

Minutes
Town of Waldoboro
Planning Board Meeting
February 23, 2011

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Roll Call

The meeting was called to order by chairman Chuck Campbell at 7:00 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 reporter Andy Benore, Deb Kent, Carole MacDonald and Jeanette Wheeler.

1. Minutes of January 26, 2011

On motion of Karkow/Bianchi the Board voted unanimously to approve the minutes of January 26 as distributed.

2. Citizen Comments on Items not on the Agenda - none
3. Tingue Estate Survey Plan: Refer back to Selectmen

The Board of Selectmen have entered into a consent agreement with Anne P. Karkow, Personal Representative of the estate of Carrie Tingue, to adjust the boundaries of four lots (Houser, Tingue, Rood and Bischoff, respectively tax map R1/19, 1/21, 1/23 and 1/24) at the south end of Gross Neck to make the lots less non-conforming and to create a conforming non-waterfront lot (part of the original Tingue lot) to be purchased by Bischoff. The present and proposed lot layouts are shown on sketch plans. The proposed lot layout is neither a subdivision plan nor a site plan, and has not previously been reviewed by the Planning Board. After discussion, on motion of Bianchi/Simmons, Planning Board members voted 6 – 1, Karkow opposed, to refer the approval of property line changes back to the Selectmen, because it was the Select Board that entered into the consent agreement.

Flint suggested that if the Selectmen are unwilling to sign off on the proposed property line changes, the two Boards should meet to discuss the matter and decide which Board should sign.

4. Ordinance Review: Methadone Clinics and Medical Marijuana Dispensaries

A. Methadone Clinics

The Planning Board discussed suggested new ordinance language drafted by Karkow and Gorski, distributed for review in advance of tonight's meeting. Specific performance standards for methadone clinics would go in Article 5 Section R' or CC of the Land Use Ordinance. Alphabetical order is preferred, but we do not want to have to re-letter all subsequent sections of Article 5 to avoid cross-reference problems.

The group agreed to one wording change in the definitions: "Methadone is a potent synthetic drug that is less addictive than morphine or heroin and is used as a substitute for those drugs in addiction treatment programs. A Methadone Clinic is a licensed facility for the counseling and treatment with methadone of persons with opiate addictions on an outpatient basis."

New material on parking for methadone clinics needs to be added to Article 4 General Performance Standards Section J Parking and Loading. This section includes a table giving minimum required parking spaces for specified land uses. The Planning Board did not discuss what standard to use in determining how many parking spaces a methadone clinic should have.

The last sentence of the draft text of subsection c under 2. Requirements was changed to read, "The size of the inside waiting area shall be calculated at a minimum of 15 square feet per person based on peak business activity."

Planning Board members agreed with restricting the location of methadone clinics to Route 1 Commercial A land use district. There was discussion whether to specify "methadone" or use a more general term such as "addiction treatment facility". Gorski suggested the terminology can be adjusted later. Bianchi suggested requiring clinics to be a certain minimum distance from schools and churches. Karkow thought this unnecessary, saying that we are presumably dealing with people with an addiction problem, not perverts. Boardman talked with a person from Discovery House in Portland, who said the people who come in daily for doses are so grateful, they do not cause any trouble in parking lots or elsewhere.

Boardman's source told her that Discovery House in Portland has had 4,575 clients over the five years it has been open. She will find out how many clients they have now, and how many they see per day. Karkow said theoretically clients come by appointment. Bianchi has read that in Rockland they found that an appointment system did not work. Discovery House sees most or all of its clients by appointment. We don't know whether an "appointment" means being there within some two-hour period, or a specific 15-minute period.

Carole MacDonald in the audience asked whether someone from the Planning Board, or Gorski, could visit a methadone clinic to see how it works. Gorski said the closest one is in Waterville. Jeanette Wheeler said methadone is used not only for treatment of drug addiction, but also for pain management. She said a person may have impaired faculties and not be able to drive a car safely for a period after taking methadone.

Chairman Campbell reviewed the four items under Requirements. In b) we need to amplify the language about parking standards, inside the parentheses. Item c) still needs work. Item d) requires evidence of on-site security. The applicant should describe what on-site security systems are

proposed. These might include a security alarm, cameras, special lighting, and a burglar-proof safe for storage of drugs. These would be the same requirements as for a medical marijuana dispensary. Companies that insure pharmacies probably have a list of security requirements. Flint noted that we probably ought to add ordinance language about required security for pharmacies.

Bianchi asked if a traffic impact analysis should be required. This was not discussed.

Gorski asked about screening of parking areas. Campbell thinks the current ordinance addresses screening adequately. He will check. Gorski will make language changes and additions based on tonight's discussion. Revised draft language will be distributed in advance for review and discussion at the next meeting.

B. Medical Marijuana Dispensaries

No draft language on medical marijuana dispensaries was given out in advance of tonight's meeting. Proposed ordinance language from the town of Wells was given out at the meeting, but not discussed.

A "dispensary" is a central place that serves a number of people. A "caregiver" is a person certified by the State who can serve up to five people. The certification costs \$300. The Planning Board agreed that the dispensary should be located in Route One Commercial A District. A caregiver could work as a home occupation in any district. The State is asking municipalities to add ordinance language only about medical marijuana dispensaries, not caregivers.

Gorski read a definition for "site of cultivation". Cultivation is not limited to a set number of plants. A person growing medical marijuana for personal use is limited to three to five plants. Growers growing to supply a dispensary have to register with the State. Gorski said the Planning Board needs to address caregiver cultivation and growing medical marijuana for a dispensary. Karkow asked whether the local ordinance can just ignore how the dispensary acquires the product; that is the State's problem and responsibility. Gorski does not know whether the medical marijuana has to be grown indoors, or whether it can be grown outdoors. The State may be leaving that up to individual towns. Karkow said caregivers would have to grow indoors to assure a year-round supply for their patients. Presumably growers supplying dispensaries would also have to grow indoors, for the same reason, due to Maine's climate. Karkow suggested that Waldoboro may be able to make its own rules. We could say all medical marijuana has to be grown on-site or else come from out of town. Campbell said that someone needs to do research on State requirements. Boardman suggested that all growing sites be located reasonably close to the Police Station, so that police cruisers can respond promptly.

The State plans to have eight dispensaries, at the start. Gorski thinks a dispensary has to state where its supply will come from. She offered to do research about cultivation for dispensaries, and will look more into caregivers. Karkow thought the Planning Board could ignore caregivers, for now. Campbell recommended that the Planning Board focus on growers and dispensaries.

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

Adjournment: The meeting was adjourned at 8:10 p.m.

Charles Campbell, Chairman

Carlo P. Bianchi

Barbara Boardman

Charles Flint

Edward Karkow

Jonathan Perry

Submitted by:

Susan S. R. Alexander

Abden Simmons

WALDOBORO PLANNING BOARD