

**Fryeburg Planning Board Meeting  
July 24, 2018 – American Legion**

**Members in Attendance:** Patrick Emery, Ed Price, Barry Woodbrey, Robert Ricks, Edy Kizaki

The meeting was called to order at 6:00 and it was determined that there was a quorum.

**Approval of Minutes:** Kizaki requested that the approval of the minutes be continued to the next meeting. There was a discussion about some of the specific items within the minutes that were incomplete. Price made a motion to table this until later in the meeting. This motion was seconded by Kizaki and passed unanimously.

**Public Hearing: Application for Land Use Authorization- Fryeburg Academy Dining Hall Expansion:** No one was present for the public hearing. Mark Connor of Connor Architects provided an overview of the proposed project to construct an addition that will consist of a new dining hall and renovations to change the existing dining hall into a student union. The public hearing was closed.

**Public Hearing: Application for Land Use Authorization- Caregiver Office and Hand-blown Glass Store, Thomas Fuller:** Thomas Fuller provided an overview of his plan to open a retail store for CBD and hand-blown glass products as well as a medical marijuana caregiving storefront.

Tom Kingsbury asked if Fuller had been blowing glass there. Fuller responded that he has a mobile trailer and has been mostly blowing glass offsite at festivals and demonstrations. Kingsbury asked where the marijuana is grown. Fuller responded that the cultivation and processing takes place at a location he has in Standish. Fuller presents a sample security bag that he uses for packaging his marijuana products. Kingsbury asked what Fuller would have for security. Fuller described his plans for an alarm system, cameras, and lighting.

The public hearing was closed.

**Application for Land Use Authorization- Fryeburg Academy Dining Hall Expansion:** The Board reviewed the performance standards of the Land Use Ordinance. Kizaki asked for clarification on the number of parking spaces lost as a result of the dining hall addition and the number proposed to be relocated at the Alumni Building. The CEO clarified that additional information had been provided by the application since the initial application submittal related to parking. Vinyl Applebee, civil engineer consultant for the Academy, said 18-20 parking spaces would be lost as a result of the building addition and 24 additional parking spaces are available at the Alumni Building.

Kizaki asked about the plans for the demolition of the Alumni Building. Vinal was unaware of the specific plans. Price asked for timeline of demolition plans. Joe Manning responds and overviews the plans for demo of portions of the alumni building.

Scott Dixon of Main Land Development Consultants was present to overview the septic system situation. He stated that the new engineered septic design for Frye Hall has been completed. He presented plans. Due to the addition of the dining hall, the Frye Hall and Infirmary septic systems will need to be replaced. The CEO noted that the plans previously provided to the Planning Board have since been revised. Kizaki asked about the septic system serving the dining hall. Dixon shows a plan for potential dining hall septic locations. This design has not been completed as of yet but will likely be near the current dining hall

septic system. Discussion continued about the specifics of the infirmary and Frye Hall septic systems, the relation of the systems to the driveway and parking layout, and the groundwater mounding analysis.

Connor confirmed that there will be no further modifications to the building footprint or layout but some changes may take place to specific interior features.

Price noted that the main building which the dining hall is attached to is a historic building. Manning responded by noting that the current addition is not historic.

Price asked how deliveries will be made during the construction process. Connor stated that the current dining hall will continue to be occupied during the construction of the new dining hall and recognized that safety is a concern. As a result they need to create a new building exit. Pathways for deliveries will be created and temporary construction fencing will be installed to separate the construction activities. A discussion followed about the specifics of deliveries, the layout during construction, and safety concerns. Connor noted that the creation of a safety plan would be a good idea.

Prices asks about the timeline of construction. Connor stated that they will begin on the addition as soon as permits are obtained with the goal of having the new dining hall ready for the following school year. Then renovations to the student union will begin.

Price noted that there is often large puddles in the vicinity of Frye Hall and the infirmary during heavy rain and questioned if this was addressed. Applebee explained the stormwater management system that will capture and control the stormwater.

