

Workshop

Mechanic Falls Planning Board
January 19, 2021 6:30-7:30pm



Public Access: Zoom Meeting: <https://zoom.us/j/2092120488>
Join by Phone: (312) 626-6799 (Meeting ID: 209-212-0488)

- I. **Call to Order** Time: _____
- II. **Pledge of Allegiance**
- III. **Roll Call** Councilors Absent: _____
- IV. **Discussion: Various Ordinance creation & revision**
- V. **Adjourn** Time: _____

MEETING AGENDA

Mechanic Falls Planning Board
January 19, 2021 7:30pm



Public Access: Zoom Meeting: <https://zoom.us/j/2092120488>
Join by Phone: (312) 626-6799 (Meeting ID: 209-212-0488)

- I. **Call Meeting to Order** Time: _____
- II. **Pledge of Allegiance**
- III. **Roll Call** Members Absent _____
- IV. **General Reports** Notes:
- | | | |
|------|-----------------------------------|-------------------|
| *4.1 | Meeting Minutes November 16, 2020 | Motion to Approve |
|------|-----------------------------------|-------------------|
- V. **Updates from CEO** Notes:
- | | | |
|-----|---------|--|
| 5.1 | Various | |
|-----|---------|--|
- VI. **General Comments from the Public** (3 Minutes/person – 30 Minutes Max)
- VII. **Old Business** Notes:
- | | | |
|------|---|--|
| *7.1 | Great Falls Greenery Adult Use Store 532 Pigeon Hill Rd | Motion to Approve - Tabled from 11/15/2020 meeting |
| *7.2 | Knox Box Ordinance | Motion to Approve |
| *7.3 | Mixed multiple uses | Motion to Approve - Allow mixed multiple Uses with shared road frontage in more than only the Downtown Business Zone |
- VIII. **New Business** Notes:

8.1	Street addition – Quarry Rd	Informational only – Safety Issue.
8.2	Addition of 911 compliant house # sign ordinance	Informational only – Health Officer/Fire Safety Issue.
*8.3	Review typos in current ordinance	List provided on separate sheet.
*8.4	Correct Table of Uses	Footnote inadvertently removed allowing CEO to determine appropriate permit and procedures for new use.
*8.5	Remove Maine Resident requirement for marijuana Establishment application	Our existing Maine Resident requirement for Marijuana Establishment application may have negative ramifications for the town.
*8.6	Require External emergency disconnect for all new building residential or commercial ahead of National Electric Code (NEC) 2020 change	For resident and municipal fire personnel safety.
*8.7	Consider Aquifer Protection Ordinance Update	Conflicting ordinances for min lot size.
8.8	Consider lot size requirement for large animals in confined residential areas.	Maine Department of Agriculture, Conservation & Forestry Animal Welfare Program.
8.9	Mechanic Falls food Sovereignty Ordinance	From state example ordinance.
8.10	Consideration of back Lot ordinance	To further detail specifics of our ordinance.
8.11	Accessory Dwelling Unit ordinance expansion	I've had numerous calls from residents and non-residents.
8.12	Consideration of Table of uses update to allow Multi-family development in the Rural District	Responding to a need for affordable housing.

Adjourn Time: _____

Next Meeting: (February 16th, 6:30pm – Second Floor Conference)

*** = Needs action**

Workshop Topics

Please bring planning board manuals to this meeting.

Old

- Great falls Greenery application- tabled
- Know Box Ordinance
- Mixed multiple use with shared road frontage.

New

1. Street addition to come into compliance with 911 addressing. Road off 146 North St. to be added to Private Road List and 911 addresses changed to Quarry Rd per 911 addressing guidelines.

Informational Only.

2. Addition of 911 compliant house # sign ordinance. (noted by several town officials, including fire, that many house numbers are missing or not adequate for visibility)

Informational Only.

3. A note (*in form of a footnote*) was inadvertently removed from our existing Table of Uses allowing the CEO to expand or alter uses not listed to determine appropriate permit and procedure.

NOTE: 1 For any expansion or alterations of uses not listed above, the CEO will determine the appropriate permit and procedure (if any).

Land Uses permitted in Mechanic Falls are shown on Table 1 (Table of Uses) by the type of permit required or not required within each land use District under this Ordinance. Such permits must be secured prior to obtaining the appropriate building, plumbing or other appropriate construction permits, in accordance with the procedures and processes described in ~~Article~~ Articles II and III. The CEO will determine the appropriate permit and procedures (if any) for a new use, or expansion or alternations of existing uses not listed in the Table of Uses.

{Deleted text is ~~crossed-out~~, added text is underlined}

Possible Motion: To make wording changes as provided in as provided in Article IV. – Land Use Districts and Regulations, Section 2 to allow the CEO to determine the appropriate permit and procedures (if any) for a new use, or expansion, or alteration of existing uses not listed in the Table of Uses not currently listed in the table of uses.

4. Change required in marijuana ordinance requiring applicants for marijuana facilities be Maine residents.

Article IV. Land use Districts and Regulations, SECTION 5. PERFORMANCE REQUIREMENTS AND STANDARDS FOR SPECIFIC ACTIVITIES M. Marijuana Related Activities, 4. General Provisions, j, v. Any Person who is not a resident of Maine Should ONLY apply to Caregivers right now. It does NOT apply to Adult use recreational, or any other component of Marijuana activities.

Possible Motion: To remove the requirement for being a Maine resident except in the case of Caregivers in our municipal marijuana ordinance.

5. Fire Dept recommendation that external electrical shut off be required for new construction or replacement of existing exterior service wire or meter box.

Possible Motion: To make exterior emergency disconnects required for any new 1 and 2 family residences, and commercial buildings or renovation at the meter box as in the 2020 National Electric Code (noted below) until which time, this municipality adopts the 2020 NEC with the exterior shut off required.

230.85 Emergency Disconnects.

For one- and two-family dwelling units, all service conductors shall terminate in disconnecting means having a short-circuit current rating equal to or greater than the available fault current, installed in a readily accessible outdoor location. If more than one disconnect is provided, they shall be grouped. Each disconnect shall be one of the following:

- (1) Service disconnects marked as follows:*

EMERGENCY DISCONNECT,

SERVICE DISCONNECT

- (2) Meter disconnects installed per 230.82(3) and marked as follows:*

EMERGENCY DISCONNECT,

METER DISCONNECT, NOT SERVICE EQUIPMENT

- (3) Other listed disconnect switches or circuit breakers on the supply side of each service disconnect that are suitable for use as service equipment and marked as follows:*

EMERGENCY DISCONNECT, NOT SERVICE EQUIPMENT

Markings shall comply with 110.21(B).

6. Change wording to allow for Mixed use development without added road frontage.

7. Consideration of Aquifer protection ordinance update. Conflicting previously approved ordinances.

No specific language at this time.

8. Consideration for lot size requirement for large animals in close residential areas.

No specific language at this time.

Ranked from easiest to more discussion required

1. Review and vote for wording on Knox Box Ordinance.
2. Several typos, mistakes, and omissions found in our current land use ordinance should be corrected.

**	Adjust for removal of downtown business districts that no longer exist and leave as downtown district. pp. 44, 46, 48, 56, 89, 99, 100, 101,
pp.108	Section 6, rental dwelling to be placarded but not less than seven days (should be "days")
pp.109	E. definitions 5 Dwelling (rental Unit) boarding/lodging Unit (should say "Boarding")
pp.113	G. Minimum standards for Plumbing, all plumbing facilities shall be in accordance (should be "be")

Possible Motion: To make typographical changes listed above to correct our current ordinance.

2. Food Sovereignty Act Ordinance. See attached for ordinance wording AND explanation of why, etc..

Possible Motion: To create a Municipal Food Sovereignty Ordinance for, Mechanic Falls based on the state recommended ordinance.

3. Consideration of change to back Lot Ordinance

Possible Motion: To add wording as proposed for the depth of the 33 ft road frontage and add a 200' circle somewhere in the parcel.

