

CITY OF LEWISTON
PLANNING BOARD WORKSHOP
MINUTES for October 18, 2010

- I. **ROLL CALL:** The workshop was held in the City Council Chambers on the First Floor of City Hall and was called to order at 5:30 p.m. Chairperson, Lucy Bisson, chaired the meeting.

Members in Attendance: Lucy Bisson, Denis Fortier, Paul Robinson, and Trinh Burpee

Members Absent: Bruce Damon, Eric Potvin, Kevin Morissette,

Associate Member Present: None

Associate Member Absent: Michael Marcotte and Sandra Marquis

Staff Present: David Hediger, City Planner, Gil Arsenault, Director of Planning & Code and Cathy Lekberg, Administrative Assistant, Economic & Community Development

- II. **ADJUSTMENT TO THE AGENDA:** None

- III. **CORRESPONDENCE:** Medical Marijuana Ordinance Draft Document for review in Item 4A.

VI. **WORKSHOP ITEMS:**

- a. Discuss a proposed amendment regarding the regulation of marijuana dispensaries.

Gil stated that the Medical Marijuana Ordinance document provided tonight is the business licensing section of the code and there is no requirement in the ordinance for the Planning Board to make a recommendation on business ordinances, but he stated in order to act on the Zoning and Land Use Code it would be helpful to the Board to read this section. Gil stated he would also send them a copy of applicable state law and state rules for medical marijuana. He stated hopes to have the City Attorney look at this.

Paul stated that even though Lewiston and Androscoggin County were not awarded a dispensary, that doesn't mean in the future it may not be awarded. He viewed this as being prepared if we do get a dispensary.

Gil stated that there was a dispensary awarded in Franklin County but that facility could be relocated. Paul said there will be a settling out period at some point and there will be changes to the regulations. Gil stated his recommendation would be to have one dispensary location that grows and distributes the marijuana. State law does not limit the number of primary caregivers, who may provide medical marijuana for up to five patients. He stated he is advocating that if you are a primary caregiver and going to

cultivate for more than two patients, the City should license them locally. He stated a patient can grow their own marijuana for themselves as a matter of right. Right now, primary caregivers can do this anywhere in the City. However, he is recommending that multi-family dwellings should not be allowed to have primary caregivers.

Gil recommended that the dispensaries be permitted in the following districts: UE, I, OS and HB. He stated he is also advocating in all those zoning districts, we treat it as a conditional use. State law says you cannot be less than 500 feet from any school. He stated we should use this law but not necessarily to include daycares. He stated that depending on the outcome of this conversation tonight, he will have a proposed ordinance for the Board next Monday that speaks to the Zoning and Land Use Code.

Gil stated that patients can use up to 2 ½ ounces in a 15 day period and that this is a lot of marijuana. Gil stated that the dispensary would be like a factory with a storefront. It needs space for growing, probably in a warehouse where they could grow year round. Lucy stated that you would need that space because of all the lights and watering of plants, etc.

Gil stated that primary caregivers would need to be regulated because of the concern about security, fire and odor of the marijuana. Lucy stated that these caregivers can be anywhere in the City but cannot be in multi-family dwellings.

Denis stated that some states already have it so that patients can go to the dispensary like going to a pharmacy.

Lucy asked what the Board needs to do now, and Gil stated we are looking for your thoughts with respect to the four zoning districts, the limitation of one dispensary and treating all dispensaries as conditional uses and their thoughts with respect to primary caregivers.

Trinh stated her concern is the location. She is also concerned with crime and she does not care how many plants they grow, but they have to have security. Lucy stated they have to have their own security and not rely on the police.

Paul stated he is surprised that the law enforcement statewide has not weighed in more strongly and surprised about their attitude. Gil stated that their attitude is that the voters have spoken and the legislation has been on the books a long time.

Paul agreed with Gil that the voters have spoken and it will go forward. Lucy stated we need to respond to the will of the voters and this should happen. She stated we need to be ahead of this and be prepared if for some reason, it falls through in Wilton and we get a dispensary here.

Trinh stated she would like to address Paul's concern about why the law enforcement isn't going after the marijuana situation. It is because they have bigger fish in the water to deal with. It is not their top priority. Gil stated they are more concerned about the drug dealers.

Lucy asked if Gil will be sending the Board additional information and Gil stated he will send them the laws and rules for the Board to review.

David stated the following items will be addressed at the following meetings.

Monday, October 25, 2010 - Review of the marijuana issue and public hearing for the lodging and boarding house discussion and extension of development review.

November 8, 2010 – Public hearing for the Marijuana item.

- b. Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board.

David stated that the legal ad was published regarding the boarding houses and lodging houses. Hope Haven and a few other establishments will become non-conforming uses if this recommendation is approved. He stated he contacted these people. He stated that Hope Haven was a little bit concerned. Pastor McLaughlin was great in that he recognizes that there is a bigger and brighter image of the riverfront area but he feels that he is an established use that serves the community well and the Board agreed. David stated Pastor McLaughlin will be contacting his attorney about this. David stated that depending on the outcome of that, Gil and I are suggesting that the Board consider a conditional rezoning. This would be an out for him to give Hope Haven the ability to improve or expand Lucy stated that would be a good compromise. Gil stated that if a conditional rezoning makes sense to the Board the Planning Board could initiate this to save Pastor McLaughlin the fees involved where they are a non-profit and do not have a lot of money. The Board agreed that they could initiate the conditional rezoning.

David stated the only other controversy the Board may experience next Monday is the way the ordinance is written so that lodging houses will not be permitted in the Centreville District.

David stated that he received the application for the Larrabee Road Substation and would like to get an approval at the end of November or December.

- V. **ADJOURNMENT:** The following motion was made to adjourn.
MOTION: by **Denis Fortier** that this meeting adjourns at 6:25 p.m. Second
by **Paul Robinson**.
VOTED: **4-0 (Passed)**.

The next regularly scheduled meeting is for Monday, October 25, 2010, at
5:30 p.m.

Respectfully Submitted:

Denis E. Fortier, Secretary