

WISCASSET ORDINANCE REVIEW COMMITTEE
MINUTES, MARCH 28, 2022
5:30 VIA ZOOM

Present: Al Cohen, Jackie Lowell, Chair Karl Olson, Don Oyster, Anna Ridle and LCRPC planner Emily Rabbe

Absent: Christopher Juntura

1. Call to Order

Chair Karl Olson called the meeting to order at 5:38 p.m.

2. Approval of Minutes

Approval of minutes was waived.

3. Marijuana draft ordinance discussion with Damariscotta Town Manager Matt Lutkus and Planner Bob Faunce

Matt Lutkus said a survey of Damariscotta residents indicated that the majority were in favor of adult use marijuana at some level. Following the approval by the voters two years ago, the Damariscotta marijuana ordinance was developed. In response to submitted questions from the board, Lutkus said the Damariscotta board wanted to allow only the retail use in downtown area. Caregiver retail and manufacturing facility were limited to two each; registered dispensaries and testing facilities were limited to one each. Grow facilities are allowed in the rural district and testing and manufacturing in the rural and C zone. No applications for testing or grow facilities were received. Damariscotta has one adult use marijuana store. Lutkus said Damariscotta was not overrun with applications. One adult use application was granted in 2020; another person applied but never opened. There are two medical licenses.

Lutkus said fees should be based on what it would cost to administer the licenses; however, the Damariscotta selectmen had opted to set the fee at the highest level of other towns surveyed, which was \$5,000. Setbacks from schools were same as from other adult businesses. The State minimum is 500 feet, but the State has allowed towns to have stricter setbacks -- Damariscotta chose 1000 feet.

Karl Olson said he did not foresee having a rush of applications in Wiscasset. The Wiscasset draft ordinance limits marijuana businesses to Route 1 from Page Avenue to Montsweag Brook and to a short area on Gardiner Road.

Bob Faunce said amendments to the original Damariscotta ordinance were made to prohibit a store owner from applying for a second license, thus creating a monopoly, and to prohibit a person being involved in two different entities. The question of enforcement was also clarified giving the police department and the code enforcement officer authority to enforce the ordinance.

In response to a question on engaging the public in the process, Lutkus said Damariscotta had conducted a survey using SurveyMonkey and held public meetings -- community conversations

publicized by emails and letters. He said the first meeting was well attended; however, only ten people attended the second meeting.

It was suggested that Wiscasset may want to include a review fee for consultants in its ordinance to insure there will be odor mitigation if necessary, particularly in a multi-use structure, and/or if structural modifications are necessary.

Following the presentation, the committee made the following recommendations/decisions:

- Remove the lottery section from the draft.
- Restrict ownership of multiple licenses to the same person to eliminate creating monopoly.
- Amend sign ordinance, Site Plan Review, use table, zoning ordinance.
- Marijuana licenses will not be issued within 1000 feet of public or private schools, daycare centers, churches, community center and town office.
- Decide whether ball fields are included in setback.
- Decide whether the 1000-foot distance is from the facility or property line.
- Limit of two licenses of each kind but not to the same person.
- Cultivation would be limited to the rural zone.
- Include consultant's fee.
- Look at fee schedules from Damariscotta, Bath, Woolwich, Brunswick, and Topsham, although fees are set by the selectboard.
- Review draft ordinance for changes, deletions, or additions.

4. Other Business

Al Cohen moved to approve the minutes. 3-0-1.

5. Adjournment

At 6:23 Al Cohen moved to adjourn the meeting. Vote 4-0-0.