**Fryeburg Planning Board**

**March Meeting Minutes**

**March 23, 2021 – David and Doris Hastings Community Center**

**Members in Attendance**

Patrick Emery, Ed Price, Charlie Buterbaugh, Tom Rebmann, Edy Kizaki

**Call to Order**

Emery called the meeting to order at 6:03 p.m. It was determined that there was a quorum.

**Approval of November Minutes**

Price noted there may be an error in the February minutes. The Code Officer agreed to refer to the recording to determine what was said, so that the minutes can be approved in April.

**Public Hearing: Lake Region Self Storage (Bridgton Road) opened at 6:05 p.m.**

Jeff Amos of Terradyn Consulting spoke on behalf of the applicant, Jeff Lopez. The applicant is proposing to construct seven storage units on a lot that is currently wooded. The post-development lot will retain 100% of the stormwater generated in a 25 year storm. The Maine Department of Environmental Protection permit process is underway. There will be security fence along the front, but not the rear. There will be security lighting on the units. A photometric plan was submitted that shows no ambient light will escape the property lines. The applicant has revised his original proposal featuring an internally illuminated sign and now an externally lit sign is proposed. Mr. Amos also described the changes made in the proposed screening. In addition to the five deciduous trees in the original proposal, fourteen additional evergreens will be planted in a second row. The site will be secured with a gate that can be accessed by a key code. The driveway is approximately one-hundred feet long, which will allow for cars to queue up without blocking the highway. The site will be run from Bridgton, therefore, there will be no office and therefore no water or septic. Price commented on the security lighting and asked if it could be on motion sensors. Mr. Lopez said it could be considered. Price also asked about hours of operation. Lopez noted that the contractual agreements with the tenants state hours of 9-5, however, a tenant may access the site during off hours if it is an emergency. Kizaki and Price suggested the key pad could have a time control. Lopez was not sure. Price asked if there was a snowmobile trail on the parcel and expressed a desire for it to remain open. Price also asked about a fire lane. Rebmann suggested the sign be illuminated from above instead of from below. Lopez agreed. A member of the public (Arizona Zipper, abutter), asked about the fire lane and whether there was a right of way or an easement on the lot providing access to the lot(s) behind. Emery confirmed that is the case. There was additional discussion about the house behind the subject parcel. Another neighbor (name?) asked about the noise made by storage unit doors. Lopez said they are quiet. Buterbaugh noted that storage units one and seven are not on the blacktop and wondered about French drains. Amos stated that units one and seven are only accessed from the paved side and the groundwater on the site is deep, therefore no drains are needed. Kizaki asked why the storage units were different sizes and how many units were planned. Lopez said it was to allow for a variety of storage unit size options; he expects about 200 units. Zipper asked about the sale price of the parcel. Lopez declined to answer, but noted it will be public once recorded at the Registry of Deeds. A member of the public (name?) asked how long construction would take. Lopez stated that there will be a few weeks of initial site work, then a pause of three to four months while the structures are fabricated. The final work will take about five to six additional weeks. Emery closed the public hearing at 6:29 p.m. Emery reviewed the project’s compliance with land use ordinances. Price made a motion to approve the application with the following conditions: the row of evergreen trees proposed since the original submittal be planted and properly maintained, the required DOT permits will be obtained before a building permit will be issued, the security lighting must be on motion sensors, the illumination for the sign must be from above. Emery second. Vote to approve passed 4-0. Kizaki abstained.

**Planning Board Review: East Coast Growers/Mountain Valley Cultivation (Lovell Road) opened at 6:40 p.m.**

Tara Felice (East Coast Growers) and Eric Felice (Mountain Valley Cultivation) presented to the Board. Their overall goal is to establish a farm in Fryeburg. The marijuana cultivation is intended to be a portion of the working farm. Two 7,000 square foot outdoor cultivation areas are proposed (one for each applicant). Mountain Valley Cultivation also has future plans to include a 7,000 square foot indoor cultivation area, which will alternate with the outdoor cultivation, so that MVC never has more than 7,000 square feet of canopy at any time. They also introduced their business partner, Eric Alt, who is also proposing to grow on the parcel as a different company (application to be submitted). Kizaki wondered why three different companies. Answer: keep investments separate. Buterbaugh wondered if they had any experience growing cannabis. No, but Eric Felice noted he had college level training in horticulture and golf course management. There was discussion about where the Felice’s reside. They are currently in North Carolina, but planning to buy a house local to Fryeburg, although they do not plan to make it their permanent residence, since they will continue to advance business interests in North Carolina and upstate New York. Eric Alt noted he was from West Baldwin and co-owns the land. Kizaki asked about employees. Tara noted that all employees would be screened and Eric suggested that each outdoor grow would employ three people and the indoor grow would employ five. Price asked about the odor. Eric Felice noted that it only smells during flowering (October). Their proposed solution is related to the distance from the proposed cultivation area to the property lines. They are also planning to use fragrant buffer plantings. Buterbaugh asked if any tree clearing was needed. No, the lot was previously cleared to obtain the top soil and gravel on the surface. Eric Alt noted that their plan was to restore the soil on the lot using organic techniques. They are planning to grow in sixty-five gallon cloth pots, so they can be moved. Buterbaugh wanted to confirm that no indoor cultivation is going to happen right away. Correct. Rebmann asked about security lights. Eric explained that the fencing around the cultivation areas will be equipped with motion-sensor activated lights and cameras that will be connected to a 24/7 security service, that will instantly detect if threat is animal, non-animal, human, or car. If human or car, local police and owners are immediately notified. Kizaki noted that calling the police costs tax payers money. Eric wondered if there was a lot of crime in town. Kizaki: no. Eric stated that was why they wanted to own the access road – for added security. Furthermore, he noted that there is no significant security risk until flowering season (October), and during that time, around the clock in-person security is planned. Rebmann asked why ten vehicles were depicted on the plans of the proposed site layout. No reason. Price made a motion to declare both applications incomplete. He noted several missing items: certificates of good standing for both corporations, general overlap between applications, which causes confusion, and a lack of good plans/maps/figures, among other things. Kizaki asked if one or two wells were planned. One is planned and Ransom (consultant) is providing assistance. Kizaki asked how much water will be used. About 4,000 gallons per day, seasonally. In addition, the water distribution system will utilize a holding tank. Buterbaugh seconded the motion. Vote to declare both applications incomplete passed unanimously.

