

Parsonsfield Planning Board Meeting
634 North Rd Parsonsfield, ME
Thursday, March 28th, 2019
Workshop for
Draft Marijuana Ordinance
Minutes

In Attendance: Justin Espinosa (Chair), Nate Stacey, Rick Sullivan, Brendan Adelman

Absent: Marion Wright, Clifford Krolick, Andy Yale

Also in attendance: Michael Couture, Sherry Bachelder, Corey Sanborn, Amanda Hogan, Guy Lehouillier, Carolyn Chute, Michael Chute, Trevor Sanborn, Chris Robert, Jody Davis, William Ryan, Alex Andolde, Edward Griggs, Harvey A. Maycomber, Lindsay Gagne

Mr. Espinosa Motions to call the meeting to order.

Mr. Stacey Seconds the motion.

All are in favor calling the meeting to order. The meeting is called to order at 7:06 p.m.

Mr. Espinosa Gives a brief overview of the last workshop in drafting a medical marijuana ordinance. The draft broke down into zoning for 5 separate sections for Medical Marijuana; Retail Facility, Cultivation Facility, Testing Facility, Manufacturing Tier 1 and Manufacturing Tier 2. Each section would need to have determined land use requirements, if permitted, for each zone which include, Village, Village Residential, Rural Residential, Farm & Forest, Light Industrial, Public Works and Resource Conservation. In the last workshop, the board determined 6 zones where there were differences in opinion. Mr. Espinosa suggests the board to focus on these six zones to determine a final draft for zoning.

Mr. Sullivan Asks if they should either continue to work out the details now, where in the public hearing it could all change anyways or they put it out to a vote first, where the votes may help determine what goes where for zoning, then work out all the details.

Mr. Espinosa States he is not opposed to this as it would make it easier addressing the zoning side, however it may be a longer process to work out the individual zoning.

Mr. Stacey States there will also be a public hearing where there would be more public input, they can redefine the articles then put it to a town vote.

Mr. Espinosa States he has had a few calls from other citizens suggesting having the select board establish a special committee.

Mr. Sullivan States he thinks that would take too long

Mr. Espinosa States his inclination is to not do that as the board has already begun working on this process and suggests the board start sorting out the articles they disagreed on. Mr. Espinosa takes some public comment.

Public Member A gentleman in the back-row states he thinks this may take too long and suggests the board combine the process to better expedite it.

Mr. Espinosa Passes around what the board has crafted so far for basic language for the vote and explains what the board is doing now is trying to combine the process.

Public Member A woman in the front states she is from the Newfield Planning board and doesn't think the opt-in included "Cultivation".

Mr. Espinosa Looks into this further to clarify the opt-in process.

Public Member A gentleman in the middle row states he has a facility in Cornish in which he explains he had to pass all state inspections to pass for commercial criteria.

Mr. Sullivan Suggests maybe the board consider other verbiage to cover small home-based businesses vs larger commercial facilities.

Public Member A gentleman in the front row asks the board why they haven't considered the existing recreational laws in place.

Mr. Espinosa Explains the medical marijuana piece requires its own ordinance to be allowed in this town which is why it is being treated separately.

Mr. Espinosa States they will take a five-minute break at 7:35 p.m.

Mr. Espinosa Reconvenes the meeting at 7:42 p.m. After the break, Mr. Espinosa confirms from the Maine Municipality Associations (MMA) website that "Cultivation Facility" is not part of the opt-in for medical marijuana ordinance. The next article to define is Testing Facilities in Farm and Forest, the debate being whether it should be an R or an S. Mr. Espinosa recommends going from member to member for input.

Mr. Adelman States he thinks it should be an R as an S would be too extensive.

Mr. Sullivan States he doesn't think test facilities fit into the description of farm and forest and is not opposed to "Not permitted", although he also doesn't think it is likely one would end up in that zone.

Mr. Espinosa Asks how big a testing facility can be.

Mr. Sullivan States they can be small or large.

Mr. Adelman States testing can be specific to farm and agriculture practices too.

Mr. Stacey States he doesn't think it would have any detriment to farm and forest, however, suggests they can keep it to a smaller footprint for an SPR and if larger can require conditional permits.

Mr. Espinosa Agrees with R for requires site plan review.

The board agrees on Testing Facility in Farm and Forest = R, requires site plan review.

Mr. Espinosa Moves on to the next article, Manufacturing Tier 1 in Farm and Forest. He reads the definition in full, then summarizes Tire 1 can do chemical extraction or preparation and can have up to 40lbs. of marijuana in various stages.

Mr. Stacey States he thinks this could be an R as a chemical process could be as simple as melting in butter. An SPR would give more insight on the plan.

