

Bart McDonough

From: Contact form at Kittery ME <cmsmailer@civicplus.com>
Sent: Thursday, November 18, 2021 8:52 AM
To: Bart McDonough
Subject: [Kittery ME] Compliance? (Sent by Shaye Robbins, shayemr@gwi.net)

Hello bmcdonough,

Shaye Robbins (shayemr@gwi.net) has sent you a message via your contact form (<https://www.kitteryme.gov/user/3484/contact>) at Kittery ME.

If you don't want to receive such e-mails, you can change your settings at <https://www.kitteryme.gov/user/3484/edit>.

Message:

A couple of comments on the Tilton Ave property proposal for Commercial Medical Marijuana grow and delivery business in a Residential area.

Will the Town Planner please confirm whether a registered medical caregiver can also sell product to recreational businesses. If not, could this limit please be noted in the Town of Kittery response to the applicants application should it be approved.

I note that the property is under lease (inter family) How many parking spaces are provided by the lot? Since the owner of the business is not a resident of the property, and additional employees may be needed, what is the Town's requirement for parking and does this lot meet that need? (it does not appear to meet this need)

I noted 5 separate standards have not been met by this legally non-conforming lot. This appears to me as a reader of the code, to eliminate this property from this use- allowing the use would make the property more non-conforming- not less. (this as a reader of the code suggests this property does not meet the standards and cannot be used in this manner)

No information has been provided as to the expected scale of the operation.

Have any plans been shown that include fire chief weighing in on the progress. I note the residential houses are very close to one another along this wholly residential stretch. With the applicant having no plans to improve the building or property, it would be reasonable for a neighbor to expect a high level of safety to met so as to not adversely affect their safety and comfort in their own homes. Is this property able to conform to Fire Code in this particular use?

Could the applicant please inform the planning board as to what odor reducing ventilation choices they are planning. The highest standard is charcoal ventilation, due to the close proximity of the buildings this will be extremely important to the neighbors continued enjoyment of their own properties. Odor has already been found to create issues between neighbors in close proximity in the Town of Kittery.

I always note, that the entire State of Maine allows the growing for personal and medical use. This applicant is not harmed by the Town of Kittery noting this lot is not the spot for this type of higher impact business (lack of parking, high possibility for odor due to closeness of homes, fertilizer and other storage needs, potential fire safety compliance). Should the planning board vote against this use in this area due to non-conformity; this applicant can continue their business in any other municipality in the State, including the one in which the applicant lives, without harm.

We as a Town are struggling with a poorly written State law, that produces a 'best we can do' code, not a great situation for anyone. I understand the Town of Kittery Planning Staff, The Planning Board members, the Applicant and the Property owners are doing their best to help the neighbors understand the potential changes and hope for the best outcome for all. It is EXTREMELY unnerving that any property in any area of town- residential or not can become a commercial medical marijuana growing facility. Now that non-residents RENTING space rather than being an owner/resident of the property is on the table this becomes even more unnerving. For this reason, I ask that the planning board be especially cognizant of the multiple responses by neighbors of this single family dwelling, wholly residential area.

Shaye Robbins
Kittery Point, ME

Bart McDonough

From: katherine ciak <katherineciak@yahoo.com>
Sent: Wednesday, November 17, 2021 1:37 PM
To: Bart McDonough
Subject: Tilton

Re: medical marijuana facility on Tilton Ave I have concerns about having a growing and distribution center in a garage on Tilton Ave. This is a residential neighborhood and dead end street. This hardly seems like a positive addition to a residential community. I have concerns about traffic, parking, turning vehicles, precedents, etc.

Katherine Ciak
David Leach

Sent from my iPad

Mr. Bart McDonough and all Planning Board Members:

My name is Linda Patch and I live at 32 Tilton Ave. I'm writing to you to respectfully request that the application for 35 Tilton please be denied. I ask that you consider the concerns of all neighbors on this street and please consider how you might feel if your home was located next door to 35 Tilton. Myself and others have lost sleep worrying about this application possibly being approved. My major concerns are listed below –

- The applicant has already shown to neighbors that he can't be trusted to comply with rules. He was in the marijuana business from that home well before it was legalized. Many of us have smelled it & noticed all the extra traffic coming and going from that home, parking on the street in front of the home at all hours, and frequently using other neighbor's driveways for turning around.
- The applicant has also demonstrated that he's not responsible, which makes me lose all confidence in his ability to properly run this business. He knew for weeks in advance the exact date & time of the Nov. 4th site visit, and knew the purpose of that visit. He wasted the time of all the Board members and the Town CEO, who had arranged their busy schedules to attend that site visit. He also wasted the time of the approx. 30 neighbors who came to the visit, many taking time off from their jobs etc. just to attend. When asked by the Board to view the inside of the garage, the reason for the site visit, the applicant stated they could not & that the garage was locked and only his parents had the keys. If his own parents don't consider him responsible enough to have a garage key, how can he be trusted with the responsibility of running this business?
- Tilton Ave. is a very narrow residential, and dead end street with homes really close to each other. There are no places to park additional vehicles, parking is already a huge problem. The applicant and his family routinely park cars on the street in front of their home, and often a neighboring home too.
- I have concerns about the smell & ventilation of this business if approved. I'm very close, right across the street, and I have breathing issues now (COPD). I'd hate to think that I may be forced to need to keep my windows closed in my home & not be able to open for fresh air, or unable to sit outside on a Summer day, due to strong smells coming from the applicant's home.

I ask that you please deny this application and keep Tilton Ave. the beautiful, quiet, clean air quality, and safe neighborhood that we love. We feel privileged to live here & pay high property taxes for our location. We are all very respectful of each other, we keep an eye out for the young kids & pets, as well as help out our elderly residents, it truly would be a shame to ruin our neighborhood by bringing a business like this in. I really feel that this business only belongs in a commercial zoned area and certainly not at 35 Tilton Ave.

Thank you very much,
Linda K. Patch (32 Tilton Ave.)