



## 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 11, 2023

To: Planning Board

From: Planning Office

Re: Marks Organix – Site Plan Amendment Application - Map 114, Lot 35

Mark Quinn of Marks Organix, applicant, has submitted a site plan amendment application for the property owned by Strada Postale, LLC. A site plan amendment is proposed to add a 1,175 SF Registered Medical Marijuana Dispensary use to the first floor of the existing 2-story building. Existing uses to remain on the property include: 2,000 SF Business Office (in 2<sup>nd</sup> floor of 2-story building) with accessory 756 SF storage/stock room space; 1,581 SF Business Retail use to remain on the 1<sup>st</sup> floor of the 2-story building; 1,200 SF Business Wholesale use in 1-story building; 10,808 SF Business Retail use in 1-story building; and 1,842 SF accessory storage/stock room space in the 1-story building. The property is served by public sewer and public water. The property is located within the General Business District. The property is located off 655 Post Road. The property is approximately 1.88 acres in area. Tax Map 114, Lot 35.

#### **§ 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 - Registered Marijuana Dispensary use proposed**
- 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 145-58.2**
- 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 an application fee and escrow**
- 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 3/23/23 the Code Officer determined the uses are permitted in the GB zone.**
    - (b) If the proposed use is a permitted use on the subject lot: **Abutter notification mailed 3/24/23.**

- [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 4/3/23**
- (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 3/24/23; meeting was on 4/3/23**
  - (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.
- 2. The Planning Board to discuss the following completeness review comments:
  - a. Plan notation corrections and new notes recommended.
  - b. Deadlines and guarantees needed to remedy site plan violations identified: roof overhang was required to be modified out of the 15' setback in 2003 and 2006 and was not completed; HVAC units installed within 15' setback, dumpster pad area/fencing within the 15' setback and to be removed.
  - c. Parking requirements:
    - i. Registered Marijuana Dispensary proposes 3 employees per shift for a total of 6 employees. 6 parking spaces are required/proposed.
    - ii. Registered Marijuana Dispensary customer area also requires parking.  $600 \times 3.5/1,000 = 3$  spaces. Planning Board to review parking for this use and determine if suitable after the public hearing is determined.
  - d. The Registered medical marijuana use requires a sprinkler system. Is the existing water line connected to the 1-story building suitable for sprinkler system?
  - e. KKWWD capacity letter and sprinkler system water line connection requirements to be provided.
  - f. Wells Sanitary District letter is provided.

- g. A 15 foot wide landscaped buffer is required along Route 1. The Route 1 15' wide buffer was previously required to consist of 4 shade trees and shrubs.
  - h. The existing conditions shown on the amended site plan shows the 15' wide buffer along Route One was not installed and that 4 trees were planted outside the 15' buffer approximately 22 to 35' away from Route 1. Planning Board to consider if the shade trees are required within the 15' wide Route One buffer. Two are recommended. Determination to be made after public hearing.
  - i. Surrounding uses are residential. What buffering/screening will be considered? A 6' tall solid fence is recommended for Lot 38 to the north (abutter adjacent to the dispensary use)
  - j. Existing signs may be within Route 1 ROW and may inhibit sight distances. Survey locations are needed.
  - k. Was the fire lane constructed between the 2 story building and 1 story building as required per the 2006 site plan approval?
  - l. Was the swale between the 2 story building and 1 story building constructed? An unapproved walkway crosses this swale.
  - m. Fire Chief comments regarding the proposed fire protection are pending.
  - n. Police Chief comments not provided regarding the proposed security plan.
  - o. Planning Board to consider not requiring additional traffic data.
3. All required application completeness items have not been provided. If the items above are suitably addressed, the Planning Board may consider scheduling a public hearing for 5/1. If the items are not suitably addressed, the workshop should be continued to 5/1.