

City of Biddeford
Policy Committee
May 21, 2020 10:00 AM Via ZOOM Virtual Meeting
Please click the link below to join the webinar:
<https://biddeford.zoom.us/j/95096405947>
Password: 917450

- 1. Roll Call**
- 2. Adjustments to the Agenda**
- 3. Acceptance of Minutes**
 - 3.1. January 9, 2020 Policy Committee Meeting Minutes
[1-09-2020 Policy Comm Meeting Minutes.docx](#)
- 4. Discussion/Review**
 - 4.1. Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-101-Right Turn Only Streets/Lincoln Street at Elm Street
[Right Turn Only-Lincoln Street-Briefing.docx](#)
 - 4.2. Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-90-No Parking/Add on Lester B. Orcutt Blvd
[Lester B Orcutt Blvd - No Parking.doc](#)
[Lester B Orcutt Blvd-No Parking-MAPS.pdf](#)
 - 4.3. Zoning Amendment Recommendations and Referral to Planning Board/Adult Use Marijuana
[Marijuana White Paper - May 2020.pdf](#)
- 5. Adjourn**

**Policy Committee Meeting
January 9, 2020**

Committee Chair, Councilor John McCurry, Jr. called the meeting to order at 6:00 p.m.

Roll Call: Councilors John McCurry, Jr., Norman Belanger and Doris Ortiz; Committee Members Renee O'Neil and Nathan Bean

Staff Members present: Carmen Morris, City Clerk, Roger Beaupre, Police Chief, Jeff Demers, Public Works Director and Tom Milligan, City Engineer

The Committee recited the Pledge of Allegiance.

Adjustment to the Agenda:

- Add *Other Business*

Acceptance of Minutes: **September 9, 2019**

Motion by Councilor Belanger, seconded by Member O'Neil to accept the minutes as printed.

Vote: Unanimous.

Discussion/Approval:

**A. Ch. 42, Motor Vehicles & Traffic/Sec. 42-90.1-No Parking during special events/
Removal of certain streets**

Motion by Councilor Belanger, seconded by Member Bean to recommend passage of the ordinance amendment to the City Council.

Police Chief Roger Beaupre explained that the need to have so many streets surrounding Waterhouse Field and St. Louis Field posted for no parking during special events is no longer a need and for many of those streets, parking has been addressed in other ways.

Vote: Unanimous.

**B. Ch. 70, Utilities/Art. II-Wastewater System, Division 4. Use Regulations and
Art. III-Wastewater System Capacity Management**

Motion by Councilor Belanger, seconded by Member O'Neil to recommend passage of the ordinance amendment to the City Council.

Public Works Director Jeff Demers explained that the biggest need for these amendments is to address the increased development throughout the City.

Vote: Unanimous.

Other Business:

- (1) Councilor McCurry asked the committee which Thursday of the month works best to schedule the Policy Committee meetings. The committee members agreed on the second Thursday of the month at 6:00 p.m.

- (2) Councilor McCurry let the committee know of his intentions to speak with the Department Heads and find out what items can be dealt with proactively, rather than reactively. Member O'Neil expressed her agreement.

Adjourn:

Motion by Councilor Belanger, seconded by Member O'Neil to adjourn.

Vote: Unanimous.

Time: 6:08 p.m.



Policy Committee

Meeting Date: [Meeting date]

Meeting Time: [Meeting time]

Agenda Item No: [match agenda item #]

Item Description: [match agenda item description]

Submitted by: Roger P. Beaupre, Chief of Police

Supporting Information/Documentation:

Left-hand turns from Lincoln Street onto Elm Street was prohibited under 42-102 No left-hand turn streets until its repeal on February 2, 2016 (ord. 2016.13)

Key Terms:

Traffic Control Device: Means a sign, a signal, a marking or a device placed or erected by a Public body or official to regulate, warn or guide traffic.

Executive Summary:

Under the Traffic Management Plan (TMP) associated with the Pearl Street project, a traffic median will be constructed on Lincoln Street on the approach with the intersecting Elm Street. Under this Plan, traffic is not be permitted to either turn left onto Elm Street, or go straight across Elm Street to enter the car wash but rather, it is intended to restrict traffic to right turn only movements. Although existing City Ordinance language under Chapter 42, section 42-102 prohibits left turns, the existing language does not prohibit traffic from crossing Elm Street. Therefore, it is necessary to enact language that restricts traffic movement to right turns only.

