**Fryeburg Planning Board**

**Special Meeting Minutes**

**May 10, 2021 – David and Doris Hastings Community Center**

**Members in Attendance**

Patrick Emery, Ed Price, Tom Rebmann, Edy Kizaki, Charlie Buterbaugh

**Call to Order**

Emery called the meeting to order at 6:39 p.m. It was determined that there was a quorum.

**East Coast Growers, LLC Continued Review of Land Use Authorization Application opened at 6:40 p.m.**

Price asked if the applicant has filed taxes in Maine for the last 4 years. No. Are they domiciled in Maine? No. The applicants pointed out that the residency requirement in the rules is no longer applicable and they have been approved by the State of Maine. Kizaki stated that they would like the owners to live in town. The applicant stated that they intend to move to Fryeburg. Price questioned why the State was not enforcing the residency requirement. Kizaki and Rebmann pointed out that it is not the Fryeburg Planning Board’s responsibility to enforce state law. The applicant agreed. Kizaki and Rebmann suggested the Board act in accordance with the Town attorney’s opinion, attached. Kizaki asked about the proposed well. The applicant stated they are working with a hydrogeologist. The applicant pointed out that they could have chosen to cultivate medical marijuana with less red tape, but they chose to grow adult use marijuana in Fryeburg. Price asked about the lights. The applicant stated the lights are for security. The applicant stated the entire site would be surrounded by an electrified fence (for the cattle they intend to keep) and the cultivation area will be within a chainlink fence with screening slats. The plants will not be visible over the fence as they only grow to four feet. Rebmann asked where the seedlings will come from. Applicant stated they are already started over in Baldwin. Rebmann asked about buildings. The applicant noted they would only be using storage containers at this time. Kizaki made a motion to find the application complete. Rebmann seconded. Vote in favor 4-0 (Price abstains). Price made a motion to have a public hearing on May 25, 2021. Emery seconded. Vote in favor 5-0.

**Mountain Valley Cultivation, LLC Continued Review of Land Use Authorization Application opened at 7:07 p.m.**

Price referred to the list of lighting equipment provided in the application. The applicant stated that the state has approved them for a combination indoor/outdoor grow. He also noted that the operation would only be outdoor for the first few years, and that any square footage of indoor area reduces the outdoor area by the same amount. Kizaki asked if this applicant has the same abutters as East Coast Growers. Yes. Rebmann made a motion to find the application complete. Kizaki seconded. Vote to approve 4-0 (Price abstained). Price made a motion to have a public hearing on May 25, 2021. Vote in favor 5-0.

**Other Business opened at 7:44 p.m.**

The Board discussed the Walden Renewables project, in particular the clearing of trees and the lack of buffer between the project and the adjacent house lots. The Board recalled several documents and statements from the developer that indicated a buffer would be in place. The Board wishes to seek a remedy. Price suggested an 8-foot stockade fence with additional plantings to break up the fencing. The Code Officer will speak to the Town Manager and approach the developer.

**Meeting Adjourn**

Price made a motion to adjourn. Seconded by Emery. Vote in favor 5-0. Emery adjourned at 8:11 p.m.

**Attachments**

Attorney’s opinion provided below.

*Without having had time to do any thorough research on this, my response would be as follows: the Town should review these matters as to whether someone is in compliance with the Town’s ordinance.*

*Even if the Town’s ordinance says that an applicant must be in compliance with the State law, this does not require the Town to examine – in this case re-examine – every application for compliance with every aspect of State law.*

*If the State has granted conditional approval, the Town should be able to rely upon the State’s implicit finding that the applicant has sufficiently complied with State law, and not try to re-examine State law, where the State has not found any non-compliance.*

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