



**City of Biddeford
Planning Board**

October 2, 2024 at 6:00 PM
City Hall Council Chambers & Zoom

[Join Zoom Meeting Online](#)

Or call in by phone: +1 312 626 6799
Meeting ID: 916 2108 8534
Passcode: 276637

1. Pledge of Allegiance
2. Declaration of Quorum/Voting Members
3. Adjustment(s) to Agenda
4. Planner's Business
5. Consent Agenda
6. Open Public Hearing
7. Close Public Hearing
8. Unfinished Business
9. New Business
 - 9.a **2024.52 Conditional Use Permit Request for Ganja Candy Factory (GCF) to Expand their Business Operations into the 1st Floor at 597 Elm Street (Tax Map 15, Lot 8-1) in the I-1 Zone**
 - 9.a 2024. 52 GCF Application
 - 9.a 2024.52 Ganja Candy Factory Staff Report
 - 9.a 2024.52 Ganja Candy Factory FOF-COL
 - 9.b **2024.19 Site Plan Application for XL Development for the Proposed Redevelopment at 34 Center Street (Map 38, Lot 152 - 2) in the MSRD 2 Zone (Tabled for 10-16-24)**
 - 9.c **2024.47 The Planning Board will hear the continuation of the first reading for the Amendment to the Back Lot Ordinance (Tabled 9-4-24)**
 - 9.c 2024.47 Amendment to Back Lot Ordinance

9.d 2024.38 Proposed Zoning Text Amendment – Marijuana Establishments City of Biddeford Code of Ordinances, Part III – Land Development Regulations, Article VI – Performance Standards, Section 77 Marijuana Establishments (Tabled 8-21-24)

9.d 2024.38 Proposed Zoning Text Amendment

10. Other Business

11. 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.



Dear City of Biddeford Planning Board,

Enclosed please find our site plan application, and supporting materials for a conditional use permit for an adult use cannabis retail storefront, and commercial kitchen.

Materials included are as follows:

- Copy of the planning board application with check list and supporting documentation
- Introduction to Ganja Candy Factory
- Odor Mitigation plan
- Signage plan with photos
- Photos of the property
- Building offset measurement survey
- Business owner Identification
- Lease proposal

We thank you for your time and consideration in this matter.

Best Regards,

Jeremie D. Remian

Angela N . Warren

Edwin J. Larrivee Jr- Property Owner

About the owners of the company

Jeremie Remian and Angela Warren have been certified medicinal caregivers since 2016. Both being very passionate believers in the use of cannabis for pain relief, and so much more! After seeing how much our products were helping not only ourselves, but our friends and family as well. We have dedicated many years of our lives to building Ganja Candy Factory. We have built a brand of specialized, high quality candy. As the medical laws and regulations expanded, so did the needs of the patients. Wanting to make our edibles more available gave way to a business plan, Ganja Candy Factory. We have built, and successfully operated Ganja Candy Factory in Portland, and since then now in Biddeford

Ganja Candy Factory was incorporated in January of 2018 and has since produced:

Retail sales of Medicinal cannabis product: \$1,455,864.46

Regular retail sales of branded items and accessories:\$165,769.51

Wholesale Medicinal edibles:\$799,967.65

Executive Summary

Ganja Candy Factory and Glass Emporium LLC is seeking to open a Adult Use cannabis retail storefront with a commercial kitchen at 597 Elm St, Biddeford, Maine 04005 on the 2nd floor. The 1st floor would be our Medical and 2nd floor would be Recreational. We are located in I-1 industrial zone. We have secured a 5 year lease and 5 year extension.

Our hours of operation will be 7 days per week 9am-8pm Monday through Saturday, and 9am-6pm on Sunday. (Except in observance of major U.S. holidays)

Organization and Management

Ganja Candy Factory will employ 5 full time employees and 1 part time employee.

2 full time candy chefs @\$25/ hour. Candy chefs are responsible for keeping the kitchen clean and sanitized using only approved cleaning procedures. They follow our recipes to produce edibles such as: Gummies, Hard Candy, Lollipops, 10 different flavor chocolate bars, Smores, topical salves, and Tinctures. All staff are required to get a yearly Serve Safe Certification paid for by the company.

2 Full Time Budtenders @ \$22/ hour. Budtenders are trained to follow state and local laws, and have knowledge of the products we carry as well as cannabis in general.

1 Full Time Manager @\$30/ hour. Manager is responsible for assisting bud tenders, inventory, placing orders, working with 3rd party vendors, assisting customers, and

Keep open communication with the staff and owners.

1 Part Time office assistant @\$22/ hour. Office assistant is responsible for paying the monthly sales tax, assisting owners with Quickbooks, keep business finances in order and is able to provide our accountant with any payroll, tax needs, etc.

Odor Mitigation Plan:

Ganja Candy Factory produces and packages high quality candy. We will not be cultivating or selling any plants which significantly reduces any smell of marijuana. Odors emitted from the commercial kitchen are limited to fruity flavors and chocolate. However, we will have prepackaged licensed 3rd party flower, and concentrates for sale.

All flower and concentrates will be packaged in accordance with state law and shall be odor and child proof.

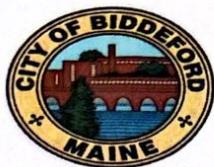
All edibles will be packaged in accordance with state law and will also be child and smell proof.

All marijuana products will be displayed through locked glass display cases. These cases will remain closed at all times with the exception of employees getting products for customers.

All product inventory will be stored in a locked storage area monitored by security cameras. Only the manager and owners will have access to this inventory.

Ganja Candy Factory has installed a carbon filtration system through the ceiling grid to help with any odor mitigation through the kitchen, and storefront. The manager will also be responsible for maintaining and replacing filters at least every 3 months, or as needed.

Owners will also be inspecting the filters and maintenance logs monthly



City of Biddeford – Planning Department
Planning Board Application

P.O. Box 586, 205 Main Street Biddeford, Maine 04005
 207-284-9115

Type of Application:

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

Applicant Information:

Name: Edwin J. Larrivee Sr
 Mailing Address: 597 Elm St Biddeford, ME 04005
 Telephone: 207-294-1300 cell
 Email: Larrivee316@yahoo.com
 What is your legal interest in the property?
☒ Owner ☐ Potential Buyer with Contract ☐ Lease/Rental Agreement

Owner's Information:

Name: Edwin J. Larrivee Sr
 Mailing Address: 597 Elm St Biddeford, ME 04005
 Telephone: 207-294-1300 cell
 Email: Larrivee316@yahoo.com

Agent's Information:

Name: N/A
 Mailing Address: _____
 Telephone: _____
 Email: _____

Engineer/Surveyor's Information:

Name: SGC Engineering LLC
 Mailing Address: 501 Country Road Westbrook, ME 04092
 Telephone: 800-581-4031
 Email: Scot.mcdonald@vysusgroup.com

Project Location and Lot Information:

Street Address: 597 Elm St Drainage Watershed: _____
 Tax Map: 15 Lot: 8-1
 Current Zoning: I 1 Shoreland Zoning: NO
 Size of Lot: 1.5 Acres () s.f. Lot Frontage: 116.72
 Existing Use of Property: Medical Cannabis storefront and Commercial kitchen used to produce edibles for medical use.

Property currently serviced by:

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

Is the project within the 100-year floodplain? ☐ (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:

Use of Upstairs for Adult Use Recreational
Cannabis, Cannabis infused edibles-
Retail Storefront + Commercial Kitchen

Property to be Serviced by:

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

Limits of Disturbance: _____ () acres () s.f.

Net change in impervious cover: _____ () acres () s.f.

Is this project part of a larger project? ☐ (Yes) ☐ (No)

Is the project proposing a new Private or Public Road? ☐ (Yes, Private) ☐ (Yes, Public) ☒ (No)

Is this project within the Urbanized Area/MS4 (see City Drainage Map) ☐ (Yes) ☐ (No)

Is the project proposing any Stormwater facilities/BMPs? ☐ (Yes) ☒ (No)

Will a Traffic Movement Permit (TMP) be required?: ☐ (Yes) ☒ (No)

If in a Shoreland Zone:

Percent of residential lot coverage (Max 20%): N/A

Percent of structure expansion (Max 30%): N/A

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 structure: 0

Total new square feet paving/parking: 0

Waiver Requests (attach details):

1. _____
2. _____
3. _____
4. _____
5. _____

Required Submittal 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 Department – 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. Engineering Plans, as required.
- F. Stormwater Management Report, as required.

Fees (Due at time of Submission):

- \$75 Nonrefundable Administration Fee is required for every application.
- Refer to "Attachment A Fees and Charges" of the Land Development Regulations for more information. Consult with Planning Staff if you have questions.

**CHECKLIST FOR
SITE PLAN
REQUIREMENTS**

YES NO

- ☐ ☒ N/A Be on sheet size of 24 by 36 inches.
- ☐ ☒ N/A The scale of said plan shall be not less than one inch equals 50 feet and shall be indicated on the plat by use of a bar scale.
- ☐ ☒ N/A The plan shall bear the date, title, north point.
- ☐ ☒ N/A The plan shall contain a location or vicinity sketch (suggested scale one inch equals 800 feet).
- ☐ ☒ N/A The plan shall contain the name and address of the developer and applicant.
- ☐ ☒ N/A All appropriate dimensional requirements.
- ☐ ☐ Existing and proposed easements.
- ☐ ☒ N/A Plan of the site showing existing watercourses and water bodies, seasonal wet areas.
- ☐ ☒ N/A Plan of the site showing soil type and location of test borings.
- ☐ ☒ N/A Location of all existing and proposed utilities.
- ☐ ☒ N/A Topographic contours (every five percent for zero to three percent slope; or every two feet for steeper areas).
- ☐ ☒ N/A Plan should include preservation and supplementation of existing dominant vegetation.
- ☐ ☒ N/A Plan shall indicate which features are to be retained and which are to be removed or altered.
- ☐ ☒ N/A Location of stonewalls, graveyards, fences, stands of trees, and other important unique natural areas and site features, including but not limited to floodplains, deer wintering areas, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, and historic and/or archaeological resources, together with description of such features.
- ☐ ☒ N/A Plan view of all buildings with their use, size, location, and first-floor elevation in respect to grade.
- ☐ ☒ N/A Standard elevation view of existing and proposed buildings or structures on-site.

YES NO

- ☐ ☐ N/A Outline of any buildings located within 200 feet of such existing or proposed buildings or structures indicating their shape, size, location, heights and volume.
- ☐ ☐ N/A Existing use of abutting properties shall be identified with approximate location of any structures thereon including access roads.
- ☐ ☐ N/A Location, width, curbing, and paving of access ways, egress ways, and streets within the site for both pedestrian and vehicular use.
- ☐ ☐ N/A The location of off-street parking and loading spaces with a layout of the parking indicated.
- ☐ ☐ N/A The size and proposed location of water mains and sanitary sewerage facilities will all necessary engineering data.
- ☐ ☐ N/A The size and location of all other existing and proposed public service connections including, without limitation, gas lines, power lines, telephone lines, and fire alarm connections and locations, indicating whether above or below ground.
- ☐ ☐ N/A The type, nature, and composition of all solid, liquid, and gaseous waste, industrial or otherwise, and the location, type, and design criteria of the storage and disposal facilities dealing with such waste.
- ☐ ☐ N/A A landscape plan and open space areas indicating grade change, vegetation to be preserved, new plantings used to stabilize areas of cut and fill, screening; plus size, location, purpose and type of vegetation.
- ☐ ☐ N/A A drainage plan including location, elevation, layout of catch basins and other surface and subsurface drainage features.
- ☒ ☐ Location, size and design of proposed signs and other advertising or instructional devices.
- ☐ ☐ N/A Existing and proposed contours and finished grade elevations as well as the type, extent, and location of existing and proposed landscaping and open space areas which will be retained.
- ☐ ☐ N/A Location and type of lighting for outdoor facilities.
- ☐ ☐ N/A Lines of existing and proposed abutting streets showing width.
- ☐ ☐ N/A Surveyed property lines showing their bearing and distances and monument locations.
- ☐ ☐ N/A If subdivision is involved, the lines and names of all proposed streets, lanes, ways, or easements intended to be dedicated for public or private use.

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 the review for special studies, legal review costs, and/or engineering review.
- I understand that by submitting an 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.

Will the proposed project cause 1 acre or more of site disturbance?: ☐ (Yes) ☒ (No)

- **If Yes, applicant is responsible for any required Maine Construction General Permits and shall comply with the requirements of DEP Chapter 500 Stormwater Regulations, as they apply.**

Signature of Applicant: _____

Date 8-27-24

Signature of Property Owner: _____

Date 8-27-24

DIGITAL SUBMITTAL REQUIREMENTS FOR ALL SUBMITTALS:

- A) PDF OF SIGNED APPLICATION
- B) PDFs OF ALL DRAWING SETS AND OTHER REQUIRED SUBMITTAL ATTACHMENTS NOTED ABOVE

HARD-COPY SUBMITTAL REQUIREMENTS FOR PLANNING BOARD APPLICATIONS:

- A) SEVEN (7) FULL-SIZE PAPER COPIES OF DRAWING SETS

DIGITAL SUBMITTAL REQUIREMENTS FOR FINAL APPROVAL:

- A) INDIVIDUALLY NAMED PDFs OF EACH DRAWING (NOT A COMBINED PDF SET)
 - Individual Drawing PDF Naming Format: 'PROJECT/SHEETSET NAME_INDIVIDUAL DRAWING NAME.pdf'
- B) PDF COPIES OF ALL PERMIT APPROVALS, APPLICATIONS, REPORTS, NARRATIVES, LETTERS, ETC.
- C) FINAL CAD REFERENCE FILES IN DWG FORMAT (SURVEY & PROPOSED DESIGN LINEWORK)
 - All drawings & CAD reference files must be to-scale and within the following coordinate systems:
 - MAINE STATE PLANE WEST NAD83 (Horizontal Datum) & NAVD88 (Vertical Datum)

HARD-COPY SUBMITTAL REQUIREMENTS FOR FINAL APPROVAL:

- A) THREE (3) FULL-SIZE PAPER COPIES OF INDIVIDUAL DRAWINGS REQUIRING BOARD SIGNATURE
- B) ONE (1) FULL-SIZE PAPER COPY OF ENTIRE DRAWING SET FOR ENGINEERING RECORDS

PLEASE CONFIRM WITH PLANNING STAFF FOR CLARIFICATION

YES **NO**

- ☒ ☐ Provide copies of any covenants or restrictions that are intended to cover all or part of the land area to be developed.
- ☐ ☐ *W/A* Indicate limits of the wetland areas on the property.
- ☐ ☐ *W/A* Delineate existing zoning boundaries within 1,000 feet of the site.
- ☐ ☐ *W/A* Stamp and signature of either a Maine licensed land surveyor, professional engineer, or architect responsible for said plan.
- ☐ ☒ Any other exhibits or data deemed necessary by the Planning Board to evaluate the proposed development for site plan review purposes.

