

**- PUBLIC MEETING -
Hope Select Board
Meeting at 6:30 p.m.
December 12, 2023
Hope Town Office**

-AGENDA-

Call to Order:

Agenda Adjustments/Approval:

Public Comment (*Please limit comments to 2-3 minutes*):

Minutes:

- November 14, 2023:
- November 30, 2023:

Warrants 44, 45, 46, & 47:

New Business:

- Cemetery By-Laws Amendment – Beth Gindel:
- Snowplowing Contractor Update – Jake Boyington:
- Road Commissioner Update – John Monroe:
- Request for Special Town Meeting on Tuesday, January 16, 2024, for the following LUO & SZO Amendments:
 - LUO - Cannabis cultivation, manufacturing, and testing facilities:
 - LUO - Medical cannabis dispensaries:
 - LUO – Industrial Metallic Mineral Mining:
 - LUO – Solar Energy Facilities:
 - SZ – Industrial Metallic Mining:
 - Repeal of “Ordinance Prohibiting Retail Marijuana Establishments And Retail Marijuana Social Clubs In The Town Of Hope, Maine” (if cannabis cultivation, manufacturing, and testing facilities amendment passes):
- ***Eliminate Septic Program Reserve Account - \$401.71:***
- ***Eliminate Miscellaneous Liabilities Solar Farm Gate - \$888.76:***
- ***Approval to hire Planner to assist with the Affordable Housing Ordinance Development & Creation:***

Old Business:

Other Business:

- SharePoint Workshop for Select Board:

Town Administrator’s Report:

Adjournment:

MINUTES OF SELECT BOARD MEETING

**Hope Select Board
Tuesday, November 14, 2023
5:30 p.m.
Hope Town Office**

Board Members Present:

- Sarah Ann Smith, Charlie Weidman, Mike Brown, Michael Schultz, and Wayne Luce

Others Present:

- Samantha Mank, Chelsea Summers, Matthew Deane, and Bill Kelly

Call to Order:

- The meeting was called to order at 5:30 p.m. by Sarah.

Executive Session:

- Charlie made a motion to enter executive session pursuant to 1 M.R.S. §405 (6)(E) for consultation with the Town Attorney concerning legal issues regarding a consent agreement for land use violations at 5:31 p.m. It was seconded by Wayne.

Motion passed 5-0

- Charlie made a motion to exit executive session at 6:17 p.m. It was seconded by Wayne.

Motion passed 5-0

- Action resulting from Executive Session: Town Attorney, Bill Kelly called Cam Ferrante, Doug Kelly's attorney, and had him on speaker phone while Charlie made a motion that the Select Board approve and accept this Consent Agreement between Doug Kelly and the Town of Hope and to authorize the Town Administrator to sign the agreement on behalf of the Town provided that Doug Kelly's signature includes being the Trustee for the Douglas Wayne Kelly Sr. Family Trust. It was seconded by Wayne.

Motion passed 5-0

Public Hearing:

- Charlie made a motion to open the Public Hearing pursuant to 22 M.R.S. §4305 regarding maximum levels of general assistance allowed at 6:30 p.m. It was seconded by Mike.
- There were no members of the public present to make comments.
- Charlie made a motion to close the Public Hearing at 6:32 p.m. It was seconded by Mike.

Motion passed 5-0

Agenda Adjustments/Approval:

- The agenda was approved by consent.

Public Comment:

- None

Minutes:

- October 10, 2023: Michael made a motion to approve the 10/10/23 minutes as written. It was

seconded by Charlie.

Motion passed 4-0-1 (Charlie)

- October 24, 2023: Michael made a motion to approve the 10/24/23 minutes as written. It was seconded by Wayne.

Motion passed 4-0-1 (Charlie)

Warrants 33, 34, 35, 36, 37, 38, & 39:

- Charlie made a motion to approve the warrants 33, 34, 35, 36, 37, 38, and 39. It was seconded by Mike.

Motion passed 5-0

New Business:

- Adopt 2023 General Assistance Maximums: After reviewing the state maximum levels of assistance allowed and having conducted the legally required public hearing, Charlie made a motion to adopt and sign the general assistance maximum levels allowed appendices A thru H and Recovery Housing. It was seconded by Michael.

Motion passed 5-0

- Town Investments w/ First Wealth Management: The Bookkeeper has been watching the reporting for The First Wealth Management come in at a rate lower than the checking account over the past 90 days. We had a conference call with Matt Weaver from wealth management to discuss various options since the checking account is earning 4.2% at the moment. We all agreed that in the short term, within the next 1 to 3 years, the banks are offering better rates than bonds and we should take money that we know we are going to use and place it in the higher interest-bearing account. The long-term plan is to invest in CD's which wealth management can get at between 5%-5.5%. The Investment Policy allows the Treasurer the ability to review and direct the Town's investments and reinvestments. Even so, the Treasurer would like a Select Board vote on the matter. Charlie made a motion to authorize the Town Administrator/Treasurer to withdraw funds from Wealth Management those funds which will be needed over the next 1-3 years and place into the Town's checking account. It was seconded by Sarah.

Motion passed 5-0

- 1st Qtr. Financial Report: Chelsea presented the 1st quarter ending September 30, 2023 financial report to the Select Board. Most things are in the 25% range as expected. Select Board accepted the quarterly report.
- Fire Dept. Equipment Reserve: In February of 2022, the Select Board approved the Fire Department 5-Year Capital Equipment Procurement Plan (CEPP). In that plan, Clarence outlined several items if planned to purchase with the money that is being set aside each year in a reserve account. The annual amount for this plan is \$9,170. There are items that are not included in the regular budget and don't rise to the \$10,000 limit needed to use funds from the Fire Truck Repair and Maintenance Reserve account such as fire hoses and couplings. Making these purchases would overdraft the regular budget. A simple solution is to amend the current plan to include language that allows the Fire Chief this type of spending discretion. Charlie made a motion to amend the FY2023-2028 CEPP for the Fire Department to include equipment purchases as may arise from time to time for fire apparatus.

- **Town Server Hard Drive Replacement:** The Town Administrator received an email from Harbor Digital stating that one of the hard drives in the Town's server has failed. Furthermore, the warranty on the server expired over a month ago. Apparently, they were able to still get an extension on the insurance. In the packets, are estimates for both the warranty extension and the work to replace the hard drive. I have talked with Ben Cammeron, the owner of Harbor Digital regarding pricing and services. He is scheduled to attend the January 9th SB meeting to provide additional information. I have also been speaking to other towns to find out how they handle their IT needs as well as budgets. The Select Board wanted to know the cost of a new server versus an extended warranty. Also, to consider whether or not a server is still practical if storage is cloud based. Harbor Digital's service rates are also high at over \$400/month. There is an additional charge of \$150/hour if the Town has an actual need or requires assistance. Charlie made a motion to authorize the Town Administrator to engage Harbor Digital to repair the failed hard drive on the Town's server but not to extend the warranty. In addition, to write a Request for Proposal (RFP) for IT services. It was seconded by Mike.

Motion passed 5-0

- **Animal Control Agreement vs. Job Description:** Recently, there has been a lot of discussion regarding animal control. Our current Animal Control Officer (ACO) works for several local towns. The Town Administrator contacted each of the Towns to determine if there were complaints from residents but also to determine if the ACO is an employee or a contractor. All of the towns have classified her as an employee. For payroll purposes, Hope considers her as an employee but for services, she is treated as a contractor. The Town Administrator suggested that the Town of Hope drops the contractor aspect of the ACO and simply give her a job description (very similar to how we handle CEO/LPI). This also means that each January, the ACO will also receive an annual review from the Town Administrator. This will provide continuity for the ACO and the Town. Otherwise, she should be treated as all other contractors and her services can be bid out each year. Charlie made a motion to stop utilizing the annual agreement model for the ACO position and recognize it as stipend employee of the Town, and to adopt the job description as presented. It was seconded by Michael.

