

Approved on September 12, 2018

Minutes
Town of Waldoboro
Planning Board Meeting
August 8, 2018

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Roll Call

The meeting was called to order by Chairman Scott Simpson at 6:04 p.m. in the meeting room at the Municipal Building. Other members present were Barbara Boardman, Sara Hotchkiss, Laura Mewa, Tara Pelotte and Ted Wooster (at 6:25 p.m.). A quorum was present throughout. Planning and Development Director Max Johnstone and planning consultant Bill Najpauer were present. The audience consisted of reporter Alex Violo from the Lincoln County News.

1. Minutes of July 11, 2018 – approved as amended

On p. 1, in the third line of the last paragraph, the word Carlson's should be Carlsons.

On p. 2, Item 4 Revisions to Land Use Ordinance Article 7 Shoreland Zoning, Simpson asked that the last sentence of the paragraph on p. 7-8 and 7-9 f. Stairways be changed to read, "Simpson's rock stairway helps prevent erosion by stabilizing the bank."

At the top of p. 3, Pelotte asked that the sentence in the second line be changed to read, "Pelotte asked whether there should be a farmland exemption as an overlay on this section in order to determine how many Shoreland Zone landowners might be affected."

At the top of p. 4 the three sentences in lines 1 - 3 are deleted: "Mewa is a member of the Waldoboro Conservation Committee and the Waldoboro Business Association. She was told that permits for farmers' markets are issued by the Code Enforcement Officer, and do not require Planning Board review. The Select Board also had to approve the move."

Simpson said that on p. 4 in the third paragraph, the last sentence, "No reply is recorded." should be deleted and replaced by "Further discussion indicated he should not. This matter is best handled by Board members speaking as individual citizens."

On p. 4 in the last paragraph above Item 8, the second sentence was changed to read, "Simpson agreed that the sign may not meet ordinance requirements." (deleting "is oversize and does"). Simpson asked what should be done if a Planning Board member believes that the new sign for the Town Office is in violation of the Waldoboro Sign Ordinance. Najpauer said to take the matter up with Code Enforcement Officer Stan Waltz as a private citizen, not as a member of the Planning Board.

On motion of Wooster/Pelotte, the Board voted 5 - 0 - 1, Boardman abstaining, to approve the minutes of July 11, 2018 as amended to include the corrections listed.

2. Approval of Change of Use/Retail at 760 Atlantic Highway, from Vehicle Sales to Medical Marijuana Caregivers' Offices and Accessory Retail Sales – Tim and Eric Carlson

Pelotte recused herself from participation in this agenda item.

Tim Carlson, proprietor of Midcoast Herbal Solutions LLC, and his son Eric Carlson, proprietor of Coastal Compassion LLC, were in for review of their plans to use the western part of the building at 760 Atlantic Highway as private offices in which to meet with medical cannabis patients. The men are licensed medical marijuana caregivers, able to have a maximum of five patients each. In their offices, patients with a valid medical card will be able to buy cannabis legally. The Carlsons also want to have a retail shop in the building selling items such as vaporizers used in the consumption of cannabis. No cannabis will be sold in the shop, and none will be consumed on the premises. The shop will also carry legal herbs such as sage, rosemary, turmeric, and licorice root, giving their clientele access to holistic natural alternatives to cannabis. There will be no sales of tobacco products.

The Carlsons plan to add another entrance to the building. No other changes to the exterior of the building or to the site are planned. Parking will be to the left of the building as viewed from the highway. The applicants request waiver of requirements for a boundary survey, site plan, contour lines, soil erosion plan, stormwater management plan, utility plan, soil report, water and sewage demand, and proof of technical and financial capability. They state that the recently-approved amendments to the Maine Medical Marijuana Statutes take effect in October, 2018. They plan to open for business on Sept. 29, and believe that this will exempt them from the new regulations.

Boardman said she has no problem with the proposed new retail use. There were no questions or comments from other Planning Board members.

