



## **TOWN OF WELLS, MAINE PLANNING BOARD**

Meeting Agenda  
Monday, February 27, 2017, 7:00 PM  
Littlefield Meeting Room, Town Hall  
208 Sanford Road

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

### **EXECUTIVE SESSION AT 6:00 PM – 6:50PM : CONSULTATIONS WITH THE TOWN ATTORNEY PURSUANT TO 1 M.R.S.A. §405(6)(E)**

about the Boards' legal rights and duties regarding various proposed retroactive amendments to Chapter 145 (Land Use) of the Town Code, under both Sections 2.12.4 and 11.05(3)(b) of the Town Charter, regarding marijuana, enacting performance standards for and limiting the districts in which medical marijuana cultivation and processing facilities can be located, and clarifying that the definition of "agriculture" excludes marijuana.

### **CALL TO ORDER & DETERMINATION OF QUORUM FOR JOINT MEETING**

### **JOINT PUBLIC HEARINGS & WORKSHOPS**

### **CALL TO ORDER & DETERMINATION OF QUORUM**

### **MINUTES**

#### **I. JANUARY 23, 2017 DRAFT MEETING MINUTES**

#### **DOCUMENTS:**

[PB MIN 01-23-17.PDF](#)

### **PUBLIC HEARING(S)**

#### **I. PRECISION TRANSMISSION**

David R. Roy, owner/ applicant; Sebago Technics, agent. Site Plan Amendment 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.

#### **DOCUMENTS:**

[PB MEMO RE PRECISION TRANSMISSION AMEND PH 02-22-17.PDF](#)  
[DLYONS EMAILS RE PRECISION TRANSMISSION BOUNDARY 02-15-17.PDF](#)

### **DEVELOPMENT REVIEW & WORKSHOPS**

### **OTHER BUSINESS**

**I. WORKSHOP DRAFT OF DESIGN STANDARDS ORDINANCE FOR ROUTE 1 AND  
CONTINUE WORKSHOP TO 3-6-17**

**DOCUMENTS:**

[MGL MEMO RE DESIGN STANDARDS ORDINANCE CHANGES 02-10-17.PDF](#)

**II. WORKSHOP DRAFT OF PROPOSED ORDINANCE AMENDMENT TO CHANGE  
REFERENCES IN §145-62, §145-46 AND §145-55 FROM “USE PERMIT” TO AND  
“OCCUPANCY PERMIT” AND SCHEDULE A PUBLIC HEARING FOR 3-20-17**

**DOCUMENTS:**

[ORDINANCE CHG MGL MEMO RE USE PERMITS FOR PB 02-9-17.PDF](#)  
[CHAPTER 145 USE PERMITS.PDF](#)

**III. WORKSHOP DRAFT OF RESIDENTIAL COMMERCIAL DISTRICT ORDINANCE  
CHANGE TO ALLOW OUTSIDE BUSINESS USES WEST OF I-95 AND SCHEDULE A  
PUBLIC HEARING FOR 3-20-17**

**DOCUMENTS:**

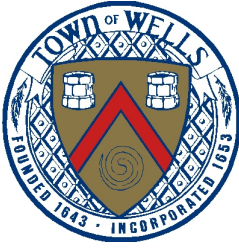
[ORDINANCE RC ZONE ENCLOSED STRUC DRAFT 02-21-17.PDF](#)

**IV. STAFF REVIEW COMMITTEE AGENDA**

**DOCUMENTS:**

[01-31-17 SRC AGENDA.PDF](#)

**ADJOURN**



# TOWN OF WELLS, MAINE PLANNING BOARD

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Meeting Minutes  
Monday, January 23, 2017, 7:00 P.M.  
Wells Town Hall  
208 Sanford Road

## **CALL TO ORDER AND DETERMINATION OF QUORUM**

Chairman Chuck Millian called the meeting to order at 7:00 P.M. Members present: Brian Toomey, George Raftopoulos and Charles Anderson. All members are voting tonight. Staff present: Mike Livingston, Town Engineer/Planner and Cinndi Davidson, Meeting Recorder.