Motion passed 5-0

- **Accept Donation to Cemetery Restoration:** A donation in the amount of \$250 has been sent by Sherry Atkinson-Mallory to assist with the cemetery headstone restoration project. Charlie made a motion to accept this donation of \$250, with thanks, for the cemetery headstone restoration project. It was seconded by Michael.

Motion passed 5-0

Old Business:

- None

Other Business:

- None

Town Administrator's Report:

- I received a call from FEMA today letting me know that the Hurricane Storm declaration does not include debris clean up, therefore the Town will not qualify to be reimbursed for the costs associated with that storm.

- The Road Commissioner has been cutting brush and trees away from the roads and ditches out of the right-of-way. Some residents have called to complain about their trees being cut down or limbs being cut off of them. In addition, one resident told the Road Commissioner that the tree cutting had destroyed his deck because he had tied his dog run cable to the tree and deck. He is seeking payment of some type to repair the deck. Chelsea has suggested that a short note is included with the tax bills indicating which roads will have planned work and tree cutting.
- Chelsea and I had a meeting with Kate and Chris, one of the new employees at the Central Office, last Thursday. Several things were discussed regarding operations and processes. Overall the meeting was positive. We were able to explain what the Town needs including when and why. In addition, they were able to explain how their process works and some difficulties they currently have in meeting our requests. However, they are expecting to have new software installed in April to begin learning it and plan to be functional by July 1st. Each town will have access to that software and will be able to obtain reports as needed. Kate did mention that right now, her top priority is getting the FY23 audit ready and said that Hope was going to be first on their list.
- I've been in contact with David Kinney from Lincolnville. They just received their FY22 audit last Wednesday. He is quite certain that his Board would be willing to meet with Hope and/or Appleton. However, he would like to wait until the auditor, Bill Brewer, meets with the Board and has a formal review of that audit.
- The next Select Board meeting is scheduled for Tuesday, November 28th. Three of the Board members will be attending a training course at the same time, leaving us without a quorum.
- There were 0 new building permits and 2 plumbing permits since the 10/24/23 Select Board meeting.
- There are 4 RE accounts for 2022, totaling \$19,440.28. Unpaid 2022 real estate taxes will automatically foreclose on February 27, 2024, if the accounts are not paid in full.
- There are 16 RE accounts for 2023, totaling \$35,206.18. Unpaid 2023 real estate taxes will automatically foreclose on February 11, 2025, if the accounts are not paid in full.
- There are 994 RE accounts for 2024, totaling \$1,775,636.65. The second half is due on April 30, 2024.

Executive Session:

- Charlie made a motion to enter Executive Session pursuant to 1 M.R.S. §405 (6)(A)(1) for a personnel matter at 7:45 p.m. It was seconded by Mike.
Motion passed 5-0
- Michael made a motion to exit Executive Session at 8:07 p.m. It was seconded by Charlie.
Motion passed 5-0
- There was no action taken by the Select Board as a result of the Executive Session.

Adjournment:

- Charlie made a motion to adjourn at 8:07 p.m. It was seconded by Michael.
Motion passed 5-0

MINUTES OF SPECIAL SELECT BOARD MEETING

**Hope Select Board
Thursday, November 30, 2023**

**2:00 p.m.
Hope Town Office**

Board Members Present:

- Sarah Ann Smith, Charlie Weidman, Michael Schultz, and Wayne Luce

Others Present:

- Samantha Mank

Call to Order:

- The meeting was called to order at 2:00 p.m. by Sarah.

Agenda Adjustments/Approval:

- Charlie made a motion to approve the agenda as written. It was seconded by Michael.
Motion passed 4-0

Warrants 40, 41, 42, & 43:

- Charlie made a motion to approve the warrants 40, 41, 42, and 43. It was seconded by Michael.
Motion passed 4-0

New Business:

- None

Old Business:

- None

Other Business:

- None

Adjournment:

- Charlie made a motion to adjourn at 2:13 p.m. It was seconded by Michael.
Motion passed 4-0

Hope Cemetery Committee By-Laws

1. Purpose and Scope

The purpose of these by-laws is to establish reasonable rules of procedure for Committee meetings and to promote fair, orderly and efficient conduct in the Committee's proceeding sand affairs. These by-laws shall govern the Committee's practices and procedures unless otherwise provided by law and shall be liberally construed so as to accomplish that purpose. Adoption of laws must be approved by a 2/3 majority of members.

The Cemetery Committee shall conduct affairs of and oversee maintenance and care of all cemeteries owned by the Town of Hope and for which the Town has accepted maintenance responsibilities.

2. Qualifications:

All Committee members must be either a current resident of The Town of Hope and/or have one (1) or more proven direct ancestral lineage to a person or family buried in The Town of Hope to be considered.

3. Membership

The Committee shall consist of five (5) members appointed by the ~~Selectmen~~ [Select Board](#) to serve staggered three (3) year terms.

Any member desiring to resign from the Committee shall do so in writing to the ~~Selectmen~~ [Select Board](#) with a copy to the Committee Chair. Candidates for appointment or reappointment will submit applications to the Town Office. The Committee will review the applications and make their recommendation to the ~~Selectmen-~~ [Select Board](#) to approve or deny.

4. Officer: Duties

Officers of the Committee shall consist of ~~Chairman~~ [Chair](#), Vice-~~Chairman~~ [Chair](#) and Secretary to be chosen every year annually with eligibility for re-election at the first regular meeting in the Town's fiscal year (July 1st to June 30th) by and from among Committee members. The ~~Chairman~~ [Chair](#) shall preside at and set the agenda for all meetings. In the absence of the ~~Chairman~~ [Chair](#), the Vice-~~Chairman~~ [Chair](#) shall preside and have the same authority as the ~~Chairman~~ [Chair](#). The Secretary shall maintain a permanent record of all Committee meetings and all correspondence of the Committee, which shall be a public record except as provided by law. The Secretary shall give the Town Clerk a copy of all the minutes and correspondence.

5. Sexton

The Cemetery Committee will nominate a Sexton each year. The Sexton will be appointed every year by the ~~Selectmen~~ [Select Board](#). In the absence of the Sexton, a member of the Cemetery

Committee shall preside and have the same authority as the Sexton. The Job Description of this portion is as approved on August 9, 2011.

6. Meetings

Regular meetings of the Committee shall be held quarterly. Special Meetings may be called at the discretion of the ~~Chairman~~ Chair or upon request of a majority of the Committee, provided that notice thereof is given to each member forty-eight (48) hours in advance.

Notice of all Committee meetings shall be given as required by law and all such meetings shall be open to the public except as otherwise provided by law. Notice of all meetings shall be published as required by law. The approved minutes and agenda will be sent to the Town Office to be posted on the website. ~~and the bulletin board.~~

No business may be conducted by the Committee except at a duly called and noticed meeting with a quorum of members. The order of business at regular meetings shall be as follows:

1. Attendance and determination of quorum.
2. Minutes of previous meetings and communications.
3. Old unfinished business.
4. New business.
5. Other business.
6. Adjournment.

7. Voting

Any action of the Committee shall require the affirmation of a vote by a majority of all members.

No member may participate or vote in any matter in which he or she has a conflict of interest or disqualification as defined by law. Any question of whether a member has a conflict of interest or other disqualification shall be decided by a majority vote of the other members.

All members who are present and not disqualified as provided herein shall vote in every matter to be voted upon unless excused by the ~~Chairman~~ Chair for good cause know.

8. Attendance

Members shall make every effort to attend each regular and special meeting. Any member missing more than three (3) consecutive regular meetings shall be notified by the ~~Chairman~~ Chair that without legitimate reason for absence, the member's resignation will be requested by the Committee.

Amended by the Board of Select Board on December 12, 2023.

