

**Lebanon, Maine Planning Board
Minutes – Workshop
Thursday January 19th, 2017**

Members Present

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

Others Present

Mike Beaulieu – Lebanon Code Enforcement Officer
Deborah Wilson – Resident
Dana Coull – Tax payer

Chairman Philbrick called the workshop to order at 6:05pm.

C. Lunderville was unable to attend this evening.

Chairman Philbrick introduced the newest members of the Planning Board. S. O’Brien and B. Thompson. Chairman Philbrick explained the items we would be discussing this evening to S. O’Brien which are the Lot Size Ordinance and the Marijuana Moratorium. Chairman Philbrick asked S. O’Brien if there would be any conflict of interest with an affiliation with marijuana groups. S. O’Brien, who is a real estate agent, was also asked if she had current listings in Lebanon which could be a conflict of interest. S. O’Brien replied no to both questions.

The clerk updated the visitor cards with tonight’s date for those in attendance who had filled one out at a previous meeting.

Lot Size Ordinance- Chairman Philbrick asked Ben Thompson what he would like to see in an ordinance from an assessor’s standpoint. When reassessing the waterfront properties the majority of the lots are non-conforming lots therefore they are not buildable according to the Shoreland Zoning Ordinance.

Mr. Thompson would like to see a lot size ordinance including a section about non-conforming lots. There is some question as to if there was an original Lot-Size Ordinance, if it was amended and if so when and if the Ordinance included at any time non-conforming lots. Vice-Chair Bright met with Town Clerk Dale Fisk to research past ballots to see if there was an article to enact a lot size ordinance. If there was a vote on such an ordinance or an amendment is there a true signed attested copy. Vice-Chair Bright could not find a true signed and attested copy. There was an amendment in 1984 article #31 which did pass and the ballot book was initialed, however it stated that the “Budget Committee” approved the amendment.

Mr. Thompson explained that in open town meetings years ago, there was a warrant committee. Through the years this committee had been redesigned as the budget committee. It would need to be researched that when the warrant committee was renamed the budget committee what exactly was their purpose. Was it still to review and approve articles, was it to only review budgets or was it a combination of both tasks?

Regardless a new Lot Size Ordinance needs to be drafted and brought before the residents to vote on. Vice-Chairman Bright spoke with Select Board Chairman Torno concerning this. She would like to have

this go through legal for as it seems at this time, there is not a true lot size ordinance. There was an updated Lot Size Ordinance which was sent to and approved by legal council back in 2015. This was not placed on the warrant.

The Code Enforcement Officer made the suggestion that within the Shoreland Zoning Ordinance the lot size should also be included. Combined lots were also discussed for assessing purposes and not combining for building purposes. Reviewing the Shore Land Zoning ordinance for information that possibly could be incorporated into the Lot Size Ordinance was mentioned as well.

The Planning Board would like to approach the Select Board about contacting legal services in regards to the proposed Lot Size Ordinance.

Research to see exactly when the Shoreland Zoning Ordinance was enacted as well as amendments needs to be done to answer the question of when the non-conforming lot ordinance was enacted.

Mike Beaulieu the Code Enforcement Officer mentioned that we may want to review the Town of Milton, NH's Lot Size Ordinance for reference.

Deborah Wilson questioned B. Thompson of the fact that the State Ordinance states that lots must be 20,000 square feet in order to be conforming lots. Which is twice the size of the majority of the lots that are currently on the waterfront, which are also mostly single lots. This information needs to be explained to the public as to why the changes are being made.

This subject is going to be tabled at this time while research takes place into possibly adding language from the Shoreland Zoning Ordinance on non-conforming lot sizes.

Marijuana- The M.M.A., Maine Municipal Association suggested moratorium was presented at the Select Board meeting by Chairman P. Philbrick. The Select Board accepted the moratorium and it will be placed on the May Town ballot.

Chairman P. Philbrick contacted M.M.A. in regards to what the article wording should be. Chair P. Philbrick did receive a response. The article must be the exact title of the moratorium and the ordinance that is being proposed for the Town vote in May. Chairman Philbrick will bring the proposed wording for the articles to the Select Board meeting to request that legal reviews the wording.

Deborah Wilson had gone to the State House in Augusta when they amended the moratorium to extend the original (9) nine month period an additional (3) months which would allow (1) year for the Towns to create their own moratorium and/or ordinances which would be February of 2018. This extension should be more than adequate for the Town to educate the residents for their opinions, concerns and/or suggestions so they may create and place the ordinances on the ballot for the May Town vote. Beginning in February 2018, the State would begin to issue licenses.

Vice-Chairman Bright created proposed "Prohibition Ordinances" for the May Town ballot as well as the wording for the articles.

The proposed ordinances include:

Proposed "Prohibition Ordinances" which include:

- Prohibition Ordinance for Retail Marijuana Cultivation Facilities
- Prohibition Ordinance for Retail Marijuana Products Manufacturing Facilities
- Prohibition Ordinance for Retail Marijuana Social Clubs
- Prohibition Ordinance for Retail Marijuana Stores
- Prohibition Ordinance for Retail Marijuana Testing Facilities

The Planning Board Clerk will print and distribute to the Planning Board to review at the next regular meeting scheduled for Thursday February 2nd, 2017.

The Question of should there be odor control ordinances? What protocol should be put in place in regards to trailer parks and the growing of marijuana? There are many aspects which still need to be considered and thought of. The Town of Bangor has ordinances completed that could be looked through for ideas.

At the next regular meeting which is scheduled for Thursday, February 2, Vice-Chairman Bright will be presenting a proposed power point presentation which he would like to present at the informational meeting to be held.

The Planning Board is striving to have the proposed Lot Size Ordinance as well as proposed marijuana moratorium and prohibitions ordinance written and approved to be placed on the May Town ballot.

B. Thompson requested that Planning Board agendas be sent out as a Public Notice mass e-mail the Monday prior to the meeting so that residents will know when the meetings are held . The Planning Board Clerk stated that the Planning Board has the same meeting time each month, the first Thursday of the month at 6:00 pm in the Town Office Conference room. The meetings are posted on the website calendar, under agendas on the Planning Board page, on the Town Office front door, outside the Town Office in the glass bulletin board, at the library, the Lebanon Elementary school and in the Town Office lobby in a binder.

The Planning Board is striving to have the proposed Lot Size Ordinance as well as proposed marijuana moratorium and prohibitions ordinance written and approved to be placed on the May Town ballot.

Chairman Philbrick requested that the Planning Board Clerk create a purchase order for office supplies such as binders for our new members, markers, etc.

The workshop was closed at 8:05 pm by Chairman Philbrick.

Minutes were reviewed on 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 5 in favor and 1 abstention due to absence.