

## PROPOSED AMENDMENTS TO LAND USE ORDINANCE TO ADDRESS STATUTORY CHANGES RELATING TO MARIJUANA/CANNABIS

**NOTE: Proposed additions to existing Land Use Ordinance are underlined.  
Proposed deletions of existing Land Use Ordinance are ~~crossed-out~~.  
All other sections of the Land Use Ordinance are unchanged.**

### ARTICLE 2: DEFINITIONS

Cannabis: The leaves, stems, flowers and seed of a cannabis plant, whether growing or not. Cannabis includes cannabis concentrate but does not include cannabis product or hemp as defined in Title 7, section 2231.

Cannabis Cultivation Facility: A facility licensed under Title 28-B of the Maine Revised Statutes to purchase cannabis plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use cannabis; to sell adult use cannabis to products manufacturing facilities, to cannabis stores and to other cultivation facilities; and to sell cannabis plants and seeds to other cultivation facilities and immature cannabis plants and seedlings to cannabis stores or adults. A Cannabis Cultivation Facility shall also include a "Cultivation Area" of a Registered Dispensary and/or Medical Cannabis Registered Caregiver as defined in 22 M.R.S. § 2422, but shall not include (1) individuals cultivating and processing cannabis for their personal consumption; or (2) caregivers who are not required to be registered pursuant to 22 M.R.S. Chapter 558-C.

Cannabis Establishment: Any individual or entity cultivating, harvesting, manufacturing, processing, testing, selling or transferring, delivering, or otherwise engaging in any activity with respect to cannabis for profit within the municipality. This definition shall include a Cannabis Manufacturing Facility, Cannabis Store, and a Cannabis Testing Facility, as well as a Medical Cannabis Registered Caregiver that is not considered a Cannabis Cultivation Facility under this ordinance.

Cannabis Extraction: The process of extracting cannabis concentrate from cannabis using water, lipids, gases, solvents or other chemicals or chemical processes. Cannabis extraction does not include the process of extracting concentrate from hemp as defined by the State of Maine Statute Title 7, Section 2231.

Cannabis Manufacture or Manufacturing: The production, blending, infusing, compounding or other preparation of cannabis concentrate and cannabis products, including, but not limited to, cannabis extraction or preparation by means of chemical synthesis.

Cannabis -Manufacturing Facility: An individual or entity required to be licensed or registered by the State under Title 22 or Title 28-B, as applicable, to purchase cannabis; manufacture, label and package cannabis and cannabis products; and sell cannabis and cannabis products only to other cannabis manufacturing facilities, and to cannabis stores.

Cannabis Product: A product composed of cannabis or cannabis concentrate and other ingredients that is intended for use or consumption. "Cannabis product" includes, but is not limited to, an edible cannabis product, a cannabis ointment and a cannabis tincture. "Cannabis product" does not include cannabis concentrate or a product containing hemp as defined by the State of Maine Statute Title 7, Section 2231.

Cannabis Store: An individual or entity required to be licensed or registered by the State under Title 28-B or Title 22, as applicable, to purchase cannabis, immature cannabis plants and seedlings from a cultivation facility and to purchase cannabis and cannabis products from a cannabis manufacturing facility and to sell cannabis, cannabis products, immature cannabis plants and seedlings to consumers. A Cannabis Store includes a Caregiver Retail Store and a Registered Dispensary as both of those terms are defined in Title 22 of the Maine Revised Statutes.

Cannabis Testing Facility: A facility licensed or authorized by the State under Title 22 of the Maine Revised Statutes to analyze contaminants in and the potency and cannabinoid profiles of samples of cannabis and cannabis products, or, licensed under Title 28-B to develop, research and test cannabis, cannabis products and other substances.

Edible Marijuana Cannabis Product: A marijuana cannabis product intended to be consumed orally, including, but not limited to, any type of food, drink or pill containing harvested marijuana cannabis. This term does not include an edible product containing hemp as defined in 7 M.R.S. § 2231.

