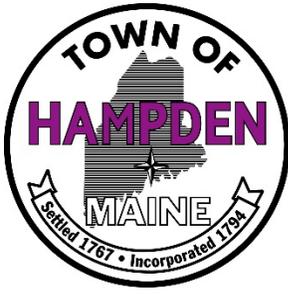


Town of Hampden
Planning Board Ordinance
Committee Tuesday October 17,
2017, 6:00 pm Municipal Building
Conference Room
Agenda

1. Zoning Ordinance Amendments – Definitions – Retail (Recreational) Marijuana
2. Adjournment



Town of Hampden
Land & Building Services

Memorandum

To: Planning Board
From: Angus Jennings, AICP, Town Manager
Date: September 7, 2017
RE: Retail (Recreational) Marijuana Amendments

As directed by the Town Manager in accordance with the Resolution adopted on April 18, 2017 by Town Council regarding the legalization of recreational marijuana, the Town Planner proposed the following amendments to Section 7.2, Definitions, of the Zoning Ordinance.

The purpose of these amendments is to effectively prohibit retail sales of marijuana and social clubs for marijuana. Modifications to a number of existing definitions are proposed to be clear about how retail marijuana businesses should be interpreted – e.g. neither retail marijuana sales nor social clubs are to be considered as home businesses or customary home occupations.

The proposed amendments have been reviewed by the Town Attorney, who found them in proper form and consistent with the policy intent.

The Town Council's Planning & Development Committee reviewed the proposed amendments at their August 16 meeting and favorably recommended them to the Town Council. At their August 21 meeting, the Town Council referred the proposed amendments to the Planning Board for consideration and public hearing.

These amendments are the first phase of the expected zoning amendments dealing with retail marijuana; the second phase will deal with regulating the other three use categories – cultivation, testing, and product manufacture. Those will not be drafted until late 2017 or early 2018, since we are waiting for more information from the state on how their rules will handle the industry and what municipalities will be able to do for local regulation.

TOWN OF HAMPDEN

The Town of Hampden Hereby Ordains
Proposed Amendments to the Zoning Ordinance

Deletions are ~~Strikethrough~~ Additions are Underlined

Amend §7.2 Definitions

Agriculture: The production, keeping or maintenance of plants and/or animals including but not limited to: forages and sod crops, grains and seed crops; dairy animals and dairy products; poultry products; livestock; fruits and vegetables; and other plants. Agricultural uses shall include wholesaling, retailing and processing of agricultural products which are customary and accessory to an agricultural use. Agriculture does not include forest management, commercial nurseries, ~~and timber harvesting activities, or commercial cultivation of marijuana.~~ (Amended: 12-18-95)

Customary Rural Businesses: Shall be limited to the following uses: Retail Sales & Service; products produced on-site such as art work, pottery, quilts, needle work, baked goods and wooden furniture, antiques, farm & logging supply, feed and grain store, tack shop, grocery and convenience store, hunting & fishing supplies, taxidermy, sporting and camping equipment, Places of Assembly; diners and roadside cafes where no drive thru service is provided (not to exceed 30 seats), bed & breakfast inns (not to exceed 10 guest rooms). Retail marijuana stores, social clubs, cultivation, processing, or testing establishments shall not be categorized as Customary Rural Businesses. (Amended: 12-2-96)

Drug store or Pharmacy: An establishment engaged in the retail sales of prescription drugs, non-prescription medicines, medical equipment or supplies, with or without other consumer products for sale, but not including the sale of marijuana or products containing marijuana.

Home occupation: ~~The subordinate use of a dwelling unit or structure accessory to a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services. See Use of Residence for Business Purposes.~~

Medical marijuana: ~~Marijuana shall have the definition set forth in Title 17-A M.R.S.A. Section 1101(1) and the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 122, Section 1.15), as the same may be amended from time to time. (Amended 03-07-11) The leaves, stems, flowers and seeds of all species of the plant genus cannabis, whether growing or not; but shall not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin including hashish and further, shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks, fiber, oil or cake or the sterilized seed of such plant which is incapable of germination. [17-A MRSA Section 1101.1 – medical marijuana laws]~~

