



TOWN OF OLD ORCHARD BEACH
Office of the Town Manager

1 Portland Ave, Old Orchard Beach, Maine
Phone: 207.937.5626 Web: www.oobmaine.com

Town Council Workshop
Meeting Minutes

Tuesday, January 12th, 2021

I, Jennifer Hayes, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of eighteen (18) pages is a copy of the original minutes of the Town Council Workshop held on Tuesday, 01.12.2021

Prepared by:	Jennifer Hayes
Approved by:	Old Orchard Beach Town Council
Approval Date:	01.19.2021

Respectfully Submitted,

Jennifer Hayes
Town Council Secretary



Town Council Workshop Meeting Minutes **Tuesday, January 12th, 2021 @ 6:30pm via Zoom**

There was a Town Council Workshop held on Tuesday, January 12th, 2021 via Zoom to discuss the ordinance development for adult use marijuana stores in Old Orchard Beach. A recording of the meeting has been made available on the Town's YouTube Channel, which may be located at: <https://www.youtube.com/channel/UCrQYmceu-zI-c7E1RONQXwtA>

The Chair opened the meeting at 6:33pm. Those in attendance included:

Shawn O'Neill, Chair
Michael Tousignant, Vice-Chair
V.Louise Reid, Councilor
Kenneth Blow, Councilor
Jay Kelley, Councilor
Larry Mead, Town Manager
Jen Hayes, Town Council Secretary

Instructions as to how to participate in the meeting were provided as follows:

- 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 meeting 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.*

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 workshop with words of thanks to Fran Beaulieu, Director of HR & Communications, and to Jen Hayes, Executive Assistant to the Town Manager, for their work in getting the meeting online via Zoom in order to comply with covid-19 restrictions and maintain safety. Chair O'Neill made note that the process of the marijuana ordinance development was "not going to be rushed" and that Council would be under no pressure to create this ordinance. Chair O'Neill further went on to state that additional workshops may be needed in order to develop a Town Ordinance.

The meeting was handed over to Jeffrey Hinderliter, Town Planner, who offered some bullet points for Council's consideration along with a zoning map for reference. (See Appendix A for zoning map).

ADULT USE RETAIL SALE OF MARIJUANA

During November 2020, OOB voters voted in favor of adopting ordinances allowing the retail sale of adult use marijuana and issuing a limited number of licenses allowing adult use marijuana retail stores to operate in OOB. Our next step is to create the ordinances.

As part of the ordinance development process, we are seeking the Council's thoughts on some of the most important ordinance-related items. Below is a list of questions for the Council. The objective of these questions is to receive Council feedback and to use that feedback as guidance for ordinance language.

1. Which Adult Use Marijuana Retail Sales land uses should be allowed?

- State statute allows several types of adult use marijuana sales with 'Marijuana Store' being the type most consistent with the intent of the November ballot question.
- Marijuana Store is defined by statute as "a facility licensed under this chapter to purchase adult use marijuana, immature marijuana plants and seedlings from a cultivation facility, to purchase adult use marijuana and adult use marijuana products from a products manufacturing facility and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers."
- There are other types which are associated with cultivation, testing and manufacturing. Also, Medical Marijuana Storefronts allows for Medical Marijuana retail sales for qualifying card holders.

2. Where should Adult Use Marijuana Retail Sales be allowed?

- Because the use will be regulated by zoning, we are seeking the Council's thoughts on which zoning district(s) the use should be allowed.
- Currently, Medical Marijuana land uses are allowed in the GB1 and Industrial Districts.
- Note- there will be other ordinance requirements, such as distances to specific types of uses (e.g., schools), that will likely factor into location.

3. How many Adult Use Marijuana Retail Sales licenses be allowed?

- The November Ballot question included language that limits the number of licenses. What should the maximum number be?

4. License selection process?

- Expecting we'll receive more license applications than number allowed, we'll need to create a selection process.
- One example is a selection process based on a rating system where specific criteria is established and points awarded for meeting the criteria. This would be similar to a competitive process.
- Selection process based on a lottery. It appears there are several types of lottery processes- one being applicants are picked at random. Another is a qualified lottery where applicants need to meet a specific set of criteria before they're entered into a lottery and then chosen at random.
- Assuming this proposal is regulated by zoning, how should the selection process be built into zoning reviews? For example, if conditional use is required, this approval must be secured before a license is issued. Perhaps it becomes part of the selection process.

5. Which performance standards should be included in proposed ordinances?

- Performance standard are attached to land uses in order to, in part, mitigate potential detrimental impacts the use may introduce to surrounding properties, the Town, and overall well-being of residents and visitors.
- Adult Use Marijuana ordinances in Maine include performance standards such as separation distances from specific uses (e.g., schools, child care, parks), odor management, security, signage, hours of operation, drive-through prohibitions, noise.
- How about outside the box thinking and require other items like a community relations plan where the applicant gives something back to the Town on an annual basis. Maybe a neighborhood compatibility plan which would consider appearance and how the use fits in with surrounding uses.

