

PUBLIC HEARING

June 23, 2021

Mr. Chairman and Members of the Board.

Thank you for taking this time to review the upcoming Retail Cannabis Ordinance and holding this public hearing. My Name is Julie Cutting, and I am the Owner of Green Blossoms LLC. We are working to obtain a Retail Cannabis permit in the Town of Kittery.

Before you continue your deliberations on this matter. We would like you to consider some additional information which is concerning to us in our effort to obtain this permit.

Please do not put small business owners like me at a disadvantage. I have been working extremely hard on this project and have been following the Planning Board deliberations as well as your own. My team and I are genuinely concerned with two specific issues, which may cut small businesses out of the permitting process right from the start.

Therefore, we urge you to consider the following changes to the ordinance:

- **Only allow One License Per Applicant**

We are asking the Council to consider including a limit of one license per applicant in the first round of licensing. With only five retail licenses available, no one person, or one entity, should be allowed to dominate the market. Therefore, we ask that no one person, or entity, be allowed to hold an equity interest in more than one retail applicant business in the first round of licensing.

- **The proposed ordinance states that the Five Store Limit Includes Caregiver Retail stores.**

We are asking that the Council consider amending the five-store retail cap to separate out Adult Use Retail and Caregiver Retail.

Kittery voters in 2016, and again recently with their signatures on multiple Petitions, have shown they expect the Town to license adult use retail stores. It is possible under the current licensing scheme that all five spots could be taken by "caregiver" retail. There are already numerous home occupation caregiver businesses serving patients from Kittery and beyond.

Caregivers already have a significant advantage in this process, in the fact that all they have to do to claim one of the retail spots is hold a caregiver card and a Lease.

Whereas adult use applicants have to provide an OMP Conditional License from the state of Maine, which is only issued after considerable vetting of the applicant, its corporate structure, and full operating plans.

If the Council wants to include both Caregiver and Adult use retail in the cap, we will ask that the cap be increased to at least Eight. Five for Retail Sales and Three for Caregivers OR allow five retail licenses in the ordinance and created a **separate path** for Caregivers to receive a license with a separate Planning Board review and approval process.

The reason this matter is before you tonight are a result of two successful petition drives with signatures of Kittery voters wanting **ADULT USE** marijuana retail. This ordinance is fulfilling the will of Kittery voters who voted in favor of adult use in 2016 by a vote of 3450 "yes" to 2171 "no" (over 61% in favor). Their support for adult use marijuana access has not waned since 2016 and as a result you have two petitions asking the town to zone in this use. The voters have twice spoken as to approving access to marijuana for adults 21+. The voters do not believe access should be limited to medical card holders only in caregiver locations.

Our mission at Green Blossoms is to provide quality, clean, safe cannabis, and related products, to adults 21+ whether they have a medical card or not. We are a locally owned Maine business, with family roots here in York County. Our concept will bring a modern, professional, and safe shopping experience to the residences of Kittery, who have voted for Adult Use Cannabis.

We are excited to become part of the Kittery community and look forward to discussing this further at the public hearing.

Thank you for your time and consideration of this matter.

Julie Cutting,

Owner

Green Blossoms L.L.C

Title 5 and Title 16 proposed amendments

michael fegela < >

Fri 6/25/2021 4:27 PM

To:town comments <tcomments@kitteryme.org>;

Dear Council,

I am writing to voice concern over proposed amendments effecting Title 5 and Title 16 Marijuana Businesses. Specifically - What is the reasoning, for superseding State Law by reducing the “proximity to schools” requirement from 1,000 feet to 500 feet? And the distinction of a further reduction, to only 250 feet, for daycares?

Our neighbors in Eliot, Berwick, South Portland, Sanford, Lyman and Auburn did not make a separate distinction of distance between schools and daycares relating to Marijuana operations.

Please explain the reasoning and behind this decision and how it benefits to the Town of Kittery to reduce the buffer and the even further reduction to daycares in relationship to Marijuana operations.

Michael Fegela

29 Dismukes Street

Kittery ME 03904



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Medical marijuana provider comment

Gail Barrington <[REDACTED]>

Sun 6/27/2021 6:56 PM

To:town comments <tcomments@kitteryme.org>;

I live next door to a provider of medical marijuana and have had no issues with her service at all over past several years.

I am sending this in relation to upcoming town council meeting relating to this topic.

Sent from my iPad

Marijuana public hearing

Karen Kalmar <[REDACTED]>

Sun 6/27/2021 7:01 PM

To:town comments <tcomments@kitteryme.org>;

June 28, 2021

To the Town Council:

As a member of the Planning Board, I'm concerned that staff's current recommendation to remove the 1,500ft buffer between retail marijuana stores could prove to be a mistake.

Staff acknowledged that "it may be *less than desirable* to have certain marijuana operations clustered along busy roads", presumably due to traffic issues generated by a reported 900 ADT (Average Daily Trips) per business.

Staff then posited that *clustering* such stores "may have a *positive* impact on the *general* economic growth and buildout for the Town". I suspect having a clustered "Marijuana Alley" nearby might be off-putting to potential developers. However if retail marijuana stores are reasonably separated, residential or mixed use projects could have a "local" store. Only a buffer can ensure that.

