



**Planning & Development**  
**208 Sanford Road, Wells, Maine 04090**

Phone: (207) 646-5187, Fax: (207) 646-7046

Website: [www.wellstown.org](http://www.wellstown.org)

<i>Michael G. Livingston, Town Engineer/Planner</i>	<a href="mailto:mlivingston@wellstown.org">mlivingston@wellstown.org</a>
<i>Shannon L.M. Belanger, Assistant Planner</i>	<a href="mailto:sbelanger@wellstown.org">sbelanger@wellstown.org</a>

**Site Plan Amendment Application Memo**

Date: April 6, 2022

To: Planning Board

From: Planning Office

Re: High Coast, LLC – Site Plan Amendment Application - Map 40, Lot 3-4

Shiloh Legere of High Coast, LLC, the applicant, has submitted a site plan amendment application for the property owned by Steve Duplisea. The property has approval for 1,792 SF Business Office/ 448 SF Manufacturing use, 1,536 SF Business Contractor/ Warehouse/ Business Wholesale use with associated parking and outdoor storage and display areas. The existing 2-story building has approval for Business Office/ 448 SF Manufacturing use. The applicant seeks approval to add Medical Marijuana Cultivation and Processing Facility use to the 931 SF space on the 2<sup>nd</sup> floor. The use to be restricted to assembling and packaging of marijuana products. No cultivation, processing, testing, retail or dispensing is proposed. The property is located off of 632 North Berwick Road and is within the Light Industrial District. Tax Map 40, Lot 3-4. The parcel is part of the Berwick Road Business Park Subdivision.

**§ 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 – new use proposed requires Planning Board approval**
- B. Resumption of a use on a property which has been discontinued for more than five years is proposed (See §145-12D regarding nonconforming uses.); 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 per 145-58.3.A.**
- 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. **Applicant submitted the required fee and escrow deposit. Additional escrow to be provided if a public hearing is scheduled.**
- 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 3/9/22 the Code Officer determined the uses are permitted.**

- (b) If the proposed use is a permitted use on the subject lot: **Abutter notification mailed 3/9/22**
- [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 received site plan amendment application on 3/21/22**
- (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 3/9/22; meeting was on 3/21/22**
- (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 to report the site walk results. Memo attached.
2. The Staff Review Committee discussed the proposal on 4/5/22. The Police Chief and Fire Chief have met with the applicant and discussed the security plan and found it to be suitable. The Police Chief recommends finding the 2<sup>nd</sup> floor space to be secure for the use proposed. The first floor of the building is an appropriate substitute for a fence.
3. The Planning Board cannot grant approval under the current town ordinance as sprinkler systems are required for such a use. If the town vote in June 2022 eliminates sprinkler system requirements, the Board at that time could consider granting approval without a sprinkler system requirement.
4. Planning Board to consider if the 6 spaces provided are sufficient for the use proposed. 1 space would be required based on floor area; 3 spaces are the minimum required for a business.
5. Planning Board to consider the application complete.
6. Planning Board to consider if a public hearing is to be scheduled. If so, the hearing to be held on 4/25/22. If not, the Board to consider the following:
  - a. Planning Board to determine if the landscaped buffer requirements along Route 9 are suitable.

- b. Screening provided for commercial abutters via 6' tall solid fencing 200' along northerly lot line and 120' along the southerly lot line. Screening also exists beyond the 40' wide landscaped buffer along Route 9. Planning Board to determine if screening remains suitable.
7. The Planning board to continue the workshop to the 6/20/22 meeting, after the 6/14 Town Meeting is held.