

TOWN OF CASCO
PLANNING BOARD MEETING MINUTES
NOVEMBER 13, 2023

Planning Board Members Present: Ryan Mcallister (Chair), Marc Rocque, Tuan Nguyen, Kendra Osborne

Planning Board Members Absent: Pete Watkins (Vice-Chair), Mitchele Williams (Alternate)

Staff Present: John Wiesemann (CEO), Mary Tremblay (Deputy CEO)

Public Present: Sign in Sheet

First Order of Business:

- Call Meeting to Order

Ryan called the meeting to order at 6:30 P.M.

A Quorum was determined by roll call. Three regular members were present

Tuan ask for a point of order he noted he has a couple of issues with the agenda would like them address prior to getting into the meeting. There is not an approval of the agenda on the schedule. He would like that added to the agenda.

Tuan asked for an amendment to the agenda to which would be to remove the preliminary site plan under new business from the agenda.

Tuan moved to remove the preliminary site plan review under new business from tonight's agenda

Ryan asked for any re-wording or replacement

Tuan would like a discussion on it, regarding a replacement but is not sure the board can

Marc asked for an explanation

Tuan noted the Town of Casco does not have anything called a preliminary site plan review. Therefore, there is nothing that governs that. There is a site plan review and a pre application conference

Tuan asked for a second on the motion for a discussion on this issue
Ryan seconded the motion for discussion

Tuan noted it is important that the ordinances are followed which is voted on by the people

After discussion on the wording of the agenda item

Tuan stated his motion stands as stated

Marc noted he feels the board should take the time to look it over and give a fair assessment of what is or is not there.

The intent was a pre application conference and the word preliminary was used all being in the public record and is ok with the wording being changed.

Ben McCall Legal noted it is a distinction between preliminary and site plan approval, which is fair. However, Section 215-7.3 in this case a pre-application conference occurs before an application is

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submitted and it is fair reading to read the 15 working day submittal would apply to a site plan approval but not necessarily to a request for a pre-application conference. It is permissible if the Board wished to consider this to be a pre-application conference and to move forward with that and provide feedback to the applicant. If the board chooses not to do that then they should be clear with the applicant what you are expecting prior to the next meeting.

Ryan noted the motion on the table is to remove the preliminary site plan review under new business from tonight's agenda

The Board voted 3 against 1 approved motion failed

Ryan moved to amend the language under New Business to Pre-application conference

Marc seconded the motion

The Board voted 4-0 motion passed

Tuan moved the agenda as amended

Marc seconded the motion

The Board voted in favor 4-0 Passed

- **Approval of the meeting Minutes of July 10, August 14, September 11, and October 2, 2023**

Marc moved to approve the minutes as a block

Tuan seconded the motion

The Board voted 3 in favor 1 abstained for absences

Motion passed

- **Public Participation for non-agenda items**

None

- **Public Hearing**

Ryan opened the Public Hearing for a Proposed Adult Use Marijuana Retail Store, Represented by Lindsay Holden, Pine Tree 2, LLC. At 325 Roosevelt Trail, Tax Map 2, Lot 14-4, in the Town of Casco, Maine

Ryan noted to allow Lindsay to present an overview presentation and then open the floor to the public for questions or input. This gives the Board all the information and input for discussion of the application.

Lindsay gave an overview of her business

Public Comment

Mr. Chute noted he submitted a letter of proposed findings of fact and conclusion of law and would like the minutes to reflect this as part of the record. He noted it is proposed findings of fact and conclusion of law in opposition. Note Taken as Part of Minutes.

Ryan noted legal has also received that packet and has the Board.

