



# TOWN OF WELLS, MAINE STAFF REVIEW COMMITTEE

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## Meeting Agenda

Tuesday, November 29, 2016, 9:00 AM

Town Hall Meeting Room, Second Floor

208 Sanford Road, Wells

### MINUTES

#### I. NOVEMBER 15, 2016 DRAFT MEETING MINUTES

Documents:

[SRC MIN 11-15-16.PDF](#)

### DEVELOPMENT REVIEW & WORKSHOPS

#### I. MILLENNIUM GRANITE

Richard Bois, owner/applicant. Site Plan Amendment to eliminate the timber Sawmill use (Building B); construct two additions (12' x 28' and 12' x 40') to the existing stone saw barn; construct a new accessory building (40' x 80') to the quarry Mineral Extraction use; and depict minor alterations from the 2014 site plan approval. Property is located off of 50 Quarry Road and is located within the Rural and Shoreland Overlay Districts. Tax Map 46, Lot 20-3.

**Workshop Articles V, VI, VII, completeness and compliance/Findings of Fact & Decisions for possible approval**

Documents:

[MILLENNIUM GRANITE AMD MEMO 11-22-16.PDF](#)

[MILLENNIUM GRANITE DRAFT PLAN 11-23-16.PDF](#)

[MILLENNIUM GRANITE AMD DRAFT COMPLETENESS 11-22-16.PDF](#)

[MILLENNIUM GRANITE AMD DRAFT COMPLIANCE AND FOF 11-22-16.PDF](#)

[MILLENNIUM GRANITE AMD ART V \(145-30\) RURAL DIST CHECKLIST 11-22-16.PDF](#)

[MILLENNIUM GRANITE ART V \(145-33\) SHORELAND OVERLAY DIST CHECKLIST 11-22-16.PDF](#)

[MILLENNIUM GRANITE AMD ART V \(145-32\) RESOURCE PRO DIST CHECKLIST 11-22-16.PDF](#)

[MILLENNIUM GRANITE AMD SITE PLAN ART VI \(145-35 TO 145-47\) TOWN REGS 11-22-16.PDF](#)

[MILLENNIUM GRANITE AMD ART VII \(145-53\) MINERAL EXTRACTION 11-22-16.PDF](#)

#### II. BROWNS CLAM SHANTY

Bruce and Robert Brown owners. Sean Brown applicant. Site Plan Amendment to revise the

...and amend the existing site plan to reflect existing site conditions and to comply with prior approved landscaping requirements. The existing standard restaurant use to remain. The parcel is located off 198 Post Road and is within the General Business District. Tax Map 105, Lot 160. **Workshop V, VI, VII and completeness**

Documents:

BROWNS CLAM SHANTY AMEND APP MEMO 11-23-16.PDF  
SITE PLAN OPTIONS.PDF  
BROWN1.PDF  
BROWN2.PDF  
BROWN3.PDF  
BROWNS CLAM SHANTY STREET VIEW SEPT 2016.PDF

### III. CAPPYS CONDOMINIUM

The Charles Realty Trust, owner; John Kugler, Attorney; Frank Emery, Surveyor. Site Plan Amendment for approval of existing site conditions, change to lot coverage, reconfigure parking, alter dumpster locations, update propane tank locations, and create 2 condominium elements. Existing Standard Restaurant use; Business Office and Retail uses; Dwelling Units and Housekeeping Cottage units to remain unchanged. The parcel is located off of 166 Post Road and is within the General Business District. Tax Map 105, Lot 14A. **Workshop Articles V, VI, VII, completeness and compliance/Findings of Fact & Decisions for possible approval**

Documents:

CAPPYS CONDO AMEND APP MEMO 11-23-16.PDF  
CAPPYSNOV152016.PDF  
CAPPYS CONDO DRAFT COMPLETENESS 11-23-16.PDF  
CAPPYS CONDO DRAFT COMPLIANCE AND FOF 11-23-16.PDF  
CAPPYS CONDO ART V (145-26) GEN BUS DIST CHECKLIST 11-23-16.PDF  
CAPPYS CONDO ART VI (145-35 TO 145-47) TOWN REGS 11-23-16.PDF  
CAPPYS CONDO ART VII (145-52) NEW 2013 LODGING FACILITIES 11-23-16.PDF  
CAPPYS CONDO ART VII (145-48) MULTIFAMILY DEVEL CHECKLIST 11-23-16.PDF

### OTHER BUSINESS

#### I. UPCOMING SRC REVIEWS OF PLANNING BOARD APPLICATIONS

### ADJOURN



# TOWN OF WELLS, MAINE STAFF REVIEW COMMITTEE

Meeting Minutes  
Tuesday, November 15, 2016, 9:00 A.M.  
Wells Town Hall  
208 Sanford Road, Wells

The meeting was called to order by Town Engineer/Planner Mike Livingston. Members present: Highway Department Commissioner Terry Oliver, Fire Chief Wayne Vetre, Assistant Code Enforcement Officer Jim Genereux, Planning Assistant Shannon Belanger representing the Police Department, Meeting Recorder Cinndi Davidson.

## MINUTES

October 12, 2016

Tabled to the next meeting since there was not a quorum of the members who attended the meeting.

## DEVELOPMENT REVIEW AND WORKSHOP

- I. **MILLENIUM GRANITE** – Richard Bois, owner/applicant. Site Plan Amendment to eliminate the timber Sawmill use (Building B); construct two additions (12' x 28' and 12' x 40') to the existing stone saw barn; construct a new accessory building (40' x 80') to the quarry Mineral Extraction use; and depict minor alterations from the 2014 site plan approval. Property is located off of 50 Quarry Road and is located within the Rural and Shoreland Overlay Districts. Tax Map 46, Lot 20-3. **Receive Site Plan Amendment Application and workshop V, VI, VII and completeness**

## **MOTION**

Motion by Mr. Genereux, seconded by Mr. Oliver, to receive the site plan amendment application. **PASSED** unanimously.

Applicant Richard Bois presented his plan to construct two additions to the existing barn and a new accessory building. Completeness items were reviewed. One mobile home has been removed and the other is being demolished. A loop roadway is proposed for truck access to the new additions. A note will be added that the emergency access is being relocated with the approval of the Fire Chief. Mr. Bois will plow the road up to the fire pond. There are no hazardous materials on the site. Mr. Bois owns the adjacent lot. If it ever becomes a residential

property the landscape buffer will have to be replanted. The existing port-a-potty is acceptable for non-residential use of the property. A septic system may be installed later and the location will be identified on this plan for future reference.

**MOTION**

Motion by Mr. Oliver, seconded by Mr. Genereux, to find that the parking is adequate. **PASSED** unanimously.

**MOTION**

Motion by Mr. Oliver, seconded by Mr. Genereux, to waive the requirement for a soil erosion and sedimentation control plan. **PASSED** unanimously.

**MOTION**

Motion by Mr. Oliver, seconded by Mr. Genereux, to waive the requirement for a stormwater management plan. **PASSED** unanimously.

**MOTION**

Motion by Mr. Oliver, seconded by Mr. Genereux, to allow the site plan scale of 1"=100'. **PASSED** unanimously.

**MOTION**

Motion by Mr. Oliver, seconded by Mr. Genereux, to continue the workshop to the November 29 meeting. **PASSED** unanimously.

- I. **BROWNS CLAM SHANTY** – Bruce and Robert Brown, owners. Sean Brown, applicant. Site Plan Amendment to revise the site plan to reflect existing site conditions and to comply with prior approved landscaping requirements. The existing standard restaurant use to remain. The parcel is located off 198 Post Road and is within the General Business District. Tax Map 105, Lot 160. **Receive Site Plan Amendment Application and workshop V, VI, VII and completeness**

**MOTION**

Motion by Mr. Oliver, seconded by Mr. Genereux, to receive the site plan amendment application. **PASSED** unanimously.

Applicant Sean Brown presented a revised site plan showing the existing conditions which are not consistent with the last approved site plan. The restaurant has been vacant for a while but the lease is still active. The applicant plans to leave a small open deck, giving the restaurant a total of 96 seats. The existing 44 parking spaces seem to be sufficient. The restaurant was constructed closer to the property line than proposed and a boundary survey should be done to verify the south setback. The location of the curb cut may be changed, but no drainage changes are proposed. Chief Vetre reviewed the parking area for access by the ladder truck; the entrance should be left as wide as possible. Hours of operation will be 11 AM-9 PM. There are no grease traps or underground tanks, as the grease is recycled. There will be dumpsters for trash and recycling. Propane tanks for the restaurant and garage are located on the restaurant property. There are a number of encroachments including a shed, vehicles and the propane tank. Mr. Livingston said either the lot line could be moved or an easement could be granted. Mr. Brown

prefers to leave the existing lot line. The vehicles and tow trucks in the rear field belong to other family members and will be removed.

The workshop will be continued to November 29, while Mr. Livingston reviews options for the applicant.

- I. **CAPPYS CONDOMINIUM** – The Charles Realty Trust, owner; John Kugler, Attorney; Frank Emery, Surveyor. Site Plan Amendment for approval of existing site conditions, change to lot coverage, reconfigure parking, alter dumpster locations, update propane tank locations, and create 2 condominium elements. Existing Standard Restaurant use; Business Office and Retail uses; Dwelling Units and Housekeeping Cottage units to remain unchanged. The parcel is located off of 166 Post Road and is within the General Business District. Tax Map 105, Lot 14A. **Receive Site Plan Amendment Application and workshop V, VI, VII and completeness**

**MOTION**

Motion by Mr. Oliver, seconded by Mr. Genereux, to receive the site plan amendment application. **PASSED** unanimously.

Attorney John Kugler and applicant Norman Cappello presented the plan to update the existing 2000 approved plan and change the dumpster location. The four non-conforming cottage units are grandfathered. Completeness items were reviewed.

**MOTION**

Motion by Mr. Oliver, seconded by Mr. Genereux, to waive the requirement for showing property contours since no grade changes are proposed. **PASSED** unanimously.

**MOTION**

Motion by Mr. Oliver, seconded by Mr. Genereux, to waive the requirement for a stormwater management plan since there have been no drainage issues with the additional pavement. **PASSED** unanimously.

**MOTION**

Motion by Mr. Oliver, seconded by Mr. Genereux, to waive the requirement for a soil erosion and sedimentation control plan since no changes are proposed. **PASSED** unanimously.

**MOTION**

Motion by Mr. Oliver, seconded by Mr. Genereux, to waive the landscape buffer requirement to add 2 more shade trees along Route One. **PASSED** unanimously.

Chief Vetre noted that the dumpster is blocking access to the cottages.

**MOTION**

Motion by Mr. Oliver, seconded by Mr. Genereux, to continue the workshop to November 29. **PASSED** unanimously.

**ADJOURN**

**MOTION**

Motion by Mr. Oliver, seconded by Mr. Genereux, to adjourn. **PASSED** unanimously.

RESPECTFULLY SUBMITTED:

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Cinndi Davidson, Meeting Recorder

ACCEPTED BY:

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Michael G. Livingston, PE, Town Engineer/Planner

DRAFT



**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 M. L. Belanger, Planning Assistant</i>	<a href="mailto:sbelanger@wellstown.org">sbelanger@wellstown.org</a>

**Site Plan Amendment Application Memo**

Date: November 22, 2016

To: Staff Review Committee

From: Planning Office

Re: Millennium Granite – Site Plan Amendment Application - Map 46, Lot 20-3

Richard Bois, Jr of Millennium Granite, has submitted a site plan amendment application for the previously approved site plan approved on 7/29/2014. The purpose of this plan includes the following changes: elimination of the future “Barn B” (3,000 SF) and “Sawmill” (1,200 SF) buildings; reflect the existing conditions of the constructed 30’ x 40’ Maintenance Building, the Saw Barn building additions (960 SF + 784 SF) and “Shop” (800 SF), the relocation of storage containers, and the elimination of the trailers, the existing tree lines and lot coverage; a proposed 16’ -18’ wide gravel roadway to the east of the “Saw Barn;” and seeking approval for a 40’ x 80’ accessory building for the Mineral Extraction use/ Manufacturing use and two building additions (12’ x 28’ and 12’ x 40’) to the existing stone “Saw Barn.”. This mineral extraction gravel pit is 23.955 acres in size. This property is identified as Tax Map 46, Lot 20.3. The parcel is located off of Quarry Road and Bald Hill Road and is within the Rural, Resource Protection, and 250’ Shoreland Overlay Districts. The existing and proposed uses on the property are mineral extraction and manufacturing use. The 23.955 acre parcel to be served by a private septic system and accesses water from the quarry pond and on-site well. A porta-potty exists adjacent to the temporary trailers and future shop area. A fire pond with dry hydrant is also located on this parcel. No dwellings are located on this parcel. GIS Mapping identifies this parcel to have significant forested and freshwater wildlife habitats as well as some Flood Zone A areas. Wetlands are also identified to be significant in this area.

**§ 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;
- B. Resumption of a use which has been discontinued for at least two years is proposed; or
- C. An existing use proposes to expand its gross floor area and/or land area. **YES - 3,200 SF and 336 SF and 480 SF in new building is proposed for the Mineral Extraction and Manufacturing use.**

**§ 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 Staff Review committee approval.**
- 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. **Application fee and escrow deposit are pending.**
- 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 11/4/2016 the Code Officer determined the uses are permitted/grandfathered.**

- (b) If the proposed use is a permitted use on the subject lot: **Abutter notification mailed 11/4/16**
- [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. **Staff Review Committee received the site plan amendment application on 11/15/16**
- (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 11/4/16; meeting was on 11/15/16**
- (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 SRC should review and workshop the following:
  - a. The site plan has been updated to reflect the existing and proposed conditions including:
    - i. The new gravel road to the east of the Saw Barn. Do large trees exist between the road and quarry pond? What barrier exists since this roadway is very close to the existing pond.
    - ii. The trailers in front of the shop must be removed. Note 25 requires the trailers to be removed prior to the issuance of a building permit for the proposed saw barn additions or the 40' x 80' building to ensure adequate travel aisle width and emergency access
    - iii. Note 15 requires the 25 foot no-cut buffer for lot 1 to be vegetated with 6' tall evergreens within 1 year of lot 1 being sold or transferred to a third party.
  - b. If the items above are sufficient the SRC to find the application complete (145-77).
  - c. If complete, the SRC to find the application compliant (145-75)
  - d. If compliant, the SRC to approve and sign the Findings of Fact & Decisions and plan.

Thank you.

**ZONES:** Rural, Shoreland, Flood and Resource Protection  
 Min. Lot Size: 100,000 Sq. Ft. (2.3 acres)  
 Cemetery Setback: 25 Ft.  
 Lot Line Setback: 25 Ft.  
 Max. Building Height: 40 Ft.  
 Min. Street Frontage: 200 Ft.  
 Max. Lot Coverage: 20%  
 Min. Wetland Setback (Freshwater: > 10 ac., adjacent to surface water, not dominated by woody vegetation): 75 Ft.

**Standard Conditions of Approval**

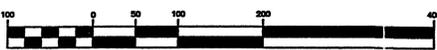
1. Site Plan approval secured under the provisions of this chapter shall expire within 10 years from the date on which the site plan is signed if all aspects of the site plan approval are not fully completed and established. Any site plan approval may indicate a phasing plan according to an approved 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 two years or more. [§145-74F]
2. Approval is conditioned upon compliance by the applicant with the plans and specifications which have been received by the Town in connection with this development proposal.
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. [§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 revoking the approved development plan, initiating legal proceedings to enforce 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 §145-64. [§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) Stippling 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 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 and/or Staff Review Committee.
8. Approval of the application or amendment application does not relieve the applicant from the responsibility to obtain building permits prior to construction and use permits prior to occupancy.
9. It is the applicant's responsibility to contact the Dept. of Safe prior to construction.
10. It is the owner/homeowner's Association/applcator/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 subdivision/site plan parcel(s).
11. Approval of any proposed field changes shall be obtained prior to construction. Said approvals shall be in writing. The Code Enforcement Officer shall consult with the Office of Planning and Development prior to approving any field change.
12. Prior to the pouring of a building footing/foundation, the location of each cottage and/or building to be constructed shall be located on the face of the earth and shall be marked with surveyor pins or stakes. The developer shall receive approval of each cottage and/or building location from the Code Enforcement Officer prior to the commencement of footing/foundation excavation.
13. If the property will be converted to a condominium form of ownership, the proposed condominium documents must be presented to the Town for review and approval by the Town Attorney. No use permit shall be issued until the Town Attorney has indicated approval of the condominium documents.
14. Upon completion of construction, the applicant shall provide to the Town record as-built drawings of the roadway, drainage, and utility related construction work.
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 Officer, 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.
16. All components, features, improvements and conditions of site plan approval shall be fully completed prior to any issuance of a certificate of occupancy.

**PLAN REFERENCES:**

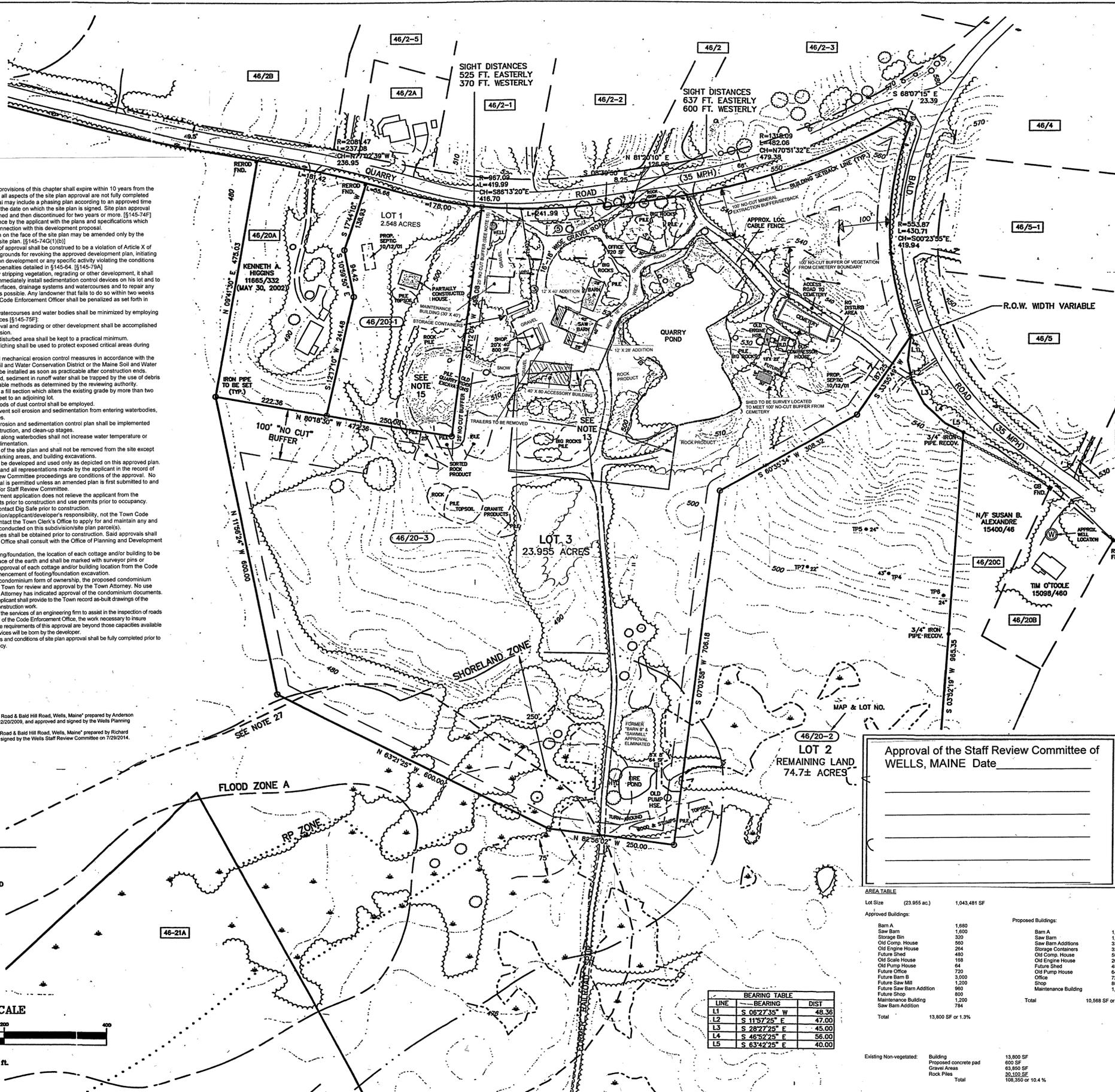
1. Plan entitled "Amended Site Plan for Millennium Granite, Quarry Road & Bald Hill Road, Wells, Maine" prepared by Anderson Livingston Engineers, Inc. dated 11/13/2008, dated last revised 02/20/2009, and approved and signed by the Wells Planning Board on 02/20/2009.
2. Plan entitled "Amended Site Plan for Millennium Granite, Quarry Road & Bald Hill Road, Wells, Maine" prepared by Richard Bois and the Planning Office dated 7/20/2014 and approved and signed by the Wells Staff Review Committee on 7/20/2014.

- LEGEND**
- UTILITY POLE
  - WELL
  - MONUMENT FOUND AS DESCRIBED
  - MONUMENT TO BE SET
  - STONE MONUMENT FOUND
  - GRANITE BOUND TO BE SET
  - ⊙ # PARKING SPACES
  - ▨ BUILDING PER 2003 SITE PLAN
  - ▨ BUILDING PER AERIAL
- SEE NOTE 2

**GRAPHIC SCALE**



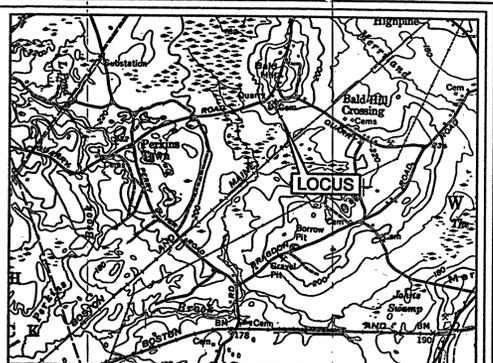
FILE NO: 6458  
 PLAN NO: 2303.081101



Approval of the Staff Review Committee of  
 WELLS, MAINE Date \_\_\_\_\_

AREA TABLE		Lot Size (23,955 ac.) 1,043,481 SF	
Approved Buildings:		Proposed Buildings:	
Barn A	1,680	Barn A	1,680
Saw Barn	1,000	Saw Barn	1,600 + 960 + 784
Storage Bin	320	Saw Barn Additions	336 + 480
Old Comp. House	560	Storage Containers	320 + 320
Old Engine House	264	Old Comp. House	560
Future Shed	480	Old Engine House	264
Old Scale House	168	Future Shed	480
Old Pump House	64	Future Barn B	720
Future Office	720	Old Pump House	64
Future Barn B	3,000	Old Pump House	64
Future Saw Mill	1,200	Office	720
Future Saw Barn Addition	960	Shop	800
Future Shop	800	Maintenance Building	1,200
Future Saw Barn Addition	1,200		
Saw Barn Addition	784		
<b>Total</b>	<b>13,800 SF or 1.3%</b>	<b>Total</b>	<b>10,868 SF or 1.02%</b>
Existing Non-Vegetated:	Building 13,800 SF	Propose Non-Vegetated:	Building 10,868 SF
Proposed concrete pad 600 SF	Gravel Areas 63,850 SF	Gravel Areas 63,850 + 3,700 SF	9,355 SF
Rock Pile 20,100 SF	Total 108,350 or 10.4%	Rock Piles 20,100 SF	30,100 SF
			117,523 SF or 11.3%

BEARING TABLE		
LINE	BEARING	DIST
L1	S 06°27'35" W	48.36
L2	S 11°57'25" E	47.00
L3	S 28°27'25" E	45.00
L4	S 48°32'25" E	56.00
L5	S 63°42'25" E	40.00



- NOTES:**
1. The purpose of this plan is to amend the Site Plan approved in 2014 for Millennium Granite and includes the following changes: elimination of the future "Barn B" (3,000 SF) and "Sawmill" (1,200 SF) buildings; reflect the existing conditions of the constructed 30' x 40' Maintenance Building, the Saw Barn building additions (960 SF + 784 SF) and "Shop" (800 SF), the relocation of storage containers, and the elimination of the trailers, the existing tree lines and lot coverage; a proposed 16'-18' wide gravel roadway to the east of the "Saw Barn"; and seeking approval for a 40' x 80' accessory building for the Mineral Extraction use/Manufacturing use and two building additions (12' x 28' and 12' x 40') to the existing stone "Saw Barn".
  2. Two foot contours are referenced to an assumed datum and were generated from aerial photography by Aerial Survey & Photo, Inc.
  3. Wetlands are shown as digitized from "Wetland Delineation Map" by Woodcut Alternatives, dated January 2008.
  4. Flood Zone A is shown as digitized from FEMA Rate Map 230158 0002B, dated July 5, 1983.
  5. RP and Shoreland Zones are shown per location of existing marsh (wetland) limits.
  6. Snow storage will be where shown and along the access road to the fire pond.
  7. Boundary line information shown per "Minor Subdivision Plan for Richard Bois, Jr.," dated October 21, 2008.
  8. A dry hydrant and fire pond (approx. 50,000 gal.) exists on Lot 3. Easement to Town of Wells recorded at the YCRD in Book 15534, Page 617. Maintenance including plowing is required by the owner. A minimum 12 ft. wide gravel travel way with 4 ft. vegetation cleared on both sides shall be maintained. The existing turn-ties 16 ft. wide and 80 ft. long and shall be maintained at those dimensions. A knock box will be installed on the entrance gate by the owner. The new gravel road shall be inspected and approved by the Fire Department prior to an occupancy permit being issued for the 40' x 80' building or the Saw Barn additions.
  9. Granite stock and finished product is stored in various locations around the barn and entrance road.
  10. Existing stone saw machinery is located in the "saw barn".
  11. All site work shall comply with the Maine Department of Environmental Protection Erosion and Sedimentation Control Standards per the Best Management Practice (BMP) Handbook.
  12. Top soil shall not be removed. It will be stockpiled, screened and spread over disturbed areas.
  13. Potential area of mineral extraction expansion.
  14. The uses permitted on Lot 20-3 include Mineral Extraction and Manufacturing uses. "The property has historically manufactured granite products. Prior site plan approvals did not accurately note this grandfathered use to be existing."
  15. Lot 3 retains an easement on Lot 1 for the old rock stockpile. Within 1 year of Lot 1 being sold or transferred to a third party Lot 3 shall be required to remove the rock stockpile; reclaim the area as vegetated; and install the required 25' wide no-cut buffer along the boundary of Lot 1 to consist of grass, shrubs and trees. 25' wide no-cut buffer to consist of 6' tall evergreen trees planted 10' on center, staggered.
  16. The business utilizes 3 to 4 employees. Parking is unmarked, but available in several locations. Six spaces are shown on the plan, one for each employee and two for customers or visitors. The group of 5 spaces will be parallel spaces at 9'x24' each (9'x72'). The group of 5 spaces will be 80 spaces at 9'x18.5' (45'x9'). One handicap space will be available on an existing concrete slab (12'x40') and will be marked with a sign.
  17. Notes/Conditions of the 2003 approved site plan which still apply to the site (Lot 20-3) are the following:
    1. No work to be performed in wetlands.
    2. Dust control will be achieved by use of an automated sprinkler system with sprinkler heads positioned every 25' for the first 100' of access road.
    3. Blasting within the site perimeter is prohibited without prior planning board approval.
    4. Truck traffic over 25,000 lbs is limited to 30 truck trips per day.
    5. C & R Stone Cutters will comply with the Town of Wells Noise Ordinance Chapter 145-45.
    6. A chain link fence will be installed only when a working face of the quarry is opened.
    7. Granite quarries are not required to submit a restoration plan.
    8. No clearing will take place within 100 feet of cemetery.
    9. No clearing will take place other than for residential purposes within 100 feet of property boundaries.
    10. No commercial clay extraction is permitted from site without appropriate Town and DEP approval.
    11. Richard Bois, Jr. owns abutting lots 20-1 and 20-2 and therefore the 100' mineral extraction buffer is granted a reduction to 25'.
    12. A subsurface wastewater disposal system(s) is permitted to be installed on the property with proper building permit approvals.
    13. All business signs to be installed require a sign permit and will comply with Sect. 145-40 of the Wells code.
    14. No lighting will be building mounted, directional and will not glare onto Quarry Road or abutting properties.
    15. Hours of operation will be 7:00 am to 5:00 pm Mon. - Fri. and 8:00 am to noon on Saturdays and Holidays.
    16. All site activities will comply with the noise restrictions of Sect. 145-45 of the Wells code. If multiple complaints are logged, the owner will be required to measure sound levels to satisfy the code.
    17. Existing trees within 20 feet of Quarry Road are to remain. If a tree dies it will be replaced with a similar species with a minimum 2 inch caliper.
    18. No equipment fuels will be stored on-site. Lubricants or other fluids will be stored within a structure. Fluids associated with repair or maintenance of equipment will be collected in a container and removed from the site.
    19. Temporary trailers to be removed prior to a building permit being issued for the 40' x 80' building; the 12' x 28' building addition; or the 12' x 40' building addition. Storage containers are permitted on the property but shall not block vehicular or emergency access.
    20. Solid waste will be disposed of weekly by the owner. No dumpster proposed.
    21. Wading Bird Habitat area as digitized from IF&W database map.

**AMENDED SITE PLAN  
 FOR  
 MILLENNIUM GRANITE  
 QUARRY ROAD & BALD HEAD ROAD  
 WELLS, MAINE**

Scale: 1 in = 100 ft.

