



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS
Site Plan Amendment Application for “Marks Organix”
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Chapter 145, Article X
Site Plan Approval

PROJECT INFORMATION	
General:	<p>Project Name: Marks Organix Applicant: Mark Quinn, 134 State Road, Kittery, ME 03904 Landowner: Stada Postale, LLC, 79 Bow Street, Freeport, ME 04032 Location: 655 Post Road, Wells, ME</p> <p>Existing Use: 1,200 SF Business Wholesale; 13,564 SF Business Retail; 2,000 SF Business Office; and 2,498 SF accessory Stock Room/storage space</p> <p>Proposed Land Use: 1,175 SF Registered Marijuana Dispensary (or to remain Business Retail if 145-58.2 Ordinance changes pass on 6-13-23); 1,200 SF Business Wholesale; 12,389 SF Business Retail; 2,000 SF Business Office; and 2,498 SF accessory Stock Room/storage space for the Wholesale, Retail or Office spaces (not allowed to be used by Registered Marijuana Dispensary use)</p> <p>Tax Parcel ID: Zoning District: Tax Map 114, Lot 35 Art VII Performance Standards: General Business District Design Engineer: 145-58.2. Registered Marijuana Dispensaries. Plan Submission Date: Attar Engineering, Inc. 1284 State Road, Eliot, ME 03903 Marhc 21, 2023</p>



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Project Description:	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 (or to remain Business Retail if 145-58.2 Ordinance changes pass on 6-13-23) 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 nd floor of 2-story building) with accessory 756 SF storage/stock room space; 1,581 SF Business Retail use to remain on the 1 st 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.
Completeness Determination:	4/17/2023
Public Hearing:	5/1/2023
Staff Review Mtg:	None

PROJECT HISTORY

1. On 3/21/23 the applicant submitted a site plan amendment application for the above described property.
2. On 3/23/23 the Code Enforcement Officer found the use proposed to be permitted within the General Business District.
3. On 3/24/23 the Planning Office mailed abutters notice of the CEO use determination, of the site plan amendment application submission, and of the 4/3/23 Planning Board meeting.
4. On 3/30/23 and 3/31/23 the Planning Office prepared Article V, VII review checklists and a memo summarizing initial review comments. Plan markups with recommended changes were also prepared for the applicant to address.
5. On 4/3/23 the Planning Board the Planning Board received the site plan amendment application and scheduled a site walk of the property for 4/15/23.
6. On 4/5/23 the applicant provided a revised plan and response letter to the Planning Office for review.
7. On 4/11/23 the Planning Office prepared Article V, VI, VII and completeness review checklists. A memo summarizing review comment and plan markups with recommended changes were also prepared for the applicant.
8. On 4/13/23 the applicant provided a revised plan and response letter to the Planning Office for review.



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9. On 4/15/23 the Planning Board conducted a site walk of the property.
10. On 4/17/23 the Planning Office prepared a site walk results memo.
11. On 4/17/23 the Planning Board conducted a workshop, appointed the Planning Office as the completeness agent so a public hearing could be scheduled, and voted to not required additional traffic information.
12. On 4/17/23 the Fire Chief provided recommendations regarding the fire suppression system proposed for the Registered Marijuana Dispensary use.
13. On 4/20/23 the applicant provided a revised plan and response letter to the Planning Office for review.
14. On 4/20/23 the Planning Office found the application complete for purposes of scheduling a public hearing for 5/1/23.
15. On 4/21/23 the Planning Office mailed certified notice to abutters of the 5/1/23 public hearing.
16. On 4/26/23 and 4/27/23 the Planning Office prepared updated Article V, VI, VII and completeness review checklists. A draft compliance/ Findings of Fact & Decisions and memo were also prepared. Plan markups with recommended changes were prepared for the applicant.
17. On 5/1/23 the Planning Board conducted a public hearing and workshop _____



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§ 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>	<p><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></p> <p>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. Applicant has provided a security plan. <u>The Chief of Police must review and provide written comment on the plan.</u></p> <p>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.</p> <p>The site plan note 13 states the hours of operation for the Register Marijuana Dispensary to be 7am to 8pm.</p> <p>Site plan states that cultivation and production of marijuana is not permitted.</p> <p>Site plan notes that opaque windows and walls are required for the Registered Marijuana Dispensary use.</p> <p>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.</p>