**AMENDMENT TO THE HOPE LAND USE ORDINANCE TO REGULATE
AND CONTROL
CANNABIS CULTIVATION, MANUFACTURING, AND TESTING
FACILITIES**

The Hope Land Use Ordinance is proposed to be amended by adding the words shown in blue underline and removing the words shown in red strikethrough, as follows:

4.6 SCHEDULE OF USES

4.6.1. COMMERCIAL USES	DISTRICT		
	HCV	RR	SHV
<u>Cannabis Cultivation, Manufacturing, and Testing Facilities</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>

5.3.19. Cannabis Cultivation, Manufacturing, and Testing Facilities

5.3.19.1. Exemption

This Ordinance does not apply to Home Cultivation for Personal Use or to Medical Cannabis operations as allowed per the Maine Medical Use of Cannabis Act.

5.3.19.2. Applicability

This section applies to all matters of cultivation, manufacturing, and testing facilities pursuant to the Cannabis Legalization Act, 28-B M.R.S. Chapter 1, §4 within the Town of Hope, subject to the following:

5.3.19.3. Site Plan Review

Any individual or entity who wishes to establish a cannabis cultivation, manufacturing, and testing facility must meet all of the requirements outlined in Section 9 of this Land Use Ordinance for the site plan review. In addition, all applications submitted to the planning Board for site plan review must include:

- a. The name, mailing address, and phone number of the applicant;

and the name, mailing address, and phone number of the property owners of the property to be used, if other than the applicant. If the applicant is not the property owner of record, then a notarized signed statement from the property owner stating that the applicant has permission to utilize the premises for cannabis business must be submitted.

- b. Proof of state licensure.

- c. The operating plan which demonstrates the proposed size and layout of the cannabis cultivation, manufacturing, and testing facility; plans for wastewater and waste disposal; plans for providing electricity, water and other utilities necessary for the normal operation of the facility; plans for securing the proposed facility, hours of operation and plans for compliance with applicable building code and federal and state environmental requirements. An operating plan for a cultivation facility must include the proposed size and layout of the cultivation areas and must depict the total square footage of plant canopy area (or number of plants for Tier 1 cultivation facilities).

5.3.19.4. Performance Standards.

a. Location:

1. Each cannabis cultivation, manufacturing, and testing facility shall be operated from a permanent location and may not be permitted to operate from a moveable or mobile location.

2. Cannabis cultivation, manufacturing, and testing facilities may not be located within 500 feet of preexisting schools (public or private), public athletic complexes, libraries, churches, public parks, and licensed day-care centers. This measurement is taken from the lines of the property on which the cannabis cultivation, manufacturing, and testing facility is located.

b. Noise:

1. The sound pressure level limits outline in Section 5.3.21 of the Town of Hope Land Use Ordinance must be adhered to unrecognizable prior to leaving the premises.

2. Solid, liquid and hazardous wastes generated during cannabis production and processing must be stored, managed, and disposed of in accordance with applicable state and local laws

and regulations, including, to the extent practicable, rules adopted pursuant to Maine Department of Environmental Protection Rule, Chapter 850 and Maine's Adult Use Cannabis Program Rule, Section 9 – Waste management found in 18-691 C.M.R., Chapter 1.

c. Odors/Ventilation:

1. Indoor cannabis cultivation, manufacturing, and testing facilities shall be ventilated so that the odor from the cannabis cannot be detected by a person with a normal sense of smell from any adjoining use or property. Indoor cannabis cultivation, manufacturing, and testing facilities shall have an odor mitigation system installed that has been approved and stamped by a Maine licensed engineer indicating that the system will provide sufficient odor control measures.

d. Security:

1. Cannabis cultivation, manufacturing, and testing facility shall have lockable door and windows to include intrusion alarms with the audible and police notification components sending notification directly to or through a second party to the Knox County Sheriff's Department.
2. Outdoor cannabis cultivation, manufacturing, and testing facilities are not permitted in the Town of Hope.
3. Cannabis cultivation, manufacturing, and testing facilities shall have video surveillance capable of covering the exterior and interior of the operation. The video shall be operated with continuous recording 24 hours per day, 7 days per week, and such recordings shall be retained for a minimum duration of 30 days and be made available to law enforcement agencies when investigating a criminal complaint.

e. Signs/Advertising:

1. Within the cannabis cultivation, manufacturing, and testing facility premises there shall be at least one legible sign stating that on-premises use of cannabis is illegal, open and public consumption is illegal, no one under the age of 21 is allowed, and the use of cannabis may impair a person's ability to drive or operate machinery.

2. Exterior signs must be in compliance with the regulations of the Hope Land Use Ordinance, and also shall not advertise cannabis brand names or utilize graphics related to cannabis or paraphernalia on the exterior of the cannabis cultivation, manufacturing, and testing facility or the building in which the business is located.
3. There may be no display of cannabis and paraphernalia so as to be clearly visible from the exterior of a facility.
4. There may be no off-premises signs (permanent or temporary) advertising the cannabis business.
5. No ads, coupons, signs, promotional materials, or similar shall target people under the age of 21 or non-Maine residents or visitors.

f. Refuse/Product Waste Disposal:

Solid, liquid, other non-hazardous wastes, wastewater, and hazardous wastes generated in all cannabis cultivation, manufacturing, and testing facilities must be stored, managed, and disposed of in accordance with applicable state and local laws and regulations, including, all guidance given from the Office of Cannabis Policy (OCP) and the Department of Environmental Protection (DEP)

1. Exterior signs must be in compliance with the regulations of the Hope Land Use Ordinance, and also shall not advertise cannabis brand names or utilize graphics related to cannabis or paraphernalia on the exterior of the cannabis cultivation, manufacturing, and testing facility or the building in which the business is located.
2. There may be no display of cannabis and paraphernalia so as to be clearly visible from the exterior of a facility.
3. There may be no off-premises signs (permanent or temporary) advertising the cannabis business.
4. No ads, coupons, signs, promotional materials, or similar shall target people under the age of 21 or non-Maine residents or visitors.

5.3.19.5. Entitlement to Possession.

No cannabis cultivation, manufacturing, and testing facility may be allowed if the person requesting local authorization to operate the cannabis cultivation, manufacturing, and testing facility fails to demonstrate possession or entitlement to possession of the proposed licensed premises of the cannabis establishment pursuant to a lease, rental agreement or other arrangement for possession of the premises or by virtue of ownership of the premises.

5.3.19.6. Inspections.

Cannabis cultivation, manufacturing, and testing facilities may be subject to periodic inspections by the Local Health officer, Code Enforcement Officer, Local Plumbing Inspector, and/or Fire Department to ensure compliance with health regulations, zoning or safety regulations.

5.3.19.7. Suspension or Revocation of Permit.

The permit or authorization to operate a cannabis cultivation, manufacturing, and testing facility may be suspended or revoked if the operator/owner of the cannabis cultivation, manufacturing, and testing facility refuses to permit any such officer, official, or employee to make an inspection or take sufficient samples for analysis or who interferes with such officer, official or employee while in the performance of their duty.

5.3.19.8. Prohibition

- a. Retail Cannabis stores are expressly prohibited in the Town of Hope.
- b. No person or organization shall develop or operate a business within this municipality that engages in the sale of a cannabis product to consumers, as defined by 28-B M.R.S. §102.
- c. Retail Cannabis Social Clubs are expressly prohibited in the Town of Hope.
- d. Nothing in this ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical

5.3.19.9. Maximum Number

The maximum number of cannabis cultivation, manufacturing, and testing facilities in the Town of Hope shall be capped at two (2).

5.3.19.10. Home Cultivation of Cannabis for Adult Personal Use

In accordance with 28-B M.R.S. §1502 (3) (A), the Town of Hope by the Home Rule Authority granted under the Constitution of Maine, Article VIII, Part Second and Title 30-A, section 3001, limits the total number of mature cannabis plants that may be cultivated on any one parcel or tract of land within the Town of Hope, the cultivation of 6 mature cannabis plants, 12 immature cannabis plants and an unlimited number of seedlings by each person 21 years of age or older who is domiciled on a parcel or tract of land.

