified, that is contrary to the purposes of the land use ordinance.

SECOND(Bamford)

DISCUSSION: None.

VOTE: 6-0 motion adopted

Dimensions Standards: None of the standards was found to be applicable and, therefore, a finding was not required.

The board considered granting a waiver of the survey requirement.

MOTION(Grant): To waive the requirement of a survey.

SECOND(Hallowell)

DISCUSSION: None.

VOTE: 6-0 motion adopted

The board noted that, based on their findings, the application was approved. Pastor Evans asked if any changes were made to his church, what approval would be required. The CEO advised Pastor Evans to contact him if he planned any changes.

**B. Application for approval of an expansion of an existing industry land use. The applicant proposes to expand a power generating facility with the addition of a 25 megawatt steam turbine generator and related site improvements.
Applicant: Verso Paper**

Joe Lynch, Bill Cohen and Joe Cyr from Verso Paper and Sarah Nicholson from Woodard & Curran were present to represent the applicant.

The acting chair asked if any board member had a conflict of interest. No member responded in the affirmative. The CEO conducted an introductory presentation. Illustrations of the project site were shown. The CEO noted that the project was classified as an expansion of an existing use and required planning board review because it will be located in a shoreland district. The CEO noted that no omissions were identified in the application.

Bill Cohen described the proposed project as a 40 million dollar investment that will mark a significant transition of the mill. It will make the mill more competitive in the future. Sarah Nicholson provided the board with an introductory description of the proposed project. Permit applications have been submitted to various State agencies that must approve the project. The plan is to have all permits in place to allow the project to begin before the end of 2010.

The acting chair suggested that the applicant present an overview of the project to help the board become familiar with the application. Ms Nicholson described the biomass storage area and the conveyance system that would transport the fuel. Stormwater management improvements in the biomass storage area were identified. Ms Nicholson then described the sheet pile wall that will be installed to contain fill to be placed in the coastal wetland. The fill is needed to provide the land area needed for the generator building and to reroute an access road around the building. Truck traffic routes in and out of the mill were identified. Joe Cyr described the processing procedures for the biomass. Air emission changes were described. Ms Nicholson noted that emission profiles would change due to changes in fuels used and this requires a change in the State air emissions license. Particulate emissions will increase slightly, but must comply with DEP standards. Sulphur dioxide emissions are expected to drop. The overall emissions are expected to be less than current emissions.

The acting chair noted the likelihood of not completing the application review in one meeting. Member Hallowell asked why the application was submitted 2 months prior to the time the project needed to be started. Mr. Cohen noted that it was a function of the mill's board of directors. Concern was expressed about the complexity of the application and the board's ability to conduct a thorough review in one meeting. The acting chair proposed a special meeting and, after discussion, the consensus of the board was to begin the standards review at a special meeting. The meeting was scheduled for November 10, 2010 at 6:30pm.

No further action was taken on the application.

8. Other Business:

A. Public hearing for a proposed ordinance regulating marijuana dispensaries and growing facilities.

The public hearing was opened at 8:56pm. No comments from the public were received. The CEO noted that the proposed sign restrictions may violate the provisions of the First

Amendment. An opinion from MMA will be obtained before the ordinance is submitted to the town council. The public hearing was closed at 9:02pm.

B. Review of the draft findings for the CMP transmission line upgrade and expansion.

Doug Ide, project representative, was present. The board reviewed the draft findings and no changes were required.

MOTION(Bamford): To approve the draft findings without changes.

SECOND(Grant)

DISCUSSION: None.

VOTE: 6-0 motion adopted

The CEO noted that an amendment to the land use ordinance was being developed to address CMP's concerns about permit life. The permit issued to CMP would expire before the project could obtain a substantial start. Doug Ide suggested that the board could amend their approval to incorporate some other arrangement that would allow a longer permit life and, thus, avoid having to renew the permit. The CEO will obtain a legal opinion on the matter.

C. Review of the draft findings for the Buckstown Heritage Park Subdivision Phase 2.

The board reviewed the draft findings and no changes were required.

MOTION(Bamford): To approve the draft findings without changes.

SECOND(Grant)

DISCUSSION: None.

VOTE: 6-0 motion adopted

D. Request for a finding that the proposed Miles Lane Trail extension is consistent with the recommendations of the town's 2003 Comprehensive Plan.

This item was taken up prior to unfinished business.

- 9. Discussion:** Member Bamford raised a concern about how the board prepares for meetings. Unless applications are mailed out, most board members do not see the applications until the night of the meeting. Should this be changed? It may be beneficial if applications are reviewed prior to the meeting. There is an obligation to be prepared. It was suggested that all applications be mailed regardless of the cost. The CEO informed the board that budget limitations might prevent that, but the matter will be brought to the attention of the town manager.

The CEO asked the board if they would consider an amendment to the land use ordinance that would propose less restrictive setbacks in the rural districts. The current setbacks are resulting in an increase in the number of variance requests that may be indicative of requirements that are too burdensome. The board agreed to review a draft ordinance at a future meeting.

10. Adjournment: 9:45pm

Minutes prepared by
Jeffrey Hammond
Recording Secretary