Detailed Review:

Adequately defined in Executive Summary

Funding Source:

Project budget

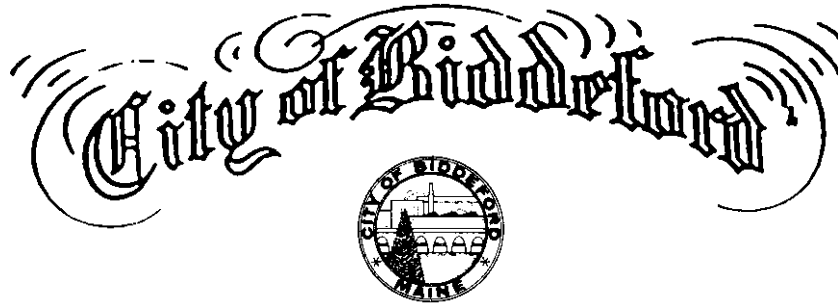
Staff Recommendation:

Change to City of Biddeford Code of Ordinances Chapter 42, as follows:

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-92 Limited Parking**, be amended by adding new section 42-101 **Right Turn Only Streets** to read as follows:

When so directed by a traffic control device, traffic movement is restricted to right turns ONLY. The following intersecting streets are so designated:

Lincoln Street at Elm Street



BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-90 No Parking**, be amended by adding or deleting to read as follows:

Lester B. Orcutt Blvd., both sides, from the intersection with Mile Stretch Road, thence easterly to the intersection with Ocean Avenue, No Parking on Pavement, or any part thereof.

{Lester B. Orcutt Blvd. is, on average, 21 feet in width. Taking into consideration the minimum need for two (2) ten (10) foot travel lanes, and that an additional seven (7) feet is necessary for parking on one side, there is insufficient street width to allow parking on both sides.}

NOTE: Due to the narrowness of the street, along with the increase in vehicular traffic and pedestrian traffic, it is suggested that this parking amendment be passed as an Emergency Ordinance, since it is deemed that a public safety concern exists.

A = 21'
B = 25'7"
C = 18'
D = 17'5"



No Parking



No Parking
Here to Corner



A = 20'5"
B = 16'6"
C = 17'6"
D = 16'2"





City Council-Policy Committee

Meeting Date: May 5, 2020

Meeting Time: 6:00 p

Agenda Item No: Discussion Item

Item Description: Marijuana zoning Ordinance Referral to Planning Board

Submitted by: Mathew Eddy; Director, Planning and Development

Supporting Information/Documentation:

- **February 11 Meeting with City Council**
https://docs.google.com/gview?url=https%3A%2F%2Fgranicus_production_attachments.s3.amazonaws.com%2Fbiddeford%2F42ba50743da7b037969ef4ffdaae44310.pdf&embedd=1&clip_id=551
- **April 18, 2019 Email from Roby Fecteau**
https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/375160/6-11-2019_Workshop-Marijuana-Fecteau_Email-April_2019.pdf
- **June 11, 2019 – Council Workshop – 1.2 Adult Use Marijuana: State Rule Changes**
(timestamp 1:16:00) https://biddeford.granicus.com/MediaPlayer.php?view_id=1&clip_id=551

Key Terms:

See above memo, which provides ordinance definitions and some previous discussion.
Please note that we are not addressing personally homegrown marijuana or in-home caregivers in this review.

State Definitions/locations of import:

- Attachment 1: Odor Control Draft Proposal from Codes Enforcement
- Marijuana Legalization Act (or Adult Use Marijuana Law) 28-B M.R.S. Ch. 1
 - 18-691 C.M.R. ch. 1 – Adult Use Marijuana Program Rule
<https://legislature.maine.gov/statutes/28-B/title28-Bch1sec0.html>
- Maine Medical Use of Marijuana Act 22 M.R.S. Ch. 558-C
 - 18-691 C.M.R. ch. 2 - Maine Medical Use of Marijuana Program Rule
<https://www.mainelegislature.org/legis/statutes/22/title22ch558-Csec0.html>
- Industrial hemp 7 M.R.S. Section 2231
<https://legislature.maine.gov/statutes/7/title7sec2231.html>
- Marijuana Manufacturing: 18-691 C.M.R. ch. 4 - Marijuana Manufacturing Facilities
<https://www.maine.gov/dafs/omp/medical-use/rules-statutes/18-691-C.M.R.-ch.-4>
- Adult use statute: <https://www.maine.gov/dafs/omp/adult-use/rules-statutes/18-691-C.M.R.-ch.-1>

Executive Summary:

As a result of the February 11 workshop, staff were asked to develop some short term recommendations for changes to the zoning ordinance regarding permitting recreation marijuana grow facilities in the existing zones where medical marijuana is presently permitted (as a conditional use). Additionally, there is a need to modify our definitions to reflect the changes in state law so that our ordinance breaks down by “processing and testing”. These are activities presently underway within our existing ordinance, in the I2 and I3 zones.

