



TOWN OF WELLS, MAINE PLANNING BOARD

Meeting Agenda
Monday, December 5, 2016, 7:00 PM
Littlefield Meeting Room, Town Hall
208 Sanford Road

CALL TO ORDER AT 7:00 pm & DETERMINATION OF QUORUM MINUTES

I. NOVEMBER 21, 2016 DRAFT MEETING MINUTES

PUBLIC HEARING(S)

DEVELOPMENT REVIEW & WORKSHOPS

I. GARTHWAITE ENERGY

G&C Realty Trust, owner; Garthwaite Energy, Inc. applicant; Post Road Surveying Inc, surveyor. Site Plan Pre-Application for a 3,502 SF Business Contractor/Business Service/ Business Office use with associated parking and propane storage. Parcel is located off of North Berwick Road within the Light Industrial District. Tax Map 40, Lot 3.1. **Report the Results of the Site Walk**

DOCUMENTS:

[GARTHWAITE ENERGY SITE WALK MEMO 11-30-16.PDF](#)

II. FARMERS MARKET

Two Hundred Seventy One LLC, owner and Senior Needs Comm. Of Wells – Ogunquit, owner; Kristen Hagan, applicant. Site Plan Amendment Application to locate the Farmers Market of Wells (Business Retail use) to the Wonder Mountain Expansion parking lot with customer access via the Senior Center property. The parcel is located off of 272 and 300 Post Road and is within the General Business District. Tax Map 19, Lot 11.1 and 30.exe. **Report the Results of the Site Walk and workshop**

DOCUMENTS:

[FARMERS MARKET SITE WALK MEMO 11-30-16.PDF](#)
[FARMER MARKET AMEND APP MEMO 11-30-16.PDF](#)
[FARMERS MARKET AT WONDER MOUNTAIN EXP ART V \(145-26\)](#)
[GEN BUS DIST CHECKLIST 11-30-14.PDF](#)
[FARMERS MARKET AT WONDER MOUNTAIN EXP ART VI \(145-35 TO 145-47\) TOWN REGS CHECKLST 11-30-16.PDF](#)
[FARMERS MARKET AT WONDER MOUNTAIN FUN PARK COMPLETENESS DRAFT 11-30-16.PDF](#)
[FARMERS MARKET DRAFT SITE PLAN 12-01-16.PDF](#)

III. WESLEY BY THE SEA SUBDIVISION AMENDMENT

Preacher's Aid Society of New England, owner; Stephen Bushey, agent.

Subdivision Amendment Application to reflect As-Built conditions of the subdivision and changes made to the drainage including drainage easements and wooded buffers. The subdivision is located off of Charles Wesley Court off of Harriseckett Road and Willow Way. The subdivision is located within the Rural and 75' Shoreland Overlay Districts. Tax Map 79, Lots 1-1 to 1-14. **Report the Results of the Site Walk and workshop draft completeness, determine a public hearing if appropriate**

DOCUMENTS:

[WESLEY BY THE SEA AMD SITE WALK MEMO 11-30-16.PDF](#)

IV. PRECISION TRANSMISSION

David R. Roy, owner/ applicant; Sebago Technics, agent. Site Plan Pre-Application to amend the prior site plan approval and construct a 4,050 SF building for Business Retail/ Service use and to increase lot coverage of the property. Existing uses to remain. The property is located within the Residential Commercial District and is located off of 809 Sanford Road. Tax Map 49, Lot 29-14. **Receive Site Plan Pre-Application and schedule a Site Walk**

DOCUMENTS:

[PRECISION TRANSMISSION AMEND PRE-APP MEMO 11-30-16.PDF](#)
[PRECISION TRANSMISSION AMEND APP SUBMISSION 11-14-16.PDF](#)

V. DOGGIE COTTAGE

Colette Akerly, owner; Sean & Renee Kelley, applicant. Site Plan Pre-Application for a Kennel to include daycare and boarding within the existing garage/barn, construct a 15' x 20' addition; outdoor play-yards; and associated parking. The property is located within the Rural District and is off of 1103 North Berwick Road. Tax Map 24, Lot 45. **Receive Site Plan Pre-Application and schedule a Site Walk**

DOCUMENTS:

[DOGGIE COTTAGE PRE-APP MEMO 11-30-16.PDF](#)
[DOGGIE COTTAGE SITE PLAN PRE-APP SUBMISSION 11-22-16.PDF](#)

VI. WIRE ROAD SUBDIVISION AMENDMENT

Highpine Properties, LLC, owner/applicant. Attar Engineering Inc., agent. Final Subdivision Amendment Application to revise the subsurface wastewater disposal system from concrete chamber to Presby EnviroSeptic pipes and to revise the box culvert at Brendan's Way to three 30" diameter high-density culverts. No new lots/dwellings proposed. Residential Cluster Subdivision approved for 40 lots/dwelling units. Subdivision is located off of Wire Road and is within the Rural District. Tax Map 75, Lot 1. **Review compliance/ Findings of Fact & Decisions for possible approval if appropriate**

OTHER BUSINESS

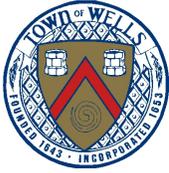
I. SRC & CEO SITE PLAN REVIEWS AND APPROVALS UPDATE

DOCUMENTS:

II. WORKSHOP FOR JUNE 2017 ZONING PROPOSALS: GENERAL DISCUSSION:

1. Allow outdoor uses in the two Residential Commercial zones west of I-95
2. Medical Marijuana Production Facilities
 1. What zones to allow this use in
 2. What performance standards to consider
3. Recreational Marijuana retail sales, social clubs and commercial production/testing facilities

ADJOURN



Planning & Development
208 Sanford Road, Wells, Maine 04090

Phone: (207) 646-5187, Fax: (207) 646-7046

Website: www.wellstown.org

<i>Michael G. Livingston, Town Engineer/Planner</i>	mlivingston@wellstown.org
<i>Shannon M. L. Belanger, Planning Assistant</i>	sbelanger@wellstown.org

Memo

Date: November 30, 2016

To: Planning Board

From: Michael G. Livingston, Town Engineer/Planner

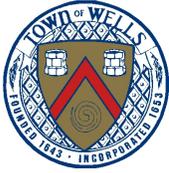
Re: Garthwaite Energy – Site Walk Results – Tax Map 40, Lot 3-1

Site Walk Date: 11/26/2016 Time: 9:00 AM
Conditions: Overcast, 34°

Planning Board Members Present: Bob Sullivan, Charles Anderson, Brian Toomey
Town Staff: Michael Livingston, PE
Applicant's Consultant: Jim Wright
Abutters: None

Comments:

- Entrance marked, subject to MDOT approval
- Entrance/frontage has good sight distances
- Building corners marked, size could vary
- Mostly unhealthy pine along Route 9 frontage, a landscaping plan with shade trees will be needed
- An existing drainage ditch and easement is located along the southerly lot line
- Proposed LP tank location marked
- Site has a gradual slope from Route 9 to the rear lot line
- 2 foot or less contour intervals are recommended
- Property corners flagged
- All commercially developed area



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Memo

Date: November 30, 2016

To: Planning Board

From: Michael G. Livingston, Town Engineer/Planner

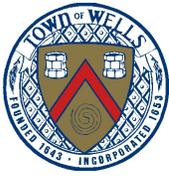
Re: Farmers Market – Site Walk Results – Tax Map 19, Lot 11-1

Site Walk Date: 11/26/2016 Time: 10:00 AM
Conditions: Overcast, 38°

Planning Board Members Present: Bob Sullivan, Charles Anderson, Brian Toomey
Town Staff: Michael Livingston, PE
Applicant's Consultant: Kristen Hagan
Abutters: None

Comments:

- Location is the fully developed corner of the Wonder Mountain parking lot
- Vendor space layout to isolate market area
- Access is to be through the Senior Center entrance off of Route One
- Signage to be regulated through the Code Enforcement Office



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Site Plan Amendment Application Memo

Date: November 30, 2016

To: Planning Board

From: Planning Office

Re: Farmers Market at Wonder Mountain– Site Plan Amendment Application - Map 19, Lot 11-1

Kristen Hagen, President of the Wells Farmers Market Association, has submitted a site plan amendment application for the Wonder Mountain (Expansion) property located off of 272 Post Road identified as Tax Map 19, Lot 11-1. The property is located within the General Business District. The existing high-intensity commercial recreation use (go-cart track, ropes course, maintenance building, pit building) and single family dwelling use approved on the property to remain unchanged. The Farmers Market (Business Retail use) proposes to utilize a 4,700 SF area of the existing paved parking lot on the property. The proposed Market area would eliminate 9 parking spaces on the Wonder Mountain property during the Market operation once a week from May to October of each year. The access to the Market is proposed through the Wells-Ogunquit Center at Moody, 300 Post Road.

§ 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 - a 4,700 SF Business Retail use area is proposed.**
- 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.

