

Shall the town vote to amend the following Articles from the Town of Lyman Zoning Ordinance:
Additions are underlined and ~~Omissions are strikethrough~~

Amend Article 12 Definitions:

Agriculture I: Limited to the raising and sale of crops and plants out of doors. Agriculture I does not include the growing, production, testing, sale or processing of marijuana.

Agriculture II: The business of producing or raising of plants and crops, including gardening as a commercial operation with or without the use of a greenhouse. Agriculture II does not include the growing, production, testing, sale or processing of marijuana.

Farming: The cultivation of soil for the production or raising of food, crops, or other valuable or useful products, including the raising or boarding of livestock and poultry for personal or commercial purposes. Farming does not include the growing, production, testing, sale or processing of marijuana.

Medical Marijuana: Marijuana specifically permitted pursuant to the Maine Medical Use of Marijuana Act and Rules.

Medical Marijuana Caregiver: A caregiver who is not required to be registered with the state. This caregiver is limited to serving no more than 2 qualifying patient household members or family members. These caregivers are not allowed to sell marijuana wholesale, organize as a business entity or operate a retail store. This is considered an accessory use to a legally permitted residential dwelling unit.

Medical Marijuana Cooperative: Two or more medical marijuana caregivers claiming a location as a primary residence in order to conduct medical marijuana home production. Medical marijuana cooperatives are considered medical marijuana production facilities under this ordinance.

Medical Marijuana Home Production: Growing, cultivating, processing, and/or storing medical marijuana by a registered medical marijuana caregiver at his/her primary residence as a home occupation use.

Medical Marijuana Production Facility: A building used for cultivating, processing, testing, storing of medical marijuana; and / or distribution by a medical marijuana caregiver at a location which is not the caregiver's primary year-round residence or their qualifying patient's primary year-round residence. This shall be considered a commercial use.

Medical Marijuana Qualifying Patient: A person who has been a resident of the State for at least 30 days and who possesses a valid written certification regarding medical use of marijuana.

Medical Marijuana Registered Caregiver: A person, licensed hospice provider or licensed nursing facility that is designated by a qualifying patient to assist the qualifying patient with the medical use of marijuana in accordance with state law. A person who is a medical marijuana caregiver must be at least 21 years of age and may not have been convicted of a disqualifying drug offense.

Medical Use: Medical use means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of medical marijuana or paraphernalia relating to the administration of medical marijuana to treat or alleviate a patient’s debilitating medical condition or systems associated with the qualifying patient’s debilitating medical condition.

Article 5 Table of Land Uses:

	Residential	General Purpose	Comm/Res
<u>Medical Marijuana Home</u>			
<u>Production</u>	YES	YES	YES
<u>Medical Marijuana</u>			
<u>Production Facility</u>	SR	SR	SR

**Recreational Marijuana Retail is prohibited until laws at the State level are determined. After that point, the town will decide whether to opt in and if so, will review the Recreational Marijuana definition and Land Use Table.

Article 10

Section 10.22 Performance Standards for Medical Marijuana

Purpose: The purpose of this section of the ordinance is to ensure that all cultivation, processing, storage, and distribution of medical marijuana does not have an adverse impact on the health, safety, and general welfare of the residents of the Town of Lyman, while still allowing for treatment and alleviation of a qualifying patient’s debilitating medical condition or symptoms associated with the qualifying patient’s debilitating medical condition.

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 zone following the rules of Home Occupation and Section 10.22. Medical marijuana caregivers not required to register with the State and qualifying patients are not regulated under this section.

Section 10.22-A Medical Marijuana Home Production Facilities are permitted within the caregiver’s primary year-round residence as a home occupation subject to the following performance standards, in addition to the requirements of the districts in which the caregiver use is located:

1. The caregiver shall be least twenty-one (21) years of age;
2. The caregiver resides in the dwelling unit as his/her primary year-round residence in conformance with the Maine Medical Use of Marijuana State Administrative Rules or as otherwise specified in Maine statutes and/ or administrative rules;
3. A caregiver who does not own his or her primary residence shall obtain notarized written permission from the property owner prior to cultivating marijuana and shall make the written permission available to the Town.

