TOWN OF ELIOT, MAINE

PLANNING BOARD AGENDA

TYPE OF MEETING: IN PERSON WITH REMOTE OPTION **DATE: Tuesday, 9/19/2023**
PLACE: TOWN HALL/ZOOM **TIME: 6:00 P.M.**

PLEASE NOTE: IT IS THE POLICY OF THE PLANNING BOARD THAT THE APPLICANT OR AN AGENT OF THE APPLICANT MUST BE PRESENT IN ORDER FOR REVIEW OF THE APPLICATION TO TAKE PLACE.

1) **ROLL CALL**
   a) Quorum, Alternate Members, Conflicts of Interest
2) **PLEDGE OF ALLEGIANCE**
3) **MOMENT OF SILENCE**
4) **10-MINUTE PUBLIC INPUT SESSION**
5) **NEW BUSINESS**
   a) 76 Cedar Road (Map 71, Lot 25), PID# 071-025-000, PB23-16: Residential Subdivision (6 lots) – sketch plan review
   b) 495-505 Harold L. Dow Highway (Map 53, Lots 6 & 7), PID# 053-006-000 & 053-007-000, PB23-18: Site Plan Amendment/Review and Change of Use – Marijuana Store – sketch plan review
6) **OLD BUSINESS**
   a) Public Information Sessions (Ordinance Amendments): October 3, 2023 & October 17, 2023
7) **REVIEW AND APPROVE MINUTES**
   a) June 6, 2023 *(*contained in prior packet)*
   b) August 15, 2023 *(*contained in prior packet)*
   c) August 1, 2023
8) **OTHER BUSINESS / CORRESPONDENCE**
   b) Updates, if available: Ordinance Subcommittee, Comprehensive Plan, Town Planner, Board Member
9) **SET AGENDA AND DATE FOR NEXT MEETING**
   a) October 3, 2023
10) **ADJOURN**

NOTE: All Planning Board Agenda Materials are available on the Planning Board/Planning Department webpages for viewing.

To view a live remote meeting: (Instructions can also be found on the Planning Board webpage)

d) Go to www.eliotme.org
e) Click on "Meeting Videos" – Located in the second column, on the left-hand side of the screen.
f) Click on the meeting under "Live Events" – The broadcasting of the meeting will start at 6:00pm (Please note: streaming a remote meeting can be delayed up to a minute)

Instructions to join remote meeting:

To participate please call into meeting 5 minutes in advance of meeting start time. Please note that Zoom does state that for some carriers this can be a toll call. You can verify by contacting your carrier.

a) **Please call 1-646-558-8656**
   1. **When prompted enter meeting number ID: 812 4553 8002**
   2. **When prompted to enter Attendee ID**
   3. **When prompted enter meeting password: 538425**

   Members of the Public calling in, will be first automatically be placed in a virtual waiting room until admitted by one of the members of the Planning Board. Members of the public will be unmuted one at time to allow for input. Please remember to state your name and address for the record.
b) **Press *9 to raise your virtual hand to speak**

Christine Bennett, Planning Board Chair

BH2M

Civil Engineering | Surveying

May 4, 2023

Jeff Brubaker
Town Planner
1333 State Road
Eliot, ME 03903

Re: Sketch Plan Application
6 Lot Subdivision
76 Cedar Road

Dear Jeff;

On behalf of the applicant, David Springer, we are submitting a Sketch Plan Application for a 6-lot subdivision. In support of the application, we have enclosed a proposed sketch plan and the following supporting documents:

- Sketch Plan Application
- Attachment 1 – Figures (USGS, Tax Map, FEMA, and Soils)
- Attachment 2 – Parcel Deed
- Attachment 3 – Abutter's List
- Attachment 4 – Sketch Plan

The applicant, David Springer, is proposing to construct a 6-lot subdivision on a parcel known as Tax Map 71 Lot 25 off Cedar Road. The existing parcel is approximately 21.5 acres of undeveloped open fields and woodland in the Rural and Limited Residential zoning districts. Project will consist of 6 lots of three acres minimum and 1,000 lineal feet of proposed minor street. All lots will be served by underground electric/communications, private wells, and private septic systems.

We are requesting to be placed on the next available Planning Board agenda to review this Sketch Plan and receive direction from the Planning Board. We look forward to discussing this project with the Planning Board.

Upon review, if you require any additional information or I can answer any questions, please feel free to contact me at (207)839-2771, ext. 201 or by email at wpelkey@bh2m.com. We look forward to working with you on this project.

Sincerely,

Walter Pelkey
Project Manager

CASE NO._____

TOWN OF ELIOT
PLANNING BOARD
SUBDIVISION APPLICATION

This application shall conform in all respects to the Land Subdivision Standards of Chapter 41 of the Planning Board of the Town of Eliot code of ordinances. Ten (10) copies of application and sketch plan shall be submitted.

Application for (X) Sketch plan

( ) Preliminary plan for major subdivision

( ) Final plan for minor subdivision

1. Proposed name of subdivision TBD

2. Location of property 76 Cedar Road

3. Tax Map 71 Lot # 25 Size (acres) 21.546

4. Zoning District (circle one) Commercial/Industrial **Rural** Suburban Village

5. Name of record owner David Springer
   Mailing address 12 White Pine Way, North Berwick, ME Phone # N/A

6. Name of applicant Same as Owner
   Mailing address _____ Phone #_____
   If corporation, name of agent _____

7. A complete statement of any easements relating to the property is attached hereto
   (if none, so state) None

8. Deed or deeds recorded at County Registry of Deeds
   Date 1/27/2023 Book # 19189 Page # 627
   Date_____ Book #_____ Page #_____
   Date_____ Book #_____ Page #_____

CASE NO._____

9. Do the owner and/or applicant have an interest in an abutting property as stated on the attached sheet? N/A

10. Name, address and license # of Engineer, Land Surveyor, Architect, or Planner
Austin Fagan PE#16523, BH2M, 380B Main Street, Gorham, ME

11. Preliminary plan covers TBD

12. If applicable, has the owner and/or applicant been approved for a MaineDOT driveway permit for the installation, physical change or change of use a driveway located on a State highway? N/A

13. Does owner propose to submit Final Subdivision Plan to cover the entire Preliminary Plan, or to file same in sections? TBD
If so, how many?_____

14. Does the preliminary plan cover the entire contiguous holdings of the applicant?
Yes

15. Entrances onto existing or proposed collector streets do not exceed a frequency of one per 400' of street frontage? Yes **No**

16. Entrances onto existing or proposed arterial streets do not exceed a frequency of one per 1000' of street frontage? Yes **No**

17. A distance of at least 200' is maintained between centerlines of offset intersecting streets? **Yes** No

18. Does the applicant propose to dedicate to the public all streets, highways and parks shown on the plan? Yes

CASE NO._____

19. Give the number of acres which the applicant proposes to dedicate to public to use for park, playground and/or other purposes N/A

20. If any waivers of requirements are to be requested, list them on a separate sheet, referencing the Sections in Chapter 41 and give reasons why such requirements should be waived .

21. Is the property located in a flood zone? Portion of the southeast corner.

If yes, please complete the attached Flood Hazard Development Application and return it with your application.

Subdivider shall submit fees as specified in Sections 1-25 in the amount of $200/lot prior to the second meeting with the Planning Board. Fees are not refundable.

Agent signature_____ Date 5/3/2023

Owner signature_____Date_____

Planning Assistant_____Date_____

FEES:

Major subdivision	$200 per lot
Minor subdivision	$200 per lot

CASE NO._____

Town of Eliot Planning Board
CHECKLIST FOR A SUBDIVISION APPLICATION
(All items will be reviewed unless otherwise noted or NA)

☑ The owner of the property is
David Springer

☑ The applicant is David Springer who has demonstrated a legal interest in the property by providing:
See attached deed.

☑ Agents for the applicant are:
Walter Pelkey, BH2M

☑ The property is located at 76 Cedar Road, in the Rural zoning district, identified as Assessor's Map 71, Lot 25, and containing 21.5 acres

☑ Application is for establishment of (new) (modification to existing) Major Minor Subdivision. N/A

☑ Existing Subdivision was approved by the Planning Board on N/A.

☑ The name of the proposed subdivision is TBD and it will contain 6 lots which range in size from 3 acres to 5 acres and are shown on Plan No. 1, dated April 2023

☐ Easements and/or Rights of Way affected by or within the proposed subdivision are as follows:

a. _____.
b. _____.
c. _____.

☑ Entrances onto existing or proposed collector streets do not exceed a frequency of one per 400' of street frontage? Entrances onto existing or proposed arterial streets do not exceed a frequency of one per 1000' of street frontage? N/A

☑ Owner/applicant has been approved for a driveway permit from MaineDOT for the installation, change or change of use on any State highway, if applicable? N/A

☑ Lots within the proposed Subdivision will have (private) (public) water supply and (private) (public) (private central) sewage disposal systems.

☐ Sketch Plan was accepted by the Planning Board on _____

☐ Preliminary Plan approved by Planning Board on _____

☐ A Site visit was conducted on _____

☐ A public hearing was held on _____

☐_____ abutters spoke or submitted written correspondence at the Public Hearing or submitted written correspondence by mail.

CASE NO._____

☐_____ members of the public spoke or submitted written correspondence at the Public Hearing or submitted written correspondence by mail.

☐ The application was discussed by the Planning Board on _____, _____, _____,_____,

☑ Plan for minimizing surface water drainage (Section 41-213) submitted: (Yes) (No) (Waiver requested).

☑ Soil Erosion and Sediment Control Plan (Section 41-214) submitted: (Yes) (No) (Waiver requested).

☐ *(Optional for Minor Subdivision)* Statement or plan showing effect upon air quality (Section 41-212) submitted: (Yes) (No) (Waiver requested).

☐ *(Optional for Minor Subdivision)* Soils Report and High Intensity Soils Survey [Section 41-150(11)] submitted: (Yes) (No) (Waiver requested)

☐ *(Optional for Minor Subdivision)* Location of all natural features or site elements to be preserved (Section 41-215) identified: (Yes) (No) (Waiver requested).

☐ *(Optional for Minor Subdivision)* Statement or plan concerning historical sites and land use patterns (Section 41-216) submitted: (Yes) (No) (Waiver requested).

☑ Means of providing water supply to the proposed subdivision (Section 41-217) identified: (Yes) (No) (Waiver requested).

☑ Sanitary sewerage system (Section 41-218) identified: (Yes) (No) (Waiver requested).

☐ *(Optional for Minor Subdivision)* Community services and impact statement (Section 41-220) submitted: (Yes) (No) (Waiver requested).

☐ *(Optional for Minor Subdivision)* Traffic congestion and safety plan (Section 41-221) submitted: (Yes) (No) (Waiver requested).

☐ *(Optional for Minor Subdivision)* Public health and safety statement (Section 41-222) submitted: (Yes) (No) (Waiver requested).

☐Compliance with Federal, State, and Local land use laws (Section 41-223) demonstrated: (Yes) (No).

☐ *(Optional for Minor Subdivision)* Estimated Progress schedule [Section 41-150(21)] submitted: (Yes) (No) (Waiver requested).

☐ Adequate financing (Section 41-224) demonstrated: (Yes) (No) (Waiver requested).

☐ *(Optional for Minor Subdivision)* Water Department approval provided for public water service [Section 41-174 (1)]

☐ *(Optional for Minor Subdivision)* State of Maine, Department of Human Services approval for central water supply system provided [Section 41-174 (2)]

CASE NO._____

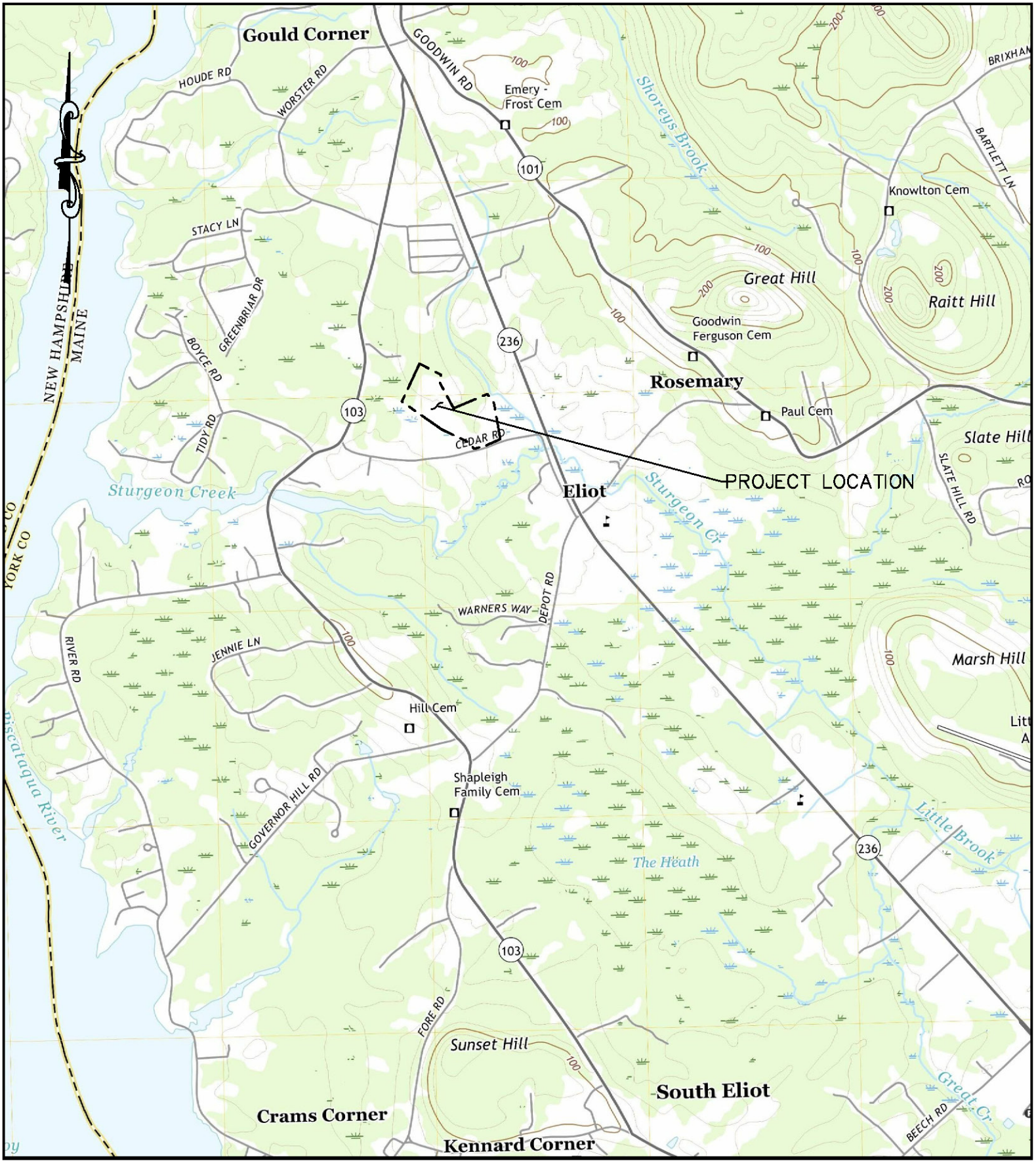
☐ Soil Scientist approval for individual wells provided [Section 41-174 (3)]: (Yes) (No)

☐ Proposed subdivision Plan reviewed by the Department of Environmental Protection: (Yes) (No) (Waiver requested).

☐ Proposed subdivision Plan reviewed by the Department of the Army, Corps of Engineers: (Yes) (No) (Waiver requested).

☐ Proposed subdivision Plan reviewed by the York County Soil and Water Conservation District: (Yes) (No) (Waiver requested)

☐ Other_____



REFERENCES:
1. USGS QUADRANGLE EAST DOVER, NH 2021

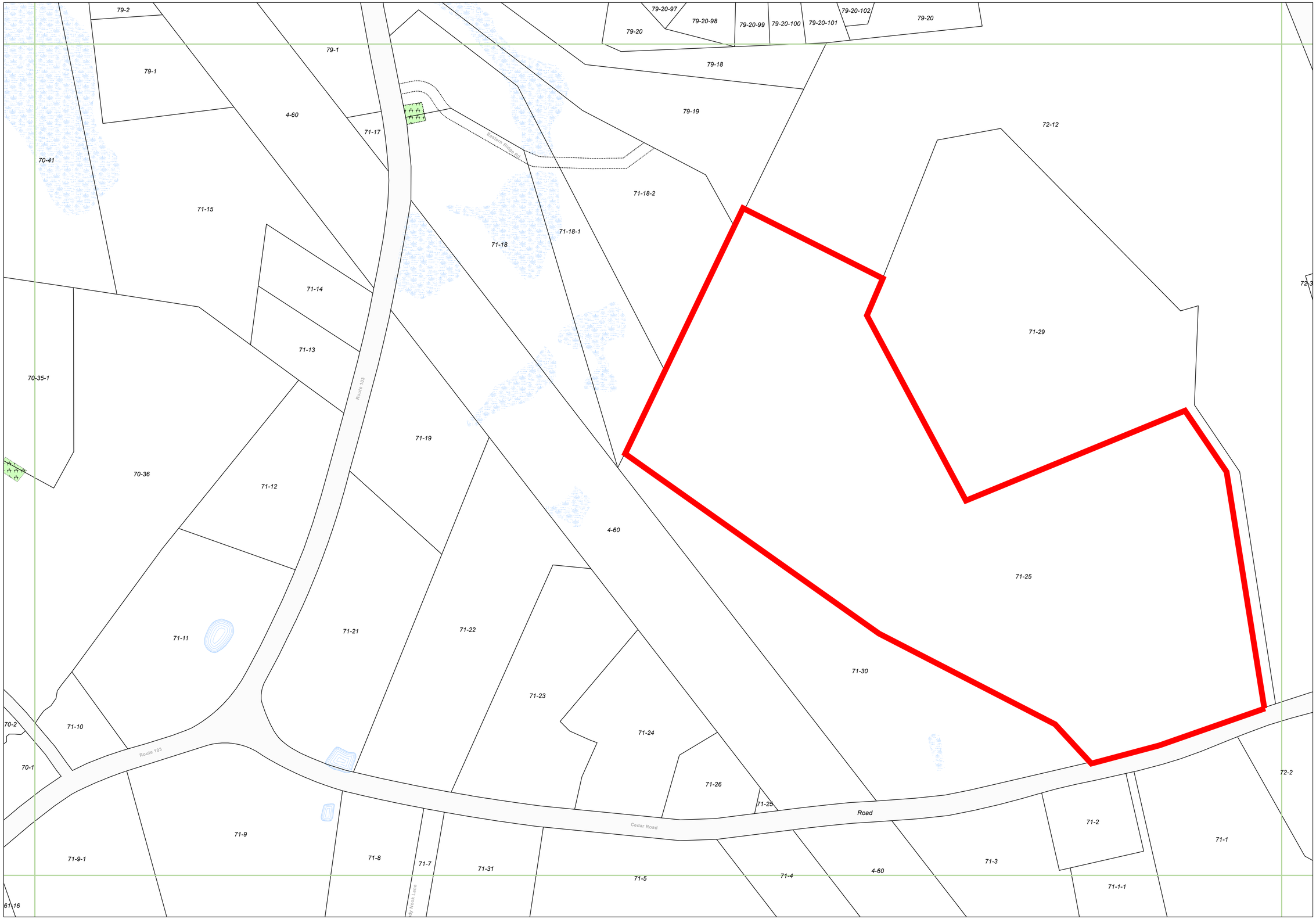
Scale: 1" = 2000'

2000' 0 2000' 4000'

BH2M

Berry, Huff, McDonald, Milligan Inc.
Engineers, Surveyors

380B Main Street
Gorham, Maine 04038
Tel. (207) 839-2771
Fax (207) 839-8250



Town of Eliot Assessors Maps

Legend

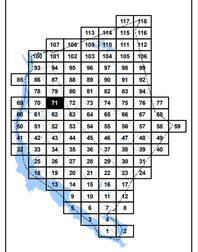
- Map Index
- Town Boundary
- Property Boundary
- Right of Way
- Road Right of Way
- Common Area
- Cemetery
- Swamp
- Waterbody

Property Boundary
8-81-2

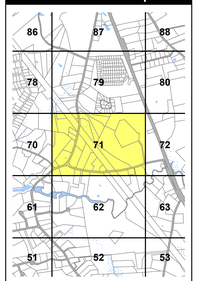
Map 8
Block 81
Unit 2

GIS
MAPPING & ANALYSIS

Town-Wide Locator Map



Local Locator Map



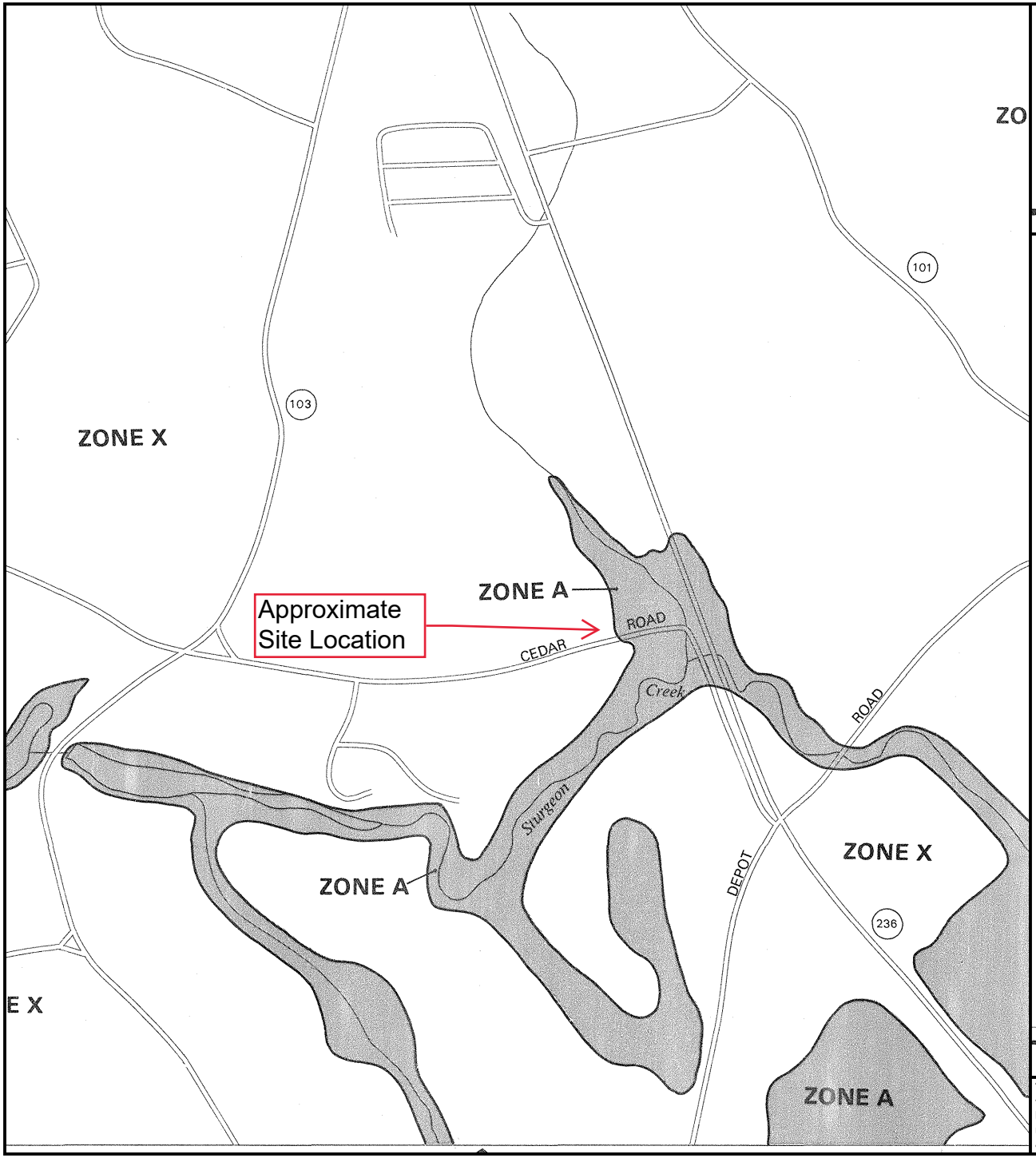
Scale and Orientation

0 50 100
1 inch = 100 feet

Notes

Disclaimer:
The information is provided as a reasonably accurate point of reference, but is not guaranteed and is not to be used for conveyances. The Town of Eliot shall not be held liable for the accuracy or misuse of this data. Copywright the Town of Eliot. Maps Revised to April 1, 2017.

MAP 71



APPROXIMATE SCALE

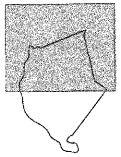
1000 0 1000 FEET

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

TOWN OF
ELIOT,
MAINE
YORK COUNTY

PANEL 5 OF 10
(SEE MAP INDEX FOR PANELS NOT PRINTED)



PANEL LOCATION

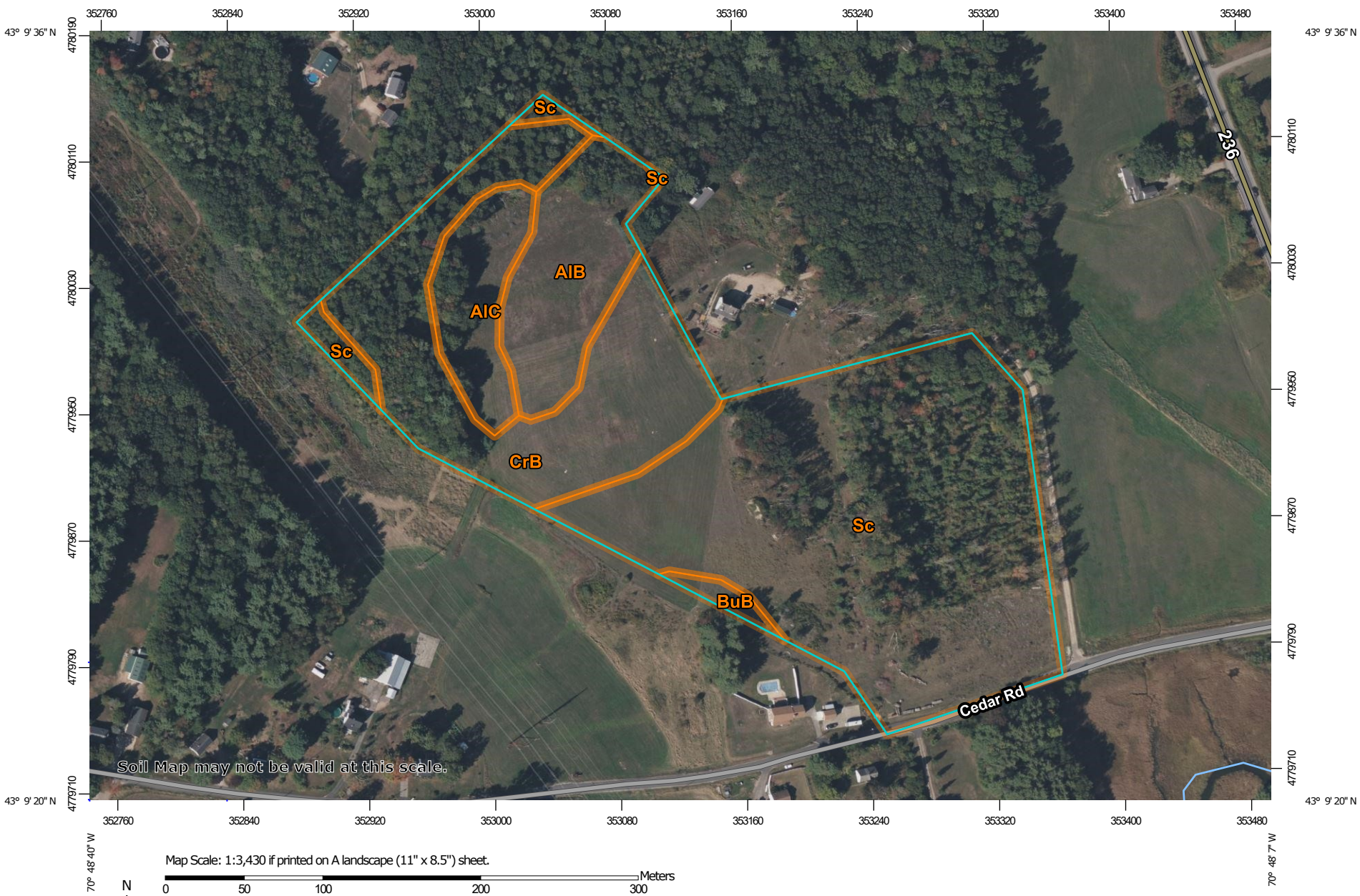
COMMUNITY-PANEL NUMBER
230149 0005 B

EFFECTIVE DATE:
JUNE 5, 1989

Federal Emergency Management Agency

This is an official FIRMette showing a portion of the above-referenced flood map created from the MSC FIRMette Web tool. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For additional information about how to make sure the map is current, please see the Flood Hazard Mapping Updates Overview Fact Sheet available on the FEMA Flood Map Service Center home page at https://msc.fema.gov.

Soil Map—York County, Maine
(76 Cedar Rd)



Map Scale: 1:3,430 if printed on A landscape (11" x 8.5") sheet.

N

Meters: 0 50 100 200 300

Feet: 0 150 300 600 900

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 19N WGS84

MAP LEGEND

Area of Interest (AOI)

- Area of Interest (AOI)

Soils

- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features

- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features

- Streams and Canals

Transportation

- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background

- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: York County, Maine
Survey Area Data: Version 21, Aug 30, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 19, 2020—Sep 20, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
AlB	Allagash very fine sandy loam, 3 to 8 percent slopes	2.5	11.6%
AlC	Allagash very fine sandy loam, 8 to 15 percent slopes	1.6	7.3%
BuB	Buxton silt loam, 3 to 8 percent slopes	0.2	1.0%
CrB	Croghan loamy fine sand, 0 to 8 percent slopes, wooded	5.5	25.4%
Sc	Scantic silt loam, 0 to 3 percent slopes	11.9	54.7%
Totals for Area of Interest		**21.7**	**100.0%**

NANCY E HAMMOND, REGISTER OF DEEDS
E-RECORDED **Bk 19189 PG 627**
Instr # 2023002311
01/27/2023 02:28:13 PM
Pages 2 YORK CO

Maine R.E. Transfer Tax Paid

WARRANTY DEED

KNOW ALL BY THESE PRESENTS THAT I, **CHERYL L. GOODWIN** of Eliot, Maine, for consideration paid, grant to **DAVID SPRINGER,** having a mailing address of 12 White Pines Way, North Berwick, Maine 03906, with Warranty Covenants, the real property situated in the Town of Eliot, County of York and State of Maine, described as follows:

SEE EXHIBIT A ATTACHED HERETO

The current property address is 76 Cedar Road, Eliot (Tax Map 71, Lot 25).

Signed, sealed, witnessed and delivered this 27th day of January, 2023.

WITNESS

Cheryl L. Goodwin

STATE OF MAINE

County of York, ss. January 27, 2023

Then personally appeared the above named Cheryl L. Goodwin and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public/Attorney at Law
My Commission Expires:
Print Name:
Jessie L. Krall, Esq.
Maine Bar No. 5353

JESSIE L. KRALL
STATE OF MAINE
BAR NO. 5353
MAINE ATTORNEY AT LAW

100 feet Abutters List Report

Eliot, ME
April 24, 2023

Subject Property:

Parcel Number:	071-025-000	Mailing Address:	GOODWIN, KELLY S GOODWIN, CHERYL L PO BOX 597 ELIOT, ME 03903
CAMA Number:	071-025-000		
Property Address:	76 CEDAR RD		

Abutters:

Parcel Number:	071-001-000	Mailing Address:	POMERLEAU, ROBERT G POMERLEAU, ROBERTA HUBBARD 93 CEDAR RD ELIOT, ME 03903
CAMA Number:	071-001-000		
Property Address:	93 CEDAR RD		
Parcel Number:	071-001-001	Mailing Address:	HUBBARD, ROBERTA H 93 CEDAR RD ELIOT, ME 03903
CAMA Number:	071-001-001		
Property Address:	95 CEDAR RD		
Parcel Number:	071-002-000	Mailing Address:	WINSTON, MONICA A 99 CEDAR RD ELIOT, ME 03903
CAMA Number:	071-002-000		
Property Address:	99 CEDAR RD		
Parcel Number:	071-004-000	Mailing Address:	HARDY, CHARLES S 129 CEDAR RD ELIOT, ME 03903
CAMA Number:	071-004-000		
Property Address:	129 CEDAR RD		
Parcel Number:	071-018-000	Mailing Address:	DOWNEY, JOHN F DOWNEY, SUSAN E 1972 STATE ROAD ELIOT, ME 03903
CAMA Number:	071-018-000		
Property Address:	1972 STATE RD		
Parcel Number:	071-018-001	Mailing Address:	MYERS, STEPHANIE LATTER, JAMES F 1986 STATE RD ELIOT, ME 03903
CAMA Number:	071-018-001		
Property Address:	1986 STATE RD		
Parcel Number:	071-018-002	Mailing Address:	GOODROW, NANCY 24 EASTERN RIDGE RD ELIOT, ME 03903
CAMA Number:	071-018-002		
Property Address:	24 EASTERN RIDGE RD		
Parcel Number:	071-026-000	Mailing Address:	ARSENAULT, ROBERT K SR ARSENAULT, CHRYL L 136 CEDAR RD ELIOT, ME 03903
CAMA Number:	071-026-000		
Property Address:	136 CEDAR RD		
Parcel Number:	071-029-000	Mailing Address:	GOODWIN, JACOB BRIAN SPRINGER, SAMANTHA TRUE 80 CEDAR RD ELIOT, ME 03903
CAMA Number:	071-029-000		
Property Address:	80 CEDAR RD		
Parcel Number:	071-030-000	Mailing Address:	HERRIN, DOUGLAS HERRIN, LARISA MIKESELL 106 CEDAR RD ELIOT, ME 03903
CAMA Number:	071-030-000		
Property Address:	106 CEDAR RD		

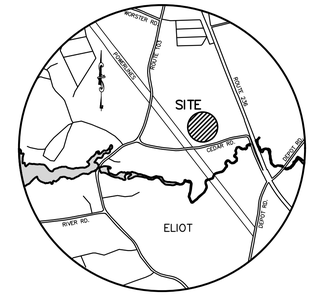
100 feet Abutters List Report

Eliot, ME
April 24, 2023

Parcel Number:	072-002-000	Mailing Address:	TOWN OF ELIOT
CAMA Number:	072-002-000		1333 STATE RD
Property Address:	CEDAR RD		ELIOT, ME 03903

Parcel Number:	072-012-000	Mailing Address:	BONDGARDEN
CAMA Number:	072-012-000		255 DEPOT RD
Property Address:	76 CEDAR RD		ELIOT, ME 03903

Parcel Number:	079-019-000	Mailing Address:	OBERG, ERIC S OBERG, CHRISTIE G
CAMA Number:	079-019-000		25 EASTERN RIDGE RD
Property Address:	25 EASTERN RIDGE RD		ELIOT, ME 03903



LOCATION MAP
SCALE: 1" = 2000'

NOTES:

1. OWNER/APPLICANT: DAVID SPRINGER
12 WHITE PINE WAY
NORTH BERWICK, MAINE

2. ENGINEER: AUSTIN FAGAN
BH2M
28 STATE STREET
GORHAM, MAINE

3. SURVEYOR: ROBERT C. LIBBY JR., PLS #2190
BH2M

4. DEED REFERENCE: BOOK 19189, PAGE 627

5. TAX MAP REFERENCE: MAP 71, LOT 25

6. ZONING: RURAL
LIMITED RESIDENTIAL

7. PROJECT AREA: 21.546 ACRES

8. PROPOSED USE: SINGLE FAMILY SUBDIVISION

9. MINIMUM STANDARDS: LOT SIZE - 3 ACRES
FRONTAGE - 200'
SETBACKS - 30' FRONT & REAR, 20' SIDE

10. SEWER SERVICE: INDIVIDUAL ON SITE SEPTIC SYSTEMS

11. WATER SERVICE: INDIVIDUAL DRILLED WELLS

12. ELECTRIC/TELEPHONE: UNDERGROUND FROM CEDAR ROAD

13. ALL CONSTRUCTION AND SITE ALTERATIONS SHALL BE DONE IN ACCORDANCE WITH THE EROSION PREVENTION PROVISIONS OUTLINED IN THE MAINE EROSION CONTROL AND SEDIMENTATION HANDBOOK FOR CONSTRUCTION: BEST MANAGEMENT PRACTICES, LATEST EDITION.

14. FAILURE TO COMMENCE SUBSTANTIAL CONSTRUCTION OF THE SUBDIVISION WITHIN TWO YEARS OF THE DATE OF APPROVAL AND SIGNING OF PLAN SHALL RENDER THE PLAN NULL AND VOID. "SUBSTANTIAL CONSTRUCTION" FOR THE APPROVED PLAN AS SHOWN SHALL MEAN THE COMPLETION OF THE ROADWAY BASE, PER ART. II, SEC. 41-36.

15. PLAN REFERENCE: DIVISION OF LAND, CEDAR ROAD, ELIOT, MAINE, FOR CHERYL L. GOODWIN, DATED AUGUST 22, 2005 BY ANDERSON LIVINGSTON ENGINEERS, INC..

16. WETLAND IMPACTS: 3,200 S.F. (LOT 3)

LEGEND

SYMBOL	DESCRIPTION
o	3/4" IRON PIPE SET PER PLAN REF.
	PROPERTY LINE
	ZONE LINE
	FLOOD ZONE
	EDGE OF PAVEMENT
	ABUTTER PROPERTY LINE
N/F	NOW OR FORMERLY
	GRAVEL
	UTILITY POLE

Scale: 1" = 100'
100' 0 100' 200'

I CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS TECHNICAL STANDARDS OF PRACTICE FOR A STANDARD BOUNDARY SURVEY WITH THE FOLLOWING EXCEPTIONS:

1. NO SURVEYORS REPORT
2. INTERIOR LOTS ONLY

ROBERT C. LIBBY JR. PLS #2190

PLAN REVIEWED AND APPROVED BY THE TOWN OF ELIOT PLANNING BOARD.

DATE

CHAIR

NO.	DATE	REVISION DESCRIPTION
1	5/4/2023	Sketch Plan Submission

BH2M
Berry, Huff, McDonald, Milligan Inc.
Engineers, Surveyors
380B Main Street
Gorham, Maine 04038
Tel. (207) 839-2771
www.bh2m.com

FOR
David Springer
12 White Pine Way
North Berwick, ME

SKETCH PLAN
6 LOT SUBDIVISION
76 CEDAR ROAD
ELIOT, MAINE

DESIGNED	DATE
W. Pelkey	April 2023
DRAWN	SCALE
Dept.	1" = 100'
CHECKED	JOB. NO.
R. Libby	23008

SHEET
1

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Justice Rines, Esq.
Chief Compliance Officer
T / 207.558.9617
E / JRINES@SWEETDIRT.COM

September 14, 2023

VIA HAND DELIVERY AND E-MAIL (jbrubaker@eliotme.org)

The Town of Eliot Planning Board
c/o Jeff Brubaker, Town Planner
Town of Eliot
1333 State Road
Eliot, ME 03903

Re: NEK Assets, LLC – 495 Harold L Dow Highway
Site Plan Review Application – Exchange/Conversion of Medical Retail Store to Adult-Use Retail Store

Dear Jeff,

Thank you for your service to the Eliot community and for your consideration of this application to convert our current Medical Cannabis retail store at 495 Harold L. Dow Hwy. To and Adult Use Cannabis retail store. We will be forfeiting/exchanging our Medical Cannabis retail license at the same location for this purpose.

As we have discussed, we are aware of the Town's position with respect to the need to consider this application in the context of both 495 and 505 Harold L. Dow Hwy. per Section 45-194(b) of the Eliot Ordinance; namely, as we understand it, with a primary concern toward the Town's desire to have a single point of entry and exit to the 505 Harold L. Dow Hwy. site. Per the terms of our previously approved application for this site (See NOD PB20-21), we are obligated to create a single entry/exit to this site upon DEP approval; which we need to compliantly address this issue.

In the interest of being a good citizen of the Town of Eliot, we will, subject to approval by Eliot Police and Fire/Rescue as needed, undertake to block one of the current entry points and post it as "No Entry" (subject to exception for snow removal and like operational activities) and utilize only one of the current entry points until such time that the DEP is able to process our amended environmental site plan (a timeline that we understand can take up to or more than three years as there is no statutory response timing requirement for DEP staff concerning amendments to pre-existing approved plans) and permit the necessary changes to accommodate the Town's wishes.

In light of the foregoing, we respectfully submit that the 505 Harold L. Dow Hwy. single point of entry matter has been resolved as a condition of our prior planning approval for the 505 Harold L. Dow Hwy. site and need not be a factor in the current application. Moreover, by

blocking one of the entry points in the interim (until DEP approval) we would be providing, functionally, what the Town desires ahead of any action by the DEP on the matter.

Finally, we respectfully submit that, while this is a full Fite Plan Review per the requirements of the Town of Eliot Ordinance, that all the performance standards and any criteria related to this application, including for the current and proposed uses at 495 Harold L. Dow Hwy., and including any existing waivers and/or variances related to both 495 and 505 Harold L. Dow Hwy., have been met as evidenced by the prior Planning Board approvals for both 495 and 505 Harold L. Dow Hwy. (see NODs PB19-8 & PB20-20 respectively). Such a finding is further supported by the fact that there is *no construction or development required nor proposed on either the 495 or the 505 properties to accomplish this pivot to Adult Use Cannabis retail from Medical Cannabis retail.* The most that would be required from a State regulatory perspective to this end is possibly the addition of some security and surveillance equipment.

Please note that, with respect to meeting the requirements of Chapters 33 and 45 of the Town of Eliot Ordinance the following is already on file with the town of Eliot from prior Planning Board, and subsequent Select Board, approvals on both the 495 and 505 Harold L. Dow Hwy. sites:

- 495 Harold L. Dow Hwy:
  - **NOD**: PB19-8-AMENDED SITE (10/19/2019) – Attached
    - Includes:
      - Planning Board approval to construct a large commercial greenhouse after the June 10, 2019, loss of our original facility to a fire.
      - **BOA Notice of Decision** 11/19/2017 approving a dimensional waiver with respect to the required setback to the Eliot Transfer Station property across Route 236 from 500 ft. to 250 ft. (Pg. 6 of 7)
      - Confirmation of Maine DEP Stormwater Permit-by-Rule (**SWPBR #68737**) dated September 25, 2019.
      - ***See also*** *SPR checklist from this application detailing prior requested and granted waivers* – Attached.
  - **NOD**: PB20-20-AMENDED SITE (11/17/2020) – Attached
    - Includes:
      - Planning Board approval to include a medical and adult use cannabis manufacturing and medical cannabis retail on the 495 HDH site.
- 505 Harold L. Dow Hwy:
  - **NOD**: PB20-21- SITE PLAN REVIEW (11/09/2021) – Attached
    - Includes:
      - Planning Board approval to include a 9900 sq ft adult use cannabis manufacturing facility (with approved

development phasing) on the 505 HDH site.

- **ME DEP STORMWATER** finding of fact and approval dated October 28, 2021
- ***See also*** *SPR checklist from this application detailing prior requested and granted waivers* – Attached.

Thank you again for your time and your consideration.

Enclosed please find one (1) check made payable to the Town of Eliot in the total amount of $350.00 covering the Site Plan Application Fee.

Additionally, enclosed please find:

1. Site Plan Review Application for NEK Assets, LLC;
2. One (1) check made payable to the Town of Eliot in the total amount of $350.00 covering the Site Plan Review Application Fee;
3. 12 copies of the 495 and 505 Site Plan on 11x17 paper;
4. 12 copies of the 495 and 505 Foor Plans on 11x17 paper;
5. 12 copies of the Retail Security Plan on 11x17 paper;
6. 495 and 505 Harold L. Dow Highway Landlord Statement of Permission;
7. 495 and 505 Harold L. Dow Highway Leases and/or Subleases;
8. Town Tax Map;
9. Abutter's List;
10. Planning Board Application & Notices of Decision;
11. Certificates of Occupancy;
12. Building Permits;
13. Retail Operating Plans;
14. Retail Security Plan;
15. Retail Odor Control Plan;
16. Wastewater and Solid Waste Disposal Plan;
17. Active and Conditional State Licenses issued by OCP;
18. LLC Documents;

If you have any questions, please do not hesitate to contact me.

Sincerely,

Justice Rines

Case No._____
Site review? Yes No

APPLICATION FOR SITE PLAN REVIEW
TOWN OF ELIOT PLANNING BOARD

☐ **Step 1. (Fill in all blocks below - See the Planning Assistant if you don't understand.)**

Tax Map 53 Lot# 6 Lot Size 3 acres+/- Zoning District: Commercial/Ind.

Your Name Sweet Dirt 2, LLC Your mailing address 987 Harold L Dow Hwy.

City/Town Eliot State: ME Zip: 03903 Telephone: 207-439-1600

Who owns the property now? PW ME Can RE SD, LLC

Address (Location) of the property 495 Harold L. Dow Hwy. Eliot, ME 03903

Property located in a flood zone? _____Yes __x__No
(If yes, please complete the attached Flood Hazard Development Application and return it with your completed application)

☐ **Step 2 (establish your legal interest in the property)**

Attach a copy of the Purchase and Sales Agreement, Deed, Tax records, Signed Lease, or other documents to the satisfaction of the Planning Assistant. If you are representing a corporation, provide documentation that you have authority to speak for the corporation. **Lease and landlord approval attached**

☐ **Step 3 (Go to the Zoning Ordinance Section 45-290, Table of Land uses)**

What SPECIFIC land use are you applying for? **Adult Use Marijuana Store**
(You MUST make this selection from Section 45-290 of the Zoning Ordinance)

Having entered the SPECIFIC land use above now provide a more detailed description of what you want to do:
We currently operate a Medical Marijuana retail store at this location and we propose to convert this to an Adult Use Marijuana store. No site or building improvements required for this change.

Case No._____
Site review? Yes No

☐ **Step 4 Attach ten (10) copies of a sketch plan, showing in approximate dimensions the following:**

- ☐ All zoning districts
- ☐ The location of all existing and/or proposed buildings
- ☐ The setbacks of all existing and proposed structures or uses.
- ☐ The location of proposed signs, their size, and direction of illumination.
- ☐ The location of all existing and/or proposed entrances and exits.
- ☐ All existing and/or proposed parking areas (parking is permitted in the front, rear and side of the premises, so long as it does not violate setback requirements.)
- ☐ Plans of buildings, sewage disposal facilities, and location of water supply.

☐ **Step 5 Sign the application (both owner and applicant must sign and date the application) and submit fee with preliminary plans ($100 per acre for first 5 acres and $50 per acre after five plus $150 for advertising and public hearing fees)**

Applicant _____ Date 06/01/2023

Property Owner See affidavit attached Date _____

☐ **Step 6 Application received by Planning Assistant**

Date received by the PA _____ PA initials _____

☐ **Step 7 The Planning Assistant will review the application and if complete, will place your application on a future Planning Board agenda**

☐ **Step 8 The applicant or representative of the applicant must attend the Planning Board meeting**

PART 1 - THE PROCEDURE

Case No._____
Site review? Yes No

(STEP 1) Meet with the Planning Assistant to assure that Site Review is required. Obtain application forms and assemble data for submission.

(STEP 2) ***Sketch Plan Stage*** Application submission. Include 10 copies of the sketch plan, survey map, location map, and affidavit of ownership or legal interest. (Section 33-63)

(STEP 3) Applicant attends first meeting with Planning Board, describes project, and answers questions (*Board may review checklist for the Site Plan at this time or act on waivers requested for submission of data)*

(STEP 4) Board sets up site visit with applicant (Section 33-64).

(STEP 5) Board visits site with applicant**.**

(STEP 6) Applicant attends succeeding meetings. Board does preliminary review of the Ordinance requirements for applicability to the Site Plan. Board and notifies applicant of changes required to Sketch Plan after site inspection (Section 33-103).

(STEP 7) Applicant revises the "Sketch Plan" as needed, submits the Site Plan, and pays non-refundable fees prior to the second Planning Board meeting. (Sections 33-126 & 33-128).

(STEP 8) ***Site Plan Stage*** Applicant attends succeeding meetings with Planning Board and discusses Site Plan (Section 33-129) until Board votes to accept the Site Plan (Section 33-126) *Board schedules public hearing for future meeting when all requirements have been or will be met.*

(STEP 9) Board conducts Public Hearing (Section 33-130).

(STEP 10) ***Approval stage*** Board approves / approves with conditions / disapproves applicants application within 30 days of the close of the final Public Hearing or 75 days from date Board accepted completed application and Site Plan (Section 33-131). If more than one public hearing is held, the 30-day period begins after the last public hearing.

(STEP 11) Board issues a Notice of Decision, which contains findings certifying compliance with ordinance, reasons for conditional approval or reasons for disapproval (Section 33-131). The Notice of decision and signing of the final plan is for documentation purposes and does not determine the beginning of the appeal period**.**

(STEP 12) ***Appeal Period*** A 30-day appeal period begins from the date the Board makes a decision on the application. (Section 45-50) The applicant may begin work on the project during this period, but does so at his or her own risk.

PART 2

Case No._____
Site review? Yes No

DETAILED ORDINANCE REFERENCES FOR EACH SITE REVIEW EVENT

1. Submit application. (Section 33-63) Include 10 copies of all submissions that show:

- ☐ Sketch Plan- (See Section 33-105) showing:
  - ☐ All zoning districts
  - ☐ Existing and proposed structures
  - ☐ Existing and proposed parking areas (parking is permitted in the front, rear and side of the premises, so long as it does not violate setback requirements.)
  - ☐ Existing and proposed Streets and entrances
  - ☐ Existing and proposed setbacks
  - ☐ Other site dimensions and area
  - ☐ Site and public improvements and facilities
  - ☐ Areas of excavation and grading
  - ☐ Any other site changes
  - ☐ Location Map-This is to be submitted along with or as part of the Sketch Plan (See Section 33-104) and includes:
    - ☐ Scale of 500 ft to the inch
    - ☐ Show all area within 2000 ft of property lines
    - ☐ All surrounding existing streets within 500 ft
    - ☐ Abutters lots and names within 500 ft of property boundary
    - ☐ Zoning districts within 500 ft
    - ☐ Outline of proposed development showing internal streets and entrances

2. Site inspection (Section 33-64) The Board and Applicant conduct site inspection. Applicant shall stake the lot corners, the location of all proposed structures, parking and the centerlines of all proposed streets and entrances in development. Verify that parking meets applicable setbacks

3. Board notifies applicant of changes required to Sketch Plan after site inspection such as contour interval, street classification, etc. (Section 33-103) and determines:

- ☐ If other Local, State or Federal agencies or officers (Section 33-102) should review Sketch Plan.

- ☐ If applicable, MaineDOT driveway permit is **required** prior to local approval for anyone installing, physically changing or changing the use of a driveway on state highway.

- ☐ If review by Eliot Fire Chief ___, Police Chief ___, or Road Commissioner___ is required.

Case No._____
Site review? Yes No

4. Applicant converts Sketch Plan into a "Site Plan" (Sections 33-126). The following requirements are considered by the Planning Board

Chapter 33 required information

☐4.1. Applicant shall provide one original and 10 copies of Site Plan drawn at a scale not smaller than 1-inch equals 20 feet showing the following information:

☐4.1.1. Development name, owner, developer, designer name and address and names and addresses of all abutters and abutters land use.
☐4.1.2. Certified perimeter survey showing a north arrow, graphic scale, corners of parcel, total acreage, etc. This means a survey of the property using the standards of practice established by the State of Maine Board of Licensure for Professional Land surveyors, MRSA Chapter 121.
☐4.1.3. Temporary markers.
☐4.1.4. Contour lines at 5-ft intervals or as Board decides.
☐4.1.5. A list of the provisions of Chapter 45 (Zoning) which are applicable to this area and identification of any zoning district boundaries affecting the development.
☐4.1.6. Storm water Drainage Plan. (50 year storm)
☐4.1.7. Required bridges or culverts.
☐4.1.8. Location of natural features or site elements to be preserved.
☐4.1.9. Soil Erosion and Sediment Control Plan.
☐4.1.10. High Intensity Soils Report.
☐4.1.11. Locations of sewers, water mains, culverts and drains.
☐4.1.12. Water supply information.
☐4.1.13. Sewerage System Plan.
☐4.1.14. Septic System Survey.
☐4.1.15. Estimated progress schedule.
☐4.1.16. Construction drawings for CEO which show floor areas, ground coverage, location of all structures, setbacks, lighting, signs, incineration devices, noise generating machinery likely to generate appreciable noise beyond the lot lines, waste materials, curbs, sidewalks, driveways, fences, retaining walls, etc.
☐4.1.17. Telecommunication tower details as required.

☐4.2. Additional requirements made by Board (Section 33-126).

Other Chapter 33 Site Review Ordinance Requirements.

☐4.4. Traffic data if applicable (Section 33-153)
☐4.5. Campground requirements if applicable (33-172)

☐4.6. Commercial Industrial requirements if applicable
☐4.6.1. Landscaping (Section 33-175)

☐4.6.2. Vibration (33-176)
☐4.6.3. Site Improvements (33-177)
☐4.6.4. Electromagnetic Interference (33-178)
☐4.6.5. Parking and Loading Areas (33-179, 45-487, 45-495)
☐4.6.6. Glare (33-180)

☐4.7. Motel requirements if applicable (Section 33-182)
☐4.8. Multi-family dwelling requirements if applicable (Section 33-183)

Chapter 35 Post-Construction Stormwater Management
Disturbance of more than one acre of land or less than one acre if the development is part of a larger common plan for development must comply with Chapter 35 Post – Construction Stormwater Management.

Chapter 45 Zoning Ordinance Requirements. compliance includes the following Article VIII Performance Standards:

☐4.9. Dimensional Standards (Section 45-405)
☐4.10. Traffic (Section 45-406)
☐4.11. Noise (Section 45-407)
☐4.12. Dust, Fumes, Vapors and Gases (Section 45-408)
☐4.13. Odor (Section 45-409)
☐4.14. Glare (Section 45-410)
☐4.15. Storm-water run-off for a 50 year storm. (Section 45-411)
☐4.16. Erosion Control (Section 45-412)
☐4.18. Preservation of Landscape (Section 45-413)
☐4.19. Relation of Buildings to Environment (Section 45-414)
☐4.20. Soil Suitability for Construction (Section 45-415)
☐4.21. Sanitary Standards for Sewage (Section 45-416)
☐4.22. Buffers and Screening (Section 45-417)
☐4.23. Explosive Materials (Section 45-418)
☐4.24. Water Quality (Section 45-419)
☐4.25. Refuse Disposal (Section 45-421)

☐4.26. Specific Activities (Article IX) which include:
☐4.26.1. Accessory Use or Structure (Section 45-452)
☐4.26.2. Home Occupation (Section 45-455)
☐4.26.3. Mobile Homes (Section 45-457)
☐4.26.4. Off-street Parking and Loading (Article X)
☐4.26.5. Signs (Article XI)

☐4.27. In addition the Board may make other conditions for approval that will insure such compliance and would mitigate any adverse affects on adjoining or neighboring properties which might otherwise result from any proposed use (Section 33-131).

Case No._____
Site review? Yes No

5. Board discussion of Site Plan (Section 33-126).
   ☐5.1. Board discusses Site Plan with applicant.

6. Public Hearing (Section 33-129 & 130).
   ☐6.1. Conducted within 30 days of Boards acceptance of Site Plan.
   ☐6.2. Three notices posted 10 days prior to the Public Hearing.
   ☐6.3. Notices advertised in two newspapers 10 days prior to Public Hearing.
   ☐6.4. Other Towns notified 10 days prior to if within 500 feet of applicant's lot.
   ☐6.5. Abutters notified 10 days prior to by certified mail, return receipt requested. $150.00 paid by applicant to cover the cost of advertising and abutter notification (Sec. 1-25)
   ☐6.6. Selectmen, CEO, and Board of Appeals shall be notified 10 days prior to the Public Hearing.

7. Board approves / approves with conditions / disapproves applicants Application within 30 days of Public Hearing or 75 days from date Board accepted completed Application and Site Plan (Section 33-131).

Note: Computation of time shall be in accordance with Section 1-2 as follows:
"In computing any period of time prescribed or allowed by this Code, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation."

8. Notice of Decision issued which contains findings certifying compliance with ordinance, reasons for conditional approval or reasons for disapproval (Section 33-131).

LANDLORD STATEMENT OF PERMISSION

I, David Lesser, am the (authorized agent of the record owner/record owner) of the property at 495 Harold L. Dow Hwy., Eliot, Maine (the "Property").

NEK Assets, LLC ("Tenant"), is a lawful tenant at the Property (the "Rented Unit"). I give Tenant permission to operate and develop Marijuana Establishment(s) pursuant to applicable State and local laws and regulations.

I have reviewed the relevant portions of the Town Code and understand the potential consequences of Tenant's use of the Rented Unit as a Marijuana Establishment(s).

Date: 9/11/20 Signature: D Lesser

Title: Authorized Signatory Printed name: David H. Lesser

Personally appeared before me the above-named affiant and made oath that the foregoing affidavit is true and correct to his/her personal knowledge.

Date: 9/11/20 Signature: DML

Notary Public/Attorney at Law

DANIELLE C. LESSER
Notary Public, State of New York
No. 31-5003580
Qualified in New York County
Commission Expires January 4, 2001 23

LANDLORD STATEMENT OF PERMISSION

I, David Lesser, am the (authorized agent of the record owner/record owner) of the property at 505 Harold L. Dow Hwy., Eliot, Maine (the "Property").

NEK Assets, LLC ("Tenant"), is a lawful tenant at the Property (the "Rented Unit"). I give Tenant permission to operate and develop Marijuana Establishment(s) pursuant to applicable State and local laws and regulations.

I have revied the relevant portions of the Town Code and understand the potential consequences of Tenant's use of the Rented Unit as a Marijuana Establishment(s).

Date: 10/14/21 Signature: _____

Title: CEO-Power REIT Printed Name: David H. Lesser

Personally appeared before me the above-named affiant and made oath that the foregoing affidavit is true and correct to his/her personal knowledge.

Date: 10/14/21 Signature: _____
Notary Public / Attorney at Law

SUSAN HOLLANDER
NOTARY PUBLIC, State of New York
No. 01HO6398092
Qualified in Nassau County
Commission Expires September 23, 2023

SECOND AMENDMENT TO THE LEASE AGREEMENT

THIS SECOND AMENDMENT TO LEASE AGREEMENT (this "Amendment") is made and entered into as of March 1, 2022 (the "Effective Date") by and between PW ME CanRe SD LLC, a Maine limited liability company ("Landlord"), and NorthEast Kind Assets LLC, a Maine limited liability company ("Tenant").

RECITALS:

A. Landlord and Tenant are parties to the Lease Agreement dated May 15, 2020 (the "Original Lease"), pursuant to which Tenant leases from Landlord the land and all improvements thereon located at 495 Harold L Dow Hwy., Eliot, ME 03903 as more particularly described in the Original Lease (the "Premises").

B. Landlord and Tenant are parties to the Lease Amendment dated September 17, 2020 (the "First Amendment"), pursuant to which Landlord exercised its option to purchase another certain, adjacent parcel of land being located at 505 Harold L Dow Hwy. ME 03903 as more described in the First Amendment (the "Additional Parcel")

C. Landlord and Tenant desire to amend the Original Lease to add additional items to the property improvement budget ("the Additional Items") for the construction of a Natural Gas CHP / Absorption Chiller to be located at the Additional Parcel and to make corresponding changes to the Original Lease and to update certain other terms and conditions under the Original Lease, as amended, as described herein. The Additional Items are described on Exhibit 1- Second Amendment, attached hereto.

AGREEMENT:

THEREFORE, in consideration of the mutual covenants set forth herein, the Original Lease is hereby amended on the terms and conditions hereinafter set forth.

1. Initially capitalized terms not otherwise defined herein will have the meanings given to such terms in the Original Lease.

2. The definition of "Base Rent" in the Original Lease is amended to include the column entitled "Monthly Rent" on the Rent Schedule attached as Exhibit 2 – Second Amendment, which will be in addition to the Monthly Rent on the Rent Schedule attached to the First Amendment as Exhibit 3 – First Amendment, and the Monthly Rent on the Rent Schedule attached to the Original Lease as Exhibit 2. In the event of the federal legalization of the recreations use of cannabis in the United States, the Base Rent attributable to the Additional Items will be the amount listed in the column entitled "Rent if Reset' in the Rent Scheduled attached as Exhibit 2 – Second Amendment.

3. *Competitor First Right of Refusal*. If, during the Term, Landlord receives from a third-party or affiliate that is in direct competition with Tenant, a bona fide offer to purchase or

otherwise transfer the Property, before Landlord may accept such an offer, Landlord must first give written notice to Tenant of said offer. Tenant shall have thirty (30) days from the date of receipt of said offer, to provide Landlord with a binding agreement to acquire the Property upon the same terms and conditions as set forth therein. Tenant may elect to assign Tenant's rights to purchase the Leased Premises to the parent of the Tenant, a subsidiary of the Tenant, or other entity wholly owned by Tenant or its parent. If Tenant fails to enter into a binding agreement to acquire the Property as described above, Landlord may proceed to sell to said third party or affiliate in accordance with the terms of the original offer.

4. **Section 9.3** of the Original Lease is amended as follows:

The Tenant Parties shall provide Landlord with: (A) certified financial statements by an authorized officer of each Tenant Party regarding the Tenant Parties' operations at the Premises, including standard profit and loss statements, actual sales vs. projected sales, an income statement and balance sheet, all of which show that the Tenant Parties have the financial wherewithal to meet its obligations as they are due within twenty (20) days after the end of each calendar month, (B) certified financials from an authorized officer or by a third party accounting firm reasonably acceptable to Landlord, to be delivered within 90 days of the end of each calendar year during the Term, and (C) a personal tax return for each of the Guarantors within 30 days after April 15th of each Lease Year. The Tenant Parties that are entities hereby agree not to make any distributions to owners/investors of the Tenant Parties until such time as the Tenant Parties have achieved cash flow sufficient to establish a cash reserve equal to next six (6) months of Rent due under the Lease totaling (the "Working Capital Reserve"). Once the Tenant Parties have established the Working Capital Reserve in the Tenant Parties' bank account (as certified to Landlord monthly), the Tenant Parties may distribute excess cash flow earned thereafter to its owners/investors in accordance with its Operating Agreement. In addition to and not by way of limitation of the foregoing, the Tenant Patties covenants and agrees that during the Term of this Lease, (I) the salaries for ce1tain owners/officers of the Tenant Patties shall be as set forth on the attached Exhibit 4, all of which will be annually certified as such by an authorized officer of each Tenant Patty on or before January 15th of each Lease year during the Term and (ii) absolutely no additional salary shall be paid to the identified owners/officers of any Tenant Party other than as set forth on Exhibit 4 until and after the Working Capital Reserve has been established and so long as it is maintained, and (iii) absolutely no distributions will be made to owners/ investors in a Tenant Party unless and until the Working Reserve amount has been achieved and is being maintained in Tenant's bank account. During the Term hereof, Landlord, shall have full rights to inspect the books and records of each Tenant Party on reasonable notice, subject to Tenant's Access Requirements if such books and records are kept on the Premises, and during normal business hours and to have an audit of such books and records done at its own expense to confirm the accuracy and completeness thereof; provided, such audit is performed in connection with all Applicable Laws, including but not limited to, the Marijuana Act. Landlord and Tenant acknowledge and agree that Landlord is not intended to, nor will it actually have, any control over Tenant's business located at the Premises or elsewhere rather it is intended to support the viability of Tenant and its ability to meet its financial obligations. This Lease is not intended to enable Landlord to become a "Controlling Beneficial Owner" or "Passive Beneficial Owner" whatsoever in Tenant as such terms are defined under the Marijuana Act.

5. Exhibit 4 from the Original Lease which is referenced in Section 9.3 is hereby amended to reflect the exhibit attached hereto referred to as Exhibit 4 – Second Amendment.

6. **Section 11.1** of the Original Lease, as amended, is amended to require that the Security Deposit shall be increased by $230,000 of which the Tenant shall deposit $115,000 on the Effective Date and an additional $115,000, by November 30, 2022, to fund the increased Security Deposit.

7. This Amendment sets forth the entire understanding and agreement of the parties hereto in relation to the subject matter hereof.

8. Except as specifically amended, modified, or supplemented herein, the Original Lease, as amended hereby, is hereby confirmed, and ratified in all respects and will remain in full force and effect according to its terms. In the event of any conflict or inconsistency between the provisions of the Original Lease and this Amendment, the provisions of this Amendment will control in all instances.

9. This Amendment may be executed in several counterparts, each of which will be deemed an original, and all such counterparts together will constitute one and the same instrument. Executed copies hereof may be delivered by telecopy or electronic delivery, and upon receipt, will be deemed originals and binding upon the parties hereto.

10. Each party represents and warrants that, as of the date of this Amendment it has the unconditional and unrestricted right, power, and authority to enter into this Amendment.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed as of the date first written above.

TENANT:

NorthEast Kind Assets LLC,
a Maine limited liability company

By: James Henry
James Henry (Mar 1, 2022 21:22 EST)

Name: James F. Henry
Title: Authorized Signatory

LANDLORD:

PW ME CanRe SD LLC,
a Maine limited liability company

By: David H. Lesser
David H. Lesser (Mar 1, 2022 21:10 EST)

Name: David H. Lesser
Title: Authorized Signatory

JOINDER OF GUARANTOR

The Guarantor of the Original Lease join herein for the purposes of evidencing their consent to this Amendment, and agreement to be bound all obligations of the Tenant Parties under the Original Lease as amended by this Amendment. The obligations of the Tenant Parties herein shall be joint and several.

NorthEast Kind Assets LLC, a Maine limited liability company

By: James Henry
James Henry (Mar 1, 2022 21:22 EST)

Name: James F. Henry

Title: Authorized Signatory

Exhibit 1 – Second Amendment

Natural Gas CHP / Absorption Chiller Budget:

	Sitework	50,000
	Concrete	20,000
	Electrical	450,000
	Mechanical/Plumbing	660,000
	Absorption Chillers*	850,000
	Pre-packaged Cogeneration System*	1,125,000
	Breaker Panel/Switchgear*	90,000
	Maintenance Kit	60,000
	Engineering Development	28,000
	Contingency/Development Fee	175,000
Total	**Power REIT Funded Construction Costs**	**3,508,000**

Exhibit 2 – Second Amendment

Month	Date	Monthly Rent		Monthly Rent if Reset
1	1-Mar-22	-		NA
2	1-Apr-22	-		NA
3	1-May-22	-		NA
4	1-Jun-22	-		NA
5	1-Jul-22	-		NA
6	1-Aug-22	-		NA
7	1-Sep-22	48,722.22		NA
8	1-Oct-22	48,722.22		NA
9	1-Nov-22	48,722.22		NA
10	1-Dec-22	48,722.22		NA
11	1-Jan-23	48,722.22		NA
12	1-Feb-23	48,722.22		NA
13	1-Mar-23	97,444.44		NA
14	1-Apr-23	97,444.44		NA
15	1-May-23	97,444.44		NA
16	1-Jun-23	97,444.44		NA
17	1-Jul-23	97,444.44		NA
18	1-Aug-23	97,444.44		NA
19	1-Sep-23	97,444.44		NA
20	1-Oct-23	97,444.44		NA
21	1-Nov-23	97,444.44		NA
22	1-Dec-23	97,444.44		NA
23	1-Jan-24	97,444.44		NA
24	1-Feb-24	97,444.44		NA
25	1-Mar-24	97,444.44		NA
26	1-Apr-24	97,444.44		NA
27	1-May-24	97,444.44		NA
28	1-Jun-24	97,444.44		NA
29	1-Jul-24	97,444.44		NA
30	1-Aug-24	97,444.44		NA
31	1-Sep-24	97,444.44		NA
32	1-Oct-24	97,444.44		NA
33	1-Nov-24	97,444.44		NA
34	1-Dec-24	97,444.44		NA
35	1-Jan-25	97,444.44		NA
36	1-Feb-25	97,444.44		NA

37	1-Mar-25	146,166.67		NA
38	1-Apr-25	146,166.67		NA
39	1-May-25	146,166.67		NA
40	1-Jun-25	146,166.67		NA
41	1-Jul-25	146,166.67		NA
42	1-Aug-25	146,166.67		NA
43	1-Sep-25	38,558.77		NA
44	1-Oct-25	38,558.77		NA
45	1-Nov-25	38,558.77		NA
46	1-Dec-25	38,558.77		NA
47	1-Jan-26	38,558.77		NA
48	1-Feb-26	38,558.77		NA
49	1-Mar-26	38,558.77		NA
50	1-Apr-26	38,558.77		NA
51	1-May-26	38,558.77		NA
52	1-Jun-26	38,558.77		NA
53	1-Jul-26	38,558.77		NA
54	1-Aug-26	38,558.77		NA
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56	1-Oct-26	39,715.53		NA
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58	1-Dec-26	39,715.53		NA
59	1-Jan-27	39,715.53		NA
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64	1-Jun-27	39,715.53		NA
65	1-Jul-27	39,715.53		NA
66	1-Aug-27	39,715.53		NA
67	1-Sep-27	40,907.00		NA
68	1-Oct-27	40,907.00		NA
69	1-Nov-27	40,907.00		NA
70	1-Dec-27	40,907.00		NA
71	1-Jan-28	40,907.00		NA
72	1-Feb-28	40,907.00		NA
73	1-Mar-28	40,907.00		26,310.00
74	1-Apr-28	40,907.00		26,310.00
75	1-May-28	40,907.00		26,310.00

76	1-Jun-28	40,907.00		26,310.00
77	1-Jul-28	40,907.00		26,310.00
78	1-Aug-28	40,907.00		26,310.00
79	1-Sep-28	42,134.21		26,310.00
80	1-Oct-28	42,134.21		26,310.00
81	1-Nov-28	42,134.21		26,310.00
82	1-Dec-28	42,134.21		26,310.00
83	1-Jan-29	42,134.21		26,310.00
84	1-Feb-29	42,134.21		26,310.00
85	1-Mar-29	42,134.21		27,099.30
86	1-Apr-29	42,134.21		27,099.30
87	1-May-29	42,134.21		27,099.30
88	1-Jun-29	42,134.21		27,099.30
89	1-Jul-29	42,134.21		27,099.30
90	1-Aug-29	42,134.21		27,099.30
91	1-Sep-29	43,398.23		27,099.30
92	1-Oct-29	43,398.23		27,099.30
93	1-Nov-29	43,398.23		27,099.30
94	1-Dec-29	43,398.23		27,099.30
95	1-Jan-30	43,398.23		27,099.30
96	1-Feb-30	43,398.23		27,099.30
97	1-Mar-30	43,398.23		27,912.28
98	1-Apr-30	43,398.23		27,912.28
99	1-May-30	43,398.23		27,912.28
100	1-Jun-30	43,398.23		27,912.28
101	1-Jul-30	43,398.23		27,912.28
102	1-Aug-30	43,398.23		27,912.28
103	1-Sep-30	44,700.18		27,912.28
104	1-Oct-30	44,700.18		27,912.28
105	1-Nov-30	44,700.18		27,912.28
106	1-Dec-30	44,700.18		27,912.28
107	1-Jan-31	44,700.18		27,912.28
108	1-Feb-31	44,700.18		27,912.28
109	1-Mar-31	44,700.18		28,749.65
110	1-Apr-31	44,700.18		28,749.65
111	1-May-31	44,700.18		28,749.65
112	1-Jun-31	44,700.18		28,749.65
113	1-Jul-31	44,700.18		28,749.65
114	1-Aug-31	44,700.18		28,749.65

115	1-Sep-31	46,041.18		28,749.65
116	1-Oct-31	46,041.18		28,749.65
117	1-Nov-31	46,041.18		28,749.65
118	1-Dec-31	46,041.18		28,749.65
119	1-Jan-32	46,041.18		28,749.65
120	1-Feb-32	46,041.18		28,749.65
121	1-Mar-32	46,041.18		29,612.14
122	1-Apr-32	46,041.18		29,612.14
123	1-May-32	46,041.18		29,612.14
124	1-Jun-32	46,041.18		29,612.14
125	1-Jul-32	46,041.18		29,612.14
126	1-Aug-32	46,041.18		29,612.14
127	1-Sep-32	47,422.42		29,612.14
128	1-Oct-32	47,422.42		29,612.14
129	1-Nov-32	47,422.42		29,612.14
130	1-Dec-32	47,422.42		29,612.14
131	1-Jan-33	47,422.42		29,612.14
132	1-Feb-33	47,422.42		29,612.14
133	1-Mar-33	47,422.42		30,500.50
134	1-Apr-33	47,422.42		30,500.50
135	1-May-33	47,422.42		30,500.50
136	1-Jun-33	47,422.42		30,500.50
137	1-Jul-33	47,422.42		30,500.50
138	1-Aug-33	47,422.42		30,500.50
139	1-Sep-33	48,845.09		30,500.50
140	1-Oct-33	48,845.09		30,500.50
141	1-Nov-33	48,845.09		30,500.50
142	1-Dec-33	48,845.09		30,500.50
143	1-Jan-34	48,845.09		30,500.50
144	1-Feb-34	48,845.09		30,500.50
145	1-Mar-34	48,845.09		31,415.52
146	1-Apr-34	48,845.09		31,415.52
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149	1-Jul-34	48,845.09		31,415.52
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152	1-Oct-34	50,310.44		31,415.52
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154	1-Dec-34	50,310.44		31,415.52
155	1-Jan-35	50,310.44		31,415.52
156	1-Feb-35	50,310.44		31,415.52
157	1-Mar-35	50,310.44		32,357.98
158	1-Apr-35	50,310.44		32,357.98
159	1-May-35	50,310.44		32,357.98
160	1-Jun-35	50,310.44		32,357.98
161	1-Jul-35	50,310.44		32,357.98
162	1-Aug-35	50,310.44		32,357.98
163	1-Sep-35	51,819.76		32,357.98
164	1-Oct-35	51,819.76		32,357.98
165	1-Nov-35	51,819.76		32,357.98
166	1-Dec-35	51,819.76		32,357.98
167	1-Jan-36	51,819.76		32,357.98
168	1-Feb-36	51,819.76		32,357.98
169	1-Mar-36	51,819.76		33,328.72
170	1-Apr-36	51,819.76		33,328.72
171	1-May-36	51,819.76		33,328.72
172	1-Jun-36	51,819.76		33,328.72
173	1-Jul-36	51,819.76		33,328.72
174	1-Aug-36	51,819.76		33,328.72
175	1-Sep-36	53,374.35		33,328.72
176	1-Oct-36	53,374.35		33,328.72
177	1-Nov-36	53,374.35		33,328.72
178	1-Dec-36	53,374.35		33,328.72
179	1-Jan-37	53,374.35		33,328.72
180	1-Feb-37	53,374.35		33,328.72
181	1-Mar-37	53,374.35		34,328.58
182	1-Apr-37	53,374.35		34,328.58
183	1-May-37	53,374.35		34,328.58
184	1-Jun-37	53,374.35		34,328.58
185	1-Jul-37	53,374.35		34,328.58
186	1-Aug-37	53,374.35		34,328.58
187	1-Sep-37	54,975.58		34,328.58
188	1-Oct-37	54,975.58		34,328.58
189	1-Nov-37	54,975.58		34,328.58
190	1-Dec-37	54,975.58		34,328.58
191	1-Jan-38	54,975.58		34,328.58
192	1-Feb-38	54,975.58		34,328.58

193	1-Mar-38	54,975.58		35,358.44
194	1-Apr-38	54,975.58		35,358.44
195	1-May-38	54,975.58		35,358.44
196	1-Jun-38	54,975.58		35,358.44
197	1-Jul-38	54,975.58		35,358.44
198	1-Aug-38	54,975.58		35,358.44
199	1-Sep-38	56,624.85		35,358.44
200	1-Oct-38	56,624.85		35,358.44
201	1-Nov-38	56,624.85		35,358.44
202	1-Dec-38	56,624.85		35,358.44
203	1-Jan-39	56,624.85		35,358.44
204	1-Feb-39	56,624.85		35,358.44
205	1-Mar-39	56,624.85		36,419.19
206	1-Apr-39	56,624.85		36,419.19
207	1-May-39	56,624.85		36,419.19
208	1-Jun-39	56,624.85		36,419.19
209	1-Jul-39	56,624.85		36,419.19
210	1-Aug-39	56,624.85		36,419.19
211	1-Sep-39	58,323.59		36,419.19
212	1-Oct-39	58,323.59		36,419.19
213	1-Nov-39	58,323.59		36,419.19
214	1-Dec-39	58,323.59		36,419.19
215	1-Jan-40	58,323.59		36,419.19
216	1-Feb-40	58,323.59		36,419.19
217	1-Mar-40	58,323.59		37,511.77
218	1-Apr-40	58,323.59		37,511.77
219	1-May-40	58,323.59		37,511.77

Option Period 1

220	1-Jun-40	58,323.59		37,511.77
221	1-Jul-40	58,323.59		37,511.77
222	1-Aug-40	58,323.59		37,511.77
223	1-Sep-40	60,073.30		37,511.77
224	1-Oct-40	60,073.30		37,511.77
225	1-Nov-40	60,073.30		37,511.77
226	1-Dec-40	60,073.30		37,511.77
227	1-Jan-41	60,073.30		37,511.77
228	1-Feb-41	60,073.30		37,511.77

229	1-Mar-41	60,073.30		38,637.12
230	1-Apr-41	60,073.30		38,637.12
231	1-May-41	60,073.30		38,637.12
232	1-Jun-41	60,073.30		38,637.12
233	1-Jul-41	60,073.30		38,637.12
234	1-Aug-41	60,073.30		38,637.12
235	1-Sep-41	61,875.50		38,637.12
236	1-Oct-41	61,875.50		38,637.12
237	1-Nov-41	61,875.50		38,637.12
238	1-Dec-41	61,875.50		38,637.12
239	1-Jan-42	61,875.50		38,637.12
240	1-Feb-42	61,875.50		38,637.12
241	1-Mar-42	61,875.50		39,796.24
242	1-Apr-42	61,875.50		39,796.24
243	1-May-42	61,875.50		39,796.24
244	1-Jun-42	61,875.50		39,796.24
245	1-Jul-42	61,875.50		39,796.24
246	1-Aug-42	61,875.50		39,796.24
247	1-Sep-42	63,731.77		39,796.24
248	1-Oct-42	63,731.77		39,796.24
249	1-Nov-42	63,731.77		39,796.24
250	1-Dec-42	63,731.77		39,796.24
251	1-Jan-43	63,731.77		39,796.24
252	1-Feb-43	63,731.77		39,796.24
253	1-Mar-43	63,731.77		40,990.12
254	1-Apr-43	63,731.77		40,990.12
255	1-May-43	63,731.77		40,990.12
256	1-Jun-43	63,731.77		40,990.12
257	1-Jul-43	63,731.77		40,990.12
258	1-Aug-43	63,731.77		40,990.12
259	1-Sep-43	65,643.72		40,990.12
260	1-Oct-43	65,643.72		40,990.12
261	1-Nov-43	65,643.72		40,990.12
262	1-Dec-43	65,643.72		40,990.12
263	1-Jan-44	65,643.72		40,990.12
264	1-Feb-44	65,643.72		40,990.12
265	1-Mar-44	65,643.72		42,219.83
266	1-Apr-44	65,643.72		42,219.83
267	1-May-44	65,643.72		42,219.83

268	1-Jun-44	65,643.72		42,219.83
269	1-Jul-44	65,643.72		42,219.83
270	1-Aug-44	65,643.72		42,219.83
271	1-Sep-44	67,613.03		42,219.83
272	1-Oct-44	67,613.03		42,219.83
273	1-Nov-44	67,613.03		42,219.83
274	1-Dec-44	67,613.03		42,219.83
275	1-Jan-45	67,613.03		42,219.83
276	1-Feb-45	67,613.03		42,219.83
277	1-Mar-45	67,613.03		43,486.42
278	1-Apr-45	67,613.03		43,486.42
279	1-May-45	67,613.03		43,486.42

Option Period 2

280	1-Jun-45	67,613.03		43,486.42
281	1-Jul-45	67,613.03		43,486.42
282	1-Aug-45	67,613.03		43,486.42
283	1-Sep-45	69,641.42		43,486.42
284	1-Oct-45	69,641.42		43,486.42
285	1-Nov-45	69,641.42		43,486.42
286	1-Dec-45	69,641.42		43,486.42
287	1-Jan-46	69,641.42		43,486.42
288	1-Feb-46	69,641.42		43,486.42
289	1-Mar-46	69,641.42		44,791.01
290	1-Apr-46	69,641.42		44,791.01
291	1-May-46	69,641.42		44,791.01
292	1-Jun-46	69,641.42		44,791.01
293	1-Jul-46	69,641.42		44,791.01
294	1-Aug-46	69,641.42		44,791.01
295	1-Sep-46	71,730.66		44,791.01
296	1-Oct-46	71,730.66		44,791.01
297	1-Nov-46	71,730.66		44,791.01
298	1-Dec-46	71,730.66		44,791.01
299	1-Jan-47	71,730.66		44,791.01
300	1-Feb-47	71,730.66		44,791.01
301	1-Mar-47	71,730.66		46,134.74
302	1-Apr-47	71,730.66		46,134.74
303	1-May-47	71,730.66		46,134.74

304	1-Jun-47	71,730.66		46,134.74
305	1-Jul-47	71,730.66		46,134.74
306	1-Aug-47	71,730.66		46,134.74
307	1-Sep-47	73,882.58		46,134.74
308	1-Oct-47	73,882.58		46,134.74
309	1-Nov-47	73,882.58		46,134.74
310	1-Dec-47	73,882.58		46,134.74
311	1-Jan-48	73,882.58		46,134.74
312	1-Feb-48	73,882.58		46,134.74
313	1-Mar-48	73,882.58		47,518.79
314	1-Apr-48	73,882.58		47,518.79
315	1-May-48	73,882.58		47,518.79
316	1-Jun-48	73,882.58		47,518.79
317	1-Jul-48	73,882.58		47,518.79
318	1-Aug-48	73,882.58		47,518.79
319	1-Sep-48	76,099.06		47,518.79
320	1-Oct-48	76,099.06		47,518.79
321	1-Nov-48	76,099.06		47,518.79
322	1-Dec-48	76,099.06		47,518.79
323	1-Jan-49	76,099.06		47,518.79
324	1-Feb-49	76,099.06		47,518.79
325	1-Mar-49	76,099.06		48,944.35
326	1-Apr-49	76,099.06		48,944.35
327	1-May-49	76,099.06		48,944.35
328	1-Jun-49	76,099.06		48,944.35
329	1-Jul-49	76,099.06		48,944.35
330	1-Aug-49	76,099.06		48,944.35
331	1-Sep-49	78,382.03		48,944.35
332	1-Oct-49	78,382.03		48,944.35
333	1-Nov-49	78,382.03		48,944.35
334	1-Dec-49	78,382.03		48,944.35
335	1-Jan-50	78,382.03		48,944.35
336	1-Feb-50	78,382.03		48,944.35
337	1-Mar-50	78,382.03		50,412.68
338	1-Apr-50	78,382.03		50,412.68
339	1-May-50	78,382.03		50,412.68

Exhibit 4– Second Amendment

***NorthEast Kind Holdings, LLC:**
Justice Rines-COO - $150,000 annually

***Judley, LLC (Licensed Medical Entity operating in Eliot, ME:**
Hughes Pope Director Cultivation/Principal - $200,000 annually
Kristin Pope - Director Product Formulation/Principal - $100,000 annually

Salary Limit Increases: On the first day of each calendar year of the Lease Term (and applied retroactively to the Effective Date of the Original Lease) unless the parties shall otherwise agree in writing, the salary limits above shall be increased by the then-current percentage increase for the twelve-month period of such previous calendar year of the CPI-U (defined below) or, if that publication of such index is terminated, any successor or substitute index, appropriately adjusted, acceptable to both parties. As used herein, "CPI-U" shall mean the Consumer Price Index for All Urban Consumers, as published by the United States Department of Labor, Bureau of Labor Statistics. Notwithstanding the foregoing, such yearly salary limit increases shall in no event be less than three percent (3%).