## **MINUTES**

January 9, 2017

### **MOTION**

Motion by Mr. Anderson, seconded by Mr. Raftopoulos, to accept the minutes as written. **PASSED** unanimously.

## **DEVELOPMENT REVIEW & WORKSHOPS**

- I. HIDDEN COVE BREWERY** – Fire & Brew Inc. owner; Richard Varano, applicant; Site Plan Amendment Application to construct a new 3,800 SF building for Business Wholesale use, to eliminate the Fast-Food Restaurant use and adjust the Standard Restaurant seating. The property is located off of 73 Mile Road within the General Business and 250' Shoreland Overlay District. Tax Map 121, Lot 14. **Workshop comments from the public hearing and draft completeness and compliance items**

Applicant Dick Varano was present. Mr. Livingston reviewed the recommendations in his memo.

### **MOTION**

Motion by Mr. Raftopoulos, seconded by Mr. Anderson, to waive the requirement for showing property contours. **PASSED** unanimously.

### **MOTION**

Motion by Mr. Raftopoulos, seconded by Mr. Anderson, to waive the requirement for additional traffic information. **PASSED** unanimously.

Mr. Varano said he has no plans for outdoor music and Note 22 will be revised. If there is a special event and music is desired, he will obtain a special event permit.

The fences were discussed. The fence along the border with Hannaford is commercial-to-commercial and is not required. The southerly fence is in good condition. The broken fence on the east side was installed by a former owner. Part of it is on the residential property and part is on the Hidden Cove property. Mr. Varano agreed to repair the fence. There are some arbor vitae by the compressor. There were no noise complaints from abutters until the amendment application was filed. Note 17b will be changed: the fence will be repaired and the 2 arbor vitae from the previous approval will be planted. The second fence isn't necessary. The Board decided that the proposed 15' wide landscaped buffer along Mile Road is adequate. Parking was reviewed, considering the business hours, the trolley stop and sidewalks for pedestrians.

#### **MOTION**

Motion by Mr. Raftopoulos, seconded by Mr. Anderson, to find that only 27 year round paved spaces are needed and 10 grass parking spaces for employees are acceptable. **PASSED** unanimously.

Utility connections will tie into the existing building. An updated KKWWD letter is needed because of the higher number of seats. The Fire Chief was concerned about access to the building and having a sprinkler system. Fire trucks can access two sides, with access at the back for ladders and hoses. The new building will be only for storage of stainless steel tanks; no sprinkler system is needed. Mr. Varano will give the Chief a floor plan of the new interior.

#### **MOTION**

Motion by Mr. Raftopoulos, seconded by Mr. Anderson, to continue the workshop to February 13. **PASSED** unanimously.

- II. WELLS BEACH ENVIRONMENTAL** - Quiland, Inc. owner; Peter Garthwaite, applicant. Post Road Surveying, Inc. agent. Site Plan Pre-Application for a Recycling Facility which shall consist of various concrete pads, buildings, a scale and scale house. The application will also involve the merging of 3 parcels into 1 parcel. The 3 parcels are part of the Berwick Road Business Park Subdivision. The properties are located within the Light Industrial District and are off of Willie Hill Road. Tax map 40, Lot 3-9, 3-10 and 3-11. **Review abutter letters, report on individual observations, determine if a Site Walk is necessary**

Peter Garthwaite, applicant, and Jim Wright of Post Road Surveying were present. The property is in the LI Zone. The abutters have submitted letters indicating that they have no objections to omitting a formal site walk. Mr. Livingston did a site walk and Mr. Toomey, Mr. Raftopoulos and Mr. Millian have visited the site on their own.

#### **MOTION**

Motion by Mr. Toomey, seconded by Mr. Raftopoulos, to waive the need for a site walk. **PASSED** unanimously.

Some undergrowth needs to be removed but otherwise sight distances are good. There are some nice oak trees that should be preserved, but some of the pine trees may be a safety hazard. Mr. Wright has spoken with the engineers and they are moving the driveway 50' so it will be opposite the Molly Trolley driveway; this should improve sight distances.

