

**Town of Kittery**  
**Planning Board Meeting**  
**October 28, 2021**

**ITEM 3— 35 Tilton Avenue—Medical Marijuana Registered Caregiver Home Establishment**

Action: Accept application as complete, continue to a subsequent meeting, set public hearing and/or site walk (discretionary), or approve or deny application. Pursuant to §16.3.2.4 Residential-Urban, §16.8 Design and Performance Standards for Built Environment and §16.10.11 Medical Marijuana Registered Caregiver Home Establishment of the Town of Kittery Land Use and Development Code, the Planning Board shall review an application from applicant Delta Lab, LLC requesting approval to operate a Medical Registered Caregiver Home Establishment on real property with an address of 35 Tilton Ave. (Tax Map 16, Lot 178) located in the Residential-Urban (R-U) Zone.

**PROJECT TRACKING**

REQ'D	ACTION	COMMENTS	STATUS
No	Sketch Plan	Not Pursued	N/A
No	Site Visit	TBD	TBD
Yes	Completeness/Acceptance	October 28, 2021	PENDING
No	Public Hearing	May occur on November 18, 2021, if acted on	TBD
Yes	Final Plan Review and Decision	May occur on October 28, 2021	TBD

Applicant: Prior to the signing of the approved Plan any **Conditions of Approval related to the Findings of Fact along with waivers and variances (by the BOA) must be placed on the Final Plan and, when applicable, recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN 1/4" HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS.** As per Section 16.4.4.13 - Grading/Construction Final Plan Required. - Grading or construction of roads, grading of land or lots, or construction of buildings is prohibited until the original copy of the approved final plan endorsed has been duly recorded in the York County registry of deeds when applicable.

**Project Introduction**

The application before the Planning Board (“Board”) proposes a Medical Marijuana Registered Caregiver Home Establishment (“Home Establishment”) on real property with an address of 35 Tilton Avenue. The subject property is a signal-family dwelling unit within the Residential-Urban zone. In addition to the dwelling unit, there is a garage and a shed on the property in close proximity to each other. Surrounding the subject property and along Tilton Avenue are signal-family dwelling units. To the Town’s knowledge, there are no other medical marijuana registered caregiver home establishment businesses or other home occupation dwelling units along Tilton Avenue. Further, the subject property is serviced by water and sewer. From a zoning perspective, the lot and structures therein are legally nonconforming. The application is not proposing any sort of expansion which would require Board of Appeals approval. The primary focus is on the use as set of standards in §16.8.30.2 and §16.10.11 and whether the applicant has demonstrated compliance with the requisite standards.

The applicant is seeking approval to operate a Medical Marijuana Registered Caregiver Home Establishment. The nature of the operation is to grow cannabis within what appears to be the garage and to deliver the product by motor vehicle to registered patients of the applicant. It appears that patients will not be entering the property to retrieve any of the cannabis grown for themselves.

The Planning Board has a set of narrow criteria for Home Establishment applications which is enumerated herein. The Planning Board’s task is to review those criteria and determine if the applicant has sufficiently satisfied those standards.

## Application Review

§16.2.2 Definitions	
Standard	Comment
<p><b>Medical Marijuana Registered Caregiver Home Establishment</b></p> <p>means a medical marijuana registered caregiver business operating on the property of a dwelling unit serving as the primary residence of the Registered Caregiver.</p>	It appears that the applicant falls under this definition.

§16.3.2.11.D(2)	
Standard	Comment
Minimum lot size: 20,000-sf.	It appears that this standard is not satisfied, as the lot is legally nonconforming.
Minimum street frontage: 100-ft.	It appears that this standard is not satisfied, as the lot is legally nonconforming.
Minimum front setback: 30-ft.	It appears that this standard is not satisfied, as the house is legally nonconforming.
Minimum rear and side setbacks: 15-ft.	It appears that this standard is not satisfied, as the house is legally nonconforming.
Maximum building height: 35-ft.	It appears that this standard is satisfied.

§16.8.4.5 Access control and traffic impacts	
Standard	Comment
Manufacturing of medical marijuana products may occur only in zoning districts where a Marijuana Manufacturing Facility is permitted.	The proposed Medical Marijuana Registered Caregiver Home Establishment (“Home Establishment”) is proposing only to grow and deliver the product to patients. Planning Board should confirm if patients will be entering the Home Establishment for pick-up. If it is the case the patients will be present on site, the applicant should demonstrate to the Planning Board where they intend to provide parking.
A Medical Marijuana Registered Caregiver Home Establishment is restricted to the property of a dwelling unit serving as the primary residence of the Registered Caregiver. Proof of primary residence will be determined by voter registration, vehicle registration, property tax bill and/or other documentation acceptable to the Town	It appears on the property card of the Town’s assessing records that the applicant is the owner. The Planning Board should confirm that 35 Tilton Avenue is the applicant’s primary residence.
The Registered Caregiver must provide documentation demonstrating ownership of the dwelling unit or a lease agreement permitting the registered caregiver to operate a Medical Marijuana Registered Caregiver Home Establishment.	The applicant has provided a deed in which confirms their ownership of the property.
A Medical Marijuana Registered Caregiver Home Establishment must be an accessory use of the property, and is limited to utilize 40% or 400-square feet, whichever is greater, of the total floor area available within the dwelling unit.	This requirement appears to be satisfied as 285-sf is to be used as the area of operation. It appears the garage will be the designated area. The Planning Board will want to confirm this.
A Medical Marijuana Registered Caregiver Home Establishment is permitted only to see patients, provide consultations, and perform other functions, pursuant to 22 M.R.S. 558-C §2423-A.	This standard appears to be satisfied as the applicant has attested that the Home Establishment will be only delivering to patients. Planning Board will want to confirm this.
Hours of operation may be between 7 am and 7 pm Sunday through Saturday inclusive, and must be by appointment only.	This standard appears to be satisfied.
A Medical Marijuana Registered Caregiver Home Establishment may not have more than three (3) employees.	It is unclear if there will be any employees at the Home Establishment. The Planning Board may want more clarification on this standard.
There must be adequate parking on the lot to accommodate the property’s residents in accordance with this Title and zone-specific standards of this Title; provided that at a minimum the	It appears that the nature of the operation is to deliver the product to patients. The Planning Board may want to have the applicant

site must include two parking spots plus one spot for each employee.	elaborate whether or not patients will be visiting the home establishment or will have employees.
A Medical Marijuana Registered Caregiver Home Establishment must mitigate offensive odors such that they are not detectable by reasonable means at the property lines. Odors must be controlled by whatever best practices exist.	It is unclear how the applicant is to reduce offensive odors. The Planning Board may want to inquire how these odors are to be reduced.
A Medical Marijuana Registered Caregiver Home Establishment is permitted to cultivate a cumulative total of 30 mature plants or 500 square feet of plant canopy, 60 immature plants, and unlimited seedlings. Cultivation may occur indoors, outdoors, or both.	No information was provided on this standard. The Planning Board should inquire into the growing operations of the Home Establishment so as to get a better idea of the scale of the operation.
The installation and displaying of signage advertising the presence of a Medical Marijuana Registered Caregiver Home Establishment on a lot is prohibited.	This standard appears to be satisfied.

§16.10 Article V Preliminary Plan Application Review and Approval Process Phase	
Standard	Comment
An applicant seeking Planning Board approval for a Medical Marijuana Registered Caregiver Home Establishment must submit a complete application with the following furnished documents:	
Proof of property ownership or lease agreement in the Town of Kittery;	This standard appears to be satisfied.
Proof of residency in Town of Kittery as determined by voter registration, vehicle registration or other documentation deemed acceptable to the Town;	This information was not provided. The Planning Board should request it.
All relevant State of Maine license information demonstrating the applicant as a valid registered caregiver;	This standard appears to be satisfied.
A site plan that depicts all proposed outdoor growing areas. The Planning Board may require a site plan designed by a licensed surveyor or civil engineer registered in the State of Maine.	This standard is not applicable as it appears no growing operations are to take place outdoors.
A floor plan of the building showing the existing and proposed layout and square footage.	This standard appears to be satisfied.
Narrative describing the nature of the registered caregiver operation.	This standard appears to be satisfied.

