



PLANNING BOARD MEETING AGENDA

Thursday June 18, 2020

Burgess Meeting Room, Berwick Town Hall

6:30 p.m.

Call to Order

Pledge of Allegiance

Introduction of Board Members

Public Comment

Approval of Minutes

1. May 21, 2020
June 4, 2020

Presentation

- Kristie Rabasca – MS4 Permit and Land Use Ordinance Amendments

New Business

- Site Plan Review. Multifamily (adding 1 unit to make 3 total). 55 School Street (U3-1) C/I Zone and Village Overlay District. Andrea Burns.
- Conditional Use Application. Adult Use Marijuana Storefront and Adult Use Cultivation Facility. 468 Portland Street (R71-7) RC/I Zone. Herbal Pathways
- Land Use Ordinance Amendments

Public Hearing

Old Business

Public Comment

Informational Items

Adjournment



PLANNING BOARD MEETING MINUTES

Thursday May 21, 2020

Zoom Virtual Meeting

6:30 p.m.

Call to Order

Pledge of Allegiance

Introduction of Board Members

Dave Andreesen; Sean Winston; Frank Underwood; David Ross-Lyons

Regular Member Absent: Michael LaRue; Nichole Fecteau

Alternate Member Absent:

Staff Members Present: Lee Jay Feldman, Director of Planning; James Bellissimo, Planner; Jenifer McCabe, Code Enforcement Officer

Public Comment

Approval of Minutes

1. May 7, 2020

Motion: Sean Winston motioned to approve the minutes as presented.

Second: David Ross-Lyons

VOTED – 4-0 in favor

Motion Passed

In favor: Dave Andreesen; Sean Winston; Frank Underwood; David Ross-Lyons

Opposed: None

Abstain: None

Public Hearing

2. Site Plan Review. Solar Array (Essential Services & Construction over 3,000 ft²). 193 Route 236 (R66 6-A) R2 Zone. Berwick Solar, LLC.

David Dagan of 189 Route 236 introduced himself as an abutter to the project. Mr. Dagan expressed concern about their well being contaminated by the elements in the solar array.

Mr. Dagan said it will also be an eye sore and it will impact the beauty in the area. Debra Dagan said her main concern is if one of the solar panels gets damaged, it could contaminate their well.

Margaret Wilson-Dagan of 15 Pigtail Lane introduced herself as an abutter to the project. Ms. Dagan's concern is that they are going to see the array from their house. Ms. Dagan asked where the fence will be placed.

Old Business

2. Site Plan Review. Solar Array (Essential Services & Construction over 3,000 ft²). 193 Route 236 (R66 6-A) R2 Zone. Berwick Solar, LLC.

James Bellissimo said since last meeting, staff requested a decommissioning plan. The applicants said the expected life cycle of the array is 30-50 years. Mr. Bellissimo said what happens if it is 20 years? Mr. Bellissimo said it appeared the main concern of the abutters is the risk of contamination. The applicants said their panels would be certified and Mr. Bellissimo said this certification should be submitted as part of their application.

There was a discussion on how to ensure the decommissioning plan is followed when it was time. Lee Jay Feldman recommended not going with a bond or letter of credit due to the need to renew the letter or hold funds for an extended period of time.

Mr. Bellissimo clarified the issue with the decommission plan is forty years from now, will there be an issue of who is the owner and who is responsible? Zac Gordon of Berwick Solar, LLC said the land will continued to be owned by Les Bodwell of LRB Leasing. Mr. Gordon said the panels will have value and will not be forgotten.

Jay Conroy of Berwick Solar, LLC said the panels are made of solid material. Mr. Conroy said the panels are certified nonhazardous. Mr. Conroy said there is a very unlikely possibly that the panels pose an environmental risk and if the panels are damaged, they will be repaired within 72 hours or sooner in case of an emergency. The system is monitored. Mr. Conroy said the rating comes from UL and Mr. Feldman said this agency is a known entity.

Mr. Andreesen asked about the fencing. Gil Paquette of VHB, engineer of the project, said there will be a chain link fence seven feet in height. Mr. Paquette said the screening will be outside the fence. The screening will be six or seven species of evergreens and the heights will be seven feet at installation.

David Ross-Lyons asked about maintenance. Mr. Conroy said the maintenance is minimal.

Frank Underwood asked if there was a risk for the inverters leaking. Mr. Paquette said the old inverters used to have PCBs in them and now they have a mineral oil. Mr. Underwood asked if a lien could be placed against the property. Mr. Feldman said there

would be no reason to do so on day one. Mr. Underwood asked if decommissioning was part of the lease agreement. James Bellissimo suggested when the farm reaches 10% of production ability, that would start the clock on a decommission plan and if it was not followed then it would be subject to land use violations. Mr. Gordon requested that the proposed condition would apply to after year 30.

There was an extended discussion on landscaping. Lee Jay Feldman suggested the landscaping be planted in a way so it looks natural and not just a row of planted trees.

Mr. Underwood asked about a fill permit, Mr. Bellissimo said it will be permitted at the local level. Mr. Underwood asked about seeing soils on a map and asked about access to the lot.

Les Bodwell said lot 6A will merge into lot 6 if the project is approved.

New Business

- 3. Subdivision Amendment. Final Plan. Lot Line Adjustment. 565 Portland Street (R72 9-2) RC/I Zone. Route 4 Self Storage, LLC.**

Mr. Bellissimo said the first order of business is a lot line adjustment to a previously approved subdivision plan. Neil Rapoza, engineer for Route 4 Self Storage, LLC said the adjustment is to address a setback violation. There was a question raised about the new septic for an abutting property (569 Portland Street). Lee Jay Feldman said the new septic on the abutting property will not be impacted by the lot line adjustment.

Motion: Frank Underwood motioned to find the application complete.

Second: David Ross-Lyons

**VOTED – 5-0 in favor
Motion Passed**

In favor: Dave Andreesen; Sean Winston; Frank Underwood; David Ross-Lyons

Opposed: None

Abstain: None

- 4. Site Plan Review. Expansion of Self-Storage Facility. 565 Portland Street (R72 9-2) RC/I Zone. Route 4 Self Storage, LLC.**

Mr. Bellissimo read his memo to the Board. The expansion requires a DEP site location permit. The applicant requested a waiver on landscaping.

Neil Rapoza said the stormwater systems are designed to make the best use of limited space on the site to treat the water. Mr. Rapoza said the storm filters will need to be checked annually as prescribed by the DEP permit.

Mr. Underwood asked about the Site Plan procedure and if the ordinance should ask for responses to the letters sent to Town Departments.

Motion: Sean Winston motioned to grant the waiver for the landscape plan.

Second: Frank Underwood

VOTED – 3-1 in favor

Motion Passed

In favor: Dave Andreesen; Sean Winston; Frank Underwood

Opposed: None

Abstain: David Ross-Lyons

Site Walk Scheduled for July 16th 5PM and Public Hearing 6:30PM

5. Conditional Use Application. Sawmill. 96 Cemetery Road (R37 15-A) R2 Zone. Thomas Wright.

Mr. Bellissimo read his memo to the Board. Tom Wright of 96 Cemetery Road requested to operate his 36-horsepower sawmill. Because the sawmill is over 30 horsepower it requests a Conditional Use through Planning Board. The Berwick Land Use Ordinance sets a limit of 60 decibels in a residential zone, however maintenance on property is exempted and the primary use for the sawmill is maintenance of his and his family's abutting properties.

Mr. Wright explained he operated an 8-horsepower bandsaw mill and then bought his 36 horsepower saw mill as he was informed by the Town at the time of purchase the limit was 40 horsepower. Mr. Wright operated the sawmill for two years and then stopped using it for a period of time, he discovered the limit was 30 so that is why is seeking a Conditional Use permit.

Motion: Frank Underwood motioned to approve the waiver of the external plumbing submittal requirement.

Second: David Ross-Lyons

VOTED – 4-0 in favor

Motion Passed

In favor: Dave Andreesen; Sean Winston; Frank Underwood; David Ross-Lyons

Opposed: None

Abstain: None

Motion: Sean Winston motioned to grant the waiver for LID requirement.

Second: David Ross-Lyons

**VOTED – 4-0 in favor
Motion Passed**

In favor: Dave Andreesen; Sean Winston; Frank Underwood; David Ross-Lyons

Opposed: None

Abstain: None

Motion: David Ross-Lyons motioned to find the application complete.

Second: Frank Underwood

**VOTED – 4-0 in favor
Motion Passed**

In favor: Dave Andreesen; Sean Winston; Frank Underwood; David Ross-Lyons

Opposed: None

Abstain: None

Motion: David Ross-Lyons motioned to approve the Findings of Fact.

Second: Sean Winston

**VOTED – 4-0 in favor
Motion Passed**

In favor: Dave Andreesen; Sean Winston; Frank Underwood; David Ross-Lyons

Opposed: None

Abstain: None

Motion: Sean Winston motioned to approve the application.

Second: David Ross-Lyons

**VOTED – 4-0 in favor
Motion Passed**

In favor: Dave Andreesen; Sean Winston; Frank Underwood; David Ross-Lyons

Opposed: None

Abstain: None

Public Comment

Informational Items

Adjournment

Motion: David Ross-Lyons motioned to adjourn.

Second: Sean Winston

VOTED – 4-0 in favor

Motion Passed

In favor: Dave Andreesen; Sean Winston; Frank Underwood; David Ross-Lyons

Opposed: None

Abstain: None

Minutes prepared by Berwick Planner James Bellissimo, for consideration at the next Berwick Planning Board meeting.

Signed as Approved by the Board:



PLANNING BOARD MEETING AGENDA

Thursday June 4, 2020

Burgess Meeting Room, Berwick Town Hall & Zoom Virtual

6:30 p.m.

Call to Order

Pledge of Allegiance

Introduction of Board Members

Dave Andreesen; David Ross-Lyons; Michael LaRue; Nichole Fecteau

Regular Member Absent: Frank Underwood; Sean Winston

Alternate Member Absent:

Staff Members Present: James Bellissimo, Planner; Jenifer McCabe, Code Enforcement Officer

Public Comment

Approval of Minutes

1. May 21, 2020

David Ross-Lyons and Michael LaRue pointed out typos.

Motion: Nichole Fecteau

Second: David Ross-Lyons

VOTED – 2-0-2 in favor

Motion Not Passed

In favor: Dave Andreesen; David Ross-Lyons

Opposed: None

Abstain: Nichole Fecteau; Michael LaRue

Public Hearing

- Site Plan Review. Adult Use Marijuana Cultivation Facility. 11 Pond Road (R70-16) RC/I Zone. CAF Realty of Maine.

Jerry and Alyson Graybill said they oppose the project for the following reasons:

- There are legal issues with the project, including issue with the road easement and sewer easement.
 - Ms. Graybill brought up the definition of frontage. Ms. Graybill asked if the gravel driveway will serve as legal access to the lot.
 - Ms. Graybill said the marijuana will produce potentially hazardous waste.
 - The Graybills requested that the Planning Board not act on the application until the easement issues are rectified.
- Concerned with private well and South Berwick water supply.
- Concern with odor.
- Overall impact to the neighborhood.
- Ms. Graybill said they would like to see the facilities clearly designated if there was a fire that there is a distinction from the existing apartments on 11 Pond Road.
- Because of concern of runoff and contamination, the Graybills were wondering if the DEP has been contacted.
 - Chapter 700 states that no hazardous waste can be within 300' of a wellhead.
- Crime. Ms. Graybill said the Credit Union ATM close by was broken into and the 4' fence with barbed wire is not sufficient.

Ben Gauthier of 2 Pond Road asked what value the production facility would bring to the Town. Mr. Gauthier encouraged the Planning Board to consider the health and welfare of the neighborhood. Mr. Gauthier expressed concern with the Mr. Ayer's approach to dealing with the septic easement. Mr. Gauthier said the circumstances of the process have not been fair nor equitable.

Paul Amatucci of 12 Perry Way said his property has a view to the proposed building. Mr. Amatucci said there are too many outstanding issues for the Board to move forward.

Mr. Amatucci asked if it is permissible to build a road over an easement without the permission of the easement holder. Mr. Amatucci said every single facility in the country gives off odor and carbon filtration is not enough, what is needed is reverse pressure environments. Mr. Amatucci said this is an issue particularly because of the neighborhood with small children and DEP needs to weigh in because of the wetlands associated with the property. Mr. Amatucci said property values will be adversely impacted and the neighborhood would lose equity in their homes.

Heidi Leveille, co-owner of 13 Pond Road, said she opposes the project for the reasons said by her neighbors. Ms. Leveille said she has hired an attorney to investigate the

legality of the issues with the easement and if the applicant has the right to build a road over the pipe and that the attorney objects to the meeting behind held due to FOAA.

Alyson Graybill requested a peer review be done of the proposal for the 1,000-foot setback from Kind Farms, the 250' wetland buffer and concerns with the drinking water. Ms. Graybill asked that the hearing be continued and kept open. Ms. Graybill asked that all documents be made public.

- Site Plan Amendment. Commercial Storage. 387 School Street (R54-4) R2 Zone. PK Storage, LLC.

The Public Hearing was closed.

Old Business

- Site Plan Review. Adult Use Marijuana Cultivation Facility. 11 Pond Road (R70-16) RC/I Zone. CAF Realty of Maine.

Dave Andreesen spoke to the concern of FOAA. Mr. Andreesen reference an order by Governor Janet Mills that the types of meeting the Town are operating in are allowed by the State of Maine. James Bellissimo said he agreed with Mr. Andreesen.

Mr. Bellissimo said there are a lot of issues to sort through. One of the issues with the septic easement is more of a civil issue. Mr. Bellissimo addressed the following issues.

- Legal Access – The legal access for the project comes from Pond Road. Frontage refers to a dimensional requirement, which comes from Pond Road.
- Property Values – Mr. Bellissimo said there is no way to distinguish the impact on property values a marijuana building would have compared to any other proposed use.

Mr. Bellissimo said performance standard #16 in the Findings of Fact which deals with the project having an adverse effect on scenic or natural beauty would be a Planning Board determination. Performance standard #1 deals with conforming to the Town's Comprehensive Plan.

- Odor Control – Carbon filtration and reverse pressure environments are the gold standard.
- 1,000-foot setback – A stamped survey was provided for the setback from the School and the engineer used a setback from the lot line from Kind Farms, which is a conservative measure, the ordinance prescribes setbacks from building to building.
- Wellhead Protection – This is an issue that will be researched for the next meeting.

- Fencing – The proposed fence could be looked at to increase in height to increase the security of the project, efforts should also go into the aesthetics to fit into the neighborhood.
- Driving over the septic pipe – Mr. Bellissimo said this could be a good issue to consult with a third-party engineer to ensure the road and access to the pipe is built in a way that protects the neighbor.
- Basin within the 250' wetland buffer
- Public Safety – The Berwick Fire Chief has submitted a memo to the Board.

Mike Sievert of MJS Engineering introduced himself as the engineer of the project. Mr. Sievert said the site has been redesigned due to the 250' wetland buffer. Mr. Sievert said you can drive over septic pipes and roads can go over easements and there is no language that says otherwise. Mr. Sievert said a sleeve will be installed and that if there were issues it could be taken care of without tearing up the road.

Mr. Sievert said a clear designation for the building could be easily done and a Knox Box would be available for the gate. Mr. Sievert said the easement is incorrectly recorded and the septic infrastructure is outside of the easement and applicant is willing to record the easement change. Mr. Sievert said because of the size of the project and treatment that it did not appear to need DEP approval and that the water issue is 200 gallons per day.

Nichole Fecteau said she has been taken aback hearing that the public thinks the applicant has any advantage. Ms. Fecteau said the public has participated in the project more than just about any other project she has been part of.

Ms. Fecteau read a provision in the Comprehensive Plan projects shall not have a town wide adverse impact and in her interpretation, based on the feedback it would have a town wide negative impact.

Michael LaRue said the odor from the horse farm could cover the smell from the marijuana facility. Mr. LaRue said the water issues would be addressed because the water is being captured and stored.

Dave Andreesen said as of now he is not in favor of the application because it could adversely affect the health, safety and welfare of the Town however he does want to give the applicant due process and see what the third-party review comes up with.

- Site Plan Review. Solar Array (Essential Services & Construction over 3,000 ft²). 193 Route 236 (R66 6-A) R3 Zone. Berwick Solar, LLC.

Mr. Bellissimo said since the last meeting, the applicants have submitted a new decommissioning plan and with the conditions of approval, that takes care of the issues raised about ensuring the array is taken care of after the farm has reached the end of its

lifecycle. The applicants submitted a new landscaping plan and narrative and the landscaping plan shows the plantings offset with different types of plantings. The solar panel certifications were submitted showing the materials were not hazardous.

Zac Gordon summarized the changes to date and that he felt the project met the State goals of energy production.

Nichole Fecteau read a couple provision in the Berwick Comprehensive Plan that she said she believes have been met by the applicant. Frank Underwood asked via e-mail have the frontage issues off of Route 236 been resolved. Mr. Underwood suggested two conditions including one about access off of Route 236 and that the applicant pay the Tree Growth penalty before receiving a permit.

Zac Gordon said the lot line of 6A will be moved into lot 6. Mr. Bodwell said the entire solar farm will be on lot 6.

Motion: Nichole Fecteau motioned to approve the Findings of Fact.

Second: David Ross-Lyons

VOTED – 4-0 in favor

Motion Passed

In favor: Dave Andreesen; Nichole Fecteau; Michael LaRue; David Ross-Lyons

Opposed: None

Abstain: None

Motion: Nichole Fecteau motioned to approve the Conditions of Approval as amended.

Second: Michael LaRue

VOTED – 4-0 in favor

Motion Passed

In favor: Dave Andreesen; Nichole Fecteau; Michael LaRue; David Ross-Lyons

Opposed: None

Abstain: None

Motion: Nichole Fecteau motioned to approve the application.

Second: David Ross-Lyons

VOTED – 4-0 in favor

Motion Passed

In favor: Dave Andreesen; Nichole Fecteau; Michael LaRue; David Ross-Lyons

Opposed: None

Abstain: None

- Site Plan Amendment. Commercial Storage. 387 School Street (R54-4) R2 Zone. PK Storage, LLC.