**Planning Board Review: Fish Street Properties (Lovell Road) opened at 7:19 p.m.**

Seth Field, owner of Field Electric discussed the proposed project. Field Electric employs licensed electricians, generator technicians, service technicians, HVAC technicians, and several apprentices. He noted that he has been operating Field Electric in Fryeburg for eight years out of a space rented from Wayne Harriman. However, they have outgrown the space, now employing 20 people. The company vision is to stay in Fryeburg and continue providing quality employment opportunities in town. After a two year search the proposed lot was identified. It will be divided into two lots, so that Seth may construct a residence on one lot and operate the business on the other. The lot is situated in the Outlying Residential Commercial zone. Field noted that he is aware that DOT permits driveway permits, Department of Environmental Protection storm water permits, and a septic system permit are required. He also noted that building plans are still in development. Rebmann asked about the proposed building. Field stated that the current plan is for a wooden frame structure, twelve-foot high walls, 5/12 roof, with metal siding. He thought plans would be available within two weeks. Rebmann asked if retail sales would be conducted out of the proposed operation. No. Rebmann asked about number of staff in office. Field: five to seven. Rebmann mused about available parking and Field noted that the employees bring the vans home at night and it was determined that plenty of parking is proposed. Kizaki asked about solar. Field noted it was considered, but is not likely. Rebmann asked if both lots would be served by same well. Field: no. Price made a motion to declare the application incomplete. He noted the following items were missing: septic design, certificate of good standing for corporation, list of abutters, and the deed, among other things. The board had a discussion about the applicable/appropriate Land Use Category for the proposed use. The Code Officer noted that it doesn’t fit into any existing category, and 11.3 (Commercial storage of goods and products not related to sale or use of these goods on the same lot where they are stored) seems the closest. The board considered 4.2 (Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling, or testing, of goods, merchandise, or equipment with less than 5,00 square feet of gross floor area) and 2.2 (Sales or rental of goods, merchandise, or equipment except motor vehicle related with 2,500 square feet or more of gross floor area). Ultimately, it was agreed that 11.3 was most appropriate. Rebmann seconded. Vote to declare the application incomplete. Passed unanimously.

**Planning Board Discussion: Proposed Changes to Adult Use Marijuana Ordinance opened at 7:55 p.m.**

Price reviewed the proposed changes to the ordinance, Section 17.Y, which would allow operation of five adult use marijuana retail stores. There was discussion about the sentence clarifying setback from special use schools, with clients under 21. Price made a motion to accept the proposed changes and present them at a public hearing on April 6, 2021. Emery seconded. Board voted unanimously to approve.

**Public Forum opened at 8:10 p.m.**

No members of the public were present.

**Other Business**

Price noted that the Planning Board must review data on the aquifers in town once per year and make any necessary recommendations. This is typically done in April, so, it must be considered at the April Planning Board meeting. Kizaki recalled a public hearing featuring hydrogeologists Emery & Garrett and asked that Code Officer obtain and share a copy of the video. Rebmann noted that the Water Commission is considering installation of meters on the outlet of Ward’s Pond and they are looking for funding. Price referred to an article in the Conway Daily Sun from March 10, 2021 about the Conway Planning Board having authority to deny or add conditions to any application if it causes a “nuisance” and wondered if Fryeburg should consider similar language. Emery noted that the next Planning Board meeting is scheduled for April 27, 2021.

**CEO’s Monthly Report**

A motion was made by Price to accept the report. Buterbaugh seconded. Board voted unanimously to approve.

**Meeting Adjourn**

Emery made a motion to adjourn. Seconded by Rebamnn. Board voted unanimously to adjourn at 8:31 p.m.