Date: November 13, 2008

REVISIONS:

11/24/08: NOTE 18	12/04/08: NOTES, LABELS, CONV
01/05/09: NOTES, AREA TABLE	01/23/09: NOTES, AREA TABLE
02/20/09: NOTES	07/24/14: NOTES, LABELS, CONV, BLDG

Nov. 20th 2014 see Note 1

OWNER:  
 Richard J. Bois, Jr.  
 P.O. Box 375  
 Ogunquit, ME 03907

Sheet 1 of 1

**Town of Wells , Maine**  
**Article X , 145-77 Data Requirements (Completeness Review)**  
**Page 1 of 4**

Project Name/District: Millennium Granite / Rural District & 250' Shoreland Overlay - Map 46, Lot 20.3

Prepared By: Office of Planning & Development

Date of Review: 11/22/16

Company Name: Town Of Wells

**Article X**  
**Site Plan Approval**

§ 145-77. Data Requirements [Amended 4-26-1996]		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
Any application presented for approval shall include the following information if applicable:						
A.	A site plan drawn at a scale not smaller than one inch equals 40 feet which shall contain the following information:	Y				Scale is 1" = 100 feet as previously approved. Applicant requests a waiver to continue to allow this scale. Waiver granted on 11/15/16.
(1)	The name and address of the applicant plus the name of the proposed development.	Y				
(2)	Total floor area, ground coverage and location of each proposed building, structure or addition.	Y				See Area table.
(3)	Perimeter survey of the parcel, made and certified by a registered land surveyor licensed in Maine, relating to reference points, showing true or magnetic North, graphic scale, corners of parcel, date of survey and total acreage. The requirement for a certified boundary survey may be waived by the reviewing authority if the proposed construction is located a distance equal to the required setback plus 10 feet from any lot line.	Y				See plan reference notes.
(4)	All existing and proposed setback dimensions.	Y				
(5)	The size, location, direction and intensity of illumination of all major outdoor lighting apparatus and signs.	Y				
(6)	The type, size and location of all incineration devices.			NA		No such devices proposed.
(7)	The type, size and location of all machinery likely to generate appreciable noise at the lot lines.			NA		No such devices identified.
(8)	The location, type and size of all existing and proposed catch basins, storm drainage facilities, wetlands, streams and watercourses and all utilities, both above and below ground.	Y				Utility poles identified along Quarry and Bald Hill Road. Overhead utility connection to the structure is identified. Future septic system locations identified. Fire Pond and Dry Hydrant location identified. The maintenance building will not be served by a septic system or the on-site well. The parcel is served by an on-site porta-potty located adjacent to the shop.

**Town of Wells , Maine**  
**Article X , 145-77 Data Requirements (Completeness Review)**  
**Page 2 of 4**

Project Name/District: Millennium Granite / Rural District & 250' Shoreland Overlay - Map 46, Lot 20.3

Date of Review: 11/22/16

Prepared By: Office of Planning & Development

Company Name: Town Of Wells

<b>§ 145-77. Data Requirements [Amended 4-26-1996]</b>		<b>Application Meet Requirements</b>				
		Yes	No	NA	Waiver	Comments
(9)	All existing contours and proposed finished grade elevations of the portions of the site which will be altered and the system of drainage proposed to be constructed. Contour intervals shall be specified by the reviewing authority. This requirement may be waived by the reviewing authority if no additional lot coverage is proposed or the proposed lot coverage is less than 30% and has an area of less than 15,000 square feet.	Y				2 foot contours of the parcel identified on the plan.
(10)	The location, type and size of all curbs, sidewalks, driveways, fences, retaining walls and parking space areas and the layouts thereof, together with the dimensions.	Y				See note 16.
(11)	All landscaped areas, fencing and size and type of plant material upon the premises.	Y				See notation on the plan and tree lines depicted. See also note 23.
(12)	All existing or proposed rights-of-way, easements and other legal restrictions which may affect the premises in question.	Y				
(13)	The locations, names and widths of all existing and proposed streets abutting the premises.	Y				Quarry Road noted to be 49.5' to 66' in width. Bald Hill width noted to vary.
(14)	The lot lines of all lots abutting the proposed development, including those lots across the street, together with the names on file in the Town offices as of the date of the application.	Y				
(15)	An appropriate place for the signature(s) of the reviewing authority.	Y				
B.	Documentation of right, title or interest in the proposed site.	Y				Right Title and Interest (Deed) added to the file.
C.	An on-site soils investigation report by a Maine Department of Human Services licensed site evaluator (unless the site is to be served by public sewer). The report shall identify the types of soil, location of test pits and proposed location and design for the subsurface disposal system.			NA		A septic system is permitted on the parcel. See note 18.
D.	The amount and type of any raw, finished or waste materials to be stored outside of roofed buildings, including their physical and chemical properties, if appropriate.	Y				See note 24 and 26. Outside rock pile and product areas identified on the plan.

**Town of Wells , Maine**  
**Article X , 145-77 Data Requirements (Completeness Review)**  
**Page 3 of 4**

Project Name/District: Millennium Granite / Rural District & 250' Shoreland Overlay - Map 46, Lot 20.3

Date of Review: 11/22/16

Prepared By: Office of Planning & Development

Company Name: Town Of Wells

§ 145-77. Data Requirements [Amended 4-26-1996]		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
E.	If the proposed use will be connected to the Wells Sanitary District's sewer system, a letter from the Sanitary District stating that adequate line and plant capacity to dispose of the generated sewage will be available.			NA		The parcel is not served by the Wells Sanitary District
F.	If the proposed use will be connected to the Kennebunk, Kennebunkport and Wells Water District water system, a letter from the Water District stating that adequate line and supply capacity to serve the proposed use will be available.			NA		The parcel is not served by the KKW Water District.
G.	Traffic data. Only the Planning Board may require that a site plan application include a traffic engineering study should the project be considered one of substantial magnitude along any of the Town's state highways where fast-moving traffic occurs (i.e., Route Nos. 1, 109, 9, 9-A and 9-B). Should a traffic study be requested by the Planning Board, the following data shall be included:			NA		The Staff Review Committee cannot require traffic data.
	(1) The estimated peak-hour traffic to be generated by the proposal.					
	(2) Existing traffic counts and volumes on surrounding roads.					
	(3) Traffic accident data covering a recent three-year period.					
	(4) The capacity of surrounding roads, municipal facilities, parking and any improvements which may be necessary on such roads and facilities to accommodate anticipated traffic generation.					
	(5) The need for traffic signals and signs or other directional markers to regulate anticipated traffic.					
H.	A soil erosion and sedimentation control plan, prepared in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Maine Department of Environmental Protection and the Cumberland County Soil and Water Conservation District, 1991. <b>[Amended 4-27-2007]</b>	Y				See standard condition of approval notes noted on the site plan for Best Management practices.  The applicant was granted a waiver and was not required to provide a soil erosion and sedimentation control plan on 11/15/16.

**Town of Wells , Maine**  
**Article X , 145-77 Data Requirements (Completeness Review)**  
**Page 4 of 4**

Project Name/District: Millennium Granite / Rural District & 250' Shoreland Overlay - Map 46, Lot 20.3

Date of Review: 11/22/16

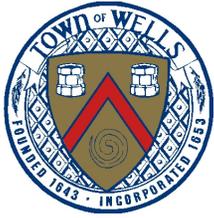
Prepared By: Office of Planning & Development

Company Name: Town Of Wells

§ 145-77. Data Requirements [Amended 4-26-1996]		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
I.	A stormwater management plan, prepared by a registered professional engineer in accordance with the most recent edition of Stormwater Management For Maine: BMPS Technical Design Manual, published by the Maine Department of Environmental Protection, 2006. Another methodology may be used if the applicant can demonstrate it is equally or more applicable to the site. A drainage analysis may be waived by the Planning Board upon request of the applicant and submittal of a letter from a registered professional engineer stating that there will be no adverse impacts to adjacent or downstream properties. <b>[Added 4-27-2007]</b>				<b>W</b>	<p>This parcel was previously developed. The proposed additions are not expected to significantly increase stormwater runoff.</p> <p>Applicant requests waiver of the stormwater management plan. Waiver to be considered by the Staff Review Committee as only a 0.9% increase in lot coverage is proposed. Runoff flows to Lot 1 but shall be mitigated by the existing 25' wide no-cut buffer (LID) along the boundary of abutting lot 1.</p> <p>The applicant was granted a waiver and was not required to provide a stormwater management plan on 11/15/16.</p>
J.	Any other information or data the reviewing authority determines is necessary to demonstrate compliance with the standards of § 145-75. <b>[Added 4-27-2007]</b>					
	<b>Chapter 201, Article IV. Sidewalk Development.</b>					

**Notes:**

1. See Article V, VI, VII review comments.



# Town of Wells, Maine

## Staff Review Committee

### FINDINGS OF FACTS & DECISIONS

#### Site Plan Amendment Application for "Millennium Granite"

Page 1 of 13

## Article X

### Site Plan Approval

PROJECT INFORMATION		
<b>General:</b>	<b>Project Name:</b>	Millennium Granite
	<b>Applicant:</b>	Richard Bois, PO Box 375, Ogunquit, ME 03907
	<b>Landowner:</b>	Richard Bois, PO Box 375, Ogunquit, ME 03907
	<b>Location:</b>	50 Quarry Road, Wells, Maine
	<b>Existing Use:</b>	Mineral Extraction/ Manufacturing & Saw Mill (Barn B with attached Sawmill)
	<b>Proposed Land Use:</b>	Mineral Extraction/ Manufacturing
	<b>Tax Parcel ID:</b>	Tax Map 46, Lot 20.3
	<b>Zoning District:</b>	Rural, Resource Protection, 250' Shoreland Overlay Districts
	<b>Art VII Performance Standards:</b>	145-53. Mineral Extraction
	<b>Design Engineer:</b>	None
	<b>Plan Submission Date:</b>	October 21, 2016



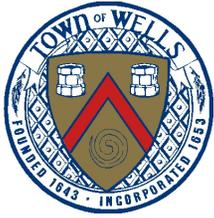
# Town of Wells, Maine Staff Review Committee

## FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for “Millennium Granite” Page 2 of 13

<b>Project Description:</b>	Richard Bois, Jr of Millennium Granite, has submitted a site plan amendment application for the previously approved site plan approved on 7/29/2014. The purpose of this plan includes the following changes: elimination of the future “Barn B” (3,000 SF) and “Sawmill” (1,200 SF) buildings; reflect the existing conditions of the constructed 30’ x 40’ Maintenance Building, the Saw Barn building additions (960 SF + 784 SF) and “Shop” (800 SF), the relocation of storage containers, and the elimination of the trailers, the existing tree lines and lot coverage; a proposed 16’ -18’ wide gravel roadway to the east of the “Saw Barn;” and seeking approval for a 40’ x 80’ accessory building for the Mineral Extraction use/ Manufacturing use and two building additions (12’ x 28’ and 12’ x 40’) to the existing stone “Saw Barn.”. This mineral extraction gravel pit is 23.955 acres in size. This property is identified as Tax Map 46, Lot 20.3. The parcel is located off of Quarry Road and Bald Hill Road and is within the Rural, Resource Protection, and 250’ Shoreland Overlay Districts. The existing and proposed uses on the property are mineral extraction and manufacturing use. The 23.955 acre parcel to be served by a private septic system and accesses water from the quarry pond and on-site well. A porta-potty exists adjacent to the temporary trailers and future shop area. A fire pond with dry hydrant is also located on this parcel. No dwellings are located on this parcel. GIS Mapping identifies this parcel to have significant forested and freshwater wildlife habitats as well as some Flood Zone A areas. Wetlands are also identified to be significant in this area.
<b>Completeness Determination:</b>	11/29/2016
<b>Public Hearing:</b>	Not Applicable
<b>Staff Review Mtg:</b>	11/15/2016; 11/29/2016

### PROJECT HISTORY

1. On 10/21/16 the applicant submitted a site plan amendment application for the above described project.
2. On 11/4/16 the Code Enforcement Officer prepared an Article V use determination finding that the use proposed is permitted/ grandfathered.
3. On 11/4/16 abutters were mailed notice of this use determination and of the 11/15/16 Staff Review Committee meeting in which the application was planned for receipt.
4. On 11/9/16 the Planning Office began review of the amendment application and at the agent’s permission prepared revised plans to address the Land Use review requirements.



# Town of Wells, Maine Staff Review Committee

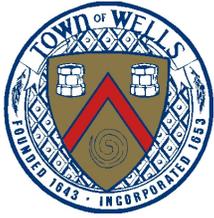
## FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for “Millennium Granite” Page 3 of 13

5. On 11/15/16 the Staff Review Committee received the amendment application, found the parking note on the site plan remained sufficient, voted to waive a soil erosion and sedimentation control plan, voted to permit the plan scale, voted to waive a stormwater management plan, and voted to continue the workshop.
6. On 11/22/16 the Planning Office prepared a draft plan and draft completeness (145-77), draft compliance (145-75)/ Findings of Fact & Decisions, and a review memo.
7. On 11/28/16 the Staff Review Committee voted to find the application complete (145-77); voted to find the application compliant (145-75); voted to approve and sign the Findings of Fact & Decisions; and voted to approve and sign the site plan.

### § 145-75. Criteria and Standards

#### Comments

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.



# Town of Wells, Maine Staff Review Committee

**FINDINGS OF FACTS & DECISIONS**  
**Site Plan Amendment Application for “Millennium Granite”**  
**Page 4 of 13**

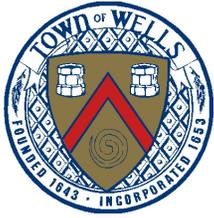
<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
A.	<p><b>Traffic.</b> The proposed development shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number of exits and entrances that have adequate sight distances and do not 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>This parcel fronts on Quarry Road and Bald Hill Road. The parcel does have multiple street frontages off of Quarry Road and off of Bald Hill Road. Street frontage requirements are met and exceeded by the frontage that exists along both street rows. Setbacks are 25 feet from the boundary of a lot line, 25 feet from the boundary of a cemetery and 25 feet from the boundary of a street row. A 100' no-cut buffer is also required along Quarry Road, Bald Hill Road, from the cemetery boundaries and from abutting lot 20A.</p> <p>Site distances along Quarry Road are noted as exceeding 600 feet for one exit and 370 to 525 feet for the other exit. The speed limit on this area of road is noted as 35 MPH. Quarry Road noted to be 49.5' to 66' in width. Bald Hill width noted to vary.</p> <p>The entrance road is paved only 20 feet and is grandfathered. The existing gravel road to the fire pond is located within the Shoreland Overlay Zone. See note 8. This existing gravel access road is not proposed to be expanded. No new road or driveway is proposed within the RP zone; however a preexisting gravel road is located within the RP zone. No parking areas shall be located within the Shoreland Overlay District.</p> <p>On-street parking is prohibited. Parking areas are shown on the plan near the proposed addition and gravel road entrance. Note #16 on the plan describes the parking space dimensions and number of spaces in each area. Parking areas are off of the 16' to 18' gravel drive. A handicap accessible parking space was approved adjacent to the new saw barn and shall be maintained. Areas that could be used for parking</p>



# Town of Wells, Maine Staff Review Committee

**FINDINGS OF FACTS & DECISIONS**  
**Site Plan Amendment Application for “Millennium Granite”**  
**Page 5 of 13**

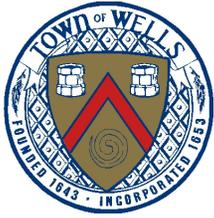
<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
<b>B.</b>	<b>Dust, fumes, vapors and gases.</b> Emission of dust, dirt, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation or property or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission, shall be prohibited.	See note #17 and #24. The parcel is prohibited from producing dust, fumes, vapors or gases perceptible beyond its lot lines.
<b>C.</b>	<b>Odor.</b> 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.	The parcel is prohibited from emitting offensive or harmful odors perceptible beyond its lot lines.
<b>D.</b>	<b>Glare.</b> 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.	See note #20 and #19 about glare and sign lighting.
<b>E.</b>	<b>Stormwater runoff.</b> 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. <b>[Amended 4-27-2007]</b>	<p>This parcel was previously developed. The proposed additions are not expected to significantly increase stormwater runoff.</p> <p>Applicant requests waiver of the stormwater management plan. Waiver to be considered by the Staff Review Committee as only a 0.9% increase in lot coverage is proposed. Runoff flows to Lot 1 but shall be mitigated by the existing 25' wide no-cut buffer (LID) along the boundary of abutting lot 1.</p> <p>The applicant was granted a waiver and was not required to provide a stormwater management plan on 11/15/16.</p>



# Town of Wells, Maine Staff Review Committee

## FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for “Millennium Granite” Page 6 of 13

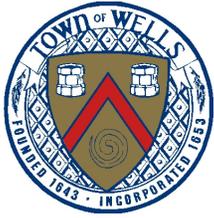
§ 145-75. Criteria and Standards		Comments
<b>F.</b>	<b>Erosion control.</b> Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best-management practices: <b>[Amended 4-27-2007]</b>	See standard condition of approval notes noted on the site plan for Best Management practices.  The applicant was granted a waiver and was not required to provide a soil erosion and sedimentation control plan on 11/15/16.
(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.	



# Town of Wells, Maine Staff Review Committee

**FINDINGS OF FACTS & DECISIONS**  
**Site Plan Amendment Application for “Millennium Granite”**  
**Page 7 of 13**

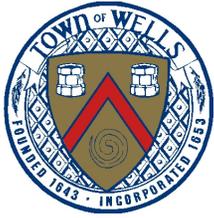
<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
(8)	The proposed site plan shall prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties.	
(9)	The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site 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.	



# Town of Wells, Maine Staff Review Committee

## FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for “Millennium Granite” Page 8 of 13

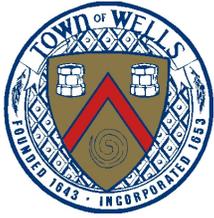
§ 145-75. Criteria and Standards		Comments
<p><b>G. Setbacks and screening.</b> Parking and loading areas, exposed storage areas, exposed machinery installation and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse shall have 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>A gravel access road is located within the 75 setback from the upland edge of the wetland; it is approximately 15 feet from the wetland edge. However due to 145-33F(1)(b) this road provides access to a fire pond and dry hydrant utilized by the Town Fire Department and therefore this section shall not apply. This road is not proposed to be expanded. The future Barn B and Sawmill approved in 2003but not constructed are eliminated with this amendment application.</p> <p>The plan appears to show adequate existing vegetation between this commercial parcel and residential abutters. Note #15 on plan as well as a warranty deed for residential abutting lot 1 shows the agreement that a 25’ vegetative buffer will be erected within 1 year of the lot being sold or transferred to a third party.</p> <p>Areas abutting the street rights-of-way appear to have an adequate landscaped buffer. See note 23.</p> <p>This 100 foot vegetated buffer along for the cemetery boundary is not met. The cemetery has the old compressor house, engine house and roadway within 100 feet. This non-conforming buffer strip would be grandfathered for the cemetery. The plan states no clearing within 100 feet of the cemetery to take place. (See note 17. 8)</p> <p>The proposed future shed must be 100’ from the cemetery boundary. No-cut 100’ buffer noted on the site plan from cemetery boundary.</p>	



# Town of Wells, Maine Staff Review Committee

**FINDINGS OF FACTS & DECISIONS**  
**Site Plan Amendment Application for “Millennium Granite”**  
**Page 9 of 13**

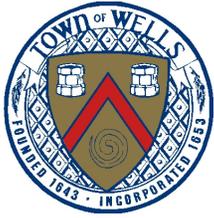
<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
<b>G.</b>	<b>Setbacks and screening.</b> (continued)	<p>Lot 1 shows piles from the mineral extraction parcel on the property. Note 15 on the site plan states” easement to be retained on Lot 1 until old rock stockpile is removed and area reclaimed as vegetated.” Note 15 has clarified that the site plan requirement to vegetate the 25 foot no-cut buffer is 1 year.</p> <p>Owner of lot 20-3 also owns abutting lots 20-2. The 100’ buffer is reduced to 25’. See note 17.14</p> <p>The buffer along Quarry Road appears to be landscaped enough. See note 23. The 24’ x 30’ mineral extraction office foundation was located within 100 feet of the street right of way and is grandfathered. No new construction or clearing permitted within 100’ of Quarry Road or Bald Hill Road, except for access road.</p>
<b>H.</b>	<b>Explosive materials.</b> 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.	See note #24 and #17.
<b>I.</b>	<b>Water quality.</b> 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.	See note #24 and #17.



# Town of Wells, Maine Staff Review Committee

**FINDINGS OF FACTS & DECISIONS**  
**Site Plan Amendment Application for “Millennium Granite”**  
**Page 10 of 13**

<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
<b>J.</b>	<b>Preservation of landscape.</b> Unnecessary disturbance of the landscape shall be minimized, insofar as practicable, by minimizing tree removal and any grade changes.	<p>There will be no clearing of vegetation within the Shoreland Overlay District. This parcel does not front on any water bodies. Care must be taken that any digging does not hit groundwater and cause a water body to be created on the parcel. This mineral extraction site is a rock and stone quarry and is not required to be restored.</p> <p>A 100' x 50' cemetery is located on this 24.038 acre lot, Lot 3. This cemetery is identified as #107 the Anderson, Hatch, Penny cemetery. It will be necessary to provide access to this cemetery for the public. This office strongly advises the applicant to contact Hope Shelly, the Town Historian, to discuss access as well as methods to protect the integrity of the boundaries of the cemetery.</p> <p>2 foot contours of the parcel identified on the plan. Lot coverage calculations are noted in the Area Table; proposed coverage is 11.3%. Prior approved lot coverage is 10.4%.</p>
<b>K.</b>	<b>Refuse disposal.</b> 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>See note 26.</p>



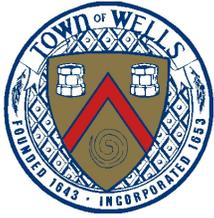
# Town of Wells, Maine Staff Review Committee

## FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for “Millennium Granite” Page 11 of 13

<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
<b>L.</b>	<b>Water supply.</b> The applicant shall demonstrate the availability of adequate water supply for fire protection and the consumption needs of the proposed development.	The parcel is not served by the KKW Water District. The site plan identified a drilled well location.
<b>M.</b>	<b>Sewage disposal.</b> The applicant shall provide for the safe disposal of all wastewaters.	The parcel is not served by the Wells Sanitary District. See note 18. A subsurface wastewater disposal system is permitted to be installed on the property with Code Enforcement approval.
<b>N.</b>	<b>Fire safety.</b> The site plan shall make adequate provisions for access by fire-fighting equipment and personal.	The parcel is served by an on-site Fire Pond and Dry Hydrant. See note 8.

### **Standard Conditions of Approval**

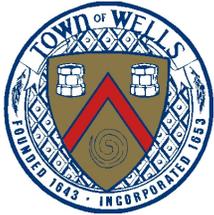
1. Site Plan approval secured under the provisions of this chapter shall expire within 10 years from the date on which the site plan is signed if all aspects of the site plan approval are not fully completed and established. Any site plan approval may include a phasing plan according to an approved time 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 two years or more. [§145-74F]
2. Approval is conditioned upon compliance by the applicant with the plans and specifications which have been received by the Town in connection with this development proposal.
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. [§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 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 §145-64. [§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.



# Town of Wells, Maine Staff Review Committee

## FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for “Millennium Granite” Page 12 of 13

- (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 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 and/or Staff Review Committee.
  8. Approval of the application or amendment application does not relieve the applicant from the responsibility to obtain building permits prior to construction and use permits prior to occupancy.
  9. It is the applicant's responsibility to contact Dig Safe prior to construction.
  10. It is the owner/Homeowners Association/applicant/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 subdivision/site plan parcel(s).
  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.
  12. Prior to the pouring of a building footing/foundation, the location of each cottage and/or building to be constructed shall be located on the face of the earth and shall be marked with surveyor pins or stakes. The developer shall receive approval of each cottage and/or building location from the Code Enforcement Office prior to the commencement of footing/foundation excavation.
  13. If the property will be converted to a condominium form of ownership, the proposed condominium documents must be presented to the Town for review and approval by the Town Attorney. No use permit shall be issued until the Town Attorney has indicated approval of the condominium documents.
  14. Upon completion of construction, the applicant shall provide to the Town record as-built drawings of the roadway, drainage, and utility related construction work.
  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.
  16. All components, features, improvements and conditions of site plan approval shall be fully completed prior to any issuance of a certificate of occupancy.



# Town of Wells, Maine Staff Review Committee

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## FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for "Millennium Granite" Page 13 of 13

### Special Conditions of Approval

1. All previous Conditions of Approval will remain in effect unless specifically amended by this amendment 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. The two temporary trailers shall be removed from the property prior to the issuance of a building permit for the 40' x 80' building or the saw barn building additions.

Dated at Wells, Maine this \_\_\_\_\_ day of \_\_\_\_\_, 2016

Wells Staff Review Committee

By: \_\_\_\_\_

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*DRAFT*

**Town of Wells , Maine Review Checklist**  
**Page 1 of 5**

Project Name/District: Millennium Granite / Rural District & 250' Shoreland Overlay - Map 46, Lot 20.3

Date of Review: 11-22-16

Prepared By: Office of Planning & Development

Company Name: Town Of Wells

## Article V District Regulations

### A. Purpose.

The purpose of the Rural District is to maintain the open, rural character of the land within the district. Open uses of the land, such as forestry and agricultural uses, should be encouraged and large-scale residential uses discouraged. Residential development should be clustered so that significant areas of the development can be maintained as open space and, where applicable, used to buffer the development from existing Town ways.

§ 145-30. Rural District.		Application Meet Requirements			
		Yes	No	NA	Comments
B.	Permitted uses. The following uses are permitted upon obtaining any required permits from the Code Enforcement Officer:				
(1)	Animal husbandry.			NA	
(2)	Agriculture.			NA	
(3)	Cemetery having an area less than 20,000 square feet and containing no buildings.	Y			A 100' x 50' cemetery is located on this proposed 24.038 acre lot. This cemetery is identified as #107 the Anderson, Hatch, Penny cemetery. It will be necessary to provide access to this cemetery for the public. This office strongly advises the applicant to contact Hope Shelly, the Town Historian, to discuss access as well as methods to protect the integrity of the boundaries of the cemetery.
(4)	Dwelling, one-family. (See also § 145-55)			NA	
(5)	Dwelling, two-family.			NA	
(6)	Dwelling, multifamily. (See also § 145-48)			NA	
(7)	Livestock, domestic (small), limited to lots with a minimum lot size of 40,000 square feet. <b>[Added 6-9-2015<sup>[1]</sup>]</b>			NA	
(8)	Livestock, domestic (large), limited to lots with a minimum lot size of five acres. <b>[Added 6-9-2015]</b>			NA	
(9)	Poultry, domestic (small), all lots, except lots less than 10,000 square feet in area shall be limited to no more than five fowl. <b>[Added 6-9-2015]</b>			NA	

**Town of Wells , Maine Review Checklist**  
**Page 2 of 5**

Project Name/District: Millennium Granite / Rural District & 250' Shoreland Overlay - Map 46, Lot 20.3

Date of Review: 11-22-16

Prepared By: Office of Planning & Development

Company Name: Town Of Wells

<b>§ 145-30. Rural District.</b>		<b>Application Meet Requirements</b>			
		Yes	No	NA	Comments
(10)	Poultry, domestic (large), limited to lots with a minimum lot size of five acres. <b>[Added 6-9-2015]</b>			<b>NA</b>	
(11)	Recreation, passive.			<b>NA</b>	
(12)	Timber harvesting.			<b>NA</b>	
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:				
(1)	Bed and breakfast/small inn (See also § 145-52)			<b>NA</b>	
(2)	Cemetery larger than 20,000 square feet in area.			<b>NA</b>	
(3)	Church.			<b>NA</b>	
(4)	Club.			<b>NA</b>	
(5)	Congregate care facility, in areas served by public water and sewer. <b>[Added 6-8-2010]</b>			<b>NA</b>	
(6)	Day-care home.			<b>NA</b>	
(7)	Day-care center/ nursery school.			<b>NA</b>	
(8)	Estuarine and marine research facilities located east of U.S. Route 1. Said facilities may include a building containing a dwelling unit occupied by a resident manager and his or her family and fifteen suites or less occupied by visiting scientists conducting research with the Wells Reserve. Said suites shall not exceed 470 square feet and shall not have their own kitchen facilities. However, said building may contain a common kitchen to provide meals available only to the occupants. <b>[Added 4-14-2000; amended 11-5-2002]</b>			<b>NA</b>	
(9)	Kennel.			<b>NA</b>	
(10)	Mineral extraction. (See also § 145-53)	<b>Y</b>			Approved and proposed building square footages noted in the Area Table on the Plan. A 40' x 80' SF building, and a 12' x 28' and a 12' x 40' building addition are proposed off of the existing stone Saw Barn.
(11)	Municipal facility.			<b>NA</b>	
(12)	Museum having a gross floor area less than 5,000 square feet.			<b>NA</b>	

**Town of Wells , Maine Review Checklist**  
**Page 3 of 5**

Project Name/District: Millennium Granite / Rural District & 250' Shoreland Overlay - Map 46, Lot 20.3

Date of Review: 11-22-16

Prepared By: Office of Planning & Development

Company Name: Town Of Wells

<b>§ 145-30. Rural District.</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
(13)	Neighborhood convenience store.			<b>NA</b>	
(14)	Public utility facility.			<b>NA</b>	
(15)	Recreation, active.			<b>NA</b>	
(16)	Recreation, low-intensity commercial.			<b>NA</b>	
(17)	Restaurant (standard) containing fewer than 75 seats.			<b>NA</b>	
(18)	Sawmill.			<b>NA</b>	Sawmill use to be eliminated
(19)	School, public and private.			<b>NA</b>	
(20)	School, vocational-technical, served by public water and sewer and located east of the turnpike and south of Route 109. <b>[Added 4-18-1995]</b>			<b>NA</b>	
(21)	Tent and recreational vehicle park.			<b>NA</b>	
(22)	Transmission tower, radio.			<b>NA</b>	
D.	Accessory uses. Accessory uses are permitted when they are clearly incidental to the permitted use; subordinate, individually and in the aggregate, to the permitted use; and located on the same lot as the permitted use being served. Home businesses as regulated in § 145-51 are accessory uses.	<b>Y*</b>			The Office, Shop, Maintenance Building, Barns, Sheds, storage containers, building additions and accessory building are all related to the existing Mineral Extraction use and Manufacturing use of the property.
E.	Uses prohibited. Except as permitted in § 145-12, Nonconforming uses, and in Article VI, Town-Wide Regulations, uses not identified in Subsections B, C and D are prohibited within this district.	<b>Y*</b>			The property has historically operated a Manufacturing use by using the rock quarried on the parcel to make products. This use has existed for many years and was not detailed on prior site plan approvals in error.
F.	Dimensional requirements.				
(1)	Minimum lot size:				
(a)	One hundred thousand square feet of net area.	<b>Y</b>			The parcel is 23.955 acres or 1,043,481 SF in size
(b)	Forty thousand square feet if located east of the Maine Turnpike and connected to public sewer.			<b>NA</b>	
(2)	Maximum density: <b>[Amended 4-28-1995]</b>				
(a)	One dwelling unit for each 100,000 square feet of net area.			<b>NA</b>	No dwellings located on this parcel.

