



## Town Of Durham

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### EXEMPT MARIJUANA GROWING FACILITIES MINOR POLICY CHANGE

#### Summary

The proposed amendments establish clear definitions and permitting standards to distinguish small-scale, personal medical cultivation (which remains protected under State law) from larger aggregated caregiver operations, which function more like commercial enterprises and therefore require local review. They will clarify the difference between legal home or caregiver cultivation and larger-scale aggregated operations to prevent unregulated commercial growing enterprises from operating under the guise of personal cultivation and to ensure public safety and nuisance prevention by establishing standards for odor control, lighting, security, and wastewater management.

#### Current vs. Proposed Marijuana Facilities for Individual Users or Caregivers

Aspect	Current	Proposed
Personal/Caregiver Cultivation	Allowed by State law. No local standards or review.	Allowed on any property for personal or caregiver use, subject to a total limit of 3 flowering plants, 12 immature plants, and unlimited seedlings per tract of land. Must be secured and screened from public view.
Aggregated Growing Facilities (multiple caregivers/patients sharing a site)	Not defined or regulated. Several facilities may exist without Town oversight.	Defined as "Cannabis Cultivation Facility (Aggregated Medical Use)". Permitted only by Conditional Use Permit Subject to limits on facility size, plant count, setbacks, odor control, security, and water/waste management.
Oversight and Enforcement	None for caregiver facilities beyond State rules.	Annual review of Cannabis Cultivation Facilities by Code Officer to ensure compliance with permit conditions and State medical marijuana laws.

#### Why the Change?

Maine law allows municipalities to "opt in" to license adult-use (recreational) and medical marijuana establishments such as cultivation, manufacturing, and retail facilities. Durham has not opted in, which means commercial cannabis businesses are not allowed under State law within the Town. However, personal and caregiver cultivation of medical marijuana is permitted under State law without Town authorization. These limited exemptions have created uncertainty about how to handle shared growing operations that rent greenhouses or spaces to several individual caregivers or patients.

### **We want to hear from you!**

Do you support the proposed Ordinance changes to regulate potential commercial growing of marijuana that is exempt from State or local review? Do you have any concerns about this change? Please share your thoughts with the Planning Board during the public participation process. You can submit written comments to the Town Planner for circulation to the Board by emailing [townplanner@durhammaine.gov](mailto:townplanner@durhammaine.gov).