These figures do not include participation in the employee benefits program

Sweet Dirt Lease Amendment (Cogen) - Execution (03012022)

Final Audit Report 2022-03-02

Created:	2022-03-01
By:	Alexis Stein (astein@northeastkind.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAADKwU2nbYJbzQoaUzlecQl9u0rUCuVFFF

"Sweet Dirt Lease Amendment (Cogen) - Execution (03012022)" History

Document created by Alexis Stein (astein@northeastkind.com)
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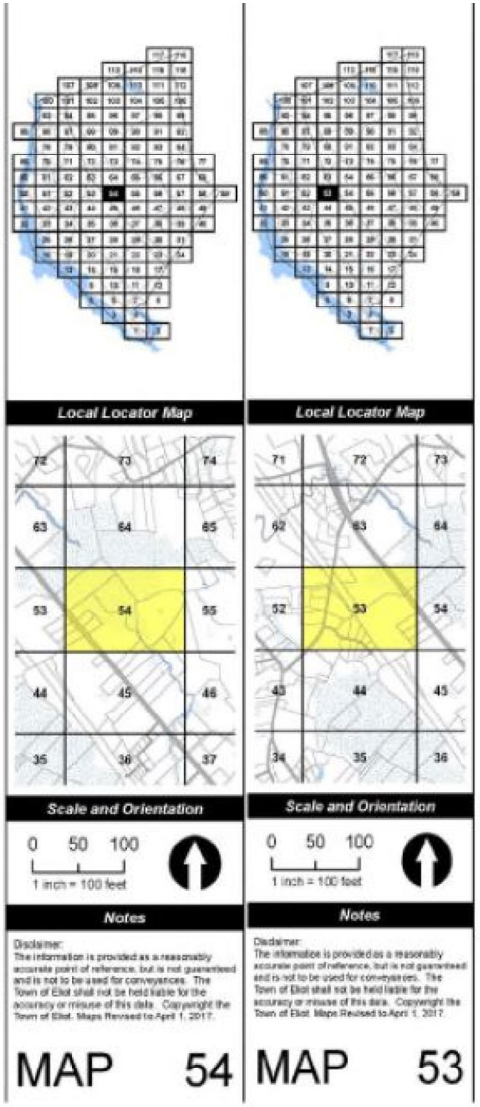
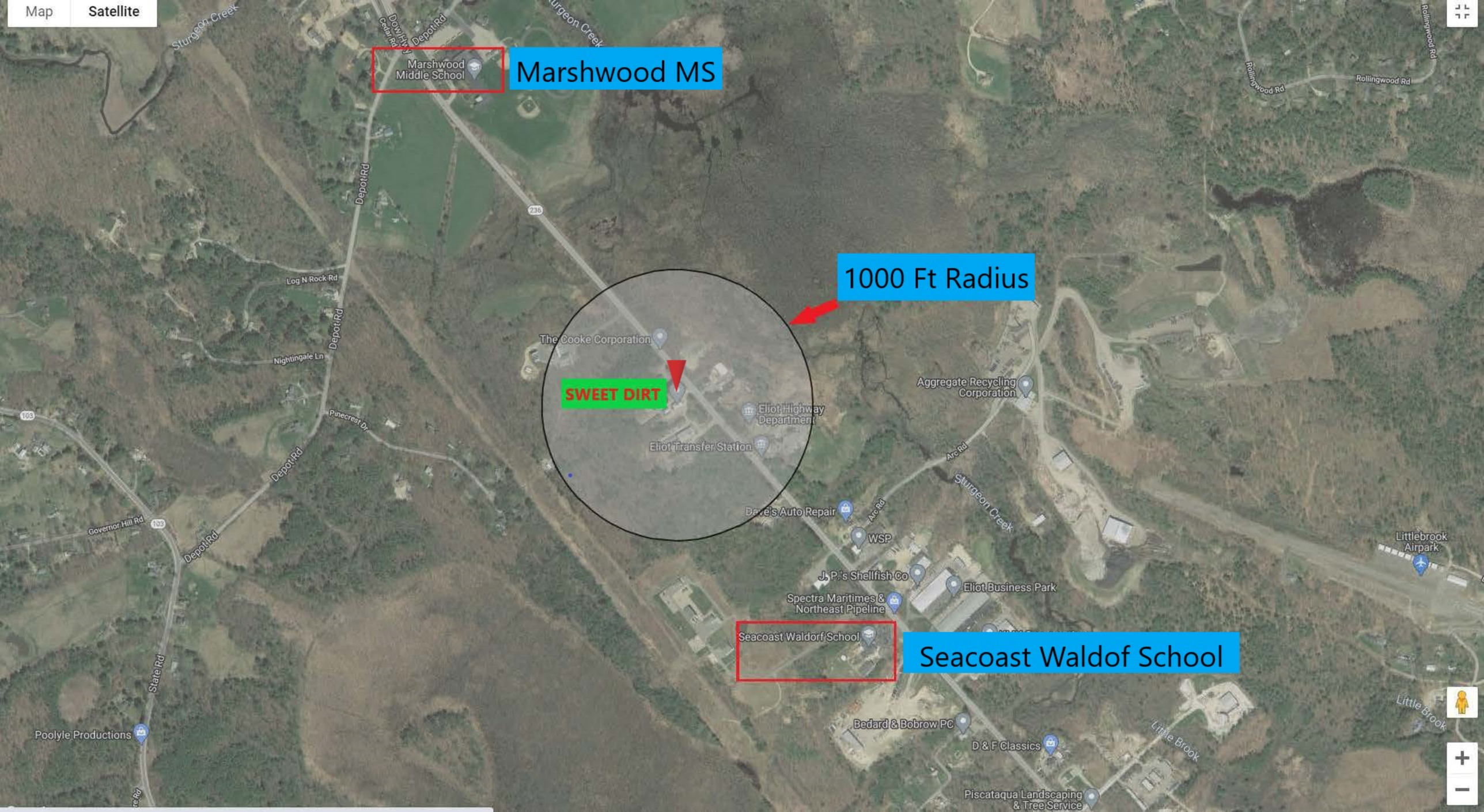
Document e-signed by James Henry (jhenry@mainecoasthemp.com)
Signature Date: 2022-03-02 - 2:22:41 AM GMT - Time Source: server- IP address: 174.255.64.4

Agreement completed.
2022-03-02 - 2:22:41 AM GMT

Adobe Sign

Exhibit 1 - Tax Map, Site Plan and Buffers




Map
Satellite
Marshwood MS
Marshwood Middle School
1000 Ft Radius
SWEET DIRT
The Cooke Corporation
Eliot Highway Department
Eliot Transfer Station
Aggregate Recycling Corporation
Dave's Auto Repair
WSP
J. P.'s Shellfish Co
Eliot Business Park
Spectra Maritimes & Northeast Pipeline
Seacoast Waldorf School
Seacoast Waldof School
Bedard & Bobrow PC
D & F Classics
Piscataqua Landscaping & Tree Service
Poolyle Productions
Littlebrook Airpark
Sturgeon Creek
Depot Rd
Log N Rock Rd
Nightingale Ln
Pinecrest Dr
Governor Hill Rd
State Rd
Arc Rd
Little Brook
Rollingwood Rd

500 feet Abutters List Report

Eliot, ME
March 28, 2023

Subject Property:

Parcel Number:	053-006-000	Mailing Address:	PW ME CANRE SD LLC
CAMA Number:	053-006-000		C/O POWER REIT 301 WINDING RD
Property Address:	495 HAROLD L DOW HWY		OLD BETHPAGE, NY 11804

Abutters:

Parcel Number:	045-005-000	Mailing Address:	MARITIMES & NORTHEAST PIPELINE
CAMA Number:	045-005-000		C/O DUFF & PHELPS LLC
Property Address:	413 HAROLD L DOW HWY		PO BOX 2629
			ADDISON, TX 75001
Parcel Number:	053-007-000	Mailing Address:	PW ME CANRE SD LLC
CAMA Number:	053-007-000		301 WINDING RD
Property Address:	505 HAROLD L DOW HWY		OLD BETHAGE, NY 11804
Parcel Number:	053-008-000	Mailing Address:	XNG MAINE LLC
CAMA Number:	053-008-000		300 BRICKSTONE SQUARE STE 1005
Property Address:	525 HAROLD L DOW HWY		ANDOVER, MA 01810
Parcel Number:	054-002-000	Mailing Address:	RSP ELIOT LLC
CAMA Number:	054-002-000		44 VINE ST.
Property Address:	483 HAROLD L DOW HWY		S. BERWICK, ME 03901
Parcel Number:	054-003-000	Mailing Address:	BONDGARDEN
CAMA Number:	054-003-000		255 DEPOT RD
Property Address:	HAROLD L DOW HWY		ELIOT, ME 03903
Parcel Number:	054-005-000	Mailing Address:	CPN REALTY LLC
CAMA Number:	054-005-000		31 CLARK RD
Property Address:	496 HAROLD L DOW HWY		ELIOT, ME 03903
Parcel Number:	054-006-000	Mailing Address:	LAC REALTY LLC
CAMA Number:	054-006-000		31 CLARK RD
Property Address:	HAROLD L DOW HWY		ELIOT, ME 03903
Parcel Number:	054-008-000	Mailing Address:	TOWN OF ELIOT TRANSFER STATION
CAMA Number:	054-008-000		1333 STATE RD
Property Address:	468 HAROLD L DOW HWY		ELIOT, ME 03903

TOWN OF ELIOT, MAINE

PLANNING BOARD NOTICE OF DECISION

CASE #: **PB19-8 – AMENDED SITE PLAN/REQUEST FOR PLANNING BOARD ACTION APPLICATION**	MAP/LOT: **53/6**	DATE OF DECISION: **OCTOBER 15, 2019**

October 31, 2019

Flower Company Properties, Inc.
Attn: Jacquelyn Nooney, President
483 Harold L. Dow Highway
Eliot, Maine 03903

Mr. Ken Wood
Attar Engineering, Inc.
1284 State Road
Eliot, Maine 03903

Sweet Dirt, Inc.
Attn: Hughes Pope, Owner
495 Harold L. Dow Highway
Eliot, Maine 03903

Dear Ms. Nooney, Mr. Wood, and Mr. Hughes,

This **Notice of Decision** is to inform you that the Planning Board has acted on your **Amended Site Plan Review/Request for Planning Board Action Application** to add a greenhouse facility to replace structure lost to fire:

I. APPLICATION DOCUMENTS AND SUPPORTING MATERIAL SUBMITTED FOR THE RECORD:

Submitted for August 6, 2019:

1. Site Plan Review/Request for Planning Board Action Application, received July 2, 2019.
2. Copy of Planning Board Notice of Decision for PB18-0, approved August 28, 2018.
3. Copy of Planning Board Notice of Decision for PB19-4, approved April 16, 2019.
4. Confirmation letter from J. Nooney approving site plan amendments and changes on subject property, dated July 2, 2019.
5. Letter from Justice Rines, COO – Sweet Dirt, LLC, containing project narrative and reason for request, dated July 2, 2019.
6. Revised Letter from Justice Rines, COO – Sweet Dirt, LLC, containing project narrative and reason for request, received August 5, 2019.
7. Renderings of new proposed project design, received July 2, 2019.
8. Eliot GIS Location Maps, dated July 2, 2019.
9. Eliot GIS Topographical/Abutter Maps, dated July 2, 2019.
10. Sheet L1 – Amendment to Site Plan, dated June 7, 2017, showing proposed amendments.
11. Site Plan Review Submissions Checklist, received August 5, 2019.
12. Location Plan showing 500-foot buffer, with abutter's list.
13. Memo from A. Sherwin, Interim Planner, dated August 2, 2019.

Submitted for August 20, 2019:

1. Amended Site Plan – Sheet L-1, dated August 15, 2019.
2. Revised Request for Planning Board Action Application, dated August 13, 2109.

3. Memo from Abbie Sherwin, Interim Planner, dated August 16, 2019.
4. Copy of Letter from Justice Rines, COO of Sweet Dirt, Inc., dated July 2, 2019.
5. Site Plan Review Submissions Checklist.
6. Quitclaim Deed, Book 17214, Page 79-80, dated April 12, 2016.
7. Copy of confirmation letter from J. Nooney approving site plan amendments and changes on subject property, dated July 2, 2019.
8. Eliot GIS maps showing location, abutting properties, and aerial overview.
9. Eliot GIS Elevation map.
10. Copy of Planning Board Notice of Decision for PB18-0, approved August 28, 2018.
11. Copy of Planning Board Notice of Decision for PB19-4, approved April 16, 2019.
12. Letter from J. Rines for Request for Waivers, dated August 13, 2019.
13. Subsurface Wastewater Disposal System Application, dated February 9, 2017.
14. Estimated Progress Schedule.
15. Full HVAC Option Package, received July 2, 2019.
16. NRCS Soil Resource Report, dated August 6, 2018.

Submitted for September 17, 2019:

1. Public Hearing Notice, posted August 29, 2019.
2. Copy of Portsmouth Herald Legal Notice of Public Hearing, dated September 3, 2019.
3. Copy of abutter's list and certified mailings, dated August 27, 2019.
4. CAI Technologies Location Map, dated August 27, 2019.

Submitted for October 15, 2019:

1. Memo from E. Sanderson, Interim Planner, dated October 9, 2019.
2. Public Hearing Notice posted, dated September 20, 2019.
3. Copy of Portsmouth Herald Legal Notice of Public Hearing, dated September 3, 2019.
4. CAI Technologies Location Map, dated September 20, 2019.
5. Revised Request for Planning Board Action Application to clarify the change of Sweet Dirt from LLC to INC, dated August 13, 2019.
6. Letter from Brian Nielsen, EIT, dated October 8, 2019.
7. Draft Post Construction Stormwater Management Plan and Stormwater Management Study from Attar Engineering, Inc., dated October 1, 2019.
8. Sheet 1 – Site Plan Sweet Dirt Facility (8X11 & 11X17), dated October 8, 2019.
9. Sheet 2 – Existing Conditions Plan (8X11 & 11X17), dated October 8, 2019.
10. Sheet 3 – Grading and Utility Plan (8X11 & 11X17), dated October 8, 2019.
11. Sheet 4 – Erosion and Sediment Control Plan (8X11 & 11X17), dated October 8, 2019.
12. Sheet 5 – Site Details (8X11 & 11X17), dated October 8, 2019.
13. Sheet 6 – Lighting Plan (8X11 & 11X17), dated October 8, 2019.
14. Sheet 1 – Stormwater Analysis Existing Conditions, dated October 8, 2019.
15. Sheet 2 – Stormwater Analysis Proposed Conditions, dated October 8, 2019.
16. Standard Boundary and Topographic Survey Plan, dated August 8, 2019.
17. Memo from Chief Muzeroll, dated October 14, 2019.

FINDINGS OF FACT:

1. The owner of the property is: Flower Company Properties, Inc. (mailing address: 9 Island Avenue, Kittery, Maine 03904).
2. The applicant is: Sweet Dirt, Inc., re: Justice Rines (mailing address: 495 Harold L. Dow Highway, Eliot, Maine 03903).
3. The property is located at 495 Harold L. Dow Highway Eliot, ME and is 3 acres.
4. Property can be identified as Assessor's Map 53/ Lot 6 and is located in the Commercial/Industrial Zoning District.

5. The applicant proposes to amend a previously-approved Site Plan (19-4) to replace an existing 4,500 square-foot building damaged by fire with a new 32,832 square-foot greenhouse for the cultivation of medical marijuana.
6. Lot coverage will increase from 12.7% to 39.2%.
7. There will not be more than 12 employees on the site.
8. The use of the property will not change.
9. At the August 20, 2019 meeting, the Planning Board decided, by approved motion, that this application required a full site plan review.
10. Copies of the application and supporting materials were provided to the Police Chief, Fire Chief, Town Manager, Public Works, and Code Enforcement. The Police Chief, Public Works, and Code Enforcement Officer had no comments. The Town Manager submitted a comment in a memo dated August 15, 2019 regarding installation of fire protection system. The Fire Chief submitted comments on October 14, 2019 (attached).
11. Regarding the Fire Chief's comments, the applicant has increased the turning radii around the perimeter of the proposed building, agreed to complete a master lock shut-off installation, and clarified that there is no intent to utilize the retention pond for fire protection purposes.
12. The Planning Board reviewed the application at the following regular meetings:
    - August 6, 2019
    - August 20, 2019
    - September 17, 2019
    - October 15, 2019
13. The following application fees have been paid by the applicant, in accordance with §1-25:
    - Site Plan Review Application Fee (Amendment): $325 (dated July 15, 2019).
    - Public Hearing Fee: $175.00 (dated September 3, 2019).
14. In accordance with §33-129 & 130, public hearings were advertised in the Portsmouth Herald/Seacoast Online on September 3, 2019 and September 25, 2019 and held on September 17, 2019 and October 15, 2019. In accordance with §33-129 & 130, abutting land owners were notified via certified mail.
15. The Planning Board accepted the application as complete on September 17, 2019.
16. Applicable ordinances are §33-189: Non-profit Medical Marijuana Dispensaries & Registered Primary Caregivers and §35-4(3) Post-construction stormwater management plan approval.
17. The proposed use location meets the required 500-foot buffer from sensitive uses.
18. Requested waivers: §33-127(12) High Intensity Soils Survey Schedule was waived at the August 20, 2019 Planning Board meeting. §33-127(4) Perimeter Survey was submitted August 20, 2019. §33-127(8)(c) Outdoor Lighting and §33-127(18)(f) Amount and type of any raw, finished, or waste were both approved, by motion, to be added as conditions of approval at the August 20, 2019 meeting. At the September 17, 2019 meeting, the applicant submitted a lighting plan and waste removal notes on the site plan.
19. Maine DEP Stormwater Permit-by-Rule (SWPBR #68737), dated September 25, 2019.
20. Smaller hoop greenhouse to be moved outside of 20-foot setback.

CONCLUSIONS:

1. Revisions to site plans are allowed with Planning Board approval under Section 33-140 (*Revisions to final site plans after planning board approval*).
2. *'Non-profit Medical Marijuana Dispensary'* is a permitted use in the Commercial/Industrial Zoning District under the Town of Eliot Zoning Ordinances with Site Plan Review (SPR) (9) by the Eliot Planning Board per Sec. 45-290.
3. The standards of Section 45-405 (Dimensional standards) of the Zoning Ordinance (Chapter 45) have or will be met.
4. All applicable performance criteria and/or ordinance requirements have been addressed by the Planning Board in accordance with Chapter 33 §189, Planning & Development, Article III, Division 6.

DECISION:

1. Based on the above facts and conclusions, on **October 15, 2019**, the Planning Board voted to approve your application to amend a previously-approved Site Plan (19-4) to replace an existing 4,500 square-foot building damaged by fire with a new 32,832 square-foot greenhouse for the cultivation of medical marijuana.

CONDITIONS OF APPROVAL:

The applicant must comply with all requirements of the Town of Eliot Land Use Ordinances. In addition, to further promote the purposes of the (Eliot Zoning Ordinances), the Planning Board has voted to impose the following conditions on the approval of this application:

1. The property may be developed and used only in accordance with the plans, documents, material submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board.
2. The permit is approved on the basis of information provided by the applicant in the record regarding the ownership of the property and boundary location. The applicant has the burden of ensuring that they have the legal right to use the property and that they are measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues. The permit holder would be well-advised to resolve any such title problems before expending money in reliance on this permit.
3. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
4. The applicant will provide, within 30 days, the Stormwater Management Plan made between the Town of Eliot and the applicant.
5. The applicant agrees to a Fire Department Safety and familiarization walk-thru prior to the issuance of an occupancy permit.
6. The applicant will provide a modified Knox Box, as recommended by the Eliot Fire Chief.

PERMITS:

The Planning Board has approved your application and the Code Enforcement Officer is authorized to grant you the necessary Permits or Certificates of Occupancy, as appropriate. It is your responsibility to apply for these permits. In exercising this approval, you must remain in compliance with all the conditions of approval set forth by the Planning Board, as well as all other Eliot, State, and Federal regulations and laws. Be aware, however, that Site Plan approvals (including home businesses) that are granted by the Eliot Planning Board have expiration provisions specified in Section 33-59 of the Town of Eliot Code of Ordinances, which states:

> *The approval of a site plan review under chapter 33, article III shall expire if the work or change involved does not commence within two years of the date the planning board makes its determination of approval under section 33-131, or if the work or change is not substantially completed within three years after such date.*

The holder of an approved permit should take care to ensure that the approval granted on **October 15, 2019** does not expire prior to commencement of work or change.

APPEALS:

This decision can be appealed to the Board of Appeals within 30 days after **October 15, 2019** by an aggrieved person or party as defined in Sec. 1-2 and Sec. 45-50(b) of the Eliot Zoning Ordinance. Computation of time shall be in accordance with general provisions of the Town of Eliot Municipal Code of Ordinances, section 1-2.

Sincerely,

Dennis Lentz, Chair

This letter reviewed and approved by the Planning Board on October 29, 2019.

CC: Shelly Bishop, Code Enforcement Officer
Elliott Moya, Police Chief
Jay Muzeroll, Fire Chief
Martine Painchaud, Tax Assessor
Steve Robinson, Public Works Director

Fire Chief Memo from October 14, 2019.

From: Chief Jay Muzeroll <eliotfirechief@hotmail.com>
Sent: Monday, October 14, 2019 6:45 PM
To: Kristina Goodwin <kgoodwin@eliotme.org>
Subject: Sweet Dirt

Please pass this along to the Planning Board and the applicant.

I have reviewed the plans dated October 1, 2019 and have the following comments and suggestions:

- The 32,000 square foot greenhouse is a "Special Purpose" building and because it has no offices or other conditions that would require a Maine Fire Marshal review, my office (Fire Department only) will waive the Fire Marshal review. The Eliot Codes Enforcement Office will need to concur and establish any life safety requirements.
- The retention pond has no year round value for fire protection purposes and will not be considered a "water source"
- The perimeter road will not safely provide emergency vehicle access/egress for primary fire suppression tactics. Personnel only, no apparatus.
- The "Knox Box" should be of adequate size to support and all keys, cards and access codes and should also include space for the same to the Retail Storefront.
- If the applicant chooses to install a fire alarm system in either building it should be monitored continuously off premise for emergency forces notification and zones and detectors be identified in common language. Panel(s) location with assistance from Fire Chief.
- The greenhouse will have multiple electrically supplied support equipment. It is suggested the one master locked shutoff be installed.
- A Fire Department Safety and familiarization walk thru prior to the issuance of an occupancy permit.

If you need anything further please don't hesitate....

Chief Muzeroll
Eliot Fire Department

Board of Appeals Notice of Decision

Town of Eliot
1333 State Road
Eliot, Maine 03903
November 19, 2017

Hughes & Kristin Pope
43 Creek Crossing
Eliot, ME 03903

Dear Mr. and Mrs. Pope:

This is to inform you that the Board of Appeals acted at the November 16, 2017, meeting on your application for a waiver to dimensional standards of 50% for property owned by Jacquelyn Nooney, Flower Properties Inc. and identified as Tax Map 53, Lot 6.

FINDINGS OF FACT:

- The application is a request for a waiver to dimensional standards for a reduction of setback from 500 ft. to 250 ft.
- The applicants are Hughes and Kristin Pope, 43 Creek Crossing, Eliot, Maine
- The property is in the Commercial/Industrial zone
- The property is located at 495 Harold L. Dow Highway and is identified as Tax Map 56, Lot 6
- The property is owned by Jacquelyn Nooney, Flower Properties Inc.
- Sec. 33-189 of the town ordinance provides for non-profit medical marijuana dispensaries
- Sec. 45-194, c, (2) of the ordinance states the Board of Appeals has the authority to grant a waiver of up to 50% reduction of dimensional standards
- The property is 347 ft. from a public facility, the Town of Eliot Transfer Station, where 500 ft. is required by the ordinance
- The property is a non-conforming lot of record
- 213 ft. of the lot frontage, where 300 ft. is required
- The property is to operate as a non-profit medical marijuana dispensary with consent by the property owner

CONCLUSION:

After hearing testimony, the Board concluded that the 50% maximum should be granted in order for the applicants to operate and expand their business.

DECISION:

Based on the above facts and conclusions, the Board of Appeals voted 4-1 to grant your request for a waiver to dimensional standards for a reduction of 50%, from 500 ft. to 250 ft.

Please be advised that this decision can be appealed to Superior Court within 45 days from November 16, 2017.

IN WITNESS THEREOF, I have hereto set my hand and seal this 20 day of November 2017.

Bill Hamilton, Chairman, Board of Appeals

STATE OF MAINE
YORK, SS

Then personally appeared the above-named Bill Hamilton and acknowledged the above certificate to be of his free act and deed in his capacity as Chairman of the Eliot Board of Appeals.

Notary Public

LAURA BRAGG
Notary Public, Maine
My Commission Expires August 26, 2021

YOU HAVE 90 DAYS
IN WHICH TO FILE THIS WAIVER
WITH THE YORK COUNTY REGISTRY OF DEEDS
OR IT WILL BE VOID

TOWN OF ELIOT, MAINE

PLANNING BOARD NOTICE OF DECISION

CASE #: **PB20-20– AMENDED SITE PLAN/SITE PLAN REVIEW APPLICATION/CHANGE OF USE**	MAP/LOT: **53/6**	DATE OF DECISION: **NOVEMBER 17, 2020**

12/2/20, 2020

PW ME Can Re SD, LLC
Mr. David Lesser
495 Harold L. Dow Highway
Eliot, Maine 03903

Attar Engineering, Inc.
c/o Mr. Brian Nielsen
1284 State Road
Eliot, Maine 03903

NEK Assets, LLC.
Attn: Justice Rines
987 Harold L. Dow Highway
Eliot, Maine 03903

To: Mr. Lesser, Mr. Nielsen, and Mr. Rines,

This **Notice of Decision** is to inform you that the Planning Board has acted on your **Amended Site Plan Review/Change of Use, currently approved for Medical Marijuana Cultivation/Manufacturing and Medical Marijuana Sales, to add Adult Use Cultivation to the existing greenhouse and Adult Use Marijuana Manufacturing to the currently approved 2,800 square-foot Primary Caregiver Retail Facility:**

I. APPLICATION DOCUMENTS AND SUPPORTING MATERIAL SUBMITTED FOR THE RECORD:

Submitted for October 6, 2020:

1. Site Plan Review Application, received September 15, 2020.
   - Cover Letter from Brian Nielsen, E.I.T. (Attar Engineering, Inc,).
   - Site Plan Review Submissions Checklist.
   - 500-foot Abutters List Report.
   - Landlord Statement of Permission (David Lesser), dated September 11, 2020.
   - Eliot GIS Site Location Map.
   - HHE-200 Subsurface Wastewater Disposal System Application, dated February 9, 2017.
   - Copy of Planning Board Notice of Decision for PB19-8, approved October 15, 2019.
   - Copy of Board of Appeals Notice of Decision, approved November 16, 2017.
   - Maine Adult Use Marijuana Program Conditional License #ACD357 (Cultivation), issued August 11, 2020.
   - Draft OMP Marijuana Adult Use Local Authorization Form (Cultivation).
   - Proposed Site Plan, titled *Sweet Dirt Facility*.
   - Grading and Utility Plan.
   - Lighting Plan.
   - Erosion and Sedimentation Control Plan.
   - Site Details Plan.
   - Standard Boundary and Topographic Survey Plan, August 9, 2019.

2. Memo from Jeff Brubaker, Town Planner, dated October 6, 2020.

Submitted for October 20, 2020:

1. Amended Site Plan, titled *Sweet Dirt Facility*, dated October 13, 2020.
2. Revised Site Plan Review Application requesting additional change of use to 'Adult Use Marijuana Manufacturing', dated October 13, 2020.
3. Memo from Jeff Brubaker, Town Planner, dated October 14, 2020.
4. Copy of Portsmouth Herald Legal Notice, dated October 9, 2020.
5. Public Hearing Notice to the Town of Eliot, posted October 9, 2020.
6. Copy of Site Plan Review Application packet submitted for October 6, 2020 meeting.
7. Cover Letter requesting additional Change of Use from Brian Nielsen, E.I.T. Attar Engineering, Inc., dated October 13, 2020.
8. OMP Maine Adult Use Marijuana Program Conditional License #AMF508 (Manufacturing), dated October 9, 2020.
9. Draft OMP Marijuana Adult Use Local Authorization Form for Manufacturing.
10. Sheet A1.1 – Updated floor plan of the front structure housing medical marijuana manufacturing and caregiver retail storefront and proposed adult use marijuana manufacturing, submitted October 13, 2020.

Submitted for November 10, 2020:

1. Memo from Jeff Brubaker, Town Planner, dated November 2, 2020.
2. Cover Letter from Brian Nielsen, E.I.T., dated November 2, 2020.
3. Revised Site Plan for NEK Assets, LLC by Attar Engineering, Inc., dated October 30, 2020.
4. Grading and Utility Plan for NEK Assets, LLC by Attar Engineering, Inc., dated October 30, 2020.
5. Lighting Plan for NEK Assets by Attar Engineering, Inc., dated October 30, 2020.
6. Erosion and Sediment Control Plan for NEK Assets, LLC by Attar Engineering, Inc., dated October 30, 2020.
7. Site Details Plan for NEK Assets, LLC by Attar Engineering, Inc., dated October 30, 2020.

Submitted for November 17, 2020:

1. Memo from Jeff Brubaker, dated November 10, 2020.
2. Public Hearing Notice to the Town of Eliot, posted November 2, 2020.
3. Copy of Portsmouth Herald Legal Notice, dated November 4, 2020.
4. Cover Letter from Brian Nielsen, E.I.T. Attar Engineering, Inc., dated November 2.
5. Copy of Security Plan, dated November 24, 2019.
6. Updated set of plans that show ADA parking and entrance path as-built.

FINDINGS OF FACT:

1. The owner of the property was: Flower Company Properties, Inc. (mailing address: 9 Island Avenue, Kittery, Maine 03904). New Owner is: PW ME CanRe SD, LLC (David Lesser), purchased May 15, 2020 (mailing address: 495 Harold L. Dow Highway, Eliot, Maine 03903).
2. The applicant is: NEK Assets, LLC., re: Justice Rines (mailing address: 987 Harold L. Dow Highway, Eliot, Maine 03903).
3. The property is located at 495 Harold L. Dow Highway Eliot, ME and is 3 acres.
4. Property can be identified as Assessor's Map 53/ Lot 6 and is located in the Commercial/Industrial Zoning District.
5. The applicant proposes to amend a previously-approved Site Plan (19-8) for a change of use from existing 'Medical Marijuana Cultivation Facility' to 'Medical and Adult Use Marijuana Cultivation' co-located in the existing greenhouse. Additionally, in the revised application request (submitted October 13th), the applicant proposes to add 'Adult Use Marijuana Manufacturing' to be co-located in the existing 2,800 square-foot 'Primary Caregiver Retail Facility'.
6. Copies of the application and supporting materials were provided to the Police Chief, Fire Chief, Town Manager, Public Works, Conservation Commission, and Code Enforcement. The Town Manager, Police Chief, Public Works, and Code Enforcement Officer had no comments. The Conservation Commission requested that wetlands be delineated on the

site plan. The memo submitted by the Fire Chief for the previously-approved site plan amendment has been attached at the end of this document.

7. The Planning Board reviewed the application at the following regular meetings:
   - October 6, 2020 (preliminary site plan review of initial application)
   - October 20, 2020 (site plan review/public hearing for initial application).
   - November 10, 2020 (site plan review of revised application).
   - November 17, 2020 (public hearing for revised application).
8. The following application fees have been paid by the applicant, in accordance with §1-25:
   - Site Plan Review Application Fee (Amendment/Change of Use): $125 paid September 15, 2020.
   - Public Hearing Fee: $175.00 paid October 20, 2020.
   - Additional Public Hearing Fee: $175.00 paid November 19, 2020.
9. In accordance with §33-129 & 130, public hearings were advertised in the Portsmouth Herald/Seacoast Online on October 9, 2020 and November 4, 2020 and held on October 20, 2020 and November 17 2020. In accordance with §33-129 & 130, abutting land owners were notified via certified mail. There were no public comments at either public hearing.
10. The Planning Board accepted the original application (Adult Use Marijuana Cultivation) as complete on October 6, 2020.
11. The Planning Board accepted the revised application (Adult Use Marijuana Manufacturing) as complete on November 10, 2020.
12. The original application request and the revised application request were approved together as a single application after all reviews and public hearings were held.
13. The proposed use location meets the required 500-foot buffer from sensitive uses, per the Board of Appeals decision granted November 16, 2017.
14. Requested waivers: The Planning Board approved the waiver requests for §33-127(8) Drainage Plan and §33-127(12) High Intensity Soils Report on October 6, 2020.
15. Applicable ordinances are: §33-190 Performance Standards, §45-405 Dimensional Standards, and Chapter 11.
16. The parcel is not located in the flood zone.
17. The property is served by septic system and a well.
18. There is no change to existing impervious surfaces and no additional impacts on stormwater management.
19. The Security Plan has been upgraded from the last approval, shown in Note #9 on the site plan.
20. Current emergency contact protocols will be submitted to the Planning Department.
21. Delivery and pick-up of marijuana will be through a secured side door at the property.
22. Marijuana waste products will be mixed with a soap solution to render them unusable and mixed in with standard non-marijuana waste for disposal. Facility waste products will be placed in a fenced, locked dumpster monitored by security cameras.
23. Parking spaces provided are thirty-four (34). ADA parking spaces (2) are being brought into compliance with 2010 ADA Standards for Accessible Design.
24. Number of employees are currently twelve (12). Due to the increased capacity of the sewer system, that has increased the potential number for 20-29 employees.
25. Hours of operation: Cultivation – 7AM to 3PM, seven (7) days a week. Manufacturing – seven (7) days a week.
26. §33-190 requires Code Enforcement Officer and Fire Chief (or designee) inspections prior to issuance of Certificate of Occupancy.

CONCLUSIONS:

1. Revisions to site plans are allowed with Planning Board approval under Section 33-140 (*Revisions to final site plans after planning board approval*).
2. *'Adult Use Marijuana Cultivation'* and *'Adult Use Marijuana Manufacturing'* are permitted uses in the Commercial/Industrial Zoning District under the Town of Eliot Zoning Ordinances with Site Plan Review (SPR) (21) by the Eliot Planning Board per Sec. 45-290.
3. The standards of Section 45-405 (Dimensional standards) of the Zoning Ordinance (Chapter 45) have or will be met.

4. All applicable performance criteria and/or ordinance requirements have been addressed by the Planning Board in accordance with Chapter 33, Planning & Development, Article III, Division 6, Chapter 11, and Chapter 45.

DECISION:

Based on the above facts and conclusions, on **November 17, 2020**, the Planning Board voted to approve your application to amend a previously-approved Site Plan (19-8) to **add Adult Use Marijuana Cultivation to the existing greenhouse and Adult Use Marijuana Manufacturing to the currently approved 2,800 square-foot Primary Caregiver Retail Facility.**

CONDITIONS OF APPROVAL:

The applicant must comply with all requirements of the Town of Eliot Land Use Ordinances. In addition, to further promote the purposes of the (Eliot Zoning Ordinances), the Planning Board has voted to impose the following conditions on the approval of this application:

1. The property may be developed and used only in accordance with the plans, documents, material submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board.
2. The permit is approved on the basis of information provided by the applicant in the record regarding the ownership of the property and boundary location. The applicant has the burden of ensuring that they have the legal right to use the property and that they are measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues. The permit holder would be well-advised to resolve any such title problems before expending money in reliance on this permit.
3. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.

PERMITS:

The Planning Board has approved your application and the Code Enforcement Officer is authorized to grant you the necessary Permits or Certificates of Occupancy, as appropriate. It is your responsibility to apply for these permits. In exercising this approval, you must remain in compliance with all the conditions of approval set forth by the Planning Board, as well as all other Eliot, State, and Federal regulations and laws. Be aware, however, that Site Plan approvals (including home businesses) that are granted by the Eliot Planning Board have expiration provisions specified in Section 33-59 of the Town of Eliot Code of Ordinances, which states:

> *The approval of a site plan review under chapter 33, article III shall expire if the work or change involved does not commence within two years of the date the planning board makes its determination of approval under section 33-131, or if the work or change is not substantially completed within three years after such date.*

The holder of an approved permit should take care to ensure that the approval granted on **November 17, 2020** does not expire prior to commencement of work or change.

APPEALS:

This decision can be appealed to the Board of Appeals within 30 days after **November 17, 2020** by an aggrieved person or party as defined in Sec. 1-2 and Sec. 45-50(b) of the Eliot Zoning Ordinance. Computation of time shall be in accordance with general provisions of the Town of Eliot Municipal Code of Ordinances, section 1-2.

Sincerely,

Dennis Lentz, Chair
This letter reviewed and approved by the Planning Board on December 1, 2020.

CC: Shelly Bishop, Code Enforcement Officer
Elliott Moya, Police Chief
Jay Muzeroll, Fire Chief
Martine Painchaud, Tax Assessor
Steve Robinson, Public Works Director

Copy of

Fire Chief Memo from October 14, 2019.

From: Chief Jay Muzeroll <eliotfirechief@hotmail.com>
Sent: Monday, October 14, 2019 6:45 PM
To: Kristina Goodwin <kgoodwin@eliotme.org>
Subject: Sweet Dirt

Please pass this along to the Planning Board and the applicant.

I have reviewed the plans dated October 1, 2019 and have the following comments and suggestions:

- The 32,000 square foot greenhouse is a "Special Purpose" building and because it has no offices or other conditions that would require a Maine Fire Marshal review, my office (Fire Department only) will waive the Fire Marshal review. The Eliot Codes Enforcement Office will need to concur and establish any life safety requirements.
- The retention pond has no year round value for fire protection purposes and will not be considered a "water source"
- The perimeter road will not safely provide emergency vehicle access/egress for primary fire suppression tactics. Personnel only, no apparatus.
- The "Knox Box" should be of adequate size to support and all keys, cards and access codes and should also include space for the same to the Retail Storefront.
- If the applicant chooses to install a fire alarm system in either building it should be monitored continuously off premise for emergency forces notification and zones and detectors be identified in common language. Panel(s) location with assistance from Fire Chief.
- The greenhouse will have multiple electrically supplied support equipment. It is suggested the one master locked shutoff be installed.
- A Fire Department Safety and familiarization walk thru prior to the issuance of an occupancy permit.

If you need anything further please don't hesitate....

Chief Muzeroll
Eliot Fire Department

TOWN OF ELIOT, MAINE

PLANNING BOARD NOTICE OF DECISION

CASE #: **PB20-21- SITE PLAN REVIEW/CHANGE OF USE TO ADULT USE & MEDICAL MARIJUANA MANUFACTURING & COGENERATION FACILITY**	MAP/LOT: **53/7** **505 HAROLD DOW HIGHWAY**	DATE OF DECISION: **11-9-2021**

1/5/2022

NEK Assets, LLC
Mr. Justice Rines
987 Harold Dow Highway
Eliot, ME 03903

PW ME Canre SD LLC
c/o Power Reit
301 Winding Road
Old Bethpage, New York 11804

Attar Engineering
Mr. Brian Nielsen, EIT
1284 State Road
Eliot, ME 03903

To: Justice Rines
Power Reit
Brian Nielsen

This letter is to inform you that the Planning Board has acted on your **application for site plan review for a change of use to Medical and Adult Use Marijuana Manufacturing Facility, Co-Generation Plant, and site improvements** as follows:

APPLICATION DOCUMENTS AND SUPPORTING MATERIAL SUBMITTED:

Submitted for November 17, 2020:

1. Application for Site Plan Review and Change of Use for Medical/Adult Use Marijuana Facility, received September 15, 2020.
   a) Warranty Deed: B18129/P232, registered at the York County Registry of Deeds, dated December 20, 2019.
   b) Engineer of Record: Brian Nielsen, E.I.T.; Attar Engineering.
   c) Cover Letter from Brian Nielsen, E.I.T., dated November 11, 2020.
   d) Site Location Map.
   e) Phasing Plan (future potential), prepared by Attar Engineering, dated September 15, 2020.
   f) Site Plan for NEK Assets, LLC (sketch plan review), prepared by Attar Engineering, Inc., dated September 15, 2020.
2. Memo from Jeff Brubaker, Town Planner, dated November 11, 2020.

Submitted for September 7, 2021:

1. Revised Application for a Site Plan Review for Medical/Adult Use Marijuana Manufacturing Facility and a Heat and Power Cogeneration Facility, received July 20, 2021.
   a) Cover Letter from Brian Nielsen.
   b) Copy of Deed of Sale, B18129/P232, registered at the York County Registry of Deeds, dated December 20, 2019.
   c) Site Location Map. July 8, 2021.
   d) 500-foot sensitive use map, dated July 8, 2021.
   e) Abutters List Report, dated June 18, 2021.
   f) Drawing of first floor plan, dated June 11, 2021.
   g) Overall Second Floor Plan, dated June 11, 2021.
   h) Overall Roof Plan, dated June 11, 2021.
   i) Drawing of Security Plan.
   j) Exterior Elevations Drawing, dated July 12, 2021.
   k) Sheet 1 - 7MMBTU Concept Plan, dated February 27, 2018.
   l) Sheet 2 – 7MMBTU Concept Plan, dated February 27, 2018.
   m) Sheet 3 – 7MMBTU Concept Plan (photos), dated February 27, 2018.
   n) Construction Schedule.
   o) Written Security Plan.
   p) Odor Control Plan.
   q) Wastewater and Solid Waste Disposal Plan.
   r) High Intensity Soil Survey (includes test pit data) by Michael Cuomo, Soil Scientist, dated May 17, 2021.
   s) Sheet 1 of 8 – Cover Sheet, prepared by Attar Engineering, dated July 20, 2021.
   t) Sheet 2 of 8 – Site Plan, prepared by Attar Engineering, dated July 20, 2021.
   u) Sheet 3 of 8 – Existing Conditions Plan, prepared by Attar Engineering, dated July 20, 2021.
   v) Sheet 4 of 8 – Grading and Utility Plan, prepared by Attar Engineering, dated July 20, 2021.
   w) Sheet 5 of 8 – High Intensity Soil Survey Plan, prepared by Attar Engineering, dated July 20, 2021.
   x) Sheet 6 of 8 – Erosion and Sediment Control Plan, prepared by Attar Engineering, dated July 20, 2021.
   y) Sheet 7 of 8 – Site Details, prepared by Attar Engineering, dated July 20, 2021.
   z) Sheet 8 of 8 – Standard Boundary Survey, drawn by Amsden Field Survey, dated December 5, 2020.
2. Memo from Jeff Brubaker, Town Planner, dated September 2, 2021.

Submitted for October 5, 2021:

1. Memo from Jeff Brubaker, Town Planner, dated September 29, 2021.
2. Post Construction Stormwater Management Plan.
3. Revised Site Plan Review Application, received September 21, 2021.
   - Cover Letter from Brian Nielsen, E.I.T., dated September 21, 2021.
   - Site Location Map.
   - 500-foot Abutters List Report, dated September 20, 2021.
   - Security Plan, including floor plans and details.
   - OMP Maine Adult Use Establishment Applicant Notary Form, dated August 18, 2021.
   - OMP Maine License Fee Payment Notice.
   - OMP Conditional License #AMF826, Adult Use Marijuana Products Manufacturing Facility, issued to Northeast Kind Holdings, LLC (100% owner), expires September 20, 2022.
   - Organizational hierarchy and chart of property ownership/leasing.
   - Construction Schedule.
   - Written Security Plan.
   - Odor Control Plan.
   - Wastewater and Solid Waste Disposal Plan.

- Copy of Deed of Sale, B18129P232, registered at the York County Registry of Deeds, dated December 20, 2019.
- Copy of High Intensity Soil Survey by Michael Cuomo, dated May 17, 2021.

Supplemental submitted for October 5, 2021:

1. Cover Letter from Brian Nielsen, E.I.T., dated September 30, 2021.
2. Revised Site Plan Set (Revised 9/30/2021):
    - Sheet 1 of 8 – Cover Sheet
    - Sheet 2 of 8 – Site Plan
    - Sheet 3 of 8 – Existing Conditions Plan
    - Sheet 4 of 8 – Grading and Utility Plan
    - Sheet 5 of 8 – High Intensity Soil Survey
    - Sheet 6 of 8 – Erosion and Sedimentation Control Plan
    - Sheet 7 of 8 – Site Details
    - Sheet 8 of 8 – Lighting Plan

Submitted for October 19, 2021:

1. Shoreland Zoning Permit Application, received October 14, 2021.
    a) Written Plan for Co-Location of Adult Use/Medical Marijuana Manufacturing (no extraction).
    b) Updated Photographs of the Co-Generation Facility.
    c) Sheet 1 – Driveway Sketch Plan, dated October 14, 2021.
    d) Additional Lighting Plan for back of building.
2. Site Walk Legal Notice, published in the Weekly Sentinel, dated October 10, 2021.
3. Memo from Jeff Brubaker, Town Planner, dated October 14, 2021.

Submitted for November 9, 2021:

1. Memo from Jeff Brubaker, Town Planner, dated November 3, 2021.
2. Public Hearing Notice to the Town of Eliot, dated October 29, 2021.
3. Public Hearing Legal Notice advertised in The Weekly Sentinel, dated October 29, 2021.
4. Abutters List.

FINDINGS OF FACT:

1. The owner of the property is: PW ME Canre SD, LLC (Power Reit) (mailing address: 301 Winding Road, Old Bethpage, New York 11804).
2. The applicant is: NEK Assets LLC (mailing address: 987 Harold L. Dow Highway, Eliot, ME 03903).
3. Engineer of record: Brian Nielsen, E.I.T., Attar Engineering, Inc.
4. The property is located at 505 Harold L. Dow Highway, Eliot, ME and is 3.58 acres.
5. Property can be identified as Assessor's Map 53/ Lot 7 and is located in the Commercial/Industrial Zoning District and the Shoreland District Limited Commercial Overlay.
6. Property is not located in a flood zone.
7. The applicant proposes a change of use to Medical and Adult Use Marijuana Manufacturing, a Cogeneration Plant, and site improvements.
8. Copies of the application and supporting materials were provided to Code Enforcement, Public Works, Police and Fire Departments, and Conservation Commission. The Conservation Commission raised concerns with the proposed facility being located within 75 feet of a wetland and additional tree-planting. Both concerns were adequately addressed.
9. A NRPA Permit-by-Rule (PBR) – a full review was not required for this project.
10. ME DEP Stormwater Management Law Permit #L-29274-NJ-A-N, approved October 28, 2021.
11. MDOT Entrance Permit #30326, approved November 5, 2021

12. The Planning Board reviewed the application at the following regular meetings:
    - November 17, 2020 (Sketch Plan Review)
    - September 7, 2021. (Revised Sketch Plan Review)
    - October 5, 2021 (Site Plan Review).
    - October 19, 2021. (Site Plan Review & Completeness)
    - November 9, 2021. (Public Hearing/approval)
13. The following application fee(s) have been paid by the applicant, in accordance with §1-25:
14. Site Plan Review/Shoreland Application Fee: $400 (Check dated 09/30/21).
15. Change of Use Fee: $25 (paid 09/30/21).
16. Public Hearing Fee: $175 (paid 09/30/2021).
17. 495 Dow Highway and 505 Dow Highway have the same ownership. As such, per §45-194, such lots "shall be considered to be a single parcel for the purposes of this chapter (Planning Board review), and no portion of such parcel shall be built upon which does not meet dimensional requirements of this chapter."
18. The Planning Board held a Site Walk September 27, 2021. Notice was properly posted. Concerns by Planning Board regarding driveway configuration – possible consolidation of one driveway and possibility/location of cross-access to 495 Harold L. Dow Highway were discussed. Driveway on 505 Dow Highway property will be for employee access only to minimize trip generation on Route 236.
    - The construction of a single, consolidated driveway for the site, to replace the two existing driveway entrances, and a cross-access driveway between 505 Harold L. Dow Highway and 495 Harold L. Dow Highway, in accordance with the applicant's "Driveway Sketch" plan, dated October 14, 2021 (herein after called the "Consolidated Driveway with Cross-Access"), better meets Town performance standards, including §45-406 and the intent of §37-69(d), and access management best practices for highways such as Route 236. It is further away from the Shoreland Zoning and potential turtle area identified in the applicant's discussions with Inland Fisheries & Wildlife. Both aforementioned lots have the same owner. Cross-access helps to reduce trips loading onto Route 236. Maine DOT's "Highway Driveway and Entrance Rules", under §2.2, state that "Whenever possible, property owners will seek opportunities for shared driveways onto Mobility Arterials". A single driveway being aligned across from the Town Transfer Station's auxiliary driveway will reduce awkward movements compared to two driveways being slightly offset from it.
19. Revised driveway plan shows a single driveway replacing the two existing entrances on Route 236, which will be removed (October 14, 2021).
20. Revised driveway plan shows proposed cross-access driveway between 495 Dow Highway and 505 Dow Highway, both properties in same ownership (October 14, 2021).
    - Proposed consolidated driveway will be constructed subject to DEP and DOT review/approval. Approvals will be submitted to the Planning Department for inclusion in the file record.
21. In accordance with §§33-129 & 33-130, a public hearing was advertised in The Weekly Sentinel on October 29, 2021 and held on November 9, 2021. There were no public comments.
22. The application was found complete on October 19, 2021.
23. The original use of/structure on/ the property was auto garage/repair, created prior to zoning. Existing structure will be demolished.
24. Original Proposal (with subsequent revisions/additions):
    - Original sketch plan showed manufacturing facility. Included was a second "phased plan" showing potential future build-out for cogeneration facility and cultivation. (11/17/2020)
    - Revised sketch plan showed manufacturing facility and cogeneration plant facility. (9/7/2021)
    - Potential revised driveway sketch plan (October 14, 2021).
25. Conditional Use License #AMF826 for Adult Use Marijuana Establishment from the Office of Marijuana Policy (OMP) was submitted October 5, 2021.
26. Proposed medical/adult use marijuana manufacturing structure will be two stories and 9,900 square feet.
27. Submitted Co-location Plan shows how the applicant will comply with the State standards for separation of Medical Marijuana and Adult Use Marijuana Manufacturing.
28. The property is served by an existing well and septic system.

29. There will be no drive-thru or home delivery services associated with this project.
30. There will be one loading bay but not a full loading dock.
31. Cogeneration Plant: Will be 840 square feet and provide power and heat to the proposed manufacturing facility.
32. The site is in compliance with the Town of Eliot 500-foot sensitive use buffer. Additionally, the proposed structure is more than 1,000 feet from the Marshwood Middle School property line, per 28-B MRSA §402[2A].
33. There will be 17 total parking spaces, including 1 ADA-compliant parking space, with adjacent access aisles, on-site (See General Note #6). All parking spaces will be gravel.
34. There will be an on-site commercial kitchen. Applicant will go through the State permitting process for the commercial kitchen once Town approval is granted. Copy of license to be submitted to the Town, once received from the State.
35. Lighting Plan shows no glare at property lines (0.0 footcandles). Exterior lighting meets the §33-190(f)(4) security performance standards.
36. There will be a total of 15 employees.
37. Proposed dumpster will be properly screened and secured at all times.
38. Brian Nielsen (registered engineer) conducted a site walk with Cory Stearns (IF&W wildlife biologist) and found no evidence of the New England Cottontail, submitting a letter as such. To protect the Blanding's turtle, the applicant is in discussion with IF&W to extend the turtle fence on Route 236 at the northern corner of the property.
39. All proposed signage will comply with §33-190(3) and all applicable provisions of Chapter 45 (Plan Notes #10 & #11).
40. Stormwater plan will decrease overall impact and improve infrastructure. Per the Stormwater Management Study by the ME DEP, "The analysis indicates a decrease in peak flow at all three Analysis Points for the 2, 10, 25 and 50-year storm events...Construction of a stormwater quality wetpond and bioretention cell will result in no adverse effects due to peak runoff quantity from the proposed development. No adverse effects are anticipated on any downstream properties or drainage structures for the analyzed storm events."
41. Impervious surface: 1.3 acres of new.
42. Snow piles will be stored away from site wetlands and the stormwater feature.

CONCLUSIONS:

1. Revisions to site plans are allowed with Planning Board approval under Section 33-140 (Revisions to final site plans after planning board approval).
2. Per §45-290 (Table of Permitted and Prohibited Uses) and §11-3 Definitions, "Marijuana Establishment - Manufacturing" is a permittable use in the Commercial/Industrial Zone with Planning Board approval.
3. All applicable sections of the Shoreland Zoning Ordinance (Chapter 44) and Shoreland Zoning Permit Application have or will be met.
4. Consistent with §44-32(d)(3), the Planning Board finds that "the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use" according to the criteria in §44-32(c)(5).
5. Based on the information presented by the applicant and in accordance with Sec. 44-44, the Planning Board finds that the proposed use:
   a. Will maintain safe and healthful conditions;
   b. Will not result in water pollution, erosion, or sedimentation to surface waters;
   c. Will adequately provide for the disposal of all wastewater;
   d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat;
   e. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
   f. Will protect archaeological and historic resources as designated in the comprehensive plan;
   g. Will avoid problems associated with floodplain development and use; and
   h. Is in conformance with the provisions of section 44-35, land use standards.
5. All applicable performance criteria and/or ordinance requirements have been addressed by the Planning Board in accordance with Chapter 33, Planning & Development, Article III, Division 3, Chapter 45, and Chapter 11.
6. The standards of Section 45-405 (Dimensional standards) of the Zoning Ordinance (Chapter 45) have or will be met.

DECISION:

Based on the above facts and conclusions, on **November 9, 2021**, the Planning Board voted to approve your application for a change of use to Medical and Adult Use Marijuana Manufacturing, a Cogeneration Plant Facility, and site improvements.

CONDITIONS OF APPROVAL:

The applicant must comply with all requirements of the Town of Eliot Land Use Ordinances. In addition, to further promote the purposes of the (Eliot Zoning Ordinances), the Planning Board has voted to impose the following conditions on the approval of this application:

1. The property may be developed and used only in accordance with the plans, documents, material submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board. Copies of approved permits from Maine DEP, Army Corps of Engineers, if applicable, and State shall be provided to the CEO before construction on this project may begin.
2. The permit is approved on the basis of information provided by the applicant in the record regarding the ownership of the property and boundary location. The applicant has the burden of ensuring that they have the legal right to use the property and that they are measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues. The permit holder would be well-advised to resolve any such title problems before expending money in reliance on this permit.
3. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
4. The applicant shall make collaborative good faith efforts to seek the required approvals to allow the construction of the Consolidated Driveway with Cross-Access, to replace the two existing driveway entrances, including but not necessarily limited to an amendment of their Stormwater Management Law permit and a driveway permit from the Maine DOT. The Consolidated Driveway with Cross-Access shall meet all applicable Town performance standards. Minor modifications, relative to the October 14, 2021 "Driveway Sketch", may be made if required by agency reviews, as long as they do not reduce compliance with Town performance standards or substantially change the layout or overall function of the driveway or cross-access. Within 45 days of Planning Board approval and prior to submitting a building permit application, the applicant shall submit an amendment request to DEP and seek Maine DOT's review regarding the Consolidated Driveway with Cross-Access. However, this condition should not be interpreted as preventing a building permit or certificate of occupancy from being issued for development of the site with the dual (one-way exit, one-way entrance) driveway (as proposed on the applicant's site plan dated September 30, 2021) while the Consolidated Driveway with Cross-Access is under review. If the required approvals are obtained for the Consolidated Driveway with Cross-Access by November 8, 2022, the applicant shall construct it. If they are not obtained by November 8, 2022, the applicant may choose to continue pursuing approval and development of the Consolidated Driveway with Cross-Access or continue operating the site with the aforementioned one-way exit, one-way entrance configuration.

PERMITS:

The Planning Board has approved your application and the Code Enforcement Officer is authorized to grant you the necessary Permits or Certificates of Occupancy, as appropriate. It is your responsibility to apply for these permits. In exercising this approval, you must remain in compliance with all the conditions of approval set forth by the Planning Board, as well as all other Eliot, State, and Federal regulations and laws. Be aware, however, that Site Plan approvals (including home businesses) that are granted by the Eliot Planning Board have expiration provisions specified in Section 33-59 of the Town of Eliot Code of Ordinances, which states:

> *The approval of a site plan review under chapter 33, article III shall expire if the work or change involved does not commence within two years of the date the planning board makes its determination of approval under section 33-131, or if the work or change is not substantially completed within three years after such date.*

The holder of an approved permit should take care to ensure that the approval granted on **November 9, 2021** does not expire prior to commencement of work or change.

APPEALS:

This decision can be appealed to the Board of Appeals within 30 days after **November 9, 2021** by an aggrieved person or party as defined in Sec. 1-2 and Sec. 45-50(b) of the Eliot Zoning Ordinance. Computation of time shall be in accordance with general provisions of the Town of Eliot Municipal Code of Ordinances, section 1-2.

Sincerely,

Carmela Braun, Chair

This letter reviewed and approved by the Planning Board on January 4, 2022.

CC: Steve Robinson, Public Works Director
Elliott Moya, Police Chief
Jay Muzeroll, Fire Chief
Brent Martin, Tax Assessor
Shelly Bishop, Code Enforcement Officer
Conservation Commission

TOWN OF ELIOT, MAINE

CODE ENFORCEMENT OFFICE

CERTIFICATE OF OCCUPANCY

BUILDING PERMIT #:	20-144
PROJECT ADDRESS:	495 HAROLD L. DOW HIGHWAY
MAP/LOT:	53-6
OWNER'S NAME:	PW ME CANRE SD LLC
DESCRIPTION OF PROJECT:	2800SF PRIMARY CAREGIVER RETAIL FACILITY TO INCLUDE ADULT USE MARIJUANA MANUFACTURING
FINAL INSPECTION PERFORMED BY:	SHELLY BISHOP

THIS PERMIT WAS ISSUED AND THE RESIDENCE WAS INSPECTED BASED ON THE

MAINE UNIFORM BUILDING & ENERGY CODE (MUBEC)

This structure has been inspected and is in substantial compliance with the applicable codes, regulations, and laws that were in effect at the time the permit was issued. All final inspections have been completed and this dwelling is approved for occupancy.

Signed by: Shelly Bishop Date: 12/2/2020

Code Enforcement Officer

1333 STATE ROAD, ELIOT, MAINE 03903 PHONE: (207) 439-1813 FAX: (207) 439-1415

WWW.ELIOTMAINE.ORG

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

NEK ASSETS, LLC.	) STORMWATER MANAGEMENT LAW
Eliot, York County	)
MANUFACTURING AND	)
CULTIVATION FACILITY	)
L-29274-NJ-A-N (approval)	) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S. § 420-D, and Chapters 500 and 502 (06-096 C.M.R. ch.500 and 502, last amended August 12, 2015) of the Department's Regulations, the Department of Environmental Protection has considered the application of NEK ASSETS, LLC. with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. Summary: The applicant proposes to construct a stormwater management system for a manufacturing and cultivation facility with 1.48 acres of impervious area and 2.24 acres of developed area. The project is indicated on a set of plans the first of which is entitled "Site Plan," prepared by Attar Engineering, Inc. and dated July 2, 2021 with a latest revision date on any of the sheets of October 6, 2021. The project site is located at 505 Harold L. Dow Highway in the Town of Eliot.

The applicant also submitted a Permit by Rule Notification Form (PBR #72769) pursuant to Chapter 305 Permit by Rule Standards Section 2 (06-096 Ch. 305, § 2) for activities adjacent to a protected resource which was accepted by the Department on October 26, 2021.

B. Current Use of the Site: The site of the proposed project is a 3.89-acre parcel, consisting of woodland developed with a single-family residence. The project site is identified as Lot 7 on Map 53 on the Town of Eliot's tax maps.

2. STORMWATER STANDARDS:

The proposed project includes approximately 2.24 acres of developed area of which 1.48 acres is impervious area. It lies within the watershed of Sturgeon Creek. The applicant submitted a stormwater management plan based on the Basic and General Standards contained in Department Rules, Chapter 500. The proposed stormwater management system consists of a wet pond and a bioretention cell.

A. Basic Standards:

(1) Erosion and Sedimentation Control: The applicant submitted an Erosion and Sedimentation Control Plan that is based on the performance standards contained in Appendix A of Chapter 500 and the Best Management Practices outlined in the Maine Erosion and Sediment Control BMPs, which were developed by the Department. This plan and plan sheets containing erosion control details were reviewed by, and revised in response to the comments of, the Cumberland Soil and Water Conservation District (CSWCD).

Erosion control details will be included on the final construction plans and the erosion control narrative will be included in the project specifications to be provided to the construction contractor.

(2) Inspection and Maintenance: The applicant submitted a maintenance plan that addresses both short and long-term maintenance requirements. The maintenance plan is based on the standards contained in Appendix B of Chapter 500. This plan was reviewed by, and revised in response to the comments of, CSWCD. The applicant will be responsible for the maintenance of all common facilities including the stormwater management system.

Storm sewer grit and sediment materials removed from stormwater control structures during maintenance activities must be disposed of in compliance with the Maine Solid Waste Management Rules.

(3) Housekeeping: The proposed project will comply with the performance standards outlined in Appendix C of Chapter 500.

Based on CSWCD's review of the erosion and sedimentation control plan and the maintenance plan, the Department finds that the proposed project meets the Basic Standards contained in Chapter 500, § 4(B) provided storm sewer grit and sediment materials are disposed of as described above.

B. General Standards:

The applicant's stormwater management plan includes general treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater, and mitigate potential temperature impacts. This mitigation is being achieved by using Best Management Practices that will control runoff from no less than 98.1% of the impervious area and no less than 85.2% of the developed area.

The stormwater management system proposed by the applicant was reviewed by, and revised in response to comments from, CSWCD. After a final review, CSWCD commented that the proposed stormwater management system is designed in accordance with the Chapter 500 General Standards and recommended that the applicant's design

engineer or other qualified professional oversee the construction of wet pond and bioretention cell to ensure that they are installed in accordance with the details and notes specified on the approved plans. Within 30 days from completion of the entire system or if the project takes more than one year to complete, at least once per year, the applicant must submit a log of inspection reports detailing the items inspected, photographs taken, and the dates of each inspection to the Department for review.

Based on the stormwater system's design and CSWCD's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 Basic and General Standards provided construction oversight and inspections are performed as described above.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S. § 420-D, and Chapter 500 of the Department's Regulations:

A. The applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 Basic Standards for: (1) erosion and sediment control; (2) inspection and maintenance; (3) housekeeping; and (4) grading and construction activity provided storm sewer grit and sediment materials removed from stormwater control structures are disposed of as described in Finding 1.

B. The applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 General Standards provided construction oversight and inspections are provided as described in Finding 2.

THEREFORE, the Department APPROVES the above noted application of NEK ASSETS LLC. to construct a stormwater management system as described above in Eliot, Maine, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.

2. In addition to any specific erosion control measures described in this order, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.

3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

4. Storm sewer grit and sediment materials removed from stormwater control structures shall be disposed of in compliance with the Maine Solid Waste Management Rules.

5. The applicant shall retain the design engineer or other qualified professional to oversee the construction of the stormwater management structures according to the details and notes specified on the approved plans. Within 30 days of completion of the entire system or if the project takes more than one year to complete, at least once per year, the applicant shall submit a log of inspection reports detailing the items inspected, photographs taken, and dates of each inspection to the Department for review.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 28TH DAY OF OCTOBER, 2021.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:_____
For: Melanie Loyzim, Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

AG/L29274AN/ATS#87813

FILED
November 1st, 2021
State of Maine
Board of Environmental Protection

STORMWATER STANDARD CONDITIONS

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL

Standard conditions of approval. Unless otherwise specifically stated in the approval, a department approval is subject to the following standard conditions pursuant to Chapter 500 Stormwater Management Law.

(1) Approval of variations from plans. The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the permittee. Any variation from these plans, proposals, and supporting documents must be reviewed and approved by the department prior to implementation. Any variation undertaken without approval of the department is in violation of 38 M.R.S. §420-D(8) and is subject to penalties under 38 M.R.S. §349.

(2) Compliance with all terms and conditions of approval. The applicant shall submit all reports and information requested by the department demonstrating that the applicant has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.

(3) Advertising. Advertising relating to matters included in this application may not refer to this approval unless it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.

(4) Transfer of project. Unless otherwise provided in this approval, the applicant may not sell, lease, assign, or otherwise transfer the project or any portion thereof without written approval by the department where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval may only be granted if the applicant or transferee demonstrates to the department that the transferee agrees to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant. Approval of a transfer of the permit must be applied for no later than two weeks after any transfer of property subject to the license.

(5) Time frame for approvals. If the construction or operation of the activity is not begun within four years, this approval shall lapse and the applicant shall reapply to the department for a new approval. The applicant may not begin construction or operation of the project until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.

(6) Certification. Contracts must specify that "all work is to comply with the conditions of the Stormwater Permit." Work done by a contractor or subcontractor pursuant to this approval may not begin before the contractor and any subcontractors have been shown a copy of this approval with the conditions by the permittee, and the permittee and each contractor and subcontractor has certified, on a form provided by the department, that the approval and conditions have been received and read, and that the work will be carried out in accordance with the approval and conditions. Completed certification forms must be forwarded to the department.

(7) Maintenance. The components of the stormwater management system must be adequately maintained to ensure that the system operates as designed, and as approved by the Department. If maintenance responsibility is to be transferred from the permittee to another entity, a transfer request must be filed with the Department which includes the name and contact information for the person or entity responsible for this maintenance. The form must be signed by the responsible person or agent of the responsible entity.

(8) Recertification requirement. Within three months of the expiration of each five-year interval from the date of issuance of the permit, the permittee shall certify the following to the department.

(a) All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.

(b) All aspects of the stormwater control system are operating as approved, have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the system, or portions of the system, as necessary.

(c) The stormwater maintenance plan for the site is being implemented as approved by the Department, and the maintenance log is being maintained.

(d) All proprietary systems have been maintained according to the manufacturer's recommendations. Where required by the Department, the permittee shall execute a 5-year maintenance contract with a qualified professional for the coming 5-year interval. The maintenance contract must include provisions for routine inspections, cleaning and general maintenance.

(e) The Department may waive some or all of these recertification requirements on a case-by-case basis for permittees subject to the Department's Multi-Sector General Permit ("MSGP") and/or Maine Pollutant Discharge Elimination System ("MEPDES") programs where it is demonstrated that these programs are providing stormwater control that is at least as effective as required pursuant to this Chapter.

(9) Transfer of property subject to the license. If any portion of the property subject to the license containing areas of flow or areas that are flooded are transferred to a new property owner, restrictive covenants protecting these areas must be included in any deeds or leases, and recorded at the appropriate county registry of deeds. Also, in all transfers of such areas and areas containing parts of the stormwater management system, deed restrictions must be included making the property transfer subject to all applicable terms and conditions of the permit. These terms and conditions must be incorporated by specific and prominent reference to the permit in the deed. All transfers must include in the restrictions the requirement that any subsequent transfer must specifically include the same restrictions unless their removal or modification is approved by the Department. These restrictions must be written to be enforceable by the Department, and must reference the permit number.

(10) Severability. The invalidity or unenforceability of any provision, or part thereof, of this permit shall not affect the remainder of the provision or any other provisions. This permit shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: August 2021 **Contact: (207) 314-1458**

SUMMARY

This document provides information regarding a person's rights and obligations in filing an administrative or judicial appeal of a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner.

Except as provided below, there are two methods available to an aggrieved person seeking to appeal a licensing decision made by the DEP Commissioner: (1) an administrative process before the Board of Environmental Protection (Board); or (2) a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

A person filing an appeal with the Board should review Organization and Powers, 38 M.R.S. §§ 341-D(4) and 346; the Maine Administrative Procedure Act, 5 M.R.S. § 11001; and the DEP's *Rule Concerning the Processing of Applications and Other Administrative Matters* (Chapter 2), 06-096 C.M.R. ch. 2.

DEADLINE TO SUBMIT AN APPEAL TO THE BOARD

Not more than 30 days following the filing of a license decision by the Commissioner with the Board, an aggrieved person may appeal to the Board for review of the Commissioner's decision. The filing of an appeal with the Board, in care of the Board Clerk, is complete when the Board receives the submission by the close of business on the due date (5:00 p.m. on the 30th calendar day from which the Commissioner's decision was filed with the Board, as determined by the received time stamp on the document or electronic mail). Appeals filed after 5:00 p.m. on the 30th calendar day from which the Commissioner's decision was filed with the Board will be dismissed as untimely, absent a showing of good cause.

HOW TO SUBMIT AN APPEAL TO THE BOARD

An appeal to the Board may be submitted via postal mail or electronic mail and must contain all signatures and required appeal contents. An electronic filing must contain the scanned original signature of the appellant(s). The appeal documents must be sent to the following address.

Chair, Board of Environmental Protection
c/o Board Clerk
17 State House Station
Augusta, ME 04333-0017
ruth.a.burke@maine.gov

The DEP may also request the submittal of the original signed paper appeal documents when the appeal is filed electronically. The risk of material not being received in a timely manner is on the sender, regardless of the method used.

At the time an appeal is filed with the Board, the appellant must send a copy of the appeal to: (1) the Commissioner of the DEP (Maine Department of Environmental Protection, 17 State House Station, Augusta, Maine 04333-0017); (2) the licensee; and if a hearing was held on the application, (3) any intervenors in that hearing proceeding. **Please contact the DEP at 207-287-7688 with questions or for contact information regarding a specific licensing decision.**

REQUIRED APPEAL CONTENTS

A complete appeal must contain the following information at the time the appeal is submitted.

1. *Aggrieved status*. The appeal must explain how the appellant has standing to bring the appeal. This requires an explanation of how the appellant may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions, or conditions objected to or believed to be in error.* The appeal must identify the specific findings of fact, conclusions of law, license conditions, or other aspects of the written license decision or of the license review process that the appellant objects to or believes to be in error.
3. *The basis of the objections or challenge.* For the objections identified in Item #2, the appeal must state why the appellant believes that the license decision is incorrect and should be modified or reversed. If possible, the appeal should cite specific evidence in the record or specific licensing criteria that the appellant believes were not properly considered or fully addressed.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license to changes in specific license conditions.
5. *All the matters to be contested*. The Board will limit its consideration to those matters specifically raised in the written notice of appeal.
6. *Request for hearing.* If the appellant wishes the Board to hold a public hearing on the appeal, a request for hearing must be filed as part of the notice of appeal, and it must include an offer of proof regarding the testimony and other evidence that would be presented at the hearing. The offer of proof must consist of a statement of the substance of the evidence, its relevance to the issues on appeal, and whether any witnesses would testify. The Board will hear the arguments in favor of and in opposition to a hearing on the appeal and the presentations on the merits of an appeal at a regularly scheduled meeting. If the Board decides to hold a public hearing on an appeal, that hearing will then be scheduled for a later date.
7. *New or additional evidence to be offered.* If an appellant wants to provide evidence not previously provided to DEP staff during the DEP's review of the application, the request and the proposed supplemental evidence must be submitted with the appeal. The Board may allow new or additional evidence to be considered in an appeal only under limited circumstances. The proposed supplemental evidence must be relevant and material, and (a) the person seeking to add information to the record must show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process; or (b) the evidence itself must be newly discovered and therefore unable to have been presented earlier in the process. Requirements for supplemental evidence are set forth in Chapter 2 § 24.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, and is made accessible by the DEP. Upon request, the DEP will make application materials available to review and photocopy during normal working hours. There may be a charge for copies or copying services.

2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing the appeal.* DEP staff will provide this information upon request and answer general questions regarding the appeal process.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed, the license normally remains in effect pending the processing of the appeal. Unless a stay of the decision is requested and granted, a licensee may proceed with a project pending the outcome of an appeal, but the licensee runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will acknowledge receipt of an appeal, and it will provide the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials admitted by the Board as supplementary evidence, any materials admitted in response to the appeal, relevant excerpts from the DEP's administrative record for the application, and the DEP staff's recommendation, in the form of a proposed Board Order, will be provided to Board members. The appellant, the licensee, and parties of record are notified in advance of the date set for the Board's consideration of an appeal or request for a hearing. The appellant and the licensee will have an opportunity to address the Board at the Board meeting. The Board will decide whether to hold a hearing on appeal when one is requested before deciding the merits of the appeal. The Board's decision on appeal may be to affirm all or part, affirm with conditions, order a hearing to be held as expeditiously as possible, reverse all or part of the decision of the Commissioner, or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, the licensee, and parties of record of its decision on appeal.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court (see 38 M.R.S. § 346(1); 06-096 C.M.R. ch. 2; 5 M.R.S. § 11001; and M.R. Civ. P. 80C). A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board Clerk at 207-287-2811 or the Board Executive Analyst at 207-314-1458 bill.hinkel@maine.gov, or for judicial appeals contact the court clerk's office in which the appeal will be filed.

Note: This information sheet, in conjunction with a review of the statutory and regulatory provisions referred to herein, is provided to help a person to understand their rights and obligations in filing an administrative or judicial appeal. The DEP provides this information sheet for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.

Town of Eliot

1333 State Road Eliot, ME 03903
Tel: (207) 439-1813 Extension 110

BUILDING PERMIT

Permit # 20-002 MAP 53 LOT 6

THIS PERMIT ISSUED TO: FLOWER COMPANY PROPERTIES / SWEET DIRT

PROPERTY ADDRESS: 495 HAROLD L. DOW HIGHWAY

THIS PERMIT IS ISSUED FOR THE FOLLOWING:

CONSTRUCT STRUCTURE – 1,600 SF MEDICINAL CAREGIVER STOREFRONT/OFFICE SPACE, 1,200 SF GENERAL WAREHOUSE AND STORAGE FACILITY PER PLANNING BOARD APPROVAL 4/16/19 & BOARD OF APPEALS APPROVAL 11/16/17

This permit is issued subject to applicable ordinances, laws, and codes as adopted by the Town of Eliot and the State of Maine. This permit is only valid for work described on this permit. This permit is void if "start of construction" as defined by the Town of Eliot Municipal Code of Ordinances has not begun within 180 days of issuance of this permit.

X Shelly Bishop
CODE ENFORCEMENT OFFICER

X January 22, 2020
DATE

Required Municipal Inspections

_X_ Foundation _X_ Plumbing
_X_ Framing ___ Electrical
_X_ Insulation _X_ Septic System
___ Chimney _X_ Occupancy

_X_ Commercial Occupancy –Fire Chief (207) 451- 0124
In addition to Code Enforcement Occupancy Inspection
___ Public Sewer - Highway Dept. (207) 439-9451
___ Other _____

Required Municipal Permits/Approvals

___ Electrical _X_ Plumbing ___ Shoreland ___ Public Sewer ___ Sign
___ Septic System ___ Flood Zone ___ Other _____
___ Growth Permit # _____

Please contact the following departments regarding additional state permits/ inspections:

_X_ Electrical State (207) 624-8519 ___ State Fire Marshall (207) 624-3880 ___ DEP (207) 822-6300

RECEIVED DEC 19 2019 By

Town of Eliot

1333 State Road, Eliot, ME 03903
Tel: (207) 439-1813 Extension 110
Fax: (207) 439-1415

MAP 53 LOT 6

PERMIT # 20-002

BUILDING PERMIT APPLICATION

APPLICANT

Name Sweet Dirt, Inc.
Address 987 Harold L. Dow Hwy
Eliot, ME 03903
Phone
Cell

CONTRACTOR

Name Dan Stout / Sweet Dirt, Inc.
Address same
Phone
Cell 207.337.3493

PROPERTY INFORMATION

Owner Flower Company Properties
Property Address 495 Harold L. Dow Hwy

Lot Size 3 acres Is this a new lot? No
District C/I Overlay Zone No
Is your proposed construction in a flood zone? No

Lot coverage existing 10 %
Lot coverage post construction 31 %

	Existing	Proposed
Bathrooms		2
Bedrooms		Ø
Dwelling units		Ø

	Existing	Proposed
Heating System		Hot air
Heating Fuel		Propane
Insulation		Fiberglass
Flooring		Concrete/VCT
Air Conditioning		DX cooling

Wastewater ____ Public ✓ Private
If private, approved for ____ bedrooms.

TYPE OF WORK PROPOSED

Residential
___ Single Family Dwelling
___ Renovation
___ Garage
___ Pool above ground
___ Foundation
___ Home Office (not PB)
___ Accessory Dwelling Unit
___ Addition
___ Shed
___ Pool in ground
___ Accessory Structure
___ Other
___ Duplex Dwelling
___ Deck
___ Demolition
___ Fence
___ Waste Container

Commercial
___ Multi Family Dwelling
___ Addition
___ Accessory Structure
✓ New building/structure
___ Renovation
___ Waste Container
___ Refit
___ Telecommunication
___ Other

Project description including dimensions of any proposed structures:
Construct new Registered Caregiver Retail Store

Will your project involve excavation in a Town Right of Way? No
Will your project involve one acre or more of disturbed area? No

Square footage of proposed construction:

Finished area 2,800 Unfinished area ____ Accessory structure ____

Distance from proposed construction to property lines:

Front 210' Rear >375' Left 93' Right 75'

ADDITIONAL REQUIREMENTS

Applications must include construction documents that demonstrate compliance with the Maine Uniform Building and Energy code for any project requiring compliance with the Maine Uniform Building and Energy Code.

Applications that change building dimensions or for new structures must include a plot plan showing the entire lot and all existing and proposed structures, septic systems, etc., and show the distance from proposed construction to all property lines.

Any other additional information, as requested by the Code Enforcement Officer, to determine compliance with all applicable laws, ordinances and codes. Any other additional information, as required, by the Town of Eliot Municipal Code of Ordinances.

Projects that create one acre or more of disturbed area are required to comply with DEP Chapter 500 Standards and must file a DEP Notice of Intent to comply with the Maine General Construction Permit.

ACKNOWLEDGEMENT

The applicant/owner, by signing this permit, agrees to perform the work permitted according to the submitted information and within the laws of the State of Maine, the codes adopted by the State of Maine and the ordinances and codes adopted by the Town of Eliot, in effect on the date of issuance of this permit and that the information submitted on and accompanying this application is correct.

[illegible] — Applicant/Property Owner

12/19/19 — Date

Value of Work $ 342,186 — Fair market value including materials & labor

THIS SECTION TO BE COMPLETED BY CODE ENFORCEMENT OFFICE

This permit application is hereby approved based on the information submitted by the applicant/owner. Any changes to approved plans must be submitted to the Code Enforcement office for review and approval. As per the Municipal Code of Ordinances, start of construction, as defined in Chapter 1-2, must begin within 180 days of the date this permit is issued.

Conditions: Per planning Board approval 4/16/19 + Board of Appeals approval 11/16/17.

Shelley Bishop — Code Enforcement Officer

1/22/2020 — Date

Permit Fee $ 2757.49

Required Municipal Inspections

- ✓ Foundation
- ✓ Framing
- ✓ Occupancy
- ✓ Insulation
- ✓ Plumbing
- ___ Electrical
- ✓ Septic System
- ___ Chimney
- ✓ Commercial Occupancy –Fire Chief (207) 451-0124
  In addition to Code Enforcement Occupancy Inspection
- ___ Public Sewer - Highway Dept. (207) 439-9451
- ✓ Other Erosion + Sediment Control

Required Municipal Permits/Approvals

- ___ Electrical
- ___ Septic System
- ___ Growth Permit # _____
- ✓ Plumbing
- ___ Flood Zone
- ___ Shoreland
- ___ Other _____
- ___ Public Sewer
- ___ Sign

Please contact the following departments regarding additional state permits/ inspections:

- ✓ Electrical State (207) 624-8519
- ___ State Fire Marshall (207) 624-3880
- ___ DEP (207) 822-6300

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Dept.Health & Human Services
Div of Environmental Health , 11 SHS
(207) 287-5672 Fax: (207) 287-4172

PROPERTY LOCATION

City, Town, or Plantation: ELIOT

Street or Road: 495 DOW HIGHWAY

Subdivision, Lot #: MAP 53, LOT 6

>> CAUTION: LPI APPROVAL REQUIRED <<

Town/City: ELIOT Permit #: 20-001

Date Permit Issued: 1/22/2020 Fee: $ N/A Double Fee Charged [ ]

Shelley Bishop
Local Plumbing Inspector Signature

L.P.I. #: 1037

OWNER/APPLICANT INFORMATION

Name (last, first, MI): SWEET DIRT, INC. ☐ Owner ● Applicant

Mailing Address of Owner/Applicant: 495 H.L. DOW HWY. ELIOT, ME 03903

Daytime Tel. #: DAN STOUT 207 337 3493

The Subsurface Wastewater Disposal System shall not be installed until a Permit is issued by the Local Plumbing Inspector or the Department authorize the [illegible] with this application and the Maine Subsurface Wastewater Disposal Rules.

APPLICANT/OWNER COPY

Municipal Tax Map #: 53 Lot #: 6

OWNER OR APPLICANT STATEMENT

I state and acknowledge that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or Local Plumbing Inspector to deny a Permit.

Signature of Owner or Applicant — Date: 12/11/19

CAUTION: INSPECTION REQUIRED

I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application.

(1st) date approved

Local Plumbing Inspector Signature — (2nd) date approved

PERMIT INFORMATION

TYPE OF APPLICATION

- ☐ 1. First Time System
- ☐ 2. Replacement System
  - Type replaced:
  - Year installed:
- ☐ 3. Expanded System
  - ☐ a. <25% Expansion
  - ● b. >25% Expansion
- ☐ 4. Experimental System
- ☐ 5. Seasonal Conversion

THIS APPLICATION REQUIRES

- ● 1. No Rule Variance
- ☐ 2. First Time System Variance
  - ☐ a. Local Plumbing Inspector Approval
  - ☐ b. State & Local Plumbing Inspector Approval
- ☐ 3. Replacement System Variance
  - ☐ a. Local Plumbing Inspector Approval
  - ☐ b. State & Local Plumbing Inspector Approval
- ☐ 4. Minimum Lot Size Variance
- ☐ 5. Seasonal Conversion Permit

DISPOSAL SYSTEM COMPONENTS

- ☐ 1. Complete Non-engineered System
- ☐ 2. Primitive System (graywater & alt. toilet)
- ☐ 3. Alternative Toilet, specify:
- ☐ 4. Non-engineered Treatment Tank (only)
- ☐ 5. Holding Tank, ____ gallons
- ☐ 6. Non-engineered Disposal Field (only)
- ☐ 7. Separated Laundry System
- ☐ 8. Complete Engineered System (2000 gpd or more)
- ☐ 9. Engineered Treatment Tank (only)
- ☐ 10. Engineered Disposal Field (only)
- ● 11. Pre-treatment, specify: CLEAN SOLUTION
- ☐ 12. Miscellaneous Components MODEL 250

SIZE OF PROPERTY

3 ☐ SQ. FT. ☐ ACRES

SHORELAND ZONING

☐ Yes ● No

DISPOSAL SYSTEM TO SERVE

- ☐ 1. Single Family Dwelling Unit, No. of Bedrooms: ____
- ☐ 2. Multiple Family Dwelling, No. of Units: ____
- ☐ 3. Other: GREEN HOUSE + RETAIL (specify)

Current Use ☐ Seasonal ● Year Round ☐ Undeveloped

TYPE OF WATER SUPPLY

● 1. Drilled Well ☐ 2. Dug Well ☐ 3. Private

☐ 4. Public ☐ 5. Other

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)

TREATMENT TANK H-20

- ● 1. Concrete
  - ● a. Regular EXISTING
  - ☐ b. Low Profile TWO
- ☐ 2. Plastic COMPARTMENT
- ☐ 3. Other:

CAPACITY: 1250 GAL.

Plus Pump Chamber

DISPOSAL FIELD TYPE & SIZE

- ● 1. Stone Bed ☐ 2. Stone Trench
- ☐ 3. Proprietary Device
  - ☐ a. cluster array ☐ c. Linear
  - ☐ b. regular load ☐ d. H-20 load
- ☐ 4. Other: 25 x 45 =

SIZE: 900 ● sq. ft. ☐ lin. ft.

GARBAGE DISPOSAL UNIT

● 1. No ☐ 2. Yes ☐ 3. Maybe

If Yes or Maybe, specify one below:

- ☐ a. multi-compartment tank
- ☐ b. ___ tanks in series
- ☐ c. increase in tank capacity
- ☐ d. Filter on Tank Outlet

DESIGN FLOW

MAX. 504 gallons per day

BASED ON:

- ☐ 1. Table 4A (dwelling unit(s))
- ● 2. Table 4C (other facilities)

SHOW CALCULATIONS for other facilites

MAX. 42 EMPLOYEES @ 12 GPD

- ☐ 3. Section 4G (meter readings)

ATTACH WATER METER DATA

SOIL DATA & DESIGN CLASS

PROFILE CONDITION: 9 / D

at Observation Hole #: 2

Depth: 9"

of Most Limiting Soil Factor

DISPOSAL FIELD SIZING

EXISTING

- ☐ 1. Medium---2.6 sq. ft. / gpd
- ☐ 2. Medium---Large 3.3 sq. ft / gpd
- ☐ 3. Large---4.1 sq. ft. / gpd
- ● 4. Extra Large---5.0 sq. ft. / gpd

EFFLUENT/EJECTOR PUMP

- ☐ 1. Not Required H-20
- ☐ 2. May Be Required RATED
- ● 3. Required PUMP CHAMBER

Specify only for engineered systems:

DOSE: ____ gallons

LATITUDE AND LONGITUDE

at center of disposal area

Lat. 43 d 8 m 46.1 s

Lon. 70 d 47 m 27.1 s

if g.p.s. state margin of error:

SITE EVALUATOR STATEMENT

I certify that on 21 NOV 2019 (date) I completed a site evaluation on this property and state that the data reported are accurate and that the proposed system is in compliance with the State of Maine Subsurface Wastewater Disposal Rules (10-144A CMR 241).

Michael Cuomo — Site Evaluator Signature

211 — SE #

2 DEC 19 — Date

Michael Cuomo — Site Evaluator Name Printed

(207) 363-4532 — Telephone Number

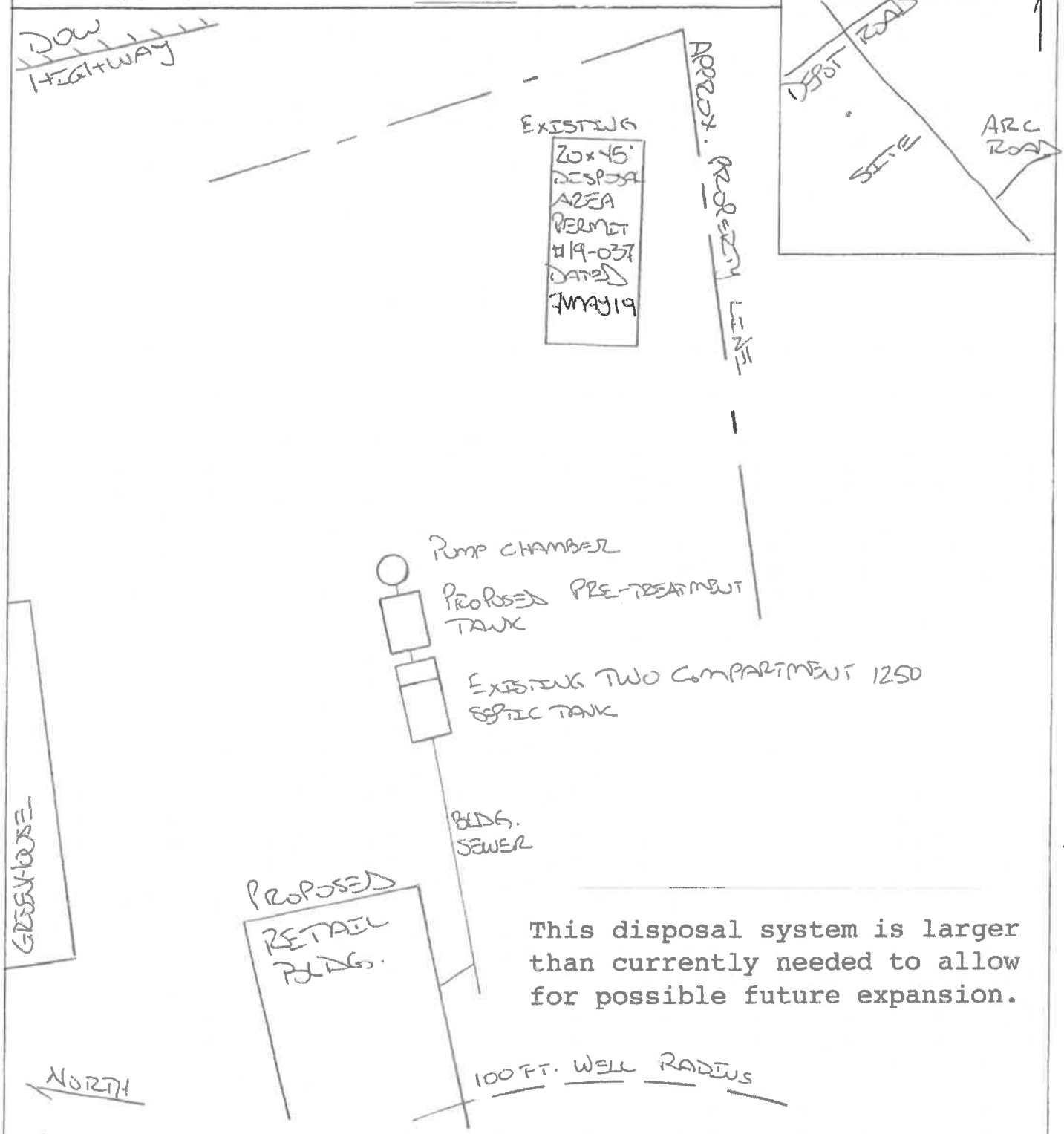
mcuomosoil@gmail.com — E-mail Address

Note : Changes to or deviations from the design should be confirmed with the Site Evaluator

MODIFICATION TO PERMIT 19-037

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION	Department of Human Services Division of Health Engineering (207) 287-5672 Fax: (207) 287-3165
Town, City, Plantation: ELIOT Street, Road, Subdivision: 495 DOW HIGHWAY	Owner's Name: SWEET DIRT, INC.

SITE PLAN Scale 1" = 30 ft.



This disposal system is larger than currently needed to allow for possible future expansion.

Michael Cosmo	211	2DEC19
Site Evaluator Signature	SE #	Date

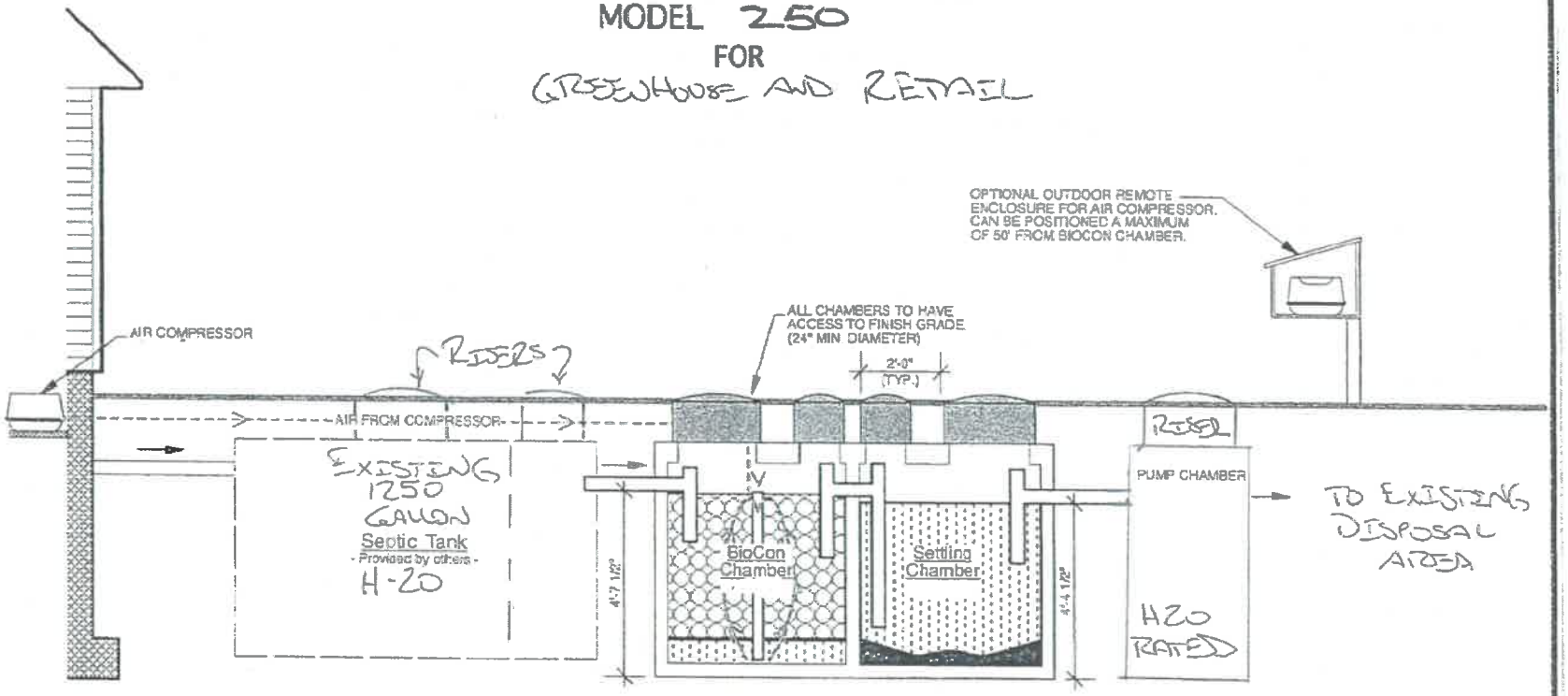
Town ELIOT Location 495 DOW HIGHWAY Owner SWEET DIRT, INC.

THE CLEAN SOLUTION™ ALTERNATIVE SEPTIC SYSTEM

MODEL 250

FOR

GREENHOUSE AND RETAIL



BioCon/Settling Tank

- Provided by A.O.S.

1000 GAL 2-Compartment Tank

H20 RATED

NOTES:

1. Septic Tank & Settling Compartment must be pumped every 2 years. More frequent pumping may be required depending on use.
2. Tank is not suitable for drive on use. Heavy Duty and H-20 models available.
3. Contractor to verify tank dimensions prior to setting.
4. Plastic risers will be provided to suite site (up to 24" depth). Contractor to provide additional risers to finish grade if cover over tank exceeds 24".

