



**GARDINER CITY COUNCIL  
AGENDA ITEM INFORMATION SHEET**



<b>Meeting Date</b>	06/02/2021	<b>Department</b>	Planning/Economic Dev
<b>Agenda Item</b>	5.b) First Reading of a renewal application for a license for a Retail Recreation Marijuana store.		
<b>Est. Cost</b>			

<b>Background Information</b>	<p>This is a renewal application for a retail recreation marijuana store located at 35 Bridge Street. The application from Kenneth Crowley of Herbal Pathways is attached to this agenda item.</p>		
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<b>Requested Action</b>	"I make a motion to move this item to a Second Read on June 16, 2021 at 6PM via a publicly accessible Zoom meeting of the Gardiner City Council."
<b>City Manager and/or Finance Review</b>	
<b>Council Vote/ Action Taken</b>	
<b>Departmental Follow-Up</b>	

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

Date Received in Office _____
Received by: _____
Office Amount Received \$ _____
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

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Retail Marijuana Store \$1500 | <input type="checkbox"/> Medical Retail Marijuana/Dispensary \$1000      |
| <input type="checkbox"/> Cultivation Facility                     | <input type="checkbox"/> Medical Marijuana Cultivation Facility          |
| <input type="checkbox"/> Tier 3 2k-7k sq ft of canopy \$2000      | <input type="checkbox"/> Tier 1 30-60 plants \$500                       |
| <input type="checkbox"/> Tier 4 > 7k sq ft of canopy \$2500       | <input type="checkbox"/> Tier 2 <2000 sq ft of canopy \$1500             |
| <input type="checkbox"/> Manufacturing Facility \$2000            | <input type="checkbox"/> Tier 3 2k-7k sq ft of canopy \$2000             |
| <input type="checkbox"/> Testing Facility \$500                   | <input type="checkbox"/> Tier 4 > 7k sq ft of canopy \$2500              |
| <input type="checkbox"/> Nursery \$1500                           | <input type="checkbox"/> Medical Marijuana Manufacturing Facility \$2000 |
|   | <input type="checkbox"/> Medical Marijuana Testing Facility \$500        |

### Applicant Information

Name Ken Crowley

Address 10 West St. Allenstown, NH 03275

Phone 603-340-6539

Email kendebbie4@comcast.net

Do you own any other marijuana businesses? yes

If yes, Please list and describe: Retail Marijuana Store in Berwick ME.  
Cultivation/Nursery in Berwick ME. Retail Store in Lanesborough MA.

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

Are you licensed caregiver? ~~yes~~ No

**Property Information**

Physical address of proposed marijuana business 35 Bridge St.

Map 37 Lot 102 Zone 17

Property owner's Name and address John Bobrowiecki  
511 Litchfield Rd Farmingdale, ME 04344

Property owner's phone John Bobrowiecki 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 8

Hours of operation Mon-Fri 8am-8pm Sat. 9am-9pm Sun. 10am-4pm

Brief description of the business Adult Use Marijuana Store where we sell marijuana to adults 21+ in age

Square feet of retail space 1900

Square feet of indoor plant canopy 0

Square feet of outdoor plant canopy 0

Square feet of manufacturing space 0

Describe any security protocols we have security cameras and alarm systems that have been approved by the State of Maine

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 sprinkler system, fire alarm system

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

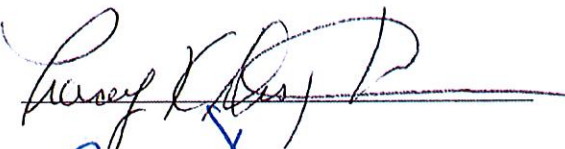

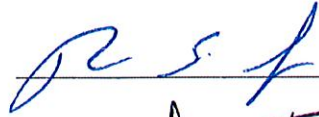
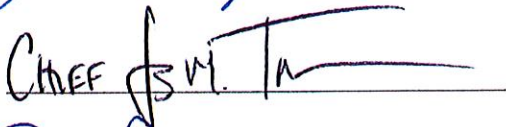
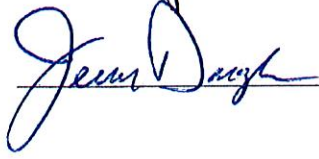
If manufacturing, please describe the processes as well as the products that will be manufactured N/A

  
Signature Ken Crowley

5-12-21  
Date

For Municipal Use Only

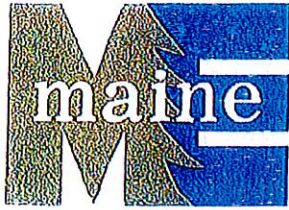
Approvals

Code Enforcement	_____	Date _____
Economic Development		Date <u>5/19/2021</u>
City Manager		Date <u>5/19/21</u>
Gardiner Fire Department		Date <u>5/21/21</u>
Gardiner Police Department		Date <u>5/21/21</u>
Public Works		Date <u>5/24/21</u>

