

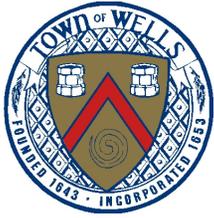
Town of Wells, Maine

Staff Review Committee

FINDINGS OF FACTS & DECISIONS
Site Plan Application for “The Shops at Post and Stewart”
 Page 1 of 11

Article X Site Plan Approval

| PROJECT INFORMATION | |
|------------------------------------|--|
| General: | <p>Project Name: The Shops at Post and Stewart</p> <p>Applicant: Richard G. Robertson and Marisa Caputo, 16 Blackberry Lane, Wells, ME 04090</p> <p>Landowner: Richard G. Robertson, LLC, 16 Blackberry Lane, Wells, ME 04090</p> <p>Location: 1384 Post Road, Wells, Maine</p> <p>Existing Use: Vacant building</p> <p>Proposed Land Use: 1 single family dwelling and 1,983 SF of sales for area for Business Retail use</p> <p>Tax Parcel ID: Tax Map 129, Lot 3</p> <p>Zoning District: General Business</p> <p>Art VII Performance Standards: None</p> <p>Design Engineer: James S. Wright, Jr, Post Road Surveying, PO Box 1557, Wells, ME 04090</p> <p>Plan Submission Date: June 23, 2017</p> |
| Project Description: | <p>Richard Robertson and Marisa Caputo have submitted a site plan application to obtain approval for a 1,983 SF Business Retail use on the 1st floor of the existing 3-story building. A dwelling unit to be located on the 2nd floor of the existing building. The parcel is located off of 1384 Post Road and is identified as Tax Map 129, Lot 3. The parcel is 17,807 SF in area and is served by public water and public sewer.</p> |
| Completeness Determination: | <u>To be determined</u> |
| Public Hearing: | Not Applicable |
| Staff Review Mtg: | 7/18/2017; 1/17/2018 |



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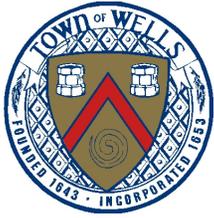
PROJECT HISTORY

1. On
- 2.

§ 145-75. Criteria and Standards

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

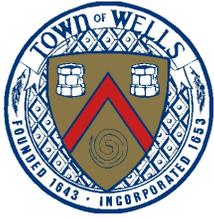
Comments



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FINDINGS OF FACTS & DECISIONS Site Plan Application for “The Shops at Post and Stewart” Page 3 of 11

| § 145-75. Criteria and Standards | Comments |
|---|---|
| <p>A. Traffic. The proposed development shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number of exits and entrances that have adequate sight distances and do not conflict with or adversely impact the traffic movements at intersections, schools and other traffic generators. Curb cuts shall be limited to the minimum width necessary for safe entering and exiting. The proposed development shall not have an unreasonable adverse impact on the Town road system and shall provide adequate parking and loading areas. No use or expansion of a use shall receive site plan approval if any parking spaces are located in a public right-of-way or if any travel lane of a state number highway is used as part of the required aisle to access any parking spaces.</p> | <p>Vehicular traffic entering from Route One is one way. Vehicular traffic is depicted to enter and exit using Stewart Street. <u>Parking area directional signage recommended.</u></p> <p>Dwelling parking provided. See note 12 and label on the plan. 2 spaces are required for the dwelling use. 7 spaces are required for the retail use which requires 1 handicap accessible space. 1 ADA compliant sign for the handicap parking is shown on the plan.</p> <p>All parking is shown to meet the 90 degree parking space size requirements. Spaces are noted to be 9' x 18.5' in dimension with a minimum of 26' aisle width.</p> <p>Off-street parking provided. No off-site parking proposed.</p> <p>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL BE MET.</p> |
| <p>B. Dust, fumes, vapors and gases. Emission of dust, dirt, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation or property or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission, shall be prohibited.</p> | <p>The parcel is prohibited from emitting dust, fumes, vapors or gases at any point beyond its lot lines.</p> <p>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL BE MET.</p> |
| <p>C. Odor. No land use or establishment shall be permitted to produce offensive or harmful odors perceptible beyond its lot lines, measured either at ground or habitable elevation.</p> | <p>The parcel is prohibited from producing offensive or harmful odors at any point beyond its lot lines.</p> <p>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL BE MET.</p> |



