

# Town of Wells, Maine Staff Review Committee

**FINDINGS OF FACTS & DECISIONS**  
**Site Plan Amendment Application for “1690 House Bakeshop & Cafe”**  
 Page 1 of 11

## Article X Site Plan Approval

PROJECT INFORMATION	
<b>General:</b>	<p><b>Project Name:</b> 1690 House Bakeshop &amp; Cafe</p> <p><b>Applicant:</b> Grace Olson, 832 Ocean Ave, Wells, ME</p> <p><b>Landowner:</b> Grace Olson, 832 Ocean Ave, Wells, ME</p> <p><b>Location:</b> 1690 Post Road, Wells, ME</p> <p><b>Existing Use:</b> 1 Dwelling Unit, 300 SF Business Retail use, 300 SF Fast-Food Restaurant use, 20 seat Standard Restaurant</p> <p><b>Proposed Land Use:</b> 1 Dwelling Unit, 300 SF Business Retail use, 300 SF Fast-Food Restaurant use, 20 seat Standard Restaurant</p> <p><b>Tax Parcel ID:</b> Tax Map 135, Lot 10</p> <p><b>Zoning District:</b> General Business District</p> <p><b>Art VII Performance Standards:</b> None</p> <p><b>Design Engineer:</b> None</p> <p><b>Plan Submission Date:</b> April 2, 2019</p>
<b>Project Description:</b>	<p>Grace Olson, owner of 1690 Post Road, is proposing a Site Plan Amendment to eliminate the seasonal use and grass parking, to expand the gravel parking area to accommodate year round use, permit gravel parking to be paved, locate a dumpster on the property, extend screening along the southerly lot line and reflect existing conditions. The existing uses of the property to remain unchanged. These uses include a 2,000 SF single family dwelling and a 2,448 SF existing barn and 100 SF Cabana which consists of 300 SF Business Retail, 300 SF Fast-Food Restaurant and 20 seat Standard Restaurant space. The existing shed is accessory storage for the business uses and residence. The property is located off of 1690 Post Road and is within the General Business District. The property is identified as Tax Map 135, Lot 10. The property is served by public sewer and public water. The property shall provide 19 parking spaces for the business uses.</p>
<b>Completeness Determination:</b>	<b><u>To be determined</u></b>
<b>Public Hearing:</b>	Not applicable



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<b>Staff Review Mtg:</b>	4/16/2019
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PROJECT HISTORY
<ol style="list-style-type: none"> <li>1. On 4/2/19 the applicant submitted a site plan amendment application to the Planning Office.</li> <li>2. On 4/8/19 the Code Officer prepared an Article V use determination finding the uses to be permitted and finding that the reviewing authority for the application is the Staff Review Committee.</li> <li>3. On 4/8/19 the Planning Office mailed notices to abutters of the amendment application and of the 4/16/19 Staff Review Committee meeting.</li> <li>4. On 4/12/19 the Planning Office drafted a revised site plan with the applicant.</li> <li>5. On 4/12/19 the Planning Office emailed the applicant regarding information needed.</li> <li>6. On 4/16/19 the Staff Review Committee conducted a workshop, granted waivers, found the application complete (145-77), found the application compliant (145-75), signed the Findings of Fact &amp; Decisions and signed the site plan.</li> </ol>

§ 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>	



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§ 145-75. Criteria and Standards	Comments
<p><b>A. Traffic.</b> The proposed development shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number of exits and entrances that have adequate sight distances and do not conflict with or adversely impact the traffic movements at intersections, schools and other traffic generators. Curb cuts shall be limited to the minimum width necessary for safe entering and exiting. The proposed development shall not have an unreasonable adverse impact on the Town road system and shall provide adequate parking and loading areas. No use or expansion of a use shall receive site plan approval if any parking spaces are located in a public right-of-way or if any travel lane of a state number highway is used as part of the required aisle to access any parking spaces.</p>	<p>This parcel has approximately 164.52' of street frontage along Route One. Parcel does not have multiple street frontages. On-street parking is prohibited. No off-site parking proposed. All parking is shown to meet the 90 degree parking space size requirements. Spaces are noted to be 9' x 18.5' in dimension. 1 handicap accessible parking space is shown and shall have ADA compliant signage. 19 spaces are required which requires 1 handicap parking space.</p> <p>19 spaces are required for the business uses. <math>(1.05 + 7.6 + 10 = 19)</math>. See note 6 and 7. 1 dwelling requires 2 parking spaces. 2 are provided. (Not required to be depicted on the site plan). Retail: <math>300 \times 3.5 / 1000 = 1.05</math> spaces required. Standard Restaurant: <math>20/3 + 20/20 = 7.66</math> spaces required. Fast-Food Restaurant: <math>300 / 30 = 10</math> spaces required.</p> <p>A loading/ receiving area does not exist. One is not proposed. Snow storage areas depicted on the plan. Areas that could be used for parking shall be on pavement or gravel as depicted on the plan. Parking spaces shall be striped and maintained on pavement.</p> <p>Site distances onto Route 1 are sufficient. Speed limit of Route 1 is noted to be 35 MPH.</p> <p>A traffic study cannot be required by the Staff Review Committee.</p> <p><b>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>



