

Minutes

Pittsfield Planning Board

Regular Meeting

January 12, 2015

The Pittsfield Planning Board met on Monday, January 12, 2015 at 7:00 pm in the Council Chambers of the Pittsfield Municipal Building, 112 Somerset Avenue, Pittsfield, Maine.

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

1. Vice Chair **Royce Sposato** opened the meeting by leading the Pledge of Allegiance to the flag. Vice Chair **Royce Sposato** specified Associate Member **Matt Bolster** and **Anna Bockis** as voting members do to the absence of **Jack Wright and Walter Reuter**.

2. Motion by **Holly Zadra** and seconded by **Tom Cote** to adopt the minutes of the meeting of December 8, 2014.

VOTE: UNANIMOUS AYE

- 3 **Public Hearing: NONE**

4. **New Business:**

Election of Planning Board Officers, Chair and Vice Chair:

Jan Laux nominated **Royce Sposato** as Chair, seconded by **Tom Cote**. No other nominations were made.

VOTE: UNANIMOUS AYE

Holly Zadra nominated **Jan Laux** as Vice Chair, seconded by **Brent Newhouse**. No other nominations were made.

VOTE: UNANIMOUS AYE

Steve Seekins provided the Board Members the following:

Information on Wind Mills/Wind Farms provided by **Anna Bockis**.

The Planning Board Meeting schedule and application submittal information for 2015.

Town of Pittsfield Planning Board Rules of Procedure.

Board Procedures for Application Reviews and Site Visits.

5. **Old Business:**

- a. Consider scheduling a Public Hearing for the Planning Board Meeting of February 9, 2015.
 - Add regulations to Chapter 13 Zoning Ordinance for a Medical Marijuana Dispensary and a Methadone Clinic to the Zoning Districts listed.
 - Amend Chapter 16 Shoreland Zoning Ordinance Commercial Use Definition.
 - Add definitions to Chapter 13-C Land Use Definitions to support the above.

Chair Royce Sposato lead the review of the Proposed Regulations for Medical Marijuana Dispensary and Methadone Clinic date December 8, 2014 as revised by the Town Attorney. Also reviewed were "Additional Language Changes Proposed by the Town Attorney due to concerns expressed dated 01/12/15". Kathryn Ruth explained the revisions proposed by the Town Attorney. The question was asked if changes to this proposed ordinance could be made when input was received from the public at the Public Hearing. Kathryn Ruth advised that once the language was posted that minor changes could be made such as typing, grammar changes as well as more description or corrections but that

substantial changes involving other subject matter could require starting over or scheduling another Public Hearing to add those amendments. As requested at the Planning Board Meeting of 12-08-14 Steve Seekins presented tax maps showing that there are several lots that could have a Marijuana Dispensary if a 250 foot setback from lot line to line required. Steve recommends that the setback be from the dispensary building to its lot line. A long discussion followed on what the setback should be. It was noted the growing dispensaries emit odors thus the reason for a larger setback. **Anna Bockis** expressed that these facilities should be placed in visible areas to allow monitoring of the activities. **Matt Bolster** noted that his business requires him to drive by the methadone clinic in Waterville often. He advised he has seen undesirable behavior and fights by clientele of that facility.

When the members talked about taking out the specific list of items for a setback, the Town Manager noted that the list of items for the location criteria would likely need to stay in the ordinance. The Town Manager advised that the Town Attorney will re-word any sections that the Planning Board wanted to be as close as to their wishes as possible, however, that the Town Attorney will make revisions that will create a valid ordinance as we have done in the past. The Planning Board members concurred with the necessary legal review.

Motion by **Tom Cote** and seconded by **Jan Laux** that a Medical Marijuana Dispensary shall be located 250 feet from its lot lines or the lot line of any of the following (See page 3 items a) through f) the exception being no Medical Marijuana Dispensary shall be located within 500 feet of an existing public or private school. The following on page 3 shall be eliminated.

~~“The distance cited in this subsection shall be measured between the lot lines of the proposed site for medical marijuana dispensary and the lot line of the site of those listed above.”~~

Item G shall be added to list on page 3 g) any existing business.

VOTE: UNANIMOUS AYE

Next the Methadone Clinic was discussed.

The following on page 7 shall be eliminated.

~~“The distance cited in this subsection shall be measured between the lot lines of the proposed site for a Methadone Clinic and the lot line of the site of those listed above.”~~

Motion by **Tom Cote** seconded by **Brent Newhouse** that any Methadone Clinic shall be 250 feet from its building to its property lines. Definition that define the above shall be added to Chapter 13-C

VOTE: UNANIMOUS AYE

Next Chapter 16 Shoreland Zoning Ordinance was discussed.

Motion by **Jan Laux** and second by **Holly Zadra** that Chapter 16 Shoreland Zoning definition section will be amended as follows:

The tern “commercial use” shall not include medical marijuana dispensaries or methadone clinics, which uses shall not be allowed in any shoreland district. Use Land Use table 1 shall be amended to show that marijuana dispensaries or methadone clinics are not allowed in any shoreland district.

