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Debby Willis, Chairperson  
Angelia Sencabaugh, Administrative Assistant

## **ORDINANCE REVIEW COMMITTEE**

### **Meeting Minutes Monday, June 24, 2019 @ 3:00 PM City Hall Council Chambers**

#### **1.) Call the meeting to order**

**Chairperson- Debby Willis called the meeting to order at 3:00 pm**

#### **2.) Roll Call**

Debby Willis; Clare Marron; Mayor Pat Hart; Louis Sigel

Also in attendance: Kris McNeill - CEO/Assistant Planner Angelia Sencabaugh- Admin.

Assist. For Planning & Economic Development; Mark Eyerman- Planner

#### **3.) Preparation for presentation of the Omnibus Ordinance Amendments to the City**

##### **Council on July 10<sup>th</sup>-**

Mark Eyerman has presented the Ordinance Review Committee with a document that has been designed to present to the City. Overview of Proposed Amendments to the Land Use Ordinance is a document that reflects the revisions that are being proposed, in a condensed fashion. Mr. Eyerman, proposes to give the council this document so they can see the 'big picture' without having to wade through 100+ pages of information. Each section gives a brief description of the changes being requested, including page numbers where to reference the Land Use Ordinance.

### **Presenting to City Council:**

The Board discussed how best to approach the presentation of the Omnibus to City Council. The group decided that Mayor Hart will present the proposed amendments to the Council and Chair Willis will discuss what work Ordinance Review and Planning Board Committees have done. Chair Willis asks if Mr. Eyerman will be there for any QA as another set of eyes is always helpful, and he agrees to be. Mr. Eyerman offers crib notes that will aid with the presentation of the material, and both Mayor Hart, and Chairperson Willis gladly accept this offer. The overall goal it to be able to present a final draft to City Council with defined options, with recommendations of passage.

### **4.) Review of draft amendments to the Land Use ordinance dealing with marijuana establishments—**

Mark Eyerman feels that the framework of the Draft Ordinance dealing with Marijuana should be put out first, a presentation of ‘what are the issues’. The next step would be to present City Council with a rough cut of what the ordinance will look like when complete. From there the next step would be to set up a workshop with Council to work out final details. Another important factor to consider is how this committee or City Council will be addressing the public on this matter. Most communities have had some sort of discussion; some have done significant planning/work to their Ordinances concerning marijuana businesses that will be allowed in their communities.

Terry Berry, a City Councilor, chaired the marijuana task force, which took tours of grow facilitates, and explored different marijuana business opportunities. These experiences can be useful to Council by giving them information about a variety of facilities.

Legislature has finally adopted part of the rules, around adult use marijuana, but not the substantive rules. It appears the rules around medical marijuana are still very unclear.

The city will need to figure out what types of establishments they might want to consider allowing and where they will be allowed in the City.

-Cultivation- establishments for the growth of marijuana.

-Testing facilities- establishments where marijuana and marijuana based products are tested for consumer safety.

-Establishments for the manufacturing of marijuana-based products establishments for the sale and distribution of products- marijuana garden centers.

- Tier 1-30 plants- not more than 500 sq. ft. of canopy
- Tier 2- up to 2000 sq. ft. of canopy of mature plants---  
-- these first 2 tiers are usually the ones that are harder to manage--studies show that they are more apt to be non-compliant to rules--
- Tier 3-2000-7000- sq. ft. of plant canopy,
- Tier 4- 7000-20000 sq. ft. of plant canopy-

## Legend

The legend at the top of the columns identifies the various zoning districts as follows:

RP	Resource Protection	SLR	Shoreland Overlay Limited Residential
SL	Shoreland	RG	Residential Growth
R	Rural	HDR	High Density Residential
PR	Professional/Residential	TD	Traditional Downtown
PIC	Planned Industrial/Commercial	PD	Planned Development
CC	Cobbossee Corridor	ECR	Education/Community Recreation
MUV	Mixed Use Village	PHD	Planned Highway Development
IT	Intown Commercial	CPD	Cobbossee Planned Development

- Marijuana nursery cultivation facility- R-MUV- IT- CC-PHD- PIC- Maine Ave-  
 \*Mayor Hart feels that CC is not a good place for Marijuana cultivation- due to the purpose of Cobbossee Corridor - All Board Members are in agreement
- Retail store ok to be in Zones TD-MUV-CC- R- PHD, IT- all agree
- Medical dispensary- a new business operating as a medical marijuana dispensary or expanded marijuana establishment, will need to go before the planning board.
- Rules prohibit retail sales on the same property, that is a cultivation site. The two can be on the same property but have to be considered separate businesses. Each business has to have separate doors, entrances and signage etc.
- Manufacturing facility testing is a little more dangerous, due to increased fire hazards. There needs to be a whole different set of rules, due to the fire safety considerations. These considerations, make it not really suitable for Rural operations. Kris McNeil states that there are reportedly kits that are being sold, so that THC can be extracted from Marijuana. The liquid/chemical used in this process, is very flammable. Board Members discussed how the City would regulate this. If individuals are testing for their own personal use, can a municipality interfere with it? A complaint was recently submitted to the City Code Enforcement office which stated that there several 5 gallon containers of this chemical, which is alcohol based, is being stored in a closet. Al Nelson, Fire Chief for City of Gardiner is researching this. Another municipality recently had a very large fire, at a building where Marijuana testing was being done, using this chemical. The building was a loss, and that is reason for concern. This topic will need to be explored more thoroughly.
- There are some cultivation facilities that will opt out of city services such as water and sewer. The general feeling is that this could be due to high water demand, which will

result in high sewer bills too. The reasoning could also be that Marijuana business owners will want to control what is in their water for nutrients-additives, before using it on their product. The possible risk of contamination from the products used the cultivation facilities, which could be harmful to the sewer system, could also be another reason that business owners are opting out.

- All Marijuana facilities need to be 1000ft from any public or private school or athletic field or playground
- For all marijuana establishments- Business hours shall not be open for consumer transactions or other public activity between the hours of 8:00 p.m. and 8:00 a.m. unless the City Council establishes other hours of operation.

5.) Next meeting date of July 22, 2019 was agreed upon by Committee members – there are no agenda items at this time.

**6.) Adjourn**

Chair Debby Willis asked for a motion to adjourn

Clare Marron made the motion

Mayor Pat Hart offered a second motion

All were in favor.

Meeting was Adjourned at 4:34pm.