



**Annual Warrant ~~ Town of Whitefield  
FY 2022-2023**

To: Laurel Mullens, Resident of the Town of Whitefield, County of Lincoln, State of Maine.

**GREETINGS,**

*In the name of the State of Maine, you are hereby required to notify and warn the residents of the Town of Whitefield, Maine in Lincoln County, qualified to vote on Town affairs, to assemble at the **Whitefield Central Fire Station**, located at 24 Townhouse Road in said Town of Whitefield on Friday the **Eighteenth day of March, 2022, at 3:45 PM**, then and there to act upon Article 1 and by secret ballot on Article 2, the polling hours therefor to be from **4:00 PM in the afternoon until 8:00 PM in the evening**:*

Pursuant to Title 21-A, Section 759(7), absentee ballots will be processed at the polls at the following times of 6:00 PM and 8:00 PM.

*And to notify and warn said voters to assemble for the business meeting at the **Whitefield Elementary School** located at 164 Grand Army Road in said Town of Whitefield on Saturday the **Nineteenth day of March 2022 at 10:00 AM**, then and there to act on Articles 3 through 51 as set out below, to wit:*

**Article 1:** To elect a **Moderator** by written ballot to preside at said meeting.

**Article 2:** To elect by secret ballot municipal officials namely, two Select Board Members/Assessors/Overseers of the Poor; one RSU 12 School Board Member and one Planning Board Member all for three-year terms.

**Article 3:** To see if the Town will vote to allow the **unexpended balances of FY 21-22 Cooper Road Grinding \$6,684.38 and Paving \$32,936.31** to be carried over into the FY 22-23 for the purpose of **completing the Leonard's Bridge Culvert Project**.

Note: This is needed if the Leonard's Bridge project is not completed and expended out by FYE 6.30.2022

**Article 4:** To see if the **Town will fix dates when taxes shall be due and payable**, and to see if the **Town will fix an annual interest rate** to be charged on unpaid taxes after said dates, and to allow the **Tax Collector or Treasurer to accept the prepayment of taxes** not yet committed, pursuant to 36 M.R.S.A §506, amount not to exceed previous year's taxes. Interest on any prepayments will be zero percent.  
21/22 budget year interest rate 4%.

SELECT BOARD RECOMMENDS APPROVAL OF: Taxes due Tuesday, November 29, 2022 and Friday, April 28, 2023 and a 4% interest rate for unpaid taxes.

**Article 5:** To see if the Town will vote to appropriate from surplus funds to **pay for tax abatements and any interest due thereon.**

SELECT BOARD RECOMMENDS APPROVAL

**Article 6:** To see if the Town will vote to authorize the **Town Tax Collector to enter into a standard agreement with taxpayers establishing a “tax club” payment** plan for property taxes, whereby:

- the taxpayer agrees to pay specified monthly payments to the Town based on his or her estimated and actual tax obligation for the current year property taxes;
- the Town agrees not to charge interest on timely payments made pursuant to the tax club agreement;
- the Town authorizes the Town Tax Collector to accept tax club payments for current taxes which may be due prior to the commitment of those taxes;
- the agreement is automatically terminated if a scheduled payment is late, and the taxpayer then becomes subject to the same due dates and interest dates and rates as other taxpayers who are not participating in a tax club;
- only taxpayers who do not have any outstanding tax obligations for prior tax years are eligible to participate in the tax club program;
- taxpayers wishing to participate in a tax club for a particular property tax year shall enter into an agreement with the town by a publicly advertised deadline determined by the Town Tax Collector.

SELECT BOARD RECOMMENDS APPROVAL

**Article 7:** To see if the town will authorize the **Treasurer, after Select Board Approval, to file a waiver of automatic foreclosure of a tax lien** at the Registry of Deeds, pursuant to 36 M.R.S.A §944 on real estate that may be contrary to the Town’s best interest.

**Article 8:** To see if the Town will vote to authorize the **Select Board to enter into multi-year contracts** to negotiate optimal value for the procurement of certain necessary services to the Town.

**Article 9:** To see if the Town will vote to authorize the **Select Board on behalf of the Town to sell and dispose of any real estate acquired by the Town for nonpayment of taxes** thereon, for such terms as they deem advisable and execute quitclaim deeds for the same; with the exception that the Municipal Officers shall use the special sale process required by law, Title 36 M.R.S. § 943-C for a qualifying homestead property if they choose to sell it to anyone other than the former owner(s).

**Article 10:** To see if the Town will vote to authorize the **Select Board to accept gifts of money or personal property to the Town** and to appropriate and expend such gifts for such public purposes as the Select Board deems to be in the best interest of the Town.

**Article 11:** To see if the Town will vote to authorize the **Select Board to apply for and accept state and federal grants and grants from nonprofit organizations** on behalf of the Town for municipal purposes including, when necessary, the authority to sign the grant contract and accept the conditions that accompany grant funds, and to appropriate and expend grant funds for the authorized purposes.

**Article 12:** To see if the Town will authorize the **Select Board to dispose of Town owned property valued up to \$1,000**. Property valued over \$1,000 will be sold through auction or sealed-bid process.

**Article 13:** To see what sum the Town will vote to raise and appropriate to provide **Compensation to the Select Board** during the ensuing fiscal year.  
21/22 Budget was \$18,500

SELECT BOARD RECOMMENDS: \$18,500 (5-0)  
BUDGET COMMITTEE RECOMMENDS SAME: \$18,500 (9-0)

**Article 14:** To see what sum the Town will vote to raise and appropriate for the purpose of providing **Compensation and Employee benefits for Town Employees** during the ensuing fiscal year.  
21/22 Budget was \$164,498

SELECT BOARD RECOMMENDS: \$218,714 (5-0)  
BUDGET COMMITTEE RECOMMENDS SAME: \$218,714 (9-0)

**Note:** This includes Admin Salaries, Insurances, Social Security for all departments (including part time employees), Income Protection, Retirement, Accrued Wage Expense, Travel, and Training.

