



TOWN OF GRAY
GRAY TOWN COUNCIL WORKSHOP
AGENDA • JULY 5, 2022

**Gray Town
Council Workshop**

Town Council Chambers
24 Main Street, Gray, ME 04039
<https://us06web.zoom.us/j/88307879303>
Phone 646-558-8656 / Meeting ID: 88307879303

6:00 PM

CALL to ORDER

Roll Call

WORKSHOP 6:00 PM - 6:55 PM

1. Finalize Town Manager Evaluation Terms - Sandy
2. Marijuana resident requests - All
3. Update on Village Visioning Planning

** The Town of Gray is an equal opportunity employer and complies with all applicable equal access to public accommodations law. If you are planning to attend a Town Council or Town committee or board meeting and need assistance with a physical disability, please contact the Town Manager's office at least 48 hours in advance of the meeting to have the Town assist you. 657-3339. TTY 657-3931.*

_____, Gray Town Manager
Performance Evaluation
March 1, 2021 – February 28th, 2022

Section 1: Achievement of Goals from last review period.					
Below are the goals that were set for the TM in March 2021. Please rate the Town Manager's progress toward these goals using the performance rating scales below.	Exceeds Expectations	Met Expectations	Needs Improvement	Not Applicable/ Do not know	
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
Comments:					

Narrative: (General description of position)

See Job Description Document.

Section 2: Leadership					
Please rate the Town Manager's role in pursuing the organization's mission and modeling the core values below.	Exceeds Expectations	Met Expectations	Needs Improvement	Not Applicable/ Do not know	
Pursuing Town's Mission: <ul style="list-style-type: none"> Ensures that all Federal and State laws and regulations, Town Charter, and Acts of the Town Council are enforced and implemented as completely and effectively as possible. 					

<ul style="list-style-type: none"> Although governed by policies, the Manager must frequently act without precedent. 					
Operating with Excellence: <ul style="list-style-type: none"> Maintains a positive and professional attitude, can handle challenging situations, and can set limits. Is a strong leader who creates an environment where people want to work as part of the team. 					
<ul style="list-style-type: none"> Has strong organizational skills with ability to manage multiple priorities simultaneously, has the flexibility to accommodate changes in priorities, and to manage a broad range of services efficiently. 					
Vision: Identifies potential opportunities and/or threats facing the Town in the short and long term.					
Continuous Improvement: <ul style="list-style-type: none"> Seeks, evaluates, and acts upon opportunities for innovation to change, grow and improve 					
Empowering Others: <ul style="list-style-type: none"> Possesses good judgment. Has the ability to delegate, to use limited resources efficiently, and to recommend creative and practical solutions to complex problems or challenges. 					
<ul style="list-style-type: none"> Provides leadership and direction on short and long range goals and plans for the Town. 					
<ul style="list-style-type: none"> Inspires others by recognizing and appreciating individual excellence across the organization 					
Community Leadership: <ul style="list-style-type: none"> Serves as liaison between the Town Council and various public and private agencies and businesses, the press and the Citizens of the Town of Gray. Represents the Town to a variety of outside Organizations including but not limited to Maine Town & City Management Association, International City Management Association, Maine Municipal Association and EcoMaine. 					
<ul style="list-style-type: none"> Drafts and proposes policies as deemed necessary for the Community. 					
<ul style="list-style-type: none"> Is articulate, honest, open, and confident, and possess strong verbal and written communication skills, and excellent facilitation skills. 					
<ul style="list-style-type: none"> Comments: 					

