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APPROVED  
4/7/21

**MINUTES**  
**MARCH 17, 2021 ADULT USE CANNABIS ORDINANCE COMMITTEE**  
**Via Zoom 4pm**

Present: Andrew Anderson, Jennifer West, Dan Tutor, Fred Thomas, Bill Boardman, Gabe Pendleton  
Absent: Owen Howell  
Also present: Sally Daggett and Janet Anderson,  
Pete opened meeting at 4:00pm.  
Quorum present (7 members/4 quorum)

MINUTES of the 2/26/2020 Meeting: Upon a motion by Gabe and seconded by Fred it was voted to accept the minutes. VOTE: All in favor

Pete gave a recap of progress to date. Starting the process by keeping medical and adult use ordinances separate. The Poland ordinance was re-written then Sally revised. Then decided to unify the two into one and follow the South Portland ordinance.

Dan and Gabe sent out ordinances from and Southwest Harbor and Northport for the committee to look at.

Town Attorney Sally Daggett joined the meeting at 4:20pm.

Sally: **I do not have a clear sense of what policy it is that this committee is trying to recommend to the Select Board to take to town meeting.** Do you want to have a licensing ordinance? Do you want to have some regulations in your land use ordinance? Do you want to have both? If the Town of Islesboro to allow any of those adult use businesses, the Town has to opt in to them. You have to figure out where you want those to be allowed to be located, and then sort out how you're going to regulate them. Is it going to be the Planning Board site plan review as well as a Select Board license or just one or the other? So that's on the Adult Use side and then on the medical marijuana side, there again similarly, the only thing that's sort of allowed is registered caregivers, but there are some allowances on where registered caregivers can operate. The registered caregiver side of medical marijuana for the other types of medical marijuana is the retail stores. The Town has to opt in to that use, and again you can do it through licensing or zoning. And then the same thing on the testing in the manufacturing does the Town of Islesboro want to opt in on those types of medical marijuana uses? I think you need to start there and then you can talk about what your regulatory scheme going to look like. I know you did submit a memo to me in November and you sort of identified that you wanted to allow pretty much everything other than maybe start with some limits on the adult use side of Tier III. **A starting point is, what do you want your regulatory scheme to look like?**

Fred: Can we just say that we accept the state rules and regulations, except for some things or do we have to literally go through everything listed line by line?

In the ordinances Dan showed us, they made mention of those but they will just say that they were going to rely on state rules and regulations.

Dan: They are not except for but, in addition to.

Fred: I guess the questions would be to Sally, do we literally have to have to have an extensive ordinance, or can we just say we accept the state except for these few things?

Sally: Everybody's got to comply with state law, you can't accept any of these uses from not having to comply with state law. The point of the regulation locally is to allow these uses but also to figure out where you want them to be. Two of the biggest issues are does your community want to allow these uses to cluster in a certain area? Or do you want to have some separation distances between a retail a testing facility – that's a policy decision for the town to make. The other thing that comes up also is do you want to have separation distances between **sensitive uses**? There's some state law requirements about separation from these uses from schools, but a lot of communities are adding things like daycare facilities and parks, community centers – do you want to have some separation distances there? That would be over and above what state law requires. Communities may want some more specific security and **odor control requirements** more stringent than what's required under state law. Another thing you want to get into is you want to make sure that an inspection is required annually by the local fire department, because there are a lot of fires, safety and electrical issues associated with these types of businesses and so those are the types of local issues that I think are appropriate for a municipality to think about. There's an opportunity here for the community to say, where you want these, and under what conditions you want to allow these.

Dan: We talked about this quite a lot and I think the only restriction we decided on was that restricting the large grows from the town center.

Jennifer: Odor control is an issue I think a lot of what Sally mentions, if we hadn't discussed it, I think we do need to discuss it, we did discuss sensitive uses.

Gabe: Perhaps the best way forward is to make a list of the things that we need to decide on and then as a group, make the decision about the individual points so that we can come back and draft an ordinance based on those decisions. Sally has laid it out very well in terms of the playing field that we're talking about and perhaps a short email from Sally about these are the wrinkles that you ought to consider and that will tee up the conversation for this group to say, we don't want these to be near the preschool for example or near Maddie Dodge field or whatever the discussion might be, but say here is a list of the things that this group needs to consider to effectively draft an ordinance, these are the things that other towns are considering, **and then all that will be teed up we can go through those things point by point and then bring that back to Sally to use that to draft an ordinance.**

Sally: I'm more than please to give you a list of topics to respond to, but I guess it may be you. You haven't quite decided this, it would also be helpful to know, are you thinking that you want to do this all through your land use ordinance that these types of businesses will go to the planning board for a site plan review and once they get their planning board approval they're good to go.

Pete: I think that what we've been discussing was the licensing would happen through the Select Board (like alcohol permits), and any structures, fences would have to go through the Planning Board.

Sally: If the town wants to get into separation distances and odor control plans. That sounds to me more than like a land use that it's more appropriate for the Planning Board to be doing. I don't want to put words in his mouth, but I don't know that Gabe and his fellow Select Board want to necessarily sort of become the Planning Board for marijuana uses.

Gabe: I think I can speak for the rest of the Select Board when I say we don't want to do that. So if everyone's happy with that, I think that's the best way would be if we can get a roadmap from Sally that tees up these issues, and then decide on the issues that could be used to draft an ordinance that would then be proposed to the Select Board and then propose to the town.

Sally: **I suggest it be through the Planning Board and then it's one and done.** If there are issues that come up along the way with a business we can write those into the land use ordinance in a way that there's a way to effectively address problems. A license suspension or revocation process can be done a lot more quickly than the traditional land use where the code officer has to go out and do a notice of violation.

Pete: Since there are new medical regulations being talked about in the state does it make sense for us to wait a bit to see what those shakeout to be?

Sally: I don't think so these businesses whether they're adult use or medical marijuana users or businesses, they have to comply with state law and yes there will be more changes on the medical side. Let me help you with the drafting because it will go a lot quicker. **I'll try to get a list of questions for you all to hash out next week.**

Pete: Once we get the list from Sally and go over it we'll set up another Zoom meeting.

Meeting adjourned at 4:40pm.

Secretary pro tem,

Janet Anderson