

**Lebanon, Maine Planning Board
Minutes – Special Meeting
Thursday February 16, 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

Dana Coull – Tax Payer
Deborah Wilson – Resident
Mike Beaulieu – Lebanon Code Enforcement
Officer
Royce Heath – Selectman

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 6:15 pm.

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

Chairman Philbrick announced that S. O’Brien has filled the full member seat on the Board.

Visitor cards were distributed to guests to fill out. Guests who had previously filled out visitor cards had this evenings date added to the card. Chairman Philbrick explained for new guests in order 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.

Lot Size Ordinance – The proposed Lot Size Ordinance will be sent to Mary E. Costigan from legal for review. Ms. Costigan has just finished reviewing the proposed marijuana ordinances which were previously submitted. Chairman Philbrick asked if anyone had any changes they would like to discuss. Both B. Thompson and Mike Beaulieu, Code Enforcement Officer, have changes they would like to be made. Chairman Philbrick asked the Board to review the proposed Ordinance once again before submitting to legal for review.

Placing funding for creating an updated Comprehensive Plan on the Town ballot vote in May was discussed. Vice-Chairman Bright stated that the Town needs something in place. Hopefully the Town vote in May will determine which direction the Planning Board should move towards in creating guidelines. S. O’Brien questioned the lack of zoning and if it is needed.

B. Thompson replied that yes, zoning is needed. Zoning gives the Town the control over specific use of properties. Eventually the State Police will approach the Town to fund their own Police Department due to the increasing calls within the towns that they service. In about (15) fifteen to (20) years the Town will be all “grandfathered out”. Various types of zoning should be in place such as, residential, industrial, business, agricultural, etc.

Marijuana Moratorium update – Chairman Philbrick sent information to legal to review. A reply was sent via e-mail and attachments were printed and copied for the Board to review together.

The question was asked would a comprehensive plan need to be in place to create ordinances for the various aspects of Retail Marijuana. Per the Maine Townsman/January 2017 a comprehensive plan DOES need to be in place in order to enact any ordinances for Retail Marijuana. However, you do not need a comprehensive plan to create and vote on a moratorium. If the moratorium does pass in May, that would allow time to start a comprehensive plan.

C. Lunderville offered that in the original Marijuana Legalization Act, page (12) twelve, Section E item (4) four it does not state that you need a comprehensive plan to create and enact by a Town ballot vote prohibition ordinances.

At this time, to hold a special election to approve a moratorium to allow the Town the time to start a comprehensive plan so that ordinances for Retail Marijuana, Social Clubs and Cultivation facilities is not an option due to the lack of funding.

Vice-Chairman Bright has reviewed the revised prohibition ordinances and is fine with the revisions that were made. It is the hope of the Board that a moratorium will be enacted to allow the time to network with surrounding towns. The Planning Board does have the approval from the Select Board to contact legal directly concerning this subject.

The M.M.A., Maine Municipal Association legal department is currently working on (2) two options for those towns who do not have a moratorium in place. The question of: “Can a Town limit approval for the number of establishments in town?”, “Can the Town limit the location sites of establishments to a particular area of the town?” B. Thompson offered that would be considered zoning which cannot be established without a comprehensive plan.

C. Lunderville and Vice-Chairman Bright will be attending the M.M.A. workshop titled “Lifting the Haze.” On February 28th. They will bring questions before legal council at the workshop for some insight. On limiting the number of establishments allowed within the Town as well as can the establishments be restricted to a particular area within the Town. , “Do employers who are not branches/affiliations of the Federal Government have the right to prohibit their employees from recreational use of marijuana affect all employees within the company, or would certain positions, such as operating heavy equipment or a Semi Truck only be affected?” If there are further questions on the workshop or would like to have questions asked at the workshop, please e-mail either Vice-Chairman Bright or C. Lunderville.

If anyone has any further questions that may need to go through legal council, please contact Chairman P. Philbrick. Chairman Philbrick called for a motion to accept the legal adaption of the prohibition ordinances. Vice-Chairman Bright made the motion and D. Harriman seconded it. The vote was taken. The vote carried.

Informational Meeting – The originally scheduled first meeting for the informational meeting, Saturday February 18th, 2017 at 1:30 pm was cancelled. Vice-Chairman Bright and C. Lunderville lost all of their belongings in a house fire which included the laptop which the presentation was saved and the projector. Vice-Chairman Bright stated the he will need to completely re-create the power point presentation which included explaining the statues and what they mean to Lebanon. A reschedule date for the presentation was discussed. Saturday, March 11th at 1:30 pm was decided upon. The Planning board Clerk will contact the Lebanon Elementary School Principal, Mrs. Gilley to ask if the gymnasium is available as well as inquire if a projector would be available to use.

Other Business – Mr. Beaulieu brought before the Board a proposed multi-unit subdivision on Route 202 which was previously an approved subdivision. The Planning Board Clerk offered that the subdivision,

which was previously presented as “Eastwood Condominiums”, was a previously approved subdivision. However, the approval was revoked due to there being no forward progress for (5) five years. At this time, the project will need to come before the Planning Board as a new application. The Planning Board Clerk offered the file as well as the minutes that pertained to the project for the Code Enforcement Officer to review.

The Town needs to have a comprehensive plan enacted in order to create guideline ordinances for Retail Marijuana establishments. The previous Comprehensive Plan could be used as the framework for updating the previous plan. This could alleviate some of the cost as well as the time that it would take to create a new Comprehensive Plan from square one. The Annual Town ballot vote in May will show what the residents are concerned with and help to decide what order of business should take priority. What was the deadline for submitting proposed ordinances for the Annual Town Ballot vote in May was mentioned. According to the “Critical Dates for the Annual Town Meeting” outline all final Ordinance drafts must be submitted to the Select Board no later than March 9th with any last minute changes.

Ms. Wilson asked if she could address the Board. Vice-Chairman Bright made a motion and C. Lunderville seconded it. A vote was taken and it passed. Ms. Wilson stated that there is a lot of mis-information out there and the residents need to be informed of the correct information. She feels that some sort of a mailer is needed with the basics. S. O’Brien offered that the information on a mailer should be broad. Perhaps a postcard to the residents with the Town’s website so that residents can follow any updates as they occur as well as how to sign up for the automatic Public Notices.

Dana Coull asked to address the Board. Vice-Chairman Bright made the motion and Chairman Philbrick seconded it. Mr. Coull made mention of the observation that of the meetings he has attended there usually only one or two members of the community are present and at times a Select Board member. The meetings are well advertised and no one is coming. The people are not actively involved.

Selectman Heath asked to address the Board. Vice-Chairman Bright made the motion and C. Lunderville seconded it. Selectman Heath stated that if you send some sort of a mailer out list what cannot be done. This is more likely to attract residents than an “informational meeting”.

S. O’Brien added that a study was done and it showed that people have become desensitized to certain “key” words such as “intelligence” and “information”. “Key” words such as “alert” or “breaking” are more apt to draw attention. S. O’Brien also offered that mailing postcards is more cost efficient than a mailers would be. She uses this method with her business and has been satisfied with the outcome. She will do some additional research on pricing.

Minutes- No minutes were reviewed

Chairman Philbrick called for a motion to adjourn at 8:50 pm. The motion was made by Vice-Chairman Bright and seconded by C. Lunderville. The vote was taken. The vote carried unanimously.

Minutes were reviewed 3/23/2017

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

The motion was seconded by D. Harriman. The vote was taken. The vote carried.