

**TOWN OF WATERBORO**  
**PLANNING BOARD**  
**MEETING MINUTES**  
**August 2, 2017**  
**7:00 p.m.**

**I. ROLL CALL**

Present: Lee Nelson   Judy Wirth   Judi Carll   Steve Letellier   David Christensen  
Ryan Vanasse

Absent: Dwayne Prescott

Others: Jaclyn Dagle   Michael Dagle   Megan Berman   Martin Lancaster  
Jeff Paquette   Jerard Paquette   Mike Porter   Tim Neill   Gary Lamb  
Lee Jay Feldman   Glenn Charette   David Lowe   Tammy Bellman

Lee Nelson called the Planning Board meeting to order at 7:00pm on August 2, 2017.

Lee stated a quorum has been met with the members present.

Lee introduced Ryan Vanasse, the newest Planning Board member.

Lee moved the Public Hearing to the front of the agenda.

- I. PUBLIC HEARING – Article 3 Section 3.01 Marijuana Amendment -** Lee Jay Feldman took the podium. He provided the Planning Board and members of the audience an overview of the letter provided to the Planning Board: You have before you this evening, proposed wording that if approved by the selectmen would be placed in Article 3 of the zoning ordinance to completely prohibit the Retail aspects of Marijuana in the town of Waterboro.

During the General election in the fall of 2016, the Maine voters approved the legalization of recreational marijuana. In legalizing its' use, the law established 5 categories that a municipality could consider in the community including:

- Retail marijuana stores;
- Retail marijuana cultivation facilities;
- Retail marijuana products manufacturing facilities and retail marijuana testing facilities; and
- Retail marijuana social clubs.

The community may entertain hosting one, all, or none of the uses. If the town chooses to consider having one or more of these uses in the community, we would establish a number of zoning criteria (performance standards) to be followed in order to allow the use. The other option is complete prohibition which is what staff was asked to prepare as an initial starting point for this process.

This spring, the community placed a series of non-binding questions on the ballot

seeking the attitude of the municipal voters as to favoring or not favoring the retail uses of Marijuana and were rejected by voters.

As part of the proposed wording, there is apportion at the bottom which does exclude Medical Marijuana from this prohibition since this use has already been recognized as acceptable within the zoning ordinance for the Town of Waterboro.

The Maine legislature is currently working through a number of amendments and changes to the law which should be codified for February 1, 2018, which means at that time municipalities should have a sense of the local ordinance structure under Home Rule Authority putting rules and regulations in place for any interested party seeking to establish one of the 5 business categories listed above within the community.

The process from here is that tonight you have the Public Hearing, take in the information, deliberating and make a recommendation back to the Select Board to decide how the community should proceed. The Select Board will also be having a public hearing on this matter prior to their deliberations and decision on this matter.

It is the job of the Planning Board in the process to hold the Public Hearing, deliberate on the issue and send a recommendation to the Select board for their consideration. If you can make a decision or need to do more research or you may also send back to the Select Board

David Christensen asked when the vote was done. Lee Jay – Town Meeting in June, 2017. David – 5 questions 5 rejections.  
Judy Wirth – 2016 Maine voters approved but we rejected. Lee Jay – you can see what the state lays out for rules and regs.

Lee opened the Public Hearing up to public comment:

Megan Berman – What does retail mean?

Lee Jay – Actual sale at storefront all aspects per state are retail – retail manufacturing, retail stores, retail test facilities, and retail social clubs.

Megan – As a caregiver – you can grow it on your property – what does social club mean?

Lee Jay – Medical caregiver allowed where zoning allows – not impacted by this.

Tim Neill – the state regs are clear – does not have any effect on personal use.

Gary Lamb – Town Administrator – I want to set the record straight. November, 2016 passed in town 50 – 49. Select Board questions which one of the 5 retail uses – 6/2017 ballot had 5 questions for each retail use – retail refers to state law ballot does not limit use personally. The Town Planner created the ordinance you have before you – tried to get it to paper. The legal aspect of the pot business – still a federal felony includes medical marijuana – the Selectmen are concerned about approving a business with it being a federal felony. The votes were:

	Prohibit	Favor
Social Clubs	57	43
Cultivation	51	49
Manufacturing	52	48
Stores	55	45
Testing	50.3	49.7

Mike Dagle – answer this - town getting any sales revenue from this?

Lee Jay – Nothing in the wording to allow the towns to get any revenue from this; many amendments in legislature now deadline is February, 2018.

Mike – if town gets tax revenue – premature to prohibit. . . .

Tim Neill – cannot get a loan from a bank, not able to deposit unless the person lies or does not deposit it, can't get account if state – why opening; if Planning Board and /or CEO approve – we approved a federal felony; medical marijuana hanging by a thread; DOJ law can't spend money going after anyone.

Gary – 20% sales tax – suggested 10% with 2% going back to the town.

David – what is the anticipated cost to town to be? Control the process – age . . . .

Gary – Considerable law enforcement cost – smoke ingested/eat – nothing in Colorado to compare it to; accident on the road – substance ingested at a business – edibles are a big thing – less intrusive there is a lot of work for the state to do before February, 2018.

David – Edibles – food – restaurant standards?

Gary – Just like a restaurant; air handling; some fees extremely high tens of thousands of dollars.

Lee closed the Public Hearing at 7:22pm.

Lee opened the Planning Board meeting at 7:23pm.