Overall, the application appears to conform with the standards outlined in §16.3, §16.8, and §16.10 with minor clarifications needed. The most significant issue is whether or not patients will be visiting the home establishment and where they are to parking. Based on

## Recommended Motions

Below are recommended motions for the Board's use and consideration:

### *Motion to continue application*

Move to continue a Medical Registered Caregiver Home Establishment application from applicant Delta Lab, LLC requesting approval to operate a Medical Registered Caregiver Home Establishment on real property with an address of 35 Tilton Ave. (Tax Map 16, Lot 178) located in the Residential-Urban (R-U) Zone.

### *Motion to approve application*

Move to approve a Medical Registered Caregiver Home Establishment application from applicant Delta Lab, LLC requesting approval to operate a Medical Registered Caregiver Home Establishment on real property with an address of 35 Tilton Ave. (Tax Map 16, Lot 178) located in the Residential-Urban (R-U) Zone.

**FINDINGS OF FACT -**

**UnApproved**

**for**

**35 Tilton Avenue**

**Medical Marijuana Registered Caregiver Home Establishment Application**

Note: This approval by the Planning Board constitutes an agreement between the Town and the Applicant incorporating the site plan and supporting documentation, the Findings of Fact, and all waivers and/or conditions approved and required by the Planning Board.

**WHEREAS:** applicant Delta Lab, LLC requests approval to operate a Medical Registered Caregiver Home Establishment on real property with an address of 35 Tilton Ave. (Tax Map 16, Lot 178) located in the Residential-Urban (R-U) Zone.

Hereinafter the “Home Establishment”.

Pursuant to the Plan Review meetings conducted by the Planning Board as duly noted in the Plan Review Notes dated 10/28/2021;

REQ'D	ACTION	COMMENTS	STATUS
No	Sketch Plan	Not Pursued	N/A
No	Site Visit	TBD	TBD
Yes	Completeness/Acceptance	October 28, 2021	PENDING
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Yes	Final Plan Review and Decision	May occur on October 28, 2021	TBD

Applicant: Prior to the signing of the approved Plan any **Conditions of Approval related to the Findings of Fact along with waivers and variances (by the BOA) must be placed on the Final Plan and, when applicable, recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN 1/4" HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS.** As per Section 16.4.4.13 - Grading/Construction Final Plan Required. - Grading or construction of roads, grading of land or lots, or construction of buildings is prohibited until the original copy of the approved final plan endorsed has been duly recorded in the York County registry of deeds when applicable.

and pursuant to the Project Application and Plan and other documents considered to be a part of the approval by the Planning Board in this finding consist of the following and as noted in the Plan Review Notes dated 10/28/2021 (Hereinafter the “Plan”).

**Medical Marijuana Registered Caregiver Home Establishment Application**

1. Medical Marijuana Registered Caregiver Home Establishment Application, dated September 20, 2021.

**NOW THEREFORE,** based on the entire record before the Planning Board as and pursuant to the applicable standards in the Land Use and Development Code, the Planning Board makes the following factual findings as required by Section §16.10.11.2.B and as recorded below:

**FINDINGS OF FACT**

Action by the Board shall be based upon findings of fact which certify or waive compliance with all the required standards of this title, and which certify that the development satisfies the following requirements:

**Standard:** Manufacturing of medical marijuana products may occur only in zoning districts where a Marijuana Manufacturing Facility is permitted.

**Finding:** the applicant has demonstrated that the manufacturing of marijuana products will not occur on the property.

**Conclusion:** This standard appears to be met.

Vote of \_\_\_ in favor \_\_\_ against \_\_\_ abstaining

**Standard:** A Medical Marijuana Registered Caregiver Home Establishment is restricted to the property of a dwelling unit serving as the primary residence of the Registered Caregiver. Proof of primary residence will be determined by voter registration, vehicle registration, property tax bill and/or other documentation acceptable to the Town

**Finding:** The applicant has provided sufficient evidence that their primary residence is within the building of the proposed Medical Marijuana Registered Caregiver Home Establishment.

**Conclusion:** This standard appears to be met.

Vote of \_\_\_ in favor \_\_\_ against \_\_\_ abstaining

**Standard:** The Registered Caregiver must provide documentation demonstrating ownership of the dwelling unit or a lease agreement permitting the registered caregiver to operate a Medical Marijuana Registered Caregiver Home Establishment.

**Finding:** The applicant has provided a deed of the property that depicts ownership of the property.

**Conclusion:** This standard appears to be met.

Vote of \_\_\_ in favor \_\_\_ against \_\_\_ abstaining

*Standard* A Medical Marijuana Registered Caregiver Home Establishment must be an accessory use of the property, and is limited to utilize 40% or 400-square feet, whichever is greater, of the total floor area available within the dwelling unit.

**Finding:** The applicant is proposing to utilize 258-sf. of the property as an area of operation.

**Conclusion:** This standard appears to be met.

*Standard* A Medical Marijuana Registered Caregiver Home Establishment is permitted only to see patients, provide consultations, and perform other functions, pursuant to 22 M.R.S. 558-C §2423-A

**Finding:** It appears that the applicant is proposing to only to tend to patients as directed by state statute.

**Conclusion:** This standard appears to be met.

Vote of \_\_\_ in favor \_\_\_ against \_\_\_ abstaining

**Standard:** Hours of operation may be between 7 am and 7 pm Sunday through Saturday inclusive, and must be by appointment only.

**Finding:** It appears that the applicant will only make deliveries to patients and not have any patients visit the property to seek treatment.

**Conclusion:** This standard appears to be met.

Vote of \_\_\_ in favor \_\_\_ against \_\_\_ abstaining

*Standard:* A Medical Marijuana Registered Caregiver Home Establishment may not have more than three (3) employees.

**Finding:** It appears that the applicant will not have more than three employees.

<b>Conclusion:</b> This standard appears to be met.
<b>Vote of ___ in favor __ against __ abstaining</b>
<i>Standard:</i> There must be adequate parking on the lot to accommodate the property's residents in accordance with this Title and zone-specific standards of this Title; provided that at a minimum the site must include two parking spots plus one spot for each employee.
<b>Finding:</b> It appears that the applicant has adequate parking as no patients are to visit the Home Establishment.
<b>Conclusion:</b> This standard appears to be met.
<b>Vote of ___ in favor __ against __ abstaining</b>
<i>Standard:</i> A Medical Marijuana Registered Caregiver Home Establishment must mitigate offensive odors such that they are not detectable by reasonable means at the property lines. Odors must be controlled by whatever best practices exist.
<b>Finding:</b> It appears that the applicant will take the appropriate measures to mitigate any offensive odors.
<b>Conclusion:</b> This standard appears to be met.
<b>Vote of ___ in favor __ against __ abstaining</b>

<b>Standard:</b> A Medical Marijuana Registered Caregiver Home Establishment is permitted to cultivate a cumulative total of 30 mature plants or 500 square feet of plant canopy, 60 immature plants, and unlimited seedlings. Cultivation may occur indoors, outdoors, or both.
<b>Finding:</b> It appears that the applicant will stay under the plant and canopy limited.
<b>Conclusion:</b> This standard appears to be met.
<b>Vote of ___ in favor __ against __ abstaining</b>
<b>Standard:</b> The installation and displaying of signage advertising the presence of a Medical Marijuana Registered Caregiver Home Establishment on a lot is prohibited.
<b>Finding:</b> There will be no signage on the property that will advertise the presence of a Home Establishment.
<b>Conclusion:</b> This standard appears to be met.
<b>Vote of ___ in favor __ against __ abstaining</b>

**NOW THEREFORE** the Kittery Planning Board adopts each of the foregoing Findings of Fact and based on these Findings determines the proposed Development will have no significant detrimental impact, and the Kittery Planning Board hereby grants final approval for the Development at the above referenced property, including any waivers granted or conditions as noted.

**Waivers:** None.

Conditions of Approval

1. No changes, erasures, modifications or revisions may be made to any Planning Board approved final plan. (Title 16.10.9.1.2)
2. All Notices to Applicant contained in the Findings of Fact (dated: 06/10/2021).

