

ITEM 1 - ROLL CALL

Present: Dennis Lentz - Chairman, Ed Cieleuszko, Christine Bennett, Melissa Horner.

Also Present: Doug Greene, Planner.

Absent: Casey Snyder – Alternate (excused).

Voting members: Dennis Lentz, Ed Cieleuszko, Christine Bennett, and Melissa Horner.

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

ITEM 4 – 10-MINUTE PUBLIC INPUT SESSION

There was no public input.

ITEM 7 – REVIEW AND APPROVE MINUTES

The PB agreed to take these up first for tonight's meeting.

Mr. Cieleuszko moved, second by Ms. Bennett, to approve the minutes of December 18, 2018, as amended.

VOTE

4-0

Motion approved

ITEM 5 – OLD BUSINESS

A. Development of Town Marijuana Ordinance

The Adult-Use Retail Cannabis Committee (AURCC) and Attorney Rines were present for this discussion/review.

Mr. Lentz clarified that, if the PB has a workshop, then they cannot make any decisions, by law, and that is why this is a regular meeting that includes an administrative topic. He added that the main goal, tonight, is to get through this tonight and have a common understanding, with no final decisions made tonight. He asked Ms. Horner to start the conversation.

Ms. Horner started with her draft document on 33-190 Planning and Development. She said that she basically saw it here because it made sense following that chapter; so that helps clarify some things and from a technical standpoint. She added that she then just copied and pasted the South Portland ordinance and adjusted it to Eliot; that it includes her edits plus feedback we have been talking about; that she hoped that, once it was all out on paper, it would be a good starting point for all of us to talk through with each

other. She said that the first section is pretty straightforward because you have to have performance standards for anything in Planning and Development, clarifying that this would cover marijuana establishments and medical marijuana establishments.

Mr. Lentz said that that was a question – whether we want to do that.

Ms. Horner agreed because we already have medical marijuana; that what she did was to take our medical marijuana stuff we have in our code book and married it into this as best she could but, then again, the opposite didn't happen where she didn't take things that are in the medical code and put them into the retail part of this draft document.

Mr. Lentz said that that doesn't mean what Ms. Horner did is wrong but is something we could question and discuss regarding structure.

Ms. Horner agreed.

Mr. Lentz said that, when we had the non-binding referendum before the citizens, they were asked if they would support retail marijuana; that it didn't use any other term just strictly retail marijuana. He added that he thinks we need to stick with that or get someone's opinion on whether we changed it or not; that if we go back onto the ballot, for real, and it's something other than retail marijuana, he's afraid we'd have a lot of questions to answer. He said that it's a question of whether we just proceed with retail marijuana or are we going to talk about retail marijuana establishments.

Mr. Cieleuszko said that, if you do just retail marijuana right now as the State law reads, the way he reads it is that there is, other than the Popes, nothing currently allowed in this Town anymore, with the new law, without the citizens okay. He added that if we present just retail marijuana this summer, then no one can open another medical dispensary, no one can do anything else.

The Planner asked if that covered manufacturing, as well.

Mr. Cieleuszko said yes, under all the categories we have to allow that in our ordinance, if we are going to; that if we don't want any more medical dispensaries, then we don't have to pursue it. He added that they're tied together in the State law and he would recommend we tie them together in our local ordinance so that when we put this before the voters, it will be retail and medical, and cultivation and manufacturing, whatever – yes or no on each aspect of it, but we have to do it out now.

Mr. Lentz asked if there was anybody from the Cannabis Committee.

Attorney Rines said that there is legislation proposed at the State level to co-locate recreational and medical facilities; that, right now, they are not allowed to be under one roof. He added that it is in the works and looks like it has a good amount of support so treating them together might not be a bad idea. He added that he would put a big vote in

for referring out to the State law, wherever possible, rather than trying to retract that language.

Ms. Bennett said that she understood his point but she thought we had a memo from our Town attorney that it's a bifurcated law and that medical is treated under one law and adult-use is under a different law; so, we don't have to treat the two; that we have a medical marijuana code, now, and we don't have to do anything to it as it is still in place and in force and that what we're responding to is the new legislation that regulates adult use.

Mr. Cieleuszko asked if our existing law that was voted on before this law passed was still in place.

Ms. Bennett said that she thinks it still stands.

Mr. Lentz said that our medical marijuana ordinance is still good.

Ms. Bennett said that medical marijuana, caregiver, is all under a different law that was passed under a different legislature; that now we are just dealing with this recent law, which would now just be recreational adult-use marijuana. She added that, yes, there are a whole lot of different categories underneath it asking if it's just retail of the finished product or the manufacturing or the cultivation; that those are all the nuances that we didn't put into the straw poll question we put before the voters. She said that she would be of the mind to tackle it in the same broad terms that the State legislature did it instead of only talking about where the finished product can be sold, which would be the conservative approach to what we put before the voters; that we put a simple question just to get a sense of what the citizens wanted; that there will be plenty of time for people to give input.

Ms. Horner said that they can also vote no.

Mr. Lentz said that he thinks the PB is in agreement with how Mr. Cieleuszko suggested to structure this.

Ms. Horner asked if that meant that, if this goes through, does that mean we would also have to put something in on that same vote to repeal the medical marijuana ordinance we already have in place, or do we just keep it; that that way, if you wanted to open up a medical, you'd have to look at all three sections of the code versus adult-use, in which you would only have to look at two.

It was agreed that that was a good question.

The Planner said that he thought you would have to and, maybe, that's the best way to go at it; that if you're going to co-locate, you've got a set of rules for retail adult-use and, then, you've got medical. He added that we would have to make sure they don't conflict with each other.

The PB agreed.

Ms. Horner said that the next big change is Section (a) – Separation from sensitive uses. She changed the distance from 1,000 feet to 500 feet because that is already in the medical marijuana ordinance and that is up for discussion regarding whether the PB wants to keep that edit. She said that the other thing she did was add “(3) no marijuana store, medical marijuana retail store, or medical marijuana dispensary shall be located within five hundred (500) feet of any public facility, residential property, or childcare facility.” She explained that this was something that came up in the Sweet Dirt application, which is why they had to get the appeal, because of the proximity to the DPW facility. She added that childcare facilities are important and residential property, which is sort of eliminated, anyway, in the C/I Zone.

Mr. Lentz added schools, churches, etc.

Ms. Horner said that, with that, it certainly whittles down anything that can open on Route 236, anyway, and she doesn't know if that's too harsh; mostly because of the Eliot Commons with the Post Office there, so that would be pretty restrictive. She added that she can think of at least two childcare facilities on Route 236; that the second one is in Kittery but that would still....can you cross town lines.

