



HAMPDEN TOWN COUNCIL WORKSHOP
HAMPDEN MUNICIPAL BUILDING
AGENDA

MONDAY

AUGUST 10, 2020

6:00 P.M.

- A. CALL TO ORDER
- B. UNFINISHED BUSINESS
 - a. Review of proposed amendments to the Hampden Zoning Ordinance – referred from 7/20/2020 Town Council Meeting.
 - b. Review of proposed amendments to the Marijuana Ordinance – referred from 7/20/2020 Town Council Meeting.
- C. NEW BUSINESS
 - a. Discussion on replacement of plow truck 18 – requested by Sean Carrier, Public Works Director.
 - b. Discussion on town wide access to high speed internet – referred by Councilor McAvoy.
 - c. Discussion on Waterfront/Marina Improvements – requested by Amy Ryder, Economic Development Director.
- D. ADJOURNMENT

Note: Council will take a five-minute recess at 8:00 p.m.

FOR THOSE THAT WISH TO PARTICIPATE IN THE
REMOTE HAMPDEN TOWN COUNCIL
WORKSHOP ON AUGUST 10, 2020, AT 6:00 PM
YOU MAY PHONE IN USING THE FOLLOWING
NUMBER (FOLLOWED BY THE PIN #)

1-478-353-3150 PIN 597 062 195#

OR-

FROM A LAPTOP OR A DESKTOP, YOU MAY GO
TO THIS URL: [https://meet.google.com/qax-
cntb-gpj?hs=122&authuser=0](https://meet.google.com/qax-cntb-gpj?hs=122&authuser=0) AND JOIN US
THAT WAY

**INSTRUCTIONS ARE POSTED WITH THE AGENDA
AND SEPARATELY ON THE TOWN CALENDAR AT
WWW.HAMPDENMAINE.GOV**

Using Google Meet to Participate in Hampden Town Council Remote Meetings

How to join:

1. Town Council members will receive an email or a Google Calendar Invite with a link to join the meeting.
2. People interested in joining will need to go to the link posted on the town events calendar at www.hampdenmaine.gov.
3. Anyone can also join for audio-only participation by calling the number provided on the town events calendar and then entering the PIN provided followed by the # symbol.

Protocols for Remote Meetings:

1. Log in or call in at least 5 minutes before scheduled start of meeting.
2. For the audio portion, use either your phone or your computer microphone, not both.
3. Mute your phone or computer mic unless speaking. Remember to un-mute if you want to speak. To mute or unmute in Google Meet, click on the little microphone icon at the bottom of the screen; note you may need to move your mouse pointer around the bottom of your screen to get the bottom bar to appear.
4. Speak up if using a computer microphone or if using the speaker function on your telephone.
5. Do not rustle papers in front of your mic unless it's muted. Please minimize background noise.
6. If you're referring to a document, identify it including page or sheet number.
7. If using the video function, have a light source in front of you if possible. Try to avoid backlighting.
8. If you want to look good, have your camera mounted at eye level or above. Look at yourself on screen to check the lighting, camera position, what's in the background, etc. In Google Meet, you can do this "video check" when you open the program before you join the meeting.
9. If you are participating by audio only, identify yourself when speaking.
10. ALL votes will be by roll call.
11. After the meeting is adjourned, click on the red phone icon on the bottom bar to leave the meeting, or (obviously) just hang up the phone if that is how you are participating.

For detailed instructions on using Google Meet, please refer to their website:

support.google.com/a/users/answer/9282720?hl=en



B-a.

Town of Hampden
Town Planner

Memorandum

To: Town Council, Town Manager
 From: Karen M. Cullen, AICP, Town Planner *KMC*
 Date: July 21, 2020
 RE: Proposed Amendments to the Hampden Zoning Ordinance – for Aug 10 Workshop

The following is a summary of the proposed amendments to the Hampden Zoning Ordinance, with detailed discussion:

No.	Section	Topic	Proposed Change & Comments
1	3.2.1	Multi-family	<p>Require half of the open space to be recreational space; and require fire suppression infrastructure</p> <p>Regarding open space: This applies ONLY to multi-family developments, not to standard subdivisions, which had the requirement for open space eliminated 4-5 years ago. In addition, the change does not increase the amount of open space required, it requires that a portion of that open space be useable for recreational purposes – be it benches and a trail, a community garden, a playground, etc. The type of amenity will depend on the number of housing units and the expected demographic of the development.</p> <p>Regarding fire suppression: This provision is intended to clarify an existing requirement that multi-family developments that are not connected to the public water system have adequate water supply – both for potable water and fire suppression (see §3.2.1.1). We want to ensure that we don't end up with any multi-family developments anywhere in town that do not have adequate fire suppression capability. If dry hydrants are installed in various locations in the Rural district, that should meet the requirement as long as the proposed development is located within a certain distance from the dry hydrant. In areas without a dry hydrant, installation of a cistern on the development site, paid for by the developer, or some other fire suppression system (e.g. sprinklers in the buildings) would be required. When the decision was made to allow multi-family development in the Rural district, the intent was to allow such projects as long as the developer provided the necessary infrastructure to support it – water supply (both potable and fire suppression), sewage disposal, stormwater drainage, roads, etc. The Planning Board does not have the authority to approve a development that will result in the town incurring costs specifically for infrastructure, for example extending the water or sewer system to allow the development to occur.</p>

2	3.4.2.2	Lot size, Business & TC districts	Eliminate a conflict in the ordinance
3	4.3	"rear" lots	Make section applicable to lots in any district, not just Rural. Note, these are limited to single family homes. In addition, the rear lot has to meet certain dimensional requirements so it doesn't impinge on abutters; those requirements are not being changed.
4	4.7.2	Buffers, multi-family	<p>Add a requirement that any multi-family development in the Rural district must provide a class 3 buffer along each property line. (Class 3 is the most stringent.)</p> <p>Currently, in any district, multi-family development where there are between 50 and 99 units must provide a class 2 buffer – 25' wide, 10' of which is planted with trees or shrubs with a mature height of 6 feet. Multi-family development in any district with 100 or more units must provide a class 3 buffer – 50' wide, 25' of which must be planted with trees or shrubs with a mature height of 6 feet. In all cases, existing wooded areas count as planted buffer. The proposed change will require multi-family development in the Rural district with <u>any</u> number of units to provide a class 3 buffer. This is to protect the single family residents abutting the parcel being developed. The 50' width can still be counted toward the density (number of units) and can be part of the open space, including the recreational open space, provided the 25' planted area is still provided.</p>
5	4.7.5.7	Signs, commercial districts	Add a provision addressing situations where there is a residence used for business purposes in the commercial districts.
6	4.9.2	Earth moving	<p>Revise the provisions for exemptions to ensure an exemption granted for construction associated with a building permit or a subsurface wastewater disposal permit. Also reorganize the existing provisions so erosion and sedimentation control provisions apply to ALL earth moving activities (including exempted).</p> <p>The reason for this change is to eliminate a loophole that allows someone to apply for a building permit and then remove as much earth material as they desire without complying with the basic earth moving requirements of §4.9, sometimes with no intention of ever constructing the building for which the permit was obtained.</p>
7	4.24	Medical marijuana, methadone	We are moving the medical marijuana dispensary and cultivation facility provisions to the Marijuana Ordinance, so delete them from here. Methadone clinics remain in the zoning ordinance.
8	6.2.1	Appeals to the BOA	Modify the section per the advice to the town's attorney, to clarify what can be appealed to the BOA.
9	7.2	Definitions	Modifications to various definitions, addition of new ones as well. Note, the addition of those related to marijuana is due to the fact that the use table (§3.1.3) still has the various marijuana uses listed, since that is where we can regulate where they are allowed in town.