Retail marijuana: All parts of the plant of the genus Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin including cannabis concentrate. "Retail marijuana" does not include industrial hemp, fiber produced from the stalks, oil, cake made from the seeds of the plant,

sterilized seed of the plant that is incapable of germination or any ingredient combined with cannabis to prepare topical or oral administrations, food, drink or any other product. [17 MRSA Section 4224.5 – marijuana legalization act]

Retail marijuana social club: An entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises. [17 MRSA Section 4224.39 – marijuana legalization act]

Retail marijuana store: An entity licensed to purchase retail marijuana from a retail marijuana cultivation facility and to purchase retail marijuana products from a retail marijuana products manufacturing facility and to sell retail marijuana and retail marijuana products to consumers. [17 MRSA Section 4224.40 – marijuana legalization act]

Retail sales: The sale or rental of merchandise to the general public. Retail sales shall be limited to merchandise typically kept in stock on the premises. Retail sales shall allow accessory service unless prohibited elsewhere in this Ordinance. Retail sales shall not include the sale of marijuana or any product for human consumption that includes marijuana or any derivative of marijuana.

Service business: Any business or establishment which provides a service for hire by others, conducted through the application of some specialized knowledge, training, skill or talent, or through the employ of physical exertion or other effort in the performance of some special action or work. A service business shall include any establishment engaged in the fields of finance, insurance or real estate and any establishment providing professional, personal, or business services; a service business shall not include automobile service, outdoor recreation, manufacturing use, ~~or~~ a hotel or motel, or cultivation, harvesting, processing, testing or sales of marijuana, but may include rooming houses, boarding homes, tourist homes, and bed and breakfast establishments with six (6) or fewer rooms.

Use of Residence for Business Purposes: The subordinate use of a dwelling unit or structure accessory to a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services, with the exception that neither retail marijuana sales nor marijuana social clubs shall be operated under these provisions. There are three categories of such use, which are defined in §4.10 of this ordinance: home business, customary home occupation, and home based contractor. (Added 4-18-17)

MINUTES

g. **Council referral to the Planning Board to set public hearing on the proposed amendments to Section 7.2 of the Zoning Ordinance regarding the sale of marijuana and social clubs – referral from Planning & Development Committee – Councilor McPike that these amendments were directed in accordance with the Resolution signed in April. Councilor McPike made a motion, seconded by Councilor Sirois, to refer the proposed amendments to the Planning Board to set public hearing. Unanimous vote in favor.**

h. **Council Order 2017-06 re-authorizing weir installation and eel research at Papermill Park - Councilor Marble made a motion, seconded by Councilor Wilde to authorize the weir installation and research as defined in Council Order 2017-06. Unanimous vote in favor.**

i. **Setting the 2017/2018 mil rate – referral from Finance & Administration Committee – Councilor Sirois reported that during Finance and Administration meeting, the Assessor gave a presentation and held discussion about the commitment. Her recommendation is for a mil rate of 18.4 which equates to an increase of about \$10.00 for every \$50,000 of value in one's home. Manager Jennings added that the proposed 18.4 mil rate will generate about \$138,000 in overlay which will give us some breathing room. Impacts from the Homestead Exemption are that homes below \$450,000 in value will see a reduction in their tax bill. For those tax payers that don't take advantage of the exemption will see that increase of about \$10.00 for every \$50,000 in value. Councilor Sirois made a motion, seconded by Councilor Marble, to accept and approve setting the mil rate for 2017-2018 at 18.4. Unanimous vote in favor. Councilor Wilde offered thanks to fellow Councilors, town staff and especially Angus for all of the work put into turning the ship around.**

E. COMMITTEE REPORTS

Services – Councilor Marble reported that this committee met on the 14th. They were updated on Children's Day, reviewed information to be shared on the 22nd regarding the pool site, and discussed potential costs to the Town if we assume the expenses of the Kiwanis Civic Center.

Planning & Development – Councilor McPike reported that the committee was updated on the status of Fibrigh, discussed the Conservation Easement acted on tonight, and were briefed on the landfill post closure report. The committee interviewed Penny Markowitz-Moses, and again discussed recreational marijuana, including the Zoning Ordinance amendments that were referred to the Planning Board tonight.

