

Carrabassett Valley Planning Board

January 10, 2019 at 6:30 P.M.

Agenda

1. Review the Minutes of the December 20, 2018 Planning Board Meeting.
2. Continued discussion of zoning allowances for Adult Use and Medical Marijuana Establishments.
3. Other Business, if any?
4. Adjourn

TOWN OF CARRABASSETT VALLEY
MINUTES OF THE PLANNING BOARD MEETING
December 20, 2018

Members Present: Brian Demshar Roddy Ehrlenbach
 Dave Corrow Tim Flight
 Peter Smith Alan Sleight
 Deidre Frey

Others Present: Bill Gilmore Chris Parks
 Courtney Knapp

Brian Demshar opened the meeting at 6:30 p.m. and welcomed those present.

The first order of business was to review the minutes of the November 29, 2018 Planning Board Meeting. Dave Corrow made a motion to approve the minutes as written. Roddy Ehrlenbach seconded the motion. Motion approved.

Chief Courtney Knapp was in attendance to make a presentation with regard to potential updates to ordinances, specifically:

- a. Fire Prevention Ordinance and related NFPA 1 from 1992
- b. Ordinance for Safety to Life from Fire in Buildings and Structures and related NFPA 101 from 1994
- c. Ordinance regulating Chimney, Fireplaces, Vents and Solid Fuel Burning Appliances and related NFPA 211 from 1992.

Courtney explained that the NFPA writes standards for many topics related to fire safety, from life safety concerning building occupancy to how a fire truck is to be designed. These are minimum standards, and once they are adopted by a state or municipality, they have a force of law. In 1992, they decided to adopt several state standards to give jurisdictional authority. Since that time, the Town has not updated these standards, and it now makes sense to adopt two dozen standards that the State and Fire Marshall see to be important. Courtney would like to see the Town parallel what the State does in terms of NFPA standards. He would like to see the Planning Board behind this movement. Courtney would intend to come back in January with a proposed warrant article. He would hope that the language in the article would allow for the towns standards to follow any State updates continually. Courtney explained that the latest version of any standard is 2016, and there's a lot that has to go on at the State level in order to update their own codes. He feels that, if the Town adopts locally, they will have more influence in what goes on, and the Town would administer the code rather than the State. Bill Gilmore said that the Town would like to have a document that mirrors what the State is doing, so the Town is current with what's on the books. Chris Parks stated that this would only apply to new homes and major remodels, but existing homes would not need to be retrofitted. He said the warrant may be written as two separate items. Roddy Ehrlenbach made a motion to support the potential revision of the ordinances. Alan Sleight seconded the motion. Motion approved.

The next item on the agenda was the continued discussion on the zoning allowances for the Marijuana Businesses, if the Town opts in at the spring meeting. Chris Parks had sent out the licensing ordinance, and after a Committee meeting last night, the Town attorney has not had a chance to follow-up. She had suggested to Chris and Dave Cota that the zoning and licensing be looked at separately. Chris expects that these items will be plucked out of the draft ordinance. At the last meeting, the Planning Board members were encouraged to bring their thoughts and concerns to tonight's meeting. Dave Cota had looked at a change to the zoning ordinance, and he anticipates holding a public hearing, if changes are going to be made to the Town's zoning ordinance. Last night, at the Committee meeting, other town ordinances were reviewed, so specific criteria could be considered. The attorney did not feel that the stand-alone ordinance would adequately protect the town from the zoning side of things. They discussed putting Marijuana Businesses in "conditional use", so they would have to come before the Planning Board. She's comfortable that the licensing for adult-use and medical can be in the same ordinance. Brian Demshar added that some towns are taking very interesting approaches to the various types of licenses, and they are just regulating retail. The survey results were in favor, to date. With the four different types, the Town is being asked to determine how many of each type of these businesses can be allowed. The Committee wants to be consistent for each type. They felt 2 retail (in valley center) and one of each other type would be reasonable (in light industrial). Courtney Knapp asked if each type of license would be voted individually or all of it as "all or nothing". Chris Parks believes it will be each individually. Roddy Ehrlenbach asked if the ordinance is going to be put forth by vote at the Town Meeting, or is it going to be each piece by piece. Brian Demshar said that it hasn't been established as yet, to the best of his knowledge. Chris said that the Selectmen discussed two options of a referendum vote with the voting, or it goes on the warrant as an article. The Selectmen are leaning toward a warrant article, likely as four different votes for each type of use. Alan Sleight asked what zoning changes are being recommended; it's a list of definitions pertaining to marijuana from the state law, and what zones allow these uses as conditional uses, with other specific requirements such as security lighting, signage, etc. Alan asked who will be enforcing the ordinances, if adopted. It will be Code Enforcement and the Police Department. Chris Parks discussed the various conversations at the last Committee meeting. Peter Smith stated that the types of businesses other than retail are the only that could require serious capital and potentially positives for the town for tax benefits, so it may be that the Town has to concede to two retail stores. Bill Gilmore said that the Planning Board ought to possibly consider other locations that would not have a negative impact, such as possibly north of the Sanitary District (rural residential). Deidre Frey said she had reviewed the Comprehensive Plan, and in thinking about where these potential businesses could be, she hopes to see that there be a "downtown" and allow the retail in Planned Development. She doesn't feel the marijuana should be different from any other retail. Dave Corrow does not feel that marijuana sales fits in with the spirit of the Comprehensive Plan. Roddy Erhlenbach does not feel that it behooves the Planning Board to be any more restrictive than what's laid out in the Comprehensive Plan, other than what the State laws regulate, but he does feel it would be prudent to limit the number of various businesses. The Planning Board will make a recommendation to the

Selectmen as to what they would like to see in the ordinance. The draft changes from the attorney will be distributed to the Planning Board members, and at the next meeting, the Planning Board members will discuss the number of each type businesses and what, if any, specific zones. Brian Demshar said that the March meeting is going to come up quickly, and to process all of this information, it's very difficult. At the Special Town Meeting for the moratorium, the most vocal people were non-residents. He said that the preference for businesses should be residents or taxpayers, so he gets the impression that some of the non-residents are trying to steam-roll the vote. He feels that supply and demand will dictate how many retail stores are prudent for the town. Tim Flight encouraged other Planning Board members to review the State law, since it gave him good perspective as to where these types of businesses might fit in Carrabassett.

Deidre Frey inquired as to whether the Comprehensive Plan should be updated and whether that process falls to the Planning Board. With Boyne owning Sugarloaf, she feels that they will be doing a lot of planning for themselves, and she would like to see the Town having an involvement, as well as people who were involved previously with the Comprehensive Plan. Chris Parks said that the committee to do that would likely be made up of a varied group, with some Selectmen, Code Enforcement, etc., and the Committee would likely be formed under the direction of the Selectmen. Brian Demshar noted that, when reading the Comprehensive Plan, he noted how many times there was reference to "employee housing".

Courtney Knapp said that he will be coming with plans soon for the new fire station.

Chris Parks said that the Fall Line development may be making some modifications and their engineer may be coming to the Planning Board in the future.

The next meeting will be planned for January 10th.

Meeting adjourned.

Respectfully submitted,

Lynn M. Schnorr