

**Town of Cape Elizabeth
Ordinance Committee Minutes**

April 11, 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 April 4, 2017 meeting were approved. Councilor Grennon acknowledged a handout from Town Manager Matt Sturgis listing points he learned at a recent Managers' meeting that focused on marijuana regulation.

Public Comment

No one present chose to speak.

Shooting Range Ordinance

Councilor Grennon acknowledged the email correspondence received, and a common theme that there should be an annual inspection of the shooting range. The draft wrap-up memo suggests this can be done by ordinance or administratively. Police Chief Neil Williams was asked to comment.

Chief Williams said both methods would work, but for continuity as personnel change, it would be better to be in the ordinance. He said the inspection would not be at the range specialist level, but a walk-through of the exterior and interior. He would also invite the code enforcement officer to join him. Things he would look at would include signage, safety, and secure access.

Councilor Grennon asked if he notice if things were really off and he felt he would. The code enforcement officer's knowledge of the construction would help.

Councilor Jordan questioned why a 3-year renewal is needed if there is an annual inspection. She supports deleting the renewal requirement.

Councilor Ray supports the renewal. That process is more robust and must include a statement from the shooting range that no material changes have been made from the license and the Police Chief reviews complaints. Councilor Grennon agreed that the

renewal was also good for the neighborhood. Chief Williams noted the annual inspection allows the chief to develop a rapport with the gun club president.

The committee agreed to add an annual inspection provision to Sec. 24-6, and to review the draft by staff.

Councilor Jordan suggested extending the renewal period to 5 years, but the committee agreed to leave it at 3 years.

The committee will meet on Thursday, April 27th, from 1:15 -2:15 to review the changes to the Shooting Range Ordinance.

The committee reviewed the draft cover memo to the Town Council. The memo will be updated to reflect the earlier discussion and more information about the "tracked changes" and "saved changes" versions will be added to reduce anxiety. Comments from staff and the gun club will be added as attachments, and public comments will also be made available. The public process section will note limited concerns with the draft changes.

Public Comment

Tammy Walters, President, Spurwink Rod and Gun Club - She said the gun club is fine with an annual inspection.

Rich Moran, 62 Cross Hill Rd - He likes the compromise. The annual walk-through and 3 year renewal is good.

Marijuana Regulations

Chief Williams noted that the department has received complaints about smell inside a home. There are internal and external grows in town.

The committee asked if you can get high from the smell of growing plants? Staff is directed to do research.

The committee discussed that cigarette smoke can harm people and that a field of marijuana does not smell like corn, but a field of basil has a smell people might not like.

The committee discussed concerns with impacts that are not well known now, which might be a good reason to be a "dry town," for now. The committee emphasized using the process and providing information when available.

Councilor Jordan suggested that medical marijuana is grown in town now, so how can you restrict commercial growing with the same impacts? Councilor Grennon and Ray noted the difference in quantity when growing for personal use or commercial use. There will be community impacts.

Chief Williams advised there will be an increase in rescue calls, somewhat aggravated by unregulated dosage use. While folks can buy marijuana elsewhere and bring it into town, he believes there will be more marijuana use in town if sold here. Driving while impaired will increase. He described the need for a Drug Recognition Expert (DRE) to assess what type of impairment someone has if arrested.

The committee discussed the constraints in locating a retail store. This would most likely be located in a commercial district. The Town Center District also includes the school campus, a church and adjacent neighborhoods. The BA Districts are neighborhood based. The more remote areas of town are zoned RA, so a text change would be needed to allow a retail shop in that zone, and 50% of the town is zoned RA. Committee members are leaning towards not allowing retail sales, and not allow a marijuana home business.

The committee agreed to meet and review information available on impacts on Tuesday, May 9th, from 12:15-1:45. The MMA information package should be included in the materials for that meeting.

The meeting adjourned at 2:11 p.m.