

DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
MAINE LAND USE PLANNING COMMISSION

**Citizen Petition to Prohibit Certain Marijuana Uses
in the D-GN2 Subdistrict**

October 6, 2021 – Staff Recommended Revisions

The following amendments correspond to the October 2021 basis statement and the Commission's consideration of public comments received. These revisions propose changes to Chapter 10, Land Use Districts and Standards for Areas within the Jurisdiction of the Maine Land Use Planning Commission. This document only includes relevant sections of Chapter 10 and indicates additions in underline, deletions with a ~~striketrough~~.

Staff Revisions:

The following proposed revisions represent the LUPC staff recommendation for adoption as informed by the Commission’s September 8, 2021 deliberation.

10.21 DEVELOPMENT SUBDISTRICTS

Pursuant to 12 M.R.S. §685-A and consistent with the Commission's Comprehensive Land Use Plan, the following development subdistricts are established:

...

D. COMMUNITY CENTER DEVELOPMENT SUBDISTRICT (D-GN2)

...

3. Land Uses

The provisions of the D-GN2 subdistrict will not apply to any applications that have been received and deemed complete for processing by the Commission staff on or before January 1, 2001.

a. Uses Allowed Without a Permit

The following uses are allowed without a permit from the Commission within D-GN2 subdistricts:

...

b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within D-GN2 subdistricts subject to the applicable requirements set forth in Sub-Chapter III, and subject to the applicable requirements of Section 10.21,D,3,k:

...

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within D-GN2 subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, subject to the applicable requirements set forth in Sub-Chapter III and, where within 500 feet of Management Class 2 lakes or within 250 feet of Management Class 4 and Management Class 5 lakes, subject to the applicable requirements of Section 10.21,D,3,g, h, ~~and i~~, and k below:

...

- (4) Commercial: Commercial facilities having not more than 4,000 square feet of gross floor area, or as provided in Section 10.21,D,3,i that are compatible with residential uses, community centers, and foot traffic, specifically retail shops, restaurants, bed and breakfasts, professional and financial services, trades such as cabinetry or shoe repair, artisan shops and galleries). Generally, including:

...

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within D-GN2 subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III and Section 10.21,D,3,k, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses within the subdistrict with which it is incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Commercial facilities that are compatible with residential uses, community centers, and foot traffic, specifically retail shops, restaurants, bed and breakfasts, professional services, trades such as cabinetry or shoe repair, artisan shops, and galleries.

- (a) Commercial uses between 4,000 and 8,000 square feet in size, except as provided in Section 10.21,D,3, j; and
(b) Commercial uses with a total of no more than 10,000 square feet of outdoor display or storage area combined; and

...

k. Certain Marijuana Facilities and Uses Prohibited

All development and activities involving medical marijuana or adult use marijuana cultivation, extraction, processing, manufacturing, or testing are prohibited. Notwithstanding the prior provision, all uses, protections, or privileges of 22 M.R.S. or 28-B M.R.S. are allowed, including but not limited to home cultivation of marijuana for personal use; and medical marijuana home cultivation by a qualifying patient or exempt caregiver.