Staff was also asked to address the issue of odor, an issue experienced in at least two facilities within our business parks.

We recommend that the changes suggested below be forwarded to the Planning Board for their review, public hearing, and recommendation:

- Amend Medical Marijuana Dispensary definition to reflect state statute (i.e. the not-for-profit status); continue to permit as a conditional use in the I3 district;
- Amend the Medical Marijuana Growing Facility definition by using the state definition for Cultivation Facility; amend the Table of Land Use accordingly while maintaining the conditional use requirement for approval. This would permit both recreation and medical grow facilities in the I2 and I3 districts;
- Amend the Medical Marijuana Land Use definition to Marijuana Land Uses reflecting state statute change and the four activities listed above;
- Amend the definitions for Marijuana, Medical Marijuana, and Medical Marijuana Caregiver to be consistent with state statute;
- Amend the Medical Marijuana Home Production definition and reconsider its permission as an accessory use in “any” home; and,
- Amend Section 77. Medical Marijuana, by replacing F by addressing odor concerns with the following:

(1) All marijuana land uses shall be conducted indoors. Said uses are not permitted to conduct outdoor sales or services of any kind. Any common areas, including, but not limited to storage areas and building facilities, shared with another marijuana establishment and/or medical marijuana establishment must be clearly identified as such on the site plan or conditional use application.

(2) Odor management. For all Marijuana Land Uses, the odor of marijuana must not be detected offsite, i.e., must not be detected at premises that are not under the custody or control of the establishment. To prevent and control marijuana odors, an odor control plan shall be submitted as part of the site plan application describing the odor(s) originating or anticipated to originate at the premises and the control technologies to be used to prevent such odor(s) from leaving the premises. The odor control plan shall, at a minimum, include the following: (a) A facility floor plan that identifies the locations of all odor-emitting activities and sources. The plan shall also identify the location of doors, windows, vents, HVAC systems, odor control systems and other relevant information. (b) A list of specific odor-emitting

activities and sources, and a description of the processes that will take place at the facility, including, but not limited to, vegetative flowering, processing and storage. (c) For each odor-emitting activity or source, a description of the administrative procedures as well as the engineering processes, technologies, and equipment the facility will use.

(i) Administrative controls shall include, at a minimum: management practices to isolate odor activities and sources, use of standard operating procedures, employee training, regular equipment inspections and maintenance of inspection logs.

(ii) Engineering controls shall include, at a minimum, building design features; use of equipment and technology to address each specific odor-emitting activity or source; a systems and equipment maintenance and replacement schedule; and evidence that proposed equipment and technology are sufficiently capable and appropriately sized consistent with marijuana industry best practices for control technologies designed to effectively mitigate odors.

Marijuana land uses must implement appropriate ventilation and filtration systems to satisfy the odor standard contained herein. While the City does not mandate any particular equipment specifications with regard to filtration, all marijuana establishments and medical marijuana establishments are strongly encouraged to adopt best management practices with regard to implementing state-of-the-art technologies in mitigating marijuana odor, such as air scrubbers and charcoal filtration systems.

(3) Noxious gases and fumes. Marijuana Cultivating, testing, and processing facilities, in accordance with this ordinance shall include appropriate ventilation systems to mitigate noxious gases or other fumes used or created as part of the production. Gases or fumes shall not extend beyond any boundary line.

(4) Sufficient measures and means of preventing smoke, debris, dust, fluids and other substances from exiting a marijuana land use must be provided at all times.

(5) All marijuana land use establishments shall have in place an operational plan for proper disposal of marijuana and related byproducts in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations. Dumpsters and trash containers must not be overflowing, and the surrounding area kept free of litter and trash. All dumpsters and containers are to be screened from public view. All trash receptacles on the premises used to discard adult use marijuana products must have a metal cover or lid that is locked at all times when the receptacle is unattended and security cameras must be installed to record activities in the area of such trash receptacles.