Section 3: Management Performance

Please rate the Town Manager's performance in the following management areas of human resources, financial, philanthropy/fund development and governance:	Exceeds Expectations	Met Expectations	Needs Improvement	Not Applicable/ Do not Know
Human Resources: <ul style="list-style-type: none"> Recruits, develops, and retains a capable staff and manages its performance effectively including fixing employee compensation. 				
<ul style="list-style-type: none"> Provides staff in all departments with the clear and efficient operating procedures necessary to carry out Council policy mandates and operational responsibilities. 				
Finance: <ul style="list-style-type: none"> Works with the Department heads and the Council to prepare budgets, monitor progress, and initiate changes (to operations, finance practices and/or to budgets), as appropriate 				
<ul style="list-style-type: none"> Serves as Town's Purchasing agent, approving and/or denying all requested purchases and is responsible for letting, making and performance of all contracts for work done for the Town. Oversees the bid process on major purchases. 				
<ul style="list-style-type: none"> Responsible for ensuring the completion of an annual audit of the Towns finances and make available to the public. 				
Financial Capacity/Strength Development: <ul style="list-style-type: none"> With Department heads, implements and pursues strategies for funding support, state and federal grants/agreements, public/private partnerships and cooperating agreements that provide greater financial depth and capacity. 				
<ul style="list-style-type: none"> Responsible for preparing an annual report of the previous year's activities and make available to the public. 				
<ul style="list-style-type: none"> Attends conventions, State/Regional/Professional level training, State/Regional functions, Community Events/functions, etc. on behalf of the Town. 				
Governance: <ul style="list-style-type: none"> Monitors legislation pending in the legislature, secures policy direction from the Council and communicates same to Legislators. May act as liaison to Congressional staff or lobbyists. 				
<ul style="list-style-type: none"> The Town Manager shall oversee control over all municipal facilities, the construction and maintenance of all Town buildings, roads, highways, walks and bridges, parks, recreational areas and all other Town facilities. 				
<ul style="list-style-type: none"> Maintains an accessible relationship with the public for listening, responding to concerns and complaints, and offering guidance for services not performed by the municipality. 				
<ul style="list-style-type: none"> Provides suitable and timely information to the Council about key issues for discussion, analysis and decision making that allows the Council to set the agenda and focus of meetings. Attends the meetings of the Council except when the Manager's removal is being considered. 				
Comments:				

Section 4: Goals for the next review period

Please list up to 5 goals to be considered for the TM's next contract year.

Goal 1	
Goal 2	
Goal 3	
Goal 4	
Goal 5	
Comments:	

Section 5: Performance Improvement Plan

Outline any areas where the Town Manager needs improvement to reach higher levels of performance.

Section 6: Development Plan

Outline training/development that will enhance Town Manager's contribution to the organization. Also specify areas of support and action that the Council can do to help the Town Manager.

Section 7: Additional Comments

If there is anything else you would like to add, or if you have suggestions for improving this form for future evaluations, please include those comments here.

Nate Rudy, Town Manager

Sandy Carder, Town Council Chair

Date

Term Guidance:

Exceeds:

Takes initiative or unexpected actions towards expectation/goal
Proactive in planning and problem-solving to accomplish expectation/goal
Assumes extra responsibilities
Consistently above expected performance

Mets:

Completes expectation/goal as planned
Completes expectation/goal based on mitigating/unavoidable factors

Needs Improvement:

Was unable to meet expectation/goal without mitigating/unavoidable factors
More effort, time or training needed to fully meet expectation

Not applicable/Do not know:

Applicable when person submitting evaluation form does not have first hand knowledge and/or access to results of expectation/goal.

Special Permit the activity must be immediately discontinued or brought into conformance with the minimum standards of performance or be violation of this code.

2. The proposed activity will not create, cause, or increase any health, safety, or public nuisance problems. In making this determination, the Code Enforcement Officer shall seek input from the Fire Chief and Public Works Director.
 3. The proposed activity will not cause immediate or future damage to adjacent properties.
 4. Reasonable provisions are made to prevent or minimize harmful environmental impacts of the proposed activity.
- B. To assist the Code Enforcement Officer in making these determinations a public hearing may be required for the purpose of soliciting additional information or other municipal boards and commissions may be consulted. If an extension of a Special Permit beyond one (1) week is requested, the Code Enforcement Officer must obtain the concurrence of the Planning Board before such an extension is granted.

