



GARDINER CITY COUNCIL
AGENDA ITEM INFORMATION SHEET



Meeting Date	02/17/2021	Department	City Council
Agenda Item	4.f Findings of Fact and Consider Approval of a Medical Marijuana Establishment: Gardiner 4Twenty		
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>Gardiner 4Twenty, owned by Edward R. Dugay, and located at 243 Water Street, has been granted a Maine Adult Use Marijuana Program ID Card, and his caregiver's license expires 05/27/2021.</p> <p>This business has received approval from the Planning Board (all standards are the same for any marijuana approval).</p> <p>The licensee acknowledges and affirms all information is true and complete and then it will require 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>The City Council shall make findings of facts as to the application's conformance with the standards of approval. The Council may grant a conditional approval of a license for a period of less than one year.</p> <p>All pertinent paperwork is attached.</p>
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Requested Action	'I move to approve the Medical Marijuana Establishment License for Gardiner 4Twenty, as all approval standards have been met as noted in City of Gardiner Code Chapter 11, Section 5.2 for a term of one year so long as a valid caregiver's state license is maintained.'
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 02/10/2021 _____	EFFECTIVE DATE _____
	2 nd Reading _____	Advertised _____ w/in 15 Days	
	Final to Dept _____	Updated Book _____	Online _____

FINDINGS OF FACT: NEW MARIJUANA ESTABLISHMENT

Business Name: Gardiner 4twenty

Date of Council Review: February 17, 2021

The below standards need to be reviewed by the City Council for approval of a new marijuana establishment license:

____ The applicant has obtained a conditional license for the proposed adult-use marijuana establishment or approval for the proposed medical marijuana establishment from the State of Maine.

____ The proposed establishment conforms or will conform to the approval of the Planning Board including any conditions or approval prior to receiving City authorization to open.

____ The proposed establishment conforms or will conform to all the applicable land use, building, plumbing, and electrical codes prior to receiving City authorization to open.

____ The proposed establishment conforms or will conform to all the applicable fire and life safety codes prior to receiving City authorization to open.

____ The applicant has made or will make adequate provisions to provide for the security of the establishment and to avoid any potential nuisances from the use of the establishment prior to receiving City authorization to open.

____ The proposed establishment will not discharge effluent or process water to the public sewer system that will exceed the capacity of the system to transport and treat the material and that any requirements for the pre-treatment or limits on the quantity or quality of discharges will be met.

After reviewing the above standards the Gardiner City Council does hereby:

____ approve ____ deny ____ approve with conditions: _____

a license for a term of _____.

Signed this _____ day of _____, 202_.

Gardiner City Council



CITY OF Gardiner

Moving Forward

Date Received in Office	2/1/2021
Received by:	KM
Office Amount Received	\$1000
Approved	Denied

Marijuana Business License Application

- 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 Edward R. DuGay

Address 31 Water St. Hallowell, ME 04347

Phone 207-812-2074

Email harvestconsultingmaine@gmail.com

Do you own any other marijuana businesses? Yes

If yes, Please list and describe: Hallowell 4Twenty (Medical Retail Store), Eastern Retail Brokerage (Marijuana Caregivers Brokerage), Harvest Consulting (Marijuana Consulting)

Do you currently hold any marijuana licenses or conditional marijuana licenses? Yes

Are you licensed caregiver? Yes

Property Information

Physical address of proposed marijuana business 243 Water St. Gardiner, ME 04845

Map 037 Lot 125 Zone _____ 106 Water St.

Property owner's Name and address Three Pillar Properties Hallowell, ME 04847

Property owner's phone 207-242-7216

Property owner's email tlbreb@aol.com

Business Information

Type of marijuana business Retail (Medical with option to switch to Adult-Use)

Name of Business Gardiner 4Twenty (Eastern Retail Brokerage)

Number of employees _____

Hours of operation 12pm to 7pm Wednesday to Sunday

Brief description of the business Medical Marijuana retail with the ability to
switch to Adult-Use. Selling flower, edibles, concentrates, etc...

Square feet of retail space 1,512

Square feet of indoor plant canopy N/A

Square feet of outdoor plant canopy N/A

Square feet of manufacturing space N/A

Describe any security protocols Security system will be in compliance with OMP rules. A

Alarm system will be implemented and include alarm sensors, camera system

60 day storage, locking doors and windows, etc..

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 _____

N/A

Describe any fire protection/suppression equipment fire systems will be in compliance with

MP laws and will include; fire extinguishers, smoke alarms, etc..

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

N/A


Signature

2/1/2021
Date

For Municipal Use Only

Approvals

Code Enforcement	_____	Date _____
Economic Development	_____	Date _____
City Manager	_____	Date _____
Ordiner Fire Department	_____	Date _____
Ordiner Police Department	_____	Date _____
Public Works	_____	Date _____

City Council Approval Date: _____



Maine Medical Use
Of Marijuana

Date Issued: 06/05/2020
Expires: 05/27/2021

Individual Caregiver
EDWARD R. DUGAY

DBA: HALLOWELL FORTY TWENTY LLC

DOB: [REDACTED]

Retail Location: 31 WATER STREET, HALLOWELL, ME

04347-1440

Registration #: CGR26608

Control #: 4622

Authorized for: Plant Canopy-500 square feet



FOR OCCURENCE: CONTAINS COLORED BRICK PATTERN BACKGROUND ON WHITE PAPER, MICRO-PRINT SIGNATURE LINE, AVOID COMPONENT MICRO-PRINT ENDORSEMENT LINES ON REVERSE

Eastern Retail Brokerage, LLC

We will grow with you.
83 Murray Street
Augusta, ME 04330
207-812-2074

C PORT CREDIT UNION
PORTLAND, ME 04103

52-8823/2112

15406

02/04/2021

PAY TO THE ORDER OF **City of Gardiner**

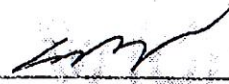
**1,000.00

\$

One thousand and 00/100*****

DOLLARS

City of Gardiner
6 Church Street
Gardiner, ME 04345



AUTHORIZED SIGNATURE

MEMO **Gardiner 4Twenty**

DO NOT ACCEPT THIS CHECK WITHOUT CONFIRMING PRESENCE OF ARTIFICIAL WATERMARK OR VISIBLE BOTH SECURITY FEATURES ARE LISTED ON REVERSE

