

NORTH BERWICK PLANNING BOARD

MINUTES OF PLANNING BOARD NOVEMBER 9, 2017

Present: Chairman Geoffrey Aleva, Barry Chase, Jon Morse, David Ballard, Annette Hume, Matthew Qualls came in at 6:34 pm.

Absent: Anne Whitten

Also Present: Mary Babcock, Donna Wyman, William Wyman, Brenda Wyman, Joseph Wyman, Jesse Cotty, Sr., Nancy Cotty, Jesse Cotty, Jr., Steve Spence, Chris Piecuch, Mike Fernald, Linda Fernald, Scott Dombrowski

1. Call To Order:

Chairman Geoffrey Aleva called the meeting to order at 6:30 pm.

Chairman Aleva moved David Ballard and Annette Hume up to full voting status.

2. Review Previous Minutes:

Chairman Aleva stated that they needed to review the minutes from October 26, 2017.

David Ballard motioned to approve the minutes of October 26, 2017 as written. Jon Morse seconded the motion. VOTE: 3-0 Abstain: 2

3. Current Business:

3.1 Continued 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

Chairman Aleva stated that this was a Public Hearing tonight for this matter. Christopher Piecuch stepped forward to discuss the project. He is a Maine licensed caregiver. Mr. Piecuch stated that this office would be to meet with clients and provide them with their needs. He would discuss their options with them regarding medicating and basically wants to provide a safe and comfortable environment to be able to do this. There will be no medicine or cash kept on site overnight or whenever he is not there.

Chairman Aleva stated that Matthew Qualls had joined the meeting at 6:34 pm. Annette Hume has been moved back to a non-voting member.

Chairman Aleva opened the Public Hearing at 6:35 pm.

Joseph Wyman asked what the qualifications and training were to become a caregiver. Mr. Piecuch stated that there is a licensing process to go through to be a certified caregiver including a background check and criminal history. Once approved, they find patients that are registered with their doctors to receive the medicine. At that point, they start cultivating for that patient. When it comes time to harvest, the patient comes to him and select what they are going to need and purchase what they need. They can purchase up to 2.5 ounces every 2 weeks. If the patient is satisfied with the medicine that they received, they can stay with that caregiver. If they are not satisfied, they can move on and grow their own or go to another caregiver or dispensary. Mr. Piecuch said that he has been a caregiver for 6+ years now in the State of Maine and has dealt with many patients. He is allowed 5 patients per the State regulations.

Joseph Wyman was more interested in what kind of training is provided. He said that since the caregiver is counseling people on what he can give them for their issue, they should have some kind of training for it. Chairman Aleva stated that the term caregiver is the name that the State of Maine used when they created the law. He stated that the person that is the caregiver, who is the seller and the patient that has the card, who is the buyer, have an interaction as to what kind of medicine would be best based on the information that is on their medical marijuana card. Mr. Piecuch stated that the medical card has the patient's name and the prescribing doctor signs it. The patient then would come to him and some patients know right away what they want. There are many different forms of it including different forms of ingestion and even some non-psychoactive forms of it that don't give you "head change". The patient can tell him at that point what they are looking for and sees if he can provide this for them or not. If the patient chooses, they can tell him what ailment they have such as cancer, intractable pain, PTSD or whatever else. At that point, from his experience and working with other patients, he can recommend what he thinks may work for their problem. If the patient feels that he cannot provide them with something that will be beneficial to them, then they can go to a dispensary or other caregiver until they find someone that is a good fit for them.

Mr. Piecuch stated that, unfortunately there is no training available. He said that it is all about patients being satisfied with his services. Jon Morse asked Mr. Piecuch to explain how he got to the point that he is at now where he can provide the right kind of medicine to the patient. Mr. Piecuch said that it is mostly due to his passion. This is what he does for a living. He said that he started growing for himself when he became a patient and became very involved in it because of his own medical needs. He then found out that he could become a caregiver and start helping other people with the same medicine. He has read many books about it and gone to many lectures that are given by doctors from around the State that prescribe cannabis. By going to these lectures, you develop relationships with the providers to discuss what works and also networking with other caregivers to see what has been working for them. Having a large social media presence with people from other areas to obtain information from them is very helpful. For example, if he has a patient that comes to him with something that he has never heard of, he can go to other professionals that may have seen this issue, especially with people in California, who have had medical marijuana for quite some time. He can question providers out there to get more info and see what they recommend. Unfortunately, with cannabis right now, it is a lot of

anecdotal evidence. He can suggest a certain strand for pain control but it may not work for everybody. It is sometimes a trial and error process for patients to see what works best for them.