Mr. Espinosa Agrees, however, doesn't think a large commercial facility may fit into the farm and forest description.

Mr. Sullivan Agrees but also thinks something that large may fall under Tier 2.

Mr. Adelman Agrees, however if you're a farmer in farm and forest then that may limit them to taking their product and doing something with it.

Mr. Espinosa States it may not limit a what a farmer could do, just that it would require an SPR to present their plan.

Mr. Adelman States he thinks an SPR would be fine because that gives the board an opportunity to look at the plan.

Mr. Espinosa Asks if adding a square foot caveat would help with the issue.

The board agrees on Manufacturing Tier 1 in Farm and Forest = R, requires site plan review with a caveat for square footage.

Mr. Espinosa Moves forward with Manufacturing Tier 2

Mr. Sullivan States he thinks the only difference he can understand with tier 2 is the quantity of product. Tier 1 being 40lbs. and Tier 2 being 200lbs.

Mr. Espinosa States he wasn't sure if it included other chemical materials

Mr. Adelman Reads the definition in full and states it is not clear enough for him.

Mr. Espinosa States they left off last workshop with Manufacturing Tier 2 in Village was either a R or an S. The concern was different chemicals and run off or issues with danger.

Mr. Sullivan States he thinks an S would be a little burdensome as Tier 2 may just be a difference of quantity and both require safety checks through the state.

Mr. Espinosa States with an SPR, it can be approved with conditions, however, they can't vote an application "not complete" because it doesn't include the extra conditions. He states he needs more research to address if there is a difference with the chemical use. Mr. Espinosa takes some public comment

Public Member A gentleman in the front row asks the board if they plan on attending facilities to see what the process is.

Public Member A gentleman in the middle row states he is in the middle stages of setting up a lab and must go through multiple inspections for approval.

Mr. Espinosa Proposes doing more research in this matter and could consult with MMA legal.

Mr. Adelman States with an SPR, the board would be able to view the plan.

Mr. Espinosa States his concern is with an SPR someone could still meet all the requirements of it and put something in that the town may not want. Mr. Espinosa takes some public comment.

Mr. Ryan States his concerns with why the board needs an outside source where there has already been a discussion at the moratorium and feels this should be moved along.

Mr. Espinosa States he is just looking for clarification on what the differences are between tier 1 and tier 2, how it applies to chemical extract and any hazards that might come with it.

Public Member A gentleman in the middle row suggests the board can reach out to other facilities for clarification.

Mr. Espinosa Is open to doing this but if as a board then they would need to meet public notification requirements.

Mr. Adelman Suggests the board continue to work on these then put out to a public hearing. Any board member can visit a facility individually. He also suggests with this matter; square footage can be a consideration. So, this would be an SPR up to a certain amount of square footage then after that conditional use.

Mr. Sullivan States they may need some research on determining the square footage amount.

Mr. Stacey States he is fine with having an SPR with square foot amounts but will do some more research on it.

Mr. Espinosa States if the board is comfortable with putting R for Village on Tier 2, then also looking back they had already determined Tier 1 Village Residential as not permitted.

Mr. Adelman Asks a public member how much material is required for a facility.

Public Member A gentleman in the middle row answers that the process can be broken down into smaller batches over a period of time but there is still a stored amount on the property. He is having a 1,000 lbs. tank delivered to run his whole operation and lab as well as being able to price search propane.

Mr. Adelman States if it's a regular size propane tank or larger he thinks quantity matters with zoning. With all the state inspections, something that size would not be able to be put into a residential home in village residential zone.

Mr. Espinosa States as it stands now, we got Manufacturing Tier 2, Village = R, Village Residential = No, Rural Residential = S.

The board agrees on Manufacturing Tier 2; Village = R, Village Residential = No, Rural Residential = R, Farm & Forest = R (with square foot TBD), Light Industrial = P, Public Works = No, Resource Conservation = No.

Mr. Espinosa Asks the board if they have any other question, there are none. He asks for any other public comment, there is none.

The board works on scheduling a public hearing

**A public Hearing for Medical Marijuana Ordinance
Is scheduled for
Saturday April 13th at 10:00 a.m.**

Mr. Espinosa Suggests to the board, in the interim of the public hearing there is some research on public notice requirements if the board attends a testing facility, otherwise members can go individually. He also encourages the board to seek further research prior to the public hearing and suggests a moderator, if someone is willing, to the select board to approve. Mr. Espinosa motions to adjourn the meeting.

Mr. Stacey Seconds the motion

All in favor. The meeting is adjourned at 9:27 p.m.

Draft completed by: Lindsay Gagne

Approved by board, Date: _____

Planning Board Chair or acting Chair name
& Signature