

MMK Properties LLC

Application for Planning Board Review

City of Gardiner Maine

Summary- MMK Properties LLC has signed a lease for an existing industrial space at 8 ABJ Drive Unit 2 Gardiner Maine 04345 to commence on June 1 2021 and last for a minimum period of five years. Tom Milton is the managing partner of MMK Properties LLC.

MMK Properties proposes to upfit the interior of the building for a licensed medical marijuana cultivation facility. Design is handled by Whipple Callender Architects and CannabiDol Consulting. After Planning Board Approval, we will file for a building permit based on the attached plans. We are currently in the process of interviewing contractors.

Upon completion of the construction and approval for Certificate of Occupancy, the building will be sub leased to Flying Fish, LLC, a single member LLC owned by Frazer Milton who currently is the head grower of a similar sized medical marijuana cultivation facility in Portland Maine. Frazer Milton is also a licensed Maine Medical Marijuana Caregiver. Flying Fish LLC will submit a Tier 2 Marijuana Business License Application to the City of Gardiner in appropriate time. To properly utilize the space, On Deck, LLC will also sub lease space in the building. On Deck LLC is a single member LLC owned by Virginia Stuart Milton, a soon to be licensed Maine Medical Marijuana Caregiver. There will be 1-2 employees in the building on a daily basis and a maximum of 4 employees on an occasional basis.

Frazer Milton runs a very clean cultivation facility in Portland Maine and intends to do the same in Gardiner. Although current State law does not require it, we will have monitored security systems and recorded video cameras inside and outside the building. We also have an odor mitigation plan in place so there should be no smell of our product outside of growing and processing rooms. Thank you for your consideration.



City of Gardiner
Planning Board Review Application

Project Name: MMK Properties LLC/ Flying Fish LLC Project Cost: \$246,000.00

Date of submission: 5/10/2021 Received by: AMC Fees: 125

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

Upfit an existing empty industrial building for an indoor medical marijuana grow, sub lease to licensed Maine Medical Caregivers who are family members (Frazer Milton- Flying Fish LLC, Stuart Milton- On Deck LLC). Obtain local building permit and local Marijuana business license.

Anticipated beginning/completion dates of construction: 7/1/2021 / 8/15/2021

1. **General Information:** (6.3.2)

Name of Property Owner: STRR LLC

Address: 573 High Street West Gardiner, ME 04345

Phone/Fax No: 207-582-8810 fax-207-582-8847

Applicant/Agent Name: Tom Milton- MMK Properties, LLC

Address: 3 Deering Street Unit 3 Portland, ME 04101

Phone/Fax No 704-650-9757 (no fax)

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

Name: Joe Delaney- Whipple Callendar Architects

Address: 136 Pleasant Street Portland, ME 04103

Phone/Fax No 207-775-2696 Fax-207-775-3631

Name: _____

Address: _____

Phone/Fax No _____

Name: _____

Address: _____

Phone/Fax No _____

Signature: Tom Milton Date: 5/10/2021

2. Property Information: (6.3.2)

*Property Location: 8 ABJ Drive Unit 2 City Tax Map 019 Lot 002-A

*Deed Reference Book: ¹³⁵⁴⁴ ~~13435~~ Page ¹⁸⁶⁻¹⁹³ ~~75~~ Zoning Districts 18

Copy of the tax map is attached

Letter of permission from the owner to build and operate a marijuana grow is attached

3. Development Information: (6.3.2.7)

One or more site maps drawn to scale showing the following: (6.3.2.7.1)

a.) The existing conditions on the property including:

1. The property boundaries

The Property boundaries are shown on the attached topographic map and tax maps.

2. The zoning district and zoning district boundaries if the property is located in more than one

The property at 8 ABJ Drive is located in the Planned Development Zoning District.

3. The location of required setbacks, buffers and other restrictions:

This is an interior upfit of an existing building so no setbacks or restrictions affect this project.

4. The location of any easements or rights of way:

This is an interior upfit of an existing building so there are no changes proposed for 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 property.

The location of existing structures is shown on the tax map and topographic map. Unit 1 of the building is occupied by KL Jack Industrial Fasteners and Supplies, MMK Properties LLC/Flying Fish LLC will occupy Unit 2, Unit 3 has recently completed upfit and is now occupied by a company that manufactures chicken pot pies. There is a separate building on the property that is 7 ABJ Drive and it is occupied by Interstate Fire Protection.

6. The locations of existing utilities on and adjacent to the property including sewers, water mains, stormwater facilities, gas mains, and electric and other telecommunications facilities;

Electric, water, sewer and telecommunications lines all run along Brunswick Avenue and enter the front of the property from the Brunswick Avenue side. We understand that a natural gas line has been approved and permitted to run along Brunswick Avenue and that will be installed later this year.