			<p>Definitions of <u>dwelling unit</u> and <u>travel trailer</u> are being modified to deal with "tiny" homes, for consistency with the building code and to clarify what is and isn't a "tiny" home.</p> <p>The definitions for <u>lot split</u> and <u>tract</u> are being added for clarification purposes.</p> <p>The definition of <u>road or street</u> is crucial to whether a parcel is considered to have frontage. It is being amended to deal with private roads. We have a number of existing private roads that don't actually fit the current definition of <u>road or street</u>, yet have many homes on them (e.g. Fowlers Landing Rd). Without the modification, technically no building permits can be issued for any parcels on those roads, which is ridiculous. The proposed changes will also clarify that a new road shown on a subdivision plan has to be constructed in accordance with the plan. Finally, it will allow a lot split to be done – a process that does not involve the PB or anyone else in the town – where the frontage for no more than 2 lots can be on a private road, provided the lot split plan is recorded at the registry of deeds – not just the deeds as is the norm.</p>
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The Planning Board discussed these proposed amendments at their June 16, 2020 Workshop and held a public hearing on July 8, 2020. There were no comments from the public (no one attended). One modification to the definition of "road or street" was made to clarify that a road that is shown on *and constructed in accordance with* an approved subdivision plan meets the definition of frontage. Note that §5.3.1.2 allows a building permit to be issued prior to the road being constructed to allow construction of houses to begin; §5.3.2.1.4 requires the road to be completed before a certificate of occupancy can be issued. We had amended the ordinance a couple of years ago to allow this, so we weren't holding up house construction.

The Planning Board voted on each amendment separately, and recommended Town Council adopt the amendments as presented in the attached document. All votes were unanimous except for one (#3) where one member abstained due to a perceived potential conflict of interest.

Note that amendment #7, dealing with medical marijuana, goes hand in hand with the proposed amendments to the Marijuana Ordinance, which is discussed in a separate memo.

Action requested: Refer to Town Council for referral to public hearing on the proposed zoning amendments. The adoption schedule, which will apply to both the proposed amendments to the Zoning Ordinance and the proposed amendments to the Marijuana Ordinance, is as follows:

- August 10 – Town Council Workshop
- August 17 – Town Council referral to public hearings (one for each ordinance)
- September 1 – publication of the notice for the public hearings
- September 8 – public hearings (one for each ordinance) with the Town Council
- October 8 – the amendments become effective, if adopted by Town Council on September 8

TOWN OF HAMPDEN

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

Deletions are ~~Strikethrough~~ Additions are Underlined

1 §3.2.1 – Multi-family development:

Change 3.2.1.3 to read:

3.2.1.3 Multi-family developments must provide a minimum of 40% of the ~~tract parcel~~ as permanent open space except in cluster developments where the provisions of §4.6.2 apply. A minimum of half of the required 40% must be set aside as recreational space for the enjoyment of the residents of the development.

And add a new item 6 to address the issue of fire suppression infrastructure for all mf developments:

3.2.1.6 All multi-family development, regardless of its location within the town, must have sufficient fire suppression infrastructure, including a water supply deemed adequate by the Hampden Public Safety Department. The installation and maintenance of all such infrastructure installed on the site of the development is the sole responsibility of the developer unless a Town-Developer Agreement is executed and recorded at the Penobscot County Registry of Deeds which provides alternative arrangements.

2 §3.4.2.2 – There is a conflict in the required minimum lot size increase in the Business and Town Center districts; item 1 sets the density for multi-family projects in these districts at 8 du/a. Delete item 2 and renumber item 3:

~~2. The minimum lot size is increased over the base requirement by 7,500 square feet per unit for projects in the Business district, and by 5,000 square feet per unit in the Town Center district.~~

3 §4.3 – Rural Alternate Frontage Lots: change to delete reference to the Rural district and amend as follows:

4.3 ~~Rural~~ Alternate Frontage Lots

4.3.1 Purpose - It is the purpose of this section of the Ordinance to establish a procedure which would allow for residential development on certain lots which, because of inadequate road frontage, would not otherwise be usable for residential purposes. The lots must meet certain requirements as established in this section of the Ordinance and the development

of the lots must be consistent with wise land use planning. This section applies to both existing lots and newly created lots.

4.3.2 Application Procedure [~~remains as-is~~]

4.3.3. Approval Standards - A building permit may only be issued if the following conditions are met:

~~4.3.3.1 The lot and access way must be located in the Rural District.~~

4.3.3.1 ~~2~~ The lot is of such dimensions that an imaginary square with minimum side dimensions of 200 feet can be accommodated within its borders. Any building that is located on the lot shall be located within the perimeter of such a square.

4.3.3.2 ~~3~~ No building shall be placed closer to any lot line or right of way boundary than 30 feet. No primary building shall be less than 100 feet from existing dwellings.

4.3.3.3 ~~4~~ The development of the lot shall cause no unsafe or unhealthful condition. Of particular concern in this regard should be traffic safety.

4.3.3.4 ~~5~~ The lot shall conform to all dimensional requirements of this Ordinance except road frontage.

4.3.3.5 ~~6~~ Only single family residential uses shall be allowed on these lots.

4.3.3.6 ~~7~~ The development of the lot shall not preclude the orderly development of the neighborhood and the community.

4.3.3.7 ~~8~~ The lot must have at least 66 feet of road frontage.

4.3.3.8 ~~9~~ Building permits can be issued for existing lots fronting on the cul-de-sac portion of a subdivision provided the standards in this §4.3.3 are met. Lots within ~~Proposed~~ subdivisions in the Rural district must meet the frontage requirements of §3.4.1 or §3.4.2.3.

4.3.3.9 ~~10~~ No more than one dwelling unit may be placed on the lot.

4

§ 4.7.2 – buffering of multi-family development: In order to protect the character of the Rural district, provide better buffering for multi-family development in that district. Amend the class 3 buffer provisions by adding a new item 3 under §4.7.2.7, Location of Class III Buffers:

3. Any multi-family development in the Rural district must provide a buffer along each property line of the tract.

5

§4.7.5.7 – signs in the commercial districts; add a new item 8 to read:

8. In all commercial districts, where a residence is also used for business purposes, one sign, which may be freestanding, wall, or projecting, is permitted, not to exceed 16 square feet in area and 15 feet in height above grade for freestanding signs or projecting signs.

6

§4.9 Filling and Grading of Land and Stockpiling of Materials. To deal with unintended consequences related to large scale earth moving allowed under a building permit:

4.9.1 Purpose [no changes]

4.9.2 ~~Earth Moving Permit Required~~ Applicability – All earth moving activities, processing, and storage within the Town of Hampden ~~shall~~ requires an earth moving permit in accordance with this section.

