

Hartland Selectmen's  
Wednesday January 4<sup>th</sup>, 2023  
Irving Tannery Community Center  
5:30 PM

- Minutes of Previous Meeting 12/19/2022 & Special Town Meeting Minutes.
- Unfinished Business
- New Business
  - Bryant's Brewery
  - Property Maintenance Ordinance
  - Shoreland Zoning Ordinance
- Other
  - 2023 municipal timeline*  
*Set and vote election, Town meeting date + Time*
- Public Forum
- Sign Warrants
- Executive session per MRSA 405 6 (A) to discuss personnel matter concerning Town Manager contract renewal

**Selectman's Meeting Minutes**  
**December 19, 2022**  
**5:30 Open Meeting**  
**Irving Tanning Community Center**

*Absent*

Present: Mark Brooks, Jerry Martin, John Hikel

Staff: Chris Littlefield

Guest: Elizabeth Swain and Jim Cassida

Several Citizens were also present

Jerry Read the minutes of December 5, 2022 voted 3-0 accept as read

Unfinished Business:

Elizabeth Swain and Jim Cassida of Tetra Tech came to update us on the solar project...ISO decision still not finalized

Solar group to meet with Fire Department at some point

Shared the letter from the Assessor regarding out buildings....cloth buildings not being taxed

Shared the letter from Alex Pugh regarding Bryant's Brewing...Chris to forward the letter to the Selectmen

Chris to coordinate a meeting with the following: Designer, plumber, licensed plumbing inspector, code officer, Maine DEP, Maine Drinking water program, the Selectmen, Bryant's Brewing

New Business

January meetings changed to January 4<sup>th</sup> and 23<sup>rd</sup>

Motion to nominated Hadley Buker and Elmer Littlefield for the Spirit of America Award for managing the Town Flags voted 3-0 accept

Signed Certificate of Appointment for Sam Neal to be the Registrar of Voters

Other:

Motion to authorize Chris to have a logging company come and cut the pine down route 152 between the sand shed and cemetery at MDOT request voted 3-0 accept

Jerry asked about the power for the transfer station....Chris stated that CIPPs called today will be mid-January realistically

John asked about the speed signs for Moose Drive

Public Forum

Donna Greenwood agrees with building permit process

Bob Bryant asked for a list of violations from Karen and Jim Towle...Bob asked who is paying for the items he has spent money on as he has all the required permits

Josh Holmbom discussed the differences from Town to Town with regard to permits and expressed that they are needed

Tom Kuespert says permits aren't a bad thing Town just needs to adjust pricing

Tom stated that the Town Manager out right lies and the Selectmen should pass on the contract discussions tonight and let someone else bid on the job

George Greenwood said it would be a bad financial decision to give up Chris as the Town Manager

Signed Warrants

Motion to go into executive session per M RSA 405 6 A to discuss personnel matter concerning the Town Manager contract renewal voted 3-0 accept

Motion to come out of Executive Decision voted 3-0 accept (back to public)

Motion to take no action voted 3-0 accept

Tom Kuespert brought back into the meeting to present a video to "prove" Chris Littlefield lies. All three Selectmen watched the video and ~~concluded~~ <sup>agreed</sup> that the video didn't prove Tom's point at all

Tom also stated that the video didn't ~~show~~ say that he

Motion to adjourn 11:02 pm voted 3-0 accept <sup>1:ed</sup>

Respectfully Submitted, Chris Littlefield, Town Manager

~~Motion to Accept <sup>to minutes AS</sup> Amended the~~

Motion to Amend the minutes voted 2-0 <sub>Accept</sub>

Motion to Accept minutes AS Amended voted 2-0 <sub>Accept</sub>

**TOWN OF HARTLAND**  
**SPECIAL TOWN MEETING WARRANT MINUTES**  
**Monday, December 19, 2022**  
**At 5:30 PM**

***Special Meeting called to order by Town Clerk, Samantha Neal, at 5:30 p.m. There was 15 Voters present and three guests.***

To: Freeman Ramsdell, a resident of the Town of Hartland, County of Somerset, State of Maine.

