



Town Council Workshop Meeting Minutes

Wednesday, February 17th, 2021 @ 6:30pm via Zoom
(rescheduled from Wednesday, February 10th, 2021)

There was a Town Council Workshop on Wednesday, February 17th, 2021 beginning at 6:30 pm via Zoom, to discuss the ordinance development for adult use marijuana retail stores in Old Orchard Beach.

Those in attendance included:

Shawn O’Neill, Chair
Michael Tousignant, Vice-Chair
V.Louise Reid, Councilor
Kenny Blow, Councilor
Jay Kelley, Councilor
Jen Hayes, Town Council Secretary
Larry Mead, Town Manager *via Zoom*
Jeffrey Hinderliter, Town Planner *via Zoom*

The public was invited to join the Zoom meeting by following the link below:

By Virtual meeting link:

<https://us02web.zoom.us/j/84991904137?pwd=NEQvbXVRSkZ4dEdyV2J3eVo1NmRGQT09> Passcode: 347140

Or iPhone one-tap :

+16465588656,,84991904137# or
+13017158592,,84991904137#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

+1 646 558 8656 or
+1 301 715 8592 or
+1 312 626 6799 or
+1 669 900 9128 or
+1 253 215 8782 or
+1 346 248 7799

Webinar ID: 849 9190 4137

Instructions to participate were as follows:

HOW TO PARTICIPATE IN OUR REMOTE MEETINGS

We offer several ways to participate in remote Town Council meetings:

- 1.) Watch the live-stream on our [Facebook page](#).
- 2.) Watch the session directly in Zoom by joining the meeting as an attendee.
This link will change for each meeting and can be found on the [Town website](#), social media, and at [Town Council Agendas](#)***
- 3.) Dial in to the meeting with your mobile, work or home phone using the toll-free dial-in numbers for each meeting on [Town Council Agendas](#)
- 4.) Watch the meeting the next day on our [YouTube channel](#). This option will provide closed captions once the video has finished processing.

****There will be an opportunity for individuals logged into the Zoom meeting to speak. Instructions and procedural etiquette will be available online after individuals have been admitted into the meeting.*

PUBLIC COMMENT*

As an alternative to participating in the Zoom meeting, members of the public may submit written comment in place of in-person participation. Written public comments

must be e-mailed to the Town Manager at councilcomments@oobmaine.com, or mailed to *Public Comment*,

1 Portland Avenue, Old Orchard Beach, ME 04064.

Public Comment received by 5 PM on the date of the Council workshop will be provided to the Town Council in advance of the meeting and will become a part of the permanent record of the meetings.

If e-mailing, please note “*Public Comment*” and the meeting date in the Subject field. **This method is subject to change.*

NOTE: If you require clarification about the Zoom format and/or meeting access, please contact:

Fran Beaulieu, Director of HR & Communications: fbeaulieu@oobmaine.com, 937.5632 OR

Jen Hayes, Executive Assistant, Office of Town Manager: jhayes@oobmaine.com, 937.5626

Chair O’Neill opened the meeting @ 6:33pm and after introductions established the ground rules for the meeting. The Town Planner began the discussion with a description of the ordinances in development (*Appendix A*) and it was agreed upon to stop and discuss points.

During the workshop, key talking points were noted:

- the state of Maine must license the applicant prior to the applicant applying within the Town of Old Orchard Beach
- the state of Maine will be absorbing the tax revenue from the sale of marijuana and marijuana related products, not the Town. Councilor Blow expanded on this topic by sharing that revenue would be limited to the Town. He noted there would not be a big financial boom from this business type and that the Town was working to put this opportunity in place for the residents (noting the referendum passed at the June 2020 election). Councilor Blow noted that he didn’t believe that tourists would come to Town specifically for this business as they have the opportunity to go to neighboring communities with active marijuana businesses.

- Town Planner noted that there were not a lot of ordinances in the state of Maine to refer to in terms of licensing this type of business.

Discussion on the topic continued as the Town Planner went through the points of the ordinances for the Council to consider. Councilor Reid noted the additional cost and financial strain this would have on the community due to increase monitoring from the OOB PD and Codes Departments. Councilor Kelley read into the record a memo to Town Council from the Town Manager, Police Chief Kelley, Police Captain Hemingway and Police Captain Chard (*see appendix B*).

Chair O'Neill noted that it was clear that Council did not want the option of a drive-thru adult-use marijuana retail store within the Town. He also wished to ease the concerns of citizens that pictures of marijuana; including plants, paraphernalia, individuals using marijuana, etc., are not allowed to be prominently displayed on store fronts per Maine state law. Moreover, he noted the need to have extra performance standards in place in order to have qualified applicants from the beginning of the application process.

In terms of districts to consider for a marijuana establishment:

- Councilor Blow would prefer a retail store in GB1 with cultivation and other options in the industrial district)
- Council Reid preferred not to have a cultivation business in GB1. She also suggested one retail store for one year with limited operation with strict accountability by Code Enforcement & Police Departments.
- Councilor Tousignant stated he was struggling with the decision and brought up fairness and fair competition of business.
- Councilor O'Neill shared that he would prefer two options on either end of Town and did not support retail in the GB1 district.

- Councilor Reid and Kelley both supported retail marijuana business only.

Chair O'Neill opened the meeting for public comment (*written public comments are included. See Appendix D*). Callers included:

- Peter Guidi: noting his worry regarding recreational users within hotels and suggested Council embrace Marijuana Tourism, he supported a business placed in DD1/DD2 (*see appendix D*)
- Paul Golzbein: noted he disagreed with the majority of what was being said and that Council was putting the “cart before the horse.”
- David Whitten – Sticky Buds, Windham: stated that one store in Town would create a monopoly. He disagreed with the first come, first serve concept for licensing. He did not support business of this nature on the pier.
- Kathy Smith – OOB resident; requested that Council take “baby steps” and was opposed to DD1 and DD2. (*see appendix D*)
- Peter, Tom, and Patrick Mourmouras: suggested abandoning the idea of a lottery system for applicants, supported medical marijuana business, and wanted to make sure time was taken in terms of appropriate spacing from sensitive places.
- Harold Harrisburg: agreed with the memo to council (*see appendix B*), does not want a business in the DD zones, disagreed with Peter Guidi
- Matt Tagert – Emerald River, Shapleigh: spoke to legitimacy of retail marijuana, noted that he did not feel welcomed bringing his business to OOB, offered a meeting between the Town Planner and his attorneys in Lewiston.

Prior to adjourning, it was agreed by Council to get additional information from the Town attorney and then present the information to the Planning Board.

The meeting adjourned at 8:36pm.

Appendix A

**CHAPTER 18 AMENDMENTS – ADULT USE MARIJUANA BUSINESS
LICENSING
Town Council (10 Feb 2021 Workshop)**

**Amendment to Chapter 18, Article XII, Sections 18-604 – 18-622 – Adult Use Marijuana
Business Licensing (all language is new)**

Sec. 18-604 – Purpose

The purpose of this Article is to provide for and regulate the issuance of Local Licenses for Adult Use Marijuana Businesses as defined in this Article and by the State of Maine under the Marijuana Legalization Act, 28-B M.R.S.A. Chapter 1, as may be amended.

Sec. 18-605 – Authority

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

Sec. 18-606 – Definitions

As used in this article the terms listed below have meanings set forth below, whether or not such terms are otherwise defined elsewhere in this chapter.

Adult Use Marijuana: marijuana cultivated, manufactured, distributed or sold by an adult use marijuana business.

Adult Use Marijuana Business: Adult Use Marijuana Cultivation Facility, Adult Use Marijuana Products Manufacturing Facility, Adult Use Testing Facility, or Adult Use Marijuana Store regulated under this Ordinance.

Adult Use Marijuana Cultivation Facility: a facility licensed under this ordinance to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to Adult Use Products Manufacturing Facilities, to Adult Use Marijuana Stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature marijuana plants and seedlings to Adult Use Marijuana Stores.

Adult Use Marijuana Nursery Cultivation Facility: a facility licensed under this ordinance to cultivate not more than 1,000 SF of plant canopy pursuant to 28-B M.R.S. §501.

Adult Use Marijuana Product: a marijuana product that is manufactured, distributed or sold by an adult use marijuana business.