§ 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 require Planning Board 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 an application fee waiver request 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 11/9/16 the Code Officer determined the use is permitted.**
 - (b) If the proposed use is a permitted use on the subject lot: **Abutter notification mailed 11/10/16**
 - [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. **Planning Board received site plan amendment application on 11/21/16**
- (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 11/10/16; meeting was on 11/21/16**
 - (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 Planning Board should review the results of the site walk.
2. The Planning Board to consider the following Article V, VI, VII and completeness review comments:
 - a. Find the landscape buffering and screening that exists is sufficient
 - b. Planning Board to consider finding the 80 spaces provided during Farmers Market operation hours is adequate as the combination in parking for the Wonder Mountain properties is 168 spaces provided (161 required).
 - c. No new structures proposed. An updated boundary survey is not recommended. Planning Board to consider a waiver of this requirement.
 - d. Planning Board to consider granting a waiver of requiring a WSD capacity letter for the Farmers Market retail use proposed.
 - e. Planning Board to consider granting a waiver of requiring a KKWWDD capacity letter for the Farmers Market retail use proposed.
 - f. Planning Board to consider finding a traffic study is not necessary for the Farmers Market retail use proposed.
3. The Planning Board to consider the following compliance items:
 - a. Confirm no dumpsters are proposed
 - b. Review provisions for emergency personnel and equipment

4. The Planning Board to discuss if a public hearing is needed or not.
5. The Planning Board to consider continuing the workshop to the next meeting for review and consideration of the Findings of Fact & Decisions for possible approval.

Town of Wells , Maine Review Checklist
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Project Name/District: Farmers Market at Wonder Mountain (Expansion) - Tax Map 19, Lot 11.1

Date of Review: 11-30-16

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.)	Y			A single family dwelling unit is proposed on Lot 11.1. This dwelling is noted in the uses table/note and parking table/note, etc.
(4)	Dwelling, two-family.			NA	
(5)	Dwelling, multifamily. (See ' 145-48.)			NA	
(6)	Recreation, passive.			NA	
(7)	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	
(5)	Business, office.			NA	
(6)	Business, personal service.			NA	
(7)	Business, retail, including the manufacturing of any goods offered for sale on the premises.	Y			4700 SF in Business Retail is proposed in the parking lot of Wonder Mountain (Farmers Market)
(8)	Business, service.			NA	

Town of Wells , Maine Review Checklist
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Project Name/District: Farmers Market at Wonder Mountain (Expansion) - Tax Map 19, Lot 11.1

Date of Review: 11-30-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-26. General Business District.			Application Meet Requirements			
			Yes	No	NA	Comments
(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. [Added 6-8-2011]			NA		
(14)	Day-care home.			NA		
(15)	Day-care center/nursery school.			NA		
(16)	Drug abuse shelter. [Added 6-14-2011]			NA		
(17)	Elderly housing [Amended 4-26-1996]			NA		
(18)	Freestanding residential detoxification program. [Added 6-14-2011]			NA		
(19)	Function hall.			NA		
(20)	Hotel/motel. (See ' 145-52.)			NA		
(21)	Housing, congregate.			NA		
(22)	Life care facility. [Amended 4-26-1996]			NA		
(23)	Medical care facility.			NA		
(24)	Municipal facility.			NA		
(25)	Museum.			NA		
(26)	Neighborhood convenience store.			NA		
(27)	Nursing home. [Amended 4-26-1996]			NA		
(28)	Parking lot, commercial.			NA		
(29)	Private non-medical institution (PNMI). [Added 6-14-2011]			NA		
(30)	Public Transportation Center. [Amended 11-6-2007]			NA		
(31)	Public utility facility.			NA		
(32)	Recreation, active.			NA		
(33)	Recreation, high-intensity commercial.	Y*			A go-kart race track with 'pit building', a rope course, and maintenance building are proposed on Lot 11.1 are listed on the site plan as High Intensity Commercial Recreation – see note 9 for permitted uses.	
(34)	Recreation, low-intensity commercial.			NA		
(35)	Recreation, medium intensity commercial. [Added 6-11-2013]					

Town of Wells , Maine Review Checklist
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Project Name/District: Farmers Market at Wonder Mountain (Expansion) - Tax Map 19, Lot 11.1

Date of Review: 11-30-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-26. General Business District.		Application Meet Requirements			
		Yes	No	NA	Comments
	(36)			NA	
	(37)			NA	
	(38)			NA	
	(39)			NA	
	(40)			NA	
	(41)			NA	
	(42)			NA	
	(43)			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		
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		Note 9 details the minimum lot size requirement of 20,000 SF of net area and states the parcel is served by public sewer. The plan notes that Lot 11.1 is 3.47 acres in size (or approx. 151,356 SF). Sewer service to dwelling not depicted on plan. To be determined at time of building permit.
	(2)	Maximum density:			
	(a)	One dwelling unit for each 20,000 square feet of net area if served by public sewer.	Y		Note 9 details the minimum lot size requirement of 20,000 SF of net area and states the parcel is served by public sewer. The plan notes that Lot 11.1 is 3.47 acres in size (or approx. 151,356 SF)
	(b)	One dwelling unit for each 40,000 square feet of net area if not served by public sewer.			NA

Town of Wells , Maine Review Checklist
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Project Name/District: Farmers Market at Wonder Mountain (Expansion) - Tax Map 19, Lot 11.1

Date of Review: 11-30-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-26. General Business District.			Application Meet Requirements			
			Yes	No	NA	Comments
	(c)	Four housekeeping cottages or seasonal cottages per acre of net area. <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 use exists or is permitted to be proposed.
	(d)	Twenty hotel/motel units per acre of net area. [Amended 4-28-1995]			NA	No such use exists or 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			The plan identifies approximately 142.91' of street frontage along Route One.
(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. [Amended 4-14-2000]	Y			The plan includes a "Non-Vegetated Area Calculation" table. The proposed lot coverage of 38.5% is noted. No change in lot coverage proposed.
(5)		Maximum building height: 34 feet, not to exceed three stories. (See ' 145-351.)	Y			Note 9 notes the maximum building height requirements: 34 feet, not to exceed 3 stores.
(6)		Setbacks.				
	(a)	All structures shall be at least:				
		[1] Fifteen feet from any lot line.	Y			See note 9.
		[2] Twenty-five feet from the boundary of any cemetery.			NA	No known cemeteries are on this parcel or within 25 feet of this parcel.
		[3] Twenty-five feet from any lot line abutting any street right-of-way.	Y			See note 9.
		[4] Forty feet from any lot line abutting the right-of-way of any state highway.	Y			See note 9.

Town of Wells , Maine Review Checklist
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Project Name/District: Farmers Market at Wonder Mountain (Expansion) - Tax Map 19, Lot 11.1

Date of Review: 11-30-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-26. General Business District.			Application Meet Requirements			
			Yes	No	NA	Comments
	(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	This 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. [Added 6-13-2006 <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 use exists or is permitted to be proposed.
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			145-48, 145-13 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	

Town of Wells , Maine Review Checklist

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Project Name/District: Farmers Market at Wonder Mountain (Expansion) - Tax Map 19, Lot 11.1

Date of Review: 11-30-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

Article VI

Town-Wide Regulations

§ 145-35. General regulations.		Application Meet Requirements			
		Yes	No	NA	Comments
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. [Amended 4-19-1997]	Y			
C.	The keeping of any animal for personal use or enjoyment other than normal household pets shall require site plan approval and shall only be permitted on lots larger than 100,000 square feet.			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. [Amended 4-16-1999]			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			
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			

Town of Wells , Maine Review Checklist

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Project Name/District: Farmers Market at Wonder Mountain (Expansion) - Tax Map 19, Lot 11.1

Date of Review: 11-30-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-35. General regulations.		Application Meet Requirements			
		Yes	No	NA	Comments
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. [Amended 11-6-2001]	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 is greater than 5,000 SF in size.
	(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. [Added 4-18-1998]			NA	No such structure identified.
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. [Added 11-5-2002]			NA	

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§ 145-35. General regulations.		Application Meet Requirements			
		Yes	No	NA	Comments
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: [Added 6-12-2012]			NA	Parcel does not have multiple 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.				

