



Town of Old Orchard Beach
Office of the Town Manager

1 Portland Ave, Old Orchard Beach, Maine

Phone: 207.937.5626

Web: www.oobmaine.com or

www.oobmaine.com/town-council

Town Council Meeting Minutes

I, Tim Fleury, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting is a copy of the original minutes from the meeting of the Old Orchard Beach Town Council.

Prepared By:

Tim Fleury

Approved By:

Old Orchard Beach Town Council

Respectfully
Submitted,

Tim Fleury
Town Council
Secretary



TOWN OF OLD ORCHARD BEACH

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Regular Town Council Meeting Minutes

Tuesday, March 1st, 2022

I, Jennifer Hayes, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of forty-seven (47) pages is a copy of the original minutes from the regular meeting of the Old Orchard Beach Town Council held on Tuesday, 03.01.2022.

Prepared by: Jennifer Hayes
Approved by: Old Orchard Beach Town Council
Approval Date: 03.15.2022

Respectfully Submitted,

Jennifer Hayes
Town Council Secretary



Regular Town Council Meeting – Meeting Minutes

Tuesday, March 1st, 2022 @ 6:30pm
Town Council Chambers
1 Portland Avenue

www.oobmaine.com/town-council

The chair opened the meeting at 6:30pm on Tuesday, March 1st, 2022. After the pledge of allegiance, roll call was taken, and the following individuals were noted to be present:

Shawn O’Neill – Chair
Kenny Blow – Vice Chair
V Louise Reid, Councilor
Larry Mead, Councilor
Michael Tousignant, Councilor

Diana Asanza – Town Manager
Jen Hayes – Council Secretary

PRESENTATIONS:

Old Orchard Beach Police Department – staff introduction

*Sasha Morelli – Social Services Navigator
Noah Poulin – Patrolman*

Brandfirst Creative Agency via Zoom

Town of Old Orchard Beach Rebranding & Marketing Campaign Update

ACCEPTANCE OF MINUTES

Accept the minutes for the Regular Meeting of Town Council held on Tuesday, February 15th and Council Workshops held on Thursday, February 17th and Tuesday, February 22nd, 2022.

Motioned to Accept by: Councilor Blow

Seconded by: Councilor Reid

Vote: 5-0



Primary Logo

- 1 Connected
- 2 Memorable
- 3 Enjoyable
- 4 Spirited



BrandFirst.

CREATIVE AGENCY PROJECT : 54982 CLIENT : OLD ORCHARD BEACH DATE : 02.22.22

LOGO & TAGLINE DEVELOPMENT | ROUND 3

1b

Logo Variations

- 1 Connected
- 2 Memorable
- 3 Enjoyable
- 4 Spirited



Abbreviated Wordmark



Full Wordmark

BrandFirst.

