

# TOWN OF ELIOT, MAINE

## PLANNING BOARD AGENDA

TYPE OF MEETING: REMOTE  
PLACE: ZOOM ONLINE MEETING

DATE: Tuesday, August 25, 2020  
TIME: 7:00 P.M.

*PLEASE NOTE: IT IS THE POLICY OF THE PLANNING BOARD THAT THE APPLICANT OR AN AGENT OF THE APPLICANT MUST BE PRESENT IN ORDER FOR REVIEW OF THE APPLICATION TO TAKE PLACE.*

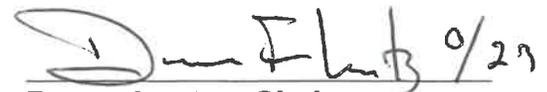
- 1) ROLL CALL
- 2) PLEDGE OF ALLEGIANCE
- 3) MOMENT OF SILENCE
- 4) 10-MINUTE PUBLIC INPUT SESSION
- 5) REVIEW AND APPROVE MINUTES
  - a) August 18, 2020 - if available
- 6) NOTICE OF DECISION
- 7) PUBLIC HEARING
  - a) Establishing the Maximum Number of Growth Management Permits for 2021 (Chapter 29 of the Municipal Code of Ordinances of Eliot, Maine)
- 8) OLD BUSINESS
  - a) Medical and Adult Use Marijuana Town Code Amendments – Review of Draft Changes
- 9) NEW BUSINESS
- 10) CORRESPONDENCE
- 11) SET AGENDA AND DATE FOR NEXT MEETING
  - a) September 1, 2020
- 12) ADJOURN

***To view a live remote meeting: (Instructions can also be found on the Planning Board webpage)***

- a) Go to [www.eliotme.org](http://www.eliotme.org)
- b) Click on "Meeting Videos" – Located in the second column, on the left-hand side of the screen.
- c) Click on the meeting under "Live Events" – The broadcasting of the meeting will start at 7:00 (Please note: streaming a remote meeting can be delayed up to a minute)

***Instructions to join remote meeting:***

- a) To participate please call into meeting 5 minutes in advance of meeting start time. Please note that Zoom does state that for some carriers this can be a toll call. You can verify by contacting your carrier.
- b) Please call **1-646-558-8656**
  1. When prompted enter meeting number: **960 7617 9475**
  2. When prompted to enter Attendee ID **press #**
  3. When prompted enter meeting password: **721725 #**
- c) Members of the Public calling in, will be first automatically be placed in a virtual waiting room until admitted by one of the members of the Planning Board. Members of the public will be unmuted one at a time to allow for input. Please remember to state your name and address for the record.
- d) Press \*9 to raise your virtual hand to speak

  
Denny Lentz – Chair



# TOWN OF ELIOT MAINE

PLANNING OFFICE  
1333 State Road  
Eliot ME, 03903

**POSTED**  
**8/11/2020**

## PUBLIC HEARING NOTICE

**AUTHORITY:** Eliot, Maine Planning Board  
**PLACE:** Eliot Town Hall, 1333 State Road, Eliot, ME 03903  
**DATE OF HEARING:** Tuesday, August 25, 2020  
**TIME:** 7:00 PM

Notice is hereby given that the Planning Board of the Town of Eliot, Maine will hold a public hearing on Tuesday, August 25, 2020 at 7:00 PM for the following application:

***Proposed Warrant Article for November 2020 Town Ballot:***

Establishing the Maximum Number of Growth Management Permits for 2021 (*Chapter 29 of the Municipal Code of Ordinances of Eliot, Maine*)

Shall the Town of Eliot allocate a maximum of 26 growth permits for new residential dwelling units for calendar year 2021, as recommended by the Eliot Planning Board, in accordance with §29-5 of the Growth Management chapter of the Municipal Code of Ordinances of Eliot, Maine? \*

*\*Note: In the event this article does not pass, the number of growth permits allocated in 2021 will be 105% of the mean number of permits issued for new residential dwelling units during the previous ten years, as required by M.R.S.A. 30-A §4360. That number is estimated to be 16.*

Interested persons may be heard and written communication received regarding this application at this hearing. The application is on file and available for review in the Planning Office at Eliot Town Hall, 1333 State Road, Eliot, ME 03903.

OBITUARIES & NEWS

No obituaries were submitted for today's Portsmouth Herald

Biden, Harris fire away at Trump in introduction

By Bart Jansen  
USA TODAY

WILMINGTON, Del. — Presumptive Democratic nominee Joe Biden made his first joint appearance Wednesday with running mate Sen. Kamala Harris, who treated the appearance more as a closing argument against President Donald Trump than an introductory speech.

Harris argued that the Trump administration's mismanagement of the coronavirus pandemic left an American dying every 80 seconds, 16 million people out of work and millions of children unable to return to school — and no confusion about how to vote Nov. 3.

"The case against Donald Trump and Mike Pence is open and shut," Harris said. "Just look where they've gotten us."

Biden began his speech by mentioning the campaign set a single-day record for online fundraising after announcing Harris as his running mate. "I think I know why," he said, turning around to look at her.

Biden said Harris was a tough legislator who fought big banks and energy companies as attorney general. As



Democratic presidential candidate Joe Biden and his running mate, Kamala Harris, arrive to speak at a news conference Wednesday at Alford Baptist High School in Wilmington, Del. (CAROLIN KASTER/THE ASSOCIATED PRESS)

the child of immigrants from Jamaica and India, she is an inspiration to young girls of color waking up this morning, Biden said.

"Today just maybe they're seeing themselves for the first time in a new way as the stuff of vice president and president," Biden said during his speech.

As Biden spoke, Harris sat off to the side — he noted they were practicing social distancing — looking at him and nodding in agreement.

The event in a high school gym with a couple of hundred supporters outside the school left an eerie silence after the speeches and a lack of the applause common to political speeches. Both campaigns are

in uncharted territory about how to campaign remotely with social distancing during the pandemic.

"I wish we were able to talk to the folks outside, but we're keeping our social distancing and playing by the rules," Biden said.

Harris described how her parents met while marching for justice in Oakland, where they would take her along on protests strapped in her baby stroller.

"I devoted my life to making real the words carved into the United States Supreme Court: Equal justice under law," the senator from California said.

Harris also spoke at length about Biden's son, Beau, who she was close to and who died in 2015 from a brain tumor.

More: When Kamala Harris faced political heat, Joe Biden's son Beau had her back

"Beau was the kind of guy who inspired people to be a better version of themselves," she said, as Biden sat nearby with his head down. The former vice president has said Beau should have been the one running for president eventually, and that he carries his son with him. "His empathy, his

compassion, his sense of duty to care for others is why I am so proud to be on this ticket," Harris said of the elder Biden.

Biden repeated the message from when he declared his candidacy with video footage of white nationalists protesting in Charlottesville, Virginia. He recalled his father telling him, "Silence is complicity." At that moment, hearing Trump say that there were "very fine people" on both sides of the protest, Biden decided he had to run to unseat him.

"I knew we were in a battle for the soul of the nation," Biden said. "I'm proud to have Sen. Harris at my side in that battle."

Trump's campaign said the president condemned white nationalists in Charlottesville after the comment that Biden cited.

"I'm not talking about the neo-Nazis and the white nationalists — because they should be condemned totally," Trump said Aug. 15, 2019.

Biden and Harris took the stage shortly before 5 p.m. EDT at a high school near Biden's home in Wilmington, Delaware. The pair spoke for about a combined half-hour and took no questions. They were joined by their spouses after completing their statements and then left the gym.

Biden complained that Trump hasn't met with congressional leaders to negotiate another stimulus bill, even as he faces leaving office with the worst jobs record in American history.

"Donald Trump is on the golf course," Biden said. "He hasn't even met with the leadership. He doesn't have the time, it appears."

Two hurt in Dover fire

Two people sent to hospital as home destroyed in blaze at Polly Ann Park

By Jeff McMenemy  
jmcmenemy@seacoastonline.com

DOVER — A two-alarm fire sent two people to the hospital, destroyed a mobile home and damaged two other homes Wednesday morning.

Police received the initial alarm about a structure fire at the Polly Ann Park off of Old Dover Point Road around 8:23, according to Deputy Fire Chief Michael McShane, who was in charge of the response.

The identities of the victims and their condition were not immediately released.

When firefighters arrived at the scene, they immediately transported the homeowner of the unit that had been destroyed to the hospital, along with a second person from an adjacent unit, McShane said Wednesday morning.

Both of the residents had "gotten themselves out of their homes" before firefighters arrived, he said.

In terms of their injuries, McShane said, "I don't want to comment specifically on their injuries, I didn't see or speak directly to them."

But he noted "ambulance companies took care of them right away, as soon as they got here, they transported them to the hospital."

The fire went to a second alarm because "of the heat and because three structures were involved," McShane said.

Fire trucks lined the road into the mobile home park and on the street where the fire took place.

Firefighters tried to stay cool

in the 90-degree heat by drinking water and cooling off from the spray of one of the trucks.

Bill Wildes, who lives next door to the mobile home that was destroyed, said he woke up to the sound of a "pop" coming from his neighbor's home.

"I looked out and saw that her home was on fire and the fire seemed to be coming from a grill area," he said as he stood across the street while firefighters continued working at the scene.

People started banging on the woman's front door when they realized her home was on fire, he said, "and they were able to get her out." His home also suffered damage and he doesn't believe it's habitable.

The units involved were in some cases about 10 to 15 feet apart from each other.

McShane said the other two structures suffered mostly exterior damage.

The one woman was inside appeared totally gutted. "It's uninhabitable," McShane said.

"American Red Cross has been contacted and they will follow up with the victims," McShane said, when asked where the fire victims would stay.

He said the fire was under control relatively early after the incident and no firefighters were hurt responding to the fire.

Dover police responded to the scene and helped coordinate traffic for fire vehicles at the scene. Firefighters from Somersworth, Durham, Portsmouth, Rollinsford, Newington and Rochester responded, McShane said.