7. The location of the nearest source of a fire protection water supply (hydrant, fire pond, etc).

The nearest fire hydrant is located at the intersection of Brunswick Avenue and Old Brunswick Avenue and this hydrant is approximately 400 feet from the property.

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.

This is an existing building in an existing business park. A topographic map is attached that shows only very slight change in elevation throughout the property +/- 8 feet. Drainage is generally towards the rear of the property.

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;

The topographic map attached shows some wetlands on the northeast corner of the property and a smaller wetland area on the eastern corner of the property. These wetlands are well away from the building that we will occupy. There is city water and sewer attached to the building so our business activities should not have any effect on the wetlands.

10. The location and type of any identified historic or archeological resource on the property.

There are no identified historic or archeological resources on the property.

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

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:

This existing structure has city water and sewer connections. Our estimated water consumption is approximately 300 gallons per day. We intend to recycle condensate from our dehumidification systems in the grow rooms and due to the nature of a marijuana grow operation, our sewer output should be substantially less than our water input. A letter has been sent to Jerry Douglass of the Gardiner Public Works Department and also to Doug Clark of the Gardiner Waste Water Treatment Department to verify that we will not negatively impact currently available public services.

2. The direction of proposed water drainage across the site and from the site together with the proposed location of all stormwater facilities and evidence of the adequacy.

This is an existing building, in an existing business park. We will not make any modifications to the roof, exterior, parking area or drainage systems.

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.

This is an existing building in an existing business park. We will not expand or modify the current footprint of the building.

4. The location, dimensions and materials to be used in the construction of drives, parking areas, sidewalks and similar facilities.

This is an existing building in an existing business park. We will not modify the driveway, parking areas, sidewalks or other outdoor areas.

5. The proposed flow of vehicular and pedestrian traffic into and through the property.

This is an existing building in an existing business park. Traffic currently flows to and from Brunswick avenue. We will not make any modifications or have any significant impact on the traffic to and from the building or the neighboring building. We anticipate that there will never be more than four vehicles at our business, and usually just one, so we have more than adequate parking provided by the landlord.

6. The location and details for any signs proposed to be installed or altered.

We will not have any signage at all on our part of the building or on the larger sign for the business park.

7. The location and details for any exterior lighting proposed to be installed or altered.

There are currently no exterior lights on Unit 2 of the building. We will add three Motion detector activated wall pack type lights to each side of the building (front and rear) and also add a switch activated Wall pack type light at each of the doors that we will be using.

8. Provisions for landscaping and buffering.

This is an existing building in an existing business park. In our lease we have agreed to pay the landlord a monthly Common Area Maintenance fee so that they can continue to maintain the existing landscaping in the business park.

9. Any other information necessary to demonstrate compliance with the review criteria or other standards of the Land Use Ordinance.

This is an existing building in an existing business park so there is no additional information on this item at this time.

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

Tom Milton has experience obtaining building permits in other areas of the country and will utilize the assistance of Whipple Callender Architects and subcontractors as necessary to obtain all required permits for this proposal.

Additional information required:

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

This is an existing building in an existing business park. We do not intend to make any changes to the exterior of the building with the exception of the addition of HVAC units at the rear of the building. Architects drawings are attached to this document.

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.

This is an existing building in an existing business park. We anticipate one to two cars per day arriving at about 8:00 AM, leaving and returning mid day for lunch and then leaving by 6:00 PM. We believe that Brunswick Avenue and the current business park can accommodate our vehicular traffic with no impact to current traffic flows or patterns.

An erosion and sedimentation control plan;

This is an existing building in an existing business park. We will only be modifying the interior of the building and will not impact the current erosion and sedimentation control plan of the business park.

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 base on the scale of the project and the existing conditions in the vicinity of the project.

This is an existing building in an existing business park. Our proposed plans will not increase stormwater runoff in any way.

Elevation drawings prepared by a professional engineer or architect showing the façade and roof of the side of all proposed structures facing the road and the side facing the customer entrance. The drawings shall clearly illustrate the profile of the roof. All façade and roof materials shall be identified including color and texture.

This is an existing building in an existing business park. Our proposal does not make any changes to the existing façade, roof or entrances to the building.

Photographs or similar photo representations or drawings showing the architectural design and context of the proposed structures and adjacent properties on the both sides of the road.

This is an existing building in an existing business park. Our proposal does not alter the existing exterior of the building.

Survey Requirements

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 an undeveloped parcel or tract of land, whenever 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.

This is an existing building in an existing business park. Our proposal does not modify the exterior or the footprint of the existing structure.

