

**Fryeburg Planning Board Meeting
March 27, 2018 – Town Office**

Members in Attendance: Patrick Emery, Robert Ricks, Barry Woodbrey

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

Approval of Minutes: Emery made a motion to approve the February minutes, which was seconded by Ricks and passed unanimously.

Public Hearing on Marijuana Ordinances: The CEO provided a brief overview of the 2 ordinances related to Adult Use Marijuana in Fryeburg. She stated that these ordinances are currently drafts.

Lisa Steadman and Joan Sheehan both expressed that they felt that more information was needed about the marijuana ordinances and that they should have more time to review the ordinances. It was pointed out that the key to the land use table section of the draft should have been added to make the table clear. The CEO explained the land use table and stated that the purpose of having a public hearing is to answer questions and also noted that this does not affect medical marijuana and personal use and cultivation of marijuana. Emery confirmed, in response to a comment from Steadman that not enough people knew about the hearing, that the public notice was published 3 times in the paper, was posted at the Town Office and was on the Town website. Steadman and Sheehan continued to express that they felt uninformed. Kimberly Clark also pointed out that the purpose of the public hearing is to provide information. It was clarified that there would be no votes taken tonight and that the voting would be in June. Tom Klinepeter also responded to Steadman and Sheehan and confirmed that the vote on the ordinances will be at the June primary. Steadman wants to be notified via mail about the vote. Emery explained that this will take place during the election on the second Tuesday in June.

Sean Witte spoke in rebuttal about Ricks comment at the last public hearing about the “Tijuana Effect” of having retail marijuana in Fryeburg. Witte feels that there will not be a negative impact like that and stated that he moved here to start a cannabis business. He also commented about Ricks statements about jurisdictional liability and does not believe that states can sue each other over the marijuana issue. He provided information about a Supreme Court case where Arkansas and Oklahoma tried to sue Colorado and was unsuccessful. Ricks clarified that he was not talking about state governance and was talking about civil issues and civil suits. He also clarified that he meant the “Tijuana effect” references drawing people across the border and not the actual environment of Tijuana.

Steadman read that all adult use marijuana needs to be in compliance with the Maine Marijuana Legalization Act and she brings up the duties of the Town Manager and read an excerpt from a document related to town manager powers and duties. Emery stated that the Town Manager duties has nothing to do with the public hearing. Steadman continued and related her comments to the indemnity clause in the draft ordinances. The town would allow a business to open then allow the government to come close a business which is entrapment. Giving permission then saying you will not help them is a conflict. Woodbrey noted that this is a federal law issue. Steadman does not think the Town should give permission to do something but then say that the Feds might come in and seize goods. Ricks confirms this is part of his concern.

Steadman brings up that marijuana is legal and that there are thriving businesses in other towns and people are driving through Fryeburg and Fryeburg is missing out.

This led to a discussion about medical marijuana. Jamie Steadman asked for clarification on medical marijuana rules.

Clark again clarified that the draft ordinances do not deal with medical or personal marijuana use. She stated that the committee working on the ordinances decided to not allow retail until State rulemaking is completed. One reason noted was the potential cost impact to Towns for enforcement and the lack of Town's getting a share of revenue from the State for marijuana businesses. Retail may be allowed in the future. She closed her statement by saying that if you support having marijuana businesses in town, then vote for the ordinances, if you support prohibition, then vote against the ordinances.

Witte provided a summary of his opinion about the status of the Department of Justice pursuing legal action against states that have legalized marijuana or people that have marijuana businesses. He stated that there is a proposal to allow banks to accept cash from marijuana businesses which is a benefit to people within the marijuana business.

Witte asked about the processing for licensing the various tiers of cultivation and questioned how the first come first serve process will work. Ricks stated that this had been a discussion topic when the committee met. Klinepeter pointed out that the number of cultivation facilities proposed to be allowed has increased since the last public hearing. Ricks stated that the number of cultivation facilities allowed was in part based on the number of medical growers who have operated in Fryeburg.

Steadman brought up residency requirements for marijuana businesses. A discussion followed about this and it is being presumed that the State will require 2 or 3 year Maine residency to get licensed for a marijuana business.

Klinepeter noted that, similar to shoreland zoning, there will be revisions that need to be periodically made to the ordinance to keep it in compliance with the state rules.

There was a brief discussion about how grandfathering would come into play with marijuana businesses.

The public hearing was closed at 6:25 pm. Numerous informal conversations took place as people exited the meeting room.

Application for Land Use Authorization- Chapel Hall: Louise Maillett gave an overview of the proposal to construct Chapel Hall which will provide room for receptions, fellowship, community dinners and eventually a food pantry.

Emery read the CEO's review memo which reviews the application for compliance with the ordinance requirements.

Ricks inquired about the plans for lighting, specifically at night. Maillett said that there is an existing street light at the Fish Street and North Fryeburg Road intersection which provides some lighting. Todd Flagg said that no final lighting decisions have been made; there will be lighting at the building entrances and maybe some lighting in the parking lot. Maillett is currently getting bids from electrical contractors and will see what they propose.

Ricks said parking needs to be discussed. The CEO brought up that the parking will not be paved, per her conversations with Bill Briggs. Briggs confirms that they don't currently plan to pave the parking lot except for the handicap parking spaces so no spaces will be delineated. He will be using erosion control measures. CEO states that the first 30 feet of the driveways will need to be paved.

Ricks asked if the hall will be used for worship. Maillett said that it may be if large services are expected.

The CEO said the Board should vote as whether to have a public hearing. Ricks made a motion to hold a public hearing. This was seconded by Emery and passed 2:1 (Woodbrey voting against the motion). There was a discussion about abutter notification. The public hearing will be April 24th at 6:00 at the Town Office.

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

CEO Report: The CEO provided a spreadsheet of permits and violation notices issued. Woodbrey made a motion to approve the report, which was seconded by Ricks and passed unanimously.

Public Forum: Nora Schwarz asked about soil disturbance rules for marijuana and has concerns about impacts on hills. The CEO said it is likely that the Department of Agriculture will regulate its Best Management Practices like any other type of agriculture.

Other business: The CEO stated that there will be 2 other applications on next month's agenda and noted that she has contacted Beginning with Habitat in an attempt to schedule a meeting and presentation with them. No dates have been confirmed. The next meeting will be April 24th.

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

The meeting ended at 6:54 pm.