

Lebanon, Maine Planning Board
Minutes – Regular Meeting
Thursday March 2, 2017

Members Present

P. Philbrick - Chairman
S. Bright – Vice-Chairman
C. Lunderville
D. Harriman
S. O'Brien
B. Thompson – Alternate
J. Griffin – Clerk

Others Present

Royce Heath - Selectman
Dana Coull – Tax Payer
Kurt Zeller - Tax Payer
Brenda Zeller - Tax Payer

Chairman Philbrick called for a motion to open the meeting. The motion was made by S. Bright and seconded by C. Lunderville. The vote was taken and carried unanimously. Chairman Philbrick opened the meeting at 6:05 pm.

There was a quorum of members present and there were no conflicts of interest with any of the posted agenda items.

Kurt & Brenda Zeller – Mr. & Mrs. Zeller came before the Board to discuss proposed division of property. Mr. & Mrs. Zeller currently own 123 acres (+,-). They wanted to confirm that (1) one lot divided from the property is not considered a subdivision as long as there are no more than that within a (5) year period.

There is a mobile home on the property which has burned. They are building a new home at the site. The couple would like to cut a buildable lot out of the property behind A.C. Provo's as payment to the contractor. The proposed lot has already been surveyed and a map was presented to the Board to review. There is also a 52 acre piece of land which has not been surveyed as of yet. The Zellers' have a letter of map amendment which states the area is not in a flood zone. Mr. Zeller asked if the (2) acre lot would need to come before the Planning Board. He was assured that this transaction would not need to have Planning Board approval.

Mr. Zeller proposed another scenario to the Board. If he were to create a 4.9 acre lot and place (2) two buildings on the property would he need to come before the Board. Mr. Zeller was informed that scenario would be considered a minor subdivision which would have to come before the Board for review. Mrs. Zeller asked if there were a Subdivision Regulations Guide available. The planning board clerk informed Mrs. Zeller that the guide is located on the Town website.

Mr. Zeller asked if he could avoid the minor subdivision by leasing the property for the five years as a rent to own transaction.

Selectman Heath asked to address the Board. C. Lunderville made the motion and D. Harriman seconded it. Selectman Heath asked if the Zellers are planning on selling the property which the mobile home had burned. The Zellers will be retaining that land and plan on building their new home on that site.

Selectman Heath also asked if they were creating a Right of Way in order to access the property in back. Mr. Zeller stated that yes, a deed Right of Way would be in place. Mr. and Mrs. Zeller thanked the Board for their time.

Planning Board E-mail - The question of in order to be consistent with the other Town departments, should a Metrocast e-mail account be created instead of the g-mail account the Board already uses. The account would cost the Town an additional \$5.00 per month on the Metrocast bill. The question was discussed and decided that the e-mail account should stay the same. There is no reason to change the account and add an additional cost to the Town.

B. Thompson mentioned that in the future if the Town approves a server, the Town could have in upwards of 100 e-mail addresses. An example would be PlanningBoard@TownofLebanon. This would allow consistency with all departments and committees.

Lot Size Ordinance- Much discussion took place on this topic. The Board reviewed the most recent version of the Lot Size Ordinance received from legal. This was compared to a proposed version of the Ordinance revised by C. Lunderville. Chairman Philbrick stated that he would prefer to present the version which was approved by legal counsel. It was mentioned the wording from the Shoreland Zoning Ordinance was copied and added to the lot Size Ordinance. This addition does not make sense in the manner which this Ordinance is to be used. Changes in section 6 item C and E have been made as well. The option of holding off until the November vote was mentioned in order to allow additional time for the Board to review.

Marijuana – Vice-Chairman Bright asked Chairman Philbrick if additional information had been received from legal. At this time, there has not.

Vice-Chairman Bright and C. Lunderville shared information they learned attending the “Lifting the Haze” workshop hosted by M.M.A., Maine Municipal Association the other night. The Town can use the current Land Use guidelines for proposed Retail Marijuana Establishments. Their understanding was that the Town may be able to limit the amount of establishments also. However, without a Comprehensive Plan, the town is limited in what control measures can be enacted.

The Town could request additional fees on top of the fees required by the State. As far as restricting the Establishments to a certain area, the Town does not have zoning so that may not be an option. The State has placed a moratorium so that Establishments cannot open until February 2018, however, the Town of Lebanon should still consider passing the moratorium at the May Town Vote.

The proposed prohibition ordinances which will also be on the May Town ballot should also be seriously considered. The prohibition ordinances will appear separately. This will enable the town to choose which establishments will be allowed in town. The city of Lewiston has put a moratorium in place that no decisions will be made until the State has completed a more detailed plan.

Social Clubs would only have marijuana products available for purchase. These products may not leave the building. No Alcohol or tobacco may be sold and or used in these establishments.

The Town might have the right to create a “Nuisance Ordinance” This ordinance could include language on odor and or noise control.

According to “Marijuana Business Daily” by the year 2020 the State of Maine could have over \$210,000,000 in sales, licenses and fees created by this industry.

The Town can require minimum standards/guidelines in regards to safety codes in addition to State regulations. The Town cannot dictate where these establishments can be opened due to the fact the Town does not have zoning which differentiates between, residential, industrial etc.

The method in which the Town chooses to select which establishments is up to the Town. For example, if the Town so chooses, it could be accomplished by something as simple as placing names in a hat.

A current medicinal grower in Town has several clients in the same building. These are individually rented spaces. These growers may not work together in any way.

D. Harriman mentioned that the State is only issuing 800,000 square feet for the cultivation of marijuana. There are approximately 3,600 caregivers in the State of Maine serving over 10,000 clients. Another option for the Town is to prohibit all establishments and be a “dry town”.

C. Lunderville inquired as to the cost of legal services. These services are paid at the rate of \$230.00 per hour. C. Lunderville was curious in the event legal services may need to be used for this matter in the future.

Informational Meeting – The Board was asked to review a sample flyer to be distributed to notify residents of the Informational Meeting to be held on Saturday March 11th. C. Lunderville will revise the flyer to include pertinent information. The Planning Board will meet at the Town Office at 12:30 pm on March 11th to go to the school to set up for the meeting.

Minutes- No minutes were reviewed this evening.

Chairman Philbrick called for a motion to adjourn the meeting. The motion was made by S. Bright and seconded by D. Harriman. The vote was taken and carried unanimously. The meeting was closed at 9:35 pm by Chairman Philbrick.

Minutes were reviewed 3/23/2017

Vice-Chairman Bright made the motion to accept minutes as corrected.

D. Harriman and seconded the motion.

The vote was taken. The vote carried