Finance & Administration – Councilor Sirois reported that the Council Order 2017-05 Bid Guidelines was tabled because of confusion over sections 3 & 4. Discussed and recommended the land swap with Maine Ground Developers, reviewed the TAN recommendation, and made recommendation on the contract awards for the

David I. Ryder (Mayor, Dist. 4)
Stephen L. Wilde (1)
Dennis R. Marble (2)
Terry McAvoy (3)

TOWN OF HAMPDEN
IN THE TOWN COUNCIL

Mark S. Cormier (A/L)
Ivan P. McPike (A/L)
Gregory J. Sirois (A/L)

Resolution 2017-01

Adoption: April 18, 2017

**RESOLUTION REGARDING TOWN OF HAMPDEN POLICY INTENT
REGARDING LEGALIZATION OF RECREATIONAL MARIJUANA**

WHEREAS, by statewide referendum approved on November 8, 2016, Maine voters approved the legalization of recreational marijuana;

WHEREAS, the approved law establishes five categories of allowable commercial uses: cultivation; testing; manufacturing; retail sales; and social clubs;

WHEREAS, municipalities retain authority to exercise five classes of local powers relative to recreational marijuana establishments including prohibition, limiting the number of local licenses that may be issued, zoning, local licensure, and local non-zoning regulation (e.g. public safety, building code);

WHEREAS, the State of Maine has not yet issued regulations governing State licensure of recreational marijuana establishments, and has enacted a moratorium whereby no commercial activity related to recreational marijuana may occur until February 1, 2018;

WHEREAS, it will take time to prepare, adopt and implement local zoning, regulation, and/or licensing requirements and procedures related to potential recreational marijuana establishments in the Town of Hampden; and

WHEREAS, the Town Council wishes to make public its policy intent to proceed with certain restrictions and regulations regarding the potential future location and operation of recreational marijuana establishments in the Town of Hampden;

THEREFORE BE IT RESOLVED THAT, the Town Council hereby expresses its policy intent to proceed with certain restrictions and regulations regarding the potential future location and operation of recreational marijuana establishments in the Town of Hampden:

- The Town Council hereby directs that the Town Manager cause the Town Planner to prepare proposed zoning amendments in order to **prohibit** two categories of recreational marijuana establishments in the Town of Hampden: retail sales; and social clubs, and to bring forward such amendments for

- consideration by the Planning Board and, upon their referral, by the Town Council, each within duly noticed public hearings;
- The Town Council hereby directs that the Town Manager cause the Town Planner to prepare proposed zoning amendments in order to **regulate**, through the Zoning Ordinance, the location, performance standards, permitting process, and abutter notification requirements for three categories of recreational marijuana establishments in the Town of Hampden: cultivation; testing; and product manufacture, and to bring forward such amendments for consideration by the Town Council's Planning & Development Committee for consideration, revision as necessary, and referral to the Planning Board for consideration and, upon their referral, to the Town Council for consideration, each within duly noticed public hearings; and
 - The Town Council hereby directs that the Town Manager cause the Public Safety Director to prepare advice regarding the potential to **license**, through local regulation, three categories of recreational marijuana establishments in the Town of Hampden: cultivation; testing; and product manufacture, and if so whether and how to take into account a prospective establishment's tax and legal compliance, capital reserves, personnel, criminal background check, security plans, management experience, technical capacity, plans for odor mitigation and other issues, and local support; and to further advise the Town Council regarding whether to place limits on the number of allowable number of establishments (in each category), place limits on the hours of operation of any such establishments, establish licensing fees, and establish inspection requirements;
 - The Town Council hereby directs that the Town Manager periodically, and no less than every three months, provide updates to the Town Council's Planning & Development Committee, on progress toward satisfying this Resolution.

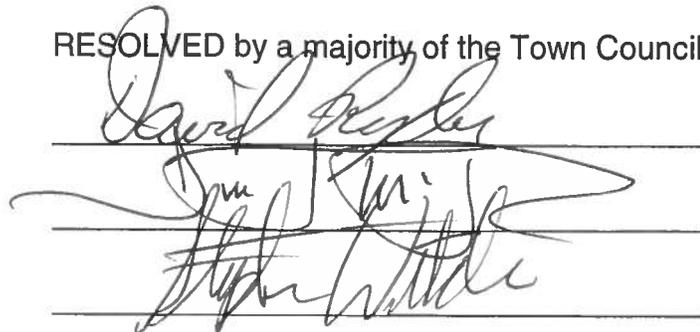
It is the intent of the Town Council that work toward these items proceed as quickly as reasonably practical, taking into account new information as it becomes available regarding the State of Maine licensing procedures, the necessity to spend enough time to ensure thorough review and informed recommendations, and the need to simultaneously maintain progress toward other responsibilities and priorities.