## **II. MINUTES OF PREVIOUS MEETINGS**

- **Minutes of May 17, 2017** - Judi Carll made the motion to accept the minutes of May 17, 2017 as written. David Christensen seconded the motion. No discussion. Vote 4 – 0 (Steve Letellier and Ryan Vanasse abstained)
- **Minutes of June 21, 2017** - David Christensen made the motion to accept the minutes of June 21, 2017 as written. Judi Carll seconded the motion. No discussion. Vote 4 – 0 (Steve Letellier and Ryan Vanasse abstained.)
- **Minutes of July 5, 2017** – Steve Letellier made the motion to accept the minutes of July 5, 2017 as written. Judy Wirth seconded the motion. No discussion. Vote 4 – 0 (Judi Carll and Ryan Vanasse abstained.)
- **Minutes of July 19, 2017** – Judi Carll made the motion to accept the minutes of July 19, 2017 as written. Steve Letellier seconded the motion. No discussion. Vote 4 – 0 (Judy Wirth and Ryan Vanasse abstained.)

## **III. NEW BUSINESS & PUBLIC HEARINGS**

## **IV. OLD BUSINESS**

- **Article 3 Section 3.01 Marijuana Amendment – Discussion and Vote** – Lee Jay Feldman came to the podium to provide an overview to date. David – is the state in the process of setting requirements? Lee Jay – February 1, 2018 is the date set – there are people getting in line to be able to open on February 1, 2018. David – so what we are acting on could change by February 1? Lee Jay – can undo or modify as it is an ordinance. Prohibition is not a forever thing – it can change at any time. Judy – if we don't do anything then we can do it? Lee Jay – medical caregiver put dispensary in retail areas then open on February 1, 2018. Judy – was thinking as a possible zoning issue. Lee Jay – some zones allow it – don't put prohibition in place. Glenn – regulation – we are prohibiting the use not regulating. David – don't know what legislature going to do prohibition subject to review at a later date. Glenn – if you don't prohibit need standards and regulations in place by February 1, 2018. Lee Jay – only recommending to

Select Board or don't think we should until Augusta determines – the Select Board are the policy makers. Glenn – need to be ready on February 1 to prohibit or allow – the charter says the Board of Selectmen can change an ordinance. David – clarify for myself – vote on recommending this amendment to the Select Board? Glenn – The Select Board are the only ones to change or amend an ordinance. Lee – curious to see what the legislature is going to do prior to February 1. Don't have a problem leaving as written but need to review when legislation comes out. Lee Jay – can be relayed to Select Board – full prohibition but leave the door open for the community to re-visit. There has been some discussion but nothing in the law to prohibit – the ordinance can limit it to one retail sales – put out to bid – fee for the service – if it becomes allowed use – it will take a long time to work through. David Christensen made the motion to adopt the proposed ordinance as written with the added notation that we will continue to review as State and Federal information comes forward. Judi Carll seconded. David – several hurdles – 1. Federal vs State laws; 2. Costs incurred by the town; 3. Tax revenues; 4. Will of the voters at the Town Meeting. Put in form of a motion that the Planning Board does not accept any retail marijuana. Ryan – if the Town had voted the opposite – would it change our mind set? David – prior aspects, costs, admin requirements, how zone correctly, located – we don't have enough information from legislature to consider and then re-visit. Judi – part of Planning Board job what is best for the Town. Steve – if said yes – balance budget tax increased to cover necessary items – prohibit now – get things done at the Planning Board level. No further discussion. Vote 6 – 0 carries to move the marijuana amendment to the Board of Selectmen as written.

- **Tim Neill – Waterboro Zoning Ordinance Revision Status** – The Board of Selectmen have received the latest version of the revised Zoning Ordinance. Judi – The one Natalie reviewed? Lee Jay – aware of changes but not officially – thought close to working through all questions – has not changed anything – to change legal information – can still be done even with Public Hearing done. Tim – take now – hold public hearing – make changes – Legal review – then to Board of Selectmen – their public hearing – make changes – to legal again - - legal will review it three times before going into effect. Lee Jay – do not feel she will need to make significant changes. David – hearing will be preceded by a public document? Lee Jay – public hearing held – don't like a part . . . make the changes – legal already looked at it but may say we cannot do – be careful with timing perspective. David – have preliminary review. Lee Jay – nothing glaring. Gary – you are able to continue the public hearing from one meeting to another meeting. Judi – hope not end of zoning process. Take what we have now and move forward with review to continue. Lee Jay – we have changed state statutes, next visit the Zoning Map, uses in the Village Zone – there has been no earth shattering changes – more steps to do – if it does not work go in and make the change – it is a living document. Judy – so it goes to legal then to public hearing – then to Selectmen – their public hearing – they examine and or change – the Board of Selectmen are the policy makers. Tim gave the history of the Comprehensive Plan. Want Waterboro to remain rural but bring in new businesses. This is the foundation to be able to work ahead and ready to go some place. Lee – set public hearing. Judy – wait for response from legal. Steve – it will give us time to review. Lee Jay – a month would probably be a good timeframe. David Christensen made the motion to set the Public Hearing for the Zoning Ordinance review for September 6, 2017 at 7pm. Judi Carll seconded the motion. Discussion- Glenn – requested that the legal review wait until he is able to get the mobile vendor piece added. No further discussion. Vote – 6 – 0

carried. Judi Carll made the motion to have a workshop on August 16 at 6pm to discuss the mobile vendor. Judy Wirth seconded. No discussion. Vote 6-0 to have workshop on August 16.

**V. COMMUNICATION**

**VI. MISCELLANEOUS**

**VII. ADJOURNMENT**

- Judi Carll motion to adjourn at 8:05 pm. Steve Letellier seconded the motion. No discussion. Vote 6 - 0 in favor. Meeting Adjourned.

**VIII. Items needing signature**

- **Minutes of May 17, 2017**
- **Minutes of June 21, 2017**
- **Minutes of July 5, 2017**
- **Minutes of July 19, 2017**

Approved Date: \_\_\_\_\_

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