402.6.7 Regulation of Signs

All signs are required to meet the requirements of the Sign Ordinance, Chapter 406.

402.6.8 Regulation of Mobile Home Parks

Mobile Home Parks shall be subject to the provisions of the Mobile Home Park Ordinance, Chapter 402.A.

402.6.9 Parking Requirements

All uses of land and development of property shall be provided with parking and loading facilities meeting the standards of Section 402.10.11 B under Site Plan Review.

402.6.10 Townwide Erosion and Sedimentation Standard

- A. All activities, except those specifically exempted in this Section 402.6.10, which involve filling, grading, excavation, or other similar activities which result in unstabilized soil conditions, whether or not a permit is required, are required to adhere to Maine Erosion and Sediment Control Best Management Practices (BMP's) as published by the Maine Department of Environmental Protection until the site is stabilized.
- B. The following activities, as defined by the State of Maine and/or this Ordinance, are exempt from following MeDEP's BMP's provided that all applicable State and local standards are met and maintained:
 1. Agriculture
 2. Forestry and/or Timber Harvesting
 3. Duly permitted Mineral Extraction/Gravel Pits

402.6.11 ADULT USE MARIJUANA

A. The following uses as defined by this Chapter and under the "Marijuana Legalization Act" (28-B M.R.S.A. §§ 102 – 1504, as may be amended and successor provisions thereof) are hereby expressly prohibited in all Zoning Districts within the Town of Gray:

(1) Adult Use Marijuana Establishments, including:

- (a) Adult Use Marijuana Cultivation Facility
- (b) Adult Use Marijuana Products Manufacturing Facility
- (c) Adult Use Marijuana Testing Facility
- (d) Adult Use Marijuana Store

(2) Any other use not included within the uses above, as defined herein, that includes the sale or manufacturing of Adult Use Marijuana or Adult Use Marijuana Products and Marijuana Extraction

B. This Section shall be construed to limit the use, possession, transport, cultivation, transfer or purchase of Adult Use Marijuana to the greatest extent permitted by the Marijuana Legalization Act (28-B M.R.S.A. §§ 102 – 1504, as may be amended from time to time and successor provisions thereof). Further, this Section shall be deemed to prohibit, and does hereby prohibit, attempts to circumvent its restriction on selling Adult Use Marijuana by persons or transferring or furnishing Marijuana or Marijuana Concentrate without remuneration, in connection in any way with any lawful transaction under the guise of being a gift or an enhanced consideration for same.

C. Home cultivation of personal Adult Use Marijuana is permitted within the Town of Gray in all zones subject to the following restrictions:

- (1) Persons cultivating Adult Use Marijuana must be 21 years of age or older;
- (2) Cultivation of Adult Use Marijuana shall be limited to a total number of three (3) mature marijuana plants and twelve (12) immature marijuana plants on any one parcel or tract of land within the Town;
- (3) Cultivation is only permitted on a parcel or tract of land within the Town on which the person cultivating Adult Use Marijuana is domiciled;
- (4) Cultivation that occurs outdoors shall be sufficiently screened to ensure that plants are not visible from an abutting property or a public or private road or right of way; and
- (5) Cultivation that occurs outdoors must meet all applicable setbacks required for structures under this Ordinance, and in no event shall outdoor cultivation be less than ten (10) feet from any lot line.

The limitations in this section shall apply per person domiciled on a parcel or tract of land and shall not apply to seedlings.

D. Nothing in this Section shall be construed to prohibit any lawful use, possession or conduct pursuant to the “Maine Medical Use of Marijuana Act” (22 M.R.S.A. §§ 2421 – 2430-B, as may be amended from time to time and successor provisions thereof).

