

**DRESDEN PLANNING BOARD
P.O. BOX 30
DRESDEN, MAINE 04342**

MEETING MINUTES FOR SEPTEMBER 06, 2016

Present – Jeff Pierce, Peter Lincoln, Dan Hanley, Linda Biden, Hope Douglas, Stacy Barnes and Ken Stewart, jr.

Others present – Brian Thomas Fifield (applicant), Maia Zewert (L.C. News) and Shari Lilly (recording secretary).

NOTE: *Others in attendance are listed on a separate sheet.*

Meeting opened at 6:30 p.m. by Chairman, Jeff Pierce. The Pledge of Allegiance was recited.

ITEM #1 – REVIEW MINUTES OF AUGUST 16, 2016 – Peter made reference to Pg. 2 where the word 'we' had been transposed. Dan motioned to accept with changes. Linda seconded. Motion carried by show of hands.

ITEM #2 – PUBLIC HEARING / APPLICATION REVIEW – Brian Thomas Fifield – Dodge Road – Map 03, Lot 54 – RLD – Agricultural Product Production - Jeff began by saying that Mr. Fifield has applied for a Conditional Use Permit to build a greenhouse to grow medical marijuana. He explained that we have never dealt with this type of project, but we do have an ordinance that provides for the Agricultural Product Processing. This can be found on Pg. 24 of our Land Use Ordinances. He added that Medical Marijuana is a legal agricultural product licensed by the State of Maine. Mr. Fifield explained that the product he grows does not contain THC which is the primary ingredient in the type of marijuana that people get their 'high' from.

Jeff read information from the application; explaining the product is for use by people who are licensed for its use by the state if they are in severe pain, severe illness or are terminally ill.

Jeff noted that Mr. Fifield's property abuts to the Town of Alna who had been notified about the project, but in contacting Jeff, they have no concerns about it so they will not be present at this meeting.

Mr. Fifield has all of his State permits included in his packet and has paid his fees. He has a septic system in the works. He doesn't have power yet (uses generators), but he may go solar. He has a chain-linked fence surrounding the product; a locked gate to the property and a couple of dogs. There will **NOT** be any public access.

Jeff then read from the Submissions Form, explaining all the issues. He explained to the public that the forms used for projects are generic for all types of projects in Dresden whether it be a gravel pit, greenhouse or subdivisions, so some of the parts of the forms will not apply to everything.

Items 1 – 3 are shown on the plan.

Item #4 – Waived – none on-site nor proposed.

Item #5 – Waived – surrounded by trees – only one access road.

Item #6 – Waste – a hazardous waste container is on site. There will be no hazardous chemicals or fertilizers – All organic. Does have pigs for fertilizer and food.

Item #7 – Traffic – waived – Only trucks such as UPS or work will be allowed.

Mr. Fifield will deliver his product.

Item #8 – Signs – waived – Non proposed or planned.

Item #9 – Waived – non proposed.

Item #10 – Waived – non proposed.

Item #11 – Waived – non proposed

Item #12 – N/A

Item #13 – Waived – Mr. Fifield will pay for the build – No development.

Item #14 – Complete

Questions from the Board -

Peter – With the number of interested people here and knowing that no one will be able to go there for the product is good, but perhaps Mr. Fifield could give more detail about his business in order to help answer questions.

Mr. Fifield explained that he is a private person who just wants to help sick and terminally ill patients. He will be growing the medical marijuana inside an area surrounded by an 8' chain-linked fence. He will have security cameras around the property so he will always know who has come to his property. He has all of the required State of Maine licenses.

Jeff opened the public hearing at 7:52 p.m. explaining that he would be asking for people who wanted to speak in favor of the project, anyone against the project or anyone who was for/against the project.

Sue Southard – does he have an area cleared for his product – Yes. The lot was cleared off about 6 years ago. Does he have water available – Yes, he has a dug well and also plans to use gutter rainwater. Is it fenced – Yes with an 8 ft. Privacy fence so, hopefully, no one can get over it. Plus the area is wooded all around. He plans to have solar power so he will not affect the environment. Sue then asked if he would have enough sunlight for his greenhouse. Mr. Fifield said he would have plenty in the area.

