

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

AGENDA

1. **Call to Order**
2. **Roll Call**
 John Daniels Marc Curtis George Hanson
 Gail Hallowell Rosemary Bamford Edward Belcher
 David Grant
3. **Review and Acceptance of Minutes:** Minutes from the February 2, 2010, meeting.
4. **Chairman's Report**
5. **Code Enforcement Officer's Report**
6. **Unfinished Business**
7. **New Business:**
 - A. Application for approval of a new commercial use in an existing structure in the C3 District. The applicant proposes to establish a manufacturing facility at 90 Heritage Park Road. The facility will produce dog food products. The business name is Barkwheat Dog Products LLC.

Applicant: Chris Roberts
8. **Other Business:**
 - A. Continued review of the proposed Rules of Procedure.
 - B. Review of proposed amendment to Appendix K Land Use Ordinance, Official Zoning Map.
9. **Discussion**
10. **Adjournment**

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

MINUTES

(amended 3-18-10)

1. **Call to Order:** 6:38 P.M. by Chairman George Hanson

2. **Roll Call**

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

Staff present : Jeffrey Hammond, CEO

3. **Review and Acceptance of Minutes:** Minutes from the February 2, 2010 meeting were reviewed.

MOTION(Curtis): To approve the February 2, 2010 Minutes, as submitted.

SECOND(Grant)

DISCUSSION: None

VOTE: 5-0 motion adopted.

4. **Chairman’s Report:** No report.

5. **Code Enforcement Officer’s Report:** The CEO reported on the progress being made for the septage dewatering facility on Heritage Park Road. The CEO displayed photos of the 3 telecommunication facilities approved by the board. All 3 sites have been completed, but there are issues with drainage on the 2 AT&T sites. This will be brought to the attention of the permittee.

6. **Unfinished Business:** None

7. **New Business:**

A. **Application for approval of a new commercial use in an existing structure in the C3 District. The applicant proposes to establish a manufacturing facility at 90 Heritage Park Road. The facility will produce dog food products. The business name is Barkwheat Dog Products LLC.**

Applicant: Chris Roberts

The CEO conducted an introductory presentation with photos to familiarize the board with the project site.

The Applicant conducted an introductory presentation describing the business and its products.

The Board asked questions about the business operation and products.

The Board was asked to waive the 7-day notice requirement for the public hearing. A 5-day notice was provided due to time constraints. It was noted that abutters were notified as required, as

were town department directors. Notice was posted at the town office as required. The board discussed the request and a motion was submitted:

MOTION(Grant): To waive the 7-day notice.

SECOND(Hallowell)

DISCUSSION: None

VOTE: 4-1 motion adopted (Belcher opposed)

The chairman opened the public hearing at 7:46 P.M. and, hearing no comments, closed the public hearing at 7:46 P.M.

The Board conducted a standards review.

ENVIRONMENT STANDARDS

1. OBJECTIVE: Soils are suitable for the land use.
No new construction was proposed by the Applicant.
The Board found by unanimous vote that the proposed land use is not subject to compliance with this objective.
2. OBJECTIVE: Stormwater runoff from the land use is minimized to the greatest practical extent and adequately managed to reduce the risk of relevant detrimental effects.
No site improvements were proposed by the Applicant.
The Board found by unanimous vote that the proposed land use is not subject to compliance with this objective.
3. OBJECTIVE: Soil that may be exposed during any soil disturbance of the land use is adequately protected from unreasonable erosion and sedimentation.
No soils will be disturbed by the Applicant.
The Board found by unanimous vote that the proposed land use is not subject to compliance with this objective.
4. OBJECTIVE: Surface and subsurface waters are adequately protected from the detrimental effects of any water pollutant from the land use.
No water pollutants will be generated by the proposed land use.
The Board found by unanimous vote that the proposed land use is not subject to compliance with this objective.
5. OBJECTIVE: The ambient air environment is adequately protected from the detrimental effects of any air pollutant from the land use.
No air pollutants will be generated by the proposed land use.
The Board found by unanimous vote that the proposed land use is not subject to compliance with this objective.
6. OBJECTIVE: Significant wildlife habitat, and other important habitat as identified in the Bucksport Comprehensive Plan, as adopted, are adequately protected from any relevant detrimental effect of the land use.
There is no significant wildlife habitat on the property.
The Board found by unanimous vote that the proposed land use is not subject to compliance with this objective.
7. OBJECTIVE: Vegetation within any applicable shoreland district is protected from excessive cutting or removal.
The property is not located in a shoreland district.
The Board found by unanimous vote that the proposed land use is not subject to compliance with this objective.