Adult Use Marijuana Store: a facility licensed under this ordinance to purchase adult use marijuana, immature marijuana plants and seedlings from an Adult Use Cultivation Facility, to purchase adult use marijuana and adult use marijuana products from an Adult Use Products Manufacturing Facility and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.

Adult Use Marijuana Testing Facility: a facility licensed under this ordinance to develop, research and test adult use marijuana, adult use marijuana products and other substances.

Adult Use Marijuana Products Manufacturing Facility: a facility licensed under this ordinance to purchase adult use marijuana from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use marijuana and adult use marijuana products; and to sell adult use marijuana and adult use marijuana products to marijuana stores and to other products manufacturing facilities.

Applicant: a person or business entity that has submitted an application for licensure as a Adult Use Marijuana Business pursuant to this Article.

Business Entity: a partnership, association, company, corporation, limited liability company or other entity incorporated or otherwise formed or organized by law. "Business entity" does not include a federal, state or municipal government organization.

Cultivation or Cultivate: the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale.

Edible Marijuana Product: a marijuana product intended to be consumed orally, including, but not limited to, any type of food, drink or pill containing marijuana or marijuana concentrate. "Edible Marijuana Product" does not include an edible product containing "hemp" as defined in Title 7 M.R.S.A, section 2231, subsection 1-A, paragraph D.

Harvested Marijuana: the plant material harvested from a mature marijuana plant, except the stalks, leaves and roots of the plant that are not used for a qualifying patient's medical use. "Harvested marijuana" includes marijuana concentrate and marijuana products.

Immature marijuana plant: a marijuana plant that is not a mature marijuana plant or a seedling.

Licensed premises: the premises specified in an application for a State or local license pursuant to this chapter and 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 adult use marijuana products, in accordance with the provisions of this chapter and article and the requirements of State law and regulations.

Licensee: a person or business entity licensed pursuant to this chapter and article.

Local License: any license required by and issued under the provisions of this chapter and article.

Local Licensing Authority: the License Administrator or the Town Council, as further specified in the provisions of this chapter and article.

Manufacture or Manufacturing: the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis. "Marijuana" means the leaves, stems, flowers and seeds of a marijuana plant, whether growing or not.

Marijuana: the leaves, stems, flowers and seeds of a marijuana plant, whether growing or not. "Marijuana" includes marijuana concentrate but does not include hemp as defined in Title 7 M.R.S.A., section 2231, subsection 1-A, paragraph D or a marijuana product.

Marijuana Product: a product composed of marijuana or marijuana concentrate and other ingredients that is intended for use or consumption. "Marijuana Product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. "Marijuana Product" does not include marijuana concentrate or a product containing hemp as defined in Title 7 M.R.S.A., section 2231, subsection 1-A, paragraph D.

Owner: a person whose beneficial interest in an Adult Use Marijuana Business 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 Adult Use Marijuana Business and has a controlling interest in an Adult Use Marijuana Business.

Person: 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.

Plant Canopy: 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 identifiable 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 premises of a cultivation facility that are used by the licensee to cultivate immature marijuana plants and seedlings and that are not used by the licensee at any time to cultivate mature marijuana plants.

State License: any license, registration or certification issued by the State Licensing Authority.

State Licensing Application: 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, adult use marijuana products, medical marijuana and/or medical marijuana products in this State.

State Licensing Authority: 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 marijuana, adult use marijuana products, medical marijuana and/or medical marijuana products in this State.

Testing or test: the research and analysis of marijuana, marijuana products or other substances for contaminants, safety or potency.

Sec. 18-607 – Adult Use Marijuana Business Allowed

Adult Use Marijuana Business shall be allowed, subject to the requirements of this chapter and article and Chapter 78 of the Old Orchard Beach Code of Ordinances.

Sec. 18-608 – Limitations in Licenses

No more than the specified quantities of licenses shall be issued for each of the following Adult Use Marijuana Business categories:

- Adult Use Marijuana Store: _____ Total
- Adult Use Marijuana Store: _____ Total
- Adult Use Marijuana Cultivation Facility (Industrial District Only): _____ Total
- Adult Use Marijuana Products Manufacturing Facility (Industrial District Only): _____ Total
- Adult Use Marijuana Testing Facility (Industrial District Only): _____ Total

Sec. 18-609 – License Application Contents

All license applications for Adult Use Marijuana Business licenses under this article shall complete and file an application on the form provided by the license administrator. All applicants must be **qualified according to the provisions of this article** and shall provide sufficient information to demonstrate that they meet all qualifications and standards established in this article.

If the applicant who wishes to operate an Adult Use Marijuana Business is a single individual, that person must sign the license application. If the applicant who wishes to operate a Marijuana Business is more than one individual, each person who has an interest in the business must sign the application.

Each applicant must meet all qualifications set forth in this article. Each applicant shall be considered a licensee if a license is granted.

The completed application for a Adult Use Marijuana Business license shall contain, at a minimum, the following information and shall be accompanied by the specified documentation:

(1) Name of Applicant.

- a) If the applicant is an individual: The individual shall state their legal name and any aliases and submit proof that they are at least twenty-one (21) years of age.
- b) If the applicant is a partnership: The partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, submit a copy of the partnership agreement, if any, and submit proof that all partners are at least twenty-one (21) years of age.
- c) If the applicant is a corporation: The corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under State law, the names and capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, the address of the registered office for service of process, and submit proof that all officers, directors and principal stockholders are at least twenty-one (21) years of age.
- d) If the applicant is a limited liability company (LLC): The LLC shall state its complete name, the date of its establishment, evidence that the LLC is in good standing under State law, the names and capacity of all members, a copy of its operating agreement, if any, the address of its registered office for service of process, and submit proof that all members are at least twenty-one (21) years of age.

- e) If the applicant intends to operate the Adult Use Marijuana Business under a name other than that of the applicant, they must state the Adult Use Marijuana Business name and submit the required registration documents.
- (2) The applicant's mailing address and residential address.
 - (3) Recent passport-style photograph(s) of the applicant(s).
 - (4) The applicant's driver's license.
 - (5) A sketch showing the configuration of the subject premises, including building footprint, plant canopy square footage calculations, interior layout with floor space to be occupied by the business, and parking plan. The sketch must be drawn to scale with marked dimensions.
 - (6) Evidence of all State approvals or conditional approvals required to operate the Adult Use Marijuana Business, including, but not limited to a State License as defined in this article.
 - (7) The location of the proposed Adult Use Marijuana Business, including a legal description of the property, street address, and telephone number. The applicant must also demonstrate that the property meets the zoning requirements for the proposed use.
 - (8) If the applicant has had a previous license under this article or other similar Marijuana Establishment, as licensed under 28-B M.R.S.A. Chapter 1, **denied, suspended or revoked** in another municipality in Maine, in the Town of Old Orchard Beach, or in another state, the applicant must list the name and location of the **Marijuana Establishment** for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and **they** must list whether the applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation that is permitted/licensed under this article, whose license has previously been denied, suspended or revoked, listing the name and location of the Marijuana Establishment for which the permit was denied, suspended, or revoked as well as the date of denial, suspension or revocation.
 - (9) If the applicant holds any other permits/licenses under this article or other similar Marijuana Establishment, as licensed under 28-B M.R.S.A. Chapter 1, from another municipality in Maine, the Town of Old Orchard Beach, or State the applicant shall provide the names and locations of such other permitted/licensed businesses, including the current status of the license or permit and whether the license or permit has been revoked.
 - (10) Completion of applicable release forms, supplied by the Town, allowing the Town to perform background checks of each applicant.
 - (11) The type of Adult Use Marijuana Business for which the applicant is seeking a license and a general description of the business including hours of operation.
 - (12) Sufficient documentation demonstrating possession or entitlement to possession of the proposed licensed premises of the Adult Use Marijuana Business pursuant to a lease, rental agreement, purchase and sale agreement or other arrangement for possession of the premises or by virtue of ownership of the premises.

(13) A copy of a map depicting all property boundary lines and land uses on each property within one thousand (1,000) feet of the Adult Use Marijuana Business property boundary lines.

