

City Council Minutes  
Tuesday, January 12, 2021

Regular Meeting  
Via zoom

Tuesday, January 12, 2021  
6:00 p.m.

The regular meeting was called to order by Mayor Michele Daniels. The city clerk called the roll:

Councilor Goss-present  
Councilor Morin-present  
Mayor Daniels-present

Councilor Ferris-present  
Councilor Phanthay-present

Mayor Daniels declared a quorum present. City Manager Stephen Bost and City Solicitor Jonathan Pottle were also present.

Mayor Daniels led members of the council and others present in reciting the pledge of allegiance to the flag of the United States of America.

Mayor Daniels read the notice for the regular meeting.

TO: Joseph Ferris, Jerry Goss, Michele Daniels, Soubanh Phanthay and Jenn Morin MEMBERS OF THE BREWER CITY COUNCIL you are hereby notified a regular meeting of the City Council will be held on Tuesday, January 12, 2021 at 6:00 p.m. virtually, via zoom to consider and act on the items on the attached agenda.

s/Michele Daniels  
Mayor and Chairman of the City Council  
Or \_\_\_\_\_  
Majority of the City Council

a true copy, attest: s/Vincent P. Migliore  
City Clerk

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OFFICER'S RETURN

I have on the date(s) and time(s) indicated given notice of this meeting by giving in hand of by leaving at the usual dwelling place of the within named an attested copy of this notice of meeting:

Given/Delivered to:	by (person delivering)	Title	Date	Time
Michele Daniels	V. Migliore	CC.	01/08/21	14:16
Soubanh Phanthay	Lunt	Off.	01/08/21	15:35
Jerry Goss	Lunt	Off.	01/08/21	15:40
Joseph L. Ferris	Jones	Off.	01/08/21	18:40
Jenn Morin	Lunt	Off.	01/08/21	15:45

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With the shift to remote meetings, we have modified how we receive public comments. At this time, the Brewer City Council is accepting written public comments in place of in-person participation. Written public comments must be e-mailed to City Clerk Vincent Migliore at vmigliore@brewermaine.gov or mailed to Public Comments, City Hall, 80 North Main Street, Brewer ME 04412. Public Comments must be received in writing by 4:00 PM on the date of the Council meeting in order to be provided to the City Council in advance of the meeting. Any public comments received will become part of the permanent record of the meeting. If e-mailing, please note "Public Comment" and the meeting date in the subject field.

**CITY COUNCIL REGULAR MEETING**  
**Tuesday, January 12, 2021 6:00 P.M.**

**Virtual Meeting via Zoom due to the ongoing COVID-19 pandemic**  
**Physical attendance by the public at City Hall is not permitted**  
**General Public Link:**

[https://us02web.zoom.us/webinar/register/WN\\_-Bc37\\_CyTX61UYACDWvCKw](https://us02web.zoom.us/webinar/register/WN_-Bc37_CyTX61UYACDWvCKw)

- I. Call to Order** (Mayor Daniels)
- II. Roll Call** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America** (Mayor Daniels)
- A. Minutes of December 8, 2020 Regular Meeting** (Councilor Ferris)
- B. Awards, Petitions and Public Comments**
- C. Consent Calendar**
  - 1. (2021-A001) ORDER Accept grant from Walmart community fund. (Councilor Morin)
  - 2. (2021-A002) ORDER Authorize Tax Release Deed, Map 13, Lot 24, 453 Wilson Street. (Councilor Phanthay)
  - 3. (2021-A003) ORDER Authorize waterline extension on Route 1A in Holden. (Councilor Goss)
  - 4. (2021-A004) ORDER Accept donations to Brewer programs from Dusty and Ellen Fisher. (Councilor Ferris)
- D. Monthly Reports** (Councilor Morin)
- E. Nominations, Appointments, Elections**
- F. Unfinished Business**
  - 1. (2020-C009) ORDER Amend Chapter 24, entitled "Land Use Code" of the City of Brewer Charter, Codes and Ordinances, Article 3, Zoning Districts, to amend Section 306; Article 4, Performance Standards, to amend Section 438; and Article 14 Definitions. (Councilor Ferris)
- G. New Business**
  - 1. (2020-C010) ORDER Amend Chapter 19, entitled "Traffic Code" of the City of Brewer Charter, Codes and Ordinances, Article 3, Stopping, Standing and Parking, to amend Section 315, Schedule A and Schedule C, and Section 320, Line Item #5. (Councilor Goss)

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**H. New Items with Leave of Council**

**I. ADJOURN**

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**A. Minutes of December 8, 2020 Regular Meeting**

**ACTION:** Councilor Ferris moved that the minutes be accepted and placed on file. Councilor Goss seconded. The motion passed with a unanimous vote.