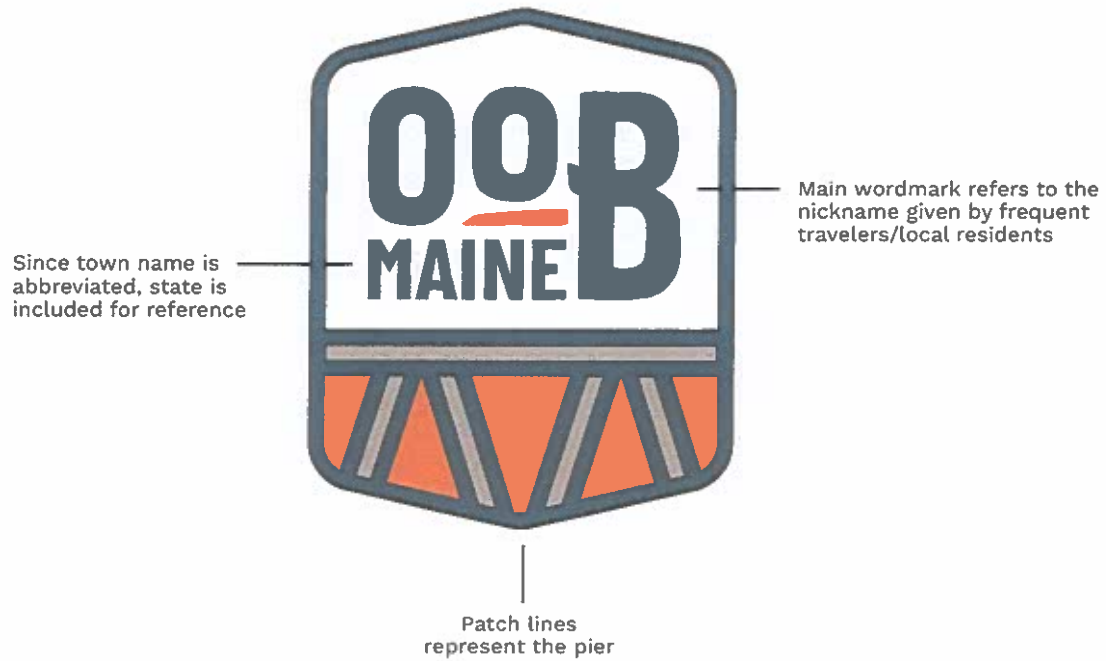
CREATIVE AGENCY PROJECT 64062 CLIENT OLD ORCHARD BEACH DATE 02.22.22

LOGO & TAGLINE DEVELOPMENT | ROUND 3

1b

Primary Logo Explanation

- 1 Connected
- 2 Memorable
- 3 Enjoyable
- 4 Spirited



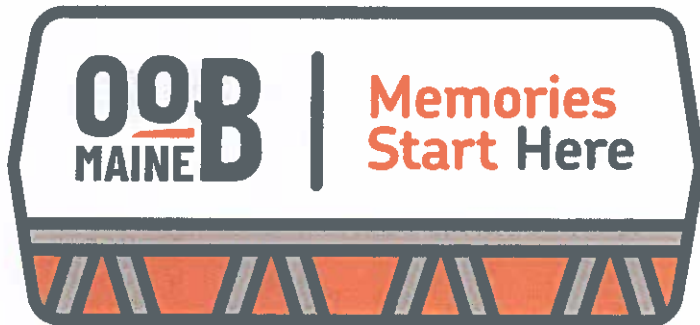
CREATIVE AGENCY PROJECT | 54982
CLIENT | OLD ORCHARD BEACH
DATE | 02.22.22

LOGO & TAGLINE DEVELOPMENT | ROUND 3



Tagline Variations

- 1 Connected
- 2 Memorable
- 3 Enjoyable
- 4 Spirited



Logo Alternates

- 1 Connected
- 2 Memorable
- 3 Enjoyable
- 4 Spirited

**OLD
ORCHARD
BEACH**

Vertical

OLD ORCHARD BEACH

Horizontal

**O O B
MAINE B**

**O O B
MAINE B**

Abbreviated



CREATIVE AGENCY PROJECT 54962 CLIENT OLD ORCHARD BEACH DATE 02.22.22

LOGO & TAGLINE DEVELOPMENT | ROUND 3

1b

Seasonal Treatments

When being used seasonally, the logo becomes one color and an icon is added as a “badge”

- 1 Connected
- 2 Memorable
- 3 Enjoyable
- 4 Spirited



Spring



Fall



Winter



Summer

Application Examples

- 1 Connected
- 2 Memorable
- 3 Enjoyable
- 4 Spirited



Brandfirst.

CREATIVE AGENCY PROJECT 54982 CLIENT OLD ORCHARD BEACH DATE 02.22.22

LOGO & TAGLINE DEVELOPMENT | ROUND 3

1b

Primary Logo

- 1 Spirited
- 2 Memorable
- 3 Enjoyable
- 4 Connected



VISIT Old
Orchard
Beach

BrandFirst.

CREATIVE AGENCY PROJECT 54962 CLIENT OLD ORCHARD BEACH DATE 02.22.22

LOGO & TAGLINE DEVELOPMENT | ROUND 3

2b

Primary Logo Explanation

- 1 Spirited
- 2 Memorable
- 3 Enjoyable
- 4 Connected



CREATIVE AGENCY PROJECT : 04962 CLIENT : OLD ORCHARD BEACH DATE : 02.22.22

Logo Variations

- 1 Spirited
- 2 Memorable
- 3 Enjoyable
- 4 Connected



Vertical



Horizontal



Abbreviated

Brandfirst.

CREATIVE AGENCY PROJECT 54962 CLIENT OLD ORCHARD BEACH DATE 02.22.22

LOGO & TAGLINE DEVELOPMENT | ROUND 3

2b

Tagline Variation

1 Spirited

2 Memorable

3 Enjoyable

4 Connected



BrandFirst

CREATIVE AGENCY PROJECT: 54862 CLIENT: OLD ORCHARD BEACH DATE: 02.22.22

LOGO & TAGLINE DEVELOPMENT | ROUND 3

2b

Seasonal Treatments

- 1 Spirited
- 2 Memorable
- 3 Enjoyable
- 4 Connected

When being used seasonally, the logo's accent word and color change to better reflect the season



Interchangeable for Year-Round Use

BrandFirst

CREATIVE AGENCY PROJECT - 54962 CLIENT OLD ORCHARD BEACH DATE 02.22.22

LOGO & TAGLINE DEVELOPMENT | ROUND 3

2b

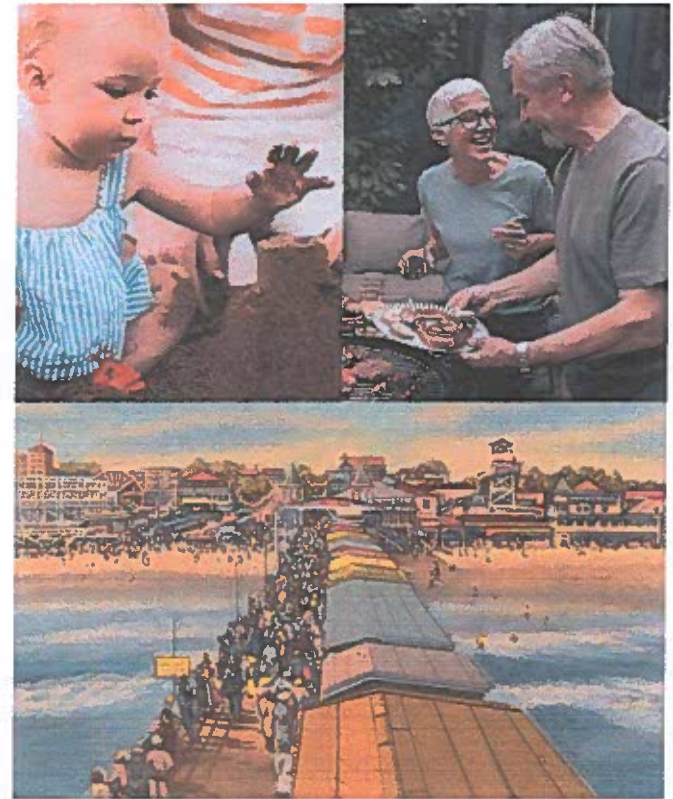
Application Examples

- 1 Spirited
- 2 Memorable
- 3 Enjoyable
- 4 Connected



Primary Logo

- 1 Memorable
- 2 Enjoyable
- 3 Spirited
- 4 Connected



BrandFirst.

