

Town of Pownal
Planning Board Minutes
Wednesday, March 17, 2021
6:00 PM Zoom Remote Meeting

Members Present: Matt St Cyr, John Bowdren, Gabe DiGristina, Jesse Peters, Secretary: Christine Watson, Alternate: Matt Altieri, Town Planner: Tony Dater

Absent: Alternate: Marika Clark

Guests: Mary Adams, Dan Diffin, Steve Moreau, Julie Sanders, Allen Malone, Susan Peters, Susan Pye, Doug Stewart, Mary Sundeen, John Mann, Steve Leary, Andrea Wappler, John Schwanda, Liz M., Tom Estabrook, Jenna Gilbert, Sam, Christian Loranger, Kate and Tres Sansom, Justin Murphy, Shawn Tobey, Alan Hill – CEO, Select Board Members: Heidi Curry, Jon Morris and Andy O’Brien

1. Call to Order at 6:03 pm by Matt St Cyr

2. Secretary’s Report:

- a) Public Hearing Meeting Minutes of February 10, 2021 – Discussion: Matt St. Cyr was not present at this meeting. On motion by John to accept minutes as written, seconded by Jesse, Discussion – None, Vote: Yes-4, No-0, Minutes Approved as written.
- b) Workshop Meeting Minutes of February 10, 2021 – On a motion by John to accept minutes as written, seconded by Gabe; Discussion - None; Vote: Yes-5 , No-0, Minutes Approved as written
- c) Regular Meeting Minutes of February 17, 2021 – On a motion by Jesse to accept minutes as written, seconded by John; Discussion – None; Vote: Yes-5, No-0, Minutes Approved as written.
- d) Public Hearing Meeting Minutes of February 24, 2021 – Discussion: Gabe was not present at this meeting. Jesse requested spelling of his name to be corrected. On a motion by John Bowdren to accept minutes as amended, seconded by Jessie; Discussion – None; Vote: Yes-4, No-0, Minutes Approved as amended.

3. Discussion:

- Town Land for Sale
Matt St Cyr gave a summary of the property that the town would like to sell. A motion was made by Matt St Cyr that the Planning Board objects to selling the property, Map 8 Lot 9, until the boundary lines are cleared up and ownership is determined. Jesse seconded. Discussion: None Vote: Yes -5 No-0. Motion approved. Christine will send letter to Melissa, Town Administrator, of the board’s decision.
- **Article 3, Section 12, D.5 Prohibited – All Districts. - Changeable Signs**
John provided an overview of the changes that have been made to the Changeable Sign language. The last revisions were made to the language by town attorney and Jesse added the “emergency communications.” John made a motion to use Jesse’s suggestion for the change of definition. Gabe seconded. Discussion: John read the new definition.
Changeable signs – any sign that periodically changes its message by any means, including mechanically, electronically or digitally, including time and temperature signs, except that such signage shall be allowed on property owned by the Town or by RSU #5, provided that such signs are used exclusively for the purpose of promoting municipal, public school events and emergency communications. Vote: Yes -5 No-0 Motion Approved. Christine will forward the above to Melissa, Town Administrator, to forward to Select Board.

4. Old Business:

➤ **Lois Sanders Estate Subdivision – Minor Subdivision**

Site Walk was held on March 16th. Matt gave a summary of the site walk which included where the pins are located, adequate line of sight distances from all the lots and test pits. Took note of the wetlands. Pink and black stripe ribbons that delineated the wetlands, pink ribbon for the property lines and pink & blue for the test pits. John Mann addressed the board regarding preliminary plan submitted. Five minor changes will be made to the final plan.

1. Title block will be changed to read Final Plan.
2. The date to be changed to 3/17/21.
3. Legend iron pins to be set – “to be” will be eliminated.
4. Note 5 to change from Lewis to Lois.
5. Note 4 Sedimentation & Erosion to be updated with new language.

The former plan was under Lois Sanders who passed away. Owner of Record is the Lois Sanders Estate. Personal representatives are her two sons. Same plan but noted changes of ownership of property. John made a motion to accept the plan with the proposed changes noted by John Mann for the Estate of Lois Sanders subdivision on Libby Road. Matt St Cyr second. Discussion: None Vote: Yes-5 No-0. Motion approved.

