

ITEM 1 - ROLL CALL

Present: Dennis Lentz - Chairman, Ed Cieleuszko, Casey Snyder – Alternate.

Also Present: Doug Greene, Planner.

Absent: Melissa Horner (excused), Christine Bennett (excused).

Voting members: Dennis Lentz, Ed Cieleuszko, and Casey Snyder – Alternate.

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

ITEM 4 – 10-MINUTE PUBLIC INPUT SESSION

There was no public input.

ITEM 5 – OLD BUSINESS

A. 11 Sanborn Lane (Map 23/Lot 14): PB18-12: Determination of completeness of application by Planning Board & Public Hearing.

Received: September 4, 2018

1st Heard: September 18, 2018

2nd Hearing: October 16, 2018

Site Walk: October 16, 2018

3rd Hearing: November 13, 2018

Public Hearing: December 4, 2018

4th Hearing: December 4, 2018

Approval: December 4, 2018

Tom Harmon, P.E., Civil Consultants, and Neil Rapoza, P.E., Civil Consultants were present for this application.

Mr. Rapoza introduced himself and gave a brief summary of the project.

- Installation of new pavement
- Use of existing, currently-cut entrance onto Route 236, with no use associated with it at this time
- HVAC assembly facility for Thermo Dynamics
- Three storage buildings on Condo Unit #3 portion of the property
- Landscaping has been revised
- Signage and lighting revised per comments
- Completed stormwater management study to hold flows to Town standard

7:05 PM Public Hearing opened.

Mr. (Bob) Seeley, abutter on Hanscom Road, discussed his concern about the water, asking if they had a fire hydrant and Town water.

Mr. Rapoza said that it was Town water.

Mr. Seeley said that they have a lot of water coming in and wanted to know how they would get rid of it.

Mr. Rapoza said that the water from the building, itself, is going to be handled by the existing septic near Unit #2; that there's going to be a new pre-treatment system that will accommodate the new flows going into that system.

Mr. Seeley asked if Mr. Rapoza knew this was all filled land.

Mr. Rapoza said yes, the majority of it.

Mr. Seeley said that there is ledge about 30 feet down and glacial silt is sitting on top of that; that when you put stuff on that, it (water) kind of oozes up wherever it can come up.

Mr. Rapoza said that this lot is a pre-developed lot and, if you look next to the proposed building on the plan, we have designed a stormwater detention area to make sure we hold those flows back to not impact those surrounding areas.

Mr. Seeley asked for clarification on what they would be manufacturing.

Mr. Rapoza said that the HVAC was air conditioning, duct work, etc. that would be put together there and more of an assembly for individual jobs that go out.

Mr. Seeley asked how many people would be employed.

Mr. Harmon said that we plan on three being in the facility; that it would also have an office with an individual in that.

Mr. Seeley said that, when zoning came in, the setback was only 250 feet and he knows 'this' building right 'here' is already beyond that, an office building right now he guessed.

Mr. Rapoza clarified that the thing that looks like a box back there is a septic field, pointing to it and the existing building on the plan. He explained that all the pre-existing development is in the more heavily buffered portion of this lot and what we have proposed is more towards the center, trying to keep it further away from the property lines.

Mr. (Paul) Randolph, abutter on Hanscom Road and Route 236, proposed that they plant some trees, evergreens, around that property just to keep a border with the residential

properties. He added that he was hoping Mr. Sanborn would do that. He asked how many buildings would be going in there.

Mr. Rapoza said that there would be one building going on the existing foundation and three storage buildings out towards the south, there.

Mr. Randolph asked how big the storage buildings would be.

Mr. Rapoza said that they would be 360 square feet; that they are smaller storage sheds

Mr. Randolph asked if they were going to use the foundation that was there.

Mr. Rapoza said it would either be that foundation or a foundation in the same footprint.

Mr. Randolph asked how many employees they expected down the road.

Mr. Rapoza said that he wasn't sure how many employees, in general; that as far as this facility the three employees are all they are going to have there for full-time people on-site, with vendors coming in and out.

Mr. Randolph asked if there was any kind of toxic waste.

Mr. Rapoza said no; that this proposal is more preparing for install.

Mr. Harmon added that they are bringing pieces in and assembling them.

Mr. Randolph wanted confirmation that they would not be manufacturing anything there.

Mr. Rapoza said that parts would be brought in and prepped to go to the big job when they go and install everything.

