



## MINUTES PLANNING BOARD NOVEMBER 29, 2018

Dan Leeman- Regular 2020  
Curtis Lunt- Regular 2019  
Don Fellows - Regular 2019  
William Kuhl - Associate 2019  
Karin Paradis - Regular 2018  
Eric Metivier- Associate 2018  
Scott T. Hall - Regular 2018

1. **CALL TO ORDER:** The Chairman, Mrs. Paradis called the meeting to order at 7:00 PM.
2. **ROLL CALL:** Regular members present were Karin Paradis, Don Fellows, Curtis Lunt and Scott Hall. Dan Leeman was excused. Associate member William Kuhl was present as well. Also present was Contracted Town Planner Ben Smith, Code Enforcement Officer Dennis Douglass, and two citizens in the audience. Councilor Ward and Councilor Albert were present.
3. **CHAIR'S REVIEW OF MEETING RULES**

The Chair informed the audience that the review of the meeting rules is on the back of each agenda available in the document holder by the door.
4. **WRITTEN COMMUNICATIONS** – Minutes of October 11 and 25, 2018 & November 8, 2018

The meeting minutes of October 11 and 25, 2018 & November 8, 2018 were distributed to all the members. The Chairman asked if there were any corrections or additions.

Mr. Fellows stated that on the October 11, 2018 Minutes, he was listed as the Chairman. Mrs. Paradis asked for that to be corrected.

Mrs. Paradis then declared the Minutes Approved
5. **PUBLIC HEARING - None**
6. **UNFINISHED BUSINESS - None**
7. **NEW BUSINESS: Case #18-12** – Conditional Use Application –  
Lisbon Cannabis Company., Jason Smith

Jason Smith stated that the town has put a lot of work forth in the past couple of years to figure out what they want and what the town wants along with going along with what the State has asked everyone to do. As far as he's concerned, he is ready to start serving more patients and people in the Lisbon Area. His business in Woolwich is going real well. He's happy to answer any questions or concerns from the board. He thinks that he's picked a good spot, which is not right out in the open but it was an opportunity that they had where they were at currently and he feels it should fit the criteria of the suggestions from the Town.

Mr. Fellows asked Mr. Smith to explain what he envisioned as a Retail Store, what the product would be, etc.

Mr. Smith stated that there will be a range of 10-20 different strains of flower. They'll have different edible options and different concentrate options. They will focus on just the marijuana sales and not concentrate on other sales such as glass pieces etc. It's going to have a small open concept, like a lounge type area with chairs and a table. They'll be a counter where the customer can view the products only and not be able to handle them. The sales associate will be able to show them as requested.

Mr. Fellows asked if the edibles will be made there, since they already have a separate growing operation.

Mr. Smith stated that they will be making the edibles there in the Licensed Kitchen, next to the store.

Mrs. Paradis reminded Mr. Smith that he will need to get a Victualer's License for the food part of the business.

Mr. Smith is aware of the Commercial Kitchen application needed from the State and would like to know what Licenses he would need from the Town.

Dennis stated that Mr Smith would need to go through the Town Clerk for the Victualers License for the preparing of the edibles.

Mrs Paradis told Mr Smith that the purpose of tonight's meeting is to Assess the Application for it's completeness and the possibility of a public hearing and or sight visit.

Dennis stated that there are two cases tonight. There are two completely different reviews even though they're both applications for Retail Stores. The first case is Mr. Smith's, which is in the Industrial Park. Based on our zoning requirements, it's a Conditional Use Application. It's in an existing building that's been in continued use and it's not a change of use that would trigger the next level of review.

The next application is a site 2 review and a designed standards review, based on the location, being along Route 196, and is also a vacant building that's been vacant for over two years, which triggers a separate review.

He stated that the Council has in front of them the two applications. The Lisbon Cannabis Company., Jason Smith, a Conditional Use Application. The first couple pages are the applicants information. The owner of the property is not Jason Smith, but Dennis has a letter from the owner, Ralph Sawyer, stating that he can do this there. That is the only thing that the Council does not have in their packet. The owner has been on vacation, and Dennis just got it today and will make copies for them.

The location is at 60 Capital Avenue in the Industrial Park, which is a Commercial Zone according to zoning requirements.

In the packet is the Applications and the Planning Board Procedures Checklist. If you go to the procedure checklist, you'll see under Procedure under Conditional Use a little different. If I determine the application complete, it allows you to skip to Step 6, which allows you to schedule a Public Hearing. Dennis is prepared to do that, he's gone through the application, he has everything he needs and will leave it up to the Planning Board's decision, just because this is the first case that is controversial, so if the Planning Board has any additional questions, feel free to ask him. If they do set a Public Hearing, then we can go through the Checklist then.

Mr. Fellows requested to actually go through the checklist tonight, being that this is the first time reviewing this type of application and just to make sure that we understand it the same way you do.

Dennis went through the Checklist:

Under Review you have the Procedure. You can skip that. It more or less says that the application has been received. Which was on the 20<sup>th</sup>, which is the first day we were eligible to take applications and the Moratorium was lifted, so we could accept them.