**Article 15:** To see what sum the Town will vote to raise and appropriate for general expenses associated with the **Operation of Town Government** during the ensuing fiscal year.  
21/22 Budget was \$110,976

SELECT BOARD RECOMMENDS: \$114,032 (5-0)  
BUDGET COMMITTEE RECOMMENDS SAME: \$114,032 (9-0)

**Note:** Includes MMA dues, registry, advertising, office supplies, postage, telephone, utilities, heat, property insurance, workers compensation insurance, legal services, audit fees, assessing fees, computer software (TRIO), maintenance, tax bills, town reports, website, other contracted services, office equipment, land taxes, preservation of records, etc.

**Article 16:** To see what sum the Town will vote to raise and appropriate for **Elections** expenses during the ensuing fiscal year.  
21/22 Budget was \$3,600

SELECT BOARD RECOMMENDS: \$3,900 (5-0)  
BUDGET COMMITTEE RECOMMENDS SAME: \$3,900 (9-0)

**Article 17:** To see what sum the Town will vote to raise and appropriate for **Planning Board** expenses and **Code Enforcement Officer** expenses during the ensuing fiscal year.  
21/22 Budget was \$11,330

SELECT BOARD RECOMMENDS: \$14,556 (3-2)  
BUDGET COMMITTEE DOES NOT RECOMMEND: \$14,556 (3-6)

**Note:** The increase includes a stipend of \$500 for each Planning Board Member

**Article 18:** To see what sum the Town will vote to raise and appropriate for **Facilities Maintenance** during the ensuing fiscal year.  
21/22 Budget was \$53,011

SELECT BOARD RECOMMENDS: \$35,851 (5-0)  
BUDGET COMMITTEE RECOMMENDS SAME: \$35,851 (9-0)

**Article 19:** To see what sum the Town will vote to raise and appropriate for the **Operation of the Whitefield Fire Department** during the ensuing fiscal year.  
21/22 Budget was \$97,563

SELECT BOARD RECOMMENDS: \$114,887 (4-1)  
BUDGET COMMITTEE RECOMMENDS SAME: \$114,887 (9-0)

**Note:** This includes the Emergency Management Operations \$500 (Year #5) that is part of Article #31 non-lapsing approval.

**Article 20:** To see what sum the Town will vote to raise and appropriate for the **Animal Control Contract** during the ensuing fiscal year during the ensuing fiscal year.  
21/22 Budget was \$8,000

SELECT BOARD RECOMMENDS: \$8,000 (5-0)  
BUDGET COMMITTEE RECOMMENDS SAME: \$8,000 (9-0)

**Article 21:** To see what sum the Town will vote to raise and appropriate for **Maintenance and Repairs of Town Roads** during the ensuing fiscal year.  
21/22 Budget was \$409,459

SELECT BOARD RECOMMENDS: \$467,034 (4-1)  
BUDGET COMMITTEE RECOMMENDS SAME: \$467,034 (9-0)

**Article 22:** To see what sum the Town will vote to raise and appropriate for **Winter Maintenance of Town Roads** during the ensuing fiscal year.

21/22 Budget was \$419,200

SELECT BOARD RECOMMENDS: \$433,600 (5-0)

BUDGET COMMITTEE RECOMMENDS SAME: \$433,600 (9-0)

**Article 23:** To see what sum the Town will vote to raise and appropriate for the **General Assistance Program** during the ensuing fiscal year.

21/22 Budget was \$2,000

SELECT BOARD RECOMMENDS: \$1,500 (5-0)

BUDGET COMMITTEE RECOMMENDS SAME: \$1,500 (9-0)

**Article 24:** To see what sum the Town will vote to raise and appropriate for **Soldiers' Graves and Whitefield Cemetery** during the ensuing fiscal year.

21/22 Budget was \$4,400

SELECT BOARD RECOMMENDS: \$4,700 (5-0)

BUDGET COMMITTEE RECOMMENDS SAME: \$4,700 (9-0)

**Article 25:** To see what sum the Town will vote to raise and appropriate in support of the following outside services: **Lincoln County Humane Society, \$3,800; Hatch Hill, \$23,000** during the ensuing fiscal year.

21/22 Budget was \$26,335

SELECT BOARD RECOMMENDS: \$26,800 (5-0)

BUDGET COMMITTEE RECOMMENDS SAME: \$26,800 (9-0)

**Article 26:** To see what sum the Town will vote to raise and appropriate for **Salaries, Utilities and Maintenance for the Recycling Center** during the ensuing fiscal year.

21/22 Budget was \$3,497

SELECT BOARD RECOMMENDS: \$4,000 (5-0)

BUDGET COMMITTEE RECOMMENDS SAME: \$4,000 (9-0)

**Article 27:** To see what sum the Town will vote to raise and appropriate for the **Fire Department Capital Outlay** during the ensuing fiscal year.

21/22 Budget was \$9,000

SELECT BOARD RECOMMENDS: \$9,000 (5-0)

BUDGET COMMITTEE RECOMMENDS SAME: \$9,000 (9-0)

**Note:** This is the 5<sup>th</sup> Year

**Article 28:** To see what sum the Town will vote to raise and appropriate for a **Tax Assessment Re-Evaluation** during the ensuing fiscal year.  
21/22 Budget was \$0

SELECT BOARD RECOMMENDS: \$50,700 (4-1)  
BUDGET COMMITTEE RECOMMENDS SAME: \$50,700 (9-0)

**Note:** This is the 1<sup>st</sup> of a 2 Year appropriation

**Article 29:** To see what sum the Town will vote to raise and appropriate for the **Replacement of Joy's Pond Culvert on South Hunts Meadow Road** during the ensuing fiscal year.  
21/22 Budget was \$0

SELECT BOARD RECOMMENDS: \$30,000 (4-1)  
BUDGET COMMITTEE RECOMMENDS SAME: \$30,000 (9-0)

**Note:** This is the 1<sup>st</sup> of a 2 Year appropriation

**Article 30:** To see what sum the Town will vote to raise and appropriate for the **Repair and Paving of the Sand/Salt Shed Parking Lot** during the ensuing fiscal year.  
21/22 Budget was \$0

SELECT BOARD RECOMMENDS: \$70,000 (5-0)  
BUDGET COMMITTEE RECOMMENDS SAME: \$70,000 (9-0)

**Article 31:** To see if the Town will vote to lapse all balances into undesignated Fund Balance except those which must be carried forward by statute and the balances of the following accounts: **Emergency Management Operations, Fire Department Capital, Tax Assessment Re-Evaluation, and Replacement of Joy's Pond Culvert on S Hunts Meadow Road** these accounts will not lapse and to allow the Select Board to expend from them in future years for their designated purposes.