Mr. Lentz said no.

Ms. Horner asked if someone wanted to open on the other side of Bolt Hill, it wouldn't matter, even though there's a childcare facility in Kittery.

Ms. Bennett said that it might.

Ms. Horner said that in the following paragraphs (in Section (a) on page 1) she added in that 3rd bullet point; that she changed the word 'city' to 'planner'.

Mr. Lentz suggested 'planning department'.

The Planner said that he has been trying to keep that broad so that we don't have to distinguish between planner, land use assistant, etc. He added that, before we go too far, he wanted to ask if the date in the first paragraph should be December 13, 2018.

The PB agreed that that was a good point.

In the fifth paragraph (Page 1) down, it was suggested to edit “once all of the City-required licenses” to say ‘Town- required licenses’, as well as “City” to ‘Town’.

Ms. Horner said that her next changes were in Section (b). Hours of operation. She said that she used 6.1 regarding alcoholic beverages (Chapter 6 §6.11) from our ordinance. She added that we can talk about that but she thought it made sense to follow a model rather than be arbitrary. She further said that, with the next two pages, nothing was

changed except adding the word 'Eliot'. She explained that these pages discussed limiting the size of the plant canopy, how far apart stores can be from one another so you don't have a block, or row, of stores (this requires 300 feet door-to-door); that Section (e) talks about control of odors, emissions, disposal, and security and she thinks it's pretty self-explanatory; that it's very similar to what we already have for the medical marijuana. She asked if the PB or AURCC had any questions or comments.

Ms. (Jessica) O'Donoghue said that she had a question regarding (d) Separation of marijuana stores. She asked, if we already have a medical marijuana person in Town who also wants to open a retail operation, that person couldn't do it under the same roof the way this is written.

The PB agreed that that was a good question.

Ms. O'Donoghue said that that would be awkward, looking at it from a business model.

The Planner asked if it was under one ownership or is she talking about someone coming in and operating under the same roof.

She clarified that it would be someone in Town, now, that did medical marijuana and had a medical marijuana store; that they would have to be separated by 300 feet and that seems kind of silly.

Mr. Lentz agreed that that is what he thought it was saying.

Ms. Horner said that that would limit the Eliot Commons, as well, because that would mean that one person could get in there and that is it, which may be okay, but just goes to Ms. O'Donoghue's point. She added that that means two owners and that doesn't specifically say that, either.

Mr. Lentz said that it was a good question.

Ms. Bennett suggested we could have a conversation about what the purpose of this separation is and whether it's applicable to Eliot and what we're proposing versus South Portland, which is a city. She added that she doesn't know if they were specifically citing their adult use in a particular zone like we are proposing to put it in the C/I Zone with some significant setbacks.

Ms. Horner said that to her, when you look at this ordinance from a wide scope, all these restrictions make it pretty hard for anybody to open a business in this Town, asking why are we even doing it and why are we going to let the first person through the door have reign over the country, so-to-speak, because now everyone else is up against the wall because the only other place to rent spaces is 290 feet next door. She said that she thinks the zoning is what saves us and will be pretty restrictive, anyway, based on even that very first paragraph.

Mr. Lentz said that he thinks the restrictions are from the point of view of protecting the citizens and not trying to put any constraints on the business; that that's not our function or our purpose and, to Ms. Bennett's point, what was the intent of that.

Ms. Horner said that she thinks that, if you go out to Colorado, there are some streets with store after store after store; that if there's a market need for that, then that's one thing but she imagines that came from the idea of not wanting a street full of marijuana shops.

Ms. O'Donoghue suggested population, too.

Attorney Rines said that he's not aware of anything in the law that would prevent you from capping the number of various facilities, such as manufacturing or cultivation; that you are only a small Town.

Ms. Horner clarified that what he suggested is that we could cap the number of businesses versus restricting it so far that we're basically doing that anyway.

Attorney Rines said yes.

Mr. Pendleton said that he couldn't see that more than one would fit.

Ms. O'Donoghue said that the thought is that, if you start capping the number of businesses and if you let anybody in that wants to come in, then you've got a big boost to the economy – and water seeks its own level – as Oregon is finding out, the bad guys are already gone.

Attorney Rines said that Oregon is a study in what not to do because, if you have a business now, it would be lucky if it survives.

Ms. O'Donoghue agreed, adding that she was just saying that the best would probably survive and the worst would not and, in the meantime, we would get a lot of economic benefit from it.

Mr. Lentz said that he wasn't seeing that right now.

Ms. O'Donoghue clarified that she was thinking of other people coming into Town to start a business, of whatever kind, maybe they will build whatever and hire people; that that's an economic boost, even if it's temporary.

Mr. Lentz backed up and asked if the 10,000-square-foot canopy number related to a particular license or fee.

Attorney Rines said that there will ultimately be four different tiers of licenses going from 10,000 sq. ft. to 40,000 sq. ft.; that after two years of operation, provided a business meets their metrics, they'll be able to add 10,000 sq. ft. per two years, and he hasn't seen

a cap on that yet. He added that he can understand the Town wanting to have smaller entities but he's not sure restricting it beneath where the State is willing to mandate...

Ms. Christine said that she didn't know what a 10,000 square-foot canopy translated into as it pertains to size of facility.

Mr. Pope said that that is about half the size of his medical facility now; that our medical facility is about 5,000, now, so it's really not much there. He added that he used to work at a 14,000-sq.-ft. space and you start putting rooms in an empty warehouse or a greenhouse, as soon as you have plants in there, it doesn't seem as much; but, if you see fields of it, it changes everything.

Mr. Lentz asked, if the size of that canopy or cultivation facility or whatever we're talking about is tied to a particular fee or license, then would it not be smarter to put down the number of square feet and just say it's limited to whatever you pay for.

Ms. Bennett said that she thought that was appropriate; that she was just trying to get her head wrapped around the physical size of a 10,000-sq.-ft. canopy space.

The Planner suggested it might help to print up some maps of the C/I Zone, with a large one here and several 11"X17" to show the potential radius of these potential operations.

Ms. Bennett said that given the limited space in our C/I Zone, there may be only one or two lots that could even accommodate a 40,000-plant canopy.

Mr. Lentz asked, if he's strictly a cultivator, is there a constraint on him building his facility in the rural area.

Ms. Bennett said yes, by this ordinance; that you can grow somewhere else for your own consumption but you can't grow for these purposes if we're going to keep it in our C/I Zone.

Mr. Lentz said that that's another reason why we don't want to talk about just retail stores.

