

## **Auburn Planning Board Meeting Minutes February 12, 2019**

### **ROLL CALL:**

**Regular Members present:** Evan Cyr – Presiding, Samuel Scogin, Dustin Boutin, Marc Tardif, Nathan Hamlyn, Stephen Martelli and Brian Carrier

**Regular Members absent:** None

**Associate and other Members present:** 2 Vacant Positions

**Associate and other Members absent:**

**Also present representing City staff:** Eric Cousens Deputy Director of Economic & Community Development and Audrey Knight, Auburn City Planner

Chairperson Cyr called the meeting to order at 6:00 pm and asked for a roll call. He congratulated Stephen Martelli and Brian Carrier for recently being appointed as Full members by the City Council.

### **MINUTES:**

#### **January 8, 2019 Meeting Minutes Approval Request**

A motion was made by Sam Scogin and seconded by Brian Carrier to approve the January 8, 2019 meeting minutes as presented. After a vote of 7-0-0, the motion carried.

Chairperson Cyr stated that the Housekeeping portion of the Agenda would be moved to after New Business. He then explained the process of Planning Board meetings.

### **NEW BUSINESS and PUBLIC HEARING:**

**1. On behalf of the applicant DFT ,Mike Gotto, Of Stoneybrook Consultants, Inc., is seeking APPROVAL of an amendment to Coe Farm Park Subdivision, to remove roughly 14-46 acres of land from the 27.38 acre 9-lot subdivision for a remainder of 12.75 acres. Pursuant to Chapter 60 Article XVI Division 4, Subdivision, Sec.60-1359 of the Auburn Code of Ordinances**

Audrey went over the proposal and presented slides via PowerPoint. Chairperson Cyr asked several questions which were answered by City staff.

Mike Gotto of Stoneybrook Consultants explained the proposal.

**(14:00 on Recording)**

### **Open Public Input**

A motion was made by Brian Carrier and seconded by Stephen Martelli to open the public input part of the hearing. After a vote of 7-0-0, the motion carried.

Rita Melendy of 13 Goldfinch Drive said she was there on behalf of the Association and asked if there were any changes to the document they signed when accepting this as part of a PUD and Audrey answered there were no changes to that portion of it.

A motion was made by Sam Scogin and seconded by Brian Carrier to close the Public Input part of the hearing. After a vote of 7-0-0, the motion carried.

A motion was made by Brian Carrier and seconded by Stephen Martelli to approve the amendment to the Coe Farm Park Subdivision, to remove roughly 14.46 acres of land from the 27.38 acre 9-lot subdivision for a remainder of 12.75 acres. Pursuant to Chapter 60 Article XVI Division 4, Subdivision, Sec.60-1359 of the Auburn Code of Ordinances. After a vote of 7-0-0, the motion carried.

(18:00 on Recording)

**2. Public Hearing for a proposed *Adult Use and Medical Marijuana Stores, Cultivation, Manufacturing and Testing Facilities Ordinance*, and associated Chapter 60, Zoning Ordinance amendments to Section 60-145(a), Section 60-499(a), Section 60-525(a), Section 60-554, Section 60-578(a) and Section 60-1038 Odors.**

Audrey briefed Board members on the proposal and presented slides on the projector. She and Eric answered questions from Board members. After a long discussion, Chairperson Cyr asked for a motion to open the public input portion of the hearing.

A motion was made by Brian Carrier and seconded by Stephen Martelli to open the public input part of the hearing. After a vote of 7-0-0, the motion carried.

(59:45 on Recording)

TJ Thayer, owner of the property at 1400 Hotel Road stated the following:

- If the ordinance were to pass as written, he would not be able to continue operating his small business because he figured he would have to pay \$9,000 per year in licensing fees.
- He asked what's the intent here in relation to these fees?
- Stated this will drive small businesses out of Auburn
- Agrees there should be fees so caregivers aren't a burden on the City but asks why so much
- Already paying \$1,500 in State fees so no-knock inspections are already in place by the State.
- Knows of at least 6 facilities operating smoothly within 1000 feet of the Margaret Murphy Home on Rodman Road. When looking at any of these facilities you can't tell what is being done there
- Agrees with the setbacks for retail facilities - should not have pop-up shops all around on Minot Avenue and Center Street
- Congratulated the committee for all the work that has been done by them so far but would like to implore the Planning Board to send this back to workshop to take a better look at the fees and setbacks

(65:55 on Recording)

John Engler who resides at 8 Cushman Place stated the following:

- Owns a medical marijuana facility on Riverside Drive
- Has been involved as a nonvoting member of the committee since May of 2018
- The draft has improved since mid-December but still has concerns
- There are more existing operations than the City is aware of so 1000 ft setback may not be feasible because of the grandfathered locations
- Does not understand why cultivation and manufacturing operations have to meet the same setback as marijuana retail
- There're no issues with the current large grow facilities that are within 1000 ft of each other.
- As for fees, most concerned with the \$1,000 cultivator fee for the 250 to 500 sq. ft block and suggests scaling back to \$500 to \$750 for that size block.