**Town of Wells , Maine Review Checklist**  
**Page 4 of 5**

Project Name/District: Millennium Granite / Rural District & 250' Shoreland Overlay - Map 46, Lot 20.3

Date of Review: 11-22-16

Prepared By: Office of Planning & Development

Company Name: Town Of Wells

§ 145-30. Rural District.			Application Meet Requirements			
			Yes	No	NA	Comments
	(b)	One dwelling unit for each 40,000 square feet of net area if located east of the Maine Turnpike and connected to public sewer.			NA	No dwellings located on this parcel.
	(c)	Four housekeeping cottages or seasonal cottages per acre of net area. <b>[Amended 4-12-2003; 6-13-2006</b>  <i>Editor's Note: This ordinance provided that it shall be retroactive to any application for site plan approval and any application to amend an existing site plan to the extent the amendment proposes additional cottage units that has not received final approval from the Planning Board on 4-25-2006.</i>			NA	No cottage units exist or are permitted on this parcel.
	(3)	Minimum street frontage per lot: 200 feet, which may be reduced to 150 feet for lots fronting entirely on a cul-de-sac. The minimum street frontage for a lot containing a one-family dwelling (in conjunction with a one-family dwelling, a day-care home or day-care center/nursery school may be permitted if the driveway is paved to a width of at least 16 feet and has a gravel base of at least 20 feet in width), an agricultural, animal husbandry or a timber harvesting use may be reduced to 50 feet provided that the total lot area is at least 200,000 square feet; the access driveway shall extend to the house and shall not be longer than 750 feet with a grade and width adequate to permit access by fire, police and other emergency vehicles; and any structure on the lot shall be located at least 50 feet from any lot line. No more than two such lots shall have contiguous street frontage.	Y			This parcel has street frontage on Quarry Road and Bald Hill Road.
	(4)	Maximum lot coverage: 20% or 4,000 square feet, whichever is the greater.	Y			Proposed lot coverage is noted to be 11.3%
	(5)	Maximum building height: 40 feet, not to exceed three stories. (See § 145-35I.)	Y			Noted
	(6)	Setbacks.	Y			Noted
	(a)	All structures shall be at least:				
	[1]	Twenty-five feet from any lot line.	Y			

**Town of Wells , Maine Review Checklist**  
**Page 5 of 5**

Project Name/District: Millennium Granite / Rural District & 250' Shoreland Overlay - Map 46, Lot 20.3

Date of Review: 11-22-16

Prepared By: Office of Planning & Development

Company Name: Town Of Wells

<b>§ 145-30. Rural District.</b>				<b>Application Meet Requirements</b>			
				Yes	No	NA	Comments
		[2]	Twenty-five feet from any lot line abutting any street right-of-way.	Y			
		[3]	Forty feet from any lot line abutting the right-of-way of any state highway.			NA	
		[4]	Twenty-five feet from the boundary of any cemetery.	Y			25' no disturb setback area noted around the cemetery on the parcel
		(b)	All structures and parking lots shall be located at least 200 feet from the high-water line of the Merriland River (including Hobbs Pond), the Webhannet River, Ogunquit River, Perkins Brook and West Brook.			NA	Parcel does not abut such rivers or brooks.
		(c)	Each housekeeping cottage or seasonal cottage shall be placed at least 25 feet from any other housekeeping or seasonal cottage on the site. <b>[Added 6-13-2006</b>  <i>Editor's Note: This ordinance provided that it shall be retroactive to any application for site plan approval and any application to amend an existing site plan to the extent the amendment proposes additional cottage units that has not received final approval from the Planning Board on 4-25-2006.</i>			NA	No such uses exist or are permitted on the parcel.
Note: See also §§ 145-13, Nonconforming structures, 145-14, Nonconforming lots, 145-33, Shoreland Overlay District, 145-48, Multifamily developments, and 145-49, Cluster residential development.				Y			
G.	Special provisions. All proposed residential subdivisions containing more than four dwelling units shall be developed according to the provisions of § 145-48, Multifamily developments, or § 145-49, Residential Cluster Development. The Planning Board may waive this requirement for projects containing fewer than 20 lots if it determines that a cluster development as regulated in § 145-49 is not practical because of the configuration of the original lot or because of its natural features.					NA	A residential subdivision is not proposed on this parcel.

**Town of Wells , Maine Review Checklist**  
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Project Name/District: Millennium Granite / Rural District & 250' Shoreland Overlay - Map 46, Lot 20.3

Prepared By: Office of Planning & Development

Date of Review: 11-22-16

Company Name: Town Of Wells

**Article V District Regulations**

The provisions of this section shall apply to all uses, lots and structures within the Shoreland Overlay District.

**A. Purpose.**

The purpose of this district is to prevent and control water pollution; to protect fish spawning grounds, aquatic life and bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to conserve shore cover; and to preserve access to inland and coastal waters.

<b>§ 145-33. Shoreland Overlay District.</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
B.	Setbacks from water bodies and wetlands. All roads, driveways and structures, except those required to control drainage or water movement and those needed for water-dependent uses, shall comply with the following setback requirements or those of the underlying district, whichever is greater:	<b>Y</b>			
(1)	The minimum setback from the upland edge of a wetland shall be 75 feet, which may be reduced to the average of the setbacks of structures within 200 feet of the proposed structure on lots abutting the wetlands but shall not be less than 25 feet. <b>[Amended 4-16-1999]</b>			<b>NA</b>	The prior approved Barn B and Sawmill buildings are to be eliminated. No structures are proposed in the Shoreland Overlay District of the property.
(2)	The minimum setback from the high-water line of Ell Pond shall be 100 feet.			<b>NA</b>	
(3)	The minimum setback on the ocean side of Wells Beach, Drakes Island and Moody Beach shall be 20 feet from the sea wall. Where there is no sea wall, the setback shall be from a theoretical sea wall line extrapolated from the existing sea walls.			<b>NA</b>	
(4)	The minimum setback from all other water bodies shall be 75 feet from their high-water line.	<b>Y</b>			Noted.

**Town of Wells , Maine Review Checklist**  
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Project Name/District: Millennium Granite / Rural District & 250' Shoreland Overlay - Map 46, Lot 20.3

Date of Review: 11-22-16

Prepared By: Office of Planning & Development

Company Name: Town Of Wells

<b>§ 145-33. Shoreland Overlay District.</b>		<b>Application Meet Requirements</b>			
		Yes	No	NA	Comments
C.	Shore frontage.			<b>NA</b>	This parcel does not front on any water bodies. Care must be taken that any digging does not hit groundwater and cause a water body to be created on the parcel.
	(1) A lot within the Shoreland Overlay District with frontage on a freshwater water body or freshwater wetland, including all streams, shall have a minimum shore frontage of 200 feet. <b>[Amended 4-19-1997]</b>				
	(2) A lot within the Shoreland Overlay District with frontage on a tidal water body shall have a minimum shore frontage of 150 feet.				
D.	Performance standards for agriculture and animal husbandry uses.			<b>NA</b>	Agriculture and Animal Husbandry are not proposed. Applicant may wish to consider whether any deed covenants or homeowners' association restrictions would deal with the types of animals that may be kept. This is not a requirement to include such, however.
	(1) All spreading or disposal of manure shall be done according to the Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the University of Maine and the Maine Soil and Water Conservation Commission in July 1972.				
	(2) Manure shall not be stored or stockpiled within 100 feet horizontal distance of Ell Pond or within 75 feet horizontal distance of other water bodies, tributary streams or wetlands. Manure storage areas which existed before December 14, 1991, and which do not meet the setback requirement may remain after December 14, 1996, only if the storage area produces no discharge of effluent or contaminated stormwater runoff.				

**Town of Wells , Maine Review Checklist**  
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Project Name/District: Millennium Granite / Rural District & 250' Shoreland Overlay - Map 46, Lot 20.3

Date of Review: 11-22-16

Prepared By: Office of Planning & Development

Company Name: Town Of Wells

<b>§ 145-33. Shoreland Overlay District.</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
(3)	There shall be no new tilling of soil or clearing of trees or other vegetation for agricultural use within 100 feet of Ell Pond, within 25 feet of tributary streams and wetlands or within 75 feet of other water bodies.				
(4)	Agricultural activities involving tillage of soil greater than 40,000 square feet in surface area or the spreading, disposal or storage of manure shall require a conservation plan which meets the standards of the State Soil and Water Conservation Commission and is approved by the York County Soil and Water Conservation District. Noncompliance with the provisions of such conservation plan shall be considered to be a violation of this chapter.				
(5)	Livestock grazing areas are prohibited within 100 feet of the high-water line of Ell Pond, within 25 feet of tributary streams and wetlands and within 75 feet of other waterbeds. Livestock grazing associated with ongoing farm activities and which is not in conformance with the above setback provisions may continue, provided that such grazing is conducted according to a plan approved by the York County Soil and Water Conservation District.				
E.	Clearing of vegetation for development.			<b>NA</b>	There will be no clearing of vegetation within the Shoreland Overlay District for the proposed changes and additions to the parcel.
(1)	In the development of a permitted use, a buffer strip of vegetation shall be preserved within the strip of land extending 100 feet inland from the high-water line of Ell Pond and 75 feet from any other water body, tributary stream or the upland edge of a wetland, as follows:				

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Project Name/District: Millennium Granite / Rural District & 250' Shoreland Overlay - Map 46, Lot 20.3

Date of Review: 11-22-16

Prepared By: Office of Planning & Development

Company Name: Town Of Wells

<b>§ 145-33. Shoreland Overlay District.</b>			<b>Application Meet Requirements</b>											
			Yes	No	NA	Comments								
		(a)	There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed 10 feet in width as measured between tree trunks is permitted, provided that a cleared line of sight to the water through the buffer strip is not created. Within 100 feet of the high-water line of Ell Pond the width of the footpath shall be limited to six feet.											
		(b)	<p>Selective cutting of trees within the buffer strip is permitted provided that a well-distributed stand of trees and other vegetation is maintained. For the purposes of this section, a "well-distributed stand of trees and other vegetation" adjacent to Ell Pond shall be defined as maintaining a rating score of 12 or more in any twenty-five-foot by twenty-five-foot square area (625 square feet) as determined by the following rating system:</p> <table style="margin-left: 20px; border: none;"> <tr> <td style="padding-right: 20px;"><b>Diameter of Tree at 4 1/2 Feet Above Ground Level (inches)</b></td> <td style="text-align: right;"><b>Points</b></td> </tr> <tr> <td>2 to 4</td> <td style="text-align: right;">1</td> </tr> <tr> <td>Over 4 to 12</td> <td style="text-align: right;">2</td> </tr> <tr> <td>Over 12</td> <td style="text-align: right;">4</td> </tr> </table>				<b>Diameter of Tree at 4 1/2 Feet Above Ground Level (inches)</b>	<b>Points</b>	2 to 4	1	Over 4 to 12	2	Over 12	4
<b>Diameter of Tree at 4 1/2 Feet Above Ground Level (inches)</b>	<b>Points</b>													
2 to 4	1													
Over 4 to 12	2													
Over 12	4													
		[1]	Next to other water bodies, tributary streams and wetlands a "well-distributed stand of trees and other vegetation" is defined as maintaining a minimum rating score of eight per twenty-five-foot square area.											

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Project Name/District: Millennium Granite / Rural District & 250' Shoreland Overlay - Map 46, Lot 20.3

Date of Review: 11-22-16

Prepared By: Office of Planning & Development

Company Name: Town Of Wells

<b>§ 145-33. Shoreland Overlay District.</b>				<b>Application Meet Requirements</b>			
				Yes	No	NA	Comments
		[2]	Notwithstanding the above provisions, no more than 40% of the total volume of trees four inches or more in diameter measured 4.5 feet above ground level may be removed in any ten-year period.				
		(c)	To protect water quality and wildlife habitat adjacent to Ell Pond, existing vegetation under three feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described in Subsections E(1)(a) and (b) above.				
		(d)	Pruning of tree branches on the bottom 1/3 of the tree is permitted.				
		(e)	To maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.				
		(f)	This Subsection E(1) shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the minimum area necessary.				

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Project Name/District: Millennium Granite / Rural District & 250' Shoreland Overlay - Map 46, Lot 20.3

Date of Review: 11-22-16

Prepared By: Office of Planning & Development

Company Name: Town Of Wells

<b>§ 145-33. Shoreland Overlay District.</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
(2)	At distances greater than 100 feet from Ell Pond and 75 feet from the high-water line of any other water body, tributary stream or the upland edge of a wetland, except to allow for the development of permitted uses, there shall be permitted on any lot, in any ten-year period, selective cutting of not more than 40% of the volume of trees four inches or more in diameter measured 4.5 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty-percent calculation. Cleared openings for development, including but not limited to principal and accessory structures, driveways and sewage disposal systems, shall not exceed in the aggregate 25% of the lot area or 10,000 square feet, whichever is greater, including land previously developed. This provision shall not apply within those portions of the Shoreland Overlay District in which the underlying district is the Harbor District, the Beach Business District or the General Business District.				
(3)	Cleared openings legally in existence on the effective date of this chapter may be maintained but shall not be enlarged, except as permitted by this chapter.				
(4)	Fields which have reverted to primarily shrubs, trees or other woody vegetation shall be regulated under the provisions of this section.				
F.	Roads and driveways. The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.	<b>Y</b>			

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Project Name/District: Millennium Granite / Rural District & 250' Shoreland Overlay - Map 46, Lot 20.3

Date of Review: 11-22-16

Prepared By: Office of Planning & Development

Company Name: Town Of Wells

<b>§ 145-33. Shoreland Overlay District.</b>			<b>Application Meet Requirements</b>			
			<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
(1)	Roads and driveways shall comply with the setback requirements of Subsection B unless no reasonable alternative exists as determined by the Zoning Board of Appeals. If no other reasonable alternative exists, the Zoning Board of Appeals may reduce the road and/or driveway setback requirement upon a clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the wetland, tributary stream or water body. Such techniques may include, but are not limited to, the installation of settling basins and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream or wetland.			<b>NA</b>	The existing gravel road to the fire pond is located within the Shoreland Overlay Zone. This road is located within the 75 setback from the upland edge of the wetland; it is approximately 15 feet from the wetland edge. However due to 145-33F(1)(b) this road provides access to a fire pond and dry hydrant utilized by the Town Fire Department and therefore this section shall not apply.	
(a)	On slopes of greater than 20% the road and/or driveway setback shall be increased by 10 feet for each five-percent increase in slope above 20%.			<b>NA</b>		
(b)	This section shall not apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures or facilities located near the shoreline due to operational necessity.	<b>Y</b>			The road provides access to a fire pond and dry hydrant utilized by the Town Fire Department and therefore the setback requirements of 145-33F(1) will not apply.	
<b>Note: See also §§ 145-13, Nonconforming structures, and 145-14, Nonconforming lots.</b>						
(2)	An existing public street may be expanded within the street right-of-way, whatever its setback from a water body, tributary stream or wetland.			<b>NA</b>	This road is not proposed to be expanded.	
(3)	Road banks shall not be steeper than a slope of one vertical to two horizontal and shall be graded and stabilized to prevent erosion and stream sedimentation.				Plans for this existing gravel road showing slope and grade have not been provided. It is not clear what measures are being taken to prevent erosion and sedimentation to the wetland.	

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Project Name/District: Millennium Granite / Rural District & 250' Shoreland Overlay - Map 46, Lot 20.3

Date of Review: 11-22-16

Prepared By: Office of Planning & Development

Company Name: Town Of Wells

<b>§ 145-33. Shoreland Overlay District.</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
(4)	Road grades shall not be greater than 10% except for segments of less than 200 feet in length.				Plans for this existing gravel road showing slope and grade have not been provided. It is not clear what measures are being taken to prevent erosion and sedimentation to the wetland.
(5)	To prevent road surface drainage from directly entering water bodies, tributary streams or wetlands, roads shall be designed, constructed and maintained to empty onto an undisturbed buffer strip at least 50 feet, plus two feet times the average percent slope, in width between the outflow point of the ditch or culvert and the high-water line of a water body, tributary stream or upland edge of a wetland. Road surface drainage which is directed to an undisturbed buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.				Plans for this existing gravel road showing slope and grade have not been provided. It is not clear what measures are being taken to prevent erosion and sedimentation to the wetland.
(6)	Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed to effectively direct drainage onto undisturbed buffer strips before the flow in the road or ditches gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply:				Plans for this existing gravel road showing slope and grade have not been provided. It is not clear what measures are being taken to prevent erosion and sedimentation to the wetland.

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Date of Review: 11-22-16

Prepared By: Office of Planning & Development

Company Name: Town Of Wells

§ 145-33. Shoreland Overlay District.			Application Meet Requirements																	
			Yes	No	NA	Comments														
	(a)	<p>Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:</p> <table style="margin-left: 40px;"> <thead> <tr> <th>Road Grade (percent)</th> <th>Spacing (feet)</th> </tr> </thead> <tbody> <tr> <td>0 to 2</td> <td>250</td> </tr> <tr> <td>3 to 5</td> <td>200 to 135</td> </tr> <tr> <td>6 to 10</td> <td>100 to 80</td> </tr> <tr> <td>11 to 15</td> <td>80 to 60</td> </tr> <tr> <td>16 to 20</td> <td>60 to 45</td> </tr> <tr> <td>21+</td> <td>40</td> </tr> </tbody> </table>	Road Grade (percent)	Spacing (feet)	0 to 2	250	3 to 5	200 to 135	6 to 10	100 to 80	11 to 15	80 to 60	16 to 20	60 to 45	21+	40				Plans for this existing gravel road showing slope and grade have not been provided. It is not clear what measures are being taken to prevent erosion and sedimentation to the wetland.
Road Grade (percent)	Spacing (feet)																			
0 to 2	250																			
3 to 5	200 to 135																			
6 to 10	100 to 80																			
11 to 15	80 to 60																			
16 to 20	60 to 45																			
21+	40																			
	(b)	Drainage dips may be used in place of ditch relief culverts only where the road grade is 10% or less.				Plans for this existing gravel road showing slope and grade have not been provided. It is not clear what measures are being taken to prevent erosion and sedimentation to the wetland.														
	(c)	On road sections having slopes greater than 10%, ditch relief culverts shall be placed across the road at approximately a sixty-degree angle downslope from the center line of the road.				Plans for this existing gravel road showing slope and grade have not been provided. It is not clear what measures are being taken to prevent erosion and sedimentation to the wetland.														
	(d)	Ditch relief culverts shall be sufficiently sized and properly installed to effectively function, and their inlet and outlet ends shall be stabilized with appropriate materials.				Plans for this existing gravel road showing slope and grade have not been provided. It is not clear what measures are being taken to prevent erosion and sedimentation to the wetland.														
	(7)	Ditches, culverts, bridges, dips, water turnouts and other stormwater runoff control installations associated with roads shall be maintained regularly to ensure effective functioning.				Plans for this existing gravel road showing slope and grade have not been provided. It is not clear what measures are being taken to prevent erosion and sedimentation to the wetland.														

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Project Name/District: Millennium Granite / Rural District & 250' Shoreland Overlay - Map 46, Lot 20.3

Date of Review: 11-22-16

Prepared By: Office of Planning & Development

Company Name: Town Of Wells

<b>§ 145-33. Shoreland Overlay District.</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
G.	Piers, docks, wharves, breakwaters, causeways, marinas, bridges and other structures and uses extending over or beyond the high-water line of a water body, stream or within a wetland. In addition to federal or state permits which may be required for such structures and uses, they shall conform to the following:			<b>NA</b>	
(1)	Shore access shall be developed on soils appropriate for such use and constructed to control erosion.				
(2)	The location shall not interfere with developed or natural beach areas.				
(3)	The facility shall be located to minimize adverse effects on fisheries.				
(4)	The facility shall not be larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use and character of the area.				
(5)	No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.				
(6)	No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.				
(7)	Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the high-water line of a water body or within a wetland shall not exceed 20 feet in height above the pier, wharf, dock or other structure.				
H.	Timber harvesting.			<b>NA</b>	There is no timber harvest proposed on the parcel or within the Shoreland Overlay zone, either in its current condition or as it will be developed.

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Project Name/District: Millennium Granite / Rural District & 250' Shoreland Overlay - Map 46, Lot 20.3

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Prepared By: Office of Planning & Development

Company Name: Town Of Wells

<b>§ 145-33. Shoreland Overlay District.</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
(1)	No accumulation of slash shall be left within 50 feet of the high-water line of a water body. In all other areas all slash shall either be removed or disposed of in such a manner that it lies on the ground and no part of it extends more than four feet above the ground. Any debris that falls below the high-water line of a water body shall be removed from the water body.				
(2)	Except for water crossings, all skid trails, log yards and other sites where the operation of logging machinery results in the exposure of mineral soil shall be located such that an undisturbed filter strip of vegetation of at least 75 feet in width for slopes of up to 10% shall be retained between the exposed mineral soil and the high-water line of a water body or upland edge of a wetland. For each ten-percent increase in slope, the undisturbed strip shall be increased by 20 feet. The provisions of this Subsection H(2) apply only to a face sloping toward the water body or wetland; provided, however, that no portion of such exposed mineral soil on a back face shall be closer than 25 feet to the high-water line of a water body or upland edge of a wetland.				
(3)	Harvesting operations shall be conducted in such a manner and at such a time that minimal soil disturbance results. Adequate provisions shall be made to prevent soil erosion and sedimentation of surface waters. Timber harvesting equipment shall not use stream channels as travel routes except when surface waters are frozen and the activity will not result in any ground disturbance.				
(4)	All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.				

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Prepared By: Office of Planning & Development

Company Name: Town Of Wells

<b>§ 145-33. Shoreland Overlay District.</b>		<b>Application Meet Requirements</b>			
		Yes	No	NA	Comments
(5)	Skid trail approaches to water crossings shall be located and designed to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.				
(6)	Selective cutting of no more than 40% of the total volume of trees four inches or more in diameter, measured 4.5 feet above ground level, on any lot in any ten-year period is permitted. These standards shall not apply to activities necessary and resulting from wind damage, fire and removal of dead trees. Trees and other vegetation killed by natural causes (e.g., beaver or insects) shall not be counted in determining either the original volume or the volume removed. In addition:				
(a)	Within 100 feet of the high-water line of Ell Pond and within 75 feet of the high-water line of other water bodies, tributary streams or the upland edge of a wetland, a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.				
(b)	At distances greater than 100 feet from Ell Pond and greater than 75 feet from the high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single openings greater than 10,000 square feet in the forest canopy. Where such openings exceed 5,000 square feet they shall be at least 100 feet apart. Such openings shall be included in the calculation of total volume removal.				

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Date of Review: 11-22-16

Prepared By: Office of Planning & Development

Company Name: Town Of Wells

<b>§ 145-33. Shoreland Overlay District.</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
(7)	Timber harvesting operations exceeding the forty-percent limitation of Subsection H(6) may be allowed by the Planning Board if the applicant submits a forest management plan prepared by a Maine licensed professional forester showing that such exception is good forest management and the harvest will be carried out according to the purposes of this chapter. The Planning Board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed within 14 days of the Board's decision. <b>[Amended 4-19-1997]</b>				

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Project Name/District: Millennium Granite / Rural District & 250' Shoreland Overlay - Map 46, Lot 20.3

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Company Name: Town Of Wells

**Article V District Regulations**

**A. Purpose.**

The purpose of the Resource Protection District is to protect and preserve fragile environmental areas from intrusions which would upset their ecological systems or create potential public health or safety problems.

<b>§ 145-32. Resource Protection District.</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
B.	Permitted uses. The following uses are permitted upon obtaining any required permits from the Code Enforcement Officer:				
(1)	Recreation, passive.			<b>NA</b>	
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:				No structures for the mineral extraction or manufacturing use are located within the RP zone.
(1)	Aquaculture.			<b>NA</b>	
(2)	Municipal facility.			<b>NA</b>	
(3)	Public utility facility.			<b>NA</b>	
(4)	Piers, docks and wharves.			<b>NA</b>	
D.	Accessory uses. Accessory uses are permitted when they are clearly incidental to permitted use; subordinate, individually and in the aggregate, to the permitted use; and located on the same lot as the permitted use being served.	<b>Y</b>			A portion of the Fire Pond and the dry hydrant are located within the RP zone.
E.	Uses prohibited.				
(1)	Except as permitted in § 145-12, Nonconforming uses, and in Article VI, Town-Wide Regulations, uses not identified in Subsections B, C, D and G are prohibited within this district. <b>[Amended 11-2-1999]</b>			<b>NA</b>	
(2)	New roads and driveways are prohibited unless approved by the Zoning Board of Appeals upon a finding that no reasonable alternative route or location is available outside the district. <b>[Amended 4-28-1995]</b>			<b>NA</b>	No new road or driveway is proposed within the RP zone; however a preexisting gravel road is located within the RP zone.

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Project Name/District: Millennium Granite / Rural District & 250' Shoreland Overlay - Map 46, Lot 20.3

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Prepared By: Office of Planning & Development

Company Name: Town Of Wells

<b>§ 145-32. Resource Protection District.</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
F.	Dimensional requirements: none, except as may be required by the Planning Board for the protection of the public health and safety and as provided in Subsection G below. <b>[Amended 11-2-1999]</b>			<b>NA</b>	
Note: See also §§ 145-13, Nonconforming structures, and 145-14, Nonconforming lots.					
G.	Preexisting use: a principal or accessory use that was legally in existence on January 1, 1994, and on July 1, 1999, is a permitted use, not a nonconforming use. Any such business use shall be regulated in accordance with all of the provisions of § 145-25, Beach Business District, and § 145-33, Shoreland Overlay District. Any such residential use shall be regulated in accordance with all of the provisions of § 145-21, Residential A District, and § 145-33, Shoreland Overlay District. <b>[Added 11-2-1999]</b>			<b>NA</b>	

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Project Name/District: Millennium Granite / Rural District & 250' Shoreland Overlay - Map 46, Lot 20.3

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Prepared By: Office of Planning & Development

Company Name: Town Of Wells

**Article VI**

Town-Wide Regulations

<b>§ 145-35. General regulations.</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
A.	All uses shall conform to the provisions of this chapter.	Y			
B.	All lots (except lots being merged with an abutting parcel) and structures shall comply with dimensional requirements specified for the district in which they are located, except those considered nonconforming. Where a single lot of record contains more than one principal structure, the lot may not be divided in a way which would create a parcel or parcels which do not conform to the requirements of this chapter for lot size, setbacks or street frontage. <b>[Amended 4-19-1997]</b>	Y			
C.	A residential lot with a dwelling unit may be used for keeping noncommercial domestic poultry and domestic livestock in conformance with Article V District Regulations. Structures used exclusively for the housing of such domestic poultry or livestock with a ceiling height below 6.5 feet or footprint area 50 square feet or less shall not require a building permit. Domestic poultry and livestock shall be contained within the lot boundaries.			NA	
D.	No manufactured home which was manufactured before June 15, 1976, may be brought into the Town of Wells unless suitable evidence is provided to the Code Enforcement Officer that the manufactured home does not contain aluminum electrical wiring, that the manufactured home contains two exterior exits and that the roof is constructed to support a live load of 30 pounds per square foot. <b>[Amended 4-16-1999]</b>			NA	
E.	Land within the lines of a street right-of-way on which a lot abuts shall not be considered as part of such lot for the purposes of meeting the lot area requirements of this chapter, even though the fee to the land may be in the same ownership as the lot.	Y			
F.	No part of a setback area, open space or off-street parking or loading space required by this chapter shall be included as part of any other setback area, open space or off-street parking or loading space similarly required for any other structure or use except as explicitly provided for within this chapter.	Y			
G.	Multiple principal and accessory uses, which may be located within multiple buildings, shall be permitted on a lot.	Y			

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Prepared By: Office of Planning & Development

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H.	Any lot created after January 1, 1994, shall have frontage on a street which existed prior to January 1, 1994, or on a street which is constructed to the standards required by Chapter 201, Articles II and III of the Wells Municipal Code.	Y			
I.	No floor of a building higher than 30 feet above the average finished grade shall be designed as habitable space. The maximum building height may be increased by the amount required to comply with Chapter 115, Floodplain Management, § 115-6, Development standards, but not to exceed five additional feet provided the building shall not exceed three stories, be covered with a pitched, shingled roof, and be constructed on a foundation used for parking or storage only and not living space. <b>[Amended 11-6-2001]</b>	Y			
J.	Maximum building height requirements do not apply to flagpoles, chimneys, transmission towers, steeples, windmills and similar uninhabitable structures. However, except chimneys which do not exceed the height limit by more than 10 feet, such structures require a lot line setback no less than the minimum required in the district plus the height by which they exceed the prescribed height limitations.	Y			
K.	Lot area used to meet the density requirements of a use on a lot shall not be used to meet the density requirement of any other use.	Y			
L.	A single, uninhabitable accessory structure of 120 square feet or less in gross area and 15 feet or less in height, such as a utility shed, which is accessory to a residential use may be placed within the ordinarily required setbacks as set forth in Article V on any residential lot that contains 5,000 square feet or less, as long as the following minimum setbacks are met:			NA	Parcel exceeds 5,000 SF.
	(1) Twenty-five feet from the boundary of any cemetery or any street right-of-way.				
	(2) Forty feet from the right-of-way of any state highway.				
	(3) The full required setback from any seawall, water body or wetland, according to § 145-33.				
	(4) Five feet from other lot line.				
M.	A single, uninhabitable accessory structure of 120 square feet or less in gross area and 15 feet or less in height, such as a utility shed, which is accessory to a residential use on a residential lot shall be considered legally nonconforming if it was in existence at its current location prior to January 26, 1998. <b>[Added 4-18-1998]</b>			NA	No such structures exist.
N.	The construction, renovation, alteration, maintenance and/or operation of a building, structure or any other type of facility for use in whole or in part as a gambling casino is prohibited in all zoning districts within the Town of Wells. No building permit or certificate of occupancy shall issue for a gambling casino. <b>[Added 11-5-2002]</b>			NA	

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Project Name/District: Millennium Granite / Rural District & 250' Shoreland Overlay - Map 46, Lot 20.3

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O.	Lots abutting multiple street rights-of-way are permitted to reduce the minimum setback from a lot line abutting any street right-of-way to the minimum setback from a lot line as required for the district in which they are located if the following are met: <b>[Added 6-12-2012]</b>	Y			The parcel does have multiple street frontages off of Quarry Road and off of Bald Hill Road. Street frontage requirements are met and exceeded by the frontage that exists along both street rows. Setbacks are 25 feet from the boundary of a lot line and 25 feet from the boundary of a street row. The Mineral Extraction buffer from Quarry Rd and Bald Hill Road is 100 feet.
(1)	Contiguous street frontage for the lot exists on more than one street right-of-way;				
(2)	The minimum setback from any lot line abutting a street right-of-way is met from the street right-of-way that is most compliant with street frontage requirements;				
(3)	If the lot has equal and/or greater than the street frontage requirement on two abutting street rights-of-way, the lot owner may choose which right-of-way shall meet the minimum setback of a lot line abutting a street right-of-way; and				
(4)	The setback reduction shall not be permitted to apply to the setback from any lot line abutting a right-of-way of any state highway.				
<b>§ 145-36. Timber harvesting. [Amended 4-19-1997]</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
A.	If timber harvesting is deleted as a permitted use in a district, timber harvesting on a parcel of land in the Maine Tree Growth Program (36 M.R.S.A. §§ 571 to 584-A) shall continue as a permitted use as long as the subject lot, or portion thereof, remains in the Tree Growth Program.			<b>NA</b>	
<b>§ 145-37. Yard sales.</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
Yard sales shall be permitted in all districts except the Resource Protection District and shall comply with the following standards:		<b>Y</b>			
A.	A yard sale shall last no longer than three consecutive days and shall only be permitted once per month on a lot or on a contiguous lot in the same ownership.				

