

**7:00PM Board of Selectmen Meeting  
Topsham Municipal Building  
Donald A. Russell Meeting Room  
December 5, 2019**

**Pledge of Allegiance –**

**Roll Call of Board Members –**

**Town Manager's Report –**

**Board and Committee Reports and Updates-**

**Public Comment –**

**Correspondence –**

**Adjustments to the Agenda –**

**Consent Calendar –**

1. Approval of the minutes of the Special Selectmen meeting November 18, 2019.
2. Approval of the minutes of the Regular Selectmen meeting November 21, 2019.

**Public Hearing –**

**19-94-** Consideration and any appropriate action on approving a Marijuana Business License application- Tier 2 marijuana cultivation facility located at 248 Augusta Road, Tax Map R05 Lot 089-B-submitted by Sundog Caregiving LLC.

**Unfinished Business –**

**Old Business –**

**New Business –**

**19-95-** Consideration and any appropriate action writing off unpaid non-sufficient funds) NSF) for 2014 & 2015 and to consider adopting a policy for future review and write off unpaid NSF. Total amount of request \$563.29 as shown on the attached unpaid NSF list.

**19-96-** Consideration and any appropriate action to discuss funding options for Main Street Culvert replacement.

**19-97-** Consideration and any appropriate action on adjusting the start time of the Board of Selectmen meeting from 7PM to 6:30PM.

**19-98-** Consideration and any appropriate action on appointing Derek Scrapchansky as interim Town Manager, effective on January 6, 2020.

**Executive Session-**

**19-99-** Consideration and any appropriate action to enter into Executive Session pursuant to 1. M.R.S.A. 405 (6) (C) to discuss acquisition of real property or Economic Development.

**19-100-** Consideration and any appropriate action to enter into Executive Session pursuant to 1. M.R.S.A. 405 (6) (D) to discuss labor negotiations.

Any public member desiring to address the Board shall be recognized by the Chair, shall state name and address for the record, and shall limit remarks to the question under discussion. All remarks and questions addressed to the administration of Town shall be addressed to the Town Manager or the Board of Municipal Officers through the Chair and not to any municipal town employee. No person other than members of the Board and the person having the floor shall enter into any discussion either directly or through a member of the Board without the permission of the presiding officer.

Public members attending Board Meetings also shall observe the same rules of propriety, decorum, and good conduct applicable to the members of the Board. Any person making personal impertinent and slanderous remarks, or who becomes boisterous while addressing the Board or those attending the Board meeting shall be removed from the room if so directed by the presiding officer. Aggravated cases shall be prosecuted on appropriate complaint signed by the presiding officer. In case the presiding officer should fail to act, any member of the Board may move to require the Chair to act to enforce the rules, and the affirmative vote of the Board shall require the presiding officer to act. 05/29/2003

# Board of Selectmen Meeting

For the date of: 12/05/2019

**Type of Item:**

- Board or Committee Presentation
- Consent Agenda Item
- Public Hearing
- Unfinished Business
- Old Business
- New Business
- Executive Session
- Workshop

**Type of Submission:**

- Regular Submission
- Additional Agenda Item
- Additional Information

**Agenda Number** 1

(If this is unfinished business, please remember to research and enter the original agenda number above. For regular agenda items, the secretary will assign a number.)

**Brief Title of consent or Agenda Item:** Approval of the minutes of the Special Selectmen meeting 11-18-2019.

**Brief Description of Consent or Agenda Item:** see attached

**Submitted by** Rich Roedner, Town Manager **Date:** 11-19-2019

Draft

Topsham Board of Selectman

Minutes

November 19, 2019

Donald A. Russell Meeting Room

Call to Order            Chairman Douglass called the meeting to order at 6:00 pm

Roll Call.

Members Present

Chairman Douglass

Vice Chairman Roland Tuffs

Ruth Lyon

Members joining after 6:00pm

Marie Brilliant

Matt Nixon

Executive Session

Item **19-89**- Consideration and appropriate Action on entering Executive Session pursuant to 1.MRSA § 405(6) (A) to discuss Town Managers Contract.

All members present entered Executive Session

The Board returned from Executive Session at 7:21 p.m., all members present.

No Action taken

Motion by Chairman Douglass, seconded by Ms. Lyons, to adjourn.

All were in favor.

Respectfully Submitted

David Douglass

Chairman, Board of Selectmen

# Board of Selectmen Meeting

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- Additional Agenda Item
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**Agenda Number** 2

(If this is unfinished business, please remember to research and enter the original agenda number above. For regular agenda items, the secretary will assign a number.)

**Brief Title of consent or Agenda Item:** Approval of the minutes of the regular Selectmen meeting 11-21-2019.

**Brief Description of Consent or Agenda Item:** see attached

**Submitted by** Rich Roedner, Town Manager **Date:** 11-19-2019

MINUTES  
TOWN OF TOPSHAM  
BOARD OF SELECTMEN MEETING  
DONALD A. RUSSELL MEETING ROOM  
NOVEMBER 21, 2019 – 7:00 P.M

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MEMBERS PRESENT: David Douglass  
Ruth Lyons  
Matt Nixon  
Roland Tufts

MEMBER(S) ABSENT: Marie Brilliant

STAFF PRESENT: Town Manager, Richard Roedner; Assistant Town Manager Derek Scrapchansky

A meeting of the Topsham Board of Selectmen was held on Thursday November 21, 2019 in the Donald A. Russell Meeting Room, at the Municipal Building, 100 Main Street, Topsham, Maine.

**CALL TO ORDER**

Chairman David Douglass called the regular meeting to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE/ROLL CALL**

All present were invited to stand and recite the Pledge of Allegiance to the Flag. The recording secretary took the roll call and noted that all members were present, except for Selectman Brilliant who had been excused.

**TOWN MANAGER'S REPORT**

Town Manager Roedner reported that he submitted his Letter of Resignation and assured the Board that he will leave the Town's business in good order. He said working for the Town of Topsham has been a "dream job" and that he could see himself remaining in the Town Manager's position until he retired. He thanked everyone for the confidence shown him during his tenure and said he will miss everyone.

Mr. Roedner said Elizabeth Reed has been hired as a full-time fire fighter and will start work in a couple of weeks.

A reminder was mentioned that dog licenses are due.

The Police Department is working on a program "nextdoor.com" a neighborhood program where residents can keep a watchful eye on and report concerns in their neighborhood; sort of an outreach program.

Following the Manager's report, Chairman Douglass said Mr. Roedner's leaving is not a goodbye and, on behalf of the Board, extended best wishes to Rich and Dory. Mr. Douglass said "The Town has been in good hands." Selectman Lyons added that after having worked with Mr. Roedner for many years, it will be hard to not see his face in the office and at the meetings. Smiling, Selectman Tufts said "the official roast will happen later!"

**BOARD AND COMMITTEE REPORTS AND UPDATES** – None noted.

**PUBLIC COMMENT** – None noted

**CORRESPONDENCE** – None noted

**ADJUSTMENTS TO THE AGENDA** – None noted

**CONSENT CALENDAR**

**1. Approval of the minutes of the Regular Selectmen's Meeting of November 7, 2019/**

Motion was made by Selectman Tufts, seconded by Selectman Nixon, and it was

**VOTED**

To approve the minutes of the regular Selectmen's Meeting of November 7, 2019 as written.

**PUBLIC HEARING** – None noted

**UNFINISHED BUSINESS** – None noted

**OLD BUSINESS** – None noted

**NEW BUSINESS**

**19-85 CONSIDERATION AND ANY APPROPRIATE ACTION ON APPROVAL FOR THE NEW STREET LIGHT AT THE CORNER OF HORTON PLACE AND MONUMENT PLACE**

Public Works Director Dennis Cox said this item was placed on the agenda per the request of Selectman Tufts. Mr. Cox told the Board he reviewed the area of Monument Place and Horton Place and agreed it was very dark and where there is turning traffic and a pedestrian crossing, a light would make the intersection safer. He said there is a utility pole on the northeast corner on which a light could be installed and recommended that the Selectmen approve same.

During discussion, Selectman Nixon asked if any consideration had been given to the use of solar panels for such lighting. It was agreed that this is something to be considered for future needs.

Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

**VOTED**

To approve the installation of a light to be placed on the northeast corner utility pole at the intersection of Horton Place and Monument Place.

**19-86 CONSIDERATION AND ANY APPROPRIATE ACTION TO ACCEPT THE LOW BID FOR THE MAIN STREET CULVERT REPLACEMENT PROJECT.**

Public Works Director Dennis Cox said this project has been out for a long duration. Two bids for the replacement of the 36-inch diameter culvert that runs from Elm Street Extension to the Androscoggin River near the Red Mill have come in: One from Crooker Construction in the amount of \$523,165 and the second from St. Laurent and Sons Construction in the amount of \$468,885. Mr. Cox said both bids qualify and meet the specifications and he recommended approving the bid from St. Laurent.

During discussion, it was noted that approximately \$250,000 was budgeted for this project so there is a need to come up with another \$22,000. This type of project is TIF eligible, so the funds could be allocated from the TIF. Selectman Nixon asked if applying for a grant has been looked into. It was noted there is a grant application in the works for a culvert project on Elm Street, but another grant request could be looked into.

Chairman Douglass asked where we were with the Elm Street Study. Response was that Phase I is expected to come before the Board at the December Board of Selectman meeting. Work is being done on determining a footprint of where the Town owns and what the impact will be on the landowners.

Mr. Cox said that if the bid is accepted from St. Laurent and Sons, they would like to get started and wouldn't look to be paid until string.

Motion was made by Chairman Douglass, seconded by Selectman Nixon, and it was

**VOTED**

To bring this item back to the December 5, 2019 Board of Selectman meeting with the full particulars for consideration.

**19-87 CONSIDERATION AND ANY APPROPRIATE ACTION TO REQUEST PERMISSION TO POST A WEIGHT LIMIT ON A PORTION OF VILLAGE DRIVE**

This item was withdrawn by the applicant so no action was taken.

**19-88 CONSIDERATION AND ANY APPROPRIATE ACTION TO ACCEPT BIDS ON THE THOMAS AVENUE PARKING AREA**

The Town Manager provided some history on this item saying the Planning Board approved the project which went out to bid with two bids returned. The Town received a Notice Appeal from a group of local neighborhood residents. Therefore, the bids were placed on hold until the appeal process was dealt with. The Board of Appeals found that one of the 7 standards of Conditional Use was not met, giving proof of access to the site, and whether or not the Town owned the paper street.

At Town Meeting in May, by recommendation of the Town Attorney, Mary Costigan, the Town voted to accept the paper street to give access to the Hillside Field. The Planning Board Okayed the project to build the parking lot. In October, the Town Attorney represented the Town and the application for approval, based on the acceptance of the paper street. This was accepted at Town Meeting. Following recommendation of the Planning Board's lawyer, Richard Hornbeck, the Planning Board again approved the application to build the parking lot, finding that all 7 standards of Conditional Use had been met.

Director of Parks and Recreation, Pam LeDuc's memo to the Board of Selectman dated November 13, 2019 noted that she met with the low bidder, Mac Hunter, to discuss his original bid from July of 2018. Mr. Hunter agreed to meet the price of the bid at that time. It was noted that at the town Meeting in May of 2009, the Town approved the Capital Expenditure of \$65,000 for facility improvements and these funds would be used to create accessibility to the Hillside Field. Ms. LeDuc asked the Board for acceptance of the bid submitted in July, 2018 from Mac Hunter in the amount of \$62,579.

Ms. LeDuc told the Board that there is \$26,000 remaining in the Forestry Fund from the tree harvesting and that she planned to come back before the Board in the spring to request items such as fencing, landscaping, trash barrels, etc., to be done to protect the landowners surrounding the parking lot and to enhance the area.

Selectman Nixon asked if there was any way the Board could get involved in a pilot project for perhaps a swale or rain garden to better the parking lot surroundings. Mr. LeDuc said she was not opposed to such as idea, as long as the project would be affordable, and would look to the Planning Department to come forward with Mr. Nixon's suggestion.

Motion was made by Selectman Douglass, seconded by Selectman Lyons, and it was unanimously

**VOTED**

To accept the bid from Hunter Excavation in the amount of \$62,579 for the Thomas Avenue parking lot.

**19-89 CONSIDERATION AND ANY APPROPRIATE ACTION TO ACCEPT BIDS ON THE BASKETBALL COURTS LIGHTING**

Pam LeDuc, Director of Parks and Recreation said the project went out to bid for a Best Value Proposal to replace the lighting at the outdoor basketball courts and the mini rink. She said the project has been sitting for 8 years because of lack of funding. LED lights would be less expensive and give more light to the courts. Two bids were received. One from Enterprise Electric, who have since said they were unable to make the bid deadline because of their current work load, and one from Favreau Electric for \$29,259. (Favreau will match their bid until March, 2020) which would need an additional \$7,335.

Selectman Lyons said she has concerns when the Town is given a certain bid amount, raises the money and then a second amount of \$7,335 is added to the original bid. She said the Fair Association recently had all their lights changed to LED through a grant process and said this is a conversation that should be had.

The Town Manager asked Ms. LeDuc if the \$2,258 needed could come from an outlay account. Ms. LeDuc said she probably could work it out. Question was asked how much the monthly bill was for the lights on the court. Response was approximately \$45 a month. The lights are only used for 3 months a year for approximately 3 hours at a time.

After all comments were heard, motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was unanimously

**VOTED**

To accept the bid from Favreau Electric in the amount of \$29,258 for lighting on the basketball courts.

**19-90 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE APPOINTMENTS OF OPENINGS ON BOARDS AND COMMITTEES**

Motion was made by Chairman Douglass, seconded by Selectman Nixon, and it was unanimously

**VOTED**

To appoint Brian Bickford to serve on the Planning Board, Monica Kincaid to serve on the Topsham Housing Authority and Nancy Ban to serve on Topsham Development, Inc.

**19-91 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE APPOINTMENT TO THE MERRYMEETING BOARD OF DIRECTORS**

Town Manager Roedner said approximately 5 or 6 years ago the Board nominated William Thompson to serve on the Merrymeeting Board of Directors to discuss projects for several towns including Topsham, Bowdoinham, Hallowell and Harpswell. Mr. Thompson is no longer interested in representing Topsham so the position which created a vacancy. Mr. Roedner asked if anyone on the Board of Selectmen was interested in representing Topsham. Selectman Nixon expressed an interest and Selectman Tufts nominated Matt Nixon to serve on the Merrymeeting Board of Directors. No further nominations were heard and Matt Nixon was elected to serve on the Merrymeeting Board of Directors.

**EXECUTIVE SESSION**

At 7:44, motion was made, seconded and it was unanimously **VOTED** to move into Executive Session to discuss Agenda Items 19-92 and 19-93.

**19-92 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO 1 M.R.S.A. §405 (6) (C) TO DISCUSS PROPERTY NEGOTIATIONS**

**19-93 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO 1 M.R.S.A. §405 (6) (A) TO DISCUSS PERSONNEL MATTERS**

**ADJOURN**

Motion was made by Selectman Nixon, seconded by Selectman Lyons, and it was unanimously

**VOTED**

To adjourn the meeting at \_\_\_\_\_ p.m.

Respectfully submitted,

\_\_\_\_\_  
Patty Williams, Recording Secretary

# Board of Selectmen Meeting

For the date of: 12/05/2019

**Type of Item:**

- Board or Committee Presentation
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- Public Hearing
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- Executive Session
- Workshop

**Type of Submission:**

- Regular Submission
- Additional Agenda Item
- Additional Information

**Agenda Number:** 19-94

(If this is Unfinished Business, please remember to research and enter the original agenda number above. For Regular Agenda items, the Secretary will assign a number.)

**Brief Title of consent or Agenda Item:** Consideration and any appropriate action on approving a Marijuana Business License application – Tier 2 marijuana cultivation facility located at 248 Augusta Road, Tax Map R05 Lot 089-B- submitted by Sundog Caregiving LLC.

