

Stephen H. Burns

From: Stephen H. Burns
Sent: Thursday, March 6, 2014 11:24 AM
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Cc: Community Development; Robert G. Yandow; Douglas P. Bracy
Subject: I need the Planning Board's help

Greetings,

I have a problem on my hands and I need the Planning Board's help. For background information only, my Department is dealing with a medical marijuana facility that currently operates in one of the GEN zones in York. The owner applied to expand (but has since withdrawn that application), and at the same time the neighbors have started noticing changes in their neighborhood and have started to express concerns about impacts like new traffic patterns, odors, and a perceived risk to their safety. We're getting hit from both sides. This in and of itself is nothing more than a normal day in this office, except for the fact that it's a medical marijuana facility. On one hand, Maine has medical marijuana statutes and the administrative rules that are steeped in secrecy - all based on the need for medical confidentiality. On the other hand, we have a land use matter (really little different than a pharmacy or doctor's office) which is supposed to be dealt with in an open and transparent manner. See Zoning Section 18-A.2.A, Goal of Transparency. Thus, my dilemma and my request for your help. You can't help us with today's challenge, but I believe you can help us prevent recurrence of the problematic aspects of this situation in the future.

So what help am I requesting? I want the Board to work with Christine to amend the Zoning Ordinance to explicitly address medical marijuana facilities as a land use. First, I suggest we create a use category in Article 4, perhaps "Medical Marijuana Facility" or "Dispensary" or??? Figure out where that fits in the use categories (commercial, industrial...) and in which zones these will be permitted. Second, I suggest that a new or expanded marijuana use be allowed only by Planning Board approval, not by the CEO. This would ensure a public hearing and openness to any approval process that doesn't exist for staff-level permitting, and I think openness and information sharing is a critical piece of this puzzle. Third, I suggest we look into standards that should be applied. While simple classification of a use as commercial can automatically trigger performance standards (Zoning Section 6.1 or 6.3), there might be other considerations here. I have a concern, given the State's secretive approach, about how we could ever know the facility has the required state licenses and continues to operate within the limitations of those licenses. Because of the statutes and rules, this is a very different use than all others with which we deal.

May I please have time on the Board's March 27th workshop agenda? I would like to have a draft amendment ready for a vote this coming November. If the Board is agreeable, we need to get started and figure out how best serve the public interests of facilitating the cultivation and dispensing of marijuana for medical purposes, consistent with the direction of the voters of the State of Maine, while at the same time preventing impacts such a use can have on the neighborhood and Town and making decisions in a transparent manner, consistent with the direction of the voters of the Town of York.

Thank you!

Steve

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