

POLAND PLANNING BOARD
MINUTES OF MEETING AND PUBLIC HEARING
January 26, 2021
Approved on 2/27, 2021

CALL TO ORDER – Chairperson Porter called the meeting to order at 6:30 pm with Members Cheryl Skilling, Stephanie Floyd, George Greenwood, Jimmy Walker, and CEO Scott Neal present.

PUBLIC HEARING ON CLUC AMENDMENTS 2021 – Member Greenwood moved to open the public hearing. Member Floyd seconded the motion. Discussion: None
Vote: 4-yes 0-no (Member Skilling was absent for this vote.)

Shelley and Jim Webster were the only members of the public present. The Webster's had questions about the proposed article on campers and explained to the Board why they want kennels to be allowed in Rural Residential 2 if you have 5 acres or more.

Member Greenwood moved to close the public hearing at 7:28 pm. Member Floyd seconded the motion. Discussion: None Vote: 5-yes 0-no

VOTE OF CLUC AMENDEMENTS 2021

Article ?. To see if the Town will vote to adopt the 2020 Amendment to the [Poland Comprehensive Land Use Code](#) – section 506.2 “Land Use Key” sections A.1., B.1., C.1., D.1., D.2., E.1., F.1., G.1., H.1., I.1. J.1., J.2., K.1., K.2., L.1., and M.1.? *(A copy of the proposed ordinance amendment is available for inspection in the Clerk’s office, as well as on the Town’s web site at polandtownoffice.org, and will also be available at Town Meeting.)*

506.2 Land Use Key

A. Village 1

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer

- | | |
|---------------------------------------|---|
| • Single Family Dwelling | • Home Day care |
| • Accessory Uses & Structures | • Signs |
| • Housing, Manufactured, Definition B | • Filling 200 cubic yards to 5,000 cubic yards |
| • Accessory Apartment | • <u>Medical Marijuana Caregiver Cultivation</u> |
| • Accessory Residential Structure | • <u>Medical Marijuana Manufacturing Facilities</u> |
| • Offsite Accessory Structure | • <u>Medical Marijuana Testing Facilities</u> |
| • Two Family/Duplex Dwelling | • <u>Adult Use Marijuana Cultivation Facilities: Tier 1</u> |
| • Home Occupation | |
| • Farm Stand | |

POLAND PLANNING BOARD
MINUTES OF MEETING AND PUBLIC HEARING
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B. Village 2

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer

- | | |
|---------------------------------------|---|
| • Single Family Dwelling | • Home Day Care |
| • Accessory Uses & Structures | • Signs |
| • Housing, Manufactured, Definition B | • Filling 200 cubic yards to 5,000 cubic yards |
| • Accessory Apartment | • <u>Medical Marijuana Caregiver Cultivation</u> |
| • Accessory Residential Structure | • <u>Medical Marijuana Manufacturing Facilities</u> |
| • Offsite Accessory Structure | • <u>Medical Marijuana Testing Facilities</u> |
| • Two Family/Duplex Dwelling | • <u>Adult use Marijuana Cultivation Facilities: Tier 1</u> |
| • Home Occupation | |
| • Farm Stand | |

C. Village 3

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer

- | | |
|---------------------------------------|---|
| • Single Family Dwelling | • Home Day Care |
| • Accessory Uses & Structures | • Signs |
| • Housing, Manufactured, Definition B | • Filling 200 cubic yards to 5,000 cubic yards |
| • Accessory Apartment | • <u>Medical Marijuana Caregiver Cultivation</u> |
| • Accessory Residential Structure | • <u>Medical Marijuana Manufacturing Facilities</u> |
| • Offsite Accessory Structure | • <u>Medical Marijuana Testing Facilities</u> |
| • Two Family/Duplex Dwelling | • <u>Adult use Marijuana Cultivation Facilities: Tier 1</u> |
| • Farm Stand | |
| • Home Occupation | |

