



Town of China

571 Lakeview Drive, China, Maine 04358
(207) 445-2014 info@chinamaine.org

Planning Board Meeting
July 28, 2020
Begin 6:30 PM

Board members in attendance: Tom Miragliuolo, Toni Wall, James Wilkens, Randall Downer, Natale Tripodi

Code Enforcement Officer William Butler present

Board meeting opened by Chairman Miragliuolo
Pledge of Allegiance to the American Flag

Chairman Miragliuolo brought Board Member Tripodi into voting compacity.

Chairman Miragliuolo advised District 2, District 3, and District 4 nomination papers are available at the Town Office.

Review/Approve Minutes of June 9, 2020 and June 23, 2020 Meetings

Chairman Miragliuolo motioned to tabled minutes to August 11, 2020 meeting to allow for review by other members.

Discussion of steps forward for Recreational Marijuana Ordinance Draft

Chairman Miragliuolo advised the Board that they will review draft per section. Chairman Miragliuolo read the sections aloud.

- **Section 1** discusses sections of Maine State law the ordinance falls under.
- **Section 2** describes the purpose of the ordinance.
- **Section 3** covers the definitions under the ordinance.

Disqualifying drug offense – a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for 1 or more years. Not to include and offense that the sentence was completed 10 or more years earlier or an offense that would have been permitted under the Maine Adult Use Marijuana Act.

- Chairman Miragliuolo states he does not agree with disqualifying offenses. CEO Butler explained that what was once illegal now is legal would be listed. Chairman Miragliuolo provided an example of a scenario where would still be able to apply. There was discussion on if this should be kept.

Home cultivation of marijuana – cultivation for personal use by a person 21 year or older. Allowed to have 3 mature plants, 12 immature plants and unlimited amount of seedling per person domiciled on parcel who is 21 years or older.



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- Board Member Wall questioned what constitutes immature and mature? Board Member Downer advised if has flowers or not. Chairman Miragliuolo advised they could use the State statute definition regarding question of seedling and immature plant. Chairman Miragliuolo mentioned that he assumes the attorney would look at before goes to vote. There was discussion on the difference between seedling, immature and mature plants and the need to further define in the ordinance.

Marijuana Cultivation – the planting, growing, harvesting, drying, or other processing of marijuana for use or sale. This does not include manufacturing, testing or extraction

Cultivation facility – facility licensed under State law that can purchase marijuana plants and seed from other cultivation facilities, to prepare and package adult use marijuana for to sell to product manufacturing facilities, stores and other cultivation facilities. Can sell immature plants and seedling to marijuana stores. Cultivation facilities have tiers based on number of adult plants and usable square footage for cultivation.

- Board Member Downer questioned “adult use” and what would be the definition? Chairman Miragliuolo advised would need a better definition of “adult use”.

Marijuana establishment – a cultivation facility, a product manufacturing facility, a testing facility or a marijuana store licensed under state law.

Marijuana Manufacturing or manufacture – the production, blending, infusing, or other preparation of marijuana and marijuana products. Does not include cultivation or testing.

Marijuana product – a product composed of marijuana or marijuana concentrate intended for use or consumption. “Marijuana product” includes but not limited to an edible marijuana product, marijuana ointment and marijuana tincture. It does not include marijuana concentrate.

- Chairman Miragliuolo questioned use of concentrate and then late statement contradicting by saying “does not include concentrate”. Board Member Downer advised would most likely preclude hash oil or hash.
- Chairman Miragliuolo asked CEO Butler what he needs from Board and is this an ordinance we want to push forward? CEO Butler advises they need to come up with a starting point in case someone may push for adult use. CEO Butler explained it may be a good idea sitting with Cliff and ask questions since he maybe able to clarify more.

Marijuana products manufacturing facility – licensed, under state law, to purchase adult use marijuana from a cultivation facility or other products manufacturing facility. To manufacture, label and package adult use marijuana and adult use marijuana products. To sell adult use marijuana and marijuana products to stores and other manufacturing facilities

- Chairman Miragliuolo advised the section needs to be reworded for clarity.