Mr. Randolph reiterated his suggestion for added trees so that residential doesn't have to see buildings, pointing out on the plan where his properties are and where he would like to see a border of evergreen trees.

Mr. Rapoza said that we were proposing to leave all that vegetation, as is, right up to that point; that the project is all going to be within that area that's currently clear and graded out. He added that, from there on, they proposed better landscaping as far as natural lawn and something a little more presentable on that side; then keeping the buffer to Route 236, as required by the Town, and anything that was required to the residential properties was met by existing vegetation.

The Planner asked what the vegetation was, whether it was scrub or a mix of trees.

Mr. Rapoza said that it was a big mix of a lot of different stuff.

Mr. Randolph said that Mr. Sanborn cleared a lot of stuff out of there and opened it up quite a bit; that it used to be grown up but, now, it's very visible; that that's why he would like to see some trees planted there to kind of shield that area; that they don't cost a lot.

Mr. Seeley said that right now, with leaves off the trees, he can see the oil company down there and hear the trucks backing up, making that noise; that there is a big light out there advertising the business and that bothers him because it was nice and quiet before that oil company moved in there. He added that he agreed as far as what to do about the lighting, and so on, and keep it down in the 250 that was originally allotted.

Mr. Lentz said that there is an ordinance for glare in the zoning, which you guys have spoken to, asking if they would like to speak to that again.

Mr. Randolph said that Mr. Sanborn had that pretty lit up down there and it really bothers the residential end of that; so, that is a thing that should be addressed, too.

Mr. Rapoza said that, as far as the letter of the code, we believe that the vegetation that is there does meet the glare requirements; that we have worked to make sure that any lighting on the site, now, will be 'dark sky', downward shielding lighting so there won't be any light spill-over from any of the new, proposed work.

Mr. Lentz said that he thinks what they are asking is something that was done before this application; that he doesn't know if we can hold these people responsible for something that was done wrong before. He added that it's a good request and asked if that was something the applicant would consider talking to the owner about, as that seems to be an aggravation.

Mr. Rapoza said that they could do that.

Mr. Randolph asked who would actually own the property.

Mr. Harmon said that this is actually in the condominium so there are separate owners; Jeff Kolod owns the piece down in the front, left-hand corner (Unit #1) and the other pieces will be owned by Frank Fortunato (Unit #2, #3, & #4); that the land is owned by the condominium association.

Ms. Seeley asked if the septic system was going to be for all the condos.

Mr. Harmon said that the current septic system was planned for that office building and has never really been taxed; that it hasn't been used a great deal. He added that, in today's world, there are implements we can put inline that double the capacity of that septic system; so, that septic system is capable of handling much more.

Ms. Seeley said that there's a pond near there that is spring-fed that is full of all kinds of wonderful wildlife and it would be a shame if, somehow, the waste leached into that pond; that it would kill the whole pond.

Mr. Harmon said that, typically, a septic system like that would not bother that environment.

Ms. Seeley also asked about the noise level.

Mr. Harmon said that the noise would be inside the building.

7:18 PM Public Hearing closed.

Mr. Lentz asked if the applicant would talk with the owner about the border issues raised.

Mr. Harmon agreed that they would speak to the owner.

Mr. Lentz asked if the applicant got a copy of the letter from the Fire Chief, dated today.

Mr. Harmon said no and was provided a copy.

Mr. Lentz said that that was totally unacceptable; that most of what he sees in there is mostly construction requirements, which has nothing to do with us, at all.

Mr. Harmon agreed that is typically building permit issues.

Mr. Lentz said that that is all CEO things, we believe, asking the Planner if that was correct.

The Planner said that that was correct.

Mr. Lentz said that he does want to make it known to the Chief that that is totally unacceptable; that he is getting notices that we are holding these meetings and this is six weeks, or better, that we've been talking about this subject; that to wait until today...

The Planner said that he would confirm.

Mr. Harmon pointed out, regarding the memo from the Fire Chief, that it talks about the State Fire Marshall and that actually is a building permit issue.

The Planner said that most of these are building permit/construction issues, not so much site plan issues.

Mr. Cieleuszko said that he saw no relevance to this (memo).

Mr. Lentz agreed. He asked if there was anything else.

Mr. Cieleuszko asked how high the vegetation was between the property in question and the property to the south.

Mr. Harmon said that, at the site walk, they had to walk to get past it to see what the site distance actually was, so, that vegetation extends almost to Route 236.

Mr. Cieleuszko asked how high it was.

Mr. Harmon said about 15 feet; that it wasn't low brush.