D. Village 4

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer

**POLAND PLANNING BOARD
MINUTES OF MEETING AND PUBLIC HEARING**

January 26, 2021

Approved on 2/23, 2021

- Single Family Dwelling
 - Accessory Uses and Structures
 - Housing, Manufactured, Definition B
 - Accessory Apartment
 - Accessory Residential Structure
 - Offsite Accessory Structure
 - Two Family/Duplex Dwelling
 - Farm Stand
 - Home Occupation
 - Home Day Care
 - Signs
 - Filling 200 cubic yards to 5,000 cubic yards
 - [Medical Marijuana Caregiver Cultivation](#)
 - [Medical Marijuana Manufacturing Facilities](#)
 - [Medical Marijuana Testing Facilities](#)
 - [Adult Use Marijuana Cultivation Facilities: Tier 1](#)
2. Permitted Uses Requiring Planning Board Approval
- Filling of more than 5,000 cubic yards
 - [Medical Marijuana Registered Caregiver Retail Store](#)
 - [Adult Use marijuana Cultivation Facilities: Tier 2](#)
 - [Adult Use Marijuana Products Production Facilities](#)
 - [Adult Use Marijuana Testing Facilities](#)
 - [Adult Use Marijuana Store](#)

E. Downtown

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer
- Single Family Dwelling
 - Accessory Uses & Structures
 - Housing, Manufactured Definition A, B, and C
 - Accessory Apartment
 - Accessory Residential Structure
 - Offsite Accessory Structure
 - Two Family/Duplex Dwelling
 - Home Occupation
 - Home Day Care
 - Signs
 - Filling 200 cubic yards to 5,000 cubic yards
 - [Medical Marijuana Caregiver Cultivation](#)
 - [Medical Marijuana Manufacturing Facilities](#)
 - [Medical Marijuana Testing Facilities](#)
 - [Adult use Marijuana Cultivation Facilities: Tier 1](#)

POLAND PLANNING BOARD
MINUTES OF MEETING AND PUBLIC HEARING
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F. Historic

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer
 - Single Family Dwelling
 - Accessory Uses & Structures
 - Accessory Apartment
 - Offsite Accessory Structure
 - Home Occupation
 - Home Day Care
 - Farm Stand
 - Signs
 - Filling 200 cubic yards to 5,000 cubic yards
 - [Medical Marijuana Cultivation](#)
 - [Medical Marijuana Manufacturing Facilities](#)
 - [Medical Marijuana Testing Facilities](#)
 - [Adult use Marijuana Cultivation Facilities: Tier 1](#)

G. Rural Residential 1

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer
 - Single Family Dwelling
 - Accessory Uses & Structures
 - Housing, Manufactured Definition A, B, and C
 - Accessory Apartment
 - Accessory Residential Structure
 - Offsite Accessory Structure
 - Two Family/Duplex Dwelling
 - Home Occupation
 - Home Day Care
 - Farm Stand
 - Signs
 - Filling 200 cubic yards to 5,000 cubic yards
 - [Medical Marijuana Caregiver Cultivation](#)
 - [Medical Marijuana Manufacturing Facilities](#)
 - [Medical Marijuana Testing Facilities](#)
 - [Adult Use Cultivation Facilities: Tier 1](#)

H. Rural Residential 2

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer
 - Single Family Dwelling
 - Accessory Uses & Structures
 - Housing, Manufactured Definition A, B, and C
 - Accessory Apartment
 - Accessory Residential Structure
 - Offsite Accessory Structure
 - Two Family/Duplex Dwelling

**POLAND PLANNING BOARD
MINUTES OF MEETING AND PUBLIC HEARING**

January 26, 2021

Approved on 2/23, 2021

- Home Occupation
- Home Day Care
- Farm Stand
- Signs
- Filling 200 cubic yards to 5,000 cubic yards
- [Medical Marijuana Caregiver Cultivation](#)
- [Medical Marijuana Manufacturing Facilities](#)
- [Medical Marijuana Testing Facilities](#)
- [Adult Use Marijuana Cultivation Facility: Tier 1](#)

