



Town of Harpswell
Planning Board Minutes
January 20, 2016
Adopted February 17, 2016

Members Present

David I. Chipman, Chair
Paul Standridge, Vice Chair
Burr Taylor
Debora Levensailor
Aaron Fuchs
Frank Wright IV, Associate Member

Members Absent

John Papacosma, Associate Member

Staff Present

Mark Eyerman, Interim Planner
Diane Plourde, Recording Secretary

The Town of Harpswell Planning Board meeting was called to order at 6:30 p.m. by David Chipman, Chair. The Pledge of Allegiance was recited and Board members were introduced.

Old Business: Proposed Ordinance Amendments - Insect Growth Regulator Ordinance and Shoreland Zoning Ordinance.

Public Hearing Open:

Mary Ann Nahf explained the amendment changes and additions regarding the pesticides and fertilizers usage within Harpswell. Included are what are the prohibited products, licensed applicators, spraying, and restrictions of products within this ordinance.

Jeff Gillis, owner of WellTree, said this proposed ordinance does not provide provisions to show managing insects harmful to human health and significant loss of property value. He compared other towns' ordinances who have allowances for insecticides when the threshold is high enough, such as brown tail moth. Defining that threshold or property value is difficult in this instance. The Board asked several questions about types of product that can be used to not harm both land and water.

Mike Peasley, Technical Manager at Modern Pest Services, has some concerns about the proposed ordinance. He noted that bed bugs have been resistant to insecticides and that neonicotinoids are effective in the treatment. He stated that if some insecticides are banned, one could become more reliant of other materials available. He gave the Board an email from Anthony Jadczyk, State Apiarist which states: "*There were no documented honey bee kills in 2015 attributed to insecticide exposure.*" (Attached) The Board continued with questions.

Corinne Liski, resident & landscaper, asked if homeowners are allowed to apply the weed & feed, and insecticides. She asked about the application around the perimeter of the home with runoff and water contamination, and about spraying of flowers. Mary Ann Nahf answered that since it is difficult to regulate what people do on their own property, she hopes people realize that if they have pesticides applied on their property, it is state law for homeowners to use a licensed applicator. Information can be found on the town website

Bill Moody, NaturLine, asked about the science backing the ordinance. What has been done to monitor pesticides found in the bay, and do we know that the cause of shellfish forming or not

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forming are due to pesticides and not carbon emissions. He asked if we are banning pesticides because it's easy or if the problem is much bigger than indicated. Ms. Nahf said there has been water sampling over ten years, testing the waters in Casco Bay for nitrogen. Harpswell is taking steps to control pesticide usage because of the aquatic invertebrates. The HCC will have to come back to the Planning Board to finalize this ordinance amendment with another Public Hearing.

Public Hearing Closed

16-01-01 – Walter Moody, Sr. Map 53 Lot 43, 134 Wallace Shore Road – Site Plan Review – Seafood Processing Plant

Scott “Walter” Moody explained how he wants to construct a building that will grow juvenile oysters to put into future lease site, purge the shellfish of sand and then run a UV light to eliminate bacteria from the shellfish. He purchases shellfish from local harvesters in town with five locations along the coast where he purchases shellfish. This building will be a set storage for shellfish.

The Chair commented that the description of the building is not in the application. The Board asked the size and scale of the operation and what will be in the building. Mr. Moody said the outside of the building will look more like a house rather than a storage unit and he gave a brief description.

Public Hearing open:

Mary Ann Nahf, representing the Conservation Committee says this is an exciting endeavor but has concerns about the Wallace Shore Road project that replaced the culverts. Also that since this is a water related industry, it could affect two water resources, the New Meadows River for the plant and the wetland around the building. The HCC is looking for a design plan of the building with the setbacks to the wetland. She asked about the clearing of trees on the property and what affect it will have on the land with any runoff.

Paul Fillion, resident asked if there will be any odors or smells from the plant. Mr. Moody said the process is to bring in live shellfish in and out that will be stored in water. There will be no waste product except for the sand and it will be rinsed back out into the water with no pollution. Mr. Fillion asked how many employees and traffic will be on the road. Mr. Moody said there will be no extra traffic on the road and only 2 people employed.

The Board asked that Mr. Moody provide the plans for the new building, the topography of the land and plans to control the runoff to the wetlands, along with the setbacks to the road and the wetlands. The Board would like to discuss whether this aquaculture operation will be a water dependent operation.

Tom Perkins, resident asked if this is a water dependent business, the type of road traffic on Wallace Shore Road and about the piping of the water back into the bay.

Amber Mason, resident had questions about the water dependency of this business, depuration regulations, how involved is the DEP in this application, the movement of water via pumps, storage of equipment in the building, view easements to the water and marsh, contingency of an aquaculture lease, wildlife within the marsh, if there is a business plan available, septic placement, and security

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of the building and surrounding areas. Mr. Moody answered these questions, but the Board asked for more information on the application for the next meeting.

Wendy Batson, resident has concerns about the lighting and noise from the business, cutting of the trees, and water runoff.

Paul Ciesielski, resident asked about the traffic on the road and how the process of the shellfish will limit that traffic.

Eric Varney, resident asked about the water runoff, buffer zones, placement of the building in conjunction to the marsh, size of the pumps and the intake & output, noise and wants the Board to insist Mr. Moody provide this information on the building plans for the next meeting.

The Planner explained for the audience that the proposal is for two operations within this building; with three tanks, one is used as a nursery to grow baby oysters that then go out in the water to grow to maturity, the other two tanks will be to clean other shellfish of sand and sediment and the third tank will expose the shellfish to UV light to produce premium quality product for the marketplace.

David Chipman moved seconded by Paul Standridge that this application is incomplete and Mr. Moody will have more complete paperwork for the next meeting. Motion carries 5-0

New Business: Discussion of proposed amendments to the Basic Land Use Ordinance and Shoreland Zoning Ordinance to increase the maximum height to thirty-two (32) feet.

Rick Daniels, Selectman explained the proposed ordinance amendment to increase the building height to thirty-two (32) feet and that he met with the Fire & Rescue Committee and they are not opposed to this increase.

David Chipman moved seconded by Debora Levensailor to take this amendment to the February 3, 2016 Public Hearing. Motion carries 5-0

Discussion of a proposed amendment to the Definitions Addendum to add a definition of "Code Enforcement Officer".

The Planner explained that there should be a definition for the Code Enforcement Officer to include the Alternate Code Enforcement Officer.

Debora Levensailor moved seconded by David Chipman to take this forward to the February 3, 2016 Public Hearing. Motion carries 5-0

Consideration of minutes: of December 9, 2015 & December 16, 2015

Aaron Fuchs moved by Paul Standridge to accept the minutes of December 9, 2015 and December 16, 2015 as presented. Motion carries 5-0

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Communications: The Planner told the Board that the Mitchell Field Committee would like to come to the Planning Board meeting on February 3, 2016 to ask for their input regarding the water front at Mitchell Field.

Planner's Update: None

Adjournment: Meeting adjourned at 9:00 PM

Respectfully submitted by:

Diane E. Plourde
Recording Secretary