



# Town of Bowdoinham

13 School St • Bowdoinham, ME 04008

Phone 666-5531 • Fax 666-5532

www.bowdoinham.com

License File #

For Office Use Only

## APPLICATION FOR MARIJUANA BUSINESS LICENSE

NEW       RENEWAL

EXISTING FACILITY/CAREGIVER

### Type of License Application

- Marijuana Cultivation Facility       Marijuana Manufacturing Facility
- Marijuana Establishment       Medical Marijuana Registered Caregiver
- Marijuana Store       Caregiver Retail Store
- Marijuana Testing Facility       Registered Dispensary

### License Fee:

The license fee shall be based on the level of the business's Site Plan Permit or as determined by the Town Planner:

- Tier II Permit – five hundred (\$500) dollars
- Tier III Permit – one thousand (\$1,000) dollars.

### Business Information:

Name of Business: Kindbud LLC

Name of Corporation /LLC (if different): \_\_\_\_\_

Business Mailing: 5 Houlton St. Portland ME, 04102

Business Telephone: (207) 570-9467

Owner's Name: John Costello

Owner Mailing Address: 5 Houlton St. Portland ME, 04102

Owner Telephone: (207) 570-9467

Owner's Legal Residence: 5 Houlton St. Portland ME, 04102

**Agent/Applicant Information:**

Name: John Costello  
Mailing: 5 Houlton St.  
Address: Portland ME, 04102  
Telephone: (207) 570-9467  
Contractor Agent – Certification: \_\_\_\_\_

**Property Owner Information:**

Name: David Berry  
Mailing Address: 21 Dinsmore Cross Bowdoinham ME 04008  
Telephone: (207) 751-2809

**Property Information:**

Map/Lot Number: R6 Lot 17  
Property Address: 21 Dinsmore Cross Bowdoinham ME, 04008

Water Service:  Public  Private      Road Ownership:  State  Town  Private

Property Entrance/Driveway:  Existing  New

Floodplain:  No  Yes      Shoreland Zoning:  No  Yes      District: \_\_\_\_\_

Land Use District:  Residential/Agricultural       Village I       Village II

**Applicant Questionnaire:**

1. Has the applicant been denied an application for a marijuana business license by another jurisdiction?  
 No       Yes (if yes, provide an explanation on a separate sheet)
2. Has the applicant had a marijuana business license suspended or revoked by another jurisdiction?  
 No       Yes (if yes, provide an explanation on a separate sheet)
3. Is there currently a Medical Marijuana Business on the subject property that began operating before the enactment of the Maine Marijuana Legalization Act?  
*If yes, attach evidence that a Medical Business has commenced on the property prior December 13, 2018.*  
 No       Yes

**Project Description:**

Medical Marijuana Cultivation in a existing high tunnel

**Submission Requirements** (the following items are required):

- Site Plan Review Permit from the Planning Board.
- All applicable State licenses/registrations and permits.
- If State licenses/registrations and/or permits have been filed but not yet granted, then the applicant must provide a copy of said application(s).
- If the applicant's application is approved by the Select Board, their approval will be contingent upon their State approvals, a copy of which must be given to the Town Clerk before business can commence.
- The applicant shall submit seven (7) copies of the application and all supporting documentation.

Burden of proof. The applicant shall have the burden of proving that the proposed project, development or land use activity is in conformity with the purposes and provisions of this Ordinance and any applicable State laws and rules.

**By signing this application, as the foresaid applicant:**

- I certify that I have read and completely understand the application;
- I certify that the information contained in this application and its attachments are true and correct;
- I understand that all information provided on this form and all other documents submitted as part of my proposal is a matter of public record;
- I understand that copies of this information may be supplied upon request to an interested party;
- I understand that additional funds may be required through the course of review for special studies, legal review costs, and/or engineering review;
- I understand that it is my responsibility to know and pay for any tax penalty that may result from said project;

John Costello  
Applicant Signature

5-26-21  
Date

John Costello  
Print Name

**FOR OFFICE USE ONLY**

Date Received: \_\_\_\_\_ Total Fees Paid: \_\_\_\_\_

Signed \_\_\_\_\_

Date \_\_\_\_\_



# Town of Bowdoinham

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April 29, 2021

David Berry  
John Costello  
21 Dinmore Cross Road  
Bowdoinham, ME 04008

## Site Plan Review Approval 21 Dinsmore Cross Road (Map R06, Lot 017)

Dear Mr. Berry and Mr. Costello,

We, the Planning Board have reviewed your Site Plan Review, Tier II application to cultivate marijuana within an existing high tunnel. Based on the information you provided, we have made the following Findings and Conclusions:

- 1) Vehicular Access – The proposed site layout will provide for safe access to and egress from public and private roads.