(14) A business plan which shall include responses to the following:

- a) Owner qualifications.
- b) A budget for construction, operations, and maintenance.
- c) Hours of operation and opening and closing procedures.
- d) Daily operations per license category, including, but not limited to the following:
 - i) For Stores: customer check in procedures; location for receiving deliveries; estimate of number of customers per day; products to be sold; parking availability and location.
 - ii) For Manufacturing: all products manufactured; quality control procedures; inventory control procedures; sanitation procedures.
 - iii) For Testing: sampling standards operating procedures; procedures for transporting marijuana samples; quality control procedures; storage location

(15) A neighborhood compatibility plan which shall include responses to the following:

- a) How the Business will proactively address and respond to complaints.
- b) How the Business will be managed so as to avoid becoming a nuisance or having impacts on its neighbors and the surrounding community.
- c) Odor mitigation
- d) Waste management

(16) A safety plan which shall include responses to the following:

- a) The safety plan shall consider all possible fire, medical, and hazardous situations.
- b) Accident and incident reporting procedures.
- c) Evacuation routes.
- d) The location of fire extinguishers and other fire suppression equipment.
- e) Procedures and training for all fire and medical emergencies.

(17) A security plan which shall include responses to the following:

- a) The security plan should consider all access control, inventory control, cash handling procedures.
- b) Submit a security diagram which shall focus on security measures including, but not limited to the following:
 - i) Entrances, exits, walls, rooms, windows, and doors. The activity in each room and location of all cameras.
 - ii) Description of activity conducted in each area of the store or facility including storage area, display area, customer area, employee area, loading/unloading area, processing area, testing area, and packaging area.
- c) Alarm and monitoring system name.
- d) 24-hour, 7-day a week contacts.

(18) A community relations plan which shall describe public outreach and education programs such as youth drug addiction and other actions that directly benefit the community.

Sec. 18-610 – New License Application Procedure

All applicants submitting new Adult Use Marijuana Business license applications shall follow a three-part license application procedure.

(1) Part 1

- a) The applicant shall submit a completed license application and license application contents identified in Sec. 18-609 of this article to the license administrator.
- b) Upon completion of the application acceptance period identified in Sec. 18-612 of this article, the license administrator shall submit license applications to the Town Manager.
- c) Within forty-five (45) days of the **Town Manager's** receipt of license applications, the Town Manager shall place the license application on the Town Council agenda.
- d) The Town Manager shall consult with Town Staff before any license application is placed on the Town Council agenda. The purpose of this consultation is to allow Town Staff an opportunity to review license applications and provide comment to the Town Council.
- e) The Town Manager shall authorize background checks on all applicants for Adult Use Marijuana Business licenses before any license application is placed on the Town Council agenda.
- f) The Town Council will review the license application at a regularly scheduled meeting for the purpose of determination of completeness. For the purposes of this article, a determination of completeness means a completed license application and all materials are provided in accordance with Sec. 18-609 of this article. A determination of completeness is not approval of a license application.
- g) In the event there are a greater number of license applications determined complete than the specified quantities of licenses as identified in Sec. 18-608 of this article, **the Town Council shall conduct a lottery to randomly determine which complete applications shall have the opportunity to proceed with the conditional use permit process.** The lottery will be held at a regularly scheduled meeting of the Town Council where Council members will randomly choose license applications. A separate lottery will be held for each Adult Use Marijuana Business category identified in Sec. 18-608 of this article.
- h) Upon selection of license applications through the lottery, a selected applicant shall proceed with the conditional use permit process. Lottery selection of a license application is not approval of a license application, it only provides the applicant the right to apply for a conditional use permit.
- i) In the event the number of license applications determined complete do not exceed the specified quantities of licenses identified in Sec. 18-608 of this article, a lottery will not be held and an applicant shall proceed with the conditional use permit process.
- j) **The selected license applicant shall submit a complete conditional use permit application to the Planning Board within sixty (60) days of the date of license application selection.** Failure to

submit a complete conditional use permit application within the time frame stated above shall disqualify an applicant from Part 2 of this section.

- k) Applicants will not be allowed to resubmit information that is missing or incomplete during Part 1 review.

l) Payment of Part 1 Adult Use Marijuana Business license application fee

(2) Part 2

Only those applicants who are chosen in the lottery described in Part 1, secured conditional use permit approval from the Planning Board, and supply evidence of all State approvals required to operate a Adult Use Marijuana Business have the Town’s approval to continue with Part 2 of the license application procedure.

- a) The applicant shall submit the following to the Town Manager:
 - (i) Copy of the completed license application and license application contents identified in Sec. 18-609 of this article
 - (ii) Copy of Conditional Use Permit Findings of Fact;
 - (iii) Copy of Conditional Use Permit Application submission to the Planning Board;
 - (iv) Attested statement certifying the documentation in 18-610 (1) remains the unchanged;
 - (v) Proof and copy of all State license final approvals allowing the Adult Use Marijuana Business;
 - (vi) Payment of applicable Part 2 Adult Use Marijuana Business license application fee; and
 - (vii) Any other information the Town Manager feels is necessary to assist the Town Council with review and final decision.

- b) Upon receipt of the above, the Town Manager will place on the Town Council agenda with the request of scheduling a public hearing.
- c) The Council will conduct a public hearing for each Adult Use Marijuana Business license application. The applicant shall provide notice of the public hearing location, date, and time to all property owners within one thousand (1,000) feet of the premise’s property boundary lines. Notice shall be mailed by the applicant at least ten (10) days before the public hearing is held. Proof of mailing shall be submitted to the Town Manager before the date of the public hearing.
- d) Upon completion of the public hearing, the Town Council will consider public comments, applicant submissions, staff evaluations, State records, and any other documentation the Council determines is necessary in order to conduct a final review.

(3) Part 3

At a regularly scheduled meeting of the Town Council following the public hearing, the Council will make a final decision on Adult Use Marijuana Business license applications. Only those applicants who successfully meet 18-610 (1) and (2) and other applicable State laws, this article and Old Orchard Beach ordinances and adopted codes will be eligible to receive an Adult Use Marijuana Business license.

The Town Council shall have the authority to impose any conditions on a license that are reasonably necessary to ensure compliance with the requirements of this article or to address concerns about

operations. Failure of any licensee to comply with such conditions shall be considered a violation of the chapter and article.

Sec. 18-611 – Renewal License Application Procedure

(1) Each license issued shall be effective for one year from the date of issuance.

(2) Renewal license applications shall be submitted to the license administrator a minimum of forty-five (45) days before the date of expiration of the annual local license. Any licensee who fails to submit a renewal application by the applicable deadline shall not have authority to operate until a license is granted.

(3) Renewal license applicants shall be subject to the procedure identified in Sec. 18-610 (2) and (3) of this article. Applicants shall be subject to updated background checks and inspections of the premises.

(4) The Town Manager shall consult with Town Staff before any license application is placed on the Town Council agenda. The purpose of this consultation is to allow Town Staff an opportunity to provide feedback to the Town Council.

Sec. 18-612 –Application Acceptance Period

(1) The license administrator will accept new Adult Use Marijuana Business license applications up to thirty (30) days after the date of Town Council adoption of this article. If additional licenses are available after the thirty (30) day period, the license administrator will accept license applications until the quantity of licenses identified in Sec. 18-607 of this article is reached.

(2) If additional licenses become available, the license administrator will provide notice within a local newspaper of general circulation and post on the Town of Old Orchard Beach website. The notice shall include dates during which the applications will be accepted and contact information for questions.

(3) New license applications will be accepted by the license administrator after the quantity of licenses is reached. The Town will not keep a list of those who would like to apply.

Sec. 18-613 – Expired License

An application for the renewal of an expired license shall be treated as a new license application. Any licensee who fails to submit a renewal application by the applicable deadline shall not have authority to operate until a license is granted.

Sec. 18-614 – Background Checks

The Town Manager shall authorize background checks of each license applicant and renewal license applicant. If the applicant is a business entity, every officer, director, manager and general partner of the business entity is required to submit to a criminal history check. Failure to submit required release for a background check is grounds for denial of a license. The applicant shall be billed for the cost of the background check.

Sec. 18-615 – Right of Access/Inspections

Every Adult Use Marijuana Business shall allow law enforcement officers, fire department officials and code enforcement officers entry onto the premises at reasonable times for the purpose of checking compliance with all applicable State laws, this article and other Old Orchard Beach ordinances and adopted codes.

Sec. 18-616 – Fees

(1) Part 1 Adult Use Marijuana Business License Application Fee: _____ plus cost of background check.

(2) Part 2 Adult Use Marijuana Business License Application Fee. License fees are set forth below and shall be paid annually. Applicants are responsible for the Town’s expenses associated with the review of an application, including the cost of any third-party review if necessary.

