



**GARDINER CITY COUNCIL
AGENDA ITEM INFORMATION SHEET**



Meeting Date	08/05/2020	Department	City Clerk
Agenda Item	4.d Consider the Approval of an Adult Use Marijuana Business License Application: Herbal Pathways, LLC		
Est. Cost	n/a		

Background Information	<p>The Land Use Code Addresses Marijuana Establishments:</p> <p>It states-</p> <p>10.28.5 An applicant that has received a conditional license from the State of Maine for a marijuana establishment may apply for City approval of that category of establishment. Any approval or license based upon a conditional state license shall be conditioned on the applicant receiving an active license from the state within one hundred eighty (180) days of the date of the City's approval. If the applicant fails to obtain an active license within that period, all City approvals, licenses and permits are void.</p> <p>Herbal Pathways, LLC has been granted a conditional license with the State of Maine and has received approval from the Planning Board. The conditional license acknowledges and affirms all information is true and complete and then requires local authorization. As part of the Marijuana Business License Application for the City of Gardiner, approvals must be given by Code Enforcement, Economic Development, City Manager, Gardiner Fire Department, Gardiner Police Department, Public Works, and City Council.</p> <p>All pertinent paperwork is attached.</p>
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Requested Action	'I move to conditionally approve the marijuana business license for Herbal Pathways, pending the applicant receiving an active license from the state within 180 days of this meeting.' 'I move to allow the City Manager to complete and sign the Office of Marijuana Policy's Adult Use Local Authorization Form.'
City Manager and/or Finance Review	The City Manager recommends the above action.
Council Vote/ Action Taken	
Departmental Follow-Up	

City Clerk Use Only	1 st Reading _____	Advertised <u>07/28/2020</u> _____	EFFECTIVE DATE _____
	2 nd Reading _____	Advertised _____ w/in 15 Days	
	Final to Dept _____	Updated Book _____	Online _____

Marijuana Business License Application

*Pd ch#125
\$1,500*

- New Application
- Renewal Application
- Existing Facility as of 12/13/20
- Medicinal to Adult Use Conversion

Adult Use Business

Medical Business

- Retail Marijuana Store \$1500
- Cultivation Facility
- Tier 3 2k-7k sq ft of canopy \$2000
- Tier 4 > 7k sq ft of canopy \$2500
- Manufacturing Facility \$2000
- Testing Facility \$500
- Nursery \$1500

- Medical Retail Marijuana/Dispensary \$1000
- Medical Marijuana Cultivation Facility
- Tier 1 30-60 plants \$500
- Tier 2 <2000 sq ft of canopy \$1500
- Tier 3 2k-7k sq ft of canopy \$2000
- Tier 4 > 7k sq ft of canopy \$2500
- Medical Marijuana Manufacturing Facility \$2000
- Medical Marijuana Testing Facility \$500

Applicant Information

Name Ken Crowley

Address 472 River Rd, Lebanon, ME 04027

Phone 603-340-6539

Email kendebby4@comcast.net

Do you own any other marijuana businesses? yes

If yes, Please list and describe: Adult use in MA.

Do you currently hold any marijuana licenses or conditional marijuana licenses? yes
in the state of Maine

Are you licensed caregiver? yes

Property Information

Physical address of proposed marijuana business _____

Map 37 Lot 102 Zone 17

Property owner's Name and address John Bobrowiecki Cobbossee Leasing LLC

Property owner's phone 207-724-1966, 207-215-8467

Property owner's email wybob123@tds.net

Business Information

Type of marijuana business Adult Use Retail

Name of Business Herbal Pathways

Number of employees 6

Hours of operation M-F 8am - 8pm Sat 9am - 9pm Sun 10am - 4pm

Brief description of the business Adult use retail, to sell marijuana and marijuana products to adults 21 and older

Square feet of retail space 1900

Square feet of indoor plant canopy Ø

Square feet of outdoor plant canopy Ø

Square feet of manufacturing space Ø

Describe any security protocols we will have someone verifying age upon entering and will have camera's and alarm systems

If extraction will be performed, please describe the process to be used and the machines/chemicals

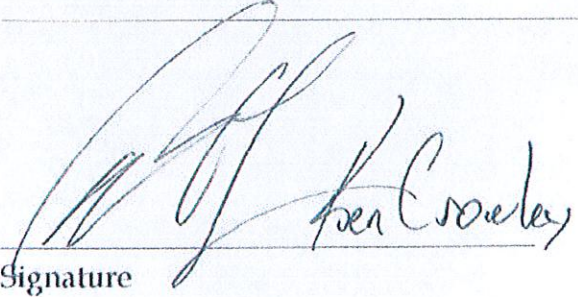
involved N/A

Are there any Hazardous processes or chemicals to be used at the business, if so please describe No

Describe any fire protection/suppression equipment sprinkler system is installed

Do you own or have financial interest in any other marijuana businesses in any state yes

If manufacturing, please describe the processes as well as the products that will be manufactured


Signature

7-20-20
Date

For Municipal Use Only

Approvals

Code Enforcement  Date 7-22-20

Economic Development _____ Date _____

City Manager _____ Date _____

Gardiner Fire Department  Date 7/23/20

Gardiner Police Department  Date 7/22/20

Public Works _____ Date _____

City Council Approval Date: _____



CITY OF GARDINER
FIRE & RESCUE DEPARTMENT



Chief Alfred R. Nelson Jr.