Mr. Kolod said that it was higher than that because there are small trees and is the same as the other side; that it may be even 20 feet.

Mr. Lentz agreed that that is what he recalled from the site visit.

Mr. Cieleuszko asked how many lights were existing that would not be adjusted by this project.

Mr. Harmon said that he didn't think we ever counted.

Mr. Kolod said that there's one in the parking lot in the drive-in; that there's a light on the sign out by the road. He added that there are lights on the buildings, themselves, shining down to highlight the buildings; that there is also a light in the parking lot that shines down into the parking lot on the other building but he doesn't know if there are stand-alone lights in the back; that there's nothing on that side over there.

Mr. Cieleuszko said that he thought that would address the issues that were brought up.

Mr. Lentz said that we had a new layout with the water line on it; that the last he remembered, that was a question, and they updated that. He added that we went over stormwater and erosion control, refuse disposal; that there was a question on lighting and we talked that through; that we did agree to put evergreen shrubs and trees within the 50-foot front yard setback.

Mr. Harmon said that those were indicated on the site plan.

Mr. Lentz said that there would be 12 new parking spaces.

Mr. Harmon said that, actually, there were more; that we added a few more for their facility.

Mr. Cieleuszko moved, second by Mr. Snyder, that the Planning Board accept the Site Plan of the Sanborn Development, LLC, Case # PB18-12, as complete and forward for a building permit, with the following conditions of approval:

1. **The property may be developed and used only in accordance with the plans, documents, material submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board. Copies of approved permits from Maine DEP, Army Corps of Engineers, if applicable, and State shall be provided to the CEO before construction on this project may begin.**
2. **The permit is approved on the basis of information provided by the applicant in the record regarding the ownership of the property and boundary location. The applicant has the burden of ensuring that they have the legal right to use the property and that they are measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues. The permit holder would be well-advised to resolve any such title problems before expending money in reliance on this permit.**
3. **The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.**

VOTE

3-0

Motion approved

Mr. Lentz said that the application stands approved and there is a 30-day period from which the PB decision can be appealed by an aggrieved person or parties – move forward but move forward cautiously.

ITEM 6 – NEW BUSINESS

A. Discuss framework for Cannabis Ordinance

Mr. Lentz said that he was interested in the Planner's letter, dated December 3rd; that he thinks it's a pretty good summation and a pretty clear framework, at the end, for a land use committee. He added that he believes it's where we should be headed and the steps we should be taking.

Mr. Cieleszko said that he has nothing to add to this, as he is sort of in a fog on this. He added that he was wondering if the SB had authorized the committee (Ad Hoc Adult Cannabis) to work with us or help us in our work.

Mr. Lentz said that, as far as he was concerned, it is clear enough that they are a committee and can certainly add to what we are doing; that he sees their role different from ours but sees that it can merge; that they would work on education and we would develop constraints on where this could be, as an example.

Mr. Cieleuszko said that they have to have an organizational meeting and would like to defer until that. He added that he doesn't like these rules from the other towns and doesn't like picking and choosing from other peoples' tries that haven't even gone through the courts, yet. He said that the states are different and aren't under the same rules as Maine; that it's all good information but he would like to have a lot firmer basis in Maine law; that every time he has gone over it, it has changed. He added that, if it's going to stay like this, now, then he's kind of thinking it's time to go after it and use it in reference to our own land use ordinance; that he has nothing to add at the moment because he's not sure of anything and he thinks our next input should be their development to us.

Mr. Lentz said that, as he understands, they have had a meeting and they have been organizing; that he thinks what Mr. Cieleuszko is asking will come but he doesn't think it will come tonight.

Mr. Cieleuszko agreed, saying that he doesn't want to make too much headway tonight, or any, as he can't offer anything to make any headway. He added that he really wants to stay with State law and use 'these' as the most distant references – ordinances from other towns.

Mr. Lentz said that he strongly supports having a template and, looking at these, they aren't bad; that he doesn't know if they are good but he doesn't think they are bad; that, in particular, South Portland looked good to him and he doesn't think we ought to throw the baby out with the bathwater, as these people have had some experience and they've put their ideas down on paper. He added that he agrees about the State law but felt that we could use that template and make adjustments to fit our Town.

Mr. Cieleuszko said that he would work with this but, in reading some of these, he doesn't see the backgrounds of where they are dealing with it; that it's stuff on paper and hasn't really been put into use, yet, and these are all conjectures on the part of all these towns.

