

FARMINGTON PLANNING BOARD

153 Farmington Falls Road
September 11, 2017 – 6:00 P.M.

Regular Planning Board members present were Dr. Tom Eastler, Lloyd Smith, Donna Tracy, Craig Jordan, and Jeff Wright.

Alternate Planning Board members present were Bill Marceau and Mike Otley.

Planning Board members unable to attend were Chair Clayton King, Jr. and Gloria McGraw.

Others present were: Town Manager Richard Davis, Code Enforcement Officer (CEO) J. Stevens Kaiser, Code Enforcement Assistant Robin Zagorodny, Police Chief Jack Peck, Devin Robinson, Luke and Lisa Sirois, and David Horn.

Applicants: Sherry Taylor, her site contractor Harold Hargraves, and her building contractor.

Vice-Chair Dr. Eastler opened the meeting at 6:00 pm.

1. Designate alternate members. Dr. Eastler designated Mr. Marceau & Mr. Otley as voting members in place of Mr. King and Mrs. McGraw.

[Note: At the Board's 7-10-17 meeting, Mr. Marceau stepped down from a regular membership to senior alternate. Senior alternate Mr. Wright stepped up to regular membership in his place.]

2. Review minutes of July 10, 2017.

Mrs. Tracy made a motion to approve the minutes of July 10, 2017 as submitted.
Mr. Wright second the motion.

VOTE: 6 – Affirmative 2 – Absent 01- Abstain
Motion carried.

3. **17-SS-06**

Jeffrey and Sherry Taylor
137 North Chesterville Rd.
Farmington, ME 04938
R03-049-A

This application is to construct a 50'x100' barn-style storage building, install well and septic, and build a new second driveway separate from residence as shown on plans.

Dr. Eastler asked if someone representing the application was there to speak on their behalf.

Mrs. Taylor stated they want to build a 50'x100' detached storage building to store their race car and hauler, plow truck, ATV's, snowmobiles, and a pickup truck.

Mr. Otley asked if this application included the 16'x100' attached carport.

Mrs. Taylor stated yes.

There were no other questions or comments.

Motion request by Dr. Eastler to Board.

Mr. Jordan made a motion to accept the application as presented.

Mr. Otley seconded the motion.

VOTE: 7 – Affirmative 2 - Absent 0- Abstain

Motion carried.

4. Endorsement

ORIGIN BJJ, LLC (CDGB Project)

125 High Street

Farmington, ME 04938

U15-97-A

Mr. Kaiser gave an overview regarding the CDGB Project, where Pete Roberts moved his ORIGIN BJJ, LLC specialty clothing business from Industry into the old "CMP" building in Farmington. He said Fire Rescue Capt. Tim Hardy, CEO Asst., Robin Zagorodny, and he inspected the building on Sept. 7, 2017 for life-safety. Mr. Kaiser explained the \$1,160,000 project sources: \$600,000 FSB loan with FAME guarantee, \$500,000 CDBG funds, and \$60,000 equity; and uses: \$500,000 building purchase, \$100,000 renovations, \$400,000 equipment, and \$160,000 working capital. He said the manufacturing is done on the main floor, where there is also a retail shop, and weaving is done on the lower level, with a total of 17 new jobs being created.

Mr. Wright asked where the employees are parking.

Mr. Kaiser stated the 125 High Street location is in the parking exempt area, and he expects many will park in the "County lot" on Anson Street, and there are also a few spaces on site.

Mr. Davis said he had spoken to Mr. Roberts of ORIGIN BJJ, LLC about encouraging his employees to park in the Anson Street parking lot.

Mr. Otley stated he noticed the awning extending out from the building over the sidewalk and was concerned it would dump snow onto cars parked in front of the building.

Mr. Kaiser said Mr. Roberts had contacted Public Works Director Phil Hutchins in this regard, and he had approved of same and given him height clearances for snow removal equipment.

Mr. Marceau stated that the parking lot on Anson Street was under-utilized and that this would be a good use of it for this business.

Motion request by Dr. Eastler to Board.

Mr. Smith made motion to endorse the ORIGIN BJJ, LLC project.

Mr. Otley seconded the motion.

VOTE: 7– Affirmative 2-Absent 0- Abstain
Motion carried.

5. Draft Marijuana Ordinance Discussion

Mr. Kaiser gave an overview on what has transpired since the referendum in November 2016 at the State level in regards to the Marijuana Law: the draft State law may be finalized this month, with Special Session voting in October; the State moratorium ends Feb 2018; and, we are working on our own draft ordinance and, zoning modifications in order to have it ready to be considered for a Special Town Meeting this fall or Regular Town Meeting in March 2018.

Mr. Kaiser continued, saying the summer intern in the Code Office did a draft using information from other towns and cities as a starting point for us, and this draft will have modifications, hearings, and opportunities for discussion while being finalized, and nothing is to be decided tonight with this introduction just to get the process moving forward.

Mr. Kaiser said the individual applications for retail recreation marijuana businesses with the State and Town will be done concurrently as liquor licenses are now. He said the State wants testing facilities licensed first, and in mid-2018 we will see applications come in other retail recreational marijuana businesses such as stores, cultivating, and manufacturing, noting that the current draft does not allow social clubs.

