

**Lebanon, Maine Planning Board  
Minutes – Regular Meeting  
Thursday January 5th, 2017**

Members Present

P. Philbrick - Chairman  
S. Bright – Vice-Chairman  
C. Lunderville  
D. Harriman  
J. Griffin – Clerk

Others Present

Ben Thompson – Lebanon Town Assessing Agent  
Dana Coull – Tax Payer  
Mike Beaulieu – Lebanon Code Enforcement  
Officer  
Bettie Harris-Howard – Lebanon Appeals  
Board Chairman  
Deborah Wilson – Resident  
Jason Cyr – Resident  
Bobbie Stormann  
Jeri Basko – Resident  
Royce Heath - Selectman

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Chairman Philbrick called for a motion to open the meeting. The motion was made by S. Bright and seconded by D. Harriman. 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.

A proposed visitor card was presented by J. Griffin, Planning Board Clerk to the planning board for review and comment. When visitors attend a Planning Board meeting, they would be asked to fill out one of these cards which includes the following information: date, visitors name, who they represent if anyone, if they are a resident, contact information if they so choose and the item on the agenda that they are interested in. After brief discussion, Chairman Philbrick called for a motion to accept the visitor card. The motion was made by D. Harriman and seconded by C. Lunderville. The vote was taken and carried unanimously.

Visitor cards were distributed to those in attendance. If visitors would like to address the Board, they must fill out a visitor card in order to be recognized. The Board must then take a vote whether or not the visitor may have permission to address the Board due to time constraints and/or bringing up a topic that is not on the agenda.

**Marijuana Moratorium update** – Much discussion took place on this matter. Due to the out pouring of inquiries concerning this subject, M.M.A., The Maine Municipal Association has created a moratorium that towns may use.

C. Lunderville made mention that that the state legislators are proposing a moratorium on the retail sales of marijuana only. The proposal would allow State and municipalities more time to regulate the retail sales of marijuana as well as social clubs.

Bobbie Stormann asked to address the Board. Chairman Philbrick called for a motion to permit Mrs. Stormann permission to address the Board. The motion was made by S. Bright and seconded by

C. Lunderville. The vote was taken and carried unanimously. Mrs. Stormann stated that the Portland Press Herald ran an article that they are in very strong support to move forward as the law was written with the 9 (nine) month time frame for the State to get on board and to contact your representatives to not support the moratorium. At this time the specifics are up in the air, no one is sure as to which way things will go. (The State may be ready to move forward prior to the 9 (nine) month timeframe, at the 9 (nine) month timeframe or it may even be longer.)

Vice-Chairman Bright stated that he also read the same article and it seems as though it is moving along the way that Representative Gerrish discussed with us saying that when the vote was certified and had been signed by Governor LaPage, the Legislature would start looking at it. There was a bill back in 2015 that lay dead on the legislative floor. The bill was filed away, however, portions of the previous bill were used to amend the citizens' initiative. An example of missing from the citizen's initiative is: what if a minor were apprehended and was in possession of marijuana? There was nothing written in the initiative to direct a police officer on how to handle that type of situation.

Bobbie Stormann informed the board that the State of Maine currently accepts applications for hemp cultivation and are renewing applications for this. She relayed that the State is already regulating the hemp industry, and she feels that the retail marijuana process is going to be quicker than the State is letting on. This scares her for all of these small people who are already care givers who have that 90 (ninety) day opportunity to apply for a license may lose out if the Towns enact moratoriums, because the big businesses coming will take over. She is encouraging the Town to be prepared for allowing cultivation, this is where the Town will earn revenue and create jobs. Moratoriums on the retail sales and the social clubs is understandable. She feels that the State is going to move quicker particularly if they get push back from the residents of the State of Maine to enact this within the 9 (nine) months.

Vice-Chairman Bright replied to Mrs. Stormann. He stated there are many things to think about. Do we create ordinances just for the cultivation aspect? Do we place a moratorium on retail establishments and social clubs? Or do we place a moratorium on all aspects and wait until November to actually have the ordinances set out. Proper information needs to be sent out to the residents.

Bobbie Stormann has been keeping an eye on other Towns and how they are reacting to this. Her home Town of Lincoln, Maine is open for business with no moratoriums. Mrs. Stormann is meeting with Berwick, Maine on Tuesday, they are not interested in moratoriums. Bath just nearly defeated to have moratoriums. Towns are opening up for business without a moratorium.

Discussion was held that the Towns mentioned, have comprehensive plans, zoning, and law enforcement. Revenue for the Town and the potential for job growth is a good thing, but it needs to be done with a comprehensive mind set to it.

Mrs. Stormann explained that the Town needs to act quickly if it wants to have this retail marijuana investment opportunity. If the Town wants this opportunity, it needs to be prepared.