**Brief Description of Consent or Agenda Item:**

**Submitted by:** Linda Dumont, Town Clerk

**Date:** 11-26-2019

## MEMORANDUM

**To:** Rich Roedner  
**From:** Linda Dumont, Town Clerk  
**Date:** 09/04/2019  
**Re:** Tier 2 Cultivation Facility License - Review for Sundog Caregiving LLC  
Tax Map(s)R05, Lot(s)89-B

### Application Information

**Project Name:** Sundog Caregiving LLC – Marijuana Cultivation Facility – Tier 2

**Applicant:** Ryan Holmes – Sundog Caregiving LLC

**Map(s) #** R05, **Lot(s) #** 089-B

**Address:** 248 Augusta Road

**Zoning:** RCU

### Background

This is before the Board for review of a proposed Marijuana Business – Cultivation Facility Tier 2 (up to 2,000 s.f.) - located on 248 Augusta Road, Tax Map R05, Lot 089-B. The applicant has received approvals from planning and codes for building/ site improvements prior to applying for a Marijuana Business License.

The application was found to be complete and received a staff review.

Staff comments:

- Business type appears to be LLC not sole proprietor
- The applicant is licensed through the State of Maine as a caregiver, he is seeking a cultivation license from the Town. Until he receives and submits a State cultivation license, he is only able to grow to the capacity of his state license (the Board should place a condition upon any approval...suggested below).

Ryan Holmes is applying for a marijuana business cultivation license from the Town under his company Sundog Caregiving LLC. Ryan is the sole owner of this business. Ryan is currently licensed in the state of Maine as a registered caregiver, and is currently operating as such. Sundog Caregiving LLC is applying for the cultivation license to grow up to 2,000 s.f. of marijuana. Currently, the State of Maine has yet to provide licensing to entities other than caregivers...and in order to receive a state license (when the time comes) the applicant will need to have proof of authorization from the municipality where they would like to locate. Thus, we have suggested that Sundog Caregiving LLC should have a condition placed on any local license that clearly states that the applicant must return with a State License prior to operating as a cultivation facility beyond what they may be licensed for as a single caregiver.

### FINDINGS

1. The applicant is Sundog Caregiving LLC (Ryan Holmes owner/ operator), Business location 248 Augusta Road Map R05 Lot 089-B
2. The use is a permitted use in the RCU zone
3. The applicant has received site plan and the necessary codes permits to operate
4. The license being sought allows up to 2,000 square feet of cultivation area

5. The applicant (owner of Sundog LLC) is a licensed caregiver in the state of Maine and is identified as the operator of the business.
6. The applicant attests to comply with the operating requirements within the licensing code sections found below:

**Section 150-11**

1. If a State License is required for the proposed use, a copy of the Applicant's State License Application and supporting documentation as filed with the State Licensing Authority, and any amendments thereto.  
*Applicant has submitted a state medical marijuana caregiver license.*
2. Evidence of all State approvals or conditional approvals required to operate a Marijuana Business, including, but not limited to, a State License as defined by this Article, a State retail certificate, or a State health license.  
*Applicant has submitted a state medical marijuana caregiver license, state resale license, and retail certificate.*
3. If not included in the Applicant's State License Application, attested copies of the articles of incorporation and bylaws if the Applicant is a corporation, operating agreement if the Applicant is a limited liability company, evidence of partnership if the Applicant is a partnership, or articles of association and bylaws if the Applicant is an association.  
*The applicant has submitted the certificate of formation for Sundog Caregiving LLC, Ryan Holmes is 100% owner.*
4. If not included in the Applicant's State License Application, an affidavit that identifies all owners, officers, members, managers, or partners of the Applicant, their ownership interests, and their places of residence at the time of the application and for the immediately preceding three (3) years.  
*The applicant has submitted the certificate of formation for Sundog Caregiving LLC, Ryan Holmes is 100% owner. An notarized affidavit is included in the application.*
5. Evidence of a property interest in the premises in which the Marijuana Business will be located, along with the written consent of the owner of the premises for such use if the applicant is not the owner.  
*The applicant has provided proof of lease agreement with the property owner of 248 Augusta Road.*
6. A description of the premises for which the Local License is sought, including a floor plan of the premises showing how the floor space is or will be used, parking for the premises, total floor area of the building(s), and the nature and location of any existing or proposed exterior lighting and signage.  
*The applicant has submitted a basic floor plan and site layout. The applicant received a site plan approval for minor upgrades to the property prior to submitting this license application.*
7. A copy of the Applicant's security plan and operations manual.  
*The applicant has submitted a security plan and operations manual.*
8. Evidence that operating requirements of section 150-14 are met.  
*The applicant attests to meet all operating requirements of this section (attached below), by signing their application submission.*

**Section 150-14**

The Licensee shall comply with all of the following requirements during the term of the Local License:

- (a) **Display of License.** The current Local License shall be displayed at all times in a conspicuous location within the Licensed Premises.

**(b) Compliance with other laws.** A Marijuana Business shall meet all operating and other requirements of State and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing Marijuana Business, the stricter law or regulation shall control.

**(c) Location.**

1. All Licensed Premises shall be fixed, permanent locations. Licensees shall not be permitted to operate Marijuana Business in temporary locations such as mall kiosks or farm stands.
2. No Marijuana Business shall be located within 1,000 feet of the entrance of a pre-existing public or private school. For the purposes of this Ordinance, "school" includes a public school, private school, or public preschool program as defined in 20-A M.R.S. §1, or any other educational facility that serves children from prekindergarten to grade 12. Distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest entrance of the school to the nearest entrance of the Marijuana Business.
3. No Marijuana Business shall be located such that the nearest entrance to the facility is any closer than 1,000 feet, measured in a straight line, without regard to intervening structures or objects, to the nearest entrance of another Marijuana Business or Registered Caregiver Retail Store located on a separate parcel of land.
4. No Marijuana Business shall be located inside a building containing residential units, including transient housing such as lodging, group homes, hotels, motels, and boardinghouses.

**(d) Operating Standards:**

1. No Marijuana Business is permitted to utilize or provide a drive up service window
2. Hours of operation may be established by the Selectboard, but in no event shall a Marijuana Business be open to the public, and no sale or other distribution of marijuana shall occur upon the premise or via delivery from the premises, between the hours of 8:00pm and 8:00am.
3. No outside storage is permitted for a Marijuana Business.
4. Outdoor Cultivation of marijuana is prohibited.
5. A ventilation plan shall be included for Marijuana Cultivation Facilities, Marijuana Manufacturing facilities, and Marijuana Testing Facilities that provides for adequate ventilation so as to prevent pesticides, insecticides or other chemicals used in the cultivation or processing of marijuana or marijuana related products from being dispersed or released outside the premises. The plan shall further provide for resulting smoke, vapor, fumes, gases and particulate matter from marijuana or its processing or cultivation to be effectively confined to the premises.
6. Marijuana-Businesses shall provide odor control measures so that odor generated on site is mitigated at the property line of the lot containing the Marijuana-Business. Applications must demonstrate appropriate measures, such as carbon filtration, ventilation and exhaust systems, facility plans or other additional practices adequate to mitigate odors for the scale of operations for the uses proposed.

**(e) Advertising/ Signage:**

1. Only one on-site sign per Marijuana Business is allowed.
2. Maximum size for all signage shall be 75 square feet, or as permitted by Chapter 225-33, whichever is less

3. Any signage is limited to displaying the following information: name of business; logogram of business; and business' address, hours of operation and contact information. Other than the forgoing information, no advertising for Marijuana or Marijuana Products shall be displayed on any sign in a publicly visible location.
4. Portable signs or sandwich board signs located in the public right of way are prohibited.
5. Electronic Message Center and internally illuminated signs are prohibited.
6. Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the Marijuana Business is located.

**Potential Motion to Approve:**

Motion to approve the application of Sundog Caregiving, LLC Marijuana Cultivation Facility Tier 2 Based upon the findings of fact as listed in a memo from Town Clerk Linda Dumont, dated 09/04/2019 with the following conditions of approval:

1. The applicant/ facility may not operate as a state licensed cultivation facility until such time state marijuana cultivation licenses are approved, delivered, and reviewed by the Town Clerks office.
2. No changes to this approved license are allowed to occur. The applicant must return to the Board of Selectmen for any license renewals or amendments.
3. Other conditions?