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B.	A permit for the yard sale shall be obtained from the Town Clerk by the owner or occupant of the lot. The Town Clerk shall provide the Police Department with a copy of all yard sale permits issued before the date of the yard sale. <b>[Amended 4-28-1995]</b>				
C.	Adequate off-street parking shall be provided for customers of the yard sale. Directional signs indicating the parking area(s) shall be provided.				
D.	Two off-premises signs within 300 feet of the yard sale are permitted to advertise the yard sale. The signs, no larger than two feet by three feet, may be displayed only between the hours of 7:00 a.m. and sunset on the day(s) of the sale. Signs shall not be attached to utility poles. <b>[Amended 4-28-1995]</b>				
E.	The yard sale shall not begin before sunrise and shall not extend after sunset. <b>[Amended 4-28-1995]</b>				
F.	No items for sale, tables or other display equipment shall be placed closer than 15 feet to the lot line(s) fronting a street. <b>[Amended 4-28-1995]</b>				
G.	Within 24 hours after the close of a yard sale, all unsold items, tables and other display equipment shall be removed from the yard and stored within a building. <b>[Amended 4-28-1995]</b>				
<b>§ 145-38. Landscaping/buffers. [Amended 4-16-1999; 4-12-2003]</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
A.	The setback areas along lot lines other than those along street rights-of-way on lots in nonresidential districts which abut a residential district shall be landscaped to provide a visual screen between residential and nonresidential uses. Parking lots, outdoor business storage areas and outdoor business uses shall be visually screened from adjacent residential lots. Said visual screening shall consist of a continuous border of shrubbery at least six feet in height and/or solid fencing six feet in height. Notwithstanding the above requirement, all visual screens shall comply with the sight distance requirements of Chapter 201, Articles II and III. The reviewing authority may waive all or part of this requirement for outdoor business uses if such uses are defined as a low-intensity commercial recreation use. Except in the Beach Business District, all business or institutional parking and outdoor storage areas shall be separated from a street right-of-way by a landscaped buffer strip at least 15 feet wide, planted with shade trees a minimum diameter of three inches at breast height (dbh). In the Beach Business District a landscaped strip four feet wide shall be provided between any outdoor business, storage area or parking lot and a street right-of-way.	Y*			<p>The plan appears to show adequate existing vegetation between this commercial parcel and residential abutters. Note #15 on plan as well as a warranty deed for residential abutting lot 1 shows the agreement that a 25' vegetative buffer will be erected within 1 year of the lot being sold or transferred to a third party.</p> <p>Areas abutting the street rights-of-way appear to have an adequate landscaped buffer. See note 23.</p>

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B.	In the Light Industrial District, except to allow for the development of a driveway, the first 40 feet of a lot as measured from the right-of-way of any street shall be planted with shrubs and/or ground cover and shade or evergreen trees with a minimum two-inch diameter at breast height (dbh) planted a maximum of thirty feet on center along the entire distance of the street frontage.								NA	
<b>§ 145-39. Off-street parking.</b>							<b>Application Meet Requirements</b>			
							<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
A.	Off-street parking may be provided out of doors or within a building. Off-street parking shall be considered to be an accessory use when provided to serve any permitted or nonconforming use. In the calculation of the number of parking spaces required, any fractional number of spaces shall be rounded to the next highest whole number for each use existing or proposed on the property. <b>[Amended 4-16-1999]</b>						Y			On-street parking is prohibited.
B.	Land may not be used and a building may not be occupied until off-street parking and/or loading facilities are provided.						Y			
C.	Design standards. <b>[Amended 4-28-1995]</b>									
(1)	All parking areas containing three or more parking spaces, except those serving one- or two-family dwellings, shall be designed according to the following criteria:									Parking areas are satisfied by the existing gravel areas adjacent to the existing and proposed buildings. Note #16 on the plan describes the parking space dimensions and number of spaces in each area. Parking areas are off of the 16' to 18' wide gravel drive.
		<b>Parking Angle (degrees)</b>	<b>Stall Width, feet</b>	<b>Skew Width, feet</b>	<b>Stall Depth, feet</b>	<b>Aisle Width, feet</b>				
		90	9	na	18.5	26	Y			5 existing spaces are described to be 90 degree angle spaces. The road aisle width for these spaces is only 16 to 18'.
		60	8.5	10.5	19	16 one way			NA	
		45	8.5	12.75	17.5	12 one way			NA	
		30	8.5	17	17.5	12 one way			NA	
		180	24	na	9	13 one way	Y			3 parallel parking spaces are noted to be 9' x 24';

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(2)	Every business, commercial, institutional, public and nonprofit use shall provide a minimum of 4% of the total parking spaces for vehicles with handicapped registration plates, but in no case less than one space. Handicapped spaces shall be designed according to ANSI Standard A117.1-1986.	Y			A handicap accessible parking space was approved on the concrete slab adjacent to the new saw barn.
(3)	All required parking spaces shall be clearly designated. Handicapped and recreational vehicle spaces shall be identified with signs no smaller than nine inches wide by 12 inches high, posted four feet from the ground.	Y			Handicap parking spaces shall be designated by such signage.
D.	The following off-street parking standards shall be provided and maintained for each use on a lot except as specified in Subsection <b>F</b> below. The reviewing authority may permit a reduction in the number of spaces provided, based on documentation from the applicant as to the particular needs of the proposed uses, or may require additional parking based on the characteristics of the particular application for approval. The reviewing authority may also permit a reduction in the number of spaces provided based on the availability of mass transit to a lot and its potential use by pedestrians or cyclists. <b>[Amended 4-26-1996; 4-19-1997; 11-2-2010; 11-5-2013; 6-10-2014]</b>				
	<b>Use</b>	<b>Required Parking Spaces</b>			
	Bank	1 per 400 square feet of gross floor area, plus 6 stacking spaces for the first drive-up window, plus 2 per additional drive-up window			<b>NA</b>
	Bowling alley	3 1/4 per lane			<b>NA</b>
	Congregate housing	1 per housing unit, plus 1 for each 300 square feet of office space			<b>NA</b>
	Contractor business	1 per 1,000 square feet of gross floor area but no less than 3 per business	Y		1550 + 120 /1000 = 1.67. A minimum of 3 spaces is required. 3 spaces are provided.
	Day care	1 per 400 square feet of floor area used for child care, plus 3			<b>NA</b>
	Dwelling	2 per each dwelling unit, plus 1/2 per bedroom in excess of 4 bedrooms per dwelling unit			<b>NA</b>

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	Life care facility	1 per 2 congregate housing units, plus 1 per elderly housing unit, plus 1 per 3 beds in the nursing home, plus 1 for each 300 square feet of office space			<b>NA</b>	
	Lodging facility	1 1/10 for each sleeping room			<b>NA</b>	
	Manufacturing, warehousing and wholesale businesses	1 per 1,000 square feet of gross floor area but no less than 3 per business	<b>Y</b>			1600 /1000 = 2. A minimum of 3 spaces are required. 3 are provided.
	Marina	1 per slip or mooring, excluding guest moorings			<b>NA</b>	
	Medical care facility	1 per bed, plus 1 per 200 square feet of office floor area			<b>NA</b>	
	Museums	1 per 500 square feet of gross floor area, plus 1 for each 3 seats in areas used for assembling groups of people			<b>NA</b>	
	Office, business	3 1/2 per 1,000 square feet of gross floor area, but no less than 3 per business	<b>Y</b>			3.5/1000 x 1440 = 5.04 spaces; 6 spaces are required. 6 are provided.
	Personal service business	1 per 400 square feet of gross floor area, but no less than 3 per business			<b>NA</b>	
	Retail business	3.5 per 1,000 square feet of sales floor area, but no less than 3 per business			<b>NA</b>	
	Restaurant, standard	1 per 3 seats, plus 1 space for every 20 seats to accommodate employees			<b>NA</b>	
	Restaurant, fast-food	1 per 30 square feet of floor area usable by customers for eating and for food preparation			<b>NA</b>	
	Elementary, junior high	3 per classroom and other rooms used by students			<b>NA</b>	
	High school	3 per classroom and other rooms used by students, plus 1 per 5 students			<b>NA</b>	
	Tent and recreational vehicle parks	See § 145-50C			<b>NA</b>	

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	Theaters, auditoriums, function halls, clubs, churches and other places of assembly	1 per 4 seats, based upon occupancy load			<b>NA</b>	
	Shopping Centers	3.5 per 1,000 square feet of retail and business office use. Theaters, restaurants, fast food restaurants will require spaces consistent with this section			<b>NA</b>	
(1)	For uses not listed above the number of parking spaces required shall be determined by the reviewing authority. The Code Enforcement Officer shall provide the reviewing authority a written opinion regarding the number of spaces he believes should be provided. The reviewing authority shall take into consideration the Code Enforcement Officer's opinion in making any such determination.		<b>Y*</b>			The Code Enforcement Officer to recommend the number of spaces required for the mineral extraction/ manufacturing uses on this parcel. See note 16.  All proposed and previously approved structures are associated with the mineral extraction/ manufacturing use.
(2)	Loading bays may be required by the Planning Board for a project which requires Planning Board approval.				<b>NA</b>	No loading bay is depicted on the plan.
E.	Required off-street parking in all districts as determined in § 145-39D shall be located on the same lot as the use it serves unless no reasonable on-site location exists and all of the following off-site requirements are satisfied: <b>[Amended 6-10-2014]</b>		<b>Y</b>			Off-street parking provided. No off-site parking proposed.
(1)	The off-site parking location is less than 1,000 feet from the boundary line of the property where the use it serves is located;					
(2)	The off-site parking location is established by a recorded easement, or a license or lease agreement, to benefit the property where the use it serves is located;					
(3)	The off-site parking location shall be located within a district in which a commercial parking lot is a permitted use; and					
(4)	A site plan approval or a site plan amendment is obtained from the Planning Board for each property.					
F.	Plans for parking areas shall indicate the location of snow storage or make provision for snow removal. Snow may be stored on required parking spaces if the Planning Board determines that the business(es) will have adequate parking during the winter months without the use of the spaces on which snow is stored.		<b>Y</b>			See note 6.
G.	Parking areas within in the Shoreland Overlay District shall meet the shoreline setback required for structures from the water body or wetland adjacent to which they are located.		<b>Y</b>			No parking areas shall be located within the Shoreland Overlay District.

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H.	Parking areas shall be designed to prevent stormwater runoff from flowing directly or being piped directly into a water body, to allow for the settling of sediment and the removal of grease, oil and other pollutants.	Y			Best Management Practices shall be followed. The increase in lot coverage to have a minimal effect on stormwater runoff.
I.	All parking areas shall have a firm surface, such as bituminous concrete, gravel or crushed stone. The reviewing authority may waive this requirement for parking areas that will only be used between May 1 and November 1.	Y			Areas that could be used for parking shall be on gravel as depicted on the plan.
J.	In the Light Industrial District all off-street parking shall be located at the side and/or in the rear of the building if the building is less than 60 feet from the right-of-way of a street. If the building is 60 feet or more from the right-of-way of a street, then the parking shall be located no less than 40 feet from the street right-of-way and a landscaped buffer meeting the requirements of § 145-38B shall be provided. <b>[Added 4-12-2003]</b>			NA	
<b>§ 145-40. Signs. [Amended 4-28-1995; 4-26-1996; 4-18-1998; 4-14-2000; 11-5-2002; 5-20-2003; 4-29-2005; 11-6-2007; 6-8-2010]</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
A.	Standards for all signs. All signs shall comply with these regulations, regardless of whether or not a permit is required: (Section 145-40 of the Wells Code. The applicant shall complete a sign application as part of the Site Plan process and it shall be filed with the application. The sign permit fee, however, shall not be payable until such time as the site plan application is approved.)	Y			Signs will be determined in compliance by the Code Enforcement Office prior to being placed. A "rock sign" is noted on the plan off of Quarry Road. See note #19
<b>§ 145-41. Light and glare. [Amended 6-8-2010]</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
A.	The Town of Wells recognizes the need to minimize light pollutions and glare from illumination, whether lighting of grounds or by signs, in order to avoid unreasonable impacts on existing uses, abutting properties, and the natural environment. Unreasonable impacts may include contributions to artificial illumination of the night sky, impacts on persons in the surrounding area, and hazards to drivers.	Y			See note 20.
B.	In addition to meeting all other applicable requirements, any sign lighting must meet the following requirements:	Y			Any signs shall comply with these lighting requirements. See note 19.
(1)	Signs shall be illuminated only by steady, stationary, shielded light sources directed solely on the sign without causing glare or by a constant internal illumination. Any light source shall be shielded with a fixture so that bulbs are not directly visible from neighboring properties or public ways. (See also §145-40 A (7).)				

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(2)	No sign shall be animated by means of flashing, blinking or traveling lights or by any other means not providing constant illumination except for a traditional striped, rotating barber's pole, accessory to a barber shop.				
(3)	Notwithstanding the above, electronic message center signs where permitted may change messages no more than every 10 minutes. The message on the electronic message center must change as rapidly as technologically practicable, with no phasing, rolling, scrolling, flashing or blending.				
(4)	All externally lighted signs shall be shielded so as to effectively prevent beams or rays of light from being directed at any portion of the main traveled way of a roadway; or of such low intensity or brilliance as not to cause glare or impair the vision of the driver of any motor vehicle or to create nuisance conditions.				
<b>§ 145-42. Erosion and sedimentation control.</b> <b>[Amended 4-27-2007]</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
Earthmoving operations associated with development construction activities shall be conducted in a manner to prevent or minimize erosion and sedimentation of surface waters in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Maine Department of Environmental Protection and the Cumberland County Soil and Water Conservation District, 1991. Location of structures and streets shall be designed using the existing topography in a manner which avoids slope modifications which could expose areas of soils to erosion or which could jeopardize the slope stability.		Y			Best Management Practices are a standard condition of approval and are noted on the site plan.  Applicant requests a waiver of the erosion and sedimentation control plan. <b><u>Waiver for the amendment application to be considered by the Staff Review Committee.</u></b>  Bearing in mind that presumably an erosion and sedimentation control plan was done at or before the time of the original approval, and that such a plan will be undertaken as part of the review of the subdivision which is proposed, and that the applicant will remain liable to close out the commercial use of this parcel in accordance with state and local regulation, the Office of Planning and Development does not object to this waiver request

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<b>§ 145-43. Stormwater management. [Amended 4-27-2007]</b>	<b>Application Meet Requirements</b>			
	<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
<p>Stormwater runoff shall be managed and directed through surface or subsurface drainage systems in accordance with Chapter 202-12F(4) General Standards of the Wells Municipal Code (wherein the word “site plan” shall be substituted for “subdivision”). Stormwater retention practices shall be employed to minimize impacts on neighboring and downstream properties. In areas of aquifer recharge, stormwater infiltration (after separation of leachable harmful substances) shall be required. Where retention/infiltration is unwarranted or unfeasible, off-site improvements to natural or man-made drainage systems may be necessary to increase capacity and prevent erosion at the developer’s expense. The natural state of watercourses, swales or floodways shall be maintained.</p>	<b>Y</b>			<p>This parcel was previously developed. The proposed additions are not expected to significantly increase stormwater runoff.</p> <p><b><u>Applicant requests waiver of the stormwater management plan. Waiver to be considered by the Staff Review Committee as only a 0.9% increase in lot coverage is proposed. Runoff flows to Lot 1 but shall be mitigated by the existing 25’ wide no-cut buffer (LID) along the boundary of abutting lot 1.</u></b></p>
<b>Chapter 202-12F, General Standards</b>				
<b>(4) Stormwater management. [Amended 4-27-2007]</b>				
<p>(a) Where a subdivision is traversed by a stream, river or surface water drainageway, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. This stormwater management system shall be designed by a registered professional engineer.</p>	<b>Y</b>			
<p>(b) Drainage easements for existing watercourses or proposed drainageways shall be provided and indicated on the plan.</p>			<b>NA</b>	
<p>(c) The developer shall provide a statement from the designing engineer that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or in other properties. The engineer shall certify that peak runoff from the subdivision onto other properties shall not be increased either in volume or duration from the peak runoff characteristics existing prior to development.</p>			<b>NA</b>	
<p>(d) A stormwater management plan, meeting the standards of Chapter 201, Streets and Sidewalks, Articles II and III, Wells Municipal Code, shall be submitted.</p>			<b>NA</b>	
<p>(e) For subdivisions that require MDEP review under 38 M.R.S.A. § 481 et seq. (Site Location of Development), a stormwater management plan shall be submitted which complies with the Site Location of Development permit and the requirements of MDEP Chapter 500 Stormwater Regulations.</p>			<b>NA</b>	

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(f) For subdivisions that do not require a Site Location of Development permit, but that require a MDEP permit pursuant to 38 M.R.S.A. § 420-D, a stormwater management plan shall be submitted which complies with the requirements of MDEP Chapter 500 Stormwater Regulations.			<b>NA</b>	
(g) For subdivisions outside of the watershed of a great pond that neither require a Site Location of Development permit, nor a MDEP permit pursuant to 38 M.R.S.A. § 420-D, a stormwater management plan shall be submitted which incorporates the low-impact development techniques set forth in Volume I, Chapter 3 of the Maine Stormwater Best Management Practices Manual, 2006 (LID Techniques) on each individual lot approved by the Planning Board when such LID Techniques are adopted by MDEP. At such time that the MDEP adopts the LID Techniques, the Planning Board shall adopt them for use in approving subdivisions for the Town of Wells.	<b>Y</b>			
(h) For subdivisions located within the watershed of a great pond containing: 1. five or more lots or dwelling units created within any five-year period; or 2. any combination of 800 linear feet of new or upgraded driveways and/or streets, a stormwater management plan shall be submitted that meets the phosphorus allocation across the entire subdivision in accordance with the methodology described in the MDEP Phosphorus Design Manual, Volume II of the Maine Stormwater Best Management Practices Manual, 2006.			<b>NA</b>	
(i) The Planning Board may require a hydrologic analysis for any site in areas with a history of flooding or in areas with a potential for future flooding, associated with cumulative impacts of development. This hydrologic analysis would be in the form of a "Downstream Analysis" under conditions of the ten-year, twenty-four-hour storm, the twenty-five-year, twenty-four-hour storm, and the one-hundred-year, twenty-four-hour storm, as described below:			<b>NA</b>	
[1] Downstream Analysis Methodology: The criteria used for the downstream analysis is referred to as the "10% rule." Under the 10% rule, a hydrologic and hydraulic analysis for the ten-year, twenty-four-hour storm, the twenty-five-year, twenty-four-hour storm, and the one-hundred-year, twenty-four-hour storm is extended downstream to the point where the site represents 10% of the total drainage area. For example, a ten-acre site would be analyzed to the point downstream with a drainage area of 100 acres. This analysis should compute flow rates and velocities downstream to the location of the 10% rule for present conditions and proposed conditions. If the flow rates and velocities increase by more than 5% and/or if any existing downstream structures are impacted, the designer should redesign and incorporate detention facilities.			<b>NA</b>	

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<b>§ 145-44. Vision obstructions at intersections.</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
All corner lots shall be kept clear from visual obstructions higher than three feet above ground level for a distance of 25 feet or a distance equal to the required building setbacks from the streets, whichever is less, from the intersection, measured along the intersecting lot lines.		<b>Y</b>			Site distances along Quarry Road are noted as exceeding 600 feet for one exit and 370 to 525 feet for the other exit. The speed limit on this area of road is noted as 35 MPH.
<b>§ 145-45. Noise.</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
A.	Purpose. Excessive sound and vibrations are serious hazards to the public health, welfare, safety and quality of life. It is the policy of the Town of Wells to prevent excessive stationary sound and vibration, which may jeopardize the health, welfare or safety of its residents or degrade the quality of life. This ordinance shall apply to the control of all stationary sound and vibration originating in the Town of Wells. This ordinance is not designed to impede any person's First Amendment rights of freedom of speech. This ordinance is not designed to impede the growth or economic health of the commercial or industrial sectors of the Town of Wells. This ordinance is designed to prohibit excessive and unreasonable sound and vibrations that are hazards to the public health, welfare, safety and quality of life only. <b>[Amended 6-14-2011]</b>	<b>Y</b>			Sound pressure levels were not provided. If noise is of concern the owner of the parcel will measure noise levels as outlined. See note 22.
B.	Violation. It is unlawful, and a violation of the Wells Code to make, emit, continue, or cause to be made, emitted or continued, any excessive, unnecessary or unreasonable noise beyond the boundaries of a person's property in excess of the noise levels established in the Wells Code. Where multiple residences or businesses exist within the confines of a structure, the limits of one's occupancy rights shall be considered the boundary for purposes of measuring noise. <b>[Amended 4-16-1999; 6-14-2011]</b>	<b>Y</b>			
C.	Maximum noise level. The maximum permissible noise level produced by any activity (existing or future) on a lot shall not exceed the following limits: <b>[Amended 6-14-2011]</b>	<b>Y</b>			
	(1) Music, amplified or acoustic, not otherwise exempt, that is plainly audible and excessive, unnecessary or unreasonable at a point, not on the property where the music originates, but at the location where the complaint is made.				
	(2) Other noise levels, not otherwise exempt, plainly audible and excessive, unnecessary or unreasonable at the location where the complaint is made.				

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D.	Exemptions. The following shall be exempt from the standards of 145-45(C): <b>[Amended 6-14-2011]</b>	Y			
(1)	Natural phenomena.				
(2)	Church bells rung as part of any official church ceremony or service, and tower clock bells ringing the hour during daytime hours, provided that at no time shall such duration exceed fifteen (15) minutes.				
(3)	Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in any emergency situation, provided, however, that burglar alarms not terminating within fifteen (15) minutes after being activated shall be unlawful.				
(4)	Warning devices required by the Occupational Safety and Health Administration or other state or federal governmental safety regulations.				
(5)	Farming equipment or farming activity.				
(6)	Timber harvesting and milling during daytime hours.				
(7)	Noise from domestic power equipment such as, but not limited to, chain saws, sanders, grinders, lawn and garden tools or similar devices operated during daytime hours.				
(8)	Noise generated by any construction, demolition equipment, or mineral extraction (including crushing, screening, or segregating) operated during daytime hours as per the Ordinance or site plan approval, whichever is more restrictive.				
(9)	Emergency maintenance, construction or repair work.				
(10)	Noise created by refuse and solid waste collection during daytime hours.				
(11)	Noise created by any municipal-sponsored events, municipal beach cleaning, school sporting events, parades and Town-approved fireworks displays.				
(12)	Noises created by plows, trucks and other equipment used in the removal of snow.				
(13)	Noise from any aircraft operated in conformity with, or pursuant to, Federal law, Federal air regulations, and air traffic control instruction, including any aircraft operating under technical difficulties, any kinds of distress, or under emergency orders of air traffic control.				
(14)	Noise from trains operating in conformity with or pursuant to all applicable State and Federal laws and regulations.				
(15)	Emergency or extraordinary situations.				

**Town of Wells, Maine Review Checklist**  
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Project Name/District: Millennium Granite / Rural District & 250' Shoreland Overlay - Map 46, Lot 20.3

Date of Review: 11/22/16

Prepared By: Office of Planning & Development

Company Name: Town Of Wells

	(16)	A business may use an outside sound system to notify patrons waiting to pick up an order, obtain a table, or to be able to participate in the activities of the business, provided that such sound does not create an excessive, unnecessary or unreasonable noise.				
	(17)	Noise from the operation of air conditioning or refrigeration units, which are part of the normal operation of a business or businesses located on the premises and which are necessary and normal to the operation of said business, and which air conditioning or refrigeration units are regularly serviced and kept in good repair.				
	(18)	Noise from any idling vehicles at a commercial establishment in the process of loading or unloading merchandise for the establishment, or waiting for the opportunity to do the same.				
E.		The removal or disabling of any noise-suppression devise on any equipment is prohibited. Any noise-suppression devise on equipment shall be maintained in good working order.	Y			
F.		Enforcement. Notwithstanding § 145-63 of this chapter, this section may be enforced by any of the following methods:				
	(1)	A violation of this section may be considered a land use violation and the enforcement procedures in § 145-63 may be invoked by the Code Enforcement Officer.				
	(2)	A violation of this section may be treated as a civil violation as defined by 17-A M.R.S.A. § 4-B and enforced by a law enforcement officer according to the procedures specified in 17-A M.R.S.A. § 17 and Rule 80H of the Maine Rules of Civil Procedure.				
	(3)	A violation of this section may also be considered the creation of a loud and unreasonable noise as prohibited by 17-A M.R.S.A. § 501 (Offenses Against the Public Order: Disorderly Conduct), provided that neither the Town of Wells nor any of its employees may initiate proceedings alleging a violation of both the Town ordinance and the state statute against the same person or persons for the same incident. <b>[Amended 4-16-1999]</b>				

**Town of Wells, Maine Review Checklist**  
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Project Name/District: Millennium Granite / Rural District & 250' Shoreland Overlay - Map 46, Lot 20.3

Date of Review: 11/22/16

Prepared By: Office of Planning & Development

Company Name: Town Of Wells

(4)	<p>With regard to a business with a Special Entertainment Permit issued under the authority of the Town of Wells, the municipal police and/or a Code Enforcement Officer for the Town of Wells shall have the authority to order that business to cease operation of the violation immediately upon a second visit to the premises within a two hour period, or a third visit within a 24-hour period beginning with the time of the first visit to investigate a noise complaint, when a police officer or a Code Enforcement Officer has on the previous visit(s) heard plainly audible noise in violation of this ordinance, and has reported that to the owner of the property or the person responsible for the excessive or unreasonable noise. The on-duty Municipal Police Supervisor shall accompany a police officer or Code Enforcement Officer responding to subsequent second and/or third noise complaints and shall have the authority to immediately cease operations of the violation source. The Special Entertainment may not resume within a 12 hour period thereafter. <b>[Added 6-14-2011]</b></p>				
<b>§ 145-46. Utility distribution lines.</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
A.	Review. Notwithstanding §§ 145-61 and 145-62, utility distribution lines are allowed in all zoning districts without a building or use permit.			<b>NA</b>	
B.	Dimensional requirements. The dimensional requirements of Article V and § 145-35J do not apply to utility distribution lines. <b>[Amended 6-4-1996]</b>			<b>NA</b>	
<b>§ 145-47. Utility transmission lines.</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
A.	Lot lines. For the purposes of Subsection C, the boundary lines of a utility transmission line right-of-way, whether the right-of-way is in fee simple ownership, a leasehold or an easement, are considered the lot lines of the right-of-way.			<b>NA</b>	
B.	Review. A utility transmission line is a permitted use in all zoning districts upon obtaining site plan approval from the Planning Board in accordance with the provisions of Article X.			<b>NA</b>	
C.	Dimensional requirements.			<b>NA</b>	

**Town of Wells, Maine Review Checklist**  
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Project Name/District: Millennium Granite / Rural District & 250' Shoreland Overlay - Map 46, Lot 20.3

Date of Review: 11/22/16

Prepared By: Office of Planning & Development

Company Name: Town Of Wells

(1)	Utility transmission lines must meet setback requirements from lot lines and water bodies to the greatest extent practical by the configuration of the utility corridor in which they are located and by the constraints of topography. With the exception of the setback from lot lines, the dimensional requirements of Article V do not apply to utility transmission lines. All aboveground portions of utility transmission lines shall comply with the setback requirements of Article V and § 145-35J.				
(2)	In all zoning districts where the setback for structures is greater than 10 feet from any lot line, the setback for the underground portion of a subsurface transmission line may be reduced to 10 feet from any lot lines.				
(3)	Subsurface and aerial utility transmission lines may be placed within the setbacks from any lot line abutting a street right-of-way provided no portion of a utility transmission line is placed between ground level and a height of 20 feet above the center line of the street within said setback. <b>[Amended 6-4-1996]</b>				
<b>§ 145-47.1. Public Transportation Shelter. [Added 11-6-2007]</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
Public transportation shelters may be placed within the ordinarily required setbacks as set forth in Article V.				<b>NA</b>	
<b>§ 145-47.2. School Bus Shelter. [Added 11-6-2007]</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	
A single school bus shelter which is accessory to a residential use may be placed within the ordinarily required setbacks as set forth in Article V on any residential lot following staff review for traffic safety and road maintenance impact.				<b>NA</b>	

**Town of Wells , Maine Review Checklist**  
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Project Name/District: Millennium Granite / Rural & 250' Shoreland Overlay- Tax Map 46, Lot 20.3

Prepared By: Office of Planning & Development

Date of Review: 11/22/16

Company Name: Town of Wells

**Article VII**  
**Performance Standards**

<b>§ 145-53. Mineral Extraction.</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
A.	Prior to April 24, 1994, any mineral extraction use which is not operating under the control of an approved site plan shall:			<b>NA</b>	2003 Site Plan was approved by the Wells Planning Board.
	(1) Submit to the Code Enforcement Officer either:				
	(a) A plan prepared by a surveyor or professional engineer licensed by the State of Maine showing the boundaries of the lot, the limits of the area of the existing operation and existing topography of the subject site within 100 feet of any excavation or storage area at two-foot contours (contour information shall not be required for stored materials); or				
	(b) A file containing the following information: [1] Tax map and lot number of the lot; [2] A copy of the deed of the lot; [3] A sketch of the lot showing the approximately size and location of the mineral extraction use; and [4] A series of photographs showing the area of the mineral extraction use, its entrance(s) from the public road(s) and all working faces. The area included in each photograph shall be identified on the sketch of the lot; or				
	(2) Discontinue mineral extraction operations. <b>[Amended 4-28-1995]</b>				
B.	Any mineral extraction use legally operating on April 24, 1993, may:				
	(1) Continue to operate according to an approved site plan;	<b>Y</b>			
	(2) Continue to operate and expand the use by one acre in area without an approved site plan, provided that the use has complied with the requirements of Subsection A(1)(a). Any increase in area of more than one acre may only be done according to an approved site plan. The Planning Board shall recognize the legal nonconforming status of those portions of a site on which the mineral extraction use was present and on those portions may not impose any conditions which would exceed the requirements in effect when the use was established; or	<b>Y</b>			The Mineral Extraction use is on the 23.955 acre parcel of land.  Regulations and statutes related to mineral extraction shall continue to apply to the site, and regulations and statutes related to the close out of a pit shall be applicable to the subdivision portion as well.