Mary Haven – is for medical marijuana, but with no law enforcement in town, how can he be sure of the security. Mr. Fifield said that with security cameras around the property, he would be able to see if anyone comes near the property, plus there will be someone on the premises 24/7. He has no weapons, doesn't plan to have any, but does feel the cameras will help with the security.

Cindy Moeller (Resident & Registered Nurse) - Are you a physician or are these patients just friends? Mr. Fifield said that some were friends, but others have been referred to him. Mrs. Moeller then asked why he wanted a greenhouse instead of just growing it at the patient's homes? Mr. Fifield said that many people are unable to grow it or don't have the ability or the knowledge of how to grow it. Mrs. Moeller said she is concerned for the children in that area. She then asked if the fire or emergency vehicles can get through the road and will he maintain it? Jeff said it behooves Mr. Fifield to do so.

Jeff asked him how he gets his referrals. Mr. Fifield said it varies. He is allowed to have five (5) patients at a time. These usually come to him with a required State card allowing them to have the medical marijuana.

When asked how he takes out the THC, Mr. Fifield explained that a lot of strains do not have the THC in it. People who want to use it for recreational want the kind with THC.

Jeff asked him how he processes it? Mr. Fifield said it depends on what each patient's needs/wants are. It could be topical or capsule. The medicinal way is NOT to smoke it.

Ed Cousins asked about the proposed size of the greenhouse. Why so large if you only plan to have thirty (30) plants? A 5000 sq. ft. greenhouse seems quite big for so few plants. Mr. Fifield said the plants need to have plenty of space to grow healthy. Plus, the greenhouse will be sectioned off for other types of plants. Mr. Cousins asked if this permit would restrict what he grows, but Mr. Fifield said the State (DHHS) regulates what he can grow. Jeff agreed that the Board doesn't have the authority to restrict what he grows. Mr. Fifield said he will have a variety of strains.

Mrs. Cousins asked if passage of an article on the November ballot to legalize recreational marijuana would change the status of the CUP to allow him to have it. Jeff said no, he would still only be able to grow medical marijuana, otherwise he would have to come back to the PB. It will be one of the conditions on his permit that he is only permitted to grow the medical strain – cannot do recreational.

Josh Atkinson – how would this be regulated if there are any changes in the number of his patients, etc? Jeff said there would have to be a law change as he is only allowed up to five (5) patients. DHHS is supposed to notify us of any changes. He also said that if the neighbors notice a larger traffic flow, they should notify the town office and the CEO who will check it out.

Jared Skillin – was curious why Mr. Fifield hadn't gone to the neighbors to introduce himself as a neighbor and what his plans were. Mr. Fifield apologized explaining that he felt the neighbors didn't want to be bothered and, as he is a private person, thought they would rather have their privacy too.

Erica Atkinson – Have you done this type of business before and why did you decide to come to Dresden? Mr. Fifield said he has done this before for another business. He came to Dresden because he does have friends here and he really likes the area.

Arlene Cousins – How do we know what goes on? Mr. Fifield said that, not on a regular basis, but DHHS comes in anytime they want to check things over. Mrs. Cousins then asked if the PB has checked to see how DHHS checks on this type of business. Jeff said they go whenever they feel like it, do spot inspections and, if any issues are found, they contact the town who in turn can pull the permit which would close him down.

Ken said some towns don't even require you to get a permit. Mr. Cousins said that is on private property, not a large greenhouse. Ken then said this town goes above and beyond to do this for the protection of both the applicant and the neighbors; something that most towns wouldn't even require.

Jeff explained that Mr. Fifield is here because he wants to build a greenhouse for his 'Agricultural Product Processing'. There is nothing in our ordinances that directly refers to 'Medical Marijuana'.

Mrs. Cousins asked if the 'recreational' bond gets passed, can we stop it from being processed in Dresden? Jeff said we could by creating an ordinance for it.

Allan Moeller (3rd Selectman) – DHHS has been there so are you already growing it? Jeff explained that Mr. Fifield has all his permits from the State to begin growing it, but he didn't get a CUP permit for his greenhouse which is why he is here tonight. Mr. Moeller also let

everyone know that the Dodge Road is not a 'town road' but is a rangeway, so the town doesn't do any maintenance – that is up to the landowners on that road. He hopes that no one has any problems because law enforcement is slow getting to us since we depend on county law. He also mentioned that some towns are now starting to put moratoriums on this type of business.

