

**TOWN OF SKOWHEGAN  
PLANNING BOARD  
MEETING MINUTES**

July 21, 2020

6:00 P.M.

Council Room, Municipal Building

**PRESENT:**

Steve Conley, Chairman  
Todd Smith, Vice Chairman  
Harvey Austin  
Steve St. Pierre  
Joel Greenwood, Planner  
Cynthia Kirk, Recording Secretary

**ABSENT:** Stephen Gould, Secretary, Brady Chapman, Kris Laney

**PUBLIC PRESENT:**

Bryan Belliveau, Code Enforcement Officer

**1) QUORUM:**

Planning Board Meeting called to order at 6:00 P.M. Quorum was present.

**2) MINUTES OF THE July 7, 2020 PLANNING BOARD MEETING TO BE APPROVED:**

Motion by Todd Smith to approve the July 7, 2020 Planning Board meeting minutes, as written. Seconded by Steve St. Pierre. Motion passed 2-0-1. (Harvey Austin abstained)

**3) SITE PLAN / SUBDIVISION**

None

**4) ITEMS BY THE PUBLIC:**

**5) COMMUNICATIONS:**

None

**6) NEW BUSINESS:**

**A) Discussion and decision on the Shoreland Zoning Permit submitted by Wright-Pierce on behalf of Maine Water Company for 27 Water Works Drive.**

Bryan Belliveau said that Maine Water is looking to upgrade the water line that goes out into the Kennebec River. It will also include some new structures going in on the river bed. He said the reason behind the project is to increase the water supply.

Harvey Austin asked when this project is supposed to start. Bryan said he hasn't seen a timeline yet for the project.

Steve St. Pierre asked how far the pipeline goes out into the river. Bryan said approximately 111 feet.

Harvey asked if they will need permits from DEP. Bryan said that Maine Water has already gotten the necessary permits from DEP and he has a copy of those if anybody would like to see them.

Harvey asked if they will be using the existing building or putting in a new one. Bryan said they will be putting in a new one. Harvey stated it would be nice if they could make this new building a little more esthetically appealing to look at. Maybe something that would fit in better with the area surrounding it.

Steve Conley asked exactly what they would be setting into the river. Bryan referred them to the picture on C-8 of the plans which shows the concrete structures and wet well that will be placed in the river.

Harvey asked if Maine Water would be up to having suggestions or recommendations for the exterior of the utility build so it blends in with the area. Bryan said he doesn't see why not.

Harvey asked how big the pipe will be going out in the water. Bryan said it is an 8" pipe now and they will be replacing it with a 12" pipe.

Steve Conley mentioned that one of his concern is if this structure will be in the way of the proposed river boardwalk that has been mentioned several times in the past that was supposed to go from the downtown all the way to the boat landing. Harvey said if they had any idea if that was even going to happen, they could look into it but there hasn't been any talk about it for years now. Steve St. Pierre said there are several buildings in the downtown that they would have to accommodate if it ever happens so they should be able to accommodate this structure as well.

Motion by Harvey Austin to approve the Shoreland Zoning Permit submitted by Wright-Pierce on behalf of Maine Water Company for 27 Water Works Drive with the condition that any structures being built will be esthetically appealing and blend in with the natural environment around it to avoid an industrial look. Seconded by Todd Smith. Motion passed 3-0.

**B) Discussion and decision on the Flood Hazard Permit submitted by Wright-Pierce on behalf of Maine Water Company for 27 Water Works Drive.**

Motion by Harvey Austin to approve the Flood Hazard Permit submitted by Wright-Pierce on behalf of Maine Water Company for 27 Water Works Drive. Seconded by Todd Smith. Motion passed 3-0.

**C) Discussion and decision on the Flood Hazard Permit submitted by 7 Island Avenue Development, LLC for the mill building located at 7 Island Avenue.**

Bryan explained that this will be a phased project. The owners have sent their plans to the State Fire Marshall's Office for approval. The Fire Marshall's Office has approved them for a phased plan. The first phase will be the first floor which will house the brewery and tap house. The second and third floors down the road will be approximately 30 residential units. The fourth floor will be a restaurant. They have shown that they can meet the criteria for the Shoreland Zone and Flood Hazard Zone. Bryan said one thing they will have to look at before they start on the second phase with the residential units is the sewer capacity. They were approved for their Site Plan yesterday by the Staff Review Committee. Harvey asked if they need to get a change of use permit. Bryan explained that the owners are working with him and the fire department regarding the change of use and that will be reviewed when they go to get their Occupancy Permit.