➤ **NBD Solar Maine**

Matt St Cyr indicated his objective for NBD Solar tonight was to go through the memo and supplemental information that NBD Solar submitted. The contents of the memo were answers to questions and rebuttals to statements from the last meeting. Conversation pursued on how Solar Array farms may affect property values. Conclusion was there was no decrease in property values. John asked if the electricity generated go to the grid in general or to specific buyers lined up for the electricity. Christian answered there are two programs: Generate Net Metering Plan for businesses & Residential community solar program. NBD is going with the Residential Program. Residents will sign up for the program get a discount in purchase price of the power, don't have to put the panels on the house or on their property. No cost to enter the program. Residents would share interest in the solar array farm. John asked how many homes/residences this will service. Services roughly 1700 homes in Pownal and surrounding towns on a rolling basis. Next item discussed was the noise generated from the solar array farm. The Sanford location has a solar array that can be visited to verify the noise level. This location is a lot bigger than what is being proposed in Pownal. Christian stated the noise generated from this array would be the worst-case scenario. Christian will provide address of this farm. Planning Board agreed to have Maine Inland Fishery and Wildlife to come out to do a field study on the area. John will write letter to MDIFW. NBD bought adjacent property and now have enough road frontage (314') so no private road is needed. A site walk was scheduled for April 6, 2021 @ 4:00 p.m. to view before the leaves are on the trees and another site walk after when the foliage has come in. John made a motion that this project be designated as a public utility facility. Gabe second. Discussion: none – Vote: Yes – 5 No-0. Motion passed.

5. New Business:

➤ **William Allen Farm - K&T Enterprise**

Matt St Cry indicated he will be happy to conduct the meeting and volunteered to recuse his vote from this topic as he is engaged in a rental agreement with the Sansom's. Matt proceeded to inform the public that the Sansom's bought the William Allen Farm from the Currys. The last 4-5 years property has been a home occupation using the barn as wedding venue. The Sansoms want to change the use from a home occupation model to a business specific. This process will go through the site plan review as a special exception. The farmhouse to be rented to wedding party in conjunction with the barn. They would also like to rent the house out when the wedding season is over. Gabe made a motion to recuse Matt St Cyr, chair of the board, from this matter given personal relationship with the Sansoms. Jesse seconded. Discussion: John asked if Matt would still be involved in the discussion or just the vote.

Matt stated he can be involved in the discussion as long as he treats John as the chair and ask to speak. Vote: yes – 5 no-0 motion approved. John started the discussion regarding the change of use and some of the issues that came up in the site plan review – 75’ natural buffer, can we waive or modify? Going forward one of the issues if they wanted to do a back lot, that it would be going right through that 75’ right of way. Change of use triggers all the current requirements under the special exception. If changed, the house can no longer be used as a house; the house is now a rental business and is an accessory to the barn business. Matt A. commented that we need in writing exactly what the anticipated use is and what the change of use is going to be for the residents so we understand going forward what is exactly the board is approving, not approving or working through. Jesse, as the fire chief, is concerned on how many people would be staying in the building. The farmhouse is a single-family home now. Questions were how many bedrooms, how many could stay there, and if the septic system could handle the number of guests. Renting to two or more people in a transient atmosphere, that would require a review from the state fire marshal office. They would require monitored fire alarm systems or sprinkler system, fire rated doors and egress. Christine stated that there are a number of issues that will need to be addressed: how many bedrooms now, and will be created. The months, days, hours of the wedding season, # of the people on the property at one time. Will they go by the state fire marshal numbers? Noise, how do we keep track/log the complaints. Owner to be on the property at all times during the events. John also questioned if the kitchen would be used by the caterers? Comments and questions from the abutters were heard. Concerns on home occupation is not the same business if we move into business/professional use. Mr. Leary had many concerns of the change of use for the home. No owner equals no oversight – 6 months 26 weekends. People staying in the house Thursday, Friday Saturday nights 78 nights of after hour activity. Noise: people staying in the residence with no owner on site with no oversight. Alcohol: people leaving at all hours of the night. Public Safety Hazard: impaired drivers leaving the facility. The number of people limited that can stay there, otherwise they will be sleeping in the barn, cars. Fire hazard – smoking in the area around the barn which was policed by the previous owners. New owners will not be on site to oversee. Impact on the neighborhood the current zone is classified as a residential zone – not a business zone. Light pollution, bonfires on the property and the impact on the property values. Pownal does not have its own police department and relies on the sheriff for law enforcement. Mary A. asked if the property would be operating as a home occupation business right now this summer. What is the status of this? John responded that it is still an in home occupation. Matt St Cyr remarked, we have a very similar use of the same property we just have a different enforcement of that use. Use of the property is not going to change, but the vast concern is the enforcement that use continue the same. Jesse disagreed with the statement. He declared the use of the barn is the same but the use of the farmhouse is different. Mary S. stated this is completely different if people are not in the home. Owner presence there is critically important to the neighbors and significantly different from leaving the property unattended with no law enforcement in Pownal. Mr. Leary also added that we don’t want to lose sight of the fact that it is not just wedding day that they are talking about (Saturday night). We are talking about how many days ahead of the wedding. The event starts the day they rent the house till the day they leave. This is their concern first and foremost. People showing up to celebrate an event, let their hair down and that is when the problems begin. Mr. Schwanda remarked that the wedding event itself, he did not see any changes between the new owners and the old owners. The new owners will be on site for the entire wedding event even though they do not live there. If there were conditions placed on the Currys for running the venue, those same conditions would be on the new owners. Use of the house, that is a different situation. He would think that there could be conditions be placed on that. If the conditions become too arduous to the new owners maybe they don’t proceed.