Notices to Applicant:

1. This approval by the Town Planning Board constitutes an agreement between the Town and the Developer, incorporating the Plan and supporting documentation, the Findings of Fact, and any Conditions of Approval.

The Planning Board authorizes the Planning Board Chair, or Vice Chair, to sign the Final Plan and the Findings of Fact upon confirmation of compliance with any conditions of approval.

**Vote of in favor against abstaining**

APPROVED BY THE KITTERY PLANNING BOARD ON October 28, 2021

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Dutch Dunkelberger, Planning Board Chair

Appeal:

Per Title 16.6.2.A - An aggrieved party with legal standing may appeal a final decision of the Planning Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.

**MH-21-2**

**Marijuana Home Establishment Business License**

**Status:** Active

**Date Created:** Sep 20, 2021

**Applicant**

benjamin sandquist  
ben.sandquist@gmail.com  
35 tilton ave  
kittery, Maine 03904  
16173045539

**Location**

35 TILTON AVENUE  
KITTERY, ME 03904

**Owner:**

SANDQUIST, BRETT  
35 TILTON AVENUE KITTERY, ME 03904

**Applicant's Information**

**Applicant's Name**

Benjamin sandquist

**Applicant's Mailing Address**

35 Tilton ave

**Applicant's Phone Number**

617-304-5549

**Applicant's Email Address**

Ben.sandquist@gmail.com

**Relationship of applicant to company**

Owner

**Home Establishment Information**

**Home Establishment Street Address**

35 Tilton ave kittery maine

**Home Establishment Business Name**

Deltalab

**Is this business currently operating with Town of Kittery Approvals as either a Minor or Major Home Occupation?**

No

**Name of Property Owner**

Brett sandquist

**Property Owner's Mailing Address**

35 Tilton ave kittery maine

**Certification and Acknowledgement**

**I certify that all information provided on this application is true and accurate to the best of my abilities. I understand that any false or misleading information may be grounds for the rejection of this application.**

Benjamin sandquist  
09/14/2021

**I understand that the submittal of this application does not guarantee that a license will be granted.**



Benjamin sandquist  
09/14/2021

I have read and understand the rules governing the operation of a Home Establishment as detailed in Town Code 16.8.30. I certify that I will not violate the ordinances of the Town of Kittery and that any such violation may result in the loss of licensure and/or Planning Board Approval.

Benjamin sandquist  
09/14/2021

## Planning Board Application

### Property Description

**Parcel Map Number**

16

**Parcel Lot Number**

178

**Base Zone**

R-U

**Overlay Zones**

N/A

**Total Land Area**

.15 acres

**MS4**

N/A

**Physical Address**

35 Tilton ave

### Property Owner's Information

**Last Name**

Sandquist

**First Name**

Brett

**Phone Number**

7815842645

**Email Address**

Bsandquist68@gmail.com

**Fax Number**

N/A

**Mailing Address**

35 Tilton ave

### Applicant's Agent Information

**First Name**

Ben

**Last Name**

Sandquist

**Phone Number**

6173045539

**Name of Business**

Detalab

**Email Address**

Ben.sandquist@gmail.com

**Fax Number**

N/A

**Mailing Address**

35 Tilton ave

### Project Description

**Existing Land Use(s):**

Primary residence

**Proposed Land Use(s) and Development:**

Primary residence

**Please describe any construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)**

N/A

**Certification and Acknowledgement**

**I certify, to the best of my knowledge, this application information is true and correct and I will not deviate from the Plan submitted without notifying the Town Planner and Development Department of any changes.**

Benjamin Sandquist

09/20/2021

**Applicant's Name**

Benjamin Sandquist

**Attachments**











-  KITTERY DEED 001.tif  
Uploaded by benjamin sandquist on Sep 20, 2021 at 9:58 pm
-  ApplicationFeeNotification.pdf  
Uploaded by benjamin sandquist on Sep 20, 2021 at 10:00 pm
-  STATE OF MAINE.pdf  
Uploaded by benjamin sandquist on Oct 6, 2021 at 4:48 pm
-  LIMITED LIABILITY COMPANY OPERATING AGREEMENT.pdf  
Uploaded by benjamin sandquist on Sep 22, 2021 at 2:17 pm
-  Town of Kittery.pdf  
Uploaded by benjamin sandquist on Sep 20, 2021 at 10:09 pm
-  EVIDENCE OF LAND USE.docx  
Uploaded by benjamin sandquist on Sep 20, 2021 at 10:09 pm
-  285 USeathe Soft.pdf  
Uploaded by benjamin sandquist on Sep 23, 2021 at 11:27 am
-  ProPoSed.pdf  
Uploaded by benjamin sandquist on Sep 23, 2021 at 11:27 am
-  Untitled document.pdf  
Uploaded by benjamin sandquist on Sep 20, 2021 at 10:26 pm
-  STATE OF MAINE 2.pdf  
Uploaded by benjamin sandquist on Oct 6, 2021 at 10:40 pm

**History**

<b>Date</b>	<b>Activity</b>
Sep 14, 2021 at 7:16 pm	benjamin sandquist started a draft of Record MH-21-2
Sep 20, 2021 at 10:27 pm	benjamin sandquist submitted Record MH-21-2
Sep 20, 2021 at 10:27 pm	approval step Application Completeness was assigned to Dave Evans on Record MH-21-2
Sep 23, 2021 at 11:44 am	Dave Evans approved approval step Application Completeness on Record MH-21-2
Sep 23, 2021 at 2:33 pm	completed payment step Licensing Fees on Record MH-21-2
Sep 23, 2021 at 2:33 pm	approval step Code Enforcement Office Review was assigned to Craig Alfis on Record MH-21-2
Sep 23, 2021 at 2:33 pm	approval step Town Planner Review was assigned to Bart McDonough on Record MH-21-2
Sep 30, 2021 at 1:46 pm	Craig Alfis approved approval step Code Enforcement Office Review on Record MH-21-2
Oct 4, 2021 at 11:32 am	Bart McDonough approved approval step Town Planner Review on Record MH-21-2
Oct 4, 2021 at 11:32 am	approval step Fire Department Certification was assigned to Dave O'Brien on Record MH-21-2
Oct 4, 2021 at 11:32 am	approval step Planning and Development Review was assigned to Adam Causey on Record MH-21-2
Oct 4, 2021 at 11:32 am	approval step Police Review and Background Check was assigned to Danielle Lindman on Record MH-21-2
Oct 5, 2021 at 8:05 am	Dave O'Brien approved approval step Fire Department Certification on Record MH-21-2
Oct 6, 2021 at 2:34 pm	Danielle Lindman approved approval step Police Review and Background Check on Record MH-21-2

Date	Activity
Oct 6, 2021 at 10:40 pm	benjamin sandquist added attachment STATE OF MAINE 2.pdf to Record MH-21-2
Oct 7, 2021 at 9:50 am	Adam Causey approved approval step Planning and Development Review on Record MH-21-2
Oct 7, 2021 at 9:50 am	approval step Planning Board Approval was assigned to Bart McDonough on Record MH-21-2

## Timeline

Label	Status	Activated	Completed	Assignee	Due Date
 Application Completeness	Complete	Sep 20, 2021 at 10:27 pm	Sep 23, 2021 at 11:44 am	Dave Evans	-
 Licensing Fees	Paid	Sep 23, 2021 at 11:44 am	Sep 23, 2021 at 2:33 pm	-	-
 Code Enforcement Office Review	Complete	Sep 23, 2021 at 2:33 pm	Sep 30, 2021 at 1:46 pm	Craig Alfis	-
 Town Planner Review	Complete	Sep 23, 2021 at 2:33 pm	Oct 4, 2021 at 11:32 am	Bart McDonough	-
 Fire Department Certification	Complete	Oct 4, 2021 at 11:32 am	Oct 5, 2021 at 8:05 am	Dave O'Brien	-
 Police Review and Background Check	Complete	Oct 4, 2021 at 11:32 am	Oct 6, 2021 at 2:34 pm	Danielle Lindman	-
 Planning and Development Review	Complete	Oct 4, 2021 at 11:32 am	Oct 7, 2021 at 9:50 am	Adam Causey	-
 Planning Board Approval	Active	Oct 7, 2021 at 9:50 am	-	Bart McDonough	-
 Town Manager Review	Inactive	-	-	-	-
 License Issuance	Inactive	-	-	-	-

