



City of Gardiner
Planning Board Review Application

Project Name: Green ReLeaf Adult Use Cultivation Project Cost: \$60,000-\$100,000

Date of submission: 11/15/2021 Received by: AMC Fees: continued
original 6/15/21

A complete written description of the proposed project including all other local, state and federal permits required for the project.

Anticipated beginning/completion dates of construction: May 2022 / 6 to 12 months after start

1. General Information: (6.3.2)

Name of Property Owner: Robert E. Wheelock Jr.

Address: 105 Tiffany Road, Sidney, Maine 04330

Phone/Fax No: 207-215-5782

Applicant/Agent Name: Robert E. Wheelock Jr.

Address: 105 Tiffany Road, Sidney, Maine 04330

Phone/Fax No 207-215-5782

Design Professional(s)/Contractor(s): Surveyor Engineer Architect Contractor

Name: _____

Address: _____

Phone/Fax No _____

Name: _____

Address: _____

Phone/Fax No _____

Name: _____

Address: _____

Phone/Fax No _____

Signature: [Handwritten Signature] Date: 11/15/21

2. Property Information: (6.3.2)

- * Property Location: 333 Brunswick Ave City Tax Map(s) 29 Lot(s) 1
- * Deed Ref: Book 13480 Page 39 Zoning District(s): HDR (High Density Residential)
- * Copy of the tax map showing the property and surrounding location.
- * Verification of the applicant's right, title, and interest in the property.

3. Development Information: (6.3.2.7)

One or more site maps drawn to scale showing the following:

a.) The existing conditions on the property including: (6.3.2.7.1)

1. The property boundaries;
2. The zoning district and zoning district boundaries if the property is located in more than one zone;
3. The location of required setbacks, buffers and other restrictions;
4. The location of any easements or rights-of-way;
5. The locations of existing structures and other existing improvements on the property including a description of the current use of the property;
6. The locations of existing utilities on and adjacent to the property including sewers, water mains, stormwater facilities, gas mains, and electric and other telecommunication facilities;
7. The location of the nearest source of a fire protection water supply (hydrant, fire pond, etc.)
8. The general topography of the property indicating the general slope of the land and drainage patterns. The CEO and/or Planning Board may require a topographic survey of all or a portion of the property for projects involving the construction of new or expanded structures or site modifications.
9. The location, type and extent of any natural resources on the property including wetlands, vernal pools, floodplains, waterbodies, significant wildlife habitats, rare or endangered plants or animals, or similar resources; and
10. The location and type of any identified historic or archeological resource on the property.

b.) The proposed development activity for which approval is requested including: (6.3.2.7.2)

1. The estimated demand for water supply and sewage disposal together with the proposed location and provisions for water supply and wastewater disposal including evidence of soil suitability if on-site sewage disposal is proposed;
2. The direction of proposed surface water drainage across the site and from the site together with the proposed location of all stormwater facilities and evidence of their adequacy;
3. The location, dimensions, and ground floor elevations of all proposed buildings and structures including expansions or modifications to existing buildings that change the footprint of the building;

4. The location, dimensions and materials to be used in the construction of drives, parking areas, sidewalks and similar facilities;
5. The proposed flow of vehicular and pedestrian traffic into and through the property;
6. The location and details for any signs proposed to be install or altered;
7. The location and details for any exterior lighting proposed to be installed or altered;
8. Provisions for landscaping and buffering; and
9. Any other information necessary to demonstrate compliance with the review criteria or other standards of the Land Use Ordinance.

c.) Evidence that the applicant has or can obtain all required permits necessary for the proposal. (6.3.2.g)

Additional Information Required: (6.3.3)

Building and structure drawings showing the footprint, height, front, side and rear profiles and all design features necessary to show compliance with this Ordinance;

An estimate of the peak hour and average daily traffic to be generated by the project and evidence that the additional traffic can be safely accommodated on the adjacent streets;

An erosion and sedimentation control plan; and

A stormwater management plan demonstrating how any increased runoff from the site will be handled if the project requires a stormwater permit from the Maine Department of Environmental Protection or if the Planning Board determines that such information is necessary based on the scale of the project and the existing conditions in the vicinity of the project. (6.3.3.4)

Survey Requirements (6.3.5)

The Code Enforcement Officer or the Planning Board may require the applicant to submit a survey of the perimeter of the tract, giving complete descriptive data by bearing and distances, made and certified by a Registered Land Surveyor. The survey may be required for the construction of new structures or any construction proposed on a undeveloped parcel or tract of land, whenever the Code Enforcement Officer or the Planning Board finds that a survey is necessary to show compliance with the requirements of this Ordinance due to the size of the lot, location of the lot or the placement of existing or proposed structures on the lot or neighboring properties.

Additional Studies (6.3.6)

The Code Enforcement Officer or the Planning Board may require the applicant to perform additional studies or may hire a consultant to review the application or portions thereof. The cost to perform additional studies or hire a consultant shall be borne by the applicant.

4. Review Criteria (6.5.1)

An applicant shall demonstrate that the proposed use or uses meet the review criteria listed below for the type of application. The Code Enforcement Officer and/or the Planning Board shall approve an application unless one or the other of them makes a written finding that one or more of the following criteria have not been met.

6.5.1.1 The application is complete and the review fee has been paid.

Yes.

6.5.1.2 The proposal conforms to all the applicable provisions of this Ordinance.

This proposal conforms to all the applicable provision of this Ordinance, as is being done currently for the medicinal grow..

6.5.1.3 The proposed activity will not result in water pollution, erosion or sedimentation to water bodies.

This proposal will not result in any water pollution, erosion, or sedimentation to water bodies.

6.5.1.4 The proposal will provide for the adequate disposal of all wastewater and solid waste.

This proposal will provide adequate disposal of all wastewater and solid waste as is being done currently for the medicinal grow.

6.5.1.5 The proposal will not have an adverse impact upon wildlife habitat, unique natural areas, shoreline access or visual quality, scenic areas and archeological and historic resources.

This proposal will not impact any habitats as there is no exterior change.

6.5.1.6 The proposal will not have an adverse impact upon waterbodies and wetlands.

This proposal will not have an adverse impact on waterbodies or wetlands as no exterior changes are being made

6.5.1.7 The proposal will provide for adequate storm water management.

This proposal will provide adequate storm water management, as is being done currently for the medicinal grow.

6.5.1.8 The proposal will conform to all applicable Shoreland Zoning requirements.

This proposal will conform to all applicable Shoreland Zoning requirements, as is being done currently for the medicinal grow.

6.5.1.9 The proposal will conform to all applicable Floodplain Management requirements.
The floodplain criteria will meet all applicable floodplain management requirements.

6.5.1.10 The proposal will have sufficient water available to meet the needs of the development.

The proposal will have sufficient water for both the needs of the development and the expanded cultivation needs.

6.5.1.11 The proposal will not adversely affect groundwater quality or quantity.

This proposal will not affect the groundwater quality or quantity.

6.5.1.12 The proposal will provide for safe and adequate vehicle and pedestrian circulation in the development.

The proposal will use the current vehicle and pedestrian circulation for the development which is currently considered safe and adequate.

6.5.1.13 The proposal will not result in a reduction of the quality of any municipal service due to an inability to serve the needs of the development.

This proposal will have no result in a reduction of the quality of any municipal service due to an inability to serve the needs of the development.

6.5.1.14 The applicant has the adequate financial and technical capacity to meet the provisions of this Ordinance.

Yes, Robert Wheelock Jr. has adequate financial and technical capacity to meet the provisions of this Ordinance.

Robert Wheelock Jr. is looking to build out and use the unused portion of 333 Brunswick Ave for an Adult-Use cultivation that will be in complete compliance with the Office of Marijuana Policy(OMP). This proposed build out would include the addition of a wall to completely separate the new proposed space from his current Medical Marijuana cultivation. The proposed Adult-Use cultivation would have five 20' x 40' grow rooms, one 14' x 20' water and nutrient room, one 14' x 20' break room, one 30' x 14' harvest and trimming room, and one 30' x 14' drying and curing room. There will be one 23' x 24' room that will be unused production space, but a possible kitchen in the future (with a new application). For a better understanding of the layout, please refer to the additional paperwork. Per OMP's regulations, all indoor areas will be covered by security cameras that will have up to 60 days of storage. In addition, there will be motion detection lights and night vision security cameras covering the outside of the building. To compensate for the additional equipment, Mr. Wheelock will be upgrading the current electrical system. The current barbed-wire fence has a sidegate that is locked and will be closed continuously as a condition of approval. In addition to this, the fence will be upgraded to include an automatic gate (keycard required) for the driveway that is shared with Lot 1A. This fence will be viewed as a permanent feature by both Lot owners under a mutual agreement and as a condition of approval. The proposed Adult-Use cultivation would also have a separate parking lot, as well as, entrance from the current Medical Marijuana cultivation. There will be room for 7 parking spots along the side of the building, which will accommodate the initial employees and have room for growth.

Maine Medical Use
Of Marijuana



Date Issued: 06/17/2021
Expires: 06/16/2022

Individual Caregiver

ROBERT E. WHEELLOCK, JR



Control #: 498117

Registration #

Authorized for: Plant Canopy-500 square feet



OFFICE OF MARIJUANA POLICY
Maine Adult Use Marijuana Program

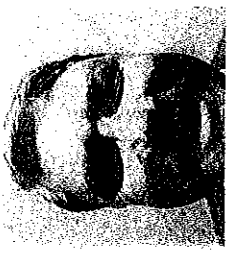
Individual ID Card

ID #: ROBERT E. WHEELLOCK,
JR

DOB:

Date Issued: 06/10/2021

Expiration Date: 06/09/2022



Adult Use Applicant and Licensee Search

Enter full or partial name to filter list:

All

Filter by License Status:

All

License Type Counts: (based on filter selections)

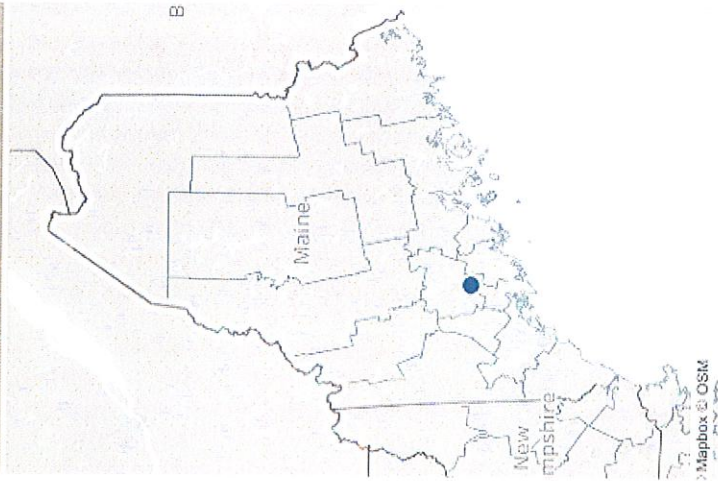
■ Cultivation 218 ■ Store 348
■ Manufacturing 112 ■ Testing 5

Applicant and Licensee Information

License	License Type	License Name	Status	License Location, if known
ACC760	Cultivation, Tier 3	NORTHWOODS WELLNESS LLC	Conditional	Worcester, ME
ACC781	Cultivation, Tier 3	GREENFELLAS CULTIVATION, LLC	Active	Sanford, ME
ACC782	Cultivation, Tier 3	HYDROGENICS LLC	Pending Conditional	Bangor, ME
ACC799	Cultivation, Tier 3	ROBERT WHEELOCK JR	Pending Conditional	Gardiner, ME
ACC818	Cultivation, Tier 3	NOVA FARMS MAINE LLC	Conditional, Jurisdiction Approved	Thorndike, ME
ACC820	Cultivation, Tier 3	GREENHAVEN GROW, LLC	Conditional	
ACC824	Cultivation, Tier 3	HEATHWOOD COMPANY, LLC	Conditional, Jurisdiction Approved	Windham, ME
ACC860	Cultivation, Tier 3	ZGE BOTANICALS, LLC	Conditional	Scarborough, ME
ACC878	Cultivation, Tier 3	JHK ENTERPRISES, LLC	Pending Conditional	Mapleton, ME
ACC899	Cultivation, Tier 2	CODEVED GREENCANNABIS, LLC	Conditional	

Select an applicant/licensee from above to filter the map and view Principal and Owner information.

Location



Principals

Name	Description	Location	Associated Licenses
ROBERT E WHEELOCK JR	Sole Proprietor	Sidney, ME	ACC799 ROBERT WHEELOCK JR

Owners

Name	Description	Location	Associated Licenses
ROBERT WHEELOCK JR.	Individual Owner	Sidney, ME	ACC799 ROBERT WHEELOCK JR

MAINE

DRIVER'S
LICENSE

USA
ME

Matthew Dunlap, Secretary of State



1 WHELOCK
2 ROBERT E JR
3 105 TIFFANY RD
4 SIDNEY, ME 04330

4a ISSUED
01/10/2019

4b EXPIRES
12

5 GENDER M 6 HEIGHT 5'-10" 7 WEIGHT 210 8 EYES BL 9 HAIR BD

10 CLASS C
12 REST

11 ENDS

Matthew Dunlap

**MAINE ADULT USE MARIJUANA PROGRAM****162 STATE HOUSE STATION, 19 UNION STREET, AUGUSTA, ME 04333-0162, FIRST FLOOR**Transaction Type: **Apply for a Cultivation Facility, Tier 3 License** | License: **ADULT USE MARIJUANA CULTIVATION FACILITY, TIER 3****Transaction Receipt****Attachments/Documentation Needed**

Attachments/Documentation Needed: Your application cannot be processed until you have provided the required documentation described in the Supporting Information section(s) for the following items:

- Operating Agreement(s)
- Business Structure Documents

Transaction Details

- Date of Transaction: **06/16/2021 03:34 PM**
- Transaction Number: **2612532-2619654**
- Applicant: **ROBERT WHELOCK JR**
- Transaction Type: **Apply for a Cultivation Facility, Tier 3 License**
- License Type: **ADULT USE MARIJUANA CULTIVATION FACILITY, TIER 3**
- License: **ACC**
- Regulator:

MAINE ADULT USE MARIJUANA PROGRAM
162 STATE HOUSE STATION, 19 UNION STREET, AUGUSTA, ME 04333-0162, FIRST FLOOR

- Fee Paid:
Fees are nonrefundable.

Total: \$0**Application Instructions**

This application must be submitted by an **AUTHORIZED BUSINESS REPRESENTATIVE**.

All persons to be listed as principals of the organization must have an Individual Identification Card number issued by the Office of Marijuana Policy **prior** to submitting this establishment license application.

In addition, OMP recommends reading and reviewing the **application instructions document** found on [OMP's Adult Use Applications and Forms page](#) which contains further instruction and definitions relevant to this application.

Documents That May be Uploaded with This Application

As the Authorized Business Representative completing this application, you will be asked for the following documentation in addition to the basic application information. The online application allows for uploading these required documents.

For your protection, this application will time out after 20 minutes of idle time. If more than 20 minutes passes between page refreshes, your session will be disconnected and you will have to start again from the beginning. Please be aware that if you do not have all documents ready, you will be able to upload them at a later time with login credentials provided after this initial submission.

Please have documents ready if you wish to upload them with your online application; otherwise, you will be required to provide them to the Office through the "Upload Outstanding Application Documents" option online, by email to Licensing_OMP@maine.gov, or by mail to MAINE ADULT USE MARIJUANA PROGRAM, 162 STATE HOUSE STATION, 19 UNION STREET, FIRST FLOOR, AUGUSTA, ME 04333-0162. This application is not complete and will not be processed until all documentation is provided, including the final notarization to be completed by the Authorized Business Representative. Forms referenced below may be found on [OMP's Adult Use Applications and Forms page](#).

- Principal(s) Attestation(s)
- Operating Agreement(s)
- Financial Instrument(s) if applicable
- Preliminary Operating Plan
- Preliminary Cultivation Plan
- Business organizing documents (articles of incorporation, articles of organization, operating agreement, or partnership agreement as applicable)
- Additional Supporting Documentation (optional)

Prior License Number

Has this entity ever been licensed (either conditional or full license) by the Maine Adult Use Marijuana Program in the past? **Yes**
If yes, please provide the previous license number.

