



ORDINANCE COMMITTEE

(Town Council Sub-committee)

Meeting Minutes – Thursday, December 08, 2016

Members Present: Charlie McBrady, Chair; Claudia King, Aaron Svedlow

Staff: Nathan Poore, Amanda Stearns

Public: Cindy Townsend, Kathy Shaw, Ron Townsend, Kelly Hughes, Jeff Storey

Call to Order - C. McBrady called the meeting to order at approximately 8:00 am.

Farmers' Markets – C. McBrady opened the discussion by stating that he would like to take as simple approach to the matter and generally agreed with the approach presented by staff. N. Poore reviewed the difference between licensing and zoning adding that there would be need to amend other parts of the Code to remove the zoning regulation around markets as well as changes to the Parks and Public Grounds section if the Council wants to allow markets on certain public properties. The committee moved on to discuss certain aspects of the ordinance outline.

1. Location – The committee discussed the possible concerns with regard to the potential location of a market in residential or more rural areas and concluded that, with the review process including a thorough review by staff for issues such as traffic, markets will be permitted town wide and specific locations reviewed on an application basis.
2. Products – This discussion reviewed the basic definition of a market and what differentiates it from other types of markets such as craft and flea markets. The conclusion was that these markets are primarily vendors of farm raised food products and processed products from the farm product. Other types of vendors at markets might include non-food product from the farm, limited crafted goods, services, and non-profit educational, Made in Maine products and non-food products. The conclusion was that the ordinance outline as written will be amended to limit in general terms a significant amount of product to farm product, with the minority of product to include non-food items as well as services. A. Stearns will draft language to reflect this general intent and will research information from the Maine Federation of Farmers' Markets. Further it was agreed that the list of prohibited products in the outline would remain with the broadening of firearms and ammunition to weapons in general.
3. Public Hearing – A public hearing will be required, with general and abutter notice, to be held by the Council prior to the issuance of a license.
4. Fees – The committee generally agreed that fees should be comparable to other communities, that the initial fee would intend to cover the review and licensing work, that renewal fees would be substantially less provided the market remains the same and that the fee will be to the Market and there will be no individual vendor fees, except where liquor licenses are required.

C. McBrady opened the meeting to public comment. In general, those present were pleased with the ordinance outline and the approach. One concern raised was the processing of product that is not grown in Maine, such as coffee. Another concern was permitting a

service such as knife and tool sharpener where it provides benefit to other vendors as well as the public and is farm related. It was stated that the Cumberland Market allows several “day tables” which are not regular tables but are offered to non-profits. Also mentioned was the Maine Federation of Farmers’ Markets as they have general language around differentiating these markets from craft and flea markets.

Stearns will continue to develop the ordinance and have a draft prepared for the January meeting.

Noise – N. Poore introduced Craig Jones, Field Inspector and noted that he had collected information from surrounding towns on the role of code enforcement in the administration and enforcement of noise ordinances and samples of ordinances. Nathan continued that this matter has surfaced due to the continual receipt of complaints around a few specific issues: time of dumpster servicing in commercial areas; use of heavy equipment associated with commercial business; and construction related noise. After a thorough discussion, the committee asked staff to move forward with an ordinance that prohibits dumpster servicing from 10:00 pm to 6:00 am. In addition N. Poore will continue work on a waster hauler licensing program.

Dogs on Public Lands – N. Poore reviewed the recommendations presented to the Council in November. The committee discussed the recommendations and generally agreed with the approach. It was requested that more specific information be provided on the “sensitive wildlife” restriction times for Hadlock, North Falmouth and Suckfish Brook. It was felt that these areas may warrant more specific time constraints for leashing, with the April 1 – October 1 being very broad. In addition it was requested that the existing signs at trailheads regarding leashing be removed (after the ordinance amendment is adopted) as they are not founded in ordinance. The committee concluded that this is a complex and difficult issue to address and that LMAC/PACPAC had taken a balanced approach.

Next Meeting – The next meeting is scheduled for Thursday, January 12 at 8:00 am to follow up on all matters discussed today.

Adjournment – C. McBrady adjourned the meeting at approximately 10:10 am.

Minutes prepared by Amanda L. Stearns
December 8, 2016