Return to:

**WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS: That we, **Kevin J. Daley and Beryl B. Daley**, of 35 Tilton Avenue, Kittery ME 03904, for consideration paid grant to **Brett Sandquist and Pamela Sandquist**, of 20 Cable Road, Rye NH 03870, as joint tenants, with **WARRANTY COVENANTS**:

A certain lot or parcel of land with the buildings thereon, situated in the Town of Kittery, County of York and State of Maine and being lot numbered one (1) on Revised Plan of Land of Mattawamkeag Realty Co., Kittery Maine, dated June 10, 1941, recorded in York Registry of Deeds, Plan Book 16, Page 31 and 32 by John W. Durgin, C.E., said lot being bounded and described as follows:

Southeasterly by Tilton Avenue, so-called, sixty (60) feet; Southwesterly\* by land now or formerly of Russell Jellerson one hundred fifteen and seven tenths (115.7) feet; Northwesterly\* by land now or formerly of Henry Lesferance sixty-four and two tenths (64.2) feet; and Northeasterly by lot numbered two (2) on said Plan one hundred nine and eight tenths (109.8) feet.

\*Corrects scrivener's errors in prior deed. See correct description at Bok 3211, Page 6 recorded in the Cumberland County Registry of Deeds.

Meaning and intending to describe and convey the same premises conveyed to Kevin J. Daley and Beryl B. Daley by virtue of a deed from George E. Henshaw dated December 21, 2007, recorded in the York County Registry of Deeds at Book 15335 and Page 690.

Executed this 20<sup>th</sup> day of JUNE, 2014.

Kevin J. Daley  
Kevin J. Daley

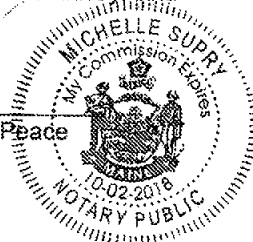
Beryl B. Daley  
Beryl B. Daley

State of Maine  
County of YORK

JUNE 20, 2014

Then personally appeared before me the said Kevin J. Daley and Beryl B. Daley and acknowledged the foregoing to be their voluntary act and deed.

Notary Public, Justice of the Peace  
Commission expiration:



Red Door Title • 1662 Post Road B2, Wells ME 04090 • (207) 358-7500

MAINE REAL ESTATE  
TRANSFER TAX PAID

This caregiver operation will consist of growing small batches of craft organic cannabis and deliver my products to patients in need directly to their home. This business will bring no traffic to Tilton ave and will produce very minimal waste. I won't be using any chemicals or fertilizers and plan to have minimal environmental impact as well as keep the neighborhood quiet.

## LIMITED LIABILITY COMPANY OPERATING AGREEMENT

### Detalab, LLC

A Member-Managed Maine Limited Liability Company

**Benjamin Sandquist** (the “Member”) and **Detalab, LLC** (the “Company”) agree to enter into this **Limited Liability Company Operating Agreement** (the “Agreement”).

### Article 1 Formation

1.1 **Organization.** The Member organizes the Company under the Maine Limited Liability Company Act (the “Act”), 31 M.R.S.A. §§1501-1693.

1.2 **Filing.** If not already filed, promptly after this Agreement becomes effective, the Company shall cause a Certificate of Formation and any other required documentation to be filed with the Maine Secretary of State. The Company shall pay any filing fees.

1.3 **Member-Managed.** The Member shall manage the Company according to this Agreement’s terms.

1.4 **Name.** The Company’s name is Detalab, LLC. The Company will conduct all business under that name or under any other name that the Member may determine, as allowed by applicable law.

(a) Fictitious Name. If the Member decides to do business under any name other than Detalab, LLC, the Company shall cause a Statement of Intention to Transact Business Under an Assumed or Fictitious Name (or currently appropriate form) to be filed with the Maine Secretary of State. The Company shall pay any filing fees.

(b) Changing the Company’s Name. The Member may change the Company’s name at any time. The Company shall cause this Agreement to be amended to reflect the new name, and the Member shall sign the amendment. The Company shall cause a Certificate of Amendment (or currently appropriate form) designating the new name to be filed with the Maine Secretary of State. The Company shall pay any filing fees.

1.5 **Change to Multiple Member LLC.** If the Member determines to add members to the Company, this Company shall dissolve.

1.6 **Principal Place of Business.** The Company will have its principal business office at 35 Tilton Avenue, Kittery, Maine 03904. The Member may change the principal place of business at any time.

1.7 **Registered Agent.** Benjamin Sandquist is the Company's registered agent. The Member may change the Company's registered agent at any time. The registered agent must have a physical address in Maine. The registered agent is not required to be a member of the Company. The Company shall cause a Statement of Change of Registered Agent (or currently appropriate form) designating the new registered agent to be filed with the Maine Secretary of State. The Company shall pay any filing fees.

1.8 **Registered Office.** The Company's registered office is 35 Tilton Avenue, Kittery, Maine 03904. The registered office must be a physical address in Maine. The Member may change the Company's registered office at any time. The Company shall cause a Statement of Change of Registered Address (or currently appropriate form) designating the new registered address to be filed with the Maine Secretary of State. The Company shall pay any filing fee.

1.9 **Term.** The Company shall exist until it is dissolved either voluntarily according to this Agreement's Article 7 or involuntarily by a court or governmental administrative body.

1.10 **Powers.** The Company shall have the power to do all things that LLCs are legally permitted to do under the Act and under Maine law.

1.11 **Purpose.** The Company's purpose is to cultivate, manufacture, and sell medical marijuana and medical marijuana products as legal under Maine law and municipal ordinance.

1.12 **Federal Illegality.** **The Member and the Company acknowledge that marijuana possession, cultivation, and sales is illegal under federal law and that marijuana is a Class I Controlled Substance under federal law. The Member and the Company acknowledge that as long as marijuana is illegal under federal law, they may be conducting activities that federal law considers to be co-conspiracy and trafficking in controlled substances, among other charges. The Member and the Company acknowledge the risk inherent in**

**operating illegally under federal law, even when those operations are legal under Maine law.**

1.13 **Entity Status.** The Company will be a legal entity separate and distinct from the Member.

## **Article 2 Limited Liability**

2.1 **Debts, Obligations, and Liabilities Belong Solely to the Company.** Under 31 M.R.S. § 1544, except as where otherwise provided in the Act, the Company's debts, obligations, and liabilities, whether arising in contract, torts, or otherwise, belong solely to the Company.

2.2 **No Personal Obligation.** Being or acting as a Member of the Company does not by itself make the Member personally responsible for any of the Company's debts, obligations, or liabilities. Under 31 M.R.S. § 1559, a Member or authorized person may not be held personally liable for monetary damages for failing to discharge any duty unless that Member or authorized person is found to have acted dishonestly or not acted with the reasonable belief that the action was in or not opposed to the Company's or its Member's best interests.

2.3 **Asset Ownership.** The Company shall own all its assets in its own name. The Member shall have no direct interest in those assets.

## **Article 3 Membership**

3.1 **Compensation.** The Member shall not be paid as a member of the LLC for performing any duties associated with his membership, including managing the Company.

3.2 **Reimbursement for Expenses.** The Company shall reimburse the Member for all reasonable expenses incurred in managing the Company.

3.4 **Transfer of Interest.** The Member may transfer his entire membership interest in the Company another person or entity. This Agreement shall be amended to reflect the transfer.

3.5 **Assignment.** The Member may not assign his membership interest in the Company.

3.6 **No New Members.** The Company shall not add members. If the Member determines to add members to the Company, the Company shall dissolve according to Article 7.



3.7 **Member Substitution.** The Member may substitute another party for himself as the Member in the Company. This Agreement shall be amended to reflect the substitution.

