

**Parsonsfield Planning Board Meeting
Tuesday, August 21, 2018
Minutes**

Planning Board Members in Attendance: Andy Yale (alternate), Nate Stacey, Rick Sullivan, Justin Espinosa and Will Ryan

CEO David Bower in Attendance

David Lourie, Esquire in Attendance

Also in Attendance: Edward Bower, Tiffany Brendt, Thomas Greer, Ralph Austin, Joan Medland, James Steuwe, Jeff Wright, Ellen Collard, Scott Collard, David Seed, Stephen Anderson, Michael Shaw, Corrine Shaw and Louise Wilkes

Mr. Espinosa called the meeting to order at 7:00 p.m.

July minutes Reviewed and Approved

A motion was made and seconded to accept the July minutes with one correction to state that Mr. Espinosa was looking into Food Sovereignty, not Mr. Sullivan.

Watson Woods Subdivision:

Ralph Austin spoke (representing Nate Wadsworth). He explained why he was here. A few changes were made from the June submission and he proceeded to point these out.

Mr. Espinosa stated a list of several questions was submitted to the town lawyer. One of those questions was regarding tree harvesting of 24-inch trees.

Tom Greer described the changes in new application. Lot layouts of 2 lots next to Hussey. Road dimensions changed. Lot 7 and 8. Added a graphic and traffic.

Mr. Espinosa asked if an additional traffic study was done.

Mr. Greer answered no an additional traffic study was not done.

Mr. Lourie: He did not see a soil survey meeting requirements. He didn't see trees either.

Mr. Greer: They are shown on the subdivision plan.

Mr. Espinosa: Inquired about existing trees.

Mr. Yale: Asked about soil designation.

Mr. Greer: Dark lines are soil boundary lines.

Ms. Lane: Talked about the high intensity soil survey. She submitted maps and supplied a soil survey webpage to reference. She discussed this with David Rocque, State Soil Scientist. He feels it is not a high intensity soil survey. It was copied off a website. A soil survey should be done in 3- to 15-acre increments.

Mr. Sullivan stated that we have been provided a log by Mr. Hampton which is about 2 test pits per lot. It does not seem adequate.

Mr. Greer: The map was amended. The issue was this land is documented on two different tax maps. When you apply the same scale to each map they match up.

Mr. Espinosa expressed to the public that the Board will go through the subdivision checklist with Mr. Lourie, town lawyer.

Mr. Lourie: The trees and buffer are a concern.

Mr. Espinosa: The Board submitted 9 questions for review. See attached.

Mr. Sullivan: How would we be able to determine if applicant violated forestry?

Mr. David Bower: The checkbox is only for statistical purposes only.

Mr. Lourie: The buffering was for protecting the view from the road.

Mr. Sullivan: He asked the lawyer if we approve the preliminary subdivision plan are we locked in and the answer was no, it gives the Board a chance to make it conforming.

Mr. Sullivan: Confirmed that the soil survey was prepared by Tom Greer, not Mark Hampton. Mr. Sullivan was expecting to see Mark Hampton here at the meeting.

Ms. Lane pointed out that the map is dated Oct 2016; same timeframe that he applied for the logging permit.

Mr. Clifford: Feels logging permit and cutting was illegal.

The Board went over the checklist one item at a time to check for completeness.

Mr. Austin asked if Mark Hampton signed the soil survey report we have is that acceptable?

Louise Wilks expressed concern regarding flooding.

Mr. Espinosa motioned to vote that Watson Woods application is incomplete. Mr. Ryan seconded that motion. All Board members were in favor of the motion.

David Seed:

Would like to add onto kitchen and living room area. Met with BOA trying to get a variance.

It is a nonconforming structure that requires Board approval. David expressed he is not violating any setbacks and is not getting any closer to the water.

Mr. Espinosa motioned to **approve** this application. Mr. Stacey seconded the motion. All Board members were in favor.

Walker Building / William Ryan/ Trevor Sanborn:

Mr. Sullivan: Can even consider this since we do not have an ordinance in place? Feels if we approve this we are putting the cart before the horse. We will have created precedence.

Mr. Ryan: We have current State law in place already. We are discussing Medical marijuana, not recreational. The Board needs to determine if a business such as this be allowed in this particular zone.

Ms. Wilks: Why not go with existing laws?

Two citizens in the front row expressed great concern for a marijuana business being in the downtown area.

Mr. Espinosa: He reassured the aforementioned citizens that we will hold a public hearing for all residents to attend. Their job is to consider completeness.

The same resident asked, "What are my rights?"

Mr. Yale expressed that he has the right to vote, he has the right to attend meetings.

Ms. Brendt: It is still illegal at the Federal level. She has a concern for the Board and business owner. A male resident in the front row reiterated that it is illegal at the Federal level.

Mr. Sullivan stated that there are 100s of medical marijuana stores.

Mr. Yale has reservations about this application.

Mr. Ryan states he has done the research. This building will be closed off to the public, no visible signage.

Mr. Edward Bower: How many plants can be grown in this large space?

A resident in the front row expressed concern that no address for either applicant was submitted.

Mr. David Bower will get names of abutters.

Mr. Ryan went over the application. He expressed he will have a security system. No product will be viewable from the outside. The only sign would be a small green cross. People would only have access after calling ahead. Mr. Ryan explained that his plan is to provide a business that sells medical marijuana in a controlled environment. He foresees patients spending 30 minutes in this business, which includes time for education.

A female resident in the front row asked the Board if they are aware of regulations for lighting. She is concerned that Mr. Ryan is a Board member.

Mr. Espinosa informed the public that the Board is holding workshops, they are doing research on this subject to make educated decisions. They are recruiting experts for advice.

Regarding Conflict of Interest: Mr. Ryan must recuse himself from all board proceedings about this application. The Board's job is to determine if the application is complete. It will be put before a public hearing to where the public will come in. Mr. Ryan will present his application.

Mr. Bower shared that there are 2 kinds of Conflict of Interest; Financial interest and a conflict when someone has a predetermination to either deny or pass an application.

Mr. Bower asked the applicants to explain why 2 medical marijuana businesses.

Ms. Brendt: Dr. Northrup at Women to Women where they offer many different specialties under one umbrella insurance.

Mr. Espinosa stated that this is a Land Use Application.

Mr. Yale encouraged the Board to proceed with caution. He motioned to **table** the application. No Board member seconded this motion. **The motion failed.**

The female resident in the front row expressed appreciation for Mr. Yale for being sensitive to all parties involved.

Mr. David Bower encouraged the Board to consult MMA or Attorney Lourie regarding two entities being submitted under one application.

The female resident asked why the lawyer didn't stay for this application?"

Mr. Espinosa replied that he was not asked to stay. This is the initial presentation for this application. If he is needed, he will be contacted.

The Board went through application checklist.

Mr. Yale motioned to vote that this application is incomplete. Seconded by Mr. Stacey.

The Board voted that it is incomplete.

Mr. Stacey motioned to adjourn the meeting. This was seconded by Mr. Espinosa.

The meeting adjourned at 10:52.

**Next Planning Board meeting will be held on
September 18, 2018 at 7:00 p.m.**