⑈015406⑈ 1:211288239:1860000991353⑈

Eastern Retail Brokerage, LLC

15406

02/04/2021

City of Gardiner

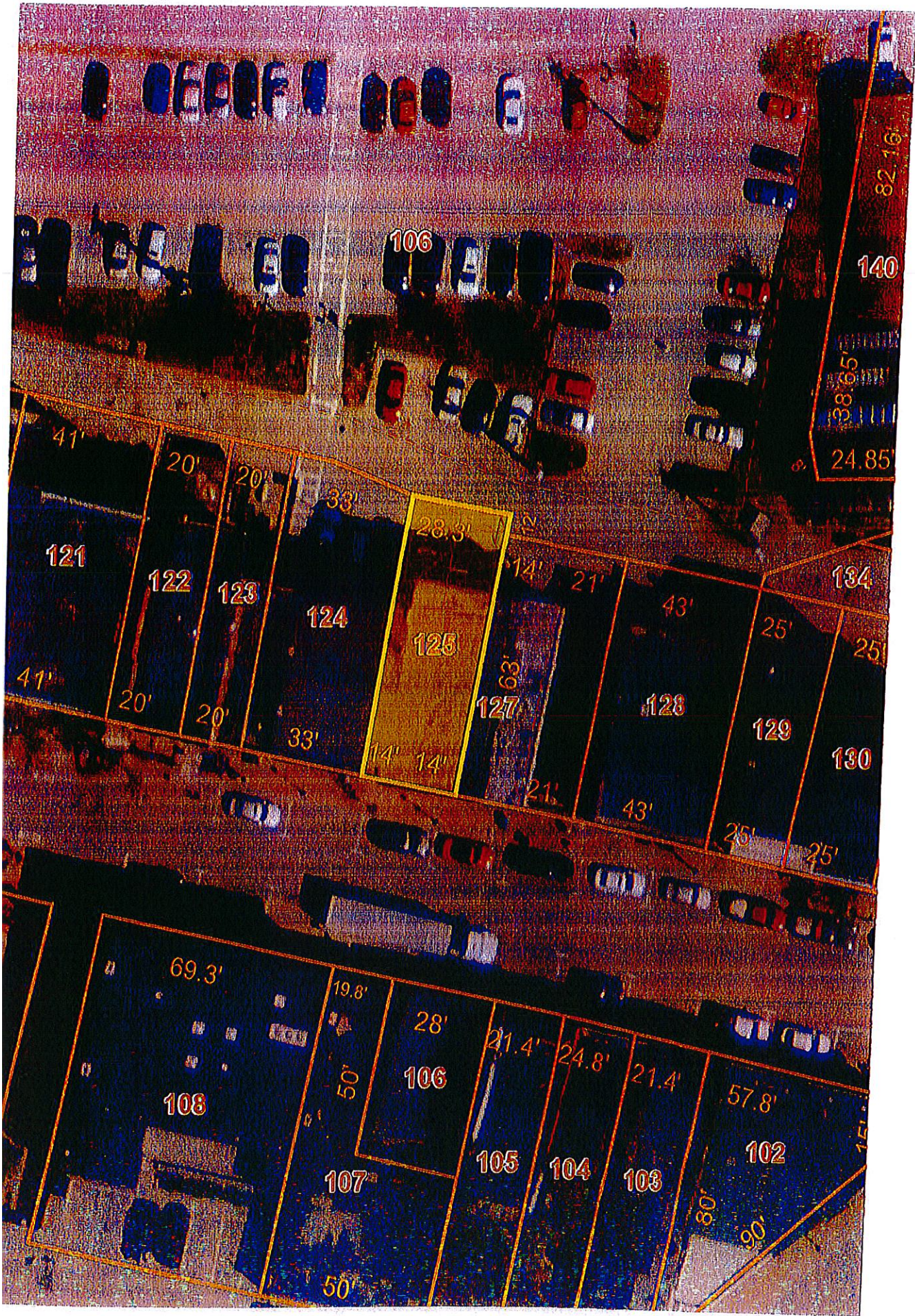
Gardiner 4Twenty - Licenseing

1,000.00

ERB CPort - 9597-10 {31}

Gardiner 4Twenty

1,000.00



**MAINE REVENUE SERVICES
 Authorization to Review and Disclose
 Status of Tax and Filing Obligations to the
 Maine Office of Marijuana Policy -
 PRINCIPALS**



This form is for use by a principal in an adult use marijuana establishment. For purposes of this form, a "principal" means any person who is an officer, director, manager, or general partner in an adult use marijuana establishment. It also includes any person who operates an adult use marijuana establishment as a sole proprietorship.

PART I:

Principal Name: Edward R DuGay	Phone #: 207-812-2074	FEIN/SSN:
Alternate Name You May Have Filled Under:	Home Address: 83 Murray St, Augusta, ME 04330	
Legal Name of Maine Adult Use Marijuana Establishment for Which You Are a Principal Gardiner 4Twenty		FEIN 85-2849449

If you are a principal in more than one adult use marijuana establishment, check here and attach a sheet listing the name and FEIN of all establishments for which you are a principal.....

PART II:

List Names and FEINs of all businesses, other than the adult use marijuana establishment(s) listed above, for which you are a principal. For purposes of this form, a "principal" means an owner, officer, director, manager, or general partner. Maine Revenue Services may require you to provide additional documentation to verify your relationship with the businesses listed.

Name	FEIN	Name	FEIN
Name	FEIN	Name	FEIN

If you need additional space, check here and attach a sheet listing the name and FEIN of any other businesses for which you are a principal.....

PART III:

I understand that taxpayer information is confidential under 36 M.R.S. § 191. By signing this form, I authorize Maine Revenue Services to review my confidential information and disclose the status of my Maine tax and filing obligations directly to the Maine Office of Marijuana Policy, pursuant to 36 M.R.S. § 191(2)(A). I further certify that I am an owner, officer, director, manager, or general partner acting on behalf of the business entities listed in Part II and that I have authority to sign this form, and I authorize Maine Revenue Services to review the entities' confidential information and disclose the status of their Maine tax and filing obligations directly to the Maine Office of Marijuana Policy, pursuant to 36 M.R.S. § 191(2)(A). The disclosure will be limited to the information included in Part IV below.