**Article 32:** To see what sum the Town will vote to raise and appropriate for a **Tax Anticipation Note (TAN)** during the ensuing fiscal year.  
21/22 Budget was \$600

SELECT BOARD RECOMMENDS: \$600 (5-0)  
BUDGET COMMITTEE RECOMMENDS SAME: \$600 (9-0)

**Article 33:** To see if the Town will vote to raise and appropriate to support the **Debt Service incurred for the Fire Department and Fire Truck** during the ensuing fiscal year.  
21/22 Budget was \$57,875

Fire Truck Principal	\$17,485
Fire Truck Interest	\$ 4,462
Fire Station Principal	\$18,272
Fire Station Interest	<u>\$16,950</u>
	\$57,169

SELECT BOARD RECOMMENDS: \$57,169 (5-0)

BUDGET COMMITTEE RECOMMENDS SAME: \$57,169 (9-0)

**Article 34:** To see what sum the Town will vote to raise and appropriate for **Donations to the following Organizations** during the ensuing year:

	Previous Budget FY 21-22	Organization Requested FY 22-23	Select Board FY 22-23	Budget Comm FY 22-23	Select Board Recomnd	Budget Comm Recomnd
<b>American Red Cross</b>	\$ 250	\$ 250	\$ 250	\$ 250	4-1	9-0
<b>Maine General Hospice</b>	\$ 1,137	\$ 1,137	\$1,137	\$ 1,137	4-1	9-0
<b>Kenn. Behavioral Health</b>	\$ 1,000	\$ 1,000	\$1,000	\$ 1,000	4-1	9-0
<b>*New Hope Midcoast</b>	\$ 580	\$ 580	\$ 580	\$ 580	4-1	9-0
<b>Spectrum Generations</b>	\$ 810	\$ 990	\$ 990	\$ 990	4-1	9-0
<b>Young at Heart</b>	\$ 0	\$ 150	\$ 150	\$ 150	4-1	9-0
<b>Children Center</b>	\$ 1,127	\$ 1,128	\$ 1,128	\$ 1,128	4-1	5-4
<b>Healthy Kids</b>	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	4-1	9-0
<b>Waldo County Com Act</b>	\$ 0	\$ 173	\$ 173	\$ 173	4-1	9-0
<b>Lifeflight</b>	\$ 0	\$ 575	\$ 0	\$ 0	4-1	9-0
<b>Whitefield Library</b>	\$ 1,500	\$ 2,000	\$ 2,000	\$ 2,000	4-1	9-0
<b>Whitefield Athletic Assoc.</b>	<u>\$ 0</u>	<u>\$ 5,000</u>	<u>\$ 500</u>	<u>\$ 500</u>	1-4	4-5
<b>Totals</b>	\$7,404	<b>\$13,983</b>	<b>\$8,408</b>	<b>\$8,408</b>		

SELECT BOARD RECOMMENDS: \$8,408 (see above for Recommendation #'s)

BUDGET COMMITTEE RECOMMENDS: \$8,408 (see above for Recommendation #'s)

**Note:** \*Formally known as New Hope for Women, effective December 2021

**Article 35:** To see what sum the Town will vote to raise and appropriate for the **Whitefield Food Bank** during the ensuing year.

21/22 Budget was \$3,000 Taxes + \$3,000 from William Turner Charity Trust

SELECT BOARD RECOMMENDS: \$3,000 (5-0)

BUDGET COMMITTEE RECOMMENDS: \$3,000 (9-0)

**Note:** \$1,500 will come from William Turner Charity (see revenue sources Article #41)

**Article 36:** To see if the Town will vote to appropriate all funds received by the Town from the **State of Maine for snowmobile registrations to the Snowmobile Club** for the purpose of maintaining snowmobile trails and to authorize the municipal officers to enter into an agreement with the Club, under such terms and conditions as the municipal officers may deem advisable, for that purpose. These funds are to be used for the maintenance of snowmobile trails within the Town.

**Article 37:** To see if the Town will vote to authorize the **Select Board to move funds in the municipal budget from categories with balances to those with deficits** during the ensuing fiscal year.

SELECT BOARD RECOMMENDS APPROVAL

**Article 38:** To see if the Town will vote to move previous revenue received from **Cable Franchise Fees in 2021** in the amount of **\$5762.52**, that was voted as a carry forward fund for future use for local broadband, to the Unassigned Fund balance.

**Note:** ARPA Funds were used for the expansion of broadband in Whitefield, therefore the Cable Franchise Fees are not needed for this project.

**Article 39:** To see if the Town will vote to move **Townhouse Maintenance Funds** in the amount of **\$2,887** to the **Facilities Fund** carry forward balance to be expended on future Townhouse Repairs.

**Note:** Separate building maintenance accounts are being consolidated under the Facilities Fund.

**Article 40:** To see if the Town will vote to increase the **Property Tax Levy Limit** established for the Town of Whitefield by State Law in the event that the municipal budget approved under the preceding articles will result in a tax commitment that is greater than the property tax levy limit.

**Note:** To be decided by written ballot

**Article 41:** To see if the Town will vote to appropriate and authorize the **Select Board to expend funds from the following General Fund revenue sources to be applied toward the 22/23 budget** thereby decreasing the amount to be raised from property taxes.

Auto Excise	\$390,000
Boat Excise	\$ 2,000
Agent Fees	\$ 10,650
Licenses/Certificates	\$ 1,000
Interest on Taxes	\$ 5,500
Lien Cost	\$ 6,000
Veteran	\$ 1,500
Tree Growth	\$ 6,500
Local Roads Assistance Program	\$ 35,000
Cable Franchise Fees	\$ 4,500
Cemetery Mowing Reimbursement	\$ 1,600
Will Turner Charity Fund (Food Pantry)	\$ 1,500
Unassigned Fund Balance	<u>\$ 70,000</u>
<b>Total</b>	<b>\$535,750</b>



21/22 Budget was \$481,600

SELECT BOARD RECOMMENDS: \$535,750

**Article 42:** To authorize the **Select Board to accept and expend any other revenue from State, Federal, local or private sources** for the support of the Town during the ensuing fiscal year.

