

**Town of Cape Elizabeth
Ordinance Committee Minutes**

December 8, 2021

7:00 p.m.

Remote

Public proceedings by remote access for Town Council meetings are authorized by the Town of Cape Elizabeth's Remote Participation Policy adopted August 30, 2021 and the Order Declaring a Limited Emergency extended to December 31, 2021.

Members Present: Penny Jordan, Chair
Jeremy Gabrielson
Caitlin Jordan

Guests Present: Councilor Nicole Boucher, Councilor Gretchen Noonan

Staff: Maureen O'Meara, Town Planner

Councilor Penny Jordan called the meeting to order.

Minutes

The minutes of the November 17, 2021 meeting were approved 3-0.

Meeting logistics

Chair Jordan reviewed committee practice. The next meeting date is usually set at the end of the meeting. The committee tries to limit the amount of materials to be printed for committee members, with the agreement that each member will receive a hard copy of the agenda and ordinance drafts. Ms. O'Meara will also print other materials for members upon request.

Food Trucks

Chair Jordan introduced the item by summarizing the committee's work at the last meeting to review documents including what other towns are doing. For this meeting, the committee should review the policy document and then we can review amendment language at the next meeting.

The meeting was opened to public comment and no one wished to speak.

Chair Jordan directed the committee to the staff memo and Ms. O'Meara reviewed the Food Truck Policy Outline #1, Accessory Use where food trucks would be allowed on all private property with limits.

Chair Jordan questioned if the limit of one truck was reasonable if folks want trucks for burgers, drinks and dessert for an event. Councilor Gabrielson noted this was designed with single family homes in mind, so he was ok increasing the limit from 1 to 3. Councilor Noonan concurred. Chair Jordan asked about folks that have a lot of land. The committee agreed to remove a limit on the number of trucks and rely on the requirement that the truck must be parked on private property to be a natural limit, as well as the number of days.

Chair Jordan asked about the 3 calendar days per year limit, especially if families have more than 3 kids (one day per birthday). The committee agreed to a 5 days per year limit.

The committee reviewed the hours limitations. There was general agreement that aligning the hours with the Miscellaneous Offenses Ordinance noise limits was a good approach, although Councilor Boucher was concerned the hours were too late.

The committee discussed how the limits would impact compact neighborhoods more. There was also concern with multiple trucks creating traffic flow obstacles. The committee agreed that, taken together, the limits were reasonable and folks in compact neighborhoods could jointly share their driveways for an event. Councilor Noonan asked about specifying that trucks not stay overnight and Ms. O'Meara said that can be addressed in the definition.

Ms. O'Meara summarized #2, the carve out for food establishments and farm stands. Chair Jordan noted that only farm stands with site plan review are eligible and Ms. O'Meara said that some qualifier is needed, and includes an approved parking lot. Councilor Caitlin Jordan noted that the ordinance allows a farm stand to operate for 3 months before requiring site plan review. Councilor Noonan asked for more information. Chair Jordan explained that this creates an opportunity to get more people to farms for an event, such as pumpkin picking or strawberry festival, or to demonstrate what can be done with food products. Councilor Noonan asked if Rosemont could have a food truck under this provision. Chair Jordan said yes, as well as IGA, etc, and it creates visibility for businesses.

Councilor Boucher was concerned with the carve out for these businesses. Community events need a permit. Councilor Noonan noted potential traffic, noise and frequency if the food truck moves every night. Councilor Gabrielson noted that food trucks are not associated with seating. He gave the example of Mast Landing in Freeport, where the seating was part of site plan review of the brewery, not the food truck.

Chair Jordan suggested the food truck can be an accessory kitchen. Examples include Tammaro's commercial property with pizza, and IGA a food truck to attract customers. Councilor Gabrielson noted that they could hold 5 events a year (#1) before needing a permit. Like the Home Depot Taco truck, the food truck could be an accessory use. Councilor Noonan suggested that a recurring event can be one permit, and if there are problems, the town council can decline to reissue the permit.

Ms. O'Meara summarized #3, Food Truck Event permit from the Town Council.

Councilor Gabrielson likes the broad approach to #3 and the school exemption. With #1 and #2, there won't be a lot of activity under #3. Fort Williams should be exempted. Councilor Caitlin Jordan agreed Fort Williams should be separate and Town Council time should not be taken up with permit applications.

Chair Jordan noted that state licensing allows 3 wine tastings a month. Businesses will need to apply weeks in advance for a town council permit.

Councilor Gabrielson noted the ice rink out back which might want to sell hot chocolate and could submit one permit application for a number of days. Ms. O'Meara confirmed the event permit could be over several days.

Councilor Gabrielson suggested the permit be renamed "Food Truck special use permit."

Councilor Noonan asked about limiting the number of days and Ms. O'Meara said the days should be included on the permit application. The committee agreed not to include a number of days limit for the special use permit, but that the days would need to be provided as information when the permit application is submitted.

Councilor Gabrielson asked about other properties where a permit might be requested, and noted that Gull Crest has scheduled events. The permit application circulation should include the Community Services Director and School Superintendent.

Chair Jordan asked if we had negated the need for #2. Councilor Noonan would remove #2. Councilor Caitlin Jordan would keep #2 to reduce need for permit.

Councilor Gabrielson questioned the expected demand. If there is a handful of permits, that workload is reasonable. Ms. O'Meara offered that you could cap the number of permits, but the committee rejected a cap.

The committee agreed to move forward with #1 and #3 for a year, and after seeing the demand, can revisit #2 if needed. Councilor Caitlin Jordan noted that businesses that miss the Town Council deadline won't get the permit needed. Councilor Gabrielson observed that businesses can have 5 great ideas in a year as an accessory use before they need a permit. Councilor Boucher would like information letters sent to businesses when we get to that point.

Councilor Noonan felt the intent is to support businesses and community groups. She wants the town council to be able to deny a permit if needed.

Chair Jordan opened up public comment.

Chris Cutter - He wants clarification. If Tacos Y Taquila wants a food truck, if they close the kitchen and want to be open till 11pm, do they have to move the truck? If commercial property is vacant and waiting for a tenant, can a food truck be operated in the parking lot?

Chair Jordan said they would have to abide by the rules adopted.

Wima

Under pending items for the next meeting, Chair Jordan referenced an email that the Ordinance Committee be the lead on the Wima study.

Councilor Gabrielson supported the idea. He will ask that Wima oversight be added to the December 13th Town Council agenda for formal referral to the Ordinance Committee. All agreed.

Public Comment

No one wished to speak.

Next meeting

The next meeting will be held on Wednesday, January 12, 2022 beginning at 7:00 p.m. and held remotely. The meeting adjourned at 8:30 p.m.