11.2. DEFINITIONS

CANNABIS "Cannabis" means the leaves, stems, flowers and seeds of a cannabis plant, whether growing or not. "Cannabis" includes cannabis concentrate but does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D or a cannabis product.

CANNABIS FLOWER "Cannabis flower" means the pistillate reproductive organs of a mature cannabis plant, whether processed or unprocessed, including the flowers and buds of the plant. "Cannabis flower" does not include cannabis trim or whole mature cannabis plants or the flower of hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D

CANNABIS PLANT "Cannabis plant" means all species of the plant genus Cannabis, including, but not limited to, a mother plant, a mature cannabis plant, an immature cannabis plant or a seedling. "Cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D

CANNABIS PRODUCT "Cannabis product" means a product composed of cannabis or cannabis concentrate and other ingredients that is intended for use or consumption. "Cannabis product" includes, but is not limited to, an edible cannabis product, a cannabis ointment and a cannabis tincture. "Cannabis product" does not include cannabis concentrate or a product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D

CULTIVATION OR CULTIVATE (CANNABIS) "Cultivation" or "cultivate" means the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of cannabis for use or sale. "Cultivation" or "cultivate" does not include manufacturing, testing or cannabis extraction.

CULTIVATION AREA "Cultivation area" means the indoor area used for cultivation of mature cannabis plants, immature cannabis plants or seedlings in accordance with 22 M.R.S. Part 5, Chapter 558-C of the Maine Medical Use Of Cannabis Act, that is enclosed and equipped with locks or other security devices that permit access only by a person authorized to have access to the area under the cited statute. A cultivation area may include multiple indoor areas.

CULTIVATION FACILITY (Cannabis) "Cultivation facility" means a facility licensed under this chapter to purchase cannabis plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use cannabis; to sell adult use cannabis to products manufacturing facilities, to cannabis stores and to other cultivation facilities; and to sell cannabis plants and seeds to other cultivation facilities and immature cannabis plants and seedlings to cannabis stores.

HARVESTED CANNABIS "Harvested cannabis" means the plant material harvested from a mature cannabis plant, except the stalks, leaves and roots of the plant that are not used for a qualifying patient's medical use. "Harvested cannabis" includes cannabis concentrate and cannabis products. "Harvested cannabis" does not include plant material harvested from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

IMMATURE CANNABIS PLANT. "Immature cannabis plant" means a cannabis plant that is not a mature cannabis plant or seedling. "Immature cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D

LICENSED PREMISES (CANNABIS) "Licensed premises" means the premises specified in a license to operate a cannabis establishment within which the licensee is authorized under this chapter and the rules adopted pursuant to this chapter to cultivate, manufacture, distribute, test or sell adult use cannabis or adult use cannabis products.

MANUFACTURING OR MANUFACTURE (CANNABIS) "Manufacturing" or "manufacture" means the production, blending, infusing, compounding or other preparation of cannabis and cannabis products, including, but not limited to, cannabis extraction or preparation by means of chemical synthesis. "Manufacturing" or "manufacture" does not include cultivation or testing.

MATURE CANNABIS PLANT "Mature cannabis plant" means a flowering female cannabis plant. "Mature cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

PLANT CANOPY (CANNABIS) "Plant canopy" means the total surface area within the licensed premises of a cultivation facility that is authorized by the department for use at any time by the cultivation facility licensee to cultivate mature cannabis plants. The surface area of the plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used by the cultivation facility licensee, the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the licensed premises of a cultivation facility that are used by the licensee to cultivate immature cannabis plants and seedlings and that are not used by the licensee at any time to cultivate mature cannabis plants.

PRODUCTS MANUFACTURING FACILITY (CANNABIS) "Products manufacturing facility" means a facility licensed under this chapter to purchase adult use cannabis from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use cannabis and adult use cannabis products; and to sell adult use cannabis and adult use cannabis products to cannabis stores and to other products manufacturing facilities.

SEEDLING (CANNABIS) "Seedling" means a cannabis plant or rooted cutting that is not flowering and is less than 24 inches in height; and less than 24 inches in width.

TESTING OR TEST (CANNABIS) "Testing" or "test" means the research and analysis of cannabis, cannabis products or other substances for contaminants, safety or potency. "Testing" or "test" includes the collection of samples of cannabis and cannabis products for testing purposes but does not include cultivation or manufacturing.

TESTING FACILITY (CANNABIS) "Testing facility" means a facility licensed under this chapter to develop, research and test cannabis, cannabis products and other substances.

AMENDMENT TO THE HOPE LAND USE ORDINANCE TO REGULATE AND CONTROL MEDICAL CANNABIS DISPENSARIES

The Hope Land Use Ordinance is proposed to be amended by adding the words shown in blue underline and removing the words shown in red strikethrough, as follows:

4.6 SCHEDULE OF USES

4.6.1. COMMERCIAL USES	DISTRICT		
	HCV	RR	SHV

<u>Medical Cannabis Dispensaries</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
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5.3.~~17A~~ 18 Medical Marijuana Dispensaries

Notwithstanding the provisions of 1 M.R.S.~~A.~~ § 302 or any other law to the contrary, this Section 5.3.~~17A~~ 18, when enacted, shall govern any proposed medical marijuana dispensary for which an application has not been submitted and acted on by the Planning Board prior to ~~September 25, 2012~~ Town Meeting Date. The following standards of 22 M.R.S. §2428 shall apply to all medical marijuana dispensaries:

~~5.3.17A.1 — Location Criteria. No medical marijuana dispensary shall be sited within 250 feet of the lot lines of any of the following:~~

- ~~(a) — a church, synagogue or other house of religious worship;~~
- ~~(b) — a public or private school;~~
- ~~(c) — a lot used principally for one, two or multi-family residential purposes;~~
- ~~(d) — an athletic field, park, playground or recreational facility;~~
- ~~(e) — any juvenile or adult halfway house, correctional facility, methadone clinic, or substance abuse rehabilitation or treatment center; or~~

~~(f) — a licensed child care facility.~~

~~The distance cited in this subsection shall be measured between the lot line of the proposed site for the medical marijuana dispensary and the lot line of the site of the use listed in (a) through (f) above at their closest points.~~

5.3.18.1 Registered Medical Cannabis Dispensaries. All medical cannabis dispensaries must be registered in accordance with 22 M.R.S. § 2425-A (See definitions).

~~**5.3.17A.2. — Hours of Operation.** Medical marijuana dispensaries may be open for business only between the hours of 6:00 a.m. and 6:00 p.m., locally prevailing time.~~

5.3.18.2. Provisions Pertaining to Registered Medical Cannabis

Dispensaries. A registered dispensary may in accordance with rules adopted by the department and the Town of Hope:

- a. Cultivate cannabis plants and possess all harvested cannabis from those cannabis plants.
- b. Manufacture cannabis products for medical use, except that a dispensary may not prepare food, as defined in §2152 (4).
- c. Manufacture cannabis concentrate for medical use, except that a dispensary may not produce cannabis concentrate using inherently hazardous substances unless authorized pursuant to §2423-F (3).
- d. Provide harvested cannabis to a manufacturing facility and obtain cannabis products and cannabis concentrate from the manufacturing facility that is produced from the harvested cannabis the registered dispensary provided to the manufacturing facility.
- e. Hire any number of assistants who are 21 years of age or older to assist in performing the duties of the dispensary.
- f. Transport cannabis plants and harvested cannabis as necessary to carry out the activities authorized under this section.

