

**TOWN OF ORONO
COUNCIL WORKSHOP**

**COUNCIL CHAMBER - MUNICIPAL BUILDING
MONDAY, FEBRUARY 25, 2019 at 6:00 PM**

MINUTES

1. Roll Call

Present: Councilors Cindy Mehnert (Chair), Cheryl Robertson, Meghan Gardner, Laurie Osher, and Sam Kunz.

Staff: Town Manager Sophie Wilson, Economic Development Director Dave Milan and Town Planner Kyle Drexler.

2. Continuation of Discussion on Local Options for Regulating Adult Use and Medical Marijuana Retail Establishments

a. Review of Potential Regulatory Framework for Performance Standards

Town Planner reviewed and discussed the draft ordinance language, including a map of potential districts and buffer zones with Councilors. The proposed buffers include: 1000 ft. from a preexisting school (pre-K to 12th grade); 300 ft. from a church or place of worship; 300 ft. from a childcare or daycare facility; 300 ft. from the University property line; and 1000 ft. from another marijuana establishment. Draft hours include 7AM-9PM.

Councilors suggested expanding this to more closely resemble alcohol rules. Councilors requested data from communities that have allowed retail marijuana, related to crime, increased rates and times of day/night and hours that successful businesses are open. Draft security standards include requiring (at a minimum): surveillance cameras operating 24/7; locking safe permanently affixed to the premises that is suitable for storage of marijuana, marijuana products, and cash overnight; and exterior lighting that illuminates exterior walls and entrances of the premises during dusk to dawn (either constantly on or activated by motion detectors).

Councilors discussed whether it was reasonable to require a safe and the manner in which stores of this type typically organized product. Draft ventilation standards require establishment compliance with odorous matter (Town of Orono Ordinances, Chapter 18, Section 129) and that buildings be designed or equipped to prevent the detection of marijuana odors or objectionable odors from the property line. Councilors requested combining iv. subsections a and b into one standard for ventilation. Draft design standards include: prohibiting marijuana plants, products, or paraphernalia from being visible from the exterior of the building; allowing the image of marijuana plants on the signage as long as it does not exceed 20% of the sign face, but prohibits

pictorial representation of marijuana products or paraphernalia; prohibiting marijuana cultivation on premise; prohibits retail activity or storage of merchandise, plants, or other marijuana-related material outside a permanent structure; prohibits operation as an accessory use to non-marijuana related use or a home occupation; and limits the maximum footprint for a new building to 15,000 square feet.

Council asked that staff provide (for the next meeting agenda) answers to the questions raised, data requested and a first read on language related to testing, manufacturing, and cultivation.

3. Brief Town Manager Report

Ms. Wilson provided a brief update on the recently announced resignation of the Municipal Review Committee Executive Director and noted that, as an officer in the corporation, she would likely need to devote more time to support the management transition. She also made the Council aware of temporary staffing concerns related to a reasonable and pre-planned vacation of the Town's Code Officer and an anticipated medical leave for the Town's Alternate Code Officer. Ms. Wilson informed the Council that bargaining was underway with upcoming sessions scheduled for both labor unions.

4. Final Review of Council Policies and Procedures and Discussion of Implementation Process

Council Chair Cindy Mehnert provided Councilors with a brief overview of the draft document given to Councilors earlier for review.

After discussion among Councilors, the group reached informal agreement to move the adoption of this document forward to the March 11, 2019 Regular Council Meeting for consideration under "New Business". Further, it was informally agreed that Councilors would provide any comments on the document to the Council Chair (with a copy to the Town Manager) by Friday, March 1, 2019. The final draft will be distributed to Councilors prior to the 3/11 meeting in a format that clearly notes the changes made to the document.

5. Adjourn

Motion to adjourn was made at 7:52 PM by Councilor Kunz, seconded by Councilor Robertson, and passed by unanimous vote.

Minutes are not verbatim. A video-recorded version is available on the Town's website at www.orono.org.

**TOWN OF ORONO
SPECIAL COUNCIL MEETING
IMMEDIATELY FOLLOWING THE COUNCIL WORKSHOP**

1. Roll Call

The meeting was called to order at 7:53 p.m.

Present: Councilors Cindy Mehnert (Chair), Cheryl Robertson, Meghan Gardner, Laurie Osher, and Sam Kunz.

2. Executive Session pursuant to 1 MRSA § 405 (6)(D) To Discuss Collective Bargaining with IAFF Local 3106 and Maine Association of Police - Orono Unit

At 7:53 p.m., Sam Kunz motioned and Cheryl Robertson seconded to move into executive session to discuss Collective Bargaining with IAFF Local 3106 and Maine Association of Police - Orono Unit. All voted in favor, 5-0.

At 8:20 p.m., Sam Kunz motioned and Cheryl Robertson seconded to move into regular session. All voted in favor, 5-0.

3. Adjourn

At 8:21 p.m., Meghan Gardner moved and Sam Kunz seconded to adjourn. All voted in favor, 5-0.

Minutes are not verbatim. No recording was made of the Executive Session.

Respectfully submitted,

Nancy W. Ward
Executive Assistant

2/25/19 Handout

**PROPOSED AMENDMENT TO ORONO LAND USE ORDINANCE
TO IMPLEMENT STANDARDS FOR MARIJUANA ESTABLISHMENTS**

Legislative Intent: To regulate the development of licensed marijuana establishments and uses for medical and adult use purposes.

