

**TOWN OF WATERBORO**  
**PLANNING BOARD**  
**MEETING MINUTES**  
***July 6, 2022***  
**6:30 p.m.**

**I. ROLL CALL**

Present: Lori Anthony    Rebekah Higgins    Diane Gray    Clyde Smith    James Farias    Stacie Walker

Others: Lee Jay Feldman    Dennis Abbott    Robert Shubert    Kate Shubert    Carole Chochrane

Sue Vittorioso    Dale Adams    Dave Lowe    Angela Chute

Lori Anthony called the meeting to order at 6:30pm and stated a quorum was met with members present.

**II. MINUTES**

**III. PUBLIC HEARINGS**

➤ 0 Sokokis Trail, Marijuana Grow – Robert Shubert

Owns the abutting property to Evergreen Drive where the greenhouse and the grow would be. Because the property is abutting and the size of the greenhouse he has to come to the Planning Board for permission. He's currently a caregiver and has to be a caregiver because he transports the product to the lab to be processed into oil for edibles. He realizes there is skepticism regarding his project and wants to address this. He could actually take the greenhouse down and grow more plants than he is now but he is only growing based on family need but with the greenhouse he is proposing a more controlled more secure facility.

Public Comment:

Carole Cochrane, 11 Evergreen Drive –

You say you're not selling now but maybe you did.

- Kids coming to our doors at 10:00 at night looking for Mr. Shubert
- Neighbor found a camera mounted to her mailbox, I personally would have called police but she didn't.
- Have subdivision by-laws been reviewed?
- Last fall a curtain of haze was in the neighborhood and it was pot, he was burning pot plants.
- There was a drone flying around the neighborhood and Mr. Shubert called the police
- What will this do to our property valuation?
- Drugs lead to crime and pot is a drug.
- Wants to know who will be paying for the property line flyover that was mentioned at the last meeting because it better not be her.
- Aquafer concerns because he stated he would be using 10 gallons of water a day, that seems way off because she uses way more than that for a few vegetables.
- The smell of the pot gives some of her neighbors migraines.

Sue Vittorioso, 13 Evergreen Drive –

States she didn't receive her notification. Was provided with the returned notification that was addressed to the son, Matt Vittorioso, registered owner in TRIO.

Robert Shubert stated originally his own wife had concerns but as long as it was legal she was ok with the project. Subdivision review was not needed as it is not part of the subdivision. He does not sell from his home and never put a camera on someone's mailbox as that is a Federal offense. Marijuana is a unique smell and has different smells at different stages. This year he has added 6 fans and filters, utilizing carbon filters. The fans are pushing the air toward the lake and not toward any residence or neighbor and if the fans and filters in place now aren't enough he can add additional internal filters. He feels there needs to be caution regarding "his operation dispersing odor" as there are others in the neighborhood growing and not inside a greenhouse. Last fall he did burn some plants that had mildew and mold but won't be done again, he bags up and takes to town dump. He admits that was a mistake he made last fall. Marijuana is a drug, alcohol is a drug and there are more issues with alcohol than marijuana when speaking of crime and deaths. With regards to watering, he's estimating 20 gallons every other day for 10 plants up to 13 gallons every other day for 26 plants, as they require very specific watering. Yes he called police regarding the drone as he was nervous about a drone flying around the neighborhood, shame on him.

No further public comment, public hearing closed at 6:56pm.

#### **IV. OLD BUSINESS**

##### **➤ 0 Sokokis Trail, Marijuana Grow – Robert Shubert**

Lee Jay Feldman stated he did not have a lot to add to this project that Caregivers have regulations they have to follow. Planning Board has already approved another facility and the concerns were having cameras in place, odor control, and safety.

Board discussion regarding the determination of odor and where is it coming from. Lee Jay stated most facilities utilize charcoal filters and negative air control practices and it does a good job of cleaning the air prior to leaving the facility. Marijuana does have a distinct "skunk odor." There is no scientific measurement for odor measurement, only assumption. There are professional odor sniffers but are very costly. Maintenance of filters and schedule of maintenance of filters was discussed. There was been nothing set up or proofed on this particular project as of yet. Planning Board can condition the timing of filter maintenance and logs provided to Code Enforcement for inspection.

Robert Shubert stated that the filters he uses recommend changing every 90 days and that the most odor produced is during budding. Filters will be changed during that time and will also have spare filters on hand.

Rebekah Higgins asked if his maximum capacity would be 26 plants at all time. Mr. Shubert explained that as a caregiver he can go to 36 plants plus his 27 personal plants for his maximum but he has no room and too much for him so he's currently at ½ capacity. The state requires a fenced or enclosed area and he has both at his location. There are 2 security systems on the property, one containing internal memory, and these systems contain approximately 20 cameras in total. They are mounted up high and people are usually reluctant to do something wrong when they know they're on camera. I've tried to make it look nice as well as cute. I did have some plants taken a couple of years ago, I was just a beginner at the time but did work with Deputy Sanborn regarding the theft. The fenced area is locked as I stated before and has he Knox Box for fire department access.

Clyde Smith requested information regarding his air filtration on site. Mr. Shubert stated his fans are rated for 4500 cu. Ft. and his greenhouse has 45,000 so he has 6 fans and room for more if needed. If he finds there is not proper air movement inside the greenhouse then he will add the additional fans.

Stacie Walker touched on the water usage, surprised he's only using 13 gallons a day. Where are the nitrogen and phosphorus going? Eventually they will kill your garden plants. Mrs. Shubert stated that as the plants get bigger each plant will probably get 1.5 gallons of water a day. All his nutrients are organic and he uses less nutrients on his plants than the garden. The soil is very sandy and filters very well. Saco River Corridor Commission had no input for him regarding this project. Lori Anthony stated she uses fertilizer in her garden and she's closer to Lake Arrowhead than Mr. Shubert is. Was asked if he's following the State of Maine guidelines for wastewater. Mr. Shubert stated the regulations are based on the larger facilities and at this time there are no in ground guidelines. The plants are inside and watered directly to the roots so there is no wastewater as they absorb the water quickly. Stacie reaffirmed that he's not extracting, he is just delivering and Mr. Shubert confirmed he takes his product to a lab for extraction. Mr. Shubert also confirmed he is utilizing plant count vs. canopy cover. Lee Jay confirmed the guidelines for caregivers and runoff are most common dealing with larger facilities but could be required to install a 500 gallon tank to catch the runoff and have pumped when necessary. Further explaining that caregivers have a much stricter process, more regulated and provide better products.

Board discussion regarding conditions regarding expansion, no burning of plants and maintenance logs for the filtration systems. Members agreed to the following conditions of approval:

1. Maintain a log with plant date, harvest date, all filter checks, filter changes, and all maintenance to the filtration system.
2. Clippings and all Biomass from process shall be disposed of properly and not burned on site.
3. Expansion will require Planning Board approval.
4. Compliance with all oral & written statements submitted to the Planning Board

Clyde Smith made a motion to approve the application as proposed with the conditions of approval as discussed, second by James Farias.

**Vote: 6-0, application approved with conditions of approval as discussed**

## **V. NEW BUSINESS**

## **VI. COMMUNICATION**

## **VII. MISCELLANEOUS**

## **VII. ADJOURNMENT**

- Clyde Smith made the motion to adjourn and move into the workshop on LD2003 Affordable Housing. James Farias second the motion. No discussion.

**Vote: 6-0, motion passes, meeting adjourned**

## **VIII. ITEMS NEEDING SIGNATURE**