

A regular meeting of the Bath Planning Board was called on March 5, 2019 for the purpose of conducting regular business.

**MEMBERS PRESENT**

Bob Oxton, Chair  
James Hopkinson, Vice Chair  
Russell Martin  
Cal Stilphen  
Greg Johnson

**MEMBERS ABSENT**

Andy Omo  
John Sunderland

**STAFF PRESENT**

Ben Averill, City Planner  
Karly Perry, Recording Secretary

Mr. Oxton, Chair, called the meeting to order in the third-floor Council Chambers at 6:00 p.m. on Tuesday, March 5, 2019.

**Minutes February 5, 2019, meeting minutes**

**MR. STILPHEN MOVED, SECONDED BY MR. HOPKINSON, TO ACCEPT THE MINUTES OF FEBRUARY 5, 2019 AS PRESENTED.**

**UNANIMOUS APPROVAL****Old Business**

**Item 2 – Request for Final Subdivision Approval** – Prospect Street (Map 20, Lot 121); MECAP, LLC., applicant. (Continued from February 5, 2019)

Mr. Averill reviewed the application, stating that the applicant has requested a continuance to the April meeting. The City has completed its third party review of the stormwater plan and sewer plan; however the applicant has not had sufficient time to review the reports.

**MR. HOPKINSON, SECONDED BY MR. JOHNSON, MOVED TO CONTINUE THE REQUEST FOR FINAL SUBDIVISION APPROVAL TO THE APRIL MEETING.**

**UNANIMOUS APPROVAL****Item 1**

**Public Hearing – Land Use Code Amendment** – Article 18 and Article 11; Performance Standards, specific activities and land uses as related to establishing marijuana legislation. (Continued from February 5, 2019 meeting)

Mr. Oxton reviewed the purpose of the public hearing and explained standard procedure.

Mr. Averill reviewed the available handouts including the proposed ordinance, land use table, and guide to State statutes, continuing on to say that the board has been working on the ordinance for the last few months. Mr. Averill then stated that he would leave to the discretion of the board as to how to proceed and whether or not to recommend amendments to the City Council.

Mr. Oxtan opened the floor to public comment.

Tim Mitchell, Marshall Avenue, asked for clarification on the 300 foot requirement, noting that the restriction is different than how retail alcohol sales are handled and stated that this limitation gives the existing business in the downtown area a monopoly.

Hearing no further comment, Mr. Oxtan temporarily closed the floor to public comment.

Mr. Averill clarified the reasons for the location criteria, including State mandates for distance from schools, child care and similar facilities. He then went on to say that the Board has determined that facilities should be no closer than 300' to ensure that other retail opportunities are left available space.

Mr. Martin clarified that the 300 foot restriction is for retail use, not for medicinal marijuana.

Charles Barker, Middle Street, asked if the medical facility currently operating downtown would be able to sell retail marijuana in the same location.

Mr. Averill responded that State guidance is not fully developed on dual-use establishments.

Mr. Oxtan clarified that comments by the City Planner are the opinions of the Planning Board that have been expressed in workshops, citing Mr. Averill's public speaking prowess for his involvement in the discussion.

Mr. Averill began reviewing the Land Use Table, including retail, manufacturing/processing and cultivation facility zoning.

Karen Dominguez, Middle Street, asked if there could be a retail facility adjacent to the existing medical marijuana facility.

Mr. Averill stated that he would not discuss specific parcels during the public hearing, inviting Ms. Dominguez to call the Planning Office to discuss specific locations.

Mr. Hopkinson clarified that the ordinance is to address general zoning, and not targeting specific properties or businesses.

Mr. Averill continued to review the proposed land use table.

Ms. Dominguez asked if these are the same restrictions that liquor stores must adhere to.

Mr. Averill noted stated that the rules surrounding marijuana are much more stringent.

Ms. Dominguez went on to compare/contrast the similarities between marijuana and alcohol.

Mr. Hopkinson explained that the State approval process is different for marijuana than for liquor.

Mr. Averill presented the details of the ordinance in regards to land use, performance standards and licensing. He clarified that licensing will be determined by City Council and stressed that the Board is only reviewing land use criteria. Licensing will be discussed in detail only if the Board chooses to recommend the ordinance to Council.

Mr. Johnson stated that it may be necessary to further define dispensaries and retail stores and establishments to further clarify the ordinance.

Mr. Mitchell noted that there are actually three separate categories which should be discussed: medicinal marijuana, caregiver practices, and recreational marijuana establishments.

Mr. Stilphen noted that the State has recently further clarified caregiver establishments.

Mr. Martin spoke to the comparison of marijuana to liquor in the management of establishments and stated that security may be a bigger issue in regards to marijuana.

Mr. Barker spoke to his experience with liquor store robberies and defended retail marijuana establishments, noting that several drug stores were involved in robberies for addictive medications.

Mr. Averill asked the Board if they would like to review the ordinance line by line.

Mr. Hopkinson responded that it may not be necessary to detail the ordinance; however language on performance standards should be further clarified.

Mr. Oxtan asked the Board if they would like to send Articles 9 and 18 forward, to which the Board agreed that while the land use table is acceptable, Article 18 should be revised.

Mr. Averill advised the Board that it would be best to send both articles together.

**MR. HOPKINSON, SECONDED BY MR. JOHNSON, MOVED TO CONTINUE THE PUBLIC HEARING TO THE APRIL PLANNING BOARD MEETING.**

**UNANIMOUSLY APPROVED**

**New Business**

**None**

**Other Business:**

Mr. Averill presented the Board with calendars provided by the Bath Historical Society, noting that calendars are still available for purchase to the public.

Mr. Mitchell thanked the Board for their work on the Land Use Code amendments and suggested that the Board review historical documentation from the end of prohibition to see how the matter was handled at that time for reference.

Bath Planning Board  
March 5, 2019

**MR. HOPKINSON MOVED TO ADJOURN, SECONDED BY MR. JOHNSON.**

**UNANIMOUS APPROVAL**

**MEETING ADJOURNED AT 6:52 PM.**

Minutes prepared by Karly Perry, Recording Secretary.