WARRANTY DEED

We, **JEAN L. VAILLEUX** and **JEANNE D. VAILLEUX**, of Arundel, County of York and State of Maine, for consideration paid, grant to **ROBERT C. WATERS** and **SHIRLEY B. WATERS**, of Old Orchard Beach, County of York and State of Maine, whose mailing address is 150 Ross Road, Old Orchard Beach, ME 04064, with **WARRANTY COVENANTS**, as Joint Tenants, the following described real estate situated in Biddeford, York County, Maine:

A certain lot or parcel of land, with any improvements thereon, located in the City of Biddeford, County of York and State of Maine, being more particularly described as follows:

Commencing at a found 3/4" iron rod set in the southeasterly sideline of Elm Street, at/ to U.S. Route One, in said City of Biddeford, said iron rod marking the most northerly corner of land now or formerly of the Howard Family Joint Living Trust, (Book 9096, Page 193 and Book 2035, Page 588) and the southwesterly corner of the parcel conveyed hereby; Thence running S 57° 14' 45" E along said land of the Howard Family Joint Living Trust a distance of 560.16 feet to a set iron rod with cap, said point being the southwesterly corner of land to be retained by the Grantors herein and the southeasterly corner of the parcel conveyed hereby; Thence turning and running N38° 40' 45" E, along said land to be retained by the Grantors herein, a distance of 116.72 feet to a found iron rod (bent) (re-set iron rod with cap), said point being the most southerly corner of land now or formerly of Dube Drywall Co., Inc., (Book 3562, Page 225) and the easterly most corner of the parcel conveyed hereby; Thence turning and running N 57° 05' 00" W, along said land of Dube Drywall Co., Inc., a distance of 559.58 feet to a found 1" iron pipe located on the southeasterly sideline of said Elm Street; Thence turning and running S 34° 41' W along the southeasterly sideline of said Elm Street a distance of 79.73 feet to a set p.k. nail; Thence turning and running S 39° 17' 30" W along the southeasterly sideline of said Elm Street a distance of 38.62 feet to the point and place of beginning.

Subject to an easement reserved by Grantors herein, Jean L. Veilleux and Jeanne D. Veilleux their heirs and assigns forever, being a 50 foot wide right of way and utility easement over the following portion of the above described parcel:

Commencing at a found 3/4" iron rod set in the southeasterly sideline of Elm Street, at/ to U.S. Route One, in said City of Biddeford, said point of beginning being the most northerly corner of land now or formerly of the Howard Family Joint Living Trust, and the southwesterly corner of the parcel conveyed hereby; Thence running S 57° 14' 45" E along said land of the Howard Family Joint Living Trust a distance of 560.16 feet to a set iron rod with cap, said point being the southwesterly corner of land retained by the Grantors herein, Jean L. Veilleux and Jeanne D. Veilleux, and the southeasterly corner of the parcel conveyed hereby; Thence turning and running N38° 40' 45" E, along said land to be retained by the Grantors herein, a distance of 50 feet, more or less, to a point; Thence turning and running in a northwesterly direction, parallel with the first described course, to a point in the southeasterly sideline of said Elm Street; Thence turning and running S 39° 17' 30" W along the southeasterly sideline of said Elm Street a distance of 50 feet more or less, to the point and place of beginning.

Included with the above reserved right of way are all portions of the existing gravel drive running in a general southeasterly direction from the southwesterly sideline of U.S. Route 1 to

MAINE R.E. TRANSFER TAX PAID

BK 13784 PG 080

remaining land of the Grantors herein to the extent said gravel drive goes outside of the above described 50 foot wide right of way to the northeast.

Said right of way and easement shall be for purposes including ingress to and egress from that land retained by the Grantors herein and for the laying, relaying, installation and maintenance of utility lines, pipes and other conduits.

The Grantors and Grantees, their heirs and assigns, shall keep said right of way and easement area clear of vehicles, structures and any other obstructions. The cost of plowing of and snow removed from said right of way and easement shall be divided equally between Grantors and Grantees, their heirs and assigns. Grantors and Grantees, their heirs and assigns, shall not park, nor allow to be parked, vehicles of any nature or kind within 50 feet of the southeasterly boundary of the premises conveyed hereby.

Grantors and Grantees have agreed that they will not place any improvements in or park any vehicles in the following described area which will be a dedicated area for snow removal:

Beginning at an iron rod with survey cap marking the southeasterly corner of the above described lot;

Thence, running N 38° 40' 45" E by remaining land of the Grantors 116.72' to a found iron rod (bent) reset with an iron rod with survey cap;

Thence, running N 57° 05' 00" W by land of Dubs Drywall Co., Inc. (Book 3562, Page 225) a distance of 50 feet to a point and corner;

Thence, running S 38° 40' 45" W over the land described above a distance of 116 feet, more or less, to a point and corner on the southeasterly side of the above described lot;

Thence, running S 57° 14' 45" E by said land of Howard Family Joint Living Trust a distance of 50 feet to an iron rod set in the ground and the point of beginning.

Reference is made to plan entitled "Plan Showing A Standard Boundary Survey Made For Jean L. & Jeanne D. Veilleux" dated May 3, 1999, revised September 19, 2003, by Dow & Coulombe, Inc., Land Surveyors & Planners.

Being the same premise described in a deed from Grantees to Grantors pursuant to a deed of even date herewith.

Being a portion of those premises conveyed to Jean L. Veilleux and Jeanne D. Veilleux by warranty deed of John P. Couture and Pauline Couture dated January 28, 1982, and recorded in Book 2891, Page 137 of the York County Registry of Deeds, and by quitclaim deed of Arthur M. Scott, Jr., dated June 28, 1985, and recorded in Book 3563, Page 292 of said Registry.

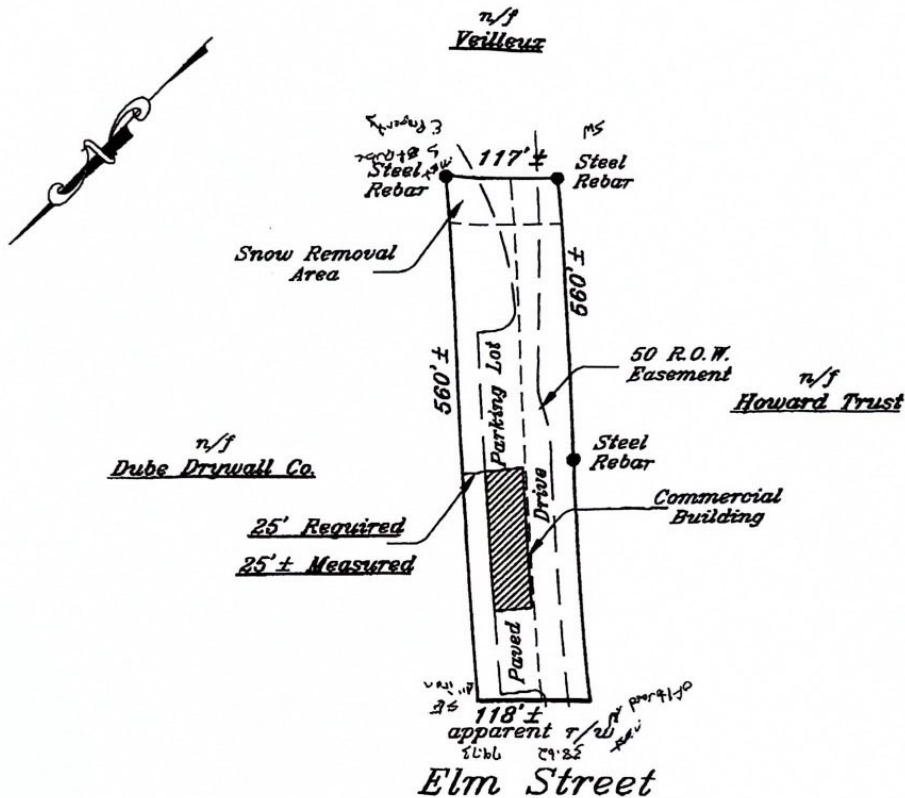
WITNESS our hands and seals this 10th day of December, 2003.

For Mortgage Lender Use Only

General Notes: (1) Distances shown are taken from provided title references shown below. (2) The purpose of this inspection is to render an opinion as follows: A) dwelling and accessory structure's compliance with respect to municipal zoning setbacks and B) flood zone determination by horizontal scaling on below referenced FEMA Map. (3) This inspection excepts out all technical standards as set forth by State of Maine Board of Licensure for Professional Land Surveyors. (4) This inspection is to be used only by the below listed lender, title attorney and title insurer and shall not be used by another party for boundary line locations or land title opinions. (5) A boundary survey should be performed to render a professional opinion pertaining to boundary line locations, easements, rights of way, encumbrances and/or encroachments.

This Inspection Shall Not Be Used For Construction Purposes

Address: 597 Elm Street Inspection Date: January 9, 2008
Biddeford, Maine Scale: 1" = 150'



Applicant: Edwin Larrivee Jr. Requesting Party: Atlantic Coast Title LLC
 Owner: Robert & Shirley Walters Attorney: _____
 Lender: KeyBank National Association File No. M2087283 Field Book: 371-79
 A.C.T. File No. ACT 16539

Title References:

Deed Book: 13784 Page: 79
 Plan Book: _____ Page: _____ Lot: _____
 County: York

Municipal References:

Map: 15 Block: _____ Lot: 8-1

The building does not fall within a Special Flood Hazard Zone Per FEMA Community Map No. 230145
 Panel: 0008B Zone: C Date: 5-15-84

The building was in compliance with municipal zoning setback requirements at the time of construction.

Comments: See deed for appurtenances.
 Parking lot/travelled way is approximate.

Middle Branch LLC Professional Land Surveyors

1A Depot Street, P.O. Box 618
 Alfred, Me. 04002-0618
 Ph. (207)324-8712 Fax (207)324-8100

[Signature]
 1-12-09

This Inspection Is Valid Only With An Embossed Seal And Is Null & Void 90 Days After Inspection Date.

This Is Not A Boundary Survey

Not For Recording D.P.P.



May 4, 2022

Mr. Jeremy Remian
18 Dyer Street
Saco, ME 04072

RE: Proposal for professional surveying services - Building Offset Measurement

Dear Jeremy,

Please sign and return this letter of engagement (LOE) so that we may proceed with the following scope of services. As per our discussions, SGC will be engaged to measure and calculate the closest distance between buildings located at 597 Elm Street and 5 Drapeau Street in Biddeford, Maine. Survey crews will locate two corners of each building, calculate the closest distance between the structures, and generate a sketch detailing the results of the survey. The sketch will be signed and sealed by a Professional Land Surveyor licensed to practice in the State of Maine.

We will perform the services based on a Lump Sum basis of \$700.00. We plan on beginning on this project upon receipt of a signed contract and anticipate delivery of final product within five days thereafter.

By signing this LOE, you indicate your acceptance of the terms and conditions contained herein and you give us authorization to proceed with the scope of work indicated.

SGC Engineering, LLC appreciates the opportunity to provide these Survey Services to you.

Very truly yours,

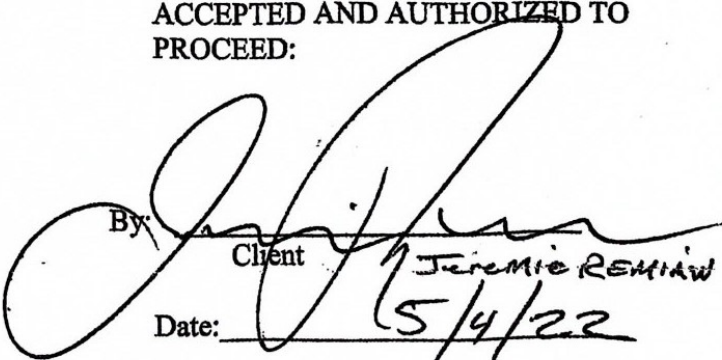

Scot A. Macdonald, PLS
Manager of Business Development
Approver

ACCEPTED AND AUTHORIZED TO
PROCEED:

By:

Client

Date:


Jeremy REMIAN

5/4/22

Enclosures.

SGC Engineering LLC

501 County Road
Westbrook, Maine 04092

www.sgceng.com
800.581.4031

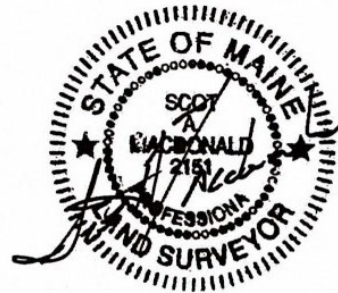


- 1) THIS PLAN IS THE RESULT OF AN ON THE GROUND SURVEY PERFORMED ON 5/6/2022.
- 2) PROPERTY AND STREET RIGHT OF WAY LINES DEPICTED HEREON ARE APPROXIMATE AND HAVE BEEN COMPILED FROM CITY OF BIDDEFORD GIS MAPPING.



1 INCH = 100 FEET

DATE: 05/16/22
SCALE: 1" = 100'



BUILDING OFFSETS
OF PROPERTIES LOCATED ON
5 DRAPEAU & 597 ELM STREET
BIDDEFORD, ME

PREPARED FOR:
JEREMIE REMIAN

18 Dyer Street - Saco, ME 04072

**MAINE
LIMITED LIABILITY COMPANY**

STATE OF MAINE

CERTIFICATE OF FORMATION

Filing Fee \$175.00

File No. 20183838DC Pages 2

Fee Paid \$ 175

DCN 2180252310019 DLLC

FILED

01/22/2018


Deputy Secretary of State

A True Copy When Attested By Signature


Deputy Secretary of State

Pursuant to 31 MRSA §1531, the undersigned executes and delivers the following Certificate of Formation:

FIRST: The name of the limited liability company is:

Ganja Candy Factory and Glass Emporium, LLC

(A limited liability company name must contain the words "limited liability company" or "limited company" or the abbreviation "L.L.C.," "LLC," "LC" or "LC" or, in the case of a low-profit limited liability company, "L3C" or "L3c" - see 31 MRSA 1508.)

SECOND: Filing Date: (select one)

☒ Date of this filing; or

☐ Later effective date (specified here): _____

THIRD: Designation as a low profit LLC (Check only if applicable):

☐ This is a low-profit limited liability company pursuant to 31 MRSA §1611 meeting all qualifications set forth here:

A. The company intends to qualify as a low-profit limited liability company;

B. The company must at all times significantly further the accomplishment of one or more of the charitable or educational purposes within the meaning of Section 170(c)(2)(B) of the Internal Revenue Code of 1986, as it may be amended, revised or succeeded, and must list the specific charitable or educational purposes the company will further;

C. No significant purpose of the company is the production of income or the appreciation of property. The fact that a person produces significant income or capital appreciation is not, in the absence of other factors, conclusive evidence of a significant purpose involving the production of income or the appreciation of property; and

D. No purpose of the company is to accomplish one or more political or legislative purpose within the meaning of Section 170(c)(2)(D) of the Internal Revenue Code of 1986, or its successor.

FOURTH: Designation as a professional LLC (Check only if applicable):

☐ This is a professional limited liability company* formed pursuant to 13 MRSA Chapter 22-A to provide the following professional services:

(Type of professional services)

FIFTH:

The Registered Agent is a: (select either a Commercial or Noncommercial Registered Agent)

☐ Commercial Registered Agent

CRA Public Number: _____

(Name of commercial registered agent)

☒ Noncommercial Registered Agent

Angela Warren

(Name of noncommercial registered agent)

18 Dyer Street, Saco, Maine 04072

(physical location, not P.O. Box – street, city, state and zip code)

(mailing address if different from above)

SIXTH:

Pursuant to 5 MRSA §105.2, the registered agent listed above has consented to serve as the registered agent for this limited liability company.

SEVENTH:

Other matters the members determine to include are set forth in the attached Exhibit A, and made a part hereof.

****Authorized person(s)**

Dated

1/18/18

Angela Warren

(Signature of authorized person)

Angela Warren

(Type or print name of authorized person)

(Signature of authorized person)

(Type or print name of authorized person)

***Examples of professional service limited liability companies are accountants, attorneys, chiropractors, dentists, registered nurses and veterinarians. (This is not an inclusive list – see 13 MRSA §723.7)**

****Pursuant to 31 MRSA §1676.1.A, Certificate of Formation MUST be signed by at least one authorized person.**

The execution of this certificate constitutes an oath or affirmation under the penalties of false swearing under 17-A MRSA §453.

Please remit your payment made payable to the Maine Secretary of State.