Joseph Wyman stated that the concerns he has is with how it is regulated. He stated that the caregiver is setting up a practice based solely on experience and everything is done by trial and error. He really doesn't feel that this particular location is the right place for the town of North Berwick. He is also concerned with the extra traffic it may cause. Matthew Qualls stated that right now, the caregivers can do this out of their own homes. It is not something that they can regulate where it is zoned. Annette Hume stated that the applicant will only have 5 patients so she doesn't feel that traffic will be an issue. She asked Mr. Piecuch about how many patients he would see in one day and how long the appointments were for. Mr. Piecuch stated that he would probably see 2 or 3 at the most. He said that the time spent could be 10 minutes if the patient knows what they want to 45 minutes if they need to discuss their treatment.

David Ballard asked the applicant if the patient would be consuming the medication at the office or if he gives it to the patient to bring home. Mr. Piecuch stated that there would be no on-site consumption. He stated that he worries about the OUI part of that and will not allow it. He also wants to show respect for the neighbors because they don't want to smell marijuana all day long.

Mary Babcock stated that there are small children in the neighborhood so why does it need to be in her neighborhood. She stated that if a person is in that much pain they should go to a doctor and get something prescribed. She said that we are a nice quiet little town. She knows that there are drugs in our town but feels that this would just be advertising it in the town. Annette Hume asked if Mr. Piecuch was going to advertise. Mr. Piecuch said that he does not publicly advertise like through signs and written advertising. Chairman Aleva stated that medical marijuana caregivers are already all over town where patients can go and purchase what they need. Mrs. Babcock stated that our town does not need a retail store. Chairman Aleva explained that this is not a retail store because that is not legal yet in the State of Maine.

Donna Wyman asked what type of counseling the applicant provides for the people that come in as far as packaging or use within the home if the patient has children. Mr. Piecuch said that he advises his patients to not use it around children. You don't want to have them get the wrong idea about it. It is a medicine just like any other medicine that we take. It is prescribed and should be out of reach of children. Mary Babcock asked how he enforces it. Mr. Piecuch stated that after they receive their medicine, it is just like when they go to a pharmacy and get a prescription. It is up to the patient to keep it away from children at that point. He stated that, right now, he doesn't offer anything like edibles because they look like gummy bears or other candy. He does not like that idea.

Steve Spence stated that he lives on Maple Street. He said that he has no issues with the location the applicant is proposing to put it in. He stated that there is plenty of parking. Mr. Spence said that he could grow it himself. If the applicant can grow it better or faster, his price may also

outdo what it would cost him for electricity if he grew it himself. David Ballard asked how many plants he could have per patient. Mr. Piecuch said that he could have 6 flowering and 12 non-flowering plants.

Chairman Aleva closed the Public Hearing at 6:52 pm.

Matthew Qualls would like to go over what the actual purpose of this permit is for the change of use for that location. Chairman Aleva stated that it is a change in use for the type of business but this type of business is still allowed in this zone. Our Ordinance requires that an applicant come before the Planning Board for a change in use. Roger Frechette stated that the original conditional use permit was for a real estate office, but in order to change it to what the current applicant wants to use it for, they need to come back before the Board for approval. Matthew Qualls asked what kind of conditions we could put on this permit. Chairman Aleva said that they can put many different things on it such as hours of operation and security measures. Mr. Qualls asked what medical marijuana would be considered as far as a business. Chairman Aleva stated that it would just be listed as an office because there is no growing going on there.

Chairman Aleva asked the applicant what he was considering for the hours of operation. Mr. Piecuch is proposing 2:00-6:00 on Tuesday, Wednesday and Thursday and 11:00-4:00 on Saturday. Mr. Piecuch stated that he will not have patients coming in every day. The rest of the time he will be doing paperwork and research. Chairman Aleva asked if he was storing the medicine on the property and Mr. Piecuch stated that he was not. Mr. Piecuch said that he will be bringing whatever medicine he needs for the patient he is seeing that day.

