

ITEM 1 - ROLL CALL

Present: Steve Beckert – Chairman, Jeff Duncan, Greg Whalen, Dennis Lentz, Melissa Horner – Alternate.

Also present: Kate Pelletier, Planning Assistant.

Absent: Larry Bouchard (excused).

Voting members: Steve Beckert, Jeff Duncan, Dennis Lentz, Greg Whalen and Christine Bennett – Alternate.

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

ITEM 4 – REVIEW AND APPROVE MINUTES, AS NEEDED

Mr. Lentz moved, second by Mr. Duncan, to approve the minutes of May 2, 2017, as amended.

VOTE

5-0

Chair concurs

ITEM 5 – REVIEW “NOTICE OF DECISION” LETTERS, AS NEEDED

Gould-Nash Day Nursery (PB16-7) – stands as written

Ms. Bennett asked if we received the owner’s signature on the application.

Ms. Pelletier said yes.

Ms. Bennett wondered if it should be noted in the findings of fact as it was a condition of approval.

Ms. Pelletier said that she received the signature before the approval happened.

Ms. Bennett said that, within the conditions of approval, there was a comment on June 7th about the Fire Chief asking that the conditions of the prior approval be enforced on this application and that wasn’t noted in the current conditions.

Ms. Pelletier said that the conditions are transcribed directly from the motion. She asked if Ms. Bennett is saying that the motion is missing a condition.

Ms. Bennett said yes.

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BY: Wendy Rawski, 1
Town Clerk

Ms. Pelletier said that someone would have had to reconsider the motion unless she's saying it's an administrative error.

Ms. Bennett said that Ms. Pelletier just said the "Fire Chief wants the conditions of approval used for the prior application (PB11-18), which includes the State Fire Marshall, Maine DHS, and Eliot Fire Department inspections that may need to be accomplished." She added that, also on June 7th, Ms. Pelletier added that "the owner's signature on the application and could make that a condition of approval, as well." She said that we don't have the actual conditions within the minutes.

Ms. Pelletier said that the conditions are definitely in the minutes. She paused to find the pertinent minutes. She said that it's not included in the motion just that the same conditions applied from the previous, which is what is copied and pasted here.

NOTE: PB16-7 motion: "Mr. Duncan moved, second by Mr. Lentz, that the Planning Board approve PB16-7, as presented, with the same conditions of approval applied to PB11-18. In addition, that all current requirements of local and State fire codes be met and that the applicant submits a readable copy of the owner's signature on the application for site plan review."

Ms. Bennett said that previous conditions of approval did not include inspection from the State Fire Marshall, Maine DHS, or the Town's Fire Chief.

Ms. Pelletier said that that was correct; that it wouldn't normally get an inspection with the Town's Fire Chief, it's a State Fire Marshall thing.

Ms. Bennett moved that the Planning Board amend the Findings of Fact to indicate that our Fire Chief asked for those things to be included as a condition and we made the decision not to include them.

Ms. Pelletier said that, if you want to do that, someone who had voted in the affirmative would have had to make the motion within 7 days.

Ms. Bennett said that it's hard to know whether it got into the decision letter if the decision letter didn't come within 7 days.

Ms. Pelletier said that the PB didn't put it into the motion; that it wasn't part of the motion so it didn't go in the decision letter.

Ms. Bennett said that Ms. Pelletier indicated in her statement on the record that it would be a condition.

Ms. Pelletier said that she doesn't make the conditions of approval, the Planning Board does. She added that she suggested it.

Ms. Bennett said that we don't actual know what the conditions were.

Ms. Pelletier said that the PB made the motion, it's in the motion; that the conditions of approval are read into each motion every time; that she has nothing to do with those.

Ms. Bennett said that she thought that the record should indicate that we did not have the prior approval in front of us, at the time, so we didn't know that the prior did not include what the Fire Chief was asking us to include.

Ms. Pelletier said that she disagreed with Ms. Bennett, as she pulled it and we read it.

Mr. Beckert said that the Fire Marshall's approval has been received and the Fire Marshall has the final say.

Ms. Pelletier clarified that, if they state it, then it's automatically a condition of approval; if it's in the minutes, it's a condition of approval.

