

Town of Cape Elizabeth
DRAFT Ordinance Committee Minutes

May 30, 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 May 16, 2017 meeting were approved with the correction that the plant canopy unit size is 10' x 10', not 100'.

Public Comment

No member of the public was present.

Marijuana Regulations

Chief Williams reported that he has checked with area chiefs and Cape Elizabeth is generally ahead on the discussion of local regulations. The Town of Cumberland voted Monday to adopt regulations prohibiting retail sales. South Portland is looking at allowing social clubs, retail sales, and manufacturing, but they have more existing compatible uses. Local chiefs are recommending against allowing marijuana uses.

The committee reviewed the chart comparing existing medical marijuana regulations and the recreational marijuana referendum provisions. Staff noted that the town has the option under the medical marijuana law to prohibit dispensaries. The likelihood a dispensary would be located in Cape is extremely small since one dispensary per public health district is allowed and Cape is in the same health district as Portland and South Portland (Cumberland County). The committee decided to explicitly prohibit medical dispensaries.

The committee discussed the requirement to tag recreational marijuana plants and how that would be enforced if grown for personal use. Staff noted that the medical marijuana law requires that a qualified patient get a registration card, designate a primary caregiver if one will be used, and notify the state of any changes. This record keeping requirement, if complied with, would prohibit primary caregivers from having more than 6 patients, but is not the case. Councilor Grennon asked if we know how many primary caregivers are located in Cape. We do not.

Councilor Jordan said she wants to compare medical and recreational marijuana regulations because if we are already experiencing the impacts from medical marijuana, how can we exclude recreational marijuana activities? Councilor Grennon responded that we have local authority to regulate recreational marijuana. We don't have to allow more marijuana activities. For example, the town regulates shoreland zoning more strictly. Councilor Jordan said it would be great if we could ban it all, but if we can't, we should keep it fair.

Councilor Grennon said that residents may already grow marijuana for personal use. Why should we allow more than that? Councilor Ray noted the town's efforts to regulate Short Term Rentals. We should do the best we can with proposed regulations, and can revisit anything adopted if the situation changes. Councilor Grennon concurred, commenting that we can consider more activities later after we have seen the impacts in other towns. Councilor Ray also used the Shooting Range Ordinance as an example of adopting the best ordinance possible at the time, and now we are making some adjustments.

Councilor Ray called attention to police concerns with potential issues created by marijuana use. We should bring forward a reasonable recommendation and understand adjustments may be needed in the future.

Councilor Grennon expressed concerns with the impact of smell from growing, and cited observations shared by Town Manager Matt Sturgis.

Councilor Jordan questioned if 6 plants is close to what one uses for personal use? If we ban retail sales, will we encourage illegal sales of marijuana grown for personal use? Staff noted that 2 major statutes have established 6 plants as the quantity allowed for personal use.

Councilor Grennon reviewed the lot size map and expressed concern with adverse uses located in neighborhoods, such as on Shore Rd. Councilor Ray would not allow commercial growing for now. Councilor Jordan agreed and was glad the lot size exercise was conducted.

The committee wants to provide a summary of the research done when making its recommendation. With the option to add amendments to the Zoning Ordinance or to adopt a stand alone Marijuana Ordinance, the committee liked the separate ordinance option because the process to change it is more streamlined and the state is still working on the referendum implementation. Staff will provide a draft ordinance for review at the next meeting.

Next meeting

The committee agreed to meet on June 13th at 12:15 p.m. to review the draft ordinance. If needed, they will also meet on June 20th to review revisions to the draft.

A meeting will be held on either July 11th or July 18th to begin review of the PSFoam and Bag Ordinances. Councilor Jordan has recused herself from consideration of those ordinances, so Council Chair Jamie Garvin will be polled for his availability to attend.

Public Comment

No member of the public was present.

The meeting adjourned at 1:04 p.m.