**Town of Wells , Maine Review Checklist**  
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Project Name/District: Millennium Granite / Rural & 250' Shoreland Overlay- Tax Map 46, Lot 20.3

Date of Review: 11/22/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

<b>§ 145-53. Mineral Extraction.</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
(3)	Remove up to 500 cubic yards of material in any two-year period from the lot without having obtained an approved site plan and without paving the entrance road as required in Subsection D(3), provided that the use has complied with the requirements of Subsection A(1)(b). No more than 500 cubic yards may be removed from any lot in any two-year period unless mineral extraction is a permitted use in the district in which the lot is located and an approved site plan has been obtained for the expanded use. <b>[Amended 4-28-1995]</b>	Y			Site Plan was approved on 1/13/2003.
C.	Up to 100 cubic yards of material may be removed annually from a parcel of land for use on another parcel of land in the same ownership without having obtained site plan approval and without paving this entrance road as required in Subsection D(3).	Y			
D.	All mineral extraction uses shall comply with the performance standards listed below. Any legally existing mineral extraction use which does not conform to these performance standards may continue to operate but may not increase the nonconformities.	Y			

**Town of Wells , Maine Review Checklist**  
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Project Name/District: Millennium Granite / Rural & 250' Shoreland Overlay- Tax Map 46, Lot 20.3

Date of Review: 11/22/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

<b>§ 145-53. Mineral Extraction.</b>		<b>Application Meet Requirements</b>			
		Yes	No	NA	Comments
(1)	<p>A vegetative buffer strip at least 100 feet in width shall be maintained along all lot boundaries, including the boundaries of cemeteries located on the lot on which the mineral extraction use is located. No existing vegetation shall be removed, except that a strip not to exceed 50 feet in width may be cleared for an access road, which shall cross the buffer strip at an angle of between 75°E and 90°E. Natural vegetation may be removed if the buffer is landscaped according to an approved site plan. The buffer strips between two mineral extraction uses may be removed upon the written agreement of both lot owners and recording of the agreement in the Registry of Deeds and referencing the recorded agreement on their respective site plans. Additionally the width of any buffer strip, except those adjacent to streets, may be reduced to not less than 25 feet if the abutting property owner(s) agree(s) to the reduction in writing and said agreement is recorded in the Registry of Deeds. For security reasons, buildings accessory to the mineral extraction use shall be allowed, with the approval of the Planning Board, in the buffer strip along their street frontage as long as they are located at least 100 feet from any site lot line and are visible from the street. <b>[Amended 11-6-2001]</b></p>	Y*			<p>This 100 foot vegetated buffer along for the cemetery boundary is not met. The cemetery has the old compressor house, engine house and roadway within 100 feet. This non-conforming buffer strip would be grandfathered for the cemetery. The plan states no clearing within 100 feet of the cemetery to take place. (See note 17. 8)</p> <p>The proposed future shed must be 100' from the cemetery boundary. No-cut 100' buffer noted on the site plan from cemetery boundary.</p> <p>Lot 1 shows piles from the mineral extraction parcel on the property. Note 15 on the site plan states " easement to be retained on Lot 1 until old rock stockpile is removed and area reclaimed as vegetated." Note 15 has clarified that the site plan requirement to vegetate the 25 foot no-cut buffer is 1 year.</p> <p>Owner of lot 20-3 also owns abutting lots 20-2. The 100' buffer is reduced to 25'. See note 17.14</p> <p>The buffer along Quarry Road appears to be landscaped enough. See note 23. The 24' x 30' mineral extraction office foundation was located within 100 feet of the street right of way and is grandfathered. No new construction or clearing permitted within 100' of Quarry Road or Bald Hill Road, except for access road.</p>

**Town of Wells , Maine Review Checklist**  
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Project Name/District: Millennium Granite / Rural & 250' Shoreland Overlay- Tax Map 46, Lot 20.3

Date of Review: 11/22/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

<b>§ 145-53. Mineral Extraction.</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
(2)	Any topsoil or subsoil suitable for the purposes of revegetation shall be stripped from the location of the extraction operation(s) and stockpiled for use in restoring the location after the extraction operation has ceased. Such stockpiles shall be protected from erosion using practices recommended by the York County Soil and Water Conservation District. Any topsoil in excess of that needed to restore the site may be removed from the site upon completion of the required site restoration work.	Y			See Note #12 regarding topsoil piles
(3)	The entrance road(s) shall be treated to minimize the generation of dust or mud. Any entrance road constructed after April 24, 1993, shall be paved a distance of at least 100 feet from the edge of the street which provides vehicular access to the operation.	Y*			Entrance road is paved only 20 feet and is grandfathered. See note 17.2.
(4)	No equipment, stumps, debris, junk or other material shall be permitted on the site except those directly related to the mineral extraction use. The temporary storage of loam, clay, sand, gravel or stone from off the premises shall be permitted as an accessory use to a mineral extraction use. The storage of concrete without steel or iron showing and the storage of asphalt for recycling may be allowed with Planning Board and Department of Environmental Protection approval. Any temporary structures erected for use as part of a mineral extraction use shall be removed within 60 days after the cessation of operation. <b>[Amended 4-28-1995]</b>	Y			Trailers to be removed prior to a building permit being issued on the lot for the proposed 40' x 80 building or saw barn additions.  Pile areas are described on the plan.
(5)	The lowest point of any sand and gravel excavation shall be at least five feet above the seasonal high water table, defined as the highest point of the water table during the wettest month of the year. The operator of the operation shall, at the request of the Code Enforcement Officer, dig a test pit at least five feet deep to demonstrate compliance with this standard. Any area of an excavation site that was mined below five feet above the seasonal high water table before April 24, 1993, shall be deemed nonconforming and may not be expanded either horizontally or vertically. <b>[Amended 4-28-1995]</b>	Y*			<u>The Code Enforcement Office may request a test pit to demonstrate compliance.</u>

**Town of Wells , Maine Review Checklist**  
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Project Name/District: Millennium Granite / Rural & 250' Shoreland Overlay- Tax Map 46, Lot 20.3

Date of Review: 11/22/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-53. Mineral Extraction.			Application Meet Requirements			
			Yes	No	NA	Comments
(6)	Vehicular access to any mineral extraction site shall be limited during all inactive periods and nonworking hours by gates, fences, berms, wooded buffer areas or any other functional barriers.	Y*			Hours of operation in note # 21; gates are located at entrances off of Quarry Road. <u>Some Security fencing is shown around the gravel pond.</u>  <b><u>What barriers exist for the gravel access road adjacent to the pond? Are there large existing trees?</u></b>	
(7)	Any mineral extraction use shall employ erosion and sedimentation control measures as necessary to protect water bodies, tributary streams and wetlands from sedimentation and adjacent lots from erosion and sedimentation. Said erosion and sedimentation control measures shall be in accordance with the practices recommended by the York County Soil and Water Conservation District.	Y				
(8)	The following regulations shall apply to all sites:					
	(a) No fuels, antifreeze, lubricants or hydraulic fluids shall be stored within any excavation area. They may be stored on site only if they are stored within a containment structure which would hold and prevent any of the fluid from entering the ground.	Y			See note #24.	
	(b) Any refilling or draining of any fluids (e.g., fuel, hydraulic fluid, brake fluid or antifreeze) or repair of equipment on an extraction site shall take place only over an impermeable surface from which any spilled fluids can be collected and removed from the site. Said surface or container shall have a capacity of at least 20 gallons.	Y			See note #24.	
	(c) Every extraction use shall have a plan, and the ability to implement the plan, for the containment and cleanup of any fuel or fluid spill on site.	Y			See note #24.	
(9)	Any site, except rock and stone quarries, upon which a mineral extraction use is located shall be restored so that no grades exceed a slope of three horizontal to one vertical within two years of the cessation of any extraction at any site or at any one or more locations within a site. The sites shall be revegetated using the topsoil available on site according to the practices recommended by the York County Soil and Water Conservation District.			NA	This mineral extraction site is a rock and stone quarry and is not required to be restored. See note 17.8.	

**Town of Wells , Maine Review Checklist**  
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Project Name/District: Millennium Granite / Rural & 250' Shoreland Overlay- Tax Map 46, Lot 20.3

Date of Review: 11/22/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

<b>§ 145-53. Mineral Extraction.</b>			<b>Application Meet Requirements</b>			
			<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
(10)	The Planning Board shall, as part of its review process, consider the potential noise impacts of a proposed mineral extraction use. In situations where residential development may be impacted by the mineral extraction use, the Board may require a noise study. Enlarged buffers, noise barriers, limitation on hours of operation or any other physical improvement or operational procedure that would reduce the sound-pressure levels to the standards required in ' 145-45 may be required.	Y			See note #22.	
E.	Discontinuance of a mineral extraction use is defined as the excavation and removal from the premises of less than 500 cubic yards of material in any twenty-four month period for mineral extraction uses operating under the requirements of Subsection B(1) and (2) or the removal of less than 20 cubic yards of material in any two-year period for mineral extraction uses operating under the requirements of Subsection B(3). The owner/operator shall provide the Code Enforcement Officer receipts or other documents substantiating the cubic yardage of material which has been hauled off the premises in the previous 24 months so that he may determine if the mineral extraction use has or has not been discontinued. If a mineral extraction use has been discontinued, it may not resume operation without having obtained site plan approval and met the standards of this section.	Y			Mineral extraction use is established and on-going.	
F.	A performance guaranty, the form and amount of which are acceptable to the Town Manager, shall be given to the Town before the issuance of a use permit for any mineral extraction use approved by the Planning Board. The performance bond shall be of sufficient size to rehabilitate the mineral extraction site in accordance with the restoration plan approved by the Planning Board. If a mineral extraction use is discontinued (as defined in Subsection E its approval shall expire, and the Town, after providing the owner and/or operator written notice of its intent, shall use the posted security to restore the site of the mineral extraction use in accordance with Subsections D(7) and (9).			NA	The restoration plan is not required.  No performance guarantee was required as part of the 2003 site plan approval. Planning Board did not require a guarantee with the 2009 approval.	



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**Site Plan Amendment Application Memo**

Date: November 23, 2016

To: Staff Review Committee

From: Planning Office

Re: Browns Clam Shanty – Site Plan Amendment Application - Map 105, Lot 160

Sean Brown, has submitted a site plan amendment application on behalf of the property owner, Bruce and Robert Brown, for the property located off of 198 Post Road identified as Tax Map 105, Lot 160. The property is located within the General Business District and is 4.89 acres in size. The parcel is served by public water and sewer. The purpose of the amendment is to seek approval for the following changes: reflect existing site conditions for lot coverage, parking, building location, outside eating; eliminate the renovation of the deck; comply with prior approved landscaped buffer requirements along Route One; and seek approval/remedy addition of other uses/structures on the property. The existing 96 seat Standard Restaurant use to remain unchanged.

**§ 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** -?
- B. Resumption of a use which has been discontinued for at least two years is proposed; or
- C. An existing use proposes to expand its gross floor area and/or land area. **YES** -

**§ 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 Staff Review committee approval.*
- 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 the 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 11/4/16 the Code Officer determined the uses are permitted.**
    - (b) If the proposed use is a permitted use on the subject lot: **Abutter notification mailed 11/4/16**
      - [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. **Staff Review Committee received site plan amendment application on 11/15/16**
- (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 11/4/16; meeting was on 11/15/16**
- (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. Background of the property:
  - a. Property approved as RV Park with office and Sub Shop in 1986
  - b. Restaurant approved 5-7-1995 (Mikes Clam Shack)
  - c. Restaurant amendment 5-20-1997 (Mikes Clam Shack)
  - d. Restaurant amendment 2-16-1999 (Mikes Clam Shack)
  - e. Last site plan approval was for a 96 seat Standard Restaurant with 44 parking spaces
  - f. Last active lease of the Restaurant/ Business License had an expiration date of 12-31-2014.
2. The SRC and applicant should review the 3 options recommended to resolve the site plan violations/issues.

## **Brown's Site Plan Options**

1. Move shed and propane tank to the garage lot.  
Remove cars and storage trailers from the lot.  
No lot change. No survey.
  
2. Move the property line or divide the restaurant onto its own lot.  
Move shed.  
Propane tank may be Ok with bollards and an easement.  
Move storage trailers.  
Revise garage lot site plan.  
Survey needed.
  
3. Move the property line/create a lot and retain an easement for the north row of parking  
No shed or tank relocations  
Revise garage lot site plan  
Survey needed



**PLAN of PROPERTY of  
BRUCE & ROBERT E. BROWN  
MOODY AREA, WELLS, ME.**

Oct. 1967 Scale: one inch = 50 feet G. Maynard Trafton Engr.  
Note: Line between CROSBY & SIMPSON established 5/25/56  
by Libby & Dow, Engrs Recorded 13k21 Pg. 17

**YORK COUNTY**

10.76 ACRES  
PROPOSED BY  
BROWNIES, R.V.  
BOX 495 RT. 11  
SUNAPEE, NH 03782  
10,000 SQ. FT. RETAIL SPACE  
NO INCINERATION DEVICE

NO MACHINERY  
NO CATCH BASIN OR STORM DRAIN  
NO STREAMS  
NO SEWER OR WATER NEEDED  
NO CHANGE IN LANDSCAPE OR GEOGRAPHY  
All DRIVES, ENTRANCES & EXITS EXISTING IN USE  
NO FENCES OR WALLS TO BE BUILT  
NO EASEMENTS OR RIGHTS OF WAY APPLICABLE

NOTE: yellow OUTLINE INDICATES PROPERTY OWNED BY BRUCE & ROBERT E. BROWN

SET BACKS ARE INDICATED BY \*  
All ABUTTERS INDICATED

NOTE: LOCAL MAP ATTACHED

SIGNATURE BLOCK

REGISTRY OF DEEDS DATED:

DEC. 21, 1967

AT 1:05 P.M.

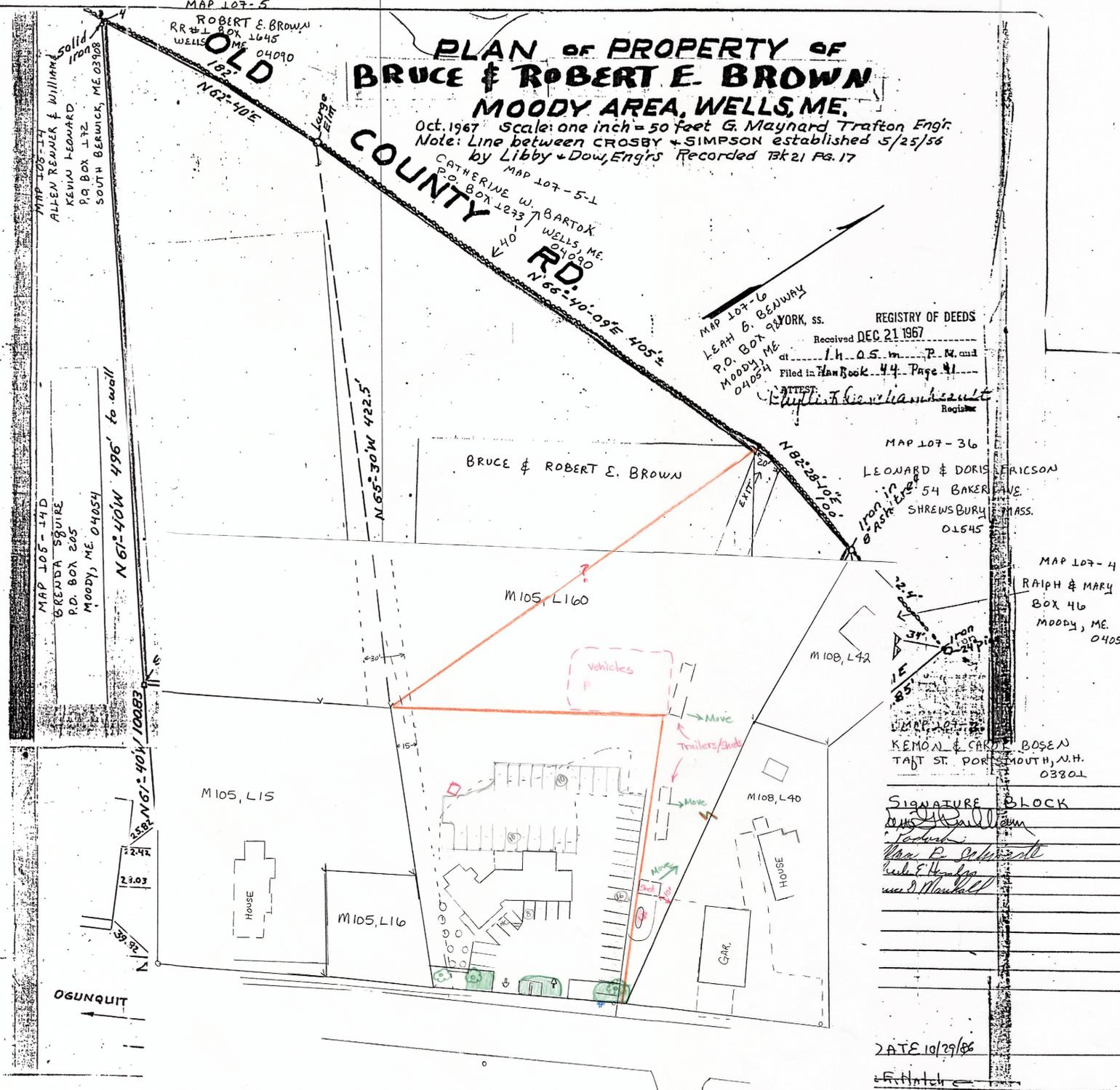
BOOK 44 PAGE 41

YORK COUNTY REGISTRY OF DEEDS

map 107 lot 1

map 105 Lot 160

160



REGISTRY OF DEEDS  
Received DEC 21 1967  
at 11:05 a.m. P.M. and  
Filed in Map Book 44 Page 41  
Attest: *[Signature]*  
Registrar

MAP 107-36  
LEONARD & DORIS ERICSON  
54 BAKER AVE  
SHREWSBURY MASS.  
01645

MAP 107-4  
RALPH & MARY LEWING DOW  
BOX 46  
MOODY, ME.  
04054

MAP 107-2  
KEMON & CAROL BOSE  
TAFT ST. PORTSMOUTH, N.H.  
03801

SIGNATURE BLOCK

*[Signatures]*

DATE 10/29/67

*[Signature]*

NEW HARTFORD, CONN.  
05057

P.O. BOX 691  
WELLS, ME.  
04090

OPTION 2

**PLAN of PROPERTY of  
BRUCE & ROBERT E. BROWN  
MOODY AREA, WELLS, ME.**

Oct. 1967 Scale: one inch = 50 feet G. Maynard Trafton Engr  
Note: Line between CROSBY + SIMPSON established 5/25/56  
by Libby + Dow, Engrs Recorded Trk 21 Pg. 17

**YORK COUNTY**

MAP 107-5-1  
CATHERINE W. BARTOX  
WELLS, ME.  
04090

MAP 107-6  
LEAH B. BENDWAY  
P.O. BOX 98  
MOODY, ME.  
04054

REGISTRY OF DEEDS  
Received DEC 21 1967  
at 11:05 a.m. P.M. and  
Filed in Map Book 44 Page 41

ATTEST  
Chaplin T. Gierhart  
Register

MAP 107-36

LEONARD & DORIS ERICSON  
54 BAKER AVE  
SHREWSBURY, MASS.  
01545

MAP 107-4

RAIPH & MARY LEWINGOOD  
BOX 46  
MOODY, ME.  
04054

MAP 107-37  
KEMON & CAROL BOSEN  
TAFT ST. PORTSMOUTH, N.H.  
03801

SIGNATURE BLOCK

*[Handwritten signatures]*

DATE 10/29/66

*[Handwritten signature]*

MAP 107-5  
ROBERT E. BROWN  
RR #1 BOX 1645  
WELLS, ME.  
04090

MAP 106-14  
ALLEN REUNER & WILLIAM  
KENN LEONARD  
P.O. BOX 112  
SOUTH BERWICK, ME 03018

MAP 105-14D  
BRENDA SQUIRE  
P.O. BOX 205  
MOODY, ME. 04054

MAP 107-40  
OGUNQUIT

- 10.76 ACRES
- PROPOSED BY BROWNIES, R.V. BOX 495 RT. 11 SUNAPEE, NH 03782
- 10,000 sq. ft. RETAIL SPACE
- NO INCINERATION DEVICE
- NO MACHINERY
- NO CATCH BASIN OR STORM DRAIN
- NO STREAMS
- NO SEWER OR WATER NEEDED
- NO CHANGE IN LANDSCAPE OR GEOGRAPHY
- All DRIVES, ENTRANCES & EXITS EXISTING IN USE
- NO FENCES OR WALLS TO BE BUILT
- NO EASEMENTS OR RIGHTS OF WAY APPLICABLE

NOTE: yellow OUT LINE INDICATES PROPERTY OWNED BY BRUCE & ROBERT E. BROWN

SET BACKS ARE INDICATED BY \*

All ABUTTERS INDICATED

NOTE: LOCAL MAP ATTACHED

SIGNATURE BLOCK

REGISTRY OF DEEDS DATED: SECTION MAP P 2 DEC. 21, 1967 AT 1:05 P.M. BOOK 44 PAGE 41

map 107 lot 1  
map 105 Lot 160

NEW HARTFORD, CONN. 05057

P.O. BOX 691  
WELLS, ME.  
04090

OPTION 3

160



Browns Clam Shanty – Google Sept 2016 street view

105-160



**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 M. L. Belanger, Planning Assistant</i>	<a href="mailto:sbelanger@wellstown.org">sbelanger@wellstown.org</a>

**Site Plan Amendment Application Memo**

Date: November 23, 2016

To: Staff Review Committee

From: Planning Office

Re: Cappys Condominium – Site Plan Amendment Application - Map 105, Lot 14A

John R. Kugler, attorney, has submitted a site plan amendment application on behalf of the property owner, The Charles Realty Trust, for the property located off of 166 Post Road identified as Tax Map 105, Lot 14A. The property is located within the General Business District and is 1.53 acres in size. The site plan has been prepared by Frank Emery, III. The parcel is served by public water and sewer. The purpose of the amendment is to seek approval for the following changes: create two condominium units on the property and associated limited common elements. Unit 1 to consist of the existing 75 seat Standard Restaurant with associated parking/common areas. Unit 2 to consist of the existing 3 dwelling units (multifamily dwelling), 4 housekeeping cottage units, lodging facility office, 1,000 SF+ 1,000 SF + 1,500 SF office/retail/service/personal service uses and 1,740 SF Low/ Medium/ High Commercial Recreation/Retail Business use with associated parking and common areas; Approval for 1,500 SF footprint in building addition constructed to existing 'Barn'; Reconfigure paved and grass parking spaces from prior approval; Dumpsters to be relocated to meet setback and screening requirements; Propane tanks added and relocated since prior approval; Depict a paved common driveway installed along the northerly lot line exiting onto Route One; and Update lot coverage based on existing/proposed conditions. The property is considered a Multifamily Development (145-48) and a Lodging Facility (145-52).

**§ 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;
- B. Resumption of a use which has been discontinued for at least two years is proposed; or
- C. An existing use proposes to expand its gross floor area and/or land area. **YES - changes to impervious areas and 1,500 SF in building area constructed between 2003 and 2007.**

**§ 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 Staff Review committee approval.**
- 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 the 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 11/4/16 the Code Officer determined the uses are permitted or grandfathered.**

- (b) If the proposed use is a permitted use on the subject lot: **Abutter notification mailed 11/4/16**
- [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. **Staff Review Committee recieved site plan amendment application on 11/15/16**
- (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 11/4/16; meeting was on 11/15/16**
- (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 Staff Review Committee should consider the following:
  - a. Some minor plan labelling and note changes are recommended;
  - b. Consider a parking reduction as 65 spaces are provided and 67 are required. Shared uses, varying business hours/seasons and available public transportation support the reduction.
  - c. Consider waivers on capacity letters from the WSD and KKWWD.
  - d. The applicant may be required to pursue mis-located building appeals for one or both of the housekeeping cottage units along the westerly side of the property;
  - e. Find the application complete;
  - f. Find the existing 15' setback/buffer grandfathered for the Multifamily Development.
  - g. Find the application compliant;
  - h. Review the conditions of approval;
  - i. Review and consider approving the Findings of Fact & Decisions and plan.

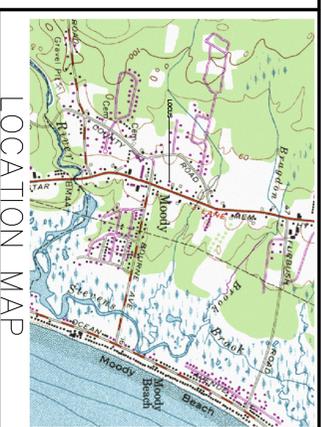
**DEED REFERENCES:**  
 TOWN OF WELLS TAX MAP 105, LOT 14, SQUIRE TO NORMAN G. CAPPELLO, AKA NORMAN G. CAPPELLO, DEED DATED MARCH 31, 1988 RECORDED IN THE T.C.R.D. BOOK 4655, PAGE 106  
 TAX MAP 105, LOT 16 ROBERT BROWN, DEED DATED MARCH 31, 1988 RECORDED IN THE T.C.R.D. BOOK 4655, PAGE 106

TAX MAP 105, LOT 16 ROBERT BROWN, BOOK 16827, PAGE 116

TAX MAP 105, LOT 15 DAVID P. CHAVES, JR. BOOK 15434, PAGE 504

**PLAN REFERENCES:**

1. TOWN OF WELLS TAX MAP 105, LOT 14 A.
2. STATE OF MAINE DEPARTMENT OF TRANSPORTATION, RIGHT OF WAY MAP - STATE HIGHWAY 1 WELLS YORK COUNTY FEDERAL AID PROJECT SIP 6705(00)X DATED AUGUST 1999, DOT FILE NO. 16-379 RECORDED IN THE T.C.R.D. PLAN BK. 277, PG. 24 & 25
3. PLAN OF PROPERTY F. WALTER E. HATHOR AND OTHERS, MOODY AREA WELLS, MAINE DATED: OCT. 1987 BY G. MANNARD TRAFONT, ENGR RECORDED IN THE T.C.R.D. PLAN BOOK 44, PAGE 41.
4. SITE PLAN FOR THE PROPERTY OF CHARLES REALTY TRUST, ROUTE ONE, MOODY, MAINE DATED: JULY 1983, LAST REVISED APRIL 13, 1999 APPROVED LAST DATED 10/19/2000 ON FILE AT THE TOWN OF WELLS
5. SITE PLAN MOODY MEADOWS RV PARK ROUTE 1, OLD COUNTY ROAD KIMBALL'S LANE WELLS, MAINE DATED: REVISED 12/16/99 APPROVED 2/28/2000 ON FILE AT THE TOWN OF WELLS



**NOTES:**

1. The purpose of this Site Plan Amendment is to seek approval for the following changes:
  - a. Recognize the creation of two condominium units on the property and associated limited common elements. Unit 1 to consist of the existing Standard Restaurant and associated parking/common areas. Unit 2 to consist of the existing 3 dwelling units, office/retail /service/personal service uses, commercial recreational/retail use, 4 two bedroom housekeeping cottage units, lodging office and associated parking/common areas;
  - b. Approval for 1,500 SF in building constructed after 2000 approval (office/retail/service/personal service uses);
  - c. Reconfigure paved and grass parking spaces from prior approval;
  - d. Dumpsters to be relocated to meet setback requirements and shall be fence enclosed;
  - e. Direct propane units added since last site plan approval;
  - f. Direct a paved common drive installed along the westerly lot line existing onto Route One;
  - g. Update lot coverage based on existing/proposed conditions;
  - h. Zoning - GB General Business District; dimensional requirements:
    - Minimum lot size (feet): 20,000 SF of net area
    - Maximum Density (sewer): 20,000 SF of net area per dwelling unit
    - Maximum Density (sewer): 4 housekeeping cottages per acre of net area
2. Structures shall be:
  - Minimum Street Frontage: 100 feet
  - Setbacks: 15 feet from abutting lot lines
  - 40 feet from abutting Route One
  - 25 feet from abutting cemetery boundaries along a street ROW
3. Maximum Building Height: 34' (not to exceed 3 stories)
4. Maximum Lot Coverage: 65%
5. Property is served by public sewer (WSD) and public water (KWWD) and overhead utilities.
6. Density Calculation: 66,276.5 / 20,000 SF = 3 dwelling units permitted
7. Existing lot coverage (non-vegetated areas) = 42,298.8 / 66,276.5 = 63.8%
8. **Parking Requirements & Approved Uses**

Use	Spaces
Housekeeping Cottages (22 spaces)	22
Unit 2 - 3 dwelling units	6
Unit 1 - 4 separate businesses, 3 min. each (up to 4 separate businesses, 3 min. each)	12
1,500 SF : Recreation (low, medium or high) Commercial or Bus. Retail	7
1,500 SF : Business Office, Retail or Service (one)	6
Four Housekeeping Cottages (8 Bedrooms) Office 300 SF in Unit 2 Bldg.)	9
Total Parking Spaces provided	69
9. Per 145-591D, the parking requirement is reduced to 65 based on two nearby trolley stops; seasonal nature of businesses and sharing potential between users.
10. Dumpster relocation and screening to be completed by July 1, 2017.
11. The lodging office shall be retained. Contact information for unit management shall be posted at the office when not occupied.
12. Cottage rentals is grandfathered and shall be "seasonal" (not occupied January or February).
13. Lighting onsite (building mounted), parking areas or signs shall be conforming with 145-41 and 145-75.0.D and shall not produce unreasonable glare or strong light onto abutting properties or roadways.
14. This approval recognizes the following nonconforming and grandfathered existing conditions or as previously approved in Plan Reference # on 7/29/2000:
  - a. The four housekeeping cottages are a nonconforming use and cannot be expanded;
  - b. The housekeeping cottages do not meet property line setbacks and are nonconforming structures;
  - c. The parcel contains 3 dwelling and is considered a multifamily development that does not meet the requirements of 145-48. The conditions are grandfathered as a nonconforming development;
  - d. The parcel contains cottages and is considered a lodging facility that does not meet the requirements of 145-52. The conditions are grandfathered as a nonconforming development;
  - e. A 15 foot landscape buffer does not exist along Route 1;
  - f. The Unit 2 building does not meet the 40 foot ROW setback;
  - g. The 3 parking spaces in front of Unit 1 are partially within the Route 1 ROW;
  - h. The lot area is less than required to meet density requirements. The lot is grandfathered as a nonconforming lot.