Chairman Aleva stated that at the last meeting, there was discussion about a security decision. The Board did a site walk today. When they went into the space, there were provisions made for security on the doors and windows and a security camera on the inside of the space. Mr. Piecuch stated that they also have a motion detector. Roger asked the applicant if the police are contacted if an alarm goes off. Mr. Piecuch said that it would.

David Ballard asked the applicant if there would be any reason to not dispense the medication to a patient. Mr. Piecuch said that if he felt that there was abuse going on. If the patient came in and purchased the full amount and then they are calling him the next day for more, he will not give them any. Mr. Ballard asked if there was an obligation to report the patient. Mr. Piecuch said that there was no obligation to report but there is an obligation for him to deny it. By State law, he is only allowed to dispense a certain amount. He said that from being in the business for so long, he knows what a reasonable amount is for most people. He said that if somebody came in and had 3 of his buddies in the car, he would not dispense medicine. He does screen his patients a little bit before he takes them in. If it is somebody that he feels intimidated by or something seems off about them, he will tell them that they are not a good fit.

Annette Hume asked if the patient had to sign a contract. Mr. Piecuch said that they sign a designation form. This designates him as their caregiver and he keeps all of this paperwork.

When a patient receives their medical marijuana approval by a provider, they are given 2 cards. One of the cards is for them to hold onto in case they get pulled over, they can show law enforcement. The other card goes to him so he can show proof that this patient is his and it prevents the patient from shopping around. The patient can take their card back at any point and go to somebody else. It prevents them from seeing him and getting their full amount and then going to a dispensary or another caregiver and getting more.

Barry Chase asked the applicant if this was his full time job and where he lived. Mr. Piecuch said that it was his full time job and he lives in Berwick.

Chairman Aleva stated that one of the things that he would probably make as a condition is that a better light be provided at the door. He said that it is pretty dark at that spot where the entrance is. Chairman Aleva stated that since his hours will go to 6:00, it will be dark at this time of year. He feels that this would be better for the applicant and the patients coming in. Mr. Piecuch agreed.

Matthew Qualls asked the applicant if there was any waste products or other trash that would need to be dumped at the site. Mr. Piecuch stated that nothing will be thrown away at the office. It would only be done at the growth area. Mr. Qualls asked if he would have any after hour deliveries and Mr. Piecuch stated he would not.

David Ballard stated that he knows that it is 2.5 ounces allowed for the patient but asked how much the applicant is able to carry as a caregiver. Mr. Piecuch is able to carry up to 2.5 ounces per patient. He stated that the State has just released new rules for caregivers which are now going to require trip tickets. He said that the State is starting to regulate and enforce medical marijuana a lot more and he is in favor of this because it is helping to legitimize the process.

Matthew Qualls asked Mr. Piecuch if the law allows for recreational marijuana to be sold in town, would he have an interest in taking on that part of the business as well. Mr. Piecuch stated that he would not and stick to strictly medical. He was against legalizing the recreational part of it and doesn't like the way the State is handling it right now.

Jon Morse motioned to approve the change for the Use Permit from a Realtor's office to a Medical Marijuana patient's office to be located at 50 Elm Street, Map 017 Lot 040 with the conditions that a brighter light be added at the entrance.

Barry Chase stated that they should have a few more conditions such as the hours of operation, sign on door stating that no merchandise or cash kept on site, have a functional security camera and functional locks on windows and doors.

Barry Chase made a new motion to approve the Conditional Use Permit to change the use from a Realtors Office to a Medical Marijuana Patient's Office located at 50 Elm Street with the following conditions:

1. A sign be installed on door stating that no products or cash left on site.
2. The hours of operation will be Tuesday, Wednesday and Thursday from 2:00 pm-6:00 pm and Saturday from 11:00 am-4:00 pm.
3. There will be an operational security camera.
4. Locks on all windows and doors will be operational.
5. Better light to be installed at the entrance.

Jon Morse stated that he did not agree with having a sign on the door stating that no products or cash to be left on site. He stated that it is almost like advertising that there is something there that somebody might find interesting. Matthew Qualls stated that pharmacies don't put up a sign stating anything about their products being on site. Barry Chase stated that he has no problems with removing that condition. He stated that if the applicant wants to put up a sign, he still can but the town will not make him do so.

Barry Chase motioned to approve the above Use Permit with the amendment of removal of Condition #1 regarding the sign.

