

City Council Minutes  
Monday, June 28, 2021

Special Meeting  
City Hall Council Chambers

Monday, June 28, 2021  
3:00 p.m.

The special 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-absent

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, Jenn Morin, Soubanh Phanthay, and Michele Daniels; MEMBERS OF THE BREWER CITY COUNCIL. You are hereby notified that a special meeting of the City Council of the City of Brewer will be held on Monday, June 28, 2021 at 3:00 p.m., 80 North Main Street, 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

\*\*\*\*\*

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
Joseph L. Ferris			06/17/21	
Jerry Goss			06/17/21	
Jenn Morin			06/17/21	
Soubanh Phanthay			06/17/21	
Michele Daniels			06/17/21	

\*\*\*

**CITY COUNCIL SPECIAL MEETING**  
**Monday, June 28, 2021 3:00 P.M.**  
**Brewer City Hall Council Chambers**

- 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. Meeting Minutes** (None)
- B. Awards, Petitions and Public Comments** (None)
- C. Consent Calendar** (None)
- D. Monthly Reports** (None)
- E. Nominations, Appointments, Elections** (None)
- F. Unfinished Business** (None)
- G. New Business**
  - 1. Workshop to discuss conceptual language for potential ordinance amendments addressing adult-use marijuana.
- H. New Items with Leave of Council**
- I. ADJOURN**

\*\*\*

**A. Meeting Minutes**

There were none.

\*\*\*

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

There were none.

\*\*\*

**C. Consent Calendar**

There was none.

\*\*\*

**D. Monthly Reports**

There were none.

\*\*\*

**E. Nominations, Appointments, Elections**

There was none.

\*\*\*

**F. Unfinished Business**

There was none.

\*\*\*

## City Council Minutes

Monday, June 28, 2021

### G. New Business

1. Workshop to discuss conceptual language for potential ordinance amendments addressing adult-use marijuana.

Mayor Daniels: So, we have just a few questions, I think we're going to start with... Joe, you have questions on some of the wording?

Councilor Ferris: I have a couple things on my mind. The setback from any churches: where did that come from? We're not required, I don't believe, to deal with churches with setbacks.

City Planner: The proposed setbacks that are in it right now are basically the same thing that we currently have for the medical marijuana dispensary, so that's consistent in keeping the setbacks the same. As far as, do we have to have them? In your packet I did include a list of what some of the other towns have for setbacks. There are some of the area ones, a lot of them use 1,000-feet from places of worship. Some have gone down to 500-feet. So, that can be decided.

Councilor Ferris: It seems to me we're trying to squeeze this use into a fairly small area, and I would take out the reference to churches. It's not required. I don't oppose taking it out of the medical marijuana ordinance either. But we're limiting our space that we can have this use, these uses. One of the key sites, quite honestly, is affected by that significantly.

City Planner: Which key site are you looking at? If you look at map, there is a religious worship property on the corner of Parkway South, near Wilson Street by that intersection, and then there is also the one property that's on the Greenpoint Road, which doesn't have a building on it yet, but it is considered property that's owned by the church. So those, I believe, are the only two places of worship that the current setbacks would be affected by.

Councilor Ferris: We have a vacant property on Wilson Street within that zone. I want to give this a chance to happen, to be a success for our city, for the development of it. When we talked about it last time, I felt strongly that we don't need to protect the churches from the use or the sale of marijuana.

City Planner: If the Council would like, I can revise that map to show either less of a setback or no setback from places of worship, and then you can see how that would affect the potential locations.

Mayor Daniels: How does everyone else feel on that?

Councilor Morin: I'm with Joe.

Mayor Daniels: I would agree. I think that the potential that it takes away from, especially, I think

## City Council Minutes

Monday, June 28, 2021

there's more than one property that's actually vacant right now, within that realm. So, if we can look at that, that would be great. So that falls to medical as well, so if we're doing one, if we could look at both.

City Planner: You'd like to have...

Mayor Daniels: I believe that's what Joe was saying, look at both.

Councilor Ferris: I know it's difficult, I talked to Steve about it earlier, but it would be nice to have an ordinance dealing with marijuana, that was one packet, so that we wouldn't have to dance around four or five sections of zoning ordinances to know exactly what the rules are.

City Planner: And that's one of the reasons why, right now, I was keeping the setbacks consistent between the adult and the recreational.

Councilor Ferris: And they're going to stay consistent, we're going to remove it. Schools is required by state law, I'm not so sure what the daycare, what the offensive action would be for daycare. It doesn't impact...

