

**TOWN OF KENNEBUNK
SELECT BOARD/PLANNING BOARD
JOINT PUBLIC HEARING
MEETING MINUTES
MONDAY, JANUARY 27, 2020 – 7:00 P.M.**

1. CALL TO ORDER

Chris MacClinchy, Chair of the Planning Board opened the meeting at approximately 7:00 p.m. in Room 301 of the Town Hall.

Planning Board members present were: Chris MacClinchy, Richard Smith, Robert Metcalf, Janice Vance and Alternate member Edward Trainer. Absent was David Smith.

Also present was John Stoll, Town Planner.

Select Board members present were: L. Blake Baldwin, Wayne, Berry, Edward Karytko, William Ward Jr., and Frank Paul. Absent were Select Board members Shiloh Schulte and Christopher Cluff.

Also present was Michael Pardue, Town Manager.

2. JOINT PUBLIC HEARING

The Kennebunk Planning Board and the Kennebunk Select Board held a Joint Public Hearing to receive public comment regarding the proposed Amendment to the Zoning Ordinance: Article 2, Section 2 (Definitions), Article 8, Section 14.B.5 (Business Park District) and Article 10, Section 24 (Retail Marijuana). Changes are noted below:

- This would permit retail marijuana testing facilities, licensed by the State of Maine, within the Business Park Zoning District.
- This only deals with retail testing facilities and would not permit any retail stores, retail manufacturing or retail cultivation of marijuana within the Town of Kennebunk.
- This changes language from “retail” to “adult use” in order to be consistent with State law.

Copies of the proposed amendments are on file and may be reviewed in the Town Planner’s Office or online: [View Proposed Amendments](#)

J. Stoll states that the Planning Board previously discussed this at their January 13th meeting. He notes that this request is by Lori Mailing to amend the zoning ordinance, Article 10, Section 24, Retail Marijuana; Article 8, Section 14B5, Business Park District; and Article 2, Section 2, Definitions. He states that this would only permit adult-use marijuana testing in The Business Park Zoning District. He states that the Planning Board amended this to reflect the state regulations. He states that he thinks it is “pretty simple.” He notes that if there are questions, he can elaborate.

C. MacClinchy asked if the Planning Board has any questions. No questions are stated.

L. Baldwin asked if the Select Board members have any questions.

E. Karytko asked about the increase in the amount of marijuana being tested. He states that he knows it will increase, but he doesn’t understand how much or what will be tested or the amount. He asked about the size of the samples.

Lori Mailing introduces herself as a representative from Nelson Analytics, the proposed testing location. She notes that Nelson Analytics has been testing medical cannabis and hemp since 2016. She notes that a normal sample that they get depends on what the cannabis is being tested for. She notes that for potency, they might get a sample the size of a thumb. She notes that for adult use, there is a “little more” they are testing for, including micro-biology. She notes that for adult use, the size of the sample would be “that big,” a very small amount. She notes that they may have 100 or 200 samples a week.

E. Karytko questioned if there is more marijuana in the facility, if it is going to be a place “for those who are unsavory” to break-in and there will be more crime.

L. Mailing states that she doesn’t know why “they would want it.” She notes that the State restrictions have been “very strict” with security regulations. She notes that there is video monitoring and the facility is monitored 24/7. She notes that they have been “doing it for a while” and haven’t had a problem. She states that they don’t advertise. She notes that the only people that know are the ones that bring the samples.

E. Karytko asked if Nelson Analytics is testing adult or retail marijuana for THC and/or heavy metals. L. Mailing states that they are testing for CBD and THC and “do 11 cannabinoids.” She states that they test for homogeneity, heavy metals, residual solvents, and “microbiologicals.”

L. Baldwin asked what effect this will have on business. He notes that he assumes this will be beneficial. L. Mailing states, “yes,” that a big influx of samples will occur and that no labs have applied yet in the State. She notes that it will be tremendously beneficial.

L. Baldwin asked if Nelson Analytics will be hiring more employees. L. Mailing states, “probably 5 or 6.”

L. Baldwin asked if Nelson Analytics will need any additional equipment. L. Mailing states, “not currently” and that all the equipment is already in the laboratory.