Submit completed form to:

Secretary of State

Division of Corporations, UCC and Commissions

101 State House Station

Augusta, ME 04333-0101

Telephone Inquiries: (207) 624-7752

Email Inquiries: CEC.Corporations@Maine.gov



Angela Warren <ganjacandyfactory@gmail.com>

RE: 597 Elm Street

Gagne, Scott <Scott.Gagne@biddefordmaine.org>
To: Angela Warren <ganjacandyfactory@gmail.com>

Wed, Jun 29, 2022 at 7:48 AM

The Biddeford Fire Department has the ability to serve the address location of 597 Elm Street. Please let me know if you need any additional information.



Biddeford Fire Department

From: Angela Warren <ganjacandyfactory@gmail.com>

Sent: Tuesday, June 28, 2022 2:00 PM

To: Gagne, Scott <Scott.Gagne@Biddefordmaine.org>; jer remian <hollisgrow2@gmail.com>;
larrivee316@yahoo.com

Subject: 597 Elm Street

Hello Chief Gagne,

My name is Angela Warren and I am contacting you today from the Ganja Candy Factory. We are established, registered medical cannabis caregivers who are looking to rent the 2nd floor of 597 Elm Street, Biddeford for our commercial kitchen and medical retail storefront. Our commercial kitchen does not operate off of fossil fuels, as we use electric Nuwave cooktop elements to produce our medical edibles.

We are in the process of getting approval from the City and will need a letter of approval from the Fire Department stating that you will have the ability to serve this address.

CERTIFICATE OF COMPLIANCE

This authorizes the application of the Certification Mark(s) shown below to the models described in the Product(s) Covered section when made in accordance with the conditions set forth in the Certification Agreement and Listing Report.

Company: AC Infinity Inc
Address: 21880 Baker Pkwy, City of Industry,
CA 91789
Country: USA

Report Issuing Office: Intertek Testing Services Shanghai Limited

Control Number: 5021417

Authorized by: Jordan Holbert
for L. Matthew Snyder, Certification Manager



This Certificate of Compliance is for the exclusive use of Intertek's Client and is provided pursuant to the Certification Agreement between Intertek and its Client. Intertek's responsibility and liability are limited to the terms and conditions of the Agreement. Intertek assumes no liability to any party, other than to the Client in accordance with the Agreement, for any loss, expense or damage occasioned by the use of this Certificate. Only the Client is authorized to permit copying or distribution of this Certificate and then only in its entirety. Use of Intertek's Certification mark is restricted to the conditions laid out in the Agreement and in this Certificate. Any further use of the Intertek name for the sale or advertisement of the tested material, product or service must first be approved in writing by Intertek. Initial Factory Assessments and Follow up Services are for the purpose of assuring appropriate usage of the Certification mark in accordance with the Agreement, they are not for the purposes of production quality control and do not relieve the Client of their obligations in this respect.

Intertek Testing Services NA Inc.
545 East Algonquin Road, Arlington Heights, IL 60005
Telephone 800-345-3851 or 847-439-5667 Fax 312-283-1672

Standard(s):	Electric Fans [UL 507:2017 Ed.10+R:15Aug2018] Fans And Ventilators [CSA C22.2#113:2018 Ed.11]
Product:	Duct Fan
Brand Name:	AC INFINITY
Models:	AI-CLT4, AI-CLS4, AI-CLA4, AI-CLB4, AI-CLT6, AI-CLS6, AI-CLA6, AI-CLB6, AI-CLT8, AI-CLS8, AI-CLA8, AI-CLB8, AI-CLT10, AI-CLS10, AI-CLA10, AI-CLB10, AI-CLT12, AI-CLS12, AI-CLA12, AI-CLB12



SHENZHEN HTT TECHNOLOGY CO.,LTD.

HOTLINE: 400-6655-351

WWW.HTTPRC.COM

Certificate of Conformity

Certificate No. : HTT191213465E
Applicant : AC Infinity Inc.
Applicant Address : 18221 Railroad St.,City of Industry,CA 91748,USA
Manufacturer : AC Infinity Inc.
Manufacturer Address : 18221 Railroad St.,City of Industry,CA 91748,USA
Product : CLOUDLINE Series
Model No. : AI-CLT8, AI-CLS3, AI-CLT3, AI-CLB3, AI-CLX3, AI-CLS4, AI-CLT4, AI-CLB4, AI-CLX4, AI-CLS5, AI-CLT5, AI-CLB5, AI-CLX5, AI-CLT6, AI-CLS6, AI-CLB6, AI-CLX6, AI-CLS8, AI-CLB8, AI-CLX8, AI-CLT10, AI-CLS10, AI-CLB10, AI-CLX10, AI-CLT12, AI-CLS12, AI-CLB12, AI-CLX12, AI-CLT14, AI-CLS14, AI-CLB14, AI-CLX14
Trademark : AC INFINITY®

The following products have been tested by us with listed standards and found in compliance with the council EMC 2014/30/EU. It is possible to use CE marking to demonstrate the compliance with this EMC.

Test standards:	Report(s) Number	Issued By	Issued Date
EN 55014-1: 2017 EN 55014-2:2015 EN 61000-3-2: 2014 EN 61000-3-3: 2013	HTT191213465ER	HTT	Jan.02,2020

This certificate of conformity is not transferable and based on an evaluation of a sample of the above mentioned product.



Authorized Signer;

Kevin
KevinYang/Senior Manager

Date: Jan.02,2020

TEL: 0755-23595200 FAX: 0755-23595201
1F, B BUILDING, HUAFENG INTERNATIONAL ROBOTICS INDUSTRIAL PARK, GUSHU,
XIXIANG STREET, BAO'AN DISTRICT, SHENZHEN



SHENZHEN HTT TECHNOLOGY CO.,LTD.

HOTLINE: 400-6655-351

WWW.HTTPRC.COM

Certificate of Conformity

Certificate No. : HTT191213465L

Applicant : AC Infinity Inc.

Applicant Address : 18221 Railroad St.,City of Industry,CA 91748,USA

Manufacturer : AC Infinity Inc.

Manufacturer Address : 18221 Railroad St.,City of Industry,CA 91748,USA

Product : CLOUDLINE Series

Model No. : AI-CLT8, AI-CLS3, AI-CLT3, AI-CLB3, AI-CLX3, AI-CLS4, AI-CLT4,
AI-CLB4, AI-CLX4, AI-CLS5, AI-CLT5, AI-CLB5, AI-CLX5, AI-CLT6,
AI-CLS6, AI-CLB6, AI-CLX6, AI-CLS8, AI-CLB8, AI-CLX8,
AI-CLT10, AI-CLS10, AI-CLB10, AI-CLX10, AI-CLT12, AI-CLS12,
AI-CLB12, AI-CLX12, AI-CLT14, AI-CLS14, AI-CLB14, AI-CLX14

Trademark : AC INFINITY®

The following products have been tested by us with listed standards and found in compliance with the council LVD (Low Voltage Directive) 2014/35/EU. It is possible to use CE marking to demonstrate the compliance with this Low Voltage Directive.

Test standards:	Report(s) Number	Issued By	Issued Date
EN 60335-1:2012 +A13:2017	HTT191213465LR	HTT	Jan.02,2020

This certificate of conformity is not transferable and based on an evaluation of a sample of the above mentioned product.



Authorized Signer:

Kevin Yang/Senior Manager

Date: Jan.02,2020



TEL: 0755-23595200 FAX: 0755-23595201
1F, B BUILDING, HUAFENG INTERNATIONAL ROBOTICS INDUSTRIAL PARK, GUSHU,
XIXIANG STREET, BAO'AN DISTRICT, SHENZHEN



APPROVALS®

Certificate of Conformity/Approval

Additional Models
AI-CLS4

Trade Name
AC INFINITY

Rating/Marking
100-240V~ 50/60Hz 28W
IP44, Class I

R. A. Hill

For and on Behalf of
SAA Approvals Pty Ltd

This certificate is issued by SAA Approvals Pty Ltd in accordance with the SAA Approvals Electrical Product Safety Certification Scheme accredited by JAS-ANZ under AS/NZS ISO/IEC 17065, RECS accreditation under the Queensland Government legislative requirements and REAS accreditation under the NSW Government legislative requirements. SAA certifies the product nominated in this certificate complies with standard/s listed above in accordance with the schemes herein. For SAA Contact Details and Certificate verification, go to:
www.saaapprovals.com.au

JAS-ANZ



www.jas-anz.org/register



Issued: 02-09-21 211377
Page 2 of 2



APPROVALS®

Certificate of Conformity/Approval

Certificate No.: SAA-211377-EA

Certificate Holder: AC Infinity Inc.
21880 Baker Parkway,
City of Industry, CA 91789
U.S.A.

Regulatory Definition: Fan
Product Description: Cloudline Series Fan
Trade Name/s: AC INFINITY
Model No.: AI-CLT4
Rating/Marking/s: 100-240V~ 50/60Hz 28W
IP44, Class I

Standard/s: AS/NZS 60335.2.80:2016
AS/NZS 60335.1:2020

Condition/s: Nil

Approval Marks: RCM (In accordance with AS/NZS 4417 and EESS requirements)
and
SAA-211377-EA (In accordance with NSW legislative requirements)

Initial Issue Date: 2 September 2021

Expiry Date: 2 September 2026

R. A. Hill

For and on Behalf of
SAA Approvals Pty Ltd

This certificate is issued by SAA Approvals Pty Ltd in accordance with the SAA Approvals Electrical Product Safety Certification Scheme accredited by JAS-ANZ under AS/NZS ISO/IEC 17065, RECS accreditation under the Queensland Government legislative requirements and REAS accreditation under the NSW Government legislative requirements. SAA certifies the product nominated in this certificate complies with standard/s listed above in accordance with the schemes herein. For SAA Contact Details and Certificate verification, go to:
www.saaapprovals.com.au

JAS-ANZ



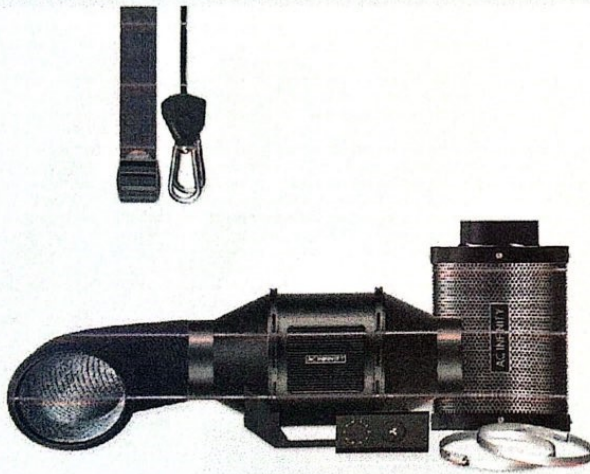
www.jas-anz.org/register



Issued: 02-09-21 211377
Page 1 of 2

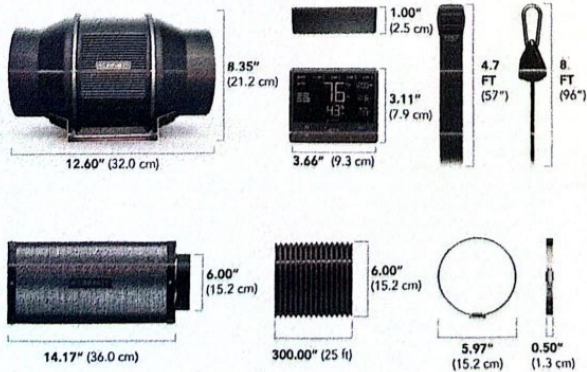
CLOUDLINE Series fan that is capable of delivering powerful yet quieter performance. Paired with a carbon filter using Australian virgin charcoal to block odors. These two pieces are connected by a set of flexible ducting with four layers of protection to properly direct airflow away. Accessories include duct clamps, prefilter cloth, rope clip hangers, and hanging straps to complete the installation.

HOME / HYDROPONICS & GROWERS / VENTILATION /
FAN AND FILTER COMBO KIT /
AIR FILTRATION KIT 4", INLINE FAN WITH SPEED
CONTROLLER, CARBON FILTER & DUCTING COMBO

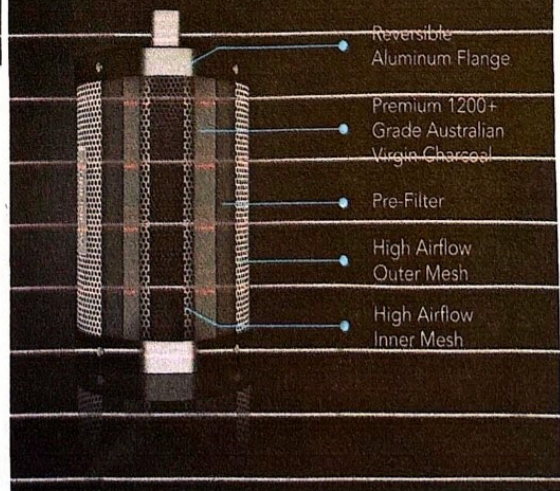


SPECIFICATIONS

FAN CLOUDLINE 6"	ENGINE EC-Motor PWM
DUCT SIZE Ø 6"	FAN AIRFLOW 402 CFM
POWER USAGE 38 Watts	NOISE 32 dBA
CONTROLLER 69	SENSORS Temp. & Humidity



HIGH QUALITY BUILD



Sign at 597 Elm Street Biddford.

Plan is to cut existing 84"x48" sign,
making 2 signs at 84"x24".

Edwin J. Larnivee 6-1-22

Edwin J. Larnivee owner

597
ELM STREET

STONE AGE

INC.