Applicant Information

Please provide the following information about the organization applying for this license.

Type of Organization: **Sole Proprietorship**

Applicant Organization's Legal Name

If the applicant is an organized business, all information provided in the applicant section should match the information on file with the Maine Secretary of State, Bureau of Corporations. If the applicant is a sole proprietor, provide full legal name.

Status: **New**

Legal Name: **ROBERT WHELOCK JR**

Doing Business As Name(s)

If applicable, indicate primary trade name or "Doing Business As" name here.

Not on file

Applicant Organization Details

Please provide the applicant organization's PHYSICAL address, phone, and email address. Please note that the name you enter here should match the legal name provided above.

Status: **New**

Name: **ROBERT WHELOCK JR**

Physical Address: **333 BRUNSWICK AVE, GARDINER, ME 04345-2835 US**

Phone: **+1 (207) 215-5782**

Email Address: **bwheelockjr@gmail.com**

Primary Contact Person for Application Purposes

This person will be the Office of Marijuana Policy's main point of contact for all correspondence, including required information missing in this application or supplemental information required later in the application process.

Status: **New**

Name: **ROBERT WHELOCK JR**

Address: **105 TIFFANY RD, SIDNEY, ME 04330-2035 US**

Phone: **+1 (207) 215-5782**

Email Address: **bwheelockjr@gmail.com**

Principals

A principal is natural person who has controlling authority or is in a leading position in the business organization. It also includes any person who operates an adult use marijuana establishment as a sole proprietorship. Other examples include without limitation, officers, directors, managers, and general partners, except that "manager" for the purposes of this definition does not include an employee of a licensee whose managerial responsibilities are limited to staff supervision related to the day-to-day operation of a marijuana establishment.

Note on OMP not enforcing residency requirement: Title 28-B requires that every sole proprietor, officer, director, manager and general partner of a business entity be a natural person who is Maine resident, however OMP is currently not enforcing the residency requirement provision of the statute.

Status: **New**
Individual ID Card #:
Name: **WHELOCK, ROBERT E., JR.**
Role in Establishment: **Sole Proprietor**

Tax Compliance

Each principal must download, print, and sign the **Maine Revenue Services Authorization to Review and Disclose Status of Tax and Filing Obligations to the Maine Office of Marijuana Policy - Principals Form**. Each principal must submit the completed form to Maine Revenue Services. This form may be found on [OMP's Adult Use Applications and Forms page](#).

Principal Attestation

All persons listed as principals of the organization must complete and attest to the accuracy of the information provided on the **Principal Attestation Form** found on [OMP's Adult Use Applications and Forms page](#). It is the responsibility of each individual principal to supply the completed form to you, the Authorized Business Representative.
Signed_Principal_Attestation_BWheelcok.pdf

Ownership

List all natural persons and/or business entities that hold any ownership interest in the organization applying for this license.

Note on OMP not enforcing residency requirement: Title 28-B requires that a majority of the shares, membership interests, partnership interests or other equity ownership interests as applicable to the business entity must be held or owned by natural persons who are Maine residents or business entities whose owners are all natural persons who are Maine residents, however OMP is currently not enforcing the residency requirement provision of the statute.

Status: **New**
Legal Name: **ROBERT WHELOCK JR.**
Address: **105 TIFFANY RD, SIDNEY, ME 04330-2035**
Phone: **+1 (207) 215-5782**
% Ownership in the organization applying for licensure: **100,000**
Birth:
Place of Domicile/Residency: **MAINE**

Not on file

Operating Agreement(s)

You must provide copies of all ownership/shareholder agreements for each owner that holds any ownership interest in the organization applying for this license.

You have agreed to provide this information as requested.

Financial Interest Holders in the Applicant Organization

List all natural persons and/or business entities having any direct or indirect financial interest in the organization applying for this license, and the nature and extent of the financial interest held by each natural person and/or business entity. Owners previously listed do not need to be duplicated here.

A list of common financial interest holders is provided below. Refer to the definition of Direct or Indirect Financial Interest in the Adult Use Program Rule for further explanation.

- Royalty License Partners
- Employee, Contractor and Other Profit Sharing Arrangements
- Capital Investors and Lenders (i.e., banks, credit unions, and other state- and federally-chartered financial institutions, and private lenders)
- Management Contractors and Consultants

Not on file

Co-Location of Adult Use and Medical Marijuana Operations

Note: Maine law prohibits a marijuana store licensee that is also a registered caregiver or a registered dispensary from selling or offering to sell to consumers adult use marijuana and adult use marijuana products within the same facility or building in which the licensee also sells or offers to sell marijuana and marijuana products to qualifying patients for medical use.

Does the applicant intend to co-locate adult use and medical marijuana operations on the same premises? If yes, you must clearly explain in your preliminary operating plan: **Yes**

Establishment Information

Please provide information about the proposed establishment.

Will you be cultivating indoors and/or outdoors?: **Indoor Only**

Please provide the proposed physical location of your facility and your website (if known)

Status: **New**

Proposed Physical Location: **Gardiner**

Applicant's Website: **<http://www.gardinermaine.com>**

Track & Trace Administrator Information

Please identify the individual that will serve as your Track & Trace Administrator. An email detailing next steps with respect to training and credentialing with the State's track and trace vendor will be sent to the applicant's Track and Trace Administrator's email address..

Status: **New**

Individual ID Card #: ...

Name: **WHELOCK, ROBERT E., JR.**

Email Address: **bwheelockjr@gmail.com** (New)

Email Type: **Track and Trace**

Preliminary Operating Plan

The Operating Plan is an official Plan of Record. Use of the template is required. The template can be found on OMP's [Adult Use website](#) under the Applications and Forms tab. The Office of Marijuana Policy (OMP) understands that applicants may have prepared other operating documents. OMP will accept additional operating documents. However, this Operating Plan must be used and information must be summarized as requested. (Referring to another plan will not be sufficient.)

Signed_Operating_Plan.pdf

Preliminary Cultivating Plan

The Cultivation Plan is an official Plan of Record. Use of the template is required. The template can be found on OMP's [Adult Use website](#) under the Applications and Forms tab. The Office of Marijuana Policy (OMP) understands that applicants may have prepared other cultivation documents. OMP will accept additional cultivation documents. However, this Cultivation Plan must be used and information must be summarized as requested. (Referring to another plan will not be sufficient.)

Signed_Cultivation_Plan.pdf

Business Organization Structure Documents

You must provide the following documentation:

- Description of the structure of the business organization;
- If the business entity is a corporation, a copy of its articles of incorporation or articles of organization;
- If the business entity is a limited liability company, a copy of its articles of organization and its operating agreement;
- If the business entity is a general partnership, limited partnership, limited liability partnership or limited liability limited partnership, a copy of the partnership agreement.

You have agreed to provide this information as requested.

Other Supporting Documentation

Would you like to provide any other documentation that would be helpful to the Office in reviewing your application?: **No, not at this time**

Authorization to Release Information

The Office of Marijuana Policy will confirm all responses in the Character and Fitness portion of the application. If the applicant is a business entity, the Office of Marijuana Policy will confirm all responses in the Character and Fitness portion for every officer, director, manager and general partner of the business entity. The applicant must provide a signed and dated **Authorization to Release Information** in order to allow the exchange of information related to Character and Fitness responses. You may find this form on [OMP's Adult Use Applications and Forms page](#).

Signed_Release_Form.pdf

Affirmation and Consent

a. I affirm that the entire Maine Adult Use Marijuana Establishment Application, statements, attachments, and supporting documents are true and correct to the best of my knowledge and belief, and that this statement is executed with the knowledge that misrepresentation or failure to reveal information requested may be deemed good cause for denial to issue a Maine Adult Use Marijuana Establishment by the Department.: **Agree**

b. Further, I am aware that later discovery of an omission or misrepresentation made in the above statements may be grounds for denial or revocation of the Maine Adult Use Marijuana Establishment license. I affirm that I am voluntarily submitting this application to the Department of Administrative and Financial Services, Office of Marijuana Policy, and hereby authorize the Department to conduct a complete investigation into the truthfulness of the responses, using whatever legal means they deem appropriate.: **Agree**

c. I understand I am responsible for knowing and complying with all state laws and regulations governing Adult Use Marijuana pursuant to the Maine Revised Statutes, as well as the rules promulgated thereunder. I understand I am being made aware of the laws and regulations governing the Adult Use Marijuana Program and agree to comply with them, and all other applicable laws and regulations.: **Agree**

d. I understand that I must pay a fee to obtain a Maine Adult Use Marijuana Establishment license, as well as at the time of an annual renewal.: **Agree**

e. I understand the Department does not mail out a renewal application; and therefore, I am responsible for obtaining and submitting an application to renew my Adult Use Marijuana Establishment license prior to its expiration. I understand that in order to avoid unnecessary delays in issuance of a renewal license, the renewal application should be submitted no later than 30 days prior to the expiration date.: **Agree**

f. I understand that Maine Adult Use Marijuana Establishment licenses are valid for one year from the date of issuance. The Maine Adult Use Marijuana Establishment license shall be renewed on forms provided by the Department in accordance with the fee schedule. I understand that if I allow the Maine Adult Use Marijuana Establishment license to expire for even one day and then reapply, I must submit a new application along with the original application fee.: **Agree**

g. I understand I am responsible for notifying the Office of Marijuana Policy, in writing, upon any change in name, residence address, mailing address, or phone number, since all correspondence will be sent to my last known address. Failure to notify the Office of Marijuana Policy could result in not receiving my physical license, legal notices, and other correspondence.: **Agree**

h. I understand that I shall not by any means interfere with, obstruct, or impede, the Office of Marijuana Policy or its employees or investigators in exercising their official duties pursuant to the authority in Title 28-B and rules promulgated thereunder.: **Agree**

i. I understand that a Maine Adult Use Marijuana Establishment license issued by the Office of Marijuana Policy is a revocable privilege, and that the burden of proving an Applicant's qualifications for a Maine Adult Use Marijuana Establishment license rests at all times with the Applicant.: **Agree**

j. I understand in order to access or input data into the State's inventory tracking system, I must possess a valid Individual Identification Card and agree to follow all the rules and guidelines set forth for the use of this system.: **Agree**

k. I understand that this application is not complete and will not be processed until all required parties submit to have fingerprints taken and to a criminal history record check.: **Agree**

l. I understand that I may appeal an application denial pursuant to the Maine Administrative Procedure Act, 5 MRS, chapter 375.: **Agree**

Signature

Any information contained within this application, contained within any financial or personnel record, or otherwise found, obtained, or maintained by the Department, shall be accessible to law enforcement agents of this or any other state, the government of the United States, or any foreign country.

If I have given incorrect information, this application may be denied, and I may be charged with giving false information. I understand the questions on this application and the penalty for hiding or giving false information or breaking any of the rules in the penalty warning. I certify under penalty of perjury that my answers, including those related to drug offenses correct and complete.

Authorizing Business Representative's Signature: **Robert E. Wheelock Jr.**

Review of Application Materials

For your convenience, you may submit this online transaction and initiate the application process while you are still gathering all required documentation. However, **your application will not be reviewed until the Office of Marijuana Policy has received ALL pertinent documents.**

For each application requirement listed below, please confirm whether you plan to submit further documentation either via mail/email or by uploading at a later time using the "Upload Outstanding Application Documents" option on the Main Menu:

Attestation forms from **ALL** Principals: **I have provided all principal attestations**

Operating Agreement(s) from **ALL** Owners: **I have provided all operating agreement(s)**

Financial Instrument(s): **N/A (there are no interested financial parties)**

Operating Plan: **I have provided all preliminary operating plan documentation**

Cultivating Plan: **I will provide more cultivating plan information later**

Business organizing documents (articles of incorporation, articles of organization, operating agreement, or partnership agreement as applicable): **I have provided all business organizing documentation**

Other Supporting Documentation (optional): **N/A (I do not wish to provide optional documentation)**

Fee Notice

The Office of Marijuana Policy will send you an email with a Notice of Application Fee attached. In order for your application to be considered, the Office of Marijuana must receive your application fee. The Office of Marijuana Policy will accept application fees by cashier's check or money order made payable to the Treasurer, State of Maine in person or at our mailing address: Office of Marijuana Policy, 162 State House Station, Augusta, Maine 04333-0162.

Attest & Agree

Any information contained within my application, contained within any financial or personnel record, or otherwise found, obtained, or maintained by the Department, shall be accessible to law enforcement agents of this or any other state, the government of the United States, or any foreign country.

If I have given incorrect information, my application may be denied, and I may be charged with giving false information. I understand the questions on this application and the penalty for hiding or giving false information or breaking any of the rules in the penalty warning. I certify under penalty of perjury that my answers, including those related to drug offenses correct and complete.

I hereby certify that the information provided on this application is true and accurate to the best of my knowledge and belief.

Questions about this service? Contact MAINE ADULT USE MARIJUANA PROGRAM at: (207) 287-3282 or email: Licenshg.OMP@maine.gov

Credits



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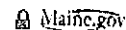
Information

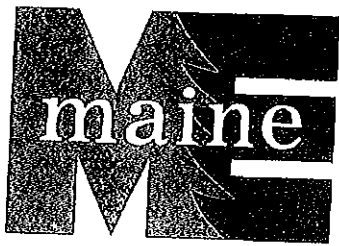
Maine.gov

[Site Policies](#)

[Contact technical support](#)

Transaction Security





OFFICE OF MARIJUANA POLICY

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

CULTIVATION PLAN TEMPLATE

Pursuant to Section 3.5.2 of the Adult Use Marijuana Program Rule, the Department shall keep on file a copy of all facility plans, security plans, operating plans and cultivation plans, as well as copies of certifications of testing facilities. The most recent plan, whether submitted with the issuance of the marijuana establishment license, or by the subsequent approval of an application to change, shall be the Plan of Record with which the licensee must comply.

The Cultivation Plan is an official Plan of Record. This document and use of this template are required. The Office of Marijuana Policy (OMP) understands that an applicant or licensee may have prepared other cultivation documents. Although the applicant or licensee may submit additional cultivation documents for reference, this Cultivation Plan is designed to be a succinct, standalone document.

OMP recognizes that during the conditional license application process, site-specific information may not be available. An updated, site-specific Cultivation Plan will be required prior to active licensure.

SECTION 1: License Type

Please choose only one. A separate operating plan is required for each licensed establishment.

- Cultivation Facility, Tier 1 (Plants) – No more than 30 mature marijuana plants.
- Cultivation Facility, Tier 1 (Canopy) – No more than 500 square feet of mature marijuana plants.
- Cultivation Facility, Tier 2 – No more than 2,000 square feet of mature marijuana plants.
- Cultivation Facility, Tier 3 – No more than 7,000 square feet of mature marijuana plants.
- Cultivation Facility, Tier 4 – No more than 20,000 square feet of mature marijuana plants.
- Cultivation Facility, Nursery – No more than 1,000 square feet of mature marijuana plants.

SECTION 2: Cultivation Facility Floor Plan

OMP recognizes that a specific location is not required during the conditional license application process. If the applicant does not have a site-specific location, provide the diagram and layout of the proposed Cultivation Facility.

1. Provide a diagram of the floor plan. The diagram shall be drawn in straight lines, clearly stating the square footage of each area and whether this square footage is within or outside the plant canopy. The diagram shall include without limitation:
 - The size and layout of the cultivation areas where the licensee cultivates mature marijuana plants, including the dimensions of the perimeter of each cultivation area.
 - The size and layout of the cultivation areas where the licensee cultivates mature marijuana plants solely for propagating seedlings, immature marijuana plants or collecting seeds, seedlings and immature marijuana plants.
 - Provide a clear delineation of where mature marijuana plants are grown, from where marijuana plants solely used for propagation, immature plants and seedlings will be grown.
 - If the cultivation facility shares premises with a registered medical marijuana dispensary or registered marijuana caregiver, the diagram must indicate:
 - Areas used for cultivation marijuana for medical use, including which areas used to cultivate plants solely used for propagation, seedlings, immature plants and mature plants.
 - Areas that support cultivation of both marijuana for medical use and adult use marijuana, including storage areas, office space, walkways, entryways, restrooms and utility rooms.

