



## MINUTES PLANNING BOARD JANUARY 28, 2021

Christopher Huston- Regular 2022  
Curtis Lunt- Regular 2022  
Patrick Maloy - Associate 2021  
William Kuhl - Regular 2023  
Lisa Ward - Regular 2021  
Shaun Carr - Regular 2021  
Dan Leeman - Associate 2022

1. **CALL TO ORDER:** The Chairman, Mr. Lunt called the meeting to order at 7:00 PM.
2. **ROLL CALL:** Regular members present were, William Kuhl, Shaun Carr and Lisa Ward. Chris Huston arrived at 7:45. Associate members present were Dan Leeman and Patrick Maloy. Also present was Code Enforcement Officer Dennis Douglass and Town Council Representative Don Fellows. There were two audience members. The Chairman extended voting privileges to Patrick Maloy.

### CHAIRMAN'S REVIEW OF MEETING RULES:

The Chairman explained the meeting rules are located on the back of each agenda.

3. **WRITTEN COMMUNICATIONS:** Minutes of December 10, 2020.  
The meeting minutes of December 10, 2020 were distributed to all the members. The Chairman asked if there were corrections or additions.

**VOTE (2021-01)** Mrs. Ward, seconded by Mr. Kuhl, moved to approve the Minutes of December 10, 2020 as presented.  
**Vote 5-0 Carried.**

The Chairman stated that the public could email Mr. Douglass for correspondence at [Ddouglass@lisbonme.org](mailto:Ddouglass@lisbonme.org).

4. **NEW BUSINESS – Case #20-08 – Tier 2 Site Plan Review Application – Proposed 8 unit condominium**  
Gervais Homes, LLC  
9 Merrill Ave., Lisbon Me 04250  
Tax Map U16 Lot 041

Austin Fagan with BH2M, representing Gervais Homes, LLC, spoke about the project. Mr. Fagan stated that the lot has the density for up to 10 units, but the dimension of the land does not allow up to 10 units. The proposed project will be served by public Water & Sewer. The project will create 20,000 square feet of impervious area.

Mr. Lunt asked what the square footage would be per condominium. Mr. Fagan said it was around 1100 square feet. Garages not included. He said that if they are sold condominium units, then they'll have a leased common element lines on the plan stating what each unit can utilize for the back yard space under a common association.

Mr. Carr asked when the project would start. Mr. Fagan said as soon as the frost is out of the ground if the process is complete by then.

Mrs. Ward asked if people would be paying dues for the Condo Association. Mr. Fagan said that the Association would be taking care of the parking area, trash services and upkeep of the property. He said his client has spoken about potentially owning the units himself and selling them as time goes on, so he would be the sole owner of the Association at first and as they sell, people would come on.

**VOTE: (2021-02)** Mr. Kuhl, seconded by Mr. Maloy moved to accept the application for Case #20-08, and Schedule a Public Hearing for February 11, 2021 at 7:00 pm. **VOTE: 5-0 Carried**

5. **PUBLIC HEARING – None**
6. **UNFINISHED BUSINESS – Findings of Fact - Case #20-07 – Conditional Use Application – Maine Cannabis Exchange**

**Finding of Fact**

The applicant submitted a Conditional Use application for a Medical Marijuana Cultivation Facility to be located at 41 Capital Ave. in Lisbon Falls Maine, Tax Map U10 Lot 10. The Code Enforcement Officer received the application on 11/3/2020. The Code enforcement Officer determined the application complete and scheduled a Public Hearing for December 10, 2020. The Planning Board conducted a Site Visit followed by a Public Hearing on December 10, 2020. The Planning Board approved the Conditional Use application as submitted on December 10, 2020.

### **Conclusion of Law**

General Review Standards: Lisbon Code of Ordinances. Chapter 70, Lisbon Code of Ordinances.

### Performance Standards.

1. Completed the Conditional Use Application Checklists and Ordinance review
2. All abutters notified and public hearing notices posted as required

**Therefore, the Town of Lisbon Planning Board hereby approves Case #20-07 as submitted.**

Mr. Douglass gave the Planning Board a copy of the Code Enforcement report that he'll submit for the Annual Town Report.