#### **Article 4 Taxation**

4.1 **Tax Status.** As a single-member LLC, the Company is a sole proprietorship and disregarded as an entity separate from its owner under federal tax regulations. In all other respects outside of tax regulations, the Company is a legal entity separate from the Member.

4.2 **Self-employment Taxes.** As the sole Member of a disregarded entity, the Member will be subject to self-employment taxes on the Company's income as provided in IRC §§ 1401 and 1402 and Internal Revenue Service Prop. Reg. § 1.1402(a)-2.4.2.

4.3 **Change in Tax Classification.** The Member may change the Company's tax status to an S Corporation by signing IRS Form 8832, Entity Classification Election, and filing with the IRS. The Member should seek tax advice from a certified public accountant with knowledge about IRC § 280.

4.4 **Tax Year and Accounting Period.** The Company's tax year and accounting period shall be the calendar year. The Member may change the Company's tax year and accounting period by filing the appropriate forms with the IRS and Maine Revenue if the Company qualifies for such a change.

4.5 **State Taxation.** The Company and the Member will be taxed under Maine's laws and regulations.

#### **Article 5 Accounting and Banking**

5.1 **Banking.**

(a) Accounts Separate from Any Member Account. The Company shall deposit all its funds into an account or accounts separate from any personal or business accounts of the Member.

(b) Insured Accounts. All Company accounts shall be insured or guaranteed by an agency of the United States government.

5.2 **Principal Accountant.** Oliver Brown, 775 U.S. Route 1, Suite 3, York, Maine, is the Company's principal accountant. The Company's accountant must be a certified public accountant

and knowledgeable in Maine and federal taxation of marijuana-related businesses. The Member may end the Company's relationship with its accountant at any time and choose another accountant.

#### **Article 5 Contributions**

- 5.1 **Amount.** The Member shall make an initial capital contribution to the.
- 5.2 **Additional Contributions.** The Member make additional contributions to the Company at any time.
- 5.3 **Capitalization.** The Member shall ensure that the Company remains adequately capitalized at all times.
- 5.4 **Documentation of Contribution.** If the Member contributes to the Company, the Company shall promptly file one or more of the following documents in its records:
- photocopy of a cancelled check;
  - evidence of a bank transfer;
  - documentation of services performed and their value;
  - records of real property transfers;
  - records of personal property transfers; or
  - documentation of a loan to the Company.
- 5.4 **No Interest on Contributions or Accrued Allocations.** The Member shall not earn any interest on any contributions to the Company.

#### **Article 6 Capital Accounts**

- 6.1 **Separate Accounts.** The Company shall maintain a capital account for the Member. The capital account shall show the Member's contributions and profit and loss allocations. The Member may contribute to the Company through cash, property, or services. Contributed property and services will be valued at their fair market value.
- 6.2 **Upward Adjustments.** The Company shall increase the Member's capital account by the following:
- (a) the amount of cash that the Member contributes to the Company;
  - (b) the fair market value of property that the Member contributes to the Company, minus any liabilities secured by the property that the Company assumes or takes subject to;
  - (c) the value of services performed for the Company;
  - (d) the amount of any Company liabilities that the Member assumes; and

(c) allocations to the Member for the Company's profit, income, or gain.

6.3 **Downward Adjustments.** The Company shall decrease the Member's capital account by the following:

(a) the amount of cash that the Company distributes to the Member;

(b) the fair market value of property that the Company distributes to the Member, minus any liabilities secured by the property that the Member assumes or takes subject to; and

(c) allocations to the Member for the Company's losses, deductions, and expenses.

6.4 **Annual Allocation of Profits and Losses.** The Company shall allocate profits and losses to the Member's capital account on December 31 of each year. The Member may change the profit and loss allocation period to quarterly or monthly with a unanimous vote.

## **Article 6 Record Keeping**

6.1 **Records.** The Company will keep thorough business records at its principal place of business.

6.2 **Books.** The Company will keep thorough books of accounts and other records necessary or appropriate for the sound management of the Company's business and internal affairs. Books shall be kept according to GAAP. The Company will keep its books at its principal place of business or the office of its principal certified public accountant.

6.3 **Duty to Compile and Maintain Records.** The Company has a duty to compile and keep records showing the Member's contributions and the value of those contributions.

## **Article 7 Dissolution and Winding Up**

7.1 **Dissolution.** The Member may determine to dissolve the Company at any time. Upon the Member determining to dissolve, the Company must stop carrying on business. The Company will cause a Certificate of Cancellation (or currently appropriate form) to be filed with the Maine Secretary of State. Although the Company will not be terminated until the Secretary of State has issued the Certificate of Cancellation, it may not carry on business after the determination to dissolve.

7.2 **Member's Death.** The Member's death shall cause the Company to dissolve.

7.3 **Distribution of Assets.** Upon winding up, the Company shall distribute its property as follows:

- (a) first to pay outstanding taxes, such as sales and property taxes;
- (b) next to creditors, including the Member or his estate if he is a creditor, as allowed by law; and
- (c) next to the Member or his estate.

7.4 **Completion of Winding Up.** The Company's winding up will be complete when all the following have occurred:

- (a) the Company's debts, liabilities, and obligations have been paid and discharged or the Company has made reasonably adequate provision for their payment and discharge has been made; and
- (b) the Company has distributed all remaining property to the Member or his estate.

Upon completing winding up, the Company shall cause a Certificate of Cancellation to be delivered to the Maine Secretary of State for filing.

#### **Article 8 Amending This Agreement**

The Member may amend or change this Agreement from time to time. The Member shall put any amendment or change into writing and sign and date the writing.

#### **Article 9 Miscellaneous**

9.1 **Entire Agreement.** This Agreement represents the entire agreement between the Member and the Company.

9.2 **Headings.** Any headings in this Agreement are solely for convenience of reference and do not constitute a part of this Agreement. They do not affect this Agreement's meaning, how it is interpreted, or its operation.

9.3 **Inconsistencies with the Act.**

(a) This Agreement Governs. The parties to this Agreement expressly want it to govern, even if it differs from the Act's provisions or any other law or rule, including provisions about the relationship between the Company and the Member and the Member's duties and obligations.

(b) Provision Not Allowed Under Law. If any provision in this Agreement is not allowed under the Act or other law, this Agreement will be considered amended to the smallest degree possible to make it effective.

9.4 **Member as Employee**. The Member understands that for federal income tax purposes, a Member cannot be an employee of the Company unless the Company elects taxation as an S corporation under federal tax law. Unless the Company elects taxation as an S Corporation, the Member is considered self-employed for tax purposes must pay all employment taxes (*e.g.*, Social Security and Medicare), including the employer's share of these taxes, on any distributions received from the Company.

#### **Article 10 Legal Effect**

10.1 **Member's Acceptance of Articles**. The Member has reviewed and now approves and accepts this Agreement's Articles.

10.2 **Binding Effect**. This Agreement binds the Member upon signing.

10.3 **Duration**. The Company will be revived on the date of filing the Certificate of Revival with the Maine Secretary of State. It will continue indefinitely until it is dissolved either voluntarily according to this Agreement's Article 7 or involuntarily by a court or governmental administrative body.

10.4 **Governing Law**. This Agreement shall be controlled by and construed under the laws of the state of Maine.

10.5 **Addition of the Company as a Party to the Agreement**. Upon revival, the Company automatically becomes a party to this Agreement.

10.6 **Effective Date**. The effective date of the Agreement will be the date that the Member signs it.

*Signature on Next Page*

The Member hereby signs and adopts this Agreement as the Company's Operating Agreement.

09/22/2021

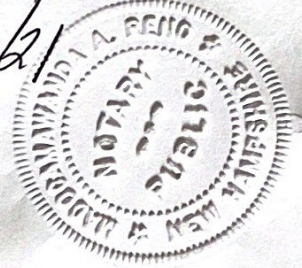
Date

*Benjamin Sandquist*  
Benjamin Sandquist

Madocamawanda Ann Reno  
Notary Public, State of New Hampshire  
My Commission Expires Dec 06, 2022

*Madocamawanda Ann Reno*

9/22/21



# Maine Medical Use Marijuana Registration Notice of Fee

**License Information:**

Individual's Legal Name: <b>BENJAMIN SANDQUIST</b>	Business DBA:	Pending Registration Number: <b>CGR30549</b>
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Registration Type:  
**INDIVIDUAL CAREGIVER**

Mailing Address: <b>35 TILTON AVE KITTERY, ME 03904-1310</b>	Primary Email: <b>ben.sandquist@gmail.com</b>
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**Fee Information:**

You have applied for the INDIVIDUAL CAREGIVER Registration with the Office of Marijuana Policy. To continue the application process, you must remit the application fee of \$1,500.00 with a Cashier's Check or Money Order(s) made out to the Treasurer, State of Maine.