Mr. Cieleuszko said that a 10,000-sq.-ft. is a Tier 3 cultivation facility license and is 100 ft X 100 ft; that the Tier 3 is not more than 10,000; that it's 3,000 for Tier 2.

The Planner asked if the square footage was for both cultivation and manufacturing because it all has to be enclosed or is a cultivation facility tiered differently than a strictly manufacturing or retail facility.

Mr. Pope said that a cultivation facility is separate; that the tiers are based on the footprint of the amount of greenery you have.

The Planner said, then, that they are two different animals and they do anticipate that the cultivator will have a much bigger footprint.

Mr. Pope said yes.

Ms. Horner said that the manufacturers aren't growing the plants; otherwise they'd be cultivators; that they could be both (two separate licenses).

Everyone agreed.

Ms. Horner asked if anyone had any questions on control of odors and emissions, disposal, and security.

The Planner asked Mr. Pope how difficult it was controlling odors and emissions.

Mr. Pope said that it's not difficult if you have the money to get the infrastructure; that there are various techniques and some are more costly than others. He added that the ones that cost more, up-front, cost less in the long run, such as the misters with botanical extractors he's talked about, which is more expensive to set up initially but, in the long run, the maintenance cost is maybe a couple hundred dollars every three months or so versus charcoal carbon filters that are probably thousands of dollars every six months.

The Planner asked if trying to control the odors was a significant challenge.

Mr. Pope said that it's less of an issue outside a residential space because you have more land and more smokestacks and more cars passing through and more winds passing back and forth; that he smells it less so in commercial settings relative to residential.

The Planner asked Mr. Pope if he used smokestacks or is it just basically exhausting out of a kitchen hood-type apparatus.

Mr. Pope said he has large kitchen hoods with charcoal carbon filters; that some people use ozone generators inside the duct work; that he is working saving money so he can buy the misters as he thinks that's really the best long-term solution. He added that there's a lot of waste involved with the charcoal carbon filters as there's not much you can do with these great big cannons after they've absorbed all the moisture.

Mr. Cieleuszko said, regarding the 500-foot distance from residential, he's picturing the C/I Zone as referencing Route 236, asking if it went back that far; that if this is 500 feet from any residential property, that almost knocks out the whole C/I Zone.

Ms. Lemire said that she thought it was 250 feet.

Mr. Lentz said currently.

Mr. Cieleszko said that we couldn't use that because it's all residential behind the C/I Zone; that there's no lace, you've just knocked the Town out.

The Planner asked if it's 500 feet to the property line.

Mr. Cieleszko said that it's 500 feet to the property line.

Ms. Horner said that this says residential property, it doesn't say lot line.

Mr. Lentz said that it does say that it's measured at the lot line.

Ms. Horner said that it says "within 500 feet of the lot lines of a public or private school", then the next says "within 300 feet of lot lines" and, then, the last one just says "within 500 feet of..."; that it's semantics because Mr. Cieleszko was saying lot lines but it's not; that that's how she reads it.

Mr. Cieleszko clarified that she was talking as a residential property...

Ms. Horner said that she isn't saying you shouldn't change it; that using Sweet Dirt as an example, to her that would be from his building to the house next door, not the lot lines.

Mr. Cieleszko said that that would certainly come up as an argument down the road if it isn't addressed now.

Mr. Lentz said that this is a major question.

Ms. Horner suggested changing the footage and then add the words 'lot line'.

Mr. Pendleton asked what if a store should establish and, then, a childcare facility shows up.

Ms. Horner said that that is addressed in the ordinance and that's okay, just not vice versa.

Ms. Horner addressed Section (f) Sale of edible products, saying that, if you're going to sell food, it needs to be under State and local laws and regulations.

Ms. Bennett asked if we had a code to reference like we did with the alcohol section.

Ms. Horner said that she thought about that and then sort of double-checked herself because she would hate to put something in there and then miss it; that she felt it would be good to add a blanket statement versus a specific section, or something. She added that drive-through/home delivery are prohibited (Section (g)); that you can't deliver marijuana in Town but, if you're a caregiver, you can and, if you're a customer (adult use), you can only obtain those things from within the store.

Attorney Rines asked if delivery by employees is something out of the South Portland ordinance that they just put in there because, under State law, caregiver registered employees can make deliveries. He asked Mr. Pope if he had to be a registered caregiver to be a registered employee.

Mr. Pope said no.

Ms. Horner suggested they could cite State law, which allows employees to deliver.

Attorney Rines clarified that there are still four tiers of cultivation under the new law; that the first tier is 500 feet, the second tier is 2,000, the third tier is 7,000, and the fourth tier is 20,000 (Chapter 28-B §301). He added that this is a place where he would refer to the law and what tier you are because there's also nursery license, which gives you 1,000 sq. ft. to grow seedlings, so there's all kinds of nuances there; that after two years of operation of a Tier 4 license, you can go back every two years and increase it by 7,000 sq. ft. under State law.

Mr. Pope added that that was provided that you've proven that you've been able to make use of 85% of what you produce.

There was discussion regarding frustration around which legislative document they had to work from and whether it was the most up-to-date.

There was also a comment regarding how nice it would be to have a projector screen so that we could all see (working document).

Mr. Lentz said that we asked for that; that it's coming.

Mr. Cieleuszko said that referencing the tier structure, not the canopy, might be the best.

Ms. Horner suggested 'size limitation is based on tier structure (State reference)'.

Mr. Cieleuszko said, regarding (g), we were talking about intent and asked why medical assistance [were not allowed to deliver], is this something we're trying to avoid; that he does remember reading that caregivers and their assistants can deliver and he doesn't know why we knocked out the assistant.

Ms. Horner said that that was just a cut-and-paste from the South Portland document; that, then, Attorney Rines was just saying that the State law doesn't limit assistants but this happens to.

Mr. Cieleuszko said that his reading of his version of the State law says that assistants are allowed to deliver.

Mr. Lentz said that we should cross it off.

Mr. Cieleuszko agreed.

Ms. Bennett said that, unless it's already vetted in our medical marijuana ordinance, she would agree to not prohibiting the medical assistants.

Ms. Horner will edit the sentence to say "medical marijuana registered caregivers and medical marijuana assistants may provide home delivery services."

Ms. Horner discussed Section (h). She said that she struck out the first sentence, as it doesn't pertain; that she couldn't find anything in our ordinances that was listed there and she thought the paragraph was pretty okay.

Mr. Lentz suggested titling this paragraph 'Pesticides'.

Ms. Bennett said that she thinks the paragraph is very explicit and, personally, she would like our ordinance to include a provision that requires a notification of what pesticides are being used because this is going to be for public consumption and she would like people to know.