§ 145-36. Timber harvesting. [Amended 4-19-1997]		Application Meet Requirements			
		Yes	No	NA	Comments
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.			NA	

§ 145-37. Yard sales.		Application Meet Requirements			
		Yes	No	NA	Comments
Yard sales shall be permitted in all districts except the Resource Protection District and shall comply with the following standards:		Y			
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. [Amended 4-28-1995]				
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. [Amended 4-28-1995]				
E.	The yard sale shall not begin before sunrise and shall not extend after sunset. [Amended 4-28-1995]				
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. [Amended 4-28-1995]				
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. [Amended 4-28-1995]				

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§ 145-38. Landscaping/buffers. [Amended 4-16-1999; 4-12-2003]		Application Meet Requirements			
		Yes	No	NA	Comments
A.	<p>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.</p>	Y			<p>This commercial/residential lot abuts commercial lots to the south, north and a commercial lot to the east and west. A dwelling unit exists on the parcel to the south in addition to various High-Intensity Commercial Recreation uses. On 2/24/14 the Planning Board determined that screening between Lot 11 and 11.1 is not required. However, if either lot is sold to an outside party not associated with Wonder Mountain the Planning Board shall be required to review and determine screening requirements between the lot 11 and lot 11.1.</p> <p>The proposed Business Retail use in the parking lot does not trigger additional screening or buffering.</p> <p>A 15' wide landscaped buffer along Route One is required. The plan shows shade trees proposed. The type of tree is noted as 'shade'. See note 14. On 2/24/14 the Planning Board determined that the buffer is sufficient.</p>
B.	<p>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.</p>			NA	

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§ 145-39. Off-street parking.							Application Meet Requirements			
							Yes	No	NA	Comments
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. [Amended 4-16-1999]						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. [Amended 4-28-1995]									
(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 Angle (degrees)	Stall Width, feet	Skew Width, feet	Stall Depth, feet	Aisle Width, feet				
		90	9	na	18.5	26	Y		The plan depicts (89) 90 degree angle spaces 9' in width by 18.5' in depth. A 26' wide aisle is provided. Directional arrows are shown in the aisles.	
		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		NA		
(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			<p>A total of 89 parking spaces are provided without the Farmers Market operating. 80 spaces are available when the Market is in operation.</p> <p>Lots 11 and 11-1 require a total of 161 spaces. Lots 11 and 11-1 provide a total of 168 spaces (80 + 88)</p> <p>Handicap parking is shown with required ADA signage.</p>

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§ 145-39. Off-street parking.			Application Meet Requirements			
			Yes	No	NA	Comments
(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			The plan does depicts the handicap accessible sign location for the accessible spaces. The plan set includes a handicap sign detail.	
D.	The following off-street parking standards shall be provided and maintained for each use on a lot except as specified in Subsection F 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. If the reviewing authority permits the provision of less than the required number of spaces, the applicant shall show that the required number of spaces can be provided on the lot. [Amended 4-26-1996; 4-19-1997; 11-2-2010; 11-5-2013]				A total of 89 parking spaces are provided on lot 11-1 without the Farmers Market operating. 80 spaces are available when the Market is in operation. 93 spaces are required on lot 11-1. Lots 11 and 11-1 require a total of 161 spaces. Lots 11 and 11-1 provide a total of 168 spaces (80 + 88) <u>Planning Board to consider finding the 80 spaces provided during Farmers Market operation hours is adequate as the combination in parking for the Wonder Mountain properties is 168 spaces provided (161 required).</u>	
	Use				Required Parking Spaces	
	Bank			NA		
	Bowling alley			NA		
	Congregate housing			NA		
	Contractor business			NA		
	Day care			NA		
	Dwelling	Y			See Parking Calculation table; 1 dwelling requires 2 spaces.	

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§ 145-39. Off-street parking.				Application Meet Requirements			
				Yes	No	NA	Comments
		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			NA	
		Lodging facility	1 1/10 for each sleeping room available to the traveling public			NA	
		Manufacturing, warehousing and wholesale businesses	1 per 1,000 square feet of gross floor area but no less than 3 per business			NA	
		Marina	1 per slip or mooring, excluding guest moorings			NA	
		Medical care facility	1 per bed, plus 1 per 200 square feet of office floor area			NA	
		Museums	1 per 500 square feet of gross floor area, plus 1 for each 3 seats in areas used for assembling groups of people			NA	
		Office, business	3 1/2 per 1,000 square feet of gross floor area, but no less than 3 per business			NA	
		Personal service business	1 per 400 square feet of gross floor area, but no less than 3 per business			NA	
		Retail business	3.5 per 1,000 square feet of sales floor area, but no less than 3 per business	Y			4700 x 3.5/1000 = 17 spaces. See parking requirement table.
		Restaurant, standard	1 per 3 seats, plus 1 space for every 20 seats to accommodate employees			NA	
		Restaurant, fast-food	1 per 30 square feet of floor area usable by customers for eating and for food preparation			NA	
		Elementary, junior high	3 per classroom and other rooms used by students			NA	
		High school	3 per classroom and other rooms used by students, plus 1 per 5 students			NA	

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§ 145-39. Off-street parking.				Application Meet Requirements			
				Yes	No	NA	Comments
		Tent and recreational vehicle parks	See § 145-50C			NA	
		Theaters, auditoriums, function halls, clubs, churches and other places of assembly	1 per 4 seats, based upon occupancy load			NA	
		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			NA	
	(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.		Y			A total of 89 parking spaces are provided on lot 11-1 without the Farmers Market operating. 80 spaces are available when the Market is in operation. 93 spaces are required on lot 11-1.
	(2)	Loading bays may be required by the Planning Board for a project which requires Planning Board approval.				NA	No loading bay is depicted on the plan. Loading bay not necessary.
E.	Required off-street parking in all districts shall be located on the same lot as the use it serves.			Y			The parking required for Lot 11.1 shall be located on lot 11.1.
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 are depicted on the site 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.			Y			No parking areas shall be located within the Shoreland Overlay District.

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§ 145-39. Off-street parking.		Application Meet Requirements			
		Yes	No	NA	Comments
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			A Stormwater Management plan has been prepared by Pinkham & Greer Consulting Engineers and is dated 1-3-2014. The Town Engineer reviewed and recommended minor revisions. A revised stormwater management plan dated 9/9/14 was provided and received Town Engineer & MDEP approval. No changes to stormwater management proposed.
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 for phase 1 and pavement for phase 2. See Phasing note and plan details. All parking was paved in Spring 2016.
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. [Added 4-12-2003]			NA	
§ 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]		Application Meet Requirements			
		Yes	No	NA	Comments
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			See note 12.

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§ 145-41. Light and glare. [Amended 6-8-2010]		Application Meet Requirements			
		Yes	No	NA	Comments
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 11.
B.	In addition to meeting all other applicable requirements, any sign lighting must meet the following requirements:	Y			See note 11 and 12.

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(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.				
§ 145-42. Erosion and sedimentation control. [Amended 4-27-2007]		Application Meet Requirements			
		Yes	No	NA	Comments
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			Standard terms and conditions of the Town of Wells appear on the plan to be approved and signed.

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§ 145-43. Stormwater management. [Amended 4-27-2007]	Application Meet Requirements			
	Yes	No	NA	Comments
<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>	Y			<p>A Stormwater Management plan has been prepared by Pinkham & Greer Consulting Engineers and is dated 1-3-2014. The Town Engineer had reviewed and recommended minor changes. A revised Stormwater Management Report dated 9/9/14 by Pinkham & Greer was submitted; with further revisions into 2015. DEP Stormwater Management Law Application approval #L-26423-NJ-A-N provided dated February 2015.</p> <p>No changes to stormwater management proposed.</p>
Chapter 202-12F, General Standards				
(4) Stormwater management. [Amended 4-27-2007]				
(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.				
(b) Drainage easements for existing watercourses or proposed drainageways shall be provided and indicated on the plan.				
(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.				
(d) A stormwater management plan, meeting the standards of Chapter 201, Streets and Sidewalks, Articles II and III, Wells Municipal Code, shall be submitted.				
(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.				

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<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>(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>(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>(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>[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>				

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§ 145-44. Vision obstructions at intersections.		Application Meet Requirements			
		Yes	No	NA	Comments
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.		Y			The speed limit of Route One is 40 MPH. Site distances at the entrance/exit on Lot 11 are noted to be adequate.
§ 145-45. Noise.		Application Meet Requirements			
		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. [Amended 6-14-2011]	Y			
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. [Amended 4-16-1999; 6-14-2011]	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: [Amended 6-14-2011]	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.				

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D.	Exemptions. The following shall be exempt from the standards of 145-45(C): [Amended 6-14-2011]	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: Farmers Market at Wonder Mountain (Expansion) - Tax Map 19, Lot 11.1

Date of Review: 11-30-16

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:	Y			
	(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. [Amended 4-16-1999]				

Town of Wells , Maine Review Checklist
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Project Name/District: Farmers Market at Wonder Mountain (Expansion) - Tax Map 19, Lot 11.1

Date of Review: 11-30-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

(4)	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. [Added 6-14-2011]				
§ 145-46. Utility distribution lines.		Application Meet Requirements			
		Yes	No	NA	Comments
A.	Review. Notwithstanding §§ 145-61 and 145-62, utility distribution lines are allowed in all zoning districts without a building or use permit.			NA	
B.	Dimensional requirements. The dimensional requirements of Article V and § 145-35J do not apply to utility distribution lines. [Amended 6-4-1996]			NA	
§ 145-47. Utility transmission lines.		Application Meet Requirements			
		Yes	No	NA	Comments
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.			NA	
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.			NA	
C.	Dimensional requirements.			NA	

Town of Wells , Maine Review Checklist
Page 19 of 19

Project Name/District: Farmers Market at Wonder Mountain (Expansion) - Tax Map 19, Lot 11.1

Date of Review: 11-30-16

Prepared By: Office of Planning & Development

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(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. [Amended 6-4-1996]				
§ 145-47.1. Public Transportation Shelter. [Added 11-6-2007]		Application Meet Requirements			
		Yes	No	NA	Comments
Public transportation shelters may be placed within the ordinarily required setbacks as set forth in Article V.				NA	
§ 145-47.2. School Bus Shelter. [Added 11-6-2007]		Application Meet Requirements			
		Yes	No	NA	
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.				NA	

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

Project Name/District: Farmers Market at Wonder Mountain (Expansion) - Tax Map 19, Lot 11.1 Date of Review: 11-30-16

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				1"=40 feet scale provided
	(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				Proposed lot coverage for lot 11.1 is 38.5%. No new lot coverage proposed.
	(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.				W	Previous plan provided was stamped by Dana A. Libby a professional Land Surveyor and is dated Jan. 2014; revised Feb. 2015. No new structures proposed. An updated boundary survey is not recommended. <u>Planning Board to consider a waiver of this requirement.</u>
	(4) All existing and proposed setback dimensions.	Y				See note 9 for setback requirements.
	(5) The size, location, direction and intensity of illumination of all major outdoor lighting apparatus and signs.	Y				See note 11 and 12.
	(6) The type, size and location of all incineration devices.			NA		Applicant confirmed no such devices to be located on lot 11.1
	(7) The type, size and location of all machinery likely to generate appreciable noise at the lot lines.	Y				Detailed information has provided for the proposed go-kart track. Statements regarding noise generation are provided. Specifics on DBa from electric carts pending. Notes have been added to the plan requiring electric go-karts only with plastic rails and buffers. Planning Board found noise concerns adequately addressed in 2015. The Farmers Market proposes no such machinery.