AOS

Advanced Onsite Solutions LLC

innovative wastewater solutions with sustainable results

P.O.Box 248

Canterbury, NH 03224

Phone 603.783.8042

Michael Cuomo SE #211 Date 2DEC19 Page 3 of 3

Michael Cuomo

Confidential Trade Secret pursuant to 1 MRS 402(3)(B), MeR.Evid. 26(b)(1), 10 MRS 1542(4)(A)

Eliot Retail Store Operating Plan

Confidential Trade Secret pursuant to 1 MRS 402(3)(B), MeR.Evid. 26(b)(1), 10 MRS 1542(4)(A)

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Attachments:

A. Security Camera/Surveillance Plan
B. Odor Control Plan
C. Life Safety Plan

Introduction

Sweet Dirt will implement policies and procedures that meet or exceed all requirements to ensure the secure, safe and proper handling and sale of cannabis, as outlined by the State of Maine. The term "cannabis" encompasses the term "marijuana," which is defined in the applicable Maine laws and regulations. The terms "cannabis" and "marijuana" are used interchangeably throughout this document.

Sweet Dirt will establish and maintain policies and procedures as outlined in this Operating Plan, demonstrating Sweet Dirt's extensive experience in cannabis retail operations.

While there are thousands of licensed cannabis providers in Maine, there are only a few that provide soil grown, premium. At Sweet Dirt, we are committed to growing and producing the cleanest cannabis and cannabis products. In our retail operations we are dedicated to educating our customers and our communities on responsible cannabis use and safe storage practices, while providing a warm and elevated customer experience.

Operating Plan

Sweet Dirt will operate and maintain the retail environment according to the specifications outlined below, meeting or exceeding all requirements outlined in the regulations for the secure, safe, sustainable, and proper handling and sale of cannabis and cannabis products.

1. Facility Design

Our store is designed to provide a warm, inviting, and safe retail experience. At Sweet Dirt we believe that creating an elevated aesthetic and commitment to compliance in our store design aids in our ability to maintain a safe, secure and compliant establishment. Additionally, we have designed our customer journey and store flow to maximize educational touch points, security of product, and safety of people.

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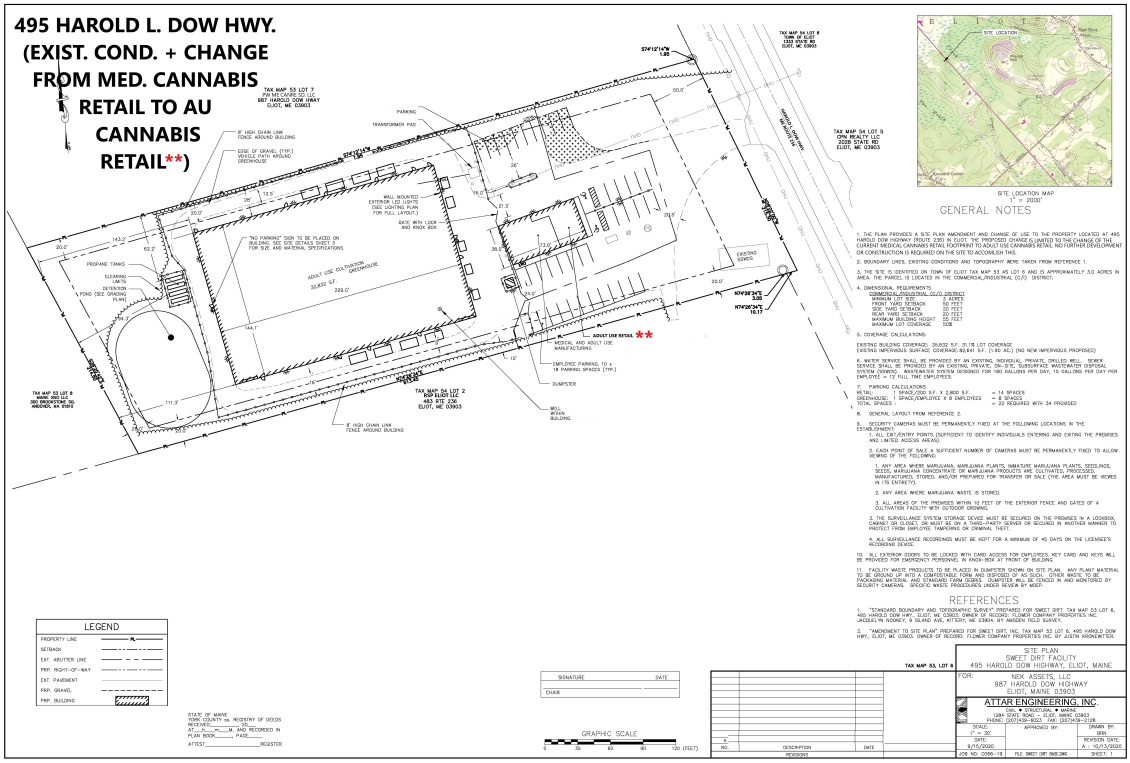
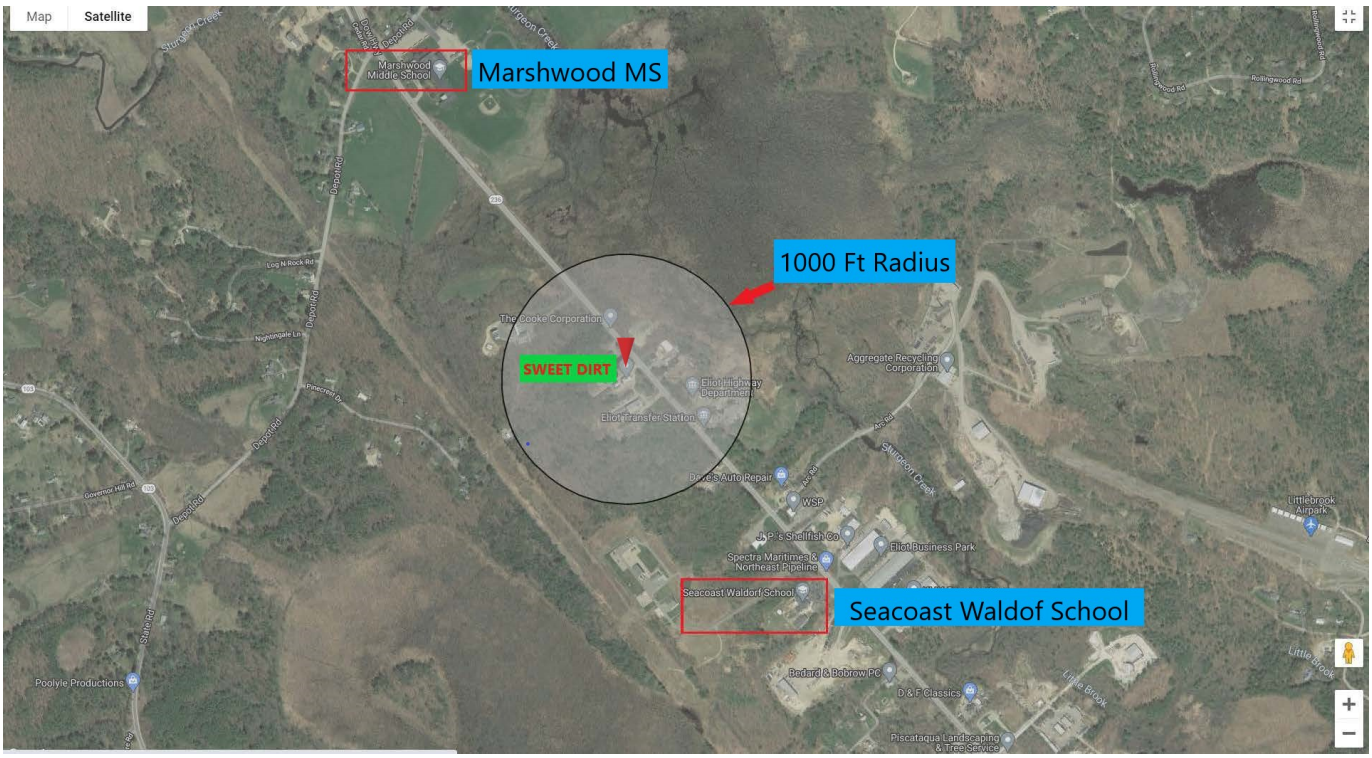
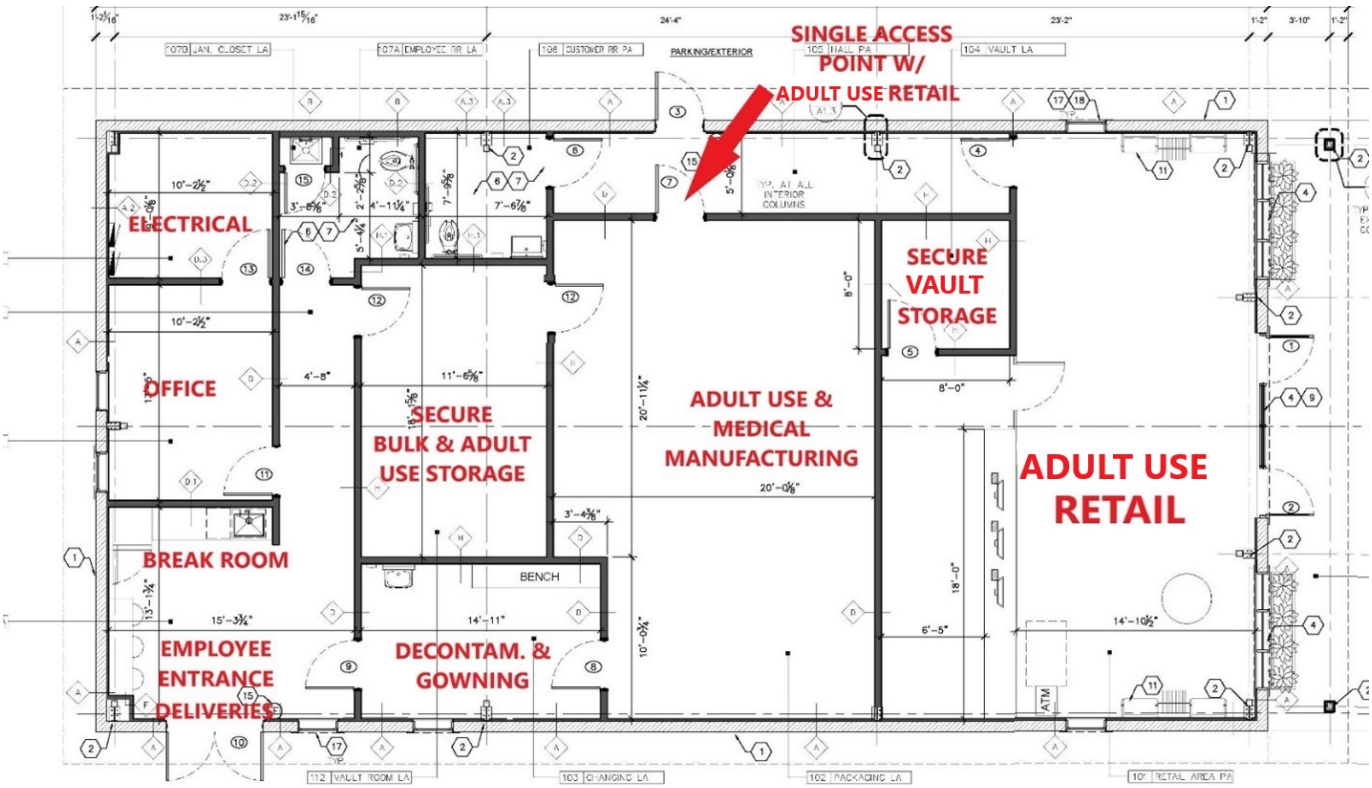
Property Diagram:





Architectural Drawing:

Total Area = approx. 2800sq ft

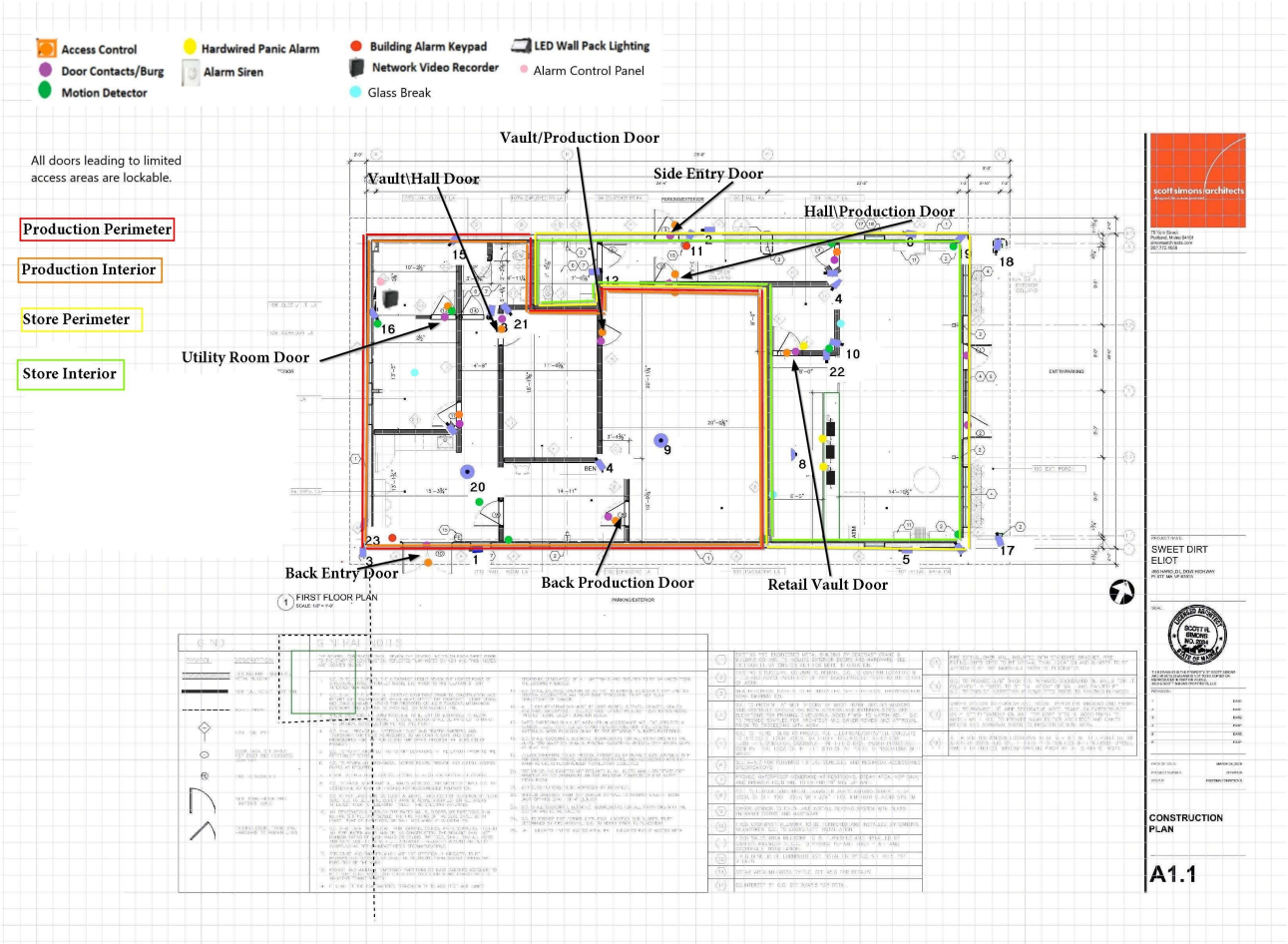


- Customer access to marijuana will be controlled through limited access display only areas with mirrored merchandise on either side of the store.
- Customers will be entered into an electronic queue after ID verification and allowed to sit in the lounge area or browse non-marijuana merchandise and educational materials.
- A text will be sent directing the customer to the next available sales associate.
- The sales associate will load a virtual shopping cart for the customer that will be sent to the picking room for order fulfillment.
- The customer will receive a second text directing them to the POS register to complete the transaction. Staff will perform ID verification before accepting payment.
- Additionally, customers will be allowed to load their own virtual cart at one of two pre-order touch screens located in the lounge area. This convenience is offered to service more

experienced customers who may know what they want and do not require assistance. These customers will also receive a text directing them to the POS to complete the transaction and show ID before payment.

Security Overlay ***(See Attached Camera/Surveillance Plan)***:

Site Plan. 495 Production and Storefront



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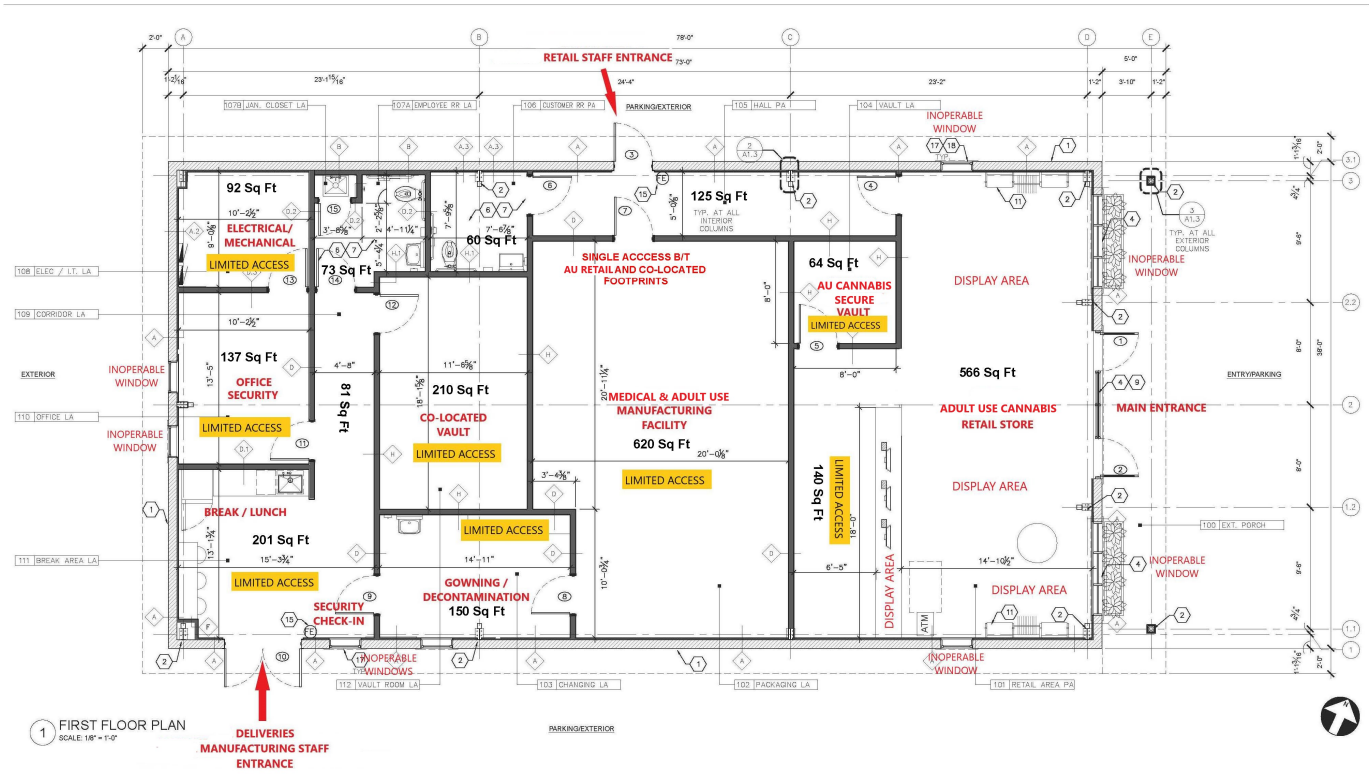
Floor Plan and Limited Access Display Areas:



2. Hours of Operation

Store Opening Days and Hours

- Monday: 9am-9pm
- Tuesday: 9am-9pm
- Wednesday: 9am-9pm
- Thursday: 9am-9pm
- Friday: 9am-9pm
- Saturday: 9am-9pm
- Sunday: 9am-9pm

The following activities shall only occur during hours open to the public:

- Customer Consultations
- Customer Pre-Orders
- All Sales Transactions

Operating Days and Hours

- Monday: 7am-10pm
- Tuesday: 7am-10pm
- Wednesday: 7am-10pm
- Thursday: 7am-10pm
- Friday: 7am-10pm
- Saturday: 7am-10pm
- Sunday: 7am-10pm

The following activities shall only occur during operating hours:

- Accept deliveries of permitted items and manage its inventory;
- Enter transfers or deliveries into the tracking system;
- Dispose of marijuana waste;
- Conduct employee training; and
- Perform administrative work, cleaning or maintenance.

3. Background Screening Processes

Employees

Sweet Dirt shall not hire any employee, regardless of corporate rank, unless they meet the following criteria:

- Is 21 years of age or older;
- Has completed the fingerprinting and criminal history record check and has received an ID card and IIC number for employees of adult use marijuana establishments through the State of Maine;
- Do not have a disqualifying drug offense, any other disqualifying offense, adult use marijuana license revocation, medical marijuana credential revocation, outstanding court-ordered payments, past due taxes or fees or other tax delinquency;
- Has not had an individual identification card revoked within the previous 2 years; or
- Has not been subject to two or more individual identification card revocations.

The following shall constitute satisfactory proof that the applicant meets the above criteria:

- A government issued photo identification card showing a date of birth that makes the applicant 21 years of age or older.
- An Individual Identification Card issued by the Office of Marijuana Policy.

Vendors

All cannabis and non-cannabis vendors will be vetted by the Sweet Dirt security team. This process may include separate third-party background checks on the applicable business and/or specific employees. All cannabis-related vendors must provide proof that they are licensed and in good standing with the state, if applicable that they are registered with the state's mandated inventory tracking system, and that any cannabis or cannabis products for sale by the vendors have passed all necessary testing requirements.

4. Plans for Verifying Identification of All Customers and Preventing Unauthorized Access to Persons Under 21

- The doors to the retail store will be locked at all times.
- A trained security staff member will be posted by the entrance during operating hours to allow entry and verify that the customer is over 21, prior to entry, using a portable ID scanner which will provide compliance reporting and banned alert capabilities. An example of this technology is the Viage CAV-3200.

- All customers will be asked to have their IDs readily available while they are in the store and will be required to show their ID to the staff member finalizing their transaction at the point-of-sale.
- All employees will receive comprehensive training on best practices for age verification and fake ID recognition through a reputable platform such as WeCard.
- All employees responsible for age verification will only accept IDs meeting the following requirements:
    - Issued by a government agency
    - Name and signature of the person
    - Date of birth of the person
    - Physical description of the person
    - Photograph of the person
    - Currently valid

Limited Access Controls and Processes

Sweet Dirt shall designate any areas where cannabis, cannabis products, and/or cannabis waste is stored or displayed, including point of sales, as limited access areas. Only the following individuals will be permitted to enter the limited access area:

- Sweet Dirt's owners, managers or employees who are displaying a valid individual identification card that was issued to them;
- Contractors aged 21 or older (including, but not limited to, electricians, plumbers, engineers or alarm technicians) who will not handle marijuana plants, marijuana or marijuana products, in compliance with this subsection;
- Staff or agents of the Office of Marijuana Policy;
- Law enforcement officers;
- Employees or agents of other local or state agencies with regulatory authority, including but not limited to fire marshals, electrical inspectors, pesticide control staff, and environmental inspectors.

Visitors will only be granted access to limited access areas pursuant to Sweet Dirt procedures for visitor access. Any person in the limited access area must display either an individual identification card or a visitor identification badge.

Limited Access Merchandising Areas: At Sweet Dirt, our storefront is equipped with two limited access display areas housing cannabis and infused cannabis products. Security measures for access control are as follows:

- Limited access merchandising areas may only be accessed by the retail personnel stationed in the area during the employees shift.
- Access to the area is controlled by a locking door accessible by key card sensor locks.
- The access door is clearly identified with the required signage in the form of an 8.5" by 11" sign with letters no less than ½ inch in height reading "Pursuant to State Law, Do Not Enter – Authorized Persons Only".

Locked Cabinet Displays: At Sweet Dirt, our storefront is equipped with locked cabinet displays within the limited access merchandising areas. It is important that the following be noted:

- The exterior of the display case is to be cleaned daily.
- The interior of the display case is to be cleaned once a week.
- The case is to always be fully stocked.
- All items in the display case are to be merchandised to look appealing and presentable.
- If cannabis is located in the display case, it is to be loaded each morning and returned to the safe room each night.
- Keys to the display case are to be kept with the dispensary set of keys. If there are spares, the DM is to keep one at all times.
- Signage is to reflect the products being represented.
    - Please note: If more retail product is needed, please reach out to the DM overseeing retail inventory or Product Manager.

Back-of-House Limited Access Areas: Per state regulations, all limited access areas may only be accessed by authorized employees or visitors 21 or older. All limited access areas will be clearly identified with the required signage in the form of an 8.5" by 11" sign with letters no less than ½ inch in height reading "Pursuant to State Law, Do Not Enter – Authorized Persons Only". All limited access areas will be controlled with key card sensor locks. The following areas will be identified as such:

Access to Back-of-House from Sales Floor: The door to back-of-house from the sales floor will be identified with the required signage and only accessed by authorized personnel through key card access.

Safe Room Storage Area: The Safe Room will house all back-stock inventory.

- Access to the Safe Room will be limited to Managers, Assistant Managers and Team Leaders.
- Back-stock inventory counts will be done bi-weekly before opening, and must be performed by a Manager, Assistant Manager or Team Leader.

- Active-stock and display inventory counts will be done daily at closing, and may be performed by floor sales or picking room staff.
- All inventory counts will be audited by a Manager, Assistant Manager or Team Leader who did not complete the inventory count.
- To maintain compliance and inventory accuracy, the safe room must be organized using the following guidelines:
    - All back-stock bulk batches will be packaged in a tamper evident container.
    - All cannabis and infused cannabis products are to be located in clearly marked totes or corrugated box containers.
    - All inventory requiring refrigeration is to be located in coolers in clearly marked sections.
    - All perishable food items are to be located a minimum of 6" off of the ground.
    - All inventory in the safe room must reflect the amounts on the tally sheet for each specific item.
    - Floors, including underneath and between shelving, are to be clear and free of clutter.
    - The door to the Safe Room must remain closed at all times.

Secure Picking Room: Sweet Dirt will use an order fulfillment model in our retail stores to ensure the highest possible security and safety measures for our staff and customers. The picking room will feature pull down locking doors over pass-through windows to ensure security of active-stock and display inventory during non-business hours.

- Access to the picking room will be limited to picking room staff during their shift as well as Managers, Assistant Managers and Team Leaders.
- Access to locking security windows will be limited to Managers, Assistant Managers and Team Leaders.

Picking Room Organization:

- All active-stock will be pulled from the safe room by the manager on-duty as needed.
- All products will be stored in bin carts with each bin clearly labeled and organized for efficient order fulfillment.
- All completed orders will be passed through to POS area or stored on the assigned cart.
- Active-stock inventory counts will be done daily to ensure accurate levels.
- Any discrepancies shall be investigated by the Manager on duty and reported to security if further investigation is required.

Order Fulfillment Process:

- Orders will appear on the picking room screen. An audible alert will sound until the order is addressed and the ticket is printed.
- Orders will be flagged as in-store or pre-order.
- Orders will be picked into holding baskets with the ticket attached, when complete in the system a text will go out to the customer.

- In-store orders are passed through to POS immediately.
- Pre-orders will be stored in the picking room on the assigned cart.

POS Cash Wrap Area: The point-of-sale area is only accessible from the back-of-house to ensure safe cash handling and employee safety.

- The cash wrap area is accessible by staff stationed in the area during their shift as well as Managers, Assistant Managers and Team Leaders.
- Cabinets are located at the back of the cash wrap area for safe storage of filled orders as needed.

Checkout Process:

- Staff will confirm the order number associated with the customer's text message.
- Staff will verify the customer's ID before checkout.
- Staff will read the customer's order to them to confirm accuracy while scanning items into the POS system.
- Staff will place items into the child-resistant compliant exit packaging before accepting payment.
- When the transaction is complete the customer will receive the exit bag and corresponding order receipt.

Electrical/Security Closet:

- The Electrical/Security Closet will only be accessible by Managers, Assistant Managers and designated security and/or other authorized vendor personnel.

Authorized Visitors:

Visitors may access limited access areas pursuant to the following procedures.

- Prior to granting entry to the premises a Sweet Dirt employee shall verify the age and identity of any person seeking access to the limited access area.
- Employees may verify the age and identification of all visitors at either the front or the back entrance.
- No visitor under the age of 21 shall be permitted to enter the premises.
- Once the visitor's age and identity has been confirmed, the visitor shall sign the visitor entry log before entering limited access areas.
- At a minimum the visitor entry log shall include the following information:
    - The date and time of the visitor's entry;
    - The date and time of the visitor's departure;
    - The full name of the visitor;

- The identifying number of the visitor's state- or federally-issued identification;
- The identifying mark on the visitor identification badge;
- The individual identification card number of the person who will accompany the contractor, if required, while the contractor is in the limited access areas of the premises; and
- The purpose for which the contractor is accessing the limited access area[s].

- All visitors must be provided with a visitor badge. Visitor badges must be displayed in a conspicuous place at all times while the visitor remains in the limited access area.
- Any visitor accessing an area of the premises where they may have access to cannabis and/or cannabis product shall be supervised by an employee.
- Visitors to other areas of the premises that are separated from areas where cannabis and/or cannabis product may be accessible, do not need to be under the direct supervision of an employee. However, employees must take reasonable steps to ensure that the Visitor does not access cannabis and/or cannabis products.
  - All visitor identification badges shall collected and visitors shall sign out on the visitor log before visitors leave the premises.
  - Any incident that violates Sweet Dirt's policies and procedures that occurs while a visitor is in a limited access area of the premises shall be reported in writing to the Department within 24 hours, including all information required by the visitor entry log.

This record of visit must be retained and maintained on the licensed premise for a minimum of two (2) years. Example of a Visitor Pass and Log can be seen below:

Date	Time In	Time Out	Visitor Name	Number on ID card	Visitor ID Badge Used	Reason for Visit	Visitor Signature	Name of Employee Escort	Individual ID Number of Escort

5. Security:

This Security Plan describes the policies, procedures, engineering and physical controls, and other measures that will be implemented to ensure a safe and secure environment for employees, customers, and the community, as well as to comply with local and state security requirements. Diversion prevention includes facilities security, access control, and inventory control.

A primary goal is to maintain safety and security, prevent unauthorized entry to the premises, deter theft, burglary, and diversion of cannabis products or other valuables, and prevent access to these products by individuals under 21 years of age. State and local laws supersede any item in the Plan that does not meet regulatory requirements.

Within this plan THC- or CBD-containing material is referred to as “the product(s)”

Where an “employee” is referred to in this plan, it also includes other individuals involved with Sweet Dirt, including owners, officers, agents, and others representing the company.

General Facility Security:

Access:

1. Only management level and other authorized staff will have keys or access codes to open the building and turn off security alarms.
2. The rear door to the premises will serve as the primary entrance for all staff and commercial visitors.
3. Doors will be staffed at times when visitors are expected.
4. The entrance area will be covered by security cameras so as to allow for identification upon entry and exit.
5. Delivery doors will be locked such that occupants can leave the building, but not gain access into the building, excepting the store manager.
6. When a back door is used to bring in supplies, remove waste, or provide access to a service contractor, a company security staff member will be present while the door is open.
7. All doors will be alarmed, covered by security cameras, and lit to illuminate at least 10 ft from the exterior of the door.
8. At the request of law enforcement or other emergency personnel, doors that are normally kept locked will be unlocked and disarmed for the minimum amount of time required, and a company security staff member will monitor the door
9. Windows will not open or will be equipped with locks and intrusion detection, including systems that respond to the breaking of window glass.

Exterior Lighting:

LED wall packs and light poles lighting will be installed on the exterior of the building, at each building access point, and the parking lot that will illuminate the exterior walls of the premises and the parking lot during dusk to dawn. These lights will be installed around the entire facility and turn on automatically at dusk and shut down after dawn. All lighting has been designed to deter nuisance activity and facilitate surveillance but not disturb our neighbors. See attachment 13 of this package.

Alarm System:

The building will be equipped, regulated and monitored by a commercial combination control panel with an audible alarm that is monitored and can be disabled remotely by a Professional Security Company (American Security Alarm – Sanford, ME) and alarm notification capabilities with smart phone monitoring, with notifications that are sent immediately and directly to both the Portland Police Department and at least one of our managers from Sweet Dirt, so that they may assist Portland Police as needed to resolve the alarm. The building alarm will be maintained in good working condition by a combination of security employees, management staff, and professional security company.

All doors and windows are to be equipped with burglar contacts and/or motion detectors to prevent unauthorized entrance after hours.

The AES/Cellular monitoring communicator system will be equipped with alarm burglar contacts, which will alarm if anyone was to attempt to open, break, or tamper with the system which would also send alarm notifications to Portland Police and Sweet Dirt employees.

Interior electronic monitoring, video cameras, and panic buttons (see security infrastructure layout (Section 1 above) and camera surveillance plan supplement attached):

30 security surveillance cameras will be installed and will be operating twenty-four (24) hours a day, seven (7) days a week, retain a minimum of forty-five (45) days video storage, and will clearly and accurately display the time and date measured to U.S. National Institute Standards and Technology standards. The surveillance cameras will be monitored by a private security company in real time and will record at a minimum of 720p resolution and fifteen (15) frames per second (FPS), all surveillance system storage devices are secured on the premises in a secured IT cabinet, on our own servers to protect from unauthorized access. These surveillance cameras monitor all building access points, along with the interior (including, with enough resolution to make an affirmative identification, each point of sale, the entirety of all areas where marijuana or marijuana products are stored and/or prepared for transfer or sale, all areas where marijuana waste is stored before and after being made unusable, and/or where marijuana waste is made unusable) and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises.

Access control will also be installed to record all employee access into sensitive limited access areas and storage areas. These devices, in conjunction with the access control software platform, record all card holder information to include date and time stamps. These devices will also record if an employee attempts to access an area they are not authorized to enter.

Confidential Trade Secret pursuant to 1 MRS 402(3)(B), MeR.Evid. 26(b)(1), 10 MRS 1542(4)(A)
The building is also outfitted with silent panic alarms that staff can utilize in the event of an emergency. These are directly monitored by our security monitoring partner, SwissGuard, 24 hours a day and in the event, one is activated, Portland Police would be notified immediately.

Deadbolt Locks and Locking Windows:

All exterior doors will be secured with commercial grade deadbolts and locks to provide an additional security measure. All windows, if not a solid window, will be locking, to ensure there is no access is permitted.

Consistent and systematic prevention of loitering:

Sufficient exterior cameras will be installed around the entire exterior of the building to ensure and prevent loitering. Sweet Dirt employees will use a combination of video and building sweeps inside and out, in conjunction with our private security patrol and fast response vendor, consistently and systematically to prevent loitering. If any Sweet Dirt employee observes any loitering, diversion, or any other act that is in violation of city or state rule the individual(s) will be asked to leave and not come back. If the individual(s) fail to comply, our fast response vendor and/or Portland Police will be notified and provided with as much information as possible, to include video of the incident.

Product and Cash Security:

Product Visibility:

1. Windows and glass doors will be covered with a material that prevents those outside the building from seeing products or cash inside.
2. Storage areas and locations where employees are working with the product or cash will not be visible to the public.
3. Only a minimum necessary amount of each product will be on display in the limited access display areas visible to customers inside the store.

Locking Safe or Functional Equivalent:

Dedicated rooms with limited access have been designed to store all marijuana products, to include a heavy duty safe (Class-B Depository safe located within the vault room or other class of device as recommended by the City of Portland) that will be bolted and secured to floor to hold all cash that on site employees will not have access to. A sign will also be posted on the entrance door stating employees do not have access to the safe.

These areas have heavy-duty reinforced walls with an access card reader controlling access to only authorized employees. Access will be limited to only a select number of Sweet Dirt employees. Area will also be equipped with video surveillance.

Our banking partner will also be providing a self-validating safe system which will be located in our vault room and will be our primary means of counting and securing cash on site. However, in the event that our banking partner cannot collect the cash in the self-validating safe in a timely manner, the depository safe described above will be utilized for any cash drop overflow until such time the cash can be collected and transported to the bank. For any cash deliveries not in connection with our banking partner's self-validating safe program, we will be utilizing another third party secure transport vendor. As with our security monioting and product transport needs, we will continue to leverage experienced and proficient third party providers until such time the we feel that we can stand up our own in-house capabilities in a safe and responsible manner.

Refrigerated Goods Controls and Processes:

Sweet Dirt does not anticipate perishable goods in the retail product portfolio. In the event that a product requires refrigeration, the following procedures will be in place:

1. Any products requiring refrigeration will be displayed digitally or with empty packaging.
2. Refrigeration will be located in the secure picking area and pulled immediately before POS transaction.
3. During transport all company vehicles will be equipped with electric coolers designed for mobile transport.
4. All refrigeration units will be kept at 40 °F or below and freezers at 0 °F or below.
5. Perishable food will be refrigerated within 2 hours of production (1 hour when the temperature is above 90 °F).

Mobile Security/Product Transport:

Initially, Sweet Dirt will be relying on our third-party secure transport vendor, TetraPoint, for all product and cash transport. We intend to roll-out our own transport vehicles, but we will continue to leverage experienced and proficient third party providers until such time the we feel that we can stand up our own in-house capabilities in a safe and responsible manner. In such an event, all Sweet Dirt vehicles that are being used to deliver, pick up, or transfer any products will be equipped with video cameras showing the interior of the vehicle, as well as the exterior of the vehicle, and recordings will be maintained for a minimum of 14 days. These vehicles will also be equipped with GPS tracking that will be monitored by Sweet Dirt employees.

All Sweet Dirt vehicles will not have identifying marks associating the vehicle with a marijuana business and the vehicle will have at least two (2) individuals present in the vehicle.

Prior to transport of marijuana or marijuana product, the employee responsible for transporting the marijuana and/or marijuana product shall generate a Transport Manifest using inventory tracking software. The Transport Manifest shall include, at a minimum, the following information:

1. The name, contact information, licensed premises address and license number of the licensee transporting the marijuana or marijuana products;
2. Sweet Dirt's name, contact information, licensed premises address and license number;
3. Product name and quantities (by weight or unit) of each marijuana or marijuana product contained in each transport;
4. The date of transport and approximate time of departure;
5. Arrival date and estimated time of arrival;
6. Delivery vehicle make and model and license plate number;
7. Name and signature of the employee and their identification card number accompanying the transport;
8. Name and signature of the licensee or individual identification card holder and their identification card number receiving the authorized transfer;
9. The correct Sales Tax Identification Number or Excise Tax Identification Number for Sweet Dirt and the transferee; and
10. Damaged or refused marijuana or marijuana products being returned to the original seller.

Disposal of marijuana and byproducts:

If any marijuana or marijuana byproduct needs to be disposed from this location, it will be stored in the vault room in secure totes or similar container, rendered unusable with a concentrated soap solution, mixed with other refuse to make it further undesirable, and disposed of in a dumpster with a lid that is kept under lock and key and video surveillance at all times and screened from public view and emptied by a licensed waste management firm regularly.

6. Shipping and Receiving

I. Purpose

The purpose of this standard operating procedure ("SOP") is to describe procedures for: (1) Shipping and Receiving of marijuana and marijuana products; and (2) screening vendors.

II. Scope

This SOP applies to all staff who perform tasks related to transport of marijuana and marijuana products, receipt of delivery of marijuana and marijuana products, and/or management of marijuana and marijuana product inventory.

III. Procedures for Transporting and Receiving Marijuana and Marijuana Product

Sweet Dirt will implement the following procedures for transport of marijuana and marijuana products.

a) Transport Vehicle Requirements

All vehicles used by Sweet Dirt or applicable third-parties to transport marijuana and marijuana product shall be equipped in keeping with all applicable laws and regulations

Any vehicle used for transport of perishable marijuana products shall be equipment with refrigeration units or coolers necessary to maintain product temperature at 41 degrees F or below during transport.

All employees shall make any vehicle used for the transport of marijuana or marijuana products immediately available for inspection upon request of the Department.

b) Transport Manifest

Prior to transport of marijuana or marijuana product, the employee responsible for transporting the marijuana and/or marijuana product shall generate a Transport Manifest using inventory tracking software. The Transport Manifest shall include, as applicable, the following information:

1. The name, contact information, licensed premises address and license number of the licensee transporting the marijuana or marijuana products;
2. Sweet Dirt's name, contact information, licensed premises address and license number;
3. Product name and quantities (by weight or unit) of each marijuana or marijuana product contained in each transport;
4. The date of transport and approximate time of departure;
5. Arrival date and estimated time of arrival;
6. Delivery vehicle make and model and license plate number;
7. Name and signature of the employee and their identification card number accompanying the transport;
8. Name and signature of the licensee or individual identification card holder and their identification card number receiving the authorized transfer;
9. The correct Sales Tax Identification Number or Excise Tax Identification Number for Sweet Dirt and the transferee; and
10. Damaged or refused marijuana or marijuana products being returned to the original seller.

Prior to departing originating premise, employees shall ensure that they have three copies of all relevant Transport Manifests. At no time after the employee has departed from the premises, shall the employee make any changes to the Transport Manifest or void the Transport Manifest. If a situation arises where the employee has questions about how to proceed, the employee shall contact a supervisor.

c) Procedures for Pick-up of Marijuana or Marijuana Product

1. Employee may only pick up marijuana and marijuana product from a licensed cultivation facility, products manufacturing facility, marijuana store, or testing facility.
2. Prior to leaving the facility with marijuana and/or marijuana product, employee shall:
    a. Confirm that the transferring facility holds a valid license from the state of Maine;
    b. Confirm that all marijuana or marijuana products being transported is included in and accompanied by a Transport Manifest generated by the tracking system;
    c. Ensure that all marijuana or marijuana products is contained within wholesale containers in the transport vehicle;
    d. Ensure that all marijuana or marijuana products being transported are contained within an enclosed, locked area in the transport vehicle and, for perishable marijuana product that will be consumed, in a refrigeration unit or cooler.
    e. Provide one copy of the Transport Manifest to the transferring licensee;
    f. Ensure that there are two copies of the relevant Transport Manifest in the vehicle (one to provide to law enforcement upon request and one for Sweet Dirt's records).

d) Procedures for Transport of Marijuana and Marijuana Product

During transport of marijuana and/or marijuana products the employee shall comply with the following measures.

1. Employee transporting marijuana and/or marijuana product must travel directly from the shipping licensee to Sweet Dirt.
2. Employee transporting marijuana or marijuana products shall not:
    a. Make any stops in between pick-up of marijuana and/or marijuana product and delivery to Sweet Dirt except:
        i. to other licensed premises listed on a transport manifest;
        ii. to accommodate meal and rest periods required by law; or
        iii. in the case of an emergency, in which case the shipping licensee shall promptly report, or cause to be reported, the stop and the reasons for the stop to the Department and note the same on the transport manifest;
        iv. Employee shall notify the Department in advance of the location of every stop at an unlicensed location that exceeds two hours in duration.
    b. Travel to a licensed location not on the Transport Manifest;
    c. Remove the marijuana or marijuana products from the vehicle until arrival at the destination;
    d. Transfer marijuana or marijuana products to, nor store marijuana or marijuana products in any unlicensed premises;
    e. Travel with any persons not on the Transport Manifest.
3. If the employee is stopped by law enforcement during the transport, employee shall:
    a. Identify themselves with their Department-issued individual identification card
    b. Provide a copy of all Transport Manifests;
    c. Maintain a copy of the Transport Manifest that must be returned to Sweet Dirt for record-keeping purposes;

d. Obtain the name, rank and agency of the law enforcement officer;
e. Retain the name and identification number of the law enforcement officer or government agent for the duration of the transport.

4. If the employee gets into an accident during transport of marijuana and/or marijuana product or there is a theft of marijuana and/or marijuana product the employee shall notify law enforcement and the Department immediately, or as soon as possible given the circumstances, if a vehicle transporting marijuana or marijuana products is involved in a vehicular accident or theft resulting in the loss of marijuana or marijuana products;

e) Procedures for Receiving Marijuana and Marijuana Products

Sweet Dirt will implement the following procedures for receiving marijuana and marijuana products.

1. Vendor Screening Process

- Sweet Dirt shall pre-vet all marijuana and marijuana product vendors to ensure that they have all necessary state licenses prior to placing any orders with the vendor.
- Sweet Dirt shall maintain a current list of all preapproved vendors at the licensed premise.
- Employees shall not place an order or accept delivery from any marijuana or marijuana vendor that has not been pre-approved by a manager.

2. Delivery Personnel

- Delivery personnel not employed by Sweet Dirt may not enter the retail store premises unless they are 21 years of age or old.
- Access to the limited access area by delivery personnel shall be in accordance with the protocols for access to the limited access area by non-employees in Sweet Dirt's Operating Plan and Security Plan.

3. Verification Prior to Accepting Delivery

Prior to accepting delivery of any marijuana or marijuana product the employee receiving the shipment must:

- Confirm that the delivery was made pursuant to an order placed by an employee of Sweet Dirt.
- Verify the condition and quantity of marijuana or marijuana products included in the transport manifest.
- Record in the tracking system and any other relevant business records any damaged or refused marijuana or marijuana products, or other discrepancies found between the marijuana or marijuana products delivered and the marijuana or marijuana products stated on the transport manifest.
- Provide an authorized signature and individual identification card number to the delivery personnel who transported the marijuana or marijuana products.
- Request a copy of the travel manifest.

4. **Procedure Following Acceptance of Delivery**
    - Either an employee of Sweet Dirt or delivery personnel 21 years of age or older under the supervision of an employee of Sweet Dirt may transfer the marijuana and/or marijuana product to the limited access area for storage.
    - All refrigerated product shall be stocked in accordance with the procedures for storing refrigerated products.
    - All non-refrigerated marijuana and marijuana products shall be stored in the vault within the limited access area or in the locking display cases abutting the limited access area.
    - Prior to transferring marijuana and/or marijuana product to the vault or the locked display cases, the employee shall enter the products into the track and trace system.
    - All received marijuana or marijuana products must be entered into the tracking system prior to end of business on the day that they are received.

5. **Procedures Prior to Displaying Products for Sale**

Prior to displaying a product for sale, a staff person must complete a packaging and compliance checklists for two packages randomly selected from the shipment.

If the labels/packages meet all criteria on the checklist:

1. Scan the completed checklist into the system.
2. Save a copy of the checklist in the file associated with the shipment.

If the package and/or label does not meet all of the criteria identified on the compliance checklist, the staff person responsible for completing the checklist must:

1. Alert a manager.
2. Following procedures for return or disposal of defective products.

7. Wastewater and Solid Waste

Sweet Dirt is committed to an approach that prevents the diversion of THC-containing materials from the site, protects the health and welfare of the community, mitigates the risk of water pollution, prevents the spread of disease, and conserves natural resources.

Sweet Dirt will ensure all employees are trained to classify and address these waste types:

- Universal Waste: Four categories potentially hazardous wastes may be managed as universal waste: Lamps, batteries, mercury-containing devices, and recalled, cancelled, suspended, or unusable pesticides.
- Solid Cannabis Waste: Refers to any part of the cannabis plant that is unusable or unprocessible, as well as expired or contaminated plant material, diseased or infested cannabis plants, and harvested cannabis that does not meet the testing standards of the regulating authority and cannot be remediated. This term also applies to solid derivative products containing cannabis that are to be discarded for any reason.

- Liquid Cannabis Waste: Refers to any material that is not solid which contains cannabis, including oils, beverages, or water or other liquids remaining from procedures to clean or sterilize equipment, that will be discarded.
- Non-Hazardous Waste: This includes garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid semisolid, or contained gaseous material resulting from industrial, commercial, agricultural or other operations.
- Hazardous Waste: Solid and liquid wastes that, due to the quantity, concentration, or physical, chemical, or infectious characteristics, may cause an increased risk of serious illness or death, or may pose a substantial hazard to the environment if improperly transported, disposed of, or stored. Material is classified as hazardous waste if it falls into either of the following categories:
    - Listed in 40 Code of Federal Regulations (CFR) 261 Subpart D as hazardous by the Environmental Protection Agency.
    - Characterized in 40 CFR 261 Subpart C as hazardous by exhibiting one of the four hazardous characteristics:
        - Ignitability (Flammable): Defined as having a flashpoint of less than 140°F or could catch fire under certain circumstances. Examples: solvents, mineral spirits, paint waste. Ignitable hazardous wastes are assigned the EPA hazardous waste code of D001.
        - Corrosivity: Is aqueous and has a pH that is very low (2 or less) or very high (12.5 or higher), or can corrode metal. Examples: acids or alkali cleaning baths, battery acid. Corrosive hazardous wastes are assigned the EPA hazardous waste code of D002
        - Reactivity: Unstable, reacts violently, explodes, or produces toxic vapors under certain conditions. Examples: cyanide waste, sulfide waste, peroxides. Reactive hazardous wastes are assigned EPA hazardous waste code of D003
        - Toxicity: Has specific toxic contaminants present in high enough concentrations to be harmful to humans or the environment. Toxic contaminants and their toxicity threshold levels are included in the federal hazardous waste regulations. Examples: wastes that contain heavy metals or certain chemicals (e.g., benzene, pesticides). Toxic hazardous wastes are assigned the EPA hazardous waste codes of D004 through D043, depending on the contaminant present.

Waste Storage and Disposal Compliance:

- In accordance with the policies and procedures outlined below, and in part to avoid the accidental discharge of waste and/or contaminated wastewater, Sweet Dirt will ensure that all waste types, including any cannabis waste, will be securely stored, handled, recorded, transported, and disposed of in accordance with all applicable local, state, and federal laws and regulations.

- Sweet Dirt will strictly prohibit the placement, dumping, or disposal of trash, garbage, litter, or any other kind of waste on the property of another legal entity or any public place within or beyond the local community.
- Improper disposal of any type of waste by an employee is cause for termination, which will be clearly communicated during the training process regarding waste.
- Sweet Dirt will establish a relationship with one or more vendors who properly dispose of Universal Waste.

Solid Cannabis Waste Storage and Disposal:

- All cannabis waste generated from normal activities, excess production, contamination, adulteration, or expiration will be securely stored, rendered unusable, and disposed of in a manner that ensures that it cannot be reconstituted for any kind of use or benefit, as related to its psychoactive content, by an unauthorized individual or organization.
- Sweet Dirt will act to prevent diversion, misuse, loss or contamination of its cannabis waste by implementing the following procedures:
    - Minimize Excess Production: Sweet Dirt will not produce or maintain quantities of cannabis in excess of what is needed for normal, efficient operation and to anticipate client needs.
    - Monitored and Quarantined Storage: Prior to disposal, cannabis waste will be securely stored in a locked compartment in a limited access area under video surveillance and kept quarantined from all usable cannabis in order to prevent contamination.
    - Make Waste Unusable: Prior to disposal, cannabis waste will be rendered unusable in a limited access area via the methods set forth in this Plan. All cannabis waste will be placed in a secure storage location in a limited access area immediately after being rendered unusable.
    - Avoid Contamination: Cannabis waste will be stored and disposed of in a manner that protects against contamination of cannabis, contact surfaces, production areas, water supplies, and grounds surrounding the facility.
    - Inventory Control: All cannabis waste disposal will be recorded in the inventory control system which integrates with the State Seed-to-sale tracking system, including the date and time of disposal, the employee or manager responsible, the reason for disposal (i.e., the type of waste), the lot, batch, or plant identifier (if applicable), the manner of disposal, and the quantity.

- When disposing of cannabis waste, Sweet Dirt will implement procedures to comply with the following requirements:
    - Sweet Dirt will not sell cannabis waste.
    - Cannabis waste will initially be stored in limited access areas, free from any risk of contaminating wastewater from the facility, on the licensed premises.

- Access to secure waste receptacles in limited access areas will be controlled in compliance with Sweet Dirt's protocols for providing visitor access to limited access areas.
- No cannabis derivative products will be disposed of as cannabis waste unless the cannabis goods have been removed from their packaging and rendered unrecognizable and unusable.
- The preferred method of rendering products unrecognizable and unusable is to grind them using a mechanical grinder and then mix them with an inert non-cannabis substance (e.g. sand, cardboard, coffee grounds, wastepaper, etc.).
- If products cannot be ground and mixed with an inert substance for disposal, they may be crushed or chopped in a safe manner specified by the manager.

Liquid Cannabis Waste Management and Disposal

- Liquid cannabis waste will not be allowed to enter the local wastewater collection system, storm drain system, sewer system, or any unsecured rubbish disposal system.
- All liquid waste potentially containing cannabis solids or residues, nutrients, chemicals, or any other potential pollutant will be disposed of in an on-site storage tank that is compliant with applicable local and state regulations.
- The septic system will be properly maintained according to EPA recommendations.
- All restroom and production area drains will be connected to the septic or public sewer system.
- Rinse waters from equipment and empty chemical containers will be minimized and never discharged into a public sewer system, ditches, streams, or the ground.
- Spills and leaks will be attended to promptly to ensure liquid waste does not become a source of contamination.
- Equipment that has been in contact with cannabis products will only be rinsed with water when necessary to reduce the introduction of cannabis products into any drainage system.

Any rejected liquid product that contains cannabis, such as oils, beverages, etc., will be reprocessed into a solid cannabis waste, through means of absorption, evaporation, etc., such that it can be disposed of according to the procedures for solid cannabis waste above.

8. Fire, Electrical, and Building Code Compliance

Sweet Dirt is designing and building all its facilities and infrastructure to comply with all applicable codes, including, without limitation the following:

- Fire:
  - State: Applicable NFPA standards adopted by the State of Maine (https://www.maine.gov/dps/fmo/fire-service-laws/nfpa)

    - Local: Applicable NFPA standards adopted by the State of Maine (https://www.maine.gov/dps/fmo/fire-service-laws/nfpa).
- Electrical:
    - State: IRC, IBC, IEBC - 2015 version and IECC -2009 version.
    - Local: (as adopted by the State)
- Building:
    - State: IRC, IBC, IEBC - 2015 version and IECC -2009 version.

  Local: (as adopted by the State)

Sweet Dirt will file a Certificate of Occupancy demonstrating compliance with all state and local building, electrical and fire codes as part of its supplemental application.

Retail Store – 495 Harold L Dow Hwy., Eliot ME

- Needs:
    - Electrical Needs: 115 kwH per day - peak demand
    - Water Needs: 5-8 gal per minute – peak demand
    - Heating/Gas Needs: TBD* BTUs – peak demand
    - Septic for 15+ full time employees

- Site Capacity:
    - Water
        - Dedicated private well, 20 gal/min
        - 363-foot depth
    - Dedicated private septic: rated for 15-20 full time employees
    - Three-phase and single phase with an output of 1200kvA +/-
    - 2000 gallon above-ground propane tanks (183,004,000 BTUs)*

9. Compliance with Environmental Requirements

See correspondence below indicating that the proposed adult use marijuana store will note require permitting for waste water, air emissions, or solid waste disposal.

Waste Water

From: Wood, Gregg <Gregg.Wood@maine.gov>
Sent: Thursday, December 5, 2019 2:16:32 PM
To: Jessica Oliver <joliver@sweetdirt.com>
Cc: Dionne, Cindy L <Cindy.L.Dionne@maine.gov>
Subject: RE: Waste Water Permit Inquiry

Good afternoon Jessica:

Based on your description below and our phone conversation a few minutes ago, the Department of Environmental Protection (DEP) has made the determination that none of the sites listed below require a Waste Discharge License from the DEP.

From: Jessica Oliver <joliver@sweetdirt.com>
Sent: Thursday, December 05, 2019 2:01 PM
To: Wood, Gregg <Gregg.Wood@maine.gov>
Cc: Justice Rines <jrines@sweetdirt.com>
Subject: Waste Water Permit Inquiry

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

We are preparing an application for three adult use marijuana stores, one manufacturing facility, and one cultivation facility and we are required to either obtain a waste water permit or submit documentation stating that our planned operation does not require such a permit. Please find our addresses and associated uses below.

Retail Store - 495 Harold L Dow Hwy, Eliot, ME 03903

Retail Store - 475 Kennedy Memorial Drive, Waterville, ME 04901

Retail Store - 1207 Forest Avenue, Portland, ME 04103

Manufacturing Facility - 7 Maclellan Drive, Eliot ME 03903 (Food & CO2 extraction)

Cultivation Facility - 483 & 495 Harold L Dow Hwy, Eliot, ME 03903
- We intend to recover and reuse most, if not all, waste water at our facility. Please find our approved DEP storm water plan attached.

Please let me know if you require any additional information.

Thank you for time,
Jessica Oliver

Jessica Oliver
joliver@sweetdirt.com
207-807-3620

Solid Waste

From: Eleftheriou, Victoria H <Victoria.H.Eleftheriou@maine.gov>
Sent: Thursday, December 5, 2019 2:56 PM
To: Justice Rines <jrines@sweetdirt.com>

Cc: Jessica Oliver <joliver@sweetdirt.com>
Subject: RE: Waste Handling

Justice,

Thanks for the additional information. Based on this, the DEP is not requiring the proposed facilities to obtain a solid waste disposal permit for this kind of activity at this time. Regarding any solid waste that may be produced, you should check with your chosen disposal company to see if they require any specific waste characterization testing. If you expect to generate any hazardous waste, please contact our hazardous waste licensing program staff via our receptionist at 207-287-7688. Please let me know if you have any other questions. Thanks.

Victoria

Victoria Eleftheriou P.E., Deputy Director

Bureau of Remediation and Waste Management

Maine Department of Environmental Protection

(207) 287-7166 (desk) / (207) 530-4037 (cell)

Victoria.h.eleftheriou@maine.gov / www.maine.gov/dep

From: Justice Rines <jrines@sweetdirt.com>
Sent: Thursday, December 05, 2019 2:22 PM
To: Eleftheriou, Victoria H <Victoria.H.Eleftheriou@maine.gov>
Cc: Jessica Oliver <joliver@sweetdirt.com>
Subject: Waste Handling
Importance: High

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

Ms. Eleftheriou,

I am writing on behalf of Jessica Oliver as we have lost power and I am the only one with a working mobile Hotspot.

Please find the Cultivation and Retail Waste water and solid waste plans below. Please reach out to me directly with any questions or concerns as we have limited connectivity at the moment.

Thank you

Justice

Cultivation Facility - 483(Tier 2) & 495(Tier 4) Harold L Dow Hwy, Eliot, ME 03903

Please let me know if you require any additional information.

Thank you for time,
Jessica Oliver

10. Equipment List

Room Name	Device Name	Number of Devices	Device Details
Exterior Building	Deadbolt	7	Locks
	LED Wall Pack	16	Lighting
	Camera	13	Video
	Door Burg Contacts	7	Security
	Reader	2	Access Control
Unoccupied Space	Motion Detector	3	Security
Entrance/Exit Area	Alarm Keypad	1	Security
	Motion Detector	2	Security
	Door Burg Contacts	2	Security
	Camera	2	Video
	Reader	1	Access Control
Customer Area	Siren	1	Security
	Motion Detector	5	Security
	Camera	4	Video
Sales Area(2)	Door Burg Contacts	2	Security
	Reader	2	Access Control
	Motion Detector	2	Security
	Camera	2	Video
Cash Wrap	Door Burg Contacts	1	Security
	Reader	1	Access Control
	Motion Detector	1	Security
	Camera	4	Video
	Hardwired Panic Alarm	3	Security
Employee Hall	Door Burg Contacts	1	Security
	Reader	1	Access Control
	Camera	1	Video
	Motion Detector	1	Security
Employee Lounge	Motion Detector	1	Security

	Camera	1	Video
	Hardwired Panic Alarm	1	Security
Networking	Door Burg Contacts	1	Security
	Reader	1	Access Control
	Network Video Recorder	1	Video
Storage	Door Burg Contacts	1	Security
	Reader	1	Access Control
	Motion Detector	1	Security
	Camera	2	Video
Vault	Door Burg Contacts	1	Security
	Reader	1	Access Control
	Motion Detector	1	Security
	Camera	1	Video
Office	Hardwired Panic Alarm	1	Security
	Motion Detector	1	Security
	Security Monitor	1	Video
Misc.	Wireless Panic	3	Security

Lighting:

- See above

HVAC:

- HVAC: Daiken VRV IV system
- Aldes: 400-2150 CFM range Heat recovery ventilator

IT:

- Cisco Meraki
    - 1 x MX64
    - 1 x MS125-48LP-HW
    - 2 x MR42
- Tripplite PDU - PDU1215
- Tripplite UPS - SMART1500LCD
- Tripplite Rack – SRW6U
- Monoprice Patch Panel – 35425
- HP RP9 POS
- Dell Latitude Laptops – 5000 Series
- Dell Monitors – UltraSharp Series
- Dell Docking Stations – WD19C
- Xerox Printers - WORKCENTRE 6515 DNI
- Star Micronics Receipt Printers – 39472310
- Viewsonic Touch Panels – IFP5550 w/ Slot In PC VPC15-WP-4

- Zebra Barcode Scanner
    - Handheld Scanner - TC25AJ-10C102US
    - POS Scanner - LS2208-SR20007R-NA
- HP Engage One GO Mobile POS
- Polycom VOIP Phones – VVX 310/311
- Comcast Modem
- Comcast VOIP Gateway - Edgewater

Plumbing:

- HTP: Superstor Indirect fired water heater

Fire/Security:

- Fire: see attached Life Safety Plan
- Security: see above
- Emergency Lighting: see attached Life Safety Plan

Confidential Information Redacted

If anyone has any question please contact Jeff Brubaker Town Planner at jbrubaker@eliotme.org

Appendix A
Odor Control Equipment Maintenance Log

Maintenance Frequencies (equipment code)
Weekly: Exhaust fans (EF), Enzyme Emitters (EE), Enzyme Lines (EL), Enzyme Solution (ES)
Monthly: Ventilation (Vent)
Every 4-6 Months: Activated charcoal filter (ACF)

Attachments
Calendar showing maintenance schedule
Map showing all equipment locations with code labels

Date	Equip Code	Room/Location	Check if Normal	Describe Problem (use as many rows as needed)	Describe Action	Check when Fixed

Submit a copy of this completed form to the Facilities Manager and the Record Keeper.

Appendix B
Odor Complaint and Response Tracking

1. Date of Complaint: _____ Time of Day: _____

2. Name of Employee Recording Complaint: _____

3. If an employee noticed the odor, skip to item 8.

4. If the complaint is made by someone other than an employee, provide his/her contact information here if they would like to provide it _____
_____

5. Describe when and how often the odor is detected (days of the week, mornings/afternoons, particular day and time, frequency) or if it was a single instance:
_____
_____
_____

6. From what address, general location, or distance from the building is the odor being detected?_____
_____
_____

7. Does the person making the complaint wish to be contacted by a supervisor?
Yes _____ No _____

8. Describe the exterior locations where odor emissions could be detected by an employee and/or mark the locations on an attached facility or premises map.
_____
_____

9. List equipment/locations checked to identify areas through which odor may be escaping. (Locations may be marked on an attached facilities map.)_____
_____
_____

10. List results of inspections (location of problem, type of equipment problem).
_____
_____
_____

11. List maintenance, repairs, other actions taken to resolve the problem. _____
_____
_____
_____
_____
_____

_____
__
_____
__
_____
__
_____
__
_____
__

12. **Check below** once this issue is considered resolved according to the Odor Control Plan and all relevant parties have been notified of the actions taken, including the individual making the complaint, if indicated in Item 7 above.

Complaint resolved: _____ Date: _____

Name / Signature of Manager resolving complaint:

_____ / _____

Confidential Information Redacted

If anyone has any question please contact Jeff Brubaker Town Planner at jbrubaker@eliotme.org

Written Wastewater and Solid Waste Disposal Plan

1. Wastewater and Solid Waste Disposal Plan
    a. Purpose: The purpose of this plan is to ensure that marijuana waste is disposed of in a manner that complies with state laws and regulations.
    b. Scope: This plan must be followed by all employees of Sweet Dirt who are responsible for storage and disposal of marijuana waste.
    c. Definitions
        i. Solid Marijuana Waste: Any dried material and trim from mature marijuana plants. Provided that they are completely free of all marijuana flowers and leaves with any visible trichomes, Solid Marijuana Waste does not include:
            1. Root balls, soil or growing media;
            2. Stalks of marijuana plants; and
            3. Leaves and branches removed from marijuana clones, seedlings, and marijuana plants.
        ii. Liquid Marijuana Waste: Any liquid which contains tetrahydrocannabinol ("THC"), including concentrates, tinctures, beverages, or liquids remaining from procedures to clean or sterilize equipment, that will be discarded.
    d. Storage and Disposal of Marijuana Waste
        i. Solid Marijuana Waste Storage and Disposal:
            1. In accordance with this Solid Waste and Wastewater Disposal Plan, Sweet Dirt shall ensure that all waste types, including marijuana waste, will be securely stored, handled, recorded, and disposed of in accordance with all applicable local and state laws and regulations.
            2. All marijuana waste generated from normal manufacturing activities, excess production, contamination, adulteration, or expiration will be securely stored, rendered unusable, and disposed of in a manner that ensures that it cannot be reconstituted for any kind of use or benefit, as related to its psychoactive content, by an unauthorized individual or organization.
        ii. Storage of Useable Solid Marijuana Waste Prior to Being Rendered Unusable
            1. Prior to being rendered unusable marijuana waste will be securely stored within a limited access area within the licensed premises and shall be under video surveillance.
        iii. Rendering Solid Marijuana Waste Unusable
            1. All Solid Marijuana Waste shall be rendered unusable prior to leaving the licensed premises for disposal by grinding and

incorporating the marijuana waste with other ground materials so the resulting mixture is at least 50% non-marijuana waste by volume, including: (1) food waste; (2) yard waste; or (3) other wastes approved by the Department.

2. All packaged marijuana products will be removed from their packaging and rendered unrecognizable and unusable prior to leaving the licensed premises for disposal.
3. The process of rendering the Solid Marijuana Waste unusable will occur within the limited access area of the licensed premise where surveillance cameras are permanently fixed and must occur entirely on camera.

iv. Storage of Useable Solid Marijuana Waste After it is Rendered Unusable

1. All Solid Marijuana Waste that has been rendered unusable shall be stored in a secured disposal receptacle in an area that is under video surveillance.

v. Disposal

1. The contracted waste management company will transport all marijuana waste from the manufacturing site to a solid waste facility or landfill in compliance with local and state regulations.

e. Liquid Marijuana Waste Storage and Disposal

1. All liquid marijuana waste shall be solidified through means of mixing it with soil or other absorbent material and shall be disposed of according to the procedures for solid marijuana waste in an area that is under video surveillance.

f. Location within the Facility Where Marijuana Waste Will Be Stored and Rendered Unrecognizable.

i. This facility will not produce any sizeable quantity of marijuana waste of any kind (at this point of the process, most of what is removed from the plant material is used for other manufacturing purposes.) However, any waste created will be packaged and stored in the manufacturing facility and then destroyed as provided herein.

g. Employee Training:

i. The Inventory Manager ("IM") will be trained by the Inventory Control System ("ICS") provider and/or the Chief Compliance Officer in the proper procedures for handling and disposing of materials, including recording the change in disposition of all product waste at each point of control in the ICS.

ii. The IM will train all manufacturing employees in the proper procedures for handling and disposing of materials, including recording the change in disposition of all product waste at each point of control in the ICS.

iii. The IM or his/her designee is responsible for keeping a record of training for each training module related to inventory control and other

components of cannabis waste for every employee, including the date training occurred, type of training, the signature of the employee upon completion of training, the signature of an authorized person who can verify completion of training, and the date retraining is due.

iv. The Facilities Manager ("FM") will train employees in the proper procedures for handling and disposing of materials, including knowledge of the Globally Harmonized System of Classification and Labeling of Chemicals (GHS) and the use of Safety Data Sheets (SDSs).

v. The FM or his/her designee is responsible for keeping a record of training for each training module related to non-cannabis waste management for every employee, including the date training occurred, type of training, the signature of the employee upon completion of training, the signature of an authorized person who can verify completion of training, and the date retraining is due.

vi. As a part of their training and ongoing employment, employees will be; i) advised that improper disposal of any type of waste by an employee is cause for termination, which will be clearly communicated during the training process regarding waste; ii) asked to review waste management procedures related to their specific tasks at least once per year and give recommendations for improvements; and iii) prohibited from eating, drinking, smoking, applying cosmetics or chewing gum in areas where waste is stored and to wash hands and arms thoroughly after working with chemical materials.

vii. At a minimum, employees will be trained to:

1. Identify and address waste types, including without limitation:

A. Universal Waste. Four potentially hazardous wastes may be managed as universal waste: Lamps, batteries, mercury-containing devices, and recalled, cancelled, suspended, or unusable pesticides.

B. Cannabis Waste: Refers to any part of the cannabis plant that is unusable or unprocessable, as well as expired or contaminated plant material, diseased or infested cannabis plants, and harvested cannabis that does not meet the testing standards of the regulating authority and cannot be remediated. This term also applies to solid derivative products containing cannabis that are to be discarded for any reason.

C. Liquid Cannabis Waste: Refers to any material that is not solid which contains cannabis, including oils, beverages, or water or other liquids remaining from procedures to clean or sterilize equipment, that will be discarded.

D. Non-Hazardous Solid Waste: This includes garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid semisolid, or contained gaseous material resulting from industrial, commercial, agricultural or other operations.

E. Hazardous Waste: Solid wastes that, due to the quantity, concentration, or physical, chemical, or infectious characteristics, may cause an increased risk of serious illness or death, or may pose a substantial hazard to the environment if improperly transported, disposed of, or stored. Hazardous waste includes identification of characteristics including:

   i. Ignitability (Flammable): Defined as having a flashpoint of less than 140°F or could catch fire under certain circumstances. Examples: solvents, mineral spirits, paint waste. Ignitable hazardous wastes are assigned the EPA hazardous waste code of D001.

   ii. Corrosivity: Is aqueous and has a pH that is very low (2 or less) or very high (12.5 or higher), or can corrode metal. Examples: acids or alkali cleaning baths, battery acid. Corrosive hazardous wastes are assigned the EPA hazardous waste code of D002.

   iii. Reactivity: Unstable, reacts violently, explodes, or produces toxic vapors under certain conditions. Examples: cyanide waste, sulfide waste, peroxides. Reactive hazardous wastes are assigned EPA hazardous waste code of D003.

   iv. Toxicity: Has specific toxic contaminants present in high enough concentrations to be harmful to humans or the environment. Toxic contaminants and their toxicity threshold levels are included in the federal hazardous waste regulations. Examples: wastes that contain heavy metals or certain chemicals (e.g., benzene, pesticides). Toxic hazardous wastes are assigned the EPA hazardous waste codes of D004 through D043, depending on the contaminant present.

h. Tracking

   i. All cannabis waste disposal will be recorded in the ICS, including the date and time of disposal, the employee or manager responsible, the reason for

disposal (i.e., the type of waste), the lot, batch, or plant identifier (if applicable), the manner of disposal, and the quantity.

i. Record-Keeping

   i. All applicable employees will maintain accurate and comprehensive records and ICS entries that account for and reconcile all waste activity related to the disposal of cannabis and cannabis products. All such records will be stored locally at the manufacturing facility as well as digitally in Sweet Dirt's online, Microsoft Azure-based, storage platform. Regular audits of all record-keeping activities will be conducted by the Chief Compliance Officer and/or the IM.

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
OFFICE OF CANNABIS POLICY

MAINE ADULT USE CANNABIS PROGRAM

This certifies that

SWEET DIRT 2, LLC

495 ME-236
ELIOT ME

License Number ACD597

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

ADULT USE CANNABIS CULTIVATION FACILITY, TIER 4

This cultivation facility licensee has demonstrated to the Office of Marijuana Policy's satisfaction, pursuant to 28-B M.R.S. §501(6), that the licensee is eligible to conduct limited authorized transfers in accordance with Title 28-B and the Adult Use Marijuana Program Rule.

Issued on:
February 1, 2023

Expires on:
January 31, 2024

John Hudak, Director
OFFICE OF CANNABIS POLICY
MAINE ADULT USE CANNABIS PROGRAM

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

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
OFFICE OF CANNABIS POLICY

MAINE ADULT USE CANNABIS PROGRAM

This certifies that

SWEET DIRT 2, LLC

495 HAROLD L DOW HWY
ELIOT ME

License Number AMF598

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

ADULT USE CANNABIS PRODUCTS MANUFACTURING FACILITY

Issued on:
January 7, 2023

Expires on:
January 6, 2024

Vernon W. Malloch, Acting Director
OFFICE OF CANNABIS POLICY
MAINE ADULT USE CANNABIS PROGRAM

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

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
OFFICE OF CANNABIS POLICY

MAINE ADULT USE CANNABIS PROGRAM

This certifies that

SWEET DIRT 2, LLC

7 MACLELLEN DR
ELIOT ME

License Number AMF826

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

ADULT USE CANNABIS PRODUCTS MANUFACTURING FACILITY

Issued on:
January 4, 2023

Expires on:
January 3, 2024

Vernon W. Malloch, Acting Director
OFFICE OF CANNABIS POLICY
MAINE ADULT USE CANNABIS PROGRAM

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

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
OFFICE OF CANNABIS POLICY

MAINE ADULT USE CANNABIS PROGRAM

This certifies that

SWEET DIRT 2, LLC

505 HAROLD L DOW HWY
ELIOT ME

License Number AMF1166

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

ADULT USE CANNABIS PRODUCTS MANUFACTURING FACILITY

Issued on:
October 24, 2022

Expires on:
October 23, 2023

Vernon W. Malloch, Acting Director
OFFICE OF CANNABIS POLICY
MAINE ADULT USE CANNABIS PROGRAM

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

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
OFFICE OF CANNABIS POLICY

MAINE ADULT USE CANNABIS PROGRAM

This certifies that

SWEET DIRT 2, LLC

475 KENNEDY MEMORIAL DR
WATERVILLE ME

License Number AMS593

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

ADULT USE CANNABIS STORE

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

Issued on:
December 2, 2022

Expires on:
December 1, 2023

Vernon W. Malloch, Acting Director
OFFICE OF CANNABIS POLICY
MAINE ADULT USE CANNABIS PROGRAM

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

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
OFFICE OF CANNABIS POLICY

MAINE ADULT USE CANNABIS PROGRAM

This certifies that

SD3, LLC

DBA: SWEET DIRT

1207 FOREST AVE
PORTLAND ME

License Number AMS151

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

ADULT USE CANNABIS STORE

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

Issued on:
March 19, 2023

Expires on:
March 18, 2024

John Hudak, Director
OFFICE OF CANNABIS POLICY
MAINE ADULT USE CANNABIS PROGRAM

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

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
OFFICE OF CANNABIS POLICY

MAINE ADULT USE CANNABIS PROGRAM

This certifies that

SWEET DIRT 2, LLC

305 MAIN ST
ROCKLAND ME

License Number AMS1163

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

ADULT USE CANNABIS STORE

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

Issued on:
November 30, 2022

Expires on:
November 29, 2023

Vernon W. Malloch, Acting Director
OFFICE OF CANNABIS POLICY
MAINE ADULT USE CANNABIS PROGRAM

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

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
OFFICE OF CANNABIS POLICY

MAINE ADULT USE CANNABIS PROGRAM

This certifies that

SWEET DIRT 2, LLC

1 BEAVER CREEK FARM RD
BRIDGTON ME

License Number AMS1164

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

ADULT USE CANNABIS STORE

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

Issued on:
August 2, 2022

Expires on:
August 1, 2023

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

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

LIMITED LIABILITY COMPANY AGREEMENT

OF

SWEET DIRT 2, LLC

This Limited Liability Company Agreement (as from time to time amended, this "Agreement") of **SWEET DIRT 2, LLC**, a Maine limited liability company (the "Company"), is effective as of October 14, 2020 (the "Effective Date") by the undersigned Members. Capitalized terms used herein shall have the respective meanings specified in Article I.

ARTICLE I
DEFINITIONS

1.1. Defined Terms. As used in this Agreement the following terms have the respective meanings set forth below:

"Affiliate" means with respect to a Person, any other Person that, directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with, the specified Person. As used in this definition, the term "control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a Person, whether through ownership of voting securities, by contract or otherwise. Ownership of more than fifty percent (50%) of the beneficial interests of an entity shall be conclusive evidence that "control" exists. For purposes of this definition, "Affiliate" shall include, with respect to any natural Person, the spouse, parents, siblings and children of such Person.

"Affected Member" means any Member (a) that does not or cannot satisfy any licensing or other requirements of any Regulatory Authority applicable to such Member, (b) whose status as a Member does result or would reasonably be expected to result in the Company's, any other Member's or any of their Affiliates' failure to satisfy any applicable licensing or other requirement of any Regulatory Authority, or (c) whose status as a Member may jeopardize approvals or licenses or approvals held by the Company, any other Member or any of their Affiliates and in any case, outside counsel to the Company confirms in writing that such failure does result or would reasonably be expected to result in the Company or any Member being in violation of applicable law.

"Agreement" has the meaning set forth in the preamble hereto.

"Breaching Member" has the meaning set forth in Section 7.5.

"Business Day" means any day on which banks located in Portland, Maine are not required or authorized by law to remain closed.

"Capital Contributions" means, with respect to the Member, the amount of money or other property contributed to the Company with respect to the interest in the Company held or purchased by the Member, including additional Capital Contributions.

CONTRACT, TORT OR OTHERWISE. THIS WAIVER OF RIGHT TO TRIAL BY JURY IS GIVEN KNOWINGLY AND VOLUNTARILY BY THE PARTIES AND IS INTENDED TO ENCOMPASS INDIVIDUALLY EACH INSTANCE AND EACH ISSUE AS TO WHICH THE RIGHT TO A TRIAL BY JURY WOULD OTHERWISE ACCRUE. ANY PARTY HERETO MAY FILE AN ORIGINAL COUNTERPART OR A COPY OF THIS SECTION 9.7 WITH ANY COURT AS WRITTEN EVIDENCE OF THE CONSENT OF THE PARTIES TO THE WAIVER OF THEIR RESPECTIVE RIGHTS TO TRIAL BY JURY.

9.8. Notices. All notices, demands, solicitations of consent or approval, and other communications hereunder shall be in writing and shall be sufficiently given if personally delivered, sent by electronic transmission (including facsimile and electronic mail) or sent postage prepaid by overnight courier or registered or certified mail, return receipt requested, addressed as follows: if intended for the Company or the Managers, to the Company's principal office, if intended for any Member, to the address of such Member set forth on the Schedule A, or to such other address as such Member may designate from time to time by written notice to the Company, or to such other address as such Member may designate from time to time by written notice to the Company. Notices shall be deemed to have been given: (a) when personally delivered; (b) when transmitted on a Business Day by electronic transmission with confirmation of receipt or by facsimile with machine-generated confirmation of transmission without notation of error, if sent before 5:00 p.m. local time of the recipient, otherwise the following Business Day; or (c) if mailed or sent by overnight courier, on the date on which received.

9.9. Waiver of Potential Conflicts of Interest. Each of the Members and the Company acknowledges that Drummond Woodsum & MacMahon ("DW") may have represented and may currently represent certain of the Members. In the course of such representation, DW may have come into possession of confidential information relating to such Members. Each of the Members and the Company acknowledges that DW is representing only the Company in preparing this Agreement and the execution of the transactions contemplated hereby. By executing this Agreement, each of the Members and the Company hereby waives any actual or potential conflict of interest which may arise as a result of DW's representation of such persons and entities, and DW's possession of such confidential information. Each of the Members and the Company represents that it has had the opportunity to consult with independent counsel concerning the giving of this waiver.

9.10. Amendments. This Agreement may not be amended except by the consent of the Managers.

9.11. Third Party Beneficiaries. Except as contemplated by Sections 3.4 and 3.5, nothing in this Agreement, express or implied, is intended to confer upon any Person, other than the parties hereto and their respective successors, any benefits, rights or remedies.

[Signatures on Following Page]

IN WITNESS WHEREOF, the undersigned Members have duly executed this Limited Liability Company Agreement of Sweet Dirt 2, LLC as of the Effective Date.

MEMBERS:

By: Hughes Pope

By: Kristin Pope

SCHEDULE A

SWEET DIRT 2, LLC **Members and Interest as of Effective Date**		
Member Name and Address	Percentage Interest	Units
Hughes Pope _____ _____ _____	50%	10
Kristin Pope _____ _____ _____	50%	10
TOTAL	**100%**	**20**

State of Maine

Department of the Secretary of State

I, the Secretary of State of Maine, certify *that according to the provisions of the Constitution and Laws of the State of Maine, the Department of the Secretary of State is the legal custodian of the Great Seal of the State of Maine which is hereunto affixed and of the reports of formation, amendment and cancellation of articles of organization of limited liability companies and annual reports filed by the same.*

I further certify *that SWEET DIRT 2, LLC is a duly formed limited liability company under the laws of the State of Maine and that the date of formation is October 14, 2020.*

I further certify *that said limited liability company has filed annual reports due to this Department, and that no action is now pending by or on behalf of the State of Maine to forfeit the articles of organization and that according to the records in the Department of the Secretary of State, said limited liability company is a legally existing limited liability company in good standing under the laws of the State of Maine at the present time.*

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta, Maine, this nineteenth day of October 2020.

Matthew Dunlap
Secretary of State

AMENDED AND RESTATED
LIMITED LIABILITY COMPANY AGREEMENT
OF
SWEET DIRT 2, LLC

THIS AMENDED AND RESTATED LIMITED LIABILITY AGREEMENT (the "Agreement") of Sweet Dirt 2, LLC, a Maine limited liability company (the "Company") is effective as of October 16, 2020 by Northeast Kind Holdings, LLC, as the sole Member and the Managing Member of the Company (the "Managing Member"). This Agreement amends and restates in its entirety that certain Limited Liability Company Agreement dated as of October 14, 2020 (the "Current LLC Agreement").

WHEREAS, the Company was formed as a limited liability company under the Maine Limited Liability Company Act, as amended (the "Act"), by the filing of a certificate of formation with the Secretary of State of the State of Maine on October 14, 2020; and

WHEREAS, the Managing Member by this document intends to reestablish the operating rules by which the Company is to be governed.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Current LLC Agreement is hereby amended and restated in its entirety as follows:

1. The vote, action, decision or consent of the Managing Member shall constitute a valid decision of the Managing Member and the Company.

2. The duration of the Company is perpetual.

3. The Managing Member's contribution to the capital of the Company for its interest in the Company shall be reflected on the books and records of the Company.

4. At all times that the Company has only one member (who owns 100% of the limited liability company interests in the Company), it is the intention of the Managing Member that the Company be disregarded as an entity separate from the Managing Member for federal, state, local and foreign income tax purposes and that the Company be treated for those purposes, but not for purposes other than taxation, as a division of the Managing Member.

5. Upon the occurrence of any of the events specified in Section 1582 of the Act (including, without limitation, death, adjudication of incompetency, bankruptcy or insolvency, dissolution or voluntary or involuntary withdrawal as a member) the dissociated member's heirs, successors and assigns shall be entitled to all of the benefits of Membership. The dissociation of the Managing Member shall not, in and of itself, cause the dissolution or termination of the Company.

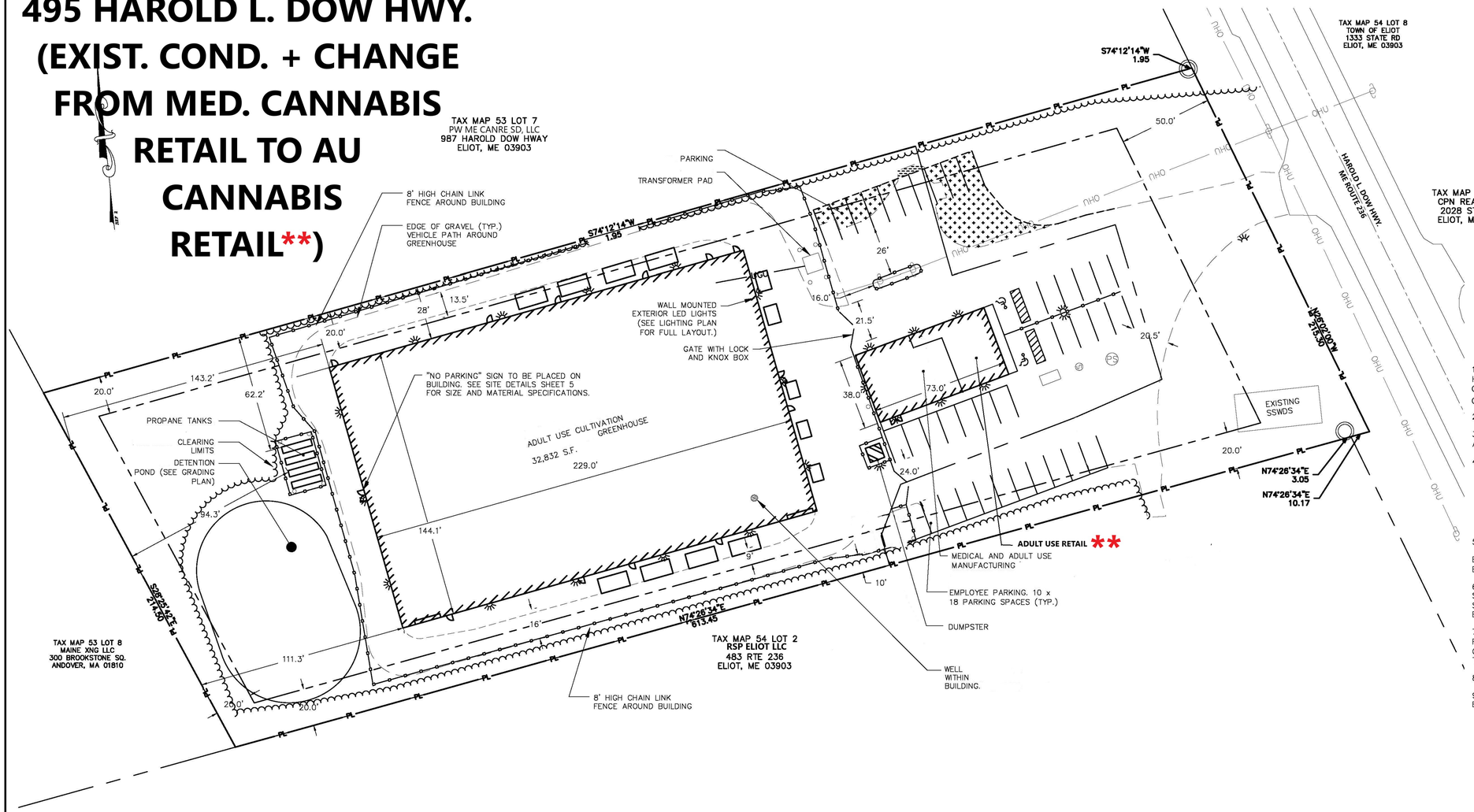
IN WITNESS WHEREOF, the Managing Member has caused this Amended and Restated Limited Liability Company Agreement to be effective as of the date first written above.

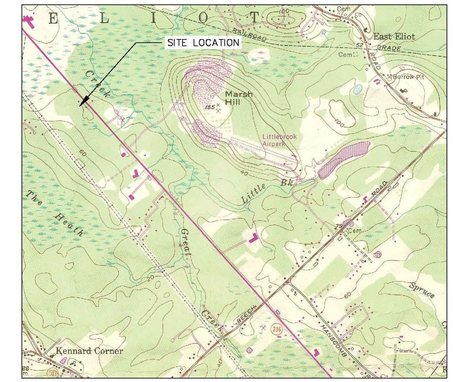
Sole Member:

NORTHEAST KIND HOLDINGS, LLC

By: James Henry
Its: Chief Executive Officer

495 HAROLD L. DOW HWY. (EXIST. COND. + CHANGE FROM MED. CANNABIS RETAIL TO AU CANNABIS RETAIL**)





SITE LOCATION MAP
1" = 2000'

GENERAL NOTES

1. THE PLAN PROVIDES A SITE PLAN AMENDMENT AND CHANGE OF USE TO THE PROPERTY LOCATED AT 495 HAROLD DOW HIGHWAY (ROUTE 236) IN ELIOT. THE PROPOSED CHANGE IS LIMITED TO THE CHANGE OF THE CURRENT MEDICAL CANNABIS RETAIL FOOTPRINT TO ADULT USE CANNABIS RETAIL. NO FURTHER DEVELOPMENT OR CONSTRUCTION IS REQUIRED ON THE SITE TO ACCOMLISH THIS.

2. BOUNDARY LINES, EXISTING CONDITIONS AND TOPOGRAPHY WERE TAKEN FROM REFERENCE 1.

3. THE SITE IS IDENTIFIED ON TOWN OF ELIOT TAX MAP 53 AS LOT 6 AND IS APPROXIMATELY 3.0 ACRES IN AREA. THE PARCEL IS LOCATED IN THE COMMERCIAL/INDUSTRIAL (C/I) DISTRICT.

