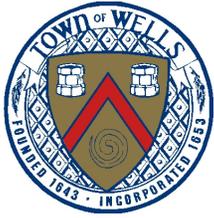


Town of Wells, Maine Staff Review Committee

FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for “Footbridge North Hotel” Page 1 of 12

Article X Site Plan Approval

PROJECT INFORMATION	
General:	<p>Project Name: Footbridge North Resort</p> <p>Applicant: Peter Guidi, 1522 Post Road Associates, LLC, PO box 818, Wells, ME 04090</p> <p>Landowner: Peter Guidi, 1522 Post Road Associates, LLC, PO box 818, Wells, ME 04090</p> <p>Location: 1522 Post Road, Wells, Maine</p> <p>Existing Use: Six dwelling Units and 12 Hotel/Motel units within three buildings and a pool with a pool house and outdoor patio area.</p> <p>Proposed Land Use: Six dwelling Units and 12 Hotel/Motel units within three buildings and a pool with a pool house, outdoor patio area and new 14' x 20' pavilion</p> <p>Tax Parcel ID: Tax Map 134, Lot 2</p> <p>Zoning District: General Business</p> <p>Art VII Performance Standards: Lodging Facilities §149-52 and Multifamily Development §149-48</p> <p>Design Engineer: Frank Emery III, PLS, PO Box 3038, Wells, ME 04090</p> <p>Plan Submission Date: October 16, 2017</p>
Project Description:	<p>Peter Guidi, the owner, has submitted a Site Plan Amendment Application seeking approval for a 14' x 20' pavilion to be constructed on the west side of the property; the entrance driveway to be relocated; and additional patio area to be installed. The existing Lodging Facility on this parcel consists of 12 one-bedroom hotel/motel units within “building 3” and the existing Multifamily Development on this parcel consists of 6 dwelling units (1 dwelling within “building 2” and 5 dwellings within “building 1”). The uses on this parcel are non-conforming but grandfathered in their existing state. The parcel is approximately .86 acres or 37,350 SF in size and is served by public sewer and public water. The parcel is located within the General Business District.</p>
Completeness Determination:	11/14/17
Public Hearing:	Not Applicable



Town of Wells, Maine Staff Review Committee

FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for "Footbridge North Hotel" Page 2 of 12

Staff Review Mtg:	11/14/17; 1/17/18
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PROJECT HISTORY

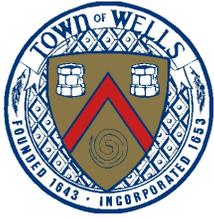
1. On 10/16/17 the applicant submitted a site plan amendment for the above described project.
2. On 10/26/17 the Code Officer prepared an Article V use determination find the use proposed to be permitted in the GB District.
3. On 10/27/17 the Planning Office mailed notices to abutters of the use determination and of the 11/14/17 Staff Review Committee meeting.
4. On 11/8 and 11/9/17 the Planning Office reviewed the site plan and prepared Article V, VI, VII and draft completeness (145-77) review checklists and a memo for the applicant and Staff Review Committee.
5. On 11/14/17 the Staff Review Committee received the site plan amendment application, waived property contours, found the application complete and heard comments from an abutter. The workshop was continued to the 11/28/17 Staff Review Committee meeting.
6. On 11/21/17 the Planning Office provided the applicant with recommended plan changes, notes and the Article V, VI, VII and completeness review comments.
7. On 11/21/17 the applicant requested that the site plan review continue after the holidays are over.
8. On 11/28/17 the Town Engineer outlined the concerns regarding the possible pre-existing pavement/concrete within the 25' buffer.
9. On 12/27/17 the Planning Office contacted the applicant regarding the status of plan revisions and recommended continued review before the Staff Review Committee for the 1/17/18 meeting.
10. On 12/29/17 the Planning Office re-provided the applicant with the 11/21/17 review comments
11. On 1/10/18 the applicant provided revised plans to the Planning Office for review.
12. On 1/12/18 the Planning Office reviewed the revised site plan and prepared Article V, VI, VII and completeness checklist updates. A draft compliance/ Findings of Fact & Decisions (145-75) was prepared and memo for the applicant and Staff Review Committee.
13. On 1/12/18 the applicant was emailed all plan review comments.
14. On 1/17/18 the Staff Review Committee found the Route One landscaped buffer sufficient as proposed, found proposed screening adequate, voted to not require the submission of a WSD or KKWWD capacity letter as the proposed pavilion will have no such utility connections, voted to find the application compliant and voted to approve and sign the Findings of Fact & Decisions and site plan at the end of the meeting.