Adult Use Marijuana Store: _____

Adult Use Marijuana Cultivation Facility: _____

Adult Use Marijuana Products Manufacturing Facility: _____

Adult Use Marijuana Testing Facility: _____

Sec. 18-617 – Transfer of Ownership and Change of Location

Licenses issued under this article are not transferable to a new owner. Any change in ownership or change in the officers of an owner shall require a new license. 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.

Sec. 18-618 – Appeals

Any appeal of a decision of the Town Council shall be to the Superior Court, in accordance with the requirements of Rule 80B of the Maine Rules of Civil Procedure.

Sec. 18-619 – Violations and Penalties

The operation of any Adult Use Marijuana Business without the required Local License or in violation of the requirements of this chapter and article shall be a violation of this chapter and article. Violations shall be subject to fines as set forth in Sec. 18-28 of this chapter.

Sec. 18-620 – 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.

Sec. 18-621 – 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. Chapter 1, as may be amended. In the event of a conflict between the provisions of this article and the provisions of said Act or any other applicable state or local law or regulation, the more restrictive provision shall control.

Sec. 18-622 – Effective Date

The effective date of this article shall be the date of adoption by the Town Council.

CHAPTER 78 AMENDMENTS – ADULT USE MARIJUANA BUSINESSES
Town Council (10 Feb 2021 Workshop)

Amendment to Chapter 78, Article VII, Division 2 - Conditions, Section 78-1278 – Adult Use Marijuana Businesses (all language is new)

Sec. 78-1279 – Adult Use Marijuana Businesses

(1) Purpose

The purpose of this section is to implement the Marijuana Legalization Act, 28-B M.R.S. §101 et seq. and to protect the public health, safety, and welfare of the residents of and visitors to the Town of Old Orchard Beach by prescribing the manner in which Marijuana Business can be conducted in the Town.

In addition, this section provides for the protection of public health and safety through reasonable controls on marijuana sales, cultivation, manufacturing, testing, and distribution operations as they relate to air quality, neighborhood and customer safety, security for these operations and their personnel, and other health and safety concerns.

(2) Applicability

The regulations in this Ordinance shall apply to any persons or entities operating or interested in operating an Adult Use Marijuana Business in Old Orchard Beach.

(3) Definitions exclusive to Adult Use Marijuana Businesses

As used in this section the terms listed below have meanings set forth below, whether or not such terms are otherwise defined elsewhere in this chapter. Terms not listed below have the same meanings as in section 78-1 of this chapter.

Adult Use Marijuana: marijuana cultivated, manufactured, distributed or sold by an adult use marijuana business.

Adult Use Marijuana Business: Adult Use Marijuana Cultivation Facility, Adult Use Marijuana Products Manufacturing Facility, Adult Use Testing Facility, or Adult Use Marijuana Store regulated under this Ordinance.

Adult Use Marijuana Cultivation Facility: a facility licensed under this ordinance to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to Adult Use Products Manufacturing Facilities, to Adult Use Marijuana Stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature marijuana plants and seedlings to Adult Use Marijuana Stores.

Adult Use Marijuana Nursery Cultivation Facility: a facility licensed under this ordinance to cultivate not more than 1,000 SF of plant canopy pursuant to 28-B M.R.S. §501.

Adult Use Marijuana Product: a marijuana product that is manufactured, distributed or sold by an adult use marijuana business.

Adult Use Marijuana Store: a facility licensed under this ordinance to purchase adult use marijuana, immature marijuana plants and seedlings from an Adult Use Cultivation Facility, to purchase adult use marijuana and adult use marijuana products from an Adult Use Products Manufacturing Facility and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.

Adult Use Marijuana Testing Facility: a facility licensed under this ordinance to develop, research and test adult use marijuana, adult use marijuana products and other substances.

Adult Use Marijuana Products Manufacturing Facility: a facility licensed under this ordinance to purchase adult use marijuana from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use marijuana and adult use marijuana products; and to sell adult use marijuana and adult use marijuana products to marijuana stores and to other products manufacturing facilities.

Applicant: a person or business entity that has submitted an application for licensure as a Adult Use Marijuana Business pursuant to this Article.

Business Entity: a partnership, association, company, corporation, limited liability company or other entity incorporated or otherwise formed or organized by law. "Business entity" does not include a federal, state or municipal government organization.

Cultivation or Cultivate: the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale.

Edible Marijuana Product: a marijuana product intended to be consumed orally, including, but not limited to, any type of food, drink or pill containing marijuana or marijuana concentrate. "Edible Marijuana Product" does not include an edible product containing "hemp" as defined in Title 7 M.R.S.A, section 2231, subsection 1-A, paragraph D.

Harvested Marijuana: the plant material harvested from a mature marijuana plant, except the stalks, leaves and roots of the plant that are not used for a qualifying patient's medical use. "Harvested marijuana" includes marijuana concentrate and marijuana products.

Immature marijuana plant: a marijuana plant that is not a mature marijuana plant or a seedling.

Licensed premises: the premises specified in an application for a State or local license pursuant to this chapter and 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 adult use marijuana products, in accordance with the provisions of this chapter and article and the requirements of State law and regulations.

Licensee: a person or business entity licensed pursuant to this chapter and article.

Local License: any license required by and issued under the provisions of this chapter and article.

Local Licensing Authority: the License Administrator or the Town Council, as further specified in the provisions of this chapter and article.

Manufacture or Manufacturing: the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis. "Marijuana" means the leaves, stems, flowers and seeds of a marijuana plant, whether growing or not.

Marijuana: the leaves, stems, flowers and seeds of a marijuana plant, whether growing or not. "Marijuana" includes marijuana concentrate but does not include hemp as defined in Title 7 M.R.S.A., section 2231, subsection 1-A, paragraph D or a marijuana product.

Marijuana Product: a product composed of marijuana or marijuana concentrate and other ingredients that is intended for use or consumption. "Marijuana Product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. "Marijuana Product" does not include marijuana concentrate or a product containing hemp as defined in Title 7 M.R.S.A., section 2231, subsection 1-A, paragraph D.

Owner: a person whose beneficial interest in an Adult Use Marijuana Business 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 Adult Use Marijuana Business and has a controlling interest in an Adult Use Marijuana Business.

Person: 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.

Plant Canopy: 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 identifiable 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 premises of a cultivation facility that are used by the licensee to cultivate immature marijuana plants and seedlings and that are not used by the licensee at any time to cultivate mature marijuana plants.

State License: any license, registration or certification issued by the State Licensing Authority.

State Licensing Application: 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, adult use marijuana products, medical marijuana and/or medical marijuana products in this State.

State Licensing Authority: 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 marijuana, adult use marijuana products, medical marijuana and/or medical marijuana products in this State.

Testing or test: the research and analysis of marijuana, marijuana products or other substances for contaminants, safety or potency.

(4) Permitting and Licensing

- a) Adult Use Marijuana Businesses shall be operated in Old Orchard Beach in compliance with this ordinance and other applicable local, state and federal laws, regulations and codes.
- b) Pursuant to 28-B M.R.S.A. § 402, a person or business entity seeking to operate an Adult Use Marijuana Business may not submit a conditional use application or business license application unless the person or business entity has been issued a conditional license by the State of Maine to operate the Adult Use Marijuana Business.

(5) Performance Standards for Adult Use Marijuana Businesses

All Adult Use Marijuana Businesses require approval from the Planning Board prior to the issuance of any business license, building permit or certificate of occupancy. The following performance standards are to be used by the Planning Board in reviewing conditional use applications and compliance with the same shall serve as requirements for approval of such conditional use applications.

a) Separation from sensitive uses.

- (1) No Adult Use Marijuana Business shall be sited within one thousand (1,000) feet of the lot lines of a school, and
- (2) No Adult Use Marijuana Business shall be sited within five hundred (500) feet of the lot lines of a child care facility, community center, higher educational facility, public outdoor recreational area, church, synagogue or other house of religious worship.

The distance cited in this section shall be measured between the lot line of the proposed site for the Adult Use Marijuana Business and the lot line of the site of the use listed in (1) or (2) above at their closest points. For purposes of this measurement, if a Adult Use Marijuana Business is to be located on a site that is leased from an unrelated third party, such Business lot line shall be determined as follows:

- (i) If the Business leases an entire parcel of land, the lot line of such Business shall be the lot line of the parcel;
- (ii) If the Business leases a free-standing building or buildings which is or are part of a larger parcel containing other free-standing buildings, the lot line of such Business shall be the outer wall of the building(s) being leased by the Business; and
- (iii) If the Business 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 Business shall be the outer wall of the building within which such room or suite of rooms is located.

