

1403 MEDICAL MARIJUANA AND ADULT USE DEFINITIONS

Adult Use Marijuana – Means marijuana cultivated, manufactured, distributed, or sold by a marijuana establishment.

Adult Use Marijuana Establishment – Means a cultivation facility, a products manufacturing facility, a testing facility, or a marijuana store licensed under state law.

Adult Use Marijuana Product – Means a marijuana product that is manufactured, distributed, or sold by a marijuana establishment.

Adult Use Marijuana Products Manufacturing Facility – Means a facility licensed under State law to purchase adult use marijuana and seedlings from a cultivation facility or another products manufacturing facility, to manufacture, label, and package adult use marijuana and adult use marijuana products, and to sell adult use marijuana and adult use marijuana products to marijuana stores and to other products manufacturing facilities.

Adult Use Marijuana Store – Means a facility licensed under State law to purchase adult use marijuana, immature marijuana plants and seedlings from a cultivation facility, to purchase adult use marijuana and adult use marijuana products from a products manufacturing facility, and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.

Adult Use Marijuana Testing Facility – Means a facility licensed under State law to develop, research, and test adult use marijuana, marijuana products, and other substances.

Disqualifying Drug Offense – Means a conviction for a violation of a State or Federal controlled substance law that is a crime punishable by imprisonment for one (1) year or more, but does not include: 1) An offense for which the sentence, including any term of probation, incarceration, or supervised release was completed ten (10) or more years earlier; or 2) An offense that consisted of conduct that would have been permitted under the Maine Adult Use Marijuana Act.

Home Cultivation of Marijuana – Means cultivation for personal adult use by a person twenty one (21) years of age or older, is limited to cultivation of three (3) mature marijuana plants, twelve (12) immature marijuana plants, and an unlimited number of seedlings by each person twenty one (21) years of age or older who is domiciled on a parcel or tract of land.

Marijuana Cultivation – Means the planting, propagation, growing, harvesting, drying, curing, grading, trimming, or other processing of marijuana for use or sale. “Cultivation” or “cultivate” does not include manufacturing, testing, or marijuana extraction.

Marijuana Manufacturing or Manufacture – Means 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 Odor Mitigation – All marijuana establishments, cultivation operations, manufacturing facilities, testing, and retail storefronts must be in an enclosed structure and shall have an odor mitigation system installed and operational that will provide odor control sufficient to ensure that no odors are perceptible off the premises or to neighboring tenants.

Marijuana Product – Means a product composed of marijuana or marijuana concentrate and other ingredients that is intended for use or consumption. “Marijuana products” includes, but is not limited to, an edible marijuana product, a marijuana ointment, and a marijuana tincture. “Marijuana products” does not include marijuana concentrate.

Medical Marijuana Establishment – Means a medical marijuana registered caregiver retail store, registered dispensary, medical marijuana testing facility, or medical marijuana manufacturing facility.

Medical Marijuana Manufacturing Facility – Means a medical manufacturing facility authorized under State law to manufacture marijuana products for medical use or to engage in marijuana extraction for medical use.

Medical Marijuana Registered Caregiver Retail Store – Means a registered caregiver authorized under State law to cultivate medical marijuana for qualifying patients that operates a retail store to sell medical marijuana to qualifying patients.

Medical Marijuana Testing Facility – Means a public or private laboratory authorized under State law to test medical marijuana for contamination, potency, or cannabinoid profile.

Registered Dispensary – Means a dispensary authorized under State law to cultivate and dispense medical marijuana to qualifying patients and caregivers.

State Registration Authority – Means the authority created or designated by the State for the purpose of regulating and controlling registration for medical marijuana establishments.

End – Chapter 14

CHAPTER 15 – MARIJUANA STANDARDS

1501 SHORT TITLE – This Chapter shall be known as the “Marijuana Standards for the Town of Poland, Maine”.

1502 PURPOSE

1502.1 Purpose – The purpose of this Chapter is:

- A) To provide guidance to those wishing to establish any type of marijuana establishment in Poland;
- B) To clarify the approval criteria for each type of marijuana establishment; and
- C) To promote uniform standards.