South Berwick and Berwick, Maine, Newmarket and Barrington provided station coverage.

Two dead after suspected murder-suicide

Authorities find deceased in Central Ave. apartment

By Jeff McMenemy  
jmcmenemy@seacoastonline.com

DOVER — Investigators believe a Dover man shot and killed his ex-girlfriend before taking his own life, according to a press release from the state attorney general's office and Dover Police Chief William Breatnik.

Army Moller, 46, was reportedly missing on Monday, according to authorities.

Dover police responded to the Bradley Commons Apartments at 577 Central Ave. No. 106 Monday and Tuesday, which was the home of Moller's ex-boyfriend, Rudy Ferretti, 41, according to the release.

"The police attempted to contact Mr. Ferretti, and received no answer. Ultimately, on (Tuesday), officers entered Mr. Ferretti's apartment," authorities said in the release. "Inside, the police found Ms. Moller deceased on the living room floor, and Mr. Ferretti deceased in his bed."

A firearm was discovered near Ferretti, the release stated.

New Hampshire Associate Medical Examiner Dr. Christine James determined Moller died from a single gunshot wound to the head, according to authorities. James ruled her death was a homicide.

Ferretti died from a single gunshot wound to the head, and his death was ruled a suicide, James said.

"Although the investigation into the circumstances surrounding these two deaths remains active and ongoing, it appears that Mr. Ferretti shot and killed Ms. Moller, and then shot and killed himself," the attorney general's office and Breatnik said. "No additional information is expected to be released at this time."

If you need help

Seacoast Media Group provides the following information as a public service with no presumption of guilt or innocence in the case referenced above:

If you need support, Haven has trained confidential advocates available to aid those affected by domestic and sexual violence. The 24-hour hotline is (603) 994-SAFE (7333). You can also contact to Haven's confidential, online chat service Monday-Friday 9 a.m.-4 p.m. by clicking the Chat Now button at https://havennh.org.

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The Goodwin Building • 611 Route One P.O. Box 16  
York, ME 03909 • (207) 363-6173 • ME Lic. AU694

Legal Notice  
TOWN OF HAMPTON ZONING BOARD OF ADJUSTMENT  
August 10, 2020  
Teleconference Meeting  
Thursday August 20, 2020 7:00 PM  
To Whom It May Concern:  
The Zoning Board Chairman Bryan Provencal, has determined that, due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic, and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, in order to properly ensure the safety of the public and that of several of the Board members who are within the CDC guidelines needing to take special precautions, this body is authorized to meet electronically. Please note there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, Chairman Provencal is confirming that the Zoning Board are: Utilizing a teleconference service for this electronic meeting. The Public may join the teleconference by calling 1-867-444-4744 and using the code 166094. If anyone has a request, please call 603-929-5805.  
Attending to be heard:  
18-20 The continued petition of Crisp S. Amanda L. Field for property located at 57 Am's Lane seeking relief from Article(s) Article IV Table II Section 4.2 and footnote 22 and 4.3 to subdivide the 1.26-acre parcel into two lots. The existing structures are all located in the north western portion of the lot and the intent is to maintain 125' of frontage for the front parcel ("Parcel A"), a second parcel ("Parcel B") will be situated on the back portion (southern) of the current lot with a driveway extending down the eastern portion of the lot with 28'4" of frontage. This subdivision plan precludes the proposed new lots from meeting of the zoning requirements. This property is located on Map 127, Lot 20 and in the RA Zone.  
13-20 The continued petition of J. Hunter Properties, LLC for property located at 467 Ocean Blvd, seeking relief from Article(s) 4.5.2 to demolish the current structure and replace it with a brand-new structure. This new structure is proposed to be constructed using the existing setbacks that currently exist on the property, where 4 feet is required for a side setback, we are requesting 1.3'. This property is located on Map 286, Lot 32 and in the B3 Zone.  
36-20 The petition of Kyle McManis for properties located at 737 and 739 Ocean Blvd, seeking relief from Article(s) 6.3.1. This is an existing previously approved 2-unit condominium property. This property is located on Map 225, Lot 701, Lot 702 and in the RA Zone.  
37-20 The petition of John R & Sheila C Woelfel for property located at 23 Thornton Street seeking relief from Article(s) II Section 2.3.7.G.A. Article IV Section 4.8 to raise the existing story house and replace with a 2-story house. The footprint remains the same except on Northwest side where it expands by 2'. This property is located on Map 303, Lot 13 and in the RA Zone.  
39-20 The petition of Raymond A & Sheila A Buttaro, Trustees of Citizens Realty Trust for property located at 157 High Street seeking relief from Article(s) Art. I, Sec. 1.3, Art. VI, Sec. 3.1, Art. VIII, Sec. 8.2.1, 8.2.3, 8.2.4, 8.2.6 (first sentence only), 8.2.6 to remove existing garage and replace with new four (4) bay garage with two (2) apartments above. Currently existing eight (8) units in main structure, a basement unit to be removed leaving a total of nine (9) units for this site. This property is located on Map 162, Lot 40 and in the POR Zone.  
39-20 The petition of Jeff & Michela Scott for property located at 12 Broadstreet Road seeking relief from Article(s) 4.5.2 Article 4 - Table 2 Setback to construct farmer's porch with roof on front of home. Porch 7' x 29' 6" x 29' (drip edge to foundation). This property is located on Map 193, Lot 15 and in the RA Zone.  
40-20 The petition of David Gryzkowski & Diana Daniels for property located at 237 Mill Road 40-20 seeking relief from Article(s) 4.2 for both "Lot 1 and Lot 2". The applicant intends on subdividing the lot located at 237 Mill Road into two lots labeled on the Plan as "Lot 1" and "Lot 2". Both lots require frontage relief as they do not meet Zoning Ordinance Article 4.2 for the RA Zone. This property is located on Map 172, Lot 27 and in the RA Zone.

BUSINESS SESSION  
1. Approve Minutes for:  
20 February  
27 February  
19 March  
27 May  
18 June  
18 July  
Petitions not called and in progress by 10:00 PM may be postponed to a later date.  
Hampton Zoning Board of Adjustment Bryan Provencal, Chairman

AWNINGS AND GUTTERS  
Ron-Bet  
99 State Rd., Kittery, ME  
207-439-5868 • ronbet.com

Legal Notice  
Town of Eliot  
PUBLIC HEARING NOTICE  
Eliot, Maine Planning Board  
Eliot Town Hall, 1333 State Road, Eliot, ME 03903  
DATE OF HEARING: Tuesday, August 25, 2020  
TIME: 7:00 PM  
Notice is hereby given that the Planning Board of the Town of Eliot, Maine will hold a public hearing on Tuesday, August 25, 2020 at 7:00 PM for the following application:  
Proposed Warrant Article for November 2020 Town Ballot:  
Establishing the Maximum Number of Growth Management Permits for 2021 (Chapter 25 of the Municipal Code of Ordinances of Eliot, Maine)  
Shall the Town of Eliot allocate a maximum of 26 growth permits for new residential dwelling units for calendar year 2021, as recommended by the Eliot Planning Board, in accordance with §29-5 of the Growth Management chapter of the Municipal Code of Ordinances of Eliot, Maine?  
Note: In the event this article does not pass, the number of growth permits allocated in 2021 will be 106% of the mean number of permits issued for new residential dwelling units during the previous ten years, as required by M.R.S.A. 30-A §4950. That number is estimated to be 16. Interested persons may be heard and written communication received regarding this application at the hearing. The application is on file and available for review in the Planning Office at Eliot Town Hall, 1333 State Road, Eliot, ME 03903.

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John M St Pierre, AAMS\*  
381 Portsmouth Ave Unit 2  
603-422-0402  
Larry Day Jr  
2800 Lafayette Rd Unit 15  
603-430-9368  
Derrin Foss  
35 Vaughan Mall  
603-334-3489  
Robert S Giordano  
875 Greenland Rd Suite A8-2  
603-380-7903  
Bob Smith, AAMS\*  
15 Rye Street Ste 105  
603-430-1099  
Ben Woodhouse  
4 Greenland Woods Drive Suite 202  
603-436-0007  
Portsmouth  
edwardjones.com  
Member SIPC  
Edward Jones  
MAKING SENSE OF INVESTING

## Annual Growth Rate Survey

Section 29-5 of Eliot's ordinances requires the Town to gather input from Departments to aid the Planning Board in determining the maximum number of growth permits per calendar year.

Please return your responses to me either via email ([landuse@eliotme.org](mailto:landuse@eliotme.org)) or drop off a completed hard copy with Kearsten Metz at the Town Office. Thank you for taking the time to provide your feedback.

<u>Year</u>	<u>Single Family Dwellings</u>	<u>Elderly Housing Units</u>	<u>Affordable Housing Units</u>
2010	8	1	0
2011	7	1	0
2012	11	1	0
2013	16	0	2
2014	26	8	2
2015	21	11	2
2016	18	50	2
2017	21	10	3
2018	17	8	0
2019	12	0	0
157 units blt. last 10 yrs. 15.7 units/yr on ave.		90 units blt. Last 10 yrs. 9 units/yr on ave.	11 units blt last 10 yrs. 1.1 unit/yr on ave.

1. The above chart indicates the number of new permitted dwelling units from 2010 to 2019. Over the last ten years do you recall any year(s) in which the rate of new construction significantly impacted or outpaced your department's ability to provide the necessary services and facilities to accommodate the increase in population?  Yes  No
  - a. If yes, please provide the years and describe any significant impacts to your department:
  
2. In 2021, do you believe your department could reasonably handle the impacts of 24 new dwelling units without a decrease of service quality?  Yes  No
  - a. If no, please describe what measurable/notable impacts will be attributed to your department with 24 ~~30~~ new dwelling units:
  
3. In 2021, do you believe your department could reasonably handle the impacts of 60 new dwelling units without a decrease of service quality?  Yes  No
  - a. If no, please describe what measurable/notable impacts will be attributed to your department with 60 new dwelling units:
  
4. In 2021, do you believe your department could reasonably handle the impacts of 90 new dwelling units without a decrease of service quality?  Yes  No

- a. If no, please describe what measurable/notable impacts will be attributed to your department with 90 new dwelling units:
  
5. Considering the above questions, does the type of housing (single family; elderly; affordable) have any effect on the answers provided? For example, if 60 new dwelling units were to be constructed, would the impact(s) to your department be different if all the units were elderly housing versus single family housing?
  
