

TOWN OF WATERBORO

PLANNING BOARD

MEETING MINUTES

June 28, 2023

6:30 p.m.

I. ROLL CALL

Present: Lori Anthony Rebekah Higgins James Farias Rick Madruga Diane Gray
 Stacie Walker

Others: Dave Lowe Angela Chute Michael Gilpatrick LeeJay Feldman Curtis & Jen Gerry
 Dennis Abbott

Lori Anthony called the meeting to order at 6:30 and declared a quorum with members present.

II. MINUTES

III. PUBLIC HEARINGS

- Zoning Ordinance Amendment
 - Medical Marijuana Grow Facility in the Village Zone on Lots 40,000 sq. ft. or larger

Public Hearing opened at 6:32PM

Michael Gilpatrick stated currently this is the only zone along the Route 202 and Route 5 corridor that does not allow a Medical Marijuana Grow Facility.

Curtis Gerry, 64 Gerry Lane, Waterboro – he is here to petition the Planning Board to allow such facilities in the Village Zone on lots 40,000 sq. ft. or larger. He did some research on the Waterboro GIS and there are only 4 other properties like his. The building has been in the family for over 35 years and run respectful businesses. He would like to operate a medical marijuana grow facility if the zone change is allowed.

Angela Chute read an email from Kristin Woods of North Waterboro voicing her support of the zone change.

No further comment.

Public Hearing closed at 6:36PM

IV. OLD BUSINESS

- **Request for Village Zone Medical Marijuana Grow Facility**
 - **Lot sizes 40,000 sq. ft. or larger**

Rick Madruga stated he had several concerns and questions. Medical Marijuana, how is that enforced and where is the line between medical marijuana and recreational marijuana?

Michael Gilpatrick stated it is licensed, regulated, and monitored by the State of Maine.

Lori Anthony reviewed the memo from the Town Planner, page 1 which would fall on page 88 of the Zoning Ordinance the Medical Marijuana grow only facility definition – read aloud by Lori Anthony.

Dennis Abbott stated there was discussion for General Purpose but unknown why Village Zone wasn't included.

Lori Anthony clarified that if allowed projects would still have to come individually for approval, which was clarified as correct. #13 was added to the Village Zone per the Town Planners memo

Rick Madruga stated he still has way too many concerns as he knows someone who has one in town, there is no policing and it's not used for just medical. There is no lack of grow facilities and Waterboro doesn't need another one and states it's not a good influence.

Stacie Walker asked if we have a number of grows that Planning Board has acted on.

Dennis Abbot stated the Planning Board has acted on 2 there's a ceiling of how many plants that they can have and they don't have to have a Conditional Use Permit and we don't know how many medical providers are out there under home occupation.

Mike Gilpatrick explained it's an allowed use in any zone as a home occupation

Further Board discussion surrounding clarifying that it's only a Zone Change in front of them not an actual project submission, the number of lots it would impact, and current facilities in town already are they all medical. Monitoring of state licenses, applications, regulations, etc. being at the state level and any restrictions pertaining to schools.

Michael Gilpatrick further explained our Zoning Ordinance doesn't allow recreational at all. Odor and smell at the local are the biggest concern and during the flower stage there is a significant smell.

Stacie Walker stated we regulate that at the Planning Board level of approval. This does not fall into the agricultural category, nursery, or garden shop.

Rick Madruga stated the Village Zone has smaller setbacks and that's probably why it was left out.

Jen Gerry made the suggestion that setbacks increase on any new project submittals to which Michael Gilpatrick stated it could become a condition of approval at the application level.

Rick Madruga made a motion to deny the amendment request to allow Medical Marijuana Grow Facilities in the Village Zone on lots 40,000 sq. ft. or larger. Second by Rebekah Higgins.

Vote: 2-3-1(Gray), motion failed

Stacie Walker made a motion to approve the amendment to the Zoning Ordinance to allow Medical Marijuana Grow Facilities in the Village Zone on lots 40,000 sq. ft. or larger. Second by James Farias.

Vote: 3-3, motion defeated, Zoning Ordinance amendment not recommended.

Memo to the Select Board from the Planning Board will be written by Angela regarding their recommendation not to change the ordinance.

Dennis Abbott stated that the Board of Selectmen still may or may not move forward with a potential amendment, this was a request for their opinion.

V. NEW BUSINESS

VI. COMMUNICATION

- Plans for an 11 lot subdivision have been submitted for staff review so that will be forthcoming.
- Lori stated that annual election of officers is coming up the first meeting in July where you will be voting for a Chair and Vice Chair position as the Secretary position has been eliminated in the last round of by-law amendments.

VII. MISCELLANEOUS

VII. ADJOURNMENT

- Diane Gray made the motion to adjourn. Rick Madruga second the motion. No discussion.

Vote: 6-0, motion passes, meeting adjourned

VIII. ITEMS NEEDING SIGNATURE