L. Baldwin asked about security, and if the tested product is kept in a safe. L. Mailing states that it is in a locked room.

C. MacClinchy opens the public hearing (for the Planning Board). L. Baldwin opens the public hearing (for the Select Board).

Eric Gunnerson introduces himself as the director from the Maine Office of Marijuana Policy [OMP] in August. He states that he is here “today” on behalf of the OMP to express support in opting-in for the testing facility. He notes that the OMP was established in February of last year by Governor Janet Mills and has been home to both marijuana programs in the State, both the medical program and the implementing of licensing adult use. He notes that their mission statement is to ensure the health and safety of all Mainers by effectively and responsibly licensing and regulating marijuana establishments. He notes that as a regulatory agency, without testing, the agency wouldn’t be able to ensure public health and safety. He states that Nelson Analytics is one of the testing sites that has showed interest in this space and have been engaged in the medical marijuana program. He notes that Nelson Analytics has the highest level of readiness compared to other testing facilities. He notes that his office has gone through significant rule-making at the State level. He states that they have a compliance team and a law enforcement team so that they can ensure responsibility. He notes that the agency is nearly ready for licensing, and that the first step is that the testing facility has to “come back for a final blessing.” He notes that the OMP does have the authority to waive all testing requirements if there are none there to meet the needs of the program. He notes that the OMP is “at the point now” where they have a testing facility to implement the program, but this facility can only implement the program given the acceptance of this zoning proposal. He states that he is happy to answer any questions from the State level and he is grateful to Nelson Analytics because it is important that there is a testing regime. He states that he would never say consuming marijuana is a safe activity, but “it is coming and will happen.” He notes that when a consumer does participate, there needs to be vetting of the product. He notes that a lot of the analytics will be mold or mildew that would cause health impacts.

W. Ward asked if Nelson Analytics will see growth in retail from a State level and if Nelson Analytics will be responsible to test “to a level.” E. Gunnerson states that in their regulations there are 8 things to

test for. He states that one is THC potency, which will determine the affect of the drug. He notes that there is mold and mildew, residual solvents, pesticides, and heavy metals. He notes that it is well-documented when and what is being tested. He notes that testing is complicated. He notes that every single product will be tested.

E. Karytko states that they are only talking about facilities that are complying with Maine State law. He notes that this does not include marijuana growing facilities that are “in someone’s back yard.”

E. Gunnerson states that as far as what this amendment is asking for, “yes,” the ability to test within the adult-use program is by license, and that these licensees go through “a lot of hoops” to get a license.

C. MacClinchy asks for any other members of the public to join the public hearing. No members of the public present themselves.

C. MacClinchy closes the public hearing for the Planning Board. L. Baldwin closes the public hearing for the Select Board.

C. MacClinchy states that the Planning Board’s role is to make a recommendation to the Select Board of whether or not to forward this zoning amendment to the Town for a vote.

Planning Board:

R. Metcalf moves that the Planning Board pass on a positive recommendation for the proposed amendments to Article 19, Section 24, Retail Marijuana; Article 8, Section 14.B.5, Business Park District; and Article 2, Section 2, Definitions.

R. Smith seconds the motion.

C. MacClinchy notes that E. Trainer is a voting member in the absence of D. Smith.

All in favor, none opposed. The motion passes 5 in favor, 0 opposed, 1 absent (D.Smith).

Select Board:

W. Berry makes a motion to advance this to tomorrow night’s Select Board meeting for further discussion.

E. Karytko seconds the motion.

All in favor, none opposed. The motion passes 5 in favor, 0 opposed, 2 absent (Cluff, Schulte).

3. ADJOURNMENT

W. Ward makes a motion to adjourn the Select Board meeting.

F. Paul seconds the motion.

The motion passes 5 in favor, 0 opposed, 2 absent (Cluff, Schulte).

The meeting was adjourned at 7:35 p.m.



L. Blake Baldwin, Chair
Kennebunk Select Board

Minutes approved 3/10/20