The Board determined that all objectives of the environment standards are not applicable to the proposed land use. Therefore, a site visit is not required for the purposes of determining compliance with these objectives.

SPECIAL AREAS STANDARDS

1. OBJECTIVE: Areas of prehistorical and historical importance are adequately protected from any relevant detrimental effect of the land use.
There are no known areas of prehistorical and historical importance within the vicinity of the proposed land use.
The Board found by unanimous vote that the proposed land use is not subject to compliance with this objective.
2. OBJECTIVE: Vistas of scenic value are adequately protected from any relevant detrimental effect of the land use.
There are no vistas of scenic value within the vicinity of the proposed land use.
The Board found by unanimous vote that the proposed land use is not subject to compliance with this objective.
3. OBJECTIVE: Areas for public access to water bodies, wetlands and areas developed with commercial fisheries and maritime activities are adequately protected from any relevant detrimental effect of the land use.
The property is not located in a shoreland district nor is it near a coastal shoreline.
The Board found by unanimous vote that the proposed land use is not subject to compliance with this objective.
4. OBJECTIVE: Areas of flood hazard are adequately protected from any relevant detrimental effect of the land use.
The property is not located in a flood hazard area.
The Board found by unanimous vote that the proposed land use is not subject to compliance with this objective.
5. OBJECTIVE: Areas with unique natural character identified in the Bucksport Comprehensive Plan, as adopted, are adequately protected from any relevant detrimental effect of the land use.
There are no areas with unique natural character within the vicinity of the proposed land use.
The Board found by unanimous vote that the proposed land use is not subject to compliance with this objective.

The Board determined that all objectives of the special areas standards are not applicable to the proposed land use. Therefore, a site visit is not required for the purposes of determining compliance with these objectives.

LOCAL AREAS STANDARDS

1. OBJECTIVE: The scale and site features of the land use are consistent with the development patterns in the local area or neighborhood.
The Applicant proposes to occupy an existing commercial building.
The Board found by unanimous vote that the proposed land use is not subject to compliance with this objective.
2. OBJECTIVE: The land use is appropriately separated and shielded from abutting land uses and public or private ways to adequately mitigate any relevant detrimental effect.
The Applicant does not propose to make any changes to the existing buffers.
The Board found by unanimous vote that the proposed land use is not subject to compliance with this objective.
3. OBJECTIVE: Any relevant detrimental effects of electromagnetic fields from the land use are adequately mitigated.
The proposed land use will not generate electromagnetic fields.
The Board found by unanimous vote that the proposed land use is not subject to compliance with this objective.

4. OBJECTIVE: Any relevant detrimental effects of artificial lighting from the land use are adequately mitigated.
The Applicant does not propose to add any additional exterior lighting.
The Board found by unanimous vote that the proposed land use is not subject to compliance with this objective.
5. OBJECTIVE: Any relevant detrimental effects of noise from the land use are adequately mitigated.
There are no relevant detrimental effects of noise from the manufacturing operation.
The Board found by unanimous vote that the proposed land use is not subject to compliance with this objective.
6. OBJECTIVE: Any relevant detrimental effects of nuisance odors from the land use are adequately mitigated.
There are no relevant detrimental effects of nuisance odors from the manufacturing operation.
The Board found by unanimous vote that the proposed land use is not subject to compliance with this objective.
7. OBJECTIVE: The solar gain utilized by active or passive solar energy collection systems that may be impacted by the land use is adequately protected.
There are no solar energy collection systems that may be impacted.
The Board found by unanimous vote that the proposed land use is not subject to compliance with this objective.
8. OBJECTIVE: Any relevant detrimental effects of smoke and dust from the land use are adequately mitigated.
There are no relevant detrimental effects of smoke or dust from the manufacturing operation.
The Board found by unanimous vote that the proposed land use is not subject to compliance with this objective.
9. OBJECTIVE: Any relevant detrimental effects of subterranean vibration from the land use are adequately mitigated.
There are no relevant detrimental effects of subterranean vibration from the manufacturing operation.
The Board found by unanimous vote that the proposed land use is not subject to compliance with this objective.