**GREETING:**

In the name of the State of Maine, you are hereby required to notify and warn the Inhabitants of the Town of Hartland in said county and state, qualified by law to vote in town affairs, to meet at the Irving Tanning Community Center, in said Town on **Monday, December 19, 2022 A.D. at Five Thirty** in the evening, to attend a Special Town Meeting regarding the Waiver of foreclosures for below properties then and there to act on Articles 1 through 4 as set out below, to wit:

**Art. 1:** To choose a moderator to preside at said meeting.

***Motion made and second to nominate Harold Buker for Moderator, no other nominations, voted in by majority and three written ballots cast for Harold Buker. Clerk administered Moderator's Oath and the meeting was turned over to him at 5:34 pm.***

**Art. 2 :** To see if the Town will vote to authorize the Town Treasurer to waive the foreclosure of a certain tax lien mortgage on real estate for a tax assessed against Irving Tanning Company, right of way to the Town dated July 14, 2021 and recorded in the Somerset County Registry of Deeds in Book 5738 Page 207

***Motion made and second to move the article, Discussion: What does it mean Right of Way? What benefit is there to waiving the foreclosure of the liens? Which parcel is this in the town as far as physical location? Call for vote to pass article: carried 15 Yes, 0 No.***

**Art. 3:** To see if the Town will vote to authorize the Town Treasurer to waive the foreclosure of a certain tax lien mortgage on real estate for a tax assessed against Irving Tanning Company, 9 Main Street to the Town dated July 14, 2021 and recorded in the Somerset County Registry of Deeds in Book 5738 Page 208

**Motion made and second to move the article, Discussion: Can we know which buildings these are? Call for vote to pass article carried 15 Yes, 0 No.**

**Art 4:** To see if the Town will vote to authorize the Town Treasurer to waive the foreclosure of a certain tax lien mortgage on real estate for a tax assessed against Irving Tanning Company, 30 Main Street to the Town dated July 14, 2021 and recorded in the Somerset County Registry of Deeds in Book 5738 Page 209

**Motion made and second to move the article no discussion. Call for vote to pass article carried 15 Yes, 0 No.**

The Registrar will be in session for the purpose of maintaining the list of voters Monday, December 19, 2022 from 5:00 p.m. to 5:30 p.m. at the Town Meeting.

**Motion made and second to close the special town meeting at 5:45 pm.**

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2022

*Motion*

A True Copy  
Attest:

\_\_\_\_\_  
Mark Brooks, Selectman

\_\_\_\_\_  
Samantha Neal, Clerk

\_\_\_\_\_  
John Hikel, Selectman

\_\_\_\_\_  
Jerry Martin, Selectman

Janet T. Mills  
Governor

Jeanne M. Lambrew, Ph.D.  
Commissioner



Maine Department of Health and Human Services  
Maine Center for Disease Control and Prevention  
11 State House Station  
286 Water Street  
Augusta, Maine 04333-0011  
Tel: (207) 287-8016; Fax (207) 287-9058  
TTY: Dial 711 (Maine Relay)

December 1, 2022

Town of Hartland  
PO Box 280  
Hartland, ME 04943

Attention: Christopher Littlefield, Mark Brooks, Jerry Martin, John Hinkel

Dear Sirs:

My office received your letter concerning the holding tank at 1009 Great Moose Drive on November 30, 2022. The Subsurface Wastewater Unit met to discuss the situation, prior to this response. We understand that you are concerned for the wellbeing of a town business, but we find that the current conditions at Bryant's Brewery still violate the Subsurface Wastewater Rules (Chapter 241).

This holding tank violates the Subsurface Wastewater Rules because it accompanies a change in use from a residential garage to a brewery. Any major change in use that takes place in a shoreland zone is required to meet first time criteria (see Ch. 241(9)(C)(2)). As mentioned in Mr. Lawson's e-mail holding tanks may not be used as a first-time system in the shoreland zone (Ch. 241 (7)(D)).

Mr. Lawson gave the owners until January 17, 2023, to terminate the use of this holding tank and have it removed. In deference to your appeal, the Subsurface Wastewater Unit is willing to extend this date to April 28, 2022.

There may be available loan funds for the new septic system through an agency like the US Rural Development. I understand that the terms can be quite reasonable. This new system will need to be permitted by the Maine DEP if the wastewater strength is over 2,000 Mg/L. I understand that the wastewater from breweries can have BOD(5)s between 3,000 and 10,000 Mg/L, and TSS concentrations between 500 and 5,000 Mg/L.