CUSTOM COUNTERTOPS

LOCAL AUTHORIZED
FABRICATOR & INSTALLER



C A M B R I A



Caesarstone

Daltile

Wilsonart

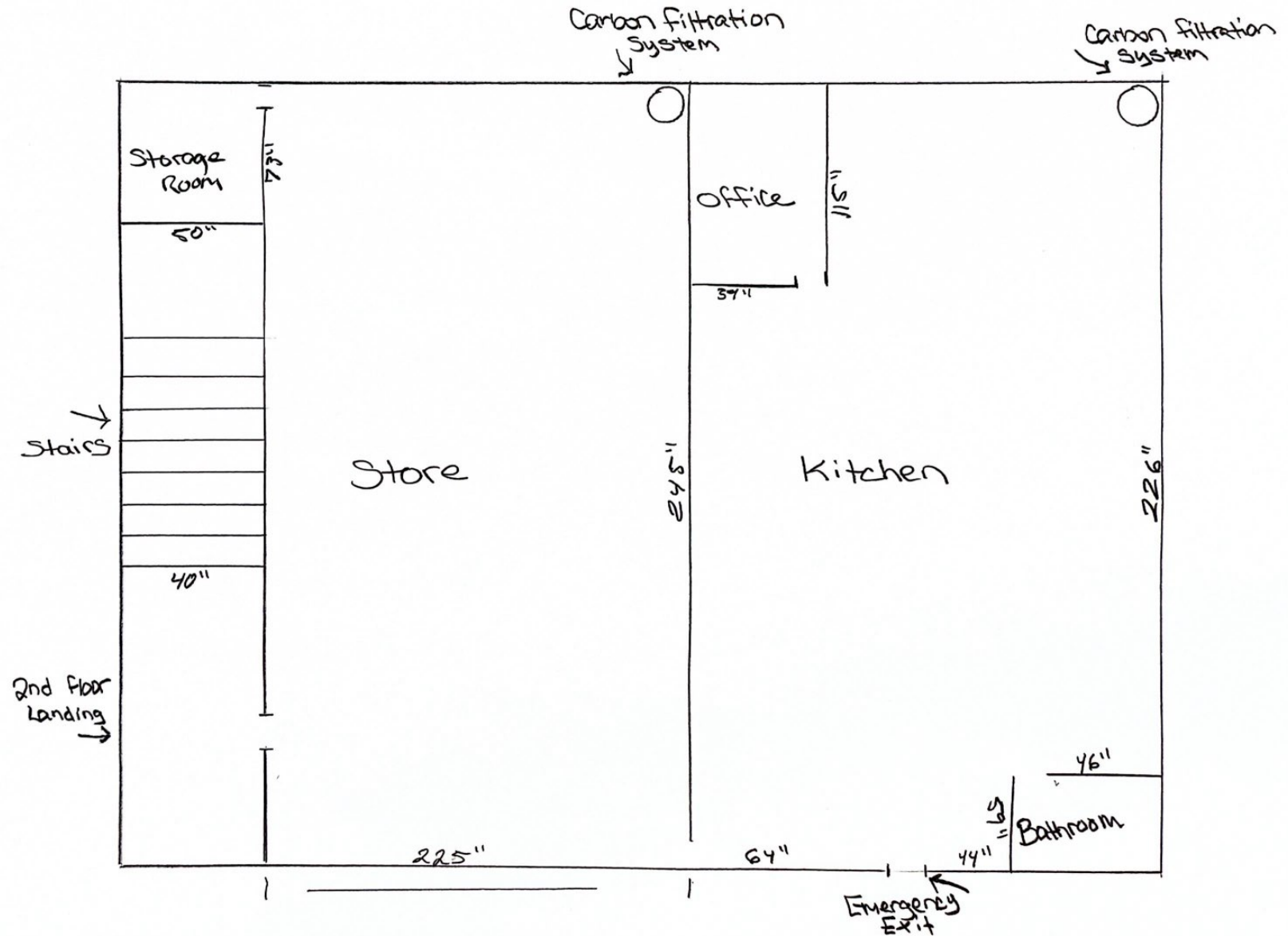
LLI Group

Viatera

VISIT OUR UPDATED SHOWROOM
GRANITE • MARBLE • QUARTZ



Ganja Candy Factory
597 Elm Street 2nd floor
Biddeford ME 04005







DRIVER'S LICENSE

**NOT INTENDED
FOR FEDERAL
PURPOSES**



Angela Warren

4d DL NO. **8446233**
4b EXPIRES **04/15/2029** 3 DOB **04/15/1978**
1 **WARREN**
2 **ANGELA N**
8 **18 DYER ST**
SACO, ME 04072
4a ISSUED **04/27/2023** 15 GENDER **F**
16 HEIGHT **5'-05"** 17 WEIGHT **130 lb** 18 EYES **BRO** 19 HAIR **BLK**
9 CLASS **C** 9a END **NONE**
12 REST **NONE**
5 DD **00000000000000000094323136**



DRIVER'S LICENSE

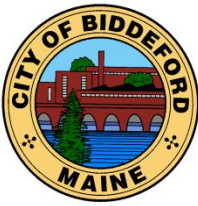
**NOT INTENDED
FOR FEDERAL
PURPOSES**



Jeremie D Remian

4d DL NO. **3314264**
4b EXPIRES **06/29/2029** 3 DOB **06/29/1976**
1 **REMIAN**
2 **JEREMIE D**
8 **18 DYER STREET**
SACO, ME 04072
4a ISSUED **06/28/2023** 15 GENDER **M**
16 HEIGHT **5'-11"** 17 WEIGHT **230 lb** 18 EYES **BLU** 19 HAIR **BRO**
9 CLASS **C** 9a END **NONE**
12 REST **NONE**
5 DD **00000000000000000094484895**





CITY OF BIDDEFORD

Planning and Development Department

Adi Iriqat
Assistant City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207)-284-9115
adi.iriqat@biddefordmaine.org

PLANNING BOARD STAFF REPORT

TO: Chair Patoine and Members of the Biddeford Planning Board

FROM: Adi Iriqat, Assistant City Planner

DATE: September 24, 2024

RE: 2024.52 Conditional Use Permit Request for Ganja Candy Factory (GCF) to Expand their Business Operations into the 1st Floor at 597 Elm Street (Tax Map 15, Lot 8-1) in the I-1 Zone.

MEETING DATE: October 2, 2024, at 6:00 PM

1. INTRODUCTION

The property owner, Edwin J. Larrivee Jr., again appears before the Planning Board. On August 3, 2002, in case # 2022.26, the Planning Board approved Mr. Larrivee's request for a Conditional Use Permit under the premises of operating a Medical Marijuana Caregiver retail store and Marijuana Products Manufacturing facility. The approval allowed the applicant to occupy the 2nd floor of the existing commercial building, utilizing the front half for retail, and the rear half for product manufacturing. The property is at 597 Elm Street (Tax Map 15, Lot 8-1), located in the I-1 Industrial Zone, where both proposed uses are conditional uses in Biddeford.

Ganja Candy Factory and Glass Emporium, LLC has been operating as a business in Biddeford since 2018. The company's owners, Jeremie Remain and Angela Warren have been certified caregivers since 2016. They left their old establishment in Biddeford at 412 Hill St and relocated their business model to the current location at 597 Elm St.

At present, Mr. Larrivee Jr. is seeking Conditional Use approval to expand their business into the 1st floor – previously occupied by Stone Age (marble and granite fabrication). Please note that the owners prematurely moved their business in April of this year into the 1st floor.

There are no proposed exterior improvements aside from the new sign placed along the road. All other improvements are internal, including odor mitigation, security, restroom facilities, and outfitting of the retail space and medical kitchen.

2024.52 Conditional Use Permit Request for Ganja Candy Factory to Expand their Business Operations into the 1st Floor at 597 Elm Street (Tax Map 15, Lot 8-1) in the I-1 Zone.

2. PROJECT DATA/INFORMATION

1.	Applicant:	Edwin J. Larrivee Jr. 597 Elm Street Biddeford, ME 04005
2.	Owner of Property:	Edwin J. Larrivee Jr. 597 Elm Street Biddeford, ME 04005
3.	Agent:	N/A
4.	Engineer:	SGC Engineering, LLC 501 County Road Westbrook, NE 04092
5.	Project Location:	597 Elm St, 1 st Floor
6.	Project Tax Map #/Lot #:	Tax Map 15, Lot 8-1
7.	Lot Size:	1.5 Acres
8.	Base Zoning:	I-1
9.	Overlay Zoning:	N/A
10.	Existing Use:	Commercial, Retail, Wholesale
11.	Proposed Use:	Expansion of Business Operations to include the 1 st Floor
12.	Approvals Required:	Conditional Use Permit
13.	Uses in the Vicinity:	Business, Industrial
14.	Number of Lots/Units in Subdivision:	N/A
15.	Lot Size Required: Provided:	N/A
16.	Frontage Required: Provided:	50' 40'
17.	Front Setback Required: Provided:	40' +40'
18.	Side Setback Required: Provided:	25' +25'
19.	Rear Setback Required: Provided:	25' +25'
20.	Max. Height Requirements: Provided:	60 Feet or 6 Stories 2 Stories
21.	Waivers Needed:	Full Site Plan Review
22.	Water Supply:	Public Water
23.	Sewage Disposal:	Public Sewer
24.	Solid Waste Disposal:	Private Hauler
25.	Fire Protection:	City of Biddeford
26.	Parking Spaces Required: Provided:	5 +5

2024.52 Conditional Use Permit Request for Ganja Candy Factory to Expand their Business Operations into the 1st Floor at 597 Elm Street (Tax Map 15, Lot 8-1) in the I-1 Zone.

27.	Ownership of Road:	Elm St is a Public Street
28.	Waivers Granted:	N/A
29.	Other Non-City Permits Required:	N/A
30.	Fees Paid:	Yes
31.	Planning Board Review History: October 2, 2024 – Conditional Use Permit	

3. Existing Conditions / Proposed Expansion

The property is a two-story industrial building. The 2nd floor included 1 kitchen and a storefront for medical cannabis sales and manufacturing. Approximately, five months ago, the 1st floor tenant space became vacant and the owners relocated their medical cannabis sales to the first floor tenant space. They also are planning to install a second commercial kitchen on the first floor to manufacture medical marijuana edibles. With their 2nd floor retail store space being vacant, the applicant is now seeking to convert that space into an adult / recreational use retail store and also utilize the 2nd floor commercial kitchen (previously medical marijuana manufacturing) into an adult / recreational use kitchen for manufacturing.

GCF currently has 5 full-time employees and 1 part-time employee: 2 Full-Time candy Chefs, 2 Full-Time Budtenders, 1 Full-Time Manager, and 1 Part Time Office Assistant. Their duties/ tasks are as follows:

- ServSafe Certified Chefs: responsible for cooking several edibles in adherence to the in-house recipes and the upkeep of kitchen cleanliness and safety
- Budtenders: retail staff offer both medical and recreational products to customers while adhering to State and Local Laws
- Manager: assists budtenders and customers, navigates inventory and orders checklists, and maintains an open communication channel between staff and owners.
- Office Assistant: oversees and manages financial operations and assists owners with accounting tasks (Quickbooks)

Proposed hours of operation will remain the same from 9: 00 AM to 8:00 PM Monday through Saturday and 9: 00 AM to 6:00 PM Sunday.

The signage has been updated to reflect the current existing conditions of the property. See the figure below.

2024.52 Conditional Use Permit Request for Ganja Candy Factory to Expand their Business Operations into the 1st Floor at 597 Elm Street (Tax Map 15, Lot 8-1) in the I-1 Zone.



Figure 1 Signage changes indicating that GCF is the only business occupying the property.

4. REVIEW PROCESS

To receive approval from the Planning Board, the applicant must establish compliance with the Conditional Use Standards Listed below (Article VII, Section 6), Performance Standards (Article VI, Section 77), and Site Plan Review (Article XI).

5. WAIVER REQUESTED / REQUIRED: Article XI, Full Site Plan Review.

Staff Recommendation: Given there are no building expansions proposed and no increase in impervious surface proposed, Staff recommend the Board grant this waiver which says that sufficient information has been provided to consider this application for review.

6. STAFF RECOMMENDATION

If the applicant has addressed the outstanding items to the satisfaction of the Planning Board and the Planning Board approves the project, Staff recommend doing so with the following Conditions of Approval:

- A. All signage for the property shall meet the standards of the City's Sign Ordinance and shall include a street address with the height of each number within the address being a minimum of 4" in height. City Staff further recommends that the street number be reflective materials for easy identification for E-911 services
- B. The applicant shall comply with Land Development Regulations, Article VI (Performance Standards), Section 77 (Marijuana establishments) including, but not limited to, the odor of marijuana shall not be detectable off-premises, meaning not-detectable on any property that is not under the control of the establishment

7. SAMPLE MOTIONS:

- A. Motion to approve Case # 2024.52 Conditional Use Permit request for Ganja Candy Factory to expand their business operations into the 1st Floor at 597 Elm

2024.52 Conditional Use Permit Request for Ganja Candy Factory to Expand their Business Operations into the 1st Floor at 597 Elm Street (Tax Map 15, Lot 8-1) in the I-1 Zone.

Street (Tax Map 15, Lot 8-1) in the I-1 Zone, with the recommended Conditions of Approval.

B. Motion to Table Case # 2024.52 Conditional Use Permit request for Ganja Candy Factory to expand their business operations into the 1st Floor at 597 Elm Street (Tax Map 15, Lot 8-1) in the I-1 Zone, based upon the following reasons:

i. _____

ii. _____

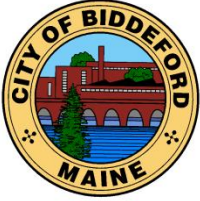
iii. _____

C. Motion to Deny Case # 2024.52 Conditional Use Permit request for Ganja Candy Factory to expand their business operations into the 1st Floor at 597 Elm Street (Tax Map 15, Lot 8-1) in the I-1 Zone, based upon the following reasons:

i. _____

ii. _____

iii. _____



CITY OF BIDDEFORD

Planning and Development Department

Adi Iriqat
Assistant City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207)-284-9115
adi.iriqat@biddefordmaine.org

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Conditional Use Permit

Ganja Candy Factory

**Medical Marijuana Caregiver Stores and Marijuana Product Manufacturing, &
Adult Use Marijuana Retail Stores and Adult Use Marijuana Product Manufacturing
597 Elm Street, Biddeford, ME
Case # 2024.52 – October 2, 2024**

Under the provisions of the City of Biddeford Land Development Regulations, Article VI (Performance Standards), Section 77 –Marijuana Establishments, the Biddeford Planning Board has considered the application of Edwin J. Larrivee Jr. to expand their medical marijuana manufacturing and retail store operations into the 1st floor, and the proposal to operate an adult use retail store and adult use manufacturing on the 2nd floor at 597 Elm Street. Based on the Staff's review and recommendation, 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:

1. PROJECT DATA/INFORMATION

1.	Applicant:	Edwin J. Larrivee Jr. 597 Elm Street Biddeford, ME 04005
2.	Owner of Property:	Edwin J. Larrivee Jr. 597 Elm Street Biddeford, ME 04005
3.	Agent:	N/A
4.	Engineer:	SGC Engineering, LLC 501 County Road Westbrook, NE 04092
5.	Project Location:	597 Elm St, 1 st Floor
6.	Project Tax Map #/Lot #:	Tax Map 15, Lot 8-1
7.	Lot Size:	1.5 Acres
8.	Base Zoning:	I-1
9.	Overlay Zoning:	N/A
10.	Existing Use:	Commercial, Retail, Wholesale
11.	Proposed Use:	Expansion of Business Operations to include the 1 st Floor
12.	Approvals Required:	Conditional Use Permit

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Conditional Use Permit

Ganja Candy Factory

**Medical Marijuana Caregiver Stores and Marijuana Product Manufacturing, &
Adult Use Marijuana Retail Stores and Adult Use Marijuana Product Manufacturing**

597 Elm Street, Biddeford, ME

Case # 2024.52 – October 2, 2024

13.	Uses in the Vicinity:	Business, Industrial
14.	Number of Lots/Units in Subdivision:	N/A
15.	Lot Size Required: Provided:	N/A
16.	Frontage Required: Provided:	50' 40'
17.	Front Setback Required: Provided:	40' +40'
18.	Side Setback Required: Provided:	25' +25'
19.	Rear Setback Required: Provided:	25' +25'
20.	Max. Height Requirements: Provided:	60 Feet or 6 Stories 2 Stories
21.	Waivers Needed:	Full Site Plan Review
22.	Water Supply:	Public Water
23.	Sewage Disposal:	Public Sewer
24.	Solid Waste Disposal:	Private Hauler
25.	Fire Protection:	City of Biddeford
26.	Parking Spaces Required: Provided:	5 +5
27.	Ownership of Road:	Elm St is a Public Street
28.	Waivers Granted:	N/A
29.	Other Non-City Permits Required:	N/A
30.	Fees Paid:	Yes
31.	Planning Board Review History: October 2, 2024 – Conditional Use Permit	

2. EXISTING CONDITIONS

Medical cannabis storefront and commercial kitchen used to produce edible for medical use.

3. PROJECT PROPOSAL

Occupy and convert the 1st floor into a medical cannabis storefront and kitchen while keeping the 2nd floor as a recreational storefront and kitchen.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Conditional Use Permit

Ganja Candy Factory

Medical Marijuana Caregiver Stores and Marijuana Product Manufacturing, & Adult Use Marijuana Retail Stores and Adult Use Marijuana Product Manufacturing

597 Elm Street, Biddeford, ME

Case # 2024.52 – October 2, 2024

- A. **Performance Standards:** The Board made the following conclusions in their review standards of Article VI (Performance Standards), Section 77 (Marijuana Establishments) states as follows:
1. The proposed use meets specific requirements outlined in this ordinance and would be in compliance with applicable state or federal laws; The proposed use will comply with all State and local Codes and Ordinances;
 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 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 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 not exacerbate an existing traffic hazard, or 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 harm 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 comply with Biddeford's Comprehensive Plan;
 11. The proposed use would not harm 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;

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Conditional Use Permit

Ganja Candy Factory

**Medical Marijuana Caregiver Stores and Marijuana Product Manufacturing, &
Adult Use Marijuana Retail Stores and Adult Use Marijuana Product Manufacturing**

597 Elm Street, Biddeford, ME

Case # 2024.52 – October 2, 2024

13. Adequate provision has been made for the disposal of wastewater or solid waste or 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 use for fire protection purposes;
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 harm scenic vistas on significant wildlife habitats 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.