*Finding: The applicant is planning to utilize the existing private driveway and is adequately sized for the proposed development.*

**Conclusion: This standard has been adequately met.**

- 2) Internal Vehicular Circulation – The proposed site layout will provide for the safe movement of passenger, service, and emergency vehicles through the site.

*Finding: The existing layout provides for safe movement of employees, service, and emergency vehicles through the site. No new parking is proposed*

**Conclusion: This standard has been adequately met.**

- 3) Pedestrian Circulation – The proposed site layout will provide for safe pedestrian circulation both on-site and off-site.

*Finding: The existing site, location of the high tunnel and minimal employees provides safe pedestrian circulation. The*

**Conclusion: This standard has been adequately met.**

- 4) Municipal Services – The development will not have an unreasonable adverse impact on municipal services, including municipal road systems, fire department, solid waste program, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

*Finding: No concerns have been expressed by municipal officials.*

**Conclusion: This standard has been adequately met.**

- 5) Visual Impact – The proposed development will not have an adverse effect on the scenic or natural beauty of the area, including water views and scenic views.

*Finding: The proposed development is not located within any designated viewsheds or near any scenic views. The existing high tunnel is not in close proximity to any public ways or abutting properties.*

**Conclusion: This standard has been adequately met.**

- 6) **Lighting** – All exterior lighting will be designed to avoid undue glare, adverse impact on neighboring properties and rights-of-ways, and the unnecessary lighting of the night sky.

*Finding: The applicants are proposing to install four LED motion detecting lights on each side of the high tunnel. The proposed light has been designed to not cause any light pollution or have an adverse effect on abutters.*

**Conclusion: This standard shall be adequately met with adherence to the Conditions of Approval.**

- 7) **Signage** – The proposed signage will not detract from the design of the proposed development and the surrounding properties and will not constitute hazards to vehicles and pedestrians.

*Finding: No signage is proposed.*

**Conclusion: This standard has been adequately met.**

- 8) **Buildings** – The proposed structures will relate harmoniously to the terrain and to existing buildings in the vicinity, so as to have a minimally adverse effect on the environmental and aesthetic qualities of the neighboring areas.

*Finding: No new buildings are proposed. The cultivation is proposed within an existing high tunnel.*

**Conclusion: This standard has been adequately met.**

- 9) **Landscaping** – The proposed development will provide adequate landscaping in order to define, soften, and/or screen the appearance of parking and developed areas as well as to enhance the physical design of the buildings and the overall development.

*Finding: The applicant has not proposed any new landscaping. The proposed development is located within an existing high tunnel and is not in close proximity to public ways or abutters.*

**Conclusion: This standard has been adequately met.**

- 10) **Buffering** – The proposed development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas.

*Finding: The applicant is not proposing any additional buffering. The proposed development is located within an existing high tunnel and not in close proximity to public ways or abutters.*

**Conclusion: This standard has been adequately met.**

- 11) **Utilities** – The proposed development will not impose an unreasonable burden on existing utilities.

*Finding: The applicant has proposed to provide adequate new utilities for the security and lighting. The electrical service will be connected from the existing barn*

**Conclusion: This standard has been adequately met.**

- 12) **Water Supply** – The proposed development will be provided with an adequate supply of water.

*Finding: The proposed cultivation is within an existing high tunnel and not connected to a public water supply.*

**Conclusion: This standard has been adequately met.**

13) Sewage Disposal – The proposed development will be provided with adequate sewage waste disposal.

*Finding: The applicant is proposing to use the existing subsurface wastewater disposal system currently connected to the existing barn. The disposal system is adequately sized for the limited employees.*

**Conclusion: This standard has been adequately met.**

14) Fire Protection – The proposed development will have adequate fire protection.

*Finding: There were no concerns expressed from the Bowdoinham Fire Chief.*

**Conclusion: This standard has been adequately met.**

15) Capacity of Applicant – The applicant meets the following criteria:

a) Right, Title and Interest in Property – The applicant has the right, title and interest in the property.

*Finding: David Berry is the owner of the property and has provided a deed.*

**Conclusion: This standard has been adequately met.**

b) Financial Capacity – The applicant has the financial capacity to complete the proposed development.

