INFORMATIONAL MEETING AGENDA

THURSDAY, AUGUST 9, 2018
Amended August 7, 2018
CITY HALL (COUNCIL CHAMBERS)
6:30 P.M.

A. Items for discussion submitted by the City Council and/or the City Manager:

1. Proposed Ordinance Amendment for Licensing Cats – Councilor Conti
2. Food Sovereign Community – Councilor O’Brien
3. Five Year Capital Improvement Plan – City Manager
4. Medical Marijuana Home Occupation Standards – City Manager

B. Persons wishing to address the City Council who have submitted a formal request in accordance with Section 2-61 of the Code of Ordinances:

C. Open comment period for any persons wishing to address the City Council:
AVMA MODEL DOG AND CAT CONTROL ORDINANCE

Section I—Definitions
For the purposes of this ordinance, the following definitions shall prevail:

Animal—Dog or cat.

Animal Control Authority—The person or persons designated to enforce this ordinance.

Animal establishment—Any pet shop, grooming shop, animal auction, performing animal exhibition, kennel, or animal shelter. This term shall not include veterinary medical facilities, licensed research facilities, facilities operated by government agencies, or licensed animal dealers regulated by the USDA under the provisions of US Public Laws 89-544, 91-579, 94-279, 99-198, and 101-624.

Animal shelter—Facility designated or recognized by the [jurisdiction] for the purpose of impounding and caring for animals.

At large—A dog or cat off the property of the owner and not under restraint.

Humane manner—Care of an animal including, but not limited to, adequate heat, ventilation, sanitary shelter, wholesome food, and water consistent with the normal requirements and feeding habits of the animal’s size, species, and breed.

Kennel—An establishment kept for the purpose of breeding, selling, or boarding dogs or cats or engaged in training dogs or cats.

Licensing Authority—The agency or department of [jurisdiction] or any designated representative thereof charged with administering the issuance or revocation of permits and licenses under the provisions of this ordinance.

Livestock guarding dogs—Dogs kept for the primary purpose of protecting livestock from predatory attacks.

Neutered—Rendered permanently incapable of reproduction.

Nuisance—A dog or cat that damages, soils, defiles, or defecates on private property other than the owner’s or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noise making; or chases vehicles or molest, attacks, or interferes with persons or other domestic animals on public property.

Owner—A person having the right of property or custody of a dog or cat who keeps or harbors a dog or cat or knowingly permits a dog or cat to remain on or about any premises occupied by that person.
G. License fees shall be waived for dogs serving the blind or deaf or government-owned dogs used for law enforcement. All other licensing provisions shall apply.

H. Upon acceptance of the license application and fee, the ______________________ [Licensing Authority] shall issue a durable license tag including an identifying number, year of issuance, city, county, and state. Both rabies and license tags must be attached to the collar of the dog or cat.† Tags must be worn at all times and are not transferable. ______________________ [Licensing Authority] shall maintain a record of all licenses issued, and such records shall be available to the ______________________ [Animal Control Authority].

Section III—Permits
A. No person shall operate an animal establishment without first obtaining a permit in compliance with this section.

B. The permit period shall begin with the first day of the fiscal year and shall run for one year. Renewal applications for permits may be made within 60 days prior to the expiration date. Application for a permit to establish a new breeding animal establishment under the provisions of this ordinance may be made at any time.

C. Annual permits shall be issued upon payment of the applicable fee:
   • For each kennel authorized to house less than six dogs or cats $ __________
   • For each kennel authorized to house more than six but not more than 49 dogs and cats $ __________
   • For each kennel authorized to house 50 or more dogs and cats $ __________
   • For each pet shop $ __________
   • For other animal establishments $ __________

D. A person who maintains a kennel of six or more dogs or cats for breeding purposes may pay an annual permit fee or may elect to license individual dogs or cats as provided under Section II. Every facility regulated by this ordinance shall be considered a separate enterprise, requiring an individual permit.

E. Under the provisions of this ordinance, no permit fee shall be required of any animal shelter. All other provisions shall apply. Any change in the category under which a permit is issued shall be reported to the ______________________ [Licensing Authority] within 60 days, whereupon reclassification and appropriate adjustment of the permit fee shall be made.

F. Persons who fail to comply with the provisions of this section are subject to a fine of $ _______.

Section IV—Issuance and Revocation of Permits and Licenses
A. The ______________________ [appropriate authority] may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this ordinance, the regulations promulgated by the ______________________ [appropriate authority], or any other law governing the protection and keeping of animals.
C. In the event that the [appropriate authority] finds dogs or cats to be suffering, it shall have the right forthwith to remove or cause to have removed any such animals to a safe place for care at the owner's expense or to euthanize them when necessary to prevent further suffering. Return to the owner may be withheld until the owner has made full payment for all expenses so incurred.

D. Disposal of an animal by any method specified herein does not relieve the owner of liability for violations and any accrued charges.

Section VII—Redemption
A. Any animal impounded may be redeemed by the owner thereof within five days upon payment of an impoundment fee of $_____; if any such animal has been previously impounded, the impoundment fee shall be $_____. Payment of impoundment fees is not considered to be in lieu of any fine, penalty, or license fees.

B. Any animal confined for rabies quarantine, evidence, or other purpose may be redeemed by the owner thereof upon payment of a fee of $_____.

C. No animal required to be licensed or vaccinated under this ordinance may be redeemed until provisions for such licensing have been fulfilled.

Section VIII—Adoption
An adoption fee of $______ shall be assessed at the time of adoption. No dog or cat shall be released for adoption as a pet without being neutered or without a written agreement from the adopter guaranteeing that the animal will be neutered. Vaccination fees, licensing fees, and veterinary costs may be assessed above and beyond the adoption fee.

Section IX—Interference
No person shall interfere with, hinder, or molest any agent of the [Animal Control Authority] in the performance of any duty as provided herein.

Any person violating this section shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than $______ or more than $______.

Section X—Repeals (Conflicting Ordinances)
All other ordinances of the [jurisdiction] that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section XI—Severability
If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

Section XII—Applicability
This ordinance shall be in full force and effect upon the expiration of ______ days after its passage and publication.
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Food Sovereignty in Maine

Maine's 2017 food sovereignty law does not impact farmers' markets

An Act to Recognize Local Control Regarding Food Systems, LD725, took effect on November 1, 2017. LD725 applies to sales conducted at farms and homes (i.e. where the food was produced) in towns that have formally declared food sovereignty. The law was amended in October to exclude meat and poultry processing, and to exclude sales at farmers' markets or other public venues. LD725 applies to sales that take place directly between the producer and consumer at the producer's farm/residence. LD725 only applies in towns that have declared food sovereignty, and exclusively applies to food produced and sold within food sovereign towns.

Find the law here (LD725)

Find the amendment to the law here (LD1648)

Prior to taking effect on November 1, 2017, the law was amended to exclude meat and poultry processing. The amendment states that the law pertains to sales of food at the "site of production" within a food sovereign town. The intention of the committee was that the law only apply to sales of food at farms and homes; the law does not apply to food sold at farmers' markets. (According to Rep. Craig Hickman, "At the site of production' is generally understood to mean on a premise controlled by the producer where the food or food products are produced, such as a farm, homestead, or in a home kitchen.") Click here for more information on the evolution of the food sovereignty law in Maine.