Ms. Horner asked if that could be part of the application or is that putting the cart before the horse because you might not know yet.

Ms. Bennett suggested it could be at the point of sale that 'this' pesticide has been used in the production of this product.

Ms. Horner asked if we could do that.

Mr. Cieleuszko said that he wouldn't want to; that, as a business decision, he would want to use the latest and greatest and safest, as the owner. He added that he looked at these and he doesn't know any of them, asking how many consumers are going to; that he's not sure it will help anybody and it seems like micromanaging.

Mr. Lentz asked if when you sell the product does it not add a tag.

Mr. Cieleuszko said that a label of ingredients is fine; that he thinks there's State regulations and there is stringent testing as part of this whole field; so, in regard to that, let everyone do their job; that he thinks it's just a needless expense to have a label larger than the package.

The Planner asked Mr. Pope if that was something he would volunteer because it would help distinguish his product.

Mr. Pope said absolutely. He added that he also wouldn't spray something on his lawn that would waft over to his neighbor's apple trees, either; that that's just him.

Ms. Horner said that she would be interested in knowing if we can even do that.

Ms. Bennett agreed that that was a good question.

Ms. Horner said that that's why she suggested at the point of application because we have to do that, anyway, if someone opens up an auto garage, as an example, and ask what the applicant will be using. She added that she doesn't know how that gets followed up on; that someone would have to complain and that would have to go to the CEO to follow up. She reiterated her suggestion for at the point of application because she doesn't know if we can demand they post their ingredients.

The Planner made a good point about the potentials for stormwater run-off and treating all of that. He asked if there are State regulations that require you to declare what you are using and have a stormwater management plan.

Mr. Pope said that he didn't know the answer to that but he wishes there were.

Ms. Lemire said that we are a MS4 (stormwater) town and regulated by the State.

The Planner said that that was because we are close to the Piscataqua River.

Attorney Rines said that, using our site as an example, our cultivation processes are pretty closed; that it's all indoors, there's no outdoor irrigation, and it would have to be a catastrophic structure failure for us to have any reasonable amount of run-off from the cultivation operation.

The Planner said that no marijuana is allowed to be out in a broad field without cover.

Attorney Rines said hemp, yes; marijuana, no.

It was also stated that a certain number of plants was allowed by a home user, indoors or outdoors.

The Planner asked if we want to include that as part of the application; that, generally speaking, we're reviewing all of these things with the Public Works Department, anyway, but do we specifically want to call it out to have the applicants address how they're going to handle run-off and residue.

Attorney Rines said that that's stuff they have to comply with right now, asking if that was correct.

Mr. Lentz said that it's part of our application process; that he doesn't see that as any differently from the current application requirements for groundwater control, etc.

Ms. Horner said that the State actually references labeling and packaging of marijuana products, which would go back to the pesticides issue, so we could add some language in that Pesticide section about referencing the State legislation, in sub-Chapter 7, as they amend it; that they are usually keeping up-to-date on those things.

Attorney Rines said that there could be further rules, too on top of the legislation; that the rules for testing are being mandated now, written now; so, whether they're going to require really comprehensive testing or potency...he thinks they are leaning towards more robust testing. He added that that would include any kind of toxins, such as mold, etc.

Ms. Horner asked if he was suggesting to not reference that specific of a chapter so we don't shoot ourselves in the foot but asked if it mattered, anyway; that if they have to do that on a State level, if we miss it on a town level, would it really matter.

Attorney Rines said that the PB could say, 'or other rules promulgated by applicable State agencies.

Ms. Horner discussed Section (i) Manufacture of marijuana. She said that she made it to say that it basically needs to be located in the C/I Zoning District. She crossed out 'special exception use' because she thinks that was specific to South Portland. She added that she was wanting to change this to say all marijuana establishments because, as it reads now, you can only do the manufacture of marijuana medically and not for adult use.

Mr. Cieleuszko asked why that isn't in the Table of Land Uses, instead; that one is retail establishment and the other is manufacture of marijuana, all just in the C/I Zone.

Mr. Lentz said that he's sure it will all go into the Table eventually; that we have to pull all this stuff apart and see where it fits into the current.

Mr. Cieleuszko said that we will have a definition of marijuana manufacturing and that should be easy enough to use that definition into the Table of Land Use; that, then, this paragraph becomes moot. He added that you always run into problems if you double up and, then, people start saying that they can get away with 'this' because it says this little thing here.

Ms. Horner clarified that we would take it all out because it would be allowed, anyway.

Mr. Cieleuszko said to put it in the Table as an allowable use.

Attorney Rines said that he doesn't think the State is clear on how they are going to deal with this issue, as well; for example, commissary kitchens, if he's a producer and he wants to manufacture goods and he rents out a commissary kitchen that's not in the C/I Zone, can he do that; that it's a commissary kitchen that's been run for a myriad of other food-based businesses. He added that the jury's out at the State level, too, but he thinks it's just something to think about that there are pre-existing businesses that could potentially cater to this industry and _____ services and is something to keep in mind. He asked if there are commissary kitchens operating in Eliot and are they going to be permitted to rent to these people; that, if he says he's working in a commissary kitchen Monday through Wednesday from 8 to 3 doing his stuff, he doesn't know if the State will give him a license for that.

Mr. Cieleuszko said that he doesn't know what a commissary kitchen is.

Attorney Rines explained that it's just a commercial kitchen that's licensed and certified with the State that he can rent by the hour to make goods – any food product.

Ms. Lemire said that The Regatta has one.

Ms. Horner said that the next section is Inspections (i) and it has basically left it up to the CEO and she thought that made sense for us; that it allows the Fire Chief to inspect it, as well. She added that she thought most of us were here when the Fire Chief was in here talking about stuff that doesn't apply to us, but might. She added that she wanted to make sure we were clear because, right after the strikeout that references South Portland's ordinance, it references all applicable fire codes; that she wasn't sure if that should be made clearer because, technically, what he was talking about was a fire code.

The Planner said that the NFPA are standard fire codes.

Mr. Cieleuszko said that some of those were not being held by this Town and he was looking to use a far-reaching standard that we cannot use; that the State has not accepted them.

Ms. Horner asked if it sounded okay with the words 'applicable codes'.

There was general agreement that that was okay; that it's good for now.

Mr. Pendleton said, as far as inspections, he has seen other ordinances that talk about police inspections to ensure that the security measures are taken care of and asked if that would go into this.

Ms. Horner said that there is a section on security; that, for her, that would go back to the CEO making sure they had that stuff because it's going to be in an application that it will be there.