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| § 145-75. Criteria and Standards | | Comments |
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| D. | Glare. No land use or establishment shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines onto neighboring lots or onto any Town way so as to impair the vision of the driver of any vehicle upon that Town way. | See note 8. All exterior lighting shall be downward directional or shielded as to prevent glare onto abutting lots or right of ways. THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL BE MET. |
| E. | Stormwater runoff. Surface water runoff shall be minimized and detained on site if possible or practicable in accordance with Chapter 202-12F(4) General Standards of the Wells Subdivision Ordinance (wherein the word “site plan” shall be substituted for “subdivision”). If it is not possible to detain water on site, downstream improvements to the channel may be required of the developer to prevent flooding which would be caused by his project. The natural state of watercourses, swales, floodways or rights-of-way shall be maintained as nearly as possible. [Amended 4-27-2007] | Proposed surface conditions reduce stormwater impacts and meet the Town LID requirements. THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL BE MET. |
| F. | Erosion control. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best-management practices: [Amended 4-27-2007] | Erosion and sedimentation control and best management practices shall be followed. See the standard conditions of approval notes on the plan. Standard Condition of Approval note 1 to be revised. THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL BE MET. |
| (1) | Stripping of vegetation, soil removal and regrading or other development shall be accomplished in such a way as to minimize erosion. | |
| (2) | The duration of exposure of the disturbed area shall be kept to a practical minimum. | |
| (3) | Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development. | |



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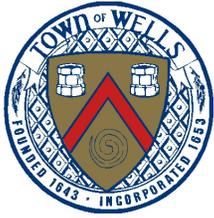
| § 145-75. Criteria and Standards | | Comments |
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| (4) | Permanent (final) vegetation and mechanical erosion control measures in accordance with the standards of the York County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends. | |
| (5) | Until a disturbed area is stabilized, sediment in runoff water shall be trapped by the use of debris basins, silt traps or other acceptable methods as determined by the reviewing authority. | |
| (6) | The top of a cut or the bottom of a fill section which alters the existing grade by more than two feet shall not be closer than 10 feet to an adjoining lot. | |
| (7) | During grading operations, methods of dust control shall be employed. | |
| (8) | The proposed site plan shall prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties. | |
| (9) | The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages. | |
| (10) | Cutting or removal of vegetation along waterbodies shall not increase water temperature or result in shoreline erosion or sedimentation. | |
| (11) | Topsoil shall be considered part of the site plan and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations. | |



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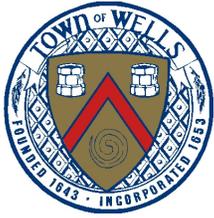
| § 145-75. Criteria and Standards | Comments |
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| <p>G. Setbacks and screening. Parking and loading areas, exposed storage areas, exposed machinery installation and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their adverse impact on the surrounding lots. Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and shall be maintained in good condition.</p> | <p>Dimensional requirements of the GB zone are noted on the plan. Setback requirements are depicted. The existing structure on this parcel does not meet this lot line setback from Route 1. The structure is nonconforming but is grandfathered as no new construction is proposed to make this nonconformity more nonconforming.</p> <p>A 15' wide landscaped buffer is required along Route One per 145-38. <u>Two shade trees a min. in 6' in height are recommended along Route One.</u></p> <p>A 15' wide landscaped buffer is required along Stewart Street per 145-38. One shade tree is identified (<u>existing or proposed?</u>) along Stewart Street.</p> <p><u>SRC to review landscaped buffers and determine what shall be required.</u></p> <p>This commercial parcel abuts commercial property to the south and residential to the west. An existing 6" tall stockade fence is identified along the entire southerly and westerly boundaries. This satisfies screening requirements for abutters. <u>SRC to review the screening for abutters and determine if it is sufficient.</u></p> <p>A post and rail fence may be installed along Route One. <u>An existing fence (height and type to be noted) is depicted along Stewart Street.</u></p> |