Public Safety Director: Mayor... If I may, I think the Pentecostal Church, I believe, has a K through 8 school, so if that's the one we're talking about, I think that 500-foot is still going to apply, if that applies to private schools, I'm not sure.

City Planner: The ordinance right now does have private or public schools.

Mayor Daniels: Okay.

Councilor Ferris: Well, do we know if the requirement applies to private schools?

City Planner: Yes.

Councilor Ferris: The state law requirement does 500-feet?

City Solicitor: Yeah, under the Adult-Use Marijuana Act, its 1,000-feet from any private or public school, which can be reduced down to 500-feet if the municipality so chooses.

Councilor Ferris: So, how does that impact the Key Bank?

City Planner: It would be within 500-feet of the church with the school.

Mayor Daniels: Alright, so we want to move on to other questions. Does anybody else have any other things, do you have any other things that you'd like to address?

Councilor Ferris: Are we measuring from the closest boundary-line of the property?

City Council Minutes  
Monday, June 28, 2021

- City Planner: Correct.
- Mayor Daniels: So, it's not door-to-door, its property-line-to-property-line.
- Councilor Ferris: If we moved the measurement from the middle of the structure on the lot or some other method of moving the line...
- City Planner: Many of the ordinances I've read are property-line-to-property-line, but there are some that will go door-to-door.
- Councilor Ferris: What would door to door do for the...
- City Planner: I don't know, I'd have to do some research on that.
- Mayor Daniels: I would still think its within 500-feet.
- City Planner: It's very possible, it's basically across the street.
- City Solicitor: Just to weigh in briefly, I think a lot of times what you'll find in ordinances, and I haven't canvased all of them personally, but there may be a door-to-door, we'll say, that may not be in reference to a private or public school, and of course that's not addressed by statute, so they might choose the property line or door-to-door in that instance. In the statute when it refers to the private or public school, the statute itself is referring to the property line, just to be mindful of things we can change but things we can't change as well. I do think that I hear the kind of "what's it look like with" thing without the setbacks which sounds like a helpful comparison in terms of available areas.
- Mayor Daniels: So, school has to be property-line-to-property-line by the state? Okay, that makes sense. Anything else? Do you have any questions on this? Councilor Morin?
- Councilor Morin: I have questions. I just wanted to ask a few clarifying questions. Can a marijuana business have a store-front and do testing in General Business Zone?
- City Planner: Same property, same location?
- Councilor Morin: Correct.
- City Planner: The way the draft ordinance is written right now, no. They have some different regulations to follow.
- Councilor Morin: I don't know a whole lot about the testing, but it's my understanding that it's done in a very small space, and so, my thought would be, and I don't know if anybody else has any thoughts on this, but when I look down through this, some of the things that cause concern for me, the cultivation, in my thoughts and opinion, rural or industrial. I feel like we still haven't been able to get the odor issue, we've been unsuccessful in figuring that out, and its effecting surrounding

## City Council Minutes

Monday, June 28, 2021

businesses. I can go through and drive through Sunday afternoon, and all I can smell is pot. But I could see not having manufacturing or testing in General Business, I don't see having somebody who's just doing marijuana testing to be in General Business, but if there's a storefront, and they offer testing, because I feel like, when we were on the call, Wellness Connection, there was a gentleman that represented that was talking about how they're for testing, and when I think about it, having businesses that are for testing seemed appropriate. So, I just wanted to throw out a couple of things that were my concern.

Councilor Ferris: Is there anything in the state law that says you can't test and...

City Planner: I'm not positive, I think maybe our city attorney is looking that up quickly.

City Solicitor: Yeah, let me see if I can...

Mayor Daniels: It's a very fine line of what they let go together. When it comes to, you can't have manufacturing and sale in the same business, you can't have medical and adult-use in the same business. So, they're very fine on that, so testing I think we would need some research to see if it was allowed in the same business. It wasn't very specific when I read it, but I wasn't necessarily looking for that. But they don't allow a lot of it in the same place according to the regulations. So, we could ask if we could look into that to see if they could be in the same place. It's my understanding that testing itself can be multi-use. So, it can be a laboratory that tests for everything that is just allowed to test for marijuana on top of it. There are several businesses that are out there that are looking to expand into testing everything basically. It's a good question if they're limited...

Councilor Morin: Right, because the testing isn't just for marijuana, it could be testing for a multitude. It could be, they do home inspections and they test for mold.

