

Minutes
Pittsfield Planning Board
Regular Meeting
December 8, 2014

The Pittsfield Planning Board met on Monday, December 8, 2014 at 7:00 pm in the Council Chambers of the Pittsfield Municipal Building, 112 Somerset Avenue, Pittsfield, Maine.

Present: Alan Dunphy, Brent Newhouse, Jack Wright, Walter Reuter, Holly Zadra, Royce Sposato and Tom Cote. **Absent:** Jan Laux **Also Present:** Matt Bolster, Anna Bockis, Vaughn Woodruff, Town Manager Kathryn Ruth and Building Inspector Steve Seekins.

1. Chair **Alan Dunphy** opened the meeting by leading the Pledge of Allegiance to the flag. Chair **Alan Dunphy** introduced Matt Bolster and Anna Bockis who are being considered as members of the Planning Board at the next Town Council Meeting.
2. Motion by **Tom Cote** and seconded by **Walter Reuter** to adopt the minutes of the meeting of October 27, 2014.

VOTE: UNANIMOUS AYE
Holly Zadra abstained from voting

3 **Public Hearing: NONE**

4. **New Business:**

Discussion on regulations for a Medical Marijuana Dispensary and a Methadone Clinic

Alan Dunphy led the review of the Proposed Regulation for a Medical Marijuana Dispensary and a Methadone Clinic Draft # 1. It was noted that the above-proposed ordinance can not by law be written so as to prevent Marijuana dispensaries or methadone clinics in town. However the town can limit these to just one, limit their locations, setbacks and place other restrictions for the public health, safety and welfare.

Kathryn Ruth advised that the Town Council has passed moratoriums on both types of facilities and that the town has not received an application for either of the above to date

Setback distances from the lot lines for the list of uses on page 2 was discussed and it was agreed the Planning Board's recommendation was to be 250 feet. **Holly Zadra** suggested getting input from Seabasticook Valley Hospital to learn of the community's need for these facilities.

Next the locations were discussed. **Alan Dunphy** recommended these be located in the Medical Overlay District. Vaughn Woodruff made the observation that a Methadone Clinic and Medical Marijuana Dispensary were different. **Holly Zadra** stated that a Medical Marijuana facility distributes drugs and should have the same rules as a Rite Aid pharmacy. It was pointed out that the rules can not be so strict as to make it impossible for a Medical Marijuana Dispensary or a Methadone Clinic to locate in Pittsfield. It was thought if the town did the State would step in and overrule this. Kathryn Ruth advised that state rules do not allow towns to regulate growing facilities. However if combined with a dispensary the town can then regulate this type of facility. Matt Bolster stated that Marijuana could become legal in the future and if so could be an employment and tax asset to the town.

Alan Dunphy recommended that both dispensaries and clinics should be a conditional use in the zoning districts where they would be allowed. It was the consensus of the board that "Location Criteria" of item 1 should be 250 feet and that Medical Marijuana Dispensary be allowed as a Conditional Use in Zoning Districts Highway Commercial C-2, Industrial District C-3 and the Medical Overlay District of R-2. The

operating hours of item 2 shall be from 9:00 am to 7:00 pm. This was understood to be an informal or temporary decision.

Steve Seekins is to prepare a map for the next meeting to show the effects on locations that a 250-foot setback would create.

It was discussed that in item 8 “On-site Consumption of Medical Marijuana” the blank should be filled in as 250 ft. An informal vote was taken with 5 voting yes, 1 voting no and 1 abstaining.

It was confirmed (all agreed) that a Medical Marijuana Dispensary shall be listed a Conditional Use in the zones it is approved to be in.

Next the Methadone Clinic section of the draft was discussed. It was agreed that a Methadone Clinic must be a conditional use and should be only allowed in the Medical Overlay District. (Item 1) the lot, the entrance and exit drives must be on route 100 and the setback distance must be a 100 feet. It was noted that item 1 in the last sentence “Medical Marijuana Dispensary” should be changed to Methadone Clinic. (Item 2) the hours of operation must be 9:00 am to 5:00 pm (or less but not more). (Item 6) “Fire Safety the first sentence “may be approved” should be change to “shall be approved”. Kathryn Ruth advised once changes are made to the draft ordinance it will be submitted to the town attorney for review.