MFFM statement on food sovereignty:

The Maine Federation of Farmers’ Markets supports farmers and their ability to earn a living. MFFM helps farms and food vendors in learning about, understanding, and complying with state and federal regulations for products sold at farmers' markets. MFFM also works in cooperation with the Department of Agriculture, Conservation, and Forestry to learn about,
understand, and develop policy that is compatible with the needs of market farmers. MFFM takes no position on transactions conducted at venues other than farmers’ markets.

Maine Department of Agriculture, Conservation, and Forestry:

“Only prepared foods from licensed facilities may be sold at farmers’ markets, restaurants or other off-site locations. Farm stands and farmers’ markets offering fresh produce for sale remain exempt from licensing as food establishments under 22 MRS section 2152(4-A) (D).” – Ch 314 Food Sovereignty Law Guidance

Frequently Asked Questions about LD725 and Food Sovereignty

What is “food sovereignty”?

Here’s the Wikipedia definition:

Food sovereignty is the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems.

In Maine the Department of Agriculture, Conservation, and Forestry (DACF) has been the primary arbiter of food safety standards and requirements, as well as the primary educators for producers wishing to learn more. The DACF fields questions about food safety, sends staff to homes, farms, and businesses to train producers and answer questions, and provides the licenses that are typically required to sell food in retail and direct-to-consumer settings.

In towns that have declared food sovereignty, the local municipality has shouldered the responsibility for ensuring that food sold within its territory is safe, with a goal of making it easier for area residents to buy and sell local foods. Prior to the new law, technically producers in food sovereign towns still had to abide by state law. Once the new law takes effect this fall, local, municipal laws in food-sovereign towns will supercede state laws.

When did the new law take effect?

November 1, 2017.

What does Maine’s new food sovereignty law, LD725, mean for farmers’ markets?

This law does not affect farmers’ markets, because it exclusively applies to sales at homes and farms.

The amendment to the Act made some changes to the law. How does that impact farmers’ markets?

According to Rep. Craig Hickman, “The MFSA actually reads ‘at the site of production,’ a term of art that appears in ordinances, laws, rules, and regulations all across the country. ‘At the site of production’ is generally understood to mean on a premise controlled by the producer where the food or food products are produced, such as a farm, homestead, or in a home kitchen.” Rep.
Hickman also noted, “In order to dispel any confusion, please inform people that the Maine Food Sovereignty Act does not relate to farmers’ markets at all” (email correspondence 12/13/18).

If I produce and sell in a food sovereign town, does it make sense for me to stop adhering to state food safety guidelines?

Even if you are producing and selling within the municipal boundaries of a food sovereign town, there are a few things to keep in mind:

- If you want to sell at any venue outside of your food sovereign municipality, you’ll still need proper state certification.
- Be sure to check with your insurance agent to make sure you liability insurance will still protect you should you choose not to follow state requirements.
- Many consumers consider food safety a priority, and will be looking for certified vendors. It may be worth it to pursue state certification to remain competitive in some markets.

Is it difficult and/or expensive for food producers to obtain the licenses/permits required by the state?

Produce farmers do not need any permits. The costs of other inspections varies, and obtaining a home kitchen license requires having the home well water tested.

Jessie Dowling president of the Maine Cheese Guild, discussed the food sovereignty issue in a Portland Press Herald interview (with reporter Mary Pols):

Dowling wants to encourage beginning cheesemakers. If you've got one cow milking and you want to sell a few gallons of milk or farmstead cheese as surplus to neighbors, via word of mouth, more power to you, she says. “I don't think the feds should come down on you.” But getting into commercial sales? Liability issues stop her from endorsing that. Along with how easy the state of Maine makes it. “I cannot stress how easy it is to get a license in Maine.” She's done it twice, in Unity and in Whitefield, on a shoestring budget and says the technical advice and testing that comes along with the $25 licensing fee can't be beat. “They are like, 'Cool, I will come out and walk you through everything and give you pointers.' They are all about working with you and where you are at. I am not usually a proponent of states' rules in anything, but we get a lot for that license.”

Is Maine the first state in the nation to pass such a law?

No. Wyoming passed a similar law about 5 years ago. (MFFM has tried to reach farmers’ markets there for feedback, but couldn’t reach anyone willing to comment “on the record.”) North Dakota passed a food freedom law in early 2017.

Has this issue been examined by the courts?

http://www.mainefarmersmarkets.org/food-sovereignty/
The only previous related case was this: the Maine Supreme Judicial Court on State of Maine v. Dan Brown

Does LD725 abrogate USDA regulations about meat & poultry production?

No. The Maine Legislature dictates state laws, which do not supercede or nullify federal laws. The United States Department of Agriculture is a federal entity. Also according to Mike Fitzpatrick, CIC, LUTCF, All Points Insurance, Brewer, on liability insurance and food sovereignty:

"To be covered under any type of insurance policy, meat for sale to the general public must have been processed in a USDA or state-licensed facility. Insurers have zero tolerance for home butchering."

For this reason, the Maine Legislature was forced to amend the law to exclude meat and poultry processing in October. See the list of meat processors in the state here: Contact Info for State and USDA Inspected Establishments

Which towns have declared sovereignty so far?

This is the list of the towns we know of; there may be more.

1. Auburn
2. Alexander
3. Appleton
4. Bingham
5. Blue Hill
6. Brooklin
7. Brooksville
8. Canton
9. Chapman
10. Freedom
11. Greenwood
12. Hope
13. Isle Au Haut
14. Jonesport
15. Liberty
16. Livermore
17. Madison
18. Montville
19. Moose River
20. Moscow

http://www.maine farmersmarkets.org/food-sovereignty/
What is the difference between USDA inspected, state inspected, and custom meat processing facilities?

This article, by Ben Hartwell in the *Maine Wire*, explains the differences between the types of facilities and why state and custom facilities were in jeopardy until the Legislature amended LD725.
Food Sovereignty Revisited

Since we first reported on the new Maine Food Sovereignty Act a few months ago (see "Local Food Sovereignty," Maine Townsman, Legal Notes, December 2017), we've received a number of requests for a sample food sovereignty ordinance.

As we wrote then, MMA does not have and does not anticipate preparing a one-size-fits-all model ordinance, in part because different communities are apt to have differing ordinance objectives. Instead, we recommended (and still do) that interested municipalities work with local legal counsel to draft an ordinance that both meets local objectives and conforms to the statute.

On this last point, we've seen a number of food sovereignty ordinances enacted before the new law took effect. We've also seen several sample food sovereignty ordinances posted on food sovereignty websites. None of the ordinances we've seen so far comply with the limitations in the Maine Food Sovereignty Act. Moreover, municipalities have no legal authority to exceed these limitations.

Specifically, the Act excludes meat and poultry products (see 7 M.R.S.A. § 285). Municipalities cannot legally exempt meat or poultry sales from State food safety laws, and any ordinance that purports to do so is legally invalid in that respect.

Also, the Act applies only to face-to-face sales between producer and consumer and only at the site of production of the food or food product (see 7 M.R.S.A. § 282(1)). In other words, only direct sales between producer and consumer at the farm or facility where the food or food product was produced can be exempted from State food safety laws. Farmers' markets and other non-farm venues such as fairs, festivals and so forth do not qualify for the exemption. Again, any ordinance that purports to exempt any type or situs of sales other than those expressly authorized by the Act is legally invalid to that extent.

It is critical that local food sovereignty advocates and anyone drafting a food sovereignty ordinance understand these statutory limitations. It is also crucial that they be incorporated into the ordinance, preferably by citations to the Act itself. The failure to understand and incorporate these limitations in the ordinance will likely lead to broad misconceptions about the law and to widespread non-compliance. It will also likely result in intervention and enforcement action by State food safety authorities.

