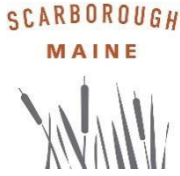


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Long Range Planning Committee Meeting January 10, 2025 8-9:30 am

In Person: Council Chambers

Virtually via Zoom: To view the meeting via Zoom, [Click Here](#)

Members of the public may attend virtually or in person. Committee members are expected to attend in person unless the member meets one of the circumstances established in the Committee's remote participation policy.

Present:

Members: Allen Paul, Rick Shinay, Peter Freiling, Portia Hirschman (Robyn Saunders absent)

Alternates: Judith Fischer

Planning Board Liaison: Rachel Hendrickson

Council Liaisons: Cory Fellows and Jon Anderson

Staff: Autumn Speer, Karen Martin

- I. Roll Call and Identify Voting Members.

Allen Paul led a moment of silence for the wildfires occurring in Southern California.

- II. Review Minutes December 13, 2024 – Approved 4:0
- III. General Public Comment - Items not covered on the agenda (3-minute limit per speaker) – No speakers
- IV. Discuss and consider a recommendation to Ordinance Committee for proposed amendments to the Zoning Ordinance to permit landscape contractor uses as a special exception in the Running Hill District.
 - Public Comment (3-minute limit per speaker)

Allen commented that the Committee has been discussing this item for the last several meetings. He commented that he would allow brief discussion from the public and Committee members on this item but would move it to a vote in order to offer clarity to the applicant.

Ryan Jones spoke about his request for the consideration with Landscape Contractor uses in RH.

Peter commented that the RH district was created with the expectation of having sewer and public utilities. Since the RH district was created, those utilities have not come online. Town Council is the best suited for a decision on the purpose of the RH district, rather than the Committee permitting special uses.

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The Town Council has to decide whether they are going to bring utilities into the district or direct a committee to rewrite the Ordinance.

Allen responded that previous discussion of sewer in the RH district related to a possible agreement with Westbrook sewer service.

Rick commented that historically, the Town has been willing to consider sewer serving the RH area if a project comes along that merits sewer.

Autumn indicated a clause in the proposed amendment that provides an exemption if the designed flow for on-site septic is less than 600 gallons per day, and suggested that this business would fall under that exemption.

Jon commented that Council was open to discussing whether this might be a priority moving forward.

Portia did not express any concerns with the proposed amendments.

Autumn pointed out that the green text in the handout is what the Committee recommended be sent to Ordinance Committee for consideration next week. The red text is additional text that would have to be excluded from RH. RH is separated to have its own performance standards bucket. It would still be a special exception use that has to follow performance standards and still go through site plan process with Planning Board.

Rachel confirmed that she had reviewed the performance standards and did not foresee any issue with the Planning Board.

Allen made a motion to recommend to the Ordinance Committee for proposed amendments to the Zoning Ordinance to permit landscape contractor uses as a special exception in the Running Hill District.

Approved 3:1. (Freilinger opposed)

- V. Discuss and consider a recommendation to Ordinance Committee for proposed amendments to the Light Industrial Zoning District, the Rural Farming Overlay District and the Zoning Map of the Town for Scarborough.

- Public Comment (3-minute limit per speaker)

Rick recused himself from voting on this item.

Peter expressed concern over discussion the item without a quorum because the item has been discussed in a number of previous meetings already.

Autumn introduced the item including the 90-day moratorium put in place by Council, over March 25. Council has requested the Committee only look at the four uses Council has considered removing from the district. Discussion beyond this may continue at the Committee level but the Committee will not be able to make a recommendation today.

Judith Fischer joined the meeting. The Committee achieved a quorum.

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Autumn resumed her introduction of the item and indicated the Council's moratorium language, provided on the handout.

Jon described discussion with community members and developers in the area and stated that Council had identified trucking terminals as a primary concern. Property owners would like to continue to have trucking terminals, with performance standards to meet resident concerns. For residents, they are not so concerned with specific uses as long as it does not bother residents. In consultation with staff, marijuana is something to revisit- as long as it does not bother residents or create a smell it is not an issue. For example, Council recently implemented a 1,000-foot door-to-door distance rule, and could explore impact of cannabis cultivation in the future. Council seeking Committee input on four identified uses- trucking terminals, cannabis manufacturing facilities, cannabis testing facilities, and marijuana cultivation facilities.