## **7. OTHER BUSINESS – None**

- 8. CODE ENFORCEMENT OFFICER** – Mr. Douglass requested to change the topics on the Agenda by moving the Rural Open Space II Zone discussion to Workshop and moving the Workshop item regarding Medical/Adult Use Marijuana ordinance review to the regular meeting. There were no objections.

Mr. Douglass stated that the Planning Board had a joint meeting with the Council on January 19<sup>th</sup> regarding the Medical/Adult Use laws coming into place. He submitted a map to the Planning Board to mark out the different areas in town.

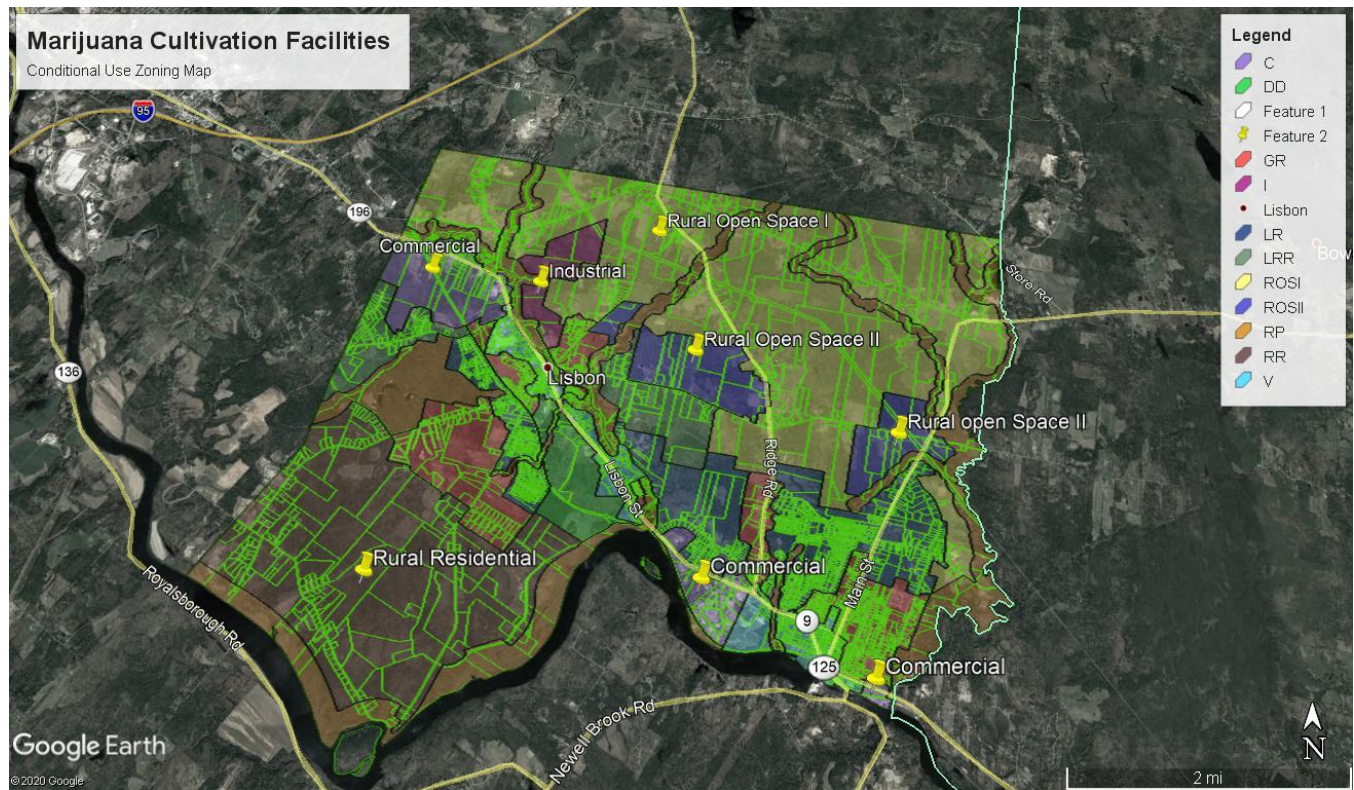
Mr. Douglass made the separation between the Retail Storefront and Cultivation Operation. He said we currently have Retail Caregiver under the Land Use Chart in which a Retail Caregiver is allowed to have a store and a cultivation under the same category and only allowed in Village and Commercial Zone. He questioned if they wanted a large growth operation in a village zone. He indicated Cultivations are more fitted in agricultural and rural areas; not in downtown areas. He recommended trying to fix the Land Use Chart to separate the two. He said that Cultivation would be listed as "NO" on the Land Use Chart under the Resource Protection District to protect the waterways. The Limited Residential District as well as the General Residential District would not allow Cultivation either.