Ms. Bennett said that, if the Fire Chief stated that it's a condition of approval, it should be in the...

Ms. Pelletier said no; that it's not in the conditions unless it's made a condition by the Planning Board in the motion to approve it.

Ms. Bennett said that, so, 'they', meaning it's not the Fire Chief stating, it's if the Planning Board states it.

Ms. Pelletier said correct.

Ms. Bennett clarified that the Fire Chief was under the understanding that the prior conditions included the State Fire Marshall, Maine DHS, and Eliot Fire Department inspections, but that was incorrect, he was under a misunderstanding.

Ms. Pelletier said that she didn't know; that the PB made the motion and she doesn't know what his understanding was; that we looked at the old approval.

Ms. Bennett asked if Ms. Pelletier was saying that the prior approval did not include those items.

Ms. Pelletier said that she didn't remember; that the PB wouldn't have said that they wanted to include all previous conditions without ever having looked at them; that we must have reviewed them at that meeting.

Ms. Bennett said that we did not review them.

Ms. Pelletier clarified that the PB made a motion to include conditions they never saw before.

Ms. Bennett said yes, from 2011; that she thinks those conditions, because we approved those conditions, should be included in the decision letter.

Ms. Pelletier said that it is not a condition the PB made in the motion; that there's nothing she can do about that.

Mr. Beckert asked if the rest of the PB was satisfied that the Notice of Decision letter is correct.

The PB members were satisfied and the letter stands as written.

Hannan – Home Business (PB16-8) – stands as written

Ms. Bennett said that it notes that the public hearing was advertised but there is no mention of whether the abutters were notified.

Ms. Pelletier said that she doesn't ever say that the abutters were notified; that she could start putting that in, if they want, but she's never put that in a decision letter before.

Ms. Bennett said that the sentence starts with in accordance with that section of the ordinance and that section discusses notice to abutters in addition to the advertising.

Ms. Pelletier clarified for just this letter or in all of them.

Mr. Beckert said that, if we are going to include, we include it going forward but not backing up.

ITEM 6 – PUBLIC APPLICATIONS OR PLANNING BOARD BUSINESS TO BE CONSIDERED

A. 10-minute public input session

Mr. (Jay) Meyer, Odiorne Lane, said that he had asked for minutes for the website to be updated.

Ms. Pelletier agreed, saying that we did for all but two.

Mr. Meyer asked what happened if all but two were in question this evening.

Ms. Pelletier said that we would have to go back to look at the notes, the video, or the audio recording.

Mr. Meyer asked if those minutes shouldn't now be recorded with the Town or are they lost in limbo.

Ms. Pelletier said that they are not lost; that they are on Ms. Lemire's list to do.

Ms. Lemire confirmed.

Ms. Meyer said that that was requested quite some time ago, asking if it was appropriate to ask Ms. Lemire.

Mr. Beckert said that it was not; that the recording secretary will present the minutes to the PB and the PB will approve them.

Mr. Meyer said that the minutes he is referring to are from August and September 2014; that he has requested those in a FOAA request and they have not been provided to him.

Mr. Beckert said that he was unaware of the FOAA request.

Mr. Meyer said that he would think there would be better communication with the Chair and the Planning Assistant.

Mr. Meyer asked if that was considered a zoning issue.

Mr. Beckert said that it was an administrative issue.

B. PUBLIC HEARING – and continued review of an application for a request for Planning Board Action for a change of use to establish an auto repair garage at 153 Harold L. Dow Highway. Applicant is David Lawrence (mailing address: 21 Lynch Lane, Kittery Point, Maine 03905). Owner is Greenwood Construction Corp. (mailing address: PO Box 1085, Portsmouth, NH 03801). Property can be identified as Map 29/Lot 23 and is located in the Commercial/Industrial Zoning District. (PB17-6).

**Received: June 12, 2017
1st Heard: June 20, 2017
Public Hearing: July 18, 2017
2nd Hearing: July 18, 2017
No Site Walk
Approval: July 18, 2017**

Mr. Greenwood (owner) and Mr. (David) Lawrence (applicant) were present for this application.