I. Rural Residential 3

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer
 - Single Family Dwelling
 - Accessory Uses & Structures
 - Housing, Manufactured Definition A, B, and C
 - Accessory Apartment
 - Accessory Residential Structure
 - Offsite Accessory Structure
 - Two Family/Duplex Dwelling
 - Home Occupation
 - Home Day Care
 - Farm Stand
 - Signs
 - Filling 200 cubic yards to 5,000 cubic yards
 - [Medical Marijuana Caregiver Cultivation](#)
 - [Medical Marijuana Manufacturing Facilities](#)
 - [Medical Marijuana Testing Facilities](#)
 - [Adult Use Marijuana Cultivation Facility: Tier 1](#)

J. Farm and Forest

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer
 - Single Family Dwelling
 - Accessory Uses & Structures
 - Housing, Manufactured Definition A, B, and C
 - Accessory Apartment
 - Accessory Residential Structure
 - Offsite Accessory Structure
 - Two Family/Duplex Dwelling
 - Home Occupation
 - Home Day Care
 - Farm Stand
 - Signs
 - Filling 200 cubic yards to 5,000 cubic yards
 - [Medical Marijuana Caregiver Cultivation](#)
 - [Medical Marijuana Manufacturing Facilities](#)
 - [Medical Marijuana Testing Facilities](#)
 - [Adult Use Marijuana Cultivation Facility: Tier 1](#)
2. Permitted Uses Requiring Planning Board Approval
 - Filling of more than 5,000 cubic yards

POLAND PLANNING BOARD
MINUTES OF MEETING AND PUBLIC HEARING
January 26, 2021
Approved on 2/23, 2021

- [Adult Use Marijuana Cultivation Facilities: Tier 2 and Tier 3](#)
- [Adult Use Marijuana Products Production Facilities](#)
- [Adult Use Marijuana Testing Facilities](#)

K. General Purpose 1

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer
 - Accessory Uses & Structures
 - Home Occupation
 - Home Day Care
 - Farm Stand
 - Signs
 - Filling 200 cubic yards to 5,000 cubic yards
 - [Medical Marijuana Caregiver Cultivation](#)
 - [Medical Marijuana Manufacturing Facilities](#)
 - [Medical Marijuana Testing Facilities](#)
 - [Adult use Marijuana Cultivation Facilities: Tier 1](#)
2. Permitted Uses Requiring Planning Board Approval
 - Filling of more than 5,000 cubic yards
 - [Medical Marijuana Registered Caregiver Retail Store](#)
 - [Adult Use Marijuana Cultivation Facilities: Tier 2](#)
 - [Adult Use Marijuana Products Production Facilities](#)
 - [Adult Use Marijuana Testing Facilities](#)
 - [Adult Use Marijuana Store](#)

L. General Purpose 2

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer
 - Accessory Uses & Structures
 - Home Occupation
 - Home Day Care
 - Farm Stand
 - Signs
 - Filling 200 cubic yards to 5,000 cubic yards
 - [Medical Marijuana Caregiver Cultivation](#)
 - [Medical Marijuana Manufacturing Facilities](#)
 - [Medical Marijuana Testing Facilities](#)
 - [Adult use Marijuana Cultivation Facilities: Tier 1](#)

**POLAND PLANNING BOARD
MINUTES OF MEETING AND PUBLIC HEARING**

January 26, 2021

Approved on 2/23, 2021

M. General Purpose 3

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer

- Accessory Uses & Structures
- Home Occupation
- Home Day Care
- Farm Stand
- Signs
- Filling 200 cubic yards to 5,000 cubic yards
- Medical Marijuana Caregiver Cultivation
- Medical Marijuana Manufacturing Facilities
- Medical Marijuana Testing Facilities
- Adult use Marijuana Cultivation Facilities: Tier 1

By a vote of 5-yes 0-no the Planning Board recommends approval.