For those municipalities that adopted food sovereignty ordinances before the current law was enacted, we strongly recommend that these ordinances be updated by amendment to comply with the Act's limitations.

The Maine Food Sovereignty Act can be found at 7 M.R.S.A. §§ 281–286. (By R.P.F.)

New Road Weight Limits Info Packet Now Available

Just in time for March and mud season in Maine, a newly revised "Information Packet" on road weight limits and seasonal road closings is now available from MMA Legal Services.

The revised packet includes a new sample Ordinance Restricting Vehicle Weight on Posted Ways and an updated publication from MDOT's Local Roads Center with practical suggestions for posting local ways.

All of our Information Packets and Guides – over 65 of them, from A (aircraft excise tax) to Z (zoning variances) – are available free to members in the Member Center of our website at www.memun.org. (By R.P.F.)

Defective Notice Is Curable

A recent Maine Supreme Court decision illustrates that even if required notice of a land use proceeding is not given, such procedural defects can be cured and the decision salvaged.

In Bryant v. Town of Wiscasset, 2017 ME 234, abutters appealed the planning board's site plan approval of a fireworks storage building to the appeals board. The appeals board denied the appeal but remanded the case to the planning board for further findings. The planning board then held two hearings but failed to give the abutters personal notice of either. The abutters again appealed, claiming a violation of their right to procedural due process and demanding a reversal of the planning board's approval.

Despite the pending appeal, the planning board held yet another hearing after giving the abutters personal notice. The board reaffirmed its approval after hearing the abutters' objections for the second time. According to the Law Court, this remedial action by the planning board, and the resulting lack of prejudice to the abutters, cured the procedural defect. The Court accordingly upheld the board's decision.

The Bryant decision is also noteworthy because it upholds the right of a board member to represent himself if he has a conflict of interest, provided he has declared his interest and recused himself from voting. (The applicant in this case was also a member of the planning board.) The Court wrote that any other reading of the conflict of interest law would deprive board members of the right to present their own applications and "would discourage capable people from serving as members of municipal boards." (By R.P.F.)

MUNICIPAL CALENDAR

APRIL 11 — Municipal Assessments Due — 3rd by the date (7 M.R.S.A. § 228-A).

APRIL 11 — Notice of Expenditure Statement and Claim for General Assistance Reimbursement Due to the Department of Health and Human Services, General Assistance Unit, P.O. Box 454, Augusta, ME 04331. (7 M.R.S.A. § 228-A).

APRIL 15 — Easter Sunday.

APRIL 17 — Easter Monday.

APRIL 18 — Patriots Day.

APRIL 19 — Good Friday.

APRIL 21 — Every employer required to deduct and withhold tax, for each calendar quarter, withholding tax return and remittance as prescribed by the State Tax Assessor (7 M.R.S.A. § 228-A).

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ON OR BEFORE APRIL 21 — Every employer required to deduct and withhold tax, for each calendar quarter, withholding tax return and remittance as prescribed by the State Tax Assessor (7 M.R.S.A. § 228-A).

PROFESSIONAL DIRECTORY

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Food sovereignty continues to pick up steam around the state

Since 2011, 21 Maine towns have adopted food sovereignty ordinances. This spring, another 44 are set to consider the ordinance allowing face-to-face exchanges of food and farm products free of state regulations.

By Julia Bayly, BDN Staff • March 10, 2018 7:00 am
Updated: March 10, 2018 8:59 am
All Isaac Nelson wants is the right to sell home processed pickles from time to time without having to navigate what he believes are onerous and unnecessary state food regulations.

That’s why the Chapman farmer said he is pushing for his municipality to join 21 others around the state that have already adopted a legislative approved local food sovereignty ordinance.

**Common sense approach**

Forty-four other towns around the state have expressed interest in the local food ordinance with some placing it on town meeting agendas this spring, including the northern Maine municipality Chapman.

“T’ve done a lot of research on food regulations,” said Nelson, who operates Baird Farms in Chapman. “To me, this ordinance is just common sense.”

**Approved by the legislature last summer**, the law allows towns to adopt an ordinance granting it the authority to regulate the direct, producer-to-consumer exchanges, food processing and distribution free from state regulatory control.

Signed by Gov. Paul LePage in June, the **law was amended in October** to exclude meat and poultry products after the United
States Department of Agriculture stepped in saying if the state failed to regulate those products, the federal government would take over those food inspection programs.

Supporters of food sovereignty, like Nelson, want local food producers to be exempt from state licensing and inspections governing the selling of food as long as the transactions are between the producers and the customers for home consumption or when the food is sold and consumed at community events such as church suppers.

Towns in Maine began adopting food sovereignty ordinances as far back as 2011, but it was only with passage of last summer’s legislation that the state was required to recognize those local ordinances.

“We’ve made pickles, jams and all kinds of stuff for years but are not allowed to sell it,” Nelson said. “I’m legally allowed to give you a jar of pickles without having to be inspected or approved or certified by the state, but I can’t sell you that same jar.”

Moreover, Nelson said he can take that same jar of homemade pickles and give it to a non-profit group who, under current Maine food laws, can then turn around and sell it as a fundraiser — no certification or inspection needed.

“How can the non-profit legally sell it and how can I legally give it to you, but if you give me a dollar for them, it’s potentially hazardous?” Nelson said.

According to those charged with maintaining the integrity of Maine’s food supply, it’s all about safety and protecting the Maine brand,
something they say is common sense and there is no need for food sovereignty laws in Maine

“We believe [the food sovereignty ordinance] is not good for the health of Maine people or for Maine agriculture,” said Maine Commissioner of Agriculture, Conservation and Forestry Walt Whitcomb. “These ordinances will just increase the possibility that folks will purchase food that will make them sick.”

State certification, Whitcomb said, assures the consumer that the food producer’s entire operation is safe, sanitary and accountable.

Protecting consumers

“We have a good food system with basic, fundamental laws,” said Ron Dyer, the department’s Agriculture, Food and Rural Resources Bureau director. “Our job is to protect Maine people and the Maine brand and there is a lot of risk if something goes wrong [and] we are hoping the towns that do approve the food sovereignty ordinances will do something to protect food safety.”

That argument makes no sense to food sovereignty advocates like Richard Loring King who has worked with local food groups to
develop an ordinance template for communities interested in adopting it.

“Nobody is trying to say they don’t want food safety,” King said. “But food has been traded as long as there has been food [and] local people know the local food producers and trust each other.”

No one in the state agriculture department is anti-local food producers, Dyer said. But at the same time he said steps must be taken to insure consumers are getting safe products.

According to the Centers for Disease Control, there were 4,943 cases of foodborne illness in Maine from 1997 to 2017 and none attributed directly to a farm or dairy. The records did not indicate if the sources were from products grown or made inside or outside the state. Nor does the Maine Department of Agriculture have that specific information.

Without state inspections and licensing, Dyer fears that statistic could change with producers preparing food items in facilities not meeting basic sanitary or health standards leading to increased instances of diseases such as E.coli, listeria, botulism or salmonella.

“We are focused on prevention,” Dyer said, saying his department wants to prevent food from unsanitary facilities from reaching the consumer.

“We don’t want a case where someone gets sick,” he said. “And we do find instances that could turn your stomach.”

