



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Cover Sheet

File Number: CD 16-396

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**Agenda Date:** 11/15/2016

**Version:** 1

**Status:** Agenda Ready

**In Control:** Town Council

**File Type:** Discussion Item

**Agenda Number:**

Moratorium on Retail Marijuana Establishments.

The Council will discuss the possibility of enacting a moratorium on the location of facilities defined in the “Marijuana Legalization Act” as “retail marijuana establishments” for the purpose of allowing time to determine which facilities, and under what conditions, would be allowed under the town’s Land Use and other ordinances.

Under the Marijuana Legalization Act a “retail marijuana establishment” is defined as “a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturing facility or a retail marijuana testing facility.”

Pursuant to 30-A MRSA §4356 a moratorium may be placed on the issuance of development permits in order to “prevent a shortage or an overburden of public facilities that would otherwise occur during the effective period of the moratorium or that is reasonably foreseeable as a result of any proposed or anticipated development; or because the application of existing comprehensive plans, land use ordinances or regulations or other applicable laws, if any, is inadequate to prevent serious public harm from residential, commercial or industrial development in the affected geographic area.”

The town’s land use ordinance currently contains no reference to, or regulations for, retail marijuana establishments, which were made legal by voter approval of the Marijuana Legalization Act on November 8, 2016.

A draft ordinance is attached, which has been submitted for legal review and is subject to change.