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Debby Willis, Chairperson  
Angelia Christopher, Administrative Assistant

## **PLANNING BOARD MINUTES**

**Tuesday June 8, 2021 @ 6:00 PM**

**VIA Virtual Conferencing**

*In accordance with An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency, as enacted to read: Sec. G-1 1 MRSA §403-A Public proceedings through remote access during declaration of state of emergency due to COVID-19*

**1. Call the Meeting to Order:** Chair Willis called the meeting to order 6pm

**2. Roll Call- Board Members-**Chair Debby Willis, Pam Mitchel, Lisa St. Hilaire, Justin Young, Shawn Dolley. Adam Lemire and Zachary Hanley were not present. City Staff- Tracey Desjardins- Economic and Development Director, Kris McNeill- Code Enforcement Officer. Applicants- Paola Martinez, Frazier Milton, Tom Milton, Riva Stein. Others present included: Claudette Purington-abutter, and Jessica Lowell- Central Maine Newspapers.

**3. Review of the May 11, 2021 meeting minutes-** Lisa St. Hilaire and Pam Mitchel offered edits via email. Changes were made. Pam Mitchel makes a motion that we accept the minutes with the changes presented. Justin Young seconds the motion. Roll call vote- Shawn Dolley-yes, Lisa St. Hilaire-yes, Pam Mitchel- yes, Justin Young- yes, and Chair Debby Willis-yes. All in favor.

**4. Public Hearing- Planning Board Review- Rancho Bufalo LLC: 500sf Medical Marijuana Cultivation Facility, in an existing building on the property at Lot 003 Maps 016 at 378 Costello Rd –**

Chair Willis asks if the Board thinks that the applicant has standing. Yes. Pam Mitchel reviewed the submission requirements, and the only area that needs to be addressed is a traffic estimate. Lisa St. Hilaire points out that this property has two significant areas of wildlife habitat. Does this need to be reviewed for this application? The majority of the Board feels that this does not need to be reviewed for this application because the work is internal in an existing building, and no work will be done to disturb the land at this time.

Chair Willis asks if Board members can hear this application in an unbiased manner- yes. Did city staff have to obtain any outside services to complete this application- No. Applicants Riva Stein and Paola Martinez. Mr. Stein presents some info about the property/project. This property has a double-wide manufactured home on it. The whole structure will be used as an indoor cultivation facility. Pam Mitchel asks Mr. Stein for a traffic estimate. He goes on to say that there will be 7-8 employees working at this cultivation. There will likely be just a couple of people at a time working, and work will be done in shifts. There may be others visiting the facility from time to time, such as State inspectors, and other growers. An estimate of traffic would be around 16 trips a day. Lisa St. Hilaire asks if they will recycle the soil and what will they do with the rest of the plant such as roots and stalks. Mr. Stein says that they will be using coco based soil which is completely reusable. Mr. Stein says that they will grind up the stalks and roots, and try to compost on site. They may end up using some of the material for other products, like distillate, but that will not happen immediately. Kris McNeill CEO states that composting on site is not an issue. They will also be recycling water. There will be a 55 gal tank inside that they will use as a holding/treatment tank.

The next topic is odor control. Mr. Stein says they will be using carbon filters. He explains a pretty involved system as to how this will work at this site. Kris McNeill states that a description of the plan will likely be part of the licensing process.

There were no waivers requested as part of the application.

Chair Willis opens the meeting for public comment - An abutter had sent in a letter to the City and is also present to speak. Claudette Purington tells the Board that their concerns are noise and odor. She feels that one of their biggest concerns is that this project took them by surprise. She explains that it would be nice if a person hoping to start a business, visited the neighbor to tell them their intentions. Ms. Purington is also worried about further development and not being made aware. Kris McNeill states that any future development over 5000sf will have to come back to the Planning Board. Mr. Stein agrees that if anything changes with the property, he will let them know. Ms. Purington has had her questions answered. There was no one else to speak for or against this project. Chair Willis closed the public hearing.

The Board will review the application, including sections 8, 9, 10, 10.29 and 11.

Section 8 general performance standards- Essential services reviews utilities. The utilities for this project are private and already established. Lisa St. Hilaire asks if the current septic system can handle 7-8 employees. Yes. Pam Mitchel asks if the state is requiring security lighting systems, for licensing requirements. Mr. Stein tells the board that they will be required by the state to have security cameras on site, and security lights. They will be installing motion detecting lights at the front of the property. Pam Mitchel reminds the applicant to work with the CEO to make sure that their lighting meets Ordinance requirements.

Buffering and screening- There are no issues here, as the property is heavily forested. Pam Mitchel discussed screening the front entrance area. Mr. Stein tells the Board that he is considering a gate. Pam Mitchel suggests that he work with Kris McNeill to see what will be needed.

Section 9 environmental. Many provisions in this section do not apply. Odor control has been previously addressed. Lisa St. Hilaire would like to point out to the applicant that there are mapped wildlife habitat areas on the property. If there is any expansion in the future, these areas need to be avoided. Mr. Stein says that he has no intentions to expand into resource protection.

Signs- Mr. Stein explained that there will be no signs.

10.29 Marijuana establishments-This project is not near any schools. This project will be just cultivation, trimming, and packaging. There will not be any manufacturing. 10.29 is all set.

Section 11 Parking- There will likely be only 2 cars at a time at this site, and there is plenty of parking identified on the plan. There is plenty of space, more spots can be added if needed.

Review criteria- All areas were reviewed. There will not be any negative impact on the land. There are sufficient utilities, will not reduce the quality of municipal services. The applicants have presented evidence of financial and technical capacity.