City Council Approval Date: \_\_\_\_\_

REPORT

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# 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: kondebbic4@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) 35 Bridge St	Municipality/Town/Plantation/Township Gardiner	County Kennebec	State Me	ZIP 04345
Tax Map #: 37	Tax Lot #: 102			
Date Local Authorization Request Received by Municipality/Maine Land Use Planning Commission: 7/20/2020	Date Local Authorization Approved by Municipality/Maine Land Use Planning Commission: 8/5/2020			
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				
<b>Section 3(a): Request for local authorization to operate marijuana establishment in municipality prohibited unless authorized by municipal ordinance or warrant article.</b> 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
<b>Section 3(b): Minimum authorization criteria.</b> 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. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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: 1 year lease) 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

Initials of Signing Jurisdiction Official: AM

**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](mailto: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:

CHRISTINE M LANDES

City:

Gardiner

County:

Kennebec

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):

Christine M Landes

Date:

8/7/2020

**Notarization**

The foregoing instrument was acknowledged before me this 7 day of August, 2020 at Gardiner, Maine, by Christine Landes to be his/her free act and deed.

Name of Notary Public (Printed):

Angelia M. Christopher

Notary Public, State of Maine

Signature of Notary Public:

Angelia M. Christopher

July 30 2026

My commission expires:

STAMP/SEAL



ANGELIA M. CHRISTOPHER

Notary Public - State of Maine

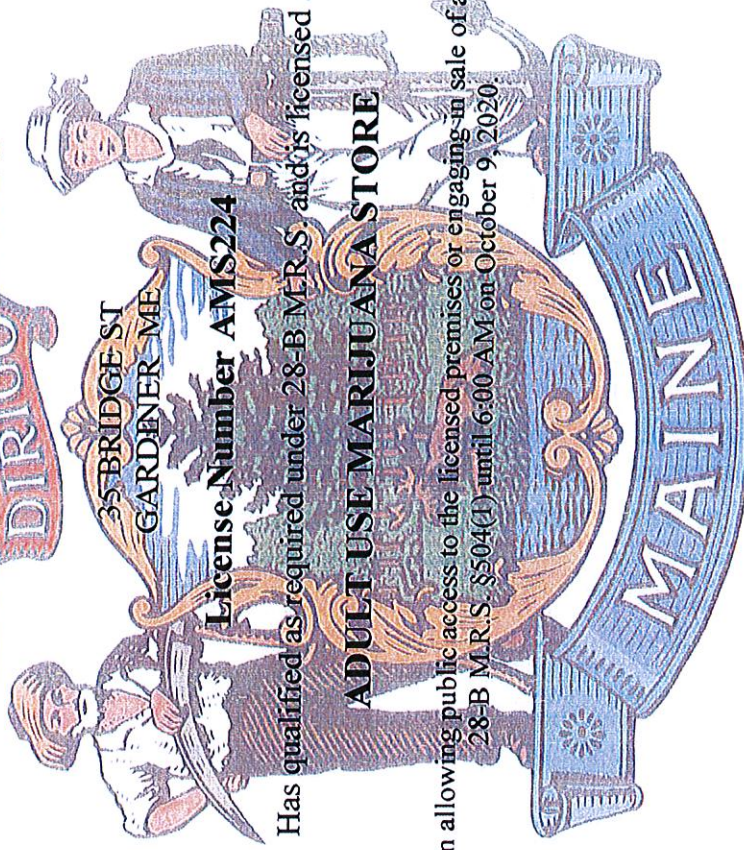
My Comm. Expires 7/31/2026



DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES  
OFFICE OF MARIJUANA POLICY  
MAINE ADULT USE MARIJUANA PROGRAM

This certifies that

**HERBAL PATHWAYS**



35 BRIDGE ST  
GARDNER ME

License Number AMIS224

ADULT USE MARIJUANA STORE

Has qualified as required under 28-B M.R.S. and is licensed as:

This license is restricted from allowing public access to the licensed premises or engaging in sale of authorized products pursuant to 28-B M.R.S. §504(1) until 6:00 AM on October 9, 2020

Issued on:  
November 30, 2020

Erik Gundersen, Director  
OFFICE OF MARIJUANA POLICY  
MAINE ADULT USE MARIJUANA PROGRAM

Expires on:  
November 29,  
2021

To make a complaint about this licensed Adult Use Marijuana Establishment:  
Email: [AdultUseLicensing.OMP@maine.gov](mailto:AdultUseLicensing.OMP@maine.gov)



## Office of Code Enforcement

6 Church Street  
Gardiner, Maine 04345

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

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May 25, 2021

Mr. Ken Crowley  
472 River Road  
Lebanon, ME 04027

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

The Code Enforcement Office has no issues with Herbal Pathways renewal of their Retail marijuana license.

