



TOWN OF KITTERY MARIJUANA BUSINESS LICENSES FREQUENTLY ASKED QUESTIONS

MARIJUANA OPERATION TYPE	Marijuana Business	Marijuana Retail Store
Adult Use - Retail Store	✓	✓
Medical - Registered Dispensary	✓	✓
Medical - Caregiver Retail Store	✓	✓
Cultivation Facility	✓	
Manufacturing Facility	✓	
Testing Facility	✓	
Registered Caregiver Home Establishment		

Q: What is the effective date of Kittery’s new marijuana legislation?

A: The new law is effective Wednesday, September 8, 2021. By Town Charter, ordinances go into effect 30 days from the adopted date.

Q: What is a Marijuana Business?

A: Marijuana Business means an Adult Use Marijuana Store, Medical Marijuana Registered Dispensary, Medical Marijuana Caregiver Retail Store, Marijuana Cultivation Facility, Marijuana Manufacturing Facility, or Marijuana Testing Facility.

A Medical Marijuana Caregiver Home Establishment or existing permitted Medical Marijuana Caregiver Major Home Occupation are NOT a Marijuana Business under this ordinance. See below for information about licensing and permitting requirements.

Q: What is a Marijuana Retail Store?

A: Marijuana Retail Store means a Medical Marijuana Registered Dispensary, Medical Marijuana Caregiver Retail Store, or an Adult Use Marijuana Store.

Q: Is a license required to operate a Marijuana Business?

A: Yes, license applications may be accessed via the Town’s online permitting portal [here](#).

Q: Which operations require a pre-application and have limited licenses available?

A: Marijuana Retail Stores are the only operations that require a pre-application.

All other Marijuana Businesses do not require pre-application and are not part of the limited licenses. However, they do require a separate license for each business (i.e.: cultivation, manufacturing, testing), as well as any required land use approvals from the Planning Board.

Medical Marijuana Registered Caregiver Home Establishments also do not require a pre-application and are also not part of the limited licenses. Medical Marijuana Caregiver Home Establishments have separate license requirements under this ordinance.

Q: Are there limited licenses for a Marijuana Retail Store?

A: Yes, there is a limit of one per allowed Zone. The allowed Zones are C-1, C-2, and C-3 zones.

Q: What process will the Town use to grant the limited licenses for a Marijuana Retail Store?

A: The Town will use a lottery to choose one business in each Zone. To enter the lottery, businesses must submit a pre-application with the Town [here](#).

Q: When will the Town begin accepting pre-applications for a Marijuana Retail Store?

A: The Town will start accepting pre-applications for the Marijuana Retail Store license lottery on Wednesday, September 8, 2021 at 8AM.

The deadline for pre-applications to be entered into the lottery is October 21, 2021 at 6PM. Pre-applications received after the deadline will not be eligible for the lottery and will be added to the end of the waiting list.

Q: How do I obtain and submit a pre-application for a Marijuana Retail Store?

A: The Town utilizes online permitting software for pre-applications and can be accessed [here](#). Applicants can get assistance with any application or apply in person at the Planning & Development Department in Town Hall at 200 Rogers Road in Kittery.

Q: What is the fee to submit a pre-application for a Marijuana Retail Store?

A: \$750

Q: Who can submit a pre-application for a Marijuana Retail Store?

A: An entity with a tax identification number (TIN) may submit a pre-application, subject to the requirements of Kittery Town Code Section 5.11.9.C found [here](#).

Q: Is there a limit to the number of pre-applications the Town will accept in total for the lottery?

A: No, there is no limit to the total number of pre-applications that may compete for the limited Marijuana Retail Store licenses available. All completed and approved pre-applications received by the deadline will be entered into the lottery.

Q: Can entities submit multiple pre-applications for the lottery using the same TIN?

A: Yes, an entity may submit one pre-application per separate property. However, the entity may only be eligible to receive one license.

Example: Entity ABC may submit a pre-application for three different locations. If Entity ABC is chosen for a license in the lottery, it may not be selected for a second license in a different zone.

Q: Can multiple entities submit pre-applications for the same property?

A: Yes, multiple pre-applications will be accepted for the same property. However, only one pre-application will be accepted per unique entity (TIN) for the property.