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 597 Elm Street per the submitted application, supporting data, representations made, other related materials on file, and the following Conditions of Approval:

1. The material provided for the proposed project has been reviewed only for general conformance to the City's technical requirements. The applicant(s) and/or their technical consultant shall be responsible for the actual design details and completeness of their work. It is incumbent upon the applicant(s) to ensure that the project is in conformance and complies with all City Codes, ordinances, and regulations as well as with all state regulations, including, but not limited to, space and bulk standards, performance standards, use standards and other zoning type requirements.
2. All work shall be in conformance with the approved plans and submission documents. No deviations from the approved plans are permitted without prior approval from the Planning Board for major changes, and from the City Planner and City Engineer for minor changes. The City Planner shall determine the major or minor.
3. The applicant shall obtain all other pertinent local, state, and federal permits, licenses, and insurance such as blasting, building, electrical, plumbing, etc. before commencing business.
4. After the project the owner/applicant shall request a final inspection. This request shall be directed to the Code Enforcement Office and Fire Department. A Certificate of

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Conditional Use Permit

Ganja Candy Factory

**Medical Marijuana Caregiver Stores and Marijuana Product Manufacturing, &
Adult Use Marijuana Retail Stores and Adult Use Marijuana Product Manufacturing**

597 Elm Street, Biddeford, ME

Case # 2024.52 – October 2, 2024

Occupancy shall not be issued until the project complies with the approval and all applicable City Ordinances.

5. The applicant shall obtain all other pertinent local, state, and federal permits/licenses/insurance such as building, electrical, plumbing, etc., before commencing business.
6. The applicant shall comply with Land Development Regulations, Article VI (Performance Standards), Section 77 (Marijuana Establishments) including, but not limited to, the odor of marijuana shall not be detectable off-premises, meaning not-delectable on any property that is not under the control of the establishment.
7. All signage for the property shall meet the standards of the City's Sign Ordinance and shall include a street address with the height of each number within the address being a minimum of 4" in height. City Staff further recommends that the street number be reflective materials for easy identification for E-911 services.

Date: _____

Mr. Larry Patione
Planning Board Chairman

Galbraith, David

From: LaFountain, Liam
Sent: Tuesday, September 17, 2024 7:01 AM
To: Angers, Roch; Beaudette, Stephen; Deschambault, Susan; Plotkin, Alexa; Dubois, Matthew
Cc: Patoine, Larry; Galbraith, David
Subject: Information on Proposed Marijuana Establishments Ordinance Amendment
Attachments: Proposed Marijuana Zoning Ordinance Letter.pdf

Dear Members of the Biddeford Planning Board,

I hope you are doing well.

Following your meeting on August 21, 2024, and after discussions with your Chair, I am providing a detailed letter to offer further context on the proposed amendment to the Marijuana Establishments ordinance, as requested. In summary, this proposed amendment arises from ongoing conversations and requests from constituents in Ward 7.

Please find the attached letter for your review. I appreciate your consideration and am available for any further information you might need.

Thank you for your dedication to our city.

Best,
Liam

Liam LaFountain (he/him)
Biddeford City Council, Ward 7

NOTICE: Under Maine's Freedom of Access (Right to Know) Law, documents, including emails, in the possession of public officials about City business are classified as public records. This means if anyone asks to see them, we are required to provide them. There are very few exceptions. We welcome citizens' comments and want to hear from our constituents, but please keep in mind that what you write in an email is not private and could show up in the media.

TO: Biddeford Planning Board

FROM: Liam LaFountain, City Councilor, Ward 7

DATE: August, 30, 2024

RE: Proposed Amendment to Marijuana Establishments Ordinance

Dear Members of the Biddeford Planning Board,

Thank you for your insightful discussion during the [Planning Board meeting on August 21, 2024](#). This letter attempts to address some of the questions and comments raised about the proposed amendment to the *City's Code of Ordinances, Part III – Land Development Regulations, Article VI – Performance Standards, Section 77 Marijuana Establishments*. At the request of Planning Board Chair Mr. Patoine, I am providing this letter with background and context on the proposal to aid in your deliberations.

Background for the Proposed Zoning Amendment

The proposed amendment was prompted by feedback from several constituents in Ward 7, who began contacting me in July 2023. These residents raised concerns about the impact of marijuana establishments on their neighborhood, particularly regarding odor and traffic. They were surprised by the closeness of these establishments to residential homes and suggested that the current ordinance may not adequately address the impacts of such proximity.

These residents recognize that the initial zoning decision for conditional marijuana establishments in the I1, I2, and I3 zones aimed to minimize residential impacts. However, they believe the ordinance could be better tailored to address the specific needs of those living in and directly adjacent to these zones. The proposed amendments seek to refine, not reverse, existing regulations by incorporating these constituent experiences to prevent future conflicts between marijuana establishments and residential areas. While Biddeford has updated its odor control ordinances in response to complaints, this proposal emphasizes a proactive approach with clear setbacks designed to further reduce the likelihood of odor issues and related impacts.

Rationale for the 500-Foot Setback

The rationale behind the proposed 500-foot setback is grounded in both local precedent and broader municipal practices. Currently, Biddeford's ordinance requires a 500-foot separation between marijuana establishments. This existing standard was implemented to provide a reasonable distance for identifying which establishment might be responsible for an odor complaint under the city's odor ordinance.

Similar reasoning could be applied to residential properties. While the initial constituent request focused solely on residential properties, considering setbacks for other sensitive uses—such as schools, public facilities, places of worship, and others may be worth considering. Existing state law, specifically [28-B M.R.S. § 402\(2\)](#); [22 M.R.S. § 2428\(6\)\(B\)](#), stipulates that municipalities may not authorize the operation of a cannabis

establishment within 1,000 feet of the property line of a preexisting public or private school. However, municipalities can, by ordinance, reduce this distance to no less than 500 feet. This state law reflects a recognition of the role of setbacks in reducing the impact of cannabis facilities on sensitive locations.

In examining the practices of other municipalities, setbacks are a common tool among to manage the proximity between marijuana establishments and residential or sensitive areas. Examples include [Bangor \(300 feet\)](#), [Eliot \(500 feet\)](#), [Lewiston \(100 feet\)](#), and [Portland \(300 feet\)](#). Additionally, the neighboring municipality of Saco requires marijuana establishments to be set back [500 feet from schools and daycare facilities](#). This list is not exhaustive. For more detailed context, please refer to Appendix A from [Richard Spencer, Esq.'s memo](#), prepared for a 2021 Land Use Planning Commission public hearing, which may aid your deliberations.

Consideration of Setback Measurements

Setback measurement methods vary by municipality. Lewiston's approach, for instance, measures the buffer from the residential property line to any portion of the marijuana business, ensuring a direct separation between residential properties and marijuana establishments.

This approach could more accurately reflect the impact on residents, especially regarding odors and other nuisances that might be more noticeable in outdoor areas of the residential property. Measuring setbacks from the residential property line to the marijuana establishment's building may offer a balanced compromise between property line-to-property line and door-to-door measurement methods.

Conclusion

The proposed amendment aims to refine Biddeford's current ordinance to better prevent conflicts between marijuana establishments and residential or sensitive areas, striving for a balance that respects the interests of both Biddeford residents and business owners. Thank you for your consideration and valuable expertise on this matter. Should you need further information from me, please do not hesitate to contact me. I look forward to your feedback and recommendations.

With gratitude,
Liam

Liam LaFountain
City Councilor, Ward 7
liam.lafountain@biddefordmaine.org

COMMENTS RECEIVED FOR PROPOSED RULE REVISIONS:

CITIZENS' PETITION TO PROHIBIT CERTAIN MARIJUANA USES

IN THE D-GN2 SUBDISTRICT

Part 3 of 3

The following pages compile written comments filed with the Maine Land Use planning Commission regarding the Citizens' Petition to prohibit certain marijuana uses in the D-GN2 subdistrict.

Rebuttal Comments: (Information or viewpoints that refute, contest, correct, or otherwise counter comments submitted during the comment period.) The deadline for submissions in rebuttal to prior comments is **August 2, 2021**. Rebuttal comments will be posted on the LUPC's rulemaking webpage (www.maine.gov/dacf/lupc/laws_rules/proposed_rules/rules.shtml) shortly thereafter.

[NOTE: Because personally identifiable information (PII)¹ can be used to conduct fraud (e.g., steal a person's identity), signatures and physical or mailing addresses have been redacted from these materials.]

¹ Information that permits the identity of an individual to whom the information applies to be reasonably inferred by either direct or indirect means. Further, PII is defined as information: (i) that directly identifies an individual (e.g., name, address, social security number or other identifying number or code, telephone number, email address, etc.) or (ii) by which an agency intends to identify specific individuals in conjunction with other data elements, i.e., indirect identification. [U.S. Dept. of Labor, www.dol.gov/general/ppii]

APPENDIX A

Maine Municipal Zoning and Regulatory Framework for Marijuana Cultivation and Manufacturing

*The table, below, provides a sampling of how Maine municipalities zone and regulate marijuana cultivation and manufacturing uses.
Note: This list is not exhaustive.*

	Zoning	Setbacks and Buffers from Sensitive Uses	Citations
Auburn	(1) Marijuana cultivation and manufacturing are permitted uses in the Industrial District; (2) Marijuana cultivation is a permitted use in the Agriculture and Resource Protection District (manufacturing only allowed if accessory to licensed cultivation site in this zone); (3) Marijuana cultivation is a permitted use in the General Business District (but only if accessory to a retail use); (4) Marijuana cultivation is a permitted use in the Minot Avenue (GBII) District (but only if accessory to a retail use)	(1) 750 feet from schools; (2) 1,000 feet from other marijuana businesses, but not applicable to cultivation or manufacturing facilities in the Industrial Zoning District specifically	City of Auburn Code of Ordinances, Chapter 60, Article IV – District Regulations; Article XVIII, Section 14-659
Bangor	Permitted uses in (1) Urban Industry District; (2) Industry and Service District	(1) 1,000 feet from, or on the other side of a controlled access highway from, the real property comprising any public or private elementary or secondary school or school dormitory, juvenile shelter, orphanage, public playground, or public park; (2) 300 feet from, or on the other side of a controlled access highway from, any church, chapel, parish house, other place of worship, day care, or dwelling on a residential parcel, measured by a straight line from building to building	City of Bangor Code of Ordinances, Part II, Chapter 165, Article XIII, Sec. 165-96; Article XIV, Sec. 165-102
Biddeford	Conditional uses in the Industrial zones (I-1, I-2, I-3)		Code of Ordinances of the City of Biddeford, Part III, Article V, Table A (available here)
Bridgton	Permitted uses in: (1) Inner Corridor District; (2) Outer Corridor District	(1); 1,000 foot buffer from schools, safe zones, churches or other houses of worship; (2) 100-foot	Town of Bridgton Land Use Ordinance, Article II, Section 2

	Zoning	Setbacks and Buffers from Sensitive Uses	Citations
		buffer from residential uses; (3) 300-foot buffer from other marijuana businesses	Town of Bridgton Site Plan Review Ordinance, Article XI, Section 4
Brunswick	Conditional use in the Growth Industrial District	500 feet from schools	Brunswick Zoning Ordinance, Chapter 3 - Property Use Standards Section 3.2 - Growth Area Permitted Use Table
Eliot	Site plan review (SPR) use in the Commercial and Industrial District	500 feet from the property line of an existing public or private school, residential property, childcare facility, place of worship or public facility	Eliot Code of Ordinances, Subpart B, Chapter 33, Sec. 33-189; Sec. 33-190
Gorham	Permitted use in the following zones: (1) Industrial District; (2) Olde Canal Industrial District; (3) Rural District when inside an existing agricultural building	750 feet from schools	Gorham Land Use and Development Code, Chapter 1, Section 1; Town of Gorham Adult-Use and Medical Marijuana Licensing Ordinance
Greenville	Larger scale cultivation facilities and manufacturing facilities are prohibited in the downtown districts	(1) 1,000 feet (500 feet instead for tier 1 cultivation facilities only) from: a) a church, synagogue, or other house of religious worship; b) a public or private school; c) an athletic field, park, playground, or recreational facility; d) a public library; e) a juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation treatment center; or f) a licensed day care facility. (2) 500 feet from the boundaries of any land use district where these uses are prohibited for the largest category of cultivation/manufacturing (Tier 2 Manufacturing Facilities and Tier 4 Cultivation Facilities)	Land Use Ordinance for the Town of Greenville, Article V, Table V-1; Town of Greenville Marijuana Establishments Ordinance, Adopted November 3, 2020, available here: https://greenvilleme.com/wp-content/uploads/Greenville-Marijuana-Establishments-Ord.-11.3.2020-1.pdf
Lewiston	Permitted uses in zones categorized as "Industrial" in land use table: (1) Highway Business; (2) Office Service; (3) Industrial; (4) Urban Enterprise; (5) Mill	(1) 750 feet from schools and public parks, playgrounds, or recreational facilities owned by the City; (2) 300 feet from a dwelling in a residential zoning district; (3) 500 feet between marijuana stores	City of Lewiston Code of Ordinances, Appendix A: Zoning & Land Use Code, Article IX; Chapter 22, Article XV, Sec. 22-430

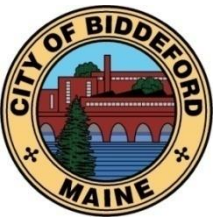
	Zoning	Setbacks and Buffers from Sensitive Uses	Citations
Orono	(1) Cultivation allowed in Forestry & Agriculture (F&A), Commercial-1 (C-1), and Economic Development Zone (EDZ) zones; (2) manufacturing allowed in C-1 and EDZ zones (all classified as industrial zones)	(1) 1,000 feet from a school or other educational facility; (2) 1,000 feet from any child-care or day-care facility; (3) 500 feet from a university	Orono Land Use Ordinance to Implement Standards for Marijuana Establishments (codified version not yet available online)
Portland	Permitted uses in the B-4 zone and Industrial zones (I-L/I-Lb, I-M/I-Mb, I-H/I-Hb)	(1) 500 feet from schools; (2) 300 feet from the following residential zones: R-1, R-2, R-3, R-4, R-5/R-5A, R-6/R-6A, or R-7.	City of Portland Land Use Code, Chapter 14, Article 6, Table 6-C, 6-E City of Portland Land Use Code, Chapter 14, Article 6, Section 6.4.10(B))
Presque Isle	(1) Cultivation allowed in industrial (I), light industrial (LI) and agricultural farming/forestry (AFF) zones; (2) manufacturing allowed in business (B), industrial (I), light industrial (LI), and agricultural farming/forestry (AFF) zones	(1) 1,000 feet from schools; (2) 150 feet from other marijuana businesses, churches, pre-schools, day cares, and community centers (cultivation and manufacturing facilities in the industrial zones exempt from this setback)	City of Presque Isle Municipal Ordinances, Chapter 59-A, Adult Use and Medical Marijuana Business Ordinance, Section J; land use chart
Saco	Medical marijuana caregivers only allowed in the Business-Industrial District and Industrial District	500 feet from schools/daycares	City of Saco City Code Chapter 230, Table 3-3; Sec. VIII.2
Waterville	(1) Cultivation facilities allowed in the Rural Residential (R-R), Commercial-C (C-C), General Industrial (I) and Airport Industrial (AI) zoning districts; (2) Extraction facilities allowed in the General Industrial (I) and Airport Industrial (AI) zoning district.	500 feet from schools, places of religious worship, daycares, recreational areas designated for use by children up to eighteen (18) years of age, areas designated as municipal safe areas.	City of Waterville Marijuana Ordinance, Article VI

APPENDIX B

Municipalities Prohibiting Marijuana Cultivation and Manufacturing Facilities⁷ from Downtown and/or Residential Zones

- | |
|------------------|
| 1. Auburn |
| 2. Bangor |
| 3. Biddeford |
| 4. Boothbay |
| 5. Bridgton |
| 6. Brunswick |
| 7. Damariscotta |
| 8. Eliot |
| 9. Gorham |
| 10. Greenville |
| 11. Lewiston |
| 12. Orono |
| 13. Portland |
| 14. Presque Isle |
| 15. Saco |
| 16. Scarborough |
| 17. Topsham |
| 18. Waterville |
| 19. Wilton |
| 20. Windham |

⁷ This list is not exhaustive and does not include small-scale, home-based operations as discussed *supra*, Section. III.