CREATIVE AGENCY PROJECT 54967 CLIENT OLD ORCHARD BEACH DATE 02.22.22

LOGO & TAGLINE DEVELOPMENT | ROUND 3

6c

Primary Logo Explanation

- 1 Memorable
- 2 Enjoyable
- 3 Spirited
- 4 Connected



Toned-down color palette is natural, nautical & classic

Town name is styled symmetrically to create balance & visual interest



Tapered letterforms create perspective and add character to the wordmark while also resembling the depth & angled views of various OOB landmarks



Strong vertical letterforms are reminiscent of the structural beams & foundation of OOB's iconic Pier



CREATIVE AGENCY PROJECT 54962 CLIENT OLD ORCHARD BEACH DATE 02.22.22

LOGO & TAGLINE DEVELOPMENT | ROUND 3

6c

Logo Variations

- 1 Memorable
- 2 Enjoyable
- 3 Spirited
- 4 Connected

Wordmark



Graphic Monogram



Brandfirst.

CREATIVE AGENCY
PROJECT - 54962

CLIENT - OLD ORCHARD BEACH
DATE - 02.22.22

LOGO & TAGLINE DEVELOPMENT | ROUND 3

6c

Tagline Variations

- 1 Memorable
- 2 Enjoyable
- 3 Spirited
- 4 Connected

Logo & Tagline Lockup



Stylized Tagline



BrandFirst.

CREATIVE AGENCY
PROJECT 54962

CLIENT OLD ORCHARD BEACH
DATE 02.22.22

LOGO & TAGLINE DEVELOPMENT | ROUND 3

6c

Seasonal Treatments

When being used seasonally, the primary logo's icon can be changed for the time of year

- 1 Memorable
- 2 Enjoyable
- 3 Spirited
- 4 Connected



Spring



Fall



Winter



Summer

Application Examples

- 1 Memorable
- 2 Enjoyable
- 3 Spirited
- 4 Connected



Brandfirst.

CREATIVE AGENCY
PROJECT 54962

CLIENT OLD ORCHARD BEACH
DATE 02.22.22

LOGO & TAGLINE DEVELOPMENT | ROUND 3

6c

Overview



1b



2b



6c

BrandFirst.

CREATIVE AGENCY PROJECT 54962 CLIENT OLD ORCHARD BEACH DATE 02.22.22

LOGO & TAGLINE DEVELOPMENT | ROUND 3





Thank You!

BrandFirstNJ.com
Hackettstown, NJ



BrandFirst

PUBLIC HEARING – BUSINESS LICENSE & APPROVALS:

Gary Violette, (307-1-7-36), 2 Fernald Street #36, one year round rental.

Jim & Sandy Fitzsimmons, (302-2-2), 7 Puffin Street, one year round rental.

Rachelle Paradis, Daren Belliveau, Everard Belliveau: 2 Union Ave, LLC, (316-13-18), 2 Union Avenue, one year round rental.

Oliver & Nadja Francis, (319-12-6), 20 Pavia Avenue, one seasonal rental.

Raymond Parent, (301-3-1-206), 189 East Grand Avenue #206, one year round rental.

Chair opened the public hearing @ 7:05pm

Motioned to approved by: Vice-Chair Blow

Seconded by: Councilor Reid w/discussion from Councilor Mead. Councilor Mead researched the rentals on the Town’s GIS system. Confirmed he did not have concerns for approval as it appeared these units had been used for that purpose for years in the past.

Vote: 5-0

Chair closed the Public Hearing @ 7:07pm

PUBLIC HEARING – SPECIAL AMUSEMENT PERMIT & APPROVALS:

Ronald Lachance d/b/a JJs Eatery Too, (306-5-1-F), 12B Old Orchard Street, inside/outside soloist & duo’s (i.e., singers), afternoons/early evenings.

Scott & Barbara McCrum: JBTS, Inc. d/b/a Joseph’s by the Sea, (310-3-3), 55 West Grand Avenue, inside DJ for weddings 12p-5p.

Anthony Giudice, Dana DiFronzo, Benjamin DeChristoforo: The Local, LLC d/b/a The Local Eatery & Tap, (309-1-5), 23 Washington Avenue, inside acoustic solo & duos, DJ, and trivia Wednesdays-Sundays, 8p-11p. (*Note: This is a change in date of existing permit only to match expiration date of Liquor License.*)

Chair opened the public hearing @ 7:08pm

Motioned to approved by: Vice-Chair Blow

Seconded by: Councilor Mead

Vote: 5-0

Chair closed the Public Hearing @ 7:10pm

TABLED ITEMS:

PUBLIC HEARING – BUSINESS LICENSE & APPROVAL:

Jin Zhang and Jerry Burch d/b/a Dune Grass Golf Beach Vacations, (105A-1-J53), 59 Wild Dunes Way, one year round rental.

Jeremy Benn: 78 East Grand, LLC d/b/a East Grand Motel, (304-7-1), 78 East Grand Avenue, twenty-two year round rentals.

Chair opened the public hearing @ 7:15pm

Motioned to Approve by: Vice Chair Blow

Seconded by: Councilor Reid w/ discussion by Councilor Mead. Councilor Mead confirmed his discussion with Mr. Leighton at 57 Wild Dunes Way and the concerns regarding the short term rental. Councilor Mead also confirmed that he was voting to approve this license as the license was submitted prior to the discussion of short term rentals. Going forward, Councilor Mead stated he hoped that rentals that have just begun the rental process that there will be additional discussion about limitations. Questioning 78 East Grand and whether the entity is conducting as a motel or a “prelane” for short term rentals.

Code Enforcement Director – Jim Butler – the short term plan is for the business to operate as a motel, with intention to operate as a year round rental in the future. With discussions that had taken place with the business’ attorney and Town staff, the business at present is licensed as motel and will operate as such.