- C. The occupation or profession shall not utilize more than ten (10) percent of the finished floor area of the dwelling unit nor more than five hundred (500) square feet of indoor storage or materials, supplies or equipment.
- D. Any sign must meet applicable standards contained Gray's Sign Ordinance (Chapter 406).
- E. No outdoor storage of any vehicle associated with the occupation or profession shall be allowed except for a maximum of one (1) vehicle less than 16,000 gross vehicle weight and one (1) trailer less than twenty (20) feet in total length at any time. For the purposes of this use, an additional trailer or other registered, over the road implement utilized for the occupation of profession shall constitute a vehicle.
- F. Adequate off-street parking and turn-around area shall be provided on the property where the Building Trades Occupation use is occurring to avoid the necessity to back out onto a publicly maintained roadway.
- G. There shall be no exterior display, no exterior storage of materials, supplies, or equipment and no exterior indication of the occupation or profession or variation of the residential character other than a duly authorized sign.
- H. No offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbances shall be generated by the occupation or profession.
- I. Traffic in excess of that customarily occurring in a residential neighborhood shall not be generated by the occupation or profession. Residential traffic shall be measured according to the current edition of the Institute of Traffic Engineers handbook.
- J. The CEO approval is only valid for the applicant. In the event that the applicant/ owner of the property changes, a new approval is required to operate the Building Trades Occupation-1 use.

402.7.20 RETAIL MARIJUANA

- A. The following uses as defined by this Chapter and under the “Marijuana Legalization Act” (7 M.R.S.A. §§ 2441 – 2454, as may be amended and successor provisions thereof) are hereby expressly prohibited in all Zoning Districts within the Town of Gray:
 - 1. Retail Marijuana Cultivation Facility
 - 2. Retail Marijuana Establishment
 - 3. Retail Marijuana Products Manufacturing Facility
 - 4. Retail Marijuana Social Club
 - 5. Retail Marijuana Store
 - 6. Retail Marijuana Testing Facility
- B. This Section shall be construed to limit the use, possession, transport, cultivation, transfer or purchase of Retail Marijuana to the greatest extent permitted by the Marijuana Legalization Act (7 M.R.S.A. §§ 2441 – 2454, as may be amended from time to time). Further, this ordinance shall be deemed to prohibit, and does hereby prohibit, attempts to circumvent its restriction on selling retail marijuana by persons or firms giving it away, nominally without charge, in connection in any way with any lawful transaction under the guise of being a gift or an enhanced consideration for same.

- C. Nothing in this Section shall be construed to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act (22 M.R.S.A. 2421 – 2430-B, as may be amended from time to time).

402.7.21 FARMERS' MARKET

- A. The purpose of this ordinance is to regulate the temporary use of land for the establishment of farmers' markets as defined by 7 M.R.S. §415, where the primary purpose of the market is to make local farm and food products available to the public.
- B. Administration and Enforcement: This ordinance shall be administered by the Community Development Department and enforced by the Code Enforcement Officer.
- C. Farmers' Market on Town Property: The Town Council may authorize the Town Manager to enter into a lease or license agreement for the use of Town property for the purpose of operating a Farmers' Market. No license for the sale at a Farmers' Market of any items shall be issued by the Town Clerk until the applicant has filed with the Town Clerk a certificate evidencing liability coverage at the minimum amount recommended by Maine Municipal Association at the time of the event and naming the Town as an additional insured. The licensee shall maintain such insurance at all times while engaged in sales at a farmers' market, and the licensee shall provide the Town Clerk with not less than ten (10) days' advance written notice of the cancellation, expiration or non-renewal of said insurance.
- D. Farmers' Market on Private Property: Farmers' Markets may take place on private property, where allowed as a permitted or conditional use under Chapter 402 with written consent of the property owner.
- E. Prohibitions
1. A person may not use the terms "Farm and Food Products", "Farmer", or "Farmers' Market" to describe a market or other sales that does not meet the terms of the definitions set forth in 402.2.2.
 2. A person may not sell farm and food products at a market labeled "farmers' market" unless at least 50% of the farm products offered by that person were grown, processed, or prepared by that person or under that person's direction.
 3. A product not grown, processed, or prepared by the farmer or under that farmer's direction must have been grown, processed, or prepared by and purchased directly from another farmer and the name and location of the farm must be identified on the product or on a sign in close proximity to the displayed product.
 4. Invasive terrestrial plants, weapons, fireworks, tobacco or tobacco products, and marijuana, marijuana products or tobacco/marijuana paraphernalia are prohibited. Hemp-based Cannabidiol (CBD) products are allowed if locally sourced and prepared by the farmer.
 5. Live animals offered for sale are prohibited.
- F. Additional Conditions for Farmers' Markets
1. Sufficient off-street parking, not within a public way, must be provided for both the Farmers' Market vendors and their patrons. One space per 400 sf of stalls/tables is required.