~~Marijuana: The leaves, stems, flowers and seed of a marijuana plant, whether growing or not. Marijuana includes marijuana concentrate but does not include marijuana product or hemp as defined in Title 7, section 2231.~~

~~Marijuana Concentrate: The resin extracted from any part of a marijuana plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish. Marijuana concentrate does not include resin extracted from hemp as defined by the State of Maine Statute Title 7, Section 2231.~~

~~Marijuana Extraction: The process of extracting marijuana concentrate from marijuana using water, lipids, gases, solvents or other chemicals or chemical processes. Marijuana extraction does not include the process of extracting concentrate from hemp as defined by the State of Maine Statute Title 7, Section 2231.~~

~~Marijuana Manufacture or Manufacturing: The production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis.~~

~~Marijuana Product: A product composed of marijuana or marijuana concentrate and other ingredients that is intended for use or consumption. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. "Marijuana product" does not include marijuana concentrate or a product containing hemp as defined by the State of Maine Statute Title 7, Section 2231.~~

~~Marijuana Cultivation Facility: An individual or entity licensed to operate a cultivation facility under Title 28-B, section 301; and any individual or entity primarily engaged in the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana, including mature marijuana plants, immature marijuana plants, seedlings and marijuana seeds, for use or sale. A Marijuana Cultivation Facility shall include the "cultivation area" of a Registered Dispensary and/or Medical Marijuana Registered Caregiver as defined in 22 M.R.S. § 2422, but shall not include (1) individuals cultivating and processing marijuana for their personal consumption; or (2) caregivers who are not required to be registered pursuant to 22 M.R.S. Chapter 558-C.~~

~~Marijuana Establishment: Any individual or entity cultivating, harvesting, manufacturing, processing, testing, selling or transferring, delivering, or otherwise engaging in any activity with respect to marijuana for profit within the municipality. This definition shall include a Marijuana Manufacturing Facility, Marijuana Store, and a Marijuana Testing Facility, as well as a Medical Marijuana Registered Caregiver that is not considered a Marijuana Cultivation Facility under this ordinance.~~

~~Marijuana Manufacturing Facility: An individual or entity required to be licensed or registered by the State under Title 28-B or Title 22, as applicable, to purchase marijuana; manufacture, label and package marijuana and marijuana products; and sell marijuana and marijuana products only to other marijuana manufacturing facilities, and to marijuana stores.~~

~~Marijuana Social Club: An individual or entity required to be licensed or registered by the State under Title 28-B or Title 22, as applicable, to sell marijuana and marijuana products to consumers for consumption on the licensed premises.~~

~~Marijuana Store: An individual or entity required to be licensed or registered by the State under Title 28-B or Title 22, as applicable, to purchase marijuana, immature marijuana plants and seedlings from a cultivation facility and to purchase marijuana and marijuana products from a marijuana manufacturing facility and to sell marijuana, marijuana products, immature marijuana plants and seedlings to consumers. A Marijuana Store includes a Caregiver Retail Store as defined by the State of Maine and a Registered Dispensary.~~

~~Marijuana Testing Facility: An individual or entity required to be licensed or registered by the State under Title 28-B or Title 22, as applicable, to analyze and certify the safety and potency of marijuana and marijuana products.~~

Medical ~~Marijuana~~Cannabis Establishment: Includes: registered caregivers, caregiver retail stores, ~~registered~~ dispensaries, ~~cannabis~~ testing facilities, and manufacturing facilities as ~~those terms are defined in 22 M.R.S. § 2421-A.~~

Medical ~~Marijuana~~Cannabis Registered Caregiver: A person ~~or an assistant of that person that provides care for a qualifying patient and who is is required to be registered~~ with the State in accordance with Maine Medical Use of ~~Marijuana~~Cannabis Act.