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**B. Awards, Petitions and Public Comments**

**ACTION:** Mayor Daniels asked if any communications had been received from the public, there were none.

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**C. Consent Calendar**

2021-A001

January 12, 2021

**TITLE:** ORDER, ACCEPT GRANT FROM WALMART COMMUNITY FUND.

Filed December 10, 2020  
By Jenn M. Morin

WHEREAS, the City has received a \$5,000 public safety grant from the Walmart Community Fund; and

WHEREAS, \$2,500 of these funds are allocated for the Brewer Fire Department to purchase turnout gear; and

WHEREAS, \$2,500 of these funds are allocated for the Brewer Police Department to purchase equipment for the K-9 program;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the appropriation and deposit of \$2,500 of these funds into account 0600058-360000-58052 FY21 Walmart K-9 Grant Revenue and \$2,500 into account 0600059-360000-59033 FY21 Walmart Turnout Gear Revenue; and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the expenditure of these funds from account number 0600058-560000-58052 FY21 K-9 Grant Expense and 0600058-560000-59033 FY21 Walmart Turnout Gear Expense.

**Statement of Fact:** The City of Brewer received \$5,000 in grant funds from the Walmart Community Fund: \$2,500 to purchase turnout gear for the Fire Department and \$2,500 to purchase equipment for the police K-9 program.

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2021-A002

January 12, 2021

TITLE: ORDER, AUTHORIZE TAX RELEASE DEED, MAP 13, LOT 24, 453  
WILSON STREET.

Filed January 6, 2021  
By Soubanh Phanthay

BE IT ORDERED THAT a municipal Release Deed be issued to Vinn Inc. of Brewer, County of Penobscot, releasing to them all interest that the City of Brewer may have acquired by virtue of tax liens on their property; and

FURTHER ORDERED that the City Manager be herewith authorized to execute this Release Deed on behalf of the City of Brewer.

**Statement of Fact:** This order authorizes the release of the interest in 453 Wilson Street that the City acquired by virtue of foreclosed tax liens, which have now been paid in full. A total of \$161,732.16 was collected, \$148,230.67 in taxes along with \$13,383.09 in interest and \$118.40 in costs.

2021-A003

January 12, 2021

TITLE: ORDER, AUTHORIZE WATERLINE EXTENSION ON ROUTE 1A IN  
HOLDEN.

Filed January 6, 2021  
By Jerry Goss

WHEREAS, Primax Properties desired municipal water service at their Tractor Supply Company store in Holden;

WHEREAS, Primax Properties entered into an agreement with the City of Brewer to design, construct, and test approximately 600 Feet of 12-inch ductile main line to their property in Holden;

WHEREAS, Primax Properties has completed the design, installation, testing, 3rd party inspection, and provided all necessary documentation to fulfill the main line extension agreement;

WHEREAS, Primax Properties paid the full cost for the main line extension as Brewer Water has elected to make no new investments in the extension of our system;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith accepts the main line extension from Holden family RV to the Tractor Supply Location.

**Statement of Fact:** Primax properties has met Brewer Water construction specifications for the design, construction, testing and inspection services of the waterline extension on Route 1A in Holden. The



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There were none.

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**F. Unfinished Business**

2020-C009

October 13, 2020

TITLE: ORDER, AMEND CHAPTER 24, ENTITLED “LAND USE CODE” OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ARTICLE 3, ZONING DISTRICTS, TO AMEND SECTION 306; ARTICLE 4, PERFORMANCE STANDARDS, TO AMEND SECTION 438; AND ARTICLE 14, DEFINITIONS.

filed October 07, 2020  
by Joseph L. Ferris

BE IT ORDAINED by the City of Brewer in City Council assembled that Chapter 24, of the Charter, Codes and Ordinances of the City of Brewer, entitled “Land Use Code” shall be amended by revising the following subsections to Article 3, Article 4 and Article 14:

**ARTICLE 3 ZONING DISTRICTS**

**306 SCHEDULE OF USES**

**306.3 USES SUBSTANTIALLY SIMILAR TO PERMITTED USES (#41)(#45)**

**3. PROHIBITED USES**

Uses substantially similar to a prohibited use in the Schedule of Uses, as determined by the Code Enforcement Officer, are prohibited.