**Article 43:** To see if the town will vote to **change the position of Road Commissioner** from **elected to appointed** beginning at the March 2023 Annual Town Meeting, after which the select board shall appoint the Road Commissioner for a term of two (2) years.

**Note:** This has previously been an elected position. The Road Committee recommended it be changed to an appointed vs. an elected position.

**Article 44:** Shall the Town vote to appropriate **up to \$30,700 from Coronavirus Local Fiscal Recovery Funds (aka American Rescue Plan Act or "ARPA" funds)** received by the Town from the federal government for the following: **Premium pay for essential workers, retirement, fica, etc.**

SELECT BOARD RECOMMENDS APPROVAL

**Note:** This includes Office Staff, Fire Fighters, EMS, Elections & Recycle. These funds may be expended in FYE 6.30.22 or FYE 6.30.23.

**Article 45:** Shall the Town vote to appropriate **up to \$20,000 from Coronavirus Local Fiscal Recovery Funds (aka American Rescue Plan Act or "ARPA" funds)** received by the Town from the federal government for the following: **Electronic Sign.**

SELECT BOARD RECOMMENDS APPROVAL

**Note:** This is for the purchase of an Electronic Sign to be installed at Fire Station or Town Office. These funds may be expended in FYE 6.30.22 or FYE 6.30.23.

**Article 46:** Shall the Town vote to appropriate **up to \$14,100 from Coronavirus Local Fiscal Recovery Funds (aka American Rescue Plan Act or "ARPA" funds)** received by the Town from the federal government for the following: **Whitefield Fire Department / EMS.**

SELECT BOARD RECOMMENDS APPROVAL

**Note:** This is for the upgrade of radio equipment. These funds may be expended in FYE 6.30.22 or FYE 6.30.23

**Article 47:** Shall the Town vote to appropriate **up to \$12,000 from Coronavirus Local Fiscal Recovery Funds (aka American Rescue Plan Act or "ARPA" funds)**

received by the Town from the federal government for the following: **Whitefield Library.**

SELECT BOARD RECOMMENDS APPROVAL

**Note:** This is for the installation of an alternate heat source. These funds may be expended in FYE 6.30.22 or FYE 6.30.23.

**Article 48:** Shall the Town vote to appropriate **\$5,000 from Coronavirus Local Fiscal Recovery Funds (aka American Rescue Plan Act or “ARPA” funds)** received by the Town from the federal government for the following: **Whitefield Athletic Association.**

SELECT BOARD RECOMMENDS APPROVAL

**Note:** This is for the installation of a new Storage Building/Snack Shack. These funds may be expended in FYE 6.30.22 or FYE 6.30.23.

**Article 49:** To see if the Town of Whitefield will enact a **new ordinance requiring the licensing of Medical Marijuana Cultivation Facilities** not located at the residence of the state-licensed grower.

**Note:** This proposed ordinance does not affect the cultivation of marijuana for medicinal purposes by a resident of Whitefield on their own property either for their own use or the use of their clients

(See Attached Proposed Ordinance)

**Article 50:** To see if the Town of Whitefield will approve the **amended Building and Development Ordinance** as proposed.

**Note:** This amended version includes processes relative to changes of use at a property, new general standards under Article 9.2 relative to air, odor and noise to provide enforceable specificity, a section under Article 9.3 on specific requirements for the approval of medical marijuana cultivation facilities, a description in Article 12 on what constitutes a hardship and the addition of several new definitions to provide greater clarity within the ordinance.

(See attached Proposed Amendments to the Building and Development Ordinance)

**Article 51:** To see if the Town of Whitefield will **approve a moratorium on any commercial or community ground-mounted solar energy system** to allow the Town’s Planning Board time to develop suitable regulations governing such facilities.

**Note:** The proposed moratorium does NOT apply to any solar panel collection system or array undertaken by individuals on their own property for their personal use.

(See Attached Proposed Solar Moratorium)

The Registrar will be in session during Town Meeting to register anyone eligible to vote in Town matters.

Given under our hands and seal in the said Town of Whitefield this 1<sup>st</sup> day of March, 2022



Lester E Sheaffer Jr, Chair

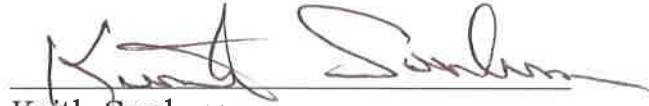


Charlene P Donahue, Vice Chair



William C McKeen

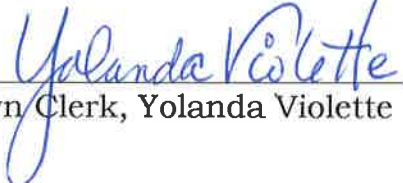
Lise A Hanners



Keith Sanborn

A true copy of the warrant along with 3 attachments

Attested:



Whitefield Town Clerk, Yolanda Violette





# **TOWN OF WHITEFIELD**

## **MEDICAL MARIJUANA CULTIVATION FACILITIES LICENSING ORDINANCE**

### **ARTICLE 1: PURPOSE**

1. The cultivation of medical marijuana is an authorized, regulated program of the State of Maine; and
2. There have been an increasing number of requests regarding the establishment of multi-caregiver medical marijuana cultivation facilities; and
3. State law specifically authorizes municipalities to regulate registered caregivers for the cultivation of medical marijuana as long as such regulations do not prohibit or limit the number of registered caregivers in the municipality under Maine Medical Use of Marijuana Act, 22 M.R.S. § 2429-D; and
4. Operations related to the cultivation of medical marijuana raise a number of concerns related to public safety and welfare, including, but not limited to: Potential adverse effects on neighborhoods, security of the facilities and odors that may create a public nuisance or hazard.

### **ARTICLE 2: AUTHORITY AND ADMINISTRATION**

1. Authority: This Ordinance is adopted pursuant to and consistent with Title 30-A M.R.S. §3001 et seq., Title 22 M.R.S. §2423-A(14) and Title 22 M.R.S. §2429-D.
2. Administration: This ordinance shall be administered by the Town of Whitefield's Select Board.