Mr. Pendleton said that they aren't referencing any police person going out to verify.

Ms. Horner said that we could.

The Planner said that we would be getting the Police Chief's feedback on all this, he's sure.

Ms. Horner clarified that, as it's written right now, it's not specifically designated to them to go make sure what you're referencing is taken care of; that, as it's written right now, the CEO would do that because it would be a point in the application where they say they are putting in a security camera at the dumpster and, then, the CEO would have to go out there to check to make sure it is there.

Mr. Lentz said that, commonly now, all our applications go out to the Fire Chief and Police Chief and DPW Director; that they all get copies to see how it impacts them and, hopefully, give feedback.

Mr. Cieleuszko said that he thinks the Police would be more involved where there's a greater possibility of theft or even sabotage; that he might have way more input on a business of this nature. He added that we see his input in the Site Review and, then, the CEO could make sure that whatever was adapted to the application was done.

The Planner asked if that was going to be a condition of approval, then, and kind of on a case-by-case basis or is it going to be stipulated.

Mr. Lentz and Mr. Cieleuszko said that every application is done on a case-by-case basis.

Ms. Horner said that she doesn't know if 'this' needs more structure but, as a business owner, 'this' bothers her but she totally understands it from a consumer protection view, "Nothing herein shall prevent the Fire Chief or his/her designee from inspecting marijuana establishments and medical marijuana establishments at random intervals and without advance notice provided that the inspection is during normal business hours of the establishment." She added that that bothers her on a personal level but she doesn't know if that's clouding her judgement as to why that's there.

Mr. Lentz said that we're going to let the Fire Chief read this.

Ms. Horner said that she would be interested in what other towns allow.

Attorney Rines said that anybody who is not a registered employee under the State of Maine would have to be accompanied by a caregiver if he wants to enter a cultivation facility. He explained that, if he showed up and the caregiver wasn't there but the assistants were, by State law, the Fire Chief is not permitted to just do an inspection unless there is an exigent emergency; that the caregiver has to be there; that it's the same with any other member of the public coming to visit, the caregiver has to be in proximity with that person.

Ms. Horner asked about adult use.

Attorney Rines said that that was a totally different story.

Ms. Horner reiterated that she would like to find out about other towns; that she's up for inspections, she gets it; that she thinks surprise inspections are the best but...does that mean once a quarter or...

Mr. Pendleton asked what the purpose was for this, asking if the PB saw this as a high fire risk. He added that he doesn't think these businesses are very high fire risks, unless they're using a process where you are dealing with butane but, in a grow or a store, do you have fire inspections for those businesses.

Mr. Lentz said that he thinks we see it as any type of risk; that the Fire Chief made it very clear to us with a 2-page document months ago, when we first began talking about marijuana, when he said we need to make sure this is being followed.

Mr. Pendleton asked if the Fire Chief's saying that about every business in Town.

Mr. Lentz said that, if asked, the Fire Chief would say a commercial business is a commercial business.

Ms. Horner said to keep in mind that this is a cut-and-paste from South Portland so these aren't necessarily our ideas.

Attorney Rines said, to be fair to the Fire Chief, depending on what people are using to grow, if it's not stored correctly, it can be a pretty big hazard; that fertilizers not stored correctly is a good example.

Ms. Horner discussed Section (k) Change of use. She said that, with this, if you want to change to any other type of establishment, you have to go back to the PB. She added that that is the end of South Portland; that she added (l), (m), and (n). She explained that (l) was screening based on our ordinance; that she didn't feel that the businesses, and possibly this Board, have been following through on that particular ordinance section; that she wanted to add that in there to make sure Route 236 isn't being clear-cut for a marijuana business. She said that she added (m) Parking requirements and, then, (n) Signage and advertising; that she thinks she pulled signage from the medical marijuana ordinance and she added that because there wasn't anything in there about signage and she thought it needed its own signage rules because she didn't think that marijuana needed to be splashed all over Route 236.

Mr. Lentz asked if we could talk about (m); that we are saying that the parking requirements should be the same as for any other commercial establishment so why do we need to say marijuana there; that we're talking about a marijuana commercial operation, in general, and maybe it's just the way he's reading it.

Ms. Horner said that it doesn't have to be in there; that, in her head, she was imagining someone coming in that bought a piece of land and wanted to put up a building, they would need parking.

Ms. Lemire said that they would have to meet the parking requirements of the ordinance, anyway.

Ms. Horner said that she was doubling up. She explained that she put this in there because she was using it, specifically, the same as a Public Building and Professional Office and medical marijuana dispensary falls under that. She said that she was giving it a definitional use, putting it somewhere that it belonged because it has specific requirements; that, when you are creating a new ordinance, you need to make sure it is everywhere it needs to be.

Mr. Cieleszko said that he would argue that, using (9); that medical marijuana is one thing, with people calmly coming in for their pain meds, as an example; that with this thing we already know what happens; that we should have a strip down Route 236 – regular parking.

Mr. Lentz said that he was talking a shuttlebus-type thing.

Mr. Cieleszko said yes; that his recommendation would be ‘take-out restaurant’.

Mr. Lentz said that, with medical establishments, you need to have an appointment before you go there; so, it’s limited.

Mr. Cieleszko agreed; that these are drivers; you’re buying your pot, buying your product, in a retail store.

Ms. Bennett asked if we should strike this section and do it on a case-by-case basis.

Ms. Horner suggested it might be (7) Wholesale or retail sales, or service establishment.

Ms. Bennett said that she thought that might be a better fit for an adult-use retail facility but not for a caregiver retail.

Ms. Horner said that caregiver has its own and that’s why she put it with (9); that the parking requirements would be different from adult-use retail, which would require more. She suggested, rather than have (m) in this, she thinks the uses need to get added to this section of the ordinance. She said that the medical marijuana is done; that, with adult use, she sees it as manufacturing, adult-use, retail stuff.

Ms. Lemire asked, regarding adult use stuff, what chapter section it would be added to.

Ms. Horner said 45-495 Schedule of minimum required off-street parking spaces and put it under the uses; that there are fifteen; that then there are ‘theaters, auditoriums, churches, arenas, and libraries’ and those are all together, so, maybe, we have to go back and add it as a group, instead.

Ms. Bennett said, in a group, that she liked that.

Mr. Lentz said that that’s the way we will do it.

Ms. Horner said, regarding signage, she struck out what she didn’t think applied.

Mr. Pendleton said that he had an issue with that because a liquor store can say ‘liquors’, so, why can’t you tell what your product is. He asked how you are supposed to advertise that you sell liquor or donuts or whatever it is if you don’t say it; that he thinks you’re going to open a can of worms because you will have to get very specific on what is and what is not allowed.