City of Madison

Receipt

REPRINT 242
01/24/21 12:10 PM 10:45H 71002:1
REPRINT 71002:1
GENERAL RECEIPTS
CITY - 1 8 ABY DNY 125.00
PR - REPRINT
Total: 125.00
Paid By: DEBORAH O MILSON
REPRINT 242
Check : 125.00
10104 - 125.00



Maine Medical Use
Of Marijuana

Date Issued: 05/07/2021
Expires: 05/06/2022

Individual Caregiver

THOMAS FRAZER MILTON

No Retail Location Provided

Registration #: **CGR30108**

Authorized for: **Plant Canopy-500 square feet**

Control #: **292044**

Address: 3 DEERING ST APT 3, FORTLAND, ME 04101-2331

If found, please return to:

Maine Medical Use Controlled Substance Program

102 STATE HOUSE STATION

19 UNION STREET

FIRST FLOOR

AUGUSTA, ME 04333-0162

Additional Studies

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.



Advisors

Wells Fargo Advisors
MAC H0005-035
One North Jefferson Avenue
St. Louis, MO 63103

May 17, 2021

Thomas J. Milton
160 Pearson Lane
Black Mountain, NC 28711

RE: Verification of Assets

Dear Thomas J. Milton:

This letter confirms that:

- (i) You maintain Brokerage accounts with Wells Fargo Clearing Services, LLC (“Wells Fargo Advisors”);
- (ii) As of 05/17/2021, these Account maintains a total account value in excess of \$1,000,000.

This letter is provided for informational purposes and does not represent future Account value, if this said Account will remain with Wells Fargo Advisors in the future, any purposes not mentioned in this letter, or the creditworthiness of the person(s) referenced within. Wells Fargo Advisors will have no liability with any party's reliance on this letter or the information within.

Sincerely,

Anita Jackson
Securities Operations Services Specialist 3
Client Mailings – Verifications & Inquiries

Investment and Insurance Products are:
• Not Insured by the FDIC or Any Federal Government Agency
• Not a Deposit or Other Obligation of, or Guaranteed by, the Bank or Any Bank Affiliate
• Subject to Investment Risks, Including Possible Loss of the Principal Amount Invested



Financial Capacity

MMK Properties LLC is a multi member partnership that intends to upfit the interior of 8 ABJ Drive in Gardiner, Maine 04345 and sub lease the building to Flying Fish LLC and On Deck LLC to legally cultivate medical marijuana. The partners consist of Thomas Jerome Milton, Virginia Stuart Milton, Thomas Frazer Milton and Phillip W Kahan. Each of the partners will contribute funds to the project.

Thomas Jerome Milton is the managing partner of MMK Properties LLC and he has sufficient assets invested with Wells Fargo Advisors to complete the entire project and pay expenses to get through the first sale of product if necessary. Thomas Jerome Milton will provide a confidential financial statement to the City of Gardiner upon request provided that: A. this information will not become a part of the public record and B. the person requesting and reviewing the financial statement will sign a non disclosure agreement to be provided by Thomas Jerome Milton.

Abutters

Attached is a list of abutting properties. As required, we will send a letter to each abutter in the prescribed time period prior to our hearing before the Planning Review Board. We will also place an advertisement in the local newspaper in the same time frame.

Municipal Approvals

Emails were sent to the Police Chief, Fire Chief, Head of Wastewater treatment and head of Public Works on May 11, 2021 explaining our proposed business and asking for their confirmation that we will not negatively impact municipal services.



200 foot Abutters List Report

Gardiner, ME
March 16, 2021

Subject Property:

Parcel Number: 019002A
CAMA Number: 019002A
Property Address: 8 ABJ DR #STE 1-4

Mailing Address: 186 INVESTMENTS LLC
186 FORESIDE RD
CUMBERLAND, ME 04110

Abutters:

Parcel Number: 019002
CAMA Number: 019002
Property Address: BRUNSWICK AV

Mailing Address: GOODALL PROPERTIES LLC
PO BOX 335
TOPSHAM, ME 04086

Parcel Number: 019002C
CAMA Number: 019002C
Property Address: 25 ABJ DR

Mailing Address: LOVELY WILLIAM E LOVELY ANETTE
25 ABJ DR
GARDINER, ME 04345

Parcel Number: 019003
CAMA Number: 019003
Property Address: 16 PUSHARD LN

Mailing Address: SHOREY FEDERICA L
PO BOX 72
GARDINER, ME 04345

Parcel Number: 019014
CAMA Number: 019014
Property Address: BRUNSWICK AV

Mailing Address: GOODALL PROPERTIES LLC
PO BOX 335
TOPSHAM, ME 04032

Parcel Number: 019014A
CAMA Number: 019014A
Property Address: 563 BRUNSWICK AV

Mailing Address: 186 INVESTMENTS LLC
186 FORESIDE RD
CUMBERLAND, ME 04110

Parcel Number: 019014B
CAMA Number: 019014B
Property Address: BRUNSWICK AV

Mailing Address: GARDINER POLICE ASSOCIATION
6 CHURCH ST
GARDINER, ME 04345

Parcel Number: 019043
CAMA Number: 019043
Property Address: 233 OLD BRUNSWICK RD

Mailing Address: WHITE JOSEPH T WHITE MARY A
(RIDEOUT)
233 OLD BRUNSWICK RD
GARDINER, ME 04345-2414

Parcel Number: 019044
CAMA Number: 019044
Property Address: 572 BRUNSWICK AV

Mailing Address: PONZIANI MICHELLE R PONZIANI
CHRISTIAN
P O BOX 845
GARDINER, ME 04345

Parcel Number: 019049
CAMA Number: 019049
Property Address: OLD BRUNSWICK RD

Mailing Address: BEAULIEU NICHOLAS J
18 WOODS RD
WEST GARDINER, ME 04345

Parcel Number: 019050
CAMA Number: 019050
Property Address: 257 OLD BRUNSWICK RD

Mailing Address: TRUDEAU JULIE K TRUDEAU DEREK
C/O DEREK TRUDEAU 69 NECK RD
LITCHFIELD, ME 04350



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

3/16/2021

~~Page 4 of 21~~

20



200 foot Abutters List Report

Gardiner, ME
March 16, 2021

Parcel Number: 019050A
CAMA Number: 019050A
Property Address: 576 BRUNSWICK AV

Mailing Address: CHRYSALIS PLACE
PO BOX 542
GARDINER, ME 04345

 CAI Technologies

www.cai-tech.com

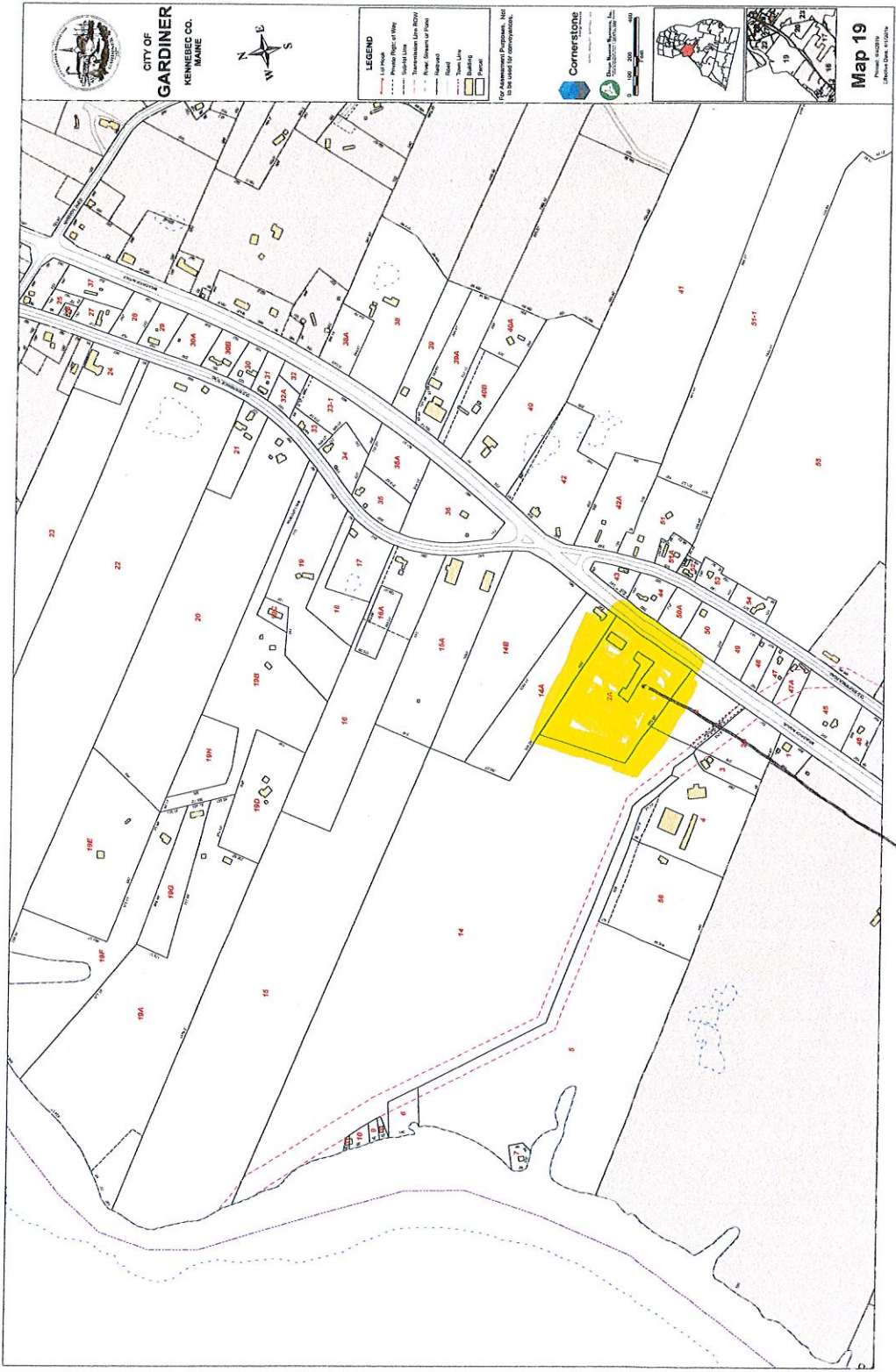
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3/16/2021