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§ 145-75. Criteria and Standards		Comments
<b>B.</b>	<b>Dust, fumes, vapors and gases.</b> Emission of dust, dirt, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation or property or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission, shall be prohibited.	The parcel is prohibited from emitting such dust, fumes, vapors or gases at any point beyond its lot lines.  <b>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>
<b>C.</b>	<b>Odor.</b> No land use or establishment shall be permitted to produce offensive or harmful odors perceptible beyond its lot lines, measured either at ground or habitable elevation.	The parcel is prohibited from producing such odors at any point beyond its lot lines, measured at ground or habitable elevation.  <b>TH THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>
<b>D.</b>	<b>Glare.</b> No land use or establishment shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines onto neighboring lots or onto any Town way so as to impair the vision of the driver of any vehicle upon that Town way.	The parcel is prohibited from producing such glare beyond its lot lines onto neighboring lots or Town ways. See note 10 and 11. No new exterior lighting proposed.  <b>TH THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>
<b>E.</b>	<b>Stormwater runoff.</b> Surface water runoff shall be minimized and detained on site if possible or practicable in accordance with Chapter 202-12F(4) General Standards of the Wells Subdivision Ordinance (wherein the word “site plan” shall be substituted for “subdivision”). If it is not possible to detain water on site, downstream improvements to the channel may be required of the developer to prevent flooding which would be caused by his project. The natural state of watercourses, swales, floodways or rights-of-way shall be maintained as nearly as possible. <b>[Amended 4-27-2007]</b>	The changes proposed have an insignificant effect on the existing stormwater conditions. A stormwater management plan is not necessary. See plan note 19.  <b>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>



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§ 145-75. Criteria and Standards		Comments
<b>F.</b>	<b>Erosion control.</b> Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best-management practices: <b>[Amended 4-27-2007]</b>	Soil erosion and sedimentation control Best Management Practices are a standard condition of approval and are noted on the plan.  <b>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>
(1)	Stripping of vegetation, soil removal and regrading or other development shall be accomplished in such a way as to minimize erosion.	
(2)	The duration of exposure of the disturbed area shall be kept to a practical minimum.	
(3)	Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.	
(4)	Permanent (final) vegetation and mechanical erosion control measures in accordance with the standards of the York County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends.	
(5)	Until a disturbed area is stabilized, sediment in runoff water shall be trapped by the use of debris basins, silt traps or other acceptable methods as determined by the reviewing authority.	
(6)	The top of a cut or the bottom of a fill section which alters the existing grade by more than two feet shall not be closer than 10 feet to an adjoining lot.	
(7)	During grading operations, methods of dust control shall be employed.	
(8)	The proposed site plan shall prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties.	



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

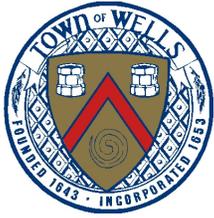
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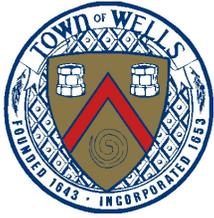
§ 145-75. Criteria and Standards	Comments
<p><b>G. Setbacks and screening.</b> Parking and loading areas, exposed storage areas, exposed machinery installation and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their adverse impact on the surrounding lots. Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and shall be maintained in good condition.</p>	<p>Setback dimensions are depicted on the site plan and noted in note 3. 15' setbacks shown. 40' setback requirement shown. The existing structure on this parcel does not meet this lot line setback from the state highway. The structure is nonconforming but is grandfathered as no new construction is proposed to make this nonconformity more nonconforming. The parcel is not located within 200 feet from the high-water line of the Merriland River, Webhannet River and Ogunquit River.</p> <p>The existing proposed use does not propose to expand its use outside or increase or relocate already approved parking areas to the north. The existing shade trees behind the building are an adequate buffer for this business use. If the business expands its use, proposes use outside or relocates parking, a 6' tall solid screen along the northerly lot line must be considered by the reviewing authority. The business use of this parcel pre-existed the northerly subdivision development. The northerly subdivision has a 25' wide buffer requirement and existing vegetation requirements to maintain along its boundaries as well.</p> <p>The westerly lot line has existing vegetation. This treeline shall be maintained. <b><u>The SRC to consider finding this vegetation to remain sufficient for the westerly residential abutters.</u></b></p> <p>The southerly lot line abuts a residential use. Prior approvals required parking spaces to be a minimum of 15' away from the lot line. Proposed parking shall be 15' from the abutting lot line. Parking shall be screened from the view of the southerly abutter by a 6' tall solid fence. See plan note 18. <b><u>SRC to determine if the proposed fence shall satisfy the screening along the southerly lot line.</u></b></p> <p><b>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>



