

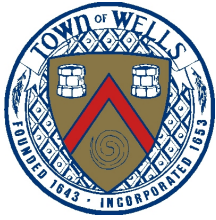
Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS
Site Plan Amendment Application for “Shaw’s Distribution Center”
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Article X Site Plan Approval

PROJECT INFORMATION	
General:	<p>Project Name: Shaw’s Distribution Center</p> <p>Applicant: Jayson Haskell, DM Roma Consulting Engineers, 2 Main St, Suite 18-128, Biddeford, ME 04005</p> <p>Landowner: Shaw’s Realty Company, 205 Spencer Drive, Wells, ME 04090</p> <p>Location: 205 Spencer Drive, Wells, Maine</p> <p>Existing Use: Warehousing/ Truck Terminal</p> <p>Proposed Land Use: Warehousing/ Truck Terminal</p> <p>Tax Parcel ID: Tax Map 50, Lot 27B</p> <p>Zoning District: Light Industrial District</p> <p>Art VII Performance Standards: None</p> <p>Design Engineer: Jayson Haskell, DM Roma Consulting Engineers, 2 Main St, Suite 18-128, Biddeford, ME 04005</p> <p>Plan Submission Date: 9/11/2018</p>
Project Description:	<p>DM Roma Consulting Engineers, agent, has submitted a site plan amendment Application on behalf of the property owner Shaw’s Realty Company to amend the site plan to expand the parking lot resulting in an increase of 45 new parking spaces. No changes are proposed to the existing 537,070 SF structure for Warehousing and Truck Terminal use on the parcel. The property is located off of 205 Spencer Drive and is within the Light Industrial District. Tax Map 50, Lot 27-B.</p>
Completeness Determination:	<p style="text-align: center;">2/19/2019 Town Planner appointed the completeness agent by the Planning Board on 9/24/18</p>
Public Hearing:	<p style="text-align: center;">Waived</p>
Staff Review Mtg:	<p style="text-align: center;">None</p>



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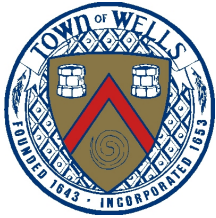
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PROJECT HISTORY

1. On 8/7/18 the applicant submitted a site plan pre-application to expand the parking lot at Shaw’s Distribution Center.
2. On 8/8/18 the Code Enforcement Officer found the use to be permitted in the LI zone.
3. On 8/8/18 the Planning Office mailed notices to abutters of the Article V use determination and of the 8/20/18 Planning Board meeting.
4. On 8/15/18 the Planning Office prepared a site plan pre-application memo for the Planning Board and applicant.
5. On 8/20/18 the Planning Board received the site plan pre-application and scheduled a site walk of the property for 8/27/18.
6. On 8/27/18 the Planning Board conducted a site walk of the property.
7. On 8/29/18 the Planning Office prepared a site walk result memo for the Planning Board and applicant.
8. On 9/10/18 the Planning Board reported the results of the site walk.
9. On 9/11/18 the applicant submitted a Site Plan Amendment Application to the Planning Office.
10. On 9/20/18 the Planning Office prepared draft Article V, VI, VII and completeness review checklists.
11. On 9/21/18 the Planning Office prepared a site plan amendment memo for the Planning Board and applicant.
12. On 9/24/18 the Planning Board received the site plan amendment application, voted to not require WSD or KKWWD letters, voted to appoint the Town Planner as the completeness agent, voted to waive a public hearing and continued the workshop for 90 days so the applicant could obtain MDEP permit approval.
13. On 12/5/18 the Planning Office received a request from the applicant needing additional time to allow MDEP review of the permit application.
14. On 12/17/18 the Planning Board granted a 60 day extension.
15. On 2/5/19 the Planning Office received updated information from the applicant. MDEP has not completed their review and therefore another extension was requested.
16. On 2/11/19 the Planning Board granted a 60 day extension.
17. On 2/20/19 the applicant provided the Planning Office with a MDEP update.
18. On 3/28/19 the applicant requested another extension as MDEP has not completed the permit review.
19. On 4/8/19 the Planning Board granted a 60 day extension.
20. On 4/12/19 the applicant provided revised plans to the Planning Office and an update regarding the MDEP permit pending approval.
21. On 4/17/19 the Planning Office prepared updated Article V, VI and completeness review checklists. A draft compliance (145-75)/ Findings of Fact & Decisions and memo were also prepared.
22. On ____ the Planning Office received the MDEP permit approval.
23. On ____ the Planning Board made various determinations on landscaping/ buffering and parking, found the application compliant and voted to approve and sign the Findings of Fact & Decisions and plan.