Abutters List Report - Gardiner, ME

21



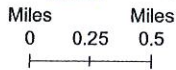


8 ABS Drive

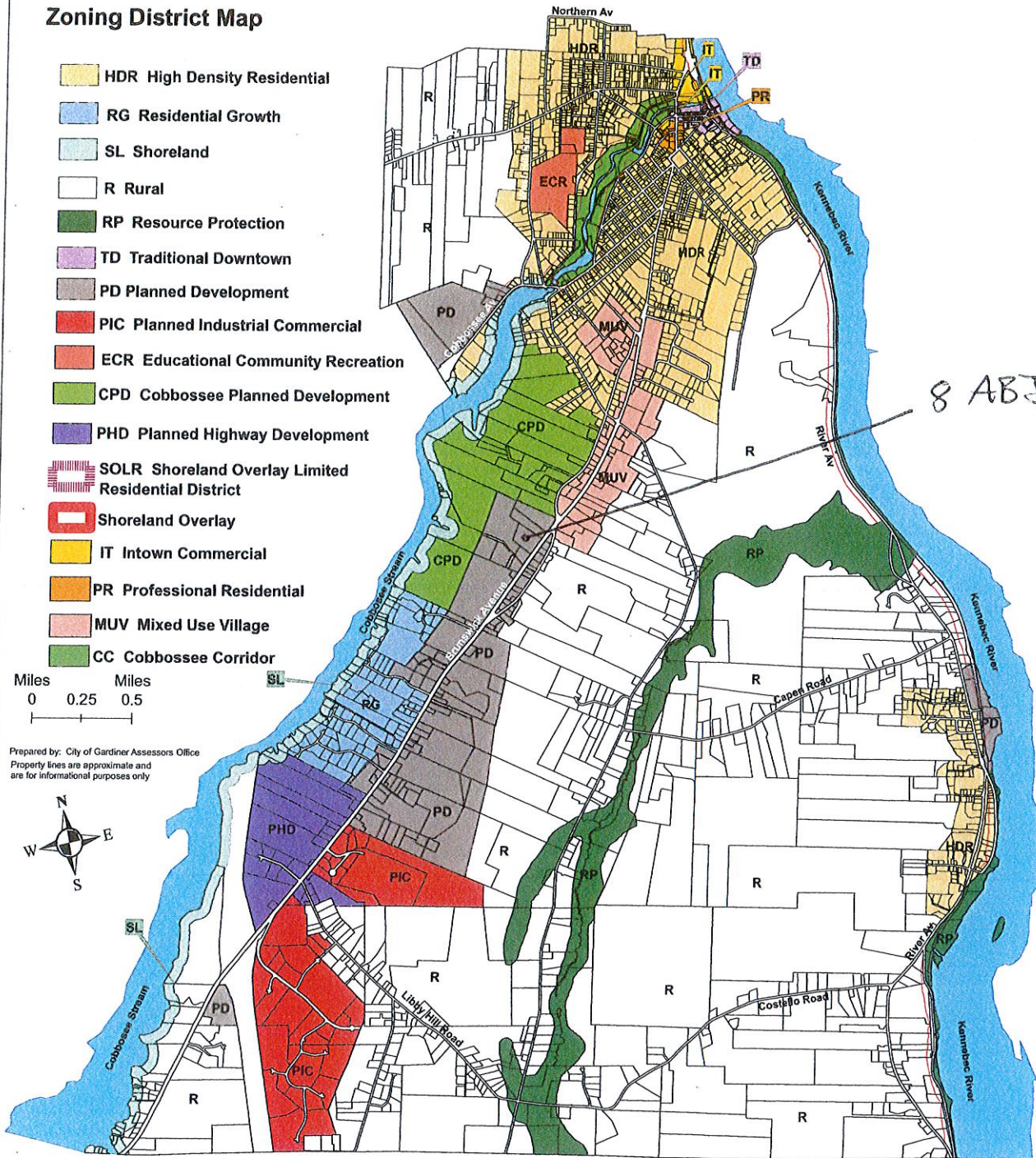
City of Gardiner
Zoning District Map

Adopted September 4, 2019
Effective October 4, 2019

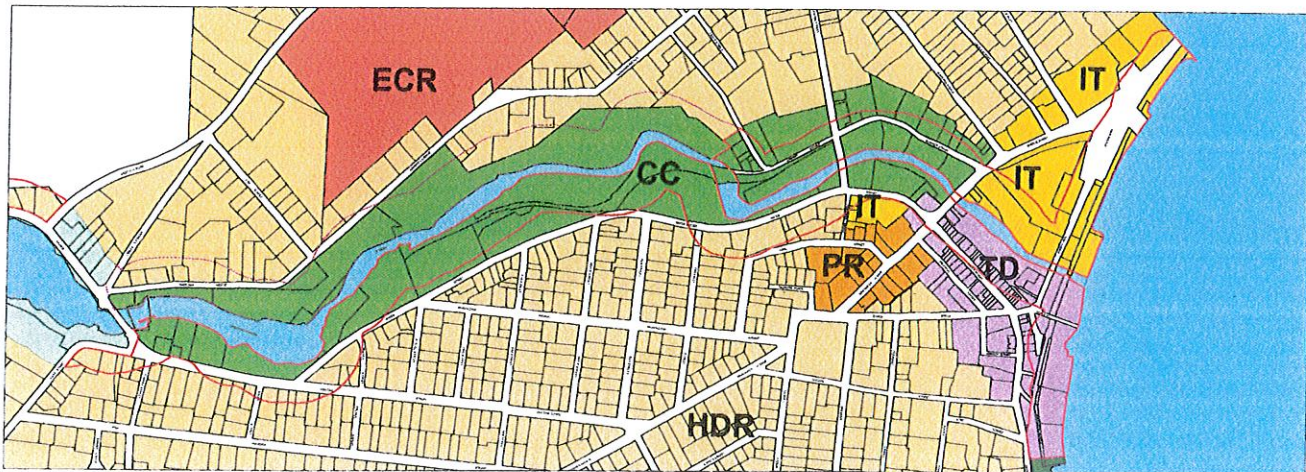
- HDR High Density Residential
- RG Residential Growth
- SL Shoreland
- R Rural
- RP Resource Protection
- TD Traditional Downtown
- PD Planned Development
- PIC Planned Industrial Commercial
- ECR Educational Community Recreation
- CPD Cobbossee Planned Development
- PHD Planned Highway Development
- SOLR Shoreland Overlay Limited Residential District
