

FARMINGTON PLANNING BOARD
153 Farmington Falls Road
March 13, 2017 – 6:00 P.M.
Minutes

Planning Board members present were Clayton King, Tom Eastler, Lloyd Smith, Craig Jordan, Gloria McGraw, and alternate members, Jeff Wright and Mike Otley. Donna Tracy and Bill Marceau were unable to attend.

Others present were Town Manager, Richard Davis; Planning Assistant, Cindy Gelinis; Deputy Police Chief Shane Cote, Detective Darin Gilbert, Luke Sirois, Elaine Graham, Cheryl Best, Robert Waller, Randy Cousineau, Peter Beane, Paul Mills, Rev. Brian Rebert, among others.

1. Designate alternate members, if needed.

Mr. King designated Mr. Otley and Mr. Wright as voting members.

2. Review minutes of November 14, 2016

Mrs. McGraw made a motion to approve the minutes of November 14, 2016 as submitted.

Mr. Smith seconded the motion.

VOTE: 6 – Affirmative 1 – Abstentions
Motion carried.

3. Board discussion on:

• **Retail Recreational Marijuana Stores and Marijuana Social Clubs**

Mr. King stated he would allow one person at a time to ask a question or make a statement, after which he would turn it over to the Board members for discussion. He said the meeting will be called to an end at 8:00 p.m. if it gets that late, and then the Board can decide to extend the discussion in 15 minute increments. Mr. King said this is an informational meeting to hear the public's concerns, and he reminded everyone to state their name for the record.

Ms. Best said she attended the public hearing in Augusta where a lot of concerns and confusion were voiced from law enforcement, businesses, and residents. She stated she wasn't opposed to people using marijuana in their home under the care of a licensed physician, but she did not want the marijuana social clubs, stores, and dispensaries in Farmington. Ms. Best said she was concerned for the children, municipalities receiving their share of the taxation, higher property taxes, and that law enforcement does not have regulations for testing.

Mr. Mills stated the Farmington Downtown Association drafted a resolution of their position on recreational marijuana within the downtown that was submitted to the Town Manager and distributed to the Planning Board.

Mr. Davis said he attended a workshop a few weeks ago that presented more questions than answers, and it is why the State currently has a moratorium until February 2, 2018. He stated it doesn't make sense for the Planning Board to create rules that may be in conflict with State law once it has been written, and he recommended getting legal advice at that point. Mr. Davis said there are currently 67 bills regarding regulations and taxation being put before the State Legislature, and it has been implied that it may be regulated similar to the liquor laws. He stated Lewiston has prohibited recreational marijuana until the State has completed its regulations and then it will adopt a six month moratorium to create its own regulations. Mr. Davis said the Town adopted a moratorium in November 2016 that expires in May, which has a limit of two, and he suggested the Town could follow Lewiston's example because the next moratorium would be before the State has completed its regulations. He said marijuana use is illegal under federal law, and it is unknown how the new administration will deal with it. Mr. Davis said he thought the general public is open to medical marijuana, and it wasn't just college kids who voted to legalize recreational marijuana use in this area. He said it could be prohibited through the petition process and submitted to the Selectmen for consideration of a Special Town Meeting vote.

Mr. Waller asked if the Planning Board has the authority to deem it a non-permitted use.

Mr. Davis said if it is a legal use you can't prohibit it on its own.

Ms. Graham stated she went to two hearings and she is concerned about the message being given to the young people. She said she had asked the Town Manager to put it on the warrant which would have settled this issue.

Mr. Davis said there is a process to follow and he had thought she was circulating a petition to put it before the Selectmen.

Mr. King said there will be many discussions in the future for gathering information.

Mr. Sirois said he agreed that marijuana does need more regulations including minimum age, proper identification, and taxation. He said he didn't think the social clubs would open in Farmington and he didn't recommend them in the downtown because of parking issues. Mr. Sirois said the marijuana will be tested and labeled and he would like to put a store where the Front Street Tavern was located. He said the Town has the ability to create regulations that are sensible and fair.

Rev. Rebert said he had read a report that stated legalizing recreational marijuana would create social detriments to our town that far out-weigh any tax benefits.

Mrs. McGraw said we don't have all of the information, and how are we going to regulate and license these establishments if we don't have an accurate count of the existing facilities.

Discussion followed regarding medical marijuana caregivers, growers, licensing, amounts, and locations.

Mr. Waller stated he didn't believe there should be any promotion of marijuana in the town. He asked the police officers present if they had field tests for marijuana intoxication.

Deputy Chief Cote said they are working on a rapid screen test for the THC, and we have officers who have graduated as drug recognition experts for impaired driving.

Mr. Otley said we are jumping the gun until the State has made its decision.

Mr. King said he agreed, and he added, we are gathering knowledge so we will be better able to move forward.

Mr. Wright asked Mr. Sirois if the medical growers would go away.

Mr. Sirois said medical and recreational are separate, but the intent is to keep medical going with regulations, and he thinks some of the medical providers will switch over to recreational.

Mr. Jordan said anything we try to do now is putting the cart before the horse.

Mr. Smith said he agreed, and we will also take into consideration the federal government.

Ms. Best asked if the Town can have the law stricter than the federal government.

Mr. King said she was correct.

Dr. Eastler said it is silly to try to zone it now. He said when we are drafting regulations and zoning, and that would include consulting the Zoning Board, we have to follow the "first principles" which is not to violate people's rights. Dr. Eastler said the odor issues during processing will have to be considered, and he used the right-to-farm act as an example.

Mr. King said we will wait until we know more from the State, and continue to conduct informational hearings to make a better informed decision. He said the Board is open and proactive and interested in listening to the residents' concerns.

Mrs. McGraw asked how many grow facilities are in town because this information is something we need to make a decision.

Deputy Chief Cote said there are only two agents who inspect for the State. He said anyone can be a caregiver and grow in your home, and aren't required to notify the town. Deputy Police Chief Cote said medical providers would have to branch off and apply to get licensed for recreational marijuana sales, which would then come to the town for licensing.

Mr. Davis said there will be a process to issue State licenses, along with a State-wide limit of 800,000 square feet with a maximum facility size of 30,000 square feet.

Mr. Sirois said there will be an extensive application process for a recreational license to prove you know what you're doing and a comprehensive inspection before it comes before the town for a license.

Dr. Eastler suggested all information go through the Code Enforcement Office which would then be forwarded to the Planning Board members so everyone has the same information.

Mr. Davis said medical marijuana is available in many different forms and there will still be a market for it through caregivers.

A woman asked why we can't prohibit it with a Town Meeting vote if the federal law states it is illegal.

Mr. Davis said some states have legalized recreational marijuana sales and the federal government has looked the other way, but with a new attorney general, it may look closer at the states that have legalized it. He said Farmington has a moratorium on it and we can't issue a license until the State issues a license. Mr. Davis said the State and Farmington has legalized recreational marijuana, and the Planning Board regulates local businesses. He said every resident has the right to request a Special Town Meeting vote through the petition process.

Mr. Beane said we live in a democracy and as society changes it is reflected by the vote and it has to be given respect.

4. Other Business

Mr. King said we will put the discussion on the May 8th agenda if there aren't too many other items.

There being no further business, the meeting adjourned at 7:16 P.M.

Minutes respectfully submitted by Cindy Gelinas.

Planning Board

Date