



*City of Caribou, Maine*

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**AGENDA  
Caribou Planning Board  
Regular Meeting  
Wednesday, January 4, 2017 at 5:30 p.m.  
Caribou City Council Chambers**

- I. Swearing in of New Members
- II. Election of Officers for 2017 2
  - a. Chairman
  - b. Vice-Chairman
  - c. Secretary
- III. Setting Meeting Dates/Times for 2017 3
- IV. New Business
  - a. Marijuana Dispensaries Ordinances 4-6
- V. Old Business
- VI. Other Business
- VII. Adjournment



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OFFICE OF THE CITY MANAGER  
CARIBOU, MAINE

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To: Chairman and Planning Board Members  
From: Austin Bless, City Manager  
Date: January 4, 2017  
Re: Election of Officers for 2017

We need to elect officers for 2017. The officer positions include Chairman, Vice-Chairman, and Secretary.

These votes should be taken individually.



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OFFICE OF THE CITY MANAGER  
CARIBOU, MAINE

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To: Chairman and Planning Board Members  
From: Austin Bless, City Manager  
Date: January 4, 2017  
Re: Setting Meeting Dates and Times

The last few years we have had meetings the first Wednesday of the month at 5:30pm. We can keep that schedule if the Board likes, but it should be voted upon.



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OFFICE OF THE CITY MANAGER  
CARIBOU, MAINE

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To: Chairman and Planning Board Members  
From: Austin Bless, City Manager  
Date: January 4, 2017  
Re: Marijuana Dispensaries

With the moratorium in place, and recreational marijuana laws set to go into effect in 2017, the Planning Board is tasked with drafting ordinances that regulate this. The intent of the moratorium was to prevent all marijuana establishments including recreational and medical. With the governor proposing to do away with medical marijuana it only makes sense to have the moratorium on everything.

The first question is whether we want to have these establishments in our community at all. During the recent vote 62% of the people in Caribou voted against legalization of recreational marijuana.

The Police Chief recommends that we do not allow marijuana facilities in Caribou. I would agree that is the most prudent step at this point in time.

There are too many unknowns with this law that allowing these operations to set up shop in Caribou would pose large negative impacts on our community and our already stretched city resources.

If the Planning Board feels this is something we should allow, then we need to discuss locations based upon the zoning map and some restrictions or regulations we want to place on them.

I'm not aware of any community that has yet created an ordinance regulating recreational marijuana, but Ellsworth has banned it. You can view that ordinance here:  
<http://www.ellsworthmaine.gov/wp-content/uploads/2016/12/61.-Recreational-Marijuana-Prohibition-Ordinance.pdf>

As the moratorium in place also impacts the medical marijuana dispensaries we should discuss how, if at all, we may want to change the ordinance as it relates to that, if we want to allow those at all as well. The concern from communities that have medical marijuana dispensaries is that they will be a front for recreational operations.

The current ordinance regarding dispensaries is on the next page.

### **39. Registered Nonprofit Dispensaries and Registered Cultivation Facilities for Medical Marijuana**

#### **A. Purpose and Authority**

To regulate the location of Registered Medical Marijuana Dispensaries within the City of Caribou:

Pursuant to Title 22 MRSA Chapter 558 C and §2428 (10), Maine law provides for the siting of Medical Marijuana Dispensaries as permitted by the Department of Health and Human Services. The City of Caribou also reserves the right for additional siting and licensing requirements pursuant to municipal home rule authority, Title 30-A MRSA §3001.

Where as marijuana has been determined to have both legitimate medical uses as well as a history of widespread illegal use, this Ordinance shall serve to govern the siting and licensing requirements specific to the City of Caribou for the operation of a Registered Medical Marijuana Dispensary.

#### **C. Regulations:**

1. The establishment of a Registered Nonprofit Dispensary or Registered Cultivation Facility shall require review by the Caribou Planning Board as per Section 13-300 "Site Design Review" of the Caribou Code. Section 13-302 (B) shall require a mandatory public hearing as part of the Site Design Review. Siting requirements shall also apply to any and all ancillary structures, mobile units, or any future types of dispensary mechanisms as yet contemplated within this ordinance.
2. No Certificate of Occupancy shall be granted for a Registered Nonprofit Dispensary unless the structure providing the service is located in the H-1, C-1, C-2, I-1, I-2 or RC-2 Zones.
3. No Registered Nonprofit Dispensary shall be allowed in the R-1, R-2 or R-3 Residential Zones or within 300 feet of an existing residential dwelling or within 300 feet of the R-1, R-2 or R-3 Residential Zone Boundary Line.
4. No Certificate of Occupancy shall be granted for a Registered Nonprofit Dispensary if the premise concerned is located within the Drug Free Safe Zone, or 500 feet of a preexisting Private School, Day Care Facility, or House of Public Worship.
5. No Certificate of Occupancy shall be granted for a Registered Cultivation Facility unless the structure is located within a Registered Nonprofit Dispensary or is offsite from the Dispensary within the R-3 Zone and also meeting all setback requirements applicable to Registered Nonprofit Dispensaries.
6. No Certificate of Occupancy shall be granted for a Registered Nonprofit Dispensary unless the premise concerned is in complete compliance with all municipal, state and federal Codes and Regulations.

Security requirements for both the Registered Nonprofit Dispensary and associated Registered Cultivation Facilities shall include as a minimum:

- a. Lockable doors and windows to include intrusion alarms with audible and police notification components sending notification directly to or through a second party to the Caribou Police Department.
  - b. Exterior security lighting comprised of spot lights with motion sensors covering the full perimeter of the facility.
  - c. Video surveillance capable of covering the entire perimeter of the facility, interior, and all plants cultivated within the facility. 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 90 days
7. A Registered Nonprofit Dispensary and Registered Cultivation Facility may not continue to employ an employee who is convicted of any state or federal controlled substance law, or is under indictment or charged with any state or federal controlled substance law violation, while employed at the Registered Nonprofit Dispensary and or Registered Cultivation Facility. If a principal officer or board member is convicted of any state or federal controlled substance law while a principal officer or board member of a

Registered Nonprofit Dispensary or Registered Cultivation Facility, that Registered Nonprofit Dispensary or Registered Cultivation Facility shall immediately be considered in violation of this Chapter.

8. Medical Marijuana Disbursing Facilities must provide an adequate interior waiting area to ensure no exterior waiting of clients.
9. Medical Marijuana Disbursing Facilities must provide adequate off street parking on site at 1 parking space per every 150 square feet of interior space. Each parking space shall be a minimum of 9 feet wide by 21 feet long.
10. All signage shall meet the requirements of Section 13-700, #29, A through H and may not use any pictorial representations of any portion of a marijuana plant, products, by-products, or paraphernalia associated with the use or distribution of legalized medical marijuana or illegal use of marijuana.