~~**5.3.17A.3. — Parking.** Medical marijuana dispensaries shall provide adequate on-site parking spaces to meet anticipated peak hour parking needs for employees and visitors.~~

5.3.18.3 Registered Medical Cannabis Dispensaries Requirements. This section governs the operations of registered medical cannabis dispensaries in the Town of Hope.

- a. A registered medical cannabis dispensary may not be located within 500 feet of the property line of a preexisting public or private school; preexisting church, synagogue, or other house of religious worship; a lot principally being used for one, two or multi-family residential purposes; a preexisting athletic field, park, playground or recreational facility; any preexisting juvenile or adult halfway house, correctional facility, substance abuse rehabilitation or treatment center; and/or a preexisting licensed child care facility.
- b. A dispensary shall implement appropriate security measures to deter and prevent unauthorized entrance into areas containing cannabis plants and harvested cannabis and the theft of cannabis plants and harvested cannabis at the dispensary.
- c. The operating documents of a dispensary must include procedures for the oversight of the dispensary and procedures to ensure accurate record keeping in accordance with §2430-G.
- d. All cultivation of medical cannabis plants must take place in the cultivation area unless the medical cannabis plants are being transported pursuant to section 5.3.18.2 (f).
 - i. The dispensary shall ensure that the mature cannabis plants and immature cannabis plants and seedlings cultivated by the dispensary are kept in separate spaces within the same cultivation area. The cultivation area must be located on a single parcel or tract of land, and the dispensary must disclose the location of the cultivation area to the department and the Town of Hope, via the Code Enforcement Officer. The dispensary may not maintain more than one cultivation area.
 - ii. Access to cultivation areas is limited to a cardholder (*see definitions*) who is an officer, director or assistant of the dispensary when acting in that cardholder's official capacity, except that an elected official invited by an officer, director or assistant for the purpose of providing education to the elected official on cultivation by the dispensary, emergency services personnel, an assistant of a cannabis testing facility or a person who needs to gain access to a cultivation area in order to perform repairs or maintenance or to do construction may

access the cultivation area to provide professional services while under the direct supervision of a cardholder who is an officer, director or assistant of the dispensary.

~~**5.3.17A.4. — Signage and Advertising.** All signage and advertising for a medical marijuana dispensary shall comply with all applicable provisions of the Town of Hope Land Use Ordinance. In addition, no signage or advertising shall use the word “marijuana” or “cannabis,” or any other word, phrase or symbol commonly 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 discernible 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 medical marijuana qualifying patients and primary caregivers.~~

5.3.18.4. Limitations. The limitations in this section apply to all registered medical cannabis dispensaries in the Town of Hope. All registered medical cannabis dispensaries shall be limited to cultivation as defined by section 11 of this Land Use Ordinance.

- a. All registered medical cannabis dispensaries shall be limited to manufacturing as defined by section 11 of this Land Use Ordinance.
- b. All cannabis growing, harvesting, cultivating, and manufacturing, packaging, other than loading and unloading for transport purposes is limited to inside operations only.
- c. Registered medical cannabis dispensaries shall be limited to a maximum number of two (2) within the Town of Hope.

~~**5.3.17A.5. — Security Requirements.** Security measures at a medical marijuana dispensary and any associated cultivation facility shall include, at a minimum, the following:~~

- (a) ~~security surveillance cameras installed and operating 24 hours a day, 7 days a week to monitor all entrances, along with the interior and exterior of the premises, to discourage~~

~~and facilitate the reporting of criminal acts and nuisance activities occurring at the premises;~~

~~(b) — door and window intrusion robbery and burglary alarm systems with audible and Police Department notification components that are professionally monitored and maintained in good working condition;~~

~~(c) — a locking safe permanently affixed to the premises that is suitable for storage of all prepared marijuana and cash stored overnight on the licensed premises;~~

~~(d) — exterior lighting that illuminates the exterior walls of the licensed premises and complies with applicable provisions of this Ordinance; and~~

~~(e) — deadbolt locks on all exterior doors and locks or bars on any other access points (e.g., windows).~~

~~All security recordings shall be preserved for at least seventy-two (72) hours by the medical marijuana dispensary. The medical marijuana dispensary shall provide the Police Chief or his designee with the name and functioning telephone number of a 24-hour on-call staff person to whom the Town may provide notice of any operating problems associated with the medical marijuana dispensary.~~

5.3.18.5. Prohibitions. The prohibitions in this section apply to all registered medical cannabis dispensaries in the Town of Hope.

- a. No store front dispensaries shall be permitted in the Town of Hope.
- b. Sales or selling, whether retail or wholesale, as a registered medical cannabis dispensary within the Town of Hope is prohibited.
- c. It is strictly prohibited for any outside growing, cultivating, harvesting, manufacturing, packaging, and/or any other aspect

of the medical cannabis dispensary business to take place outdoors other than loading and unloading for transportation purposes only.

~~**5.3.17A.6. — Fire Safety.** All buildings associated with a medical marijuana dispensary, including any associated cultivation facility, shall be protected by use of fire suppression sprinkler systems or such other effective fire suppression system as may be approved by the Fire Chief. A medical marijuana dispensary shall have a Knox Box or shall provide the Fire Department with the necessary information to allow entry by Fire Department personnel in the event of an emergency at the location.~~

5.3.18.6. Safety. The following safety measures shall apply in addition to section 5.3.18.3 (b) to all registered medical cannabis dispensaries:

- a. Security surveillance cameras installed and operating 24 hours a day, 7 days a week to monitor all entrances, including the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises.
 - i. All security recordings shall be preserved for a minimum of seventy-two (72) hours by the medical marijuana dispensary. The medical marijuana dispensary shall provide law enforcement with the name and functioning telephone number of a 24-hour on-call staff person to whom the Town may provide notice of any operating problems associated with the medical marijuana dispensary.
- b. Exterior lighting that illuminates the exterior walls of the licensed premises and complies with applicable provisions of this Ordinance.

~~**5.3.17A.7. — Cultivation.** If there is both the cultivation and dispensation of marijuana occurring on the same site, the cultivation area shall not be greater than 25% of the total floor area of the portion of the building used for dispensation of marijuana.~~

~~5.3.17A.8.— On-site Consumption of Medical Marijuana.— The consumption, ingestion or inhalation of medical marijuana on or within the premises of a medical marijuana dispensary or cultivation facility is prohibited; provided, however, that a medical marijuana dispensary employee who is a qualifying patient, as that term is defined in 22 M.R.S.A. § 2422(9), as may be amended, may consume medical marijuana within the enclosed building area of the premises if such consumption occurs via oral consumption (*i.e.*, eating only). For purposes of this subsection, the term “premises” includes the actual building, as well as any accessory structures, parking lot or parking areas, or other surroundings within 200 feet of the medical marijuana dispensary’s entrance.~~

~~5.3.17A.9.— Visibility of Activities; Control of Emissions; Disposal Plan.~~

~~(a) — All activities of medical marijuana dispensaries and cultivation facilities, including, without limitation, cultivating, growing, processing, displaying, selling and storage, shall be conducted indoors in an enclosed, locked facility.~~

~~(b) — No marijuana or paraphernalia shall be displayed or kept in a dispensary or cultivation facility so as to be visible from outside the premises.~~

~~(c) — Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a dispensary or cultivation facility 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.~~

~~(d) — All medical marijuana dispensaries shall have in place an operational plan for proper disposal of marijuana and related byproducts.~~

~~**5.3.17A.10. — Sale of Edible Products.** No food products shall be sold, prepared, produced or assembled by a medical marijuana dispensary 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.~~

~~**5.3.17A.11. — Other Laws Remain Applicable.** A medical marijuana dispensary 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 medical marijuana dispensaries, the stricter law or regulation shall control.~~

~~**5.3.17A.12. — Maximum Number.** The maximum number of medical marijuana dispensaries in the Town shall be capped at one (1).~~

11.2. DEFINITIONS

CARDHOLDER (CANNABIS) "Cardholder" means a person who has been issued and possesses a valid registry identification card.

