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**2012 AMENDMENTS**  
**TO THE TOWN OF LINCOLNVILLE LAND USE ORDINANCE TO REGULATE**  
**MEDICAL MARIJUANA DISPENSARIES AND METHADONE CLINICS AND, IF**  
**ENACTED, BOTH THE RELATED MORATORIUM ORDINANCES ON MEDICAL**  
**MARIJUANA DISPENSARIES AND CULTIVATION FACILITIES AS WELL AS**  
**METHADONE CLINICS SHALL TERMINATE**

The Town of Lincolnville Land Use Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

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1. Amend Section 14, regarding Table of Land Uses, as set forth below:

**SECTION 14 – TABLE OF LAND USES**

All land use activities in the Shoreland Zone, as indicated in Table 1, Land Uses, shall conform with all of the applicable land use standards in Section 16. All land use activities in the General District, as indicated in Table 1, Land Uses, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Land Use Map.

<p>Key to Table 1:          Yes = Allowed (no permit required but the use must comply with all applicable land use standards.)          No = Prohibited          PB = Allowed with permit issued by the Planning Board  <u>CSPR = Allowed with commercial site plan review and approval granted by the Planning Board</u>          CEO = Allowed with permit issued by the Code Enforcement Officer          LPI = Allowed with permit issued by the Local Plumbing Inspector          SE = Special Exceptions Permit granted by Appeals Board <u>required</u>          * = Subject to specific land use standards</p>		
<p>Abbreviations:</p> <p>RP=Resource Protection District</p> <p>RC=Resource Conservation District</p> <p>LR=Limited Residential District</p> <p>HD=Harbor District</p> <p>SP=Stream Protection District</p>	<p>LC= Limited Commercial District</p> <p>GD= General District</p> <p><del>SE=Special Exceptions Permit</del></p> <p><del>PB=Planning Board</del></p> <p><del>CEO=Code Enforcement Officer</del></p> <p><del>-<sup>2</sup>=CEO Permit 100 cy Moved</del></p> <p><del>-<sup>3</sup>=DEP Permit Also Needed</del></p>	<p>* = See Section 16</p> <p><del>Yes</del> = <u>Y = Yes</u></p> <p><del>No</del> = <u>N = No</u></p>

LAND USES	Shoreland Zone						Areas Outside Shoreland Zone
	SP	RP	RC	LR	HD	LC	GD
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<a href="#">Medical Marijuana Dispensary</a>	No	No	No	No	No	<a href="#">CSPR<sup>12, 14</sup></a>	<a href="#">CSPR<sup>12, 14</sup></a>
<a href="#">Methadone Clinic</a>	No	No	No	No	No	<a href="#">CSPR<sup>13, 14</sup></a>	<a href="#">CSPR<sup>13, 14</sup></a>
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Notes:

1. In RP not allowed within 75 feet horizontal distance of normal high water line of great ponds, river, and streams, except to remove safety hazards.
2. Requires a permit from CEO if more than 100 square feet of surface area, in total, is disturbed.
3. In RP not allowed in areas so designated because of wildlife value.
4. Provided that a variance setback requirement is obtained from the Board of Appeals.
5. Functionally water-dependent uses and uses accessory to such water-dependent uses only.
6. See further restrictions in Section 16(L)(2)
7. Except when an area is zoned for resource protection, due to floodplain criteria, in which case a permit is required from the Planning Board.
8. Except as provided in Section 16(H)(4).
9. DEP permit is also required within seventy five (75) feet of the normal high water line.
10. Except for commercial uses otherwise listed in the table, such as marinas and campgrounds, that are allowed in the respective district.
11. Permit not required but must file a written "notice of intent to construct" with CEO.
12. [See performance standards in Section 15\(B\).](#)
13. [See performance standards in Section 15\(C\).](#)
14. [Use limited to lots with frontage on Route 1 and located south of the intersection of Beach Road \(Route 173\) and Route 1.](#)

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2. Amend Section 15, regarding Town-Wide Land Use Standards, as set forth below:

**SECTION 15- TOWN-WIDE LAND USE STANDARDS**

- A. Building and Land Use Standards - All Areas Outside of the Shoreland Zone:

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- [B. Performance Standards for Medical Marijuana Dispensaries.](#)

[Notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, this Section 15\(B\), when enacted, shall govern any proposed medical marijuana dispensary for](#)

which an application has not been submitted and acted on by the Planning Board prior to April 11, 2011. The following standards apply to all medical marijuana dispensaries:

1. Location Criteria. No medical marijuana dispensary shall be sited within 250 feet of the lot lines of any of the following:

- (a) a church, synagogue or other house of religious worship;
- (b) a public or private school;
- (c) a lot used principally for one, two or multi-family residential purposes;
- (d) an athletic field, park, playground or recreational facility;
- (e) any juvenile or adult halfway house, correctional facility, methadone clinic, or substance abuse rehabilitation or treatment center;
- (f) a licensed child care facility; or
- (g) a lot on which another medical marijuana dispensary is sited.

The distance cited in this subsection shall be measured between the lot line of the proposed site for the medical marijuana dispensary and the lot line of the site of the use listed in (a) through (g) above at their closest points.

2. Hours of Operation. Medical marijuana dispensaries may be open for business only between the hours of 6:00 a.m. and 6:00 p.m., locally prevailing time.

3. Parking. Medical marijuana dispensaries shall provide adequate on-site parking spaces to meet anticipated peak hour parking needs for employees and visitors.

4. Signage and Advertising. All signage and advertising for a medical marijuana dispensary shall comply with all applicable provisions of the Town of Lincolnville Sign Ordinance. In addition, no signage or advertising shall use the word "marijuana" or "cannabis," or any other word, phrase or symbol commonly understood to refer to marijuana unless such word, phrase or symbol is immediately preceded by the word "medical" in type and font that is at least as readily discernible as all other words, phrases or symbols on the sign. Such signage and advertising must clearly indicate that the products and services are offered only for medical marijuana qualifying patients and primary caregivers.

5. Security Requirements. Security measures at a medical marijuana dispensary and any associated cultivation facility shall include, at a minimum, the following:

- (a) security surveillance cameras installed and operating 24 hours a day, 7 days a week to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises;
- (b) door and window intrusion robbery and burglary alarm systems with audible and Police Department notification components that are professionally monitored and maintained in good working condition;
- (c) a locking safe permanently affixed to the premises that is suitable for storage of all prepared marijuana and cash stored overnight on the licensed premises;
- (d) exterior lighting that illuminates the exterior walls of the licensed premises and complies with applicable provisions of this Ordinance; and

(e) deadbolt locks on all exterior doors and locks or bars on any other access points (e.g., windows).

All security recordings shall be preserved for at least seventy-two (72) hours by the medical marijuana dispensary. The medical marijuana dispensary shall provide the Police Chief or his designee with the name and functioning telephone number of a 24-hour on-call staff person to whom the Town may provide notice of any operating problems associated with the medical marijuana dispensary.

6. Fire Safety. All buildings associated with a medical marijuana dispensary, including any associated cultivation facility, shall be protected by use of fire suppression sprinkler systems or such other effective fire suppression system as may be approved by the Fire Chief. A medical marijuana dispensary shall have a Knox Box or shall provide the Fire Department with the necessary information to allow entry by Fire Department personnel in the event of an emergency at the location.

7. Cultivation. If there is both the cultivation and dispensation of marijuana occurring on the same site, the cultivation area shall not be greater than 25% of the total floor area of the portion of the building used for dispensation of marijuana.

8. On-site Consumption of Medical Marijuana. The consumption, ingestion or inhalation of medical marijuana on or within the premises of a medical marijuana dispensary or cultivation facility is prohibited; provided, however, that a medical marijuana dispensary employee who is a qualifying patient, as that term is defined in 22 M.R.S.A. § 2422(9), as may be amended, may consume medical marijuana within the enclosed building area of the premises if such consumption occurs via oral consumption (i.e., eating only). For purposes of this subsection, the term "premises" includes the actual building, as well as any accessory structures, parking lot or parking areas, or other surroundings within 200 feet of the medical marijuana dispensary's entrance.

9. Visibility of Activities; Control of Emissions; Disposal Plan.

(a) All activities of medical marijuana dispensaries and cultivation facilities, including, without limitation, cultivating, growing, processing, displaying, selling and storage, shall be conducted indoors in an enclosed, locked facility.

(b) No marijuana or paraphernalia shall be displayed or kept in a dispensary or cultivation facility so as to be visible from outside the premises.