5. **Old Business:**

- a. Continue the implementation of the Land Use Plan Strategies listed in the Comprehensive Plan adopted August 2013 on page 137
 1. Add provisions regulating wind turbines, cell tower and pipeline/utility corridors.

Review and make recommendations of the draft Chapter 13 Zoning Ordinance Section 4 Wind Energy Facilities dated 11-24-14.

Alan Dunphy led the review of the draft Wind Energy Facility Ordinance dated 11-24-14, which is proposed to be added to Chapter 13 Zoning Ordinance with Definitions proposed to be added to Chapter 13-C Definitions. Where the draft ordinance refers to safety setbacks or set backs these should be changed to Lot Line Setbacks to agree with existing definition.

Section 4 Over speed Controls and Brakes. The wording “ by the manufacturer or a licensed civil engineer” should be changed to read “by the manufacturer or a licensed engineer”.

Section 12 “Warnings” Drop the letter “A “in first sentence so it reads clearly visible -----

Section 20 should be rewritten to read it applies only to type 2 and 3 type wind facilities.

Section 21 “Decommissioning” should be written so that it does not apply to type 1 & 2 wind facilities. It was agreed that Wind Energy Facilities should be added as a Conditional use to the following zoning districts use tables:

Table P
C-4, R-2 & R-4

Table Q
C-2 Highway Commercial District
C-3 Industrial District
CDOC Corridor Development Overlay District

Table R
APD Agricultural Protection District
SOD Scenic Overlay District
AOD Airport Overlay District

Add Communications Structures and Meteorological Towers as a Conditional Use to:

Table P
C-4, R-2, & R-4

Table Q

C-1 Town Center District
C-2 Highway Commercial District
C-3 Industrial District
CDOC Corridor Development Overlay District
MSOD Medical Services Overlay District

Table R
APD Agricultural Protection District
SOD Scenic Overlay District
AOD Airport Overlay District

b. Discuss law to address pipeline/utilities corridors.

Next the proposed revisions to Chapter 13-B Site Plan Review Ordinance were discussed.

Alan Dunphy advised this would apply to projects needing a Site Plan Review and intended to address piping construction. He noted that our present Site Plan Review Ordinance served the town well in everything except damage to roads. The following is intended to address road damage caused by construction and/or construction within the right-of-way of the road such as a pipeline might cause. Section 9.22 "Use of Public Roads" should be changed as noted below:

Applications for projects requiring transportation of over sized or over weight loads or large construction equipment ***or construction within the Right-of-Way*** of public roads ~~may~~ ***shall*** after a decision by the Planning Board, be required to comply with the following:

1. The Applicant shall identify all state and local public roads to be used within The Town of Pittsfield to transport equipment and parts for construction, operation and/or maintenance of the project. And identify all roads where ***construction within the Right-of-Way is proposed.***
2. The Town Engineer, Road Commissioner or a qualified third-party engineer acceptable to both the Town of Pittsfield and the Applicant and paid for by the Applicant, shall document road conditions prior to construction. The Town Engineer, Road Commissioner or third-party engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.
3. The Applicant shall demonstrate, to the satisfaction of the Planning Board, that it has financial resources sufficient to comply with subsection 4, below, and the Planning Board may require the Applicant to post a bond or other security in order to ensure such compliance.
4. Any road damage caused by the Applicant or its contractors shall be promptly repaired at the Applicant's expense.

It was agreed that this addresses and satisfies the requirement of the 2013 Comprehensive Plan to add provisions in town ordinances to address pipeline/utilities corridors.

Next the definition section of the draft was reviewed. No exception were recommended.

The Code Enforcement Officer and the Planning Board members thanked outgoing Planning Board Member and Chair **Alan Dunphy** for his 15 years plus service to the town. He received a round of applause.

6. Other items that come before the Board:

No other items requested to be reviewed by Planning Board Members and/or the public.

7. **Adjournment:**

Motion by **Walter Reuter** and seconded by **Tom Cote** that the meeting be adjourned at 9:42 pm.

VOTE: UNANIMOUS AYE

Respectfully submitted by:
Steve Seekins, Building Inspector
Nicole Nickolan, Town Clerk