6. Please provide your additional comments about Eliot's growth management program:

*If returning via email, please type your name and title below. Thank you.*

Wendy Rawski  
Name

Town Clerk  
Title

Town  
Manager

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  - If yes, please provide the years and describe any significant impacts to your department:
- In 2021, do you believe your department could reasonably handle the impacts of 24 new dwelling units without a decrease of service quality?  Yes  No
  - If no, please describe what measurable/notable impacts will be attributed to your department with 30 new dwelling units:
- In 2021, do you believe your department could reasonably handle the impacts of 60 new dwelling units without a decrease of service quality?  Yes  No
  - If no, please describe what measurable/notable impacts will be attributed to your department with 60 new dwelling units: Additional Town Hall space + Staff
- In 2021, do you believe your department could reasonably handle the impacts of 90 new dwelling units without a decrease of service quality?  Yes  No

- a. If no, please describe what measurable/notable impacts will be attributed to your department with 90 new dwelling units:

No Way

- 5. Considering the above questions, does the type of housing (single family; elderly; affordable) have any effect on the answers provided? For example, if 60 new dwelling units were to be constructed, would the impact(s) to your department be different if all the units were elderly housing versus single family housing?

Subdivisions are most complicated

- 6. Please provide your additional comments about Eliot's growth management program:

*If returning via email, please type your name and title below. Thank you.*

Paul A. C.  
Name

Tom Mgs.  
Title

## Annual Growth Rate Survey

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  - a. If yes, please provide the years and describe any significant impacts to your department:
  
2. In 2021, do you believe your department could reasonably handle the impacts of 24 new dwelling units without a decrease of service quality?  Yes  No
  - a. If no, please describe what measurable/notable impacts will be attributed to your department with 30 new dwelling units:
  
3. In 2021, do you believe your department could reasonably handle the impacts of 60 new dwelling units without a decrease of service quality?  Yes  No
  - a. If no, please describe what measurable/notable impacts will be attributed to your department with 60 new dwelling units: *MORE CULVERT & DRAINAGE WORK*
  
4. In 2021, do you believe your department could reasonably handle the impacts of 90 new dwelling units without a decrease of service quality?  Yes  No

a. If no, please describe what measurable/notable impacts will be attributed to your department with 90 new dwelling units: *TO ALLOW FOR THIS THERE WOULD HAVE TO BE MORE ROADS WHICH IMPACTS SIGNAGE, PAVING, AND DRAINAGE WORK. ALONG WITH PLOWING & SALTING*

5. Considering the above questions, does the type of housing (single family; elderly; affordable) have any effect on the answers provided? For example, if 60 new dwelling units were to be constructed, would the impact(s) to your department be different if all the units were elderly housing versus single family housing? *NO*

6. Please provide your additional comments about Eliot's growth management program:

*If returning via email, please type your name and title below. Thank you.*

*STEVEN ROBINSON*  
Name

*P.W. DIRECTOR*  
Title

## Annual Growth Rate Survey

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a. If yes, please provide the years and describe any significant impacts to your department:

INCREASED calls for SERVICE yearly - REDUCED MANPOWER

2. In 2021, do you believe your department could reasonably handle the impacts of 24 new dwelling units without a decrease of service quality?  Yes  No

a. If no, please describe what measurable/notable impacts will be attributed to your department with 30 new dwelling units:

DEPENDS ON TYPE OF DWELLING UNITS

3. In 2021, do you believe your department could reasonably handle the impacts of 60 new dwelling units without a decrease of service quality?  Yes  No

a. If no, please describe what measurable/notable impacts will be attributed to your department with 60 new dwelling units:

ABOVE

4. In 2021, do you believe your department could reasonably handle the impacts of 90 new dwelling units without a decrease of service quality?  Yes  No

ABOVE

- a. If no, please describe what measurable/notable impacts will be attributed to your department with 90 new dwelling units:

INCREASED CALLS - REDUCED MANPOWER

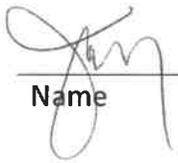
- 5. Considering the above questions, does the type of housing (single family; elderly; affordable) have any effect on the answers provided? For example, if 60 new dwelling units were to be constructed, would the impact(s) to your department be different if all the units were elderly housing versus single family housing?

Does not matter

- 6. Please provide your additional comments about Eliot's growth management program:

Growth will happen, BUT INCREASED NEED FOR ADDITIONAL MANPOWER WILL/IS BEING ADDRESSED

*If returning via email, please type your name and title below. Thank you.*

  
Name

FIRE CHIEF  
Title

## Annual Growth Rate Survey

Section 29-5 of Eliot's ordinances requires the Town to gather input from Departments to aid the Planning Board in determining the maximum number of growth permits per calendar year.

Please return your responses to me either via email ([landuse@eliotme.org](mailto:landuse@eliotme.org)) or drop off a completed hard copy with Kearsten Metz at the Town Office. Thank you for taking the time to provide your feedback.

<u>Year</u>	<u>Single Family Dwellings</u>	<u>Elderly Housing Units</u>	<u>Affordable Housing Units</u>
2010	8	1	0
2011	7	1	0
2012	11	1	0
2013	16	0	2
2014	26	8	2
2015	21	11	2
2016	18	50	2
2017	21	10	3
2018	17	8	0
2019	12	0	0
	157 units blt. last 10 yrs. 15.7 units/yr on ave.	90 units blt. Last 10 yrs. 9 units/yr on ave.	11 units blt last 10 yrs. 1.1 unit/yr on ave.

1. The above chart indicates the number of new permitted dwelling units from 2010 to 2019. Over the last ten years do you recall any year(s) in which the rate of new construction significantly impacted or outpaced your department's ability to provide the necessary services and facilities to accommodate the increase in population?  Yes  No
  - a. If yes, please provide the years and describe any significant impacts to your department:  
*N/A - As a new employee, I can't speak to this for the years in question*
  
2. In 2021, do you believe your department could reasonably handle the impacts of 24 new dwelling units without a decrease of service quality?  Yes  No
  - a. If no, please describe what measurable/notable impacts will be attributed to your department with 30 new dwelling units:
  
3. In 2021, do you believe your department could reasonably handle the impacts of 60 new dwelling units without a decrease of service quality?  Yes  No
  - a. If no, please describe what measurable/notable impacts will be attributed to your department with 60 new dwelling units:  
*Uncertain how challenging it would be to handle this many DUs, but it would be a significant increase from most of the past 10 years.*
  
4. In 2021, do you believe your department could reasonably handle the impacts of 90 new dwelling units without a decrease of service quality?  Yes  No

- a. If no, please describe what measurable/notable impacts will be attributed to your department with 90 new dwelling units:

Likely unable to provide thorough, timely review of all applications, accounting also for nonresidential development applications, given current staffing.

- 5. Considering the above questions, does the type of housing (single family; elderly; affordable) have any effect on the answers provided? For example, if 60 new dwelling units were to be constructed, would the impact(s) to your department be different if all the units were elderly housing versus single family housing?

It would depend on the types of applications and their completedness.

- 6. Please provide your additional comments about Eliot's growth management program:

*If returning via email, please type your name and title below. Thank you.*

Jeff Brubaker

Name

Town Planner

Title

## Annual Growth Rate Survey

Section 29-5 of Eliot's ordinances requires the Town to gather input from Departments to aid the Planning Board in determining the maximum number of growth permits per calendar year.

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157 units blt. last 10 yrs. 15.7 units/yr on ave.		90 units blt. Last 10 yrs. 9 units/yr on ave.	11 units blt last 10 yrs. 1.1 unit/yr on ave.

1. The above chart indicates the number of new permitted dwelling units from 2010 to 2019. Over the last ten years do you recall any year(s) in which the rate of new construction significantly impacted or outpaced your department's ability to provide the necessary services and facilities to accommodate the increase in population?  Yes  No

a. If yes, please provide the years and describe any significant impacts to your department:

*N/A*

2. In 2021, do you believe your department could reasonably handle the impacts of 24 new dwelling units without a decrease of service quality?  Yes  No

a. If no, please describe what measurable/notable impacts will be attributed to your department with 30 new dwelling units:

3. In 2021, do you believe your department could reasonably handle the impacts of 60 new dwelling units without a decrease of service quality?  Yes  No

a. If no, please describe what measurable/notable impacts will be attributed to your department with 60 new dwelling units:

*may need more staff*

4. In 2021, do you believe your department could reasonably handle the impacts of 90 new dwelling units without a decrease of service quality?  Yes  No

*same*

a. If no, please describe what measurable/notable impacts will be attributed to your department with 90 new dwelling units:

5. Considering the above questions, does the type of housing (single family; elderly; affordable) have any effect on the answers provided? For example, if 60 new dwelling units were to be constructed, would the impact(s) to your department be different if all the units were elderly housing versus single family housing?

No

6. Please provide your additional comments about Eliot's growth management program:

*If returning via email, please type your name and title below. Thank you.*

Shelly Bishop  
Name

CEO  
Title

## Annual Growth Rate Survey

Section 29-5 of Eliot’s ordinances requires the Town to gather input from Departments to aid the Planning Board in determining the maximum number of growth permits per calendar year.