Principal's signature:  Date: 09/03/2020

Forms must be sent to Maine Revenue Services at mrs.compliance.omp@maine.gov, faxed to 207-287-6627, or mailed to:

**Maine Revenue Services
 Attn: Compliance Division
 P.O. Box 1060
 Augusta, ME 04332-1060**

PART IV:

This section to be completed by Maine Revenue Services

1) The principal listed above has a Maine tax liability presently due and owing for taxes and fees administered by Maine Revenue Services:
 Yes No

1a) The principal is currently participating in a payment plan in connection with their Maine tax liability and they are in compliance with the terms of that payment plan.
 Yes No

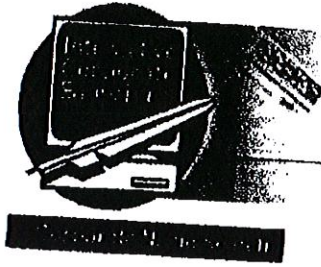
2) Maine Revenue Services has filed liens in connection with a Maine tax liability owed by the principal during the calendar years checked below:
 2020 2019 2018 2017 2016 2015

2a) The principal is currently participating in a payment plan in connection with the Maine tax liability associated with the liens indicated and is in compliance with the terms of that payment plan:
 Yes No

3) One or more of the businesses which the principal has identified above has a Maine tax liability presently due and owing for taxes and fees administered by Maine Revenue Services:
 Yes No

3a) The entity or entities are currently participating in a payment plan in connection with their Maine tax liability and are in compliance with the terms of that payment plan.
 Yes No

MRS Reviewer: _____ Date: _____
F107 Note:



MAINE

Department of the Secretary of State
Bureau of Corporations, Elections and Commissions

Subscriber activity report

This record contains information from the CEC database and is accurate as of: Mon May 18 2020 20:55:01. Please print or save for your records.

Legal Name	Charter Number	Filing Type	Status
EASTERN RETAIL BROKERAGE, LLC	20196002DC	LIMITED LIABILITY COMPANY (DOMESTIC)	GOOD STANDING
Filing Date	Expiration Date	Jurisdiction	
04/10/2019	N/A	MAINE	
Other Names	(A=Assumed ; F=Former)		
NONE			

Clerk/Registered Agent

K. ALEXANDER VISBARAS
195 CENTER STREET
AUBURN, ME 04210

[Back to previous screen](#) [New Search](#)

Click on a link to obtain additional information.

List of Filings [View list of filings](#)

Obtain additional information:

Certificate of Existence (more info)	Short Form without amendments (\$30.00)	Long Form with amendments (\$30.00)
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You will need Adobe Acrobat version 3.0 or higher in order to view PDF files. If you encounter problems, visit the [troubleshooting page](#).



If you encounter technical difficulties while using these services, please contact the [Webmaster](#). If you are unable to find the information you need through the resources provided on this web site, please contact the Bureau's Reporting and Information Section at 207-624-7752 or [e-mail](#) or visit

STATE OF MAINE
MAINE REVENUE SERVICES
RESALE CERTIFICATE



THIS CERTIFICATE IS VALID
NOVEMBER 04 2019 THRU DECEMBER 31 2023

Business Name and Location Address	Certificate Number	Business Type
DUGAY EDWARD R D/B/A EASTERN RETAIL BROKERAGE 126 WESTERN AVE # 136 AUGUSTA, ME 04330-7249	1203565	WHOLESALE

This is to certify that the above named business is authorized to purchase during the period indicated on this certificate: (1) tangible personal property to be resold in the form of tangible personal property, or (2) a taxable service to be resold as the same taxable service. This certificate cannot be reassigned or transferred and can only be used by the above business or its authorized employees. This certificate is void if the business has ceased operating or if the certificate has been altered.

The above named business certifies that the following is being purchased in the ordinary course of business for resale as provided above.

Medicinal HERBS + Flowers

Presented to: Harrow Garage Dist. 11-25-19
(insert name of seller on photocopy) (date)

Presented by: Edward Dugay 11-25-19
Authorized Signature (purchaser) (date)

DO NOT WRITE ON THIS ORIGINAL FORM

The document printed above is your new Resale Certificate. Retain this copy as an original in your file. This certificate is valid only for the period indicated.

Prior to the expiration of this certificate, Maine Revenue Services will automatically renew and reissue a new resale certificate for the next period if:

- your account is active; and
- you have reported \$3,000 or more in gross sales during the previous 12 months

Make copies of this original, fill in the appropriate data and provide it to the vendors from whom you make purchases for resale.

If you cease doing business, this certificate is void and must be returned to Maine Revenue Services.

Use of a resale certificate to make purchases not intended for resale is a criminal offense.

If you have any questions regarding this document, please call (207) 624-9693.



JANET T. MILLS
GOVERNOR

STATE OF MAINE
OFFICE OF MARIJUANA POLICY
162 STATE HOUSE STATION
32 BLOSSOM LANE
AUGUSTA, MAINE 04333-0162

ADMINISTRATIVE & FINANCIAL SERVICES

KIRSTEN LC FIGUEROA
COMMISSIONER

OFFICE OF MARIJUANA POLICY

ERIK GUNDERSEN
DIRECTOR

EDWARD R. DUGAY
83 MURRAY ST
AUGUSTA, ME 04330-4818

COPY

June 5, 2020

Dear EDWARD R. DUGAY

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.

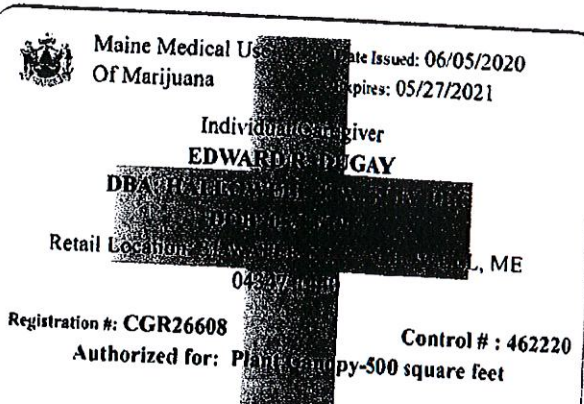
It is the responsibility of the cardholder to review, understand and follow Maine's Medical Use Marijuana statute and rules. This information can be accessed on the OMP website: www.maine.gov/dafs/omp/.