*Finding: There is minimal cost as the high tunnel is existing.*

**Conclusion: This standard has been adequately met.**

c) Technical Ability – The applicant has the technical ability to carry out the proposed development.

*Finding: John Costello is a licensed caregiver with the State of Maine and has provide evidence of such.*

**Conclusion: This standard has been adequately met.**

16) Special Resources –

a) Shoreland – The proposed development will be in compliance with the Town's Shoreland Zoning Ordinance.

*Finding: The proposed development is the cultivation of marijuana within an existing high tunnel and not located within the Shoreland Zone.*

**Conclusion: This standard has been adequately met.**

b) Floodplain – The proposed development will be in compliance with the Town's Floodplain Management Ordinance.

*Finding: The proposed development is the cultivation of marijuana within an existing high tunnel and not located within the Floodplain.*

**Conclusion: This standard has been adequately met.**

c) Wetlands & Waterbodies – The proposed development will not have an adverse impact on wetlands and/or waterbodies, to the extent that is practicable.

*Finding The proposed development is the cultivation of marijuana within an existing high tunnel and is not located near wetlands or waterbodies.*

**Conclusion: This standard has been adequately met.**

- d) Historic & Archaeological – The proposed development will not have an adverse effect on historic and/or archaeological sites.

*Finding: The proposed cultivation is within existing high tunnel and no new development proposed. No historic or archaeological sites have been located.*

**Conclusion: This standard has been adequately met.**

- e) Groundwater – The proposed development will not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems.

*Finding: The proposed development is will not affect the quality or quantity of groundwater as the proposed development will not meet the two thousand gallon per day threshold as outlined in this standard.*

**Conclusion: This standard has been adequately met.**

- f) Wildlife Habitat – The proposed development will not have an undue adverse effect on wildlife habitat.

*Finding: The proposed development is the cultivation of marijuana within an existing high tunnel and will not have an adverse effect on wildlife or habitat.*

**Conclusion: This standard has been adequately met.**

- g) Natural Areas – The proposed development will not have an undue adverse effect on rare and irreplaceable natural areas.

*Finding: The proposed development is the cultivation of marijuana within an existing high tunnel and will not have an undue adverse effect on natural areas as outlined in the Comprehensive Plan or Maine Natural Areas Program.*

**Conclusion: This standard has been adequately met.**

- 17) Environmental Impact – The landscape will be preserved in its natural state to the extent that is practical by minimizing tree removal, disturbance of soil and retaining existing vegetation.

*Finding: The proposed development is the cultivation of marijuana within an existing high tunnel and no additional filling or grading is proposed.*

**Conclusion: This standard has been adequately met.**

- a) Solid Waste Management – The proposed development will provide for adequate disposal of solid wastes.

*Finding: The applicant is proposing to remove solid waste from the site and composting of plant material on site.*

**Conclusion: This standard shall be adequately.**

- b) Hazardous, Special & Radioactive Materials – The proposed development will handle, store, and use all materials identified as hazardous, special or radioactive in accordance with the standards of Federal and State agencies.

*Finding: No materials identified as hazardous, special or radioactive are proposed to be used as part of the cultivation.*

**Conclusion: This standard has been adequately met.**

- c) Air Quality – The proposed development will not result in undue air pollution or odors.

*Finding: The proposed development will meet all federal and state standards and will not produce undue air pollution or odors.*

**Conclusion: This standard has been adequately met.**

- d) Water Quality – The proposed development will not result in water pollution.

*Finding: The proposed cultivation will not create or discharge any pollutants and will not have any impact on water quality.*

**Conclusion: This standard has been adequately met.**

- e) Stormwater – The proposed development will provide for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other impervious surfaces, which must not have an adverse impact on abutting or downstream properties.

*Finding: The applicants are not proposing any grading or filling as the proposed cultivation is within an existing high tunnel that is not in close proximity to abutters.*

**Conclusion: This standard has been adequately met.**

- f) Sedimentation & Erosion Control – The proposed development will take adequate measures to prevent soil erosion and the sedimentation of watercourses and waterbodies.

*Finding: Due to the limited development of impervious areas this standard has been adequately met.*

**Conclusion: This standard has been adequately met.**

- 18) Noise – The proposed development will control noise levels so that it will not create a nuisance for neighboring properties.

*Finding: The proposed development is located within an existing high tunnel and has limited employees that will create nuisance noise.*

**Conclusion: This standard has been adequately met.**

- 19) Compliance with Ordinances – The proposed development conforms with the provisions of this Land Use Ordinance and other ordinances and regulations of the Town of Bowdoinham.