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<u>Year</u>	<u>Single Family Dwellings</u>	<u>Elderly Housing Units</u>	<u>Affordable Housing Units</u>
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1. The above chart indicates the number of new permitted dwelling units from 2010 to 2019. Over the last ten years do you recall any year(s) in which the rate of new construction significantly impacted or outpaced your department’s ability to provide the necessary services and facilities to accommodate the increase in population?       Yes    No
  - a. If yes, please provide the years and describe any significant impacts to your department:
  
2. In 2021, do you believe your department could reasonably handle the impacts of 24 new dwelling units without a decrease of service quality?    Yes       No
  - a. If no, please describe what measurable/notable impacts will be attributed to your department with 24 new dwelling units:
  
3. In 2021, do you believe your department could reasonably handle the impacts of 60 new dwelling units without a decrease of service quality?    Yes       No
  - a. If no, please describe what measurable/notable impacts will be attributed to your department with 60 new dwelling units:
  
4. In 2021, do you believe your department could reasonably handle the impacts of 90 new dwelling units without a decrease of service quality?    Yes       No
  - a. If no, please describe what measurable/notable impacts will be attributed to your department with 90 new dwelling units:

- 5. Considering the above questions, does the type of housing (single family; elderly; affordable) have any effect on the answers provided? For example, if 60 new dwelling units were to be constructed, would the impact(s) to your department be different if all the units were elderly housing versus single family housing? **We would see an impact with how many kids we would be able to service in our before and after school program. We do not currently have enough space to hold programs and with that some programs would need to be altered if we saw an influx of children.**
  
- 6. Please provide your additional comments about Eliot’s growth management program: **Would need program space.**

*If returning via email, please type your name and title below. Thank you.*

Heather Muzeroll-Roy  
Name

ECSD Director  
Title



# TOWN OF ELIOT MAINE

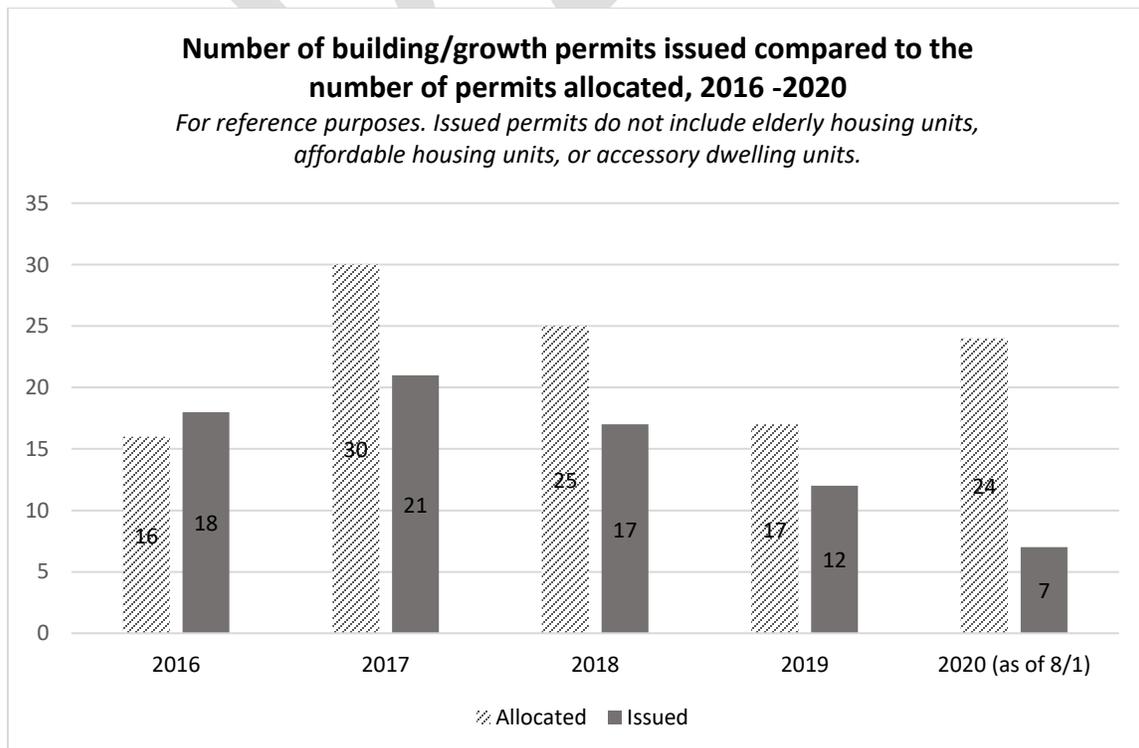
PLANNING OFFICE  
1333 State Road  
Eliot ME, 03903

## Proposed Warrant Article for November 2020 Town Ballot

Establishing the Maximum Number of Growth Management Permits for 2021 (*Chapter 29 of the Municipal Code of Ordinances of Eliot, Maine*)

Shall the Town of Eliot allocate a maximum of 26 growth permits for new residential dwelling units for calendar year 2021, as recommended by the Eliot Planning Board, in accordance with §29-5 of the Growth Management chapter of the Municipal Code of Ordinances of Eliot, Maine?\*

*\*Note: In the event this article does not pass, the number of growth permits allocated in 2021 will be 105% of the mean number of permits issued for new residential dwelling units during the previous ten years, as required by M.R.S.A. 30-A §4360. That number is estimated to be 16.*





# TOWN OF ELIOT MAINE

PLANNING OFFICE  
1333 State Road  
Eliot ME, 03903

## Planning Board's Recommendation: 2021 Projected Growth [DRAFT]

### Overview

State law (30-A M.R.S.A. §4360) allows municipalities to enact rate of growth ordinances subject to conditions. Such ordinances allow municipalities to cap the number of annual building permits for new residential dwelling units. The municipality issues growth permits for dwelling units under the cap. Eliot's growth management provisions are included in Chapter 29 of the Land Use Regulations in the Town Code.

According to section 29-5, the Planning Board annually reviews the number of growth permits estimated to be issued for the following calendar year. Residents then vote on a warrant article to establish the maximum number of growth permits for that year (i.e. the growth permit allocation). Certain types of dwelling units – elderly, assisted living, and accessory – are exempt from the cap (section 29-3). For calendar year 2020, Eliot voters approved (on November 5, 2019) a maximum of twenty-four (24) growth permits. For 2021, the proposed growth permit allocation was calculated using the formula in subsection 29-5(a), which reads:

In accordance with 30-A M.R.S.A. § 4360, the number of building permits allocated each calendar year for new residential dwelling units must be 105 percent or more of the mean number of permits issued for new residential dwellings, not including permits for affordable housing, during the ten years immediately prior to the year in which the number is calculated. The mean is determined by adding together the total number of building permits issued, excluding permits issued for affordable housing, for new dwelling units for each year in the prior ten years and then dividing by ten. In addition, the minimum number of building permits allocated annually for new dwelling units meeting the definition of affordable housing shall be no less than ten percent of the number set forth above. If either number is a decimal, it shall be rounded to the nearest whole number. For the purposes of this chapter, 105 percent of the ten-year mean shall be the floor, or minimum number of building permits which must be allocated annually.

### Factors Considered by the Planning Board – Review of Annual Growth

The Planning Board generally considers the following factors when making recommendations regarding the number of growth permits to allocate annually:

- Number of permits issued for the previous, completed ten calendar years
- Input received from Town staff via the annual growth rate survey
- Length of the wait list for growth permits
- Other factors, as appropriate

### Annual Growth Rate Survey

The Annual Growth Rate Survey was sent to the following positions in accordance with the provisions of Section 29-5(b)(1): Town Manager, Town Clerk, Police Chief, Fire Chief, Code Enforcement Officer, Assessor, Planner, Public Works Director, ECSD Director, and Chief Operations Officer of MSAD35.

Previous surveys have used different "benchmark" permit allocations to gauge these staff members' estimates of the impacts on service levels should that amount of growth occur. The question below was asked with the three benchmarks of 24 (the allocation for 2020), 60, and 90.

In 2021, do you believe your department could reasonably handle the impacts of [24,60,90] new dwelling units without a decrease of service quality? • Yes • No

If no, please describe what measurable/notable impacts will be attributed to your department with [24,60,90] new dwelling units:

The survey also asks about whether the rate of new construction significantly impacted the respective departments' services in any of the past 10 years, and whether the type of housing (e.g. single family vs. senior housing) has any bearing on the benchmark allocation responses. Finally, the survey allows staff members to write in additional comments.

Below is a compilation of the survey results (two surveys were still outstanding as of Thursday, August 20).

1. **The above chart indicates the number of new permitted dwelling units from 2010 to 2019. Over the last ten years do you recall any year(s) in which the rate of new construction significantly impacted or outpaced your department's ability to provide the necessary services and facilities to accommodate the increase in population?**

	#	%
<b>Yes</b>	1	20%
<b>No</b>	4	80%
<b>Total</b>	<b>5</b>	

- a. **If yes, please provide the years and describe any significant impacts to your department:**

"Increased calls for service yearly - reduced manpower"

2. **In 2021, do you believe your department could reasonably handle the impacts of 24 new dwelling units without a decrease of service quality?**

	#	%
<b>Yes</b>	6	120%
<b>No</b>	1	20%
<b>Total</b>	<b>7</b>	

- a. **If no, please describe what measurable/notable impacts will be attributed to your department with 30 new dwelling units:**

"Depends on type of dwelling units"

3. **In 2021, do you believe your department could reasonably handle the impacts of 60 new dwelling units without a decrease of service quality?**

	#	%
<b>Yes</b>	2	29%
<b>No</b>	5	71%
<b>Total</b>	<b>7</b>	

- a. **If no, please describe what measurable/notable impacts will be attributed to your department with 60 new dwelling units:**

“Uncertain how challenging it would be to handle this many DUs, but it would be a significant increase from most of the past 10 years.”

“More culvert & drainage work”

“Additional Town Hall space + staff”

4. **In 2021, do you believe your department could reasonably handle the impacts of 90 new dwelling units without a decrease of service quality?**

	#	%
<b>Yes</b>	2	29%
<b>No</b>	5	71%
<b>Total</b>	7	

- a. **If no, please describe what measurable/notable impacts will be attributed to your department with 90 new dwelling units:**

“Increased calls - reduced manpower”

“Likely unable to provide thorough, timely review of all applications, accounting also for nonresidential development applications, given current staffing.”