Todd Smith asked what the concern was with the sewer capacity for the residential units. Bryan said they will need to look at the current infrastructure of the building to make sure it can handle the increase in use. He said one thing the owners have done so far is separate out the sewer lines for the buildings behind the mill building so they now all

have individual sewer lines directly to the sewer. Before they did this the sewer lines for the other buildings ran through the bottom of the mill buildings and there have been issues with backups in the past. The owners are also going to have their line scoped to make sure it is still fully intact.

Harvey and Todd both said they are happy to see something being done with this old building.

Joel said that there is not going to be any change in elevation or the site in regards to the Flood Hazard Permit so there should be no issue with that.

Motion by Todd Smith to approve the Flood Hazard Permit submitted by 7 Island Avenue Development, LLC for the mill building located at 7 Island Avenue. Seconded by Steve St. Pierre. Motion passed 3-0.

**D) Discussion and decision on the Shoreland Zoning Permit submitted by 7 Island Avenue Development, LLC for the mill building located at 7 Island Avenue.**

Joel said the only thing that he noticed on the permit application is the box for the shoreland zone doesn't have the right information in it. It should say General Development instead. Bryan said we will fix that on the application and permit.

Motion by Harvey Austin to approve the Shoreland Zoning Permit submitted by 7 Island Avenue Development, LLC for the mill building located at 7 Island Avenue with the correction to the shoreland zone box on the application. Seconded by Todd Smith. Motion passed 3-0.

**7) UNFINISHED BUSINESS:**

**A) Continue discussion on the proposed Needle Exchange Program Ordinance.**

Joel presented the 3<sup>rd</sup> draft of this ordinance to the Planning Board for review. He told them what has changed since the last draft including location restrictions and definitions added.

Todd asked if in section 3 do they want the location to have to be in single use building. Joel said yes and he can update it.

Harvey said he does not support this needle exchange program at all and will not vote for it. He said this doesn't do anything but encourage it.

Steve Conley said that none of them want this program here in town but if we don't come up with this ordinance then the program will still be able to come into town and they will have no regulations at all. This is their attempt to regulate something that the State is allowing to come into towns.

Steve St. Pierre said he would like to have it say that this program only allows needle for needle exchange and no starter kits handed out.

Joel reviewed the changes that have been made from their suggestions. He said he can email out the updated draft tomorrow and if everyone is ok with it, we can get this on next week's Selectmen's agenda.

Harvey asked if this will be going to the townspeople for a vote. Joel said yes. Harvey asked what happens if they vote it down. Steve Conley explained that if this ordinance doesn't pass then this program will still be able to come into town and they will not be able to regulate them at all. Joel said Skowhegan is the first town to come up with regulations for these types of programs that are getting approval from the State and the CDC and showing up in towns all over.

Todd Smith said that hopefully this ordinance will pass so when these types of programs are looking to come to Skowhegan, they might see all of these regulations they will have

to follow and maybe decide they don't want to come here at all.

Motion by Steve St. Pierre to send this Needle Exchange Program ordinance to the Selectmen for their review once Joel send them the updated draft by email. Seconded by Todd Smith. Motion passed 2-1 (Harvey Austin opposed).

**B) Discussion on the proposed Fireworks Ordinance.**

Steve Conley said that at the last meeting the Planning Board decided that a Fireworks Ordinance was not necessary for the Town of Skowhegan and sent a letter to the Selectmen stating this. However, at the Selectmen's meeting the original draft of the proposed ordinance was reviewed by them and voted to be put on the town meeting warrant for a vote by the taxpayers. He said that he was informed that the letter that the Planning Board had sent them was not even discussed until after they had voted on this. Todd Smith said he had talked Paul York after the Selectmen's meeting and Paul told him that all of the Selectmen did have a copy of the Planning Board letter before the meeting. Todd said he also mentioned to Paul that it was odd that all of the comments being made on the Facebook Live thread were not read to the Selectmen until after they had voted on this.