**Fee Details:**

CGR INITIAL REG FEE	\$1,500.00
<b>Total:</b>	<b>\$1,500.00</b>

**Important:**

- Payment must be made with Cashier's Check or Money Order(s) to the "Treasurer, State of Maine".
- Payment must be received before the registration application can be processed.

**A copy of this form must be submitted with your payment for processing. Thank you.**

Please mail Payment to:  
**OFFICE OF MARIJUANA POLICY  
162 State House Station  
Augusta, ME 04333**

If paying in person:  
**OFFICE OF MARIJUANA POLICY  
19 Union Street  
First Floor  
Augusta, ME**

For: **BENJAMIN SANDQUIST  
CGR30549**

CGR\_INI CGR INITIAL REG FEE

**Total: \$1,500.00**

**Office use only:**

Date Received:	Cash Number:	Check/Money Order Numbers:
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**STATE OF MAINE  
MAINE REVENUE SERVICES**

*THIS REGISTRATION CERTIFICATE FOR A*

**RETAILER**

*is issued under the provisions of MRSA, Title 36, Part 3, §1754-B to:*

SANDQUIST BENJAMIN  
35 TILTON AVE  
KITTERY, ME 03904-1310

**Registration Number:** 1219931

**Date Issued:** AUGUST 01 2021

Business Code: 426  
Filing Frequency: ANNUAL

**IMPORTANT INFORMATION CONCERNING THIS  
RETAILER'S CERTIFICATE**

This certificate must be available for inspection by the State Tax Assessor, the Assessor's representatives and agents and authorized municipal officials. This retailer's certificate verifies that this retailer and this retail location hold a valid Maine sales tax account and is authorized to collect and remit the sales tax on behalf of the State of Maine. This certificate has no expiration date. If you cease to do business in Maine please return this certificate to Maine Revenue Services.

**IMPORTANT PLEASE NOTE: This retailer's certificate may NOT be used to purchase merchandise for resale tax exempt (in Maine). A resale certificate is a separate document. If you qualify to receive a resale certificate, one has been printed and mailed to you.**





STATE OF MAINE  
 MAINE REVENUE SERVICES  
 RESALE CERTIFICATE



THIS CERTIFICATE IS VALID

AUGUST 01 2021 THRU DECEMBER 31 2024

<u>Business Name and Location Address</u>	<u>Certificate Number</u>	<u>Business Type</u>
SANDQUIST BENJAMIN 35 TILTON AVE KITTERY ME 03904-1310	1219931	MED MJCARE

This is to certify that the above named business is authorized to purchase during the period indicated on this certificate: (1) tangible personal property to be resold in the form of tangible personal property, or (2) a taxable service to be resold as the same taxable service. **This certificate cannot be reassigned or transferred and can only be used by the above business or its authorized employees.** This certificate is void if the business has ceased operating or if the certificate has been altered.

The above named business certifies that the following is being purchased in the ordinary course of business for resale as provided above.

\_\_\_\_\_

\_\_\_\_\_

Presented to: \_\_\_\_\_ Presented by: \_\_\_\_\_  
 (insert name of seller on photocopy) (date) Authorized Signature (purchaser) (date)

**DO NOT WRITE ON THIS ORIGINAL FORM**

The document printed above is your new Resale Certificate. **Retain this copy as an original in your file.** This certificate is valid only for the period indicated.

Prior to the expiration of this certificate, Maine Revenue Services will automatically renew and reissue a new resale certificate for the next period if:

- your account is active; and
- you have reported \$3,000 or more in gross sales during the previous 12 months

Make copies of this original, fill in the appropriate data and provide it to the vendors from whom you make purchases for resale.

If you cease doing business, this certificate is void and must be returned to Maine Revenue Services.

Use of a resale certificate to make purchases not intended for resale is a criminal offense.

If you have any questions regarding this document, please call (207) 624-9693.



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
OFFICE OF MARIJUANA POLICY  
162 STATE HOUSE STATION  
19 UNION STREET  
FIRST FLOOR  
AUGUSTA, MAINE 04333-0162

ADMINISTRATIVE & FINANCIAL SERVICES

KIRSTEN LC FIGUEROA  
COMMISSIONER

OFFICE OF MARIJUANA POLICY

ERIK GUNDERSEN  
DIRECTOR

BENJAMIN SANDQUIST  
35 TILTON AVE  
KITTERY, ME 03904-1310

September 27, 2021

Dear BENJAMIN SANDQUIST

Enclosed please find your registry identification card. This card authorizes participation in the Maine Medical Use of Marijuana Program, Office of Marijuana Policy (OMP). However, in order for this card to be valid, it must be accompanied by your Maine or government issued photo identification for the purposes of verifying your identity.

It is the responsibility of the cardholder to review, understand and follow Maine's Medical Use Marijuana statute and rules. This information can be accessed on the OMP website: [www.maine.gov/dafs/omp/](http://www.maine.gov/dafs/omp/).

In order to ensure receipt of up-to-date communications from OMP, please notify the Office immediately if any of your contact information changes.

Please contact OMP at (207) 287-3282 or by email at [licensing.omp@maine.gov](mailto:licensing.omp@maine.gov) with questions.

Sincerely,

Elisa C Ellis  
Director of Licensing  
Office of Marijuana Policy



Maine Medical Use  
Of Marijuana

Date Issued: 09/27/2021  
Expires: 09/26/2022

Individual Caregiver

**BENJAMIN SANDQUIST**

**DOB: 06/02/1998**

No Retail Location Provided

Registration #: **CGR30549**

Control # : **416717**

Authorization for mature plants grown under 500  
square foot canopy/60 immature

Address: 35 TILTON AVE, KITTERY, ME 03904-1310

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If found, please return to:  
Maine Medical Use Of Marijuana Program  
162 STATE HOUSE STATION  
19 UNION STREET  
FIRST FLOOR  
AUGUSTA, ME 04333-0162



Town of Kittery

200 Rogers Road  
Kittery, ME 03904  
207-439-0452

## Criminal Record and Background Check Release

**Instructions:** Please print a copy of this form for each owner, officer, member manager or partner. Each individual must complete this form.

I hereby grant permission to the Town of Kittery to conduct a criminal record and background check. I understand that this is a requirement of licensing of a Marijuana Business pursuant to Kittery Town Code 5.11.6.G.