The following recreational marijuana uses, as defined by State Statute, are prohibited (this does not prohibit the cultivation and sale of medical marijuana as ~~currently~~ permitted by this Land Use Code):

~~Adult use Retail~~ marijuana cultivation facilities;  
~~Adult use Retail~~ marijuana products manufacturing facilities;  
~~Adult Use Retail~~ marijuana testing facilities; and  
~~Adult Use Retail~~ marijuana stores; ~~and~~  
~~Social clubs where product can be sold and used.~~

The following medical marijuana uses, as defined by State Statute and this Ordinance, are prohibited:

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Medical marijuana caregiver retail stores;  
Medical marijuana cultivation and processing facilities;  
Medical marijuana registered dispensaries and medical marijuana dispensary cultivation facilities (except as expressly allowed in this Ordinance);  
Medical marijuana testing facilities; and  
Medical marijuana manufacturing facilities.

**306.5 SCHEDULE OF USES (#31)(#46)**

USE	RURAL	LDR	MDR-1	MDR-2	HDR	HDR-2	CB	GB	IND	IND-2	OR	PB	DD
RESIDENTIAL USES													
<u>Medical Marijuana Home Production</u>	<u>Y-66, 67</u>	<u>Y-66, 67</u>	<u>Y-66, 67</u>	<u>Y-66, 67</u>	<u>Y-66, 67</u>	<u>Y-66, 67</u>	<u>Y-66, 67</u>	<u>Y-66, 67</u>	<u>Y-66, 67</u>	<u>Y-66, 67</u>	<u>Y-66, 67</u>	<u>Y-66, 67</u>	<u>Y-66, 67</u>
INSTITUTIONAL USES													
Medical Marijuana Registered Dispensary(#16)												S-11	
Medical Marijuana <u>Dispensary</u> Cultivation Facility (#16)												S-11	

Footnotes to Schedule of Land Uses

- The following Chapters, Articles and Sections shall apply: Chapter 24, Land Use Code, Article 4, Sections 424.2, 424.3 & 438, and Article 6, Section 607.7.1. No Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility shall be located within 1,000 feet of any property line upon which the Dispensary or Facility is or are located and the nearest property line of a preexisting public or private school. Additionally, no medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility shall be located within 500 feet of any property line upon which the Dispensary and/or Facility is or are located and the nearest property line of any of the following, which is or are in existence when an application for a Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility is made:

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- a. Preexisting church or other facility for religious worship;
- b. Preexisting private residence,
- c. Preexisting license daycare facility, or
- d. Preexisting methadone clinic. (#16)

65. Medical marijuana home production, as defined herein, shall be considered an accessory residential use that does not require land use permitting. As an accessory use, medical marijuana home production shall be allowed in any qualifying patient’s residence or any medical marijuana caregiver’s primary year-round residence in every zoning district, without any requirement for land use permitting. Medical marijuana Home Production does not include a medical marijuana cultivation and processing facility. For the purposes of the Schedule of Uses, a “medical marijuana cultivation and processing facility” is a facility used for cultivating, processing, testing, and/or storing of medical marijuana plants and medical marijuana products by a medical marijuana caregiver or group of medical marijuana caregivers which is not their primary year-round residence or their patient’s primary year-round residence. Multiple caregivers may operate on a single parcel if that parcel constitutes the medical marijuana caregiver’s primary year-round residence. For the purpose of this use, marijuana shall have the same definition as set forth in 18-691, Ch 2 of the Code of Maine Rules, as amended, and caregiver shall have the same definition as set forth in the Maine Medical Use of Marijuana Act, as amended.

66. Medical Marijuana Home Production as an accessory use does not authorize any residential uses that are otherwise prohibited according to the Schedule of Uses. Medical Marijuana Home Production as an accessory use is allowed in conjunction with any lawfully existing nonconforming residential use, provided all applicable ordinance, statutes, regulations, and other laws are complied with.