4. Caregivers shall cultivate medical marijuana within an enclosed, locked building or within an outdoor area which is accessible only by the individual authorized to cultivate the marijuana in conformance with the Maine Medical Use of Marijuana State Administrative Rules or as otherwise specified in the Maine statutes and /or administrative rules.
5. Medical Marijuana shall be distributed to medical marijuana patients within an enclosed building. Drive thru, drive-up or window service is prohibited.
6. No exterior evidence of cultivation, including signs, shall be visible from a public way or area. Marijuana plants shall be entirely screened from common visual observation from a public way or area by natural objects, plantings, or a solid fence at least six (6) feet or taller in height, density and depth sufficient to accomplish complete screening of plants from ordinary view. Should the plants grow higher than the screening such they are visible from a public way or area, either the plants shall be cut to not extend higher than the screening or the individual who is authorized to cultivate the marijuana shall install additional screening sufficient to conceal the plants from public view within ten (10) days of notification of the violation by the Code Enforcement Officer.
7. Compliance with health and safety codes. The primary residence, outbuilding, garage, or other structure where marijuana is grown, cultivated, processed, and/or stored shall meet all applicable requirements of the adopted building code, electric, fire and other health safety and technical codes.
8. Ventilation and odor management. Any primary residence, outbuilding, garage, or other structure used for cultivation shall have proper ventilation to prevent mold damage and to prevent odors or particles from becoming a nuisance to surrounding properties or the public.
9. Gases. The use of gas products for extraction processes, including but not limited to carbon dioxide, sulfur dioxide and butane, and ozone generators are prohibited.
10. Dispensing of medical marijuana to medical marijuana patients shall not take place prior to 7:00 a.m. or later than 8:00 p.m. on any day.
11. If electric service increases beyond 200 amps and an upgraded transformer is required, that transformer may only service the buildings wired to receive the increased amperage.

Section 10.22-B Medical Marijuana Production Facility are permitted subject to the following performance standards, in addition to the requirements of the State of Maine;

1. Medical Marijuana Cooperatives and Medical Marijuana Production Facilities are allowed in every zone.

They shall not be located: on parcels of land with a lot line located within 500 linear feet of any pre-existing public or private school facility, or any pre-existing and licensed day-care center or day-care home, public park, public playground, athletic field, juvenile or adult halfway house, correctional facility, other Marijuana production facilities, substance abuse rehabilitation or treatment center or church. Applications for such public or private schools, child care providers, parks, playgrounds, or churches which are proposed within 500 feet of any existing medical marijuana production facility shall be required to sign a form, which may be obtained from the Code Enforcement Office, which indicates that

they are aware that an existing medical marijuana production facility is located within 500 feet of their proposed site.

2. Medical Marijuana Cooperatives and Medical Marijuana Production Facilities are permitted in the Residential and General-Purpose districts on lots of 5 acres or more and any legal lot within the Commercial/ Residential district. In all districts Planning Board approval is required through site plan review process in section 8 of this ordinance.
3. Fire suppression will be required in conformance with the most current version of NFPA 1 Chapter 38 and the current State of Maine adopted version of NEC standards.
4. All Marijuana Cooperatives and Production Facilities shall submit an Odor Control Plan with the site plan application.

Odor Control Plans shall consist of the following:

- a. Specific odor- emitting activity(ies) – This section should describe the odor emitting activities or processes (e.g., cultivation) that take place at the facility, the source(s) (e.g., budding plants) of those odors, and the location(s) from which they are emitted (e.g., flowering room).
 - b. Odor Mitigation Practices – For each odor emitting source/ process outlined in Section 1 of the odor control plan, specify the administrative and engineering controls the facility will implement to control odors.
 - c. The best control technology for marijuana cultivation facilities is carbon filtration.
 - d. The town may use contracted staff and peer review escrow fees to review an odor control plan in agreement with the applicant at the applicant's expense.
5. Parking: The property shall provide parking that meets the requirements of section 10.12 of this ordinance, and such additional parking as may be required by the Planning Board.
 6. Security: All growing of medical marijuana within a production facility shall occur inside and only within a completely enclosed structure. A greenhouse is a structure. This does not apply to home growing of medical marijuana. The building shall be constructed with a security system with recordable video surveillance. Exterior lighting must be sufficient to deter nuisance activity and facilitate surveillance. The Planning Board may require a chain link fence or solid fence, six feet in height, surrounding the building (s) and parking area. All security measures shall be consistent with State requirements. Security cameras are also required around the perimeter of the structure
 7. Operating hours of the property:
 - a. Dispensing of medical marijuana products and materials shall not take place prior to 7:00 a.m. and later than 8:00 p.m. on any day.
 - b. Deliveries shall not take place prior to 7:00 a.m. and later than 8:00 p.m. on any day.
 8. Signs: All signage and advertising for any facility responsible for the cultivation, manufacturing, sale or distribution of marijuana shall comply with all applicable provisions of the land use ordinance. Signs may not contain any visual depiction of marijuana or marijuana paraphernalia. Outdoor displays, window displays, or displays visible from the outside of the building intended to attract attention to or generate interest in the uses on the property shall be prohibited.
 9. Drive through, drive up, or window services are prohibited.

