



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS

Site Plan Application for “High Coast, LLC”

Page 1 of 13

**052405 Article X
Site Plan Approval**

PROJECT INFORMATION	
General:	<p>Project Name: High Coast, LLC</p> <p>Applicant: Shiloh Legere, 8 Galaxy Dr, Lyman, ME 04002</p> <p>Landowner: Steve & Lisa Duplisea, 118 Natanis Ridge Circle, Wells, ME 04090</p> <p>Location: 632 North Berwick Road</p> <p>Existing Use: 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</p> <p>Proposed Land Use: 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. 931 SF space on 2nd floor to also include Medical Marijuana Cultivation and Processing Facility use.</p> <p>Tax Parcel ID: Tax Map 40, Lot 3-4</p> <p>Zoning District: Light Industrial District (per the 6/27/2005 Planning Board approved subdivision for Berwick Road Business Park)</p> <p>Art VII Performance Standard: §145-58.3. Medical Marijuana Cultivation and Processing Facilities.</p> <p>Design Engineer: None</p> <p>Plan Submission Date: March 9, 2022</p>
Project Description:	<p>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 2nd 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.</p>



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS

Site Plan Application for "High Coast, LLC"

Page 2 of 13

Completeness Determination:	4/11/2022
Public Hearing:	Waived by the Planning Board on 4/11/22
Staff Review Mtg:	4/5/2022

PROJECT HISTORY

1. On 3/9/22 the applicant submitted a site plan amendment application, plan and fee to the Planning Office.
2. On 3/9/22 the Code Enforcement Officer prepared an Article V use determination finding the use proposed to be permitted within the Light Industrial District.
3. On 3/9/22 the Planning Office mailed the use determination and notice of the 3/21/22 Planning Board meeting.
4. On 3/16/22 the Planning Office prepared Article V, VI, VII and draft completeness review checklists.
5. On 3/17/22 the Planning Office prepared a memo for the Planning Board and applicant.
6. On 3/21/22 the Planning Board received the site plan amendment application and voted to schedule a site walk for 3/26/22 at 9:00 AM.
7. On 3/26/22 the Planning Board conducted a site walk.
8. On 4/1/22 the Planning Office prepared a site walk results memo.
9. On 4/5/22 the Staff Review Committee commented on the site plan application for the Planning Board.
10. On 4/6/22 the Police Chief provided written approval of the proposed security and alarm system.
11. On 4/6 and 4/7/22 the Planning Office prepared an updated review memo and checklists.
12. On 4/11/22 the Planning Board reported the results of the site walk, made various determinations with regard to parking, buffers, screening, voted to find the application complete, voted to waive a public hearing, and voted to continue the workshop to after the June Town Meeting voted.
13. 6/14/22 the Town Meeting passed changes to the Medical Marijuana Cultivation and Processing Facilities performance standards.
14. On 6/15/22 the Planning Office prepared updated Article VII review checklist, completeness checklist and a draft compliance/ Findings of Fact & Decisions. A memo summarizing the review comments was prepared for the applicant and Planning Board.
15. On 6/20/22 the Planning Board voted to find the application compliant (145-75) and approved and signed the Findings of Fact & Decisions and plan.



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS
Site Plan Application for "High Coast, LLC"
Page 3 of 13

§ 145-75. Criteria and Standards	Comments
<p>The following standards shall be applied to all applications for site plan approval. These standards are intended to provide a frame of reference for the applicant in the development of his plans and a method of review. These standards shall be applied reasonably and fairly, when applicable, taking into account any extenuating circumstances or special features of the property or its neighborhood.</p>	

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Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS
Site Plan Application for “High Coast, LLC”
Page 4 of 13