Sue Southard – Are you going to be building the greenhouse or will you have help? Mr. Fifield hasn't decided which way he will go yet. She then asked if he will take the product to be processed. Mr. Fifield said he takes it to a place in Portland to get it processed for his patients. Then he delivers it to them.

Some of the terms of his permit will be that he can hire someone to help build; cannot have the area in view of the public; would not have much traffic and he cannot have his patients there.

Cindy Moeller noted that if he grows, dries and takes the product to the processor in Portland, then delivers the final product, it seems like a lot of work for not much or no return financially. Mr. Fifield said that what he does isn't all about the money; it's about helping the people that need it.

Scott Woodard has concerns of security, especially for the neighbors when word gets out of the type of business that Mr. Fifield is doing. Although a fence and cameras will be to secure Mr. Fifield's property, he doesn't feel the neighbors are willing or able to do the same to secure their properties. He said that realizing Mr. Fifield would have solar power, but what kind of security would he be able to have to deter people from looking, etc? Reply was that he has a locked fence going into the property and the cameras would still function. He will have them mounted on the greenhouse and down the driveway. As the last property on the road, anyone coming up that far could be seen on his cameras.

Jarod Skillin & Scott Woodard both expressed concerns of traffic coming up the dirt road that can create a big problem for those living on the road, possibly creating a danger for the neighbors. Especially now that this business is out in the public.

Mrs. Cousins – If another person(s) wants to come to Dresden to do the same thing, can we stop them. Jeff said, in referring to Mr. Moeller's suggestion, an ordinance can be created that would deal with this; perhaps a moratorium.

Erica Atkinson (Elementary teacher) – has concerns about the children, knowing how inquisitive and adventurous they can be, could possibly get onto the property.

Scott Woodard said he isn't upset about a private person growing the product, but is concerned that this is now out in the public.

Jarod Skillin asked if the doctors contact Mr. Fifield about patients? Mr. Fifield said they do if they feel it would be beneficial to the patient. Jeff said there are a number of ways that he gets patients. Dan said they have to be patients who are licensed by the State for the use of the product.

Mrs. Skillin noted that Mr. Fifield can grow it and also give it to the patients. Mr. Fifield said he does it specific to the needs of each patient. He grows it, but the processing is done elsewhere, then he delivers the end product to each patient.

Mrs. Atkinson said she is grateful that he wants to keep this low key, but is glad it was in the paper. Being a teacher, concerned with children wanting to explore and want to climb the fence as a challenge, she isn't sure the privacy fence would stop them. Mr. Fifield said that the fence is 8' high and covered with a privacy netting. Plus, someone is always there, so he

feels that would help to deter them.

Mrs. Moeller said that when you think of a greenhouse, it is like stockpiling. As there are other ways of getting medical marijuana, it seems odd that he would want to go to all the trouble.

Mr. Moeller still has concerns about the security. *Mr. Fifield* said that he has a gate that is locked at all times, as well as cameras, so if someone comes to the gate, he will even be able to get their plate number.

Jeff was asked if he knew of problems with break-ins or robberies at other facilities, to which *Jeff* said he hasn't had anyone tell him of any problems like that.

When asked why *Mr. Fifield* decided to move from the other facility, he answered that he wanted the privacy that he now has, plus having a greenhouse gives more light for the growth of the product.

Mr. Moeller advised the Board that if the Selectmen have a large number of resident concerns, they will have more meetings before they will issue a business permit.

Jeff said this isn't a typical business with a store front that encourages people to come to them.

Geoff Rushlau (Resident & D.A.) - In arriving late to the public hearing, he asked *Mr. Fifield* if he has a license from DHHS. *Mr. Fifield* said he has had his license for four (4) years now.

If the law passes that allows recreational use, will *Mr. Fifield* be changing his conditions to include that? *Mr. Fifield* said 'no', he has no interest in the recreational.