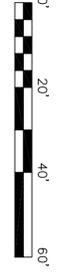
APPROVED BY THE WELLS STAFF REVIEW COMMITTEE

DATE	DATE

**CAPPY'S CONDOMINIUM BOUNDARY & SITE PLAN**  
 166 POST ROAD, WELLS, MAINE

OWNER OF RECORD: NORMAN G. CAPPELLO, TRUSTEE  
 THE CHARLES REALTY TRUST  
 P.O. BOX 484  
 MOODY, MAINE 04054

FRANK EMERY, III, P.L.S. LAND SURVEYORS  
 DATE: MAY 2016 SCALE: 1" = 20' FT.  
 DRAWN BY: F.E. III DRAWING NO. 051316  
 Frank Emery / Surveyors P.O. Box 3036 Wells, Maine 04090 (207) 646-5363 SHEET 1  
 REVISION - OCT. 21, 2016 PER TOWN COMMENTS  
 REVISED - NOV. 15, 2016 PER TOWN COMMENTS ADD NOTES & REVISE PARKING



TAX MAP 105, LOT 14 MOODY MEADOWS RV PARK BOOK 15865, PAGE 751

NE, T. & T. & CWP EASEMENT BK. 3008, PG. 35

TAX MAP 105, LOT 17, 18 JOHN & LINA FARESES BOOK 5093, PAGE 68

TAX MAP 105 OPEN SPACE BEACHWALK HOMEOWNERS ASSOC.

FRANK EMERY, III, P.L.S. P.O. BOX 3036 WELLS, MAINE 04090 207 646-5363

**CERTIFICATION:**

THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSES FOR PROFESSIONAL LAND SURVEYORS CHAPTER 900. STANDARDS OF PRACTICE, EXCEPT AS NOTED ON THIS PLAN. SURVEYORS REPORT AND DEED DESCRIPTION PREPARED.

**Town of Wells , Maine**  
**Article X , 145-77 Data Requirements (Completeness Review)**  
**Page 1 of 5**

Project Name/District: Cappys Condo / General Business District - Tax Map 105, Lot 14-A

Date of Review: 11-23-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

**Article X**  
**Site Plan Approval**

§ 145-77. Data Requirements [Amended 4-26-1996]		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
Any application presented for approval shall include the following information if applicable:						
A.	A site plan drawn at a scale not smaller than one inch equals 40 feet which shall contain the following information:	Y				Scale is 1" = 20 feet.
	(1) The name and address of the applicant plus the name of the proposed development.	Y				
	(2) Total floor area, ground coverage and location of each proposed building, structure or addition.	Y				Total gross floor areas noted. Existing lot coverage is noted to be 63.8%.
	(3) Perimeter survey of the parcel, made and certified by a registered land surveyor licensed in Maine, relating to reference points, showing true or magnetic North, graphic scale, corners of parcel, date of survey and total acreage. The requirement for a certified boundary survey may be waived by the reviewing authority if the proposed construction is located a distance equal to the required setback plus 10 feet from any lot line.	Y				Plan prepared by Frank Emery III, PLS dated May 2016, revised 11/15/16

**Town of Wells , Maine**  
**Article X , 145-77 Data Requirements (Completeness Review)**  
**Page 2 of 5**

Project Name/District: Cappys Condo / General Business District - Tax Map 105, Lot 14-A

Date of Review: 11-23-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-77. Data Requirements [Amended 4-26-1996]		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
(4)	All existing and proposed setback dimensions.	Y*				See note 2. Setbacks noted.  Dumpster to be relocated to meet setback requirements. See note 10.  Two (2-bedroom) housekeeping units are shown to not meet setback requirements. These units have historically been located here and are grandfathered in this non-conformity. No changes to housekeeping cottages proposed.  In 2000, two (1-bedroom) housekeeping units were approved to be relocated to the westerly side of the parcel. One unit appears to meet the 15' lot line setback requirements. <b><u>One unit (537.6 SF sized one) was relocated and does not meet setback requirements. A mis-located building appeal may be required for one or both of these units.</u></b>
(5)	The size, location, direction and intensity of illumination of all major outdoor lighting apparatus and signs.	Y*				<b><u>Light to be labelled.</u></b> See note 13.
(6)	The type, size and location of all incineration devices.			NA		No such devices proposed.
(7)	The type, size and location of all machinery likely to generate appreciable noise at the lot lines.			NA		No such machinery noted or proposed.
(8)	The location, type and size of all existing and proposed catch basins, storm drainage facilities, wetlands, streams and watercourses and all utilities, both above and below ground.	Y*				Such features identified on the plan. <b><u>A plan legend or labelling of features is not identified.</u></b>

**Town of Wells , Maine**  
**Article X , 145-77 Data Requirements (Completeness Review)**  
**Page 3 of 5**

Project Name/District: Cappys Condo / General Business District - Tax Map 105, Lot 14-A

Date of Review: 11-23-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-77. Data Requirements [Amended 4-26-1996]		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
(9)	All existing contours and proposed finished grade elevations of the portions of the site which will be altered and the system of drainage proposed to be constructed. Contour intervals shall be specified by the reviewing authority. This requirement may be waived by the reviewing authority if no additional lot coverage is proposed or the proposed lot coverage is less than 30% and has an area of less than 15,000 square feet.			NA		No grade changes proposed. Plan does not depict contours.
(10)	The location, type and size of all curbs, sidewalks, driveways, fences, retaining walls and parking space areas and the layouts thereof, together with the dimensions.	Y*				<b><u>Parking space dimensions to be noted. Fencing height and types to be noted.</u></b>
(11)	All landscaped areas, fencing and size and type of plant material upon the premises.	Y				<b><u>Some trees or abutting trees to be labelled on the site plan.</u></b>
(12)	All existing or proposed rights-of-way, easements and other legal restrictions which may affect the premises in question.	Y				<b><u>Plan to refer to the Condominium documents</u></b>
(13)	The locations, names and widths of all existing and proposed streets abutting the premises.	Y				Route 1 and Avandah Way noted.
(14)	The lot lines of all lots abutting the proposed development, including those lots across the street, together with the names on file in the Town offices as of the date of the application.	Y				Abutters identified.
(15)	An appropriate place for the signature(s) of the reviewing authority.	Y				Staff Review Committee signature block provided.
B.	Documentation of right, title or interest in the proposed site.	Y				Deed reference: Book 4655, Page 106.
C.	An on-site soils investigation report by a Maine Department of Human Services licensed site evaluator (unless the site is to be served by public sewer). The report shall identify the types of soil, location of test pits and proposed location and design for the subsurface disposal system.			NA		
D.	The amount and type of any raw, finished or waste materials to be stored outside of roofed buildings, including their physical and chemical properties, if appropriate.			NA		No such materials to be stored. Plan does not identify outside storage areas. Dumpster areas shown. Propane tanks shown.

**Town of Wells , Maine**  
**Article X , 145-77 Data Requirements (Completeness Review)**  
**Page 4 of 5**

Project Name/District: Cappys Condo / General Business District - Tax Map 105, Lot 14-A

Date of Review: 11-23-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-77. Data Requirements [Amended 4-26-1996]		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
E.	If the proposed use will be connected to the Wells Sanitary District's sewer system, a letter from the Sanitary District stating that adequate line and plant capacity to dispose of the generated sewage will be available.				W	<b><u>SRC to consider granting a waiver of requiring a WSD capacity letter.</u></b>
F.	If the proposed use will be connected to the Kennebunk, Kennebunkport and Wells Water District water system, a letter from the Water District stating that adequate line and supply capacity to serve the proposed use will be available.				W	<b><u>SRC to consider granting a waiver of requiring a KKWWD capacity letter.</u></b>
G.	Traffic data. Only the Planning Board may require that a site plan application include a traffic engineering study should the project be considered one of substantial magnitude along any of the Town's state highways where fast-moving traffic occurs (i.e., Route Nos. 1, 109, 9, 9-A and 9-B). Should a traffic study be requested by the Planning Board, the following data shall be included:			NA		Traffic data is not required by the SRC.
(1)	The estimated peak-hour traffic to be generated by the proposal.					
(2)	Existing traffic counts and volumes on surrounding roads.					
(3)	Traffic accident data covering a recent three-year period.					
(4)	The capacity of surrounding roads, municipal facilities, parking and any improvements which may be necessary on such roads and facilities to accommodate anticipated traffic generation.					
(5)	The need for traffic signals and signs or other directional markers to regulate anticipated traffic.					
H.	A soil erosion and sedimentation control plan, prepared in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Maine Department of Environmental Protection and the Cumberland County Soil and Water Conservation District, 1991. <b>[Amended 4-27-2007]</b>	Y				See note 16. Best Management Practices are a standard condition of approval.

**Town of Wells , Maine**  
**Article X , 145-77 Data Requirements (Completeness Review)**  
**Page 5 of 5**

Project Name/District: Cappys Condo / General Business District - Tax Map 105, Lot 14-A

Date of Review: 11-23-16

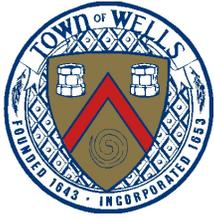
Prepared By: Office of Planning & Development

Company Name: Town of Wells

<b>§ 145-77. Data Requirements [Amended 4-26-1996]</b>		<b>Application Meet Requirements</b>				
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Waiver</b>	<b>Comments</b>
I.	A stormwater management plan, prepared by a registered professional engineer in accordance with the most recent edition of Stormwater Management For Maine: BMPS Technical Design Manual, published by the Maine Department of Environmental Protection, 2006. Another methodology may be used if the applicant can demonstrate it is equally or more applicable to the site. A drainage analysis may be waived by the Planning Board upon request of the applicant and submittal of a letter from a registered professional engineer stating that there will be no adverse impacts to adjacent or downstream properties. <b>[Added 4-27-2007]</b>			<b>NA</b>		The changes proposed have an insignificant effect on the existing stormwater conditions. No additional lot coverage proposed from existing site conditions. Existing site conditions total 63.8% lot coverage. Maximum 65% lot coverage permitted.
J.	Any other information or data the reviewing authority determines is necessary to demonstrate compliance with the standards of § 145-75. <b>[Added 4-27-2007]</b>					
	<b>Chapter 201, Article IV. Sidewalk Development.</b>			<b>NA</b>		

**Notes:**

1. See Article V, VI, VII review comments.

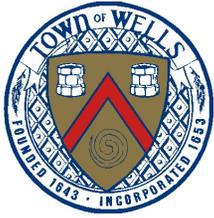


# Town of Wells, Maine Staff Review Committee

## FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for “Cappys Condominium” Page 1 of 14

### Article X Site Plan Approval

PROJECT INFORMATION	
<b>General:</b>	<p><b>Project Name:</b> Cappys Condominium <b>Applicant:</b> John R. Kugler, Esq. 1662 Post Road, Unit A-5, Wells, ME 04090 <b>Landowner:</b> Norman C. Cappello, Trustee, The Charles Realty Trust, PO Box 484, Moody, ME 04054 <b>Location:</b> 166 Post Road <b>Existing Use:</b> 3 dwelling units (multifamily dwelling) within 1 building; 4 housekeeping cottage units, Lodging Facility Office; 75 seat Standard Restaurant; 2,000 SF Business Retail/ Office/ Service/ Personal Service uses (up to 4 businesses); 1,740 SF Low/ Medium/ High Intensity Commercial Recreation/ Business Retail use</p> <p><b>Proposed Land Use:</b> 3 dwelling units (multifamily dwelling) within 1 building; 4 housekeeping cottage units, Lodging Facility Office; 75 seat Standard Restaurant; 2,000 SF Business Retail/ Office/ Service/ Personal Service uses (up to 4 businesses); 1,500 SF Business Retail/ Office/ Service/ Personal Service uses (1 business); 1,740 SF Low/ Medium/ High Intensity Commercial Recreation/ Business Retail use</p> <p><b>Tax Parcel ID:</b> Tax Map 105, Lot 14A <b>Zoning District:</b> General Business District <b>Art VII Performance Standards:</b> 145-48. Multifamily Development &amp; 145-52. Lodging Facility. <b>Design Engineer:</b> Frank Emery, III PLS, PO Box 3038, Wells, ME 04090 <b>Plan Submission Date:</b> October 31, 2016</p>



# Town of Wells, Maine Staff Review Committee

## FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for “Cappys Condominium” Page 2 of 14

<b>Project Description:</b>	John R. Kugler, attorney, has submitted a site plan amendment application on behalf of the property owner, The Charles Realty Trust, for the property located off of 166 Post Road identified as Tax Map 105, Lot 14A. The property is located within the General Business District and is 1.53 acres in size. The site plan has been prepared by Frank Emery, III. The parcel is served by public water and sewer. The purpose of the amendment is to seek approval for the following changes: create two condominium units on the property and associated limited common elements. Unit 1 to consist of the existing 75 seat Standard Restaurant with associated parking/common areas. Unit 2 to consist of the existing 3 dwelling units (multifamily dwelling), 4 housekeeping cottage units, lodging facility office, 1,000 SF+ 1,000 SF + 1,500 SF office/retail/service/personal service uses and 1,740 SF Low/ Medium/ High Commercial Recreation/Retail Business use with associated parking and common areas; Approval for 1,500 SF footprint in building addition constructed to existing 'Barn'; Reconfigure paved and grass parking spaces from prior approval; Dumpsters to be relocated to meet setback and screening requirements; Propane tanks added and relocated since prior approval; Depict a paved common driveway installed along the northerly lot line exiting onto Route One; and Update lot coverage based on existing/proposed conditions. The property is considered a Multifamily Development (145-48) and a Lodging Facility (145-52).
<b>Completeness Determination:</b>	11/29/16
<b>Public Hearing:</b>	None
<b>Staff Review Mtg:</b>	11/15/16; 11/29/2016

### PROJECT HISTORY

1. On 10/31/16 the applicant submitted a site plan amendment application for the above described project.
2. On 11/4/16 the Code Enforcement Officer prepared an Article V use determination finding that the use proposed is permitted/ grandfathered.



# Town of Wells, Maine Staff Review Committee

## FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for “Cappys Condominium” Page 3 of 14

3. On 11/4/16 abutters were mailed notice of this use determination and of the 11/15/16 Staff Review Committee meeting in which the application was planned for receipt.
4. On 11/9/16 the Planning Office began review of the amendment application and at the agent's permission prepared revised plans to address the Land Use review requirements.
5. On 11/15/16 the Staff Review Committee received the amendment application, voted to grant a waiver an not require property contours, a stormwater management plan, or a soil erosion and sedimentation control plan, voted to find the Route One buffer requirements satisfied, and voted to continue the application workshop to the next meeting.
6. On 11/23/16 the Planning Office prepared Article V, VI, VII review checklists, draft completeness (145-77), draft compliance (145-75)/ Findings of Fact & Decisions, recommended plan changes and a review memo for the applicant and Staff Review Committee.
7. On 11/29/16 the Staff Review Committee voted to find the application complete (145-77); voted to grant waivers and not require capacity letters from the WSD or the KKWWD, voted to find the application compliant (145-75); voted to approve and sign the Findings of Fact & Decisions; and voted to approve and sign the site plan.

### § 145-75. Criteria and Standards

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.

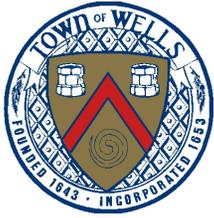
### Comments



# Town of Wells, Maine Staff Review Committee

## FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for “Cappys Condominium” Page 4 of 14

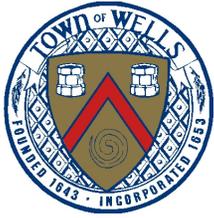
§ 145-75. Criteria and Standards		Comments
<p><b>A.</b> <b>Traffic.</b> The proposed development shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number of exits and entrances that have adequate sight distances and do not conflict 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>No changes proposed to the existing site conditions. The paved common driveway exit onto Route One to the north of the 15,375 SF building was installed after the 2000 site plan approval. The existing entrance/exit. Site distances onto Route 1 are sufficient with 400 feet in both directions provided. See note 12. Speed limit of Route 1 is noted to be 40 MPH.</p> <p>This parcel has approximately 206.47' of street frontage along Route One. Minimum street frontage is 100'. See note 2. Parcel does not have multiple street frontages.</p> <p>On-street parking is prohibited. <b><u>Parking space dimensions and labels to be shown on the site plan.</u></b> 4 handicap accessible parking spaces are shown. ADA compliant signs for the handicap parking are shown on the plan and shall be installed by 7/1/2017. See note 9. Snow storage areas depicted on the plan. Areas that could be used for parking for the year round business uses shall be on pavement as depicted. The 21 grass parking spaces located on the west side of the property is noted to be permitted to be used between May 1 and November 1 of each year.</p> <p>Parking space restriping per note 9 to be completed no later than July 1, 2017.</p>	



# Town of Wells, Maine Staff Review Committee

**FINDINGS OF FACTS & DECISIONS**  
**Site Plan Amendment Application for “Cappys Condominium”**  
**Page 5 of 14**

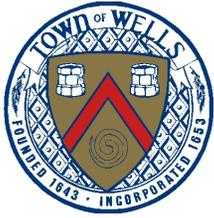
<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
<b>A.</b>	<b>Traffic. (continued)</b>	<p>Parking requirements detailed in note 8 on the site plan. 3 dwellings require 6 parking spaces. 4 housekeeping cottages have a total of 6 bedrooms. <math>1.1 \times 6 = 7</math> parking spaces required. Two 1,000 SF spaces (2,000 SF total) permit up to 4 businesses (Office/Retail/ Service/Personal Service). Each business must provide no less than 3 spaces). <math>4 \times 3 = 12</math> spaces are required. A 1500 SF space permits 1 business (Office/Retail/ Service/Personal Service). <math>1500 \times 3.5/1000 = 6</math> spaces required. A 1740 SF space permits 1 business (Retail or Low/Medium/High Intensity Commercial Recreation). <math>1740 \times 3.5/1000 = 7</math> spaces required. <math>75 \text{ seats} / 3 = 25</math> plus <math>75/20 = 4</math> totals 29 parking spaces required for the restaurant use.</p> <p><b>BASED ON THE FOREGOING THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>
<b>B.</b>	<b>Dust, fumes, vapors and gases.</b> 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>The property is prohibited from producing such dust, fumes, vapors and gases.</p> <p><b>BASED ON THE FOREGOING THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>
<b>C.</b>	<b>Odor.</b> 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>The property is prohibited from producing such odors.</p> <p><b>BASED ON THE FOREGOING THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>



# Town of Wells, Maine Staff Review Committee

**FINDINGS OF FACTS & DECISIONS**  
**Site Plan Amendment Application for “Cappys Condominium”**  
**Page 6 of 14**

<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
<b>D.</b>	<b>Glare.</b> 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.	Signs will be determined in compliance by the Code Enforcement Office prior to being placed. See note 13.  <b>BASED ON THE FOREGOING THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>
<b>E.</b>	<b>Stormwater runoff.</b> 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. <b>[Amended 4-27-2007]</b>	The changes proposed have an insignificant effect on the existing stormwater conditions. No additional lot coverage proposed from existing site conditions. Existing site conditions total 63.8% lot coverage. Maximum 65% lot coverage permitted.  The Staff Review Committee granted a waiver on 11/15/16 and did not require the submission of a stormwater management plan.  <b>BASED ON THE FOREGOING THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>
<b>F.</b>	Erosion control. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best-management practices: <b>[Amended 4-27-2007]</b>	See note 16. Best Management Practices are a standard condition of approval.  The Staff Review Committee granted a waiver on 11/15/16 and did not require the submission of a soil erosion and sedimentation control plan.  <b>BASED ON THE FOREGOING THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>
(1)	Stripping of vegetation, soil removal and regrading or other development shall be accomplished in such a way as to minimize erosion.	



# Town of Wells, Maine Staff Review Committee

**FINDINGS OF FACTS & DECISIONS**  
**Site Plan Amendment Application for “Cappys Condominium”**  
**Page 7 of 14**

<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
(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.	
(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.	



# Town of Wells, Maine Staff Review Committee

**FINDINGS OF FACTS & DECISIONS**  
**Site Plan Amendment Application for "Cappys Condominium"**  
**Page 8 of 14**

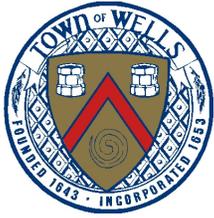
<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
(11)	Topsoil shall be considered part of the site plan and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.	



# Town of Wells, Maine Staff Review Committee

## FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for “Cappys Condominium” Page 9 of 14

§ 145-75. Criteria and Standards	Comments
<p>G. <b>Setbacks and screening.</b> 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>A 15' landscaped buffer along Route One is required. Prior site plan approvals depict small planters, shrubs and grass areas between the existing buildings/pavement and Route One. These grass areas and planters exist, although they are smaller and reduced in area due to the Route One land taking in 1999 and the installation of the paved “common drive” exiting onto Route One to the north of the 15,375 SF building. On 11/15/16 the SRC found the existing grass and planters along Route One to satisfy the landscaped buffer requirements.</p> <p>15' setbacks shown. Dumpster to be relocated to meet setback requirements. See note 10.</p> <p>Two (2-bedroom) housekeeping units are shown to not meet setback requirements. These units have historically been located here and are grandfathered in this non-conformity. No changes to housekeeping cottages proposed.</p> <p>In 2000, two (1-bedroom) housekeeping units were approved to be relocated to the westerly side of the parcel. One unit appears to meet the 15' lot line setback requirements. <b><u>One unit (537.6 SF sized one) was relocated and does not meet setback requirements. A mis-located building appeal may be required for one or both of these units.</u></b></p> <p>The existing 15,375 SF building (unit 2) on this parcel does not meet this lot line setback from the state highway. The structure is nonconforming but is grandfathered as no new construction is proposed to make this</p>



# Town of Wells, Maine Staff Review Committee

## FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for “Cappys Condominium” Page 10 of 14

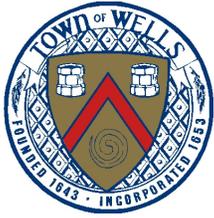
§ 145-75. Criteria and Standards		Comments
G.	<b>Setbacks and screening. (Continued)</b>	<p>The 25' setback requirement for cottages was adopted by the Town in 2006. The housekeeping cottages existed prior to this requirement. The housekeeping cottages are grandfathered as no changes are proposed to the housekeeping cottage units.</p> <p>The 3<sup>rd</sup> dwelling added to the property in 2000 was approved without consideration of the Multifamily Development Standards (145-48). A 25' landscaped buffer along all lot boundaries was not required and does not exist. A 15' setback/buffer is required per prior approvals and is grandfathered. <b><u>Plan to label the 15' setback/buffer.</u></b></p> <p>The common drive was constructed within the 15' buffer.</p> <p>Per 145-48 buildings must be 30' or more away from the existing 15,375 SF building. No new construction or additions proposed.</p> <p><b>BASED ON THE FOREGOING THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>
H.	<b>Explosive materials.</b> 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.	<p>The plan identifies the existing above ground propane tanks with protective barriers/ bollards. Explosive materials shall be stored in compliance with NFPA standards. <b><u>See note 17.</u></b></p> <p><b>BASED ON THE FOREGOING THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>



# Town of Wells, Maine Staff Review Committee

**FINDINGS OF FACTS & DECISIONS**  
**Site Plan Amendment Application for “Cappys Condominium”**  
 Page 11 of 14

<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
I.	<b>Water quality.</b> 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.	<p>Water quality standard shall be met.</p> <p><b>BASED ON THE FOREGOING THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>
J.	<b>Preservation of landscape.</b> Unnecessary disturbance of the landscape shall be minimized, insofar as practicable, by minimizing tree removal and any grade changes.	<p>The parcel is 66,776 SF in size. The parcel is served by public sewer. See note 2 and 4. Existing lot coverage is 63.8%. Maximum lot coverage is 65%. See note 2. No grade changes proposed. Plan does not depict contours.</p> <p><b>BASED ON THE FOREGOING THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>
K.	<b>Refuse disposal.</b> 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>The parcel is served by on-site dumpsters. The dumpsters shall meet setback requirements and be screened with a 6' tall solid stockade fence. A dumpster shall be removed from the setback and placed in its proposed location per note 10 by July 1, 2017.</p> <p><b>BASED ON THE FOREGOING THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>



# Town of Wells, Maine Staff Review Committee

## FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for “Cappys Condominium” Page 12 of 14

<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
<b>L.</b>	<b>Water supply.</b> The applicant shall demonstrate the availability of adequate water supply for fire protection and the consumption needs of the proposed development.	<p><b><u>SRC to consider granting a waiver of requiring a KKWWD capacity letter.</u></b></p> <p><b>BASED ON THE FOREGOING THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>
<b>M.</b>	<b>Sewage disposal.</b> The applicant shall provide for the safe disposal of all wastewaters.	<p><b><u>SRC to consider granting a waiver of requiring a WSD capacity letter.</u></b></p> <p><b>BASED ON THE FOREGOING THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>
<b>N.</b>	<b>Fire safety.</b> The site plan shall make adequate provisions for access by fire-fighting equipment and personnel.	<p>The nearest fire hydrant is 443' away. <b>To be noted.</b> Sufficient access exists around the property for firefighting equipment and personnel. Knox boxes are recommended for all units on the property.</p> <p><b>BASED ON THE FOREGOING THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></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 two years or more. [§145-74F]
2. Approval is conditioned upon compliance by the applicant with the plans and specifications which have been received by the Town in connection with this development proposal.
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. [§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 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]



# Town of Wells, Maine

## Staff Review Committee

### FINDINGS OF FACTS & DECISIONS

#### Site Plan Amendment Application for "Cappys Condominium"

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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 §145-64. [§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 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 and/or Staff Review Committee.
8. Approval of the application or amendment application does not relieve the applicant from the responsibility to obtain building permits prior to construction and use permits prior to occupancy.
9. It is the applicant's responsibility to contact Dig Safe prior to construction.
10. It is the owner/Homeowners Association/applicant/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 subdivision/site plan parcel(s).
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.
12. Prior to the pouring of a building footing/foundation, the location of each cottage and/or building to be constructed shall be located on the face of the earth and shall be marked with surveyor pins or stakes. The developer shall receive approval of each cottage and/or building location from the Code Enforcement Office prior to the commencement of footing/foundation excavation.



# Town of Wells, Maine Staff Review Committee

## FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for "Cappys Condominium" Page 14 of 14

13. If the property will be converted to a condominium form of ownership, the proposed condominium documents must be presented to the Town for review and approval by the Town Attorney. No use permit shall be issued until the Town Attorney has indicated approval of the condominium documents.
14. Upon completion of construction, the applicant shall provide to the Town record as-built drawings of the roadway, drainage, and utility related construction work.
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.
16. All components, features, improvements and conditions of site plan approval shall be fully completed prior to any issuance of a certificate of occupancy.

### **Special Conditions of Approval**

1. All previous Conditions of Approval will remain in effect. The approval of this Amended Site Plan in no way negates the need for applicant compliance with all previously set Conditions of Approval.
2. Any trailers located in the northeast corner of the property shall be removed from the property no later than July 1, 2017.