- b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - c. Permanent stabilization structures such as retaining walls or riprap.
12. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
13. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
14. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
- a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
15. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

Q. Erosion and Sedimentation Controls

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

402.8.7 Medical Marijuana

A. The following uses as defined by this Chapter and under the “Maine Medical Use of Marijuana Act” (22 M.R.S.A. §§ 2421 – 2430-B, as may be amended from time to time and successor provisions thereof) are hereby expressly prohibited in all Zoning Districts within the Town of Gray:

- (1) Medical Marijuana Registered Dispensary
- (2) Medical Marijuana Registered Dispensary Cultivation Facility
- (3) Medical Marijuana Testing Facility
- (4) Caregiver Retail Store
- (5) Marijuana Food Establishment
- (6) Medical Marijuana Manufacturing Facility
- (7) Any other use not included within the uses above, as defined herein, that includes the harvesting, production, manufacturing, testing, or sale of medical marijuana.

B. Location Criteria

1. Registered Caregivers and Registered Caregiver Cultivation Areas shall only be located consistent with Table 402.5.3 of this Ordinance. Registered Caregivers and Registered Caregiver Cultivation Areas shall be conditional permitted uses in the zoning districts identified in Table 402.5.3 and shall be subject to Planning Board review and approval subject to the provisions of this Section 402.8.7 and Section 402.9.3 of this Ordinance.

2. In addition, no Registered Caregivers or Registered Caregiver Cultivation Areas, where permitted, shall be sited within one thousand feet (1,000') of any of the following preexisting uses:

- a. A church, synagogue, or other house of religious worship;
- b. A public, private or charter school;
- c. An athletic field, park, playground, or recreational facility owned and/or operated by a public entity such as the Town or a school as defined in subsection B(2)(b) of this Section;
- d. Any juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation treatment center;
- e. A licensed day care home or facility licensed by the State of Maine; or
- f. A lot on which another Registered Caregiver or Registered Caregiver Cultivation Area is sited; provided, however, that this subsection shall not preclude two Registered Caregivers who are members of the same household from sharing a cultivation area on the same lot. The 1,000-foot minimum separation distance between properties utilized for Registered Caregiver purposes shall be measured at their closest point between their lot lines.

3. The 1,000 foot minimum separation distance for uses cited in Section 402.8.7.B.2, subsections a through e, shall be measured from the closest lot line where any such use(s) is occurring to any of the following:

- a. Closest vehicular access to the property where the Registered Caregiver is located; and
- b. Any area on the property utilized for Registered Caregiver or Registered Caregiver Cultivation Area purposes.

4. In addition, no Registered Caregivers or Registered Caregiver Cultivation Areas, where permitted, shall be sited within five hundred (500') of a lot located in any of the following Zoning Districts:

- (a) Village Center Proper (VCP);
- (b) Rural Residential & Agriculture (RRA);
- (c) Lake District (LD);
- (d) Medium Density (MD);
- (e) Business Transitional 1 (BT-1);
- (f) Business Transitional 2 (BT-2);
- (g) Wellhead Protection 1 (WH-1);
- (h) Wellhead Protection 2 (WH-2);
- (i) Limited Residential Shoreland Zone (LR);
- (j) Limited Commercial Shoreland Zone (LC);
- (k) Stream Protection Shoreland Zone (SP); and
- (l) Resource Protection Shoreland Zone (RP).

