

NORTH BERWICK PLANNING BOARD

MINUTES OF PLANNING BOARD OCTOBER 26, 2017

Present: Anne Whitten, Jon Morse, David Ballard

Absent: Chairman Geoffrey Aleva, Barry Chase, Matthew Qualls, Annette Hume, Roger Frechette, CEO

Also Present: Christopher Piccuch, Steven Spence, Jesse Cotty, Jesse Cotty, Sr., Scott Dombrowski, Dwayne Morin, Mary Muthig, Jim Muthig

1. Call To Order:

Chairman Geoffrey Aleva is not present tonight so Vice Chairperson Anne Whitten will be the Acting Chairperson.

Acting Chairperson Whitten called the meeting to order at 6:30 pm.

2. Review Previous Minutes:

Acting Chairperson Whitten stated that on Page 4, the 2nd sentence in the 3rd paragraph currently reads, "Chairman Aleva stated that he didn't thing there...". It should read, "Chairman Aleva stated that he didn't think there...".

Jon Morse motioned to approve the minutes of October 12, 2017 as amended. David Ballard seconded the motion. VOTE: 3-0

3. Current Business:

3.1 Continued Sketch review of a 3 lot subdivision on land owned by Harly Regonini located at 61 Somersworth Road, Map 020 Lot 006.

Acting Chairperson Whitten stated that, at the last meeting, the Board had voted to set up an escrow account of \$500 for this project. According to the Town Manager, this amount would not be enough to cover the costs. She stated that because the town does not have a planner, it would be a good idea for the Board to actually revoke the \$500 and establish a \$2500 one as was originally proposed. This would allow Lee Jay Feldman of the Southern Maine Planning and Development Commission to review the project and complete the Findings of Fact.

Acting Chairperson Whitten is asking the Board for a motion to revoke the \$500 that was voted on last week. Jon Morse stated that he doesn't feel they need to have SMPDC review this project because it is a minor subdivision and is pretty simple. He stated that the Board sets up rules and conditions for the applicant to abide by. He understands that \$500 may not be enough for the advertising in the paper and the mailings but still doesn't feel they need the extra cost of the review. Roger Frechette stated that the Board would also need to complete the Findings of Fact.

Dwayne Morin stepped forward to discuss the issue. He said that the recommendation was for a \$2500 escrow. He said that the town had decided 15 years ago that they would use SMPDC to do the reviews for all subdivisions. It is the Planning Board's responsibility to protect the town and protect all of our Ordinances that are in place. He stated that this was a decision that was made by the Board of Selectmen. The Planning Board is anticipated to adhere to that.

Dwayne stated that the Board of Selectmen voted at their last meeting to request that the Planning Board rescind their vote and establish the escrow account for \$2500. The policy that the town takes is to review all subdivisions and utilize a planner. He stated that the town decided 15 years ago not to hire a planner and use SMPDC to do all the reviews. Jon Morse stated that he understood it to be at the Planning Board's discretion as to whether to use SMPDC or not. Dwayne stated that it was but the Planning Board also needs to understand that they serve at the Board of Selectmen's pleasure. Dwayne stated that the Selectmen were very clear that the change should be done.

Dwayne stated that the Planning Board may not feel that it is the right thing to do, however, he wondered which one of them would write the Findings of Fact for the subdivision. He also asked who on the Board would make sure that the plot plan that is being prepared for the subdivision is appropriately designed so that it is recordable at Registry of Deeds. Jon Morse said that they have 2 people on the Board that could do it. He stated that one of them is a registered engineer. Dwayne stated that a registered engineer is not a planner. Mr. Morse stated that the members could also use the book that was given to them when they were appointed to this job to put something together.

