

Bucksport Planning Board
6:30 P.M., Tuesday, October 5, 2010
Bucksport Town Office
50 Main Street

AGENDA

- 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 Hollowell	<input type="checkbox"/> Rosemary Bamford	<input type="checkbox"/> Edward Belcher
<input type="checkbox"/> David Grant		
- 3. Review and Acceptance of Minutes:** Minutes from the September 7, 2010, meeting.
- 4. Chairman's Report**
- 5. Code Enforcement Officer's Report**
- 6. Unfinished Business**
- 7. New Business:**
 - A. Request for approval of two DEP waivers for a septage dewatering facility located at 65 Heritage Park Road.
Applicant: Eugene Berry
 - B. Application for approval of a commercial expansion at 110 Broadway, tax map 2, lot 39. The applicant proposes to construct a 9,000 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.
- 8. Other Business:**
 - A. Review of a draft ordinance regulating marijuana dispensaries and growing facilities.
 - B. Review of the amended Rules of Procedure approved by the Town Council.
- 9. Discussion**
- 10. Adjournment**

Bucksport Planning Board
6:30 P.M., Tuesday, October 5, 2010
Bucksport Town Office
50 Main Street

MINUTES

1. 6:30 P.M. by Chairman George Hanson
2. **Roll Call**

<input checked="" type="checkbox"/> John Daniels	<input checked="" type="checkbox"/> Marc Curtis	<input checked="" type="checkbox"/> George Hanson
<input checked="" type="checkbox"/> Gail Hallowell	<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 September 7, 2010 meeting were reviewed.

MOTION(Curtis): To approve the September 7, 2010 Minutes, as submitted.
SECOND(Daniels)
DISCUSSION: None
VOTE: 4-0-1 motion adopted (Member Grant arrived after this vote. Chairman Hanson abstained because he did not attend the meeting.)
4. **Chairman's Report:** No report.
5. **Code Enforcement Officer's Report:** The CEO reported that the chair of the board of appeals will be attending the October 14th town council meeting to express concern about the new setbacks in the rural parts of town. Several property owners have found it necessary to obtain variances in order to build structures. The BOA believes the setbacks are too burdensome.
6. **Unfinished Business:** None.
7. **New Business:**
 - A. **Request for approval of two DEP waivers for a septage dewatering facility located at 65 Heritage Park Road.**
Applicant: Eugene Berry

Mr. Berry was present. The CEO informed the board of the purpose of the required approval. Appendix K requires planning board approval for DEP variances granted to septage dewatering facilities. Mr. Berry is seeking an after-the-fact approval because the variances have already been implemented. He overlooked the necessity of obtaining board approval first.

The board discussed the variances. One variance allowed a reduction of a 100 foot property line setback to 58 feet. The second variance allowed a reduction of a 300 foot water body setback to 248 feet. Dave Milan, Economic Development Director explained the events leading up to the variance request. After further discussion, a motion was made:

MOTION(Grant): To grant an after-the-fact approval of the two setback variances granted by DEP.

SECOND(Curtis)

DISCUSSION: None

VOTE: 5-0 motion adopted

- B. Application for approval of a commercial expansion at 110 Broadway, tax map 2, lot 39. The applicant proposes to construct a 9,000 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. Don Johnson was also present to answer questions on behalf of the applicant.

The CEO conducted an introductory presentation to describe the project site and to inform the board of their authority to review the application.

Mr. Hedrick conducted a presentation. He explained the purpose of the building expansion. Chronic care and mental health counseling services will be added. The board asked general questions.

Chairman Hanson asked if anyone had a conflict or bias. He then recused himself because of a prior business relationship with the applicant. Secretary Curtis assumed the duties of overseeing the application review process.

Mr. Hedrick concluded his presentation by describing parking increases, stormwater treatment, lighting and the fire department's recommendations for adding a fire hydrant, a knox box, and a fire lane.

The CEO noted that the application addressed all required content requirements, except a survey was not provided. The applicant requested a waiver of that requirement. A motion was made:

MOTION(Grant): The application has addressed all content requirements except for a survey.

SECOND(Daniels)

DISCUSSION: None

VOTE: 5-0 motion adopted

The board did not act on the waiver at this point.

Secretary Curtis opened the public comment period.

Jim Boothby, Superintendent of RSU 25 expressed concern about impacts on traffic flows on Miles Lane. The site plan shows a second entrance to the facility from Miles Lane and during morning and afternoon peak traffic activity, drivers on Miles Lane may cut through the health center's parking lot to avoid waiting in line to exit onto Broadway. This is a safety concern. Don Johnson responded by describing the second entrance as secondary and intended for emergency use. Signs will be installed to notify the public of the purpose of the entrance.

No further public comments were received. Secretary Curtis closed the public comment period.

The board conducted a performance standards review.

ENVIRONMENT STANDARDS

- 1) Soils are suitable for the land use.
- 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.
- 3) Soil that may be exposed during any soil disturbance activity of the land use is adequately protected from unreasonable erosion and sedimentation.
- 4) Surface and subsurface waters are adequately protected from the detrimental effects of any water pollutant from the land use.
- 5) The ambient air environment is adequately protected from the detrimental effects of any air pollutant from the land use.
- 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.
- 7) Vegetation within any applicable shoreland district is protected from excessive cutting or removal.