Kris McNeill  
Code Enforcement Officer  
City of Gardiner, Maine



May 18, 2021

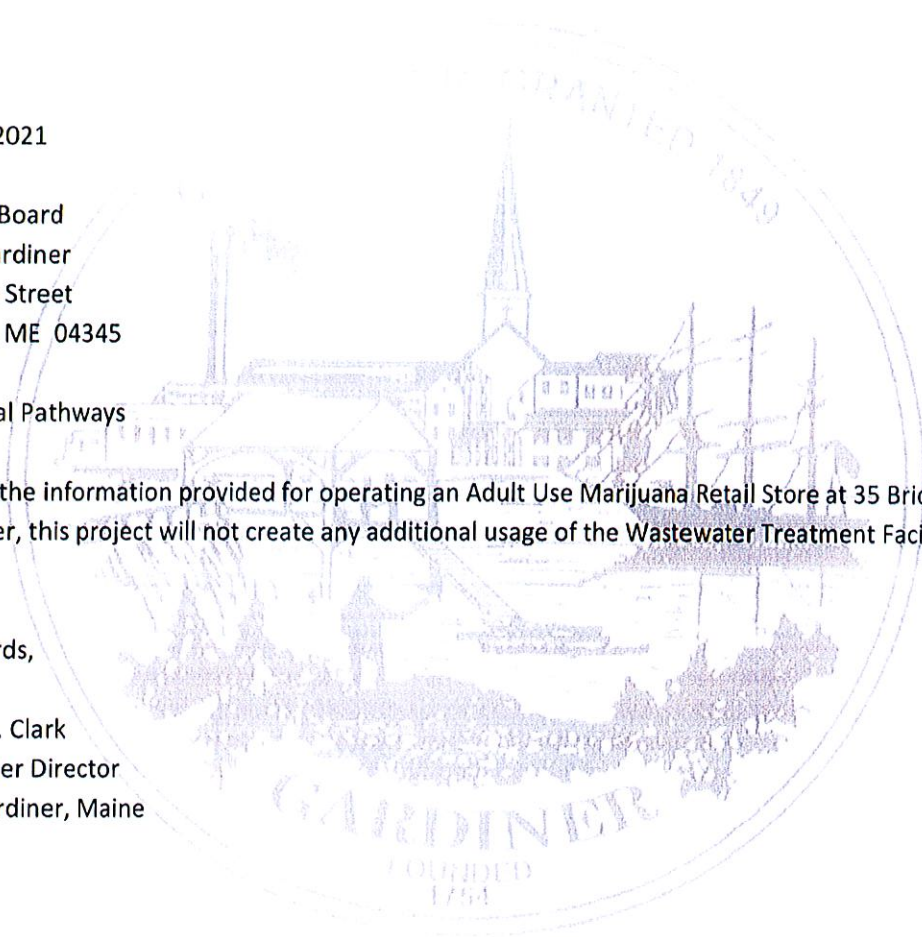
Planning Board  
City of Gardiner  
6 Church Street  
Gardiner, ME 04345

RE: Herbal Pathways

Based on the information provided for operating an Adult Use Marijuana Retail Store at 35 Bridge Street in Gardiner, this project will not create any additional usage of the Wastewater Treatment Facility.

Best regards,

Douglas E. Clark  
Wastewater Director  
City of Gardiner, Maine





## ***GARDINER POLICE DEPARTMENT***



*Chief James M. Toman*

May 19, 2021

Mr. Ken Crowley  
472 River Road  
Lebanon, ME 04027

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

Per renewal criteria 6.1.7, I have reviewed the police department's records management software to see if this business has generated calls for service post initial issuance of licensing. The review of the police department's records indicate that there have been ZERO calls for service. Based upon the completed review, there are no issues of concern.

Sincerely,

Chief James M. Toman  
Gardiner Police Department  
City of Gardiner

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



**CITY OF GARDINER  
FIRE & RESCUE DEPARTMENT**



*Chief Richard Sieberg*

*May 18, 2021*

Dear Ken Crowley,

I have received your request to renew your business license at 35 Bridge Street in Gardiner under the name Herbal Pathways. Upon careful review of your proposal and discussion with the City's Code Enforcement officer I feel comfortable that your business will 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  
Fire Chief

## 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