Jon Morse seconded the motion. VOTE: 5-0

3.2 Continued Conditional Use Permit Review for a proposed Disc Golf Course Located at 410 Fox Farm Hill Road. Map 010 Lot 042

Chairman Aleva stated that this is also a Public Hearing. He also stated that there was a site walk done today but he was unable to attend. He asked the applicant to describe the project to the public.

Jesse Cotty, Jr. stated that they would like to set up a Disc Golf Course. He said that it is very similar to regular golf. Different holes have different lengths so they have different difficulty levels. It will eventually be 18 holes. They use various types of plastic discs.

Chairman Aleva opened the Public Hearing at 7:15 pm.

Linda Fernald wanted to know what type of hours they will have and if it is a seasonal type thing. She wondered if it will be opened up in the winter for things like cross country skiing. She also wanted to know if there were going to be any lawns and what type of chemicals would be used on them. She stated that they do some organic farming and have a fish pond so they are concerned with what, if any, chemicals would be used. She also wondered if motorized vehicles like golf carts were going to be used or would they just walk the course. She also wanted to know if there was going to be any alcoholic sales.

Jesse Cotty, Jr. stated that with disc golf, there is limited lawns. They will not be treating or fertilizing any of the lawns. They will just be mowing them. There will only be grass on about 4 of the holes. He stated that 2 of them are already basically grass right now. Mr. Cotty, Jr. stated

that there will be no motorized vehicles and no alcohol sales. He stated that they are not going to be changing a whole lot to what is there. They will need to cut a few trees to create a 15 x 30 foot fairway. Nothing will change in respect to erosion. He stated that they were thinking of opening at about 8:00 or 9:00 in the morning and going until an hour before dusk. They don't want people to be still out there when it is dark. Regarding the course being used in the winter, Jesse Cotty, Sr. stated that they will not be doing a lot of snow removal on the fairways so will probably won't be used much.

Mike Fernald asked what the setbacks were for putting something like this out there in Farm and Forest. Roger Frechette stated that it is 75 feet but only if it is a structure. Chairman Aleva stated that the tee boxes for golf are not considered structures by our Ordinance so they are not required to meet a setback. Mr. Fernald stated that he was not here to disagree with the project. He just wanted more information on what it was all about. Mr. Fernald asked if this land could someday be buildable. Mr. Cotty, Sr. stated that this is one of the reasons that they are doing this. They want to keep that area pretty much the way it is.

Chairman Aleva closed the Public Hearing at 7:21 pm.

Roger stated that they need to discuss bathroom facilities and how many days a week it will be picked up. Annette Hume asked if they had to have public restrooms and Chairman Aleva said they do because it is a public business. Jon Morse stated that they won't need any lighting in the parking lot because they will be operating it in daylight only. Roger recommended that they do put something just in case somebody gets done later than expected.

David Ballard asked what they would do if someone's disc goes on another person's property and how they would go about retrieving it. Nancy Cotty stated that there is only one abutter's property that they would potentially go into but there is a big part of land between us and the house. Mr. Ballard stated that they could probably indicate it on their map.

Matthew Qualls asked if they had any plans to have music playing over a loudspeaker and Mr. Cotty, Sr. said they would not be doing that. Annette Hume asked if they would be selling water or something like that. Mr. Cotty, Sr. asked if they could do that. Jesse Cotty, Jr. stated that they could sell water and snacks. Roger stated that they can sell water but not food.

Jon Morse motioned to approve the Conditional Use permit for a proposed Disc Golf Course located at 410 Fox Farm Hill Road Map 010 Lot 042 with the following conditions:

1. To add some kind of lighting from the last hole to the parking lot.
2. Make sure that all dead trees and limbs are cleared from the fairways.
3. No parking allowed on Fox Farm Hill Road.
4. The hours of operation will be from 8:00 am until dusk.
5. Provide a Port-a-Potty and have regular scheduled pickup time.

Barry Chase seconded the motion. VOTE: 5-0

4. Other Business:

Roger stated that the Board of Selectmen have invited the Planning Board to their November 21, 2017 meeting at 6:30 pm.

5. Adjournment:

Matthew Qualls motioned to adjourn the meeting at 7:40 pm. Barry Chase seconded the motion.
VOTE: 5-0

Roger Frechette
Planning Coordinator

Respectively submitted,
Susan Niehoff, Stenographer

Chairman Geoffrey Aleva

Barry Chase

Jon Morse

Anne Whitten

Matthew Qualls

David Ballard

Annette Hume