Town of Wells , Maine
Article X , 145-77 Data Requirements (Completeness Review)
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Project Name/District: Farmers Market at Wonder Mountain (Expansion) - Tax Map 19, Lot 11.1

Date of Review: 11-30-16

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
(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 are identified on the plan and have been reviewed by the Town Engineer. A Stormwater Management plan has been prepared by Pinkham & Greer Consulting Engineers and is dated 1-3-2014. The Town Engineer had reviewed and recommended minor changes. A revised Stormwater Management Report dated 9/9/14 by Pinkham & Greer was submitted; with further revisions into 2015. DEP Stormwater Management Law Application approval #L-26423-NJ-A-N provided dated February 2015. No changes to stormwater management proposed.
(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				One foot contours are noted. Wetland limits are shown.
(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				Fencing shown. The proposed 4' chain-link fence around the go-kart track is noted. A new 8' wide paved sidewalk connecting lot 11 and 11.1 is proposed. A raised sidewalk is proposed for pedestrian path from lot 11.1 parking area to lot 11 ticketing window. No new fencing proposed. There will be a knox box at the gate to the Sr. Center. Gate will be open during the operation of the Farmers Market.

Town of Wells , Maine
Article X , 145-77 Data Requirements (Completeness Review)
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Project Name/District: Farmers Market at Wonder Mountain (Expansion) - Tax Map 19, Lot 11.1

Date of Review: 11-30-16

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
(11)	All landscaped areas, fencing and size and type of plant material upon the premises.	Y				<p>The Landscaped buffer along Route One is shown to consist of shade trees. See note 14. On 2/24/14 the Planning Board found the buffer to be sufficient. No new buffering required.</p> <p>See note 16 addressing the 2/24/14 Planning Board determination that screening between Lot 11 and 11.1 is not required. However, if either lot is sold to an outside party not associated with Wonder Mountain the Planning Board shall be required to review and determine screening requirements between the lot 11 and lot 11.1.</p> <p>No new screening is required for the Farmers Market amendment.</p>
(12)	All existing or proposed rights-of-way, easements and other legal restrictions which may affect the premises in question.	Y				<p>A proposed agreement between lot 11 and 11.1 has been provided and is under review.</p> <p>An agreement has been provided for the Senior Center regarding parking. An easement for drainage, grading and egress provided in 2015.</p>
(13)	The locations, names and widths of all existing and proposed streets abutting the premises.	Y				
(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				

Town of Wells , Maine
Article X , 145-77 Data Requirements (Completeness Review)
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Project Name/District: Farmers Market at Wonder Mountain (Expansion) - Tax Map 19, Lot 11.1

Date of Review: 11-30-16

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
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		Parcel served by public sewer.
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				The site plan depicts no dumpster for lot 11.1. No storage identified. See note 13.
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	A Wells Sanitary District letter dated 12/5/13 was provided indicating the proposed changes to lot 11 and 11.1 can be served by the public sewer system. <u>Planning Board to consider granting a waiver of requiring a WSD capacity letter for the Farmers Market retail use proposed.</u>
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	A KKW Water District letter dated 12/9/13 was provided stating the location can be served by public water. <u>Planning Board to consider granting a waiver of requiring a KKWWD capacity letter for the Farmers Market retail use proposed.</u>
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 Planning Board did not require the project to provide traffic data on 1/27/14. An estimate of existing and proposed peak hour traffic generation provided. <u>Planning Board to consider finding a traffic study is not necessary for the Farmers Market retail use proposed.</u>
(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.					

Town of Wells , Maine
Article X , 145-77 Data Requirements (Completeness Review)
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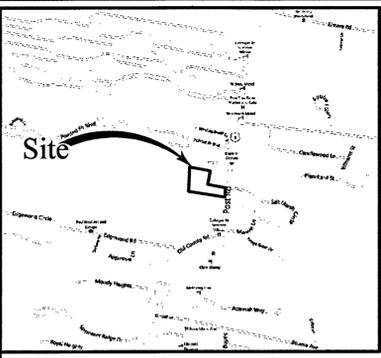
Project Name/District: Farmers Market at Wonder Mountain (Expansion) - Tax Map 19, Lot 11.1

Date of Review: 11-30-16

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)	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. [Amended 4-27-2007]	Y				Standard Condition of Approval notes are noted on the plan. Best Management Practices shall be followed.
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. [Added 4-27-2007]					A Stormwater Management plan has been prepared by Pinkham & Greer Consulting Engineers and is dated 1-3-2014. The Town Engineer had reviewed and recommended minor changes. A revised Stormwater Management Report dated 9/9/14 by Pinkham & Greer was submitted; with further revisions into 2015. DEP Stormwater Management Law Application approval #L-26423-NJ-A-N provided dated February 2015. No changes to stormwater management proposed.
J.	Any other information or data the reviewing authority determines is necessary to demonstrate compliance with the standards of § 145-75. [Added 4-27-2007]					



Site Location Map
(Not to Scale)

- Legend:**
- Iron Pipe Found (Dimensions Labeled on Plan)
 - Iron Rod Found (Dimensions Labeled on Plan)
 - Stone Monument Found (Dimensions Labeled on Plan)
 - Concrete Monument Found
 - Corner, Nothing Found or Set
 - Utility Pole
 - Overhead Utility Lines
 - Existing Pavement
 - Proposed Pavement
 - Proposed Concrete Sidewalk
 - Stone Wall
 - Existing Light
 - Proposed Light (See Plan Reference 2a)
 - Wooden Post & Rail Fence
 - 8' Wood & Bamboo Fence
 - 6' Vinyl Fence Around Dumpster
 - Proposed 4" Black Vinyl Chain Link Fence
 - Proposed 4" Aluminum Fence
 - Abuttee Line (See Note 7)
 - Building Setback Line
 - Existing Culvert
 - Existing Contour Lines (5' Interval) (See Note 8)
 - Existing Contour Lines (1' Interval) (See Note 8)
 - Existing Catch Basin
 - Proposed Drain Man Hole
 - Existing Sewer Man Hole
 - Existing Sewer Line (Location Taken From Plan Reference 2a)
 - Existing Water Valve
 - Existing Water Man Hole
 - Existing Water Line (Location Taken From Information Provided By Meter District)
 - Proposed Water Line
 - Proposed Catch Basin
 - Proposed Underdrain
 - Proposed Culvert
 - Proposed Underground Electric
 - Upward Wetland
 - Approximate Upland/Wetland Interface Line

- Notes:**
1. **Deed Reference:**
 - a. Joakim, Joakim & Joakim to 270 LLC dated September 4, 2013 and recorded at the York County Registry of Deeds in book 16690 page 340.
 - b. Andrew Joakim to 271 LLC dated September 4, 2013 and recorded at the York County Registry of Deeds in book 16691 page 178.
 2. **Plan Reference:**
 - a. "Boundary Survey For Andrew Joakim U.S. Route 1 Wells, Maine" dated September 17, 2013, surveyed by Andrew Livingston Engineers, Inc. This plan is unrecorded.
 - b. "Wetland Delineation Plan Prepared For Andy Joakim US Route 1 Wells, Maine" dated October 4, 2012 and prepared by Albert Frick Associates, Inc. This plan is unrecorded.
 - c. "State Of Maine Department Of Transportation Right Of Way Map State Highway 1" dated August, 1999 and recorded at the York County Registry of Deeds in book 277 page 27.
 - d. "Subdivision Plan Forest Village U.S. Route 1, Wells ME" dated June 11, 2003 revised December 4, 2003, surveyed by Altar Engineering, Inc. and recorded at the York County Registry of Deeds in plan book 283 page 49.
 - e. See lighting plan for Wonder Mountain prepared by RUUD Lighting Direct dated December 30, 2013.
 3. **Basis of Bearings:**

Bearings shown herein are Grid North and refer to the Maine State Plane Coordinate System, Maine West Zone 4101, FIPS Zone 1802, North American Datum 1983; Unit Feet. Determined utilizing a Leica GS04 "RTK GPS Unit" (Real Time Kinematic Global Positioning System).
 4. **Record:**