Town Clerk:

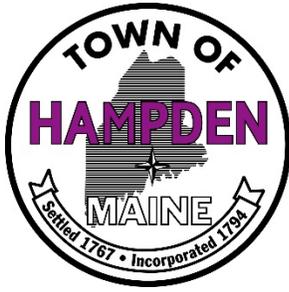


Paula Scott

RESOLVED by a majority of the Town Council:



Just Mark
Mark B. Conroy
Conroy B. S.



Town of Hampden
Land & Building Services

Memorandum

To: Planning & Development Committee
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: July 11, 2017
RE: Quarterly Report on Retail Marijuana

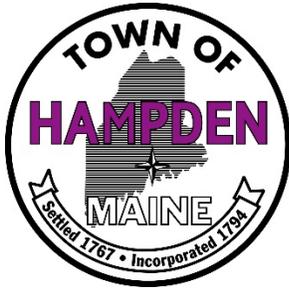
This is the first quarterly report on the issues surrounding the retail marijuana industry in Hampden. As you know, the Town Council has adopted a resolution which included three main intentions:

1. prohibit retail sales and retail social clubs within the town,
2. regulate cultivation, testing, and product manufacture, and
3. advise on the local licensing of cultivation, testing, and product manufacture.

I am currently drafting language for zoning amendments to implement the first intention; this will likely be done through modifications to a number of the definitions in Section 7.2 of the ordinance. It is premature to begin drafting regulations for the three uses to be allowed (intention 2), since the state is still in the process of wrestling with the law let alone writing the rules; I hope to have enough information to begin drafting language before the end of the year. I have met with Chief Rogers regarding the issue of local licensing, and he is in a similar position of not having enough information or guidance from the state to begin to address the issue in any meaningful way.

I have attached my memo of April 3, 2017, as that information remains applicable.

Staff is researching the question of whether the caregiver (medical marijuana) operation at 1334 Carmel Road N is subject to the provisions of our zoning ordinance for the use of a residence for business purposes (Section 4.10).



Town of Hampden
Land & Building Services

Memorandum

To: Planning & Development Committee, Planning Board, Town Manager
From: Karen M. Cullen, AICP, Town Planner *kmc*
Date: April 3, 2017
RE: Regulating Recreational Marijuana Uses

This memo provides a summary of the key points from the workshop I recently attended on some of the issues municipalities are now facing with the legalization of marijuana. There will be numerous other workshops on the subject geared toward specific groups (e.g. public safety, town managers) in the months ahead. This particular workshop gave some brief overviews of some subjects that will be covered in greater detail in these other workshops. The primary focus of this workshop was on regulation.

While 29 states have legalized medical marijuana, 8 have legalized “adult use” or “recreational” marijuana, and 14 states have decriminalized marijuana possession, it is still classified as a Schedule 1 substance under federal law. The position of the current administration in regards to enforcement is not clear at this time.

It is a significant industry: by 2020 it is projected that the cannabis industry in the US will exceed \$24 billion; in Maine the recreational marijuana industry is projected to be \$210 million. As a comparison, the lobster industry (in Maine) is currently worth about \$410 million and the potato industry is about \$200 million. The medical marijuana industry in Maine in 2015 was \$40.5 million and is projected to be \$49.3 million for 2016.

In 2013 the US Justice Department took the position that enforcement against cannabis operations in states with well regulated medical or recreational regimes should not be a priority unless certain federal areas of interest were involved, such as distribution to minors, use of violence, revenue flowing to gangs or organized crime, growing on federal land, etc. This position was put forth in the “Cole Memo” and was the bedrock for the industry, giving investors and operators some assurance they would not go to federal prison even when obeying the laws of the state in which they operated. In addition to this memo, an amendment to the Department of Justice Appropriations bill stated that the federal government will not take action against state or local officials who are doing their jobs in implementing the laws of their own states. This means that local officials are not at risk of arrest under federal law in regards to “aiding and abetting” the possession or use of marijuana.