City Planner: And that's the situation that I found is most popular, is that it's a testing facility, not just a marijuana, so it has nothing to do with the actual store-front. It keeps it as a third-party to make sure everything is quality.

Councilor Goss: I had a nice conversation with Linda, in regards to my questions, in terms of certain sites whether or not they met what this ordinance describes, and she told me that they did. I've made it very clear that I've been watching the medical marijuana people virtually going down the tube. And our medical marijuana facility has already changed two of theirs to recreational in southern Maine, and that's why I wanted to know whether or not the building that they are currently in would meet our criteria, and the answer is, yes, they will.

Mayor Daniels: And I believe we were specific about that. You were very specific when we were going through that, so I'm glad to know that, what if they choose to change that they will be within that.

Councilor Goss: Because they've already expressed an interest in doing so when Brewer gets the

## City Council Minutes

Monday, June 28, 2021

ordinance in place.

Councilor Ferris: What Waterville's ordinance permitted, like an in-house swap, one permit for another.

Mayor Daniels: You're allowed to do that once, I believe. My understanding is, you can never change back. So, they can't go back to medical, but they can change once to adult-use once they make that decision, under the regulations, unless they changed them this week. I don't envy you, Linda, at all.

City Planner: It is a lot, and certainly as a group, hopefully we'll come up with the right answers.

Mayor Daniels: Do you have any other questions? Anyone? I have a couple if we can just touch on them really quick. Under the Article 4 Performance Standards, under 438 Marijuana, we've addressed the churches. The preexisting adult-use establishments is fine on that. The preexisting medical marijuana cultivation facilities, is that something that has to be within the ordinances? Is that something that, I know we want to keep certain spaces between them, the existing facilities, so if there is a cultivation facility for medical marijuana, can there be an adult-use facility within 500-feet of this? This is not set up that way, correct?

City Planner: I believe that the Council can make a decision on any separation distances between marijuana uses.

Mayor Daniels: And how do we feel about having medical marijuana growth facilities, is it 500? 1,000?

City Planner: Right now, we have it as 500-feet separation between them.

Mayor Daniels: Between a medical marijuana growth facility and an adult-use storefront or testing facility?

Councilor Ferris: I don't know why... I never understood the reason why we say that they can't do them together.

Mayor Daniels: Right, right, they can't be together in any way shape or form, but this is separating them by 500-feet.

Councilor Ferris: I wouldn't have a problem with that, with doing away with the separation.

Mayor Daniels: Okay, the only thing that we would keep is that the pre-existing adult-use marijuana establishments were the difference between that.

City Planner: So, just to be clear, if I put together a map and some language that has no

## City Council Minutes

Monday, June 28, 2021

separation between any of the marijuana uses, they can't be on the same property, that the state doesn't allow, but there's going to be no separation between any of the marijuana uses?

Mayor Daniels: Between medical and adult-use. Between adult-use and adult-use there would still be a separation on this.

Councilor Ferris: What about the pre-existing private residence? Is that state law mandated that we can't have, I mean, is that a harmful thing that we're talking about? That we wouldn't want it to be within 500-feet of a residence?

City Solicitor: I think Linda can certainly enlarge that, but it's not under state law, but I think what was found in some ordinances that was one of the criteria for setbacks in other communities. Again, a lot of these are policy considerations for the Council to consider and weigh-in on.

City Planner: Some of the concerns about having it close to residential uses is the odor as Councilor Morin mentioned. You also have children and families playing in yards and being in the buildings and this being a disturbance to their quality of life. Many of the ordinances do have separation distances between residential areas.

Mayor Daniels: The only problem that that would really be, there's one spot on here that, I don't know where that is, but there's one residence on Wilson Street, but then you're talking about Pierce Road where there are a multitude of families living closer to Wilson Street, so I can see why that setback would be necessary for that. I don't know what the, down further there's are a couple of properties that are marked "private residences", that I don't know what those are.

City Planner: On Wilson Street?

Mayor Daniels: Wilson Street.

City Planner: There is still a house, one single family house, and then the other ones are apartments above the commercial uses. So, we do have a few of those on Wilson Street.

Councilor Ferris: Nothing happens outside though, right? You don't want to do sales outside, you don't do...

City Planner: Mostly, a lot of it is odor.

Councilor Ferris: Okay, but we're not doing anything with odor. We're talking about selling the finished product and doing testing. Isn't that what we're doing?

City Planner: That's what you're talking about doing, correct. There is still some odor that comes from those facilities, but on a scale it's nowhere near as strong as on the cultivation side.