2. Provide the sum total of the combined area within the premises in which cultivation of mature marijuana plants will take place.

See attached plan.

3. Provide the total amount of plant canopy, or the total number of mature marijuana plants, to be cultivated on the premise.

About 2,000-3,000 sq. ft. canopy

SECTION 3: Co-Location of Adult Use Cultivation Facilities and Medical Marijuana Facilities

Is this Adult Use Cultivation Facility co-located with any medical marijuana facility?

Yes No

If yes, complete Section 3(a) and (b)

SECTION 3(a): Type of Medical Marijuana Facility Co-Location

Check all that apply

- Registered dispensary cultivation operation
 Registered caregiver's cultivation operation

SECTION 3(b): Co-Location of Cultivation with a Medical Marijuana Facility

1. Describe plans for visually and physically separating cultivation of marijuana for medical use from cultivation of adult use marijuana.

There will be no common areas between Medicinal and Adult-Use Marijuana, with separate entrances for each cultivation.

2. Describe plans for visually and physically separating the storage of harvested marijuana flower and trim for medical use from harvested adult use marijuana flower and trim.

There will be no common areas between Medicinal and Adult-Use Marijuana, with separate entrances for each cultivation. Each stored container of Marijuana will have a tag on it denoting if it is Medicinal vs. Adult-Use.

3. Describe how the licensee will separately track, including input to the tracking system, marijuana, marijuana concentrate and marijuana products for medical use separately from adult use marijuana, marijuana concentrate and marijuana products and will otherwise keep them from becoming intermixed.

There will be no common areas between Medicinal and Adult-Use Marijuana, with separate entrances for each cultivation. Each stored container of Marijuana will have a tag on it denoting if it is Medicinal vs. Adult-Use. With only Adult-Use being in the building it allow ease with input into the Tracking and Trace system.

SECTION 4: Plans for Compliance with the Marijuana Legalization Act and the Adult Use Program Rules

OMP recognizes that a specific location is not required during the conditional license application process. If the applicant does not have a site-specific location, provide plans for obtaining proof of compliance with the following.

1. Describe plans for physically separating areas where mature marijuana plants will be grown, from where marijuana plants solely used for propagation, seedlings and immature marijuana plants will be grown.

There will be separate rooms for growing so each room can accommodate a difference stage of growth. See attached plan.

2. If this Plan of Record is for a Cultivation Nursery Facility, indicate whether the facility intends to sell marijuana seeds, seedlings or immature plants to adults, 21 years of age or older, who are not licensees, indicate so by selecting this box.

Yes No

SECTION 5: Notice

The Department shall keep on file a copy of all facility plans, security plans, operating plans and cultivation plans, as well as copies of certifications of testing facilities. The most recent plan, whether submitted with the issuance of the marijuana establishment license, or by the subsequent approval of an application to change, shall be the Plan of Record with which the licensee must comply. Field Investigators will have access to all plans and will review all plans prior to an on-site assessment. Failure to comply with the Plan of Record may lead to enforcement action. Any significant changes to the Plan of Record must be approved by the Department.

Signature - This Plan of Record cannot be accepted without a signature

Any information contained within this Plan of Record or otherwise found, obtained, or maintained by the Department, shall be accessible to law enforcement agents of this or any other state, the government of the United States, or any foreign country.

Authorizing Business Representative's Signature



Date

6/15/21

Printed Name:

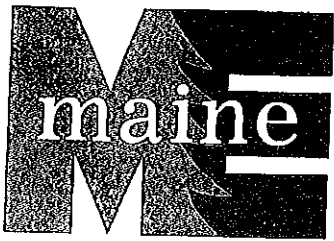
Email Address:

Phone Number:

Robert E. Wheelock Jr.

bwheelockjr@gmail.com

207-215-5782



OFFICE OF MARIJUANA POLICY

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

OPERATING PLAN TEMPLATE CULTIVATION FACILITY

Pursuant to Section 3.5.2 of the Adult Use Marijuana Program Rule, the Department shall keep on file a copy of all facility plans, security plans, operating plans and cultivation plans, as well as copies of certifications of testing facilities. The most recent plan, whether submitted with the issuance of the marijuana establishment license, or by the subsequent approval of an application to change, shall be the Plan of Record with which the licensee must comply.

The Operating Plan is an official Plan of Record. This document and use of this template are required. The Office of Marijuana Policy (OMP) understands that an applicant or licensee may have prepared other operating documents. Although the applicant or licensee may submit additional operating documents for reference, this Operating Plan is designed to be a succinct, standalone document.

OMP recognizes that during the conditional license application process, site-specific information may not be available. An updated, site-specific Operating Plan will be required prior to active licensure.

Note: Nursery Cultivation Facilities require use of the Nursery Cultivation Facility Operating Plan, not this template.

SECTION 1: License Type

Please choose only one. A separate Operating Plan is required for each licensed establishment.

- Cultivation Facility, Tier 1 (Plants) – No more than 30 mature marijuana plants.
- Cultivation Facility, Tier 1 (Canopy) – No more than 500 square feet of mature marijuana plants.
- Cultivation Facility, Tier 2 – No more than 2,000 square feet of mature marijuana plants.
- Cultivation Facility, Tier 3 – No more than 7,000 square feet of mature marijuana plants.
- Cultivation Facility, Tier 4 – No more than 20,000 square feet of mature marijuana plants.

SECTION 2: Days and Hours of Operation

In the table below, indicate the operating hours of the facility. Place an "X" in the closed column if the facility will be closed on a particular day.

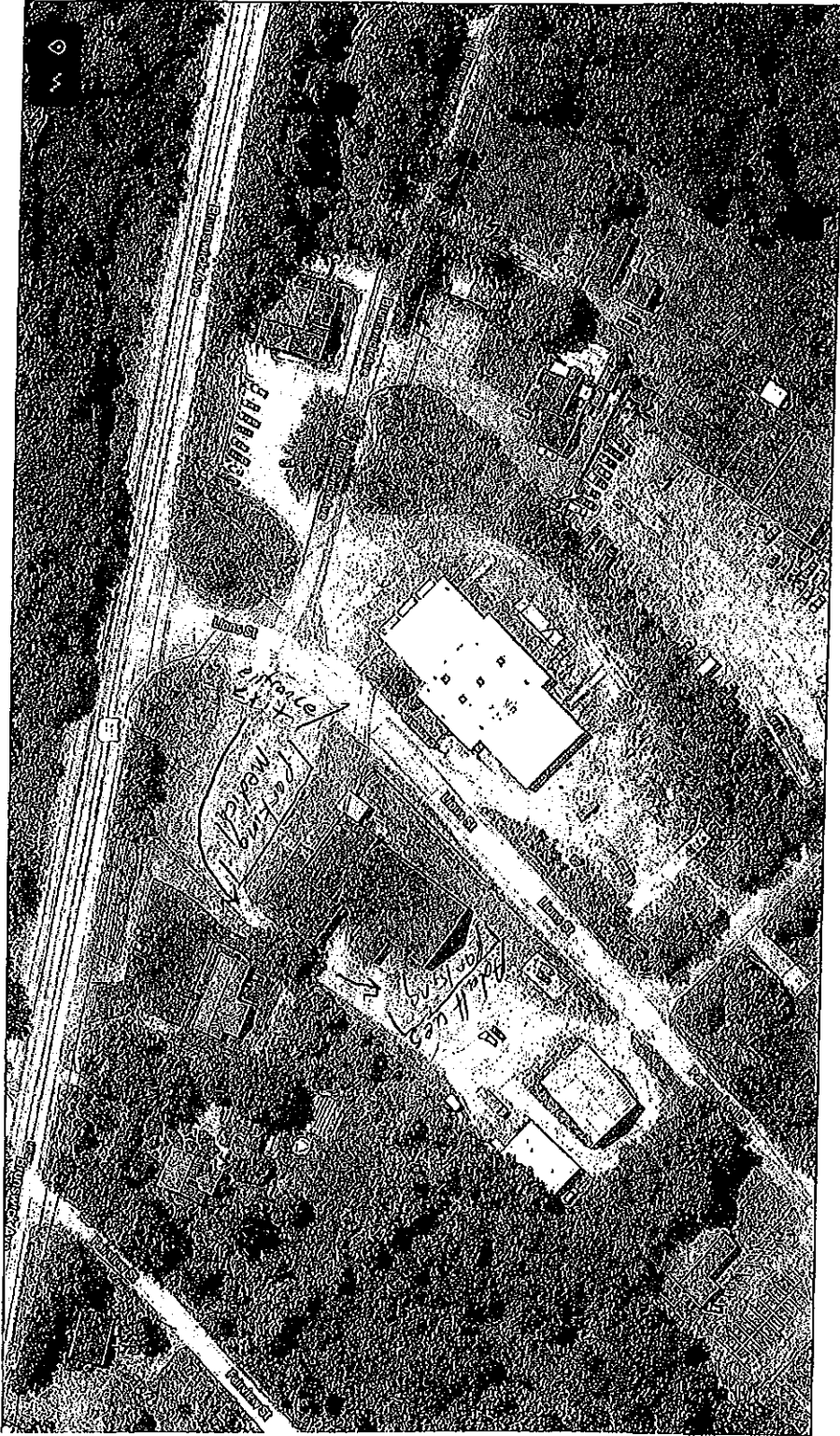
As a reminder, pursuant to Section 3.4.1(C) of the Adult Use Marijuana Program Rule: Licensees shall ensure that at all times during operating hours and hours of apparent activity that there is, on-site, an individual identification cardholder authorized to cooperate with Department inspection of the premises and business records.

	Closed	Facility Opening Hour	Facility Closing Hour
Sunday		8am	6pm
Monday		8am	6pm
Tuesday		8am	6pm
Wednesday		8am	6pm
Thursday		8am	6pm
Friday		8am	6pm
Saturday		8am	6pm

SECTION 3: Cultivation Facility Site Information

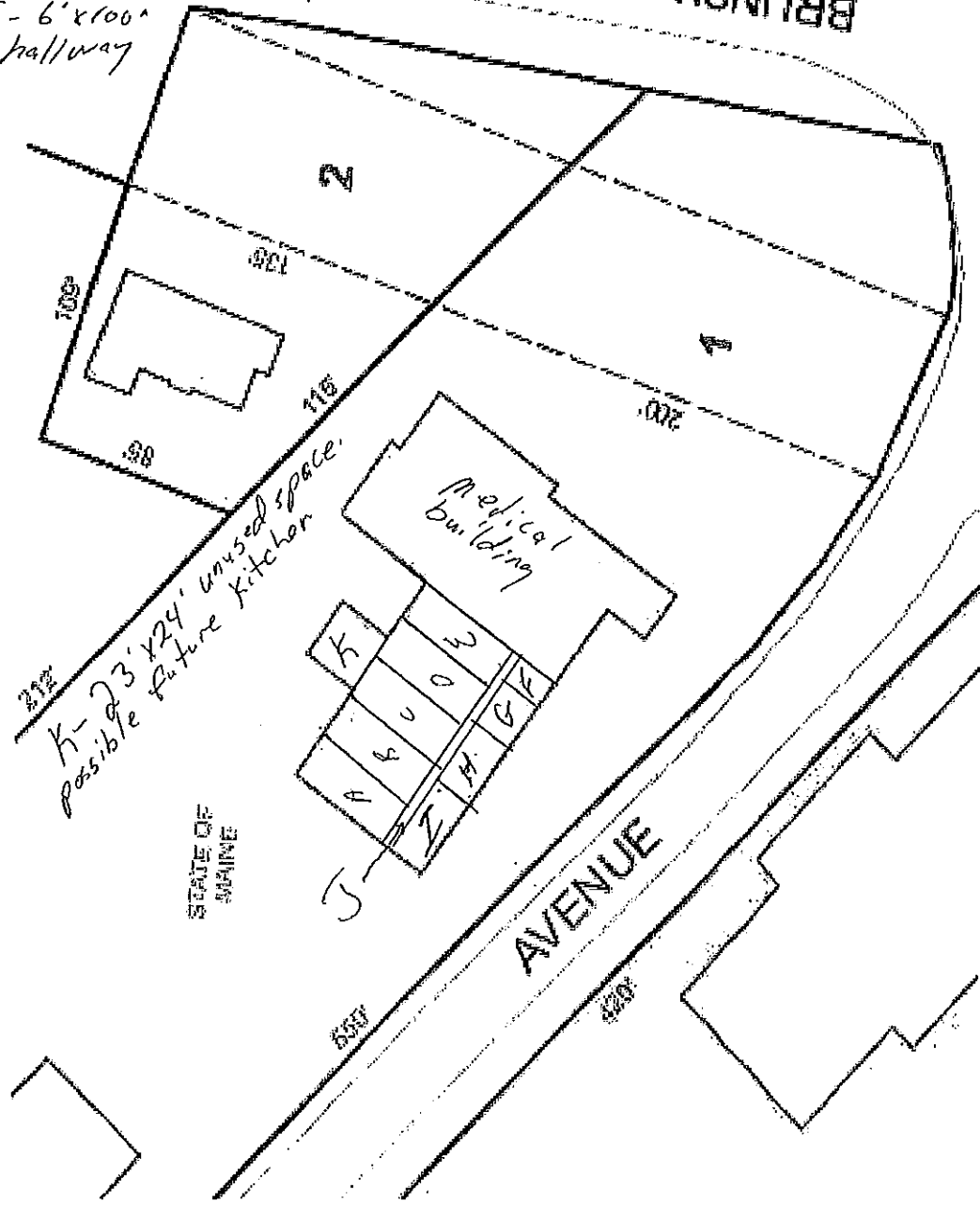
OMP recognizes that a specific location is not required during the conditional license application process. If the applicant does not have a site-specific location, provide a diagram and layout of the proposed Cultivation Facility.

1. Provide a diagram of the property on which the Cultivation Facility is located, including all point(s) of ingress/egress from the closest maintained public way, employee entrance(s), point(s) of delivery, parking area(s), and public right(s) of way. (Acceptable file formats include, but are not limited to, the following: .BMP, .GIF, .JPG, .PDF, .PNG. Diagrams may also be inserted as additional pages to the end of this form or uploaded via the online facility application process as Other Supporting Documentation.)



2. Provide a diagram of the layout of the Cultivation Facility, including square footage of the areas in which cultivation does and does not occur and square footage of the entire facility. If the Cultivation Facility is co-located with an Adult Use Products Manufacturing Facility and/or Adult Use Marijuana Store, the diagram must clearly delineate the cultivation facility area from the other establishment(s). A Cultivation Facility that connects to another Adult Use establishment, requires at least a single, lockable door to be reflected in the diagram. (Acceptable file formats include, but are not limited to, the following: .BMP, .GIF, .JPG, .PDF, .PNG. Diagrams may also be inserted as additional pages to the end of this form or uploaded via the online facility application process as Other Supporting Documentation.)

- A, B, C, D, E - ar @ 20' x 40' grow rooms
- F - 15' x 20' water room, nutrient storage
- G - 20' x 14' break room, fridge, lunch break ect...
- H - 30' x 14' trimming room, harvest room
- I - 30' x 14' Drying room/curing room
- J - 6' x 100' hallway



3. If the property is also used as a residence, describe the location of that residence within the property and plans for complete separation of the residence from the facility, including:
- Entirely separate entrances from the public right of way, and
 - That no solvent extraction using potentially hazardous extraction methods or inherently hazardous extraction methods in the same building or structure as the residence.

N/A

SECTION 4: Co-Location of Adult Use Facilities

Is this Cultivation Facility co-located with an Adult Use Products Manufacturing Facility and/or an Adult Use Marijuana Store?

Yes No

If yes, complete Section 4(a) and (b)

SECTION 4(a): Type of Adult Use Facility Co-Location

Check all that apply.