Mr. Lentz said that, on the other hand, there are some elementary things we know we have to do – how many retail stores will we allow in Eliot, what are all the constraints – there are a ton of things we talk about in every application and those we can begin to talk about.

Mr. Cieleuszko agreed. He said that how many is a good question; that he thinks it's how many the market can bear and we shouldn't be setting limitations.

Mr. Lentz said to remember that what we're going to put together are going to be support tools for the Selectmen, as they are going to have to put this on a ballot; that they will have to word the warrant; so, there should be at least some thoughts on that paper.

Mr. Cieleuszko said that he wasn't sure; that even if we take it, like the adult entertainment, as something out of the ordinary, there was no limit to how many places,

but only where, and he thinks it's the applicant's business, not ours, as to whether it's going to be successful or not.

Mr. Lentz asked if we should involve the stakeholders in these discussions, such as the Fire Chief, the Police Chief, the CEO...are they involved in our discussions or the Cannabis Committee's discussions or both.

Mr. Cieleuszko said both; that he thinks they should be invited for their input, as Chief Muzeroll already has, in general, presented material when we started talking about marijuana and an ordinance. He added that that should be open and reapplied to anyone who is part of this.

Mr. Lentz said that, at least initially, we should be copying them with all our thoughts and minutes.

Mr. Cieleuszko agreed at least our minutes.

Mr. Snyder agreed. He said that this hasn't gone live here, yet; however, it has gone live in Massachusetts and in Colorado; that he thinks there is valuable input from what we were tasked to read through. He added that, although every town and state need will be different, and even down in Northampton, MA with their first open that created traffic grid-lock, with people not being able to get to work; so, each situation, each town is different and having a template to at least work off from, should the time come, he thinks would be valuable. He said that we probably shouldn't just mimic or copy what Sanford wrote but he thinks there's a case to be made that there may be something in that document that could be relevant. He added that his impression, today, was that we were going to try to extract some information from the (Adult-Use Retail) Cannabis Committee (AURCC) to learn some of the details of questions from the last meeting regarding tax revenue and how towns may, or may not, financially benefit from whatever may unfold here; that his goal today was to learn more of the details that may play a role in the PB's interpretation of how many dispensaries, if any at all, etc., no different than a town suggest allowing for 35 convenience stores.

The PB invited members of the AURCC to speak.

Mr. (Justice) Ryan, attorney, said that he understood the sensitivity to keeping more local zoning ordinances as references and certainly giving them in terms of their structure and constituent components and things of that sort; but California, Colorado and the West Coast, particularly California, have had a lot of time to refine these ordinances, especially in medical use, and have these ordinances established and re-worked and improved; so, there's a lot that can be gleaned from, in terms of specific information, in those, and he wouldn't put those aside, out-of-hand, because there's a lot there and there's been a lot of iteration of those laws. He added that those are some of the forms where, as a practicing cannabis attorney, he looks to first – the practitioners out there, what they're drafting and doing, how towns are reacting and what the state is doing from an enforcement

perspective and things of that sort; that California and Colorado are some of the models to follow.

Mr. Lentz said that he thinks Mr. Cielezsko has a point in that there are a lot of things unique to Maine, that he has so far seen, and he thinks that needs to be understood as well as looking at all the other input; that it's like taking the best of what everybody's got.

Attorney Ryan agreed; that the trial-and-error stuff, like the traffic issue in Northampton and Leicester, MA, there are things that you might not think about, like that many people showing up, and in all likelihood they will.

Ms. (Jessica) O'Donoghue said that that is why she can see limiting the number of stores, just because, if something like that were to happen, which she thinks is likely, then we would have to have some sort of plan to manage that.

Mr. (Brigham) Pendleton said that he thinks it depends; that if Kittery opens a store...we have to think about things like traffic and also weight that to what the landscape is in Maine versus Colorado or Massachusetts. He added that those are definitely things that you wouldn't think about regarding the impacts to towns and we definitely have to keep an eye on that as well as and what is going on around us and what's changing in the law.

Mr. Snyder asked where we stand in terms of the number of allowed registered dispensaries that the State of Maine is going to approve.

Mr. (Hughes) Pope, Creek Crossing, said that there is a number; that there were 8 initially awarded in 2010 and he believes there are going to be two more licenses that would be made available to somebody in the State other than Wellness Connection; that Wellness Connection is a group that came in from California and somehow got four of the eight licenses and they have been specifically banned from expanding in the adult-use market.