Ms. Horner said that she would argue against that because liquor is federally legal and marijuana is not; that she believes our medical marijuana ordinance states that you can't do that, anyway.

Mr. Cieleszko said yes; that, with medical marijuana, yes but retail establishment, he can't agree with that one; that there may be limitations on the signage size but he's talking about content.

Mr. Pendleton said, in Colorado, he thinks they used a green + and he doesn't remember one store that said it, specifically; that it was 'fresh-baked goods' or 'Green Dragon', using words that obviously were relating to but he doesn't remember one of them actually saying specifically; that he thought it was just clever marketing.

Mr. Cieleszko said that there's a universal symbol.

Mr. Pope said that there is; that we consciously chose not to use it, not because we didn't want to use it, but out of respect for the Town; that we wanted to be more discrete.

Mr. Cieleszko said that we don't want to talk about individual case but he thinks that the current caregiver in Town does not have the ability...the signage was already limited to no reference.

Mr. Lentz said that he would like to see that go to a higher level for discussion.

Ms. Horner said that, like the 'clever marketing', she thought if you build it, they will come and there's no reason to have a neon sign saying, "We sell marijuana."

Mr. Lentz said that the balance, here, is that we need to be fair that this is a retail commercial operation, period; forget what they're selling and, yet, there are some constraints on this particular type of sales.

Mr. Cieleszko said that, at least, using the universal symbol to reference what the store is selling might be at least a minimum.

Ms. Horner said that that would fall under medical.

Mr. Cieleszko disagreed, saying that that would be on any signage for marijuana.

Ms. O'Donoghue said that even an adult store says that it's an adult store.

Ms. Horner agreed, but said that they can't have salacious posters hanging in the window.

Ms. O'Donoghue agreed but said that we know from the wording on their sign exactly what is in there.

Ms. Horner said that (o) prohibits social clubs; that (p) is basically severability and she added local and State licensing to that; that she didn't know if that was overkill.

Mr. Lentz said that he thought it was good.

Ms. Horner added that it also says that, if they (State) adopts any stricter laws, then that is what is going to govern.

Mr. Cieleuszko said that, again, 'marijuana social clubs' could be in the Table of Land Uses.

Mr. Lentz said that that's going to be another step.

Mr. Cieleuszko agreed, down the road, but if we keep it in one little place then it's final in the Land Use, saying 'no' all the way across and that's an easy, full, undeniable thing.

Mr. Lentz asked Ms. Horner to update this draft ordinance.

Attorney Rines said that he was wondering if any thought had been given to people operating in Eliot without any permission and if there is any proposal to try to remedy that.

Ms. O'Donoghue said that, when that was brought up to the Town Manager, he didn't even know there were people operating.

Mr. Lentz said that that's a sticky wicket; that we're not a police force and, yet, he's not sure how much of the ordinance that's out there that you could even police by.

The Planner said that, if you are operating a business illegally, a Notice of Violation could be issued.

Mr. Lentz said that he could address the subject with the Town Manager and ask him if he is aware; that he'd be willing to do that.

Ms. Horner said that she thinks the proper procedure is that a citizen makes a complaint to the CEO and the CEO is supposed to follow up.

Mr. Cieleuszko said that we can't create an ordinance to stop something that's illegal; that it's already done.

Mr. Lentz said that Ms. Horner is going to update this for the next time, asking if we could turn to the modified Site Plan for Marijuana Establishments.

Application for Modified Site Plan for Marijuana Establishments

Mr. Lentz said that he went through this several times and it appears to him that this very much parallels our application planning process, for the most part. He asked if the Planner agreed with that, other than we're dealing with the subject of marijuana. He asked if we needed a separate application for marijuana or should we have an application that is modified that covers both.

The Planner said that that was a good point; that the fees could certainly be put into our table.

Mr. Lentz said that, rather than us going through this tonight, would the Planner mind looking through this and coming back with his recommendation on what we should do, asking if the PB agreed with that. He added that we do have options; that we could have a separate application for marijuana, but he's not sure he likes that, or we could have the normal application that has the additional fields and questions needed to satisfy a marijuana application.

Ms. Horner said that she would advocate for a separate application merely to make sure we're covering everything that we need to cover; as an example, video cameras on dumpsters, that is a tiny little thing that might get missed but it's right there on an application that they have to prove that it's there; that it's like marrying the ordinance with our current application into the marijuana application.

Mr. Lentz said that what she's saying is that a lot of the things that we consider part of our checklist would come right from that separate marijuana application so that the applicant has to answer those questions.

Ms. Horner said yes.

Mr. Lentz said that he liked that.

Ms. Bennett agreed that it was good for everyone.

Ms. Horner said that she just didn't want the little things to get missed; like the pesticides, we don't want to forget something until the next meeting and that's not fair to the applicant; that she thinks that's why she pulled them.

Mr. Lentz added that there's a lot of financial capability needed to be uncovered, here.

Ms. Horner said that it doesn't have to be this document she edited; that it is from South Portland.

Mr. Lentz said that he thinks the right ideas are in there.

Ms. Horner agreed, adding that she feels strongly that it should be separate from a general application.

Mr. Cieleuszko asked if adult entertainment had a separate application.

Ms. Horner said that that is prohibited in Town. She added that no business has a separate application.

Mr. Cieleuszko said that he's not enthused with having a separate application because, the minute you think you've covered everything, somebody will come in to say that they want them to do 'something' in our general ordinance and the applicant could say he has a special marijuana application and he doesn't have to do that.

Ms. Horner said that she would then want a separate checklist and maybe that's what she's asking for; something on its own.

Ms. Bennett agreed; that 'these' are the requirements that the applicant needs to meet and we need to ensure are being met. She added that, right now, we have four different versions of the application and we don't always have a set checklist and, sometimes, applicants are blind-sided when we start pulling it out.

Mr. Lentz said that, depending on what the applicant's answers to the first question, it could lead to different things.

Ms. Bennett said that she would support a separate checklist for this.

Ms. Horner said that she didn't mind not having a separate application; that her bottom line was to ensure [everything was covered].

Mr. Cieleuszko said that a checklist would be formidable for them and probably clearer for them.

Mr. Lentz said to let the Planner take a shot at that; that half of this is the procedure for running a PB public hearing and we don't really need to go over that; that it's the fees, the application, that type of thing.

Ms. Bennett said that she thought, if we could give that to an applicant when they come through the door, so they know the process, etc.