**Applicability:** Notwithstanding the provisions of 1 M.R.S.A. section 302 or any other law to the contrary, these ordinance amendments shall apply to any pending proceeding for a building permit, certificate of occupancy, site plan, or any other required approval from the City of Brewer.

**ARTICLE 4 PERFORMANCE STANDARDS**

**438 MEDICAL MARIJUANA REGISTERED DISPENSARIES and MEDICAL MARIJUANA CULTIVATION FACILITIES (#16)**

1. The property for a Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facilities shall be adequate to accommodate sufficient interior space so as not to have outside patient queuing on sidewalks, parking area, and other areas outside of the building (s). A letter of compliance from the Brewer Code Officer shall be submitted to the Planning Board as part of the site plan application. The size of the inside waiting area



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shall be calculated at a minimum of 15 square feet per person based on total client capacity (registered patients and the registered primary caregiver of each registered patient). Medical Marijuana Registered Dispensaries and/or Medical Marijuana Dispensary Cultivation Facilities shall adhere to the laws of the State of Maine and the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (18-691 10-144 CMR Chapter 2 122), as the same may be amended from time to time and to Chapter 20 Licenses and Permits, Article 8-B, of the City of Brewer Charter, Codes and Ordinances, as the same may be amended from time to time.

2. No Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility shall be located within 1,000<sup>2</sup> feet of the property line upon which the Dispensary and/or Facility is or are located and the property line of a preexisting public or private school. Additionally, no Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility shall be located within 500<sup>2</sup> feet of the property line upon which the Dispensary and/or Facility is or are located and the nearest property line of any of the following, which is or are in existence when an application for a Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility is made:
  - a. Preexisting public or private school,
  - b. Preexisting church or other facility for religious worship,
  - c. Preexisting private residence,
  - d. Preexisting licensed daycare facility, or
  - e. Preexisting methadone clinic.
3. No more than one (1) Medical Marijuana Registered Facility and/or one (1) Medical Marijuana Dispensary Cultivation Facility shall be located in the City of Brewer. The Medical Marijuana Registered Dispensary and Medical Marijuana Dispensary Cultivation Facility shall be located on the same property that shall be under common ownership.
4. A Medical Marijuana Registered Dispensary shall only be open for business between the hours of 8:00a.m. and 8:00p.m. daily.
5. Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility shall conform to the City of Brewer's Sign Ordinance. In addition thereto, any freestanding or sign attached to building(s) in which the Dispensary and/or Facility is located in shall clearly state that it is a Medical Marijuana Dispensary and/or Medical Marijuana Dispensary Cultivation Facility. There shall be no signage in any window and or door, except for the hours of operation.

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6. Security measures at a Medical Marijuana Registered Dispensary and /or Medical Marijuana Dispensary Cultivation Facility shall include the following at a very minimum:
  - a. Security surveillance cameras installed and operating twenty-four (24) hours a day, seven (7) days a week to monitor all entrances, along with the interior and exterior of the Dispensary and/or Facility, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring on the property;
  - b. Door and window intrusion, robbery and burglary alarm systems with an audible on-site system and Police Department notification components that are professionally monitored and maintained in good working condition, using hard line traditional telephone communications and cellular communications;
  - c. A safe affixed to the building in which it is located that is suitable for the storage of all prepared and/or processed marijuana and cash stored overnight in the Dispensary and/or Facility;
  - d. Exterior lighting that illuminates all exterior walls of the licensed Dispensary and/or Facility and
  - e. Deadbolt locks on all exterior doors and locks or bars on any other access point.

All security recordings shall be preserved for thirty (30) days by the management of the licensed Dispensary and/or Facility.

7. Employees of a Medical Marijuana Registered Dispensary may assist registered patients as that term is defined in 22 M.R.S.A. § 2422(12), as the same may be amended from time to time, with the use of medical marijuana inside the building(s) on the licensed property. An employee of a Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility, who is also a registered patient, may use medical marijuana inside the building(s) on the licensed property. Any such use of medical marijuana must not be visible from the street or from outside the building(s). Any Medical Marijuana Facility where use of medical marijuana takes place shall have in place protocols and policies to educate registered patients and registered patients who are employees about the dangers of driving a vehicle while medicated and, when possible, to discourage or prevent driving while medicated. (#22)