Adult Use Products Manufacturing

Adult Use Marijuana Store

SECTION 4(b): Co-Location of Adult Use Marijuana Establishments

Section 2.4.9(B)(2) requires the following:

The Cultivation Facility may connect to another type of establishment by a single, lockable door. Regardless of common ownership, excise tax is payable when any marijuana seedlings, immature plants, marijuana, or marijuana products pass out of the cultivation facility into another type of marijuana establishment. All marijuana to pass through a single, lockable door must be entered into the tracking system, and excise taxes shall be paid in accordance with this Rule and 28-B M.R.S. § 1001.

Describe how all applicable requirements of Section 2.4.9 of the Adult Use Marijuana Program Rule will be met, including but not limited to the requirement described above.

SECTION 5: Co-Location of Adult Use Cultivation Facility and Medical Marijuana Facilities

Is this Adult Use Cultivation Facility co-located with any medical marijuana facility?

Yes No

If yes, complete Section 5(a) and (b)

SECTION 5(a): Type of Medical Marijuana Facility Co-Location

Check all that apply.

Registered dispensary cultivation operation

Registered caregiver's cultivation operation

SECTION 5(b): Co-Location of Adult Use Cultivation Facility and Medical Marijuana Facilities

1. List and describe all equipment with approval listing(s) to be used for cultivating both medical marijuana and adult use marijuana.

The only possible crossing equipment would be a trimming machine, used to clean the marijuana buds for sale. The trimming machine would be brought to the separate building areas (Medicinal vs. Adult-Use) when being used.

2. Describe how the licensee will ensure that each shared piece of cultivation equipment is not used simultaneously on medical marijuana and adult use marijuana, with the purpose of ensuring that medical marijuana flowers and trim remain separate from adult use marijuana flowers and trim.

Each section of the building (Medicinal vs. Adult-Use) will have separate entrances. Each side of the building will have its own trimming room as well as Mother room so that the products never cross paths.

3. Describe how the licensee will separately track medical marijuana and adult use marijuana and will otherwise keep them from becoming intermixed.

The Medicinal Marijuana is stored on the Medicinal side of the building (separate entrance) with tags on every container, denoting that it is Medicinal Marijuana inside. Similarly, the Adult-Use Marijuana will be stored solely on the Adult-Use side of the building (separate entrance) with the proper Track and Trace tags on every container denoting that it is Adult-Use Marijuana inside.

SECTION 6: Equipment and Approval Listing

Provide approval listing(s) for all equipment listed below

1. List all lights, irrigation system(s), greenhouse(s) and all other equipment to be used specific to the cultivation of marijuana within the cultivation facility.

- 100-150 LED Lights
- 50-60 Fans
- 8-10 Dehumidifiers
- 2 Large CO2 Tanks with lines leading to each Adult-Use Room
- CO2 Regulator
- 6 hoses with coordinating water pumps
- Trim Machine

SECTION 7: Pesticides, Fungicides, Insecticides and Fertilizers

1. List all pesticides, fungicides, insecticides and fertilizers that will be present or used.

Mills Nutrient Line

- No pesticides will be used, live predator bugs will be used to control any insects and/or insect problems
- Over the counter cleaning products will be used to clean the facility, including the rooms between each harvest

SECTION 8: Utility Plans

OMP recognizes that a specific location is not required during the conditional license application process. If the applicant does not have a site-specific location, provide plans for how the following are intended to be done.

1. Describe plans for providing electricity, water, and other utilities necessary for the normal operation of the cultivation facility.

I plan to hire a licensed electrician run all the necessary wires and outlets. All plant dehumidifiers will be mounted to the walls of the corresponding grow rooms. There will be water lines run from the water room to each grow room with each room having a water spout for a hose to water the plants.

2. Describe plans for ventilation and filtration systems that prevent marijuana plant odors from significantly altering the environmental odor outside, while addressing the potential for mold.

I will have closed rooms with no ventilation to the outside. Each room will also have carbon filters installed to help negate any odors.

SECTION 9: Plans for Compliance with the Marijuana Legalization Act and the Adult Use Program Rules

OMP recognizes that a specific location is not required during the conditional license application process. If the applicant does not have a site-specific location, provide plans for obtaining proof of compliance with the following.

1. Describe plans for shipping and receiving of marijuana and marijuana products.

All product, either shipped or received, will be paired with Trip Tickets (see attached) that are in compliance with OMP Laws and Regulations. All product, either shipped or received, will be transported by either a licensed caregiver or licensed caregiver assistant.

2. Describe plans to dispose of or destroy used, unused and waste marijuana and marijuana products.

Our disposal plan is in compliance with the current OMP waste requirements. The key points are as follows. Non-hazardous marijuana waste must first be rendered unusable before disposal are prior to leaving a production facility. This waste can be turned unusable by grinding or mixing plant material with other food or yard waste until the mixture is at least 50% non-marijuana material by volume. Any marijuana plant material that has been contaminated or treated with a solvent is classified as hazardous material and must be disposed of following state's hazardous materials regulations. Root balls, soil, growing media, plant stalks, leaves, and branches are classified as exceptions to these waste requirements as long as they are rendered unusable and free of any flower and/or leaves with visible trichomes. A waste shredder is ideal to render plant material unusable.

3. Describe how the facility plans to prevent access to the premises by persons under age 21, including without limitation vendors and contractors.

This facility is not accessible by the public and any employee will be interviewed before entering the premises. Any contractors will have their credentials verified before entering the premises.

4. Describe how the facility plans to conduct a background screening process for employees and vendors.

Employees will undergo a comprehensive background check, that includes a criminal history record check, before employment, as well as once every 5 years, in compliance with State of Maine Laws and Regulations. All vendors must submit copies of: Photo State ID/License, Adult-Use Card (must complete background check to acquire), Facility License, EIN Number, Resale Certificate. This information will be kept on file on location for every vendor and must be completed before business is done with them.

SECTION 10: Proof of Compliance with State and Federal Code(s)

OMP recognizes that a specific location is not required during the conditional license application process. If the applicant does not have a site-specific location, provide plans for obtaining proof of compliance with the following.

1. Provide proof of compliance with building code(s).

Proof of Compliance will be provided after the final walk through.

2. Provide proof of compliance with the National Fire Protection Association model fire code.

Proof of Compliance will be provided after the final walk through.

3. Provide proof of compliance with applicable electrical code(s).

Proof of Compliance will be provided after the final walk through.

4. Provide proof of compliance with any other applicable federal and/or state environmental requirements.

Proof of Compliance will be provided after the final walk through.

5. Provide proof of compliance with all state and federal laws regarding wastewater and waste disposal for the cultivation facility.

Proof of Compliance will be provided after the final walk through.

6. Describe the workplace safety plan consistent with 29 CFR Part 1910, covering personal protective equipment, hazard assessment, safe equipment operation, proper application of agricultural chemicals, ladder use, hazard communication and other state and federal workplace safety requirements.

The workplace safety plan will be consistent with that outlined in 29 CFR Part 1910, with necessary posters displayed in the workplace. All safety procedures will be outlined to employees on their first day of employment in the facility.

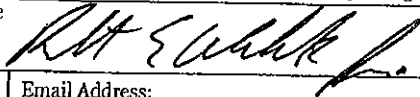
SECTION 11: Notice

The Department shall keep on file a copy of all facility plans, security plans, operating plans and cultivation plans, as well as copies of certifications of testing facilities. The most recent plan, whether submitted with the issuance of the marijuana establishment license, or by the subsequent approval of an application to change, shall be the Plan of Record with which the licensee must comply. Field Investigators will have access to all plans and will review all plans prior to an on-site assessment. Failure to comply with the Plan of Record may lead to enforcement action. Any significant changes to the Plan of Record must be approved by the Department.

Signature - This Plan of Record cannot be accepted without a signature

Any information contained within this Plan of Record or otherwise found, obtained, or maintained by the Department, shall be accessible to law enforcement agents of this or any other state, the government of the United States, or any foreign country.

Authorizing Business Representative's Signature



Date

6/15/21

Printed Name:

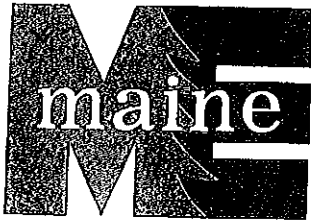
Robert E. Wheelock Jr.

Email Address:

bwheelockjr@gmail.com

Phone Number:

207-215-5782



OFFICE OF MARIJUANA POLICY

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

Maine Adult Use Marijuana Establishment Release of Information

Release - The application cannot be accepted without this release.

I, Robert E. Wheelock Jr., hereby authorize the Department of Administrative and Financial Services, Office of Marijuana Policy, (hereafter, the Department) to conduct a complete investigation into the background of the person(s) and/or entity, using whatever legal means they deem appropriate. I hereby authorize any person or entity contacted by the Department to provide any and all such information deemed necessary by the Department. I hereby waive any rights of confidentiality in this regard.

I hereby authorize and request all persons to whom this request is presented having information relating to or concerning the above named applicant to furnish such information to a duly appointed agent of the Department whether or not such information would otherwise be protected from the disclosure by any constitutional, statutory or common law privilege. I authorize the release of this information, even though such information may be designated as "confidential" or "nonpublic" under the provisions of state or federal laws.

The Department reserves the right to investigate all relevant information and facts to their satisfaction. I understand that the Department may conduct a complete and comprehensive investigation to determine the accuracy of all information gathered. However, the Department, and other agents or employees of the State of Maine shall not be held liable for the receipt, use, or dissemination of inaccurate information. I, on behalf of the applicant, its legal representatives, and assigns, hereby release, waive, discharge, and agree to hold harmless, and otherwise waive liability as to the State of Maine, Department of Administrative and Financial Services, Office of Marijuana Policy, and other agents or employees of the State of Maine for any damages resulting from any use, disclosure, or publication in any manner, other than a willfully unlawful disclosure or publication, of any material or information acquired during inquiries, investigations, or hearings, and hereby authorize the lawful use, disclosure, or publication of this material or information. Any information contained within my application, contained within any financial or personnel record, or otherwise found, obtained, or maintained by the Department, shall be accessible to law enforcement agents of this or any other state, the government of the United States, or any foreign country.

[Handwritten Signature]
Authorizing Business Agent's Signature

6/15/21
Date

Printed Name:
Robert E. Wheelock Jr.

Email Address:
bwheelockjr@gmail.com

Phone Number:
207-215-5782



OFFICE OF MARIJUANA POLICY

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

Maine Adult Use Marijuana Establishment Principal Attestation

Section 4(a)(1): Maine Adult Use Marijuana Establishment – Principals. Each person listed in Section 4(a) of the application must complete this Principal Attestation and must attest under penalty of perjury to the accuracy of the information provided in this Principal Attestation form.

Notice: This License Application for Maine Adult Use Marijuana Establishment is an official document. If you provide false information on your application, and/or do not disclose all information the application asks, the license is subject to denial, and you may be subject to criminal prosecution.

Legal Name	Title within the Organization	SSN	DOB	IIC Number
Robert E. Wheelock Jr.	Owner			

Section 4(a)(1): State of Residency. Title 28-B requires that every officer, director, manager and general partner of a business entity be a natural person who is a Maine resident, however OMP is currently not enforcing the residency requirement provision of the statute.

1. In which state do you currently claim residency?

Maine

2. List every municipality and state in which you have resided during the previous five years:

Sidney, Maine

Section 4(a)(2): Employment.

1. Are you an employee of the Department of Administrative and Financial Services or any other state agency with regulatory authority over Adult Use Marijuana in Maine?

Yes No

2. Are you an employee of the State of Maine?

Yes No If "yes," by which agency are you employed:

3. Are you a member of law enforcement, a corrections officer, or a person subject to the provisions found in Title 25, Chapter 341 of the Maine Revised Statutes?

Yes No

Section 4(a)(3): Tax Compliance.

1. Have you paid income and other taxes owed to the State of Maine, to another jurisdiction, if applicable, and to the United States Internal Revenue Services over the two years immediately preceding the year in which the application was filed?

Yes No If "no," explain here:

2. Do you have any outstanding tax liens imposed or levied in the State of Maine or in another jurisdiction within the five years immediately preceding the year in which the application was filed?

Yes No If "yes," explain here:

Section 4(a)(4). Prior Drug Convictions.

1. Have you ever been convicted for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more?

Yes No

2. If you answered "yes" to question 1 above, was the offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years prior to the submission of an application for a license under this Rule?

Yes No

3. If you answered "yes" to question 1 above, was the offense regarding conduct that is now authorized under the Personal Adult Use of Marijuana and Marijuana Products; Home Cultivation of Marijuana for Personal Use?

Yes No

Section 4(a)(5). Character and Fitness Requirements.

1. Have you ever been convicted of, or currently facing prosecution for, any state or federal offense involving dishonesty, deception, misappropriation, or fraud?

Yes No If "yes," explain here:

2. Have you ever faced penalties under the Maine adult use marijuana program?

Yes No If "yes," explain here:

3. Have you had an individual identification card issued under the Adult Use Marijuana Program revoked within the previous two years?

Yes No If "yes," explain here:

4. Have you ever been subject to two or more individual identification card revocations that were issued under the Adult Use Marijuana Program?

Yes No If "yes," explain here:

5. Have you had a registry identification card or registration certificate issued under the Maine Medical Use of Marijuana Act subject to revocation, suspension, limitation, or any other penalization?

Yes No If "yes," explain here:

6. Have you ever been subject to an enforcement action in any other jurisdiction's marijuana program?

Yes No If "yes," list and describe each enforcement action here:

7. Do you have outstanding court-ordered payments?

Yes No If "yes," explain here:

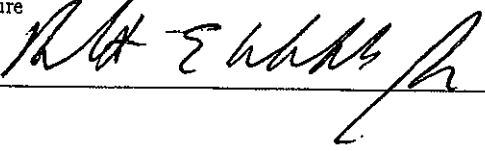
8. Do you have past due taxes or fees?

Yes No If "yes," explain here:

9. Do you have other tax delinquencies?

Yes No If "yes," explain here:

Section 4(a)(6). Other Marijuana Establishments. Identify any other marijuana establishments, including those outside of Maine, in which you hold a Direct or Indirect Financial Interest as defined in the Adult Use Marijuana Program Rule. Attach a separate sheet if necessary.

Name of Marijuana Establishment Green ReLeaf LLC	
Location of Marijuana Establishment 333 Brunswick Ave, Gardiner, Maine 04345	
Description of Financial Interest Owner	
Acknowledgment and Signature	
I understand I am responsible for knowing and complying with all state laws and regulations governing Adult Use Marijuana pursuant to the Maine Revised Statutes, as well as the rules promulgated thereunder. <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree	
I understand and agree to provide documents, if requested, to prove what I have stated in this Principal Attestation form. I understand and agree that federal, state and local officials or other persons and organizations may verify the information I have given. If I have given incorrect information, my application may be denied, and I may be charged with giving false information. I understand the questions on this application and the penalty for hiding or giving false information or breaking any of the rules in the penalty warning. I certify under penalty of perjury that my answers, including those related to drug offenses are true and complete.	
Principal's Signature 	Date 6/15/21

Final-Recipient: rfc822; bweelockjr@gmail.com

Action: failed

Status: 5.1.1

Diagnostic-Code: smtp; 550-5.1.1 The email account that you tried to reach does not exist. Please try 550-5.1.1 double-checking the recipient's email address for typos or

550-5.1.1 unnecessary spaces. Learn more at

550 5.1.1 <https://support.google.com/mail/?p=NoSuchUser> m123sor1577952wme.13 - gsmt

Last-Attempt-Date: Tue, 15 Jun 2021 06:46:24 -0700 (PDT)

----- Forwarded message -----

From: Katrina Duffin <kittums92@gmail.com>

To: "Randall, Christina" <Christina.randall@maine.gov>

Cc: bweelockjr@gmail.com, Edward DuGay <harvestconsultingmaine@gmail.com>

Bcc:

Date: Tue, 15 Jun 2021 09:46:12 -0400

Subject: Status of Pending Adult Use Card IIC1650

Good Morning Christina,

I am writing to check on the status of an individual Adult Use card of Robert E. Wheelock Jr with the pending license number of:

I know that the application was submitted last Fall but the client hadn't gotten fingerprinted. They recently have and I just wanted to double-check that everything else for this application has been taken care of. I hope you have a lovely day!