4. Consideration of Table of uses update. Light Industry use allowed in Rural Zone.
5. Accessory Dwelling Units Ordinance expansion to allow more housing for parents, children, affordable housing opportunities.
6. Consideration of Table of uses update to allow Multi-family in the Rural District?

Mechanic Falls Planning Meeting

November 16, 2020

MEMBERS PRESENT:

Walter Goss-Vice Chair
Paula Stotts

Lou Annance-absent
Melanie Judd-absent
Lou Goulet-Chair

STAFF PRESENT:

Alan Plummer-CEO
Zakk Maher-Town Manager
Julie Ward- Town Clerk

OTHERS PRESENT:

Rudy Kyllonen
Tarsha Downing
TJ Thayer

- I. Call Meeting to Order**
- II. Pledge of Allegiance**
- III. Roll Call**

Meeting was called to order at 6:30pm and we saluted the flag.

CEO Alan Plummer stated Melanie Judd resigned effective immediately.

IV. General Reports

4.1 Meeting Minutes

Walter Goss motioned to accept the 9/28/20 meeting minutes, seconded by Paula Stotts, all in favor so voted.

Walter Goss motioned accept the 10/19/2020 meeting minutes, seconded by Paula Stotts, all in favor so voted.

4.2 Finding of Fact Conclusions of Law 44 Pigeon Hill

Walter Goss motioned to approve the finding of fact conclusion of law by Code Officer, seconded by Paula Stotts, all in favor unanimous.

V. Updates from CEO

5.1 Various

CEO Alan Plummer stated the wording for the Knox Box was included in the packet. It had already been voted

on, but wording was never determined. He also provided information on the Comp Plan to continue to move forward with mixed uses. Next meeting will have info for back lot use, accessory dwelling units.

VI. Comments from the Public

Rudy Kyllonen of 131 Libby Road asked about building maple syrup evaporators in his zone. He does it as a hobby and was told because it's light industrial he can do that. CEO Alan Plummer read the description of what was considered industrial, and it seems to fall into that category.

Tarsha Downing of 131 Libby Road asked the Planning Board if they would consider changing the zoning rules because the light industrial is not allowed in rural zoning.

Lou Goulet stated they should revisit the ordinance for home businesses and light industrial.

VII. Old Business

7.1 Great Falls Greenery Adult Use

Paula Stotts motioned to table until March 2021, seconded by Walter Goss, all in favor so voted.

VIII. New Business

8.1 Discussion on Mixed use in Identified zones

The board spoke about mixed and identifying zones, and continues to work on updating the land use.

8.2 Knox Box Language

Paula Stotts motioned to accept the proposed Knox Box Ordinance, with changes as discussed, seconded by Walter Goss. Lou Goulet stated he would like to see it all typed up with the changes before accepting it. Walter Goss agreed, Paula Stotts rescinded her motion.

Paula Stotts motioned to table until the next meeting so the board can read the changes, seconded by Walter Goss, all in favor so voted.

8.3 Ordinance Change: Multiple Mixed use allowed in Identified zones

Unfinished and no motion was made.

IX. Adjourn

Paula Stotts motioned to adjourn seconded by Walter Goss, all in favor so voted. Adjourned 8:05pm

**TOWN OF MECHANIC FALLS
APPLICATION FOR SITE PLAN REVIEW**

Project Name: High Rollers Medical Store

Minor
✓ Fee \$75

Major
Fee \$125

Applicant Information:

• Name of Applicant: Tyler Thayer DBA Great Falls Greenery
Address: 532 Pigeon Hill Rd Mechanic Falls
Phone: 207 577 3280
Email Address: admin@highrollerscannabis.me

• Property Owner: Rick Bennett
Address: 75 Bennett Ln. Oxford ME 04270
Phone: 207 592 3200

• Applicant's Agent: none
Address: _____
Phone: _____

• Name and address of person to whom all correspondence regarding this application should be sent:
Tyler Thayer / High Rollers
532 Pigeon Hill Rd
Mechanic Falls ME 04256

• What legal interest does the application have in the property to be developed, (i.e. ownership, option, purchase and sales, contract, other)? Please attach evidence of interest.

Lessee

• What interest does the applicant have in any abutting property, or any land within 500 feet of the proposed development?

none

• List below the names and mailing addresses of abutting property owners, including those across a road or street, from the proposed project. (Attach additional pages if necessary)

Name	Address	Lot & Map No.
<u>see attached</u>		

• Attach evidence of notification (Copies of letters sent Certified Mail with Return Receipt Requested) to property owners within 500 feet of abutting property lines.

Property/Project Information:

• Nature of project. Please describe the nature of the proposed project including total floor area, type of materials/products to be handled, hours of operation, and other information to familiarize the Board with

Property/Project Information:

9. Nature of project. Please describe the nature of the proposed project including total floor area, type of materials/products to be handled, hours of operation, and other information to familiarize the Board with your application. (Attach additional pages if necessary)
- Adult use Recreational Marijuana Store. to be built adjacent to current medical storefront.
Building will be built on slab, and use same driveway. Will follow same security plan
as medical store. Hours are 10-7 / 7 days a week. All high value items stored offsite.

10. Location of Property: (Attach a copy of the Mechanic Falls Tax Map showing property location)

Town of Mechanic Falls Map 6
Lot 2

Registry of Deeds Book _____
Page _____

11. Provide a perimeter survey of the parcel made and certified by a registered land surveyor relating to the reference points, show true North point, corners of parcel, date of survey and total acreage. Areas within 200 feet of proposed development site shall be included.

Recent Private Survey was concluded in Fall 2019

12. Amount of acreage currently developed: 2.5 Acres

13. Current use of property: Medical Marijuana Store

14. Is any portion of the property within 250 feet of the high-water mark of any pond, river, stream or wetland?

YES

NO

☐☒

15. Is any portion of the property shown within a Special Flood Hazard Area (SFHA) on the Flood Insurance Rate Maps (FIRM) for the Town of Mechanic Falls?

YES

NO

☐☒

** If yes, attach a copy of FIRM panel with project location marked.

16. Is the proposed project located on a mapped sand and gravel aquifer?

YES

NO

☐☒

17. State the estimate cost of each item listed below as it applies to the project as proposed in the application. Include estimates of costs of activities to minimize or prevent adverse effects on the surrounding environment during construction and/or operation of the project.

Legal	<u>NA</u>
Sewage Disposal	<u>NA</u>
Roads/Parking	<u>5000</u>
Storm Water	<u>1000</u>
Structures	<u>40,000</u>
Water Supply	<u>2000</u>

Landscaping	<u>1000</u>
Erosion	<u>1000</u>
Other	<u>-</u>
TOTAL	<u>50,000</u>

** Attach a statement describing how you plan to finance the project. NOTE: the Planning Board may require the filing of a Performance Bond, the execution of a conditional agreement with the municipality by the applicant.

privately funded from proceeds and income from current medical store

18. Gross floor area or area to be developed: 320 sq ft

19. Percentage of lot to be covered by structures and parking: 20%

20. Method of Infrastructure: Building will require no plumbing/well. Will use facilities in existing building, open to the public

Water Supply existing well Sewage Disposal existing septic

** If public water and/or sewer are to be used, submit a statement from the PUD as to the adequacy of public water and/or sewer lines.

Fire Protection Smoke alarms
 Electricity from existing store
 Solid Waste Disposal -
 Surface Water Drainage landscaping bed

Adequate provision shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality, soil erosion, or the public storm drainage system. On-site absorption of run-off water shall be utilized to minimize the discharge from the site.

Provide a map or sketch showing the existing and proposed locations of all utility lines, sewer lines, water lines, fire hydrants, easement drainage ways, and public or private rights of way.