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





STATE OF MAINE
Office of Marijuana Policy
Medical Use of Marijuana Program
Caregiver Application

23
COPY

SECTION 1: Caregiver Information.		
<input type="checkbox"/> New <input type="checkbox"/> Renewal <input type="checkbox"/> Modification to plant count <input checked="" type="checkbox"/> Change to canopy-based cultivation		
Legal Name: Edward Dugay		
Date of Birth: 5/13/1957	Telephone Number: (207) 812-2074	
Home Address: 83 Murray Street		
City: Augusta	State: ME	Zip: 04330
Mailing Address:		
City:	State:	Zip:
Email Address (required): harvestconsultingmaine@gmail.com	SSN or Federal EIN: 005-60-6550	Sales Tax Registration Number: 1203565
SECTION 2A: Cultivation Location.		
Street Address: 57 Conant Road		
City: Turner	State: ME	Zip: 04266
<input checked="" type="checkbox"/> Indoor OR <input type="checkbox"/> Outdoor. Please describe:		
SECTION 2B: Property Owner.		
Legal Name of Property Owner: Ganggang Zheng		
Street Address: 246 Arlington Road		
City: Quincey	State: MA	Zip: 02170
SECTION 3: Caregiver Retail Store.		
Legal Business Name: Hollowell 4twenty	Doing Business as Name, if applicable: Hollowell 4twenty	
Street Address: 31 Water Street		
City: Hollowell	State: ME	Zip: 04347

SECTION 4: Registered Caregiver Authorized Activities. Please check all that apply.

- Standard caregiver cultivation activities
- Standard caregiver processing and manufacturing activities (no inherently hazardous substance extraction)
- Processing or manufacturing of marijuana from a patient, caregiver, or dispensary
- Processing or manufacturing marijuana using inherently hazardous substances
- Manufacturing edible marijuana products
- Standard caregiver transfer, donation and/or sale of medical marijuana, concentrate and products to patients
- Operation of one caregiver retail store
- Purchase or other receipt of wholesale marijuana from other caregivers or dispensaries
- Sale or other transfer of wholesale marijuana to other caregivers or dispensaries

SECTION 5: Fees. The fee is \$240 for each group of up to six (6) mature marijuana plants cultivated by a caregiver.

Caregiver cultivating/servicing patients

(Elect either plant count or canopy.)

Plants

	Fee
<input type="checkbox"/> 6 mature/12 immature plants	\$240
<input type="checkbox"/> 12 mature/24 immature plants	\$480
<input type="checkbox"/> 18 mature/36 immature plants	\$720
<input type="checkbox"/> 24 mature/48 immature plants	\$960
<input type="checkbox"/> 30 mature/60 immature plants	\$1200

Canopy

500 Sq. Ft. Canopy
Number of mature plants to be cultivated within canopy: 60 \$ 2400

Example plant canopy fees:

- 31-36 mature marijuana plants, \$1440
- 37-42 mature marijuana plants, \$1680
- 43-48 mature marijuana plants, \$1920
- 49-54 mature marijuana plants, \$2160
- 55-60 mature marijuana plants, \$2400

Application Fee: \$2,400
Background Check Fee: \$31.00
Total Enclosed: _____

Caregiver non-cultivating/servicing patients

(Purchasing from a registered caregiver or dispensary)

Harvested marijuana from:

	Fee
<input type="checkbox"/> 6 mature/12 immature plants	\$240
<input type="checkbox"/> 12 mature/24 immature plants	\$480
<input type="checkbox"/> 18 mature/36 immature plants	\$720
<input type="checkbox"/> 24 mature/48 immature plants	\$960
<input type="checkbox"/> 30 mature/60 immature plants	\$1200

Application Fee: _____
Background Check Fee: \$31.00
Total Enclosed: _____

SECTION 6: Local Authorization.

Upon receipt of the completed application, the Office of Marijuana Policy will send a Local Authorization form to the applicant. It will be the applicant's responsibility to obtain Local Authorization pursuant to Title 22, Section 2429-D.

SECTION 7: Required Submissions.

- A cashier's check or money order made payable to "Treasurer, State of Maine." **All fees are non-refundable.**
- Copy of Maine-issued photo ID or copy of government-issued photo ID and proof of Maine address.
- Copy of food establishment/processing license, if applicable.



SECTION 8: Attestation.

I have read and attest to the following:

- A. All information on this application is true and correct. Misrepresentation on this application may jeopardize my status as a registered caregiver in the Maine Medical Use of Marijuana Program (MMMP).
- B. I have reviewed the rules and statute to allow me to execute my duties, rights and responsibilities as a caregiver under the laws and regulations governing the MMMP.
- C. In the event that law enforcement, MMMP staff, and/or their representatives question my status as a card holder, I must provide my registry identification card and current government-issued photo ID.
- D. I will comply with inspections, as required, and refusal of entry could jeopardize my status as a caregiver.
- E. I will comply with applicable regulations and requirements if I am producing edibles with medical marijuana or using pesticides in the cultivation of medical marijuana.
- F. I will abide by packaging and labeling requirements as defined in MMMP rules and statute.
- G. I will not sell, furnish or give marijuana to a person who is not allowed to possess marijuana for medical purposes.
- H. I may operate one retail store to sell harvested marijuana to qualifying patients for the patients' medical use.
- I. I may employ assistants to assist in performing the duties of the caregiver and they must be registered with the State of Maine in accordance with state law.
- J. I have provided my social security number or federal identification number for reporting to the Maine Revenue Service for tax purposes only.
- K. I will collect and remit sales tax related to my sales and transactions of medical marijuana.
- L. I have reviewed local/town/municipal ordinances and my status as a caregiver does not violate any ordinances currently in place.
- M. I will submit to annual background checks as required in statute or as required by program policy.
- N. I must submit to the department annually, a report of the number of qualifying patients and visiting qualifying patients I have assisted.
- O. I must submit a new application each time I apply for a card and renew a card.
- P. If any of my information changes after this application is processed, I must notify MMMP.
- Q. I am a Maine resident.
- R. If I do not comply with these requirements, the Department of Administrative and Financial Services may revoke authorization to serve as a caregiver under the Maine law.
- S. I will use the inventory tracking system specified, developed, and maintained by the Department or its designee. I will track, using the inventory tracking system specified by the Department, marijuana plants, marijuana, marijuana concentrate, and marijuana products from immature plant to point of sale.
- T. I authorize the Department to transfer the information contained in this application to its third party inventory tracking system vendor for the purposes of establishing credentials in the inventory tracking system. I will use the inventory tracking system specified, developed and maintained by the Department or its designee to track all marijuana plants, marijuana, marijuana concentrate and marijuana products from immature plant to point of sale.

Signature - This application cannot be accepted without a signature.