David Ballard stated that his concern, with being a new member on the Board, is that if it has been the procedure for the past 15 years, what happens when the next applicant comes along for a subdivision permit. He is concerned with having to always take over and do the review for every one of them that comes forward. He doesn't feel that the members have time to do all of that work. Mr. Ballard said that, unfortunately, Geoffrey Aleva was not here for them to ask about doing this work. Acting Chairperson Whitten stated that Mr. Aleva was present at the last meeting and she asked him if he was going to do the Findings of Fact. He specifically did not answer so she is not sure who will do them. She stated that she would not feel comfortable doing them. Jon Morse said that they are appointed to the Board to make sure that all of the town's rules and regulations are abided by. If they are not able to do it, then they need to find somebody to help them do it. Mr. Morse stated that, in this particular case the applicant could actually

divide one lot and not even come before the Board. He could then wait 5 years, divide another lot and still not have to come before the Planning Board. The Board would have no say whatsoever in this case. All the applicant is trying to do is do the 2 lots together. The applicant already has the State of Maine DOT approval for the driveways and has to do the soil and wetland testing. Mr. Morse stated again that he does not feel the need for SMPDC to review.

Roger Frechette stated that they would most likely not spend the whole \$2500 and will get whatever is not spent refunded to him. Mr. Frechette said that they just want to make sure that all costs are covered. David Ballard asked if they had a breakdown of what the costs would be. Dwayne said that the \$500 they approved at the last meeting is not even sufficient to hold a Public Hearing. Acting Chairperson Whitten asked Dwayne how much SMPDC would charge for this review. Dwayne stated that the estimate was about \$800 to \$1200. He said that it is all dependent upon the surveyor that Mr. Regonini has hired. If he does it correctly the first time, it is one review and a one meeting at a cost of \$800. Dwayne stated that, under our Ordinance, escrow amounts are supposed to be 2% of the estimated development costs. Pursuant to our Ordinance, the amount would be \$14,000 for this development.

Acting Chairperson Whitten moved David Ballard to full voting status.

David Ballard feels at this point that they should probably establish the escrow at \$2500 because it is standard and it covers the costs for the town.

David Ballard motioned to revoke the \$500 escrow amount established at previous meeting and establish a new escrow amount of \$2500. Acting Chairperson Whitten seconded the motion.

VOTE: 2-1

3.2 Change of Use Permit Review from a Realtors Office to a proposed Medical Marijuana Patients Office located at 50 Elm Street Map 017 Lot 040

Christopher Piecuch stepped forward to discuss this project. The proposal is for a simple office where he can meet with his patients to sign them up, go over responsible usage for whatever their medical needs are and provide a safe indoor environment. He stated that a lot of caregivers deliver or meet in parking lots or other places. He would rather not do that to his patients. He would rather give them a place to go where they can meet. People find it more comforting to come to an office.

David Ballard asked if this was strictly a consultation type of service or would he be dispensing and having cash on the site. Mr. Piecuch said that if the patient decides that they do want to sign up with him and he decides that they are a good fit, then they would also pick up medicine on site. There would be no medicine or cash kept there after hours. Acting Chairperson Whitten asked how many patients he had. He stated that he currently had 5 which is the maximum amount allowed.

Acting Chairperson Whitten asked the applicant what the hours of operation would be. Mr. Piecuch said that he would like Tuesday, Wednesday and Thursday from 2:00 to 6:00 and Saturday from 11:00 to 4:00. Acting Chairperson Whitten asked if he had any security in place. Mr. Piecuch said that he did not at this time. He said that there is a very good secure door. He said that there could be a security system put in if needed. He said that if there was going to be cash and medicine kept on site after hours, he could see having a security system, but since there won't be any he doesn't feel that he needs one. He stated that he has been doing this a long time and he hasn't had any issues.

Acting Chairperson Whitten asked the Board if they would like to do a site walk and go see the building so they can see what they would need to require for conditions. Jon Morse stated that it looks like there are a lot of different ways that they can get into this unit. He asked if the rear of the building had a window instead of a door. Mr. Piecuch stated that it was a double window. Scott Dombrowski, the landlord, stated that there are 2 small windows on the back of the building. Mr. Dombrowski stated that the office in the center has a door with a keyed deadbolt. In the past, he had one realtor that rented both spaces and they would keep the door open. When someone separate rents the spot, it is dead bolted, locked shut and he keeps the key for it. On the other side of the unit, there is a pass thru that goes through the bathroom which is secured with the furnace room and utility room. It is locked so you can't go in either way. Roger Frechette asked if they were only going to use the 207 sf area and not combine it with the 300 sf area. Mr. Piecuch said they were only using the 207 sf area.