Mr. Lentz asked if everyone got a copy of the answers we got back from Attorney Saucier.

Mr. Cieleuszko said yes; that that made it a lot easier to look through everything without worrying.

Review of Chapter 11 Draft

Ms. Horner said that this follows the structure of all prior chapters; that she didn't change anything on the first three pages because it's all definitions, except for crossing out ~~City Clerk or the City Council~~ and adding 'Planner, Planning Board or Code Enforcement Officer' and adding 'Eliot' to replace 'City'. She added that all the rest are definitions and she thought that might be overkill but that it might be better to have them all instead of not enough.

Mr. Lentz asked if all the definitions came from South Portland.

Ms. Horner said yes.

They all reference State law.

Sections 11-4 and 11-5 were updated to add Chapter 45 of our code.

Sections 11-6 and 11-7 are licensing requirements for State and local and licensing classes.

Attorney Rines asked if the Town would be issuing licenses contingent on State approval or would you be asking for State approval first.

Ms. Horner said that the State would have to come first and, then we could issue approval; that it would be like a contingency. She added that you can't operate without a State license, anyway.

Mr. Lentz asked the Planner, regarding local licenses, if they have had any discussion, to this point, about licensing or are they looking to us.

The Planner said no; that, once we have some language, we'll start reading through that and see who is responsible for what.

Ms. Horner said that Section 11-8 talks about the licensing authority and then breaks down the procedures for Class I and Class II; that they're basically identical in that they talk about what kind of application is needed, who it is reviewed by, and the renewal process. She added that she didn't change any of the language except to update to say 'Planner and Planning Board' and 'Eliot' versus the City, City Clerk and 'York' instead of Cumberland County.

Mr. Lentz asked if this licensing application was a new application for the PB.

Ms. Horner said that she thinks that would go back to what the Planner was just talking about.

Mr. Cieleuszko said that the permit might come from the PB but he thinks the license would come from the SB.

The Planner asked if that was the SB or was it the CEO.

Ms. Bennett said that she thinks it's the SB that gives licenses.

Ms. Horner said that were it says 'approved by the Planning Board' it should say 'Select Board'.

There was discussion regarding language-writing before clear State guidelines are issued and the need to wait.

The Planner said that he would ask the Town Manager regarding the process for issuance of licenses.

Ms. Horner asked if the State wouldn't tell us how to do that.

The Planner said that that was a good question; that he wasn't sure about that.

Mr. Lentz said that there is a flow chart at the back of the draft application that defines the process.

Mr. Cieleuszko said that that is for South Portland so their form of government is different; that he thinks they're pretty far off from where we're at.

It was recognized that this flow chart was only for PB use in the application process.

The PB agreed that Section 11-8 Licensing will wait for further language development at the State level.

Ms. Horner said that, regarding (c) Responsibilities and review authority, she thought it made sense that the Planner would be the initial review person and, then, reach out to everybody else.

The Planner agreed that that made sense, as well as the PB.

Mr. Lentz said that the big question is who would be the licensing authority.

Ms. Horner suggested that it may be the CEO.

Mr. Lentz agreed, reading the first line of (3), "No Local License shall be granted by the Licensing Authority until the Police Chief, the Fire Chief..."; that that sounds like the CEO.

Mr. Cieleuszko said that the only thing he can remember that comes close is the restaurant at the end of Route 236 when they got their liquor license; that they pulled a PB permit and, then, for the liquor they had to go before the SB. He added that he's assuming that that's the way a retail marijuana establishment might end up and that gives the public input right to the bitter end.

Ms. Horner addressed (d) Confidentiality. She said that it says that information can remain confidential and that, if you are a registered medical marijuana caregiver, you don't need to identify yourself in the application for a license. She added that she doesn't understand that; that it does say that 'the cardholder must identify himself or herself and provide the relevant cards to the Planner for examination, but the identity of the cardholder shall not be a public record'.

Mr. Pope said that he thought a lot of that was from the beginning of this whole thing when it was a big deal to stick your neck out.

Mr. Cieleuszko agreed, saying that you could be arrested, federally.

Ms. Horner asked if that still held up because it's only for medical marijuana.

Attorney Rines said that he thinks that reason is because it's public record and the federal government could, without going through any sort of due process, get information on somebody.

Ms. Bennett said that, because this is medical, there are HIPAA laws and all sorts of privacy of your medical information.

Attorney Rines said that best practices are to adhere to the security and privacy rules of HIPAA; that it's a federal law.

Ms. Horner asked if our current medical marijuana ordinance cover confidentiality.

The PB wasn't sure.

Mr. Cieleuszko said that HIPAA is for the patient, not the owner, so he doesn't think we're talking about the same thing when you're talking about confidentiality of an applicant.

Ms. Horner asked Mr. Pope if he could have done that.

Mr. Pope said that he didn't know; that that's what happened in York – the groups in York were able to not tell the town who they were.

Ms. Horner suggested that that was a legal question on whether that law still holds up.

Mr. Lentz said that he didn't understand the intent of what they are writing here; that it's like they gave away authority.

Mr. Cieleuszko said that he would request help with that.

Ms. Horner asked, if it's a State law, why reference it; that, as an applicant, she has the right to withhold her identity and why would the Town need to double up on that.

Attorney Rines said that it may just be as simple as they don't require it at the town level if they've already been vetted through the State; that to get a caregiver license, you have to have a criminal background check, all of that; so maybe they are saying that the town, if you have the medical caregiver card, assumes that you don't have to prove who you are, maybe that's what it is.

Mr. Pope reiterated that it was probably language that was more important in years past.

Ms. Bennett said before this new legislation came through.

Mr. Pope agreed.

The Planner asked what Mr. Pope's thought was – not necessary.

Mr. Pope said that he thought it was certainly necessary.

The Planner asked to disclose.

Mr., Pope said absolutely.

Ms. Horner added, except if you are protected by State law and, then, you can't anyway.

Mr. Pope said that he didn't know why you wouldn't want to disclose who you are; that that just seems sort of sketchy and shady and doesn't make sense to him, personally.

Ms. Horner addressed Section 11-9 License Financials. She said that this is something we're going to have to circle back to as to what's allowed; that this is regarding the fee structure but we don't know what that's going to be yet. She added that it talks about what you may have to pay for an initial fee, a renewal, employee licenses and their renewals. She added that (b) she pulled directly from our book.

Ms. Horner addressed Section 11-10 Application. She said that this says you have to put an application in for Class I and Class II licenses and keep it on file with the Planner; that 1-9 are all the things you have to give along with your submission.

The Planner asked if 4., which asks for an affidavit that identifies ownership, that's what we're going to inquire about regarding confidentiality.