21. Number of parking spaces required: 4 Number of parking spaces proposed: 4

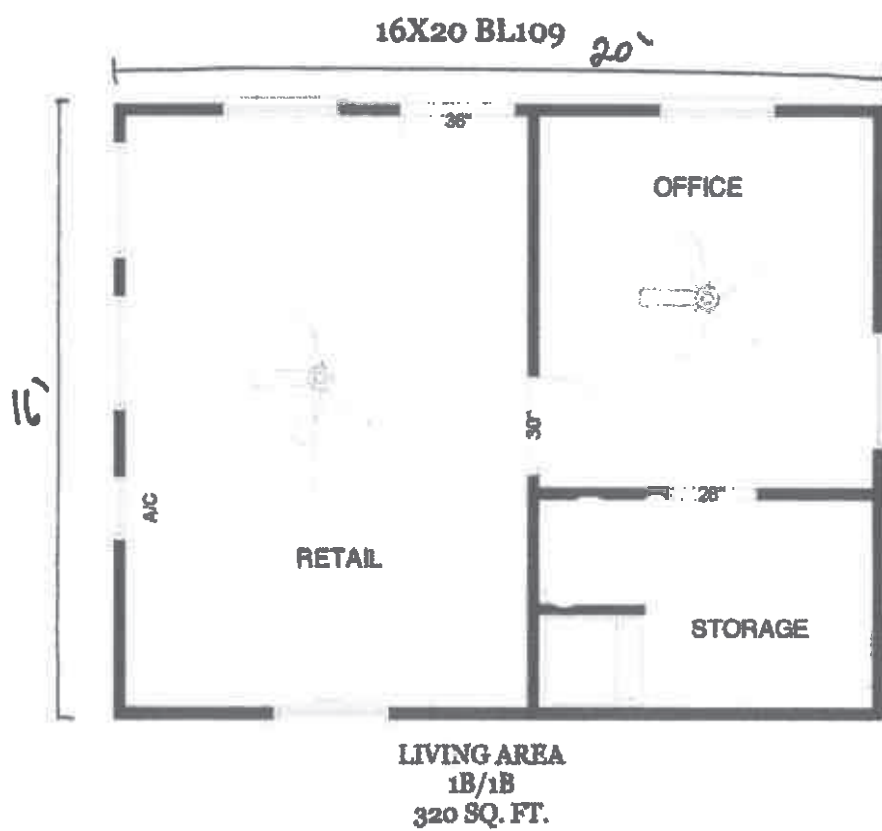
22. Describe the proposed erosion and sedimentation control methods to be employed during the construction and maintenance of the proposed project (an erosion and sedimentation control plan approved by the Androscoggin County Soil Conservation Service is required).

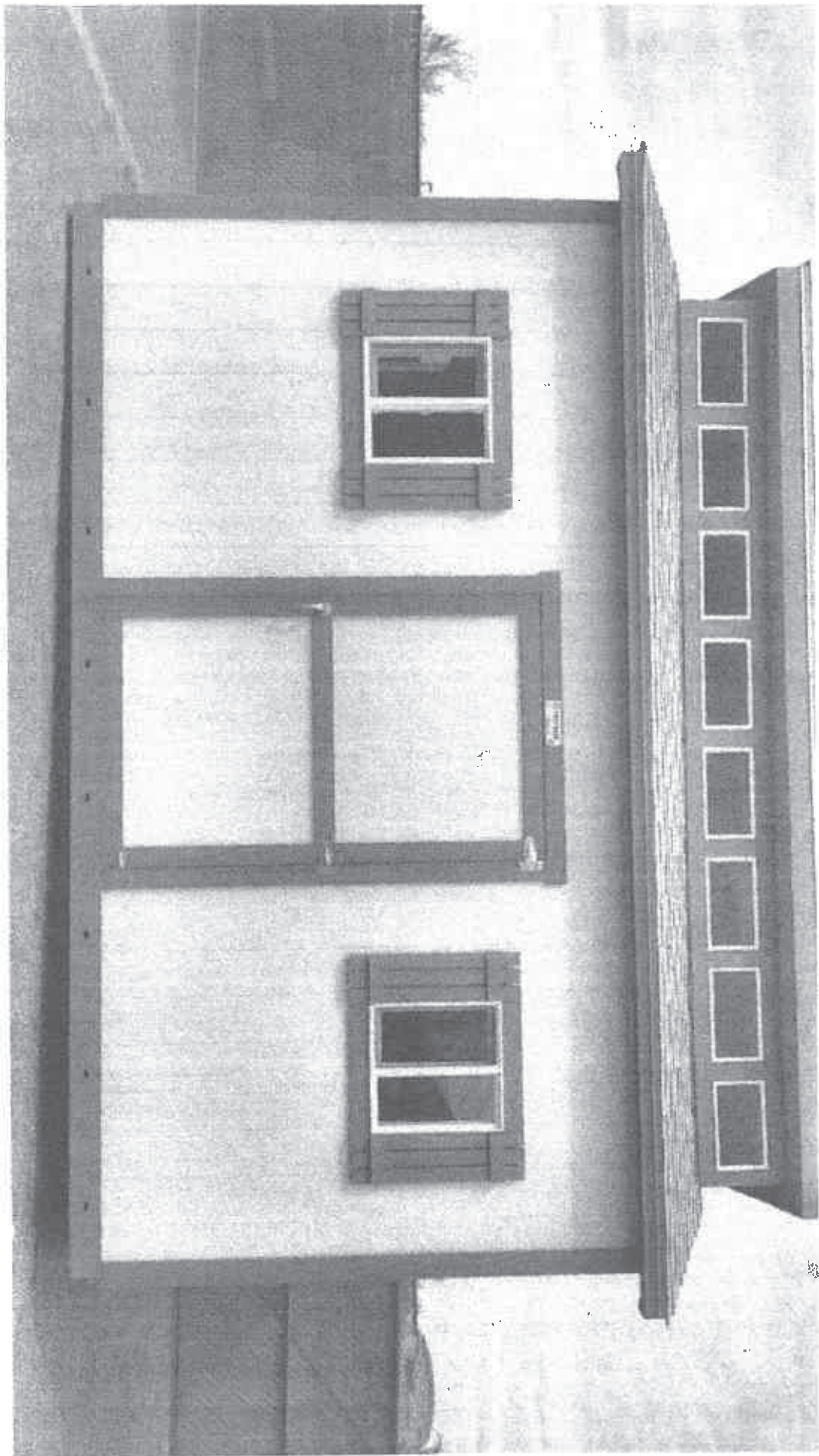
Maintain vegetation buffers

Other Information:

23. List any waivers being requested:

(The Planning Board may nullify or waive any of the above application requirements or performance standards when the Planning Board determines that because of the special circumstances of the site such application requirements or standards would not be applicable or would be an unnecessary burden upon the applicant and not adversely affect the abutting owners and general health, safety and welfare of the town.)







SKETCH OF PROPERTY

**FRANK HILL ROAD - ROUTE 26
MECHANIC FALLS, MAINE**

**OWNER OF RECORD:
RICHARD A. & EILEEN L. BENNETT
A-35-2010 7004/707
Tax Map 6 - Lot 2
96 Bennett Lane
Oxford, ME 04450**

**Date 12-8-2010
Job No. 12-086**

LEGEND

- - SURVEYED POINT
- - NEW SURVEY POINT
- - NEW SURVEY POINT
- - FIELD

REFERENCES:

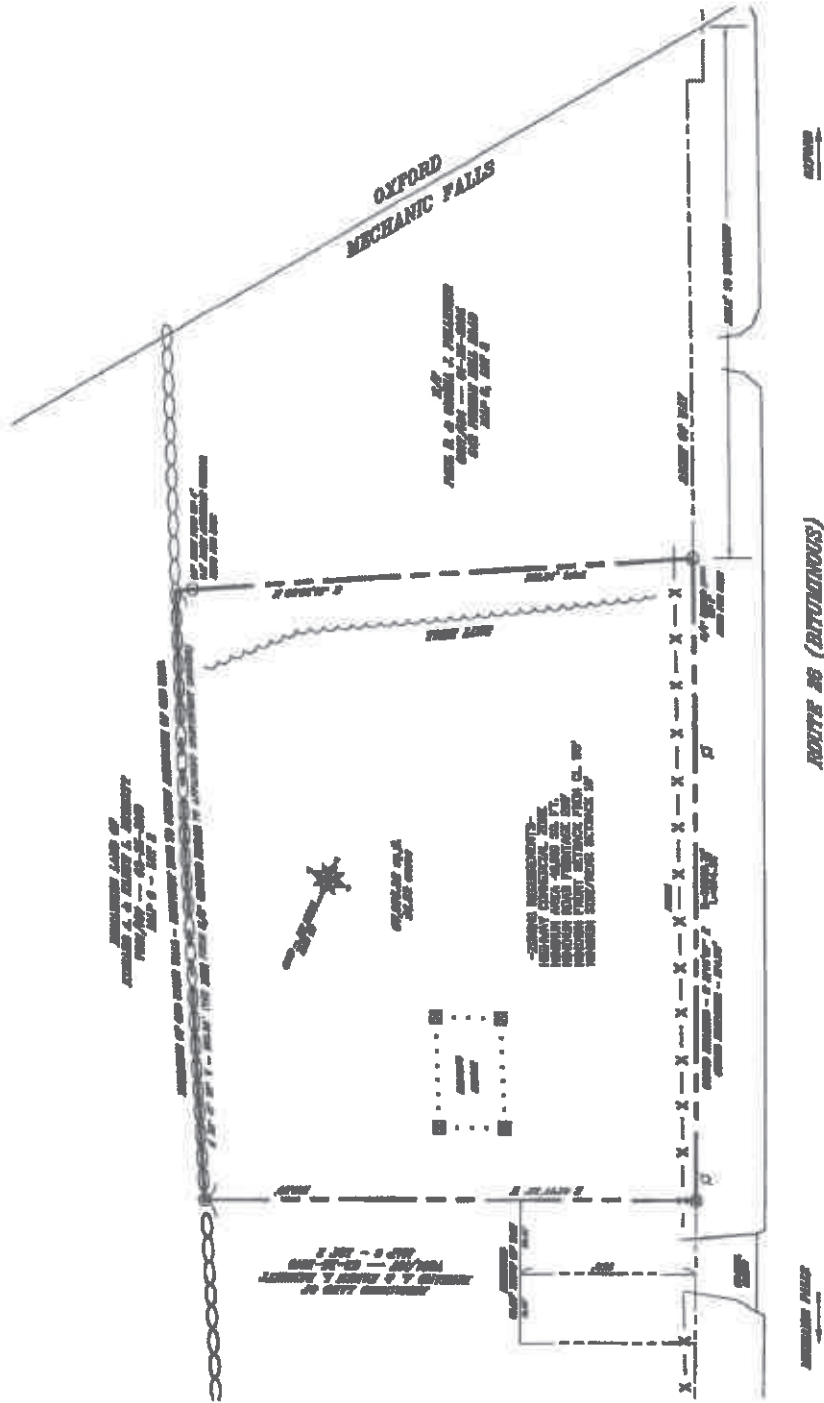
**BOOK NEW PAGE BY COUNTY AND DATE
TAX MAP 6 LOT 2
DEED BY 12-8-2010**

**THIS SURVEY WAS MADE FOR THE PURPOSE OF RECORDING A DEED
AND FOR THE PURPOSE OF RECORDING A DEED
AND FOR THE PURPOSE OF RECORDING A DEED
AND FOR THE PURPOSE OF RECORDING A DEED
AND FOR THE PURPOSE OF RECORDING A DEED
AND FOR THE PURPOSE OF RECORDING A DEED**

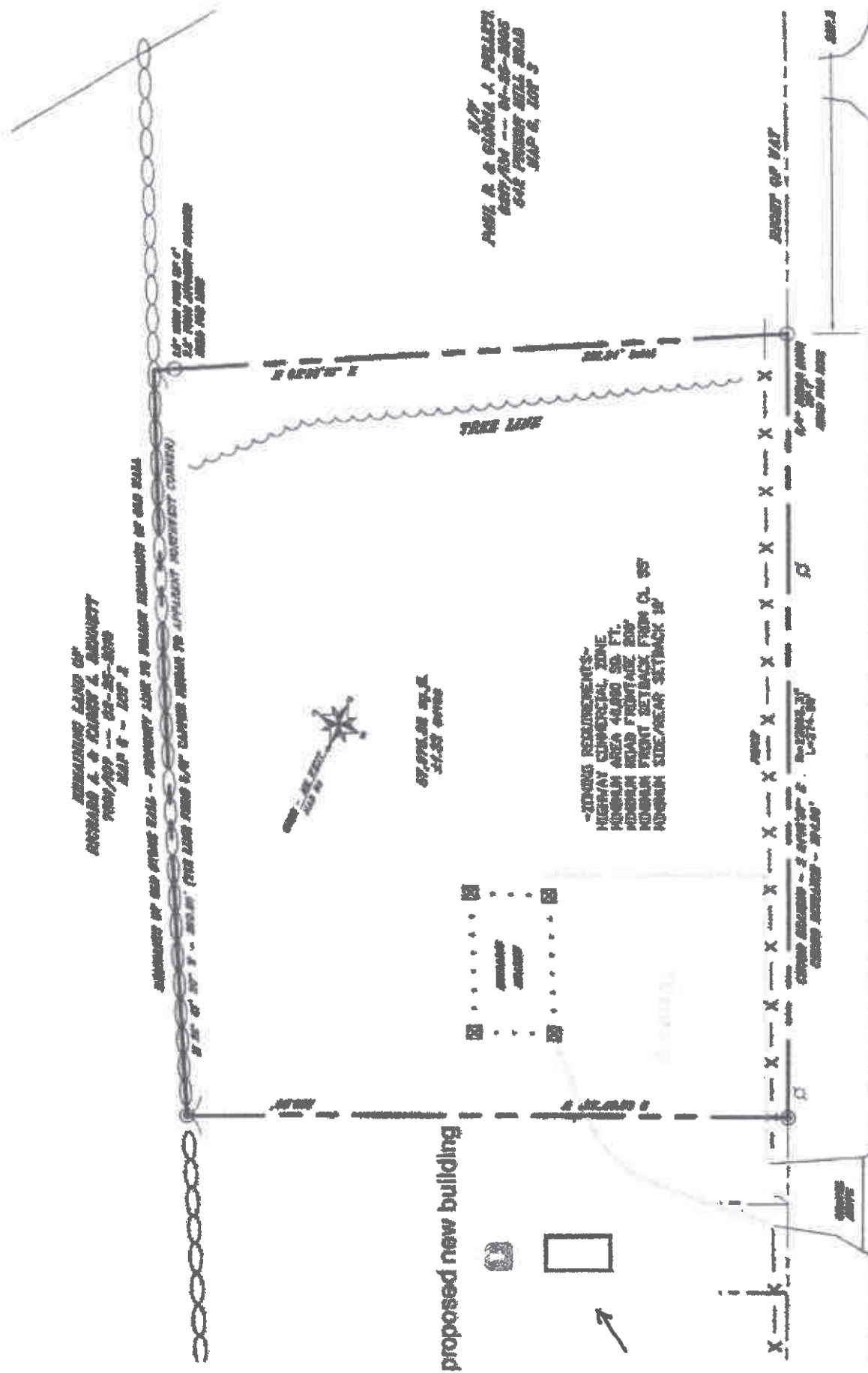
**DAVIS LAND SURVEYING, LLC
64 OLD COUNTRY ROAD, OXFORD, ME 04450
800 NORTH AVENUE, AUBURN, ME 04290
OFFICE PHONE (207) 546-0001 or (207) 546-0000
CELL (207) 546-0000**

**2010 ME SURVEYING BOARD REGISTRATION NO. 12345
www.davislandsurveying.com**

SCALE: 1" = 50'



**FRANK HILL ROAD - ROUTE 26 - DEED BY BENNETT A. & EILEEN L. BENNETT
A-35-2010 7004/707
TAX MAP 6 LOT 2
96 BENNETT LANE
OXFORD, ME 04450**



LEADS:
 PAPER, MANILA... 5
 ADJACENT MAPS ... M8
 BATHING LINE.....
 NOTE: THE REMAINING PARAGRAPHS MUST
 NOT BE USED FOR ORIENTATION.