James Bellissimo said a site walk was held and that it was fairly straight forward. The back part of the lot is mostly grass area and the previous use was a saw mill years ago. The one question from the previous meeting regarding the wetland and the DEP wrote a letter to the Town stating the wetland is not impacted by the project and the ruling from the previous approval still applies.

Neil Rapoza said one of the remaining issues is to address the lighting in the front of the buildings and that will be done as soon as possible.

Motion: Nichole Fecteau motioned to approve the Findings of Fact.

Second: David Ross-Lyons

**VOTED – 4-0 in favor
Motion Passed**

In favor: Dave Andreesen; Nichole Fecteau; Michael LaRue; David Ross-Lyons

Opposed: None

Abstain: None

Motion: Nichole Fecteau motioned to approve the application.

Second: Michael LaRue

**VOTED – 4-0 in favor
Motion Passed**

In favor: Dave Andreesen; Nichole Fecteau; Michael LaRue; David Ross-Lyons

Opposed: None

Abstain: None

Findings of Fact Review

- Wright Homesteading

Public Comment

Informational Items

Heidi Leveille pointed out how tough the Land Use Ordinance is to understand and that the room is full of folks with Master's Degrees and still it is difficult to understand. Ms. Leveille asked that the Ordinance be simplified for the general public.

Adjournment

Motion: David Ross-Lyons motioned to adjourn.

Second: Nichole Fecteau

VOTED – 4-0 in favor

Motion Passed

In favor: Dave Andreesen; Nichole Fecteau; Michael LaRue; David Ross-Lyons

Opposed: None

Abstain: None

Minutes prepared by Berwick Planner James Bellissimo, for consideration at the next Berwick Planning Board meeting.

Signed as Approved by the Board:



**PLANNING BOARD MEMORANDUM
TOWN OF BERWICK, PLANNING DEPARTMENT**

TO: BERWICK PLANNING BOARD
FROM: JAMES BELLISSIMO, PLANNER
SUBJECT: BURNS – MULTIFAMILY DWELLING
DATE: JUNE 11, 2020
CC:

Andrea Burns proposed to construct an 812 ft² two-bedroom apartment. Because this would be the third unit, this project is considered a multifamily dwelling. According to the Berwick Land Use Ordinance this would require Site Plan Review (9.8.E.5). Because two units have been in existence longer than five years, it does not require Subdivision approval. The unit is proposed to be located in an attached house barn that currently is permitted for an antique and collectable business, Ms. Burns has requested the antique business to be moved to an existing one car garage.

Ms. Burns requested a re-zone requested that was granted by Town Vote in June of 2018 for 55 School Street to become part of the Village Overlay District.

Ms. Burns requested a waiver for:

- A map or maps including a perimeter survey, existing and proposed infrastructure, landscaping and topography (9.8.F.2.b.i-vii).
- Letters to Town Departments
- Low Impact Design statement

A good portion of the Site Plan Review and Village Overlay District requirements are not applicable because no new construction is proposed, including:

- Type of construction, floor area of proposed buildings (9.8.F.2.c)
- Erosion and sedimentation control plan, Stormwater management plan

The parking area is already considered impervious and it is proposed to be further compacted. The applicant proposed to dig a drainage ditch along the length of the parking and will pitch the parking toward the ditch. The parking area can already be seen from School Street and it is screen from the abutters by an existing fence.

Chief Plante has begun his review of the property and has asked for the layout of the existing units to be able to do a complete review.

Planning Board Discussion Points & Decisions

1. Determine application completeness
 - a. Deliberate on waivers requested
 - b. If complete, determine if a Site Walk is necessary and
 - c. Schedule the Site Walk & Public Hearing



Town of Berwick

Where Tradition Meets Tomorrow

11 Sullivan Street, Berwick, Maine 03901

Phone: (207) 698-1101 Fax: (207) 698-5181

Website: www.berwickmaine.org

APPLICATION: CONDITIONAL USE PERMIT/SITE PLAN REVIEW

PLANNING BOARD REVIEW FEES <i>(All Fees are Non-Refundable)</i>		<input type="checkbox"/> \$500.00 Conditional Use Review <input type="checkbox"/> \$1,000.00* Site Plan Review <i>* Site Plan Review requiring more than 10 hours of staff time will be billed at \$80/hour.</i>		Site Plan Review⁺ Please check any that apply: <input type="checkbox"/> Construction of 3,000 or more ft ² <input type="checkbox"/> Installment of 5,000 ft ² or more impervious surfaces. <input type="checkbox"/> Mobile Home Park <input type="checkbox"/> Extraction Industry <input checked="" type="checkbox"/> Multi-Family <input type="checkbox"/> None of the above			
PROPERTY DESCRIPTION	Parcel ID	Map: U3	Lot: 1	Zoning District: C/I village overlay	Total Land Area: 25350	Part of a Subdivision (Y/N)	N
	Physical Address	55 School Street				Aquifer Protection (Y/N)	N
						Shoreland Protection (Y/N)	N
						Resource Protection (Y/N)	N
						Special Flood Hazard Area (Y/N)	N
APPLICANT OR REPRESENTATIVE INFORMATION	Name Andrea Burns			Mailing Address 55 School Street Berwick, ME 03901			
	Phone	603-264-5338		Email Address		akburns68@hotmail.com	
PROJECT DESCRIPTION	<u>Existing Use:</u> 2 Family with business (antique shop)						
	<u>Project Name:</u> New Apartment						
	<u>Proposed Use</u> Construct an additional apartment in existing business space and relocate business to existing 1 car garage						
	<u>Waiver(s) Requested:</u> Site plan review						

Planning Board meetings are the 1st and 3rd Thursday of each month at 6:30pm.

This application must be submitted at least **two weeks** in advance of the Planning Board meeting. Ongoing applications have a **one-week** submittal requirement. Please e-mail a complete application to planning@berwickmaine.org, submit the application fee and eight copies to the Planning Department with the requirements outlined on the other side of this application.

A Public Hearing and a site walk when necessary will be scheduled when the Planning Board finds the application complete. All expenses must be paid before a Certificate of Occupancy will be granted through the Code Enforcement Office. A performance guarantee may be required by the Planning Board.

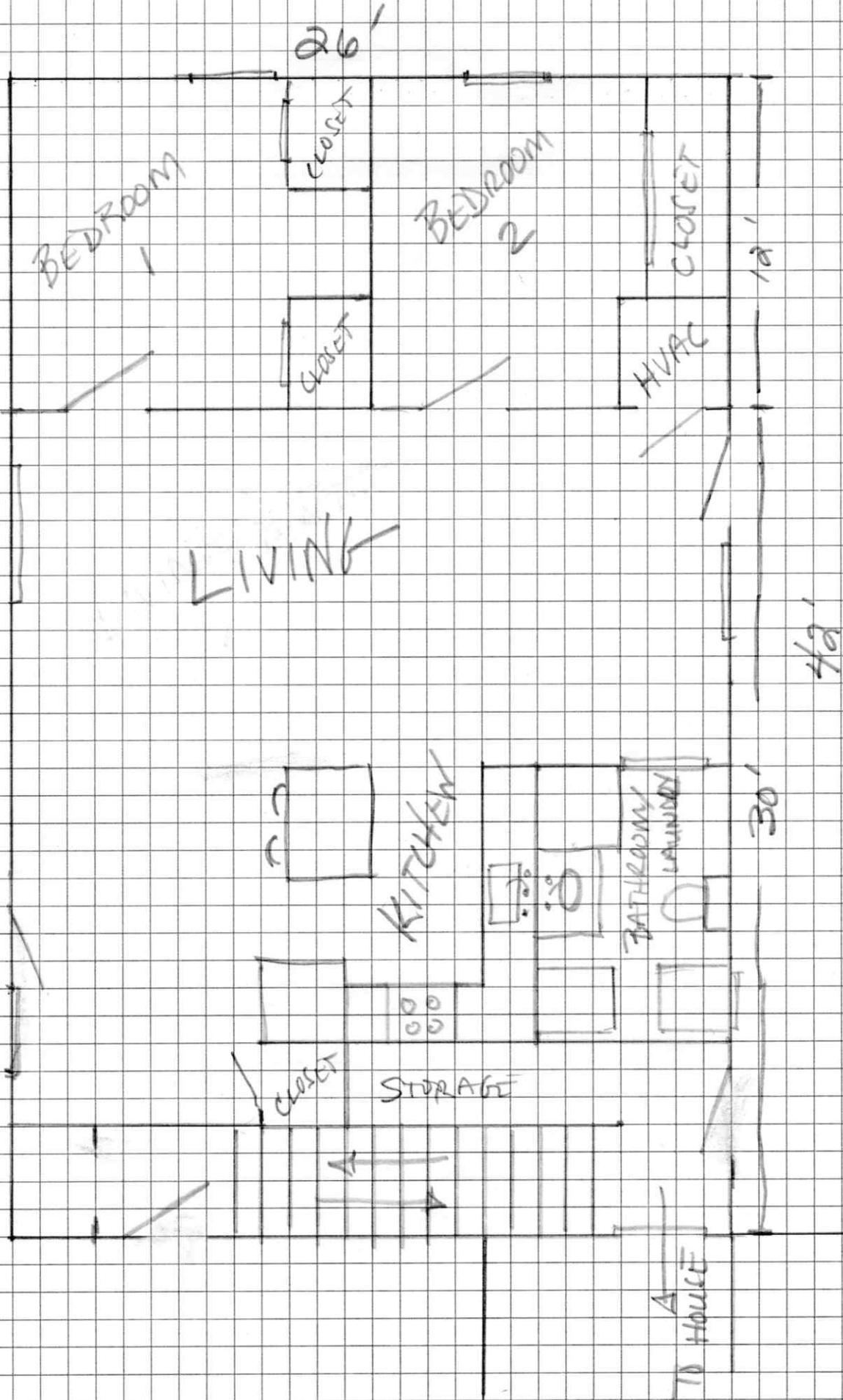
CERTIFICATION. To the best of my knowledge, all information submitted with this application is true and correct.

Signature of Applicant

Date

Submitted	Waiver Request	Conditional Use Application Requirements
<input type="checkbox"/>	N/A	List of Abutters located within 200 feet including tax map and lot number. Information can be found in the Assessing Database or GIS maps at www.berwickmaine.org
<input type="checkbox"/>	N/A	Right, Title and Interest to the Property: Copy of Deed, Purchase & Sale Agreement or subdivision approval.
<input type="checkbox"/>	<input type="checkbox"/>	Site Plan to include requirements in Section 9.8(F) of the Land Use Ordinance. Including: <input checked="" type="checkbox"/> Proposed buildings with room layout <input checked="" type="checkbox"/> Approximate boundaries of the parcel <input checked="" type="checkbox"/> Parking Plan <input checked="" type="checkbox"/> Traffic circulation with proposed exists and entrances <input type="checkbox"/> Lighting <input type="checkbox"/> Landscaping.
<input type="checkbox"/>	<input type="checkbox"/>	Written narrative describing proposed use including: <input checked="" type="checkbox"/> Total floor area <input type="checkbox"/> Ground coverage <input checked="" type="checkbox"/> Location of each proposed building <input type="checkbox"/> Setbacks to property line <input type="checkbox"/> Business Hours of Operation <input type="checkbox"/> Number of Employees <input checked="" type="checkbox"/> Materials to be Used Refuse/Garbage Disposal <input type="checkbox"/> Noise <input checked="" type="checkbox"/> Existing restrictions or easements on the site
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> External Plumbing Permit or permission letter to enter municipal water and sewer lines. OR on-site soils investigation report by licensed site evaluator.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Written statement documenting proposed Low Impact Design (LID) for the site to reduce storm water volumes. LID includes, but is not limited to: green roofs, rain gardens, tree wells, infiltration basins, and permeable pavement.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Materials to satisfy Section of 9.8.I.1 a through s as they apply to Conditional Use Review.

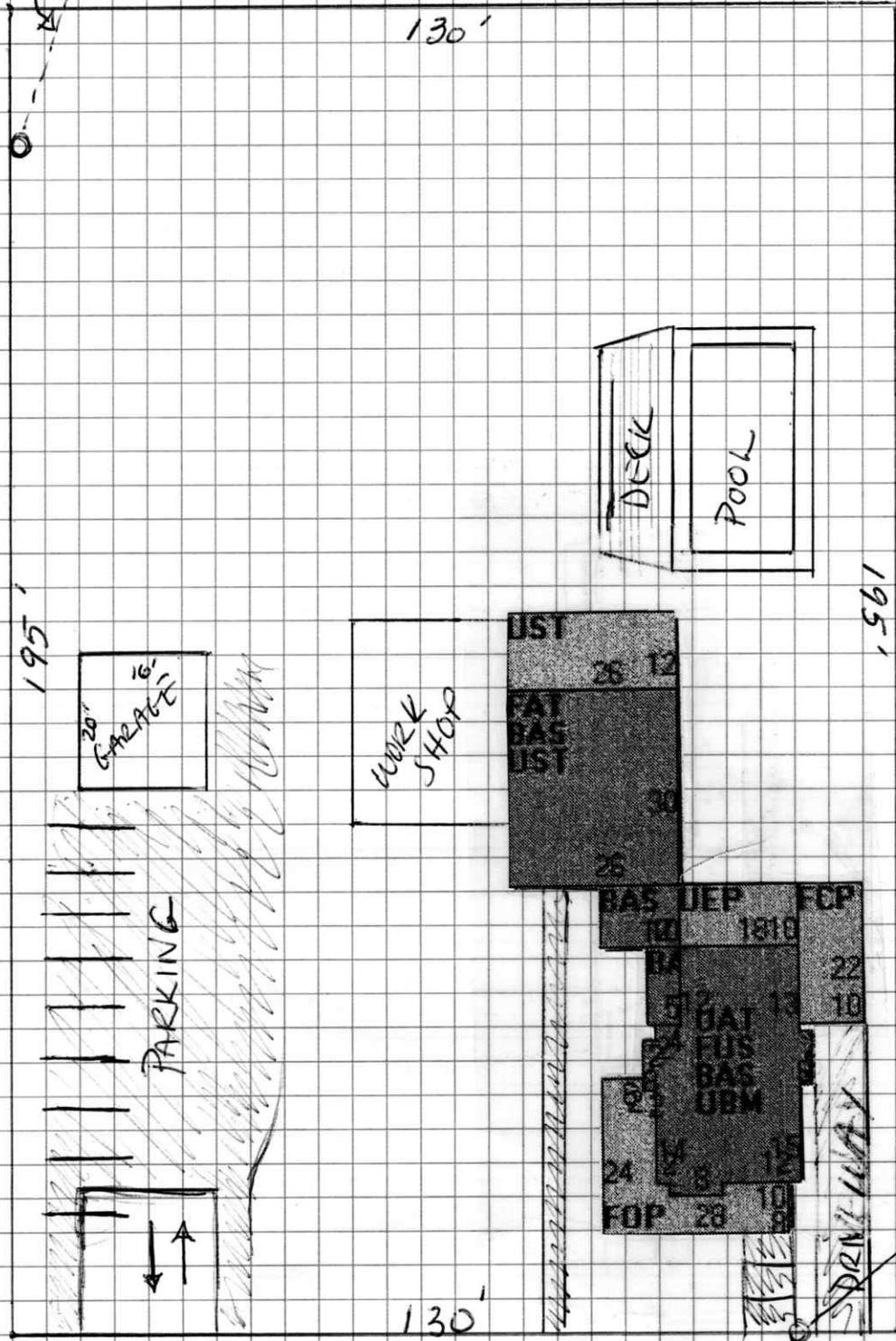
Submitted	Waiver Request	Site Plan Approval Requirements [†]
		These requirements shall be met when the application meets any of the criterion of Section 9.8.E in the Land Use Ordinance.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Map or maps prepared at a scale of not less than 1" to 40'
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Perimeter survey of parcel certified by registered land surveyor Which meets all requirements of 9.8. criterion 2.b.i
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Topography indicating contours at intervals of not more than two feet in elevation unless otherwise specified by the Planning Board.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Existing and proposed locations and dimensions of any utility lines, sewer lines, water lines, easements, drainage ways, public or private ways
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Location, ground floor area and elevations of buildings and other structures on site
<input type="checkbox"/>	<input checked="" type="checkbox"/>	On-site soils investigation which meets all requirements of 9.8.2.b.iv
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Location and dimensions of on-site pedestrian and vehicular access ways, parking areas, loading and unloading facilities, design of ingress and egress of vehicles to and from the site on to public streets and curb and sidewalk lines
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Landscape plan showing location, type and approximate size of plantings and location and dimensions of all fencing and screening
<input type="checkbox"/>	<input checked="" type="checkbox"/>	A written statement that meets all 11 requirements of 9.8.F.2.c
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Materials to satisfy Section of 9.8.I.1 a through s as they apply to Site Plan Review.



POLICE STATION

BASEMENT UNDER GROUND WIRES

OLD SCHOOL APARTMENTS



BASEMENT OVERHEAD WIRES

SCHOOL STREET

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS THAT I, Sean R. Schreier, a married man, of 33 Bridge Street, Apartment B, Pittsfield, County of Pittsfield, State of New Hampshire, for consideration paid, grant to Andrea K. Schreier, a single woman, of 55 School Street, Berwick, County of York and State of Maine, with QUITCLAIM COVENANTS:

All of my right, title and interest to the within described premises, as follows:

A certain lot or parcel of land situated in said Berwick, County of York and State Of Maine and bounded and described as follows, to wit:

Beginning on the Northerly side of School Street at the Northeasterly corner of the High School lot;

Thence running Northwesterly by said School Lot 220';

Thence Northeasterly by land now or formerly of William C. and Clara L. McCue 40' to Southwesterly corner of land now or formerly of Mary H. and Myra Wentworth;

Thence Southeasterly by said land and parallel with said first line 200' to School Street;

Thence 40' by said School Street to the bound begun at.

ALSO, a certain tract of land situated in said Berwick and bounded and described as follows:

Beginning at the Northerly side of School Street at a point 40' distant from the High School house lot;

Thence running Northwesterly and parallel with said School House lot 200';

Thence Northeasterly and parallel with School Street 90';

Thence Southeasterly and parallel with said first line 200' to School Street;

Thence 90' by said School Street to bound begun at.

Forty feet between School House lot and above described lot is reserved for a street.

Meaning and intending to describe and convey my interest in the same premises conveyed to Sean R. Schreier and Andrea K. Schreier by Warranty Deed of Oscar C. Stone dated December 10, 1993 and recorded in the York County Registry of Deeds at Book 6852, Page 094.