Mr. Snyder asked if that cap is to be lifted in 2022 or 2021.

The Planner said that he thinks the limit goes away.

Mr. Snyder asked if that was per owner or limit of licensees.

The Planner said that his reading of it said that they would take the cap away at that point.

Mr. Pope asked if everyone knew what a dispensary is versus a caregiver.

The Planner said that he would like to hear that.

Mr. Pope explained that a dispensary, as defined in Maine, is an entity that is awarded through a licensing process in the State and they have to pay \$15,000/year to the State; that they have an unlimited plant count based on their clientele. He said that a caregiver is

limited by their plant count and can never exceed a certain amount and does not have the same fees. He added that, in other states, they call everybody a dispensary but, in Maine, there is a distinction in the law.

Mr. Lentz said that he is reading LD1539 that says it allows six additional registered dispensaries and eliminates the cap on dispensaries after 2021.

Mr. Snyder said that, parroting one of the documents he read, it talks about how there is a cap of four, he thinks, dispensaries or licenses per owner and that may be the situation where they snuck in and grabbed four stores, and they said no more; that there's also the language that suggests that all caps fail to exist in 2021. He added that, to the point of could we have a Northampton event, it depends on how many other locations there may be, the timing of these other locations, if and when they open; that if Eliot is one of two, then we have a problem.

Ms. O'Donoghue said that is dispensary versus retail Mr. Casey is talking about, two totally different things.

Mr. Pope added that that is assuming that the dispensary is medical, the caregiver is medical; that retail is a separate animal.

The Planner said that that brought up a point he wanted to discuss and clarify. He explained that it looked like some of the towns framed it specifically for medical marijuana and for retail use but he thought the recent rewrite, here, provided for a uniform set of definitions and, obviously, a caregiver is different than retail is different than a dispensary but, in terms of land use and planning, he thought you could use the same guidelines in terms of buffers, location, distances from churches and schools, and things like that. He said that you could use those same sets of rules but there are obviously different laws that govern licensing and size in terms of whether it is one of those three.

The AURCC members agreed that that sounded practical.

Mr. Cieleuszko asked where the retail establishments got their stuff.

Attorney Ryan said that, in Maine, you would either cultivate it yourself or purchase it; that, in Massachusetts, you have to have a vertically-integrated license, so, from seed to sale, it's all the same company; that, in Maine, you can apply for any one of, or a combination of, those licenses. He said that it would be purchased, wholesale, from a licensed cultivator the companies will be growing and manufacturing the products themselves.

Mr. Cieleuszko said that, from what he has heard in previous discussions, it's not going to be little bags of all these different brands; that there's going to be candy and toys and all kinds of stuff, asking if all this has to be done in order – from origin to sale.

Attorney Ryan said that it is his understanding that the State will be mandating a seed-to-sale tracking system and we wish they would tell us what it was going to be, explaining that the moment that seed turns into a sprout, it's tracked; that they know exactly where it is, where it went, if it goes to an off-site process there are trip tickets; that many companies, if you look at California and Colorado, are using RFID tags on everything. He added that that is really important for cannabis companies operating under the current climate because, in order to demonstrate compliance, you have to demonstrate a closed loop for your sales, from genesis to the sale that occurred in the State and didn't get diverted.

Mr. Cieleuszko asked, in regard to that, if we're going to prepare a zoning ordinance for a retail establishment, are we going to have to look at this agriculturally, in manufacturing, etc., an all-encompassing site because it could be a beginning-to-end product.

Attorney Ryan said that he thought that was advisable. He added, to Mr. Cieleuszko's earlier point, that he thinks you can mirror the tiered structure that are already there in State law in terms of applications. He added that you have several different tiers of cultivation, several different tiers of manufacturing.

Mr. Cieleuszko said that we not only have to consider the retail storefront but the process behind it.

Mr. Lentz said that there seems to be a great deal of difference between a retail establishment and a retail store; that when he reads the definition for retail establishment, it seems to carry with it the growing, cultivation, manufacturing, processing, and the sales.

Attorney Ryan said yes, with retail establishments but a storefront is a component of a retail establishment under the language of the law, which he hopes is cleaned up.

Mr. Lentz said that he was remembering from what Mr. Pope told him before; that he didn't read anywhere in any definition the term 'storefront'; that he read 'retail store'.

Mr. Cieleuszko said that Mr. Pope is not a recreational seller; that we weren't looking at it that way.

Mr. Lentz said that he understood; that he was talking about definitions for medical, as well.

