

E. Additional Standards for Cannabis Manufacturing and Processing Facilities

1. Cannabis extraction. Subject to the requirements and restrictions of this subsection E, a Cannabis Manufacturing and Processing facility licensee may manufacture cannabis concentrate in accordance with 28-B M.R.S. §502.
2. Inherently hazardous extractions methods prohibited. Notwithstanding Section 520. Fire and Explosive Hazards of this Ordinance, the extraction of cannabis using inherently hazardous substances is prohibited.

F. Inspections

The Codes Enforcement Officer or their designee will inspect all Cannabis Establishments prior to issuance of a Certificate of Occupancy, to verify that the facilities are constructed and can be operated in accordance with the application submitted, the land use approval(s) issued and the requirements of this Ordinance, local codes. The Fire/Rescue Chief or their designee will inspect all Cannabis Establishments prior to issuance of a Certificate of Occupancy, to verify that the facilities are constructed and can be operated in accordance with all applicable fire codes. The initial inspection shall occur after the establishment is ready for operation. No cannabis products will be allowed on the premises until the inspection is complete and a Certificate of Occupancy has been issued by the Codes Enforcement Officer. Nothing herein shall prevent the Fire/Rescue Chief or their designee from inspecting cannabis establishments at random intervals and without advance notice provided that the inspection is during normal business hours of the establishment.

G. Other laws remain applicable

A Cannabis Establishment shall meet all operating and other requirements of State and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing Cannabis and/or Cannabis Establishments, the stricter law or regulation shall control.

Section 536. Affordable Housing Development Density Bonus

The purpose of this Section 536 is to promote the development of affordable housing in accordance with 30-A M.R.S.A. § 4364. This section applies to projects that meet the definition of an Affordable Housing Development, per Section 104 of this Ordinance and is proposed on or after January 1, 2024.

- A. Affordable Housing Density Bonus. An Affordable Housing Development that complies with this Section 536 is eligible for a Dwelling Unit density bonus of two and a half (2.5) times the

5. **Safety.** All Cannabis Establishments shall comply with all applicable codes and ordinances, including but not limited to, the Town of Freeport Building Code Ordinance, the Town of Freeport Electrical Code Ordinance and the Town of Freeport Fire Protection Code Ordinance.
6. **Security.** All Cannabis Establishments shall comply with the applicable security standards in the Code of Maine Rules C.M.R. Chapter 1, 18-691, Section 3.3.
7. **Lighting.**
 - (a) **Exterior Lighting.** Any gate or perimeter entry point of a Cannabis Establishment must have lighting sufficient for observers to see, and cameras to record, any activity within 10 feet of the gate or entry. A motion detection lighting system may be employed to light required areas in low-light conditions. In addition, the lighting must comply with Section 521.A Exterior Lighting of this Ordinance.
 - (b) **Interior lighting:** Grow lamps and lighting may not be visible from the exterior of the building.
8. **Waste Disposal.** All Cannabis Establishments and shall have in place an operational plan for proper disposal of cannabis and related byproducts in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations. Dumpsters and trash containers must not be overflowing, and the surrounding area must be kept free of litter and trash. All dumpsters and containers shall be screened from public view and comply with the Town of Freeport Solid Waste Disposal Ordinance (Chapter 28). All trash receptacles on the premises used to discard cannabis products must have a metal cover or lid that is locked at all times when the receptacle is unattended and security cameras must be installed to record activities in the area of such trash receptacles.
9. **Size Limitation in the Medium Density Districts (MD-A and MD-B).**

Notwithstanding any other provision, Cannabis Establishments in the Medium Density Districts (MD-A and MD-B) shall occupy no greater than ten thousand (10,000) square feet of indoor gross floor area and no more than five thousand (5,000) square feet of outdoor storage area. The type of items to be stored outdoors must be approved by the Project Review Board.

D. Additional Standards for Cannabis Cultivation Facilities

1. **Outdoor cultivation prohibited.** All activity related to cannabis cultivation must be conducted indoors.
2. **Site Plan.** In addition to the requirements under Section 602 of this Ordinance, the Site Plan shall include the facility's cultivation area allowance and show or list the square footage of the proposed cultivation area.

detected offsite, i.e., must not be detected beyond the property line on which the use is located. To prevent and control cannabis odors, an odor control plan prepared by a qualified professional shall be submitted as part of the site plan application describing the odor(s) originating or anticipated to originate at the premises and the control technologies to be used to prevent such odor(s) from leaving the premises. The odor control plan shall, at a minimum, include the following:

- (a) A facility floor plan that identifies the locations of all odor-emitting activities and sources. The plan shall also identify the location of doors, windows, vents, heating, ventilation and air conditioning (HVAC) systems, odor control systems and other relevant information.
- (b) A list of specific odor-emitting activities and sources, and a description of the processes that will take place at the facility, including, but not limited to, vegetative flowering, processing and storage.
- (c) For each odor-emitting activity or source, a description of the administrative procedures as well as the engineering processes, technologies, and equipment the facility will use.
 - (i) Administrative controls shall include, at a minimum: management practices to isolate odor activities and sources, use of standard operating procedures, employee training, regular equipment inspections and maintenance of inspection logs.
 - (ii) Engineering controls shall include, at a minimum, building design features; use of equipment and technology to address each specific odor-emitting activity or source; a systems and equipment maintenance and replacement schedule; and evidence that proposed equipment and technology are sufficiently capable and appropriately sized consistent with cannabis industry best practices for control technologies designed to effectively mitigate odors.

Cannabis Cultivation Facilities must implement appropriate ventilation and filtration systems to satisfy the odor standard contained herein. Cannabis Manufacturing and Processing facilities are not required to install filtration equipment on the licensed premises but must satisfy the same odor standard contained herein. While the Town of Freeport does not mandate any particular equipment specifications with regard to filtration, all Cannabis Establishments are strongly encouraged to adopt best management practices with regard to implementing state-of-the-art technologies in mitigating cannabis odor, such as air scrubbers and charcoal filtration systems.

- 4. Noxious gases and substances.** In addition to Section 518. Smoke and Particulate Matter of this Ordinance, Cannabis Manufacturing and Processing facilities shall include appropriate ventilation systems to mitigate noxious gases or other fumes used or created as part of their operation process. Sufficient measures and means of preventing smoke, debris, dust, fluids and other substances from exiting a cannabis establishment must be provided at all times.

as that term is defined in 20-A M.R.S. § 1(22), as may be amended; and/or a “public preschool program” as that term is defined in 20-A M.R.S. § 1(23-A), as may be amended.

For purposes of this section, the term “child care facility” means a “child care facility” as that term is defined in 22- M.R.S. § 8301-A (1-A) (B), as may be amended, and/or a “family child care provider” as that term is defined in 22- M.R.S. § 8301-A (1-A) (C), as may be amended.

- (b) Setbacks from residential uses.** No structure(s) used as a Cannabis Establishment shall be proposed as of the date the Cannabis Establishment’s Site Plan Review application is deemed complete, within one hundred (100) feet of a residential structure located on an a separate parcel measured as the shortest straight line from the structure(s).

For purposes of this section, the term “residential structure” means a structure(s) used as a single family, two-family, multiple family, accessory apartment, and/or mobile home. This does not include accessory structures that do not contain a dwelling unit and/or an accessory apartment. For the purposes of this standard, a Mixed-Use Development as defined in Section 104 of this Ordinance is not considered a “residential structure”.

- (c) Subsequent Placement of schools, child care facilities and residential uses as defined in this Section 535.(c).1.** A Cannabis Establishment’s conformity with the buffer requirements of this section shall be determined as of the date the Cannabis Establishment’s Site Plan Review application is deemed complete by the Town Planner in accordance with Section 602.C.1.c.3 of this Ordinance, except that the change from one type of Cannabis Establishment to another which may trigger further Site Plan Review under Section 602 of this Ordinance shall not be deemed to establish a new date for purposes of determining conformity with the buffer requirements contained herein. A school, child care facility, or a residential use established within the applicable buffer area after this date shall not render the Cannabis Establishment either nonconforming or out of compliance with the above buffer requirements.

2. Signage.

- (a)** All signage and advertising for any Cannabis Establishment shall comply with the signage, advertising, and marketing provisions in 22- M.R.S. § 2429-B and 28-B M.R.S. § 702, as may be amended, in addition to all applicable provisions of the Freeport Sign Ordinance (Chapter 23) and the Freeport Design Review Ordinance (Chapter 22), as applicable. No interior signage shall be visible from the exterior of the building in which the Cannabis Establishment is located.
- (b)** There may be no display of cannabis and/or paraphernalia visible from the exterior of a facility.