Sincerely,

A handwritten signature in cursive script that reads "Alexander Pugh".

Alexander Pugh, Sr. Environmental Hydrogeologist  
Subsurface Wastewater Unit  
Drinking Water Program

Janet T. Mills  
Governor

Jeanne M. Lambrew, Ph.D.  
Commissioner



Maine Department of Health and Human Services  
Maine Center for Disease Control and Prevention  
11 State House Station  
286 Water Street  
Augusta, Maine 04333-0011  
Tel; (207) 287-8016; Fax (207) 287-9058  
TTY: Dial 711 (Maine Relay)

December 19, 2022

Attention: Town Manager Christopher Littlefield  
Town of Hartland  
PO Box 280  
Hartland, ME 04943

**RE: Bryant's Brewery and Town of Hartland: Compliance with Maine Subsurface Wastewater Disposal Rule**

Dear Mr. Littlefield:

This letter is in follow-up to our telephone conversation on Monday, December 5, 2022, to clarify a few points about the holding tank at Bryant's Brewery, 1009 Great Moose Drive. As you are aware, the Maine CDC's Subsurface Wastewater Unit has determined that the use of the holding tank at Bryant's Brewery does not comply with the Maine Subsurface Wastewater Disposal Rule, (10-144 CMR Chapter 241). This rule prohibits a holding tank in the shoreland zone as a first-time system under Section 7(D).

The shoreland zone that we refer to is not a designation that can be relabeled by town vote, but instead is defined in the Subsurface Wastewater Disposal Rule, Section 14 Definitions as the following:

*Shoreland zone/area of major waterbodies/courses: All land area within 250 feet horizontal distance of the normal high-water line or upland edge of any great pond, river, salt water body, coastal wetland, non-forested wetlands greater than 10 acres or within 75 feet horizontal distance of the normal high-water line of a stream, or designated as Municipal Shoreland Zoning or an equivalent LUPC district.*

All of the property at 1009 Great Moose Drive is, therefore, in the shoreland zone, which reaches beyond the other side of Great Moose Drive. In addition, Maine law (30-A MRS § 4211 (2)) states that municipal ordinances may not be less restrictive than the Department's rules relating to subsurface wastewater disposal systems.

Like the shoreland zone, the change in use from a residential garage to a brewery is subject to the Subsurface Wastewater Disposal Rule's Section 9, which governs Expanded Systems, and cannot be modified by town zoning. Section 9(C)(2) states that any change of use of a property requires a wastewater system that meets first-time criteria.

A replacement system within Section 14 of the rule is defined as the following:


*System, replacement: A system designed to replace an existing system, an overboard discharge, a malfunctioning system, or any legally existing, nonconforming subsurface wastewater disposal system, without any increase in design flow, except as allowed in Section 9 [which covers expanded systems].*

The floor drain, which you claim was the original system, constitutes the source of an illegal discharge, according to 38 MRS §§ 361-A (4-A) and 413, which is administered by the Maine Department of Environmental Protection. Therefore, the floor drain cannot be considered an original system that was replaced.

From our conversation, you stated that there are other businesses in the shoreland zone in Hartland. Our Department and the LPI will certainly follow up on this information and work with any of these businesses that may also be out of compliance with the Maine Subsurface Wastewater Disposal Rule. We would also recommend that the town adopt a holding tank ordinance. Model language for this ordinance can be found as Appendix A of the Maine Subsurface Wastewater Disposal Rule.

Based on my previous December 1, 2022 letter extending the deadline, **Bryant's Brewery must remove the holding tank and install a subsurface disposal system that meets the Subsurface Wastewater Disposal Rule, by April 28, 2023.** If Bryant's Brewery fails to meet this deadline, then the business may face potential licensing actions or other sanctions by the Maine Department of Environmental Protection, Maine Department of Agriculture, Conservation and Forestry, or Maine's Bureau of Alcoholic Beverages and Lottery Operations, in accordance with their respective licensing authority and 22 MRS § 42(3) and 30-A MRS §§ 4201, 4211, and 4452. In addition, the Town of Hartland may face referral to the Office of the Attorney General, if it fails to take appropriate action in its application of Maine's Subsurface Wastewater Disposal Rule.

