

## Town of Pownal

### Marijuana Ordinance Public Comments & Attorney's Comments

With the exponential interest from townspeople regarding the construction of the proposed Marijuana Ordinance, we have taken the influx of inquiries and comprised them into a "Frequently Asked Questions" style resource for citizens to review. The material gathered below is a combination of questions, comments and concerns, as they were originally communicated, that have been brought to the Town's attention by residents as well as the Town Attorney.

#### Caregivers and Licensing

##### Questions:

1. How many registered caregivers are currently in Pownal?
2. Has the town had negative interactions with any registered caregivers?
3. Will Tier 4 licensing be allowed in Pownal?

#### Security and Public Safety

##### Questions:

1. How will this type of cash business be handled in our town? Having specific amounts of cash and drugs on site attracts crime.
2. My major concern is who is going to be about now that there is pot in the area?
3. How is an occasional drive by from the sheriff's department going to dissuade anyone lured to the area by a cash crop?

##### Comments:

1. Safety protection for Pownal residents beyond notification of Cumberland County Sheriff Office.
2. Marijuana business is illegal under Federal law but legally by state law. Thus, there is a concern that the federal government will intervene and prosecute owners and/or operators of these types of facilities.
3. These types of facilities could be the target of criminal or protest activity, placing an undue burden on the Cumberland County Sheriff Department. The Town is certainly not in position to institute a local constabulary.
4. Threat of explosion and fire. Marijuana facilities face a significant risk for fire and explosion. There have been dozens of explosions reported for marijuana operations in various states. Fire and explosion hazards at marijuana facilities include combustible dust, flammable gases (propane, natural gas, butane, etc.). Facilities should be responsible for the costs associated with training and any additional equipment required by the Pownal volunteer fire department and other departments that help serve the town. Applicable training for our Code Enforcement Officer also needs to be considered.
5. Worker safety. Workers at marijuana grow facilities are subject to chemical exposure from fertilizers and pesticides, from sulfur dioxide as a result as a result of fumigation, and from carbon dioxide asphyxiation. First responders need to be trained in these hazards and proper response techniques.
6. Damage to Real Property. Growing conditions for marijuana grow rooms are nearly identical to those of an indoor swimming pool, with high room temperatures and relative humidity. Grow rooms may be established in houses or other spaces that are not designed to be used for these conditions. These conditions, especially when coupled with our winter weather, can result in biological growth resulting in

building deterioration and health hazards. The Code Enforcement Officer needs to be educated in the particular requirements for these types of buildings.

7. Electrical Risks. Computerized control systems monitor the environment and operate equipment to maintain optimum conditions to maximize the crop yield. Electrical equipment needs to be rated for the growing conditions and other hazards or there will be an increased risk of electrical hazard, fire and explosion. The Code Enforcement Officer needs to be educated in special requirements for these types of facilities.
8. Means of Egress. Marijuana growers typically do not grow in a building with one large open room. They need to isolate the plants that are at different stages of growth. Large facilities can be maze-like with multiple rooms. Facility owners/operators must ensure that egress paths are clear and do not become blocked by equipment or storage containers.

## **Pollution (Light, Water, Noise, Excessive Traffic & Hazardous Materials)**

### Questions:

1. Are there determined disposal procedure for the bi-product waste of greenhouses? Will there be incineration causing pollution and disposal that will attract rodents and/or emit toxins into groundwater systems?
2. Waste water disposal? Each facility should have a waste water disposal/remediation system in place that complies with USDA guideline.
3. Will there be guard animals on site? Many commercial recreational facilities utilize guard dogs on site. They cause noise pollution as they bark all night.
4. I foresee issues with water as these growing facilities require a large quantity of water to grow. There will be issues with waste water. As we do not have a public waste water facility, the water will most likely be put back into the ground. Along with the fertilizers and chemicals that these plants require for the rapid growth that is demanded. How will this water usage affect surrounding neighbors?