The help and support is available for those who need it, Dyer said.
“The state as a whole has produced a wide support structure for food producers,” he said. “The University [of Maine] is a big partner [and] we provide all that support for a nominal fee.”

For an annual fee of $25, the department issues a license that covers food preparation and processing including commercial kitchens, maple syrup production, honey, meal and poultry processing, dairy products and retail sales.

In return the license holder has access to state food experts’ expertise, laboratories and advice.

“Licensed producers use our services multiple times a year and get thousands of dollars in services for that $25 fee,” Whitcomb said. “It’s easier to ‘work ahead’ than to deal with sick people [and] it’s a better use of public funds to help producers than to run around and pull unsafe products that have to be recalled.”

Producers over politics

As far as Heather Retberg, food sovereignty advocate who helped craft the ordinance, is concerned, state licensing of food production is more politics than safety.

“Policies didn’t change because there were food safety problems with local food production at all,” Retberg said. “The [Maine Department of Agriculture, Forestry and Conservation] and food industry lobby have spent years painting farmers without licenses as ‘un-farmers’ [who are] either ignorant or incompetent of safe food production, albeit well meaning.”
That notion, she said, never took hold in Maine, where people have been selling or bartering for food on the local level for generations — often in secret so as not to risk being caught violating state regulations.

“When a town adopts the local food ordinance people who buy food and people who produce food are taking responsibility for how that exchange happens,” Retberg said. “What’s changed is that now those exchanges can happen legally [and] farmers don’t have to operate off the radar anymore and people in towns can buy the food they choose from their farm of choice.”

There is a segment of Maine’s population that prefers locally grown and produced food and these people trust the producers, King said. Dyer noted there are thousands of licensed food producers in the state with more applying for licenses all the time.

“We don’t turn people down — we work with them,” Dyer said. “We can get people where they need to be for certification with low-cost options.”
Whitcomb said he is a believer in Mainers having access to Maine-produced food, but that food has to be safe.

All it takes, Whitcomb said, is **one cheese-borne** or similar illness in the state to destroy the entire industry.

“There are so many unknowns with the food sovereignty ordinance [and] we are not sure if anybody will even be watching for food safety if they don’t have inspections or licenses,” Whitcomb said. “In a system as critical as the food system, these producers need our support and the help we provide.”

Nelson is not convinced.

“The state makes it seem like they are looking out for us, so you can go into a store and just because something is ‘state certified’ you are supposed to think it is safe,” Nelson said. “That is not always the case [and] food sovereignty is about getting to know who you are buying your food from and that trust that is there.”

**Local yes, sovereign no**

The state may not want to get behind food sovereignty, Retberg said, but thanks to the legislation they have no choice and the movement continues to pick up steam.

“We could see all along that the idea of community self-governance over local food made sense to people,” she said. “Now that the state will will recognize local control over food produced in our communities exchanged between individuals, people aren’t afraid to articulate self-determination over their own food needs in their towns.”
As far as Nelson is concerned, if you can't trust your neighbor to sell you healthy, safe food, free from regulatory control, who can you trust?

“It's a face to face transaction,” he said. “You are buying from your neighbors and friends and chances are you just had a glass of their water yesterday, but the state says they have to come in and certify them before you can buy their pickles?”

In that case, Whitcomb said, it really comes down to buyer beware, as his department is taking a wait and see approach to the ordinances.

“We have been told if anyone calls us for legal advice on what to do with regards to how a [food sovereignty] ordinance works in their town, we are not to comment,” Whitcomb said. “We at the agriculture department continue to believe in farmers and what they produce, but we also believe [food sovereignty] is the wrong direction pushed by some really selfish people.”

Follow the Bangor Daily News on Facebook for the latest Maine news.
Correction: The original version of this story incorrectly stated all 44 towns had placed the item on an upcoming town meeting warrant.

Have feedback? Want to know more? Send us ideas for follow-up stories.
Title 7: AGRICULTURE AND ANIMALS
Chapter 8-F: MAINE FOOD SOVEREIGNTY ACT

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Title 7: AGRICULTURE AND ANIMALS
Chapter 8-F: MAINE FOOD SOVEREIGNTY ACT

§281. SHORT TITLE

This chapter may be known and cited as "the Maine Food Sovereignty Act." [2017, c. 314, §1 (NEW).]

SECTION HISTORY
2017, c. 314, §1 (NEW).

§282. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2017, c. 314, §1 (NEW).]

1. Direct producer-to-consumer transaction. "Direct producer-to-consumer transaction" means a face-to-face transaction involving food or food products at the site of production of those food or food products.

[ 2017, c. 314, §1 (NEW) .]

2. Food or food products. "Food or food products" means food or food products intended for human consumption, including, but not limited to, milk or milk products, meat or meat products, poultry or poultry products, fish or fish products, seafood or seafood products, cider or juice, acidified foods or canned fruits or vegetables.

[ 2017, c. 314, §1 (NEW) .]

3. State food law. "State food law" means any provision of this Title or Title 22 that regulates direct producer-to-consumer transactions.

[ 2017, c. 314, §1 (NEW) .]

SECTION HISTORY
2017, c. 314, §1 (NEW).

§283. STATEMENT OF POLICY; LOCAL CONTROL AND RURAL ECONOMIC DEVELOPMENT

It is the policy of this State to encourage food self-sufficiency for its citizens. The department shall support policies that: [2017, c. 314, §1 (NEW).]

1. Local control. Through local control, preserve the ability of communities to produce, process, sell, purchase and consume locally produced foods;

[ 2017, c. 314, §1 (NEW) .]

2. Small-scale farming and food production. Ensure the preservation of family farms and traditional foodways through small-scale farming and food production;

[ 2017, c. 314, §1 (NEW) .]
3. **Improved health and well-being.** Improve the health and well-being of citizens of this State by reducing hunger and increasing food security through improved access to wholesome, nutritious foods by supporting family farms and encouraging sustainable farming and fishing;

[2017, c. 314, §1 (NEW).]

4. **Self-reliance and personal responsibility.** Promote self-reliance and personal responsibility by ensuring the ability of individuals, families and other entities to prepare, process, advertise and sell foods directly to customers intended solely for consumption by the customers or their families; and

[2017, c. 314, §1 (NEW).]

5. **Rural economic development.** Enhance rural economic development and the environmental and social wealth of rural communities.

[2017, c. 314, §1 (NEW).]

SECTION HISTORY
2017, c. 314, §1 (NEW).

§284. **HOME RULE AUTHORITY**

Pursuant to the home rule authority granted to municipalities by Title 30-A, section 3001 and by the Constitution of Maine, Article VIII, Part Second, and notwithstanding any provision of state food law to the contrary, except as contained in section 285, a municipality may adopt ordinances regarding direct producer-to-consumer transactions and the State shall recognize such ordinances by not enforcing those state food laws with respect to those direct producer-to-consumer transactions that are governed by the ordinance. [2017, c. 314, §1 (NEW).]

SECTION HISTORY
2017, c. 314, §1 (NEW).

§285. **DEPARTMENTAL AUTHORITY; LIVESTOCK AND POULTRY**

Notwithstanding any provision in this chapter to the contrary, the department shall implement and enforce all provisions of Title 22, chapter 562-A and the rules adopted thereunder that are necessary to ensure that the requirements of the State’s meat and poultry products inspection and licensing program are at least equal to the applicable requirements specified under applicable federal acts, as defined by the United States Department of Agriculture or other federal agencies, without exception. [2017, c. 314, §1 (NEW).]