### **ARTICLE 3: APPLICABILITY**

Notwithstanding the provisions of 1 M.R.S. §302, this Ordinance shall apply to any proposal to establish, operate or expand a medical marijuana cultivation facility at a location other than the caregiver's primary location of residence, whether or not an application or a proceeding to establish or operate a business or operation for a medical marijuana cultivation facility submitted to the Town would be deemed a pending proceeding under 1 M.R.S. §302.

Operation of a Medical Marijuana Cultivation Facility within the Town of Whitefield is limited to residents of the State of Maine only.

### **ARTICLE 4: NEW APPLICATIONS**

Each applicant for a medical marijuana cultivation facility license shall complete and file an application on the form provided by the Town, together with the applicable non-refundable license fee, as well as the following supporting materials:

1. A copy of the applicant's State registration application and supporting documentation, as submitted to the State registration authority.
2. Evidence of all State approvals or conditional approvals required to operate a medical marijuana cultivation facility, including but not limited to a State registry identification card or registration certificate.



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### MEDICAL MARIJUANA CULTIVATION FACILITIES LICENSING ORDINANCE

3. If not included in the applicant's State registration application, a description of the form of ownership of the business enterprise together with attested copies of any articles of incorporation, bylaws, operating agreement, partnership agreement or articles of association that govern the entity that will own and/or operate the medical marijuana cultivation facility.
4. If not included in the applicant's State registration application, an affidavit that identifies all owners, officers, members, managers or partners of the applicant, their ownership interests and their places of residence at the time of the application and for the immediately preceding three (3) years. Supporting documents shall be provided. Such documents include, but are not limited to: motor vehicle operator's license, motor vehicle registration, voter registration or utility bills shall be provided.
5. A release for each applicant and for each officer, owner, member, manager or partner of the applicant seeking a license allowing the Town of Whitefield to obtain criminal records and other background information related to the individual.
6. A statement as to the precise nature of the business with a description of the nature of all products and services offered to its customers.
7. A description of the premises for which the license is sought, including a plan of the premises and a list of all equipment, parts and inventory used in the operation of the medical marijuana cultivation facility.
8. Copy of a deed, lease, purchase and sale agreement or other evidence of an interest in the premises in which the medical marijuana growing facility will be located along with the written consent of the owner of the premises for such use if the applicant is not the owner.
9. Evidence of all land use approvals or conditional land use approvals required to operate the medical marijuana cultivation facility or applications that have been filed and are pending for the required approvals, including but not limited to building permit(s), conditional or special use approvals, change of use permits and/or certificates of occupancy.
10. Evidence of all other approvals or conditional approvals required to operate the medical marijuana cultivation facility.
11. Evidence of compliance with the requirements of this ordinance and all other Ordinances of the Town, including any permits for those other ordinances from the Planning Board.

If the Town Clerk determines that a submitted application is not complete, the Clerk shall notify the applicant within ten (10) business days of the additional information required to process the application. If such additional information is not submitted within thirty (30) days of the Clerk's request, the application may be denied.



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### MEDICAL MARIJUANA CULTIVATION FACILITIES LICENSING ORDINANCE

#### **ARTICLE 5: STANDARDS FOR APPROVAL**

A license application for a medical marijuana cultivation facility shall be denied by the Select Board and an existing license may be suspended or revoked by the Select Board after notice and hearing if the applicant or any owner of the applicant or licensee:

1. Fails to meet the requirements of this ordinance.
2. Is not at least twenty-one (21) years of age.
3. Is not a resident of the State of Maine.
4. Has had a license for a marijuana establishment revoked by a municipality or by the state.
5. Has not acquired all necessary state and local approvals prior to issuance of the license.
6. Has been convicted of a disqualifying drug offense.
7. Has provided false or misleading information in connection with the license application.

#### **ARTICLE 6: OPERATING REQUIREMENTS**

In order to obtain a license pursuant to this ordinance, the applicant shall demonstrate (to the Select Board) that the following requirements will be met. A licensee shall comply with all these requirements during the term of the license.

1. Fixed Location: All licensed premises shall be fixed, permanent locations. Licensees shall not be permitted to operate a medical marijuana cultivation facility in any other than the licensed premises. This premises shall not be located within 1000 feet of any pre-existing public or private school or preschool, as defined in 20-M.R.S. 1. No outdoor cultivation, testing, manufacturing, or storage of medical marijuana will be allowed at this facility.
2. Compliance with requirements of State of Maine and local Law: A medical marijuana cultivation facility shall meet all operating and other requirements of State and local laws, ordinances, and regulations. To the extent the State of Maine or local ordinances currently adopted or adopted in the future are stricter than this ordinance, then the stricter law or ordinance shall apply.
3. Display of License: The current local license shall be displayed at all times in a conspicuous location within the licensed premises. All State of Maine license requirements must be met by the applicant and also displayed near this license.
4. Security: The licensed premises shall have lockable doors and windows and shall be served by an alarm system that notifies the owner/operator and the Lincoln County Sheriff's office. A video surveillance system shall be required and must be operating continuously, and such records must be available to law enforcement agencies when investigating a criminal complaint. The licensed premises shall have exterior spot lights with motion sensors covering the full perimeter of all buildings on the premises.



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### MEDICAL MARIJUANA CULTIVATION FACILITIES LICENSING ORDINANCE

5. Loitering: The facility owner/operator shall make adequate provisions to prevent any persons from loitering on said premises. It shall be the licensee's obligation to ensure that anyone found loitering or using marijuana or marijuana products in the parking lot or other outdoor areas of the licensed premises is ordered to leave.
6. Right of Access/Inspection: Due to fire, explosion, and other hazards inherent in medical marijuana cultivation facilities including but not limited to heavy electrical loads, hot lighting fixtures, CO2 enrichment and flammable contents, the owners and/or operators of all such facilities shall agree to an initial fire inspection as well as annual fire inspections by the Town of Whitefield Fire Department. A lock box shall be installed at the structure's exterior entrance for emergency access. The lock box shall be installed in coordination with the Town of Whitefield Fire Department.
7. All medical marijuana businesses shall have odor mitigation systems such that odor is imperceptible from any adjoining property line. A ventilation plan shall be required that provides for adequate ventilation so as to prevent pesticides, insecticides or other chemicals used in the cultivation or manufacturing of marijuana or marijuana related products from being dispersed or released outside the building or lease line. The plan shall further provide for resulting vapor, fumes, gases and particulates to be effectively confined to the building or lease line.