U.S. Route 1, 66' wide. See Plan Reference 2c.
 5. **Certification:**

The word "certify" or "certification" as shown and used herein means an expression of professional opinion regarding the facts of the survey and does not constitute a warranty or guarantee, expressed or implied.
 6. **Underground Utilities:**

The locations of underground utilities as shown herein are based on aboveground structures and record drawings provided to the surveyor. Locations of underground utilities/structures may vary from locations shown herein. Additional buried utilities/structures may be encountered. No excavations were made during the progress of this survey to locate buried utilities/structures. Before excavations begin, the appropriate offices should be contacted for verification of utility type and locations.
 7. **Abuttee Lines:**

The abuttee lines shown herein are for reference purposes only. Any conflicts between the abuttee lines shown herein and existing monumentation should be resolved with a boundary survey, no assumptions should be made based on these abuttee lines.
 8. **Topographic Information:**

Site location and topographic information shown herein are the result of an "On The Ground Survey" performed by Corner Post Land Surveying, Inc. Elevations shown herein are NAVD 88 and are based on GPS (Global Positioning System) observations using a Leica GPS System 1200 with a positional tolerance of ±0.01 feet.
 9. **Zoning Information: General Business District**

Permitted Uses

 - Dwelling, one-family
 - Recreation, High-Intensity Commercial
 - Business Retail (4,700 SF)

Dimensional Requirements

 - Minimum Lot Size: 20,000 square feet of net area on public sewer
 - Minimum Street Frontage: 100 feet
 - Setbacks:
 - 15 feet from any lot line
 - 25 feet from any street right-of-way
 - 40 feet from right-of-way of any state highway
 - Maximum Building Height: 34 feet, not to exceed three stories
 - Maximum Density: One dwelling unit for each 20,000 square feet of net area if served by public sewer.
 10. **Go-Carts:**

Only electric Go-Carts to be operated with plastic rails and buffer installed.
 11. **Lighting:**

Lighting will be in conformance with the lighting plan and Section 145-41. No glare onto U.S. Route 1 or abutting properties shall be allowed. Exterior illumination is to be evaluated and revised by the owner as the existing spot lights require replacement. Lighting may be replaced with lower poles, shielded/directional fixtures on existing poles, and/or ground level fixtures to reduce glare and minimize illumination of abuttee lots and streets. The code enforcement officer shall approve any new or replacement lighting with the requirement that the existing light intensity is reduced.

Building Areas

PROPOSED PIT BUILDING.....	2,380 SF
MAINTENANCE BUILDING.....	576 SF
SINGLE FAMILY RESIDENCE	2,000 SF (APPROX.)

Non-Vegetated Area Calculation

TOTAL LOT AREA	151,356 SF
PROPOSED LOT COVERAGE	
BUILDINGS	2,956 SF
APPROX. HOUSE	2,000 SF
PAVEMENT, TRACK, WALKWAYS, MISC.	53,337 SF
	58,293 SF = 38.5%

Abutters Table (For Lot 1-A)

Map/Lot	Name	Address
271-A13	Barbara M. Nieman	24 Winding Brook Lane South, Wells, Maine 04090
271-A14	Donald E. Martin Living Trust & Helen A. Martin Living Trust	27 Forest Falls Drive #314, Yarmouth, Maine 04096
271-A15	Thomas Keith Earls	32 Winding Brook Lane South, Wells, Maine 04090
271-A16	One Six One Realty Trust	161 River Road, Topsheld, MA 01983
271-A17	Francoise Cliche & Lisa Roy	3735 Le Corbusier, Quebec City, QG G1W-RP5
271-A18	John F. & Marilyn R. Falzone	31 Winding Brook Lane South, Wells, Maine 04090
271-A19	Michael E. & Denise M. Albano	29 Newak Circle, Dracut, MA 01928-4113
271-A20	Donald A. Bucal	31 Winding Brook Lane South, Wells, Maine 04090

- 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.
 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.
 4. Failure to comply with any conditions of approval shall be construed to be a violation of this article 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.
 5. Whenever sedimentation is caused by stripping vegetation, grading 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.
 6. Erosion control. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best-management practices:
 - (a) Stripping of vegetation, soil removal and grading 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 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 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 shall remain in effect until the expiration 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 construction.
 9. It is the applicant's responsibility to contact Dig Safe prior to construction.
 10. It is the owners/tenants Association/applcants/developers 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.



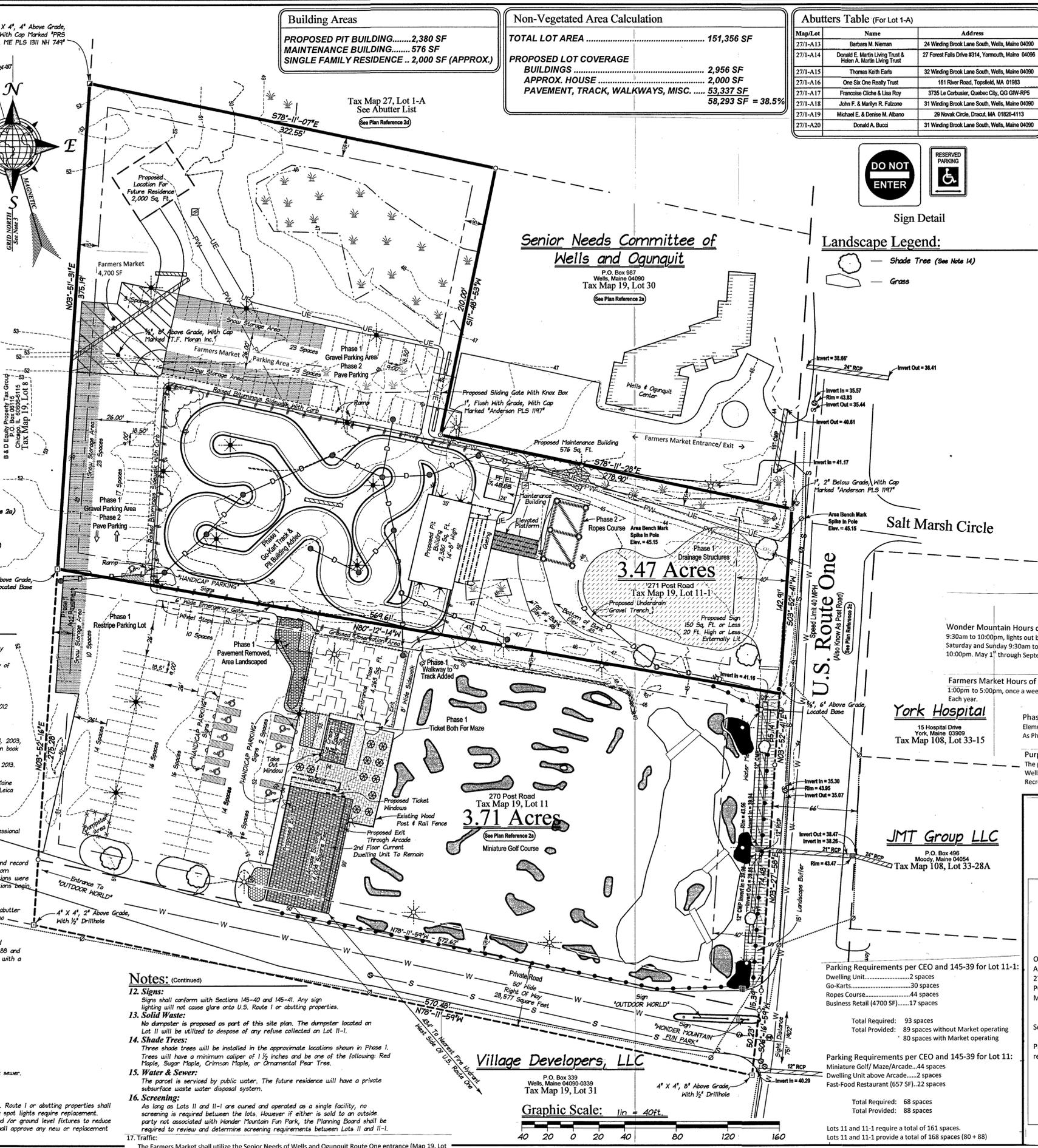
Sign Detail

Landscape Legend:

- Shade Tree (See Note 14)
- Grass

Senior Needs Committee of Wells and Ogunquit

P.O. Box 981
Wells, Maine 04090
Tax Map 19, Lot 30
(See Plan Reference 2a)



Salt Marsh Circle

U.S. Route One
(Also known as Post Road)
(See Plan Reference 2c)

York Hospital

15 Hospital Drive
York, Maine 03909
Tax Map 108, Lot 33-15

JMT Group LLC

P.O. Box 496
Moody, Maine 04054
Tax Map 108, Lot 33-28A

Wells Planning Board

Approved By: _____ Date: _____

Wonder Mountain Hours of Operation:
9:30am to 10:00pm, lights out by 11:00pm Monday thru Saturday and Sunday 9:30am to 9:00pm, lights out by 10:00pm. May 1st through September 30th each year.