Example: Property A located at 123 Town Road may be the proposed property listed on multiple pre-applications. If one entity applying for 123 Town Road is chosen in the lottery, the other entities applying for that same property may not be selected for a second license at that property.

Q: May a parent company having more than one subsidiary obtain a license if they have different TINs?

A: The ordinance requires that “no business” may have more than one license. Therefore, a parent company may not be associated with more than one entity receiving a license. The parent company and/or its subsidiaries may have only one pre-application per location. Pre-applications from subsidiaries must provide information on the parent company on the pre-application form if there is one.

Q: For the Marijuana Retail Store Pre-Application, what is required to show “Evidence demonstrating the applicant’s financial capacity to build out (if applicable) and operate the Marijuana Retail Store (e.g., bank letter, letter of credit, loan commitment)”.

A: Applicants must submit evidence of both the finances needed to build and operate the proposed store and proof of the commitment of those funds from a bank, lender, investor, etc.

Q: What happens after I submit a pre-application?

A: The Town will review the pre-application for completeness. The Town will notify applicants of the acceptance of their pre-application or if additional information is required. If there is any missing information or errors, the applicant will be notified and given time to correct, so long as the correction is made and signed off on by the Town on or before October 27, 6PM (the day before the lottery).

Q: How will the lottery be administered? *UPDATED*****

A: Completed and accepted pre-applications will be assigned a unique identification number which will be sent to each applicant once their pre-application is accepted.

At the time of the lottery a ball with each corresponding unique identification number issued to for the C-1 Zone will be placed in a cage. The cage will be turned no fewer than three times to sufficiently mix up the numbered balls. Then the first ball will be drawn from the cage and the ascribed number on the ball read aloud. This first draw will be for the license lottery.

A numbered ball will be drawn from the cage and read aloud until the cage is empty. The order in which the numbered balls are drawn will establish the waitlist order for that zone.

A lottery for each of remaining zones will then take place in the same manner as the C-1 zone lotter.

The person drawing the balls for each lotter will not be a town employee, nor will the person know the number assignments. A member of the staff will be present in the room where the lottery drawing is happening and will record each number in the order drawn.

The drawing results will be posted on the Town’s website the following morning and include the unique identification number and the pre-applicant name.

Q: When will the lottery be held?

A: The lottery will be held on Thursday, October 28, 2021 at 5PM in Council Chambers at Town Hall, 200 Rogers Road, Kittery, Maine. The lottery will be broadcast locally on Channel 22 and streamed on the Town's [website](#) or via Facebook Live.

Q: What happens if my pre-application is not chosen for a license in the lottery?

A: A waiting list will be established for each allowed Zone at the same time the license lottery is conducted. Once the wait list is established, any new Marijuana Retail Store applications will be added to the end of the wait list for the appropriate zone.

Q: Will pre-applications be accepted after the lottery?

A: Yes. Any new, completed and approved pre- application received after the deadline for the lottery will be added to the end of the waiting list for the requested zone.

Q: Can I request to be removed from the waiting list?

A: Yes, applicants may submit a form to the Town to remove their name from the waiting list.

Q: Are pre-application fees refunded to those not chosen in the lottery?

A: No, pre-application and application fees are non-refundable.

Q: What happens if I am selected in the lottery?

A: Lottery winners will be invited to submit a completed full license application within 30 days of the lottery. License applications will be processed in accordance with Kittery Town Code found [here](#). An application review meeting prior to Planning Board submission may be scheduled with Planning Department staff.

Q: What land use approvals are necessary for a Marijuana Business?

A: The Planning Board will review a Marijuana Business as a Special Exception Use and conduct a Site Plan Review. Applications are accessed [here](#).

Q: Is Planning Board approval required to submit a Marijuana license application?

A: No. Evidence of submission of a site plan review application is sufficient for the Town to begin processing the Marijuana license application. Any license issued will be conditioned on obtaining all required land use approvals from the Planning Board and any required building or occupancy permits.

Q: Will the Town disqualify any applicants if they determine they have an ownership interest in more than one license, even if the entities holding the licenses are different?

A: A business entity may not have more than one Marijuana Retail Store license in Kittery. The Town will utilize the Maine Tax Identification Number (TIN) to ensure compliance.