--
Sincerely,
Katrina C. Duffin
Vice President



Hallowell 4Twenty LLC
Harvest Consulting LLC

Katrina Duffin <kittums92@gmail.com>

To: "Randall, Christina" <Christina.randall@maine.gov>

Tue, Jun 15, 2021 at 9:49 AM

Cc: Edward DuGay <harvestconsultingmaine@gmail.com>, bwheelockjr@gmail.com

Good Morning Christina,

I apologize, I had attached the incorrect email for the client in the previous email but have corrected it. I appreciate your assistance with this matter.

Thanks,
Katrina
[Quoted text hidden]

Randall, Christina <Christina.Randall@maine.gov>

Tue, Jun 15, 2021 at 1:22 PM

To: Katrina Duffin <kittums92@gmail.com>

Cc: Edward DuGay <harvestconsultingmaine@gmail.com>, "bwheelockjr@gmail.com" <bwheelockjr@gmail.com>

IIC1650 was issued on 06/10/2021.

Christina Randall

Chief Licensing Investigator | Office of Marijuana Policy

Maine Department of Administrative and Financial Services

#162 State House Station | Augusta, ME 04330-0162

Tel: (207) 624-7520 | Fax: (207) 287-2671 | Cell: (207) 530-2228



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From: Katrina Duffin <kittums92@gmail.com>
Sent: Tuesday, June 15, 2021 9:49 AM
To: Randall, Christina <Christina.Randall@maine.gov>
Cc: Edward DuGay <harvestconsultingmaine@gmail.com>; bwheelockjr@gmail.com
Subject: Re: Status of Pending Adult Use Card IIC1650

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

[Quoted text hidden]

Katrina Duffin <kittums92@gmail.com>
To: "Randall, Christina" <Christina.Randall@maine.gov>
Cc: Edward DuGay <harvestconsultingmaine@gmail.com>, "bwheelockjr@gmail.com" <bwheelockjr@gmail.com>

Tue, Jun 15, 2021 at 1:24 PM

Thank you so much for the assistance. I hope you have a lovely day.

Thanks,
Katrina

[Quoted text hidden]

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: Robert E. Wheelock Jr.	Phone #: .	FEIN/SSN:
Alternate Name You May Have Filed Under:	Home Address: 105 Tiffany Rd, Sidney, Maine 04330	
Legal Name of Maine Adult Use Marijuana Establishment for Which You Are a Principal	FEIN	

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 Green ReLeaf LLC	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: 6/15/21

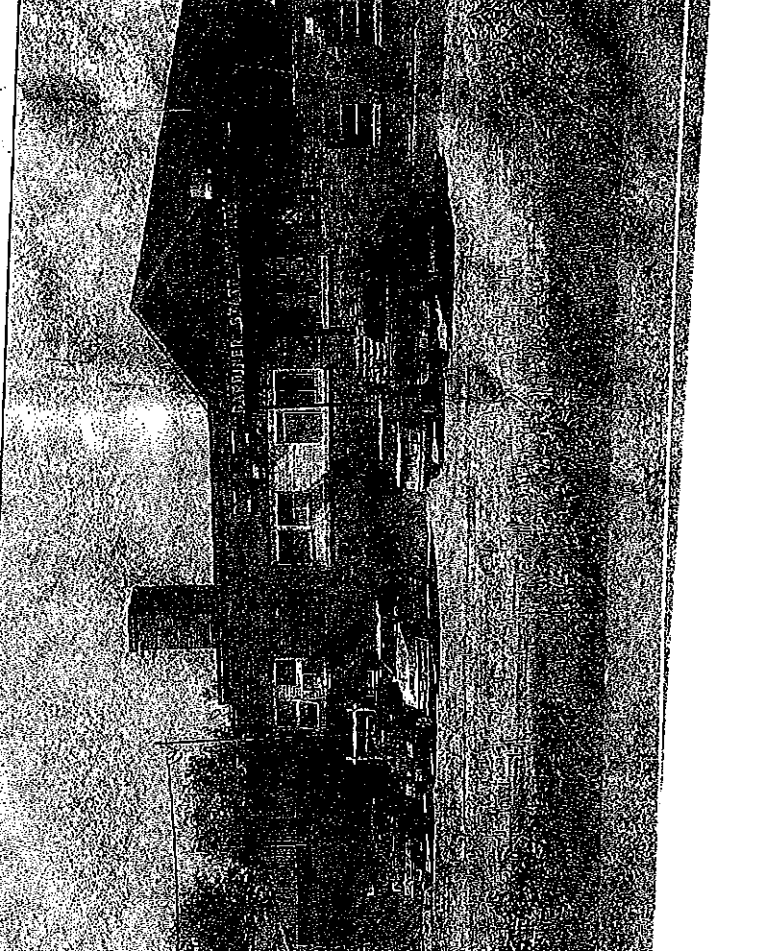
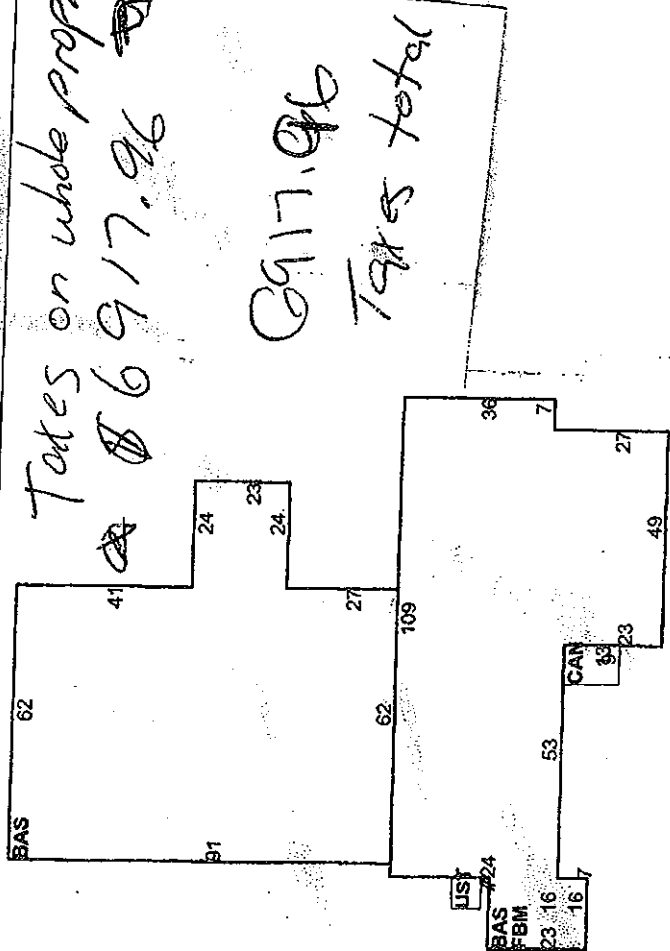
Forms must be sent to Maine Revenue Services at mrs.compliance.omp@maine.gov, faxed to 207-287-6627, or mailed to:

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

Element	Code	Ch.	Description	Element	Code	Ch.	Description
Warehouse	48						
Commercial Average	94						
Brick/Masonry	03						
Cable/Hip	03						
Asph/F Glis/Cmp	03						
Drywall	05						
Tile Vyn Cmp	05						
Oil	02						
Hot Water	05						
None	01						
COMM BLDG	3222						
Adj. Base Rate:							2741
Replace Cost							442,343
AYB							1960
EYB							1985
Remodel Rating							46
Year Remodeled							15
Dep %							46
Functional Obsnc							15
External Obsnc							1
Cost Trend Factor							1
Condition							1
% Complete							100
Overall % Cond							39
Apprais Val							172,500
Dep % Ovr							0
Dep Ovr Comment							0
Misc Imp Ovr							0
Misc Imp Ovr Comment							0
Cost to Cure Ovr							0
Cost to Cure Ovr Comment							0

Code	Description	Sub	Units	Unit Price	Yr	Code	Dep R	Chd	%Crd	Apr Value
SHD1	SHED FRAME	L	91	9.00	2008	0			50	400
FN3	FENCE-6' CHA	L	860	16.00	2008	0			50	6,900

BUILDING SUB-AREA SUMMARY SECTION										
Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprc. Value				
BAS	First Floor	12,021	12,021	12,021	17,021	329,496				
CAN	Canopy	0	0	117	23	630				
FEM	Basement, Finished	0	0	5,827	4,079	111,805				
UST	Utility, Storage, Unfinished	0	0	49	15	411				



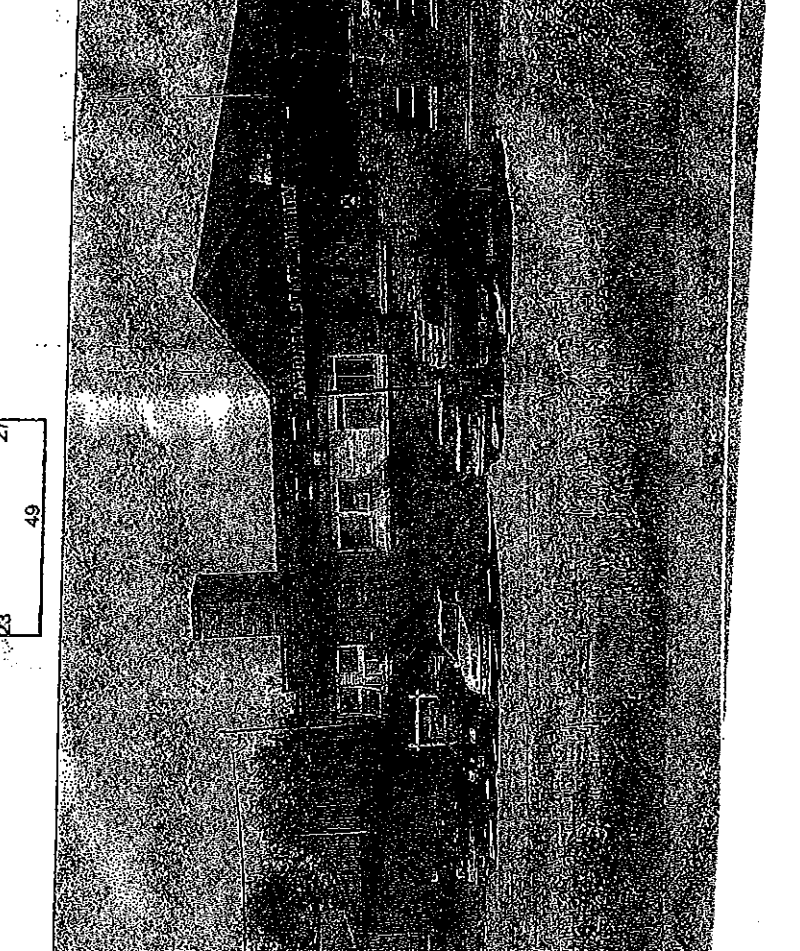
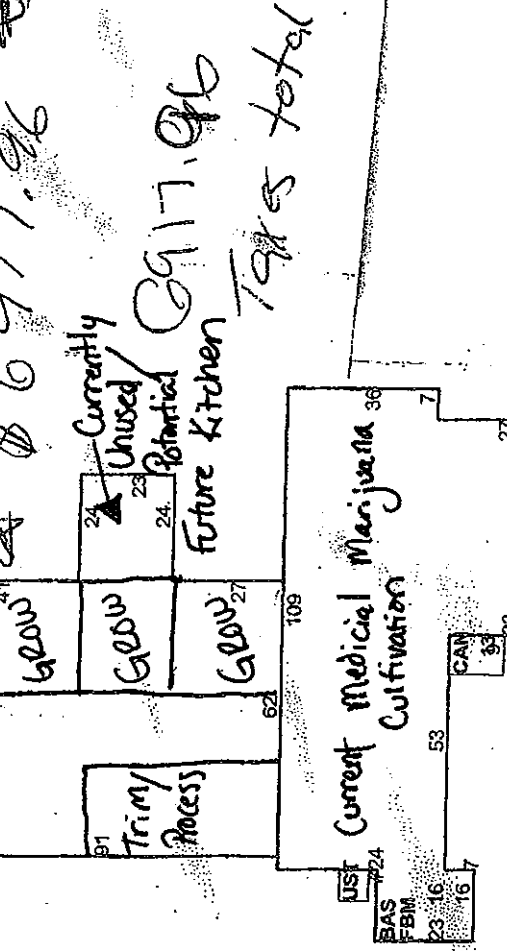
FO BOX 573

GARDINER, ME 04345
Additional Owners:

3510
GARDINER, M

VISIO

4 Rolling		3 Public Sewer		2 Suburban		Description COMMERC. COM LAND COMMERC.		Appraised Value 253,500 58,000 7,300		Assessed Value 253,500 58,000 7,300	
Other ID: TIF CODE USE PROGRAM TG ENROLL YI TG PLAN/YR LD # TYPE GIS ID: 029001											
SUPPLEMENTAL DATA SEND VALUJ TAX ACQ PII LISTING AG LIST PRICE SPEC DISTR ASSOC PID#											
RECORD OF OWNERSHIP CAPITAL AREA PROPERTIES LLC MAINE STATE OF		BK-VOL/PAGE 12132/201 1324/369		SALE DATE 10/14/2015		U U		I V		SALE PRICE 230,000	
EXEMPTIONS		OTHER ASSESSMENTS		Total:		318,800		Total:		318,800	
This signature acknowledges a visit by a Data Collector or Assessor											
APPRAISED VALUE SUMMARY Appraised Bldg. Value (Card) Appraised XF (B) Value (Bldg) Appraised OB (L) Value (Bldg) Appraised Land Value (Bldg) Special Land Value Total Appraised Parcel Value Valuation Method: Exemptions Adjustment:											
BUILDING PERMIT RECORD Permit ID Issue Date Type Description Amount Insp. Date % Comp. Date Comp. Comments											
VISIT/CHANGE HISTORY Date Type IS ID CA Purpose/Result 05/03/2017 CL 26 Building Permit Visit 03/30/2016 CL 43 Assessor Review 01/26/2016 CL 43 Assessor Review 05/26/2009 CL 15 Building Permit Inspect 09/04/2007 RS 07 Measure/Info at Door											
LAND LINE VALUATION SECTION Zone D Front Depth Units Unit Price 18 COMM BLDG 43,560 SF 2,250.00 18 COMM BLDG 1,40 AC I. Factor S.A. Disc C. Factor Idx 1.08 1.1508 F 1.00000 1.00 20 1.00088 0 1.00000 1.00 20											
Total Card Land Units:		2.40 AC		Parcel Total Land Area: 2.4 AC		Total Land Value:		58,000		58,000	



CONSTRUCTION DETAIL (CONTINUED)		Element	Description	Cd	Ch	Unit Price	Yr	Gate	Dp	Ru	Cnd	%Cnd	Apr Value
48	Warehouse												
94	Commercial Average												
03	Brick/Masonry												
20	Gable/Hip Roof Structure												
03	Asph/F Gls/Cmp Drywall												
05	Tile Vyn Cmp												
05	Oil												
05	Hot Water												
01	None												
3222	COMM BLDG												
00	None												
03	Masonry												
02	Baths/Plumbing												
05	Ceiling/Wall												
02	Rooms/Prtns												
14	Wall Height												
	% Conn Wall												
OB-OVERBUILDING & YARD ITEMS (EX-EXTRA FEES)													
SHD1	SHED FRAME	L	91	9.00	2008	0	0	50	400				
FN3	FENCE-6' CHA	L	860	16.00	2008	0	0	50	6,900				
BUILDING SUB-AREA SUMMARY SECTION													
BAS	First Floor		12,021	12,021		12,021							329,496
CAN	Canopy		0	117		23							1,630
FBN	Basement, Finished		0	5,827		4,079							111,805
UST	Utility, Storage, Unfinished		0	49		15							411