Jon Morse asked the applicant if, after he has spoken with the patients and finds out what their problems are, he is capable of telling them what they need and Mr. Piecuch said that he was. Mr. Morse said that once a patient is established there is no need for all of the consultation. Mr. Piecuch said that he has patients that will text him to find out what is available right now. He tells them and then they let him know what they want. He will then just bring what they specifically asked for with him to the office. He stated that there is not a lot of cannabis that he can carry by State law. It is not like a dispensary where they can have many pounds of cannabis on site. He can only have just enough to serve his patient.

David Ballard asked the applicant if he had any medical background. Mr. Piecuch said that he does not. He is a certified grower from the State and has licensing from the State to grow for his 5 patients. He is also allowed to fit whatever medical needs they need. Mr. Ballard asked how he determined what the medical needs are based on the diagnosis. Mr. Piecuch stated that there are some types of cannabis that are better for pain control, some are better for epilepsy and some are better for nausea related to chemotherapy. He stated that there are even some cannabis that have no psychological effect that they can use with children. Mr. Ballard asked if he had to take classes to learn this. Mr. Piecuch said that it was from many years of research and dealing with patients since this system began. Mr. Ballard asked if there was only a certain amount that can be given to the patient at one time. Mr. Piecuch said that he can give up to 2.5 ounces at one time. Mr. Ballard asked if the patient can come back the following week and get the same amount. Mr. Piecuch stated that the law is not descript on that under the caregiver section. It is

descript under the dispensary section and this is what he follows which states that the patient can have it every 2 weeks. He stated that most of his patients take about an ounce a week. He also has vaporizer cartridges for people that don't like to smoke it.

Mr. Ballard asked if there was a way for him to track if his patients were being seen by multiple caregivers. Mr. Piecuch stated that when the patient sees the doctor, the doctor hands them 2 cards. One card they hold on to for their personal identification and the other card goes to the caregiver that has all of the patient's pertinent information on it. He keeps that on his end. This way the patient cannot go to a dispensary or other caregiver after they see him because they do not have another designation card.

Acting Chairperson Whitten asked Roger a question regarding one of our Ordinances. She stated that under Article 5 where it says Medical Marijuana, there is a list of what is required for security for registered dispensaries and registered cultivation facilities. She asked Roger if the applicant was considered to be either a dispensary or cultivation facility. Roger said that he was not. She then asked what they needed to consider regarding security and Roger said that the Planning Board needs to set up what they want to see for security and the applicant has to adhere to it.

Scott Dombrowski asked the Board what exactly the security would be against and what kind of system would be needed. Roger stated that it would be security cameras. Mr. Dombrowski stated that if there is nothing that is going to be kept on site why would they need it? Acting Chairperson Whitten stated that they need to cover themselves in case they do leave anything on site. It is also for the Police Department to be aware of it and it is also for the applicant's protection while he is in the office. Roger stated that because the applicant will be in a commercial facility, there needs to be some security in place.

The Board agreed that they should probably do a site walk to see what would be needed. Roger stated that the Board will have a site walk and determine what is needed and then have a Public Hearing. Acting Chairperson Whitten suggested that they do the site walk before the next meeting on 11/9 at 5:45. The Board agreed.

Acting Chairperson Whitten asked how many parking spaces were available for this unit. Mr. Dombrowski said that there are 3 spaces adjacent to the door. Also in the rear there is about 10 spaces of which 2 are for people in the apartments.

Roger asked Dwayne if they had done everything they needed to do. Dwayne stated that they needed to vote for the date that they will be doing the Public Hearing so they can advertise it. Dwayne stated that there will also be costs associated with the advertising and mailings to the abutters so an escrow account should be established. Dwayne said that it usually is \$250.00 for the advertising and the certified mailings are about \$7.50 each. Roger stated that there were about 41 abutters so the mailings would cost about \$307.00. The total escrow should be \$600.00.