“To allow for this there would have to be more roads, which impacts signage, paving, and drainage work. Along with plowing & salting.”

“No way”

5. **Considering the above questions, does the type of housing (single family; elderly; affordable) have any effect on the answers provided? For example, if 60 new dwelling units were to be constructed, would the impact(s) to your department be different if all the units were elderly housing versus single family housing?**

“Does not matter”

“It would depend on the types of applications and their completedness.”

“We would see an impact with how many kids we would be able to service in our before and after school program. We do not currently have enough space to hold programs and with that some programs would need to be altered if we saw an influx of children.”

“No”

“Subdivisions are most complicated”

**6. Please provide your additional comments about Eliot’s growth management program:**

“Growth will happen, but increased need for additional manpower will/is being addressed.”

“We would need program space.”

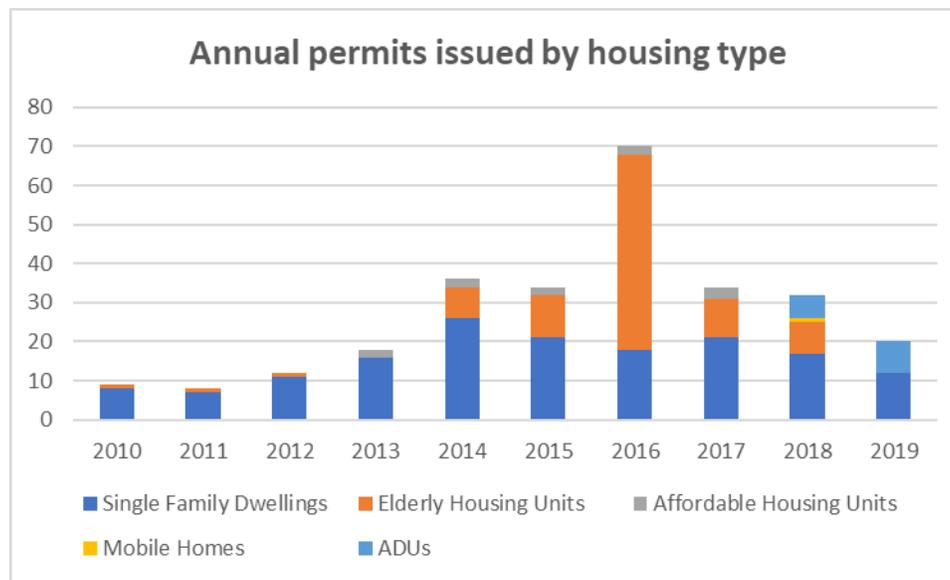
Review of Previous Permits Issued for the Past Ten Calendar Years

From 2010 to 2019, according to the Code Enforcement Officer’s permit log, 157 permits were issued for single family dwelling units, 90 were issued for elderly housing units, 14 were issued for accessory dwelling units, 11 were issued for affordable housing units, and 1 was issued for a mobile home.

Year	Single Family Dwelling Units	Elderly Housing Units	Affordable Housing Units	Mobile Homes	ADUs
2010	8	1	0		
2011	7	1	0		
2012	11	1	0		
2013	16	0	2		
2014	26	8	2		
2015	21	11	2		
2016	18	50	2		
2017	21	10	3		
2018	17	8	0	1	6
2019	12	0	0	0	8
2020 (thru 8/1)	7	0	0	0	1
<b>10-year total (2010-19)</b>	<b>157</b>	<b>90</b>	<b>11</b>	<b>1</b>	<b>14</b>
<b>10-year average (2010-19)</b>	<b>15.7</b>	<b>9</b>	<b>1.1</b>	<b>0.1</b>	<b>1.4</b>

Subsection 29-5(a) exempts affordable housing from the formula described above. For the purpose of this report, mobile homes and ADUs are also considered affordable housing. The 10-year average of single-family dwelling units plus elderly housing units is 24.7. Multiplying by 105% and rounding to the nearest integer, we arrive at an allocation of 26 for calendar year 2021, which is the number in the draft warrant article. Previous warrant articles have also included a contingency allocation should the article not pass. At least in recent years, this appears to be 105% of the 10-year mean for single family dwelling units alone. Therefore, the difference between the allocation put to voters and the “fallback” allocation is the fact that the former accounts for the 10-year mean of elderly dwelling units. For the sake of continuity, this approach is continued for 2021.

The following chart shows a visual representation of the number of permits issued from 2010 to 2019.



The highest number of permits issued was 2016, mainly due to elderly housing units. Elderly housing built between 2014 and 2018 likely mostly includes units coming on line in the Villages at Great Brook.

### Wait List

As of the date of this memo, there is currently no wait list to obtain a growth permit with the Town.

### Discussion

- Based on the Annual Growth Rate Survey, the benchmark of 24 permits was seen as reasonably manageable by most staff.
- Almost all of the previous, complete 10 years (2010-19) had less than 24 single family dwelling unit growth permits. Year-to-year variability has come in the form of senior housing permits, primarily as units in the Villages at Great Brook have come on line. A small amount of permits for affordable units, mobile homes, and ADUs have also been issued.
- An increase of 2 growth permits to 26, based on the “105% formula” represents a small increase that is likely to be manageable. Even then, this number represents the maximum of non-exempt growth permits. The actual number issued may fall well under this.
- Setting the cap at 60 (or especially 90) would have a significant impact on Town services given current staffing levels.

### Planning Board's Recommendation

[To be filled in after Aug. 25]

### Select Board

[Report scheduled for Aug. 27 meeting]

## **(CHAPTER 11)**

### Sec. 11-1. - Purpose.

The purpose of this article is to provide for and regulate the issuance of local licenses for adult use marijuana establishments as defined in this article and by the state under the Marijuana Legalization Act, 28-B M.R.S.A. ch. 1, as may be amended **and to provide for and regulate the issuance of Local Licenses for Medical Marijuana Establishments as defined in this Article and by the State of Maine under the Maine Medical Use of Marijuana Act, 22 M.R.S.A. Chapter 558-C, as may be amended**

(T.M. of 11-5-2019(2))

### Sec. 11-2. - Authority.

This article is adopted pursuant to the authority granted by 28-B M.R.S.A. § 401 et seq., as may be amended, and 22 M.R.S.A. § 2421 et seq., as may be amended.

(T.M. of 11-5-2019(2))

### Sec. 11-3. - Definitions.

As used in this article, the following words and phrases shall have the meanings ascribed to them in this section and section 33-190 of this Code.

Adult use marijuana shall mean "adult use marijuana" as that term is defined in 28-B M.R.S.A. § 102(1), as may be amended.

Adult use marijuana product shall mean "adult use marijuana product" as that term is defined in 28-B M.R.S.A. § 102(2), as may be amended.

Applicant shall mean a person that has submitted an application for licensure as a marijuana establishment pursuant to this article.

Cultivate or cultivation shall mean the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale. It does not include manufacturing.

Harvested marijuana shall mean "harvested marijuana" as that term is defined in 22 M.R.S.A. § 2422(3-C), as may be amended.

Immature plant shall mean "immature marijuana plant" as a marijuana plant that is not a mature marijuana plant or a seedling.

Licensed premises shall mean the premises specified in an application for a state or local license pursuant to this article that are owned or in possession of the licensee and within which the licensee is authorized to cultivate, manufacture, distribute, sell, or test adult use marijuana **or medical marijuana** products in accordance with the provisions of this article and the requirements of state law and regulations.

Licensee shall mean a person licensed pursuant to this article or, in the case of a holder of an occupational license, a natural person licensed pursuant to this article.

Local marijuana license shall mean any license required by and issued under the provisions of this article.

Local licensing authority shall mean the select board as further specified in the provisions of this article.

Manufacture or manufacturing of marijuana shall mean the production, blending, infusing, compounding or other preparation of marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis. It does not include cultivation.

~~Marijuana shall mean the leaves, stems, flowers and seeds of all species of the plant genus cannabis, whether growing or not; but shall not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin including hashish and further, shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks, fiber, oil or cake or the sterilized seed of such plant which is incapable of germination and as that term is defined in 28-B M.R.S.A. § 102(27), as may be amended.~~ **is defined in 28-B M.R.S.A. § 102(27), as may be amended.**

Marijuana concentrate shall mean 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. In determining the weight of marijuana concentrate in a marijuana product, the weight of any other ingredient combined with marijuana to prepare a marijuana product may not be included.

Marijuana cultivation facility shall mean a "cultivation facility" as that term is defined in 28-B M.R.S.A. § 102(13), as may be amended. A marijuana cultivation facility is an entity licensed to cultivate, prepare and package adult use marijuana and to sell adult use marijuana to marijuana establishments.

Marijuana establishment shall mean a "marijuana establishment" as that term is defined in 28-B M.R.S.A. § 102(29), as may be amended. A marijuana establishment is a marijuana store, a marijuana cultivation facility, a marijuana products manufacturing facility, or a marijuana testing facility or a marijuana social club.

Marijuana products manufacturing facility shall mean a "products manufacturing facility" as that term is defined in 28-B M.R.S.A. § 102(4243), as may be amended. A marijuana products manufacturing facility is an entity licensed to purchase adult use marijuana; to manufacture, label and package adult use marijuana products; and to sell adult use marijuana products from a marijuana cultivation facility only to other marijuana products manufacturing facilities , or marijuana stores and marijuana social clubs.

Marijuana social club shall mean a "marijuana social club" as that term is defined in 28-B M.R.S.A. § 102(33), as may be amended. A marijuana social club is an entity licensed to purchase adult use marijuana products from a marijuana products manufacturing facility and to sell adult use marijuana products to consumers for consumption on the licensed premises. Marijuana social clubs are prohibited within the town.