The Orono Land Use Ordinance is amended as follows:

1. Amend Sec. 18-31. Definitions, as follows:

Sec. 18-31. Definitions.

Marijuana Establishment means a cultivation facility, a products manufacturing facility, a testing facility, a marijuana store, a registered dispensary, or registered caregiver retail store licensed by the State.

Marijuana Retail Store means any registered dispensary, registered caregiver retail store, or adult use marijuana store licensed to sell marijuana and marijuana products by the State.

*These definitions are not final, but rather acting more as a stand-in.

2. Add a new Sec. 18-____. Marijuana Establishments, as follows:

Sec. 18-____. Marijuana Establishments.

1. Permitting Procedure

A. An application for a permit must be made on a form provided by the Town.

B. Application Materials

i.

ii.

iii.

C. Fees

*This section is a placeholder for future language involving the permitting and application process.

2. Standards

A. Marijuana Retail Stores

i. *Location.* Marijuana retail stores may not operate within:

(a) One thousand (1,000) feet of the property line of any preexisting public or private school, public preschool program, or any other educational facility that serves children from prekindergarten to grade 12;

(b) Three hundred (300) feet of any church, chapel, parish house, or other place of worship, measured by a straight line from the main entrance of one building to the main entrance of the other building;

(c) Three hundred (300) feet of any child-care or daycare facility measured by a straight line from the main entrance of one building to the main entrance of the other building;

(d) Three hundred (300) feet of the property line of any university;

(e) One thousand (1,000) feet of another Marijuana Establishment, measured by a straight line from the main entrance of one building to the main entrance of other building;

ii. *Hours.* Marijuana retail stores may be open for business only between the hours of 7:00 a.m. and 9:00 p.m.

iii. *Security.* Marijuana retail stores shall include, at a minimum, the following:

(a) Security surveillance cameras installed and operating twenty-four (24) hours a day, seven (7) days a week, with (30) day video storage, to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities;

(b) A locking safe permanently affixed to the premises that is suitable for the storage of all marijuana, marijuana products, and cash stored overnight on the premises;

(c) Exterior lighting that illuminates the exterior walls and entrances of the premises during dusk to dawn, that is either constantly on or activated by motion detectors, and complies with the applicable lighting and glare standards in §18-129.

iv. *Ventilation.*

(a) All marijuana retail stores are required to be in compliance with the "odorous matter" subsection of §18-129.

(b) The building shall be designed or equipped to prevent the detection of marijuana odors ~~and other~~ objectionable odors from the property line.

v. *Design.*

(a) No marijuana retail store shall have any marijuana plants, marijuana products or marijuana paraphernalia visible from the exterior of the building.

(b) All signage shall meet the standards of §18-140. Signage may use an image or images of the marijuana plant, as long as they do not exceed 20% of the sign face, but there shall be no pictorial representations of other marijuana products or paraphernalia associated with the use or distribution of marijuana.

(c) No marijuana retail store shall have any marijuana cultivation take place on the premises.

no terms related to

(d) Marijuana retail stores shall be located only inside a permanent structure and not within any mobile facility. Outdoor storage of any merchandise, plants, or other marijuana-related materials is not allowed.

(e) Marijuana retail stores shall not operate as either an accessory use to a non-marijuana related use or as a home occupation.

(f) For marijuana retail stores in new buildings, the maximum building footprint shall be 15,000 square feet.

*this is the same max building footprint for new buildings in the C-2 and VC based on our Design Guidelines standard. It is also a roughly average size for a pharmacy.

vi. Marijuana Retail Stores shall follow all other standards in this article applicable to retail businesses and all relevant State laws.

B. Marijuana Testing Facilities

*placeholder for potential language

C. Marijuana Manufacturing Facilities

*placeholder for potential language

D. Marijuana Cultivation Facilities

*placeholder for potential language

3. Amend Article IV, Zoning Districts, Sec. 18-106. Schedule of uses, as follows:

Sec. 18-106. Schedule of uses.

*Add a use to the table of land uses called "Marijuana Retail Stores". Currently, Retail Businesses are an allowable use in the VC, C-1, C-2, and UNIV districts. This option would require marijuana retail stores in the C-1 and C-2 districts to go through site plan review, regardless if they are going into a new or existing structure.

Use	F&A	LDR	MDR	HDR	VC	C-1	C-2	EDZ	UNIV	RP	IND
Commercial Uses											
Marijuana Retail Stores						S	S				

*Another option would be to split this use into 2 different uses. The first would be for marijuana stores in existing structures, which would require a permit only. The second would be for marijuana stores in new structures, which would require site plan review. This option is the way in which retail businesses are currently handled. Where businesses going into existing structures only require a permit, while businesses going into new structures require site plan.

Use	F&A	LDR	MDR	HDR	VC	C-1	C-2	EDZ	UNIV	RP	IND
Commercial Uses											
Marijuana Retail Stores in Existing Buildings, No Exterior Renovations						P	P				
Marijuana Retail Stores in New Structures or Existing Structures with Exterior						S	S				

Renovations												
-------------	--	--	--	--	--	--	--	--	--	--	--	--

*In both options above, marijuana retail stores would only be considered an allowable use in the C-1 and C-2 districts. The Village Commercial and University districts were dismissed per comments received in previous discussions. Also, the EDZ district was mentioned as a potential option by some Council members at previous meetings. However, currently, retail businesses in general are not allowed in the EDZ district. This is a matter that could of course be looked at further.