**III. DOGGIE COTTAGE** - Colette Akerly, owner; Sean & Renee Kelley, applicant. Site Plan 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. **Consider receiving Site Plan Application, workshop initial review comments**

The applicant asked to have the workshop postponed until February 13.

### **OTHER BUSINESS**

~The SRC reviewed Morrison Center Adult Daycare and Precision Transmission at the January 18 meeting.

~Land Use ordinance changes have been drafted for medical marijuana facilities.

According to MMA the Town can regulate commercial production. Some definitions have been added to be consistent with State law. Performance standards are listed in Article VII §145-58.3.

### **MOTION**

Motion by Mr. Toomey, seconded by Mr. Anderson, to forward the draft to the Selectmen as written. **PASSED** unanimously.

~Proposed recreational marijuana ordinance.

There is a recommendation to add a retroactivity date. A moratorium is in place, but two sites currently have applications for building permits with the Code Office. These might be considered grandfathered and not subject to the moratorium, but the Town Attorney cited case law supporting retroactivity if the voters approve. The applicants would have to be advised that they are proceeding at their own risk. Mr. Livingston read a draft ballot question he prepared. Two abutters were present and supported the moratorium. The floor plan for one of the applications is a "collective" which is illegal according to DHHS. There was a question about timing—could a facility operate before the June Town Meeting? Granting a building permit is up to the CEO, and she would need a valid reason to deny it. One of the proposed sites is adjacent to a veteran's grave, and the ordinance prohibits disturbing the soil within 25' of a veteran's grave.

### **MOTION**

Motion by Mr. Toomey, seconded by Mr. Raftopoulos, to forward the draft ballot question to the Selectmen as written. **PASSED** unanimously.

### **ADJOURN**

**MOTION**

Motion by Mr. Raftopoulos, seconded by Mr. Anderson, to adjourn. **PASSED** unanimously.

MINUTES APPROVED \_\_\_\_\_, 2017

ACCEPTED BY:

\_\_\_\_\_  
Robert Sullivan, Secretary

\_\_\_\_\_  
Cinndi Davidson, Recorder

DRAFT



# TOWN OF WELLS, MAINE PLANNING BOARD

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To: Town of Wells Planning Board  
From: Planning Office  
Date: February 22, 2017  
Re: Precision Transmission Amendment – Public Hearing – Tax Map 49, Lot 29-14

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The 2/13/17 Public Hearing for Precision Transmission has been rescheduled to 2/27/17. The attached email correspondence is from an abutter, Dan Lyons, who opposes the Board granting a waiver of the submission of a boundary survey for Precision Transmission.

No other written comments have been received as of this date.

Thank you

From: Dan Lyons <dan@katahdincoffee.com>  
Sent: Tuesday, February 14, 2017 3:22 PM  
To: Precision Transmission  
Cc: Shannon Belanger; Will Conway  
Subject: Re: Precision Transmission application

David,

My lender has nothing on file, so I'm wondering if the survey was done for some other purpose that I'm not remembering. It was some years ago, and I do remember going out there and finding both pins. I could probably find them again if not for the snow cover. Do you have someone who can take a look at the Registry of Deeds in Alfred and see if anything was filed?

Dan Lyons  
President  
Lyons Coffee Service Inc  
Home of Katahdin Specialty Coffee  
dan@katahdincoffee.com

On Tue, Feb 14, 2017 at 2:38 PM, Precision Transmission  
<precisiontransmissioninc@gmail.com> wrote:  
We will wait to hear from you.