City Council Minutes  
Monday, June 28, 2021

- Councilor Ferris: I don't have a problem with our Code Officer enforcing our ordinances. If there's smell he should be able to deal with it by enforcement. To some extent anyway.
- City Planner: The Council would like us to remove the setbacks from private residences? I can revise the map and show you what that would...
- Councilor Ferris: Maybe it's a bad idea, I don't know.
- Mayor Daniels: I would put it out to the rest of the Council to have you look at this and see what your feeling is. It might be something that we come back to after some thought on it.
- Councilor Morin: Well, I would just say that for me, one of the side issues, is that I feel as though the odor, there's definitely an odor problem and we can't seem to get to the bottom of it. I do business consulting, I have a client who is in the industry, specifically the one that is near Twin City Tire, Sparks Avenue. With the proper equipment and ventilation, we should not be smelling that. So, I don't know how we as the City address that issue which I think is separate from this, but also it makes it hard to make this decision when we can't get a handle on what we currently have.
- City Planner: And that's true, as far as far as odor goes, that is something that is hard to enforce, I've been talking with the Code Office. And so, even though it is two separate issues, if one of them can't be controlled, as you mentioned, it does really affect the other decision that you make.
- Councilor Morin: Well, what are other municipalities doing?
- City Planner: A lot of them are having setbacks. There is some air filtration, our Code Officer might be able to help with some questions on that, but in a lot of cases, sometimes in these cases additional setbacks are to help really do that.
- Mayor Daniels: You see, I think we're really dealing with two separate things, because recreational sales is not the issue with the smell. It's the actual growth that we're dealing with the smell. So, we're kind of going on two topics. One: we need to look at Joe's suggestion if we're going to look at removing private residence setbacks on this. It might be something we want to think about to readdress, that we want to look at and see if this is something that effects a great deal of people in this. Right now, there's not any large group of people that are going to be affected except the Pierce Road. So, we need to look at that, I think, further. Separately, absolutely, we need to do something about the smell. The question is, what do you want us to do? Is there something that we can do to assist in doing that? Do we need to have an ordinance in place that deals with the smell on a progressive scale? Steve Bost and I had a discussion that people were being trained to actually tell where the smell was, how bad the smell was, and being able to tell that way. I think someone brought it up to me that it was Sawyer in

## City Council Minutes

Monday, June 28, 2021

Hampden that they had used that for. So, the question is, how do we deal with it to stop it and to make it better for everyone that has to deal with it. Right now, I do know that there are businesses affected by it on a regular basis. "What can we do to help?" is the question... Go ahead...

City Planner: I don't have an answer, I was just going to say that the Code Officer and the Police Chief want to talk.

Code Enforcement Officer: I was going to say that odor is a subjective thing. What bothers some person might not bother other ones, but I do know that when it was growing in residential neighborhoods, it's the growing. I don't see it that selling, it's mostly packaged though, that wasn't the problem. But the only thing that I'd be able to do, like Sparks Avenue, is tell them if they can't control the odor, they've got ten days or they're going to have to shut it down, because we cannot put up with that. I mean, when its people driving by on Wilson Street with their windows up, they cans smell it coming, I'm sorry, that's over the top for anybody.

Mayor Daniels: And talking to people within the industry if you keep your equipment up and you have the correct filtration and you have the rest of it, you shouldn't be having a smell.

Code Enforcement Officer: But it costs a lot of money to maintain that equipment...

Mayor Daniels: That would fall under "not my problem".

Code Enforcement Officer: The industry standard is that these filters are supposed to go so long. That could be California, but for us when it gets to "zero" here, then that goes out the window because now that doesn't apply to us. For us that's kind of a unique situation, there are no standards.

Mayor Daniels: Can we make some?

Councilor Goss: My feeling in Brewer is, that needs to be written in, and if that's the cost of doing business then you either pay the cost or you don't do the business. Because driving down Sparks Avenue, or driving in that area, and you can smell it, that's not acceptable to me.

Code Enforcement Officer: I agree.

Councilor Goss: Not acceptable. And the owner needs to be held accountable.

Code Enforcement Officer: And I've done that.

Councilor Goss: I know you have.

Code Enforcement Officer: And every time we do it, they fix it and goes away for a while, and then

## City Council Minutes

Monday, June 28, 2021

somebody else, because there's so many people in that building, somebody else... they don't bother to change the filters or change the ozone or whatever they're doing, and then it comes back. Luckily, the owner of the building doesn't want to lose income so he'll make sure it's taken care of.

