

# TOWN OF OLD ORCHARD BEACH ADULT USE MARIJUANA BUSINESS PROCESS GUIDE (January 2023, Revised 8.2023)

The notice, submission, review, selection, and decision processes for Adult Use Marijuana Businesses include the following steps. *This is provided as a guide and is not the official ordinance language.*

- Step 1: Application Acceptance Period and Public Notice
- Step 2: Business License Application Submission
- Step 3: Business License Application Completeness Review
- Step 4: Business License Application Merit Criteria Review
- Step 5: Business License Application Selection
- Step 6: Conditional Use Review
- Step 7: Council Review Submission
- Step 8: Council Review and Final Decision
- Step 9: Implementation
- Step 10: Renewal Application Procedure

## Process Summary

- A. Public notice of Town license acceptance. License Administrator provides public notice that the Town will accept new license applications. New license applications will be accepted up to 5 business days during the posted license period.
- B. Applicants submit license applications, supporting documents, and fees. Applicants submit license applications, supporting documents, and fees in person to the License Administrator at Town Hall only during the posted license acceptance period.
- C. Application acceptance period closes after 5 business days.
- D. License review process begins. License Administrator and other Town Staff begin review for the purpose of determining completeness. License Administrator has up to 60 calendar days to conclude the determination of completeness review.
- E. License Administrator and Town staff make determination of completeness, assign merit criteria points, and conclude review. The application selected by the License Administrator shall: have been determined complete; confirmed the business location is in apparent conformity with Old Orchard Beach Code of Ordinances Chapter 78, Sec. 78-803 and Sec. 78-1279 (5) a; scored the highest total points for merit criteria; and submitted the required fee. If there is a merit criteria scoring tie, the applicants who are tied shall proceed to a public random lottery.
- F. Applicant selected. After conclusion of review the License Administrator will select the applicant. If a lottery is required, Council will host and randomly select the applicant.
- G. Selected applicant applies for Conditional Use. Selected applicant must apply for Conditional Use review within 90 days. Failure to submit for Conditional Use review will disqualify applicant.
- H. Planning Board conducts Conditional Use review.
- I. Council review. If Planning Board approves, proposal submitted to Council.
- J. Council hosts a public hearing.
- K. Council conducts final review and issues a decision.
- L. Applicant has 180 days from Council approval to commence operations. If operations do not begin within 180 days the license expires.

### **Step 1: Application Acceptance Period and Public Notice**

Adult Use Marijuana Business License Applications (Applications) will be accepted by the Town only during the dates and times identified within the public notice posted by the Town. Applications will not be accepted by Town Staff in any manner (e.g., hand delivered, electronic, mail, fax) before or after the published dates and times. Applications will be accepted up to 5 business days during the posted period.

The public notice will be posted at Town Hall, on the Town's website ([www.oobmaine.com](http://www.oobmaine.com)), and in a newspaper distributed in Old Orchard Beach. The notice will include the date and times Applications will be accepted, location they'll be accepted, who will accept, where Applications can be obtained, contacts for questions, and any other information necessary.

Applications will be accepted only in-person and only by the License Administrator or their designee. No other Town Staff is authorized to accept Applications. Applications will not be accepted by any other means including, but not limited to electronic (e.g., email, fax, on-line), mail, etc.

The License Administrator and Town Staff cannot conduct any kind of Application review during the posted acceptance period. For example, Staff cannot answer questions such as, "Can you review my answer to this standard and tell me if I responded correctly" and "Can you help me fill out this form". The reason for this is the applicant must be fully responsible for completing their Application. The applicant's ability to complete an Application is an important initial measure of their competence to operate an Adult Use Marijuana Business.

Appointments will not be accepted during the acceptance period. Pre-application appointments can be scheduled with Town Staff only before the dates and times on the posted notice.

### **Step 2: Business License Application Submission\*\***

All prospective Adult Use Marijuana Business applicants must file an Adult Use Marijuana Business License Application on forms provided by the Town. The completed Application must include all information and materials identified in Section 18-609 and Section 18-610 (1) a & e of the Adult Use Marijuana Business Licensing Ordinance (Chapter 18).

The non-refundable Application fee is collected at the time an Application is submitted. As of November 2021, the non-refundable fee is \$500.00. Please make checks payable to the "Town of Old Orchard Beach".

Be sure to include the following items in your Application packet:

- Complete Application form(s) including required signatures
- All required materials listed in the Application form(s)
- All materials identified in Ch. 18, Sec. 18-609 and Sec. 18-610 (1) a & e
- Application fee

Applications will be accepted by the Town only during the dates, times and location identified within the public notice posted by the Town. Applications will be accepted only in-person and only by the License Administrator or their designee.

Adult Use Marijuana Business License applications are available at the Code/Planning Office at Town Hall; on the Town's website by clicking on the Menu symbol, Resources, Forms & Permits, then scroll to the Adult Use Marijuana Licensing and Permitting links; emailed upon request.