For purposes of this section, the term “school” means a “public school” as that term is defined in 20-A M.R.S § 1(24), as may be amended; a “private school” as that term is defined in 20-A M.R.S. § 1(22), as may be amended; and/or a “public preschool program” as that term is defined in 20-A M.R.S. § 1(23-A), as may be amended.

For purposes of this section, the term “child care facility” means a “child care facility” as that term is defined in 22 M.R.S. § 8301-A(1-A) (B), as may be amended, and/or a “family child care provider” as that term is defined in 22 M.R.S. § 8301-A(1-A) (C), as may be amended.

For purposes of this section, the term “community center” means a building used to provide before or after care to children age 18 or younger that is owned and operated by a municipality or a non-profit corporation.

For purposes of this section, the term “higher education facility” means a community college, college or university authorized by the State of Maine to award associate, baccalaureate or higher degrees.

For purposes of this section, the term “public outdoor recreational area” means a place used for public recreation that is at least seven (7) acres in size and is owned by a governmental agency.

Once all required licenses, permits and approvals are issued, the Town will not preclude a sensitive use listed in (1) or (2) above from opening at a location within the applicable buffer zones. A Adult Use Marijuana Business may continue to operate in its present location as a pre-existing use if a sensitive use as listed in (1) or (2) above later locates within the applicable buffer zone; however, the Adult Use Marijuana Business 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 Adult Use Marijuana Business near a sensitive use listed in (1) or (2) above.

b) Days and Hours of operation. Adult Use Marijuana Businesses are limited to the following days of the week and hours of operation _____

c) Size limitation.

(1) The plant canopy of a Adult Use Marijuana Cultivation Facility shall not exceed ten thousand (10,000) square feet in area on any single lot of record.

(2) The total building square footage for Adult Use Marijuana Products Manufacturing Facility shall not exceed ten thousand (10,000) square feet in area on any single lot of record.

(3) The total building square footage for Adult Use Marijuana Stores in the GB1 and Industrial Districts shall not exceed _____ sq. ft. The total building square footage for Adult Use Marijuana Stores in the DD1 and DD2 Districts shall not exceed _____ sq. ft.

d) Proximity limit. No Adult Use Marijuana Businesses, medical marijuana registered dispensary or medical marijuana production facility shall be sited within five hundred (500) feet of another Adult Use Marijuana Businesses, medical marijuana registered dispensary or medical marijuana production facility as measured from the main entrance of one to the main entrance of the other by the ordinary course of travel.

e) Area of activities.

(1) All activities of Adult Use Marijuana Businesses, including, but not limited to cultivating, growing, manufacturing, processing, displaying, selling, and storage, shall be conducted

indoors. Adult Use Marijuana Businesses 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 any other business or residence shall be clearly identified on submitted plans.

- (2) All Adult Use Marijuana Stores must be operated from permanent locations, which may utilize telephone and internet orders as long as the buyer pays for and picks up such orders in the store on the day the order is made

f) Downtown District 1 and 2. *If Council chooses to allow Adult Use Marijuana Business Stores in Downtown Districts 1 and 2 special standards such as these may be added:*

- (1) One off street parking space per 250 sq. ft. of floor area. Applicant shall provide documentation representing the legal right to use each parking space throughout the life of the Adult Use Marijuana Business.
- (2) Submission of a waste management plan which shall include, but is not limited to compliance with Old Orchard Beach Code of Ordinances Chapter 46 (solid waste), security systems.
- (3) Loitering control.
- (4) ?? More can be added.

g) Drive-through and home delivery. Adult Use Marijuana Stores are prohibited from having drive-through pick-up facilities and home delivery services. Adult use marijuana customers may only purchase and obtain adult use marijuana products from within an Adult Use Marijuana Store.

h) Signs. Notwithstanding the sign requirements of the zoning district where the Adult Use Marijuana Business is located and Chapter 78, Article VIII, Division 5 of Old Orchard Beach Code of Ordinances, all signs used by and all marketing and advertising conducted by or on behalf of a Adult Use Marijuana Business may not involve advertising or marketing that has a high likelihood of reaching persons under 21 years of age or that is specifically designed to appeal to persons under 21 years of age. The signs, marketing, or advertising are prohibited from making any health or physical benefit claims. Pictorial representations of marijuana plant or plants, or parts thereof, marijuana products, by-products, or paraphernalia associated with the use or distribution of retail marijuana is prohibited.

i) Sale of edible products. No food products shall be sold, prepared, produced or assembled by a Adult Use Marijuana Business except in compliance with all operating and other requirements of the State and Old Orchard Beach laws and regulations. Any goods containing marijuana for human consumption shall be stored in a secure area.

j) Odor management. For all Adult Use Marijuana Businesses, the odor of marijuana must not be detected offsite, i.e., must not be detected at premises that are not under the custody or control of the Business. To prevent and control marijuana odors, an odor control plan shall be submitted as part of the conditional use application describing the odor(s) originating or anticipated to originate

at the premises and the control technologies to be used to prevent such odor(s) from leaving the premises. The odor control plan shall, at a minimum, include the following:

- (1) A facility floor plan that identifies the locations of all odor-emitting activities and sources. The plan shall also identify the location of doors, windows, vents, HVAC systems, odor control systems and other relevant information.
- (2) A list of specific odor-emitting activities and sources, and a description of the processes that will take place at the facility, including, but not limited to, vegetative flowering, processing and storage.
- (3) For each odor-emitting activity or source, a description of the administrative procedures as well as the engineering processes, technologies, and equipment the facility will use.
 - (i) Administrative controls shall include, at a minimum: management practices to isolate odor activities and sources, use of standard operating procedures, employee training, regular equipment inspections and maintenance of inspection logs.
 - (ii) Engineering controls shall include, at a minimum, building design features; use of equipment and technology to address each specific odor-emitting activity or source; a systems and equipment maintenance and replacement schedule; and evidence that proposed equipment and technology are sufficiently capable and appropriately sized consistent with marijuana industry best practices for control technologies designed to effectively mitigate odors.

Adult Use Marijuana Cultivation Facilities, Adult Use Marijuana Products Manufacturing Facility and Adult Use Marijuana Testing Facilities must implement appropriate ventilation and filtration systems to satisfy the odor standard contained herein and to mitigate noxious gases or other fumes used or created as part of the production. Adult Use Marijuana Stores are not required to install filtration equipment on the 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 Adult Use Marijuana Businesses 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.

k) Control of discharges. Sufficient means of preventing smoke, debris, dust, fluids and other substances from exiting an Adult Use Marijuana Business must be provided at all times.

l) Waste Disposal. All Adult Use Marijuana Businesses 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 Town 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 adult use marijuana products must have a metal cover or lid that is locked at all times when the receptacle is unattended and security cameras must be installed to record activities in the area of such trash receptacles.

m) Security. 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, 7 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 order;
- (3) A locking safe or its functional equivalent 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 the Old Orchard Beach Code of Ordinances;
- (5) Deadbolt locks on all exterior doors and any other exterior access points, excepting windows which shall have locks; and
- (6) Methods to ensure that no person under the age of twenty-one (21) shall enter an Adult Use Marijuana Business and have access to marijuana and marijuana products.
- (7) All security recordings shall be preserved for at least seventy-two (72) hours. All Adult Use Marijuana Businesses shall provide the Police Chief or his 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 business.

(6) Change of Use/Addition of Use/Expansion of Use.

If any type of Adult Use Marijuana Business wants to change to another type of establishment, add another type of Adult Use Marijuana Business to its existing operations, or to expand the existing use (including additional square footage), such change of use, additional use or expansion of use must be reviewed and approved by the Planning Board for compliance with this Ordinance.

(7) Marijuana Social Clubs

Marijuana social clubs are prohibited in all zoning districts.

(8) Other Laws Remain Applicable.

An Adult Use Marijuana Business shall meet all operating and other requirements of State and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing Adult Use Marijuana and/or Adult Use Marijuana Businesses, the stricter law or regulation shall control.

(9) Conditional Approval.

