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Debby Willis, Chairperson
Angelia Christopher, Administrative Assistant

PLANNING BOARD MEETING MINUTES

**Tuesday December 14, 2021 @ 6:00 PM
City Council Chambers**

1. Call the Meeting to Order-Chair Willis called the meeting to order at 6pm and determined that there was a quorum.

2. Roll Call- Board members- Matt Murphy, Lisa St. Hilaire, Shawn Dolley, Pam Mitchel, Chair Debby Willis. City staff- Tracey Desjardins- Economic Development Director, Kris McNeill- Code Enforcement Officer, Angelia Christopher- Planning and Development Assistant. Applicants- Eric McMaster-Tru Blooms, Tom Catchings- Tru Blooms, Bob Wheelock- Green ReLeaf, and Eric and Katrina Duffin- Harvest Consulting LLC.

3. Review of November 9, 2021 meeting minutes- Chair Willis asks board members if there are any corrections or revisions. No. Chair Willis asks for a motion to accept the November 9, 2021 minutes. Pam Mitchel makes a motion to accept the November 9, 2021 minutes as written. Lisa St. Hilaire seconded the motion. All Board members present in favor.

4. Public Hearing- Continued application– Eric McMaster- to place a 14’x30’ building at 15 Lions Way- Map 029 Lot 001A in the MUV district- with the intent to be used as a commercial kitchen for Adult use cannabis. This application was heard by the Planning Board in July and denied. The application was then heard by the Board of Appeals in September. The BOA voted to grant Mr. McMaster’s appeal, which reversed the Planning Board’s decision and then remanded the application back to the Planning Board for further review/development. Because this application originally was submitted in June, before amendments were made to the LUO concerning Marijuana Establishments, the application will be reviewed under the previous ordinance rules.

The applicant has standing on this property and all board members have agreed that they can hear this application in an unbiased manner. Mr. McMaster had submitted photos and documentation as part of his

application to justify the distance of his business from the school. Pam Mitchel had asked about the boundary lines of the properties, and specifically where they are. Mr. McMaster tells the board that the information about the boundary line is included in the application on page 9. Mr. McMaster also tells the board that he is in the process of securing his Adult Use conditional license, which will be needed to run this manufacturing facility. One of the concerns at the previous PB meeting was the capability of the fence to keep the property secure. Mr. McMaster has met with Gardiner's Chief of Police to review security measures, and was told that he had an excellent system in place. Mr. McMaster explains that he is taking all the measures needed to protect his investment. His business will be production based only, and there will not be retail sales on the property. He will have 2 employees in the kitchen, which will be housed in a 14'x30' manufactured building. The building will be placed towards the back of the lot, where all the needed utilities to run the building are available. In this building, his staff will work to make Adult use marijuana edibles. The kitchen will be reviewed/approved for commercial use prior to opening. Board member Lisa St. Hilaire asks Mr. McMaster where he will get adult use marijuana for his product. Mr. McMaster explains that he will work with an adult product grower in the area, to obtain extracted product for his edibles. Mr. McMaster explains that he currently has an adult use kitchen in Farmingdale, but the business needs to move due to restrictions set by the town. Mr. McMaster tells the Board that he wanted to move his commercial kitchen to Gardiner on his property.

Mr. McMaster tells the Board that he is now the owner of the building, where his cultivation business is. Pam Mitchel inquires if there is an easement or ROW stating that the owner of the other building, Mr. Wheelock, can have access to his property through the gate on Mr. McMaster's. Pam Mitchel would like to see some kind of written documentation, stating that Mr. Wheelock and his staff will be allowed to use the fence/gate. Mr. McMaster agrees that he could have something written up, stating that the staff from the other building will have access on and off the property via the gate.

