



**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 M. L. Belanger, Assistant Planner</i>	<a href="mailto:sbelanger@wellstown.org">sbelanger@wellstown.org</a>

### **Site Plan Application Memo**

Date: April 14, 2023  
To: Planning Board  
From: Planning Office  
Re: Bulrush Retail Plaza – Map 108, Lot 33-15

### **Project Description:**

Bulrush, LLC, owner/applicant, has submitted a site plan application for the property located off of 279 Post Road identified as Tax Map 108, Lot 33-15. The property is located within the General Business District and is .79 acres/ 34,389 SF in size. The property is currently vacant. The application proposes to construct a single story 7,850 SF building consisting of 5 units. One of the units shall be 1,575 SF in area and is proposed for Registered Marijuana Dispensary use. The remaining 6,275 SF of the building is proposed for Business Office and Retail use. Associated parking and infrastructure proposed. The property is served by public water and sewer.

### **§ 145-74. Review and approval process.**

#### **D. Planning Board review process.**

- (1) If there are site plan approval applications to review, the Planning Board shall meet at least two times a month and its meeting agenda shall be posted in the Town Hall at least seven days prior to the meeting. Applications and other supporting submittals shall be filed by the applicant in the Office of Planning and Development at least 10 days before the meeting. Additional materials received from an applicant less than 10 days before a meeting will be held by the Office of Planning and Development staff until the meeting and will be distributed when the application is discussed. Such late submittals may only be considered at the discretion of the Planning Board. The Board shall only consider accepting late submittals upon finding that the content is nontechnical, brief and may be easily reviewed in a short time period, and any parties to the proceeding will have adequate time to review and respond to the submittals. **Application submitted on 12/19/22. Planning Board received the application on 1/9/23**
- (2) Applications for site plan approval are to be filed with the Office of Planning and Development. The application shall be accompanied by a site plan and the required fee along with a certification that the applicant has sent or delivered notices to the abutters of the filing of the site plan approval application. If the abutters have been notified by the Code Enforcement Officer of a preapplication for the same project within the last 60 days pursuant to Subsection **A(1)(b)[1]**, the applicant shall be exempted from notifying the abutters of the site plan application filing. Within seven days of receipt of the application by the Office of

Planning and Development, the Code Enforcement Officer shall determine if the proposed use meets the requirements of Articles V, VI and VII. If it does not, the Code Enforcement Officer shall notify the applicant in writing. If it does, the application shall be reviewed for completeness by the Planning Board's agent or placed on a Planning Board agenda for the Planning Board to review for completeness. The applicant may request, in writing, that the Board waive submission of the requirements of § 145-77. The 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. **Abutters mailed notice of application on 12/29/22.**

- (3) It is the responsibility of the Planning Board, or its agent if so designated, to determine if the application is complete. If it is the responsibility of the Board to determine whether the application is complete it must be done within 21 days of receipt of the application by the Board. If it is the responsibility of the Board's agent to determine whether the application is complete it must be done within 14 days of receipt of the application by the Office of Planning and Development. The time period for determining completeness may be extended by mutual consent of the applicant and the Planning Board or its agent. If the application is complete it shall be placed on an agenda for presentation to the Board at a public hearing. If the application is not complete, the applicant shall be notified, in writing, of the additional information needed to complete the application. If the additional information or a written request for an extension is not submitted within 60 days of the notification, the application shall be considered to be withdrawn. If the Planning Board's agent has determined that the application is not complete and the applicant believes it is complete, the applicant may request in writing for the application to be placed on the agenda for the next Planning Board meeting and have the Planning Board review the application for completeness. **Public Hearing to be held 4/17/23**
- (4) Upon determining that a complete application has been submitted, the Office of Planning and Development shall notify the Staff Review Committee members of the application and request their comments on the application in writing. **SRC commented on 2/28/23**
- (5) Within 35 days of determining that the application is complete the Planning Board shall hold a public hearing on the application. **Public hearing to be held on 4/17/23**
  - (a) In scheduling public hearings under this section, the Planning Board shall publish notice of the hearing at least 10 days in advance in a newspaper of general circulation in the area. The applicant shall be responsible for paying the cost of such notices.
  - (b) The Planning Board shall notify, by certified mail, the applicant and all abutters of the lot involved, including owners of lots on the opposite side of the street, at least 10 days in advance of the hearing, of the nature of the application and of the time and place of the public hearing. **Public hearing notice mailed 4/4/23**
  - (c) The lot owners shall be considered to be those against whom taxes are assessed. In the case of condominiums, the condominium association, not each unit owner, shall be notified. Failure of any lot owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Planning Board.
  - (d) At any hearing, a person may be represented by his agent or attorney. Hearings shall not be continued to other times except for good cause.
  - (e) The applicant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions shall be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman.
- (6) Within 35 days of the public hearing or a period of time agreed to by the applicant and the Planning Board, the Planning Board shall reach a decision based on the criteria found in § 145-75 and shall inform the applicant in writing within seven days of its decision stating its reasons. The Board shall prepare detailed, written findings of fact and conclusions, based on the evidence presented at the public hearing and evidence presented by the applicant and evidence presented by Town staff. **Public hearing to be held on 4/17/23**

## Recommendations and conclusions:

1. Planning Board to workshop comments offered during the public hearing.
2. Planning Board to review the completeness comments:
  - a. Use and parking requirement note changes recommended to have all uses be satisfied by the 28 parking spaces proposed.
  - b. Plan to identify is any fuel tanks, above or below ground to be proposed. Size of tanks and protective bollards as necessary to be identified on the plan.
  - c. Recommended notes regarding pre-construction meeting and performance guarantee to be added to the plan.
  - d. Fire Chief to review and provide recommendations on sprinkler system proposed and Knox boxes.
  - e. Planning Board to review and consider the 15' wide landscaped buffer along Route One and Salt Marsh Circle after the public hearing.
  - f. This commercial property abuts a future residential lot to the east (Lot 15-1). Shade trees, shrubs, bushes and grass are proposed along 15-1. The proposed landscaping to include additional 6' tall evergreen trees to create a screen and plan to provide an evergreen detail. Screening determination to be considered after the public hearing.
  - g. Stormwater analysis and management plan updated and reviewed by Town Engineer. Design to meet Town requirements. See memo dated 4/13/23.
2. If the items above are addressed the Planning Board to consider finding the application compliant.
3. If compliant, the Planning Board to consider approving and signing the Findings of Fact & Decisions and site plan.