Town of Wells, Maine Staff Review Committee

FINDINGS OF FACTS & DECISIONS
Site Plan Amendment Application for “Footbridge North Hotel”
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§ 145-75. Criteria and Standards	Comments
<p>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.</p>	
<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 and exiting the parcel is one way. The entrance to the parcel is off of Route 1 located to the south of “building 1.” The exit is onto Route One located to the north of “building 1,” The parcel provides 24 on-site paved parking spaces and 2 seasonal grass parking spaces: 6 dwellings require 12 spaces and 12 one-bedroom hotel/motel units require 14 spaces under current parking standards. The 2 seasonal grass spaces cannot be using from November 1st to May 1st of each year (see note #7). The parking spaces are grandfathered in that they do not meet the stall depth requirement of 19’ or aisle width requirements of 26’. One handicap accessible parking space shall be painted out as depicted on the site plan and shall have adequate signage as required by the Land Use Code. All parking spaces and directional arrows shall be maintained to be clearly visible (see note #15). The parcel does not meet current emergency vehicle access standards but is grandfathered and improvements to access are proposed.</p> <p>The existing sidewalk shall be maintained. The property is within the Sidewalk Development plan.</p> <p>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>



Town of Wells, Maine Staff Review Committee

FINDINGS OF FACTS & DECISIONS
Site Plan Amendment Application for “Footbridge North Hotel”
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§ 145-75. Criteria and Standards		Comments
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>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 REMAIN MET.</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>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 REMAIN MET.</p>
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.	<p>All exterior mounted building lights shall be downward directional and shall not produce glare onto abutting lots or rights of ways. See note #4.</p> <p>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
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]	<p>The applicant proposes minor changes (1,105 sf net lot coverage increase) that will not significantly alter stormwater runoff of this property. A stormwater management plan is not recommended. A waiver was granted by the Staff Review Committee on 11/14/17.</p> <p>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>



Town of Wells, Maine Staff Review Committee

FINDINGS OF FACTS & DECISIONS
Site Plan Amendment Application for “Footbridge North Hotel”
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§ 145-75. Criteria and Standards		Comments
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. The proposed application shall not alter the existing landscape or vegetation. See Standard Conditions of Approval notes. THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN 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.	
(4)	Permanent (final) vegetation and mechanical erosion control measures in accordance with the standards of the York County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends.	
(5)	Until a disturbed area is stabilized, sediment in runoff water shall be trapped by the use of debris basins, silt traps or other acceptable methods as determined by the reviewing authority.	
(6)	The top of a cut or the bottom of a fill section which alters the existing grade by more than two feet shall not be closer than 10 feet to an adjoining lot.	
(7)	During grading operations, methods of dust control shall be employed.	



Town of Wells, Maine Staff Review Committee

FINDINGS OF FACTS & DECISIONS
Site Plan Amendment Application for “Footbridge North Hotel”
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§ 145-75. Criteria and Standards		Comments
(8)	The proposed site plan shall prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties.	
(9)	The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.	
(10)	Cutting or removal of vegetation along waterbodies shall not increase water temperature or result in shoreline erosion or sedimentation.	
(11)	Topsoil shall be considered part of the site plan and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.	