- 3. Odor management.** In addition to Section 516. Odorous and Toxic Matter of this Ordinance, for all Cannabis Establishments, the odor of cannabis must not be readily

Freeport

1. **State Authorization Required.** Cannabis Cultivation facilities and Cannabis Manufacturing and Processing facilities shall follow and be in compliance with the Maine Marijuana Legalization Act, 28-B M.R.S. Chapter 1, and with the Maine Medical Use of Marijuana Act, 22 M.R.S., Chapter 558-C.
2. **Licenses Required.** Persons or entities wishing to establish a Cannabis Establishment within the Town of Freeport shall also obtain a license from the Freeport Town Council and shall be subject to the provisions of this Ordinance and the Town of Freeport Cannabis Establishment Licensing Ordinance. In addition, prior to the issuing of a license from the Town of Freeport, the applicant must be able to demonstrate that they will be able to obtain a license from the State.
3. **Site Plan Review.** Cannabis Cultivation Facilities and Cannabis Manufacturing and Processing Facilities are subject to Site Plan Review by the Freeport Project Review Board, per Section 602 of this Ordinance, except that lawfully existing Cannabis Establishments with operations in a building previously approved for commercial use, shall be exempt from Site Plan Review but only to the extent of their existing operations as of [DATE]. Any further changes requiring Site Plan Review under Section 602 shall be reviewed by the Project Review Board.
4. **Standards Not Exclusive.** In addition to these standards contained in Section 535 and the Site Plan Review Standards contained in Section 602 of this Ordinance, Cannabis Establishments shall be subject to any other applicable ordinance provision(s) that govern uses in an applicable zone.
5. **Other Cannabis Uses Prohibited.** Other cannabis uses, as defined in Section 104 Definitions, including but not limited to Adult Use Cannabis Retail Stores and Medical Cannabis Caregiver Retail Stores, Medical Cannabis Dispensary Retail Stores, and Adult Use Cannabis Testing Facilities and Medical Cannabis Testing Facilities, are prohibited in all districts.

C. Performance Standards for Cannabis Establishments

In addition to the requirements for each zoning district, cannabis establishment must also meet the following requirements:

1. Separation (buffering) requirements.

- (a) **Setbacks from schools and child care facilities.** No Cannabis Establishment shall be proposed as of the date the Cannabis Establishment's Site Plan Review application is deemed complete, within one thousand (1,000) feet of the lot lines of a public or private school or licensed child care facility measured as the shortest straight line from the property boundary.

For purposes of this section, the term "school" means a "public school" as that term is defined in 20-A M.R.S. § 1(24), as may be amended; a "private school"

- ii. For any ground-mounted Large Solar Farm, or any ground-mounted Small Solar Farm with a Solar Array Development Area that is 43,560 square feet (1 acre) or greater in size: A performance guarantee in the form of an escrow account, irrevocable letter of credit, or other form satisfactory to the Town Manager covering the cost of the decommissioning plan shall be delivered to the Town Manager at the time of Project Review Board approval. The amount of the performance guarantee shall be determined by the Project Review Board according to the time schedule for the decommissioning, shall be in an amount equal to 125% of the projected total cost of decommissioning and removing the Small Solar Farm or Large Solar Farm and restoring the site to its pre-construction condition, plus any adjustments for reasonable inflation estimates. The amount shall include a breakdown of costs of the various stages of decommissioning, if any. The performance guarantee shall remain in force until the Codes Enforcement Officer certifies that the site has been rehabilitated according to the approved decommissioning plan. Failure to complete the decommissioning plan approved by the Project Review Board shall constitute a violation of this Ordinance, subject to enforcement and legal action as provided in Section 601. In addition, if there is a default of any obligation to decommission a project under this Section 534 or if the Solar Energy Generation System is not removed within 90 days after a determination of abandonment made pursuant to Section 534.C.3.f.i, the Town may call upon the performance guarantee and cause the decommissioning plan to be implemented pursuant to the terms of that guarantee.

- g. Additional Performance Guarantee.
The Project Review Board as a condition of approval may require the applicant to post a performance guarantee to ensure completion of site improvements associated with a Small Solar Farm or Large Solar Farm, as provided in Section 602.C.1.j.

Section 535. Cannabis Establishments

A. Purpose

The purpose of this Section 535 is to regulate the location, and operation of Cannabis Establishments as defined in this Ordinance and by the State of Maine under the Marijuana Legalization Act, 28-B M.R.S. Chapter 1, and the Maine Medical Use of Marijuana Act, 22 M.R.S. Chapter 558-C, as may be amended. These regulations are intended to promote the health, safety, and general welfare of the residents of Freeport.

B. General Standards.

Medical Cannabis Registered Dispensary: A “Registered dispensary or dispensary” as that term is defined in 22 M.R.S. § 2422(6).

