

TOWN OF HOLDEN
PLANNING BOARD MEETING MINUTES
Tuesday, July 16, 2019
Holden Municipal Building
6:00 P.M.

I. Open Meeting

Chair, Jeffrey McBurnie opened the meeting at 6:00 P.M.

Members present: Jeffrey McBurnie, Carol Cuddy, Susan McKay, James Pelletier, Mike Pedreschi, and Allan Poole.

Members absent: Joy Knowles

Others present: Town Manager/Code Enforcement Officer Ben Breadmore, attorney Roger Huber and applicant Johnathan Russell. In addition, present were council members Tom Copeland, Pat Sirois and Bob Harvey. Some members of the public present were Ryan Carey, Dustin Tierney, Eric & Teresa Jameson, Joelle & Jeff Parker, Wendy Pearson, Carrie Rice, Marc Gagnon, Steven & Dodie Smith, Charles & Melinda & Ryan Gardner, Edward & Melissa Potter, Maureen Moss, Gregory Bemis, Michael Starks, Angel Seavey, Jennifer Williamson, John Mills and more who did not sign the attendance record.

II. Minutes of May 8, 2019 and June 10, 2019 digital recordings on file.

The May 8, 2019 minutes were reviewed and changes were made to the attendance record to delete one of the two times that James Pelletier's name was listed, and to indicate that Susan McKay was absent and that Allan Poole was in attendance. Also the duplication of a sentence was deleted from item IV. The June 10, 2019 minutes were reviewed and a change was made to the attendance record to indicate that Allan Poole was in attendance, and to delete one of the two times James Pelletier's name was listed. MOTION was made by Allan Poole and seconded by Carol Cuddy to accept both the minutes as amended. Vote 6 in favor, 0 against, 1 absent.

III. Election of Officers

Chairman McBurnie advised that the current officers are himself as Chairman, Allan Poole as Vice Chair, and Carol Cuddy as Secretary. MOTION was made by Susan McKay and seconded by (unintelligible) to keep the same slate of officers. Vote 3 in favor, 0 against, 3 abstain, 1 absent.

IV. Public Hearing – Site Plan Review request for storage facility and office space on property located at Lot 1 of Map 23, 858 Main Rd, Holden, Johnathan Russell, applicant.

Town Manager Ben Breadmore gave a quick overview explaining that this prospective business was listed as a storage type business, but actually will fall under the service business delineation with office space and warehousing as minor accessory uses for this organization, all of which are allowed uses within the Limited Commercial Zone. In the past the use was for Pete's Pretty Good Ice Cream and last received Planning Board approval as a Hair Salon that never came to fruition. This is a simple change of use application with no new construction at this time, just a change in the existing sign and doing some painting and cleaning. Johnathan Russell added that they live in Dedham and the business is about two years old and they are looking to grow and expand service in the area.

Chairman Jeff McBurnie explained the procedure for a public hearing which is conducted basically for fact-finding, and to answer questions and listen to testimony. Board member Susan McKay asked how much equipment would be stored outside the building. Johnathan Russell replied that all things would be stored inside, with maybe an enclosed trailer outside. There being no further questions, Chairman McBurnie closed the public hearing.

V. Site Plan Review request for storage facility and office space on property located at Lot 1 of Map 23, 858 Main Rd, Holden, Johnathan Russell, applicant.

MOTION was made by Susan McKay and seconded by Carol Cuddy that based upon the above Findings of Fact and Conclusions of Law, together with the background information for this application, to vote in favor of the applicant's request for a storage facility and office space on property located at Lot 1 of Map 23, 858 Main Rd, Holden. Vote 6 in favor, 0 against, 1 absent.

VI. Public Hearing – Proposed amendments to Holden Zoning Ordinance to allow additional uses in the Limited Commercial Zone.

Town Manager Ben Breadmore gave a brief overview for holding this public hearing, explaining that at one of the previous Planning Board meetings there was discussion to expand the allowed uses in the LC Zone and possibly to overlay the GC Zone into the LC Zone. Council thought that there were some uses not cohesive with both zones, so Town Manager Breadmore drafted a plan of recommended uses in each zone to be considered by the Planning Board. After consideration, the Planning Board will submit its proposal to Council and another public hearing will be held.

Chairman Jeff McBurnie invited the public to speak for or against these recommendations, limiting time to five minutes for each person because of the large attendance. Since this is an ongoing proposal, Chairman McBurnie invited the public to submit their thoughts in writing as well. Town Manager Breadmore advised that all

written testimony provided to the Town on all topics has been provided to the Board for today's meeting.

Councilman Bob Harvey stated that he wanted to bring to the attention of the Board that Article 3 (Establishment of Zones), 302.2 describes the definition of the Limited Commercial Zone, and in that definition it states that "The scale of commercial development in these areas is intended to be in keeping with the residential character of these areas. The intent is to limit larger outdoor display areas and wholesale businesses." Mr. Harvey said that this is exactly the same verbiage that comes from the Comprehensive Plan under the Future Land Use at 11-18, and that he would like the Planning Board to keep this in mind. He also mentioned that the Limited Commercial Zone was created as a buffer between the residential Village Zone and the General Commercial Zone, and he is not sure that some of the additional proposed uses would be compatible, but that they may very well be, and he recognizes and appreciates that the desired uses means tax dollars to the Town.

