

Thorndike Planning Board
3-8-17 Meeting Minutes
Town Office

[Decisions and commitments made in bold italic type.]

Members Attending: Michael Berry, Erin Bibles, Bob Carter, Mary Ann Hayes, Doug Nye, Darryl Raven, Liz Sullivan

Others Attending: Chris Higgins, Rick Montana (applicants)

Call to Order & Agenda Review: Mike called the meeting to order at 6:30 PM. Everyone introduced themselves. No changes were made to the prepared agenda.

Minutes of October Hearing & Meeting: *On a motion by Mike, seconded by Doug, the minutes of the October 12, 2016 public hearing and board meeting were approved as presented 4-0-3 (Darryl, Bob and Liz abstaining).*

Montana/Higgins Subdivision Sketch Plan Review:

Chris Higgins and Rick Montana explained how they wanted to create a lot in the portion of the former Brian Leavitt lot that was split in January that would be lived on by the Montana family. Access would be from the East Gulch Road. The Board gained an understanding of the project and site, then went through the requirements for the Preliminary Plan application. ***Erin shared that as an abutter she would recuse herself from voting on this application.***

It was voted to waive the following requirements, as they were not applicable:

Requirement 3.6.B. Moved by Mary Ann, seconded by Doug. Vote 6-0-1 (Erin abstaining).

Requirement 3.6.G. Moved by Darryl, seconded by Mike. Vote 5-0-2 (Doug and Erin abstaining).

Requirements 3.6.I, J and K. Moved by Bob, seconded by Mary Ann. Vote 6-0-1 (Erin abstaining).

On a motion by Bob, seconded by Darryl, it was voted NOT to hold the optional site inspection described in Section 2.2. Vote 6-0-1 (Erin abstaining).

Rick announced it was his intention to contact a surveyor and soil evaluator right away so was hopeful to have the Preliminary Plan ready for the Board's April meeting. Abutters would have to be notified by the Board with sufficient time to plan to attend the meeting. The Board reviewed the tax maps to determine notification requirements. ***On a motion by Mary Ann, seconded by Bob, it was determined by a vote of 6-0-1 (Erin abstaining) that abutter notifications would go to Strickland, Bibles and Macomber, owners of the lots immediately adjacent to the Higgins lot proposed to be divided.***

It was agreed that since only one new lot was being created that the fee would be \$100.

Citizen Request for Ordinance to Address Medical Marijuana Odor:

Mike and Bob reported that a citizen in the Village District had requested that an ordinance be created to prevent the odor from a neighboring medical marijuana growing operation to impact his quality of life. He claimed he was unable to sleep in the summer due to the strength of the odor. Mary Ann noted that the existing Site Plan Review Ordinance exempts agriculture activities from the odor or noise requirements. Bob reviewed the definition of agricultural activity, and suggested that if horticultural and nursery operations were removed from the definition, that this activity would lose its exemption.

It was agreed that since the emitter is reportedly a licensed medical marijuana caregiving operation, that the Board should first understand State standards that may apply. Erin offered to do this research and report at the April meeting.

Report from MMA Planning Board & Board of Appeals Training Session

Michael, Darryl and Mary Ann reported on some items they learned at the training with ramifications for Thorndike:

- At this time, electronic voting or decisions by email are not legal for public bodies. The Legislature is working on a bill to modernize this restriction. Any substantive information that is shared by email must be formally entered into the public record at a legal meeting. No substantive discussion or decision-making may be made outside of a legal meeting. Remote attendance does not count toward meeting a quorum.
- “Majority vote” under State law means a majority of the full number of board members must be cast for the winning side of a vote for it to count. Municipalities MAY define majority vote differently by ordinance. ***It was agreed that the Planning Board Ordinance should be amended to define Majority Vote as a majority of those present and voting as long as a quorum is present.***
- “Abutter” is not defined under State law. Municipalities may define it under ordinance. If there is no definition, normal dictionary meaning is to be utilized.
- If application requirements are waived while reviewing an application, a vote should be taken separately on each item with the reason described.

Planning Board Budget

Mary Ann shared that the Budget Committee and Selectmen were collapsing a number of accounts into a Town Operations and Equipment Account. As such, there would not be a separate Planning Board account as our expenses were typically advertising, publications, printing or training and could be combined with the rest of the Town’s needs in those areas. In any case, the Selectmen have to approve any expense request.

Other Business

Bob shared that the Selectmen had been told the Town needs a Road Posting Ordinance to enforce its postings. MMA has a model ordinance that can be used.

Bob further noted that the Land Use Ordinance should be amended to remove the note to contact the MaineDOT office in Rockland for an Entrance Permit, as no office exists there any more.

Mary Ann noted that the Subdivision Ordinance has no mention of entrance requirements for lots, which is a priority concern, so should be added.

Mary Ann also noted that the Board should review the list of further work it would like done this year on the Land Use & Tax Maps.

Mary Ann noted that we have no Sketch Plan Application. Mike noted that there was no Road Permit Application; he offered to prepare one as long as there was no deadline.

It was agreed to meet on April 13th starting at 6 PM to allow time for updating everyone’s binders, determine the year’s workplan and possibly review the subdivision application. Members were encouraged to check their ordinance versions against those on the web site, which are current, if they had time to get a head start.

Adjournment: The meeting adjourned at 8:30 pm.