1503 ADMINISTRATION

- A) Any commercial operation must submit site plans to the Planning Board and is subject to the administration of the Planning Board.
- B) The Code Enforcement Officer is responsible for the final sign off to the State regarding whether or not an operation meets the applicable requirements of the Comprehensive Land Use Code (CLUC).

1504 MEDICAL MARIJUANA CAREGIVER CULTIVATION

1504.1 Allowed Locations – Medical marijuana caregiver cultivation sites shall be allowed in the following locations, subject to the requirements of this Section:

- A) All zones.
- B) Must follow the requirements of home occupation as defined in the CLUC and must obtain a change of use permit.

1504.2 Security – Medical marijuana caregiver cultivation sites must meet the following security requirements:

- A) Shall have lockable doors and windows and shall be served by an alarm system.
- B) Shall have video surveillance capable of covering the exterior and interior facility. The video surveillance system shall be operated with continuous recording twenty four (24) hours per day, seven (7) days per week, and video shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.

1504.3 Ventilation – Each medical marijuana caregiver cultivation site must be in an enclosed structure and shall have an odor mitigation system installed and operational that will provide odor control sufficient to ensure that no odors are perceptible off the premises or to neighboring tenants.

1505 MEDICAL MARIJUANA MANUFACTURING FACILITIES

1505.1 Allowed Locations – Medical marijuana manufacturing facilities shall be allowed in the following locations, subject to the requirements of this Section.

- A) All zones.
- B) Must be a registered caregiver and follow the requirements of home occupation as defined in the CLUC and must obtain a change of use permit.
- C) Requires licensing by the Town to operate.

1505.2 Security – Medical marijuana manufacturing facilities must meet the following security requirements:

- A) Shall have lockable doors and windows and shall be served by an alarm system.
- B) Shall have video surveillance capable of covering the exterior and interior facility. The video surveillance system shall be operated with continuous recording twenty four (24) hours per day, seven (7) days per week, and video shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.

1505.3 Ventilation – Each medical marijuana manufacturing facility must be in an enclosed structure and shall have an odor mitigation system installed and operational that will provide odor control sufficient to ensure that no odors are perceptible off the premises or to neighboring tenants.

1506 MEDICAL MARIJUANA TESTING FACILITIES

1506.1 Allowed Locations – Medical marijuana testing facilities shall be allowed in the following locations, subject to the requirements of this Section.

- A) All zones.
- B) Must be a registered caregiver and follow the requirements of home occupation as defined in the CLUC and must obtain a change of use permit.
- C) Requires licensing by the Town to operate.

1506.2 Security – Medical marijuana testing facilities must meet the following security requirements:

- A) Shall have lockable doors and windows and shall be served by an alarm system.

- B) Shall have video surveillance capable of covering the exterior and interior facility. The video surveillance system shall be operated with continuous recording twenty four (24) hours per day, seven (7) days per week, and video shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.

1506.3 Ventilation – Each medical marijuana testing facility must be in an enclosed structure and shall have an odor mitigation system installed and operational that will provide odor control sufficient to ensure that no odors are perceptible off the premises or to neighboring tenants.

1507 MEDICAL MARIJUANA REGISTERED CAREGIVER RETAIL STORES

1507.1 Allowed Locations – Medical marijuana registered caregiver retail stores shall be allowed in the following locations, subject to the requirements of this Section.

- A) Village 4 Zone
- B) General Purpose 1 Zone
- C) Each zone, Village 4 and General Purpose 1, may have a combined maximum of five (5) medical marijuana registered caregiver retail stores and/or adult use retail stores in each district. A site may contain one or more stores provided they are all within the same building.
- D) This is a permitted use requiring Planning Board approval and licensing from the Town to operate.