Price made a motion to approve the application with the following stipulations:

- State Fire Marshall Office approval must be obtained.
- The State and Local Plumbing Inspector must approve the septic system design prior to the issuance of a building permit.
- A safety plan must be developed for delivery procedures during construction.
- The parking at the Alumni Building must be stripped to designate parking spaces.

Woodbrey seconded the motion and it was passed unanimously.

### **Project Review: Application for Land Use Authorization- Caregiver Office and Hand-blown Glass**

**Store:** The Board reviewed the standards of the Land Use Ordinance. The CEO confirmed that the property was served by public water. Kizaki recalled some ambiguity from the previous meeting about hours of operation of the retail store. Fuller stated that he will have the hours of operation from 11 a.m. to 8 p.m.

Price questioned whether this is a change in use. The CEO said yes, it is a change in use from a residential duplex to a residential and retail use. This is in the commercial district.

Price asked about the use of propane and oxygen to blow glass. Fuller stated that he has 40 lbs. of propane typically onsite. Price asked if glass will be blown indoors. Fuller would like to and is dealing with his insurance company. The CEO does not believe that this would trigger any additional review

from the State Fire Marshall Office but said that the Fire Chief would likely be willing to work with the applicant to note safety concerns and complete an inspection prior to opening the retail store.

Price questioned if parking spaces would be delineated. Fuller confirmed that he will use stones to delineate spaces. He anticipates about 10 caregiving patients a day and doesn't know how many typical retail customers to expect.

There was a discussion about Maine medical marijuana laws and regulations and how the laws related to caregiving storefronts.

Price noted the ordinance requirement for 30 feet of pavement on driveways serving commercial uses. The applicability of this ordinance standard was discussed, as was the timing of the Route 302 reconstruction.

Price made a motion to approve the application with the following stipulations:

- The applicant must obtain a MDOT Driveway Entrance Permit
- The first 30 feet of the driveway must be paved within 3 months of completion of the Route 302 reconstruction project
- If propane is used to blow glass indoors the applicant must have an inspection completed by the Fire Chief and obtain his approval for the use of propane indoors.
- State laws for medical marijuana must be followed, including those for security.
- Copies of any required licenses and permits must be obtained and sent to the CEO.

Ricks seconded the motion and it was passed unanimously.

**Application for Land Use Authorization- Summit Alternatives Caregiver Office:** Robin Ferrigno was present as the applicant. Ferrigno currently owns Four Season Horticulture in Fryeburg and wishes to add a medical marijuana caregiver office within the existing store called Summit Alternative (SA). He explained his history with medical marijuana.

Ricks commented about the name Summit Alternatives which closely resembles Summit Achievement. Price asked if he would have the same patients as the previously approved caregiver (Fuller). Ferrigno said maybe and that it depends both on his branding and the specific medication types. He has different products and different genetic marijuana.

Kizaki asked if SA created his own products. Ferrigno replied that he does grow and manufacture himself but that all would take place in Harrison. Woodbrey confirmed with Ferrigno that no products would be created onsite.

Price asked about the number of patients expected per day. SA expects 10 to 15. Kizaki asked about the hours of operation. SA will be open 10 a.m. to 6 p.m., or perhaps 7.

There was a discussion about the specific interior layout of the store. It was confirmed that there is already a septic system in place.

Ferrigno stated that he tests all of his products for potency. Kizaki asked if there were certifications that he needs to do so. Ferrigno explains about the newly revised statute related to creating/processing

marijuana edibles or products. He is a licensed caregiver and does expect that his store will be inspected at some point.

Price made a motion to accept the application as complete, which was seconded by Woodbrey and passed unanimously.

Price made a motion to hold a public hearing on the application which was seconded by Woodbrey and passed unanimously.

The public hearing will be August 28<sup>th</sup> at the American Legion.