EXCEPTIONS EXEMPTIONS: The following earth moving activities do not require an earth moving permit:

1. Earth moving activity conducted during construction of Planning Board approved subdivisions or site plans, provided all earth moving activity was included in the Planning Board application and approval and that the standards of §4.9.6 are met.
2. Earth moving activity conducted during the construction of structures authorized by a building permit or a subsurface wastewater disposal permit. This activity must be directly related to the construction of said structure or subsurface wastewater disposal permit. The building or subsurface wastewater disposal permit application must include existing and proposed topographic information for the area to be disturbed. If the Code Enforcement Officer determines the area of earth moving activity proposed is excessive for the purpose of the construction/ installation, then this exemption will not apply and the applicant must submit an application for the earth moving activity under §4.9.5 of this ordinance. This exemption does not allow for the sale of material that is removed.

Reorganize the remainder of §4.9:

4.9.3 Erosion and Sedimentation Control –combine §§4.9.2.1 and 4.9.3.1 into a stand-alone section so the requirement applies to ALL earth moving activities including those that are exempted by 4.9.2. (And delete current 4.9.2.1 and 4.9.3.1)

4.9.3 Erosion and Sedimentation Control. All earth moving activities, including exempt activities, must utilize erosion and sedimentation control measures in accordance with the Maine Department of Environmental Protection’s publication entitled “Erosion and Sediment Control Best Management Practices”. The Code Enforcement Officer must be notified that erosion and sedimentation control devices are in place prior to commencing work authorized by any permit or approval issued by any entity of the Town of Hampden.

~~4.9.2.1 Erosion and Sedimentation Control. All earth moving activities, including filling and grading activities and stockpiling activities shall utilize erosion and sedimentation control measures in accordance with Maine Department of Environmental Protection's publication entitled "Erosion and Sediment Control Best Management Practices". (This document is available online at www.hampdenmaine.gov and a printed copy is available for purchase from the Code Enforcement Office).~~

~~4.9.3.1 Erosion and Sedimentation Control. All earth moving activities, including filling and grading activities and stockpiling activities shall utilize erosion and sedimentation control measures in accordance with Maine Department of Environmental Protection's publication entitled "Erosion and Sediment Control Best Management Practices". The Code Enforcement Officer shall be notified that erosion and sedimentation control devices are in place prior to commencing work authorized by any earth moving permit.~~

And renumber the subsequent sections (and subsections):

- 4.9.4 ~~3~~ Earth Moving Permit Issued by the Code Enforcement Officer
- 4.9.5 ~~4~~ Earth Moving Activity Requiring a Permit from the Planning Board
- 4.9.6 ~~5~~ ~~Conditions~~ Standards of an Earth-Moving Permit from the Planning Board – The Planning Board may approve an earth moving permit ~~providing~~ provided the following ~~conditions shall be~~ standards are met: [remainder not changed]
- 4.9.7 ~~6~~ Optional Conditions of an Earth-Moving Permit from the Planning Board
- 4.9.8 ~~7~~ Performance Guarantees
- 4.9.9 ~~8~~ Existing Operations
- 4.9.10 ~~9~~ Stockpiles
- 4.9.11 ~~10~~ Stockpiles in Excess of One Acre

7

§4.24 – Since we are moving the regulations pertaining to medical marijuana to the Marijuana Ordinance, amend the zoning ordinance to only deal with methadone clinics.

Amend entries in §3.1.3, Use Table as follows:

~~D-5 medical marijuana registered dispensary business~~ (see §2.24 Marijuana Ordinance)

~~D-6 Medical marijuana cultivation facility~~ (see §2.24)

change D7 methadone clinic to D6

~~G-3 Adult use marijuana social club~~ [delete entry since they are not permitted per state statute]

Amend §2.24 as follows:

4.24 Performance Standards for ~~Medical Marijuana Registered Dispensaries, Medical Marijuana Cultivation Facilities and Methadone Clinics~~

- 4.24.1 *Adequacy of Building for the Subject Use.* The property and building for a ~~Medical Marijuana Registered Dispensary and/or Medical Marijuana Cultivation Facility and/or~~ Methadone Clinic shall be adequate to accommodate sufficient interior space so as not to have outside patient queuing on sidewalks, parking areas, and other areas outside of the building(s). The size of the inside waiting area shall be calculated at a minimum of 15 square feet per person based on total client capacity. A ~~letter of compliance report~~ from the Town of Hampden Code Enforcement Officer shall be submitted to the Planning Board as part of the site plan application regarding the adequacy of the building to meet this requirement. ~~The size of the inside waiting area shall be calculated at a minimum of 15 square feet per person based on total client capacity (registered patients and the registered primary caregiver of each registered patient).~~ Any ~~Medical Marijuana Registered Dispensary and/or Medical Marijuana Cultivation Facility~~ shall adhere to the laws of the State of Maine and the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 122), and any ~~Methadone Clinic~~ shall adhere to the laws of the State of Maine and the State of Maine Regulations for Licensing and Certifying Substance Abuse Treatment Programs (14-118 CMR Chapter 5), as any the same may be amended from time to time, and to Ordinances and Codes of the Town of Hampden, as the same may be amended from time to time.
- 4.24.2 *Required Setbacks.* No ~~Medical Marijuana Registered Dispensary and/or Medical Marijuana Cultivation Facility and/or~~ Methadone Clinic shall be located within 500 feet of the property line upon which the ~~Dispensary and/or Facility and/or~~ Methadone Clinic is ~~or are~~ located and the nearest property line of a preexisting public or private school.
- 4.24.3 *Maximum Number of Subject Use Within the Town of Hampden.* No more than one (1) ~~Medical Marijuana Registered Facility and/or one (1) Marijuana Cultivation Facility and/or one (1) Methadone Clinic~~ shall be located in the Town of Hampden. ~~If both a Medical Marijuana Registered Dispensary and a Medical Marijuana Cultivation Facility are located in Hampden, they shall be located on the same property and shall be under common ownership.~~
- 4.24.4 *Hours of Operation.* ~~A Medical Marijuana Registered Dispensary shall only be open for business between the hours of 8:00 a.m. and 8:00 p.m. daily. A Methadone Clinic shall only be open between the hours of 6:00 a.m. and 8:00 p.m.~~
- 4.24.5 *Signs and Advertising.* ~~Medical Marijuana Registered Dispensary and/or Medical Cultivation Facility and/or~~ A Methadone Clinic shall conform to the provisions of §4.7.5, Signs, of this Ordinance. In addition thereto, any freestanding or sign attached to building(s) in which the ~~Dispensary and/or Facility clinic~~ is located ~~in~~ shall clearly state that it is a ~~Medical Marijuana Dispensary and/or Medical Cultivation Facility and/or~~ Methadone Clinic. There shall be no signage in any window and/or door, except for the hours of operation and the presence of a security system. ~~In addition, no signage or advertising shall use the word “marijuana” or “cannabis,” or any other word, phrase or symbol commonly understood to refer to marijuana unless such word, phrase or symbol is immediately preceded by the word “medical” in type and font that is at least as readily discernible as all other words, phrases or symbols on the sign. Such signage and~~

advertising must clearly indicate that the products and services are offered only for ~~medical marijuana patients and primary caregivers and/or methadone clinic patients.~~

4.24.6 ~~Security Requirements for Subject Use.~~ Security measures at a ~~Medical Marijuana Registered Dispensary and/or Medical Marijuana Cultivation Facility and/or Methadone Clinic~~ shall include at minimum the following ~~at a very minimum~~:

4.24.6.1 Security surveillance cameras installed and operating twenty-four (24) hours a day, seven (7) days a week to monitor all entrances, along with the interior and exterior of the ~~Dispensary and/or Facility and/or Clinic~~, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring on the property;

4.24.6.2 Door and window intrusion, robbery and burglary alarm systems with an audible on-site system and Police Department notification components that are professionally monitored and maintained in good working condition, using hard line traditional telephone communications and cellular communications;

4.24.6.3 A safe affixed to the building in which it is located that is suitable for the ~~storage of all prepared and/or processed marijuana and cash stored overnight in the Dispensary and/or Facility~~, and a secure storage container for methadone and cash stored overnight in a Clinic; and

~~4.24.6.4 Exterior lighting that illuminates all exterior walls of the licensed Dispensary and/or Facility and/or Clinic; and~~

~~4.24.6.45~~ Deadbolt locks on all exterior doors and locks or bars on any other access point.

