

PUBLIC
HEARING
COMMENTS

From: [Brian Rodonets](#)
To: [Town Comments](#)
Subject: Green truck
Date: Saturday, October 7, 2023 8:45:24 PM

Hello and thank you for the opportunity to comment.

1. We live in a republic. People should be able to express and work in any way that does not harm others.
2. We are the Oldest & First town in the state of Maine. What do we want as an image?
Are we satisfied- are we proud - to be known for Outlet Malls and Marijuana?

Let's consider that.

Sincerely,

Jan Lamont Rodonets

Sent from my iPhone

June 6, 2023

Members of the Kittery Planning Board and the Kittery Town Council,

High Maine LLC (High Maine) is a limited liability company that is incorporated in the State of Maine and in good standing. High Maine has filed an application for a marijuana retail store with the Town of Kittery for a marijuana retail store to be located at 1 Route 236, Kittery, ME 03904, which is located within the C-2 zone. Because Kittery's Marijuana Licensing Ordinance only authorizes one marijuana retail store in the C-2 zone, High Maine's application will be placed on the waiting list. Many applicants on the waiting list applied using the same property, under different entities and/or unit numbers with the same parcel. There are only six properties associated with each of the applications on the waiting list for the C-2 zone (with a total of 248 pre-applications that the town accepted for the initial lottery). Most of the applicants were placed on the waiting list following the lottery for marijuana retail store licenses that was held on October 28, 2021, over a year and a half ago. Since that time, several of the properties associated with applications on the waiting list were rented out or sold and, thus, are no longer available to the listed applicant.

The Town of Kittery's Marijuana Licensing Ordinance, Section 5.11.9(E), provides a procedure for processing applications on the waiting list. Specifically, the Ordinance states that "[a]pplications will not be processed from the wait list if there have been any material changes to ownership, as indicated on the ownership affidavit, or where there is a change to location of the Premises." (emphasis added). Accordingly, any application on the waiting list that lists a property that is no longer available, would not be processed. This likely eliminates most, if not all, of the applicants on the waiting list. High Maine's property, however, continues to be available to the Company. For this reason, despite being last on the waiting list, if the current applicant is found to not meet the applicable local land use or licensing standards and, thus, the application is denied, there is a high likelihood that High Maine would have an opportunity to pursue a marijuana retail store license in the C-2 zone in Kittery. Accordingly, High Maine would suffer a direct and particularized injury if the Town wrongfully approves the application for a change of use or modified site plan approval or the license for GTF Kittery 8, LLC.

As an initial matter, the Town cannot process GTF Kittery 8, LLC's application because it is for a different location than the pre-application from the wait list that is being considered. On February 27, 2023 the Town advised GTF Kittery 8, LLC that its application, which had been placed on the wait list following the initial lottery under MPA-505, was going to be considered. GTF Kittery 8, LLC subsequently submitted a license application, modified site plan, and an application for a change of use. In these submissions, GTF Kittery 8, LLC proposes to operate a marijuana retail store at 89 Route 236, Units 2 and 3. However, the pre-application that is being considered—MPA-505—is for a marijuana retail store to be operated at 89 Route 236, Unit 3. See attachment A. The Kittery Marijuana Licensing Ordinance, Wait List Procedures, 5.11.9(E) provides that "[a]pplications will not be processed from the wait list . . . where there is a change to location of the Premises" (emphasis added); *see also* Kittery Marijuana Licensing Ordinance, 5.11.8 ("A Licensee who seeks to operate in a new location must acquire a new license for that

location.”). The Ordinance defines “Premises” as “the physical location at which a Marijuana Business is to conduct its business.”

89 Route 236, Unit 3 is necessarily a separate and distinct location from 89 Route 236, Unit 2 for licensing purposes, because GTF Kittery 8, LLC also filed a pre-application to operate a marijuana retail store at 89 Route 236, Unit 2 (MPA-446) and applicants were expressly prohibited from submitting more than one pre-application per location for the lottery. Kittery Marijuana Licensing Ordinance, 5.11.9(A) and (B); *see also* Kittery Marijuana Licensing FAQs (“an entity may submit one pre-application per separate property” and “multiple pre-applications will be accepted for the same property. However, only one preapplication will be accepted per unique entity (TIN) for the property.”). If Units 2 and 3 were in fact a single location, GTF Kittery 8, LLC, should not have been allowed to submit separate pre-applications for Unit 2 and Unit 3. Because GTF Kittery 8, LLC submitted separate applications for Unit 2—MPA-446—and Unit 3—MPA-505, an application to operate in Units 2 and 3 combined is a change in location of the Premises and, thus, the Town is precluded from processing the application.