**Maine Medical Use of Marijuana Act Amendments overview/discussion:** The CEO supplied members with a packet of information about law updates and MMA documents about medical marijuana. Towns can now regulate different aspects of medical marijuana and will need to “opt-in” to regulating storefronts. There was a discussion about the process for enacting a moratorium and the timing of a moratorium and Land Use Ordinance revisions.

Price made a motion to request that the Selectmen hold a vote on a moratorium to allow the Planning Board time to draft ordinance related to medical marijuana. Woodbrey seconded the motion.

Kizaki initiated a discussion on the difference between medical and adult use marijuana ordinance specifics and the levels of regulation that the Town might wish to have. Woodbrey noted that the Board should have time to do research about an ordinance and is not obligated to having to “opt-in”. Tom Kingsbury suggested a limit on the number of stores.

There was continued discussion about the timing of the law change, moratorium enactment, and the grandfathered status of caregiving storefronts that received approval prior to the law update going into effect. Justin Lipson believes the process that the Board is currently undertaking to review caregiver storefronts is adequate. Discussion continued.

Jolene Barker pointed out that a limit on the number of caregiver storefronts might help and compares it to a time when there were 11 beauty shops in Fryeburg and it took a while for the numbers to dwindle due to lack of demand.

The costs of holding a special town meeting were discussed. Kizaki is not in favor of proposing a moratorium due to the cost and the timing. After a debate about grandfathering status of applications for storefronts that has been submitted, the CEO stated that she will get a legal opinion on the issue.

Price withdrew his motion and volunteers to work on a medical marijuana caregiver ordinance.

**Public Forum:** Jolene Barker was present to discuss property maintenance ordinances. She was frustrated that no action has been taken to work on an ordinance. She is concerned about the number of vehicles that people have on their property and the dilapidated condition of the property abutting her. She suggested that the CEO take walks around town to check on properties. Barker was also wondering why the person on the Board who offered to specifically work on property maintenance ordinance standards had not done so and why the CEO didn’t take the initiatives to changes the local regulations.

Kizaki stated in response that the CEO has supplied the Board with varying ordinances from other towns and that she began looking at ordinances but didn’t feel she had enough local knowledge to contribute to the ordinance drafting. Kizaki noted that she had attempted to reach out to Barker for input and got no response.

Ricks pointed out how difficult it is to get ordinance revisions approved at town meeting.

Barker discussed the past CEO actions and questioned the inaction by the current CEO and continued to express her frustration. The CEO spoke about the difficulty in enforcing junkyard issues.

There was a discussion about lack of public input at public hearings and the difficulty to enact ordinances. Ricks commented about the Selectmen's role in ordinance revisions and stated that the Board needs to act at the direction of the Selectmen when it comes to initiating ordinance revisions, similar to the process in which marijuana related ordinances were drafted/approved.

Price points out that there is a process that allows citizens to submit draft ordinances to the Board. The CEO confirms there is a process for this outlined in the ordinance as well as a process for petitions.

Barker again expressed frustration with her neighbor's property and the Boards inaction.

**CEO Report:** Ricks made a motion to accept the CEO report which was seconded by Price and passed unanimously.

**Other Business:** The CEO reported that Emery and Garrett will be at the August 30<sup>th</sup> Selectmen's meeting to provide a progress review of their work to update the aquifer study.

Price opened a discussion about the previous tabled topic of the meeting minutes. There was a discussion about the level of detail needed in the minutes and suggestions were made about how to improve the meeting minutes.

There was discussion about people from other towns being able to speak at a Planning Board meeting. This was related to an upcoming public hearing where abutters from Bridgton and Denmark were notified of the public hearing. The CEO does not believe that there are any restrictions on allowing non-residents the ability to speak. Kizaki asks what happens if non-residents oppose the project. The CEO stated that the Board needs to make its decision based on the ordinances and not the opinion of abutters. The abutters would have to prove that the project does not meet the ordinance. There was further discussion about this and people's right to enjoy their property.

Price made a motion to adjourn, which was seconded by Ricks and passed unanimously.