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§ 145-75. Criteria and Standards		Comments
	<b>Setbacks and screening. (continued)</b>	<p>A 15' landscaped buffer shall be maintained along Route 1. This buffer shall consist of grass, two lilac shrubs, and other shrubs.</p> <p><b>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>
<b>H.</b>	<b>Explosive materials.</b> No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, unless they are stored in compliance with the requirements of the National Fire Protection Association (NFPA) standards.	<p>The size of the propane tank is noted on the plan. Explosive materials shall be stored in compliance with NFPA standards.</p> <p><b>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>
<b>I.</b>	<b>Water quality.</b> All aboveground outdoor storage facilities for fuel, chemicals, chemical or industrial wastes and potentially harmful raw materials shall be located on reinforced cement and shall be completely enclosed by an impervious dike monolithically poured, which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a fifty-year storm, so that such liquid shall not be able to spill onto or seep into the ground surrounding the paved storage area. Storage tanks for home heating fuel and diesel fuel, not exceeding 275 gallons in size, shall be exempted from this requirement.	<p>Water quality standards shall be met.</p> <p><b>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>
<b>J.</b>	<b>Preservation of landscape.</b> Unnecessary disturbance of the landscape shall be minimized, insofar as practicable, by minimizing tree removal and any grade changes.	<p>No grade changes proposed. Landscaping shall be maintained and expanded as shown. Lot coverage proposed to be 28.4%. Maximum allowed coverage (65%) noted. See notes 4 and 15.</p> <p><b>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>

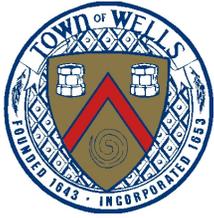


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§ 145-75. Criteria and Standards		Comments
<b>K.</b>	<b>Refuse disposal.</b> The applicant shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. The review board shall consider the impact of particular industrial or chemical wastes or by-products upon the Wells transfer station (in terms of volume, flammability or toxicity) and may require the applicant to dispose of such wastes elsewhere, in conformance with all applicable state and federal regulations. The board may require the applicant to specify the amount and exact nature of all industrial or chemical wastes to be generated by the proposed operation.	<p>An on-site dumpster is proposed. The dumpster shall meet setback requirements and be screened by the existing shed and 6' tall arborvitae. Refuse to be disposed of by the property owner.</p> <p><b>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>
<b>L.</b>	<b>Water supply.</b> The applicant shall demonstrate the availability of adequate water supply for fire protection and the consumption needs of the proposed development.	<p>A letter from the KKWWD dated 6/7/16 provided. No change in use proposed. <b><u>SRC to consider findings an updated letter not necessary.</u></b></p> <p><b>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>
<b>M.</b>	<b>Sewage disposal.</b> The applicant shall provide for the safe disposal of all wastewaters.	<p>A letter from the WSD dated 5/24/16 provided on 6/7/16. No change in use proposed. <b><u>SRC to consider findings an updated letter not necessary.</u></b></p> <p><b>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>
<b>N.</b>	<b>Fire safety.</b> The site plan shall make adequate provisions for access by fire-fighting equipment and personal.	<p>The nearest fire hydrant is noted to be 466' to the south of this parcel off of Route 1. The propane tank shall maintain protective bollards. A Knox Box is recommended to be installed. Prior to the installation of a Knox Box the Fire Department shall be contacted regarding its placement.</p> <p><b>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>

**Standard Conditions of Approval**



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



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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**

1. All previous Conditions of Approval will remain in effect unless amended by this site plan application. The approval of this Amended Site Plan in no way negates the need for applicant compliance with all previously set Conditions of Approval.

Dated at Wells, Maine this \_\_\_\_\_ day of \_\_\_\_\_, 2019

Wells Staff Review Committee

By: \_\_\_\_\_  
Michael G. Livingston, PE Town Planner/ Engineer