While some municipalities have categorized marijuana cultivation as an agricultural use, the trend is toward categorization as an industrial use. Hampden’s zoning ordinance allows medical marijuana cultivation in the Commercial Service, Industrial Park, and Industrial zoning districts, and not in the

Rural district. My interpretation of this is that Hampden views marijuana growing as an industrial use rather than an agricultural one.

There are five categories of uses in the new law: cultivation, testing, manufacturing, retail sales, and social clubs. Testing will be a very important part of this industry, as purity, potency, the presence of heavy metals, etc. are significant. Maine currently has a large black market in marijuana and part of the thought process behind this law is that legalization can eliminate that (and the problems associated with it). As such, it is important to keep the end price to the consumer reasonable – if the regulatory scheme and tax structure keeps prices too high, the black market will continue to flourish.

The current law caps the total amount of “plant canopy” (amount of cultivation) to 800,000 square feet (18.37 acres) statewide. This includes all stages of the plant’s life, from cutting (akin to a seedling) through flowering. There is some concern that this is too low to eliminate the black market and it might be increased to as much as 1.2 million square feet. There are no limits on the number of establishments (statewide) for retail stores, social clubs, or processing facilities. Local municipalities do have the option to limit the number of such establishments if they so choose. Home growing is permitted and is not part of the 800,000 square foot plant canopy cap; however no more than 6 plants are allowed per person at a given time and they cannot be visible from public ways and must be secured to prevent unauthorized access. For state cultivation licenses, existing medical marijuana caregivers, who can grow up to 36 plants for themselves and their (maximum of five) patients, will have priority in the licensing process.

The typical lifecycle for a marijuana plant is about 4 months. In the marijuana industry, plants are not grown from seed, but are grown from cuttings (sometimes referred to as cloning) from “mother plants”. A typical cultivation facility will have multiple grow rooms for the various stages of the plant’s life; this way they can harvest flowers (the part of the plant with the most THC, the main compound in marijuana) multiple times a year.

The law as adopted by the voters has a number of flaws and the Legislature is currently working on numerous bills to deal with these. They have already adopted a statewide moratorium and no commercial activity can take place until 2/1/ 2018. In reality it will be mid-2018 before retail sales can begin, based on the ramp-up of cultivation and processing. When the state does begin taking applications it is expected they will open a “window” when they will accept them. It is also expected that the people submitting applications will have them ready and most will be submitted on the “opening day.” Thus it is anticipated that applicants will either try to get through the entire local approval process first, or at least get some sort of pre-approval from the municipality.

On the local level, there are five classes of local powers: prohibition, limiting the number of local licenses, zoning, local licensure, and local regulation (outside of zoning, e.g. public safety, building code). While municipalities have quite a bit of leeway in dealing with recreational marijuana, they cannot prohibit personal use or personal cultivation. Municipalities can license any or all of the five use categories (cultivation, testing, manufacturing, etc.).

There are a number of decisions that Hampden needs to make in addressing recreational marijuana. The remainder of this memo is designed as a “decision tree” and discusses the issues involved with each step.

1: Does Hampden want to prohibit any or all of the five use categories?

- a) Cultivation – although some municipalities consider growing marijuana to be an agricultural use, most treat it as an industrial use. In reality, marijuana is grown in an industrial setting, with

tightly controlled indoor growing rooms to prevent contamination of the plants. There is no public access to cultivation facilities. Cultivation facilities will range in size depending on the state-licensed canopy size for the facility, measured in “unit blocks” of 10’x10’ or 100 square feet. The state will be issuing licenses in two classes: facilities with 3,000 square feet or less of plant canopy and those greater than 3,000 square feet. The law requires that 40% of the state licenses be issued to the smaller facilities. It should be noted that the actual size of a cultivation facility will be greater than the canopy size, as there will be need for storage space for fertilizers and other things needed for the cultivation itself, space for harvesting (people sitting at tables cutting the flowers off the mature plants), office space, etc. The primary issues to be dealt with include security, fire codes, odors, and waste disposal.