There being no further public discussion requested, Chairman McBurnie closed the Public Hearing.

VII. Discuss proposed amendments to Holden Zoning Ordinance to allow additional uses in the Limited Commercial Zone.

Chairman McBurnie stated that he wanted to discuss with the Board the level of expansion to be considered, and that he understands why some things should be excluded such as Mobile Home Parks, as well as Radio and TV Studios and Offices which would need a transmitter tower. Some things are already nonconforming, such as Viking Lumber which could not expand if it wanted to. In general, he thinks half of the proposed uses would be okay to allow, and that we have to understand that Holden is of rural character, but we have to have a tax base without creating a strip-mall appearance.

Susan McKay wondered why food processing/freezing and newspaper/printing facilities would not be allowed as small versions of these things would be very consistent with the LC Zone. Chairman McBurnie said we could propose allowing these types of things but they would have to be limited in scope, similar to Downeast Sheetmetal. We could not include big manufacturing, but we could add some other uses to facilitate the things that would be acceptable. Carol Cuddy added that now and into the future it would be good to keep in mind the Comprehensive Plan as pointed out by councilman Bob Harvey.

MOTION was made by Susan McKay and seconded by Mike Pedeschi to approve limited changes to businesses that would be acceptable in the LC Zone, including funeral parlors, general contractors (construction, plumbing and heating), light manufacturing assembly plant, lumber yard, warehousing and storage facility of limited scope, and small scale food processing/freezing and newspaper/printing facilities. There was some discussion about adding verbiage to clarify the extent of what is allowable, such as using a square footage threshold. Chairman McBurnie said verbiage could be added to the zoning ordinance for these particular uses. Town Manager Breadmore advised that any

perspective applicant would be limited to what the land use code allowed for dimension requirements as far as setbacks, lot coverages, impervious areas, location, etc. Chairman McBurnie stated that the verbiage proposed would have to add what is allowable for the new uses, and that the Council can vet out specifics adding footnotes where necessary with the help of Town Manager/Code Enforcement Officer Ben Breadmore. Susan McKay and Mike Pedreschi encouraged being as specific as possible. Vote 6 in favor, 0 against, 1 absent.

VIII. Public Hearing – Proposed Marijuana Ordinance

Chairman McBurnie opened the public hearing, stating that this is basically a fact-finding hearing providing an opportunity for questions and testimony from the public, again limiting time to five minutes per person and encouraging people to submit written testimony. Testimony was limited to Holden residents unless time permits others to speak.

Mike Starks of South Road, Holden testified against the ordinance, identifying himself as a local physician. He expressed concerns as a parent with a young family relative who has been adversely affected from use of marijuana, as a physician concerning medical issues with marijuana, and about safety issues with having a facility on Route 1A. See written email dated July 13, 2019.

Chairman McBurnie confirmed with Town Manager Breadmore that all written testimony would be made available to the public.

Carrie Rice of Dole Hill Road, Holden testified against the ordinance. She testified about safety concerns with having a facility on Route 1A which is already a dangerous road, and as a parent she is concerned about having a facility near school.

Jeff Parker of Holden testified against the ordinance. He agreed with Dr. Starks and pointed out that they, as healthcare professionals, see day-in-and day-out the associated addiction problems and how people are adversely affected by use of marijuana. He agreed with the changes to the draft Ordinance made by Council at the meeting of July 15th, but thinks putting a facility on Route 1A is a bad idea because of the additional traffic on an already dangerous road and because of possible associated crime rate. He quoted a study from the University of Florida submitted in the Berkeley Law Letter, showing an increase in accidents and crime rates in all states that provide retail marijuana, such as Alaska, California and Washington. (Jeff provided a copy of this study to the Board.) He also thinks the town should take a look at its image, saying that some of the proposed sites are in view of schools and churches and are on bus routes, and the proposed ordinance seems to allow the site quite near to schools and/or churches. He sees no need to rush this proposal through and suggested that we take it to vote again.

John Mills of Moonlight Drive in Holden, testified against the ordinance. He reminded us that the Holden vote against recreational marijuana was 59% against and 41% in favor, 1196 against and 830 in favor, and that the statewide vote for it was only by 1%. He

quoted from a research study found on-line issued by the National Academy of Medicine on "The Health Effects of Cannabis and Cannabinoids," reporting that "The committee found strong evidence that marijuana causes schizophrenia and some evidence that it worsens bipolar disorder and increases the risk of suicide, depression and social anxiety disorder. Cannabis use is likely to increase the risk of developing schizophrenia and other psychoses. The higher the use, the greater the risk the scientists concluded." He also quoted from a Colorado study reporting that since marijuana was legalized there was a 150% increase in marijuana-related traffic accidents, while there was a 35% increase in overall traffic accidents, and from more studies showing the adverse effects of marijuana use. Mr. Mills thinks that Holden should have a high standard and other businesses will continue to come to Holden, and that we do not need this one.