CONSTRUCTION DETAIL (CONTINUED)		Element	Description	Cd	Ch	Unit Price	Yr	Gate	Dp	Ru	Cnd	%Cnd	Apr Value
MIXED USE													
3222	COMM BLDG												
COST/MARKET VALUATION													
Adj. Base Rate: 27.41													
Replace Cost 442,343													
AYB 1960													
EYB 1985													
Dep Code 0													
Remodel Rating 16													
Year Remodeled 15													
Dep % 1													
Functional Obslnc UC													
External Obslnc 39													
Cost Trend Factor 39													
Condition 172,500													
% Complete 0													
Overall % Cond 0													
Apprais Val 0													
Dep % Ovr 0													
Dep Ovr Comment 0													
Misc Imp Ovr 0													
Misc Imp Ovr Comment 0													
Cost to Cure Ovr 0													
Cost to Cure Ovr Comment 0													

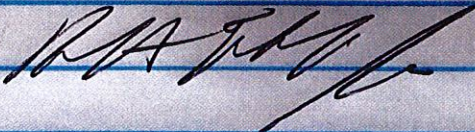
Actual Date	Trans Time	Receipt	Type	Teller	Name	Ref/Acct	Amount
06/28/2021	14:25:42	16071	020	KLC	green releaf llc	029001	125.00
Total:							125.00
Cash:							0.00
Check:							125.00
Credit:							0.00

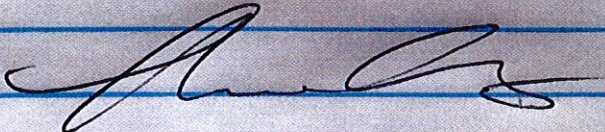
Fence Maintenance

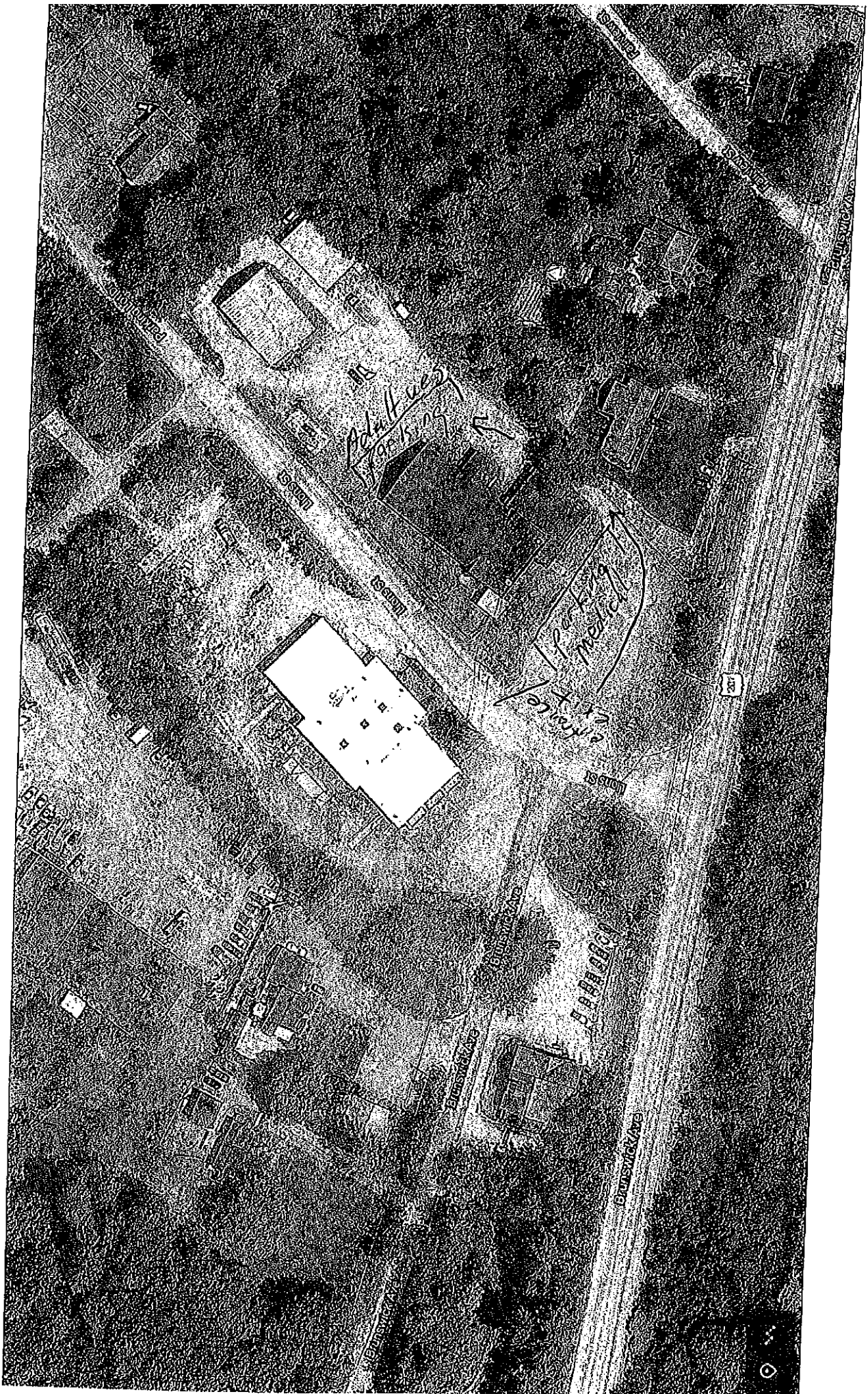
The Barbed wire fence that surrounds 333 Brunswick are owned by Robert Wheelock Jr and 15 Lions Way leased by Eric McMaster (BX2 properties) will be permanent. Both parties agree to maintain the fence for the life of the property. The fence will remain intact and both parties will agree that each party is financially responsible for their own portion of the fence.

11/17/21

Eric McMaster 

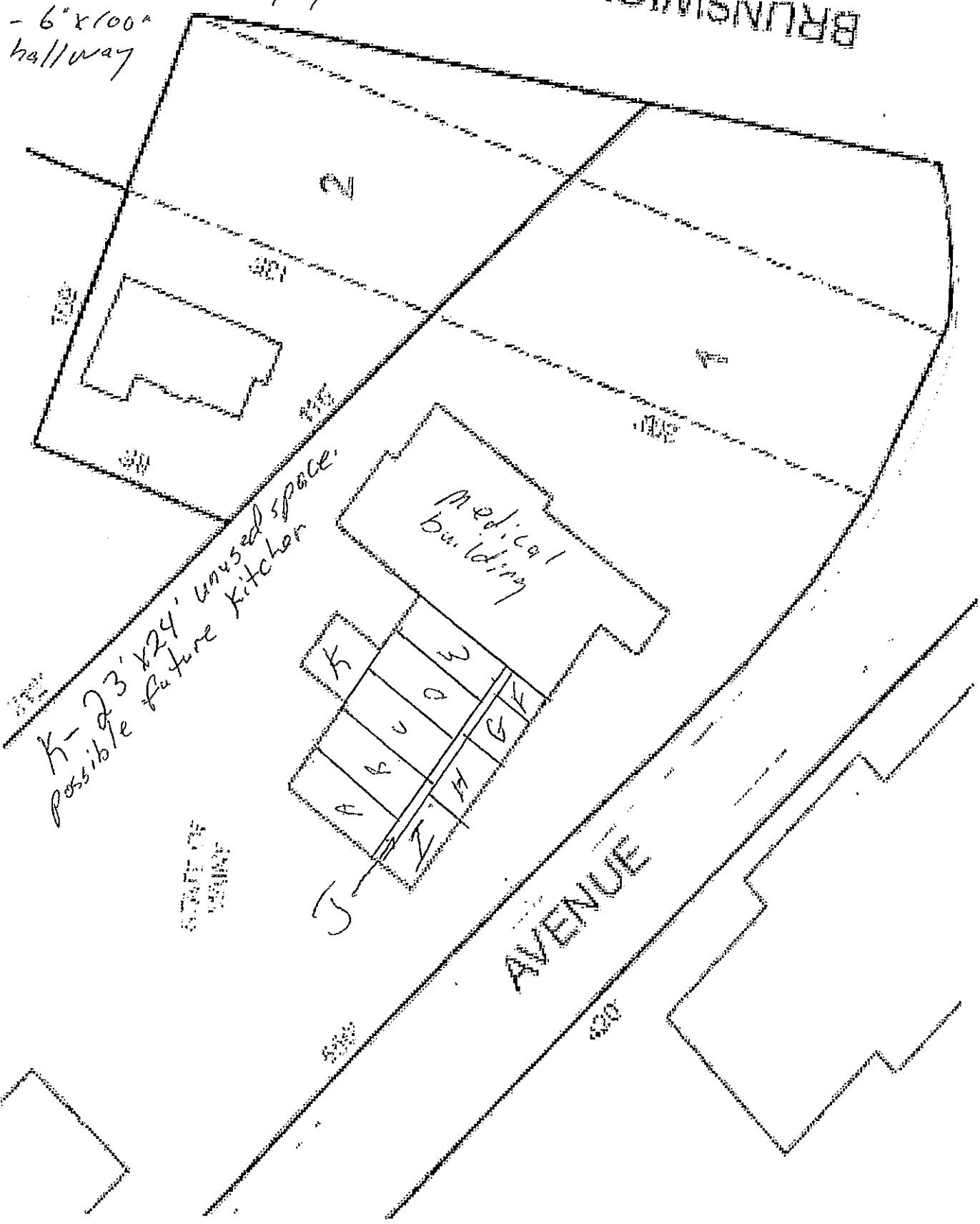
Robert Wheelock Jr  11/17/21

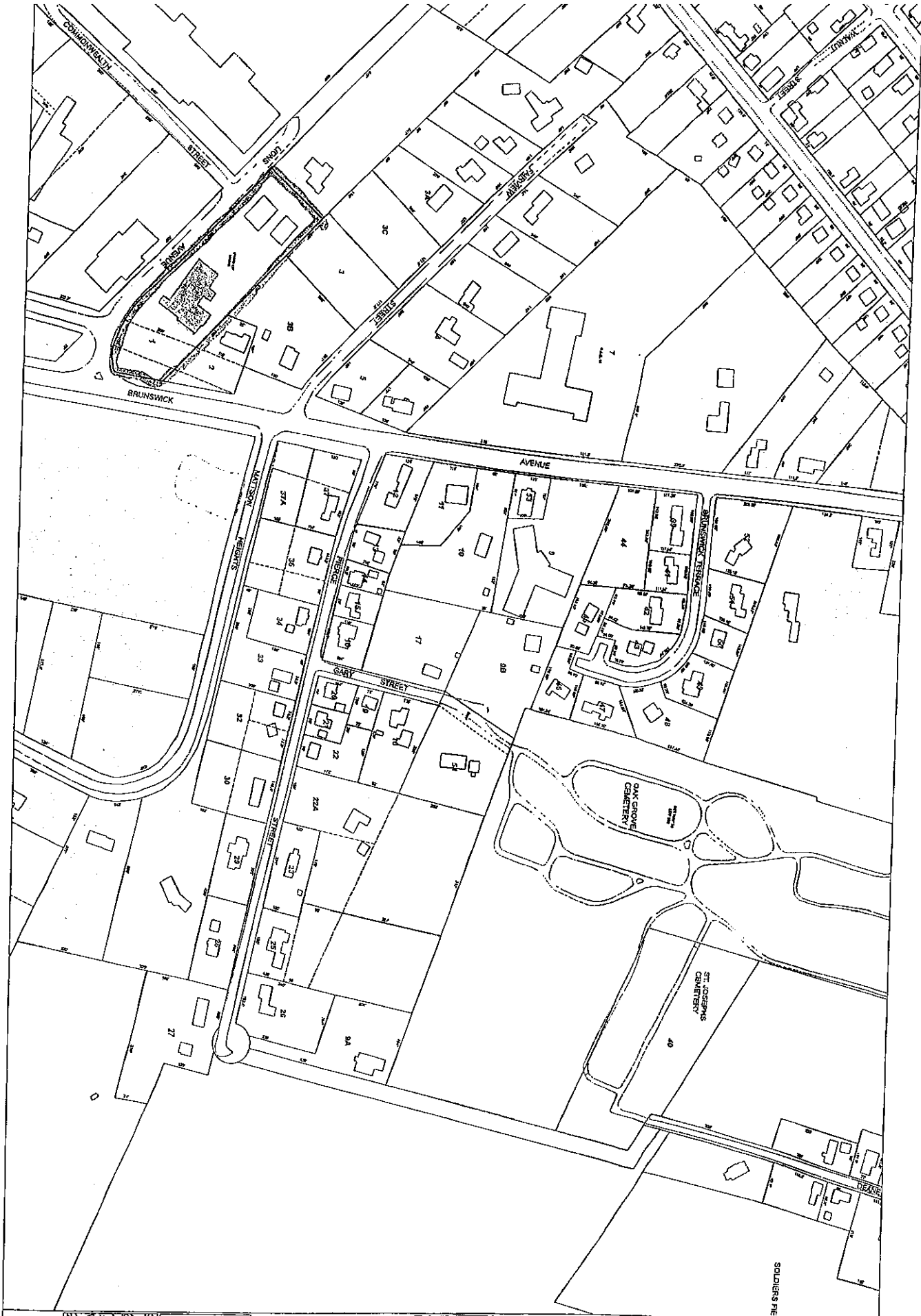
Thomas Catchings  11/17/21



- F - 15' x 20' water room, nutrient storage
- G - 20' x 14' break room, fridge, lunch breaks ect.
- H - 30' x 14' trimming room, harvest room
- I - 30' x 14' Drying room/curing room
- 6' x 100' hallway

BRUNNEN





CITY OF
GARDINE
KENNEBEC CO.
MAINE



LEGEND

- Lot Line
- Private Right of Way
- Street Line
- Transmission Line ETC
- Peak Stream of River
- Railroad
- Power Line
- Sewer
- Water
- Other
- Building
- Paved

This measurement is approximate and should be used for reference only.



Map 29

Project: 140709
Drawing Date: 07/2015



Robert Wheelock Jr.
333 Brunswick Avenue
Gardiner Maine, 04345

June 16, 2021

Dear Robert,

Based on the request and information provided by Katrina Duffin, and on behalf of Green ReLeaf for the expansion of medical marijuana cultivation to include "Adult Use" cultivation located at 333 Brunswick Avenue, the Public Works Department does not anticipate any safety concerns or negative impacts. If any information you provided were to change, I would ask that you inform us of those changes.

Thank You,

Jerry Douglass
Public Works Director
Phone: 582-4408

Department of Public Works
6 Church Street | Gardiner, ME 04345
207-582-4800 | 207-582-6895 (fax) | jdouglass@gardinermaine.com
www.GardinerMaine.com



GARDINER WATER DISTRICT

P.O. Box 536 • Gardiner, Maine 04345 • (207) 582-5500 • Fax (207) 582-3093

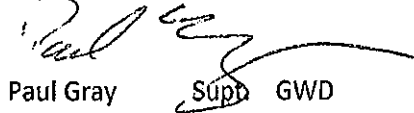
June 15, 2021

Robert Wheelock
Hallowell 4Twenty
333 Brunswick Ave
Gardiner Me. 04345

Dear Mr. Wheelock,

Concerning your proposed expansion of your medical marijuana cultivation facility that will include recreational cultivation, this expansion will have no negative impact on operations of the Gardiner Water District. Please contact me if I can be of further assistance.

Sincerely,



Paul Gray Supr GWD



June 15, 2021

Town of Gardiner Maine

RE: Green Releaf LLC
Loan: 125383397

To Whom It May Concern:

This member had an account at cPort Credit Union and it is in good standing. The account was opened on 9/14/2020 and there have been no overdrafts.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Theresa L. Bliss". The signature is written in a cursive style and is positioned above a horizontal line.

Theresa L. Bliss
Senior Member Service Representative

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



June 15, 2021

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

Dear Planning Board,

RE: Robert Wheelock, Jr
Aka: Green ReLeaf

Based on the information provided for Green ReLeaf in regards to the expansion of medical marijuana cultivation to include "Adult Use" cultivation located at 333 Brunswick Avenue, the Wastewater Treatment Plant does not have any concerns at this time. If any information provided were to change, I would ask that we be informed of those changes.

