

TOWN OF BOWDOINHAM
PLANNING BOARD MINUTES
JOHN C. COOMBS MUNICIPAL BUILDING
JANUARY 31, 2019 – 7:00 P.M.

MEMBERS PRESENT: Nate Drummond
 Anne Avilés
 Tracy Krueger

MEMBERS ABSENT: Justin Schlawin
 William Shippen
 Reeve Wood

STAFF PRESENT: No Staff Members Were Present

A regular meeting of the Bowdoinham, Maine Planning Board was held at the John C. Coombs Municipal Building, 13 School Street, Bowdoinham, Maine in the Graduate Room on Thursday, January 31, 2019.

1. **CALL TO ORDER**

Chairman Drummond called the meeting to order at 7:00 p.m.

2. **DETERMINE QUORUM AND VOTING MEMBERS**

It was determined that a quorum was present.

3. **PUBLIC HEARING – PROPOSED AMENDMENTS TO LAND USE ORDINANCE TO REGULATE MEDICAL AND RETAIL MARIJUANA ESTABLISHMENTS**

The regular meeting was closed and the Public Hearing declared open to receive input on the proposed amendment to the Land Use Ordinance to regulate medical and retail marijuana establishments.

Chairman Drummond explained to those present actions the Board had taken to place restrictions and rules regarding the various buffering of marijuana use, considering agricultural and resource uses, commercial uses, medical marijuana establishments and restrictions such as number of feet from schools, etc. Public Hearings were held during the Boards deliberations with very little or no input from members of the public.

Chairman Drummond asked for comments from members of the public relative to the proposed amendment before them which reads as follows:

TOWN OF BOWDOINHAM
PLANNING BOARD MINUTES
JOHN C. COOMBS MUNICIPAL BUILDING
JANUARY 31, 2019 – 7:00 P.M.

Article XXX:

Shall an ordinance entitled, “An Ordinance to Amend the Town of Bowdoinham Land Use Ordinance to Regulate Medical Marijuana Establishments” be enacted?

NOTE: Proposed additions to existing Code sections are underlined. Proposed deletions of existing Code sections are ~~crossed out~~. Other sections of the Ordinance are unchanged.

ARTICLE 2: DEFINITIONS

Medical Marijuana Establishment – Includes: registered caregivers, caregiver retail stores, dispensaries, testing facilities, and manufacturing facilities as defined by the State of Maine.

ARTICLE 5 – LAND USE DISTRICTS

TABLE 5.1 – LAND USES PERMITTED IN ZONING DISTRICTS

KEY

District –

*R/A–Residential/Agricultural District
Reviewing Authority*

*A – Allowed without a permit
RC– Permitted with permit from Road Commissioner
CEO – Permitted with permit from Code Enforcement Officer
LPI – Local Plumbing Inspector
PB – Permitted with permit from Planning Board
SPR – Site Plan Review Permit
SB – License from Select Board Required
P – Permit Required
NP – Not permitted*

See Footnotes at end of Table. All uses are subject to the general performance standards of Article 4.

TOWN OF BOWDOINHAM
 PLANNING BOARD MINUTES
 JOHN C. COOMBS MUNICIPAL BUILDING
 JANUARY 31, 2019 – 7:00 P.M.

<i>LAND USES</i>	<i>DISTRICT</i>	<i>DISTRICT</i>	<i>DISTRICT</i>
	<i>R/A</i>	<i>VDI</i>	<i>VDII</i>
<i>Agricultural and Resource Uses</i>			
<i>Medical Marijuana Caregiver (Unregistered)</i>	<u>A</u>	<u>A</u>	<u>A</u>
<i>Medical Marijuana Caregiver Registered</i>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>
<i>Commercial Uses</i>			
<i>Medical Marijuana Establishment</i>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>

¹ A Building Permit from the Code Enforcement Officer is required.

² A Land Use Permit from the Code Enforcement Officer is required.

³ A permit for an accessory structure or use shall be given by the same permitting authority who issued the permit for the original use/structure, if a permit was required.

⁴ A Home Based Business is allowed if it meets the Performance Standard in Article 4, Section D. If the Performance Standard in Article 4, Section D is not met, then Tier I Site Plan Review Permit shall be required from the Code Enforcement Officer. All Home Based Businesses must register their business name with the Town Clerk.

⁵ A Tier I Site Plan Review Permit shall be required from the Code Enforcement Officer.

⁶ A facility with a Tier I license from the state may be considered a home based business, if it meets the Performance Standard in Article 4, Section D. If the Performance Standards in Article 4, Section D is not met, then Tier I Site Plan Review Permit shall be required from the Code Enforcement Officer

ARTICLE 10: SITE PLAN REVIEW

E. USE-SPECIFIC PERFORMANCE STANDARDS

Retail Marijuana Establishments and Medical Marijuana Establishment

1. The establishment shall have and implement an odor management and remediation plan to ensure that no undue odors impact neighbors or the public.
2. Buffering or other measures may be required to address the establishment's impact abutters and the public.
3. All marijuana and marijuana products shall be in a secured facility.

TOWN OF BOWDOINHAM
PLANNING BOARD MINUTES
JOHN C. COOMBS MUNICIPAL BUILDING
JANUARY 31, 2019 – 7:00 P.M.

4. *The establishment may not be located within ~~1,000 feet~~ 500 feet of a school or church.*
5. *The signage for the establishment may not contain any graphics of marijuana or marijuana accessories.*

Those commenting included:

Allen Acker – Mr. Acker said he is on record from the first public hearing that churches should not be included in the ordinance wording. He said he was in favor of all the changes as presented and felt the changes coincided with those in place by the State and should be put in place as soon as possible.