7:20 PM Public Hearing opened.

There was no public comment.

7:21 PM Public Hearing closed.

Mr. Whalen asked, regarding a site plan, if the sketch plan is what we are being presented with.

Ms. Pelletier said yes.

Mr. Whalen asked if there was anything else in the file.

Ms. Pelletier said that there was not; that she doesn't think the site ever had one as the site has been established since 1973. She added that we took the PB's suggestions and tried to improve his original drawing; that he had been missing some information on his site plan so the PB sent him back to work on that again; that the applicant has an intent to purchase the property, but not a Purchase & Sales contract, and we asked the PB at that meeting if that was acceptable for an affidavit of ownership and the PB concluded that it was.

Mr. Beckert agreed, saying that the applicant's revised site plan is in the document we received on July 10th.

Ms. Pelletier said that Mr. Greenwood is retiring and vacating the property altogether; that Mr. Lawrence has an existing garage in Kittery and is looking to move into Eliot because it has more traffic; that there are not going to be any changes to any structure on-site. She added that the only addition is for some parking for cars to sell, incidental to the auto repair garage use.

Ms. Bennett said that she watched the video from the 20th. She added that, on the original application, you indicated that the structure is non-conforming, and asked if there was any conversation about that.

Ms. Pelletier said that she believes it is too close to the front property line, so, technically it's a legally, non-conforming structure (31 feet).

Ms. Pelletier agreed, saying that today 50 feet would be required.

Ms. Bennett said that she was wondering if the submitted plan shouldn't have some scale because the diagram that is drawn doesn't reflect the actual dimensions of the parcel.

Mr. Duncan asked if the sign existed at this point.

Mr. Lawrence said no; that this is a proposed new sign.

Mr. Beckert said that that fell under the jurisdiction of the CEO and State of Maine, as it is on Route 236.

Mr. Duncan clarified that we have no say other than it needs to conform with our dimensions.

The PB agreed.

Mr. Duncan said that it would be nice to have a north arrow on the plan. He added that the drawing has nice detail of the area that's being utilized but it would be helpful to have, even if it's nothing else, just a blow-up of a USGS map showing the lot and what's already been done on it as part of the ultimate package.

Mr. Lawrence said that there should be a picture of that in the packet.

It was agreed that the black-and-white photo was not clear enough.

Mr. Duncan suggested the applicant use the aerial photography available through the Town and show the property lines on it; that that was not critical to him, as far as approval, but thought ultimately the package should be complete.

Mr. Beckert suggested that we could make that a part of the conditions of approval.

Ms. Horner asked if we didn't have an ordinance as to how many cars can be on the property that are being sold.

Ms. Pelletier said not in this instance; that she thinks we have that for home businesses but not for this type of business; that the general rule in thinking of other auto repair garages that have been approved is that, as long as it is incidental and subordinate to the principal use, then that is a customary type of thing to have at an auto repair garage – a couple of cars for sale. She clarified that she thinks the State limits how many they can sell with their used auto dealer license and that the PB can impose a limit; that she actually recommends that just so that it never gets completely out-of-scale and, if he needs more, he can always come back and we can look at it again. She reiterated that she would recommend a limit if it is above-and-beyond what the State has.

Ms. Horner asked the applicant if he knew what that limit is.

Mr. Lawrence said that he didn't know what it is in Eliot; that he would end up dealing with the State to get his used car license.

Ms. Horner asked if she had the right interpretation with this used car thing; that to her used cars says sales.

Mr. Lawrence said yes.

Ms. Horner said that she would encourage the PB that they need to think about that, while we're still talking about it, as she thinks that's an important thing to think about. She added that, as a small business owner, in the spirit of an Eliot citizen, she thinks it would be okay to cut people some slack a bit on what their drawings look like, considering there's so much information on it. She agreed that, while the picture wasn't very good, she was surprised that it was even made a point; that considering some of the applications we've seen over the years, she thinks this is perfectly fine. She said that things like this are very, very expensive to do and, as a small business owner, there is no

way she could afford to hire someone to draw this up in an engineered way; that she appreciates the information the applicant supplied because it is very thorough.