I understand and agree that federal, state and local officials or other persons and organizations may verify the information I have given. I understand that if I have given incorrect information, my application may be denied. I have read and understand the questions above.

Applicant's Signature



Date

05/13/2020

Submit completed application and applicable fees (personal checks are not accepted) to the following address:

Medical Use of Marijuana Program
Office of Marijuana Policy
162 State House Station
Augusta, ME 04333-0162
Tel: (207) 287-9330 or 287-3282; Fax: (207) 287-2671; TTY users: Dial 711 (Maine relay)
E-mail: dhhs.mmmp@maine.gov
Website: <https://www.maine.gov/dafs/omp/medical-use/>



February 8, 2021

Gardiner 4Twenty
Edward Duguay
325 Water St.
Gardiner, Maine 04345

Dear Mr. Duguay

On behalf of the City of Gardiner, we would like to congratulate you on your September 8, 2020 Planning Board approval for a medical marijuana retail/dispensary facility with the condition of a letter of financial capacity at 243 Water St. Gardiner, Maine.

Please let me know if there is anything, you need from either City staff or me.

Again, thank you for choosing Gardiner.

Sincerely,

Debby Willis, Planning Board Chair

c:Tracey K. Desjardins
Director of Economic Development/Planning
Kris McNeill, CEO



GARDINER POLICE DEPARTMENT



Chief James M. Toman

CEO Kris McNeill
Gardiner Planning Board
Office of Economic and Community Development

Mr. Eddie Dugay
Ms. Katrina Duffin
DBA – Harvest Consulting LLC
243 Water Street
Gardiner, Maine 04345

Per review criteria 6.5.1.13- Based upon information provided, this business appears to have appropriate operational and safety and security measures in place to open and operate in the City of Gardiner. As such, it is my belief that should the need arise, the Gardiner Police Department will have the ability to respond safely and effectively to any emergency or criminal activity that may occur there. 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



August 31, 2020

Katrina Duffin
31 Water St
Hallowell, ME 04336

Regarding your license application for a medical marijuana retail business at 243 Water St. As this location will only be retail activity the city's wastewater system has the ability to transport and treat domestic waste coming from the building, from normal use of existing plumbing fixtures, restrooms, breakroom, etc.

Please let me know if you need any further information.

Douglas E. Clark

Wastewater Director
City of Gardiner



GARDINER WATER DISTRICT

1000 E. 7th Avenue • Gardiner, Montana 59030 • 406-332-5000 • www.gardinerwater.com

August 27, 2020

Katrina C. Duffin
Administrative Assistant
Harvest Consulting

Dear Katrina, in response to your e-mail, your proposed marijuana retail store that will be located at 243 Water St. in Gardiner will have no negative impact on municipal water service in Gardiner.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Gray".

Paul Gray, Supr. Gardiner Water District



August 31, 2020

Katrina C. Duffin
Administrative Assistant
Harvest Consulting LLC

Dear Ms. Duffin:

Upon careful review of your submission for a storefront located at 243 Water Street, as Interim Public Works Director, I am comfortable in stating that this business will not create a significant impact on Public Works.

If you need anything else, please do not hesitate to reach out.

Sincerely,

A handwritten signature in cursive script that reads "Christine M. Landes".

Christine M. Landes
City Manager
City of Gardiner

cc: CEO

Office of the City Manager | 6 Church Street | Gardiner, ME 04345
207-582-4200 | 207-582-6895 (fax) | clandes@gardinermaine.com
www.GardinerMaine.com



**CITY OF GARDINER
FIRE & RESCUE DEPARTMENT**



Interim Chief Richard Sieberg

August 30, 2020

Dear Katrina Duffin,

I have received your application to establish a business at 243 Water Street in Gardiner under the name Harvest Consulting. Upon careful review of your proposal and discussion with the City's Code Enforcement officer I feel comfortable that your business would not create a significant impact on the Fire Department.

As always we look forward to working with all of the businesses in the City. Please feel free to reach out to the Fire Department if you have questions or concerns.

Sincerely,

Richard Sieberg
Gardiner Fire Department
Interim Fire Chief



Office of Code Enforcement

6 Church Street
Gardiner, Maine 04345

Phone: 207 582-6892
Fax: 207 582-6895

September 22, 2020

Mr. Dugay,

In regards to your license application for a medicinal marijuana retail business named Gardiner 420 located at 243 Water Street, I find that the proposed business meets all requirements of Gardiner's Land Use Ordinance and City Codes.

Kris McNeill
Code Enforcement Officer
City of Gardiner Maine



08/27/2020

To whom it may concern,

The account for Eastern Retail Brokerage LLC with cPort Credit Union is in good standing.

Thank You,

A handwritten signature in black ink, appearing to read 'Michelle Lemieux', written over a horizontal line.

Michelle Lemieux

Branch Manager

207-253-4171

Portland Branch & Main Office:
50 Riverside Industrial Parkway
Portland, ME 04103

Mailing Address:
P.O. Box 777
Portland, ME 04104

207-878-6200
1-800-464-0253
cportcu.org

Marijuana Establishment Licensing Ordinance

Section 1. Authority

This ordinance is adopted by the City under its home rule authority, Title 30-A M.R.S. Section 3001 and in accordance with the provisions of Title 28-B M.R.S Chapter 1 Subchapter 4 which authorizes municipal regulation of adult use marijuana establishments and Title 22 M.R.S Chapter 558-C Section 2429-D which authorizes municipal regulation of medical marijuana establishments.

Section 2. License Required

No marijuana establishment as defined in this ordinance shall operate within the City of Gardiner unless the establishment is currently licensed by the City in accordance with the provisions of this ordinance.

Section 3. Term of License

A license for a marijuana establishment shall be valid for one year from the date that the license is approved by the City Council unless otherwise specifically limited by vote of the City Council. The City Council may approve a license for less than one year to coordinate state and City licensing timeframes or as a conditional license to allow an applicant to address conditions of approval on the license.

Section 4. Licensing Procedures

Applications for a marijuana establishment license shall be processed and reviewed according to the following procedures.

4.1. Application Submission

An application for a marijuana establishment license shall be submitted to the City Clerk. Applications for renewal of a license or for the renewal of a license involving the expansion or relocation of the establishment must be submitted at least forty-five (45) days prior to the expiration of the current license. The application must include all of the materials set forth in the submission requirements of Section 5, 6 or 7 depending on the type of application.