**POLAND PLANNING BOARD
MINUTES OF MEETING AND PUBLIC HEARING**

January 26, 2021

Approved on 2/23, 2021

Article ?. To see if the Town will vote to adopt the 2020 Amendment to the **Poland Comprehensive Land Use Code** – Chapter 14 Definitions “Structure”? *(A copy of the proposed ordinance amendment is available for inspection in the Clerk’s office, as well as on the Town’s web site at polandtownoffice.org, and will also be available at Town Meeting.)*

Chapter 14 Definitions:

Structure: Anything temporary or permanently located built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected on or in the ground, exclusive. The term includes structures temporarily or permanently located including membrane structures, decks, patios, satellite dishes, **and solar panels**. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.

By a vote of 5-yes 0-no the Planning Board recommends approval.

POLAND PLANNING BOARD
MINUTES OF MEETING AND PUBLIC HEARING
January 26, 2021
Approved on 2/23, 2021

Article ?. To see if the Town will vote to adopt the 2020 Amendment to the Poland Comprehensive Land Use Code. Section 1204 "Adoption of NFPA 1 Fire Code by Reference"? *(A copy of the proposed ordinance amendment is available for inspection in the Clerk's office, as well as on the Town's web site at polandtownoffice.org, and will also be available at Town Meeting.)*

1204 ADOPTION OF NFPA 1 FIRE CODE BY REFERENCE

- A. That a certain document, three (3) copies of which are on file in the office of the Town of Poland Clerk of the Town with one (1) copy being in the Town Clerk's Office, marked and designated as the NFPA Fire Code 1 – 2018 Edition as published by the National Fire Protection Association, as adopted and amended by the State of Maine and further amended by section 1204.B, be and is hereby adopted as the Fire Code of the Town of Poland

By a vote of 5-yes 0-no the Planning Board recommends approval.

**POLAND PLANNING BOARD
MINUTES OF MEETING AND PUBLIC HEARING**

January 26, 2021

Approved on 2/23, 2021

Article ?. To see if the Town will vote to adopt the 2020 Amendment to the **Poland Comprehensive Land Use Code.** Section 1205 "Adoption of NFPA Life Safety 101 by Reference"? *(A copy of the proposed ordinance amendment is available for inspection in the Clerk's office, as well as on the Town's web site at polandtownoffice.org, and will also be available at Town Meeting.)*

1205 ADOPTION OF NFPA LIFE SAFETY 101 BY REFERENCE

- A. That a certain document, three (3) copies of which are on file in the office of the Poland Town Clerk Town, with one (1) copy being in the Town Clerk's Office, marked and designated as the Life Safety Code 101 – **2018** Edition including Appendices A and B as published by the National Fire Protection Association, as adopted and amended by the State of Maine and amended by section 1205.B, be and is hereby adopted as the Life Safety Code of the Town of Poland for control of buildings and structures as herein provided.

By a vote of 5-yes 0-no the Planning Board recommends approval.

**POLAND PLANNING BOARD
MINUTES OF MEETING AND PUBLIC HEARING**

January 26, 2021

Approved on 2/23, 2021

Article ?. To see if the Town will vote to adopt the 2020 Amendment to the **Poland Comprehensive Land Use Code**. Section 1511.1 and Section 1512.1 "Allowed Locations"? (A copy of the proposed ordinance amendment is available for inspection in the Clerk's office, as well as on the Town's web site at polandtownoffice.org, and will also be available at Town Meeting.)

1511. 1 Allowed Locations – Adult use marijuana products manufacturing facilities shall be allowed in the following locations, subject to the requirements of this Section:

- A. Allowed in all locations where adult use **Tier 2 and Tier 3** cultivation is allowed and must be co-located with a cultivation facility.

1512. 1 Allowed Locations – Adult use marijuana testing facilities shall be allowed in the following locations, subject to the requirements of this Section:

- A. Allowed in all locations where adult use **Tier 2 and Tier 3** cultivation is allowed and must be co-located with a cultivation facility.

By a vote of 5-yes 0-no the Planning Board recommends approval.