Marijuana store shall mean a "marijuana store" as that term is defined in 28-B M.R.S.A. § 102(34), as may be amended. A marijuana store is an entity licensed to purchase adult use marijuana from a marijuana cultivation facility and to purchase adult use marijuana products from a marijuana products manufacturing facility and to sell adult use marijuana and adult use marijuana products to consumers.

Marijuana testing facility shall mean a "testing facility" as that term is defined in 28-B M.R.S.A. § 102(5354), as may be amended. A marijuana testing facility is a facility licensed to develop, research and test marijuana, marijuana products and other substances.

Mature marijuana plant shall mean a marijuana plant that is flowering.

**Medical marijuana. The medical use of marijuana, with the term “medical use” as defined in 22 M.R.S.A. § 2422(5), as may be amended.**

**Medical marijuana assistant. An “assistant” as that term is defined in 22 M.R.S.A. § 2422(1-D), as may be amended.**

**Medical marijuana caregiver. A “caregiver” as that term is defined in 22 M.R.S.A. § 2422(8-A), as may be amended.**

**Medical marijuana cultivation area. A “cultivation area” as that term is defined in 22 M.R.S.A. § 2422(3), as may be amended.**

**Medical marijuana cultivation facility. A medical marijuana cultivation area used or occupied by one or more medical marijuana registered caregivers. A medical marijuana cultivation facility is only authorized as a principal use, and not as an accessory use, and only where expressly allowed as a permitted or special exception use. A medical marijuana cultivation facility is prohibited from selling medical marijuana to medical marijuana qualifying patients, medical marijuana caregivers or medical marijuana registered caregivers on premise. A medical marijuana cultivation facility shall not be used or occupied by a “collective” as that term is defined in 22 M.R.S.A. § 2422(1-A), as may be amended.**

**Medical marijuana dispensary.** A “registered dispensary” as that term is defined in 22 M.R.S.A. § 2422(6), as may be amended. A medical marijuana dispensary includes a location at which marijuana is cultivated by a registered dispensary pursuant to 22 M.R.S.A. § 2428, as may be amended. A medical marijuana dispensary is not a medical office or a professional office and is only authorized as a principal use, and not as an accessory use, and only where expressly allowed as a special exception use.

**Medical marijuana establishment.** A medical marijuana establishment is a medical marijuana dispensary, a medical marijuana cultivation facility, a medical marijuana retail store, a medical marijuana products manufacturing facility, or a medical marijuana testing facility.

**Medical marijuana product.** “Marijuana product” as that term is defined in 22 M.R.S.A. § 2442(4-L), as may be amended. **Medical marijuana products manufacturing facility.** A “manufacturing facility” as that term is defined in 22 M.R.S.A. § 2422(4-H), as may be amended. A medical marijuana products manufacturing facility is only authorized as a principal use, and not as an accessory use, and only where expressly allowed as a permitted or special exception use.

**Medical marijuana qualifying patient.** A “qualifying patient” as that term is defined in 22 M.R.S.A. § 2422(9), as may be amended.

**Medical marijuana registered caregiver.** A “registered caregiver” as that term is defined in 22 M.R.S.A. § 2422(11), as may be amended.

**Medical marijuana registered patient.** A “registered patient” as that term is defined in 22 M.R.S.A. § 2422(12), as may be amended.

**Medical marijuana retail store.** A medical marijuana store is a retail establishment operated by a single medical marijuana registered caregiver where harvested marijuana is sold by that medical marijuana registered caregiver to medical marijuana qualifying patients for patients’ medical use and may include an area for consultation with patients. Two or more medical marijuana registered caregivers are prohibited from forming, owning or operating a medical marijuana retail store as a single medical marijuana retail store. A medical marijuana retail store is only authorized as a principal use, and not as an accessory use.

**Medical marijuana testing facility.** A “marijuana testing facility” as that term is defined in 22 M.R.S.A. § 2422(5-C), as may be amended. A medical marijuana testing facility is only authorized as a principal use, and not as an accessory use, and only where expressly allowed as a permitted use.

Owner shall mean a person whose beneficial interest in a marijuana establishment **and/or medical marijuana establishment** is such that the person bears risk of loss other than as an insurer, has an opportunity to gain profit from the operation or sale of a marijuana establishment

**and/or medical marijuana establishment** and has a controlling interest in a marijuana establishment **and/or medical marijuana establishment**.

Plant canopy shall mean the total surface area within the licensed premises of a cultivation facility that is authorized by the department for use at any time by the cultivation facility licensee to cultivate mature marijuana plants. The surface area of the plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the plant canopy consists of noncontiguous areas, each component area must be separated by defined boundaries. If a tiered or shelving system is used by the cultivation facility licensee, the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the licensed cultivation facility that are used to cultivate immature marijuana plants and seedlings and that are not used at any time to cultivate mature marijuana plants.

Person shall mean a natural person, partnership, association, company, corporation, limited liability company or organization or a manager, agent, owner, director, servant, officer or employee thereof. Person does not include any governmental organization.

Public facility shall mean any facility, including, but not limited to, buildings, property, and recreation areas which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Seedling shall mean a marijuana plant that is: (1) not flowering; (2) less than six inches in height; and (3) less than six inches in width.

State license shall mean any license, registration or certification issued by the state licensing authority.

State licensing application shall mean the application form and supporting materials required by the state for the purpose of a person obtaining a state license, registration or certification for the cultivation, manufacture, distribution, testing and sale of adult use marijuana, and/or adult use marijuana products in this state.

State licensing authority shall mean the authority (or authorities) created by the state for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, testing and sale of adult use **or medical** marijuana, and/or adult use **or medical marijuana** products in this state.

(T.M. of 11-5-2019(2))

Sec. 11-4. - Allowed.

Marijuana establishments **or medical marijuana establishment** shall be allowed, subject to the requirements and restrictions of this chapter and chapters **33 and 45** of this Code.

(T.M. of 11-5-2019(2))

Sec. 11-5. - Prohibited activities.

(a) No marijuana establishment **or medical marijuana establishment** shall be established or operated within the town without first receiving and then maintaining all approvals required under this Code, including, but not limited to, this chapter and chapters **33 and 45** in this Code.

(b) No marijuana establishment **or medical marijuana establishment** shall conduct any activity for which it has not received the required state license and local marijuana license.

(c) Marijuana social clubs **or medical marijuana social clubs** are prohibited within the town.

(T.M. of 11-5-2019(2))

Sec. 11-6. - License required.

(a) State license. A marijuana establishment shall not operate until it is licensed by the state licensing authority pursuant to the requirements of 28-B M.R.S.A. ch. 1, as may be amended. An applicant may not operate a marijuana establishment without a state license and all other necessary town approvals. **A Medical Marijuana Establishment shall not operate until it is licensed, registered or certified, as applicable, by the State Licensing Authority pursuant to the requirements of 22 M.R.S.A. Chapter 558-C, as may be amended. An Applicant may not operate a Medical Marijuana Establishment without any required State License and without all other necessary Town approvals.**

(b) Local marijuana license. A local marijuana license issued under the provisions of this article is required for any marijuana cultivation facility, marijuana products manufacturing facility, or marijuana store. A marijuana testing facility does not require a local marijuana license issuance but is required to file an application. **A Local License issued under the provisions of this Article is required for any Medical Marijuana Cultivation Facility, Medical Marijuana Products Manufacturing Facility, Medical Marijuana Dispensary or Medical Marijuana Retail Store. A Medical Marijuana Testing Facility does not require a Local License.**

(T.M. of 11-5-2019(2))

Sec. 11-7. - Marijuana licensing procedures.

(a) License required. It shall be unlawful for a licensee for any marijuana establishment **or medical marijuana establishment**, except for a marijuana testing facility **or medical marijuana testing facility**, to operate without a valid local marijuana license from the town.

(b) Application. An applicant for a local marijuana license **or medical marijuana license** shall file in person at the office of the town administrative assistant a completed application made on a form provided by the administrative assistant. The application shall be signed as required by

subsection (c) below and shall be notarized. An application shall be considered complete when it contains the information and/or items required in this subsection (b), accompanied by the appropriate license application fee:

- (1) The applicant's full legal name and any other names used by the applicant in the preceding five years.
- (2) Current business address or another mailing address for the applicant.
- (3) Written proof of age, in the form of a driver's license, a picture identification document containing the applicant's date of birth issued by a governmental agency, or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency.
- (4) The business name, location, legal description, mailing address and phone number.
- (5) The name and business address of the statutory agent or other agent authorized to receive service of process.
- (6) A copy of the applicant's state license for operation of a marijuana establishment.
- (7) A statement of whether an applicant has been convicted of or has pled guilty or nolo contendere to a specified criminal activity as defined in this article, and if so, each specified criminal activity involved, including the date, place, and jurisdiction of each as well as the dates of conviction and release from confinement, where applicable.
- (8) A statement of whether any establishment in which an applicant has had an influential interest, has, in the previous five years (and at a time during which the applicant had the influential interest):
  - a. Been declared by a court of law to be a nuisance; or
  - b. Been subject to a court order of closure.
- (9) The completed application entitled: adult use marijuana stores, cultivation facilities, manufacturing facilities, and testing facilities application.
- (10) If a state license is required for the proposed use, a copy of the applicant's state license application and supporting documentation as filed with the state licensing authority, and any amendments thereto.
- (11) Evidence of all state approvals or conditional approvals required to operate a marijuana establishment, including, but not limited to, a state license as defined by this article, a state retail certificate, or a state health license.
- (12) If not included in the applicant's state license application, attested copies of the articles of incorporation and bylaws if the applicant is a corporation, operating agreement if the applicant is

a limited liability company, evidence of partnership if the applicant is a partnership, or articles of association and bylaws if the applicant is an association.

(13) If not included in the applicant's state license application, an affidavit that identifies all owners, officers, members, managers, or partners of the applicant, their ownership interests, and their places of residence at the time of the application and for the immediately preceding three years.

