

MEMO



TO: Planning Board
FROM: Heather Ross, Land Use Tech
DATE: June 21, 2019
RE: Application Review – Community Harvest
647 US Rt 1
Map & Lot: 0091-0008

OVERVIEW

This is a sketch plan submission for a medical marijuana registered dispensary.

JURISDICTION

This is an application for a sketch/conceptual plan, which as stated in (Site/Sub 5.2) is to allow the Board to ask questions and make suggestions to be incorporated by the applicant into the formal application. The applicant shall obtain no vested rights by submittal or review of a sketch plan. Jurisdiction is limited by (Site/Sub §5.2) as well as (§18-A.5-A).

RECOMMENDATIONS

1. Application Acceptance. I have reviewed all application materials and believe there is enough information to review the application as a sketch/conceptual plan.
2. Public Hearing. Following the application acceptance vote or lack thereof, conduct the public hearing to identify any issues or concerns relevant to the decision-making process. The Board, at its discretion, can allow a public hearing for a sketch and or conceptual plan.
3. Substantive Review and Deliberation. I believe the relevant issues for the Planning Board to discuss as part of this application include but are not limited to:

- A. **Zoning:** This property is wholly located within in the RT 1-3 Zone.

Per zoning, MEDICAL MARIJUANA REGISTERED DISPENSARY is defined as follows:

A not-for-profit entity registered pursuant to state law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to qualifying patients and the primary caregivers of those patients. Note that a dispensary may be either a single facility, or it may be divided into two separate but related facilities where growing is done at only one of the facilities. This shall be considered a commercial use. – AMENDED 11/04/2014

A Medical Marijuana Registered Dispensary is an allowed use within the RT 1-3 zone.

The following:

Article 7.18 Medical Marijuana

7.18.1 Purpose: The purpose of this Section and related provisions of this Ordinance is to control the cultivation, processing, storage and distribution of medical marijuana by controlling land uses consistent with State law and in a manner that prevents unintended consequences that could adversely impact the Town and its residents.

7.18.2 Exemptions: As an accessory use, Medical Marijuana Home Production shall be allowed in any qualifying patient's residence or any medical marijuana caregiver's primary year-round residence in every base zone and overlay zone, without any requirement for land use permitting.

7.18.3 Approval Process: Any proposal to establish a new or alter an existing Medical Marijuana Registered Dispensary or Medical Marijuana Production Facility shall require approval of the Planning Board, even if the Planning Board was not required to grant the original local approval. The Planning Board shall follow the application procedures established in Article 18-A. In addition to other public notification requirements, the Town shall notify the York Police Department and the Maine Department of Health and Human Services, Division of Licensing and Regulatory Services prior to the public hearing on any application.

7.18.4 Performance Standards: In addition to other requirements of this and other codes, including but not limited to Article 6, the following shall apply to any application for a new or altered medical marijuana registered dispensary or a medical marijuana production facility:

- A. Limit. There shall be no more than one Medical Marijuana Registered Dispensary in the Town of York.
- B. Proximity Limit. Only one Medical Marijuana Registered Dispensary or Medical Marijuana Production Facility shall be permitted per lot. Additionally, no Medical Marijuana Production Facility shall be located on a lot that is within 250 feet of another lot on which a Medical Marijuana Production Facility is located. This separation requirement will prevent a concentration of these facilities and helps to ensure compliance with the State prohibition against collectives.
- C. Safe Zones. No Medical Marijuana Registered Dispensary or Medical Marijuana Production Facility shall be permitted within any Safe Zones established by the Board of Selectmen. (Initially designated by the Board of Selectmen on April 9, 2007, and as amended.)
- D. Security. Before granting an approval, the Planning Board shall ensure the applicant has reviewed their property and building security plans with the York Police Department and the Police Department finds the security measures are consistent with State requirements.
- E. Business License. As a condition of use, the operator of a Medical Marijuana Registered Dispensary or a Medical Marijuana Production Facility shall obtain

and retain all required business licenses pursuant to the Town's Business Licensing Ordinance. The land use approval shall be considered abandoned if no license-holder occupies the Facility for a period of 2 years or more. - AMENDED 11/04/2014

B. Other items of concern for full application:

- a) **State and Federal Permits:** The applicant will need to show that they have received approval from the Maine Medical Use of Marijuana Program as a Registered Dispensary prior to issuance of any building permits.