

Thomaston Planning Board

Minutes

January 18, 2022

Board Present: Chair Joanne Richards, Kim Matthews, Will Eustis, CEO Mandy Everett, Recording Secretary Donna Culbertson. Absent: Charlie Frattini.

Public Present: Tracy Reinhold, Karl Reinhold, Tom Laslavic, Lucy Laslavic, Paul Willis, Karen Willis, Carissa Coombs, Sharon Carter, Ellen Dyer, Andrew Hedrich

The meeting was called to order at 6 pm by Chair Joanne Richards.

2. Approve the Minutes of November 16, 2021.

Motion made by Will Eustis to approve the minutes of Nov. 16, 2021. Seconded by Joanne Richards.

VOTE: 3-0.

Approve the minutes of December 21, 2021.

Motion made by Virginia Blanchard to approve the minutes of Dec. 21, 2021, as amended. Seconded by Kim Matthews.

VOTE: 4-0.

3. Request of Atticus Hill Farms, LLC, 50 Stambaugh Drive, Thomaston, ME for Final Site Plan Review, Marijuana Cultivation Facility at 50 Stambaugh Drive (Map 201 Lot 205) in the R2 (Rural Residential District) as per Thomaston Land Use Ordinance Section 709.4.11.

Note: Planning Board member, Kimberly Matthews recused herself from voting as her mother is an abutter living across the street from the proposed project.

Andrew Hedrich, Gartley & Dorsky presented the Final Site Plan Review for the Reinholds.

*November 16, 2021, Conditional Use was granted.

* All local and state permits have been submitted.

* Property has been in the Farmland Zone for more than 5 years.

* Site walk was held on December 7, 2021.

* Entrance permit obtained thru DEP.

Approved March 15, 2022 (as amended)

- * Wetlands impact study still out.
 - * Science of cannabis odor – all plant based materials.
 - * Odor Control System, 400-kilowatt diesel generator.
 - * Casing around the generator to keep the noise down. 65-70 decibels.
 - * Level 2 acoustic enclosure.
 - * Blackouts curtains 99.9% effective. Replace every 5 years.
 - *Seacoast Security will be maintaining the security system.
 - * Fully shielded lights.
 - * Erosion control narrative – maintenance on stormwater.
 - * Updated floor plan – shows what each room may have in it.
 - * Improved drainage system.
 - * Plant waste is taken away to another company. Will be used for CBD oils.
 - * All mechanical units are inside the building.
 - * Entire property is Farmland property. Full lot 35 acres.
 - * Facility on the driest part of the property.
 - * a Large number of trees and shrubs, above and beyond the necessary landscaping.
- (see attached “General Standards of Performance”(716) and “Elements of the Site Plan” (737), “Approval Criteria Site Plan Review” (739).)

Motion to approve the Final Site Plan made by Will Eustis. Seconded by Virginia Blanchard.

VOTE: 3-0.

Meeting adjourned at 7 pm.

Chair Joanne Richards

Recording Secretary Donna Culbertson

TOWN OF THOMASTON PLANNING BOARD

FINDINGS OF FACT

SITE PLAN REVIEW,

ATTICUS HILL FARM, LLC

The Thomaston Planning held a meeting on January 18, 2022 in the Board Room of the Municipal Building, 13 Valley Street, Thomaston for Site Plan Review of the proposed Marijuana Growing Facility at 50 Stambaugh Drive, Thomaston. Notice of this public meeting was advertised in a local newspaper of general circulation. This property falls within the Rural Residential District (R2) as defined by the Thomaston Land Use Ordinance Thomaston Section 709.4.11 Agricultural Building or use.

Planning Board members present: Joanne Richards, Chair; Kimberly Matthews, Virginia Blanchard, William Eustis

Absent with permission: Charles Frattini

The Chair of the Planning Board called the meeting to order and the Board

Agreed to the request of Kim Matthews to recuses herself as her mother is an abutter to the proposed facility.

Determined that:

There was a quorum of Planning Board members.

That Karl and Tracy Reinhold I, d/b/a Atticus Hill Farm, LLC. has standing as owners of Atticus Hill Farm, 50 Stambaugh Drive, Thomaston to request Site Plan Review.