Mr. Lunt asked if there was any licensed or unlicensed cultivating being done in these three areas currently and have there been any complaints to the Police Department or Mr. Douglass. Mr. Douglass said that there is at least one or two that are operating and no complaints have been filed.

Mr. Douglass said that Cultivation would fall under Rural Open Space District I, since it states that Commercial uses related to the sale of agricultural products and home occupations are appropriate, as are public and semi-public uses, as well as Rural Open Space District II, which states the Agriculture uses supporting agriculture and limited residential uses are appropriate uses in the rural Open Space District II. He added that both of these would need Conditional Use Approvals. He stated that the Rural Residential District is residential but is it Rural enough for Agricultural Use. The Rural Residential District would need Conditional Use Approval. The Village District and Limited Rural Residential District will not allow Agricultural. The Commercial District, Industrial District, Diversified Development District, and Floating Industrial District would need Conditional Use Approval as well.

Mrs. Ward asked to clarify if they were looking at just indoor grow facilities at the moment. Mr. Douglass said yes, just indoors. He said that right now we are just trying to address Adult Use coming in and separating the Cultivation from the Retail Store, because cultivation does not fit in the Village Zone.

Below is a Map of the Conditional Use Areas:



Mr. Douglass suggested making the following changes on the Land Uses chart 1) to remove the Note section at the beginning of Sec. 70-530, and 2) to make the following changes to Sec. 70-531 – Table of Land Uses: (He stated he crosschecked the States Medical and Adult Use Laws ensuring our categories are right to avoid conflicts):

Sec. 70-531. - Table of land uses.

<b>Commercial/Business Uses</b>	<b>RP</b>	<b>LR</b>	<b>GR<sup>12</sup></b>	<b>RO-I</b>	<b>RO-II</b>	<b>RR</b>	<b>LRR</b>	<b>V</b>	<b>C</b>	<b>I</b>	<b>DD<sup>8</sup></b>
Medical Marijuana Businesses (See footnote 14 for definitions) <del>Marijuana: Retail Store</del>											
• Registered Caregiver Retail Store	NO	NO	NO	NO	NO	NO	NO	C	C	NO	C
• <b>Registered Caregiver Cultivation Facility</b>	NO	NO	NO	C	C	C	NO	NO	C	C	C
• Registered Dispensaries	NO	NO	NO	NO	NO	NO	NO	C	C	C	C
• Marijuana Testing Facilities	NO	NO	NO	NO	NO	NO	NO	C	C	C	C
• Manufacturing Facilities	NO	NO	NO	NO	NO	NO	NO	NO	C	C	C
Adult Use ( <del>Recreational</del> ) Marijuana Businesses (See footnote 15 for definitions)											
• Marijuana <b>Retail</b> Stores	NO	NO	NO	NO	NO	NO	NO	<del>NO</del> C	<del>NO</del> C	NO	<del>NO</del> C
• Cultivation Facilities	NO	NO	NO	<del>NO</del> C	<del>NO</del> C	<del>NO</del> C	NO	NO	<del>NO</del> C	<del>NO</del> C	<del>NO</del> C
• Products Manufacturing Facilities	NO	NO	NO	NO	NO	NO	NO	NO	<del>NO</del> C	<del>NO</del> C	<del>NO</del> C
• Testing Facilities	NO	NO	NO	NO	NO	NO	NO	<del>NO</del> C	<del>NO</del> C	<del>NO</del> C	<del>NO</del> C