A motion was made by Sam Scogin and seconded by Stephen Martelli to close the public input part of the hearing. After a vote of 7-0-0, the motion carried.

Chairperson Cyr said he would like the Board to start with Title 14 under Chapter 11, defining the recommendations of the committee starting with the items that were brought up by the public first. The following items were discussed by the Board members:

- Board is ok with 1000 ft setback for retail but don't see the merit for setback of cultivation so will apply the setback only to new marijuana retail businesses.
- Eric clarified what licensed and permitted operations meant
- December 13, 2018 date is when State laws changed – no new retail stores throughout state were allowed after that date unless community opted out and allowed marijuana
- Not comfortable for Planning Board to recommend fees but should let City Council be aware that there is a lot of concern from public input
- Eric explained how fees were derived – discussion ensued

(90:30 on Recording)

- School setbacks – Eric explained why 1000 ft setback was chosen – discussion ensued
- Board decided to recommend a 750 ft setback from schools for anything to do with marijuana
- Discussed the language of processing within the definition of cultivation to better align with the state
- Discussed switching of uses for grandfathered facilities
- Discussed Ag Zone and 1000 ft setback

(109:30 on Recording)

- Board decided that Ag Zone not be subject to the 1000 ft setback
- Decided to merge language to say “only allow manufacturing of marijuana where adult use and medical marijuana cultivation of marijuana exists in the Ag Zone. This does not include retail sales”
- Added Item 15 – Manufacturing Marijuana Products Accessory to Cultivation
- Industrial District language was deemed ok
- Division 13 – Minot Avenue – Adult Use in Medical Marijuana Store subject to the requirements of Chapter 11
- After lengthy discussion, Added Item 30 - Marijuana Cultivation Accessory to a Retail Store

(125:20 on Recording)

A motion was made by Sam Scogin and seconded by Brian Carrier to send a letter containing feedback regarding Chapter 11, Title 14 to the City Council. After a vote of 7-0-0, the motion carried. Chairperson Cyr said he would draft the letter and send to all Planning Board members for edits. Once the draft is acceptable, it will be forwarded to the City Council.

Chairperson Cyr asked for a motion on the proposed zoning amendment. Eric asked for clarification on the Retail Stores in Form Based Codes Districts. After a discussion, the Board decided that it would be a Special Exception in all Form Based Code Districts. Chairperson Cyr said he would include in the letter to the City Council the language of Marijuana Retail as an age restricted use.

(132:00 on Recording)

A motion was made by Brian Carrier and seconded by Dustin Boutin to send a formal recommendation to the City Council the proposed zoning amendment to Chapter 60 as discussed tonight. After a vote of 7-0-0, the motion carried.

Chairperson Cyr said it was important that the Board gives feedback to staff that the reason the Odor Nuisance Control and Abatement Ordinance was not addressed was due to outstanding issues. Eric said staff would work to address those for the next meeting.

#### **HOUSEKEEPING:**

##### **A. Election of Chair and Vice Chair, and appointment of members**

**Election of Chair:** Sam Scogin nominated Evan Cyr as Chair; Evan accepted the nomination. After a vote of 6-1-0, the nomination carried. (Evan abstained)

**Election of Vice Chair:** Brian Carrier nominated Sam Scogin as Vice Chair; Sam accepted the nomination. After a vote of 6-1-0, the nomination carried. (Sam abstained)

#### **OLD BUSINESS:**

None

#### **MISCELLANEOUS:**

Brian Carrier briefed Board members on the MAG-ARP meeting that had occurred the previous night.

#### **PUBLIC COMMENT:**

Leroy Walker of 41 Broad Street commented about the setbacks for schools and costs associated with licensing marijuana businesses.

(140:00 Recording)

#### **ADJOURNMENT**

A motion was made by Stephen Martelli and seconded by Brian Carrier to adjourn. After a vote of 7-0-0, the motion carried.