The Thomaston Planning Board had jurisdiction per the Thomaston Land Use and Development Ordinance Section 709.4.1 Agricultural Building or Use as well as 716.16.7.1c Location of Retail Marijuana or Cannabis Uses and Facilities

c. Notwithstanding paragraph 716.16.7.1a, above, Retail Marijuana Cultivation Facilities may be approved by the Planning Board on any parcel in any district that has been enrolled in the Maine Farmland Program and receiving Farmland Program Assessments for five (5) years or more.

The Planning Board on November 16, 2021 approved the Conditional Use application of Atticus Hill Farm, LLC for a Marijuana Cultivation Facility at 50 Stambaugh Drive, Thomaston.

Mr. Andrew Hedrick, of Gartley & Dorsky Engineering presented the proposed project plans to the Planning Board and members of the public in attendance and those watching via livestreaming of the meeting. The project was granted Conditional Use by the Planning Board at its November 21, 2021. All local and Maine state permits will be obtained. The property has been in the Maine Farm program for many years. There was a site walk conducted on December 7, 2021 where the public was invited to attend. Mr. Hedrick stated that the entrance permit has been received from Maine DOT and the wetlands review is ongoing at this time.

Mr. Hedrick discussed the science of cannabis and the odor the plants produce in preparation for explaining the odor control system that will be installed in the facility. There will be a dedicated air handling unit in each of the grow rooms designed for optimal odor control. It is a closed climate control system with no outside venting. There will be three connected greenhouses with total area of 80x120 ft. There will be multiple rooms. It is a growing facility only, with no retail sales or recreational use. There will be growing and harvesting within the confines of the building and product will be transported offsite. There will be a 400-kilo watt diesel generator for when power is lost which is encased in a level II sound-attenuated and weather protective enclosure keep down the noise when in operation. This will be located on a designated cement pad behind the building. A computer controlled total blackout sliding hanging curtain system will be installed so there is no light bleed to disturb the night sky.

Fully shielded security lights affixed to the outside of the building as required by the State will be downward facing causing minimal light bleed to neighbors. Compostable waste of the growing medium will be in the back of the building in an enclosed area. The process will use approx. 700 gallons of water a day from a well to be located near the facility. The walls will be insulated with 3.5-inch-thick fiberglass material. There will be no traffic with 8 parking spaces as there will only a few employees

Seacoast Security will be providing security as dictated by Maine law.

Planning Board members asked questions of Mr. Hedrick and the applicants regarding the plans and then asked for public comment from those present.

Sharon Carter asked for clarification on the size of the building (80 ft x 120ft) as well as the compost area (20ft x 50 ft). Mr. Hedrick explained that the plant waste will be taken away by another company that then uses it to produce other products such as CBD oils resulting in very little compostable materials.

Carissa Coombs asked about the planting soil being used and is the compost area big enough. Joanne showed those present a picture of the planting cube being used and that that is what will go into the compost. She asked about the air condensers and was assured it is the same as one used by most homeowners with low decibels. All mechanical units are inside the building.

When asked by a member of the audience it was explained that the entire 35-acre property is classified as farmland and the 5-acre lot that is being carved out for the facility will continue to be in the farmland classification.

When asked why this area was chosen Mr. Hedrick explained and pointed out on the plan the contours of the lot and that this was the flattest section thereby the best location for the building.

A concern was voiced about seeing the building from neighboring lots. The landscaping plan was shown and Mr. Hedrick explained that the owners were planning on installing more than the number of trees and shrubs required to meet the town LUO specifications especially along Buttermilk Lane to help shield the facility from the two houses directly across the street.

Members of the public were thanked for attending and for their questions.

The Planning Board then proceeded to the checklist for the finding of facts as follows:

716 General Standards of Performance

716.1 Agriculture

Applicable because there will be no outside agricultural activities

716.2 Air Pollution

MET because the proposed facility will operate a closed climate control system that will recirculate the air within the growing rooms. Access to the facility will be through an internal hallway to prevent contamination and minimize the potential for odors to escape.

716.3 Archeological Sites

Not Applicable because the lot is not located with the Thomaston Historic District per the National Register of Historic Places.

