

Parsonsfield Planning Board
Tuesday, March 12th, 2019
Workshop for 4 Miller Ave Site plan Review
and
draft ideas for Marijuana Ordinance
Minutes

In Attendance: Justin Espinosa (chair), Nate Stacey, Marian Wright, Rick Sullivan, Clifford Krolick (alternate)

CEO Jesse Winters in attendance

Also in attendance: Deborah Sobczak, John Sobczak, Stephen Richards, William Ryan, Trevor Sanborn

Mr. Espinosa Called to meeting at 7:00 pm and reviews the workshop agenda for this evening. First topic will be Mr. and Mrs. Sobczak site plan review for 4 Miller Ave and the second topic will be drafting an ordinance for Marijuana and land use.

Site plan review for 4 Miller Ave

Mr. Stacey Reviews the last meeting involving this site plan review with Mr. Espinosa to catch him up on the details. At the last meeting it was decided to hold a workshop so they could review the plan in a public setting and discuss any questions or concerns, so that at the next regular meeting the board can expedite putting forth a vote on the plan.

Mr. Espinosa Asks if there are any abutters present, there are none. Then asks the CEO to confirm that the existing property is non-conforming.

Mr. Winters Replies, yes, the property is non-conforming.

Mr. Sullivan Asks if the proposed expansion is expanding towards the pond.

Mr. Sobczak Answers, no.

Mr. Stacey Asks if the other lot owned by them is located across the road.

Mr. Sobczak Explains, yes, they bought this property so that they could put a leeching field there so they could connect their pumping station which is located on the waterfront lot.

Mrs. Wright Asks what they will be using for a foundation on the new building.

Mr. Sobczak States the proposed foundation will be poured concrete with frost walls. There will be no slab on the ground, so there will be a crawl space.

Mrs. Wright Asks if the building will be heated. She also asks if this building will be converted from a seasonal home to a year-round home and if there have been any other additions to the home since 1989

Mr. & Mrs. Sobczak States that a heat pump will be used, and they expect to utilize the home as a three-season home. They have not had any other additions.

Mrs. Wright Addresses with the board her concerns that because there are two lots, this may conflict with the ordinance.

Mr. Espinosa Asks the CEO if he has any concerns with this plan he would want to address.

Mr. Winters States they can build up to 30% with the 25 to 75-foot rule from the water.

Mr. Stacey States on the plan, it is proposed a total of 152 square foot expansion, which is within the range.

Mr. Richards Explains that they have used a surveyor to conduct all their measurements to get a bird's eye view for the new structure. He also explains the existing building on the property is not within the building envelope, in which they will be building within the envelope to make it conform to the ordinance.

Mr. Espinosa Asks the Sobczaks if they would be willing to reach out to the abutters and have them contact the board to let them know they are okay with them building. Notices have already been sent out, however they can reach the planning board via email or mail.

Mrs. Sobczak Agrees, she can do this

Mrs. Wright States she is concerned that the leeching field is located on the other lot and that if in the future, the two lots are sold and split apart, could result in a lot of issues with the planning board and any future property owners.

Mr. Espinosa Asks the Sobczaks if they would be willing to combine the two lots into one lot, for reason that if something were to happen and the second lot got sold, then the shoreline lot would not have any issues, being that it is non-conforming.

Mr. Richards States the in the state there are provisions and rulings to utilize for the lots and he doesn't see how this plays into the subject lot. The septic system they have in place has been put there about 18 years ago.

Mr. Winters States that septic designers are all state licensed and are restricted from creating a non-conforming leeching field.

Mrs. Wright States she has an issue with the change of use from seasonal to three-season

Mr. Espinosa States he doesn't think there is a difference between seasonal and year-round, or at least they are not taxed any differently.

Mr. Stacey Reviews a section in the ordinance that states "the structure is seasonal to full-time that it doesn't cause any detriment to the water, shoreline, habitat, wetlands, etc."

Mr. Espinosa States he believes the term "land use" in this condition is referring residential to commercial or if having any detrimental effect on the pond and its habitat.

Mr. Richards Explains the primary reason for replacing this building is because the existing building sits outside the building envelope.

Mr. Espinosa Clarifies with the Sobczaks that this is a replacement and not an expansion and asks Mr. Richards to review the site plan.

Mr. Richards Reviews the site plan stating that in accordance to the previous CEO, Mr. Bower, they decided the side set backs were an issue and so have paid a surveyor to measure and guide them through the project. He explains that Maine has two inland water rulings, one an old ruling and the other a newer one. The old ruling allows you to replace a camp that's non-conforming, however you cannot move it closer to the water and it must also follow side set backs and has a volume or square foot calculation of no more than 130%, which ever was larger first. The new

ruling, which Parsonsfield has adopted, is the same except you can go 30% more in square foot but not more than 20 feet in height.