This conveyance is subject to any and all liens and encumbrances with respect to the above described premises.

NO R.E. TRANSFER TAX PAID

BK 10386PG207

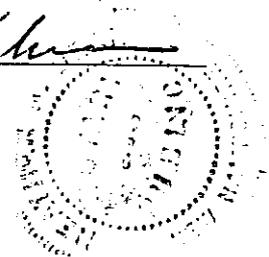
This conveyance is made pursuant to a Decree of Divorce dated January 1, 2000, Maine District Court-Springvale, Docket Number SPR-FM-99-142.

This is a non-contractual conveyance pursuant to the laws of the State of Maine and is exempt for the Maine Real Estate Transfer Tax.

WITNESS my hand and seal this 17th day of December, 2000.

Jessica Demmons
Witness

Sean R. Schreier
Sean R. Schreier



THE STATE OF MAINE
COUNTY OF YORK

On this the 17th day of December, 2000, before me, the undersigned officer, personally appeared the above-named Sean R. Schreier, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he signed the foregoing for the purpose therein contained.

Before me: Sean Schreier

Heather D. Dean
Notary Public/Justice of the Peace
Heather D. Dean
My commission expires:

HEATHER D. DEAN
Notary Public - New Hampshire
My Commission Expires March 8, 2005

RECEIVED YORK S S.

2001 JAN -5 P 3:13

ATTEST: Louis M. Muse
REGISTER OF DEEDS

277 77 ANDREA K SCHREIER PO BOX 40 BERWICK ME 03901

To: Berwick Maine Planning Board

Re: Proposed apartment and business relocation @ 55 School Street

- 1) Construct a new 2 bedroom apartment on the first floor of the attached carriage house/barn in what is currently a conditional use for an antique and collectibles business. The apartment will occupy approximately 812 square feet. (There is an apartment on the second floor which was constructed in the 1970's)
- 2) Relocate the business to an existing one car garage. New shop will occupy 320 square feet. All other conditions will remain as the current conditional use.
- 3) On site parking is accessed from School Street. There is an existing paved entrance/exit to the parking area. The parking area will be of crushed stone with hard pack. There is space for parking 8 vehicles. Each rental unit will be allowed 2 parking spaces. Additional parking can be made available behind the garage if necessary.
- 4) Each apartment unit is allowed one covered trash receptacle outside of the unit and each tenant is responsible for disposing of refuse/garbage on a weekly basis.
- 5) The property currently has 2 easements:
 - a. Across the front of the main house driveway for overhead electrical lines from the pole located in front of the house to the neighboring house.
 - b. Across the back corner (abutted by the High School Apartments and Police Station) for the installation and maintenance of underground wiring for the Police Station from the pole located approximately 20 feet back from the corner along the property line.



**PLANNING BOARD MEMORANDUM
TOWN OF BERWICK, PLANNING DEPARTMENT**

TO: BERWICK PLANNING BOARD
FROM: JAMES BELLISSIMO, PLANNER
SUBJECT: CONDITIONAL USE - HERBAL PATHWAYS – ADULT USE
CULTIVATION & STOREFRONT
DATE: JUNE 11, 2020
CC:

Herbal Pathways proposed to repurpose a 6,720 ft² manufacturing facility into an Adult Use Cultivation Facility and Storefront. The site will be serviced by an existing parking area, septic, and well. All waste will be locked in a dumpster located toward the back of the property and will be screened.

Herbal Pathways will have a maximum of seven employees on site during the largest shift and will employ fourteen in total. The cultivation facility is proposed to operate from 8am-5pm and the storefront from 10am-8pm.

A detailed security and odor control plans have been submitted. An interior floor plan has also been submitted which meets the requirements of Section 8.25. The letter from the Berwick Fire Chief has been received, his recommendation is to add a Knox Box.

Traffic Study Recommendation

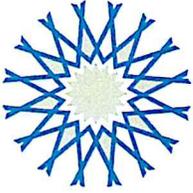
SAFETY REVIEW

The most important factor for a facility with this level of trip generation is safety. The MaineDOT map viewer was checked for any nearby high crash locations on Portland Street and none were identified. Additionally, the MaineDOT map viewer (as well as Google Earth) shows the posted speed limit to be 55 mph in this area. Based on this, Sewall recommends a minimum of 550' of sight distance be provided from the drive. It should be confirmed that the available driveway sight distance meets this criteria and that there is no landscaping or signage located, or planned to be located, in the driveway sight triangle that could potentially block sight distance in the future.

A waiver for the LID statement has been requested.

Planning Board Discussion Points & Decisions

1. Determine application completeness
 - a. If complete, determine if a Site Walk is necessary and
 - b. Schedule the Site Walk & Public Hearing



ATTAR

ENGINEERING, INC

CIVIL ♦ STRUCTURAL ♦ MARINE

Mr. James Bellissimo, Town Planner
Town of Berwick
11 Sullivan Street
Berwick, Maine 03901

May 12, 2020
Project No.: C035-20

**RE: Conditional Use Permit Application
Herbal Pathways, 468 Portland Street, Berwick, ME
Tax Map R-71, Lot 7**

Dear Mr. Bellissimo:

On behalf of Herbal Pathways, I have enclosed, for your review and consideration, materials to supplement and replace those included in our original Conditional Use Permit Application for the above referenced project.

Updated and supplemental materials include a revised floor plan, a purchase and sale agreement, a letter to the community, and an updated trip generation and traffic impact assessment.

The project includes an existing 7,616 S.F. building with an adult use marijuana retail, cultivation, and office space located on Route 4 in the RC/I zoning district.

Thank you for your consideration. We look forward to discussing this project with the Planning Board at the next available meeting.

Sincerely;

Kenneth A. Wood, P.E.
President

cc: Herbal Pathways
Kenneth Crowley

C035-20_Berwick_Cover.doc

May 4, 2020

Mr. Kenneth A. Wood, P.E.
President
Attar Engineering, Inc.
1284 State Road
Eliot, ME 03903

**RE: TRIP GENERATION AND TRAFFIC IMPACT ASSESSMENT FOR
468 PORTLAND STREET, BERWICK, MAINE**

INTRODUCTION

This is written to summarize trip generation analysis performed for a proposed building conversion associated with a change of use at 468 Portland Road (Route 4) in Berwick, Maine. It is understood that the existing building, approximately 7,616 square foot (S.F.) in size, was formally occupied by small manufacturing uses, Mill Pond Millwork and Spin Analytical Inc. The proposed use is a marijuana grow and sales facility. Based upon information provided by Attar Engineering, the proposed retail storefront is approximately 900 S.F. Additionally, approximately 650 S.F. will be used by retail staff for a breakroom, hall and restroom spaces for a total of 1,550 S.F. associated with the retail use. Approximately 3,746 S.F. will be utilized for cultivation purposes. The remaining 2,320 S.F. will be used for office purposes. The facility is expected to employ ten (10) persons to start, with six (6) dedicated to retail sales and four (4) to cultivation. The facility hopes to grow total employment to fourteen (14).

TRIP GENERATION ANALYSIS

The number of trips to be generated by the proposed retail marijuana facility was estimated utilizing the most recent Institute of Transportation Engineers (ITE) "Trip Generation" 10th edition report. This newest edition is based upon the largest and most current database and is considered to be the best information regarding current trip making. Land use code (LUC) 882 – Marijuana Dispensary was utilized for the retail sales portion of the building, 1,550 S.F. Since there is no ITE data for agricultural or cultivation uses those trips were also estimated on the basis of employees, and office use utilizing Land Use Code 710 – General Office, assuming most employees would arrive in the morning and depart in the late afternoon/early evening like office staff. With 40 % of the employees dedicated to cultivation it was assumed that 6 employees, of the projected future 14, would be dedicated to cultivation purposes. The office and cultivation trips were estimated on both the basis of S.F. (6,066) and employees (6). The square footage results were consistently higher so they were used as the basis of the analysis to be conservative. The overall trip generation results are presented in the table on the following page:

ITE TRIP GENERATION (One-Way Trip Ends)

<u>Time Period</u>	Office & Cultivation			<u>Total</u>
	<u>Retail Sales</u>	<u>Emp.</u>	<u>S.F.</u>	
Daily	392	20	60	452
AM Peak Hour – Adjacent Street	16	2	7	23
Entering	9	2	6	15
Exiting	7	0	1	8
AM Peak Hour – Generator	33	3	9	42
Entering	17	3	8	25
Exiting	16	0	1	17
PM Peak Hour – Adjacent Street	34	2	7	41
Entering	17	0	1	18
Exiting	17	2	6	23
PM Peak Hour – Generator	47	3	9	56
Entering	23	0	2	25
Exiting	24	3	7	31
Saturday	402	4	14	416
Saturday Peak Hour	57	1	3	60
Entering	29	1	2	31
Exiting	28	0	1	29

As shown in the above table, based upon the ITE data, the overall facility is expected to generate from 23 to 60 one-way trips during peak hours and approximately 452 trips on a daily basis. Since peak hour trip generation is well under 100 one-way trips a Traffic Movement Permit (TMP) is not required from the Maine Department of Transportation (MaineDOT).

PREVIOUS USE

The number of trips generated by the previous use was similarly calculated for comparison purposes. Land use code 140 – Manufacturing was utilized on the basis of the 7,616 S.F. The results of these calculations are summarized with the proposed use calculations to determine new trips to the site in the following table:

ITE TRIP GENERATION (One-Way Trip Ends)

<u>Time Period</u>	<u>Proposed Use</u>	<u>Previous Manufacturing</u>	<u>New Trips</u>
Daily	452	30	422
AM Peak Hour – Adjacent Street	23	5	18
Entering	15	4	11
Exiting	8	1	7
AM Peak Hour – Generator	42	6	36
Entering	25	4	21
Exiting	17	2	15
PM Peak Hour – Adjacent Street	41	5	36
Entering	18	2	16
Exiting	23	3	20
PM Peak Hour – Generator	56	6	50
Entering	25	3	22
Exiting	31	3	28
Saturday	416	48	368
Saturday Peak Hour	60	7	53
Entering	31	4	27
Exiting	29	3	26

As seen above, the proposed marijuana sales and cultivation facility is expected to generate from 18 to 53 new one-way trips during peak hours over the previous manufacturing use. This amount of new traffic typically does not have a significant impact on traffic operations off-site. New lane hour trips will be less than 30 per hour once split between entering and exiting and northbound and southbound directions on Portland Street.

SAFETY REVIEW

The most important factor for a facility with this level of trip generation is safety. The MaineDOT map viewer was checked for any nearby high crash locations on Portland Street and none were identified. Additionally, the MaineDOT map viewer (as well as Google Earth) shows the posted speed limit to be 55 mph in this area. Based on this, Sewall recommends a minimum of 550’ of sight distance be provided from the drive. It should be confirmed that the available driveway sight distance meets this criteria and that there is no landscaping or signage located, or planned to be located, in the driveway sight triangle that could potentially block sight distance in the future.

As always, let me know if you or the Town of Berwick have any questions or concerns regarding this trip generation analysis or our recommendations regarding driveway sight distance.



Sincerely,



Diane W. Morabito

Diane W. Morabito, P.E. PTOE
Vice President Traffic Engineering

Herbal Pathways Plans to Create Positive Impacts in the Town

Herbal Pathways is dedicated to serving and supporting the areas around its business. The following are examples of how Herbal Pathways plans to positively impact the Town of Berwick community:

- Institute hiring practices that prioritize hiring of individuals from Berwick;
- Give priority to local businesses, suppliers, contractors, builders, and vendors in Berwick for services to Herbal Pathways;
- Provide continuing service and reinvestment into areas of Berwick; and
- Participate in community service days, charity events, and make donations to charitable entities active in Berwick.

Herbal Pathways places emphasis on establishing and maintaining successful and contributive relationships with the communities in which it operates. If our application is approved, we would like to sit down with community stakeholders in an effort to better understand the needs of the Town, and to discover the best ways we can become an active and contributing member of Berwick community.

Herbal Pathways
Owners, Operators
Ken Crowley
Debbie Crowley

PURCHASE AGREEMENT

I. The Parties. This Real Estate Purchase Agreement (“Agreement”) made on March 1, 2020 (“Effective Date”) between:

A business entity known as Herbal Pathways LLC and or Assignees (“Buyer”) with a mailing address of
172 River Road, Berwick, Maine 04937

AND

JABA PROPERTIES LLC (Seller”), a Maine limited liability company, with a mailing address of 468 Portland St, City of Berwick, State of Maine, who agrees to sell and convey real and personal property as described in Sections II & III. Buyer and Seller shall be collectively known as the “Parties.”

II. Legal Description. The real property is described as: Commercial building & Land with a mailing address of 468 Portland Street, Berwick, Maine, 03901 as listed on York County Maine Registry of Deeds Book 16173/ 436

Tax Parcel Information (i.e., “Parcel ID” or “Tax Map & Lot”): Berwick Maine: **Mblu** R071/ 7/

Other Description: Subject to approval from the town of Berwick for buyers designated use (Adult Use Cultivation and Retail Establishment.) Seller to supply any/ all (if seller has) architectural plans, site plans, building plans, land plans to buyer upon acceptance of offer.

III. Personal Property. There shall be no personal property included in this Agreement or included in the purchase of the real property. All removable items from the real property, i.e. "non-fixtures", shall be retained by the Seller at closing.

The real property and personal property shall be collectively known as the “Property”.

IV. Fixtures. The Parties agree that all fixtures located on or in the Property, including but not limited to storm windows, screens, shades, blinds, heating systems, HVAC components, stoves, air conditioners, pumps, electrical fixtures, and any other equipment, appliance, or furniture that is fixed in position shall be included in the sale of the Property. Added March 16, 2020, Equipment belonging to Spin Analytics is not included in the sale of the property.

V. Earnest Money. After acceptance by all Parties, the Buyer agrees to make a payment in the amount of \$5,000.00 as consideration on or before April 1 2020 05:00 PM (“Earnest Money”). The Earnest Money shall be applied to the Purchase Price at Closing and subject to the Buyer’s ability to perform under the terms of this Agreement. Any Earnest Money accepted shall be placed in a non-interest bearing attorney’s trust or escrow account of Attorney Dean K. Bouffard, attorney for Seller.

VI. Purchase Price and Terms. The Buyer agrees to purchase the Property by payment for Eight hundred fifty thousand and 00/100 Dollars (US\$850,000.00).

All Cash Offer. No loan or financing of any kind is required in order to purchase the Property. Buyer shall provide Seller written third (3rd) party documentation verifying sufficient funds to purchase the property no later than May 29, 2020 at 05:00 PM. Seller shall have three (3) business days after the receipt of such documentation to notify Buyer, in writing, if the verification of funds is not acceptable. If Buyer fails to provide such documentation, or if Seller finds such verification of funds is not acceptable, Seller may terminate this Agreement. Failure of Seller to provide Buyer written notice of objection to such verification shall be considered acceptance to verification of funds.

VII. Sale of Another Property. Buyer's performance under this Agreement shall not be contingent upon selling another property.

VIII. Closing Costs. Seller shall be responsible for the cost of preparing the deed and its share of the real estate transfer tax. All other costs attributed to Closing of the Property shall be the responsibility of Buyer. The fees and costs related to the Closing shall include but not be limited to a title search (including the abstract and any owner’s title policy), Buyer’s share of transfer taxes, recording fees, title insurance and any other costs imposed by the title company that are in standard procedure with conducting the sale of a property.

IX. Funds at Closing. Buyer and Seller agree before the recording can take place, funds provided shall be in one (1) of the following forms: cash, interbank electronic transfer, money order, certified check or cashier’s check drawn on a financial institution located in the State, or any above combination that permits the Seller to convert the deposit to cash no later than the next business day.

X. Closing Date. This transaction shall be closed after Buyer receives approval from the Town of Berwick Maine for designated use of the Property for Adult Use Cultivation and Retail Establishment. Buyer has made application for approval and anticipates a meeting with appropriate boards and/or authorities of the Town of Berwick on or about May 7, 2020. The closing shall occur on or before August 1, 2020. Any extension of this date and time must be agreed upon, in writing, by Buyer and Seller. Real estate taxes, rents, dues, fees, and expenses relating to the Property for the year in which the sale is closed shall be prorated as of the date of Closing. Taxes due for prior years shall be paid by Seller.

.

XI. Survey. Buyer may obtain a survey of the Property before the Closing to assure that there are no defects, encroachments, overlaps, boundary line or acreage disputes, or other such matters, that would be

disclosed by a survey ("Survey Problems"). The cost of the survey shall be paid by the Buyer. Not later than April 30, 2020, Buyer shall notify Seller of any Survey Problems which shall be deemed to be a defect in the title to the Property. Seller shall be required to remedy such defects within 20 business days and prior to the Closing.

If Seller does not or cannot remedy any such defect(s), Buyer shall have the option of canceling this Agreement, in which case the Earnest Money shall be returned to Buyer.

XII. Mineral Rights. It is agreed and understood that all rights under the soil, including but not limited to water, gas, oil, and mineral rights shall be transferred by the Seller to the Buyer at Closing.

XIII. Title. Seller shall convey title to the property by Warranty Deed or equivalent. The Property may be subject to restrictions contained on the plat, deed, covenants, conditions, and restrictions of record, or other documents noted in a Title Search Report. Upon execution of this Agreement by the Parties, Buyer will order a Title Search Report.

Upon receipt of the Title Search Report, the Buyer shall have 5 business days to notify the Seller, in writing, of any matters disclosed in the report which are unacceptable to Buyer. Buyer's failure to timely object to the report shall constitute acceptance of the Title Search Report.

If any objections are made by Buyer regarding the Title Search Report, mortgage loan inspection, or other information that discloses a material defect, the Seller shall have 60 business days from the date the objections were received to correct said matters. If Seller does not remedy any defect discovered by the Title Search Report, Buyer shall have the option of canceling this Agreement, in which case the Earnest Money shall be returned to Buyer.

Buyer, at its sole expense, may order and receive an owner's standard form policy of title insurance insuring marketable title in the Property to Buyer in the amount of the Purchase Price, free and clear of the objections and all other title exceptions agreed to be removed as part of this transaction.