**ARTICLE 5: LAND USE DISTRICTS**

**TABLE 5.1 – LAND USES PERMITTED IN ZONING DISTRICTS**

**KEY**

**District-**

**R/A**– Residential/Agricultural District

**VDI** – Village I District

**VDII** – Village II District

**Reviewing Authority-**

**A** – Allowed without a permit

**RC**– Permitted with permit from Road Commissioner

**CEO** – Permitted with permit from Code Enforcement Officer

**LPI** – Local Plumbing Inspector

**PB** – Permitted with permit from Planning Board

**SPR** – Site Plan Review permit

**SB** – License from Select Board Required–~~SBA – Annual License and SBM – 5-year license~~

SBA – Annual License

SBM – 5-Year License

**P** – Permit Required

**NP** – Not permitted

**See Footnotes at end of Table. All uses are subject to the general performance standards of Article 4.**

<u>LAND USES</u>	<u>DISTRICT</u>		
	<u>R/A</u>	<u>VDI</u>	<u>VDII</u>
<u>Agricultural &amp; Resource Uses-</u>			
Access onto Town Road	RC	RC	RC
Agriculture	A	A	A
Agriculture products processing	SPR	SPR	SPR
Boarding and riding stables (private)	CEO <sup>1</sup>	CEO <sup>1</sup>	CEO <sup>1</sup>
<u>Cannabis Cultivation Facility</u>	<u>SPR &amp; SBA<sup>^</sup></u>	<u>SPR &amp; SBA<sup>^</sup></u>	<u>SPR &amp; SBA<sup>^</sup></u>
Extractive industry	SPR	SPR	SPR

Earthmoving (less than 100 cubic yards)	A	A	A
Earthmoving(100 cubic yards or greater)	CEO <sup>2</sup>	CEO <sup>2</sup>	CEO <sup>2</sup>
Farm Stand	SPR <sup>5</sup>	SPR <sup>5</sup>	SPR <sup>5</sup>
Gravel Pit	SPR	SPR	SPR
Greenhouse (under 10,000sf)	CEO <sup>1</sup>	CEO <sup>1</sup>	CEO <sup>1</sup>
Greenhouse (10,000sf or greater)	SPR	SPR	SPR
Hoop House	A	A	A
Indoor Growing Facility	SPR <sup>4</sup>	SPR <sup>4</sup>	SPR <sup>4</sup>
Non-permanent Structure	A	A	A
Non-roadside or cross-country distribution lines (greater than 34.5kV)	SPR	SPR	SPR
<del>Marijuana Cultivation Facility</del>	<del>SPR &amp; SB<sup>A</sup></del>	<del>SPR &amp; SB<sup>A</sup></del>	<del>SPR &amp; SB<sup>A</sup></del>
Solar Energy System – Large	SPR	SPR	SPR
Solar Energy System – Small	A	A	A
Subsurface Wastewater Disposal System	LPI	LPI	LPI
Timber Harvesting	A	A	A
Wind Mill	CEO <sup>2</sup>	CEO <sup>2</sup>	CEO <sup>2</sup>
Agricultural or Resource Use not specified above	CEO <sup>2</sup>	CEO <sup>2</sup>	CEO <sup>2</sup>
Accessory structures, uses or services (for items above)	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>
<u>Residential Uses-</u>			
Condominiums	PB	PB	PB
Single-family dwelling	CEO <sup>1</sup>	CEO <sup>1</sup>	CEO <sup>1</sup>
Two-family dwelling	CEO <sup>1</sup>	CEO <sup>1</sup>	CEO <sup>1</sup>
Individual campsites	A	A	A
Multi-family dwelling (3 or more)	PB and CEO <sup>1</sup>	PB and CEO <sup>1</sup>	PB and CEO <sup>1</sup>
Manufactured Housing Park	PB	PB	PB
Subdivision	PB	PB	PB
Home Occupation	A	A	A
Non-permanent Structure	A	A	A
Temporary Building	A	A	A
Residential Use not specified above	CEO	CEO	CEO

