

**2017 AMENDMENTS  
TO THE ZONING ORDINANCE OF THE TOWN OF BOOTHBAY  
REGARDING RETAIL MARIJUANA ESTABLISHMENTS**

The Zoning Ordinance of the Town of Boothbay shall be amended as follows:

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1. Amend Sections 3.9.2.1.3.2 and 3.9.5.1.3.2 of the Zoning Ordinance by adding “Retail Marijuana Establishment” alphabetically in the commercial and industrial use/activity column of the Land Use Table; by adding “PB” [Requires Planning Board determination that Proposal satisfies General Review criteria of Section 3.6.1] to modify said “Retail Marijuana Establishment” use in the Outside Overlay areas column of the Land Use Table; and by adding a reference to Section 3.10.24 of the ordinance in the “Supplemental Standards” column of the Land Use Table to modify said “Retail Marijuana Establishment” use for the C2 and Industrial Park zoning districts.

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  2. Amend Sections 3.9.1.2.1, 3.9.3.2.1, 3.9.4.2.1, 3.9.6.2.1, 3.9.7.2.1, 3.9.8.2.1, 3.9.9.2.1, and 3.9.10.2.1 of the Zoning Ordinance by adding “Retail Marijuana Establishment” alphabetically as a prohibited use in the C1, C3, General Residential, Maritime Commercial, Special Residential, Village, Water Reservoirs Protection and Well Head Protection zoning districts.

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  3. Amend Sections 3.9.1.2.1, 3.9.2.2.1, 3.9.3.2.1, 3.9.4.2.1, 3.9.5.2.1, 3.9.6.2.1, 3.9.7.2.1, 3.9.8.2.1, 3.9.9.2.1, and 3.9.10.2.1 of the Zoning Ordinance by adding “Retail Marijuana Social Club” alphabetically as a prohibited use in the C1, C2, C3, General Residential, Industrial Park, Maritime Commercial, Special Residential, Village, Water Reservoirs Protection and Well Head Protection zoning districts.

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  4. Add a new Section 3.10.24, regarding Supplemental Use Standards for Retail Marijuana Establishments, as follows (additions are underlined):

**3.10.24 Retail Marijuana Establishments**

**3.10.24.1 Location criteria.** No retail marijuana establishment shall be sited within five hundred (500) feet of the lot lines of a drug free safe zone.

**3.10.24.2 Area of activities.** Production, storage, testing, display, and sale of marijuana and marijuana products shall be within a building and shall not be visible from the exterior; provided, however, that a mobile, self-contained extraction lab maybe in operation at a retail marijuana establishment site on a temporary, short-term basis (i.e., less than five (5) days per month).

**3.10.24.3 Noxious gases and fumes.** Retail marijuana product manufacturing facilities and retail marijuana testing facilities shall include appropriate ventilation and alarm systems to mitigate noxious gases or other fumes used or created as part of the production.

**3.10.24.4 Security.** Security requirements for retail marijuana establishments shall include:

- (1) Lockable doors and windows to include intrusion alarms with audible and law enforcement notification components sending notification directly to or through a third party to the local law enforcement agency.
- (2) Video surveillance capable of covering the exterior of the establishment, interior, and any plants cultivated within the establishment. The video surveillance system shall be operated with continuous recording twenty-four hours per day, seven days per week and such records of surveillance shall be retained for a minimum duration of thirty (30) days.
- (3) Exterior lights with motion sensors covering the full perimeter of the establishment.

**3.10.24.5 Off premises storage.** Off premises storage of marijuana or marijuana products relating to growing, selling, distributing, testing, or processing marijuana or marijuana products is considered an extension of those uses and must meet all state and local standards for those uses, including, without limitation Planning Board review and approval.

**3.10.24.6 Prohibition on drive-through service.** No retail marijuana establishment shall operate a drive-through service.

**3.10.24.7 Additional standards for retail marijuana cultivation facilities.**

**3.10.24.7.1** Retail marijuana cultivation facility activity shall be within an enclosed locked area or enclosed outdoor area. The cultivation area shall not be visible from a public way or adjacent properties.

3.10.24.7.2 Retail marijuana cultivation facilities located in the C2 zoning district are limited to seven thousand five hundred square feet (7500 s.f.) or three hundred (300) flowering marijuana plants, whichever is less. Retail marijuana cultivation facilities located in the Industrial Park zoning district shall be in accordance with State standards.

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5. Amend Section 6, regarding Definitions, by adding alphabetically the following definitions (additions are underlined):

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**Cannabis:** “Cannabis” as that term is defined in 7 M.R.S.A. § 2442(5), as may be amended.

**Drive-through service:** A business establishment that allows for brief walk-up window or drive-through customer transactions on the premises, either by direct contact with service personnel or by use of automated equipment.