Medical Cannabis Registered Caregiver: A “caregiver” as that term is defined in 22 M.R.S. § 2422(8-A), as may be amended, who is registered by the State pursuant to 22 M.R.S. § 2425-A.

Medical Cannabis Small-Scale Caregiver Operation: A commercial or noncommercial use by a Medical Cannabis Registered Caregiver who sells or dispenses cannabis solely out of the Caregiver’s residential dwelling or accessory structure; does not process or manufacture cannabis using chemicals or solvents; and cultivates no more than thirty (30) mature cannabis plants. Medical Cannabis Small-Scale Caregiver Operation is considered a home occupation and is subject to the performance standards of Section 503 of this Ordinance.

Medical Cannabis Testing Facility: A “marijuana testing facility” as that term is defined in 22 M.R.S. § 2422(5-C) as may be amended.

Medication Assisted Treatment Facility for Opioid Addiction: A fully licensed facility used to dispense FDA approved medications for the purpose of treating opioid dependence. *{Amended, Effective 10/04/16}*

Mixed Use Development: A structure with at least one residential dwelling unit and at least one other use that is permitted within the District. *{Amended, Effective 02/04/20}*

Mobile Home: See “Manufactured Housing”

Mobile Home Park: A “Mobile Home Park” as that term is defined in 30-A M.R.S. § 4358.(1).(B), as may be amended.

Mobile Home Park Lot: A “Mobile Home Park Lot” as that term is defined in 30-A M.R.S. § 4358.(1)(B.B-1), as may be amended.

Modular Homes: See “Manufactured Housing”

Motel: See Hotel.

Municipal Facility: A facility which is open to the public and which is owned and operated under the direct supervision of the Town of Freeport or the public school entity serving the Town of Freeport. *{Amended, Effective 06/19/12}*

Nature-Based Commercial Enterprise: Any commercial activity carried out on land with significant natural, cultural, or historical values whose principal purpose is to provide members of the general public with opportunities to observe and appreciate the values prevailing on the land, typically for a fee. A “Nature-Based Commercial Enterprise” constructs, maintains, and operates facilities and offers services and activities in a manner that provides for the long-term conservation of existing natural, cultural or historical values. A “Nature-Based Commercial Enterprise” may include, but is not limited to: family activities and games, mini-golf, and a

Lot of Record: A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file with the County Registry of Deeds.

Lot Width: The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

Manufactured Housing: For purposes of this section, the terms “Mobile Home”, “Manufactured Home”, “Modular Home”, and “Modular Housing” are all included within the definition of “Manufactured Housing” as defined in 30-A M.R.S. § 4358(1)(A), as may be amended. For the limited purpose of determining whether any Manufactured Housing is permitted in a zoning district, Manufactured Housing shall be considered equivalent to any form of permitted residential use in that zoning district.

Manufacturing/Processing: A use which involves the manufacture, compounding, assembly, or treatment of articles or materials.

Marina: A place adjacent to tidal waters which offers, for rent or sale to the public, moorings, dock space, boats or marine equipment, and gasoline and other related oil products, and where boats may be hauled, stored, repaired and/or constructed and subject to the performance standards of Section 508.C.

Marijuana: See Cannabis.

Medical Cannabis Cultivation Area: A “cultivation area” as that term is defined in 22 M.R.S. § 2422(3).

Medical Cannabis Cultivation Facility: An indoor Medical Cannabis Cultivation Area located anywhere other than a Medical Cannabis Registered Caregiver’s residential dwelling or accessory structure. This includes Medical Cannabis Dispensary Cultivation Facilities.

Medical Cannabis Dispensary Cultivation Facility: A Medical Cannabis Cultivation Facility, operated by an entity that has registered as a Medical Cannabis Registered Dispensary under 22 M.R.S. § 2425-A, which conducts no point-of-sale transactions or transfers of cannabis plants or harvested cannabis on site to qualifying patients or caregivers.

Medical Cannabis Caregiver Retail Store: A “caregiver retail store” as that term is defined in 22 M.R.S. § 2422(1-F) as may be amended.

Medical Cannabis Dispensary Retail Store: A Medical Cannabis Registered Dispensary which includes as part of its on site operations a retail space for the conduct of sales or transfers of cannabis plants or harvested cannabis to qualifying patients or caregivers.

Cannabis Uses, Other: Any use involving cannabis that is not a Cannabis Establishment, Cannabis Home Cultivation, or a Medical Cannabis Small-Scale Caregiver Operation.

Cemetery: A burial ground maintained by the Town or other public or non-profit body or private individual. A crematory is allowed as an accessory use to a cemetery.