4. DIMENSIONAL REQUIREMENTS

COMMERCIAL/INDUSTRIAL (C/I) DISTRICT	
MINIMUM LOT SIZE	3 ACRES
FRONT YARD SETBACK	50 FEET
SIDE YARD SETBACK	20 FEET
REAR YARD SETBACK	20 FEET
MAXIMUM BUILDING HEIGHT	55 FEET
MAXIMUM LOT COVERAGE	50%

5. COVERAGE CALCULATIONS:

EXISTING BUILDING COVERAGE: 35,632 S.F. 31.1% LOT COVERAGE
EXISTING IMPERVIOUS SURFACE COVERAGE: 82,641 S.F. (1.90 AC.) (NO NEW IMPERVIOUS PROPOSED)

6. WATER SERVICE SHALL BE PROVIDED BY AN EXISTING, INDIVIDUAL, PRIVATE, DRILLED WELL. SEWER SERVICE SHALL BE PROVIDED BY AN EXISTING, PRIVATE, ON-SITE, SUBSURFACE WASTEWATER DISPOSAL SYSTEM (SSWDS). WASTEWATER SYSTEM DESIGNED FOR 180 GALLONS PER DAY, 15 GALLONS PER DAY PER EMPLOYEE = 12 FULL TIME EMPLOYEES.

7. PARKING CALCULATIONS

RETAIL:	1 SPACE/200 S.F. X 2,800 S.F.	= 14 SPACES
GREENHOUSE:	1 SPACE/EMPLOYEE X 8 EMPLOYEES	= 8 SPACES
TOTAL SPACES :		= 22 REQUIRED WITH 34 PROVIDED

8. GENERAL LAYOUT FROM REFERENCE 2.

9. SECURITY CAMERAS MUST BE PERMANENTLY FIXED AT THE FOLLOWING LOCATIONS IN THE ESTABLISHMENT:

1. ALL EXIT/ENTRY POINTS (SUFFICIENT TO IDENTIFY INDIVIDUALS ENTERING AND EXITING THE PREMISES AND LIMITED ACCESS AREAS).

2. EACH POINT OF SALE A SUFFICIENT NUMBER OF CAMERAS MUST BE PERMANENTLY FIXED TO ALLOW VIEWING OF THE FOLLOWING:

1. ANY AREA WHERE MARIJUANA, MARIJUANA PLANTS, IMMATURE MARIJUANA PLANTS, SEEDLINGS, SEEDS, MARIJUANA CONCENTRATE OR MARIJUANA PRODUCTS ARE CULTIVATED, PROCESSED, MANUFACTURED, STORED, AND/OR PREPARED FOR TRANSFER OR SALE (THE AREA MUST BE VIEWED IN ITS ENTIRETY).

2. ANY AREA WHERE MARIJUANA WASTE IS STORED.

3. ALL AREAS OF THE PREMISES WITHIN 10 FEET OF THE EXTERIOR FENCE AND GATES OF A CULTIVATION FACILITY WITH OUTDOOR GROWING.

3. THE SURVEILLANCE SYSTEM STORAGE DEVICE MUST BE SECURED ON THE PREMISES IN A LOCKBOX, CABINET OR CLOSET, OR MUST BE ON A THIRD-PARTY SERVER OR SECURED IN ANOTHER MANNER TO PROTECT FROM EMPLOYEE TAMPERING OR CRIMINAL THEFT.

4. ALL SURVEILLANCE RECORDINGS MUST BE KEPT FOR A MINIMUM OF 45 DAYS ON THE LICENSEE'S RECORDING DEVICE.

10. ALL EXTERIOR DOORS TO BE LOCKED WITH CARD ACCESS FOR EMPLOYEES. KEY CARD AND KEYS WILL BE PROVIDED FOR EMERGENCY PERSONNEL IN KNOX-BOX AT FRONT OF BUILDING.

11. FACILITY WASTE PRODUCTS TO BE PLACED IN DUMPSTER SHOWN ON SITE PLAN. ANY PLANT MATERIAL TO BE GROUND UP INTO A COMPOSTABLE FORM AND DISPOSED OF AS SUCH. OTHER WASTE TO BE PACKAGING MATERIAL AND STANDARD FARM DEBRIS. DUMPSTER WILL BE FENCED IN AND MONITORED BY SECURITY CAMERAS. SPECIFIC WASTE PROCEDURES UNDER REVIEW BY MDEP.

REFERENCES

1. "STANDARD BOUNDARY AND TOPOGRAPHIC SURVEY" PREPARED FOR SWEET DIRT. TAX MAP 53 LOT 6, 495 HAROLD DOW HWY., ELIOT, ME 03903. OWNER OF RECORD: FLOWER COMPANY PROPERTIES INC. JACQUELYN NOONEY, 9 ISLAND AVE, KITTERY, ME 03904. BY AMSDEN FIELD SURVEY.

2. "AMENDMENT TO SITE PLAN" PREPARED FOR SWEET DIRT, INC. TAX MAP 53 LOT 6, 495 HAROLD DOW HWY., ELIOT, ME 03903. OWNER OF RECORD: FLOWER COMPANY PROPERTIES INC. BY JUSTIN KRONEWITTER.

LEGEND

PROPERTY LINE	PL
SETBACK	
EXT. ABUTTER LINE	
PRP. RIGHT-OF-WAY	
EXT. PAVEMENT	
PRP. GRAVEL	
PRP. BUILDING	

STATE OF MAINE
YORK COUNTY ss. REGISTRY OF DEEDS
RECEIVED_____, 20___
AT___h,___m,___M, AND RECORDED IN
PLAN BOOK_____, PAGE_____

ATTEST_____REGISTER

SIGNATURE	DATE
CHAIR	

GRAPHIC SCALE
0 30 60 90 120 (FEET)

NO.	DESCRIPTION	DATE
A		

REVISIONS

TAX MAP 53, LOT 6

SITE PLAN
SWEET DIRT FACILITY
495 HAROLD DOW HIGHWAY, ELIOT, MAINE

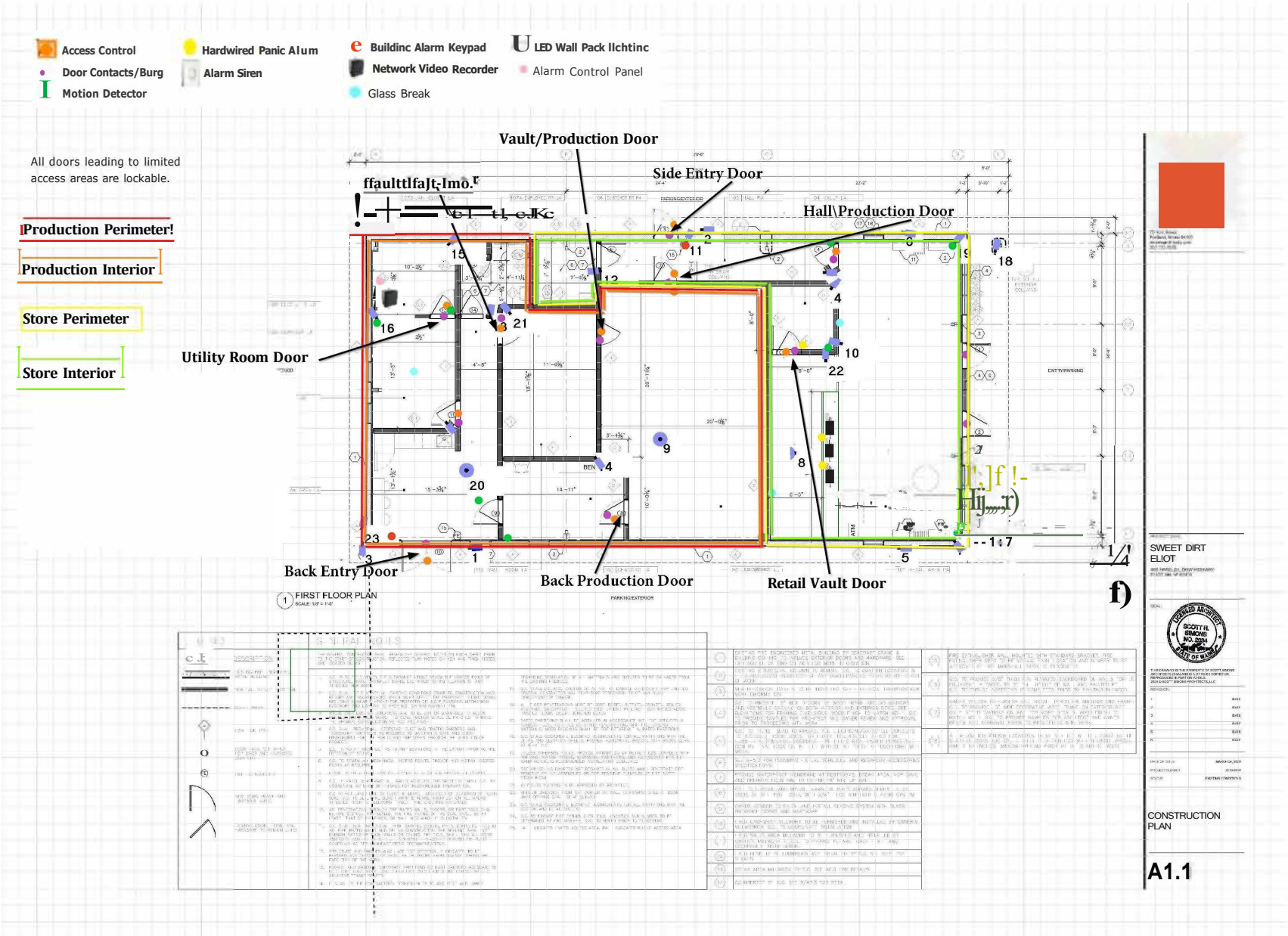
FOR: NEK ASSETS, LLC
987 HAROLD DOW HIGHWAY
ELIOT, MAINE 03903

ATTAR ENGINEERING, INC.
CIVIL ◆ STRUCTURAL ◆ MARINE
1284 STATE ROAD - ELIOT, MAINE 03903
PHONE: (207)439-6023 FAX: (207)439-2128

SCALE: 1" = 30'	APPROVED BY:	DRAWN BY: BRN
DATE: 9/15/2020		REVISION DATE: A : 10/13/2020
JOB NO: C066-19	FILE: SWEET DIRT BASE.DWG	SHEET: 1

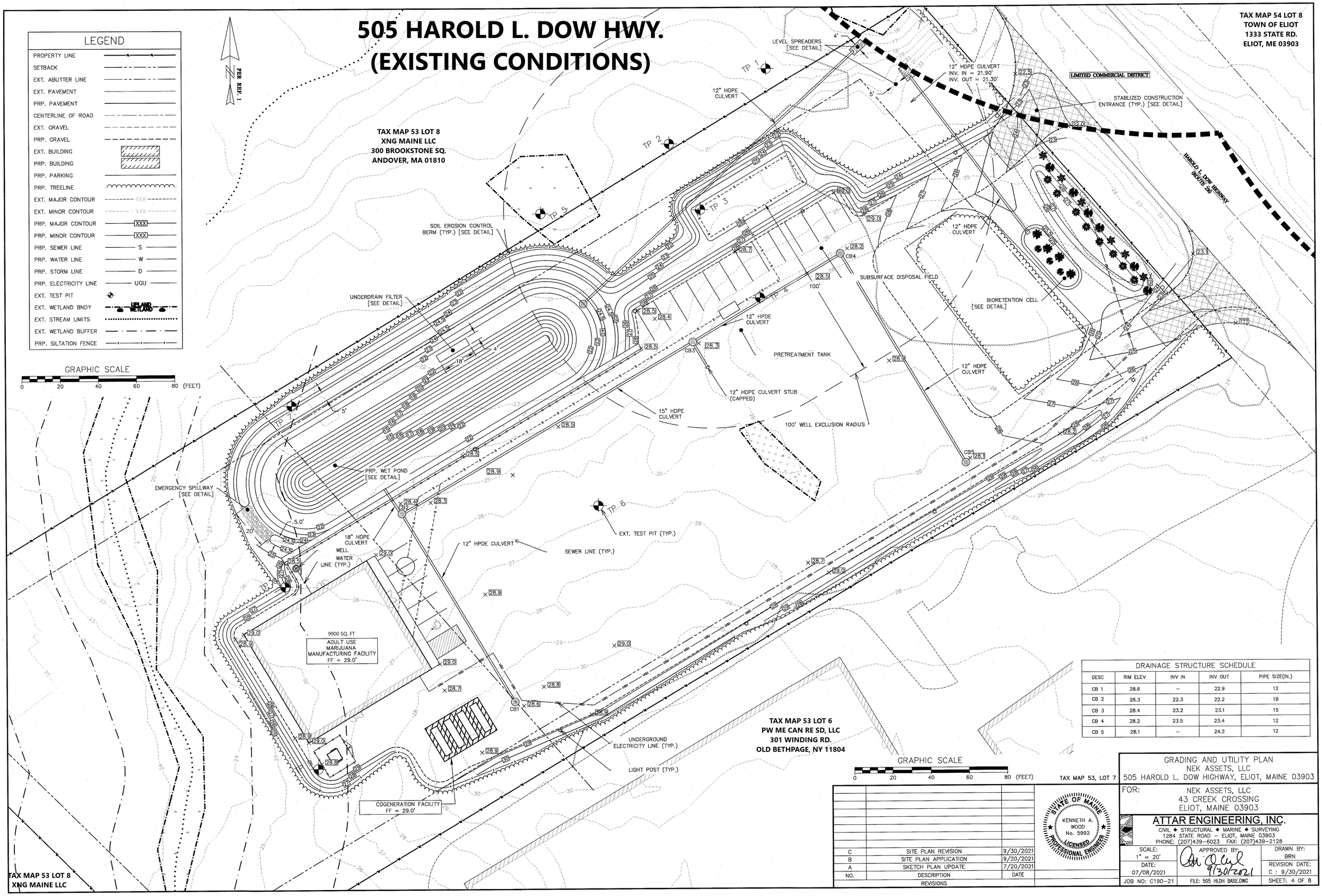
Security Floorplan

Site Plan. 495 Production and Storefront



505 HAROLD L. DOW HWY.
(EXISTING CONDITIONS)

TAX MAP 54 LOT 8
TOWN OF ELIOT
1333 STATE RD.
ELIOT, ME 03903



DRAINAGE STRUCTURE SCHEDULE

DESC	RIM ELEV	INV IN	INV OUT	PIPE SIZE(IN.)
CB 1	28.6	–	22.9	12
CB 2	28.3	22.3	22.2	18
CB 3	28.4	23.2	23.1	15
CB 4	28.2	23.5	23.4	12
CB 5	28.1	–	24.2	12

NO.	DESCRIPTION	DATE
C	SITE PLAN REVISION	9/30/2021
B	SITE PLAN APPLICATION	9/20/2021
A	SKETCH PLAN UPDATE	7/20/2021

REVISIONS

STATE OF MAINE
KENNETH A. WOOD
No. 5992
LICENSED
PROFESSIONAL ENGINEER

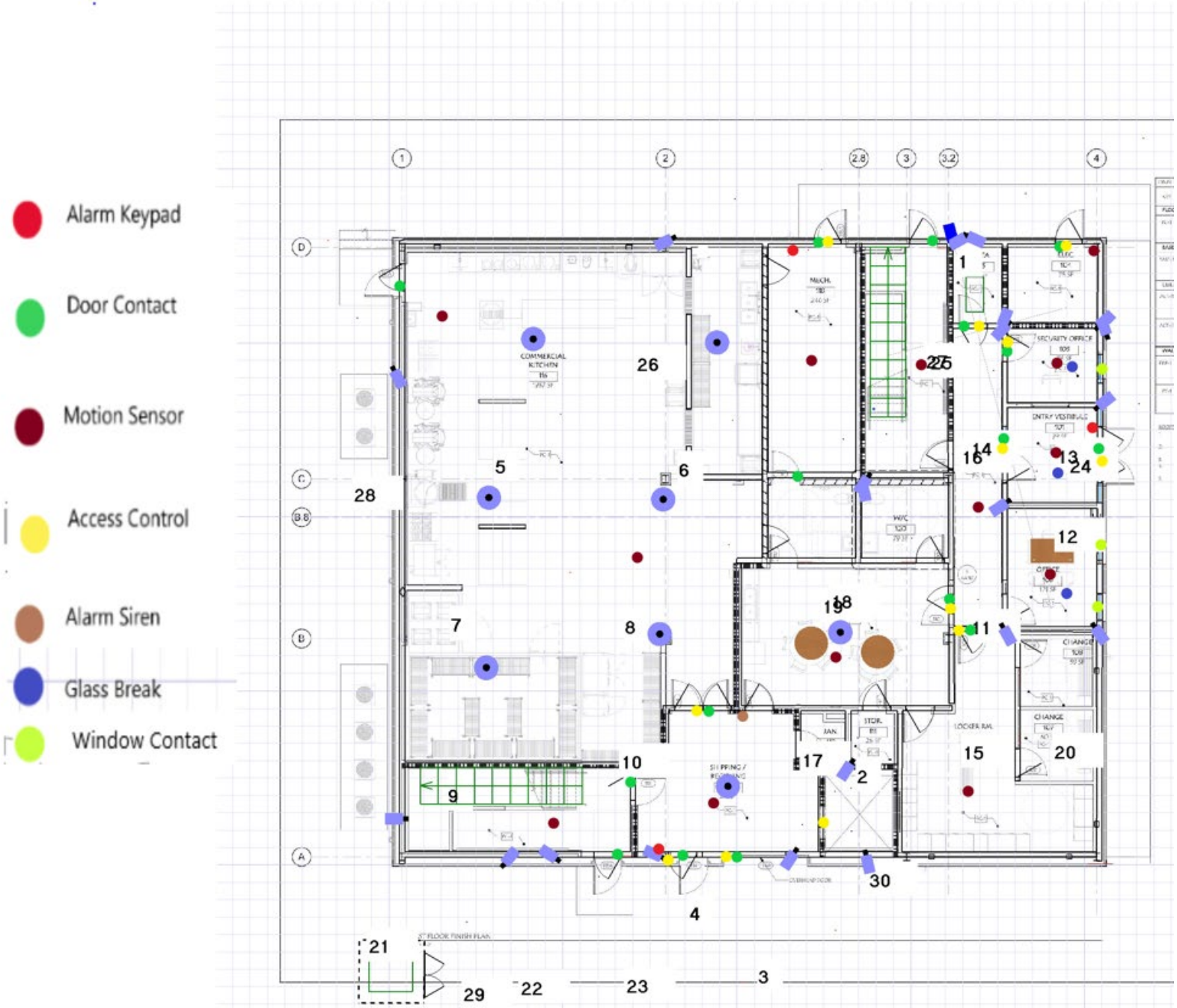
GRADING AND UTILITY PLAN
NEK ASSETS, LLC
505 HAROLD L. DOW HIGHWAY, ELIOT, MAINE 03903

FOR: NEK ASSETS, LLC
43 CREEK CROSSING
ELIOT, MAINE 03903

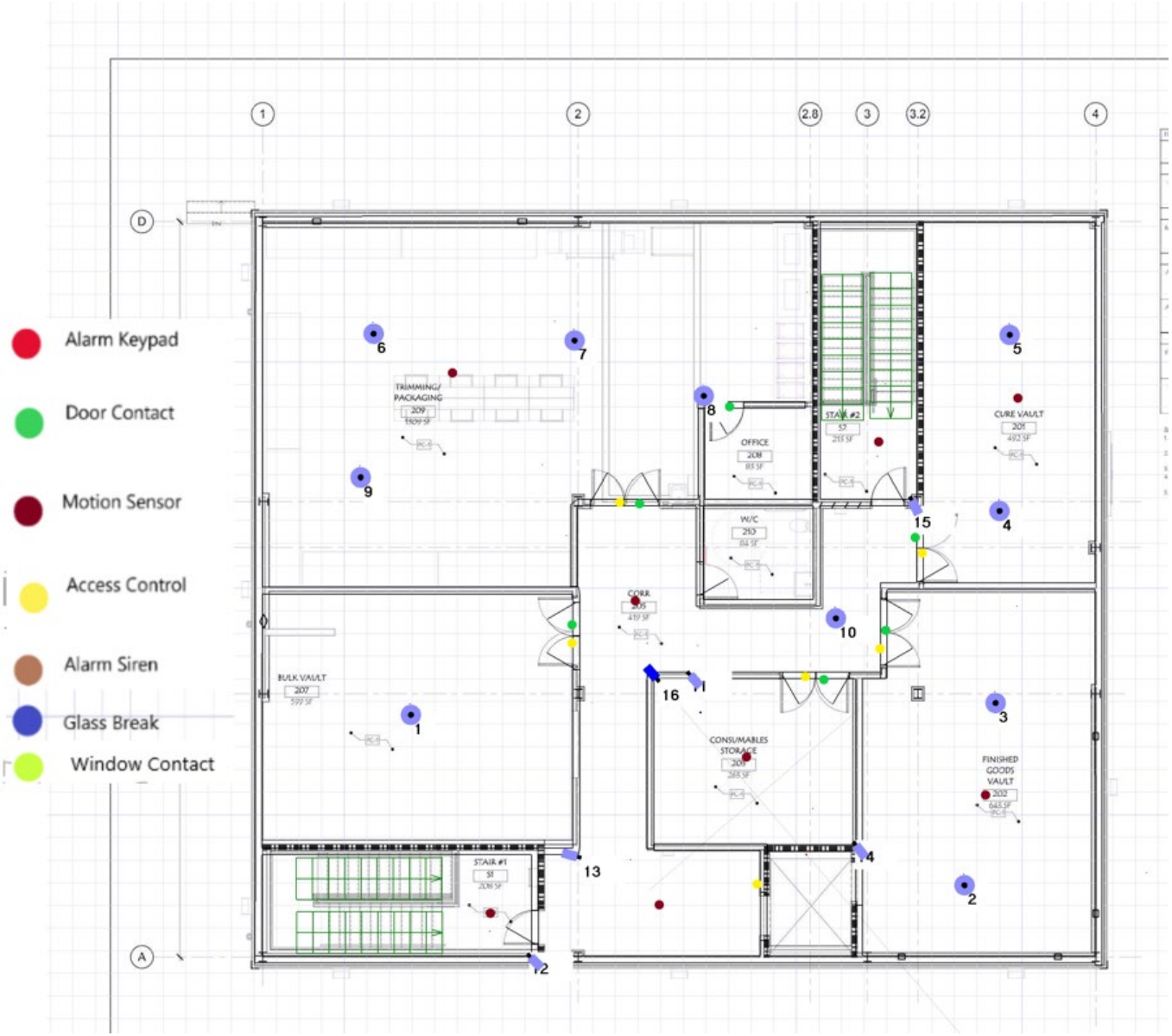
ATTAR ENGINEERING, INC.
CIVIL ◆ STRUCTURAL ◆ MARINE ◆ SURVEYING
1284 STATE ROAD – ELIOT, MAINE 03903
PHONE: (207)439-6023 FAX: (207)439-2128

SCALE: 1" = 20'	APPROVED BY: 9/30/2021	DRAWN BY: BRN
DATE: 07/08/2021		REVISION DATE: C : 9/30/2021
JOB NO: C190-21	FILE: 505 HLDH BASE.DWG	SHEET: 4 OF 8

Site Plan. 505 HDH Camera



Site Plan. 505 HDH Cameras



Case No._____
Site review? Yes No

APPLICATION FOR SITE PLAN REVIEW
TOWN OF ELIOT PLANNING BOARD

☐ **Step 1. (Fill in all blocks below - See the Planning Assistant if you don't understand.)**

Tax Map **53** Lot# **6** Lot Size **3 acres+/-** Zoning District: **C/I**

Your Name **SWEET DIRT 2, LLC** Your mailing address **483 HAROLD L DOW HWY**

City/Town **ELIOT** State: **ME** Zip: **03903** Telephone: **207-439-1600**

Who owns the property now? **PW ME Can RE SD, LLC**

Address (Location) of the property **495 HAROLD L DOW HWY., ELIOT, ME 03903**

Property located in a flood zone? _____Yes __X__No
(If yes, please complete the attached Flood Hazard Development Application and return it with your completed application)

☒ **Step 2 (establish your legal interest in the property)**

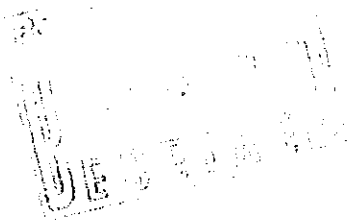
Attach a copy of the Purchase and Sales Agreement, Deed, Tax records, Signed Lease, or other documents to the satisfaction of the Planning Assistant. If you are representing a corporation, provide documentation that you have authority to speak for the corporation. PLEASE SEE ATTACHED LEASE AND LANDLORD PERMISSION FORM

☒ **Step 3 (Go to the Zoning Ordinance Section 45-290, Table of Land uses)**

What SPECIFIC land use are you applying for? **(ADULT USE) MARIJUANA STORE**
(You MUST make this selection from Section 45-290 of the Zoning Ordinance)

Having entered the SPECIFIC land use above now provide a more detailed description of what you want to do:
WE CURRENTLY OPERATE A FULLY LICENSED MEDICAL CAREGIVER RETAIL OPERATION IN THE STORE FOOTPRINT OF THE BUILDING ALREADY BUILT AND APPROVED BY THE TOWN OF ELIOT. WE ARE SEEKING TO CONVERT THIS MEDICAL CAREGIVER STORE TO A (ADULT USE) MARIJUANA STORE.

RECEIVED
JUN 07 2023
By



Case No._____
Site review? Yes No

☒ **Step 4 Attach ten (10) copies of a sketch plan, showing in approximate dimensions the following:** **SEE ATTACHED SITE PLAN**

- ☐ All zoning districts
- ☐ The location of all existing and/or proposed buildings
- ☐ The setbacks of all existing and proposed structures or uses.
- ☐ The location of proposed signs, their size, and direction of illumination.
- ☐ The location of all existing and/or proposed entrances and exits.
- ☐ All existing and/or proposed parking areas (parking is permitted in the front, rear and side of the premises, so long as it does not violate setback requirements.)
- ☐ Plans of buildings, sewage disposal facilities, and location of water supply.

☐ **Step 5 Sign the application (both owner and applicant must sign and date the application) and submit fee with preliminary plans ($100 per acre for first 5 acres and $50 per acre after five plus $150 for advertising and public hearing fees)**

Applicant _____ Date 06/07/2023

Property Owner See affidavit attached Date _____

☐ **Step 6 Application received by Planning Assistant**

Date received by the PA _____ PA initials _____

RECEIVED
JUN 07 2023
By

☐ **Step 7 The Planning Assistant will review the application and if complete, will place your application on a future Planning Board agenda**

☐ **Step 8 The applicant or representative of the applicant must attend the Planning Board meeting**

PART 1 - THE PROCEDURE

Case No._____
Site review? Yes No

(STEP 1) Meet with the Planning Assistant to assure that Site Review is required. Obtain application forms and assemble data for submission.

(STEP 2) ***Sketch Plan Stage*** Application submission. Include 10 copies of the sketch plan, survey map, location map, and affidavit of ownership or legal interest. (Section 33-63)

(STEP 3) Applicant attends first meeting with Planning Board, describes project, and answers questions *(Board may review checklist for the Site Plan at this time or act on waivers requested for submission of data)*

(STEP 4) Board sets up site visit with applicant (Section 33-64).

(STEP 5) Board visits site with applicant.

(STEP 6) Applicant attends succeeding meetings. Board does preliminary review of the Ordinance requirements for applicability to the Site Plan. Board and notifies applicant of changes required to Sketch Plan after site inspection (Section 33-103).

(STEP 7) Applicant revises the "Sketch Plan" as needed, submits the Site Plan, and pays non-refundable fees prior to the second Planning Board meeting. (Sections 33-126 & 33-128).

(STEP 8) ***Site Plan Stage*** Applicant attends succeeding meetings with Planning Board and discusses Site Plan (Section 33-129) until Board votes to accept the Site Plan (Section 33-126) *Board schedules public hearing for future meeting when all requirements have been or will be met.*

(STEP 9) Board conducts Public Hearing (Section 33-130).

(STEP 10) ***Approval stage*** Board approves / approves with conditions / disapproves applicants application within 30 days of the close of the final Public Hearing or 75 days from date Board accepted completed application and Site Plan (Section 33-131). If more than one public hearing is held, the 30-day period begins after the last public hearing.

(STEP 11) Board issues a Notice of Decision, which contains findings certifying compliance with ordinance, reasons for conditional approval or reasons for disapproval (Section 33-131). The Notice of decision and signing of the final plan is for documentation purposes and does not determine the beginning of the appeal period.

(STEP 12) ***Appeal Period*** A 30-day appeal period begins from the date the Board makes a decision on the application. (Section 45-50) The applicant may begin work on the project during this period, but does so at his or her own risk.

PART 2

Case No._____
Site review? Yes No

DETAILED ORDINANCE REFERENCES FOR EACH SITE REVIEW EVENT

1. Submit application. (Section 33-63) Include 10 copies of all submissions that show:

[X] Sketch Plan- (See Section 33-105) showing: **SEE ATTACHED SITE PLAN AND RELATED DIAGRAMS - PRIOR APPROVALS**

- [ ] All zoning districts
- [ ] Existing and proposed structures
- [ ] Existing and proposed parking areas (parking is permitted in the front, rear and side of the premises, so long as it does not violate setback requirements.)
- [ ] Existing and proposed Streets and entrances
- [ ] Existing and proposed setbacks
- [ ] Other site dimensions and area
- [ ] Site and public improvements and facilities
- [ ] Areas of excavation and grading
- [ ] Any other site changes
- [ ] Location Map-This is to be submitted along with or as part of the Sketch Plan (See Section 33-104) and includes:
  - [ ] Scale of 500 ft to the inch
  - [ ] Show all area within 2000 ft of property lines
  - [ ] All surrounding existing streets within 500 ft
  - [ ] Abutters lots and names within 500 ft of property boundary
  - [ ] Zoning districts within 500 ft
  - [ ] Outline of proposed development showing internal streets and entrances

2. Site inspection (Section 33-64) The Board and Applicant conduct site inspection. Applicant shall stake the lot corners, the location of all proposed structures, parking and the centerlines of all proposed streets and entrances in development. Verify that parking meets applicable setbacks **NO SITE WORK OR FURTHER DEVELOPMENT PROPOSED.**

3. Board notifies applicant of changes required to Sketch Plan after site inspection such as contour interval, street classification, etc. (Section 33-103) and determines:

[ ] If other Local, State or Federal agencies or officers (Section 33-102) should review Sketch Plan. **DEP STORMWATER AND RELATED FILINGS ON FILE WITH TOWN SWPBR #68737**

[ ] If applicable, MaineDOT driveway permit is **required** prior to local approval for anyone installing, physically changing or changing the use of a driveway on state highway. N/A

[ ] If review by Eliot Fire Chief ___, Police Chief ___, or Road Commissioner___ is required. **PRIOR APPROVALS SIGNED OFF ON, NO DEVELOPMENT OR SITE WORK PLANNED.**

	Case No._____
	Site review? Yes No

4. Applicant converts Sketch Plan into a "Site Plan" (Sections 33-126). The following requirements are considered by the Planning Board

Chapter 33 required information **SEE SITE PLAN AND RELATED DIAGRAMS EXCEPT AS INIDICATED BELOW**

☐4.1. Applicant shall provide one original and 10 copies of Site Plan drawn at a scale not smaller than 1-inch equals 20 feet showing the following information:

☐4.1.1. Development name, owner, developer, designer name and address and names and addresses of all abutters and abutters land use.
☐4.1.2. Certified perimeter survey showing a north arrow, graphic scale, corners of parcel, total acreage, etc. This means a survey of the property using the standards of practice established by the State of Maine Board of Licensure for Professional Land surveyors, MRSA Chapter 121. **Submitted 8/20/19**
☐4.1.3. Temporary markers. **REQUESTING WAIVER**
☐4.1.4. Contour lines at 5-ft intervals or as Board decides.
☐4.1.5. A list of the provisions of Chapter 45 (Zoning) which are applicable to this area and identification of any zoning district boundaries affecting the development. **PRIOR APPROVALS - REQUESTING WAIVER**
☐4.1.6. Storm water Drainage Plan. (50 year storm) **PROIR APPROVALS**
☐4.1.7. Required bridges or culverts. **PRIOR APPROVALS**
☐4.1.8. Location of natural features or site elements to be preserved. **PRIOR APP.**
☐4.1.9. Soil Erosion and Sediment Control Plan. **PRIOR APPROVALS**
☐4.1.10. High Intensity Soils Report. **Waived for Site 8/20/2019 Meeting**
☐4.1.11. Locations of sewers, water mains, culverts and drains.
☐4.1.12. Water supply information.
☐4.1.13. Sewerage System Plan.
☐4.1.14. Septic System Survey.
☐4.1.15. Estimated progress schedule. **N/A - REQUESTING WAIVER**
☐4.1.16. Construction drawings for CEO which show floor areas, ground coverage, location of all structures, setbacks, lighting, signs, incineration devices, noise generating machinery likely to generate appreciable noise beyond the lot lines, waste materials, curbs, sidewalks, driveways, fences, retaining walls, etc. **9/17/19**
☐4.1.17. Telecommunication tower details as required. **N/A**

☐4.2. Additional requirements made by Board (Section 33-126).

Other Chapter 33 Site Review Ordinance Requirements.

☐4.4. Traffic data if applicable (Section 33-153) **PRIOR APPROVALS**
☐4.5. Campground requirements if applicable (33-172) **N/A**

☐4.6. Commercial Industrial requirements if applicable
☐4.6.1. Landscaping (Section 33-175) **PRIOR APPROVALS**

Case No._____
Site review? Yes No

- ☐4.6.2. Vibration (33-176) **WAVIER REQUESTED / PRIOR APPROVALS**
- ☐4.6.3. Site Improvements (33-177) **PRIOR APPROVALS**
- ☐4.6.4. Electromagnetic Interference (33-178) **N/A - WAIVER REQUESTED**
- ☐4.6.5. Parking and Loading Areas (33-179, 45-487, 45-495) **PRIOR APPROVALS**
- ☐4.6.6. Glare (33-180) **WAIVER REQUESTED / PRIOR APPROVALS**

☐4.7. Motel requirements if applicable (Section 33-182) **N/A**
☐4.8. Multi-family dwelling requirements if applicable (Section 33-183) **N/A**

Chapter 35 Post-Construction Stormwater Management
Disturbance of more than one acre of land or less than one acre if the development is part of a larger common plan for development must comply with Chapter 35 Post – Construction Stormwater Management.**SIGNED PLAN ON FILE WITH TOWN, INSPECTION REPORT TO BE SUBMITTED BY 7/1/23 (SWPBR #68737)**

Chapter 45 Zoning Ordinance Requirements. compliance includes the following Article VIII Performance Standards: **PRIOR APPROVALS, NO DEVELOPMENT OR SITEWORK PLANNED EXCEPT AS INDICATED BELOW**

☐4.9. Dimensional Standards (Section 45-405)
☐4.10. Traffic (Section 45-406)
☐4.11. Noise (Section 45-407)
☐4.12. Dust, Fumes, Vapors and Gases (Section 45-408)
☐4.13. Odor (Section 45-409) **ODOR CONTROL PLAN ATTACHED**
☐4.14. Glare (Section 45-410)
☐4.15. Storm-water run-off for a 50 year storm. (Section 45-411)
☐4.16. Erosion Control (Section 45-412)
☐4.18. Preservation of Landscape (Section 45-413)
☐4.19. Relation of Buildings to Environment (Section 45-414)
☐4.20. Soil Suitability for Construction (Section 45-415)
☐4.21. Sanitary Standards for Sewage (Section 45-416)
☐4.22. Buffers and Screening (Section 45-417)
☐4.23. Explosive Materials (Section 45-418)
☐4.24. Water Quality (Section 45-419)
☐4.25. Refuse Disposal (Section 45-421) **WASTE MANAGMENT PLAN ATTACHED submitted 9/17/19**
☐4.26. Specific Activities (Article IX) which include:
- ☐4.26.1. Accessory Use or Structure (Section 45-452)
- ☐4.26.2. Home Occupation (Section 45-455)
- ☐4.26.3. Mobile Homes (Section 45-457)
- ☐4.26.4. Off-street Parking and Loading (Article X)
- ☐4.26.5. Signs (Article XI)

☐4.27. In addition the Board may make other conditions for approval that will insure such compliance and would mitigate any adverse affects on adjoining or neighboring properties which might otherwise result from any proposed use (Section 33-131).

Case No._____
Site review? Yes No

5. Board discussion of Site Plan (Section 33-126).
   - ☐ 5.1. Board discusses Site Plan with applicant.

6. Public Hearing (Section 33-129 & 130).
   - ☐ 6.1. Conducted within 30 days of Boards acceptance of Site Plan.
   - ☐ 6.2. Three notices posted 10 days prior to the Public Hearing.
   - ☐ 6.3. Notices advertised in two newspapers 10 days prior to Public Hearing.
   - ☐ 6.4. Other Towns notified 10 days prior to if within 500 feet of applicant's lot.
   - ☐ 6.5. Abutters notified 10 days prior to by certified mail, return receipt requested. $150.00 paid by applicant to cover the cost of advertising and abutter notification (Sec. 1-25)
   - ☐ 6.6. Selectmen, CEO, and Board of Appeals shall be notified 10 days prior to the Public Hearing.

7. Board approves / approves with conditions / disapproves applicants Application within 30 days of Public Hearing or 75 days from date Board accepted completed Application and Site Plan (Section 33-131).

> **Note**: Computation of time shall be in accordance with Section 1-2 as follows:
> "In computing any period of time prescribed or allowed by this Code, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation."

8. Notice of Decision issued which contains findings certifying compliance with ordinance, reasons for conditional approval or reasons for disapproval (Section 33-131).

SWEET DIRT

JUSTICE RINES, ESQ.

CHIEF COMPLIANCE OFFICER

T / 207.558.9617

E / JRINES@SWEETDIRT.COM

June 7, 2023

VIA HAND DELIVERY AND E-MAIL (jbrubaker@eliotme.org)

Jeff Brubaker, Town Planner
Town of Eliot
1333 State Road
Eliot, ME 03903

Re: NEK Assets, LLC – 495 Harold L Dow Highway
Site Plan Review Application – Exchange/Conversion of Medical Retail Store to Adult-Use Retail Store

Dear Jeff,

As always, thank you for your service to the Eliot community. Enclosed please find:

1. Site Plan Review Application for NEK Assets, LLC;
2. One (1) check made payable to the Town of Eliot in the total amount of $350.00 covering the Site Plan Review Application Fee;
3. 12 copies of the Site Plan on 11x17 paper;
4. 12 copies of the Limited Access Floor Plan on 11x17 paper;
5. 12 copies of the Security Floor Plan on 11x17 paper;
6. 12 copies of the Life Safety Plan on 11x17 paper;
7. 495 Harold L. Dow Highway *Landlord Statement of Permission*;
8. 495 Harold L. Dow Highway *Lease*;
9. Town Tax Map and Buffers;
10. Abutter's List;
11. Planning Board Application
12. Prior Planning Board Notice(s) of Decision;
13. Planning Board Setback Waiver;
14. Certificate of Occupancy;
15. Building Permit;
16. Operating Plan;
17. Security Plan;
18. Odor Control Plan;
19. Wastewater and Solid Waste Disposal Plan;
20. Active and Conditional State Licenses issued by OCP;
21. LLC Documents;

Please note that there is no further site work or development proposed on this site, this I merely a change from a Medical Marijuana Retail Store to an (Adult Use) Marijuana Store. Please let me know when we can set up a time to discuss.

Finally, if you have any questions, please do not hesitate to contact me.

Sincerely,

Justice Rines

CC: Mike Sullivan, Town Manager

Sweet Dirt 2 LLC
Town of Eliot

June 7, 2023

2991

Document No.	Document Date	Posting Description	Amount	Discount	Net Amount
20230606	6/7/2023	Site Plan Review App - Med Store Convert	350.00	0.00	350.00

Total 350.00

2996

Sweet Dirt 2 LLC
987 Harold L Dow Highway
Eliot, ME 03903

C PORT CREDIT UNION
PORTLAND, ME 04103

52-8823/2112

June 7, 2023
DATE

$*********350.00
AMOUNT

****THREE HUNDRED FIFTY AND 0/100 US DOLLARS

PAY TO THE ORDER OF Town of Eliot

VOID AFTER 90 DAYS

AUTHORIZED SIGNATURE

⑈002996⑈ ⑆211288239⑆186 [redacted]

[redacted]

LANDLORD STATEMENT OF PERMISSION

I, David Lesser, am the (authorized agent of the record owner/record owner) of the property at 495 Harold L. Dow Hwy., Eliot, Maine (the "Property").

NEK Assets, LLC ("Tenant"), is a lawful tenant at the Property (the "Rented Unit"). I give Tenant permission to operate and develop Marijuana Establishment(s) pursuant to applicable State and local laws and regulations.

I have reviewed the relevant portions of the Town Code and understand the potential consequences of Tenant's use of the Rented Unit as a Marijuana Establishment(s).

Date: 9/11/20 Signature: [illegible]

Title: Authorized Signatory Printed name: David H. Lesser

Personally appeared before me the above-named affiant and made oath that the foregoing affidavit is true and correct to his/her personal knowledge.

Date: 9/11/20 Signature: [illegible]

Notary Public/Attorney at Law

DANIELLE C. LESSER
Notary Public, State of New York
No. 31-5003580
Qualified in New York County
Commission Expires January 4, 2021 23

LEASE AGREEMENT

THIS LEASE AGREEMENT ("Lease") is made as of this 15th day of May, 2020 (the "Effective Date"), by and between PW ME CanRe SD LLC, a Maine LLC, with an address of which for notice purposes is C/O Power RET, 301 Winding Road, Old Bethpage, New York 11804 ("Landlord") and **NorthEast Kind Assets, LLC** a Maine limited liability company with an address of which for notice purposes is 987 Harold L Dow Hwy., Eliot, ME 03903 ("Tenant," and together with the Landlord, the "Parties," and each a "Party").

WHEREAS, on or prior to the date hereof, Landlord has acquired all of the right, title and interest in a certain acre parcel of property being located at 495 Harold L Dow Hwy., Eliot , ME 03903 in the current numbering thereof, and being more particularly described on Exhibit 1 attached hereto and incorporated herein (the "Property"), together with all rights appurtenant thereto and with all improvements located or to be constructed thereon in accordance with the terms hereof (collectively, the "Premises"); and

WHEREAS, Landlord has acquired an option to purchase another certain parcel of land adjacent to the Property, being located at 505 Harold L Dow Hwy., Eliot ME 03903 in the current numbering thereof, and being more particularly described on Exhibit 1 attached hereto and incorporated herein (the "Option Property"); and

WHEREAS, in connection with a prior lease of the Property, Sweet Dirt, LLC has purchased, and has begun to install and construct that certain 32,800+/- square foot greenhouse and 2,800 square foot ancillary buildings (collectively the "Buildings") and Landlord has agreed to provide certain funds towards the cost of such construction based upon an agreed upon budget of Landlord costs as attached hereto as Exhibit 2 (the "Project Budget"); and

WHEREAS, as a condition of this Lease, Hughes Pope, Kristin Pope, Northeast Kind Holdings, LLC, Sweet Dirt, LLC, Judley, LLC, SD3, LLC and Sagemed, LLC (collectively, the "Guarantor," and together with the Tenant, the "Tenant Parties," and each a "Tenant Party") has agreed to unconditional guarantee the payment and performance of this Lease pursuant to the terms and conditions of those certain guarantees executed and delivered of even date herewith;

NOW, THEREFORE, for good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, Landlord and Tenant, intending to be legally bound, enter into the Lease on the following terms, conditions and covenants:

1. PROPERTY; TERM.

1.1 PREMISES. On or prior to the date hereof, Landlord has acquired the Property. Landlord hereby leases to Tenant, and Tenant hereby leases from Landlord, the Premises. The Premises are deemed to consist of approximately 3.06 acres.

1.2 LEASE TERM.

Signature page to that certain LEASE AGREEMENT by and between PW ME CanRe SD LLC, a Maine LLC, as Landlord, and **NorthEast Kind Holdings, LLC** a Maine limited liability company, as Tenant, concerning Premises located at **987 Harold L. Dow Hwy., Eliot, ME 03903.**

IN WITNESS WHEREOF, Tenant and Landlord have caused this Lease to be duly executed as of the date first above written by their respective duly authorized officers.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

1st Witness for Tenant
Sign Above;
Print Name: Tori Staples

2nd Witness for Tenant
Sign Above;
Print Name: SAMUEL WIESE

1st Witness for Landlord
Sign Above;
Print Name: _____

TENANT:

NorthEast Kind Assets, LLC a Maine limited liability company

By: _____

Print Name: Justice Rines
Title:* [__] Manager or [__] Member or
[ ] Managing Member or
[__] President as duly authorized officer
[X] Other [Specify: COO]**

*Signatory above warrants and represents that he or she is duly and properly authorized and empowered with signature authority to sign for the entity above and bind it to the terms and conditions hereof. **

If the individual signing the Lease for Tenant is indicated having a title of "Other" above, then as a condition to full execution and delivery hereof, there must be attached to this Lease, **lawfully taken entity resolutions which establish his or her authority and empowerment to execute the Lease and bind the Tenant in all respects hereto.

LANDLORD:

PW ME CanRe SD LLC, a
Maine LLC

By: _____,
David H. Lesser
Authorized Signatory

Signature page to that certain LEASE AGREEMENT by and between PW ME CanRe SD LLC, a Maine LLC, as Landlord, and **NorthEast Kind Holdings, LLC** a Maine limited liability company, as Tenant, concerning Premises located at **987 Harold L. Dow Hwy., Eliot, ME 03903.**

IN WITNESS WHEREOF, Tenant and Landlord have caused this Lease to be duly executed as of the date first above written by their respective duly authorized officers.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

TENANT:

NorthEast Kind Assets, LLC a Maine limited liability company

_____
1st Witness for Tenant
Sign Above;
Print Name: _____

By: _____

Print Name: Hughes S. Pope
Title:* [__] Manager or [__] Member or
[ ] Managing Member or
[__] President as duly authorized officer
[__] Other [Specify: _____]**

_____
2nd Witness for Tenant
Sign Above;
Print Name: _____

*Signatory above warrants and represents that he or she is duly and properly authorized and empowered with signature authority to sign for the entity above and bind it to the terms and conditions hereof. **

If the individual signing the Lease for Tenant is indicated having a title of "Other" above, then as a condition to full execution and delivery hereof, there must be attached to this Lease, **lawfully taken entity resolutions which establish his or her authority and empowerment to execute the Lease and bind the Tenant in all respects hereto.

LANDLORD:

PW ME CanRe SD LLC, a Maine LLC

_____
1st Witness for Landlord
Sign Above;
Print Name: _____

By: _____,
David H. Lesser
Authorized Signatory

JOINDER OF GUARANTORS

The Guarantors join herein for the purposes of evidencing their consent to, and agreement to be bound by Sections 1.2, 3.1, 4.3, 4.4, and 9.3 and all obligations of the Tenant Parties herein. The obligations of the Tenant Parties herein shall be joint and several.

NORTHEAST KIND HOLDINGS LLC, a Maine limited liability company

By:_____
Name: Justice Rines
Title: COO

SWEET DIRT LLC, a Maine limited liability company

By:_____
Name: Jessica Oliver
Title: Manager

JUDLEY, LLC, a Maine limited liability company

By: Hughes S. Pope/Founder
Name: Hughes S Pope
Title: Sole Member/Manager

SAGEMED, LLC, a Maine limited liability company

By: Kristin Pope
Name: Kristin A. Pope
Title: Sole Member/Manager

SD3, LLC, a Maine limited liability company

By:_____
Name: Jessica Oliver
Title: Manager

Hughes S. Pope/Founder
Hughes Pope

Kristin Pope
Kristin Pope

Signature page to that certain LEASE AGREEMENT by and between PW ME CanRe SD LLC, a Maine LLC, as Landlord, and **NorthEast Kind Holdings, LLC** a Maine limited liability company, as Tenant, concerning Premises located at **987 Harold L. Dow Hwy., Eliot, ME 03903.**

IN WITNESS WHEREOF, Tenant and Landlord have caused this Lease to be duly executed as of the date first above written by their respective duly authorized officers.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

1st Witness for Tenant
Sign Above;
Print Name: Tori Staples

2nd Witness for Tenant
Sign Above;
Print Name: SAMUEL WIESE

TENANT:

NorthEast Kind Assets, LLC a Maine limited liability company

By: _____

Print Name: Justice Rines
Title:* [__] Manager or [__] Member or
[ ] Managing Member or
[__] President as duly authorized officer
[X] Other [Specify: COO]**

*Signatory above warrants and represents that he or she is duly and properly authorized and empowered with signature authority to sign for the entity above and bind it to the terms and conditions hereof. **

If the individual signing the Lease for Tenant is indicated having a title of "Other" above, then as a condition to full execution and delivery hereof, there must be attached to this Lease, **lawfully taken entity resolutions which establish his or her authority and empowerment to execute the Lease and bind the Tenant in all respects hereto.

_____
1st Witness for Landlord
Sign Above;
Print Name: _____

LANDLORD:

PW ME CanRe SD LLC, a Maine LLC

By: _____,
David H. Lesser
Authorized Signatory

JOINDER OF GUARANTORS

The Guarantors join herein for the purposes of evidencing their consent to, and agreement to be bound by Sections 1.2, 3.1, 4.3, 4.4, and 9.3 and all obligations of the Tenant Parties herein. The obligations of the Tenant Parties herein shall be joint and several.

NORTHEAST KIND HOLDINGS LLC, a Maine limited liability company

By:_____
Name: Justice Rines
Title: COO

SWEET DIRT LLC, a Maine limited liability company

By:_____
Name: Jessica Oliver
Title: Manager

JUDLEY, LLC, a Maine limited liability company

By:_____
Name: Hughes S. Pope
Title: Sole Member/Manager

SAGEMED, LLC, a Maine limited liability company

By:_____
Name: Kristin A. Pope
Title: Sole Member/Manager

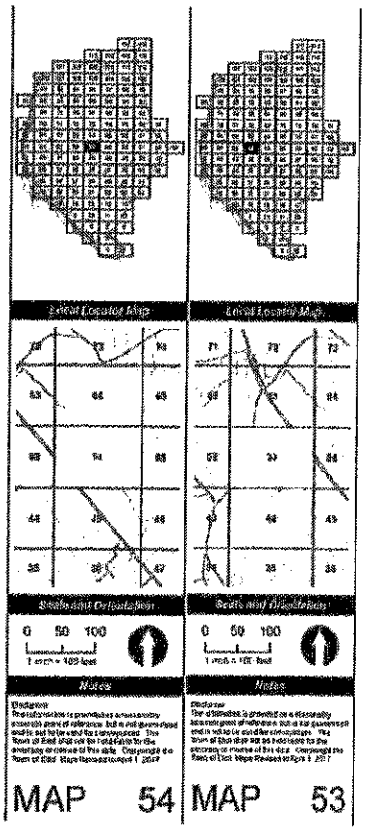
SD3, LLC, a Maine limited liability company

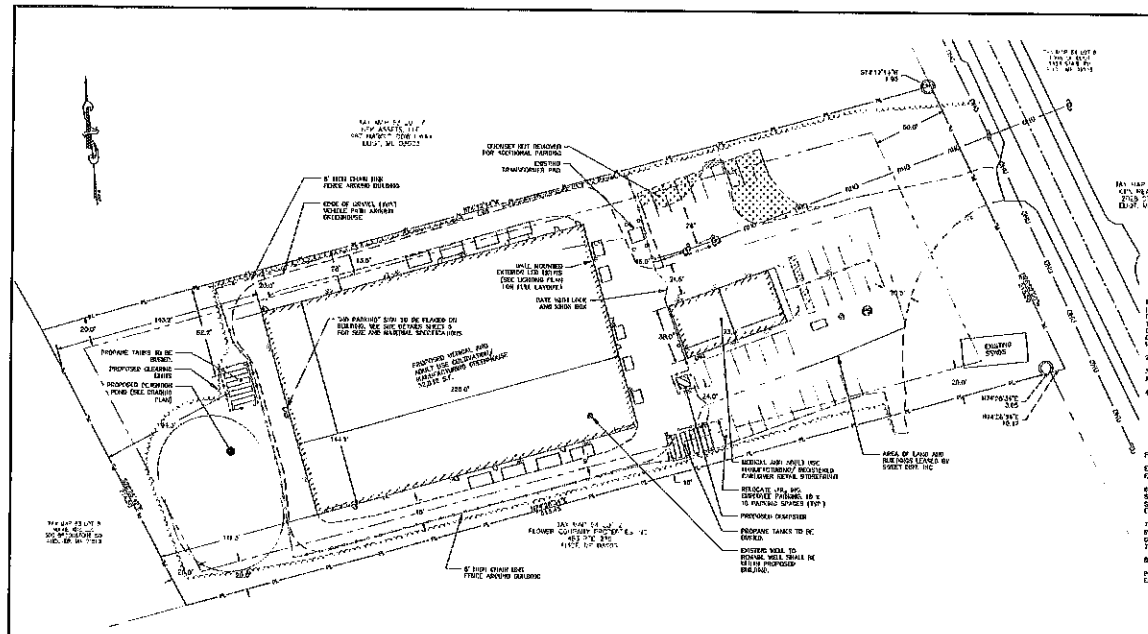
By:_____
Name: Jessica Oliver
Title: Manager

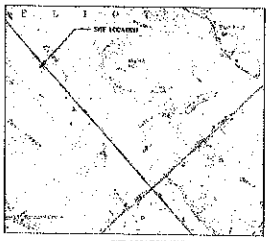
_____
Hughes Pope

_____
Kristin Pope

Exhibit 1 - Tax Map, Site Plan and Buffers







SITE LOCATION MAP
1" = 2000'

GENERAL NOTES

1. THE PLAN PROVIDES A SITE PLAN AMENDMENT AND CHANGE OF USE TO THE PROPERTY LOCATED AT 495 HAROLD DOW HIGHWAY (DOUG 2.5B) IN ELIOT. THE PROPOSED CHANGE REQUIRES ADDING ADULT USE CULTIVATION TO THE EXISTING MEDICAL CANNABIS DISPENSARY AND ADDING ADULT USE MANUFACTURING TO THE REGISTERED PRIMARY CAREGIVER RETAIL BUILDING. THE GREENHOUSE WILL BE USED TO CULTIVATE BOTH MEDICAL AND ADULT USE MARIJUANA AND THE REGISTERED PRIMARY CAREGIVER RETAIL BUILDING WILL BE USED TO MANUFACTURE MEDICAL AND ADULT USE MARIJUANA PRODUCTS IN ADDITION TO MEDICAL MARIJUANA RETAIL SALES.

2. ROADWAY LINES, EXISTING CONDITIONS AND TOPOGRAPHY WERE TAKEN FROM REFERENCE 1.

3. THE SITE IS IDENTIFIED ON TOWN OF ELIOT TAX MAP 33 AS LOT 6 AND IS APPROXIMATELY 3.0 ACRES IN AREA. THE PARCEL IS LOCATED IN THE COMMERCIAL/INDUSTRIAL (C/I) DISTRICT.

4. DIMENSIONAL REQUIREMENTS

COMMERCIAL/INDUSTRIAL (C/I) DISTRICT	
MINIMUM LOT SIZE	2 ACRES
FRONT YARD SETBACK	50 FEET
SIDE YARD SETBACK	20 FEET
REAR YARD SETBACK	30 FEET
MAXIMUM BUILDING HEIGHT	55 FEET
MAXIMUM LOT COVERAGE	50%

5. COVERAGE CALCULATIONS:

EXISTING BUILDING COVERAGE: 16,833 S.F. 3.13% LOT COVERAGE
EXISTING IMPERVIOUS SURFACE COVERAGE: 82,824 S.F. (1.90 ACS) (NO NEW IMPERVIOUS PROPOSED)

6. WATER SERVICE SHALL BE PROVIDED BY AN EXISTING, INDIVIDUAL, PRIVATE, DRILLED WELL. SEWER SERVICE SHALL BE PROVIDED BY AN EXISTING, PRIVATE, ON-SITE, SUBSURFACE WASTEWATER DISPOSAL SYSTEM (SSWS). WASTEWATER SYSTEM DESIGNED FOR 150 GALLONS PER DAY, 15 GALLONS PER DAY PER EMPLOYEE = 10 FULL TIME EMPLOYEES.

7. PARKING CALCULATIONS

RETAIL: 1 SPACE/200 S.F. X 2,000 S.F. = 10 SPACES
GREENHOUSE: 1 SPACE/EMPLOYEE X 8 EMPLOYEES = 8 SPACES
TOTAL SPACES = = 22 REQUIRED WITH 24 PROVIDED

8. GENERAL LAYOUT FROM REFERENCE 2.

9. SECURITY CAMERAS MUST BE PERMANENTLY FIXED AT THE FOLLOWING LOCATIONS IN THE ESTABLISHMENT:

1. ALL EXIT/ENTRY POINTS (SUFFICIENT TO IDENTIFY INDIVIDUALS ENTERING AND EXITING THE PREMISES AND LIMITED ACCESS AREAS).

2. EACH POINT OF SALE A SUFFICIENT NUMBER OF CAMERAS MUST BE PERMANENTLY FIXED TO ALLOW VIEWING OF THE FOLLOWING:

1. ANY AREA WHERE MARIJUANA, MARIJUANA PLANTS, IMMATURE MARIJUANA PLANTS, SEEDLINGS, MEDICAL MARIJUANA CONCENTRATE OR MARIJUANA PRODUCTS ARE CULTIVATED, PROCESSED, MANUFACTURED, STORED, AND/OR PREPARED FOR TRANSFER OR SALE (THE AREA MUST BE VIEWED BY THE ENTIRELY).

2. ANY AREA WHERE MARIJUANA WASTE IS STORED.

3. ALL AREAS OF THE PREMISES WITHIN 50 FEET OF THE EXTERIOR FENCE AND GATES OF A CULTIVATION FACILITY (WITH OUTDOOR GROWS).

3. THE SURVEILLANCE SYSTEM STORAGE DEVICE MUST BE SECURED IN THE PREMISES IN A LOCKBOX, CABINET OR CASTLE, OR MUST BE ON A THIRD-PARTY SERVER OR SECURED BY ANOTHER MANNER TO PROTECT FROM EMPLOYEE TAMPERING OR CRIMINAL INPUT.

4. ALL SURVEILLANCE RECORDINGS MUST BE KEPT FOR A MINIMUM OF 45 DAYS ON THE DEVICE'S RECORDING DEVICE.

10. ALL EXTERIOR DOORS TO BE LOCKED WITH CARD ACCESS FOR EMPLOYEES. KEY CARD AND KEYS WILL BE PROVIDED FOR EMERGENCY PERSONNEL IN INDEX-BOX AT FRONT OF BUILDING.

11. FACILITY WASTE PRODUCTS TO BE PLACED IN DUMPSTER SHOWN ON SITE PLAN. ANY PLANT MATERIAL TO BE GROUND UP INTO A COMPOSTABLE FORM AND DISPOSED OF AS SUCH. SOLID WASTE TO BE PACKAGING MATERIAL AND BOARDED FROM CLONES. DUMPSTER WILL BE LOCKED IN AND MONITORED BY SECURITY CAMERAS. SPECIFIC WASTE PROCEDURES UNDER REVIEW BY MEP.

REFERENCES

1. "STATEWIDE BOUNDARY AND TOPOGRAPHIC SURVEY" PREPARED FOR SWEET DIRT, TAX MAP 33 LOT 6, 495 HAROLD DOW (RN), ELIOT, ME DOUGL OWNER OF RECORD: FLOWER COMPANY PROPERTIES INC. JACQUELYN HOOKER, 8 YOUNG AVE, KITTERY, ME 03904, BY AMSDEN FIELD SURVEY.

2. "AMENDMENT TO SITE PLAN" PREPARED FOR SWEET DIRT, INC. TAX MAP 33 LOT 6, 495 HAROLD DOW HWY., ELIOT, ME 03903. OWNER OF RECORD: FLOWER COMPANY PROPERTIES INC. BY JUSTIN BROWNWATER.

LEGEND

PROPERTY LINE	
SETBACK	
EXT. BUFFER LINE	
PRV. RIGHT-OF-WAY	
EXT. PAVEMENT	
PRP. DRIVE	
PRP. BUILDING	

STATE OF MAINE
YORK COUNTY ss. REGISTRY OF DEEDS
RECEIVED _____ 20
AT _____ O'CLOCK AND RECORDED IN
PLAN BOOK _____ PAGE _____
ATTEST _____ RECORDER

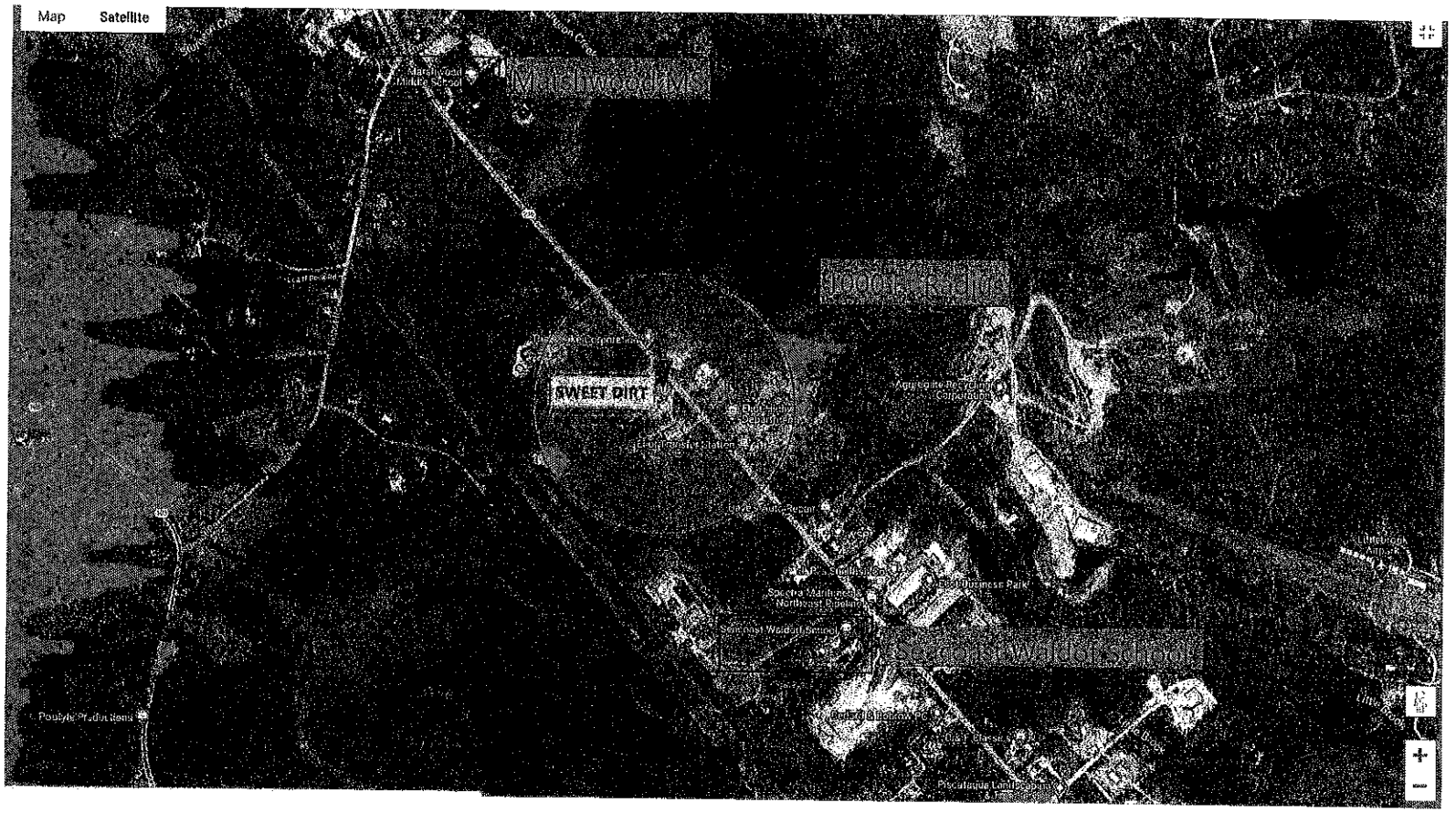
SIGNATURE	DATE
CHAIR	
DPW	

TAX MAP 33 LOT 6

NO.	DESCRIPTION REVISION	DATE
A	CO-LOCATED MARIJUANA USE	9/13/2023

FOR:	NEK ASSETS, LLC 957 HAROLD DOW HIGHWAY ELIOT, MAINE 03903
	ATTAR ENGINEERING, INC. CIVIL • STRUCTURAL • ENGINEERING 1384 STATE ROAD – ELIOT, MAINE 03903 PHONE: (207)439-6023 FAX: (207)439-2128
SCALE: 1" = 30'	APPROVED BY:
DATE: 9/13/2023	DRAWN BY: EMH
JOB NO. L068-19	FILE: SWEET DIRT BUILDING
	REVISION DATE: A: 10/13/2023
	SHEET 1

SITE PLAN
SWEET DIRT FACILITY
495 HAROLD DOW HIGHWAY, ELIOT, MAINE


Map
Satellite
Matchwood MS
Hoodt Road
SWEET DIRT
Southwest Waldorf School
Southwest Park
Littlebrook Airport
Poultry Product Items

500 feet Abutters List Report

Eliot, ME
March 28, 2023

Subject Property:

Parcel Number: 053-006-000
CAMA Number: 053-006-000
Property Address: 495 HAROLD L DOW HWY

Mailing Address: PW ME CANRE SD LLC
C/O POWER REIT 301 WINDING RD
OLD BETHPAGE, NY 11804

Abutters:

Parcel Number: 045-005-000
CAMA Number: 045-005-000
Property Address: 413 HAROLD L DOW HWY

Mailing Address: MARITIMES & NORTHEAST PIPELINE
C/O DUFF & PHELPS LLC
PO BOX 2629
ADDISON, TX 75001

Parcel Number: 053-007-000
CAMA Number: 053-007-000
Property Address: 505 HAROLD L DOW HWY

Mailing Address: PW ME CANRE SD LLC
301 WINDING RD
OLD BETHAGE, NY 11804

Parcel Number: 053-008-000
CAMA Number: 053-008-000
Property Address: 525 HAROLD L DOW HWY

Mailing Address: XNG MAINE LLC
300 BRICKSTONE SQUARE STE 1005
ANDOVER, MA 01810

Parcel Number: 054-002-000
CAMA Number: 054-002-000
Property Address: 483 HAROLD L DOW HWY

Mailing Address: NORTHEAST KIND ASSETS LLC
987 HAROLD L DOW HIGHWAY
ELIOT, ME 03903

Parcel Number: 054-003-000
CAMA Number: 054-003-000
Property Address: HAROLD L DOW HWY

Mailing Address: BONDGARDEN
255 DEPOT RD
ELIOT, ME 03903

Parcel Number: 054-005-000
CAMA Number: 054-005-000
Property Address: 496 HAROLD L DOW HWY

Mailing Address: CPN REALTY LLC
31 CLARK RD
ELIOT, ME 03903

Parcel Number: 054-006-000
CAMA Number: 054-006-000
Property Address: HAROLD L DOW HWY

Mailing Address: LAC REALTY LLC
31 CLARK RD
ELIOT, ME 03903

Parcel Number: 054-008-000
CAMA Number: 054-008-000
Property Address: 468 HAROLD L DOW HWY

Mailing Address: TOWN OF ELIOT TRANSFER STATION
1333 STATE RD
ELIOT, ME 03903

PB20-20: 495 H.L. Dow Hwy. (Map 53/Lot 6) Site Plan Amendment / Change of Use: Add Marijuana Establishment (Adult Use Marijuana Cultivation) to existing uses

TOWN OF ELIOT MAINE

PLANNING OFFICE
1333 State Road
Eliot ME, 03903

To: Planning Board
From: Jeff Brubaker, AICP, Town Planner
Cc: Kenneth A. Wood, PE, Attar Engineering
Brian Nielsen, EIT, Attar Engineering
Shelly Bishop, Town of Eliot Code Enforcement Officer (CEO)
Kearsten Metz, Land Use Administrative Assistant
Date: October 6, 2020 (meeting date)
Re: PB20-20: 495 H.L. Dow Hwy. (Map 53/Lot 6) Site Plan Amendment / Change of Use: Add Marijuana Establishment (Adult Use Marijuana Cultivation) to existing uses

Application Details/Checklist Documentation	
✓ Address:	495 Harold L. Dow Highway
✓ Map/Lot:	Map 53 / Lot 6
✓ PB Case#:	PB20-20
✓ Zoning District:	Commercial/Industrial (C/I) District
✓ Shoreland Zoning:	N/A
✓ Owner Name:	Flower Company Properties
✓ Applicant Name:	NEK Assets, LLC
✓ Proposed Project:	Site Plan Review for the following: • Change of Use • Site Plan Amendment for Marijuana Establishment
✓ Application Received by Staff:	Date: September 15, 2020
Application Fee Paid and Date: Application Fee Paid and Date:	Not yet paid – Sketch Plan Review
✓ Application Sent to Staff Reviewers:	Date: September 21, 2020
Application Heard by PB Found Complete by PB	Date: October 6, 2020 (scheduled) Date: TBD
Site Walk	Date: TBD
Public Hearing	Date: TBD
Public Hearing Publication	Date: TBD
Deliberation	Date: TBD
Notice of Decision	Date: TBD
✓ Reason for PB Review:	Site Plan Review / Change of Use

PB20-20: 495 H.L. Dow Hwy. (Map 53/Lot 6) Site Plan Amendment / Change of Use: Add Marijuana Establishment (Adult Use Marijuana Cultivation) to existing uses

Overview

NEK Assets, LLC (agent: Attar Engineering) is applying for a Change of Use from Medical Marijuana Cultivation (land use table reference: Nonprofit Medical Marijuana Dispensary) to Medical and Adult Use Marijuana Cultivation (Marijuana Establishment) at 495 Harold L. Dow Highway (Map 53, Lot 6) and is seeking review and approval of proposed site improvements. The Change of Use would allow the applicant to cultivate adult use marijuana in addition to its current approved medical marijuana cultivation. The property is 3.04 acres in area.

The application includes a cover letter; Site Plan Review application; location map; OMP conditional license and draft local authorization form; 2017 HHE-200 form for the on-site septic system; October 2019 Notice of Decision; November 2017 Board of Appeals Notice of Decision; and amended site plan.

Zoning

The site is in the Commercial/Industrial (C/I) district.

Type of review needed

Section 11-3 of the Town Code defines a "marijuana establishment" as follows:

> *Marijuana establishment* shall mean a "marijuana establishment" as that term is defined in 28-B M.R.S.A. § 102(29), as may be amended. A *marijuana establishment* is a marijuana store, a marijuana cultivation facility, a marijuana products manufacturing facility, or a marijuana testing facility or a marijuana social club.

The applicant is applying for a "marijuana establishment" use in the table of land uses (45-290). This is an SPR use in the C/I district, which means it may be permitted subject to site plan review and conformance with the requirements of Section 33-190 – Performance Standards for Marijuana Establishments. Section 33-190 requires that all marijuana establishments go through site plan review and receive approval from the Planning Board.

Sec. 33-140 allows for amended site plan review by the Planning Board. Subsection (b) states, in part:

> ...if the planning board determines that the proposed revisions are minor and do not result in any substantial changes to the approved development or further impact abutters, the planning board may approve the amended site plan. If the planning board determines that the changes are substantial, then the planning board shall process the application for the amended site plan in the same fashion as an application for review of a site plan under division 4 of this article III.

PB20-20: 495 H.L. Dow Hwy. (Map 53/Lot 6) Site Plan Amendment / Change of Use: Add Marijuana Establishment (Adult Use Marijuana Cultivation) to existing uses

Sketch plan review

This is the sketch plan review phase. At this point the Planning Board may wish to request additional information of the applicant, make suggestions to be incorporated into future submittals, plan (or waive) a site walk, and discuss Town Code provisions in relation to the application. The Board may also wish to decide on application completeness and scheduling of a public hearing, but it is recommended that the question of Change of Use not be split off from the overall application/Site Plan Review in terms of Board decisions on this application. Based on Sections 33-57, 33-58, and 45-126 of the Town Code, I do not believe that the Change of Use and Site Plan Review aspects can be cordoned off from each other.

Previous Planning Board actions

The application proposes to revise a previously-approved site plan. Most recently, on October 15, 2019, the Planning Board approved a site plan amendment to replace an existing 4,500 sq. ft. building damaged by fire with a new 32,832 sq. ft. greenhouse for the cultivation of medical marijuana. Previous Planning Board decisions for this site took place in August 2018 and April 2019.

State conditional license

Before an application is heard by the Planning Board, the Town requires that applicants furnish a conditional license from the Maine Office of Marijuana Policy (OMP) for any adult use marijuana establishment for which they are seeking land use approval. The application package includes an OMP conditional license granted to Sweet Dirt LLC for an Adult Use Marijuana Cultivation Facility, Tier 4 (expires 8/10/21). The license includes Hughes Pope and Kristin Pope as principals/owners of Sweet Dirt, LLC.

Section 33-190 – Performance standards for marijuana establishments

When an applicant seeks a change of use to adult use marijuana uses, the application becomes subject to the performance standards in Section 33-190. The below sections run through these standards.

Screening

Marijuana establishments must be screened from view according to Section 33-175. Subsection (b) states:

> Front yards, especially those along Rte. 236, shall have an extensive vegetative cover, including large shade trees. Areas along Rte. 236 shall be 50 feet in width, beginning at the 50-foot setback line and extending to the rear of the front yard so as to screen the proposed use. Similarly, half of the front yard for commercial or industrial uses on other streets shall be landscaped.

The existing site includes a vegetated buffer of variable width within and behind the 50 ft. setback. The Board may wish to discuss potential additional screening opportunities with the applicant.

Parking and loading

The site plan includes parking calculations in general note 7. The calculations use the 1 space per 200 sf standard for the caregiver retail store on site (nonprofit medical marijuana dispensary) – 14 spaces – and the 1 space per employee standard for the greenhouse, with 8 employees – 8 spaces – resulting in a requirement of 22 spaces. A total of 34 spaces are provided.

The site plan shows 2 accessible parking spaces in front of the caregiver retail store that are being finalized, as of this report, based on the applicant's previous site plan approval and building permit application. The in-progress construction of these spaces needs to meet Section 502 of the 2010 ADA Standards for Accessible Design – which has been discussed with the applicant – and the site plan currently before the Board should reflect the ADA-compliant design. ADA parking space access aisles need to adjoin an accessible route and connect to accessible entrances. The accessible route from the access aisle should not pass behind parked vehicles. To this end the site plan should show, at minimum, an accessible route from the access aisles to building entrances. The Board may wish to discuss how wheelchair accessibility from the parking spaces to the greenhouse building would be achieved.

Parking space and circulation aisle dimensions are shown on the site plan. The 10'x18' space dimensions meet the minimum square footage requirement of 180 sf in Section 45-488. The Board may wish to discuss with the applicant delivery/loading areas and where those take place on the site plan.

Signage and advertising

The site includes an existing business sign along Route 236; no changes to this signage are apparent on the site plan.

Area of marijuana-related activities

Section 33-190(4) requires all marijuana activities to be conducted indoors. There is no apparent change to the location of the cultivation within the greenhouse – only an added adult use classification to the existing cultivation.

Odor management

There is no apparent change in the application related to on-site odor management.

Marijuana product disposal

Section 33-190 requires "an operational plan for proper disposal of marijuana and related byproducts in a safe, sanitary and secure manner and in accordance with all

applicable federal, state and local laws and regulations". A standalone disposal operational plan was not submitted with the application. However, the cover letter states that "Marijuana waste products are mixed with a soap solution to render them unusable and then mixed in with standard non-marijuana waste to further dissuade reuse." The site plan shows the proposed dumpster location with fencing, and site plan general note 11 states: "Facility waste products to be placed in dumpster shown on site plan. Any plant material to be ground up into a compostable form and disposed of as such. Other waste to be packing material and standard farm debris. Dumpster will be fenced in and monitored by security cameras. Specific waste procedures under review by MDEP."

Security measures

The site plan general notes include information about on-site security, including permanent security camera locations, surveillance system storage, duration of stored recordings, and locking, key card access, and Knox box provisions for all exterior doors. The application package also includes a lighting plan that shows illuminance throughout the site. Additionally, as required by the state Adult Use Marijuana Program Rule, each licensee at the state level needs to have a written security plan approved by the state before they can operate.

The application cover letter states: "Security has been upgraded since the previous approval. Other than the items listed on the Site Plan additional cameras have been added as well as methods of detection that trigger when a person has gone over or through the perimeter fence."

The Planning Board may wish to request more information from the applicant on whether some other required security measures are included, such as:

- Whether the security cameras will be operating 24 hours per day, 7 days per week
- An alarm system with audible and police department notification components
- To be provided to the Eliot Police Department, the name and functioning telephone number of a 24-hour on-call staff person to whom the town may provide notice of any operating problems associated with the establishment
- A locking safe permanently affixed to the premises that is suitable for storage of all adult use marijuana product and cash stored overnight on the premises
- Locks or bars on any other access points besides doors (e.g., windows)

The application was sent to the Police Chief for his review; no comments have been received at the time of this report.

Separation from sensitive uses

Regarding the Section 33-190(5) 500 ft. buffer/setback requirement, the application states that the "facility is not within 250 [feet] of the property line of an existing public or private school, residential property, childcare facility, place of worship or a public

facility. The reduction of setback from 500' to 250' was granted to the site by the Zoning Board of Appeals in November 2017." Adult use marijuana cultivation is not subject to the 33-190(5) buffer/setback requirement.

Hours of operation

The application cover letter states that "Employee operations will continue as they have been".

Packaging and labeling

Section 33-190(10) covers allowable pesticide use and requires compliance with state packaging and labeling rules. The state Adult Use Marijuana Program Rule has extensive packaging and labeling requirements for marijuana establishments.

Inspection

Section 33-190 requires Code Enforcement Officer and Fire Chief (or designee) inspections prior to Certificate of Occupancy.

Wastewater

A copy of the 2017 wastewater disposal system application (HHE-200) is included in the application packet.

Water supply

The site plan shows the existing well location, which will provide water service.

Traffic and driveway

No changes to the existing site's traffic and driveway are noted in the application.

Stormwater

The application notes that there are "no changes proposed to increase the existing impervious area and there will be no additional impacts on stormwater management". The proposed detention pond at the rear of the site is shown on the site plan.

A soil erosion and sedimentation control plan is included in the site plan set.

Fire safety

The Fire Chief provided his review for the site plan amendment that was previously reviewed by the Board. The October 2019 NOD (in the application package) includes the Fire Chief's comments at that time.

Requested information waivers

- Drainage plan – 33-127(8)
- High intensity soils report – 33-127(12)

Respectfully submitted,

Jeff Brubaker, AICP
Town Planner

References

2010 ADA Standards for Accessible Design, Section 502 – Parking Spaces: https://www.ada.gov/regs2010/2010ADAStandards/2010ADAstandards.htm#pgfId-1006250

ATTAR
ENGINEERING, INC
CIVIL • STRUCTURAL • MARINE

Mr. Jeffrey Brubaker, Town Planner
Town of Eliot, Maine
1333 State Road
Eliot, Maine 03903

September 15th, 2020
Project No. C066-20

RE: Site Plan Application (Change of Use)
495 H.L. Dow Highway (Tax Map 53, Lot 6)
Eliot, Maine

Dear Mr. Brubaker:

On behalf of NEK Assets, LLC I have enclosed an Application for Site Plan Review and additional supporting documentation for the above referenced project. The 3.04 acre parcel, located at 495 Howard L. Dow Highway, is in the Commercial/Industrial zoning district. It is not located in a flood hazard zone.

The applicant is proposing a Site Plan Amendment as well as a Change of Use for the existing Medical Marijuana Cultivation Facility on the site to "Medical and Adult Use Marijuana Cultivation", an allowed use in the C/I District. The facility is not within 250 of the property line of an existing public or private school, residential property, childcare facility, place of worship or a public facility. The reduction of setback from 500' to 250' was granted to the site by the Zoning Board of Appeals in November 2017. There are no changes proposed to increase the existing impervious area and there will be no additional impacts on stormwater management.

Employee operations will continue as they have been. Security has been upgraded since the previous approval. Other than the items listed on the Site Plan additional cameras have been added as well as methods of detection that trigger when a person has gone over or through the perimeter fence.

Marijuana waste products are mixed with a soap solution to render them unusable and then mixed in with standard non-marijuana waste to further dissuade reuse.

A number of waivers are requested as part of the application. These are detailed in the attached checklist.

A summary of the site plan information (Municipal Code of Ordinances Town of Eliot, Maine - Section 33-127. Contents, required information) is included with the application.

We look forward to discussing this project at the next available Planning Board meeting. If any additional information is required, please contact me. Thank you for your assistance.

Sincerely;

Brian Nielsen, E.I.T.
Staff Engineer

cc: NEK Assets, LLC
C066-20_Eliot_cover

1284 State Road, Eliot, ME 03903 ✧ tel (207) 439-6023 ✧ fax (207) 439-2128

Site Plan Review Submissions Checklist

Applicant Name: NEK Assets, LLC.

Address & Map/Lot: 495 Harold Dow Highway, Tax Map 53 Lot 6

This is a working document, to be used with applicants and staff to ensure information provided is consistent and complete. It should be used as a guide in assembling the information necessary for a site plan review. Once the checklist is completed, applicable waivers indicated, and the information provided, it should be submitted with the application materials.

Instructions for Applicants:

1. Indicate if the information has been submitted by checking the appropriate box in column 1.
2. The Planner and Board will use this checklist with the applicant to determine if the application presented is complete.
3. If you believe that a required submission is not applicable to your proposed project, please discuss this matter with the Planner. If the staff agrees the submission to be not applicable, the staff member will check the appropriate category and indicate the reason the item is not applicable.
4. If a staff member denies a waiver request, that staff member will check the box in column 4 and the Planning Board will make the determination at the meeting.
5. The developer shall submit two originals of a site plan, drawn at a scale of not smaller than one inch equals 20 feet, and ten copies reduced to 11 inches by 17 inches, and showing the following information unless the Planning Board waives these requirements, upon written request of the applicant.

Section Number of Ordinances	Item Description from Ordinances	1 Submitted by the Applicant	2 Submission Determined to be Sufficient by the Planning Board	3 Submission Determined Not Applicable by the Planner	4 Applicant Requests Waiver of Submission Requirement
33-127(1)	Development name or identifying title and name of the Town	✓			
33-127(2)	Name & Address of Record Owners, Developer and Designer	✓			
33-127(3)	Names & Addresses of All Abutters and Their Present Land Use	✓			
33-127(4)	Perimeter Survey of the Parcel Made and Certified by a State-Registered Land Surveyor, Relating to Reference Points, Showing True North Point, Graphic Scale, Corners of the Parcel, Date of Survey, Total	✓			

	Acreage, Existing Easements, Buildings, Watercourses & Other Essential Existing Physical Features				
33-127(5)	The Location of Temporary Markers Adequate to Enable the Planning Board to locate readily and appraise the basic layout in the field	✓			
33-127(6)	Contour lines at intervals of not more than five feet or at such intervals as the Planning Board may require, based on U.S. Geological Survey topographical map datum of existing grades where change of existing ground elevation will be five feet or more	✓			
33-127(7)	Provisions of Chapter 45 of this Code applicable to the area to be developed and any zoning district boundaries affecting the development	✓			
33-127(8)	Provisions for collecting and discharging storm drainage, in the form of a drainage plan	Waiver Requested: Using currently approved stormwater plan. No changes to overall impervious area or drainage paths.			
33-127(9)	Preliminary designs of any bridges or culverts which may be required	✓			
33-127(10)	The location of all natural features or site elements to be preserved	✓			
33-127(11)	A soil erosion and sediment control plan	✓			
33-127(12)	A high intensity soils report identifying the soils boundaries and names in the proposed development, with the soils information superimposed upon the plot plan. Such soils survey shall account for the water table in wet and dry seasons, slope, soil quality, etc.; and planning board approval will be conditioned upon	N/A, Using existing subsurface wastewater disposal system			

	compliance with any recommendations included in such report				
33-127(13)	The locations & size of any existing sewers & water mains, culverts & drains on the property to be developed	✓			
33-127(14)	Connection with existing water supply or alternative means of providing water supply to the proposed development	✓			
33-127(15)	Connection with existing sanitary sewerage system or alternative means of treatment & disposal proposed	✓			
33-127(16)	If a private sewage disposal system is proposed, location & results of tests to ascertain subsurface soil & groundwater conditions, depth to maximum groundwater level, location & results of soil testing	✓			
33-127(17)	An estimated progress schedule	✓			
33-127(18)	Construction drawings sufficient to enable the Code Enforcement Officer to verify the following information:				
a.	Total floor area, ground coverage & location of each proposed building, structure or addition	✓			
b.	All existing & proposed setback dimensions	✓			
c.	The size, location, direction & intensity of illumination of all major outdoor lighting apparatus & signs	✓			
d.	The type, size & location of all incineration devices	N/A			
e.	The type, size & location of all machinery likely to generate appreciable noise beyond the lot lines	✓			
f.	The amount & type of any raw, finished or waste	✓			

	materials to be stored outside of roofed buildings, including their physical & chemical properties, if appropriate				
g.	The location, type & size of all curbs, sidewalks, driveways, fences, retaining walls, parking space areas & the layouts together with all dimensions	✔			
h.	All landscaped areas, fencing & size & type of plant material proposed to be retained or replanted	✔			
i.	A site plan for a telecommunication structure must provide a description and construction detail of the telecommunication structure, including plot plan identifying location of the structure on the property; dimensions of the structure; structural supports, if any; lighting; color; and equipment located on the structure, if any. This description shall also identify any accessory structures that are proposed in connection with the operation of the telecommunication structure.	N/A			
j.	Applications for subdivisions shall include all applicable submission requirements above, in addition to those required by chapter 41 of this code. If these submission requirements conflict with the requirements of chapter 41, the stricter standards shall apply.	N/A			
33-127(19)	Site plans and construction drawings for new and existing structures listed as SPR in section 45-290 shall	✔			

	be submitted to the Eliot Fire Chief for review and comment prior to final approval by the Planning Board				

In addition to the above, when applicable, the Planning Board may require detailed interior plans including dimensional measurements and uses of all interior spaces, placement of equipment, counters, etc. and when applicable, seating charts indicating table/chair arrangements and the number of requested tables and seats.

The Planner will work with the applicant to ensure this checklist is complete before a Site Plan Review application is scheduled for review by the Planning Board.

Town Planner

Date

Staff Section Only:

Address:	
Map/Lot:	
PB Case #:	
Zoning District:	
Shoreland Zoning:	
Owner Name:	
Applicant Name:	
Proposed Project:	
Application Received by Staff:	
Application Fee Paid and Date:	
Application Received/Found Complete by PB:	
Site Walk Date:	
Public Hearing Date:	
Public Hearing Publication Date:	
Reason for PB Review:	

Case No._____
Site review? Yes No

APPLICATION FOR SITE PLAN REVIEW
TOWN OF ELIOT PLANNING BOARD

☐ **Step 1. (Fill in all blocks below - See the Planning Assistant if you don't understand.)**

Tax Map 53 Lot# 6 Lot Size 3 acres Zoning District: C/I

Your NameBrian Nielsen, Attar Engineering Inc.Your mailing address 1284 State Road

City/Town Eliot State: ME Zip: 03903 Telephone: 207-439-6023

Who owns the property now? PW ME Can Re SD LLC

Address (Location) of the property 495 Harold Dow Highway

Property located in a flood zone? ____Yes ✓ No
(If yes, please complete the attached Flood Hazard Development Application and return it with your completed application)

☑ **Step 2 (establish your legal interest in the property)**

Attach a copy of the Purchase and Sales Agreement, Deed, Tax records, Signed Lease, or other documents to the satisfaction of the Planning Assistant. If you are representing a corporation, provide documentation that you have authority to speak for the corporation.

☑ **Step 3 (Go to the Zoning Ordinance Section 45-290, Table of Land uses)**

What SPECIFIC land use are you applying for? Marijuana Establishment
(You MUST make this selection from Section 45-290 of the Zoning Ordinance)

Having entered the SPECIFIC land use above now provide a more detailed description of what you want to do:

The site is currently approved for Medical Marijuana Cultivation and Medical Marijuana Sales. We propose to add Adult Use Cultivation to the existing greenhouse. The greenhouse would be use for both Adult Use and Medical Marijuana Cultivation.

Case No._____
Site review? Yes No

☑ **Step 4 Attach ten (10) copies of a sketch plan, showing in approximate dimensions the following:**

- ☑ All zoning districts
- ☑ The location of all existing and/or proposed buildings
- ☑ The setbacks of all existing and proposed structures or uses.
- ☑ The location of proposed signs, their size, and direction of illumination.
- ☑ The location of all existing and/or proposed entrances and exits.
- ☑ All existing and/or proposed parking areas (parking is permitted in the front, rear and side of the premises, so long as it does not violate setback requirements.)
- ☑ Plans of buildings, sewage disposal facilities, and location of water supply.

☑ **Step 5 Sign the application (both owner and applicant must sign and date the application) and submit fee with preliminary plans ($100 per acre for first 5 acres and $50 per acre after five plus $150 for advertising and public hearing fees)**

Applicant _____ agent Date 9/15/2020

Property Owner _____ agent Date 9/15/2020
See attached Landlord Letter.

☐ **Step 6 Application received by Planning Assistant**

Date received by the PA _____ PA initials _____

☐ **Step 7 The Planning Assistant will review the application and if complete, will place your application on a future Planning Board agenda**

☐ **Step 8 The applicant or representative of the applicant must attend the Planning Board meeting**

PART 1 - THE PROCEDURE

Case No._____
Site review? Yes No

(STEP 1) Meet with the Planning Assistant to assure that Site Review is required. Obtain application forms and assemble data for submission.

(STEP 2) ***Sketch Plan Stage*** Application submission. Include 10 copies of the sketch plan, survey map, location map, and affidavit of ownership or legal interest. (Section 33-63)

(STEP 3) Applicant attends first meeting with Planning Board, describes project, and answers questions *(Board may review checklist for the Site Plan at this time or act on waivers requested for submission of data)*

(STEP 4) Board sets up site visit with applicant (Section 33-64).

(STEP 5) Board visits site with applicant.

(STEP 6) Applicant attends succeeding meetings. Board does preliminary review of the Ordinance requirements for applicability to the Site Plan. Board and notifies applicant of changes required to Sketch Plan after site inspection (Section 33-103).

(STEP 7) Applicant revises the "Sketch Plan" as needed, submits the Site Plan, and pays non-refundable fees prior to the second Planning Board meeting. (Sections 33-126 & 33-128).

(STEP 8) ***Site Plan Stage*** Applicant attends succeeding meetings with Planning Board and discusses Site Plan (Section 33-129) until Board votes to accept the Site Plan (Section 33-126) *Board schedules public hearing for future meeting when all requirements have been or will be met.*

(STEP 9) Board conducts Public Hearing (Section 33-130).

(STEP 10) ***Approval stage*** Board approves / approves with conditions / disapproves applicants application within 30 days of the close of the final Public Hearing or 75 days from date Board accepted completed application and Site Plan (Section 33-131). If more than one public hearing is held, the 30-day period begins after the last public hearing.

(STEP 11) Board issues a Notice of Decision, which contains findings certifying compliance with ordinance, reasons for conditional approval or reasons for disapproval (Section 33-131). The Notice of decision and signing of the final plan is for documentation purposes and does not determine the beginning of the appeal period.

(STEP 12) ***Appeal Period*** A 30-day appeal period begins from the date the Board makes a decision on the application. (Section 45-50) The applicant may begin work on the project during this period, but does so at his or her own risk.

PART 2

Case No._____
Site review? Yes No

DETAILED ORDINANCE REFERENCES FOR EACH SITE REVIEW EVENT

1. Submit application. (Section 33-63) Include 10 copies of all submissions that show:

- ☑ Sketch Plan- (See Section 33-105) showing:
  - ☐ All zoning districts
  - ☐ Existing and proposed structures
  - ☐ Existing and proposed parking areas (parking is permitted in the front, rear and side of the premises, so long as it does not violate setback requirements.)
  - ☐ Existing and proposed Streets and entrances
  - ☐ Existing and proposed setbacks
  - ☐ Other site dimensions and area
  - ☐ Site and public improvements and facilities
  - ☐ Areas of excavation and grading
  - ☐ Any other site changes
  - ☐ Location Map-This is to be submitted along with or as part of the Sketch Plan (See Section 33-104) and includes:
    - ☐ Scale of 500 ft to the inch
    - ☐ Show all area within 2000 ft of property lines
    - ☐ All surrounding existing streets within 500 ft
    - ☐ Abutters lots and names within 500 ft of property boundary
    - ☐ Zoning districts within 500 ft
    - ☐ Outline of proposed development showing internal streets and entrances

2. Site inspection (Section 33-64) The Board and Applicant conduct site inspection. Applicant shall stake the lot corners, the location of all proposed structures, parking and the centerlines of all proposed streets and entrances in development. Verify that parking meets applicable setbacks

3. Board notifies applicant of changes required to Sketch Plan after site inspection such as contour interval, street classification, etc. (Section 33-103) and determines:

☐ If other Local, State or Federal agencies or officers (Section 33-102) should review Sketch Plan.

☐ If applicable, MaineDOT driveway permit is **required** prior to local approval for anyone installing, physically changing or changing the use of a driveway on state highway.

☐ If review by Eliot Fire Chief ___, Police Chief ___, or Road Commissioner___ is required.

Case No._____
Site review? Yes No

4. Applicant converts Sketch Plan into a "Site Plan" (Sections 33-126). The following requirements are considered by the Planning Board

Chapter 33 required information

☑4.1. Applicant shall provide one original and 10 copies of Site Plan drawn at a scale not smaller than 1-inch equals 20 feet showing the following information:

☑4.1.1. Development name, owner, developer, designer name and address and names and addresses of all abutters and abutters land use.
☑4.1.2. Certified perimeter survey showing a north arrow, graphic scale, corners of parcel, total acreage, etc. This means a survey of the property using the standards of practice established by the State of Maine Board of Licensure for Professional Land surveyors, MRSA Chapter 121.
☑4.1.3. Temporary markers.
☑4.1.4. Contour lines at 5-ft intervals or as Board decides.
☑4.1.5. A list of the provisions of Chapter 45 (Zoning) which are applicable to this area and identification of any zoning district boundaries affecting the development.
☑4.1.6. Storm water Drainage Plan. (50 year storm)
☑4.1.7. Required bridges or culverts.
☑4.1.8. Location of natural features or site elements to be preserved.
☑4.1.9. Soil Erosion and Sediment Control Plan.
☐4.1.10. High Intensity Soils Report.
☑4.1.11. Locations of sewers, water mains, culverts and drains.
☑4.1.12. Water supply information.
☑4.1.13. Sewerage System Plan.
☑4.1.14. Septic System Survey.
☑4.1.15. Estimated progress schedule.
☑4.1.16. Construction drawings for CEO which show floor areas, ground coverage, location of all structures, setbacks, lighting, signs, incineration devices, noise generating machinery likely to generate appreciable noise beyond the lot lines, waste materials, curbs, sidewalks, driveways, fences, retaining walls, etc.
☐4.1.17. Telecommunication tower details as required.

☐4.2. Additional requirements made by Board (Section 33-126).

Other Chapter 33 Site Review Ordinance Requirements.

☐4.4. Traffic data if applicable (Section 33-153)
☐4.5. Campground requirements if applicable (33-172)

☐4.6. Commercial Industrial requirements if applicable
☐4.6.1. Landscaping (Section 33-175)

Case No._____
Site review? Yes No

- ☐ 4.6.2. Vibration (33-176)
- ☐ 4.6.3. Site Improvements (33-177)
- ☐ 4.6.4. Electromagnetic Interference (33-178)
- ☐ 4.6.5. Parking and Loading Areas (33-179, 45-487, 45-495)
- ☐ 4.6.6. Glare (33-180)

☐ 4.7. Motel requirements if applicable (Section 33-182)
☐ 4.8. Multi-family dwelling requirements if applicable (Section 33-183)

Chapter 35 Post-Construction Stormwater Management
Disturbance of more than one acre of land or less than one acre if the development is part of a larger common plan for development must comply with Chapter 35 Post – Construction Stormwater Management.

Chapter 45 Zoning Ordinance Requirements. compliance includes the following Article VIII Performance Standards:

☐ 4.9. Dimensional Standards (Section 45-405)
☐ 4.10. Traffic (Section 45-406)
☐ 4.11. Noise (Section 45-407)
☐ 4.12. Dust, Fumes, Vapors and Gases (Section 45-408)
☐ 4.13. Odor (Section 45-409)
☐ 4.14. Glare (Section 45-410)
☐ 4.15. Storm-water run-off for a 50 year storm. (Section 45-411)
☐ 4.16. Erosion Control (Section 45-412)
☐ 4.18. Preservation of Landscape (Section 45-413)
☐ 4.19. Relation of Buildings to Environment (Section 45-414)
☐ 4.20. Soil Suitability for Construction (Section 45-415)
☐ 4.21. Sanitary Standards for Sewage (Section 45-416)
☐ 4.22. Buffers and Screening (Section 45-417)
☐ 4.23. Explosive Materials (Section 45-418)
☐ 4.24. Water Quality (Section 45-419)
☐ 4.25. Refuse Disposal (Section 45-421)

☐ 4.26. Specific Activities (Article IX) which include:
- ☐ 4.26.1. Accessory Use or Structure (Section 45-452)
- ☐ 4.26.2. Home Occupation (Section 45-455)
- ☐ 4.26.3. Mobile Homes (Section 45-457)
- ☐ 4.26.4. Off-street Parking and Loading (Article X)
- ☐ 4.26.5. Signs (Article XI)

☐ 4.27. In addition the Board may make other conditions for approval that will insure such compliance and would mitigate any adverse affects on adjoining or neighboring properties which might otherwise result from any proposed use (Section 33-131).

Case No._____
Site review? Yes No

5. Board discussion of Site Plan (Section 33-126).
   - ☐5.1. Board discusses Site Plan with applicant.

6. Public Hearing (Section 33-129 & 130).
   - ☐6.1. Conducted within 30 days of Boards acceptance of Site Plan.
   - ☐6.2. Three notices posted 10 days prior to the Public Hearing.
   - ☐6.3. Notices advertised in two newspapers 10 days prior to Public Hearing.
   - ☐6.4. Other Towns notified 10 days prior to if within 500 feet of applicant's lot.
   - ☐6.5. Abutters notified 10 days prior to by certified mail, return receipt requested. $150.00 paid by applicant to cover the cost of advertising and abutter notification (Sec. 1-25)
   - ☐6.6. Selectmen, CEO, and Board of Appeals shall be notified 10 days prior to the Public Hearing.

7. Board approves / approves with conditions / disapproves applicants Application within 30 days of Public Hearing or 75 days from date Board accepted completed Application and Site Plan (Section 33-131).

> **Note**: Computation of time shall be in accordance with Section 1-2 as follows:
> "In computing any period of time prescribed or allowed by this Code, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation."

8. Notice of Decision issued which contains findings certifying compliance with ordinance, reasons for conditional approval or reasons for disapproval (Section 33-131).

500 foot Abutters List Report

Eliot, ME
September 15, 2020

Subject Property:

Parcel Number:	053-006-000	Mailing Address:	FLOWER COMPANY PROPERTIES INC
CAMA Number:	053-006-000		C/O PW ME CANRE SD LLC 301
Property Address:	495 HAROLD L DOW HWY		WINDING ROAD
			OLD BETHPAGE, NY 11804

Abutters:

Parcel Number:	045-005-000	Mailing Address:	MARITIMES & NORTHEAST PIPELINE
CAMA Number:	045-005-000		C/O DUFF & PHELPS LLC
Property Address:	413 HAROLD L DOW HWY		PO BOX 2629
			ADDISON, TX 75001
Parcel Number:	053-007-000	Mailing Address:	NORTHEAST KIND ASSESTS LLC
CAMA Number:	053-007-000		987 HAROLD L DOW HWY
Property Address:	505 HAROLD L DOW HWY		ELIOT, ME 03903
Parcel Number:	053-008-000	Mailing Address:	XNG MAINE LLC
CAMA Number:	053-008-000		300 BRICKSTONE SQUARE STE 1005
Property Address:	525 HAROLD L DOW HWY		ANDOVER, MA 01810
Parcel Number:	054-002-000	Mailing Address:	FLOWER COMPANY PROPERTIES INC
CAMA Number:	054-002-000		9 ISLAND AVE
Property Address:	483 HAROLD L DOW HWY		KITTERY, ME 03904
Parcel Number:	054-003-000	Mailing Address:	BONDGARDEN
CAMA Number:	054-003-000		255 DEPOT RD
Property Address:	HAROLD L DOW HWY		ELIOT, ME 03903
Parcel Number:	054-005-000	Mailing Address:	CPN REALTY LLC
CAMA Number:	054-005-000		2028 STATE RD
Property Address:	496 HAROLD L DOW HWY		ELIOT, ME 03903
Parcel Number:	054-006-000	Mailing Address:	LAC REALTY LLC
CAMA Number:	054-006-000		31 CLARK RD
Property Address:	HAROLD L DOW HWY		ELIOT, ME 03903
Parcel Number:	054-008-000	Mailing Address:	TOWN OF ELIOT TRANSFER STATION
CAMA Number:	054-008-000		1333 STATE RD
Property Address:	468 HAROLD L DOW HWY		ELIOT, ME 03903

CAI Technologies
www.cai-tech.com
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LANDLORD STATEMENT OF PERMISSION

I, David Lesser, am the (authorized agent of the record owner/record owner) of the property at 495 Harold L. Dow Hwy., Eliot, Maine (the "Property").

NEK Assets, LLC ("Tenant"), is a lawful tenant at the Property (the "Rented Unit"). I give Tenant permission to operate and develop Marijuana Establishment(s) pursuant to applicable State and local laws and regulations.

I have reviewed the relevant portions of the Town Code and understand the potential consequences of Tenant's use of the Rented Unit as a Marijuana Establishment(s).

Date: 9/11/20 Signature: [signature]

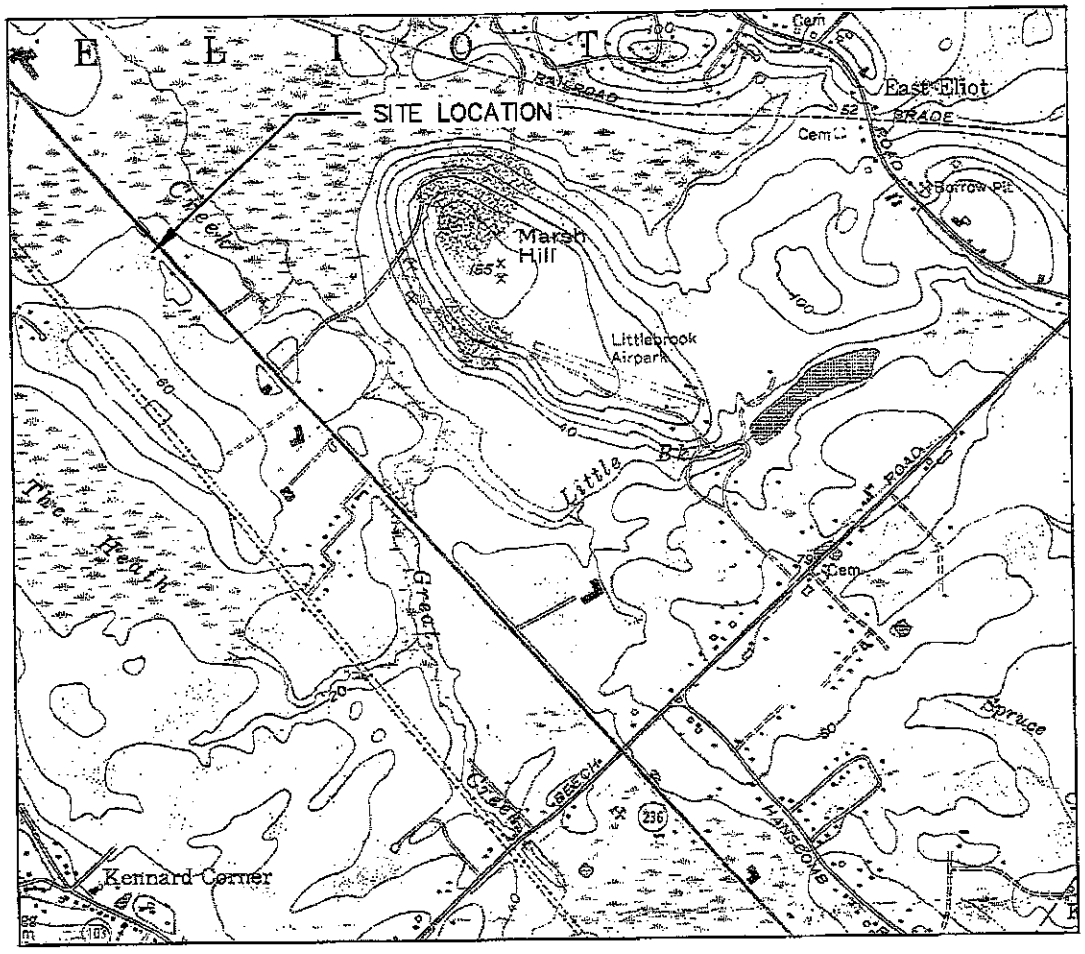
Title: Authorized Signatory Printed name: David H. Lesser

Personally appeared before me the above-named affiant and made oath that the foregoing affidavit is true and correct to his/her personal knowledge.

Date: 9/11/20 Signature: [signature]

Notary Public/Attorney at Law

DANIELLE C. LESSER
Notary Public, State of New York
No. 01-5003580
Qualified in New York County
Commission Expires January 4, 2021 23



SITE LOCATION MAP
1" = 2000'

OFFICE OF MARIJUANA POLICY

MAINE ADULT USE MARIJUANA PROGRAM

This certifies that

SWEET DIRT, LLC

ACD357

DOING BUSINESS AS: SWEET DIRT

has been issued a CONDITIONAL license as an ADULT USE MARIJUANA CULTIVATION FACILITY, TIER 4 under 28-B MRS. This does NOT permit the licensee to engage in any activity.

ISSUED ON
08/11/2020

DIRECTOR
OFFICE OF MARIJUANA POLICY
MAINE ADULT USE MARIJUANA PROGRAM

EXPIRES ON
08/10/2021

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 ACD357 has been issued based on the following organizational structure:

Principals:

KRISTIN ANN POPE, MANAGER
HUGHES SPENCER POPE, MANAGER
JESSICA JEAN OLIVER, OFFICER

Owners:

50.00% - HUGHES SPENCER POPE
50.00% - KRISTIN ANN POPE

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

This Local Authorization Form must be completed by the proposed municipality or the Maine Land Use Planning Commission. The authorized local official responsible for completing this Form must forward the Form and **all required attachments** to the Office of Marijuana Policy at Licensing.OMP@maine.gov or 162 State House Station, Augusta, Maine 04333.

If the authorized local official in receipt of this Form has not recently met with the Office of Marijuana Policy to discuss the local authorization process and OMP's expectations for completion of this Form, please contact Tracy Jacques, Director of Licensing, at Licensing.OMP@maine.gov or (207) 530-7389 prior to filling it out.

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

Business Legal Name:	Business DBA:	Conditional License Number:
SWEET DIRT, LLC	SWEET DIRT	ACD357

License Type:
ADULT USE MARIJUANA CULTIVATION FACILITY, TIER 4

Mailing Address:	Facility Phone:
84 MARGINAL WAY STE 600 PORTLAND, ME 04101-2473	+1 (207) 253-0598
	Primary Contact Person: HANNAH E. KING
	Primary Contact Email: hking@dwmlaw.com

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.

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?
   ☐ Yes ☐ No

Initials of Signing Jurisdiction Official: _____

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?
☐ 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:

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.
☐ Yes ☐ No

2. Has the person requesting local authorization to operate the marijuana establishment demonstrated possession or entitlement to possession of the proposed licensed premises of the marijuana establishment pursuant to a ☐ lease, ☐rental agreement or ☐other arrangement for possession of the premises (specify:_____) or ☐ by virtue of ownership of the premises?
☐ Yes ☐ No

Section 3(c): Local authorization required for operation of marijuana establishment within municipality. A person may not operate a marijuana establishment within a municipality unless the following questions are answered in the affirmative.

1. Has the person obtained all applicable municipal approvals, permits, or licenses that are required by the municipality for the operation of this type of adult use marijuana establishment? By selecting "yes" below, the municipality is affirming that all municipal approvals, permits, or licenses have been approved, granted, or issued and no further action by the municipality is required prior to the Office of Marijuana Policy's issuance of an active license. The Office of Marijuana Policy encourages the municipality to coordinate the issuance date of a local license with the Office when appropriate.
☐ Yes ☐ No

2. Is a list and copy of all applicable approvals, permits, or licenses with the issuance and expiration dates attached or included with the submission of this form? The Office of Marijuana Policy encourages the municipality to coordinate the issuance date of a local license with the Office when appropriate.
☐ Yes ☐ No

Section 4: Local Authorization of Marijuana Establishments within Towns, Plantations and Townships in the Unorganized and Deorganized Areas

This section to be completed by the Maine Land Use Planning Commission in receipt of request for Local Authorization.

Section 4(a): Request for local authorization to operate marijuana establishment in town, plantation or township in unorganized and deorganized areas prohibited unless generally allowed by town or plantation or by county commissioners on behalf of township. A person seeking to operate a marijuana establishment within a town, plantation or township located within the unorganized and deorganized areas may not request local authorization unless one of the following questions is answered in the affirmative.

1. In the case of a town or plantation, the legislative body of the town or plantation has voted to allow some or all types of marijuana establishments within the town or plantation, including the type of marijuana establishment the person seeks to operate as indicated in the "License Type" box of Section 1 of this form?
☐ Yes ☐ No ☐ Not applicable

2. In the case of a township, the county commissioners of the county in which the township is located have voted to allow some or all types of marijuana establishments within the township, including the type of marijuana establishment the person seeks to operate as indicated in the "License Type" box of Section 1 of this form?
☐ Yes ☐ No ☐ Not applicable

Section 4(b): Minimum authorization criteria. The Maine Land Use Planning Commission may not certify to the Department local authorization of a marijuana establishment within a town, plantation or township located within the unorganized and deorganized areas unless the following questions are answered in the affirmative.

1. Is the marijuana establishment proposed to be located equal to or less than 1,000 feet of the property line of a preexisting public or private school? If the Maine Land Use Planning Commission prohibits the location of marijuana establishments at distances less than 1,000 feet but not less than 500 feet from the property line of a preexisting public or private school, that lesser distance applies.
☐ Yes ☐ No

2. Has the person requesting local authorization to operate the marijuana establishment demonstrated possession or entitlement to possession of the proposed licensed premises of the marijuana establishment pursuant to a ☐ lease, ☐reutal agreement or ☐other arrangement for possession of the premises (specify:_____) or ☐ by virtue of ownership of the premises?
☐ Yes ☐ No

Section 4(c): Local authorization required for operation of marijuana establishment in town, plantation or township in unorganized and deorganized areas. A person may not operate a marijuana establishment within a town, plantation or township located within the unorganized and deorganized areas unless the following questions are answered in the affirmative.

1. Has the town, plantation or, in the case of a township, the county commissioners of the county in which the township is located, certified to the Maine Land Use Planning Commission that the person has obtained all applicable local approvals, permits or licenses **not** relating to land use planning and development?
☐ Yes ☐ No

2. Is a copy of the certification including a list of all applicable approvals, permits, or licenses **not** relating to land use planning and development with the issuance and expiration dates attached or included with the submission of this form?
☐ Yes ☐ No

Initials of Signing Jurisdiction Official: _____

3. Has the person obtained all applicable Maine Land Use Planning Commission approvals, permits, or licenses that are required for the operation of this type of adult use marijuana establishment? By selecting "yes" below, the Maine Land Use Planning Commission is affirming that all Maine Land Use Planning Commission approvals, permits, or licenses have been approved, granted, or issued and no further action by the Maine Land Use Planning Commission is required prior to the Office of Marijuana Policy's issuance of an active license. The Office of Marijuana Policy encourages the Maine Land Use Planning Commission to coordinate the issuance date of a local license with the Office when appropriate.
☐ Yes ☐ No

4. Is a list and copy of all applicable Maine Land Use Planning Commission approvals, permits, or licenses with the issuance and expiration dates attached or included with the submission of this form? The Office of Marijuana Policy encourages Maine Land Use Planning Commission to coordinate the issuance date of a local license with the Office when appropriate.
☐ Yes ☐ No

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

Initials of Signing Jurisdiction Official: _____

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Dept.Health & Human Services
Div of Environmental Health ; 11 SHS
(207) 287-8672 Fax: (207) 287-4172

PROPERTY LOCATION

City, Town, or Plantation: ELIOT

Street or Road: 495 H.L. DOW HIGHWAY

Subdivision, Lot #:

>> CAUTION: LPI APPROVAL REQUIRED <<

Town/City _____ Permit # _____

Date Permit Issued __/__/__ Fee: $_____ Double Fee Charged [ ]

_____ L.P.I. # _____

Local Plumbing Inspector Signature

OWNER/APPLICANT INFORMATION

Name (last, first, MI): FLOWER COMPANY PROP. ☒ Owner ☐ Applicant

Mailing Address of Owner/Applicant: 495 H.L. DOW HIGHWAY, ELIOT ME 03903

Daytime Tel. #: JACKIE 439 6075

The Subsurface Wastewater Disposal System shall not be installed until a Permit is issued by the Local Plumbing Inspector. The Permit shall authorize the owner or installer to install the disposal system in accordance with this application and the Maine Subsurface Wastewater Disposal Rules.

Municipal Tax Map # 53 Lot # 6

OWNER OR APPLICANT STATEMENT:
I state and acknowledge that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or Local Plumbing Inspector to deny a Permit.

Signature of Owner or Applicant _____ Date _____

CAUTION: INSPECTION REQUIRED
I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application. _____ (1st) date approved

Local Plumbing Inspector Signature _____ (2nd) date approved _____

PERMIT INFORMATION

TYPE OF APPLICATION

- ☒ 1. First Time System
- ☐ 2. Replacement System
  - Type replaced: EXISTING
  - Year installed: HOLDING TANK
- ☐ 3. Expanded System TO BE
  - ☐ a. <25% Expansion
  - ☐ b. ≥25% Expansion ABANDONED
- ☐ 4. Experimental System
- ☐ 5. Seasonal Conversion

THIS APPLICATION REQUIRES

- ☒ 1. No Rule Variance
- ☐ 2. First Time System Variance
  - ☐ a. Local Plumbing Inspector Approval
  - ☐ b. State & Local Plumbing Inspector Approval
- ☐ 3. Replacement System Variance
  - ☐ a. Local Plumbing Inspector Approval
  - ☐ b. State & Local Plumbing Inspector Approval
- ☐ 4. Minimum Lot Size Variance
- ☐ 5. Seasonal Conversion Permit

DISPOSAL SYSTEM COMPONENTS

- ☒ 1. Complete Non-engineered System
- ☐ 2. Primitive System (graywater & alt. toilet)
- ☐ 3. Alternative Toilet, specify: _____
- ☐ 4. Non-engineered Treatment Tank (only)
- ☐ 5. Holding Tank, _____ gallons
- ☐ 6. Non-engineered Disposal Field (only)
- ☐ 7. Separated Laundry System
- ☐ 8. Complete Engineered System (2000 gpd or more)
- ☐ 9. Engineered Treatment Tank (only)
- ☐ 10. Engineered Disposal Field (only)
- ☐ 11. Pre-treatment, specify: _____
- ☐ 12. Miscellaneous Components

SIZE OF PROPERTY

43 ☐ SQ. FT. ☒ ACRES

SHORELAND ZONING

☐ Yes ☒ No

DISPOSAL SYSTEM TO SERVE

- ☐ 1. Single Family Dwelling Unit, No. of Bedrooms: ____
- ☐ 2. Multiple Family Dwelling, No. of Units: ____
- ☐ 3. Other: OFFICE 12 EMPLOYEES (specify)

Current Use ☐ Seasonal ☒ Year Round ☐ Undeveloped

TYPE OF WATER SUPPLY

☒ 1. Drilled Well ☐ 2. Dug Well ☐ 3. Private

☐ 4. Public ☐ 5. Other

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)

TREATMENT TANK

- ☒ 1. Concrete WATER TIGHT
  - ☐ a. Regular TWO
  - ☐ b. Low Profile
- ☐ 2. Plastic COMPARTMENT
- ☐ 3. Other: _____

CAPACITY: 1000 GAL

DISPOSAL FIELD TYPE & SIZE

- ☒ 1. Stone Bed ☐ 2. Stone Trench
- ☐ 3. Proprietary Device
  - ☐ a. cluster array ☐ c. Linear
  - ☐ b. regular load ☐ d. H-20 load
- ☐ 4. Other: 20 x 45

SIZE: 500 ☒ sq. ft. ☐ lin. ft.

GARBAGE DISPOSAL UNIT

☒ 1. No ☐ 2. Yes ☐ 3. Maybe

If Yes or Maybe, specify one below:

- ☐ a. multi-compartment tank
- ☐ b. ____ tanks in series
- ☐ c. increase in tank capacity
- ☐ d. Filter on Tank Outlet

DESIGN FLOW

180 gallons per day

BASED ON:

- ☐ 1. Table 4A (dwelling unit(s))
- ☒ 2. Table 4C (other facilities)

SHOW CALCULATIONS for other facilities

15GPD / EMPLOYEE

☐ 3. Section 4G (meter readings)
ATTACH WATER METER DATA

SOIL DATA & DESIGN CLASS

PROFILE CONDITION: 9 / D

a. Observation Hole # 2

Depth 9 "

of Most Limiting Soil Factor

DISPOSAL FIELD SIZING

- ☐ 1. Medium---2.6 sq. ft. / gpd
- ☐ 2. Medium---Large 3.3 sq. ft. / gpd
- ☐ 3. Large---4.1 sq. ft. / gpd
- ☒ 4. Extra Large---5.0 sq. ft. / gpd

EFFLUENT/EJECTOR PUMP

- ☐ 1. Not Required
- ☐ 2. May Be Required
- ☒ 3. Required

Specify only for engineered systems:

DOSE: _____ gallons

LATITUDE AND LONGITUDE

at center of disposal area

Lat. 43 d 8 m 40.1 s

Lon. 70 d 47 m 27.1 s

If g.p.s, state margin of error: _____

SITE EVALUATOR STATEMENT

I certify that on 3 FEB 17 (date) I completed a site evaluation on this property and state that the data reported are accurate and that the proposed system is in compliance with the State of Maine Subsurface Wastewater Disposal Rules (10-144A CMR 241).

Michael Cuomo — Site Evaluator Signature

211 — SE #

9 FEB 17 — Date

Michael Cuomo — Site Evaluator Name Printed

(207) 363-4532 — Telephone Number

mcuomosoil@gmail.com — E-mail Address

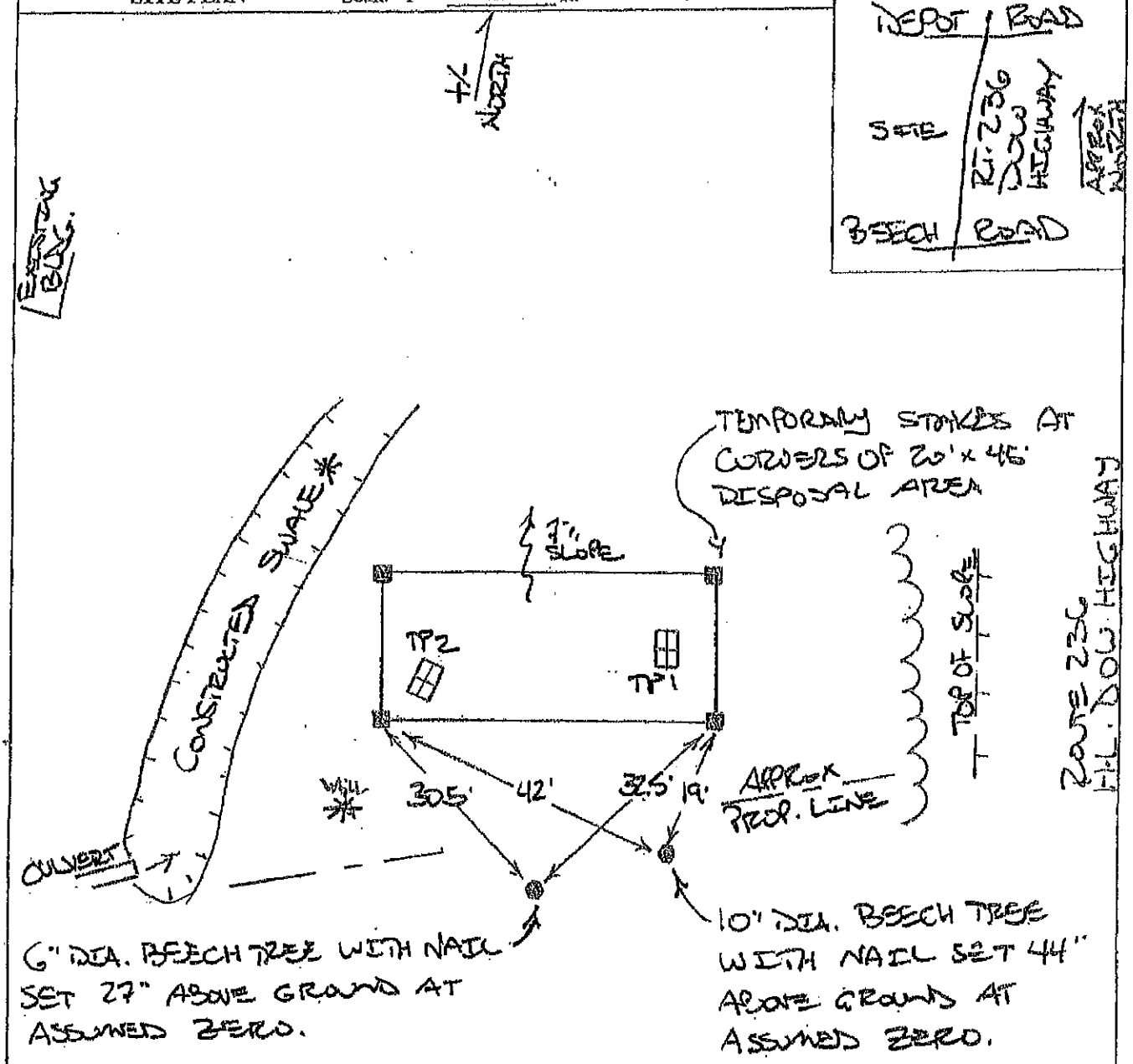
Note : Changes to or deviations from the design should be confirmed with the Site Evaluator.

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services
Division of Health Engineering
(207) 287-5672 Fax: (207) 287-3165

Town, City, Plantation	Street, Road, Subdivision	Owner's Name
ELIOT	495 H.L. DOW HIGHWAY	FLOWER COMPANY PROP.

SITE PLAN Scale 1" = 20 ft.



* SEE NOTES ON PAGE 5 of 5

Site Evaluator Signature	SE #	Date
[signature]	211	9 FEB 17

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services
Division of Health Engineering
(207) 287-5672 . Fax: (207) 287-3165

Town, City, Plantation: ELIOT

Street, Road, Subdivision: 495 H.L. DOW HIGHWAY

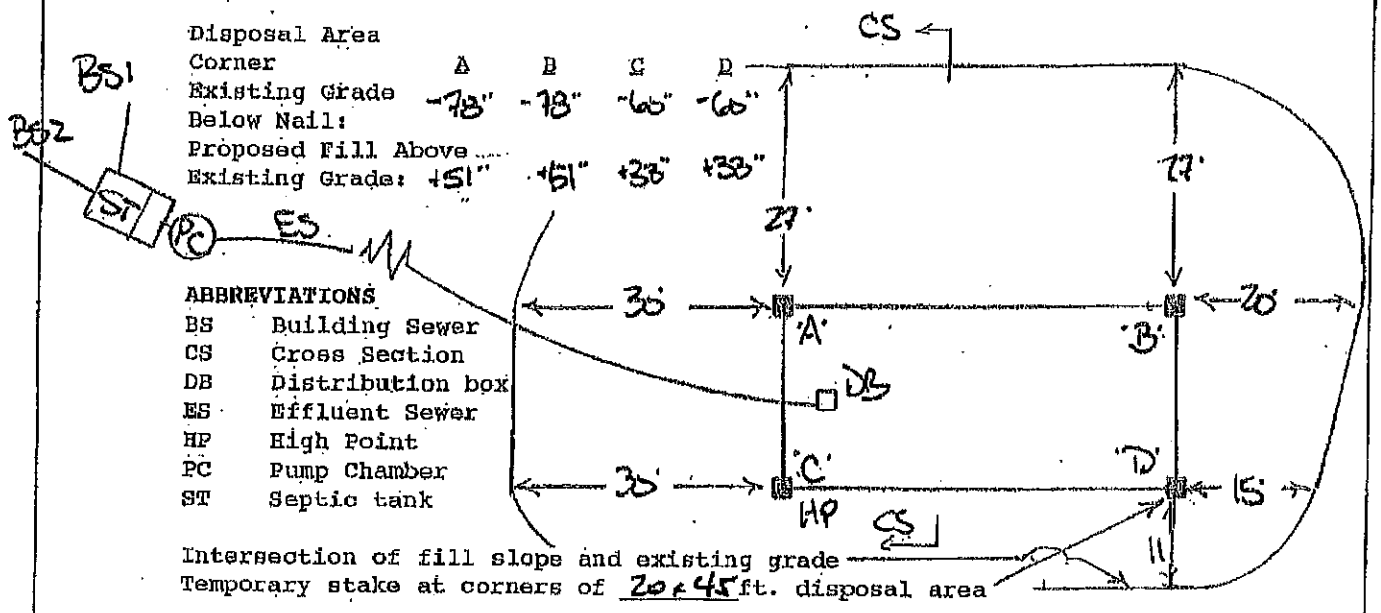
Owner's Name: FLOWER CO. PROPERTIES

SUBSURFACE WASTEWATER DISPOSAL PLAN

SCALE: 1" = 20 FT.

DISPOSAL AREA MUST BE INSTALLED PER THIS PLAN AND STATE RULES
(SEE ATTACHED SPECIFICATIONS)

Disposal Area Corner	A	B	C	D
Existing Grade Below Nail:	-78"	-78"	-60"	-60"
Proposed Fill Above Existing Grade:	+51"	+51"	+33"	+33"



ABBREVIATIONS

BS	Building Sewer
CS	Cross Section
DB	Distribution box
ES	Effluent Sewer
HP	High Point
PC	Pump Chamber
ST	Septic tank

Intersection of fill slope and existing grade
Temporary stake at corners of 20 x 45 ft. disposal area

FILL REQUIREMENTS		CONSTRUCTION ELEVATIONS		ELEVATION REFERENCE POINT
Depth of Fill (Upslope)	+33"	Finished Grade Elevation	-27"	Location & Description: SEE PAGE 2
		Top of Distribution Pipe ~~or Proprietary Device~~	-40"	
Depth of Fill (Downslope)	+51"	Bottom of Disposal Area	-51"	Reference Elevation: NAILS = 3510

DISPOSAL AREA CROSS SECTION

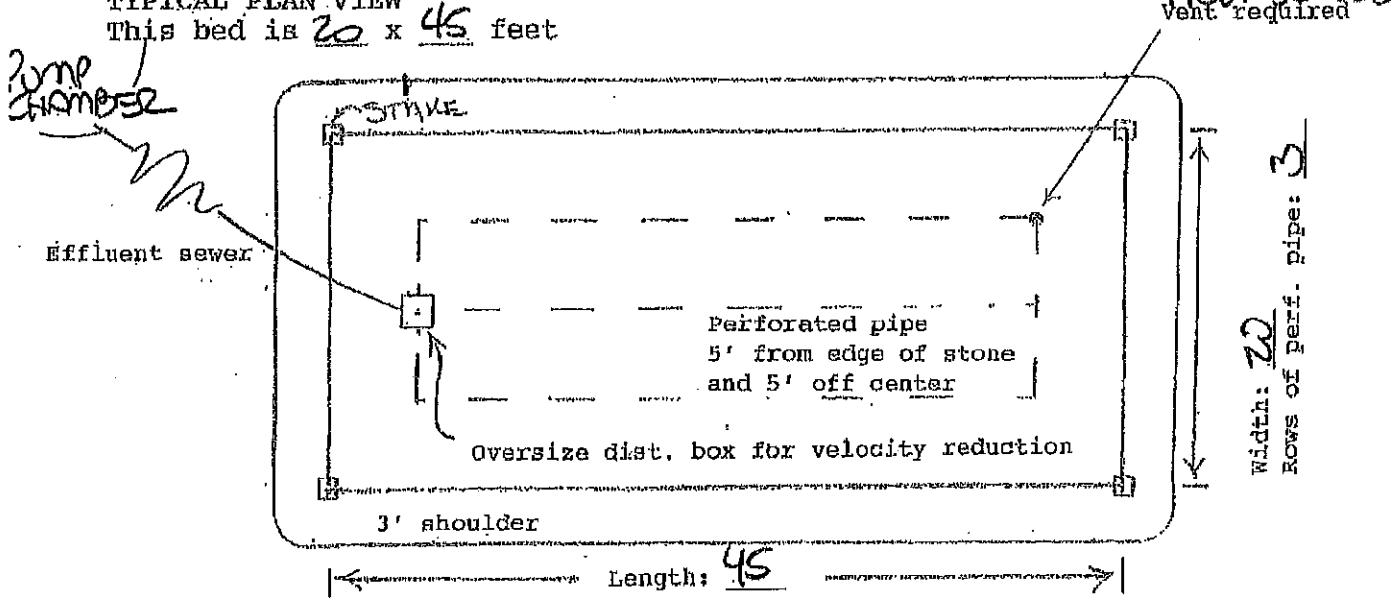
Scale N/A
Horizontal 1" = ____ ft.
Vertical 1" = ____ ft.

* Where ST access cover is more than 6" below grade, a watertight riser at least 18" dia. must be provided to within 6" of finish grade.
* PC requires watertight riser to grade at least 24" dia.
* ST and PC locations may be moved so long as they are at least 10' from the foundation, 10' from the water line, 10' from the property line, and 50ft off well. * ES shall drain back to PC after each dose or be frost protected with 2" expanded rigid polystyrene insulation.
* DBox must be frost protected with 2" HD expanded rigid polystyrene insulation. DBox must have baffle or elbow at inlet. DBox may be at either end of disposal area.
→ *Do not work soil when wet ←

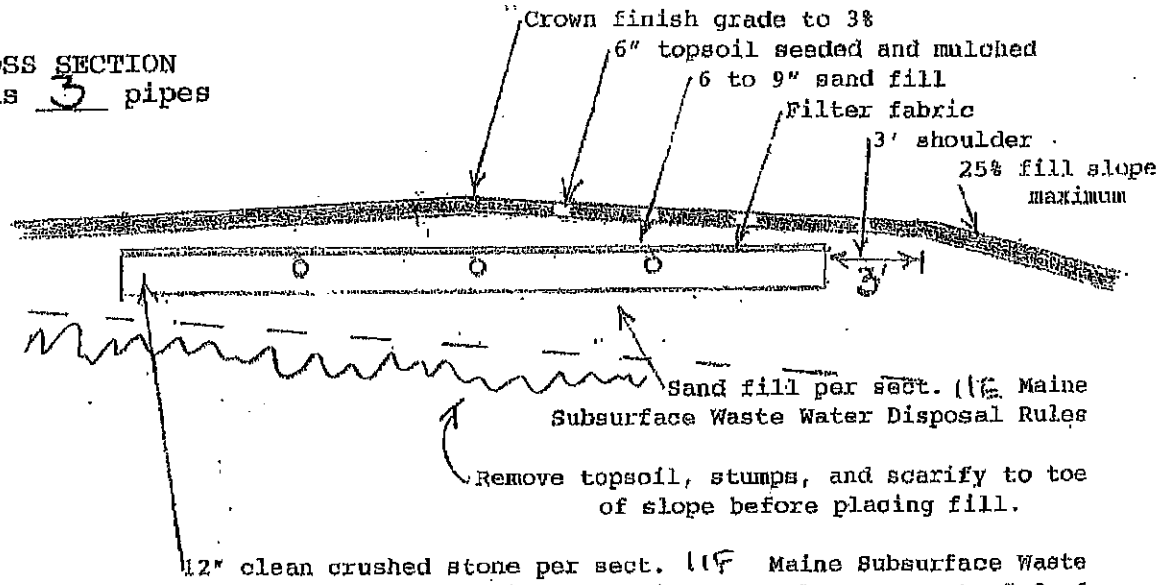
Michael Gerrard — Site Evaluator Signature
211 — SB #
9 FEB 17 — Date

Town: ELIOT Street: 495 H.L. DOW HWY. Owner: HOWES COMPANY PROPERTIES

TYPICAL PLAN VIEW
This bed is 20 x 45 feet



TYPICAL CROSS SECTION
This bed has 3 pipes



Michael Cemo SE# 211 Date: 9 FEB 17

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Dept. of Health & Human Services
Division of Environmental Health, STS 11
(207) 287-5689 FAX (207) 287-3166

Town, City, Plantation	Street, Road, Subdivision	Owner or Applicant Name
ELIOT	495 H.L. DOW HIGHWAY	FLAVER CO. PROPERTIES

Constructed Swale
Existing swale to be filled with sand during construction of disposal area fill extension. It can be replaced by a new swale in a new location or closed culvert in a new location. The new culvert or top of bank of the new swale must be at least 25 feet from the disposal area.

Existing Well
To be abandoned in accordance with State rules.

Existing Holding Tank
To be pumped out, then either filled with soil and buried in place OR removed from the property.

SOIL PROFILE DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole # ONE ☒ Test Pit ☐ Boring

1" Depth of organic horizon above mineral soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0	VERY FINE		VERY DK. GRAY	
6	SANDY LOAM	FRIABLE	YELLOW BROWN	NO
12	SILT		LT. GY.	
18	LOAM		LIGHT OLIVE BROWN	
24	SILTY	FIRM		
30	CLAY		OLIVE	YES
36	LOAM			
42				
48				

Soil Profile	Classification Condition	Slope Percent	Limiting Factor Depth	
9	D	7	12"	☒ Groundwater ☐ Restrictive Layer ☐ Bedrock

Observation Hole # TWO ☒ Test Pit ☐ Boring

1" Depth of organic horizon above mineral soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0	VERY FINE		VERY DARK BROWN	
6	SANDY LOAM	FRIABLE	LT. GY. BR.	NO
12	SILT		LIGHT GRAY	
18	LOAM		LT. OLIVE	
24	SILTY	FIRM	OLIVE	YES
30	CLAY			
36				
42	LOAM			
48				

Soil Profile	Classification Condition	Slope Percent	Limiting Factor Depth	
9	D	7	9"	☒ Groundwater ☐ Restrictive Layer ☐ Bedrock

Michael Cerrato — Site Evaluator Signature

211 — SE #

9 FEB 17 — Date

TOWN OF ELIOT, MAINE

PLANNING BOARD NOTICE OF DECISION

CASE #: PB19-8 – AMENDED SITE PLAN/REQUEST FOR PLANNING BOARD ACTION APPLICATION	MAP/LOT: 53/6	DATE OF DECISION: OCTOBER 15, 2019

October 31, 2019

Flower Company Properties, Inc.
Attn: Jacquelyn Nooney, President
483 Harold L. Dow Highway
Eliot, Maine 03903

Mr. Ken Wood
Attar Engineering, Inc.
1284 State Road
Eliot, Maine 03903

Sweet Dirt, Inc.
Attn: Hughes Pope, Owner
495 Harold L. Dow Highway
Eliot, Maine 03903

Dear Ms. Nooney, Mr. Wood, and Mr. Hughes,

This **Notice of Decision** is to inform you that the Planning Board has acted on your **Amended Site Plan Review/Request for Planning Board Action Application** to add a greenhouse facility to replace structure lost to fire:

I. APPLICATION DOCUMENTS AND SUPPORTING MATERIAL SUBMITTED FOR THE RECORD:

Submitted for August 6, 2019:

1. Site Plan Review/Request for Planning Board Action Application, received July 2, 2019.
2. Copy of Planning Board Notice of Decision for PB18-0, approved August 28, 2018.
3. Copy of Planning Board Notice of Decision for PB19-4, approved April 16, 2019.
4. Confirmation letter from J. Nooney approving site plan amendments and changes on subject property, dated July 2, 2019.
5. Letter from Justice Rines, COO – Sweet Dirt, LLC, containing project narrative and reason for request, dated July 2, 2019.
6. Revised Letter from Justice Rines, COO – Sweet Dirt, LLC, containing project narrative and reason for request, received August 5, 2019.
7. Renderings of new proposed project design, received July 2, 2019.
8. Eliot GIS Location Maps, dated July 2, 2019.
9. Eliot GIS Topographical/Abutter Maps, dated July 2, 2019.
10. Sheet L1 – Amendment to Site Plan, dated June 7, 2017, showing proposed amendments.
11. Site Plan Review Submissions Checklist, received August 5, 2019.
12. Location Plan showing 500-foot buffer, with abutter's list.
13. Memo from A. Sherwin, Interim Planner, dated August 2, 2019.

Submitted for August 20, 2019:

1. Amended Site Plan – Sheet L-1, dated August 15, 2019.
2. Revised Request for Planning Board Action Application, dated August 13, 2109.

3. Memo from Abbie Sherwin, Interim Planner, dated August 16, 2019.
4. Copy of Letter from Justice Rines, COO of Sweet Dirt, Inc., dated July 2, 2019.
5. Site Plan Review Submissions Checklist.
6. Quitclaim Deed, Book 17214, Page 79-80, dated April 12, 2016.
7. Copy of confirmation letter from J. Nooney approving site plan amendments and changes on subject property, dated July 2, 2019.
8. Eliot GIS maps showing location, abutting properties, and aerial overview.
9. Eliot GIS Elevation map.
10. Copy of Planning Board Notice of Decision for PB18-0, approved August 28, 2018.
11. Copy of Planning Board Notice of Decision for PB19-4, approved April 16, 2019.
12. Letter from J. Rines for Request for Waivers, dated August 13, 2019.
13. Subsurface Wastewater Disposal System Application, dated February 9, 2017.
14. Estimated Progress Schedule.
15. Full HVAC Option Package, received July 2, 2019.
16. NRCS Soil Resource Report, dated August 6, 2018.

Submitted for September 17, 2019:

1. Public Hearing Notice, posted August 29, 2019.
2. Copy of Portsmouth Herald Legal Notice of Public Hearing, dated September 3, 2019.
3. Copy of abutter's list and certified mailings, dated August 27, 2019.
4. CAI Technologies Location Map, dated August 27, 2019.

Submitted for October 15, 2019:

1. Memo from E. Sanderson, Interim Planner, dated October 9, 2019.
2. Public Hearing Notice posted, dated September 20, 2019.
3. Copy of Portsmouth Herald Legal Notice of Public Hearing, dated September 3, 2019.
4. CAI Technologies Location Map, dated September 20, 2019.
5. Revised Request for Planning Board Action Application to clarify the change of Sweet Dirt from LLC to INC, dated August 13, 2019.
6. Letter from Brian Nielsen, EIT, dated October 8, 2019.
7. Draft Post Construction Stormwater Management Plan and Stormwater Management Study from Attar Engineering, Inc., dated October 1, 2019.
8. Sheet 1 – Site Plan Sweet Dirt Facility (8X11 & 11X17), dated October 8, 2019.
9. Sheet 2 – Existing Conditions Plan (8X11 & 11X17), dated October 8, 2019.
10. Sheet 3 – Grading and Utility Plan (8X11 & 11X17), dated October 8, 2019.
11. Sheet 4 – Erosion and Sediment Control Plan (8X11 & 11X17), dated October 8, 2019.
12. Sheet 5 – Site Details (8X11 & 11X17), dated October 8, 2019.
13. Sheet 6 – Lighting Plan (8X11 & 11X17), dated October 8, 2019.
14. Sheet 1 – Stormwater Analysis Existing Conditions, dated October 8, 2019.
15. Sheet 2 – Stormwater Analysis Proposed Conditions, dated October 8, 2019.
16. Standard Boundary and Topographic Survey Plan, dated August 8, 2019.
17. Memo from Chief Muzeroll, dated October 14, 2019.

FINDINGS OF FACT:

1. The owner of the property is: Flower Company Properties, Inc. (mailing address: 9 Island Avenue, Kittery, Maine 03904).
2. The applicant is: Sweet Dirt, Inc., re: Justice Rines (mailing address: 495 Harold L. Dow Highway, Eliot, Maine 03903).
3. The property is located at 495 Harold L. Dow Highway Eliot, ME and is 3 acres.
4. Property can be identified as Assessor's Map 53/ Lot 6 and is located in the Commercial/Industrial Zoning District.

5. The applicant proposes to amend a previously-approved Site Plan (19-4) to replace an existing 4,500 square-foot building damaged by fire with a new 32,832 square-foot greenhouse for the cultivation of medical marijuana.
6. Lot coverage will increase from 12.7% to 39.2%.
7. There will not be more than 12 employees on the site.
8. The use of the property will not change.
9. At the August 20, 2019 meeting, the Planning Board decided, by approved motion, that this application required a full site plan review.
10. Copies of the application and supporting materials were provided to the Police Chief, Fire Chief, Town Manager, Public Works, and Code Enforcement. The Police Chief, Public Works, and Code Enforcement Officer had no comments. The Town Manager submitted a comment in a memo dated August 15, 2019 regarding installation of fire protection system. The Fire Chief submitted comments on October 14, 2019 (attached).
11. Regarding the Fire Chief's comments, the applicant has increased the turning radii around the perimeter of the proposed building, agreed to complete a master lock shut-off installation, and clarified that there is no intent to utilize the retention pond for fire protection purposes.
12. The Planning Board reviewed the application at the following regular meetings:
    - August 6, 2019
    - August 20, 2019
    - September 17, 2019
    - October 15, 2019
13. The following application fees have been paid by the applicant, in accordance with §1-25:
    - Site Plan Review Application Fee (Amendment): $325 (dated July 15, 2019).
    - Public Hearing Fee: $175.00 (dated September 3, 2019).
14. In accordance with §33-129 & 130, public hearings were advertised in the Portsmouth Herald/Seacoast Online on September 3, 2019 and September 25, 2019 and held on September 17, 2019 and October 15, 2019. In accordance with §33-129 & 130, abutting land owners were notified via certified mail.
15. The Planning Board accepted the application as complete on September 17, 2019.
16. Applicable ordinances are §33-189: Non-profit Medical Marijuana Dispensaries & Registered Primary Caregivers and §35-4(3) Post-construction stormwater management plan approval.
17. The proposed use location meets the required 500-foot buffer from sensitive uses.
18. Requested waivers: §33-127(12) High Intensity Soils Survey Schedule was waived at the August 20, 2019 Planning Board meeting. §33-127(4) Perimeter Survey was submitted August 20, 2019. §33-127(8)(c) Outdoor Lighting and §33-127(18)(f) Amount and type of any raw, finished, or waste were both approved, by motion, to be added as conditions of approval at the August 20, 2019 meeting. At the September 17, 2019 meeting, the applicant submitted a lighting plan and waste removal notes on the site plan.
19. Maine DEP Stormwater Permit-by-Rule (SWPBR #68737), dated September 25, 2019.
20. Smaller hoop greenhouse to be moved outside of 20-foot setback.

CONCLUSIONS:

1. Revisions to site plans are allowed with Planning Board approval under Section 33-140 (*Revisions to final site plans after planning board approval*).
2. *'Non-profit Medical Marijuana Dispensary'* is a permitted use in the Commercial/Industrial Zoning District under the Town of Eliot Zoning Ordinances with Site Plan Review (SPR) (9) by the Eliot Planning Board per Sec. 45-290.
3. The standards of Section 45-405 (Dimensional standards) of the Zoning Ordinance (Chapter 45) have or will be met.
4. All applicable performance criteria and/or ordinance requirements have been addressed by the Planning Board in accordance with Chapter 33 §189, Planning & Development, Article III, Division 6.

DECISION:

1. Based on the above facts and conclusions, on **October 15, 2019**, the Planning Board voted to approve your application to amend a previously-approved Site Plan (19-4) to replace an existing 4,500 square-foot building damaged by fire with a new 32,832 square-foot greenhouse for the cultivation of medical marijuana.

CONDITIONS OF APPROVAL:

The applicant must comply with all requirements of the Town of Eliot Land Use Ordinances. In addition, to further promote the purposes of the (Eliot Zoning Ordinances), the Planning Board has voted to impose the following conditions on the approval of this application:

1. The property may be developed and used only in accordance with the plans, documents, material submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board.
2. The permit is approved on the basis of information provided by the applicant in the record regarding the ownership of the property and boundary location. The applicant has the burden of ensuring that they have the legal right to use the property and that they are measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues. The permit holder would be well-advised to resolve any such title problems before expending money in reliance on this permit.
3. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
4. The applicant will provide, within 30 days, the Stormwater Management Plan made between the Town of Eliot and the applicant.
5. The applicant agrees to a Fire Department Safety and familiarization walk-thru prior to the issuance of an occupancy permit.
6. The applicant will provide a modified Knox Box, as recommended by the Eliot Fire Chief.

PERMITS:

The Planning Board has approved your application and the Code Enforcement Officer is authorized to grant you the necessary Permits or Certificates of Occupancy, as appropriate. It is your responsibility to apply for these permits. In exercising this approval, you must remain in compliance with all the conditions of approval set forth by the Planning Board, as well as all other Eliot, State, and Federal regulations and laws. Be aware, however, that Site Plan approvals (including home businesses) that are granted by the Eliot Planning Board have expiration provisions specified in Section 33-59 of the Town of Eliot Code of Ordinances, which states:

> *The approval of a site plan review under chapter 33, article III shall expire if the work or change involved does not commence within two years of the date the planning board makes its determination of approval under section 33-131, or if the work or change is not substantially completed within three years after such date.*

The holder of an approved permit should take care to ensure that the approval granted on **October 15, 2019** does not expire prior to commencement of work or change.

APPEALS:

This decision can be appealed to the Board of Appeals within 30 days after **October 15, 2019** by an aggrieved person or party as defined in Sec. 1-2 and Sec. 45-50(b) of the Eliot Zoning Ordinance. Computation of time shall be in accordance with general provisions of the Town of Eliot Municipal Code of Ordinances, section 1-2.

Sincerely,

Dennis Lentz, Chair

This letter reviewed and approved by the Planning Board on October 29, 2019.

CC: Shelly Bishop, Code Enforcement Officer
Elliott Moya, Police Chief
Jay Muzeroll, Fire Chief
Martine Painchaud, Tax Assessor
Steve Robinson, Public Works Director

Fire Chief Memo from October 14, 2019.

From: Chief Jay Muzeroll <eliotfirechief@hotmail.com>
Sent: Monday, October 14, 2019 6:45 PM
To: Kristina Goodwin <kgoodwin@eliotme.org>
Subject: Sweet Dirt

Please pass this along to the Planning Board and the applicant.

I have reviewed the plans dated October 1, 2019 and have the following comments and suggestions:

- The 32,000 square foot greenhouse is a "Special Purpose" building and because it has no offices or other conditions that would require a Maine Fire Marshal review, my office (Fire Department only) will waive the Fire Marshal review. The Eliot Codes Enforcement Office will need to concur and establish any life safety requirements.
- The retention pond has no year round value for fire protection purposes and will not be considered a "water source"
- The perimeter road will not safely provide emergency vehicle access/egress for primary fire suppression tactics. Personnel only, no apparatus.
- The "Knox Box" should be of adequate size to support and all keys, cards and access codes and should also include space for the same to the Retail Storefront.
- If the applicant chooses to install a fire alarm system in either building it should be monitored continuously off premise for emergency forces notification and zones and detectors be identified in common language. Panel(s) location with assistance from Fire Chief.
- The greenhouse will have multiple electrically supplied support equipment. It is suggested the one master locked shutoff be installed.
- A Fire Department Safety and familiarization walk thru prior to the issuance of an occupancy permit.

If you need anything further please don't hesitate....

Chief Muzeroll
Eliot Fire Department

Board of Appeals Notice of Decision

Town of Eliot
1333 State Road
Eliot, Maine 03903
November 19, 2017

Hughes & Kristin Pope
43 Creek Crossing
Eliot, ME 03903

Dear Mr. and Mrs. Pope:

This is to inform you that the Board of Appeals acted at the November 16, 2017, meeting on your application for a waiver to dimensional standards of 50% for property owned by Jacquelyn Nooney, Flower Properties Inc. and identified as Tax Map 53, Lot 6.

FINDINGS OF FACT:

- The application is a request for a waiver to dimensional standards for a reduction of setback from 500 ft. to 250 ft.
- The applicants are Hughes and Kristin Pope, 43 Creek Crossing, Eliot, Maine
- The property is in the Commercial/Industrial zone
- The property is located at 495 Harold L. Dow Highway and is identified as Tax Map 56, Lot 6
- The property is owned by Jacquelyn Nooney, Flower Properties Inc.
- Sec. 33-189 of the town ordinance provides for non-profit medical marijuana dispensaries
- Sec. 45-194, c, (2) of the ordinance states the Board of Appeals has the authority to grant a waiver of up to 50% reduction of dimensional standards
- The property is 347 ft. from a public facility, the Town of Eliot Transfer Station, where 500 ft. is required by the ordinance
- The property is a non-conforming lot of record
- 213 ft. of the lot frontage, where 300 ft. is required
- The property is to operate as a non-profit medical marijuana dispensary with consent by the property owner

CONCLUSION:

After hearing testimony, the Board concluded that the 50% maximum should be granted in order for the applicants to operate and expand their business.

DECISION:

Based on the above facts and conclusions, the Board of Appeals voted 4-1 to grant your request for a waiver to dimensional standards for a reduction of 50%, from 500 ft. to 250 ft.

Please be advised that this decision can be appealed to Superior Court within 45 days from November 16, 2017.

IN WITNESS THEREOF, I have hereto set my hand and seal this 20 day of November 2017.

Bill Hamilton, Chairman, Board of Appeals

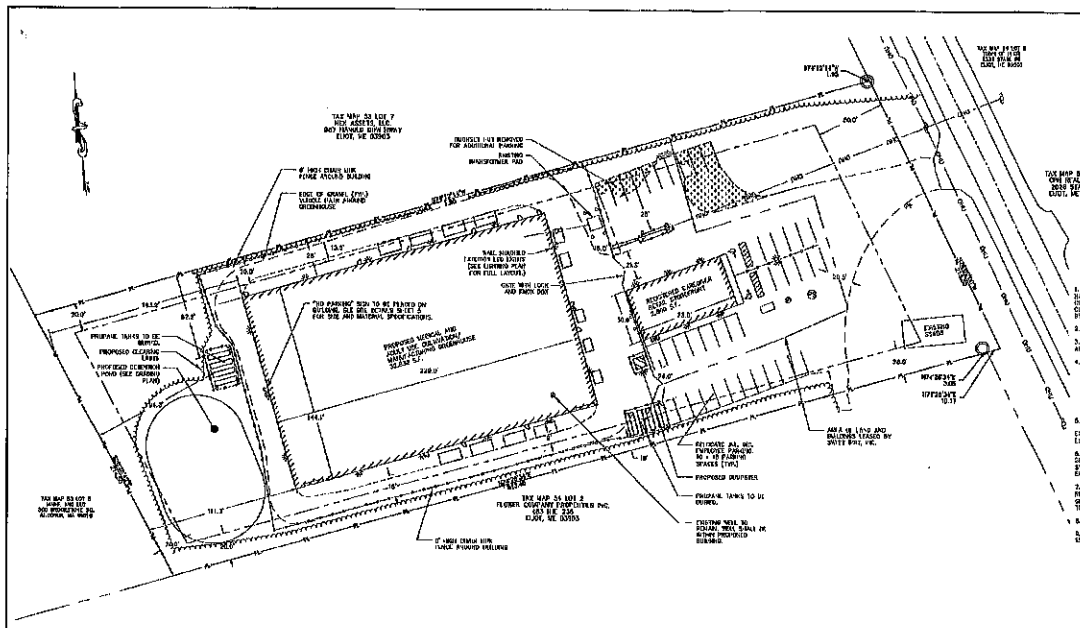
STATE OF MAINE
YORK, SS

Then personally appeared the above-named Bill Hamilton and acknowledged the above certificate to be of his free act and deed in his capacity as Chairman of the Eliot Board of Appeals.

Notary Public

LAURA BRAGG
Notary Public, Maine
My Commission Expires August 25, 2021

YOU HAVE 90 DAYS
IN WHICH TO FILE THIS WAIVER
WITH THE YORK COUNTY REGISTRY OF DEEDS
OR IT WILL BE VOID



GENERAL NOTES

1. THIS PLAN PROVIDES A SITE PLAN AMENDMENT AND CHANGE OF USE TO THE PROPERTY LOCATED AT 495 HAROLD DOW HIGHWAY (ROUTE 236) IN ELIOT. THE PROPOSED CHANGE INCLUDES ADDING ADULT USE CANNABIS TO THE EXISTING MEDICAL CANNABIS ORGANIZATION. NEW CONSTRUCTION WILL BE USED TO CULTIVATE BOTH MEDICAL AND ADULT USE MARIJUANA, AND OTHER BUILDINGS ON THE SITE ARE AFFECTED BY THIS CHANGE.

2. BOUNDARY LINES, EXISTING CONDITIONS AND TOPOGRAPHY WERE TAKEN FROM REFERENCE 1.

3. THE SITE IS IDENTIFIED BY TOWN OF ELIOT TAX MAP 53 AS LOT 6 AND IS APPROXIMATELY 3.0 ACRES IN AREA. THE PARCEL IS LOCATED IN THE COMMERCIAL/INDUSTRIAL (C/I) DISTRICT.

4. DIMENSIONAL REQUIREMENTS

COMMERCIAL/INDUSTRIAL (C/I) DISTRICT	
MINIMUM LOT SIZE	3 ACRES
FRONT YARD SETBACK	50 FEET
SIDE YARD SETBACK	30 FEET
REAR YARD SETBACK	30 FEET
MAXIMUM BUILDING HEIGHT	45 FEET
MAXIMUM LOT COVERAGE	50%

5. COVERAGE CALCULATIONS:

EXISTING BUILDING COVERAGE: 25,832 S.F. 21.18 LOT COVERAGE
EXISTING IMPERVIOUS SURFACE COVERAGE: 81,891 S.F. (1.88 AC) (NO NEW IMPERVIOUS PROPOSED)

6. WATER SERVICE SHALL BE PROVIDED BY AN EXISTING, IMPROVED, PRIVATE, DRILLED WELL. SEWER SERVICE SHALL BE PROVIDED BY AN EXISTING, ADEQUATE, ON-SITE, SUBSURFACE WASTEWATER DISPOSAL SYSTEM (SEPTIC). WASTEWATER FLOWS ESTIMATED FOR 100 GALLONS PER DAY, 10 GALLONS PER DAY PER EMPLOYEE - 12 PART TIME EMPLOYEES.

7. PARKING CALCULATIONS

RETAIL:	1 SPACE/200 S.F. X 2,000 S.F.	= 11 SPACES
WAREHOUSE:	1 SPACE/EMPLOYEE X 8 EMPLOYEES	= 8 SPACES
TOTAL SPACES:		= 20 REQUIRED WITH 34 PROVIDED

8. GENERAL LAYOUT SHOWN REFERENCE 2.

9. SECURITY CAMERAS MUST BE PERMANENTLY FIXED AT THE FOLLOWING LOCATIONS AT ALL TIMES GENERAL:

1. ALL PERIMETER POINTS (SUFFICIENT TO IDENTIFY INDIVIDUALS ENTERING AND EXITING THE PREMISES AND VARIED ACCESS AREAS).

2. EACH TYPE OF SALE A SUFFICIENT NUMBER OF CAMERAS MUST BE PERMANENTLY FIXED TO ALLOW VIEWING OF THE FOLLOWING:

1. ANY AREA WHERE MARIJUANA, MARIJUANA PLANTS, IMMATURE MARIJUANA PLANTS, SEEDLINGS, EDIBLE MARIJUANA CONCENTRATE OR MARIJUANA PRODUCTS ARE CULTIVATED, PROCESSED, MANUFACTURED, STORED, AND/OR PREPARED FOR TRANSFER OR SALE (THE AREA MUST BE VIEWED IN ITS ENTIRETY).

2. ANY AREA WHERE MARIJUANA WASTE IS STORED.

3. ALL AREAS OF THE PREMISES WITHIN 50 FEET OF THE PERIMETER FENCE AND GATES OF A CULTIVATION FACILITY WITH OUTDOOR GROWING.

3. THE SURVEILLANCE SYSTEM STORAGE DEVICE MUST BE DESIGNED ON THE PREMISES IN A LOCKBOX, CABINET OR CLOSET, OR MUST BE ON A THIRD-PARTY SERVER OR SECURED IN ANOTHER MANNER TO PREVENT THEFT DURING THE EMPLOYEE EMPLOYMENT OR REMOVAL PERIOD.

4. ALL SURVEILLANCE RECORDINGS MUST BE KEPT FOR A MINIMUM OF 45 DAYS ON THE LICENSEE'S RECORDING DEVICE.

10. ALL EXTERIOR DOORS TO BE LOCKED WITH CARD ACCESS FOR EMPLOYEES. KEY CARD AND KEYS WILL BE PROVIDED FOR EMERGENCY PERSONNEL TO HAVE-HAVE AS PHONE OF EXTERIOR.

11. FACILITY WASTE CONTAINERS MUST BE PLACED IN DUMPSTER SHOWN ON SITE PLAN. ANY WASTE MATERIALS TO BE PERMANENTLY DISPOSED OF INTO A DOWNSTREAM TOWN AND DISPOSED OF AS SOLID WASTE. OTHER WASTE TO BE PERMANENTLY DISPOSED AND STANDARD TANK DISPOSAL. COMPOSTER WILL BE FOUND IN AND OVERSEEN BY SECURITY CAMERAS. SPECIFIC WASTE PROCEDURES UNDER REVIEW BY MEPP.

REFERENCES

1. "BOUNDARY DOWNLOAD AND TOPOGRAPHIC SURVEY" PREPARED FOR SMILE DIRT, TAX MAP 53 LOT 6, 495 HAROLD DOW HWY, ELIOT, ME DATED OCTOBER 2021 BY FLOWER COMPANY PROPERTIES INC. JACQUELYN MCCONEY, 8 HILLARD AVE, KITTERY, ME 03904, BY AARON FIELD SURVEY.

2. "WATERMARK AS SITE PLAN" PREPARED FOR SMILE DIRT, INC. TAX MAP 53 LOT 6, 495 HAROLD DOW HWY, ELIOT, ME DATED OCTOBER 2021 BY FLOWER COMPANY PROPERTIES INC. BY JOHN MONCHAUSTER.

LEGEND

PROPERTY LINE	
SETBACK	
EXT. MONITOR LINE	
PROP. RIGHT-OF-WAY	
EXT. EASEMENT	
PROP. GRAVEL	
PROP. BUILDING	

STATE OF MAINE
YORK COUNTY SS. RECEIVED & RECORDED
AT ___ H. ___ M. AND RECORDED IN
PLAN BOOK ___ PAGE ___
ATTEST: ___ RECORDER

SIGNATURE DATE
CHAIR

GRAPHIC SCALE
0 20 40 80 120 (FEET)

NO.	DESCRIPTION	BY
	REVISIONS	

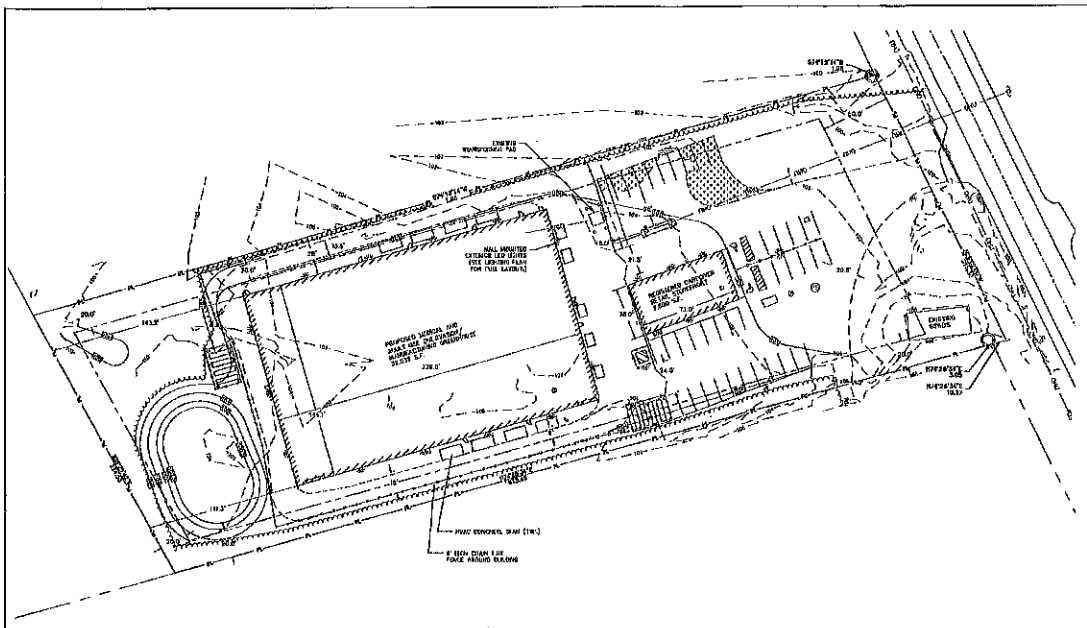
TAX MAP 53, LOT 6

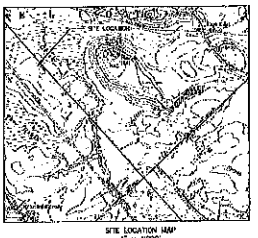
SITE PLAN
SMEET DIRT FACILITY
495 HAROLD DOW HIGHWAY, ELIOT, MAINE

FOR: NEK ASSETS, LLC
987 HAROLD DOW HIGHWAY
ELIOT, MAINE 03903

ATTAR ENGINEERING, INC.
CIVIL & STRUCTURAL & MARINE
1284 STATE ROAD - ELIOT, MAINE 03909
PHONE: (207)439-6023 FAX: (207)439-2398

SCALE: 1" = 40'
DATE: 8/25/2023
APPROVED BY: JOC
DRAWN BY: BRM
JOB NO. 6065-18
FILE: SMEET DIRT DRAWING
HORIZONTAL DATUM: --
SHEET 1





SITE LOCATION MAP
1" = 2000'

GENERAL NOTES

1. ALL PIPES, VALVES, FITTINGS, AND CONNECTIONS SHALL MEET CURRENT ELIOT WATER DISTRICT STANDARDS.
2. ALL STORM DRAINS TO BE ADS N-12 (R7) OR APPROVED EQUAL.
3. A MINIMUM OF 6'-0" OF COVER SHALL BE MAINTAINED OVER ALL WATER LINES.
4. CENTRAL MAINE POWER COMPANY WILL PREPARE THE ELECTRICAL PLAN FOR CONSTRUCTION.
5. NEW WATER AND SEWER LINES SHALL BE TESTED IN ACCORDANCE WITH INSPECTION SERVICE REQUIREMENTS.

REFERENCES

1. "STANDARD BOUNDARY AND TOPOGRAPHIC SURVEY", PREPARED FOR SWEET DIRT, TAX MAP 53 LOT 6, 495 HAROLD DOW HWY., ELIOT, ME 03903, OWNER OF RECORD: FLOW'R COMPANY PROPERTIES INC. JACQUELYN HORNICK & ROLAND AVE, BRITAIN, ME 03903, BY ANDERS FIELD SURVEY.
2. "AREA OVERLAY TO SITE PLAN", PREPARED FOR SWEET DIRT, NO. 253 MAP 53 LOT 6, 495 HAROLD DOW HWY., ELIOT, ME 03903, OWNER OF RECORD: ELIOT COMPANY PROPERTIES INC. BY JOSEPH WHITEMAN.

LEGEND	
PROPERTY LINE	PL
SIDEWALK	
EXIST. ABUTTER LINE	
PROP. RIGHT-OF-WAY	
EXIST. PAVEMENT	
PROP. GRAVEL	
PROP. BUILDING	

STATE OF MAINE
YORK COUNTY SS. REGISTRY OF DEEDS
RECEIVED _____ 20__
AT ____ O'CLOCK ____ M. AND RECORDED IN
PLAN BOOK ____ PAGE ____
ATTEST: _____ REGISTER

SIGNATURE DATE
GRAPHIC SCALE
0 30 60 90 120 (FEET)

NO.	DESCRIPTION	DATE
	REVISIONS	

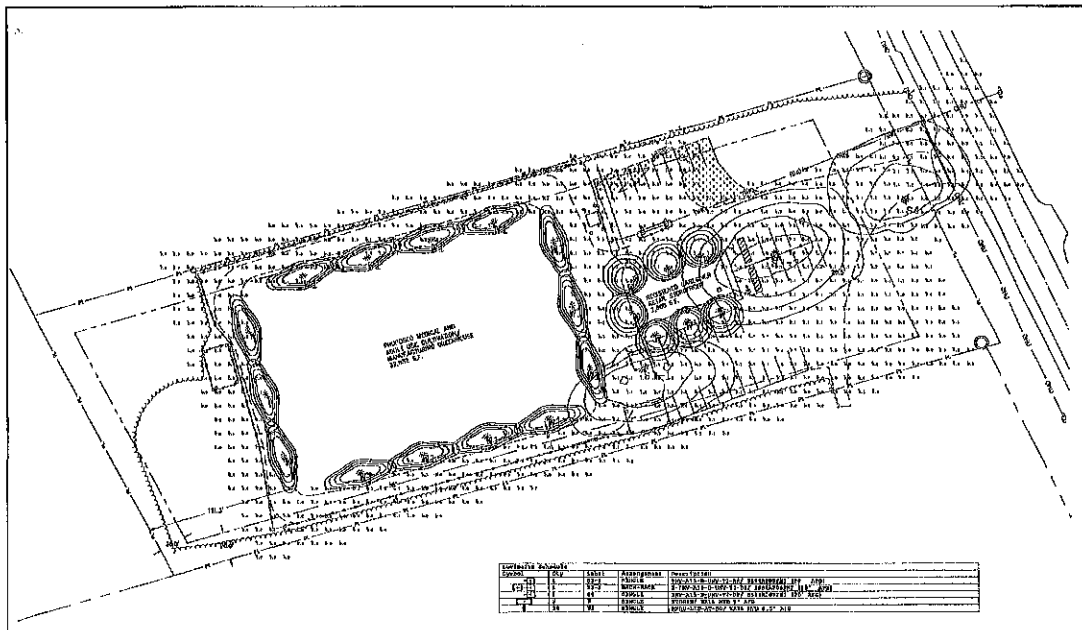
TAX MAP 53, LOT 6

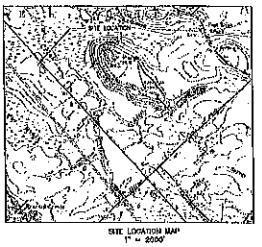
GRADING AND UTILITY PLAN
SWEET DIRT FACILITY
495 HAROLD DOW HIGHWAY, ELIOT, MAINE

FOR: NEK ASSETS, LLC
987 HAROLD DOW HIGHWAY
ELIOT, MAINE 03903

ATTAR ENGINEERING, INC.
CIVIL • STRUCTURAL • SURVEY
1206 STATE ROAD – ELIOT, MAINE 03903
PHONE (207)439-6023 FAX (207)439-2128

SCALE	REVIEWED BY	DRAWN BY
1" = 30'		BRH
DATE		DESIGN BY
5/20/2020		
JOB NO. C004-19	EIS SITE AND BUILDING	SHEET 3





SITE LOCATION MAP
1" = 2000'

GENERAL NOTES

1. EXISTING UTILITIES PROVIDED BY CUSTOMER ENG

Luminaire Schedule					
Symbol	Qty	Label	Manufacturer	Description	
	13	1	[illegible]	[illegible]	
(12)	12	2	[illegible]	[illegible]	
	21	3	[illegible]	[illegible]	
	1	4	[illegible]	[illegible]	
	1	5	[illegible]	[illegible]	
	1	6	[illegible]	[illegible]	

REFERENCES

1. "STANDARD BOUNDARY AND TOPOGRAPHIC SURVEY" PREPARED FOR SWEET DIRT, TAX MAP 53 LOT 6, 495 HAROLD DOW HWY., ELIOT, ME 03903, OWNER OF RECORD: BUNKER COMPANY PROPERTIES INC. BY DAVIDSON MOONEY, 8 PEARL AVE, POTTERY, ME 03905, BY AMSDEN FIELD SURVEY.

2. "ALTA/NSPS LAND TITLE SURVEY" PREPARED FOR SWEET DIRT, INC. TAX MAP 53 LOT 6, 495 HAROLD DOW HWY., ELIOT, ME 03903, OWNER OF RECORD: BUNKER COMPANY PROPERTIES INC. BY [illegible] & ASSOCIATES.

LEGEND

PROPERTY LINE	
SETBACK	
EXT. CENTER LINE	
EXT. RIGHT-OF-WAY	
EXT. PAVEMENT	
PAV. GRAVEL	
PAV. GRITTED	

SIGNATURE	DATE
CLIENT	

GRAPHIC SCALE
0 30 60 90 120 (FEET)

NO.	DESCRIPTION REVISIONS	DATE

TAX MAP 53, LOT 6

495 HAROLD DOW HIGHWAY, ELIOT, MAINE

LIGHTING PLAN
SWEET DIRT FACILITY

FOR:
NEK ASSETS, LLC
907 HAROLD DOW HIGHWAY
ELIOT, MAINE 03903

ATTAR ENGINEERING, INC.
CIVIL & STRUCTURAL ENGINEERS
1565 STATE ROUTE 9 — BERWICK, MAINE 03901
PHONE: (207) 698-5025 FAX: (207) 698-5028

SCALE:	APPROVED BY:	DRAWN BY:
1" = 30'		BDB
DATE:		REVISION DATE:
8/12/2020		-/-
JOB NO. C020-10	FILE: 1012 DIR INCLUDE	SHEET: 3

EROSION & SEDIMENTATION CONTROL NOTES

1. SILTATION FENCE OR HAY BALE BARRIERS WILL BE INSTALLED DOWNGRADE OF ALL DISTURBED OR CONSTRUCTION EXCAVATIONS. A DOUBLE SILT FENCE EMERGENCY BERM SHALL BE INSTALLED DOWNHILL OF ANY SOIL MATERIAL STOCKPILES. SILT FENCES SHALL BE INSPECTED AFTER EACH RAIN EVENT AND DAILY DURING PROLONGED RAIN. SILT AND SOIL MATERIALS ACCUMULATED BEHIND THE FENCE SHALL BE REMOVED AFTER EACH SIGNIFICANT RAIN EVENT AND BY ANY DISCERNIBLE SEDIMENT ACCUMULATION EXCEEDS 1/2 THE HEIGHT OF THE FENCE. SOIL ARE BACKFILLED AREAS SHALL BE MULCHED.

2. TEMPORARY AND PERMANENT VEGETATION AND MULCHING IS AN ESSENTIAL COMPONENT OF THE EROSION AND SEDIMENTATION CONTROL PLAN. ALL AREAS SHALL BE PROTECTED AND MAINTAINED UNTIL THE DESIRED VEGETATIVE COVER IS ESTABLISHED. THESE COMMON MEASURES ARE ESSENTIAL TO ENSURE PREVENTION AND AVOID REDUCE COSTLY REWORK OF GRADED AND SHAPED AREAS.

3. SEEDING FERTILIZER AND LIME RATES AND THE OF APPLICATION WILL BE DEPENDENT ON SOIL REQUIREMENTS. TEMPORARY VEGETATION SHALL BE MAINTAINED IF WORK AREAS WITH PERMANENT SEEDING IS APPROX. ADDITIONALLY, EROSION AND SEDIMENTATION MEASURES SHALL BE MAINTAINED UNTIL PERMANENT VEGETATION IS ESTABLISHED.

4. ALL LAWN AREA, QUIET POND SIDE SLOPES AND SWALES SHALL BE PERMANENTLY SEEDED WITH THE FOLLOWING MIXTURE: 50 LB/ACRE CHEWINGS RED FESCUE, 2 LB/ACRE REDTOP AND 20 LB/ACRE TALL FESCUE FOR A TOTAL OF 42 LB/ACRE. FERTILIZER AND LIME RATES SHALL BE DEPENDENT ON SOIL TESTING. IN THE ABSENCE OF SOIL TESTS, FERTILIZE WITH 40-20-20 (N-P2O5-K2O) AT 600 LB/ACRE AND LIME AT 3 TONS/ACRE. MULCH WITH HAY AT 70-90 LB/1000 S.F. 4" OF LOAM SHALL BE APPLIED PRIOR TO SEEDING.

5. POND BOTTOMS AND INVERT POND SIDE SLOPES SHALL BE PERMANENTLY SEEDED WITH THE FOLLOWING MIXTURE: 20 LB/ACRE CHEWINGS RED FESCUE, 8 LB/ACRE PERENNIAL RYEGRASS, AND 20 LB/ACRE TALL FESCUE FOR A TOTAL OF 48 LB/ACRE. SEE THE ABOVE NOTE FOR FERTILIZER, LIME AND MULCHING RATES.

6. TEMPORARY VEGETATION OF ALL DISTURBED AREAS, MATERIAL STOCKPILES AND OTHER SUCH AREAS SHALL BE ESTABLISHED BY SEEDING WITH QUICK GROWER RYE AS A MIX OF THE LB/ACRE OR ANNUAL RYEGRASS AT A RATE OF 40 LB/ACRE. WINTER RYE SHALL BE USED FOR FALL SEEDING AND ANNUAL RYEGRASS FOR SPRING OVERSEEDING. SEEDING SHALL BE ACCOMPANIED WITH MULCH.

7. TEMPORARY SEEDING OF DISTURBED AREAS SHALL BE ACCOMPLISHED BEFORE OCTOBER 8. PERMANENT SEEDING SHALL BE ACCOMPLISHED BY OCTOBER 15.

8. ALL SLOPES AREAS SHALL BE MULCHED WITH HAY AT A RATE OF 2 BALES (70-90 LB) PER 1000 S.F. OF SEEDED AREA.

9. SLOPES 3H OR STEEPER SHALL BE TREATED WITH PLASTIC OPEN WEAVE GEOTEXTILE (OR EQUIVALENT) AFTER SEEDING. JUTE MATS SHALL BE ANCHORED WITH ANNUAL RYEGRASS SPECIFICATIONS.

10. EXCESSIVE DUST CAUSED BY CONSTRUCTION OPERATIONS SHALL BE CONTROLLED BY APPLICATION OF WATER OR CALCIUM CHLORIDE.

11. THE CONTRACTOR MAY OPT TO USE EROSION CONTROL MIX MIXES AS A SEDIMENT BARRIER IN LIEU OF SILTATION FENCE OR HAY BALE BARRIERS WITH APPROVAL FROM THE INSPECTING ENGINEER.

12. DURING DISTURBED AREAS AND CONTROL BARRIER, DOWNGRADIENT BUFFER AREAS TO BE MAINTAINED TO CONTROL SEDIMENTATION VOLUME AND VELOCITY WITHIN THE SITE. AN ADEQUATE DRAINAGE, THE DETERMINATION OF FLOW BASED, CONTROL SUPERVISED DISCHARGE, AND DOUBLE SILT FENCE OR BALES AND SPRINKLE TO MINIMIZE EROSION AS OUTLETS, THE DISCHARGE MAY NOT RESULT IN EROSION OF ANY OFFSITE DRAINAGE CHANNELS, SWALES, BUFFER ESTABLISHED ON STREAM BANKS, WETLAND, OR COASTAL OR TRANSITIONAL WETLANDS OFF THE PROJECT SITE.

EROSION & SED. CONTROL NOTES (CONT.)

13. WHEN THE PRACTICABLE NO MAINTENANCE OPERATION CHANGE TAKE PLACE WITHIN 50 FEET OF ANY PROTECTED NATURAL RESOURCE, IF DISTURBANCE ACTIVITIES TAKE PLACE WITHIN 50 FEET AND OR FEET OF ANY PROTECTED NATURAL RESOURCE, AND SHOULD BE DOWNGRADIENT OF THE DISTURBANCE, THE DISTURBED AREAS SHALL BE PROTECTED BY HAYBALE DOWNGRADIENT BUFFER. DISTURBED AREAS SHALL BE STABILIZED. DISTURBANCES ACTIVITIES TAKE PLACE LESS THAN 50 FEET FROM ANY PROTECTED RESOURCE, DISTURBANCE AND STABILIZATION MUST BE COMPLETED WITHIN 7 DAYS. PROTECTED NATURAL RESOURCE, PERMANENT EROSION CONTROL SHALL BE INSTALLED AND DISTURBED AREAS MUST BE TEMPORARILY OR PERMANENTLY STABILIZED WITHIN 7 DAYS.

14. PRIOR TO CONSTRUCTION, PROPERLY INSTALL SEDIMENT BARRIERS AT THE DOWNGRADIENT SIDE OF ANY AREA TO BE DISTURBED AND ADJACENT TO ANY WATERWAY. WHENEVER WATER MAY BE DISTURBED AREA. SEDIMENT BARRIERS SHOULD BE INSTALLED DOWNGRADIENT OF SOIL OR MOVEMENT SHORELINE AND SUBMERGED PREVENTED FLOW DURING ONTO THE SHORELINE. MAINTAIN THE SEDIMENT BARRIERS BY REMOVING ACCUMULATED SEDIMENT, OR REMOVING AND REPLACING THE BARRIER, UNTIL THE DISTURBED AREA IS PERMANENTLY STABILIZED. TRUCK A DISCHARGE TO A STORM DRAIN BUFFER OCCURS, IF THE STORM DRAIN EXPOSES WATER DIRECTLY TO A SURFACE WATER AND YOU HAVE AUTHORITY TO ACCESS THE STORM DRAIN BUILD YOU MUST INSTALL AND MAINTAIN PROTECTION MEASURES THAT REMOVE SEDIMENT FROM THE DISCHARGE.

15. PRIOR TO CONSTRUCTION, PROPERLY INSTALL A STABILIZED CONSTRUCTION ENTRANCE (SEE) AT ALL POINTS OF EGRESS FROM THE SITE. THE ROCK IS A STABILIZED PAD OF AGGREGATE, MODULAR IN BY A GEOTEXTILE FILTER FABRIC, USED TO PREVENT TRAFFIC FROM TRAPPING MATERIAL AWAY FROM THE SITE ONTO PUBLIC ROADS. MAINTAIN THE SITE UNTIL ALL DISTURBED AREAS ARE STABILIZED.

16. WITHIN 7 DAYS OF THE CESSATION OF CONSTRUCTION ACTIVITIES IN AN AREA THAT WILL NOT BE WORKED FOR MORE THAN 7 DAYS, STABILIZE ANY EXPOSED SOIL WITH MULCH OR OTHER NON-DURABLE COVER. STABILIZE AREAS UNDER 20 FEET OF A WATERWAY OR WATERWAY WITHIN 48 HOURS OF THE INITIAL DISTURBANCE OF THE SOIL OR 1 HOUR TO ANY STORM EVENT, WHICHEVER COMES FIRST.

17. REMOVE ANY TEMPORARY CONTROL MEASURES, SUCH AS SILTATION FENCE, WITHIN 30 DAYS AFTER PERMANENT STABILIZATION IS ATTAINED. REMOVE ANY ACCUMULATED SEDIMENTS AND STABILIZE.

18. IF THE AREA WILL NOT BE WORKED FOR MORE THAN ONE YEAR OR THIS SEEN DISCLOSE TO FINAL GRADE, THEN PERIODICALLY STABILIZE THE AREA WITHIN 7 DAYS BY PLANTING WITH NATIVE NEEDLES, SEED, OR THROUGH THE USE OF PERMANENT MULCH OR BARRIER. IN SOME INSTANCE, IF CONTROL ICE BARRIER FOR STABILIZATION, SELECT THE PROPER VEGETATION FOR THE LIGHT, MOISTURE, AND SOIL CONDITIONS. AVOID AREAS OF DISTURBED SHORELINE THAT FLOODED, COMPACT, OR DEVELOPMENT. PROTECT SEEDED AREAS USING MULCH OR, IF NECESSARY, EROSION CONTROL BLANKETS AND SCHEDULE SEEDING PLANTING AND SCHEDULE SO TO AVOID DIE-OFF FROM SUMMER DROUGHT AND FALL FROSTS. NEWLY SEEDED OR SEEDED AREAS MUST BE PROTECTED FROM VEHICLE TRAFFIC, EXCESSIVE PEDESTRIAN TRAFFIC AND CONTAMINATED RUNOFF UNTIL THE VEGETATION IS WELL-ESTABLISHED WITH BARE COVER OR DENSE VEGETATION. IF NECESSARY, AREAS MUST BE REWORKED AND RESTABILIZED IF DISTURBANCE OCCURS. PLANT COVERAGE IS SUFFICIENT, ON EXPOSED EROSION IS EVIDENT, ONE OR MORE OF THE FOLLOWING MAY APPLY TO A PARTICULAR SITE.

19. FOR SEEDED AREAS, PERMANENT STABILIZATION MEANS A 90% COVER OF THE DISTURBED AREA WITH SATIVE, HEALTHY PLANTS WITH NO EVIDENCE OF INSUFFICIENT BUILDING OF THE TOPSOIL.

20. FOR SODDED AREAS, PERMANENT STABILIZATION MEANS THE COMPLETE BINDING OF THE SOD ROOTS INTO THE UNDERLYING SOIL WITH NO SLUMPING OF THE SOD OR ERE-ING.

21. FOR MULCHED AREAS, PERMANENT STABILIZATION MEANS TOTAL COVERAGE OF THE EXPOSED AREA WITH AN APPROVED MULCH MATERIAL. EROSION CONTROL MIX MAY BE USED AS AN EFFECTIVE PERMANENT STABILIZATION ACCORDING TO THE APPROVED APPLICATION RATES AND LIMITATIONS.

22. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ADEQUATE HOUSEKEEPING PRACTICES DURING THE DISTURBANCE OF THE PROJECT. THESE STANDARDS CAN BE FOUND IN THE FOLLOWING DOCUMENTS: BOOK CHAPTER 500 (STORMWATER MANAGEMENT), INTERIOR C. HOUSEKEEPING, HOUSEKEEPING PRACTICES INCLUDE, BUT ARE NOT LIMITED TO: ALL TRASH, DEBRIS, HOUSEKEEPING DEBRIS, DEBRIS THE CEMENT AND GRIT, FUEL AND OIL, PAINT, PAINT, WASTE, CONCRETE, PETROLEUM, HAZARDOUS NON-STORMWATER DISCHARGES AND STORMWATERED NON-STORMWATER DISCHARGES.

WINTER CONSTRUCTION NOTES

1. AN AREA SHALL BE CONSIDERED STABILIZED WHEN EXPOSED SURFACES HAVE BEEN GIVEN MULCH AT A RATE OF 100 LB/1000 S.F. OR SEEDING, SEEDED, MULCHED AND ADEQUATELY ANCHORED BY AN APPROVED ANCHORING METHODS. IN ALL CASES, UNLESS SHALL BE MULCHED SO THAT THE SOIL SURFACE IS NOT VISIBLE THROUGH THE SEEDED.

2. FROM OCTOBER 15 TO APRIL 1, LOAM AND SEED WILL NOT BE REQUIRED. DURING PERIODS OF SUBSTANTIAL SNOW, ICE AND FROSTS, DISTURBED AREAS SHALL BE FIRE GRADED AND STABILIZED WITH MULCH OR TEMPORARY SEEDED AND MULCHED UNTIL PERMANENT SEEDING CAN BE ACHIEVED. AFTER NOVEMBER 1, DISTURBED AREAS THAT ARE FINALIZED, FINE GRADED AND SEEDING NEEDED AT A RATE 100-200% HIGHER THAN THE SPECIFIED PERMANENT SEEDING RATE. IF CONSTRUCTION CONTINUES DURING THE WINTER MONTHS, DISTURBED AREAS SHALL BE COVERED BEFORE FREEZING AND TEMPORARILY STABILIZED WITH MULCH. DISTURBED AREAS THAT ARE NOT FINE GRADED WITHIN THE WINTER ON FOR ANY OTHER EXTENDED PERIOD OF TIME UNLESS STABILIZED WITH MULCH.

3. FROM NOVEMBER 1 TO APRIL 15 AN MULCH SHALL BE ANCHORED BY STRAW HAY LINE, MULCH NETTING, ASPHALT EMULSION, CHEMICAL GLUE, OR MULCH BLANKET. MULCH NETTING SHALL BE USED TO ANCHOR MULCH IF ALL CONTROL SLOPES THAT ARE GREATER THAN 3:1, SLOPES EXPOSED TO GREAT WINDS AND FINE SAND STRAWS FROM THE MULCH NETTING SHALL BE USED TO ANCHOR MULCH IF ALL AREAS AND MULCHED GREATER THAN 10%. AFTER OCTOBER 1, THE RULE APPLIES TO ALL SLOPES GREATER THAN 3:1.

4. MULCH SHALL BE REMOVED FROM AREAS OF SEEDING AND MULCHING PRIOR TO PLACEMENT.

5. FOR WINTER STABILIZATION, HAY MULCH SHALL BE APPLIED AT TWICE THE STANDARD TEMPORARY STABILIZATION RATE. AT THE END OF EARLY CONSTRUCTION BUT AREAS THAT HAVE BEEN MULCHED TO FINAL GRADE SHALL BE STABILIZED. MULCH SHALL NOT BE SPREAD ON TOP OF SNOW.

6. ALL AREAS WITHIN 25 FEET OF A PROTECTED NATURAL RESOURCE SHALL BE PROTECTED WITH A DOUBLE ROW OF SEDIMENT BARRIERS.

7. ALL VEGETATED BUFFER LINES THAT HAVE NOT BEEN STABILIZED BY NOVEMBER 1, OR WILL BE DISTURBED DURING THE WINTER CONSTRUCTION PERIOD, SHALL BE SEEDED WITH AN APPROPRIATE SEEDING MIXTURE AND MULCHED BY AN APPROPRIATE ANNUAL SEED OR EFFECTIVE LIQUID SPECIFICALLY INTENDED FROM THE STANDARD BY THE SEED.

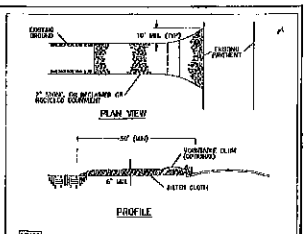
8. MULCH NETTING SHALL BE USED TO ANCHOR MULCH ON ALL SLOPES STEEPER THAN 3:1 UNLESS EROSION CONTROL BLANKETS OR EROSION CONTROL MIX IS USED ON SUCH SLOPES.

E&S INSPECTION/MAINTENANCE DURING CONSTRUCTION

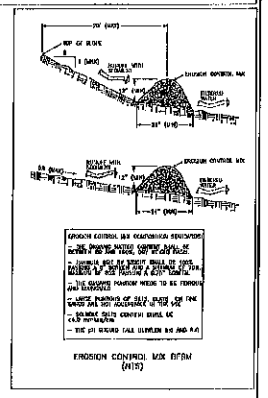
INSPECTION AND MAINTENANCE. ANNUAL REPORTS INSPECTED AND IMPERVIOUS AREAS, EROSION CONTROL PROPERTIES, IMPERVIOUS STORAGE AREAS THAT ARE EXPOSED TO PRECIPITATION AND LOCATIONS WITHIN 100M OF THE SITE. INSPECT BASE AREAS AT LEAST ONCE A MONTH AND WITHIN 24 HOURS AFTER A STORM EVENT GENERATES AND PRIOR TO CONVERTING PRE/POST STABILIZATION MEASURES. A PERSON WITH KNOWLEDGE OF EROSION AND STORMWATER CONTROL, INSPECTION AND MAINTENANCE PRACTICES AND CONDITIONS IN THE PROJECT AREA CONDUCT THE INSPECTIONS.

A. MAINTENANCE. IF BEST MANAGEMENT PRACTICES (BMPS) NEED TO BE REPAIRED, THE REPAIR WORK SHOULD BE INITIATED UPON DISCOVERY OF THE PROBLEM BUT NO LATER THAN THE END OF THE NEXT WORKDAY IF ADDITIONAL TIME IS NECESSARY BEYOND OF THIS AND DOCUMENT. IMPLEMENTATION BEST OF COMPLETED WITHIN 7 CALENDAR DAYS AND PRIOR TO ANY STORM EVENT. DURATION. ALL MEASURES MUST BE MAINTAINED IN EFFECTIVE OPERATING CONDITION UNTIL AREAS ARE PERMANENTLY STABILIZED.

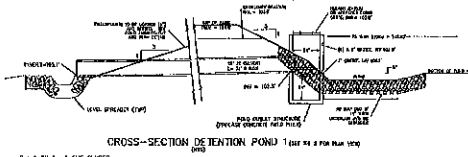
B. DOCUMENTATION. KEEP A LOG (REPORT) SUMMARIZING THE INSPECTIONS AND ANY CORRECTIVE ACTION TAKEN. THE LOG MUST INCLUDE THE DATES AND DESCRIPTIONS OF THE PROBLEM DURING THE INSPECTIONS, THE DATE(S) OF THE IMPROVEMENTS, AND MAKE RECOMMENDATIONS ABOUT THE OPERATION AND MAINTENANCE OF EROSION AND SEDIMENTATION CONTROLS, MATERIALS STORAGE AREAS, AND VEHICLE ACCESS POINTS TO THE PROJECT. MAKE REPORTS AVAILABLE UPON REQUEST. SITE VISIT FAILURE TO PERFORM AN DESIGNED OR PROPER MAINTENANCE FOR A PARTICULAR LOCATION, AND DOCUMENT MAKE ADDITIONAL BMPS ARE NEEDED. FOR EACH BMP REQUIRING MAINTENANCE, BMP REPAIR REPLACEMENT, AND LOCATION NEEDING REMOVAL WORK OF THE LOG THE ACTUAL REPAIR WORK (BMP) ALL REPAIRS MUST BE MADE. THE LIFESPAN OF MULCH NETTING IS DETERMINED BY THE MANUFACTURER. IF THE MULCH NETTING PROVIDER NOTES REMOVAL, IN ADDITION, SHALL REPAIR IT OFF OF THE SITE OR IF IT IS BURIED OR AT LEAST THREE YEARS FROM THE COMPLETION OF PERMANENT STABILIZATION.



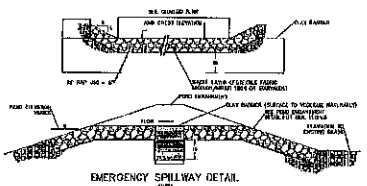
STABILIZED CONSTRUCTION ENTRANCE



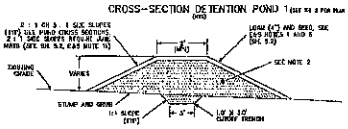
EROSION CONTROL MIX BERM (NTS)



CROSS-SECTION DETENTION POND 1 (SEE NO 8 FOR PLAN VIEW)

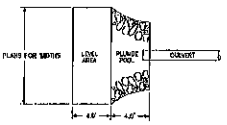


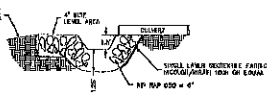
EMERGENCY SPILLWAY DETAIL (NTS)



POND EMBANKMENT AND BERM DETAIL

SCALE: 1" = 20'





LEVEL SPREADER (NTS)

EMBANKMENT CONSTRUCTION NOTES

1. ALL ORGANIC MATERIAL, STUMPS, ROOTS AND BOULDERS SHALL BE REMOVED TO A MINIMUM DEPTH OF 24" BELOW SUBGRADE OF THE EARTH EMBANKMENT. ALL EXCAVATIONS BELOW THE DAM EMBANKMENT SHOULD HAVE A MINIMUM SLOPE OF 1H 1 1V.

2. ALL BASIN EMBANKMENT FILL MATERIAL SHALL BE FREE FROM GROUND TOPS A MINIMUM OF 2.0% FINES CONTENT. EMBANKMENT FILL SHALL BE PLACED IN 12" (MAX) LIFTS AND BE COMPACTED TO 95% MODIFIED PROCTOR. A OUTLET TRENCH DEPTH OF EXCAVATION AS SHOWN PRIOR TO CONSTRUCTION OF EMBANKMENTS.

3. DETENTION BASIN AND ALL EXCAVATIONS SHALL BE DEPTH FREE OF WATER DURING CONSTRUCTION.

3	PLANS RE-REVIEW (TS/JMS/KR)	10/08/20
NO.	DESCRIPTION	DATE

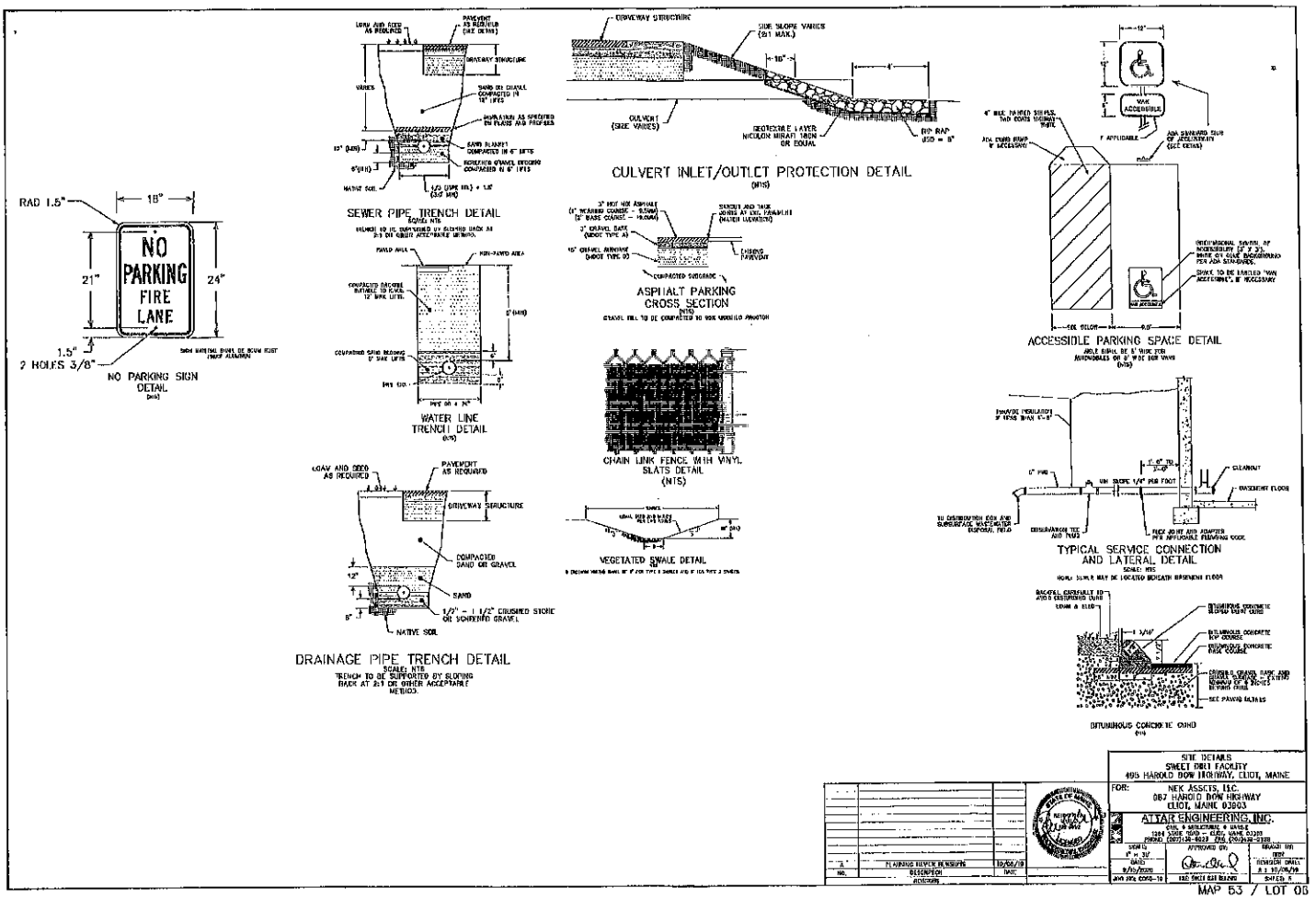
EROSION AND SEDIMENTATION CONTROL
SHEET DWT FACILITY
495 HAROLD DOW HIGHWAY, ELIOT, MAINE

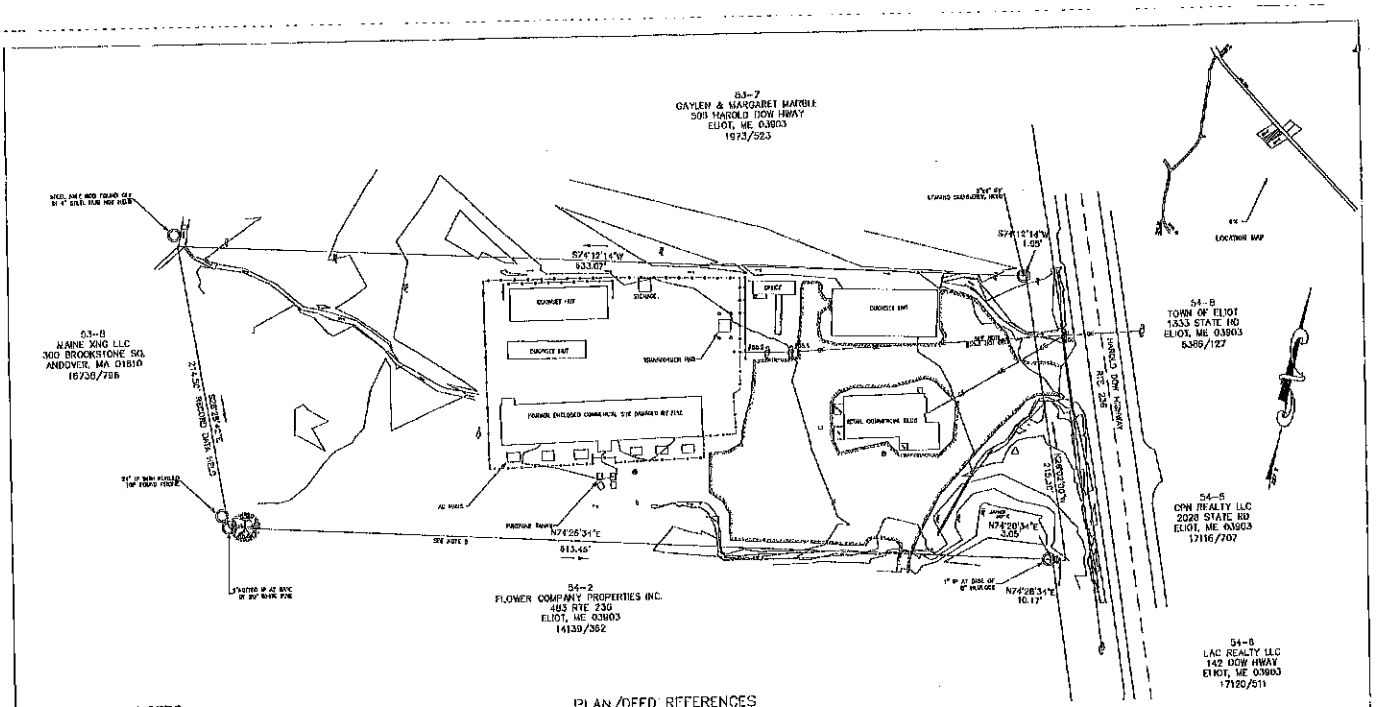
FOR: REK ASSETS, LLC.
987 HAROLD DOW HIGHWAY
ELIOT, MAINE 03903

ATTAR ENGINEERING, INC.
DAN + STRICKLAND + WORK
1261 HOWE DRIVE - ELIOT, MAINE 03903
PHONE: (207)439-9003 FAX: (207)439-2178

SCALE: 1" = 20'
APPROVED BY: [illegible]
DRAWN BY: DJW
DATE: 8/25/2020
REVISION DATE: 3 - 10/08/20
JOB NO: 0062-19
FILE SHEET DWG CEC20
SHEET: 4

MAP 53 / LOT 06


RAD 1.5"
18"
NO PARKING FIRE LANE
21"
24"
1.5"
2 HOLES 3/8"
NO PARKING SIGN DETAIL
SEWER PIPE TRENCH DETAIL
WATER LINE TRENCH DETAIL
DRAINAGE PIPE TRENCH DETAIL
SCALE: NTS
TRENCH TO BE SUPPORTED BY SLOPING BACK AT 2:1 OR OTHER ACCEPTABLE METHOD.
DRIVEWAY STRUCTURE
SIDE SLOPE VARIES (2:1 MAX.)
CULVERT (SIZE VARIES)
GEOTEXTILE LAYER NICOLON MIRAFI 180N OR EQUAL
RIP RAP USED = 8"
CULVERT INLET/OUTLET PROTECTION DETAIL
(NTS)
ASPHALT PARKING CROSS SECTION
(NTS)
CHAIN LINK FENCE WITH VINYL SLATS DETAIL
(NTS)
VEGETATED SWALE DETAIL
ACCESSIBLE PARKING SPACE DETAIL
TYPICAL SERVICE CONNECTION AND LATERAL DETAIL
SCALE: NTS
BITUMINOUS CONCRETE CURB
SITE DETAILS
SHEET DBLI FACILITY
495 HAROLD DOW HIGHWAY, ELIOT, MAINE
FOR:
NEK ASSOCS, LLC.
087 HAROLD DOW HIGHWAY
ELIOT, MAINE 03903
ATTAR ENGINEERING, INC.
CIVIL & MUNICIPAL & LAND-E
1284 STATE ROAD - ELIOT, MAINE 03903
PHONE: (207)439-6023 FAX: (207)439-2193
SCALE: 1" = 30'
DATE: 8/30/2005
JOB NO. 2005-10
APPROVED BY:
DRAWN BY: NEK
REVISION DATE: 8 : 10/06/09
SHEET: 5
NEK SHEET 6.01 DRAWING
PLANNING REVIEW REVISIONS
10/06/09
DESCRIPTION
DATE
MAP 53 / LOT 05



NOTES

1. THIS PLAN PROVIDES THE DATA FOR A STANDARD BOUNDARY AND TOPOGRAPHIC SURVEY AT 495 RTE. 236, A.K.A. HAROLD DOW HIGHWAY. THE PROPERTY IS LISTED IN THE TOWN OF ELIOT TAX ASSESSORS DATABASE AS MAP 54 LOT 7.
2. SURVEY PERFORMED 6-1-2019 USING A TOPCOON GS ROBOTIC TOTAL STATION.
3. NO WETLAND FEATURES WERE MAPPED.
4. UNDERGROUND UTILITIES ARE NOT SHOWN. CONTRACTORS PERFORMING WORK AT THE SITE SHOULD CHECK WITH DIG-SAFE AND TRACK UNDERGROUND UTILITIES MARKED BEFORE COMMENCING ANY WORK.
5. THE PROPERTY IS NOT IN A FLOOD ZONE PER FLOOD BOUNDARY RATE MAP COMMUNITY PANEL 230080 0210 B, EFFECTIVE DATE JULY 5, 1982.
6. THE PROPERTY IS LOCATED IN THE COMMERCIAL INDUSTRIAL DISTRICT. DISTRICT DIMENSIONS ARE 80' FRONT YARD, 30' SIDE AND REAR YARD SETBACKS UNLESS ABUTTING RESIDENTIAL PROPERTIES.
7. THE PROPERTY IS SUBJECT TO THE FOLLOWING EASEMENTS: YORK 3263/313, 2548/109, AND 12809/156.
8. SEE BOUNDARY LINE AGREEMENT YORK 15066/656.
9. VERTICAL DATUM IS ASSUMED.
10. NUMEROUS HOPE TUBES ON THE SITE MAKE USE OF CONCRETE PIERS. THEY ARE NOT REPORTED.

PLAN/DEED REFERENCES

1. "STANDARD BOUNDARY SURVEY AND TOPOGRAPHY PLAN" OWNED BY GAYLEN D. MARBLE, BY EASTERLY SURVEYING, INC. DATED 1/16/04.
2. "MAINE STATE HIGHWAY COMMISSION-RIGHT-OF-WAY MAP" S-010(3) S.H.C. 16-192 SHEET 9
3. "PROPERTY OF EVELYN K. JOHNSON, RTE 236, ELIOT, MAINE, SURVEY BY L.J. ROGERS, SEPTEMBER, 1977.
4. "BOUNDARY AGREEMENT PLAN" MAP 53 LOT 6 AND MAP 54 LOT 7" BY SOC ENGINEERING, INC. DATED 6/25/08.

STOP UTILITY POLE

GRAVEL PIPE/ROD FOUND

GRAPHIC SCALE

0 30 60 90 120 (FEET)

CERTIFICATION:
THIS SURVEY CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS STANDARDS FOR A GRADEPRY 1, CONDITION 1 SURVEY. EXCEPT THAT NO MONITOR MONUMENTS HAVE BEEN PLACED AS OF THIS DATE.

PROFESSIONAL LAND SURVEYOR
No. 2448
STATE OF MAINE

8/9/19

STANDARD BOUNDARY AND TOPOGRAPHIC SURVEY
SWEET CRRT
TAX MAP 54 LOT 5
495 HAROLD DOW HWY.
ELIOT, ME 03903

OWNER OF RECORD:
FLOWER COMPANY PROPERTIES INC.
JACQUELYN MOONEY
9 ISLAND AVE.
KITTERY, ME 03904
17214/70

BY
AMSDEN FIELD SURVEY
799 MAIN ST.
ELIOT, ME 03903
207-451-0444

SCALE 1"=30'

DATE 8/9/19

TOWN OF ELIOT, MAINE

PLANNING BOARD NOTICE OF DECISION

CASE #: PB19-8 – AMENDED SITE PLAN/REQUEST FOR PLANNING BOARD ACTION APPLICATION	MAP/LOT: 53/6	DATE OF DECISION: OCTOBER 15, 2019

October 31, 2019

Flower Company Properties, Inc.
Attn: Jacquelyn Nooney, President
483 Harold L. Dow Highway
Eliot, Maine 03903

Mr. Ken Wood
Attar Engineering, Inc.
1284 State Road
Eliot, Maine 03903

Sweet Dirt, Inc.
Attn: Hughes Pope, Owner
495 Harold L. Dow Highway
Eliot, Maine 03903

Dear Ms. Nooney, Mr. Wood, and Mr. Hughes,

This **Notice of Decision** is to inform you that the Planning Board has acted on your **Amended Site Plan Review/Request for Planning Board Action Application** to add a greenhouse facility to replace structure lost to fire:

I. APPLICATION DOCUMENTS AND SUPPORTING MATERIAL SUBMITTED FOR THE RECORD:

Submitted for August 6, 2019:

1. Site Plan Review/Request for Planning Board Action Application, received July 2, 2019.
2. Copy of Planning Board Notice of Decision for PB18-0, approved August 28, 2018.
3. Copy of Planning Board Notice of Decision for PB19-4, approved April 16, 2019.
4. Confirmation letter from J. Nooney approving site plan amendments and changes on subject property, dated July 2, 2019.
5. Letter from Justice Rines, COO – Sweet Dirt, LLC, containing project narrative and reason for request, dated July 2, 2019.
6. Revised Letter from Justice Rines, COO – Sweet Dirt, LLC, containing project narrative and reason for request, received August 5, 2019.
7. Renderings of new proposed project design, received July 2, 2019.
8. Eliot GIS Location Maps, dated July 2, 2019.
9. Eliot GIS Topographical/Abutter Maps, dated July 2, 2019.
10. Sheet L1 – Amendment to Site Plan, dated June 7, 2017, showing proposed amendments.
11. Site Plan Review Submissions Checklist, received August 5, 2019.
12. Location Plan showing 500-foot buffer, with abutter's list.
13. Memo from A. Sherwin, Interim Planner, dated August 2, 2019.

Submitted for August 20, 2019:

1. Amended Site Plan – Sheet L-1, dated August 15, 2019.
2. Revised Request for Planning Board Action Application, dated August 13, 2109.

3. Memo from Abbie Sherwin, Interim Planner, dated August 16, 2019.
4. Copy of Letter from Justice Rines, COO of Sweet Dirt, Inc., dated July 2, 2019.
5. Site Plan Review Submissions Checklist.
6. Quitclaim Deed, Book 17214, Page 79-80, dated April 12, 2016.
7. Copy of confirmation letter from J. Nooney approving site plan amendments and changes on subject property, dated July 2, 2019.
8. Eliot GIS maps showing location, abutting properties, and aerial overview.
9. Eliot GIS Elevation map.
10. Copy of Planning Board Notice of Decision for PB18-0, approved August 28, 2018.
11. Copy of Planning Board Notice of Decision for PB19-4, approved April 16, 2019.
12. Letter from J. Rines for Request for Waivers, dated August 13, 2019.
13. Subsurface Wastewater Disposal System Application, dated February 9, 2017.
14. Estimated Progress Schedule.
15. Full HVAC Option Package, received July 2, 2019.
16. NRCS Soil Resource Report, dated August 6, 2018.

Submitted for September 17, 2019:

1. Public Hearing Notice, posted August 29, 2019.
2. Copy of Portsmouth Herald Legal Notice of Public Hearing, dated September 3, 2019.
3. Copy of abutter's list and certified mailings, dated August 27, 2019.
4. CAI Technologies Location Map, dated August 27, 2019.

Submitted for October 15, 2019:

1. Memo from E. Sanderson, Interim Planner, dated October 9, 2019.
2. Public Hearing Notice posted, dated September 20, 2019.
3. Copy of Portsmouth Herald Legal Notice of Public Hearing, dated September 3, 2019.
4. CAI Technologies Location Map, dated September 20, 2019.
5. Revised Request for Planning Board Action Application to clarify the change of Sweet Dirt from LLC to INC, dated August 13, 2019.
6. Letter from Brian Nielsen, EIT, dated October 8, 2019.
7. Draft Post Construction Stormwater Management Plan and Stormwater Management Study from Attar Engineering, Inc., dated October 1, 2019.
8. Sheet 1 – Site Plan Sweet Dirt Facility (8X11 & 11X17), dated October 8, 2019.
9. Sheet 2 – Existing Conditions Plan (8X11 & 11X17), dated October 8, 2019.
10. Sheet 3 – Grading and Utility Plan (8X11 & 11X17), dated October 8, 2019.
11. Sheet 4 – Erosion and Sediment Control Plan (8X11 & 11X17), dated October 8, 2019.
12. Sheet 5 – Site Details (8X11 & 11X17), dated October 8, 2019.
13. Sheet 6 – Lighting Plan (8X11 & 11X17), dated October 8, 2019.
14. Sheet 1 – Stormwater Analysis Existing Conditions, dated October 8, 2019.
15. Sheet 2 – Stormwater Analysis Proposed Conditions, dated October 8, 2019.
16. Standard Boundary and Topographic Survey Plan, dated August 8, 2019.
17. Memo from Chief Muzeroll, dated October 14, 2019.

FINDINGS OF FACT:

1. The owner of the property is: Flower Company Properties, Inc. (mailing address: 9 Island Avenue, Kittery, Maine 03904).
2. The applicant is: Sweet Dirt, Inc., re: Justice Rines (mailing address: 495 Harold L. Dow Highway, Eliot, Maine 03903).
3. The property is located at 495 Harold L. Dow Highway Eliot, ME and is 3 acres.
4. Property can be identified as Assessor's Map 53/ Lot 6 and is located in the Commercial/Industrial Zoning District.

5. The applicant proposes to amend a previously-approved Site Plan (19-4) to replace an existing 4,500 square-foot building damaged by fire with a new 32,832 square-foot greenhouse for the cultivation of medical marijuana.
6. Lot coverage will increase from 12.7% to 39.2%.
7. There will not be more than 12 employees on the site.
8. The use of the property will not change.
9. At the August 20, 2019 meeting, the Planning Board decided, by approved motion, that this application required a full site plan review.
10. Copies of the application and supporting materials were provided to the Police Chief, Fire Chief, Town Manager, Public Works, and Code Enforcement. The Police Chief, Public Works, and Code Enforcement Officer had no comments. The Town Manager submitted a comment in a memo dated August 15, 2019 regarding installation of fire protection system. The Fire Chief submitted comments on October 14, 2019 (attached).
11. Regarding the Fire Chief's comments, the applicant has increased the turning radii around the perimeter of the proposed building, agreed to complete a master lock shut-off installation, and clarified that there is no intent to utilize the retention pond for fire protection purposes.
12. The Planning Board reviewed the application at the following regular meetings:
    - August 6, 2019
    - August 20, 2019
    - September 17, 2019
    - October 15, 2019
13. The following application fees have been paid by the applicant, in accordance with §1-25:
    - Site Plan Review Application Fee (Amendment): $325 (dated July 15, 2019).
    - Public Hearing Fee: $175.00 (dated September 3, 2019).
14. In accordance with §33-129 & 130, public hearings were advertised in the Portsmouth Herald/Seacoast Online on September 3, 2019 and September 25, 2019 and held on September 17, 2019 and October 15, 2019. In accordance with §33-129 & 130, abutting land owners were notified via certified mail.
15. The Planning Board accepted the application as complete on September 17, 2019.
16. Applicable ordinances are §33-189: Non-profit Medical Marijuana Dispensaries & Registered Primary Caregivers and §35-4(3) Post-construction stormwater management plan approval.
17. The proposed use location meets the required 500-foot buffer from sensitive uses.
18. Requested waivers: §33-127(12) High Intensity Soils Survey Schedule was waived at the August 20, 2019 Planning Board meeting. §33-127(4) Perimeter Survey was submitted August 20, 2019. §33-127(8)(c) Outdoor Lighting and §33-127(18)(f) Amount and type of any raw, finished, or waste were both approved, by motion, to be added as conditions of approval at the August 20, 2019 meeting. At the September 17, 2019 meeting, the applicant submitted a lighting plan and waste removal notes on the site plan.
19. Maine DEP Stormwater Permit-by-Rule (SWPBR #68737), dated September 25, 2019.
20. Smaller hoop greenhouse to be moved outside of 20-foot setback.

CONCLUSIONS:

1. Revisions to site plans are allowed with Planning Board approval under Section 33-140 (*Revisions to final site plans after planning board approval*).
2. *'Non-profit Medical Marijuana Dispensary'* is a permitted use in the Commercial/Industrial Zoning District under the Town of Eliot Zoning Ordinances with Site Plan Review (SPR) (9) by the Eliot Planning Board per Sec. 45-290.
3. The standards of Section 45-405 (Dimensional standards) of the Zoning Ordinance (Chapter 45) have or will be met.
4. All applicable performance criteria and/or ordinance requirements have been addressed by the Planning Board in accordance with Chapter 33 §189, Planning & Development, Article III, Division 6.

DECISION:

1. Based on the above facts and conclusions, on **October 15, 2019**, the Planning Board voted to approve your application to amend a previously-approved Site Plan (19-4) to replace an existing 4,500 square-foot building damaged by fire with a new 32,832 square-foot greenhouse for the cultivation of medical marijuana.

CONDITIONS OF APPROVAL:

The applicant must comply with all requirements of the Town of Eliot Land Use Ordinances. In addition, to further promote the purposes of the (Eliot Zoning Ordinances), the Planning Board has voted to impose the following conditions on the approval of this application:

1. The property may be developed and used only in accordance with the plans, documents, material submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board.
2. The permit is approved on the basis of information provided by the applicant in the record regarding the ownership of the property and boundary location. The applicant has the burden of ensuring that they have the legal right to use the property and that they are measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues. The permit holder would be well-advised to resolve any such title problems before expending money in reliance on this permit.
3. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
4. The applicant will provide, within 30 days, the Stormwater Management Plan made between the Town of Eliot and the applicant.
5. The applicant agrees to a Fire Department Safety and familiarization walk-thru prior to the issuance of an occupancy permit.
6. The applicant will provide a modified Knox Box, as recommended by the Eliot Fire Chief.

PERMITS:

The Planning Board has approved your application and the Code Enforcement Officer is authorized to grant you the necessary Permits or Certificates of Occupancy, as appropriate. It is your responsibility to apply for these permits. In exercising this approval, you must remain in compliance with all the conditions of approval set forth by the Planning Board, as well as all other Eliot, State, and Federal regulations and laws. Be aware, however, that Site Plan approvals (including home businesses) that are granted by the Eliot Planning Board have expiration provisions specified in Section 33-59 of the Town of Eliot Code of Ordinances, which states:

> *The approval of a site plan review under chapter 33, article III shall expire if the work or change involved does not commence within two years of the date the planning board makes its determination of approval under section 33-131, or if the work or change is not substantially completed within three years after such date.*

The holder of an approved permit should take care to ensure that the approval granted on **October 15, 2019** does not expire prior to commencement of work or change.

APPEALS:

This decision can be appealed to the Board of Appeals within 30 days after **October 15, 2019** by an aggrieved person or party as defined in Sec. 1-2 and Sec. 45-50(b) of the Eliot Zoning Ordinance. Computation of time shall be in accordance with general provisions of the Town of Eliot Municipal Code of Ordinances, section 1-2.

Sincerely,

Dennis Lentz, Chair

This letter reviewed and approved by the Planning Board on October 29, 2019.

CC: Shelly Bishop, Code Enforcement Officer
Elliott Moya, Police Chief
Jay Muzeroll, Fire Chief
Martine Painchaud, Tax Assessor
Steve Robinson, Public Works Director

Fire Chief Memo from October 14, 2019.

From: Chief Jay Muzeroll <eliotfirechief@hotmail.com>
Sent: Monday, October 14, 2019 6:45 PM
To: Kristina Goodwin <kgoodwin@eliotme.org>
Subject: Sweet Dirt

Please pass this along to the Planning Board and the applicant.

I have reviewed the plans dated October 1, 2019 and have the following comments and suggestions:

- The 32,000 square foot greenhouse is a "Special Purpose" building and because it has no offices or other conditions that would require a Maine Fire Marshal review, my office (Fire Department only) will waive the Fire Marshal review. The Eliot Codes Enforcement Office will need to concur and establish any life safety requirements.
- The retention pond has no year round value for fire protection purposes and will not be considered a "water source"
- The perimeter road will not safely provide emergency vehicle access/egress for primary fire suppression tactics. Personnel only, no apparatus.
- The "Knox Box" should be of adequate size to support and all keys, cards and access codes and should also include space for the same to the Retail Storefront.
- If the applicant chooses to install a fire alarm system in either building it should be monitored continuously off premise for emergency forces notification and zones and detectors be identified in common language. Panel(s) location with assistance from Fire Chief.
- The greenhouse will have multiple electrically supplied support equipment. It is suggested the one master locked shutoff be installed.
- A Fire Department Safety and familiarization walk thru prior to the issuance of an occupancy permit.

If you need anything further please don't hesitate....

Chief Muzeroll
Eliot Fire Department

Board of Appeals Notice of Decision

Town of Eliot
1333 State Road
Eliot, Maine 03903
November 19, 2017

Hughes & Kristin Pope
43 Creek Crossing
Eliot, ME 03903

Dear Mr. and Mrs. Pope:

This is to inform you that the Board of Appeals acted at the November 16, 2017, meeting on your application for a waiver to dimensional standards of 50% for property owned by Jacquelyn Nooney, Flower Properties Inc. and identified as Tax Map 53, Lot 6.

FINDINGS OF FACT:

- The application is a request for a waiver to dimensional standards for a reduction of setback from 500 ft. to 250 ft.
- The applicants are Hughes and Kristin Pope, 43 Creek Crossing, Eliot, Maine
- The property is in the Commercial/Industrial zone
- The property is located at 495 Harold L. Dow Highway and is identified as Tax Map 56, Lot 6
- The property is owned by Jacquelyn Nooney, Flower Properties Inc.
- Sec. 33-189 of the town ordinance provides for non-profit medical marijuana dispensaries
- Sec. 45-194, c, (2) of the ordinance states the Board of Appeals has the authority to grant a waiver of up to 50% reduction of dimensional standards
- The property is 347 ft. from a public facility, the Town of Eliot Transfer Station, where 500 ft. is required by the ordinance
- The property is a non-conforming lot of record
- 213 ft. of the lot frontage, where 300 ft. is required
- The property is to operate as a non-profit medical marijuana dispensary with consent by the property owner

CONCLUSION:

After hearing testimony, the Board concluded that the 50% maximum should be granted in order for the applicants to operate and expand their business.

DECISION:

Based on the above facts and conclusions, the Board of Appeals voted 4-1 to grant your request for a waiver to dimensional standards for a reduction of 50%, from 500 ft. to 250 ft.

Please be advised that this decision can be appealed to Superior Court within 45 days from November 16, 2017.

IN WITNESS THEREOF, I have hereto set my hand and seal this 20 day of November 2017.

Bill Hamilton, Chairman, Board of Appeals

STATE OF MAINE
YORK, SS

Then personally appeared the above-named Bill Hamilton and acknowledged the above certificate to be of his free act and deed in his capacity as Chairman of the Eliot Board of Appeals.

Notary Public

LAURA BRAGG
Notary Public, Maine
My Commission Expires August 25, 2021

YOU HAVE 90 DAYS
IN WHICH TO FILE THIS WAIVER
WITH THE YORK COUNTY REGISTRY OF DEEDS
OR IT WILL BE VOID

TOWN OF ELIOT
BOARD OF APPEALS REGULAR MEETING
NOVEMBER 16, 2017
APPROVED MINUTES

1. Roll Call:

Present: Chairman Bill Hamilton; Vice-Chair Peter Billipp; Secretary Ellen Lemire; Charles Rankie; Jeffrey Cutting; John Marshall, Alternate and Kate Hanson, Alternate

Chairman Hamilton called the meeting to order at 7:00 p.m. and introduced the Board members. He asked everyone to silence their cell phones. He said hopefully the livestream is working, but the Board does take accurate notes and they have a Recording Secretary as well.

Chairman Hamilton said there is a public hearing and he will briefly read the request, and then outline how the meeting will operate. He read: *Request for Dimensional Waiver from Hughes and Kristin Pope, 43 Creek Crossing, Eliot, Maine, for property located at 495 Harold L. Dow Highway, Map 53, Lot 6, regarding Section 33-189, involving reduction of setback from 500 ft. to 250 ft.*

Chairman Hamilton said he would determine if they have a quorum, which they do, and that the voting members for tonight's hearing would be the five regular members.

Chairman Hamilton noted that the light is on, so they do have live streaming tonight.

Chairman Hamilton asked if there were any conflicts of interest.

Ms. Lemire said she has been the Recording Secretary for the Planning Board on this application and has heard it, but the Planning Board is not finished with it.

Mr. Rankie said if it has been before the Planning Board, our by-laws are clear, then Ms. Lemire would have to step down.

Chairman Hamilton said the Board is not ruling against the Planning Board and that this is not an administrative appeal.

Mr. Rankie said it is his understanding that if she has had exposure, and discussion, nothing personal, that it is his understanding she would have to step down. He said that is why he cannot go to the Planning Board meetings or watch the Planning Board meetings.

Chairman Hamilton said the Board's decision tonight is essentially to determine, through oral testimony, that they can grant a waiver on dimensional standards and send back to the Planning Board to decide the nature of the request to the Planning Board. He said we are another step in the line. He said what the Planning Board has decided or not decided, other than to send the applicants to us... personally, he does not feel there is a conflict of interest with Ms. Lemire's position with the Planning Board.

Mr. Rankie asked if the Chairman could read the by-laws.

Chairman Hamilton said they are part of unfinished business tonight.

Mr. Rankie said that they voted that any project that went before the Planning Board…

Ms. Lemire corrected him, saying it was any decision appealed by the Planning Board.

Chairman Hamilton said it was his feeling it applied to the decision of the Planning Board. He said they are another judicial body.

Mr. Billipp said there was discussion that Ms. Lemire, as Recording Secretary on the situation, should have recused herself, but he does not remember what the case was without having the document in front of him.

Mr. Billipp said that Ms. Lemire has heard the testimony, and they have not.

Mr. Rankie said this has been discussed and Chairman Hamilton asked for the attorney's opinion. He believed the result was, if nothing else, the exposure during the meeting would be an appearance of a conflict of interest from members of the public.

Ms. Hanson said they discussed when the decision of the Planning Board was appealed and that additional information could be viewed as problematic. She said she agreed, and that we are being asked to be a step in the process.

Chairman Hamilton said he did not think it is relevant.

Mr. Rankie said he does not have any strong feelings about it but he felt it was necessary to bring it up.

Chairman Hamilton said he appreciated Mr. Rankie bringing it up because of the issue of transparency.

Mr. Billipp said it was because of Ms. Lemire's participation as the Recording Secretary for the Planning Board.

Chairman Hamilton said this application has nothing to do with what the Planning Board decided.

Chairman Hamilton said he wished that the Code Enforcement Officer was here because if it did not come through the Planning Board, it might have come from the CEO.

Ms. Lemire said that it came from the Planning Board.

Chairman Hamilton asked if any Board member had strong feelings that Ms. Lemire should recuse herself at this point.

Hearing none, Chairman Hamilton said the Board's jurisdiction in reviewing this request for a waiver to dimensional standards, comes through the town's ordinances, citation Sec. 45-194, c, (2), Non-conforming lots of record and read:

"The code enforcement officer is authorized to permit a 25 percent reduction in frontage, setback and yard requirements only. Any other deviation in frontage, setback or yard requirements to a maximum 50 percent reduction may be permitted as a waiver after public hearing by the board of appeals. Any further reduction in frontage, setback or yard

requirements shall be considered a variance. This section shall not apply to setbacks from the high water mark which is provided in section 45-195 (c). In the shoreland zone the code enforcement officer shall not authorize reductions in frontage, setback or yard requirements. Such reduction can only be granted through the board of appeals."

Chairman Hamilton asked if there was any discussion on that.

Ms. Hanson said she has a concern that this part of the ordinance refers to non-conforming lots of record. She said they are given jurisdiction if it is a grandfathered lot and she did not see any other sections in the ordinance that gave them permission for commercial or private properties unless they were a non-conforming lot. She wanted to know if it is not a non-conforming lot, how do people go about appealing this, and would they need to get a variance.

Chairman Hamilton replied that is correct, they would need to get a variance.

Mr. Billipp said the Board is hearing this because of the frontage.

Ms. Hanson said it is a non-conforming lot and if it is grandfathered, it is treated differently in the code, but this property is not a grandfathered property.

Mr. Cutting said the Planning Board could not reduce the setback enough because of the 500 feet difference from the side property line.

Ms. Hanson said the ordinance only relates to properties that are non-conforming lots of record and asked why are they different.

Mr. Billipp said that Ms. Hanson was adding the word "grandfathered."

Ms. Lemire said it is a non-conforming lot of record because it does not meet the current dimensions.

Mr. Cutting said that is the reason why the request was sent to the Board of Appeals, because the Planning Board could not reduce it enough as their business has to be 500 ft. from the dump.

Chairman Hamilton said he thought it was a non-conforming lot, and the second part is under Sec. 33-189 in the ordinance, and read: *"Non-profit medical marijuana dispensaries, (c) A dispensary may not be located within 500 feet of the property line of an existing public or private school, residential property, childcare facility, place of worship or public facility."*

Chairman Hamilton said any other usage would not be a non-conforming lot, but the second part is mentioned in Sec. 33-189, but for any other usage, it would not be a non-conforming lot. He said because of the ordinance change, it becomes a non-conforming lot for this particular use.

Mr. Billipp said this lot does not have 300 ft. in front, which is required. He said he did not know why the Code Enforcement Officer suggested a waiver, but it does not have adequate frontage.

Chairman Hamilton said the Code Enforcement Officer recommended the waiver because she can only grant 25%, but the Board of Appeals can grant a waiver up to 50 percent.

Mr. Rankie said it is not peculiar due to the usage, but to the setback because it is a non-conforming lot. He said it is not that the building does not fit, the building fits, but the usage does not because the ordinance requires a 500 ft. setback.

Ms. Hanson said if it was a non-conforming lot, it would be helpful for the Board to know.

Mr. Billipp said he asked himself what makes this a non-conforming lot since the acreage is fine, and the setbacks seem to be okay, but then he looked at the frontage, which is 200 ft. and they need 300 ft.

Chairman Hamilton asked if the Board was all set and agreed that this is a non-conforming lot.

Mr. Billipp explained that, when he looks at the plan where one inch equals 30 ft., and there is no dimension for the front of the lot, but if he puts the ruler on the front and uses that scale, he comes up with 270 ft.

Chairman Hamilton said part of the requirement is from Sec. 33-189 of the ordinance, Non-profit Medical Marijuana Dispensaries, {c} which reads: *A dispensary may not be located within 500 feet of the property line of an existing public or private school, residential property, childcare facility, place of worship or public facility."*

Chairman Hamilton said the applicants are here because the Town Transfer Station is 347 ft. from their property line.

Ms. Lemire said the Transfer Station is a public facility.

Chairman Hamilton said and that this does not meet the 500 ft. as required in the ordinance.

Chairman Hamilton reviewed how the public hearing will work. He said the applicant has the floor and he will need to address the criteria in the application and give his testimony. He said that Mr. Pope should be thorough as this would be part of the findings of fact. He said the Board may have questions. He said there are no other parties to the action, in other words, this Board is not making a decision based on the action of another board.

Chairman Hamilton said that this request is a "de novo" review and that after the appellant's testimony and questions, they will hear from the abutters, and next any interested parties will be able to speak. He said the last part of the testimony is that the appellant will be given a chance to bring up any other comments or arguments.

Chairman Hamilton said he will close the hearing and the Board will deliberate and the two alternate members will also be able to offer their opinion.

Chairman Hamilton opened the public hearing at 7:21 p.m. and asked those wishing to speak to state their name and address.

2. **Public Hearing:**

Request for Dimensional Waiver from Hughes and Kristin Pope, 43 Creek Crossing, Eliot, Maine, for property located at 495 Harold L. Dow Highway, Map 53, Lot 6, regarding Section 33-189, involving reduction of setback from 500 ft. to 250 ft.

Hughes Pope, 43 Creek Crossing, Eliot, said he is here tonight because he, and his wife, Kristin have gone through the Planning Board to get approval to use Jacquelyn Nooney's property, and they will be leasing the facility. He said the reason they ended up here is because there are two entrances to the Public Works building, and their building is 502 ft. from the public entrance. He said on the other side there appears to be work going on, but it seems like there is a pile of rubble. He said there are no entrances there.

Mr. Pope said he is asking the Board to grant them relief in the form of a dimensional waiver because it is their understanding that the Board of Appeals can provide a 50% reduction for them to make it possible to run their business. He said they have looked at other properties but it is difficult to find a property set back far enough off the road that offers privacy. He said it is also difficult to find a landlord willing to support their business. He said this property is close to their home and their children's school.

Chairman Hamilton asked the appellant if he would address the criteria for the dimensional waiver.

Mr. Pope said the desire for a waiver is due to the unique circumstances of the property because one end is in front of the Public Works property. He said the essential character of the property will not be affected as it is behind trees, and one can drive by and not be looking for it. He said that the hardship is a result of the action taken by himself, and that Sec. 33-189 does make it difficult for them to find a suitable property for them to run their business.

Mr. Pope said the granting of a waiver is based on the demonstrated, and hopefully, articulated need and is not a matter of convenience. He said they have not found a reasonable alternative or property in other towns.

Mr. Pope said they recently got their certification from the Maine Organic Farming & Gardening Association (MOFGA). He said it is not uncommon for us to care about this. He said they focus on quality not quantity. He said the property seems well suited to make soil indoors as well.

Mr. Billipp wanted to know what about criteria number 4.

Mr. Pope replied the waiver will not substantially reduce or impair the abutting property. He said that Kim Marble, the daughter of Galen Marble, had caused a conflict, as she is in charge now that he is older. He said that Jacquelyn Nooney spoke with Kim and Galen Marble personally and they have given their approval.

Mr. Pope said he spoke to the town at a previous meeting and it was determined it would be all right to have their business there. He said Mr. Marble's property is not used solely for his residence and there is no definition of what is needed to be in place so he and his wife would be permitted to use that space.

Chairman Hamilton asked the Board if they had any questions.

Mr. Cutting said to walk him through and asked if they are planning on being open to the public and how will they be using the property.

Mr. Pope replied that they have a verbal agreement with Ms. Nooney and the way the laws are written, no one is coming there to purchase plants. He said they are using the building specifically as a growing facility, and anything associated with that: growing the plants, nurturing

the plants, processing the plants and inspections will be done often by MOFGA. He said they will come down to inspect the soil and a soil analysis will be done. He said they want to make sure they will not be using pesticides or anything harmful.

Mr. Cutting asked if Mr. Pope will ship the plants or are the clients picking up the plants.

Mr. Pope answered that no clients will be coming to their business, all the plants will be delivered. He said it is much like a therapist's office, you don't let the patients come in your home.

Mr. Cutting wanted to know if Mr. Pope will be utilizing the two buildings in the back.

Mr. Pope replied yes, essentially not in the front.

Mr. Cutting asked how far back are you going? He said it looks like Mr. Pope is measuring from the corner of the property line to the corner of the property line or are you measuring from the back of the building.

Mr. Billipp said he assumed he was measuring corner to corner.

Mr. Cutting asked if Mr. Pope is measuring from the back of the building to the top corner.

Mr. Pope replied that is correct, the proximity of the front corner to the nearest corner of the Transfer Station. He said that is what is making it difficult for us to use the property.

Chairman Hamilton asked if he was utilizing three of the buildings and not two.

Mr. Pope responded yes, that is correct.

Mr. Cutting said judging from the lot, it is another 300 ft. back, and that the side line is 631 ft., right?

Ms. Nooney interrupted and said only one building is 150 ft. long.

Mr. Cutting said that is the existing warehouse, so what he is looking at is the one long building, in the back and that is 150 ft.

Mr. Billipp asked his most important question, hasn't Mr. Pope's neighbor, Mr. Marble, who also has Commercial/Industrial property, lived there for many years.

Mr. Pope said, to his knowledge, that is his primary residence.

Mr. Billipp said that Mr. Marble's property line is roughly 110 ft. from Mr. Pope's building and if the Board grants him a 50% waiver, to 250 ft., wouldn't he still be way too close to Mr. Marble's property line.

Mr. Pope said that is not why they are here. He said the Planning Board has given them permission to void that.

Mr. Billipp asked to discount the fact that this is Mr. Marble's residence.

Mr. Pope replied that is correct.

Mr. Billipp said Mr. Pope does not have any evidence of that from the Planning Board in his application.

Mr. Pope said he did not mention it in his application because he is under the presumption they were here to discuss the distance from the front corner to the dump. He said they already had permission on the other side.

Mr. Billipp said he is not aware of any conversation Mr. Pope had with the Planning Board.

Mr. Pope said that based on the definition of a dwelling unit, that made Mr. Marble's property not his exclusive residence, which is one of the determining factors. He said the auto body sign has come down.

Mr. Billipp said he knows that Mr. Marble has not operated his business there for quite some time. He said he just wanted to raise that point as Mr. Pope is well under 250 ft.

Mr. Billipp said looking at it, he wanted to know from Mr. Pope who prepared his site plan because it is not stamped by an engineer.

Mr. Pope replied no, but he had assistance from Jacquelyn Nooney's company.

Chairman Hamilton said, according to 45-290, Table of Permitted Uses, single family dwellings are not allowed in the Commercial/Industrial district.

Mr. Billipp said that Mr. Marble's property has been grandfathered.

Chairman Hamilton said he is trying to understand the rationale. He said his question under that section, the Commercial/Industrial zone, it says no for single family dwellings.

Mr. Billipp said they do not have any written evidence of this.

Ms. Lemire asked why should they care? She said it is not part of what Mr. Pope is requesting. She said he is requesting a waiver and they should focus on what is being presented to them. She said the Board of Appeals does not have authority over that.

Mr. Billipp said that the Planning Board should worry about that.

Chairman Hamilton said he is trying to understand that and he had not entertained Single Family Dwellings residence at all because the ordinance does not allow single family dwellings and medical marijuana facilities are not allowed within 500 ft. of a residence. He said, again, without the advice of the Code Enforcement Officer or the Planning Board, he is not sure.

Mr. Rankie said it is a residential property which happens to be in a commercial district, and he doesn't have an issue with that. He said he would like to see a definition of a public facility, because, in his mind, what they are looking at is not a public facility, it is a stump dump. He said this piece of land in question, this horseshoe, is the former stump dump which has been getting filled up quite a bit. He said the Public Works Dept. has chosen to grind up asphalt and basically produce an aggregate material on that site.

Mr. Rankie said in his mind it is not a public facility because the only people who go there are Public Works employees. He said it is unfortunate that the Code Enforcement Officer is not here. He said he did not know why she categorized that as a public facility.

Chairman Hamilton said he would tell him why, and read her definition, "a public facility means any facility, including but not limited to, buildings, property, recreation areas and roads which are owned, leased or otherwise operated or funded by a government body or public utility."

Mr. Marshall asked if Chairman Hamilton said roads.

Chairman Hamilton replied roads as well.

Mr. Marshall asked so if the applicant is too close to the road, the Board cannot allow it.

Chairman Hamilton replied yes, Rte. 236 is a State road.

Mr. Marshall said then it is a public facility.

Chairman Hamilton read again: "... owned, leased or otherwise operated or funded by a government body or public utility."

Mr. Marshall said he thinks they are falling into the waters of unintended circumstances.

Chairman Hamilton asked if there were any other questions of the applicant.

Mr. Marshall asked if Mr. Pope was growing the plants in this facility.

Mr. Pope responded that is correct.

Mr. Marshall asked if the plants were being grown indoors or outdoors.

Mr. Pope answered strictly indoors.

Mr. Marshall said he is concerned about what the method of security would be.

Chairman Hamilton said that issue is not what the board is interested in. He said the Planning Board will look at that.

Mr. Marshall said he wanted to know what the impact is in that area.

Chairman Hamilton replied they are looking at the criteria.

Mr. Marshall said as it relates to criteria.

Ms. Lemire said it is part of the criteria, "will the granting of a waiver alter the essential character of the locality."

Mr. Marshall addressed Mr. Pope and said "unless someone goes in your building, no one is going to know if anyone is there.

Mrs. Pope said there would not be any signs in front.

Mr. Pope said he does have e-mails from Kate Pelletier giving us permission, if it is an issue.

Ms. Lemire said the Board has them.

Mr. Marshall said it appears that Mr. Marble's property has been a discontinued use any way. He said it's been more than a year and it does not look like anyone is there.

Mr. Billipp said it never does, but he is living there.

Ms. Lemire said he is living there.

Chairman Hamilton said he thinks that point has been resolved since the property is part of the Commercial/Industrial district.

Mr. Marshall said from the definition that Chairman Hamilton just read, you would have to be in the middle of a large tract of land to make it work. He said they have some unintended circumstances.

Chairman Hamilton asked if there were any other questions for the applicants.

Ms. Lemire asked the applicant what kind of an economic impact would he have if the Board did not grant them this waiver.

Mr. Pope said as they might know, it would make it difficult for him to run his business.

Mrs. Pope replied it would have a negative impact if they were not granted the waiver. She said they are operating out of the basement of their house, which is very small. She said they have been living there about three years, but would like to move out of that space, and they want to expand and grow.

Mrs. Pope said they would be able to provide more medicine for more people and this would not only benefit their business, but also their patients, and they would provide help for more people.

Ms. Lemire wanted to know if it would have a significant impact on the business that they currently have.

Mr. Pope responded it is getting difficult to maintain what they have now, over time, as nature always seems to win. He said they are growing one crop, which is difficult as it is in such a small space and to keep the bugs out. He says he wears the same shoes and clothes inside and out, so he changes clothes five times a day. He said he has to change his clothes every time he goes into his facility and changes back when he comes out, so he is doing a lot of laundry.

Mr. Pope said it is tough to keep the plants from pollinating each other and they are trying to grow non-fertilized cannabis plants. He said he sprays the walls and if the pollen gets wet, it becomes a problem.

Ms. Lemire said it sounds like the business is growing out of the space they started with.

Mr. Pope said he is concerned about keeping the humidity down. He has 30 gal. industrial dehumidifiers, but with winter coming and keeping the hoses inside, it will be challenging.

He said if he had 1500 ft. of space to pot plants and make the soil, he could have a desk for his computer, which would equate to a comfortable, green work space. He said despite what the Board may know, or not know about the plants, he has an inter-connected relationship with them and he knows if he is stressed, it would seem to be reflected on how the plants are doing.

Ms. Lemire said that at this point, in order for Mr. Pope's business to survive he would have to cut back. She said the system is beginning to be too large for the environment it is in. She said they would have to make it compact and it would affect the business too.

Mr. Pope replied that is correct and if they do cut back, it would impact us negatively.

Ms. Hanson said she is trying to calculate the width, since the idea of the road way has come up, but she does not see anything on this plan that tells her the distance.

Mr. Billipp said one inch equals 30 ft.

Ms. Hanson said the highway looks like it would be 60 ft.

Chairman Hamilton said the road is roughly 45 ft. wide.

Mr. Rankie wanted to know if they are being asked to look at this.

Ms. Lemire said it already includes the road so it does not make a difference.

Ms. Hanson said she just wanted to make sure, but she sees it does not make a difference.

Chairman Hamilton asked if there were any other questions from the Board members.

Hearing none, he asked if there were any abutters who would like to speak.

Jacquelyn Nooney, 493 Harold L. Dow Highway, Eliot said she operates a landscape business and is the owner of the property, 495 Harold L. Dow Highway and Hughes and Kristin Pope want to lease this building from me for their operation. She said it is important work what these small growers are doing and patients are really helped by this thing.

Ms. Nooney said she will speak to her education which she has gotten, as she knew nothing about the medical marijuana business, ways in which people provide medical marijuana to the community of patients. She said, subsequently, she learned from a variety of sources how important this work is. She said she has spoken with people who have been patients and have had their lives changed having access to marijuana as a medicine.

She said she was a completely ambivalent landlord to an operation like that and she did not want to be part of it; however, the more she read about it, and the more research she did, and spoke with people in the industry, the more she came to understand the important work and she is willing to be a landlord to this operation.

Ms. Nooney said as they proceeded down the path to Planning and all of that, and being a small business owner in Eliot, she did not know they had voted to allow this use in the Commercial/ Industrial zone. She said the voters made it a point to allow this use and it seems like an ideal spot for this specific kind of business.

Ms. Nooney said then to see all these obstacles presented by the town, which sort of says "we want to allow this" but it becomes so difficult for a small business owner such as Hughes Pope that they cannot find a place to do that. She said she knows the Board has rules and regulations that they have to conform to, and she appreciated that, but wanted to know if there is something the Board can do to allow this so Mr. and Mrs. Pope won't get bogged down and a small, local business, who lives in the community, can't happen because of all the technicalities.

Chairman Hamilton asked if there were any more questions for Ms. Nooney. Hearing none, he asked if there were any interested parties who would like to testify.

Hearing none, Chairman Hamilton said before he closes the public hearing, he would like to hear from the alternate members.

Mr. Rankie said he had one question – as he looked at what Mr. Pope has asked for and he says 340 ft. is the existing setback from the stump dump.

Mr. Pope replied that is not accurate, it is 347 ft. on the map, but it's not the true setback.

Mr. Rankie said the question is not based on inches and he wanted to know why would Mr. Pope not ask for relief of 160 ft., which is pretty much what he needs. He asked Mr. Pope why he is asking for 250 ft. which is more than what he needs. He said if the Board okays 250 ft. and Mr. Pope only needs 160 ft., maybe Ms. Nooney will add on to her building.

Mr. Pope replied he is asking for more – not knowing what he will need in the future. He said as he understands, if he asks for a variance, he cannot expand in the future. He said depending on how the set-up goes, he is hoping to make more of a business with his soil which requires more than what he has put in so far.

Mr. Pope said in addition to that, if the ordinance states 500 ft., then 50% is 250 ft., and regardless of whether or not he stays in the soil business, it was well within the range.

Chairman Hamilton asked the applicant if he would like to say anything else.

Mr. Pope said this has been a fairly long process and he had no idea what it would entail, trying to do this the right way. He said he appreciates the Board's time and consideration.

Chairman Hamilton said he would like to hear from the alternate members.

Ms. Hanson said she would support what the applicants are requesting, and she is trusting Mr. Billipp, based on the fact that the property is a non-conforming lot.

Mr. Billipp said it is 270 ft. in the front.

Mr. Cutting said it is 13.6 if it made Ms. Hanson feel better.

Ms. Hanson said as she reads this, she does not know what 250' is unless you are adding to 502 ft.

Mr. Billipp said the applicant does not need any reduction there.

Mr. Rankie showed Ms. Hanson what the applicant was looking for on the site plan.

Ms. Lemire said the setback is 150 ft.

Ms. Hanson said if the applicant needs frontage and the Board can grant 250 ft., she would support it.

Mr. Marshall said since it is an allowed business, and it does appear, whether it was intentional or not, the regulation created a path where there is no place to put in the business. He said they have something reasonable can build on, and he very happily met the criteria the Board looked at, and he has no problem with it.

Chairman Hamilton closed the public hearing at 8:02 p.m.

Mr. Rankie said by way of discussion, he could support this, but not the total 250 ft. He said within the constraints of the existing buildings, he concurs with what Mr. Marshall expressed. He said the Board should look at it someplace in the neighborhood of 160 ft., or 35% relief, to provide for a margin of error. He said he did not feel it is the Board's position to expand what is already there.

Ms. Lemire asked if that would be accurate.

Mr. Billipp said the first criteria, the unique circumstances of the property, the property they are talking about, 495 Harold L. Dow Highway, the property is the one across the street and that is not what they are talking about.

Chairman Hamilton pointed out that if the applicant had applied for a variance, he would have had to meet four very strict requirements and by applying for a waiver, the five criteria are advisory to the Board, to simply guide them, they are not requirements, but things the Board needs to look at. He said the applicant needs to meet all four criteria for a variance or it would not be granted.

Mr. Billipp said he was glad that Chairman Hamilton refreshed his memory, so maybe the Board could over look #1. He said the definition of a public facility talks about the road, and Rte. 236 is right in front. He said as he measured the edge of the building to the right-of-way, is about 240 ft., which looks like they would need to look at the rear side of the right-of-way.

Mr. Cutting said which physically means someone cannot put anything in.

Mr. Billipp said even if the Board gives him the reduction according to his measurement, it would be 10 ft. shy.

Mr. Rankie said that they defined public facility as simply being town property. He said the Planning Board sent the applicants here to see the Board of Appeals. He said it is too bad that the Code Enforcement Officer isn't here.

Chairman Hamilton said that the last meeting they had, he had heard from Ms. Ross and he knew she would not be present. She called me specifically and asked if it would be okay if she did not attend.

Ms. Lemire said she is guessing it is because it is a Planning Board issue, even though the local ordinance did state the Board has flexibility.

Chairman Hamilton said not necessarily.

Ms. Lemire said it is a local government body and is in the ordinance -- the town approved medical marijuana dispensaries.

Mr. Rankie said it reeks of unintentional consequences.

Chairman Hamilton said he wasn't sure it reeks of it.

Ms. Lemire said she did her research of Maine Statutes and found a variance from dimensional standards is similar to a waiver. She said they mentioned the term practical difficulty, and these standards for the variance of this type are more relaxed. She said the State has developed new criteria for this type of variance.

Chairman Hamilton said a waiver is a type of variance -- a loosely-constructed variance -- which does not require extreme hardship.

Ms. Lemire said that the term used is "practical difficulty" which means "the strict application of the ordinance to the property precludes the ability of the petitioner to pursue the use permitted in the zoning district in which the property is located and results in significant, economic injury to the petitioner" and she thought that Mr. Pope has established that. She said the town approved the ordinance overwhelmingly. She asked how many of the Board members know to look at every ordinance to see what happens after it passes.

Mr. Cutting said the applicants were sent to us to hear their request because the Code Enforcement Officer is not authorized to grant this waiver. He said that is the problem.

Chairman Hamilton said they are requesting a waiver from that part of the dimension and the Board is asked to focus on the dimensional standard.

Mr. Cutting said he wanted to clear that hurdle.

Chairman Hamilton asked if they were done.

Chairman Hamilton echoed what Ms. Lemire had read, and said he also was doing research on State standards for waivers, and both MMA and the Maine Statutes are fussy, but this has been put in our laps and we have to figure out what to do with it. He said it does not require very strict guidelines as in variances. He said waivers are more advisory. He said the questions have been answered and he would also be in favor of granting this request for a waiver to dimensional standards. He said this would allow the applicants to go forward with the Planning Board.

Mr. Rankie asked Chairman Hamilton what is his feeling about the actual distance.

Chairman Hamilton said personally, he thought the Board should grant the very minimum to meet the standards, not 250 ft., in the motion if that is the Board's wish. He said 250 ft. is the maximum, but the Board of Appeals usually tries to meet the minimum, and that footage could be in the motion.

Mr. Rankie asked if Mr. Billipp looked what the 325 ft. does.

Mr. Billipp said it is 347 ft. to the corner, but take 22 ft. off, so it would be 325 ft. but wanted to know what are they trying to achieve.

Mr. Rankie replied granting the applicants the minimum with a safety net to work within the existing footprint.

Mr. Billipp said measuring from the end of the building 325 ft. puts the applicants in the middle of the roadway. He asked Mr. Rankie to tell him the measurements again as he is confused.

Mr. Rankie responded 175 ft. is basically what they need.

Mr. Billipp said 175 ft. is from the edge of the building.

Chairman Hamilton asked if Mr. Billipp was measuring along the property line

Mr. Billipp said he did not know about the building at all.

Mr. Cutting said he was still confused at what they are trying to do.

Ms. Nooney interrupted and said "take the distance, what it is, 347 ft. and subtract from 500 ft. gives you 153 ft.

Mr. Cutting said that is what he thought.

Mr. Pope said it was 347 ft.

Chairman Hamilton said he assumed the 175 ft. would cover that.

Mr. Rankie said 175 ft. from 500 ft.

Chairman Hamilton said he guesses that would give the applicant a little extra.

Mr. Cutting said the applicant already testified the space may be too small for him and he wants to grow the business later on. He asked if the Board could give him more footage?

Mr. Rankie replied it is unintentional consequences, technically. He said they took the ordinance from some other town and put it in the town ordinance. He said the applicant would have plenty of time to get a warrant article to put this before the people rather than us change this. He said this is what the people wanted as an ordinance and he is hesitant to go beyond that figure.

Mr. Cutting said they would like to work with the small business owners in town.

Chairman Hamilton said the Board should do what the ordinance allows.

Mr. Billipp moved to approve the application from Hughes and Kristin Pope for a request for a waiver to dimensional standards for a 50% reduction to the setback requirement, from 500 ft. to 250 ft. on property located at 495 Harold L. Dow Highway, seconded by Ms. Lemire, and voted 4-1 by a show of hands. Four in favor, one opposed (Charles Rankie), motion passes.

Chairman Hamilton said that the applicant will be receiving a Notice of Decision letter within seven days and that Mr. Pope will need to record this at the Registry of Deeds within 90 days and a copy given to the Code Enforcement Officer.

Ms. Lemire said the applicants should have plenty of time.

Chairman Hamilton declared the Board will take a break for a couple of minutes at 8:22 p.m. before they proceed.

Chairman Hamilton reconvened the meeting at 8:27 p.m. and said he would like to re-open the case to state the Findings of Fact:

- The application is a request for a waiver to dimensional standards for a reduction of setback from 500 ft. to 250 ft.
- The applicants are Hughes and Kristin Pope, 43 Creek Crossing, Eliot, Maine
- The property is in the Commercial/Industrial zone
- The property is located at 495 Harold L. Dow Highway and is identified as Tax Map 56, Lot 6
- The property is owned by Jacquelyn Nooney, Flower Properties Inc.
- Sec. 33-189 of the town ordinance provides for non-profit medical marijuana dispensaries
- Sec. 45-194, c, (2) of the ordinance states the Board of Appeals has the authority to grant a waiver of up to 50% reduction of dimensional standards
- The property is 347 ft. from a public facility, the Town of Eliot Transfer Station, where 500 ft. is required by the ordinance
- The property is a non-conforming lot of record
- There is 213 ft. of the lot frontage, where 300 ft. is required
- The property is to operate as a non-profit medical marijuana dispensary with consent by the property owner

Chairman Hamilton asked if there were any other findings of fact. Hearing none, he closed the hearing on the case at 8:30 p.m.

3. Review and approve minutes:

Chairman Hamilton said the Board has the minutes of September 21, 2017 before them and reviewed each page, asking if there are any corrections, additions or deletions.

Mr. Marshall said that he had come in to check if the Board was having a meeting. He said he asked Kate Pelletier if the Board had an appeal and that he assumed there was no meeting. He said he was not notified.

Chairman Hamilton said that Mr. Marshall has to check with him.

Mr. Marshall said he is normally notified by the town office.

Mr. Rankie said this is a volunteer board.

Mr. Marshall said no one called him.

Mr. Rankie said if Mr. Marshall checked the town's website there is a calendar and he should click on "Board of Appeals" and it is generally posted before the Board gets notified.

Mr. Cutting said it seemed that, as he remembered it was late.

Mr. Marshall said even this agenda was late.

Ms. Lemire said there is a lot of transition going on in the town office.

Chairman Hamilton said by the end of the month, he contacts the Town Manager or Mr. Lee contacts him. He said if he does not hear from Mr. Lee, he makes sure he gets in touch. He thought that this month the agenda was posted immediately after it left his computer. He said he sent it to the Town Manager on November 4th. He said he tries to do it within 10 days.

Mr. Rankie said the problem is the notification came from a stranger and he almost deleted the e-mail. He said it usually comes from another e-mail address.

Chairman Hamilton said there is a new person and he spoke with her. He said he creates the agenda but there was no agenda attached when Rebecca sent this information out. He said the Town Manager never got back to him. He said no meeting was advertised properly within the time limits.

Chairman Hamilton said given what Mr. Marshall told us, "unexcused" should be changed to "excused" absence in both cases.
The Board made other corrections.

Ms. Lemire moved to accept the minutes of September 21st, 2017, as amended, seconded by Mr. Cutting. All were in favor by a show of hands and motion passed 5-0.

4. Other Business:

Chairman Hamilton reviewed revisions he had made to the by-laws with Ms. Lemire.

Mr. Rankie asked once Chairman Hamilton signs the by-laws could a copy be made for the Board members.

Chairman Hamilton replied he would do that.

Mr. Rankie asked when does the agenda get approved.

Chairman Hamilton said that he and the Town Manager approves it and it is sent to be published.

Mr. Rankie said he has two items under new business.

Mr. Rankie asked Chairman Hamilton if he personally reviewed and was satisfied that the public hearing notice was posted.

Chairman Hamilton said he was told that it was.

Mr. Rankie said it was not in the Board's packets and he would like proof that the public hearing notice was presented properly.

Chairman Hamilton asked what sort of proof.

Mr. Rankie replied he wants to make sure that a copy is attached to the minutes so the residents find out about their meeting.

Chairman Hamilton said not for this board.

Mr. Rankie said they should have that as part of their packets, going forward. He said that should be established we get a copy of that and a copy of the public hearing notification should go to the Chair.

Chairman Hamilton thought that Mr. Rankie was on to something. He said maybe someone sent it to the paper, and someone at the paper lost it.

Mr. Rankie said this way, if there is a problem, the Board would have a receipt and would have a copy of the actual posting of the meeting. He assumed the Chair would be watching what is going on.

Chairman Hamilton said he will talk with the Town Manager to figure out how he would like to resolve this issue.

Mr. Rankie said Chairman Hamilton should get a clipping of the public hearing notice, what is published in the newspaper.

Mr. Marshall said it should be the actual clipping.

Mr. Cutting said or get a copy from the website.

Chairman Hamilton said he will speak with the Town Manager to make sure a copy of the notice is sent to the Board.

Ms. Lemire said as long as it is part of the file.

Mr. Marshall said that someone would have to actually do it.

Mr. Rankie said he received complaints from two residents who told him there is no way for them to appeal, or to see if there are any Building Permits posted within the past 30 days.

Ms. Lemire said there is a posting of building permits at the Town Hall, or there used to be, in the small meeting room.

Mr. Rankie said when Mr. Lee first came here, he asked why aren't the building permits posted at the end of the week. He said there haven't been any building permits posted in the past three months, so if someone wanted to appeal, it would be too late.

Mr. Cutting wanted to know why aren't they posted on the town's website.

Chairman Hamilton thought there isn't anything they could do.

Mr. Rankie said he told the residents he would bring up this issue.

Chairman Hamilton said that is a big concern.

Mr. Rankie said it seems easy to post them and asked if Chairman Hamilton could ask the Town Manager when he spoke with him.

Chairman Hamilton said we should not be telling him what to do.

Ms. Lemire said Chairman Hamilton could mention that a board member said that "a resident of the town expressed their concern."

Mr. Rankie said that is a good idea.

Chairman Hamilton said that is an excellent point and he would speak with the Town Manager.

5. Adjournment:

Mr. Billipp moved to adjourn the meeting, seconded by Ms. Lemire. All were in favor by a voice vote, aye. Motion passes. The meeting was adjourned at 8:59 p.m.

Respectfully submitted,

Barbara Boggiano
Recording Secretary

Approved by: _____
William Hamilton, Chairman, BOA

Date approved: April 19, 2018

TOWN OF ELIOT, MAINE

CODE ENFORCEMENT OFFICE

CERTIFICATE OF OCCUPANCY

BUILDING PERMIT #: 20-144

PROJECT ADDRESS: 495 HAROLD L. DOW HIGHWAY

MAP/LOT: 53-6

OWNER'S NAME: PW ME CANRE SD LLC

DESCRIPTION OF PROJECT: MEDICAL & ADULT USE MARIJUANA MANUFACTURING & CULTIVATION IN 32,000 SF GREENHOUSE AND 2,800 SF PRIMARY CAREGIVER RETAIL FACILITY TO INCLUDE ADULT USE MARIJUANA MANUFACTURING

FINAL INSPECTION PERFORMED BY: SHELLY BISHOP

THIS PERMIT WAS ISSUED AND THE RESIDENCE WAS INSPECTED BASED ON THE

MAINE UNIFORM BUILDING & ENERGY CODE (MUBEC)

This structure has been inspected and is in substantial compliance with the applicable codes, regulations, and laws that were in effect at the time the permit was issued. All final inspections have been completed and this dwelling is approved for occupancy.

Signed by: Shelly Bishop Date: 12/22/2020

Code Enforcement Officer

1333 STATE ROAD, ELIOT, MAINE 03903 PHONE: (207) 439-1813 FAX: (207) 439-1415

WWW.ELIOTMAINE.ORG

TOWN OF ELIOT, MAINE

CODE ENFORCEMENT OFFICE

CERTIFICATE OF OCCUPANCY

BUILDING PERMIT #:	20-144
PROJECT ADDRESS:	495 HAROLD L. DOW HIGHWAY
MAP/LOT:	53-6
OWNER'S NAME:	PW ME CANRE SD LLC
DESCRIPTION OF PROJECT:	2800SF PRIMARY CAREGIVER RETAIL FACILITY TO INCLUDE ADULT USE MARIJUANA MANUFACTURING
FINAL INSPECTION PERFORMED BY:	SHELLY BISHOP

THIS PERMIT WAS ISSUED AND THE RESIDENCE WAS INSPECTED BASED ON THE

MAINE UNIFORM BUILDING & ENERGY CODE (MUBEC)

This structure has been inspected and is in substantial compliance with the applicable codes, regulations, and laws that were in effect at the time the permit was issued. All final inspections have been completed and this dwelling is approved for occupancy.

Signed by: Shelly Bishop Date: 12/2/2020

Code Enforcement Officer

1333 STATE ROAD, ELIOT, MAINE 03903 PHONE: (207) 439-1813 FAX: (207) 439-1415

WWW.ELIOTMAINE.ORG

Town of Eliot

1333 State Road Eliot, ME 03903
Tel: (207) 439-1813 Extension 110

BUILDING PERMIT

Permit # 20-002 MAP 53 LOT 6

THIS PERMIT ISSUED TO: FLOWER COMPANY PROPERTIES / SWEET DIRT

PROPERTY ADDRESS: 495 HAROLD L. DOW HIGHWAY

THIS PERMIT IS ISSUED FOR THE FOLLOWING:

CONSTRUCT STRUCTURE – 1,600 SF MEDICINAL CAREGIVER STOREFRONT/OFFICE SPACE, 1,200 SF GENERAL WAREHOUSE AND STORAGE FACILITY PER PLANNING BOARD APPROVAL 4/16/19 & BOARD OF APPEALS APPROVAL 11/16/17

This permit is issued subject to applicable ordinances, laws, and codes as adopted by the Town of Eliot and the State of Maine. This permit is only valid for work described on this permit. This permit is void if "start of construction" as defined by the Town of Eliot Municipal Code of Ordinances has not begun within 180 days of issuance of this permit.

X Shelley Bishop
CODE ENFORCEMENT OFFICER

X January 22, 2020
DATE

Required Municipal Inspections

X Foundation
X Framing
X Insulation
___ Chimney
X Plumbing
___ Electrical
X Septic System
X Occupancy
X Commercial Occupancy –Fire Chief (207) 451- 0124
In addition to Code Enforcement Occupancy Inspection
___ Public Sewer - Highway Dept. (207) 439-9451
___ Other _____

Required Municipal Permits/Approvals

___ Electrical
X Plumbing
___ Shoreland
___ Public Sewer
___ Sign
___ Septic System
___ Flood Zone
___ Other _____
___ Growth Permit # _____

Please contact the following departments regarding additional state permits/ inspections:

X Electrical State (207) 624-8519 ___ State Fire Marshall (207) 624-3880 ___ DEP (207) 822-6300

Town of Eliot

1333 State Road, Eliot, ME 03903
Tel: (207) 439-1813 Extension 110
Fax: (207) 439-1415

MAP 53 LOT 6

PERMIT # 20-002

BUILDING PERMIT APPLICATION

APPLICANT

Name Sweet Dirt, Inc.
Address 987 Harold L. Dow Hwy
Eliot, ME 03903
Phone
Cell

CONTRACTOR

Name Dan Stout/Sweet Dirt, Inc.
Address same
Phone
Cell 207.337.3493

PROPERTY INFORMATION

Owner Flower Company Properties
Property Address 495 Harold L. Dow Hwy

Lot Size 3 acres Is this a new lot? No
District C/I Overlay Zone No
Is your proposed construction in a flood zone? No

Lot coverage existing 10 %
Lot coverage post construction 31 %

	Existing	Proposed
Bathrooms		2
Bedrooms		Ø
Dwelling units		Ø

	Existing	Proposed
Heating System		Hot air
Heating Fuel		Propane
Insulation		Fiberglass
Flooring		Concrete/Vct
Air Conditioning		DX cooling

Wastewater ____ Public ✓ Private
If private, approved for ____ bedrooms.

TYPE OF WORK PROPOSED

Residential
___ Single Family Dwelling
___ Renovation
___ Garage
___ Pool above ground
___ Foundation
___ Home Office (not PB)
___ Accessory Dwelling Unit
___ Addition
___ Shed
___ Pool in ground
___ Accessory Structure
___ Other
___ Duplex Dwelling
___ Deck
___ Demolition
___ Fence
___ Waste Container

Commercial
___ Multi Family Dwelling
___ Addition
___ Accessory Structure
✓ New building/structure
___ Renovation
___ Waste Container
___ Refit
___ Telecommunication
___ Other

Project description including dimensions of any proposed structures:
Construct new Registered Caregiver Retail Store

Will your project involve excavation in a Town Right of Way? No
Will your project involve one acre or more of disturbed area? No

Square footage of proposed construction:

Finished area 2,800 Unfinished area ____ Accessory structure ____

Distance from proposed construction to property lines:

Front 210' Rear >375' Left 93' Right 75'

ADDITIONAL REQUIREMENTS

Applications must include construction documents that demonstrate compliance with the Maine Uniform Building and Energy code for any project requiring compliance with the Maine Uniform Building and Energy Code.

Applications that change building dimensions or for new structures must include a plot plan showing the entire lot and all existing and proposed structures, septic systems, etc., and show the distance from proposed construction to all property lines.

Any other additional information, as requested by the Code Enforcement Officer, to determine compliance with all applicable laws, ordinances and codes. Any other additional information, as required, by the Town of Eliot Municipal Code of Ordinances.

Projects that create one acre or more of disturbed area are required to comply with DEP Chapter 500 Standards and must file a DEP Notice of Intent to comply with the Maine General Construction Permit.

ACKNOWLEDGEMENT

The applicant/owner, by signing this permit, agrees to perform the work permitted according to the submitted information and within the laws of the State of Maine, the codes adopted by the State of Maine and the ordinances and codes adopted by the Town of Eliot, in effect on the date of issuance of this permit and that the information submitted on and accompanying this application is correct.

Applicant/Property Owner _____ Date 12/19/19 Value of Work $ 342,186
Fair market value including materials & labor

THIS SECTION TO BE COMPLETED BY CODE ENFORCEMENT OFFICE

This permit application is hereby approved based on the information submitted by the applicant/owner. Any changes to approved plans must be submitted to the Code Enforcement office for review and approval. As per the Municipal Code of Ordinances, start of construction, as defined in Chapter 1-2, must begin within 180 days of the date this permit is issued.

Conditions: Per planning Board approval 4/16/19 + Board of Appeals approval 11/16/17.

Code Enforcement Officer _____ Date 1/22/2020 Permit Fee $ 2757.49

Required Municipal Inspections

- ✓ Foundation
- ✓ Framing
- ✓ Occupancy
- ✓ Insulation
- ✓ Plumbing
- ___ Electrical
- ✓ Septic System
- ___ Chimney
- ✓ Commercial Occupancy --Fire Chief (207) 451-0124
  In addition to Code Enforcement Occupancy Inspection
- ___ Public Sewer - Highway Dept. (207) 439-9451
- ✓ Other Erosion + Sediment Control

Required Municipal Permits/Approvals

- ___ Electrical
- ___ Septic System
- ___ Growth Permit # _____
- ✓ Plumbing
- ___ Flood Zone
- ___ Shoreland
- ___ Other _____
- ___ Public Sewer
- ___ Sign

Please contact the following departments regarding additional state permits/ inspections:

- ✓ Electrical State (207) 624-8519
- ___ State Fire Marshall (207) 624-3880
- ___ DEP (207) 822-6300

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Dept.Health & Human Services
Div of Environmental Health , 11 SHS
(207) 287-5672 Fax: (207) 287-4172

PROPERTY LOCATION

City, Town, or Plantation	ELIOT
Street or Road	495 DAW HIGHWAY
Subdivision, Lot #	MAP 53, LOT 6

>> CAUTION: LPI APPROVAL REQUIRED <<

Town/City ELIOT Permit # 20-001

Date Permit Issued 1/22/2020 Fee: $ N/A Double Fee Charged [ ]

Shelly Bishop L.P.I. # 1037

Local Plumbing Inspector Signature

The Subsurface Wastewater Disposal System shall not be installed until a Permit is issued [illegible] authorize the [illegible] with this application and the Maine Subsurface Wastewater Disp[illegible]

APPLICANT'S COPY

Municipal Tax Map # 53 Lot # 6

OWNER/APPLICANT INFORMATION

Name (last, first, MI)	SWEET DIRT, INC. ☐ Owner ■ Applicant
Mailing Address of Owner/Applicant	495 H.L. DAW HWY. ELIOT ME 03903
Daytime Tel. #	DAN STOUT 207 397 3493

OWNER OR APPLICANT STATEMENT
I state and acknowledge that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or Local Plumbing Inspector to deny a Permit.