4.24.6.56 All security recordings shall be preserved for thirty (30) days by the management of the licensed Dispensary and/or Facility and/or Clinic.

~~4.24.7 Consumption, Ingestion Or Inhalation Of Medical Marijuana.~~ The consumption, ingestion or inhalation of medical marijuana on or within the property of a ~~Medical Marijuana Registered Dispensary and/or Medical Marijuana Cultivation Facility~~ is prohibited; provided, however, that a ~~Medical Marijuana Registered Dispensary and/or Medical Marijuana Cultivation Facility~~ employee who is a registered patient, as that term is defined in 22 M.R.S.A. Section 2422(12), as the same may be amended from time to time, may consume medical marijuana inside the building(s) on the licensed property, if such consumption occurs via oral consumption and not by smoking. For purposes of this subsection, the term "licensed property" shall include the lot or parcel of the land upon which the ~~Medical Marijuana Registered Dispensary and/or Medical Marijuana Cultivation Facility~~ are located.

4.24.78 ~~Visibility Of Activities; Control Of Emissions; Disposal Plan for Subject Use.~~ Visibility of activities; control of emissions; disposal plan for a ~~Medical Marijuana Registered Facility and/or Medical Marijuana Cultivation Facility and/or Methadone Clinic~~ shall be as follows:

4.24.78.1 All activities of a ~~Medical Marijuana Registered Dispensary and/or Medical Marijuana Cultivation Facility and/or Methadone Clinic~~, including, without limitation, ~~cultivating, growing, processing, displaying, selling and storage~~ shall be conducted indoors.

~~4.24.8.2 No marijuana or paraphernalia shall be displayed or kept in a Dispensary or Facility so as to be visible from outside the building (s).~~

~~4.24.7.2~~ ~~8.3~~ Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a ~~Dispensary and/or Facility and/or Clinic~~ must be provided at all times. Sufficient measures shall be provided for the proper disposal of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable state and local laws and regulations.

~~4.24.8.4~~ Any ~~Medical Marijuana Registered Dispensary and/or Medical Marijuana Cultivation Facility~~ shall have in place an operation plan, subject to the approval of Hampden Public Safety, for proper disposal of marijuana related byproducts.

~~4.24.7.3~~ ~~8.5~~ Class II Buffers in accordance with §4.7.2 Buffers and Landscaping shall be provided along each lot line or at least along each line of the developed area of buildings and parking areas.

~~4.24.9~~ ~~Limitations of Food Products.~~ No food products shall be sold, prepared, produced or assembled by a ~~Medical Marijuana Registered Dispensary~~ except in compliance with all operation and other requirements of state and local law and regulation, including without limitation, food establishment licensing requirements. Any goods containing marijuana for human consumption shall be stored in a secure area.

~~4.24.8.10~~ *Compliance With State and Local Law.* A ~~Medical Marijuana Registered Dispensary and/or Medical Marijuana Cultivation Facility and/or Methadone Clinic~~ 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 ~~medical marijuana dispensaries or methadone clinics~~, the stricter law or regulation shall control. Any Methadone Clinic shall adhere to the laws of the State of Maine and the State of Maine Regulations for Licensing and Certifying Substance Abuse Treatment Programs (14-118 CMR Chapter 5), as any the same may be amended from time to time, and to Ordinances and Codes of the Town of Hampden, as the same may be amended from time to time.

§6.2.1 – Appeals to BOA:

6.2.1 *Administrative Appeals* - All administrative appeals shall be subject to the provisions of the Town of Hampden Board of Appeals Ordinance including but not limited to filing deadlines, application requirements, fees, appeal procedures, decisions of the Board of Appeals and subsequent appeals to Superior Court. The Board of Appeals shall hear and decide administrative appeals except for appeals of enforcement decisions made by the Code Enforcement Officer. The term “enforcement decisions” refers to violation determinations and enforcement actions taken by the Code Enforcement Officer. An administrative appeal is an appeal:

6.2.1.1 “Where it is alleged that there is an error in any order, requirement, decision, or determination by the code enforcement officer or the planning board in the

~~enforcement administration~~ of this Ordinance. For an alleged error to be reviewed, it must involve a standard which is easily measurable such as a dimensional or numerical standard. A decision of the planning board, based on a judgmental, non-numerical standard, is not a matter for review by the Board of Appeals. If the Board of Appeals finds that the code enforcement officer or the planning board acted wrongly in the administration ~~or enforcement~~ of this Ordinance relative to such dimensional or numerical standards, upon a vote in favor of the appellant of at least five (5) members of the Board of Appeals, the board may order the code enforcement officer or the planning board to modify or reverse their decision.”

9

§7.2 - Definitions:

~~Adult use 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. "Adult use 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. Marijuana that is cultivated, manufactured, distributed, or sold by a marijuana establishment for adult use (i.e. non-medical use).~~

~~Adult use marijuana social club: An entity licensed to sell adult use marijuana and adult use marijuana products to consumers for consumption on the licensed premises.~~

~~Adult use marijuana store: An entity licensed by the State of Maine to purchase adult use marijuana, immature marijuana plants and seedlings from an adult use marijuana cultivation facility, and to purchase adult use marijuana and adult use marijuana products from an adult use marijuana products manufacturing facility and to sell adult use marijuana, and adult use marijuana products, immature marijuana plants and seedlings to consumers.~~

~~Dwelling unit: A room or group of rooms designed and equipped exclusively for use as living quarters for one family, including provisions for living, sleeping, cooking and eating. The term ~~shall~~ includes mobile homes but ~~shall~~ does not include travel trailers or recreational vehicles. The term also includes so-called "tiny homes" that are built to the standards in the residential building, energy, plumbing, electrical, and fire codes and which has a permanent foundation.~~

~~Hemp: The plant Cannabis sativa L. and any part of that plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis, or as otherwise defined in federal law. "Hemp" includes agricultural commodities and products derived from hemp and topical or ingestible consumer products, including food, food additives and food products derived from~~

hemp, which in their final forms contain a delta-9-tetrahydrocannabinol concentration of not more than 0.3% or as otherwise defined in federal law. "Hemp" does not include marijuana for medical use pursuant to Title 22, chapter 558-C or adult use marijuana pursuant to Title 28-B, chapter 1.

Lot Split: The division of a parcel of land into two or more lots where the division does not meet the definition of "Subdivision" in the Subdivision Ordinance.

Marijuana: The leaves, stems, flowers, and seeds of a marijuana plant, whether growing or not, including marijuana concentrate. This term does not include hemp.

Medical Marijuana business: A cultivation facility, a products manufacturing facility, or a testing facility for medical marijuana.