The Board determined that all objectives of the local areas standards are not applicable to the proposed land use. Therefore, a site visit is not required for the purposes of determining compliance with these objectives.

PUBLIC SAFETY STANDARDS

1. OBJECTIVE: The quantity and quality of public and private drinking water supplies are adequately protected from any relevant detrimental effects of the land use.
There are no relevant detrimental effects from the proposed land use on drinking water supplies.
The Board found by unanimous vote that the proposed land use is not subject to compliance with this objective.
2. OBJECTIVE: The safety and sufficiency of energy supply services are adequately protected from any relevant detrimental effects of the land use.
There are no relevant detrimental effects from the proposed land use on energy supply services.
The Board found by unanimous vote that the proposed land use is not subject to compliance with this objective.
3. OBJECTIVE: Public safety services are adequately protected from any relevant detrimental effects of the land use.

There are no relevant detrimental effects from the proposed land use on public safety services.

The Board found by unanimous vote that the proposed land use is not subject to compliance with this objective.

- 4. OBJECTIVE: Public wastewater facilities are adequately protected from any relevant detrimental effects of the land use.

There are relevant detrimental effects from the proposed land use on public wastewater facilities.

The Board found by unanimous vote that the proposed land use is subject to compliance with this objective.

The Board asked that the town’s plumbing inspector and wastewater department director determine if a grease trap will be necessary.

- 5. OBJECTIVE: The proper management of solid wastes is adequately protected from any relevant detrimental effects of the land use.

There are relevant detrimental effects from the proposed land use on solid waste disposal facilities.

The Board found by unanimous vote that the proposed land use is subject to compliance with this objective.

The Applicant stated that the solid waste generated by the proposed land use will be disposed of in accordance with all applicable local and state regulations.

- 6. OBJECTIVE: The safety and sufficiency of streets and sidewalks are adequately protected from any relevant detrimental effects of the land use.

There are no relevant detrimental effects from the proposed land use on the safety and sufficiency of streets and sidewalks.

The Board found by unanimous vote that the proposed land use is not subject to compliance with this objective.

The Board determined by unanimous vote that that a site visit is not required to determine compliance with the applicable public safety objectives.

SPECIFIC USE STANDARDS

- 1. OBJECTIVE: The specific use standards in Section 13 that are applicable to the proposed land use must be met.

There are no specific use standards for manufacturing facilities in Section 13.

The Board found by unanimous vote that the proposed land use is not subject to compliance with this objective.

The Board determined that the objective of the specific use standards is not applicable to the proposed land use. Therefore, a site visit is not required for the purposes of determining compliance with this objective.

DIMENSIONAL STANDARDS

- 1. OBJECTIVE: The dimensional standards in Section 14 that are applicable to the proposed land use must be met.

The Applicant does not propose any new construction. Therefore, there are no dimensional standards that are applicable.

The Board found by unanimous vote that the proposed land use is not subject to compliance with this objective.

The Board determined that the objective of the dimensional standards is not applicable to the proposed land use. Therefore, a site visit is not required for the purposes of determining compliance with this objective.

The Board conducted a Criteria Review.