30

PROPERTY MAP OVERLAY
TOWN OF MECHANIC FALLS

ANDROSCOGGIN COUNTY, MAINE

PREPARED BY:

AERIAL SURVEY & PHOTO, INC., NORRISBROOK, NY

SCALE 1-100

228



IANET T. MILLS
GOVERNOR

STATE OF MAINE
OFFICE OF MARIJUANA POLICY
162 STATE HOUSE STATION
19 UNION STREET
FIRST FLOOR
AUGUSTA, MAINE 04333-0162

ADMINISTRATIVE & FINANCIAL SERVICES

KIRSTEN LC FIGUEROA
COMMISSIONER

OFFICE OF MARIJUANA POLICY

ERIK GUNDERSEN
DIRECTOR

TYLER J. THAYER
6 LANE RD
MECHANIC FALLS, ME 04256-5920

August 17, 2020

Dear TYLER J. THAYER

Enclosed please find your registry identification card. This card authorizes participation in the Maine Medical Use of Marijuana Program, Office of Marijuana Policy (OMP). However, in order for this card to be valid, it must be accompanied by your Maine or government issued photo identification for the purposes of verifying your identity.

It is the responsibility of the cardholder to review, understand and follow Maine's Medical Use Marijuana statute and rules. This information can be accessed on the OMP website:
www.maine.gov/dafs/omp/.

In order to ensure receipt of up-to-date communications from OMP, please notify the Office immediately if any of your contact information changes.

Please contact OMP at (207) 287-3282 or by email at licensing.omp@maine.gov with questions.

Sincerely,

Tracy Jacques, Esq.
Director of Licensing
Office of Marijuana Policy

Maine Medical Use Of Marijuana		Date Issued: 08/14/2020 Expires: 08/14/2021
Individual Caregiver TYLER J. THAYER		
DBA: HIGH ROLLERS LLC DOB: 02/11/1988		
Retail Location: 332 HIGH ROLLERS RD, MECHANIC FALLS, ME 04256		
Registration #: CGR26090	Control #: 61818	
Authorized for: 30 days 30 immature and/or Harvested		



JANET T. MILLS
GOVERNOR

STATE OF MAINE
OFFICE OF MARIJUANA POLICY
162 STATE HOUSE STATION
19 UNION STREET
FIRST FLOOR
AUGUSTA, MAINE 04333-0162

ADMINISTRATIVE & FINANCIAL SERVICES

KIRSTEN LC FIGUEROA
COMMISSIONER

OFFICE OF MARIJUANA POLICY

ERIK GUNDERSEN
DIRECTOR

TYLER JAMES THAYER
6 LANE RD
MECHANIC FALLS, ME 04256-5920

September 29, 2020

Dear TYLER JAMES THAYER

Enclosed please find your Individual Identification Card (IIC). This card authorizes participation in the Maine Adult Use of Marijuana Program, Office of Marijuana Policy (OMP), allowing cultivation, manufacturing, testing and/or sales of marijuana or marijuana products in a licensed Adult Use Marijuana Facility. The IIC issued by OMP must be displayed by any person working in or for a licensed adult use marijuana establishment. To remain valid, all IICs must be in good condition, with all original markings and information clearly legible. The holder of an IIC must notify the Department immediately if the IIC is lost, stolen, or damaged.

It is the responsibility of the cardholder to review, understand and follow Maine's Adult Use Marijuana statute and rule. This information can be accessed on the OMP website:
www.maine.gov/dafs/omp/.

Please note that your IIC is valid for one year from the date of issue. All IICs remain the property of OMP and must be immediately returned to OMP upon demand of the Office.

In order to ensure receipt of up-to-date communications from OMP, please notify the Office immediately if any of your contact information changes.

Note that OMP's issuance of an IIC does not constitute OMP's approval of a cardholder's status as a principal in a prospective adult use marijuana establishment. For more information, refer to Adult Use Marijuana Program Rule, Sections 2.3.1 and 2.7.2.

Please contact OMP at (207) 287-3282 or by email at licensing.omp@maine.gov with questions.

Sincerely,

Tracy Jacques, Esq.
Director of Licensing
Office of Marijuana Policy



OFFICE OF MARIJUANA POLICY
Maine Adult Use Marijuana Program

Individual ID Card

ID #: IC1531

TYLER JAMES THAYER

DOB: 02/11/1988

Date Issued: 09/29/2020

Expiration Date: 09/28/2021



**Snowberry LLC
75 Bennett Lane
Oxford, ME 04270**

October 06, 2020

Tyler Thayer
6 Lane Road
Mechanic Falls, ME 04256

RE: Proposal to Ground Lease- land only on Pigeon Hill Road, Mechanics Falls, Maine

Dear Tyler:

This letter sets forth the terms and conditions under which an entity that we will establish to take title to the property prior to the lease execution (hereinafter referred to as "Landlord") is willing to enter into a ground lease agreement with you or an entity you establish to lease the property (hereinafter referred to as "Tenant") for the above-referenced location.

Property Description:

Land on Pigeon Hill Road, Mechanics Falls, Maine, being approximately four (4) acres in the Northeast corner of Lot 2, Map 6 of the Mechanics Falls tax maps, which shall include a minimum of 500 feet of road frontage. It is anticipated that the parcel will be approximately 500 feet wide along the road frontage, and at least 225 feet deep to ensure a lot of at least 80,000 square feet to meet zoning requirements. The parcel to be leased will be more particularly described in the ground lease. The parcel's road access (curb cut) will be shared with the property to the north which currently serves High Rollers Dispensary.

Tenant:

Tyler Thayer, or entity owned by him to be established. Tyler Thayer shall personally guarantee the Lease if the Tenant is an entity.

Landlord:

Entity to be established by Snowberry LLC.

**Improvements on
Property:**

Tenant shall construct a building on the property at Tenant's sole cost and expense. Tenant shall be responsible for all permitting and approvals required with respect to such construction and business uses at the property. All improvements on the property shall be done in a good and workmanlike manner in accordance with all federal, state and local rules, regulations, codes and ordinances and all work shall be completed by a licensed and insured contractor(s). All building plans and specifications shall be subject to Landlord's prior written approval. If construction of the building has not commenced within eighteen (18) months from the date of the Lease, then either party may terminate the Lease.

The Lease shall be contingent upon Tenant's ability to obtain all permits and approvals to construct the improvement, including well drilling (with satisfactory water availability) and septic construction.

Lease Term: Renewal:

Five (5) years from Occupancy Date.

Tenant shall have two (2) five (5) year options to renew upon nine (9) months prior notice to Landlord.

Occupancy and Rent Commencement Date:

Upon issuance of a Certificate of Occupancy for the building Tenant is constructing on the property.

Landlord's Work:

Landlord shall have no obligation to prepare the property for Tenant's use and occupancy. Tenant is responsible for all work required with respect to its use and occupancy of the property.

**Rent: NNN charges:
Modification of Rent
Payments if Change in
Use.**

Use:

**Building
Maintenance/Upkeep**

During the term of the Lease, Tenant shall be responsible for the general maintenance and upkeep of the building, including the foundation, walls and other structural components of the building

Security Deposit:

Upon full execution of a Lease Agreement, Tenant will deposit with Landlord the sum of \$3,000, which will be applied as the security deposit under the lease.

Signage:

Tenant may erect and maintain signage at its sole cost and expense and in compliance with all local codes, ordinances and regulations.

Assignment / Sublet:

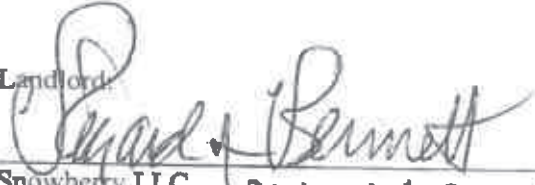
Tenant shall be not permitted to assign lease or sublet space without Landlord's prior written approval, which may be withheld for any or no reason.