~~Medical marijuana registered dispensary: Medical Marijuana Registered Dispensary means a not for-profit An entity as defined under Title 22 M.R.S.A. Section 2422 and registered pursuant to under Title 22 M.R.S.A. Chapter 558-C Section 2428 2425-A and to Section 6 of the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 122) that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana plants or harvested marijuana, paraphernalia or related supplies and educational materials to qualifying registered patients who have designated the Dispensary to cultivate marijuana for their medical use and the registered primary caregivers of those patients. Any Medical Marijuana Registered Dispensary shall be further defined in, and shall adhere to, the laws of the State of Maine and to the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 122), as the same may be amended from time to time.~~

~~Medical marijuana cultivation facility: A building or site used for the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale, including "nursery cultivation" as that term is used in 28-B MRSA Chapter 1. "Cultivation" does not include manufacturing, testing or marijuana extraction. Medical Marijuana Cultivation Facility means a building owned or operated by a not for profit entity registered pursuant to the laws of the State of Maine and to Section 6 of the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 122) that is used for the cultivation or storage of marijuana for the Medical Marijuana Registered Dispensary licensed by the State of Maine for Penquis District 6. Any Marijuana Cultivation Facility shall be further defined in, and shall adhere to, the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 122), as the same may be amended from time to time.~~

~~Road or street: Shall mean a right-of-way in the Town of Hampden intended for motorized traffic which is one of the following either:~~

- ~~a. Maintained by the Town of Hampden, the County of Penobscot, or the State of Maine, or~~
- ~~b. Is is shown on and has been constructed in accordance with a plan of a subdivision which has been duly approved by the Hampden Planning Board and recorded in the Penobscot County Registry of Deeds and has not been vacated as a result of 23 M.R.S.A. §3032, 23 M.R.S.A. §3031, 23 M.R.S.A. §3027, or 23 M.R.S.A. §3027-A, or~~

- c. Is a private road, owned, established, and maintained by an individual, corporation, or any group such as but not limited to a property owner's association and having been inspected and deemed consistent with the Subdivision Ordinance private road standards by the Public Works Director.
- d. Is a private road right-of-way created in a lot split and shown on a plan which has been recorded at the Penobscot County Registry of Deeds, provided no more than two primary structures (e.g. houses) obtain their frontage from the private road right-of-way, and that legal access to the lot(s) exists elsewhere (e.g. in a deeded access easement across another lot).

Tract: An area of land consisting of one or more parcels which is the subject of a development proposal.

Travel trailer: A vehicle designed to be moved on wheels and intended as a temporary dwelling for travel, recreation, and vacation use. This term shall also include campers, recreational vehicles, so-called "tiny homes" if mounted on a chassis, and other short term devices.

B-6



Town of Hampden
Town Planner

Memorandum

To: Town Council – For Workshop
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: June 4, 2020
RE: Amendments to Marijuana Ordinance

The attached draft of the Marijuana Ordinance reflects changes made based on comments from the public forum held in January as well as discussions with the Planning & Development Committee in December.

The Ordinance is proposed to include provisions for medical marijuana, including performance standards and local licensing. Administrative articles for indemnification and amendments are also being added. A number of new definitions are proposed as well. Three articles are reserved for provisions pertaining to adult use marijuana, which is a more complex and controversial topic and while I don't believe the Town is ready to completely abandon the idea of including those uses, I also don't believe this is the right time to include them.

For medical marijuana, since state law now allows municipalities to regulate registered caregivers, new provisions are included to do that in Hampden. Section 4.24 of the current Zoning Ordinance includes performance standards for medical marijuana registered dispensaries, medical marijuana cultivation facilities, and methadone clinics. The first two uses are no longer consistent with state law for medical marijuana, and are being deleted from the Zoning Ordinance. Performance standards for methadone clinics remain in the Zoning Ordinance, since that use is not a marijuana use.

The current state law covers dispensaries and cultivation differently than the old law, and the proposed amendments to the Marijuana Ordinance include provisions for medical marijuana dispensaries, manufacturing facilities, and testing facilities that are consistent with current state law. Note that Article 10 of the proposed amendments to the Marijuana Ordinance covers performance standards that are applicable to all uses regulated by the ordinance.

As you may recall, previous discussions regarding the number of registered caregivers operating on a single property resulted in a decision to keep some level of a sliding scale, but to simplify it to some degree. The proposed amendments do that. In addition, the maximum number of caregivers operating on a single property was reduced as we had discussed, basically by half.

The adoption process for these amendments must occur in coordination with proposed amendments to the Zoning Ordinance due to the elimination of those provisions in §4.24.

TOWN OF HAMPDEN

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

Deletions are ~~Strikethrough~~ Additions are Underlined

TOWN OF HAMPDEN MAINE
MARIJUANA ORDINANCE

ADOPTED: August 20, 2018

EFFECTIVE: September 19, 2018

~~AMENDED: _____, 2020~~

~~EFFECTIVE: _____, 2020~~

Certified By: Gayle Decker, Town Clerk

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Article 1 – Purpose and Authority

The purpose of this Ordinance is to provide for the health, safety, and general welfare of the citizens of the Town of Hampden through regulation of marijuana related activities, including the number of marijuana plants that can be grown for personal adult use (non-medical) on a single property, as permitted under Title 28-B MRSA §1502. The Town of Hampden enacts this Ordinance pursuant to 30-A MRSA §3001, municipal home rule ordinance authority.

Article 2 – Home Cultivation for Personal Adult Use Marijuana. A maximum of nine mature marijuana plants may be grown on a single property (as defined in this ordinance), with the exception that in addition to this limit, a maximum of three mature marijuana plants plus 12 immature marijuana plants plus an unlimited number of marijuana seedlings may be grown by each person age 21 or older who is domiciled on the property.

Article 3 – Medical Marijuana Registered Caregivers.

3.1 Administration

3.1.1 All proposals that involve more than one Registered Caregiver on a single property are required to submit a Major Site Plan for review and approval by the Planning Board, per §4.1 of the Zoning Ordinance.

3.1.2 All Registered Caregivers are required to obtain a local license pursuant to §3.4 below.

3.2 Maximum number on a single property. In order to protect the public health, safety, and welfare, the maximum number of Registered Caregivers permitted to operate on a single property, which includes cultivation, processing, packaging, and any other activity involving medical marijuana is as follows:

3.2.1 In the Residential A, Residential B, and Town Center zoning districts – 1 Registered Caregiver.

3.2.2 In the Rural zoning district:

3.2.2.1 On parcels where marijuana activity will be conducted at least 250 feet but less than 500 feet from any property line – 5 Registered Caregivers.

3.2.2.2 On parcels where marijuana activity will be conducted at least 100 feet but less than 250 feet from any property line – 3 Registered Caregivers.

3.2.2.3 On parcels where marijuana activity will be conducted less than 100 feet from any property line – 1 Registered Caregiver.

3.2.3 In the Industrial or Industrial 2 zoning districts:

3.2.3.1 On parcels where all marijuana activity will be conducted at least 500 feet from the Residential A, Residential B, or Town Center districts and at least 100 feet from any property line – 10 Registered Caregivers.

