

**SANFORD PLANNING BOARD MINUTES
MEETING – January 27, 2016 – 7:00 P.M.
City Hall Annex Third Floor Chambers**

MEMBERS PRESENT: Lenny Horr, Chair
John McAdam, Vice Chair
Kelly Tarbox, Secretary
Edward Cormier
Dianne Connolly
Dana Peterson

MEMBERS ABSENT: None

STAFF PRESENT: Elizabeth Della Valle, AICP, Director of Planning & Development

STAFF ABSENT: Michael Casserly, Assistant City Engineer (w/notice)

I. CALL TO ORDER

Chair Horr called the meeting to order at 7:00 PM.

II. PUBLIC HEARING

1. File #999-15-T(6): The Planning Board will consider revisions to the City's Zoning Ordinance to regulate the production of medical marijuana.

Chair Horr called for a representative to present the application.

Planner Della Valle gave a brief overview of the history for this amendment. She then explained the following:

- identified the focus of the Planning Board's proposed amendments
- the three (3) levels of review
- recommended changes from other city staff and concerns from citizens
- restricting the number of caregivers in a multiunit building

Chair Horr asked if anyone present would like to speak in favor of this ordinance; there was no one.

Chair Horr asked if anyone present would like to speak against of this ordinance.

Durward Parkinson, an attorney in Kennebunk representing a group of caregivers located at 72 Emery Street in Sanford, voiced concerns regarding licensing, inspections, confidentiality, and clarification regarding 'grandfathering' for the current growers.

Discussion took place on how to set-up protocols to conduct inspections.

Chris Smith, owner of another medical marijuana facility in Sanford on Hancock Lane wanted to know if his business would be grandfathered as well. Planner Della Valle explained that the use would be grandfathered, but the city is waiting for legal guidance on whether existing businesses would be grandfathered for the inspection portion of their business when a new city inspection schedule is in place.

Cal Akers, a member of the caretaker industry, has concerns with the public access the proposed ordinance will allow and explained why.

Planner Della Valle stated to all present that she is hoping there would be some feedback and discussion on the proposed ordinance.

Board member Cormier asked for clarification on the tiered levels of review.

Board member Connolly asked if the caregivers had attended any of the moratorium subcommittee meetings.

Chair Horr asked if anyone else would like to speak.

Steve Buck, City Manager updated the Board on the moratorium process. He also informed the Board on the discussion with the Department of Health and Human Services regarding the review, licensing and inspection processes. He said the city's legal counsel is also working on getting clarification to aid in the city's approval process on both the review and licensing of these application requests.

Board member Tarbox asked if the Planning Board could continue their review and discussion on this ordinance change while the City Council begins their review process. Planner Della Valle stated the moratorium would only affect any new applications/reviews, not the applicants that have already begun the review process.

Mr. Buck identified the inspections that were required when he ran a farming business. A caretaker asked Mr. Buck if it was only state inspections that were required or if local inspections were required as well. Discussion followed.

Chair Horr asked if anyone else would like to speak.

Board member Cormier thanked the caregivers that spoke tonight.

Chair Horr closed the public hearing and asked the Board members how they wished to proceed.

Board member Tarbox said she was comfortable with forwarding the ordinance revision to the city council as long as the Board could continue their discussions and make any changes/recommendations as they arise on the following issues:

- the city attorney's opinion on the application of new standards on existing operations
- the licensing aspect
- inspection protocols

The other Board members concurred with Board member Tarbox's comments on the review process and Board member Peterson asked if paraphernalia was also an issue.

Planner Della Valle stated it was and read an email from Mark Adler asking for clarification between property/premises.

Discussion took place on:

- the sale of paraphernalia (medical vs. recreational use)
- 'headshops'
- building security

- inspections
- licensing
- housekeeping items in the proposed ordinance

Chair Horr called for a motion.

Board member Tarbox made a motion that the Planning Board, after consideration of public comments, staff recommendations, and the findings and description of the proposed amendment of Chapter 280 – Zoning to regulate medical marijuana production, recommend that the proposed amendments of the zoning ordinance be forwarded to the city council for its review and adoption. The Planning Board is forwarding a list of items they feel need resolution:

1. Developing inspection protocol;
2. Feedback from the city attorney on issues that have been identified by the Planning Director, especially with reference to application of new standards to existing operations;
3. Clarification of paraphernalia sales as are determined in Section 280-95D
4. Strike the limit on multifamily homes in 280-95C.2;
5. Corrections to the numbering and citations in Section 280-95C., the change from 'may' to 'shall';
6. Formatting of the land use table;
7. The council needs to work on their licensing protocols and determine what level of licensing they are going to require;
8. Sewer district inspection should be made clear that this is the purview of the sewer district;
9. Work with the Police Chief on developing so-called panic button protocols;
10. Recommendation from the Code Enforcement Officer about adding responsibility for the enforcement of state codes and federal standards, and check with the attorney about the advisability and the phrasing of that.

Board member Peterson seconded the motion.

A vote was taken and the motion passed 6-0.

III. NEW BUSINESS

There were no new business items.

IV. OLD BUSINESS

There were no old business items.

V. APPROVAL OF MINUTES

There were no minutes for approval.

VI. PLANNING DIRECTOR'S REPORT

Planner Della Valle discussed the following:

- why there were no minutes for tonight's meeting;
- Board members using a city email address and filling out emergency contact form;
- update on the Pepin Bernier Road gravel pit;
- status on Cumberland Farms application;

- potential ordinance change on a permitted with review use for the commercial keeping of farm animals in the rural areas; and
- status on the comprehensive plan update.

1. Planning Board By-Laws.

This was not discussed tonight.

The meeting adjourned at 10:05 P.M. (approximately)