The construction, alteration, relocation, demolition or replacement of any building or part thereof.	CEO <sup>1</sup>	CEO <sup>1</sup>	CEO <sup>1</sup>
Accessory structures, uses or services (for items above)	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>
<u>Industrial Uses-</u>			
Automobile Graveyard	NP	NP	SPR & SBA <sup>A</sup>
Automobile Recycling Business	NP	NP	SPR & SBM <sup>M</sup>
Airport (Public Use)	SPR	NP	SPR
Air Strip (Private Use)	SPR <sup>5</sup>	NP	SPR <sup>5</sup>
Bulk oil & fuel storage (over 500 gallons, except for on-site usage)	NP	SPR	SPR
Distribution Center	SPR	SPR	SPR
Junkyard	NP	NP	SPR & SB
Landfill	SPR	SPR	SPR
Light manufacturing	SPR	SPR	SPR
Lumber yard	SPR	SPR	SPR
Manufacturing	SPR	SPR	SPR
Pulp mill	NP	NP	SPR
Saw mill	SPR	SPR	SPR
Solid waste transfer station	SPR	SPR	SPR
Warehouse	SPR	SPR	SPR
Wood Processing Facility	SPR	SPR	SPR
Industrial Use not specified above	SPR	SPR	SPR
The construction, alteration, relocation, demolition or replacement of any building or part thereof.	CEO <sup>1</sup>	CEO <sup>1</sup>	CEO <sup>1</sup>
Accessory structures, uses or services (for items above)	SPR	SPR	SPR
<u>Institutional Uses-</u>			
Cemetery	SPR	SPR	SPR
Church	SPR	SPR	SPR
Civic, convention center	SPR	SPR	SPR

Community Center	SPR	SPR	SPR
Governmental Facilities	SPR	SPR	SPR
Hospital	SPR	SPR	SPR
Medical clinic	SPR	SPR	SPR
Museum	SPR	SPR	SPR
Outdoor recreation (parks, playgrounds, etc)	SPR	SPR	SPR
Public or private school	SPR	SPR	SPR
Public facility utility	SPR	SPR	SPR
Institutional Use not specified above	SPR	SPR	SPR
The construction, alteration, relocation, demolition or replacement of any building or part thereof.	CEO <sup>1</sup>	CEO <sup>1</sup>	CEO <sup>1</sup>
Accessory structures, uses or services (for items above)	SPR	SPR	SPR
<u>Commercial Uses-</u>			
Adult businesses	SPR	SPR	SPR
Amusement Facility	SPR	SPR	SPR
Art gallery/craft shop/gift shop	SPR	SPR	SPR
Automobile Repair Garage	SPR	SPR	SPR
Automobile Sales Business	SPR	SPR	SPR
Automobile Service Station	SPR	SPR	SPR
Bar	SPR	SPR	SPR
Bed & Breakfast	SPR	SPR	SPR
Boarding & Lodging facility	SPR	SPR	SPR
Boarding and riding stables (public)	SPR	SPR	SPR
Boat building/repair	SPR	SPR	SPR
Campground	SPR	SPR	SPR
<u>Cannabis Establishment</u>	<u>SPR &amp; SBA</u>	<u>SPR &amp; SBA</u>	<u>SPR &amp; SBA</u>
Commercial complex	SPR	SPR	SPR
Commercial Kitchen	SPR <sup>4</sup>	SPR <sup>4</sup>	SPR <sup>4</sup>
Communication tower	SPR	SPR	SPR

Construction Business	SPR	SPR	SPR
Convenience store	SPR	SPR	SPR
Daycare Center	SPR	SPR	SPR
Dry Cleaning	NP	SPR	SPR
Financial institution	SPR	SPR	SPR
Funeral home	SPR	SPR	SPR
Grocery store	SPR	SPR	SPR
Gym / Fitness club	SPR	SPR	SPR
Health Services	SPR	SPR	SPR
Home-Based Business	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>
Hotel, motel	SPR	SPR	SPR
Kennel- (breeding/boarding facility)	SPR	SPR	SPR
Laundry, (see dry cleaning)	NP	SPR	SPR
<del>Marijuana Establishment</del>	<del>SPR &amp; SB<sup>A</sup></del>	<del>SPR &amp; SB<sup>A</sup></del>	<del>SPR &amp; SB<sup>A</sup></del>
<del>Marijuana Social Club</del>	<del>NP</del>	<del>NP</del>	<del>NP</del>
Metal Plating	NP	SPR	SPR
Nursing home, care facility	SPR	SPR	SPR
Outdoor recreation (golf course, etc)	SPR	SPR	SPR
Professional offices, office building	SPR	SPR	SPR
Publishing, printing	SPR	SPR	SPR
Redemption center	SPR	SPR	SPR
Restaurant	SPR	SPR	SPR
Repair service (other than auto & boat)	SPR	SPR	SPR
Retail business	SPR	SPR	SPR
Salon / Day Spa	SPR	SPR	SPR
Self storage facility	SPR	SPR	SPR
Service business	SPR	SPR	SPR
Telecommunication Tower	SPR	SPR	SPR
Theater	SPR	SPR	SPR
Veterinary clinic	SPR	SPR	SPR
Wholesale business	SPR	SPR	SPR
Wind Mill Farm	SPR	SPR	SPR