### Comments:

1. Restrictions on light pollution.
2. Restrictions for water resource protection.
3. Adoption of water pollution measures via the use of California Organic Growing regulations.
4. Our concerns include: Water resource protection, air quality and order concerns, the need for restrictions in scale/size of facility, security and motor vehicle concerns, as well as light pollution with the expected 24 hour security lighting in a rural environment.
5. One of the items that I frequently heard discussed at the comprehensive plan gatherings this summer was the desire to maintain Pownal's rural character. If the proposed facilities are indeed large scale industrial buildings, some of that rural character will be lost. There will be increases in traffic, pollution and light pollution.
6. Odor. It is one thing when the agriculture smell is a brief time of manure spreading in the spring as our farmers prepare their fields. It is [a] completely different story with a 24/7 365 day facility that has an off gassing odor that never dissipates.
7. Odor. Marijuana plants emit a very strong, "skunk-like" odor. Facilities will have ventilation systems that exhaust air from the facility containing these odor compounds. The ordinance should require the owner and/or operator to prevent odors from leaving the facility. Ventilation systems should be installed with components to capture odors prior to exhaust out of doors.
8. Carbon Dioxide (CO<sub>2</sub>). Marijuana grow facilities typically include CO<sub>2</sub> enrichment systems for enhancing growth. CO<sub>2</sub> enrichment can be in the form of compressed or liquefied CO<sub>2</sub> systems, or a CO<sub>2</sub>

generator supplied by natural gas or propane. Compressed or liquefied CO2 systems can be as small as a few cylinders located inside each grow room or as large as a bulk tank located outdoors. CO2 generators operate a fuel-fired source that as a part of the combustion process, off-gasses CO2 and carbon monoxide (CO). These systems present potential asphyxiation hazards and should be regulated by operational and system installation permits. First responders should be educated and trained for these hazards.

9. Fumigation agents. The fumigation method of most concern is sulfur burners to control powdery mildew and CO2 fumigation to control pests. Sulfur burners heat elemental sulfur, creating sulfur dioxide. If inhaled, sulfur dioxide can create sulfuric acid in the presence of moisture and can burn the respiratory tract. Both of these operations are of concern to workers entering the space, adjacent tenants unaware of this fumigation activity and first responders entering after hours.
10. Fertilizers and other Nutrients. Fertilizers can be chemical or organic, liquid or powder, and usually contain a mixture of nitrogen, phosphorus and potassium. Cannabis needs other nutrients during the various phases of its life-cycle. Secondary nutrients include calcium, magnesium and sulfur. Micro-nutrients such as iron, boron, chlorine, manganese, copper, zinc and molybdenum may be used to address rare deficiencies.
11. Ozone. Some facilities have an ozone generator for odor control. Ozone reacts with odor molecules in the air, permanently eliminating them. However, ozone can build up to levels that may be hazardous both for employees and visitors at the facility. That is why we created the UL listing on all equipment. Ozone is used in most hot tubs.
12. Water Demand. The website [weathereport.com](http://weathereport.com) has a report on the costs associated with various grow facilities. A single cannabis plant can use as much as 22.7 liters, or six gallons, of water per day. Medium density growing is equivalent to 1.4 plants per square foot. High density Sea of Green (SOG) planting is equivalent to four plants per square foot. A 5'x5' grow room can hold 35-96 plants using 210-575 gallons of water per day. A 1500 square foot house facility can hold 1800-5200 plants requiring 10,800-31,200 gallons of water per day. A 30,000 square foot greenhouse can hold 15,000-22,500 plants at medium density and up to 64,000 plants at SOG density. Water demand for this size facility will be in the range of 90,000-135,000 gallons per day for medium density and over 380,000 gallons per day for SOG planting. The ordinance should require the developer, owner or operator to prepare a water use plan that demonstrates the ability of the aquifer to supply project water demand, and that ensures no adverse impact on the groundwater aquifer or on other wells with withdrawal limits with the facility required to document and report compliance with penalties for failure to comply or false reporting.
13. Water Reuse. Closed-circuit desalination (CCD), reverse osmosis water systems can recover as much as 97% of wastewater, therefore reducing water demand and wastewater disposal. The ordinance should encourage installation of these systems to reduce the impact a facility will have on groundwater acquirers.
14. Wastewater Disposal. Wastewater from marijuana grow facilities will contain contaminants such as residual marijuana components and nutrients (see fertilizers and other nutrients above). As Pownal does not have a town-wide municipal wastewater system, wastewater will likely be discharged back to groundwater. The ordinance should contain requirements for wastewater treatment and quality to be met prior to discharge for approval. These provisions should conform with State of Maine requirements for discharge of wastewater to groundwater and any other regulatory requirements.
15. Air Pollution. Facilities will have air emission discharges from heating, ventilation, co2 enhancement, fumigation and marijuana plant odors. The ordinance should address requirements to minimize these impacts and compliance with State of Maine air pollution regulations.
16. Solid Waste. Solid waste from the facility will largely be agricultural in nature, e.g. dead plants, stems, clippings, etc. Some of the solid waste could contain THC levels of concern. The ordinance should require the owner/operator to prepare a solid waste management plan for approval.