#### **ARTICLE 7: LIMITATION ON NUMBER OF LICENSES**

There shall be only one license issued under this ordinance.

#### **ARTICLE 8: LICENSE FEES**

Fees shall be set by the Select Board as a part of their annual fee schedule.

#### **ARTICLE 9: ENFORCEMENT, VIOLATION AND PENALTIES**

This ordinance shall be enforced by the Code Enforcement Officer of the Town of Whitefield. Failure to apply for a license under this ordinance shall be deemed a violation of the ordinance. Any person who violates this ordinance shall be subject to civil penalties and other remedies as provided in 30-A M.R.S. §4452.

#### **ARTICLE 10: APPEALS**

An appeal to a final decision under this ordinance shall be made to the Town's Board of Appeals specifying exactly what sections of this ordinance that the appellant objects to with regards to the decision of the Board.

#### **ARTICLE 11: SEVERABILITY**

Should any section or provision of this ordinance be declared by any court to be invalid, such a decision shall not invalidate any other section or provision.





## TOWN OF WHITEFIELD

### MEDICAL MARIJUANA CULTIVATION FACILITIES LICENSING ORDINANCE

#### **ARTICLE 12: DEFINITIONS**

As used in this ordinance, the following terms have the following meanings:

1. **Commercial Medical Marijuana Cultivation Facility**: A facility used for the purpose of the cultivation of Medical Marijuana by a Licensed Medical Caregiver other than a home-based business.
2. **Cultivation or Cultivate**: The planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale.
3. **Disqualifying Drug Offense**: A conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more. It does not include:
  - A. An offense for which the sentence, including any term of probation, incarceration, or supervised release, was completed 10 or more years earlier; or [IB 2009, c. 1, §5 (NEW).]
  - B. An offense that consisted of conduct that would have been permitted under this chapter.
4. **Home Based Business**: The use of a personal private residence and surrounding property located in a town within the State of Maine for income-producing business purposes.
5. **Marijuana**: The leaves, stems, flowers, seeds, and other plant material harvested from the plant of the genus Cannabis, including, but not limited to, Cannabis sativa, Cannabis indica, and Cannabis ruderalis or their hybrids or seeds of those plants. "Marijuana" includes any product derived from any marijuana plant or plant material, including, but not limited to marijuana concentrate and marijuana products.
6. **Marijuana Business**: Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Testing Facility, Registered Dispensary, Registered Caregiver Retail Store, Adult Use Marijuana Cultivation Facility, Adult Use Marijuana Products Manufacturing Facility, Adult Use Testing Facility, or Adult Use Marijuana Store licensed under this Ordinance.
7. **Medical Marijuana**: Marijuana as allowed per the Maine Medical Use of Marijuana Act.
8. **Medical Marijuana Cultivation and Production Facility**: A facility licensed under this ordinance to cultivate, prepare, and package medical marijuana at a location that is not the residence of the Registered Caregiver or Qualifying Patient.
9. **Registered Caregiver**: As defined by the Maine Medical Use of Marijuana Act, 22 M.R.S. §2422(11).

Approved at Whitefield Annual Town Meeting \_\_\_\_\_ and is effective as of this date.





## TOWN OF WHITEFIELD

### PROPOSED CHANGES TO BUILDING AND DEVELOPMENT ORDINANCE MARCH 19, 2022

The following changes are proposed to be made to the Town of Whitefield's Building and Development Ordinance.

#### PROPOSED AMENDED ARTICLE 3

This Ordinance shall apply to the construction of all new and/or expanded residential, commercial, industrial or institutional structures and developments, and to any changes in use of any existing structure whether or not there are any changes to the structure itself within in the Town of Whitefield.

No new and/or expanded development or construction or change in use shall commence in the Town of Whitefield unless and until a Notice to Build form has been submitted to, reviewed and approved by the CEO. If the CEO determines that a Development Permit is needed, he shall so instruct the applicant. In this case no development can occur until a development application has been submitted, reviewed and approved by the Planning Board.

#### PROPOSED CHANGES TO ARTICLE 9 SECTION 2

C. Air Quality: A commercial or industrial establishment shall not produce emissions of dust, dirt, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation or property, or which could soil or stain persons or property at any point beyond the establishment's lot line.

No land use or development shall be permitted to produce offensive or harmful odors perceptible beyond their lot lines either at ground or habitable elevation. Agricultural uses are exempt from this provision.

F. Noise Level: The development shall not raise noise levels to the extent that abutting or nearby property owners are excessively inconvenienced or harmed in any way.

1) The maximum permissible sound level of any continuous, regular, frequent or intermittent source of sound produced by an activity shall be limited according to the time of day and the land use which abuts it as listed below.

Abutting Use: Residential

7 a.m. to 7 p.m. limit: 55 dBA,

7 p.m. to 7 a.m. limit: 45 dBA

Abutting Use: Institutional

7 a.m. to 7 p.m. limit: 55 dBA,

7 p.m. to 7 a.m. limit: 45 dBA

Abutting Use: Commercial

7 a.m. to 7 p.m. limit: 65 dBA,

7 p.m. to 7 a.m. limit: 55 dBA



## TOWN OF WHITEFIELD

### PROPOSED CHANGES TO BUILDING AND DEVELOPMENT ORDINANCE MARCH 19, 2022

Abutting Use: Industrial  
7 a.m. to 7 p.m. limit: 70 dBA,  
7 p.m. to 7 a.m. limit: 60 dBA

2) Sound levels shall be measured at least four (4) feet above the ground at the property line of the development.

Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1.4) "American Standard Specification for General Purpose Sound Level Meters" and shall have been calibrated at a recognized laboratory within the past year.

3) The following uses and activities shall be exempt from the sound pressure level regulations:

Mineral Extraction/Gravel Mining Activities covered under Article 9, Section 3.I.E of this Ordinance;

Noises from site construction and occasional maintenance activities between 6 am and 8 pm;

The noises of safety signals, warning devices, and emergency pressure relief valves and any other emergency activity;

Traffic noise on public ways;

Activities covered under the Maine Agricultural Protection Act;

Forest Management Activities.