THE ENVIRONMENT

CRITERION:

The proposed land use will have no impact on the environment that is contrary to the purposes of this ordinance, if there is clear and convincing documentation in the record verifying that the following applicable objectives have been met:

- N/A 1) soils are suitable for the land use;
- N/A 2) stormwater runoff from the land use is minimized to the greatest practical extent and adequately managed to reduce the risk of relevant detrimental effects;
- N/A 3) soil that may be exposed during any soil disturbance activity of the land use is adequately protected from unreasonable erosion and sedimentation;
- N/A 4) surface and subsurface waters are adequately protected from the detrimental effects of any water pollutant from the land use;
- N/A 5) the ambient air environment is adequately protected from the detrimental effects of any air pollutant from the land use;
- N/A 6) significant wildlife habitat, and other important habitat as identified in the Bucksport Comprehensive Plan, as adopted, are adequately protected from any relevant detrimental effect of the land use; and
- N/A 7) vegetation within any applicable shoreland district is protected from excessive cutting or removal.

Is there clear and convincing evidence in the record to support the conclusion that the proposed land use will have no impact to the environment that is contrary to the purposes of this ordinance?

Having found none of the objectives for the environment criterion to be applicable, the Board was not required to make a finding.

SPECIAL AREAS

CRITERION:

The proposed land use will have no impact on special areas that is contrary to the purposes of this ordinance, if there is clear and convincing documentation in the record verifying that the following applicable objectives have been met:

- N/A 1) areas of prehistorical and historical importance are adequately protected from any relevant detrimental effect of the land use;
- N/A 2) vistas of scenic value are adequately protected from any relevant detrimental effect of the land use;
- N/A 3) areas for public access to water bodies, wetlands and areas developed with commercial fisheries and maritime activities are adequately protected from any relevant detrimental effect of the land use;
- N/A 4) areas of flood hazard are adequately protected from any relevant detrimental effect of the land use; and
- N/A 5) areas with unique natural character identified in the Bucksport Comprehensive Plan, as adopted, are adequately protected from any relevant detrimental effect of the land use.

Is there clear and convincing evidence in the record to support the conclusion that the proposed land use will have no impact to special areas that is contrary to the purposes of this ordinance?

Having found none of the objectives for the special areas criterion to be applicable, the Board was not required to make a finding.

LOCAL AREAS

CRITERION:

The proposed land use will have no impact on local areas that is contrary to the purposes of this ordinance, if there is clear and convincing documentation in the record verifying that the following applicable objectives have been met:

- N/A 1) the scale and site features of the land use are consistent with the development patterns in the local area or neighborhood;
- N/A 2) the land use is appropriately separated and shielded from abutting land uses and public or private ways to adequately mitigate any relevant detrimental effect;
- N/A 3) any relevant detrimental effects of electromagnetic fields from the land use are adequately mitigated;
- N/A 4) any relevant detrimental effects of artificial lighting from the land use are adequately mitigated;
- N/A 5) any relevant detrimental effects of noise from the land use are adequately mitigated;
- N/A 6) any relevant detrimental effects of nuisance odors from the land use are adequately mitigated;
- N/A 7) the solar gain utilized by active or passive solar energy collection systems that may be impacted by the land use is adequately protected;
- N/A 8) any relevant detrimental effects of smoke and dust from the land use are adequately mitigated; and
- N/A 9) any relevant detrimental effects of subterranean vibration from the land use are adequately mitigated.

Is there clear and convincing evidence in the record to support the conclusion that the proposed land use will have no impact to local areas that is contrary to the purposes of this ordinance?

Having found none of the objectives for the local areas criterion to be applicable, the Board was not required to make a finding.

PUBLIC SAFETY

CRITERION:

The proposed land use will have no impact on public safety that is contrary to the purposes of this ordinance, if there is clear and convincing documentation in the record verifying that the following applicable objectives have been met:

- N/A 1) the quantity and quality of public and private drinking water supplies are adequately protected from any relevant detrimental effects of the land use;
- N/A 2) the safety and sufficiency of energy supply services are adequately protected from any relevant detrimental effects of the land use;
- N/A 3) public safety services are adequately protected from any relevant detrimental effects of the land use;
- N/A 4) public wastewater facilities are adequately protected from any relevant detrimental effects of the land use;
- N/A 5) the proper management of solid wastes is adequately protected from any relevant detrimental effects of the land use; and
- N/A 6) the safety and sufficiency of streets and sidewalks are adequately protected from any relevant detrimental effects of the land use.