Karen asked why marijuana laboratories got included in the marijuana uses listed. Jon responded that it was included as part of the group of marijuana uses.

Autumn indicated the moratorium language was included on page 13 of the packet. Autumn explained that the uses listed was based on the initial Committee conversation. Autumn asked if the Committee members agreed that number 27, marijuana cultivation, should be struck from the zone.

Judith asked what zone marijuana cultivation would come back. Autumn responded that it would come under industrial.

Allen indicated that he was in favor of numbers 25, 26, and 27 all be removed from the light industrial zone. Peter indicated that he feels indifferent and does not see a reason to act to remove the uses.

Rachel asked if the testing facility was just a laboratory. If so, she expressed that she did not see the harm in that because it is not a very intensive use.

Portia agreed with Rachel that removing cultivation and manufacturing but leaving the testing facility use in place makes sense.

Karen commented that small amounts of marijuana are sent into testing facilities in response to the question of intensity of use.

Jon commented that he does not have a problem with numbers 25, 26, and 27 remaining as uses in the zone. The 1,000-foot buffer is meant to protect against any odor disturbance for residents, and residents would have avenues to file complaints in the event of any disturbance.

Judith asked what initiated this topic of discussion. Jon described the Council moratorium as being in response to residents. Autumn clarified that the discussion came about from residents being concerned with the FedEx site plan approval process and this being the only Light Industrial zone in town. Autumn explained that this would be a change to the entire zone, not a spot-zoning approach.

Public Comment:

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Daniel Dickinson commented that he disagrees with the process altogether and that even with the 1,000-foot buffer, there remained ample land to cultivate marijuana and encouraged the Committee to use the GIS tool to explore the impact of the buffer. On distribution warehousing, he emphasized that the Committee had previously put a lot of time into creating the zone, which created protections for Two Rod Road residents. He expressed a negative impact from the change of uses in the zone. He commented that reported water issues may have to do with residents' wells, not the Kennebago development. Daniel asked the uses not to be struck from the zone. Daniel disagreed with Rick and commented that this process would negatively impact FedEx because it would have to adhere to the new performance standards. Daniel commented that there should be a more formal discussion and expressed the need for more time to present his concerns.

Greg Hastings commented that the zone is a good area for the listed uses, given limited industrial zones in the rest of the town.

Denise Hamilton commented that three minutes is not enough time to express residents' concerns. She commented that the Committee's 2012 recommendation stated specifically that the area should not include trucking terminals because the area is not equipped for such uses. Denise indicated her additions to the text, which had been done before the moratorium was put in place. Denise commented that she does not believe FedEx could adhere to the existing performance standards. She expressed that the area is not appropriate for light industrial uses.

Peter asked Denise if she has concerns over marijuana uses. Denise commented that those uses should be struck from the zone because of odor issues.

Art Ledue commented that there are ways to mitigate resident concerns without getting rid of the listed uses entirely and expressed a willingness to work together.

Allen suggested that the role of the Committee is to provide input to Council relating to the listed uses in this zone. Peter commented that he was hearing resident concerns over proximity to marijuana cultivation, and proposed that the Committee strike marijuana cultivation and cannabis manufacturing as permitted uses but keep testing facilities, agreeing with Karen.

Judith asked if Daniel would be grandfathered into the previously permitted cultivation or manufacturing uses. Autumn responded that if Daniel had an existing cultivation he would be grandfathered in, but he does not have the existing use.

Portia expressed support for the lab testing use remaining in LI.

Allen stated that his earlier comment on removing all three marijuana related uses was related to keeping the area clean and avoiding confusion but understands the appeal of keeping testing uses while removing manufacturing and cultivation.

Jon commented that manufacturing facilities have essentially the same level of impact as testing facilities and he is not aware of any complaints towards manufacturing uses.

Peter commented that there is a legitimate concern over the quantity of extracts on site, whereas testing facilities use smaller quantities of product.

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Peter made a motion to recommend that Council strike marijuana manufacturing and cultivation uses but retain testing facility uses.

Approved 3:1. (Fischer opposed)

Karen offered to work with Jon to better understand the potential impacts of manufacturing and bring that information to the Committee, as her concern was more related to odor. Judith changed her vote to yes. Judith expressed interest in finding ways to work with residents to address their concerns.