Best regards,

Douglas E. Clark
Wastewater Director
City of Gardiner, Maine



GARDINER POLICE DEPARTMENT



Chief James M. Toman

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

June 16, 2021

Mr. Robert E. Wheelock Jr.
Harvest Consulting LLC
333 Brunswick Avenue
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 operate in the City of Gardiner. Accordingly, it is my belief that the Gardiner Police Department will have the ability to respond safely and effectively to any emergency or criminal activity that may occur at the business location. 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



MAINE

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

Corporate Name Search

Information Summary

Subscriber activity report

This record contains information from the CEC database and is accurate as of: Tue Jun 15 2021 10:18:30. Please print or save for your records.

Legal Name	Charter Number	Filing Type	Status
GREEN RELEAF, LLC	20174765DC	LIMITED LIABILITY COMPANY (DOMESTIC)	GOOD STANDING

Filing Date	Expiration Date	Jurisdiction
03/30/2017	N/A	MAINE

Other Names (A=Assumed ; F=Former)

CAPITAL CITY CANNABIS A

Clerk/Registered Agent

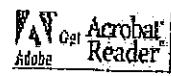
MARY A. DENISON
PO BOX 67
WINTHROP, ME 04364

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

Click on a link to obtain additional information.

- List of Filings [View list of filings](#)
- Obtain additional information:**
- Additional Addresses [Plain Copy](#) [Certified copy](#)
- Certificate of Existence ([more info](#)) [Short Form without amendments \(\\$30.00\)](#) [Long Form with amendments \(\\$30.00\)](#)

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 our [Feedback](#) page.

BK13541 PGS 177 - 180 05/01/2020 09:38:00 AM
INSTR#: 2020008891 ATTEST: BEVERLY BUSTIN-HATHEWAY
RECEIVED KENNEBEC SS REGISTER OF DEEDS
eRecorded Document

MORTGAGE DEED

That, **333 ENTERPRISES, LLC**, a Maine limited liability company of Sidney, Maine in consideration of **100,000.00** Dollars

paid by **ROBERT E. WHEELOCK, SR.** of Augusta,

Maine whose mailing address is 899 West River Road, Augusta, ME 04330, the receipt whereof

we do hereby acknowledge, do hereby give, grant, bargain, sell and convey, unto the said

ROBERT E. WHEELOCK, SR., his heirs and assigns, forever

A certain lot or parcel of land situated on the westerly side of Brunswick Avenue so called, in the City of Gardiner, County of Kennebec, State of Maine and being bounded and described as follows.

Beginning at a point on the westerly side of Brunswick Avenue at the southerly corner of the land Families Matter, Inc. received by deed dated April 14, 2016 as recorded at the Kennebec County Registry of Deeds in Book 12266, Page 286.

Thence S22°-14'-58"W along said Brunswick Avenue running parallel to and maintaining 85.00 feet from the baseline of said road, a distance of 137 feet more or less to a point opposite of and right angles to baseline station 1151+75.

Thence N67°-45'-02"W, a distance of 67 feet more or less to the centerline of the former location of said Brunswick Avenue.

Thence N67°-45'-02"W, a distance of 33 feet more or less to the westerly line of the former location of said Brunswick Avenue.

Thence S24°-52'-01"W along said Old Brunswick Avenue, a distance of 16 feet more or less to a point located at the intersection of Lions Avenue

Thence N31°-35'-49"W along said Lions Avenue, a distance of 275.00 feet to a point. Said point being located S31°-35'-49"E, a distance of 275.00 feet from the most southerly corner of land the Gardiner/Augusta Lions Club received by deed dated April 23, 2015 as recorded at said Registry of Deeds in Book 11962, Page 245.

Thence N57°-06'-47"E along the remaining land of the grantor, a distance of 179 feet to a point located at the southwesterly line of land Bruce H. and Mary Jane E. Thomas received by deed dated October 16, 2012 as recorded at said Registry of Deeds in Book 11200, Page 344.

Thence S32°-36'-34"E along the land of said Thomas, the land of said Family Matters, Inc, a distance of 180.00 feet to a point on the westerly line of the former location of said Brunswick Avenue.

Thence S32°-36'-34"E along the land of said Family Matters, Inc, a distance of 36 feet more or less to point at the centerline of the former location of said Brunswick Avenue.

Thence S32°-36'-34"E along the land of said Family Matters, Inc, a distance of 54 feet more or less to the point of beginning.

The above-described parcel contains 1.27 acres more or less.

The above-described bearings are based on the survey referenced below.

This description is based solely on the survey reference below.

Being a portion of the land Capital Area Properties LLC received by deed dated October 14, 2015 as recorded at the Kennebec County Registry of Deeds in Book 12132, Page 201.

Reference is made to a Boundary Survey Sketch for the State of Maine by Robert J. Bills, PLS #1248, Dated July 21, 2008.

The obligation secured by this mortgage is due and payable on any assumption of this obligation or upon sale, transfer or conveyance of all or a portion of the above described premises, whether accomplished by deed, installment sales contract or bond for deed, without written approval of Mortgagee(s).

To have and to hold the aforesaid and bargained premises, with all the privileges and appurtenances thereof, to the said **ROBERT E. WHEELOCK, SR.**, his heirs and assigns, to him and his use forever.

PROMISSORY NOTE

\$296,329.61

April 29, 2020
Gardiner, Maine

FOR VALUE RECEIVED, the undersigned, 333 Enterprises, LLC. (hereinafter referred to as "Maker") promise to pay to Robert F. Wheelock, Sr. of Augusta, Maine or order, (hereinafter referred to as "Holder") the sum of \$296,329.61.

payable in 120 equal consecutive monthly installments with the first payment due on June 1, 2020, and subsequent payments due on the 1st day of each month, said payments to be applied first to interest and then to principal, and all of said sum to be paid in a balloon payment 3 years from this date, with interest thereon, or on such part thereof, as shall from time to time remain unpaid, at the rate of six percent (6%) per annum, payable monthly.

A late charge of 5% shall be payable upon failure to make any required payment within fifteen (15) days of the due date. Any payment not made within thirty (30) days of the due date shall constitute a default at the option of Holder.

It shall also be a default if Maker fail to perform any of its obligations contained in the mortgage instrument securing this Promissory Note; upon any assignment by Maker for the benefit of creditors; or upon filing of a voluntary petition by Maker or involuntary petition against Maker under any provisions of the Federal Bankruptcy Code, on any assumption of this obligation or upon sale, transfer or conveyance, whether accomplished by deed, installment sales contract or bond for deed, concerning all or a portion of premises mortgaged without written approval of said Holder.

Upon default, Holder shall be entitled to accelerate all payments due under this Note, and shall be entitled to payment of any costs of collection, including reasonable attorneys' fees incurred in connection therewith.

Maker shall have the privilege of prepaying part or all of the amounts due under this Promissory Note without penalty. Any partial prepayment shall not reduce the monthly payment set forth above.

Maker and all other parties liable hereon, whether principal, guarantor, endorser or otherwise, hereby severally waive presentment, demand, notice and protest, and waive all recourse to suretyship and guarantorship defenses generally, including, but not limited to, any extensions of time for payment or performance which may be granted to Maker or to any other party, any modifications or amendments to this Promissory Note, any act or omission to act by or on behalf of the Holder hereof, any acceptance of a late payment or a series of late payments by Holder, any release, disposition or substitution of security, and all other indulgences of any type which may be granted by the Holder hereof to Maker or any other party liable herefor.

Maker and all other parties liable hereon also agree to pay all costs and expenses of any nature, whether incurred in or out of court, and whether incurred before or after this Promissory Note

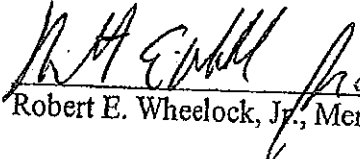
shall become due at its maturity date, whether before or after declaration of default, including, but not limited to, reasonable attorneys' fees and costs, which the Holder hereof may deem necessary or proper in connection with the collection or satisfaction of the indebtedness evidenced hereby, or realization upon any collateral security herefor.

If any obligation or portion of this Promissory Note is determined to be invalid or unenforceable under law, it shall not affect the validity or enforceability of the remaining obligations or portions hereof. This Promissory Note shall be construed in all respects in accordance with, and shall be governed by, the laws of the State of Maine.

This Note is secured by a first mortgage on property at 333 Brunswick Avenue, Maine.

Signed as an instrument under seal.


Witness


Robert E. Wheelock, Jr., Member

State of Maine
County of Kennebec

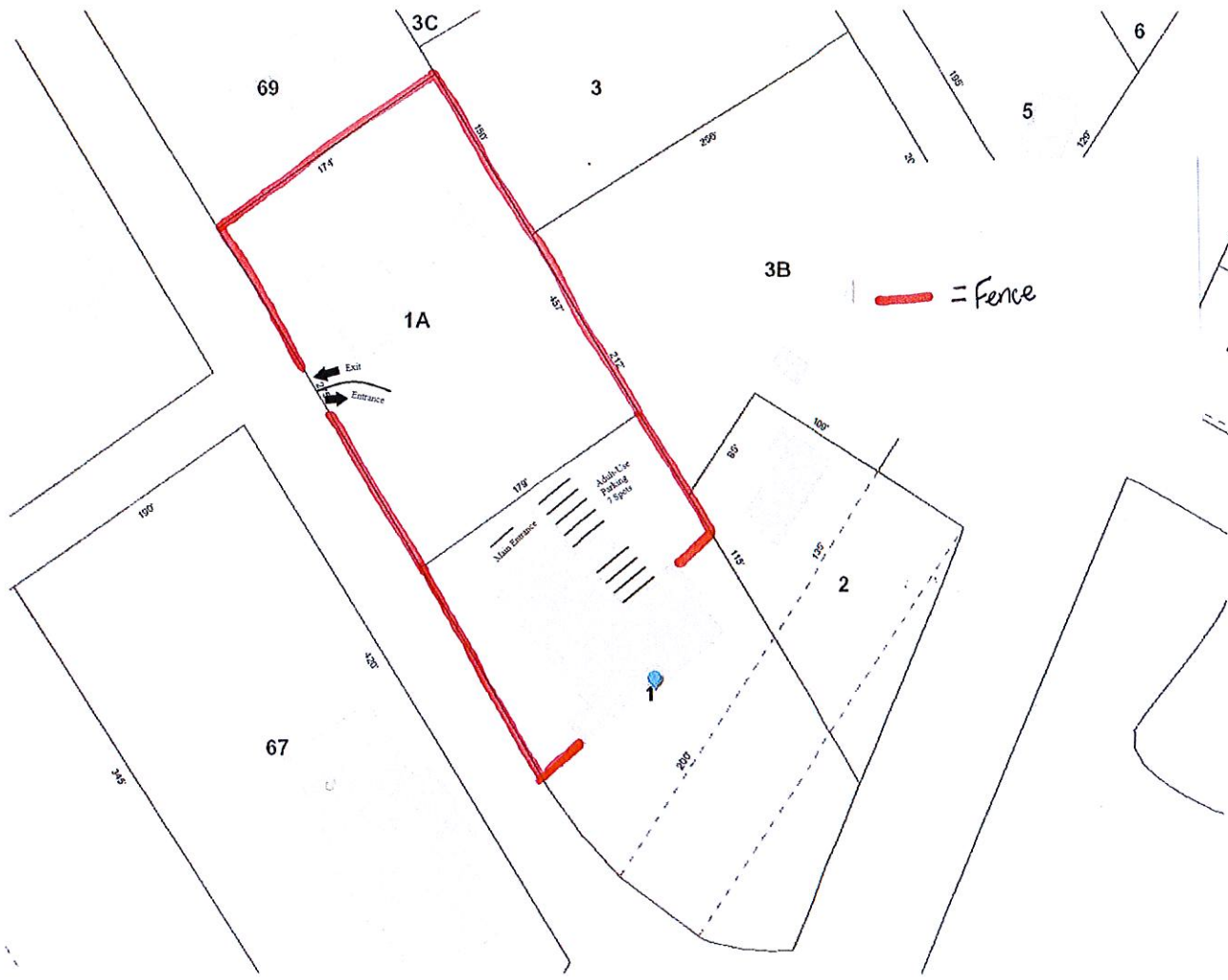
April 29, 2020

Personally appeared the above named Robert E. Wheelock, Jr. and acknowledged the foregoing to be his free act and deed and his free act and deed in his said capacity.



Notary Public

MARY A. DENISON
NOTARY PUBLIC
AS ATTORNEY AT LAW
4 M.R.S.A. § 1056
MY COMMISSION DOES NOT EXPIRE



14000004
 10A 1 2 3033
 City of Burlington

GARDINER PLANNING BOARD
July 27, 2021

Review of Application for use of partial space at 333 Brunswick Ave for an Adult Use Cultivation – Map 029 Lot 001
Applicant: Robert Wheelock Jr.

DECISION¹

Robert Wheelock Jr. proposed to use part of the space for an Adult Use Cultivation at 333 Brunswick Ave. Map 029 Lot 001 in the MUV district – with the intent to block off the area that will continue to house the medical marijuana cultivation, leaving two separate cultivation facilities. He will have separate machinery, entrances, etc. This building houses an existing cultivation facility, which is very close to a local elementary school. After this application was tabled on 7/13, Mark Eyerman, City Planner, was asked to clarify 10.29.1 from the LUO, Marijuana section due to the proximity issue.

Mr. Eyerman presented a memo that gave his interpretation of this provision in the ordinance. He states in the memo that he feels that the proximity measurement should be from property line to property line-straight line distance. He goes on to explain LUO provisions 10.29.1.1 and 10.29.1.2- These provisions are included to address the limited situations where it is essentially not realistic to walk between the protected facility and the marijuana establishment. The key here is that it is a permanent feature that is not simply a barrier that is under the control of an applicant or other property owner. The Board is pleased with Mr. Eyerman's interpretation of these provisions, which helped to clarify the ordinance and separation distance. At the last meeting, the Board did measurements from the school, to the address in question. The measurements between Board members varied, but were less than the required 1000' and more than 500'.

Debby Willis chaired the meeting, and went through the application to see if they have standing. Chair Willis asks the Board if they feel that the application is complete- Yes. Can Board members hear this in an unbiased manner? Yes.

Pam Mitchel asks how many employees he will have; he answers 3-5. The adult use cultivation would be on the backside of his property. There is a chain link- barbed wire topped fence surrounding the property. He owns the building and is responsible for the fence.

¹ On August 10 the Planning Board confirmed the approved minutes of the July 27 Meeting constituted the written decision of the Planning Board, and authorized Chair Willis to sign a decision document on behalf of the Planning Board.

Pam Mitchel asks how they will dispose of dirt and water that has been used for the plants. Mr. Wheelock informs the board that most of their product is organic, and all water and dirt is recycled, so it would not be entering the City's systems. Mr. Wheelock explains that the entrance will be in the back, near Lions Way. The gate will be locked at all times, and employees would need a fob or passcode to get in. There were no requests for waivers in this application.

Chair Willis opened the application for public comment. There was no one present to speak for or against the application. Chair Willis asks if there was any interest at City Hall. No. Chair Willis closed the meeting for public comment.

Mr. Wheelock would need an updated caregiver card, or a conditional license in order for this to be a complete application. There was a discussion about the responsibility of the fence. Mr. Wheelock reiterated that the fence is there to keep the buildings secure and both he and Mr. McMaster are responsible for maintaining them. Pam Mitchel makes a motion that the application is complete, with the conditions that the correct property boundaries be added, and there is an updated caregiver card. Shawn Dolley- second.