Mr. Lentz asked if curb cuts were existing.

Mr. Lawrence said yes.

Mr. Duncan asked the applicant if he knows, at this point, how many cars he is talking about having on-site for sale.

Mr. Lawrence said no; that right now in Kittery he doesn't sell any cars.

Mr. Duncan asked if the applicant intended to solicit vehicles that he will pay for and then re-sell, is he going out to the auctions and buying an occasional car.

Mr. Lawrence said that he would probably go to the auctions, buy them, then re-sell them.

Mr. Duncan asked, if he wanted the applicant to sell his car, could he bring his car to Mr. Lawrence and you buy it, then re-sell it.

Mr. Lawrence said if it's legal in the State of Maine.

Ms. Horner asked if it would behoove the PB to have a conversation about that so that the applicant doesn't have to come back, again, if things change.

Ms. Pelletier said that she imagined that the State license will be more restrictive than what the PB would come up with; that she doesn't know the number but the PB could say up to the point of the initial license with the State and, if the applicant ever wanted to increase his license with the State, then he would have to come back to the PB, or, the PB could make him come back when he does know.

Mr. Duncan said that we are still looking at an intent to purchase, or intent to rent, or whatever; that we don't have anything signed, sealed, and delivered because that's pending the action of the PB.

Ms. Pelletier said yes; that the PB could impose a condition that says that there has to be at least a signed P&S at the time he begins operations, or a signed lease.

Mr. Whalen said that this is a 15-acre site.

Mr. Greenwood said that it is approximately 12 acres.

Mr. Whalen asked if it was all usable.

Mr. Greenwood said no; that it would be hard to say how much is usable without a detailed wetland survey; that he had some wetland information approximately 15 years ago that, if you look at the width of the property, parts on one side were fillable; that we are not classified as a protected resource and other parts were. He added that he would say that it is being sold with the intent of what you see is what you get (a couple acres). He said that the rear boundary is a stream that is now, with all the filling that's taken place over the last 40 years, is now 100 yards wide.

Mr. Whalen said that that leads back to the discussion of the capacity of the site to support the activity on the site and, according to the application, it says 'with incidental automobile sales'; so he thinks, for all intents and purposes, this will be restricted by the fact that there's so much property you can't utilize, anyway.

Mr. Duncan moved, second by Mr. Lentz, that PB17-6 be approved, as presented, with the following terms and conditions:

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.
2. The permit is approved on the basis of information provided by the applicant in the record regarding the future ownership of the property and existing boundary locations. 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 will provide to the Town a copy of a lease agreement or purchase agreement, as applicable, prior to an issuance of an occupancy permit.
4. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.

VOTE

4-1 (Mr. Whalen abstained)

Chair votes in the affirmative

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

C. Application for Site Plan Review to construct a commercial structure containing eight (8) commercial/retail units at 290 Harold L. Dow Highway. Applicant is Peter Paul (mailing address: PO Box 694, Eliot, Maine 03903). Owner is AMP Realty

Holdings, LLC (mailing address: c/o Northern Pool & Spa, 291 Harold L. Dow Highway, Eliot, Maine 03903). Property can be identified as Map 37/Lot 20 and is located in the Suburban Zoning District. (PB17-8)

Received: July 1, 2017

1st Heard: July 18, 2017

Public Hearing: _____, 2017

2nd Hearing: _____, 2017

Site Walk: _____, 2017

Approval: _____, 2017

Mr. (Peter) Paul (applicant) and Mr. (Thomas) Harmon (representative, Civil Consultants) were present for this application.

Mr. Harmon presented the application:

- Pertinent lot is the lot directly across from Northern Pool & Spa on Route 236
- Currently has conditional use permits and site plan approval for the wood-processing operation
- The applicant is interested in putting a retail office complex on the site
- Plans provided for the retail complex
- Provided an existing conditions plan showing the current lot environment
- There is a MDOT entrance permit for the lot, which will service the complex, as well
- Lot is served by public water
- There is plenty of buffer space around the outside
- The area at the rear of the lot is acceptable for sewerage disposal and there will be a septic system out there that will service the facility
- The applicant wanted something like a restaurant several years ago but was in anticipation of having sewerage disposal, which never occurred
- This retail/office space use has very low sewerage flow to it and can be handled by an on-site septic system
 - We could handle up to 2,000 gpd on that site
- The facility will be L-shaped
 - Entrance off Route 236
 - Roadway around the facility
 - Applicant is interested in having a loading dock at the back and will be changing grading a little bit
- Need approvals from the Town and Stormwater approval from the DEP
 - Will disturb over an acre

Ms. Pelletier asked if Mr. Harmon knew about the Maine Construction General Permit.