XIV. Property Condition. Seller agrees to maintain the Property in its current condition, subject to ordinary wear and tear, from the time this Agreement comes into effect until the Closing. Buyer recognizes that the Seller, along with any licensed real estate agent(s) involved in this transaction, make no claims as to the validity of any property disclosure information. Buyer is required to perform their own inspections, tests, and investigations to verify any information provided by the Seller. Afterward, the Buyer shall submit copies of all tests and reports to the Seller at no cost.

Therefore, Buyer shall hold the right to hire licensed contractors, or other qualified professionals, to further inspect and investigate the Property until May 7, 2020.

After all inspections are completed, Buyer shall have until May 8, 2020 to present any new property disclosures to the Seller in writing. The Buyer and Seller shall have 5 business days to reach an agreement over any new property disclosures found by the Buyer. If the Parties cannot come to an agreement, this Agreement shall be terminated with the Earnest Money being returned to the Buyer.

If the Buyer fails to have the Property inspected or does not provide the Seller with written notice of the new disclosures on the Property, in accordance with this Agreement, Buyer hereby accepts the Property in its current condition and as described in any disclosure forms presented by the Seller.

In the event improvements on the Property are destroyed, compromised, or materially damaged prior to Closing, then, the Agreement may be terminated at Buyer's option.

XV. Seller's Indemnification. Except as otherwise stated in this Agreement, after recording, the Buyer shall accept the Property AS IS, WHERE IS, with all defects, latent or otherwise. Neither Seller nor their licensed real estate agent(s) or any other agent(s) of the Seller, shall be bound to any representation or warranty of any kind relating in any way to the Property or its condition, quality or quantity, except as specifically set forth in this Agreement or any property disclosure, which contains representations of the Seller only, and which is based upon the best of the Seller's personal knowledge.

XVI. Appraisal. Buyer's performance under this Agreement shall not be contingent upon the appraisal of the Property being equal to or greater than the agreed upon Purchase Price.

XVII. Required Documents. Prior to the Closing, the Parties agree to authorize all necessary documents, in good faith, in order to record the transaction under the conditions required by the recorder, title company, lender, or any other public or private entity.

XVIII. Termination. In the event this Agreement is terminated, as provided in this Agreement, absent of default, any Earnest Money shall be returned to the Buyer, in-full, within five (5) business days with all parties being relieved of their obligations as set forth herein.

~~**XIX. Sex Offenders.** Section 2250 of Title 18, United States Code, makes it a federal offense for sex offenders required to register pursuant to the Sex Offender Registration and Notification Act (SORNA), to knowingly fail to register or update a registration as required. State convicted sex offenders may also be prosecuted under this statute if the sex offender knowingly fails to register or update a registration as required, and engages in interstate travel, foreign travel, or enters, leaves, or resides on an Indian reservation. This section can be removed~~

~~A sex offender who fails to properly register may face fines and up to ten (10) years in prison. Furthermore, if a sex offender knowingly fails to update or register as required and commits a violent federal crime, he or she may face up to thirty (30) years in prison under this statute. The Buyer may seek more information online by visiting <https://www.nsopw.gov/>.~~

XX. Time. Time is of the essence. All understandings between the Parties are incorporated in this Agreement. Its terms are intended by the Parties as a final, complete and exclusive expression of their Agreement with respect to its subject matter and they may not be contradicted by evidence of any prior agreement or contemporaneous oral agreement.

XXI. Buyer's Default. Seller's remedies shall be limited to liquidated damages in the amount of the Earnest Money set forth in Section V. It is agreed that such payments and things of value are liquidated damages and are Seller's sole and only remedy for Buyer's failure to perform the obligations of this Agreement. The Parties agree that Seller's actual damages in the event of Buyer's default would be difficult to measure, and the amount of the liquidated damages herein provided for is a reasonable estimate of such damages.

XXII. Seller's Default. Buyer may elect to treat this Agreement as cancelled, in which case all Earnest Money paid by Buyer hereunder shall be returned and Buyer may recover such damages as may be proper, or Buyer may elect to treat this Agreement as being in full force and effect and Buyer shall have the right to specific performance or damages or both.

XXIII. Earnest Money Dispute. Notwithstanding any termination of this Agreement, the Parties agree that in the event of any controversy regarding the release of the Earnest Money that the matter shall be submitted to mediation as provided in Section XXIV.

XXIV. Dispute Resolution. Buyer and Seller agree to mediate any dispute or claim arising out of this Agreement, or in any resulting transaction, before resorting to arbitration or court action.

a.) Mediation. If a dispute arises, between or among the Parties, and it is not resolved prior to or after recording, the Parties shall first proceed in good faith to submit the matter to mediation. Costs related to mediation shall be mutually shared between or among the Parties. Unless otherwise agreed in mediation, the Parties retain their rights to proceed to arbitration or litigation.

b.) Arbitration. The Parties agree that any dispute or claim in law or equity arising between them out of this Agreement or any resulting transaction, which is not settled through mediation, shall be decided by neutral, binding arbitration. The arbitrator is required to be a retired judge or justice, or an attorney with at least five (5) years of residential real estate law experience unless the Parties mutually agree to a different arbitrator. Under arbitration, the Parties shall have the right to discovery in accordance with State law. Judgment upon the award of the arbitrator(s) may be entered into any court having jurisdiction. Enforcement of this Agreement to arbitrate shall be governed by the Federal Arbitration Act.

c.) Exclusions. The following matters shall be excluded from the mediation and arbitration: (i) a judicial or non-judicial foreclosure or other action or proceeding to enforce a deed, mortgage or installment land sale contract as defined in accordance with State law; (ii) an unlawful detainer action, forcible entry detainer, eviction action, or equivalent; (iii) the filing or enforcement of a mechanic's lien; and (iv) any matter that is within the jurisdiction of a probate, small claims or bankruptcy court. The filing of a court action to enable the recording of a notice of pending action, for order of attachment, receivership, injunction, or other provisional remedies, shall not constitute a waiver or violation of the mediation and arbitration provisions of this Section.

XXV. Governing Law. This Agreement shall be interpreted in accordance with the laws in the State of Maine.

XXVI. Terms and Conditions of Offer. This is an offer to purchase the Property in accordance with the above-stated terms and conditions of this Agreement. If at least one, but not all, of the Parties initial such pages, a counteroffer is required until an agreement is reached. Seller has the right to continue to offer the Property for sale and to accept any other offer at any time prior to notification of acceptance. If this offer is accepted and Buyer subsequently defaults, Buyer may be responsible for payment of licensed real estate agent(s) compensation. This Agreement and any supplement, addendum or modification, including any copy, may be signed in two or more counterparts, all of which shall constitute one and same writing.

XXVII. Binding Effect. This Agreement shall be for the benefit of, and be binding upon, the Parties, their heirs, successors, legal representatives and assigns, which therefore constitutes the entire agreement between the Parties. No modification of this Agreement shall be binding unless signed by both Buyer and Seller.

XXVIII. Business Days. Business days shall be defined as all days of the year excluding Saturdays, Sundays, and any federal or State holidays.

XXIX. Severability. In the event any provision or part of this Agreement is found to be invalid or unenforceable, only that particular provision or part so found, and not the entire Agreement, will be inoperative.

XXX. Confidentiality. Buyer and Seller agree to mutually hold all details of this Agreement confidential with the exception of licensed real estate agents, attorneys, lenders, lending officers, inspection agents, appraisers, government officials, title officers, and any other individuals deemed necessary in order to perform the transaction at Closing. The Parties authorize the lender or any closing agent to prepare a closing disclosure or settlement statement for release to the Parties and their licenses prior to, at, and after the Closing.

XXXI. Offer Expiration. This offer to purchase the Property as outlined in this Agreement shall be deemed revoked and the Earnest Money shall be returned unless this Agreement is signed by Seller and a copy of this Agreement is personally given to the Buyer by March 20, 2020 at 05:00 PM.

XXXII. Acceptance. Seller warrants that Seller is the owner of the Property or has the authority to execute this Agreement. Therefore, by the Seller's authorization below, he/she/they accepts the above offer and agrees to sell the Property on the above terms and conditions and agrees to the agency relationships in accordance with any agreement(s) made with a licensed real estate agent(s). Seller has read and acknowledges receipt of a copy of this Agreement and authorizes any licensed real estate agent(s) to deliver a signed copy to the Buyer.

Delivery may be in any of the following: (i) hand delivery; (ii) email under the condition that the party transmitting the email receives electronic confirmation that the email was received to the intended recipient; and (iii) by facsimile to the other party or the other party's licensee, but only if the transmitting fax machine prints a confirmation that the transmission was successful.

XXXIII. Possession After Closing. Buyer shall obtain possession and occupancy of the Property at Closing. Furthermore, the Property shall be free of all tenants and occupants as well as debris, and all personal property not listed in this Agreement. Seller is to transfer possession of the Property in the same condition as the Effective Date excepting reasonable wear and tear.

XXXIV. Walk-Through. Buyer shall have the right to perform a walk-through of the Property within twenty-four (24) hours of the Closing.

XXXV. Licensed Real Estate Agent(s). NO AGENT INVOLVED .If Buyer or Seller have hired the services of a licensed real estate agent(s) to perform representation on their behalf, he/she/they shall be entitled to payment for their services as outlined in their separate written agreement.

~~**XXXVI. Disclosures.** It is acknowledged by the Parties that the Property was not constructed prior to 1978. Therefore, the Lead-Based Paint Disclosure Form is not required per federal law.~~

~~In accordance with 33 §173 of the Maine Revised Statutes, the Seller is required to complete and attach the Seller's Property Disclosure. Buyer acknowledges receipt of said disclosure with their signature herein. Removed this section~~

XXXVII. Additional Terms and Conditions. Buyer is flexible on purchase terms based on Seller's needs. Property purchase is subject to approval from Town of Berwick Maine for buyers designated use, as set forth above in Section X, subject to Buyer obtaining clear and marketable title to the Property.

XXXVIII. Entire Agreement. This Agreement together with any attached addendums or disclosures shall supersede any and all other prior understandings and agreements, either oral or in writing, between the parties with respect to the subject matter hereof and shall constitute the sole and only agreements between the parties with respect to the said Property. All prior negotiations and agreements between the parties with respect to the Property hereof are merged into this Agreement. Each party to this Agreement acknowledges that no representations, inducements, promises, or agreements, orally or otherwise, have been made by any party or by anyone acting on behalf of any party, which are not embodied in this Agreement and that any agreement, statement or promise that is not contained in this Agreement shall not be valid or binding or of any force or effect.

SIGNATURE AREA

JABA Properties, LLC.

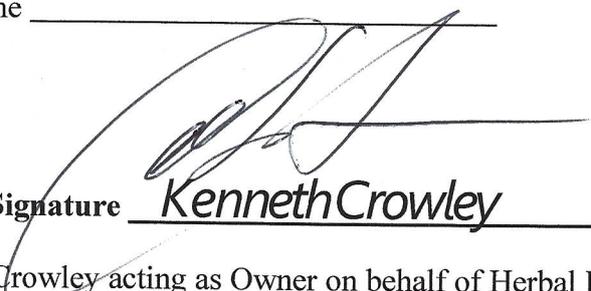
Seller's Signature  Date 3/17/20

Print Name Brett Austin

Herbal Pathways LLC

Seller's Signature _____ Date _____

Print Name _____

Buyer's Signature  Kenneth Crowley Date 03/16/2020

Kenneth Crowley acting as Owner on behalf of Herbal Pathways LLC. Kenneth Crowley declares with their above-signature that they hold the legal power and authority to act in the presence of Herbal Pathways LLC.



ATTAR

ENGINEERING, INC

CIVIL ♦ STRUCTURAL ♦ MARINE

Mr. James Bellissimo, Town Planner
Town of Berwick
11 Sullivan Street
Berwick, Maine 03901

April 23, 2020
Project No.: C035-20

**RE: Conditional Use Permit Application
Herbal Pathways, 468 Portland Street, Berwick, ME
Tax Map R-71, Lot 7**

Dear Mr. Bellissimo:

On behalf of Herbal Pathways, I have enclosed, for your review and consideration, a Plan Set, Conditional Use Permit Application and supporting documentation for the above referenced project.

The project includes an existing 6,720 S.F. building with an adult use marijuana retail, cultivation, and office space.

The building will be served by an existing, private, subsurface wastewater disposal system (SSWDS) and an existing private well.

All waste will be placed in a locked dumpster inside a secure, locked enclosure designated for Waste Only. Additional landscaping and security systems have been added to the site, and are shown on the plans.

A maximum of seven employees are expected to be on site during the largest shift. A total of fourteen employees will be hired. The cultivation facility will be operational from 8am-5pm and have four employees at a time. The retail portion will have three employees from 10am-8pm. Both will operate seven days a week.

The development of this application does not result in any change to the total impervious area.

Thank you for your consideration. We look forward to discussing this project with the Planning Board at the next available meeting.

Sincerely;

Kenneth A. Wood, P.E.
President

cc: Herbal Pathways
Kenneth Crowley

C035-20_Berwick_Cover.doc



Town of Berwick

Where Tradition Meets Tomorrow

11 Sullivan Street, Berwick, Maine 03901
 Phone: (207) 698-1101 Fax: (207) 698-5181
 Website: www.berwickmaine.org

APPLICATION: CONDITIONAL USE PERMIT/SITE PLAN REVIEW

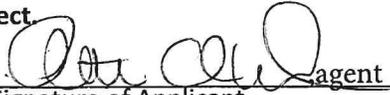
PLANNING BOARD REVIEW FEES <i>(All Fees are Non-Refundable)</i>		<input checked="" type="checkbox"/> \$500.00 Conditional Use Review <input type="checkbox"/> \$1,000.00* Site Plan Review <i>* Site Plan Review requiring more than 10 hours of staff time will be billed at \$80/hour.</i>		Site Plan Review[†] Please check any that apply: <input type="checkbox"/> Construction of 3,000 or more ft ² <input type="checkbox"/> Installment of 5,000 ft ² or more impervious surfaces. <input type="checkbox"/> Mobile Home Park <input type="checkbox"/> Extraction Industry <input type="checkbox"/> Multi-Family <input checked="" type="checkbox"/> None of the above			
PROPERTY DESCRIPTION	Parcel ID	Map: 71	Lot: 7	Zoning District: RC/I	Total Land Area: 2.07 AC	Part of a Subdivision (Y/N)	N
	Physical Address	468 Portland Street				Aquifer Protection (Y/N)	N
						Shoreland Protection (Y/N)	N
						Resource Protection (Y/N)	N
						Special Flood Hazard Area (Y/N)	N
APPLICANT OR REPRESENTATIVE INFORMATION	Name	Kenneth Wood, P.E. Attar Engineering, Inc.		Mailing Address	1284 State Road Eliot, ME 03903		
	Phone	207-439-6023		Email Address	ken@attarengineering.com		
PROJECT DESCRIPTION	<u>Existing Use:</u> Spin Analytics, a medical device manufacturing company.						
	<u>Project Name:</u> Herbal Pathways						
	<u>Proposed Use</u> Adult Use Marijuana Retail and Cultivation						
	<u>Waiver(s) Requested:</u>						

Planning Board meetings are the 1st and 3rd Thursday of each month at 6:30pm.

This application must be submitted at least **two weeks** in advance of the Planning Board meeting. On-going applications have a **one-week** submittal requirement. Please e-mail a complete application to planning@berwickmaine.org, submit the application fee and eight copies to the Planning Department with the requirements outlined on the other side of this application.

A Public Hearing and a site walk when necessary will be scheduled when the Planning Board finds the application complete. All expenses must be paid before a Certificate of Occupancy will be granted through the Code Enforcement Office. A performance guarantee may be required by the Planning Board.

CERTIFICATION. To the best of my knowledge, all information submitted with this application is true and correct.



 Signature of Applicant

4/23/20

 Date

Submitted	Waiver Request	Conditional Use Application Requirements
<input checked="" type="checkbox"/>	N/A	List of Abutters located within 200 feet including tax map and lot number. Information can be found in the Assessing Database or GIS maps at www.berwickmaine.org
<input checked="" type="checkbox"/>	N/A	Right, Title and Interest to the Property: Copy of Deed, Purchase & Sale Agreement or subdivision approval.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan to include requirements in Section 9.8(F) of the Land Use Ordinance. Including: <input type="checkbox"/> Proposed buildings with room layout <input type="checkbox"/> Approximate boundaries of the parcel <input type="checkbox"/> Parking Plan <input type="checkbox"/> Traffic circulation with proposed exists and entrances <input type="checkbox"/> Lighting <input type="checkbox"/> Landscaping.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Written narrative describing proposed use including: <input type="checkbox"/> Total floor area <input type="checkbox"/> Ground coverage <input type="checkbox"/> Location of each proposed building <input type="checkbox"/> Setbacks to property line <input type="checkbox"/> Business Hours of Operation <input type="checkbox"/> Number of Employees <input type="checkbox"/> Materials to be Used Refuse/Garbage Disposal <input type="checkbox"/> Noise <input type="checkbox"/> Existing restrictions or easements on the site
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> External Plumbing Permit or permission letter to enter municipal water and sewer lines. OR on-site soils investigation report by licensed site evaluator.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Written statement documenting proposed Low Impact Design (LID) for the site to reduce storm water volumes. LID includes, but is not limited to: green roofs, rain gardens, tree wells, infiltration basins, and permeable pavement.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Materials to satisfy Section of 9.8.l.1 a through s as they apply to Conditional Use Review.

Submitted	Waiver Request	Site Plan Approval Requirements [†]
		These requirements shall be met when the application meets any of the criterion of Section 9.8.E in the Land Use Ordinance.
<input type="checkbox"/>	<input type="checkbox"/>	Map or maps prepared at a scale of not less than 1" to 40'
<input type="checkbox"/>	<input type="checkbox"/>	Perimeter survey of parcel certified by registered land surveyor Which meets all requirements of 9.8. criterion 2.b.i
<input type="checkbox"/>	<input type="checkbox"/>	Topography indicating contours at intervals of not more than two feet in elevation unless otherwise specified by the Planning Board.
<input type="checkbox"/>	<input type="checkbox"/>	Existing and proposed locations and dimensions of any utility lines, sewer lines, water lines, easements, drainage ways, public or private ways
<input type="checkbox"/>	<input type="checkbox"/>	Location, ground floor area and elevations of buildings and other structures on site
<input type="checkbox"/>	<input type="checkbox"/>	On-site soils investigation which meets all requirements of 9.8.2.b.iv
<input type="checkbox"/>	<input type="checkbox"/>	Location and dimensions of on-site pedestrian and vehicular access ways, parking areas, loading and unloading facilities, design of ingress and egress of vehicles to and from the site on to public streets and curb and sidewalk lines
<input type="checkbox"/>	<input type="checkbox"/>	Landscape plan showing location, type and approximate size of plantings and location and dimensions of all fencing and screening
<input type="checkbox"/>	<input type="checkbox"/>	A written statement that meets all 11 requirements of 9.8.F.2.c
<input type="checkbox"/>	<input type="checkbox"/>	Materials to satisfy Section of 9.8.l.1 a through s as they apply to Site Plan Review.

