

**BRIDGTON PLANNING BOARD
MEETING**

Downstairs Meeting Room

**November 17, 2015
7:00p.m.**

The Bridgton Planning Board was called to order at 7:00p.m. by Steve Collins, Chair. Those in attendance were: Steve Collins, Chair; Brian Thomas; Dee Miller; Michael Figoli; Phyllis Roth, Alternate; Catherine Pinkham, Alternate. Absent were: Fred Packard, Vice Chair;

Also present was Agnieszka Pinette, attorney from Drummond Woodsum representing the Town of Bridgton.

The Pledge of Allegiance

Appoint Alternate(s) to vote in place of any absent regular member(s), if necessary.

Steve appointed Phyllis Roth, Alternate, to act in the capacity of a regular member.

Executive Session - Aga Pinette, Drummond Woodsum

Brian moved that the Planning Board enter into executive session in order to consult with the Board's attorney about the Board's legal rights and duties, as authorized by Title 1, Section 405(6)(E) of the Maine Revised Statutes. Michael 2nd. 5 Approve / 0 Oppose

Steve said in executive session the Board may discuss privileged matters and we may not vote in executive session.

8:00p.m. The Board exited the executive session.

Town of Bridgton Site Plan Review Ordinance

Attorney Pinette said I have prepared a draft of revisions to the Site Plan Review Ordinance regarding medical marijuana dispensaries. Based on my research I would suggest that the Board proceed with revising this Ordinance. Attorney Pinette reviewed the draft with the Board.

Discussion ensued between Attorney Pinette, Board Members and Staff

Attorney Pinette said you have the authority to limit the number of dispensaries, however, I would not recommend limiting it to one.

Attorney Pinette said State Law states that local government may not adopt an Ordinance that is duplicative of or more restrictive than the provisions of "the act". Therefore, any time I saw language that mimicked the State Law I would recommend that you strike the language.

Dee said don't we want to regulate growing facilities also? Steve and Brian said the definition includes growing facilities. Dee said even though it is included in the definition we should make sure it is clear and reference it in the standards. Attorney Pinette said to clarify the language further you could remove the word dispensary from all of the standards and refer to it as "Facility" and point back to the definition but the key is the definition which states structure or use connected with the marijuana activity.

Attorney Pinette said Article XI Section 3 Number 5 gives the Board the opportunity to limit the maximum size in square feet of a dispensary facility.

Attorney Pinette said Article XI Section 4 has retroactivity language which I would encourage you to include in the revision. You can reference any date but because this is a formal meeting and the first meeting to contemplate these revisions this might be a good date to keep in that section. Any application coming beyond this date will be subject to the proposed revisions if adopted at Town Meeting in June.

Steve said we could consider deliberating this evening and fill in the blanks regarding limitation on number of facilities and square footage OR we could take a motion to refer to staff for them to give us a recommendation and set a date going forward.

Dee moved to begin deliberation of including the revisions into the Site Plan Review Ordinance but be able to continue to review and revise accordingly. Brian 2nd. 5 Approve / 0 Oppose

Steve said what does the Board want to do regarding the limitation on number and square footage? Michael said I think we need to spend some time to consider what we want to do. The square footage will be difficult to consider. I think the number in town is not objective but subjective and I think we need to continue to discuss that. Steve said I think we could refer it to staff for them to make a recommendation. Michael said we can continue to do research on our own? Attorney Pinette said yes as long as you don't discuss it amongst yourself. Steve said I don't think we need to refer it to staff for a recommendation but table it to a time certain for further discussion and then staff or anyone can comment on it at that time.

Georgiann Fleck, Deputy Town Manager and Planning Board secretary, said the Board wants to keep in mind that you need to complete the process, including a public hearing, within 90 days in order to get the Revised Ordinance to the Board of Selectmen to include on the warrant.

Brian moved to table discussion on the proposed draft Site Plan Review Ordinance with the proposed language as prepared by Attorney Pinette at the workshop/meeting scheduled for December 15, 2015 at 7:00p.m. Michael 2nd.

Phyllis said we are having this workshop/meeting and if an application comes in after the meeting what is the impact of that? With our previous application we were told that because the application had been filed prior to adopting the medical marijuana language we had to go to site review so are we going to have to do the same thing? Attorney Pinette said I can answer that in executive session.

8:51p.m. **Brian moved** to that the Planning Board enter into executive session as authorized by Title 1 Section 405(6)(E) of the Maine Revised statutes. Dee 2nd.

8:53p.m. the Board exited the Executive Session.

Steve called for a vote to the motion to table the 15th of December.
5 Approve / 0 Oppose

Old Business - None

New Business - None

Approved Applications as per Bridgton Site Plan Review Ordinance 4.A.1

None

Topics for Discussion

- A. Ordinance/Regulation - Revisions
 - 1. Town of Bridgton Sign Ordinance

Attorney Pinette said I am meeting with a State group tomorrow to discuss the possibility of a State model sign ordinance. I am optimistic that this will be beneficial and will save a lot of time for Boards as well as pass the constitutional requirements. Therefore, I would urge the Board to wait.

Brian said I have reviewed the Sign Ordinance and I find that there is conflicting language. I think we should clarify some items including signs that are 6 square feet and less are not subject to the Sign Ordinance; multiple freestanding signs are not allowed per lot and signs facing public ways. Michael said I am also concerned with awnings. Steve said I would suggest that anyone having concerns with any of our Ordinances submit them to Ms. Fleck so the Board can review it.

Phyllis said to Attorney Pinette, will the meeting you are going to attend address electronic signs? Attorney Pinette said I believe it

will be a topic for discussion. Lighting is not off limits for regulating and I don't think that there is anything preventing you from prohibiting electronic signs or changeable LED's but I will confirm that. Michael said we have revised our Sign Ordinance from 20 minutes to 8 seconds. Attorney Pinette said what is the Board's concern? Michael said I am concerned with intensity and color. Attorney Pinette said none of this raises any constitutional concerns, therefore, you can regulate the intensity, color and size.

Dee said there are banners advertising businesses. Steve said you need to notify the Code Enforcement Officer. Dee said I have and he said it is on his list. Dee said we have an Ordinance that prohibits these type of signs. Steve said you need to notify the Code Enforcement Officer and then the Board of Selectmen.

Brian moved to adjourn the meeting at 9:10p.m. Dee 2nd.
5 Approve / 0 Oppose

Respectfully Submitted,

Georgiann M. Fleck, Deputy Town Manager
Town of Bridgton