Mr. Cieleuszko commented that that seems to mix it up even more.

Ms. O'Donoghue said that that's what the State is doing.

The Planner said that he thought, from his reading, that you have all these different classifications and you could have someone who is just a storefront, just a processor, just manufacturing, or just growing.

Attorney Ryan said that his understanding is that the reason behind that is to make the industry more accessible to Mainers, to local businesses; that one of the biggest limiting factors in Massachusetts was that you had to be vertically integrated and that cost a lot of money to set up – cultivation, manufacturing, packaging, compliance, and retail operations.

The Planner said that he misunderstood him when he was talking about seed-to-sale; that he thought he was talking about a vertical.

Attorney Ryan said that that was tracking. He said that we will need to see what the Department of Revenue comes up with for a regulatory enforcement regime but, in theory, regardless if you have disparate cultivation or manufacturing or otherwise, or people are vertically integrated, if that product is moving between those different entities at different stages of the industry, it's going to be, and should be, tracked and that's what the law requires. He added that, as a compliance official in one of these businesses, the holy grail for him is being able to, with technology, demonstrate that closed loop, and that's what we want; that he thinks there's probably ways for the Town to have a say in what people do on that front, too.

Mr. Lentz, addressing the next time the PB talks about this, said that he likes the Planner's memo on December 3rd, particularly the structure he put at the end that he thinks we should be working with ; that we could discuss the nine points with the Planner, now, and if there's any question in members' minds about what any of those mean, we could ask the Planner to explain it and, then, between now and the next time we get together, we can certainly develop our list of thoughts and questions and at least begin to structure this thing. He asked the Planner what he was thinking regarding 'Order &/or Sequence'.

The Planner said that there were so many differences in the way towns have set up their ordinances; that he liked South Portland in that it states the purpose, its statutory authority and rests in the State law; and, then, it goes on into definitions and there are slight differences the terms they use - the definitions, the language; so, those are things we can clarify in discussion and, then, obviously the classifications and the tier structures for the size of a grower or how do you want to group businesses according to how much they grow or the volume of their sales or the size of their footprint; are host community agreements different than licensing, are those one and the same, are those impact fees. He added that different towns have had different structures and ways of putting those fees together and what those look like, who has the authority to grant licenses – is the Clerk doing that, is the SB doing that, is it the Town Manager's job, or some combination thereof. He added that, with permits or licenses, are they transferable and how is that done; that, in terms of zoning, is concentrating all this on Route 236 going to invite a headache and, if so, how do we control that; buffer zones, times of operation. He asked if we are going to confine the growers to Route 236 as well as the retail establishments; that that may come back to the issue of traffic. Additionally, he said there would be noise, sight, use, signs, odor. He asked the AURCC members if they had any thoughts based on experiences or what you've heard or seen.

Ms. O'Donoghue said that Route 236 can already be a nightmare; that there were some real horror stories in Northampton last Tuesday.

Mr. Pendleton said that there's going to be a surge because it's never been there and, all of a sudden, it's there.

Ms. O'Donoghue said that she didn't think we'd have that issue here because the dates are going to be different; that we won't have just one day where everybody is opening. She added that we may have a day where one store is opening but, then, South Berwick may have been opened already, or Kittery, so she doesn't see the same surge.

The Planner said that he thinks we'll have to coordinate with the Portsmouth Shipyard.

Mr. Ciesleszko said that from what he understands the Chairman's question was what the Planner meant by 'Order and/or Sequence' and he thinks all the Planner was talking about was how to come to terms with all the other things below it.

The Planner said more-or-less; that different ordinances lead into it differently and he thought South Portland's was fairly clear and succinct in the way that they proceeded.

Mr. Lentz suggested we come up with some examples or jot down some things for next time.

Mr. Snyder asked if the Town had to opt-in for cultivation, could the Town theoretically host cultivation without a storefront.

The Planner said that that was a good question.

Attorney Ryan thought it was all or nothing but that would be an interesting thing to pose back to the State, too.

It was asked if we could opt in and then control what goes on with the ordinances.

Attorney Ryan said sure; that he thought that as long as you are making changes that are more stringent than the State law, and not less, you are probably okay; that he can't imagine why the State would want to come after you for wanting to limit the number. He added that, right now, you can't limit the number of medical caregivers in a city or municipality but he doesn't think that that will be in the rules based on their experiences with the Department of Revenue.