*Finding: The proposed development is in compliance with the Land Use Ordinance and other ordinances and regulations of the Town of Bowdoinham.*

**Conclusion: This standard has been adequately met.**

- 20) Town Plans & Vision Statements – The proposed development is consistent with the intent of the Town's Plans, including but not limited to the Comprehensive Plan, Waterfront Plan, and Transportation Vision Statement.

*Finding: The proposed development is in compliance with the Town's Plans and Vision Statements.*

**Conclusion: This standard has been adequately met.**



Based on the above findings and conclusions, we the Planning Board voted to approve your Site Plan Review application with following Conditions of Approval:

- The applicant shall reimburse the Town for all noticing costs.
- That with notification or any complaints of odor from abutters, the applicant agrees to install a carbon filtration system within the Greenhouse as stated in their Odor Management Plan.
- The applicant shall provide the Town Planning Board Staff with an updated Security Plan to be confidentially reviewed.

Please contact us if you should have any questions regarding your approval.

Sincerely,

Bowdoinham Planning Board

Allen C. Orr 05/12/2021

Medid H. Jye 5/14/2021

[Signature] 5/18/2021

[Signature] 5/19/21

[Signature] 5/20/21



**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:*

**COSTELLO JOHN  
D/B/A KINDBUD  
5 HOULTON ST  
PORTLAND, ME 04102-3410**

**Registration Number:** 1181512

**Date Issued:** OCTOBER 05 2016

**Business Code:** 426  
**Filing Frequency:** QUARTERLY



**Maine Medical Use  
Of Marijuana**

**Date Issued:** 06/16/2020  
**Expires:** 06/25/2021

**Individual Caregiver  
JOHN M. COSTELLO  
DOB: 01/02/1987  
No Retail Location Provided**

**Registration #: CGR25176**

**Control #: 574829**

**Authorized for: 30 mature/00 immature and/or  
Harvested**

USA

**Maine**

Secretary of State  
Shenna Bellows

**DRIVER'S LICENSE**

**NOT INTENDED  
FOR FEDERAL  
PURPOSES**

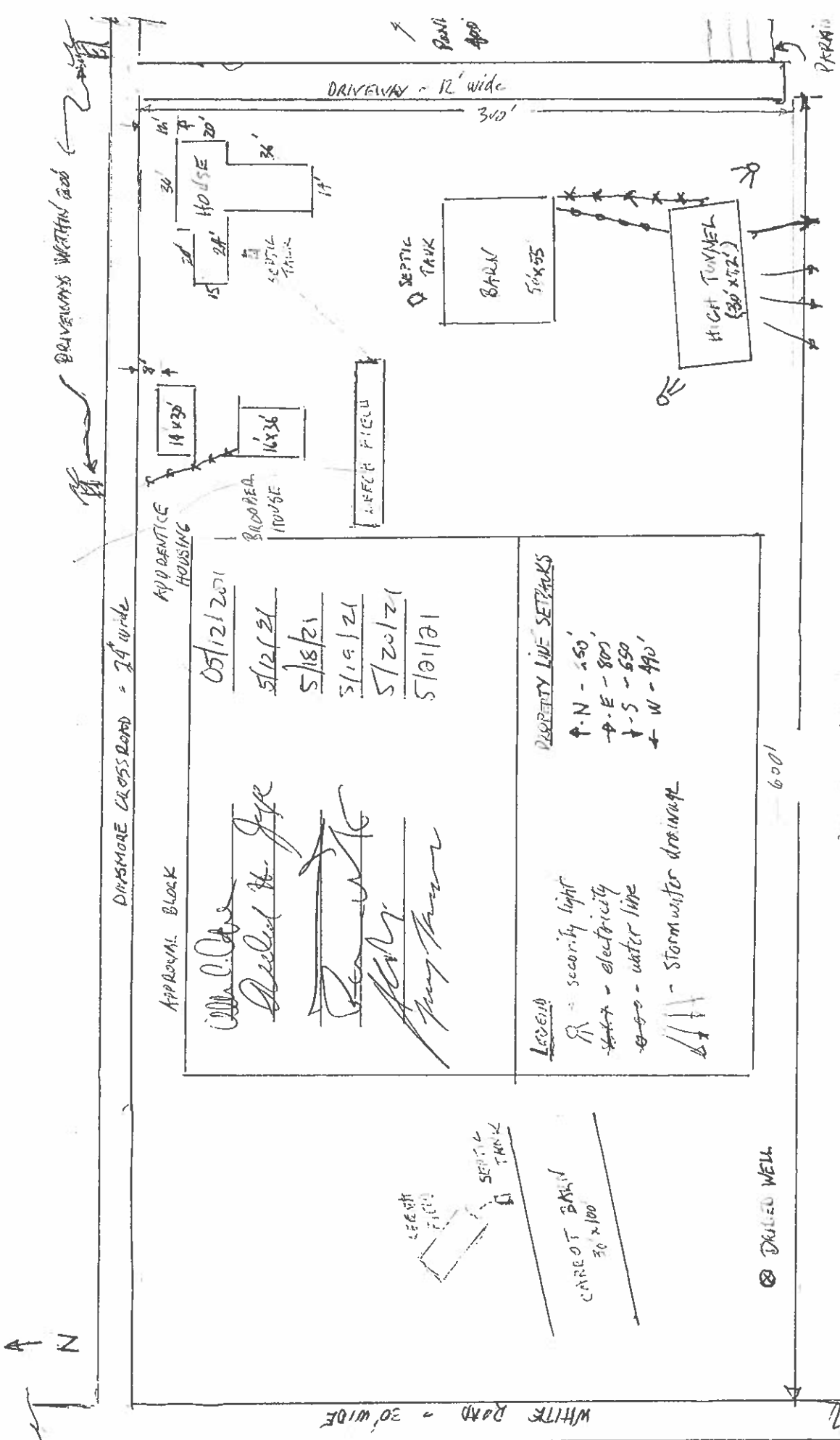
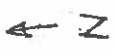