City of Gardiner
Planning Board

July 6, 2020

After reviewing the project description for the Herbal Pathways project submitted by Ken & Debbie Crowley, located in Gardiner, Maine (Kennebec County Maine). The City of Gardiner Fire and Rescue will be available to respond to any emergency both fire and/or medical in nature at this location. The project is not anticipated to result in reductions of any Fire Department services. Please feel free to contact me with any further needs or questions.

Thank you,
Al Nelson
Fire/Rescue Chief



GARDINER POLICE DEPARTMENT



Chief James M. Toman

July 6, 2020

Mr. Ken Crowley
472 River Road
Lebanon, ME 04027

D/b/a Herbal Pathways
35 Bridge Street
Gardiner, Maine 04345

Per review criteria 6.5.1.13, I have reviewed the business implementation plan as well as the security plan for the proposed Adult Use Marijuana business, named Herbal Pathways, to be located at 35 Bridge Street, Gardiner, Maine, 04345 (Kennebec County). This storefront in particular is currently unoccupied and there are four other businesses currently in operation at this business complex. Based upon my review, I believe that the security plan as presented is robust and thorough and that the business will have the safety and prevention mechanisms in place to keep its staff, the business product and its customers as safe as possible, additionally, per their State licensing, they are required to meet additional operational criteria. To that end, they have already been granted their Retail Conditional Adult Use License from the Office of Marijuana Policy. Ultimately, it is my belief that the Gardiner Police Department will have the ability to respond safely to any emergency or criminal activity that may occur at this business. This business may result in some calls for police services, however, it is not anticipated that these calls will have an impact on the overall services that the Gardiner Police Department delivers.

Sincerely,

Chief James M. Toman
Gardiner Police Department
City of Gardiner

Cc; Code Enforcement
Gardiner Planning Board
Office of Economic and Community Development

OFFICE OF MARIJUANA POLICY


MAINE ADULT USE MARIJUANA
PROGRAM

This certifies that

HERBAL PATHWAYS
AMS224

has been issued a **CONDITIONAL** license as an **ADULT USE MARIJUANA STORE** under 28-B MRS. This does **NOT** permit the licensee to engage in any activity.

ISSUED ON
04/09/2020


DIRECTOR
OFFICE OF MARIJUANA POLICY
MAINE ADULT USE MARIJUANA PROGRAM

EXPIRES ON
04/08/2021

**NOTE: THIS IS NOT AN ACTIVE
LICENSE**

To make a complaint about this licensed Adult Use Marijuana Establishment:
Email: licensing@ompr.maine.gov

The Conditional License for AMS224 has been issued based on the following organizational structure:

Principals:

KENNETH PATRICK CROWLEY, GENPART
DEBRA ANN CROWLEY, GENPART

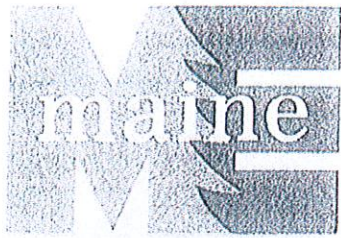
Qualifying Maine Resident Owners:

50.00% - KENNETH CROWLEY
50.00% - DEBRA CROWLEY

Other Owners:

None Approved

NOTICE: This conditional license was issued based upon the information indicated above and submitted on application forms provided by the conditional licensee. The conditional licensee acknowledged and affirmed that the foregoing information was truthful and complete in the presence of a notary. Any changes to the information indicated above must be timely reported to the Office of Marijuana Policy and may affect the conditional licensee's licensure status. A conditional licensee will be required, at a minimum, to obtain a new local authorization based upon any changes to the entity ownership structure listed above.



OFFICE OF MARIJUANA POLICY

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

Maine Adult Use Local Authorization Form

Section 1: License Information. Information generated by the Office of Marijuana Policy.

Business Legal Name: HERBAL PATHWAYS	Business DBA:	Conditional License Number: AMS224
License Type: ADULT USE MARIJUANA STORE		
Mailing Address: 472 RIVER RD LEBANON, ME 04027-4014	Facility Phone: +1 (603) 340-6539	Primary Contact Person: KENNETH CROWLEY
	Primary Contact Email: kendebbie4@comcast.net	

Section 2: Marijuana Establishment and Local Authorization Information. This section to be completed by the Municipality/Maine Land Use Planning Commission in receipt of request for Local Authorization.

