

**Lebanon, Maine Planning Board
Minutes – Workshop
Friday November 18th, 2016**

Members Present

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

Others Present

Christine Torno – Lebanon Selectboard Chairman
Royce Heath – Lebanon Selectmen
Paul Nadeau – Lebanon Selectmen
Ben Thompson – Lebanon Town Assessor
Mike Beaulieu – Lebanon Code Enforcement Officer
Dana Coull – Lebanon Resident
Deborah Wilson – Resident
Al Shaver – T.M. Wentworth Business Owner
A.J. Capano – Legal Representative for Al Shaver

Due to a personal matter, D. Harriman was not in attendance this evening. Also S. Bright, Planning Board Vice-Chair was delayed arriving to the workshop.

The Selectboard opened their meeting due to the Planning Board workshop being delayed due to the lack of a quorum.

Ben Thompson, an Assessor hired by the Town asked to address the Selectboard, Mr. Thompson's request to speak was granted. Mr. Thompson would like to set up a meeting between the Selectboard, Code Enforcement, Planning Board as well as the Appeals Board to discuss the need of a "Grandfather" ordinance. Waterfront residents have been vocal concerning the manner in which their property had been recently assessed. Many of the lots are non-conforming lots. Examples of non-conformance: the acreage is significantly lacking the mandatory 2 acre lot minimum, less than 200 feet of road frontage, do not meet side setbacks to abutting property and or the waterfront setback. Due to non-conformance these lots are in violation of both the Town Lot Size Ordinance and the Shoreland Zoning Ordinance therefore the lots cannot be built upon.

Vice-Chair S. Bright arrived to the workshop at 6:30 pm. Chairman Philbrick called for a motion to open the Planning Board workshop at 6:35pm. The motion was made by S. Bright and seconded by C. Lunderville. The vote was taken. The vote carried unanimously.

Mike Beaulieu, Code Enforcement Officer introduced Al Shaver of Bay State Real Estate Investments. Mr. Shaver is interested in serving on the Planning Board. He owns a 7,500 square foot building with four units located on T.M. Wentworth where he currently leases the units to medicinal marijuana cultivators/Maine care givers. Mr. Shaver does not live in Town. He stated that he could set up a cabin on the property and sleep there every now and then. It was explained to Mr. Shaver that owning a business does not make him a resident of Lebanon. To be a resident you must reside in town for the majority of the year. Mr. Shaver is also interested in the possibility of building another facility behind the current building for recreational use marijuana. He stated that the establishment would be a growing site only, not a retail site. A.J. Capano, Mr. Shaver's legal representative, assured the Planning Board that they want to work with the Town and would like to be upfront and open with the process and invited the Board to tour

the facility under the proper safety precautions due to the sterile environment. Mr. Capano informed the Board that they also have a facility in Massachusetts and are looking into Rhode Island as well. Mr. Capano had a copy of the Rhode Island legal documents for medicinal marijuana facilities which he offered to the clerk to make copies for the Planning Board. There were questions of what type of security and safety measures will be used. Deborah Wilson voiced that she would like all establishments to have 24 hour security. She does not want a facility that can be easily broken into. Limiting the growth of marijuana to inside facilities was also mentioned. There are State regulations that need to be followed. In addition to the State regulations, the municipality has the authority to require regulations of their own. Security cameras and testing of the plants are required at the state level. The medicinal cultivators who lease the existing units are raising seed to sale providers. The process is completely organic.

Marijuana-

S. Bright had attended the Selectboard meeting on Monday to question the status of moving forward with creating and passing a retail marijuana moratorium. As of Monday there has not been any further information gathered by the Selectboard. Both S. Bright and C. Lunderville have done extensive research on the citizens initiative which was passed on November 8, 2016. The Governor has 30 days to accept the initiative. Much discussion took place on this matter. The Department of Agriculture will be the authority in handing out the licensing. The State can only issue a license if the Town votes to accept the initiative. It was proposed that it would be in the Town's best interest to research, vote and implement a Moratorium. This would allow the Town 180 days in which to create an ordinance(s) to either approve or prohibit either all or just certain aspects of retail recreational marijuana establishments. If an Ordinance is created and passed, it can always be amended in the future to reflect the Town's interests. A moratorium does need to be put in place first prior to moving forward. This information should be presented in a Town informational meeting to educate the residents to receive their input on the matter. The Board of Selectmen, Planning Board as well as the Code Enforcement Officer should be present at this meeting in order to present the information to the residents as well as answer any questions that they may have. If at all possible, wording for an ordinance should be created and reviewed by legal prior to the February deadline for placing items on the Town referendum vote in May. Select-Chair Torno noted that Waterboro is in the process of creating a moratorium concerning recreational marijuana. Select-Chair Torno also presented a copy of the Town of Eliot's moratorium.

