Town of Lisbon

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MEMO

To: Town Council
From: Glenn Michalowski, Town Manager
Subject: **(2025-057)** Approve a Medical Marijuana Retail License for Lisbon Cannabis
Date: May 6, 2025

Summary
Lisbon Cannabis Company, through Jason Smith, has submitted an application to renew its license to operate a medical marijuana business at 5 Canal St. The following documents are in the agenda packet:

- The renewal application;
- A copy of a rehabilitation plan from the landlord to remedy violations of Lisbon Code at the Premises by certain deadlines;
- An affidavit from Jason Smith consenting that the Lisbon Town Council shall suspend any license to operate a medical marijuana business at the Premises; and
- A memorandum from Jason Smith's attorney regarding his reading of language in the ordinance regarding the effect of failing to present a timely application for renewal.

Staff recommend issuing the license to operate a medical marijuana business at 5 Canal St. to Lisbon Cannabis Company, through Jason Smith.
Evidence from the Application
According to the license application, Jason Smith owns Lisbon Cannabis Company, which is located on the first floor of the building at 5 Canal Street. 5 Canal Street is owned by Riverbend Investment Properties, LLC (the "Owner" or "Riverbend"), which is equally owned and managed by Lorelei Hilliker and Jason Smith. Ms. Hilliker owns and operates a different business, 207 Edibles, located on the second floor. The Town understands that Mr. Smith has no interest in 207 Edibles and that Ms. Hilliker has no interest in Lisbon Cannabis.
The Code Enforcement Officer / Building Inspector, the Fire Chief/ Health Officer, and Police Chief inspected the premises. The Fire Chief found that the premises do not comply with the applicable life safety code, and the Code Enforcement Officer / Building Inspector found that the premises do not comply with the applicable electrical, plumbing, building, and zoning codes. Both building officials provided a list of violations, which include that 1) the length of the travel distance from portions of the interior first-floor space to the exit exceeds 75'; 2) no permit was secured for the installation of the electrical system; 3) no permit was secured for the installation of the plumbing system; 4) no building permit was secured for the construction associated with the finishing of the interior space and change of uses; and 5) no permit was secured for the installation of the signs on the exterior of the building. The Code Enforcement Officer has issued a notice of violation to Riverbend Investment Properties,

LLC, which is the landlord.
Mr. Smith and Ms. Hilliker are the only members and managers of Riverbend. They agreed in writing that Mr. Smith, for Riverbend, shall enter into a Rehabilitation Agreement with the Town to remedy the Violations and satisfy the Notices of Violation. Mr. Smith and the Town entered into the attached Rehabilitation Agreement, which includes an Exhibit A entitled “Obligations and Deadlines”. The Rehabilitation Agreement requires that Riverbend remedy the Violations of Code at the Premises by meeting the specific Obligations on or before aggressive but attainable Deadlines.
Mr. Smith signed an affidavit, with the same “Obligations and Deadlines” attached as Exhibit A, and swore that:

12. If Riverbend Investment Properties does not meet any of the Obligations by the applicable Deadline, I consent that the Lisbon Town Council shall suspend any license granted to me or to Lisbon Cannabis Company to operate a medical marijuana business at the Premises.
13. I ask that the Town Council renew license number 85 because the Rehabilitation Plan contains aggressive deadlines to attain compliance with Lisbon Code and will make the Premises more safe.

Standard for the Issuance of a Medical Marijuana License
Section 10-610, of the medical marijuana establishments ordinance, provides that:
A license application for a medical marijuana establishment shall be denied by the town council. . . if the applicant, or any owner of the applicant or licensee:
(1) Fails to meet the requirements of this ordinance. . .
(5) Has not acquired all necessary state and local approvals prior to issuance of the license. . .
The ordinance does not provide the option for Council to issue a conditional approval.
Staff Recommend that the Council Approve the Application for a License
Town staff recommend that the Council approve the Lisbon Cannabis license application. The application includes a Rehabilitation Plan to remedy the Code Violations by aggressive Deadlines, and an affidavit consenting to license suspension if the Deadlines are not met.
First, the ordinance reads that the Council shall deny the license application if it “fails to meet the requirements of this ordinance.” An application shall include “evidence of all land use approvals or conditional land use approvals required to operate the medical marijuana establishment, or applications that have been filed and are pending for the required approvals, including but not limited to building permit, conditional or special use approval, change of use permit and/or certificate of occupancy,” according to section 10-605(9).
The Code Enforcement Officer / Building Inspector and Fire Chief have reported to the Council that permits are required to operate a medical marijuana establishment in the premises including, at a minimum, an electrical permit, a plumbing permit, a building permit, a change of use permit, and a sign permit.
As noted, the Rehabilitation Plan would remedy these violations and Mr. Smith has consented to suspension if Riverbend does not meet the Deadlines.

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A second ordinance provision requires that the Council deny the application for a similar reason; section 10-610(5) requires that the Council shall deny the license application if the applicant "has not acquired all necessary state and local approvals prior to issuance of the license."
As noted, the Rehabilitation Plan would remedy these Violations and Mr. Smith has consented to suspension if Riverbend does not meet the Deadlines.
Third, after receipt of an application, section 10-606(9) requires the following inspections:
(1)The building inspector shall verify that the premises at which the establishment will be located complies with all applicable town ordinances including, but not limited to, the building code, electrical code, plumbing code, and section 10-611, and shall report findings in writing to the town clerk.
(2)The code officer shall inspect the location or the proposed location to determine whether the applicable ordinances relating to land use issues and building and safety codes issues have been satisfied and shall report findings in writing to the town clerk. . .
(4)The fire chief. . . shall inspect the location or proposed location to determine if all town ordinances and any other applicable regulations concerning fire and safety have been satisfied and shall report findings in writing to the town clerk. . .

The Building Inspector / Code Enforcement Officer and the Fire Chief have reported that the premises at which the establishment will be located does not comply with the electrical code, the plumbing code, the building code, or the zoning code.
As noted, the Rehabilitation Plan would remedy these violations and Mr. Smith has consented to suspension

if Riverbend does not meet the Deadlines.
In addition, and fourth, the Building Inspector / Code Enforcement Officer and the Fire Chief reported that a fire safety issue remains unsatisfied, specifically that the length of the travel distance from portions of the interior firstd-floor space to the exit exceeds 75'.

As noted, the Rehabilitation Plan would remedy these violations and Mr. Smith has consented to suspension if Riverbend does not meet the Deadlines.

Recommendation

Staff recommends that the Town Council approve the renewal of License No. 85 for Lisbon Cannabis Company, operated by Jason Smith, to conduct a medical marijuana business at 5 Canal Street.

Attachments

1. 2025-04-24 Rehab Agreement - Fully Executed (with engineer and tradesmen contracts)(2870866.6)
2. May 6 Hearing Memo
3. Lisbon Cannabis - Retail 2025_Redacted