Chair O’Neill – questioning Council re: short term rentals. He asked if Council wished to delay rental applications or change ordinances. Chair O’Neill stated in his opinion, “Council should not be tabling licenses every week unless a process is set in place. What are Council expectations?”

Vice-Chair Blow: stated that he has a hard time holding licenses with our existing ordinances. At present, we do have a way to regulate short term rentals. He noted that he understood the concerns from neighbors. He doesn’t disagree that an ordinance change may need to be done. He felt is wrong to hold licenses that are being submitted in good faith and meeting existing ordinances.

Councilor Tousignant – regarding the 22 year round rentals. He noted that years ago there were several issues with motels converting into year round rentals. It affects the schools, rooms didn’t meet size/space rules, etc. Changes were enacted to “slow” the conversion. Today, there is a notable influx of people coming into converted properties and impacting the economy and school system of Old Orchard Beach.

Fire Chief LaMontagne – suggested focusing on the definitions that are on the books, i.e., seasonal and year round rentals. The housing code that the Town has developed has brought value to the Town. There is a quality of life and meeting the demand for housing that is being affected in the entire State. The Town has many properties that have multi-rental licenses. Chief LaMontagne stated that in his personal opinion 78 E Grand should move forward. The future may dictate something different. The reality is that a major rewrite of ordinances is warranted. There is a great need for people to occupy properties in

OOB and other neighboring communities (e.g., Biddeford, Saco, etc.) If the property changes later, a permitting and planning process will help to keep things in check. He encouraged Council to stay on target with license as seen this evening. The caveat Chief LaMontagne noted was that the Town may require a condition that business like 78 E Grand Motel has an employee that stays on site to assist Public Safety during the late night “witching hours.”

Councilor Tousignant – “How are we going to deal with over-crowding should this business roll into a short term rental property?”

Chief Lamontagne – the majority of year round licenses exist along E/W Grand. He referenced the past BLWG (Business License Working Group) workshop. Chief LaMontagne referenced density, need for ordinance redevelopment, & guidance from Council and Manager.

Code Enforcement Director Jim Butler – we have powerful tools within the ordinance. We have not done a good job in following the ordinances. The Code Office in the past had not done a good job in addressing the number of individuals within a certain square footage. Code needs and will be moving forward with adding number limitations per square footage, moreover, cooking equipment, bathroom, living area have all met minimum standards. 78 E Grand Ave will have occupancy limits assigned to it. Enforcement is key. Shortcomings – when a motel is operating outside of its license (i.e., motels are 30 days and less for living).

Councilor Tousignant – “How are licensing fees going to change?”

Code Enforcement Director Jim Butler – 78 E Grand is not a conversion. If it was a conversion there would be a sewer impact fee (which is quite hefty).

Councilor Tousignant – referenced in the past that motel owners learned that trying to convert to winter rentals was expensive and many stopped due to high fees. However, times are changing and this issue with rental properties converting will become an issue. Referenced that rental properties attract a “clientele” that ties up the Police Department and Public Safety.

Code Enforcement Director Jim Butler – noted that he discussed impacts with staff and both Chiefs after last workshop concerning these two topics. Referenced raising license fees and that licenses are revocable.

Councilor Tousignant – stated that he was not comfortable with how things were moving forward.

Councilor Mead – agreed that Council should not be holding up licenses. Referenced the hold on the tabled licenses seen this evening, premise was because there was thought that a moratorium was on the horizon re: short term rentals. Moving ahead, will take time to put together regulations around STRs, would like staff re-questioning of applicants to identify if the intention is STR (short term rental) less than 30 days, in order to have information going forward. Lastly, Councilor Mead stated that when new applications came forward to as rentals within residential neighborhoods he requested that written notice be provided to the applicant with notice of Council moving forward with STR regulation. Finally, he wanted noted a condition on business licenses with the motel.

Chair O’Neill – “how far away to next workshop?”

Town Manger – before March 22nd

Chair O’Neill – “we clearly have ordinances stated today. On board with goal and target of STR.” He noted he did not want piecemeal instructions. Wants to do things the “right way” and thru procedure.

Councilor Mead – “the push is to make sure to capture the renewals that will be getting mailed soon.”

Vice-Chair Blow – noted he had issue with questions on application as then the business becomes a “target” on the applicants back. The Town has some goals of STR and balance. He noted he had issue with asking staff to find out whether the rental was a STR, stating, “It is the cart before the horse.”

Councilor Reid – noted that if she were a business owner she would like to have a hint of what may be coming down the line and not being left in the dark.

Chair O’Neill - “STR question on the application? Yes/no?”

Vice-Chair Blow – noted the question is two different situations, 1. inform applicant or 2. ask applicant. Two different things.

Chair O’Neill - doesn’t support piecemeal direction.

Councilor Tousignant – “Should this come out of workshop?” Chair O’Neill – “Yes.”

Councilor Mead withdrew request. Chair O’Neill stated that this topic would be handled within a workshop.

Councilor Tousignant – stated he was struggling with giving license at this meeting to 78 E Grand.

Vice-Chair Blow – stated that Council could not hold up the license for future.

Roll call Vote: Unanimous – with Councilor Tousignant stating for record that he was not big on moving the item forward but had no information at present to hold it back.

Vote: 5-0

Chair closed the Public Hearing @ 7:55pm



Town of Old Orchard Beach

Town Manager
OOB Town Hall
1 Portland Avenue
OOB, ME 04064

Diana H. Asanza
Telephone: (207) 937-5628
Fax: (207) 937-5728
Email: dasanza@oobmaine.com

March 1, 2022

Town Manager's Report March 1, 2022

Finance Committee Meetings:

The Finance Committee will hold a meeting this Thursday March 3, 2022, at 5:30 pm at the Police Department Community Room to review the Fire Dept and Police Dept capital requests for FY 23. We will begin the meeting with a brief tour of the fire station and the police station before the capital budget presentations begin. This will give the new Finance Director as well as new committee members a chance to see the facilities firsthand.