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§ 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>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>See note 5. The lot has 269.24’ of frontage along Route 1. Parcel does not have multiple street frontages.</p> <p>Snow storage areas are depicted on the site plan.</p> <p>Sight distances onto Route 1 are noted to be 400'+ in both directions. Speed limit is 35 MPH on Route One. No changes proposed to the entrance/exit onto Route One.</p> <p>Site plan notes parking along Route One is prohibited. All parking shall meet 90 degree parking standard of 9’ x 18.5’ with a 26’ wide aisle. 4 handicap accessible spaces are required. 4 exist. 4 ADA compliant signs for handicap parking are required and are identified on the plan. Areas that could be used for parking shall be on pavement.</p> <p>See note 8. A total of 63 spaces are required. 76 spaces are provided on the property. Business Wholesale use is 1,200 SF. A minimum of 3 spaces is required. 2,000 SF office use requires 7 spaces. Business Retail use is 12,389 SF x 3.5/1,000 = 44 spaces required.</p>	



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§ 145-75. Criteria and Standards		Comments
	Traffic. (continued)	<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> <p>On 4/17/23 the Planning Board did not require additional traffic data. Traffic Analysis provided by Diane W. Morabito, PE PTOE of Sewall dated 3-14-23. Estimated 14 lane hour trips for the marijuana dispensary use is expected.</p>
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>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>The parcel is prohibited from emitting dust, fumes, vapors or gases at any point beyond its lots lines.</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>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>The parcel is prohibited from producing such odor at any point beyond its lot lines as measured at ground or habitable elevation.</p>



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§ 145-75. Criteria and Standards		Comments
<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>	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>See note 22. Exterior lighting shall be shielded and downward directional as not to produce glare onto abutting lots or streets.</p> <p>See plan note 17. Signage shall be in compliance with the Wells Land Use Ordinance. Signs shall obtain approval from the Wells Code Enforcement Office prior to be installed.</p> <p><u>Removed sign location to be identified. New sign location to be identified on the plan.</u></p> <p>Signage shall comply with 145-58.2 and 145-40. Site plan note 17 restrict signage for the Registered Marijuana Dispensary from showing any visual depiction or marijuana or marijuana paraphernalia.</p>	
<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>	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>The original grass swale exists and is to remain. Lot coverage changes are not significant. Some puddling may occur on pavement. If puddling persists, a dry well catch basin installation could be considered and would not require a site plan amendment.</p> <p>Lot coverage increase of 1,052 SF is not significant to impact stormwater.</p>	



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§ 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]	BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET. Best Management Practices for soil erosion and sedimentation control are a condition of approval. See note 23.
(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.	



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§ 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.	



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<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>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>15' setbacks shown. <u>The existing structure is grandfathered as non-conforming as it is located within the 15' lot line setback from the easterly boundary.</u></p> <p>The overhang of the building within the setback was required to be modified in 2003 and 2006 to meet setbacks and was completed.</p> <p>Two HVAC units are located within the 15' setback from the northerly lot line. These are required to be relocated to meet setbacks. Deadline for relocation defined in proposed note 21 to be 6 months from date of site plan approval or prior to any issuance of a certificate of occupancy.</p> <p>Dumpster area to be altered to meet the 15' setback requirement from the southerly lot line. Deadline for relocation defined in proposed note 21 to be 6 months from date of site plan approval or prior to any issuance of a certificate of occupancy.</p> <p>The Route 1 40' setback is noted and identified on the plan.</p> <p>A 15 foot wide landscape buffer was previously required along Route 1. The Route 1 15' wide buffer was to consist of 4 shade trees and shrubs. The existing conditions shown on the amended site plan a 40' wide buffer along Route 1 consisting of 4 shade trees. These trees are mature and well maintained. <u>The Planning Board to consider finding the 40' wide landscape buffer that exists as suitable.</u></p>
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§ 145-75. Criteria and Standards		Comments
	Setbacks and screening. (continued)	This commercial property abuts commercial lot 33 to the north and commercial lot 36 to the south. Abutting lot 38 to the north and east appears to consist of Beach Acres Mobile Park units (dwellings) and Beach Acres Campground RV sites (commercial). Mobile home units appear to be closest to this lot. <u>A 6' tall solid privacy fence is proposed for the residence to the north on Lot 38. Plan to depict the proposed fence location. The Planning Board to consider finding this visual screen suitable on 5/1/23.</u>
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.	BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET. No change proposed with regard to storage of fuels. Fuels shall be stored in compliance with NFPA standards. Above ground propane tanks are identified on the plan. The 320 gallon propane tank shall have protective bollards installed.
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.	BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET. Water quality standards shall be met.