Joel said that the draft that the Selectmen voted on was the first draft attempt he had done for the Planning Board to work on. His understanding was that if this proposed ordinance was going to go anywhere then this draft would be a starting point for them to work with. He said he is a bit uncomfortable that this draft is the one that will be going to a town vote since it was not worked on at all.

Harvey said to let the Selectmen deal with it now since apparently all the time the Planning Board spent discussing this doesn't really matter.

Steve Conley said if it's possible they should put some sort of letter in the town report stating how the Planning Board felt about this proposed ordinance and the fact that this was only a first draft. Cindy said she can check and see if any changes can be made to the letter from the Planning Board they had submitted back in March.

**8) ITEMS BY:**

**a) SELECTMEN:**

None

**b) DEPARTMENT HEADS:**

Bryan Belliveau asked if the Planning Board would mind looking at a subdivision revision for Jamie Swett tonight. We had the application but didn't receive the drawing until it was too late to put it on the agenda. Steve Conley said he wouldn't mind looking at it. Harvey said if it wasn't here on time to make the agenda then they can look at it but he doesn't think they should set a precedence for doing voting on things like this because then everyone will want to bring things to them at the spur of the moment. They need to make sure it is fair for everyone. Steve Conley asked Joel what the ordinance says and what are the rules as far as what they can review and vote on at a meeting. Joel said for a revision it would need to follow the criteria in the ordinance of putting it on the agenda.

Harvey stated it's only fair for everyone to follow the same procedure.

Bryan also brought up that we might want to look at the Property Maintenance Ordinance and think about changing some of the language in there. He has spoken with the town attorney about where it states in the ordinance that within 3 days after receiving a violation letter from the CEO, they have the right to appeal that violation to the Board of Selectmen. Ken Lexier said that those types of notice of violations should not be

appealable. He said the first 2 notices that he sends regarding a violation are advisory to the property owner. He doesn't think it should really be appealable until after those 2 notices and the Selectmen have given him the go ahead to pursue legal action. Joel asked if the ordinance currently has language that is pretty vague and may be able to be made clearer.

Steve Conley said if the property owner is able to make an appeal to the Selectmen then it might prevent incurring unnecessary legal costs. Bryan said that's true but that also means that every violation letter that he sends out would be allowed to be appealed and that will eat up a lot of time for the Selectmen. He would rather be able to work with the taxpayers first on a violation before they just run to the Selectmen for an appeal. Steve Conley said they can definitely review it more at the next meeting.

Bryan said he would also like to talk to then about the language about nuisances in the ordinance. When he had talked to Ken Lexier about this, Ken's opinion was that the town really shouldn't be getting involved in situations that might be more of a civil matter than a violation. He said they might be able to clean up that language as well. Steve St. Pierre said we should definitely help Bryan out with being able to make his job more efficient when it comes to violations. Joel said there definitely needs to be an appeal process for people to use but not necessarily at every stage of enforcement. Steve Conley said his concern is not having a way for the citizens to be able to be heard. It was decided to look at these ordinances at a future meeting.

**c) MEMBERS:**

Steve St. Pierre asked what everyone thought about the new turning lane at the lights. Steve Conley said it looks good but he hasn't tried it yet. Todd Smith said it would look great if they painted the town seal on the corner of it. Harvey said that Greg has done a great job on it. Steve St. Pierre said it might be interesting this winter with the way the slope of it is but we will see.

Harvey told Bryan that he is doing a great job in the Code Enforcement position especially having to follow in Randy Gray's shoes. He said he appreciates his common sense.

Harvey asked for an update on the Public Safety Building for the next meeting as well as if there is anything that can be done about the seafood truck up by Tractor Supply.

Todd had someone approach him regarding the Charter School downtown and if there is a parking plan in place for when they start up again in the fall. Bryan said he has not seen anything from the Charter School yet. Bryan said he will reach out to Travis Works for an update.

**d) CHAIRMAN:**

**e) STAFF:**

**9) ADJOURNMENT:**

Motion by Harvey Austin to adjourn at 7:41 p.m., Seconded by Todd Smith.  
Motion passed 3-0.

**Minutes approved on August 4, 2020.**

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**Chairman**

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