VOTE: UNANIMOUS AYE

The Town Manager advised that the Town Attorney would review the proposed language and make changes accordingly for legality.

Motion by **Tom Cote** and seconded by **Holly Zadra** that the above changes be set to Public Hearing at the February 9, 2015 meeting.

VOTE: UNANIMOUS AYE

- b. Review the Planning Board’s proposed ordinance changes resulting in the implementation of the Land Use Plan Strategies listed in the Comprehensive Plan adopted August 2013 on page 137. The following are the Planning Board’s recommendations for additions or changes to The Town of Pittsfield Ordinances:

- Add Home Based Enterprise uses to Chapter 13 Zoning Ordinance for Zoning District C-4
 - Add Limitations on Mobile Home Parks in Zoning District C-4 to Chapter 13 Zoning Ordinance
 - Change Chapter 16 Shoreland Zoning Ordinance Section 7 “Conflicts with Other Ordinances”
 - Add requirements to Chapter 15 Subdivision Ordinance and Chapter 13-B Site Plan Review Ordinance to show locations of Prime Farm Lands in the use application process.
 - Add Wellhead Protection Zone requirements to Chapter 13 Zoning Ordinance
 - Add regulations on Wind Energy Facilities and towers to Zoning District C-4
- Determine if all Comprehensive Plan Ordinance changes are complete and consider scheduling a Public Hearing at the Planning Board Meeting of February 9, 2015.

The document “A Mighty Wind” on Wind Mills/Wind Farms and their effect on birds provided by **Anna Bockis** were discussed. It was noted that our Site Plan Review Ordinance has requirements that address environmental issues such as these.

Steve Seekins advised the board that he suggests the following the changes be added to Wind Energy Facility and Communication Tower Ordinance:

- Section 4 Item 1 Communication Towers, Meteorological towers item 4: cross out ~~4.5 times~~
- Wind Energy Facilities 1. Safety Setbacks: Change first sentence to read: Wind Turbines shall have a lot line -
- Item 3. Building Permits add: “Building permit are as required by section 5 subsection E of this Chapter 13”
- Communication Towers and Meteorological Tower item 2 Building Permits add: “Building permit are as required by section 5 subsection E of this Chapter 13”.
- Add to end of Appendix A and B: The applicant or facility owner shall pay for all testing costs listed.
- The Code Enforcement Officer may require all testing be done a Maine registered engineer.
- In Communication Towers and Meteorological Towers (1. Safety Setbacks) change to Lot Line Setbacks.
- In Communication Towers and Meteorological Towers add to 2. Building Permits “Building permit are as required by section 5 subsection E of this Chapter 13”
- Appendix A section 5 add “or his agent” Should read The Code Enforcement Officer or his agent may----
- Appendix A section 6 fix type-o trhis to this.
- Pages should be numbered.
- Steve Seekins noted the word rebuttable was used in sections of this ordinance. He suggested that get town attorney’s advice on using the word rebuttable.

Kathryn Ruth asked if “Beginning with Habitat” requirements need to be added to the town ordinance. Steve Seekins advised he thought the board had addressed that but needs to do more research on what the board did. He will have for next meeting. (At time of writing these minutes Steve Seekins found that this was determined as not being needed at the Planning Board Meeting of 10-27-14)

Kathryn Ruth asked if windmill uses are to be added to use charts. That question did not get answered. (At time of writing these minutes Steve Seekins found this listed as a Condition Use for certain districts in the proposed ordinance provided at this meeting).

Kathryn Ruth asked if building permits were required for windmills. Steve Seekins advised windmills are structures therefore would require a permit.

Jan Laux asked if the town had received feedback on proposed limitation on mobile parks in zoning district C-4. Steve Seekins advised the board would mostly likely receive feedback the Public Hearing. He stated present park owners in town would receive notice of the Hearings. A discussion on mobile parks proceeded along with lot size and subdivision requirements.

It was decided that the items of 5-b above will be reviewed at the Planning Meeting of February 9, 2015.

Motion by **Tom Cote** and seconded by **Holly Zadra** that the items of 5-b above be set to a Public Hearing on March 9, 2015.

VOTE: UNANIMOUS AYE

6. Other items that come before the Board:

Review of Tax Acquired Property by Town Manager

Kathryn Ruth advised that 3 parcels of land have been acquired.

These are:

An 8.7-acre vacant lot land bound off the Phillips Corner Road

A .23-acre lot with buildings on West Street

A .32-acre lot with buildings on Library Street

She advised that it is the town's goal to work out payment arrangements in these cases however the Town was unable to do so on these lots. With the exception of the lot on Library Street these lots would be going out to bid as the owners have indicated that they will not make arrangements. The Library Street lot has an IRS lien preventing sale at this time as it has an additional curing period.

7. Adjournment:

Motion by **Jan Laux** and seconded by **Holly Zadra** that the meeting be adjourned at 8:50 pm.

VOTE: UNANIMOUS AYE

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