**Ad DL ID: 7608285**  
**4b EXPIRES: 01/02/2022 3 DOB: 01/02/1987**  
**1 COSTELLO**  
**2 JOHN M**  
**8 5 HOULTON STREET**  
**PORTLAND, ME 04102**  
**4a ISSUED: 04/20/2021 15 GENDER: M**  
**16 HEIGHT: 17 WEIGHT: 18 EYES: 19 HAIR:**  
**5'-10" 165 lb BLU BRO**  
**9 CLASS: C 8a END: L**  
**12 REST: NONE**  
**5 DO: 0000000000000000000087714945**



**✓ DONOR**

*JA*



TITLE  
SYIT  
DATE

WHITE ROAD - 30' WIDE

⊗ DRILLED WELL

CARET BARN  
30x100

SEPTIC FIELD

SEPTIC TANK

600'

OPEN FIELDS TO PROPR. LINE

SCALE 1" = 50'

DRIVEWAY CROSS ROAD - 24' wide

APPROXIMATE HOUSING

Pool App

PORCH

**Statement of intended use:**

Medical marijuana caregiver cultivation in existing high tunnel greenhouse at 21 Dinsmore Cross Road.

**Standards:**

- a) The high tunnel greenhouse is located at a distance in which the odor will not be detectable off site. The plants typically only put off an odor at the end of the season. At that time, if the smell becomes noticeable, I have a carbon filter to eliminate the odor.
- b) The high tunnel greenhouse is not visible from off the property
- c) The high tunnel greenhouse is equipped with locks in accordance with state law
- d) The establishment is not located within 500 feet of a school
- e) There will be no signage
- f) This is a cultivation site not a storefront. No drive up/through services.

COSTELLO GREENHOUSE AGREEMENT

The following is an agreement between John Costello of Portland, Me, hereinafter referred to as the Lessee, and David Berry of Bowdoinham, Me., herein referred to as the Lessor.

The agreement regards the use by the Lessee of a 30'x72' greenhouse on the Lessor's property at 21 Dinsmore Crossroad in Bowdoinham.

Term – This lease shall extend for 6 months, beginning May 1, 2021 and ending October 31, 2021.

Rental – The Lessee shall pay the Lessor a rental fee of \$835 per month for the term of the lease.

All lease payments shall be due and payable on the 1<sup>st</sup> day of each month.

Utilities – The Lessor agrees to provide electricity and water service.

In witness whereof, the parties have signed and acknowledged this lease on the 16<sup>th</sup> day of March, 2021.