Item #2 is the Code Enforcement Officer determines the submission complete.

Go to number 6, if we skip that you can schedule an Issue Review Meeting with the Planning Board to review the application for completeness, which is where we're at now.

If you go to the next one, it's the Conditional Use Permits Standards Checklist. These are all blank. That is something for the Planning Board to determine if these items have been met. That will be more for the next meeting during the Public Review and you will find a letter in the back of your Packet

addressing all of those individual items. The rest of the review items can be reserved for the next meeting, which is when we'll be going and checking off the boxes of the items that have been met. Next would be the Attachments Checklist. This is what is required to be included with the application package.

1. Complete set of plans in Accordance with Subdivision Requirements
  - Floor Plan Lay-out of the Retail Space
  - Parking Plan Lay-out

Mr. Fellows asked if there were any setbacks

Dennis stated that since it's an existing building, no setbacks are needed

Ben Smith asked if this is interior to the existing structure

Dennis stated that yes it is, and there is a colored printout of the building in the packet. The store will be located in a very small piece sectioned off in the front of the building

2. If the applicant is not the owner of the property, a letter of intent from the owner authorizing the applicant to submit the project - Dennis will get copies of this letter to the Planning Board Members.
3. A statement addressing all the applicable factors listed in Section 7194 Zoning Ordinance. These are all the required pieces, and then there's the possible additional attachments. Decided at the discretion of the Planning Board.
  1. Contours
  2. Soils
  3. Building of Access to open space
  4. Sewerage
  5. Technical Assistance

Mr. Fellows asked if there would be enough power to the building for the Store

Dennis said that there is plenty of power available

In the packet there is a Registration of Lisbon Cannabis Company, a Deed to the property, which shows the owner of the property with a letter stating that Jason is able to pull that permit, a letter addressing all the applicable items, a letter from the owner, and the building plans to scale.

Dennis believes they have a completed application and he requested the Planning Board to schedule a Public Hearing, or site plan or both.

Mrs. Paradis granted voting privileges to Mr. Kuhl, due to Mr. Leeman not being present, and apologized for not doing it at the beginning of the meeting.

She also asked that before they vote, if Mr. Smith was aware that the new Ordinances do require motion sensor lights outside as well. She did see that he had Safety Cameras on the plan but did not see the motion sensor lights on it. She just wanted to make sure he was aware.

Mr. Smith said yes he is aware

Mr. Lunt asked before they vote, if the picture that they have of the building is the street side view.

Dennis said that, yes, it is.

Mr. Lunt asked if the applicant is going to use part of the building, or the whole building

Dennis stated that not even a 1/3 of the building will be used for the store

Mr. Lunt asked what else is in the building?

Jason said they are going to use a portion of the building for the commercial kitchen. First Choice Printing is in the building as well. He is going to start a build out at the beginning of the year for more production.

Mr. Lunt asked if Jason is in the front 1/3 of the building, and then First Choice Printing is behind you and then there's an empty section behind them that you're going to occupy?

Jason stated that no, we will not be in back. The kitchen will be beside the Store. The front of the building will have the kitchen and store and eventually more manufacturing will be out back, then we'll have First Choice Printing behind it.

Mr. Lunt asked if First Choice Printing was ok with Jason's Business

Jason stated that yes they are. He has spoken to them, and they toured the facility

**VOTE (2018-61) Case #18-12:** Mr. Fellows, seconded by Mr. Lunt, moved to accept the application as complete. **Vote: 5-0**

**VOTE (2018-62)** Mr. Fellows, seconded by Mr. Lunt, moved to set a Public Hearing for December 13, 2018 at 7:00pm **Vote: 5-0**

Mrs. Paradis recommended doing a site visit, since this is the first of probably several cases coming before us, and it's a relatively new thing for the State and for Lisbon as well.

**VOTE (2018-63)** Mr. Lunt, seconded by Mr. Hall, moved to set the sight visit at 60 Capital Avenue, for Saturday, December 8, 2018 at 10:00 am. **Vote: 5-0**

**CASE 18-13** Tier 2 Site Plan Review application, BBB Pharmaceutical Alternatives, LLC, Paul J. Brunelle  
Paul would like to open a store at 385 Lisbon Street to provide Medical Marijuana to the residents of Maine.

Mrs. Paradis made Paul aware, since he wasn't present at the beginning of the meeting, that the objective tonight is to go through the application and determine it's completeness and possibly schedule a Public Hearing and or a Site Visit.

Dennis stated that this is a Tier 2 Site Plan and a designed standards being located within 500 feet of Rt. 196. The Planning Board has the application package in their packet as well as the Planning Board Procedure Checklist.

Mrs. Paradis noticed that on the application, there are two names, Paul J. Brunelle and Christopher Brunelle listed throughout the paperwork.

She verified that Paul is the actual applicant and the actual caregiver.

She stated that the name of the Property Owner is not listed. She verified that Christopher Brunelle is the Property Owner, which is what the Deed shows.