## PUBLIC HEARING NOTICES

The Topsham Select Board will hold a public hearing on the following item at its December 5, 2019 meeting, at 7:00 p.m. in the Topsham Town Hall Meeting Room, 100 Main Street, Topsham. Documents for all hearings are available for review in the Topsham Town Office during normal business hours.

1. Marijuana Business License Application –Tier 2 marijuana cultivation facility - located at 248 Augusta Road Tax Map R05 Lot 089-B – submitted by Sundog Caregiving LLC



9:58 am  
**RECEIVED**  
 1/1/2019

Date/ Time Received:

**TOWN OF TOPSHAM**

Clerk's Office

100 Main Street,

Topsham, Maine 04086

Phone: (207) 725-1720 • Fax: (207) 725-1733

#2019 001

ALL REQUIRED INFORMATION AND NON REFUNDABLE FEE MUST BE SUBMITTED AT THE TIME OF APPLICATION. ATTACH ADDITIONAL PAGES WHEN NECESSARY

Application is not complete without payment of Non-Refundable Fee \$250 – subject to change per Board of Selectmen

FEE	<input checked="" type="checkbox"/> \$250.00 Non Refundable	Non-Refundable Paid: <u>\$250</u>
	<input type="checkbox"/> Total Fee due upon License Issuance <u>\$2000</u> - \$250 = <u>1,750</u>	

Type of License Application:  Retail Caregiver  Cultivation Tier 2  Manufacturing  Testing

LICENSE APPLICATION: MARIJUANA BUSINESS										
BUSINESS INFORMATION										
BUSINESS LOCATION	Parcel ID	Map	<u>R05</u>	Lot	<u>89B</u>	Zoning District	<u>RCU</u>	Total Land Area	<u>1.13AC</u>	
	Physical Address <u>248 AUGUSTA RD. TOPSHAM, ME. 04086</u>									
BUSINESS INFORMATION	Business Name	<u>SUNDOG CAREGIVING, LLC</u>				Phone	<u>207-841-3772</u>			
	Business Address (if different from property location)	<u>50 ADAMS LANDING RD. TOPSHAM, ME. 04086</u>				EMAIL	<u>RYAN@SUNDOGMAINE.COM</u>			
Square Footage to be occupied/ No. of Employees		<u>2000 SQ/FT 3 EMPLOYEES</u>								
Hours of Operation		<u>9AM - 5PM MONDAY - FRIDAY</u>								
Number of Registered Caregivers		<u>1</u>								

**Business Type (Check All That Apply):**

- Sole Proprietorship
- Corporation (Including LLC)
- Partnership
- S Corporation
- Trust
- Non-Profit Organization

If business type is anything other than a sole proprietorship, attach the following:

- Attachment A - Articles of Incorporation

BUSINESS IS A SOLE PROPRIETORSHIP  
- DOES NOT APPLY -

List below all officers, directors, and shareholders including their home addresses. If the business is a partnership, list the names and home addresses each of the partners. If necessary, provide additional information on a separate sheet.

Name	Home Address, City, State, and Zip Code	DOB	Position
RYAN HOLMES	50 ADAMS LANDING RD. TOPSHAM, ME. 04086	6/21/1981	OWNER/MEMBER 100% <sup>o</sup> / <sub>o</sub>

**APPLICANT INFORMATION:** Highest level official or employee of business/ cooperative such as Board President, Chief executive officer, Executive Director, or comparable position.

Applicant Name	RYAN HOLMES		Date of Birth	6/21/1981	
Applicant Address	50 ADAMS LANDING RD.				
Applicant EMAIL Address	RYAN@SUNDD5MAINE.COM		PHONE	841-3772	
City	TOPSHAM	State	MAINE	Zip	04086

Attachment B - Provide state or federally issued photo identification

**OPERATOR INFORMATION:** If different than the applicant, list the individual(s) responsible for day to day operations.

Operator Name	RYAN HOLMES		Date of Birth	6/21/1981	
Operator Address	50 ADAMS LANDING RD.				
Operator EMAIL Address	RYAN@SUNDD5MAINE.COM		PHONE	841-3772	
City	TOPSHAM	State	MAINE	Zip	04086

Operator Name			Date of Birth		
Operator Address					
Operator EMAIL Address			PHONE		
City		State		Zip	

Attachment C - Provide copy of state or federally issued photo identification

**LICENSE INFORMATION**

Has the applicant and/or operator been denied an application for medical marijuana retail store, dispensary, marijuana product manufacturing, marijuana cultivation facility or other related business from any jurisdiction?

Yes

No

If yes, state when, where and why: \_\_\_\_\_  
 \_\_\_\_\_

Has the applicant had medical marijuana retail store, dispensary, marijuana product manufacturing, marijuana cultivation facility or other related business license suspended or revoked by any jurisdiction?

Yes

No

If yes, state when, where and why: \_\_\_\_\_  
 \_\_\_\_\_

If yes to either question, what was the next business activity or occupation of the applicant subsequent to such action of suspension or revocation?

\_\_\_\_\_  
 \_\_\_\_\_

Has the applicant or operator ever been convicted of a felony or controlled substances violation(s) in a federal, state, or other court?

Yes

No

If yes, please provide the following: (If necessary, provide additional information on a separate sheet.)  
 \*\*\*Town Clerk shall order a background check for each individual per Town Code

Name and Location of Court	Conviction Charge	Sentence	Date of Sentencing	Last date of incarceration/parole/probation

**PROPERTY OWNER INFORMATION**

Owner Name	DAVID LECLERC				
Home Address	232 AUGUSTA RD.	Phone	725-5616		
City	TOPSHAM	State	MAINE	Zip	04086

Does the applicant have legal possession of the premises from the date that this license will be issued by virtue of ownership, lease, or other arrangement? YES

Ownership

Lease

Other: (Explain in detail)

Attachment D - Provide proof of ownership or copy of lease

Attachment E - If premises are leased, attach written permission from the owner of the premises for the use specified in this application

**FACILITY INFORMATION**

Does the applicant have an alarm system in place?

Yes CURRENT FACILITY IS UNDERGOING THE INTERIOR BUILDOUT + ALARM COMPANY HAS NOT BEEN SELECTED YET. AS OUTLINED IN THE SECURITY PLAN, SECURITY WILL BE MONITORED 24/7

No

If yes, name the alarm company, contact name and phone number: \_\_\_\_\_

Does the applicant propose to have retail sales of packaged food, beverages, or other merchandise on site?

Yes

No NO SALE OF CANNABIS PRODUCTS WILL TAKE PLACE ON PREMISE

If yes, what items will be sold? \_\_\_\_\_

Does the applicant have a retail sales or food service license?

Yes SEE ATTACHMENT F

No

License #: 118753 If yes, when did the applicant obtain the license? AUGUST 7, 2017

Application Information 150-11 (Please respond to whether each standard is met or not – Y/N)

1. If a State License is required for the proposed use, a copy of the Applicant's State License Application and supporting documentation as filed with the State Licensing Authority, and any amendments thereto

- Yes CAREGIVER CARDS ATTACHED AS ATTACHMENT G  
 No

2. Evidence of all State approvals or conditional approvals required to operate a Marijuana Business, including, but not limited to, a State License as defined by this Article, a State retail certificate, or a State health license.

- Yes ATTACHED ARE THE RETAIL SALES CERTIFICATE, RESALE CERTIFICATE, AND CAREGIVER CARDS.  
 No SEE ATTACHMENTS F + G RESPECTIVELY

3. If not included in the Applicant's State License Application, attested copies of the articles of incorporation and bylaws if the Applicant is a corporation, operating agreement if the Applicant is a limited liability company, evidence of partnership if the Applicant is a partnership, or articles of association and bylaws if the Applicant is an association.

- Yes SEE ATTACHMENT H - ATTESTED COPY OF FORMATION  
 No SEE ATTACHMENT I - OPERATING AGREEMENT

4. If not included in the Applicant's State License Application, an affidavit that identifies all owners, officers, members, managers, or partners of the Applicant, their ownership interests, and their places of residence at the time of the application and for the immediately preceding three (3) years.

- Yes SEE ATTACHMENT J  
 No SPECIFICALLY, ITEM NUMBER THREE ON THE AFFIDAVIT.