Chair Willis asks for a motion if this application is complete, and conforms. Pam Mitchel- This proposal is complete and conforms to all applicable provisions of this ordinance. Lisa St. Hilare seconded the motion. No further discussion. Roll call vote- Shawn Dolley-yes, Lisa St. Hilaire-yes, Pam Mitchel- yes, Justin Young- yes, and Chair Debby Willis-yes. All in favor. Chair Willis asks what the board wants to do with the application, Pam Mitchel makes a motion that the Board approve this application with a condition that the applicant receive an active state license within 180 days, Justin Young seconds the motion- No further discussion. Roll call vote- Shawn Dolley-yes, Lisa St. Hilaire-yes, Pam Mitchel- yes, Justin Young- yes, and Chair Debby Willis-yes. All in favor. Application approved.

**5.Public Hearing- Planning Board Review- MMK Properties LLC/ Flying Fish LLC.: retrofit an existing empty industrial building to an indoor 500sf medical marijuana grow at city Map 019 Lot 002-A at 8 ABJ Drive Unit #2.**

Chair Willis asks the Board if they feel that this application is complete. The applicant has given enough information to prove standing. Chair Willis asks if the Board can hear this application in an unbiased manner- yes. Did city staff retain any services to complete this application? No. pam Mitchel asks what tier this application is- what size grow are they applying for? This is medical marijuana grow. They do not use the tier system, but the size of the grow they are proposing could be compared to a tier 2 due to the square footage. Chair Willis asks the applicants to give an overview of the project. Frazier Milton will be the grower, caregiver. He tells the board that he runs a similar cultivation in Portland. He tells the Board that the business's goal is to grow top shelf medication for patients. Tom Milton tells the Board that medical marijuana has made a huge impact in his life by helping him to stop using prescription narcotics for pain. There are no waivers for this application.

Chair Willis opens the meeting for public comment at 7:30 pm. Tracey reports that there are no members of the public that would like to speak. Chair Willis closes the public hearing at 7:35pm. Chair Willis asks City staff if they had to obtain any outside services to complete this application- No. She asked if there was any interest at City Hall in regards to this application. No.

The Board will check Review criteria. Sections 8, 9, 10, 10.29 and 11 will be reviewed. Pam Mitchel asks about lighting on the property. There are several established at the site, and they plan to add some motion detector lights in various areas. They have met with Seacoast Security who will be offering recommendations for exterior lighting and security.

Noise- The applicants are working with two different HVAC companies to work out what will work best for their business. They do not anticipate there will be much, if any, noise. Pam Mitchel reminds them that there is a noise ordinance that they will need to follow. Exterior Material Storage. There will be a dumpster that will be locked. What will happen to unused plant material? It will be chipped up and sent to the dump following the state requirements to how it will be disposed of. The dumpster will not be visible from the road.

Section 9- The applicant did send in an odor mitigation plan. They will be using a carbon filter system. All other areas of section 9 are covered.

Section 10- There are no signs proposed for this business. Section 10.29 Marijuana ordinance. Caregiver's licenses are included in the application. They are not near any schools. All other areas in 10.29 were reviewed with no needs coming about.

Section 11- Parking. There are parking spots identified in the application. There will be 4-5 employees for now. There is more than enough parking.

Review criteria for all applications. The fee has been paid and the application is complete. This is a pre-existing building that is not in Shoreland or the floodplain. This proposal will have sufficient utilities, provided by the City. This proposal will not cause a reduction in municipal services. The applicants have supplied documentation in regards to financial and technical capacity.

Chair Willis asks the Board if this proposal conforms to all applicable provision to this ordinance. Pam makes a motion that this application is complete and conforms to all applicable provisions of this ordinance. Shawn Dolley offers a second motion. No further discussion. Roll call vote- Shawn Dolley-yes, Lisa St. Hilaire-yes, Pam Mitchel- yes, Justin Young- yes, and Chair Debby Willis-yes. All in favor

Chair Willis asks what the board wants to do with this application. Pam Mitchel makes a motion that we approve the application with the condition that the applicant receive an active license from the State within 180 days. Lisa St. Hilaire second. No further discussion. Roll call vote- Shawn Dolley-yes, Lisa St. Hilaire-yes, Pam Mitchel- yes, Justin Young- yes, and Chair Debby Willis-yes. All in favor. Application approved.

**6. Public Hearing- Proposed Amendments to the LUO relating to the requirements for Demolition permits.** – There are currently no rules that say a demo permit is required. Kris McNeill feels it should be

clearly stated when a demo permit is required. Requirements for a permit were reviewed and all board members

agreed it would be best to make this change. Chair Willis asks for a motion, Lisa St. Hilaire makes a motion that the Board accept the proposed amendments, and send this to City Council with the recommendation that it passes. Pam Mitchel seconds the motion No further discussion. Roll call vote- Shawn Dolley-yes, Lisa St. Hilaire-yes, Pam Mitchel- yes, Justin Young- yes, and Chair Debby Willis-yes. All in favor

**7. Other Business-** June 22 there will be a second Planning Board meeting. The Board will be hearing Proposed Amendments to the Land Use Ordinance regarding PB notice requirements. Attorney Pottle will be performing a workshop with Planning Board members.

**8. Adjourn** – Chair Willis asked for a motion to adjourn. Pam Mitchel makes a motion to adjourn at 8:15pm. Justin Young seconds. Roll call vote-Shawn Dolley-yes, Lisa St. Hilaire-yes, Pam Mitchel- yes, Justin Young- yes, and Chair Debby Willis-yes. All in favor.

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