- Shoreland Overlay
- IT Intown Commercial
- PR Professional Residential
- MUV Mixed Use Village
- CC Cobbossee Corridor



Prepared by: City of Gardiner Assessors Office
Property lines are approximate and are for informational purposes only



8 ABJ Drive

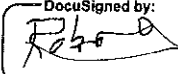


Downtown Zoning

STRR, LLC
537 High St, West Gardiner, ME 04345

To Whom it may concern;

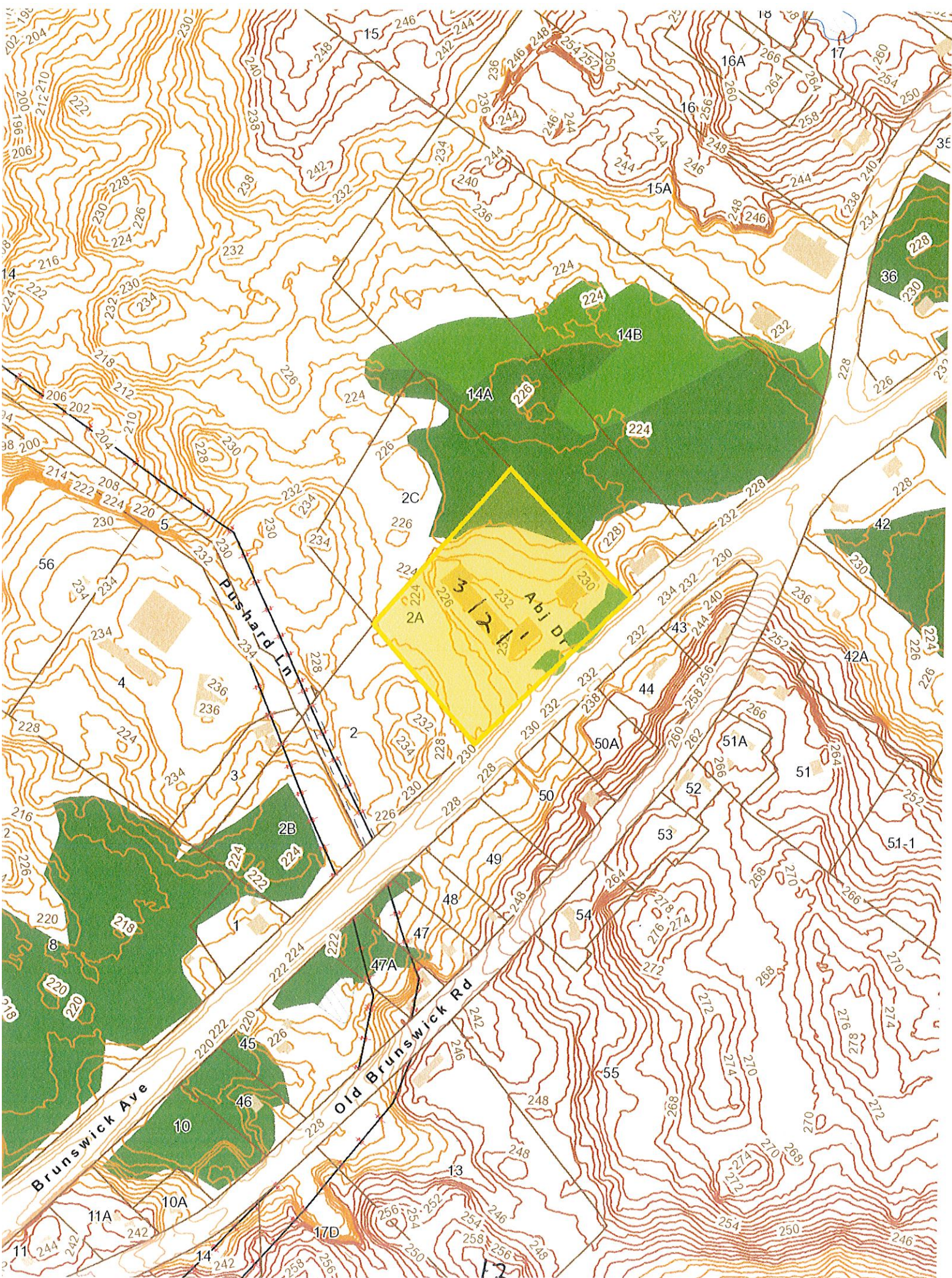
MMK Properties, LLC and its subleases have permission to upfit and use the space in Unit 2 of 8 ABJ Drive Gardiner, Me, 04345 for a licensed Marijuana Cultivation facility upon execution of lease.