CAREGIVER (MEDICAL USE CANNABIS) Except as provided in 22 M.R.S. §2426, a caregiver, for the purpose of assisting a qualifying patient with the patient's medical use of cannabis, may engage in the following authorized conduct if the caregiver is a resident of the State, is 21 years of age or older and has not been convicted of a disqualifying drug offense or who are 18 years of age or older and under 21 years of age if they are also a member of the family of the caregiver to assist in performing the duties of the caregiver pursuant to 22 M.R.S. Chapter 558-C § 2423-A(I)(1).

MEDICAL PROVIDER "Medical provider" means a physician, a certified nurse practitioner or a physician assistant.

MEDICAL USE (CANNABIS) "Medical use" means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of cannabis or paraphernalia relating to the administration of cannabis to treat or alleviate a qualifying patient's medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification.

REGISTERED DISPENSARY OR DISPENSARY (CANNABIS) "Registered dispensary" or "dispensary" means an entity registered under section 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses cannabis plants or harvested cannabis or related supplies and educational materials to qualifying patients and the caregivers of those patients.

DRAFT

**AMENDMENT TO THE HOPE LAND USE ORDINANCE TO REGULATE
AND CONTROL
INDUSTRIAL METALLIC MINERAL MINING**

The Hope Land Use Ordinance is proposed to be amended by adding the words shown in blue underline and removing the words shown in red strikethrough, as follows:

4.6 SCHEDULE OF USES

4.6.2. INDUSTRIAL USES	DISTRICT		
	HCV	RR	SHV

<u>Industrial Metallic Mineral Mining</u>	<u>No</u>	<u>No</u>	<u>No</u>
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4.6.5. NATURAL RESOURCES USES	DISTRICT		
	HCV	RR	SHV

Mineral Products Processing and Storage <u>not associated with Industrial Metallic Mineral Mining</u>	No	PB/BA	No
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11.2. DEFINITIONS

INDUSTRIAL METALLIC MINERAL MINING: The exploration for or extraction of metallic minerals, by a person or persons acting in concert, which occupies or disturbs an aggregate land area of one acre or more, regardless of the number of exploration or extraction sources or sites used. Industrial metallic mineral mining includes any structures, facilities, or processes associated with the exploration for or extraction of metallic minerals, including but not limited to: bulk sampling; preparation, washing, cleaning, processing, beneficiation, or other treatment of metallic minerals; the storage or stockpiling of bulk sampling materials or mine waste, whether or not the exploration or extraction occurs within the geographic boundaries of the Town; and reclamation activities. Industrial metallic mineral mining does not include (i) non-commercial mineral exploration by means of test boring, test drilling, hand sampling, or digging of test pits which disturbs a land area of less than one acre; or (ii) the excavation, processing, or quarrying of sand, fill, gravel, clay, topsoil, peat, silt, or rock not associated with metallic mineral mining. For purposes of this definition, “bulk sampling” means the removal of samples of earth materials to test the feasibility, method, or manner of extraction or processing of metallic minerals by drilling and boring, digging of shafts and tunnels, or digging of pits and trenches; and “mine waste” means all overburden, rock, ore, tailings, and other mining-related materials that are exposed or removed from the earth as part of any metallic mineral mining exploration or extraction operation.

MINERAL EXPLORATION: Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources, [other than methods associated with industrial metallic mineral mining](#), which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

MINERAL EXTRACTION: Any operation, [other than industrial metallic mineral mining](#), within any twelve (12) month period which removes more than one-hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other material from its natural location and to transport the product removed, away from the extraction site.

DRAFT

AMENDMENT TO THE HOPE LAND USE ORDINANCE TO REGULATE AND CONTROL SOLAR ENERGY FACILITIES

The Hope Land Use Ordinance is proposed to be amended by adding the words shown in blue underline and removing the words shown in red strikethrough, as follows:

4.6 SCHEDULE OF USES

4.6.1. COMMERCIAL USES	DISTRICT		
	HCV	RR	SHV

<u>Medium and Large Solar Energy Facilities</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
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4.6.4. RESIDENTIAL USES	DISTRICT		
	HCV	RR	SHV

<u>Roof Mounted Solar Energy Facilities</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Small Ground Mounted Solar Energy Facilities</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>

5.3.40 SOLAR ENERGY FACILITIES

5.3.40.1 Standards for Roof Mounted Solar Energy Facilities

5.3.40.1.1 All roof and building mounted solar energy facilities and equipment are permitted by right and shall be allowed unless otherwise determined by the Code Enforcement Officer, with input from the Fire Chief, to present one or more unreasonable safety risks, including, but not limited to, the following:

- a. Weight load
- b. Wind resistance
- c. Ingress or egress in the event of fire or other types of emergencies

- d. Proximity of ground mounted facilities relative to buildings

5.3.40.1.2 All solar energy facility installations shall be installed in compliance with the photovoltaic systems standards of the latest edition of the National Fire Protection Association (NFPA1).

- a. All wiring shall be installed in compliance with the photovoltaic systems standards of the latest edition of the National Electric Code (NFPA 70) [hereinafter NEC] as adopted by the State of Maine.
- b. Prior to operation, electrical connections must be inspected and approved by the State Electrical Inspector.

5.3.40.1.3 **Height Requirements for Roof-Mounted Solar Energy Facilities**

- a. Facilities cannot be mounted higher than 2 feet than the roof pitch on any residential structure.
- b. Facilities cannot be mounted higher than 4 feet than the roof pitch on any non-residential structure.
- c. A facility cannot be higher than 4 feet above the structure on a flat roof.

5.3.40.2 **Standards for Ground Mounted Solar Energy Facilities**

5.3.40.2.1 All solar energy facility installations shall be installed in compliance with the photovoltaic systems standards of the latest edition of the National Fire Protection Association (NFPA1).

- a. All wiring shall be installed in compliance with the photovoltaic systems standards of the latest edition of the National Electric Code (NFPA 70) [hereinafter NEC] as adopted by the State of Maine.
- b. Prior to operation, electrical connections must be inspected and approved by the State Electrical Inspector.

5.3.40.2.2 **Medium- and Large-Scale ground Mounted Solar Energy Facilities** shall comply with the following:

- a. **Utility Connections:** Overhead or pole-mounted electrical wires shall be avoided to the extent possible within the facility.

- b. **Safety:** All medium- and large-scale solar energy facilities shall be subject to site plan review as outlined in section 9 of the Hope Land Use Ordinance.
- c. **Certification of the EPA "Toxicity Characterization Leaching Procedure (TCLP):** Shall be provided along with proof that all electrical equipment used at the facility must be UL listed. No substitutions of other certifications for the UL listing or the TCLP shall be permitted.
- d. **Visual Impact:** Reasonable efforts, as determined by the Planning Board, shall be made to minimize undue visual impacts by preserving native vegetation, screening abutting properties or other appropriate measures, including adherence to height standards and setback requirements and to reduce glare in the direction of abutting or neighboring properties or roads and streets.
- e. **Land Clearing, Soil Erosion, and Habitat Impacts:** Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of any ground mounted solar energy facility or as otherwise prescribed by applicable laws, regulations, and ordinances. Ground mounted facilities shall minimize mowing to the extent practicable. Removal of mature trees shall be avoided to the extent possible. Native, pollinator-friendly seed mixtures shall be used to the extent possible. Herbicide and pesticide use shall be minimized. No prime agricultural soil or significant volume of topsoil shall be removed from the site for installation of the facility.
- f. **Setbacks:** The minimum setback requirements for all ground mounted solar energy facilities is 100 feet from any right of way or public road and 20 feet from any side property line.
- g. **Fencing:** Fencing shall be installed as required by the NEC for ground-mounted solar energy facilities in accordance with the size of the solar energy facility. To allow for wildlife passage, fences should be elevated by a minimum of 5 inches.
- h. **Signage:** A sign shall be placed on the solar energy facility to identify the owner and provide a 24-hour emergency contact phone number and equipment specification information. Said information shall be depicted within an area no greater than eight [8] square feet. As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the

base of all pad-mounted transformers and substations.