Farmers Market Hours of Operation:
1:00pm to 5:00pm, once a week, May through October of each year.

Phasing of Wonder Mountain Project:
Elements labelled as Phase 1 shall be completed by Spring of 2016 and elements labelled as Phase 2 shall be completed by Spring of 2017.

Purpose of Plan:
The purpose of this site plan amendment is to depict the seasonal Business Retail operation of the Wells Farmers Market (4,700 SF) within the Wonder Mountain parking lot. The High Intensity Commercial Recreation use and Dwelling unit approved uses on the lot to remain unchanged.

Site Plan Amendment for Wells Farmers Market at Wonder Mountain Fun Park Expansion U.S. Route One, Wells, Maine

Owner: Andrew Joakim 271, LLC PO Box 427 Moody, ME 04054

Applicant: Kristen Hagin Wells Farmers Market Assoc. President 206 Quarry Road Wells, ME 04090

Scale: 1 inch = 40 feet

Plan Reference: Wonder Mountain Fun Park Expansion, Site Plan for Andrew Joakim, dated Jan 2, 2014, revised, Feb. 20, 2015, approved by the Wells Planning board Feb. 23, 2015.

Notes: (Continued)

12. **Signs:**

Signs shall conform with Sections 145-40 and 145-41. Any sign lighting will not cause glare onto U.S. Route 1 or abutting properties.
13. **Solid Waste:**

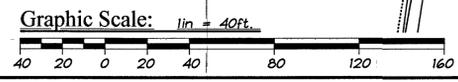
No dumpster is proposed as part of this site plan. The dumpster located on Lot 11 will be utilized to dispose of any refuse collected on Lot 11-I.
14. **Shade Trees:**

Three shade trees will be installed in the approximate locations shown in Phase 1. Trees will have a minimum caliper of 1 1/2 inches and be one of the following: Red Maple, Sugar Maple, Crimson Maple, or Ornamental Pear Tree.
15. **Water & Sewer:**

The parcel is serviced by public water. The future residence will have a private subsurface waste water disposal system.
16. **Screening:**

As long as Lots 11 and 11-I are owned and operated as a single facility, no screening is required between the lots. However if either is sold to an outside party not associated with Wonder Mountain Fun Park, the Planning Board shall be required to review and determine screening requirements between Lots 11 and 11-I.
17. **Traffic:**

The Farmers Market shall utilize the Senior Needs of Wells and Ogunquit Route One entrance (Map 19, Lot 30.exe). Farmers Market parking spaces shall in the parking lot area depicted. Wonder Mountain shall utilize the private road ROW off of Route One to the south of Map 19, Lot 11.



Parking Requirements per CEO and 145-39 for Lot 11-I:

Dwelling Unit.....	2 spaces
Go-Karts.....	30 spaces
Ropes Course.....	44 spaces
Business Retail (4700 SF).....	17 spaces

Total Required: 93 spaces
Total Provided: 89 spaces without Market operating
80 spaces with Market operating

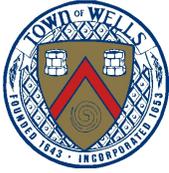
Parking Requirements per CEO and 145-39 for Lot 11:

Miniature Golf/Maze/Arcade.....	44 spaces
Dwelling Unit above Arcade.....	2 spaces
Fast-Food Restaurant (657 SF).....	22 spaces

Total Required: 68 spaces
Total Provided: 88 spaces

Lots 11 and 11-I require a total of 161 spaces.
Lots 11 and 11-I provide a total of 168 spaces (80 + 88)

0019-011.1



Planning & Development
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Website: www.wellstown.org

<i>Michael G. Livingston, Town Engineer/Planner</i>	mlivingston@wellstown.org
<i>Shannon M. L. Belanger, Planning Assistant</i>	sbelanger@wellstown.org

Memo

Date: November 30, 2016

To: Planning Board

From: Michael G. Livingston, Town Engineer/Planner

Re: Wesley by the Sea – Site Walk Results – Tax Map 79, Lot 1

Site Walk Date: 11/26/2016 Time: 11:00 AM
Conditions: Overcast, 38°

Planning Board Members Present: Bob Sullivan, Charles Anderson, Brian Toomey
Town Staff: Michael Livingston, PE
Applicant's Consultant: None
Abutters: None

Comments:

- Revisions to the drainage basin appear very minimal with no impacts. The existing retention ponds are large with little retention
- The road is well constructed with sidewalks
- Several landscape area, benches and large oak trees line the roadway
- Improvements to Willow Way have been completed
- Lot development/ coverage appears to be at or over the 20% Rural Zone maximum
- None of the modifications affect drainage to Harriseckett Road or north of the road



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<i>Shannon M. L. Belanger, Planning Assistant</i>	sbelanger@wellstown.org

Site Plan Amendment Application Memo

Date: November 30, 2016

To: Planning Board

From: Planning Office

Re: Precision Transmission – Site Plan Amendment Application - Map 49, Lot 29.14

David Roy, owner of Precision Transmission, has submitted a site plan amendment application for the property located off of 809 Sanford Road identified as Tax Map 49, Lot 29.14. The property is located within the Residential Commercial District and is 1.066 acres in size. The existing structure is 4,674 gross SF in size and is approved for business service use/ 1,500 SF Business Retail use within the 4,674 SF 2-story building. The applicant proposes to eliminate the previously approved/not yet built 1,500 SF building and proposes a 4,050 SF Business Service/ Retail use building, to increase lot coverage, and reconfigure parking and dumpster placement. The property is served by an on-site subsurface wastewater disposal system and an on-site drilled well.

§ 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**

§ 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 Planning Board 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. **Fee and escrow 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.

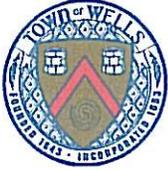
- G. Amendment to approved site plans.
 - (2) Upon receipt of an application to amend a previously approved site plan, the Code Enforcement Officer shall follow the procedure for reviewing a site plan review preapplication as set forth in Subsection A. Notice of the filing of an application to amend 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 11/23/16 the Code Officer determined the use of the property is permitted.**
 - (b) If the proposed use is a permitted use on the subject lot: **Abutter notification mailed 11/23/16**

[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. **Planning Board scheduled to receive site pre- application on 12/5/16**
- (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 11/23/16; meeting is on 12/5/16**
- (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 Conclusions:

1. The Planning Board to consider receiving the site plan pre-application for the above described project.
2. The Planning Board to consider scheduling a site walk of the property.



TOWN OF WELLS, MAINE
 Office of Planning & Development
 208 Sanford Road, Wells, Maine 04090
 Phone: (207) 646-5187, Fax: (207) 646-7046
 Website: www.wellstown.org

Received 11-14-16

SITE PLAN PREAPPLICATION - §145-74A

1. Project/Business Name Precision Transmission, Inc
2. Street Address (of project) 809 Sanford Rd
3. Assessor's Tax Map Number(s): _____ Lot Number(s): _____
4. Property Owner David R. Roy
 Mailing Address: 809 Sanford Rd
Wells
 Telephone: 207 646 9234 Fax: 207 646 4744
 Email Address: precisiontransmissioninc@gmail.com
5. Applicant (if different from owner): _____
 Mailing Address: _____
 Telephone: _____ Fax: _____
 Email Address: _____
6. Agent/ Engineer/ Surveyor: Sebago Technics / Will Conway
 Mailing Address: 75 John Roberts Rd #1A
South Portland ME 04106
 Telephone: 207 200 2100 Fax: _____
 Email: wconway@sebagotechnics.com
7. All correspondence should be sent to: Will Conway
 (specify one of the above)
8. Zoning District(s): RC
9. Shoreland Overlay District(s): NA

10. Land Uses: (see attached Land Use Table to use correct use terminology)

A. Existing Land Use(s): Service business

B. Proposed Land Uses(s): Service business or retail

11. What legal interest does applicant have in the property?

Ownership Option _____ Purchase & Sales Contract _____ Other _____
Documentation of right, title or interest must accompany the application

12. Is any part of parcel within 250 feet of high water mark of a pond, stream, or tidal water body?
Yes _____ No

13. Is any part of parcel within a special flood hazard area as identified by FEMA? Yes _____ No

14. Does the parcel include any water bodies? Yes _____ No

15. Acreage of Parcel: 1.06 Ac Acreage to be Developed: 1.06 Ac

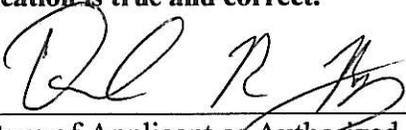
16. EXISTING a) Total Gross Floor Area of All Structures 4674

17. PROPOSED a) Total Gross Floor Area of All Structures 8724

18. Number of Existing Parking Spaces: 25 Total Number of Parking Spaces as proposed: 35

19. Description of proposed amendment: Enlarge second building,
reconfigure parking area

CERTIFICATION. To the best of my knowledge, all information submitted on this site plan and with my application is true and correct.

 _____
Signature of Applicant or Authorized Agent Date

THE APPLICANT MUST SUBMIT THE FOLLOWING MATERIALS AND INFORMATION TO THE PLANNING OFFICE WITH THE PREAPPLICATION FORM IN ORDER FOR THE SUBMISSION TO BE CONSIDERED.