Q: Where are Marijuana Retail Stores allowed to operate?

A: A Marijuana Retail Store may only operate in three zoning districts: C-1 (Route 1 Mall Road), C-2 (Route 236), C-3 (Route 1 Bypass). Contact the Planning Department to check the zoning district for a particular location or see the official zoning map [here](#). ***NOTE: Marijuana Businesses, including Marijuana Retail Stores, are not permitted in any overlay zone such as Shoreland (OZ-SL) or Resource Protection, (OZ-RP).**

Q: Where are Marijuana Cultivation Facility, Manufacturing Facility, or Testing Facility allowed to operate?

A: Marijuana Cultivation Facility is permitted in the C-2 and C-3 zones. Marijuana Manufacturing Facility is permitted in the C-1, C-2, and C-3 zones. Marijuana Testing Facility is permitted in the C-1, C-2, and C-3 zones. Contact the Planning Department to check the zoning district for a particular location or see the official zoning map [here](#). ***NOTE: Marijuana Businesses, including Marijuana Retail Stores, are not permitted in any overlay zone such as Shoreland (OZ-SL) or Resource Protection, (OZ-RP).**

Q: What happens if a license becomes available after the lottery?

A: If a license becomes available, the Town will invite the next applicant on the wait list for the corresponding Zone to apply. If such applicant does not submit a complete application within 30 days from invitation, the Town will proceed to the next applicant. Applications will not be processed from the waiting list if there have been material changes to ownership, as indicated on the ownership affidavit, or where there is a change in location of the proposed use.



**TOWN OF KITTELY
MEDICAL MARIJUANA REGISTERED CAREGIVER
HOME ESTABLISHMENT LICENSES
FREQUENTLY ASKED QUESTIONS**

Q: What is a Medical Marijuana Registered Caregiver Home Establishment?

A: A permitted Medical Marijuana Registered Caregiver business operating on the property of a dwelling unit serving as a primary residence of the Registered Caregiver.

Q: Is a license required to operate a Medical Marijuana Registered Caregiver Home Establishment?

A: Yes, an annual license is required.

Q: What is the license fee?

A: \$100

Q: What is the process to obtain a license?

A: Medical Marijuana Registered Caregiver Home Establishments must submit an application via the online permitting system [here](#). License applications are reviewed by Town staff and issued by the Town Manager.

Note: License Applications will not be available online until September 8, 8AM.

Q: What other reviews or approvals are needed?

A: The Planning Board will review each Medical Marijuana Registered Caregiver Home Establishment as a Special Exception Use. Applications for the Planning Board are included in the license application [here](#).

Q: How do I renew a license?

A: Annual renewal license applications are reviewed by Town staff and issued by the Town Manager and may be accessed [here](#).

Note: License Applications will not be available online until September 8, 8AM.

Q: I have a state issued license as a Registered Caregiver. Do I still need a license from the Town of Kittery?

A: Yes, the Town requires a license for the home occupation in addition to the state license.

Q: What if I am already operating as a Registered Caregiver in Kittery?

A: Registered Caregivers in operation prior to September 8, 2021 or those with an approved Home Occupation must submit a completed application within 30 days of the effective date of the ordinance, or October 8, 2021. Applications are found [here](#).

Q: Is Planning Board review required to operate a Medical Marijuana Registered Caregiver Home Establishment? *UPDATED*****

A: Yes, a Medical Marijuana Registered Caregiver Home Establishment is a Special Exception Use requiring Planning Board review and approval.

Existing Registered Caregivers previously approved as a Home Occupation do not need Planning Board review but still must apply for a Medical Marijuana Registered Caregiver Home Establishment license.

Q: Where can a Medical Marijuana Registered Caregiver Home Establishment operate?

A: Medical Marijuana Registered Caregiver Home Establishments are allowed in all Zones with a Special Exception Use granted by the Planning Board.

Q: Can I operate a Medical Marijuana Registered Caregiver Home Establishment out of any building on my property or just my home?

A: A Medical Marijuana Registered Caregiver Home Establishment may operate on the property of the primary residence of the Registered Caregiver, which could include the dwelling unit or any permitted accessory building, subject to the limitations and standards in Kittery Town Code Section 16.8.30 found [here](#).