Bob Weintraub, proprietor of Maine Top Mill, which is located on the south side of Route One/Atlantic Highway east of the intersection with Main Street/Old Route One, submitted written comments and an aerial photograph of the area around the intersection showing the location of businesses: 760 Atlantic Highway (the current site of Midcoast Vape Shop), R. H. Libby, and Ralph's Homes on the north side of the highway, and Maine Top Mill on the south side of the highway. Weintraub does not think the Carlsons' proposed uses belong on Route One. The Carlsons replied that what they propose is not a marijuana dispensary. Legal cannabis patients will be able to buy cannabis on site from their caregivers. Cannabis will not be grown on-site and will not be sold in the retail shop. Traffic volume will be very low, as each of the two caregivers has a maximum of five patients, and these do not usually come in on a daily basis. The Carlsons grow cannabis off-site but are limited to 30 plants apiece. They claim that their business would never be busier than that at Highbrow, which is located on Route 32 in Waldoboro near Dunkin' Donuts on the north side of Route One.

Copies of the photograph and Weintraub's comments were given to Planning Board members at the meeting. He says the intersection "is very dangerous due to excess speeds and no traffic controls" and that additional traffic controls are needed. He suggests reducing the speed limit to 35 mph and installing Caution signs. He asks how the Carlsons can operate a cannabis dispensary in Waldoboro when the local Land Use Ordinance does not mention medical marijuana clinics as an approved use. He expressed concern about air pollution. Hotchkiss said that vehicle emissions on Route One cause much more air pollution than vaping does.

Planning Board members were told that the Waldoboro Police Department does not consider the intersection of Old Route One/Main St. with Route One a dangerous intersection. Najpauer said that both businesses at 760 Atlantic Highway are low-volume. If there were more than 50 vehicle trips per day in and out of the site, that would justify concern about increased traffic volume. He thinks 30 vehicle trips per day would be the maximum for the proposed uses. The location is in the Route One Commercial A land use district.

Wooster asked Najpauer whether the Carlsons' proposed uses of the site will be defined clearly enough to provide control of the volume of cannabis, per State regulations for medical marijuana caregiver operations,

and whether Waldoboro regulations can be more strict than State law. Najpauer said he does not know the answers at this time.

VOTE: On motion of Boardman/Mewa, Planning Board members voted 5 - 0 to approve the Carlsons' application for a change of use of the western portion of the building at 760 Atlantic Highway from auto sales to medical marijuana caregiver offices with accessory retail sales of cannabis accessories and legal herbs. Cannabis sales on the premises will be only in the caregivers' private offices, to legal cannabis patients with proper identification cards.

3. Discussion of Land Use Ordinance Article 7 Shoreland Zoning, Article 10 Non-Conforming Uses, and Article 16 Definitions

Johnstone has distributed to Planning Board members hard copy of the revised draft of Article 7 Shoreland Zoning. This is the version that will be discussed at a public hearing scheduled for Wednesday, August 22 at 6 p.m. at the Town Office. The draft shows proposed deleted text with ~~strike throughs~~ and proposed new text with underlines. Copies of the edited draft text are posted on-line at the Town web site; hard copies are available at the Waldoboro Library. Changes to the text can be made at the public hearing. Waldoboro residents who cannot attend the public hearing can submit written comments. The revised proposed Shoreland Zoning ordinance will be submitted to the Commissioner of the Maine Dept. of Environmental Protection. Review by the State can take 90 days.

Johnstone wanted to know whether a quorum of Planning Board members can attend the public hearing on August 22. Najpauer recommended that Simpson, as Planning Board chairman, be prepared to give a five-minute synopsis of the proposed changes to the existing Shoreland Zoning Ordinance.

Johnstone said that the Definitions section (Land Use Ordinance Article 16) is available for review on the Town web site. He will supply hard copy to Planning Board members before the public hearing.

Article 7 Shoreland Zoning

Simpson called for further discussion of manure storage and stairways. Najpauer recommended talking about manure storage in a broader context, not just in the Shoreland Zone. Simpson said that when the ordinance talks about manure storage, it is referring to storage in a manure storage facility. Boardman called for additional language addressing manure storage that is not in a "facility". Najpauer said this can be done, but not in the current round of ordinance revision. Boardman said manure storage locations must be set back at least 100' from water bodies and wetlands. She thinks manure storage regulations need much more work. The Maine Dept. of Agriculture is the entity that is supposed to regulate and enforce manure storage practices. Boardman said that there is a lot of hobby farming being done in Waldoboro and elsewhere in the Medomak watershed. Simpson said we need to know how fresh the manure is, as well as where and how it is being stored. Hotchkiss asked whether there is any rule about how many animals you can have on your property.