SECTION HISTORY
2017, c. 314, §1 (NEW).

§286. **COMPLIANCE WITH FOOD SAFETY REGULATIONS**

An individual who grows, produces, processes or prepares food or food products for purposes other than direct producer-to-consumer transactions in a municipality that adopts or amends an ordinance pursuant to section 284 shall grow, produce, process or prepare the food or food products in compliance with all applicable state and federal food safety laws, rules and regulations. [2017, c. 314, §1 (NEW).]

SECTION HISTORY
2017, c. 314, §1 (NEW).
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Rockland Passes Local Food Sovereignty Ordinance
by Andy O'Brien

Thursday, May 17, 2018 8:41 AM

Rockland has become the latest Maine municipality to pass a local food sovereignty ordinance, which will exempt direct-to-consumer sales of food, with the exception of meat and poultry, from state and federal food safety regulations. At its meeting on Monday, Rockland City Council voted 5-0 to pass the exemption, which would only apply to local food produced in homes and on farms or sold from farmers’ markets and community events like public suppers. The ordinance states:

“Rockland residents have the right to grow, produce, harvest, process, sell, purchase and consume local foods, thus promoting self-reliance, the preservation of our local food economy, our family farms and our food traditions. We recognize that family farms, sustainable agricultural practices, and food processing by individuals, families and non-corporate entities offers stability by enhancing the economic, environmental and social wealth of our community. We support food that nourishes the individual and the community, and sustains producers, processors, consumers and the environment.”

Last year, the state Legislature passed the Maine Food Sovereignty Act, which allows towns and cities to enact the food sovereignty ordinances. There are now 33 towns and cities — including Rockland, Hope, Appleton, Jefferson, Freedom, Liberty and Montville — that have passed food sovereignty ordinances.

However, state law does not exempt sales of meat and poultry from state licensing requirements and also excludes sales at farmers’ markets or other public venues. In a letter to the council, the city’s attorney, Mary Costigan, warned that state food safety laws would still pre-empt Rockland’s exemption for public suppers and farmers’ markets and encouraged the council to strike the provision from the final ordinance. But local food activist Jesse Watson of Rockland, who helped write the ordinance, urged the council to keep the provision, arguing that it would “codify longstanding traditions of producing and making food.”

Local food activists developed the model food sovereignty ordinance nearly a decade ago in response to new food safety regulations on the production and sale of raw milk and poultry, which they argued made it cost-prohibitive for small farmers to sell food to their neighbors. The global peasant and small-farmer movement La Via Campesina first laid out the principles of “food sovereignty” in a 2007 declaration that proclaimed the right of peoples to “healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems.”

Rep. Craig Hickman (D-Winthrop), a farmer who sponsored the Maine Food Sovereignty Act, said it’s too soon to know what the impact of all of these ordinances will be. But he said it was a “big deal” that Rockland finally passed one.
Sec. 14-50. - Food sovereignty license exemption.

(a)

*Intent and purpose.* The intent and purpose of Auburn's Food Sovereignty Ordinance is to ensure that residents are provided unimpeded access to local food and to reduce governmental regulation of the local food system to the fullest extent permitted by home rule authority under 30-A M.R.S.A. § 3001, the Constitution of Maine, Article VIII, Part Second, and pursuant to 7-A M.R.S.A. § 201 et seq.

(b)

*Definitions.* As used in this section, the following words and phrases shall have the meanings indicated:

*Consumer* means any individual who purchases or otherwise receives local food or food products from a producer, grower or processor.

*Grower* means any individual who grows local food or food products.

*Local food or food products* means food, food products or drink grown, produced and processed by individuals within Auburn who sell or provide directly to consumers.

*Local food system* means a community food system within a municipality that integrates food production, processing, consumption, direct producer-to-consumer exchanges and other traditional foodways to enhance the environmental, economic, social and nutritional health and well-being of Auburn and its residents.

*Processor* means any individual who processes or prepares local food or food products.

*Producer* means any individual who produces local food or food products.

(c)

*Exemption.* Producers, growers, and processors of local food or food products in the city are exempt from licensure and inspection with respect to their provision or sale of local food and food products to consumers within the local food system of the city. To the extent this section conflicts with any portion of the Code of Ordinances of the city, this section shall prevail and, as it pertains to this section, that portion of code shall be inapplicable.

(Ord. No. 07-08072017, 8-21-2017)
# City Of Augusta

**FY 2019 Capital Improvement project**

<table>
<thead>
<tr>
<th>PROJECT</th>
<th>Funding Source</th>
<th>FY 2019</th>
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<tbody>
<tr>
<td>Install heat pumps Bolton Hill/Blueberry Hill</td>
<td>Council Bond</td>
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<td>Voting Booths</td>
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<td>Mass Apprasial Software Upgrade</td>
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<td>Restroom upgrades</td>
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<td>Sidewalks</td>
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<tr>
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<td>Council Bond/SCIP($339,000)</td>
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<td>MDOT MPI No. Belfast Ave -50% City share</td>
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City Of Augusta
FY 2019 Capital Improvement project

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<td>MILL PARK Reserve</td>
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Memo

To: City Council  
William Bridgeo, City Manager

From: Matt Nazar, Director of Development Services

Date: August 3, 2018

Re: Medical Marijuana Caregivers

The City Council subcommittee reviewing the issue of regulating adult use marijuana has had extensive discussions about the current status of Medical Marijuana Caregivers and how they will operate. The state currently has about 5,000 registered caregivers, but does not permit any review of their list showing names and locations of caregivers. Our expectation is that Augusta probably has quite a few currently located in neighborhoods, running their business out of their homes or apartments. Because changes to the Medical Marijuana law will allow caregivers to serve an unlimited number of patients, and only limit the number of flowering plants they can possess, there’s a real concern that caregiver businesses could have a major impact on the neighborhoods where they are located.

To deal with this, the Council asked that the Planning Board review and make a recommendation on the following language that will bring caregivers into the “home occupation” category only if they have a minimal impact on the neighborhood. If they intend to serve a larger patient base, they would need to find space in a district where their use would be allowed, and the City Council subcommittee is working on which districts that might be. The Planning Board discussed the proposal in detail and unanimously recommended its adoption by Council. But there were concerns expressed by Board members about the nature of caregivers in neighborhoods and the Board wished for the Council to get a copy of their minutes from the meeting as well as their recommendation. A copy of their minutes is included and the discussion starts on page one.

The language that the Planning Board considered and recommended for adoption is as follows:
BE IT ORDERED, that the Planning Board is hereby directed to consider and make recommendations to the City Council regarding the following amendment to Article VI, Section 300-510 of the City Code, as suggested by the City’s Adult Use Marijuana Subcommittee:

13. A business operated by a Primary Caregiver, as defined by the Medical Use of Marijuana Act, 22 M.R.S.A. § 2422, shall not be considered a Home Occupation unless:

(a) Any portion of the home or accessory building in which marijuana is cultivated or stored shall be secured and locked at all times.
(b) All marijuana cultivation and processing activities shall be conducted indoors.
(c) All visits by patients shall be by appointment only.
(d) The Primary Caregiver’s use of the premises shall not generate more than two patient vehicle trips per day.
(e) The Primary Caregiver shall maintain an odor control system which prevents the odor of marijuana from being detectable outside any building where cultivation, processing or storage occurs.