Zoning:

It is the responsibility of Tenant to determine all zoning information and secure all necessary or required permits and approvals for its proposed use of the subject premises. Landlord makes no representations or warranties as to the suitability of, or the ability to obtain regulatory approval for, the subject premises for Tenant's intended use.

Miscellaneous:

This Proposal represents the preliminary understanding of the parties with respect to the proposed Lease. This letter is not intended to constitute a binding or enforceable contract nor does it constitute a legal obligation on either party. Further, the basic terms set forth are subject to both parties entering into a mutually agreeable written Lease agreement to be fully executed by both Landlord and Tenant.

Landlord:

Snowberry LLC Richard A. Bennett, Manager

10/6/2020
Date

Tenant:


Tyler Thayer

10/6/20
Date

High Rollers
532 Pigeon Hill Rd.
abutter list

map #	lot #	name	mailing address	Town	State	Zip
6	3	PELLETIER, PAUL R. PELLETIER, GLORIA J	542 Pigeon Hill Rd Mechanic	Mechanic Falls	ME	04256
6	4	JEWELL, DALE K. JEWELL, DIANE M	P. O. BOX 36	Poland	ME	04274
6	9	PARSONS, LENDALL H	487 PIGEON HILL ROAD	Mechanic Falls	ME	04256
6	2-1	TUFTS, LORRAINE E	476 PIGEON HILL ROAD	Mechanic Falls	ME	04256
6	2-2	GARLAND SWAMP SELF STORAGE LLC	318 BAKERSTOWN RD	Poland	ME	04274
6	2-3	SHUGA SHACK, LLC C/O JEFF COOLIDGE	318 BAKERSTOWN RD	Poland	ME	04274
6	1	TIME WARNER CABLE	780 CRESENT EXECUTIVE	CHARLOTTE	NC	28217
3	5	MAINE RSA #1 INC CO DUFF & PHELPS LLC	PO BOX 2629	ADDISON	TX	75001
6	10	WILLIAMSON, RICHARD	457 PIGEON HILL RD.	Mechanic Falls	ME	04256

Knox Box (emergency access by Police & Fire)

Proposed change:

TOWN OF MECHANIC FALLS ZONING AND LAND USE ORDINANCE

Updated Nov 4, 2020

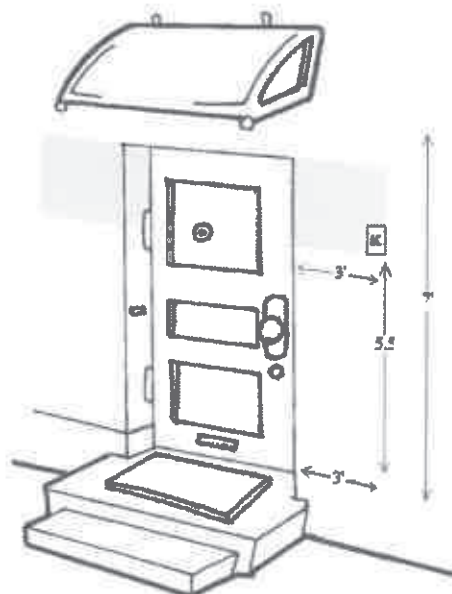
ARTICLE IV: LAND USE DISTRICTS AND REGULATIONS

SECTION 4 GENERAL PERFORMANCE REQUIREMENTS AND STANDARDS The following standards apply to all lots created and all land use activities undertaken, after the effective date of this Ordinance.

T: All commercial or industrial business'

- a) All new commercial or industrial businesses will install a Knox-Box® beside its front door to allow for emergency access to the building. Owner must request a numbered Knox-Box® application from the CEO, purchase with their own funds, and install the box and eye level within 3 feet horizontally from its front door with easy access by emergency personnel. The Municipal Fire and police Chief or their designee will have access to this box via a master key which allows access to the building only in the case of an emergency.
- b) Owner will keep the access key located inside the box up to date at all times.
- c) A change in ownership of any commercial or industrial existing business will require the installation of a Knox-Box® at that location.
- d) It is highly recommended that any commercial and industrial business who do not currently have a Knox-Box® prior to enactment of this ordinance, voluntarily install one. It could save the owner money should a forced entry be necessary during an emergency or life and death situation.

Example installation:



Article IV. – Land use Districts and Regulations

EXISTING

Section 3

A.

6. Lot Usage in Downtown Business Districts (10/05/98)(8/1/05)

a. In order to encourage a mix of uses and new infill development in the Downtown Business 1 and 3 Districts, more than one principal use may be permitted on a lot within this land use district in accordance with the following minimum standards.

(1) 1,000 square feet of lot area per commercial use.

(2) 1,500 square feet of lot area per residential use.

PROPOSED CHANGE

Section 3

A.

6. ~~Mixed Lot Usage in Downtown Business~~ Identified Zones (10/05/98)(8/1/05)

a. In order to encourage a mix of uses and new infill development in the Downtown Business, [], [], [], and the [] Districts, more than one principal use may be permitted on a lot within these land use districts in accordance with the following minimum standards.

(1) 1,000 square feet of lot area per commercial use.

(2) 1,500 square feet of lot area per residential use.

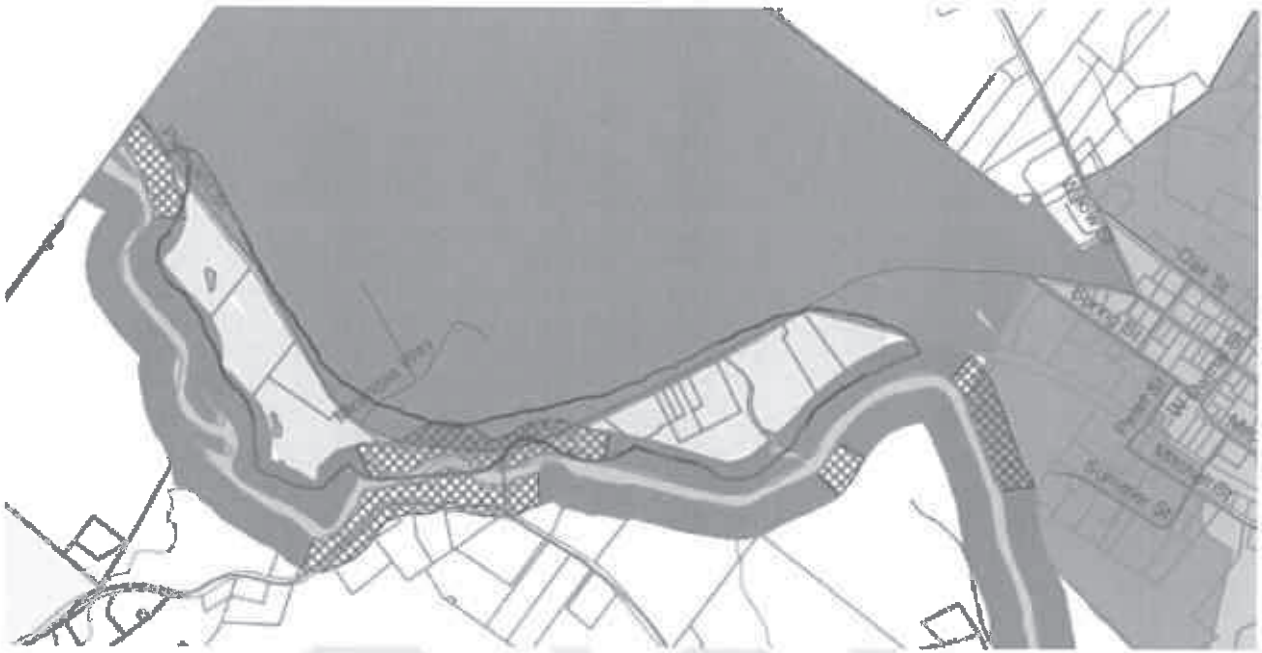
Possible zones to add to Downtown Business, perhaps not all, but one, two, three:

1. General Industrial (small zone Pigeon Hill Rd near 5 corners)
2. Pleasant Street gateway
3. Highway Commercial (SR 26)
4. Lewiston Street gateway

Also while making Zoning changes:

A special Commercial Spot zone was inadvertently left off our existing Zone map with is Bob Klar's lot on Pleasant Street and should be zoned as Special Commercial. At some point, I need to correct that error. If it is your desire to open more areas to mixed use development, the Pleasant Street gateway could be added to the list above and extended so that both sides of Pleasant Street were included in that zone. If the Pleasant Street Gateway was to be extended to encompass the rural lots that currently

exist between the Little Androscoggin River and the existing Pleasant Street Gateway, it would allow more development.



