



PLANNING BOARD MEETING MINUTES

Thursday July 6, 2017
Town Hall Meeting Room
6:30 p.m.

Call to Order

Pledge of Allegiance

Introduction of Board Members

David Andreesen; Paul Boisvert; David Dow; Niles Schore; Nichole Fecteau

Regular Board Member(s) Absent:

Alternate Members Present:

Sean Winston

Alternate Member Absent:

Staff Members Present:

Kathy Connor Town Planner, Stephen Eldridge, Town Manager, Joe Rousseau, Code Enforcement Officer.

Public Comment

Approval of Minutes

- June 15, 2017

Motion: Niles Schore motioned to approve the minutes as presented.

Second: Paul Boisvert

VOTED – 4-0 in favor

Motion Passed

In favor: David Andreesen; Paul Boisvert; David Dow; Niles Schore;

Opposed: None

Abstain: Nichole Fecteau

Public Hearing

- Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs in the Town of Berwick, Maine.

The Co-owner of 420 Portland Street LLC, Jody Rodgers asked how the Board of Selectmen went from a discussion she had at a meeting to an actual ban on retail marijuana. Ms. Rodgers mentioned that the town approved recreational marijuana by a 13-percent margin.

Dave Andreesen clarified that because it is an ordinance change, the decision will have to go to the voters.

Ms. Rodgers addressed the concern of federal funding for towns that approve retail marijuana. She stated that because it is accepted on a state level, it would be a small risk to the town, and that federal would likely go after individuals.

Ms. Rodgers said that marijuana is the biggest cash crop in the country.

Jason Shobridge, medical marijuana caregiver of 368 School Street prepared a statement. Mr. Shobridge stated that the voters knew what they were voting for when they approved recreational marijuana. Mr. Shobridge recommended a straw vote, and to separate each license class. Mr. Shobridge stated that the effects of legalization can be mitigated by actually allowing it and zoning it, rather than people using in the black market.

Ryan Salstek of 420 Portland Street reiterated Mr. Shobridge's idea of separating the license classes.

Matt Rodges of 420 Portland Street wanted to stress the importance of the values of property increasing.

Bobby Storman stated she is looking to invest in the industry. She is looking for towns open to business. Ms. Storman is looking to bring a sizable investment to Berwick. Ms. Storman stated this is good opportunity because of the way the State is releasing licenses.

Wesley Palmer of Shellie Lane spoke in favor of the ordinance. Mr. Palmer stated that he does not have a problem with personal use, but does see an issue with retail shops. Mr. Palmer stated that in Denver a dispensary is set up every other shop for miles.

- Conditional Use Application. 410 Portland Street (R-71, Lot 11)
Dog Day Care – Kara's Pet Care.

Jody Rodgers said that she is in the dog day care business and it is a great amenity to bring in the town. Ms. Rodgers said every town needs a dog day care or two.

Old Business

- Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs in the Town of Berwick, Maine.

Mr. Boisvert summarized his understanding of the recent history of marijuana in Maine and in Colorado. Mr. Boisvert clarified that Berwick cannot collect local taxes from the sale of marijuana.

Ms. Connor said that the town is able to charge for a local license.

Sean Winston asked if the Planning Board would have time to write the marijuana ordinances.

Niles Schore asked if the Planning Board had the authority to recommend a sunset clause for December 31, 2018. Ms. Connor stated she would check with SMPDC's attorney about the sunset clause.

Dave Andreesen asked about 420 Portland Street with the application that is in for a production facility and how that would change if the ordinance passed prohibiting cultivation. The Code Enforcement Officer stated that 420 Portland Street would then be non-conforming, which would mean they have limitations on expanding, and if they closed down for 12 months, they would not be able to start back up again due to the non-conformance.

Motion: Niles Schore motioned to recommend an amendment to the ordinance to include a sunset provision for December 31st, 2018.

Second: Dave Andreesen

Discussion:

Stephen Eldridge stated that Berwick could be disqualified from federal funding if Berwick allows retail marijuana in town. Niles Schore said that Mr. Eldridge's statement was not true, and used sanctuary cities and drinking age as court case examples.

VOTED – 5 0 in favor

Motion Passed

In favor: David Andreesen; David Dow; Niles Schore; Nichole Fecteau; Paul Boisvert

Opposed: None

Abstain: None

Motion: Dave Andreesen motioned that if a sunset clause was not possible, then to recommend a moratorium of 180 days from November.