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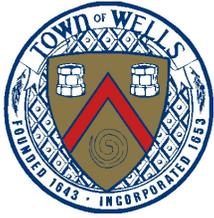
| § 145-75. Criteria and Standards | | Comments |
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| H. | Explosive materials. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, unless they are stored in compliance with the requirements of the National Fire Protection Association (NFPA) standards. | <p>No highly flammable or explosive materials shall be stored on this parcel in bulk above ground unless they are stored in compliance with NFPA standards and obtain approval from the Fire Department and Code Enforcement Offices. <u>Are any above or below ground propane tanks proposed or exist on the property?</u></p> <p>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL BE MET.</p> |
| I. | Water quality. All aboveground outdoor storage facilities for fuel, chemicals, chemical or industrial wastes and potentially harmful raw materials shall be located on reinforced cement and shall be completely enclosed by an impervious dike monolithically poured, which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a fifty-year storm, so that such liquid shall not be able to spill onto or seep into the ground surrounding the paved storage area. Storage tanks for home heating fuel and diesel fuel, not exceeding 275 gallons in size, shall be exempted from this requirement. | <p>Water quality standards shall be met. Storage <u>of such fuels is not proposed</u> on this property? Such storage would require to be compliant with NFPA standards and must obtain approval from the Fire Department and Code Enforcement Offices.</p> <p>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL BE MET..</p> |
| J. | Preservation of landscape. Unnecessary disturbance of the landscape shall be minimized, insofar as practicable, by minimizing tree removal and any grade changes. | <p>No grade changes are proposed. Plan identifies 1 foot property contours.</p> <p>Existing lot coverage is 39.6%. <u>Proposed lot coverage is 34%. This assumes the building entry way, per note 9, shall not exceed 180 SF.</u></p> <p>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL BE MET.</p> |



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| § 145-75. Criteria and Standards | | Comments |
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| K. | Refuse disposal. The applicant shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. The review board shall consider the impact of particular industrial or chemical wastes or by-products upon the Wells transfer station (in terms of volume, flammability or toxicity) and may require the applicant to dispose of such wastes elsewhere, in conformance with all applicable state and federal regulations. The board may require the applicant to specify the amount and exact nature of all industrial or chemical wastes to be generated by the proposed operation. | <p>A dumpster is not proposed. The owner shall properly dispose of all refuse.</p> <p>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL BE MET.</p> |
| L. | Water supply. The applicant shall demonstrate the availability of adequate water supply for fire protection and the consumption needs of the proposed development. | <p>A letter from the KKW Water District dated 08-10-17 was provided for the retail use and residence.</p> <p>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL BE MET.</p> |
| M. | Sewage disposal. The applicant shall provide for the safe disposal of all wastewaters. | <p>A letter from the Wells Sanitary District dated 10-6-17 was provided for the proposed retail use.</p> <p>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL BE MET.</p> |



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| § 145-75. Criteria and Standards | | Comments |
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| N. | Fire safety. The site plan shall make adequate provisions for access by fire-fighting equipment and personal. | <p><u>A Knox Box is recommended. Prior to installation of a Knox Box please consult with the Fire Department.</u></p> <p>Nearest fire hydrant is located on the site plan.</p> <p><u>Plan does not depict recommended gated access with an access lane behind the 3-story building as recommended at the last SRC meeting and on plan markups. (Access lane could consist of grass pavers or a gravel base with grass surface, to support the weight of a fire truck).</u></p> |