\*\* Note for previous applicants. Applicants who submitted Adult Use Marijuana Business License Applications between 3/6/23 and 3/10/23 are required to submit a new Adult Use Marijuana Business License Application and signed Release of Information form. Previous applicants can voluntarily submit new or revised supplemental documentation. If submitting new or revised supplemental documentation, applicants must include a cover letter identifying the new or revised documents and any previously submitted documents to be removed and replaced. Previous applicants are not required to pay the \$500.00 fee.

### **Step 3: Business License Application Completeness Review**

As part of initial license application consideration, the Town performs a determination of completeness review. The purpose of determination of completeness is to determine if the proposed location is allowed, if all materials identified in Ch. 18, Sec. 18-609 have been submitted, to verify information submitted (e.g., State licenses, possession or entitlement of proposed location, leases, etc), perform background checks, and to determine if a complete Application with all the required information has been submitted.

If an Application has been reviewed and is determined incomplete it will not be reconsidered unless all other Applications received have been determined incomplete. Applicants will not be allowed to provide missing or incomplete items during Application review unless all other Applications received have been determined incomplete.

Completeness review will begin after the posted Application acceptance period closes and conclude within 60 calendar days after the close of the Application acceptance period.

### **Step 4: Business License Application Merit Criteria Review**

In addition to completeness review, the License Administrator reviews applicant responses to the merit criteria in Ch.18, Sec. 610 (1) e. Merit criteria are specific criteria identified in the Marijuana Business Licensing. Part of the initial license selection process includes review of an applicant's responses to merit criteria and the documentation that supports the responses.

The merit criteria review process awards points based on an applicant's response and supporting documentation to the merit criteria identified in the Marijuana Business Licensing ordinance. For each criteria met the applicant is awarded the entire point value. Applications with a response but with no supplemental documentation receive zero points. Applications with no response and no supplemental documentation receive zero points.

Merit criteria review will begin after the posted Application acceptance period closes and conclude within 60 calendar days after the close of the Application acceptance period.

### **Step 5: Business License Application Selection**

The application selected by the License Administrator shall: have been determined complete; confirmed the business location is in apparent conformity with Old Orchard Beach Code of Ordinances Chapter 78, Sec. 78-803 and Sec. 78-1279 (5) a; scored the highest total points for merit criteria; and submitted the required fee.

The selection process begins after the posted Application acceptance period closes. The selection process ends within 60 days of the close of the acceptance period. The License Administrator will notify the selected applicant.

If two or more applications meet all other initial license requirements and score a merit criteria point total tie, the applicants who are tied shall proceed to a public random lottery. The lottery will be hosted by the Council who will randomly select the applicant.

### **Step 6: Conditional Use Review**

Within 90 days of receiving the Application selection notification, the selected applicant shall submit a Conditional Use Permit Application to the Planning Department Staff. Failure to submit a complete Conditional Use Permit Application within 90 days of receiving the notification shall disqualify an applicant from further consideration of their Adult Use Marijuana License Application.

Conditional Use review will be conducted in accordance with the Conditional Uses Ordinance (Ch. 78, Secs. 78- 1236 – 1240 and 1266. Summary of review steps:

1. Submission of Conditional Use Permit Application and applicable plans and supporting documentation;
2. Planning Board, Staff begin review;
3. Planning Board schedules a site walk (any time during review of the proposal);
4. Planning Board reviews for determination of completeness;
5. Planning Board holds a public hearing; and
6. Planning Board conducts final review and final ruling.

At final review, the Planning Board may approve, approve with conditions or deny an Application for a Conditional Use Permit. To approve a Conditional Use Permit Application the Board must first make the following findings:

1. The proposed use will not result in significant hazards to pedestrian or vehicular traffic, on-site or off-site.
2. The proposed use will not create or increase any fire hazard.
3. The proposed use will provide adequate off-street parking and loading areas.
4. The proposed use will not cause water pollution, sedimentation, erosion, or contamination of any water supply.
5. The proposed use will not create unhealthful conditions because of smoke, dust or other airborne contaminants.
6. The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to neighboring properties.
7. The proposed use will provide adequate waste disposal systems for all solid and liquid wastes generated by the use.
8. The proposed use will not adversely affect the value of adjacent properties.
9. The proposed use will be compatible with existing uses in the neighborhood, with respect to the generation of noise and hours of operation.
10. The applicant's proposal must include any special screening or buffering necessary to visually obstruct the subject property from abutting uses or to ensure the continued enjoyment of abutting uses.
11. The applicant's proposal must adequately provide for drainage through and for preservation of existing topography within its location, particularly in minimizing any cut, fill, or paving intended.
12. The applicant must be found to have adequate financial and technical capacity to satisfy the criteria in this section and to develop and thereafter maintain the proposed project or use in accordance with all applicable requirements.

In addition to the above, the Board must find the Conditional Use Permit Application complies with the Conditional Use conditions for Adult Use Marijuana Business (Ch. 78, Sec. 78-1279).

If the Board determines that the proposed use does not meet one or more of the Conditional Use standards and cannot be made to comply by the imposition of conditions or if conditions that would cause the use to comply with the required standards are not acceptable to the applicant, the board shall deny the Conditional Use Application. If a Conditional Use Permit Application is denied, the Applicant is disqualified from further consideration of their Adult Use Marijuana License Application.