(14) If not included in the applicant's state license application, a release authorized by 16 M.R.S.A. § 620(6), as may be amended, with the application for each applicant and for each officer, owner, member, manager, or partner of the applicant seeking a local license.

(15) Evidence of all land use approvals or conditional land use approvals required to operate a marijuana establishment pursuant to this Code, including, but not limited to, a building permit, special exception approval, site plan approval, change of use permit or certificate of occupancy.

(16) Evidence of all other local approvals or conditional approvals required to operate a marijuana establishment pursuant to this Code, including, but not limited to, food license or victualer's license.

(17) A description of the premises for which the license is sought, including a floor plan of the premises showing how the floor space is or will be used, parking for the premises, total floor area of the building(s), and the nature and location of any existing or proposed exterior lighting and signage.

(18) A copy of the applicant's security plan and operations manual.

The information provided pursuant to this subsection (b) shall be supplemented in writing by certified mail, return receipt requested, or in person to the town administrative assistant within ten working days of a change of circumstances which would render the information originally submitted false or incomplete.

(c) Signature. If a person who seeks a local marijuana license under this section is an individual, they shall sign the application as applicant. If a person who seeks a license is other than an individual, each person with an influential interest in the establishment or in a legal entity that controls the establishment shall sign the application for a license as applicant. Each applicant must be qualified under this article and each applicant shall be considered a licensee if a marijuana license is granted.

(d) Confidentiality. The information provided by an applicant in connection with an application for a local marijuana license under this article shall be maintained by the office of the town administrative assistant on a confidential basis, and such information may be disclosed only as may be required, and only to the extent required, by governing law or court order. Any information protected by the right to privacy as recognized by state or federal law shall be redacted prior to such disclosure. **The information provided by an applicant in connection with an application as Medical marijuana registered caregivers and other applicants**

**submitting applications and supporting information that is confidential under 22 M.R.S.A. § 2425-A(12), as may be amended, and the Maine Freedom of Access Act, 1 M.R.S.A. § 403(3)(F), shall mark such information as confidential. An individual who possesses a valid Maine medical marijuana registered caregiver registry identification card need not identify themselves in an application for a license for a medical marijuana establishment. The cardholder must identify themselves and provide the relevant cards to the Town Planner for examination, but the identity of the cardholder shall not be a public record and the Town Planner shall not share the identity of the cardholder, except as necessary by law in the performance of their duties. At the time of application, the cardholder may appoint a representative to appear before the Licensing Authority on their behalf. Advertisements for public hearing shall contain the location of the proposed medical marijuana establishment and the identity of the owner of the real estate and the identity of the designated representative. The Town Planner may certify that the applicant meets the necessary legal requirements as a cardholder(s).**

(T.M. of 11-5-2019(2))

Sec. 11-8. - Issuance of local marijuana license.

(a) Responsibilities and review authority.

(1) The local licensing authority shall have the authority to impose any conditions on a license that may be necessary to ensure compliance with the requirements of this chapter or to address concerns about operations that may be resolved through the conditions. The failure to comply with such conditions shall be considered a violation of the license.

(2) No local marijuana license shall be granted by the local licensing authority until the police chief, the fire chief, the code enforcement officer, and if applicable the health inspector have all made their recommendation upon the applicant's ability to comply with this article. Whenever inspections of the premises used for or in connection with the operation of a licensed business are provided for or required by ordinance or state law, or are reasonably necessary to secure compliance with any ordinance provision or state law, it shall be the duty of the applicant or licensee, or the person in charge of the premises to be inspected, to admit any officer, official, or employee of the town authorized to make the inspection at any reasonable time that admission is requested.

(b) Upon the filing of a completed application for a marijuana license, the town administrative assistant shall immediately schedule a public hearing on the application before the town select board to occur within 30 days. The administrative assistant shall provide written notice of the public hearing to the applicant and to the select board within five days of the filing of a completed application.

(1) At the public hearing on the local marijuana license application, the select board shall take testimony of the applicant and any interested members of the public. The hearing shall focus upon the criteria for issuance of a permit.

(2) The select board shall issue to the applicant written notice of its decision to grant or deny the license. If the board denies the permit, the written notice shall set forth the board's reasons for the denial. The select board shall grant a marijuana license unless it finds that the issuance of the license would be detrimental to public health, safety or welfare, as demonstrated by the following criteria:

a. An applicant is less than 21 years of age.

b. An applicant has failed to provide information required by this article for issuance of a license or has falsely answered a question or request for information on the application form.

c. The establishment is in a location where a marijuana establishment is not permitted.

d. Any establishment in which an applicant has had an influential interest, has, in the previous five years (and at a time during which the applicant had the influential interest):

1. Been declared by a court of law to be a nuisance; or

2. Been subject to an order of closure.

3. Been convicted of or pled guilty or nolo contendere to a specified criminal activity.

e. A person who has had a license for a marijuana establishment and/or medical marijuana establishment revoked by the town or by the state.

f. An Applicant who has not acquired all necessary state approvals and licenses and other required local approvals prior to the issuance of a local marijuana license.

(c) The town may suspend or revoke a license for any violation of this chapter, chapter 45 or any other applicable building and life safety code requirements. The town may suspend or revoke a license if the licensee has a state license for a marijuana establishment **and/or medical marijuana establishment** suspended or revoked by the state. The licensee shall be entitled to notice and a hearing prior to any suspension or revocation.

(d) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to the licensee(s), the expiration date, and the address of the business. The license shall be posted in a conspicuous place at or near the entrance to the business so that it may be read at any time that the business is occupied by patrons or is open to the public.

(e) A local marijuana license renewal application shall be subject to the same review standards as applied to the initial issuance of the license and the same notice requirement as a new application. As part of the renewal process, the select board shall consider compliance from prior years, and based upon that review, may add conditions to any future license to correct, abate or limit past problems.

(T.M. of 11-5-2019(2))

Sec. 11-9. - License fees

The initial license and annual renewal fees for marijuana establishments licenses shall follow the town's master fee schedule.

(T.M. of 11-5-2019(2))

Sec. 11-10. - License expiration and renewal.

- (a) Each local marijuana license issued shall be effective for one year from the date of issuance.
- (b) Renewal applications must be submitted at least 30 days prior to the date of expiration of the annual local marijuana license. An application for the renewal of an expired license shall be treated as a new license application.

(T.M. of 11-5-2019(2))

Sec. 11-11. - Operating requirements.

The licensee shall comply with all of the following requirements during the term of local marijuana license:

- (1) Display of license. The current local marijuana license shall be displayed at all times in a conspicuous location within the licensed premises.
- (2) Location. All licensed premises shall be in fixed, permanent locations. Licensees shall not be permitted to operate marijuana establishments **or medical marijuana establishment** in temporary locations such as mall kiosks, town events or farm stands.
- (3) Compliance with other laws. A marijuana establishment **or medical marijuana establishment** shall meet all operating and other requirements of state and local law and regulation. To the extent the state has adopted or adopts in the future any stricter law or regulation governing marijuana establishments the stricter law or regulation shall control.

(T.M. of 11-5-2019(2))

Sec. 11-12. - Transfer of ownership and change of location.

- (a) Licenses issued under this article are not transferable to a new owner.
- (b) A state transfer license shall require a new local marijuana license.

(c) Licenses are limited to the location for which they are issued and shall not be transferable to a different location. A licensee who seeks to operate in a new location shall acquire a new local license for that location.

(d) Licensees shall provide evidence to the town clerk annually of their license issue date with complete list of employees, owners, directors, and stake holders.

(T.M. of 11-5-2019(2))

#### Sec. 11-13. - Appeals.

Any appeals of decision shall be made to the state superior court.

(T.M. of 11-5-2019(2))

#### Sec. 11-14. - Violations and penalties.

(a) The operation of any marijuana establishment **or medical marijuana establishment** without the required local marijuana license or in violation of the requirements of this chapter shall be a violation of this chapter.

(b) Fines shall be set forth for violation of any of the provisions of this article; violators shall be punished by a civil penalty of not less than \$1,000.00 and not more than \$10,000.00 for each violation, plus attorneys' fees and costs, to be recovered on complaint, to the use of the town. Each day a violation is committed, or permitted to continue, shall constitute a separate violation and shall be fined as such.

(T.M. of 11-5-2019(2))

#### Sec. 11-15. - Other laws.

Except as otherwise specifically provided herein, this article incorporates the requirements and procedures set forth in the Maine Marijuana Legalization Act, 28-B M.R.S.A. ch. 1, as may be amended. In the event of a conflict between the provisions of this chapter and the provisions of the Maine Marijuana Legalization Act or any other applicable state or local law or regulation, the more restrictive provision shall control.

**Except as otherwise specifically provided herein, this Article incorporates the requirements and procedures set forth in the Maine Medical Use of Marijuana Act, 22 M.R.S.A. Chapter 558-C, as may be amended. In the event of a conflict between the provisions of this Chapter and the provisions of the Maine Medical Use of Marijuana Act or any other applicable State or local law or regulation, the more restrictive provision shall control.**

(T.M. of 11-5-2019(2))

#### Sec. 11-16 Effective Date.

**This Article shall take effect pursuant to the Town Charter. However, no application for any Local License for a marijuana establishment or medical marijuana establishment shall be acted upon until the effective date of regulations promulgated and adopted pursuant to 28-B M.R.S.A. Chapter 1, as may be amended.**

**Sec. 11-17. Severability.**

**The provisions of this Article are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.**

***(PERFORMANCE STANDARDS)***

~~Sec. 33-189. Nonprofit medical marijuana dispensaries and registered primary caregivers.~~

~~(a) The provisions for nonprofit medical marijuana dispensaries shall apply to both dispensaries and registered primary caregivers.~~

~~(b) The applicant must hold a current dispensary certificate or registered primary caregiver license in good standing from the State of Maine Department of Health and Human Services, Division of Licensing and Regulatory Services prior to making an application with the town. If approved, the dispensary or registered primary caregiver facility operator shall annually submit a copy of the current dispensary certificate or registered primary caregiver license to the code enforcement officer.~~

~~(c) A dispensary or registered primary caregiver facility may not be located within 500 feet of the property line of an existing public or private school, residential property, childcare facility, place of worship or public facility.~~

~~(d) All cultivation of marijuana must take place in a fully enclosed and locked structure. Outdoor cultivation of marijuana is prohibited.~~

~~(e) The property shall be screened in accordance with section 33-175.~~

~~(f) The dispensary or registered primary caregiver facility shall comply with the parking requirements of section 45-495(9).~~

~~(g) The dispensary or registered primary caregivers shall comply with all applicable town and state regulations.~~

~~(h) No materials described in the definition of a nonprofit medical marijuana facility shall be visible from the exterior of the building in which the nonprofit medical marijuana dispensary or registered primary caregiver facility is located.~~

~~(T.M. of 6-18-2011(6); T.M. of 11-8-2016(1))~~

Sec. 33-190. - Performance standards for marijuana establishments.

