

**Fryeburg Planning Board Meeting
January 23, 2018 – Town Office**

Members in Attendance: Patrick Emery (Chairman), Barry Woodbrey, Ed Price, Edy Kizaki.

The meeting was called to order and it was determined that there was a quorum.

Approval of Minutes: Price made a motion to accept the Nov. 28 meeting minutes and Kizaki seconded the motion. The motion passed unanimously. Price made a motion to accept the December meeting minutes, which was seconded by Woodbrey and passed unanimously.

Kizaki requested that in order to facilitate doing the minutes, people also put up their hand when they vote “aye” so it is obvious on the video. This was accepted.

Industrial Zone Rezoning/Ordinance Revision Discussion: CEO mentioned that she had given board a large packet of information, and that at the last meeting there was discussion of making the ordinances more solid, which might alleviate the need to rezone the industrial district. She brought forward some changes to the ordinances which had been defeated at town meeting, with language to protect significant habitats.

Kizaki commented that deciding to change the ordinances rather than changing the industrial district is a major difference and asked what the significance of the ordinance language was... to not be able to build things there? Price commented that it would make the potential builder take into account all these items before building, rather than let them violate state rules and then spend money and time remediating it rather than getting it all taken care of in the planning and approval process.

CEO commented there is a necessity for there to be a trigger in the ordinance so the Planning Board requires the developer to look at those items regarding protected species. CEO also stated this is fairly standard language which shows up in the planning process as a statement “there are no species of concern” or “there are species of concern” which triggers the board to take those elements into consideration and require the developer to follow correct procedures. She commented that at the town meeting people got the impression that this was an extra burdensome step whereas it’s actually standard practice.

Price said he recalled it was only one person who stood up against it and spoke it down.

CEO said this language would apply to most of the areas Nels had brought up. It might not stop development there but it would require mitigation. Kizaki commented if it’s a viable alternative to changing the industrial zone it might be more appealing.

CEO said we had also talked about revisiting and relooking at the Wellhead Protection Area performance standards, which are included in much of the industrial district.

Price said we cannot say to the town meeting “if you don’t accept this then we are going to rezone” which is like a threat. Kizaki said that is right but we can let them know we are looking at the alternatives on how to address the issue and that this is one of them. She advocates the town not voting simplistically but

really understanding what they're voting for, and rather than a couple people speaking for and against and the voters thinking "oh, that sounds good" actually knowing the ins and outs of the issue so that they know why they are making the choice they make. That requires some presentation of the facts and alternatives. Price commented that this might now appeal to voters as part of more protection for the area.

Kizaki asked if rezoning is the other choice. Price indicated yes. Kizaki questioned what the process is for rezoning. Woodbrey commented, "Let the voters vote on it again." Price commented that if we are more passionate about it and some town members speak in favor of it with more passion it would probably be more acceptable to voters this time around. CEO suggested we now get some feedback from Nels since he was the one that brought this proposal up. Price asked if he had been at the last meeting and he was not at the 1st but attended the 2nd. He was not at the one where we explored the idea of maybe not rezoning but rather tightening up the ordinances. Kizaki asked if we did the rezoning option would that happen in time for June? Price said no. The CEO said you'd have to figure out the exact areas. Price said, "It's not just the industrial area, if you are looking at rezoning you'd have to look at the whole town. Is there anything else that would need to be changed at the same time? That's why it would be at least a year and perhaps two." The CEO said a review of the zoning is overdue anyway.

To sum up, changing the zoning or location of the industrial district is more of an intensive process than changing the ordinances. Kizaki stated it's important to be able to tell if by changing the ordinances it would provide the same result as changing the industrial zone. Woodbrey stated it's important to compare the end results. CEO offered to check other ordinances and see if there are better languages for protection. Price asked "How much would it realistically change it? Looking at having a public hearing at our next meeting regarding this?"

Kizaki expressed concern that we need to get more participation. The other board members stated if people are interested they will come but you can't make them. Price also stated if we used the bulletin board once then if we didn't another time people might complain that we didn't. Woodbrey gave the opinion that not showing up means they don't care. Kizaki gave the example that, "In this case, Nels is interested in this. So say he got a lot of people who agreed with him to come. But that is not really fair to the people that don't agree. So by putting up the notice in a public place more people who don't know about the hearing would come." The CEO stated her guess is many people don't know about it. The town puts out pamphlets yet still people come to town meeting in force stating they didn't know about the public hearings. And it does cost a lot and take up a lot of time to get those flyers out. Emery commented the fire department bulletin board would have to be simple, 4 or 5 lines. Price asked what would you say since it's so limited. Kizaki said "Public Hearing, the date and topic, and where to go for more information." Price said "www.fryeburgmaine.org." Price suggested CEO look into it and ask town manager. Price made a motion we have a public hearing on the subject at our next meeting on Feb. 27, Emery seconded it. The motion was passed unanimously.