Mr. Harmon said yes.

Ms. Pelletier said that the Town is a regulated community so we will have to do an inspection of the property once a year just to make sure that those stormwater structures are still functioning, which will cost \$100/year; that it's required under the permit.

Mr. Harmon said that typically with the State permit is that there will be a whole maintenance section for that stormwater system, with the Town doing all the inspections. He added that we developed this plan a number of years ago; that our surveyors went out and updated the existing conditions plan and setbacks have changed, being a little more lenient than they were.

- Retail space approximately 12,000 square-foot-footprint
- Building in corner of lot and will be 2-story
- Some spaces will have lofts
- Plans to ensure fire protection to the Fire Marshall for approval
 - Not anticipate sprinkling it
- The site has been cleared
- Will bring a full landscaping plan when we bring a full set of plans

Mr. Whalen asked for clarification of the square footage.

Mr. Harmon said that the footprint is approximately 12,000 square feet and, then, there will be a second story on 'this' portion, which will be maybe another couple thousand square feet.

Mr. Lentz asked what the elevation was on the second story.

Mr. Harmon said that each floor would be 10-11 feet, so about 22 feet for the 2-story portion.

Ms. Bennett asked about signage.

Mr. Harmon said that we haven't gotten into that, yet; that, typically, his response to that is that we will meet Town codes for signage.

Ms. Bennett asked if they were expanding the entrance from the existing conditions.

Mr. Harmon said that he didn't know exactly what was constructed; that he wouldn't be too surprised if our permit, which shows three lanes, will be expanding a little bit.

Ms. Bennett asked if this permit was new.

Mr. Harmon said that the permit is old; that we got the permit back then with the anticipation of doing this; that as things moved forward we didn't do that.

Mr. Duncan asked Ms. Pelletier what the basis was for the number of parking spaces for this.

Ms. Pelletier said retail.

Mr. Harmon said that they are on the plan; that when we come in again that will be spelled out on the plan showing exactly what that is.

Ms. Pelletier asked what the lot coverage was.

Mr. Harmon said that it will be about 10%; that we have 3 acres and it would be 130,000 square feet.

Ms. Pelletier said that 15% was allowed in the Suburban Zone.

Mr. Beckert asked if the PB was happy with this as Sketch Plan stage.

Mr. Harmon said that the lighting plan would be on the landscaping plan.

Mr. Duncan asked if they were setting up a small shopping center.

Mr. Harmon said that the idea is that the amount of traffic on Route 236 and visibility from the road will be attractive to potential tenants.

Mr. Whalen asked if they had any drive-thru capability.

Mr. Harmon said that we do not have that set up here; that we do have drive-around to have big trucks around in the back, and things like that; that, at this point, we don't have the intention of putting it in.

Ms. Pelletier said that drive-thrus are not allowed in Eliot.

Mr. Beckert asked if he could get a motion to accept this as Sketch Plan stage.

Mr. Whalen asked the applicant to indicate snow storage on the plan.

The applicant agreed.

Mr. Duncan moved, second by Mr. Lentz, that the presentation be accepted as Sketch Plan.

VOTE

5-0

Chair votes in the affirmative

Mr. Beckert said that the next available meeting was August 15th and to let the PB know when they wanted to come back.