Mrs. Wright States she is concerned with the foundation placement with the set backs

Mr. Winters States he feels they have met their setbacks from the water, and they are placing the new building within the envelope

Mr. Richards States the last CEO wanted them to build within the set backs

Mr. Espinosa Asks the CEO how the roads work for this lot with the set backs

Mr. Winters Reviews the map of the plan with the roads pointing out what the set backs are.

Mr. Espinosa Suggests that they can agree to put a condition of approval that they combine the two lots into one.

Mr. Richards States that is this were to happen then the planning board would be in violation with the state because when the two lots are combined then the greatest practical extent of the condition has not been met. The Sobczaks have the right to sell the back lot and put an easement on the septic system.

Mr. Espinosa States that would be an alternate condition to put an easement in the deed.

Mr. Sobczak States they bought the second lot to put a leeching field on it where the first lot has a holding tank that feeds directly into a pumping tank that has an alarm.

Mr. Winters Asks the Sobczaks if they would be able to disconnect the leeching field and just use the holding tank.

Mr. Sobczak States they would do this; however, they bought the other lot for the purpose of having a leeching field.

Mr. Espinosa Suggests there are two options for conditions. They could either put an easement in the deed for the septic system or could disconnect the leeching field and only use the holding tank.

Mr. Krolick Asks how far the building is from the lake because digging a 4-foot frost wall may be too close

Mr. Richards States they have not done any digging yet but, in his experience, they do have ways of pumping out water if needed to do the footings. The excavation contractors they hire are DEP certified.

Mr. Espinosa There are no further questions or concerns and so reviews the two conditions that may be possibly considered and at the next meeting the board may vote on the application. He issues a five-minute break before getting into the next workshop topic.

Mr. Espinosa Calls the meeting back to order after a brief break. The next topic is to draft an ordinance for medical and recreational marijuana, where medical will be the forefront of this topic. He provides a sample of a land use table to the audience for review and discusses the intent is to draft an ordinance that defines what the building or land use is, where is it allowed to be used, what permits are needed, any clauses such as revoking for good cause and if the town votes no on this, it will not effect any states laws already in place, however, if passed, then would take effect immediately. He proposes to the board to do two special votes on recreational and medical.

Mr. Sullivan So we would need to decide zones we would propose what activities in?

Mr. Espinosa Yes, but would need to decide what sub-section of the article would be, such as, retail, extraction, commercial, cultivation, commercial kitchen and testing. So, would want to define 4-5 articles for recreational and for medical.

Mr. Ryan Informs the board this format provided is a little different in that it mostly refers to medical marijuana rather than adult use.

Mr. Winters Discusses concerns with permitting home cultivation due to potential fire risks

Mr. Sullivan Disagrees with this because it may be unreasonable to impact those who have already been doing this for several years with existing laws in place.

Mr. Espinosa Asks the CEO if he is required to do any inspections for upgrading electrical.

Mr. Winters Answers no, this is done by the state.

Mr. Ryan Would like to point out that there are three classifications for growing. 1.) Recreation, that allows up to 3 plants per person. 2.) Individual Patient Card, entitles you to have up to 6 plants. 3.) Licensed Care Giver, which allows you to grow up to 30 plants, plus your individual 6 plants if you're a patient and your recreational 3 plants.

Mr. Espinosa Reviews a sample of a local ordinance layout and cites three categories.

- 1.) Medical Cannabis, Home Production.
- 2.) Medical Cannabis, Production Facility
- 3.) Medical Cannabis, Registered Facility

Mr. Sullivan Reviews a sample of a state version and its categories.

- 1.) Cultivation.
- 2.) Two tiers of Extraction.
- 3.) Retail.
- 4.) Food Establishment.
- 5.) Testing

Mr. Espinosa Proposes the board start by defining the articles for the draft by defining the correct verbiage in accordance with the state, then deciding the next portion of what belongs where. Also, they could look into getting input from the community by sending out mailers or having a survey

Mr. Stacey Suggests they draft the articles and present them in a public hearing to take input from the town on what could be changed or utilized differently.

Mr. Krolick Is working on a survey for the comprehensive plan and if the board wanted, he could add some questions regarding drafting an ordinance for marijuana land use.

Mr. Espinosa Reviews with the board some of the state categories to start determining how many they will consider and which ones to start with.

Mr. Stacey Suggests starting with defining "Extraction" as "Product Manufacturing Facility, Tier 1 and Tier 2 (Low hazard and hazardous)"

Public Member A gentleman in the front row refers to extraction methods such as simmering butter could be considered no or low hazardous.

Mr. Espinosa Suggests putting any food extractions under manufacturing.