Kate S. stated that she will be on site on wedding day. She runs a tight ship, will be there to make sure wedding guests are getting out on time. She has been very clear with every bride whether Heidi or she has booked 10:00 pm is the shut down time and that’s it. Regarding the farmhouse, it will also be very clear that no one is allowed in the farmhouse, even to party, except for those who are staying. There will be consequences for that. She will be there for the transition and not leave until she sees who transitioned and who is left. The only change they are making is the renting of the farmhouse,

everything else would run just like the Curry's. Matt A. expressed that he envisions annually requiring re approval not just for the short-term rental but also the event use as well given that it is embodied in the professional use. Board will have a workshop and date will be determined at the end of the meeting. John handed the meeting back to the Chair.

6. Discussion:

➤ Estabrooks Greenhouse

Estabrooks would like to put a commercial greenhouse on route 9 Pownal/North Yarmouth line across from the Royal Road on the old air strip. Commercial greenhouse operation a support facility for Estabrooks greenhouse in Yarmouth. Dan Diffin gave an overview of the project:

- ❖ Project will be 4-5 acres of greenhouse space support Estabrook commercial activity in Yarmouth
- ❖ No retail sales from this location
- ❖ 2 entrances into the site both are two way.
- ❖ In talks with DEP about pulling water from the Chandler Brook to the irrigation pond.
- ❖ Buffering on the property lines.
- ❖ Saving the rain water and piped to the irrigation pond.
- ❖ Systems that will be installed in the greenhouse have flood floors to recapture all water and fertilizers and going to back into storage tanks to be reused. State of the art, first of its kind in the State.
- ❖ Double curtain for insulation and curtail light pollution.

Matt St Cyr mentioned, as a board how the process should go and come up with what the next steps should be. What should we ask the applicant to prepare for the next meeting?

Jesse asked Mr. Estabrook how he would feel about putting in a dry hydrant to the irrigation pond. Mr. Estabrook said certainly something we would consider and want to do just not only for our safety but the community. His only concern would be if there was a major fire in the community and the fire dept. needed to tap into that, would there be a way from them to recapture the water in that scenario. They don't want to drain the pond and have no water to water the plants. Dan stated that they are only allowed to pull 20,000 gallons of water per day from the brook to refill the pond. The irrigation pond size is 2.5 million gallons. They will talk with DEP regarding drawing more gallons of water from the pond if the fire department needed water from the pond.

Jesse asked what kind of refueling set up would you have for the equipment. Dan communicated that a small storage area with refueling capacity and have not defined the size yet. Mr. Estabrook stated no more than 200-300 gallons on site at any one time. Everything for equipment inside will be electrical based.

Question was raised on how excess water from heavy rain is handled. Response: will have overflows in the gutters which will direct the water around the pond or into the pond. Pond itself will have an engineered overflow – it will drain to the brook.

Construction of the green houses – Glass on the roof and three wall poly carbon on the sides for insulation. Light deprivation and heat retention curtains – double curtains. Light deprivation will be coming down the sides. Height of gutter being 16' – height of the peak 20'

Traffic concern was raised - will be most be likely be 7-7 no second shift –Approximate number of employees who will be at the location on a daily basis will be 30-40 after full build out. They plan to build in stages, starting from back of the property and work to the front. Applicant is still unsure whether they will use aggregate or concrete floor. The type of gates at the front have not been decided yet but will have a knox box for the fire chief. They will have a generator. The fence around the property will be a chain linked fence right now. Will be reviewed under Site Plan Review as a change of use under the special exception and was determined to be Agricultural and not manufacturing. They will most likely be ready to present a preliminary plan for our May meeting.

7. Discussion:

- a. Workshop was scheduled for March 31, 2021 at 6pm –William Allen Farm – K&T Enterprises.
- b. Matt & Gabe reached out to Dillon Schultz at DEP regarding the Chad Merrill property. The wetland disturbed previously and the potential disturbance for the new driveway counts towards the whole 4200 square footage allowed.

8. April Agenda:

Old Business: NBD Solar Maine, William Allen Farm – K&T Enterprises

Discussion: Ordinance Review Committee.

Jessie moved to adjourn the meeting Gabe second. Meeting adjourned at 9:45PM

Respectively submitted,

Christine Watson

Christine Watson
Planning Board Secretary
4-21-21 Approved