Notwithstanding anything to the contrary of 1 M.R.S.A. § 302 or any other law, to any application relating to the establishment or operation of a proposed marijuana establishment **or medical marijuana establishment**, whether or not such application had become "pending proceeding" as defined in 1 M.R.S.A. § 302 prior to the enactment of this section.

All **new** marijuana establishments **and medical marijuana establishments** require site plan review and approval from the planning board prior to the issuance of any building permit or certificate of occupancy. The following performance standards are to be used by the planning board in reviewing site plan applications and compliance with the same shall serve as requirements for approval of such site plans.

Reference chapter 11-3 for definitions related to this section.

(1) All marijuana establishments **and medical marijuana establishments** shall be screened in accordance with section 33-175.

(2) All marijuana establishments **and medical marijuana establishments** shall comply with the parking requirements of section 45-495(15).

(3) Signage and advertising. All signage and advertising for any marijuana establishment **and medical marijuana establishments** shall comply with all applicable provisions of chapter 45 in this Code. In addition, no signage or advertising shall use the word "marijuana" or "cannabis," or any other word, phrase or symbol commonly understood to refer to marijuana. No interior signage, advertising as described above shall be visible from the exterior of the building in which the marijuana establishment is located. Signage containing misleading or deceptive marketing or marketing towards individuals under the age of 21 is prohibited.

(4) Area of activities for all marijuana establishments **and medical marijuana establishments**; control of odors and emissions; sealed walls; disposal plan; security.

a. All activities of marijuana including, without limitation, cultivating, growing, processing, displaying, selling and storage, shall be conducted indoors. Marijuana establishments **and medical marijuana establishments** are not permitted to conduct outdoor sales or services of any kind. Any common areas, including, but not limited to, storage areas and building facilities, shared with another marijuana establishment **and/or medical marijuana establishment** must be clearly identified as such on the site plan application.

b. Odor management. For all marijuana establishments **and medical marijuana establishments** odor of marijuana must not be perceptible at the exterior of the building at the premises or at any adjoining use of the property. Marijuana stores, marijuana product manufacturing facilities, marijuana testing facilities, **medical marijuana stores, medical marijuana product manufacturing, and medical marijuana testing facilities** are not required to install filtration equipment on the licensed premises but must satisfy the same odor standard contained herein. While the town does not mandate any particular equipment specifications with regard to filtration, all marijuana establishments are strongly encouraged to adopt best management practices with regard to implementing state-of-the-art technologies in mitigating marijuana odor, such as air scrubbers and charcoal filtration systems.

c. Noxious gases and fumes. Marijuana product manufacturing facilities, marijuana testing facilities, **medical manufacturing facilities, and medical marijuana testing facilities** shall include appropriate ventilation systems to mitigate noxious gases or other fumes used or created as part of the production.

d. Sufficient measures and means of preventing smoke, debris, dust, fluids and other substances from exiting a marijuana establishment must be provided at all times.

e. All marijuana establishments **and medical marijuana establishments** shall have in place an operational plan for proper disposal of marijuana and related byproducts in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations. Dumpsters and trash containers must not be overflowing, and the surrounding area must be kept free of litter and trash. All dumpsters and containers shall be screened from public view. All trash receptacles on the premises used to discard marijuana products must have a metal cover or lid that is locked at all times. Security cameras must be installed to record activities in the area of such trash receptacles.

f. Sufficient and appropriate security measures to deter and prevent unauthorized entrance into areas containing marijuana and the theft of marijuana must be provided at all times. Security measures shall include, at a minimum, the following:

1. Security surveillance cameras installed and operating 24 hours a day, seven days a week to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises;
2. Door and window intrusion robbery and burglary alarm systems with audible and police department notification components that are professionally monitored and maintained in good working condition;
3. A locking safe **or secure storage container** permanently affixed to the premises that is suitable for storage of all adult use marijuana product and cash stored overnight on the premises;
4. Exterior lighting that illuminates the exterior walls of the premises and complies with applicable provisions of this Code; and

5. Deadbolt locks on all exterior doors and locks or bars on any other access points (e.g., windows).

All security recordings shall be preserved **as the State requires** ~~for at least 72 hours~~. All marijuana establishments shall provide the police chief or their designee with the name and functioning telephone number of a 24-hour on-call staff person to whom the town may provide notice of any operating problems associated with the establishment.

(5) Separation from sensitive uses.

a. No marijuana store, **medical marijuana retail store or medical marijuana dispensary** structure shall be sited within 500 feet of the lot lines of a public or private school; and

b. No marijuana store, **medical marijuana retail store or medical marijuana dispensary** structure shall be sited within 500 feet of the lot lines of any ~~public facility~~, places of worship, residential property, or childcare facility.

The planning department will not preclude a sensitive use listed in a. and b. above from opening at a location within the applicable buffer zones.

A marijuana store, **medical marijuana retail store or medical marijuana dispensary** may continue to operate in its present location as a pre-existing use if a sensitive use as listed in a. and b. above later locates within the applicable buffer zone; however, the marijuana store does so at its own risk, and town-issued licenses, permits or approvals provide no protection or indemnification against enforcement of federal or other applicable laws that may prohibit operation of a marijuana store, near a sensitive use listed in a. and b. above.

**The distance cited in this subsection shall be measured between the nearest point of the proposed building for the marijuana store, medical marijuana retail store or medical marijuana dispensary and the lot line of the site of the use listed in (a) or (b) above at their closest points.**

**For purposes of this measurement, if a marijuana store, medical marijuana retail store or medical marijuana dispensary is to be located on a site that is leased from an unrelated third party, such establishment's lot line shall be determined as follows:**

- (i) **If the establishment leases a freestanding building or buildings which is or are part of a larger parcel containing other freestanding buildings, the lot line of such establishment shall be the outer wall of the building(s) at its nearest point being leased by the establishment to the lot line of the site of the use listed in (a) or (b) above; and**
- (ii) **If the establishment leases a room or suite of rooms within a building, including, without limitation, individual units within a shopping plaza or shopping mall, the lot line of such establishment shall be the outer wall of the building at its nearest point being leased by the establishment to the lot line of the site of the use listed in (a) or (b) above**

(6) Hours of operation. Marijuana stores, **medical marijuana retail store or medical marijuana dispensary** are limited to the same hours of operation as those for establishments serving or selling alcoholic beverages or products in accordance with chapter 6 section 11 or as may be set forth in state statute. When there is a conflict between statute and local zoning, the more restrictive hours of operation shall apply.

(7) Size limitation. The plant canopy of a marijuana cultivation facility **or medical marijuana cultivation facility** shall not exceed their state issued tier permit.

(8) Sale of edible products. No food products shall be sold, prepared, produced or assembled by a marijuana establishment except in compliance with all operating and other requirements of state, local law and regulation, and compliance with this Code including, without limitation, food establishment licensing requirements. Any goods containing marijuana for human consumption shall be stored in a secure area.

(9) Drive-through and home delivery. Marijuana establishments **and medical marijuana establishments** are prohibited from having drive-through pick-up facilities. Marijuana stores are prohibited from providing home delivery services. Adult use marijuana customers may only purchase and obtain adult use marijuana products from within a marijuana store.

(10) Pesticides. The only pesticides allowed to be used in marijuana establishments **and medical marijuana establishments** are non-synthetic substances, unless specifically listed as "prohibited" on the national list, and pesticides determined to be "minimum risk pesticides" pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and listed in 40 C.F.R. § 152.25(f)(1) or (2), as may be amended from time to time. All marijuana establishments **and medical marijuana establishments** shall comply with all packaging and labeling requirements from the state.

(11) Inspections. The code enforcement officer or their designee will inspect all marijuana establishments **and medical marijuana establishments** prior to issuance of a certificate of occupancy, to verify that the facilities are constructed and can be operated in accordance with the application submitted, the land use approval(s) issued and the requirements of this section, local and state building codes and electrical codes. The fire chief or their designee will inspect all marijuana establishments prior to issuance of a certificate of occupancy, to verify that the facilities are constructed and can be operated in accordance with the requirements of all applicable state and local fire codes. The initial inspection shall occur after the establishment is ready for operation, but no marijuana, marijuana products will be permitted on the premises until the inspection is complete and a certificate of occupancy is issued. Nothing herein shall prevent the fire chief or their designee from inspecting marijuana establishments at random intervals, but not to exceed four times a year, and without advance notice provided that the inspection is during normal business hours of the establishment.

(12) Change of use/addition of use. If any type of marijuana establishment **or medical marijuana establishment** to change to another type of establishment or to add another type of marijuana establishment to its existing operations, such change of use or additional use must be reviewed and approved by the planning board for compliance with this section.

(13) Other laws remain applicable. A marijuana establishment **or medical marijuana establishment** shall meet all operating, local and state licensing and other requirements of state and local laws and regulations. To the extent the state has adopted or adopts in the future any stricter law or regulation governing ~~adult use~~ marijuana and/or marijuana establishments, **and/or medical marijuana establishments** the stricter law or regulation shall control.

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