Marijuana store – a facility licensed under state law to purchase adult use marijuana, immature plants and seedlings from cultivation facility, to purchase adult use marijuana and adult use marijuana



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products from a manufacturing facility. To sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedling to consumers.

Marijuana testing – a facility licensed under State law to develop, research, and test marijuana, marijuana products and other substances.

- Board Member Wall questions is there overlap? Or are they interchangeable or different and need different licensing?
- **Section 4** – Establishments allowed; License required was read aloud.
 - Board Member Wilkens commented that it would be good if they had the license from the State before coming to the board for the permit. Board Member Wall stated that they would need to have separate licensing for store, manufacturing, etc. CEO Butler advised he made changes to the section. He states in China, the clerk would receive and Planning Board would approve. Board Member Wilkens stressed he would like them to have the actual State license before approval by Planning Board
- **Section 5** – Application section read aloud.
 - 1. Copy of state application
 - 2. Evident of state approvals
 - 3. Ownership of Entity
 - Board Member Wilkens advised he would want to know if is an LLC.
 - 4. Affidavit that identifies all owners and officers within last 3 years
 - Removed wording regarding needing motor vehicle registration, license. Chairman Miragliuolo questioned why need to know where they reside? CEO Butler advised could be for law enforcement purposes such as background. There was discussion as to the need or purpose for background checks since it is not done on any other type of application. Board Member Wilkens explained would be licensing a facility in the land use ordinance and feels they should follow the State.
 - 5. Background checks
 - Board Member Wall advised she would like to have list of disqualifiers. Board Member Wilkens stressed the need to go with State guidelines. There was discussion on documentation to be required. The Board determined they will follow State guidelines
 - 6. Description of nature of establishment and business.
 - 7. Description of premises and equipment.
 - There is discussion the need to know what equipment is on premise. Board Member Downer questions the downside of listing of equipment? Board Member Wilkens responds that it is not required by other businesses. CEO Butler advised #7 is more for the accessor and would like to leave in. Chairman Miragliuolo states #7 is just asking more information from #6 which was a brief description of business. Decision is made to remove #7. Board Member Downer states this would leave room to ask further questions including hazardous materials
 - 8- Ownership and consent of use of property if is not owner of property.



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- CEO Butler states he would want to know type of interest in the property. Chairman Miragliuolo explained they would need written consent or lease agreement for application. There was further discussion on interest and rights of premises.
- 9. Evidence land use approvals
 - It is explained that all land use approvals or conditional use approvals are filed and pending approvals. This is not limited building permits and/or certificates of occupancy. Board Member Wilkens reiterated he would like the applicant to have State license before comes to Planning Board. CEO feels should be the last step not the first step. The Board decided to strike this section from the ordinance
- 10. Evidence of other approvals
 - There was discussion on what other licenses or certificates would be needed.

The board clarified that if the application is incomplete it is 14 calendar days for CEO to provide notice to the applicant for additional information and if information is not received within 30 calendar days, the application will be denied.

- **Section 6** – Investigations
 - The CEO will inspect and complete reports regarding location to determine whether related ordinances have been satisfied. The Fire Chief will inspect and provide written report to CEO. It is stated need to notify Town of any changes of individuals. Board Member Downer advising this would be covered in Section 4. Board Member Wall advised wording is confusing in first talking about individuals and now location. The Board decides to remove Section 6 and make Section 7 the new Section 6.