Are there restrictions on how the greenhouse is built? *Jeff* said there are various types and it would be up to the CEO to make sure it is built to specifications. He will still have to have a secure privacy fence surrounding it. *Mr. Rushlau* said it sounds like this could be constructed with just plastic. *Ken* said he could just grow it outside, but a greenhouse would give it another barrier. *Jeff* said he will also have the 8' chain-linked privacy fence much like you would see at a construction site.

Mr. Rushlau asked what size he has now. *Mr. Fifield* said he has an area of about 3500 sq. ft inside the fenced area where he is growing the product at this time. His plans are to have up to 5000 sq. ft. *Jeff* said he has two (2) tractor-trailer boxes & two (2) campers which are added into the 5000 sq. ft. Also, whereas, this is a contentious project, the Board decided to list this as a 'Major Project'.

Mr. Moeller said that if he is going over the 5000 sq. ft., he needs to show them on the plan.

Mr. Cousins asked if he would need to show all his buildings on his request when he goes to the Selectmen? Yes, he will need to know the size of the greenhouse which will be added to the other sizes to determine his total.

Linda noted that she had concerns when we went to the site walk, but after seeing how it was set up, her concerns were addressed.

As to the size of the greenhouse, *Mr. Fifield* said he isn't sure yet as he is checking out various ones to see what would be best for his project.

Mr. Cousins asked what type of dogs he has to which *Mr. Fifield* said he has a 13 year old American Bulldog and a German Shepherd.

With no further discussion, the public hearing was closed at 8:20 p.m.

Jeff then asked the Board if they have any questions. Hearing none, he asked the Board if the application is considered complete. The vote, by show of hands, was five (5) in approval and

two (2) abstentions. Jeff referred to page 24 of the Land Use Ordinances which permits the product under 'Agricultural Product Processing'. The Submission Form was then finalized. The

Conditional Use Permit will include the following:

- 1.) All Local, State, and Federal Rules and Regulations will be applied and adhered to.
- 2.) DEP Best Management Practices for Erosion Control.
- 3.) Dresden Recycles for all waste materials.
- 4.) Production to be MEDICAL MARIJUANA ONLY
- 5.) Recreational Marijuana PROHIBITED
- 6.) Must return to the Planning Board for any changes.

A motion to issue the CUP as a 'Major Project' was approved by a vote of five (5) in favor and two (2) abstentions.

ITEM #3 – OLD BUSINESS - AFTER-THE-FACT – Brian Thomas Fifield – Dodge Rd. - Map 03, Lot 054 - Jeff told everyone that Mr. Fifield had begun his Agricultural Product growing before getting a CUP for a greenhouse as there was a misunderstanding as to what permits he needed at the time. All written communication to him was sent to an incorrect address. Once he found out that he was in error, he did come to the Board as soon as possible to meet with them. Do we want to assess the late fee for this or not? We either have to charge him or waive it. Linda said she thinks that due to the communication issues, we should not apply it. Hope feels he did come forth and wasn't trying to hide anything so she agrees with Linda. A motion to not assess the fee was passed by a vote of five (5) in favor and two (2) abstentions.

Peter Elvin – Middle Road – Mr. Elvin requested to put a cement wall under his boat house. He had explained to Jeff that he was going to put his tractor there. Jeff thought he was going to build the wall at a 3' ft height which doesn't require a permit. However, Mr. Elvin built the wall 8' as he planned to put his tractor in that part which is under the building. At this time, Jeff hasn't heard any further from him. No action on this as yet.

ITEM #4 – NEW BUSINESS – a.) Considering the issues we had tonight, Jeff said we should look at comprising ordinances that apply to the marijuana issues – both recreational and medical; possible moratoriums.

b.) Jeff said that perhaps we can make some changes to how we advertise for projects in order to reach further to the residents. Although, we do everything required plus extra, we can try to find a way to do more posting around town. We put notices up at the Town Office, Post Office, and in the newspaper, but we can see about putting some in the stores also. We would only do this for any 'Major Projects'. We probably still won't reach everyone, but it will be an effort.

ITEM #5 – OTHER BUSINESS -None.

ITEM #6 – ADJOURNMENT - Dan made a motion to adjourn; Hope second. So voted at 9:00 p.m.

Respectfully submitted,
Shari Lilly (recording secretary)