- i. **Lighting:** Any and all lighting on the site shall be downward facing.
- j. **Roads:** A medium- or large-scale ground-mounted solar energy facility owner or operator shall maintain a road for year-round access to the facility to accommodate emergency vehicles.

5.3.40.2.3 Removal: Solar energy facilities that have reached the end of their useful life or have been abandoned consistent with this ordinance shall be removed. The owner or operator shall physically remove the installation no more than 365 days after the date of discontinued operations. The owner or operator shall notify separately the Select Board, Planning Board and the Code Enforcement Officer by certified mail of the proposed date of discontinued operations.

5.3.40.2.4 Abandonment: Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, a medium-scale or large-scale ground-mounted solar energy facilities shall be considered abandoned when it fails to operate for more than one year.

- a. If the owner or operator of the solar energy facilities fails to remove the installation within 365 days of abandonment or the proposed date of decommissioning.
- b. The Town retains the right to use all available means to cause an abandoned, hazardous or decommissioned medium-scale or large-scale ground-mounted solar energy facilities to be removed.
- c. Annual inspections by the Town will continue at the owner or operator's expense until the site is removed and returned to its original state.

5.3.40.2.5 Operations and. Maintenance Plan: The project proponent shall submit a plan for the operation and maintenance of the large-scale ground mounted solar energy facilities, which shall include measures for maintaining safe access to the installation as well as other general procedures for operational maintenance of the installation.

5.3.40.2.6 Emergency Services:

- a. The large-scale ground-mounted solar energy facilities owner or operator shall provide a copy of the project summary, electrical

schematic and site plan to the Code Enforcement Officer and Fire Chief.

- b. Upon request, the owner or operator shall cooperate with the Code Enforcement and/or Fire Department in developing an emergency response plan.
- c. All means of shutting down the solar energy facilities shall be clearly marked.
- d. The owner or operator shall provide the Code Enforcement Officer with the name and contact information of a responsible person for public inquiries throughout the life of the installation.

5.3.40.3 Solar Energy Facilities Site Plan Review.

5.3.40.3.1 All Roof-Mounted Solar Energy Facilities:

- a. Does not require site plan review.
- b. Does not require a building permit.
- c. Does not require a decommissioning plan.

5.3.40.3.2 Small-Scale Ground-Mounted Solar Energy Facilities:

- a. Do not require full site plan review.
- b. Must obtain a building permit.
- c. Decommissioning is governed by State Statues.

5.3.40.3.3 Medium-Scale and Large-Scale Ground-Mounted Solar Energy Facilities shall adhere to Hope's Site Plan Review in Section 9 and building permit standards and requirements, as well as comply with the following:

- a. Property lines and physical features, including roads and setbacks, for the project site.
- b. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation and/or structures and erosion control plan.
- c. Blueprints or drawings of the solar energy facilities showing the proposed layout of the facilities, any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the solar collector.

- d. A preliminary equipment specification sheet which documents all proposed solar panels, significant components, mounting systems and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of the building permit.
- e. Name, address, and contact information of the proposed solar energy facilities installer, the project proponent, project proponent agent, and all co-proponents or property owners, if any; and a preliminary equipment specification sheet that documents all proposed solar panels, significant components, mounting systems and inverters that are to be installed, including a one or three-line electrical diagram detailing the solar photovoltaic installation, associated components and electrical interconnection methods. A final equipment specification sheet shall be submitted prior to the issuance of a building permit.
- f. Name, address, and contact information of proposed or potential solar energy facilities installer and the owner and/or operator of the solar energy facilities. Information of the final solar energy facilities installer shall be submitted prior to the issuance of a building permit.
- g. Name, address, phone number, and signature of the project applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the solar energy facilities.

5.3.40.3.4 Property Operation and Maintenance Plan.

- a. The property operation and maintenance plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing, trimming vegetation and road maintenance, to also include snow removal.
- b. Locations of important plant and animal habitats identified by the Maine Department of Inland Fisheries and Wildlife, if any.
- c. Locations of wetlands and waterbodies, if any.
- d. Locations of shoreland zones, floodplains or well-head protection areas, if any.

5.3.40.4 Decommissioning Plan:

5.3.40.4.1 Large Scale Ground Mounted Solar Energy Facilities must submit a decommissioning plan which shall be included as a part of the building permit application or site plan review application. The decommissioning plan shall include:

- a. How the physical removal of all solar energy facilities, structures, equipment, security barriers and transmission lines from the site will be accomplished.
- b. How the disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations will be performed.
- c. How the stabilization or re-vegetation of the site as necessary to minimize erosion. The Applicant must include restoration of native, pollinator-friendly seed mixtures which shall be used to the maximum extent possible in re-vegetation.

5.3.40.4.2 Estimate of costs for the decommissioning of the solar energy facilities:

- a. Details of how the estimate of these costs were derived; and including the data which was the basis for the estimate.
- b. How decommissioning will be paid for:
 - i. A performance guarantee level set at 100% shall be paid into an escrow method using a figure to be recalculated every five (5) years by a Licensed Professional Engineer holding such licensure in Maine, the cost of which shall be borne by the owners.
 - ii. The applicant, owner, or operator will provide a performance guarantee paid to the Town and will ensure continuous coverage by a performance guarantee throughout the life of the project up to and including the decommissioning process, in an amount equal to the estimated cost of removal with salvage factor figured in.
 - iii. The performance guarantee can be in the form of:
 - (a) performance bond, or
 - (b) escrow account established with the Town, or
 - (c) other form of financial assistance as may be deemed acceptable to the Town as determined by the Planning Board and legal counsel for the Town.
 - iv. The financial guarantee shall include a signed consent provision from the Applicant, owners or operators granting and guaranteeing the Town the authority to access the funds and property and perform decommissioning if the facility is abandoned and the owner or operator fails to meet their obligations to remove the solar energy facilities.
 - v. The Applicant, owner or operator shall provide the Town the

identified performance guarantee prior to the issuance of a building permit/site plan review permit.

- vi. Every three (3) years after the date of issuance of the Building Permit the Applicant, owner or operator is responsible for notifying the Select Board, via the Town Administrator, in writing when the performance guarantee is recalculated.
- vii. The owner or operator is also responsible for notifying the Town in writing if the performance guarantee is revoked, and in such cases, shall provide the Town with a replacement performance guarantee, within 30 days which must be approved by legal counsel for the Town or the owner's or operator's permit to operate the solar energy facilities will be revoked.

5.3.40.5 License and Inspection.

5.3.40.5.1 Initial Operation License.

- a. Prior to operation, the owner or operator of a Large -Scale Solar Energy Facility must obtain an Operation License from the Town and pay the fee for same as established by the Select Board.
- b. The solar energy facilities will be inspected by the Code Enforcement Officer to ascertain compliance with the requirements of this Ordinance and the requirements of any permit issued before the Solar Energy Facilities Operation License will be issued by the Town.
- c. The operator or owner must provide proof to the Code Enforcement Officer of current required state or federal licenses or permits.

5.3.40.5.2 Renewal of Operation License.

- a. The operator or owner of a Large-Scale Solar Energy Facility must reapply bi-annually for renewal of its Operation License.
- b. An inspection by the Code Enforcement Officer and payment by the owner or operator of the bi-annual fee as established by the Select Board is required for the renewal of the Operator License.
- c. The operator or owner must provide annual proof in writing to the Code Enforcement Officer of performance bond.
- d. The operator or owner must provide the Code Enforcement Officer with proof of any and all state or federal licenses or permits that are required annually. Inspections shall include, but are not limited to the following areas of review:
 - i. Spot checking of solar panels for cracking or evidence of water

infiltration within the panels. Any panel identified as deficient or defective by the Code Enforcement Officer shall be removed and/or replaced by the solar energy facilities owner or operator within 24 hours.