Commercial Use not specified above	SPR	SPR	SPR
The construction, alteration, relocation, demolition or replacement of any building or part thereof.	CEO <sup>1</sup>	CEO <sup>1</sup>	CEO <sup>1</sup>
Accessory structures, uses or services (for items above)	SPR	SPR	SPR

<sup>1</sup> A Building Permit from the Code Enforcement Officer is required.

<sup>2</sup> A Land Use Permit from the Code Enforcement Officer is required.

<sup>3</sup> A permit for an accessory structure or use shall be given by the same permitting authority who issued the permit for the original use/structure, if a permit was required.

<sup>4</sup> A Home-Based Business is allowed if it meets the Performance Standard in Article 4, Section D. If the Performance Standard in Article 4, Section D is not met, then Tier I Site Plan Review Permit shall be required from the Code Enforcement Officer. All Home-Based Businesses must register their business name with the Town Clerk.

<sup>5</sup> A Tier I Site Plan Review Permit shall be required from the Code Enforcement Officer§

**ARTICLE 10: SITE PLAN REVIEW**

**B. Site Plan Application Review Procedures**

**1) Review & Approval Authority.**

The Code Enforcement Officer is authorized to review and act on Tier I Site Plans Review applications. The Code Enforcement Officer is also authorized to review and act on applications to amend existing site plans when the proposed amendment would be classified as Tier I under subsection (B)(2)(b) below. The Code Enforcement Officer may, at his or her discretion, refer any such applications or amendment applications to the Planning Board for review. Only the Planning Board is authorized to review and act on Tier II and Tier III Site Plan Review applications and applications to amend existing site plans when the proposed amendment would be classified as Tier II or III under subsections (B)(2)(c) or (d) below. In considering site plans under this section, the Planning Board or Code Enforcement Officer may act to approve, disapprove, or approve the application with conditions as are authorized by these provisions.

**2) Classification of Projects.**

a) The Town Planner shall classify each proposed project as Tier I, II, III or Amendment

b) Tier I projects shall include the following projects:

(i) Home-Based Business that does not meet the Performance Standard in Article 4.E.

(ii) An increase in the floor area of less than 1,000 sq ft. This provision may only be used once in a five-year period.

(iii) A Home Daycare.

(iv) Boarding House.

- (v) Riding Arena/Boarding Stable.
  - (vi) Home Occupation that does not meet the Performance Standards of Article 4.D.
  - (vii) Projects involving only the installation of impervious surfaces less than 20,000 sq ft.
  - (viii) Private Air Strips.
  - (ix) Farm Stands.
  - (x) A change of use that is within the same classification (i.e. commercial, industrial, institutional)
- c) Tier II projects shall include the following projects:
- (i) Smaller scale, less complex projects for which a less complex review process is adequate to protect the Town's interest.
  - (ii) Projects involving the construction or addition of fewer than five thousand (5,000) square feet of gross nonresidential floor area.
  - (iii) Projects involving only the creation of twenty thousand (20,000) to eighty thousand (80,000) square feet of impervious surfaces.
  - (iv) Projects involving the conversion of existing buildings or structures from one use to another without enlargement of the gross floor area.
  - (v) All marijuana/cannabis uses requiring a Site Plan Review Permit, unless meets the requirements of a Tier III application in subsection d below.
  - (vi) Any project which involves drilling for or excavating natural resources, including mineral extraction, on land or under water where the area affected is between 5,000 and 30,000 square feet.
  - (vii) Any new or change to a Non-Roadside or Cross-Country Distribution Lines (greater than 34.5kV) including changes to the alignment of the lines, lighting, placement of the towers or height of the towers.
  - (viii) A change of use that is not within the same classification (i.e. commercial, industrial, institutional)
  - (ix) Solar Energy Systems requiring a Site Plan Review Permit, unless it meets the requirements of a Tier III application in subsection d. below.