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8. Visibility of activities; control of emissions; disposal plan for a Medical Marijuana Registered Facility and/or Medical Marijuana Dispensary Cultivation Facility shall be as follows:
  - 1) All activities of Medical Marijuana Registered Dispensaries and/or Medical Marijuana Dispensary Cultivation Facilities, including, without limitation, cultivating, growing, processing, displaying, selling and storage shall be conducted indoors.
  - 2) No marijuana or paraphernalia shall be displayed or kept in a Dispensary or Facility so as to be visible from outside the building (s).
  - 3) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a Dispensary and/or Facility must be provided at all times. Sufficient measures shall be provided for the proper disposal of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable state and local laws and regulations.
  - 4) All Medical Marijuana Registered Dispensaries and/or Medical Marijuana Dispensary Cultivation Facility shall have in place an operation plan for proper disposal of marijuana related byproducts.
9. No food products shall be sold, prepared, produced or assembled by a Medical Marijuana Registered Dispensary except in compliance with all operation and other requirements of state and local law and regulation, including without limitation, food establishment licensing requirements. Any goods containing marijuana for human consumption shall be stored in a secure area.
10. A Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility shall meet all operating and other requirements of state and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation.
11. Medical marijuana Home Production activities shall be conducted wholly inside a building, and otherwise be in compliance with applicable laws and regulations governing caregivers and patients under the Maine Medical Use of Marijuana Act or other applicable laws. Further, medical marijuana home production shall not create noise, dust, vibration, odor, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than that normally experienced in an average residential dwelling in the district in which located. Furthermore, with respect to odors, any medical marijuana home production which results in the creation of odors of such intensity and

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character as to be detrimental to the health and welfare of the public or which interferes unreasonable with the comfort of the public shall be removed, stopped or so modified as to remove the odor.

**Applicability:** Notwithstanding the provisions of 1 M.R.S.A. section 302 or any other law to the contrary, these ordinance amendments shall apply to any pending proceeding for a building permit, certificate of occupancy, site plan, or any other required approval from the City of Brewer.

#### ARTICLE 14 DEFINITIONS

**Agriculture:** The cultivation of the soil for either food crops or forage and/or the raising and/or breeding of livestock for either personal use or profit. The term does not include garden as defined. **Agriculture shall specifically not include the cultivation of marijuana for any purpose.**

**Farm Stand:** Sale of agricultural products raised or grown on said premises with a sales area of not more than 400 square feet. **Marijuana plants, marijuana products, and hemp products as defined in Title 7 of the Maine Revised Statutes, section 2231, subsection 1-A, paragraph D, shall not be sold or dispersed at farm stands.**

**Garden:** A plot of cultivated ground adjacent to a dwelling and devoted in whole or in part to the growing of herbs, fruits, flowers or vegetables for household use. **A garden shall specifically not include marijuana plants.**

**Marijuana plant:** A plant of the genus Cannabis, including, but not limited to, Cannabis sativa, Cannabis indica and Cannabis ruderalis or their hybrids and the seeds of those plants. “Marijuana plant” does not include hemp as defined in Title 7 of the Maine Revised Statutes, section 2231, subsection 1-A, paragraph D.

**Marijuana product:** A product composed of harvested marijuana and other ingredients that is intended for medical use. “Marijuana product” includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. “Marijuana product” does not include marijuana concentrate or a product containing hemp as defined in Title 7 of the Maine Revised Statutes, section 2231, subsection 1-A, paragraph D.

**Medical Marijuana Caregiver Retail Store:** A store that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer marijuana plants, harvested marijuana, or marijuana products for sale to qualifying patients.

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**Medical Marijuana Registered Dispensary:** ~~Medical Marijuana Registered Dispensary means a not for-profit entity as defined under Title 22 M.R.S.A., Section 2422 and registered pursuant to Title 22 M.R.S.A., Section 2428 and to Section 6 of the State of Maine Rule Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 22) that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to registered patients who have designated the Dispensary to cultivate marijuana for their medical use and the registered primary caregivers of those patients~~ an entity registered under section 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana plants or harvested marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients. ~~##~~ A Medical Marijuana Registered Dispensary shall be further defined in, and shall adhere to, the laws of the State of Maine and to the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (~~18-691 10-144~~ CMR Chapter 2 122), as the same may be amended from time to time. (#16)

