

**Town of Cape Elizabeth
Ordinance Committee Minutes**

April 4, 2017

12:15 p.m.

Town Hall

Present: Patty Grennon, Chair
 Caitlin Jordan
 Kathy Ray

Staff: Maureen O'Meara, Town Planner

Councilor Grennon called the meeting to order. The minutes of the March 23, 2017 meeting were approved.

Public Comment

Mark Mayone, Spurwink Rod and Gun Club - Mr. Mayone apologized for getting upset at last month's meeting. He respects the volunteer efforts of the committee and believes the process works.

Rich Moran, 62 Cross Hill Rd - He has questions about how renewals will be handled.

Tammy Walter, President, Spurwink Rod and Gun Club - The club already has a license and does not want to repeat the license process. The cost for the license process was \$25,550 and took 5 months.

Shooting Range Ordinance

Councilor Grennon asked Ms. O'Meara to summarize work. Ms. O'Meara called attention to the legal review done by Durward Parkinson. She noted the underlined portion of his letter, "Ultimately, this letter suggests that the Ordinance is legally valid, but cautions the Town regarding further regulation in this area." So, the most recent state legislation adopted (LD 1500) does not preclude the town from some regulation, but the town should avoid any expansion of regulation. Ms. O'Meara also noted that the email from Mr. Parkinson suggested some edits which she will incorporate into the draft. She suggested focusing on the renewal section and also reviewed what the Town Council approved for the 50 yd and 100 yd ranges. The committee agreed that the other ranges are approved, subject to improvements and Code Enforcement Officer inspection.

Councilor Jordan questioned why the renewal provision is limited to 1 year when the committee discussed a 3 year time frame at the last meeting. Ms. O'Meara said the 3-year discussion at the last meeting related to the duration of a license. The renewal

process should be discussed by the committee. Councilor Jordan referenced the attorney's letter and wants to avoid overburdening the gun club with regulation.

Councilor Grennon stated that she had never shot a gun, so she had visited the Spurwink Rod and Gun Club and met with Mark Mayone. She sympathizes with the neighbors and is also impressed with the "no blue sky" improvements, cameras and other improvements. She supports keeping the license in place and allowing renewals.

The committee discussed the renewal process, including duration of a renewal, the process for renewal, the number of renewals and the purpose of a renewal process. The committee agreed that the range is subject to inspection by the police at any time and that any complaint will be investigated. Councilor Jordan would support making the license have no time limit, so that the renewal is not needed, because enforcement still applies.

The committee agreed to a 3-year renewal with unlimited renewals allowed. This leaves the license in force with ongoing enforcement and complaints pursued. The committee noted that this proposal can be revised and that it needs to be clearly explained to the Town Council.

Councilor Jordan asked about having complaints in writing. Ms. O'Meara said she drafted that provision and then deleted it because the Police Department can always ask for complaints in writing and why should this ordinance treat it differently? Councilor Ray also prefers complaints in writing. The committee agreed that written complaints are best, but the police will investigate any complaint and these complaints should not be treated differently from other ordinances.

Councilor Jordan suggested the noise standard be revised to allow new firearms that exceed the 65dBA level but are quieter than existing firearms be allowed. Mark Mayone was recognized and said that Code Enforcement Officer Ben McDougal has more scientific information on firearms because a less ambiguous list was needed. Ms. O'Meara cautioned that the noise regulation is the most legally vulnerable section of the ordinance and changes should be avoided. After further discussion, the committee decided to leave the standard as drafted.

The committee agreed not to change how the NRA Source book was referenced.

The committee asked staff to make all the changes discussed for review at the April 11th meeting. A cover memo should also be prepared. The memo should reference the renewal scenarios, the emphasis on safety and offering a much clearer document for all parties.

Councilor Ray recollected that, during the initial development of the ordinance, Ken Cole recommended that the only issue is safety. That was the fundamental purpose of the Town Council as they ultimately adopted the ordinance. The committee expressed satisfaction with the compromise, and Councilor Grennon stated the public comments from everyone made the product better.

Public Comment

Eric Stephanus, 3 Tiger Lily Ln - He supports the 3-year renewal but supports an annual inspection. If you rely only on complaints, and non-members can't see what's going on, practices could occur that are unsafe.

Tammy Walter, Spurwink Rod and Gun Club - She said anyone can arrange to visit the range and the police can come anytime, they have the gate code.

Rich Moran, 62 Cross Hill Rd - He supports a 3 year license, with a 3 year renewal and unlimited renewals.

Mark Mayone, Spurwink Rod and Gun Club - He said noise is connected to caliber. He worked with Ben McDougal and they looked at pressure within the range. They originally looked just at caliber, but it is more scientific to include bullet weight and pressure.

Marijuana Regulations

Councilor Grennon noted that the committee attended the 1-day training session, which had good information, but not a lot of information about community impacts.

The committee reviewed four categories of uses, growing, manufacturing, social clubs and retail sales. There was preliminary consensus that the larger grow facilities (3,000+) would not be compatible with Cape Elizabeth, but they need to discuss more the grow facilities of up to 3,000. There was preliminary agreement not to allow social clubs. There is not consensus on retail sales. All agreed not to allow manufacturing, due to the lack of industrial zones in town. Testing would be included with manufacturing.

The committee will discuss this in more depth at next week's meeting.

Next meeting

The next meeting will be April 11th, from 12:00 -1:30 p.m.

The meeting adjourned at 1:35 p.m.