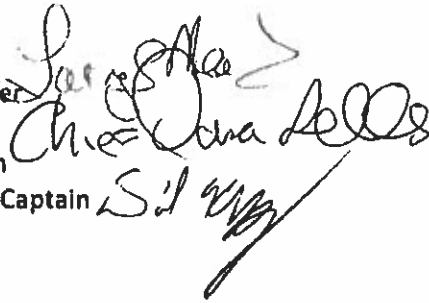
All Adult Use Marijuana Business approvals shall include a condition that requires the person or business entity to secure applicable Town licensing approvals before any on-site operations begin.

Appendix B

February 17, 2021

TO: Members of Town Council

FROM: Larry Mead, Town Manager
Dana Kelley, Police Chief
Elise Chard, Police Captain
David Hemingway, Police Captain



SUBJECT: Marijuana Retail Stores

Knowing that you will soon be making decisions regarding where in Town to locate retail marijuana we wanted to communicate directly to you our thoughts on this important step.

We are opposed to introducing another temptation for already intoxicated people to get yet further impaired through the acquisition of marijuana products at retail marijuana stores in the downtown, especially in the area between the Brunswick and the Pier. Locating one or more marijuana shops downtown will promote "impulse" purchases or impulsive decisions by downtown patrons to access edible or smokable marijuana. It is documented that people who are under the influence or intoxicated are more prone to act on impulses and to make poor decisions.

Old Orchard Beach is unique among Maine's cities and towns because of the extensive bar scene and large number of bar patrons in our downtown throughout the summer. In order to manage this environment we employ a large number of summer reserve police officers and maintain an active and visible presence each summer night until after the bars close. On a nightly basis our officers have to deal with belligerent, challenging, intoxicated individuals, often having to resort to physically restraining people, or intervene in altercations between people. Overserving and/or over consumption of alcohol is a given among the hundreds of patrons of drinking establishments.

The Town will be better served to locate any retail marijuana shops outside of the downtown and away from the bar scene. Doing so would require people to travel a distance that would require time and effort on their part. They would have to stop what they are doing downtown, leave the area, and then return. Just adding these additional steps would for that reason work against impulsive buying decisions and create barriers for intoxicated or impaired individuals getting further impaired.

Again, it is important to note, and it merits repeating, that OOB's bar scene, along with Portland's Old Port, is much more intense than any other Maine location. There are large crowds of people consuming lots of alcohol late into the night. Our police personnel will tell you that there is no upside to introducing marijuana to this already combustible situation. The GB1 zone along Saco Avenue is the most appropriate area of Town for locating retail marijuana.

Another noteworthy point is that the Town does not benefit financially from allowing retail marijuana stores. With the exception of licensing fees all of the sales tax revenue goes to the State of Maine, while the profits, which are substantial, go to the business owner alone. Given that the volume of sales provides no financial benefit to the Town, it makes good sense to locate a retail store in a location that does not place additional burdens on our public safety personnel.

Finally, locating a marijuana retail store downtown is counter to the “family friendly” image and environment that our residents and prior Town Councils have sought to promote and foster. Let’s support more ice cream shops, restaurants, amusement rides, and positive beach experiences rather than introduce a marijuana store in the midst of Downtown.

We are, of course, available to you for follow up and discussion.

Appendix C

Town of Old Orchard Beach Council Workshop

ADULT-USE RETAIL MARIJUANA ORDINANCE DEVELOPMENT

WEDNESDAY, FEBRUARY 17TH, 2021



Amend Four Ordinances

- ▶ 1. Ch 18: Repeal Current ordinance prohibiting retail marijuana
- ▶ 2. Ch 18: New Business license ordinance for adult marijuana land uses
- ▶ 3. Ch 78: New Ordinance requiring Planning Board approval for conditional uses
- ▶ 4. Ch 78: Add adult marijuana land uses to desired zoning districts



Overview of Key Items

Includes four different adult marijuana related uses:

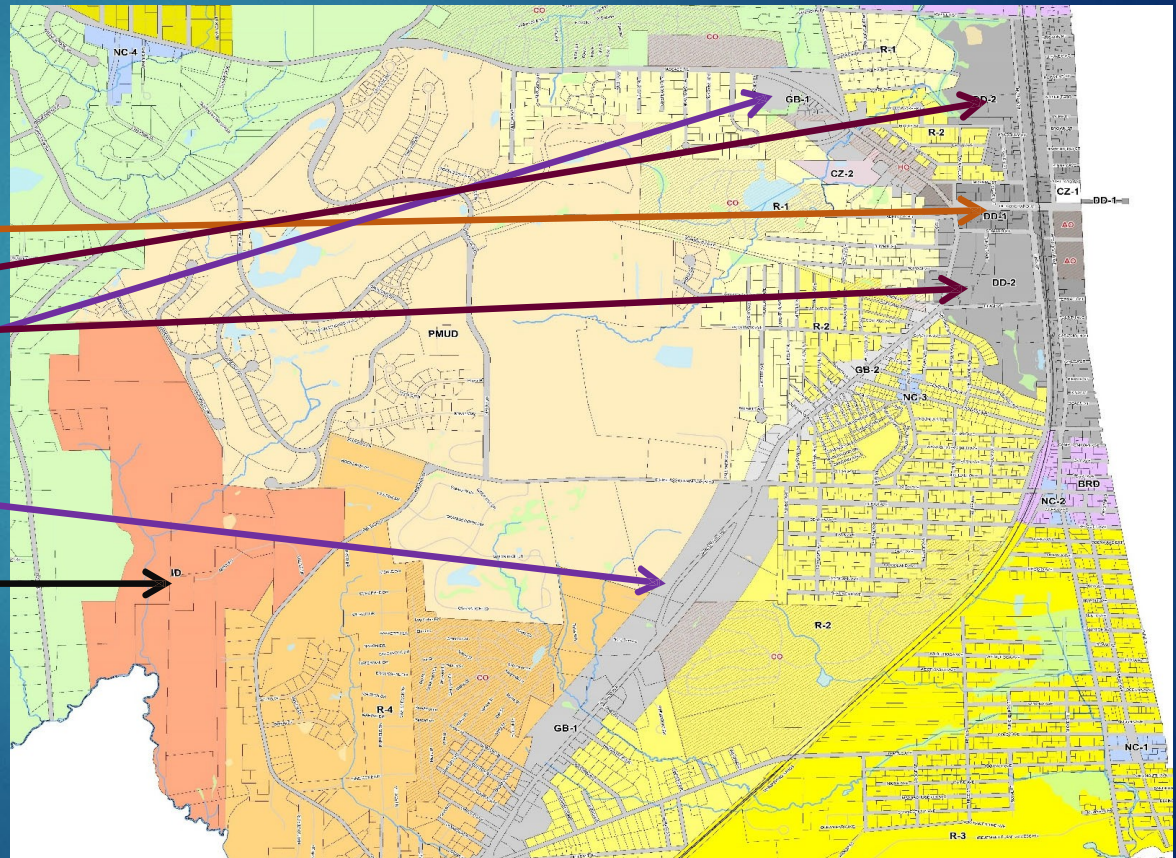
- ▶ Retail stores
- ▶ Cultivation
- ▶ Manufacturing
- ▶ Testing



Location of Retail stores TBD by Council

Areas to consider:

- ▶ DD1
- ▶ DD2
- ▶ GB1
- ▶ Industrial



Proposed performance standards for conditional use. Ch:78 pp4-8

- ▶ Setbacks
- ▶ Hours of operation
- ▶ Size limits
- ▶ Indoor only
- ▶ Drive-thru not allowed
- ▶ Signage
- ▶ Odor control
- ▶ Security
- ▶ Other....



Business License Required

▶ Application Process

▶ Step 1. Ch. 18 pp7-8

- announce availability
- submit to license administrator: Planning & Code
- determine completeness
 - * Town Manager review
 - * Council role?
- select valid applicants
 - * lottery?
- those selected forwarded to Planning Board



Business License Required

▶ Application Process

- ▶ Step 2 – Ch. 18 p 8
 - applicant submits approval to Town Manager
 - council public hearing
- ▶ Step 3 – Ch. 18 p 9
 - Council review
 - Council decision



Appendix D

From: [Gary Chase](#)
To: [CouncilComments](#)
Subject: Location of marijuana shops
Date: Friday, January 8, 2021 11:40:18 AM

*****EXTERNAL*****

This e-mail originated from outside of the Town of Old Orchard Beach E-mail System. **Do Not** click links or open attachments unless you recognize the sender address and know the content is safe.