No further discussion. Pam Mitchel- yes, Lisa St. Hilaire- yes, Shawn Dolley-yes, Chair Debby Willis- yes- All in favor

Special Activity Performance Standards (10.29)

10.29.1 Any property line of the lot upon which a marijuana establishment is located shall be a minimum of one thousand (1,000) feet from any property line of a lot upon which a public or private school, athletic field or playground is located. A "school" includes public school, private school, or public preschool program as defined in 20-A M.R.S §1, or any other educational facility that serves children from prekindergarten to grade 12; provided however, a functional equivalent minimum setback of five hundred (500) feet may apply provided that the Planning Board finds that any of the following are met:

*Comments in writing from City Planner Mark Eyerman: The basic standard is the 1000 foot separation from property line to property line. This is the straight-line distance. Essentially this draws a line 1000 feet from the property line of the protected facility and says a marijuana establishment cannot be located inside that line except for the specific situations addressed in 10.29.1.1 and 10.29.1.2. The section **allows but does not require** the Planning Board to reduce the separation distance down to 500 feet if the conditions are met. I think the operative word here is **may**. The objective of the separation requirement is to mitigate the possible impacts of a marijuana establishment on the users of the protected facility. The ordinance does not address these factors but they probably include things like odors, traffic and people accessing the facility.*

Chair Willis continued with reviewing the application. The Board will review the application and start with 10.29.1. This application has the same proximity issues that the previous one did. The building that this cultivation is proposed for is less than 1000', but more than 500' away from a local school. Board members pointed out that this application does not meet the distance issue.

10.29.1.1 The location of the buildings or areas actively used on either or both lots results in the entrance to the marijuana establishment being more than one thousand (1,000) feet from the area of the protected lot that is actively used or that provides access to the building or facilities;

Comments in writing from City Planner Mark Eyerman: This provision allows the 1000 foot minimum separation to be measured from the entrance to the marijuana establishment to the portion of the protected facility that is actively used. I think this was intended to be the straight-line distance. This was added to address the situation where a marijuana establishment or a protected facility might be located on a large lot far from the property line. For example, a marijuana facility in the middle of a large lot in a rural area might be far more than 1000 feet from the protected facility or vice versa, a nursery school on a large rural lot could block a marijuana too.

Lisa St. Hilaire would find that this application does not meet the requirements of 10.29.1.1 or 10.29.1.2 The Board feels that the fence is not a permanent feature that would allow this type of development to follow the 500' setback as opposed to the 1000' setback. It does not matter that Mr. Wheelock owns the property, it is a matter that the fence is not a good enough physical feature.

Pam Mitchel makes a motion that this application does not meet 10.29.1 because the fence is not a permanent physical feature. Lisa St. Hilaire seconds the motion. No further discussion. Roll Call vote- Pam Mitchel- yes, Lisa St. Hilaire- yes, Shawn Dolley-yes, Chair Debby Willis- yes- All in favor to reject the application. Application denied.

10.29.1.2 The marijuana establishment is physically separated from the protected lot by a natural or other physical feature that makes pedestrian access between the two lots impractical.

*Comments in writing from City Planner Mark Eyerman: This provision was included to address the limited situations where it is essentially not realistic to walk between the protected facility and the marijuana establishment. I think the key here is that it is a permanent **feature** that is not simply a barrier that is under the control of an applicant or other property owner. During the ORC discussions, the provision was included to address situations such as the Cobbosseecontee or the Interstate where the 1000 foot separation around a protected facility could extend the other side of the physical feature.*

Chair Willis informs the applicant of the appeal process.

GARDINER PLANNING BOARD

Debby Willis, Chair

GARDINER BOARD OF APPEALS

Robert Wheelock v. Gardiner Planning Board

NOTICE OF DECISION **AND ORDER**

I. INTRODUCTION

This decision concerns the appeal of Robert Wheelock regarding the Gardiner Planning Board's denial of his application to perform improvements and authorize adult use marijuana cultivation activities.

On June 15, 2021, Wheelock filed an application with the Gardiner Planning Board seeking approval to conduct adult use marijuana and associated improvements in a building at 333 Brunswick Avenue, which is located in the MUV District according to the Gardiner Zoning Map. The application to the Planning Board states Wheelock owns the subject property.

On July 13, 2021, the Planning Board began its review of the Wheelock application. (*See Planning Board Minutes, July 13, 2021.*) The Planning Board continued its review on July 27, 2021, and ultimately denied the application based upon a failure to satisfy minimum setback requirements contained in Section 10.29.1 of the Gardiner Land Use Ordinance. (*See Planning Board Minutes, July 27, 2021, and Planning Board Decision.*)

In a document dated July 27, 2021, Wheelock filed an administrative appeal to the Gardiner Board of Appeals challenging the Planning Board's denial.

The Gardiner Board of Appeals ("Board" or "Board of Appeals") conducted an appellate review on September 13, 2021, rendering its vote on the original decision on that date.¹

II. SUBJECT MATTER JURISDICTION, STANDING, & STANDARD OF REVIEW

Under the Gardiner Land Use Ordinance ("LUO"), any appeal of a decision of the Planning Board may be appealed to the Board, such as the Wheelock denial decision. No new evidence may be introduced by any party, except in limited circumstances. (*LUO § 2.4.5.2.1.*)

¹ Prior to hearing or discussing the merits of the appeal, the Board reviewed whether any member may have a conflict of interest or bias regarding the subject matter. Several members disclosed their prior work involving the federal government or federal contract matters by reference to the prior McMaster appeal (heard on the same date as the Wheelock appeal). Legal counsel to the Board again opined those circumstances did not rise to a conflict of interest or bias issue in this appeal. No other conflict of interest or bias was raised as a possible issue by a member of the Board or from a party, so the Board proceeded on the merits of the appeal.

The Board finds Wheelock has standing as an aggrieved person to pursue an appeal as an applicant that received a denial decision from the Planning Board, and that he filed a timely administrative appeal to the Board of Appeals.²

When hearing and deciding an appeal from a Planning Board decision, the Board applies an appellate standard of review. Specifically, the “Board of Appeals may modify or reverse the action of the Planning Board . . . only where the Board of Appeals finds that the action of the Planning Board . . . is clearly contrary to the applicable ordinance.” (LUO § 2.4.5.2.3) (emphasis added). “The parties appealing the action of the Planning Board . . . shall have the burden of persuasion as to all issues on appeal.” *Id.*

III. RECORD

The following constitutes the Planning Board record in this matter:

- Wheelock Planning Board Application, June 15, 2021
- Planning Board Minutes, July 13, 2021
- Planner Memorandum, July 27, 2021
- Planning Board Minutes, July 27, 2021
- Recording of Planning Board Meetings of July 13 and 27, 2021
- Planning Board Decision

At the appellate hearing, Wheelock was represented by Attorney Fredette, who presented argument on his behalf. Wheelock also presented argument.³

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. Applicable Law

The Board addressed what law applies to this appeal, since the LUO has been amended in at least two material ways. Specifically, on June 16, 2021, the Gardiner City Council adopted LUO amendments that prohibited Wheelock’s proposed use and eliminated “other physical features” as a possible criteria when considering the reduction to a 500-foot minimum setback. Pursuant to the Gardiner City Charter, LUO amendments are not effective until 30 days following enactment, or by July 16, 2021 for the June 16, 2021 LUO amendments. These amendments do not contain any retroactive language. (*See Council Order dated June 16, 2021 re: LUO Amendments, and City Charter.*) The Board determined that the Planning Board conducted a substantive review on the Wheelock application on July 13, 2021, and was therefore a pending proceeding within the meaning of 1 M.R.S. § 302. The Board thus considers, as the

² As stated *infra*, on remand the Board directs that the Planning Board examine whether Wheelock has the requisite right, title, and interest for his application including, without limitation, regarding the fence and any conditions the Planning Board may place on improvements, maintenance, repairs, and upkeep thereof.

³ An email dated September 13, 2021 was also sent to the Board of Appeals from a member of the public, which was placed on file of the Board of Appeals. The Board of Appeals did not consider this email as part of the Planning Board record under review.

Planning Board did as well, that the applicable version of the LUO is the one that existed prior to the effective date of the above-described LUO amendments.

For ease of reference, this version of LUO Section 10.29.1 that applies to this appeal is stated below:

10.29.1. Any property line of the lot upon which a marijuana establishment is located shall be a minimum of one thousand (1,000) feet from any property line of a lot upon which a public or private school, athletic field or playground is located. A "school" includes public school, private school, or public preschool program as defined in 20-A M.R.S. § 1, or any other educational facility that serves children from prekindergarten to grade 12, provided however, a functional equivalent minimum setback of five hundred (500) feet [sic] may apply provided that the Planning Board finds that any of the following are met:

10.29.1.1. The location of the buildings or areas actively used on either or both lots results in the entrance to the marijuana establishment being more than one thousand (1,000) feet from the area of the protected lot that is actively used or that provides access to the building or facilities; or

10.29.1.2. The marijuana establishment is physically separated from the protected lot by a natural or other physical feature that makes pedestrian access between the two lots impractical.

LUO Section 10.29.1 (in effect prior to July 16, 2021).

B. Interpretation of LUO Section 10.29.1.

Maine statutory law requires adult use marijuana establishments such as the one proposed by Wheelock to be at least 1,000 feet from the property line of a preexisting public or private school. (*See* 28-B M.R.S. § 402, setting forth minimum authorization criteria.) This statute contains an exception, in which a municipality by ordinance or other regulation may reduce the minimum 1,000-foot setback but in no instance less than 500 feet from the property line of a preexisting public or private school. *Id.*

LUO Section 10.29.1 falls within this exception, stating an applicant may obtain authorization to operate a marijuana establishment down to a minimum setback of 500 feet from the property line of a preexisting public or private school *provided* at least one of two conditions are satisfied as set forth in subsections 1 and 2 above.

Focusing on Section 10.29.1.2 regarding impractical pedestrian access, the Board finds this language plain and unambiguous in its meaning. Its clear objective is focused on conditions that render pedestrian access impractical by means of either a natural or physical feature when comparing the relationship or characteristics between the proposed marijuana establishment and a protected lot (here, a school).

The Board interprets Section 10.29.1.2 to mean a fence is plainly a physical feature that may be considered as a type of barrier impeding or otherwise rendering pedestrian access

impractical. This is because fences, depending on design specifications, existing/proposed conditions, and conditions of repair, maintenance, and upkeep, have the capacity to impede or make impractical pedestrian access within the meaning of Section 10.29.1.2.⁴ The Board further interprets Section 10.29.1.2 to allow consideration of a building or portion thereof (such as a partition wall), at least in combination with other physical features such as fence, to also be examined as a physical feature that may render pedestrian access impractical.

Additionally, the Board interprets Section 10.29.1.2 to permit consideration of natural or other physical features (such as fences) both on and off the subject property of a proposed marijuana establishment. In reaching this interpretation, the Board notes Section 10.29.1.2 identifies “marijuana establishment” as one point of reference in comparison to the “protected lot” as the other. Stated differently, Section 10.29.1.2 does not state “The *lot containing* the marijuana establishment is physically separated from the protected lot ... “– such “lot” point of reference is omitted from the language relative to the marijuana establishment. While the latter phrase in Section 10.29.1.2 describes pedestrian access between the two lots being impractical, on balance the Board finds the objective of this subsection is to make pedestrian access impractical relative to the marijuana establishment as set forth in the lead-in language, thereby allowing consideration of natural or other physical features on the subject property lot.

Finally, the Board interprets Section 10.29.1 to mean if either of the independent conditions are met in subsections 1 or 2 (assuming an applicant is pursuing one or more of these conditions), then the applicant gets the benefit of the reduced minimum setback of 500 feet. In reaching this conclusion, the Board examined the use of the term “may” in the context of the LUO and in recognition that private property rights are at stake as part of an application review (i.e., as a quasi-judicial proceeding). The Board is persuaded in these circumstances the term “may” connotes a mandatory as opposed to a purely directory or discretionary meaning in its application – *provided* the underlying conditions are fully satisfied to permit the authorization (here, a reduced minimum setback to 500 feet). Stated differently, the term “may” in this instance does not involve a procedural requirement without stated consequences or sanctions, but rather involves a substantive inquiry on the exercise of private property rights through zoning in whether a specific activity is permissible.⁵

⁴ The LUO defines a “fence” as “An enclosed barrier consisting of wood, vinyl, recycled/composite materials, stone, metal, or similar material intended to prevent ingress and egress.” (*LUO Section 17, Definitions.*)

⁵ See e.g., *Collins v. State*, 213 A.2d 835, 837-88 (Me. 1965) (“The word ‘may’ in a statute is to be construed ‘must or ‘shall,’ where the public interest or rights are concerned, and the public or third persons have a claim *de jure* that the power shall be exercised.’ Expressed more fully: ‘The word ‘may’ in a statute will be construed to mean ‘shall’ or ‘must’ whenever the rights of the public or third persons depend on the exercise of the power to perform the duty to which it refers; and such is its meaning in all cases where the public interests and rights are concerned, or where a public duty is imposed upon public officers, and the public or third persons have a claim *de jure* that the power shall be exercised. Or, as the rule is sometimes expressed, whenever a statute directs the doing of a thing for the sake of justice or the public good, the word ‘may’ will be read ‘shall.’”) (citing *Pierson v. People ex rel. Walter*, 201 Ill. 456, 68 N.E. 383, 386 (1903)); cf. *Doe v. Board of Osteopathic Licensure*, 2020 ME 134, ¶¶ 10-14, 242 A.3d 182.

C. Whether the Application Presents “Physical Features” Consistent with 10.29.1.2 Criteria.

The Board further determined that the type of fence system proposed by Wheelock (approximately 5-foot high chain link fence with barbed wire and locked gate system with additional security detail in combination with the building and proposed partition wall, collectively enclosing the proposed marijuana establishment) satisfies the other physical feature elements of LUO Section 10.29.1.2, subject to (i) any reasonable conditions that may be imposed by the Planning Board for ongoing fence, building, and security operations and additional improvements, repairs, maintenance, and upkeep; and (ii) satisfaction of sufficient right, title, and interest considerations.

D. Motion & Vote.

For the reasons set forth above, the Gardiner Board of Appeals adopted the following motion:

MOTION: The fence and wall as described in the record satisfies the requirements of LUO Section 10.29.1.2; the applicant (Wheelock) receives the benefit of the 500-foot setback as allowed by LUO Section 10.29.1; the Planning Board record (upon remand) remains open to new evidence until the Planning Board finalizes its review of the Wheelock application⁶; and the appeal is granted and hereby remanded for further development consistent with these findings and determinations of the Board and to continue the application review.⁷

VOTE: 4-0 (unanimously adopted)

⁶ The Board noted that in addition to fence/building/partition wall items detailed in this Notice of Decision and Order regarding any reasonable conditions and right, title, and interest considerations, the Planning Board would still need to review all other applicable ordinance standards against Wheelock’s application to determine compliance or non-compliance.

⁷ In light of the Board’s determinations, it was unnecessary to reach Wheelock’s claim that he alternatively complied with Section 10.29.1.1.

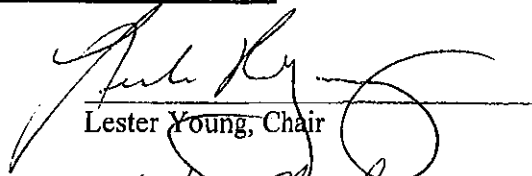
ORDER

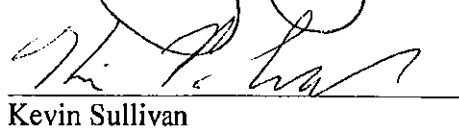
The Board GRANTS the Wheelock administrative appeal thereby reversing the Planning Board's decision, and hereby REMANDS the application back to the Planning board for further development consistent with these findings and determinations of the Board and to continue the application review.

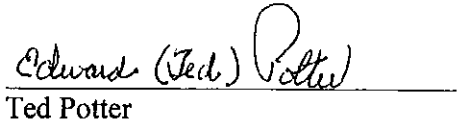
The City Clerk shall record this Notice of Decision and Order and cause it to be sent to all necessary and appropriate parties.

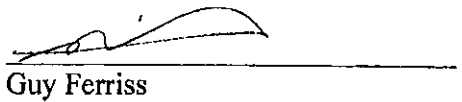
Dated this 16th day of September, 2021, in Gardiner, Maine

GARDINER BOARD OF APPEALS


Lester Young, Chair


Kevin Sullivan


Ted Potter


Guy Ferriss

Right of Appeal

In accordance with Section 2.4.3.3 of the Gardiner Land Use Ordinance, all appeals of decisions of from the Board of Appeals shall go to the Superior Court according to state law including, without limitation, in accordance with 30-A M.R.S. § 4482-B.