Second: Niles Schore

VOTED – 5-0 in favor

Motion Passed

In favor: David Andreesen; David Dow; Niles Schore; Nichole Fecteau; Paul Boisvert

Opposed: None

Abstain: None

Niles Schore stated that the message from the Planning Board is that they need time to see what the other towns and states are doing, and need time to draft up the land use ordinance amendment, and Mr. Schore feels like December 31st, 2018 gives the Planning Board enough time.

Motion: Nichole Fecteau motioned to recommend to the board to consider the five license classes separate, and place them on the ballot separately.

Second: Niles Schore

VOTED – 5-0 in favor

Motion Passed

In favor: David Andreesen; David Dow; Niles Schore; Nichole Fecteau; Paul Boisvert

Opposed: None

Abstain: None

Motion: Dave Andreesen motioned to recommended to forward the ordinance to the Selectmen with three recommendations.

Second: Paul Boisvert

Niles Schore clarified that the Planning Board voted to recommend that the ordinance goes for a town vote, and are not recommending a yes or no vote.

VOTED – 5-0 in favor

Motion Passed

In favor: David Andreesen; David Dow; Niles Schore; Nichole Fecteau; Paul Boisvert

Opposed: None

Abstain: None

- Conditional Use Application. 410 Portland Street (R-71, Lot 11)
Dog Day Care – Kara’s Pet Care.

Kathy Connor stated that the parking requirement comes out to 11 spaces.

There was a typo discovered on the first page of the findings of fact on the acreage.

The applicant requested to amend the plan to include Saturday and Sunday in the hours of operation.

Motion: Niles Schore motioned to deem the application complete.

Second: Nichole Fecteau

VOTED – 5-0 in favor

Motion Passed

In favor: David Andreesen; David Dow; Niles Schore; Nichole Fecteau; Paul Boisvert

Opposed: None

Abstain: None

Motion: Niles Schore motioned to approve the findings of fact as amended

Second: Dave Andreesen

VOTED – 5-0 in favor

Motion Passed

In favor: David Andreesen; David Dow; Niles Schore; Nichole Fecteau; Paul Boisvert

Opposed: None

Abstain: None

Motion: Niles Schore motioned to approve the conditions of approval as written.

Second: Paul Boisvert

VOTED – 5-0 in favor

Motion Passed

In favor: David Andreesen; David Dow; Niles Schore; Nichole Fecteau; Paul Boisvert

Opposed: None

Abstain: None

Motion: Niles Schore motioned to approve the conditional use application.

Second: Dave Andreesen

VOTED – 5-0 in favor

Motion Passed

In favor: David Andreesen; David Dow; Niles Schore; Nichole Fecteau; Paul Boisvert

Opposed: None

Abstain: None

New Business

- Conditional Use Application. 387 School Street (R-54, Lot 4)
Mini-Storage Facility – PK Storage LLC

Jeff Aliva of Civil Consultants introduced the project. Three buildings will be about 12,200 square feet of construction. There will be no electricity in the buildings. The plan includes a septic system for the office, which will have power.

The storage has 24/7 access, there will be a security gate. Ms. Fecteau asked why there isn't fencing going all the way around the facility. Mr. Aliva said he would check with the applicant.

Motion: Niles Schore motioned to deem the application complete subject to the decision of the applicant about the sign.

Second: Paul Boisvert

VOTED – 5-0 in favor

Motion Passed

In favor: David Andreesen; David Dow; Niles Schore; Nichole Fecteau; Paul Boisvert

Opposed: None

Abstain: None

The Public Hearing was scheduled for July 20th.

- Form Based Code.
 - Schedule Public Hearing

The Public Hearing was scheduled for July 27th.

Information Items

Public Comment

Adjournment

Motion: Paul Boisvert

Second: Sean Winston

VOTED – 5-0 in favor

Motion Passed

In favor: David Andreesen; David Dow; Niles Schore; Nichole Fecteau; Paul Boisvert

Opposed: None

Abstain: None

Minutes prepared by Planning Technician, James Bellissimo, for consideration at the Berwick Planning Board's July 20, 2017 meeting.

Signed as Approved by the Board:

Signature

Date