Physical Location of Establishment (include unit number)	Municipality/Town/Plantation/Township	County	State	ZIP
Tax Map #:	Tax Lot #:			
Date Local Authorization Request Received by Municipality/Maine Land Use Planning Commission:	Date Local Authorization Approved by Municipality/Maine Land Use Planning Commission:			

If you are requesting Local Authorization from a *municipality*, complete Section 3.

If you are requesting Local Authorization from a *town, plantation or township in the unorganized and deorganized areas* through the Maine Land Use Planning Commission, complete Section 4.

Section 3: Local Authorization of Marijuana Establishments within Municipalities. This section to be completed by the Municipality in receipt of request for Local Authorization.

Section 3(a): Request for local authorization to operate marijuana establishment in municipality prohibited unless authorized by municipal ordinance or warrant article. A person seeking to operate a marijuana establishment within a municipality may not request local authorization to operate the marijuana establishment and a municipality may not accept as complete the person's request for local authorization unless the following questions are answered in the affirmative.

1. Has the legislative body of the municipality voted to adopt a new ordinance, amend an existing ordinance or approve a warrant article allowing some or all types of marijuana establishments within the municipality, including the type of marijuana establishment the person seeks to operate as indicated in the "License Type" box of Section 1 of this form?
 Yes No
2. Is a copy the local ordinance, warrant article, or other local regulation authorizing the siting of this establishment attached or included with the submission of this form?
 Yes No

Section 3(b): Minimum authorization criteria. A municipality may not authorize the operation of a marijuana establishment within the municipality unless the following questions are answered in the affirmative.

1. Is the marijuana establishment proposed to be located equal to or greater than 1,000 feet of the property line of a preexisting public or private school? If the municipality by ordinance or other regulation prohibits the location of marijuana establishments at distances less than 1,000 feet but not less than 500 feet from the property line of a preexisting public or private school, that lesser distance applies.
 Yes No

Initials of Signing Jurisdiction Official: _____

Page 1 of 3 for AMS224

2. Has the person requesting local authorization to operate the marijuana establishment demonstrated possession or entitlement to possession of the proposed licensed premises of the marijuana establishment pursuant to a lease, rental agreement or other arrangement for possession of the premises (specify: _____) or by virtue of ownership of the premises?
 Yes No

Section 3(c): Local authorization required for operation of marijuana establishment within municipality. A person may not operate a marijuana establishment within a municipality unless the following questions are answered in the affirmative.

1. Has the person obtained all applicable municipal approvals, permits, or licenses that are required by the municipality for the operation of this type of adult use marijuana establishment? By selecting "yes" below, the municipality is affirming that all municipal approvals, permits, or licenses have been approved, granted, or issued and no further action by the municipality is required prior to the Office of Marijuana Policy's issuance of an active license. The Office of Marijuana Policy encourages the municipality to coordinate the issuance date of a local license with the Office when appropriate.
 Yes No
2. Is a list and copy of all applicable approvals, permits, or licenses with the issuance and expiration dates attached or included with the submission of this form? The Office of Marijuana Policy encourages the municipality to coordinate the issuance date of a local license with the Office when appropriate.
 Yes No

Section 4: Local Authorization of Marijuana Establishments within Towns, Plantations and Townships in the Unorganized and Deorganized Areas. This section to be completed by the Maine Land Use Planning Commission in receipt of request for Local Authorization.

Section 4(a): Request for local authorization to operate marijuana establishment in town, plantation or township in unorganized and deorganized areas prohibited unless generally allowed by town or plantation or by county commissioners on behalf of township. A person seeking to operate a marijuana establishment within a town, plantation or township located within the unorganized and deorganized areas may not request local authorization unless one of the following questions is answered in the affirmative.

1. In the case of a town or plantation, the legislative body of the town or plantation has voted to allow some or all types of marijuana establishments within the town or plantation, including the type of marijuana establishment the person seeks to operate as indicated in the "License Type" box of Section 1 of this form?
 Yes No Not applicable
2. In the case of a township, the county commissioners of the county in which the township is located have voted to allow some or all types of marijuana establishments within the township, including the type of marijuana establishment the person seeks to operate as indicated in the "License Type" box of Section 1 of this form?
 Yes No Not applicable

Section 4(b): Minimum authorization criteria. The Maine Land Use Planning Commission may not certify to the Department local authorization of a marijuana establishment within a town, plantation or township located within the unorganized and deorganized areas unless the following questions are answered in the affirmative.