5. Evidence of a property interest in the premises in which the Marijuana Business will be located, along with the written consent of the owner of the premises for such use if the applicant is not the owner.

- Yes SEE LEASE (ATTACHMENT D)  
 No SEE WRITTEN CONSENT LETTER (ATTACHMENT E)

6. No Marijuana Business is permitted to utilize or provide a drive up service window

- Yes NO DRIVE UP SERVICE WINDOW INSTALLED.  
 No NO USE OF SERVICE WINDOW WILL BE UTILIZED  
NO SALE OF CANNABIS ON SITE

7. A description of the premises for which the Local License is sought, including a floor plan of the premises showing how the floor space is or will be used, parking for the premises, total floor area of the building(s), and the nature and location of any existing or proposed exterior lighting and signage (please attach a floor plan)

- Yes - SEE ATTACHMENT K FOR DESCRIPTION OF PREMISE + LIGHTING DESCRIPTION.  
 No - SEE ATTACHMENT L FOR FLOOR PLAN  
- SEE ATTACHMENT M FOR PARKING

8. A copy of the Applicant's security plan and operations manual (please attach).

- Yes SEE ATTACHMENT N  
 No

9. Evidence that operating requirements of section 150-14 are met (please fill out next section)

- Yes THERE HAS BEEN NO TRANSFER OF OWNERSHIP OR CHANGE OF LOCATION SINCE INCEPTION IN 2017 (SEE NEXT SECTION)  
 No

**Operating Requirements (Please respond to whether each standard is met or not – Y/N)**

1. All Licensed Premises shall be fixed, permanent locations. Licensees shall not be permitted to operate a Marijuana Business in temporary locations (such as mall kiosks, vending carts, or farm stands).

- Yes
- No

248 AUGUSTA RD IS A PERMANENT STRUCTURE  
CONSTRUCTED W/ CONCRETE BLOCKS + METAL  
ROOF.

2. No more than one Registered Caregiver Retail Store shall be located on a single parcel of land

- Yes
- No

NO SALE OF CANNABIS ON SITE.  
DOES NOT APPLY

3. No Marijuana Business shall be located within 1,000 feet of the entrance of a pre-existing public or private school. For the purposes of this Ordinance, "school" includes a public school, private school, or public preschool program as defined in 20-A M.R.S. §1, or any other educational facility that serves children from prekindergarten to grade 12. Distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest entrance of the school to the nearest entrance of the Marijuana Business.

- Yes
- No

BUILDING IS LOCATED GREATER THAN 1000 FT.  
FROM ALL ENTITIES LISTED ABOVE

4. No Marijuana Business shall be located such that the nearest entrance to the facility is any closer than 1,000 feet, measured in a straight line, without regard to intervening structures or objects, to the nearest entrance of another Marijuana Business or Registered Caregiver Retail Store located on a separate parcel of land.

- Yes
- No

BUILDING IS LOCATED GREATER THAN 1000 FT  
FROM ANOTHER MARIJUANA BUSINESS.

5. No Marijuana Business shall be located inside a building containing residential units, including transient housing such as lodging, group homes, hotels, motels, and boardinghouses.

- Yes
- No

BUILDING IS STAND ALONE + HAS NO  
OTHER OCCUPANTS.

6. No Registered Caregiver Retail Store shall be located within 200 feet of any residence, a building containing residents, or residential use. Distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest entrance of the residential building or use to the nearest entrance of the Registered Caregiver Retail Store

- Yes
- No

DOES NOT APPLY - APPLYING FOR CULTIVATION  
LICENCE

7. No Marijuana Business is permitted to utilize or provide a drive up service window

- Yes  
 No

NO DRIVE UP WINDOW WILL BE INSTALLED OR UTILIZED. NO SALE OF CANNABIS WILL TAKE PLACE ON PREMISE

8. Hours of operation shall be established by the licensing authority, but in no event shall a Marijuana Business be open to the public, and no sale or other distribution of marijuana shall occur upon the premise or via delivery from the premises, between the hours of 8:00pm and 8:00am

- Yes  
 No

BUSINESS HOURS OF CULTIVATION FACILITY IS 8AM-5PM MONDAY-FRIDAY. NO SALE OF CANNABIS WILL TAKE PLACE ON PREMISE

9. No registered caregiver retail store shall have a gross floor area, open to the public, in excess of 1,500 square feet.

- Yes  
 No

DOES NOT APPLY

10. No outside storage is permitted

- Yes  
 No

NO STORAGE OUTSIDE PERMITTED OR NEEDED. AS DEPICTED IN SITE PLAN FOR 24B AUGUSTA RD. TOPSHAM, ME. 04866

11. Outdoor Cultivation of marijuana is prohibited.

- Yes  
 No

THERE WILL BE NO OUTDOOR CULTIVATION ON PREMISE

12. Only one on-site sign per Marijuana Business is allowed.

- Yes  
 No

NO SIGNAGE WILL BE USED AT THIS TIME

13. A ventilation plan shall be included for Marijuana Cultivation Facilities, Marijuana Manufacturing facilities, and Marijuana Testing Facilities that provides for adequate ventilation so as to prevent pesticides, insecticides or other chemicals used in the cultivation or processing of marijuana or marijuana related products from being dispersed or released outside the premises. The plan shall further provide for resulting smoke, vapor, fumes, gases and particulate matter from marijuana or its processing or cultivation to be effectively confined to the premises

- Yes  
 No

NO CHEMICALS USED @ FACILITY, ~~NO~~ ~~HOWEVER~~, AN EXTENSIVE CARBON FILTRATION AND HEPPA FILTRATION WILL BE USED IN EACH ROOM.

ALL ROOMS ARE SEALED & WILL NOT EMIT TOXIC OR NOXIOUS ~~NO~~ FUMES OUTSIDE OF BUILDING

14. Marijuana Businesses shall provide odor control measures so that odor generated on site is mitigated at the property line of the lot containing the Marijuana Business. Applications must demonstrate appropriate measures, such as carbon filtration, ventilation and exhaust systems, facility plans or other additional practices adequate to mitigate odors for the scale of operations for the uses proposed.

- Yes  
 No

ALL ROOMS CONTAINING CANNABIS PLANTS ARE SEALED + UTILIZE CARBON FILTRATION AND HEPPA FILTRATION. FILTERS USED IN EACH SPACE EXCEEDS ALL MUNICIPAL + STATE REGULATIONS

15. Only one on-site sign per Marijuana Business is allowed.

- Yes  
 No

NO SIGN WILL BE USED AT THIS TIME.

16. Maximum size for all signage shall be 75 square feet, or as permitted by Chapter 225-33, whichever is less

- Yes  
 No

NO SIGN WILL BE USED AT THIS TIME

17. Any signage is limited to displaying the following information: name of business; logogram of business; and business' address, hours of operation and contact information. Other than the forgoing information, no advertising for Marijuana or Marijuana Products shall be displayed on any sign in a publicly visible location.

- Yes  
 No

NO SIGN WILL BE USED AT THIS TIME.

18. Portable signs or sandwich board signs located in the public right of way are prohibited.

- Yes  
 No

NO SIGN WILL BE USED AT THIS TIME, AND NO SANDWICH BOARD SIGN WILL EVER BE UTILIZED.

19. Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the Marijuana Business is located.