Centrally Managed Water System: A water system that provides water for human consumption through pipes or other constructed conveyances to at least fifteen (15) service connections or serves an average of at least twenty-five (25) people for at least sixty (60) days a year, as regulated by 10-144 C.M.R. Ch. 231, Rules Relating to Drinking Water. This water system may be privately owned.

Codes Enforcement Officer: A person appointed by the Municipal Officers to administer and enforce this Ordinance. Reference to the Codes Enforcement Officer may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector, and the like where applicable.

Commercial Fishery: The commercial harvesting and/or sale of fish or shellfish but excluding the processing of such fish or shellfish.

Commercial Recreation-Indoor: Any recreational use in which the primary use is within a structure, such as a bowling alley, roller or ice skating rink, swimming pools, tennis courts, or arcades operated primarily for profit.

Commercial Recreation-Outdoor: Any outdoor recreational use such as, but not limited to, golf courses, tennis courts, riding stables, swimming pools, or ice skating rinks operated primarily for profit, but not including campgrounds, drive-in movie theaters, race tracks and mechanical or motorized rides.

Commercial Sales and Service: A business in which the principal use is the sale of goods and/or services in large quantities either to the general public or to other businesses. Indoor storage of goods or equipment is permitted as an accessory use. Outdoor storage is prohibited.

Commercial Sales and Service - Outdoor: Commercial sales and service which permits both indoor and outdoor storage as principal uses.

Commercial School: A building or buildings which is principally used to conduct commercial educational classes including, but not limited to trade schools, schools of art, beauty, business, dancing, driving, music, martial arts, but not including private nursery, elementary or secondary schools. Retail sales of items related to the school are allowed as an accessory use to commercial schools.

Common Lot Development: a development on 2 or more contiguous lots owned in common or separately, or a single lot that is being subdivided for sale or lease as a separate lot or when lots are created for financing purposes only.

Community Centers and Services: A building used for some combination of social, educational,

Building Coverage: That percentage of the lot which is covered by buildings.

Building Front Line: A line parallel to the front lot line transecting that point of the building face which is closest to the front lot line.

Business and Professional Offices: A building in which there is located the offices of a profession or business including, but not limited to, banks, insurance offices, realtors, barber shops or beauty salons.

Campgrounds: A parcel which is used as a recreational site typically for a fee, for (i) tents, trailers, recreational vehicles or other similar forms of temporary shelters; or (ii) rental cabins designed, equipped, and used for transient (lasting no more than 14 consecutive days) recreational occupancy, which do not exceed 600 square feet in gross floor area, are not constructed on a basement or slab, and contain no cooking facilities.

Cannabis: “Marijuana” as that term is defined in 28-B M.R.S. §102 (27), as may be amended.

Cannabis Cultivation Facility: An Adult Use Cannabis Cultivation Facility or a Medical Cannabis Cultivation Facility.

Cannabis Establishment: A Cannabis Cultivation Facility or a Cannabis Manufacturing and Processing Facility. Unless a general definition (including, but not limited to, agriculture, manufacturing/processing, retail trade, business and professional offices, home occupation, or accessory use) expressly includes a Cannabis Establishment, the general definition does not include a Cannabis Establishment. A Cannabis Establishment does not include an Adult Use Cannabis Retail Store, a Medical Cannabis Caregiver Retail Store, a Medical Cannabis Dispensary Retail Store, an Adult Use Cannabis Testing Facility or a Medical Cannabis Testing Facility, which are not permitted in the Town of Freeport.

Cannabis Extraction: The process of extracting cannabis concentrate from cannabis using water, lipids, gases, solvents or other chemicals or chemical processes, as defined in 28-B M.R.S. §101 (30), as may be amended. Cannabis Extraction does not include extraction processes that use inherently hazardous substances.

Cannabis Home Cultivation: The cultivation of (i) cannabis for personal adult use by persons twenty-one (21) years of age or older in accordance with the provisions of 28-B M.R.S. § 1502; or (ii) medical cannabis by an exempt caregiver or a qualifying patient.

Cannabis Manufacturing: The production, blending, infusing, compounding or other preparation of cannabis concentrate and cannabis products, including, but not limited to, Cannabis Extraction or preparation by means of chemical synthesis.

Cannabis Manufacturing and Processing Facility: A “products manufacturing facility” as that term is defined in 28-B M.R.S. § 102(43) as amended, or a “manufacturing facility” as that term is defined in 22 M.R.S. § 2422(4-R) as amended.