On Feb 14, 2017, at 1:55 PM, Dan Lyons <dan@katahdincoffee.com> wrote:  
Hi David,  
I'm trying to locate a copy of it as I write this. I've asked my mortgage lender if they have a copy or at least the name of the surveyor, and I'm waiting for a response. The other way to do this might be to check with the registry of deeds, since I think it had to be filed with them.  
Sorry for any trouble, but we've optioned our property to Coastal Prefinished Floors, and we don't want any title issues hanging up the eventual sale.  
Best regards,  
Dan

Dan Lyons  
President  
Lyons Coffee Service Inc  
Home of Katahdin Specialty Coffee  
dan@katahdincoffee.com

On Tue, Feb 14, 2017 at 1:23 PM, Precision Transmission  
<precisiontransmissioninc@gmail.com> wrote:  
Dan,  
Would you please provide us with a copy of your survey that shows the discrepancy so we may resolve this issue?  
Thank you  
David Roy

----- Forwarded Message -----

Subject:  
FW: Precision Transmission application  
Date:  
Fri, 10 Feb 2017 18:31:36 +0000  
From:  
Shannon Belanger <Sbelanger@wellstown.org>  
To:  
Will Conway <wconway@sebagotechnics.com>, Precision Transmission  
<precisiontransmissioninc@gmail.com>

FYI

Shannon L.M. Belanger  
Planning Assistant  
Website Administrator  
Town of Wells, Maine  
sbelanger@wellstown.org  
phone: (207) 646-5187  
fax: (207) 646-7046

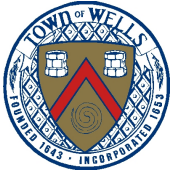
Confidentiality notice: the email message contained herein is intended only for the individual to

whom, or entity to which, it is addressed as shown at the beginning of the message and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or if the employee or agent responsible for delivering the message is not an employee or agent of the intended recipient, you are hereby notified that any review, dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this message in error, please notify us immediately by return email and permanently delete this message and your reply to the extent it includes this message. Thank you for your cooperation. Town of Wells

From: Dan Lyons [mailto:dan@katahdincoffee.com]  
Sent: Friday, February 10, 2017 1:07 PM  
To: Shannon Belanger  
Cc: Mike Livingston  
Subject: Precision Transmission application

Hi Shannon,  
I spoke with Will Conway and let him know that several years ago, our surveyor discovered a discrepancy on the far east (back) corner of our lot, where it abuts the applicant's property. At that time, he set a second pin approximately 7 feet southeast of the pin that was there. Given this disparity, I intend to challenge the waiver of a boundary survey, unless the applicant is willing to accept the newly located pin.

Dan Lyons  
Lyons Enterprises  
dan@katahdincoffee.com



**Planning & Development**  
**208 Sanford Road, Wells, Maine 04090**

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

Website: [www.wellstown.org](http://www.wellstown.org)

<i>Michael G. Livingston, Town Engineer/Planner</i>	<a href="mailto:mlivingston@wellstown.org">mlivingston@wellstown.org</a>
<i>Shannon M. L. Belanger, Planning Assistant</i>	<a href="mailto:sbelanger@wellstown.org">sbelanger@wellstown.org</a>

**Memo**

Date: February 10, 2017

To: Planning Board

From: Michael G. Livingston, Town Engineer/Planner

Re: Design Standards for commercial development along Route 1 corridor – Ordinance Changes

**Background:**

- The 2005 Comprehensive Plan (Chapter 7) recommends the Town assure that new development is in character with traditional New England architecture that is compatible with the existing character of Wells.
- The Planning Board has discussed and recommended the BOS pursuing the establishment of building design standards
- The 2014-2016 Comprehensive Plan Update process included two public questionnaire surveys which showed strong public support to control the appearance of commercial development on Route 1
- On 1-17-17 the BOS held a workshop on enacting a moratorium on a portion of the Route 1 corridor and scheduled a public hearing for 2-7-17
- On 2-7-17 the BOS postponed the public hearing to 2-13-17 due to inclement weather conditions.
- On 2-13-17 the BOS to hold a public hearing on the moratorium.

**Proposed Ordinance Draft:**

Article X Site Plan Approval  
§145-75. Criteria and Standards.

The following standards shall be applied to all applications for site plan approval. These standards are intended to provide a frame of reference for the applicant in the development of his plans and a method of review. These standards shall be applied reasonably and fairly, when applicable, taking into account any extenuating circumstances or special features of the property or its neighborhood.