Hotchkiss asked Johnstone to send her a link to the current State manure storage regulations. If she wants to learn more, should she go to the State Dept. of Agriculture? Najpauer recommended going to the Knox - Lincoln Soil and Water Conservation District office. Simpson said we should be able to get guidance from the State, and that if they don't have the information we want, they should refer us to someone who does.

Wooster said we can do water quality sampling. This is being done currently in Waldoboro. The Town Manager has personally collected some water samples, and so has Wooster. Boardman said that Waldoboro should have booklets to give people about what they need to know and do, to start a farm and protect water quality. Simpson said that the University of Maine Extension Service has a man who is very knowledgeable and can advise people. Hotchkiss offered to do some research.

Najpauer said that preservation of the tree canopy and the duff layer within the Shoreland Zone are the key elements for preserving water quality.

Article 10 Non-Conforming Uses

Boardman asked whether it is right that a non-conforming building within the Shoreland Zone can be expanded by 30%. Najpauer said that a non-conforming building within 25' of the shoreline can be enlarged to no more than 800 s.f. or 30% larger than the footprint that existed on January 1, 1989, whichever is greater (subsection D. 3. a).

Article 16 Definitions

Johnstone said he will send copies of the Definitions section of the Land Use Ordinance to all Planning Board members. (Najpauer said the Definitions section is #16 in order to leave room for new sections planned to be added to the LUO following present Article 12 Wellhead Protection.)

VOTE: On motion of Simpson/Pelotte, Planning Board members voted unanimously to approve the current draft versions of Waldoboro Land Use Ordinance Article 7 Shoreland Zoning, Article 10 Non-Conforming Uses, and Article 16 Definitions (for definitions associated with Articles 7 and 10) for discussion at a public hearing on Wednesday, August 22 at 6 p.m. at the Town Office.

4. Recruiting New Planning Board Members

Closing on the sale of Mewa's Waldoboro house is on August 14. She is moving to Washington, Maine. She can no longer serve on the Planning Board when she is neither a Waldoboro resident nor a property owner. Johnstone was asked to ask the Town Manager about the process for recruiting new Planning Board members to fill the positions of Smolin and Mewa. Johnstone said that the vacancies have been posted and advertised.

5. Next Planning Board Meetings: August 15 and 22, 6:00 p.m.; August 28 meeting with Select Board, 6:00 p.m.

Wednesday, August 15, 6:00 p.m.: regular Planning Board meeting

Wednesday, August 22, 6:00 p.m.: public hearing on Land Use Ordinance revision (Articles 7, 10 and 16)

Tuesday, Aug. 28, 6:00 p.m.: Select Board meeting. Planning Board members are asked to attend, to review ordinance revision

Adjournment: The meeting was adjourned at 7:53 p.m.

Respectfully submitted,
Susan S. R. Alexander

Action Items

Johnstone

Send Hotchkiss a link to current State manure storage regulations.

Give PB members hard copy of LUO Article 16 Definitions.

Verify that a quorum of Planning Board members plan to attend the Aug. 22 public hearing.

Send notice to Planning Board members reminding them to attend the Aug. 28 Select Board meeting.

Find out if there is any limit to the number of animals allowed on a property; tell Hotchkiss.

You consulted Stan Waltz about something to do with the Carlsons' proposed uses at 760 Atlantic Highway, and he was going to consult a person or State agency. Follow up with Stan.

Najpauer

Try to address Wooster's questions (p. 2 - 3 of these minutes): whether the Carlsons' proposed uses of the site will be defined clearly enough to provide control of the volume of cannabis, per State regulations for medical marijuana caregiver operations, and whether Waldoboro regulations can be more strict than State law. Tell Ted what you find out.