- 3.2.3.2 On parcels where all marijuana activity will be conducted at least 100 feet from the Residential A, Residential B, or Town Center districts and at least 50 feet from any property line – 5 Registered Caregivers.
- 3.2.3.3 On all other parcels – 1 Registered Caregiver.
- 3.2.4 In all other zoning districts:
- 3.2.4.1 On parcels where marijuana activity will be conducted at least 100 feet from any property line of a property in residential use – 3 Registered Caregivers.
- 3.2.4.2 On parcels where marijuana activity will be conducted at least 100 feet from the boundary of the Residential A, Residential B, or Town Center zoning districts – 3 Registered Caregivers.
- 3.2.4.3 On all other parcels – 1 Registered Caregiver.
- 3.2.5 In all zoning districts, the following additional locational restrictions apply. The distances stipulated are measured in a straight line from the property boundary of the parcel proposed for use by one or more Registered Caregivers and the nearest property boundary of the listed use.
- 3.2.5.1 No property located between 500 feet and 1,000 feet of any parcel used for a preexisting school may have more than one Registered Caregiver.
- 3.2.5.2 No property located within 500 feet of any parcel used for a preexisting school may have any Registered Caregiver.
- 3.2.5.3 No property located within 750 feet of any parcel used primarily for a place of worship, a daycare, daycare facility, or child care center as those terms are defined in the Hampden Zoning Ordinance, or a recreational area designed for use by children up to 18 years of age may have more than one Registered Caregiver.
- 3.2.5.4 No property located within 1,000 feet of any parcel used for multiple Registered Caregivers or any type of marijuana business (medical or adult use as may be permitted by the Town) may have more than one Registered Caregiver.
- 3.3 Standards – In addition to the standards listed in Article 10 of this ordinance, the following applies to Registered Caregivers:
- 3.3.1 No customers or clients are permitted to visit the site for the purpose of purchasing any marijuana or related products. Registered Caregiver retail stores are not permitted in the Town of Hampden.

Article 4 – Medical Marijuana Registered Dispensaries

- 4.1 Permitted Activities. A Medical Marijuana Registered Dispensary operating within the Town of Hampden may include the following activities:

-
- 4.1.1 Cultivate marijuana;
- 4.1.2 Sell marijuana or marijuana products to patients, caregivers, or other registered dispensaries;
- 4.1.3 Obtain prepared marijuana from a caregiver or another registered dispensary;
- 4.1.4 Manufacture marijuana products in accordance with Article 5 of this ordinance;
- 4.1.5 Manufacture marijuana concentrate in accordance with Article 5 of this ordinance, provided inherently hazardous substances are not used unless authorized pursuant to the Maine Medical Use of Marijuana Act; and
- 4.1.6 Store and transport marijuana or marijuana products as necessary and permitted under the Act.
- 4.2 Location Requirements. A Medical Marijuana Registered Dispensary is permitted within the Industrial, Industrial 2, or Industrial Park zoning districts. A registered dispensary must be a minimum of 750 feet from the property line of a preexisting school.
- 4.3 Adequacy of Building for the Subject Use. The property and building for a Medical Marijuana Registered Dispensary shall be adequate to accommodate sufficient interior space so as not to have outside patient queuing on sidewalks, parking areas, and other areas outside of the building(s). The size of the inside waiting area shall be calculated at a minimum of 15 square feet per person based on total client capacity.
- 4.4 Maximum Number Within the Town of Hampden. No more than one Medical Marijuana Registered Dispensary may be located within the Town.
- 4.5 Hours of Operation. A Medical Marijuana Registered Dispensary shall only be open for business between the hours of 8:00 a.m. and 8:00 p.m. daily.
- 4.6 Consumption, Ingestion Or Inhalation Of Medical Marijuana. The consumption, ingestion or inhalation of medical marijuana on or within the property of a Medical Marijuana Registered Dispensary is prohibited; provided, however, that a Dispensary employee who is a registered patient, as that term is defined in 22 M.R.S.A. Section 2422(12), as the same may be amended from time to time, may consume medical marijuana inside the building(s) on the licensed property, if such consumption occurs via oral consumption and not by smoking. For purposes of this subsection, the term "licensed property" shall include the lot or parcel of land upon which the Medical Marijuana Registered Dispensary is located.
- 4.7 Limitations of Food Products. No food products shall be sold, prepared, produced or assembled by a Medical Marijuana Registered Dispensary except in compliance with all operation and other requirements of state and local law and regulation, including without limitation, food establishment licensing requirements. Any goods containing marijuana for human consumption shall be stored in a secure area.

Article 5 – Medical Marijuana Manufacturing Facilities

- 5.1 Prohibited Activities. Medical Marijuana Manufacturing Facilities are not permitted to sell or otherwise transfer any product in any form directly to a patient; all such transfers must be made through a Caregiver, a Registered Caregiver, or a Registered Dispensary. No retail sales are permitted in the Town of Hampden except by a Registered Dispensary.
- 5.2 Location requirements. Tier 1 manufacturing facilities are permitted within the Industrial, Industrial 2, or Industrial Park zoning districts. Tier 2 manufacturing facilities are permitted in the Industrial or Industrial 2 zoning districts. A manufacturing facility must be a minimum of 750 feet from the property line of any preexisting school.
- 5.3 Maximum Number Within the Town of Hampden. No more than one Medical Marijuana Manufacturing Facility (Tier 1 or Tier 2) may be located within the Town.
- 5.4 Limitations of Food Products. No food products shall be sold, prepared, produced or assembled by a Medical Marijuana Manufacturing Facility except in compliance with all operation and other requirements of state and local law and regulation, including without limitation, food establishment licensing requirements. Any goods containing marijuana for human consumption shall be stored in a secure area.

Article 6 – Medical Marijuana Testing Facilities

- 6.1 Location Requirements. Medical Marijuana Testing Facilities are permitted in the Industrial, Industrial 2, and Industrial Park zoning districts. A testing facility must be a minimum of 750 feet from the property line of any preexisting school.
- 6.2 Maximum Number within the Town of Hampden. No more than three Medical Marijuana Testing Facilities may be located within the Town.

Article 7 – RESERVED (Adult Use Cultivation Facilities)Article 8 – RESERVED (Adult Use Manufacturing Facilities)Article 9 – RESERVED (Adult Use Testing Facilities)Article 10 – Performance Standards (Applicable to all marijuana activities regulated by this ordinance)

- 10.1 All applicable state and local laws and regulations must be complied with by anyone conducting any activity related to marijuana.
- 10.2 No outside cultivation, processing, or storage of marijuana, marijuana products, or related supplies is permitted with the exception of home cultivation for personal adult use marijuana.
- 10.3 No marijuana or paraphernalia shall be displayed or kept so as to be visible from outside the building(s).

