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Site Plan Amendment Application Memo

Date: April 2, 2021

To: Planning Board

From: Planning Office

Re: Springer LLC – Site Plan Amendment Application - Map 40, Lot 3-14

Walter Pelkey of BH2M has submitted a site plan amendment application for Map 40, Lot 3-14 located off of Willie Hill Road. The property is owned by David Springer. The application proposes to construct a new 6,000 SF, single story building and a new 4,000 SF, single story building, both for Medical Marijuana Cultivation and Production use. The existing 5,600 SF building is approved and grandfathered as an indoor Agriculture use. The existing and proposed uses are not a Marijuana Dispensary. The property is approximately 2.95 acres in size and is identified by the Town of Wells Official Zone Map to be within the Resource Protection and 250' Shoreland Overlay District. However, the Berwick Road Business Park Subdivision approved by the Wells Planning Board on 6-27-2005 designated the area for this parcel to only be within the Light Industrial District due to field located wetland and wildlife. The property is served by private septic and drilled well. The business is to be served by on-site paved parking. The entrance to the property is gated.

§ 145-70. Applicability.

All uses identified as permitted with site plan approval in Article V shall be subject to the requirements of this article in the following situations:

- A. A new use is proposed on a lot; **YES – 10,000 SF of Medical Marijuana Cultivation and Production use is proposed.**
- B. Resumption of a use which has been discontinued for at least two years is proposed; or
- C. An existing use proposes to expand its gross floor area and/or land area.

§ 145-71. Reviewing authority. [Amended 4-19-1997]

- A. The reviewing authority for uses or structures requiring site plan review under Article V shall be determined by the Reviewing Authority Chart. **Editor's Note: The Reviewing Authority Chart is included at the end of this chapter. [Amended 4-18-1998] The amendments sought requires Planning Board approval**
- B. If a particular reviewing authority is set forth in sections of the Wells Municipal Code other than Subsection A of this section for a particular use, structure or procedure that conflicts with the above chart, such other sections of the Code will control with respect to the proper review authority.

§ 145-72. Applications. [Amended 4-26-1996]

Appropriate application forms shall be available from the Office of Planning and Development. All applications shall be filed with the Office of Planning and Development, and the application fee shall be paid to the Town of Wells.

§ 145-73. Fees.

- A. An application fee as established by the Board of Selectmen, following notice and a public hearing, shall be paid at the time an application is filed. **Application fee and escrow NOT YET PROVIDED**
- B. The applicant shall reimburse the Town for all expenses incurred for notifying abutters of the proposed site plan and advertising of any public hearing regarding the site plan.
- C. The Town staff or Planning Board may employ the services of technical experts to assist it in reviewing applications and in determining appropriate conditions of approval. The applicant shall be informed of the intended use of such services and their approximate cost. A deposit equal to the estimated cost shall be paid to the Town prior to the employment of any such technical experts. The total cost of any such review shall be paid by the applicant prior to the signing of any approved plans. If the entire deposit is not expended, the remaining balance shall be returned to the applicant. **[Amended 4-26-1996; 11-7-2000]**

§ 145-74. Review and approval process.

- G. Amendment to approved site plans.
 - (2) Upon receipt of an application to amend a previously approved site plan, the Code Enforcement Officer shall follow the procedure for reviewing a site plan review preapplication as set forth in Subsection A. Notice of the filing of an application to amend an approved site plan shall follow the notice procedure for the filing of a preapplication for site plan review as set forth in Subsection A. **Procedure for site plan pre-application and application shall be followed. ***
 - (3) The procedure for reviewing applications to amend a previously approved site plan shall follow the procedure for reviewing a site plan review application as set forth in this section unless the reviewing authority determines that the amendment is of such an inconsequential nature that the full site plan review procedure is not necessary. For applications to amend a previously approved site plan, the reviewing authority may combine the preapplication and application steps and may waive the requirement for a public hearing.
 - (4) Field changes to approved site plans. **[Added 4-18-1998] Not applicable at this time**
- H. The Planning Board may require that a performance bond or other suitable financial guaranties be posted by the applicant. The form and amount of this bond of financial guaranty must be acceptable to the Town Manager. **Not applicable**
- I. Technical assistance. The Code Enforcement Officer, the Staff Review Committee or the Planning Board may, at its discretion, forward a copy of the application, the plans and all supporting documentation to any appropriate technical expert for review. The review may include traffic impact, roadway and parking area design and construction, stormwater management and erosion and sedimentation control, as well as any other concerns of the reviewing authority. The applicant shall pay for the employment of any such experts. (See § 175-73C.) **Not applicable**