#### PROPOSED NEW ARTICLE 9 SECTION 3

The following shall be applied to any medical marijuana cultivation facility where more than one caregiver is cultivating for the use of their clients:

1. All Medical Marijuana Cultivation Facilities shall comply with applicable state and local laws and regulations.
2. Medical Marijuana Cultivation Facilities may not be located on property within one thousand (1000) feet of the property line of a preexisting public or private school (K-12). For the purposes of this Ordinance, "school" includes a public school, private school or public preschool program as defined in 20-A M.R.S. §1, or any other educational facility that serves children from prekindergarten to grade 12. Required setbacks shall be measured as the most direct, level, shortest or without regard to the intervening structures or objects, straight-line distance between the school property line and the property line of the parcel of land on which the Medical Marijuana Cultivation Facilities is located. If the Medical Marijuana Cultivation Facility is located within a subdivision, the required setback shall be measured from the front door of the Medical Marijuana Cultivation Facility to the property line of the school. Presence of a town, city, county or other political subdivision boundary shall



## TOWN OF WHITEFIELD

### PROPOSED CHANGES TO BUILDING AND DEVELOPMENT ORDINANCE MARCH 19, 2022

be irrelevant for purposes of calculating and applying the distance requirements of this Section.

3. No outside cultivation or manufacturing or storage of marijuana, marijuana products or related supplies is permitted, except as allowed by ordinance.
4. Ventilation and Odor: All Marijuana Cultivation Facilities are required to be in compliance with the state requirements and all Marijuana Cultivation or Manufacturing facilities shall have odor mitigation systems such that odor is imperceptible from the outside of any building or lease line. A ventilation plan shall be required for Marijuana Cultivation and Manufacturing Facilities that provides for adequate ventilation so as to prevent pesticides, insecticides or other chemicals used in the cultivation or manufacturing of marijuana or marijuana related products from being dispersed or released outside the building or lease line. The plan shall further provide for resulting smoke, vapor, fumes, gases and particulate matter from marijuana or its manufacturing or cultivation to be effectively confined to the any building or lease line.
5. All Medical Marijuana Cultivation Facilities shall obtain a State of Maine conditional license prior to operating in the Town of Whitefield.
6. Operating Plan: Medical Marijuana Cultivation Facilities are required to submit an operation plan that at a minimum addresses the following:
  - a. All general standards as defined under Article 9, Section 2 of this Ordinance,
  - b. Wastewater,
  - c. solid waste disposal, including plant parts,
  - d. chemicals used, including pesticides, fungicides, herbicides and fertilizers.

#### RENUMBER EXISTING ARTICLE 9 SECTION 3 AS ARTICLE 9 SECTION 4

#### PROPOSED ADDITION TO ARTICLE 12 GENERAL PROVISIONS

For purposes of this ordinance, hardship is defined as any physical limitation of the property in question, NOT CREATED BY THE OWNER OR A PREVIOUS OWNER, that makes it unnecessarily difficult for the owner/applicant to site the proposed structure/activity in compliance with any one or more provisions of this ordinance.

#### PROPOSED NEW DEFINITIONS

1. Accessory Structure or Use: A use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof, or a common wall is considered part of the principal structure. Accessory structures, except those that



## TOWN OF WHITEFIELD

### PROPOSED CHANGES TO BUILDING AND DEVELOPMENT ORDINANCE MARCH 19, 2022

require direct access to the water, must also meet all setback requirements. A guest house without kitchen facilities is an accessory structure.

2. Accessory Apartment: An independent dwelling unit that has been added onto, or created within, a single-family house. The accessory apartment has a separate kitchen, bathing, and sleeping areas from the principal residential building
3. Business: Is defined as a structure or location is used for the production and/or exchange of goods and services for remuneration. A commercial business is one engaged in the exchange of goods or services. The actual exchange of said goods or services might happen primarily off-site while the location itself is primarily a storage and dispatching location such as occurs with many construction-related businesses. An industrial business is one engaged in the manufacture of such goods or services.
4. Camper: Shall refer to any type of trailer, motor home, tent trailer or other device designed to be driven or towed behind another vehicle for the purpose of staying at a location other than one's home for a short period of time and that is manufactured for that purpose
5. Change of Use: The change of use of a parcel or a building from one type of permitted use to another type of permitted use or an increase in the intensification of use, including an increase in the number of dwelling units. It includes, but is not limited to, changing the use from one business type to another, adding one or more additional dwelling units to an existing single family structure, the increase in size of a single family residential dwelling unit by more than 20% to accommodate business activities and the construction of accessory structures greater than 320 square feet for business use on a lot principally used as a single family residence.
6. Commercial Medical Marijuana Cultivation Facility: A facility used for the purpose of the cultivation of Medical Marijuana by a Licensed Medical Marijuana Caregiver other than a home-based business.
7. Dwelling Unit: Shall mean any room or group of rooms where one or more people can reside independently from any other person or groups of persons within other rooms or groups of rooms. Such units shall include space (not necessarily in separate rooms) for sleeping, eating, cooking and bathroom facilities. It shall not include a bedroom only where all other activities listed are accounted for as shared facilities with that room and any others within the residence.
8. Home Business: A business that is run out of the owner's single family residence provided the business activities do not take up more than 20% of the floor area of the structure or does not involve the construction or conversion of any accessory structures greater than 300 square feet for use by the business. Accessory structures used for storage are included in the 300 square foot threshold.
9. In law Apartment: Is defined as a separate dwelling unit located within an existing single family residential structure intended strictly for the use of a relative such as the parents, children or siblings of the occupants of the primary residence. It is limited to one bedroom and may have its own bathroom and kitchen facilities.