- 10.4 For all applications before the Planning Board, Class II Buffers in accordance with §4.7.2 Buffers and Landscaping shall be provided along each lot line or at least along each line of the developed area of buildings and parking areas. The Planning Board may, at their discretion, waive this requirement only if they find the location of the proposed marijuana business (medical or adult use) is such that buffers are not necessary to protect abutters or the general public.
- 10.5 All buildings, including greenhouses, used for marijuana activities (including cultivation) must have an odor mitigation system in place prior to starting any operations. Applicants must demonstrate appropriate measures, such as carbon filtration, ventilation, and exhaust systems, facility plans, or other practices adequate to mitigate odors such that they are not detectable at the property line. For Registered Caregivers operating within a multi-family building, odors must not be detectable at the exterior of the unit where the Registered Caregiver operation is located.
- 10.6 Signage is permitted in accordance with §4.7.5 of the Hampden Zoning Ordinance, with the following exceptions:
- 10.6.1 For Registered Caregivers, the only information permitted on such signage is the name of the property owner, the address of the property, and the words “Medical Marijuana Registered Caregiver Facility.”
- 10.6.2 For any other marijuana business (medical or adult use), any signage is limited to displaying the following information: name of business, logo of business, address of business, hours of operation, and contact information. No other advertising of marijuana or marijuana products may be displayed on any sign in any publicly visible location. If a business logo includes an image or graphical representation of the marijuana plant or any marijuana product, it must not exceed 20 percent of the area of the sign face.
- 10.6.3 Signage must not make any claims of health or physical benefit, and must not be designed to appeal specifically to people under the age of 21.
- 10.6.4 No changeable signs as permitted in §4.7.5.2.8 of the Zoning Ordinance are permitted. This includes electronic message center signs.
- 10.6.5 No temporary event signs as permitted in §4.7.5.3.8 of the Zoning Ordinance are permitted.
- 10.6.6 All portable signs including feather signs and sandwich board signs are prohibited.
- 10.6.7 These restrictions apply to signage installed outdoors and on the inside of windows (facing outwards), including windows within doors.
- 10.6.8 No signage related to any marijuana activity or business is permitted within 1,000 feet of a preexisting school or within 750 feet of a place of worship, a daycare, daycare facility, or child care center as those terms are defined in the Hampden Zoning Ordinance, or a recreational area designed for use by children up to 18 years of age.

- 10.7 Measures must be made to prevent smoke, debris, dust, fluids, and other substances from exiting the property upon which a Registered Caregiver operation or marijuana business (medical or adult use) is conducted.
- 10.8 Security Measures must meet or exceed the following:
- 10.8.1 Security surveillance cameras installed and operating 24 hours a day, 7 days a week, with 30 day video storage, to monitor all entrances, along with interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises.
 - 10.8.2 All exterior doors and any other access points must have deadbolt locks, except windows which must have locks and bars to prevent entry from the outside.
 - 10.8.3 Door and window intrusion alarm system with audible alarm and Public Safety Department notification components that are professionally monitored and maintained in good working condition.
 - 10.8.4 A locking safe or its functional equivalent permanently affixed to the premises that is suitable for storage of all marijuana products and cash stored overnight on the premises.
- 10.9 Due to fire, explosion, and other hazards inherent in marijuana cultivation and manufacturing facilities, including but not limited to heavy electrical loads, hot lighting fixtures, CO² enrichment, extraction solvents (e.g. acetone, butane, propane, ethanol, heptane, isopropanol, CO², etc.), high pressure extraction methods, and flammable contents, the owner of any such facility must agree to annual inspection by the Hampden Fire Department, and furthermore must install a Knox Box at each locked entry (e.g. gate, door) for emergency access. Installation of Knox Boxes must be done in coordination with the Hampden Fire Department.
- 10.10 Disposal. All marijuana operations must provide for the safe, sanitary, and secure disposal of any by-products or materials resulting from the operation.

Article 11 – Local Licensing

11.1 Registered Caregivers and Medical Marijuana Businesses

- 11.1.1 Each Registered Caregiver or Medical Marijuana Business must obtain a license from the Town Manager to operate within the Town of Hampden. Caregivers who are not registered with the State are not required to obtain a license under this ordinance. Licenses are not transferable to any other person or entity, or to any other location.
- 11.1.2 Procedure:
 - 11.1.2.1 Applicants must submit three copies of the completed application form, available from the Town Clerk, along with any supplemental documentation and the application fee per the Fees Ordinance.
 - 11.1.2.2 The Town Manager will forward copies of the application to the Public Safety Director and Code Enforcement Officer for review to ensure the

application meets all applicable requirements; comments are due to the Town Manager within 14 days.

11.1.2.3 Within 14 days of receipt of all comments from staff, the Town Manager must approve or deny the license application, or request additional information from the applicant to ascertain compliance with all applicable provisions of this ordinance.

11.1.2.4 All applications and related documents are to be kept confidential by the Town.

11.1.3 License expiration and renewal. A license is valid for a period of one year from the date of its issuance. An application for renewal must be submitted to the Town Manager at least 45 days prior to the expiration of the existing license, along with the required fee per the Fees Ordinance. Registered Caregiver operations or Medical Marijuana Businesses that continue after the expiration of a license will be subject to enforcement action under this ordinance.

11.1.4 Revocation of License. A Registered Caregiver or Medical Marijuana Business license can be revoked by the Town Manager if the licensee is convicted of selling, furnishing, or giving marijuana in any form to a person who is not allowed to possess marijuana in accordance with the applicable state statutes, or for providing materially inaccurate or incomplete information, or if the state registration is terminated for any reason.

11.1.5 Appeals. Any appeal of a Town Manager decision may be made by an applicant to the Town Council by submitting a letter detailing the reason for the appeal. The Council may consider the appeal in executive session if it includes confidential information pursuant to state statutes. Any appeal of a Town Council decision is to be made to the Superior Court, in accordance with the requirements of Rule 80B of the Maine Rules of Civil Procedure.

11.2 RESERVED (Adult Use Marijuana Businesses)

Article 312 – Enforcement

312.1 It is the duty of the Code Enforcement Officer to enforce the provisions of this ordinance pursuant to 30-A MRSA §4452.

312.2 It is unlawful for any person to violate any provision of this ordinance.

34.3 The penalties contained in 30-A MRSA §4452 will apply to any violation of this ordinance.

12.4 The Code Enforcement Officer has the right to enter any marijuana operation for the purpose of checking compliance with this ordinance.

12.5 Law Enforcement Officers may at any reasonable time conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to any permit or license, and shall investigate all complaints of alleged violations of this Ordinance.

Article 13 – Indemnification. By accepting a license issued pursuant to this Ordinance, the licensee waives and releases the Town, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of any Registered Caregiver or marijuana business owners (medical or adult use), operators, employees, clients, or customers, by any state or federal official, for a violation of Federal laws, rules, and regulations. By accepting a license issued pursuant to this ordinance, the licensee agrees to indemnify, defend, and hold harmless the Town, its officers, elected officials, employees, attorneys, agents, and insurers against all liability, claims, and demands on account of any injury, loss, or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of the Town’s licensing of a Registered Caregiver or marijuana business (medical or adult use).

Article 14 – Amendments

14.1 Initiation of amendments. An amendment to this Ordinance may be initiated by:

14.1.1 The Town Council, provided a majority of the Council votes to initiate an amendment;
or

14.1.2 Written petition of one hundred (100) registered voters of the town.

14.2 Public Hearing. The Town Council shall hold a public hearing on the proposed amendment. Notification of the hearing must be posted and advertised in a newspaper of general circulation in the town a minimum of 14 days prior to the hearing. In cases where an amendment has the potential to have a direct impact on an existing Registered Caregiver or marijuana business (medical or adult use), notification must also be mailed to all owners of said property and all owners of property within 500 feet of said property. All costs of notification for amendments submitted by petition must be paid by the petitioner; refusal to do so will result in no hearing and no action by Town Council on the petition.

14.3 Adoption of Amendment. An amendment to this Ordinance requires a majority vote of the Town Council members present and voting.

14.4 Effective Date of Amendment. An amendment to this Ordinance will become effective 30 days after adoption by the Town Council.

Article 415 – Severability.

If any section or provision of this ordinance is declared by the courts to be invalid, such decision will not invalidate any other section or provision of this ordinance.

Article 516 – Definitions

516.1 Construction Language. In this Ordinance, certain terms or words shall be interpreted as follows: The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural includes the singular.

