

Town of Wells, Maine Review Checklist

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Project Name/District: Marks Organix / General Business District – Tax Map 114,
Lot 35

Date of Review: 3/30/23; 4/11/23;
4/26/23

Prepared By: Office of Planning & Development

Company Name: Town of Wells

**Article VII
Performance Standards**

| § 145-58.2. Registered Marijuana Dispensaries. [Added 6-14-2011] | | Application Meet Requirements | | | |
|--|---|-------------------------------|----|----|---|
| | | Yes | No | NA | Comments |
| A. | Stand-alone registered marijuana dispensaries are allowed subject to the following performance standards in addition to the requirements of the districts in which the dispensaries are located. | Y | | | |
| B. | Notwithstanding any other provision of the Wells Code, all registered medical marijuana dispensaries must be reviewed by the Wells Planning Board, and not by the Staff Review Committee. | Y | | | Planning Board review required. |
| C. | Registered marijuana dispensaries must meet all of the standards and conditions imposed by the Maine Department of Health and Human Services issued under the aegis of the Maine Medical Use of Marijuana Program. | Y | | | <u>State of Maine approval under the Maine Medical use of Marijuana Program to be provided once granted. Application form to be submitted to the state was provided. The program is now administered by the Department of Admin and Financial Services.</u> See note 18 stating a Medical Marijuana Dispensary license shall be provided prior to the occupancy permit being issued for the Medical Marijuana Dispensary unit. |
| D. | Notwithstanding the Maine Department of Health and Human Services Rules Governing the Maine Medical Use of Marijuana Program, no registered marijuana dispensary in Wells may be located where any of the lot lines of the lot on which the dispensary will be located are within 1,000 feet of the lot line of any preexisting public or private school facility; or any preexisting and licensed child-care facility. | Y | | | Property is not identified to be located within 1,000 feet of any preexisting public or private school or licensed child-care facility. |
| E. | There shall be opaque windows or walls for any building involved in the cultivation of marijuana, so that the interior is completely screened from lot lines and from any person passing along the normal street boundaries of the lot on which it is located. | Y | | | Site plan states that cultivation and production of marijuana is not permitted. Site plan notes that opaque windows and walls are required for the Registered Marijuana Dispensary use. |

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|---|--|--------------------------------------|----|----|--|
| | | Yes | No | NA | Comments |
| F. | All buildings associated with a medical marijuana dispensary or cultivation facility, including the growing facility itself, shall be protected by use of fire suppression sprinkler systems, or other effective fire suppression system that may be approved by the Chief of the Wells Fire Department. | Y* | | | <p>Site plan note 14 states the building unit for the Registered Marijuana Dispensary use shall installed a fire suppression sprinkler system. Fire Chief reviewed the fire system proposed on 4/17/23 and found it suitable provided the entire 2-story building has a sprinkler system installed.</p> <p>Location of Fire system service connection proposed off Route One is identified. A new 6" line is proposed along the northerly side of the property for the fire suppression system.</p> |
| G. | The dispensary shall have a Knox-Box® or shall provide the Fire Department with the necessary information to allow entry by Fire Department personnel in the event of an emergency at the location. | Y | | | Site plan note 15 states a Knox Box is required for the Registered Marijuana Dispensary building. |
| H. | A medical marijuana dispensary shall have at least one parking space for each employee on the two largest shifts combined, and such additional parking as may be required by the Planning Board. | Y* | | | <p>Plan note 8 states that 6 parking spaces are proposed for the Registered Marijuana Dispensary employees.</p> <p>Customer service sales area of the dispensary is noted on the plan (600 SF x 3.5/1,000 = 3 spaces). A total of 9 spaces for the Registered Marijuana Dispensary use may be required (6 employees + 3 customers).</p> <p><u>Planning Board to review and make a determination regarding the 9 spaces proposed for the Registered marijuana dispensary use after the public hearing.</u></p> |
| I. | With any medical marijuana dispensary abutting a residential use in a residential zoning district, the setback shall be equal to at least two times the required structure setback or 25 feet, whichever is greater (e.g., required fifteen-foot setback x 2 = 30 feet). This setback requirement shall not be required when the lot adjacent to any proposed medical marijuana dispensary is undeveloped. In such case, the normal setback requirements of the zoning district in which the facility is to be located shall govern. | Y | | | <p>The property is located within the General Business District, which is not a residential zoning district.</p> <p>General Business District setback requirements are noted and depicted on the site plan.</p> |

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|---|---|--------------------------------------|-----------|-----------|---|
| | | Yes | No | NA | Comments |
| J. | The operator of a medical marijuana dispensary must provide a security plan to the Chief of Police for the Town of Wells, who will provide the Planning Board with a report and recommendations for specific conditions of approval as regards required security measures to be incorporated. The requirements for this plan should be coordinated with the requirements for any security plan that the State of Maine may require for such a facility. | Y* | | | Applicant has provided a security plan. <u>The Chief of Police must review and provide written comment on the plan.</u> See plan note 16. A Medical Dispensary can only be accessed by qualified patients or caregivers carrying approved Medical Marijuana Card (MMJ Card) issued by the State of Maine or qualifying visiting patients. |
| K. | The hours of operation for any medical marijuana dispensary, including the hours that persons other than staff of the facility may be present at a cultivation facility, shall be limited. No sales or dispensing of materials may take place prior to 7:00 a.m. nor later than 8:00 p.m. on any day. | Y | | | The site plan note 13 states the hours of operation for the Register Marijuana Dispensary to be 7am to 8pm. |
| L. | Signs for a medical marijuana dispensary or cultivation facility may not contain any visual depiction of marijuana or marijuana paraphernalia. | Y | | | Site plan note 17 restrict signage for the Registered Marijuana Dispensary from showing any visual depiction or marijuana or marijuana paraphernalia. |

Note 26:

***Retroactive ordinance changes to this Ordinance, 145-58.2, shall be determined by the voters of Wells at Town Meeting on June 13, 2023. Copies of the proposed ordinance changes have been provided to the applicant of Marks Organix and publicly posted. Passage of the ordinance could result in voiding the approval for the Registered Marijuana Dispensary use, revocation of an occupancy permit, if issued, and the space to revert back to its previously approved use as Business Retail.**