10. All activities of dispensaries, cultivation facilities, processing facilities and marijuana establishments shall be conducted indoors.
11. If electric service increases beyond 200 amps and an upgraded transformer is required, that transformer may only service the buildings wired to receive the increased amperage.
12. Annual safety inspections by the Fire Department and Code Enforcement Office shall be conducted. A fee set by the Board of Selectmen will be associated with these inspections.
13. Extraction of marijuana concentrates, such as but not limited to oil, butter, wax or shatter shall be permitted subject to compliance with NFPA (1) Chapter 38 standards and the current version of NEC (National Electric Code) standards.

Section 10.22-C

Medical Marijuana Qualifying Patient and/ or Caregiver: A caregiver who is not required to be registered with the state. This caregiver is limited to serving no more than 2 qualifying patient household members or family members. These caregivers are not allowed to sell marijuana wholesale, organize as a business entity or operate a retail store. This is considered an accessory use to a legally permitted residential dwelling unit.

This does not require a use permit from the town. Any electric wiring requires a permit and must follow all Electric Code requirements and be inspected by the town's electrical inspector.

Shall the town vote to Amend the Shoreland Zoning Ordinance Section 17 Definitions:

Agriculture – the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and greenhouse products. Agriculture does not include forest management and timber harvest activities or the growing, production, testing, sale or processing of marijuana.

Medical Marijuana Qualifying Patient and Caregiver: A caregiver who is not required to be registered with the state. This caregiver is limited to serving no more than 2 qualifying patient household members or family members. These caregivers are not allowed to sell marijuana wholesale, organize as a business entity or operate a retail store. This is considered an accessory use to a legally permitted residential dwelling unit.

Medical Marijuana Home Production: Growing, cultivating, processing, and/or storing medical marijuana by a registered medical marijuana caregiver at his/her primary residence as a home occupation use.

Medical Marijuana Production Facility: A building used for cultivating, processing, testing, storing of medical marijuana; and / or distribution by a medical marijuana caregiver at a location which is not the caregiver's primary year-round residence or their qualifying patient's primary year-round residence. This shall be considered a commercial use.

Shall the town vote to Amend the Shoreland Zoning Ordinance Section 15 Table of Land Uses:

TABLE 1. LAND USES IN THE SHORELAND ZONE

LAND USES**DISTRICT**

	<u>SP</u>	<u>RP</u>	<u>LR</u>	<u>LC</u>	<u>GD</u>
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes
3. Forest management activities except for timber harvesting & land management roads	yes	yes	yes	yes	yes
4. Timber harvesting	yes	CEO ¹³	yes	yes	yes
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO ¹	yes	yes	yes
6. Fire prevention activities	yes	yes	yes	yes	yes
7. Wildlife management practices	yes	yes	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes	yes	yes
9. Mineral exploration	no	yes ²	yes ²	yes ²	yes ²
10. Mineral extraction including sand and gravel extraction	no	PB ³	PB	PB	PB
11. Surveying and resource analysis	yes	yes	yes	yes	yes
12. Emergency operations	yes	yes	yes	yes	yes
13. Agriculture	yes	PB	yes	yes	yes
14. Aquaculture	PB	PB	PB	yes	yes
15. Principal structures and uses					
A. One and two family residential, including driveways	PB ⁴	PB ⁹	CEO	CEO	CEO
B. Multi-unit residential	no	no	PB	PB	PB
C. Commercial	no	no ¹⁰	no ¹⁰	PB	PB
<u>Medical Marijuana Production Facility</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
D. Industrial	no	no	no	no	PB
E. Governmental and institutional	no	no	PB	PB	PB
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB ⁴	PB	CEO	CEO	CEO
<u>G. Medical Marijuana home Production</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>
<u>H. Medical Marijuana Qualifying Patient and Caregiver</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
16. Structures accessory to allowed uses	PB ⁴	PB	CEO	CEO	yes
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland					
a. Temporary	CEO ¹¹	CEO ¹¹	CEO ¹¹	CEO ¹¹	CEO ¹¹
b. Permanent	PB	PB	PB	PB	PB
18. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI
19. Home occupations	PB	PB	PB	CEO	yes
20. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI
21. Essential services	PB ⁶	PB ⁶	PB	PB	PB
A. Roadside distribution lines (34.5kV and lower)	CEO ⁶	CEO ⁶	yes ¹²	yes ¹²	yes ¹²
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	PB ⁶	PB ⁶	CEO	CEO	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB ⁶	PB ⁶	PB	PB	PB
D. Other essential services	PB ⁶	PB ⁶	PB	PB	PB
22. Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes
23. Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO
24. Individual, private campsites	CEO	CEO	CEO	CEO	CEO
25. Campgrounds	no	no ⁷	PB	PB	PB
26. Road construction	PB	no ⁸	PB	PB	PB
27. Land management roads	yes	PB ¹³	yes	yes	yes
28. Parking facilities	no	no ⁷	PB	PB	PB
29. Marinas	PB	no	PB	PB	PB
30. Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes	yes
31. Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO
32. Signs	yes	yes	yes	yes	yes
33. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO
34. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO
35. Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB

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Shall the town vote to amend Article 7 of the Lyman Zoning Ordinance as follows:

7.1. Plumbing and Electric Permits Required

~~7.5.2 All electric work requires a valid electric permit. All electric installations shall be in accordance with the current version of the State of Maine adopted Electric Code.~~

~~A. Any use or property that requires an electric transformer that is larger than a typical residential transformer shall make provisions with the electric company for that transformer to serve only that use or property.~~

7.5.2 Residential Electric Services

All electric work requires a valid electric permit. All electric installations shall be in accordance with the current version of the State of Maine adopted Electric Code.

A.

1. No residence, nor any associated accessory structure or garage of the residence, or any combination thereof may install, activate, or receive more than a single 200 AMP combined electric service for such structures.
2. The limitation of a single combined 200 AMP service is meant and intended for each residence and accessory structure or garage in combination on that structure's parcel.
3. A person or party may apply for an electric service greater than 200 AMP if the intended use is permitted by town zoning, and following review and approval of electric load calculations by the town's Electric Inspector; and, after on-site-review and separate approval by the Code Enforcement Office.
4. It shall be a violation of this code for any person or party, including a licensed or non-licensed electric or general contractor, to install or activate any electric services that do not meet these conditions and requirements. Further, it shall be a violation of this code for any property owner to install, maintain, activation on operation of any electrical service that does not meet these conditions or requirements.

B. Hazardous conditions and authority to disconnect

1. If the Electric Inspector finds a dangerous installation, alteration, or repair of electrical work, the Electric Inspector shall provide notice that shall:

Be served on the owner or occupant of the premises and the licensee by:

- Telephone,

- Personal service,
 - first class mail or posting the property as unsafe; and
2. The Electric Inspector, with the approval of the Code Enforcement Officer or Fire Chief may disconnect public utilities, including electric supply, to a building, structure, or system regulated by this section if:
- Repairs are not made under this section; or
 - Hazardous condition exists that threatens or may threaten the public health and safety.
3. The Electric Inspector or his designee shall notify:
- The serving utility; and
 - The owner and occupant of the building, structure, or service system of the decision to disconnect;
 - Where possible, prior to disconnecting; or
 - As soon as practical, after disconnecting.
4. Supervising Official

The Electric Inspector who must be licensed by the State of Maine as a master electrician is herewith designated as the town official to supervise and enforce this section. The Electric Inspector will be under the direction of the Building Inspector, who will act as his/ her immediate supervisor.