D. Application for a Request for Planning Board Action to amend a previously-approved site plan (PB17-1) by establishing a non-profit medical marijuana caregiver operation in the existing 30' X 150' structure located at 495 Harold L. Dow Highway. Applicants are Hughes & Kristin Pope (mailing address: 43 Creek Crossing, Eliot, Maine 03903). Owner is The Flower Company Properties, Inc. (mailing address: 483 Harold L. Dow Highway, Eliot, Maine 03903) Property can be identified as Map 53/Lot 6 and is located in the Commercial/Industrial Zoning District. (PB17-9)

Received: July 1, 2017

1st Heard: July 18, 2017

Public Hearing: _____, 2017

2nd Hearing: _____, 2017

Site Walk: _____, 2017

Approval: _____, 2017

Hughes and Kristin Pope were present for this application.

Mr. Lentz asked if this was a dispensary or care-giver.

Mr. Pope said care-giver; that we both have certificates (registered care-givers) and have been in good standing with DHHS for a number of years.

Mr. Lentz asked Ms. Pelletier if it was okay to ask for copies of those.

Ms. Pelletier said yes; that it's not confidential, it's only the patients that are confidential.

Mr. Lentz asked if we have something out to police and fire for a response.

Ms. Pelletier said yes; that they don't generally comment until the next phase of it but they do have a copy of the initial application.

Mr. Whalen asked the applicants to give the PB an explanation as to what the operation is all about, give us an overview of the building and property and their operation on a daily basis.

Mr. Pope summarized his proposal:

- Operation would be a non-profit marijuana-growing facility
- There would be no storefront
- No patients coming to the building, everything would be delivered to them.
- The property owner has requested that he not have a storefront there but is okay with the cultivation of cannabis for patients in the State of Maine
 - provided that patients have a card recommended or prescribed to them by a bonafide doctor
- Recently applied to MOFGA (Maine Organic Farming Gardening Association)

- For an organic certification
- Third-party certifier
- Inspects regularly, unannounced with leaf analysis, soil analysis, product analysis, pesticide, record-keeping, grow logs, seed-to-sale tracking
 - Need to know where seed came from
 - How seed produced
 - Seed tracked with a number as it grows and moves from room to room
 - Lot number tracked through its life cycle, through processing phase, then going to a patient, which lot number is tracked, as well
- No hydroponic growing
- Make soil as part of the business
 - Biologically active space
 - No use of pesticides
- Grow rooms
 - LED lighting rated for very humid environments
 - 45%-60% humidity
 - Ceiling in structure is ideal
 - Typical greenhouse-like environment
- Sprinklers underneath to mitigate pollen
- Processing in separate part of building
 - Hand-trimming, weighing everything, including waste
 - Logged and reported to MOFGA
- 1 – 2 delivery drivers
- Close to home
- Supported by friends/residents
- Year-round operation
- State law allows only one employee for each cultivation license, so, a total of 4.
- Delivery radius is from here to Portland
- Not anticipating cross-state line transport at this time; that NH is probably a few years away from catching up to Maine
 - His non-profit medical marijuana facility is not eligible for sales to recreational people
 - Recreational sales would be a separate license
 - This is specific to Maine residents only who have doctor-issued cards
 - We are direct sales to the end-user (patients), not a storefront
 - Not allowed to sell to anyone other than our patients
 - We would not sell to a dispensary

Mr. Lentz asked if all three warehouses would be used.

Mr. Pope said yes.

Mr. Lentz said that, obviously, security is going to be an issue; that he only sees one main door per building and asked if that was correct.

Mr. Pope said that it is right now; that he imagines that will change as the Fire Marshall comes down because there is a garage bay on every space (3 spaces each) and he only wants one door in and out, period. He added that, if you notice in the legend, the cameras-motion sensors are a diamond shape and they are all around the building; that there should be at least three on every side and there are a number of cameras inside, as well.

Mr. Lentz asked if this type of operation is something, generally, that the local police would be more involved in; surveillance, etc.

Mr. Pope said that he wouldn't think so; that he thinks their general trafficking would take care of that.

Mr. Lentz said that the applicant mentioned that water was constantly running and asked where the water went to, does he recycle it.

Mr. Pope said yes, that he did; that water goes to 60-100 gallon reservoirs, then conditioned, goes through a sump pump, then through a micron mesh filter and through a dripline irrigation system.

Ms. Pelletier asked if there was ever any wastewater created from that.