The existing Home Occupation standards are as follows:

§ 300-510 Home Occupations
A. The conduct of home occupations in residential units may be permitted under the following provisions:
  1. See definition of "home occupation."
  2. Home occupations shall be carried on wholly within the principal building or within a building or other structure accessory to it.
  3. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants; no more than 30% of the total existing floor area or volume, whichever is greater, shall be used for operating the home occupation.
  4. There shall be no visible evidence of the operation of such home occupation other than one sign, unless such sign is otherwise prohibited by this chapter.
  5. A home occupation shall in no extent be carried on in a manner that alters the residential character of the structure, lot or neighborhood. There shall be no outside storage or display of materials or products or equipment or vehicles, nor any window display of any of the same.
  6. The sign for a home occupation shall be limited to a property owner "name" sign with the street number and name clearly denoted. The "name" sign may include the type of occupation. The sign shall be nonilluminated and no larger than two square feet. See § 300-516 for additional standards.
7. No traffic shall be generated by such home occupation in greater volumes than would ordinarily be expected in the neighborhood, and any need for parking generated by the operation of the home occupation shall be met off the street in other than what is the required front yard; the burden of proof shall be on the applicant.

8. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot if the home occupation is conducted in a detached one-family home dwelling, or outside the dwelling unit if conducted in any other form of dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.

9. The sale of products shall be limited to those which are crafted, assembled, or substantially altered on the premises; to catalog items ordered off the premises by customers; and to items which are accessory and incidental to a service which is provided on the premises.

10. A home occupation shall be carried on by permanent residents of the dwelling unit, with not more than two employees who are not residents of the dwelling unit.

11. Planning Board review, as a conditional use, shall be required for any applicant wishing to exceed the above-stated limitations.

12. All auto service/repair home businesses proposed in the RA, RB1, RB2, and RC Zones shall be reviewed as a conditional use.
PLANNING BOARD MEETING
MINUTES

Minutes of the Augusta Planning Board meeting held on June 26, 2018
City Center Plaza, City Council Chambers, 7:00pm

Board members present: Corey Vose (Acting Chair, Vice Chair), Alison Nichols (Secretary), Delaine Nye, Bob Trask, Pete Pare, Dorean Maines, Steve Dumont

Board members absent: Bill McKenna

City staff present: Betsy Poulin, Matt Nazar, Nick Hartley

Guests present: Lionel Cayer, Keith Edwards, Doug Reynolds, Jim Coffin, Bob Corey, Stanley C. Koski, Bill Romin, Buddy Rollins

Public Hearing. Land Use Ordinance Text. Addition of home occupation standards for primary caregivers, as defined by the Medical Use of Marijuana Act.

Matt Nazar gave a summary of the staff memo. Initiated by City Council and sent to the Planning Board.

Pete: There are about 5,000 caregivers in the State, how can we not know where they are?
Matt: The State keeps this list private.

Delaine: Do all home occupations need to be licensed in the City?
Matt: Yes. If this ordinance is passed, and an unpermittted home occupation is found, they will need to apply for a permit.

Delaine: Standards C and D. Appointment is needed, no other home occupations require this. Is this extra requirement excessive?
Matt: This standard would address the volume of visitation to a home occupation size/scope. Two trips per day and appointments. If a customer is a drop-in, the owner of the business cannot control the volume of clients in the occupation.

Delaine: Could plants be the threshold, not the number of appointments?
Matt: Municipalities may not be able to regulate the number of plants.

Delaine: Not more than 2 patient vehicle trips per day. If I needed medical marijuana and can’t get an appointment, that is punitive to the patient. It makes it difficult for the user if they need the medication in a short period of time.
Matt: Caregiver storefronts could be established for medical marijuana as part of the new laws. These would be very different from a home occupation.

Steve: Deliveries can be done. There is a caregiver on the Old Belgrade Road which had a lot of business.
Alison: We cannot limit the number of caregivers in the City. We can craft language for some control. Identification of plant life stage can be complex for counting.
Matt: When a patient and caregiver have a relationship, they don’t want to break that relationship.

Pete: He is concerned about enforcement. Are we going to hire staff to monitor enforcement? Is only operating on complaints the right or wrong way? Is there a robust way to enforce the regulations?
Matt: These standards proposed tonight seem enforceable in a relatively easy way. It won’t be easy with these standards, but if nothing is done, could rather significant businesses be operating in neighborhoods?

Corey: How many home occupations are undocumented? What types exist?
Matt: Good question. They are supposed to get a permit. Typical home occupations are daycare, sewing shop, certain levels of auto repair. Daycares have a limit to the quantity of children.
Corey: The question is at what point is a business bigger than a neighborhood? The ordinance can be amended after the laws are set by the State.
Alison: That is the hope, we can continue to modify the rules. The intent is to get out in front of the state laws.
Matt: Yes, this is the intent of the committee. Want to limit the amount of grandfathering which would occur.

Dorean: For appointments, are there definitions? Would it be a written record?
Matt: There is nothing beyond the text presented tonight. The code officers could ask for a record of appointments. We won’t get to know who the patients are.
Dorean: Should “record” of appointment be added?
Matt: It could be.
Dorean: Would hours of operation be a possibility?
Matt: That was not considered. There are no standards currently for any home occupation.

Delaine: Has legal counsel or city council vetted this proposed text?
Matt: Yes, corporation counsel has been part of the whole process.
Pete: Happy to hear counsel has been involved. There are lots of issues including HIPA and restricting access.

No public comments.

Corey: Our options are to not send a recommendation to City Council, to send it as written or to make amendments. I feel hours of operation are a good idea. Maybe 7am to 7pm?
Alison: Agrees.
Corey: We can add hours of operation from 7am to 7pm, assuming 7 days a week.
Delaine: Would feel more comfortable with pharmacy hours. Would like more hours during a day for access.
Dorean: Feels after 10pm is pretty late. She hadn’t thought about specific hours.
Pete: 2 visits a day by appointment, shouldn’t be an intrusion. Hospitals have 24 hour access.
Dorean: The hours of operation is a question, she doesn’t have a strong opinion either way.
Alison: Should emergency appointments be considered?
Delaine: We don’t want a business to become a nuisance in the neighborhood. Can’t vote for 2 patients only a day.
Pete: Were there caregivers as part of this group creating the text amendment? What would a normal day look like for them?
Matt: We have a member of the sub-committee who is on the dispensary side of the business, but no caregivers. A caregiver’s day-to-day operations are a mixed bag. Caregivers typically have 5 patients with one rotating patient. 30 plants generates a lot of product.

Corey: Since we do not have a list of caregivers, we have a room with nobody in the audience. Is this a fair starting point? We can change it through the process. Starting with low numbers is OK. People can address City Council with their concerns.

Steve: Caregivers will probably want appointments so they don’t need to sit around waiting for people to show up.
Delaine: Doesn’t want to reinvent what the committee has done. The maximum growing quantities would be a high quantity in a house.
Matt: Code officers have come across operations in the City. Alison went on a tour of a commercial medical marijuana growing operation.
Alison: Mature plants are very large.
Matt: Home occupations cannot take up more than 30% of the floor area on a property, which includes outbuildings.

Alison: Makes a motion to approve the language as presented this evening to move to City Council for consideration.
Seconded by Steve.
Discussion:
Delaine: Wants the dialog tonight to be sent to City Council.
Matt: We can do this.
Vote: 5:1:0. Delaine opposed. Motion Passes.

Public Hearing. Minor Subdivision Review. Application of Stewart Terrace, LLC to create a 3 lot subdivision. Assessor’s Map 17 Lots 5 and 5B. Located at 378, 388, 390 and 392 Western Avenue in the Regional Business (CC) District.