**Drug free safe zone:** An area designated as a “safe zone” within the meaning of 30-A M.R.S.A § 3253, as may be amended, by Town Meeting.

**Enclosed, locked facility/Enclosed outdoor area:** A closet, room, building, greenhouse, or other enclosed area that is equipped with locks or other security devices that permit access only by the individual authorized to grow, cultivate, process, store, and distribute marijuana in conformance with the State law.

**Flowering marijuana plant:** “Flowering marijuana plant” as that term is defined in 7 M.R.S.A. § 2442(12), as may be amended.

**Marijuana:** Marijuana means cannabis.

**Plant canopy:** “Plant canopy” as that term is defined in 7 M.R.S.A. § 2442(29), as may be amended.

**Retail marijuana cultivation facility:** A “retail marijuana cultivation facility” as that term is defined in 7 M.R.S.A. § 2442(35), as may be amended. A retail marijuana cultivation facility is an entity licensed to cultivate, prepare and package retail marijuana and sell retail marijuana to retail marijuana establishments and retail marijuana social clubs.

**Retail marijuana establishment:** A “retail marijuana establishment” as that term is defined in 7 M.R.S.A. § 2442(36), as may be amended. A retail marijuana establishment is a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturing facility, or a retail marijuana testing facility.

**Retail marijuana products manufacturing facility:** A “retail marijuana products manufacturing facility” as that term is defined in 7 M.R.S.A. § 2442(38), as may be amended. A retail marijuana products manufacturing facility is an entity licensed to purchase retail marijuana; manufacture, prepare and package retail marijuana products; and sell retail marijuana and retail marijuana products only to other retail marijuana products manufacturing facilities, retail marijuana stores and retail marijuana social clubs.

**Retail marijuana social club:** A “retail marijuana social club” as that term is defined in 7 M.R.S.A. § 2442(39), as may be amended. A retail marijuana social club is an entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises.

**Retail marijuana store:** A “retail marijuana store” as that term is defined in 7 M.R.S.A. § 2442(40), as may be amended. A retail marijuana store is an entity licensed to purchase retail marijuana from a retail marijuana cultivation facility and to purchase retail marijuana products from a retail marijuana products manufacturing facility and to sell retail marijuana and retail marijuana products to consumers.

**Retail marijuana testing facility:** A “retail marijuana testing facility” as that term is defined in 7 M.R.S.A. § 2442(41), as may be amended. A retail marijuana testing facility is an entity licensed and certified to analyze and certify the safety and potency of retail marijuana and retail marijuana products.

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**2017 AMENDMENTS  
TO THE ADMINISTRATIVE CODE OF THE TOWN OF BOOTHBAY  
TO ADD THE TOWN OF BOOTHBAY DRUG FREE SAFE ZONE ORDINANCE**

The Administrative Code of the Town of Boothbay shall be amended to add the following:

**5.11 DRUG FREE SAFE ZONE ORDINANCE**

**Section 5.11.1 Purpose.**

The purpose of this ordinance is to establish safe zones, *i.e.*, athletic fields, parks, playgrounds, recreational facilities and other areas frequented by minors within the Town of Boothbay, for the purpose of protecting minors against individuals trafficking, furnishing or cultivating drugs within designated safe zones.

**Section 5.11.2. Authority.**

This ordinance is enacted pursuant to 30-A M.R.S.A. § 3253, as may be amended.

**Section 5.11.3. Applicability.**

This ordinance shall apply to the areas designated herein as safe zones within the Town of Boothbay.

**Section 5.11.4. Designated Areas.**

The following athletic fields, parks, playgrounds, recreational facilities and other areas frequented by minors are hereby designated as safe zones:

<b>Drug Free Safe Zone</b>	<b>Assessor's Tax Map/Lot as of 4/1/17 assessment date</b>
Harold B. Clifford Playground	Map R4, Lot 5
Knickerbocker Lake Access Area	Map R4, Lot 160B
Knickercane Island	Map R4, Lot 103A
Knickercane Boat Launch and Parking Areas	Map R4, Lot 104A
Boothbay Common	Map U18, Lot 31
Three Trees on Ocean Point	Map U1, Lot 148
Murray Hill Boat Launch	Map U15, Lot 12
Shipbuilders Park	Map U16, Lot 13
Grimes Cove Path	Map U2, Lot 35

**Section 5.11.5. Signage.**

Each safe zone designated under this ordinance shall be conspicuously marked as such with an informational sign using wording approved by the Commissioner of Public Safety pursuant to 30-A M.R.S.A. § 3253, as may be amended.

**Section 5.11.6. Enforcement.**

If a person is found trafficking, furnishing or cultivating drugs within a designated safe zone, he or she may be found guilty of an aggravated offense and subjected to increased penalties.

**Section 5.11.7. Effective Date.**

This ordinance shall become effective upon adoption by Town Meeting.