If in doubt, please use an alternate method to the individual who claims to be sending the email.

I am a homeowner in OOB.

I support opening a small number of recreational pot shops in town.

I would suggest that they not be allowed in the main tourist area including Old Orchard St, E/W Grand Ave, Milliken St, 1st Street etc.

Gary Chase
1 B Street

From: [Leta Bryant](#)
To: [CouncilComments](#)
Subject: Retail Marijuana Sales
Date: Tuesday, January 12, 2021 1:12:03 PM

EXTERNAL

This e-mail originated from outside of the Town of Old Orchard Beach E-mail System. Do Not click links or open attachments unless you recognize the sender address and know the content is safe.
If in doubt, please use an alternate method to the individual who claims to be sending the email.

Dear Council Members:

I understand that tonight you will be discussing how to create an ordinance to manage how many retail marijuana stores we could have in Old Orchard Beach or where they will be allowed.

I have liked the change in our downtown area over the past several years, with the “honky tonk” image of our town changing to a more family friendly atmosphere. Please have these retail stores operate away from our downtown area.

The over abundance of bars has given way to more family oriented stores, ice cream shops and eateries. Our town now has a fountain, benches and tables to sit and eat and enjoy the smells and sounds of the ocean, as well as families enjoying the amusement area. Families can feel safe in the area instead of worrying about being mugged. Retail marijuana stores would definitely detract from the family friendly atmosphere that has gradually been restored to our little town. Please consider only allowing them to operate outside of the downtown area, including Old Orchard Street and parts of East Grand and West Grand that are in close proximity to our downtown area, and the area surrounding Memorial Park and the public library.

Thank you in advance for your consideration for me and other concerned citizens of OOB.

Regards,
Leta Bryant

From: [Michael Coleman](#)
To: [CouncilComments](#)
Subject: Cannabis Sales
Date: Tuesday, January 12, 2021 7:08:57 PM

*****EXTERNAL*****

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Council,

I don't use the product but I see its value as part of the retail mix for our town. As an age restricted commodity, it should be treated similarly to how we treat alcohol and tobacco sales. I believe it's appropriate in ANY commercial zone. I also believe there is a place for certain lodging places to become "bud & breakfasts." There's no valid reason to not allow a cannabis shop anywhere a store to sell beer, wine or tobacco could be present. It could even be a part of a hotel if the hotel owner desired.

Twice the people of our town voted decisively for legalization of cannabis. First to legalize it statewide and just this past November for it to be sold in our town. Overly restricting where it may be sold, in my mind would dishonor the wishes of our voters. Overly restricting the number of cannabis businesses is also unnecessary. For example if the town restricts the licenses to only three, service quality could suffer as the operators would have near monopoly market power. If the number was set at twelve, some would not survive due to competition. That's actually good. The market will find an equilibrium point. That's how free markets work.

I'd like to address this issue from a reduction of harm point of view. As a legal commodity in the State of Maine, any adult over 21 may purchase, use or possess it. The closer the source is to the purchaser, the less likely it will be for consumers to have to drive longer distances while they may be under the influence. We know that consumers of alcohol will replenish their supply at least until 1:00 am even if they shouldn't be behind the wheel. We in no way should encourage driving while impaired by anything but should be cognizant of human behavior, even by vacationers.

In the eventual sales ordinance, signage should be required making it clear that it is illegal under Maine law to use the product in any public space.

I would hope that any licensing procedure include clear objective standards and if competitive licensing protocols are adopted the town's expectations are clear and not subjective.

Respectfully,

Michael E. Coleman
185 Saco Avenue
207-423-4848

From: [Sheila Buckland](#)
To: [CouncilComments](#)
Subject: Marijuana stores
Date: Tuesday, January 12, 2021 11:43:54 AM

EXTERNAL

This e-mail originated from outside of the Town of Old Orchard Beach E-mail System. Do Not click links or open attachments unless you recognize the sender address and know the content is safe.
If in doubt, please use an alternate method to the individual who claims to be sending the email.

Good morning OOB Town Council members,

As as a resident of OOB, I want to make my opinion known that I feel that one marijuana store is plenty in a town this size and that it should operate outside of the downtown Old Orchard St. district to keep that area family friendly.

Good luck tonight at your meeting.

Respectfully,

Sheila Buckland
3 Millbrook Drive
Old Orchard Beach, ME 04064
978-302-9034

From: [Kathy Smith](#)
To: [CouncilComments](#)
Subject: Ordinance Development for Adult Use Marijuana Stores
Date: Saturday, January 9, 2021 6:04:37 PM

*****EXTERNAL*****

This e-mail originated from outside of the Town of Old Orchard Beach E-mail System. Do Not click links or open attachments unless you recognize the sender address and know the content is safe.

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Happy New Year to all of you!

Hope the new year has started off well for all of you!

I just had a quick comment concerning this new ordinance. First I must say I was really disappointed to see this voted in. One reason is our town is just so small and compact. We are unlike our much larger neighboring towns where these retail stores have more options and locations to be. I'm also concerned as to which parts of our town they will be allowed to operate.

In addition, I hope we will keep the amount of licenses allowed to a very small number. For me I'd be happy with one .

In all seriousness I'm worried about the number of retail shops that could pop up and who might apply and receive these licenses.

I would also be concerned to see this allowed in our downtown area. We have for so long been working on changing the image of our town and wanting the main draw to be on families. We have come such a long way with a few backward slips here and there. I hope this ordinance will have the time to be thought out, and discussed. I hope we then start out small to see what happens. It seems it would be easier to start with fewer licenses and adding more later, if that is what we want to do, then to have to many and then want to scale them back. Again I wish this wasn't happening but understand it was voted in. I'm not against marijuana retail stores and understand that for medical issues marijuana may be very helpful....it's all the rest that can come with it that concerns me.

I hope my concerns end up not being the reality and things turn out better than I had anticipated.

Thank you and thank you for your dedication to our town! I really appreciate all you do!

And so glad to have you on board Louise! Such a great addition!

Thanks again

Kathy Smith

Again I hope the concerns I have end up being totally unnecessary.

FIRST WORK SHOP

Pg 1

* COULD YOU PLEASE READ THIS FOR ME.

FROM: PAUL L GOLZBEIN (THE PIER)

I HAVE SPOKE WITH MANY PEOPLE IN O.O.B. ON THIS ISSUE, HERE IS WHAT I'VE HEARD.

1. NOT TO HAVE ANY STORES IN RESIDENT AREA'S, IT A BUSINESS AND SHOULD BE IN THE DOWN TOWN BUSINESS DISTRICT (DD-1)

2. NOT TO BE NEAR THE CHURCH,

3. NOT TO BE OPEN LATE LIKE BAR'S

4. NOT TO HAVE SO MANY LIKE T-SHIRT SHOPS.

NOTE: THE STATE LAW TAKES CARE OF SOME OF THE ABOVE.

• DISTANCE FROM A CHURCH SHOULD BE 750 FT.

• HOURS 9:00 AM TO 9:00 PM

• AS FARE AS THE NUMBER OF STORES, THERE IS A TOWN ORDENIE FOR BAR'S IN DD-1 (BAR'S MUST BE AT LEAST 400' APART)

* SO IF WE KEPT THE STORES IN DD-1 AND WENT WITH 400' APART PER STORE, GO WITH 750' FROM THE CHURCH,

THAT SHOULD LIMIT THE NUMBER OF STORES.

- * ALL SO IN THE TOWN APPLICATION, YOU SHOULD HAVE A 3 YEAR LEASE OR OWN THE LOCATION.
- * I THINK A LICENSE FEE OF \$20,000.00 (2 YEARS) IS FARE.
- * AND OF COURSE YOU MUST MEET ALL STATE REQUIREMENTS.
- * ANY EXISTING MEDICAL MARIJUANA STORES SHOULD BE GRANDFATHERED IN O.O.B.

THANK YOU,

Paul L Golzbein

PAUL L GOLZBEIN (THE PIER)

From: [Sara Weinstein](#)
To: [France Beaulieu](#); [Jennifer Hayes](#); [Kim McLaughlin](#); [Larry Mead](#); [Michael Casasanto](#)
Subject: Public comment 2/10/2021
Date: Sunday, February 7, 2021 4:04:34 PM

EXTERNAL

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Recreational marijuana

I believe that having choices in OOB to purchase marijuana would be an advantage to our town's overall income revenue. There is value to having cannabis stores in OOB. Other shops will benefit from the attraction, drawing more people to our town.