Betsy provided a summary of the staff memo, showed images of an aerial photograph and discussed the draft findings of fact and conclusions of law.

No questions from the Board.

Applicant: Doug Reynolds, Gorrill-Palmer Consulting Engineers. Peter Anastos, the owner is here tonight. No proposed work is to be done. Only a transfer of ownership is proposed.

No questions from the Board.
Public Comment: For
None.

Public Comment: Against.
None.

Public Comment: Neither for nor against.
Stan Koski. Owns property at 400 Western Avenue. On the opposite corner. He lived at 64 Edison Drive. Knows the area well. Wishes there was a plan given to the abutting property owners as part of the notice. He is neither for nor against this, just wants to understand it better.

Doug Reynolds: The proposal is a line on the plan for a legal lot separation.

Public Hearing Closed.

Board Discussion:
Alison: This looks straightforward.

Motion by Alison: This is concerning the application of Stewart Terrace, LLC. The request is for a Minor Subdivision review as per sections 300-405 and 300-603.E. The applicant proposes to divide Assessor’s Map 17 Lot 5 into two lots, one for the Hampton Inn and the other lot for the two remaining buildings, Margarita’s Restaurant/New Beginning Flooring and Edward Jones Investments. In 2014, Lot 5 was split to create Lot 5B, for the Capri Apartment building. The new proposed division constitutes a subdivision as Lot 5 will be turned into three lots within a five year timeframe.

I have considered and agree with the Findings of Fact as written in the staff review. I have also considered and agree with the Conclusions of Law as written in the staff review. I believe the project, as presented to us this evening, is able to meet the standards of our Land Use Ordinance with the following condition, to be adhered to for the duration of the project include:

1. The applicant shall not deviate from the approved application and/or plan.

I move to approve the application.
Seconded by Delaine.
Discussion: None.
Vote: 6:0. Motion passes.

Public Hearing. Amended Minor Development Review. Application of the Red Barn to relocate their existing driveway to the southern end of the property and to reconfigure the parking lot. Assessor’s Map 49 Lot 13. Located at 455 Riverside Drive in the Planned Development 2 (PD2) District.
Betsy provided a summary of the staff memo, showed images of aerial photographs, site photographs, and discussed the draft findings of fact and conclusions of law. Notes two of the conditions of approval in the draft findings of fact and conclusions of law have been already met. Received a comment from an abutter, Brian King. Placed this information at the Board’s chairs and presents comments to the board.

Delaine: The 2012 plan was approved by the Board. How was a fence installed instead of the approved bufferyard at the northeast side of the property? The fence is broken, but it doesn’t provide a sufficient bufferyard for the house.
Matt: 2012 approval was not acted on in any way for construction. Parking was never expanded.
Delaine: No bufferyard is proposed in the northeast corner to shield the residential neighbor.
Betsy: I missed this in the review, typically a bufferyard is required.
Delaine: Steel containers appear to be on the boundary line, which are not all on the site plan.
Betsy: The applicant can discuss this material further. That would typically require a building permit.
Delaine: Wants to make sure the stage is shown on the plan. Believes it is on wheels? Wants the applicant to give some more clarification about whether the stage will remain where it is located today.
Betsy: The stage appears portable as a hitch seems to be visible in the picture.

Alison: A parking area to the north of the main entrance is where employees park and it seems it should only be used for deliveries. It is hard to see around delivery trucks.
Betsy: The main restaurant entrance being shifted to the south and this should improve sight issues with this area.

Delaine: Employees are parking in the field in the eastern side of the site. What are the plans for continued parking?
Betsy: A good question for the applicant. The footprint for parking on the proposed plans is not changing, so suspects parking will still occur in the field.

Lionel, former City Engineer, reviewed project as a consultant. The parking of the vehicles in the northern driveway entrance. Suggests the applicant paint a line on the pavement in this location for employees to remain on the property, outside the right of way. This would eliminate the sight distance issue. The applicant could answer whether the parking will be used in the future. Feels the new entrance location is much improved. Feels the new one-way circulation pattern and diagonal parking will be an improvement. Exit widths are 11 feet, which is a minimum. Most vehicles accessing the site are passenger vehicles, so this is acceptable. The applicant came back with revisions quickly. Two spaces should be eliminated in the parking lot for easier circulation as noted in the staff review. The northeastern corner of the parking lot should be regraded to meet IBC code. This is over a force main, so clearance could be an issue.

Delaine: Asks for clarification about grading and parking spaces to be eliminated.
Applicant: Jim Coffin, ES Coffin. We will fix the fence. Bufferyard along northerly line. No new changes have been made since for the location of the parking.
Delaine: Is buffering needed?
Betsy: No, no changes are proposed, so no additional buffering is needed at the rear of the property.
Jim: The stage is stationary for the season. The spaces could be striped at the northern entrance for better parking. $150K for a turn lane in Route 201, so not happening yet. The new driveway entrance will improve circulation. 32 parking spaces are required, there are 73 on site. It is a gold mine out there. A new restaurant was looked at out back with a drive through, however this was abandoned as no drive-throughs are permitted in PD2. The buffering along Riverside Drive has a split rail fence as it is only 10 feet wide. The porta-potty was part of the 2012 agreement. She will agree to move it to the northern fence so it is not seen from abutters. Parking lot grades will be addressed. The two parking spaces have been eliminated on the plan (hands plan to staff). The pods out back are on gravel, they are temporary.
Pete: What do you mean when you say they are movable?
Jim: There is no foundation. There is no plan to move them. He doesn’t know what permitting was done.
Delaine: Only one shows on the plan.
Jim: There have been changes that are not shown on the plan.
Pete: Are these temporary structures?
Corey: Is this part of this application?
Matt: No, it is an enforcement issue, we will look at it.
Alison: Why is the fence not on the plan?
Jim: The fence will be added to the plan and repaired.
Alison: For parking in the field, is the septic marked?
Jim: Parking is not in that area, but it would be a good idea to mark the septic field to protect it.

Public Comment: For.
None.
Public Comment: Against:
None.
Public Comment: Neither For Nor Against.
Bob Corey: Did previous approvals address noise or neighbors?
Alison: Yes, but only discussed.
Jim Coffin: The bufferyard is not part of a noise solution.
Delaine: The stage is planned to stay where it is?
Jim Coffin: Yes, it will. The porta-potty will move.

Public Hearing Closed.

Board Discussion:
Alison: We should add new conditions?
Pete: What about deliveries?
Jim Coffin: If there is no place to park, they park in the road.
Pete: Lionel noted the yellow jeep in the right-of-way. Worried about delivery trucks parked in the right of way.
Matt: The police department can address problems in the right-of-way.
Corey: About 90% of places in Maine do not have dedicated places to park for deliveries. Backing into a spot on the site could be more dangerous.
Delaine: In favor of the area being hatched as shown on the image for no parking. (between the dumpster and the right-of-way)
Alison: Would like to add a condition about landscaping being maintained.

Motion by Alison: This is concerning the application of The Red Barn. The request is for an Amended Minor Development review as per sections 300-405 and 300-603.E. The applicant proposes to relocate their existing driveway to the southern end of the property and reconfigure the parking lot. The project is located at 455 Riverside Drive in the Planned Development 2 District (PD2) and can be found on Tax Map 49, Lot 13.

