

Arundel Planning Board Minutes
March 16, 2021 7:00 pm
Zoom Meeting

Board Attendees: Rich Ganong, Chair; Susan Roth, Vice Chair; Tom McGinn, Secretary; Jens Bergen, Marty Cain, and Roger Morin.

Public Attendees: Naoto Inoue and Susan Sinnott

Call to Order: Chair Ganong calls meeting to order at 7:00 PM.

I. APPROVAL OF AGENDA:

Motion: Mr. McGinn motions to approve the agenda. Mr. Morin seconds.

Vote: Unanimous in favor.

II. APPROVAL OF MINUTES

Motion: Ms. Roth motions to approve the minutes of February 16, 2021 as written. Mr. McGinn seconds.

Vote: *Aye in favor:* Ganong, Roth, Bergen, McGinn and Morin. *Abstain:* Cain

Motion: Mr. McGinn motions to approve the minutes of March 2, 2021 as written. Mr. Cain seconds.

Vote: *Aye in favor:* Ganong, McGinn, Bergen, and Cain. *Abstain:* Morin and Roth

III. PUBLIC COMMENT

No one from the public spoke.

IV. LAND USE ORDINANCE AMENDMENT

Item 1: Citizen Request to delete the 1,000-foot setback requirement of a Medical Marijuana Caregiver facility from a church and day care facility. The applicant is Naoto Inoue of the Solar Center, 25 Limerick Road Tax Map 35 Lot 13 in the DB1 and DB2 districts.

Mr. Inoue restated his proposal that the 1000-foot setback of a medical marijuana provider from a church or a child care center was excessive requirement given the benign nature of the activity. Mr. Inoue also admitted that while other Maine communities do impose a setback from day cares and churches, the distance ranges between 250 and 500 feet, rather than the 1000 feet imposed by Arundel. The applicant acknowledged that the 1000-foot setback from a school paralleled Federal Drug Free zones and therefore was legitimate.

The Chair expressed concern about the Class1 status of marijuana by the Federal government and that no alterations to the Ordinance should be made until Federal classification changes.

Ms. Roth expressed more concerns about operational factors than setbacks.

Mr. McGinn found the disparity between the treatment of medical and recreational marijuana in Maine to be both ironic and disturbing. Mr. Bergen stated that teenagers rather than day care children and churchgoers are the most vulnerable populations and therefore the setbacks could be reduced with little impact.

Mr. Morin reminded the Board about the overwhelming rejection of permitting marijuana grow or sales operations by voters in the 2017 Marijuana Survey conducted by the Planning Board. Mr. Inoue responded that the 2017 survey addressed recreational rather than medical marijuana operations.

Susan Sinnott notified the Board that the Child Development Center abutting the applicant's property contains not only a day care, but therapeutic facilities and programs for children and essentially is a school operated by the Maine Department of Education.

The Planner reported that the Maine Office of Marijuana Policy (OMP) released new rules this day specifically for medical marijuana caregiver operations. He had not completed reading all of the documents, and therefore could not confirm that the State addressed minimum setback requirements.

Motion: Ms. Roth motions to table the proposed zoning change until the Planning Board reviews the State's new rulemaking. Mr. Bergen seconds.

Vote: Unanimous in favor.

Mr. McGinn requested that the Planner send the rulemaking link to Mr. Inoue and the rest of the Board.

Item 2: Discussion with Action: Proposed Amendments to LUO 9.3.12 *Cluster Housing/Planned Unit Developments*

The Planner resumed reviewing the proposed amendments to LUO 9.3.12 introduced at the March 2, 2021 meeting. The Board arrived at the following conclusions:

Section 9.3.12.2.e: Dimensional Exceptions:

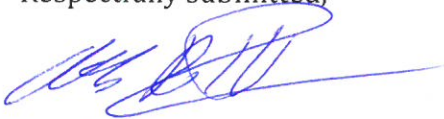
- The common open space shall be qualified as "having reasonable utility to the residents of the proposed development".
- The rural zones referenced in the current ordinance language shall be replaced by the specific zones "R3 and RC districts".
- The nebulous 50% open space requirement in the current ordinance language shall be specified as "net residential acreage"
- A qualifier shall be attached to the 50% open space requirement to enable the Board to reduce the amount of open space preserved based on desirable design provisions. The proposed draft text is as follows:
- "...50% of net residential acreage, but may be reduced at the discretion of the Planning Board to no less than 25% contingent upon the conformance of the project design to the inherent quality of the existing land and landscape, neighborhood character, scale and context, provision of project amenities that provide reasonable utility to the project residents,; contiguousness and connections to open spaces and trail systems within and/or adjacent to the project; preservation of unique environmental, cultural, or scenic features";
- Building setbacks should be designed to provide for privacy, access to air and sunlight, and environmental health
- The Planner suggested the Board specify approval criteria for open space reduction and for meeting compliance standards in the Subdivision regulations and cluster developments as cited in the revised 9.3.12.

V. OTHER BUSINESS

The Planner reminded the Board that there will be a joint workshop with the Selectmen on March 29th for the purpose of discussing proposed amendments to the Residential Growth Ordinance and the other LUO changes being proposed for Town Meeting.

ADJOURN **Motion:** Ms. Roth motions to adjourn the meeting at 8:50 pm. Mr. McGinn seconds.
Vote: Unanimous in favor

Respectfully submitted,



Tad Redway
Secretary Pro Temp to the Planning Board