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### PROPOSED CHANGES TO BUILDING AND DEVELOPMENT ORDINANCE MARCH 19, 2022

10. Mobile or Manufactured House or Housing: A structure unit or units designed for occupancy and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site. The term includes any type of building which is constructed at any manufacturing facility and then transported to any building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. Structures under this definition must be at least 750 square feet in area.
11. Marijuana: The leaves, stems, flowers, seeds and other plant material harvested from the plant of the genus Cannabis, including but not limited to Cannabis sativa, Cannabis indica, and Cannabis ruderalis or their hybrids or seeds of those plants. "Marijuana" includes any product derived from any marijuana plant or plant material, including but not limited to marijuana concentrate and marijuana products.
12. Medical Marijuana: Marijuana as allowed per the Maine Medical Use of Marijuana Act.
13. Medical Marijuana Cultivation Facility: A facility used for cultivating medical marijuana by one or more registered caregivers at a location which is not the registered caregiver's primary year-round residence or their patient's primary year-round residence.
14. Residence: Shall mean any structure that contains one or more dwelling units. A single family residence shall contain only one dwelling unit. Structures containing 2 or more dwelling units shall be classified as multi-family residences.
15. Tiny House: A Tiny House is defined as a separate, independent dwelling unit that is no more than 400 square feet in area. It includes basic functional areas including a bathroom, kitchen, sleeping area and living area. Generally, they are a stick-built structure built on a trailer or some form of wheels. Tiny houses are often built in one location with the intention of moving them to one or more other locations, depending upon the owner's lifestyle. They generally have facilities to connect an external water source and electricity. They are smaller than the minimum size requirement for manufactured housing (750 square feet) and are outside the definition of a camper or recreational vehicle.







TOWN OF WHITEFIELD, MAINE  
**MORATORIUM ORDINANCE REGARDING COMMERCIAL OR  
COMMUNITY SOLAR ENERGY FACILITIES**

WHEREAS, the Maine State Legislature found it is in the public interest to develop renewable energy sources and encourage solar energy related development pursuant to the Maine Solar Energy Act 35-A M.R.S. Ch.34-B; and

WHEREAS, developers have expressed interest in and have been increasingly developing Commercial or Community Solar Energy Facilities throughout the State of Maine; and

WHEREAS, no specific regulation governing Commercial Solar or Community Energy Facilities exists under the Town of Whitefield's Land Use Ordinances; and

WHEREAS, the Town's existing ordinances do not provide an adequate mechanism to control Commercial or Community Solar Energy Facilities and are inadequate to prevent the potential for serious public harm from the siting, installation and operation of Commercial or Community Solar Energy Facilities in the Town; and

WHEREAS, the siting, installation and operation of Commercial Solar or Community Energy Facilities within the Town raise legitimate and substantial questions about the impact of such facilities on the Town, including but not limited to whether such facilities are compatible with existing and permitted land uses in the Town; potential adverse environmental effects; and the lack of plans and other financial assurances that such facilities will be properly constructed and decommissioned; and

WHEREAS, the Town needs a reasonable amount of time to study land use implications of Commercial or Community Solar Energy Facilities and develop reasonable regulations governing their location and operation and to secure voter approval for such ordinance provisions; and

WHEREAS, during the period of this Moratorium, the Town will work on developing appropriate land use regulations concerning Commercial or Community Solar Energy Facilities; and

WHEREAS, the Town with the assistance from the Planning Board, Code Enforcement Officer and other departments, intends to study the Town's ordinances to determine the land use and other regulatory implications of the siting, installation, operation and decommissioning of Commercial or Community Solar Energy Facilities within the Town, and to consider what locations, approvals and performance standards, if any, might be appropriate for these facilities; and

WHEREAS, the Town's Comprehensive Plan focuses on preserving the rural and agricultural heritage of Whitefield; and

WHEREAS, it is anticipated that such a study, review and development of a recommended ordinance will not take more than 180 days from the Date of Applicability of this Moratorium Ordinance; and



TOWN OF WHITEFIELD, MAINE  
**MORATORIUM ORDINANCE REGARDING COMMERCIAL OR  
COMMUNITY SOLAR ENERGY FACILITIES**

WHEREAS, the Whitefield Planning Board finds that the foregoing facts create an emergency and establishes that a moratorium on Commercial or Community Solar Energy Facilities is needed to Title 30-A M.R.S. §4356 requiring immediate action.

NOW, THEREFORE, pursuant to Title 30-A M.R.S §4356, be it ordained by the voters of Whitefield, Maine, as follows:

1. **MORATORIUM.** The Town does hereby declare a moratorium on the siting, installation, operation, permitting and approval of any Commercial or Community Solar Energy Facility within the Town. For the purposes of this Ordinance, Commercial or Community Solar Energy Facility is defined as a ground mounted, electric generating facility that uses photovoltaic (PV) technology with a nameplate capacity of 125 kilowatts (AC) or greater for commercial purposes with an intention of generating power from the sun and converting such powering electricity for resale to or by a third party. Commercial or Community Solar Energy Facilities specifically do not include any solar panel collection system or array undertaken by individuals for their personal use. No person or organization shall locate or operate a Commercial or Community Solar Energy Facility within the Town on or after the effective date of this Ordinance. During the time this Ordinance is in effect no officer, official, employee, office, administrative board or agency of the town shall accept, process, approve, deny or in any other way act upon any application or request for any type of license, permit or approval related to a Commercial or Community Solar Energy Facility.
2. **DATE OF APPLICABILITY.** Notwithstanding 1M.R.S §302 or any other law to the contrary and regardless of the Effective Date, this Ordinance shall govern and apply to all proceedings and applications for a Commercial or Community Solar Energy Facility that were or are pending before the Planning Board on or any time after March 19, 2022 and to the extent allowed by Title 30-A M.R.S. §3007(6), shall nullify the issuance of any final approval of the Planning Board on or at any time after March 19, 2022 that authorizes the operation of a Commercial or Community Solar Energy Facility.
3. **EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its adoption and shall remain in full force and effect for a period of up to but no more than 180 days from the Date of Applicability, unless extended, repealed or modified by the Town pursuant to applicable law or until a new Ordinance regulating Commercial Solar Energy Facilities or revisions to existing Town ordinances addressing such facilities is adopted by the Town, whichever shall occur first.
4. **CONFLICTING OR INCONSISTENT PROVISIONS.** Any provisions of the Town's current ordinances and regulations which are inconsistent or conflicting with the provisions of this Moratorium Ordinance are hereby suspended, to the extent that they are applicable, for the duration of the Moratorium Ordinance hereby ordained, but not otherwise.

Approved at Annual Town Meeting \_\_\_\_\_