She also stated that #7 asks what legal interests does the applicant or owner have in the property to be developed. His answer was Retail Rental. She asked if Paul had a lease agreement with the property owner.

Paul Brunelle stated that he will have one and will be supplied to them

Mrs. Paradis stated that Question #18 says to please list all Professional Surveyors, Engineers, Architects or others preparing this sight plan  
She stated that Paul hired Lincoln/Hancy Engineering. The provided a report  
She asked Paul if it was just a 4 page report or were they given just portions of the report.

Paul said that all they gave him was the 4 page report.

Mrs. Paradis noticed that the Engineer came up with quite a few recommendations. She asked Paul if they had all been completed.

Paul said yes

Mrs. Paradis asked if any inspections had been done after this work was completed.

Paul said yes, they came on Monday or Tuesday of this week, and that he would supply paperwork from that visit.

Mrs. Paradis asked Paul if he had hired someone to do the site plan to scale so they can see the size of the parking area, which the town has a minimum requirement of parking spaces, other than a hand drawn copy which he supplied

Paul said No.

She stated that he is required to submit a site plan to scale drawing from an engineer and asked if he could have one at the next meeting.

Paul said that he will have one available at the next meeting.

Mrs. Paradis asked Paul if he was aware of any other State Permits other than the Care Giver License.

He said No

She reminded him that he will need the Town License

Mr. Lunt thanked Mr. Brunelle for saving the old building from demolition

Mr. Fellows ask if there was a Tax Map of the location in the packet

Dennis pointed out that there is full scaled surveyed plan on the table set up for them

Ben Smith, Town Planner, stated that the site plan Mr. Brunelle submitted was from a Structural Engineering Firm. He recommended having a site plan done from a Civil Engineer or Surveyor who would supply a full scaled plan

Mrs. Paradis reminded Mr. Brunelle of the Motion Sensor Lights requirements that are in the New Ordinance

She stated that on the Checklist, the Planning Schedule, keyed to the site plan indicating the general variety of sizes of trees, shrubs and other plants.

She told him that is required.

Mr. Brunelle stated that nothing will be added to the existing area.

She reminded Mr. Brunelle that since the property is on Rte 196, that they do have guidelines for 196, and asked him to include that information, even if nothing is going to change.

She stated that he's required to show the cost of proposed development and evidence of financial capacity to complete it if the property is Mortgaged or it is a business, they usually get some from the Banking institution.

Mr. Brunelle stated that it is paid in full

She asked if there was any financing involved in the interior work on the building

Mr. Brunelle said No.

Mr. Hall stated that in this application there is a Medical Marijuana Establishment's Application. He's assuming it's in accordance with the new Section 10-605. He's asking why this Application has it and the prior application that they reviewed did not have it.

Dennis stated that it's in the packet, not actually for them to review, but where it's a new ordinance and trying to figure out some of the requirements under the new ordinance. The Planning Board needs to at least inform the applicant that some of these things are coming up. You don't want to go through a Planning Board approval, and find it doesn't meet the ordinance, and would have to go back and change what we already approved. It's just there for your review to see some of the requirements that the new ordinance has. The Lighting, Security, Filter Systems and different requirements that is in that ordinance. That form is purely for the Planning Boards information and not actually part of the application process. The previous applicant is working on all the stuff now with the Town Clerk.

Mr. Fellows asked what's needed to finish the application

Mrs. Paradis stated that he needs to submit an Engineering Report to show Landscaping and Lighting and a To Scaled Drawing, and the Lease. Those items are required for a full application.

**VOTE (2018-64) Case #18-13:** Mr. Fellows, seconded by Mr. Lunt, moved that they accept the application at the next meeting if it's complete. **Vote: 5-0**

## **8. OTHER BUSINESS –**

Mr. Fellows stated that at the last meeting that 3 of the Councilors spoke about visiting AVCOG in which they did. He went to Short Term Rentals and found that AirBnb and BRBO are not issues with the Town. Places like Portland and South Portland and Scarborough have bigger issues.

Mrs. Paradis went to Discontinued Roads. She found it very interesting. There wasn't much new.

Mr. Hall went to the Electric Car Stations and the Medicinal Marijuana Review

Mr. Fellows stated that he spoke with Berry Woods from Revision Energy about installing electrical stations for the Cars and Rt.196 being one of the corridors involved. There's a Station at Hannaford in Topsham. He said there's more electrical car usage in the Rural Areas in the State than we'd expect.

Mr. Woods is interested in if the Town has property that would be developable for a Charging Station.

Mr. Fellows spoke to Economic Development about it. They seem interested, but want to know more information about it.

## **9. TOWN PLANNER – Ben Smith, Town Planner- Comprehensive Plan Update**

Part 2 of 2 will review page by page of the Comprehensive Plan. The original draft was from October 10, 2018. The will be working through the second part of the plan tonight.

**10. CODE ENFORCEMENT OFFICER- None**

**VOTE (2018-65)** Mr. Lunt, seconded by Mr. Kuhl moved to adjourn at 7:45 PM. **Vote: 5-0**

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Lisa Smith, Assistant Town Clerk  
Date Approved: December 13, 2018