Mr. Lentz said that it seemed to him when he read that it was structured, if the town opts in, then the next step would be to get a permit and you would have to get a permit for cultivation, a permit for manufacturing, and that's where it seemed the hook was.

Attorney Ryan agreed; that the limiting factor are the municipalities. He added that he doesn't know if you can opt-in piecemeal.

Mr. Snyder said that the reason he asked that is that it relates to the line item 'host community agreements'; that some of the literature he read, establishments are making promises, whether it be the community or various organizations, that would parlay into tax revenue, or what kind of revenue is being generated to the town; that his understanding is that, with cultivation, even if it's a small percentage, it comes back to the municipality. He added that, whether it would be retail establishment or cultivation or retail store, tax revenue would vary depending on what the town opted in for. He said that, thinking of community involvement and, in that light in particular, if it's a question of how much is there to work with as far as fees, what would be reasonable, depending on what the opt-in entailed.

The PB scheduled a work session on this topic for January 8, 2019.

Mr. Pope said that he doesn't think it's worth getting into at the moment but he would just like to say that Eliot has a lot of land and it seems very common to restrict it to the C/I Zone; that he thinks it would be neat to somehow alleviate some of the congestion on Route 236 and utilize other land that may be further off in left field that doesn't see as much traffic.

Mr. Lentz said that he thinks we can consider all of it, for now.

Mr. Pope said that another thing important to him is to find a way to get money back to the Town; that money is what it all seems to trickle down to in his mind and being a resident, here, he certainly doesn't want to see the taxes go up more and more. He added that he knows there are a number of ways that the Town can benefit from the added revenue; that we could all think of a bunch of things we could use money for – for transportation, the elderly, children's camps, revitalizing areas, etc.; that he knows we can't have a host community agreement but he would like to believe that there are a few ways we could skin that cat and have a sound theory to hang our hat on to get money back into Eliot.

Mr. Lentz asked if Mr. Pope said we can't have a host community agreement.

Attorney Ryan said that there is some dispute on whether that is legal.

The Planner said that, from his reading, the fees have to be proportionate and reasonable to the impact that it imposes but added the question of how do you define that. He added that Northampton's looked like it was tied to volume and had gradations in it.

Mr. Lentz asked if that was the 500, 500, 500.

The Planner said no; that that was less than what Northampton had in and didn't seem to me to be particularly reasonable; that he guessed it depended on how you define impact. He added that he thought it wasn't supposed to go toward general funds and is supposed to be fairly targeted; that it goes to those things that are being impacted, he guessed you could argue.

Mr. Lentz suggested that that may be something the AURC Committee can do, to start to put together a framework of how we can put more money back in the Town.

Attorney Ryan said that he is going to be having a conversation with the attorney who is advising most of the towns on this matter, and advising them not to do it, to find out more of what her take is on it; that he will report that to the Committee.

Mr. Lentz said that that would be great.

Mr. Pope said that that was his goal, to find out how we can do that.

The Planner said that that somewhat touched on his earlier thought with whether it is a host community agreement or is it built into the licensing, as some do it separately and some just have a simple licensing structure.

Mr. (Robert) Pomerleau said that, on that question of revenue for the Town, the current legislation in Augusta is proposing a local-option sales tax and, from a quick read, it looks like communities could target that sales tax through specific industries or businesses; that it's not marijuana-specific but it does become a potential optional revenue source, if it were to pass. He added that, barring any identifiable revenue from it, at a minimum, both the Committee and the PB should certainly make sure that there is no cost to the Town, and there have been some identifiable, hidden costs – police training, odor control, CEO, security, fire issues, administration, planning; that there's always a cost to business; that there's always a cost relationship to any revenue coming to the Town. He said that businesses don't come here without costing the Town some money to support them and we need to make sure that, at a minimum, we charge fees sufficient to cover the Town costs because the last thing that's going to kill any ordinance is giving him, as a taxpayer, some inclination that his taxes are going to go up to support this industry; that he's not going to buy it.

Mr. Lentz thanked the Committee for joining the meeting.

ITEM 7 – REVIEW AND APPROVE MINUTES

Mr. Cieleuszko moved, second by Mr. Snyder, to approve the minutes of November 20, 2018, as amended.

VOTE

3-0

Motion approved

ITEM 8 – CORRESPONDENCE

There was no correspondence.

ITEM 9 – UPDATES

A. Temporary vs. Permanent Definition Update

Mr. Lentz said that, out of the minutes he read, he marked that 'tabled'.

The PB agreed.