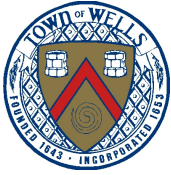
“O. Commercial Building Design. Proposed buildings or major reconstruction of existing buildings shall conform to the following architectural requirements:

1. Reconstruction of exterior facades and additions to existing buildings shall be in the architectural style of the original building, and the materials used shall duplicate the original or be similar in appearance to the original materials or materials commonly used in the Town when the building was constructed.

2. New construction and major reconstruction shall use external building features which are similar to those buildings in the district constructed in the 18th and 19th centuries. Modern materials which duplicate the appearance of materials used in construction in the 18th and 19th centuries may be used on any buildings.
3. Any new building or major reconstructed roof shall have a roof with a minimum slope of 7/12 (30.26 degrees) on 80% of the roof area and the remaining roof shall be greater than a 3/12 pitch (14.0 degrees).
4. The siding on new buildings or major reconstructed buildings shall be wooden clapboard, wooden shingles, brick or materials which duplicate these in shape, texture and appearance.
5. The roofs on all buildings shall be shingled, slate, or constructed of materials which duplicate the appearance of materials used in construction in the 18th and 19th centuries may be used on any buildings.
6. See §145-76 Design Guidelines established by the Planning Board for guidance for new building and reconstruction compliance.”

Recommendations:

1. The Planning Board to consider the above draft ordinance and discuss possible changes and additions.
  - a. Should ordinance changes be included as special provisions in the application zoning districts?
  - b. Define major reconstruction?
2. The Planning Board to consider what portions of the Route 1 corridor should be subject to the requirements:
  - a. North of Route 109?
  - b. All of Route 1 corridor in General Business Zone? Or Rural or Residential A zones as well?
  - c. Buildings within 500 feet of Route 1 or just visible from Route 1?
  - d. Apply to only portions of buildings visible to Route 1?
3. The Planning Board should provide additional comments and guidance and continue the workshop to the 2-27-17 meeting.



**Planning & Development**  
**208 Sanford Road, Wells, Maine 04090**

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

Website: [www.wellstown.org](http://www.wellstown.org)

<i>Michael G. Livingston, Town Engineer/Planner</i>	<a href="mailto:mlivingston@wellstown.org">mlivingston@wellstown.org</a>
<i>Shannon M. L. Belanger, Planning Assistant</i>	<a href="mailto:sbelanger@wellstown.org">sbelanger@wellstown.org</a>

**Memo**

Date: February 9, 2017

To: Planning Board

From: Michael G. Livingston, Town Engineer/Planner

Re: Ordinance Change Proposal for June 2017 Town Meeting  
Text change from "Use Permit" to "Certificate of Occupancy" and elimination of code

**Workshop for June 2017 Zoning Change Proposal:**

**Background:**

The Code Office has requested this change to the ordinances due to confusion surrounding the term "use permit" which has historically been considered the issuance of a certificate of occupancy. The ordinances, as currently written, have led to confusion on if a use permit is a separate permit which requires a separate additional fee and application. The Ordinance requires a building permit per 145-61 and state law which is administered by a building permit application and fee through the Code Office.

**Proposed Changes:**

See attached edits to the existing ordinances which delete certain portion referring to "use permits" and/or replaces the term with "certificate of occupancy".

**Recommendations:**

The Planning Board should consider the proposed changes and discuss if any revisions are warranted. If satisfactory as written or with amendments, the Board should vote to forward the changes to the Board of Selectmen.

## Chapter 145. Land Use

### Article VI. Town-Wide Regulations

#### § 145-46. Utility distribution lines.

A. Review. Notwithstanding §§ **145-61** and **145-62**, utility distribution lines are allowed in all zoning districts without a building or use occupancy permit.