5. The 500-foot minimum separation distance cited in Section 402.8.7.B.4 above shall be measured from the closest lot line of any parcel located in any Zoning District listed in subsections "a" through "l" to any of the following:

- a. Closest vehicular access to a property where a Registered Caregiver is located; and
- b. Any area on the property utilized for Registered Caregiver or Registered Caregiver Cultivation Area purposes.

C. Hours of Operation

Registered Caregivers and Registered Caregiver Cultivation Areas may be open for business only between the hours of 8:00 AM and 8:00 PM, local prevailing time.

D. Signage and Advertising

All signage and advertising for Registered Caregivers and Registered Caregiver Cultivation Areas shall comply with the standards of Chapter 406, the Sign Ordinance. In addition, no signage or advertising shall use the word "marijuana", "cannabis", or any other word, phrase, or symbol commonly used or 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 discernable 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 registered medical marijuana patients and registered primary caregivers. Signs, advertising and marketing used by a Registered Caregiver for any purpose shall comply with all requirements of 22 M.R.S.A. 2429-B and any rules adopted by the Department of Administrative and Financial Services, and shall not be located within 1,000 feet of the property line of any of the uses outlined in Subsection B.2 above, nor within 500 feet of any lot located in the Zoning Districts outlined in Section B.4 above.

E. Security Measures

Security measures at Registered Caregivers and Registered Caregiver Cultivation Areas shall include, at a minimum, the following:

1. Security surveillance cameras installed and operating 24 hours a day, 7 days a week to monitor all entrances, and the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts, loitering and nuisance activities occurring at the premises;
2. Door and window intrusion robbery and burglary alarm systems with audible and law enforcement notification components that are professionally monitored and maintained in good working condition;
3. A locking safe permanently affixed to the premises that is suitable for storage of all prepared marijuana and cash stored overnight on the premises;
4. Exterior lighting that illuminates the exterior walls of the premises and complies with applicable ordinances of the Town;
5. Deadbolt locks on all exterior doors and locks or bars on any other access points (e.g. windows); and
6. All security recordings shall be preserved for at least seventy-two (72) hours by the Registered Caregiver. The Registered Caregiver shall provide local law enforcement or its designee with the name and functioning telephone number of a 24-hour on-call person to whom the Town or local law enforcement may provide notice of any operating problems associated with the Registered Caregiver or Registered Caregiver Cultivation Area.

F. Caregivers and Patients

Cultivation, processing and/or sales of Medical Marijuana in any zoning district other than a zoning district that allows Registered Caregivers and Registered Caregiver Cultivation Areas shall be limited to Qualifying Patients and Caregivers who are not required to register with the Maine Department of Administrative and Financial Services pursuant to 22 M.R.S.A. 2423-A(3)(C), as may be amended.

F. On-site Consumption of Medical Marijuana

The consumption, ingestion, or inhalation of Medical Marijuana on the premises of a Registered Caregiver must occur indoors.

G. Visibility of Activities; Control of Emissions; and Disposal Plan

1. All activities of Registered Caregivers and Registered Caregiver Cultivation Areas, including, without limitation, cultivating, growing, processing, displaying, selling and storage, shall be conducted indoors.
2. No marijuana or paraphernalia shall be displayed or kept in a Registered Caregiver or Registered Caregiver Cultivation Area so as to be visible from outside the premises.

3. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the premises of a Registered Caregiver or Registered Caregiver Cultivation Area 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.

4. Odor management. For all Registered Caregivers and Registered Caregiver Cultivation Areas, the odor of marijuana must not be perceptible at the exterior of the building at the premises of the Registered Caregiver or Registered Caregiver Cultivation Area, or at any adjoining use of the property. Registered Caregivers and Registered Caregiver Cultivation Areas must utilize and properly maintain appropriate ventilation and filtration systems to satisfy the odor standards contained herein. While these standards do not mandate any particular equipment specifications with regard to filtration, Registered Caregivers and Registered Caregiver Cultivation Areas are strongly encouraged to adopt best management practices with regard to implementing state-of-the art technologies in mitigating marijuana odor, such as air scrubbers and carbon filtration systems.