17. Traffic. Grow facilities can have a significant impact on the level and type of traffic on Pownal roads. The ordinance should require a traffic study that defines traffic impacts by employees, deliveries, shipments, commerce, etc. The ordinance should require that turnaround and staging required for facility traffic activity be provided on the facility site to avoid impacted the traveled way of roads in the Town of Pownal. Owners/operators of the facilities should be responsible for any road improvements required to meet traffic demands.

## **Facility Restrictions (Location, Size, & Related Concerns)**

### Questions:

1. What are Pownal's regulations on Industrial Agribusiness?
2. What is the amount of acreage required per commercial recreational marijuana greenhouse? For example, how many greenhouses are permitted on a five acre parcel?
3. How did you arrive at the 75 foot buffer?

### Comments:

1. I noted nothing in the proposed ordinance restricting location for a marijuana establishment aside from drug free safe zones. I see this as particularly troublesome for the potential of an establishment in communities with groups of houses clustered together such as North Pownal.
2. Detailed restrictions on the size of marijuana grow facilities.
3. I am concerned with anyone with large quantities of land deciding to make a quick buck by offering up their property for this. Boutique, small farm growth is in keeping with the rural character, but 30,000+sf buildings with razor wire and 24/7 lighting, production and security are not necessarily the direction that I think is best for Pownal.
4. I think the ordinance should say you can only process/manufacture from the plants you grow. This helps prevent marijuana establishments from becoming regional processing centers.

## **Commerce, Property Values, Operation Costs and the Implementation of Fees**

### Questions:

1. Are there any numbers back from the Tax Assessors in regards to additional tax revenue?
2. If we are really considering inviting in large industrial (or even small industrial) business' perhaps it is time that we take a look at implementing a business tax. How will this type of business benefit the Town of Pownal?
3. The ordinance needs to address costs associated with review, approval, and on-going monitoring of facility activities. How does the Board of Selectmen envision meeting this need?
4. What are the numbers back from the tax assessors in regards to neighboring properties losing value?

### Comments:

1. I noted no suggested penalties for failure to comply, in Section 11. I assume this will be determined separately in the Town of Pownal Fee Schedule. Penalties should be significant to keep violators from seeing them as simply a cost of doing business.
2. The license renewal fees are to [sic] low. Would like to see at least \$1,000.00.
3. The presence of these types of facilities may result in the perception that living in Pownal is not as desirable as is currently.
4. The presence of marijuana facilities could negatively impact our bond rating and ability to raise funds.

5. Commerce. The owner and/or operator of a marijuana grow facility may also wish to have a co-located retail facility. The ordinance should address requirements of retail operations conforming to State of Maine requirements.
6. It concerns me that policing and enforcing an ordinance like this would be costly in both time and money, and not necessarily well monitored based on my observations of code interpretation and enforcement in the past.

## **Labor and Operations**

### Questions:

1. I am curious if a fully vertically integrated operation means there will be more than just cultivation ultimately happening and I am curious to hear how other communities have fared with growing operations. How have their communities been impacted?
2. Will these facilities [allow] for employee housing? If so, what will the policy be for this?

### Comments:

1. Growing marijuana is labor intensive; the occupant load of workers is higher than one would expect in a typical U occupancy greenhouse. Large grow operations can have more than 100 employees (AIATrust.com). The type of facility will change traffic and other human activity within a neighborhood.
2. The owner/operator may elect to house some staff on-site. The ordinance should address any temporary or permanent housing for labor force at the facility, during construction or during normal operation.
3. Nuisance. Marijuana facility ordinance should include a nuisance section that prohibits and/or limits for nuisance activities related to cannabis operations.
4. Occupancy. Grow facilities operate, and are occupied, around the clock (AIATrust.com). This has the potential for significant impact on neighbors that could include night-time noise and light levels, and general activity that could negatively impact the quality of life for facility neighbors. The ordinance should address acceptable noise and light impacts, and time-or-day restrictions for certain activities, such as heavy equipment use, deliveries/shipments, etc.