Mr. Lentz agreed.

Ms. Horner struck out (b) but she doesn't know if that was the best thing; that it's basically a protection to the applicant that the application is moving through and she's thinking we should put that back in.

Mr. Lentz suggested we put it back in; that it won't hurt to have it in there.

Mr. Cieleuszko asked if that isn't covered by the State already.

There was clarification regarding the lettering of the paragraphs due to strikeouts.

Ms. Horner said that, regarding (b), she thinks that language should be changed to be congruent with who is determining these applications are complete but she does think it should be included because it's a protection to the applicant.

With (c) Background checks, Mr. Cieleuszko said that he thinks State permitting covers that and that is getting too deep for us; that he would strike that whole section.

The Planner asked if the complete application is something we want to be part of this application or is that redundant with our typical processes; that, typically, with any kind of application, we determine its completeness right off the bat and then give them feedback on anything they might be missing.

Mr. Lentz said that this is the application for the license, which you must have before you get an application for the PB.

Ms. Horner said that it sets a timeline, too, for the applicant.

The PB agreed to strike background checks.

Mr. Cieleuszko said that he just learned that we're considering the licensing first and, then, the site plan review, as a requirement of the site review.

Mr. Lentz said that that's what he understood the sequence to be.

Mr. Cieleuszko said the State license, okay but, then, our local license...

Mr. Lentz said that they were different and he's assuming the State license is what we are talking about here. He added that he wishes he could see a picture of the structure.

The Planner asked if we needed another flow chart.

Section 11-11 License Expiration and Renewal – license good for one year and must be renewed prior to the expiration date.

Section 11-12 Denial, Suspension, or Revocation of License – Ms. Horner said that she struck out the first sentence because it isn't our code and she doesn't know if it should be replaced with something else.

Mr. Lentz said that we will see as we go on.

Ms. Horner said that denial can happen if you don't meet the requirements of this Article, a prior license has been revoked or you don't have the State approvals. She added that she knows we are striking out the background check but now we don't have any way of knowing if they passed a background check.

The Planner said that they have already passed the State to get to this level.

Mr. Cieleuszko said that the State licensing requires a background check.

Ms. Horner said okay. She added that someone needs to double-check with our Chapter 45 for conflicts in this section; that if you violate anything in this chapter or our zoning chapter, you can get your license pulled.

Section 11-13 Operating Requirements. Ms. Horner said that this says you are going to operate and comply with the following requirements – display the license, remain in a fixed location, and comply with other laws.

Section 11-14 Transfer of Ownership and Change of Location – Ms. Horner said that you can't transfer your license to a new owner, so, if someone buys your business, they have to go through the same process; that the licenses have to remain at the same location they are issued for; that you can't decide to rent a new space and take your license with you; that you have to apply for a new license for the new space.

Section 11-15 Appeals. Ms. Horner struck out the first two things because they had to do with South Portland; that she added her own language to include our ordinances (again, double-check Ch. 45)

Section 11-16 Violations and Penalties. Ms. Horner said that fines will be determined.

Section 11-17 Severability.

Section 11-18 Other Laws. Ms. Horner said that it basically says that whatever is new is what rules.

Section 11-19 Effective Date. Ms. Horner said that she added that language to say that when this is adopted is when it will be in force.

Ms. Bennett said that, while she was listening, and she thinks it sounds great, she also looked up that there is a State law that covers this confidentiality; that there are fines for violating confidentiality of caregivers and anyone within the Registry for Maine Medical

Use of Marijuana under the Maine Medical Use of Marijuana Act – Title 22, Part 2, Part 5, Chapter 558, §2425, (2017).

Ms. Horner said that we should probably leave that in there since it has to do with licensing.

The PB agreed.

Ms. O'Donoghue asked, regarding the Sweet Dirt application, how do you cover confidentiality at a public hearing.

Ms. Horner said that the difference was that that applicant didn't invoke that right. She added that, if they're going to operate a business, they can operate under a LLC and it also says that they can have a representative. She explained that the way this reads is that, if she was the cardholder and she came in, she'd have to disclose her identity to the Planner but, then, that's as far as it goes.

Ms. Bennett said that all the stuff that's required to become registered with the State, DHHS, that is all confidential information.

Mr. Cieleuszko said that he has _____ in his head about State license, local license, and local PB Site Plan Review; that he thinks the terms are getting mixed up between the State license and our local license, or if there is even going to be a local license; that he assumes they will be treated like alcohol, although, he may not be right. He added that, if that's the case, then he thinks we do the Site Plan, we approve a business and, then, they get their liquor license, or marijuana license from the SB. He clarified that that's his assumption and what we've been going through, here, doesn't really reflect that, yet; that most of the stuff you're talking about, here, is part of the PB process, not a licensing. He said that he thinks South Portland uses the term 'license' for everything; that when you finish a process, you get a license, that's it.

Mr. Lentz said that there's a State license and a local license.

Mr. Cieleuszko added a State license and a local license for South Portland; that we aren't necessarily going to be calling it a license; that they get approved just like Sweet Dirt got approved.

Mr. Lentz said that he thinks Mr. Cieleuszko is wrong but it may be; that it will shake out as we go forward. He added that he thought we did good work and has been a productive meeting.

Ms. Bennett said that, just as we have the opportunity to opt in to allowing this within our land use ordinance, we also have the opportunity to opt in to licensing fees, as well; that she thought Mr. Cieleuszko was right to keep that clear distinction of what part we're working on.

Mr. Lentz said that right behind that could be a local tax.

Ms. Bennett added that there could be an impact fee on these things.

Ms. Horner will revise the draft documents discussed tonight.

The Planner will get answers to the questions developed tonight.

Mr. Lentz thanked the AURCC for attending and participating and will let them know when the next meeting on this is; that it will probably be next month.

The AURCC is having a Public Forum January 29th at 7 PM (location to be determined) and they are encouraging written comments.

ITEM 6 – NEW BUSINESS

There was no new business.

ITEM 8 – CORRESPONDENCE

There was no correspondence.

ITEM 9 – UPDATES

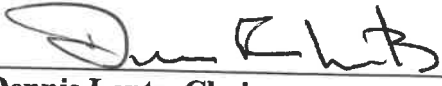
There were no updates.

ITEM 10 – SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board Meeting is scheduled for January 15, 2019 at 7PM.

ITEM 11 – ADJOURN

There was a motion and a second to adjourn the meeting at 9:06 PM.


Dennis Lentz, Chair
Date approved: 01/17/2019

Respectfully submitted,

Ellen Lemire, Recording Secretary

