

NOTICE OF PUBLIC HEARING
MUNICIPAL OFFICERS OF THE TOWN OF
OLD ORCHARD BEACH

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on March 15th, 2022 at 6:30 p.m. to consider the following:

Shall the Town Council of the Town of Old Orchard Beach amend the Code of Ordinances, Chapter 78, Section 78-1, Definitions; Section 78-803 Conditional Uses, 904, Prohibited uses, 1135 Prohibited uses, 1277 Medical Marijuana and Chapter 18, Businesses, Section 601, Definitions and Section 603, Medical Marijuana License, but deleting the crossed through language and adopting the underscored language as follows:

Chapter 78

Sec. 78-1. Definitions.

Medical marijuana registered dispensary (land use): A not-for-profit entity registered pursuant to state law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to qualifying patients and the primary caregivers of those patients. Note that a dispensary may be either a single facility, or it may be divided into two separate but related facilities where growing is done at only one of the facilities. ~~This shall be considered a commercial use.~~

Sec. 78-803. - Conditional uses. The planning board may authorize the following uses in the general business district 1 (GB-1) provided that the conditions of article VII of this chapter are met:

~~(7) Medical marijuana registered dispensary.~~

Sec. 78-904. – Prohibited uses. Prohibited uses in the industrial district (ID) are as follows:

~~(11) Medical marijuana registered dispensary.~~

Sec. 78-1135. – Prohibited uses. Prohibited uses in the historic overlay district (HO) are as follows:

~~(9) Medical marijuana registered dispensary.~~

Sec. 78-1277. Medical marijuana.

(a) *Approval process:* Any proposal to establish a new or alter ~~an existing medical marijuana registered dispensary~~ or a medical marijuana production facility shall require approval of the planning board as a conditional use. The planning board and applicant shall follow the application and review process (section 78-1238), standards (section 78-1240), authority (section 78-1266), and this section (section 78-1277) within article VII. Notification of site walks and public hearings shall include all property owners within 1,000 linear feet, measured in a straight line from the property boundary of the proposed ~~dispensary~~ or facility. Notification or property

owners shall be mailed at least ten days before the scheduled site walk and public hearing. Applicants shall be responsible for mailing notifications to property owners to the addresses identified on a mailing list provided by the town. In addition to other public notification requirements, the town shall notify the Old Orchard Beach Police Department and the Maine Department of Health and Human Services, Division of Licensing and Regulatory Services prior to the public hearing on any application.

(d) *Performance standards:* In addition to other requirements of this section and related provisions of article VII and other chapters within the Town of Old Orchard Beach Code of Ordinances, the following shall apply to any application for a new or altered ~~medical marijuana registered dispensary~~ or a medical marijuana production facility:

~~(1) Medical marijuana registered dispensary limit.~~ There shall be no more than one ~~medical marijuana registered dispensary~~ in the Town of Old Orchard Beach.

~~(2)~~ 1 *Medical marijuana production facility limit.* There shall be no more than four medical marijuana caregivers allowed to operate within a single medical marijuana production facility.

~~(3)~~ 2 *Proximity limit.* Only one ~~medical marijuana registered dispensary~~ or medical marijuana production facility shall be permitted per lot. Additionally, no medical marijuana production facility shall be located on a lot that is within 250 feet of another lot on which a medical marijuana production facility ~~or medical marijuana registered dispensary~~ is located. This separation requirement will prevent a concentration of these facilities and helps to ensure compliance with the State prohibition against collectives.

~~(4)~~ 3 *Proximity location to other uses.* No ~~medical marijuana registered dispensary~~ or ~~medical~~ marijuana production facility shall be closer than 500 linear feet, measured in a straight line from ~~the dispensary~~ or a facility building entrance, to the nearest point on the boundary of any property which is occupied by a licensed day care facility, school, town park, town playground or church.

~~(5)~~ 4 *Security.* Before granting an approval, the planning board shall ensure the applicant has reviewed their property and building security plans with the Old Orchard Beach Police Department and the police department finds the security measures are consistent with state requirements.

~~(6)~~ 5 *Outside appearance.* No signs containing the word "marijuana," or a graphic/image of any portion of a marijuana plant or otherwise identifying medical marijuana shall be erected, posted or in any way displayed on the outside of a ~~medical marijuana registered dispensary~~ or a medical marijuana production facility. Interior advertisements, displays of merchandise or signs depicting the activities of a ~~medical marijuana registered dispensary~~ or a medical marijuana production facility shall be screened to prevent public viewing from outside such facility.

~~(7)~~ 6 *Odorous air contaminants.* It shall be an unlawful nuisance for any person to cause or permit the emission of odorous air contaminants from any source so as to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of property. Upon the following occurrence, any odor will be deemed to interfere with reasonable and comfortable use and enjoyment of property:

(i) If odorous air contaminants are detected when one volume of the odorous air has been diluted with seven or more volumes of odor-free air, as measured by any instrument, device, or method designed to be used in the determination of the intensity of an odor. Measurement shall be taken at property boundary lines.

(87) *Business license.* As a condition of use, the operator of a ~~medical marijuana registered dispensary~~ or a medical marijuana production facility shall obtain and retain all required business licenses pursuant to chapter 18 - businesses. The land use approval shall be considered abandoned if no license-holder occupies the facility for a period of two years or more.

CHAPTER 18

~~ARTICLE XI. MEDICAL MARIJUANA REGISTERED DISPENSARY OR MEDICAL MARIJUANA PRODUCTION FACILITY~~

Sec. 18-601. Definitions.

Medical marijuana registered dispensary (land use): A not-for-profit entity registered pursuant to state law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to qualifying patients and the primary caregivers of those patients. Note that a dispensary may be either a single facility, or it may be divided into two separate but related facilities where growing is done at only one of the facilities. ~~This shall be considered a commercial use.~~

Sec. 18-603. Medical marijuana license.

This license shall be required for a ~~medical marijuana registered dispensary~~ or medical marijuana production facility. The following shall apply:

Per Order of the Municipal Officers this 1st of March, 2022.

A True Copy
Attest:

s/Kim McLaughlin
Kim M. McLaughlin, Town Clerk