A. Are there any proposed special conditions to ensure compliance with the above Criterion?
 NONE PROPOSED

PROPOSED CONDITION: The plumbing inspector and wastewater treatment director must determine if a grease trap is required. If it is required, the Applicant must install the grease trap at his expense.

Is the proposed condition required? (VOTE: 5 YES 0 NO)

Is there clear and convincing evidence in the record to support the conclusion that the proposed land use will have no impact to public safety that is contrary to the purposes of this ordinance?

VOTE: 5 YES 0 NO

SPECIFIC USES

CRITERION:

There is clear and convincing documentation in the record verifying that the land use has met all applicable specific use standards in Section 13.

N/A OBJECTIVES:

Is there clear and convincing evidence in the record to support the conclusion that the proposed land use will meet the applicable specific use standards in Section 13?

Having found that the objective for the specific use criterion is not applicable, the Board was not required to make a finding.

DIMENSIONS

CRITERION:

There is clear and convincing documentation in the record verifying that the land use has met all applicable dimensional standards in Section 14.

N/A OBJECTIVES:

Is there clear and convincing evidence in the record to support the conclusion that the proposed land use will meet the applicable specific use standards in Section 14?

Having found that the objective for the dimensions criterion is not applicable, the Board was not required to make a finding.

DECISION

BASED ON THE CONCLUSIONS OF THE PLANNING BOARD AS DOCUMENTED ABOVE, THE PROPOSED LAND USE WILL NOT HAVE ANY IMPACT THAT IS CONTRARY TO THE PURPOSES OF APPENDIX K LAND USE AND, THEREFORE, THE APPLICATION WAS APPROVED.

8. Other Business:

A. Continued review of the proposed Rules of Procedure.

The CEO informed the Board that a new draft was not yet ready for review.

B. Review of proposed amendment to Appendix K Land Use Ordinance, Official Zoning Map.

The CEO informed the Board that the proposed amendment has been withdrawn. A revised amendment will be submitted at an upcoming meeting.

C. Review of an application submitted after posting of the agenda.

The CEO informed the Board that an application subject to their review was submitted one week ago and not in time to be placed on the agenda. The Applicant would like the Board to review the application at this time.

The Board agreed to begin the review.

The CEO conducted an introductory presentation with photos to familiarize the Board with the project site.

The Applicant conducted an introductory presentation describing the business and its products. He specifically mentioned the concerns the Board may be addressing about the disposal of chemicals he will be using for bluing firearms.

The Board asked questions about the business operation and products.

The Board was asked to waive the 7-day notice requirement for the public hearing. A 5-day notice was provided due to time constraints. It was noted that abutters were notified as required, as were town department directors. Notice was posted at the town office 7 days in advance. The board discussed the request and a motion was submitted:

MOTION(Curtis): To waive the 7-day notice.
SECOND(Hallowell)
DISCUSSION: None
VOTE: 2-2 motion failed (Belcher and Hallowell opposed)

The Applicant was advised that further review of the application would have to wait until after the public hearing. At the Applicant's request, a special meeting was scheduled for Thursday, March 18 at 6:30 P.M. The Applicant will be required to pay for the cost of the meeting.

9. Discussion

The CEO advised the Board of a proposed quarry on property located on Bucksmills Road that is currently developed with a gravel pit. The application has been submitted to the town. The Board was asked if a moratorium should be adopted by the Town Council before this application is reviewed to allow enough time to develop additional standards for mineral extractions. After discussion, a motion was submitted:

MOTION(Curtis): To recommend the adoption of a moratorium and submit the recommendation to the Town Council.
SECOND(Hallowell)
DISCUSSION: None
VOTE: 5-0

10. Adjournment: 9:55 P.M.

**Minutes prepared by
Jeffrey Hammond
Recording Secretary**