1507.2 Signs

- A) Signage for medical marijuana registered caregiver retail stores will comply with Chapter 5, Section 508.18 – Signs, of this Code, as well as with any applicable requirements of State law or regulation.

1507.3 Security – Medical marijuana registered caregiver stores shall comply with the following requirements:

- A) Shall have lockable doors and windows and shall be served by an alarm system.
- B) Shall have video surveillance capable of covering the exterior and interior facility. The video surveillance system shall be operated with continuous recording twenty four (24) hours per day, seven (7) days per week, and video shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.

1507.4 Ventilation – Each medical marijuana registered caregiver retail store must be in an enclosed structure and shall have an odor mitigation system installed and operational that will provide odor control sufficient to ensure that no odors are perceptible off the premises or to neighboring tenants in the building.

1508 (RESERVED)

1509 (RESERVED)

1510 ADULT USE MARIJUANA CULTIVATION FACILITIES

1510.1 Allowed Locations – Adult use marijuana cultivation facilities shall be allowed in the following locations, subject to the requirements of this Section:

- A) Tier 1 – maximum five hundred (500) sq. ft. of canopy.
 - 1) All zones.
 - 2) Tier 1 – adult use marijuana cultivation must follow the requirements of home occupation as defined in the CLUC and must obtain a change of use permit.
- B) Tier 2 – maximum two thousand (2,000) sq. ft. of canopy.
 - 1) Village 4 Zone and General Purpose 1 Zone – Must be combined with a medical or adult use retail storefront. Maximum of five (5) cultivation sites in each zone.
 - 2) Farm and Forest Zone – Maximum of five (5) cultivation sites.
 - 3) The total number of Tier 2 cultivation sites among the three (3) zones cannot exceed a maximum of ten (10).
- C) Tier 3 – maximum seven thousand (7,000) sq. ft. of canopy.
 - 1) Farm and Forest Zone – maximum of five (5) cultivation sites.
- D) Tier 4 – Twenty thousand (20,000) sq. ft. of canopy. NOT PERMITTED
- E) Tier 2 and Tier 3 are permitted uses requiring Planning Board approval and licensing from the Town to operate.

1510.2 Security – Adult use marijuana cultivation facilities must meet the following security requirements:

- A) Shall have lockable doors and windows and shall be served by an alarm system.

- B) Shall have video surveillance capable of covering the exterior and interior facility. The video surveillance system shall be operated with continuous recording twenty four (24) hours per day, seven (7) days per week, and video shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.

1510.3 Ventilation – Each adult use marijuana cultivation facility must be in an enclosed structure and shall have an odor mitigation system installed and operational that will provide odor control sufficient to ensure that no odors are perceptible off the premises or to neighboring tenants in the building.

1511 ADULT USE MARIJUANA PRODUCTS PRODUCTION FACILITIES

1511.1 Allowed Locations – Adult use marijuana products manufacturing facilities shall be allowed in the following locations, subject to the requirements of this Section:

- A) Allowed in all locations where adult use Tier 2 and Tier 3 cultivation is allowed and must be co-located with a cultivation facility.
- B) This is a permitted use requiring Planning Board approval and licensing by the Town to operate.

1511.2 Security – Adult use marijuana products manufacturing facilities must meet the following security requirements:

- A) Shall have lockable doors and windows and shall be served by an alarm system.
- B) Shall have video surveillance capable of covering the exterior and interior facility. The video surveillance system shall be operated with continuous recording twenty four (24) hours per day, seven (7) days per week, and video shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.

1511.3 Ventilation – Each adult use marijuana products production facility must be in an enclosed structure and shall have an odor mitigation system installed and operational that will provide odor control sufficient to ensure that no odors are perceptible off the premises or to neighboring tenants in the building.