Jon Morse motioned to have the site walk on 11/9/17 at 5:45 at 50 Elm Street, hold the Public Hearing on 11/9/17 and establish a \$600 escrow. David Ballard seconded the motion. VOTE: 3-0

3.3 Conditional Use Permit Review for a proposed Disc Golf Course located at 410 Fox Farm Hill Road Map 010 Lot 042

Jesse Cotty, Jr. gave each of the Board members a description of what the course entails and a list of the permit considerations from our Ordinance with a brief response to each of them. Jon Morse asked for the applicant to explain the game. Jesse Cotty, Jr. stated that there are usually groups of no more than 4. He stated that it is just like regular golf with 18 holes. The distance between each hole will be from 200 feet to 500 feet. It will be the same as regular golf with scoring such as par 3, 4 and 5 depending on the difficulty of the hole. Elevation changes, trees that are around the hole and length of the hole will be some of the determining factors for the scoring. You take the first throw off of the tee pad and throw the second from where the Frisbee landed and so on. You count the number of throws it takes to get it into the basket.

Jon Morse stated that if there are groups of 4 that are back to back, they could have 72 people there at one time. A 50 x 25 foot parking lot will not be sufficient. Jesse Cotty, Sr. stated that there is additional parking on the grass so he doesn't believe it will be a problem. Jon Morse asked if there was going to be any alcohol and Mr. Cotty said that there would not be any. Acting Chairperson Whitten asked what hours they are proposing to have. Jesse Cotty, Jr. stated that they are looking to start at about 8 or 9 in the morning and finishing at about an hour before dusk every day.

Jon Morse asked if the Club House shown on the plans was already on the property. Mr. Cotty, Sr. stated that it was not. They were actually thinking about putting it on wheels so they can move it if needed. Mr. Morse asked if the Barn was already on the property. Mr. Cotty, Sr. stated that it was there but it is old and needs some repair. He stated that the original Hammond farmhouse is being taken down. He also said that the tee pads are not the traditional concrete pad because that is a permanent structure. David Ballard asked if they would have golf carts or if people were going to walk. Mr. Cotty, Sr. stated that they would be walking because the terrain is a little rough. He stated that they would like to do at least 9 holes before the spring and complete the other 9 throughout the summer. They have marked all of the 18 holes but they have not cleared any of the fairways yet.

David Ballard asked about what the cost would be. Jesse Cotty, Jr. stated that it would be about \$5.00 per round. Mr. Ballard asked if people need to bring their own discs. Mr. Cotty, Sr. said that some people do bring their own but they will also rent some. The discs are different weights.

Acting Chairperson Whitten asked the Board if they wanted to do a site walk before the next meeting. The Board agreed to do one at 4:00 before the other site walk on the 9th. They also need to set up an escrow amount of \$400.

Jon Morse motioned to do a site walk at 11/9/17 at 4:00 at 410 Fox Farm Hill Road, hold the Public Hearing on 11/9/17 and establish an escrow of \$400. David Ballard seconded the motion.
VOTE: 3-0

4. Other Business:

Dwayne stated that the Board of Selectmen have invited the Planning Board to meet with them at the 11/21/17 at 6:30 pm. The primary discussion will be about recreational marijuana. He said that on 12/5/17, there will be a Recreational Marijuana Public Hearing that the Selectmen will be holding and they would like the Planning Board to be present if possible. They want to see what the people would like to see in town. It will be at 6:30 at the Community Center.

5. Adjournment:

Jon Morse motioned to adjourn the meeting at 7:37 pm. David Ballard seconded the motion.
VOTE: 3-0

Roger Frechette
Planning Coordinator

Respectively submitted,
Susan Niehoff, Stenographer

Chairman Geoffrey Aleva

Barry Chase

Jon Morse

Anne Whitten

Matthew Qualls

David Ballard

Annette Hume