CITY OF BIDDEFORD

PLANNING DEPARTMENT

David C.M. Galbraith
Deputy Director/City Planner
205 Main Street
Biddeford, ME 04005
(207) 284-9115
David.Galbraith@Biddefordmaine.org

Planning Board Memorandum

TO: Chair Patoine and Members of the Biddeford Planning Board

FROM: David C.M. Galbraith, Deputy Director / City Planner

DATE: September 25, 2024

RE: **Case # 2023.24 Back Lot Ordinance Amendment / Back Lot Ordinance, Article VI - Performance Standards, Section 7A - Back Lots.**

MEETING DATE: October 2, 2024

I. INTRODUCTION:

The proposed amendment was last discussed at the Board's September 18, 2024 meeting. As the Board may recall, on August 1, 2023 the City Council approved a new Back Lot Ordinance, which allowed property owners, to create a back lot, also called a "Flag Lot" due to the shape of said back lot (Flag = created lot and pole = access). The Planning Board recommended Ordinance to the City Council that included "Subsection 7" which stated:

"7. The back lot is at least as wide at the site of the proposed dwelling as the frontage measurement required in the district".

When the Ordinance was before the City Council for final approval, the Council voted to eliminate the above language and the Ordinance ultimately was adopted by the Council. The Council's rationale was when dealing with divisions of this nature, some lots may be irregular in shape and in

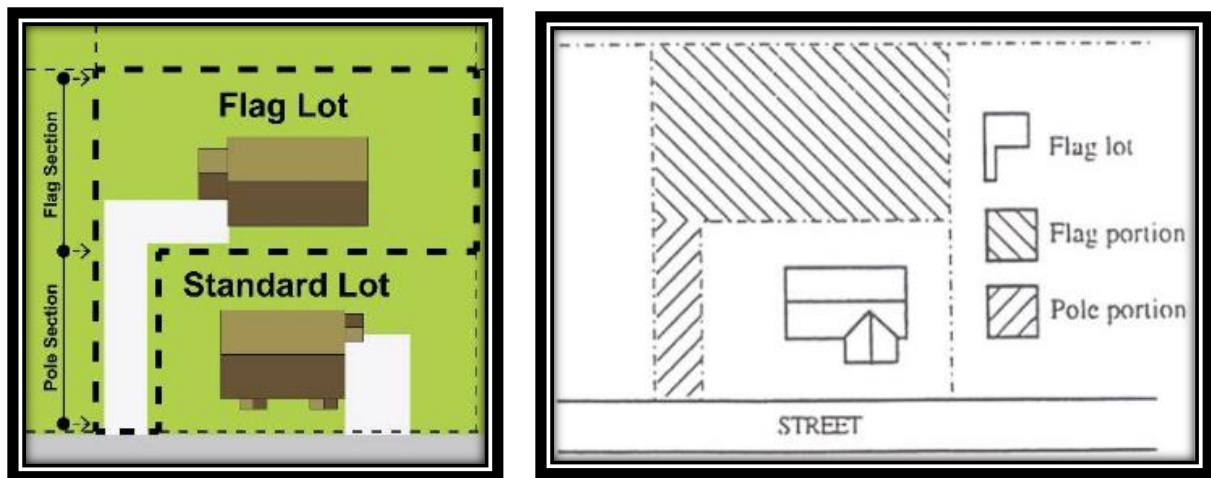


many cases the frontage is the widest part of the property and the remainder of the lot tapers in as you go deeper into the lot. However, due to the elimination of the above provision, a resident was able to meet the "back lot" regulations, and divide the lot so that the two lots were created side by side (similar to the above image), which was not the intent when the Back Lot Ordinance was created.

MEETING: Planning Board
Re: Ordinance Amendments to the City's Code of Ordinance, Part III – Land Development Regulations, Article VI - Performance Standards, Section 7A - Back Lots,
MEETING DATE: October 2, 2024

Due to this unintended “loop hole” Staff is seeking an amendment to the Ordinance which clearly states, and illustrates the Ordinance’s original intent. Since the last Board meeting Staff has modified the proposed Ordinance language and have included some graphics which illustrate the intent of the Ordinance to clarify for Staff and clients alike. The proposed language is shown below with new / proposed text shown in blue underlined. The proposed amendments do NOT include any deleted text, usually indicated in ~~red-strikethrough~~. The proposed changes are shown below:

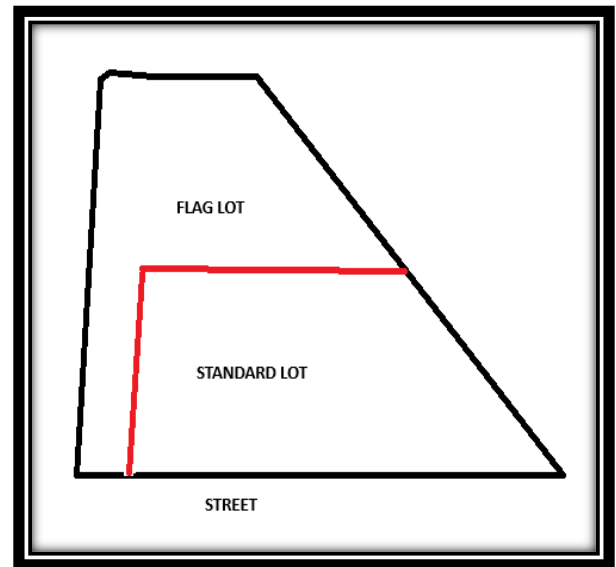
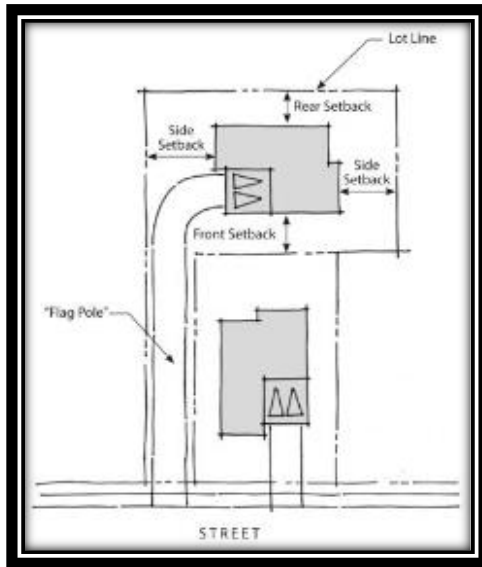
7. Back Lots / Flag lots shall comply with the following:
- A. The creation back lot is the division of the existing lot of record into two lots, where the front/standard lot is located in front of the created flag/back lot, as illustrated below.



- B. When creating a flag / back lot, the existing house may be located on either the flag lot, or the front lot, and the new house placed on the created vacant lot. The flag / back lot shall gain vehicle access from the roadway via 25 foot wide right-of-way easement (pole portion), as illustrated above and below.

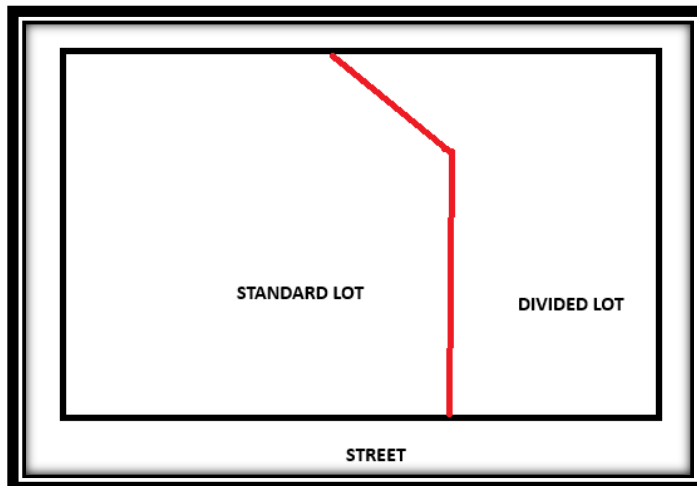
MEETING: Planning Board
Re: Ordinance Amendments to the City's Code of Ordinance, Part III – Land Development Regulations, Article VI - Performance Standards, Section 7A - Back Lots,
MEETING DATE: October 2, 2024

- C. The flag portion of the back lot shall be a minimum of 50% of the width, as measured at its front lot line, of the original lots existing street frontage. As illustrated below, the flag / back lot's front lot line is at least 50% of the existing street frontage. This is permitted when the lot is a slightly irregular shape and the existing street frontage is wider than that the rear of the lot.



Standard Flag Lot = Acceptable

Irregular Flag Lot with 50%+ frontage = Acceptable.



Example (Left): Proposed / divided lot with reduced frontage, not meeting minimum frontage requirements. Not a Flag lot and not permitted under this Ordinance. PROPOSED LOT = NOT ACCEPTABLE

Attached is a copy of the entire Back Lot Ordinance, with proposed text additions shown in [blue underline](#).

MEETING: Planning Board
Re: Ordinance Amendments to the City’s Code of Ordinance, Part III – Land Development Regulations, Article VI - Performance Standards, Section 7A - Back Lots,
MEETING DATE: October 2, 2024

II. SAMPLE MOTIONS:

A. *Motion to Approve the proposed Ordinance Amendments to the City’s Code of Ordinance, Part III – Land Development Regulations, Article VI - Performance Standards, Section 7A - Back Lots, as written.*

B. *Motion to Table the proposed Ordinance Amendments to the City’s Code of Ordinance, Part III – Land Development Regulations, Article VI - Performance Standards, Section 7A - Back Lots, for the following reasons:*

- 1. _____
- 2. _____
- 3. _____

C. *Motion to deny the proposed Ordinance Amendments to the City’s Code of Ordinance, Part III – Land Development Regulations, Article VI - Performance Standards, Section 7A - Back Lots, for the following reasons:*

- 1. _____
- 2. _____
- 3. _____

ATTACHMENTS

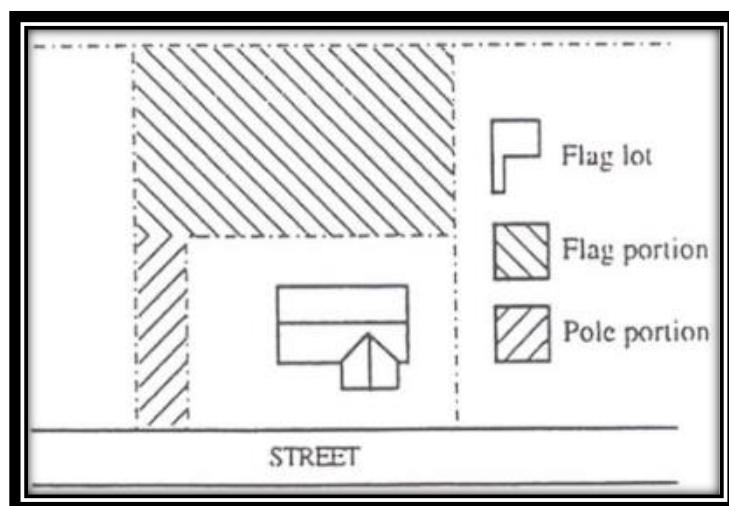
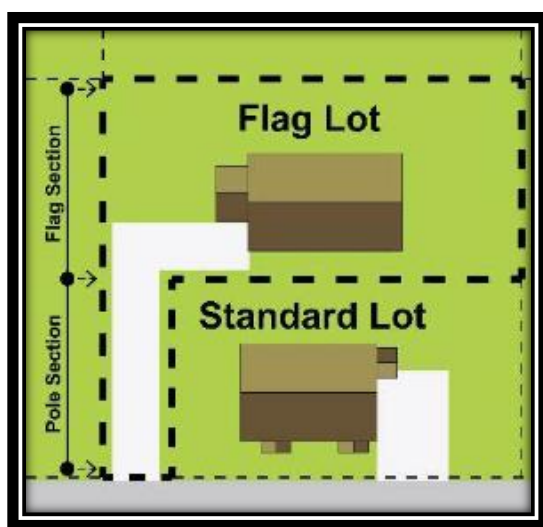
- 1. Attachment # 1: City of Biddeford – Back Lot Ordinance with “in line” Ordinance Amendments

City of Biddeford
Re: Back Lot Ordinance Amendment

Planning Board Meeting: October 2, 2024

Proposed text shown in blue underline and text deletions shown in ~~red-strikethrough~~.

- A. Flag / Back lots. One new flag/back lot may be created from any lot of record that existed on August 1, 2023 and conforms to the lot requirements of Table B Dimensional Requirements except for the lot frontage requirement, provided that:
1. A new back lot may only be created on residentially zoned properties identified as “growth areas” in the City’s Comprehensive Plan.
 2. Backlots are prohibited on residential lots in City’s Rural Farm (RF) and Coastal Residential (CR) Zoning Districts.
 3. Back lots are prohibited in previously approved subdivisions without subdivision amendment review and approval by the Planning Board. Projects / divisions of this nature need to adhere to all subdivision standards, dimensional regulations and stormwater management regulations.
 4. Lots utilizing the Back Lot Ordinance may not be further subdivided including the creation of additional “back lots”.
 5. Each will be limited to one single or one two-family dwelling.
 6. The back lot and front lot will conform to the minimum lot area and minimum lot area per dwelling unit required in the district.
 7. Back Lots / Flag lots shall comply with the following:
 - A. The creation back lot is the division of the existing lot of record into two lots, where the front/standard lot is located in front of the created flag/back lot, as illustrated below.