4.2. Review of Application for Completeness

The City Manager or her/his designee shall review the application for completeness in accordance with the submission requirements of Section 5, 6 or 7. If the City Manager or her/his designee finds the application to be complete, he/she shall notify the City Clerk that the application should be advertised for public hearing and placed on the City Council's agenda. If the City Manager or his/her designee finds that the application is not complete, he/she shall notify the applicant of the additional materials required. Upon receipt of additional information the City Manager or her/his designee shall repeat the process until the application is deemed to be complete. An application shall not be advertised for public hearing or scheduled for City Council consideration until the application is found to be complete.

4.3. Public Hearing

The City Council shall hold a public hearing on a completed application for a marijuana establishment license. The notice of the public hearing shall be posted in accordance with City procedures and shall be advertised in a newspaper that is widely circulated in the City at least seven (7) days prior to the public hearing. The notice shall include the date, time and location of the hearing together with the name of the applicant, the type of marijuana establishment for which the license is sought and the location of the establishment identified by both street address and Tax Map and Lot number.

4.4. Council Action

Within thirty (30) days of the public hearing, the City Council shall review the application for conformance with the applicable standards set forth in Section 5, 6 or 7 depending on the type of licensing. The City Council shall make findings of fact as to the application's conformance with the standards of approval. The Council shall act to approve the granting of the license, to deny the granting of the license, or to approve the granting of the license with conditions. The Council may grant conditional approval of a license for a period of less than one year. When an application involves the renewal and relocation of an existing license, the City Council may allow for an overlap of up to ninety (90) days between the existing license and the renewal license to allow for the preparation of the new facility. When the City Council allows overlapping licenses, no retail sales shall occur at the new location until retail sales at the prior location have ceased.

Section 5. First-Time License Application

An application for a new marijuana establishment license shall be processed and reviewed in accordance with the following:

5.1. Submission Requirements

An application for a marijuana establishment license for an establishment that is not currently licensed by the City of Gardiner shall include all of the following information:

- 5.1.1. A completed and signed application form (provided by the City)
- 5.1.2. The appropriate annual license fee for the type of facility in accordance with the schedule of fees set forth in Section 8.
- 5.1.3. If the application is for an adult use marijuana establishment, a copy of the applicant's approved state conditional license including all submissions made to obtain that license.
- 5.1.4. If the application is for a medical marijuana establishment, written evidence that applicant has obtained all state approvals for the type of facility proposed including all materials submitted to the state to obtain those approvals.
- 5.1.5. A copy of the Planning Board's notice of decision approving the facility in accordance with the Land Use Code. If the Planning Board's approval included any conditions of approval, written documentation setting forth how those conditions have been or will be met.
- 5.1.6. A written report prepared by the Code Enforcement Officer documenting the proposals compliance with all applicable land use, building, plumbing and electrical codes. If the report of the Code Enforcement Officer identifies any areas of noncompliance, the applicant shall provide a written response setting forth how the identified issues have been or will be addressed.
- 5.1.7. A written report prepared by the Fire Chief documenting the proposals compliance with all applicable fire and life safety codes. If the report of the Fire Chief identifies any areas of noncompliance, the applicant shall provide a written response setting forth how the identified issues have been or will be addressed.
- 5.1.8. A written report prepared by the Police Chief addressing the adequacy of provisions to provide for the security of the establishment and to avoid any potential for nuisances from the use of the establishment. If the report of the Police Chief identifies any areas of concern, the

applicant shall provide a written response setting forth how the identified issues have been or will be addressed.

5.1.9. If the proposed establishment will discharge to the public sewer system, a written report prepared by the Superintendent of the Wastewater Treatment System addressing the potential implications of discharging wastewater to the sewer system and providing treatment for this material including the need for any pre-treatment of discharges. If the report of the Superintendent identifies any areas of concern, the applicant shall provide a written response setting forth how the identified issues have been or will be addressed.

5.2 Approval Standards

The City Council shall approve an application for a new marijuana establishment license only if it finds that all of the following standards are met or will be met as a result of conditions of approval applied to the license:

5.2.1 The applicant has obtained a conditional license for the proposed adult-use marijuana establishment or approval for the proposed medical marijuana establishment from the State of Maine.

5.2.2. The proposed establishment conforms or will conform to the approval of the Planning Board including any conditions of approval prior to receiving City authorization to open.

5.2.3 The proposed establishment conforms or will conform to the all applicable land use, building, plumbing and electrical codes prior receiving City authorization to open.

5.2.4 The proposed establishment conforms or will conform to the all applicable fire and life safety codes prior receiving City authorization to open.

5.2.5 The applicant has made or will make adequate provisions to provide for the security of the establishment and to avoid any potential for nuisances from the use of the establishment prior receiving City authorization to open.

5.2.6 The proposed establishment will not discharge effluent or process water to the public sewer system that will exceed the capacity of the system to transport and treat the material and that any requirements for pre-treatment or limits on the quantity of quality of discharges will be met.

Section 6. Renewal License Applications

An application for the renewal of a marijuana establishment license shall be processed and reviewed in accordance with the following:

6.1. Submission Requirements

An application for the renewal of a marijuana establishment license that is currently licensed by the City of Gardiner and that will occupy the same space as existing operation shall include all of the following information:

- 6.1.1. A completed and signed application form (provided by the City)
- 6.1.2. The appropriate annual license fee for the type of facility in accordance with the schedule of fees set forth in Section 8.
- 6.1.3. If the application is for an adult use marijuana establishment, written documentation that the applicant has applied for a renewal of its state license.
- 6.1.4. If the application is for a medical marijuana establishment, written evidence that applicant has obtained all state approvals for the type of facility proposed.
- 6.1.5. A written report prepared by the Code Enforcement Officer documenting the establishment's ongoing compliance with all applicable land use, building, plumbing and electrical codes. The report shall identify any enforcement actions or other concerns during the prior year. If the report of the Code Enforcement Officer identifies any areas of noncompliance or concern, the applicant shall provide a written response setting forth how the identified issues have been or will be addressed.
- 6.1.6. A written report prepared by the Fire Chief documenting the establishment's on-going compliance with all applicable fire and life safety codes. The report shall include the results of any inspections performed by the department and records of all calls for service during the prior year and the reason for each call. If the report of the Fire Chief identifies any areas of noncompliance or concern about use of the fire service, the applicant shall provide a written response setting forth how the identified issues have been or will be addressed.
- 6.1.7. A written report prepared by the Police Chief documenting the ongoing adequacy of provisions to provide for the security of the establishment and to avoid any potential for nuisances from the use of the establishment. The report of the Police Chief shall document the number of calls for service and the reason for the calls during the prior year. If the report of the Police Chief identifies any areas of concern, the applicant

shall provide a written response setting forth how the identified issues have been or will be addressed.