§ 145-75. Criteria and Standards	Comments
<p>A. Traffic. The proposed development shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number of exits and entrances that have adequate sight distances and do not conflict with or adversely impact the traffic movements at intersections, schools and other traffic generators. Curb cuts shall be limited to the minimum width necessary for safe entering and exiting. The proposed development shall not have an unreasonable adverse impact on the Town road system and shall provide adequate parking and loading areas. No use or expansion of a use shall receive site plan approval if any parking spaces are located in a public right-of-way or if any travel lane of a state number highway is used as part of the required aisle to access any parking spaces.</p>	<p>See note 7. Minimum street frontage noted to be 100 feet. 200.3' provided. On-street parking is prohibited. On-site parking is proposed. Spaces are shown to be 9' x 18.5' in dimension. The aisle width requirement for 90 degree spaces is 26'.</p> <p>921 SF Medical Marijuana Cultivation and Processing use/ Business Office use (2 rental units combined or used individually) at *3.5 spaces per 1,000 SF (min. of 3 per business) = 6 spaces required (3.5 per 1,000 is used versus 1 per 1,000 which provides for more parking than is required.)</p> <p>871 SF Office space (Max 1 rentals, 1 owner use) at 3.5 spaces per 1,000 SF (min. of 3 per business) = 6 spaces required</p> <p>1,536 SF of Contractor/ Warehouse/ Wholesale Business and 448 SF Manufacturing use at 1 space per 1,000 SF (min. of 3 spaces) = 3 spaces required</p> <p>Total Required parking for all uses = 15 spaces. Total Provided = 15 spaces including 1 handicapped space. An ADA compliant sign is noted and detailed. See note 12</p> <p>A loading bay is not proposed. Snow storage areas are labelled on the plan. Areas that could be used for parking shall be on pavement. The proposed building is located at least 110 feet from Route 9. The proposed parking is located at least 60 feet from Route 9. Plan notes the speed limit of Route 9 to be 45 MPH. Site distances are noted and exceed the 500' minimum. Route 9 and Swamp John Road labeled. Route 9 width labelled. No changes in use requiring a Traffic Study proposed.</p> <p>THE PLANING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS
Site Plan Application for “High Coast, LLC”
Page 5 of 13

§ 145-75. Criteria and Standards		Comments
B.	Dust, fumes, vapors and gases. Emission of dust, dirt, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation or property or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission, shall be prohibited.	<p>This property is prohibited from emitting such dust, fumes, vapors or gases at any point perceptible beyond its lot lines. No outside storage of products that produce such emissions are proposed.</p> <p>THE PLANING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
C.	Odor. No land use or establishment shall be permitted to produce offensive or harmful odors perceptible beyond its lot lines, measured either at ground or habitable elevation.	<p>This property is prohibited from producing such offensive or harmful odors at any point perceptible beyond its lot lines, as measured at ground or habitable elevation. No outside storage of products that produce odors are proposed.</p> <p>THE PLANING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
D.	Glare. No land use or establishment shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines onto neighboring lots or onto any Town way so as to impair the vision of the driver of any vehicle upon that Town way.	<p>See note 10. Downward shielded building mounted lights labelled on sheet 1.</p> <p>Signage will not be lit or illuminated. See note 11.</p> <p>THE PLANING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
E.	Stormwater runoff. Surface water runoff shall be minimized and detained on site if possible or practicable in accordance with Chapter 202-12F(4) General Standards of the Wells Subdivision Ordinance (wherein the word “site plan” shall be substituted for “subdivision”). If it is not possible to detain water on site, downstream improvements to the channel may be required of the developer to prevent flooding which would be caused by his project. The natural state of watercourses, swales, floodways or rights-of-way shall be maintained as nearly as possible. [Amended 4-27-2007]	<p>A stormwater analysis and management plan was provided by Civil Consultants dated February 2016, and revised April 2017 by Neil J. Rapoza, PE. Stormwater runoff was reviewed by the Town Engineer and concluded to meet Town requirements in 2017.</p> <p>This amendment application proposes no changes to stormwater runoff.</p> <p>THE PLANING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS
Site Plan Application for “High Coast, LLC”
Page 6 of 13

§ 145-75. Criteria and Standards		Comments
F.	Erosion control. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best-management practices: [Amended 4-27-2007]	Best Management Practices are a standard condition of approval. The Standard terms and conditions of the Town of Wells appear on the plan. THE PLANING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.
(1)	Stripping of vegetation, soil removal and regrading or other development shall be accomplished in such a way as to minimize erosion.	
(2)	The duration of exposure of the disturbed area shall be kept to a practical minimum.	
(3)	Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.	
(4)	Permanent (final) vegetation and mechanical erosion control measures in accordance with the standards of the York County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends.	
(5)	Until a disturbed area is stabilized, sediment in runoff water shall be trapped by the use of debris basins, silt traps or other acceptable methods as determined by the reviewing authority.	
(6)	The top of a cut or the bottom of a fill section which alters the existing grade by more than two feet shall not be closer than 10 feet to an adjoining lot.	
(7)	During grading operations, methods of dust control shall be employed.	



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS
Site Plan Application for "High Coast, LLC"
Page 7 of 13

§ 145-75. Criteria and Standards		Comments
(8)	The proposed site plan shall prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties.	
(9)	The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.	
(10)	Cutting or removal of vegetation along waterbodies shall not increase water temperature or result in shoreline erosion or sedimentation.	
(11)	Topsoil shall be considered part of the site plan and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.	