Joelle Parker (wife of Jeff) of Holden testified against this ordinance. She has issues with the Ordinance as not being consistent with promoting the health, safety and general welfare of the citizens of Holden since there are many dangers to using marijuana. She quoted from a 2016 study of high schoolers on DrugAbuse.com indicating that 35.6% of 12th graders smoked weed within the past year, and 22.5% of them within the last month, and 6% of them at least daily. She added that we are a bedroom community, and having this type of facility would impede the purpose of supplying employees to our outlying towns. She said Colorado is finding that they have to go out of state to find employees who can pass a drug test. She advised that she has a brother who sold marijuana before he was 21, and that her husband has been held up by a drug addict at his pharmacy. She is worried that marijuana is not a good thing, and that studies show that people can become addicted to it and go on to other drugs. She pointed out that it is still illegal under Federal Law and that town officials are sworn to uphold the Constitution of the United States, and she worries that the town could have repercussions from the Federal Government because of this.

Dotie Smith of Holden testified against this ordinance. She has a Masters in Social Work, and worked for the Maine Dept. of Health & Human Services for over 10 years in child protection, children services adoption intake. She currently works at the Holden Schools as a Med Tech III. Her sister-in-law, who is the Director of Guidance at Hermon High School, provided some information about this which basically reports that Maine has a higher rate of marijuana use than the national average, and with that have come many mental health issues. Dotie personally sees issues at our schools because of drugs and addictions of their parents. Her daughter attends Bapst HS and has had to deal with kids who get kicked out for smoking pot on school property. She is against this as not being good for the community or our kids, and doesn't think it sets a good precedence for the kids in the community. She said data indicate that kids who live within a certain radius of a facility selling marijuana will have increased use. Unlike Colorado, she said that Maine will not be providing additional tax money to school systems for prevention programs.

No more residents desired to speak. See also written testimony dated July 16, 2019 from Gregory Hawes in favor of this ordinance, and email testimony dated July 14, 2019 from Tim Pearson against this ordinance.

No non-residents desired to speak, so Chairman McBurnie ended the Public Hearing, reiterating that this procedure will not end here and that there will be more opportunity to submit written or public testimony.

IX. Discuss proposed Marijuana Ordinance

Chairman McBurnie asked the Board how they would like to proceed now that we have been provided with some small changes to the proposed Ordinance from Council and we have heard and seen some testimony from the public. He suggested that this probably should go to Referendum given the fact that a couple of years ago Holden voted against it, and he suggested that it might be good to be prepared with some sort of rules or established order to do this, and to decide whether or not to ask the Council to move forward with formalizing the Ordinance which is a good structure as changed.

Mike Pedreschi questioned whether we are putting the cart before the horse, because the Town has already voted against having retail sales here, and we are putting a lot of effort and money into this. He thinks a referendum is called for before going any further because we do not know if the Town has changed its mind, and that there is a lot more to this than getting money for the Town. Unless the Town has changed its mind, he does not think we should spend any more money on this.

Carol Cuddy said she thought the changed Ordinance was good and that we may want to go forward with it and have it ready, but that we need to do a referendum.

Chairman McBurnie said given the level of discomfort here, he is not comfortable making a decision one way or another without really knowing whether we are going down a path that the Town is not in favor of. He would prefer to table it now and tell the Council that we are not comfortable making a recommendation at this point.

Mike Pedreschi recommended tabling the issue now, giving it back to the Council with our thoughts and telling them that the will of the people is of primary concern. Susan McKay agreed, and suggested that the referendum should break out the different types of establishments to find out if people like some or all of them.

MOTION was made by Mike Pedreschi and seconded by Susan McKay to table our activity on the proposed Ordinance and recommend to the Town Council that they consider a referendum in the Town regarding not just the general term of marijuana establishments, but list each of the individual types of establishments proposed in order to get a more complete understanding of the will of the people of Holden. Vote 6 in favor, 0 against, 1 absent.

X. Public Comment

In response to a question from the public, Town Manager Breadmore advised that starting Sunday night (July 21st), the DOT will be doing a center turn-lane project beginning at Maine Military, going to Myerowitz Chiropractors where there will be a designated turn-

lane for getting onto Copeland Hill Road, and ending just past the South Road intersection and have a designated turn-lane there. It will all be night work and will take 60-90 days. He does not expect to see a traffic light installed there at this time.

Councilman Bob Harvey thanked the Planning Board members for its service and due diligence in reviewing these items tonight. Art Unobskey thanked the Planning Board and the Town Council and commended everyone, saying he appreciated that the people were able to speak and be heard with open ears tonight.

Town Manager Breadmore advised that Arthur Unobskey is our newly appointed Code Enforcement Officer and LPI for the Town of Holden as of today. He also welcomed our applicant Jon Russell to the Town of Holden.

XI. Adjournment

MOTION was made by Allan Poole and seconded by Mike Pedreschi to adjourn. Vote 6 in favor, 0 against, 1 absent. Meeting was adjourned at 7:07 p.m.

Respectfully submitted,

Carol Cuddy
Secretary

Wanda Libbey
Town Clerk