Dr. Eastler mentioned Maine Farmland Trust development rights and how it could also protect agricultural uses of lands under the Right-to-Farm law. He said agriculture activities allowed on trust protected lands could result in odor issues. Dr. Eastler gave the example of a farm that has a new neighbor who complains of odor, where you could use the Right-to-Farm law to protect the farmer as long as best management practices are being met with composting, manure storage, and livestock management.

Mr. Kaiser said large grows also generate odor, which can become a nuisance, and this is why we have drafted an additional performance standard for odor.

Mr. Kaiser then went through the draft ordinance noting the following:

- Page 2 - The ordinance pertains to recreational marijuana only - not medical
- Page 3 - The ordinance places a limit of five (5) permits for each of the categories of Retail Recreational Marijuana Businesses: Stores, Grows, Manufacturing, and Testing.
- Page 3 - The Town will grant first priority for consideration of licensure to applicants who have at least two years of previous experience cultivating medical marijuana in compliance with 22 M.R.S. §2423, have been continuously registered with DHHS pursuant to the Medical Use of Marijuana Act, and are registered caregivers with at least three (3) medical marijuana caregiver registrations.
- Page 6 - The fees listed are currently being modified into four categories with tiers for grows depending on their size.

- Page 6 - The setbacks listed will likely change and need the context of the final State law.
- Page 7 - Different retail recreational marijuana business may be co-located within the same structure.
- Page 7 - Existing medical marijuana businesses in operation as of 12-31-16 may make applications for Retail Recreational Marijuana Businesses at their existing locations and are not subject to zoning and setback restrictions.

Mr. Kaiser also noted was the draft map, where Recreational Marijuana Businesses are limited to the Village Business and General Purpose districts, and K-12 public schools, parks, churches, and recreational areas are 1000' buffered. He also noted the right-to-farm section added to the odor performance standard draft.

Mr. Kaiser said the Town has to wait for the State to finalize and enact their Recreational Marijuana law, then we can finalize our draft ordinance and zoning changes with public input and have a Town Meeting vote. He said the intern at the Code Office was also able to research and create a draft application, which we're still working on and hope to send out in two weeks for review.

Mrs. Tracy made a motion to hold any vote on the Marijuana Ordinance until they had a full panel and had time to review in detail the ordinance and application.

Mr. Smith seconded the motion.

VOTE: 7– Affirmative 2-Absent 0- Abstain
 Motion carried.

PUBLIC COMMENTS:

Mr. Robinson from New Sharon stated he had been going to hearings and keeping up with what the State has been reviewing in Augusta on this matter, and said the University of Maine campuses are not included in the public school setbacks. He suggested the following in regards to the Town's Recreational Marijuana Ordinance: the four different types of retail recreational marijuana businesses should be kept separate as they are all different functions; the State gives no priority to existing medical marijuana growers, or grandfathering for existing medical marijuana businesses; licensing fees should be based on canopy area for grows and per facility for stores; and security cameras should cover all growing and processing areas.

Dr. Eastler suggested Mr. Robinson continue to communicate with the CEO on this.

Mr. Otley asked how the fees are for liquor sales.

Mr. Kaiser said restaurants pay about \$4,000 a year, while a bar without food would pay about \$8,000. He said he's working on the fee section to be added to the ordinance and application.

Mr. Marceau asked who would handle enforcement, licenses, and permits, and annual fees.

Mr. Kaiser said like liquor licenses, this would likely be handled by the Board of Selectmen and the Town's administration.

Mr. Davis stated similar to the way the Board of Selectmen handles liquor licenses and fees, as they would be the issuing authority, they review issues or problems at hearings, and if necessary can revoke or not renew licenses.

Mr. Robinson said part of the retail recreational marijuana business fees collected could go to help enforcement.

Mr. Kaiser said the applications would come into the Code Office and be reviewed for completeness before forwarding to the Board of Selectmen.

Mr. Sirois stated he would get a copy of the finalized State law to the Code Office, which will be reviewed at a hearing in Augusta on September 26th. He added that it looks like the State will keep the 500' school setback.

Mr. Kaiser said several businesspeople such as Mr. Sirois and Mr. Horn have provided valuable input during the drafting of the Retail Recreational Marijuana Business Ordinance, and some of their recent comments are in tonight's packets.

Mr. Horn stated that he thought license holders should be able to transfer or sell same to someone who meets all Town ordinance and State law requirements. He added that the 1,000' school setback should be kept in the draft as Colorado was forced to relocate 22 dispensaries under the Cole Memorandum through which the federal government can act to protect minors. For reference, Mr. Horn said the Boulder, Colorado campus has a 1,000' setback. He said that the Augusta hearing on the 26th will receive the Marijuana Committee's input on the draft law, so it still could change a lot and end up very different than the current draft, which would mean slow implementation.

Mr. Sirois thought the Cole Memorandum was only for medical marijuana not recreational, but would follow up and send us some information.

Dr. Easter asked for any additional comments. No one responded.

Dr. Eastler made a motion to adjourn the meeting 7 PM, which was seconded.

VOTE: 7 - Affirmative 2- Absent 0- Abstain
Motion passed

Minutes respectfully submitted by Robin Zagorodny.

Planning Board

Date