Herbal Pathways
Kenneth Crowley
472 River Road
Lebanon, ME 04027

4/23/20

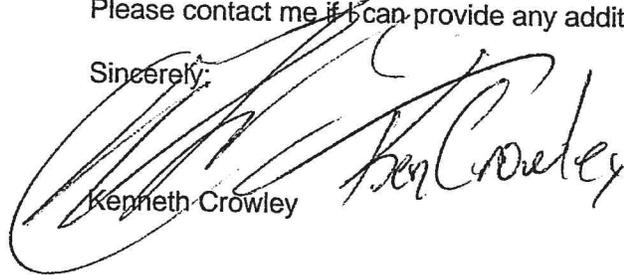
Mr. James Bellissimo, Town
Planner Town of Berwick
11 Sullivan Street
Berwick, ME 03901

To Whom It May Concern:

Please be informed that personnel from Attar Engineering, Inc. will be acting as my agent for the applications for the Herbal Pathways adult use marijuana retail and cultivation facility, 468 Portland Street, Berwick, Maine.

Please contact me if I can provide any additional information.

Sincerely:



Kenneth Crowley

cc: Attar Engineering, Inc.

4/23/20

List of Abutters
200 Ft

Project: Herbal Pathways – Berwick, ME

Location: 468 Portland Street– Map R071 Lot 7

Map	Lot	Property Owner	Mailing Address
R071	4-A	PARADIS, ERIN P.	30 OLD ROUTE FOUR BERWICK, ME 03901
R071	4-A-1	BERWICK, TOWN OF	11 SULLIVAN STREET BERWICK, ME 03901
R071	8-A	HATCH ALAN & SHERRILYN TRUSTEES C/O ALAN HATCH & SHERRILYN MCKIE HATCH TRUST	66 BRIAR DR ROCHESTER, NH 03867
R071	8-6	WALKER, WAYNE E & STEPHANIE L	462 PORTLAND ST BERWICK, ME 03901
R071	7-A	GARAFOLO, JOHN F. TRUSTEE C/O EXCHANGE REALTY TRUST	472 PORTLAND STREET BERWICK, ME 03901

RETURN TO:

RETURN TO:
Wyskiel Boc Tillinghast & Bolduc, P.A.
567 Central Avenue
Dover, NH 03820

2ff

Doc# 2011041344
Bk 16173 Pg 436 - 437
Received York SS
09/30/2011 1:08PM
Debra L. Anderson
Register of Deeds

WARRANTY DEED

Maine Statutory Short Form

D & T Smith, LLC a duly formed Maine limited liability company having an address of 45 Agamenticus Road, South Berwick, Maine for consideration paid, grant to **JABA Properties, LLC** a duly formed Maine limited liability company having an address of 468 Portland Street, Berwick, ME with **WARRANTY COVENANTS**, the real estate in the Town of Berwick, County of York and State of Maine, described as follows:

A parcel of land with the buildings and improvements thereon situated in the Town of Berwick, County of York and State of Maine on the easterly side of Route 4, also known as Portland Street, being bounded and described as follows:

MAINE R.E. TRANSFER TAX PAID

Beginning at a 5/8" rebar set on the easterly sideline of said Route 4 at land now or formerly of Debbie L. Will as described in a deed recorded in the York County Registry of Deeds at Book 10507, Page 54, said point being North 43° 51' 05" East and 218.99 feet distance from a found granite highway monument with "H" & drill hole 6" square, 8" above grade on the easterly sideline of said Route 4; thence running North 43° 51' 05" East along the easterly sideline of said Route 4 a distance of 200.00 feet to a 5/8" rebar set at land now or formerly of Steven E. Brown; thence running South 63° 53' 42" East along said Brown land a distance of 132.94 feet to a 5/8" rebar set; thence running South 52° 19' 22" East along said Brown land a distance of 327.12 feet to a 5/8" rebar set; thence running South 30° 16' 30" West along said Brown land a distance of 161.93 feet to a 5/8" rebar set at land now or formerly of Debbie L. Will; thence running North 59° 43' 30" West along said Will land a distance of 503.93 feet to the point of beginning. Containing 90,347.62 square feet, more or less.

The above description is derived from plan entitled "Partial Boundary and Topographic Plan Depicting a Portion of land of Steven E. Brown prepared for John F. Garafalo" dated April 11, 2002 by Civil Consultants. The bearings contained in the above description are based on Grid North Maine State Plane Coordinate System NAD 83 based on a solar observation on January 29, 1989. The above referenced 5/8" rebars are marked with plastic caps inscribed "Civil Consult 2009".

Meaning to describe and conveying the same premises described in the deed of Leo J. Belair, Jr. and Priscilla M. Belair to this grantor dated January 30, 2004 and recorded at the York County Registry of Deeds in Book 13903, Page 227.

The above-described premises are conveyed subject to any easements, restrictions, reservations, covenants, conditions and right of way of record, if any.

Witness the hand and seal of D & T Smith, LLC this 30 day of September 2011 by Terry L. Smith, its member.

D & T Smith, LLC

Christopher A. Wiskiel
Witness

By: *Terry L. Smith*
Terry L. Smith, Member
Duly Authorized

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD, ss

September 30, 2011

Then personally appeared the above named Terry L. Smith, in her said capacity and acknowledged the foregoing instrument to be her free act and deed, and the free act and deed of said LLC, before me:



Christopher A. Wiskiel
Notary Public

END OF DOCUMENT

JABA Properties, L.L.C.
468 Portland St
Berwick, ME 03901

To Whom It May Concern:

3/17/2020

JABA Properties L.L.C. has entered into an agreement to sell the property located at 468 Portland St, Berwick ME to Herbal Pathways L.L.C.



Brett Austin (JABA Properties L.L.C.)

468 PORTLAND ST

Location 468 PORTLAND ST

Mblu R071/ 7/ / /

Acct# 2617

Owner JABA PROPERTIES LLC

Assessment \$461,900

Appraisal \$461,900

PID 2054

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2019	\$326,200	\$135,700	\$461,900

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$326,200	\$135,700	\$461,900

Owner of Record

Owner JABA PROPERTIES LLC
Co-Owner
Address 468 PORTLAND ST
BERWICK, ME 03901

Sale Price \$285,000
Certificate
Book & Page 16173/ 436
Sale Date 09/30/2011
Instrument 00

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
JABA PROPERTIES LLC	\$285,000		16173/ 436	00	09/30/2011
D&T SMITH, LLC	\$290,000		13903/ 227	00	01/30/2004
BELAIR, LEO	\$45		13760/ 278	00	04/30/2002
BROWN, STEVEN E.	\$0		11621/ 010	1E	05/13/2001
BROWN, STEVEN E.	\$0		07319/0278	1I	01/24/1995

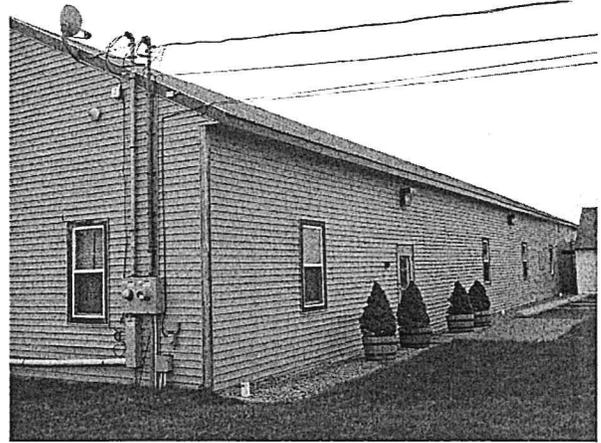
Building Information

Building 1 : Section 1

Year Built: 1999
Living Area: 6,720
Replacement Cost: \$355,664

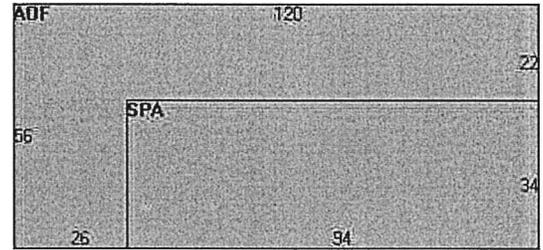
Building Percent Good: 86
Replacement Cost Less Depreciation: \$305,900

Building Photo



(<http://images.vgsi.com/photos/BerwickMEPhotos//\00\00\49\26>)

Building Layout



(<http://images.vgsi.com/photos/BerwickMEPhotos//Sketches/205>)

Building Attributes	
Field	Description
STYLE	Light Indust
MODEL	Industrial
Grade	Average
Stories:	1
Occupancy	1
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	Minim/Masonry
Interior Floor 1	Carpet
Interior Floor 2	Concr-Finished
Heating Fuel	Gas
Heating Type	Forced Air-Duc
AC Type	Central
Bldg Use	IND OFFICE
Total Rooms	7
Total Bedrms	00
Total Baths	1
1st Floor Use:	0322
Heat/AC	HEAT/AC PKGS
Frame Type	WOOD FRAME
Baths/Plumbing	LIGHT
Ceiling/Wall	SUSP-CEIL ONLY
Rooms/Prtns	AVERAGE
Wall Height	12
% Comn Wall	0

Building Sub-Areas (sq ft)		Legend	
Code	Description	Gross Area	Living Area
AOF	Office, (Average)	3,524	3,524
SPA	Service Production Area	3,196	3,196
		6,720	6,720

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code 322I
Description COMM BLDG MDL-96
Zone RCI
Neighborhood 50
Alt Land Appr No
Category

Land Line Valuation

Size (Acres) 2.07
Frontage
Depth
Assessed Value \$135,700
Appraised Value \$135,700

Outbuildings

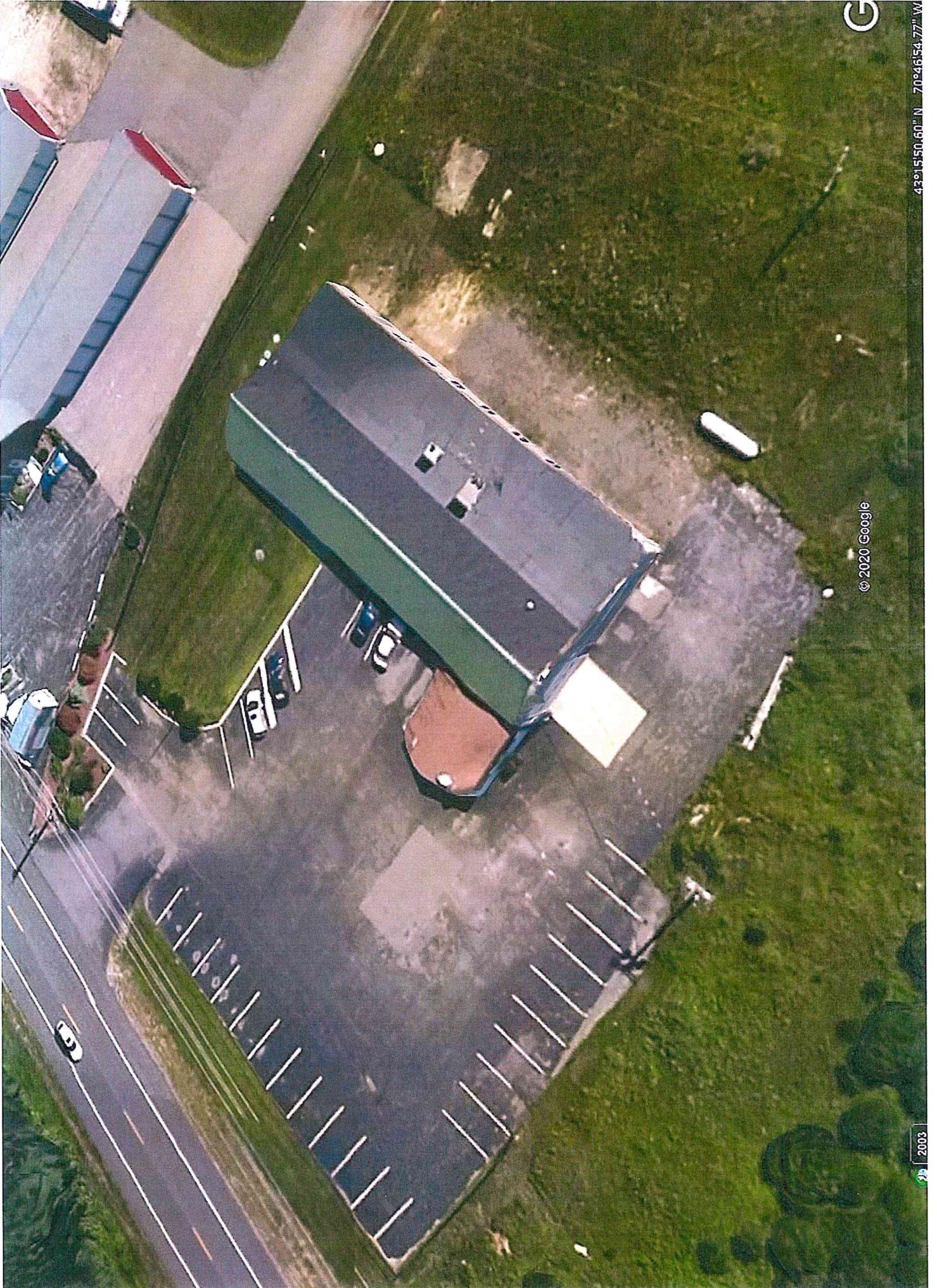
Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
FGR1	GARAGE-AVE			576 S.F.	\$13,800	1
PAV1	PAVING-ASPHALT			13 UNITS	\$6,500	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2018	\$304,400	\$85,000	\$389,400
2017	\$304,400	\$85,000	\$389,400
2016	\$304,400	\$85,000	\$389,400

Assessment			
Valuation Year	Improvements	Land	Total
2018	\$304,400	\$85,000	\$389,400
2017	\$304,400	\$85,000	\$389,400
2016	\$304,400	\$85,000	\$389,400

(c) 2020 Vision Government Solutions, Inc. All rights reserved.



© 2020 Google

2003

45°15'50.60" N 70°46'54.77" W

April 3, 2020

Mr. Kenneth A. Wood, P.E.
President
Attar Engineering, Inc.
1284 State Road
Eliot, ME 03903

RE: TRIP GENERATION AND TRAFFIC IMPACT ASSESSMENT FOR
468 PORTLAND STREET, BERWICK, MAINE

INTRODUCTION

This is written to summarize trip generation analysis performed for a proposed building conversion associated with a change of use at 468 Portland Road (Route 4) in Berwick, Maine. It is understood that the existing building, approximately 6,670 square foot (S.F.) in size, was formally occupied by small manufacturing uses, Mill Pond Millwork and Spin Analytics. The proposed use is a marijuana grow and sales facility. Approximately 2,064 S.F. will be used for the retail storefront with the remaining 4,606 S.F. dedicated to cultivation purposes. The facility is expected to employ ten (10) persons to start, with six (6) dedicated to retail sales and four (4) to cultivation. The facility hopes to grow total employment to fourteen (14).

TRIP GENERATION ANALYSIS

The number of trips to be generated by the proposed retail marijuana facility was estimated utilizing the most recent Institute of Transportation Engineers (ITE) "Trip Generation" 10th edition report. This newest edition is based upon the largest and most current database and is considered to be the best information regarding current trip making. Land use code (LUC) 882 – Marijuana Dispensary was utilized for the retail sales portion of the building, 2,064 S.F. Since there is no ITE data for agricultural or cultivation uses those trips were estimated on the basis of employees, and office use utilizing Land Use Code 710 – General Office, assuming most employees would arrive in the morning and depart in the late afternoon/early evening. With 40 % of the employees dedicated to cultivation it was assumed that 6 employees, of the projected future 14, would be dedicated to cultivation purposes. The overall trip generation results are presented below:

<u>Time Period</u>	ITE TRIP GENERATION (One-Way Trip Ends)		
	<u>Retail Sales</u>	<u>Cultivation</u>	<u>Total</u>
Daily	522	20	542
AM Peak Hour – Adjacent Street	22	2	24
Entering	12	2	14
Exiting	10	0	10

<u>Time Period</u>	<u>Retail Sales</u>	<u>Cultivation</u>	<u>Total</u>
AM Peak Hour – Generator	43	3	46
Entering	22	3	25
Exiting	21	0	21
PM Peak Hour – Adjacent Street	45	2	47
Entering	22	0	22
Exiting	23	2	25
PM Peak Hour – Generator	62	3	65
Entering	31	0	31
Exiting	31	3	34
Saturday	536	4	540
Saturday Peak Hour	75	1	76
Entering	38	1	39
Exiting	37	0	37

As shown in the above table, based upon the ITE data, the facility is expected to generate from 24 to 76 one-way trips during peak hours and approximately 540 trips on a daily basis. Since peak hour trip generation is well under 100 one-way trips a Traffic Movement Permit (TMP) is not required from the Maine Department of Transportation (MaineDOT).