Sincerely,



Alexander Pugh, Sr. Environmental Hydrogeologist  
Subsurface Wastewater Unit  
Drinking Water Program  
Division of Environmental and Community Health  
Maine Center for Disease Control and Prevention

cc: Michael Abbott, Division Director: Division of Environmental and Community Health  
Brent Lawson, Maine CDC Subsurface Wastewater  
Tera Pare, Maine CDC Policy and Compliance  
Bryant's Brewing  
Larry Sanborn, Patricia Wiggin, Bureau of Alcoholic Beverages and Lottery Operations ✓  
Dawn Hurd, Colin Clark, Enid Mitnik, Department of Environmental Protection  
Sierra Shaw, Celeste Poulin, Department of Agriculture, Conservation, and Forestry  
Philip Stevens, Town of Hartland LPI.

Attachment: December 1, 2022 Letter from Maine CDC





STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



JANET T. MILLS  
GOVERNOR

Melanie Loyzim  
COMMISSIONER

December 30, 2022

Town Officials  
Town of Hartland  
PO Box 280  
Hartland, ME 04943

Subject: Bryant's Brewery, 1009 Great Moose Drive, Hartland, Maine

Dear Christopher Littlefield, Selectman and Members of the Planning Board:

Thank you for contacting me to discuss the above-referenced property. In our conversations you requested that I provide the Town a summary of the Department's findings of the property located at 1009 Great Moose Drive.

First, a residential garage has been changed to a non-conforming use, a commercial business, in the shoreland zone. In the Town of Hartland Shoreland Zoning Ordinance, Section 12 (D)(3) Non-conforming uses: *Change of Use: an existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C)(4)(see below).*

*Section 12(C)(4): Change of Use a Non-conforming structure: The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use.*

In addition, the Brewery is located in the Limited Residential District and is considered a commercial use by definition. The Town of Hartland Shoreland Zoning Ordinance, Section 14, Land Use Table, commercial uses are not allowed in the Limited Residential District. Town of Hartland Shoreland Zoning Ordinance, Section 17, Definitions: *Commercial Use: the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.*

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826

BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769  
(207) 764-0477 FAX: (207) 760-3143

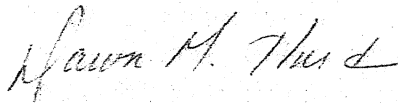
Finally, the Brewery has installed a holding tank in the shoreland zone as a first-time system. The Town of Hartland Shoreland Zoning Ordinance, Section 15 (K)(1) Septic Waste Disposal: *All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following: a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and b) a holding tank is not allowed for a first-time residential use in the shoreland zone.*

Please contact Brent Lawson, Subsurface Wastewater Program, State LPI @ 207-592-7376 or at [brent.lawson@maine.gov](mailto:brent.lawson@maine.gov).

Please contact Jordan Kelley, Nature Resource Protection Act (NRPA) Licensor concerning possible NRPA violations on this property. Jordan can be reached at 207-815-7685 or at [jordan.kelley@maine.gov](mailto:jordan.kelley@maine.gov)

I hope that you find these comments helpful. I intend to perform compliance inspections at this property during the summer of 2023. Should you wish to discuss this matter with me or if you have any questions, please don't hesitate to contact me at 207-356-8318. Thank you in advance for considering our comments.

Sincerely



Dawn M. Hurd  
Assistant Shoreland Zoning Coordinator  
Bureau of Land

Cc: Hartland Planning Board  
Kim Novack, CEO  
Jordan Kelley, DEP  
Brent Lawson, CDC, SSWW

*2023 Municipal Election & Town Meeting &  
State of Maine Election Time Line*

- January 04, 2023    BOS set date and time for Municipal Election & Town Meeting: May 6, 2023 - 9 AM
- January 25, 2023    Nomination Papers available for Municipal Election, based on May 6, 2023
- March 01, 2023    Deadline for Town Report items
- March 06, 2023    Deadline for filing Nomination Papers (60 days prior to Election)
- April 03, 2023    BOS signs Municipal Election Warrant & Town Meeting Warrant.
- April 21, 2023    Last day to post Municipal Warrants.
- May 5, 2023    Municipal Election
- May 6, 2023    Annual Town Meeting
- June 06, 2023    State Election & RSU#19 (?)
- Nov 07, 2023    State Referendum Elections