Mr. Pope said that there is wastewater involved and goes directly into the septic system; that it's just anaerobic bacteria, at that point.

Ms. Pelletier asked if he knew if State laws had caught up with this, somehow, to address the gallonage.

Mr. Pope said yes and no – the gallonage, no but the pollutant, yes, which is one of the reasons they grow plants the way that they do. He added that any wastewater we generate in our current facility feeds our garden.

Mr. Lentz asked about ventilation; that he envisioned big fans going constantly.

Mr. Pope said that he is a big fan of that; that there are two trains of thoughts with cultivating plants indoors – one is a closed space where you pump CO2 into a room and there is no air exchange; that, ideally, UV sterilization kits would be in the ductworks, as they would any public restaurant or space where people are breathing (HEPA filters), probably 20-inch fans that are drawing air in from outside, passively, and going through filters and, then, before the air is exhausted, going through even larger carbon filters. He added that one of the reasons he feels people in our industry get a bad rap is that they don't deal with the fragrance; that while it may be desirable to some, it's a nuisance to most and it's a nuisance to us, as well, which is another reason we need to get this facility away from our home. He said that carbon filtration and ozone generators do the trick; that they work and there is terrific attic space that is more than adequate; that the contaminated air needs at least 2 minutes to be conditioned by ozone in order for it to be

effective and it needs to be separated from any space that humans occupy because higher concentrations are detrimental; that outside fumes would not be an issue. He added that one thing not on that map, the CEO told him that he would have to reach out to a different agency for permission to put compost and rock dust, etc. outside, and asked about that.

Ms. Pelletier said that that was Maine Solid Waste; that people who compost have to get licenses over a certain amount, citing the Mr. Fox facility as an example; that it depends on the size of the operation, what sort of things and what is in those things that are being stored. She added that she didn't think, if there's nothing harmful in it, that they would be regulating him but she would definitely recommend he get in touch with them.

Mr. Lentz asked if he would be storing inside or outside the building.

Mr. Pope said inside but, mostly, to speed up the composting process.

Mr. Duncan asked him if he was composting the non-saleable portions of the plant.

Mr. Pope said no; that there are a lot of worm castings and that is a catalyst for breaking things down like kelp meal, blood meal, etc.; that we do it inside so that it breaks down really fast.

Mr. Lentz asked Ms. Pelletier, when we consider this, we are to consider only what's inside these warehouses; that we're not looking at setbacks, etc. because we did that with Ms. Nooney's application.

Ms. Pelletier agreed; that what the PB is looking at are the setbacks that apply to caregivers and dispensaries; that we are good on everything else, having just reviewed it.

Mr. Whalen asked Ms. Pelletier, regarding the zoning issue, if we had a clear path in terms of this use relative to the zone.

Ms. Pelletier said yes; that medical marijuana dispensaries have been allowed since 2010 in Eliot; that, in 2016, a citizen's petition was done to caregivers to operate under those same rules. She suggested that they show they are 500 feet from schools, etc., and specifically meet the requirements, somehow, through a site plan or narrative.

Mr. Whalen asked, regarding the Nooney plan, will we be expecting a revised plan in concert with the change of use.

Ms. Pelletier said that he has some different requirements than Ms. Nooney had and most of them can be shown on a site plan or in written form; that it's up to the applicant how that is shown; that she doesn't know that there is anything else from the site plan requirements that the PB won't see from him in addition to what she has highlighted here; that if you want anything else, she would recommend asking for it now.

Mr. Lentz asked Ms. Pelletier if this would be an opportunity for the CEO to sit in at a meeting.

Ms. Pelletier said that she can certainly ask her; that it would depend on scheduling and when the applicant would next be ready; that she will ask her.

Ms. Horner said that, the last time she read on this, she was under the impression that security fencing was a State law requirement.

Mr. Pope said that it is for outside cultivation but, because this is inside in a locked facility, it meets all those requirements.

Ms. Bennett said that she would echo putting the setbacks that are delineated in the medical marijuana code; that on the applicant's site plan it looks like, if you use all three buildings, you may be bumping up against a setback to a town-owned piece of land that is catty-corner to this property, where the Transfer Station is; that she believes the criteria talks about being more than 500 feet from public land. She added that the adjacent abutter, although it appears to be a commercial use, it is listed as a residence so she would suggest talking with Ms. Pelletier about the actual designation of that property.