Councilor Goss: Well, there may need to be some limits on how many times you can be cited, before we say, "You're done!"

Code Enforcement Officer: Okay.

Mayor Daniels: Or a progressive fine...

Councilor Goss: Something to put some teeth into the enforcement.

Councilor Morin: I agree.

Mayor Daniels: What would you suggest is the best to help you?

Code Enforcement Officer: I would say, as far as that goes, I would put it just like the disruptive property ordinance. You get some many times and then you're on a short leash, and next time you're done.

Mayor Daniels: Like the nuisance law? Or the nuisance ordinance?

Code Enforcement Officer: Yeah, as far as disruptive property...

Mayor Daniels: How do you guys feel about that?

Councilor Goss: I think we definitely need some teeth in Brewer.

Mayor Daniels: I think our law expert wants some...

City Solicitor: No, just to provide some commentary. In different contexts particularly, in solid waste facilities where you typically get odor issues whether it's a landfill or a processing facility, you can clearly have odor standards, I mean, Brewer has standards related to odor in existence today. You can always improve those standards and add. The trouble when you start to add anything that's measurable or numeric versus "the smell test" we'll say, it can become very highly technical. I mean, the Maine DEP has struggled with those. They've recently come out with regulations, I forget the name of the test, but there's a test that they apply to specific types of facilities, I would say, and it's questionable in my mind, and I'm a little biased in this to let you know, how technically proficient, whether those are actually triggering violations to odor standards or not. Sometimes it could really be smelly, and the test wouldn't show that and vice versa. So, there's not a silver bullet answer, I would say. I often think of it from of a perspective of, well, if we have to go to court to on an enforcement context, basically bringing people

## City Council Minutes

Monday, June 28, 2021

in to testify to say “it smelled bad on that day”. It’s hard to document that, it’s possible, but it becomes a challenge. I think in part because of that, the way other folks have addressed those types of issues from a policy standpoint is really a hybrid, I would say, or a mix of looking at what might be an appropriate setback, it might not be 500-feet, it might be something less. We need to look at a map and see what that looks like. But that, combined with odor performance standards for any siting. You can also as part of an operator license or an annual license requirement you can include criteria that’s specific to odor control for example. So, there’s multiple regulatory tools, I think, that are there. From a policy standpoint, it’s not my choice, but I wouldn’t necessarily throw setbacks completely out. Because there might be other reasons unrelated to odor where that might be important to the Council from a policy standpoint. But I think in part, that’s one of the items that setbacks tend to get at, is things like odor issues. Sometimes setbacks are relative to, like, aesthetics, from a standpoint, that’s another various subjective standard to a degree, usually, the further something is away the less objective it may be. So, that’s just some comments to throw out there in case that might be helpful for context.

Councilor Goss: I don’t see the setbacks solving the issue on Sparks Avenue.

Mayor Daniels: No.

Councilor Goss: To me, if we can smell it outside your property then you need to be cited. And here’s the progression.

Mayor Daniels: Right. So, do we want to add that in to something now that we’re looking at?

Councilor Goss: I don’t want to mix the two.

Mayor Daniels: Okay. We want to keep it separate, and...

Councilor Goss: Because to me, that building is separate from the recreational sale. I don’t see the odor being an issue for the recreational sale because we’ve cited specifically in here the filtration systems they need to have in those facilities, and those are doable, those are workable, so I don’t want to mix the two together.

City Planner: And if it’s simple to do, I can propose some language with the help of the Code Office and so forth.

Mayor Daniels: That would be great.

Councilor Goss: Yeah, I think Code... because, ultimately, it’s going to fall in their lap, and I want it to be workable for them as well as workable for the business, so that they know what our standards are. And if you’re going to do business in Brewer these are the standards you need to abide by. If you can’t, you’re gone.

Mayor Daniels: And, I think looking something that was mentioned, I know they have a very clear

## City Council Minutes

Monday, June 28, 2021

view of what they should be doing, but I agree that possibly putting something the same as the ordinance that we have in place, make it step-up, make a progressive fine with-in it, and then make it... the final... what we need to take care of it. Because, it's been an ongoing thing, it's been going on for several years, so I agree, it's not part of this, but it's definitely something that have to address and take care of.

Councilor Goss: That's why I feel putting a little bite into it will help. It's like kids in school, they know what the rules are, doesn't mean they always follow them. But if they know the consequences and they're stiff enough, that'll influence their decisions.