### Article VII. Performance Standards

#### § 145-55. Accessory dwelling units.

A. One accessory dwelling unit shall be permitted within an owner-occupied one-family dwelling in all districts except the Residential B, Residential D and the Beach Business Districts, provided that:

~~(6) The owner shall annually obtain a use permit for the accessory dwelling unit and certify that he is in compliance with the standards of this section of this chapter. The permit shall be obtained between November 1 and December 31 for the following calendar year.~~

### Article VIII. Administration

#### § 145-62. ~~Use permits.~~ Certificate of Occupancy

A. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partially altered or enlarged in its use until a ~~use permit~~ certificate of occupancy is issued by the Code Enforcement Officer. No ~~use permit certificate of occupancy~~ shall be issued unless the proposed use of the building(s) or land conforms to the requirements of this chapter and/or to an approved site plan, if required for the proposed use.

B. A temporary ~~use permit certificate of occupancy~~ may be issued by the Code Enforcement Officer for six months during construction or alteration for partial occupancy of a building or lot pending the completion of construction or development, provided that the temporary ~~permit certificate of occupancy~~ may require conditions and safeguards to ensure the safety of the occupants and the public and that the applicant remains in compliance with the terms of the building permit or approved site plan.

C. The Code Enforcement Officer shall maintain a permanent public record of all ~~use permit applications~~ certificates of occupancy.

D. Failure to obtain a required ~~use permit certificate of occupancy~~ shall be a violation of this chapter.

~~E. Prior to the issuance of a use permit, a permit fee as established by the Board of Selectmen shall be paid to the Office of Planning and Development. [Amended 4-26-1996]~~

**An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells  
to Eliminate the Enclosed Structure Requirement for Businesses  
in a portion of the Residential Commercial District**

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

The Town of Wells hereby ordains and enacts “An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells to Eliminate the Enclosed Structure Requirement for Businesses in the Residential Commercial Districts West of Interstate I-95” to read as follows:

**Part 1:** Article V (District Regulations), § 145-24, entitled “Residential Commercial District” is hereby amended as follows:

G. Special provisions.

(3) East of Interstate I-95, All business uses and related storage, except for the sale of vegetables, fruits, plants and natural Christmas trees and wreaths, shall be located entirely within an enclosed structure.

(4) West of Interstate I-95, all business uses and related storage shall be buffered and/or screened from roadways and abutting lots as determined by the required reviewing authority and shall meet the following standards:

- (a) Minimum 25 foot wide landscaped buffer from a lot line abutting the right-of-way along Route 9, Route 9A and Route 109;
- (b) Minimum 15 foot wide landscaped buffer from a lot line abutting any other street right-of-way and from any abutting lot line;
- (c) The landscaped buffer shall consist of natural trees, shrubs, grass and mulch and may include fencing;
- (d) The landscaped buffer may be crossed by an access road and may include a sign;
- (e) Visual screening for a residential abutter shall at a minimum consist of a solid 6 foot tall visual screen. Visual screening for a commercial abutter or for a street right-of-way shall be determined by the reviewing authority.

**Part 2:** Effective Date.

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

Given under our hands this \_\_\_\_ day of \_\_\_\_\_, 2017.

BOARD OF SELECTMEN OF THE TOWN OF WELLS:

\_\_\_\_\_  
Karl Ekstedt

\_\_\_\_\_  
Kathy Chase

\_\_\_\_\_  
Daniel Hobbs

\_\_\_\_\_  
John Howarth

\_\_\_\_\_  
Timothy Roche



# TOWN OF WELLS, MAINE STAFF REVIEW COMMITTEE

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Meeting Agenda  
Tuesday, January 31, 2017, 9:00 AM  
Town Hall Meeting Room, Second Floor  
208 Sanford Road, Wells

## **MINUTES**

January 18, 2017

## **DEVELOPMENT REVIEW & WORKSHOP**

- I. MORRISON CENTER ADULT DAYCARE** – Morrison Center, owner. Mark Ryder, applicant. Frank Emery, surveyor. Site Plan Application for a 2,200 SF Daycare use with associated parking. The property is located off of 2550 Post Road and is within the Rural District. Tax Map 73, Lot 4. **Workshop completeness, compliance and Findings of Fact & Decisions for possible approval**

## **OTHER BUSINESS**

## **ADJOURN**