



Planning & Development
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Memo

Date: December 17, 2021

To: Planning Board

From: Planning Office

Re: Ordinance Change Proposals – Eliminate sprinkler system requirements in Medical Marijuana Structures

Background:

Item 1: Registered Marijuana Dispensaries require all buildings associated with medical marijuana dispensary or cultivation to be protected by sprinkler systems. A proposal has been put forward to eliminate the sprinkler system requirements and instead require a fire detection and alarm system.

Item 2: Medical Marijuana Cultivation and Processing Facilities require all buildings associated with the facility to be protected by sprinkler systems. A proposal has been put forward to eliminate the sprinkler system requirements and instead require a fire detection and alarm system.

Considerations:

- The Board of Selectmen recommended in October 2021 that the Planning Board consider drafting changes to the ordinances based on the fact that the State Fire Marshalls Office does not require sprinkler systems.
- Item 1 and 2 would eliminate the requirement for buildings constructed as part of a Registered Marijuana Dispensary or a Medical Marijuana Cultivation and Processing Facility.
- Item 1 and 2 would require a fire detection and alarm system to be installed for a Registered Marijuana Dispensary or a Medical Marijuana Cultivation and Processing Facility.

Recommendations:

- I. Consider any changes to the proposed ordinance changes
- II. Consider scheduling a public hearing for the January 10th meeting

§ 145-58.2. Registered marijuana dispensaries.

[Added 6-14-2011]

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.

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.

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.

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.

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.

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~~ [a fire detection and alarm system](#) approved by the Chief of the Wells Fire Department.

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.

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.

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.

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.

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.

L. Signs for a medical marijuana dispensary or cultivation facility may not contain any visual depiction of marijuana or marijuana paraphernalia.

Chapter 145. Land Use

Article VII. Performance Standards

§ 145-58.3. Medical marijuana cultivation and processing facilities.[Added 6-13-2017]

Medical marijuana cultivation and processing facilities are allowed subject to the following performance standards in addition to the requirements of the districts in which the facilities are located:

- A. Notwithstanding any other provision of the Wells Code, all medical marijuana cultivation and production facilities must be reviewed by the Wells Planning Board, and not by the Staff Review Committee or other reviewing authority.
- B. Medical marijuana caregivers and facilities must meet all of the standards and conditions imposed by the State of Maine issued under the aegis of the Maine Medical Use of Marijuana Program.
- C. Notwithstanding the Maine Rules Governing the Maine Medical Use of Marijuana Program, no medical marijuana cultivation and processing facility located in Wells may be located where any of the lot lines of the lot on which the facility 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.
- D. There shall be opaque windows or walls for any building involved in the facility, so that the interior is completely screened from lot lines and from any person passing along the street boundaries of the lot on which it is located.
- E. All buildings associated with the facility shall be protected by ~~use of fire suppression sprinkler systems, or other effective fire suppression system that may be~~ [a fire detection and alarm system](#) approved by the Chief of the Wells Fire Department. Emergency vehicle access shall be provided on a minimum of three sides of a building.
- F. The facility shall have a Knox-Box® at the security gate and building or shall provide emergency response personnel with the necessary information to allow entry in the event of an emergency at the location.
- G. The facility shall have at least one parking space per 1,000 square feet of gross floor area, and such additional parking as may be required by the Planning Board.
- H. No facility building shall be allowed to be constructed or occupied within 500 feet of an existing dwelling unit.
- I. The operator of the facility 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 regarding 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. A minimum of a chain link fence, six feet in height, is required surrounding the facility. Recordable video surveillance is also required. Exterior lighting must be sufficient to deter nuisance activity and facilitate surveillance.
- J. The hours of operation for the facility, 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 at the facility.
- K. Signs for the facility may not contain any visual depiction of marijuana or marijuana paraphernalia.
- L. Vegetative buffers may be required by the Planning Board to create a visual screen or minimize odors.
- M. The growing, cultivating, production, processing, testing, and/or storing of medical marijuana by a medical marijuana caregiver shall be located within a building. Said activities may not be conducted anywhere outside of a building.