Submitted	Not Submitted	Preapplication form shall be accompanied by
✓		A sketch plan of the subject property showing existing and proposed buildings, parking areas, lot boundaries, adjacent streets, entrances to the property, water bodies, and any other significant features.
✓		A list of names and addresses of abutters to the proposed project. The addresses of these abutters shall be obtained from the Town of Wells Tax Assessor's records.
✓		A set of Size 10 envelopes addressed to the abutters, affixed with first class postage.
✓	previously	Proof of Right, Title and Interest
	on file	

- ◆ See the Land Use Ordinance, Chapter 145 of the Town Code, regarding the zoning district regulations, land use standards, and site plan review process. The entire Wells Town Code is online at www.wellstown.org . Follow link to the 'Document Center' then 'Town Code.' Section 145-74A details the Preapplication procedures.
- ◆ The Code Enforcement Officer will determine the appropriate Reviewing Authority for the application review. The Reviewing Authorities include the Code Enforcement Officer, the Staff Review Committee or the Planning Board. The Code Enforcement Officer will also determine if the proposed use is permitted in the zoning district(s). All abutting property owners will be notified of the preapplication by the Planning Office.
- ◆ Contact the Planning Department at (207) 646-5187 with questions.

**LISTING OF ABUTTERS TO A PROPOSED
SITE PLAN PREAPPLICATION, APPLICATION OR AMENDMENT**

Project Name: Precision Transmission
 Street Address of Project: 809 Sanford Rd
 Map/ Lot# of Project: Map 49 Lot 29-14

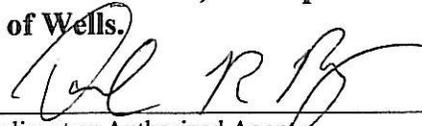
This form is used to list the names, addresses, and tax map/lot numbers of all properties which abut a property on which a new site plan or a site plan amendment is proposed. The definition of ABUTTER is "A person who owns adjacent land or land across a street right-of-way from the subject lot". Notification of abutters is a requirement for all site plan preapplications and site plan amendments; re-notification also may be required for site plan applications if sufficient time has lapsed between the preapplication abutter notification and the time that a site plan application is submitted. Abutter information shall be obtained from the Town Tax Assessor's records. **Site Plan Preapplication notice is mailed by the Planning Office per 145-74A(1).**

Use additional sheets if necessary.

Names, Addresses, and Tax Map & Lot Numbers of Abutters to Proposed Project

Name	Address	Tax Map	Lot
Daniel Lyons	833 Sanford Rd Wells	49	29-1
Janet Bonica	19 Homestead Dr. Wells	49	29-3
Michael Chambers Jeremy O'Keefe	791 Sanford Rd Wells	49	29 A
Robert Eberle attn: Michael Vigue	808 Sanford Rd Wells	49	35
David Garrey	814 Sanford Rd Wells	49	36

I hereby certify that the abutter information provided with this preapplication is complete and accurate as of this date, and represents all abutters to the subject property as defined by the Town of Wells.

 11/10/16
 Signature of Applicant or Authorized Agent Date



Planning & Development
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Website: www.wellstown.org

<i>Michael G. Livingston, Town Engineer/Planner</i>	mlivingston@wellstown.org
<i>Shannon M. L. Belanger, Planning Assistant</i>	sbelanger@wellstown.org

Site Plan Pre- Application Memo

Date: November 30, 2016

To: Planning Board

From: Planning Office

Re: Doggie Cottage – Site Plan Pre-Application - Map 24, Lot 45

Sean and Renee Kelley, applicants, have submitted a site plan pre-application for the property located off of 1103 North Berwick Road identified as Tax Map 24, Lot 45. The current owner of the property is Colette Akerley. The property is located within the Rural District and is 2.55 acres in size. The applicant proposes to keep the existing dwelling unit. The existing garage/barn to be converted into a Kennel for boarding and daycare. A 15' x 20' addition is proposed to the garage/barn. Outdoor fenced play areas are proposed on either side of the garage. The applicant proposes to expand the existing driveway/parking areas into a parking lot. The property is served by an on-site subsurface wastewater disposal system and an on-site drilled well.

§ 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.

§ 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 application sought requires Planning Board 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. **Fee pending. Escrow provided.**
- 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 11/23/16 the Code Officer determined the use of the property is permitted.**
- (b) If the proposed use is a permitted use on the subject lot: **Abutter notification mailed 11/23/16**

[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. **Planning Board scheduled to receive site pre- application on 12/5/16**
- (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 11/23/16; meeting is on 12/5/16**
- (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 Conclusions:

1. The Planning Board to consider receiving the site plan pre-application for the above described project.
2. The Planning Board to consider scheduling a site walk of the property.



TOWN OF WELLS, MAINE

208 Sanford Road, P.O. Box 398

Wells, Maine, 04090

Phone: (207) 646-5187, Fax: (207) 646-2935

Website: www.wellstown.org

SITE PLAN PREAPPLICATION - §145-74A

1. Project/Business Name THE DOGGIE COTTAGE
2. Street Address (of project) 1103 N BERWICK Rd. Wells
3. Assessor's Tax Map Number(s): 0024/025 Lot Number(s): _____
4. Property Owner Colette Akerley
 Mailing Address: 338 Morris Ave.
Bristol, CT 06010
 Telephone: _____ Fax: _____
 Email Address: _____
5. Applicant (if different from owner): Sean & Renee Kelley
 Mailing Address: 4292 Auburn Folsom Rd.
Loomis, CA 95650
 Telephone: (207) 6539194 Fax: (916) 824-1123
 Email Address: cloggiecottage@yahoo.com
6. Agent/ Engineer/ Surveyor: _____
 Mailing Address: _____
 Telephone: _____ Fax: _____
 Email: _____
7. All correspondence should be sent to: Sean & Renee Kelley
 (specify one of the above)
8. Zoning District(s): Rural
9. Shoreland Overlay District(s): NONE
10. Existing Land Use: Residential

11. What legal interest does applicant have in the property?

Ownership X Option _____ Purchase & Sales Contract _____ Other _____
Documentation of right, title or interest must accompany the application

12. Is any part of parcel within 250 feet of high water mark of a pond, stream, or tidal water body?
 Yes _____ No X

13. Is any part of parcel within a special flood hazard area as identified by FEMA? Yes _____ No X

14. Does the parcel include any water bodies? Yes _____ No X

15. Acreage of Parcel: 2.55 Acreage to be Developed: _____

16. EXISTING a) Total Gross Floor Area of All Structures 5,024

17. PROPOSED a) Total Gross Floor Area of All Structures _____

18. Number of Existing Parking Spaces: 6 Total Number of Parking Spaces as proposed: 10

19. Description of proposed amendment: Redesign existing garage/workshop "out building" and surrounding area into a boarding/daycare pet resort facility. An additional 15'x20' lobby entrance may be added to the front of the existing building. 6' privacy fencing encloses the outside play yards on either side of building. Expansion of asphalt for additional parking and turn around may be added. Operations conducted during daytime hours only. No outside runs or kennels. Small operation with tenant/resident who lives on site.

CERTIFICATION. To the best of my knowledge, all information submitted on this site plan and with my application is true and correct.

[Signature]
 Signature of Applicant

11/17/16
 Date

THE APPLICANT MUST SUBMIT THE FOLLOWING MATERIALS AND INFORMATION TO THE PLANNING OFFICE WITH THE PREAPPLICATION FORM IN ORDER FOR THE SUBMISSION TO BE CONSIDERED.

Submitted	Not Submitted	Preapplication form shall be accompanied by
		A sketch plan of the subject property showing existing and proposed buildings, parking areas, lot boundaries, adjacent streets, entrances to the property, water bodies, and any other significant features.
		A list of names and addresses of abutters to the proposed project. The addresses of these abutters shall be obtained from the Town of Wells Tax Assessor's records.
		A set of Size 10 envelopes addressed to the abutters, affixed with first class postage.

- ◆ See the Land Use Ordinance, Chapter 145 of the Town Code, regarding the zoning district regulations, land use standards, and site plan review process. The entire Wells Town Code is online at www.wellstown.org. Follow link to the 'Document Center' then 'Town Code.' Section 145-74A details the Preapplication procedures.
- ◆ The Code Enforcement Officer will determine the appropriate Reviewing Authority for the application review. The Reviewing Authorities include the Code Enforcement Officer, the Staff Review Committee or the Planning Board. The Code Enforcement Officer will also determine if the proposed use is permitted in the zoning district(s). All abutting property owners will be notified of the preapplication by the Planning Office.
- ◆ Contact the Planning Department at (207) 646-5187 with questions.

**LISTING OF ABUTTERS TO A PROPOSED
SITE PLAN PREAPPLICATION, APPLICATION OR AMENDMENT**

Project Name: THE DOGGIE COTTAGE

Street Address of Project: 1103 N. BERWICK RD. WELLS

Map/ Lot# of Project: 0024/045

This form is used to list the names, addresses, and tax map/lot numbers of all properties which abut a property on which a new site plan or a site plan amendment is proposed. The definition of ABUTTER is "A person who owns adjacent land or land across a street right-of-way from the subject lot". Notification of abutters is a requirement for all site plan preapplications and site plan amendments; re-notification also may be required for site plan applications if sufficient time has lapsed between the preapplication abutter notification and the time that a site plan application is submitted. Abutter information shall be obtained from the Town Tax Assessor's records. Site Plan Preapplication notice is mailed by the Planning Office per 145-74A(1).