City Planner: And, as mentioned by our City Solicitor, we can maybe look at adding something to the annual license.

Mayor Daniels: Yes.

City Planner: That would also remind and reenforce that as well.

Mayor Daniels: I agree, I agree.

Councilor Ferris: The Sparks Avenue properties are they multitenants? Or they're...

Code Enforcement Officer: Multitenants.

Councilor Ferris: Multitenants. I've dealt with the nuisance property in real estate, tenants raising hell... those are... I mean, you evict the tenant and for the most part things quiet down immediately, and with minimal expense to the landlord. This doesn't sound... comparing this to medical marijuana smells is a little bit different.

Mayor Daniels: Right, we're on two different... I mean, we went off on another thing, but it is something that needed to be addressed. So, it's something that we've all known about and have dealt with in different ways. So, hopefully, if Linda can put something together for us, and it's something that we and put forward and deal with this, at least get it under control on a regular basis. Go ahead...

Code Enforcement Officer: The only thing I'd say, Joe, is if you don't deal with the landlord, you're dealing with individuals. They've got nothing to lose. When I deal with the landlord, I tell him it's up to him to make the tenants comply. There's fifteen tenants in that building, I'm not going to chase them around one at a time. It's up to him to make sure the building itself or the facility stays in compliance. I can't chase individual people to be honest with you, and I've had good luck that way with that one person, because he doesn't want to lose what he's got.

Councilor Ferris: It's the landlord that's evicting these tenants. Nobody's chasing around the tenants other than the lawyer...

City Council Minutes  
Monday, June 28, 2021

- Mayor Daniels: I agree with you. You can't do it... You don't have the time to track down 15 people to see who's actually making the smell, and the rest, and put it on that, so I agree. Alright. So, we've pretty much gone around. I think we've hit almost everything. Go ahead...
- Councilor Goss: My one question is, how long will it take us to get this worded? Is it possible to make those adjustments in order to put this item for the first reading in July?
- Councilor Ferris: Well, it's got to go to the Planning Board.
- City Planner: Changes to the go to the Land Use Code do go to the Planning Board first for a public hearing and a recommendation, and then it goes on to the City Council.
- Councilor Goss: So, they don't meet before our July meeting?
- Mayor Daniels: Right before, the day before.
- City Planner: I believe it's too late to advertise it. The state has a longer period for advertising a public hearing when you're dealing with ordinance amendments, as opposed to projects like site plans.
- Councilor Goss: I guess the reason I'm asking, if we're going to do this, then we need to do it, and get it done. So that anybody who is interested in establishing a business in Brewer can do so and not have to wait forever.
- Councilor Ferris: If we can make it better, we need to.
- City Planner: What I can do, if you'd like, is work on doing some modifications to the maps with the setbacks you've tossed out. Get that information to you first, while I continue to work with the Code Office and the Police Department on the odor detection. That will take a little bit more time to write, but in the meantime, you can have the new maps to look at and get your feedback on those.
- Councilor Goss: A better schedule would be to have it go to the Planning Board in July, and come to the Council in August?
- City Planner: I can't advertise it in time for the Planning Board Meeting in July.
- Mayor Daniels: It needs to be...
- City Planner: The state requires a longer advertising period for Ordinance Amendments.
- Mayor Daniels: How long is the... two weeks? Are we right at that two weeks?
- City Planner: The Planning Board, could be, if the Council wants to, we could look at holding a special Planning Board Meeting later on in the end of July if things are ready.

## City Council Minutes

Monday, June 28, 2021

- Councilor Ferris: Oh, that'd be good.
- Mayor Daniels: Yeah, that's what, I'd like to work toward that if we can. Is that acceptable, Jen?
- Councilor Morin: Uh-hm.
- Mayor Daniels: Okay. So, we'll work towards another Planning Board Meeting. I want to make sure we've hit everything on the whole list. Anybody have any other questions? Anything else we need to cover?
- Councilor Goss: Again, I would like to reemphasize, our appreciation for the effort you've put into this.
- Mayor Daniels: Everyone...
- Councilor Morin: So much work.
- Councilor Goss: What you sent on the phone, that took me two ball games to get through that. But it was extremely beneficial. You did your homework. You did your research in an area that, I think we've found doesn't have a lot, and people are still struggling in other communities with the wordings and...
- Mayor Daniels: ...And changes every day.
- Councilor Goss: I would like to say, thank you, for your efforts. And hopefully we can move this, get it done, establish it, and then go from there.
- Councilor Morin: Yeah, thank you, Linda.
- Mayor Daniels: Yes, thank you very much. Just to readdress the private residence, leave it where it is for now? And we will figure out what we're going to do with it, because it's a very minute amount of Wilson Street, but I worry about Pierce Road, and I think we need to discuss that more if we're going to do anything about that, because that is very close to several places that have some large residential communities there. So, it's up to you guys what you would like to do with that but I think that we should readdress it as we go through it, possibly after Linda gets it in place so we can look at it again. That's up to you if you're like to look at that. Is that good?
- Councilor Ferris: I think it will be revealing to know exactly where we are...
- Mayor Daniels: Okay, yeah, I think, changing it up, and then we'll leave it the way it is on that, and we'll readdress it, if need be, in the future. Any other questions, anything else anybody needs to address, anything you want a...
- Councilor Ferris: Questions from the audience?