The State has an 800,000 square foot canopy for the cultivation aspect right now. Vice-Chairman Bright feels that in 5 (five) years the 800,000 square foot canopy for cultivation the State approved is probably going to expand. We may not have the controls in place that is needed by the Town right away. It may be something that the planning board would like to wait on until hearing from the residents to see what they desire for controls. It was stated that a lot of Lebanon residents did vote in favor of Question #1 legalize marijuana

Mr. Beaulieu asked if there was any updated information from the attorney in regards to the moratorium. No further correspondence has been received since the last e-mail, most likely due to the holidays

Vice-Chairman Bright mentioned that the Select Board needs to make a decision as to whether or not a moratorium will be placed on the May ballot or if a special election would take place. The Planning Board needs direction as to where to go from this point. A point has been reached that discussion is becoming redundant with the same issues being restated. The Planning Board is willing to work on the task assigned to them by the Select Board. But in order to do so, the planning board need some decisions to be made.

Mike Beaulieu brought up that reaping the benefits from this industry can be a very profitable, a very lucrative source of income for every Town who chooses to take part in this opportunity. He emphasized people need to understand that no one is trying to control the recreational use of marijuana in this Town.

Mrs. Stormann wanted to mention that as a potential investor that she agrees and as somebody who is looking to move into Town she wants to make sure that the Town has the necessary ordinance in place in order to protect the Town. But to keep delaying creating the language, does not give somebody who wants to come into your Town a good feeling.

Vice-Chairman Bright stated that even at this point the Board of Selectmen may want to wait until May to hold the moratorium vote. Mrs. Stormann interjected that by that time it is too late for investors like herself. Lebanon would be the best place for her business, but she cannot wait that long.

It was asked if the Select Board would be joining the meeting after their meeting was complete. It was unknown. Vice-Chairman Bright stated that he understands that the Select Board has a full work load this evening, however a decision needs to be made.

Ben Thompson asked to address the Planning Board. Chairman Philbrick called for a motion. The motion was made by D. Harriman and seconded by C. Lunderville. The vote was taken and it passed unanimously.

Mr. Thompson asked if the Planning Board has contacted the lawyers directly.

Vice-Chairman Bright offered that it was asked if the Planning Board could have permission to contact the lawyers directly. It was unclear how the Select Board felt about the direct contact.

Bobbie Stormann asked if the Town was planning on having an informational meeting and if so, would prospective businesses have the opportunity to address the residents with their business plans.

Mr. Thompson stated that it would be a conflict of interest. You could not have the potential owners of a business address a town meeting. Mr. Thompson further stated that to put private industry up on the stage to address the residents of the town is not a wise thing to do. However, you may distribute information on your own or create a citizens petition and go through the Select Board to let them know your intentions.

Mike Beaulieu stated that this would be a bit premature and could make the Town look biased.

Vice-Chairman Bright stated that he's unsure of how he feels about that question.

Mrs. Stormann answered that you can get anybody who is interested in setting up a business, not just her husband and herself, even the existing medicinal caregivers who may be interested in going into retail recreational marijuana if they want to present their plan.

Vice-Chairman Bright replied that he feels that would be soliciting the people of the Town.

Code Enforcement Officer added that you would have to contact anyone/everyone who would like that opportunity too. How do you go about doing that?

Planning Board Clerk Jenn Griffin added that you would have to place a notice in a newspaper in order to be fair.

C. Lunderville added we have considered many things to place in the ordinances such as where establishments should be located, we are absolutely putting this under a microscope this is all the more reason we need the additional time to get the information to the residents to let them know that this is their choice. She feels that as far as municipal approval goes, she does not want it to appear that the Town is playing favorites and it should be first come first serve.

Mrs. Stormann feels that it should be for the best fit for the community.

Mike Beaulieu, Code Enforcement Officer also feels that there are many Lebanon residents who have been medicinal growers for years and should have first choice for available permits.

Jeri Basko asked to address the Board. Board approved. She feels that if the criteria is first come first serve that the applicant should have an extremely detailed business plan in order to be considered. All business plans submitted should be scrutinized to know exactly how the plants will be cultivated, how will they be monitored, when will they be cultivated. Each application should be gone over thoroughly to ensure that everything has been considered properly.

Bobbie Stormann asked if the Planning Board and Code Enforcement would be actively working on creating a moratorium and/or an ordinance(s) or would this be tabled until the vote in May to begin and/or continue. Both the Planning Board as well as the Code Enforcement Officer agreed that they would be actively working on this matter. Mrs. Stormann questioned if the Town would be in the position to move forward if the State started issuing licenses in (2) two months. Chairman Philbrick reiterated the fact that the residents should be the ones who decide how the guidelines should be written, if in fact, the residents decide that they want to allow retail marijuana and/or social clubs in Town.

Jeri Basko added that there are many Towns who are actually banning the retail sales and/or social clubs.

Mrs. Stormann brought up that Colorado is not limiting the amount of licensing.

C. Lunderville mentioned that the State actually controls the issuing of the licenses. The Town would decide on whether or not to allow the potential business owner(s) to open establishments within Lebanon.

Chairman Philbrick summarized the discussion on this subject.

- There are (2) two moratoriums which can be proposed to the Select Board to present to legal.
- The Select Board has not given an answer on which moratorium they will be presenting to legal
- The Select Board has not given an answer/input concerning the proposal of an informational meeting for the residents
- Chairman Philbrick will be requesting to be placed on the Select Board agenda for Monday January 9<sup>th</sup> in order to clarify the direction in which the Select Board will be moving forward on this matter.