Mr. Duncan asked if the National Fire Code addressed this indoor cultivation activity at all. He asked what happens if this building catches fire from a smoke perspective; is there any specific fire prevention that the applicant needs to comply with in respect to the fire code.

Mr. Pope said yes; that he doesn't know what that is for Eliot but he presumes that any cultivation site for cannabis would be roughly the same. He added that he knew, in Biddeford, there had to be a pipe running parallel down through every row of plants and that may have been because of the sheer power that needed to be produced to make those lights work, which is what is so attractive about the LED's because they don't draw much of any of that.

Ms. Pope said that we have a friend who works for the National Fire Code and his wife mentioned that they are looking into setting up codes but she doesn't know anything more than that.

Mr. Pope said that the answer to the question would be no, not at the moment.

Mr. Duncan said that he would assume that the local Fire Department will review or defer to the State Fire Marshall.

Ms. Pelletier said yes and, then, the CEO can comment on the National Electrical Code; that she has heard that they are also coming around to address these types of uses; that the CEO can speak to that.

Mr. Pope said that he would rather have everything covered in conduit and do it right the first time, and not have to go back.

Mr. Beckert said that Ms. Pelletier has given the applicant a copy of the checklist for what needs to be provided for information; that that would be what we need to see 10 days prior to the applicant coming back to another meeting; that the earliest would be August 15th and you would need to have your complete information to us by the 5th.

Mr. Duncan asked Ms. Pelletier if we need to approve this as Sketch Plan.

Ms. Pelletier said that, if you are doing a revision to a site plan, then you don't have to go through all that again; that you can schedule a public hearing with the understanding that the applicant would have all his stuff taken care of by then; that, if not, he will have to pay twice. She added to let her know if they can finish the checklist within the next two weeks so that she can schedule, or not, so they don't have to pay twice.

Mr. Pope asked if the next meeting would allow us to change the permitted use for that site..

Ms. Pelletier said possibly; that the PB could approve it, that night, after the public hearing, if you have completed all the requirements.

E. Continued discussion of legal and public notice requirements:

- **June 23, 2017 correspondence from Attorney Philip Saucier**

Mr. Beckert said that his intent would be that we work on this the first meeting in August and see how we want to institute any of this within our processes. He suggested PB members bring their ideas.

The by-laws will also be on that agenda.

ITEM 7 – DISCUSS STATUS OF OUTSTANDING ACTION ITEMS

There were no outstanding action items.

ITEM 8 – CORRESPONDENCE AND PLANNING ASSISTANT, AS NEEDED

Update on annual rate of growth review.

Ms. Pelletier said that the survey questionnaires are out. She added that we estimated that, if we do nothing and rely on the calculation in the ordinance, it would be about 25 permits available next year. She said that, when those surveys are back, she will do a report for the PB on that, the status of the waiting list, etc.

Ms. Bennett asked if we are supposed to be voting on officers directly after the Town Meeting.

Ms. Pelletier said yes; that she forgot that they were supposed to do it at the first meeting; that she will put it on the next agenda.

Ms. Bennett said that she and Ms. Horner were re-appointed as alternates; Ms. Bennett for 5 years and Ms. Horner for 3 years.

Ms. Horner asked why the SB was allowed to choose which alternate got what term, as she requested 5 and Ms. Bennett asked for 3.

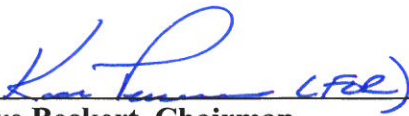
Ms. Pelletier said that she didn't know; that Ms. Horner would have to ask Mr. Lee.

ITEM 9 – SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board Meeting is scheduled for August 1, 2017 at 7PM.

ITEM 10 – ADJOURN

There was a motion and a second to adjourn the meeting at 8:38 PM.



Steve Beckert, Chairman
Date approved: 8/15/17

Respectfully submitted,

Ellen Lemire, Recording Secretary