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS
Site Plan Application for “High Coast, LLC”
Page 8 of 13

§ 145-75. Criteria and Standards	Comments
<p>G. Setbacks and screening. Parking and loading areas, exposed storage areas, exposed machinery installation and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their adverse impact on the surrounding lots. Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and shall be maintained in good condition.</p>	<p>See note 7. Parcel does not abut a railroad ROW. Parcel does not abut a known cemetery.</p> <p>This commercial property abuts other commercial properties. A visual screen along abutting lot lines of residential uses is not necessary.</p> <p>A 40’ landscaped buffer strip along Route 9 is shown on sheet L1. 6 shade trees are planted along Route 9 to comply with the prior site plan approval. These trees shall be maintained, see note 18. The site plan depicts the approximate location of the existing septic system within the buffer.</p> <p>On 4/11/22 the Planning Board voted to find the existing Route 9 buffering and 6’ tall solid fencing along lots 3-3 and 3-5 to satisfy the screening /buffering requirements. 6’ tall fencing shall be maintained.</p> <p>A dumpster shall meet setback requirements and be screened by solid 6’ tall fencing.</p> <p>THE PLANING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
<p>H. Explosive materials. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, unless they are stored in compliance with the requirements of the National Fire Protection Association (NFPA) standards.</p>	<p>No exterior fuel storage proposed. Any explosive materials stored on this property shall be stored in compliance with NFPA standards.</p> <p>THE PLANING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS
Site Plan Application for “High Coast, LLC”
Page 9 of 13

§ 145-75. Criteria and Standards		Comments
<p>I. Water quality. All aboveground outdoor storage facilities for fuel, chemicals, chemical or industrial wastes and potentially harmful raw materials shall be located on reinforced cement and shall be completely enclosed by an impervious dike monolithically poured, which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a fifty-year storm, so that such liquid shall not be able to spill onto or seep into the ground surrounding the paved storage area. Storage tanks for home heating fuel and diesel fuel, not exceeding 275 gallons in size, shall be exempted from this requirement.</p>	<p>Water quality standards shall be complied with.</p> <p>THE PLANING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>	
<p>J. Preservation of landscape. Unnecessary disturbance of the landscape shall be minimized, insofar as practicable, by minimizing tree removal and any grade changes.</p>	<p>Existing / proposed lot coverage is 38%. See note 7. The plan depicts 1 foot proposed contours.</p> <p>All medical marijuana cultivation and processing use (restricted to assembling and packaging) shall be located withing the building. No activities are permitted to be conducted anywhere outside of the building.</p> <p>THE PLANING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>	



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS
Site Plan Application for “High Coast, LLC”
Page 10 of 13

§ 145-75. Criteria and Standards		Comments
K.	Refuse disposal. The applicant shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. The review board shall consider the impact of particular industrial or chemical wastes or by-products upon the Wells transfer station (in terms of volume, flammability or toxicity) and may require the applicant to dispose of such wastes elsewhere, in conformance with all applicable state and federal regulations. The board may require the applicant to specify the amount and exact nature of all industrial or chemical wastes to be generated by the proposed operation.	<p>See note 16. A dumpster shall meet setback requirements and be screened by solid 6' tall fencing</p> <p>THE PLANING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
L.	Water supply. The applicant shall demonstrate the availability of adequate water supply for fire protection and the consumption needs of the proposed development.	<p>Property served by private on-site well. Well location was field verified. See well location on sheet L1.</p> <p>THE PLANING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
M.	Sewage disposal. The applicant shall provide for the safe disposal of all wastewaters.	<p>The property shall be served by an on-site private subsurface wastewater disposal system.</p> <p>THE PLANING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS
Site Plan Application for “High Coast, LLC”
Page 11 of 13

§ 145-75. Criteria and Standards		Comments
N.	Fire safety. The site plan shall make adequate provisions for access by fire-fighting equipment and personnel.	<p>A Knox box shall be installed. Prior to installation the developer shall contact the Fire Department regarding placement.</p> <p>No parking is to be permitted along North Berwick Road.</p> <p>The nearest fire pond/hydrant location is noted on the site plan. See also note 13.</p> <p>The operator of the Medical Marijuana Cultivation and Processing Facility use shall provide a security plan to the Chief of Police. Recordable video surveillance is required. The hours of the facility shall be Monday – Friday, 9AM to 5PM. No sales or dispensing of materials shall take place on the property. The medical marijuana cultivation and process space shall have video surveillance, secured by locks to prevent public entry, and is sufficiently enclosed by being located on the 2nd floor.</p> <p>THE PLANING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>