DocuSigned by:


4/12/2021

B41739F353AA4E8...
Robin Spencer
STRR LLC Member

Date



Property Card: 8 ABJ DR #STE 1-4
 City of Gardiner, ME



Parcel Information	
Parcel ID: 019002A Vision ID: 2703 Owner: 186 INVESTMENTS LLC STRR LLC Co-Owner: Mailing Address: 186 FORESIDE RD 573 High St GUMBERLAND, ME 04110 West Gardiner, ME 04345	Map: 019 Lot: 002-A Use Description: COMM WHSE MDL-94 Zone: 18 Land Area in Acres: 2.84
Sale History	Assessed Value
Book/Page: 13435/75 Sale Date: 12/12/2019 Sale Price: \$241,500	Land: \$58,200 Buildings: \$749,900 Extra Bldg Features: \$0 Total Improvements: \$854,100 Total: \$912,300

Building Details: Building # 1		
	Model: Commercial Living Area: 15116 Year Built: 2000 Style: Pre-Eng Warehs Stories: 1 Occupancy: 3 No. Total Rooms: No. Bedrooms: No. Baths: No. Half Baths:	Int Wall Desc 1: Minim/Masonry Int Wall Desc 2: Ext Wall Desc 1: Pre-finish Metl Ext Wall Desc 2: Roof Cover: Metal/Tin Roof Structure: Flat Heat Type: Hot Water Heat Fuel: Gas A/C Type: None