S. Bright questioned if Eliot's moratorium could be adjusted to serve Lebanon. The Selectboard secretary will contact legal to review the document to possibly approve for the Selectboard to sign.

Select-Chair Torno called for a motion to adjourn the Selectboard meeting. Selectman Heath seconded the motion. The vote was taken and carried unanimously.

The topic of recreational marijuana continued. Deborah Wilson questioned the possibility of having on site bakeries at marijuana grow facilities and retail establishments creating "consumable" marijuana products and if there would be additional regulations. Another question posed was will the State Police be equipped to respond to the possible increase of assistance needed if the town approves to allow marijuana retail establishments and or social clubs.

Questions of will both audio and video security cameras be utilized, will alarms be located at each entry with pulses outside as well and what type of fire suppression would be used were raised. The Code Enforcement Officer will be working with the Fire Chief to create guidelines for marijuana retail premises, marijuana grow buildings as well as outdoor marijuana grow areas.

Code Enforcement Officer noted that the acceptance of recreational marijuana establishments could in fact bring in a substantial amount of revenue to the Town. The Town also has the authority to request fees in addition to the fees that are collected by the State.

Due to the high cost of sending out informational mailings discussion took place of holding a meeting without sending out information prior.

Due to the pending recount of the November vote, any previous ordinances/wording may need to be amended. The recount will take approximately 30 days. Once the recount is complete if the same result occurs, then the state will have 30 days to approve. Once the State creates, finalizes and approves guidelines for recreational marijuana. The Board of Selectmen will have the guidelines needed to move forward with legal in this matter.

The Code Enforcement Officer noted that two members of the Planning Board should be assigned to follow up and continued research on this item. S. Bright requested a copy of Waterboro's moratorium once completed.

Due to time constraints, the matter of recreational marijuana as well as the question of "grandfather lots" on the waterfront will be further discussed at the regular Planning Board meeting scheduled for Thursday, December 1st at 6:00pm.

At 7:05 pm, Selectman Heath asked if his attendance was required for the rest of the meeting. It was noted that the Selectboard is free to leave.

Comprehensive Plan-

The question of where funding for the comprehensive plan would come from was brought up. During researching the possibility of applying for grants from the State to start the process, the following was found on the state website: "Maine's Community Planning & Investment Program grants have been suspended due to state budget cuts. These include first-time comprehensive planning grants, implementation grants, and update grants." The suggestion was made to meet with the Select Board to request that a referendum be placed on the ballot in May appropriating funds to start the process of creating/updating the comprehensive plan. The question of a past referendum to appropriate funds to start the comprehensive plan process was brought up. The following questions were asked:

- When was the vote?
 - Did the referendum pass?
 - What was the approved amount?
 - How was it spent?
 - If it was not spent, are the funds still available? Or, were they moved to the general fund
- Deborah Wilson stated that Corinna Cole headed the previous campaign to create a comprehensive plan. Ms. Cole had a survey residents could fill out, held informational meetings and presented the reasons as to why a comprehensive plan would be beneficial to the town and why funds should be approved to start the process during a the public hearing prior to a town vote several years ago. One of the many benefits of having a comprehensive plan that was mentioned was the ability to create structure within the town with various zoning. Having zoning would allow the town to assess business properties, home businesses and residential properties at different tax rates.

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 9:10 pm by Chairman Philbrick.

Minutes were reviewed on 1/5/2017

Chairman Philbrick called for a motion to accept minutes as is.

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.