FY 23 Budget Presentation:

Finance Director Jordan Miles and I continue to work on the FY 23 operating budget, and I must say is turning out to be one of the most difficult budgets I have put together. With inflation, cost of goods, wages and staffing needs it has been difficult to project. At the March 15th Council meeting we will present the Town Managers budget recommendations and the budget workshops will begin tentatively from mid-March through June 21, 2022. This workshop schedule is forthcoming.

Improved Lighting Downtown:

As a follow up to the Council workshop held February 22, 2022, on ways to reduce the public safety calls for service in the downtown area during the summer, we were asked to look into:

1. Additional lighting improvements downtown
2. A comprehensive look at business license fee increases
3. Additional educational training for employees serving alcohol at local businesses in an effort to dissuade overserving.
4. Seasonal housing for summer workforce

Last week several business owners met with Chief LaMontagne to look at lighting options downtown. We heard the feedback from Councilors on various types of preferred lighting and we will be coming back to you with the recommendations and estimated costs at the next workshop.

The Chief Kelley, Capts Chard and Hemingway are getting more information on the alcohol server and seller educational training called “TIPS”, and the frontline training as discussed at the workshop. More information to follow at the next workshop.

Staff are working on the business license fee increases and we have a small window to bring this forward because renewal letters typically go out by mid-March, therefore the original tentative date for the next workshop is currently scheduled for March 22nd, and this may change to an earlier date to meet the deadlines.

And finally, Councilor Mead and have met with Maine Housing, and will be meeting with UNE, and York County to discuss opportunities, options, and ideas for affordable seasonal workforce housing. This is a critical need not only for the Town and housing for Police reserve officers, but also affordable housing for J-1 international students that are critical to local businesses during the summer.

I will follow up with Council soon to secure a date for the next workshop so that we will be able to provide updates on these initiatives.

Tax Office Hours:

Starting next Monday March 7th, the Tax Office will be opening to normal business hours. We have hired a part time temporary employee to assist with General Assistance 20 – 25 hours per week, so that Virginia Deering who is the current full-time employee that splits her time as 50% tax clerk and 50% GA administrator, can devote her time in the tax office.

We also would like to welcome the new full time Accounts Payable/Payroll Clerk in Finance Jamie LeCont who will also start on March 7th.

Thank you,

Diana H. Asanza

NEW BUSINESS:

Agenda Item #7624

Discussion with Action: Approve the liquor license renewals for the following:

Ronald Lachance d/b/a JJs Eatery Too, (306-5-1-F), 12B Old Orchard Street, m-s-v in a Class A restaurant/lounge.

Scott & Barbara McCrum: JBTS, Inc. d/b/a Joseph's by the Sea, (310-3-3), 55 West Grand Avenue, m-s-v in a restaurant.

Anthony Giudice, Dana DiFronzo, Benjamin DeChristoforo: The Local, LLC d/b/a The Local Eatery & Tap, (309-1-5), 23 Washington Avenue, m-s-v in a restaurant.

Motioned to Approve by: Vice-Chair Blow

Seconded by: Councilor Reid

Vote: 5-0

Agenda Item #7625

Discussion with Action: Amend to the Town of Old Orchard Beach Code of Ordinances, Ch. 78, Art. VI, Sec. 78-517 and Ch. 78, Art. VIII, Sec. 78-1382. *{This amendment proposes to allow food trucks for Salvation Army events on Salvation Army property in the R2 Zoning District.}*

Background:

Public Hearing was heard on Tuesday, February 15th, 2022. Cheryl Poulopolus, Salvation Army Pavilion Director, submitted written commentary describing the event in greater detail including; security measures, timeframes, and use of private property space. Town Council questioned if generators would be utilized as a power source to operate the food trucks during Salvation Army events. Confirmed by the Ms. Poulopolus, there will be **no** generators utilized, citing noise population and disturbance to the neighborhood.

Public Hearing Notice attached.

Thomas Mourmoras, 30 Saco Ave – support food trucks back into OOB. He stated that if food trucks can establish a local following it could lead to restaurant space establishment and a better economy.

Motioned to Amend by: Councilor Mead

Seconded by: KB w/discussion. Concerned re: generator running and background and wanted confirmation that there were no generators. Cheryl Poulopolos, Director of Salvation Army Pavilion confirmed there would be no use of generators.

Vote: 5-0

Agenda Item #7626

Discussion with Action: Set Public Hearing Date of March 15th, 2022 for the Town Council to consider amendments to the Medical Marijuana Ordinance Dispensary Standards: Ch. 78, Art. I, Sec. 78-1, Medical Marijuana Registered Dispensary definition; Ch. 78, Art. VI, Secs. 78-803, 904 and 1135; Ch. 78, Art. VII, Sec. 78-1277.

Background:

TO: Old Orchard Beach Town Council
Diana Asanza, Town Manager
Jennifer Hayes, Executive Assistant
FROM: Planning Staff
SUBJECT: Medical Marijuana Registered Dispensary Ordinance Amendments
DATE: 18 February 2022

During December, the Council enacted a moratorium to address the regulation of medical marijuana registered dispensaries. The reason for the moratorium is due to recent changes to State laws regulating medical marijuana dispensaries and the potential impacts the use could create as a result of these new laws. Also, the Town recently enacted adult use marijuana ordinance which allow retail stores in the same zoning district that currently allows dispensaries.

