

Minutes  
Town of Waldoboro  
Planning Board Meeting  
January 26, 2011

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Roll Call

The meeting, postponed from January 12, was called to order by chairman Chuck Campbell at 7:05 p.m in the meeting room at the Municipal Building. Other members present were Carlo Bianchi, Barbara Boardman, Chuck Flint, Ed Karkow, Jody Perry, and Abden Simmons. Code Enforcement Officer Misty Gorski was present. The audience included reporters Sam Baldwin and Andrew Benore, Arthur Emanuelson, Deborah Kent, and Will Perry.

1. Minutes of December 8, 2010

On motion of Karkow/Perry, the Board voted 6 – 0 – 1, Simmons abstaining, to approve the minutes of December 8, 2010, as distributed. Members present signed the file copy of the minutes at the end of the meeting.

2. Citizen Comments on Items not on the Agenda - none
3. Ordinance Review Discussion

At a special Town meeting held January 11, 2011, Waldoboro voters approved a 180-day moratorium on methadone clinics and medical marijuana dispensaries. The Town has 180 days from January 11 in which to review and possibly amend its land use ordinance to regulate these businesses. If more time is needed, the moratorium can be extended for another 180 days.

A. Methadone Clinics

Municipalities cannot prohibit methadone clinics altogether, but can specify in which land use districts they are allowed, and place other requirements. Examples of ordinance language were provided from Brewer, Saco, and Scarborough. Rockland's ordinance defines what a methadone clinic is, but not much more.

Karkow said he thinks the Planning Board can draft brief, simple, clear ordinance language that is not excessively restrictive. He thinks requiring a 1500-foot separation between a methadone clinic and the nearest boundary of the adjacent property is excessive. The clinic location should be visible, probably located on Route One, with adequate parking. Planning Board members agreed that traffic impact and parking should be the two main issues in the location of a methadone clinic. Bianchi suggested that the applicant for a methadone clinic be required to provide a traffic impact analysis.

Simmons suggested considering language comparable to that adopted for adult business establishments/adult entertainment (Article 5 B., p. 5-1 of the Land Use Ordinance amended June 2010). This requires such businesses to be located in the Route One Commercial A or B land use district, and at least 1,000 feet from the main entrance of any school, school dormitory, church, synagogue, or residence.

Code Enforcement Officer Gorski suggested that a large number of people may be expected to visit a methadone clinic daily, so the clinic should not be located in an already-congested area. Land use district Route One Commercial A covers the sections of Route One east and west of Route One Commercial B, the in-town portion of Route One.

There was considerable discussion of how much parking should be required. The minimum number of required parking spaces for a fast-food restaurant is 14 spaces per 1000 square feet, which seems to be the maximum required for any business under the current Ordinance (p. 4-9). A medical or dental office requires four parking spaces per 1,000 square feet. Medical and dental appointments last longer than dispensing methadone, which might take only five minutes or so per client.

Campbell suggested checking with existing methadone clinics to find out how many clients they see per day or per hour, how much parking they have, and whether they consider their parking to be adequate. The size of the waiting room also needs to be investigated: how many seats are required, what is the maximum number of clients requiring seating at any one time. Boardman volunteered to contact a clinic in Portland to get information.

Campbell summarized the discussion. The Board thinks a methadone clinic should be located on Route One in land use district Route One Commercial A, with adequate parking and a suitably-sized waiting room for the number of dispensing rooms, so that clients do not have to wait outside in the parking lot. Karkow suggested not specifying the size of the waiting room in this case, but using a general term such as "suitable" or "adequate". Campbell asked who is going to determine whether the waiting room is adequate in size. Boardman suggested giving a maximum client capacity, as is done for a restaurant, based on size or seating capacity.

Karkow said a methadone clinic is a money-making venture. He suggested talking with CRC Health Group, the firm that wanted to establish a clinic in Warren, to get more information about how a for-profit clinic operates. CRC is a national firm or franchise. Flint suggested that if the clinic can handle 20 clients per hour, they should make no more appointments than can be handled in an hour. This will set the proper size of the waiting room. A Board member commented that the Rockland clinic, now closed, found that having appointments was not feasible. We should try to find out why that did not work.

Simmons said a methadone clinic needs at least 500 clients to make a profit. If a methadone clinic is opened in Warren or Rockland, there would not be immediate demand for another clinic in Waldoboro. Gorski said the Town should establish guidelines and standards for the future, when a

growing population or a growing drug problem may require more clinics. She thinks that a client is assigned to one particular clinic, and cannot obtain methadone from other clinics (to prevent possible abuse or resale).

Karkow asked whether we can find out how many people in Maine are currently eligible for methadone treatment. The State regulates this, and must keep track of how many clients there are. Confidentiality could be maintained by not asking for names, but we might be able to find out how many clients come from towns in our area.

Boardman asked whether Waldoboro could issue one permit for up to a certain maximum number of clients, and require a new permit if the facility has an increased number of clients, requiring a larger parking lot. The question is, how would we find out if the facility has more client than its permit maximum? Can the local permit be revoked, and if so, on what grounds?

Campbell summarized that Boardman has volunteered to contact a clinic in Portland, Gorski will contact existing facilities and ask about their experience, and Karkow will draft ordinance language for review and discussion at the next meeting.

Chairman Campbell then invited questions or comments from members of the audience. Arthur Emanuelson expressed concern about having either a methadone clinic or a marijuana dispensary in Waldoboro. He questioned whether the Town would need a larger police force to keep the peace and enforce regulations. He feared an increase in crime, robberies, assaults, people armed with weapons trying to get controlled substances. If the town legally must provide such facilities, he recommended locations away from churches and schools. The best solution would be to tie the facility in with a hospital, he said.