- B. When creating a flag / back lot, the existing house may be located on either the flag lot, or the front lot, and the new house placed on the created vacant lot. The flag / back lot shall gain

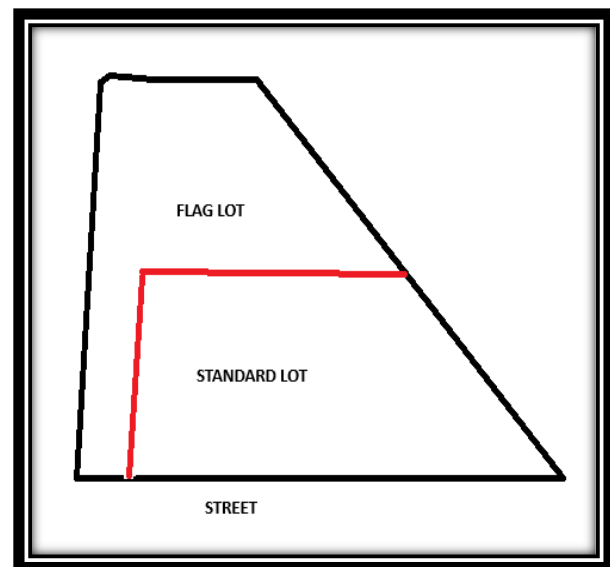
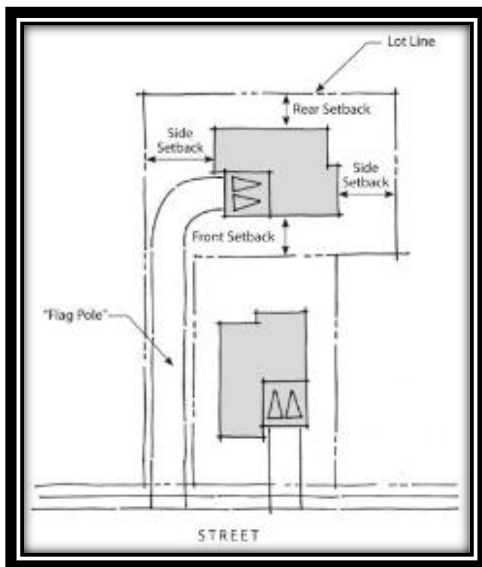
City of Biddeford
Re: Back Lot Ordinance Amendment

Planning Board Meeting: October 2, 2024

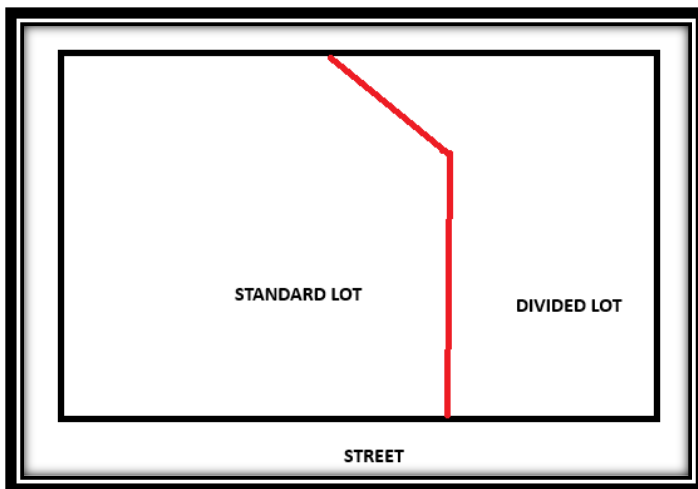
Proposed text shown in blue underline and text deletions shown in ~~red-strikethrough~~.

vehicle access from the roadway via 25 foot wide right-of-way easement (pole portion), as illustrated above and below.

- C. The flag portion of the back lot shall be a minimum of 50% of the width, as measured at its front lot line, of the original lots existing street frontage. As illustrated below, the flag / back lot's front lot line is at least 50% of the existing street frontage. This is permitted when the lot is a slightly irregular shape and the existing street frontage is wider than that the rear of the lot.



Standard Flag Lot = Acceptable Irregular Flag Lot with 50%+ frontage = Acceptable.



Example (Left): Proposed / divided lot with reduced frontage, not meeting minimum frontage requirements. Not a Flag lot and not permitted under this Ordinance. PROPOSED LOT = NOT ACCEPTABLE

City of Biddeford
Re: Back Lot Ordinance Amendment

Planning Board Meeting: October 2, 2024

Proposed text shown in blue underline and text deletions shown in ~~red-strikethrough~~.

8. The back lot has a deeded access to a publicly accepted street. This access may be obtained by:
 - a) A right-of-way / easement that is a minimum of 25 feet wide across the front lot that is deeded to the owner of the back lot; or
 - b) Extension of the back lot to the public street so that the back lot has at least 25 feet of frontage on the street. The creation of the back lot shall not make the front lot more nonconforming in street frontage or make the front lot nonconforming with respect to street frontage if it is conforming.
 - c) The 25 foot right-of-way (ROW) / easement area shall be designed to meet the following:
 - 1) There shall be a five (5) foot wide minimum driveway setback from the existing master lot to the existing structure.
 - 2) There shall be a five (5) foot wide minimum, driveway setback the length of the proposed driveway, along the abutting property line. This area shall remain vegetated.
 - 3) The proposed driveway shall be a minimum of twelve feet (12) in width, must remain unobstructed.
 - 4) The driveway width may be required to exceed the twelve foot (12') width if necessary to accommodate passage of emergency vehicles. Driveway/s exceeding 150' in length may be required to provide an emergency vehicle turn around. This determination and approval of access designs shall be made in writing by the Biddeford Fire Department.
 - 5) For safety reasons, driveways may be required to meet "private road construction requirements", Table 6-50, as determined by the City's Code Enforcement Office, Planning Director and Fire Department.
 - 6) The Code Enforcement Office may require additional information / studies to be provided by the Applicant prior to the issuance of a building permit.
9. The back lot and the front lot may share the same driveway and driveway roadway entrance providing the following conditions are met:
 - a) Proof of a recorded non-exclusive access easement, a minimum of twenty-five (25) feet in width, which will run with the land in perpetuity; the interior lot of record may only utilized as a single-family or two-family **Use** and shall meet all dimensional requirements within the zoning district in which they are located).
 - b) The access easement shall include provisions for snow removal, access maintenance, driveway replacement / reconstruction and maintenance responsibilities of each party of the lot division.
 - c) If 3 or more units are created, Subdivision review by the Staff Review Committee (SRC) may be required.

City of Biddeford
Re: Back Lot Ordinance Amendment

Planning Board Meeting: October 2, 2024

Proposed text shown in blue underline and text deletions shown in ~~red-strikethrough~~.

10. The driveway shall be maintained in a passable condition, free of potholes, ruts, debris, snow, and shall not cause damage to municipal vehicles nor hinder emergency vehicle access.
 11. A turnaround area may be required, by the Biddeford Fire Chief, or their assignee, for the safe maneuvering of public safety vehicles. Written approval from the Department shall be submitted to the Code Enforcement Office with building permit application.
 12. Street numbering shall be approved by the City's E-911 Addressing Officer prior to the issuance of any required permits are issued. A sign or mailbox clearly stating the assigned street number shall be posted at the street, prior to issuance of the required Building Permit.
 13. If a public sewer line passes in the street in front of the lot from which the back lot will be created, the back lot shall be required to connect to the sewer, and be functional and operational, to the satisfaction of the City, prior to the issuance of a Certificate of Occupancy Permit being issued.
 14. If a public water line passes in the street in front of the lot from which the back lot will be created, the back lot shall be required to connect to the public water, and be functional and operational, to the satisfaction of the City, prior to the issuance of a Certificate of Occupancy Permit being issued.
- B. Lot standards. The following apply to new lots created after August 1, 2023:
1. Narrow strips of land along a street with a depth of less than the minimum front yard requirement for the zoning district in which the lot is located shall not be counted in meeting the minimum street frontage requirement.
 2. Prior to issuance of a building permit, the Code Enforcement Officer, Director of Engineering or City Planner may require that a wetlands delineation, prepared by a State of Maine Professional Licensed Engineer, be submitted to verify that the proposed building lot and proposed structures are adequate for building construction and the septic system installation consists of upland areas. If an area of wetlands equal to or greater than Maine Department of Environmental Protection Natural Resource Protection Act (NERPA) thresholds for development review is proposed for alteration, a copy of the NRPA permit shall be submitted prior to issuance of a building permit.
- C. Existing interior lots of record without any road frontage as of August 1, 2023, shall be eligible for a building permit, notwithstanding the absence of street frontage, providing the lot has a dedicated right-of-way (ROW) / Easement, meeting the standards of this Ordinance, to a City accepted street.
- D. All driveways serving the master lot and back lot shall be paved if the existing lot is already paved.

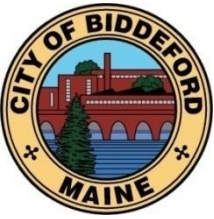
City of Biddeford
Re: Back Lot Ordinance Amendment

Planning Board Meeting: October 2, 2024

Proposed text shown in blue underline and text deletions shown in ~~red-strikethrough~~.

E. Multiple dwellings or uses on one lot.

1. Except as permitted under Subsection 2 below, no more than one single-family or two-family dwelling may be located on a lot, except in the case of multiunit residential projects that meet all other applicable sections of this chapter.
2. A second single-family dwelling, or two-family dwelling in the same ownership as the first, may be located on a lot only if the street frontage requirement is met, and the placement of the buildings would allow division of the lot in conformance with the minimum lot and setbacks specified in Table B - Dimensional Requirements. An accessory dwelling unit (ADU) permitted under Article VI – Performance Standards, Section 78 Accessory Dwelling Units shall not be considered a single-family residence for purposes of this section.



CITY OF BIDDEFORD

PLANNING DEPARTMENT

David C.M. Galbraith
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David.Galbraith@Biddefordmaine.org

Planning Board Memorandum

TO: Chair Patoine and Members of the Biddeford Planning Board

FROM: David C.M. Galbraith, Deputy Director / City Planner

DATE: September 25, 2024

RE: **Case # 2023.24 Back Lot Ordinance Amendment / Back Lot Ordinance, Article VI - Performance Standards, Section 7A - Back Lots.**

MEETING DATE: October 2, 2024

I. INTRODUCTION:

The proposed amendment was last discussed at the Board's September 18, 2024 meeting. As the Board may recall, on August 1, 2023 the City Council approved a new Back Lot Ordinance, which allowed property owners, to create a back lot, also called a "Flag Lot" due to the shape of said back lot (Flag = created lot and pole = access). The Planning Board recommended Ordinance to the City Council that included "Subsection 7" which stated:

"7. The back lot is at least as wide at the site of the proposed dwelling as the frontage measurement required in the district".

When the Ordinance was before the City Council for final approval, the Council voted to eliminate the above language and the Ordinance ultimately was adopted by the Council. The Council's rationale was when dealing with divisions of this nature, some lots may be irregular in shape and in

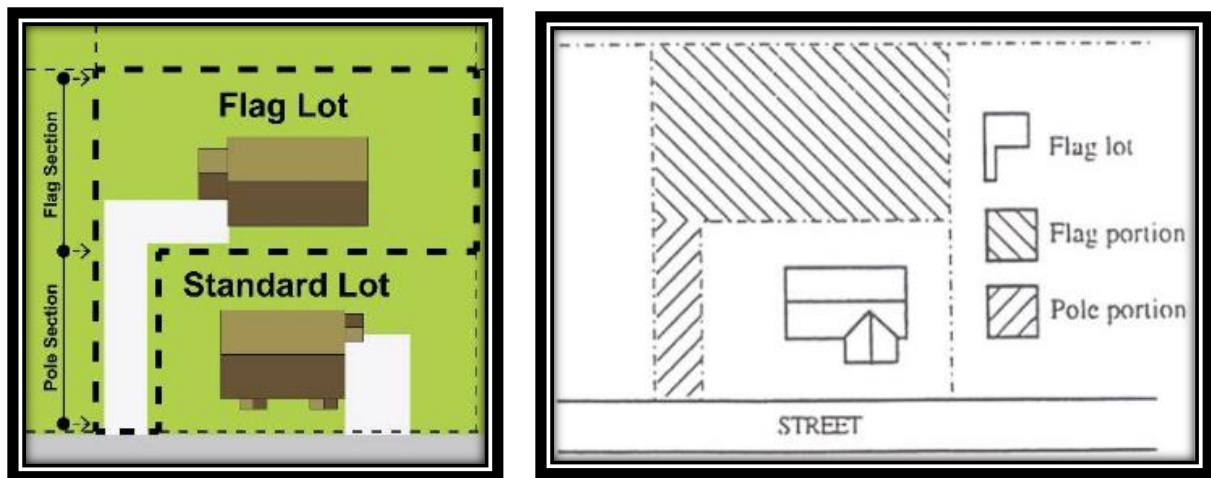


many cases the frontage is the widest part of the property and the remainder of the lot tapers in as you go deeper into the lot. However, due to the elimination of the above provision, a resident was able to meet the "back lot" regulations, and divide the lot so that the two lots were created side by side (similar to the above image), which was not the intent when the Back Lot Ordinance was created.

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MEETING DATE: October 2, 2024

Due to this unintended “loop hole” Staff is seeking an amendment to the Ordinance which clearly states, and illustrates the Ordinance’s original intent. Since the last Board meeting Staff has modified the proposed Ordinance language and have included some graphics which illustrate the intent of the Ordinance to clarify for Staff and clients alike. The proposed language is shown below with new / proposed text shown in blue underlined. The proposed amendments do NOT include any deleted text, usually indicated in ~~red-strikethrough~~. The proposed changes are shown below:

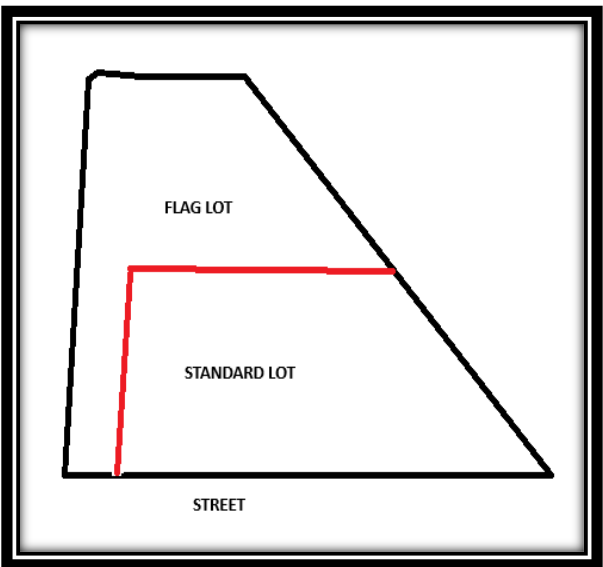
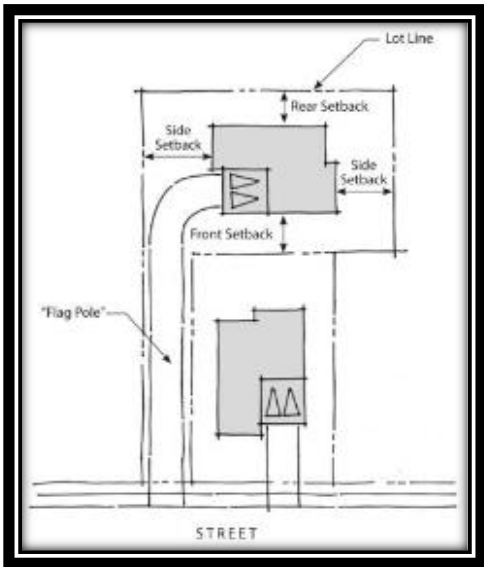
7. Back Lots / Flag lots shall comply with the following:
- A. The creation back lot is the division of the existing lot of record into two lots, where the front/standard lot is located in front of the created flag/back lot, as illustrated below.



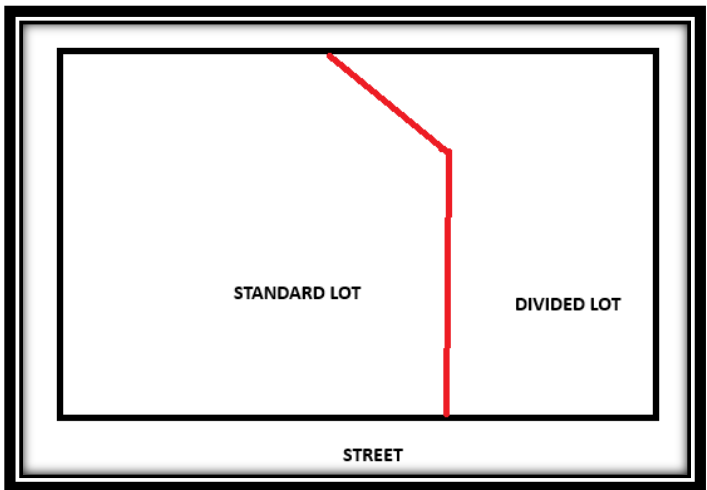
- B. When creating a flag / back lot, the existing house may be located on either the flag lot, or the front lot, and the new house placed on the created vacant lot. The flag / back lot shall gain vehicle access from the roadway via 25 foot wide right-of-way easement (pole portion), as illustrated above and below.