- Yes  
 No

ALL WIDDONS IN FACILITY HAVE BEEN REMOVED AND BLOCKED IN, OR HAVE BEEN BLACKED OUT WITH 8mm SECURITY FILM

**THE ORIGINAL SIGNED COPY OF THIS FORM MUST BE ACCOMPANIED BY THE REQUIRED APPLICATION FEES AND OTHER NECESSARY SUBMISSIONS.**

*The undersigned hereby makes application to the Town of Topsham for approval of the proposed Marijuana Business License and declares all attached and embedded information to be true and accurate to the best of his/her knowledge.*

  
SIGNATURE: APPLICANT OR APPLICANT'S AGENT

JULY 1, 2019 9:30 AM  
DATE

RYAN HOLMES  
PRINT NAME

**Licensing procedures.**

- (1) Applications shall be reviewed in the order they are received and determined to be complete. After a completed application packet and fee is received by the Town Clerk, the Clerk will review the information and will contact the applicant if clarifications or updates to the submitted application materials are needed. The Clerk will notify the applicant whether they have met the standards necessary to be invited to be reviewed by the Topsham Selectboard.
- (2) The initial application for a license shall be processed by the Town Clerk but shall be reviewed by the Topsham Selectboard. Applications shall be made on a form prepared by the Town and must include all information required by Sec. 150-11 of this Article and by the form.
- (3) In the event that the Town Clerk determines that a submitted application is not complete, the Town Clerk shall notify the Applicant within ten (10) business days that the application is not complete and shall inform the Applicant of the additional information required to process the application.
- (4) The Town Clerk shall order national background checks of each applicant and renewal applicant. If the applicant is a business entity, every officer, director, manager and general partner of the business entity is required to submit to a criminal history record check. Failure to submit required releases for a background check is grounds for denial of a license. The cost of the background check shall be borne by the applicant above and beyond the application fee.
- (5) Public hearing. A public hearing on an application for a license shall be scheduled after receipt of a completed application pursuant to Sec. 150-11. The Town Clerk shall post and publish public notice of the hearing not less than seven (7) days prior to the hearing.
- (6) A renewal application shall be subject to the same review standards as applied to the initial issuance of the license and the same notice requirement as a new application. As part of the renewal process, the Town Selectboard shall consider compliance from prior years, and based upon that review, may add conditions to any future license to correct, abate or limit past problems. The Town Clerk shall refer action on a renewal application to the Town Selectboard for public hearing and action.
- (7) Applications received after the maximum number of licenses has been issued shall be placed on a waiting list at the request of the applicant. Following termination of an existing license, the Selectboard shall consider applications in order from the waitlist.



# 1000 Air Purifier with IO technology

## Effective, Safe and Economical No-Propanol for Cannabis & Indoor Cultivation

The Agriair 1000 air purifier uses Ionic Oxidation (IO) technology to generate friendly oxidizer plasma which seeks and destroys odors at their source and bio-contaminants in indoor commercial cultivation facilities. Our energy efficient purifier produces and distributes oxidizer plasma naturally generated from humidity and oxygen in the surrounding area. The 1000 is sized to sanitize environments 3,000-8,000 cubic feet of flowering, drying and packaging rooms. It's portable, easy to install, scalable and ready to plug-in and go.

### Labs and universities confirm the following results of Ionic Oxidation purifiers

#### AGRIAIR PURIFIERS REMOVE DESTROY

-  surface bacteria, virus, and microbes
-  E-Coli and Salmonella
-  airborne bacteria and mold spores
-  odor and VOC reduction



CONFORMS TO UL STD 507  
CERTIFIED TO CAN/CSA STD  
C22.2 NO. 113-M1984

### AAHPG1000 & AAHPG1000-230

<b>Airflow</b>	300 - 650 CFM, variable speed blower
<b>Power Requirements</b>	115 VAC/60 Hz/2.7 amps, 230 VAC/50-60 Hz/1.5 amps
<b>Recessed Controls</b>	ON/OFF generator switch, generator ON light, hour meter, fan speed controller
<b>Filtration</b>	16"x24"x2" MERV 11 pleated filter, 16"x24"x1" pleated carbon filter
<b>IO Generator Cell</b>	14" Ionic Oxidation cell
<b>Housing</b>	aluminum powder coated housing with 12" outlet & (2) rubber handles
<b>Size/Weight</b>	14 W x 20" H x 27" L, 40 lbs

Agriair® 1000 air purifier systems with an integrated variable speed blower and one or two ionic oxidation generators produces eco-friendly oxidizer plasma to purify air in the whole indoor commercial garden environment. The oxidizer plasma is generated from humidity and oxygen in the surrounding air, sanitizes your garden 24/7 and leaves no chemical residue behind. The Agriair® 1000 distributes enough oxidizer plasma to maintain a high level of air sanitation and odor control in 3,000 to 12,000 cubic feet of grow space. The Agriair® 1000 purifier can be set up where needed, ready to plug and play. Agriair® purification equipment provides an economical, safe and effective solution to many of the major air quality concerns of indoor commercial gardeners.

- Strong odors associated with the indoor production of some crops, and additional odors from added nutrients, can be reduced by 85% thereby eliminating or reducing the need for bulky and expensive carbon filters.
- Viruses, microbes, and bio-contaminants on the plants and on surfaces, that can be nearly impossible to reach, are reduced up to 99.99% without biocides or chemicals that can be highly toxic.
- Up to 97% of airborne mold and mildew spores are destroyed at their source, before they have a chance of spreading and growing on plants, in vents and air system components.

ATTACHMENT F



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:

SUNDOG CAREGIVING LLC  
50 ADAMS LANDING RD  
TOPSHAM, ME 04086-5529

Registration Number: 1187536

Date Issued: AUGUST 07 2017

Business Code: 062  
Filing Frequency: QUARTERLY



STATE OF MAINE  
MAINE REVENUE SERVICES  
**RESALE CERTIFICATE**



THIS CERTIFICATE IS VALID  
JULY 01 2017 THRU DECEMBER 31 2019

<u>Business Name and Location Address</u>	<u>Certificate Number</u>	<u>Business Type</u>
SUNDOG CAREGIVING LLC 50 ADAMS LANDING RD TOPSHAM, ME 04086-5529	1187536	FLORIST

This is to certify that the above named business is authorized to purchase tangible personal property for resale during the period identified on this certificate. 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 items will be resold as tangible personal property in the ordinary course of their business.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

ATTACHMENT G

Maine Medical Use of Marijuana Program  
INDIVIDUAL CAREGIVER



Caregiver Registration Card in the Name of  
**RYAN J. HOLMES**  
50 ADAMS LANDING RD  
TOPSHAM, ME 04086-5529  
Registration # CG013514 Control # 0235204  
Issued: 10/8/2018 Expires: 10/8/2019 DOB: 6/21/1981

Maine Medical Use of Marijuana Program  
INDIVIDUAL CAREGIVER



Caregiver Registration Card in the Name of  
**RYAN J. HOLMES**  
50 ADAMS LANDING RD  
TOPSHAM, ME 04086-5529  
Registration # CG013515 Control # 0484054  
Issued: 10/9/2018 Expires: 10/8/2019 DOB: 6/21/1981

Maine Medical Use of Marijuana Program  
INDIVIDUAL CAREGIVER



Caregiver Registration Card in the Name of  
**RYAN J. HOLMES**  
50 ADAMS LANDING RD  
TOPSHAM, ME 04086-5529  
Registration # CG014441 Control # 0786251  
Issued: 10/17/2018 Expires: 10/16/2019 DOB: 6/21/1981

Maine Medical Use of Marijuana Program  
INDIVIDUAL CAREGIVER



Caregiver Registration Card in the Name of  
**RYAN J. HOLMES**  
50 ADAMS LANDING RD  
TOPSHAM, ME 04086-5529  
Registration # CG016174 Control # 0424341  
Issued: 3/27/2019 Expires: 10/16/2019 DOB: 6/21/1981

Maine Medical Use of Marijuana Program  
INDIVIDUAL CAREGIVER



Caregiver Registration Card in the Name of  
**RYAN J. HOLMES**  
50 ADAMS LANDING RD  
TOPSHAM, ME 04086-5529  
Registration # CG016175 Control # 0135073  
Issued: 3/27/2019 Expires: 10/16/2020 DOB: 6/21/1981

ATTACHMENT #

STATE OF MAINE  
Department of the Secretary of State  
Bureau of Corporations, Elections and Commissions  
101 State House Station  
Augusta, Maine 04333-0101

August 9, 2017

RYAN HOLMES  
SUNDOG CAREGIVING  
50 ADAMS LANDING ROAD  
TOPSHAM ME 04086

ATTESTED COPIES  
WR DCN: 2172203610026

Enclosed please find copies of documents recently placed on file with our office. Each copy has been attested as a true copy of the original and serves as your evidence of filing. We recommend that you retain these permanently with your records.