Chair Willis will review the application with the Board. Review Criteria from sections 6, 7, 8, 9, and 11. Chair Willis asks if there was a waiver. Yes, and it was addressed in Essential Services. There is existing lighting on the back of the building. Chief Toman suggests a couple more lights on the front of the building. Noise- Mr. McMaster explains that there shouldn't be any noise coming from the kitchen. Exterior Material Store-There is a dumpster on site already. All cannabis- marijuana related products are disposed of following OMP guidelines. All other business trash goes into the dumpster. Per the LUO, dumpsters that are set up as part of a new business, or property, need to be screened from view. This dumpster has been on this property for years and is also at the backside of the property, so it should be all set. In regards to buffers and screening, there is a significant amount of vegetation on the backside of the property, so this area should be all set. There does not need to be a buffer between the buildings. If this were a change of use application, the applicant would probably be asked to make sure that there is buffering between the buildings. Air quality- There should be no issues with

odors with this kitchen being added to the property. There are no marijuana flowers associated with preparing edibles, just extracted material. Odor at the site of the kitchen should not be an issue. Erosion and stormwater management- this is an existing building and there are no issues. There will not be a sign. The Board moved on to section 10.29- all areas of this section are fine. Parking—Parking spaces need to be 9’ wide 18’ long. He has more than sufficient room to park vehicles for his employees.

The Board came back around to ask if this application meets all the applicable provisions of the ordinance. Chair Willis asks if there are any questions. The only thing that the Board is requesting, is the ownership paperwork. The Board is pleased with the impressive security measures, and the way the applicant addressed the fencing issues. Pam Mitchel asks if he will need a Gardiner business license to run this facility. Yes, and all he needed to do was show the Planning Board that he is capable of getting the license, which he did.

Chair Willis opens the meeting for a public hearing. There is no one present to speak for or against. There has been no interest at City Hall. Chair Willis closed the public hearing.

Chair Willis asks for a motion. Pam Mitchel makes a motion that this application meets the standards of this ordinance with the condition that the applicant send in ownership paperwork. Matt Murphy seconded the motion. No further discussion. All in favor.

Chair Willis asks what the Board would like to do with this application. Pam Mitchel moves that the Board approve this application, with the mention that they have reduced the buffer minimally, and that they have dismissed the need for one between the two properties Lisa St. Hilaire seconded the motion. No further discussion. All in favor. Application approved.

5. Public Hearing- Continued application. Green ReLeaf Adult Use Cultivation- to use part of the space for an Adult Use Cultivation at 333 Brunswick Ave- Map 029 Lot 001 in the MUV district- with the intent to block off the area that will continue to house the medical marijuana cultivation.

Chair Willis opens the meeting, and determines that the applicant has standing. All Board members agree that they can hear this application in an unbiased manner. Mr. Wheelock is the applicant, and like the previous case, has already had this application before the Planning Board. After the Planning Board denied the application, Mr. Wheelock appealed the decision and was granted his appeal. The Planning Board will need to review this application as it was originally submitted in June, before amendments were made to the LUO concerning Marijuana Establishments. This application will be reviewed under the previous ordinance rules. The Planning Board is bound to the old ordinance, as per the Appeals board. Mr. Wheelock is looking to use the unused portion of his building to add an adult use marijuana grow to his businesses.

Mr. Wheelock explains that the two businesses will have to be completely separate per State rules. He explains that the two grow facilities will be external access only, and there will be no way to enter one directly from the other. Lisa St. Hilaire asks about egress, and what would happen during an emergency. Kris McNeill- Code Enforcement Officer explains that all of that will be worked out during the permitting and construction process. Mr. Wheelock explains that both sections already have more than one door/point of exit. In the application packet, there is a document, showing how the building will essentially be split into two indoor facilities. Pam Mitchel asks questions about the fence. She would like a letter, stating that Mr. Wheelock and his employees will have the right to enter the fence, which belongs to Mr. McMaster, and cross Mr. McMaster's property to gain access to Mr. Wheelock's facilities. (The letter is presented to Board members electronically during the meeting). Board members have no other questions for the applicant at this time.