LOCAL FOOD AND COMMUNITY SELF-GOVERNANCE ORDINANCE OF 2021

**AN ORDINANCE TO PROTECT THE HEALTH AND INTEGRITY OF THE LOCAL FOOD SYSTEM IN THE TOWN OF
MECHANIC FALLS, ANDROSCOGGIN COUNTY, MAINE**

§1. Title

This ordinance, adopted by the town of Mechanic Falls (hereinafter “the Town”), shall be known and may be cited as the “Local Food and Community Self-Governance Ordinance.”

§2. Preamble

We, the People of the Town have the right to produce, process, sell, purchase, and consume local foods thus promoting self-reliance, the preservation of family farms, and local food traditions. We recognize that family farms; sustainable agricultural practices; and food processing by individuals, families, and non-corporate entities offer stability to our rural way of life by enhancing the economic, environmental, and social wealth of our community. As such, our right to a local food system requires us to assert our inherent right to self-government. We recognize the authority to protect that right as belonging to the Town. We have faith in our citizens’ ability to educate themselves and make informed decisions. We hold that certain federal and state regulations unnecessarily impede local food production and constitute a usurpation of our citizens’ right to foods of their choice. We support food that fundamentally respects human dignity and health; nourishes individuals and the community; and sustains producers, processors, and the environment. We are therefore duty bound under the Constitution of the State of Maine to protect and promote reasonably unimpeded access to local foods. All individuals have a natural, inherent, and unalienable right to acquire, produce, process, prepare, preserve, and consume the food of their own choosing for their own nourishment and sustenance. Furthermore, all individuals have a right to barter, trade, and purchase food and to save and exchange seed from the sources of their own choosing for their own physical health and well-being. Every individual is fully responsible for the exercise of these rights, which may not be infringed.

§3. Purpose

It is the policy of this State to encourage food self-sufficiency for its citizens. The purpose of the Local Food and Community Self-Governance Ordinance is to:

1. Through local control, preserve the ability of individuals and communities to save and exchange seed, to produce, process, sell, purchase, and consume locally produced foods;
2. Ensure the preservation of family farms and traditional foodways through small-scale farming, food production, and community social events;

3. Improve the health and well-being of citizens of this State by reducing hunger and increasing food security through unimpeded access to wholesome, nutritious foods by encouraging ecological farming;
4. Promote self-reliance and personal responsibility by ensuring the ability of individuals, families and other entities to prepare, process, advertise, and sell foods directly to customers intended solely for consumption by the customers or their families;
5. Enhance rural economic development and the environmental and social wealth of rural communities; and
6. Protect access to local food through direct producer-to-consumer transactions.

§4. Definitions

As used in this ordinance, unless the context otherwise indicates, the following terms have the meanings stated below:

- A. **COMMUNITY SOCIAL EVENT:** An event where people gather as part of a community for the benefit of those gathering or for the community, including, but not limited to, a church or religious social, school event, potluck, neighborhood gathering, library meeting, traveling food sale, fundraiser, craft fair, farmers' market, agricultural fair, and other public events.
- B. **DIRECT PRODUCER-TO-CONSUMER TRANSACTION:** An exchange of local food within a local food system between a producer or processor and a patron by barter, trade, or purchase on the property or premises owned, leased or rented by the producer or processor of the local food; at roadside stands, fundraisers, farmers' markets, and community social events; or through buying clubs, deliveries or community supported agriculture programs, herdshare agreements, and other private arrangements.
- C. **LOCAL FOOD SYSTEM:** A food system that integrates food production, processing, consumption, direct producer-to-consumer transactions, and traditional foodways to enhance the environmental, economic, social, and physical health of the municipality and its residents.
- D. **LOCAL FOOD:** Any food or food product that is grown, produced, processed, or prepared by individuals who exchange that food directly with patrons.
- E. **PATRON:** An informed individual who acquires local food directly from a processor or producer.

- F. **PROCESSOR:** An individual who processes or prepares products of the soil or animals for food or drink.
- G. **PRODUCER:** A farmer or gardener who grows or raises any plant or animal for food or drink.
- H. **TRADITIONAL FOODWAYS:** The cultural, social, and economic practices related to the production and consumption of food and the conveying of knowledge regarding food production and preparation.

§5. Authority

This ordinance is adopted and enacted pursuant to the inherent, inalienable, and fundamental right of the citizens of the Town to self-government, and under the authority recognized as belonging to the people of the Town by all relevant state and federal laws including, but not limited to the following:

The Declaration of Independence of the United States of America, which declares that governments are instituted to secure peoples' rights, and that government derives its just powers from the consent of the governed.

Article I, §2 of the Constitution of the State of Maine, which declares inter alia: "all power is inherent in the people; all free governments are founded in their authority and instituted for their benefit, [and that] they have therefore an unalienable and indefeasible right to institute government and to alter, reform, or totally change the same when their safety and happiness require it."

Article VIII, Part Second of the Constitution of the State of Maine, which establishes Home Rule: "The inhabitants of any municipality shall have the power to alter and amend their charters on all matters, not prohibited by Constitution or general law, which are local and municipal in character."

§1-A of Title 7 of the Maine Revised Statutes, which states inter alia: "The survival of the family farm is of special concern to the people of the State, and the ability of the family farm to prosper, while producing an abundance of high quality food and fiber, deserves a place of high priority in the determination of public policy. For this purpose there is established the Department of Agriculture, Forestry, and Conservation"

§1-B of Title 7 of the Maine Revised Statutes, which states inter alia: The [...] preservation of rural life and values in the State [is] to be the joint responsibility of all public agencies, local, state and federal, whose policies and programs substantially impact the economy and general welfare of people who reside in rural Maine, such as the development and implementation of programs that assist in the maintenance of family farms [...] and improve health and nutrition.

§284 of Title 7, Chapter 8-F, Maine Food Sovereignty Act, which states inter alia: "a municipality may adopt ordinances regarding direct producer-to-consumer transactions and the State shall

recognize such ordinances by not enforcing those state food laws with respect to those direct producer-to-consumer transactions that are governed by the ordinance.”

§3001 of Title 30-A of the Maine Revised Statutes, which implements Home Rule and grants municipalities all powers necessary to protect the health, safety, and welfare of the residents of the Town where those powers have been conferred on the towns by the Legislature or not otherwise limited.

§6. Statements of Law

A. Right to Self-Governance. Citizens the Town have the right to a form of governance which recognizes that all power is inherent in the people, that all free governments are founded on the people’s authority and consent.

B. Right to Acquire and Produce Food. Citizens of the Town possess the right to save and exchange seed and to produce, process, sell, purchase, and consume local foods of their choosing.

C. Exemption from Licensure and Inspection. The producers and processors of local food intended for direct producer-to-consumer transactions in the Town governed by this ordinance shall be exempt from state licensure and inspection. In accordance with Section 284 of the Maine Food Sovereignty Act, the State of Maine shall not enforce those state food laws, rules, or regulations with respect to those transactions as defined in Section 4. The transactions enumerated in Section 4 are governed by this ordinance and provide the context otherwise indicated as stated in Section 282 of the Maine Food Sovereignty Act .

D. Meat and Poultry. This ordinance is not applicable to any meat or poultry products that are required to be produced or processed in compliance with the Maine Meat and Poultry Inspection Program.