New Section 6 - Action on application

- Upon receipt of completed application to CEO, a public hearing should be scheduled and notice of the public hearing will appear in general circulation no later than 6 days prior to day of public hearing. There was discussion on whether this is something the Planning Board should approve or if this something that should go to the Select Board for approval.
- Board Member Wilkens advised there is a vote on public hearing and section 6 would make automatic. Chairman Miragliuolo states this is not a conditional use, and is in fact a license. Chairman Miragliuolo questioned if Planning Board even had the authority to issue a license? Board Member Wilkens advised the Planning Board does not have the authority to issue a license and this would be the Select Board who has to authority issue the license. Board Member Wall explained the applicant could get a license from Select Board and then come to Planning Board for conditional use permit. Board Member Wilkens commented that it sounds like they are writing an ordinance for the Select Board. Board Member Wall explained that rest of ordinance pertains to licensing and issuing of the license. She continues that this not part of a land use ordinance. CEO Butler advised he feels license and permit are interchangeable terms. Board Member Downer explained would have license from State and license from the Town and a permit from the Planning Board. Board Member Tripodi comments would need to have State



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license first and Board Member Wilkens advised it would then go to Select Board and lastly to Planning Board for the building

- CEO feels the ordinance still should be written by the Planning Board. Board Member Wilkens advised Select Board needs to request Planning Board to write ordinance. There was discussion on it this is really an ordinance or is it more licensing? Chairman Miragliuolo questioned if there was any desire behind this from the public? CEO Butler advised has not had any inquiries yet but would be good to have a draft in place. CEO Butler explains he thought with the opt in for medical use, they would have also had an opt in for adult use. Chairman Miragliuolo would like to know who would have an interest in adult use. Board Member Wall explained if we had a marijuana ordinance, we would reiterate what State does such as distance from school for example. Board Member Wilkens states he does not want to make it any different than any other business. Board Member Downer feels they should be a draft in place if adult use does come to China. Board Member Tripodi advised they need the definitions for license and permit in order to move forward. There was continued discussion on licensing and permitting and which Board would have the authority to approve.

Discussion on Local Food and Self-Governing Ordinance

- CEO Butler explained it is attractive to businesses that come into town. Chairman Miragliuolo states he did read the email chain but questioned if there is a need? Board Member Wall questioned if there was an intent? Chairman Miragliuolo theorized it probably is a way for a small business to complete. Chairman Miragliuolo questioned CEO Butler if this and issue in China? Board Member Wilkens commented that he feels this is something the Select Board would govern. CEO Butler provided an example but not sure there is interest in China. Board Member Wall explained this needs to go to Select Board since it is not really an ordinance.

CEO Report

- CEO Butler explained accessor noticed issue on a property by the lake and notified CEO. CEO Butler contacted the violator and as a compromise to avoid formal action, the individual created an advertisement in the Town Line as a reminder to property owners to see the Town before they do any work on their property. CEO Butler explained individual is working through remedial list but missed time table.
- CEO Butler advised that 135 permits were issued last year, and 105 permits have been issued this year so far including 24 new dwellings. CEO Butler provide list of permits issued to the Board and complimented the people of China for contacting the Town and obtaining necessary permits.
- CEO Butler notified that Charlie Wing on Fire Road 12 as requested a building permit create a parking lot. However due to wetlands, a shed and the septic on property, cannot park there. CEO Butler states the applicant questioned if there is any latitude to changing zoning? There was some discussion on variations in the buffer of different properties and the zoning around the wetland. Board Member Wilkins questioned if piece was used for



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parking? CEO Butler states they are currently parking on lawn and land is part of resource protection. CEO Butler also advised that on Fire Rd 11 there is also some questioning on zoning. Board Member Wall states the applicant will need to do some research if they want a gravel driveway. CEO Butler explained that there have been issues with putting items in buffer such as cutting trees without permission.

- CEO Butler advised of Brent Chesley's appeal will be heard in August by the Appeals Board.

Future Schedule and Adjourn

Next Planning Board Meeting: August 11, 2020

Motion to adjourn meeting made by Board Member Wilkens. Board Member Wilkens amended motion to change date to August 25, 2020 for next meeting date.

Motion seconded by Chairman Miragliuolo

There was no further discussion and the motion to adjourn was unanimously approved.

Respectfully Submitted,
Dawn Kilgore
Planning Board Secretary