Charter#: 20180568DC    Legal Name: SUNDOG CAREGIVING, LLC

CERTIFICATE OF FORMATION

DCN: 2172203610027                      Page(s)    2

Total Pages                      2

MAINE  
LIMITED LIABILITY COMPANY

STATE OF MAINE

CERTIFICATE OF FORMATION

File

File No. 20180568DC Pages 2  
Fee Paid \$ 175  
DCN 2172203610027 DLLC  
FILED  
08/07/2017

  
Deputy Secretary of State

A True Copy When Attested By Signature

  
Deputy Secretary of State

Pursuant to 31 MRSA §1531, the undersigned executes and delivers the following Certificate of Formation:

**FIRST:** The name of the limited liability company is:

SUNDOG CAREGIVING, LLC

(A limited liability company name must contain the words "limited liability company" or "limited company" or the abbreviation "LLC," "LLC," "LC" or "LC" or, in the case of a low-profit limited liability company, "L3C" or "L3c" - see 31 MRSA 1508.)

**SECOND:** Filing Date: (select one)

Date of this filing; or  
 Later effective date (specified here): \_\_\_\_\_

**THIRD:** Designation as a low profit LLC (Check only if applicable):

This is a low-profit limited liability company pursuant to 31 MRSA §1611 meeting all qualifications set forth here:

- A. The company intends to qualify as a low-profit limited liability company;
- B. The company must at all times significantly further the accomplishment of one or more of the charitable or educational purposes within the meaning of Section 170(c)(2)(B) of the Internal Revenue Code of 1986, as it may be amended, revised or succeeded, and must list the specific charitable or educational purposes the company will further;
- C. No significant purpose of the company is the production of income or the appreciation of property. The fact that a person produces significant income or capital appreciation is not, in the absence of other factors, conclusive evidence of a significant purpose involving the production of income or the appreciation of property; and
- D. No purpose of the company is to accomplish one or more political or legislative purpose within the meaning of Section 170(c)(2)(D) of the Internal Revenue Code of 1986, or its successor.

**FOURTH:** Designation as a professional LLC (Check only if applicable):

This is a professional limited liability company\* formed pursuant to 13 MRSA Chapter 22-A to provide the following professional services:

\_\_\_\_\_  
(Type of professional services)

### Affidavit of Ryan Holmes

STATE OF MAINE  
COUTY OF SAGADAHOC

The undersigned, RYAN HOLMES, being duly sworn, herby deposes and says:

- 1.) I am over the age of 18 and am a resident of the State of Maine. I have personal knowledge of the facts herein, and, if called as a witness, could testify completely thereto.
- 2.) I suffer no legal disabilities and have personal knowledge of the facts set forth below.
- 3.) I, Ryan Holmes, am the sole Owner/Member of Sundog Caregiving, LLC. I have 100% ownership interest and reside at 50 Adams Landing Rd. Topsham, ME. 04086. I have lived at the same address for greater than five (5) years.

I declare that, to the best of my knowledge and belief, the information herein is true, correct and complete.

Executed this 1 day of JULY, 2019.



\_\_\_\_\_  
Ryan Holmes

### NOTARY ACKNOWLEDGEMENT

STATE OF MAINE, COUNTY OF SAGADAHOC, ss:

This Affidavit was acknowledged before me on this 1 day of July, 2019 by Ryan Holmes, who, being first duly sworn on oath according to law, deposes and says that he has read the foregoing Affidavit subscribed by him, and that the matters stated herein are true to the best of his information, knowledge and belief.



\_\_\_\_\_  
Notary Public



\_\_\_\_\_  
Title (and rank)

Linda J. Dumont  
Notary Public, Maine  
My commission expires ~~My Commission Expires~~ June 13, 2020

## Attachment K

**Description of the premise** – The premise will be utilized as a cultivation facility for cannabis. It will have two flowering rooms, one vegetative growth room, and a room for drying/curing harvested flowers. Each room will be sealed and have separate air conditioning, carbon filtration, and dehumidifiers. Remaining space in the building will be used for mixing nutrients, cleaning equipment, and as a general space for day to day business.

**Lighting** – All lighting will conform to 175-9 and complies with the illuminating Engineering Society of North America (IESNA) standards. Exterior lighting will have motion sensor technology to illuminate only in the presence of suspicious movement. This will save energy and serve to be a “good neighbor.” The exterior lighting will encompass the perimeter of the building (see security plan).

40 FEET

ATTACHMENT L

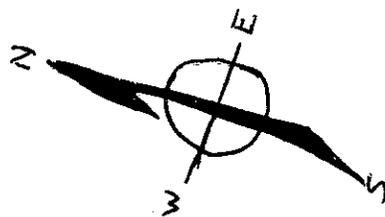
FISHING ROOM  
#1

FLOWER ROOM  
#2

VEG ROOM  
#1

DRY/CURE  
ROOM

BATHROOM



1 INCH = 5 FEET

2000 SQ/FT  
TOTAL

# Board of Selectmen Meeting

For the date of: 12/05/2019

**Type of Item:**

- Board or Committee Presentation
- Consent Agenda Item
- Public Hearing
- Unfinished Business
- New Business
- Executive Session
- Workshop

**Type of Submission:**

- Regular Submission
- Additional Agenda Item
- Additional Information

**Agenda Number:** 19-95

(If this is Unfinished Business, please remember to research and enter the original agenda number above. For Regular Agenda items, the Secretary will assign a number.)

**Brief Title of consent or Agenda Item:** Consideration and any appropriate action on writing off unpaid non-sufficient funds (NSF) for 2014 & 2015 and to consider adopting a policy for future review and write off unpaid NSF. Total amount of request \$563.29 as shown on the attached unpaid NSF list.

**Brief Description of Consent or Agenda Item:** see attached

**Submitted by:** Debra A. Fischer, Finance Director

**Date:** 09/12/19

Acct	Name ----	Year	Original Tax	Payment / Adjustments	Amount Due
534	P ACTIVE EDGE REHAB & FITNESS	2008	208.93	0.00	208.93
534	P ACTIVE EDGE REHAB & FITNESS	2009	124.74	0.00	124.74
534	P ACTIVE EDGE REHAB & FITNESS	2010	98.81	0.00	98.81
534	P ACTIVE EDGE REHAB & FITNESS	2011	105.61	0.00	105.61
534	P ACTIVE EDGE REHAB & FITNESS	2012	24.55	0.00	24.55
27	P BEAU BELLA DAY SPA	2011	337.19	0.00	337.19
27	P BEAU BELLA DAY SPA	2012	329.62	0.00	329.62
802	P BOOT & BUCKLE CAFE	2012	331.24	0.00	331.24
744	P CATHANCE MARINE CANVAS	2012	20.35	0.00	20.35
55	P CENTURY 21	2011	59.44	0.00	59.44
55	P CENTURY 21	2012	64.28	0.00	64.28
335	P GROUND COVERS INC	2012	382.92	168.74	214.18
151	P ITI HOLDING INC	2012	91.89	0.00	91.89
242	P LIL MUNCHKINS DAY CARE	2012	21.32	0.00	21.32
19	P MICHAELS FURNITURE RESTORATION	2008	136.81	92.73	44.08
19	P MICHAELS FURNITURE RESTORATION	2009	128.66	0.00	128.66
19	P MICHAELS FURNITURE RESTORATION	2010	118.68	0.00	118.68
19	P MICHAELS FURNITURE RESTORATION	2011	119.33	0.00	119.33
19	P MICHAELS FURNITURE RESTORATION	2012	128.23	0.00	128.23
134	P NEILS HEATING SERVICE	2008	13.92	0.00	13.92
134	P NEILS HEATING SERVICE	2009	14.04	0.00	14.04
134	P NEILS HEATING SERVICE	2010	14.35	0.00	14.35
134	P NEILS HEATING SERVICE	2011	15.34	0.00	15.34
134	P NEILS HEATING SERVICE	2012	16.80	0.00	16.80
204	P NEW ENGLAND VENDING	2011	24.93	0.34	24.59
204	P NEW ENGLAND VENDING	2012	27.29	0.00	27.29
703	P PEARLE VISION	2011	820.98	794.85	26.13
703	P PEARLE VISION	2012	833.99	0.00	833.99
684	P PHEONIX EMBROIDERY LLC	2009	315.63	97.73	217.90
684	P PHEONIX EMBROIDERY LLC	2010	301.25	0.00	301.25
684	P PHEONIX EMBROIDERY LLC	2011	297.07	0.00	297.07
684	P PHEONIX EMBROIDERY LLC	2012	289.89	0.00	289.89
236	P RUSTYS STORE	2008	59.27	0.00	59.27
236	P RUSTYS STORE	2009	47.79	0.00	47.79
236	P RUSTYS STORE	2010	48.85	0.00	48.85
236	P RUSTYS STORE	2011	52.22	0.00	52.22
236	P RUSTYS STORE	2012	57.17	0.00	57.17
236	P RUSTY'S STORE	2007	67.43	0.00	67.43
278	P SUNSHINE WORKS	2011	20.65	0.00	20.65
278	P SUNSHINE WORKS	2012	22.61	0.00	22.61
721	P TOPSHAM AUTO REPAIR	2010	89.70	0.00	89.70
721	P TOPSHAM AUTO REPAIR	2011	95.88	0.00	95.88
721	P TOPSHAM AUTO REPAIR	2012	104.97	0.00	104.97
678	P TOPSHAM LEARNING CENTER	2011	60.47	0.00	60.47
678	P TOPSHAM LEARNING CENTER	2012	62.50	0.00	62.50

