

Town of Windham

Planning Department
8 School Road
Windham, ME 04062

voice 207.894.5960

fax 207.892.1916

MEMO

DATE: August 31, 2017

TO: Windham Town Council

THROUGH: Tony Plante, Town Manager

FROM: Amanda Lessard, Planner *AL*

Cc: Ben Smith, Director of Planning

RE: Planning Board Recommendation - Land Use Ordinance Amendment – Section 300, definitions related to retail marijuana establishments

At the Planning Board's meeting on August 28, 2017, a public hearing was held on the proposed ordinance changes to the Land Use Ordinance, Chapter 140, Section 300, definitions regarding retail marijuana establishments, as defined by the Marijuana Legalization Act approved by Maine voters in November 2016. The State Legislature is still working to adopt rules to regulate recreational marijuana. Until then, the addition of these definitions without including them as permitted uses in any zone will prohibit the location of any retail marijuana establishment in the Town of Windham.

No members of the public spoke for or against the proposed amendment.

Following discussion of the proposed changes, the Board made the following motion:

To recommend approval of the proposed amendment to Section 300 of the Land Use Ordinance regarding definitions related to retail marijuana establishments..

Motion: Bill Walker

2nd: Keith Elder

Vote: 4-0

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MEMO

DATE: August 21, 2017

TO: Windham Planning Board

FROM: Amanda Lessard, Planner *ALL*

Cc: Ben Smith, Director of Planning

RE: Ordinance Amendment: Land Use Ordinance Section 300, definitions related to retail marijuana establishments
Planning Board Meeting & Public Hearing - August 28, 2017

The attached draft ordinance language adds definitions regarding retail marijuana establishments, as defined by the Marijuana Legalization Act approved by Maine voters in November 2016. Later that same month the Town Council enacted an emergency moratorium to allow time for issues to be analyzed and resolved. The moratorium was subsequently adopted for an initial period of 180 days, expiring May 22, 2017, and extended in April 2017 for an additional 180 days. The State Legislature is still working to adopt rules to regulate recreational marijuana. Until then, the addition of these definitions without including them as permitted uses in any zone will prohibit the location of any retail marijuana establishment in the Town of Windham.

A public hearing is scheduled for the Planning Board meeting on August 28, 2017. After the public hearing and discussion by the Board, the Planning Board may vote on a recommendation to the Town Council similar to the following:

MOTION: To (**recommend/recommend with comments/not recommend**) approval of the proposed amendment to Section 300 of the Land Use Ordinance regarding definitions related to retail marijuana establishments.

The following shows definitions proposed to be added to Windham's Land Use Ordinance regarding retail marijuana establishments, as defined by the Marijuana Legalization Act approved by Maine voters in November 2016. Later that same month the Town Council enacted an emergency moratorium to allow time for issues to be analyzed and resolved. The moratorium was subsequently adopted for an initial period of 180 days, expiring May 22, 2017.

To date, and for some months to come, the State of Maine, along with municipalities will continue to sort out the issues. Until they are, the addition of these definitions without including them as permitted uses in any zone, will prohibit the location of any retail marijuana establishment in the Town of Windham.

The following definitions are added:

Section 300 – DEFINITIONS

Marijuana. "Marijuana" means cannabis.

Retail marijuana. "Retail marijuana" means cannabis that is cultivated, manufactured, distributed or sold by a licensed retail marijuana establishment or retail marijuana social club.

Retail marijuana cultivation facility. "Retail marijuana cultivation facility" means an entity licensed to cultivate, prepare and package retail marijuana and sell retail marijuana to retail marijuana establishments and retail marijuana social clubs.

Retail marijuana establishment. "Retail marijuana establishment" means a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturing facility or a retail marijuana testing facility.

Retail marijuana product. "Retail marijuana product" means concentrated retail marijuana and retail marijuana products that are composed of retail marijuana and other ingredients and are intended for use or consumption, including, but not limited to, edible products, ointments and tinctures.

Retail marijuana products manufacturing facility. "Retail marijuana products manufacturing facility" means an entity licensed to purchase retail marijuana; manufacture, prepare and package retail marijuana products; and sell retail marijuana and retail marijuana products only to other retail marijuana products manufacturing facilities, retail marijuana stores and retail marijuana social clubs.

Retail marijuana social club. "Retail marijuana social club" means an entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises.

Town of Windham

Proposed Land Use Ordinance Amendments regarding Retail Marijuana Establishments

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Retail marijuana store. "Retail marijuana store" means 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.

Retail marijuana testing facility. "Retail marijuana testing facility" means an entity licensed and certified to analyze and certify the safety and potency of retail marijuana and retail marijuana products.