(c) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a dispensary or cultivation facility must be provided at all times. Sufficient measures shall be provided for the proper disposal of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

(d) All medical marijuana dispensaries shall have in place an operational plan for proper disposal of marijuana and related byproducts.

10. Sale of Edible Products. No food products shall be sold, prepared, produced or assembled by a medical marijuana dispensary except in compliance with all

operating and other requirements of state and local law and regulation, including, without limitation, food establishment licensing requirements. Any goods containing marijuana for human consumption shall be stored in a secure area.

11. Other Laws Remain Applicable. A medical marijuana dispensary 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 medical marijuana dispensaries, the stricter law or regulation shall control.

12. Maximum Number. The maximum number of medical marijuana dispensaries in the Town shall be capped at one (1).

### C. Performance Standards for Methadone Clinics.

Notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, this Section 15(C), when enacted, shall govern any proposed methadone clinic for which an application has not been submitted and acted on by the Planning Board prior to April 11, 2011. The following standards apply to all methadone clinics:

1. Location Criteria. No methadone clinic shall be sited within 250 feet of the lot lines of any of the following:

- (a) a church, synagogue or other house of religious worship;
- (b) a public or private school;
- (c) a lot used principally for one, two or multi-family residential purposes;
- (d) an athletic field, park, playground or recreational facility;
- (e) any juvenile or adult halfway house, correctional facility, medical marijuana dispensary, or substance abuse rehabilitation or treatment center other than a methadone clinic;
- (f) a licensed child care facility; or
- (g) a lot on which another methadone clinic is sited.

The distance cited in this subsection shall be measured between the lot line of the proposed site for the methadone clinic and the lot line of the site of the use listed in (a) through (g) above at their closest points.

2. Hours of Operation. Methadone clinics may be open for business only between the hours of 6:00 a.m. and 6:00 p.m., locally prevailing time.

3. Parking. Methadone clinics shall provide adequate on-site parking spaces to meet anticipated peak hour parking needs for employees and visitors.

4. Security Requirements. Security measures at a methadone clinic shall include, at a minimum, the following:

- (a) security surveillance cameras installed and operating 24 hours a day, 7 days a week to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises;

- (b) door and window intrusion robbery and burglary alarm systems with audible and Police Department notification components that are professionally monitored and maintained in good working condition;
- (c) a locking safe permanently affixed to the premises that is suitable for storage of all drugs and cash stored overnight on the licensed premises;
- (d) exterior lighting that illuminates the exterior walls of the licensed premises and complies with applicable provisions of this Ordinance; and
- (e) deadbolt locks on all exterior doors and locks or bars on any other access points (e.g., windows).

All security recordings shall be preserved for at least seventy-two (72) hours by the methadone clinic. The methadone clinic shall provide the Police Chief or his designee with the name and functioning telephone number of a 24-hour on-call staff person to whom the Town may provide notice of any operating problems associated with the methadone clinic.

- 5. Fire Safety. All buildings associated with a methadone clinic shall be protected by use of fire suppression sprinkler systems or such other effective fire suppression system as may be approved by the Fire Chief. A methadone clinic shall have a Knox Box or shall provide the Fire Department with the necessary information to allow entry by Fire Department personnel in the event of an emergency at the location.

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- 3. Amend Section 22, regarding Definitions, as set forth below:

### **SECTION 22 DEFINITIONS**

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**Medical marijuana dispensary:** A "registered dispensary" as that term is defined in 22 M.R.S.A. § 2422(6), as may be amended. A medical marijuana dispensary includes a location at which marijuana is cultivated by a registered dispensary pursuant to 22 M.R.S.A. § 2428, as may be amended. A medical marijuana dispensary is only authorized as a principal use, and not as an accessory use.

**Methadone clinic:** A substance abuse treatment program that provides treatment for persons with heroin or other opiate addictions where the treatment provided includes administration or prescription of methadone or other opioid replacements (e.g., methadone, methadone hydrochloride or LAAM (levo-alpha-acetyl-methadol)) for either detoxification or maintenance purposes.

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4. Moratorium Ordinances Terminated.

The Moratorium Ordinances on Medical Marijuana Dispensaries and Cultivation Facilities as well as Methadone Clinics enacted by Lincolnville Town Meeting on June 18, 2011 and extended by the Board of Selectmen on September 26, 2011 be and hereby are terminated as of the effective date of the above-referenced Land Use Ordinance amendments.