Dated at Wells, Maine this \_\_\_\_\_ day of \_\_\_\_\_, 2016

Wells Staff Review Committee

By: \_\_\_\_\_

**Town of Wells , Maine Review Checklist**  
**Page 1 of 7**

Project Name/District: Cappys Condo / General Business District - Tax Map 105, Lot 14-A

Date of Review: 11-23-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

**Article V District Regulations**

**A. Purpose.**

The purposes of the General Business District is to provide areas for a wide range of business and commercial uses which serve the entire Town and for lodging and related facilities which serve the tourists.

§ 145-26. General Business District.		Application Meet Requirements			
		Yes	No	NA	Comments
B.	Permitted uses. The following uses are permitted upon obtaining any required permits from the Code Enforcement Officer:				
(1)	Agriculture, limited to the raising of crops and plants out of doors.			NA	
(2)	Cemetery having an area less than 20,000 square feet and containing no buildings.			NA	
(3)	Dwelling, one-family. (See also ' 145-55.)			NA	
(4)	Dwelling, two-family.			NA	
(5)	Dwelling, multifamily. (See ' 145-48.)	Y			3 dwelling units exist within the 15,375 SF building (unit 2) on the parcel.
(6)	Livestock, domestic (small), limited to lots with a minimum lot size of 40,000 square feet. <b>[Added 6-9-2015<sup>[1]</sup></b> <small>[1] Editor's Note: This ordinance also provided for the renumbering of former Subsection B(6) and (7) as Subsection B(8) and (9), respectively.</small>			NA	
(7)	Poultry, domestic (small), all lots, except lots less than 10,000 square feet in area shall be limited to no more than five fowl. <b>[Added 6-9-2015]</b>			NA	
(8)	Recreation, passive.			NA	
(9)	Timber harvesting.			NA	
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:				
(1)	Agriculture which includes any structures.			NA	
(2)	Bank.			NA	
(3)	Bed-and-breakfast/small inn. (See ' 145-52.)			NA	
(4)	Business, contractor.			NA	

**Town of Wells , Maine Review Checklist**  
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Project Name/District: Cappys Condo / General Business District - Tax Map 105, Lot 14-A

Date of Review: 11-23-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

<b>§ 145-26. General Business District.</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
(5)	Business, office.	Y			A 1,000 SF space (up to two businesses); a 1,500 SF space (one business) and a 1,000 SF space (up to two businesses) for Business Office/Retail/ Service/ Personal Service uses exist within the 15,375 SF building (unit 2).
(6)	Business, personal service.	Y			A 1,000 SF space (up to two businesses); a 1,500 SF space (one business) and a 1,000 SF space (up to two businesses) for Business Office/Retail/ Service/ Personal Service uses exist within the 15,375 SF building (unit 2).
(7)	Business, retail, including the manufacturing of any goods offered for sale on the premises.	Y			A 1,000 SF space (up to two businesses); a 1,500 SF space (one business) and a 1,000 SF space (up to two businesses) for Business Office/Retail/ Service/ Personal Service uses exist within the 15,375 SF building (unit 2).  A 1,740 SF space for Business Retail or Low, Medium or High Intensity Commercial Recreation use exists within the 15,375 SF building (unit 2).
(8)	Business, service.	Y			A 1,000 SF space (up to two businesses); a 1,500 SF space (one business) and a 1,000 SF space (up to two businesses) for Business Office/Retail/ Service/ Personal Service uses exist within the 15,375 SF building (unit 2).
(9)	Business, wholesale, having a gross floor area of less than 5000 square feet.			NA	
(10)	Cemetery larger than 20,000 square feet in area.			NA	
(11)	Church.			NA	
(12)	Club.			NA	
(13)	Congregate care facility. <b>[Added 6-8-2011]</b>			NA	
(14)	Day-care home.			NA	
(15)	Day-care center/nursery school.			NA	

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Project Name/District: Cappys Condo / General Business District - Tax Map 105, Lot 14-A

Date of Review: 11-23-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

<b>§ 145-26. General Business District.</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
(16)	Drug abuse shelter. <b>[Added 6-14-2011]</b>			<b>NA</b>	
(17)	Elderly housing <b>[Amended 4-26-1996]</b>			<b>NA</b>	
(18)	Freestanding residential detoxification program. <b>[Added 6-14-2011]</b>			<b>NA</b>	
(19)	Function hall.			<b>NA</b>	
(20)	Hotel/motel. (See ' 145-52.)			<b>NA</b>	
(21)	Housing, congregate.			<b>NA</b>	
(22)	Life care facility. <b>[Amended 4-26-1996]</b>			<b>NA</b>	
(23)	Medical care facility.			<b>NA</b>	
(24)	Municipal facility.			<b>NA</b>	
(25)	Museum.			<b>NA</b>	
(26)	Neighborhood convenience store.			<b>NA</b>	
(27)	Nursing home. <b>[Amended 4-26-1996]</b>			<b>NA</b>	
(28)	Parking lot, commercial.			<b>NA</b>	
(29)	Private non-medical institution (PNMI). <b>[Added 6-14-2011]</b>			<b>NA</b>	
(30)	Public Transportation Center. <b>[Amended 11-6-2007]</b>			<b>NA</b>	
(31)	Public utility facility.			<b>NA</b>	
(32)	Recreation, active.			<b>NA</b>	
(33)	Recreation, high-intensity commercial.	<b>Y</b>			A 1,740 SF space for Business Retail or Low, Medium or High Intensity Commercial Recreation use exists within the 15,375 SF building (unit 2).
(34)	Recreation, low-intensity commercial.	<b>Y</b>			A 1,740 SF space for Business Retail or Low, Medium or High Intensity Commercial Recreation use exists within the 15,375 SF building (unit 2).
(35)	Recreation, medium intensity commercial. <b>[Added 6-11-2013]</b>	<b>Y</b>			A 1,740 SF space for Business Retail or Low, Medium or High Intensity Commercial Recreation use exists within the 15,375 SF building (unit 2).
(36)	Registered marijuana dispensary. <b>[Added 6-14-2011]</b>			<b>NA</b>	
(37)	Restaurant, standard.	<b>Y</b>			A 75 seat Standard Restaurant use (2,779 SF) exists within unit 1.
(38)	Restaurant, fast-food.			<b>NA</b>	

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Project Name/District: Cappys Condo / General Business District - Tax Map 105, Lot 14-A

Date of Review: 11-23-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-26. General Business District.			Application Meet Requirements			
			Yes	No	NA	Comments
(39)	Sawmill producing less than 100,000 board feet of lumber per year.			NA		
(40)	School, public and private.			NA		
(41)	Tent and recreational vehicle park. (See ' 145-50.)			NA		
(42)	Transportation facility.			NA		
(43)	Stand-alone registered marijuana dispensary. <b>[Added 6-14-2011]</b>			NA		
D.	Accessory uses. Accessory uses are permitted when they are clearly incidental to the permitted use; subordinate, individually and in the aggregate, to the permitted use; and located on the same lot as the permitted use being served. Home businesses as regulated in ' 145-51 are permitted accessory uses.	Y				
E.	Uses prohibited. Except as permitted in ' 145-12, Nonconforming uses, and in Article VI, Town-Wide Regulations, uses not identified in Subsections B, C and D are prohibited within this district.	Y*			4 housekeeping cottages (Lodging Facility) exist on the property. 2 two-bedroom units and 2 one-bedroom units are located on the westerly side of the parcel. The Lodging Facility office is maintained within the 15,375 SF building (unit 2). No changes to the housekeeping cottage units proposed.	
F.	Dimensional requirements.					
(1)	Minimum lot size: 20,000 square feet on net area if served by public sewer; 40,000 square feet of net area if not served by public sewer.	Y			The parcel is 66,776 SF in size. The parcel is served by public sewer. See note 2 and 4.	
(2)	Maximum density:					

**Town of Wells , Maine Review Checklist**  
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Project Name/District: Cappys Condo / General Business District - Tax Map 105, Lot 14-A

Date of Review: 11-23-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-26. General Business District.			Application Meet Requirements			
			Yes	No	NA	Comments
	(a)	One dwelling unit for each 20,000 square feet of net area if served by public sewer.	Y*			<p>3 dwelling units exist on the property within the 15,375 SF building (unit 2). 3 dwellings were approved on 7-29-2000.</p> <p>3 dwellings require 60,000 SF of net area. 4 housekeeping cottage units required (in 2000) 2,772.5 SF of land per unit or 11,090 SF. 71,092 SF of land was required for the dwellings and cottages but only 66,776 of land area exists. It appears the 2000 amendment to permit an increase in dwelling units was done without consideration of the Land Use density requirements.</p>
	(b)	One dwelling unit for each 40,000 square feet of net area if not served by public sewer.			NA	Parcel is served by public sewer.
	(c)	<p>Four housekeeping cottages or seasonal cottages per acre of net area. <b>[Amended 4-28-1995; 4-12-2003; 6-13-2006]</b></p> <p><i>Editor's Note: This ordinance provided that it shall be retroactive to any application for site plan approval and any application to amend an existing site plan to the extent the amendment proposes additional cottage units that has not received final approval from the Planning Board on 4-25-2006.</i></p>	Y*			<p>Density requirements in 2000 permitted 16 cottages per acre of net area. 4 housekeeping cottage units required 2,772.5 SF of land per unit or 11,090 SF. Housekeeping cottages are no longer a permitted use in the Town of Wells. The 4 housekeeping cottages on this property are grandfathered as non-conforming.</p> <p>3 dwellings require 60,000 SF of net area.</p> <p>71,092 SF of land was required for the dwellings and cottages but only 66,776 of land area exists. It appears the 2000 amendment to permit an increase in dwelling units was done without consideration of the Land Use density requirements.</p>
	(d)	Twenty hotel/motel units per acre of net area. <b>[Amended 4-28-1995]</b>			NA	No such use is proposed.
(3)		Minimum street frontage per lot: 100 feet, which may be reduced to 75 feet for frontage entirely on a cul-de-sac.	Y			This parcel has approximately 206.47' of street frontage along Route One. Minimum street frontage is 100'. See note 2.

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Date of Review: 11-23-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-26. General Business District.				Application Meet Requirements			
				Yes	No	NA	Comments
(4)		Maximum lot coverage: 65% (20% within the Shoreland Overlay District) or 2500 square feet, whichever is greater, except that the maximum lot coverage shall be 40% of the entire lot on any lot that was legally created prior to January 1, 1994, if at least 75% of the lot is located within the Shoreland Overlay District. <b>[Amended 4-14-2000]</b>	Y			Existing lot coverage is 63.8%. Maximum lot coverage is 65%. See note 2.	
(5)		Maximum building height: 34 feet, not to exceed three stories. (See ' 145-35I.)	Y			See note 2.	
(6)		Setbacks.	Y			See note 2.	
	(a)	All structures shall be at least:					
	[1]	Fifteen feet from any lot line.	Y*			15' setbacks shown.  Dumpster to be relocated to meet setback requirements. See note 10.  Two (2-bedroom) housekeeping units are shown to not meet setback requirements. These units have historically been located here and are grandfathered in this non-conformity. No changes to housekeeping cottages proposed.  In 2000, two (1-bedroom) housekeeping units were approved to be relocated to the westerly side of the parcel. One unit appears to meet the 15' lot line setback requirements. <b><u>One unit (537.6 SF sized one) was relocated and does not meet setback requirements. A mis-located building appeal may be required for one or both of these units.</u></b>	
	[2]	Twenty-five feet from the boundary of any cemetery.	Y			Parcel does not abut any known cemeteries.	
	[3]	Twenty-five feet from any lot line abutting any street right-of-way.	Y			Parcel does not abut the boundary of any street row.	

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Project Name/District: Cappys Condo / General Business District - Tax Map 105, Lot 14-A

Date of Review: 11-23-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

<b>§ 145-26. General Business District.</b>				<b>Application Meet Requirements</b>			
				Yes	No	NA	Comments
		[4]	Forty feet from any lot line abutting the right-of-way of any state highway.	Y*			The existing 15,375 SF building (unit 2) on this parcel does not meet this lot line setback from the state highway. The structure is nonconforming but is grandfathered as no new construction is proposed to make this nonconformity more nonconforming.
		(b)	All structures and parking lots shall be at least 200 feet from the high-water line of the Merriland River, the Webhannet River and the Ogunquit River.			NA	Parcel is not within 200 feet of such rivers.
		(c)	Each housekeeping cottage or seasonal cottage shall be placed at least 25 feet from any other housekeeping or seasonal cottage on the site. <b>[Added 6-13-2006</b>  <i>Editor's Note: This ordinance provided that it shall be retroactive to any application for site plan approval and any application to amend an existing site plan to the extent the amendment proposes additional cottage units that has not received final approval from the Planning Board on 4-25-2006.</i>	Y*			This requirement was adopted by the Town in 2006. The housekeeping cottages existed prior to this requirement. The housekeeping cottages are grandfathered as no changes are proposed to the housekeeping cottage units.
Note: See also §§ 145-13, Nonconforming structures, 145-14, Nonconforming lots, 145-33, Shoreland Overlay District, 145-48, Multifamily developments, 145-49, Residential cluster development, and 145-54, Affordable housing				Y			145-13, 145-48 apply
G.	Special provisions. If a person owns parcels of land on the east and west sides of Route 1 within the General Business District, the parcels may be treated as a single lot of land, provided that he grants the Town a conservation easement over a portion of the land on the east side of Route 1. The easement shall cover a land area which, in conjunction with the parcels on the west side of Route 1, is adequate to support the proposed use as regulated in the district. The lot on the west side of Route 1 shall meet the minimum lot size requirement. Any proposed easement shall be reviewed and approved by the Planning Board.					NA	

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Date of Review: 11-23-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

**Article VI**

Town-Wide Regulations

<b>§ 145-35. General regulations.</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
A.	All uses shall conform to the provisions of this chapter.	Y			
B.	All lots (except lots being merged with an abutting parcel) and structures shall comply with dimensional requirements specified for the district in which they are located, except those considered nonconforming. Where a single lot of record contains more than one principal structure, the lot may not be divided in a way which would create a parcel or parcels which do not conform to the requirements of this chapter for lot size, setbacks or street frontage. <b>[Amended 4-19-1997]</b>	Y			
C.	A residential lot with a dwelling unit may be used for keeping noncommercial domestic poultry and domestic livestock in conformance with Article V District Regulations. Structures used exclusively for the housing of such domestic poultry or livestock with a ceiling height below 6.5 feet or footprint area 50 square feet or less shall not require a building permit. Domestic poultry and livestock shall be contained within the lot boundaries.			NA	
D.	No manufactured home which was manufactured before June 15, 1976, may be brought into the Town of Wells unless suitable evidence is provided to the Code Enforcement Officer that the manufactured home does not contain aluminum electrical wiring, that the manufactured home contains two exterior exits and that the roof is constructed to support a live load of 30 pounds per square foot. <b>[Amended 4-16-1999]</b>			NA	
E.	Land within the lines of a street right-of-way on which a lot abuts shall not be considered as part of such lot for the purposes of meeting the lot area requirements of this chapter, even though the fee to the land may be in the same ownership as the lot.	Y			
F.	No part of a setback area, open space or off-street parking or loading space required by this chapter shall be included as part of any other setback area, open space or off-street parking or loading space similarly required for any other structure or use except as explicitly provided for within this chapter.	Y			
G.	Multiple principal and accessory uses, which may be located within multiple buildings, shall be permitted on a lot.	Y			

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H.	Any lot created after January 1, 1994, shall have frontage on a street which existed prior to January 1, 1994, or on a street which is constructed to the standards required by Chapter 201, Articles II and III of the Wells Municipal Code.	Y			
I.	No floor of a building higher than 30 feet above the average finished grade shall be designed as habitable space. The maximum building height may be increased by the amount required to comply with Chapter 115, Floodplain Management, § 115-6, Development standards, but not to exceed five additional feet provided the building shall not exceed three stories, be covered with a pitched, shingled roof, and be constructed on a foundation used for parking or storage only and not living space. <b>[Amended 11-6-2001]</b>	Y			
J.	Maximum building height requirements do not apply to flagpoles, chimneys, transmission towers, steeples, windmills and similar uninhabitable structures. However, except chimneys which do not exceed the height limit by more than 10 feet, such structures require a lot line setback no less than the minimum required in the district plus the height by which they exceed the prescribed height limitations.	Y			
K.	Lot area used to meet the density requirements of a use on a lot shall not be used to meet the density requirement of any other use.	Y			
L.	A single, uninhabitable accessory structure of 120 square feet or less in gross area and 15 feet or less in height, such as a utility shed, which is accessory to a residential use may be placed within the ordinarily required setbacks as set forth in Article V on any residential lot that contains 5,000 square feet or less, as long as the following minimum setbacks are met:			NA	Parcel exceeds 5,000 SF.
	(1) Twenty-five feet from the boundary of any cemetery or any street right-of-way.				
	(2) Forty feet from the right-of-way of any state highway.				
	(3) The full required setback from any seawall, water body or wetland, according to § 145-33.				
	(4) Five feet from other lot line.				
M.	A single, uninhabitable accessory structure of 120 square feet or less in gross area and 15 feet or less in height, such as a utility shed, which is accessory to a residential use on a residential lot shall be considered legally nonconforming if it was in existence at its current location prior to January 26, 1998. <b>[Added 4-18-1998]</b>			NA	No such structures exist.
N.	The construction, renovation, alteration, maintenance and/or operation of a building, structure or any other type of facility for use in whole or in part as a gambling casino is prohibited in all zoning districts within the Town of Wells. No building permit or certificate of occupancy shall issue for a gambling casino. <b>[Added 11-5-2002]</b>			NA	

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O.	Lots abutting multiple street rights-of-way are permitted to reduce the minimum setback from a lot line abutting any street right-of-way to the minimum setback from a lot line as required for the district in which they are located if the following are met: <b>[Added 6-12-2012]</b>			<b>NA</b>	Parcel does not have multiple street frontages.
(1)	Contiguous street frontage for the lot exists on more than one street right-of-way;				
(2)	The minimum setback from any lot line abutting a street right-of-way is met from the street right-of-way that is most compliant with street frontage requirements;				
(3)	If the lot has equal and/or greater than the street frontage requirement on two abutting street rights-of-way, the lot owner may choose which right-of-way shall meet the minimum setback of a lot line abutting a street right-of-way; and				
(4)	The setback reduction shall not be permitted to apply to the setback from any lot line abutting a right-of-way of any state highway.				
<b>§ 145-36. Timber harvesting. [Amended 4-19-1997]</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
A.	If timber harvesting is deleted as a permitted use in a district, timber harvesting on a parcel of land in the Maine Tree Growth Program (36 M.R.S.A. §§ 571 to 584-A) shall continue as a permitted use as long as the subject lot, or portion thereof, remains in the Tree Growth Program.			<b>NA</b>	
<b>§ 145-37. Yard sales.</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
Yard sales shall be permitted in all districts except the Resource Protection District and shall comply with the following standards:		<b>Y</b>			
A.	A yard sale shall last no longer than three consecutive days and shall only be permitted once per month on a lot or on a contiguous lot in the same ownership.				
B.	A permit for the yard sale shall be obtained from the Town Clerk by the owner or occupant of the lot. The Town Clerk shall provide the Police Department with a copy of all yard sale permits issued before the date of the yard sale. <b>[Amended 4-28-1995]</b>				
C.	Adequate off-street parking shall be provided for customers of the yard sale. Directional signs indicating the parking area(s) shall be provided.				

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D.	Two off-premises signs within 300 feet of the yard sale are permitted to advertise the yard sale. The signs, no larger than two feet by three feet, may be displayed only between the hours of 7:00 a.m. and sunset on the day(s) of the sale. Signs shall not be attached to utility poles. <b>[Amended 4-28-1995]</b>				
E.	The yard sale shall not begin before sunrise and shall not extend after sunset. <b>[Amended 4-28-1995]</b>				
F.	No items for sale, tables or other display equipment shall be placed closer than 15 feet to the lot line(s) fronting a street. <b>[Amended 4-28-1995]</b>				
G.	Within 24 hours after the close of a yard sale, all unsold items, tables and other display equipment shall be removed from the yard and stored within a building. <b>[Amended 4-28-1995]</b>				
<b>§ 145-38. Landscaping/buffers. [Amended 4-16-1999; 4-12-2003]</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
A.	The setback areas along lot lines other than those along street rights-of-way on lots in nonresidential districts which abut a residential district shall be landscaped to provide a visual screen between residential and nonresidential uses. Parking lots, outdoor business storage areas and outdoor business uses shall be visually screened from adjacent residential lots. Said visual screening shall consist of a continuous border of shrubbery at least six feet in height and/or solid fencing six feet in height. Notwithstanding the above requirement, all visual screens shall comply with the sight distance requirements of Chapter 201, Articles II and III. The reviewing authority may waive all or part of this requirement for outdoor business uses if such uses are defined as a low-intensity commercial recreation use. Except in the Beach Business District, all business or institutional parking and outdoor storage areas shall be separated from a street right-of-way by a landscaped buffer strip at least 15 feet wide, planted with shade trees a minimum diameter of three inches at breast height (dbh). In the Beach Business District a landscaped strip four feet wide shall be provided between any outdoor business, storage area or parking lot and a street right-of-way.	<b>Y*</b>			A 15' landscaped buffer along Route One is required. Prior site plan approvals depict small planters, shrubs and grass areas between the existing buildings/pavement and Route One. These grass areas and planters exist, although they are smaller and reduced in area due to the Route One land taking in 1999 and the installation of the paved "common drive" exiting onto Route One to the north of the 15,375 SF building. On 11/15/16 the SRC found the existing grass and planters along Route One to satisfy the landscaped buffer requirements.  <b><u>See landscaping/buffer requirements of 145-48 and 145-52.</u></b>
B.	In the Light Industrial District, except to allow for the development of a driveway, the first 40 feet of a lot as measured from the right-of-way of any street shall be planted with shrubs and/or ground cover and shade or evergreen trees with a minimum two-inch diameter at breast height (dbh) planted a maximum of thirty feet on center along the entire distance of the street frontage.			<b>NA</b>	

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<b>§ 145-39. Off-street parking.</b>							<b>Application Meet Requirements</b>			
							<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
A.	Off-street parking may be provided out of doors or within a building. Off-street parking shall be considered to be an accessory use when provided to serve any permitted or nonconforming use. In the calculation of the number of parking spaces required, any fractional number of spaces shall be rounded to the next highest whole number for each use existing or proposed on the property. <b>[Amended 4-16-1999]</b>						Y			On-street parking is prohibited.
B.	Land may not be used and a building may not be occupied until off-street parking and/or loading facilities are provided.						Y			
C.	Design standards. <b>[Amended 4-28-1995]</b>									
(1)	All parking areas containing three or more parking spaces, except those serving one- or two-family dwellings, shall be designed according to the following criteria:									
	<b>Parking Angle (degrees)</b>	<b>Stall Width, feet</b>	<b>Skew Width, feet</b>	<b>Stall Depth, feet</b>	<b>Aisle Width, feet</b>					
	90	9	na	18.5	26	Y			Parking space dimensions to be labelled or noted on the plan.	
	60	8.5	10.5	19	16 one way	Y			Parking space dimensions to be labelled or noted on the plan.	
	45	8.5	12.75	17.5	12 one way			NA		
	30	8.5	17	17.5	12 one way			NA		
	180	24	na	9	13 one way	Y			Parking space dimensions to be labelled or noted on the plan.	
(2)	Every business, commercial, institutional, public and nonprofit use shall provide a minimum of 4% of the total parking spaces for vehicles with handicapped registration plates, but in no case less than one space. Handicapped spaces shall be designed according to ANSI Standard A117.1-1986.						Y			4 handicap accessible parking spaces are shown.  3 handicap parking spaces are required based on the total required parking spaces.
(3)	All required parking spaces shall be clearly designated. Handicapped and recreational vehicle spaces shall be identified with signs no smaller than nine inches wide by 12 inches high, posted four feet from the ground.						Y			ADA compliant signs for the handicap parking are shown on the plan and shall be installed by 7/1/2017. See note 9.

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D.	<p>The following off-street parking standards shall be provided and maintained for each use on a lot except as specified in Subsection <b>F</b> below. The reviewing authority may permit a reduction in the number of spaces provided, based on documentation from the applicant as to the particular needs of the proposed uses, or may require additional parking based on the characteristics of the particular application for approval. The reviewing authority may also permit a reduction in the number of spaces provided based on the availability of mass transit to a lot and its potential use by pedestrians or cyclists. <b>[Amended 4-26-1996; 4-19-1997; 11-2-2010; 11-5-2013; 6-10-2014]</b></p>						<p>Parking requirements detailed in note 8 on the site plan.</p>
	<b>Use</b>	<b>Required Parking Spaces</b>					
	Bank	1 per 400 square feet of gross floor area, plus 6 stacking spaces for the first drive-up window, plus 2 per additional drive-up window			<b>NA</b>		
	Bowling alley	3 1/4 per lane			<b>NA</b>		
	Congregate housing	1 per housing unit, plus 1 for each 300 square feet of office space			<b>NA</b>		
	Contractor business	1 per 1,000 square feet of gross floor area but no less than 3 per business			<b>NA</b>		
	Day care	1 per 400 square feet of floor area used for child care, plus 3			<b>NA</b>		
	Dwelling	2 per each dwelling unit, plus 1/2 per bedroom in excess of 4 bedrooms per dwelling unit	<b>Y</b>			3 dwellings require 6 parking spaces.	
	Life care facility	1 per 2 congregate housing units, plus 1 per elderly housing unit, plus 1 per 3 beds in the nursing home, plus 1 for each 300 square feet of office space			<b>NA</b>		
	Lodging facility	1 1/10 for each sleeping room	<b>Y</b>			4 housekeeping cottages have a total of 6 bedrooms. 1.1 x 6 = 7 parking spaces required.	
	Manufacturing, warehousing and wholesale businesses	1 per 1,000 square feet of gross floor area but no less than 3 per business			<b>NA</b>		
	Marina	1 per slip or mooring, excluding guest moorings			<b>NA</b>		

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	Medical care facility	1 per bed, plus 1 per 200 square feet of office floor area			<b>NA</b>	
	Museums	1 per 500 square feet of gross floor area, plus 1 for each 3 seats in areas used for assembling groups of people			<b>NA</b>	
	Office, business	3 1/2 per 1,000 square feet of gross floor area, but no less than 3 per business	<b>Y</b>			Two 1,000 SF spaces (2,000 SF total) permit up to 4 businesses (Office/Retail/ Service/Personal Service). Each business must provide no less than 3 spaces). 4 x 3 = 12 spaces are required.  A 1500 SF space permits 1 business (Office/Retail/ Service/Personal Service). 1500 x 3.5/1000 = 6 spaces required.
	Personal service business	1 per 400 square feet of gross floor area, but no less than 3 per business	<b>Y</b>			Two 1,000 SF spaces (2,000 SF total) permit up to 4 businesses (Office/Retail/ Service/Personal Service). Each business must provide no less than 3 spaces). 4 x 3 = 12 spaces are required.  A 1500 SF space permits 1 business (Office/Retail/ Service/Personal Service). 1500 x 3.5/1000 = 6 spaces required.
	Retail business	3.5 per 1,000 square feet of sales floor area, but no less than 3 per business	<b>Y</b>			Two 1,000 SF spaces (2,000 SF total) permit up to 4 businesses (Office/Retail/ Service/Personal Service). Each business must provide no less than 3 spaces). 4 x 3 = 12 spaces are required.  A 1500 SF space permits 1 business (Office/Retail/ Service/Personal Service). 1500 x 3.5/1000 = 6 spaces required.  A 1740 SF space permits 1 business (Retail or Low/Medium/High Intensity Commercial Recreation). 1740 x 3.5/1000 = 7 spaces required.
	Restaurant, standard	1 per 3 seats, plus 1 space for every 20 seats to accommodate employees	<b>Y</b>			75 seats / 3 = 25 plus 75/20 =4 totals 29 parking spaces required for the restaurant use

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	Restaurant, fast-food	1 per 30 square feet of floor area usable by customers for eating and for food preparation			<b>NA</b>	
	Elementary, junior high	3 per classroom and other rooms used by students			<b>NA</b>	
	High school	3 per classroom and other rooms used by students, plus 1 per 5 students			<b>NA</b>	
	Tent and recreational vehicle parks	See § 145-50C			<b>NA</b>	
	Theaters, auditoriums, function halls, clubs, churches and other places of assembly	1 per 4 seats, based upon occupancy load			<b>NA</b>	
	Shopping Centers	3.5 per 1,000 square feet of retail and business office use. Theaters, restaurants, fast food restaurants will require spaces consistent with this section			<b>NA</b>	
	(1)	For uses not listed above the number of parking spaces required shall be determined by the reviewing authority. The Code Enforcement Officer shall provide the reviewing authority a written opinion regarding the number of spaces he believes should be provided. The reviewing authority shall take into consideration the Code Enforcement Officer's opinion in making any such determination.			<b>NA</b>	<b><u>The Code Enforcement Office to render an opinion on the existing 1,740 SF of commercial recreation space/retail business space. 7 spaces are proposed.</u></b>
	(2)	Loading bays may be required by the Planning Board for a project which requires Planning Board approval.			<b>NA</b>	A loading/ receiving area does not exist.
E.		Required off-street parking in all districts as determined in § 145-39D shall be located on the same lot as the use it serves unless no reasonable on-site location exists and all of the following off-site requirements are satisfied: <b>[Amended 6-10-2014]</b>			<b>NA</b>	Off-street parking provided. No off-site parking proposed.
	(1)	The off-site parking location is less than 1,000 feet from the boundary line of the property where the use it serves is located;				
	(2)	The off-site parking location is established by a recorded easement, or a license or lease agreement, to benefit the property where the use it serves is located;				
	(3)	The off-site parking location shall be located within a district in which a commercial parking lot is a permitted use; and				
	(4)	A site plan approval or a site plan amendment is obtained from the Planning Board for each property.				