Standard Conditions of Approval

1. Site Plan approval secured under the provisions of this chapter shall expire within 10 years from the date on which the site plan is signed if all aspects of the site plan approval are not fully completed and established. Any site plan approval may include a phasing plan according to an approved time schedule not to exceed 10 years from the date on which the site plan is signed. Site plan approval shall expire if a use has been established and then discontinued for five years or more. [§145-74F]
2. Approval is conditioned upon compliance by the applicant with the plans and specifications which have been received by the Town in connection with this development proposal.
3. Conditions of approval or notes written on the face of the site plan may be amended only by the reviewing authority that approved the site plan. [§145-74G(1)(b)]
4. Failure to comply with any conditions of approval shall be construed to be a violation of Article X of the Land Use Ordinance and shall be grounds for revoking the approved development plan, initiating legal proceedings to enjoin construction development or any specific activity violating the conditions of plan approval or applying the legal penalties detailed in §145-64. [§145-79A]
5. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the owner to immediately install sedimentation control devices on his lot and to remove sediment from all adjoining surfaces, drainage systems and watercourses and to repair any drainage, at his expense, as quickly as possible. Any landowner that fails to do so within two weeks after official written notification by the Code Enforcement Officer shall be penalized as set forth in §145-64. [§145-79B]
6. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best-management practices [§145-75F]:
 - (a) Stripping of vegetation, soil removal and regrading or other development shall be accomplished in such a way as to minimize erosion.
 - (b) The duration of exposure of the disturbed area shall be kept to a practical minimum.
 - (c) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.



Town of Wells, Maine

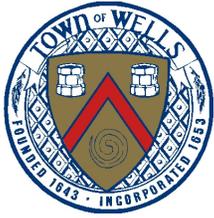
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- (d) Permanent (final) vegetation and mechanical erosion control measures in accordance with the standards of the York County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends.
 - (e) Until a disturbed area is stabilized, sediment in runoff water shall be trapped by the use of debris basins, silt traps or other acceptable methods as determined by the reviewing authority.
 - (f) The top of a cut or the bottom of a fill section which alters the existing grade by more than two feet shall not be closer than 10 feet to an adjoining lot.
 - (g) During grading operations, methods of dust control shall be employed.
 - (h) The proposed site plan shall prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties.
 - (i) The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.
 - (j) Cutting or removal of vegetation along waterbodies shall not increase water temperature or result in shoreline erosion or sedimentation.
 - (k) Topsoil shall be considered part of the site plan and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.
7. The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by the applicant in the record of the Planning Board and/or Staff Review Committee proceedings are conditions of the approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board and/or Staff Review Committee.
 8. Approval of the application or amendment application does not relieve the applicant from the responsibility to obtain building permits prior to construction and use permits prior to occupancy.
 9. It is the applicant's responsibility to contact Dig Safe prior to construction.
 10. It is the owner/Homeowners Association/applicant/developer's responsibility, not the Town Code Office or Town Planning Office, to contact the Town Clerk's Office to apply for and maintain any and all business license(s) for the use(s) conducted on this subdivision/site plan parcel(s).
 11. Approval of any proposed field changes shall be obtained prior to construction. Said approvals shall be in writing. The Code Enforcement Office shall consult with the Office of Planning and Development prior to approving any field change.
 12. Prior to the pouring of a building footing/foundation, the location of each cottage and/or building to be constructed shall be located on the face of the earth and shall be marked with surveyor pins or stakes. The developer shall receive approval of each cottage and/or building location from the Code Enforcement Office prior to the commencement of footing/foundation excavation.
 13. If the property will be converted to a condominium form of ownership, the proposed condominium documents must be presented to the Town for review and approval by the Town Attorney. No use permit shall be issued until the Town Attorney has indicated approval of the condominium documents.
 14. Upon completion of construction, the applicant shall provide to the Town record as-built drawings of the roadway, drainage, and utility related construction work.
 15. The Town of Wells, Maine may employ the services of an engineering firm to assist in the inspection of roads and other infrastructure if, in the opinion of the Code Enforcement Office, the work necessary to insure compliance with Town ordinances or the requirements of this approval are beyond those capacities available by staff. The cost of such additional services will be born by the developer.
 16. All components, features, improvements and conditions of site plan approval shall be fully completed prior to any issuance of a certificate of occupancy.



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FINDINGS OF FACTS & DECISIONS Site Plan Application for “The Shops at Post and Stewart” Page 11 of 11

Special Conditions of Approval

Dated at Wells, Maine this _____ day of _____, 2018

Wells Staff Review Committee

By: _____

DRAFT