Standard Conditions of Approval

1. Site Plan approval secured under the provisions of this chapter shall expire within 10 years from the date on which the site plan is signed if all aspects of the site plan approval are not fully completed and established. Any site plan approval may include a phasing plan according to an approved time schedule not to exceed 10 years from the date on which the site plan is signed. Site plan approval shall expire if a use has been established and then discontinued for two years or more. [§145-74F]
2. Approval is conditioned upon compliance by the applicant with the plans and specifications which have been received by the Town in connection with this development proposal.
3. Conditions of approval or notes written on the face of the site plan may be amended only by the reviewing authority that approved the site plan. [§145-74G(1)(b)]



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS

Site Plan Application for "High Coast, LLC"

Page 12 of 13

4. Failure to comply with any conditions of approval shall be construed to be a violation of Article X of the Land Use Ordinance and shall be grounds for revoking the approved development plan, initiating legal proceedings to enjoin construction development or any specific activity violating the conditions of plan approval or applying the legal penalties detailed in §145-64. [§145-79A]
5. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the owner to immediately install sedimentation control devices on his lot and to remove sediment from all adjoining surfaces, drainage systems and watercourses and to repair any drainage, at his expense, as quickly as possible. Any landowner that fails to do so within two weeks after official written notification by the Code Enforcement Officer shall be penalized as set forth in §145-64. [§145-79B]
6. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best-management practices [§145-75F]:
 - (a) Stripping of vegetation, soil removal and regrading or other development shall be accomplished in such a way as to minimize erosion.
 - (b) The duration of exposure of the disturbed area shall be kept to a practical minimum.
 - (c) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
 - (d) Permanent (final) vegetation and mechanical erosion control measures in accordance with the standards of the York County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends.
 - (e) Until a disturbed area is stabilized, sediment in runoff water shall be trapped by the use of debris basins, silt traps or other acceptable methods as determined by the reviewing authority.
 - (f) The top of a cut or the bottom of a fill section which alters the existing grade by more than two feet shall not be closer than 10 feet to an adjoining lot.
 - (g) During grading operations, methods of dust control shall be employed.
 - (h) The proposed site plan shall prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties.
 - (i) The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.
 - (j) Cutting or removal of vegetation along waterbodies shall not increase water temperature or result in shoreline erosion or sedimentation.
 - (k) Topsoil shall be considered part of the site plan and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.
7. The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by the applicant in the record of the Planning Board and/or Staff Review Committee proceedings are conditions of the approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board and/or Staff Review Committee.
8. Approval of the application or amendment application does not relieve the applicant from the responsibility to obtain building permits prior to construction and use permits prior to occupancy.
9. It is the applicant's responsibility to contact Dig Safe prior to construction.
10. It is the owner/Homeowners Association/applicant/developer's responsibility, not the Town Code Office or Town Planning Office, to contact the Town Clerk's Office to apply for and maintain any and all business license(s) for the use(s) conducted on this subdivision/site plan parcel(s).
11. Approval of any proposed field changes shall be obtained prior to construction. Said approvals shall be in writing. The Code Enforcement Office shall consult with the Office of Planning and Development prior to approving any field change.



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS

Site Plan Application for "High Coast, LLC"

Page 13 of 13

12. Prior to the pouring of a building footing/foundation, the location of each cottage and/or building to be constructed shall be located on the face of the earth and shall be marked with surveyor pins or stakes. The developer shall receive approval of each cottage and/or building location from the Code Enforcement Office prior to the commencement of footing/foundation excavation.
13. If the property will be converted to a condominium form of ownership, the proposed condominium documents must be presented to the Town for review and approval by the Town Attorney. No use permit shall be issued until the Town Attorney has indicated approval of the condominium documents.
14. Upon completion of construction, the applicant shall provide to the Town record as-built drawings of the roadway, drainage, and utility related construction work.
15. The Town of Wells, Maine may employ the services of an engineering firm to assist in the inspection of roads and other infrastructure if, in the opinion of the Code Enforcement Office, the work necessary to insure compliance with Town ordinances or the requirements of this approval are beyond those capacities available by staff. The cost of such additional services will be born by the developer.
16. All components, features, improvements and conditions of site plan approval shall be fully completed prior to any issuance of a certificate of occupancy.

Special Conditions of Approval

1. All previous Conditions of Approval will remain in effect unless specifically amended by this application. The approval of this Amended Site Plan in no way negates the need for applicant compliance with all previously set Conditions of Approval or agreements.

Dated at Wells, Maine this _____ day of _____, 2022

Wells Planning Board

By: _____
Charles Millian, Chairman