Regarding the law changes, until recently, dispensaries were required to be nonprofit entities and only one dispensary was allowed in each Maine Department of Health and Human Services Public Health District (total 8 allowed in entire state). Dispensaries now can be operated by for-profit entities and, in addition to the 8 dispensary registration certificates issued, the State can now issue another 6 dispensary registration certificates. Also, dispensaries now can grow an unlimited number of marijuana plants.

Currently, the Town regulates dispensaries through application of business license (Ch. 18) and conditional use (Ch. 78) standards. Dispensaries are allowed in the GB-1 zoning district. Conditional use review is required.

In regards to the proposed amendments, we are proposing to remove medical marijuana registered dispensary as an allowed use. To do this, we are changing one Ch. 18 article, three Ch. 78 articles, and a fee in Appendix A:

- Ch. 18, Art. XI: This amendment includes removing references to medical marijuana registered dispensary and removes the sentence “This shall be considered a commercial use” in the medical marijuana registered dispensary definition. The reason for removal of “This shall be considered a commercial use” is we don’t want a potential loop hole where people could argue the use is actually a commercial use because that’s what it states in the definition. You may be wondering why we did not remove the entire definition. The reason we decided to leave the definition is due to the Omitted Use (78-148) standard which states, in part: “Any use not specifically allowed as either a permitted use or a conditional use is specifically prohibited.”

By leaving the definition the ordinance acknowledges the existence of the use and by not identifying it as a permitted or conditional use in any zoning district, it will be specifically prohibited by application of the Omitted Use standard.

- Ch. 78, Art. I: This amendment removes the sentence “This shall be considered a commercial use” in the medical marijuana registered dispensary definition (see reasoning above).
- Ch. 78, Art. VI, Secs. 78-803, 904, 1135: This amendment is proposing to remove medical marijuana registered dispensary as a conditional use in the GB-1 district and as a prohibited use in the ID and HO (Historic Overlay) districts. By removing the use as well as with application of the Omitted Use standard, medical marijuana registered dispensaries will no longer be a use allowed in OOB.
- Ch. 78, Art. VII, Sec. 78-1277: This amendment proposed to remove all references of medical marijuana registered dispensary from the conditional use ordinance.
- Appendix A: This amendment removes medical marijuana registered dispensary and associated fee from the license fee schedule.

By removing medical marijuana registered dispensaries as an allowed use and the references in the conditional use ordinance, this will not allow the use to exist anywhere in OOB. We feel this is the most effective way to address the moratorium’s concerns.

The Planning Board voted unanimously that Council approve the Ch. 78 ordinance amendments as drafted. The Board did not consider Ch. 18 and Appendix A amendments because they do not fall under the Boards jurisdiction.

Draft amendments attached.

Motioned to set Public Hearing Date: Vice-Chair Blow

Seconded by: LM for discussion. Chair O’Neill questioned what was prompting this item back to the planning board and why back to Council? Town Manager Asanza read the above commentary. This was back to Council based on the moratorium enacted by Council.

Roll Call: 4-Yes, Chair O’Neill – No.

Vote: Item passed, 4-1

**AMENDMENT TO CHAPTER 78, ARTICLE VII – CONDITIONAL USES: SECTION
78-1277, MEDICAL MARIJUANA**

Council (3/1/22 – 1st Draft)

Ordinance deletions are ~~struck~~; New language underlined

Sec. 78-1277. Medical marijuana.

(a) *Approval process:* Any proposal to establish a new or alter ~~an existing medical marijuana registered dispensary or~~ a medical marijuana production facility shall require approval of the planning board as a conditional use. The planning board and applicant shall follow the application and review process (section 78-1238), standards (section 78-1240), authority (section 78-1266), and this section (section 78-1277) within article VII. Notification of site walks and public hearings shall include all property owners within 1,000 linear feet, measured in a straight line from the property boundary of the proposed ~~dispensary or~~ facility. Notification of property owners shall be mailed at least ten days before the scheduled site walk and public hearing. Applicants shall be responsible for mailing notifications to property owners to the addresses identified on a mailing list provided by the town. In addition to other public notification requirements, the town shall notify the Old Orchard Beach Police Department and the Maine Department of Health and Human Services, Division of Licensing and Regulatory Services prior to the public hearing on any application.

(d) *Performance standards:* In addition to other requirements of this section and related provisions of article VII and other chapters within the Town of Old Orchard Beach Code of Ordinances, the following shall apply to any application for a new or altered ~~medical marijuana registered dispensary or~~ a medical marijuana production facility:

~~(1) *Medical marijuana registered dispensary limit.* There shall be no more than one medical marijuana registered dispensary in the Town of Old Orchard Beach.~~

~~(2)~~ 1 *Medical marijuana production facility limit.* There shall be no more than four medical marijuana caregivers allowed to operate within a single medical marijuana production facility.

~~(3)~~ 2 *Proximity limit.* Only one ~~medical marijuana registered dispensary or~~ medical marijuana production facility shall be permitted per lot. Additionally, no medical marijuana production facility shall be located on a lot that is within 250 feet of another lot on which a medical marijuana production facility ~~or medical marijuana registered dispensary~~ is located. This separation requirement will prevent a concentration of these facilities and helps to ensure compliance with the State prohibition against collectives.

~~(4)~~ 3 *Proximity location to other uses.* No ~~medical marijuana registered dispensary or~~ medical marijuana production facility shall be closer than 500 linear feet, measured in a straight line from ~~the dispensary or~~ a facility building entrance, to the nearest point on the boundary of any property which is occupied by a licensed day care facility, school, town park, town playground or church.

(54) *Security*. Before granting an approval, the planning board shall ensure the applicant has reviewed their property and building security plans with the Old Orchard Beach Police Department and the police department finds the security measures are consistent with state requirements.