Simmons suggested having a doctors' office serve as a dispensary. Doctors could lose their licenses if they violated the law. Karkow thought this suggestion would work for medical marijuana, but not for a methadone clinic.

## B. Medical Marijuana Dispensaries

According to Richard Flewelling of Maine Municipal Association in his Legal Notes column in the April 2010 *Maine Townsman*, Maine voters passed a referendum in November 2009 to permit medical use of marijuana. "The revised law... requires patients to register with the Department of Health and Human Services (DHHS) and be issued an ID card. It also restricts the number of marijuana dispensaries to eight - or one in each of the State's eight public health districts - during the first year [of operation]. Dispensaries, which are limited to nonprofit entities, must pay an annual \$15,000 license fee to DHHS, and are subject to unannounced inspections at any time."

Karkow said that no medical marijuana dispensaries are yet in operation in Maine. Thomaston plans to have a facility that will be a dispensary only, and not grow marijuana. Waldoboro is in the same public health district as Thomaston. It may be permissible to have more than one dispensary in a public health district, if there is a demonstrated need after the first year of operation. Currently, only one dispensary is permitted per health district.

Waldoboro can decide whether it wants to allow one or both operations: dispensing marijuana and growing it for medical use. Security is a serious consideration for both. Drug paraphernalia cannot be displayed in a window or be visible from outside the facility. It was suggested that a dispensary

ought to be located close to the Police Station, for prompt response in the event of a break-in. The building should be well-lit, for security.

California has dispensaries for medical marijuana. The facility can be small and not identified by exterior signs or advertising. People who have prescriptions for medical marijuana will be told where it can be obtained.

Deborah Kent, in the audience, said she thinks a medical marijuana dispensary ought to be located next to the Police Station. She asked whether a client driving to (or from) the dispensary might be under the influence of marijuana, and an unsafe driver. Gorski said the Ordinance probably cannot specify exactly where the dispensary must be located, but it could require that the dispensary be in the same land use district as the Police Station. Gorski suggested that if there were a lot of turning traffic, a new traffic light or lights might be required.

Arthur Emanuelson asked whether definitions of “methadone clinic” and “medical marijuana dispensary” would be placed in the Ordinance if new language is approved. He was told Yes.

Karkow asked whether medical marijuana could be dispensed at Waltz Pharmacy. They deal with drugs now, and have a security system. Campbell said that he thinks medical marijuana is not listed as a pharmaceutical drug, like the prescription drugs pharmacies oversee. Bianchi said doctors can write prescriptions for it.

The group discussed whether a medical marijuana dispensary would need to be located on Route One. Route One has the infrastructure to handle large volumes of traffic. Campbell said that neither a methadone clinic nor a medical marijuana dispensary would cater to casual drive-by traffic. Each would be a destination. Neither would have a large sign. Simmons suggested locating the dispensary off Route One on a nearby side road. Karkow said the location should be accessible, but not necessarily easy to get to. Gorski said the challenge is to figure how such a facility would fit in the existing land use districts. Deborah Kent asked whether abutters would be notified of the proposed new use. She was told Yes.

Boardman asked whether the Planning Board can agree that neither a methadone clinic nor a medical marijuana dispensary would be allowed in the Historic Village District. Bianchi said these uses should definitely not be allowed in the Historic Village District, which is supposed to be the showplace of the town, and where parking is very limited. Bianchi noted that there are more blanks in the Land Use Matrix (p. 3-6 through 3-8) for the Historic Village District than for any other district, indicating that allowed uses are very restrictive.

#### Summary:

Campbell asked what is needed for the next meeting. Karkow agreed to draft some language for review and discussion. The Planning Board will consider issues of in what land use districts these facilities are appropriate. If a marijuana growing facility is to be located in Waldoboro, it might be inside a building, with appropriate screening and lighting. Bianchi suggested consulting the Police Chief, County Sheriff, and Town attorney between now and the next Planning Board meeting, to get their input. Gorski said the Board’s responsibility is to consider the welfare of the community, without bias.

Arthur Emanuelson suggested getting input from Waldoboro residents. Ask people where they would want such a facility to be located, and why. People should know what’s going on. Gorski

said there is opportunity for public comment at the public hearing on the proposed new ordinance language. Gorski said the reporters for the local newspapers are doing a good job of publicity, letting people know about the issues. Emanuelson suggested posters at the drug store and Hannaford's and running a public notice that the Town is looking for people interested in serving on a citizen committee.

4. Other Business

A. Gateway 1

Gorski said the community needs to decide whether Waldoboro wants to be part of the Gateway 1 Coalition. Jen Merritt is Waldoboro's representative on the Gateway 1 committee. Gorski and Merritt will meet soon to discuss Gateway 1 proposals and how compatible it is with Waldoboro's Comprehensive Plan and current ordinances. Gorski asked Planning Board chairman Campbell to participate in this meeting and bring information back to the Planning Board. He agreed.

B. Future Workshops

Selectman Bob Butler has suggested that language about large-scale commercial wind generation projects be added to the Land Use Ordinance. Gorski asked the Planning Board to consider whether to add something, or have the ordinance be silent.

5. Next Regular Planning Board Meeting: Wednesday, February 9, 7:00 p.m.

Adjournment: The meeting was adjourned at 8:20 p.m.

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Charles Campbell, Chairman

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Carlo P. Bianchi

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Barbara Boardman

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Charles Flint

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Edward Karkow

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Jonathan Perry

Submitted by:

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Susan S. R. Alexander

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Abden Simmons