1512 ADULT USE MARIJUANA TESTING FACILITIES

1512.1 Allowed Locations – Adult use marijuana testing facilities shall be allowed in the following locations, subject to the requirements of this Section:

- A) Allowed in all locations where adult use Tier 2 and Tier 3 cultivation is allowed and must be co-located with a cultivation facility.
- B) This is a permitted use requiring Planning Board approval and licensing by the Town to operate.

1512.2 Security – Adult use marijuana testing facilities must meet the following security requirements:

- A) Shall have lockable doors and windows and shall be served by an alarm system.
- B) Shall have video surveillance capable of covering the exterior and interior facility. The video surveillance system shall be operated with continuous recording twenty four (24) hours per day, seven (7) days per week, and video shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.

1512.3 Ventilation – Each adult use marijuana testing facility must be in an enclosed structure and shall have an odor mitigation system installed and operational that will provide odor control sufficient to ensure that no odors are perceptible off the premises or to neighboring tenants in the building.

1513 ADULT USE MARIJUANA STORES

1513.1 Allowed Locations – Adult use marijuana stores shall be allowed in the following locations, subject to the requirements of this Section:

- A) Village 4 Zone
- B) General Purpose 1 Zone
- C) Each zone, Village 4 and General Purpose 1, may have a combined maximum of five (5) medical and/or adult use storefront sites. A site may contain one or more storefronts provided they are all within the same building.
- D) This is a permitted use requiring Planning Board approval and licensing by the Town to operate.

1513.2 Signs

- A) Signage for adult use marijuana stores will comply with Chapter 5, Section 508.18 – Signs, of this Code, as well as with any applicable requirements of State law or regulation.

1513.3 Security – Adult use marijuana stores must meet the following requirements:

- A) Shall have lockable doors and windows and shall be served by an alarm system.
- B) Shall have video surveillance capable of covering the exterior and interior facility. The video surveillance system shall be operated with continuous recording twenty four (24) hours per day, seven (7) days per week, and video shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.

1513.4 Ventilation – Each adult use marijuana store must be in an enclosed structure and shall have an odor mitigation system installed and operational that will provide odor control sufficient to ensure that no odors are perceptible off the premises or to neighboring tenants in the building.

End – Chapter 15

CHAPTER 16 – SOLAR ENERGY SYSTEMS

1600 SHORT TITLE – This Chapter shall be known as the “Solar Standards for the Town of Poland, Maine”.

1601 PURPOSE

1601.1 Purpose – The purpose of this Chapter is to establish a municipal review procedure and performance standards for Solar Energy Systems (SES), including those typically characterized as solar farms.

- A) To provide guidance to anyone wishing to establish a SES.
- B) The standards that follow enable the accommodation of SES and equipment to be installed in a safe manner with minimal impacts on the environment and to neighbors.

1602 ADMINISTRATION

- A) SES by use of roof mounted panel or ground mounted panel by homeowner(s), commercial owner(s) for personal use, or an individual company/business consumption of energy shall be exempt from these standards and requirements.
- B) Medium scale SES and large scale SES must submit site or subdivision plans to the Planning Board for approval of the project.
- C) After approval by the Planning Board all necessary permits must be obtained from the Code Enforcement Office before work may commence on the SES.
- D) Commercial entities shall still comply with all applicable land use requirements and guidelines specific to structural, architectural, and visual impacts that any SES may have on a project under site or subdivision plan review.
- E) For the purposes of application fees, a SES is assessed on the three scales of sizing based on the total cumulative area of surface coverage of the solar photovoltaic panels, arrays, modules, or combinations thereof providing power generation. Surface coverage area shall be measured by the total surface area of the solar collector at maximum tilt that occupies a given space. Sizes of SES are as follows:
 - 1) Small Scale – SES consisting of less than twenty thousand (20,000) sq. ft. of surface coverage area.
 - 2) Medium Scale – SES consisting of twenty thousand (20,000) sq. ft. to four (4) acres of surface coverage area.