Mr. Ryan States the state has a way of separating those categories where with food extraction it may be required to just have a hood vent for ventilation.

Mr. Stacey Suggests they could combine some categories together so as not to have too many categories.

Mr. Espinosa briefly reviews so far, we have listed categories of

- 1.) Retail Stores,
- 2.) Cultivation Facility,
- 3.) Testing Facility and
- 4.) Product Manufacturing with two tiers for extraction.

Public Member a gentleman in the front row states that some manufacturing may only consist of just packaging or processing using other oil products, without extracting, which there would be no hazard involved.

Mr. Stacey States that in “Tier 1”, it would be considered “no to little hazard”.

Mr. Espinosa States they should try to keep it as broad as possible so to determine the land use of it and suggests the board move forward with starting to draft assignments to each zone. He suggests starting with on Medical Marijuana Retail Store Fronts, Village zoning.

Mr. Stacey Asks if it should be discussed home production vs. production facility

Mr. Winters States he thinks this could be considered a change of land use by operating a home business.

Mr. Espinosa States with other home occupation permits some require a permit and/or site plan review.

Mr. Ryan States that home use occupation is already broken down in the land use ordinance.

Mr. Espinosa Proposes to draft “Retail Stores” as such:

Village = R (*For requires site plan review*)

Village Residential = No

Rural Residential = R

Farm & Forestry = S (*Special Exemption Permit*)

Light/ Industrial = R

Public Works = No

Resource Conservation = No

Mr. Espinosa Moves forward with “Cultivation Facility”. For indoor and outdoor use he believes this can be implemented as a special exemption permit and the exemption permits can dictate by indoor or outdoor and then the conditions on each application can be things like charcoal filters, setbacks, etc.

Mr. Stacey States they would need it specified between each zone.

Public Member A gentleman states that the state already allows people to grow three plants outdoors for residential type homes.

Mr. Espinosa Reiterates he would like to keep things broad so they can draft out ideas and moves forward with proposing “Cultivation Facility” Village he suggests could be a special condition permit

Mr. Ryan States he feels a special exemption permit would be burdensome as it would be a hard standard.

Mr. Espinosa Explains that a conditional use would put a term limit on it to come back to the board to in a year, while a special condition exemption would require the applicant to prove to the board that they couldn’t do it anywhere else in the towns zoning areas.

Mr. Ryan Disagrees, stating it would be too stringent on current village operations and suggests that if they just require a site plan review this allow the board to do essentially the same thing but without locking anything in and ideally you would want grows to be located where emergency responders can respond to quickly.

Mr. Stacey Suggests they can write down both ideas and come back to it later.

Mr. Espinosa Proposes to draft “Cultivation Facilities” as such:

Village = S (*Special Exemption*, or, R(*Requires Site Plan Review*) and is TBD

Village Residential = S/R is TBD

Rural Residential = R

Farm & Forest = P

Light/ Industrial = R/P is TBD

Public Works = No

Resource Conservation = No

Mr. Ryan States his concerns that Farm and Forestry is considered a “P” when there could be risk of pesticide and phosphate runoff, etc.

Mr. Stacey States that in Agriculture and Farming it is typically permitted, the same as having other farms.

Mr. Espinosa Proposes to draft “Testing Facility” as such:

Village = R

Village Residential = R

Rural Residential = R

Farm & Forest = R/S is TBD

Light/ Industrial = P

Public Works = No

Resource Conservation = No

Mr. Espinosa Proposes to draft “Manufacturing, Tier 1” as such:

Village = R

Village Residential = R

Rural Residential = R

Farm & Forest = R/S is TBD

Light/Industrial = P

Public Works = No

Resource Conservation = No

Mr. Espinosa Proposes to draft “Manufacturing, Tier 2” as such:

Village = R/S/No is TBD

Village Residential = No

Rural Residential = S

Farm & Forest = No

Light/Industrial = R

Public Works = No

Resource Conservation = No

Mr. Ryan States he feels “Village” should be considered as an “R” where in you’re doing anything considered hazardous you would want first responders to be as close as possible and it is already regulated by the state.

Mr. Espinosa States this may be a point brought up at a public hearing and these drafts can change but with his suggestion, as well as Mr. Sullivan’s, we can consider it a R/S/No and it can be determined. Mr. Espinosa discusses setting a date for another workshop on this topic focusing more on the areas that need to be determined and the members of the planning board may also do

some additional research. Following the workshop they will hopefully pick a date for a public hearing and then a special town vote.

The board agrees to schedule a workshop for drafting a marijuana ordinance

**A Workshop is scheduled for
Thursday, March 28th @ 7:00 pm.
for the Marijuana Ordinance.**

Mr. Espinosa Adjourns the meeting at 10:00 pm.