6.1.8. If the establishment discharges to the public sewer system, a written report prepared by the Superintendent of the Wastewater Treatment System addressing the impacts of the wastewater on the sewer system and sewage treatment plant including compliance with any pre-treatment requirements or limitations on the volume of discharges. If the report of the Superintendent identifies any areas of concern, the applicant shall provide a written response setting forth how the identified issues have been or will be addressed.

6.2 Approval Standards

The City Council shall approve an application for the renewal of a marijuana establishment license only if it finds that all of the following standards are met or will be met as a result of conditions of approval applied to the license:

6.2.1 The applicant has applied to the State of Maine for the renewal of its adult-use marijuana establishment license or approval as a medical marijuana establishment.

6.2.2 The applicant has addressed any complaints or violations with respect to all applicable land use, building, plumbing and electrical codes during the prior year in a timely manner to the satisfaction of the Code Enforcement Officer and the establishment is or will be in conformance with all applicable code requirements.

6.2.3 The applicant has addressed any complaints or violations with respect to all applicable fire protection and life safety codes during the prior year in a timely manner to the satisfaction of the Fire Chief and the establishment is or will be in conformance with all applicable code requirements.

6.2.4 The applicant has addressed any complaints or violations with respect to provisions for the security of the establishment and to avoid nuisances from the use of the establishment during the prior year in a timely manner to the satisfaction of the Police Chief and has made adequate provisions to prevent the recurrence of any problems.

6.2.5 If the establishment discharges to the public sewer system, the applicant has addressed any discharges of effluent or process water to the public sewer system that has exceeded the capacity of the system to transport and treat the material including any requirements for pre-treatment during the prior year to the satisfaction of the Superintendent of

the Wastewater Treatment System and has made adequate provisions to prevent the recurrence of any problems.

Section 7. Renewal License Application Involving an Expansion or Relocation of the Facility

An application for the renewal of a marijuana establishment license that involves either the relocation of the establishment to a new location or the expansion of the facility shall be processed and reviewed in accordance with the following:

7.1. Submission Requirements

An application for the renewal of marijuana establishment license that is currently licensed by the City of Gardiner in which the location of the establishment is proposed to be changed or the size of the establishment increased shall include all of the following information:

- 7.1.1. A completed and signed application form (provided by the City)
- 7.1.2. The appropriate annual license fee for the type of facility in accordance with the schedule of fees set forth in Section 8.
- 7.1.3. If the application is for an adult use marijuana establishment, written documentation that the applicant has applied for renewal of its state license. The applicant shall provide all documentation provided to the state in support of the request for renewal of its license.
- 7.1.4. If the application is for a medical marijuana establishment, written evidence that applicant has applied for or obtained all state approvals for the type of facility proposed.
- 7.1.5. A copy of the Planning Board's notice of decision approving the relocated or expanded facility in accordance with the Land Use Code. If the Planning Board's approval included any conditions of approval, written documentation setting forth how those conditions have been or will be met.
- 7.1.6. A written report prepared by the Code Enforcement Officer documenting the existing facility's ongoing compliance with all applicable land use, building, plumbing and electrical codes. The report shall identify any enforcement actions or other concerns during the prior year.
- 7.1.7. A second written report prepared by the Code Enforcement Officer documenting the compliance of the proposal for a relocated or expanded facility with all applicable land use, building, plumbing and electrical codes. If the report of the Code Enforcement Officer identifies any areas

of noncompliance, the applicant shall provide a written response setting forth how the identified issues have been or will be addressed.

7.1.8. A written report prepared by the Fire Chief documenting the existing establishment's on-going compliance with all applicable fire and life safety codes. The report shall include the results of any inspections performed by the department and records of all calls for service during the prior year and the reason for each call. The report of the Fire Chief shall identify any areas of noncompliance or concern about the use of the fire service. The report shall also document the compliance of the proposal for a relocated or expanded facility with all applicable fire and life safety codes. If the report of the Fire Chief identifies any areas of noncompliance with the new or expanded establishment, the applicant shall provide a written response setting forth how the identified issues have been or will be addressed.

7.1.9. A written report prepared by the Police Chief documenting the ongoing adequacy of provisions at the existing facility to provide for the security of the establishment and to avoid any potential for nuisances from the use of the establishment. The report of the Police Chief shall document the number of calls for service and the reason for the calls during the prior year. The report shall also review the proposal for a relocated or expanded facility. If the report of the Police Chief identifies any areas of concern, the applicant shall provide a written response setting forth how the identified issues have been or will be addressed.

7.1.10. If the existing establishment discharges to the public sewer system, a written report prepared by the Superintendent of the Wastewater Treatment System addressing the impacts of the wastewater on the sewer system and sewage treatment plant including compliance with any pre-treatment requirements or limitations on the volume of discharges. The report shall evaluate the potential implications of discharging wastewater to the sewer system and providing treatment for this material including the need for any pre-treatment of discharges from the relocated or expanded facility. If the report of the Superintendent identifies any areas of concern, the applicant shall provide a written response setting forth how the identified issues have been or will be addressed.

7.2 Approval Standards

The City Council shall approve an application for the renewal of a marijuana establishment license only if it finds that all of the following standards are met or will be met as a result of conditions of approval applied to the license:

7.2.1 The applicant has applied to the State of Maine for the renewal of its adult-use marijuana establishment license or approval as a medical marijuana establishment.

7.2.2 The proposed relocated or expanded establishment conforms or will conform to the approval of the Planning Board including any conditions of approval prior to receiving City authorization to open.

7.2.3 The applicant has addressed any complaints or violations with respect to all applicable land use, building, plumbing and electrical codes during the prior year in a timely manner to the satisfaction of the Code Enforcement Officer and the relocated or expanded establishment is or will be in conformance with all applicable code requirements.

7.2.4 The applicant has addressed any complaints or violations with respect to all applicable fire protection and life safety codes during the prior year in a timely manner to the satisfaction of the Fire Chief and the relocated or expanded establishment is or will be in conformance with all applicable code requirements.