Scott Ouellette – Spoke in favor of the proposed ordinance changes. Said he has a storefront in Woolwich and wants to start his business in Bowdoinham as soon as possible. Said he has security precautions already to go and came to the meeting this evening to see how it would go. (Chairman Drummond explained that the changes won't actually become in affect until after the vote is taken at Town Meeting. Suggested Mr. Ouellette visit the Planner to begin an application and to be informed so there will be no surprises. A Site Plan Review application will be necessary. Then the Board would have to find the application complete and schedule a Public Hearing, so a two-meeting time frame will be involved.)

There being no one else wishing to comment, the Public Hearing was declared closed.

The regular meeting was declared open and the Board entered into discussion of the comments received. The Board was in unanimous approval of the amendment changes as proposed. Motion was made by Ms. Krueger, seconded by Ms. Avilés, and it was unanimously

VOTED

To approve the proposed Amendment to the Land Use Ordinance to Regulate Medical and Retail Marijuana Establishments and to pass the Amendment on to the Selectmen for inclusion on the Warrant for the next Town Meeting.

4. OTHER BUSINESS

David Asmussen, Carding Machine Road asked to be recognized and told the Board that he is a member of the Comprehensive Plan Committee and, on behalf of the Committee, said he would like to talk about formula businesses, or chain stores. He said these are businesses where there is a standardized model of service, décor, uniforms, colors, architecture or methods of operation. He said this is great for the business because it makes it cheap for them to set up shop without reinventing themselves and they get brand name recognition through the golden arches, or whatever. However, it is bad for a community for a host of reasons.

- Discourages a locally-owned business from opening.
- Corporate “sameness” is at odds with a unique community such as Bowdoinham.
- Profits go to an owner likely out of the region, and probably out of state.

TOWN OF BOWDOINHAM
PLANNING BOARD MINUTES
JOHN C. COOMBS MUNICIPAL BUILDING
JANUARY 31, 2019 – 7:00 P.M.

- Many have corporate policies in place that prevent local philanthropy, so they don't sponsor a little league team or contribute to a local school event.
- It's cheaper for a business to build new, rather than renovate, so there is little incentive for them to occupy a vacant storefront, rather than bulldoze virgin ground and start fresh.
- They may even have deceptive practices, such as Dollar Generals that promote a false economy. They may sell what appears to be the same box of cereal for cheaper, but upon close examination, many products are in custom packaged "cheater packs" for that retailer and have less product per dollar. The labeling reveals only 12 ounces in the box instead of 14 ounces, so you are paying \$0.50/oz rather than \$0.45.
- Cookie cutter architecture and pedestrian unfriendly layouts contribute to the further development of the "Geography of Nowhere" which Topsham and Augusta have in spades.

Mr. Asmussen said uniqueness is rare and valuable and we want to maximize the benefit a new business can bring, and minimize the negative impact. He said Bowdoinham currently has a prohibition on stores over 20,000 square feet, but most Dollar Generals are in the 7,000 square foot size and are the latest insidious iteration of the "big box store," rather, they are the "small box store" that has adapted to the very regulation that we and other towns put in place, and as such, we need to adapt to.

He added that he didn't want to paint too broad a brush because some businesses do fill a certain niche, or are at least less bad. Napa or True Value, for instance, supplies many DIYers and independent shops. Reny's makes a point of locating in existing buildings, and even the much maligned Starbucks can be an oasis if an area is already a soulless strip mall and you need to meet someone.

Mr. Asmussen said Bowdoinham is not a soulless strip mall and we do have a small downtown. To execute the Comprehensive Plan, we need to encourage development downtown (or Village District 1) before expanding up to the highway which is where one of these businesses would likely locate. A Blanket Prohibition would not be effective or stand up to serious legal challenge, but a temporary moratorium would allow time to evaluate options and should be kept in mind if a formula business was considering locating in Bowdoinham. We need to ask that formula business (and possibly others) to meet certain criteria for acceptance. For instance:

- How will the business further the goals of Bowdoinham's Comprehensive Plan?
- Does the architecture and layout of the business fit with the scale of Bowdoinham? Large parking lot? Flat top boxy shape? Large flood lights?
- How will the business demonstrate it is a good citizen?
- What percentage of profits stays in Bowdoinham? In Sagadahoc County? In Maine?
- What services does it provide that overlap with current services?
- What new services does it provide?
- Does it connect to existing sidewalk network?

TOWN OF BOWDOINHAM
PLANNING BOARD MINUTES
JOHN C. COOMBS MUNICIPAL BUILDING
JANUARY 31, 2019 – 7:00 P.M.

Mr. Asmussen said he would like some of these elements to be included on the permit application so that the business will have to address our concerns before proceeding. It would give the Town a criteria with which to accept or reject the business.

Following Mr. Asmussen’s presentation, the Board noted that some of his concerns were already included in the site plan review process and other parts of the ordinance. The Board agreed to pass along Mr. Asmussen’s concerns to the Planner and suggested this item could be included on a future agenda for further discussion.

5. CONSIDERATION OF MEETING MINUTES

The minutes of the September 27, 2018 and December 27, 2018 were not addressed due to a lack of parties present at those meetings to be able to vote. They will be included on the agenda for the February meeting.

6. ADJOURNMENT – The meeting was adjourned at 7:50 p.m.

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