Use additional sheets if necessary.

Names, Addresses, and Tax Map & Lot Numbers of Abutters to Proposed Project

Name	Address	Tax Map	Lot
MARCI LABER	1069 N. BERWICK RD.	0032	001A
JEFF/GAIL DICKERSON	1125 N. BERWICK Rd	0032	034
CHAD DICKERSON	1123 N. BERWICK Rd.	0032	032
BARRY TOTH	1086 N. BERWICK Rd	0024	004

I hereby certify that the abutter information provided with this preapplication is complete and accurate as of this date, and represents all abutters to the subject property as defined by the Town of Wells.

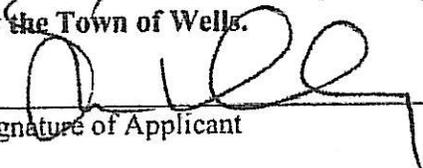

11/17/16
 Signature of Applicant Date

Exhibit A
Boundary Line Agreement / Confirmation
Between Akerley & Dickerson

All land contiguous to, and southerly and easterly of the below described line:

BEGINNING at a set iron rod in the northwesterly sideline of North Berwick Road, in the Town of Wells, County of York, State of Maine:

Thence, N 26°29'20" W, 24.74 feet, to a found iron pipe;

Thence, southwesterly along the arc of a curve concave to the northwest, 145.12 feet, to a found iron pipe, said curve having a radius of 4,700.02 feet and a chord that bears S 66°35'51" W, 145.11 feet;

Thence, N 14°47'58" W, passing on line at 81.35 feet, a set iron rod, passing on line again at 150.42 feet another set iron rod and continuing for a total of 189.71 feet, to a found angle iron;

Thence, N 47°41'37" E, passing on line at 53.77 feet, a set iron rod, and continuing for a total of 126.80 feet, to a set iron pipe;

Thence, N 26°41'49" E, 370.65 feet, to a found iron pipe;

Thence, S 68°09'27" E, 89.89 feet, to land, now or formerly, of Marci Laber (York County Registry of Deeds, Volume 10793, Page 220) and from which a found iron pipe bears S 68°09'27" E, 0.15 feet.

Iron rods set are 5/8" outside diameter with surveyor identification cap scribed "PRS INC ME1311 NH749". Iron pipe set is 1" outside diameter with surveyor identification cap scribed "PRS INC ME1311 NH749".

Bearings are Grid North, Maine State Plane Coordinate System, West Zone as derived from gps observations.

The description recited above is taken from a plan by Post Road Surveying, Inc. dated August 20, 2009 and titled "BOUNDARY SURVEY PLAN PREPARED FOR GOLETTE AKERLEY, LAND LOCATED AT 1103 NORTH BERWICK ROAD, WELLS - MAINE", said plan is to be recorded herewith.

Plan Book 446 Page 9

LAW OFFICES OF
JOSEPH C. CARLETON, JR.

P.O. Box 309

Wells, Maine 04090

Reference is made to the following deed to Akerley: Book 15281, page 931

Reference is also made to the following deeds to Dickerson: Book 8217, page 10, Book

8164, page 349, Book 3808, page 84.

END OF DOCUMENT

1
2 ypp

Doc# 2009057107
Bk 15770 Pg 129 - 130
Received York SS
12/01/2009 11:17AM
Debra L. Anderson
Registrar of Deeds

AD:

24-45
24-44

done -
even always

QUITCLAIM DEED WITH COVENANT

Colette Akerley of Wells, Maine, for consideration paid, grant to Jeffrey/W. Dickerson a/k/a Jeffery and Gail M. Dickerson, of Wells, Maine, with **QUITCLAIM COVENANT**, as joint tenants, the land in Wells, York County, Maine, more particularly described in Exhibit A, attached hereto:

Witness my hand and seal this 16 day of October, 2009.

No R.E. Transfer Tax Paid

Signed, sealed and delivered
in the presence of

Colette Akerley
Colette Akerley

STATE OF MAINE,
County of York, ss.

October 16, 2009.

Then personally appeared the above-named Gail Akerley and acknowledged the foregoing instrument to be her free act and deed, before me,

Notary Public, Attorney at Law

Joseph G. Conforti Jr

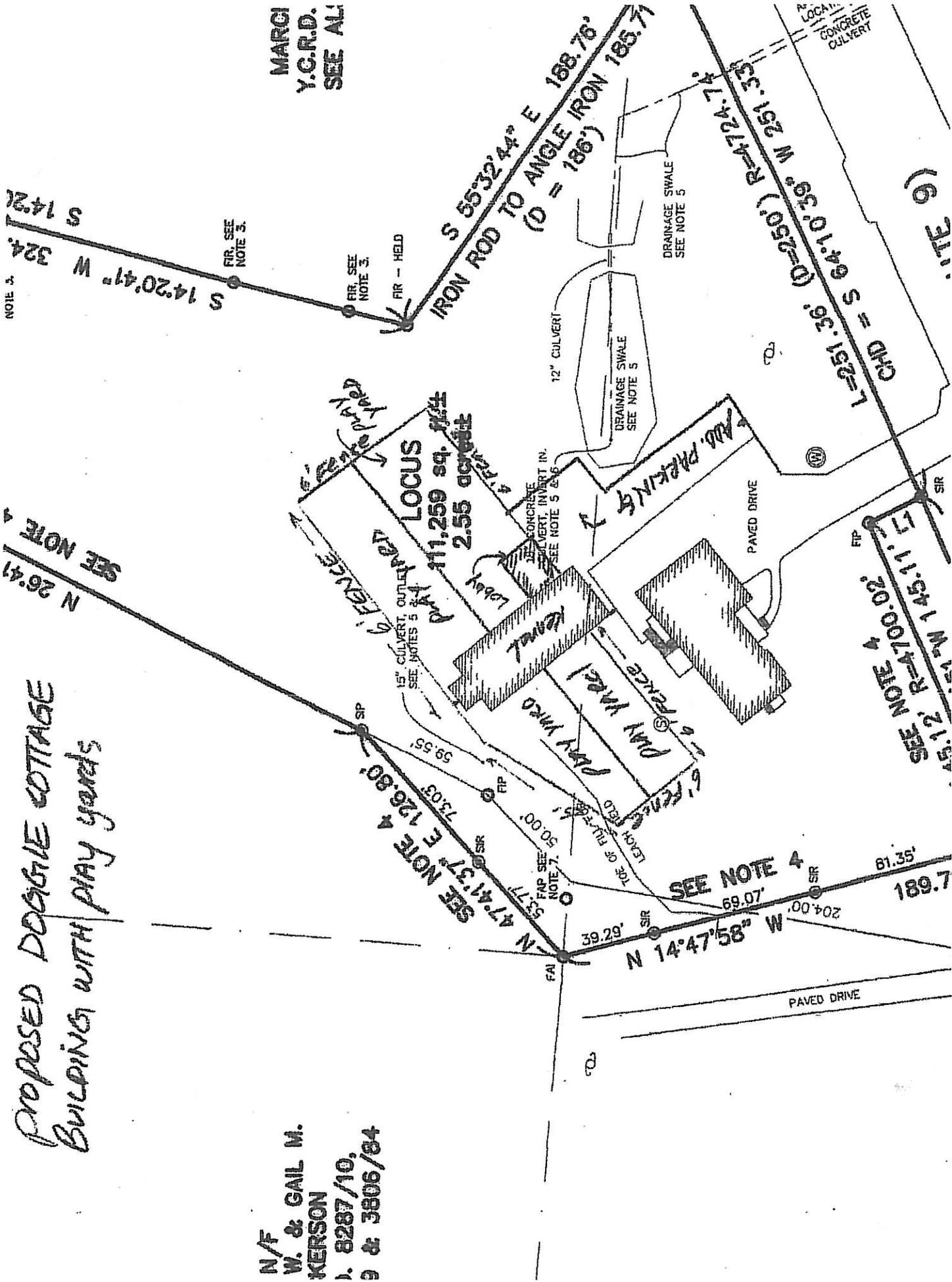
(For Notaries), My commission
expires N/A

PRINT NAME Joseph G. Conforti Jr

*Proposed DOOGIE COTTAGE
BUILDING WITH PLAY YARDS*

N/F
W. & GAIL M.
KERSON
P. 8287/10,
9 & 3806/84

MARGI
Y.C.R.D.
SEE AL:





TOWN OF WELLS, MAINE STAFF REVIEW COMMITTEE

Meeting Agenda

Tuesday, November 29, 2016, 9:00 AM

Town Hall Meeting Room, Second Floor

208 Sanford Road, Wells

MINUTES

November 15, 2016

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

- II. 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. **Workshop V, VI, VII and completeness**

- 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**

OTHER BUSINESS

- Upcoming SRC reviews of Planning Board applications

ADJOURN