

Definitions

Marijuana Caregiver Retail Store: A store that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer marijuana plants or harvested marijuana for sale to qualifying patients.

Marijuana Cultivation Facility, Adult Use: A facility licensed under this chapter to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to products manufacturing facilities, to marijuana stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature marijuana plants and seedlings to marijuana stores.

Marijuana Dispensary, Medical: An entity registered under section 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana plants or harvested marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.

Marijuana Establishment: A cultivation facility, a products manufacturing facility, a testing facility or a marijuana store licensed by the State of Maine.

Marijuana Manufacturing, Adult Use: The production, blending, infusing, compounding or other preparation of marijuana and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis. "Manufacturing" or "manufacture" does not include cultivation or testing.

Marijuana Testing Facility: A facility licensed by the State of Maine to research and test marijuana, marijuana products and other substances.

~~**Medical Marijuana Dispensary/Storefront:** An entity registered pursuant to Section 6 of the State of Maine 10-144 CMR Chapter 122 Rules Governing the Maine Medical Use of Marijuana Program 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.~~

~~**Marijuana Production Facility, Adult Use:** A facility used for cultivating, processing, and/or storing Adult Use Marijuana by an Adult Use cultivator at a location which is not their primary year-round residence or their patient's primary year-round residence.~~

	R1	R2	R3	C/I	RC/I	AP	LR	SCI	RP	SP
Medical Marijuana Dispensary/Storefront Marijuana Caregiver Retail Store or Dispensary	X	X	X	X	C*	X	X	X	X	X
Marijuana Testing Facility	X	X	C*	X	C*	X	X	X	X	X
Marijuana Cultivation Facility & Marijuana Manufacturing, Adult Use	X	X	C*	X	C*	X	X	X	X	X

8.25 Adult Use & Medical Marijuana

8.25.2. Exemptions: As an accessory use, **Medical Marijuana Caregivers** shall be permitted as a **Home Occupation Business** in any qualifying patient's residence or any medical marijuana caregiver's primary year-round residence in every base zone and overlay zone.

~~Adult Use & Marijuana Production Facilities and Dispensaries/Medical Marijuana~~
~~Storefronts~~ **Marijuana Establishments** cannot be within 1,000 feet of+:

- Any school – as measured from the nearest property line of the land used for the school to the nearest portion of the proposed business's building, via straight line measurement.
- Drug or Alcohol Treatment Facilities – as measured from the nearest property line of the land used for the treatment facility to the nearest portion of the proposed business's building, via straight line measurement.
- Child Care Centers – as measured from the nearest property line of the land used for child care purposes to the nearest portion of the proposed business's building, via straight line measurement.
- Other **Marijuana Establishments** ~~Marijuana Production Facilities~~ – as measured from the nearest portion of the existing or pending center or store's building to the nearest portion of the proposed business's building, via straight line measurement.

+Existing Medical Marijuana Facilities permitted prior to November 2017 are subject to 500' setbacks from schools only.

8.25.4. Odor Control

All ~~Marijuana Production Facilities and Dispensaries/~~**Storefronts**
Establishments must submit an odor control plan with the conditional use application.

A. Odor Control Plans shall consist of the following:

1. 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)
2. 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 implements or will implement to control odors.
 - The best control technology for marijuana cultivation facilities is carbon filtration

8.25.5. Security

A. All growing of medical marijuana within a commercial production facility shall occur inside and only within a completely enclosed structure. This does not apply to home growing of medical marijuana.

B. Prior to granting approval, the Planning and/or Code Enforcement Department shall receive a written statement from the Berwick Chief of Police or designee that ~~security measures are acceptable and also consistent with State requirements.~~ the Department has reviewed the measures and if they have any recommendations.

8.25.6 Performance Standards

A. Signage and advertising. 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 Ordinances.

~~B. Cultivation. If marijuana and/or products containing marijuana are sold on the same site, the cultivation area shall be no greater than 50% of the total floor area of the building.~~

B. Consumption.

- Pursuant Maine LR 2395 section 1501 subsection 2, marijuana in the Town of Berwick may only be consumed in a private residence or on private property. Such private property must not generally be accessible to the public and the consumption of marijuana or marijuana products must be explicitly permitted by the property owner. All other consumption limitations in Maine LR 2395 Section 1501 Subsection 2 shall apply in the Town of Berwick.

C. Visibility of activities. All activities of dispensaries, cultivation facilities, processing facilities and marijuana establishments shall be conducted indoors.

8.25.7 Application Requirements

A. An operating plan for the proposed marijuana business including:

1. A description of products and services to be provided by the business.

2. A dimensioned floor plan including the layout of the structure and floor plan where the marijuana business is to be located.

B. A neighborhood responsibility plan that demonstrates how the business will fulfill its responsibilities to the neighborhood for effective mitigation of community impacts, including neighborhood outreach, methods for future communication, and dispute resolution.

C. Elevations of all buildings, existing and new.

D. For cultivation facilities, a plan that specifies how wastewater will be handled.

E. A rendering of the proposed signage.

8.25.8 Permits

A. The number of Conditional Use permits granted in each zone as of June 9, 2020 shall be the limit of permits granted in each zone. The number of Conditional Use permits in each zone shall be tracked and monitored by the Town of Berwick Community Development & Planning Office. This provision shall be reviewed by the Berwick Planning Board and amended as needed on an annual basis.