City Council Minutes  
Monday, June 28, 2021

Mayor Daniels: That's where I'm going next.

Councilor Ferris: Okay.

Mayor Daniels: And, if there's anybody here that would like to address us, you can come up to the podium, and give us your name and your address.

Eric Baray: Hi Council, my name is Eric Baray. I appreciate you guys having this thoughtful dialogue and considering bringing cannabis into your community. In terms of address, I am from Oakland, California. And so, I know that Californians are not welcome or loved everywhere in the country. So, whether that's good or bad, I am here today from Oakland, California. I will say, the good thing about being in California is we've had a legal cannabis industry and framework for as long as anyone in one form or another, and so the conversations that you guys are having in this room have been had for twenty-plus years in some cities there. And so, we certainly appreciate the thoughtful deliberation that you guys are undertaking. I was also, I'll add, I'm a Californian because I married a Californian, I'm born and raised in Kansas. And so, it's really interesting for me to be in California and see Kansas' position on medical marijuana is very different than California's. So, suffice to say that I know that, I've seen both sides of it. I know that it is a very tough issue. But I think it's an industry that is a real business, I think it's a growing, it's here to stay. Whether you want to talk about the science or the medicine or not, there are plenty of people: veterans, patients, those with epilepsy, a number of folks, even those transitioning off of other drugs, and working through PTSD, and there's a number of things that I hope that the science will continue to be done to show the efficacy of cannabis, but I do appreciate you guys making access to medical cannabis and adult-use cannabis available in your community. And, the key word there is "adult-use", so without further ado, I guess, a couple of comments on some of the things that were discussed today. In terms of school buffering, obviously "adult-use", so it's very important that these facilities are not coadjacent to schools directly, however when I look at the map of the 1,000-foot buffer overlaid with your zoning district, at that current 1,000-foot requirement, it's almost looking at this map: this is the map of a jurisdiction that really doesn't want cannabis in its city, right. There's maybe six or seven parcels on the outskirts. So, I would think about the message that it sends if you keep that 1,000-foot buffer, and maybe ask if 500-feet, parcel-to-parcel, there's all kinds of ways, we've seen it in California: 600-feet door-to-door; 700-feet path-of-travel using the ADA accessible route. You can calculate it all kinds of ways, but certainly understanding that parcel-to-parcel is often times the easiest. 500-feet, parcel-to-parcel has been a, you know, a good "common ground" if you will. In terms of schools, interestingly, and I haven't looked at state's definition, but to me it should be licensed schools, so K through 12 schools, whether they're public, private, chartered, that part doesn't matter, if you are licensed to educate kindergarten through twelfth-graders then there certainly should be a buffer from that. It should include licensed daycares. However, in one specific instance here, you talk about a Sunday School in a church, if that is not a licensed daycare, or a licensed K through 12 school, I think you have to ask whether or not that should