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F.	Plans for parking areas shall indicate the location of snow storage or make provision for snow removal. Snow may be stored on required parking spaces if the Planning Board determines that the business(es) will have adequate parking during the winter months without the use of the spaces on which snow is stored.	Y			Snow storage areas depicted on the plan.
G.	Parking areas within in the Shoreland Overlay District shall meet the shoreline setback required for structures from the water body or wetland adjacent to which they are located.			NA	Parcel is not within the Shoreland Overlay District.
H.	Parking areas shall be designed to prevent stormwater runoff from flowing directly or being piped directly into a water body, to allow for the settling of sediment and the removal of grease, oil and other pollutants.	Y			The parcel is relatively flat. The added lot coverage since 2000 has not been identified to create any stormwater runoff issues.
I.	All parking areas shall have a firm surface, such as bituminous concrete, gravel or crushed stone. The reviewing authority may waive this requirement for parking areas that will only be used between May 1 and November 1.	Y			Areas that could be used for parking for the year round business uses shall be on pavement as depicted. The 21 grass parking spaces located on the west side of the property is noted to be permitted to be used between May 1 and November 1 of each year.
j.	In the Light Industrial District all off-street parking shall be located at the side and/or in the rear of the building if the building is less than 60 feet from the right-of-way of a street. If the building is 60 feet or more from the right-of-way of a street, then the parking shall be located no less than 40 feet from the street right-of-way and a landscaped buffer meeting the requirements of § 145-38B shall be provided. <b>[Added 4-12-2003]</b>			NA	
<b>§ 145-40. Signs. [Amended 4-28-1995; 4-26-1996; 4-18-1998; 4-14-2000; 11-5-2002; 5-20-2003; 4-29-2005; 11-6-2007; 6-8-2010]</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
A.	Standards for all signs. All signs shall comply with these regulations, regardless of whether or not a permit is required: (Section 145-40 of the Wells Code. The applicant shall complete a sign application as part of the Site Plan process and it shall be filed with the application. The sign permit fee, however, shall not be payable until such time as the site plan application is approved.)	Y			Signs will be determined in compliance by the Code Enforcement Office prior to being placed.

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<b>§ 145-41. Light and glare. [Amended 6-8-2010]</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
A.	The Town of Wells recognizes the need to minimize light pollutions and glare from illumination, whether lighting of grounds or by signs, in order to avoid unreasonable impacts on existing uses, abutting properties, and the natural environment. Unreasonable impacts may include contributions to artificial illumination of the night sky, impacts on persons in the surrounding area, and hazards to drivers.	Y			See note 13.
B.	In addition to meeting all other applicable requirements, any sign lighting must meet the following requirements:	Y			See note 13.
(1)	Signs shall be illuminated only by steady, stationary, shielded light sources directed solely on the sign without causing glare or by a constant internal illumination. Any light source shall be shielded with a fixture so that bulbs are not directly visible from neighboring properties or public ways. (See also §145-40 A (7).)				
(2)	No sign shall be animated by means of flashing, blinking or traveling lights or by any other means not providing constant illumination except for a traditional striped, rotating barber's pole, accessory to a barber shop.				
(3)	Notwithstanding the above, electronic message center signs where permitted may change messages no more than every 10 minutes. The message on the electronic message center must change as rapidly as technologically practicable, with no phasing, rolling, scrolling, flashing or blending.				
(4)	All externally lighted signs shall be shielded so as to effectively prevent beams or rays of light from being directed at any portion of the main traveled way of a roadway; or of such low intensity or brilliance as not to cause glare or impair the vision of the driver of any motor vehicle or to create nuisance conditions.				

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<b>§ 145-42. Erosion and sedimentation control. [Amended 4-27-2007]</b>	<b>Application Meet Requirements</b>			
	<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
<p>Earthmoving operations associated with development construction activities shall be conducted in a manner to prevent or minimize erosion and sedimentation of surface waters in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Maine Department of Environmental Protection and the Cumberland County Soil and Water Conservation District, 1991. Location of structures and streets shall be designed using the existing topography in a manner which avoids slope modifications which could expose areas of soils to erosion or which could jeopardize the slope stability.</p>	<b>Y</b>			<p>See note 16. Best Management Practices are a standard condition of approval.</p>
<b>§ 145-43. Stormwater management. [Amended 4-27-2007]</b>	<b>Application Meet Requirements</b>			
	<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
<p>Stormwater runoff shall be managed and directed through surface or subsurface drainage systems in accordance with Chapter 202-12F(4) General Standards of the Wells Municipal Code (wherein the word "site plan" shall be substituted for "subdivision"). Stormwater retention practices shall be employed to minimize impacts on neighboring and downstream properties. In areas of aquifer recharge, stormwater infiltration (after separation of leachable harmful substances) shall be required. Where retention/infiltration is unwarranted or unfeasible, off-site improvements to natural or man-made drainage systems may be necessary to increase capacity and prevent erosion at the developer's expense. The natural state of watercourses, swales or floodways shall be maintained.</p>	<b>Y</b>			<p>The changes proposed have an insignificant effect on the existing stormwater conditions. No additional lot coverage proposed from existing site conditions. Existing site conditions total 63.8% lot coverage. Maximum 65% lot coverage permitted.</p>
<b>Chapter 202-12F, General Standards</b>				
<b>(4) Stormwater management. [Amended 4-27-2007]</b>				
<p>(a) Where a subdivision is traversed by a stream, river or surface water drainageway, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. This stormwater management system shall be designed by a registered professional engineer.</p>	<b>Y</b>			
<p>(b) Drainage easements for existing watercourses or proposed drainageways shall be provided and indicated on the plan.</p>			<b>NA</b>	

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<p>( c ) The developer shall provide a statement from the designing engineer that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or in other properties. The engineer shall certify that peak runoff from the subdivision onto other properties shall not be increased either in volume or duration from the peak runoff characteristics existing prior to development.</p>			<p><b>NA</b></p>	
<p>(d) A stormwater management plan, meeting the standards of Chapter 201, Streets and Sidewalks, Articles II and III, Wells Municipal Code, shall be submitted.</p>			<p><b>NA</b></p>	
<p>(e) For subdivisions that require MDEP review under 38 M.R.S.A. § 481 et seq. (Site Location of Development), a stormwater management plan shall be submitted which complies with the Site Location of Development permit and the requirements of MDEP Chapter 500 Stormwater Regulations.</p>			<p><b>NA</b></p>	
<p>(f) For subdivisions that do not require a Site Location of Development permit, but that require a MDEP permit pursuant to 38 M.R.S.A. § 420-D, a stormwater management plan shall be submitted which complies with the requirements of MDEP Chapter 500 Stormwater Regulations.</p>			<p><b>NA</b></p>	
<p>(g) For subdivisions outside of the watershed of a great pond that neither require a Site Location of Development permit, nor a MDEP permit pursuant to 38 M.R.S.A. § 420-D, a stormwater management plan shall be submitted which incorporates the low-impact development techniques set forth in Volume I, Chapter 3 of the Maine Stormwater Best Management Practices Manual, 2006 (LID Techniques) on each individual lot approved by the Planning Board when such LID Techniques are adopted by MDEP. At such time that the MDEP adopts the LID Techniques, the Planning Board shall adopt them for use in approving subdivisions for the Town of Wells.</p>	<p><b>Y</b></p>			
<p>(h) For subdivisions located within the watershed of a great pond containing:  1. five or more lots or dwelling units created within any five-year period; or 2. any combination of 800 linear feet of new or upgraded driveways and/or streets, a stormwater management plan shall be submitted that meets the phosphorus allocation across the entire subdivision in accordance with the methodology described in the MDEP Phosphorus Design Manual, Volume II of the Maine Stormwater Best Management Practices Manual, 2006.</p>			<p><b>NA</b></p>	
<p>(i) The Planning Board may require a hydrologic analysis for any site in areas with a history of flooding or in areas with a potential for future flooding, associated with cumulative impacts of development. This hydrologic analysis would be in the form of a "Downstream Analysis" under conditions of the ten-year, twenty-four-hour storm, the twenty-five-year, twenty-four-hour storm, and the one-hundred-year, twenty-four-hour storm, as described below:</p>			<p><b>NA</b></p>	

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<p>[1] Downstream Analysis Methodology: The criteria used for the downstream analysis is referred to as the "10% rule." Under the 10% rule, a hydrologic and hydraulic analysis for the ten-year, twenty-four-hour storm, the twenty-five-year, twenty-four-hour storm, and the one-hundred-year, twenty-four-hour storm is extended downstream to the point where the site represents 10% of the total drainage area. For example, a ten-acre site would be analyzed to the point downstream with a drainage area of 100 acres. This analysis should compute flow rates and velocities downstream to the location of the 10% rule for present conditions and proposed conditions. If the flow rates and velocities increase by more than 5% and/or if any existing downstream structures are impacted, the designer should redesign and incorporate detention facilities.</p>			<p><b>NA</b></p>	
<p><b>§ 145-44. Vision obstructions at intersections.</b></p>	<p><b>Application Meet Requirements</b></p>			
	<p><b>Yes</b></p>	<p><b>No</b></p>	<p><b>NA</b></p>	<p><b>Comments</b></p>
<p>All corner lots shall be kept clear from visual obstructions higher than three feet above ground level for a distance of 25 feet or a distance equal to the required building setbacks from the streets, whichever is less, from the intersection, measured along the intersecting lot lines.</p>	<p><b>Y</b></p>			<p>Site distances onto Route 1 are sufficient with 400 feet in both directions provided. See note 12. Speed limit of Route 1 is noted to be 40 MPH.</p>

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<b>§ 145-45. Noise.</b>		<b>Application Meet Requirements</b>			
		Yes	No	NA	Comments
A.	Purpose. Excessive sound and vibrations are serious hazards to the public health, welfare, safety and quality of life. It is the policy of the Town of Wells to prevent excessive stationary sound and vibration, which may jeopardize the health, welfare or safety of its residents or degrade the quality of life. This ordinance shall apply to the control of all stationary sound and vibration originating in the Town of Wells. This ordinance is not designed to impede any person's First Amendment rights of freedom of speech. This ordinance is not designed to impede the growth or economic health of the commercial or industrial sectors of the Town of Wells. This ordinance is designed to prohibit excessive and unreasonable sound and vibrations that are hazards to the public health, welfare, safety and quality of life only. <b>[Amended 6-14-2011]</b>	Y			Sound pressure levels were not provided. If noise is of concern the owner of the parcel will measure noise levels as outlined.
B.	Violation. It is unlawful, and a violation of the Wells Code to make, emit, continue, or cause to be made, emitted or continued, any excessive, unnecessary or unreasonable noise beyond the boundaries of a person's property in excess of the noise levels established in the Wells Code. Where multiple residences or businesses exist within the confines of a structure, the limits of one's occupancy rights shall be considered the boundary for purposes of measuring noise. <b>[Amended 4-16-1999; 6-14-2011]</b>	Y			
C.	Maximum noise level. The maximum permissible noise level produced by any activity (existing or future) on a lot shall not exceed the following limits: <b>[Amended 6-14-2011]</b>	Y			
	(1) Music, amplified or acoustic, not otherwise exempt, that is plainly audible and excessive, unnecessary or unreasonable at a point, not on the property where the music originates, but at the location where the complaint is made.				
	(2) Other noise levels, not otherwise exempt, plainly audible and excessive, unnecessary or unreasonable at the location where the complaint is made.				
D.	Exemptions. The following shall be exempt from the standards of 145-45(C): <b>[Amended 6-14-2011]</b>	Y			
	(1) Natural phenomena.				

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(2)	Church bells rung as part of any official church ceremony or service, and tower clock bells ringing the hour during daytime hours, provided that at no time shall such duration exceed fifteen (15) minutes.				
(3)	Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in any emergency situation, provided, however, that burglar alarms not terminating within fifteen (15) minutes after being activated shall be unlawful.				
(4)	Warning devices required by the Occupational Safety and Health Administration or other state or federal governmental safety regulations.				
(5)	Farming equipment or farming activity.				
(6)	Timber harvesting and milling during daytime hours.				
(7)	Noise from domestic power equipment such as, but not limited to, chain saws, sanders, grinders, lawn and garden tools or similar devices operated during daytime hours.				
(8)	Noise generated by any construction, demolition equipment, or mineral extraction (including crushing, screening, or segregating) operated during daytime hours as per the Ordinance or site plan approval, whichever is more restrictive.				
(9)	Emergency maintenance, construction or repair work.				
(10)	Noise created by refuse and solid waste collection during daytime hours.				
(11)	Noise created by any municipal-sponsored events, municipal beach cleaning, school sporting events, parades and Town-approved fireworks displays.				
(12)	Noises created by plows, trucks and other equipment used in the removal of snow.				
(13)	Noise from any aircraft operated in conformity with, or pursuant to, Federal law, Federal air regulations, and air traffic control instruction, including any aircraft operating under technical difficulties, any kinds of distress, or under emergency orders of air traffic control.				
(14)	Noise from trains operating in conformity with or pursuant to all applicable State and Federal laws and regulations.				
(15)	Emergency or extraordinary situations.				
(16)	A business may use an outside sound system to notify patrons waiting to pick up an order, obtain a table, or to be able to participate in the activities of the business, provided that such sound does not create an excessive, unnecessary or unreasonable noise.				

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	(17)	Noise from the operation of air conditioning or refrigeration units, which are part of the normal operation of a business or businesses located on the premises and which are necessary and normal to the operation of said business, and which air conditioning or refrigeration units are regularly serviced and kept in good repair.				
	(18)	Noise from any idling vehicles at a commercial establishment in the process of loading or unloading merchandise for the establishment, or waiting for the opportunity to do the same.				
E.		The removal or disabling of any noise-suppression device on any equipment is prohibited. Any noise-suppression device on equipment shall be maintained in good working order.	Y			
F.		Enforcement. Notwithstanding § 145-63 of this chapter, this section may be enforced by any of the following methods:				
	(1)	A violation of this section may be considered a land use violation and the enforcement procedures in § 145-63 may be invoked by the Code Enforcement Officer.				
	(2)	A violation of this section may be treated as a civil violation as defined by 17-A M.R.S.A. § 4-B and enforced by a law enforcement officer according to the procedures specified in 17-A M.R.S.A. § 17 and Rule 80H of the Maine Rules of Civil Procedure.				
	(3)	A violation of this section may also be considered the creation of a loud and unreasonable noise as prohibited by 17-A M.R.S.A. § 501 (Offenses Against the Public Order: Disorderly Conduct), provided that neither the Town of Wells nor any of its employees may initiate proceedings alleging a violation of both the Town ordinance and the state statute against the same person or persons for the same incident. <b>[Amended 4-16-1999]</b>				

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(4)	<p>With regard to a business with a Special Entertainment Permit issued under the authority of the Town of Wells, the municipal police and/or a Code Enforcement Officer for the Town of Wells shall have the authority to order that business to cease operation of the violation immediately upon a second visit to the premises within a two hour period, or a third visit within a 24-hour period beginning with the time of the first visit to investigate a noise complaint, when a police officer or a Code Enforcement Officer has on the previous visit(s) heard plainly audible noise in violation of this ordinance, and has reported that to the owner of the property or the person responsible for the excessive or unreasonable noise. The on-duty Municipal Police Supervisor shall accompany a police officer or Code Enforcement Officer responding to subsequent second and/or third noise complaints and shall have the authority to immediately cease operations of the violation source. The Special Entertainment may not resume within a 12 hour period thereafter. <b>[Added 6-14-2011]</b></p>				
<b>§ 145-46. Utility distribution lines.</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
A.	Review. Notwithstanding §§ 145-61 and 145-62, utility distribution lines are allowed in all zoning districts without a building or use permit.			<b>NA</b>	
B.	Dimensional requirements. The dimensional requirements of Article V and § 145-35J do not apply to utility distribution lines. <b>[Amended 6-4-1996]</b>			<b>NA</b>	
<b>§ 145-47. Utility transmission lines.</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
A.	Lot lines. For the purposes of Subsection C, the boundary lines of a utility transmission line right-of-way, whether the right-of-way is in fee simple ownership, a leasehold or an easement, are considered the lot lines of the right-of-way.			<b>NA</b>	
B.	Review. A utility transmission line is a permitted use in all zoning districts upon obtaining site plan approval from the Planning Board in accordance with the provisions of Article X.			<b>NA</b>	
C.	Dimensional requirements.			<b>NA</b>	

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Company Name: Town of Wells

(1)	Utility transmission lines must meet setback requirements from lot lines and water bodies to the greatest extent practical by the configuration of the utility corridor in which they are located and by the constraints of topography. With the exception of the setback from lot lines, the dimensional requirements of Article V do not apply to utility transmission lines. All aboveground portions of utility transmission lines shall comply with the setback requirements of Article V and § 145-35J.				
(2)	In all zoning districts where the setback for structures is greater than 10 feet from any lot line, the setback for the underground portion of a subsurface transmission line may be reduced to 10 feet from any lot lines.				
(3)	Subsurface and aerial utility transmission lines may be placed within the setbacks from any lot line abutting a street right-of-way provided no portion of a utility transmission line is placed between ground level and a height of 20 feet above the center line of the street within said setback. <b>[Amended 6-4-1996]</b>				
<b>§ 145-47.1. Public Transportation Shelter. [Added 11-6-2007]</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
Public transportation shelters may be placed within the ordinarily required setbacks as set forth in Article V.				<b>NA</b>	
<b>§ 145-47.2. School Bus Shelter. [Added 11-6-2007]</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	
A single school bus shelter which is accessory to a residential use may be placed within the ordinarily required setbacks as set forth in Article V on any residential lot following staff review for traffic safety and road maintenance impact.				<b>NA</b>	

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Project Name/District: Cappys Condo / General Business District - Tax Map 105, Lot 14-A

Date of Review: 11-23-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

**Article VII**  
**Performance Standards**

<b>§ 145-52. Lodging Facilities. [Amended 4-12-2003]</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
A.	Any lodging unit in a bed-and-breakfast or a hotel/motel that exceeds 470 square feet or a housekeeping or seasonal cottage that exceeds 600 square feet shall meet the density requirements for a dwelling unit located in the same district. <b>[Amended 11-5-2013]</b>	<b>Y*</b>		<b>NA</b>	The parcel has 4 existing housekeeping cottage units. All 4 of the cottages are less than 600 SF. The square footages noted include the cottage and porch area combined total.  <b><u>The plan to note this requirement.</u></b>
(1)	A porch or deck may be attached to each lodging unit and shall not be included in the footprint of the lodging unit unless the porch is heated and/or insulated.	<b>Y*</b>		<b>NA</b>	A porch is identified to exist for each housekeeping cottage unit. The plan to note the cottages are grandfathered with the existing porch areas. Porches shall not be heated or insulated. <b><u>The plan to note this requirement.</u></b>
(2)	Any lodging unit existing on January 1, 1994, required to comply with any state or federal regulations for handicapped accessibility, may be enlarged beyond the maximum allowed footprint, provided that the expansion is the minimum area required to comply with the regulations.			<b>NA</b>	
B.	Kitchen facilities are permitted in the individual units in housekeeping cottage complexes and in hotel/motels.	<b>Y</b>		<b>NA</b>	
C.	All motels, hotels and housekeeping cottages shall be connected to the public water and public sewer systems.	<b>Y</b>		<b>NA</b>	
D.	All lodging units, other than the unit occupied by the resident manager, shall be available to the traveling public and shall not be reserved for the exclusive use of the owner, his family and his friends.	<b>Y</b>		<b>NA</b>	

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Company Name: Town of Wells

<b>§ 145-52. Lodging Facilities. [Amended 4-12-2003]</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
E.	Lodging facility office. All lodging facilities constructed after May 1, 2007, regardless of the number of units, shall maintain an office on the licensed premises or within 150 feet of the lodging facility's site boundaries. Except as otherwise provided in § 150-83B(2), all lodging facilities constructed prior to May 1, 2007 having 10 or more units shall maintain an office on the licensed premises or within 150 feet of the lodging facility's site boundaries. Except as otherwise provided in § 150-83B(2), if a lodging facility constructed prior to May 1, 2007 has less than 10 units, the Selectmen may waive the office requirement if the Selectmen find: (1) that adequate provision has been made to enable the public to reach an innkeeper and/or rental manager after hours; and (2) that there is public telephone access either on-site, or, within 150 feet of the lodging facility's site boundaries. If granted, such a waiver shall be filed with the lodging facility's business license and shall remain in effect so long as all of the conditions upon which it was granted continue to be satisfied. This subsection does not apply to a seasonal cottage complex that is created by the conversion of a housekeeping cottage complex to a seasonal cottage complex, provided that a housekeeping cottage complex that had an office prior to conversion shall maintain the office. <b>[Amended 4-27-2007]</b>	Y			A lodging facility office for the housekeeping cottage units is located within the 15,375 SF building. See note 11.
F.	Any nonconforming lodging facility that seeks site plan approval or an amendment to an approved site plan shall conform to the requirements of Subsections <b>D</b> and E(1).	Y			
G.	Seasonal cottage facility.			<b>NA</b>	Such a facility is no longer a permitted use in the Town of Wells.
	(1) Kitchen facilities are permitted in the individual units of seasonal cottages.				
	(2) All seasonal cottages shall be connected to the public water and public sewer systems.				
	(3) All seasonal cottage units shall be available to the traveling public, but may be occupied by a single individual or group for a time period of up to six months.				
	(4) All seasonal cottages in a seasonal cottage complex shall be closed and water service to the units turned off between November 1 and April 30 of the following year.				

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Company Name: Town of Wells

<b>§ 145-52. Lodging Facilities. [Amended 4-12-2003]</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
H.	Housekeeping cottage complex conversion to seasonal cottage complex.	<b>Y*</b>			4 housekeeping cottage units exist and are grandfathered as non-conforming in use.
(1)	As of January 1, 2003 no seasonal cottage complexes exist.				
(2)	A housekeeping cottage complex existing on January 1, 2003, may be converted to a seasonal cottage complex by applying to the Staff Review Committee for a change of use, following the procedures and requirements of Article X, Site Plan Approval.				No conversion applied.
	(a) A note shall be added to the plan that states "All units shall be closed and water service to the units shall be turned off from November 1 through April 30 of the following year."				
	(b) If the complex is held in a condominium form of ownership, a copy of the condominium documents must be supplied, a current list of owners and a letter from the board of directors requesting the change of use.				
(3)	Construction of new seasonal cottages or other buildings or additions to seasonal cottages, buildings or other structures begun after the conversion of a housekeeping cottage complex to a seasonal cottage complex must comply with the requirements of ' 145-52H, Seasonal cottage facility.				
I.	Hotel/motels shall meet the following criteria: <b>[Added 11-5-2013]</b>			<b>NA</b>	No such use exists or is proposed.
(1)	A minimum lot size: three acres of net area.				
(2)	A minimum of 20 hotel/motel units in a single building.				
(3)	A minimum buffer between any street right-of-way which meets or exceeds the following:				
(a)	For a one-story building, a minimum setback of 40 feet;				
(b)	For a two-story building, a minimum setback of 60 feet;				
(c)	For a three-story building, a minimum setback of 80 feet;				
(d)	The buffer shall consist of trees, shrubs, plantings, grass, and mulch areas;				

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Company Name: Town of Wells

<b>§ 145-52. Lodging Facilities. [Amended 4-12-2003]</b>		<b>Application Meet Requirements</b>				
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>	
	(e)	Non-vegetated features such as access roads, walkways, and trolley stops may be allowed in the buffer;				
	(f)	Two handicap-accessible parking spaces may be allowed in the buffer; and				
	(g)	The buffer shall be approved by the Planning Board.				
(4)		There shall be a buffer strip of at least 25 feet in width adjacent to all lot lines of natural or planted vegetation.				
	(a)	The buffer shall create a visual screen to existing residential uses.				
	(b)	An access road may be allowed to cross the buffer.				
	(c)	The buffer shall be approved by the Planning Board.				
(5)		A hotel/motel office shall be provided.				
(6)		Three-story buildings shall enclose all stairways.				
(7)		All facilities shall be connected to public water and public sewer systems.				
(8)		All buildings shall be constructed with sprinkler systems.				
(9)		Kitchen facilities are permitted in the hotel/motel units.				
(10)		Only gas fireplaces shall be permitted.				
(11)		Only one manager's dwelling unit may be permitted.				
(12)		The hotel/motel unit deck or enclosed porch shall not be insulated or climate controlled.				
J.		Bed-and-breakfast/small inns shall meet the following criteria: <b>[Added 11-5-2013]</b>			<b>NA</b>	No such use exists or is proposed.

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Company Name: Town of Wells

<b>§ 145-52. Lodging Facilities. [Amended 4-12-2003]</b>			<b>Application Meet Requirements</b>			
			<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
(1)	The dwelling unit, bed-and-breakfast/small inn room units, and common facilities shall be located within one building, except for accessory structures.					
(2)	The minimum lot size and minimum density shall meet the dimensional requirements of the zoning district for which the lot is located plus an additional 4,000 square feet per bed-and-breakfast/small inn room unit.					
(3)	A bed-and-breakfast/small inn office shall be provided.					

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Company Name: Town of Wells

**Article VII**  
**Performance Standards**

§ 145-48. Multifamily Developments. [Amended 11-6-2001]		Application Meet Requirements			
		Yes	No	NA	Comments
A.	Multifamily developments are allowed subject to the following performance standards in addition to the requirements of the districts in which the developments are located:	Y			3 dwelling units exist on the property within the 15,375 SF building (unit 2). 3 dwellings were approved on 7-29-2000.  3 dwellings require 60,000 SF of net area. 4 housekeeping cottage units required (in 2000) 2,772.5 SF of land per unit or 11,090 SF. 71,092 SF of land was required for the dwellings and cottages but only 66,776 of land area exists. It appears the 2000 amendment to permit an increase in dwelling units was done without consideration of the Land Use density requirements.
(1)	A landscaped buffer at least 25 feet in width along all lot boundaries shall be required. The buffer strip shall not contain parking areas or structures, but may contain a perpendicular access driveway(s) or road(s) to connect with existing streets.		Y*		The 3 <sup>rd</sup> dwelling added to the property in 2000 was approved without consideration of the Multifamily Development Standards. A 25' landscaped buffer along all lot boundaries was not required and does not exist. A 15' setback/buffer is required per prior approvals. <b>Plan to label the 15' setback/buffer.</b>  The common drive was constructed within the 15' buffer.
(2)	No more than six dwelling units may be in any building.		Y		3 buildings are located within the existing 15,375 SF building.
(3)	Buildings shall be separated by at least 30 feet.		Y*		<b>To be noted on the plan.</b>  All existing buildings are located 30' or more away from the existing 15,375 SF building. No new construction or additions proposed.

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Company Name: Town of Wells

<b>§ 145-48. Multifamily Developments. [Amended 11-6-2001]</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
B.	On any lot divided by a zoning district boundary line, the lot coverage for any portion of the lot lying within a specific zoning district shall not exceed the permitted lot coverage for that district, except as otherwise specified in § 145-48D through H below. <b>[Amended 6-10-2014]</b>			<b>NA</b>	The parcel is entirely located within the General Business District.
C.	In any multifamily development abutting a residential use in a residential or rural zoning district, the setback shall be equal to at least three times the required structure setback or 25 feet, whichever is greater (e.g., required fifteen-foot setback x 3 = 45 feet). Said setback shall include a minimum twenty-five-foot width of visual screening abutting the single-family residential use. Said visual screening shall consist of a continuous boarder of shrubbery at least six feet in height, trees or, if required by the Planning Board, solid fencing six feet in height. Said multifamily development shall be screened from the view of any dwelling unit located within 200 feet of the multifamily development's boundaries. Said visual screening shall be owned in fee, managed and maintained by the owner or by an association of the owners of the development. <b>[Amended 6-10-2014]</b>			<b>NA</b>	Parcel is not in a residential zoning district.
D.	A multifamily development is permitted to satisfy its density, lot coverage and/or open space requirements by utilizing adjacent open space land if the Planning Board finds that both of the following criteria are met: <b>[Added 6-10-2014]</b>			<b>NA</b>	Open space is not required. Only 3 dwelling units exist.
(1)	The adjacent open space land is contiguous to the lot on which the multifamily development is located or separated by less than 100 feet by a street right-of-way; and				
(2)	The adjacent open space land meets all of the requirements of § 202-12B of the Wells Town Code.				
E.	Adjacent open space land used to satisfy a multifamily development's density, lot coverage and/or open space requirements may be held in joint ownership, dedicated or conveyed to the municipality, a land trust, or other recognized conservation organization. Such reservation of open space may also be accomplished by incorporation into homeowners' association or condominium association documents or into restrictive deed covenants. <b>[Added 6-10-2014]</b>			<b>NA</b>	Open space is not required. Only 3 dwelling units exist.
F.	A multifamily development plan approved on or after June 10, 2014 seeking to utilize adjacent open space land to satisfy its density, lot coverage and/or open space requirements shall: <b>[Added 6-10-2014]</b>			<b>NA</b>	Open space is not required. Only 3 dwelling units exist.

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<b>§ 145-48. Multifamily Developments. [Amended 11-6-2001]</b>		<b>Application Meet Requirements</b>			
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Comments</b>
(1)	Note an express condition that the adjacent open space land may not be used to meet the open space, density, and/or lot coverage requirements for any other development. Said restriction shall also be included in the deeds, condominium documents, and/or homeowners' association documents related to the multifamily development.				
G.	A multifamily development plan approved prior to June 10, 2014, is permitted to utilize adjacent open space land to satisfy density and lot coverage requirements for that multifamily development, provided that: <b>[Added 6-10-2014]</b>			<b>NA</b>	Open space is not required. Only 3 dwelling units exist.
(1)	The total area of the multifamily development and the adjacent open space land shall satisfy the open space, density, and/or lot coverage requirements for both the multifamily development and the adjacent property.				
(2)	The total area of the multifamily development and the adjacent open space required to meet the density and lot coverage requirements are noted on the approved subdivision plan(s) or within a certificate of amendment and shall be recorded at the Registry of Deeds in accordance with § 202-9C of the Wells Town Code.				
(3)	For any multifamily development approved prior to June 10, 2014, there is no requirement that an express restriction be included or added to the deeds, condominium documents, and/or homeowners' association documents related to the multifamily development.				
H.	Density shall be the same as permitted in the district(s) in which the multifamily development is located, unless density bonuses are granted by the Planning Board in accordance with § 145-49D. <b>[Added 6-10-2014]</b>			<b>NA</b>	Density bonuses not considered, requested or granted. 3 dwelling units exist.