716.4 Buffer Areas

MET because the natural buffers on two sides of the property will be maintained to the greatest extent practicable. In addition, areas of landscaping will be installed to increase the screening between the adjacent residential neighbors. Deliveries and loading will be minimal, as such there are no designated delivery/loading areas located beyond the proposed vegetated buffering areas. A potential compost area has been designated to the south of the building, behind the building, which will be fenced in. The facility will not be fenced in. Security will be handled with cameras and an internal alarm system. The applicant will be responsible for maintaining all buffer areas.

716.5 - Earth Material Removal

MET because earth removal will be minimal and only as required for construction, see engineering plan C2 for proposed earth material removal.

716.6 - Prevention of Erosion and Sedimentation

MET because a detailed erosion and sedimentation plan is included on engineering plan C2 which meets the most recent Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices

716.7 - Floodplain Areas

Not applicable. The project parcel is not located in the 100-year frequency flood plan as identified by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map.

716.8 - Mineral Exploration

Not applicable. No mineral exploration is proposed.

716.9 - Noise Abatement

MET because following construction, the proposed cultivation facility is not expected to exceed the allowable 75 dba at any given time.

716.10 – Shoreland Area Protections

Not applicable as the lot is not in the Shoreland District

716.11 - Soil Suitability

MET because the applicant is proposing to install a new septic system. A licensed site evaluator performed an evaluation giving evidence of soil suitable for siting a subsurface wastewater system.

716.12 - Storm-Water Runoff

MET because there are minor changes proposed to the existing drainage patterns. Stormwater will continue flowing in the southeasterly direction towards the St. George River in multiple swales to mitigate peak stormwater runoff from the three major storm events, 2-year, 10-year and 25-year. The design adheres to the MDEP Stormwater Management for Maine Best Practices standards (BMPs)

716.13 - Wastewater Pollution and Solid Waste

MET because the proposed cultivation facility will have a private septic system. A dumpster will be utilized for solid waste and handling of general debris. Char-Coir cubes will be used as the growing media, to minimize wastes and are totally compostable. The remaining plant material not used for marijuana will be sold to be used by others to create other products. This proposed operation will have minimal compost and waste that will need to be hauled off site and disposed.

716.14 Water Quality

MET because the proposed development is not expected to deposit on or into the ground any water that will pollute a water body, tributary stream or wetland.

716.15 - Essential Services

MET because there are no proposed essential services for the facility.

716.16 - Standards for Commercial/Industrial Use

MET because the proposed project received Conditional Use approval at the November 16, 2021 Planning Board meeting.

716.16.6 - Parking Lot Design and Landscaping

MET because the proposed 8-space parking area has been designed in accordance with the Town of Thomaston Land use and Development Ordinance. There are no proposed shared parking areas. Proposed landscaping is depicted on the Site Plan.

716.16.7 - Retail Marijuana or Cannabis Uses and Facilities

MET because the proposed project received Conditional Use approval at the November 16, 2021 Planning Board meeting. The applicant is working to receive all local and state permits and licenses.

There was a motion by Virginia Blanchard that 716 General Standards of Performance have been met seconded by William Eustis. Vote 3-0

737 Elements of the Site Plan

737.1 Name and Title

MET because it is on C1 plan submitted by Gartley and Dorsky Engineering

737.2 Scale

MET because it is on C1 plan submitted by Gartley and Dorsky Engineering

737.3 Parcel Size

MET because it is on C1 plan submitted by Gartley and Dorsky Engineering

737.4 Contours

MET because it is on C1 plan submitted by Gartley and Dorsky Engineering

737.5 Boundaries

MET because it is on C1 plan submitted by Gartley and Dorsky Engineering

737.6 Zoning

MET because it is on C1 plan submitted by Gartley and Dorsky Engineering

737.7 Bearings and Distances

MET because it is on C1 plan submitted by Gartley and Dorsky Engineering

737.8 Building Location

MET because it is on C1 plan submitted by Gartley and Dorsky Engineering

737.9 Other Data

MET because extensive information (135 pages) was included in submission packet

737.10 Signs

MET because no signs are planned for the facility

737.11 Lighting

MET because detailed lighting plan and examples of intended lights is included in the packet and locations of lights is indicated on C1

737.12 Permits and Approvals

MET because condition of approval for both the Conditional Use and Site Plan Review is obtaining all local and state permits and licenses. This must be done prior to the issuing of a building permit by the CEO.