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§ 145-75. Criteria and Standards		Comments
J.	Preservation of landscape. Unnecessary disturbance of the landscape shall be minimized, insofar as practicable, by minimizing tree removal and any grade changes.	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>The parcel is 1.881 acres or 81,958 SF in size. The parcel is served by public sewer. See note 9.</p> <p>Prior approved lot coverage is 62.9% (51,594 SF)</p> <p>Proposed lot coverage is 64.2%. Total lot coverage proposed is 52,646SF of non-vegetated area.</p>
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>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>The dumpster area was located within the 15' setback. See note 21. The dumpster area shall be corrected within 6 months of the site plan approval or prior to the issuance of a certificate of occupancy, whichever occurs first. 6' tall solid fencing for the dumpster to be relocated to meet setback requirements. See note 21.</p>



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§ 145-75. Criteria and Standards		Comments
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>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>Property served by public water. Sprinkler system required for building additions proposed.</p> <p>KKWWD letter of capacity provided dated 3/28/23.</p> <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>The 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>
M.	Sewage disposal. The applicant shall provide for the safe disposal of all wastewaters.	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>Property served by public sewer. WSD capacity letter dated 4/6/2023 was provided indicating adequate capacity exists.</p>



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§ 145-75. Criteria and Standards	Comments
<p>N. Fire safety. The site plan shall make adequate provisions for access by fire-fighting equipment and personnel.</p>	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>Site plan note 15 states a Knox Box is required for the Registered Marijuana Dispensary building.</p> <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>The 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> <p>The nearest fire hydrant is identified on the site plan to be 400 feet to the north along Route One.</p> <p>Access around buildings shall be maintained clear. No outdoor storage, equipment, materials permitted that would impact access for emergency personnel.</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 five years or more. §145-74F
2. Approval is conditioned upon compliance by the applicant with the Findings of Fact, plans and specifications, and reports which have been received and relied upon by the Town in connection with this development’s proposed compliance with Town Ordinances.



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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 per the Reviewing Authority Chart. §145-74G(1)(b)
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 denial of a site plan approval or denial of a building permit (§145-61.C.1, §145-74.J.), 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 §145-6, §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 and/or Town Staff 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 or Staff Review Committee or Town Staff. §145-74G
8. Approval of the application or amendment application does not relieve the applicant from the responsibility to obtain building permits prior to construction and a certificate of occupancy prior to occupancy. §145-61, §145-62
9. It is the applicant's responsibility to contact Dig Safe prior to construction.
10. It is the Owner/Tenant's/Homeowners or Condominium Association's/ Applicant's/-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 parcel(s). §150-4
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. §145-74.I.4



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12. Prior to the pouring of a building footing/foundation, the location of each building to be constructed shall be located on the face of the earth and shall be marked and certified to by a surveyor or engineer with pins or stakes. The developer shall receive approval of each building location from the Code Enforcement Office prior to the commencement of footing/foundation excavation. §145-74I
13. If the property will be converted to a condominium form of ownership, the proposed condominium documents must be consistent with this site plan approval.
14. Upon completion of construction, the applicant shall provide to the Town record as-built drawings of the property to include buildings, roadways, drainage, screening and landscaped areas, and utility related construction work. §145-74I
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. §145-74I
16. All components, features, improvements and conditions of site plan approval shall be fully completed prior to any issuance of a certificate of occupancy. §145-74E

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.
2. 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. Any investment in establishing the Registered Marijuana Dispensary use will be at the risk of the applicant/owner.

Dated at Wells, Maine this _____ day of _____, 2023

Wells Planning Board

By: _____
Charles Millian, Chairman