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No other Public Comment

Marc asked if Ben McCall having reviewed Mr. Chutes packet he question what is the purpose of this or what does it mean to the application

Ryan stated to clarify to the public there is a new lease agreement included in the application

Ben stated the Board has the task based on the totality of the evidence that presented. Being a valid point that was raised, in which it has been corrected to analyze what has been entered into the record, and make a determination. In all rights in the interest of the application there needs to show proof of some rights or interest in the property. Here it is not the owner but Lindsay showing the intent to lease the building

Ryan asked if the intent is to lease just the building or the grounds as well

Ben noted the Board could certainly ask the applicant

Lindsay noted on the lease #4 it does include 1554 sq. feet of the outdoor parking area

Tuan question the ROW regarding the placement of the sign and not to have it in the DOT ROW

After discussion regarding the signage

Make a condition of approval, and it would then need to go through the approval of permits by John

Tuan noted he has not questions on the application section of the marijuana ordinance, however, he asked for a note to go back and maybe clean up a few things on the ordinance wording.

Ben noted the performance standards of the Site Plan Review and the Marijuana Ordinance to make the Findings of Fact complete he asked the Board to go through and state their standing on the questions

The Board reviewed the Site Plan Checklist:

#8 Tuan and Ryan do not feel it meets required setbacks

#10 Ryan does not it meets Street Frontage not on site plan but on tax map

Mr. Chute Objects the applicant is augmenting the application. Wants it noted on record.

Ryan so noted Mr. Chutes Objections

Ryan asked the Board if there are any criteria standards concerns

Ryan noted the concern with the curb cuts to the property and no Driveway permit or application by MDOT. There should be a commercial single curb cut on a primary road, which is 302

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Ben noted the board has the authority to determine Red Mill can be used as a second entrance.

Marc moved to approve the second entrance on Red Mill

Kendra seconded the motion

The Board voted 3 approve 1 opposed

Motion passes

Mr. Chute noted this motion implicates the board initial analysis of the special setback

The Board Review the Performance Compliance

#1 through 15 meets criteria

Marijuana Ordinance Submission Requirements

All Requirements Met

Ben will help put together draft findings at the next meeting and the board will have the opportunity to make any changes. The Board will then make a final decision as stated and amended toughly document The preference is to couple a final vote on the application and adopt findings of fact at a later meeting.

Ben noted his recommendation is to review both at the same meeting to keep it clean and to table until the next meeting in December

Tuan moved to table to the application and the findings of facts until the December meeting

Marc seconded the motion

The Board voted 4-0 in favor

The motion passes

The Board took a 5 minutes recess

- New Business

The new business item below by approved vote of the board to reflect the rewording (Pre-Application Conference)

Pre-Application Conference Informal Review Presented by Derek Januszewski of 50 Rabbit Run Lane Casco Maine. Map 3 – Lot 9 Representing Pachamama Church. Requesting to Host Sanctuary Church Services

Ryan as discussed at beginning of meeting this will be an informal conversation. No action will be taken tonight.

The Board went through the checklist

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Tuan noted information needs to be into the CEO office and complete to meet the 15 working day deadline.

#1 through #7 met

#8 Tuan Building Setbacks Parking areas dedicated spots familiarize yourself with the Ordinances Check for Wetlands and location of parking

#9 Tuan Note what and what not show location size type of all exterior lighting

#10 Show these areas

#11 include in the application show

#12 Curb Cut Intersections DOT Include

#13 make sure no Run off

C. Show what is there or what is going to be

Tuan put everything in even if you have changed something or not doing something put it in.

D. through H. Complete need all State Approvals and Permits

Tuan make things clear stay open work with a professional

Marc the Fire Chief will need to inspect

Ryan pitch of the road

Ryan strongly suggested a good engineer/building professional to work with

Public comments and concerns regarding the continued operation without permits

John did issued a Notice of Violation and Stop Work Order

Ryan would like to remind the public the board understands the concerns however; the Board has no enforcement power the same goes for the staff.

Tuan moved to adjourn the meeting

Marc seconded

The Board voted 4-0 in favor

Ryan McAllister, Chair

Mary Tremblay, Deputy CEO