- b) Testing – facilities for activities related to acceptable testing and research practices, including but not limited to testing, standards, quality control analysis, equipment certification and calibration, chemical identification, and other research practices. Again, these are industrial type facilities and I do not envision them being large. No public access will be involved, and security is the primary concern with this use.
- c) Product manufacture – there are many different products that use THC, including baked goods, candy bars, soda, and “vaping” products, among many others. These facilities will have a wide range in size and utility needs (e.g. water and sewer), depending on what is being manufactured. There is no public access to these facilities, they are not permitted to sell directly to consumers. In addition to being licensed by the state under the recreational marijuana law, they are required to be licensed as commercial kitchens by the Department of Health and Human Services. Potential issues include security, infrastructure (utilities), building and fire codes, and odors.
- d) Retail sales – stores selling retail marijuana may not sell anything not directly related to marijuana (e.g. baked goods or candy that does not contain marijuana, alcohol, or general merchandise with no relationship to marijuana). They can sell anything related to marijuana, including apparel, paraphernalia, child-proof containers, etc. Municipalities cannot impose a local sales tax on recreational marijuana or products containing marijuana. Primary issues related to retail marijuana stores are security, proximity to certain land uses, signage, and fire codes.
- e) Social clubs – akin to a bar, but for the consumption of marijuana. Products for consumption that do not contain marijuana are allowed, such as baked goods or candy, but social clubs “may not sell or give away cigarettes or alcohol” [MRSA title 7 ch 417 §2448, paragraph 7A]. One of the issues the Legislature is dealing with is the ambiguity here, as the law does not expressly prohibit consumption of tobacco or alcohol in social clubs and there is concern that they may allow “BYOB” which creates potential health problems which could increase demand for emergency medical calls. As with retail sales, the primary issues related to social clubs are security, proximity to certain land uses, signage, and fire codes.

If the town decides to prohibit all five categories, then an amendment to the Zoning Ordinance can be processed immediately. This would either be done as a “special district regulation” in each of the 15 districts in Article 3, or as a new section in Article 4. In theory the uses would not be allowed anyway since they are not listed in any of our 15 districts, but I would not recommend leaving it to chance that someone could propose any of them under another use category (e.g. a retail marijuana store under our “retail sales”).

2: Based on the P&D Committee's policy direction on this after the referendum vote last November, if Hampden decides to prohibit retail sales and social clubs but allow the other three uses, then the next issue to deal with is zoning.

- a) Decision needed on which districts to allow these uses in. Since all are industrial in nature, my recommendation would be to allow them in the Industrial, Industrial 2, and Industrial Park districts. They would require a conditional use permit, with a public hearing before the Planning Board. Note that Hampden can require a wider net for abutter notification; the standard is 300 feet from the property line but for such potentially controversial uses, it could be increased to 500 feet or even more if felt necessary. If and when the time comes, I can create maps showing a variety of potential locations with various abutter notification distances so you can see the extent of the differences.
- b) Decision needed on what performance standards to impose regarding odor, security, setbacks from specific uses, setbacks and buffers from property lines, etc. These would be similar to those adopted for medical marijuana facilities in Hampden, but may differ if appropriate.

3: If any of these uses are allowed, then a decision is needed on whether or not to issue local licenses.

- a) It is not clear if municipalities can impose licensing fees, since one-half of the fee collected by the state (which is an annual fee) is passed on to the municipality.
- b) The licensing process can be used to place limits on the number of establishments (in each category) that will be allowed in the town, as well as things like hours of operation. Note, while the medical marijuana provisions place a limit on the number of establishments in the zoning regulations, it might be better to place a limit on the number of recreational marijuana establishments, if they are allowed at all, through a licensing ordinance. But if Hampden decides not to issue licenses then the zoning regulations can deal with this.
- c) One benefit of licensing is that it can be a way to do an annual review of these operations; such periodic reviews that are required as part of a Planning Board decision are much more difficult to enforce.

4. If Hampden does decide to limit the number of establishments, then a process for selecting licensees will be needed.

- a) How many establishments will be allowed in each category?
- b) How do you come up with that number, and on the basis of what objective criteria? Any such limitation should be supported by evidence on the record so it would withstand potential challenge.
- c) Options for selecting licensees include issuing an RFP, first-come-first-served, or holding a lottery.
- d) An RFP process would be aimed at issuing licenses to the best qualified businesses, and might consider things such as evidence of tax and legal compliance, capital reserves to fund start-up, criminal background check, security plans, management experience, technical capacity, plans for odor mitigation and other issues, and local support. Some of these are things that the municipal staff could review, others may require third party review.
- e) But an RFP process has its risks: applicants will have spent some money and time submitting their proposal, and assuming there are not enough licenses to accommodate all applicants, those that don't get awarded a license will not be happy, and could litigate. Thus it's recommended that if Hampden were to go this route, we consider hiring a consultant to help with the process as it will be easier to defend against litigation if it were to come to that.