737.13 Signature Block

MET because it is on C1 plan submitted by Gartley and Dorsky Engineering

737.14 Supplemental Information

MET because extensive information (135 pages) was included in submission packet

737.15 Space for Approval

MET as signature box for signatures and conditions is on C1

There was a motion by William Eustis that 737 Elements of the Site Plan have been met seconded by Virginia Blanchard. Vote 3-0

739 Approval Criteria Site Plan Review

739.1 - Preserve and Enhance the Landscape

MET because the landscape shall be preserved in its natural state insofar as practical by minimizing tree removal, disturbance of soil and by retaining existing vegetation during construction. After construction is completed, landscaping shall be designed and planted to define, soften or screen the appearance of off-street parking areas from the public right-of-way and abutting properties and/or structures and to minimize the encroachment of the proposed use on neighboring land uses. Landscape plan is on C1.

739.2 - Erosion Control

MET because filling, excavation and earth moving activity shall be carried out in a way that keeps erosion and sedimentation to a minimum, including: Erosion and Sedimentation Control BMP's, including sediment barriers, ditch stabilization, general stabilization, and mulching and vegetative cover standards, will be used in compliance with Maine DEP standards as referenced in Chapter 500. Erosion control plan is on C2

739.3 - Relationship of the Proposed Building to Environment and Neighboring Buildings

MET because the physical placement of proposed buildings or structures on the site shall fit harmoniously with the terrain of the site and with neighboring buildings or structures, taking into account the bulk, location and height of the buildings or structures and such natural features as slope, soil type and drainage ways. The proposed building or structures shall not interfere unreasonably with the solar access of existing buildings or adjacent parcels. The existing terrain on the project parcel varies with slopes ranging from 0% - 15%. Terrain in the area of the proposed development is relatively flat. The proposed development will alter the existing terrain by constructing a driveway, parking area, and building with slopes ranging from 2% - 10%. The adjacent properties are residential homes. The new cultivation facility will not significantly interfere with the solar access of existing buildings on adjacent parcels.

739.4 - Vehicular Access, Parking and Circulation

MET because there is minimal daily traffic anticipated. No commercial sales will occur at the facility. Two to four employees are anticipated; two of which live at the property. An entrance permit has been received from Maine DOT for the entrance road. The proposed site improvements have been designed to provide safe pedestrian circulation throughout the parking lot. Emergency vehicles can maneuver around the building easily.

739.5 - Surface Water Drainage

MET because there is minimal impervious surface and there are minor changes proposed to the existing drainage patterns. Stormwater will continue flowing in the southeasterly direction towards the St. George River in multiple swales to mitigate peak stormwater runoff from the three major storm events, 2-year, 10-year and 25-year. The design adheres to the MDEP Stormwater Management for Maine Best Practices standards (BMPs)

739.6 - Special Features of Development

Not Applicable because there are no exposed storage areas, machinery installation, service areas, truck-loading areas, or utility buildings.

739.7 - Exterior Lighting

MET because all exterior lighting is designed and shielded to avoid undue adverse impact on neighboring properties and rights-of-way. Building mounted, shielded, dark sky fixtures will be placed on the building for security lighting only. Anticipated light locations have been identified on the plan and cut sheets of the proposed light type and intensity are provided with the submitted documentation.

739.8 - Emergency Vehicle Access

MET because a 20' access drive is proposed. Additionally, a 58' wide travel lane is proposed on the northwestern side of the building.

739.9 Special Criteria (Piers, wharves, breakwaters)

Not Applicable because none of these are part of the proposed plan.

There was a motion by Virginia Blanchard that 739 Approval Criteria Site Plan Review have been met seconded by William Eustis. Vote 3-0A motion to approve the

A motion to approve the request of Atticus Hill Farms, LLC, 50 Stambaugh Drive, Thomaston, ME for Final Site Plan Review, Marijuana Cultivation Facility at 50 Stambaugh Drive (Map 201 Lot 205) in the R2 (Rural Residential District) as per Thomaston Land Use Ordinance Section 709.4.11 was made by William Eustis seconded by Virginia Blanchard with the condition that all local and state permits and licenses must be obtained. Vote 3-0