(65) *Outside appearance*. No signs containing the word "marijuana," or a graphic/image of any portion of a marijuana plant or otherwise identifying medical marijuana shall be erected, posted or in any way displayed on the outside of a ~~medical marijuana registered dispensary~~ or a medical marijuana production facility. Interior advertisements, displays of merchandise or signs depicting the activities of a ~~medical marijuana registered dispensary~~ or a medical marijuana production facility shall be screened to prevent public viewing from outside such facility.

(76) *Odorous air contaminants*. It shall be an unlawful nuisance for any person to cause or permit the emission of odorous air contaminants from any source so as to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of property. Upon the following occurrence, any odor will be deemed to interfere with reasonable and comfortable use and enjoyment of property:

(i) If odorous air contaminants are detected when one volume of the odorous air has been diluted with seven or more volumes of odor-free air, as measured by any instrument, device, or method designed to be used in the determination of the intensity of an odor. Measurement shall be taken at property boundary lines.

(87) *Business license*. As a condition of use, the operator of a ~~medical marijuana registered dispensary~~ or a medical marijuana production facility shall obtain and retain all required business licenses pursuant to chapter 18 - businesses. The land use approval shall be considered abandoned if no license-holder occupies the facility for a period of two years or more.

**AMENDMENT TO CHAPTER 78, ARTICLE VI - DISTRICTS: GENERAL BUSINESS
DISTRICT 1, SECTION 78-803; INDUSTRIAL DISTRICT, SECTION 78-904;
HISTORIC OVERLAY DISTRICT, SECTION 78-1135**

Council (3/1/22 – 1st Draft)

Ordinance deletions are ~~struck~~

Sec. 78-803. - Conditional uses. The planning board may authorize the following uses in the general business district 1 (GB-1) provided that the conditions of article VII of this chapter are met:

~~(7) Medical marijuana registered dispensary.~~

Sec. 78-904. – Prohibited uses. Prohibited uses in the industrial district (ID) are as follows:

~~(11) Medical marijuana registered dispensary.~~

Sec. 78-1135. – Prohibited uses. Prohibited uses in the historic overlay district (HO) are as follows:

~~(9) Medical marijuana registered dispensary.~~

**AMENDMENT TO CHAPTER 78, ARTICLE I – IN GENERAL: SECTION 78-1,
DEFINITIONS**

Council (3/1/22 – 1st Draft)

Ordinance deletions are struck

Sec. 78-1. Definitions.

Medical marijuana registered dispensary (land use): A not-for-profit entity registered pursuant to state law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to qualifying patients and the primary caregivers of those patients. Note that a dispensary may be either a single facility, or it may be divided into two separate but related facilities where growing is done at only one of the facilities. ~~This shall be considered a commercial use.~~

AMENDMENT TO CHAPTER 18, ARTICLE XI – MEDICAL MARIJUANA REGISTERED DISPENSARY OR MEDICAL MARIJUANA PRODUCTION FACILITY: SECTION 18-601, DEFINITIONS; SECTION 18-603, MEDICAL MARIJUANA LICENSE

Council (3/1/22 – 1st Draft)

Ordinance deletions are ~~struck~~

ARTICLE XI. ~~MEDICAL MARIJUANA REGISTERED DISPENSARY OR MEDICAL MARIJUANA PRODUCTION FACILITY~~

Sec. 18-601. Definitions.

Medical marijuana registered dispensary (land use): A not-for-profit entity registered pursuant to state law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to qualifying patients and the primary caregivers of those patients. Note that a dispensary may be either a single facility, or it may be divided into two separate but related facilities where growing is done at only one of the facilities. ~~This shall be considered a commercial use.~~

Sec. 18-603. Medical marijuana license.

This license shall be required for a ~~medical marijuana registered dispensary or~~ medical marijuana production facility. The following shall apply:

**AMENDMENT TO APPENDIX A
SCHEDULE OF LICENSE, PERMIT AND APPLICATION FEES, LICENSE
ORDINANCE CATEGORIES**

Council (3/1/22 – 1st Draft)

Ordinance deletions are ~~struck~~

| | |
|---|---------------------|
| Medical marijuana registered dispensary, per registered dispensary | \$325.00 |
|---|---------------------|

Agenda #7627

Discussion with Action: Award the contract to Connectivity Point for Town Hall rewiring and cabling in the amount of \$28,939.33 from account #51002-50921 Town Hall Cabling and Rewiring Capital Expense, with a balance of \$28,000.00, and the remaining amount of \$939.33 from account #20102-50856 Town Manager Computer System Upgrade Expense, with a balance of \$5,959.47.

Background:

The Town Hall wiring and cable infrastructure has been deemed outdated. The upgrade was approved as a Capital Expense in the FY'22 budget.

Motioned to Award by: Councilor Mead

Seconded by: Vice-Chair Blow

Vote: 5-0

Agenda Item #7628

Discussion with Action: Appoint Charlie Backus as a regular member of the Community Animal Watch, term to expire 12/31/23.

Background: *(application on file with Town Clerk's Office)*

Motioned to Appoint by: Vice-Chair Blow

Seconded by: Councilor Tousignant

Vote: 5-0

Agenda Item #7629

Discussion with Action: Approve the Special Event Permit application for OOB365 to hold a Scottish Festival on Saturday, June 4th, 2022; Saturday, June 3rd, 2023; and Saturday, June 1st, 2023. Set-up in the Park Friday starting at 6 a.m.. Parade at 8:45 a.m. Saturday from Town Hall, down Old Orchard Street, First Street to Memorial Park; event in Memorial Park on Saturday from 8 a.m. to 8 p.m., to include takedown. Four Downeaster parking spaces are to be provided; access available to Chamber of Commerce; accommodations for Shuttlebus riders by assisting them with passage through the event; First Street closed on Saturday from 8 a.m. to 8 p.m. Insurance, listing the Town as additionally insured, to be provided to the Town Clerk's Office at least two weeks prior to each event. Any liquor must be on the library property, with permission from the library—Liquor Liability insurance, listing Town as additionally insured, to be provided by the liquor provider, as well as the Liquor provider providing private door security; Applicant to work with Flag Raising Committee for Flag Raising at 6:30 p.m. each night. Week before each event applicant to walk the area with Public Works.