Lessor – David Berry  date 5/26/21

Lessee – John

# Know all Men by these Presents

03924

That LLOYD R. SKELTON and J. LOUISA SKELTON, a/k/a JANE G. SKELTON, both of Bowdoinham, County of Sagadahoc and State of Maine,

in consideration of One dollar and other valuable considerations,

paid by DAVID L. BERRY and SHARON E. BERRY, both of Bowdoinham, County of Sagadahoc and State of Maine,

the receipt whereof we do hereby acknowledge, do hereby give, grant,

bargain, sell and convey unto the said DAVID L. BERRY and SHARON E. BERRY,

as joint tenants and not as tenants in common, and their heirs and assigns, and the survivor of them, and the heirs and assigns of the survivor of them, forever, a certain lot or parcel of land with the buildings thereon, situated in Bowdoinham, County of Sagadahoc and State of Maine, bounded and described as follows, to wit:

BEGINNING at an iron stake set in the Southerly sideline of the Dinsmore Cross Road at the Northwest corner of land now or formerly of Virginia Lammers, which said land is the same conveyed by W. L. Dinsmore to the Hall Brothers by deed dated November 21, 1911 and recorded in Book 123, Page 192 of the Sagadahoc County Registry of Deeds; thence continuing in a general Southerly direction along ~~ax wire fence~~ and said land conveyed to the Hall Brothers a distance of 400 feet, more or less, to a stone wall and the Southwest corner of said land formerly of the Hall Brothers; thence continuing in a general Westerly direction along said stone wall to an iron stake and the Easterly sideline of the White Road; thence continuing in a general Northerly direction along the Easterly sideline a distance of 400 feet, more or less, to an iron stake and the Southerly sideline of said Dinsmore Cross Road; thence continuing in a general Easterly direction along the Southerly sideline of said Dinsmore Cross Road to the point of beginning, containing seventeen acres, more or less.

Also another certain lot or parcel of land situated in said Bowdoinham, bounded and described as follows, to wit:

BEGINNING at an iron stake set in the ground on the Northerly side of the Dinsmore Cross Road, so called, at the Southwest corner of land now or formerly of one Lamoreau; thence in a general Northerly direction along a wire fence a distance of 800 feet, more or less, to a stone wall; thence in a general Westerly direction along said stone wall a distance of 670 feet, more or less, to land now or formerly of one Ervin Thurlow and another stone wall; thence in a general Southerly direction along said stone wall, said land of Ervin Thurlow and land now or formerly of James Smith to an iron stake and the Northerly sideline of said Dinsmore Cross Road; thence in a general Easterly direction along the Northerly sideline of said Dinsmore Cross Road a distance of 627 feet, more or less, to the point of beginning, containing twelve (12) acres, more or less.

For source of title, reference may be had to deed of Martha Alice Given to the Grantors herein dated September 26, 1950 and recorded in Book 262, Page 538 of the Sagadahoc County Registry of Deeds.

The Grantors herein reserve the right to use both of the above described parcels of land for agricultural purposes until December 31, 1976.

**To Have and to Hold** the aforegranted and bargained premises with all the privileges and appurtenances thereof, to the said **DAVID L. BERRY and SHARON E. BERRY**

as joint tenants and not as tenants in common, and their heirs and assigns, and the survivor of them, and the heirs and assigns of the survivor of them, to them and their use and behoof forever.

And we do **COVENANT** with the said Grantees, as aforesaid, that we are lawfully seized in fee of the premises, that they are free of all incumbrances,

that we have good right to sell and convey the same to the said Grantees to hold as aforesaid, and that we and our heirs shall and will **Warrant and Defend** the same to the said Grantees, their heirs and assigns, and the survivor of them, and the heirs and assigns of the survivor of them, forever, against the lawful claims and demands of all persons.

In Witness Whereof, we the said **LLOYD R. SKELTON and J. LOUISA SKELTON**, husband and wife, each

joining in this deed as Grantors, and relinquishing and conveying all right by descent and all other rights in the above described premises, have hereunto set our hands and seals this First day of October in the year of our Lord one thousand nine hundred and seventy-six.

**Signed, Sealed and Delivered**

in presence of

*Arvid W. Gelle Jr*  
*To Both*

*Lloyd R. Skelton*  
*J. Louisa Skelton*

State of Maine,  
Cumberland

SS. October 1, 1976.

Personally appeared the above named

**LLOYD R. SKELTON &  
J. LOUISA SKELTON**

and acknowledged the foregoing instrument to be their free act and deed.

SAGadahoc, SS Registry of Deeds  
RECEIVED OCT 7 1976 9 H. 40 M. A. M  
AND RECORDED FROM THE ORIGINAL REGISTER

Before me,  
*Arvid W. Gelle Jr*  
Justice of the Peace Notary Public