This ordinance is applicable to shared animal ownership agreements in compliance with the federal acts as defined in Title 22, Chapter 562-A, §2511 of the Maine Revised Statutes and similar private contractual agreements, herdshare agreements, and buying clubs.

E. Liability Protection. Producers and processors of local food may enter into private agreements with patrons to waive any liability for the consumption of local food.

§7. Civil Enforcement.

Any individual citizen of the Town shall have standing to enforce any rights secured by this ordinance which have been threatened or contested by any person, whether natural or juridical, and may seek relief both in the form of injunctive and compensatory relief from a court of competent jurisdiction.

§8. Effect This ordinance shall be effective immediately upon its enactment.

§9. Severability Clause

To the extent any provision of this ordinance is deemed invalid by a court of competent jurisdiction, such provision will be removed and the balance of the ordinance shall remain valid.

§10.Repealer

All inconsistent provisions of prior ordinances adopted by the Town are hereby repealed, but only to the extent necessary to remedy the inconsistency.

§11.Human Rights and Constitutionality

Nothing in this ordinance shall be construed as authorizing any activities or actions that violate human rights protected by the U.S. Constitution or the Constitution of the State of Maine.

§12.Mutual Recognition and Inter-municipal Government Collaboration.

The Town hereby recognizes producers and processors of local foods in other municipalities that have also adopted a Local Food and Community Self-Governance Ordinance. Those producers and processors of local foods from other municipalities operating under a similar ordinance may also operate under this ordinance.

Frequently Asked Questions about LD725 and Food Sovereignty

What is "food sovereignty"?

Here's the Wikipedia definition:

Food sovereignty is the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems.

In Maine the Department of Agriculture, Conservation, and Forestry (DACF) has been the primary arbiter of food safety standards and requirements, as well as the primary educators for producers wishing to learn more. The DACF fields questions about food safety, sends staff to homes, farms, and businesses to train producers and answer questions, and provides the licenses that are typically required to sell food in retail and direct-to-consumer settings.

In towns that have declared food sovereignty, the local municipality has shouldered the responsibility for ensuring that food sold within its territory is safe, with a goal of making it easier for area residents to buy and sell local foods. Prior to the new law, technically producers in food sovereign towns still had to abide by state law. Once the new law takes effect this fall, local, municipal laws in food-sovereign towns will supercede state laws.

When did the new law take effect?

November 1, 2017.

What does Maine's new food sovereignty law, LD725, mean for farmers' markets?

This law does not affect farmers' markets, because it exclusively applies to sales at homes and farms.

The amendment to the Act made some changes to the law. How does that impact farmers' markets?

According to Rep. Craig Hickman, "The MFSA actually reads 'at the site of production,' a term of art that appears in ordinances, laws, rules, and regulations all across the country. 'At the site of production' is generally understood to mean on a premise controlled by the producer where the food or food products are produced, such as a farm, homestead, or in a home kitchen." **Rep. Hickman also noted, "In order to dispel any confusion, please inform people that the Maine Food Sovereignty Act does not relate to farmers' markets at all"** (email correspondence 12/13/18).

If I produce and sell in a food sovereign town, does it make sense for me to stop adhering to state food safety guidelines?

Even if you are producing and selling within the municipal boundaries of a food sovereign town, there are a few things to keep in mind:

- If you want to sell at any venue outside of your food sovereign municipality, you'll still need proper state certification.
- Be sure to check with your insurance agent to make sure your liability insurance will still protect you should you choose not to follow state requirements.
- Many consumers consider food safety a priority, and will be looking for certified vendors. It may be worth it to pursue state certification to remain competitive in some markets.

Is it difficult and/or expensive for food producers to obtain the licenses/permits required by the state?

Produce farmers do not need any permits. The costs of other inspections varies, and obtaining a home kitchen license requires having the home well water tested.

Jessie Dowling president of the Maine Cheese Guild, discussed the food sovereignty issue in a [Portland Press Herald](#) interview (with reporter Mary Pols):

Dowling wants to encourage beginning cheesemakers. If you've got one cow milking and you want to sell a few gallons of milk or farmstead cheese as surplus to neighbors, via word of mouth, more power to you, she says. "I don't think the feds should come down on you." But getting into commercial sales? Liability issues stop her from endorsing that. Along with how easy the state of Maine makes it. "I cannot stress how easy it is to get a license in Maine." She's done it twice, in Unity and in Whitefield, on a shoestring budget and says the technical advice and testing that comes along with the \$25 licensing fee can't be beat. "They are like, 'Cool, I will come out and walk you through everything and give you pointers.' They are all about working with you and where you are at. I am not usually a proponent of states' rules in anything, but we get a lot for that license."

Is Maine the first state in the nation to pass such a law?

No. [Wyoming](#) passed a similar law about 5 years ago. (MFFM has tried to reach farmers' markets there for feedback, but couldn't reach anyone willing to comment "on the record.") [North Dakota](#) passed a food freedom law in early 2017.

Has this issue been examined by the courts?

The only previous related case was this: the Maine Supreme Judicial Court on [State of Maine v. Dan Brown](#)

Does LD725 abrogate USDA regulations about meat & poultry production?

No. The Maine Legislature dictates state laws, which do not supercede or nullify federal laws. The United States Department of Agriculture is a federal entity. Also according to Mike Fitzpatrick, CIC, LUTCF, All Points Insurance, Brewer, on liability insurance and food sovereignty:

"To be covered under any type of insurance policy, meat for sale to the general public must have been processed in a USDA or state-licensed facility. Insurers have zero tolerance for home butchering."

For this reason, the Maine Legislature was forced to amend the law to exclude meat and poultry processing in October. See the list of meat processors in the state here: [Contact Info for State and USDA Inspected Establishments](#)

Which towns have declared sovereignty so far?

This is the list of the towns we know of as of 2018. Check with your local municipalities to see if your town has passed an ordinance about food sovereignty.

1. Auburn
2. Alexander
3. Appleton
4. Bingham
5. Blue Hill
6. Brooklin
7. Brooksville
8. Canton
9. Chapman
10. Freedom
11. Greenwood
12. Hope
13. Isle Au Haut
14. Jonesport
15. Liberty
16. Livermore
17. Madison
18. Montville
19. Moose River
20. Moscow
21. Mt. Vernon
22. Parkman
23. Penobscot
24. Plymouth
25. Rockland
26. Sedgewick
27. Solon
28. Starks
29. Trenton
30. Westmanland

Back Lot Ordinance

ARTICLE IV – LAND USE DISTRICTS AND REGULATIONS

Section 4

H. Lot Frontage

2. Back Lots: One back lot of three or more acres may be created out of each lot of record in the Rural and General Residential Districts provided that:

a. There is a 33-foot strip of land with frontage of 33 feet on a town-accepted street or private street built to Town road standards. It is required that this dimension continue until the lot widens into a greater width or at least 200 ft from the center line.

b. The 33 foot access is owned by deed, conveying clear and marketable title and properly registered with the Androscoggin County Registry of Deeds, prior to the issuance of a building permit to the owner of the back lot.

c. The access is not included in the three-acre minimum size, and is not subject to the setback requirement of this Ordinance.

d. The access only serves one back lot.

e. Only a single-family dwelling is allowed to be constructed on a back lot so created. Only one back lot, as described above, is allowed to be created per subdivision

f. It is required that a 200' circle that would allow a building lot somewhere on the parcel be placed within its' boundaries; however, building within that circle is optional.

Defining the back-lot ordinance.

The depth at which the min 33' road frontage must go into a lot before a width minimum is changed. To continue to keep lots a "regular shape" requiring 33' of road frontage continue until the lot widens into a greater width. That would make lots remain a "normal shape" and discourage, variations to lot shape that might create hinderances or difficulties in the future.

Requiring that the building envelope be confined to the 200' circle is restrictive. But requiring a 200' circle somewhere on the lot is a good idea. This would be where a building envelope COULD be placed in the future, but would not REQUIRE building to take place here if there are other suitable locations on the lot.