And finally, the question of whether a municipality should adopt a moratorium was discussed at the workshop. There are some compelling arguments both pro and con on this question:

Reasons why a moratorium is not needed or useful:

1. State licenses will not be issued for about a year at the least, so no recreational marijuana activity other than personal use and personal growing is legal until that time.
2. A moratorium is only good for 180 days (however, see additional info under other notes below).
3. If a municipality is planning to ban all five use categories, then there is no reason not to just amend the zoning ordinance to accomplish that right now.
4. A public statement could be issued to let people know what the town's intentions are (e.g. prohibit retail stores and social clubs but allow the other three uses).

Reasons why a moratorium could be useful:

1. It could be easier for staff to address any inquiries regarding recreational marijuana.
2. If anyone wanted to submit an application, staff could easily reject it without consequence provided the moratorium specifically prohibited submission of applications.
3. It can prevent people from submitting an application in the absence of regulations, which can inadvertently lead to an appeal of either denial or inaction by the Planning Board.
4. It can provide support for Code Enforcement to deal with any illegal establishments that are started by people who either don't understand the permitting and licensing process or who start a business without regard to the law.

Other notes on moratoriums:

1. There has to be a need for the moratorium, and the ordinance must clearly state what the need is. This is pretty straightforward – the town can't adopt either zoning regulations or licensing regulations before the state issues its rules, to ensure there is no conflict between the local and state regulations.
2. The town needs to be actively working on how they will handle recreational marijuana while the moratorium is in place.
3. A moratorium can be extended by vote of Town Council after a public hearing, and there is no statutory limit on the number of times it can be renewed, as long as the municipality is still actively working on addressing the issues creating the need in the first place.

At this point, I respectfully request that the Planning & Development Committee, as the body tasked with making recommendations to Town Council on setting policy on land use issues, review this and be prepared to discuss the issue of adopting a moratorium. If Hampden decides to take such action, it may be prudent to do so sooner rather than later.

6. Zoning Considerations/Discussion:

a. Recreational marijuana – Planner Cullen gave a brief summary of her memo. Discussion points:

- i. The P&D Committee has previously, by consensus, expressed their desire to prohibit retail sales and social clubs. It would be appropriate for the full Council to take such a vote.
- ii. Concern about how and when zoning is amended to deal with all five use categories.
- iii. Location of the three uses to be allowed; Planner Cullen recommended only in the industrial districts. There may be reasons to allow in certain areas of the rural district too; will require more research.
- iv. Discussion on the number of facilities; whether to limit at all and if so, how to come up with the limit.
- v. Regarding a moratorium, consensus that enacting one is not necessary at this time. Instead, a resolution will be drafted for Town Council to adopt stating that retail sales and social clubs will not be permitted in the town.
- vi. Question as to whether these operations should be permitted as home occupations; it was felt that especially in the beginning we should be conservative in dealing with this industry.

b. Article 1, accessory apartments, and flexibility in design standards – Planner Cullen stated these three amendments are going to public hearing on April 12 with the Planning Board.

c. Certificate of Compliance – Manager Jennings summarized a recent issue where a business moving into an existing space was potentially subject to a permitting process that was not going to result in any changes; staff has, in consultation with the Town Attorney, come up with a good resolution to this case. Staff is now working on a zoning amendment to this section of the ordinance to correct the problem.

7. Citizen Initiatives: None.

8. Public Comments: None.

9. Committee Member Comments: Chairman McPike mentioned that the victualers licenses can be renewed all at once, which will improve efficiency for staff and should make things easier for businesses as well. New licenses issued during the year can be done as normal, and then they will go onto the same annual schedule as the rest of them. CEO Block agreed this would be much better, and suggested that following the calendar year with inspections in December would work well for code enforcement staff.

10. Adjournment: **Motion** to adjourn at 7:42 pm by Councilor McAvoy; seconded by Mayor Ryder, carried 6/0/0.

*Respectfully submitted by
Karen Cullen, Town Planner*