PREVIOUS USE

The number of trips generated by the previous use was similarly calculated for comparison purposes. Land use code 140 – Manufacturing was utilized on the basis of 6,670 S.F. The results are summarized as follows along with the proposed use to determine new trips to the site:

<u>Time Period</u>	ITE TRIP GENERATION (One-Way Trip Ends)		
	<u>Proposed Use</u>	<u>Manufacturing</u>	<u>New</u>
Daily	542	26	516
AM Peak Hour – Adjacent Street	24	4	20
Entering	14	3	11
Exiting	10	1	9

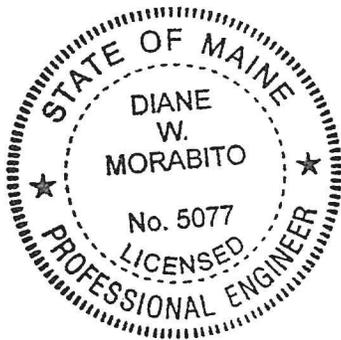
<u>Time Period</u>	<u>Proposed Use</u>	<u>Manufacturing</u>	<u>New</u>
AM Peak Hour – Generator	46	5	41
Entering	25	4	21
Exiting	21	1	20
PM Peak Hour – Adjacent Street	47	4	43
Entering	22	1	21
Exiting	25	3	22
PM Peak Hour – Generator	65	5	60
Entering	31	2	29
Exiting	34	3	31
Saturday	540	42	498
Saturday Peak Hour	76	6	70
Entering	39	3	36
Exiting	37	3	34

As seen above, the proposed marijuana sales and cultivation facility is expected to generate from 20 to 70 new one-way trips during peak hours over the previous manufacturing use. This amount of new traffic typically does not have a significant impact off-site on traffic operations. Lane hour trips are expected to be less than 35 per hour once split between entering and exiting and northbound and southbound directions on Portland Street.

SAFETY REVIEW

The most important factor for a facility with this level of trip generation is safety. The MaineDOT map viewer was checked for any nearby high crash locations on Portland Street and none were identified. Additionally, the MaineDOT map viewer (as well as Google Earth) shows the posted speed limit to be 55 mph in this area. Based on this, Sewall recommends a minimum of 550' of sight distance be provided from the drive. It should be confirmed that the available driveway sight distance meets this criteria and that there is no landscaping or signage located or planned to be located in the driveway sight triangle that could potentially block sight distance in the future.

As always, let me know if you or the Town of Berwick have any questions or concerns regarding this trip generation analysis or our recommendations regarding driveway sight distance.



Sincerely,

A handwritten signature in black ink that reads "Diane W. Morabito".

Diane W. Morabito, P.E. PTOE
Vice President Traffic Engineering



10 March, 2020

Berwick Board of Selectmen and James Bellissimo
11 Sullivan Street, Berwick, ME 03901

Proposed Adult-Use Cultivation and Retail Marijuana Establishment at 468 Portland Street,
Berwick, ME 03901

Board of Selectmen and James Bellissimo:

It is with sincere enthusiasm and passion that Herbal Pathways, LLC expresses interest in becoming an Adult-Use Cultivator and Retail Marijuana Establishment in the Town of Berwick. Herbal Pathways is a Maine family-owned business created to establish and operate Adult-Use Establishments in the State of Maine. Due to our experience, strong guiding values, and owner-operator approach to business, we believe Herbal Pathways would be a good candidate to be selected as an Adult Use Cultivator and Retailer in Berwick.

Our proposed location at 468 Portland Street, Berwick, ME 03901 will have minimal infrastructure impact and we intend to provide ample parking spaces and traffic mitigation strategies to support an adult-use establishment.

What Makes Us Different

Owner-Operators

Herbal Pathways has a mission to change adult use marijuana industry and succeed as one of the few family owned cannabis groups in the State. As owners we have direct and extensive experience in the East Coast Marijuana Industry and are passionate about the mission, vision, and values of the company. Herbal Pathways owners will be more than just names on an application; our organization is predicated on an owner-operator business model.

Herbal Pathways executive team will have a direct and active role in business operations at our Berwick facility. We will represent ourselves at Town meetings and throughout the application process, maintain a presence in the local community, and ensure that we are seen by customers in our Berwick facility.

Triple Bottom Line

Herbal Pathways mission extends far beyond succeeding as one of the few family adult use marijuana companies. We recognize our responsibility to lead by example in all that we do. As



such, we have created a business model that ensures we will own and operate an organization that enhances the quality of life for our customers, community, and the planet. Our triple-bottom-line approach to business ensures we exercise best practices above and beyond what is required of an organization.

Great Neighbors in Your Community

Herbal Pathways will pay employees a living wage starting at \$16 to \$20 per hour. Further, we will offer preferential hiring to local community members and give preference to local suppliers to provide infrastructure and services to our business.

Herbal Pathways will use community feedback, coupled with our open line of communication with the Town, will allow us to uphold a reputation as a charitable, involved, and respected business in Berwick.

Herbal Pathways will ensure a symbiotic relationship with Berwick by being a responsible and participative neighbor and community member.

Herbal Pathways is a fully-funded operator with the capital and resources in place to get our proposed Berwick facility operational in a timely and efficient manner.

We sincerely thank you for your time and consideration. We hope to become a valuable resource and asset to your community. - Herbal Pathways Owners

Ken Crowley Owner, CEO
603-340-6539 kendebbie4@comcast.net

Debbie Crowley Owner, COO
603-340-5016 kendebbie4@comcast.net

Ken Crowley
Herbal Pathways
472 River Road
Lebanon, ME 04027

Wednesday, March 18, 2020

Dear Chief of Police Timothy Towne & Fire Chief Dennis Plante,

This letter is intended to provide you with more information and context related to the safety and security of Herbal Pathways proposed facility location at 468 Portland Road in Berwick. This facility, which will be entirely enclosed within the existing structures onsite, will conduct both the cultivation and retail sales of cannabis for the regulated adult-use market. This facility is intended as a showcase of the industry-leading technologies in surveillance, access control, and hazard mitigation, and I am excited to be bringing such a business to Berwick. By law, my facility must comply with all applicable codes, including building, fire, and cannabis regulations, but I would like to point out a few highlights:

I'd like to provide a brief overview of some of our safety and security at Herbal Pathways, to be supplemented by any additional information you would like to receive on safety and security.

The main way to provide employee and community safety in this high-value, highly regulated industry is to both control the custody of the product and the access of those who come in contact with the product. My cultivation facility will be entirely separated with internal divisions from any public-facing areas, and only employees will be allowed in any non-retail area. Access will be controlled by electronic key strikes, and each employee will receive a unique access card. These cards can be locked down by time and by location to ensure that employees can only enter areas that are related to their job function, and also allow for a full lockdown to be initiated by any manager. The doors are "fail safe", and in the event of power failure will allow for exit, but no re-entry until the site has been made safe.

Any non-employees will have their age and their status verified upon requesting entry to the facility – customers will be checked in and directed to the retail area, while visitors will be entered into the visitor log, badged, and given an employee escort at all times they are on premises.

Moreover, in addition to visual tracking via the extensive camera systems, all product will be tracked through third-party, industry-standard seed-to-sale tracking systems – that is, each plant and each product created thereof will have a unique identifying tag, and all parts of the plant (down to partial grams) will be accounted for, including the waste materials, which will be safely disposed of. This same seed-to-sale system is used for the transfer of product, with the addition of live GPS tracking of all Herbal Pathways vehicles used to transfer products.

Finally, the extensive written emergency, disaster, and PPE/workplace safety plans designed to reflect industry best practices for employee and community safety will be frequently reviewed and updated to ensure that they account for the up-to-date staffing and site operations as well as the most recent controlling authorities. Our on-site safety manager will conduct both post-background check, pre-start training and frequent on-the-job training to ensure that Herbal Pathways has staffing vetted, educated, and trained to be commensurate with the level of technology and security reflected in our facility.

My background, aside from cannabis, has been working as Director of Operations, Plant Manager, and I have come to both deeply understand and deeply respect the rules around both workplace and building safety. I have specifically selected each building material and each product being used in the facility not only for its utility as a cannabis tool, but also for maximum safety, especially in light of unforeseen issues, such as fire or flood.

I have seen as a reoccurring item are what I collectively refer to as quality of life issues – noise, odor, lighting, and traffic. I'd like to briefly run down my plan to deal with each of these:

Noise: My facility will be fully enclosed, insulated and air gapped both for maximum plant health as well as noise reduction. The equipment I am installing, particularly my HVAC system, has been specifically selected for quiet, efficient operations.

Odor: My fully enclosed building will not have any direct venting of cannabis odors to the outside air. I will be using industry-standard biofilter systems using a variety of natural materials to reduce odor. I'll have a no-idling policy in place for all vehicles, and no cultivation or processing will take place outdoors.

Lighting: All of my cultivation and related grow lighting will take place indoors, without skylights or greenhouses. The only outside lighting will be task lighting and standard outdoor floodlights, which will be hooded and lensed to ensure that no light spills over my property lines. Additionally, all outdoor lights will be on both light and motion sensors to ensure they are active for the shortest possible times.

Traffic: I'll have a traffic flow and parking plan in place for my employees to ensure that there is ample room in the lot and there is no conflict with existing traffic patterns or customer entry. My operational hours have been put in place with regard to morning and evening traffic patterns, designed to create a minimal impact on the community. Finally, I will be using social media and other means of advertising extensively to ensure that my clients know the best and safest ways to come to my shop, and how to conduct themselves while doing so.

With your permission, I'd like to keep this conversation going, and consult with you on an ongoing basis regarding my operational plans and any security or safety concerns you may identify. In this

case, I'd like to take advantage of your knowledge of the community and its unique needs to make sure that I am being as attentive as possible. Please let me know a good time to connect!

Respectfully,

Kenneth Crowley

Ken Crowley
Founder and CEO
Herbal Pathways



Security, Odor Control & Performance Standards

Berwick, ME

Herbal Pathways, LLC

Committed to quality.

Herbal Pathways is dedicated to participating in this industry by consciously providing the **safest** and most enjoyable environment for our employees and our community as we all evolve and thrive in this business.





Security

Herbal Pathways, LLC

General Overview

- ❖ Our cultivation facility is co-located with our retail facility:
 - Cultivation is clearly delineated from Retail facility.
 - One single connection: one single lockable door will connect the two branches.
 - All cultivation will occur completely enclosed indoors.
- ❖ All products will be tracked using state-approved Seed-to-Sale software and will be taxed according to regulations.
 - Includes all seedlings, immature plants, marijuana, or marijuana products, even if they are passing our own threshold from Cultivation to Retail.
- ❖ Waste Management/Destruction:
 - Any product that must be destroyed for any reason will be documented and tracked using Seed-to-Sale software, and destruction will be conducted in accordance with waste management regulations.
- ❖ Theft, diversion or sale of product to persons under 21 will result in immediate termination of dispensing agent, and the Department will be notified.



Security Guards

- ❖ Patrol property; monitor surveillance equipment; inspect building, equipment & access points; permit entry to building.
- ❖ Complete routine safety equipment checks (fire suppression, locks, video surveillance, etc.), and inspect security systems to ensure proper functioning and detect tampering; evaluate new equipment and techniques.
- ❖ Monitor and authorize entrance & departure of employees, visitors, vendors by checking appropriate documentation.
- ❖ Warn people of rule infractions or other violations; apprehend & evict violators.
- ❖ Respond to alarms/distress calls/emergencies by contacting emergency response teams.
- ❖ Investigate and report suspicious activities to local police.
- ❖ Ensure reports, records & other documentation are accurate, complete and timely.
- ❖ Comply with local, state and federal laws & regulations.



Additional Semi-Annual Training

Training will feature:

- ❖ Methods to assist:
 - Disgruntled patrons, employees and vendors;
 - People who are mentally or emotionally challenged and experiencing distress;
- ❖ Best practices for assisting patrons who:
 - Become verbally/physically aggressive;
 - Are intoxicated.
- ❖ CPR and First Aid training.



Security Procedure: Patrons

1. Upon arrival outside the patron entrance, IDs are presented to an Herbal Pathways agent via camera/intercom system attached to the wall next to the locked outer entrance of building.
2. Once security verifies that patron possess ID, security agent unlocks the door from the inside via button hidden from sight.
3. Patron enters lobby: door closes and locks behind them.
4. Security agent visually checks ID to verify Date of Birth, then places ID in scanner to verify ID authenticity.
5. Security agent returns ID to patron, presses button to unlock Door #2 (designated Retail Entrance only). Door closes and locks behind patron.
6. Patron is now on Retail floor and approaches Point of Sale where retail associate verifies ID before fulfilling any purchase(s).
7. Once purchase is complete, patron exits through designated exit door, which locks behind them and cannot be opened from the outside.





Retail Showroom

- ❖ Emergency call buttons hidden below each register are direct line to local police.
- ❖ Security cameras strategically placed throughout showroom in such a way as to record all transactions and movement/sale/replenishing of product in front of and behind showroom counters, and eliminate all “blind spots” or opportunity for theft/loss.
- ❖ All cabinets behind retail counter are:
 - Used only for temporary storage of product available for immediate sale;
 - Lockable, and keys are possessed solely by Retail Manager on duty and Director of Retail.
- ❖ Aside from flower in locked display case, no product on display shall contain cannabinoids.
- ❖ All flower on display shall be contained in a see-through vessel and sealed in such a way as to prevent any direct contact with the product via physical touch.
- ❖ Employee entrance to sales floor is accessible by retail staff only through one door located behind retail counter. That door connects Retail to hallway within the building and can only be opened by scanning an employee badge programmed for access to designated zones.

Employee & Vendor Screening

Prior to hire, applicants and vendors must complete pre-hire/pre-contract background checks consisting of:

- ❖ Social Security Verification
- ❖ Prior Employment Verification
- ❖ Personal and Professional References
- ❖ Educational Verification
- ❖ Criminal History

As-needed, additional check includes:

- ❖ Motor Vehicle Records & Credit History



Lighting

- ❖ Entire perimeter and all gates will have lighting sufficient for observers to see, and cameras to record, any activity within 20 feet.
- ❖ All low-lit areas will be equipped with motion detection lighting.





Doors & Windows

- ❖ Commercial-grade, high-level security locks:
 - On all perimeter entry doors;
 - On all doors separating limited access areas from areas open to patrons, visitors and vendors;
 - On all external entrances to all facilities on the premises;
 - On all perimeter windows.
- ❖ All windows will be maintained and in good condition.
- ❖ RFID card reader secures the single door separating Cultivation facility and Retail Facility.



Video Surveillance



Surveillance equipment provided by security company: Platinum Protection (NH).

- ❖ Cameras will be permanently fixed:
 - Inside each entry/exit point to identify persons entering/exiting the premises and limited access areas;
 - To record building and property perimeter;
 - To show entirety of:
 - All Retail areas;
 - All areas where seeds, plants and plant materials are grown/stored/processed;
 - Area where unusable product or plant material is stored awaiting destruction.
- ❖ Interior and exterior cameras are vandal-proof.
- ❖ All cameras fixed at Points of Sale are capable of zoom to ensure facial identity.



Alarm System

- ❖ System includes an audible alarm that can be disabled remotely.
- ❖ Monitored sensors:
 - At all perimeter entry points;
 - At all perimeter windows.
- ❖ Alarm system will be monitored by 3rd party:
Platinum Protection (NH)
- ❖ In case of alarm activation, Platinum Protection will contact:
 - Herbal Pathways Director of Security;
 - Herbal Pathways Director of Operations;
 - Law enforcement (if necessary).



Video Footage

- Stored for 90 days:
 - Storage device secured to prevent tampering or theft;
- Continuously recorded 24hrs/day at 15 frames per second; minimum resolution 720 pixels;
- IP compatible and encrypted;
- Displays date & time.

A limited list of essential personnel with access to footage and procedures for controlling access to recordings will be maintained.



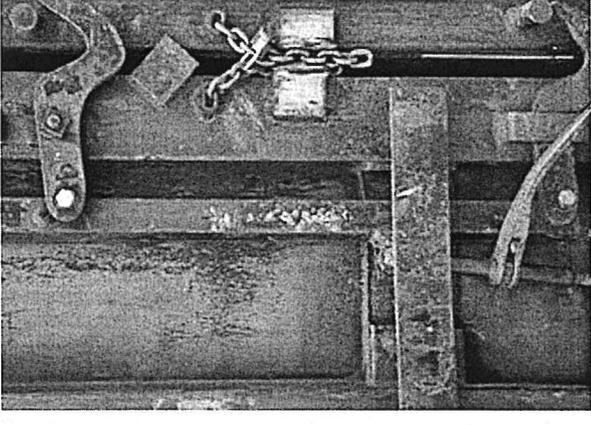
Employee Theft

- ❖ Herbal Pathways will designate areas for employee storage of bags, coats and other belongings.
- ❖ Herbal Pathways may decide to place limits on the size of bags employees are allowed to bring to work.
- ❖ Following the first incident of employee theft, Herbal Pathways may institute a Bag Search Policy.
- ❖ Any employee proven to have stolen property, marijuana, products containing marijuana, or ancillary products will be terminated immediately and their information updated in the Department database.



Waste Management

- ❖ Waste will be segregated to a designated area.
- ❖ Waste will be manifested & transported back to cultivation facility.
- ❖ Waste disposal will occur on camera and be conducted by no fewer than 2 Herbal Pathways agents.
- ❖ All products for disposal will be documented within their category on Marijuana Disposal Form.
- ❖ Disposal Method:
 - Amount of destruction media/non-marijuana waste equal to amount of marijuana waste will be combined and then processed through chipper/shredder unit.
- ❖ End matter for disposal will be placed in a locked dumpster located inside a secure, locked enclosure designated for Waste Only.



Transporting Bulk Product Between Facilities (A)

- ❖ All marijuana and marijuana products entering and leaving the Herbal Pathways facility will be labeled and tracked using the state-approved tracking software.
- ❖ Products will only be transported to Herbal Pathways' facilities or to other licensed establishments as permitted by Herbal Pathways' license.
- ❖ No advertising, marketing or branding of Herbal Pathways' transportation vehicles.
- ❖ All routes will remain within Maine and be randomized to ensure safety.
- ❖ All vehicles will be temperature-controlled and equipped with alarm systems.
- ❖ All products will be stored in locked storage compartments during transportation.
- ❖ No product will be visible from outside the vehicle.
- ❖ No firearms will be present in vehicle or on agents' persons.
- ❖ All vehicles will be tracked by GPS, and any stops, emergencies or delays will be documented in transportation log.



