



TOWN OF EASTON

P.O. Box 520
Easton, Maryland 21601

June 11, 2015

Mr. John A Pica, Jr.
Attorney At Law
Royston, Mueller, McLean & Reid, LLP
102 West Pennsylvania Avenue, Suite 600
Towson, Maryland 21204-4575

Subject: Zoning Use Determination for CBD Wellness in Easton, MD

Dear Mr. Pica:

Thank you for your patience over the course of the last couple of weeks as I took the time to understand more about the nature of the proposed medical cannabis grow facility for the former Black & Decker building in Easton. In this time, in addition to our initial meeting, I have studied the written description that Mr. Bulboyen supplied, investigated how this use is treated in Zoning Ordinances in other jurisdictions, and attended the Town Council Workshop where you presented the concept to them. I feel like I have a much more complete understanding of the nature of the proposed use now.

As you know it was important to develop this understanding because Easton's Zoning Ordinance does not have the use "medical cannabis grow facility" contained in the Table of Permissible Uses. Thus, I have to make a determination as to whether or not the proposed use can actually be considered to be covered by an existing use, or if not, what existing use it is most similar to in nature. This determination is vital in that it thereafter establishes the review procedure for the proposed use (as well as if it is even permitted in the desired location).

In reviewing Easton's Zoning Ordinance, there would seem to be three candidate uses for consideration to compare vs. the proposed use: agriculture, industrial, light and nursery. The first two have definitions in the Ordinance. Nursery does not.

In my mind, while your proposed use is similar in many aspects to a nursery, I think it involves more activity than what I think of when I hear this term. I also think in general the plants in a nursery are taken elsewhere and replanted rather than harvested for further use. Thus, I do not think a medical cannabis grow facility is included under the use nursery.

Industry, light is defined in Easton's Ordinance as "A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing." This clearly describes part of what is involved in the proposed operation, but would seem to omit the most essential part of the business, the growing of the medical cannabis.

Agriculture is defined by our Zoning Ordinance as "All methods of production and management of livestock, crops, vegetation, and soil. This includes, **but is not limited to**, the related activities of tillage, fertilization, pest control, harvesting, and marketing. It also includes, but is not limited to, the activities of feeding, housing, and maintaining of animals such as cattle, dairy cows, sheep, goats, hogs, horses, and poultry and handling their by-products, except where prohibited by other Town Codes. The processing, packaging or manufacturing of agricultural products is not included in the use "Agriculture"." (Emphasis added).

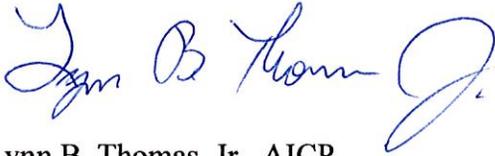
At first glance, the last sentence of that definition which excludes processing, packaging and manufacturing gives me some pause. However, the inclusion in the second sentence of the related activities of harvesting and marketing, and the inclusion of the phrase at the beginning of that sentence which states that such related activities are included, but not limited to the examples given, leads me to conclude that the proposed medical cannabis grow facility is, in fact, covered by the definition of agriculture. In short, I think in the nature of the term harvest, there has to be some necessary and associated processing or packaging. This appears to be consistent with the activities associated with the proposed use.

Based on this determination that the proposed use can be considered agriculture, the Table of Permissible Uses then determines where this use can and cannot occur. The proposed location in the former Black & Decker Building is zoned I-1. Agriculture is an outright permitted use in this Zoning District. Therefore, it is my determination that the proposed medical cannabis grow facility can locate at this location, at least from a Zoning use perspective. Please note, however, that this determination is only for the use as described and on the basis that it is agriculture. Any changes to the proposed use (most notably if a dispensary were added) would alter this determination and could well lead to a different conclusion.

While I am confident in the logic of my determination, I also acknowledge that the Ordinance could certainly be clearer on this particular issue, as well as some related ones. For example, the potential use "medical cannabis dispensary" is not covered and would, to me, be of greater concern. I would also like the Ordinance to more specifically address uses like this one that seem to involve elements of both agriculture and manufacturing. This will be particularly important to address if the Easton Economic Development Corporation succeeds in their efforts to establish Easton as a hub for Healthy eating and living. Finally, while I do not foresee a tidal wave of medical cannabis grow facilities coming to Easton, the Town might want to more specifically address the issue in the Ordinance so as to prescribe any desired supplemental standards for this use.

If you should have any questions concerning my determination, please do not hesitate to contact me at (410) 822-1943 or via email at lbthomas@town-eastonmd.com. Also, if you have any questions about remaining Town concerns or requirements, please feel free to contact either Mayor Willey (410-822-2525) or myself. We would be glad to assist in this endeavor.

Sincerely,

A handwritten signature in blue ink that reads "Lynn B. Thomas, Jr." The signature is fluid and cursive, with the first name "Lynn" being the most prominent.

Lynn B. Thomas, Jr., AICP
Town Planner