**POLAND PLANNING BOARD
MINUTES OF MEETING AND PUBLIC HEARING**

January 26, 2021

Approved on 2/23, 2021

Article ?. To see if the Town will vote to adopt the 2021 Amendment to the [Poland Comprehensive Land Use Code](#) – Chapter 15 Marijuana Standards sections 1504.1.B, 1505.1.B, 1506.1.B., and 1510.1.A.2 “Allowed Locations”? (A copy of the proposed ordinance amendment is available for inspection in the Clerk’s office, as well as on the Town’s website at polandtownoffice.org, and will also be available at Town Meeting.)

1504 MEDICAL MARIJUANA CAREGIVER CULTIVATION

1504.1 Allowed Locations – Medical marijuana caregiver cultivation sites shall be allowed in the following locations, subject to the requirements of this Section:

- A. All Zones
- B. Must follow the requirements of home occupation as defined in the CLUC and must obtain a change of use permit.

1505 MEDICAL MARIJUANA MANUFACTURING FACILITIES

1505.1 Allowed Locations – Medical marijuana manufacturing facilities shall be allowed in the following locations, subject to the requirements of this Section:

- A. All Zones
- B. Must be a registered caregiver and follow the requirements of home occupation as defined in the CLUC and must obtain a change of use permit.

1506 MEDICAL MARIJUANA TESTING FACILITIES

1506.1 Allowed Locations – Medical marijuana testing facilities shall be allowed in the following locations, subject to the requirements of this Section:

- A. All Zones
- B. Must be a registered caregiver and follow the requirements of home occupation as defined in the CLUC and must obtain a change of use permit.

1510 ADULT USE MARIJUANA CULTIVATION FACILITIES

1510.1 Allowed Locations – Adult use marijuana cultivation facilities shall be allowed in the following locations, subject to the requirements of this Section:

- A. Tier 1: maximum 500 square feet canopy.
 - 1. All Zones
 - 2. Tier 1 adult use marijuana cultivation must follow the requirements of home occupation as defined in the CLUC and must obtain a change of use permit.

By a vote of 5-yes 0-no the Planning Board recommends approval.

POLAND PLANNING BOARD
MINUTES OF MEETING AND PUBLIC HEARING
January 26, 2021
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Article ?. To see if the Town will vote to adopt the 2021 Amendment to the **Poland Comprehensive Land Use Code** – section 508.31 “Use of Camping Trailers (RV’s) Outside of the Shoreland Zone”? (A copy of the proposed ordinance amendment is available for inspection in the Clerk’s office, as well as on the Town’s website at polandtownoffice.org, and will also be available at Town Meeting.)

Use of Camping Trailers (RV’s) Outside the Shoreland Zone – The use of camping trailers, recreational vehicles, and campers, so called, may be permitted without a permit only in properly authorized and licensed camping grounds, or on private land if the landowner has granted written permission for the occupancy and:

1. The occupancy is for less than thirty (30) days within a calendar year, or;
2. If the occupancy is for more than thirty (30) days, there is adequate provision for proper disposal of sewage and other wastes as associated with the parked vehicle, or;
3. If the occupancy is for more than one hundred and twenty (120) days per calendar year, all requirements for residential structures must be met, including installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules, as revised, unless served by public sewage facilities.

By a vote of 5-yes 0-no the Planning Board recommends approval.

**POLAND PLANNING BOARD
MINUTES OF MEETING AND PUBLIC HEARING**

January 26, 2021

Approved on 2/23, 2021

Article ?. To see if the Town will vote to adopt the 2021 Amendment to the **Poland Comprehensive Land Use Code** – section 506.2.H.3 “Land Use Key, Rural Residential 2”? (A copy of the proposed ordinance amendment is available for inspection in the Clerk’s office, as well as on the Town’s website at polandtownoffice.org, and will also be available at Town Meeting.)