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- C. The flag portion of the back lot shall be a minimum of 50% of the width, as measured at its front lot line, of the original lots existing street frontage. As illustrated below, the flag / back lot's front lot line is at least 50% of the existing street frontage. This is permitted when the lot is a slightly irregular shape and the existing street frontage is wider than that the rear of the lot.



Standard Flag Lot = Acceptable Irregular Flag Lot with 50%+ frontage = Acceptable.



Example (Left): Proposed / divided lot with reduced frontage, not meeting minimum frontage requirements. Not a Flag lot and not permitted under this Ordinance. PROPOSED LOT = NOT ACCEPTABLE

Attached is a copy of the entire Back Lot Ordinance, with proposed text additions shown in [blue underline](#).

MEETING: Planning Board
Re: Ordinance Amendments to the City’s Code of Ordinance, Part III – Land Development Regulations, Article VI - Performance Standards, Section 7A - Back Lots,
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II. SAMPLE MOTIONS:

A. *Motion to Approve the proposed Ordinance Amendments to the City’s Code of Ordinance, Part III – Land Development Regulations, Article VI - Performance Standards, Section 7A - Back Lots, as written.*

B. *Motion to Table the proposed Ordinance Amendments to the City’s Code of Ordinance, Part III – Land Development Regulations, Article VI - Performance Standards, Section 7A - Back Lots, for the following reasons:*

- 1. _____
- 2. _____
- 3. _____

C. *Motion to deny the proposed Ordinance Amendments to the City’s Code of Ordinance, Part III – Land Development Regulations, Article VI - Performance Standards, Section 7A - Back Lots, for the following reasons:*

- 1. _____
- 2. _____
- 3. _____

ATTACHMENTS

- 1. Attachment # 1: City of Biddeford – Back Lot Ordinance with “in line” Ordinance Amendments

Galbraith, David

From: LaFountain, Liam
Sent: Tuesday, September 17, 2024 7:01 AM
To: Angers, Roch; Beaudette, Stephen; Deschambault, Susan; Plotkin, Alexa; Dubois, Matthew
Cc: Patoine, Larry; Galbraith, David
Subject: Information on Proposed Marijuana Establishments Ordinance Amendment
Attachments: Proposed Marijuana Zoning Ordinance Letter.pdf

Dear Members of the Biddeford Planning Board,

I hope you are doing well.

Following your meeting on August 21, 2024, and after discussions with your Chair, I am providing a detailed letter to offer further context on the proposed amendment to the Marijuana Establishments ordinance, as requested. In summary, this proposed amendment arises from ongoing conversations and requests from constituents in Ward 7.

Please find the attached letter for your review. I appreciate your consideration and am available for any further information you might need.

Thank you for your dedication to our city.

Best,
Liam

Liam LaFountain (he/him)
Biddeford City Council, Ward 7

NOTICE: Under Maine's Freedom of Access (Right to Know) Law, documents, including emails, in the possession of public officials about City business are classified as public records. This means if anyone asks to see them, we are required to provide them. There are very few exceptions. We welcome citizens' comments and want to hear from our constituents, but please keep in mind that what you write in an email is not private and could show up in the media.

TO: Biddeford Planning Board

FROM: Liam LaFountain, City Councilor, Ward 7

DATE: August, 30, 2024

RE: Proposed Amendment to Marijuana Establishments Ordinance

Dear Members of the Biddeford Planning Board,

Thank you for your insightful discussion during the [Planning Board meeting on August 21, 2024](#). This letter attempts to address some of the questions and comments raised about the proposed amendment to the *City's Code of Ordinances, Part III – Land Development Regulations, Article VI – Performance Standards, Section 77 Marijuana Establishments*. At the request of Planning Board Chair Mr. Patoine, I am providing this letter with background and context on the proposal to aid in your deliberations.

Background for the Proposed Zoning Amendment

The proposed amendment was prompted by feedback from several constituents in Ward 7, who began contacting me in July 2023. These residents raised concerns about the impact of marijuana establishments on their neighborhood, particularly regarding odor and traffic. They were surprised by the closeness of these establishments to residential homes and suggested that the current ordinance may not adequately address the impacts of such proximity.

These residents recognize that the initial zoning decision for conditional marijuana establishments in the I1, I2, and I3 zones aimed to minimize residential impacts. However, they believe the ordinance could be better tailored to address the specific needs of those living in and directly adjacent to these zones. The proposed amendments seek to refine, not reverse, existing regulations by incorporating these constituent experiences to prevent future conflicts between marijuana establishments and residential areas. While Biddeford has updated its odor control ordinances in response to complaints, this proposal emphasizes a proactive approach with clear setbacks designed to further reduce the likelihood of odor issues and related impacts.

Rationale for the 500-Foot Setback

The rationale behind the proposed 500-foot setback is grounded in both local precedent and broader municipal practices. Currently, Biddeford's ordinance requires a 500-foot separation between marijuana establishments. This existing standard was implemented to provide a reasonable distance for identifying which establishment might be responsible for an odor complaint under the city's odor ordinance.

Similar reasoning could be applied to residential properties. While the initial constituent request focused solely on residential properties, considering setbacks for other sensitive uses—such as schools, public facilities, places of worship, and others may be worth considering. Existing state law, specifically [28-B M.R.S. § 402\(2\)](#); [22 M.R.S. § 2428\(6\)\(B\)](#), stipulates that municipalities may not authorize the operation of a cannabis

establishment within 1,000 feet of the property line of a preexisting public or private school. However, municipalities can, by ordinance, reduce this distance to no less than 500 feet. This state law reflects a recognition of the role of setbacks in reducing the impact of cannabis facilities on sensitive locations.

In examining the practices of other municipalities, setbacks are a common tool among to manage the proximity between marijuana establishments and residential or sensitive areas. Examples include [Bangor \(300 feet\)](#), [Eliot \(500 feet\)](#), [Lewiston \(100 feet\)](#), and [Portland \(300 feet\)](#). Additionally, the neighboring municipality of Saco requires marijuana establishments to be set back [500 feet from schools and daycare facilities](#). This list is not exhaustive. For more detailed context, please refer to Appendix A from [Richard Spencer, Esq.'s memo](#), prepared for a 2021 Land Use Planning Commission public hearing, which may aid your deliberations.

Consideration of Setback Measurements

Setback measurement methods vary by municipality. Lewiston's approach, for instance, measures the buffer from the residential property line to any portion of the marijuana business, ensuring a direct separation between residential properties and marijuana establishments.

This approach could more accurately reflect the impact on residents, especially regarding odors and other nuisances that might be more noticeable in outdoor areas of the residential property. Measuring setbacks from the residential property line to the marijuana establishment's building may offer a balanced compromise between property line-to-property line and door-to-door measurement methods.

Conclusion

The proposed amendment aims to refine Biddeford's current ordinance to better prevent conflicts between marijuana establishments and residential or sensitive areas, striving for a balance that respects the interests of both Biddeford residents and business owners. Thank you for your consideration and valuable expertise on this matter. Should you need further information from me, please do not hesitate to contact me. I look forward to your feedback and recommendations.

With gratitude,
Liam

Liam LaFountain
City Councilor, Ward 7
liam.lafountain@biddefordmaine.org

COMMENTS RECEIVED FOR PROPOSED RULE REVISIONS:

CITIZENS' PETITION TO PROHIBIT CERTAIN MARIJUANA USES

IN THE D-GN2 SUBDISTRICT

Part 3 of 3

The following pages compile written comments filed with the Maine Land Use planning Commission regarding the Citizens' Petition to prohibit certain marijuana uses in the D-GN2 subdistrict.

Rebuttal Comments: (Information or viewpoints that refute, contest, correct, or otherwise counter comments submitted during the comment period.) The deadline for submissions in rebuttal to prior comments is **August 2, 2021**. Rebuttal comments will be posted on the LUPC's rulemaking webpage (www.maine.gov/dacf/lupc/laws_rules/proposed_rules/rules.shtml) shortly thereafter.

[NOTE: Because personally identifiable information (PII)¹ can be used to conduct fraud (e.g., steal a person's identity), signatures and physical or mailing addresses have been redacted from these materials.]

¹ Information that permits the identity of an individual to whom the information applies to be reasonably inferred by either direct or indirect means. Further, PII is defined as information: (i) that directly identifies an individual (e.g., name, address, social security number or other identifying number or code, telephone number, email address, etc.) or (ii) by which an agency intends to identify specific individuals in conjunction with other data elements, i.e., indirect identification. [U.S. Dept. of Labor, www.dol.gov/general/ppii]

APPENDIX A

Maine Municipal Zoning and Regulatory Framework for Marijuana Cultivation and Manufacturing

*The table, below, provides a sampling of how Maine municipalities zone and regulate marijuana cultivation and manufacturing uses.
Note: This list is not exhaustive.*

	Zoning	Setbacks and Buffers from Sensitive Uses	Citations
Auburn	(1) Marijuana cultivation and manufacturing are permitted uses in the Industrial District; (2) Marijuana cultivation is a permitted use in the Agriculture and Resource Protection District (manufacturing only allowed if accessory to licensed cultivation site in this zone); (3) Marijuana cultivation is a permitted use in the General Business District (but only if accessory to a retail use); (4) Marijuana cultivation is a permitted use in the Minot Avenue (GBII) District (but only if accessory to a retail use)	(1) 750 feet from schools; (2) 1,000 feet from other marijuana businesses, but not applicable to cultivation or manufacturing facilities in the Industrial Zoning District specifically	City of Auburn Code of Ordinances, Chapter 60, Article IV – District Regulations; Article XVIII, Section 14-659
Bangor	Permitted uses in (1) Urban Industry District; (2) Industry and Service District	(1) 1,000 feet from, or on the other side of a controlled access highway from, the real property comprising any public or private elementary or secondary school or school dormitory, juvenile shelter, orphanage, public playground, or public park; (2) 300 feet from, or on the other side of a controlled access highway from, any church, chapel, parish house, other place of worship, day care, or dwelling on a residential parcel, measured by a straight line from building to building	City of Bangor Code of Ordinances, Part II, Chapter 165, Article XIII, Sec. 165-96; Article XIV, Sec. 165-102
Biddeford	Conditional uses in the Industrial zones (I-1, I-2, I-3)		Code of Ordinances of the City of Biddeford, Part III, Article V, Table A (available here)
Bridgton	Permitted uses in: (1) Inner Corridor District; (2) Outer Corridor District	(1); 1,000 foot buffer from schools, safe zones, churches or other houses of worship; (2) 100-foot	Town of Bridgton Land Use Ordinance, Article II, Section 2

	Zoning	Setbacks and Buffers from Sensitive Uses	Citations
		buffer from residential uses; (3) 300-foot buffer from other marijuana businesses	Town of Bridgton Site Plan Review Ordinance, Article XI, Section 4
Brunswick	Conditional use in the Growth Industrial District	500 feet from schools	Brunswick Zoning Ordinance, Chapter 3 - Property Use Standards Section 3.2 - Growth Area Permitted Use Table
Eliot	Site plan review (SPR) use in the Commercial and Industrial District	500 feet from the property line of an existing public or private school, residential property, childcare facility, place of worship or public facility	Eliot Code of Ordinances, Subpart B, Chapter 33, Sec. 33-189; Sec. 33-190
Gorham	Permitted use in the following zones: (1) Industrial District; (2) Olde Canal Industrial District; (3) Rural District when inside an existing agricultural building	750 feet from schools	Gorham Land Use and Development Code, Chapter 1, Section 1; Town of Gorham Adult-Use and Medical Marijuana Licensing Ordinance
Greenville	Larger scale cultivation facilities and manufacturing facilities are prohibited in the downtown districts	(1) 1,000 feet (500 feet instead for tier 1 cultivation facilities only) from: a) a church, synagogue, or other house of religious worship; b) a public or private school; c) an athletic field, park, playground, or recreational facility; d) a public library; e) a juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation treatment center; or f) a licensed day care facility. (2) 500 feet from the boundaries of any land use district where these uses are prohibited for the largest category of cultivation/manufacturing (Tier 2 Manufacturing Facilities and Tier 4 Cultivation Facilities)	Land Use Ordinance for the Town of Greenville, Article V, Table V-1; Town of Greenville Marijuana Establishments Ordinance, Adopted November 3, 2020, available here: https://greenvilleme.com/wp-content/uploads/Greenville-Marijuana-Establishments-Ord.-11.3.2020-1.pdf
Lewiston	Permitted uses in zones categorized as "Industrial" in land use table: (1) Highway Business; (2) Office Service; (3) Industrial; (4) Urban Enterprise; (5) Mill	(1) 750 feet from schools and public parks, playgrounds, or recreational facilities owned by the City; (2) 300 feet from a dwelling in a residential zoning district; (3) 500 feet between marijuana stores	City of Lewiston Code of Ordinances, Appendix A: Zoning & Land Use Code, Article IX; Chapter 22, Article XV, Sec. 22-430

	Zoning	Setbacks and Buffers from Sensitive Uses	Citations
Orono	(1) Cultivation allowed in Forestry & Agriculture (F&A), Commercial-1 (C-1), and Economic Development Zone (EDZ) zones; (2) manufacturing allowed in C-1 and EDZ zones (all classified as industrial zones)	(1) 1,000 feet from a school or other educational facility; (2) 1,000 feet from any child-care or day-care facility; (3) 500 feet from a university	Orono Land Use Ordinance to Implement Standards for Marijuana Establishments (codified version not yet available online)
Portland	Permitted uses in the B-4 zone and Industrial zones (I-L/I-Lb, I-M/I-Mb, I-H/I-Hb)	(1) 500 feet from schools; (2) 300 feet from the following residential zones: R-1, R-2, R-3, R-4, R-5/R-5A, R-6/R-6A, or R-7.	City of Portland Land Use Code, Chapter 14, Article 6, Table 6-C, 6-E City of Portland Land Use Code, Chapter 14, Article 6, Section 6.4.10(B))
Presque Isle	(1) Cultivation allowed in industrial (I), light industrial (LI) and agricultural farming/forestry (AFF) zones; (2) manufacturing allowed in business (B), industrial (I), light industrial (LI), and agricultural farming/forestry (AFF) zones	(1) 1,000 feet from schools; (2) 150 feet from other marijuana businesses, churches, pre-schools, day cares, and community centers (cultivation and manufacturing facilities in the industrial zones exempt from this setback)	City of Presque Isle Municipal Ordinances, Chapter 59-A, Adult Use and Medical Marijuana Business Ordinance, Section J; land use chart
Saco	Medical marijuana caregivers only allowed in the Business-Industrial District and Industrial District	500 feet from schools/daycares	City of Saco City Code Chapter 230, Table 3-3; Sec. VIII.2
Waterville	(1) Cultivation facilities allowed in the Rural Residential (R-R), Commercial-C (C-C), General Industrial (I) and Airport Industrial (AI) zoning districts; (2) Extraction facilities allowed in the General Industrial (I) and Airport Industrial (AI) zoning district.	500 feet from schools, places of religious worship, daycares, recreational areas designated for use by children up to eighteen (18) years of age, areas designated as municipal safe areas.	City of Waterville Marijuana Ordinance, Article VI

APPENDIX B

Municipalities Prohibiting Marijuana Cultivation and Manufacturing Facilities⁷ from Downtown and/or Residential Zones

- | |
|------------------|
| 1. Auburn |
| 2. Bangor |
| 3. Biddeford |
| 4. Boothbay |
| 5. Bridgton |
| 6. Brunswick |
| 7. Damariscotta |
| 8. Eliot |
| 9. Gorham |
| 10. Greenville |
| 11. Lewiston |
| 12. Orono |
| 13. Portland |
| 14. Presque Isle |
| 15. Saco |
| 16. Scarborough |
| 17. Topsham |
| 18. Waterville |
| 19. Wilton |
| 20. Windham |

⁷ This list is not exhaustive and does not include small-scale, home-based operations as discussed *supra*, Section. III.