- ii. Proper grounding of equipment.
- iii. Compliant perimeter fencing in good repair.
- iv. Proper signage.
- v. Proper installation and maintenance of all safety systems.
- vi. Proper control of vegetation.
- vii. Proper maintenance of roads within solar energy facilities area.

5.3.40.5.3 Emergency Inspections.

- a. Any emergency inspections will be done at no cost to the owner or operator in the event of an Act of God or other disaster has occurred in which could be reasonably believed to have damaged or cracked any solar panels.
- b. Any solar energy facilities owner and/or operator shall incur a fine of \$300 per day for failing to correct any deficiencies identified by the Code Enforcement Officer within the time frame established by the Code Enforcement Officer.
- c. All notifications on deficiencies shall be in writing and provided to the solar energy facility owner and/or operator at the address provided in the most recent license application submitted to the Town.

5.3.40.6 Sizes and Limitations.

5.3.40.6.1 Small-Scale Solar Energy Facilities

- a. Small Scale Solar Energy Facilities are ones whose physical size are based on total size of the solar energy facility aggregate structure projected over a roof or the ground is less than 1,800 square feet. (.04 acre or less in size)
- b. There is no limit to the number of small-scale solar facilities allowed in Hope.

5.3.40.6.2 Medium-Scale Solar Energy Facilities

- a. Medium-Scale Solar Energy Facilities are ones whose physical size are based on the total size of the solar energy facility aggregate structure projected over a roof or the ground is greater than 1,800 square feet but less than 40,000 sq. ft. (.04 acre – approx. 1 acre in size)
- b. There is a limit of five (5) medium-scale solar facilities allowed in Hope.

5.3.40.6.3 Large-Scale Solar Energy Facilities

- a. Large Scale Solar Energy Facilities are ones whose physical size are based on the total size of the solar energy facility aggregate structure projected over a roof or the ground is greater than 40,000 square feet. (Greater than 1 acre in size)
- b. There is a limit of one (1) large-scale solar facility allowed in Hope.

11.2. DEFINITIONS

SOLAR COLLECTORS Devices or systems that use solar radiation as an energy source for the generation of electricity through photovoltaic (PV) conversion or the transfer of stored heat.

(1) Cell: the basic element of a PV or heat-capturing system.

(2) Module/Panel: multiple PV cells electrically connected or multiple heat-capturing elements connected into one unit.

(3) Array: multiple separate modules/panels connected together.

(4) Roof-Mount: panels installed directly on the roof or a roof-mounted rack system.

(5) Ground-Mount: specialized racking system anchored to the ground.

SOLAR ENERGY FACILITY (To include Solar Array, Solar Park or Solar Farm) Is an energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means. It may be roof-mounted or ground-mounted and may be of any size in accordance with this Ordinance.

GROUND MOUNTED A Solar Energy Facility that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).

ROOF MOUNTED A Solar Energy Facility that is structurally mounted onto the roof of a structure; may be of any size (small-, medium- or large-scale).

DRAFT

**AMENDMENT TO THE HOPE SHORELAND ZONE ORDINANCES TO
REGULATE AND CONTROL
INDUSTRIAL METALLIC MINERAL MINING**

The Hope Shoreland Zoning Ordinance is proposed to be amended by adding the words shown in blue underline and removing the words shown in red strikethrough, as follows:

TABLE 1. LAND USES IN THE SHORELAND ZONING OVERLAY DISTRICT

<i>LAND USES</i>	<i>DISTRICT</i>			
	SP	RP	LR	LC
13. Principal structures and uses				
D. Industrial, <u>including industrial metallic mineral mining</u>	no	no	no	No

17. Definitions

Industrial Metallic Mineral Mining – The exploration for or extraction of metallic minerals, by a person or persons acting in concert, which occupies or disturbs an aggregate land area of one acre or more, regardless of the number of exploration or extraction sources or sites used. Industrial metallic mineral mining includes any structures, facilities, or processes associated with the exploration for or extraction of metallic minerals, including but not limited to: bulk sampling; preparation, washing, cleaning, processing, beneficiation, or other treatment of metallic minerals; the storage or stockpiling of bulk sampling materials or mine waste, whether or not the exploration or extraction occurs within the geographic boundaries of the Town; and reclamation activities. Industrial metallic mineral mining does not include (i) non-commercial mineral exploration by means of test boring, test drilling, hand sampling, or digging of test pits which disturbs a land area of less than one acre; or (ii) the excavation, processing, or quarrying of sand, fill, gravel, clay, topsoil, peat, silt, or rock not associated with metallic mineral mining. For purposes of this definition, “bulk sampling” means the removal of samples of earth materials to test the feasibility, method, or manner of extraction or processing of metallic minerals by drilling and boring, digging of shafts and tunnels, or digging of pits and trenches; and “mine waste” means all overburden, rock, ore, tailings, and other mining-related materials that are exposed or removed from the earth as part of any metallic mineral mining exploration or extraction operation.

Mineral exploration – hand sampling, test boring, or other methods of determining the nature or extent of mineral resources, other than methods associated with industrial metallic mineral

mining, which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral extraction – any operation, other than industrial metallic mineral mining, within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

DRAFT

The proposal for this ordinance is for it to be repealed if/when the other two cannabis amendments to the Land Use Ordinance have been approved and adopted.

**Proposal to Repeal
ORDINANCE PROHIBITING RETAIL
MARIJUANA ESTABLISHMENTS AND RETAIL
MARIJUANA SOCIAL CLUBS IN THE TOWN OF
HOPE, MAINE**

Section 1. — Authority

This ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S. c. 417, as amended; and Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; and 30-A M.R.S. § 3001.

Section 2. — Definitions

For purposes of this ordinance,

- (a) ~~Retail Marijuana Establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana product manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S. § 2442.~~
- (b) ~~“Grandfathered caregiver” means any person or entity who was a registered caregiver prior to January 1, 2021 in Hope, Maine.~~
- (c) ~~“Grandfathered cultivation facility” means any Tier 1, Tier 2, or Tier 3 cultivation facility operated by one or more grandfathered caregivers and which was established for the cultivation of medical use of marijuana.~~

Section 3. — Prohibition on Retail Marijuana Establishments and Retail Marijuana Social Clubs

~~Retail marijuana establishments, including retail marijuana stores, retail marijuana products manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs, are expressly prohibited in this municipality.~~

~~No person or organization shall develop or operate a business that engages in retail or wholesale sales of a marijuana product, as defined in 7 M.R.S. § 2442~~

~~Exceptions. The following shall be exceptions to the general prohibitions specified by this Section 3:~~

- ~~i. Grandfathered cultivation facilities are permitted to cultivate marijuana flower~~

~~in this municipality in a manner that is not inconsistent with the Marijuana Legalization Act.~~

- ~~ii. Grandfathered caregivers are permitted to develop or operate a business that engages in wholesale sales of marijuana flower in this municipality in a manner that is not inconsistent with the Marijuana Legalization Act.~~

~~Nothing in this ordinance is intended to prohibit any other lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S. c. 558 C~~

~~Section 4. — Effective Date; Duration~~

~~This ordinance shall take effect immediately upon enactment by the Voters of the Town of Hope unless otherwise provided and shall remain in effect until it is amended or repealed.~~

~~Section 5. — Penalties~~

~~This ordinance shall be enforced by the municipal officers or their designee. Violations of this ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S. § 4452. The Town may seek reasonable attorney fees and costs in any related enforcement action and may seek such injunctive relief as is reasonably necessary.~~

~~Effective June 8, 2020
By Town of Hope Voters~~