## City Council Minutes

Monday, June 28, 2021

be included, and what the standard would be for determining is that a school or not if it doesn't meet that other definition, and so, I'd ask you to consider that. On places of worship, again, I know that's a sensitive issue in particular. As you referenced, the Key Bank building does have a place of worship across the street. That is a vacant parcel in the community that I think would make for, due to parking, due to access, would potentially be a location that I would hope that this governing body would agree could be a good use in light of all the other factors. I hate to see it disqualified only on proximity to places of worship. Understand the sensitivity there. The one thing that we have seen is that, there are certain populations that, due to medical ailments, due to other things, Sunday and going to church is that day when some of those seniors or disabled populations kind of go out, and having access adjacent to, or not forcing it far away from places of worship can be a consideration for seniors and those at-risk groups, so I ask that you consider not limiting places of worship in your ordinance. On odor, totally agree with what everyone said. I loved your comment, Mayor Daniels, if you can't control your odor that's not your problem, that's their problem, and so I would say, retailers of and medical dispensaries of finished goods should not have any odor, there's no open packaging on those sites, but certainly any cultivators, manufactures need to, that's a cost of doing business that you're going to be a good neighbor and you're going to have carbon-scrubbers and other equipment, and so I certainly think that a 500-foot buffer potentially for cultivation and manufacturing adjacent to residential is appropriate, but please don't hold retail and medical dispensaries to the same standard, there really should be no odor out of those facilities. Last but not least on, well, private residence I think was also part of that. Another thing that handles the private residence piece is commercial zoning, again for the retailers and dispensaries, for those handful of parcels that do abutt commercial zoning, you know, just something to think about. And then lastly on testing, this one was a very interesting one, and we've seen this play out in California for many years, and I think what everyone decided was, you can't let the students grade the test, in the sense of, testing is not, testing needs to be done independently by a third party, and having a testing in the same facility as a cultivator/manufacturer or testing in the same facility as a retailer is kind of inviting the students to grade the test, if you will, so just something to think about. So, anyways, I apologize for taking 5 minutes here, I really thank you guys for the consideration and appreciate the opportunity to speak to you. Happy to answer any questions if you'd like, or I'll go sit down.

Councilor Goss: I would just say thank you for your input. The church in question, for me it's not the fact that it's a church, it's the fact that it is a school. And seven days-a-week there are a considerable number of young kids in that facility. And for me, I want to stand firm on, I don't want to put them at risk.

Eric Baray: Yeah, we agree, safety for children in our community comes first, so, I do appreciate that, yes, sir.

Mayor Daniels: Thank you, that was very informative. We're here to learn. That's what we're trying to do, is educate ourselves as much as possible and make the right decision,

City Council Minutes  
Monday, June 28, 2021

so...

- Eric Baray: And thank you for letting Californians in at the border. Some places won't.
- Councilor Goss: We just want you to know that you're a Mainer now.
- Eric Baray: Okay, alright. I appreciate that.
- Councilor Goss: If you're here, you're part of us.
- Eric Baray: Well, thank you for that. Alright. Thank you.
- Mayor Daniels: Does anybody want to look at the 500-foot door-to-door? That wasn't addressed, I think we left it at 1,000.
- Councilor Ferris: What was that on?
- Mayor Daniels: From door-to-door from school buffering.
- Councilor Ferris: Oh, absolutely. I want to do it door-to-door.
- Mayor Daniels: How do you guys feel about that? Leave it at 1,000, take it to 500?
- Councilor Goss: I don't think it's going to make any difference on the piece of property we're looking at.
- Mayor Daniels: No, I don't think so on that at all, but...
- Councilor Ferris: I would say door-to-door. I mean, that area isn't very big... if we can get by with something less than... the property-line of a 5-acre parcel.
- Mayor Daniels: So, you'd like to look at 500-foot door-to-door?
- Councilor Ferris: Yes.
- Mayor Daniels: 500-foot door-to-door. Anybody else?
- City Planner: I'm not sure if we can do to schools...
- Mayor Daniels: Property-line?
- City Solicitor: Yeah, just you're supposed to do the property-line for schools.
- Mayor Daniels: Oh, it got to be the property-line...
- Code Enforcement Officer: I was going to say, door-to-door is so subjective because you've got a back door here, we don't use it very often but it's still there. I've seen that

City Council Minutes  
Monday, June 28, 2021

with alcohol. People play games with that 500-foot.

Mayor Daniels: 500-foot property-line-to-property-line. Does anybody...

Councilor Ferris: Well, whatever the state law requires...

Mayor Daniels: It allows for 500, and I believe it's property-line-to-property-line with schools. We're at 1,000 right now. So, look at 500 property-line-to-property-line. So, can we look at that please and add it on to the... what we're looking at, and we'll address it once we see it, 'cause right now it is... we have like three places; we'd like to have more. Just as options. Do we have anything else that we want to address? Any other concerns? Are we good? Anybody else that would like to speak to us? Alright.

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

There were none.

\*\*\*

**I. ADJOURN**

**ACTION:** Councilor Goss moved that the meeting be adjourned. Councilor Ferris seconded the motion. The motion passed with a vote of 4-0. The meeting was adjourned at 3:47pm.

ADJOURNED, ATTEST: \_\_\_\_\_ Vincent P. Migliore  
City Clerk

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