1. Is the marijuana establishment proposed to be located equal to or less than 1,000 feet of the property line of a preexisting public or private school? If the Maine Land Use Planning Commission prohibits the location of marijuana establishments at distances less than 1,000 feet but not less than 500 feet from the property line of a preexisting public or private school, that lesser distance applies.
 Yes No
2. Has the person requesting local authorization to operate the marijuana establishment demonstrated possession or entitlement to possession of the proposed licensed premises of the marijuana establishment pursuant to a lease, rental agreement or other arrangement for possession of the premises (specify: _____) or by virtue of ownership of the premises?
 Yes No

Section 4(c): Local authorization required for operation of marijuana establishment in town, plantation or township in unorganized and deorganized areas. A person may not operate a marijuana establishment within a town, plantation or township located within the unorganized and deorganized areas unless the following questions are answered in the affirmative.

1. Has the town, plantation or, in the case of a township, the county commissioners of the county in which the township is located, certified to the Maine Land Use Planning Commission that the person has obtained all applicable local approvals, permits or licenses not relating to land use planning and development?
 Yes No
2. Is a copy of the certification including a list of all applicable approvals, permits, or licenses not relating to land use planning and development with the issuance and expiration dates attached or included with the submission of this form?
 Yes No
3. Has the person obtained all applicable Maine Land Use Planning Commission approvals, permits, or licenses that are required for the operation of this type of adult use marijuana establishment? By selecting "yes" below, the Maine Land Use Planning Commission is affirming that all Maine Land Use Planning Commission approvals, permits, or licenses have been approved, granted, or issued and no further action by the Maine Land Use Planning Commission is required prior to the Office of Marijuana Policy's issuance of an active license. The Office of Marijuana Policy encourages the Maine Land Use Planning Commission to coordinate the issuance date of a local license with the Office when appropriate.
 Yes No
4. Is a list and copy of all applicable Maine Land Use Planning Commission approvals, permits, or licenses with the issuance and expiration dates attached or included with the submission of this form? The Office of Marijuana Policy encourages Maine Land Use Planning Commission to coordinate the issuance date of a local license with the Office when appropriate.
 Yes No

Statutory Guidance for Municipalities/Maine Land Use Planning Commission

Pursuant to 28-B M.R.S. §§ 402-403, failure to act on a person's request for local authorization to operate a marijuana establishment in a municipality, town, plantation, or township in an unorganized and deorganized area does not satisfy the local authorization requirement.

Typically, a request for local authorization should be approved or denied within 90 days. For additional information regarding failure to act on a person's request for local authorization and result appeal rights, see 28-B M.R.S. §§402-403.

Pursuant to 28-B M.R.S. §406, any changes in the status of local authorization require notification to the Office of Marijuana Policy within 14 days of the date on which the change occurs, including without limitation, withdrawing authorization or suspending or revoking a local license for the operation of a marijuana establishment.

The completed Maine Adult Use Local Authorization Form can be emailed to the Office of Marijuana Policy at Licensing.OMP@maine.gov or sent to Office of Marijuana Policy, 162 State House Station, Augusta, ME 04333-0162.

Municipality/LUPC Representative

Legal Name and title of Municipality/LUPC Representative:	City:	County:
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I hereby affirm and acknowledge that the information above is truthful and complete to the best of my knowledge.

Signature of Municipality/LUPC Representative (Do not sign until witnessed by notary):	Date:
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Notarization

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, at _____, Maine, by _____ to be his/her free act and deed.

Name of Notary Public (Printed):	Signature of Notary Public: STAMP/SEAL
Notary Public, State of Maine	
My commission expires:	

Cobbossee Leasing, LLC
511 Litchfield Road
Farmingdale, Maine 04344
June 12, 2020

Planning Board
City of Gardiner
6 Church Street
Gardiner, ME 04345

Re: Herbal Pathways, LLC

Dear Board Members:

We are writing in support of the requested change of use for our building at 35 Bridge Street in Gardiner for the operation of an Adult Use Marijuana store by Herbal Pathways, LLC. We met with Ken Crowley and are impressed with his plan, experience and other operations. He and his wife Debbie are professionals and have extensive experience in operating other stores in Massachusetts. Those stores are in a word, classy. He holds a conditional license in the state of Maine.

We are impressed with his plans for the store, which include security personnel and cameras. We have discussed this application with 3 of our 4 tenants and they are all supportive of the use.

The citizens of the State of Maine have voted to allow marijuana use and the City Council has passed an ordinance governing this use. Ken and Debbie's store represents a professional, well thought-out operation in full compliance with all state and local laws, ordinances and regulations. We feel they will be a welcome addition to Gardiner, providing a number of good jobs. We fully support their application.

/s/
John Bobrowiecki
Doug Bailey
Peter Giampretruzi
Members