The scarcity of retail marijuana shops elsewhere, and Kittery's prime location as the first Town in "Vacationland", may prove to be too much of a good thing, especially if concentrated in a limited area. Adjacent businesses and neighborhoods could be impacted disproportionately by traffic, noise and the risk associated with "cash heavy" businesses if such clustering were allowed.

Finally, in lieu of a 1,500 ft. buffer to lessen traffic impacts, staff proposes that the Planning Board require traffic control devices to be used when retail stores are in close proximity to each other. The four main categories of control devices are: **signs; signals; road design and marking;** and **channelizers** (temporary devices such as barriers, bollards and barrels).

Road design is unlikely to change on our swath of Rt. 1 and Rt. 236. Signals already abound, and temporary barriers are not a good solution to longterm impacts on such active stretches of roadway. So signage may be the PB's only option. It's my understanding that MDOT is responsible for most "destination signs" on Rt. 1 & 236. Therefore the Planning Board may have very few mitigation strategies.

I hope the Town's most excellent staff can envision a way to process applications that would be deemed reasonable by all. And I hope the Council will keep the 1,500ft buffer in place.

Thank you for considering.

Karen Kalmar

Medical Marijuana Home Establishment Regulation

Lainey McCartney <[REDACTED]>

Mon 6/28/2021 11:42 AM

To:town comments <tcomments@kitteryme.org>;

Hello,

I am writing to respectfully ask that you not include the Medical Marijuana Home Establishments with all the regulations being discussed for the retail establishments. They are different operations entirely and should be treated as such.

Many medical marijuana patients find themselves using marijuana due to chronic illness and would otherwise not find themselves in this circumstance. Many of us truly appreciate the privacy and intimacy afforded by the caregivers of the home establishments. Additionally, there is often anxiety around this new domain for the patient, and finding a quiet, private caregiver is a gift. I speak from experience.

I ask you to leave the caregivers without storefronts out of the ordinance being discussed this evening.

Thank-you for listening.

Lainey McCartney

Kittery Point

GENERAL PUBLIC COMMENTS

Seapoint

Todd Thayer <[REDACTED]>

Wed 6/16/2021 9:31 AM

To: town comments <comments@kitteryme.org>;

Good morning. Found this on the beach this morning. Looks like we're burning furniture now. I took it to the dump.







Hello Kendra,

Can you please tell me why dogs are no longer allowed in John Paul Jones Park? We've been walking our dogs there for 8+ years and have never encountered any dog waste whatsoever. We no longer have a park to walk to from Paul Street as dogs aren't allowed at Memorial Field. We can't even walk across Memorial Bridge to Prescott Park as dogs aren't allowed there either. Do you know that on an 85 degree day the asphalt temperature is around 125 degrees and that skin and paws burn at 120 degrees? John Paul Jones Park was an oasis for pet owners for all seasons which the Town has now taken away from us.

Can you please tell us where we can walk our dogs without having to get into our car and drive 10 miles?

It truly feels like dog owners are being squeezed out of this town.

We would appreciate a reply as this is our THIRD email to you and you have never replied back. If you can't answer my question, please direct me to a person who can.

Anne MacPherson and Simon Green

Dogs prohibited at JPJ park

cakelly <[REDACTED]>

Wed 6/23/2021 4:18 PM

To:town comments <tcomments@kitteryme.org>;

I am writing with concern over the recent signs posted at John Paul Jones park that prohibit dogs. I have been taking my dog there daily for the past 4 years and have never seen dog waste in the park. The trash, and there has been much of it by the sculpture and benches, has been caused by humans.

There is very few people who visit the park, except to see the statue, and very few dogs who visit there. It gives the dogs a place to play, roll in the grass, and listen to the birds. Why take this away???

I believe this issue was raised 2 years ago and was shot down. What has changed in the meantime? I am very disappointed that useless restrictions seem to be becoming the norm. This one makes no sense.

Regards,
Christine Kelly
73 Government St #5
Kittery, ME

Seapoint Beach Fires

TODD THAYER <[REDACTED]>

Fri 6/25/2021 5:33 PM

To:town comments <tcomments@kitteryme.org>;

Good afternoon. I wanted to share some pictures of what I found on the beach this morning. One of the 10 fires burning last night was directly behind the Hubbard's home. The Hubbard's are my neighbors. I found this branch amongst the cord wood



they were using for fuel.

I cannot be

certain but my suspicion is that the branch was pulled from this bush which is steps away from where they built the fire pit.



I'm bringing this to your attention because the Town and the State consider the wetlands behind our homes to be a "wetland of significance" and it is protected by a long list of environmental regulations. For example: I'm prohibited from removing any tree/shrub within 100 feet of the resource without replacing it (even if it is already dead). I cannot disturb more than a cubic yard of soil near the resource in the spring and early summer because rare birds are nesting there. We support all of these efforts to protect this natural resource and have willingly complied with all these regs. It is the right thing to do.

Like I said above, I did not see these individuals yanking branches off of that bush but I have seen this behavior elsewhere on the beach and my suspicion is that everything growing down there is protected in some manner. Clearly, this is wrong.

Thanks for your attention.

BTW: I've attended a number of the town meetings lately and was surprised and amazed at the number and variety of issues you guys have to deal with. I understand that protecting the beach doesn't necessarily rise to the same level of importance as challenges like affordable housing or hiring full time fire fighters. I get that. Thanks for all your efforts on behalf of Kittery.

Todd