Acct	Name ----	Year	Original Tax	Payment / Adjustments	Amount Due
<b>Total for 45 Bills:</b>		17 Accounts	6,607.59	1,154.39	5,453.20

**Payment Summary**

Type	Principal	Interest	Costs	Total
P - Payment	1,154.39	0.00	0.00	1,154.39
<b>Total</b>	<b>1,154.39</b>	<b>0.00</b>	<b>0.00</b>	<b>1,154.39</b>

**Non Lien Summary**

2007-1	1	67.43
2008-1	4	326.20
2009-1	5	533.13
2010-1	6	671.64
2011-1	12	1,213.92
2012-1	17	2,640.88
<b>Total</b>	<b>45</b>	<b>5,453.20</b>

<b>No Bills</b>		0.00	0.00	0.00
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**Payment Summary**

Type	Principal	Interest	Costs	Total
<b>Total</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Lien Summary**

<b>Total</b>	<b>0</b>	<b>0.00</b>
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<b>Total for 45 Bills:</b>		6,607.59	1,154.39	5,453.20
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**NSF List**

**fy15**

7/10/2014 Wayne & Kelly Ladner Jr/TL & Boat

\$66.00 moved from Topsham to Falmouth - no response from letter

3/19/2015 Kelly Lavigne/veh

name changed to Kelly Parker; moved from Topsham to Brunswick; moved again within Brunswick - no response from letter

\$497.29

\$563.29

# Board of Selectmen Meeting

For the date of: 12/05/2019

**Type of Item:**

- Board or Committee Presentation
- Consent Agenda Item
- Public Hearing
- Unfinished Business
- New Business
- Executive Session
- Workshop

**Type of Submission:**

- Regular Submission
- Additional Agenda Item
- Additional Information

**Agenda Number:** 19-96

(If this is Unfinished Business, please remember to research and enter the original agenda number above. For Regular Agenda items, the Secretary will assign a number.)

**Brief Title of consent or Agenda Item:** Consideration and any appropriate action to discuss funding options for Main Street Culvert replacement.

**Brief Description of Consent or Agenda Item:** See memo

**Submitted by:** Rich Roedner, Town Manager

**Date:** 11-26-2019

## MEMORANDUM

To: Board of Selectmen  
From: Richard Roedner, Town Manager  
Date: November 27, 2019  
Re: Main St. Culvert Funding Options

As we discussed at our last meeting, this project was originally funded at \$265,000, based on a verbal estimate. This was in 2017 and was the basis for the FY 18 budget. We have completed design work, and have heard that estimates have gotten much larger over the past two years due to the strength of the construction economy.

To assist with budgeting for the coming year, we decided to put this project out to bid, to get an accurate price. As reported last week, the two bids came in at \$468,885 (St. Laurent & Sons Constr.) and \$523,165 (Crooker Construction). The recommendation from staff is to award the bid to St. Laurent and Sons.

As for funding, I have to confirm numbers with Debbie when she gets back on Monday, but we will have something around \$245,000 in remaining in the budget from FY 18. The balance, approximately \$225,000 can come from a couple of sources:

- FY 2021 allocation through the budget process, effect July 1, 2020.
- Draw from the Economic Development reserve, which had \$475,455 in it as of June 30, 2018 (June 2109 audit not completed yet).

The funds in reserve have been previously appropriated and been authorized for spending via the annual budget process. The Board has spent funds from this account in the past (about \$50,000) under the understanding that the authorization to spend had already been given).

Should the Board choose the second option, the motion would be to award the Main Street Culvert reconstruction bid to St. Laurent & Sons, for a sum not to exceed \$468,885, with funds to come from the remaining FY 2018 budget allocation, with the balance coming from the TIF Economic Development Reserve Fund.

# Board of Selectmen Meeting

For the date of: 12/05/2019

**Type of Item:**

- Board or Committee Presentation
- Consent Agenda Item
- Public Hearing
- Unfinished Business
- New Business
- Executive Session
- Workshop

**Type of Submission:**

- Regular Submission
- Additional Agenda Item
- Additional Information

**Agenda Number:** 19-97

(If this is Unfinished Business, please remember to research and enter the original agenda number above. For Regular Agenda items, the Secretary will assign a number.)

**Brief Title of consent or Agenda Item:** Consideration and any appropriate action on adjusting the start time of the Board of Selectmen meeting from 7PM to 6:30PM.

**Brief Description of Consent or Agenda Item:**

**Submitted by:** Rich Roedner, Town Manager

**Date:** 11-19-2019

# Board of Selectmen Meeting

For the date of: 12/05/2019

**Type of Item:**

- Board or Committee Presentation
- Consent Agenda Item
- Public Hearing
- Unfinished Business
- New Business
- Executive Session
- Workshop

**Type of Submission:**

- Regular Submission
- Additional Agenda Item
- Additional Information

**Agenda Number:** 19-98

(If this is Unfinished Business, please remember to research and enter the original agenda number above. For Regular Agenda items, the Secretary will assign a number.)

**Brief Title of consent or Agenda Item:** Consideration and any appropriate action on appointing Derek Scrapchansky as interim Town Manager, effective on January 6, 2020.

**Brief Description of Consent or Agenda Item:**

**Submitted by:** Rich Roedner, Town Manager

**Date:** 11-19-2019

# Board of Selectmen Meeting

For the date of: 12/05/2019

**Type of Item:**

- Board or Committee Presentation
- Consent Agenda Item
- Public Hearing
- Unfinished Business
- New Business
- Executive Session
- Workshop

**Type of Submission:**

- Regular Submission
- Additional Agenda Item
- Additional Information

**Agenda Number:** 19-99

(If this is Unfinished Business, please remember to research and enter the original agenda number above. For Regular Agenda items, the Secretary will assign a number.)

**Brief Title of consent or Agenda Item:** Consideration and any appropriate action to enter into Executive Session pursuant to 1. M.R.S.A. 405 (6) (C) to discuss acquisition of real property or Economic Development.

**Brief Description of Consent or Agenda Item:**

**Submitted by:** Rich Roedner, Town Manager **Date:** 11-26-2019

# Board of Selectmen Meeting

For the date of: 12/05/2019

**Type of Item:**

- Board or Committee Presentation
- Consent Agenda Item
- Public Hearing
- Unfinished Business
- New Business
- Executive Session
- Workshop

**Type of Submission:**

- Regular Submission
- Additional Agenda Item
- Additional Information

**Agenda Number:** 19-100

(If this is Unfinished Business, please remember to research and enter the original agenda number above. For Regular Agenda items, the Secretary will assign a number.)

**Brief Title of consent or Agenda Item:** Consideration and any appropriate action to enter into Executive Session pursuant to 1. M.R.S.A. 405 (6) (D) to discuss labor negotiations.

**Brief Description of Consent or Agenda Item:**

**Submitted by:** Rich Roedner, Town Manager **Date:** 11-26-2019