Chair Willis opened the public hearing. There were no waiver requests for this application. There is no one present at the meeting to speak for or against the application. There has been no outside interest at City Hall. Chair Willis closed the public hearing.

Chair Willis will go over review criteria with the Board. The application has been paid for, there is information about ownership in the application and there is a description of the property. The utilities on the property have been existing, so there is no need for updates in that area. Mr. Wheelock explained to the Board that he will be upgrading the electricity to the building for this expansion. This is not a historic building, and there are no archeological issues known. The building currently has appropriate outside lighting and the only noise from the facility is from the fans that are used, which cannot be heard outside. There will be a dumpster that will need to be screened. Buffering and screening- there is vegetation along the side of the property where there are residences. Mr. Wheelock explains that if he needs to add to the buffering and screening, he will. It will be a small area, and he will work with the Code Enforcement officer to make sure this gets taken care of properly. The next area is air quality/odor. Mr. Wheelock explains that he uses filters. Pam Mitchel asks if the filters always work and has there been any complaints. Mr. Wheelock explains that he has been in this building for years and has had no complaints reported to him. There are no concerns over water quality. The dumpster will take care of all trash but plant material will be taken care of under OMP- Office of Marijuana Policy- guidelines. This is a longstanding existing building so there are no concerns with erosion or stormwater management. There will not be any signs promoting the business on the property. The last section that will need review is 10.29. The Board asks the applicant if he has an adult use license. Mr. Wheelock explains that he has his conditional license and will apply for a municipal license soon. There are no other issues or concerns with 10.29. Parking- In the drawings that are included in the application, there are 7 spots identified as parking spots. With 2-4 employees, Mr. Wheelock is all set for parking. Mr. Wheelock reports that there will not be any

additional traffic coming into the lot, and that the product will leave the site for sale. The Board has no other questions.

Chair Willis asks for a motion. Pam Mitchel makes a motion that this application meets all applicable standards of this ordinance with conditions that the applicant get a letter from Mr. McMaster stating that he and his employees have permission to use the gate for access to the property. The applicant will also work with CEO Kris McNeill on a buffering plan for a small portion of the property. Lisa St. Hilaire seconded the motion. No further discussion. All Board members present are in favor. Chair Willis asks what the Board would like to do with this application. Pam Mitchel makes a motion to approve the application with the two previously mentioned conditions. Lisa St. Hilaire seconded the motion. All Board members present agree to approve the application.

6. Public Hearing- Oasis Refinery LLC- Site Plan Review- to erect a 5000sf manufacturing building at 31 Tom's Way- Map 023 Lot 022-A in the MUV district. The building will be used for extracting resin from cannabis.

Jacob Foster and Jim Coffin are here to present Oasis Refinery LLC. Mr. Foster came to the Planning Board a couple of years ago to have his business for a medical marijuana cultivation and extraction facility reviewed. This is considered a preexisting project/business. Mr. Foster is proposing to build a 5000sf building on this property, that would be used for manufacturing/extractions. There is a home on the property that Mr. Foster resides in. According to State Law he needs to have his extraction equipment in a different building other than his residence. Extraction can be dangerous when volatile chemicals are used, and fire code does not allow him to live in the house.

Jim Coffin is representing Mr. Foster and gives the Board an overview of the project. There will be a maximum of 10 employees at this facility and they will not all be there at the same time. Plans show a water line that has been on the property that does not work and will be replaced during this project. Mr. Coffin goes on to say that there will be no increase in impervious surface so water run-off will not increase. There will not be any increase to traffic because there will not be any customers coming to the lot. As soon as the products that are being manufactured at the property are ready, they are taken offsite to be distributed. The concrete pad for the building is installed on the property. The home that has been existing on the property will not change. Mr. Foster is a licensed caregiver for the state of Maine. Under his Caregiver license, he is allowed to do manufacturing. Mr. Foster tells the Board that he may want to install a kitchen for edibles sometime in the future, but right now he is focusing on getting his solvent based extraction up and running. When asked about how he handles unused plant material, Mr. Foster tells the Board that he composts all unused material on site.

