

**Parsonsfield Planning Board Meeting**  
**Saturday, April 13<sup>th</sup>, 2019**  
**Public Information Meeting**  
**For Medical Marijuana Facilities Draft Ordinance**  
Minutes

**In Attendance:** Justin Espinosa (Chair), Nate Stacey, Clifford Krolick, Brendan Adelman

**Absent:** Andy Yale, Rick Sullivan

**Also in attendance:** Marion Wright, Jeff Wright, Michael Chute, Carolyn Chute, Tom, Cherry Bachelder, William Ryan, Trevor Sanborn, Corey Sanborn, Ed Griggs, Amanda Hogan, Chris Foster, Alex, Mike Shaw, Lindsay Gagne

**Mr. Espinosa** Calls the meeting to order at 10:10 a.m. He reviews an overview of the process for drafting and submitting to the select board an opt in ordinance for Medical Marijuana Facilities. The planning board has separated the ordinance into separate articles including Medical Marijuana Retail Stores, Dispensaries, Manufacturing Tier 1 & 2 and Testing Facilities. The articles will define where to appropriately zone each facility.

**Mrs. Gagne** Explains the process of getting to a town vote the board has already begun to opt in to crafting an ordinance. They will have to vote on the final articles at their next scheduled meeting, then may schedule a public hearing for public input. After the hearing they can submit the warrant article(s) to the select board where the select board will determine a date to set for the town vote.

**Mr. Espinosa** States after speaking with Maine Municipal Association (MMA) Legal Services Cultivation Facilities was added and shares an email conversation asking if state laws preclude or allow zoning for medical marijuana cultivation facilities. The answer back was that the medical marijuana opt in does not include "Cultivation Facilities" and allows for dispensaries and regular care givers to cultivate, however, new dispensaries, manufacturing facilities and care giver stores are prohibited unless the town opts in to allow them. From a zoning perspective, MMA recommends towns have a general home rule authority to create land use regulations addressing free standing, separate cultivation buildings. Mr. Espinosa explains therefore Article 7 was included in the draft although it is not to prohibit non-retail care givers but is up for discussion and review.

**Mr. Ryan** States this article is confusing where it can target care givers and their ability to apply to have a care giver store. He states care giver stores have a specific plant limit and dispensaries are already regulated by the state.

**Mr. Espinosa** Clarifies Article 7 is not talking about care givers but for zoning regulations for free standing accessory structures.

**Mr. Ryan** States his concern that "1,000 square-feet" is an arbitrary number and Article 7 should be removed from the draft.

**Mr. Griggs** States a standard green house size is 30 by 100 feet for efficiency purposes and is concerned 1,000 square-feet does not meet the standards.

**Mrs. Wright** Asks for clarification on the draft where it says “Accessory Commercial Structure” there is no permissible code assigned to each of the zones and also asks why in Article 3 does it show a “C” for Light/Industrial zone. She states in Cornish; they have dispensaries zoned for light/industrial where it makes more sense.

**Mr. Espinosa** Asks the board if they would agree to changing “C” to an “R” for Light/Industrial. The board agrees to this.

**Mr. Griggs** States by not allowing store facilities in Village Residential zoning this will deter places like Taylor City from being able to set up medical retail stores.

**Mr. Espinosa** States this will be taken in to account for the board to discuss.

**Mr. Ryan** Asks that article 7 be removed from the draft and argues that his business is being targeted.

**Mr. Espinosa** Clarifies the board is receiving input and discussing changes to the draft.

**Mr. Krolick** Asks Mr. Ryan how the limitations of 1,000 square-feet may affect having the limitation of 30 plants for better understanding.

**Mrs. Bachelder** Answers to this as she presents she is a care giver as well as her husband and they can have up to 60 plants between both of them and currently with the 2,600 square-feet of space they are operating in they do not have enough space to house that many plants because they also need room for a nursery, drying, processing, etc.

**Alex** States he agrees and emphasizes the state already has limitations with the amount of plants a care giver can have

**Mr. Stacey** Asks in one household how many care givers are allowed?

**Mr. Ryan** States there can only be two caregivers per household.

**Tom** Suggests going by existing limitations if 30 plants as opposed to putting limitations on square footage.

**Mr. Krolick** Clarifies that the board is trying to strike a balance with the land use so as not to limit small business owners but to prevent large or over rampant development.

**Mr. Griggs** States there can be issues with mold when cultivating and one way to reduce this is requiring more spacing between plants, otherwise you’d have to use chemicals to combat the issue when growing in such close quarters.

**Mrs. Wright** Asks the board why they wouldn’t consider doing a site plan review

**Mr. Espinosa** Asks the board for each of their opinions on article 7 and if they would consider scraping it.

**Mr. Stacey** States he is fine with scraping it and thinks the state has already addressed the plant limitations, although, if the state were to change its laws this may need to be considered.

**Mr. Krolick** States he is open to scraping it where the state already has other limitations in place

**Mr. Adelman** Is willing to scrap it but also feels if the state laws change in number of plants than it would be something that would need to be addressed. His only concern is if the size of the particular structure fits the character of the zone and what impacts it may have on the area. He agrees 1,000 square-feet is too small and if considered, feels that number would have to change.

**Mr. Espinosa** States he has no qualms with scraping article 7 but the cultivation piece has been something other towns have addressed with accessory structures.

**Mr. Adelman** Wanted to get back to a comment made earlier with Taylor City and retail stores and suggests mirroring what already exists in the ordinance for regular retail stores in that for Village Residential, anything below 4,000 square-feet would be permissible and anything over 4,000 square-feet would not be allowed.

**Mr. Krolick** Departs from the meeting at 12:00 p.m.

**Mr. Ryan** Asks the board for a time line on this process

**Mr. Espinosa** States the boards intention is to vote on a final version of the articles at there next meeting, Tuesday April 16<sup>th</sup>. A public hearing can possibly be scheduled two weeks from then and after that point it would go to the select board to coordinate a special town vote date.

**Ms. Gagne** Explains once this goes to the select board, they are responsible with setting a voting date, although that may have to be considered with their budget.

**Mrs. Wright** Asks the board if they can decide on article 7

**Mr. Espinosa** Explains the board is not able to do any votes at this meeting but they have agreed to scrap it and will vote on the final articles at their next meeting

**Mr. Espinosa** Begins to briefly review the articles considered for revision and starts with article #2: For Village Residential will mirror the existing ordinance in place for regular retail stores, permitting anything below 4,000 square-feet and not permitting anything over 4,000 square-feet.

**Mrs. Bachelder** Suggests in article 2 changing the term “Harvested Marijuana” to “Harvested Marijuana and Marijuana Products” as she feels this could impact someone that may also want to sell something like an oil.

**Mr. Espinosa** Makes note of this

**Mr. Adelman** Suggests continuing to go through the articles to review briefly. He goes through Article #3 and thinks this should also mirror Article #2. The board agrees. In article #4, there are no recommendations for changes. In Article #5, there are no recommendations for changes. For Article #6, there are no recommended changes.

**Mr. Espinosa** Asks for any other questions or comments

**Public Member** A gentleman in the back row asks if this gets voted “no” what is the recourse for that scenario

**Mr. Adelman** States it may be possible for someone to present to the select board a warrant article

**The meeting adjourns at 12:28 p.m.**

The next Planning Board Meeting is scheduled for

**Tuesday, April 16<sup>th</sup>, at 7:00 p.m.**

**At the town office.**

Draft completed by: Lindsay Gagne

Approved by board, Date: \_\_\_\_\_

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Planning Board Chair or acting Chair name & Signature