Chairman Philbrick called for a motion to allow him to present the M.M.A. version of the moratorium to the Select Board at the January 9<sup>th</sup> meeting. The motion was made by D. Harriman and seconded by S. Bright. The vote was taken and it passed unanimously. The clerk will contact the Select Board secretary to have Chairman Philbrick added onto the January 9<sup>th</sup> agenda.

**Lot Size Ordinance** – Vice-Chairman Bright questioned which Lot Size Ordinance is the correct one. There was an ordinance which was proposed the end of 2015 beginning of 2016. After review between

Code Enforcement, Planning Board, Select Board and the lawyer, the proposed ordinance was not placed on the town ballot. The ordinance that is in the official ordinance book is legally signed by the Town Clerk. A Planning Board workshop will take place on January 19<sup>th</sup> at 6:00 pm to discuss this issue further. Vice-Chair S. Bright will meet with the Town Clerk to look for the Lot Size Ordinance question on a previous Town Ballot for the wording, if it passed or not, and for a copy of the attested and signed ordinance.

**Informational Meeting** – Vice-Chair Bright suggested re-sending the informational meeting survey in hopes of receiving more replies. The Planning Board Clerk will contact Sue Collins to do so.

C. Lunderville suggested that the information meeting be held regardless if a moratorium is approved or not in order to get as much information as possible to the residents. The Planning board does not need the approval of the Select Board in order to hold an informational meeting. The suggestion of holding a special election in addition to the May Town election in order to pass a moratorium was brought up. An informational meeting on this option was also proposed. D. Harriman suggested that the Planning Board hold off until the outcome of the Monday January 9<sup>th</sup> Select Board meeting.

#### **Other Business –**

Deborah Wilson asked if she may address the Planning Board. Chairman Philbrick called for a motion to allow Deborah Wilson to address the Board. The motion was made by S. Bright and seconded by C. Lunderville. The vote was taken and it passed unanimously.

Deborah Wilson asked if she may be added to the list of people who receive an e-mail with the Planning Board Meeting Agendas. Ms. Wilson would like to post the agendas on her website under her calendar of events as an additional venue to notify residents of upcoming meetings and the items which are to be discussed. The clerk will add Ms. Wilson to the list.

C. Lunderville inquired about where to find the F.O.A.A. (Freedom of Access Act) web-site that is mentioned on the waiver she received. Ben Thompson provided the link to the F.O.A.A. website in order for newly appointment Planning Board members to educate themselves on this Act.

The Planning Board Clerk is to contact the Select Board secretary in order to confirm that the conference room is available on January 19<sup>th</sup> in order to hold the workshop.

Bettie Harris-Howard asked to address the Board. The motion was made by S. Bright and seconded by D. Harriman. Bettie who is the Chair of the Budget Committee asked if the Planning Board was all set with their 2017-2018 budget to be reviewed with the Budget Committee and if Chairman Philbrick would be available to do so on Wednesday January 11<sup>th</sup> at 6:30pm. Chairman Philbrick stated that the budget is ready to review and that the date and time to do so would be fine.

C. Lunderville requested approval for both S. Bright as well as herself to attend a workshop hosted by the Maine Municipal Association titled “Lifting the Haze”. This is a workshop on the many aspects of Question #1. The clerk will have both C. Lunderville and S. Bright fill out the request form for Chairman Philbrick to sign and then print off the informational flyer to accompany the requests with the invoice for the Select Board. When approved, the clerk will register both C. Lunderville and S. Bright for the workshop.

The Town Report submission was officially approved and signed by the Planning Board. The clerk will forward to the Select Board secretary.

Inquiries for open seats on the Planning Board were discussed. An e-mail was received by a resident who is interested. The clerk will contact the resident to inform them that an application would need to be completed and returned to the Town Office for review by the Select Board.

Another resident completed an application. The clerk will contact to let them know it was received and that the application needs to go before the Select Board for review. The clerk is also to invite the applicant to the next meeting to see how the Board functions.

The clerk was asked to invite Bettie Harris-Howard to the January 19<sup>th</sup> workshop to be included in the Lot Size Ordinance discussion.

#### **Minutes-**

The minutes of the 11/18/2016 workshop were reviewed. Chairman Philbrick called for a motion to accept minutes as written. The motion was made by C. Lunderville and seconded by S. Bright. The vote was taken. The vote carried 3 in favor and 1 abstention.

The minutes of the 12/1/2016 meeting were reviewed. Chairman Philbrick called for a motion to accept minutes as written. The motion was made by S. Bright and seconded by D. Harriman. The vote was taken. The vote carried unanimously.

Chairman Philbrick called for a motion to adjourn the meeting. The motion was made by S. Bright and seconded by C. Lunderville. The vote was taken and carried unanimously. The meeting was closed at 8:12 pm by Chairman Philbrick.

*Minutes were reviewed 2/16/2017*

*Chairman Philbrick called for a motion to accept minutes as corrected.*

*The motion was made by S. Bright and seconded by D. Harriman*

*The vote was taken. The vote carried unanimously.*