A. Preapplication. [Amended 4-14-2000] *

- (1) Prior to submitting an application, the applicant shall submit to the Office of Planning and Development a preapplication form, sketch plan of the subject property showing existing and proposed buildings, parking areas, lot boundaries, adjacent streets, entrances to the property, water bodies, any other significant features **Plan provided**, a list of names and addresses of abutters to the proposed project **Provided**, and a set of Size 10 envelopes addressed to the abutters **Provided**, affixed with first class postage. The addresses of these abutters shall be obtained from the Town of Wells Tax Assessor's records. Within seven days of receipt of a preapplication by the Office of Planning and Development, the Code Enforcement Officer shall:
 - (a) Determine the level of review to be required under § 14-71 and whether or not the proposed use is a permitted use on the subject lot. **On 3/22/21 the Code Officer determined the use is permitted.**
 - (b) If the proposed use is a permitted use on the subject lot: **Abutter notification mailed 3/24/21**

- [1] Send or deliver a notice to the applicant and the abutters of such determinations by first class mail. **YES**
 - [2] Certify that said notices have been sent or delivered.
 - [3] If the reviewing authority pursuant to § 145-71 is the Code Enforcement Officer, indicate to the applicant the information the applicant needs to submit as part of the application. **Not applicable**
 - [4] If the reviewing authority pursuant to § 145-71 is the Staff Review Committee or the Planning Board, place the applicant on the next available agenda for a preapplication meeting, if a preapplication meeting is requested by the applicant. **Planning Board to consider receiving the site plan amendment application on 4/5/21**
- (c) If the proposed use is not a permitted use on the subject lot, send a notice to the applicant of such determination by first class mail and certify that said notice has been sent.
- (2) The abutters' notification sent pursuant to Subsection A(1)(b)[1] above shall include a copy of the preapplication form and an explanation of the purpose of the notification. **YES** If the reviewing authority is the Staff Review Committee or the Planning Board and a preapplication meeting with the Committee or Board is requested by the applicant, the preapplication meeting date shall also be included in the notification **YES**, and said notification shall be sent or delivered by first class mail at least 10 days before the meeting. **Abutter notification mailed on 3/24/21; meeting to be held on 3/24/21**
 - (3) The Staff Review Committee or the Planning Board at its preapplication meeting with the applicant shall indicate the information which the applicant will be required to submit as part of the application and may schedule an on-site inspection of the property. The Committee or Board may waive any of the submission requirements listed in § 145-77 if it determines that they would not be applicable or are not necessary to determine that the standards of § 145-75 have been or will be met. **To be determined**
 - (4) If the applicant does not request a preapplication meeting with the Staff Review Committee or the Planning Board the applicant is encouraged to meet with the Director of Planning and Development to discuss the project and the information the applicant will be expected to submit as part of the application.

Recommendations and Conclusion:

1. The Planning Board should consider receiving the site plan amendment application.
2. The Planning Board to consider workshopping the following Article V, VI, and completeness comments (see review checklists and plan markups for all review comments to be addressed):
 - a. The existing building use is grandfathered as Agriculture, Indoor. It cannot become a Medical Marijuana cultivation and production use.
 - b. 145-53.3 requirements to be noted on the plan.
 - c. Street frontage to be clarified.
 - d. Existing and proposed lot coverage to be noted.
 - e. Gross floor areas of the building to be noted (are all to be one-story?)
 - f. Setback from Willie Hill Road is 40'
 - g. 40' landscaped buffer along Willie Hill Road to be determined by the Planning Board after the public hearing.
 - h. Parking spaces do not appear to meet the 9' x 18.5' dimensional requirements or 26' aisle requirements.
 - i. Was aisle widening for exiting spaces completed as prior site plan approval required?
 - j. Signage, lighting and noise ordinance compliance notes to be addressed.
 - k. Applicant to address how odor impacts to be controlled.
 - l. Electrical lines, septic and water lines to be depicted.
 - m. Erosion control and stormwater management notes and details to be provided.

- n. Access to three sides of all buildings is required. The 4,000 SF building requires a third access. Willie Hill Road is too far and is restricted by the security fence around the perimeter of the development. A reinforced grass access road may be a possibility with Fire Chief review.
 - o. A proposed building is located up to the 40' setback from Willie Hill Road and is not in excess of 10 feet from the setback requirement. A boundary survey waiver is not permitted. Recommend requiring the foundation to be pinned by a PLS prior to issuance of a permit.
 - p. Existing and proposed perimeter fencing to be depicted.
 - q. Planning Board to determine if additional traffic information or data to be provided. Prior site plan approvals waived traffic studies.
3. The Planning Board to consider continuing the workshop or appoint the Town Planner as the completeness agent so a public hearing can be scheduled, once complete.