Funding Source:

N/A

Staff Recommendation:

Staff recommends moving these proposals to the Planning Board for their consideration and report back to City Council. A suggested Council order reads as follows:

IN BOARD OF CITY COUNCIL May 5, 2020 BE IT ORDERED, that the City Council of the City of Biddeford does hereby refer to the Planning Board for their review, holding a public hearing, and recommendation back to the City Council, proposed changes in the zoning ordinance having to do with Marijuana and consistency with state statute.

Attachment 1: Codes Enforcement Office Odor Control Proposal:

Area of activities; control of odors and emissions; sealed walls; disposal plan.

(1) All activities of marijuana establishments and medical marijuana establishments, including, without limitation, cultivating, growing, processing, displaying, selling and storage, shall be conducted indoors. Marijuana establishments and medical marijuana establishments are not permitted to conduct outdoor sales or services of any kind. Any common areas, including, but not limited to storage areas and building facilities, shared with another marijuana establishment and/or medical marijuana establishment must be clearly identified as such on the site plan application.

(2) Odor management. For all marijuana establishments and medical marijuana establishments, the odor of marijuana must not be detected offsite, i.e., must not be detected at premises that are not under the custody or control of the establishment. To prevent and control marijuana odors, an odor control plan shall be submitted as part of the site plan application describing the odor(s) originating or anticipated to originate at the premises and the control technologies to be used to prevent such odor(s) from leaving the premises. The odor control plan shall, at a minimum, include the following: (a) A facility floor plan that identifies the locations of all odor-emitting activities and sources. The plan shall also identify the location of doors, windows, vents, HVAC systems, odor control systems and other relevant information. (b) A list of specific odor-emitting activities and sources, and a description of the processes that will take place at the facility, including, but not limited to, vegetative flowering, processing and storage. (c) For each odor-emitting activity or source, a description of the administrative procedures as well as the engineering processes, technologies, and equipment the facility will use.

(i) Administrative controls shall include, at a minimum: management practices to isolate odor activities and sources, use of standard operating procedures, employee training, regular equipment inspections and maintenance of inspection logs.

(ii) Engineering controls shall include, at a minimum, building design features; use of equipment and technology to address each specific odor-emitting activity or source; a systems and equipment maintenance and replacement schedule; and evidence that proposed equipment and technology are sufficiently capable and appropriately sized consistent with marijuana industry best practices for control technologies designed to effectively mitigate odors.

Marijuana cultivation facilities and medical marijuana cultivation facilities must implement appropriate ventilation and filtration systems to satisfy the odor standard contained herein. Marijuana stores, medical marijuana retail stores, marijuana product manufacturing facilities, medical marijuana product manufacturing facilities, marijuana testing facilities, and medical marijuana testing facilities are not required to install filtration equipment on the licensed premises but must satisfy the same odor standard contained herein. While the City does not mandate any particular equipment specifications with regard to filtration, all marijuana establishments and medical marijuana establishments are strongly encouraged to adopt best management practices with regard to implementing state-of-the-art technologies in mitigating marijuana odor, such as air scrubbers and charcoal filtration systems.

(3) Noxious gases and fumes. Marijuana product manufacturing facilities, medical marijuana product manufacturing facilities, marijuana testing facilities, and medical marijuana testing facilities shall include appropriate ventilation systems to mitigate noxious gases or other fumes used or created as part of the production. Gases or fumes shall not extend beyond any boundary line.

(4) Sufficient measures and means of preventing smoke, debris, dust, fluids and other substances from exiting a marijuana establishment or medical marijuana establishment must be provided at all times.

(5) All marijuana establishments and medical marijuana establishments shall have in place an operational plan for proper disposal of marijuana and related byproducts in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations. Dumpsters and trash containers must not be overflowing, and the surrounding area must be kept free of litter and trash. All dumpsters and containers shall be screened from public view. All trash receptacles on the premises used to discard adult use marijuana products must have a metal cover or lid that is locked at all times when the receptacle is unattended and security cameras must be installed to record activities in the area of such trash receptacles

General penalty for violation of Code; continuing violations.

Whenever in this Code or in any ordinance of the City any act is prohibited or is made or declared to be unlawful or a misdemeanor, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be punished by a fine of not more than \$2,500 for each occurrence. All fines shall be recovered on complaint to the use of the City