The board found that standards 5, 6 and 7 were not applicable. The application was reviewed for compliance with the remaining environment standards. The proposed stormwater treatment facility was reviewed. A rip-rapped area will be located within the public right of way and the board discussed if an easement will be required. The CEO will inquire and report back to the board. Clearing blocked culverts was discussed. It was unclear if the applicant or the town should conduct the work. No other concerns were identified.

SPECIAL AREAS STANDARDS

- 1) Areas of prehistorical and historical importance are adequately protected from any relevant detrimental effect of the land use.
- 2) Vistas of scenic value are adequately protected from any relevant detrimental effect of the land use.
- 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.
- 4) Areas of flood hazard are adequately protected from any relevant detrimental effect of the land use.
- 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.

The board found that none of the special area standards were applicable.

LOCAL AREAS STANDARDS

- 1) The scale and site features of the land use are consistent with the development patterns in the local area or neighborhood.
- 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.
- 3) Any relevant detrimental effects of electromagnetic fields from the land use are adequately mitigated.
- 4) Any relevant detrimental effects of artificial lighting from the land use are adequately mitigated.
- 5) Any relevant detrimental effects of noise from the land use are adequately mitigated.
- 6) Any relevant detrimental effects of nuisance odors from the land use are adequately mitigated.
- 7) The solar gain utilized by active or passive solar energy collection systems that may be impacted by the land use is adequately protected.
- 8) Any relevant detrimental effects of smoke and dust from the land use are adequately mitigated.
- 9) Any relevant detrimental effects of subterranean vibration from the land use are adequately mitigated.

The board found that standards 5, 6, 7, 8 and 9 were not applicable. The board discussed the proposed landscaping to establish a vegetative barrier along Broadway. The board discussed electromagnetic effects from additional power lines and lighting in the parking lot.

PUBLIC SAFETY STANDARDS

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

The board found that standards 1 and 2 were not applicable. The board conducted a lengthy discussion concerning the fire department's recommendation of another fire hydrant. The board discussed the disposal of wastewater and solid wastes. The board discussed the concerns expressed by Mr. Boothby regarding traffic safety impacts from the second entrance. An easement is required from the town for this entrance.

SPECIFIC USES STANDARDS

The board reviewed the driveway and parking lot specific use standards. No concerns were identified.

DIMENSIONS STANDARDS

The board reviewed the setback and structure height standards. No concerns were identified.

The board concluded the standards review.

The board considered granting a waiver of the standard boundary survey.

MOTION(Belcher): To grant a waiver of the standard boundary survey.

SECOND(Grant)

DISCUSSION: None

VOTE: 5-0 motion adopted

The board commenced making findings on the application.

FINDINGS

MOTION(Hallowell): The proposed land use will have no impact on the environment that is contrary to the purposes of this ordinance.

SECOND(Daniels)

DISCUSSION: None

VOTE: 5-0 motion adopted

MOTION(Grant): The proposed land use will have no impact on special areas that is contrary to the purposes of this ordinance.

SECOND(Hallowell)

DISCUSSION: None

VOTE: 5-0 motion adopted

MOTION(Grant): The proposed land use will have no impact on local areas that is contrary to the purposes of this ordinance.

SECOND(Hallowell)

DISCUSSION: None

VOTE: 5-0 motion adopted

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

SECOND(Daniels)

DISCUSSION: The board discussed the necessity of adding a condition addressing the fire chief’s recommendation of a second fire hydrant in the area. (The condition was not incorporated in the motion.)

VOTE: 3-2 motion failed (Hallowell and Curtis opposed) Note: 4 affirmative votes are required to make a positive finding.

The board expressed concern that the outcome of the finding for the public safety standards did not accurately reflect the board’s intent. The board considered tabling the application findings until legal counsel could be obtained. A motion was made:

MOTION(Belcher): To table the findings until the next meeting.

SECOND(Hallowell)

DISCUSSION: None

VOTE: 3-2 motion failed.

Secretary Curtis asked for a motion to rescind the board’s vote on the finding for the public safety standards.

MOTION(Grant): To rescind the vote on the finding for the public safety standards.

SECOND(Belcher)

DISCUSSION: None

VOTE: 5-0 motion adopted

The board decided that the fire chief must come to the next meeting to answer questions pertaining to the installation of a second fire hydrant. A motion was made to table further findings on the application.

MOTION(Belcher): To table the findings until the next meeting.

SECOND(Hallowell)

DISCUSSION: None

VOTE: 5-0 motion adopted

8. Other Business:

A. Review of a draft ordinance regulating marijuana dispensaries and growing facilities.

The board discussed the provisions of the proposed draft ordinance from the ordinance committee. No changes were proposed. A public hearing was scheduled for the board’s next regular meeting in November.

B. Review of the amended Rules of Procedure approved by the Town Council.

The board noted the changes made by the town council to the rules of procedure that were approved by the board. No concerns were expressed about the changes.

A motion was made:

MOTION(Curtis): To approve the town council's changes to the planning board's rules of procedure.

SECOND(Belcher)

DISCUSSION: None

VOTE: 6-0 motion adopted

9. Discussion: None.

10. Adjournment: 10:00pm

Minutes prepared by
Jeffrey Hammond
Recording Secretary