I have considered and agree with the Findings of Fact as written in the staff review and would like to add the following Findings:

1. A waiver is requested from the Traffic Report submission requirement. As there are no anticipated changes to traffic quantity and staff supports this request, this waiver is granted.
2. A waiver has been requested from the stormwater report submission requirement, which staff supports as no significant changes are proposed to the site grading. This waiver is granted.

I have also considered and agree with the Conclusions of Law as written in the staff review. I believe the project, as presented to us this evening, is able to meet the standards of our Land Use Ordinance with the following conditions, to be met prior to the Signature of Approval on the site plan.

1. If the applicant chooses to continue to use port-a-potties, the port-a-potties shall be completely screened from the sight of the abutters, as we specified in our 2012 approval.
2. All plantings shall be maintained and should any die, they shall be replaced within the same season or, if damaged by snowplowing during the winter months, as soon as practicable the following spring.
3. Two parking spaces in the gravel parking area adjacent to staff parking shall be removed for improved circulation.
4. There shall be no parking allowed in the dumpster/delivery area. No Parking signage shall be added and the area shall be hatched.

Additional conditions of approval placed on the project, to be adhered to for the duration of the project include:

1. The applicant shall not deviate from the approved application and/or plan.
I move to approve the application as indicated above with the clarifications detailed in the staff’s proposed motion.

Seconded by Steve.

Discussion:
Delaine: Should we note the stage to remain in the same location?
Alison: OK with adding this condition.
Jim: It could stay in the vicinity, it may rotate? She knows she has issues with the neighbors and will hopefully not change the location to cause an impact.
Alison: Adds:
   5. The stage shall remain in essentially the same position.
Steve: Seconds the motion still.
Vote: 6:0. Motion passes.

5 minute recess. Resumes at 9:11


Betsy provided a summary of the staff memo, showed images of aerial photographs, site photographs, and discussed the draft findings of fact and conclusions of law.

No questions from the Board.

Applicant: Jim Coffin, ES Coffin. Notes the sight distances for each lot. Notes ditching along road and driveways.

No questions from the Board.

Public Comment: None.

Lionel: He believes the culverts downstream are sized at 18”. Upstream should be the same size. No concerns with traffic.

Public Hearing Closed.

Board Discussion:
Alison: Is a condition necessary for the culverts/driveways?
Lionel: No, it is a standard procedure.
Nick Hartley: I agree.

Motion by Alison: This is concerning the application of W R Rhea Associates, LLC. The request is for an Amended Major Subdivision review as per sections 300-405 and 300-603.E. The applicant proposes to expand an existing 6 lot residential subdivision to 14 total lots, with each
having a private well, septic and driveway access. Lot 43 is proposed to be split into 9 lots. The project is located on Blair Road in the Planned Development 2 District (PD2) and can be found on Tax Map 6, Lots 43, 43A, 43B, 43C, 43D, 43E.

I have considered and agree with the Findings of Fact as written in the staff review and would like to add the following Finding:

1. The applicant has requested a waiver from the Stormwater Management requirements of the ordinance. Since the proposed development is residential house lots and staff supports this request, this waiver is granted.

I have also considered and agree with the Conclusions of Law as written in the staff review. I believe the project, as presented to us this evening, is able to meet the standards of our Land Use Ordinance with the following condition, to be adhered to for the duration of the project include:

2. The applicant shall not deviate from the approved application and/or plan.

I move to approve the application.

Seconded by Delaine.
Discussion: None.
Vote: 6:0. Motion passes.

Public Hearing. Minor Development Review. Application of Knight's Farm Supply to double the size of their existing building and relocate outdoor storage space. Assessor's Map 7 Lots 6A & 7B. Located at 2310 North Belfast Avenue in the Riggs Brook Village (RBV) District.

Betsy provided a summary of the staff memo, showed images of aerial photographs, site photographs, and discussed the draft findings of fact and conclusions of law. Discussed additional information provided to address draft conditions of approval.

No questions from the Board.

Applicant: Jim Coffin, ES Coffin Engineering. Wants to add a temporary fence with smaller trees. Will fix the bufferyard A along the parking lot.

Public Comment: None. No members in the audience.

Public Hearing Closed.

Board Discussion:
Alison: Jim requested a temporary fence be allowed while younger plant material is growing.
Delaine: OK with this.
Motion by Alison: This is concerning the application of Knight’s Farm Supply. The request is for a Minor Development and Conditional Use review as per sections 300-405 and 300-603.E. The applicant proposes to double the size of their existing building and relocate outdoor storage space. The expansion will cross the property line of land also owned by Richard Knight, under the name of R&R Development LLC. The two properties will be merged into one lot and the residential house will remain. The project is located at 2310 & 2318 North Belfast Avenue and is located in the Riggs Brook Village District (RBV) and can be found on Tax Map 7, Lot 7B & 6A.

I have considered and agree with the Findings of Fact as written in the staff review and would like to add the following Findings:

1. Since the Planning Board may waive design criteria for additions to existing buildings within the Riggs Brook Village District and this project is an addition to an existing structure, the waiver from requiring variation in architectural materials is granted.

I have also considered and agree with the Conclusions of Law as written in the staff review. I believe the project, as presented to us this evening, is able to meet the standards of our Land Use Ordinance with the following conditions, to be met prior to the Signature of Approval on the site plan.

1. Lot 6A shall be combined with Lot 7B prior to the issuance of a building permit.
2. Plant materials shall be approved by planning staff prior to installation.
3. Coniferous plants for screening around the dumpster and warehouse parking area shall be a minimum of 5’ high at installation. A fence may be used to screen the warehouse parking area until smaller trees grow to the appropriate height.
4. Bufferyard A shall be distributed along parking area that abuts Route 3 to screen vehicles.
5. All plantings shall be maintained and should any die, they shall be replaced within the same season or, if damaged by snowplowing during the winter months, as soon as practicable the following spring.
6. Permission shall be granted from MDOT for construction within the right-of-way for stormwater management.

Additional conditions of approval placed on the project, to be adhered to for the duration of the project include:

1. The applicant shall not deviate from the approved application and/or plan.

I move to approve the application as indicated above with the clarifications detailed in the staff’s proposed motion.

Seconded by Steve.
Discussion: None.
Vote: 6:0. Motion passes.
Alison: Amends motion for Red Barn. Condition 3, as read, was removed, as it had already been met. (Two parking spaces in the gravel parking area adjacent to staff parking shall be removed for improved circulation.) In its place, the following condition was added: 3. Parking lot gradients shall not exceed 1:15 or 6.67%. Seconded by Delaine. No Discussion. Vote: 6:0. Amendment to motion passes.

**Election of Officers:**

Motion by Alison to nominate Corey for Chair. Seconded by Delaine. No Discussion. Vote: 6:0. Motion passes.

Motion by Steve to nominate Alison for Vice Chair. Seconded by Delaine. No Discussion. Vote: 6:0. Motion passes.

Motion by Steve to nominate Delaine for Secretary. Seconded by Alison. No Discussion. Vote: 6:0. Motion passes.

**Minutes:**

Alison and Delaine noted some clerical amendments. Motion by Steve to approve the minutes for May 22, 2018 as amended. Seconded by Delaine. No Discussion. Vote: 6:0. Motion passes. Minutes accepted as amended

**Adjourn:**

Motion by Steve to adjourn 9:54 pm. Seconded by Alison. Further Discussion. None. Vote: 6:0. All in favor, none opposed. Motion Passed.

Minutes by Betsy Poulin, Deputy City Planner.