506.2 Land Use Key – H Rural Residential 2

3. Permitted Commercial, Industrial, Institutional, Governmental, and Other Uses Requiring a Site Plan Review:

- | | |
|--|--|
| • Accessory Uses & Structures | • Congregate Care Facility |
| • Antenna, Saucer, Tower (Commercial) | • Library |
| • Bed & Breakfast | • Museum |
| • Day Care Facility | • Religious Institution |
| • Farm Market (the lot upon which the farm market is located shall be at least twenty acres in size and shall be a working farm) | • Municipal or State Recreation Facilities |
| • Gravel Pits & Quarries | • Schools |
| • Sewerage Pumping Station | • Cemeteries |
| | • Utilities, Service Structure |
| | • <u>Kennel (the lot upon which the kennel is located shall be at least five (5) acres in size.)</u> |

By a vote of 5-yes 0-no the Planning Board recommends approval.

**POLAND PLANNING BOARD
MINUTES OF MEETING AND PUBLIC HEARING**

January 26, 2021

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MINUTES – December 22, 2021 – Member Greenwood moved to approve the minutes. Member Walker seconded the motion. Discussion: None Vote: 3-yes 0-no 2-abstained (Members Skilling and Floyd were absent from the 12/22/2020 meeting and abstained from voting.)

January 12, 2021 - Member Greenwood moved to approve the minutes. Member Floyd seconded the motion. Discussion: None Vote: 5-yes 0-no

COMMUNICATIONS – None

OLD BUSINESS – None

NEW BUSINESS – Findings of Fact and Conclusions of Law for:

Formal Site Plan Review – Affordable Homes, Inc – Poland Corner Road
– Map 11 Lot 5

Member Greenwood moved to approve the Findings of Fact. Member Walker seconded the motion. Discussion: None Vote: 5-yes 0-no

Shoreland Zoning Application – Peter and Jane Savas – 219 Black Island Road
– Map 25 Lot 27

Member Greenwood moved to table the Findings of Fact for a correction. Member Floyd seconded the motion. Discussion: None Vote: 5-yes 0-no

Formal Site Plan Review – Nathan Ramsdell – Cobb Road – Map 11 Lot 45C
Member Greenwood moved to approve the Findings of Fact. Member Skilling seconded the motion. Discussion: None Vote: 5-yes 0-no

Road Name Application for Nathan Ramsdell

Member Greenwood moved to approve the Applicant's first road name choice of Ramsdell Drive. Member Skilling seconded the motion.
Discussion: None Vote: 5-yes 0-no

ANY OTHER BUSINESS – None

ADJOURN – Member Floyd moved to adjourn the meeting at 8:05 pm. Member Walker seconded the motion. Discussion: None Vote: 5-yes 0-no

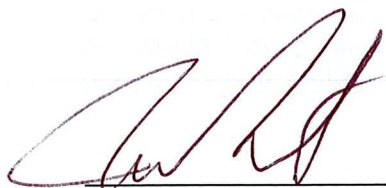
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**POLAND PLANNING BOARD
MINUTES OF MEETING AND PUBLIC HEARING**

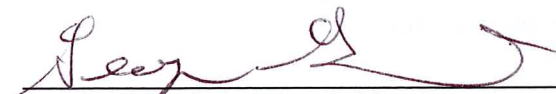
January 26, 2021

Approved on 2/23, 2021

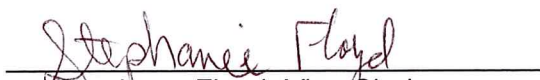
Planning Board



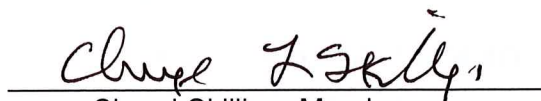
James Porter, Chairperson



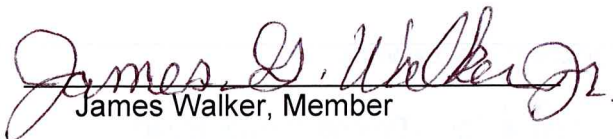
George Greenwood, Member



Stephane Floyd, Vice Chairperson



Cheryl Skilling, Member



James Walker, Member