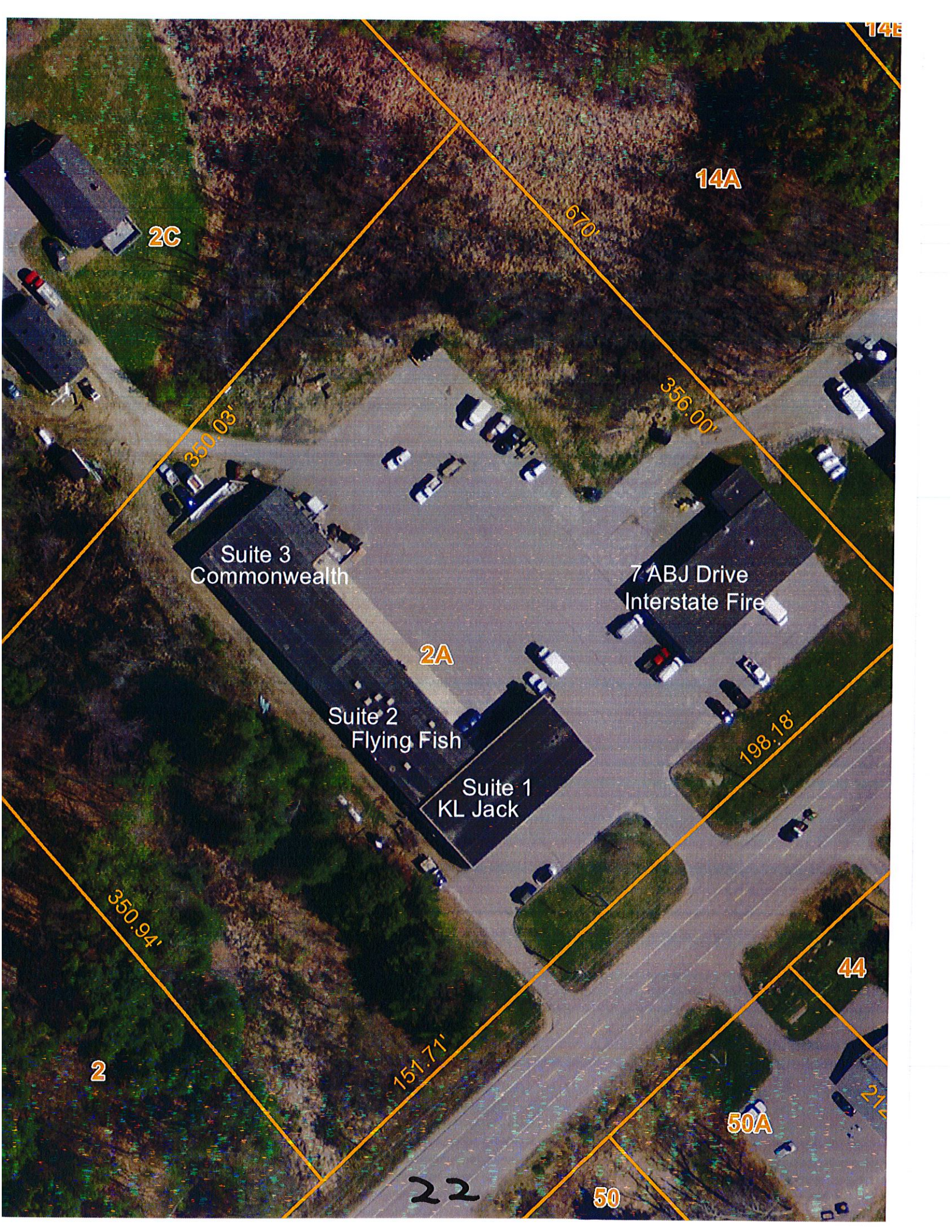


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5/11/2021

14



14E

14A

2C

670'

350.03'

356.00'

Suite 3
Commonwealth

7 ABJ Drive
Interstate Fire

2A

Suite 2
Flying Fish

Suite 1
KL Jack

198.18'

350.94'

44

2

151.71'

22

50

50A

21

BASEMAPS >

MAP LAYERS >

- Wetlands 1 2
- Riparian 1 2
- Riparian Mapping Areas 1 2
- Data Source 1 2
 - Source Type
 - Image Scale
 - Image Year
- Areas of Interest 3
- FWS Managed Lands 1 2
- Historic Wetland Data 1 2





GARDINER POLICE DEPARTMENT



Chief James M. Toman

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

Mr. Tom Milton
MMK Properties, LLC
Flying Fish, LLC
8 ABJ Drive Unit 2
Gardiner, Maine 04345

Per review criteria 6.5.1.13- Based upon information provided by Mr. Milton, this business that wishes to be at 8 ABJ Drive #2, Gardiner, appears to have appropriate operational and safety and security measures in place to operate in the City of Gardiner. It is my belief that the Gardiner Police Department will have the ability to respond promptly, safely and effectively to any emergency or criminal activity that may occur at the above mentioned business location. This business, as with any type of 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. For the benefit and safety of all, it is imperative that the appropriate standards and requirements that are establish by the State of Maine and by the City of Gardiner to operate this type of business are always, strictly followed by the business owner.

Sincerely,

Chief James M. Toman
Gardiner Police Department
City of Gardiner



**CITY OF GARDINER
FIRE & RESCUE DEPARTMENT**



Chief Richard Sieberg

May 13, 2021

Dear Tom Milton,

I have received your application to establish a business at 8 ABJ Drive Unit 2 in Gardiner under the name Flying Fish LLC. Upon careful review of your proposal and discussion with the City's Code Enforcement officer I feel comfortable that your business will not create a significant impact on the Fire Department.

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

Sincerely,

Richard Sieberg
Gardiner Fire Department
Fire Chief



Tom Milton
8 ABJ Drive
Gardiner Maine, 04345

May 11, 2021

Dear Tom,

Based on the information you provided for the medical marijuana cultivation facility located at 8 ABJ Drive, 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



May 10, 2021

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

RE: MMK Properties, LLC

Based on the information provided for the medical marijuana cultivation facility located at 8 ABJ Drive, this project will not create any additional usage of the Wastewater Treatment Facility.

Best regards,

Douglas E. Clark
Wastewater Director
City of Gardiner, Maine



GARDINER WATER DISTRICT

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

May 24, 2021

To Whom It May Concern:

In reference to your proposed medical marijuana cultivation facility to be located at 8 ABJ drive, the Gardiner Water District has the capacity to serve this business. Also, the operation of this facility will cause no negative impact to operations of the Gardiner Water District.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul Gray", with a long, sweeping underline.

Paul Gray Superintendent, Gardiner Water District