Town of Wells, Maine Staff Review Committee

FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for “Footbridge North Hotel” Page 7 of 12

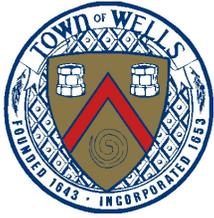
§ 145-75. Criteria and Standards	Comments
<p>G. Setbacks and screening. Parking and loading areas, exposed storage areas, exposed machinery installation and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse shall have sufficient 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>Setbacks are noted on the site plan (Note 9). Building 1 is a non-conforming structure in that it does not meet the Route One or side lot line setback requirements. Building 3 and the Pool Shed are non-conforming structures in that they do not meet side lot line setback requirements. The proposed building shall meet the 25 foot setback/buffer of 145-48.A.(1). The existing buildings continue to be grandfathered in their non-conformities.</p> <p>A dumpster was mislocated within the 15' lot line setback and shall be removed prior to the issuance of a building permit.</p> <p>This commercial/residential property abuts several properties with mixed commercial and residential uses. Existing vegetation, picket fence and 6' stockade fencing adequately screen residential lots abutting of this property and are grandfathered. A 6' tall solid fence adjacent to the new entrance drive shall be installed no later than June 1, 2018. See Note 11.</p> <p>Two trees along Route One near the north side of the entrance to this property shall remain. These trees are not within the 15' wide landscaped buffer along Route One. A shade tree shall be planted in the grass/landscaped area in front of the building no later than June 1, 2018. See recommended note 11.</p> <p><u>The Staff Review Committee to review the proposed fencing and Route One landscape buffer to determine if what is proposed is sufficient.</u></p> <p>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>



Town of Wells, Maine Staff Review Committee

FINDINGS OF FACTS & DECISIONS
Site Plan Amendment Application for “Footbridge North Hotel”
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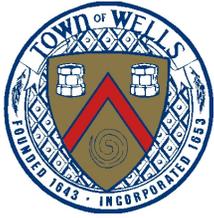
§ 145-75. Criteria and Standards		Comments
H.	Explosive materials. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, unless they are stored in compliance with the requirements of the National Fire Protection Association (NFPA) standards.	<p>No highly flammable 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. Existing propane tanks are identified. Bollard protection is proposed for tanks near travel ways.</p> <p>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN 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 of such fuels is not proposed 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 REMAIN 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>The pavilion is proposed in an existing grass area. No change to parcel contours or grading proposed.</p> <p>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>



Town of Wells, Maine Staff Review Committee

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§ 145-75. Criteria and Standards		Comments
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>This parcel may utilize a dumpster. See note #8 and plan. If a dumpster is not used, the owner/manager shall collect and properly dispose of all waste materials.</p> <p>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN 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>The use is existing with no changes therefore a letter is not required. The pavilion will not have a water service. <u>SRC to find a letter not necessary on 1/17/18</u></p> <p>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL NOT APPLY.</p>	
M. Sewage disposal. The applicant shall provide for the safe disposal of all wastewaters.	<p>The use is existing with no changes therefore a letter is not required. The pavilion will not have a sewer service. <u>SRC to find a letter not necessary on 1/17/18</u></p> <p>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL NOT APPLY.</p>	



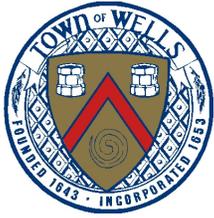
Town of Wells, Maine Staff Review Committee

FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for “Footbridge North Hotel” Page 10 of 12

§ 145-75. Criteria and Standards		Comments
N.	Fire safety. The site plan shall make adequate provisions for access by fire-fighting equipment and personal.	<p>No changes to fire safety provisions are proposed. A Knox Box is recommended. Prior to installation of a Knox Box please consult with the Fire Department.</p> <p>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</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.
 - (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.



Town of Wells, Maine

Staff Review Committee

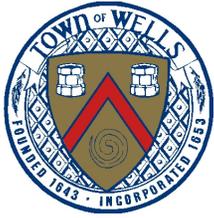
FINDINGS OF FACTS & DECISIONS

Site Plan Amendment Application for "Footbridge North Hotel"

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- (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.

Special Conditions of Approval



Town of Wells, Maine Staff Review Committee

FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for "Footbridge North Hotel" Page 12 of 12

1. All previous conditions of approval shall remain in effect unless specifically amended by this site plan amendment approval.

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

Wells Staff Review Committee

By: _____

DRAFT