



PLANNING BOARD MEETING MINUTES

Thursday September 17, 2020
Burgess Meeting Room, Berwick Town Hall
6:30 p.m.

Call to Order

Pledge of Allegiance

Introduction of Board Members

Dave Andreesen; Nichole Fecteau; Frank Underwood; Michael LaRue

Regular Member Absent:

Sean Winston

Alternate Member Absent:

David Ross-Lyons

Staff Members Present:

James Bellissimo, Director of Planning; Jenifer McCabe, Code Enforcement Officer

Approval of Minutes

- September 3, 2020

Motion: Frank Underwood motioned to approve the minutes as presented.

Second: Nichole Fecteau

VOTED – 4-0 in favor

Motion Passed

In favor: Dave Andreesen; Michael LaRue; Frank Underwood; Nichole Fecteau

Opposed: None

Abstain: None

Public Hearing

- Site Plan Review. Adult Use Cultivation Facility, Medical Marijuana Production Facility, Marijuana Testing Facility. Off Portland Street (R72-17). RC/I Zone. 3G's Realty.

Frank Underwood requested a point of order. Mr. Underwood asked about the terms used. Mr. Underwood asked how the meeting was noticed and if it impacts the hearing.

James Bellissimo said the application was first interpreted as an Adult Use Cultivation Facility. According to the applicant's representative, the intent of the submittal was to incorporate both Adult Use Cultivation and Medical Marijuana Cultivation. There was a subsequent request to include a Marijuana Testing Facility.

Frank Underwood pointed out there is no Cultivation Facility in the Land Use Table. Mr. Bellissimo said Adult Use Production Facility encompasses both Cultivation and Manufacturing.

Richard Harris of 26 Stone Lane said he is an abutter to the project. Mr. Harris asked about odor issues.

Old Business

- Site Plan Review. Adult Use Cultivation Facility, Medical Marijuana Production Facility, Marijuana Testing Facility. Off Portland Street (R72-17). RC/I Zone. 3G's Realty.

James Bellissimo said the plan has been modified to avoid wetlands and that the DEP permit is still under review. Mr. Bellissimo said each building would require a license and if there are compliance or security issues, the Select Board can revoke the license. A Conditional of Approval is if there are odor issues not resolved within five days, the Code Enforcement Officer can revoke the Certificate of Occupancy for the building.

Mr. Bellissimo said the Town has taken a position that if there are persistent odor issues it is negligence or a lack of technical ability to hold a license and they will be shut down.

Jenifer McCabe said they have to rely on their filtration system and she said she would revoke the Certificate of Occupancy if the odor issues are not resolved within five days.

Neil Rapoza said the tenants of the individual buildings would be responsible for meeting the requirements of the license with oversight from the property owner.

Richard Harris asked how water will be drained off the site and said he was concerned about the impact to the wetland on his property. Mr. Rapoza said the DEP is reviewing the drainage and their design limits the footprint as much as possible and that Mr. Harris' wetland will not be adversely impacted.

Michael LaRue asked about the 1,000-foot setback requirement if there are multiple license holders in multiple buildings. Nichole Fecteau said the precedent was set during the Kind Farms application because the ownership and licensee are the same. Frank Underwood said if the building owner is a co-licensee that may take away the 1,000-foot

setback. Michael LaRue said if it was one big building with one licensee it would be fine. Frank Underwood said there needs to be more research into the application.

Frank Underwood asked about the Current Use Program. The property was in Farm Land. Neil Rapoza said the applicant has talked with the Assessor. Mr. Underwood said there is a proposed 200,000 square feet of impervious surface created and the Town should look into an impact fee because Berwick is associated with the Salmon Falls Watershed.

New Business

- Conditional Use Amendment. Adult Use Marijuana Storefront. 513 Portland Street (R72-5). RC/I Zone. Tricann Alternatives.

James Bellissimo said the application has three active Conditional Use Permits. Mr. Bellissimo said the applicant is proposing to construct a temporary 20' by 20' building for an Adult Use Storefront that will be used until their original building is ready for operation.

Aaron Barth of Tricann Alternatives introduced himself. Mr. Barth said the purpose of the building is to meet State guidelines for both marijuana and COVID-19. Mr. Barth said the Maine Office of Marijuana Policy approved the building and will inspect the site before issuing an active license. Kellie Roberge said the security system will be the same company they are already using.

Nichole Fecteau said she is concerned with lighting in the area. Ms. Roberge said lighting will be on the building.

Dave Andreesen asked to see a site plan to see the setbacks and where the building is in relation to the rest of the site. Mr. Andreesen asked to not refer to the building as temporary and treat it as it would be a permanent structure.

Mr. Barth and Ms. Roberge updated the Board on the status of Marijuana licensing.

Public Comment

Aaron Barth recommended a negative pressure system to control odor.

Richard Harris shared an experience where an abutter improperly drained water onto his property in Freeport.

Informational Items

Frank Underwood brought up impervious surface impact fees as a way to protect open spaces.

Adjournment

Motion: Nichole Fecteau

Second: Michael LaRue

VOTED – 4-0 in favor

Motion Passed

In favor: Dave Andreesen; Michael LaRue; Frank Underwood; Nichole Fecteau

Opposed: None

Abstain: None

Minutes prepared by Berwick Planner James Bellissimo, for consideration at the next Berwick Planning Board meeting.

Signed as Approved by the Board:
