

City of Biddeford

Planning Board

May 06, 2020 6:00 PM Zoom Meeting (Virtual)

Please click the link below to join the webinar:

<https://biddeford.zoom.us/j/96584921686>

Or Telephone:

**US: +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 9128 or +1 253
215 8782 or +1 346 248 7799**

Webinar ID: 965 8492 1686

International numbers available: <https://biddeford.zoom.us/j/96584921686>

- 1. PLEDGE OF ALLEGIANCE**
- 2. DECLARATION OF QUORUM/VOTING MEMBERS**
- 3. ADJUSTMENTS TO THE AGENDA**
- 4. PLANNER'S BUSINESS**
- 5. CONSENT AGENDA**
 - 5.A. Consideration of Minutes: March 4, 2020.
[PB Minutes 030420 DRAFT.pdf](#)
- 6. UNFINISHED BUSINESS**
- 7. NEW BUSINESS**
 - 7.A. 2020.03 Final Subdivision Review for Redline Properties, LLC to subdivide a lot into three residential lots located at 15 Victory Avenue (Tax Map 28, Lot 86) in the R-2 zone.
[15 Victory Ave Subdivision Final Plan for Tansley Signature.pdf](#)
[2020.03 Redline Victory Ave Sub Final SR 050620.pdf](#)
[2020.03 Redline Victory Ave Sub FOF.pdf](#)
[Victory Ave Application Materials 050620.pdf](#)
 - 7.B. 2020.09 Conditional Use Permit for Clean Cannabis, LLC to operate a Medical Marijuana storage, packaging, and distribution operation (to its retail stores outside of Biddeford) at 5 Drapeau Street (Tax Map 12, Lot 22) in the I-1 Zone.
[2020.09 Clean Cannabis 5 Drapeau FOF DRAFT.pdf](#)
[2020.09 Clean Cannabis 5 Drapeau SR 050620.pdf](#)
[Clean Cannabis Application Materials 050620.pdf](#)
 - 7.C. 2020.10 Conditional Use Permit for Maine Organic therapy, Inc., to expand its existing Medical Marijuana grow operation at 5 Drapeau Street (Tax Map 12, Lot 22) in the I-1 Zone.
[2020.10 MOT 5 Drapeau FOF.pdf](#)
[2020.10 MOT 5 Drapeau SR 050620.pdf](#)
[Maine Organic Therapy Application Materials 050620.pdf](#)
 - 7.D. D. 2019.36 Contract Zone PUBLIC HEARING and Final Site Plan Review/Conditional Use Permit and for a 120,975± square foot floor area (34,545±

footprint) York County Judicial Center and associated site improvements at 511-515 Elm Street (Route 1) and 384 Hill Street, Tax Map 88, Lots 5 and 44 and Tax Map 3, Lot 66-1 in the B2, R-1-A, and I-2 zones. The purpose of the Contract Zone is to allow a building height of up to 68.5 feet in height in an existing zone that otherwise would have allowed only 35 feet in height. Off-site improvements include improvements to an existing stormwater facility at 516 and 522 Elm Street, Tax Map 14, Lots 14-1, 14-2, and 14-3 owned by the City of Biddeford.

For information please go to <http://www.biddefordmaine.org/planning>. You can also click on the link and it will take you there.

8. OTHER BUSINESS

9. ADJOURN

The Board reserves the right to halt official business at 9:30 p.m. Items not heard at tonight's meeting shall be rescheduled to the next meeting of the Board. All materials pertaining to items on the agenda are available for public review at the Biddeford Planning Department, second floor, Biddeford City Hall during normal business hours.



CITY OF BIDDEFORD

PLANNING DEPARTMENT

Greg D. Tansley, A.I.C.P.
205 Main Street
PO Box 586
Biddeford, ME 04005
(207) 284-9115

Greg.Tansley@Biddefordmaine.org

Planning Board Minutes

Date: Wednesday, March 4, 2020
Time: 6:00 PM
Location: Council Chambers, City Hall

1. Pledge of Allegiance
2. Declaration of Quorum/Voting Members
 - A. Quorum Present: Chair William Southwick, Roch Angers, Bruce Benway, Sean Tarpey, Spiros Droggitis, Michael Cantara (alt non-voting member).

3. Adjustments to the Agenda
4. Planner's Business

Greg Tansley, City Planner: Introduced David Galbraith.

5. Consent Agenda
 - A. Consideration of Minutes: February 5, 2019, and February 19, 2020.

MOTION:

Bruce Benway- Motion: to approve Consent Agenda.

Roch Angers- Second.

Chair Southwick- Call for Vote – Unanimous Approval (4-0) all in favor.

6. Unfinished Business
7. New Business

MOTION:

Bruce Benway – Motion: to remove from table.

Roch Angers – Second.

Chair Southwick - Call for Vote – Unanimous Approval (4-0) all in favor.

- A. 2019.12 **Remove from Table** Final Subdivision Review and Conditional Use Permit for Jason Labonte of Big Ledge, LLC, and Home Innovations, LLC, for a 7-lot Cluster Subdivision located at 30 Buzzell Road (Tax Map 6, Lot 43 and 44) in the RF zone.

Greg Tansley, City Planner: Spoke briefly. Mr. Tansley read condition number 12 for the record. Condition 12: Prior to the sale or conveyance of a lot/unit or issuance of any building permits all Open Space areas, including those created for the original Buzzell

Road Estates Subdivision, shall be combined under single ownership, being one single Home Owner's Association (HOA).

Austin Fagan, BH2M: Brief update.

Roch Angers: Do you know why the size of the road is changing?

Greg Tansley, City Planner: Has not heard of any changes to Buzzell Road.

Austin Fagan, BH2M: No Idea, He has not heard of anything.

Chair Southwick: Clarified that this is something that was discussed at a Comp Plan meeting pertaining to the whole City and not this project.

Robert Cyr, Buzzell Road: has issues with water and narrowing of the road.

Jake Pierson, 24 Buzzell Road: Mentioned DEP did not walk the site and would like to see a third party look at the site.

Jason Labonte, Developer: I appreciate everyone's concerns. I've owned the property for three years and have been monitoring it. I have a good reputation out there and I want to keep it in good standing. We're going into this smartly and we've met all the criteria from the City and State.

Austin Fagan, BH2M: Addressed the concerns.

Josh Keller, Realtor: Working with Jason Labonte to market the homes. Please listen to the people who do this everyday.

Discussion between Board.

MOTION:

Bruce Benway – Motion: to approve the Final Subdivision and Conditional Use Permit for Buzzell Road Estates for a 7-Lot Cluster Subdivision off Buzzell Road (Tax Map 6, Lots 43 and 44) in the RF zone, approve the findings of fact, and sign the plans based on the conditions recommended by Staff in its report dated February 27, 2020.

Sean Tarpey – Second.

Chair Southwick – Call for Vote – Unanimous Approval (4-0) all in favor.

- B. 2020.02 Conceptual Site Plan Review for David Dube to construct a two-story 3,200 square foot building for storage and office space, as well as site infrastructure at 9 Digital Drive (Tax Map 15, Lot 7-5) in the I-1 zone.

Greg Tansley, City Planner: Spoke briefly.

Paul Gadbois, Engineer: gave a presentation.

Michael Cantara: Applicant is will do to the landscaping?

Paul Gadbois, Engineer: Yes.

No motion need informational only.

- C. 2019.24 Preliminary Subdivision Review for Peter A. Mourmouras to create a six lot subdivision off River Road (Tax Map 6, Lot 49) in the RF zone.

Greg Tansley, City Planner: Spoke briefly.

Jason Vafiades, Atlantic Resources Consultants: Gave a presentation.

Jake Pierson, 24 Buzzell Road: Has issues with filling in the wetlands.

Kim Monroe, River Road: How soon will the zone change?

Chair Southwick: It's premature to say at this time.

Kim Monroe, River Road: Has issues with ledge and blasting.

Robert Cyr, Buzzell Road: Has issues with water.

Fred Tardif, River Road: Has issues with frontage. Why couldn't he do it and they can. He also has issues with water.

Chair Southwick; Sometimes things change and I'm sure we can look into that for you.

Discussion between the Board, Staff and Mr. Tardif.

MOTION:

Bruce Benway – Motion: to grant a waiver to Article VI, Section 70 for a Wildlife study based on the letter from Maine Department of Inland Fisheries and Wildlife dated October 31, 2019, indicating the no known significant wildlife habitat would be impacted by this project.

Roch Angers – Second.

Chair Southwick – Call for Vote – Unanimous Approval (4-0) all in favor.

MOTION:

Bruce Benway – Motion: to approve the Preliminary Subdivision Plan for Eagle River Run Subdivision for a proposed 6-lot subdivision off River Road (Tax Map 6, lot 49) in the R-F zone.

Roch Angers- Second.

Chair Southwick – Call for Vote – Unanimous Approval (4-0) all in favor.

- D. 2020.03 Conceptual Subdivision Review for Redline Properties, LLC to subdivide a lot into three residential lots located at 15 Victory Avenue (Tax Map 28, Lot 86) in the R-2 zone.

Greg Tansley, City Planner: Spoke briefly.

Peter laBreck, Owner: Introduced who he was and what they plan on going with the lot.

MOTION:

Bruce Benway – Motion: to determine this application represents a minor subdivision.

Roch Angers – Second.

Chair Southwick – Call for Vote – Unanimous Approval (4-0) all in favor.

MOTION:

Bruce Benway – Motion: to waive the full subdivision process and allow a subsequent joint Preliminary and Final review given that public convenience, safety, health and welfare will not be affected adversely.

Roch Angers – Second.

Chair Southwick – Call for Vote – Unanimous Approval (4-0) all in favor.

- E. 2020.04 Conceptual Amended Subdivision/Private Way for Dale Wilkinson to create two new lots off a new Private Road off South Street (Tax Map 1, Lot 50) in the RF zone.

Greg Tansley, City Planner: Spoke Briefly.

Austin Fagan, BH2M: Gave a presentation.

Jamie Mouzas, 730 South Street: Has a concern with the private way.
Austin Fagan, BH2M: Addressed Mr. mouzas concern.
Discussion between Board and Applicant.

8. Other Business

Greg Tansley, City Planner: Talked about the Comp Plan.
Discussion between Board and Staff.

9. Adjourn

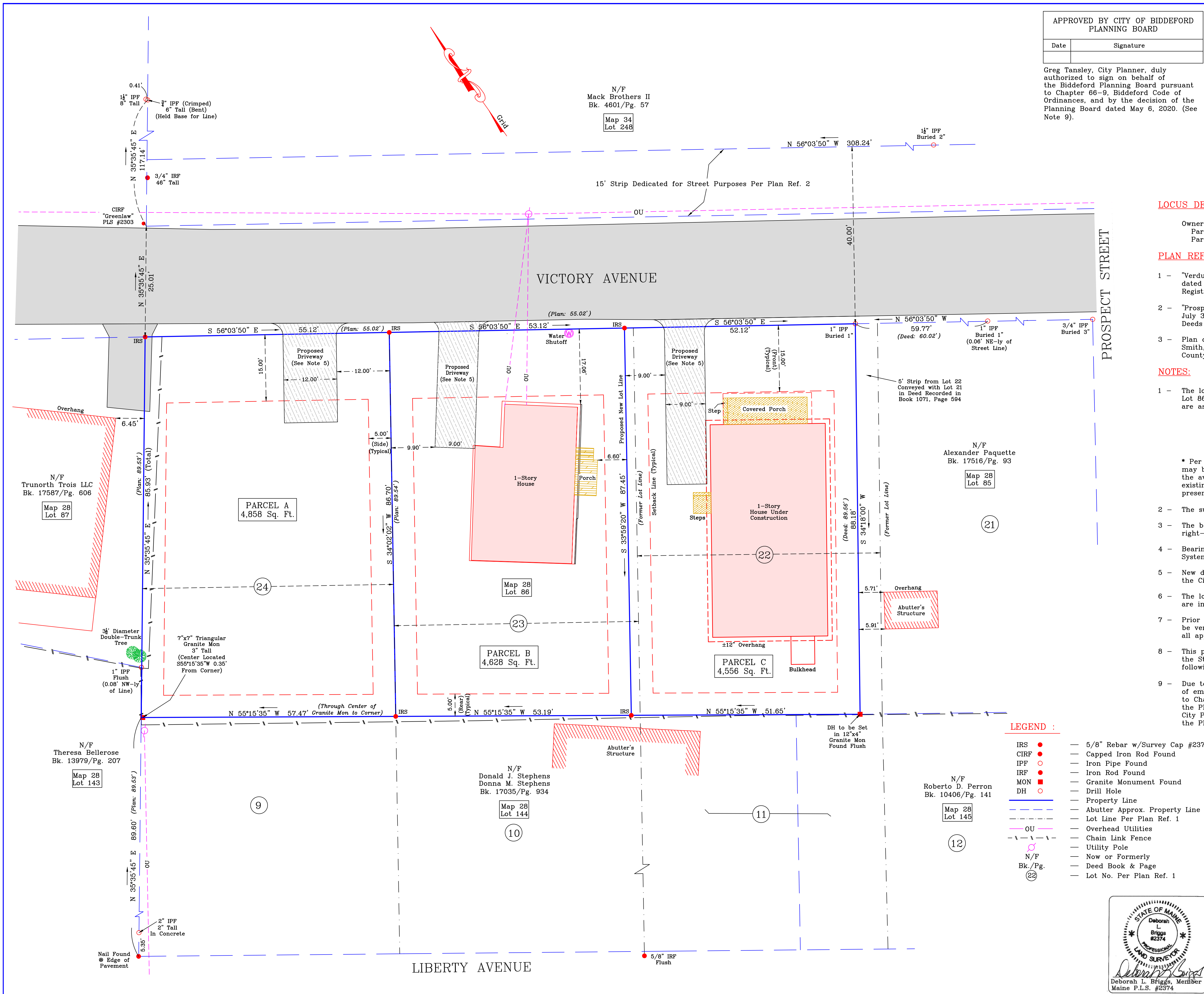
MOTION:

Bruce Benway- Motion: to Adjourn.

Roch Angers- Second.

Chair Southwick – Call for Vote – Unanimous Approval (4-0) all in favor.

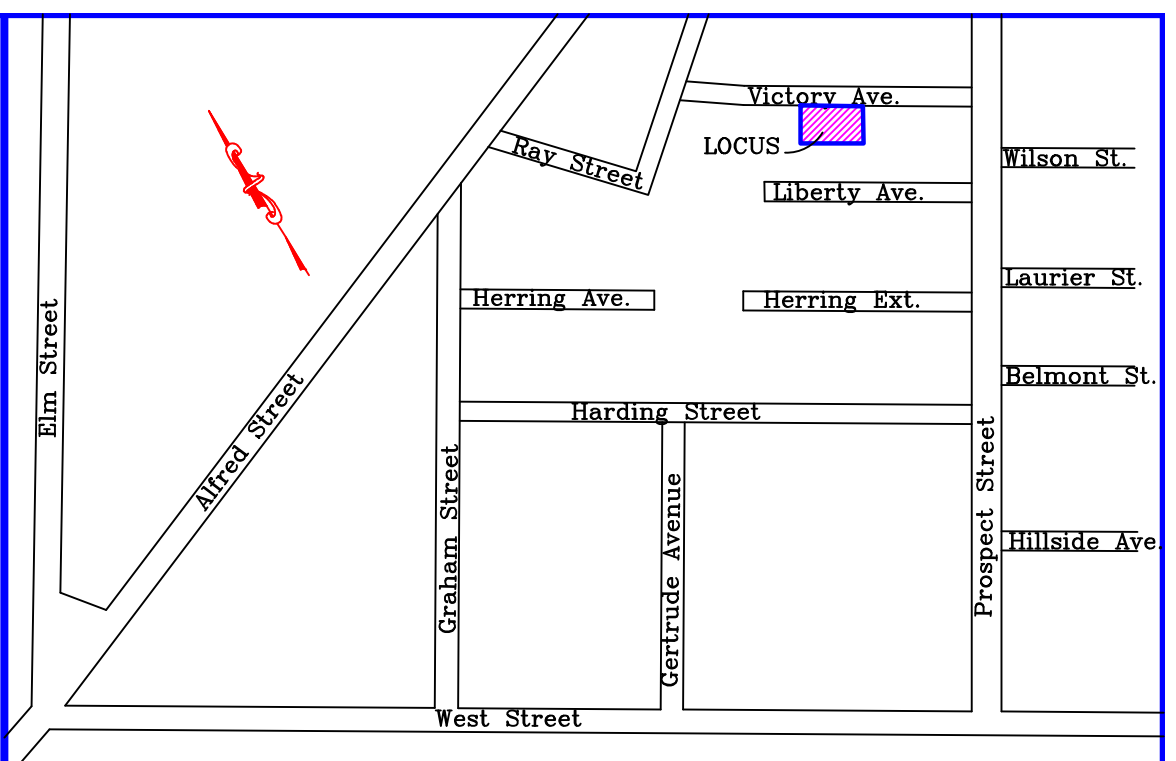
o _____
o **Planning Board Chair** **Date**
o _____
o **These minutes are summary and are not intended to be verbatim.**
o **Archived meetings are viewable on the City's website:**
www.biddefordmaine.org.



APPROVED BY CITY OF BIDDEFORD
PLANNING BOARD

Date: _____ Signature: _____

Greg Tansley, City Planner, duly authorized to sign on behalf of the Biddeford Planning Board pursuant to Chapter 66-9, Biddeford Code of Ordinances, and by the decision of the Planning Board dated May 6, 2020. (See Note 9).



LOCUS DEED REFERENCES:

Owner of Record: Redline Properties LLC
Parcels A & B: Deed Recorded in Book 18057, Page 31
Parcel C: Deed Recorded in Book 18148, Page 618

PLAN REFERENCES:

- 1 - "Verdun Terrace, Biddeford, Maine, Developed by A.J. Grenon, Woonsocket, R.I." dated May 1920, by Libby & Johnson, Engineers, recorded in York County Registry of Deeds in Plan Book 8, Page 41.
- 2 - "Prospect Park, Subdivision of Land of L.J. Wishcamper, Biddeford, Maine" dated July 30, 1976, by DesRoberts & Henry, Inc., recorded in York County Registry of Deeds in Plan Book 83, Page 8.
- 3 - Plan of Lots by Commissioners Appointed to Make Partition Between Henrietta Smith, Petitioner, and Legatees Under the Will of Horace Ford, recorded in York County Registry of Deeds in Book 518, Page 21.

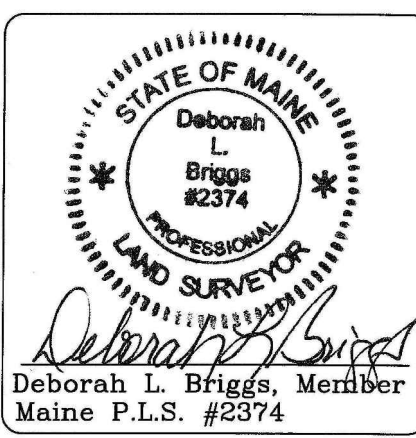
NOTES:

- 1 - The locus parcel is identified on the City of Biddeford Tax Assessors Map 28 as Lot 86 and is located in the R2 Zone. Space and bulk standards in this zone are as follows:
Minimum Lot Size = 4,500 sq. ft.
Minimum Lot Frontage = 45 feet
Minimum Building Setbacks:
From Major R.O.W. = 25 feet *
Side & Rear Property Lines = 5 feet
Maximum Building Height = 35 feet
* Per City of Biddeford Code, Part III, Article V, Section 4.B., a new structure may be permitted to be built with a front setback of the greater of 15 feet or the average of the front yard setbacks of the immediately adjacent lots on existing residential streets which were developed prior to the enactment of the present front yard setback requirements.
- 2 - The surveyed property contains a total area of 14,042 square feet (0.32 acre).
- 3 - The boundaries of the locus parcels along Victory Avenue are the apparent right-of-way lines based on monumentation found and Plans Ref. 1 & 2.
- 4 - Bearings shown are oriented to Grid North per Maine State Plane Coordinate System West Zone.
- 5 - New driveways require a permit and must meet standards of Chapter 62-111 of the City of Biddeford Code of Ordinance.
- 6 - The location of nearby property lines are shown as dashed lines. These lines are intended to show the approximate relationship to the locus parcel only.
- 7 - Prior to any construction activities the location of setback lines shown should be verified by the local code enforcement officer to determine compliance with all applicable building requirements.
- 8 - This plan has been prepared according to the Standards of Practice adopted by the State of Maine Board of Licensure for Professional Land Surveyors with the following exceptions: No written report prepared.
- 9 - Due to the coronavirus pandemic and the Governor's declaration of a civil state of emergency and a statewide stay at home order, the Planning Board pursuant to Chapter 66-9 authorized the City Planner to sign the final plan on behalf of the Planning Board and declared that the final plan once signed by the City Planner shall be deemed to have been signed by individual members of the Planning Board evidencing approval of the final plan.

LEGEND :

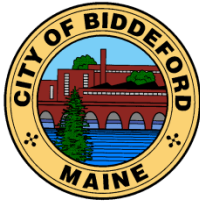
- IRS ● 5/8" Rebar w/Survey Cap #2374 Set
- CIRF ● Capped Iron Rod Found
- IPF ○ Iron Pipe Found
- IRF ● Iron Rod Found
- MON ■ Granite Monument Found
- DH ○ Drill Hole
- Property Line
- Abutter Approx. Property Line
- Lot Line Per Plan Ref. 1
- Overhead Utilities
- Chain Link Fence
- Utility Pole
- Now or Formerly
- Deed Book & Page
- Lot No. Per Plan Ref. 1

GRAPHIC SCALE 1" = 10'



LOWER VILLAGE SURVEY CO.
13 Western Avenue Kennebunk Maine
Mailing Address: P.O. Box 2825, Kennebunkport, ME 04046
Phone: 207-967-3545 e-mail: info@lowervillagesurveyco.com

STANDARD BOUNDARY SURVEY AND FINAL PLAN FOR LOT DIVISION
15 VICTORY AVENUE
BIDDEFORD, MAINE
OWNED BY
REDLINE PROPERTIES LLC
Mailing address: 12 Ireland Drive, Berwick, ME 03901



CITY OF BIDDEFORD

2020.03

Planning and Development Department

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PLANNING BOARD REPORT

TO: William Southwick, Chair & Members of the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner

A handwritten signature in cursive script, reading "Greg Tansley", is written over the printed name.

DATE: April 24, 2020

RE: **2020.03 Preliminary and Final Subdivision Review for Redline Properties, LLC to subdivide a lot into three residential lots located at 15 Victory Avenue (Tax Map 28, Lot 86) in the R-2 zone.**

MEETING DATE: MAY 6, 2020 @ 6:00 PM

1. INTRODUCTION

The applicant, Redline Properties, LLC, recently purchased property at 15 Victory Avenue. "Parcel C" has already been created, but because the seller did not create Parcels A and B prior to sale, the new owner does not benefit from the "homestead" exemption" in law. As such, this is a subdivision.

According to the applicant, this would re-create the previous 3 Lots that were there before the City administratively combined these lots due to common ownership and dimensional requirements (non-conformance). The parcel is currently zoned R-2 and has a minimum lot size requirement of 4,500 SF. This change was in order to promote infill development in the urban area, as well as to reflect the original lot sizes of much of the R-2 zone. **This project is an example of why this change was made.**

At their meeting of March 4, 2020, the Biddeford Planning Board determined the subdivision was a "minor subdivision". It further granted a waiver to the formal review process to allow a subsequent joint Preliminary and Final review citing that public convenience, safety, health, and welfare will not be affected adversely by doing so.

The Planning Board did not have any comments on the project.

2. PROJECT DATA/INFORMATION

Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Redline Properties, LLC 12 Ireland Drive Berwick, ME 03901
2.	Owner of Property:	Redline Properties, LLC 12 Ireland Drive Berwick, ME 03901
3.	Agent:	Peter Labreck Redline Properties, LLC 12 Ireland Drive Berwick, ME 03901
4.	Surveyor:	Lower Village Survey 13 Western Ave Kennebunk, ME 04046
5.	Project Location:	15 Victory Avenue
6.	Project Tax Map #/Lot #:	Tax Map 28, Lot 86
7.	Existing Zoning:	R-2
8.	Overlay Zoning:	None
9.	Existing Use:	Single-family Home
10.	Proposed Use:	Subdivide 1 Lot into 3 Lots – Residential.
11.	City Approvals Required:	Minor Subdivision Review
12.	Uses in the Vicinity:	Residential
13.	Parcel Size:	14,042 SF (0.32 acres)
15.	Minimum Lot Size Required: Provided:	4,500 SF Parcel A: 4,858 SF +/- Parcel B: 4,628 SF +/- Parcel C: 4,556 SF +/-
16.	Frontage Required:	45 feet
17.	Front Setback Required:	25 feet
18.	Side Setbacks Required:	5 feet
19.	Rear Setback Requires:	5 feet
20.	Height Requirements:	Maximum 35 feet
21.	Water Supply:	Maine Water
22.	Sewerage Disposal:	City of Biddeford
23.	Solid Waste Disposal:	City of Biddeford
24.	Fire Protection:	City of Biddeford
25.	Floodplain Status:	None
26.	Wetland/Surface Water Impacts:	None
27.	Soil Study Provided:	N/A – City Sewer

28.	Ownership of Road:	Victory Avenue is a City Street.
29.	Parking:	N/A
30.	Estimated Site Development Costs:	N/A
32.	Waivers Needed:	None Required.
33.	Waivers Granted:	1. The full subdivision process and allow a subsequent joint Preliminary and Final review given that public convenience, safety, health and welfare will not be affected adversely. 2. Due to the coronavirus pandemic and the Governor's declaration of a civil state of emergency and a statewide stay at home order, the Planning Board pursuant to Chapter 66-9 hereby authorizes the City Planner to sign the final plan on behalf of the Planning Board and the final plan once signed by the City Planner shall be deemed to have been signed by individual members of the Planning Board evidencing approval of the final plan given that public convenience, safety, health and welfare will not be affected adversely.
34.	Variances Needed for Approval:	None
35.	Other Permits Obtained:	None
36.	Other Non-City Permits Required:	None
37.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
39.	LDR Attachment A: Fees Paid:	Fees Paid.
40.	Planning Board Review History: Concept Review: Prelim/Final Review:	March 4, 2020 May 6, 2020
41.	Plan Signature Authorization Delegated to City Planner:	Due to the coronavirus pandemic and the Governor's declaration of a civil state of emergency and a statewide stay at home order, the Planning Board pursuant to Chapter 66-9 hereby authorized the City Planner to sign the final plan on behalf of the Planning Board and the final plan once signed by the City Planner shall be deemed to have

		been signed by individual members of the Planning Board evidencing approval of the final plan.
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3. EXISTING CONDITIONS

There is a single-family home located in the center of the property. The proposed lots on either side of the house would be vacant until developed. Water and sewer would both be brought in from existing mains in the street. Changes have already occurred on the site to facilitate the one new house currently under construction.



Source: <http://gis.vgsi.com/BiddefordMEMap/index.html?pid=2403>. Accessed date: 02/27/2020.

4. PROJECT PROPOSAL

The applicant proposes a 3-Lot subdivision, although 2 of the lots already exist. It is only before the Board because the seller did not divide the lots before the sale.

All three created lots would meet all dimensional requirements based on the Final Plan before the Board.

The project is a minor subdivision by definition with only 3-Lots being created and no new roadways proposed.

5. REVIEW HISTORY

Concept Review: March 4, 2020

Preliminary/Final Review: May 6, 2020 (scheduled)

6. STAFF REVIEW

- a. ZONING: Residential is Permitted in the R-2 Zone.
- b. REVIEW STANDARDS: General Zoning Requirements, including Dimensional Requirements.
- c. WAIVERS:
 - 1. Per Chapter 66, Section 66-9 and 66-33(c) - Full Subdivision Review process to allow for joint Preliminary and Final Subdivision approval at the same meeting (in the future).

The Planning Board determined this was a "Minor Subdivision" and granted this waiver at the March 4, 2020 Meeting.

- 2. Due to the coronavirus pandemic and the Governor's declaration of a civil state of emergency and a statewide stay at home order, the Planning Board pursuant to Chapter 66-9 hereby authorizes the City Planner to sign the final plan on behalf of the Planning Board and the final plan once signed by the City Planner shall be deemed to have been signed by individual members of the Planning Board evidencing approval of the final plan given that public convenience, safety, health and welfare will not be affected adversely.

Staff are asking the Board to approve this waiver given that under the COVID-19 situation plans signatures would be difficult if not impossible to obtain and the public's convenience, safety, health and welfare would not be affected adversely by doing so.

d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO MAY 6:

- 1. None.

e. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO APPROVAL:

- 1. Add a Signature Block on Final Plan.
- 2. Add underneath the Signature Block the following:

"Greg Tansley, City Planner, duly authorized to sign on behalf of the Biddeford Planning Board pursuant to Chapter 66-9, Biddeford Code of

Ordinances, and by the decision of the Planning Board dated May 6, 2020.”

3. Add a Note to Sheet 1 as follows:

“Due to the coronavirus pandemic and the Governor’s declaration of a civil state of emergency and a statewide stay at home order, the Planning Board pursuant to Chapter 66-9 authorized the City Planner to sign the final plan on behalf of the Planning Board and declared that the final plan once signed by the City Planner shall be deemed to have been signed by individual members of the Planning Board evidencing approval of the final plan.”

7. STAFF RECOMMENDATION

- Recommend the Board grant the waiver described above to allow the City Planner to sign the plan on the board's behalf.
- If the applicant has addressed the outstanding items to the satisfaction of the Board, and Board approves the project, Staff recommend doing so with the following Conditions of Approval attached:
 - 1. **Prior to any building permits or the sale/conveyance of any lots:**
 - a. **The applicant shall provide a copy of the recorded division plan to the Planning Department within 15 days of recording.**

8. NEXT STEPS/SUGGESTED ACTIONS

- Consider granting the waiver to allow the City Planner to sign the plans on the Board’s behalf.
- Consider granting the Preliminary/Final approval of the 3-Lot Subdivision presented based on the conditions outlined above (Recommended).

9. SAMPLE MOTIONS

- A. *Motion that due to the coronavirus pandemic and the Governor’s declaration of a civil state of emergency and a statewide stay at home order, the Planning Board pursuant to Chapter 66-9 authorizes the City Planner to sign the final plan on behalf of the Planning Board and declares that the final plan once signed by the City Planner shall be deemed to have been signed by individual members of the Planning Board evidencing approval of the final plan.*

B. Motion to approve the minor subdivision for Redline Properties, LLC to create a 3-Lot Subdivision at 15 Victory Avenue (Tax Map 28, Lot 86), approve the Findings of Fact, and sign the plans based on the conditions recommended by Staff in its report dated April 24, 2020, and that due to the coronavirus pandemic and the Governor's declaration of a civil state of emergency and a statewide stay at home order, the Planning Board pursuant to Chapter 66-9 hereby authorizes the City Planner to sign the final plan on behalf of the Planning Board and the final plan once signed by the City Planner shall be deemed to have been signed by individual members of the Planning Board evidencing approval of the final plan.

C. Motion to table to allow the applicant to address the outstanding issues identified by Staff and the Board.

D. Motion to deny the Subdivison based upon the following reasons:

- a)* _____
- b)* _____

ATTACHMENTS:

1. Application Package and Plan
2. Draft Findings of Fact

FINDINGS OF FACT AND CONCLUSIONS OF LAW MINOR SUBDIVISION

Pursuant to the provisions of the City of Biddeford Code of Ordinances (Chapter 66 – Subdivisions) the Biddeford Planning Board has considered the application of Redline Properties, LLC, including supportive data, public hearing testimony and related materials contained in the record. Based on Public Comment and Staff's review and recommendation, the Planning Board makes the following Findings of Fact and Conclusions of Law:

Findings of Fact:

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Redline Properties, LLC 12 Ireland Drive Berwick, ME 03901
2.	Owner of Property:	Redline Properties, LLC 12 Ireland Drive Berwick, ME 03901
3.	Agent:	Peter Labreck Redline Properties, LLC 12 Ireland Drive Berwick, ME 03901
4.	Surveyor:	Lower Village Survey 13 Western Ave Kennebunk, ME 04046
5.	Project Location:	15 Victory Avenue
6.	Project Tax Map #/Lot #:	Tax Map 28, Lot 86
7.	Existing Zoning:	R-2
8.	Overlay Zoning:	None
9.	Existing Use:	Single-family Home
10.	Proposed Use:	Subdivide 1 Lot into 3 Lots – Residential.
11.	City Approvals Required:	Minor Subdivision Review
12.	Uses in the Vicinity:	Residential
13.	Parcel Size:	14,042 SF (0.32 acres)
15.	Minimum Lot Size Required: Provided:	4,500 SF Parcel A: 4,858 SF +/- Parcel B: 4,628 SF +/- Parcel C: 4,556 SF +/-
16.	Frontage Required:	45 feet
17.	Front Setback Required:	25 feet
18.	Side Setbacks Required:	5 feet
19.	Rear Setback Requires:	5 feet
20.	Height Requirements:	Maximum 35 feet
21.	Water Supply:	Maine Water
22.	Sewerage Disposal:	City of Biddeford
23.	Solid Waste Disposal:	City of Biddeford
24.	Fire Protection:	City of Biddeford

25.	Floodplain Status:	None
26.	Wetland/Surface Water Impacts:	None
27.	Soil Study Provided:	N/A – City Sewer
28.	Ownership of Road:	Victory Avenue is a City Street.
29.	Parking:	N/A
30.	Estimated Site Development Costs:	N/A
32.	Waivers Needed:	None Required.
33.	Waivers Granted:	1. The full subdivision process and allow a subsequent joint Preliminary and Final review given that public convenience, safety, health and welfare will not be affected adversely. 2. Due to the coronavirus pandemic and the Governor's declaration of a civil state of emergency and a statewide stay at home order, the Planning Board pursuant to Chapter 66-9 hereby authorizes the City Planner to sign the final plan on behalf of the Planning Board and the final plan once signed by the City Planner shall be deemed to have been signed by individual members of the Planning Board evidencing approval of the final plan given that public convenience, safety, health and welfare will not be affected adversely.
34.	Variances Needed for Approval:	None
35.	Other Permits Obtained:	None
36.	Other Non-City Permits Required:	None
37.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
39.	LDR Attachment A: Fees Paid:	Fees Paid.
40.	Planning Board Review History: Concept Review: Prelim/Final Review:	March 4, 2020 May 6, 2020
41.	Plan Signature Authorization Delegated to City Planner:	Due to the coronavirus pandemic and the Governor's declaration of a civil state of emergency and a statewide stay at home order, the Planning Board pursuant to Chapter 66-9 hereby authorized the City Planner to sign the final plan on behalf of the Planning Board and the final plan once signed by the City Planner shall be deemed to have been signed by individual members of the Planning Board evidencing approval of the final plan.

Conclusions of Law:

General Review Standards: City of Biddeford Subdivision Ordinance:

- 66-10 The proposed subdivision is in conformance with the City of Biddeford Comprehensive Plan, local codes and regulations and state laws.
- 66-11 The applicant will submit a performance guarantee, which satisfies the requirements of this ordinance.
- 66-16 The subdivision plan reflects the building permit restrictions as required.
- 66-35 All required information has been submitted and reviewed to the satisfaction of the Planning Board, including, but not limited to, surface water drainage, utilities, sanitary sewers, topography, lot lines and dimensions, use of property, proposed public areas, deed or option for purchase, fire lane areas, soil evaluation test pits, well locations, aesthetics, historic, and natural features, sedimentation and erosion control measures, easement documents, financial capability, covenants or deed restrictions, and city staff review.
- 66-38 Additional studies (if requested) have been submitted and reviewed to the satisfaction of the Planning Board.
- 66-39
1. The project will not result in undue water or air pollution.
 2. The project has sufficient water available for the reasonably foreseeable needs of the subdivision;
 3. The project will not cause an unreasonable burden on an existing water supply, if one is utilized;
 4. The project will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy, condition may result;
 5. The project will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;
 6. The project will provide for adequate sewage waste disposal;
 7. The project will not cause unreasonable burden on the ability of the municipality to disposal of solid waste and sewage if municipal services are to be utilized;
 8. The project will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas or public rights for physical or visual access to the shoreline. Environmentally sensitive areas, including but not limited to wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers will be maintained and preserved to the maximum extent;
 9. The project is in conformance with a duly adopted subdivision regulation or ordinance, Comprehensive Plan, development plan, or land use plan, if any.
 10. The subdivider has adequate financial and technical capacity to meet the above stated standards;

11. Whenever situated, in whole or in part, within 250 feet of any lake, pond, river or tidal waters, the project will not adversely affect the quality of that body of water, or unreasonably affect the shoreline of that body of water, as indicated on the City of Biddeford, Official Zoning Map and referenced in the City's Comprehensive Plan;
12. The project will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;
13. The project is not in a flood prone area;
14. The project will not unreasonably obstruct abutting properties or structures access to direct sunlight;
15. If any portion of the site has been identified as containing historic or archaeological resources, the development shall include appropriate measures for protecting these resources, including but not limited to modification of the proposed design of the site, timing of construction, and limiting the extent of construction.

State Subdivision Law Review Criteria:

1. The proposed subdivision will not result in undue water or air pollution.
2. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.
3. The proposed subdivision will not cause unreasonable burden on an existing water supply, if one is to be used.
4. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition exists.
5. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.
7. The proposed subdivision will not cause an unreasonable burden on the Town's ability to dispose of solid waste, if municipal services are to be utilized.
8. The proposed subdivision will not have an undue adverse effect on the natural or scenic beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed subdivision conforms to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any.

10. The subdivider has adequate technical and financial capacity to meet the standards of the municipality.
11. Whenever situated partially or entirely within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.
12. The proposed subdivision will not alone, or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood prone area.
14. All wetlands within the proposed subdivision have been identified regardless of the size of the wetlands.
15. Any river, stream or brook within or abutting the proposed subdivision has been identified.
16. The proposed subdivision will provide for adequate stormwater management.
17. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio of greater than 5:1.
18. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.

Determination:

Based on the evidence available and the conclusions above, the Biddeford Planning Board approves the Minor Subdivision for Redline Properties, LLC at Tax Map 28, Lot 86, in accordance with the submitted application, supporting data, representations made, other related materials on file, and the following Conditions of Approval:

1. **Prior to any building permits or the sale/conveyance of any lots:**
 - a. **The applicant shall provide a copy of the recorded division plan to the Planning Department within 15 days of recording.**

Planning Board Chairman

Date

15 Victory Ave Lot splits

04/13/2020

Map: 28 Lot: 86

Redline Properties LLC is requesting to subdivide a lot on Victory Ave. This parcel of land was once 3 lots but was merged by the city due to common ownership many years ago. One lot, parcel C, has already been divided as seen in attached documentation. We are requesting to split the remaining land, Lots A and B, into two independent lots. Lots A and B are approximately 4,800 sq ft and 4,600 sq ft respectively. Each lot has approximately 53 feet of frontage on Victory Ave. Lot B currently has an existing 1930's 750 sq ft single family residence located on it. Water and Sewer will need to be brought to lot A which will be serviced by public water and sewer.

Attached is the current deed of ownership and the updated survey showing the parcel and lot lines to be created along with driveway access. The lots, as requested, meet today's requirements for lot size, frontage, and building setbacks.

Regards,

Peter LaBreck, Owner

CITY OF BIDDEFORD, MAINE
PLANNING BOARD
P.O. Box 586, 205 Main Street Biddeford, Maine 04005
207-284-9115

APPLICATION FORM

Type of Application:

- ☐ Shoreland Zoning Permit ☐ Site Plan Review ☐ Extraction
☐ Conditional Use Permit ☒ Subdivision ☐ Private Way
☐ Other: _____

Applicant Information:

Applicant's Name: Redline Properties LLC
Applicant's Mailing Address: 12 Iseland Drive Biddeford Maine 03901
Applicant's Telephone: 603-660-8862

What is Applicant's legal interest in the property?

- ☒ Owner ☐ Potential Buyer with Contract ☐ Lease/Rental Agreement

Owner's Name: Peter Lobser
Owner's Address: 12 Iseland Drive Biddeford Maine 03901
Owner's Telephone: 603-660-8862

Agent's Name: _____
Agent's Address: _____
Telephone: _____

Engineer/Surveyor: Laver Village Survey
Engineer/Surveyor's Address: P.O. Box 2625 Kennebunkport, ME 04043
Telephone: 207-967-3549

Project Location and Lot Information:

Street Address: 15 Victory Ave
Tax Map: 28 Lot: 86
Current Zoning: R2 Shoreland Zoning: _____

Size of lot: 9,400 remaining ☐ acres ☒ s.f. Lot Frontage: 106+

Existing Use of Property: single family residence

Property currently serviced by:

☒ City Road	☐ Private Road
☒ Public Sewer	☐ Septic System
☒ Public Water	☐ Private Well
☒ Public Trash	☐ Private Hauler

Slope Conditions in Area of Construction (if applicable):

☒ Flat (0-3 % slope) ☐ Rolling (3-8% slope) ☐ Hilly (8-15% slope) ☐ Steep (15% + slope)

Are there any wetlands or waterbodies on the site? ☐ Yes ☒ No If yes, attach information
Do you plan to bring fill onto the lot? ☐ Yes ☒ No If yes, attach information

Description of proposed use of property:

Project/Proposed Use Description: Divide three lots from the
current lot. One lot already divided. Parcel A to be
used for single family residence.

Property to be serviced by:

☒ City Road	☐ Private Road
☒ Public Sewer	☐ Septic System
☒ Public Water	☐ Private Well
☒ Public Trash	☐ Private Hauler

Is this project part of a larger project? ☐ Yes ☒ No

☐ If in a Shoreland Zone:

Percent of residential lot coverage (Max. 20%): _____

Percent of structure expansion (Max. 30%): _____

☒ If Subdivision Review, number of lots proposed: _____

3

☐ If a Private Way is proposed, number of lots served: _____

☐ If Site Plan Review, you must provide the following information:

Total new square feet footprint of structures: _____

Total new square feet paving/parking: _____

Waiver Requests (attach details):

1. _____

2. _____

3. _____

4. _____

5. _____

Attachments:

A. Letters of Approval

☐ Fire Department - Contact - 282-9986

☐ Ability to Serve - Maine Water - 282-1543

☐ Ability to Serve - Engineering Department (Sewer) - Contact - 284-9118

☐ Police Department - E-911 Road Name Designation - Contact - 282-5127

B. Letter to Planning Board describing project, waiver requests, proposed improvements, addressing permit requirements, etc.

C. Photographs of site.

D. Architectural renderings/drawings of proposed buildings, as required.

E. Engineered Plans, as required.

Fees (due at time of application):

Refer to "Attachment A Fees and Charges" of the Land Development Regulations for more information. Consult with Planning Staff if you have questions.

Required Signatures:

By signing this application, as the foresaid applicant or authorized agent:

- I certify that I have read and completely understand the application;
- I certify that the information contained in this application and its attachments are true and correct;
- I understand that all information provided on this form and all other documents submitted as part of my proposal is a matter of public record;
- I understand that copies of this information may be supplied upon request to an interested party.
- I understand that additional funds may be required through the course of review for special studies, legal review costs, and/or engineering review.
- I understand that by submitting this application I am not guaranteed a place on any particular agenda. I further understand that the City Planner will place me on an agenda for review when the application is deemed substantially complete.

☐ Project proposed to have 1 acre or more of site disturbance:

-Project may need to apply for a Maine Construction General Permit and shall comply with the requirements of DEP Chapter 500 Stormwater Regulations, as they apply.

Signature of applicant:

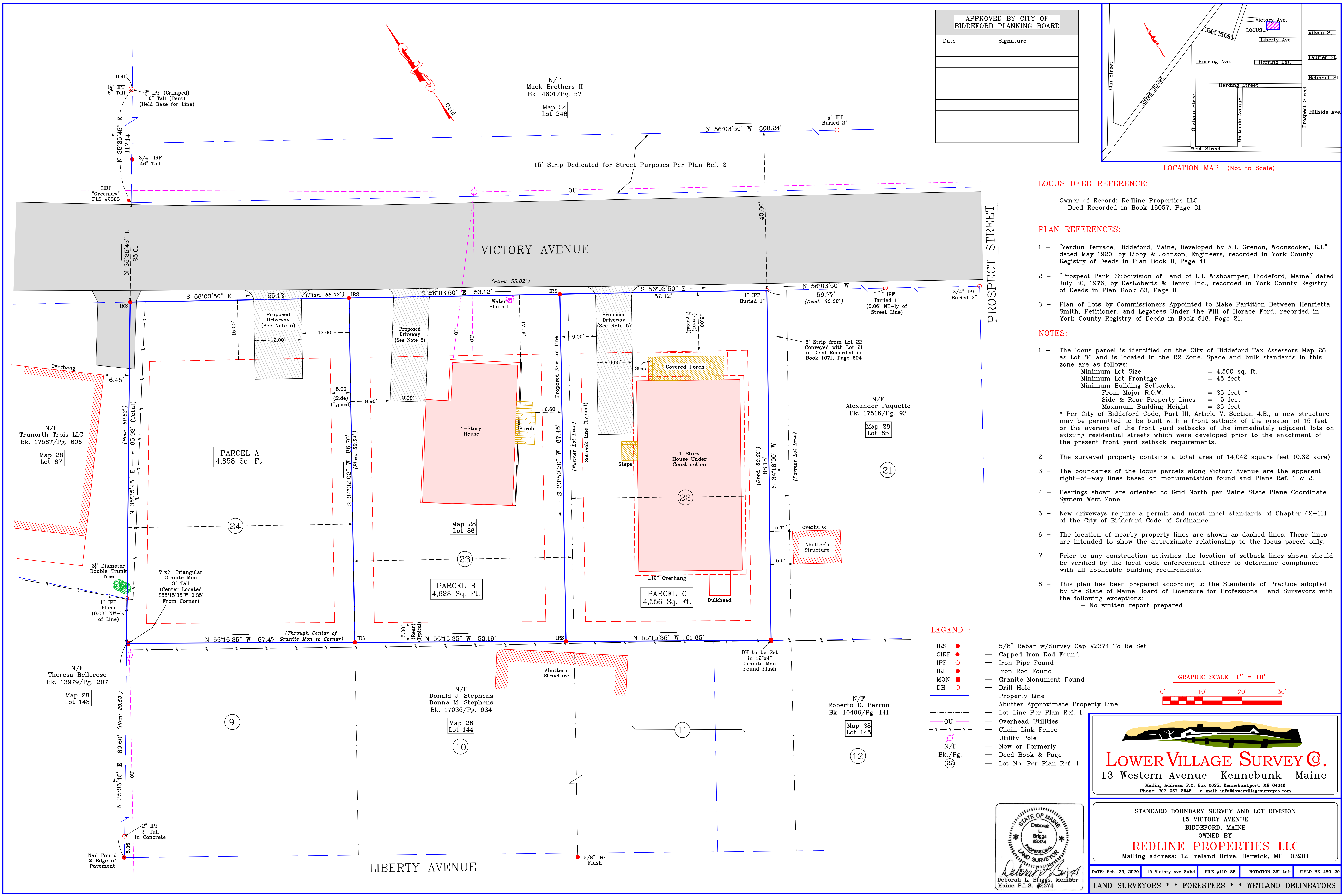


Date: 04/13/2020

Signature of owner of property:



Date: 04/13/2020



APPROVED BY CITY OF BIDDEFORD PLANNING BOARD	
Date	Signature

LOCUS DEED REFERENCE:

Owner of Record: Redline Properties LLC
Deed Recorded in Book 18057, Page 31

PLAN REFERENCES:

- "Verdun Terrace, Biddeford, Maine. Developed by A.J. Grenon, Woonsocket, R.I." dated May 1920, by Libby & Johnson, Engineers, recorded in York County Registry of Deeds in Plan Book 8, Page 41.
- "Prospect Park, Subdivision of Land of L.J. Wishcamper, Biddeford, Maine" dated July 30, 1976, by DesRoberts & Henry, Inc., recorded in York County Registry of Deeds in Plan Book 83, Page 8.
- Plan of Lots by Commissioners Appointed to Make Partition Between Henrietta Smith, Petitioner, and Legatees Under the Will of Horace Ford, recorded in York County Registry of Deeds in Book 518, Page 21.

NOTES:

- The locus parcel is identified on the City of Biddeford Tax Assessors Map 28 as Lot 86 and is located in the R2 Zone. Space and bulk standards in this zone are as follows:
 - Minimum Lot Size = 4,500 sq. ft.
 - Minimum Lot Frontage = 45 feet
 - Minimum Building Setbacks:
 - From Major R.O.W. = 25 feet *
 - Side & Rear Property Lines = 5 feet
 - Maximum Building Height = 35 feet* Per City of Biddeford Code, Part III, Article V, Section 4.B., a new structure may be permitted to be built with a front setback of the greater of 15 feet or the average of the front yard setbacks of the immediately adjacent lots on existing residential streets which were developed prior to the enactment of the present front yard setback requirements.
- The surveyed property contains a total area of 14,042 square feet (0.32 acre).
- The boundaries of the locus parcels along Victory Avenue are the apparent right-of-way lines based on monumentation found and Plans Ref. 1 & 2.
- Bearings shown are oriented to Grid North per Maine State Plane Coordinate System West Zone.
- New driveways require a permit and must meet standards of Chapter 62-111 of the City of Biddeford Code of Ordinance.
- The location of nearby property lines are shown as dashed lines. These lines are intended to show the approximate relationship to the locus parcel only.
- Prior to any construction activities the location of setback lines shown should be verified by the local code enforcement officer to determine compliance with all applicable building requirements.
- This plan has been prepared according to the Standards of Practice adopted by the State of Maine Board of Licensure for Professional Land Surveyors with the following exceptions:
 - No written report prepared

LEGEND :

- | | | |
|-----------|-----------|---|
| IRS | ● | 5/8" Rebar w/Survey Cap #2374 To Be Set |
| CIRF | ● | Capped Iron Rod Found |
| IPF | ○ | Iron Pipe Found |
| IRF | ● | Iron Rod Found |
| MON | ■ | Granite Monument Found |
| DH | ○ | Drill Hole |
| — | — | Property Line |
| - - - | - - - | Abutter Approximate Property Line |
| - · - · - | - · - · - | Lot Line Per Plan Ref. 1 |
| - - - - - | - - - - - | Overhead Utilities |
| — x — x — | — x — x — | Chain Link Fence |
| — | — | Utility Pole |
| — | — | Now or Formerly |
| — | — | Deed Book & Page |
| — | — | Lot No. Per Plan Ref. 1 |

GRAPHIC SCALE 1" = 10'



LOWER VILLAGE SURVEY CO.
13 Western Avenue Kennebunk Maine

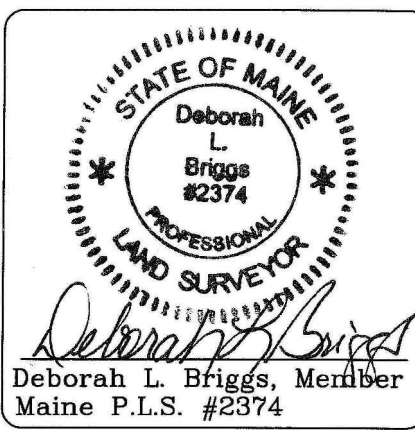
Mailing Address: P.O. Box 2825, Kennebunkport, ME 04046
Phone: 207-967-3545 e-mail: info@lowervillagesurveyco.com

STANDARD BOUNDARY SURVEY AND LOT DIVISION
15 VICTORY AVENUE
BIDDEFORD, MAINE

OWNED BY
REDLINE PROPERTIES LLC
Mailing address: 12 Ireland Drive, Berwick, ME 03901

DATE: Feb. 25, 2020 15 Victory Ave Subd FILE #119-88 ROTATION 35° Left FIELD BK 489-29

LAND SURVEYORS ** FORESTERS ** WETLAND DELINEATORS



FINDINGS OF FACT AND CONCLUSIONS OF LAW CONDITIONAL USE PERMIT

Pursuant to the provisions of the City of Biddeford Land Development Regulations, Article VI (Conditional Uses) and Article XI (Site Plan Review), the Biddeford Planning Board has considered the application of Clean Cannabis, LLC to operate a Medical Marijuana Growing Facility (processing, storage, and distribution) at 5 Drapeau Street. Based on its review, including supportive data, public hearing testimony and related materials contained in the record, the Planning Board makes the following Findings of Fact and Conclusions of Law:

Findings of Fact:

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Clean Cannabis, LLC 30 Saco Avenue Old Orchard Beach, ME 04064
2.	Owner of Property:	GO Development, LLC PO Box 111 Kennebunk, ME 04043
3.	Agent:	N/A
4.	Project Location:	5 Drapeau Street
5.	Project Tax Map #/Lot #:	12/22
6.	Existing Zoning:	I-1 – a Medical Marijuana Facility is a Conditional Use
7.	Overlay Zoning:	None
8.	Existing Use:	Commercial/Industrial
9.	Proposed Use:	Establishment of a new Medical Marijuana Growing Facility, including processing and storage Facility, with distribution to the Applicant's retail operations.
10.	Approvals Required:	Conditional Use
11.	Uses in the Vicinity:	Commercial/Industrial
12.	Number of Lots/Units in Subdivision:	N/A
13.	Minimum Lot Size Required: Provided:	None 4.6 acres
14.	Frontage Required: Provided:	50' 425' +/-
15.	Front Setback Required: Provided:	40' >40'
16.	Side Setbacks Required: Provided:	25' >25'

17.	Rear Setback Requires: Provided:	25' >25'
18.	Height Requirements: Provided:	60 feet or 6 stories. < 60 feet
19.	Water Supply:	Maine Water Company (Ability to Serve Letter Provided)
20.	Sewerage Disposal:	City of Biddeford (Ability to Serve Letter Provided)
21.	Solid Waste Disposal:	Private Hauler
22.	Fire Protection:	City of Biddeford
23.	Floodplain Status:	Property is not within a NFIP Zone A or V floodzone
24.	Wetland/Surface Water Impacts:	None
25.	Soil Study Provided:	N/A
26.	Parking Spaces Required:	Total expected employees on-site at any on time is 6 so 6 parking spaces are required by Clean Cannabis. Parking Breakdown: - Clean Cannabis: 6 (pending) - Maine Organic Therapy (pending): 15 - Hightech Labs/GO Extracts (existing): 9
27.	Parking Spaces Provided (total): # Handicapped Spaces:	90 Provided on-site. 2 Provided.
28.	Ownership of Road:	Drapeau Street is a Public Street
29.	Impervious Surface Area:	0 SF Change
30.	Total Disturbed Area:	0 SF
31.	Estimated Site Development Costs:	N/A
35.	Financial Capacity Letter:	N/A – Internal Construction Only
36.	Waivers Requested/Needed:	a. Article XI, Full Site Plan Review as per Article XI, Section 9.B.2.
37.	Waivers Granted:	a. Article XI, Full Site Plan Review as per Article XI, Section 9.B.2.
38.	Variances Needed for Approval:	None.
39.	Other Permits Obtained:	N/A
40.	Other Non-City Permits Required:	None.
41.	Covenants, By-laws, Restrictions Required:	None
42.	LDR Attachment A: Fess Paid:	Yes
43.	Planning Board Review History: Conditional Use Permit	May 6, 2020

Conclusions of Law:

1. The proposed use meets specific requirements set forth in this ordinance and would be in compliance with applicable state or federal laws;
2. The proposed use would not create fire safety hazards by providing adequate access to the site, or to the buildings on the site, for emergency vehicles and would not create hazards through the storage of chemicals and wastes;
3. The proposed exterior lighting, where allowed, would not create hazards to motorists traveling on adjacent public streets or is adequate for the safety of occupants or users of the site or would not damage the value and diminish the usability of adjacent properties;
4. The provisions for buffers and on-site landscaping provide adequate protection to neighboring properties from detrimental or unsightly features of the development;
5. The proposed use would not have a significant, detrimental effect on the use and peaceful enjoyment of abutting property as the result of noise, vibrations, fumes, odor, dust, glare, hours of operation, or other causes;
6. The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets would not create hazards to public safety or traffic congestion;
7. The proposed use would generate a volume of traffic that can reasonably be accommodated by the existing road network, or would not create unreasonable traffic hazards or would not exacerbate an existing traffic hazard, or would not create unreasonable traffic congestion;
8. The proposed use would not have a significant, detrimental effect on the value of adjacent properties, which could be avoided by reasonable modification of the proposal;
9. The proposed use would not have an adverse impact on the privacy of the residents of the immediate area (within 500 feet) which could be avoided by reasonable modification of the proposal.
10. The proposed use would be in compliance with Biddeford's comprehensive plan;
11. The proposed use would not have an adverse impact on the immediate neighborhood or the community relative to architectural design, scale, bulk and

building height, identity and historical character, or visual integrity, which could be avoided by reasonable modification of the proposal;

12. The design of the site would not result in significant flood hazards or flood damage or would be in conformance with applicable flood hazard protection requirements;
13. Adequate provision has been made for disposal of wastewater or solid waste or for the prevention of ground or surface water contamination;
14. Adequate provision has been made to control erosion or sedimentation;
15. Adequate provision has been made to handle stormwater runoff or other drainage problems on the site; and the proposed development will not unduly burden off-site surface water systems;
16. The proposed water supply would meet the demands of the proposed project (and for fire protection purposes, if applicable.)
17. Adequate provision has been made for the transportation, storage, and disposal of hazardous substances and materials as defined by state law;
18. The proposed use would not have an adverse impact on scenic vistas, historic sites, archeological resources, or on significant wildlife habitat or wetland areas and water bodies, which could be avoided by reasonable modification of the proposal;
19. When located in the Shoreland Zone, the proposed use would meet the purposes of Shoreland Zoning as identified in Article XIV, Section 1 (Purposes) of this ordinance.
20. The applicant has demonstrated his or her authorization to cultivate, process and store medical marijuana pursuant to the Maine Use of Medical Marijuana Program.
21. The proposed medical marijuana growing facility is no closer than 250 linear feet, measured in a straight line from the dispensary or facility building entrance, to the nearest point on the boundary of any property which is occupied by a licensed day-care facility, school, Town park, Town playground or church.
22. The proposed medical marijuana growing facility property and building security plans have been reviewed by the Biddeford Police Department that finds that the security measures are consistent with state requirements.

23. No signs containing the word "marijuana," or a graphic/image of any portion of a marijuana plant or otherwise identifying medical marijuana shall be erected, posted or in any way displayed on the outside of a medical marijuana dispensary or a medical marijuana growing facility. Interior advertisements, displays of merchandise or signs depicting the activities of a medical marijuana dispensary or a medical marijuana growing facility shall be screened to prevent public viewing from outside such facility.

24. No use shall emit offensive, harmful, or noxious odors beyond the property line.

Approval Granted:

Based on the evidence available and the conclusions above, the Biddeford Planning Board approves the Conditional Use Permit for the proposed project summarized above, located at 5 Drapeau Street (Tax Map 12, Lot 22) in accordance with the submitted application, supporting data, representations made, other related materials on file, and the following Conditions of Approval:

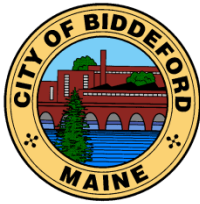
1. **Standard Conditions of Approval apply.**
2. **The applicant shall obtain all other pertinent local, state and federal permits/licenses/insurance such as building, electrical, plumbing, etc prior to commencing business.**
3. **No exterior evidence of cultivation occurring within the property can be visible from any public right-of-way.**
4. **No cannabis odors may be detectable from any place outside the structure(s) in which the use occurs. The applicant must submit to the Code Enforcement Department for review and approval an Odor Abatement Plan. The Odor Abatement Plan must be reviewed and approved by the City prior to permit issuance. The Odor Abatement Plan must be implemented prior to the issuance of an occupancy permit. The Odor Abatement Plan must include the following:**
 - a. **A floor plan, specifying locations of odor-emitting activity(ies) and emissions.**
 - b. **A description of the specific odor-emitting activity(ies) that will occur.**
 - c. **A description of all equipment and methods to be used for reducing odors and ensuring that odors do not migrate outside of the structure(s). Odor control equipment should consist of a building, or if applicable, room ventilation system that collects the air from all potential odor generating activities and direct to a control device such as an activated carbon system. A Professional Engineer and a Certified Industrial Hygienist must review and certify that the equipment and methods to be used for reducing odors and ensuring adequate indoor air quality consistent with accepted and available**

industry-specific best control technologies and methods designed to ensure that odors from the use do not migrate outside of the structure(s) and that air quality inside the structure(s) meet acceptable industry standards.

Planning Board Chairperson

Date

DRAFT



CITY OF BIDDEFORD

2020.09

Planning and Development Department

Greg D. Tansley, A.I.C.P.
City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 282-7119 or (207) 284-9115
Greg.Tansley@biddefordmaine.org

PLANNING BOARD REPORT

TO: William Southwick, Chair & the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner 

DATE: April 28, 2020

RE: **NEW BUSINESS ITEM #B** – 2020.09 Conditional Use Permit for Clean Cannabis, LLC to operate a Medical Marijuana storage, packaging, and distribution operation (to its retail operations) at 5 Drapeau Street (Tax Map 12, Lot 22) in the I-1 Zone.

MEETING DATE: MAY 6, 2020 @ 6:00 PM

1. INTRODUCTION

Medical Marijuana Growing Facilities are a Conditional Use in the Industrial-1 (I-1) Zone. The Clean Cannabis, LLC proposal is to allow for the processing, storage, and eventual distribution (to permitted retail locations) of medical marijuana. By definition, even though growing in this 3,000 SF space is not proposed, it is still considered a “Growing Facility” by definition.

The space proposed would be in the middle right of the building if looking from Drapeau Street. See below for more information.

2. PROJECT DATA

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Clean Cannabis, LLC 30 Saco Avenue Old Orchard Beach, ME 04064
2.	Owner of Property:	GO Development, LLC PO Box 111 Kennebunk, ME 04043
3.	Agent:	N/A
4.	Project Location:	5 Drapeau Street

5.	Project Tax Map #/Lot #:	12/22
6.	Existing Zoning:	I-1 – a Medical Marijuana Facility is a Conditional Use
7.	Overlay Zoning:	None
8.	Existing Use:	Commercial/Industrial
9.	Proposed Use:	Establishment of a new Medical Marijuana Growing Facility, including processing and storage facility, with distribution to the applicant's retail operations elsewhere.
10.	Approvals Required:	Conditional Use
11.	Uses in the Vicinity:	Commercial/Industrial
12.	Number of Lots/Units in Subdivision:	N/A
13.	Minimum Lot Size Required: Provided:	None 4.6 acres
14.	Frontage Required: Provided:	50' 425' +/-
15.	Front Setback Required: Provided:	40' >40'
16.	Side Setbacks Required: Provided:	25' >25'
17.	Rear Setback Requires: Provided:	25' >25'
18.	Height Requirements: Provided:	60 feet or 6 stories. < 60 feet
19.	Water Supply:	Maine Water Company (Ability to Serve Letter Provided)
20.	Sewerage Disposal:	City of Biddeford (Ability to Serve Letter Provided)
21.	Solid Waste Disposal:	Private Hauler
22.	Fire Protection:	City of Biddeford
23.	Floodplain Status:	Property is not within a NFIP Zone A or V floodzone
24.	Wetland/Surface Water Impacts:	None
25.	Soil Study Provided:	N/A
26.	Parking Spaces Required:	Total expected employees on-site at any on time is 6 so 6 parking spaces are required by Clean Cannabis. Parking Breakdown: - Clean Cannabis: 6 (pending) - Maine Organic Therapy (pending): 15 - Hightech Labs/GO Extracts (existing): 9

27.	Parking Spaces Provided (total): # Handicapped Spaces:	90 Provided on-site. 2 Provided.
28.	Ownership of Road:	Drapeau Street is a Public Street
29.	Impervious Surface Area:	0 SF Change
30.	Total Disturbed Area:	0 SF
31.	Estimated Site Development Costs:	N/A
35.	Financial Capacity Letter:	N/A – Internal Construction Only
36.	Waivers Requested/Needed:	a. Article XI, Full Site Plan Review as per Article XI, Section 9.B.2.
37.	Waivers Granted:	a. Article XI, Full Site Plan Review as per Article XI, Section 9.B.2.
38.	Variances Needed for Approval:	None.
39.	Other Permits Obtained:	N/A
40.	Other Non-City Permits Required:	None.
41.	Covenants, By-laws, Restrictions Required:	None
42.	LDR Attachment A: Fess Paid:	Yes
43.	Planning Board Review History: Conditional Use Permit	May 6, 2020

3. EXISTING CONDITIONS

5 Drapeau Street is an existing commercial/industrial lot in the Biddeford Industrial Park. The existing property is more than 4.6 acres in size and is developed with a large single-story building approximately 97,000 SF in size.



Source: <http://gis.vgsi.com/BiddefordMEMap/index.html?pid=2403>. Accessed date: 04/27/2020.

An aerial photograph of a property outlined in red. The property contains a large building with a dark roof and a smaller structure with a light-colored roof. Three yellow stars are placed on the dark roof. The surrounding area includes a parking lot, other buildings, and a road.



4. PROJECT PROPOSAL

To process, store, and distribute Medical Marijuana in an existing building. No sales on-site are proposed, and no site development is proposed.

5. PUBLIC COMMENT

Final Planning Board Review: May 6, 2020

6. OUTSTANDING ISSUES TO BE ADDRESSED PRIOR TO APPROVAL:

- Staff has been in constant dialogue with the applicant through the owner of the facility. Staff have no additional requests at this time.

7. STAFF REVIEW

- a. ZONING: A Medical Marijuana Growing Facility, which includes by definition processing and storage facilities, is a Conditional Use in the I-1 Zone. There is no minimum lot size.
- b. REVIEW STANDARDS:

Article VI (Performance Standards), Section 77 (Medical marijuana) states as follows:

Section 77

Medical marijuana.

[Added 1-17-2017 by Ord. No. 2016.88]

- A. *Before submission of a conditional use application, the applicant must demonstrate his or her authorization to cultivate, process and store medical marijuana pursuant to the Maine Use of Medical Marijuana Program.*

The Applicant has provided evidence that Thomas Peter Mourmouras is certified as an Individual Caregiver by the State of Maine Registration #CGR25725.

- B. *As an accessory use, medical marijuana home production shall be allowed in any qualifying patient's residence or any medical marijuana caregiver's primary year-round residence in every base zone and overlay zone, without any requirement for land use permitting.*

N/A

- C. *No medical marijuana dispensary or medical marijuana growing facility shall be closer than 250 linear feet, measured in a straight line from the dispensary or facility building entrance, to the nearest point on the boundary of any property which is occupied by a licensed day-care facility, school, Town park, Town playground or church.*

The proposal is not within 250 feet of any of the buffered land uses.

- D. *Before granting an approval, the Planning Board shall ensure the applicant has reviewed his or her property and building security plans with the Biddeford Police Department and the Police Department finds the security measures are consistent with state requirements.*

The applicant has provided a letter from the Biddeford Police Department indicating that they have reviewed and found that the proposal meets minimum state requirements for security.

- E. *No signs containing the word "marijuana," or a graphic/image of any portion of a marijuana plant or otherwise identifying medical marijuana shall be erected, posted or in any way displayed on the outside of a medical marijuana dispensary or a medical marijuana growing facility. Interior advertisements, displays of merchandise or signs depicting the activities of a medical marijuana dispensary or a medical marijuana growing facility shall be screened to prevent public viewing from outside such facility.*

The application indicates that no signage will be presented which is not in compliance with this standard.

- F. *No use shall emit offensive, harmful, or noxious odors beyond the property line.*

See the recommended Conditions of Approval for Staff's recommended means of ensuring compliance with this standard.

- c. WAIVERS REQUIRED: Article XI, Full Site Plan Review.
- d. CONDITIONAL USE STANDARDS: The following are the standards for review under a Conditional Use Permit (standards in *italic*, Staff Comments in regular font):

- i. *The proposed use meets specific requirements set forth in this ordinance and would be in compliance with applicable state or federal laws;*

Condition of Approval #2 (if approved) requires the applicant to obtain all applicable state and federal permits.

- ii. *The proposed use would not create fire safety hazards by providing adequate access to the site, or to the buildings on the site, for emergency vehicles and would not create hazards through the storage of chemicals and wastes;*

The site is an existing developed site that has been reviewed previously by the Fire Department. The Fire Department will also be involved in the Code Enforcement Department's consideration of building and occupancy permits. A Letter from the Fire Department dated April 10, 2020 has been provided by the Applicant.

- iii. *The proposed exterior lighting, where allowed, would not create hazards to motorists traveling on adjacent public streets or is adequate for the safety of occupants or users of the site or would not damage the value and diminish the usability of adjacent properties;*

The applicant does not intend to install any additional exterior lighting and the location is in a discreet location with no known existing lighting issues.

- iv. *The provisions for buffers and on-site landscaping provide adequate protection to neighboring properties from detrimental or unsightly features of the development;*

There is no development proposed by this project and the site is located in a business/industrial area.

- v. *The proposed use would not have a significant, detrimental effect on the use and peaceful enjoyment of abutting property as the result of noise, vibrations, fumes, odor, dust, glare, hours of operation, or other causes;*

All activities are proposed within the existing building. Conditions of Approval include those for adequate odor control reinforcing the performance standards in the Ordinance.

- vi. *The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets would not create hazards to public safety or traffic congestion;*

Ample parking is provided on-site to meet the expected need.

- vii. *The proposed use would generate a volume of traffic that can reasonably be accommodated by the existing road network, or would not create unreasonable traffic hazards or would not exacerbate an existing traffic hazard, or would not create unreasonable traffic congestion;*

The applicant expects that the highest number of staff on-site at this location at any given time to be six (6). Staff anticipates no issues with hazards to public safety or traffic congestion since the use itself generates very little traffic and Drapeau Street does not carry a tremendous amount of traffic, to begin with.

- viii. *The proposed use would not have a significant, detrimental effect on the value of adjacent properties which could be avoided by reasonable modification of the proposal;*

Adjacent parcels are industrial/commercial. The operation should not change in any way that may impact this standard negatively given the recommended Conditions of Approval and existing Performance Standards.

- ix. *The proposed use would not have an adverse impact on the privacy of the residents of the immediate area (within 500 feet) which could be avoided by reasonable modification of the proposal;*

All activities will be conducted inside the building, the location is within the Biddeford Industrial Park, and although there is an existing non-conforming use at the corner of Drapeau Street and Route 1, the activities proposed are located fully within the facility in the far side of the building away from Route 1 and this residential property.

- x. *The proposed use would be in compliance with Biddeford's Comprehensive Plan;*

Although the Comprehensive Plan does not specifically address Medical Marijuana Growing Facilities, this type of use is specialized light industrial use which is permitted in the I-1 zone as per the Future Land Use Plan of the Comprehensive Plan.

- xi. *The proposed use would not have an adverse impact on the immediate neighborhood or the community relative to architectural design, scale, bulk and building height, identity and historical character, or visual integrity, which could be avoided by reasonable modification of the proposal;*

There are no modifications to the Site or the building's exterior proposed.

- xii. *The design of the site would not result in significant flood hazards or flood damage or would be in conformance with applicable flood hazard protection requirements;*

The property is not located in a flood zone.

- xiii. *Adequate provision has been made for disposal of wastewater or solid waste or for the prevention of ground or surface water contamination;*

The City of Biddeford has provided an Ability to Serve letter regarding City Sewer.

- xiv. *Adequate provision has been made to control erosion or sedimentation;*

There are no site improvements/disturbances proposed.

- xv. *Adequate provision has been made to handle stormwater runoff or other drainage problems on the site; and the proposed development will not unduly burden off-site surface water systems;*

There are no site improvements/disturbances proposed.

- xvi. *The proposed water supply would meet the demands of the proposed use for fire protection purposes;*

Maine Water Company serves this site and has provided an Ability to Serve letter.

- xvii. *Adequate provision has been made for the transportation, storage, and disposal of hazardous substances and materials as defined by state law;*

The applicant has not indicated there will be a presence of hazardous substances, and if there were, State Law must be adhered (Condition of Approval #2).

- xviii. *The proposed use would not have an adverse impact on scenic vistas or on significant wildlife habitat or wetland areas and water bodies which could be avoided by reasonable modification of the proposal;*

No site alterations are proposed for the site.

- xix. *When located in the Shoreland Zone, the proposed use would meet the purposes of Shoreland Zoning as identified in Article XIV, Section 1 (Purposes) of this ordinance.*

The parcel is not located in a Shoreland Zone.

8. STAFF RECOMMENDATION

Based on the proposal Staff recommend granting the waiver for “Full Site Plan Review” and approving the project.

9. NEXT STEPS/SUGGESTED ACTIONS

Recommend the Planning Board grant the waiver request for a full site plan review submittal given no site alterations are proposed.

Recommend the Planning Board approve the Conditional Use Permit and the Findings of Fact based on the following conditions:

1. **Standard Conditions of Approval apply.**
2. **The applicant shall obtain all other pertinent local, state and federal permits/licenses/insurance such as building, electrical, plumbing, etc prior to commencing business.**
3. **No exterior evidence of cultivation occurring within the property can be visible from any public right-of-way.**
4. **No cannabis odors may be detectable from any place outside the structure(s) in which the use occurs. The applicant must submit to the Code Enforcement Department for review and approval an Odor Abatement Plan. The Odor Abatement Plan must be reviewed and approved by the City prior to permit issuance. The Odor Abatement Plan must be implemented prior to the issuance of an occupancy permit. The Odor Abatement Plan must include the following:**
 - a. **A floor plan, specifying locations of odor-emitting activity(ies) and emissions.**
 - b. **A description of the specific odor-emitting activity(ies) that will occur.**
 - c. **A description of all equipment and methods to be used for reducing odors and ensuring that odors do not migrate outside of the structure(s). Odor control equipment should consist of a building, or if applicable, room ventilation system that collects the air from all potential odor generating activities and direct to a control device such as an activated carbon system. A Professional Engineer and a Certified Industrial Hygienist must review and certify that the equipment and methods to be used for reducing odors and ensuring adequate indoor air quality consistent with accepted and available industry-specific best control technologies and methods designed to ensure that odors from the use do not migrate outside of the structure(s) and that air quality inside the structure(s) meet acceptable industry standards.**

10. SAMPLE MOTIONS:

- I. Motion to waive Article XI, Full Site Plan Review.*
- II. Motion to approve the Conditional Use Permit for Clean Cannabis, LLC for a Medical Marijuana Growing Facility at 5 Drapeau Street (Tax Map 12, Lot 22) and approve the findings of fact based on the conditions as provided in Staff's Report dated April 28, 2020.*
- III. Motion to deny the application based upon the following reasons:*
 - a) _____*
 - b) _____*

ATTACHMENTS

- 1. Conditional Use Permit Application Package
- 2. Draft Findings of Fact and Conclusions of Law

Clean Cannabis, LLC

City of Biddeford

Planning Department

205 Main Street, Biddeford ME

To the Distinguished Members of the Biddeford Planning Board:

We are proposing a change of use at 5 Drapeau Street to allow us to operate a Medical Marijuana storage and packaging business. This business would fall under the allowed land use of "Medical Marijuana Growing Facility" in Biddeford's code of ordinances. This use is allowed as a Conditional Use in the I-1 zone.

By definition, a Medical Marijuana Growing Facility is "a facility used for cultivating, **processing, and/or storing medical marijuana** by one or more medical marijuana caregiver(s) at a location which is not the medical marijuana caregiver's primary year-round residence or his/her patient's primary year-round residence. This shall be considered a commercial land use."

We will not be cultivating at this facility, but we will be processing and storing medical marijuana under my caregiver license. The products packaged and stored at this facility will be supplying two licensed medical marijuana stores that are under common ownership of Clean Cannabis, LLC.

There will be no additional odor generated by this land use as we will be placing state of the art carbon scrubbers throughout our 3,000 sq ft space. Our security plan was submitted to the Police Department, which has since been approved and is attached to this application. This should satisfy all requirements for a conditional use as stated in Section 77 - Medical Marijuana.

Our landlord has already spoken with Greg Tansley and has requested a waiver of site plan review since this use will be added to an existing building. The Master Plan has also already been submitted by our landlord to Greg Tansley and he responded that it would fulfill the architectural rendering/drawing requirements.

As someone who was born and raised in Biddeford, I am looking forward to coming full circle and bringing my business back to Biddeford. If you have any questions or would like any additional information, please feel free to reach out.

Best,

Thomas Mourmouras, *President*



CITY OF BIDDEFORD, MAINE
PLANNING BOARD
P.O. Box 586, 205 Main Street Biddeford, Maine 04005
207-284-9115

APPLICATION FORM

Type of Application:

- | | | |
|--|---|--------------------------------------|
| ☐ Shoreland Zoning Permit | ☐ Site Plan Review | ☐ Extraction |
| ☒ Conditional Use Permit | ☐ Subdivision | ☐ Private Way |
| ☐ Other: _____ | | |

Applicant Information:

Applicant's Name: Clean Cannabis, LLC
Applicant's Mailing Address: 30 Saco Avenue, Old Orchard Beach ME 04064
Applicant's Telephone: (207) 776-3552

What is Applicant's legal interest in the property?

- ☐ Owner ☐ Potential Buyer with Contract ☒ Lease/Rental Agreement

Owner's Name: Go Development, LLC
Owner's Address: P.O. Box 111, Kennebunk ME 04043
Owner's Telephone: (207) 590-3251

Agent's Name: N/A
Agent's Address: _____
Telephone: _____

Engineer/Surveyor: N/A
Engineer/Surveyor's Address: _____
Telephone: _____

Project Location and Lot Information:

Street Address: 5 Drapeau Street, Biddeford ME 04005
Tax Map: 12 Lot: 22
Current Zoning: I-1 Shoreland Zoning: N/A

Size of lot: 4.6 ☒ acres ☐ s.f. Lot Frontage: 425.68'

Existing Use of Property: Medical Marijuana Cultivation, Extraction Lab, Warehouse

Property currently serviced by:

☒ City Road	☐ Private Road
☒ Public Sewer	☐ Septic System
☒ Public Water	☐ Private Well
☐ Public Trash	☒ Private Hauler

Slope Conditions in Area of Construction (if applicable):

☒ Flat (0-3 % slope) ☐ Rolling (3-8% slope) ☐ Hilly (8-15% slope) ☐ Steep (15% + slope)

Are there any wetlands or waterbodies on the site? ☐ Yes ☒ No If yes, attach information

Do you plan to bring fill onto the lot? ☐ Yes ☒ No If yes, attach information

Description of proposed use of property:

Project/Proposed Use Description: Medical Marijuana Processing & Storage
Description of use provided in cover letter to Planning Board.

Property to be serviced by:

<u>N/A</u>	☐ City Road	☐ Private Road
<u>Existing Building</u>	☐ Public Sewer	☐ Septic System
	☐ Public Water	☐ Private Well
	☐ Public Trash	☐ Private Hauler

Is this project part of a larger project? ☐ Yes ☒ No

- ☐ If in a Shoreland Zone: N/A
Percent of residential lot coverage (Max. 20%): _____
Percent of structure expansion (Max. 30%): _____
- ☐ If Subdivision Review, number of lots proposed: N/A _____
- ☐ If a Private Way is proposed, number of lots served: N/A _____
- ☐ If Site Plan Review, you must provide the following information:
Total new square feet footprint of structures: N/A _____
Total new square feet paving/parking: _____

Waiver Requests (attach details):

1. Site Plan Review - Existing Buildings
2. _____
3. _____
4. _____
5. _____

Attachments:

A. Letters of Approval

- ☒ Fire Department - Contact Chief or Deputy Chief - 282-9986
- ☒ Ability to Serve for Water Service - Maine Water - 282-1543
- ☒ Ability to Serve for Sewer Service- Engineering Dept (Sewer) - Tom Milligan 284-9118
- ☒ Police Department - E-911 Road Name Designation - Contact Joanne Fisk - 282-5127

B. Letter to Planning Board describing project, waiver requests, proposed improvements, addressing permit requirements, etc.

C. Photographs of site.

D. Architectural renderings/drawings of proposed buildings, as required. N/A - Master Plan SubmittedE. Engineered Plans, as required. N/A

Fees (due at time of application):

Refer to "Attachment A Fees and Charges" of the Land Development Regulations for more information.
Consult with Planning Staff if you have questions.

Required Signatures:

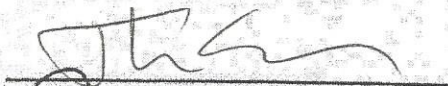
By signing this application, as the foresaid applicant or authorized agent:

- I certify that I have read and completely understand the application;
- I certify that the information contained in this application and it's attachments are true and correct;
- I understand that all information provided on this form and all other documents submitted as part of my proposal is a matter of public record;
- I understand that copies of this information may be supplied upon request to an interested party.
- I understand that additional funds may be required through the course of review for special studies, legal review costs, and/or engineering review.
- I understand that by submitting this application I am not guaranteed a place on any particular agenda. I further understand that the City Planner will place me on an agenda for review when the application is deemed substantially complete.

☐ Project proposed to have 1 acre or more of site disturbance: N/A

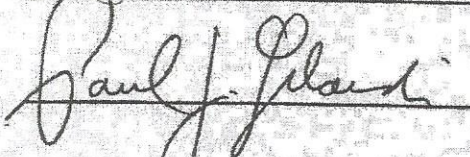
-Project may need to apply for a Maine Construction General Permit and shall comply with the requirements of DEP Chapter 500 Stormwater Regulations, as they apply.

Signature of applicant:



Date: 4/14/2020

Signature of owner of property:



Date: 3/31/2020

**IF PLAN APPROVAL IS ANTICIPATED, PROVIDE 2 FULL SIZE MYLARS & 2 FULL
SIZE PAPER COPIES FOR BOARD SIGNATURE (AS APPLICABLE).
CHECK WITH PLANNING STAFF FOR CLARIFICATION.**

April 14, 2020

RE: Letter of Intent - 5 Drapeau Street, Biddeford ME 04005

This letter sets forth the terms and conditions under which GO Development, LLC (hereinafter referred to as "Landlord") is willing to enter into a lease agreement with Clean Cannabis, LLC (hereinafter referred to as "Tenant") for space at the above-referenced location.

Property: 5 Drapeau Street, Biddeford ME 04005

Tenant: Clean Cannabis, LLC

Landlord: GO Development, LLC

Demised Premises: The demised premises shall be deemed to contain 3,000± S.F of leased warehouse space.

Lease Term: 6/1/2020 - 5/31/2023

Lease Execution Date: 6/1/2020

Rent Commencement Date: 6/1/2020

Additional Year Option(s): Two (2), Three (3) Year Options

Condition of Demised Premises: As is, Broom Clean, Landlord shall have all utilities functioning and available to the Tenant for the space, including water/sewer, gas, electric, life safety & alarm systems.

Tenant's Work: Any and all modifications to the building by Tenant or Tenant's agent shall be submitted to Landlord for their approval prior to commencement of work. Tenant agrees that all work shall be completed in compliance with all applicable state and municipal building codes and ordinances, and otherwise in accordance with the terms of the Lease.

Lease Rate: \$10/sq ft NNN

CAM Charges: Tenant shall pay all CAM Charges due under the Lease.

Parking: Landlord will provide tenant with enough spaces as necessitated by Biddeford's Code of Ordinances for the proposed use.

Use: Tenant will use the Demised Premises for Maine Medical Marijuana (Packaging/Distribution) subject to receiving approval and in compliance with both Biddeford and Maine laws & ordinances.

Security Deposit: Upon full execution of the sub-lease, Tenant will deposit with GO Development, LLC the sum equal to first month, last month and one-month security deposit (hereinafter referred to as the "Security Deposit"). The Security Deposit shall be refunded at the expiration

of the term of the lease in accordance with the terms thereof.

Signage:

Signage will be at Tenant's sole expense; however, subject to the prior written approval of design and location by Landlord prior to installation and also subject to any standards in use at the property, and otherwise in accordance with the terms of the Lease. Such approval shall not be unreasonably withheld or delayed.

Assignment/Sublet:

Tenant shall be allowed to sublet the Demised Premises in accordance with the terms of the Lease.

Zoning:

It is the responsibility of Tenant to determine all zoning information and secure all necessary or required permits and approvals for its proposed use of the subject premises. Landlord makes no representations or warranties as to the suitability of: or the ability to obtain regulatory approval for, the Demised Premises for Tenant's intended use.

Third-Party Guarantor:

Thomas Mourmouras and/or members of Clean Cannabis, LLC.

Credit Check/Financial:

Moving forward with the negotiations of a lease agreement is subject to Landlord's review and approval of Tenant's and Third-Party Guarantor's credit references and financial statements. Such information to be provided by Tenant within five days of full execution of this Letter of Intent.

Letter of Intent
Expiration:

This letter of intent is valid until 5/31/2020.

Emails/Facsimiles:

-The undersigned agree to accept scanned and emailed or fax copies of the documents which have been sent by either party to the other, or to any other party or agent to this transaction, as original documents, with the exception of the final lease document.

Miscellaneous:

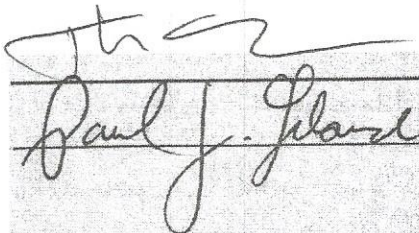
It is agreed that this Letter of intent is subject to the formal execution of a mutually agreeable lease and until such lease is signed by all parties, this Letter of Intent will be non-binding, except that all parties agree to negotiate in "good faith".

Very truly yours,



Thomas Mourmouras

SEEN AND AGREED TO:



Tenant
Landlord

Date: 4/14/2020

Date: 4/14/2020



Maine Medical Use
Of Marijuana

Date Issued: 06/20/2019
Expires: 07/17/2020

Individual Caregiver

THOMAS PETER MOURMOURAS

DOB: 11/18/1991

No Retail Location Provided

Registration #: CGR25725

Control #: 211914

Authorized for: 12 mature/24 immature and/or
Harvested



BIDDEFORD POLICE DEPARTMENT

39 ALFRED STREET, BIDDEFORD, MAINE 04005

COURAGE • HONOR • INTEGRITY



ROGER P. BEAUPRE
Chief of Police

(207) 282-5127
biddefordmaine.org/police

April 14, 2020

William Southwick, Chairman
City of Biddeford Planning Board
205 Main Street
Biddeford, ME 04005

RE: Thomas Mourmouras DBA: Clean Cannabis
5 Drapeau Street Ste. 105 Biddeford, ME 04005

Dear Mr. Southwick,

The above has applied for a conditional use permit through the City of Biddeford's Planning Department regarding Medical Marijuana.

Biddeford City Ordinance Section 77 **Medical marijuana**, refers to:

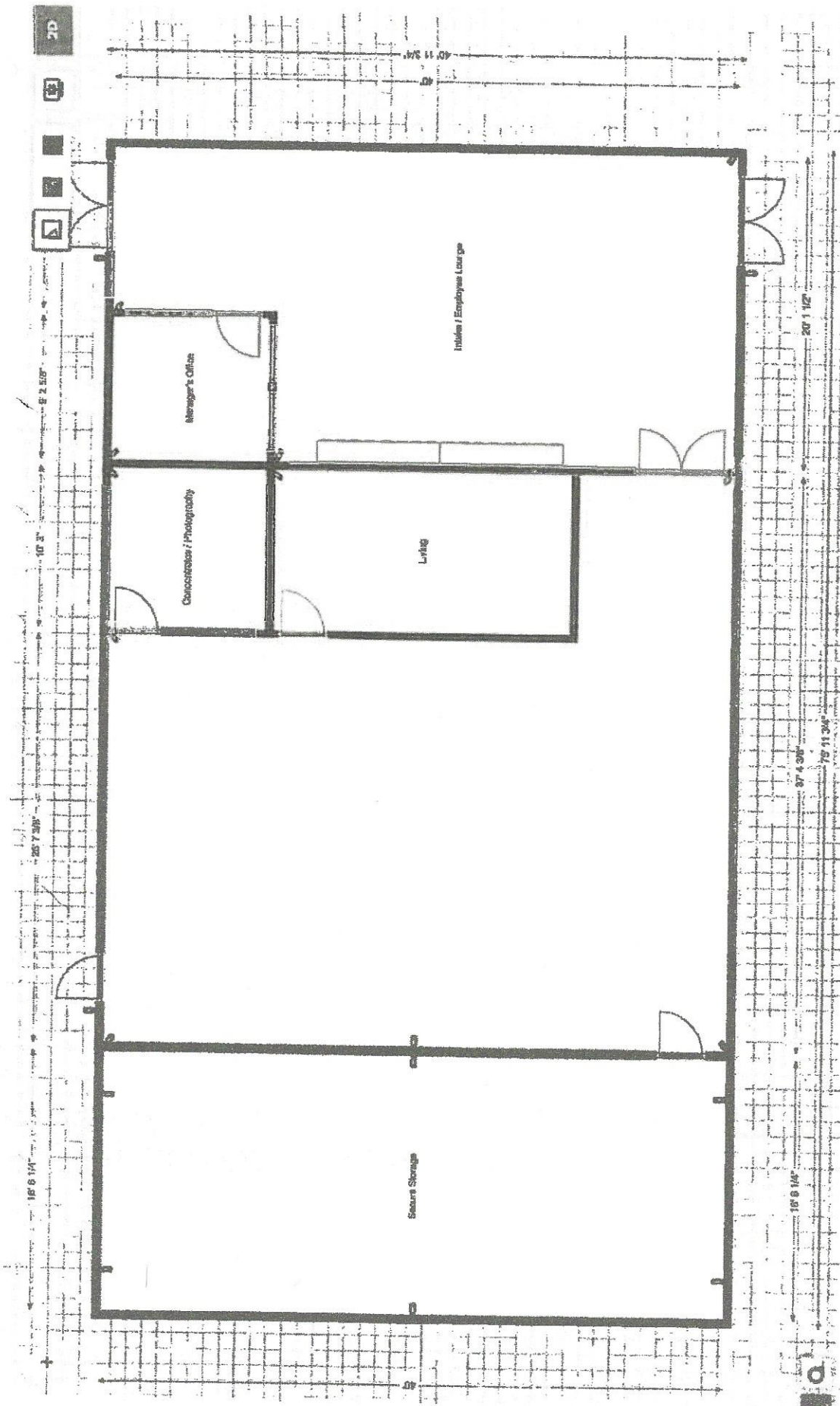
"Before granting an approval, the Planning Board shall ensure the applicant has reviewed his or her property and building security plans with the Biddeford Police Department and the Police Department finds the security measures are consistent with state requirements."

In reviewing the State of Maine's Medical Use of Marijuana Program 18-691, Code of Maine Rules Chapter 2, Section 3 on "Security" the above applicant(s) security plan meets minimum State of Maine requirements.

Regards,

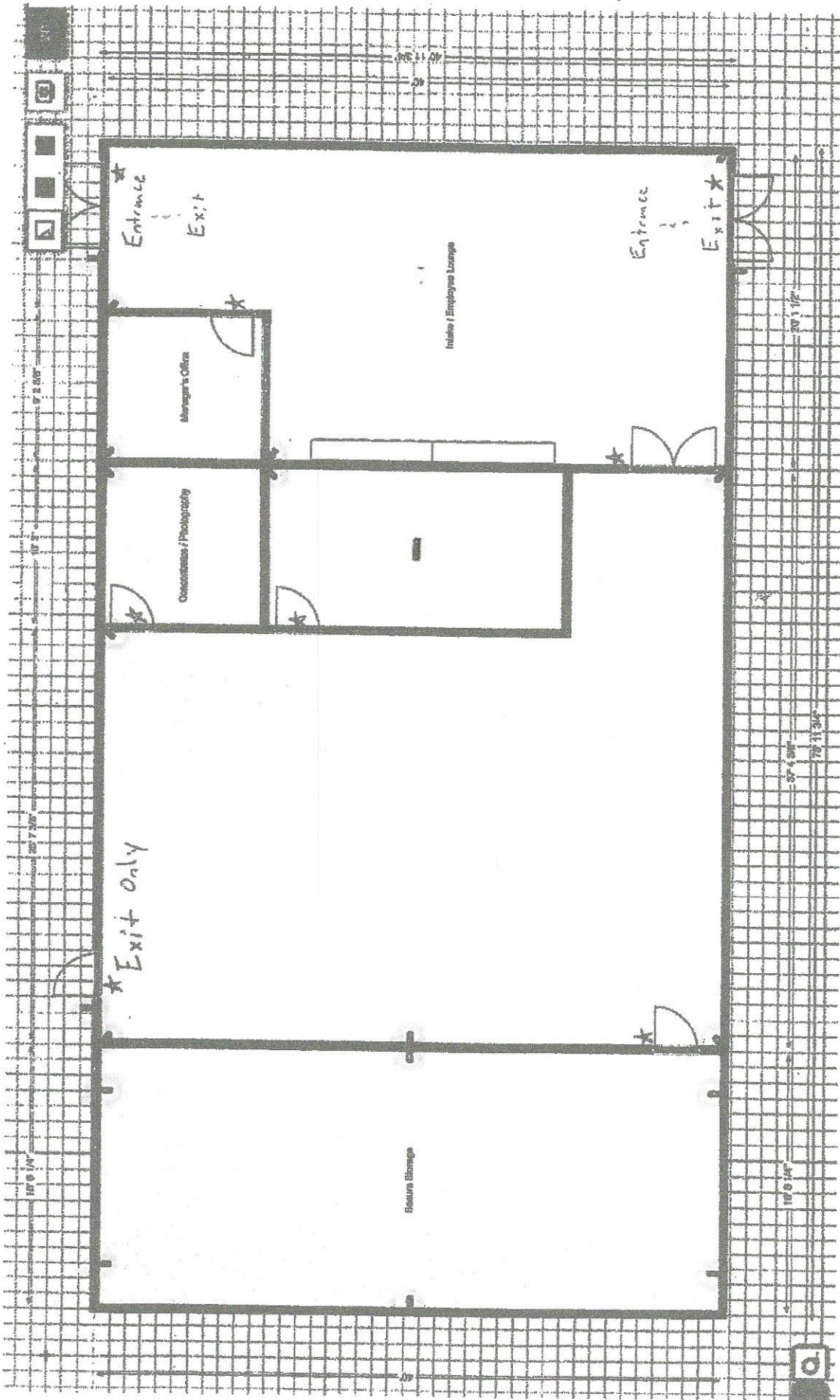

JoAnne W. Fisk
Deputy Chief of Police

S Drapeau Street, Bridgeton Floor Plan



thomas moumoukatos
clean C.A.W.A.B.I.S LLC

5 Drapeau Street, Biddeford Security Plan



* 8 RFID ID Scanners for each interior/exterior door.



April 14, 2020

Greg Tansley, AICP
City Planner
PO Box 586
Biddeford, ME 04005

Dear Greg,

GO Development would like to submit a request to the Planning Board to waive the Site Plan Review as part of the application for Conditional Use for 1 existing tenant and a potential new tenant for our 5 Drapeau Street facility. The companies who are submitting applications for your review are Clean Cannabis and Maine Organic Therapy. The facility at 5 Drapeau Street is an existing building. Pursuant to Article VII Conditional Uses, Section 3. B. "In cases where expansion will not change the existing use, or the exterior dimensions of any existing building, the Planning Board may pass upon the review procedure and waive the submission requirements in order that the project may be expedited." We ask the board to waive the site plan review due to the fact that we will not change the exterior dimensions of the existing building. Thank you in advance for your consideration.

Best regards,

Bethanie Z.S. Cardner
Business Manager



**CITY OF BIDDEFORD
FIRE DEPARTMENT**

152 Alfred Street
Biddeford, Maine 04005
Tel: 207-282-6632
Fax: 207-283-8243

Chief Scott R. Gagne
Assistant Chief Paul R. LaBrecque
Deputy Chief Kevin D. Duross

Beth Cardner
GO Development, LLC
Business Manager
P.O. Box 111
Kennebunk, Maine 04043
April 10, 2020

Subject: Ability to Serve
5 Drapeau Street

Dear Ms. Cardner,

The Biddeford Fire Department has received information for a conditional use application for three businesses, Clean Cannabis, for packaging and storage of Medical Marijuana, Maine Organic Therapy to expand their existing Cultivation Facility, and Old Port Wellness to set up a Medical Marijuana Dispensary at 5 Drapeau Street.

It is the position of the Biddeford Fire Department, that we will provide emergency service as long as the fire department is available at time of request. It is of the understanding that the Biddeford Fire Department may request assistance from mutual aid departments in the event the fire department is not available to respond.

All State and Local codes must be met.

Please contact the Biddeford Fire Department if you have any questions and or concerns.

Respectfully,

Paul R. LaBrecque
Assistant Chief
Office of Fire Prevention

Cc: Greg Tansley Planning Office, Planning board Members



April 10th, 2020

GO Development, LLC
Bethanie Z. S. Cardner
PO Box 111
Kennebunk, ME 04043

Re: Ability to Serve Determination – 5 Drapeau St – Multi Unit Building – Biddeford

Dear Ms. Cardner,

The Maine Water Company (MWC) has received your request for an Ability to Serve Determination for the existing multi-unit building and office space located at, 5 Drapeau St, Biddeford, Maine for the above referenced project. The request indicates a maximum buildout of approximately 75 employees distributed over multiple small businesses in the existing building. The static pressure in the area is approximately **42psi**. Domestic and fire services are available and MWC does have sufficient capacity in the area from the existing 16-inch cast iron main on Drapeau St to serve this project. Additional infrastructure improvements may be required at the expense of the developer to meet the overall needs of this project.

Conditions of Service

- The service lines for the proposed renovated spaces will be tapped off of existing infrastructure and internal plumbing after MWC's meter. MWC is not be responsible for adding a sub-meter or reading a sub-meter if one is installed to adequately define usage for this proposed rental spaces.
- MWC understands this project as an existing building that is undergoing renovations for new rental spaces. Each space is unique and may require domestic water for bathrooms, utility sinks and basic office supply needs.
- Additional changes to this location would require further review from MWC such as needing to upsize the service lines.

Should a Customer Agreement for service not be executed within one year of the date of this letter, MWC reserves the right to reevaluate its ability to serve this project.

All work must be completed in accordance with Maine Water Company material and installation specifications. All appropriate paperwork must be completed and the deposit paid prior to the start of construction. Please forward all design plan revisions as the project develops to prevent construction delays.

Water service will be provided in accordance with our standard terms and conditions as well as Maine Public Utilities Commission rules. If you have any additional questions, please do not hesitate to contact our office at 1-800-287-1643 or by email at Marcus.Knipp@mainewater.com. We look forward to working with you throughout design and construction.

Sincerely,
The Maine Water Company

Marcus Knipp, E.I.T.
Engineer

Beth Cardner

From: Milligan, Tom <Tom.Milligan@Biddefordmaine.org>
Sent: Monday, April 13, 2020 8:48 AM
To: Tansley, Greg
Cc: Beth Cardner; Demers, Jeff; Sanchioni, Robert
Subject: ability to serve 5 Drapeau St

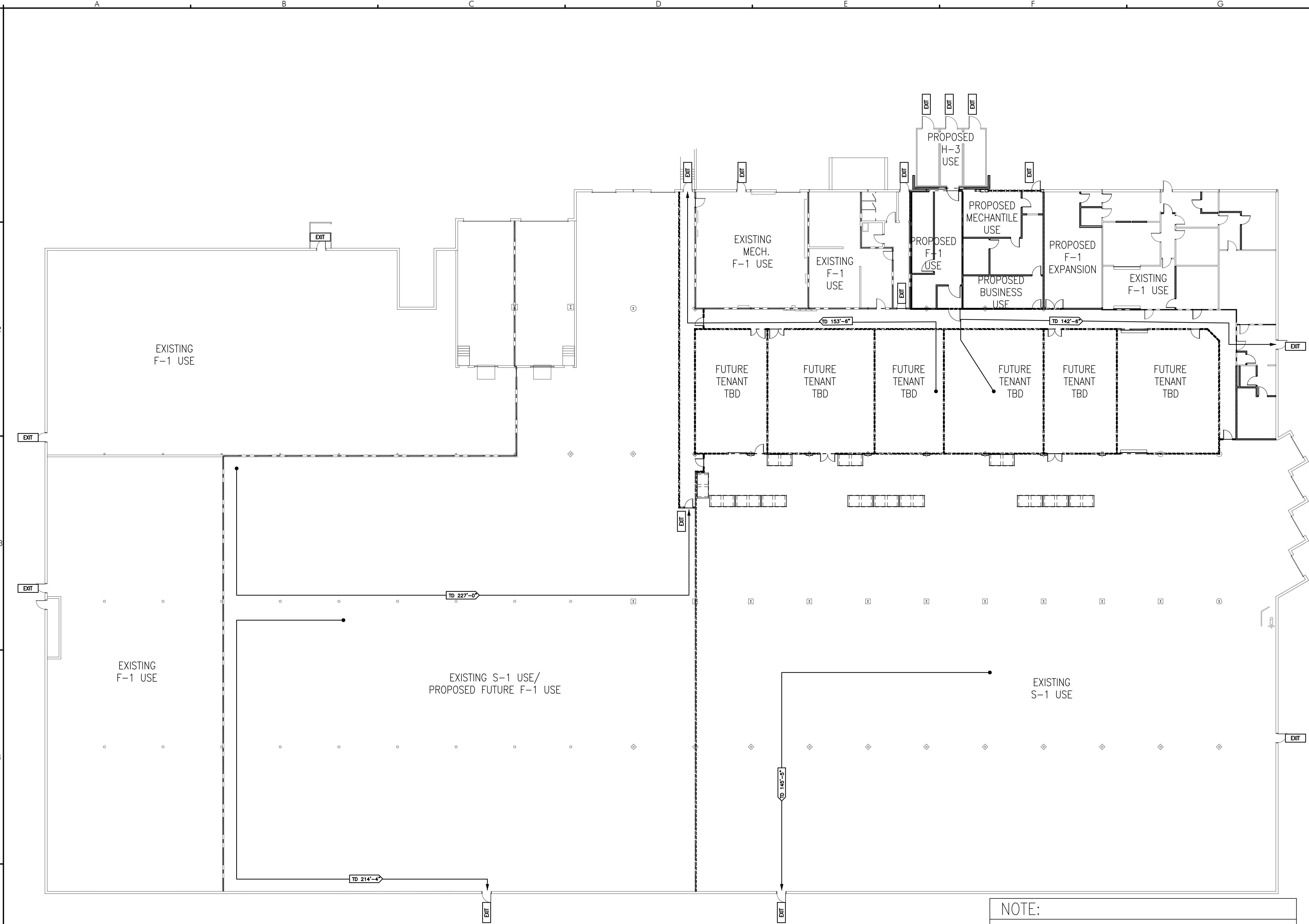
The city has the ability to serve the proposed additional flows to be generated by the proposed expansion. A pump station impact fee may be required.

Tom

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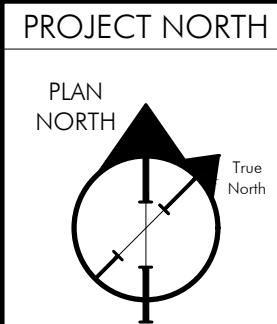




NOTE:

THE EXISTING BUILDING IS CONSIDERED AN UNLIMITED AREA, F-1 FACILITY. IT HAS BEEN THE INTENT OF THE BUILDING'S OWNER TO BETTER UTILIZE THE BUILDING AS A MULTI-TENANT FACILITY. FOR PURPOSES OF MASTER PLANNING THE OWNER INTENDS TO INCORPORATE A SEPARATED USE METHODOLOGY. IT HAS BEEN DETERMINED THAT 1-HOUR FIRE RATED ASSEMBLIES WILL LIKELY BE THE MOST COMMON REQUIREMENT FOR EACH TENANT SEPARATIONS FIRE BARRIER. THE INFORMATION ABOVE DEPICTS THIS CONDITION.

IT IS UNDERSTOOD THAT THIS DRAWING SIMPLY REPRESENTS A SNAPSHOT IN TIME AND THAT AS NEW TENANTS ARE FOUND, EACH WILL NEED TO BE EVALUATED AND THE APPROPRIATE SEPARATION ASSEMBLIES PUT IN PLACE AS REQUIRED. SPACES LABELED AS "FUTURE TENANT" ARE SIMPLY PLACE HOLDERS. SPACES LABELED AS "POTENTIAL TENANT" MEANS THAT THAT THE OWNER IS WORKING WITH A PROSPECTIVE TENANT IN ESTABLISHING A LEASE. A NEW BUILD-OUT FOR THE TENANT MAY BE NECESSARY AND SUBMITTED AT A LATER DATE IN TIME.



CWSARCHITECTS
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264 US Route One, Suite 100-2A
Scarborough ME 04074
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GUY T. LABRECQUE, JR.
LICENSED ARCHITECT
2558
STATE OF MAINE

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DESIGNER

HIGHTECH LABS, LLC
5 DRAPEAU STREET
BIDDEFORD, ME 04005

OWNER

5 DRAPEAU STREET
MASTER PLAN
BIDDEFORD, ME 04005

PROJECT

OVERALL BUILDING
MASTER PLAN
CWS PROJECT NUMBER: 19055

DRAWING

REVISIONS

DRAWING NUMBER
MP1.00
SCALE: AS NOTED
DATE: 01/09/2019



BIDDEFORD POLICE DEPARTMENT

39 ALFRED STREET, BIDDEFORD, MAINE 04005

COURAGE • HONOR • INTEGRITY



ROGER P. BEAUPRE
Chief of Police

(207) 282-5127
biddefordmaine.org/police

April 14, 2020

William Southwick, Chairman
City of Biddeford Planning Board
205 Main Street
Biddeford, ME 04005

RE: Thomas Mourmouras DBA: Clean Cannabis
5 Drapeau Street Ste. 105 Biddeford, ME 04005

Dear Mr. Southwick,

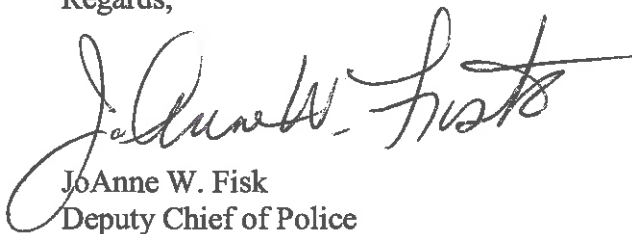
The above has applied for a conditional use permit through the City of Biddeford's Planning Department regarding Medical Marijuana.

Biddeford City Ordinance Section 77 **Medical marijuana**, refers to:

"Before granting an approval, the Planning Board shall ensure the applicant has reviewed his or her property and building security plans with the Biddeford Police Department and the Police Department finds the security measures are consistent with state requirements."

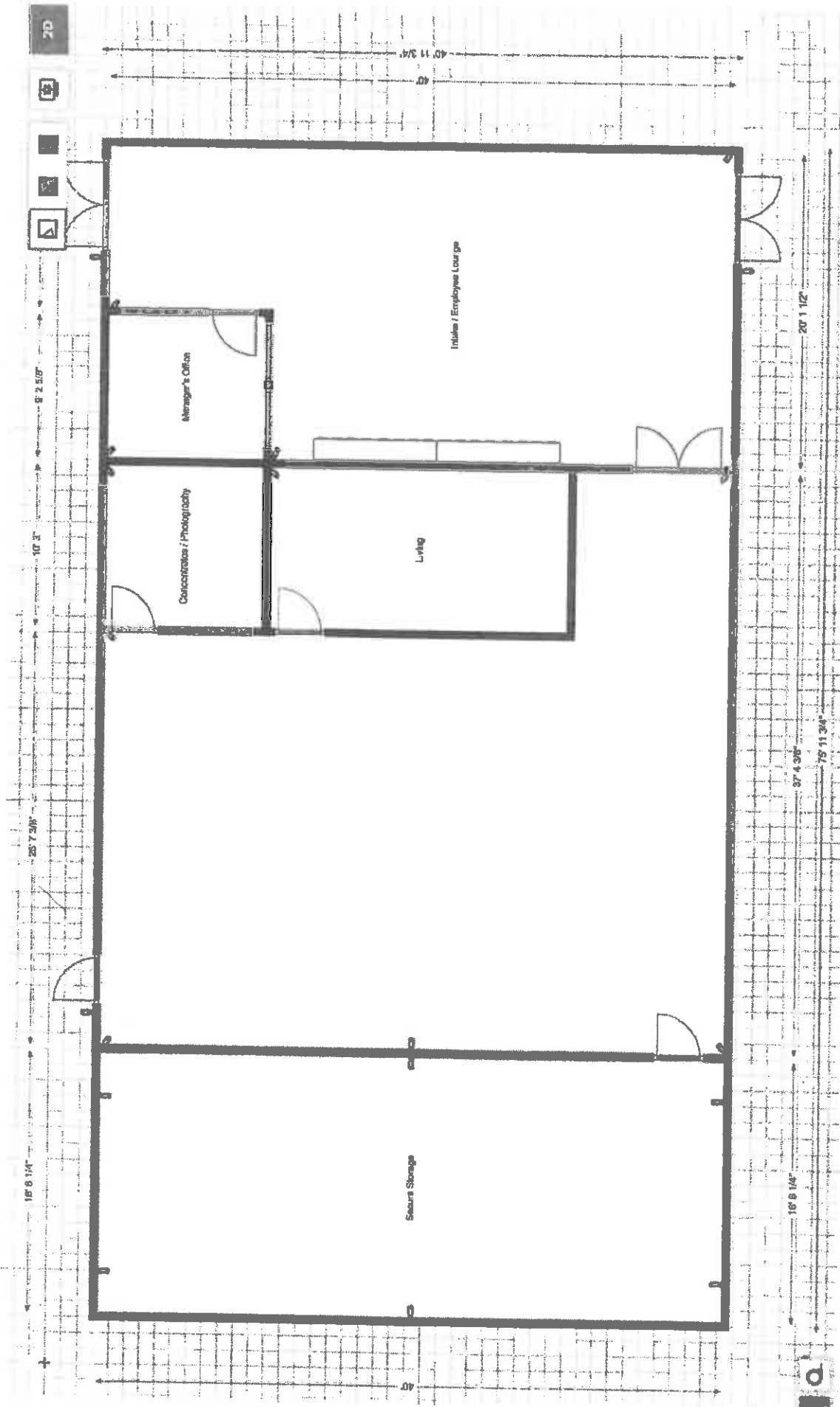
In reviewing the State of Maine's Medical Use of Marijuana Program 18-691, Code of Maine Rules Chapter 2, Section 3 on "Security" the above applicant(s) security plan meets minimum State of Maine requirements.

Regards,



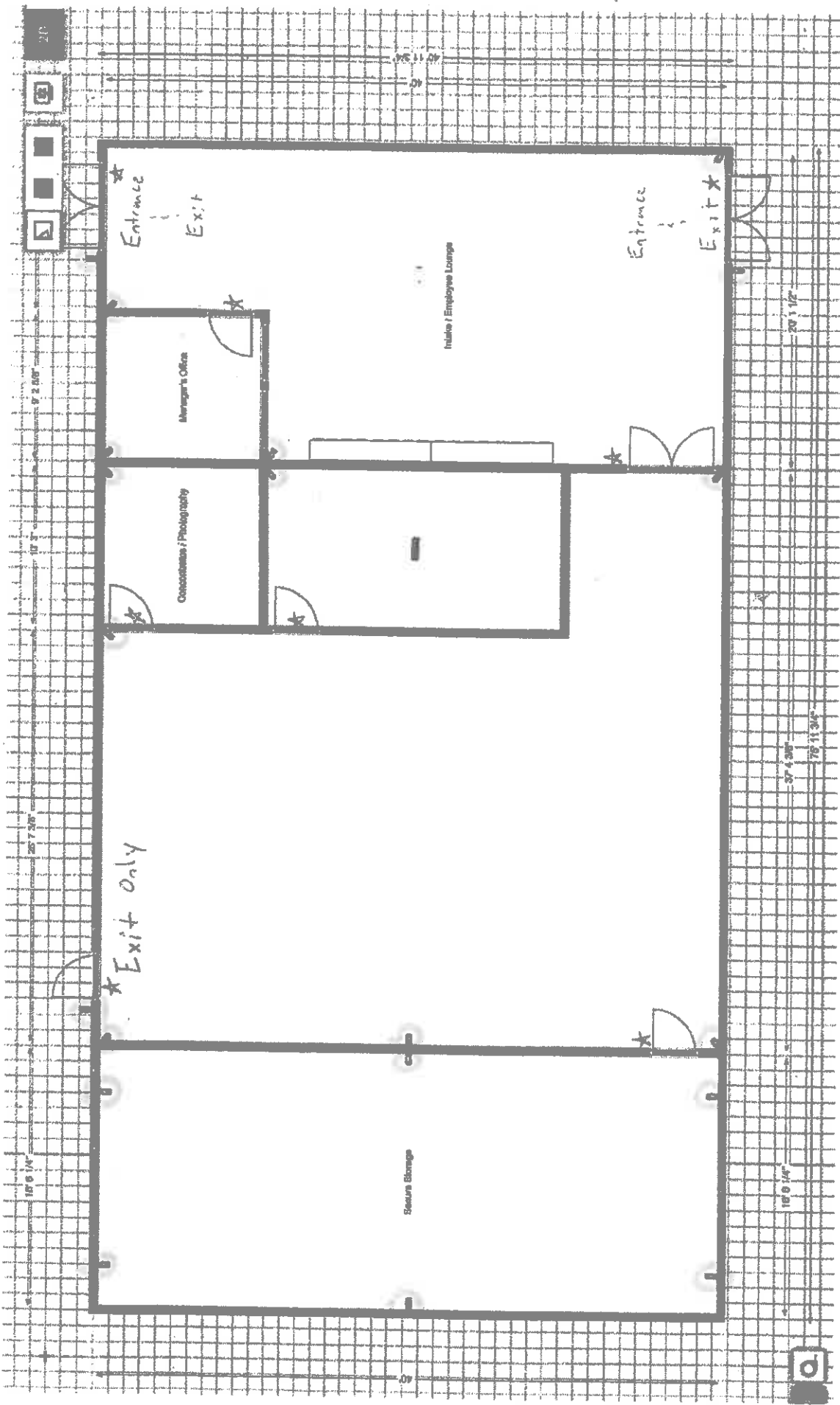
JoAnne W. Fisk
Deputy Chief of Police

S Drapeau Street, Bridgeton
Floor Plan



Thomas Mouchmoukoff Clean C.A.W.A.B.I.S. LLC

5 Drapeau Street, Biddeford Security Plan



18 Cameras w/ 45 Day Recording Capacity

★ 8 RFID ID Scanners for each interior/exterior door.

FINDINGS OF FACT AND CONCLUSIONS OF LAW CONDITIONAL USE PERMIT

Pursuant to the provisions of the City of Biddeford Land Development Regulations, Article VI (Conditional Uses) and Article XI (Site Plan Review), the Biddeford Planning Board has considered the application of Maine Organic Therapy, Inc. to expand its existing growing operations from approximately 22,000 SF to 50,000 SF. at 5 Drapeau Street. Based on its review, including supportive data, public hearing testimony and related materials contained in the record, the Planning Board makes the following Findings of Fact and Conclusions of Law:

Findings of Fact:

	SUBJECT	DATA/INFORMATION
1.	Applicant:	Maine Organic Therapy, Inc. 5 Drapeau Street Biddeford, ME 04005
2.	Owner of Property:	GO Development, LLC PO Box 111 Kennebunk, ME 04043
3.	Agent:	N/A
4.	Project Location:	5 Drapeau Street
5.	Project Tax Map #/Lot #:	12/22
6.	Existing Zoning:	I-1 – a Medical Marijuana Growing Facility is a Conditional Use
7.	Overlay Zoning:	None
8.	Existing Use:	Commercial/Industrial
9.	Proposed Use:	Expansion of an existing 22,000 SF Growing Facility by bringing the total space to approximately 50,000 SF.
10.	Approvals Required:	Conditional Use
11.	Uses in the Vicinity:	Commercial/Industrial
12.	Number of Lots/Units in Subdivision:	N/A
13.	Minimum Lot Size Required: Provided:	None 4.6 acres
14.	Frontage Required: Provided:	50' 425' +/-
15.	Front Setback Required: Provided:	40' >40'
16.	Side Setbacks Required: Provided:	25' >25'
17.	Rear Setback Requires:	25'

	Provided:	>25'
18.	Height Requirements: Provided:	60 feet or 6 stories. < 60 feet
19.	Water Supply:	Maine Water Company (Ability to Serve Letter Provided)
20.	Sewerage Disposal:	City of Biddeford (Ability to Serve Letter Provided)
21.	Solid Waste Disposal:	Private Hauler
22.	Fire Protection:	City of Biddeford
23.	Floodplain Status:	Property is not within a NFIP Zone A or V floodzone
24.	Wetland/Surface Water Impacts:	None
25.	Soil Study Provided:	N/A
26.	Parking Spaces Required:	Total expected employees on-site at any on time is 15 so 15 parking spaces are required by Maine Organic Therapy. Parking Breakdown: - Clean Cannabis: 6 (pending) - Maine Organic Therapy (pending): 15 - Hightech Labs/GO Extracts (existing): 9
27.	Parking Spaces Provided (total): # Handicapped Spaces:	90 Provided on-site. 2 Provided.
28.	Ownership of Road:	Drapeau Street is a Public Street
29.	Impervious Surface Area:	0 SF Change
30.	Total Disturbed Area:	0 SF
31.	Estimated Site Development Costs:	N/A
35.	Financial Capacity Letter:	N/A – Internal Construction Only
36.	Waivers Requested/Needed:	a. Article XI, Full Site Plan Review as per Article XI, Section 9.B.2.
37.	Waivers Granted:	a. Article XI, Full Site Plan Review as per Article XI, Section 9.B.2.
38.	Variances Needed for Approval:	None.
39.	Other Permits Obtained:	N/A
40.	Other Non-City Permits Required:	None.
41.	Covenants, By-laws, Restrictions Required:	None
42.	LDR Attachment A: Fess Paid:	Yes
43.	Planning Board Review History: Conditional Use Permit	May 6, 2020

Conclusions of Law:

1. The proposed use meets specific requirements set forth in this ordinance and would be in compliance with applicable state or federal laws;
2. The proposed use would not create fire safety hazards by providing adequate access to the site, or to the buildings on the site, for emergency vehicles and would not create hazards through the storage of chemicals and wastes;
3. The proposed exterior lighting, where allowed, would not create hazards to motorists traveling on adjacent public streets or is adequate for the safety of occupants or users of the site or would not damage the value and diminish the usability of adjacent properties;
4. The provisions for buffers and on-site landscaping provide adequate protection to neighboring properties from detrimental or unsightly features of the development;
5. The proposed use would not have a significant, detrimental effect on the use and peaceful enjoyment of abutting property as the result of noise, vibrations, fumes, odor, dust, glare, hours of operation, or other causes;
6. The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets would not create hazards to public safety or traffic congestion;
7. The proposed use would generate a volume of traffic that can reasonably be accommodated by the existing road network, or would not create unreasonable traffic hazards or would not exacerbate an existing traffic hazard, or would not create unreasonable traffic congestion;
8. The proposed use would not have a significant, detrimental effect on the value of adjacent properties, which could be avoided by reasonable modification of the proposal;
9. The proposed use would not have an adverse impact on the privacy of the residents of the immediate area (within 500 feet) which could be avoided by reasonable modification of the proposal.
10. The proposed use would be in compliance with Biddeford's comprehensive plan;
11. The proposed use would not have an adverse impact on the immediate neighborhood or the community relative to architectural design, scale, bulk and

building height, identity and historical character, or visual integrity, which could be avoided by reasonable modification of the proposal;

12. The design of the site would not result in significant flood hazards or flood damage or would be in conformance with applicable flood hazard protection requirements;
13. Adequate provision has been made for disposal of wastewater or solid waste or for the prevention of ground or surface water contamination;
14. Adequate provision has been made to control erosion or sedimentation;
15. Adequate provision has been made to handle stormwater runoff or other drainage problems on the site; and the proposed development will not unduly burden off-site surface water systems;
16. The proposed water supply would meet the demands of the proposed project (and for fire protection purposes, if applicable.)
17. Adequate provision has been made for the transportation, storage, and disposal of hazardous substances and materials as defined by state law;
18. The proposed use would not have an adverse impact on scenic vistas, historic sites, archeological resources, or on significant wildlife habitat or wetland areas and water bodies, which could be avoided by reasonable modification of the proposal;
19. When located in the Shoreland Zone, the proposed use would meet the purposes of Shoreland Zoning as identified in Article XIV, Section 1 (Purposes) of this ordinance.
20. The applicant has demonstrated his or her authorization to cultivate, process and store medical marijuana pursuant to the Maine Use of Medical Marijuana Program.
21. The proposed medical marijuana growing facility is no closer than 250 linear feet, measured in a straight line from the dispensary or facility building entrance, to the nearest point on the boundary of any property which is occupied by a licensed day-care facility, school, Town park, Town playground or church.
22. The proposed medical marijuana growing facility property and building security plans have been reviewed by the Biddeford Police Department that finds that the security measures are consistent with state requirements.

23. No signs containing the word "marijuana," or a graphic/image of any portion of a marijuana plant or otherwise identifying medical marijuana shall be erected, posted or in any way displayed on the outside of a medical marijuana dispensary or a medical marijuana growing facility. Interior advertisements, displays of merchandise or signs depicting the activities of a medical marijuana dispensary or a medical marijuana growing facility shall be screened to prevent public viewing from outside such facility.

24. No use shall emit offensive, harmful, or noxious odors beyond the property line.

Approval Granted:

Based on the evidence available and the conclusions above, the Biddeford Planning Board approves the Conditional Use Permit for the proposed project summarized above, located at 5 Drapeau Street (Tax Map 12, Lot 22) in accordance with the submitted application, supporting data, representations made, other related materials on file, and the following Conditions of Approval:

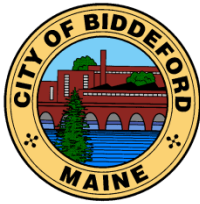
1. **Standard Conditions of Approval apply.**
2. **The applicant shall obtain all other pertinent local, state and federal permits/licenses/insurance such as building, electrical, plumbing, etc prior to commencing business.**
3. **No exterior evidence of cultivation occurring within the property can be visible from any public right-of-way.**
4. **No cannabis odors may be detectable from any place outside the structure(s) in which the use occurs. The applicant must submit to the Code Enforcement Department for review and approval an Odor Abatement Plan. The Odor Abatement Plan must be reviewed and approved by the City prior to permit issuance. The Odor Abatement Plan must be implemented prior to the issuance of an occupancy permit. The Odor Abatement Plan must include the following:**
 - a. **A floor plan, specifying locations of odor-emitting activity(ies) and emissions.**
 - b. **A description of the specific odor-emitting activity(ies) that will occur.**
 - c. **A description of all equipment and methods to be used for reducing odors and ensuring that odors do not migrate outside of the structure(s). Odor control equipment should consist of a building, or if applicable, room ventilation system that collects the air from all potential odor generating activities and direct to a control device such as an activated carbon system. A Professional Engineer and a Certified Industrial Hygienist must review and certify that the equipment and methods to be used for reducing odors and ensuring adequate indoor air quality consistent with accepted and available**

industry-specific best control technologies and methods designed to ensure that odors from the use do not migrate outside of the structure(s) and that air quality inside the structure(s) meet acceptable industry standards.

Planning Board Chairperson

Date

DRAFT



CITY OF BIDDEFORD

2020.10

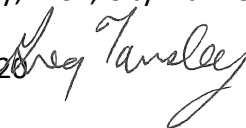
Planning and Development Department

Greg D. Tansley, A.I.C.P.
City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 282-7119 or (207) 284-9115
Greg.Tansley@biddefordmaine.org

PLANNING BOARD REPORT

TO: William Southwick, Chair & the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner

DATE: April 28, 2020 

RE: **NEW BUSINESS ITEM #C** – 2020.10 Conditional Use Permit for Maine Organic Therapy, Inc., to expand its existing Medical Marijuana grow operation at 5 Drapeau Street (Tax Map 12, Lot 22) in the I-1 Zone.

MEETING DATE: MAY 6, 2020 @ 6:00 PM

1. INTRODUCTION

Medical Marijuana Growing Facilities are a Conditional Use in the Industrial-1 (I-1) Zone. Maine Organic Therapy, LLC (MOT) is already located at 5 Drapeau Street where it occupies 22,000 SF of floor area. This proposal would add 28,000 SF of floor area for MOT's use. This expansion of use requires a Conditional Use Permit by the Planning Board.

The space proposed would be in the middle to rear of the building. See below for more information.

2. PROJECT DATA

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Maine Organic Therapy, Inc. 5 Drapeau Street Biddeford, ME 04005
2.	Owner of Property:	GO Development, LLC PO Box 111 Kennebunk, ME 04043
3.	Agent:	N/A
4.	Project Location:	5 Drapeau Street
5.	Project Tax Map #/Lot #:	12/22

6.	Existing Zoning:	I-1 – a Medical Marijuana Growing Facility is a Conditional Use
7.	Overlay Zoning:	None
8.	Existing Use:	Commercial/Industrial
9.	Proposed Use:	Expansion of an existing 22,000 SF Growing Facility by bringing the total space to approximately 50,000 SF.
10.	Approvals Required:	Conditional Use
11.	Uses in the Vicinity:	Commercial/Industrial
12.	Number of Lots/Units in Subdivision:	N/A
13.	Minimum Lot Size Required: Provided:	None 4.6 acres
14.	Frontage Required: Provided:	50' 425' +/-
15.	Front Setback Required: Provided:	40' >40'
16.	Side Setbacks Required: Provided:	25' >25'
17.	Rear Setback Requires: Provided:	25' >25'
18.	Height Requirements: Provided:	60 feet or 6 stories. < 60 feet
19.	Water Supply:	Maine Water Company (Ability to Serve Letter Provided)
20.	Sewerage Disposal:	City of Biddeford (Ability to Serve Letter Provided)
21.	Solid Waste Disposal:	Private Hauler
22.	Fire Protection:	City of Biddeford
23.	Floodplain Status:	Property is not within a NFIP Zone A or V floodzone
24.	Wetland/Surface Water Impacts:	None
25.	Soil Study Provided:	N/A
26.	Parking Spaces Required:	Total expected employees on-site at any on time is 15 so 15 parking spaces are required by Maine Organic Therapy. Parking Breakdown: - Clean Cannabis: 6 (pending) - Maine Organic Therapy (pending): 15 - Hightech Labs/GO Extracts (existing): 9
27.	Parking Spaces Provided (total): # Handicapped Spaces:	90 Provided on-site. 2 Provided.

28.	Ownership of Road:	Drapeau Street is a Public Street
29.	Impervious Surface Area:	0 SF Change
30.	Total Disturbed Area:	0 SF
31.	Estimated Site Development Costs:	N/A
35.	Financial Capacity Letter:	N/A – Internal Construction Only
36.	Waivers Requested/Needed:	a. Article XI, Full Site Plan Review as per Article XI, Section 9.B.2.
37.	Waivers Granted:	a. Article XI, Full Site Plan Review as per Article XI, Section 9.B.2.
38.	Variances Needed for Approval:	None.
39.	Other Permits Obtained:	N/A
40.	Other Non-City Permits Required:	None.
41.	Covenants, By-laws, Restrictions Required:	None
42.	LDR Attachment A: Fess Paid:	Yes
43.	Planning Board Review History: Conditional Use Permit	May 6, 2020

3. EXISTING CONDITIONS

5 Drapeau Street is an existing commercial/industrial lot in the Biddeford Industrial Park. The existing property is more than 4.6 acres in size and is developed with a large single-story building approximately 97,000 SF in size.



Source: <http://gis.vgsi.com/BiddefordMEMap/index.html?pid=2403>. Accessed date: 04/27/2020.

An aerial photograph of a property, likely a commercial or industrial site. The property is outlined in red and contains a large, light-colored building with a dark roof. A blue star is placed on the building's roof. The surrounding area includes a parking lot, other buildings, and a road.



4. PROJECT PROPOSAL

The expansion of an existing Medical Marijuana Growing Facility in an existing building, bring the total Maine Organic Therapy space to approximately 50,000 SF.

5. PLANNING BOARD REVIEW:

Final Planning Board Review: May 6, 2020

6. OUTSTANDING ISSUES TO BE ADDRESSED PRIOR TO APPROVAL:

- Staff has been in constant dialogue with the applicant through the owner of the facility. Staff have no additional requests at this time.

7. STAFF REVIEW

- a. ZONING: A Medical Marijuana Growing Facility, which includes by definition processing and storage facilities, is a Conditional Use in the I-1 Zone. There is no minimum lot size.

b. REVIEW STANDARDS:

Article VI (Performance Standards), Section 77 (Medical marijuana) states as follows:

Section 77

Medical marijuana.

[Added 1-17-2017 by Ord. No. 2016.88]

- A. *Before submission of a conditional use application, the applicant must demonstrate his or her authorization to cultivate, process and store medical marijuana pursuant to the Maine Use of Medical Marijuana Program.*

The Applicant has provided evidence that Main Organic Therapy is certified to cultivate Medical Marijuana at this location.

- B. *As an accessory use, medical marijuana home production shall be allowed in any qualifying patient's residence or any medical marijuana caregiver's primary year-round residence in every base zone and overlay zone, without any requirement for land use permitting.*

N/A

- C. *No medical marijuana dispensary or medical marijuana growing facility shall be closer than 250 linear feet, measured in a straight line from the dispensary or facility building entrance, to the nearest point on the boundary of any property which is occupied by a licensed day-care facility, school, Town park, Town playground or church.*

The proposal is not within 250 feet of any of the buffered land uses.

- D. *Before granting an approval, the Planning Board shall ensure the applicant has reviewed his or her property and building security plans with the Biddeford Police Department and the Police Department finds the security measures are consistent with state requirements.*

The applicant has provided a letter from the Biddeford Police Department indicating that they have reviewed and found that the proposal meets minimum state requirements for security.

- E. *No signs containing the word "marijuana," or a graphic/image of any portion of a marijuana plant or otherwise identifying medical marijuana shall be erected, posted or in any way displayed on the outside of a medical marijuana dispensary or a medical marijuana growing facility. Interior advertisements, displays of merchandise or signs depicting the activities of a medical marijuana dispensary or a medical marijuana growing facility shall be screened to prevent public viewing from outside such facility.*

The application indicates that no signage will be presented which is not in compliance with this standard.

- F. *No use shall emit offensive, harmful, or noxious odors beyond the property line.*

See the recommended Conditions of Approval for Staff's recommended means of ensuring compliance with this standard.

c. WAIVERS REQUIRED: Article XI, Full Site Plan Review.

d. CONDITIONAL USE STANDARDS: The following are the standards for review under a Conditional Use Permit (standards in *italic*, Staff Comments in regular font):

- i. *The proposed use meets specific requirements set forth in this ordinance and would be in compliance with applicable state or federal laws;*

Condition of Approval #2 (if approved) requires the applicant to obtain all applicable state and federal permits.

- ii. The proposed use would not create fire safety hazards by providing adequate access to the site, or to the buildings on the site, for emergency vehicles and would not create hazards through the storage of chemicals and wastes;*

The site is an existing developed site that has been reviewed previously by the Fire Department. The Fire Department will also be involved in the Code Enforcement Department's consideration of building and occupancy permits. A Letter from the Fire Department dated April 10, 2020 has been provided by the Applicant.

- iii. The proposed exterior lighting, where allowed, would not create hazards to motorists traveling on adjacent public streets or is adequate for the safety of occupants or users of the site or would not damage the value and diminish the usability of adjacent properties;*

The applicant does not intend to install any additional exterior lighting and the location is in a discreet location with no known existing lighting issues.

- iv. The provisions for buffers and on-site landscaping provide adequate protection to neighboring properties from detrimental or unsightly features of the development;*

There is no development proposed by this project and the site is located in a business/industrial area.

- v. The proposed use would not have a significant, detrimental effect on the use and peaceful enjoyment of abutting property as the result of noise, vibrations, fumes, odor, dust, glare, hours of operation, or other causes;*

All activities are proposed within the existing building. Conditions of Approval include those for adequate odor control reinforcing the performance standards in the Ordinance.

- vi. The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets would not create hazards to public safety or traffic congestion;*

Ample parking is provided on-site to meet the expected need.

- vii. *The proposed use would generate a volume of traffic that can reasonably be accommodated by the existing road network, or would not create unreasonable traffic hazards or would not exacerbate an existing traffic hazard, or would not create unreasonable traffic congestion;*

The applicant expects that the highest number of staff on-site at this location at any given time to be fifteen (15). Staff anticipates no issues with hazards to public safety or traffic congestion since the use itself generates very little traffic and Drapeau Street does not carry a tremendous amount of traffic, to begin with.

- viii. *The proposed use would not have a significant, detrimental effect on the value of adjacent properties which could be avoided by reasonable modification of the proposal;*

Adjacent parcels are largely industrial/commercial. The operation should not change in any way that may impact this standard negatively given the recommended Conditions of Approval and existing Performance Standards.

- ix. *The proposed use would not have an adverse impact on the privacy of the residents of the immediate area (within 500 feet) which could be avoided by reasonable modification of the proposal;*

All activities will be conducted inside the building, the location is within the Biddeford Industrial Park, and although there is an existing non-conforming use at the corner of Drapeau Street and Route 1, the activities proposed are located fully within the facility.

- x. *The proposed use would be in compliance with Biddeford's Comprehensive Plan;*

Although the Comprehensive Plan does not specifically address Medical Marijuana Growing Facilities, this type of use is specialized light industrial use which is permitted in the I-1 zone as per the Future Land Use Plan of the Comprehensive Plan.

- xi. *The proposed use would not have an adverse impact on the immediate neighborhood or the community relative to architectural design, scale, bulk and building height, identity and historical character, or visual integrity, which could be avoided by reasonable modification of the proposal;*

There are no modifications to the Site or the building's exterior proposed.

- xii. *The design of the site would not result in significant flood hazards or flood damage or would be in conformance with applicable flood hazard protection requirements;*

The property is not located in a flood zone.

- xiii. *Adequate provision has been made for disposal of wastewater or solid waste or for the prevention of ground or surface water contamination;*

The City of Biddeford has provided an Ability to Serve letter regarding City Sewer.

- xiv. *Adequate provision has been made to control erosion or sedimentation;*

There are no site improvements/disturbances proposed.

- xv. *Adequate provision has been made to handle stormwater runoff or other drainage problems on the site; and the proposed development will not unduly burden off-site surface water systems;*

There are no site improvements/disturbances proposed.

- xvi. *The proposed water supply would meet the demands of the proposed use for fire protection purposes;*

Maine Water Company serves this site and has provided an Ability to Serve letter.

- xvii. *Adequate provision has been made for the transportation, storage, and disposal of hazardous substances and materials as defined by state law;*

The applicant has not indicated there will be a presence of hazardous substances, and if there were, State Law must be adhered (Condition of Approval #2).

- xviii. *The proposed use would not have an adverse impact on scenic vistas or on significant wildlife habitat or wetland areas and water bodies which could be avoided by reasonable modification of the proposal;*

No site alterations are proposed for the site.

- xix. *When located in the Shoreland Zone, the proposed use would meet the purposes of Shoreland Zoning as identified in Article XIV, Section 1 (Purposes) of this ordinance.*

The parcel is not located in a Shoreland Zone.

8. STAFF RECOMMENDATION

Based on the proposal Staff recommend granting the waiver for “Full Site Plan Review” and approving the project.

9. NEXT STEPS/SUGGESTED ACTIONS

Recommend the Planning Board grant the waiver request for a full site plan review submittal given no site alterations are proposed.

Recommend the Planning Board approve the Conditional Use Permit and the Findings of Fact based on the following conditions:

1. **Standard Conditions of Approval apply.**
2. **The applicant shall obtain all other pertinent local, state and federal permits/licenses/insurance such as building, electrical, plumbing, etc prior to commencing business.**
3. **No exterior evidence of cultivation occurring within the property can be visible from any public right-of-way.**
4. **No cannabis odors may be detectable from any place outside the structure(s) in which the use occurs. The applicant must submit to the Code Enforcement Department for review and approval an Odor Abatement Plan. The Odor Abatement Plan must be reviewed and approved by the City prior to permit issuance. The Odor Abatement Plan must be implemented prior to the issuance of an occupancy permit. The Odor Abatement Plan must include the following:**
 - a. **A floor plan, specifying locations of odor-emitting activity(ies) and emissions.**
 - b. **A description of the specific odor-emitting activity(ies) that will occur.**
 - c. **A description of all equipment and methods to be used for reducing odors and ensuring that odors do not migrate outside of the structure(s). Odor control equipment should consist of a building, or if applicable, room ventilation system that collects the air from all potential odor generating activities and direct to a control device such as an activated carbon system. A Professional Engineer and a Certified Industrial Hygienist must review and certify that the equipment and methods to be used for reducing odors and ensuring adequate indoor air quality consistent with accepted and available industry-specific best control technologies and methods designed to ensure that odors from the use do not migrate outside of the structure(s) and that air quality inside the structure(s) meet acceptable industry standards.**

10. SAMPLE MOTIONS:

- I. *Motion to waive Article XI, Full Site Plan Review.*
- II. *Motion to approve the Conditional Use Permit for Maine Organic Therapy, Inc., for a Medical Marijuana Growing Facility at 5 Drapeau Street (Tax Map 12, Lot 22) and approve the findings of fact based on the conditions as provided in Staff's Report dated April 28, 2020.*
- III. *Motion to deny the application based upon the following reasons:*
 - a) _____
 - b) _____

ATTACHMENTS

1. Conditional Use Permit Application Package
2. Draft Findings of Fact and Conclusions of Law

MAINE ORGANIC THERAPY, INC.
5 Drapeau Street, Biddeford, ME 04005

April 15, 2020

City of Biddeford
Planning Board
PO Box 586
205 Main Street
Biddeford, ME 04005

RE: Conditional Use Application for expansion of operations at 5 Drapeau Street

Maine Organic Therapy, Inc. (MOT) is requesting conditional use approval for expansion of operations at its current location (Conditional Use Application Attached). Currently, MOT leases 21,926 square feet of space at this location for a medical marijuana cultivation, extraction lab and warehouse. The proposed use is expanding the current operations by 28,000 square feet for a total of 50,126 square feet of leased space for medical marijuana cultivation, extraction lab and warehouse. Our application is submitted in cooperation with the property owner and landlord, GO Development LLC, who have submitted a Master Plan.

Our request for approval is based on our adherence to the City's Conditions Use Ordinance's Section 6.B.1 Standards of Conditional Uses:

- The proposed use would not create fire safety hazards. The expanded facility will continue to maintain compliance with all applicable state and local fire safety regulations. There is adequate on site and building access for all emergency vehicles and would not create hazards through the storage of chemicals and wastes. MOT follows extensive handling and storage of all chemicals and waste in compliance with all state and local regulations, including the Office of Marijuana Policy;
- The existing exterior lighting does not create a hazard to motorists traveling on adjacent public streets. There is adequate lighting for the safety of occupants or users of the building. The lighting does not damage the value of adjacent properties;
- The proposed use would not have a significant, detrimental effect on the use and peaceful enjoyment of abutting properties as the result of noise, vibrations, dust, glare, hours of operation or other causes. In consultation with and approval of Biddeford Code Enforcement office, the expansion will include an updated odor mitigation abatement plan to include an odor mitigation system that will meet the standards of the City's medical marijuana ordinances (See below):

- The provisions for vehicle loading, unloading and parking for vehicles and pedestrian circulation on site and onto the adjacent public street do not create a hazard to public safety or traffic congestion;
- The proposed use would generate a volume of traffic that can reasonably be accommodated by the existing road network and does not create unreasonable traffic hazard;
- The proposed use does not have a significant detrimental effect on the value of adjacent properties;
- The proposed use does not have an adverse impact on the privacy of the residents of the immediate area;
- The proposed use is in compliance with Biddeford's Comprehensive Plan;
- The proposed use would be occupying an existing building and would not have an adverse impact on the immediate neighborhood or community relative to architectural design;
- The property has no significant flooding issues;
- The property has city water and sewer and does not pose a threat for contamination from waste water or solid waste;
- Adequate provisions have been made to control erosion or sedimentation;
- Adequate provisions have been made to handle stormwater runoff or other drainage problems on site and does not unduly burden off-site surface water systems;
- The existing water supply meets the demand of the proposed use for fire protection purposes;
- Adequate provisions have been made for the transportation, storage and disposal of hazardous substances and materials as defined by state law;
- The property is not located in a Shoreland Zone;

The facility is currently in compliance with and the proposed use will also be in full compliance with the City's medical marijuana Ordinance: **Section 77. Medical marijuana. [Added 1-17-2017 by Ord. No. 2016.88]:**

- A. Before submission of a conditional use application, the applicant must demonstrate his or her authorization to cultivate, process and store medical marijuana pursuant to the Maine Use of Medical Marijuana Program.

See attached authorization.

- B. NOT APPLICABLE: As an accessory use, medical marijuana home production shall be allowed in any qualifying patient's residence or any medical marijuana caregiver's primary year-round residence in every base zone and overlay zone, without any requirement for land use permitting.

- C. No medical marijuana dispensary or medical marijuana growing facility shall be closer than 250 linear feet, measured in a straight line from the dispensary or facility building entrance, to the nearest point on the boundary of any property which is occupied by a licensed day-care facility, school, Town park, Town playground or church.

The facility is currently compliant with this ordinance. The proposed use is also compliant.

- D. Before granting an approval, the Planning Board shall ensure the applicant has reviewed his or her property and building security plans with the Biddeford Police Department and the Police Department finds the security measures are consistent with state requirements.

Security plans will be reviewed with Deputy Police Chief, Joanne Fisk at the Police Department. The current plans have Police Department approval and the proposed security plans will be consistent with state requirements and Biddeford Police Department recommendations.

- E. No signs containing the word "marijuana," or a graphic/image of any portion of a marijuana plant or otherwise identifying medical marijuana shall be erected, posted or in any way displayed on the outside of a medical marijuana dispensary or a medical marijuana growing facility. Interior advertisements, displays of merchandise or signs depicting the activities of a medical marijuana dispensary or a medical marijuana growing facility shall be screened to prevent public viewing from outside such facility.

The facility is currently compliant with this ordinance. The proposed use is also compliant.

- F. No use shall emit offensive, harmful, or noxious odors beyond the property line.

The facility is currently compliant with this ordinance. The proposed use will also be compliant. In cooperation with the Code Enforcement Department, MOT will submit an Odor Mitigation to be implemented prior to the issuance of an occupancy permit. The Odor Abatement Plan will include the following:

- a. A floor plan, specifying locations of odor-emitting activity(ies) and emissions.
- b. A description of the specific odor-emitting activity(ies) that will occur.
- c. A description of all equipment and methods to be used for reducing odors and ensuring that odors do not migrate outside of the structure(s).

Requested Waivers:

- 1. We request a blanket waiver of all site plan requirements. Our business is growing and operations are expanding into existing, available leased space.
- 2. We request a waiver to supply a letter from Police Department - E-911 Road Name Designation. The proposed used does not change the E-911 Road Name Designation.

Proposed improvements:

The proposed expansion of MOT's leased premises does not include any proposed improvements. The master plan submitted by the property owner contains all property improvements proposed to the entire facility.

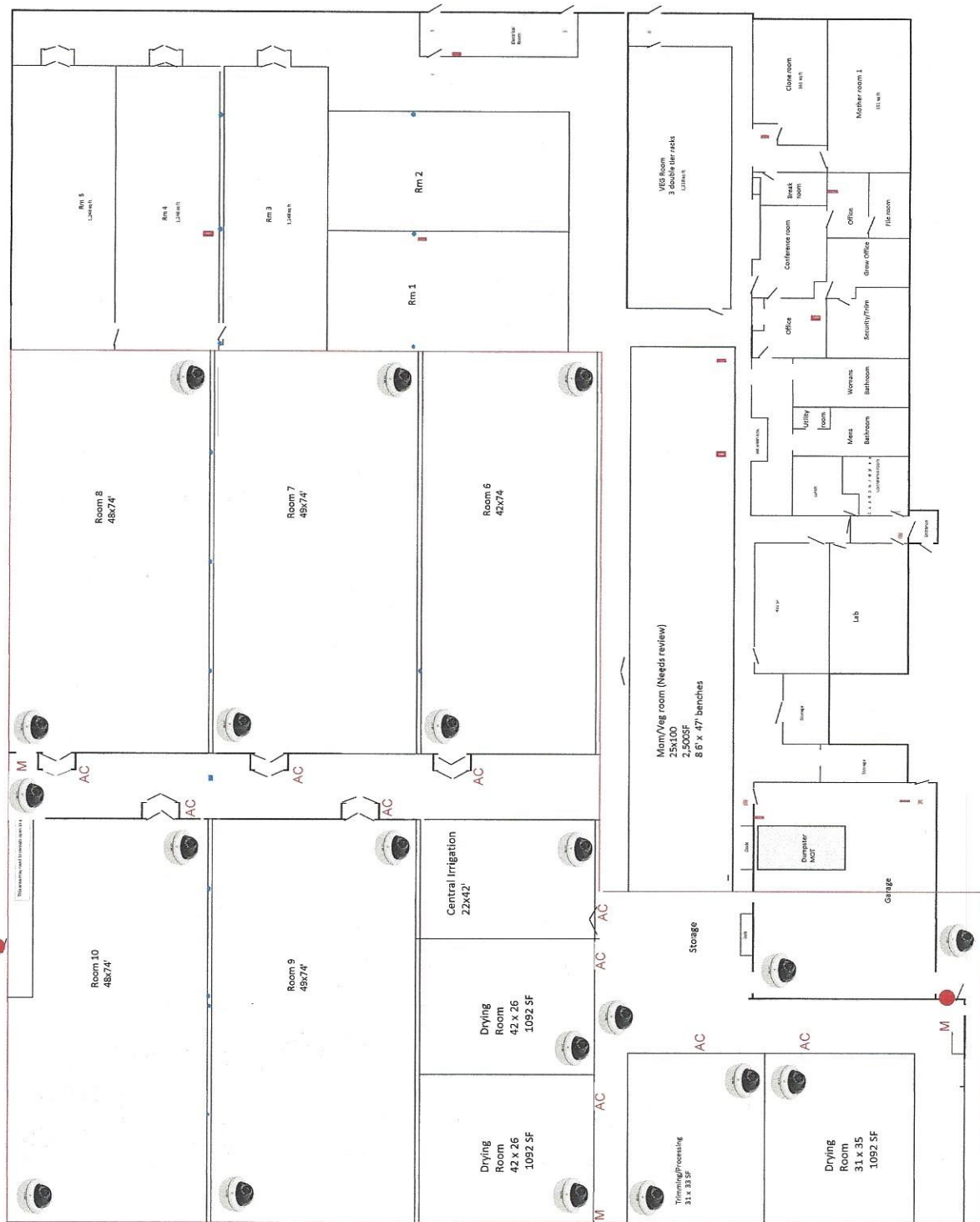
Permit Requirements:

Building Permit (and any related permits)

Thank you for your attention to this matter.

Joseph A. Lusardi, President

- M Motion detector
- Security System Door Contact
- AC Access Control Door
- New Camera location



**CITY OF BIDDEFORD, MAINE
PLANNING BOARD
P.O. Box 586, 205 Main Street Biddeford, Maine 04005
207-284-9115**

APPLICATION FORM

Type of Application:

☐ Shoreland Zoning Permit☐ Site Plan Review☐ Extraction☒ Conditional Use Permit☐ Subdivision☐ Private Way☐ Other: _____

Applicant Information:

Applicant's Name: Maine Organic Therapy, Inc.

Applicant's Mailing Address: 5 Drapeau Street, Biddeford ME 04005

Applicant's Telephone: 207-331-3322

What is Applicant's legal interest in the property?

☐ Owner☐ Potential Buyer with Contract☒ Lease/Rental Agreement

Owner's Name:

GO Development, LLC

Owner's Address:

PO Box 111, Kennebunk, ME 04043

Owner's Telephone:

207-590-3251

Agent's Name:

N/A

Agent's Address:

Telephone:

Engineer/Surveyor:

N/A

Engineer/Surveyor's Address:

Telephone:

Project Location and Lot Information:

Street Address:

5 Drapeau Street, Biddeford, ME 04005

Tax Map:

12

Lot:

22

Current Zoning:

T-1

Shoreland Zoning:

N/A

Size of lot: 4.6 ☒ acres ☐ s.f. Lot Frontage: 425.68'

Existing Use of Property: Medical Marijuana Cultivation Facility,
Extraction Lab, Warehouse

Property currently serviced by:

☒ City Road	☐ Private Road
☒ Public Sewer	☐ Septic System
☒ Public Water	☐ Private Well
☐ Public Trash	☒ Private Hauler

Slope Conditions in Area of Construction (if applicable):

☒ Flat (0-3 % slope) ☐ Rolling (3-8% slope) ☐ Hilly (8-15% slope) ☐ Steep (15% + slope)

Are there any wetlands or waterbodies on the site? ☐ Yes ☒ No If yes, attach information

Do you plan to bring fill onto the lot? ☐ Yes ☒ No If yes, attach information

Description of proposed use of property:

Project/Proposed Use Description: Expansion of existing use

Property to be serviced by: N/A

☐ City Road	☐ Private Road
☐ Public Sewer	☐ Septic System
☐ Public Water	☐ Private Well
☐ Public Trash	☐ Private Hauler

Existing Building

Is this project part of a larger project? ☐ Yes ☒ No

☐ If in a Shoreland Zone: N/A

Percent of residential lot coverage (Max. 20%): _____

Percent of structure expansion (Max. 30%): _____

☐ If Subdivision Review, number of lots proposed: N/A _____

☐ If a Private Way is proposed, number of lots served: N/A _____

☐ If Site Plan Review, you must provide the following information:

Total new square feet footprint of structures: N/A _____

Total new square feet paving/parking: N/A _____

Waiver Requests (attach details):

1. Site Plan Review- It is an existing building
2. _____
3. _____
4. _____
5. _____

Attachments:

A. Letters of Approval

- ☐ Fire Department - Contact Chief or Deputy Chief - 282-9986
- ☐ Ability to Serve for Water Service – Maine Water - 282-1543
- ☐ Ability to Serve for Sewer Service- Engineering Dept (Sewer) - Tom Milligan 284-9118
- ★ ☐ Police Department - E-911 Road Name Designation - Contact Joanne Fisk - 282-5127

B. Letter to Planning Board describing project, waiver requests, proposed improvements, addressing permit requirements, etc.

C. Photographs of site.

D. Architectural renderings/drawings of proposed buildings, as required.

E. Engineered Plans, as required.

★ I spoke with Joanne Fisk, we do not need a letter for E-911 road name designation because it is an existing building.
Buchanan 4/21/2020

Fees (due at time of application):

Refer to "Attachment A Fees and Charges" of the Land Development Regulations for more information. Consult with Planning Staff if you have questions.

Required Signatures:

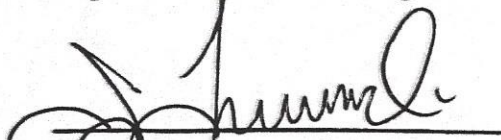
By signing this application, as the foresaid applicant or authorized agent:

- I certify that I have read and completely understand the application;
- I certify that the information contained in this application and it's attachments are true and correct;
- I understand that all information provided on this form and all other documents submitted as part of my proposal is a matter of public record;
- I understand that copies of this information may be supplied upon request to an interested party.
- I understand that additional funds may be required through the course of review for special studies, legal review costs, and/or engineering review.
- I understand that by submitting this application I am not guaranteed a place on any particular agenda. I further understand that the City Planner will place me on an agenda for review when the application is deemed substantially complete.

☐ Project proposed to have 1 acre or more of site disturbance: N/A

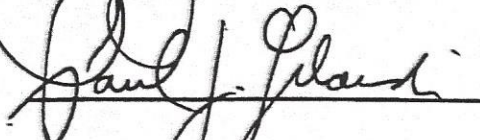
-Project may need to apply for a Maine Construction General Permit and shall comply with the requirements of DEP Chapter 500 Stormwater Regulations, as they apply.

Signature of applicant:



Date: 4/10/20

Signature of owner of property:



Date: 3/31/2020

**IF PLAN APPROVAL IS ANTICIPATED, PROVIDE 2 FULL SIZE MYLARS & 2 FULL SIZE PAPER COPIES FOR BOARD SIGNATURE (AS APPLICABLE).
CHECK WITH PLANNING STAFF FOR CLARIFICATION.**

MAINE MEDICAL USE OF MARIJUANA PROGRAM

THIS CERTIFIES THAT

MAINE ORGANIC THERAPY

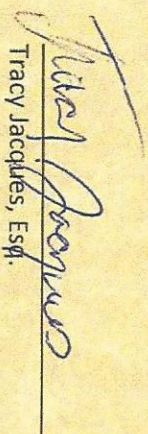
DISPENSARY LOCATION
3 MYRICK STREET SUITE B
ELLSWORTH, MAINE 04605

CULTIVATING LOCATION
5 DRAPEAU STREET
BIDDEFORD, ME 04005

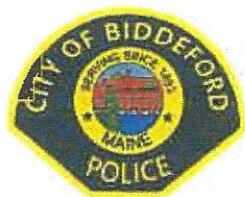
Has met the Registration requirements of 22 M.R.S. §588-C to act as a Dispensary for furnishing marijuana for medical use to Qualifying Patients and/or Registered Caregivers

CERTIFICATE OF REGISTRATION DSP105

ISSUED ON DECEMBER 18, 2019 AND EXPIRES ON DECEMBER 17, 2020


Tracy Jacques, Esq.

Director of Licensing
Office of Marijuana Policy
Maine Medical Use of Marijuana Program



BIDDEFORD POLICE DEPARTMENT

39 ALFRED STREET, BIDDEFORD, MAINE 04005

COURAGE • HONOR • INTEGRITY



ROGER P. BEAUPRE
Chief of Police

(207) 282-5127
biddefordmaine.org/police

April 14, 2020

William Southwick, Chairman
City of Biddeford Planning Board
205 Main Street
Biddeford, ME 04005

RE: Joseph A. Lusardi DBA: Maine Organic Therapy
5 Drapeau Street Ste. 101 Biddeford, ME 04005

Dear Mr. Southwick,

The above has applied for a conditional use permit through the City of Biddeford's Planning Department regarding Medical Marijuana.

Biddeford City Ordinance Section 77 **Medical marijuana**, refers to:

"Before granting an approval, the Planning Board shall ensure the applicant has reviewed his or her property and building security plans with the Biddeford Police Department and the Police Department finds the security measures are consistent with state requirements."

In reviewing the State of Maine's Medical Use of Marijuana Program 18-691, Code of Maine Rules Chapter 2, Section 3 on "Security" the above applicant(s) security plan meets the minimum State of Maine requirements.

Regards,

JoAnne W. Fisk
Deputy Chief of Police



April 14, 2020

Greg Tansley, AICP
City Planner
PO Box 586
Biddeford, ME 04005

Dear Greg,

GO Development would like to submit a request to the Planning Board to waive the Site Plan Review as part of the application for Conditional Use for 1 existing tenant and a potential new tenant for our 5 Drapeau Street facility. The companies who are submitting applications for your review are Clean Cannabis and Maine Organic Therapy. The facility at 5 Drapeau Street is an existing building. Pursuant to Article VII Conditional Uses, Section 3. B. "In cases where expansion will not change the existing use, or the exterior dimensions of any existing building, the Planning Board may pass upon the review procedure and waive the submission requirements in order that the project may be expedited." We ask the board to waive the site plan review due to the fact that we will not change the exterior dimensions of the existing building. Thank you in advance for your consideration.

Best regards,

Bethanie Z.S. Cardner
Business Manager



**CITY OF BIDDEFORD
FIRE DEPARTMENT**

152 Alfred Street
Biddeford, Maine 04005
Tel: 207-282-6632
Fax: 207-283-8243

**Chief Scott R. Gagne
Assistant Chief Paul R. LaBrecque
Deputy Chief Kevin D. Duross**

Beth Cardner
GO Development, LLC
Business Manager
P.O. Box 111
Kennebunk, Maine 04043
April 10, 2020

Subject: Ability to Serve
5 Drapeau Street

Dear Ms. Cardner,

The Biddeford Fire Department has received information for a conditional use application for three businesses, Clean Cannabis, for packaging and storage of Medical Marijuana, Maine Organic Therapy to expand their existing Cultivation Facility, and Old Port Wellness to set up a Medical Marijuana Dispensary at 5 Drapeau Street.

It is the position of the Biddeford Fire Department, that we will provide emergency service as long as the fire department is available at time of request. It is of the understanding that the Biddeford Fire Department may request assistance from mutual aid departments in the event the fire department is not available to respond.

All State and Local codes must be met.

Please contact the Biddeford Fire Department if you have any questions and or concerns.

Respectfully,

Paul R. LaBrecque
Assistant Chief
Office of Fire Prevention

Cc: Greg Tansley Planning Office, Planning board Members



April 10th, 2020

GO Development, LLC
Bethanie Z. S. Cardner
PO Box 111
Kennebunk, ME 04043

Re: Ability to Serve Determination – 5 Drapeau St – Multi Unit Building – Biddeford

Dear Ms. Cardner,

The Maine Water Company (MWC) has received your request for an Ability to Serve Determination for the existing multi-unit building and office space located at, 5 Drapeau St, Biddeford, Maine for the above referenced project. The request indicates a maximum buildout of approximately 75 employees distributed over multiple small businesses in the existing building. The static pressure in the area is approximately **42psi**. Domestic and fire services are available and MWC does have sufficient capacity in the area from the existing 16-inch cast iron main on Drapeau St to serve this project. Additional infrastructure improvements may be required at the expense of the developer to meet the overall needs of this project.

Conditions of Service

- The service lines for the proposed renovated spaces will be tapped off of existing infrastructure and internal plumbing after MWC's meter. MWC is not be responsible for adding a sub-meter or reading a sub-meter if one is installed to adequately define usage for this proposed rental spaces.
- MWC understands this project as an existing building that is undergoing renovations for new rental spaces. Each space is unique and may require domestic water for bathrooms, utility sinks and basic office supply needs.
- Additional changes to this location would require further review from MWC such as needing to upsize the service lines.

Should a Customer Agreement for service not be executed within one year of the date of this letter, MWC reserves the right to reevaluate its ability to serve this project.

All work must be completed in accordance with Maine Water Company material and installation specifications. All appropriate paperwork must be completed and the deposit paid prior to the start of construction. Please forward all design plan revisions as the project develops to prevent construction delays.

Water service will be provided in accordance with our standard terms and conditions as well as Maine Public Utilities Commission rules. If you have any additional questions, please do not hesitate to contact our office at 1-800-287-1643 or by email at Marcus.Knipp@mainewater.com. We look forward to working with you throughout design and construction.

Sincerely,
The Maine Water Company

Marcus Knipp, E.I.T.
Engineer

Beth Cardner

From: Milligan, Tom <Tom.Milligan@Biddefordmaine.org>
Sent: Monday, April 13, 2020 8:48 AM
To: Tansley, Greg
Cc: Beth Cardner; Demers, Jeff; Sanchioni, Robert
Subject: ability to serve 5 Drapeau St

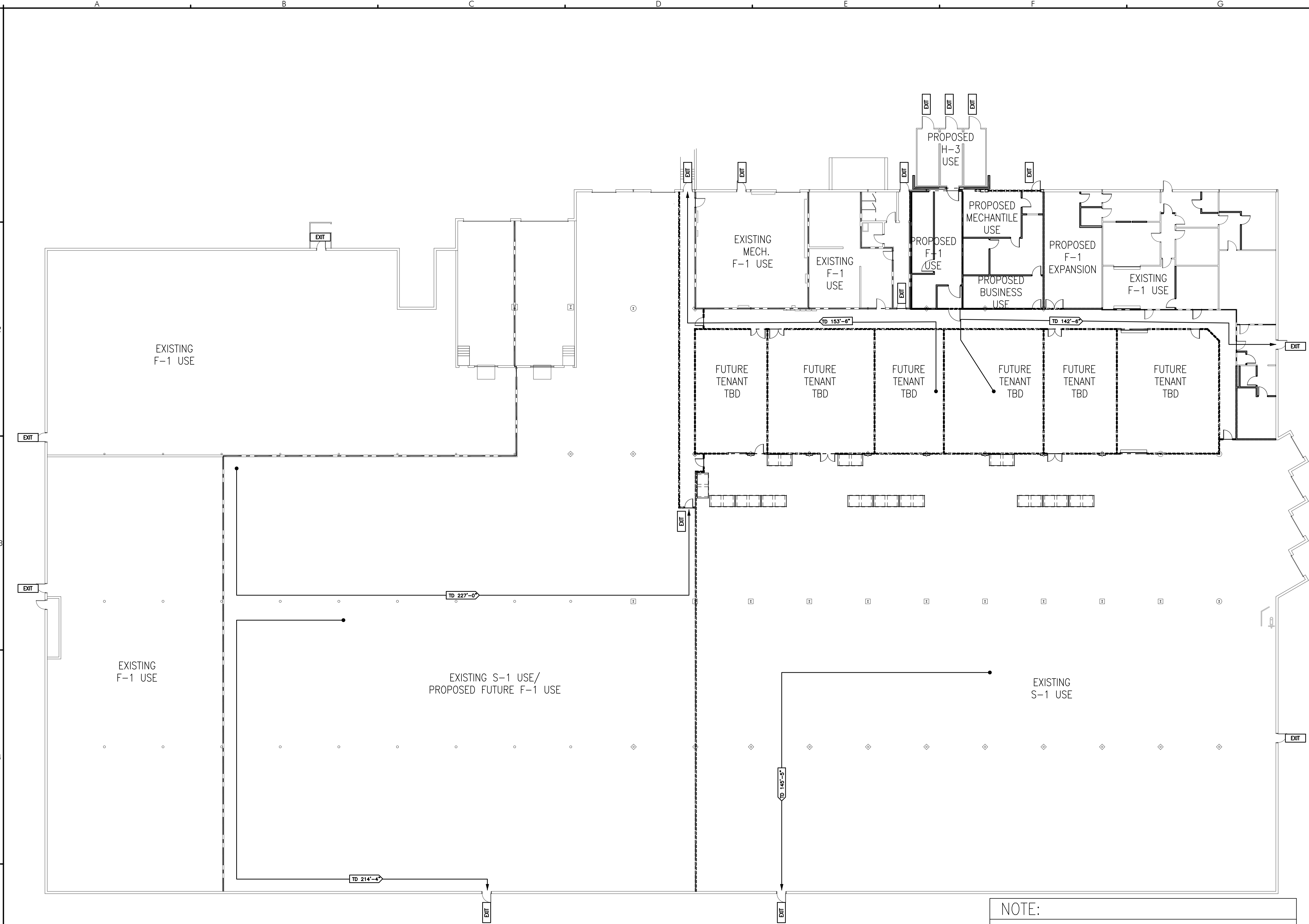
The city has the ability to serve the proposed additional flows to be generated by the proposed expansion. A pump station impact fee may be required.

Tom

The contents of this e-mail message and any attachments are confidential and are intended solely for addressee. The information may also be legally privileged. This transmission is sent in trust, for the sole purpose of delivery to the intended recipient. If you have received this transmission in error, any use, reproduction or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, please immediately notify the sender by reply e-mail or phone and delete this message and its attachments, if any.

Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

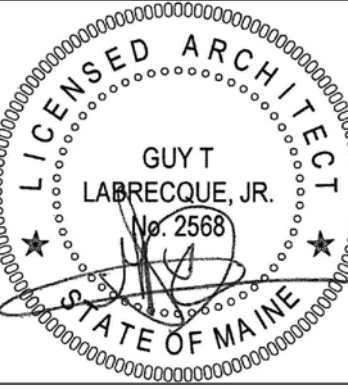
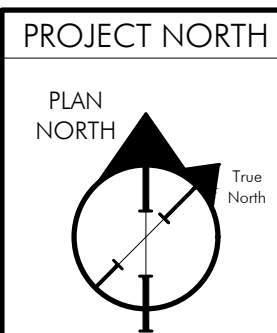




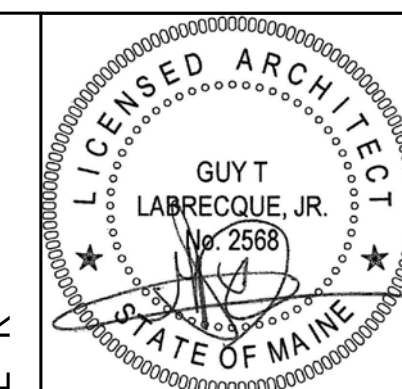
NOTE:

THE EXISTING BUILDING IS CONSIDERED AN UNLIMITED AREA, F-1 FACILITY. IT HAS BEEN THE INTENT OF THE BUILDING'S OWNER TO BETTER UTILIZE THE BUILDING AS A MULTI-TENANT FACILITY. FOR PURPOSES OF MASTER PLANNING THE OWNER INTENDS TO INCORPORATE A SEPARATED USE METHODOLOGY. IT HAS BEEN DETERMINED THAT 1-HOUR FIRE RATED ASSEMBLIES WILL LIKELY BE THE MOST COMMON REQUIREMENT FOR EACH TENANT SEPARATIONS FIRE BARRIER. THE INFORMATION ABOVE DEPICTS THIS CONDITION.

IT IS UNDERSTOOD THAT THIS DRAWING SIMPLY REPRESENTS A SNAPSHOT IN TIME AND THAT AS NEW TENANTS ARE FOUND, EACH WILL NEED TO BE EVALUATED AND THE APPROPRIATE SEPARATION ASSEMBLIES PUT IN PLACE AS REQUIRED. SPACES LABELED AS "FUTURE TENANT" ARE SIMPLY PLACE HOLDERS. SPACES LABELED AS "POTENTIAL TENANT" MEANS THAT THAT THE OWNER IS WORKING WITH A PROSPECTIVE TENANT IN ESTABLISHING A LEASE. A NEW BUILD-OUT FOR THE TENANT MAY BE NECESSARY AND SUBMITTED AT A LATER DATE IN TIME.



REVISIONS					
	NO.	DESCRIPTION	DATE	BY	CHKD.



CWS ARCHITECTS
ARCHITECTURE | INTERIOR DESIGN

264 US ROUTE ONE
SUITE 100-2A
SCARBOROUGH, MAINE 04074
T: 207.774.4441
WWW.CWSARCH.COM

HIGHTECH LABS, LLC

5 DRAPEAU ST.
BRIDGEMORE ME

5 DRAPEAU ST. EXPANSION
FOR HIGHTECH LABS, LLC

5 DRAPEAU ST.
HUNDEBORD ME

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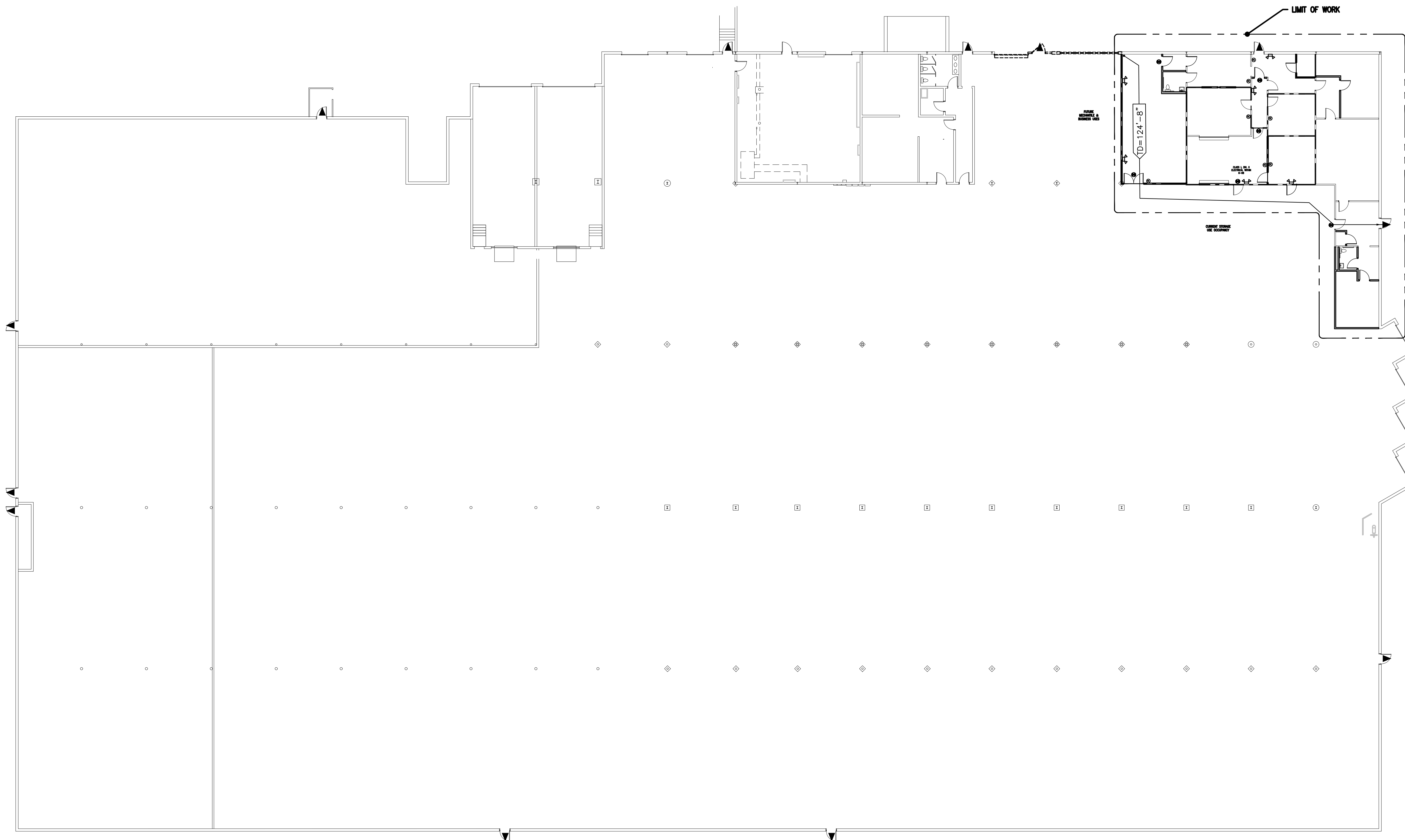
REVIEWS

DRAWING NUMBER

LS1.00

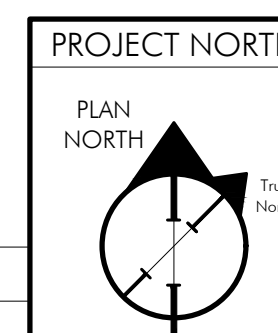
SCALE:	AS NOTED
DATE:	01/09/2019

ISSUED FOR PERMITTING



NOTE:

THE BUILDING IS BEING CONSIDERED A SEPARATED USE FACILITY. AT THIS POINT IN TIME, IT HAS BEEN DETERMINED THAT 1-HIGH RISE RAMP ASSEMBLIES WILL LIKE TO BE THE MOST APPROPRIATE REQUIREMENT FOR THE SEPARATED BARRIER WALLS. THE CURRENT MASTER PLAN DEPICTS THIS CONDITION. IT IS FIRESTOOD THAT THIS REPRESENTS SNAPSHOT IN TIME AND THAT AS NEW TENANTS ARE FOUND, EACH WILL NEED TO BE EVALUATED AND THE APPROPRIATE SEPARATION ASSEMBLIES PUT IN PLACE AS REQUIRED. SPACES LABELED AS "FUTURE TENANT" ARE SIMPLY PLACE HOLDERS AT THIS TIME AND THEIR ENCLOSURES WILL NOT BE CONSTRUCTED UNTIL A FORMAL LEASE COMMITMENT IS IN PLACE.

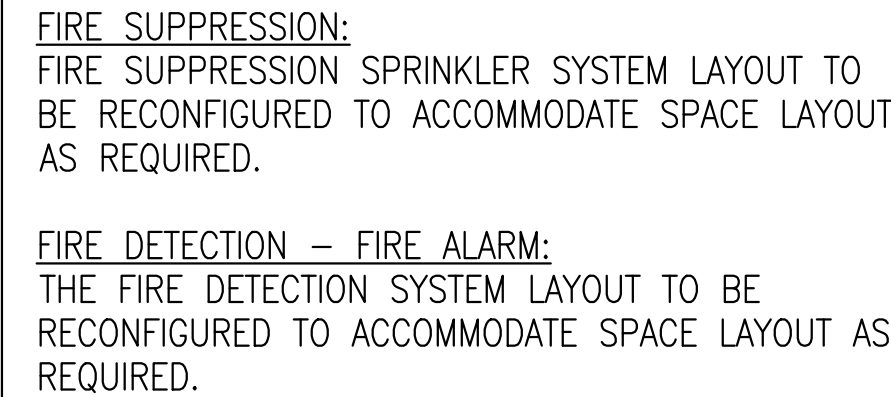


A5

OVERALL BUILDING VIEW

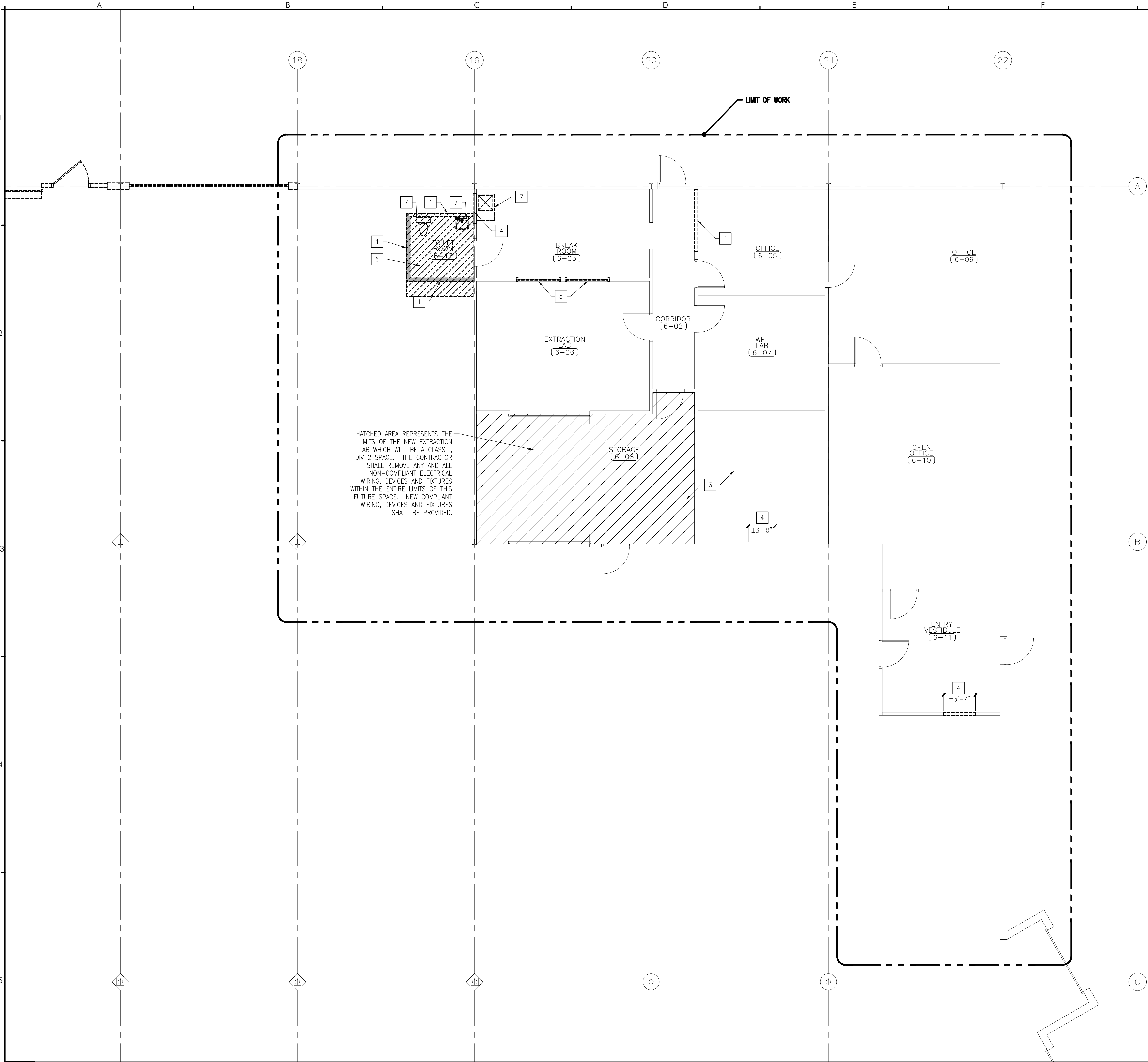
REFERENCED FROM: N/A

SCALE: 1/6" = 1'-0"



Ethanol Use and Storage w/in 5 Drapeau Street									
Codes Summary	In Storage	In use within a Closed System	In use within an Open System						
Allowable amount of Ethanol within a Single Control Area - Class 1B Flammable Liquid - per IBC Table 307.1(1)	120 gal + 100% within sprinkled building + 100% within approved cabinets = 360 gallons per Control Area	120 gal + 100% within sprinkled building = 240 gallons per Control Area	30 gal + 100% within sprinkled building = 60 gallons per Control Area	Floor level - First Floor Percent Maximum per Control Area	Fire Barrier Rating	Control Area Tally	Existing or Proposed Control Area Enclosure		
Allowable Control Rooms within the building				4	100	1 hr			
Proposed and Existing Conditions Review									
Hightech Extractions							1		
Integrated Recovery Lab									
Infeed Container		13.2							
Cryo Tank		13.2							
Clarification Tank		13.2							
Solvent Recovery		13.2							
Reclaim Ethanol Tank		13.2							
	0	66	0						
Wet Lab									
Flammable Storage Cabinet	20								
Freezer	15								
BR Modular Still		3							
	35	3	0						
New Extraction Lab									
Flammable Storage Cabinet	30								
Safety Cabinet	5								
Collection Carboy		2.5							
	35	2.5	0						
Proposed - Analytical Lab									
No Ethanol Use	0	0	0						
	0	0	0						
Total Usage within the Suite	70	71.5	0						
Total Quantity	141.5						1		

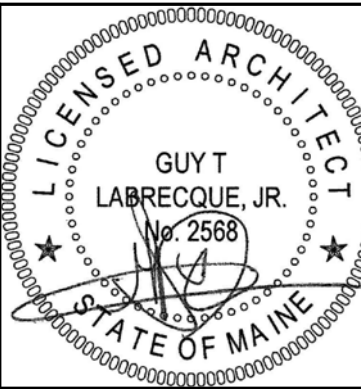
COORDINATE LOCATIONS OF ALL LIFE SAFETY DEVICES WITH BASE AND WALL CASEWORK, MILLWORK, IMAGE DISPLAYS AND REFLECTED CEILING PLAN ELEMENTS.



FLOOR PLAN REMOVALS LEGEND

- 1 REMOVE GYPSUM WALL BOARD WALL ASSEMBLY, COMPLETE.
- 2 REMOVE PORTION OF GYPSUM WALL BOARD WALL ASSEMBLY, FULL HEIGHT, TO THE EXTENTS INDICATED ON FLOOR PLAN.
- 3 REMOVE FLOOR FINISHES AND WALL BASE TO EXTENTS INDICATED ON PLAN. PREPARE CONCRETE SLAB FOR NEW FLOORING SYSTEM PER FLOOR FINISH MANUFACTURER'S RECOMMENDATIONS.
 - PROVIDE SANDING AND/OR SAND BLASTING AS RECOMMENDED BY FLOOR FINISH MANUFACTURER.
 - REFERENCE ROOM FINISH SCHEDULE & FLOOR FINISH PLAN FOR MORE INFORMATION.
 - PROVIDE LEVELING COMPOUND AND/OR PATCHING MATERIAL AS REQUIRED.
- 4 REMOVE/MODIFY A PORTION OF GWB WALL ASSEMBLY AS REQUIRED FOR INSTALLATION OF DOOR ASSEMBLY. REFERENCE NEW WORK PLAN FOR MORE INFORMATION.
- 5 REMOVE EXISTING INTERIOR WINDOW. INFILL FRAME OPENING. FRAMING TO MATCH FIRE RATING OF FINAL WALL ASSEMBLY.
- 6 REMOVE PORTION OF EXISTING CONCRETE SLAB-ON-GRADE AS REQUIRED FOR RELOCATION OF EXISTING PLUMBING FIXTURES AND EXTENSION OF EXISTING SANITARY LINE PIPING. PATCH & REPAIR UPON COMPLETING PIPING WORK. PREPARE SLAB FOR NEW FLOOR FINISHES PER FLOORING MANUFACTURERS RECOMMENDATIONS.
- 7 REMOVE EXISTING PLUMBING FIXTURE AND PIPING AS REQUIRED FOR NEW SCOPES OF WORK. CAP PIPING AS REQUIRED.

HATCHED AREA REPRESENTS THE LIMITS OF THE NEW EXTRACTION LAB WHICH WILL BE A CLASS I, DIV 2 SPACE. THE CONTRACTOR SHALL REMOVE ANY AND ALL NON-COMPLIANT ELECTRICAL WIRING, DEVICES AND FIXTURES WITHIN THE ENTIRE LIMITS OF THIS FUTURE SPACE. NEW COMPLIANT WIRING, DEVICES AND FIXTURES SHALL BE PROVIDED.



DESIGNER

OWNER
HIGHTECH LABS, LLC

PROJECT
5 DRAPEAU ST. EXPANSION
FOR HIGHTECH LABS, LLC

5 DRAPEAU ST.
BIDDEFORD, ME

DRAWING

REMOVALS FLOOR
PLAN

CWS PROJECT NUMBER:

REVISIONS

DRAWING NUMBER

AD1.10

SCALE:

3/16" = 1'-0"

DATE:

01/09/2019

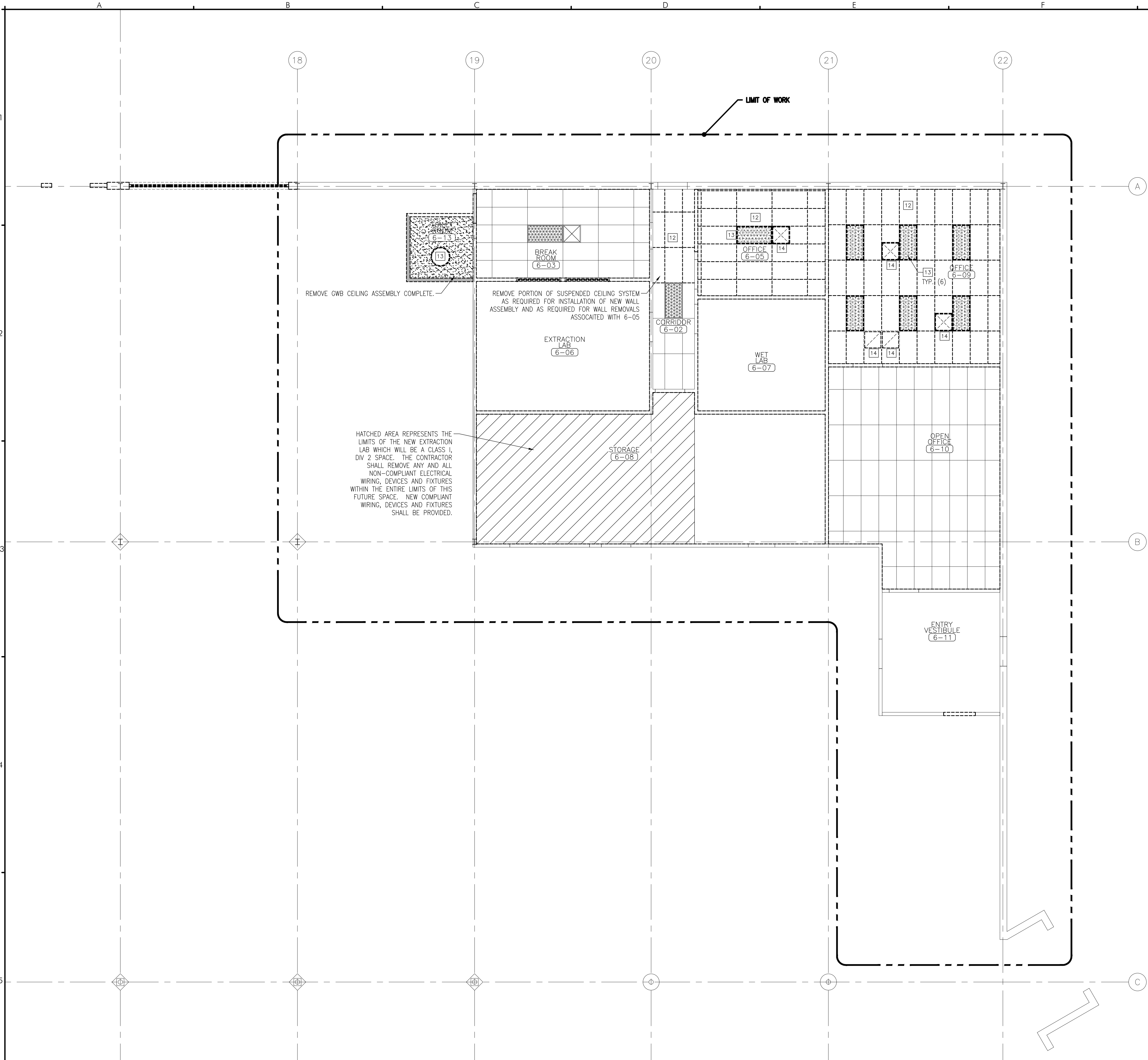
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A5

REMOVALS FLOOR PLAN

REFERENCED FROM: N/A

3/16" = 1'-0"

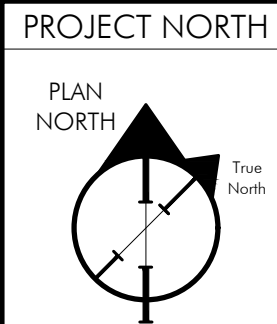


REFLECTED CEILING PLAN LEGEND:

- ACT-1: 2'x4' SUSPENDED CEILING SYSTEM. REFERENCE SPECIFICATIONS FOR FURTHER INFORMATION.
- GWB-1: GYPSUM WALL BOARD, PAINTED. GYPSUM WALL BOARD SHALL BE 5/8" TYPE "X". REFERENCE INTERIOR FINISH LEGEND FOR SCHEDULE OF MATERIALS
- NEW RETURN AIR DEVICE. REFER TO MECHANICAL DRAWINGS
- NEW SUPPLY AIR DEVICE. REFER TO MECHANICAL DRAWINGS
- NEW 2'x4' FIXTURE. REFER TO ELECTRICAL DRAWINGS
- EXISTING 6" CAN LIGHT. REFER TO ELECTRICAL DRAWINGS
- EXIT LIGHT. REFER TO ELECTRICAL DRAWINGS
- OCCUPANCY SENSOR. REFER TO ELECTRICAL DRAWINGS
- SMOKE DETECTOR. REFER TO ELECTRICAL DRAWINGS
- HEAT DETECTOR. REFER TO ELECTRICAL DRAWINGS
- EXISTING SPRINKLER HEAD. REFER TO PLUMBING DRAWINGS
- NEW SPRINKLER HEAD. REFER TO PLUMBING DRAWINGS
- RCP MATERIAL/HEIGHT TAG
TOP: CEILING FINISH, INCLUDING PAINT COLOR (IF APPLICABLE)
BOT: CEILING HEIGHT A.F.F.

REFLECTED CEILING PLAN REMOVALS LEGEND:

- 12 REMOVE SUSPENDED CEILING TILE AND GRID SYSTEM, COMPLETE.
- 13 REMOVE, SALVAGE AND RELOCATE LIGHT FIXTURE AND ASSOCIATED WIRING. REFERENCE ELECTRICAL DOCUMENTS FOR MORE INFORMATION.
- 14 REMOVE, SALVAGE AND RELOCATE MECHANICAL VENTILATION DIFFUSER. REWORK DUCTWORK AS REQUIRED. REFERENCE MECHANICAL DRAWINGS FOR MORE INFORMATION.



CWS ARCHITECTS
ARCHITECTURE | INTERIOR DESIGN

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Scarborough ME 04074
OFFICE: 207.774.4441 CWSARCH.COM

DESIGNER
GUY T. LABRECQUE, JR.
LICENSED ARCHITECT
STATE OF MAINE

OWNER
HIGHTECH LABS, LLC
5 DRAPEAU ST.
BIDDEFORD, ME

PROJECT
5 DRAPEAU ST. EXPANSION
FOR HIGHTECH LABS, LLC
5 DRAPEAU ST.
BIDDEFORD, ME

DRAWING
REFLECTED CEILING
REMOVALS PLAN
CWS PROJECT NUMBER:

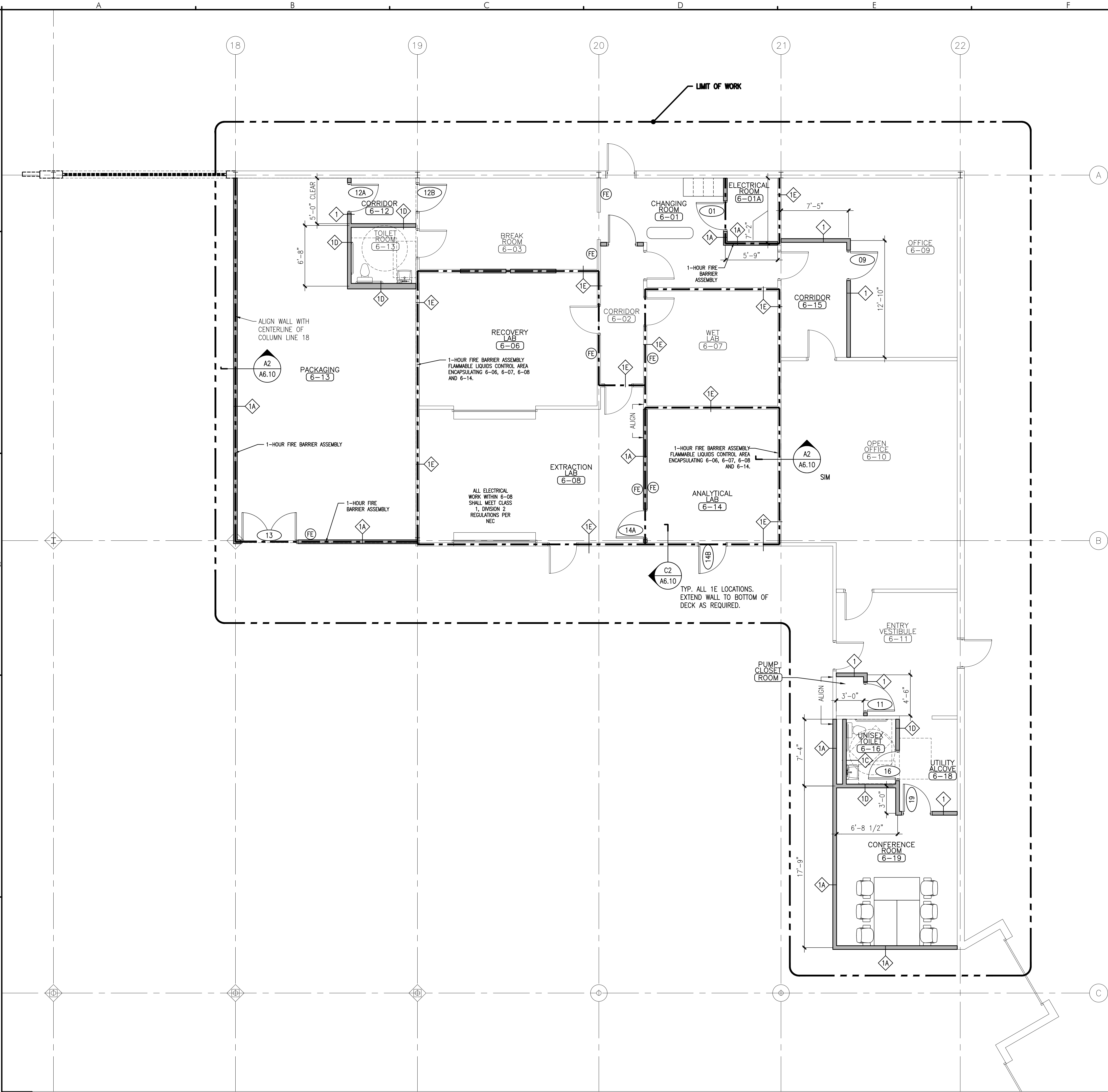
REVISIONS

NO.	DESCRIPTION	DATE

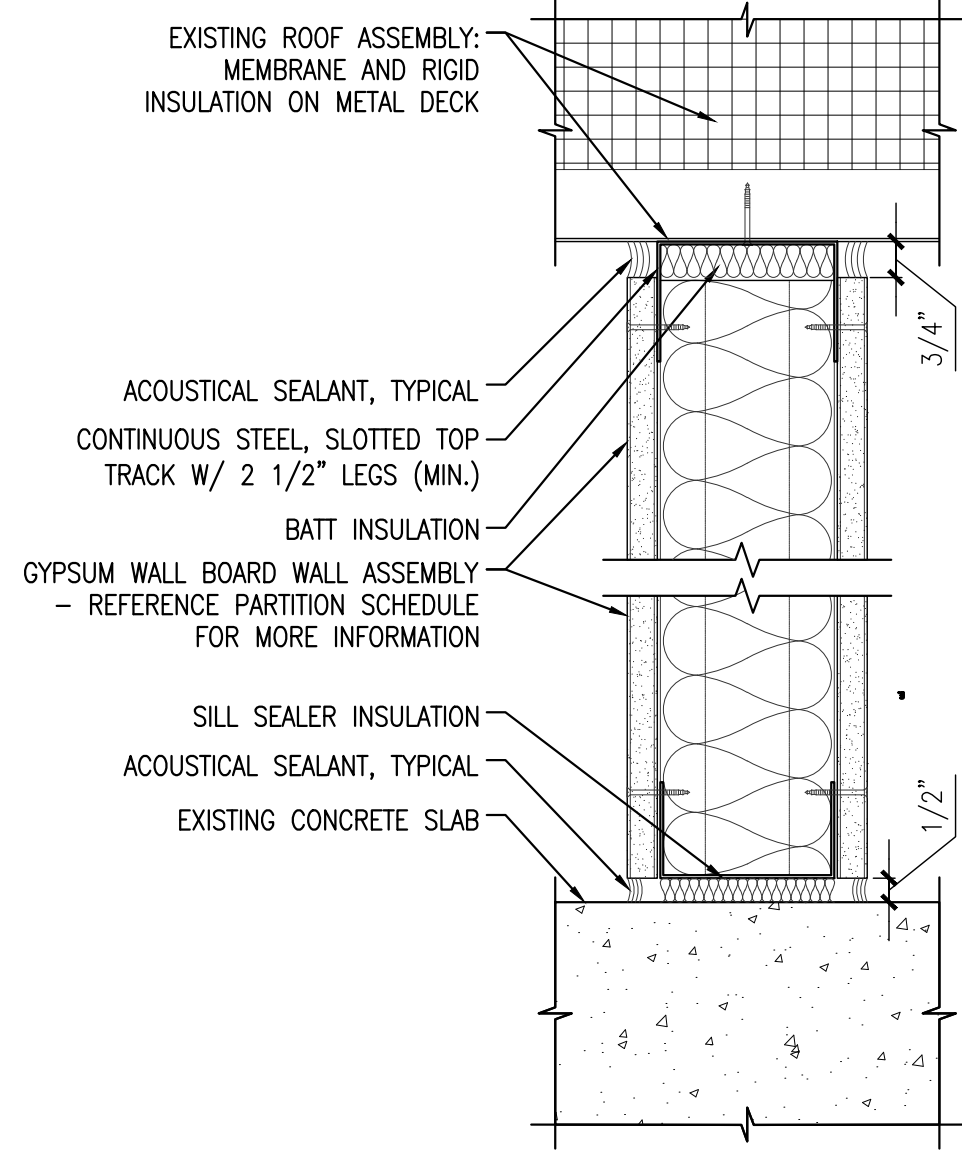
DRAWING NUMBER
AD2.10

SCALE: 3/16" = 1'-0"
DATE: 01/09/2019

ISSUED FOR PERMITTING



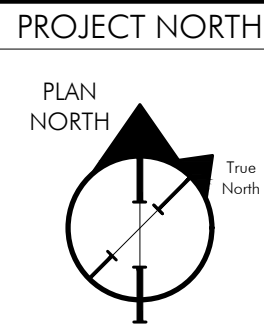
A5 NEW WORK FLOOR PLAN
REFERENCED FROM: N/A 3/16" = 1'-0"



G2 TYPICAL WALL TOP AND BOTTOM DETAIL
REFERENCED FROM: N/A

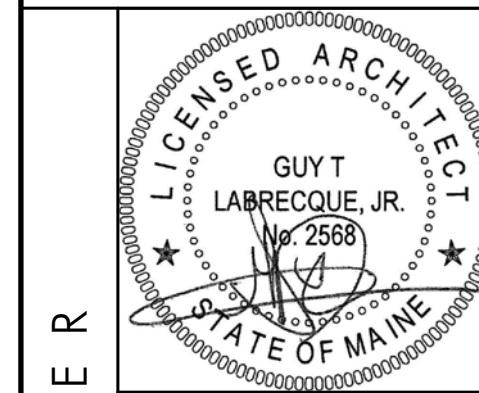
PARTITION TYPE	FIRE RATINGS AND ACOUSTICAL RATINGS	PARTITION SCHEDULE	
		GENERAL WALL DESCRIPTION	GENERAL PICTORIAL
1		3 5/8" MTL STUDS @ 16" O.C. FROM FINISHED FLOOR TO 12" AFF. CONTINUOUS SOUND ATTENUATION BATTS. BOTH SIDES: (1) LAYER 5/8" TYPE "X" GWB, FULL HEIGHT.	
1A	1 HR UL U419	3 5/8" MTL STUDS @ 16" O.C. FROM FINISHED FLOOR TO BOTTOM OF ROOF DECK. CONTINUOUS SOUND ATTENUATION BATTS. FIRE SEAL TOP AND BOTTOM OF WALL ASSEMBLY UTILIZING UL TESTED AND APPROVED DETAILS. BOTH SIDES: (1) LAYER 5/8" TYPE "X" GWB, FULL HEIGHT.	
1B		3 5/8" MTL STUDS @ 16" O.C. FROM FINISHED FLOOR TO 10'-0" AFF. CONTINUOUS SOUND ATTENUATION BATTS. BOTH SIDES: (1) LAYER 5/8" TYPE "MRX" GWB, FULL HEIGHT.	
1C		3 5/8" MTL STUDS @ 16" O.C. FROM FINISHED FLOOR TO 12" ABOVE CEILING. TAGGED SIDE ONLY: (1) LAYER 5/8" TYPE "MRX" GWB, FULL HEIGHT.	
1D		3 5/8" MTL STUDS @ 16" O.C. FROM FINISHED FLOOR TO 10'-0" AFF. CONTINUOUS SOUND ATTENUATION BATTS. TAGGED SIDE: (1) LAYER 5/8" TYPE "X" GWB, FULL HEIGHT. OPPOSITE SIDE: (1) LAYER 5/8" TYPE "MRX" GWB, FULL HEIGHT.	
1E	1 HR UL U419	EXTEND EXISTING GWB WALL ASSEMBLY TO BOTTOM OF ROOF DECK. FIRE SEAL TOP AND BOTTOM OF WALL ASSEMBLY UTILIZING UL TESTED AND APPROVED DETAILS CREATING A 1-HOUR FIRE RATED WALL ASSEMBLY..	

- PARTITION SCHEDULE NOTES**
- REFERENCE G2 ON THIS SHEET FOR TYPICAL NON-FIRE RATED WALL TOP AND BOTTOM OF WALL DETAILING.
 - PROVIDE MOISTURE RESISTANT TYPE "MRX" GWB AT ALL WALL & CEILING SURFACES WITHIN ALL BATHROOMS, UTILITY ROOMS & JANITOR'S CLOSETS. PROVIDE TYPE "MRX" GWB TO 4'-0" A.F.F. (MIN.) BEHIND ALL SINK LOCATIONS.
 - BRACE WALL ASSEMBLIES TO STRUCTURE ABOVE AT ALL DOORS AND ELSEWHERE AS REQUIRED.
 - PROVIDE SOLID BLOCKING AS INDICATED ON DRAWINGS AND AS REQUIRED BY MANUFACTURER'S EQUIPMENT (CASE WORK, TOILET ACCESSORIES, CLOSET RODS & SHELVING, H.C. GRAB BARS, ETC.)
 - PROVIDE CONTINUOUS ACOUSTICAL SEALANT AT ALL NON-FIRE RATED PENETRATIONS (I.E. ELECTRICAL BOXES, DUCTS, SPRINKLER HEADS, ETC.) IN WALLS, FLOORS, & CEILINGS. UTILIZE APPROPRIATE FIRE STOPPING/SEALANT MATERIALS ONLY AT FIRE RATED ASSEMBLIES.
 - WHEN WALL DEVICES (I.E. ELECTRICAL OUTLETS, PIPES, VOICE-DATA JACKS, ETC.) OCCUR IN EXAM AND PROCEDURE ROOM SEPARATION WALLS, PROVIDE CONTINUOUS ACOUSTICAL SEALANT ALONG ALL PERIMETER EDGES.
 - WHEN WALL PENETRATIONS (I.E. ELECTRICAL OUTLETS, PIPES, CONDUIT, ETC.) OCCUR ON OPPOSITE SIDES OF EXAM ROOM AND PROCEDURE SEPARATION WALLS, OFFSET PENETRATION BY AT LEAST ONE STUD CAVITY.
 - SEAL ALL PENETRATIONS IN VAPOR BARRIERS, TYPICAL AT ALL EXTERIOR WALLS AS REQUIRED WITH APPROVED SEALERS AND TAPES.
 - REFERENCE FLOOR PLAN FOR SPECIFIC PARTITION NOTING AND DETAIL REFERENCING. REFERENCE SPECIFICATIONS FOR ADDITIONAL INFORMATION.



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OWNER
HIGHTECH LABS, LLC

PROJECT
5 DRAPEAU ST. EXPANSION
FOR HIGHTECH LABS, LLC

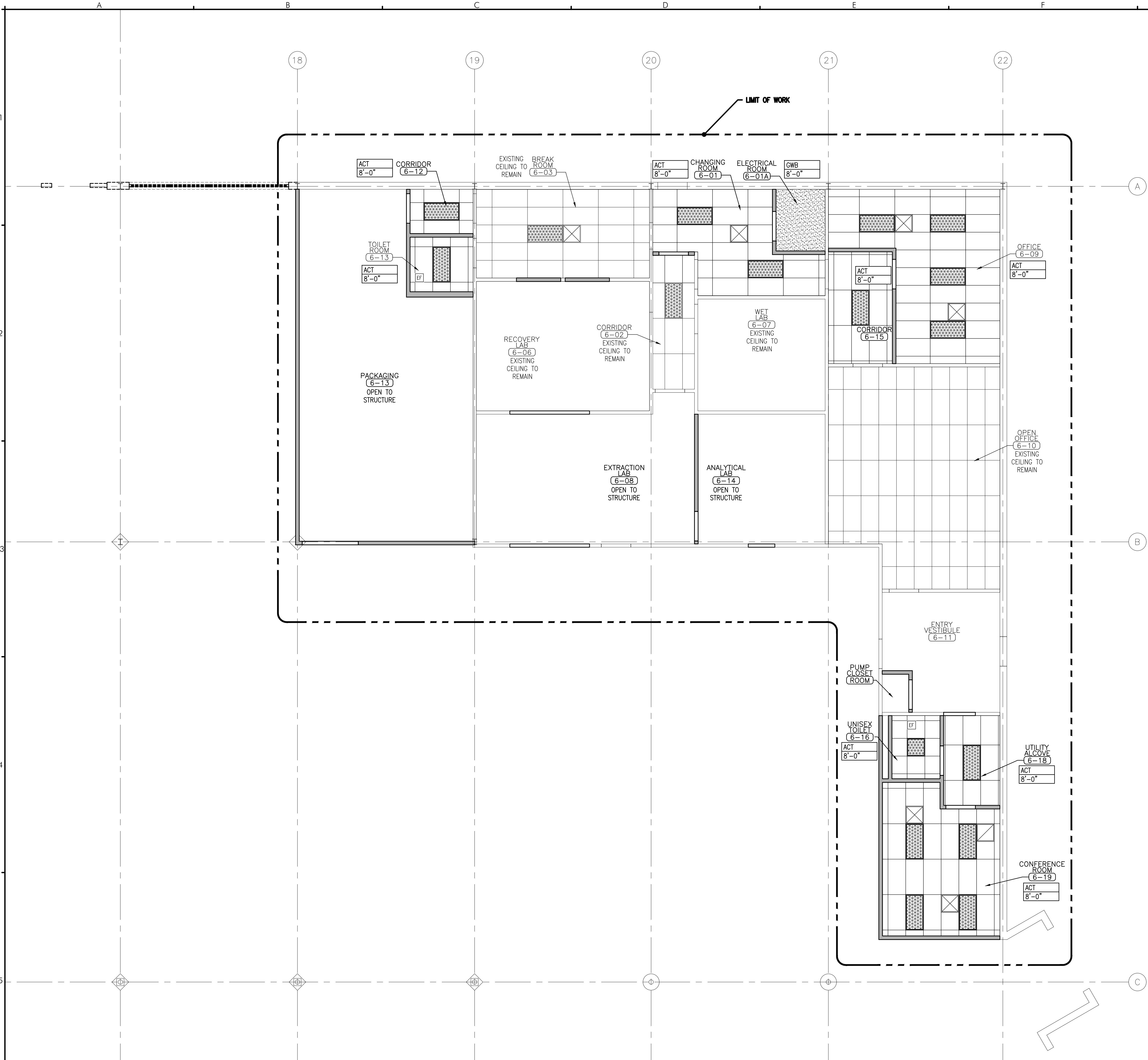
DRAWING
NEW WORK FLOOR PLAN
AND PARTITION
SCHEDULE

REVISIONS				
	NO.	DATE	BY	APP.

DRAWING NUMBER
A1.10

SCALE: 3/16" = 1'-0"
DATE: 01/09/2019

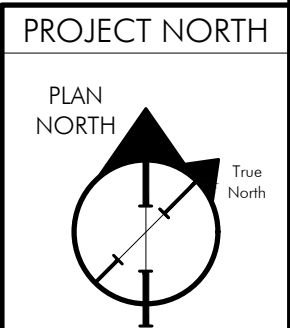
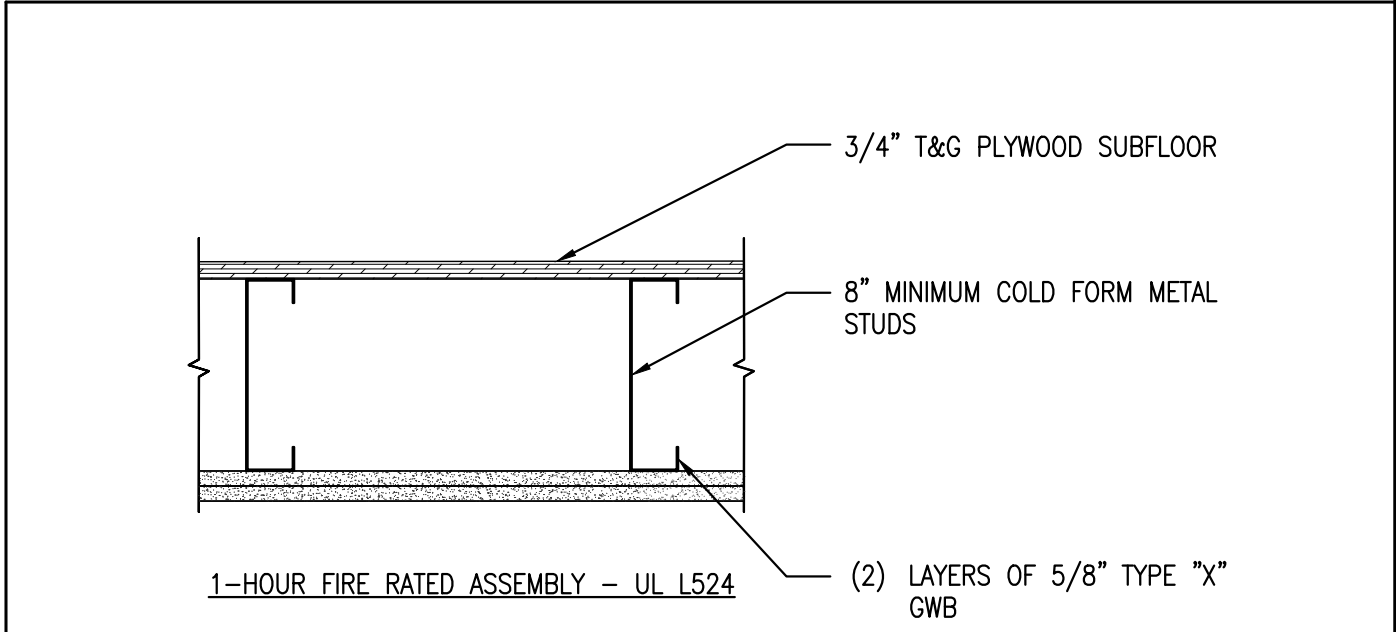
ISSUED FOR PERMITTING



REFLECTED CEILING PLAN LEGEND:

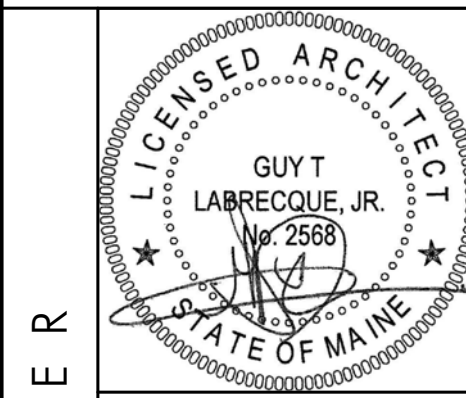
	ACT-1: 2'x4' SUSPENDED CEILING SYSTEM. REFERENCE SPECIFICATIONS FOR FURTHER INFORMATION.
	GWB-1: GYPSUM WALL BOARD, PAINTED. GYPSUM WALL BOARD SHALL BE 5/8" TYPE "X". REFERENCE INTERIOR FINISH LEGEND FOR SCHEDULE OF MATERIALS
	NEW RETURN AIR DEVICE. REFER TO MECHANICAL DRAWINGS
	NEW SUPPLY AIR DEVICE. REFER TO MECHANICAL DRAWINGS
	NEW 2'x4' FIXTURE. REFER TO ELECTRICAL DRAWINGS
	EXISTING 6" CAN LIGHT. REFER TO ELECTRICAL DRAWINGS
	EXIT LIGHT. REFER TO ELECTRICAL DRAWINGS
	OCCUPANCY SENSOR. REFER TO ELECTRICAL DRAWINGS
	SMOKE DETECTOR. REFER TO ELECTRICAL DRAWINGS
	HEAT DETECTOR. REFER TO ELECTRICAL DRAWINGS
	EXISTING SPRINKLER HEAD. REFER TO PLUMBING DRAWINGS
	NEW SPRINKLER HEAD. REFER TO PLUMBING DRAWINGS
	RCP MATERIAL/HEIGHT TAG TOP: CEILING FINISH, INCLUDING PAINT COLOR (IF APPLICABLE) BOT: CEILING HEIGHT A.F.F.

- REFLECTED CEILING PLAN NOTES:**
- INTERIOR FIXTURE LEGEND FOR DESIGN INTENT ONLY. COORDINATE WITH ELECTRICAL DRAWINGS FOR LIGHT FIXTURE TYPES AND CIRCUITING. ANY LIGHT FIXTURE DISCREPANCY SHALL BE BROUGHT TO THE ATTENTION OF AND COORDINATED WITH ARCHITECT AND ELECTRICAL ENGINEER PRIOR TO LIGHT FIXTURE PURCHASE AND INSTALLATION.
 - FIXTURES SHALL BE PLACED IN THE CENTER OF ACOUSTICAL TILE.
 - REF. INTERIOR FINISH LEGEND FOR SCHEDULE OF MATERIALS



A5 REFLECTED CEILING PLAN
REFERENCED FROM: N/A 3/16" = 1'-0"

G5 UL DESIGN DETAIL L524
REFERENCED FROM: N/A 1 1/2" = 1'-0"





BIDDEFORD POLICE DEPARTMENT

39 ALFRED STREET, BIDDEFORD, MAINE 04005

COURAGE • HONOR • INTEGRITY



ROGER P. BEAUPRE
Chief of Police

(207) 282-5127
biddefordmaine.org/police

April 14, 2020

William Southwick, Chairman
City of Biddeford Planning Board
205 Main Street
Biddeford, ME 04005

RE: Joseph A. Lusardi DBA: Maine Organic Therapy
5 Drapeau Street Ste. 101 Biddeford, ME 04005

Dear Mr. Southwick,

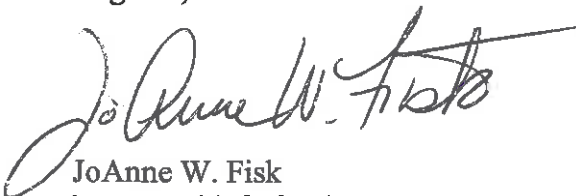
The above has applied for a conditional use permit through the City of Biddeford's Planning Department regarding Medical Marijuana.

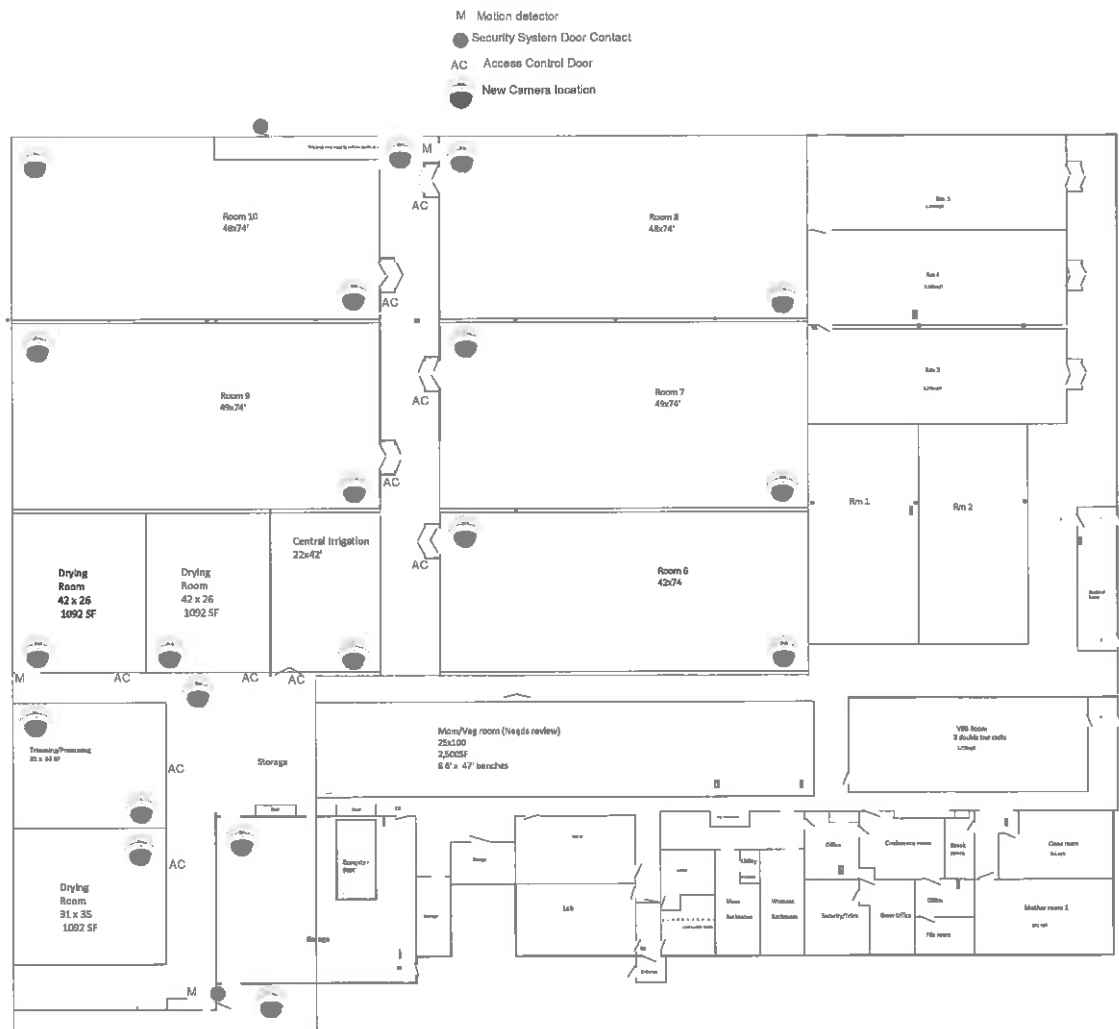
Biddeford City Ordinance Section 77 **Medical marijuana**, refers to:

"Before granting an approval, the Planning Board shall ensure the applicant has reviewed his or her property and building security plans with the Biddeford Police Department and the Police Department finds the security measures are consistent with state requirements."

In reviewing the State of Maine's Medical Use of Marijuana Program 18-691, Code of Maine Rules Chapter 2, Section 3 on "Security" the above applicant(s) security plan meets the minimum State of Maine requirements.

Regards,


JoAnne W. Fisk
Deputy Chief of Police



MAINE ORGANIC therapy
 5 Drapeau St Ste 101