

An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells to Revise Definitions, District Regulations, and Performance Standards to Allow Cannabis Stores in the General Business District

NOTE: Proposed additions to existing Code sections are underlined.
Proposed deletions of existing Code sections are ~~crossed-out~~.
Other sections of the Ordinance are unchanged.

The Town of Wells hereby ordains and enacts “An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells to Revise Definitions, District Regulations, and Performance Standards to Allow Cannabis Stores in the General Business District” to read as follows:

Part 1: Article II. Word Usage and Definitions

§ 145-10. Definitions.

CANNABIS STORE

A facility licensed under Title 28-B of the Maine Revised Statutes to purchase adult use cannabis, immature cannabis plants and seedlings from a cultivation facility, to purchase adult use cannabis and adult use cannabis products from a products manufacturing facility and to sell adult use cannabis, adult use cannabis products, immature cannabis plants, and seedlings, as all those terms are defined in 28-B M.R.S. § 102-A, as amended, to consumers.

Part 2: Article V. District Regulations,

§ 145-26. General Business District.

C. Permitted uses requiring the approval of a site plan. The following uses are permitted upon obtaining site plan approval and any required permits from the Code Enforcement Officer:

(36) Registered medical marijuana dispensary or cannabis store. A combined total of no more than three registered medical marijuana dispensaries or cannabis stores shall be allowed to be approved at any given time in the Town of Wells.

Part 3: Article VII. Performance Standards

§ 145-58.2. Registered medical marijuana dispensaries or cannabis store.

A. Registered medical marijuana dispensaries or cannabis stores 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, a combined total of no more than three registered medical marijuana dispensaries [or cannabis stores](#) shall be allowed to be approved at any given time in the Town of Wells. "Approved" means a property which has received a site plan approval from the Wells Planning Board.

C. Notwithstanding any other provision of the Wells Code, all registered medical marijuana dispensaries [or cannabis stores](#) must be reviewed by the Wells Planning Board, and not by the Staff Review Committee. [Any change in use from a registered medical marijuana dispensary to a cannabis store requires a site plan amendment reviewed by the Planning Board. No change in use shall be approved by the Planning Board if, by doing so, it would result in a combined total of more than three registered medical marijuana dispensaries or cannabis stores being approved in the Town of Wells.](#)

D. Registered medical marijuana dispensaries and [cannabis stores](#) must meet all of the standards and conditions imposed by the Maine Department of Administrative and Financial Services issued under the aegis of the Maine Medical Use of Cannabis Program. [Cannabis stores must meet all of the standards and conditions imposed by the Maine Department of Administration and Financial Services issued under the aegis of the Maine Office of Cannabis Policy.](#)

E. Notwithstanding the Maine Department of Administrative and Financial Services Rules Governing the Maine Medical Use of Cannabis Program, no registered medical marijuana dispensary [or cannabis store](#) in Wells may be located where any of the lot lines of the lot on which the dispensary [or cannabis store](#) will be located are within 2,000 feet of the lot line of any preexisting public or private school facility; or any preexisting and licensed child-care facility.

F. There shall be opaque windows or walls for any building involved in the registered medical marijuana dispensary [or cannabis store](#), 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.

G. All buildings associated with a medical marijuana dispensary facility [or cannabis store](#) 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.

H. The registered medical marijuana dispensary [or cannabis store](#) shall have a Knox-Box® and 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.

I. A registered medical marijuana dispensary shall have at least one parking space for each employee on the two largest shifts combined, and such additional customer

parking as may be required by the Planning Board. [A cannabis store shall have at least 1 parking space for each 100 square feet of retail floor area \(minimum 10 spaces\).](#)

J. With any registered medical marijuana dispensary [or cannabis store](#) abutting a residential use, 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 registered medical marijuana dispensary [or cannabis store](#) is undeveloped. In such case, the normal setback requirements of the zoning district in which the facility is to be located shall govern.

K. The operator of a registered medical marijuana dispensary [or cannabis store](#) 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.

L. The hours of operation for any registered medical marijuana dispensary [or cannabis store](#), including the hours that persons other than staff of the facility may be present, shall be limited. No sales or dispensing of materials [or cannabis product](#) may take place prior to 7:00 a.m. nor later than 8:00 p.m. on any day.

M. Signs for a registered medical marijuana dispensary or [cannabis store](#) ~~cultivation facility~~ may not contain any visual depiction of marijuana or marijuana paraphernalia.

N. Only qualifying patients, visiting qualifying patients, registered caregivers, as those terms are defined in 22 M.R.S.A. § 2422, as amended, or employees of the registered medical marijuana dispensary are allowed to enter the registered medical marijuana dispensary use building. The security plan [for a registered medical marijuana dispensary](#) shall include a method of controlling all entry into the building as approved by the Planning Board to adhere to this restriction.

[O. Only persons over the age of 21 or employees of a cannabis store are allowed to enter the cannabis store use building. The security plan shall include a method of controlling all entry into the building as approved by the Planning Board to adhere to this restriction.](#)

[P. Any consumption or use of cannabis products or use of cannabis paraphernalia is prohibited in the building or associated parking areas.](#)

[Q. All dumpsters or other trash containers shall have a metal cover or lid that is locked at all times. Disposal of all cannabis byproducts shall be disposed of in a safe, sanitary and secure manner and in accordance with any applicable federal, state and local laws and regulations.](#)

U. Drive-thru, curbside pickup, and automated dispensing of cannabis products from a cannabis store are prohibited. Any delivery of cannabis products by a cannabis store must meet all of the requirements of 28-B M.R.S. 504(9).

R. Odor control measures shall be provided so that cannabis related odor is contained within the building and not perceptible by people on abutting properties or traveling on adjacent streets. Such measures could include carbon filtration, ventilation and exhaust systems or other practices to mitigate odors.

Part 4: Effective Date.

This Ordinance shall take effect upon adoption by the Town Meeting.

Given under our hands this 18th day of March 2025.

THE SELECT BOARD OF THE TOWN OF WELLS:

John MacLeod III

Scott DeFelice

Kathleen Chase

Timothy Roche

James N. Smith