7.2.5 The applicant has addressed any complaints or violations with respect to provisions for the security of the establishment and to avoid nuisances from the use of the establishment during the prior year in a timely manner to the satisfaction of the Police Chief and has made adequate provisions to prevent the recurrence of any such problems at the relocated or expanded establishment.

7.2.6 If the existing establishment discharges to the public sewer system, the applicant has addressed any discharges of effluent or process water to the public sewer system that has exceeded the capacity of the system to transport and treat the material including any requirements for pre-treatment during the prior year to the satisfaction of the Superintendent of the Wastewater Treatment System and has made adequate provisions to prevent the recurrence of any such problems at the relocated or expanded location.

Section 8. Fees

An application for a license or renewal of a license for a marijuana establishment shall include an application fee in the amount set forth in the following table:

Type of Marijuana Establishment	Annual Fee
Medical Marijuana Cultivation Facility – Tier 1	\$500
Medical Marijuana Cultivation Facility – Tier 2	\$1,500
Marijuana Cultivation Facility – Tier 3	\$2,000
Marijuana Cultivation Facility – Tier 4	\$2,500
Marijuana Products Manufacturing Facility	\$2,000
Marijuana Testing Facility	\$500
Marijuana Retail Store	\$1,500
Medical Marijuana Registered Caregiver Retail Store	\$1,000
Medical Marijuana Registered Dispensary	\$1,000
Marijuana Nursery Cultivation Facility	\$1,500

This is nonrefundable and will be used to offset the City's costs in the review of the application and in the oversight with respect to conformance of the establishment with respect to the license and any conditions of approval.

Section 9. Definitions

- **Marijuana Establishment:** Any use or facility that is a Medical Marijuana Cultivation Facility – Tier 1 or Tier 2, a Marijuana Cultivation Facility – Tier 3, a Marijuana Cultivation Facility – Tier 4, a Marijuana Products Manufacturing Facility, a Marijuana Testing Facility, a Marijuana Retail Store, a Medical Marijuana Registered Caregiver Retail Store, a Medical Marijuana Registered Dispensary, or a Marijuana Nursery Cultivation Facility as defined by this ordinance.
- **Medical Marijuana Cultivation Facility – Tier 1:** An establishment registered with the State of Maine for the cultivation of medical marijuana by a Registered Caregiver in accordance with the rules established under Title 22 M.R.S. Chapter 558-C that involves the growing of not more than thirty (30) mature marijuana

plants, not more than sixty (60) immature marijuana plants and any number of marijuana seedlings.

- **Medical Marijuana Cultivation Facility – Tier 2:** An establishment registered with the State of Maine for the cultivation of medical marijuana in accordance with the rules established under Title 22 M.R.S. Chapter 558-C that involves the growing of mature marijuana plants with a plant canopy of not more than two thousand (2,000) square feet.
- **Marijuana Cultivation Facility – Tier 3:** An establishment licensed by the State of Maine for the cultivation of medical marijuana in accordance with the rules established under Title 22 M.R.S. Chapter 558-C and/or licensed by the State of Maine for the cultivation of adult use marijuana in accordance with the rules established under Title 28-B M.R.S. Chapter 1 that involves the growing of mature marijuana plants with a plant canopy of more than two thousand (2,000) but not more than seven thousand (7,000) square feet.
- **Marijuana Cultivation Facility – Tier 4:** An establishment licensed by the State of Maine for the cultivation of medical marijuana in accordance with the rules established under Title 22 M.R.S. Chapter 558-C and/or licensed by the State of Maine for the cultivation of adult use marijuana in accordance with the rules established under Title 28-B M.R.S. Chapter 1 that involves the growing of mature marijuana plants with a plant canopy of more than seven thousand (7,000) square feet.
- **Marijuana Products Manufacturing Facility:** An establishment licensed by the State of Maine as a Tier 1 or Tier 2 medical marijuana products manufacturing facility in accordance with the rules established under Title 22 M.R.S. Chapter 558-C and/or licensed by the State of Maine as an adult use marijuana products manufacturing facility in accordance with the rules established under Title 28-B M.R.S. Chapter 1.
- **Marijuana Testing Facility:** An establishment licensed by the State of Maine as a medical marijuana testing facility in accordance with the rules established under Title 22 M.R.S. Chapter 558-C and/or licensed by the State of Maine as an adult use marijuana testing facility in accordance with the rules established under Title 28-B M.R.S. Chapter 1.
- **Marijuana Retail Store:** An establishment licensed by the State of Maine as an adult use marijuana store in accordance with the rules established under Title 28-B M.R.S. Chapter 1.
- **Medical Marijuana Registered Caregiver Retail Store:** An establishment licensed by the State of Maine as an Medical Marijuana Registered Caregiver Retail Store in accordance with the rules established under Title 22 M.R.S. Chapter 558-C.

- **Medical Marijuana Registered Dispensary:** An establishment licensed by the State of Maine as an Registered Medical Marijuana Dispensary in accordance with the rules established under Title 22 M.R.S. Chapter 558-C.
- **Marijuana Nursery Cultivation Facility:** An establishment licensed by the State of Maine as an adult use nursery cultivation facility in accordance with the rules established under Title 28-B M.R.S. Chapter 1.
- **Marijuana Plant – Immature:** A marijuana plant that is not a mature marijuana plant or a marijuana seedling.
- **Marijuana Plant – Mature:** A marijuana plant that is flowering.
- **Marijuana Seedling:** A marijuana plant that is not flowering, is less than six (6) inches high and less than six (6) inches in width.

Section 10. Amendments

The City Council may amend this ordinance at any time in accordance with the City's procedures for the adoption and amendment of an ordinance.

Section 11. Severability and Validity

If a court of law in the State of Maine finds a portion of this ordinance to be invalid for any reason or purpose, the balance of the ordinance shall remain in effect and shall continue to apply to marijuana establishments. If a court of law finds the entire ordinance invalid, that action shall automatically void the municipal opt-in provisions of Title 28-B M.R.S Chapter 1 Subchapter 4 which authorizes municipal regulation of adult use marijuana establishments and Title 22 M.R.S Chapter 558-C Section 2429-D which authorizes municipal regulation of medical marijuana establishments. In such case no new or expanded marijuana establishments shall be permitted in the City of Gardiner but marijuana establishments with a valid City license as of the date of any such legal action shall be allowed to continue to operate in accordance with that license and the City shall, if requested, certify to the State that an application for renewal of a state license or approval is in conformance with local requirements.