There is a dumpster on the property, but it is not visible from any residences or streets, so there is no screening proposed.

Chair Willis asks Board members if they feel that they can hear this in an unbiased manner. This application has a letter signed by Board member Lisa St. Hilaire, reflecting whether or not there would be a negative environmental impact. All present are fine with Ms. St. Hilaire participating.

Chair Willis opened the application for public hearing. There is no one present at this meeting that is for or against this application. There has been no interest expressed at City Hall. Chair Willis closed the public. The Board proceeded to review the application. The applicant has standing. There is not a financial capacity letter in the application, but this can be made a condition of approval. The building is on order, paid for and meets requirements. The Board asks where the nearest fire hydrant is in case of an emergency. Jim Coffin explains that there is a hydrant on 201. The application has a waiver request in regards to Stormwater. Jim Coffin explains that a revised stormwater plan would only be needed if there would be an increase in runoff. The way this project is designed, there will not be. The Board agrees that General performance standards #6, 7, 8, 9, and 11. There will be a new underground electric line installed as well as a new water line. The lights for the new building have been identified very well in the application. In regards to noise- all work will be interior, in an insulated area so noise should be minimal to non-existent. The applicant reports that he has not received any complaints on this property.

The Board asks about the tanks of chemicals that will be used for extractions. The tanks will be stored outside, above ground, and caged for safety. This type of barrier needs to be in place for the protection of the neighboring residents. The tanks are 100lb, and Mr. Foster will ensure that they are installed in a cage-like barrier, which CEO Kris McNeill will approve. Mr. Foster tells the Board that he will also be installing a gate at the entrance of the property. The gate will have a Knox box on it, and the fire dept. will be given information for accessing it in the event of an emergency. In regards to buffers and screening, the property is scant on screening in one area and will be using the partial screening option to meet this requirement. Air quality- all work will be done inside, there should not be any odor associated with extractions. Kris McNeill states that there is some odor occasionally from the outside cultivation, but there have not been any complaints as of this date. There will be no effect on neighboring water bodies. A Board member asks if there will be a sign. Mr. Foster states that he might put a sign on the front of the building but he is not sure yet. He will work with the CEO to make sure that it fits ordinance requirements. The Board reviewed section 10.29. This establishment is not near a school. In regards to manufacturing facilities, once the new building is done, and the manufacturing/extraction is being done out of there, Mr. Foster can live in the home on the property. All other areas of this section are fine. In regards to traffic and access management, Mr. Foster needs to have at least 7 ½ parking spots and he has 8, which are oversized. This will meet this requirement. He will have 10 employees

on 2 different shifts, so parking will not be an issue. Mr. Foster reports that there will not be a lot of outside traffic at the site. He expects appointments to be made when caregivers are coming to pick up products. Mr. Coffin submitted a traffic study as part of the application. There are no concerns with this area.

The application is complete, and the fee has been paid. Chair Willis asks the Board if they are ready to make a decision and if they want to make a motion. There is a waiver request in the application that is really not needed. Pam Mitchel makes a motion that this application meets all the applicable standards of the ordinance with the condition that they receive a letter from the bank demonstrating financial capability. Matt Murphy seconded the motion. No further discussion. All Board members present in favor. Chair Willis asks what the Board would like to do with this application. Pam Mitchel makes a motion to approve this application with the condition that the applicant submit a letter of financial capacity- Lisa St. Hilaire seconded the motion. No further discussion. All Board members present in favor. Application approved.

7. Other Business - The next meeting will be held on January 11, 2022. Pam Mitchel and Lisa St. Hilaire will not be present for that meeting. City of Gardiner's Planning and Development Dept. are still working on applications to go before the board.

8. Adjourn- Chair Willis asked for a motion to adjourn. Pam Mitchel made a motion to adjourn, Shawn Dolley offered a second motion. All present in favor. Adjourn at 9 pm.