CEO Report: The CEO provided a spreadsheet of permits and violation notices issued. Price asked about 302 West, did they have a new septic plan? CEO explained it's a concrete chamber system. Kizaki asked about the two junk ones (since we are looking at an ordinance to neaten up town). CEO explained one was old mattresses etc. and the one in North Fryeburg was more of a trash build up. Kizaki asked about the process. CEO says it's about sending a letter. Fines are really rare and usually requires going

to court to assess fines. Price asked if solar panels raises the value of the property, are there tax breaks? CEO says it does raise the value, tax breaks are when you purchase them. Woodbrey commented that now you are not allowed to sell the excess back to the power company due to some concern that it would “not be fair” to the other users. Price made a motion to accept the CEO report, Woodbrey seconded it. The motion was passed unanimously.

Public Forum: Member of the public (Ken Bloomberg of Four Seasons Horticulture Supply in Fryeburg) in attendance asked if there was going to be a cannabis discussion tonight and Price said it was the workshop after the meeting. Emery stated we could discuss it now since the public brought it up.

Price said with the CEO’s help he was able to draft an ordinance. It’s a first attempt and it seems the state might put everything off until next year. The current state moratorium ends this week. It is not known if they will extend it till the end of May when their session ends or extend it until 2019. (Update: the bill died but without a licensing structure it still can’t be sold. article link:

<https://www.pressherald.com/2018/02/01/lawmakers-defeat-retail-pot-extension/>)

Price mentioned they put out another revision at end of January. They added a nursery to the tiers of cultivating facilities. There are 2 packages. One is land use ordinances changes and one is for the select board to pass. After that both would be voted on in the town meeting. The select board will have to have their own public hearing and our suggestions will be guidance as to what they have to cover. CEO said the town manager has put together relevant documents to help the Selectboard. Bloomberg asked if our ordinance will follow the state guidelines. CEO answered yes but with some restrictions. Bloomberg asked if stores are out, and why, Price answered that it was based on the survey which indicated the voters want no retail and no social clubs but cultivation would be ok. This whole process would be revisited in 5 or 7 years. Bloomberg asked if the retail would be revisited and Price answered yes. Kizaki noted there were no positives from audience or board on retail during discussion. Price stated that the proximity regulations would restrict the retail in a major way. Bloomberg stated it’s a long drive to the next possible retail place so it’s leaving a lot of money on the table and there is no place to sell product here. Maine population density is low and therefore sufficient locations are important. Bloomberg questioned about a factory facility store. Price stated there might be allowed a retail operation in the industrial zone. Kizaki stated that we are in an interesting position being so close to another state. Bloomberg stated there are lots of examples of lawsuits in other states but the individual must take responsibility. Kizaki also mentioned the cost for enforcement was stated by our police chief report to be sky high and didn’t recall the details of the report by the law enforcement, who had done research. CEO suggested Bloomberg send her suggestions after reviewing the ordinance. Bloomberg suggested the stores themselves need to be policed as they are at risk like a social club is to be robbed. General discussion of the governor not being supportive but on his way out. Price suggested we hesitate to have a public hearing yet as state legislature is up in the air. CEO said would help to have public hearing and draft ordinance would at least get the public thinking and comments by putting it out there. It could go either way since survey was evenly split. She is not opposed to having several public hearings. We can also have a workshop with the select board again... they need to weigh in. CEO suggested we schedule a public hearing in February after a workshop with the select board. Kizaki asked about a focus group but Price thought the public hearing was the way to approach it. Woodbrey thought a small group discussion would be problematic. Emery suggested a workshop with the Select board and then schedule a public hearing for February. There will

be 2 public hearings in February, 1st marijuana then industrial zone environmental sensitivity ordinances. CEO gave her email to Public and will provide him information via email for any further questions.

Other business: Confirming joint water issues workshop Thursday at the legion with Select board and Water District Trustees. Will be attended by the public. It will be recorded and broadcasted, probably Sunday morning.

CEO stated that she was contacted regarding where vet clinics are allowed, she presented a letter asking that the board would consider changing allowing a clinic in rural area as she is a large animal vet. Kizaki mentioned it would need to include enough space and privacy that neighbors would not be imposed on. Woodbrey asked if allowed uses are in the ordinances. Price noted ordinance against has been in place for many years. CEO noted the vet's point is valid that she would need the space to have the ability to work with large animals. Price state home occupation business would be having an office in your home rather than building a separate building, and that office should not intrude on neighbors. This might be too many cars per day for a home occupation use. Kizaki noted opening this in rural residential would allow the way opened for other uses, which others agreed with. Price stated June would be too soon for this change, so for now we should take it under advisement but not act on it.

Price suggested that meeting minutes should include quotes if things are quoted word for word. Kizaki stated she will keep that in mind for next time and requested Price glance at the minutes with her after the meeting to show her some specific examples.

The next meeting will be February 27th at 6 p.m. in the meeting room of the town office as usual.

Emery made a motion to adjourn, which was seconded by Price and passed unanimously. The meeting was adjourned at approximately 6:50 p.m.

Submitted by Edy Kizaki (Secretary)
February 19, 2018