Conditional Use applications are available at the Code/Planning Office at Town Hall; on the Town's website by clicking on the Menu symbol, Departments, Planning Department, Planning Forms, then scroll to the Conditional Use Application link; emailed upon request.

Conditional Use Ordinance may be requested through the contacts at the end of this guide and online at (cut/paste the link and scroll, on the left, to Ch. 78, Art. VII)  
[https://library.municode.com/me/old\\_orchard\\_beach/codes/code\\_of\\_ordinances](https://library.municode.com/me/old_orchard_beach/codes/code_of_ordinances)

Adult Use Marijuana Conditional Use Ordinance may be requested through the contacts at the end of this guide and online at (cut/paste the link and scroll, on the left, to Ch. 78, Art. VII, Div. 2, Sec. 78-1279) [https://library.municode.com/me/old\\_orchard\\_beach/codes/code\\_of\\_ordinances](https://library.municode.com/me/old_orchard_beach/codes/code_of_ordinances)

### **Step 7: Council Review Submission**

Only the applicant(s) whose Application is selected as complete; who have secured Conditional Use Permit Application approval from the Planning Board; and who supply evidence of all State approvals required to operate an Adult Use Marijuana Business may continue to the Council review process.

To begin Council review, the applicant must submit the following to the Town Manager or License Administrator:

1. The completed license Application and license Application contents identified in Ch. 18, Sec. 18-609 and Ch. 18 Sec. 18-610 (1);
2. Copy of Conditional Use Permit Findings of Fact;
3. Copy of Conditional Use Permit Application submission to the Planning Board;
4. Attested statement certifying the documentation in Ch. 18, 18-610 (1) remains unchanged;
5. Proof and copy of all State license final approvals allowing the Adult Use Marijuana Business;
6. Any other information the Town Manager feels is necessary to assist the Town Council with review and final decision; and
7. Full payment of the Adult Use Marijuana Store License Fee (\$7,500 as of November 2021).

After receipt of the above and completion of additional background checks, the Town Manager will place the Application on the Council agenda.

### **Step 8: Council Review and Final Decision**

The Council will begin their review at a regularly scheduled Council meeting. Council review includes discussion, public hearing and final decision.

Council review begins with discussion of the proposal. The Council will request the applicant to present their proposal and will ask questions. The Council may request additional information to help with their decision. The Council will schedule a public hearing to be held at a future date.

The Council will hold a separate meeting for the purpose of hosting a public hearing. The applicant must notify (by mail) all property owners within 1,000 ft. of the premise's property lines at least 10 days before the hearing is held. Those notified as well as the general public can offer public comment at the hearing. Public comment can be spoken at the hearing or provided in writing.

At a meeting following the public hearing, the Council will conduct final review and issue a final decision. The Council will consider all information submitted by the applicant, public comment, Staff comment, State records, and any other documentation that will help with their decision. The Council will apply the review criteria in Ch. 18, Sec. 18-35 in making its final decision. The Council may apply conditions on a license.

### **Step 9: Implementation**

Applicants must begin operation of the business within 180 days from the date of Council approval (i.e., license issuance). If the business does not begin operations within 180 days the license approval will be deemed expired.

For the purposes of implementation, "begin operations" means the licensee has substantially commenced the approved use on the site in compliance with Town and State approvals or, if the use includes new building construction, all permits have been approved and construction has commenced.

### **Step 10: Renewal Application Procedure**

Licenses are effective for 1 year from the date of Council approval. Renewal license Applications must be submitted to the License Administrator a minimum of 45 days before the date of expiration. Any licensee who does not submit a renewal Application by the deadline shall not have authority to operate until Council issues the license.

Renewal license applicant must submit the following to the License Administrator:

1. The completed license Application and license Application contents identified in Ch. 18, Sec. 18-609 and Ch. 18 Sec. 610 (1);
2. Copy of Conditional Use Permit Findings of Fact;
3. Copy of Conditional Use Permit Application submission to the Planning Board;
4. Attested statement certifying the documentation in Ch. 18, 18-610 (1) remains unchanged;
5. Proof and copy of all State license final approvals allowing the Adult Use Marijuana Business;
6. Any other information the Town Manager feels is necessary to assist the Town Council with review and final decision; and
7. Full payment of the Adult Use Marijuana Store License Fee (\$7,500 as of November 2021).

After receipt of the above and completion of additional background checks and site inspections, the Town Manager will place the renewal Application on the Council agenda. Council review and decision will follow the same process described in Step 8, above.

### **Town Contacts:**

License Administrator: Rick Haskell  
Town of Old Orchard Beach, 1 Portland Ave., Old Orchard Beach, ME 04064  
(207) 937-5615; [rhaskell@oobmaine.com](mailto:rhaskell@oobmaine.com)

License Administrative Assistant: Alex McGee  
Town of Old Orchard Beach, 1 Portland Ave., Old Orchard Beach, ME 04064  
(207) 937-5633; [amcgee@oobmaine.com](mailto:amcgee@oobmaine.com)