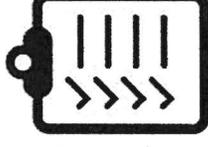
Transporting Bulk Product Between Facilities (B)

- ❖ At least 2 Herbal Pathways agents per vehicle:
 - 1 remains in vehicle at all times when marijuana is present in the vehicle.
- ❖ Prior to **departing** Herbal Pathways location, video recording will be created to document weighing, inventory, and accounting for all marijuana products to be transported. Upon delivery, manifest will be created in triplicate.
- ❖ When **receiving** transported marijuana, within 8 hours after arrival, Herbal Pathways will create video record of re-weigh, re-inventory, and accounting of all marijuana/products, including the manifest.
- ❖ Any undelivered product will be returned to its Herbal Pathways facility of origin.
- ❖ All product will be labeled and sealed in compliance with regulations.
- ❖ Each agent equipped with communication device and regularly communicate with Herbal Pathways home base at 30 minute scheduled intervals.
- ❖ Each agent will have their Agent Identification Badge with them at all times.



What is recorded on our Transportation Manifest?

- ❖ Name, address and registration number of establishment of origin AND destination;
- ❖ Names & registration numbers of transportation agents, and manifest preparation agent;
- ❖ Description of products being transported, including weight and type of product;
- ❖ Vehicle mileage upon arrival to destination AND upon return to Herbal Pathways' location;
- ❖ Dates & times of departures & arrivals;
- ❖ Signature lines for receiving agent;
- ❖ Weight & inventory before departure and upon receipt;
- ❖ Date & time of re-inventory, and name of agent who re-inventoried transported products at destination;
- ❖ Vehicle make, model & license plate number.



Inventory Tracking

- ❖ The following information will be tracked in the Seed-to-Sale software:
 - Complete inventory of all marijuana, marijuana concentrate and marijuana products in the possession, control or ownership of Herbal Pathways;
 - Any changes to inventory of any marijuana or marijuana products;
 - The municipality or municipalities where the product was harvested, cultivated, manufactured, tested, sold to consumers or other licensees, or destroyed;
 - All marijuana and marijuana product inventories will be reconciled daily;
 - When plants are partially or fully harvested or destroyed;
 - When marijuana waste is destroyed;
 - When an authorized transfer occurs;
 - Any theft;
 - All sales records;
 - Marijuana excise and sales tax records;
 - All mandatory testing results.

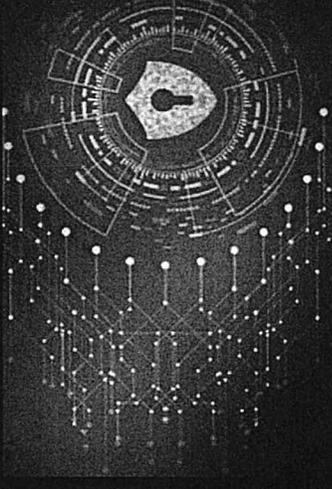


Marijuana
Enforcement
Tracking
Reporting
Compliance



Inventory Security

- ❖ Herbal Pathways will provide an accurate and complete list of all inventory tracking system administrators, immediately updating any changes.
- ❖ Any new inventory tracking system users will be trained and authorized before they may access tracking system in any way.
- ❖ Accounts of any inventory tracking system users no longer employed by Herbal Pathways will be cancelled.
- ❖ Herbal Pathways (and agents associated with the account in use) will be responsible for all actions taken while logged into the inventory tracking system.
- ❖ Each authorized agent will only log activities in the system under their own user account.





Odor Control

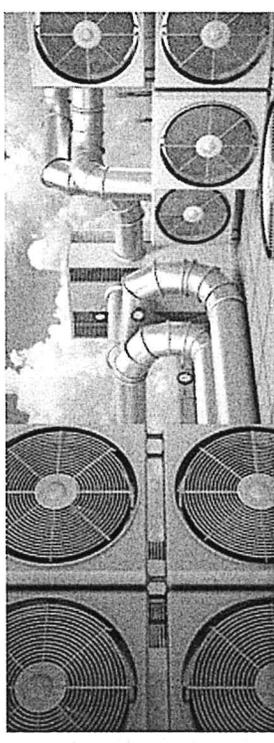
Herbal Pathways, LLC

Ventilation System

Herbal Pathways will ensure heating, ventilation and air conditioning (HVAC) systems are adequate for the facility and minimize exposure limits.

Protocol includes:

- ❖ Identification of controls and systems for optimal environmental conditions;
- ❖ Continual monitoring of plants and environmental conditions, including: Pests, pathogens, plant illness, ideal climate controls;
- ❖ Internal environmental swabbing and sampling;
- ❖ Third-party environmental assessments;
- ❖ Air quality monitoring & regular replacement of all carbon filters.



Airflow



- ❖ Destratification devices:
 - Recycle CO2 that may have settled to the floor of the grow space.
- ❖ Multi-staged, high-volume HEPA filters will be hung from ceilings to filter out microbial contaminants that could cause post-harvest losses.
- ❖ Dozens of air scrubbers = continual filtration for optimal air quality.
- ❖ HVAC system will be ducted and supplied to each cultivation room.
Ducts are:
 - Removable, sterilized, evenly disperse the supplied air and CO2 over the canopy in the rooms
- ❖ Wall fans, floor fans, ceiling fans.



Odor Mitigation

- ❖ Odor dispersion modeling for the site will take into account:
 - Terrain, surrounding buildings, prevailing weather patterns, potential receptors.
- ❖ If required: High-plume exhaust systems will use heat to lift the odorous exhaust up and away. VOC emissions/exhaust will be aggregated to ensure it is below 1 ton/year.
- ❖ Another option: Biological Oxidation System (Biofilter):
 - Reduces concentration of odorous compounds by:
 - Using a substrate as interface between the gas and a liquid film = odors are absorbed into the liquid.
 - Bacteria in the liquid metabolize the odorous compounds.



Environmental Control: Odor, Pest + Pathogen Mitigation

- ❖ 2 dedicated **Air Handling Units** (“AHU”) cooling each grow room:
 - Multiple units = back-up if one AHU fails
 - Closed-loop system in each room = no shared air between rooms.
- ❖ Multi-stage **HEPA filters** installed in each room provide:
 - Pathogenic mold mitigation;
 - Limits on common grow space contaminants like:
 - Powdery mildew, Botrytis, common indoor allergens.
- ❖ No need for chemical **controls**, instead we will use:
 - Environmental controls, disease-resistant cultivars, and dedicated Integrated Pest Management (IPM) crew.
- ❖ **Environmental controllers** installed in each flower room = advanced opportunity to correct issues by monitoring:
 - CO2, Humidity and Temperature.





Performance Standards

Herbal Pathways, LLC

Signage & Advertising

- ❖ Signs will:
 - Be stationary and permanently installed;
 - Be lit with hooded or shielded bulbs to prevent illumination of public streets or abutting properties;
 - Comply with all other requirements outlined in:
 - The Berwick Land Use Ordinance updated June 11, 2019.
 - Maine Adult Use regulations.



Consumption

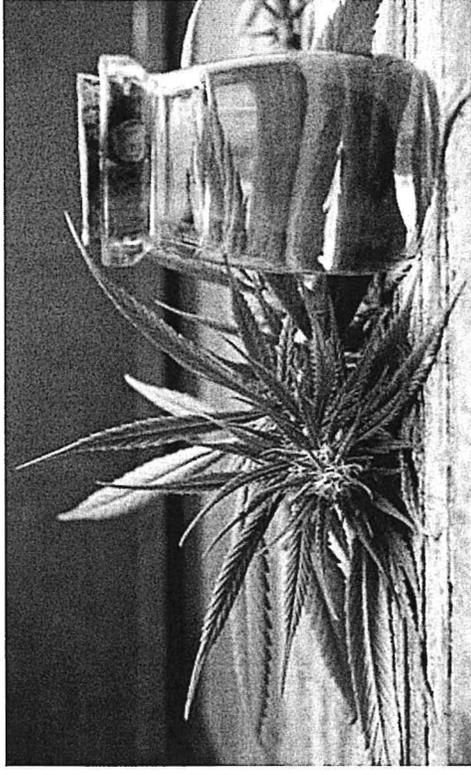
- ❖ **No marijuana will be consumed on-site.** Herbal Pathways is developing a plan to mitigate any issues that may arise, including the following:
 - Signage indicating “No Smoking Zone.”
 - Any Herbal Pathways agent found consuming marijuana or marijuana products on the property will be terminated immediately.
 - Any patron found consuming or attempting to consume marijuana or marijuana products on the property will be informed of Maine LR 2395 section 1501, which states:
 - Marijuana in the town of Berwick may only be consumed in a private residence or on private property.
 - Such private property must not generally be accessible to the public;
 - The consumption of marijuana or marijuana products must be explicitly permitted by the property owner.



Visibility of Activities

At all Herbal Pathways locations, all activities shall be conducted indoors. "All activities" may include:

- ❖ Marijuana Cultivation
- ❖ Marijuana Processing
- ❖ Destruction of Marijuana and Marijuana Products
- ❖ Marijuana Packaging
- ❖ Marijuana Dispensing

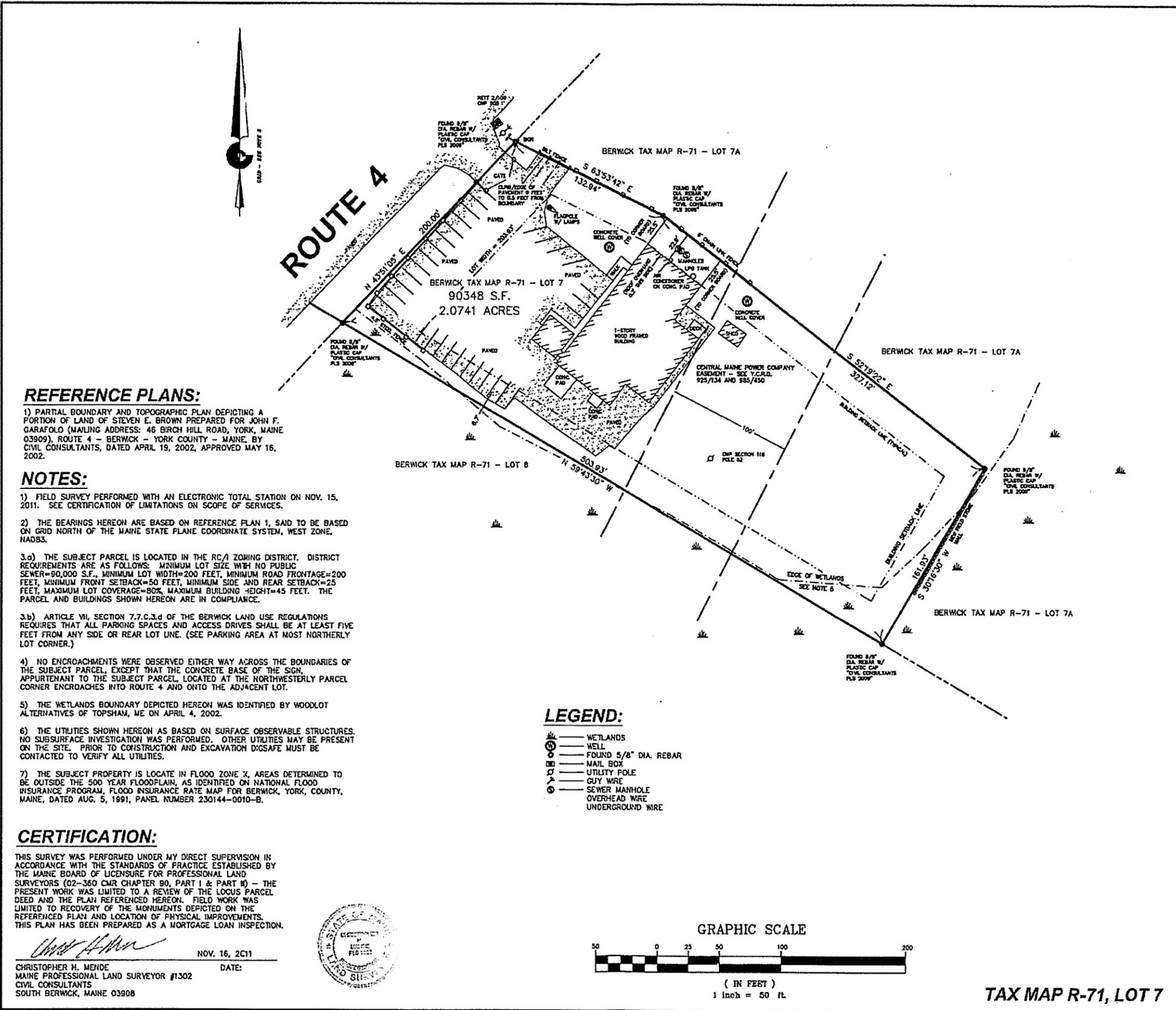




Herbal Pathways

Committed to collaboration.

Herbal Pathways, LLC



REFERENCE PLANS:

1) PARTIAL BOUNDARY AND TOPOGRAPHIC PLAN DEPICTING A PORTION OF LAND OF STEVEN E. BROWN PREPARED FOR JOHN F. CARAFALO (MAILING ADDRESS: 48 BIRCH HILL ROAD, YORK, MAINE 03909), ROUTE 4 - BERWICK - YORK COUNTY - MAINE, BY CIVIL CONSULTANTS, DATED APRIL 19, 2002, APPROVED MAY 16, 2002.

NOTES:

- 1) FIELD SURVEY PERFORMED WITH AN ELECTRONIC TOTAL STATION ON NOV. 15, 2011. SEE CERTIFICATION OF LIMITATIONS ON SCOPE OF SERVICES.
- 2) THE BEARINGS HEREON ARE BASED ON REFERENCE PLAN 1, SAID TO BE BASED ON GRID NORTH OF THE MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE, NAD83.
- 3.a) THE SUBJECT PARCEL IS LOCATED IN THE RC/A ZONING DISTRICT. DISTRICT REQUIREMENTS ARE AS FOLLOWS: MINIMUM LOT SIZE WITH NO PUBLIC SEWER=80,000 S.F., MINIMUM LOT WIDTH=200 FEET, MINIMUM ROAD FRONTAGE=200 FEET, MINIMUM FRONT SETBACK=50 FEET, MINIMUM SIDE AND REAR SETBACK=25 FEET, MAXIMUM LOT COVERAGE=80%, MAXIMUM BUILDING HEIGHT=45 FEET. THE PARCEL AND BUILDINGS SHOWN HEREON ARE IN COMPLIANCE.
- 3.b) ARTICLE VII, SECTION 7.7.C.3.d OF THE BERWICK LAND USE REGULATIONS REQUIRES THAT ALL PARKING SPACES AND ACCESS DRIVES SHALL BE AT LEAST FIVE FEET FROM ANY SIDE OR REAR LOT LINE. (SEE PARKING AREA AT MOST NORTHERLY LOT CORNER.)
- 4) NO ENCROACHMENTS WERE OBSERVED EITHER WAY ACROSS THE BOUNDARIES OF THE SUBJECT PARCEL, EXCEPT THAT THE CONCRETE BASE OF THE SIGN, APPURTENANT TO THE SUBJECT PARCEL, LOCATED AT THE NORTHWESTERLY PARCEL CORNER ENCROACHES INTO ROUTE 4 AND ONTO THE ADJACENT LOT.
- 5) THE WETLANDS BOUNDARY DEPICTED HEREON WAS IDENTIFIED BY WOODLOT ALTERNATIVES OF TOPSHAM, ME ON APRIL 4, 2002.
- 6) THE UTILITIES SHOWN HEREON AS BASED ON SURFACE OBSERVABLE STRUCTURES. NO SUBSURFACE INVESTIGATION WAS PERFORMED. OTHER UTILITIES MAY BE PRESENT ON THE SITE. PRIOR TO CONSTRUCTION AND EXCAVATION DYSAFE MUST BE CONTACTED TO VERIFY ALL UTILITIES.
- 7) THE SUBJECT PROPERTY IS LOCATE IN FLOOD ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOODPLAIN, AS IDENTIFIED ON NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP FOR BERWICK, YORK, COUNTY, MAINE, DATED AUG. 5, 1991, PANEL NUMBER 230144-0010-B.

CERTIFICATION:

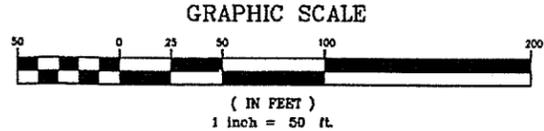
THIS SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH THE STANDARDS OF PRACTICE ESTABLISHED BY THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS (02-360 CMR CHAPTER 90, PART 1 & PART 10) - THE PRESENT WORK WAS LIMITED TO A REVIEW OF THE LOCUS PARCEL DEED AND THE PLAN REFERENCED HEREON. FIELD WORK WAS LIMITED TO RECOVERY OF THE MONUMENTS DEPICTED ON THE REFERENCED PLAN AND LOCATION OF PHYSICAL IMPROVEMENTS. THIS PLAN HAS BEEN PREPARED AS A MORTGAGE LOAN INSPECTION.

Christopher H. Mende
 NOV. 16, 2011
 CHRISTOPHER H. MENDE DATE:
 MAINE PROFESSIONAL LAND SURVEYOR #1302
 CIVIL CONSULTANTS
 SOUTH BERWICK, MAINE 03908



LEGEND:

- WETLANDS
- WELL
- FOUND 5/8" DIA. REBAR
- MAIL BOX
- UTILITY POLE
- GUY WIRE
- SEWER MANHOLE
- OVERHEAD WIRE
- UNDERGROUND WIRE



TAX MAP R-71, LOT 7

CIVIL CONSULTANTS
 Engineers
 Planners
 Surveyors
 P.O. Box 100
 South Berwick
 Maine
 03908
 207-384-2550
 civoon@civcon.com

NO.	REVISIONS	INT.	DATE
7			
6			
5			
4			
3			
2			
1	TITLE, NOTE 3b AND PAVEMENT/PL OFFSETS	CHM	11/17/2011
1		CHM	11/17/2011

MORTGAGE LOAN INSPECTION OF LAND OF JABA PROPERTIES, LLC
 468 PORTLAND STREET (ROUTE 4), BERWICK, YORK COUNTY, MAINE
 PREPARED FOR:
 WYSKIEL, BOC, TILLINGHAST & BOLDUC, P.A.
 MAILING ADDRESS: 561 CENTRAL AVE., DOVER, NH 03820

DRAWN CHM	CALC. CHM
DATE NOV. 16, 2011	
CHECKED MPP	
APPROVED CHM	
SCALE 1"=50'	
FIELD BOOK NB 414, PAGE 12	
SHEET TITLE: • MORTGAGE LOAN INSPECTION	
SHEET NUMBER: MLI	
SHEET 1 OF 1	
PROJECT # 02-438.05	

Berwick Fire Department



11 Sullivan Street
10 School Street
Berwick, Maine 03901

Phone: 207.698.1174
Fax: 207.698.4592
BerwickFire@BerwickFire.org

To: Kenneth A. Wood, P.E.
Attar Engineering, Inc.
1284 State Road
Eliot, Maine 03903

CC; James Bellissimo
Kenneth Crowley

Re: Herbal Pathways, 468 Portland Street, Berwick, Maine
Tax Map R-71, Lot 7

June 10, 2020

I have reviewed the submitted site plan dated April 23, 2020 and Building floor plan dated April 28, 2020 for the above project for Fire Protections needs.