5. All Registered Caregivers and Registered Caregiver Cultivation Areas shall have in place an operational plan for proper disposal of marijuana and related byproducts.

H. Quiet Enjoyment

The cultivation, processing or sale of Marijuana by Registered Caregivers shall not adversely affect the health or safety of residences or nearby properties through the creation of mold, mildew, dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or create a hazardous condition due to the use or storage of material, processes, products or waste.

I. Code Compliance

Registered Caregivers and Registered Caregiver Cultivation Areas must be in compliance with all State adopted codes applicable to municipalities, including, without limitation, National Electrical Code, Uniform Plumbing Code, National Fire Prevention Association (NFPA) Codes and Standards, and Maine Uniform Building and Energy Code.

J. Sale of Edible Products

No Edible Marijuana Products shall be sold, prepared, produced or assembled by a Registered Caregiver, 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, and all Marijuana must be labeled with a list of all chemical additives, such as non-organic pesticides, herbicides, and fertilizers used in the cultivation and production.

K. Other Laws Remain Applicable

Registered Caregivers and Registered Caregiver Cultivation Areas 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 Registered Caregivers, the stricter law or regulation shall control. Nothing in this Section 402.8.7 is intended to prohibit any lawful use, possession or conduct pursuant to the Marijuana Legalization Act (28-B M.R.S.A. §§ 102 – 1504, as may be amended from time to time and successor provisions thereof), unless otherwise prohibited by this Chapter.

402.8.8 Business Development District 2 Standards

- A. Accessory Uses. Drive through and drive-in facilities are allowed as an accessory use to the permitted and conditional uses in the Business Development 2 District.
- B. Uses per Principal Structure. Notwithstanding Section 402.6.2(D), no more than five permitted or conditional uses are allowed in any principal structure in the Business Development 2 District. No more than one (1) principal structure and its accessory buildings may be located on any one lot unless all applicable space and dimensional standards are met separately for each principal structure on the lot, subject to the conditions that apply to new principal structures in Section 402.6.2(D).
- C. Sign Standards. Signage in the Business Development 2 District is subject to the standards in Chapter 406, the Sign Ordinance, except that: (i) the maximum aggregate sign area may not exceed two percent (2%) of the area of the building footprint per lot; and (ii) one freestanding sign and one freestanding directory sign are permitted per frontage, with up to 100 square feet maximum sign area allowed per sign; and (iii) the maximum sign area for wall, projecting and roof signs is 10% of the wall area or roof area on which they are located and/or attached.

402.8.9 Light Manufacturing Overlay District Standards (LMOD)

A. Applicability

- 1. All uses that are either Permitted or Conditionally Permitted in the Light Manufacturing Overlay District (LMOD) shall conform to applicable standards in this section 402.8.9 including any referenced standards such as Design Standards.
- 2. Article 10 of this Ordinance contains the applicable Site Plan Review (SPR) thresholds, the reviewing authority, and standards.
- 3. Subject to SPR thresholds and standards, LMOD uses for buildings up to 10,000 sq. ft. of footprint area and/or total sq. ft. area shall be "Permitted" uses.
- 4. Subject to SPR thresholds and standards, LMOD uses for buildings from 10,000 sq. ft. to 20,000 sq. ft. of footprint area and/or total sq. ft. area shall be "Conditionally Permitted" uses.
- 5. Individual buildings larger than 20,000 sq. ft. of footprint area and/or total sq. ft. for uses allowed in the LMOD are not permitted in the LMOD.
- 6. In addition to applicable SPR and Conditional Permitted use review(s), the applicant shall submit written documentation detailing how each applicable LMOD standard will be met and maintained.
- 7. The reviewing authority and CEO shall ensure that all LMOD uses meet and maintain the review criteria and applicable standards.
- 8. All uses and standards that are applicable in the underlying Commercial Zoning District shall be applicable except those specifically stated in the Ordinance to be applicable in the LMOD.