Town Planner Hinderliter made note that the state statute allows for owners of marijuana stores to purchase marijuana from certain types of marijuana locations such as cultivation facilities or

manufacturing plants and then may sell those products. The products may include edibles, like gummies or immature plants and/or seedlings which often are not thought of as a traditional use of marijuana. The Town Planner went on to make note that medical marijuana storefronts are viewed as similar to adult use retail shops with the exception that an individual purchases marijuana needs a medical marijuana card.

Discussion between Councilors involved questions regarding where Marijuana sites should be located, the possibility of a lottery system, what criteria (from the Town Planner's list) need to be considered, and the referencing of comments from residents who were both for and against the placement of recreational retail shops in the downtown district (see Appendix B).

Attorney Mary Costagin from the Law Office of Bernstein Shur (Portland, Maine campus) was invited to speak to her knowledge on the legalities of ordinance development for adult use marijuana retail stores. She made an important note in stating that the legislature changed some of the statues regarding marijuana shops; meaning towns need to opt-in or opt-out of categories. The categories include:

1.) Medical:

- care caregiver retail store
- registered dispensary
- testing facility
- manufacturing facility

In order to have any of the above listed categories, the Town will need to either opt-in/out. The statue does not create an opt in/out for medical cultivation, but most towns create a separate category so that the Town can regulate. Production facilities are generally cultivation facilities; although the definition includes processing.

2.) Adult-use:

- marijuana store,
- cultivation facility
- testing facility
- product manufacturing facility

Attorney Costagin suggested that the Town consider using all the definitions within the state statute in order for clarity in the opt-in/out process. Moreover, the Town has the right to regulate store look and design; keeping in mind starting from scratch allows for items to be prohibited.

In speaking to numbers of store fronts in Old Orchard, Attorney Costagin referenced the Town of Rockland's example of capping the number of stores with defined areas of placement to limit "clumping" into one zone. Another example sighted was the City of Portland's lottery system based on a weighted criteria system; which got some negative feedback and was perceived as "onerous and subjective."

Other areas of interest brought to attention both by Town Manager Mead and Attorney Costagin were the considerations of performance standards (many of which are already into state law) as well as application fees. Fee ranges for adult retail marijuana are anywhere between \$500 to \$5,000 currently within the state and the Town would need to also consider whether there is an annual renewal, two year renewal or piggyback onto the current business license process is within the Town of Old Orchard. It is important to justify your fees to cover administrative costs of the program making sure to keep in mind the number of facilities allowed, the amount of regulations and inspections, and the administrative work at the office.

Emailed comments from OOB residents were referenced and comments from Zoom participants were allowed.

Peter Mourmouras – The Tax Doctor, 30 Saco Ave, spoke to the need for a 500 foot buffer between stores, identify the sensitive areas within Town, excluding Old Orchard Street due to parking issues, and addressing signage to be appropriate.