**E) Use-Specific Performance Standards**

**10) Cannabis Establishments -**

- a. The establishment shall have and implement an odor mitigation plan that is sufficient to eliminate the smell of cannabis so that it is not detectable onsite, i.e., must not be detected at premises that are not under the custody or control of the establishment.**
- b. Buffering or other measures may be required to address the establishment's impact on abutters and the public.**

- c. All cannabis and cannabis products shall be in a secured facility that meets state requirements for the registered or licensed premises under Title 22, Chapter 558-C or Title 28-B, as applicable. Any outdoor area approved for cannabis cultivation under this ordinance must be enclosed and equipped with locks or other security devices that permit access only by a person authorized to have access to the area. The municipality shall keep confidential any security plans that are submitted as part of the application process.
- d. The establishment may not be located within 500 feet of a school.
- e. The signage for the establishment may not contain any graphics of cannabis or cannabis accessories.
- f. No drive up/through service shall be allowed.

**20) Marijuana Establishments-**

- a. ~~The establishment shall have and implement an odor mitigation plan that is sufficient to eliminate the smell of marijuana so that it is not be detectable offsite, i.e., must not be detected at premises that are not under the custody or control of the establishment.~~
- b. ~~Buffering or other measures may be required to address the establishment's impact on abutters and the public.~~
- c. ~~All marijuana and marijuana products shall be in a secured facility that meets state requirements for the registered or licensed premises under Title 22, Chapter 558-C or Title 28-B, as applicable. Any outdoor area approved for marijuana cultivation under this ordinance must be enclosed and equipped with locks or other security devices that permit access only by a person authorized to have access to the area. The municipality shall keep confidential any security plans that are submitted as part of the application process.~~
- d. ~~The establishment may not be located within 500ft of a school~~
- e. ~~The signage for the establishment may not contain any graphics of marijuana or marijuana accessories.~~
- f. ~~No drive up/through service shall be allowed.~~

**ARTICLE 11: ADMINISTRATION, ENFORCEMENT, & PENALTIES**

**D) Permit Application Submission Requirements**

2) Fees

- g) Select Board. License fees shall be as follows, plus any and all advertising costs:
  - (i) Graveyard or Junkyard License – fifty (\$50) dollars for each license.
  - (ii) Automobile Recycling Business – two-hundred fifty (\$250) dollars for a five-year license.
  - (iii) Liquor License & Application Fees

- (A) Initial Application fee of five hundred dollars (\$500)
- (B) Renewal application fee of two hundred and fifty dollars (\$250)
- (C) Annual Liquor License – the license fee shall be as follows:
  - (1) Restaurant with on-premises liquor sales fee two hundred dollars (\$200)
  - (2) Catering establishment fee two hundred dollars (\$200)
- (D) One-time catering liquor license fee fifty dollars (\$50)
- (iv) MarijuanaCannabis License & Application Fees –
  - (A) Initial Application fee of five hundred dollars (\$500)
  - (B) Renewal application fee one hundred and fifty dollars (\$150)
  - (C) Annual MarijuanaCannabis License – The license fee shall be as follows:
    - (1) MarijuanaCannabis Store \$2,000
    - (2) Cannabis Manufacturing Facility ~~————~~\$2,000
    - (3) Cannabis Testing Facility \$2,000
    - (4) Cannabis Cultivation Facility:
      - a. Cultivation Size: up to 500 SF of mature plant canopy \$500
      - b. Cultivation Size: 501-2000 SF of mature plant canopy \$2,000
      - c. Cultivation Size: 2001-7000 SF of mature plant canopy \$5,000
      - d. Cultivation Size: greater than 7,000 SF of mature plant canopy \$10,000