Not only did GTF Kittery 8, LLC file separate pre-applications for Units 2 and 3, 25 other GTF entities did the same thing, thereby submitting a total of 50 pre-applications total for these two units (25 for Unit 2 and 25 for Unit 3). If Units 2 and 3 are in fact a single premises, only one pre-application per TIN should have been allowed and allowing them to file two pre-applications for a single location unfairly and unlawfully increased the owners of the GTF entities’ odds of winning, while correspondingly decreasing the odds for other applicants who followed the rules. We have reason to believe that the GTF entities may have done the same thing for Unit 4—submitting separate pre-applications for Unit 4 to increase their odds—but including a layout that shows the proposed retail store operating in Units 2 and 3. All GTF pre-applications that were filed for locations that did not match the layout for the proposed retail store premises, or that demonstrate that one GTF entity submitted multiple applications for the same or a single Premises, were filed in direct violation of the Ordinance and the Town’s guidance and, as such, should be disqualified.

In addition, GTF Kittery 8, LLC’s application for change of use cannot be approved because the proposed marijuana retail store is within 1,000 feet of a school. In 2021, we also looked at prospective marijuana retail store locations along the same stretch of Route 236, but did not pursue them because of the proximity to Great Beginnings Nursery School, LLC. State law prohibits municipalities from approving marijuana retail stores within 1,000 feet of “any [] educational facility that serves children from prekindergarten to grade 12.” 28-B M.R.S. § 402(2)(A). Likewise, Kittery’s ordinance prohibits the siting of a marijuana business within 1,000 feet of a “public or private school,” defined in Kittery’s land use ordinance to include nursery schools. *See* Town of Kittery Land Use and Development Code, Section 16.3.2 (a “public or private school” is “[a] building or buildings and its associated grounds which is principally used to conduct educational classes including public and private elementary schools and nursery schools, including postsecondary schools, but not including commercial schools.”

Great Beginnings Nursery School is an educational facility that provides educational instruction to prekindergarten children include instruction in math, literacy, art, and science. It is also a

nursery school. Because the proposed marijuana retail store at 89 Route 236 in Kittery is located within 1,000 feet from the property line of Great Beginnings Nursery School, this Planning Board cannot, under both state and local law, approve the store's application.

There appear to be a myriad of other issues with the change of use application and application for a modification to the site plan approval including, but not limited to, failure to demonstrate compliance with other marijuana business performance criteria, failure to satisfy general zoning standards, such as providing adequate parking, as well as potential violations of state and local laws intended to protect wetlands. We reserve the right to challenge any deficiency in the application.

Thank you for your attention to this important matter.

Respectfully,

3:11



Images

Maps

News

Videos

Shopping

Green Truck



4.8 ★★★★★ (307)

Cannabis store in North Berwick, Maine · [Open](#)

Overview

Reviews

Photos

About



CALL



DIRECTIONS



SHARE



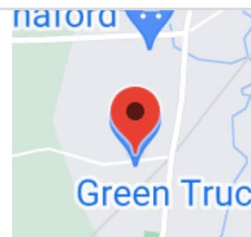
WEBSITE



In-store shopping · In-store pickup



19 Buffum Rd Unit 6, North Berwick, ME 03906



Open · Closes 6 PM ▾

Indigenous Peoples' Day might affect these hours



(207) 756-4420

GENERAL
PUBLIC
COMMENTS

From:
To: [Town Comments](#)
Cc: [White, Clerk](#)
Subject: Naming Rights for Kittery, Maine and Portsmouth, Virginia NAVAL SHIPYARDS
Date: Wednesday, September 27, 2023 12:25:23 PM

To The Kittery Town Council,

My name is Miriam Jiggetts and I am a resident of Portsmouth, Virginia.

The purpose of my email is to ask that your Town Council begin a discussion about having the Portsmouth, New Hampshire Naval Shipyard renamed the Kittery, Maine Naval Shipyard since it is physically located in Kittery, Maine not Portsmouth, New Hampshire.

As such, my vision is to see the Norfolk, Virginia Naval Shipyard correctly renamed the Portsmouth, Virginia Naval Shipyard since it is physically located in Portsmouth, Virginia.

I recognize that this was an error made years ago by our Federal Government. There is “common ground “ for the Town of Kittery and the City of Portsmouth, Virginia to lobby for the name change thru your perspective Federal Elected Officials.

My only interest is to see this wrong made right. Kittery, Maine and Portsmouth, Virginia would rightfully derive marketing benefits from these two Shipyards’ being accurately “Renamed”.

In answer to anticipated questions from Portsmouth, New Hampshire and Norfolk, Virginia; I hope you would support your Sister Cities in this endeavor. “Rising Tides Greatly Lift All Ships!”

By way of this email, I am copying the City Council of Portsmouth, Virginia on my correspondence to the Town Council of Kittery, Maine.

Kindest Regards,

Miriam Jackson Jiggetts
Portsmouth, Virginia Citizen

City Clerk Debra White,
Portsmouth, Virginia

Dear Mrs White,

Would you please include my email correspondence to Kittery, Maine in City Council’s Package, The Interim City Manager and City Attorney.

My request is to see this correspondence become a part of Council’s Agenda for research discussion by our Government Affairs Liaison.

Thank You,

Miriam Jiggetts