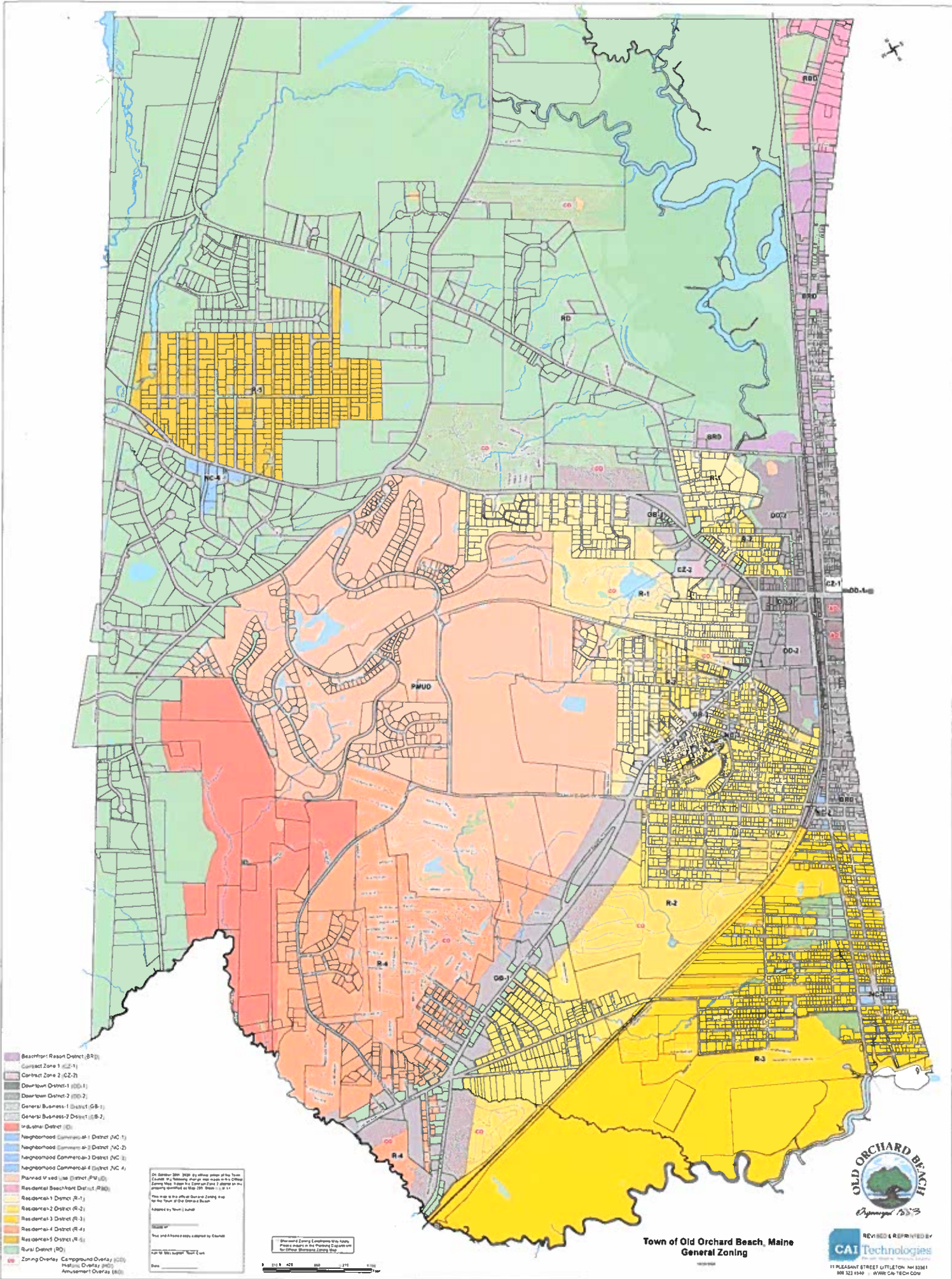
Thomas Mourmouras – resident Old Orchard and on the Zoning Board of Appeals, spoke to the need for the Town to start small and a maximum of two or three businesses, the use of conditional licenses, and the need for appropriate zone placement. His suggestion was the DD-2 area.

Neil Weinstein – attorney, 32 Saco Ave, spoke to the confirmation of medical marijuana sales

through a registered caregiver. It was confirmed that registered caregivers are able to sell out of their residences following state statute; which at the moment has “loose guidelines.”

Following the discussions, Town Council agreed to a scheduled workshop for **Wednesday, February 10th beginning at 6:30pm via Zoom.**

Appendix A



- Beachfront Resort District (BRD)
- Contract Zone 1 (CZ-1)
- Contract Zone 2 (CZ-2)
- Downtown District-1 (DD-1)
- Downtown District-2 (DD-2)
- General Business-1 District (GB-1)
- General Business-2 District (GB-2)
- Industrial District (I)
- Neighborhood Commercial-1 District (NC-1)
- Neighborhood Commercial-2 District (NC-2)
- Neighborhood Commercial-3 District (NC-3)
- Neighborhood Commercial-4 District (NC-4)
- Planned Use District (PUD)
- Residential Beachfront District (RBD)
- Residential-1 District (R-1)
- Residential-2 District (R-2)
- Residential-3 District (R-3)
- Residential-4 District (R-4)
- Residential-5 District (R-5)
- Rural District (RD)
- Zoning Overlay: Campground Overlay (CO)
- Historic District (HD)
- Amusement Overlay (AO)

On October 20th, 2020, by official action of the Town Council of Old Orchard Beach, Maine, the following zoning map was adopted as the official zoning map of the Town of Old Orchard Beach, Maine. This map is the official zoning map for the Town of Old Orchard Beach, Maine.

Adopted by Town Council

Date: _____

Old Orchard Beach, Maine
 Planning Department
 11 Pleasant Street, Littleton, NH 03261
 603.323.1540 | WWW.CAITECH.COM

**Town of Old Orchard Beach, Maine
 General Zoning**

REVISED & REPRINTED BY
CAI Technologies
 11 PLEASANT STREET LITTLETON, NH 03261
 603.323.1540 | WWW.CAITECH.COM

Appendix B

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

EXTERNAL

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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 too 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.

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

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

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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

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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