B. Ordinance Revisions/Priorities

The Planner said that Ms. Lemire was good enough to run copies, which he thinks everyone has.

Ms. Lemire said that this was the original that Ms. Prescott did back in June.

Mr. Lentz said that we knocked off Dimensional Standards, Growth Permit Process, Job Title: Planner, Shoreland Zoning, and he believes Nonconformance.

Mr. Lentz asked the Planner to go back in the computer and see what has been changed and what hasn't; that he knows the four we took before the citizens that were changed – Shoreland Zoning, Job Title: Planner, Growth Permit Process, and one of the Dimensional Standards for the Chapter 44 requirements.

The Planner said that he would be happy to check those things, like Nonconformance and Dimensional Standards, to see which were approved and reviewed. He added that he would like to talk about the priorities for the next meeting.

Mr. Lentz agreed, asking what are the next two or three that we would like to start to look at. He said that he would like to see that Notice of Decision - date of decision – changed so we get that fixed up.

The Planner asked that we look at Subdivisions, Site Plan, and Sketch.

Mr. Lentz said absolutely, particularly the Sketch Plan process.

The Planner said yes because that is part-and-parcel of our subdivision and site plan review.

Mr. Lentz said that one of our struggles was why we have a Sketch Plan and why don't we just go right into a Site Plan; that he doesn't think we were ever able to answer that.

Mr. Cieleuszko agreed that there was never any strong consensus.

The Planner said that it can be kind of redundant but it is useful for somebody coming in that either doesn't have any experience or it's complicated so they want to feel out things that the PB or the Planner know will be conflicts or problematic, upfront, and then they come in...

Mr. Lentz said that it's almost like they are looking for the PB to fill in the blanks.

The Planner said that it was like getting the AURCC to comment on things and have some go-between so you can better clarify the issues before coming forth with a full proposal.

Mr. Cieleuszko said that he thinks that the discussion was that the Planning Department would try to weed everything out before it got to us; that the meetings would be held in the Planner's office, which would take up a lot less time, here, and we'd be getting a more finished packet.

The Planner said that that makes sense.

The PB agreed to prioritize Subdivision and Sketch Plan.

Mr. Lentz said that he likes the NOD/Date of Decision.

The Planner asked for clarification.

Mr. Lentz said that we had trouble with dates for some reason.

Ms. Lemire said that she thinks it's because she put the checklist, that very detailed checklist, with it.

Mr. Lentz said yes but they were two dates and they shouldn't have been.

Ms. Lemire said that, currently, it is very clear when the decision was made and then the date the letter was sent to the applicant.

Mr. Lentz said that he thinks the document, itself, is good right now; that he thinks there's some confusion in that section of the ordinance.

The Planner clarified that Mr. Lentz likes the way it's spelled out but you want to verify that the ordinance actually corresponds to that.

Mr. Lentz said that that was his thought; that he likes the forms, now; that it's clear.

Mr. Cieleuszko agreed that that's a good Notice of Decision that he sees now.

Ms. Lemire said that she incorporates all the ordinances as that is important; that they should be in there that apply to that particular decision.

Mr. Lentz said that Ms. Prescott originally said §§33-44 and 45 (Shoreland/Regular Zoning); so, there is something in there that was contrary to the form.

Mr. Cieleszko asked if Mr. Lentz wanted to attack that for the next workshop and just clarify whether it needs work or not.

Mr. Lentz agreed that we could put it on the next workshop.

Ms. Lemire said that the noticing in the different chapters might not be the same.

Mr. Lentz asked the Planner if he was aware of any new applications coming up.

The Planner said two.

Mr. Lentz said that we would not schedule any workshop items for next time, then.

It was clarified that applications are heard only on the second meeting of the month and administrative items are on the first meeting of the month. Applications would be heard on December 18th and, then, January 8th for the workshop kind of things, such as cannabis and ordinances.

Mr. Lenz said that he and the Planner worked on a letter to the Town Manager and SB based on the motion Mr. Cieleszko made on Meadow Lane; that the Planner put the history and a very nice overview statement in it; that at the bottom he listed the recommendations from the motion. He asked if there was any objection to sending that over.


There was none.

ITEM 10 – SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board Meeting is scheduled for December 18, 2018 at 7PM.

ITEM 11 – ADJOURN

There was a motion and a second to adjourn the meeting at 8:35 PM.


Dennis Lentz, Chair
Date approved: 12/18/2018

Respectfully submitted,
Ellen Lemire, Recording Secretary