516.2 As used in this ordinance, unless the context indicates otherwise, the following terms have the following meanings. Terms not specifically listed here which are listed in MRSA Title 28-B or Title 22 Chapter 558-C have the meanings provided in those laws. Terms not defined shall have the customary dictionary meaning in the Merriam-Webster print or online dictionary.

Adult Use Marijuana Business: A cultivation facility, a products manufacturing facility, or a testing facility for adult use marijuana.

Caregiver: A person or an assistant of that person that provides care for a qualifying patient in accordance with 22 MRSA §2423-A subsection 2.

Domicile: A person's fixed, permanent, and principal home.

Medical Marijuana Business: A cultivation facility, a products manufacturing facility, or a testing facility for medical marijuana.

Property: A parcel or tract of land including all contiguous land in the same ownership, except that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road after September 22, 1971.

Registered Caregiver: A caregiver who is registered by the state pursuant to 22 MRSA section 2425-A.

School: For the purposes of this ordinance, "school" includes a public school, private school, or public preschool program as defined in 20-A M.R.S.A. §1, or any other educational facility that serves children from prekindergarten through grade 12.

Tier 1 Manufacturing Facility: A medical marijuana manufacturing facility which may possess up to 40 pounds of harvested marijuana and (including?) marijuana in various stages of processing at any one time.

Tier 2 Manufacturing Facility: A medical marijuana manufacturing facility which may possess up to 200 pounds of harvested marijuana and (including?) marijuana in various stages of processing at any one time. [NOTE: I have no clue if the second part of this is in addition to the 40/200 pound limit or not; sent email to David Heidrich at state OMP.]



Town of Hampden

106 Western Ave.
Hampden, ME 04444
207-862-3034
www.hampdenmaine.gov

Application for Medical Marijuana Registered Caregiver License

Notice: All information within this application submittal is confidential in accordance with state law.

Type of Application: Initial License Renewal

Will this property have more than one registered caregiver operating? Yes No

Applicant

Name of Applicant (Registered Caregiver): _____
 Company: _____
 Address: _____
 Phone: _____ Cell: _____ Emergency phone: _____
 Email Address: _____

Owner

Name of Property Owner: _____
 Address: _____
 Daytime phone: _____ Emergency phone: _____
 Email Address: _____

Proposal

Location of Property where registered caregiver operations are to occur: _____
 Tax Map/Parcel Number: _____ Acreage: _____ Zoning District: _____
 Proof of interest in property: Own Lease P&S Agreement Other Agreement with Owner
 Expiration Date of the State of Maine Registration Certificate: _____
 For proposals where multiple registered caregivers will operate on a single property:
 Date of Planning Board approval: _____ Maximum number of registered caregivers: _____

Signatures

Applicant's signature: _____
 Owner's signature: _____
 (or proof that owner has given applicant all rights to submit the application)
 Date of application submittal: _____

Official Use Only

Application Fee: \$ _____ Date Paid: _____ Check #: _____
 Decision: Approved Denied
 Date of Decision: _____ Expiration Date: _____
 Notes: _____

Date Received Stamp

DRAFT

Additional Information

All applications will be acted on by the Town Manager. One original (with original signatures) and two copies of the application, including all required supporting documentation and payment of the application fee, should be submitted to the Town Clerk in the Town Office located at 106 Western Ave, Hampden, Maine, 04444.

Fee: Please refer to the Fees Ordinance, available online at hampdenmaine.gov, look under Ordinances and Policies.

The **Marijuana Ordinance** and the **Zoning Ordinance** are available online at www.hampdenmaine.gov, look under Ordinances and Policies.

Required Documentation to accompany this application form:

Proof of interest in the property where the registered caregiver operations are to occur.

A copy of the State of Maine registration certificate.

A copy of the Planning Board's approval including the site plan, for proposals that involve multiple registered caregivers operating on a single property.

A copy of a sketch plan for proposals that involve only a single registered caregiver operating on a single property, which must:

- ◆ Be drawn to scale (but does not require a surveyor to prepare).
- ◆ Show the configuration of the property including buildings, driveways, parking areas.
- ◆ Include a floorplan sketch of the area to be used for the registered caregiver activities.
- ◆ Show distances from any buildings where registered caregiver activities will take place to the property boundaries and to abutting residences.

A copy of the security plan for the registered caregiver operations.

A copy of the odor mitigation system.

Note: Pursuant to 22 MRSA Section 2423-A, subsection 3, two caregivers who are qualifying patients and are members of the same household and assist one another with cultivation are not required to register with the state. This is the only situation when more than one caregiver can operate on a single property without being registered with the state.

Questions? Call the Town Clerk at 207-862-3034, or email clerk@hampdenmaine.gov.

DRAFT



Town of Hampden

106 Western Ave.
Hampden, ME 04444
207-862-3034
www.hampdenmaine.gov

Application for Medical Marijuana Business License

Type of Application: Initial License Renewal

Type of Business: Registered Dispensary Manufacturing Facility Testing Facility

Applicant

Name of Applicant: _____
 Company: _____
 Address: _____
 Phone: _____ Cell: _____ Emergency phone: _____
 Email Address: _____

Owner

Name of Property Owner: _____
 Address: _____
 Daytime phone: _____ Emergency phone: _____
 Email Address: _____

Proposal

Location of Property where business operations are to occur: _____
 Tax Map/Parcel Number: _____ Acreage: _____ Zoning District: _____
 Proof of interest in property: Own Lease P&S Agreement Other Agreement with Owner
 Expiration Date of the State of Maine Registration Certificate: _____
 Date of Planning Board approval of conditional use: _____

Signatures

Applicant's signature: _____
 Owner's signature: _____
(or proof that owner has given applicant all rights to submit the application)
 Date of application submittal: _____

Official Use Only

Application Fee: \$ _____	Date Paid: _____	Check #: _____
Decision: <input type="checkbox"/> Approved <input type="checkbox"/> Denied		
Date of Decision: _____		Expiration Date: _____
Notes: _____		

Date Received Stamp

DRAFT

Additional Information

All applications will be acted on by the Town Manager. One original (with original signatures) and two copies of the application, including all required supporting documentation and payment of the application fee, should be submitted to the Town Clerk in the Town Office located at 106 Western Ave, Hampden, Maine, 04444.

Fee: Please refer to the Fees Ordinance, available online at hampdenmaine.gov, look under Ordinances and Policies.

The **Marijuana Ordinance** and the **Zoning Ordinance** are available online at www.hampdenmaine.gov, look under Ordinances and Policies.

Required Documentation to accompany this application form:

Proof of interest in the property where the business is to be located.

A copy of the State of Maine registration certificate.

A copy of the Planning Board's approval including the site plan.

A copy of the security plan for the business.

A copy of the odor mitigation system.

Questions? Call the Town Clerk at 207-862-3034, or email clerk@hampdenmaine.gov.

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Town of Hampden
Economic Development

MEMORANDUM

To: Town Council

From: Amy Ryder, Economic Development Director

Date: August 10, 2020

RE: Waterfront/Marina Improvements

The boat launch and shore front at Turtle Head Park need maintenance and improvements for future development.

I would like to discuss with the council, improvements that would include, bank stabilization and dredging; both of which would need to be done for further expansion and development of the park.

The process of dredging can be long and would need consideration from the council before beginning.

Thank you,

Amy Ryder