Signature of Owner or Applicant 12/11/19 Date

CAUTION: INSPECTION REQUIRED
I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application. _____ (Tail) date approved

Local Plumbing Inspector Signature _____ (Tail) date approved

PERMIT INFORMATION

TYPE OF APPLICATION
- ☐ 1. First Time System
- ☐ 2. Replacement System
  - Type replaced: _____
  - Year Installed: _____
- ☐ 3. Expanded System
  - ☐ a. <25% Expansion
  - ■ b. >25% Expansion
- ☐ 4. Experimental System
- ☐ 5. Seasonal Conversion

THIS APPLICATION REQUIRES
- ■ 1. No Rule Variance
- ☐ 2. First Time System Variance
  - ☐ a. Local Plumbing Inspector Approval
  - ☐ b. State & Local Plumbing Inspector Approval
- ☐ 3. Replacement System Variance
  - ☐ a. Local Plumbing Inspector Approval
  - ☐ b. State & Local Plumbing Inspector Approval
- ☐ 4. Minimum Lot Size Variance
- ☐ 5. Seasonal Conversion Permit

DISPOSAL SYSTEM COMPONENTS
- ☐ 1. Complete Non-engineered System
- ☐ 2. Primitive System (graywater & alt. toilet)
- ☐ 3. Alternative Toilet, specify: _____
- ☐ 4. Non-engineered Treatment Tank (only)
- ☐ 5. Holding Tank, _____ gallons
- ☐ 6. Non-engineered Disposal Field (only)
- ☐ 7. Separated Laundry System
- ☐ 8. Complete Engineered System (2000 gpd or more)
- ☐ 9. Engineered Treatment Tank (only)
- ☐ 10. Engineered Disposal Field (only)
- ■ 11. Pre-treatment, specify: CLEAN SOLUTION
- ☐ 12. Miscellaneous Components MODEL 250

SIZE OF PROPERTY
3 ☐ SQ. FT. ☐ ACRES

SHORELAND ZONING
☐ Yes ■ No

DISPOSAL SYSTEM TO SERVE
- ☐ 1. Single Family Dwelling Unit, No. of Bedrooms: ____
- ☐ 2. Multiple Family Dwelling, No. of Units: ____
- ☐ 3. Other: GREENHOUSE + RETAIL (specify)

Current Use ☐ Seasonal ■ Year Round ☐ Undeveloped

TYPE OF WATER SUPPLY
■ 1. Drilled Well ☐ 2. Dug Well ☐ 3. Private
☐ 4. Public ☐ 5. Other

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)

TREATMENT TANK H-20
- ■ 1. Concrete
  - ■ a. Regular EXISTING
  - ☐ b. Low Profile TWO
- ☐ 2. Plastic COMPARTMENT
- ☐ 3. Other:
- CAPACITY: 1250 GAL.

PLUS PUMP CHAMBER

DISPOSAL FIELD TYPE & SIZE
- ■ 1. Stone Bed ☐ 2. Stone Trench
- ☐ 3. Proprietary Device
  - ☐ a. cluster array ☐ c. Linear
  - ☐ b. regular load ☐ d. H-20 load
- ☐ 4. Other: 20 x 45 =
- SIZE: 900 ■ sq. ft. ☐ lin. ft.

GARBAGE DISPOSAL UNIT
■ 1. No ☐ 2. Yes ☐ 3. Maybe
If Yes or Maybe, specify one below:
- ☐ a. multi-compartment tank
- ☐ b. ____ tanks in series
- ☐ c. Increase in tank capacity
- ☐ d. Filter on Tank Outlet

DESIGN FLOW
Max. 504 gallons per day
BASED ON:
- ☐ 1. Table 4A (dwelling unit(s))
- ■ 2. Table 4C (other facilities)

SHOW CALCULATIONS for other facilities
max. 42 EMPLOYEES @ 12 gpd

- ☐ 3. Section 4G (meter readings)

ATTACH WATER METER DATA

SOIL DATA & DESIGN CLASS
PROFILE CONDITION
9 / D
at Observation Hole # 2
Depth 9"
of Most Limiting Soil Factor

DISPOSAL FIELD SIZING
EXISTING
- ☐ 1. Medium---2.6 sq. ft. / gpd
- ☐ 2. Medium---Large 3.3 sq. ft / gpd
- ☐ 3. Large---4.1 sq. ft. / gpd
- ■ 4. Extra Large---5.0 sq. ft. / gpd

EFFLUENT/EJECTOR PUMP
- ☐ 1. Not Required H-20
- ☐ 2. May Be Required RATED
- ■ 3. Required PUMP CHAMBER

Specify only for engineered systems:
DOSE: _____ gallons

LATITUDE AND LONGITUDE
at center of disposal area
Lat. 43 d 8 m 46.1 s
Lon. 70 d 42 m 28.1 s
if g.p.s. state margin of error: _____

SITE EVALUATOR STATEMENT

I certify that on 21 NOV 2019 (date) I completed a site evaluation on this property and state that the data reported are accurate and that the proposed system is in compliance with the State of Maine Subsurface Wastewater Disposal Rules (10-144A CMR 241).

Michael Cuomo — Site Evaluator Signature
211 — SE #
2 DEC 19 — Date

Michael Cuomo — Site Evaluator Name Printed
(207) 363-4532 — Telephone Number
mcuomosoil@gmail.com — E-mail Address

Note : Changes to or deviations from the design should be confirmed with the Site Evaluator

MODIFICATION TO PERMIT 19-037

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

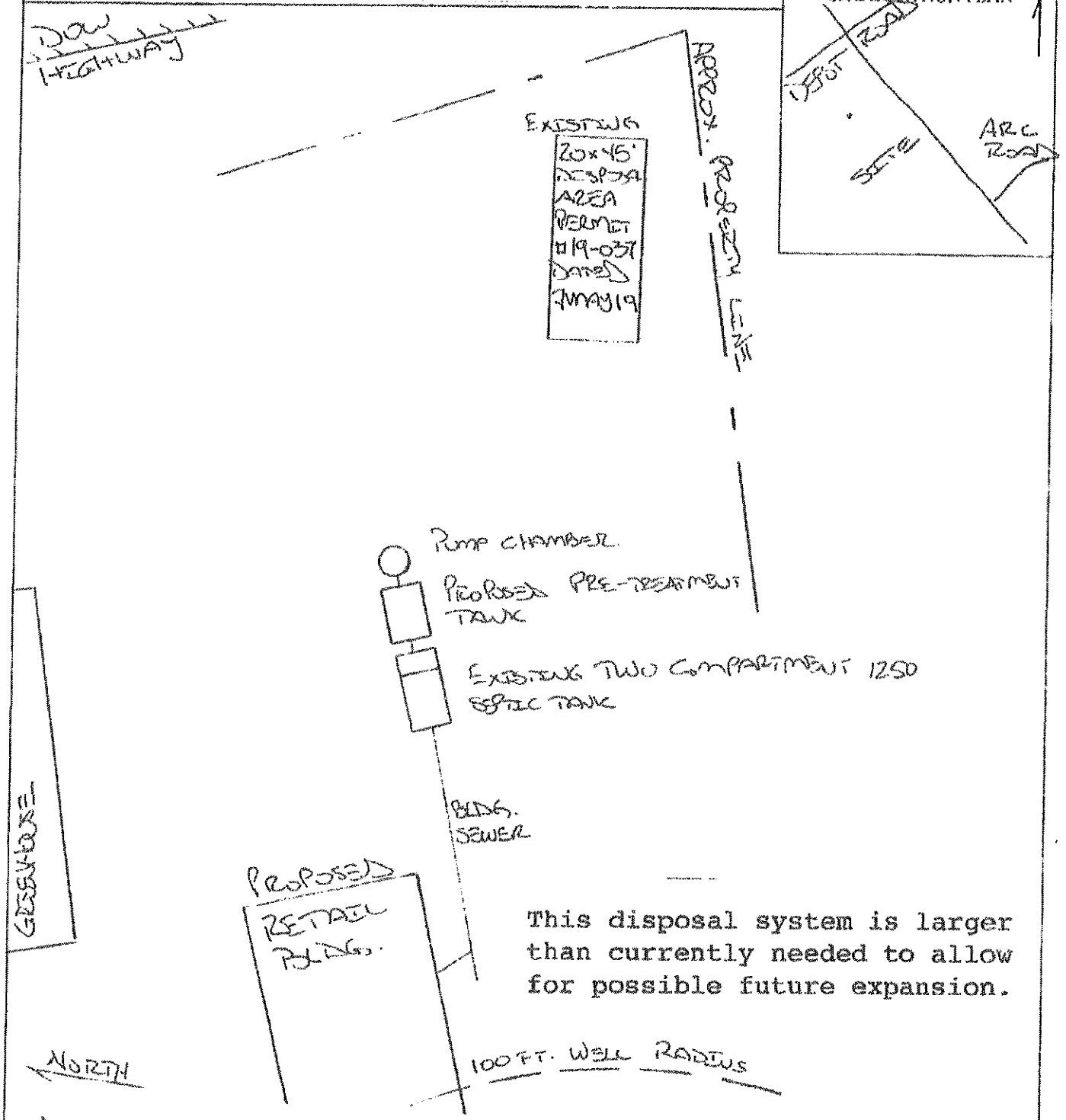
Department of Human Services
Division of Health Engineering
(207) 287-5672 Fax: (207) 287-3165

Town, City, Plantation: ELIOT

Street, Road, Subdivision: 495 DOW HIGHWAY

Owner's Name: SWEET DIRT, INC.

SITE PLAN Scale 1" = 30 ft.



Michael Cosmo — Site Evaluator Signature

211 — SE #

2DEC19 — Date

HHE-200 Rev. 8/01

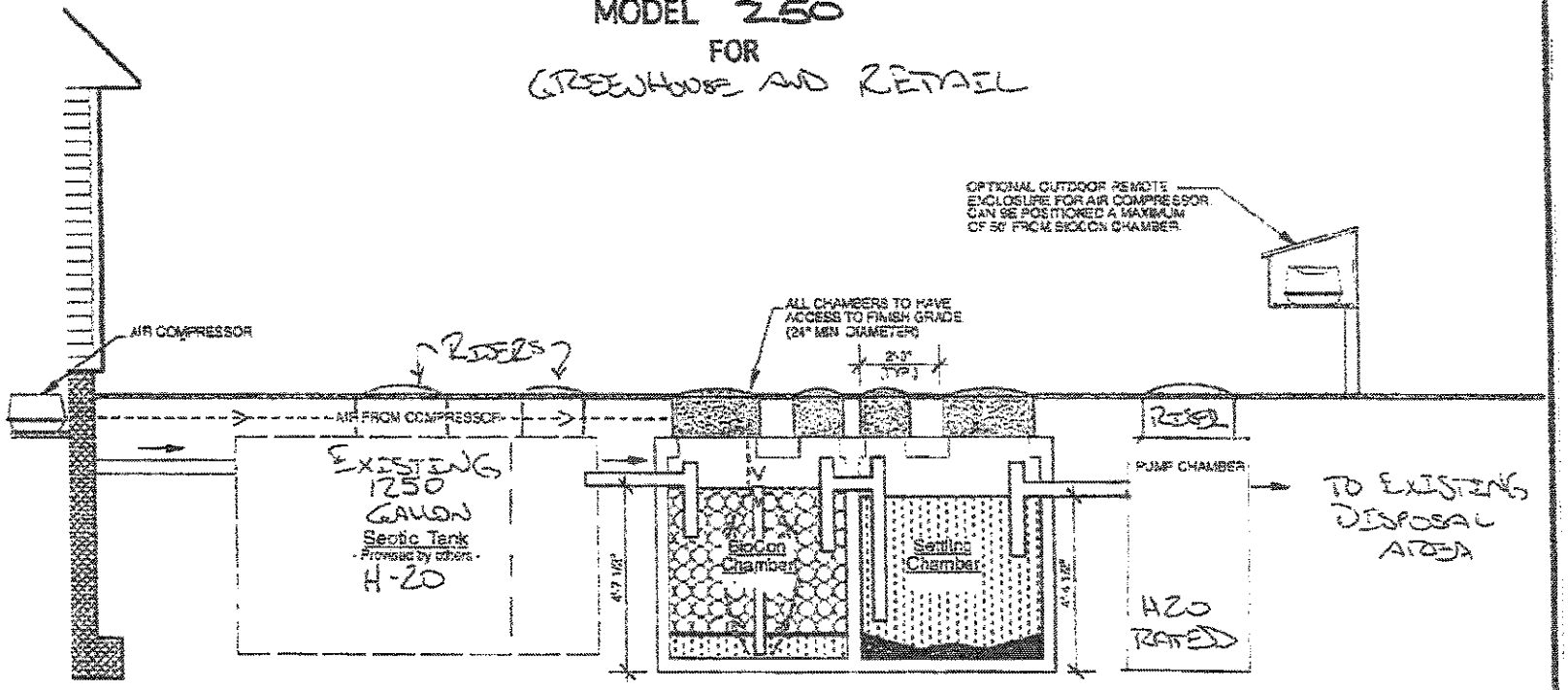
Town Eliot Location 495 DOW HIGHWAY Owner SWEET DERT, INC.

THE CLEAN SOLUTION™ ALTERNATIVE SEPTIC SYSTEM

MODEL 250

FOR

GREENHOUSE AND RETAIL



BioCon/Settling Tank

- Provided by A.O.S.

1000 GAL 2-Compartment Tank

H20 RATED

NOTES:

1. Septic Tank & Settling Compartment must be pumped every 2 years. More frequent pumping may be required depending on use.
2. Tank is not suitable for drive on use. Heavy Duty and H-20 models available.
3. Contractor to verify tank dimensions prior to setting.
4. Plastic risers will be provided to suite site (up to 24" depth). Contractor to provide additional risers to finish grade if cover over tank exceeds 24".

AOS

Advanced Onsite Solutions LLC

innovative wastewater solutions with sustainable results

P.O.Box 248

Canterbury, NH 03224

Phone 603.783.8042

Michael Cuomo SB #211 Date 2DEC19 Page 3 of 3

Michael Cuomo

Sweet Dirt 2, LLC
State Adult Use Retail Store License Application Materials

Sweet Dirt 2, LLC ("Sweet Dirt") is a Maine-based grower and producer of organically grown cannabis flowers and products.

The company focuses on the creation of its proprietary soils and organically grown small-batch cannabis production. Sweet Dirt's heirloom strains are carefully crafted to deliver a broad range of discrete benefits for both body and mind. Our values reflect who we are and what we stand for as a company:

Nature knows how to grow. The secret lies in local, living soil and the passion and patience to nurture plants to their potential. Without additives, fillers, or toxins.

Do no harm. From the design of our greenhouse to the way we prepare our soil to the choices we make in our packaging; we strive to always do right by Mother Nature.

Celebrate community. Maine is brimming with talented, passionate caregivers, growers, and artisans. We take pride in collaborating with forward-thinking, like-minded partners across this great State.

Doing our best work. We develop, train, and educate our employees to drive growth, ensure compliance, and protect the safety of our customers, investors, and team.

Compassion is revolution. Dignity, respect, kindness, and inclusivity. "If you want others to be happy, practice compassion. If you want to be happy, practice compassion." - Dalai Lama

1. Hours of Operation
    a. Monday: 6am-12am
    b. Tuesday: 6am-12am
    c. Wednesday: 6am-12am
    d. Thursday: 6am-12am
    e. Friday: 6am-12am
    f. Saturday: 7am-7pm
    g. Sunday: 7am-7pm

2. Site Plan (attached to application)

3. Floor Plan (attached to application)

4. Co-Located (with medical cannabis) Operations
    a. The Retail store will continue to share a building with the pre-existing, licensed, permitted and currently operating co-located Adult Use and Medical Cannabis Manufacturing Facility (AU: AMF598 / MED: CGR25060).
    b. All co-located activities are compliant with Section 2.7.9 of the Adult Use Cannabis Program Rule, including:
        i. Medical and Adult Use tracking, operations, storge and equipment use are segregated from one-another;
        ii. Distinctly separate public entrances for the Adult Use and Manufacturing facilities, and only 1 single access point between the Adult Use Retail and co-located footprint.
5. Law and Rule Compliance:

a. Refrigeration:
    i. Refrigeration of all marijuana products will occur in areas with limited access and will have cables with locks that are secured for after hours of standard operation. Products will only be taken out of refrigeration when the customer has made an approved transaction.
    ii. Sweet Dirt follows USDA guidance for proper refrigeration of perishable goods, including maintaining refrigerated storage spaces at 32-40°F. The company's refrigerators have enough open, slotted shelving to allow for air circulation around shelves and refrigerator walls to maintain proper food temperatures. Designated employees will be required to check refrigerators and freezers twice per day- maintaining 40 degrees or less for refrigeration and 25 or under for freezers. Employees shall aim to keep refrigerator and freezer doors closed as much as possible and will check to ensure they are closing and sealing properly.
b. Waste disposal (see section 6 below)
c. Shipping and Receiving:
    i. Medical caregiver and Adult Use manufacturing and operations will remain in place on this site. There is only one access point between the co-located manufacturing facility and the Adult Use retail facility. This access point is used only to deliver processed Adult Use marijuana either to the retail area or on to licensed third-parties and to deliver processed medical marijuana either to one of our own licensed facilities or a licensed third party. Sweet Dirt has developed and is utilizing and refining standard operating procedures that align with both the adult use and medical marijuana program rules for shipping and receiving. The procedure applies to all staff who perform tasks related to the transport of marijuana, marijuana plants, and marijuana products receipt of delivery of marijuana and marijuana products, and/or management of marijuana and marijuana product inventory. The company will only allow its marijuana and marijuana products to be transported by motor vehicle. Any vehicle used to transport will be insured at or above the legal requirements in Maine and equipped with a functional manufacturer-installed alarm system. Upon request by the Department, any company vehicle may be inspected. Marijuana and marijuana products may only be transported from one licensed marijuana establishment to another licensed marijuana establishment. The company will not allow delivery to customers under any circumstances, at this time. Only transport between state approved vendors with an accompanying transport manifest will be allowed. Company employees will generate a Transport Manifest for each trip using the designated Inventory Tracking System. The Transport Manifest will include, as applicable, the following information: the name, contact information, licensed premises address and license number of the licensee transporting the marijuana or marijuana products; the licensee's name, contact information, licensed premises address and license number; product name and quantities (by weight or unit) of each marijuana or marijuana product contained in each transport; date of transport and approximate time of departure; arrival date and estimated time of arrival; delivery vehicle make and model and license plate number; name, IIC number, and signature of the employee accompanying the transport; name, IIC number, and signature of licensee/employee receiving the authorized transfer; the correct sales tax identification number and/or excise tax identification number for the licensee and transferee; and damaged or refused marijuana or marijuana products being returned to the original

seller. Prior to departing originating premise, employee shall ensure that they have three copies of all relevant Transport Manifests. At no time after the employee has departed from the premises, shall the employee make any changes to the Transport Manifest or void the Transport Manifest.

d. 21+ Customer Verification:
    i. Doors leading into the manufacturing facility will be locked and access controlled at all times. The entire manufacturing facility space will constitute a limited access area. A "limited access area" means a building, room, or other area in the licensed premises where the licensee is authorized to cultivate, process, store, weigh, manufacture, or otherwise prepare marijuana and marijuana products for sale. No one other than employees and accompanied approved vendors, who are put through a government ID age check, are permitted in limited access areas. We do not employ or permit entry to anyone under the age of twenty-one (21) in any part of the retail/manufacturing facility. All areas through which an individual can enter or exit a limited access area will be clearly identified by a sign that is at least 8.5 inches high and 11 inches wide, composed of letters not less than a half inch in height, stating: "Pursuant to State Law, Do Not Enter—Authorized Persons Only." Sweet Dirt employees will check IDs of any visitors prior to allowing them to enter the store or a limited access area and will require the visitors to sign in on the visitor log and wear the visitor badge at all times while in the facility.

e. Background Screening:
    i. Sweet Dirt shall not hire any individual as an employee unless the individual meets the following criteria, as may be amended from time to time by the State Of Maine and/or the OMP:
        1. Is 21 years of age or older;
        2. Has completed the fingerprinting and criminal history record check for employees of adult use marijuana establishments through the State Bureau of Identification;
        3. Does not have a disqualifying drug offense, any other disqualifying offense, adult use marijuana license revocation, medical marijuana credential revocation, outstanding court-ordered payments, past due taxes or fees or other tax delinquency;
        4. Has not had an individual identification card revoked within the previous 2 years; and
        5. Has not been subject to two or more individual identification card revocations.
    ii. After a potential employee has been identified, the prospective employee must provide a government issued photo identification card showing a date of birth that makes the applicant 21 years of age or older. The prospective employee must either present an Individual Identification Card issued by the Office of Marijuana Policy or must obtain an Individual Identification Card prior to formally being hired. A criminal background check must be completed as part of the Individual Identification Card application process. The company will confirm the status of a marijuana establishment's active registration with the state before engaging that establishment as a vendor.

6. Wastewater and Solid Waste Disposal Plan
    a. Wastewater and Solid Waste Disposal Plan
        i. Purpose: The purpose of this plan is to ensure that marijuana waste is disposed of in a manner that complies with state laws and regulations.

ii. Scope: This plan must be followed by all employees of Sweet Dirt who are responsible for storage and disposal of marijuana waste.

iii. Definitions

1. Solid Marijuana Waste: Any dried material and trim from mature marijuana plants. Provided that they are completely free of all marijuana flowers and leaves with any visible trichomes, Solid Marijuana Waste does not include:
   A. Root balls, soil or growing media;
   B. Stalks of marijuana plants; and
   C. Leaves and branches removed from marijuana clones, seedlings and marijuana plants.
2. Liquid Marijuana Waste: Any liquid which contains tetrahydrocannabinol ("THC"), including concentrates, tinctures, beverages, or liquids remaining from procedures to clean or sterilize equipment, that will be discarded.

iv. Storage and Disposal of Marijuana Waste

1. Solid Marijuana Waste Storage and Disposal:
   A. In accordance with this Solid Waste and Wastewater Disposal Plan, Sweet Dirt shall ensure that all waste types, including marijuana waste, will be securely stored, handled, recorded, and disposed of in accordance with all applicable local and state laws and regulations.
   B. All marijuana waste generated from normal Retail activities, excess production, contamination, adulteration, or expiration will be securely stored, rendered unusable, and disposed of in a manner that ensures that it cannot be reconstituted for any kind of use or benefit, as related to its psychoactive content, by an unauthorized individual or organization.
2. Storage of Useable Solid Marijuana Waste Prior to Being Rendered Unusable
   A. Prior to being rendered unusable marijuana waste will be securely stored within a limited access area within the licensed premises and shall be under video surveillance.
3. Rendering Solid Marijuana Waste Unusable
   A. All Solid Marijuana Waste shall be rendered unusable prior to leaving the licensed premises for disposal by grinding and incorporating the marijuana waste with other ground materials so the resulting mixture is at least 50% non-marijuana waste by volume, including: (1) food waste; (2) yard waste; or (3) other wastes approved by the Department.
   B. All packaged marijuana products will be removed from their packaging and rendered unrecognizable and unusable prior to leaving the licensed premises for disposal.
   C. The process of rendering the Solid Marijuana Waste unusable will occur within the limited access area of the licensed premise where surveillance cameras are permanently fixed and must occur entirely on camera.
4. Storage of Useable Solid Marijuana Waste After it is Rendered Unusable

A. All Solid Marijuana Waste that has been rendered unusable shall be stored in a secure disposal receptacle in an area that is under video surveillance.

5. Disposal

A. The contracted waste management company will transport all marijuana waste from the Retail site to a solid waste facility or landfill in compliance with local and state regulations.

v. Liquid Marijuana Waste Storage and Disposal

A. All liquid marijuana waste shall be solidified through means of mixing it with soil or other absorbent material and shall be disposed of according to the procedures for solid marijuana waste in an area that is under video surveillance.

vi. Location within the Facility Where Marijuana Waste Will Be Stored and Rendered Unrecognizable.

1. (Please see Floorplan in Section 3 above) – This facility will not produce any sizeable quantity of marijuana waste of any kind. However, any waste created will be rendered unusable and unrecognizable by grinding the waste and the addition of a soap solution and mixing with food and general waste to reduce the appeal.

vii. Employee Training:

1. The Inventory Control Manager ("ICM") will be trained by the Inventory Control System ("ICS") provider and/or the Chief Compliance Officer in the proper procedures for handling and disposing of materials, including recording the change in disposition of all product waste at each point of control in the ICS.
2. The ICM will train all Retail employees in the proper procedures for handling and disposing of materials, including recording the change in disposition of all product waste at each point of control in the ICS.
3. The ICM or his/her designee is responsible for keeping a record of training for each training module related to inventory control and other components of cannabis waste for every employee, including the date training occurred, type of training, the signature of the employee upon completion of training, the signature of an authorized person who can verify completion of training, and the date retraining is due.
4. The Facilities Manager ("FM") will train employees in the proper procedures for handling and disposing of materials, including knowledge of the Globally Harmonized System of Classification and Labeling of Chemicals (GHS) and the use of Safety Data Sheets (SDSs).
5. As a part of their training and ongoing employment, employees will be; i) advised that improper disposal of any type of waste by an employee is cause for termination, which will be clearly communicated during the training process regarding waste; ii) asked to review waste management procedures related to their specific tasks at least once per year and give recommendations for improvements; and iii) prohibited from eating, drinking, smoking, applying cosmetics or chewing gum in areas where waste is stored

and to wash hands and arms thoroughly after working with chemical materials.

6. At a minimum, employees will be trained to:
    A. Identify and address waste types, including without limitation:
        i. Universal Waste. Four potentially hazardous wastes may be managed as universal waste: Lamps, batteries, mercury-containing devices, and recalled, cancelled, suspended, or unusable pesticides.
        ii. Cannabis Waste: Refers to any part of the cannabis plant that is unusable or unprocessable, as well as expired or contaminated plant material, diseased or infested cannabis plants, and harvested cannabis that does not meet the testing standards of the regulating authority and cannot be remediated. This term also applies to solid derivative products containing cannabis that are to be discarded for any reason.
        iii. Liquid Cannabis Waste: Refers to any material that is not solid which contains cannabis, including oils, beverages, or water or other liquids remaining from procedures to clean or sterilize equipment, that will be discarded.
        iv. Non-Hazardous Solid Waste: This includes garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid semisolid, or contained gaseous material resulting from industrial, commercial, agricultural or other operations.
        v. Hazardous Waste: Solid wastes that, due to the quantity, concentration, or physical, chemical, or infectious characteristics, may cause an increased risk of serious illness or death, or may pose a substantial hazard to the environment if improperly transported, disposed of, or stored. Hazardous waste includes identification of characteristics including:
            1. Ignitability (Flammable): Defined as having a flashpoint of less than 140°F or could catch fire under certain circumstances. Examples: solvents, mineral spirits, paint waste. Ignitable hazardous wastes are assigned the EPA hazardous waste code of D001.
            2. Corrosivity: Is aqueous and has a pH that is very low (2 or less) or very high (12.5 or higher), or can corrode metal. Examples: acids or alkali cleaning baths, battery acid. Corrosive hazardous wastes are assigned the EPA hazardous waste code of D002.
            3. Reactivity: Unstable, reacts violently, explodes, or produces toxic vapors under certain conditions. Examples: cyanide waste,

sulfide waste, peroxides. Reactive hazardous wastes are assigned EPA hazardous waste code of D003.

4. Toxicity: Has specific toxic contaminants present in high enough concentrations to be harmful to humans or the environment. Toxic contaminants and their toxicity threshold levels are included in the federal hazardous waste regulations. Examples: wastes that contain heavy metals or certain chemicals (e.g., benzene, pesticides). Toxic hazardous wastes are assigned the EPA hazardous waste codes of D004 through D043, depending on the contaminant present.

viii. Tracking

1. All cannabis waste disposal will be recorded in the ICS, including the date and time of disposal, the employee or manager responsible, the reason for disposal (i.e., the type of waste), the lot, batch, or plant identifier (if applicable), the manner of disposal, and the quantity.

ix. Record-Keeping

1. All applicable employees will maintain accurate and comprehensive records and ICS entries that account for and reconcile all waste activity related to the disposal of cannabis and cannabis products. All such records will be stored locally at the Retail facility as well as digitally in Sweet Dirt's online, Microsoft Azure-based, storage platform. Regular audits of all record-keeping activities will be conducted by the Chief Compliance Officer and/or the ICM.

7. Ventilation and Filtration (Odor Mitigation) Plan

Although highly unlikely, Sweet Dirt is committed to mitigating any odors generated by its Retail operations at 495 Harold L Dow Hwy, Eliot ME, so that a reasonable person of normal sensitivities cannot detect odors outside the building. Sweet Dirt employs tried and true activated charcoal scrubbing odor mitigation technologies.

This procedure below explains the structural, mechanical, and operational measures employed by Sweet Dirt to maintain odor control. These measures pertain primarily to the manufacture and storage of cannabis and cannabis products. The measures also include building design and equipment use.

- All personnel are required to implement this odor control procedure in the normal course of their work.
- Employees are also responsible for detecting and reporting odor control problems to management, who will forward information to the Facilities Manager.
- Management is responsible for ensuring that all personnel are trained to properly execute this odor control procedure.
- Management is also responsible for correcting any physical or operational deficiencies involved with the handling or processing of cannabis that result in the release of odors from the building where cultivation occurs.

- The Facilities Manager is responsible for ensuring that all employees who work on odor control equipment are properly trained in the maintenance and use of such equipment.
- He/she is also responsible for correcting and monitoring any equipment-related malfunctions that result in the release of odors.

a. Intensity of Odor Emitting Activities

The level of treatment of any exhausted air is dictated by the intensity of the odors emitted by the applicable activity. Areas that have a high intensity rating will receive more frequent treatment and inspections.

Stage/Activity	Odor Level
Storage/Sales	Low

The only activities that will take place on the licensed premises will be storage/sales.

b. Operational Mitigation Measures

All personnel will be trained on this procedure and any additional training topics deemed necessary by the Retail Manager or Team Lead. Records related to odor mitigation training will be kept in accordance with the Record Keeping Plan. The Retail Manager or Lead, in conjunction with the Retail Staff, is responsible for periodically monitoring odors outside the building. Odors that can be detected by a reasonable person of normal sensitivity should be reported, recorded, and corrected in accordance with this procedure.

i. Handling:
   1. Cannabis plants and harvested materials should be handled as gently and infrequently as possible to minimize odor emission.

ii. Storage
   1. All cannabis and packaged cannabis products will be stored in sealed totes, in glass jars, or in other airtight containers, as approved by management. Doors to each storage area will remain closed and locked except when products are being transferred in or out of the area. Any air exhausted from the storage area will be scrubbed and treated using an activated charcoal filtration.

c. Physical Measures

The Facilities Manager is responsible for ensuring the equipment related to the odor control system is functioning properly on a day-to-day basis.

i. Exhaust
   1. Air exits the facility through HVAC exhaust. Activated charcoal filters are installed anywhere exhaust ports to the exterior of the building are present.

ii. Filtration
   1. All air leaving the building and any cannabis product storage and processing rooms passes through an activated charcoal filter. The filtration system uses fans to scrub air by forcing it through activated charcoal filter media before it is released from the facility.

iii. Doors and Windows
   1. All exterior doors and windows remain closed when not in use, and no windows are used for routine ventilation. This prevents accidental or unnecessary odor emissions. Similarly, interior doors to areas used for storing cannabis will remain closed and locked

when not in use. Internal doors will be equipped with spring-loaded auto-closing systems so they cannot inadvertently be left open.

iv. System Maintenance

1. Schedule - The equipment used for odor mitigation will be inspected on a schedule determined by the Facilities Manager, consistent with manufacturer's guidelines, and/or whenever personnel or visitors detect a problem with odor control. The Retail Manager is responsible for developing a reminder protocol to ensure activities are carried out in a timely manner. Equipment to be inspected will include:
    A. Exhaust
    B. Filtration
    C. Doors and Windows
    D. HVAC system

v. Equipment Maintenance Log

1. The Facilities Manager or a trained designee will maintain an equipment maintenance log for all equipment related to odor control. The log will be maintained according to the Record Keeping Plan. See Appendix A for the Odor Control Equipment Maintenance Log. At a minimum, logs will contain:
    A. Specific identification of the equipment inspected using the code on the floor plan;
    B. The date of the inspection;
    C. The name of the personnel conducting the inspection;
    D. Clear notes about the condition of the equipment; and
    E. What action, if any, the inspector carries out to correct or report a malfunction.

vi. Responding to Complaints

1. Any complaint of cannabis odor escaping the building will be documented on a form or in a manner prescribed by the Retail Manager or Lead. Completed forms will be forwarded to the Record Keeping Manager. See Appendix B for the Odor Complaint and Response Tracking form. The form or documentation will contain, at a minimum:
    A. The date and time of complaint
    B. The name of the employee reporting the odor problem
    C. The name and contact information of the person who noticed the odor if not an employee, if he or she chooses to disclose that information
    D. The date, time, and frequency of the noted odor emission
    E. The distance from the building that the odor can be detected or approximate location of odor detection
    F. The outcome of the inspection of the incident, including confirmation of no further odors outside and fully effective odor control equipment and procedures
    G. The nature and date of any corrective action that was taken in the course of the inspection

vii. Complaint Resolution

1. An odor complaint is considered resolved when:

A. Management confirms that the issue has been effectively inspected and any necessary corrective actions have been taken, or management determines that there was no odor escaping from the building that could be detected by a reasonable person of normal sensitivity;
B. The equipment maintenance log and complaint response documentation are complete and filed; and
C. Any official enforcement action is completed or resolved to the satisfaction of the agency or department initiating the action, if applicable.

viii. Mandatory Notification
1. The Manager will notify Legal of any citation, notice, warning, or other official communication alleging a nuisance activity or other violations related to odor within 24 hours of learning of or receiving such communication.

8. Sweet Dirt has developed Workplace Safety Plans Consistent with 29 CFR Part 1910 ("Occupational Safety and Health Act" or "OSHA") including: Emergency Action Plan, Confined Space Plan, Fire Prevention Safety Plan, Ladder Safety Plan, Lockout Tagout Plan, Workplace Violence Plan, Personal Protective Equipment Safety Plan, Written Hazardous Safety Communication Plan with Global Harmonization.

9. An occupancy permit for the general uses being has been received the Town of Eliot, ME Code Enforcement office (attached) certifying compliance with Local and State Building, Fire, and Electrical Code as is required to secure a Local Authorization Form from the Town.

10. Utility Need and Service Description
    a. Electrical Needs: 115 kwH per day - peak demand
    b. Water Needs: 5-8 gal per minute – peak demand
    c. Heating/Gas Needs: 129,000 BTUs – peak demand
    d. Septic for up to 29 full time employees
    e. Site Capacity:
        i. Water
            1. Dedicated private well, 20 gal/min
            2. 363-foot depth
        ii. Dedicated private septic: rated for 29 full time employees
        iii. Three-phase and single phase with an output of 1200kvA +/-
        iv. 2000 gallons above-ground propane tank storage (183,004,000 BTUs)

11. Al. site development has been conducted with the certification of a Maine Licensed Professional Engineer that the Facility and Equipment Meet Applicable Standards.

12. Documentation from the Department of Environmental Protection

Waste Water

From: Wood, Gregg <Gregg.Wood@maine.gov>
Sent: Thursday, December 5, 2019 2:16:32 PM
To: Jessica Oliver <joliver@sweetdirt.com>
Cc: Dionne, Cindy L <Cindy.L.Dionne@maine.gov>
Subject: RE: Waste Water Permit Inquiry

Good afternoon Jessica:

Based on your description below and our phone conversation a few minutes ago, the Department of Environmental Protection (DEP) has made the determination that none of the sites listed below require a Waste Discharge License from the DEP.

From: Jessica Oliver <joliver@sweetdirt.com>
Sent: Thursday, December 05, 2019 2:01 PM
To: Wood, Gregg <Gregg.Wood@maine.gov>
Cc: Justice Rines <jrines@sweetdirt.com>
Subject: Waste Water Permit Inquiry

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

Hi Gregg,

We are preparing an application for three adult use marijuana stores, one manufacturing facility, and one cultivation facility and we are required to either obtain a waste water permit or submit documentation stating that our planned operation does not require such a permit. Please find our addresses and associated uses below.

Retail Store & Light Manufacturing - 495 Harold L Dow Hwy, Eliot, ME 03903
Retail Store - 475 Kennedy Memorial Drive, Waterville, ME 04901
Retail Store - 1207 Forest Avenue, Portland, ME 04103
Manufacturing Facility - 7 Maclellan Drive, Eliot ME 03903 (Food & CO2 extraction)
Cultivation Facility - 495 Harold L Dow Hwy, Eliot, ME 03903 - We intend to recover and reuse most, if not all, wastewater at our facility. Please find our approved DEP
storm water plan attached.

Please let me know if you require any additional information.

Thank you for time,

Jessica Oliver

Jessica Oliver
joliver@sweetdirt.com
207-807-3620

Solid Waste

From: Eleftheriou, Victoria H <Victoria.H.Eleftheriou@maine.gov>
Sent: Thursday, December 5, 2019 2:56 PM
To: Justice Rines <jrines@sweetdirt.com>
Cc: Jessica Oliver <joliver@sweetdirt.com>

Subject: RE: Waste Handling

Justice,

Thanks for the additional information. Based on this, the DEP is not requiring the proposed facilities to obtain a solid waste disposal permit for this kind of activity at this time. Regarding any solid waste that may be produced, you should check with your chosen disposal company to see if they require any specific waste characterization testing. If you expect to generate any hazardous waste, please contact our hazardous waste licensing program staff via our receptionist at 207-287-7688. Please let me know if you have any other questions. Thanks.

Victoria

Victoria Eleftheriou P.E., Deputy Director
Bureau of Remediation and Waste Management
Maine Department of Environmental Protection
(207) 287-7166 (desk) / (207) 530-4037 (cell)
Victoria.h.eleftheriou@maine.gov / www.maine.gov/dep

From: Justice Rines <jrines@sweetdirt.com>
Sent: Thursday, December 05, 2019 2:22 PM
To: Eleftheriou, Victoria H <Victoria.H.Eleftheriou@maine.gov>
Cc: Jessica Oliver <joliver@sweetdirt.com>
Subject: Waste Handling
Importance: High

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

Ms. Eleftheriou,

I am writing on behalf of Jessica Oliver as we have lost power and I am the only one with a working mobile Hotspot.

Please find the Cultivation and Retail Waste water and solid waste plans below. Please reach out to me directly with any questions or concerns as we have limited connectivity at the moment.

Thank you

Justice

Appendix A

Odor Control Equipment Maintenance Log

Maintenance Frequencies (equipment code)

Weekly: Exhaust

Monthly: Doors & Windows

Every 4-6 Months (or as otherwise indicated): HVAC system and Activated charcoal filter (ACF)

Attachments

Calendar showing maintenance schedule

Map showing all equipment locations with code labels

Date	Equip Code	Room/ Location	Check if Normal	Describe Problem (use as many rows as needed)	Describe Action	Check when Fixed

Submit a copy of this completed form to the Facilities Manager

Appendix C

Odor Complaint and Response Tracking

1. Date of Complaint: _____ Time of Day: _____

2. Name of Employee Recording Complaint: _____

3. If an employee noticed the odor, skip to item 8.

4. If the complaint is made by someone other than an employee, provide his/her contact information here if they would like to provide it _____

   _____

5. Describe when and how often the odor is detected (days of the week, mornings/afternoons, particular day and time, frequency) or if it was a single instance:

   _____

   _____

   _____

6. From what address, general location, or distance from the building is the odor being detected?_____

   _____

   _____

7. Does the person making the complaint wish to be contacted by a supervisor?

   Yes _____ No _____

8. Describe the exterior locations where odor emissions could be detected by an employee and/or mark the locations on an attached facility or premises map.

   _____

   _____

9. List equipment/locations checked to identify areas through which odor may be escaping. (Locations may be marked on an attached facilities map.)_____

_____

_____

10. List results of inspections (location of problem, type of equipment problem).

_____

_____

_____

11. List maintenance, repairs, other actions taken to resolve the problem. _____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

12. **Check below** once this issue is considered resolved according to the Odor Control Plan and all relevant parties have been notified of the actions taken, including the individual making the complaint, if indicated in Item 7 above.

Complaint resolved: _____ **Date:** _____

Name / Signature of Manager resolving complaint:

_____ / _____

Written Security Plan, 495 Harold Dow Highway Eliot, Maine 03903.

Sweet Dirt takes the safety and security of its customers, employees, guests, and neighbors very seriously. We have a central security office which works with several outside contractors to plan, monitor, and upgrade security programs for any of our facilities. The space in question is approximately 2,800 sq. ft. and will be completely equipped with more than sufficient and appropriate security measures to:

1. Provide a safe and secure environment for customers, visitors, and staff.
2. Deter and prevent unauthorized entrance into areas containing marijuana.
3. Deter and prevent the theft of marijuana.

Addressing the specific requirements outlined in Sec. 33-190(d)(5) and (6):

Disposal of marijuana and byproducts

In the event that any marijuana needs to be disposed from this location, it will be stored in the safe room and returned in secure totes to our cultivation facility, rendered unusable, and disposed of properly. At no time will marijuana ever be disposed of at this location and there will be full tracking of all marijuana disposal. Any marijuana or byproduct that has been returned and needs to be disposed of will undergo a safe and sanitary disposable process following all Sweet Dirt operational plans for proper disposal of marijuana and byproducts, leaving any product completely unusable. It will then be disposed in a dumpster with a lid that is kept under lock and key at all times and screened from public view. The dumpsters are also covered by security cameras.

Security Surveillance Cameras:

Security surveillance cameras will be installed and will be operating twenty-four (24) hours a day, seven (7) days a week, and retain a minimum of forty-five (45) days video storage. The surveillance cameras will be recording at a minimum of 720p resolution and fifteen (15) frames per second (FPS). These surveillance cameras monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises.

Alarm System:

The building will be equipped, regulated and monitored by a commercial combination control panel with an audible alarm that is monitored by a Professional Security Company and alarm notification capabilities with smart phone monitoring, with notifications that are sent immediately and directly to both the Eliot Police Department and one of our managers from Sweet Dirt, so that they may assist Eliot Police as needed to resolve the alarm. The building alarm will be maintained in good working condition by a combination of security employees, management staff, and professional security company.

All doors and windows are equipped with burglar contacts and motion detectors to prevent unauthorized entrance after hours.

The building is also outfitted with silent panic alarms that staff can utilize in the event of an emergency. These are directly monitored by our security company 24 hours a day and in the event, one is activated, Eliot Police would be notified immediately

Locking Safe or Functional Equivalent:

Dedicated rooms with limited access have been designed to store all marijuana products. These areas have heavy-duty walls with an access card reader controlling access to only authorized employees. Access will be limited to only a select number of Sweet Dirt employees.

Exterior Lighting:

LED wall pack lighting will be installed on the exterior of the building that will illuminate the exterior walls of the premises during dusk to dawn. These lights will be installed around the entire facility and turn on automatically at dusk and shuts down after sunrise.

Deadbolt Locks and Locking Windows:

All exterior doors will be secured with a deadbolt to provide an additional security measure.

Police Chief or Designee Notifications:

Sweet Dirt will provide the Eliot Police Chief (or designee) with the name and phone number of our 24-hour on-call staff person as well as the names and phone numbers of the 2nd and 3rd responsible employees in the security call queue.

Access Control
Door Contacts/Burg
Motion Detector
Hardwired Panic Alarm
Alarm Siren
Building Alarm Keypad
Network Video Recorder
Glass Break
LED Wall Pack Lighting
Alarm Control Panel

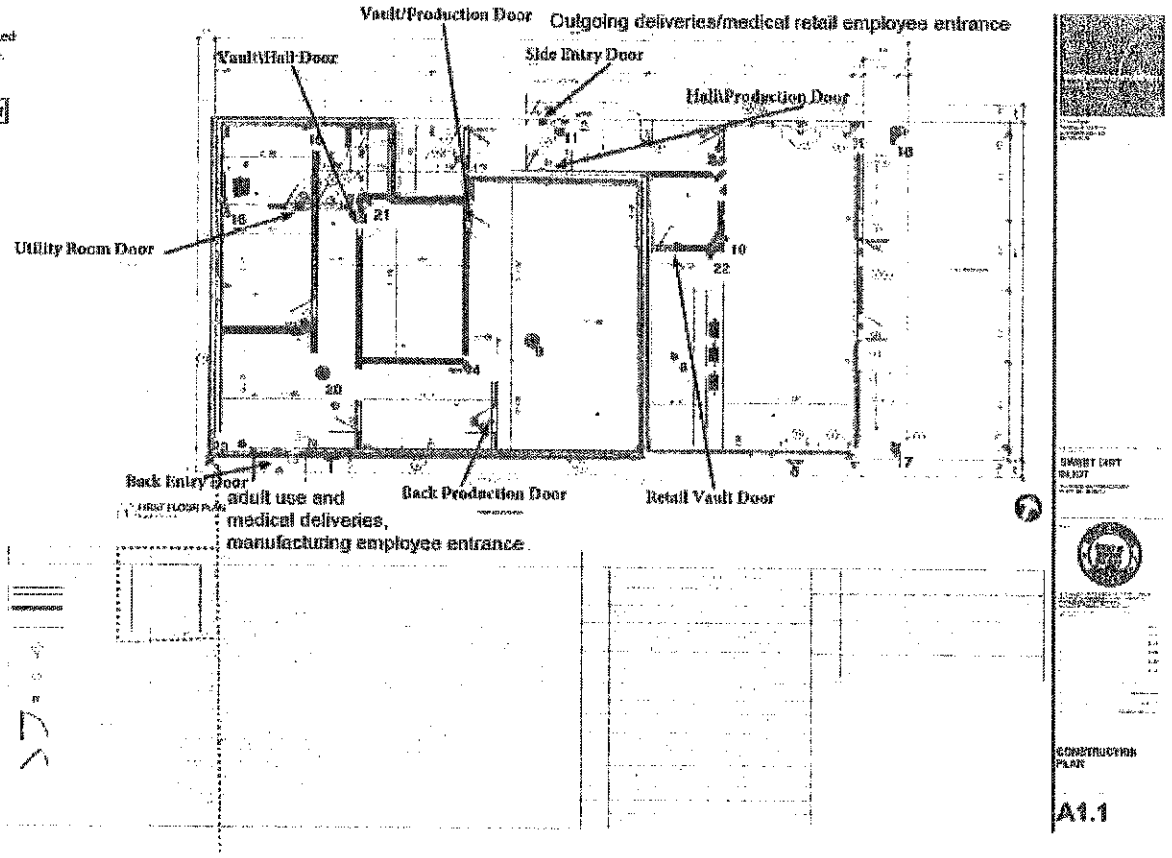
All doors leading to limited access areas are lockable.

Production Perimeter

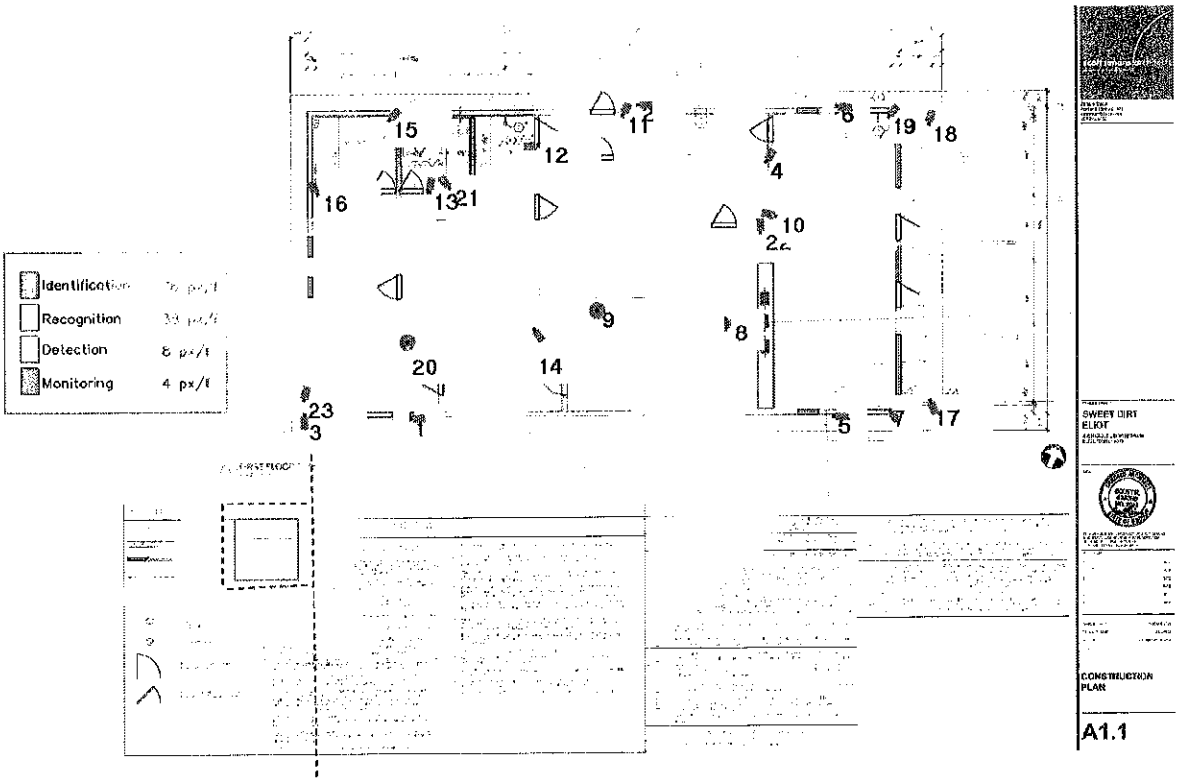
Production Interior

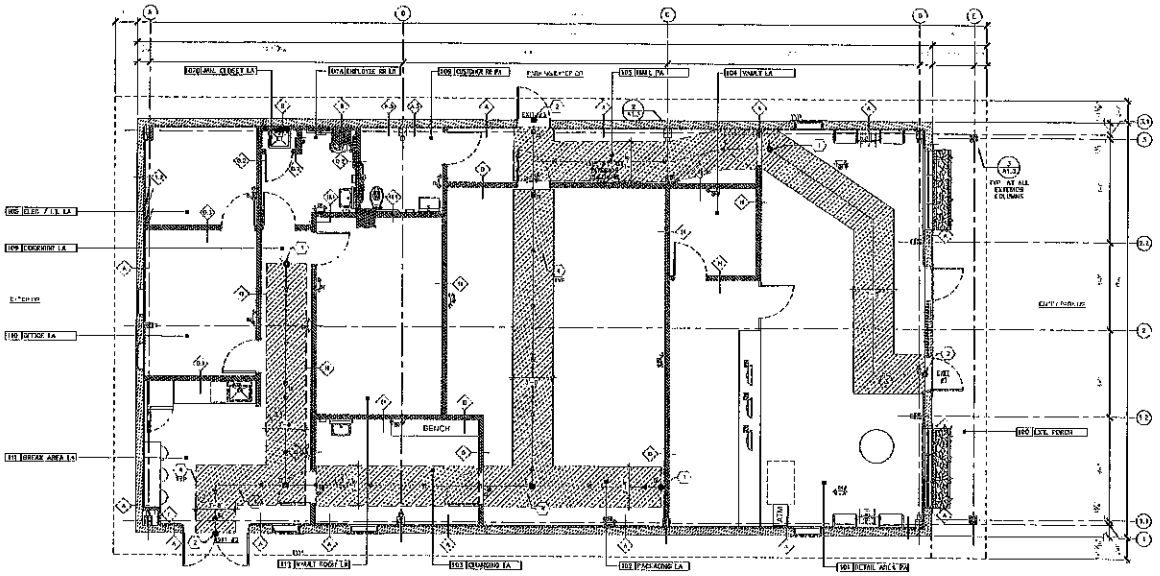
Store Perimeter

Store Interior



Site Plan. 495 Production and Storefront





1 EGRESS AND LIFE SAFETY PLAN

SCALE: 1/4" = 1'-0"

LEGEND

SYMBOL	DESCRIPTION
	EMERGENCY LIGHT (EMP CODE 403 AND SPECIFICATIONS)
	EXIT SIGN (EMS CODE 403 AND SPECIFICATIONS)
	PATH OF EGRESS
	TRAVEL DISTANCE TO EXIT
	FIRE EXTINGUISHER

NOTE:
COORDINATE W/ FIRE SAFETY ENGINEER / CONSULTANT FOR EXIT SIGNS, EMERGENCY APPARATUS / EQUIPMENT REQUIREMENTS AND LOCATIONS

GENERAL NOTE:
1A INDICATES SEATING ACCESS AREA
PA INDICATES PUBLIC ACCESS AREA

EGRESS OCCUPANT LOAD

MEANS OF EGRESS: CHAPTER 10 (MINIMUM EGRESS REQUIREMENTS-TABLE 1004.1.2 OCCUPANT LOAD AND EXIT CAPACITY
OCCUPANCY
SERVICES — 60 GROSS
STORAGE AND STOCKROOM — 300 GROSS

OCCUPANT LOAD

ROOM	USE	GROSS AREA	SQ. FT. PER PERSON	OCCUPANT LOAD
100	EXTERIOR PORCH	N/A	N/A	N/A
101	RETAIL AREA	802	60	14
102	BANKING	621	60	11
103	BATHROOM	162	60	3
104	VAULT	31	300	1
105	VAULT	162	—	∞
106	CUSTOMER RESTROOM	70	—	1
107 A	EMPLOYEE PERSONAL	72	—	1
107 B	EMPLOYEE PERSONAL	11	—	—
108	W. ELEC. CABINET	172	300	1
109	CORRIDOR	70	—	∞
110	OFFICE	153	60	3
111	BREAK AREA	230	60	4
112	WOMEN ROOM	121	300	1
TOTAL		2,174		43

EGRESS WIDTH (SECTION 1005)
HORIZONTAL: 43 PER PERSON (SECTION 1005.3.2)
DOOR (MIN) = 34" NET WIDTH (AT EXITS DOOR)
DOOR (MAX) = 96" NET WIDTH (AT EXITS DOOR)
TOTAL REQ EGRESS DOOR WIDTH = 146" (PREVIOUS)

DOOR: 163" / 0.2" = 830 PERSON CAPACITY

ACTUAL CAPACITY = 43 PERSONS
PROVIDED EGRESS CAPACITY = 830 PERSONS
PROPOSAL IS LESS THAN ALLOWABLE — OKAY

TRAVEL DISTANCE

START POINT	PATH TYPE	TRAVEL DISTANCE LESS			EXIT DOOR	TOTAL TRAVEL DISTANCE
A	PRIMARY	A TO E 39'-0"			E1	39'-0" < 200'-0"
A	SECONDARY	A TO E 54'-0"			E3	54'-0" < 200'-0"
B	PRIMARY	B TO E 51'-0"	B TO D 22'-0"	D TO E 18'-0"	E2	91'-0" < 200'-0"
B	SECONDARY	B TO E 44'-0"		C TO E 32'-0"	E3	76'-0" < 200'-0"
C	PRIMARY	C TO D 72'-0"		D TO E 18'-0"	E2	90'-0" < 200'-0"

NOTE:
2018 INTERNATIONAL BUILDING CODE
CHAPTER 10 SECTION 1016 EXIT ACCESS
EXIT ACCESS TRAVEL DISTANCE (MEASURED)
BUILDING W/ WITHOUT SPRINKLER SYSTEM: THE MAXIMUM TRAVEL DISTANCE IN HAZARDOUS USE : 200 FT. (TABLE 1017.2)

SECTION 1016.3 COMMON PATH OF EGRESS TRAVEL: 75 FT.

KEY NOTES

1. EGRESS START POINT
2. EGRESS END POINT
3. CLEAR WIDTH OF ACCESSIBLE ROUTE TO BE 44" MIN
4. ACCESSIBLE ROUTE TO BE FREE AND CLEAR AT ALL TIMES FROM ANY OBSTRUCTIONS

SWEET DIRT
ELIOT

EGRESS + LIFE SAFETY PLAN

A0.2

Written Ventilation/Odor Control Plan, Retail Store, 495 Harold L Dow Highway, Adult Use Store

Ventilation, Filtration, and Odor Control

This section explains Sweet Dirt's process for mitigating odors generated by its retail operations, so that a reasonable person of normal sensitivities cannot detect odors outside the building. Sweet Dirt employs tried and true (activated charcoal scrubbing) odor mitigation technologies.

This procedure explains the structural, mechanical, and operational measures employed by Sweet Dirt to maintain odor control. These measures pertain primarily to the retail sale and storage of cannabis and cannabis products. The measures also include building design and equipment use.

All personnel are required to implement this odor control procedure in the normal course of their work. Employees are also responsible for detecting and reporting odor control problems to management, who will forward information to the Facilities Manager.

Management is responsible for ensuring that retail personnel are trained to properly execute this odor control procedure. Management is also responsible for correcting any physical or operational deficiencies involved with the handling or processing of cannabis that result in the release of odors from the building where cultivation occurs.

The Facilities Manager is responsible for ensuring that any employees who work on odor control equipment are properly trained in the maintenance and use of such equipment. He/she is also responsible for correcting and monitoring any equipment-related malfunctions that result in the release of odors.

Intensity of Odor Emitting Activities

The level of treatment of any exhausted air is dictated by the intensity of the odors emitted by the applicable activity. Areas that have a high intensity rating will receive more frequent treatment and inspections.

Stage/Activity	Odor Level
Storage/Sales	Low

The only activity from the above chart that will take place on the licensed premises will be storage/sales.

Operational Mitigation Measures

All personnel will be trained on this procedure and any additional training topics deemed necessary by the Retail Manager. Records related to odor mitigation training will be kept in accordance with the Record Keeping Plan.

The Retail Manager, in conjunction with the Retail Staff, is responsible for periodically monitoring odors outside the building. Odors that can be detected by a reasonable person of normal sensitivity should be reported, recorded, and corrected in accordance with this procedure.

Handling

Cannabis plants and harvested materials should be handled as gently and infrequently as possible to minimize odor emission.

Storage

All cannabis that is packaged for retail sale or to be used for display purposes will be stored in sealed totes, in glass jars, or in other airtight containers, as approved by management. Doors to each storage area will remain closed and locked except when products are being transferred in or out of the area. Any air exhausted from the storage area will be scrubbed and treated using and activated charcoal filtration.

Physical Measures

The Facilities Manager is responsible for ensuring the equipment related to the odor control system is functioning properly on a day-to-day basis.

Exhaust

Air exits the facility through HVAC exhaust. Activated charcoal filters are installed anywhere exhaust ports to the exterior of the building or from a secure storage room or vault are present.

Filtration

All air leaving the building and any secure storage rooms passes through an activated charcoal filter; the industry standard for this sort of application. The filtration system uses fans to scrub air by forcing it through activated charcoal filter media before it is released from the facility.

Doors and Windows

All exterior doors and windows remain closed when not in use, and no windows are used for routine ventilation. This prevents accidental or unnecessary odor emissions. Similarly, interior doors to areas used for storing cannabis will remain closed and locked when not in use. Internal doors will be equipped with spring-loaded auto-closing systems so they cannot inadvertently be left open.

System Maintenance

Schedule - The equipment used for odor mitigation will be inspected on a schedule determined by the Facilities Manager, consistent with manufacturer's guidelines, and/or whenever personnel or visitors detect a problem with odor control. The Retail Manager is responsible for developing a reminder protocol to ensure activities are carried out in a timely manner. Equipment to be inspected will include:

Equipment	Responsible Personnel	Frequency
Exhaust	Facilities Manager or trained designee	Weekly
Activated charcoal filter	Facilities Manager or trained designee	Every 3-6 months

Equipment Maintenance Log

The Facilities Manager or a trained designee will maintain an equipment maintenance log for all equipment related to odor control. The log will be maintained according to the Record Keeping Plan. See Appendix A for the Odor Control Equipment Maintenance Log. At a minimum, logs will contain:

- Specific identification of the equipment inspected using the code on the floor plan;
- The date of the inspection;
- The name of the personnel conducting the inspection;
- Clear notes about the condition of the equipment; and
- What action, if any, the inspector carries out to correct or report a malfunction.

Responding to Complaints

Any complaint of cannabis odor escaping the building will be documented on a form or in a manner prescribed by the Retail Manager. Completed forms will be forwarded to the Record Keeping Manager. See Appendix B for the Odor Complaint and Response Tracking form. The form or documentation will contain, at a minimum:

- The date and time of complaint
- The name of the employee reporting the odor problem
- The name and contact information of the person who noticed the odor if not an employee, if he or she chooses to disclose that information
- The date, time, and frequency of the noted odor emission
- The distance from the building that the odor can be detected or approximate location of odor detection
- The outcome of the inspection of the incident, including confirmation of no further odors outside and fully effective odor control equipment and procedures
- The nature and date of any corrective action that was taken in the course of the inspection

Complaint Resolution

An odor complaint is considered resolved when:

- Management confirms that the issue has been effectively inspected and any necessary corrective actions have been taken, or management determines that there was no odor escaping from the building that could be detected by a reasonable person of normal sensitivity
- The equipment maintenance log and complaint response documentation are complete and filed
- Any official enforcement action is completed or resolved to the satisfaction of the agency or department initiating the action, if applicable

Mandatory Notification

The Manager will notify the executive staff of any citation, notice, warning, or other official communication alleging a nuisance activity or other violations related to odor within 24 hours of learning of or receiving such communication.

Appendix A
Odor Control Equipment Maintenance Log

Maintenance Frequencies (equipment code)
Weekly: Exhaust fans (EF), Enzyme Emitters (EE), Enzyme Lines (EL), Enzyme Solution (ES)
Monthly: Ventilation (Vent)
Every 4-6 Months: Activated charcoal filter (ACF)

Attachments
Calendar showing maintenance schedule
Map showing all equipment locations with code labels

Date	Equip Code	Room/Location	Check if Normal	Describe Problem (use as many rows as needed)	Describe Action	Check when Fixed

Submit a copy of this completed form to the Facilities Manager and the Record Keeper.

Appendix B
Odor Complaint and Response Tracking

1. Date of Complaint: _____ Time of Day: _____

2. Name of Employee Recording Complaint: _____

3. If an employee noticed the odor, skip to item 8.

4. If the complaint is made by someone other than an employee, provide his/her contact information here if they would like to provide it _____

_____

5. Describe when and how often the odor is detected (days of the week, mornings/afternoons, particular day and time, frequency) or if it was a single instance:

_____

_____

_____

6. From what address, general location, or distance from the building is the odor being detected?_____

_____

_____

7. Does the person making the complaint wish to be contacted by a supervisor?
Yes _____ No _____

8. Describe the exterior locations where odor emissions could be detected by an employee and/or mark the locations on an attached facility or premises map.

_____

_____

9. List equipment/locations checked to identify areas through which odor may be escaping. (Locations may be marked on an attached facilities map.)_____

_____

_____

10. List results of inspections (location of problem, type of equipment problem).

_____

_____

_____

11. List maintenance, repairs, other actions taken to resolve the problem. _____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

12. **Check below** once this issue is considered resolved according to the Odor Control Plan and all relevant parties have been notified of the actions taken, including the individual making the complaint, if indicated in Item 7 above.

Complaint resolved: _____ **Date:** _____

Name / Signature of Manager resolving complaint:

_____ / _____

Written Wastewater and Solid Waste Disposal Plan

1. Wastewater and Solid Waste Disposal Plan
    a. Purpose: The purpose of this plan is to ensure that marijuana waste is disposed of in a manner that complies with state laws and regulations.
    b. Scope: This plan must be followed by all employees of Sweet Dirt who are responsible for storage and disposal of marijuana waste.
    c. Definitions
        i. Solid Marijuana Waste: Any dried material and trim from mature marijuana plants. Provided that they are completely free of all marijuana flowers and leaves with any visible trichomes, Solid Marijuana Waste does not include:
            1. Root balls, soil or growing media;
            2. Stalks of marijuana plants; and
            3. Leaves and branches removed from marijuana clones, seedlings, and marijuana plants.
        ii. Liquid Marijuana Waste: Any liquid which contains tetrahydrocannabinol ("THC"), including concentrates, tinctures, beverages, or liquids remaining from procedures to clean or sterilize equipment, that will be discarded.
    d. Storage and Disposal of Marijuana Waste
        i. Solid Marijuana Waste Storage and Disposal:
            1. In accordance with this Solid Waste and Wastewater Disposal Plan, Sweet Dirt shall ensure that all waste types, including marijuana waste, will be securely stored, handled, recorded, and disposed of in accordance with all applicable local and state laws and regulations.
            2. All marijuana waste generated from normal retail activities, excess contamination, adulteration, or expiration will be securely stored, rendered unusable, and disposed of in a manner that ensures that it cannot be reconstituted for any kind of use or benefit, as related to its psychoactive content, by an unauthorized individual or organization.
        ii. Storage of Useable Solid Marijuana Waste Prior to Being Rendered Unusable
            1. Prior to being rendered unusable marijuana waste will be securely stored within a limited access area within the licensed premises and shall be under video surveillance.
        iii. Rendering Solid Marijuana Waste Unusable
            1. All Solid Marijuana Waste shall be rendered unusable prior to leaving the licensed premises for disposal by grinding and incorporating the marijuana waste with other ground materials so

the resulting mixture is at least 50% non-marijuana waste by volume, including: (1) food waste; (2) yard waste; or (3) other wastes approved by the Department.

2. All packaged marijuana products will be removed from their packaging and rendered unrecognizable and unusable prior to leaving the licensed premises for disposal.
3. The process of rendering the Solid Marijuana Waste unusable will occur within the limited access area of the licensed premise where surveillance cameras are permanently fixed and must occur entirely on camera.

iv. Storage of Useable Solid Marijuana Waste After it is Rendered Unusable

1. All Solid Marijuana Waste that has been rendered unusable shall be stored in a secured disposal receptacle in an area that is under video surveillance.

v. Disposal

1. The contracted waste management company will transport all marijuana waste from the site to a solid waste facility or landfill in compliance with local and state regulations.

e. Liquid Marijuana Waste Storage and Disposal

1. All liquid marijuana waste shall be solidified through means of mixing it with soil or other absorbent material and shall be disposed of according to the procedures for solid marijuana waste in an area that is under video surveillance.

f. Location within the Facility Where Marijuana Waste Will Be Stored and Rendered Unrecognizable.

i. This facility will not produce any sizeable quantity of marijuana waste of any kind. However, any waste created will be packaged, tracked, and stored in the facility and then destroyed as provided herein.

g. Employee Training:

i. The Inventory Manager ("IM") will be trained by the Inventory Control System ("ICS") provider and/or the Chief Compliance Officer in the proper procedures for handling and disposing of materials, including recording the change in disposition of all product waste at each point of control in the ICS.

ii. The Retail Manager will train all Retail employees in the proper procedures for handling and disposing of materials, including recording the change in disposition of all product waste at each point of control in the ICS.

iii. The IM or his/her designee is responsible for keeping a record of training for each training module related to inventory control and other components of cannabis waste for every employee, including the date training occurred, type of training, the signature of the employee upon

completion of training, the signature of an authorized person who can verify completion of training, and the date retraining is due.

iv. The Facilities Manager ("FM") will train employees in the proper procedures for handling and disposing of materials, including knowledge of the Globally Harmonized System of Classification and Labeling of Chemicals (GHS) and the use of Safety Data Sheets (SDSs).

v. The FM or his/her designee is responsible for keeping a record of training for each training module related to non-cannabis waste management for every employee, including the date training occurred, type of training, the signature of the employee upon completion of training, the signature of an authorized person who can verify completion of training, and the date retraining is due.

vi. As a part of their training and ongoing employment, employees will be; i) advised that improper disposal of any type of waste by an employee is cause for termination, which will be clearly communicated during the training process regarding waste; ii) asked to review waste management procedures related to their specific tasks at least once per year and give recommendations for improvements; and iii) prohibited from eating, drinking, smoking, applying cosmetics or chewing gum in areas where waste is stored and to wash hands and arms thoroughly after working with chemical materials.

vii. At a minimum, employees will be trained to:

1. Identify and address waste types, including without limitation:

A. Universal Waste. Four potentially hazardous wastes may be managed as universal waste: Lamps, batteries, mercury-containing devices, and recalled, cancelled, suspended, or unusable pesticides.

B. Cannabis Waste: Refers to any part of the cannabis plant that is unusable or unprocessable, as well as expired or contaminated plant material, diseased or infested cannabis plants, and harvested cannabis that does not meet the testing standards of the regulating authority and cannot be remediated. This term also applies to solid derivative products containing cannabis that are to be discarded for any reason.

C. Liquid Cannabis Waste: Refers to any material that is not solid which contains cannabis, including oils, beverages, or water or other liquids remaining from procedures to clean or sterilize equipment, that will be discarded.

D. Non-Hazardous Solid Waste: This includes garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid semisolid, or contained gaseous material

resulting from industrial, commercial, agricultural or other operations.

E. Hazardous Waste: Solid wastes that, due to the quantity, concentration, or physical, chemical, or infectious characteristics, may cause an increased risk of serious illness or death, or may pose a substantial hazard to the environment if improperly transported, disposed of, or stored. Hazardous waste includes identification of characteristics including:
    i. Ignitability (Flammable): Defined as having a flashpoint of less than 140°F or could catch fire under certain circumstances. Examples: solvents, mineral spirits, paint waste. Ignitable hazardous wastes are assigned the EPA hazardous waste code of D001.
    ii. Corrosivity: Is aqueous and has a pH that is very low (2 or less) or very high (12.5 or higher), or can corrode metal. Examples: acids or alkali cleaning baths, battery acid. Corrosive hazardous wastes are assigned the EPA hazardous waste code of D002.
    iii. Reactivity: Unstable, reacts violently, explodes, or produces toxic vapors under certain conditions. Examples: cyanide waste, sulfide waste, peroxides. Reactive hazardous wastes are assigned EPA hazardous waste code of D003.
    iv. Toxicity: Has specific toxic contaminants present in high enough concentrations to be harmful to humans or the environment. Toxic contaminants and their toxicity threshold levels are included in the federal hazardous waste regulations. Examples: wastes that contain heavy metals or certain chemicals (e.g., benzene, pesticides). Toxic hazardous wastes are assigned the EPA hazardous waste codes of D004 through D043, depending on the contaminant present.

h. Tracking
    i. All cannabis waste disposal will be recorded in the ICS, including the date and time of disposal, the employee or manager responsible, the reason for disposal (i.e., the type of waste), the lot, batch, or plant identifier (if applicable), the manner of disposal, and the quantity.

i. Record-Keeping

i. All applicable employees will maintain accurate and comprehensive records and ICS entries that account for and reconcile all waste activity related to the disposal of cannabis and cannabis products. All such records will be stored locally at the retail facility as well as digitally in Sweet Dirt's online, Microsoft Azure-based, storage platform. Regular audits of all record-keeping activities will be conducted by the Chief Compliance Officer and/or the IM.

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
OFFICE OF CANNABIS POLICY

MAINE ADULT USE CANNABIS PROGRAM

This certifies that

SWEET DIRT 2, LLC

495 ME-236
ELIOT ME

License Number ACD507

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

ADULT USE CANNABIS CULTIVATION FACILITY, TIER 4

This cultivation facility licensee has demonstrated to the Office of Marijuana Policy's satisfaction, pursuant to 28-B M.R.S. §501(6), that the licensee is eligible to conduct limited authorized transfers in accordance with Title 28-B and the Adult Use Marijuana Program Rule.

Issued on:
February 1, 2023

Expires on:
January 31, 2024

John Hudak, Director
OFFICE OF CANNABIS POLICY
MAINE ADULT USE CANNABIS PROGRAM

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

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

This certifies that

SWEET DIRT 2, LLC

495 HAROLD L DOW HWY
ELIOT ME

License Number AMF598

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

ADULT USE CANNABIS PRODUCTS MANUFACTURING FACILITY

Issued on:
January 7, 2023

Expires on:
January 6, 2024

Vernon W. Malloch, Acting Director
OFFICE OF CANNABIS POLICY
MAINE ADULT USE CANNABIS PROGRAM

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

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

This certifies that

SWEET DIRT 2, LLC

7 MACLELLEN DR
ELIOT ME

License Number AMF826

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

ADULT USE CANNABIS PRODUCTS MANUFACTURING FACILITY

Issued on:
January 4, 2023

Expires on:
January 3, 2024

Vernon W. Malloch, Acting Director
OFFICE OF CANNABIS POLICY
MAINE ADULT USE CANNABIS PROGRAM

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

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
OFFICE OF CANNABIS POLICY

MAINE ADULT USE CANNABIS PROGRAM

This certifies that

SWEET DIRT 2, LLC

505 HAROLD L DOW HWY
ELIOT ME

License Number AMF1166

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

ADULT USE CANNABIS PRODUCTS MANUFACTURING FACILITY

Issued on:
October 24, 2022

Expires on:
October 23, 2023

Vernon W. Malloch, Acting Director
OFFICE OF CANNABIS POLICY
MAINE ADULT USE CANNABIS PROGRAM

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

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
OFFICE OF CANNABIS POLICY

MAINE ADULT USE CANNABIS PROGRAM

This certifies that

SWEET DIRT 2, LLC

475 KENNEDY MEMORIAL DR
WATERVILLE, ME

License Number AMS503

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

ADULT USE CANNABIS STORE

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

Issued on:
December 2, 2022

Expires on:
December 1, 2023

Vernon W. Malloch, Acting Director
OFFICE OF CANNABIS POLICY
MAINE ADULT USE CANNABIS PROGRAM

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

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
OFFICE OF CANNABIS POLICY

MAINE ADULT USE CANNABIS PROGRAM

This certifies that

SD3, LLC

DBA: SWEET DIRT

1207 FOREST AVE
PORTLAND ME

License Number AM5151

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

ADULT USE CANNABIS STORE

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

Issued on:
March 19, 2023

Expires on:
March 18, 2024

John Hudak, Director
OFFICE OF CANNABIS POLICY
MAINE ADULT USE CANNABIS PROGRAM

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

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
OFFICE OF CANNABIS POLICY

MAINE ADULT USE CANNABIS PROGRAM

This certifies that

SWEET DIRT 2, LLC

305 MAIN ST
ROCKLAND ME

License Number AMS1163

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

ADULT USE CANNABIS STORE

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

Issued on:
November 30, 2022

Expires on:
November 29, 2023

Vernon W. Malloch, Acting Director
OFFICE OF CANNABIS POLICY
MAINE ADULT USE CANNABIS PROGRAM

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

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
OFFICE OF CANNABIS POLICY

MAINE ADULT USE CANNABIS PROGRAM

This certifies that

SWEET DIRT 2, LLC

1 BEAVER CREEK FARM RD
BRIDGTON ME

License Number AMS1164

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

ADULT USE CANNABIS STORE

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

Issued on:
August 2, 2022

Expires on:
August 1, 2023

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

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

OFFICE OF CANNABIS POLICY

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

Maine Medical Cannabis Program
Dispensary Local Authorization Form

This Local Authorization Form must be completed by the host municipality where a dispensary registration certificate applicant intends to locate one or both of its registered premises. The authorized local official responsible for completing this Form must return it to the Office of Cannabis Policy at Licensing.OCP@maine.gov or 162 State House Station, Augusta, Maine 04333.

If the authorized local official in receipt of this Form has not recently met with the Office of Cannabis Policy to discuss the local authorization process and OCP's expectations for completion of this Form, please contact the Director of Licensing, at Licensing.OCP@maine.gov or (207) 624-7530, prior to filling it out.

Section 1(a): Required information for all applicants for dispensary registration certificate.

Business Legal Name	Business DBA	Dispensary Phone
Judley LLC	Judley LLC	207.439.1600

Primary Contact Person	Primary Contact Email
Hughes Pope	legal@sweetdirt.com

Physical Address of the Proposed Dispensary Registered Premises	City	State	Zip
495 Harold L. Dow Highway	Eliot	Maine	03903

Mailing Address	City	State	Zip
987 Harold L. Dow Highway	Eliot	Maine	03903

Physical Location of Establishment (include unit number)	Municipality	State	Zip
495 Harold L. Dow Highway	Eliot	Maine	03903

Tax Map #	Tax Lot #
53	6

Owner of Record of the Physical Location Listed Above
PM ME Can RE SD LLC 301 Winding Road Bethpage, New York 11804

Date Local Authorization Form Presented to the Municipality	Date Local Authorization Form Approved by Municipality
April 27, 2023	April 27, 2023

Dispensary authorized activities to be conducted listed in section 1:
Indicate at all authorized activities the applicant intends to conduct at the registered premises to be located at Location 1. Check all that apply.

☐ Cultivation of cannabis (Note: A registered dispensary must ensure that any employee or agent applying pesticides to cannabis for medical use is appropriately licensed as a pesticide applicator by the Board of Pesticide Control).

☐ Manufacturing harvested cannabis without the use of inherently hazardous substances (Note: A registered dispensary must obtain an appropriate Food Establishment License from the Department of Agriculture, Conservation and Forestry to manufacture edible cannabis products).

☐ Manufacturing harvested cannabis with inherently hazardous substances (Note: A registered dispensary must obtain a separate inherently hazardous substance registration manufacturing facility registration certificate to use inherently hazardous substances to manufacture harvested cannabis).

☐ Providing harvested cannabis to a registered manufacturing facility for the production of cannabis concentrate or cannabis products.

☐ Accepting from, or transferring to, registered caregivers or other registered dispensaries cannabis plants or harvested cannabis in wholesale transactions.

☐ Consulting with, assisting, and/or dispensing cannabis plants or harvested cannabis to qualifying patients, visiting qualifying patients or caregivers.

☒ Operating a dispensary retail space for the conduct of sales or transfers of cannabis plants or harvested cannabis to qualifying patients, visiting qualifying patients or caregivers.

Initials of Signing Jurisdiction Official:

☐ Delivery of cannabis plants or harvested cannabis to a qualifying patient.

☐ Co-location with an adult use licensee

☐ Cultivation facility, license #:

☐ Manufacturing facility, license #:

Section 3: Local Authorization of Medical Cannabis Dispensaries within Municipalities. (This section to be completed by the Municipality receiving request for approval of local authorization)

Section 3(a): Request for approval of local authorization to operate a registered dispensary in municipality prohibited unless authorized by municipal ordinance or warrant article. A person operating a medical cannabis dispensary within a municipality may not request approval of local authorization to operate the medical cannabis dispensary, and a municipality may not accept as complete the person's request for approval of local authorization, unless the municipality to permits by ordinance or warrant article, the operation of registered dispensaries within the municipality.

Is an ordinance or warrant article in effect that allows the operation of a registered dispensary within the municipality?

☒Yes ☐ No

Is a copy of the ordinance or warrant article attached to this form?

☒Yes ☐ No

Section 3(b): Minimum authorization criteria. A municipality may not provide the authorization for the operation of a registered dispensary within the municipality unless the following questions are answered in the affirmative.

Is the proposed registered premises for the dispensary applicant located equal to or greater than 500 feet of the property line of a preexisting public or private school?

☒ Yes ☐ No

Does the applicant requesting local authorization to operate the registered dispensary demonstrate possession or entitlement to possession of the registered premises of the dispensary?

☒ Yes ☐ No

Section 3(c): Local authorization required for operation of a registered dispensary within municipality. A person may not to operate a registered dispensary within a municipality unless the following question is answered in the affirmative.

Has the person obtained all applicable municipal approvals, permits, or licenses that are required by the municipality for the operation of a registered dispensary? By selecting "yes" below, the municipality is affirming that no further action by the municipality is required prior to the Office of Cannabis Policy's approval of the applicant's registration certificate. The Office of Cannabis Policy encourages the municipality to coordinate the issuance date of a local license with the Office when appropriate. *Please attach a copy of all applicable approvals, permits or licenses, including dates of issuance and expiration to this form.*

☒ Yes ☐ No

Statutory Guidance for Municipalities

Pursuant to 22 MRS § 2429-D, a municipality may regulate registered dispensaries within that municipality, and may not permit a registered dispensary to operate within that municipality unless the municipal legislative body has voted to adopt or amend an ordinance or warrant article allowing the operation of a registered dispensary within that municipality – unless that registered dispensary has been continuously operating, as a registered dispensary, within that municipality since before December 13, 2018.

The completed Maine Medical Cannabis Program Dispensary Local Authorization Form can be emailed to the Office of Cannabis Policy at Licensing.OCP@maine.gov or sent to Office of Cannabis Policy, 162 State House Station, Augusta, ME 04333-0162.

Municipality

Legal Name and Title of Municipality:	City:
Town of Eliot, Manager Michael J. Sullivan	Town of Eliot

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

Signature of Municipal Official: (Do not sign until witnessed by notary):	Date:
	5/4/2023

Notarization

The foregoing instrument was acknowledged before me this 4 day of May, 2023, at Eliot, Maine, by Michael Sullivan to be his/her free act and deed.

Name of Notary Public (Printed)	Signature of Notary Public
Melissa Albert	Melissa Albert
Notary Public, State of Maine	
My commission expires: March 19, 2029	STAMP/SEAL

Melissa Albert NOTARY PUBLIC Exp. March 19, 2029 STATE OF MAINE

Initials of Signing Jurisdiction Official:

JANET T. MILLS
GOVERNOR

STATE OF MAINE
OFFICE OF CANNABIS POLICY
162 STATE HOUSE STATION
19 UNION STREET
FIRST FLOOR
AUGUSTA, MAINE 04333-0162

ADMINISTRATIVE & FINANCIAL SERVICES
KIRSTEN LC FIGUEROA
COMMISSIONER

OFFICE OF CANNABIS POLICY
VERNON W. MALLOCH
ACTING DIRECTOR

HUGHES S. POPE
987 HAROLD L DOW HWY
ELIOT, ME 03903-3146

November 30, 2022

Dear HUGHES S. POPE

Enclosed please find your registry identification card. This card authorizes participation in the Maine Medical Use of Cannabis Program, Office of Cannabis Policy (OCP). However, in order for this card to be valid, it must be accompanied by your Maine or government issued photo identification for the purposes of verifying your identity.

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

In order to ensure receipt of up-to-date communications from OCP, please notify the Office immediately if any of your contact information changes.

Please contact OCP at (207) 287-3282 or by email at licensing.ocp@maine.gov with questions.

Sincerely,

Elisa C Ellis

Elisa C Ellis
Director of Licensing
Office of Cannabis Policy

Maine Medical Use
Of Cannabis

Date Issued: 12/01/2022
Expires: 11/30/2023

Individual Caregiver
HUGHES S. POPE
DBA: SWEET DIRT MEDICINALS
DOB: 03/10/1986
Retail Location: 495 HAROLD L DOW HWY, ELIOT, ME 03903-1447

Registration #: CGR25060
Authorization for 30 mature/60 immature and/or Harvested

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

This certifies that

SWEET DIRT 2, LLC

License Number: AMS1284

has been issued a CONDITIONAL license as an

ADULT USE CANNABIS STORE

under 28-B MRS. This does NOT permit the licensee to engage in any activity.

NOTE: THIS IS NOT AN ACTIVE LICENSE

Issued on:
September 08, 2022

Expires on:
September 07, 2023

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

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

The Conditional License for AMS1284 has been issued based on the following organizational structure:

Principals:

HUGHES SPENCER POPE, DIRECTOR
KRISTIN ANN POPE, DIRECTOR
JAMES F. HENRY, DIRECTOR
ROGER RUELLE CARNIE JR, DIRECTOR
DIANA LYNN HUELMAN, DIRECTOR

Owners:

100.00% - NORTHEAST KINDHOLDINGS LLC

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 Cannabis 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.

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

This certifies that

SWEET DIRT 2, LLC

License Number: AMS1285

has been issued a **CONDITIONAL** license as an

ADULT USE CANNABIS STORE

under 28-B MRS. This does NOT permit the licensee to engage in any activity.

NOTE: THIS IS NOT AN ACTIVE LICENSE

Issued on:
September 08, 2022

Expires on:
September 07, 2023

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

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

The Conditional License for AMS1285 has been issued based on the following organizational structure:

Principals:

HUGHES SPENCER POPE, DIRECTOR
KRISTIN ANN POPE, DIRECTOR
JAMES F. HENRY, DIRECTOR
ROGER PHILLIP CARNIE JR, DIRECTOR
DIANA LYNN HUFFMAN, DIRECTOR

Owners:

100.00% - NORTHEAST KINDCO HOLDINGS LLC

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 Cannabis 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.

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

This certifies that

SWEET DIRT 2, LLC

License Number: AMS1286

has been issued a CONDITIONAL license as an

ADULT USE CANNABIS STORE

under 28-B MRS. This does NOT permit the licensee to engage in any activity.

NOTE: THIS IS NOT AN ACTIVE LICENSE

Issued on:
September 08, 2022

Expires on:
September 07, 2023

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

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

The Conditional License for AMS1286 has been issued based on the following organizational structure:

Principals:

HUGHES SPENCER POPE, DIRECTOR
KRISTIN ANN POPE, DIRECTOR
JAMES F. HEERY, DIRECTOR
ROGER RHELIP CARNIE JR, DIRECTOR
DIANA LYNN HUFFMAN, DIRECTOR

Owners:

100.00% - NORTHERN SUNRISE HOLDINGS LLC

NOTICE: This conditional license was issued based upon the information indicated above and submitted on application forms provided to 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 Cannabis 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.

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

This certifies that

SWEETHEART 2, LLC

License Number AMS1287

has been issued a CONDITIONAL license as an

ADULT USE CANNABIS STORE

under 28-B MRS. This does NOT permit the licensee to engage in any activity.

NOTE: THIS IS NOT AN ACTIVE LICENSE

Issued on:
September 08, 2022

Expires on:
September 07, 2023

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

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

The Conditional License for AMS1287 has been issued based on the following organizational structure:

Principals:

HUGHES SPENCER POPE, DIRECTOR
KRISTIN ANN POPE, DIRECTOR
JAMES F. HENRY, DIRECTOR
ROGER PHILLIP CARNE JR, DIRECTOR
DIANA LYNN HUFFMAN, DIRECTOR

Owners:

100.00% - NORTHEAST KINDRED PINE, LLC

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 Cannabis 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.

State of Maine

Department of the Secretary of State

I, the Secretary of State of Maine, certify *that according to the provisions of the Constitution and Laws of the State of Maine, the Department of the Secretary of State is the legal custodian of the Great Seal of the State of Maine which is hereunto affixed and of the reports of formation, amendment and cancellation of articles of organization of limited liability companies and annual reports filed by the same.*

I further certify *that SWEET DIRT 2, LLC is a duly formed limited liability company under the laws of the State of Maine and that the date of formation is October 14, 2020.*

I further certify *that said limited liability company has filed annual reports due to this Department, and that no action is now pending by or on behalf of the State of Maine to forfeit the articles of organization and that according to the records in the Department of the Secretary of State, said limited liability company is a legally existing limited liability company in good standing under the laws of the State of Maine at the present time.*

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta, Maine, this thirty-first day of May 2023.

Shenna Bellows

Shenna Bellows
Secretary of State

LIMITED LIABILITY COMPANY AGREEMENT

OF

SWEET DIRT 2, LLC

This Limited Liability Company Agreement (as from time to time amended, this "Agreement") of **SWEET DIRT 2, LLC**, a Maine limited liability company (the "Company"), is effective as of October 14, 2020 (the "Effective Date") by the undersigned Members. Capitalized terms used herein shall have the respective meanings specified in Article I.

ARTICLE I
DEFINITIONS

1.1. Defined Terms. As used in this Agreement the following terms have the respective meanings set forth below:

"Affiliate" means with respect to a Person, any other Person that, directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with, the specified Person. As used in this definition, the term "control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a Person, whether through ownership of voting securities, by contract or otherwise. Ownership of more than fifty percent (50%) of the beneficial interests of an entity shall be conclusive evidence that "control" exists. For purposes of this definition, "Affiliate" shall include, with respect to any natural Person, the spouse, parents, siblings and children of such Person.

"Affected Member" means any Member (a) that does not or cannot satisfy any licensing or other requirements of any Regulatory Authority applicable to such Member, (b) whose status as a Member does result or would reasonably be expected to result in the Company's, any other Member's or any of their Affiliates' failure to satisfy any applicable licensing or other requirement of any Regulatory Authority, or (c) whose status as a Member may jeopardize approvals or licenses or approvals held by the Company, any other Member or any of their Affiliates and in any case, outside counsel to the Company confirms in writing that such failure does result or would reasonably be expected to result in the Company or any Member being in violation of applicable law.

"Agreement" has the meaning set forth in the preamble hereto.

"Breaching Member" has the meaning set forth in Section 7.5.

"Business Day" means any day on which banks located in Portland, Maine are not required or authorized by law to remain closed.

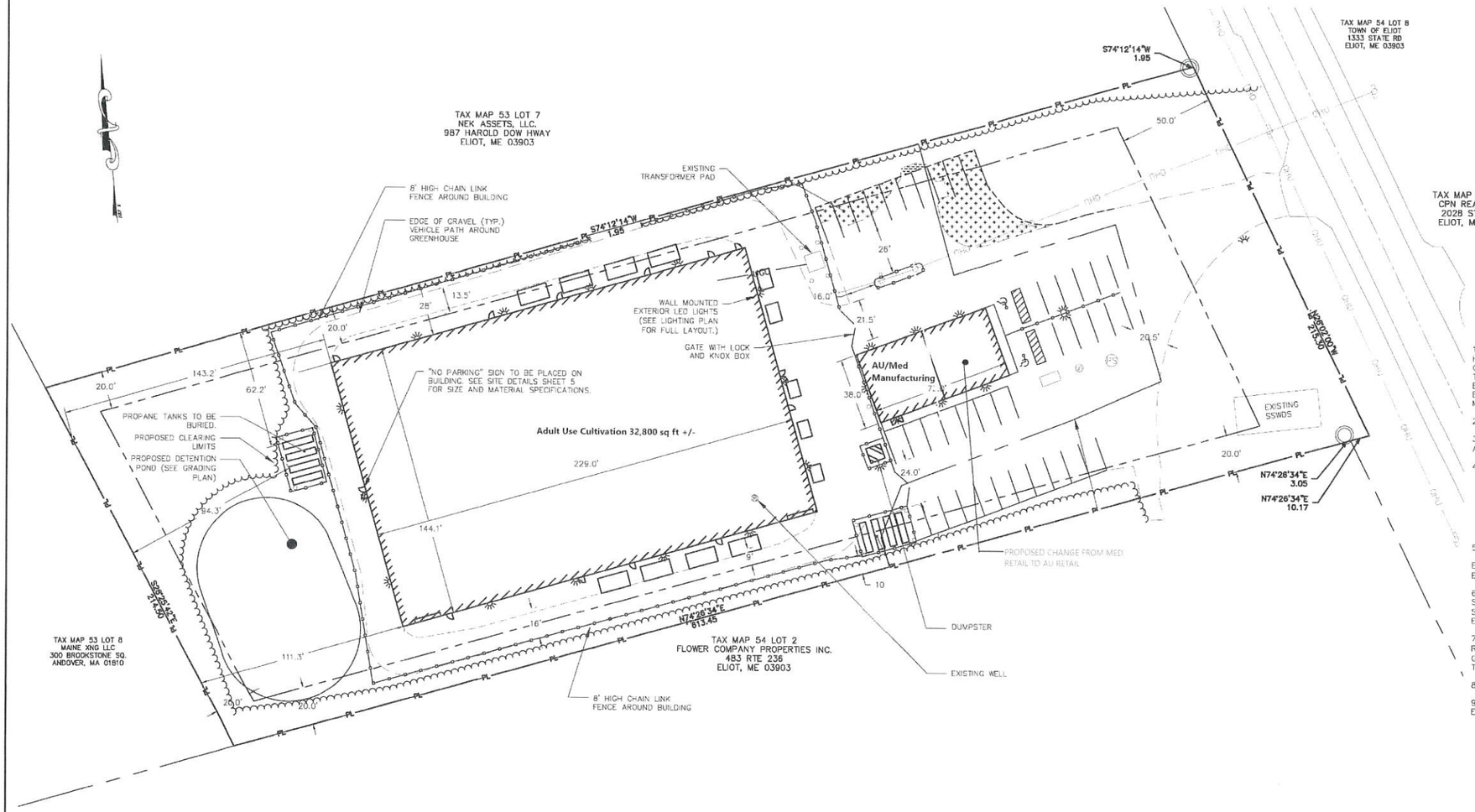
"Capital Contributions" means, with respect to the Member, the amount of money or other property contributed to the Company with respect to the interest in the Company held or purchased by the Member, including additional Capital Contributions.

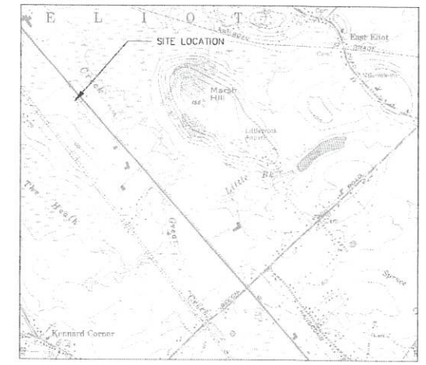
IN WITNESS WHEREOF, the undersigned Members have duly executed this Limited Liability Company Agreement of Sweet Dirt 2, LLC as of the Effective Date.

MEMBERS:

By: Hughes Pope

By: Kristin Pope





SITE LOCATION MAP
1" = 2000'

GENERAL NOTES

1. THE PLAN PROVIDES A SITE PLAN AMENDMENT AND CHANGE OF USE TO THE PROPERTY LOCATED AT 495 HAROLD DOW HIGHWAY (ROUTE 236) IN ELIOT. THE PROPOSED CHANGE INCLUDES ADDING ADULT USE CULTIVATION TO THE EXISTING MEDICAL CANNABIS GREENHOUSE AND ADDING ADULT USE MANUFACTURING TO THE REGISTERED PRIMARY CAREGIVER RETAIL BUILDING. THE GREENHOUSE WILL BE USED TO CULTIVATE BOTH MEDICAL AND ADULT USE MARIJUANA AND THE REGISTERED PRIMARY CAREGIVER RETAIL BUILDING WILL BE USED TO MANUFACTURE MEDICAL AND ADULT USE MARIJUANA PRODUCTS IN ADDITION TO MEDICAL MARIJUANA RETAIL SALES.

2. BOUNDARY LINES, EXISTING CONDITIONS AND TOPOGRAPHY WERE TAKEN FROM REFERENCE 1.

3. THE SITE IS IDENTIFIED ON TOWN OF ELIOT TAX MAP 53 AS LOT 6 AND IS APPROXIMATELY 3.0 ACRES IN AREA. THE PARCEL IS LOCATED IN THE COMMERCIAL/INDUSTRIAL (C/I) DISTRICT.

4. DIMENSIONAL REQUIREMENTS

COMMERCIAL /INDUSTRIAL (C/I) DISTRICT	
MINIMUM LOT SIZE	3 ACRES
FRONT YARD SETBACK	50 FEET
SIDE YARD SETBACK	20 FEET
REAR YARD SETBACK	20 FEET
MAXIMUM BUILDING HEIGHT	55 FEET
MAXIMUM LOT COVERAGE	50%

5. COVERAGE CALCULATIONS:

EXISTING BUILDING COVERAGE: 35,632 S.F. 31.1% LOT COVERAGE
EXISTING IMPERVIOUS SURFACE COVERAGE: 82,641 S.F. (1.90 AC.) (NO NEW IMPERVIOUS PROPOSED)

6. WATER SERVICE SHALL BE PROVIDED BY AN EXISTING, INDIVIDUAL, PRIVATE, DRILLED WELL. SEWER SERVICE SHALL BE PROVIDED BY AN EXISTING, PRIVATE, ON-SITE, SUBSURFACE WASTEWATER DISPOSAL SYSTEM (SSWDS). WASTEWATER SYSTEM DESIGNED FOR 180 GALLONS PER DAY, 15 GALLONS PER DAY PER EMPLOYEE = 12 FULL TIME EMPLOYEES.

7. PARKING CALCULATIONS

RETAIL:	1 SPACE/200 S.F. X 2,800 S.F.	= 14 SPACES
GREENHOUSE:	1 SPACE/EMPLOYEE X 8 EMPLOYEES	= 8 SPACES
TOTAL SPACES :		= 22 REQUIRED WITH 34 PROVIDED

8. GENERAL LAYOUT FROM REFERENCE 2.

9. SECURITY CAMERAS MUST BE PERMANENTLY FIXED AT THE FOLLOWING LOCATIONS IN THE ESTABLISHMENT:

1. ALL EXIT/ENTRY POINTS (SUFFICIENT TO IDENTIFY INDIVIDUALS ENTERING AND EXITING THE PREMISES AND LIMITED ACCESS AREAS).

2. EACH POINT OF SALE A SUFFICIENT NUMBER OF CAMERAS MUST BE PERMANENTLY FIXED TO ALLOW VIEWING OF THE FOLLOWING:

1. ANY AREA WHERE MARIJUANA, MARIJUANA PLANTS, IMMATURE MARIJUANA PLANTS, SEEDLINGS, SEEDS, MARIJUANA CONCENTRATE OR MARIJUANA PRODUCTS ARE CULTIVATED, PROCESSED, MANUFACTURED, STORED, AND/OR PREPARED FOR TRANSFER OR SALE (THE AREA MUST BE VIEWED IN ITS ENTIRETY).

2. ANY AREA WHERE MARIJUANA WASTE IS STORED.

3. ALL AREAS OF THE PREMISES WITHIN 10 FEET OF THE EXTERIOR FENCE AND GATES OF A CULTIVATION FACILITY WITH OUTDOOR GROWING.

3. THE SURVEILLANCE SYSTEM STORAGE DEVICE MUST BE SECURED ON THE PREMISES IN A LOCKBOX, CABINET OR CLOSET, OR MUST BE ON A THIRD-PARTY SERVER OR SECURED IN ANOTHER MANNER TO PROTECT FROM EMPLOYEE TAMPERING OR CRIMINAL THEFT.

4. ALL SURVEILLANCE RECORDINGS MUST BE KEPT FOR A MINIMUM OF 45 DAYS ON THE LICENSEE'S RECORDING DEVICE.

10. ALL EXTERIOR DOORS TO BE LOCKED WITH CARD ACCESS FOR EMPLOYEES. KEY CARD AND KEYS WILL BE PROVIDED FOR EMERGENCY PERSONNEL IN KNOX-BOX AT FRONT OF BUILDING.

11. FACILITY WASTE PRODUCTS TO BE PLACED IN DUMPSTER SHOWN ON SITE PLAN. ANY PLANT MATERIAL TO BE GROUND UP INTO A COMPOSTABLE FORM AND DISPOSED OF AS SUCH. OTHER WASTE TO BE PACKAGING MATERIAL AND STANDARD FARM DEBRIS. DUMPSTER WILL BE FENCED IN AND MONITORED BY SECURITY CAMERAS. SPECIFIC WASTE PROCEDURES UNDER REVIEW BY MDEP.

REFERENCES

1. "STANDARD BOUNDARY AND TOPOGRAPHIC SURVEY" PREPARED FOR SWEET DIRT. TAX MAP 53 LOT 6, 495 HAROLD DOW HWY., ELIOT, ME 03903. OWNER OF RECORD: FLOWER COMPANY PROPERTIES INC. JACQUELYN NOONEY, 9 ISLAND AVE, KITTERY, ME 03904. BY AMSDEN FIELD SURVEY.

2. "AMENDMENT TO SITE PLAN" PREPARED FOR SWEET DIRT, INC. TAX MAP 53 LOT 6, 495 HAROLD DOW HWY., ELIOT, ME 03903. OWNER OF RECORD: FLOWER COMPANY PROPERTIES INC. BY JUSTIN KRONEWITTER.

LEGEND

PROPERTY LINE	PL
SETBACK	
EXT. ABUTTER LINE	
PRP. RIGHT-OF-WAY	
EXT. PAVEMENT	
PRP. GRAVEL	
PRP. BUILDING	

STATE OF MAINE
YORK COUNTY ss. REGISTRY OF DEEDS
RECEIVED_____, 20___
AT___h.___m.___M. AND RECORDED IN
PLAN BOOK_____, PAGE_____
ATTEST_____REGISTER

SIGNATURE	DATE
CHAIR	

GRAPHIC SCALE
0 30 60 90 120 (FEET)

NO.	DESCRIPTION	DATE
A	CO-LOCATED MANUFACTURING	10/13/2020

REVISIONS

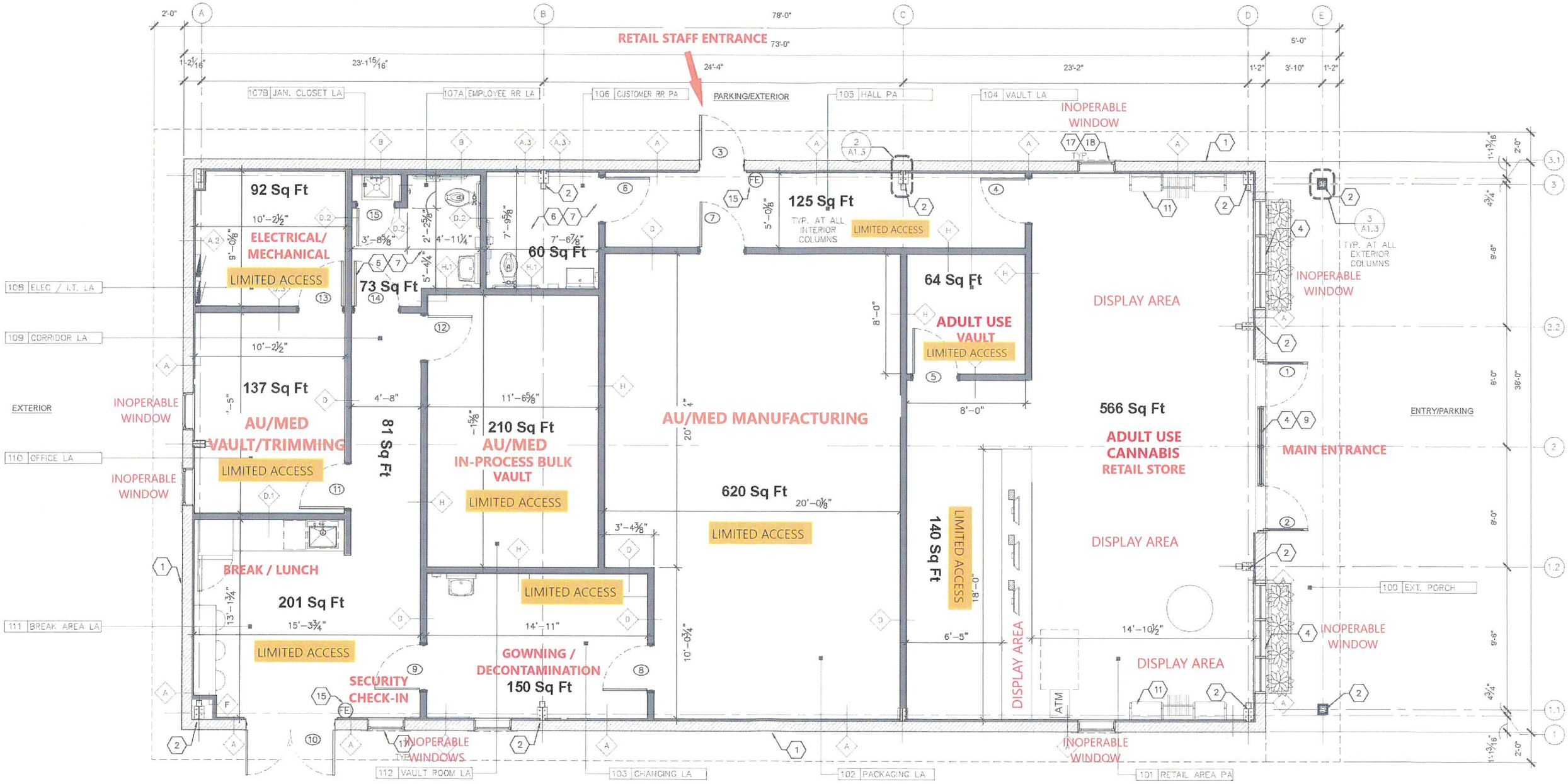
TAX MAP 53, LOT 6

SITE PLAN
SWEET DIRT FACILITY
495 HAROLD DOW HIGHWAY, ELIOT, MAINE

FOR: NEK ASSETS, LLC
987 HAROLD DOW HIGHWAY
ELIOT, MAINE 03903

ATTAR ENGINEERING, INC.
CIVIL ◆ STRUCTURAL ◆ MARINE
1284 STATE ROAD – ELIOT, MAINE 03903
PHONE: (207)439-6023 FAX: (207)439-2128

SCALE: 1" = 30'	APPROVED BY:	DRAWN BY: BRN
DATE: 9/15/2020		REVISION DATE: A : 10/13/2020
JOB NO: C066-19	FILE: SWEET DIRT BASE.DWG	SHEET: 1



1 FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

Access Control
Door Contacts/Burg
Motion Detector
Hardwired Panic Alarm
Alarm Siren
Building Alarm Keypad
Network Video Recorder
Glass Break
LED Wall Pack Lighting
Alarm Control Panel

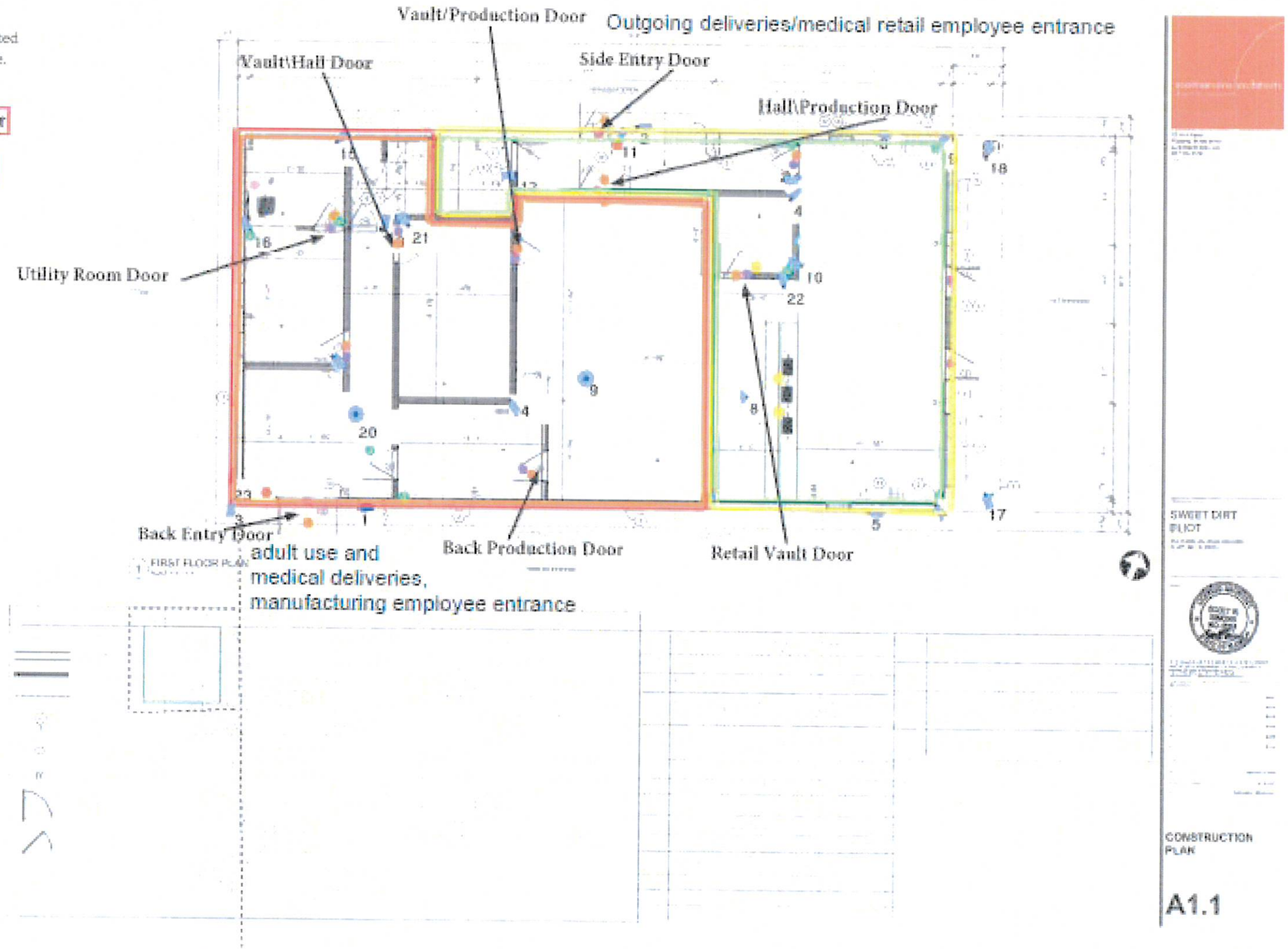
All doors leading to limited access areas are lockable.

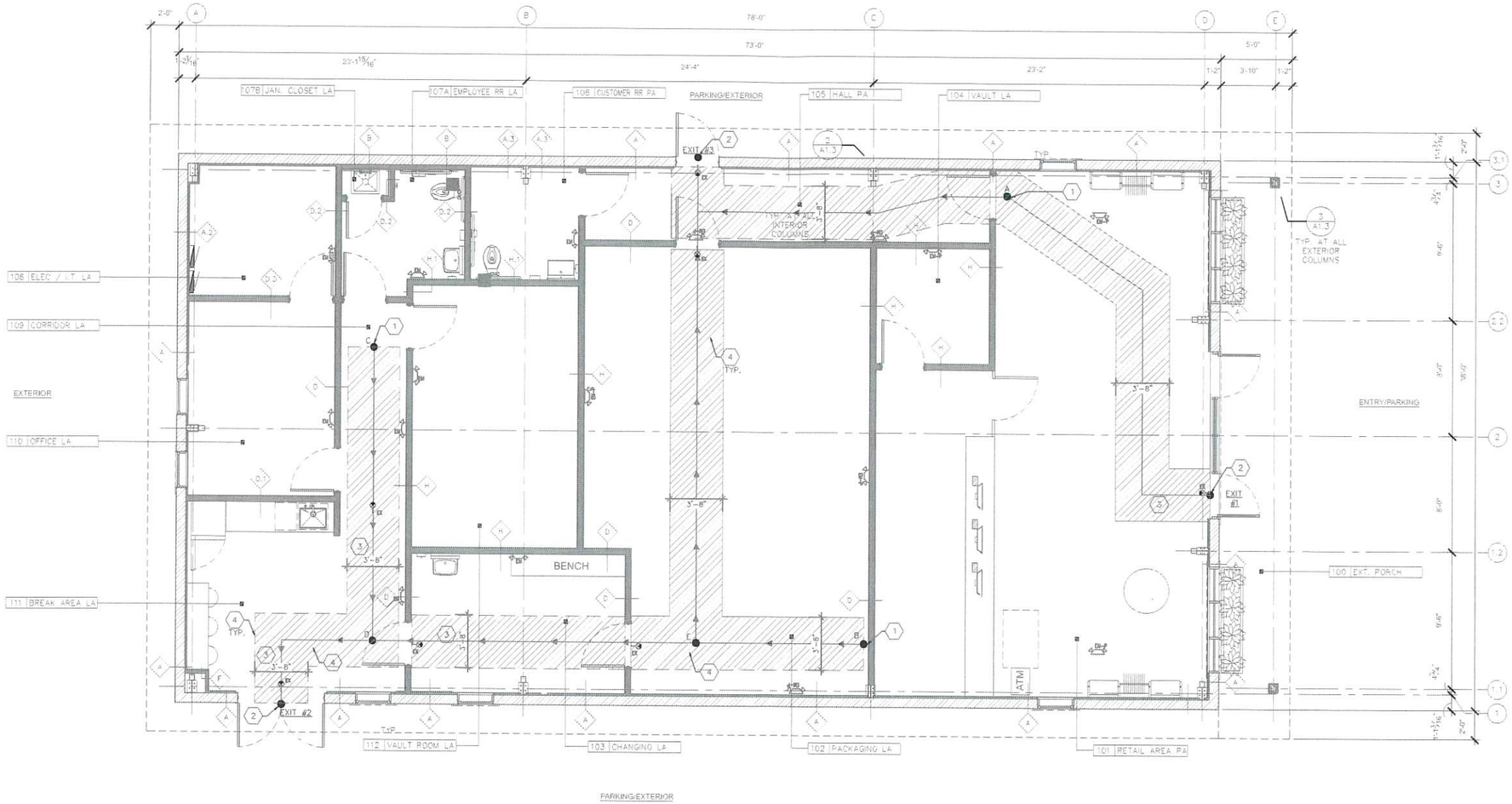
Production Perimeter

Production Interior

Store Perimeter

Store Interior





1 EGRESS AND LIFE SAFETY PLAN
SCALE: 1/4" = 1'-0"

LEGEND

SYMBOL	DESCRIPTION
EM	EMERGENCY LIGHT (EM) (SEE A2.1 FOR SPECIFICATIONS)
EX	EXIT SIGN (EX) (SEE A2.1 FOR SPECIFICATIONS)
	PATH OF EGRESS
	TRAVEL DISTANCE TO EXIT
FE	FIRE EXTINGUISHER

NOTE:
COORDINATE W/ FIRE SAFETY ENGINEER/ CONSULTANT FOR FIRE ALARM/EMERGENCY APPARATUS/ EQUIPMENT REQUIREMENTS AND LOCATIONS

GENERAL NOTE :
LA INDICATES LIMITED ACCESS AREA
PA INDICATES PUBLIC ACCESS AREA

EGRESS OCCUPANT LOAD

MEANS OF EGRESS: (CHAPTER 10) MINIMUM EGRESS REQUIREMENTS
(TABLE 1004.1.2) OCCUPANT LOAD AND EXIT CAPACITY:
MERCANTILE
MERCANTILE = 60 GROSS
STORAGE AND STOCKROOM = 300 GROSS

OCCUPANT LOAD:

ROOM	USE	GROSS AREA	SQ. FT. PER PERSON	OCCUPANT LOAD
100	EXTERIOR PORCH	N/A	N/A	N/A
101	RETAIL AREA	802	60	14
102	PACKAGING	621	60	11
103	CHANGING	163	60	3
104	VAULT	71	300	1
105	HALL	173	–	–
106	CUSTOMER RESTROOM	70	–	1
107 A	EMPLOYEE RESTROOM	75	–	1
107 B	JANITOR'S CLOSET	11	–	–
108	IT / ELEC. CLOSET	112	300	1
109	CORRIDOR	70	–	–
110	OFFICE	155	60	3
111	BREAK AREA	230	60	4
112	VAULT ROOM	221	300	4
TOTAL		2,774		43

EGRESS WIDTH (SECTION 1005)
MERCANTILE; GROUP 'M'= 0.2" PER PERSON (SECTION 1005.3.2)
DOOR [MAIN] = 34" NET WIDTH (AT ENTRY DOOR)
DOOR [REAR] = 68" NET WIDTH (AT B.O.H EXIT DOOR)
TOTAL NET EGRESS DOOR WIDTH = 102" [PROVIDED]

DOOR 102" / 0.2" = 510 PERSON CAPACITY

ACTUAL CAPACITY = 43 PERSONS
PROVIDED EGRESS CAPACITY = 510 PERSONS.
PROPOSAL IS LESS THAN ALLOWABLE - OKAY

TRAVEL DISTANCE

START POINT	PATH TYPE	TRAVEL DISTANCE LEGS			EXIT DOOR	TOTAL TRAVEL DISTANCE
A	PRIMARY	A TO EXIT 30'-2"			#1	30'-2" < 200'-0"
A	SECONDARY	A TO EXIT 24'-2"			#3	56'-6" < 200'-0"
B	PRIMARY	B TO E 11'-9"	E TO D 22'-5"	D TO EXIT 10'-8"	#2	44'-11" < 200'-0"
B	SECONDARY	B TO E 11'-9"		E TO EXIT 32'-6"	#3	44'-3" < 200'-0"
C	PRIMARY	C TO D 20'-4"		D TO EXIT 10'-8"	#2	31'-0" < 200'-0"

NOTE:

2015 INTERNATIONAL BUILDING CODE

CHAPTER 10 SECTION 1016 EXIT ACCESS
EXIT ACCESS TRAVEL DISTANCE MERCANTILE:
GROUP 'M' WITHOUT SPRINKLER SYSTEM: THE MAXIMUM TRAVEL DISTANCE IN MERCANTILE UNIT : 200 FT. (TABLE 1017.2)

SECTION 1016.3 COMMON PATH OF EGRESS TRAVEL: 75 FT

KEY NOTES

1. EGRESS START POINT
2. EGRESS END POINT
3. CLEAR WIDTH OF ACCESSIBLE ROUTE TO BE 44" MIN.
4. ACCESSIBLE ROUTE TO BE FREE AND CLEAR AT ALL TIMES FROM ANY OBSTRUCTIONS

scott simons architects
designed for human potential
75 York Street
Portland, Maine 04101
simonsarchitects.com
207.772.4656

PROJECT NAME
SWEET DIRT
ELIOT
495 HAROLD L DOW HIGHWAY
ELIOT, MAINE 03903

SEAL
LICENSED ARCHITECT SCOTT R. SIMONS NO. 2034 STATE OF MAINE

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REVISION
1 DATE
2 DATE
3 DATE
4 DATE
5 DATE
6 DATE

DATE OF ISSUE MARCH 04, 2020
PROJECT NUMBER 2019-0330
PHASE EXISTING CONDITIONS

EGRESS + LIFE SAFETY PLAN

A0.2

ITEM 1 - ROLL CALL

Present: Christine Bennett – Chair, Suzanne O'Connor– Secretary, Jeff Leathe, and Paul Shiner.

Also Present: Jeff Brubaker, Town Planner.

Absent: Carmela Braun and Jim Latter (excused).

Voting members: Christine Bennett, Jeff Leathe, Suzanne O'Connor (Zoom), and Paul Shiner (appt).

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

ITEM 4 – 10-MINUTE PUBLIC INPUT SESSION

There was no public input.

ITEM 5 – NOTICE OF DECISION

There were no Notices of Decision tonight.

ITEM 6 – NEW BUSINESS

A. 41 Rogers Point Drive (M32/L2) PB23-14: Shoreland Zoning Permit Application (Request for Planning Board Re-approval) – Replace and expand existing non-conforming residential structure.

Received: May 23, 2023
1st Heard: August 1, 2023 (re-approval review/completeness)
2nd Heard: _____, 2023 (site review/re-approval)
Public Hearing: _____, 2023
Site Walk: N/A
Approval: _____, 2023

Mr. Wilbur (owner) was present for this application.

Mr. Brubaker said that this is the re-approval of PB20-19 that the PB gave approval for in December 2020 for a Shoreland Zoning application, which has since expired. The NOD is in your packet. It involved the replacement of both a kind of seasonal structure that was not in great shape with a new year-round residential structure as well as the conversion of an existing boathouse into a garage below and living area (ADU) above it. As I understand, that conversion has been completed. There is an approved septic system in place. The current owner is selling it to the applicants who are under contract to purchase.

It's the same height and footprint as PB20-19, with some changes in style but, with the footprint, you do see a larger overall square footage (520 sq. ft./2-story) compared to the previous residential structure, which is 142 square feet and 1 story. Importantly, for a shoreland non-conformance review, they're bringing this a little bit back from the river on a pretty constrained lot. As in 2020, the proposal is to reduce the part of the footprint of the house within 25 feet of the shoreline from 58 square feet to just 9 square feet and that meets the standard of "do not expand the footprint of any structure within 25 feet of the water". In my opinion, although we typically do hold public hearings for Shoreland reviews, a public hearing is not needed in this case. The rationale is in my staff report and I would be happy to answer questions about that. The PB may still elect to hold one and they are certainly authorized to hold one. The applicant could request one, or not. But, in talking with Mr. Wilbur, they have provided signatures of abutters approving and supporting the forgoing of the public hearing. Attachments were signed yesterday that are now in your packets. I would just say that, in my staff report, I mention four or five abutters and Mr. Wilbur did let me know that the last abutter has since signed this letter of support/okay with forgoing a public hearing. Again, I would recommend the application be deemed complete and there be an approval with conditions. There is a motion template in your packets that incorporates the previous approval with some new findings and conditions.

Mr. Wilbur said that I think that Mr. Brubaker has done a great job in putting this together. Sadly, we've had to convey the property. It actually closed yesterday so the Fantry's are the owners, now, and their dream to push it forward. I hope the PB sees it that way and would be happy to answer any questions.

Ms. Bennett asked if PB members had any questions for our Planner or the applicant.

Mr. Shiner said that Mr. Brubaker mentioned the movement away from the river. Could you clarify for me what that was to accomplish.

Mr. Brubaker said that the Shoreland Zoning chapter has the nonconformance section dealing with existing structures that are legally non-conforming. New structures generally have to be set back at least 75 to 100 feet from the waterline. Part of this existing, older residential structure was less than 25 feet from the waterline, so, the standard there in §44-32 is that you are not allowed to expand the footprint of any existing, non-conforming residential structure the footprint that is within the 25-foot setback, which is at least how I read it. In this case, the test they have to meet is 'do not expand' and, in fact, they are going further away by drastically reducing the footprint so that it will be 9 square feet. All but 9 feet is set back at least 25 feet from the water

Mr. Shiner said that there is nothing on the ground that would cause them to move it back. It's just for better compliance.

Mr. Brubaker said that I would say that the affect is better compliance. I can't speak to their vision as it was originally.

Mr. Wilbur said that it was trying to reduce the part that was in that 25 feet as much as we possibly could while still taking advantage of the 30% expansion allowed. We pulled it back as far as we could while still getting a reasonably wider building for habitation. Nothing more than that.

Mr. Brubaker said that Mr. Wilbur actually brings up another point. There are limitations on how much you can expand a non-conforming structure within 75 feet of the river but they are within their allowable expansion because the resulting structure still has a footprint of less than 1,000 square feet.

Ms. O'Connor said that, in the original documentation, it says that a permit from the Maine DEP, an NRPA, was granted. Does that expire like other permits or is that still in effect.

Mr. Wilbur said that it was approved under the State of Maine Permit-by-Rule (PBR) and so I have re-applied for that. Yes, it has in fact expired. The way that the DEP handles PBR is that, if they haven't come back to you within 14 days of the receipt where you pay the fee, then it is being approved. There is no formal approval process. I applied for that in March of this year so we should be all set. I can get a copy to you.

Ms. O'Connor suggested including that as a finding that the DEP approval was granted within the process the State has set up for re-approval, however we want to word that.

Mr. Shiner said that I think the alternate is that they didn't object.

Ms. Bennett added that the PBR is sort of just a desk review. It is an expedited way to permit projects that don't need a more substantial review by their engineers.

Mr. Wilbur clarified that the actual date I submitted the re-approval was not in March but May 24, 2023. I will make sure you have a copy.

Ms. Bennett said to Mr. Wilbur is that one of the pieces about the expirations of your permitting is that, from my understanding, the actual permit for this construction could expire by December 2023 unless substantial completion has occurred with the project.

Mr. Wilbur said that one of my questions is, is it substantial completion or is it substantial start.

Ms. Bennett said that it's substantial completion, I believe. Your site plan approval has a 3-year window and will expire if it has not been substantially completed within 3 years of the date of approval. Substantially complete means *"the property or improvements may be occupied or utilized for the purpose for which they are intended and only minor items such as touch-up, adjustments, or minor replacements or installations remain to be* completed *or corrected. "*

Mr. Wilbur said that that would be a tall order for them to complete the complete structure. So, if we look at the entire project, which included the construction of the ADU, that is now a dwelling unit that is habitable, I've got a CO, and so forth, for that; that I was living there up until we sold it. If we look at that part of it, it probably is a stretch to say that it is a habitable structure, when before we started, there was nothing there. Certainly, the Fantry' have a lot of construction they're looking to be building on just as soon as possible. The bad part of it is that there just isn't enough time to meet that December deadline.

Ms. Bennett said that I just wanted to pose that while you are here.

Mr. Wilbur said yes, and I don't really have a good answer for you other than that. To further my question, if this was a situation where we do have to come back to address that site plan, is the process really that much different from what we're going through right now. Certainly, all our neighbors are in favor of moving forward with this.

Ms. Bennett said that I would defer to the Planner to answer but my impression is that it would not be that complicated. The prior PB did a very thorough review of your application. Since there isn't a proposal to change much except for the aesthetics, it sounds like, to the already approved project, I don't think that doing another site plan review would be a heavy lift.

Mr. Brubaker said that this is a good catch. You're right. There is that 3-year substantially complete timeline, so that would be December 2023, as you mentioned. We do have the new section in Chapter 33 covering site plan re-approval. They could presumably as part of this PB case also seek site plan re-approval. That does require a public hearing. Unless I'm missing something, to play it safe, if they did want to have that site plan re-approval, that would start the clock over again. The option for tonight would be to deem the application complete for both the site plan review and the Shoreland, then set a public hearing for August 15th. The other option to consider if you felt it was ready to be approved, if you approved it tonight, they would have more time to come back to the PB before December for site plan re-approval. However, that's less efficient.

Mr. Wilbur said that I'm certainly cognizant of the workload that your Board has. For me, it is what is most efficient for the PB.

Ms. Bennett said that, to my mind, it seems deminimus as far as your application for re-approval for the site plan, just as with the Shoreland permitting. If you were willing to forestall for another two weeks, we could put the public hearing on the 15th and consider re-approval of both, site plan and shoreland applications.

Mr. Wilbur said that that seems to me a reasonable way to go. I appreciate it.

Mr. Shiner asked if there was a building permit issued for the main house that's tied to this at all.

Mr. Brubaker said that I don't believe there would be.

Mr. Shiner said that this is strictly for re-approval.

Ms. Bennett said right. Just to be clear, I'm understanding that the seasonal residence is still there on the site and nothing has been removed. The boathouse has been converted into a garage with an ADU above.

Mr. Wilbur said yes. The neighbors can't wait for the old shack to go away.

Mr. Brubaker said that, then, the recommended motion would change, in my opinion, to a motion to deem the application complete and set the public hearing for August 15th.

Mr. Leathe moved, second by Mr. Shiner, that the Planning Board deem the application complete and plan for the Public Hearing for the 15th of August.

VOTE
4-0
Motion approved

B. 150 Harold L. Dow Highway (M30/L3) PB23-15: Site Plan Amendment/Review – Mobile Vendor Site

Received: May 31, 2023
1st Heard: August 1, 2023 (sketch plan review/completeness/minor amendment)
Site Walk: N/A
Approval: August 1, 2023

Mr. (Bill) Widi (owner/applicant) was present for this application.

Mr. Brubaker said that this is a new use in our Land Use Table that was approved by voters in June, along with business licenses, for mobile vendors. In this case, it's a SPR use in the Commercial/Industrial District (C/I) where this property is located. The hours of operation proposed for the food trucks, which are the mobile vendors that would use the site, are 11 AM to 9 PM. The applicant confirmed it would be seven days a week. Portable toilets, picnic tables, a parking area, newly-laid gravel. There would be planters placed between Route 236 and the vendor site. A minor comment I added was whether there might be able to be some planters as a physical barrier, also, between a driveway into the site and the picnic tables. There are no other changes proposed to the approved uses of the site. My recommendation is to approve as a minor site plan amendment under §33-140.

Mr. Widi said that I did plan on planters between the parking lot and the food trucks. This is just laying some gravel, building a picnic area, with the possibility of up to 2-3 food trucks. We are reaching out to food trucks, now, and there are a lot of them. If approved,

we're going to try to keep a rotation. We would like to get it running for September. We are going to use the light show at the farm to get people introduced to this.

Mr. Leathe asked about days of the week.

Mr. Widi said seven days is what we were thinking. One of my ideas was to give contractors a better option other than the convenience stores for food during the week, then the weekend crowd that is different. That's why the seven days.

Ms. O'Connor asked if there is anything that seeks, either in the new ordinance or in the applicant's plans, for how many visitors at a time we think would make sense. Is there a traffic flow estimate or is that a question we need to ask. I think this is our first food truck/mobile vendor site so I'm just not sure what we would think about in terms of what we would have for a traffic pattern requirement.

Mr. Brubaker said that the PB can review applications with regard to traffic. The primary section, there, is§45-406. We can refer to that, if need be, but that just speaks to adequate and safe driveway access, and so forth. We have some things we could pull up if that is of interest to the PB in terms of what your review is for adequate traffic.

Mr. Widi said that it has enough space for at least 60 cars, in addition to the food trucks and the picnic area. The problem with the traffic study is that there are no comps out there. It's a traffic management thing; that it's a 3-acre parcel with plenty of empty space to put cars.

Ms. O'Connor asked if this is something that we would say in three months, maybe, it would be interesting to know. It would be interesting to learn what the traffic pattern is if, in fact, there aren't comparable numbers, which makes sense. This is a really new thing in the local area but we would know for the future. It wouldn't necessarily be to hold up but it might be something we might be interested in three months learning what the traffic pattern is. Just in the interest of having additional information. This is really new and we don't know what we don't know.

Mr. Widi said that I'm happy to give whatever information you want. I will say that the first month is going to be very different than the second month and third month. When new, it's going to be very busy and then you are going to have some tailoring off. The other variable is how much of an affect is our push at a different location to drive people there going to have. It will most likely ebb and flow but I do understand. We don't want cars backing up on Route 236. I think, where it's potentially a permanent mobile vendor site and it would have to be licensed by the SB, the SB could put traffic restrictions no different than the marijuana companies, or anything else.

Mr. Leathe said that, in thinking about the location, it's right next to the Irving, which has a fair amount of traffic. It's across the street from Dunkin' Donuts, which has a lot of traffic. We just looked at a project in the Eliot Commons with 18,000 cars coming in to get washed every year. So, I don't think there's a rationale that we can enforce a traffic

study for a project like this, given that we haven't for any of the others. I think if you get 18,000 cars into your food truck site, that would be a pretty good year. It would be helpful to know but I don't think we need to worry about it as much as compared with Cumberland and all the other major, major traffic flow participants.

Ms. Bennett said that it is difficult to take a left out of your property. I was wondering if you might suggest some signage for those who aren't from Eliot and haven't tried to get onto Route 236 by taking a left.

Mr. Widi said that signage is one of the things I spoke with the Planner about; that when the DOT is looking at it, to extend that turn lane further. The turn lane ends right before the Kittery entrance. If they continue those turn lanes, as the most recent plan had, that would make it a lot easier. One plan is, if things pick up on a Friday or Saturday night and it's busy, I'm going to put parking attendants there. So, it will actually be attended and it won't be the wild west. I have a lot of experience with that.

Mr. Shiner said that you mentioned there would be potential contractor traffic in the daytime. Those guys typically run trucks and trailers, etc. Just ask that whatever parking arrangements you organize there, have in mind that it's not just passenger cars, it's the guys with the trailers trying to get around and they don't drive cautiously.

Mr. Widi said that I don't know if it made it in the packet, but I actually changed the orientation just because this one moves a little easier. 'These' two rows could potentially be the trailer parking, and like that, and 'this' could be for daytime. At nighttime, when it's cars, you trade it back. I have $6,000 worth of traffic cones to clearly mark out the parking spaces and vehicle flow.

Ms. Bennett clarified for Ms. O'Connor that Mr. Widi re-orientated the parking by about 90 degrees. So, instead of going east-west, it's going north-south.

Mr. Widi said that he recognized, after drawing it out, that the orientation would have cars driving where people would be walking and eating. The new orientation avoids that and makes it much safer.

Mr. Shiner said that it's a year-round operation, or close to it, and we have daylight savings and darkness later in the day. What is the scoop with lighting.

Mr. Widi said that there is lighting on the building. Where that patio is, the plan was to put lighting through there so that the whole area where people will be congregating will be lit; around the food trucks, etc. The entrance to and from Route 236, there's a sign post right there so I could run power to that and put a spotlight downward at the entrance. We'll put more lights on the building. The plan is not to use the paved area, just to use the gravel area but, any time you do something event-oriented, you need 'in case of emergency, break glass' and then there would be an extra 20 spaces right there. That's not the plan. The plan is to use them on the gravel. It's still the same property but, if we

really started to cause an issue, we could move them over. There is an emergency back-up space to put people. There will be no barriers placed there.

Ms. Bennett said that this would operate in the winter, as well.

Mr. Widi said that, as of right now, we plan to run it from September through December 31st, which is our last light show. We will assess at that point. The other variable is that we're not going to be at the mercy of other vendors because we're going to try to rotate them. Some vendors may say it's too cold. I would like to leave the option open for the winter; that maybe we have some brave souls willing to do the January shift. If not, we'll open back up in April, whenever it gets decent.

Ms. Bennett asked if it would be operating solely when you're doing the light shows or also at other times, as well.

Mr. Widi said all the time. It's going to be up to what I can get for food trucks. Other ideas that I had was possibly an ice cream truck for something in the summertime. We'll have to see how it evolves. People seem like they like the idea. At a light show, a woman and her 10-year-old daughter were there. Her daughter said she was hungry and the mom says, "This is Maine. There is nothing around." It made me think that the only two places we have to eat in Town are bars; that people are asking where they can go to eat. I waited for three years for somebody to do something and nobody did anything, so, here I am.

Mr. Shiner said that everything is carry in-carry out.

Mr. Widi said yes, and we do have a dumpster on-site. We will start with one porta-potty but that's not an issue. I own eight of my own.

Mr. Brubaker said that, as part of the licensing, the food trucks would be required to put out a garbage can and manage the trash for their own customers. He discussed that we do give some leeway for temporary food trucks. If you want to operate for more than 3 consecutive days at the same location, or 12 days total in a year, then you have to get licensed. The idea was that, when we wrote these rules, if it was a kids party and a food truck was showing up, we didn't want them to have to get a license just for that. So, the idea is for them to have a few free days before they need to get licensed. Once they are licensed, they are required to put out the trash can for customers and managed that.

Mr. Widi said that that is for the Town. The State requires all to be licensed. That is part of the application process, as well.

Mr. Brubaker agreed that our licensing requirements do reference the State's Health and Food licensing requirements so you have to show that you have those.

Ms. Bennett asked if the PB wanted to approve this application as a minor site plan amendment.

Mr. Leathe moved, second by Mr. Shiner, that the Planning Board approve PB23-15 as a Minor Site Plan Amendment/Revision and Change of Use adding "mobile vendor site" to the approved uses at 150 Harold L. Dow Highway.

VOTE
4-0
Motion approved

Ms. Bennett said that the application stands approved and there is a 30-day period from which the PB decision can be appealed by an aggrieved person or parties – move forward but move forward cautiously.

NOTE: The standard conditions of approval were not included in the motion.

ITEM 7 – OLD BUSINESS

A. November 2023 Ordinance Amendments
1. **Incorporation of State Statute (LD2003) to Increase Housing Opportunities.**
2. **Public Park-and-Ride Lots.**
3. **Grocery Stores**

Ms. Bennett said that at the last meeting we had decided to wait on grocery stores and, then, before I went to bed, I just couldn't let it go. So, I reached out to the Planner to ask if it was feasible. The reason being is that I've worked here going on 11 years and all the conversations about sewer and bringing sewer to Route 236 was that the vision was that it could bring amenities and services to our community that we desired. A grocery store was often one of those things that would be brought up as something that would be great or a restaurant that wasn't a bar. So, that was what was on my mind last Tuesday. Mr. Brubaker kindly agreed and put together a really great ordinance. So that's a word of explanation for why this has reappeared on the agenda.

1. Incorporation of State Statute (LD2003) to Increase Housing Opportunities.

This is related to compliance with State statutes on increasing housing opportunities by changing zoning and land use regulations.

Mr. Brubaker showed the draft document on the screen for discussion and revisions.

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Ms. O'Connor asked, when ordinances are voted on and passed, how long does it usually take for them to show up on the website for the Town. I was specifically looking for the 'mobile vendor' stuff and I noticed that we were a lot of cycles out of compliance for current. I was wondering what is the accepted process for a voter-approved new ordinance to show up on the Town's website under the ordinances.

Ms. Bennett said that it is my understanding that our ordinances are hosted by another site called Municode. It's a service provided to municipalities not only in Maine but broadly around the country. So, we're not locally hosting the ordinance. You are actually going to an external site. When we pass ordinance, our Clerk forwards the documents to Municode in a really timely manner. Municode takes a long time to compile the changes into the online document.

Ms. O'Connor said that we are back 6 cycles to June 2020. That's what it says on the header on the site. Certainly, the June things aren't there.

Ms. Bennett said that I didn't realize we were that far back. I was thinking a year or year and a half.

Mr. Brubaker said that I don't think we should be that far back. Every time I use Municode, it's at most lagged by one election cycle. Certainly, this June's amendments aren't posted yet. The last few days I've been looking at new sections that were approved by voters in November 2022. It could be that it's some other corner of our website that you're looking at that is not as updated.

Ms. O'Connor said that maybe it's a simple as updating the headliner on the website to say what is the most current. Maybe it's our website because I got there from the Eliot website. The Town website link said that the last update was June 2020.

Ms. Bennett said that I always go to Municode directly. It is saying to me that we are on Supplement 23, November 8, 2022.

Mr. Brubaker said that he could see what Ms. O'Connor was talking about; that it's descriptive text. I should be able just talk with Ms. Rawski and get that updated.

Ms. Bennett said that I have kept the habit of keeping a folder of ordinance changes as they are passed for when we might need them, knowing that Municode takes an election cycle to update. I'm wondering if we shouldn't just be keeping whatever ordinances are actually proposed and passed somewhere on our website for 6-8 months just so we and the public have access.

Mr. Brubaker said that I can talk with Ms. Rawski about where to host such things, keeping in mind that the Town website will be updated soon.

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Mr. Brubaker said that I did want to say, at the end, if the PB feels ready, we would want a motion to set a public hearing for the 15th for these ordinance amendments. Ms. Tackett and I have already worked together in preparation for that because we need to be certain with timelines in State statute to get public hearing notices published in two newspapers, one in the Portsmouth Herald and one in The Weekly Sentinel this Friday.

Mr. Brubaker said that the first thing regarding the Housing ordinance is the change in the title the PB talked about – 'Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations'. Another aspect of the title, we do have the notion that it is going to change Chapter 41 Subdivisions. We don't actually have any changes included here. There might be some changes needed to the chapter, I'm just not sure if there would be any major changes. At its heart, LD2002 does clearly state that it doesn't supercede subdivision regulations but there still could be some minor clean-up or changing of subdivision and I would welcome any suggestions towards that end.

Ms. Bennett said that, actually as I'm thinking of that, a 2-acre lot or let's just say it's a 4-acre lot in the Village District, our designated growth area. You're allowed to add up to four units on that lot. That would trigger subdivision.

Mr. Brubaker said yes.

Ms. Bennett said that I was wondering if we would need to change anything in subdivision on that.

Mr. Brubaker said that I will look at it further. If perhaps we could discuss, the ordinance subcommittee, myself, and potential our legal counsel, between now and the 15th.

Ms. Bennett said that that sounds like good idea.

Mr. Brubaker said that 'this' is some added language to the background and rationale. Pretty standard. We're just describing what the State statutes do here. I won't go into every detail of the background and rationale section but if you've had a chance to review it and had any comments, certainly, now is the time to discuss it.

Mr. Leathe said that I was reading about LD1706 and extended deadlines for towns to July 1, 2024. That essentially says that we have two referendum votes between now and that deadline; that we have two shots and I just wanted to make sure I read that correctly.

Ms. Bennett said yes. That makes me feel more comfortable.

Mr. Brubaker said that there are several things that LD1706 adds on top of LD2003. The middle part talks about growth areas in the Comprehensive Plan and then we go on to stating how the affordable housing development density points will work and what will change about the normal residential density allowances under LD2003. We did add at the end a summary of the changes proposed to wastewater regulations. There might be a bit more language to clean up in this background and rationale between now and the 15th but it's in pretty good shape, I think.

Mr. Leathe said that one thing I notice is that, when you have Note F or Note G or Note E, maybe somehow making that a little more understandable. So, it says Note and just and F; that at first I thought it was a typo.

Mr. Brubaker suggested that I could add parentheses .

Mr. Leathe said yes. Just something to call attention to the fact that there's a sub-section table with A, B, C, D, F.

Mr. Brubaker said that I will do that, now, in the document. There was some discussion, as we're heading into the actual changes, about keeping our current affordable housing definition. I would say that, to avoid confusion, it would be best to delete our affordable housing definition. Now, I realize there are ways in which our affordable housing definition helps more affordable levels than the LD2003 definition. But I do think that if we wanted to find a way that's consistent with LD2003 to go above and beyond those lower income levels, may be there's a way we can couch a higher level of affordability into the LD2003 definition, which are no more than 80% for area median income for a rental unit or no more than 120% of area median income for an owner-occupied unit. I like the spirit of that but I think for now, to avoid confusion, I think we should delete our current affordable housing definition.

Ms. Bennett said that I'm not certain that we're going to be able to. My perception is that LD2003 is now cemented, the definition of affordable housing as we're required to incorporate. I've seen proposed legislation that also completely copies that same definition to be workforce housing, which makes me anxious because I feel that a different terminology would offer opportunities to address housing for a different market, a different demographic. But I recognize it would be confusing to keep in our definition of affordable housing, even though it could provide more affordable housing.

Mr. Brubaker said that I think it's an interesting point you raise about the cementing in of these thresholds. In other words, a community that wanted to go above and beyond – "Well, let's try and help people with more than 100% exactly at the area median income afford a home. We'll require that for affordable housing developments." LD2003 would probably come in and say they can't do that because you need to make those units open to people between 100% and 120%.

Ms. Bennett said that it almost precludes people with lower incomes by raising this. If there was profit to be made with these developments at these prospective price points, or rental points, developers would be doing it. So that's why they are only requiring a majority of units, 49% of them can be market rate and 51% at this higher level.

Mr. Brubaker said that you could certainly choose, if you were an affordable housing developer, they, themselves, could choose to offer some units to people of even lower income but the municipality couldn't require them to do that.

Ms. Bennett said that's why I was so excited that the prospective TIF amendment legislation that would give municipalities more flexibility.

Mr. Brubaker said that the first new definition, here is 'affordable housing covenant'. We talked about all of these mechanisms needed to enforce and make sure that the affordable housing stays affordable long-term for 30 years. In some follow-up emails to Ben and Hillary at DECD they pointed us towards a number of ordinances, including Kennebunk's. So, I would like to thank Kennebunk and their Planner for borrowing some of their language. An affordable housing covenant is the 'restrictive covenant' that would enforce that long-term affordability and would required a 'qualified holder' of the covenant. That qualified holder would essentially be the enforcing entity for these covenants. 'This' is kind of an administrative change but affordable housing development just adds 51% or more of the affordable units and, then, it actually has a separate definition of 'affordable units' but then carries over the 80%/120% thresholds. Then some other new definitions. 'Market-rate unit', which refers to the units in the 49% of the units in the affordable housing development that would be at market rate. Then, 'market rent' is a companion definition for rental units. The qualified holder definition means 'a governmental entity empowered to hold an interest in real property…or a non-profit organization…related to affordable housing' such that they are 'committed to providing opportunities lower income or moderate-income households. They would be the ones to hold an affordable housing covenant and enforce the affordability.

Mr. Leathe asked if every definition of a qualified holder currently in existence in our code or is there something new in this paragraph in terms of what a qualified holder could be.

Mr. Brubaker said that this is all new. There is nothing in our current code.

Mr. Leathe said not necessarily in our code but in real life. When you look at governmental or quasi-governmental, governmental public housing authorities, community action agencies, similar non-profit or other governmental agencies, are all these entities that this points to currently available in the world or are there going to be some new types of organizations that would get involved.

Mr. Brubaker said that I di know that the DECD talked to some type of list of organizations that might be able to serve as qualified holders.

Ms. Bennett said that I wouldn't be surprised that there wouldn't be some new, emerging organizations qualified holders. If you think about elderly housing, which became incentivized 20 years ago, like Avesta, which is like a quasi-public/private organization that comes in and uses grant funds but also does make some money in their projects to build and then be a qualified holder to protect the covenant to make sure that everyone is over 55, and that sort of thing. I wouldn't be surprised if some other organizations, maybe even our local Mainspring might emerge as they evolve and grow into being a qualified holder.

Ms. O'Connor said that I was thinking of them, too, because in their new, consolidated self, the one that they are building, they do have 5 or 7 housing units that they will be offering as part of their umbrella set of services.

Ms. Bennett said that they just hired a housing guru, basically, to lead as a new position within Mainspring. That's a really excellent question because this is all new to us and not a landscape we really know.

Mr. Leathe added that I think it's going to be a heavy lift, too, because it is potentially a volume-oriented curve, here. And it's also 30 years, a long time. So, whoever it is not only going to be qualified now but make sure that the qualification holder is still in place 30 years hence. The, I'm sure there's a lot of work along the way, like the Chair just mentioned, so I was just curious if we're going to see some new organizations that are going to take on this task in the State of Maine.

Mr. Brubaker said that it's new to me, too. It will be interesting to see what kind of organizations come up from this.

Ms. Bennett said that York County Community Action (YCCA) might be another one; that they provide housing solutions. Some towns, like York, have their own housing authority so they already have the credentials to do this sort of stuff. We may even be able to contract with York Housing Authority to be the qualified holder, should we want to do that.

Mr. Shiner said that it sounds like we would need a conveyance mechanism for the qualified holder so that, at some point, when others leave, we're able to move to the appropriate management agency.

Ms. Bennett said that 'qualified holder' is terminology that is also used in the land conservation world. So, land trusts are qualified holders of conservation easements and, in the State of Maine, are registered with the Secretary. Should any of them ever cease to be in existence and they're holding conservation easements, the State of Maine would then take them over and transfer them to another qualified holder. I imagine that the Secretary of State would get involved in that but that's another level for someone making a lot more money than us.

Mr. Leathe said that that's an LD2003 infrastructure question; that that has to be built.

Mr. Brubaker said that, related, we do have the 'restrictive covenant' provision that's pretty familiar related to the affordable housing covenant. This is kind of your realm, Ms. Chair. What I do think we need to do is have 'duplex' be clearly related to 'two-family dwelling'. This is by no means a final definition but what I have here is an amendment of a duplex in 2-family dwelling, which is existing in our codes. I would just defer to you and the Board as to how you want to do that. But I do think it would be somewhat confusing if 'duplex' was in one part of §1-2 and 'two-family dwelling' was in another section. I think it behooves the PB to think about how specifically a duplex is distinguished from other types of two-family dwellings.

Ms. Bennett said that maybe that's just it. A duplex is a type of two-family dwelling where each unit is under single ownership.

Mr. Brubaker said and that's what you meant that each unit is single ownership.

Ms. Bennett said that that's a two-family dwelling; that's separate quarters. A duplex would mean that it is a two-family dwelling with both units under single ownership.

Mr. Brubaker changed it to read 'A duplex means a two-family dwelling with <u>both units</u> under single ownership'.

Ms. O'Connor said that that means that a duplex has to be owned by one person, one entity, one whatever.

Ms. Bennett said that that was correct.

Ms. O'Connor said that I actually thought it was correct the other way. I thought duplex could have two different owners and that that was what differentiated it from a two-family dwelling. A two-family dwelling could be a bunch of different kinds of ownership.

Ms. Bennett said that I got here, thinking of my thought pattern that brought me to the duplex, which was meaning that you could take an existing single-family home, convert it to a two-family dwelling, which wouldn't require any more acreage the way a two-family dwelling does in our ordinance. I spent time googling duplex and there's really no good definition anywhere. The term is used all the time by a lot of people but it's not a legal term.

Mr. Brubaker said that what I think is that it relates back to, as a policy decision from the PB, what types of two-family dwellings do you want to essentially incentivize through this bonus.

Mr. Shiner said that, in that case, if somebody owns a home, with just sufficient land for that home, they can take that home and split it so there are two legal addresses within it. One common ownership doesn't need to increase land area.

Ms. Bennett said right. It provides opportunity for people without a lot of land to add dwelling units because, otherwise, they would need to have land to legally divide the property, or legally convey, which is the language in our table of land uses. We may also have the opportunity to do an ADU but, as we were discussing, we currently have our ADU at 1,000 square feet. For me, that's fine. But, for some people, they may have a 3,000-square-foot house that they may have inherited, or the like, and want to split into two portions of square-foot dwelling units instead of taking 1,000 and 2,000 square feet.

Mr. Brubaker said that if they do that. Otherwise, they would have to buy acreage

Ms. O'Connor said that, if there is not a legal definition that would break the tie or that we would need to adhere to, then what I think that what you changed it to where both units are under the same ownership is the right answer because that's what we want to incentivize.

Ms. Bennett said yes, or have an allowance for.

Mr. Leathe asked, if you had different ownership, who would be responsible for the land.

Ms. O'Connor said that that would be like a condo-type thing, like an HOA.

Mr. Shiner said that somebody is going to have to replace the roof. Do you replace your half and the other their half. Who's going to mow the lawn. Or, there is one driveway cut to the curb and who plows it.

Mr. Leathe agreed. That's problematic, like living in downtown Boston.

Ms. Bennett said, honestly, this may be why there aren't a lot of two-family dwellings out there. When you look around, you start to see more multi-units. With condos, it is my perception having looked at purchasing condos, underwriters, mortgagers, your bank really hates to get involved in any condo association where anyone has 50% ownership. They aren't lending into that cat fight because you are going to be out-gunned. My bank was literally "No, no, you can't look at that one."

Mr. Leathe said that that made sense. I've been there.

Mr. Shiner said that, typically, a condominium is commercial-developed housing whereas a duplex is more often owner-occupied developed housing. And for sure the bank doesn't want to get involved in the owner-occupied developed housing for those reasons, because it's not clean. The percentage of 100% is your share, based on your square footage and your assessment, if you will, for mutual aide. Much cleaner and enforceable. So, I think we would probably see more of that, here, because it's new construction variety, it's economically more viable, and commercial guys are not interested in something old. They're interested in something new.

Mr. Brubaker said that, if we look at this as we have it now, I think what we're saying is we're going to incentivize only those two-family dwellings where the entire structure and plans stays under single ownership. The status of the second household is as a lessee or renter.

The PB agreed.

Mr. Brubaker said that we then go to Chapter 33, §33-183, Multi-family dwellings. Mr. Shiner suggested that in multi-family dwelling buildings (c), each building will be located at least 100 feet apart and any other structure, which I added. The next change is related to fire-suppression requirements (i). Then, we made these changes (j) we already

talked about to help multi-family dwellings are reviewed for wastewater and sewer connections, including the need to submit a maintenance schedule to the local plumbing inspector. There was a discussion of having an enforcement mechanism for that maintenance schedule for the septic system. The idea here is that the owner of the development needs to submit an annual update on maintenance done over the past year. Next, we go to the Shoreland chapter, which is a change we needed to make after our discussion with DECD staff. The idea here is administrative, the addition of ADU as a row in the Shoreland land use table, mirroring the allowability of single-family units. AS the Chair and I were discussing these changes, one thing I suggested as an addition was that, in the Resource Protection District (RS), ADUs be allowed only if they are within or attached to the principal structure. Remember that you can build a house in the RP but you have to get a special exemption from the PB and meet a stricter set of standards that you see in §44-44(f). The idea here is the understanding that we may not be able to prohibit ADUs from RP, as that's the vibe I got from our discussion with DECD, but the middle ground is to allow only attached and enclosed ADUs but prohibit detached ADUs to limit the footprint. He added that, if they do try to do an attached ADU, they would still have to operate within I believe a 1,500 square-foot limitation in the RP; that they would have to make the house smaller and be creative with how they do that attached. Certainly, if the PB finds that 'attached' goes too far, you can talk about just 'enclosed'.

Ms. Bennett said that I think this is good. We didn't get clear direction from the DECD but I do recall them saying that we can't prohibit ADUs in Shoreland zoning. But Shoreland zoning can govern ADUs. This feels like it adheres to that guidance.

Mr. Brubaker said that this was added and talked about before, designating the Village District as our growth area. The same with adding affordable housing development to the Chapter 45 table of land uses as SPR in Village and Suburban, mirroring our multi-family as required by law. Then, we get into the exciting part, which are the new dimensional standards. You will see the familiar split between lots certified water and sewer and lots not certified sewer and water. Reviewing the changes, I do want to clarify that there is an existing density bonus for any units, not just affordable housing units - 3, 4, 5, and up - in Suburban and Village Districts. I had suggested we get rid of this density bonus. I think that's reasonable to do because, essentially, what LD2003 is saying is that we're tying the density bonus to affordable housing and, so, I think a density bonus tied to affordable housing is incentivized more if you remove an incentive for market rate units. If you tune one dial one way, you can actually increase the value of another dial and, in this case, by removing the 3+ unit of density bonus currently in our code, you're shifting the incentive more to those who propose affordable units. I think this is a reasonable change. It certainly can be debated at a policy level, if need be. It would mean that, like the Rural District, if you did want to build a third unit in the Suburban District, you would need six acres instead of five acres. If you wanted to build a third unit in the Village District without water or sewer, you would need three acres, instead of 2½ acres.

There was discussion regarding the Open Space development in the Rural and Suburban Districts, potential impacts, and the possibility of allowing cottage clusters.

Ms. Bennett said that I think what Mr. Brubaker has done is good. It was probably a residual from when we were trying, without all of what LD2003 has inserted into our ordinances, a weak attempt to incentivize multi-families and affordable housing. I think it's good to remember that.

Mr. Brubaker said that we will keep that how it is. Another thing is, within the Village District, the proposal is to slightly relieve setbacks for lots with water and sewer, and asked if we are still good there. It's a potentially logical change because you're dealing with smaller lots and they would have a little more flexibility in terms of placing the building size.

Ms. Bennett agreed, given lots are seldom squares or even rectangles.

Mr. Brubaker said that, then, I think we wanted to confirm the maximum lot coverage for these same lots, whether 20 makes sense or 25, giving them a little bit extra lot coverage would make more sense. I think if it was kept at 20, it is still very doable to have a house and garage on a ½-acre lot with 20% lot coverage. 25% would give a little more flexibility. They do have the ability under our code to potentially get a 'practical difficulty variance' to increase their lot coverage by up to 50%.

Ms. Bennett said that I think I had put in this proposal, originally, to allow more coverage with a ½-acre lot but, on reflection, I would now advocate leaving it at 20% similar to other Village lots. Primarily from my own experience, from my own just less than ½-acre lot. 20% is a lot of coverage because of how we define coverage. Now, if we were to move to impervious surfaces, then that might provide a practical difficulty for a landowner but 20% is very hard to hit. So, I don't know that we need to go to a 25%. The other rationale for keeping it at 20% is that we're talking about our MS4 District. We're also talking about stormwater and what creates a lot of stormwater – the buildings. So, making an allowance for these smaller lots to have more intense coverage in our MS4 would be going counter-purposes. I don't know how others feel about that.

Mr. Shiner said to Mr. Brubaker that you put in the 25 just in a scaling mode, scaling that based on the requirements.

Mr. Brubaker said yes, for the sake of discussion.

Ms. Bennett said that there is some logic there as you go across the zones. The max lot coverage in Rural is 10%, Suburban 15%, 20% in the Village. Now we're talking about these smaller water/sewer lots in the Village and allowing them 25% coverage.

Mr. Shiner asked if it would make sense to leave it at the 20 and, then, if you do need something to ask for some exception to some extenuating circumstances.

Mr. Brubaker said that you could leave it at 20 then, again, the property owner could ask for a variance.

Mr. Shiner said because of some shape condition or some other condition where it's like it's the right thing to do.

Ms. Bennett suggested it might be that they have to build a much larger footprint for some reason. That would be the coverage, really. I'm amazed at how much I've been able to do. I have a ranch, so my 1,000 square feet is coverage. I live in a porch overhang, an ADU. I'm not even close to the 20%. I'm coming in on the 20% but I think at the last calculation I think I was at 15% coverage. It doesn't seem unreasonable to keep it at 20%.

Ms. Lemire commented that, regarding the Board of Appeals, it's the rule of law and the facts. There are criteria by which they can make their decision and they can't go outside of those criteria. Even with a practical difficulty variance, it's hard to get.

Ms. Bennett agreed that it's practically impossible to get.

Ms. Lemire said that I was frustrated when that was approved because it's very hard for anyone to get any kind of variance. It's just something to keep in mind when you're writing these ordinances.

Mr. Brubaker said, regarding a ½-acre lot, you could have a 4,000 square-foot house, which is very large, with 20% coverage. He showed the density bonus table, adding that we need to update some of the terminology based on the DECD comments. I have updated the numbers based on the removal of the old density bonus with Suburban and Village. This just shows you how many acres you need if you want to do affordable housing development in the Village or Suburban. He showed the bonus for the duplex conversion. I think what needs to be talked about here is if there is anything you want to change, including if you want to give a little bit of legroom for expanding the footprint a little bit when you convert from a house to a duplex. For example, if you wanted to add a new stoop for the new unit, or stairs or something like that. That still needs to be discussed.

Ms. Bennett said let's take the hypothetical 3,000 square-foot colonial and you want to make a side-by-side duplex. So, you would have to put up two stairwells or a stairwell that would be a common space. You'll need second story egress, duplicating everything else. So, now you have patios or porches to come in or there is an exterior fire escape. So, there is a certain amount of space that you would lose. You wouldn't have a clean 1,500 square-foot division. You would need to have some pertinent structure to support this conversion. The minimum two decks or two front stoops.

Mr. Leathe said that you would have to have at least one access and two egresses.

Mr. Shiner said that that is all Code Enforcement and building permit stuff.

Ms. Bennett said yes but we need to think in terms of how much of an allowance. We're saying that a duplex is not going to expand beyond the footprint but would allow for the

essential pieces to create a duplex for an expansion. So, we're proposing to allow a little expansion.

Mr. Shiner said to make it code complaint.

Ms. Bennett said exactly, to comply with life safety codes. And you get a little allowance for square footage. Using my own home, I have the tiniest, littlest covered entry. It's really not even a mud room but it's 104 square feet, and there's a little deck right outside already that someone built on at some point so it may be about 200 square feet of egress. And that was the second egress when my house got somewhat legal back in the day.

Ms. O'Connor said that that's about 10% on a 2,000 square-foot house, which is not even that big of a house. So, if you had 1,500 square feet, 200 square feet is more than 10%. It's a really good question regarding what is a reasonable percent allowance to accommodate code changes that are needed.

Mr. Brubaker said that 10% as a starting point could be a good one.

Ms. O'Connor said that if we're thinking of something like a really larger, older home that has a lot of space, maybe that's a 3,000 square-foot house and 10% of that is 300 square feet to do the modifications of an additional door, an additional basement exit, an additional mud room, etc. 10% seems reasonable.

Mr. Brubaker said that we could do 10%, now, and if folks have more thoughts bring them back on the 15th.

Mr. Leathe asked what do you do if there is a conversion opportunity and they have to be code compliant and code compliant in one instance might be 12%, with a smaller house. What do they do. Do they come back to the BOA for 2% to be code compliant.

Mr. Shiner said that you're not adding living space, you're adding other facilities to egress/entrance.

Ms. Bennett said that, if you hit the 10%, the proposal is wanting 12% or 15%, then maybe they're going to have to come back and start repurposing some interior space to effect the requirements.

Mr. Leathe said that we don't want to penalize the smaller home versus the larger home.

Ms. Bennett agreed that it definitely penalized the smaller home. It could be regressive.

Mr. Brubaker said that, in that case, you could put in a '300 square feet or 10%, whichever is greater' clause so if you have a 1,000 square-foot house you could still get 300 square feet.

Ms. Bennett said that I like that.

The PB agreed.

Mr. Brubaker said that it's getting late so I thought I'd move on. These are just editorial changes there. These we talked about before (septic). I just put in here 'new or replacement' subsurface sewerage disposal system that receives in excess of 2,000 gallons per day (§45-416(3)).

Mr. Leathe asked where the 2,000 comes from.

Ms. Bennett said that that is the State plumbing code, DHHS.

Mr. Brubaker said that they would have to review that. This is a new section §45-464 that speaks to the long-term affordability required by LD2003. It has assurances of long-term affordability, one of which is the affordable housing covenant qualified holder but trying to echo Kennebunk. It could also demonstrate long-term affordability if they're getting a grant or other government assistance that already requires to have that long-term affordability for the affordable housing development, itself, developed by a non-profit. An affordable housing developer that can demonstrate that they, themselves, can keep the long-term affordability. It does say that an affordable housing covenant has to be in place before a certificate of occupancy (COO) is granted for an affordable unit. It talks more about the enforcement process, the back-and-forth between the town and the qualified holder. Some documentation annually for the affordable housing development back to the town on keeping it affordable. A deed restriction. This is the unit type variety (c) we talked about. I don't know if it's strong enough but it does say that every third, sixth, and ninth unit, you've got to be building more than just a studio if you're building a bunch of affordable units. Some have to be one-bedroom, two-bedroom, three-bedroom. I just throw that out for discussion. I know that once DECD has their housing production goals, we might have some better percentages. This is, again, to ensure a variety of housing types that families with 2, 3, or 4 kids can afford. The 'time of unit occupancy' just says that you can't get your last market rate unit COO until all the affordable units have theirs. You can get other market rate units completed and done but the last one you don't get until you fill all the affordable units. Then, fines and penalties. I did have the thought that if we had, like Kittery has, an affordable housing reserve fund, if we could channel fines and penalties into that, would that be a good idea.

Mr. Leathe asked how the amount for each violation decided.

Mr. Brubaker said that that's a policy decision. I just suggested the range of $15 to $200 per day but that could certainly change. I think if it was too low you could see a situation where the developer would choose to pay the fine.

Ms. Bennett said that I think this section is great. One thing that just popped into my mind this afternoon in looking over this that, perhaps, there should be a covenant on those affordable units that restricts them from being a short-term rental. Income eligibility is determined at the initial occupancy and then it's never attested again.

Someone could, then, have an affordable unit and go (move) on with a large family and move somewhere else and still rent this affordable unit. We don't have anything in here that says they can't sub-lease.

Mr. Shiner said no. You can't sublet it because the original occupant that took it with qualifying for it and you have to have continuation.

Ms. Bennett said exactly. No sub-leasing and no short-term.

Ms. O'Connor said that the only thing about short-term is would it prohibit people who are in that transitory phase, like their house burned down and they need to live somewhere for a little while. I know you're thinking of short-term as a AirBNB kind of thing but I was thinking more short-term like someone's circumstances change drastically. They now need affordable housing but it may be for only a short period of time.

Mr. Shiner said that, if they got back on their feet in a year and they were ready to go, why wouldn't you let them go and make it available to the next person who is needing it.

Ms. Bennett said that someone might. It's up to the occupant.

Mr. Shiner said right. But to the earlier point, there is no sublet. It's an owner-lessee and if there's a test, the lessee is not occupying the place. Let's say they say they are but a relative is in there now who wouldn't pass the test, then that's in violation of the intent of the spirit of that affordable unit and they shouldn't be allowed to continue living there unless they are of need and making a suitable application.

Ms. Bennett said that I feel like we need to put something in there that prevents at least the sub-letting piece. Usually, a short-term rental is anything less than 28 days by State definition.

Ms. O'Connor asked if we had that specified.

Ms. Bennett said that we have transient rental platform, right.

Mr. Brubaker said and short-term rental definitions.

Ms. O'Connor asked if that says less than 28 days.

Mr. Brubaker said 28 or 30.

Mr. Shiner asked if it was a minimum one-year lease.

Ms. Bennett said that I don't know that we want to get into prescribing lease terms in that detail but at least we can require that the covenants on those affordable units prohibit the sub-letting of those units.

Ms. O'Connor said that I'm in agreement with that sub-letting. And I think, for short-term, if we were to say we mean less than 28 days.

Mr. Shiner said that, with every place I've rented, I've always had a yearly lease but I could re-up at the end of the year. We've established for 30 years the unit, itself, because the property has to be affordable. Are we saying that we don't have an annual lease in the rule. Is there an annual test for income.

Ms. Bennett said that there is not a re-test. The statute is explicitly silent. It says at the initial leasing or ownership.

Mr. Shiner said that if you get in and good fortune comes to your door, then in essence you're gaming the system.

Ms. Bennett said yes. That's why I started thinking about that given that there will be only one point that the income eligibility is actually determined.

Mr. Leathe asked if the qualified holder has their own terms and conditions that at every lease renewal you have to confirm your eligibility.

Mr. Shiner asked if we should put something in here to the qualified holder who, in kind, has to work with the unit lessee to make sure that when renewal comes up, is it an annual renewal.

Mr. Leathe said that the difficult part of that, of course, is if someone has been there a year and they got bonus or something landed in their laps, and they don't qualify. Are you going to throw them out.

Mr. Shiner asked what the spirit of affordable housing if the guy who's no longer in need of affordable housing, squats and occupies the space. Where somebody is truly now in need can't access that.

Ms. Bennett said that we can't legislate that.

Mr. Leathe said that, as it stands, he's not squatting.

Ms. Bennett agreed. He or she has a legal right to that. Either owns it or is leasing it.

Mr. Shiner said that, in the spirit and intent, they are squatters.

Ms. Bennett agreed. But the State statute is extremely explicit that the income eligibility will only be confirmed upon the initial sale or lease.

Mr. Leathe said, so, five years out that person leaves and that qualified owner opens up that unit to someone who qualifies.

Ms. O'Connor said yes. You test at that turnover point. You test the new renter at that turnover point.

Mr. Leathe said that you can't game that by sub-letting it.

Ms. O'Connor said that the sub-letting makes sense. You have been successful and you're going to sub-let it to your college-age child.

Mr. Leathe said that it's all up to the qualified holder, right.

Ms. Bennett said that it is.

Mr. Brubaker said that I just pulled up our new short-term rental definition – "living quarters offered to rent through a transient rental platform for a rental term of 30 days or less." So, I think we're okay because you could still, I think, have an affordable unit rented out for transient housing for people in need and it would be an honest affordable housing situation, like what Fairtide or other organizations do. It wouldn't be a short-term rental and in our code it would distinguish between that, whereas, we could then say, if it's an actual short-term rental (Airbnb, etc.), you can't do that because you're going against the spirit of the legislation and our ordinance.

Mr. Shiner said that it's murky because it's not defined coming downstream.

Ms. Bennett said to try that and see what our attorney says.

Mr. Leathe said that I'm still hung up on the fact that the qualified holder should have the ability to not let the system be gamed, somehow. With a lease, there should be some level of accountability on the lessee point; that they should have to do something to convince the qualified holder that they should be able to hold a lease to that property.

Mr. Shiner said that it's like rent control in the city. Somebody who has been living in a rent-controlled building for 50 years and has retired well, but it's still a rent-controlled apartment, that defeats the purpose if it was to give access to somebody that is needy.

In raising the issue of rent increases by the PB, Mr. Brubaker said that there was more to talk about there but what I would say is that the affordable unit lessor could potentially seek to increase the rent at lease renewal. They could say that they looked at the median data and it went up so they are allowed to go to 80%.

Mr. Leathe said that the qualified holder's costs would most likely go up year after year, as well, no matter how they're funded.

Ms. Bennett said that the qualified holder is just the person who is holding the covenants.

Ms. O'Connor added not necessarily the recipient of the rent.

Mr. Shiner said that they could be one and the same.

After further discussion, Mr. Brubaker said that I think that reflects what we're trying to do with this section. There are certain tiers of trust where, if you already are a non-profit affordable housing developer, you could get by without a qualified holder.

Mr. Shiner said right. But you are specifically calling out the responsibility and titling it and laying it out. You or an independent provider of those services would be responsible for doing the things that are necessary to keep it running.

Mr. Brubaker said yes. The language does allow for the Town to review the qualified holder to make sure they are qualified to serve as a qualified holder. The idea is that not just anybody can be a qualified owner. They have to be, in a sense, bonafide.

Mr. Leathe said that it says right here that the qualified holder has to assure long-term affordability. If that is the number one job for the qualified holder, they will build in policies and procedures to do that.

Mr. Shiner said that that may be a small part of it, too. They have to present their plan, their accreditation. In other words, what would be the equivalent, how you operate, if you will, of covenant of restrictions. They have to have a like-kind of charter and documents showing how it's going to work in this new community for the lease period, whatever it is. It has to be declared.

Mr. Brubaker said that, in other words, the affordable housing developer has to show that, up front, to the PB, and then maintain those types of documents.

Mr. Shiner said that I am thinking that, like there are restrictions that actually get called out and ride with the property, it is another covenant that, in order to satisfy the affordable part since they're a protected class, in essence, how are you going to protect them going forward. What's the plan.

Mr. Brubaker clarified that it would be an implementation plan to keep the units affordable.

Mr. Shiner said yes, and citing back to keep in lockstep with the LD2003 stuff and the subsequent add-ons that are coming out.

Mr. Leathe said that that sounds like a reasonable ask. You go through all this stuff to create affordable housing. You should have a mechanism when a qualified holder wants to be selected. There should be a mechanism of judging if they're actually going to be able to meet this long-term affordability with their approach to it, or not. If you're in a town and you're pushing affordable housing, and suddenly it becomes affluent housing, that wasn't the intention.

Mr. Brubaker said that what you're saying is holding the feet to the fire on the qualified holder.

Mr. Leathe said yes. Maybe they have to file some criteria. Maybe there's an audit that takes place every year; that some agency has audited this ABC qualified holder in Eliot and they are abiding with the standards set to keep this affordable.

Mr. Brubaker said that I can work up some language and proposed it to you.

The PB agreed.

Mr. Leathe said that that's really, really critical for the whole program.

Mr. Shiner said that that will separate the guys with the low-hanging fruit attitude as opposed to someone else organized and has bought in and, indeed, believes in the concept.

Mr. Brubaker said that I don't know if there is anything else on that but I think we're at the end, just the addition of the parking thing for ADUs.

Mr. Shiner said that those spaces are no addition.

Mr. Brubaker said that I think this is enough for interpretation by our Code Enforcement Officer to say that we are really only talking about no additional spaces for the ADU but you still need your two spaces for your single-family house.

Ms. Lemire asked if there was a rationale why there is no additional parking spaces.

Mr. Brubaker said that I would refer you to Ryan Facteau on that. It's right there in LD2003.

Ms. Bennett said that in the airing of grievances about local zoning preventing the creation of housing, I believe there were a number of developers who cited the requirement for parking, that PBs were requiring way too much parking. I think that was part of the dialing it back, is putting this provision. It seemed that it was being a barrier to creating more housing.

Mr. Shiner said that it's more of an urban opportunity because of public transportation and you live close to where you work. Out here you have Route 236 and a bicycle route

Mr. Brubaker said that I watched South Berwick's discussion on this and they were very worried about parking spill-over. I just wanted to say that, we still, as a Town, could adopt an ordinance. Not necessarily a land use ordinance but an ordinance regulating parking and travel on roads. In other words, we have the ability to restrict a situation where you have a million cars on a property and there are some are parking kind of halfway in the main street, like halfway in Bolt Hill Road. So, even if you're not

requiring ADUs to provide their own off-street parking space, that's not an open door policy to say that a house that has an ADU and the occupants can haphazardly park their car.

2. Grocery Stores
3. Public Park-and-Ride Lots.

Mr. Brubaker said that, in terms of my presentation to the PB, these other two are pretty straightforward. I won't go through them point-by-point but I would be happy to answer any questions you have.

Ms. O'Connor said that I did find one typo on the grocery stores. On the top of page 2, the word 'are' is in there twice, once before the quotes and once after. Super tiny but sometimes they just leap off the page at me.

Mr. Brubaker said that, with the land use table, it is SPR in the C/I District. They would also be SPR along Route 236. 'No home business grocery stores' doesn't mean you can't have a home business that sells food products. I just wanted to make that clear. Every time I write an ordinance on food I try to exempt, or put aside, the very allowable, flexible, non-regulated local food growing from it. The definition of 'grocery store' would not include where products are grown, local foods and seasonal sales. The idea being that we wouldn't want anybody to look at a farm stand or a farm store as a grocery store in the Rural District, for instance, and not allowed.

Ms. O'Connor said that, with this table of land uses, how come it doesn't have mobile food vendor site. Are we using our most current table of land uses. This is how I got kind of tangled up where the ordinances weren't current.

Ms. Bennett suggested we put it in there because it's already there.

Ms. O'Connor said that, even if it's not in Municode, it is approved in existence in our universe of approved stuff.

Mr. Brubaker said yes, it is law. That's good. I usually add a caveat that this table is not up-to-date.

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Mr. Brubaker said that that's our line-up scheduled for the November election.

Ms. Bennett said that I think this is pretty exciting. We'll wrap LD2003, food trucks, and grocery stores. We're nearing the end of this really lengthy period of pondering LD2003, what the statute means, what we can do, conceptually thinking about what it was going to do to our ordinance. Having come through to this end and seeing that really it isn't changing that much, it deflated the boogieman.

Mr. Leathe said that that was my impression.

Mr. Shiner added that we had to go through the exercise to get there.

Ms. O'Connor said that it helps our ability to assuage the public that this is not revolutionary. This is codifying things that we talked about 12 years ago in our Comprehensive Plan. We heard that we all wanted this. We are now making those things specific, mutually exclusive, well-defined. It gives us credibility to say all those things, which is really important.

Mr. Brubaker said that people have grumbled a lot about LD2003 and especially the wording but, to its credit, it does put guardrails on itself. So, it does strike somewhat of a balance between municipalities must do this and also municipalities still have their own home rule authority.

Ms. Bennett said that honestly we were already somewhat a third of the way there, if you want to think of the affordable housing developments being, sort of, the heavy lift behind LD2003. We already had ADUs, we already allowed the additional units, hardly any change. Now, it has induced us to think about the duplex and, then, thinking about the affordable housing developments, which is something that is new. But, we've had affordable housing definition and incentive in our Growth Management program through the growth permits for decades. It hasn't been exercised so here's a new tool.

Mr. Leathe asked how much of the background and rationale, which I thought was really great in the way it was written, educational and simplified, how much of that will the voting public in Eliot have in advance of the referendum in November.

Mr. Brubaker said as much as they want.

Mr. Leathe said it may not be much because they don't know much about it. I just thought that the way you guys laid this out was really great and, if somehow that could be published ahead of the vote, that would be good.

Ms. Bennett said that I was thinking, if time allowed at the next meeting on the 15th after the public hearing, if we had time we could spend a little time talking about how we do we explain what this ordinance is to the prospective voters. You have to be really motivated to educate yourself about it. So, instead of doing that, what can we do to help get the story, this background and rationale, conveyed to our community.

Ms. O'Connor said that, for the last election, the SB sent around a flyer about the Town Hall expansion in the interest of public information. When we first moved in here we got a packet of information about the ordinances but I've never gotten that again. It was like a write-up of what stuff was. Is there an opportunity for that. Would that be our budget or the Town's budget. How would we send out three pages of stuff about the ordinances coming.

Mr. Leathe said that I wrote the letter for the Budget Committee that was included in that. There was no guardrail; that I could have written five pages because it seemed nobody would care. At the time I thought this is actually a good way for the Budget Committee to get some messages out there. It would also be a great way for the PB to have a page or two in there. The way it's laid out here, just by paragraph, explaining it all, I think would be a really good publication. It may be something that's not been done before but that doesn't mean it can't be done.

Ms. Bennett said that I think that's a really good idea.

Mr. Leathe added that it could be condensed. For me, I found it really insightful because it really focused in on what the acts are, what they are intended to do, how we're addressing the needs that are promoted by these acts. There's been a lot of talk about LD2003 so I think people will read it.

Mr. Brubaker said that all ordinance amendments are posted on the Town website in advance and paper copies are available in Town Hall for anybody who wants to get a paper copy. Certainly, if there is budget for it, it wouldn't preclude another version, maybe abridged, of each of these being included in some other document.

Ms. Bennett said that we are eligible, as municipalities, to seek reimbursement from the State for expenses related to implementing this mandate. In the State Constitution, 90% is reimbursable to municipalities when the State mandates a law be adopted by a municipality. That also includes voter education. So, if there is a question about budget, we need to advance ourselves against future reimbursement by the State to do that sort of voter outreach.

Mr. Brubaker said that there has been some talk about that reimbursement and Mr. Schumacher has forwarded some documents to me; that it discussed being able to get up to $10,000 for the work we've done and the work for the election.

Ms. Bennett said that I think MMA is going to encourage towns to submit all of their expenses and request 90% because that $10,000 cap is a little artificial. It would be any expenses primarily related to educating on the LD2003 implementation; that a portion of the Town Meeting could be apportioned and billed to the State.

Ms. O'Connor agreed that it would be great to take advantage of publishing an informational booklet or pamphlet on this.

Ms. Bennett said that she would work with the Planner to see what the Town plans are for any voter education or outreach and explore how we would move forward with that.

ITEM 8 – REVIEW AND APPROVE MINUTES

Ms. Bennett proposed going back to the protocol of going through minutes page-by-page for all members.

The PB agreed.

Ms. O'Connor moved, second by Mr. Leathe, to approve the minutes of May 16, 2023, as amended.

VOTE
4-0
Motion approved

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Mr. Brubaker asked for a motion to set the public hearing for the ordinance amendments.

Ms. O'Connor moved, second by Mr. Leathe, that the Planning Board schedule a Public Hearing to review proposed amendments for Zoning related to Grocery Stores, Zoning related to Public Park-and-Ride Lots, and Zoning related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations.

VOTE
4-0
Motion approved

ITEM 9 – OTHER BUSINESS/CORRESPONDENCE

A. Updates, if available: Ordinance Subcommittee, Comprehensive Plan, Town Planner, Board members. Board members will discuss potential ordinance amendments for the November ballot.

No discussion under this due to the lateness of the evening.

ITEM 10 – SET AGENDA AND DATE FOR NEXT MEETING

Three Public Hearings
Two applications

Ms. Bennett said that I am going to endeavor, with Mr. Brubaker, to put in the packet and update of where we are with applications so that we are aware of what is coming up and what NODs might be needed. Also, we do need to make a new calendar

The next regular Planning Board Meeting is scheduled for August 15, 2022 at 7PM.

ITEM 11 – ADJOURN

Mr. Shiner moved, second by Ms. O'Connor, that the Planning Board adjourn.

VOTE
4-0
Motion approved

The meeting adjourned at 9:04 PM.

_____
Suzanne O'Connor, Secretary
Date approved: _____

Respectfully submitted,

Ellen Lemire, Recording Secretary