Autumn introduced the next use to be discussed, wholesale trade and transportation, including truck terminals. She stated that this is a broader item to consider, and suggested that the Committee could consider striking the use altogether, work to define what this use means and perhaps narrow it down, leave the use as is, leave the use as is with additional performance standards, or put other limitations on the use. She advised that the moratorium requires the Committee to arrive at a decision before the March deadline.

Rachel asked Autumn to clarify the definition of wholesale trade. Autumn provided examples such as an Amazon facility or small business that distributes its products around the state. Autumn suggested defining the use specifically.

Rachel suggested considering maximum building size.

Autumn suggested the Committee recommend that the Ordinance Committee consider specific definitions for these uses, or define each use separately.

Karen commented that these uses may have changed since the Ordinance was written, so there is good reason to look more closely at what a business is going to be.

Autumn suggested defining the uses the Committee is comfortable with because it is a broad term with multiple interpretations. Allen expressed concern with hours of operation and vehicle size in order to minimize noise disturbance rather than completely eliminating the use.

Peter commented that Two Rod Road is more clearly backcountry residential road than Holmes Road, which is not, especially as it comes off Payne Road and crosses onto where the town dump facilities are. That makes this district difficult because the two areas have different characters. He suggested that the two remaining lots that face Two Rod Road and put them in a residential district, then there would be less of a need for restrictions in the rest of the district. He commented that the Town would do itself a disservice in removing commercial and manufacturing uses from the zone.

Autumn summarized that Allen, Judith, and Peter are onboard with looking into hours of operation and vehicle size, although Peter does not see a high likelihood of success given resident concerns. Portia suggested defining the use more clearly as well as looking at vehicle size and hours of operation, which gives the Committee a platform to look at the Two Rod Road lots and whether they should be removed from the zone.

Autumn suggested a possible motion that the Committee recommend that the Ordinance Committee further define the uses, and explore performance standards that would put hours of operation, vehicle size and structure size on those uses under item 14.

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Allen clarified whether the Ordinance Committee should do that. Autumn suggested the Committee make the more generic recommendation, which would give Autumn time to bring it to the Ordinance Committee, collecting feedback from the Long-Range Planning Committee ahead of time.

Jon mentioned that he had heard people mention they would like more time to discuss this topic. He suggested more of a workshop format with various committee members as well as public and landowner representatives to discuss.

Autumn asked Karin if a workshop would work in the Ordinance Committee timeframe. Karin confirmed some of the February 12 meeting time could be used as a workshop.

No action taken on the wholesale trade and transportation portion of the item.

VI. Elect Chair and Vice-Chair.

Peter nominated Allen to be renewed as Chair and Allen nominated Rick as Vice-Chair.

Approved 5:0.

VII. Committee Member Updates - 9:15

Peter reported public comments on the Transportation Study have been received in Transportation Committee, which will meet next Tuesday to review those comments. Zoning Board did not meet last month due to lack of quorum.

Judith asked if there are plans for shuttles for employees to potential businesses in Scarborough, using Piper Shores as an example. Portia responded that she and Angela are looking at a similar program and is being explored. Rick responded the Town might be more interested in a bus route more generally rather than employee-specific transportation. Portia suggested that Judith attend the next Transportation Committee to provide public comment on the issue.

Rachel announced Planning Board's longest-running application, Aroma Joe's, has been approved. The project will involve a right-turn lane on Payne Road approaching Bridges Road, which should relieve some traffic concerns at that intersection. The project also includes some warning signs along Holmes Road to warn cars of the upcoming intersection. Rachel also reported that FedEx has agreed to improve the front of its property on Holmes Road and the stretch of Payne Road to the edge of the property will not need posting.

Karen reported that her board will be looking at small business development at their next workshop.

Judith clarified that she does not speak for the Piper Shores administration relating to the employee transportation question she raised.

Jon reported that Council will be hearing from staff and conducting their goal-setting workshop on January 25th, with the first read taking place on February 5th. Jon noted that the discussion would include RF and the light industrial zone, revisiting the RH zone, wetland setbacks, revisiting building heights and

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frontage, and affordable housing. Cory added that it would be a good opportunity to look into interconnected issues and thanked the Committee for its discussion of today's items.

Allen asked Councilors about the workshop scheduled for the end of this month and what expectations there are for the Committee. Autumn clarified that it did not involve this Committee.

VIII. Staff Updates – 2024 Recap

Autumn highlighted the 2024 recap handout summarizing what the LRPC had worked on over the course of 2024.

IX. Adjourn 9:38 - Next Meeting February 14, 2024