OOB has several shops in the downtown area. Some are new, some are an intrinsic part of the fabric of town, like salt water taffy. We have several pizza, candy, and clothing shops, as well as several barrooms. It makes sense to have more than one recreational marijuana shop.

OOB, like most towns in Maine, does not allow anyone to walk about with an alcoholic beverage. To accommodate not drinking in the street, OOB downtown has several bars within walking distance. These are designated adult entertainment and drinking establishments.

I grew up here in the 60's and 70's. I remember people drinking (and smoking marijuana) from bar to bar, walking home late at night, 2 months a year, summertime. That still happens today, 50 years later. We need to change with the times. Regulated, quality marijuana products are available today in many locations. They are not tainted like they were in the 60's and 70's.

The pier is an adult entertainment center now. We don't have a merry-go-round, a funhouse or an aquarium. The beach has always been for families to unwind in the summertime, an attraction.
Adult entertainment in Old Orchard Beach is a part of the downtown area. This area is a convenient place where people stroll downtown from their respective hotels in the evening after a day at the beach to shop, drink, eat, play games, listen to live music, dance, and enjoy themselves. Entertainment is not located in our residential areas.

I don't feel we should restrict the location of recreational cannabis stores, but I do think the downtown area is where they belong, not in a residential area. The West side of the Pier has kiddie rides, games and is more for children and young adults. The East side is conducive for adult entertainment.

Different businesses carry different products. We want to discourage crowds at one location. Think what it would be like if only one bar existed in downtown OOB. This is a big walking town so several cannabis stores within walking distance would be ideal.

Sara Weinstein

Sent from my iPhone

From: [Stickybud farms shop](#)
To: [CouncilComments](#)
Cc: [Jennifer Hayes](#)
Subject: STICKY BUD FARMS - DAVID WHITTEN VOLUNTEERING MY TIME
Date: Tuesday, January 19, 2021 5:55:30 PM

*****EXTERNAL*****

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TO: THE OOB TOWN COUNCIL & THOSE INVOLVED IN ORDINANCE CREATION,

MY NAME IS DAVID WHITTEN AND I AM A MEDICAL MARIJUANA CAREGIVER AS WELL AS HOLD AN ADULT USE CONDITIONAL PERMIT. I OPERATE A VERY SUCESSFUL DISPENSARY IN WINDHAM WHICH HAS BEEN OPEN FOR 3 YEARS NOW.

I HAVE SAT ON THE WINDHAM MARIJUANA TASK FORCE , WORKED CLOSELY WITH MANY TOWN'S CODE ENFORCEMENT STAFF, WORKED A BIT ON THE AUBURN COMMITTEE AS WELL AS WORK IN OTHER COMMUNITIES. I CONSIDER MYSELF VERY KNOWLEDGABLE IN THE LAWS, OMP RULES, HOW TOWNS WORK WHEN IT COMES TO IMPLEMENTING ORDINANCES AND ZONING. I BELIEVE IT IS IMPORTANT TO HAVE INPUT FROM INDUSTRY PROFESSIONALS WHEN IT COMES TO ALL THIS AND BELIEVE MY TIME WOULD BE APPRECIATED.

I AM A NATIVE MAINER AND HAVE LOVED OOB FOR SO MANY YEARS THAT WHEN I HEARD THAT OOB WAS GOING TO ALLOW, I WAS PLEASD AND WOULD LOVE TO EVENTUALLY OPEN A LOCATION THERE. SO PLEASE CONSIDER MY ASSISTANCE IN WHATS AHEAD.

THANK YOU,
DAVID WHITTEN
OWNER : STICKY BUD FARMS LLC.
(207)415-9576

Sent from [Mail](#) for Windows 10

From: [Larry Mead](#)
To: [Jennifer Hayes](#); [Town Council](#); [Mike Tousignant](#)
Subject: FW: Comments from Peter Guidi
Date: Thursday, February 11, 2021 4:30:00 PM

FYI

On 2/11/21, 10:25 AM, "Peter's Seagrass" <peter@seagrassinn.me> wrote:

EXTERNAL

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Business Owners and Town Manager Mead -

Last night's Town Meeting Workshop on Marijuana is being rescheduled. We hope to see information on the Town website today. Over the last several days I've heard from a few of you and so I thought it might make sense to share those conversations with everyone.

During the Council meeting on 1/12/21 pertaining to the proposed ordinances on retail marijuana sales, Town Manager Mead's asked "how many stores and where will they be located"? I have a different question. Where can adults legally smoke, cigarettes or marijuana?

Under Maine law, indoor workplaces, restaurants, bars, outdoor dining areas, state parks, beaches and historical sites, common areas of multi-unit housing complexes and other indoor public places are required to be smoke-free. As of October 2015, Maine law also prohibits the use of electronic smoking devices (such as electronic cigarettes and vaporizers) in all indoor public places. Driving and smoking pot is illegal. As best I can tell, the marijuana that will be legally sold in OOB can only be smoked at homes...or at the motels where people are staying. Over the last few years we have seen consumer behavior change. A few years back it was unusual to find people smoking marijuana on our property. These last few years we estimate that 30% of the people smoking are smoking marijuana.

At this point the town is looking to to control, perhaps limit marijuana in OOB. But, it's arrived, walk downtown and you won't miss the fragrance in the air. If the current conversation wins the day, only a few people will reap the profits of the Marijuana business. What I did not hear addressed is Marijuana Tourism....it's big business and it's not going away.

As motel owners we constantly balance our guests needs. Non-smokers upset with smokers...people smoking in rooms, and now weed. The Town's decisions will have a direct impact on our business and managing marijuana is going to cost us money.

Sometimes a shift in paradigm helps solve programs. Imagine the Town enabling Marijuana Tourism. I suggest that marijuana is similar to alcohol. Anyone of us can get a license to sell alcohol to our guests, why not marijuana (candidly, Stoners have never caused problems, while

its every-night with Drunks). Allowing motel owners and retail stores to sell marijuana will defuse the problems caused by a few high traffic stores, and as importantly help business owners recoup some of the costs associated with managing this new type of Tourism on our property. Let's spread the wealth around.

Best regards,

Peter Guidi

Manage Page

Town of Old Orchard Beach Municipal Information

- Page
- Updates 27 new
- Manage Shop
- Inbox
- Business App Store
- Events
- Resources & Tools
- Manage Jobs
- Notifications 5 new
- Insights
- Publishing Tools
- Ad Center

Promote

Town of Old Orchard Beach Municipal Information

<http://www.oobmaine.com/>

Promote Website

(207) 934-5714

Typically replies within minutes
Send Message

fbeaulieu@oobmaine.com

Closing Soon
8:00 AM - 4:00 PM

Government Organization · Public & Government Service · City Hall

The Town of Old Orchard Beach social media sites are places where we post information regarding job postings, street closings, and other Department specific information. You are asked to email your questions to fbeaulieu@oobmaine.com and your questions will be answered within the next 2 business days. We ask that you not comment on items but email your questions and concerns. We reserve the right to remove anything we deem: • Abusive or personal attacks • Material that is unlawful, obscene, defamatory, threatening, harassing, abusive, slanderous, hateful or embarrassing to any other entity • Third party advertising • Chain letters or 'spam' We also reserve the right to terminate involvement by users who post such content. The views and opinions expressed on the Town of Old Orchard Beach social media sites do not necessarily represent those of the Town. Therefore, we cannot be held responsible for the accuracy or reliability of information posted by external parties. For your safety, never include your phone number, email, address or other personal information in a post. Your comments are visible to all. As well as the above, it's also worth taking note of the site's terms of use.

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Comment as Town of Old Orchard Beach Municipal Information

Doug Benway 35:50
Please keep it away from downtown. Please.
Like · Reply · Message · 20h

Dave Whitten 1:07:08
This sounds very unfair and to just offer one ! First come first served? What
Like · Reply · Message · 19h

Dave Whitten 1:06:03
I don't agree with the one store nor first come , first served
Like · Reply · Message · 19h

Dave Whitten 1:01:57
Hello
Like · Reply · Message · 19h

Town of Old Orchard Beach Municipal Information
Published by Jen Hayes · Yesterday at 9:08 AM

This event will be virtual and available via Zoom and Facebook Live tonight Wednesday February