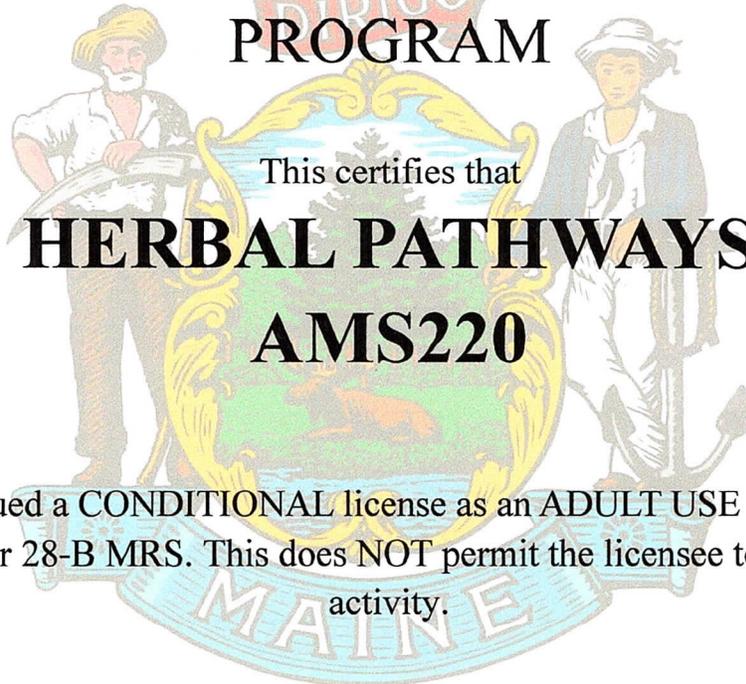
I am recommending the installation of the Knox Box Repaired Entry key system to allow emergency services access during non-occupied times should the need arise.

Please feel free to contact me should you have any questions.

Dennis Plante, Chief
Berwick Fire Department

OFFICE OF MARIJUANA POLICY

MAINE ADULT USE MARIJUANA
PROGRAM



This certifies that

HERBAL PATHWAYS
AMS220

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

ISSUED ON
04/09/2020


DIRECTOR
OFFICE OF MARIJUANA POLICY
MAINE ADULT USE MARIJUANA PROGRAM

EXPIRES ON
04/08/2021

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

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

The Conditional License for AMS220 has been issued based on the following organizational structure:

Principals:

KENNETH PATRICK CROWLEY, GENPART
DEBRA ANN CROWLEY, GENPART

Qualifying Maine Resident Owners:

50.00% - KENNETH PATRICK CROWLEY
50.00% - DEBRA ANN CROWLEY

Other Owners:

None Approved

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



OFFICE OF MARIJUANA POLICY

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

Maine Adult Use Local Authorization Form

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

Business Legal Name: HERBAL PATHWAYS	Business DBA:	Conditional License Number: AMS220
License Type: ADULT USE MARIJUANA STORE		
Mailing Address: 472 RIVER RD LEBANON, ME 04027-4014	Facility Phone: +1 (603) 340-6539	
	Primary Contact Person: KEN CROWLEY	
	Primary Contact Email: kendebbie4@comcast.net	

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

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

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

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

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

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

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

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

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

2. Has the person requesting local authorization to operate the marijuana establishment demonstrated possession or entitlement to possession of the proposed licensed premises of the marijuana establishment pursuant to a <input type="checkbox"/> lease, <input type="checkbox"/> rental agreement or <input type="checkbox"/> other arrangement for possession of the premises (specify: _____) or <input type="checkbox"/> by virtue of ownership of the premises? <input type="checkbox"/> Yes <input type="checkbox"/> No
Section 3(c): Local authorization required for operation of marijuana establishment within municipality. A person may not operate a marijuana establishment within a municipality unless the following questions are answered in the affirmative.
1. Has the person obtained all applicable municipal approvals, permits, or licenses that are required by the municipality for the operation of this type of adult use marijuana establishment? By selecting "yes" below, the municipality is affirming that all municipal approvals, permits, or licenses have been approved, granted, or issued and no further action by the municipality is required prior to the Office of Marijuana Policy's issuance of an active license. The Office of Marijuana Policy encourages the municipality to coordinate the issuance date of a local license with the Office when appropriate. <input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is a list and copy of all applicable approvals, permits, or licenses with the issuance and expiration dates attached or included with the submission of this form? The Office of Marijuana Policy encourages the municipality to coordinate the issuance date of a local license with the Office when appropriate. <input type="checkbox"/> Yes <input type="checkbox"/> No
Section 4: Local Authorization of Marijuana Establishments within Towns, Plantations and Townships in the Unorganized and De organized Areas. This section to be completed by the Maine Land Use Planning Commission in receipt of request for Local Authorization.
Section 4(a): Request for local authorization to operate marijuana establishment in town, plantation or township in unorganized and deorganized areas prohibited unless generally allowed by town or plantation or by county commissioners on behalf of township. A person seeking to operate a marijuana establishment within a town, plantation or township located within the unorganized and deorganized areas may not request local authorization unless one of the following questions is answered in the affirmative.
1. In the case of a town or plantation, the legislative body of the town or plantation has voted to allow some or all types of marijuana establishments within the town or plantation, including the type of marijuana establishment the person seeks to operate as indicated in the "License Type" box of Section 1 of this form? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable
2. In the case of a township, the county commissioners of the county in which the township is located have voted to allow some or all types of marijuana establishments within the township, including the type of marijuana establishment the person seeks to operate as indicated in the "License Type" box of Section 1 of this form? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable
Section 4(b): Minimum authorization criteria. The Maine Land Use Planning Commission may not certify to the Department local authorization of a marijuana establishment within a town, plantation or township located within the unorganized and deorganized areas unless the following questions are answered in the affirmative.
1. Is the marijuana establishment proposed to be located equal to or less than 1,000 feet of the property line of a preexisting public or private school? If the Maine Land Use Planning Commission prohibits the location of marijuana establishments at distances less than 1,000 feet but not less than 500 feet from the property line of a preexisting public or private school, that lesser distance applies. <input type="checkbox"/> Yes <input type="checkbox"/> No
2. Has the person requesting local authorization to operate the marijuana establishment demonstrated possession or entitlement to possession of the proposed licensed premises of the marijuana establishment pursuant to a <input type="checkbox"/> lease, <input type="checkbox"/> rental agreement or <input type="checkbox"/> other arrangement for possession of the premises (specify: _____) or <input type="checkbox"/> by virtue of ownership of the premises? <input type="checkbox"/> Yes <input type="checkbox"/> No
Section 4(c): Local authorization required for operation of marijuana establishment in town, plantation or township in unorganized and deorganized areas. A person may not operate a marijuana establishment within a town, plantation or township located within the unorganized and deorganized areas unless the following questions are answered in the affirmative.
1. Has the town, plantation or, in the case of a township, the county commissioners of the county in which the township is located, certified to the Maine Land Use Planning Commission that the person has obtained all applicable local approvals, permits or licenses not relating to land use planning and development? <input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is a copy of the certification including a list of all applicable approvals, permits, or licenses not relating to land use planning and development with the issuance and expiration dates attached or included with the submission of this form? <input type="checkbox"/> Yes <input type="checkbox"/> No
3. Has the person obtained all applicable Maine Land Use Planning Commission approvals, permits, or licenses that are required for the operation of this type of adult use marijuana establishment? By selecting "yes" below, the Maine Land Use Planning Commission is affirming that all Maine Land Use Planning Commission approvals, permits, or licenses have been approved, granted, or issued and no further action by the Maine Land Use Planning Commission is required prior to the Office of Marijuana Policy's issuance of an active license. The Office of Marijuana Policy encourages the Maine Land Use Planning Commission to coordinate the issuance date of a local license with the Office when appropriate. <input type="checkbox"/> Yes <input type="checkbox"/> No
4. Is a list and copy of all applicable Maine Land Use Planning Commission approvals, permits, or licenses with the issuance and expiration dates attached or included with the submission of this form? The Office of Marijuana Policy encourages Maine Land Use Planning Commission to coordinate the issuance date of a local license with the Office when appropriate. <input type="checkbox"/> Yes <input type="checkbox"/> No

Statutory Guidance for Municipalities/Maine Land Use Planning Commission

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

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

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

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

Municipality/LUPC Representative

Legal Name and title of Municipality/LUPC Representative:	City:	County:
---	-------	---------

I hereby affirm and acknowledge that the information above is truthful and complete to the best of my knowledge.

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

Notarization

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

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

OFFICE OF MARIJUANA POLICY

MAINE ADULT USE MARIJUANA
PROGRAM



This certifies that

HERBAL PATHWAYS
ACC221

has been issued a **CONDITIONAL** license as an **ADULT USE MARIJUANA CULTIVATION FACILITY, TIER 3** under 28-B MRS. This does **NOT** permit the licensee to engage in any activity.

ISSUED ON
04/10/2020


DIRECTOR
OFFICE OF MARIJUANA POLICY
MAINE ADULT USE MARIJUANA PROGRAM

EXPIRES ON
04/09/2021

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

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

The Conditional License for ACC221 has been issued based on the following organizational structure:

Principals:

KENNETH PATRICK CROWLEY, GENPART
DEBRA ANN CROWLEY, GENPART

Qualifying Maine Resident Owners:

50.00% - KENNETH CROWLEY
50.00% - DEBRA CROWLEY

Other Owners:

None Approved

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



OFFICE OF MARIJUANA POLICY

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

Maine Adult Use Local Authorization Form

Section 1: License Information. Information generated by the Office of Marijuana Policy.					
Business Legal Name: HERBAL PATHWAYS		Business DBA:		Conditional License Number: ACC221	
License Type: ADULT USE MARIJUANA CULTIVATION FACILITY, TIER 3					
Mailing Address: 472 RIVER RD LEBANON, ME 04027-4014		Facility Phone: +1 (603) 340-6539			
		Primary Contact Person: KEN CROWLEY			
		Primary Contact Email: kendebbie4@comcast.net			
Section 2: Marijuana Establishment and Local Authorization Information. This section to be completed by the Municipality/Maine Land Use Planning Commission in receipt of request for Local Authorization.					
Physical Location of Establishment (include unit number)		Municipality/Town/Plantation/Township	County	State	ZIP
Tax Map #:		Tax Lot #:			
Date Local Authorization Request Received by Municipality/Maine Land Use Planning Commission:		Date Local Authorization Approved by Municipality/Maine Land Use Planning Commission:			
If you are requesting Local Authorization from a <i>municipality</i> , complete Section 3.					
If you are requesting Local Authorization from a <i>town, plantation or township in the unorganized and deorganized areas</i> through the Maine Land Use Planning Commission, complete Section 4.					
Section 3: Local Authorization of Marijuana Establishments within Municipalities. This section to be completed by the Municipality in receipt of request for Local Authorization.					
Section 3(a): Request for local authorization to operate marijuana establishment in municipality prohibited unless authorized by municipal ordinance or warrant article. A person seeking to operate a marijuana establishment within a municipality may not request local authorization to operate the marijuana establishment and a municipality may not accept as complete the person's request for local authorization unless the following questions are answered in the affirmative.					
1. Has the legislative body of the municipality voted to adopt a new ordinance, amend an existing ordinance or approve a warrant article allowing some or all types of marijuana establishments within the municipality, including the type of marijuana establishment the person seeks to operate as indicated in the "License Type" box of Section 1 of this form? <input type="checkbox"/> Yes <input type="checkbox"/> No					
2. Is a copy the local ordinance, warrant article, or other local regulation authorizing the siting of this establishment attached or included with the submission of this form? <input type="checkbox"/> Yes <input type="checkbox"/> No					
Section 3(b): Minimum authorization criteria. A municipality may not authorize the operation of a marijuana establishment within the municipality unless the following questions are answered in the affirmative.					
1. Is the marijuana establishment proposed to be located equal to or greater than 1,000 feet of the property line of a preexisting public or private school? If the municipality by ordinance or other regulation prohibits the location of marijuana establishments at distances less than 1,000 feet but not less than 500 feet from the property line of a preexisting public or private school, that lesser distance applies. <input type="checkbox"/> Yes <input type="checkbox"/> No					

2.	Has the person requesting local authorization to operate the marijuana establishment demonstrated possession or entitlement to possession of the proposed licensed premises of the marijuana establishment pursuant to a <input type="checkbox"/> lease, <input type="checkbox"/> rental agreement or <input type="checkbox"/> other arrangement for possession of the premises (specify: _____) or <input type="checkbox"/> by virtue of ownership of the premises? <input type="checkbox"/> Yes <input type="checkbox"/> No
Section 3(c): Local authorization required for operation of marijuana establishment within municipality. A person may not operate a marijuana establishment within a municipality unless the following questions are answered in the affirmative.	
1.	Has the person obtained all applicable municipal approvals, permits, or licenses that are required by the municipality for the operation of this type of adult use marijuana establishment? By selecting "yes" below, the municipality is affirming that all municipal approvals, permits, or licenses have been approved, granted, or issued and no further action by the municipality is required prior to the Office of Marijuana Policy's issuance of an active license. The Office of Marijuana Policy encourages the municipality to coordinate the issuance date of a local license with the Office when appropriate. <input type="checkbox"/> Yes <input type="checkbox"/> No
2.	Is a list and copy of all applicable approvals, permits, or licenses with the issuance and expiration dates attached or included with the submission of this form? The Office of Marijuana Policy encourages the municipality to coordinate the issuance date of a local license with the Office when appropriate. <input type="checkbox"/> Yes <input type="checkbox"/> No
Section 4: Local Authorization of Marijuana Establishments within Towns, Plantations and Townships in the Unorganized and Deorganized Areas. This section to be completed by the Maine Land Use Planning Commission in receipt of request for Local Authorization.	
Section 4(a): Request for local authorization to operate marijuana establishment in town, plantation or township in unorganized and deorganized areas prohibited unless generally allowed by town or plantation or by county commissioners on behalf of township. A person seeking to operate a marijuana establishment within a town, plantation or township located within the unorganized and deorganized areas may not request local authorization unless one of the following questions is answered in the affirmative.	
1.	In the case of a town or plantation, the legislative body of the town or plantation has voted to allow some or all types of marijuana establishments within the town or plantation, including the type of marijuana establishment the person seeks to operate as indicated in the "License Type" box of Section 1 of this form? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable
2.	In the case of a township, the county commissioners of the county in which the township is located have voted to allow some or all types of marijuana establishments within the township, including the type of marijuana establishment the person seeks to operate as indicated in the "License Type" box of Section 1 of this form? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable
Section 4(b): Minimum authorization criteria. The Maine Land Use Planning Commission may not certify to the Department local authorization of a marijuana establishment within a town, plantation or township located within the unorganized and deorganized areas unless the following questions are answered in the affirmative.	
1.	Is the marijuana establishment proposed to be located equal to or less than 1,000 feet of the property line of a preexisting public or private school? If the Maine Land Use Planning Commission prohibits the location of marijuana establishments at distances less than 1,000 feet but not less than 500 feet from the property line of a preexisting public or private school, that lesser distance applies. <input type="checkbox"/> Yes <input type="checkbox"/> No
2.	Has the person requesting local authorization to operate the marijuana establishment demonstrated possession or entitlement to possession of the proposed licensed premises of the marijuana establishment pursuant to a <input type="checkbox"/> lease, <input type="checkbox"/> rental agreement or <input type="checkbox"/> other arrangement for possession of the premises (specify: _____) or <input type="checkbox"/> by virtue of ownership of the premises? <input type="checkbox"/> Yes <input type="checkbox"/> No
Section 4(c): Local authorization required for operation of marijuana establishment in town, plantation or township in unorganized and deorganized areas. A person may not operate a marijuana establishment within a town, plantation or township located within the unorganized and deorganized areas unless the following questions are answered in the affirmative.	
1.	Has the town, plantation or, in the case of a township, the county commissioners of the county in which the township is located, certified to the Maine Land Use Planning Commission that the person has obtained all applicable local approvals, permits or licenses not relating to land use planning and development? <input type="checkbox"/> Yes <input type="checkbox"/> No
2.	Is a copy of the certification including a list of all applicable approvals, permits, or licenses not relating to land use planning and development with the issuance and expiration dates attached or included with the submission of this form? <input type="checkbox"/> Yes <input type="checkbox"/> No
3.	Has the person obtained all applicable Maine Land Use Planning Commission approvals, permits, or licenses that are required for the operation of this type of adult use marijuana establishment? By selecting "yes" below, the Maine Land Use Planning Commission is affirming that all Maine Land Use Planning Commission approvals, permits, or licenses have been approved, granted, or issued and no further action by the Maine Land Use Planning Commission is required prior to the Office of Marijuana Policy's issuance of an active license. The Office of Marijuana Policy encourages the Maine Land Use Planning Commission to coordinate the issuance date of a local license with the Office when appropriate. <input type="checkbox"/> Yes <input type="checkbox"/> No
4.	Is a list and copy of all applicable Maine Land Use Planning Commission approvals, permits, or licenses with the issuance and expiration dates attached or included with the submission of this form? The Office of Marijuana Policy encourages Maine Land Use Planning Commission to coordinate the issuance date of a local license with the Office when appropriate. <input type="checkbox"/> Yes <input type="checkbox"/> No

Statutory Guidance for Municipalities/Maine Land Use Planning Commission

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

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

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

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

Municipality/LUPC Representative

Legal Name and title of Municipality/LUPC Representative:	City:	County:
---	-------	---------

I hereby affirm and acknowledge that the information above is truthful and complete to the best of my knowledge.

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

Notarization

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

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