Benjamin Sandquist

Printed Name

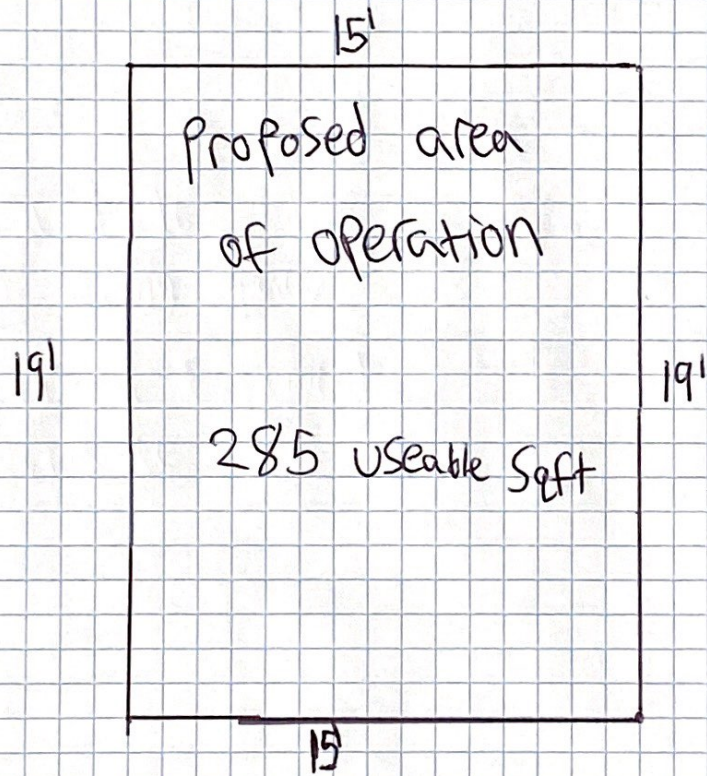
*Ben Sandquist*

Signature

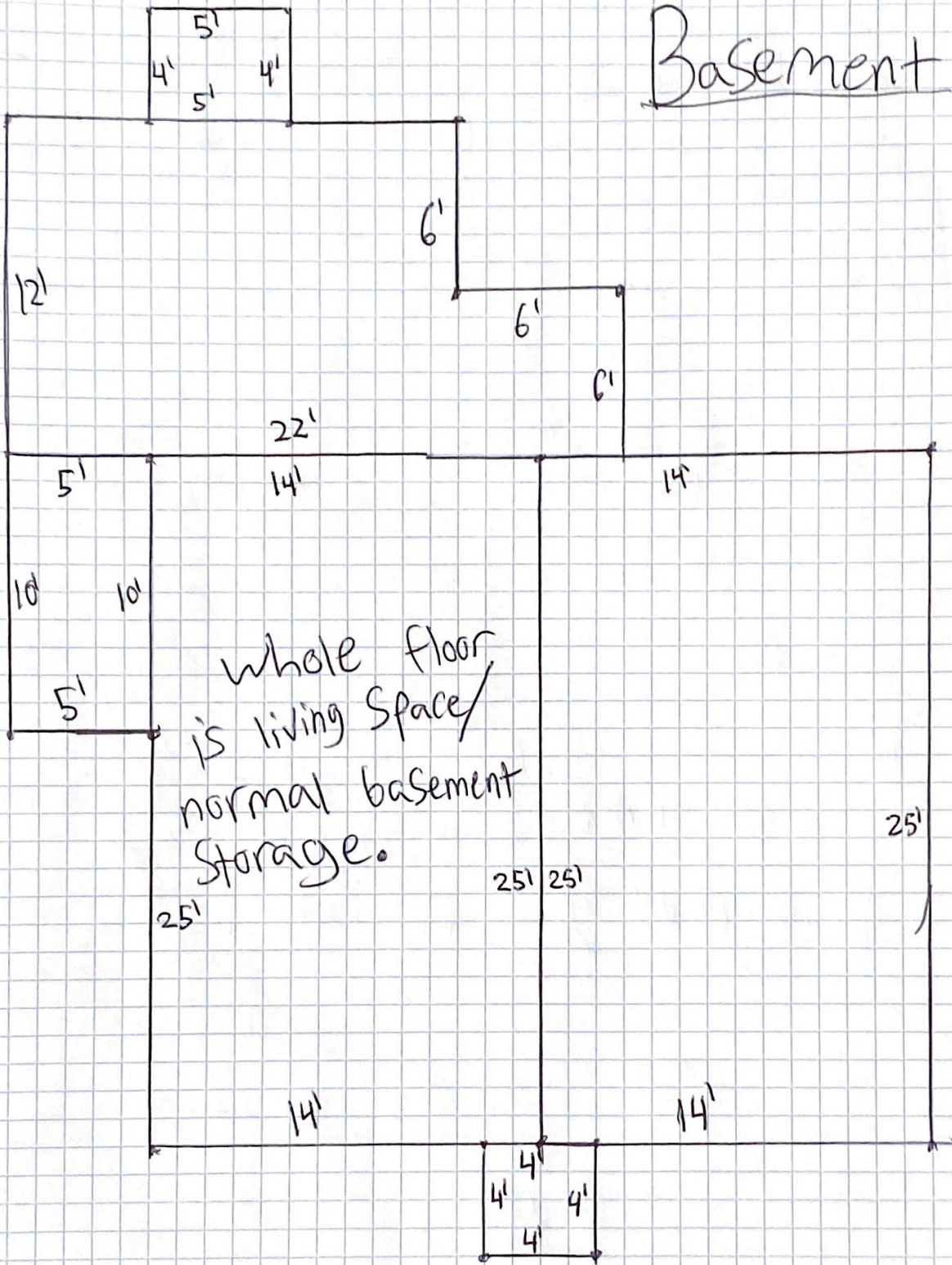
09/20/2021

Date

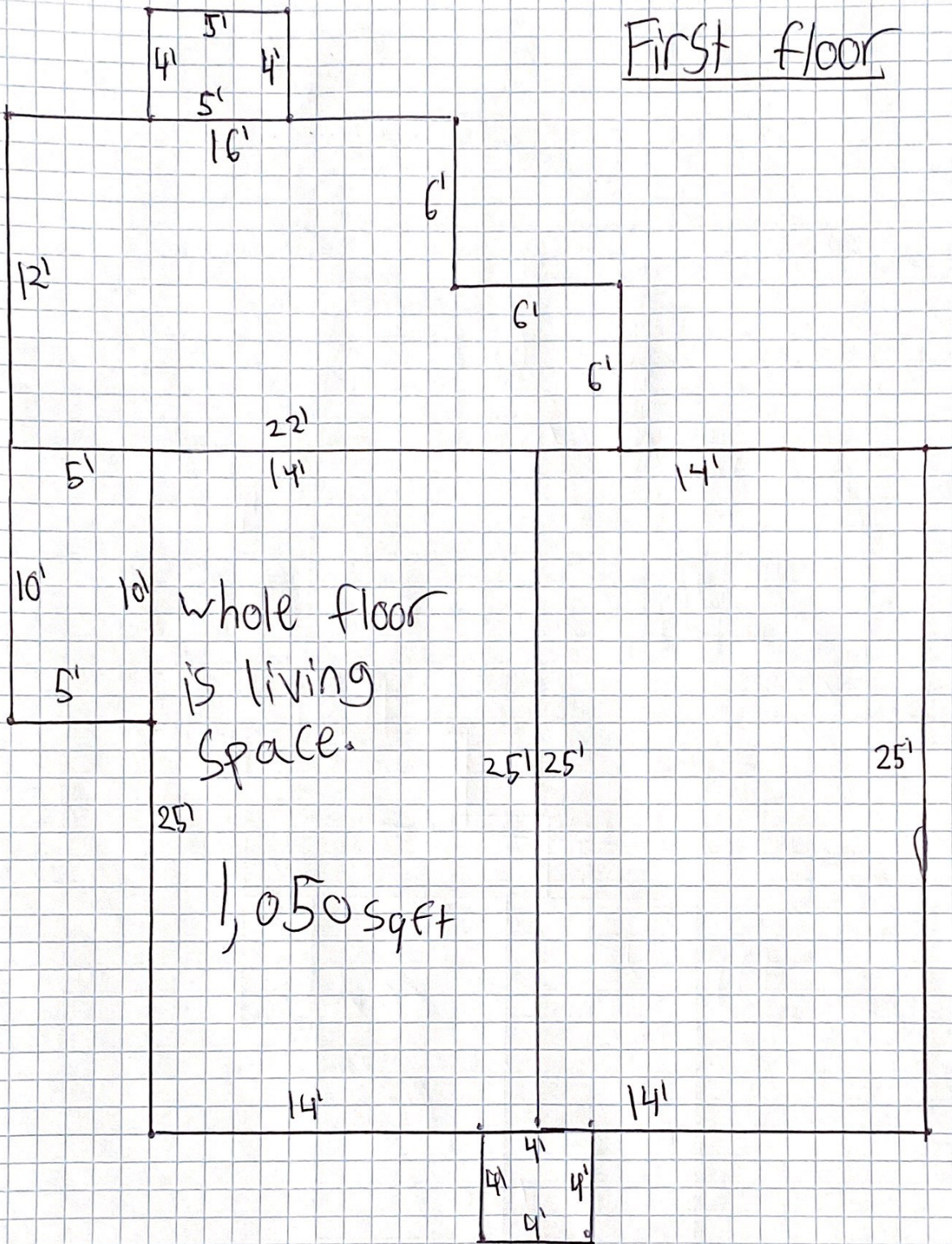