Background: *(application on file with Town Clerk's Office)*

Motioned to Approve by: Councilor Mead

Seconded by: Vice-Chair Blow

Vote: 5-0

Agenda Item #7630

Discussion with Action: Amend the schedule of license, permit and application fees to reflect updated language, including pay by app language, and fees as they relate to residential and non-residential parking permits.

Background:

The Schedule of Fees was amended by the Town Council on 6/15/21 to change the fee to \$3.00 per hour, which has now been added into the Schedule of Fees.

Resident Parking Permits will be amended by adding wording already in the Parking Permit Policy, describing the existing parking permits, and added the wording “Pay by app”, referencing the new Passport Parking app.

A new \$50 permit will be added to allow for any customer to purchase a \$50 permit for seven (7) consecutive days, in the Milliken Street municipal lot only, and will allow for overnight parking.

Motioned to Amend by: Councilor Mead

Seconded by: Vice-Chair Blow

Vote: 5-0

Agenda item #7631

Discussion with Action: Amend the Town Council Policy 07-01: Parking Permits to reflect updated language and parameters related to residential and non-residential parking permits.

Background:

Updating the Town Council Policy 07-01 Parking Permits, by changing from a hang tag system to a digital system (currently the Passport Inc. Passport App).

The digital system will allow people to purchase their permits online, as well as in person, with a driver's license and vehicle registration for the vehicles on the permit.

Resident parking permit holders will be allowed two vehicles per permit, still allowing the purchase of two permits per household.

Permit purchasers will be allowed to transfer their license plate to another vehicle license plate once they have purchased the permit, so that visitors to the household can use their vehicle while visiting, or if they purchased a new vehicle etc.

The Policy adds a weekly parking permit. The temporary \$50 permit will allow any person to purchase that permit for seven consecutive days, for a car or motorcycle, for the Milliken Street Municipal Lot only.

All permits will have valid dates of May 1st, 2022 to September 30th, 2022.

Motioned to Amend by: Vice-Chair Blow

Seconded by: Councilor Reid

Vote: 5-0

Agenda Item #7632

Discussion with Action: Amend the Town Council Policy 94-2: Parking Meters Days of Operation to reflect a meter removal date of September 30th each calendar year.

Background:

On 6/15/21, the Town Council amended the active dates of this policy from the Friday before Memorial Day to Labor Day, to May 1st to Indigenous Peoples Day.

This amendment changes the end date for parking meters from Indigenous Peoples Day to September 30th. The parking app requires a fixed end date, and Indigenous Peoples Day changes each year. Also, the parking meter revenue drops significantly after September 30th.

Motioned to Amend by: Councilor Mead

Seconded by: Councilor Reid w/discussion from Councilor Tousignant. Councilor Tousignant wanted it noted to the public that the parking fees timeframe was reduced from Indigenous People's Day to September 30th.

Vote: 5-0

Agenda Item #7633

Discussion with Action: Accept the quote from Flowbird Urban Intelligence in the amount of \$22,750.00 from account number 20118-50350 Contingency Expense, with a balance of \$144,800.00, for the cost to upgrade seven (7) Cale pay and display parking terminals.

Background:

On February 7, 2022, Flowbird notified the Town with information that AT@T was discontinuing service on its 3G network effective February 22nd, 2022 and that T-Mobile was discontinuing their 3G services at the end of June, 2022. The change in service affects the modems currently installed in the Town's pay stations thus affecting communication with Cale's servers after February 22nd, 2022. The request to Council will upgrade the pay stations with all new components, including modems. The upgrade will also include software to enable the pay by plate system; which is necessary for communicating with the license plate readers recently authorized for purchase by Town Council.

Motioned to Accept by: Vice-Chair Blow

Seconded by: Councilor Reid

Vote: 5-0

Agenda Item #7634

Discussion with Action: Accept the proposal in the amount of \$25,000.00 from Woodard & Curran to provide engineering services for the Town's proposed comfort stations around the downtown districts and along several beachheads from account number 22405-50740 ARPA Funds-Public Bathroom, with a balance of \$302,723.33.

Background:

At the Council Workshop to discuss various uses of the Federal ARPA grant funds, consideration was given to address the critical need for public bathrooms in the downtown and beach areas. Woodard & Curran has provided a proposal for engineering services to assess several locations and the construction of bathrooms serving the public in the beach and downtown areas. The layout for the bathrooms would include space for public safety, which will benefit the initiative that is taking place to address the latenight behavior and its negative impact.

Motioned to Accept by: Vice-Chair Blow

Seconded by: Councilor Mead

Vote: 5-0

Gerome Beggart – Gables Way – noted that there is a trend happening with people taking advantage of winter, short term rentals. (ie., people from other countries, outside cities) He referenced that State of Maine's recent publication noting Old Orchard Beach's motel rentals as housing "stock." Mr. Beggart referenced two seasonal licenses to consider: Vacation seasonal rentals (June –Sept) and Residential seasonal rentals (Sept-June).

Motioned to Adjourn by: Councilor Mead

Seconded by: Vice-Chair Blow

Vote: 5-0

The regular meeting of the Old Orchard Beach Town Council adjourned @ 8:15pm on Tuesday, March 1st, 2022.