Notes:

14. **Medical Marijuana Businesses:**

- Registered caregiver retail stores - authorized to ~~cultivate medical marijuana for qualifying patients, and operating~~ **operate** a retail store to sell medical marijuana to qualifying patients.
- **Registered caregiver cultivation facilities - authorized to cultivate medical marijuana for qualifying patients.**

*\* These minutes are not verbatim. A recording of the meeting is on file.*

- Registered dispensaries - authorized to cultivate and dispense medical marijuana to qualifying patients and caregivers.
- Marijuana testing facilities - authorized to test medical marijuana for contamination, potency and cannabinoid profile.
- Manufacturing facilities - authorized to manufacture marijuana products and marijuana concentrate for medical use.

15. **Adult Use (~~Recreational~~) Marijuana Businesses:**

- Marijuana stores - authorized to sell marijuana, marijuana products, immature marijuana plants and seedlings directly to consumers.
- Cultivation facilities - authorized to grow, prepare and package marijuana for sale to other marijuana businesses.
- Products manufacturing facilities - authorized to blend, infuse or extract components of the marijuana plant to make marijuana products such as ointments, tinctures or edibles, for sale to marijuana stores or other marijuana products manufacturing facilities.
- Testing facilities - authorized to conduct research, analysis and testing of marijuana and marijuana products for contamination, potency and safety.

Mr. Douglass stated that the only change he would make to the Ordinance on Article XI. Medical Marijuana Establishments, Section 10-603 is to make the adjustments to do the separation of the Cultivation from the Retail Store and add the License Fee to Section 10-613 – License Fee for Registered caregiver cultivation facility. He submitted to the Planning Board a completely new Ordinance for Adult Use Marijuana Establishments. He said it is a 95% duplicate to the Medical Marijuana Establishment Ordinance, but the terminology is all around Adult Use Marijuana.

Mr. Douglass gave the Planning Board a current Medical Marijuana Establishment Application that businesses submit. He added a category for Registered Caregiver Cultivation Facility with the same license fee as the others. He suggested that the Planning Board keep all Medical Marijuana applications and fees the same. He gave them an application for Adult Use Marijuana Establishments, which is the same as the Medical Marijuana Establishment Applicant, but all the wording is changed to Adult Use versus Medical Use and the Categories and prices are different as Follows:

Adult Use Marijuana Retail Store Fee: \$5,000.00  
Adult Use Marijuana Cultivation Facility Fee: \$5,000.00  
Adult Use Products Manufacturing Facility Fee: \$5,000.00  
Marijuana Testing Facility Fee: \$10,000.00

Mr. Douglass suggested that 25% of the fee go the DARE program. Mrs. Ward asked if that 25% would come from both Application Fees. Mr. Douglass said they could require that if they choose to. Mr. Leeman suggested that maybe they change the Fee for Medical Marijuana Testing Facility to match the Fee of \$10,000.00 for Adult Use Marijuana Testing Facility, because of the size of the operation. Mr. Douglass stated that the Insurance Companies already gouge for prescription drugs and everything else and if it is medical based and we are trying to help people then we should not charge unnecessary fees.

Mr. Lunt said that he liked it generally and Mr. Kuhl, Mr. Leeman and Mrs. Ward thanked Mr. Douglass for the good work on putting the packet together for them.

9. **ADJOURNMENT TO WORKSHOP**

**VOTE: (2021-03)** Mr. Carr, seconded by Mrs. Ward moved to adjourn to Workshop at 8:10 p.m. **Vote 5-0 Carried.**

Respectfully Submitted.

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Lisa B. Smith, Deputy Town Clerk  
Date Approved: February 11, 2021