# Garage



# Basement

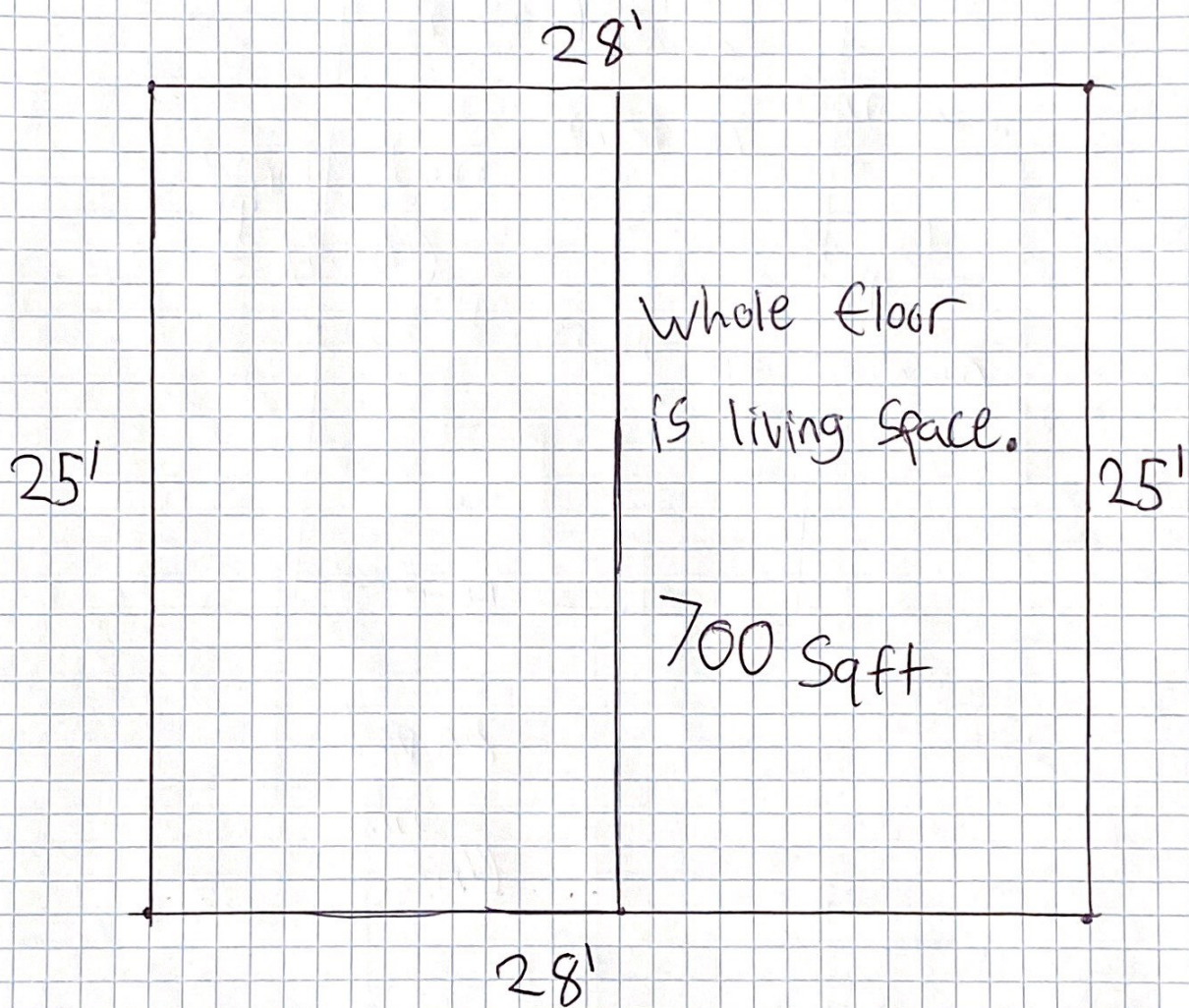


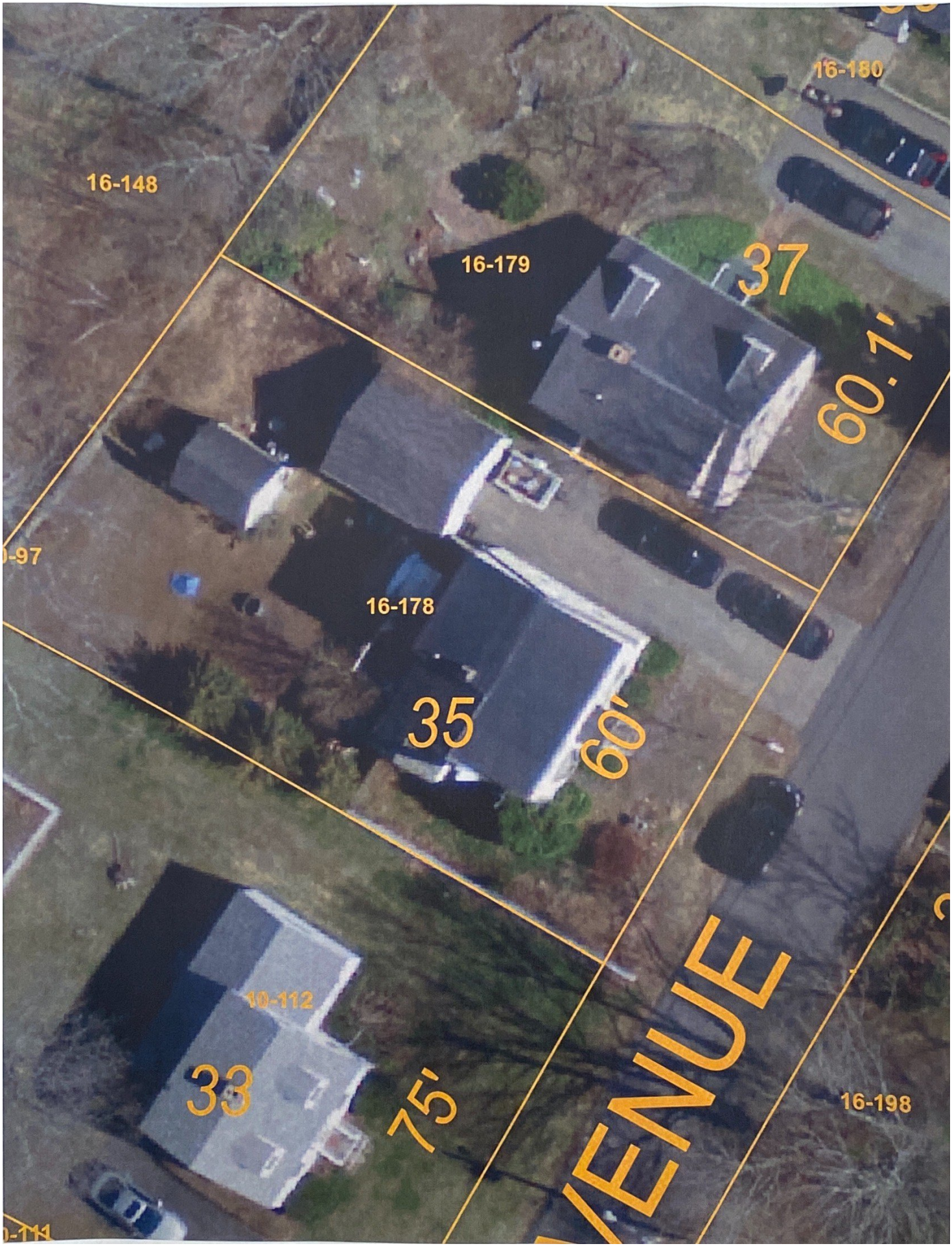
First floor





# Second floor





16-148

16-179

16-180

37

60.1'

10-97

16-178

35

60'

10-112

33

75'

VENUE

16-198

10-114

Garage