**Medical Marijuana Dispensary Cultivation Facility:** ~~Medical Marijuana Dispensary Cultivation Facility means a not for-profit entity registered pursuant to the laws of the State of Maine and to Section 6 of the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 122) that is a~~ Medical Marijuana Registered Dispensary's permitted additional location for the cultivation of marijuana. A Medical ## Marijuana Dispensary Cultivation Facility Facilities shall be further defined in, and shall adhere to, the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (~~18-691 10-144~~ CMR Chapter 2 122), as the same may be amended from time to time. (#16)

**Medical Marijuana Home Production:** Cultivating, processing, and/or storing of medical marijuana plants and medical marijuana products by a qualifying patient at their own residence or a medical marijuana careagiver at their own primary year-round residence for use by a qualifying patient. This use shall be considered an accessory use. As an accessory use, Medical Marijuana Home Production shall be allowed in any qualifying patient's residence or any medical marijuana caregiver's primary year-round residence in every zoning district, without any requirement for land use permitting.

**Medical Marijuana Cultivation and Processing Facility:** A facility used for cultivating, processing testing, and/or storing of medical marijuana plants and medical marijuana products by a medical marijuana caregiver or group of medical marijuana caregivers which is not their primary year-round residence or their patient's primary year-round residence.

**Nurseries & Greenhouses:** A building or structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other plants. A nursery or greenhouse may include a retail business whose primary activity is the selling of plants grown on the same site. A nursery or greenhouse shall specifically not include marijuana plants and/or marijuana products.

**Applicability:** Notwithstanding the provisions of 1 M.R.S.A. section 302 or any other law to the contrary, these ordinance amendments shall apply to any pending proceeding for a building permit, certificate of occupancy, site plan, or any other required approval from the City of Brewer.

**Statement of Fact**

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These ordinance amendments are proposed in order to update local regulations pertaining to medical and adult use marijuana. The Planning Board held a public hearing on October 5, 2020 and unanimously made the recommendation to adopt these amendments as written.

**ACTION:** Councilor Ferris moved that the amendment be enacted. Councilor Goss seconded the motion. The motion passed by a unanimous vote.

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**G. New Business**

2020-C010

December 08, 2020

TITLE: ORDER AMEND CHAPTER 19, ENTITLED "TRAFFIC CODE" OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ARTICLE 3, STOPPING, STANDING AND PARKING, TO AMEND SECTION 315, SCHEDULE A AND SCHEDULE C, AND SECTION 320, LINE ITEM #5.

Filed November 23, 2020  
By Jerry Goss

BE IT ORDAINED, by the City of Brewer in City Council assembled that Chapter 19, of the Charter, Codes and Ordinances of the City of Brewer, entitled "Traffic Code" shall be amended by revising the following:

Section 315. Parking Limited and Prohibited

Schedule A

~~PARKER STREET~~

~~(1) On the easterly side of Parker Street between Howard Street and North Main Street.~~

Schedule C

~~PARKER STREET~~

~~(4) On the southwesterly side of Parker Street from the intersection of the northerly side of East Summer Street with the southwesterly side of Parker Street for a distance of fifty seven (57) feet in a northwesterly direction.~~

And replace with new item (4)

(4) On both sides of Parker Street from East Summer Street to North Main Street.

And Section 320 Line Item #5. Add the following text that is in red

5. On a crosswalk, **or within 20' on either side of a crosswalk.**

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**Statement of Fact:** These changes to the Traffic Code are necessary because of work Public Works has completed and other work they plan to do in that section of Parker Street. They have added curb on both sides of the road. This section of roadway has a significant amount of through traffic and with the addition of raised curb it will not be safe to park in this area moving forward. The surrounding properties are believed to have sufficient parking for their current uses. This addition in section 320 will prohibit parking within 20' of a crosswalk. This change to the Traffic Code brings the City in compliance with current FHWA and Maine DOT standards.

**ACTION:** Councilor Goss moved that the amendment be certified and filed with the clerk for posting. Councilor Phanthay seconded the motion. The motion passed by a unanimous vote.  
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**H. New Items with Leave of Council**

There were none.  
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**I. ADJOURN**

**ACTION:** Councilor Ferris moved that the meeting be adjourned. Councilor Phanthay seconded the motion. The meeting was adjourned at 6:08pm.  
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ADJOURNED, ATTEST: \_\_\_\_\_ Vincent P. Migliore  
City Clerk

A TRUE COPY, ATTEST: \_\_\_\_\_ Brewer, Maine