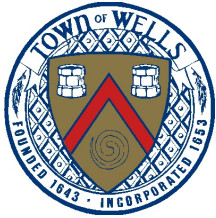


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§ 145-75. Criteria and Standards	Comments
<p>The following standards shall be applied to all applications for site plan approval. These standards are intended to provide a frame of reference for the applicant in the development of his plans and a method 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>	

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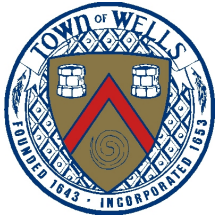
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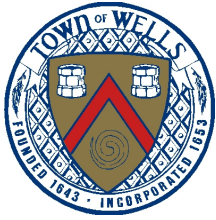
§ 145-75. Criteria and Standards		Comments
<p>A. Traffic. The proposed development shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number of exits and entrances that have adequate sight distances and do not conflict with or adversely 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>1088 ± feet along Spencer Drive, 1,030 ± along Burnt Mill Road, and 306' ± along Tivoli Drive exists. Parcel does have multiple street frontages. A street ROW setback reduction is permitted. A reduction is not proposed. Parcel doesn't not have frontage along a state highway. On-street parking is prohibited. See note 9 on SP1 from 2016 approval.</p> <p>All parking shall meet the 90 degree parking space size requirements, unless otherwise noted (see note 9 on SP1 from 2016 plan). Existing vehicle parking spaces are noted to be 9' x 18.5' in dimension with 26' wide aisles. Some spaces adjacent to the proposed expanded parking spaces near the truck cab parking area will not have a 26' wide aisle. These substandard spaces may remain as they shall be designated (with signs) to be for motorcycle parking only. All loading bays are depicted on the plan. Snow storage areas are depicted on the plan. See note 10 on SP1 from 2016 approval.</p> <p>See note 10 on S-1. A total of 368 parking spaces for employees and trucks/trailers were approved in 2016, of which 16 handicap spaces were required. A field change was granted on 8-8-17 to construct 7 handicap spaces and reduce truck cab parking. The total provided parking remained 378 spaces. The plan it to now create 45 more parking spaces for a site total of 423 spaces. Of the 423 spaces, 231 are passenger vehicle spaces resulting in 10 handicap accessible parking spaces being required. The plan depicts a total of 10 handicap accessible spaces. All handicap accessible parking requires ADA compliant signage. ADA signage is labelled on the plan.</p> <p>Floor area of building is noted as 537,070 SF. Based on the gross floor area 538 parking spaces are required. However the prior site plan approvals/ field change approval granted approval for 378 parking spaces. The applicant proposes 45 more parking spaces for a total of 423 spaces. <u>Planning Board to consider the increase in parking and consider finding the parking provided suitable for the existing uses.</u></p>	



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§ 145-75. Criteria and Standards		Comments
		<p>Site distances onto Spencer Drive not noted. Speed limit of Spencer Drive is noted to be not posted. No change to entrances or exists proposed. Sight distance to remain as is.</p> <p>Areas that could be used for parking shall be on pavement, concrete or gravel as depicted on the plan.</p> <p>All loading bays are depicted on the prior approved plans. No changes proposed to loading bays or loading bay areas.</p> <p>No change to use or expansion of Manufacturing/ Truck Terminal use proposed.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</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>The parcel is prohibited from emitting such dust, fumes, vapors or gases at any point beyond its lot lines.</p> <p>THE PLANNING BOARD 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 such odors perceptible beyond its lot lines as measured at either ground or habitable elevation.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>

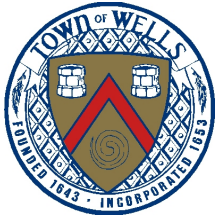


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§ 145-75. Criteria and Standards		Comments
D.	Glare. No land use or establishment shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines onto neighboring lots or onto any Town way so as to impair the vision of the driver of any vehicle upon that Town way.	<p>The parcel is prohibited from producing such glare onto neighboring lots or Town ways. See note 8 on SP1. No changes to lighting proposed. See note 17 on S-1.</p> <p>THE PLANNING BOARD 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>Town Engineer had reviewed the stormwater management considerations proposed for the parking lot expansion and found the proposal to meet Town requirements.</p> <p>MDEP approval granted on _____.</p> <p>Stormwater Management Plan prepared by DM Roma Consulting Engineers.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
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]	<p>See note 14 on SP1. Best Management Practices are a standard condition of approval. Erosion and Sedimentation control notes are detailed on sheet D-1. See note 13 on S-1.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
(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.	



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§ 145-75. Criteria and Standards		Comments
(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.	
(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.	

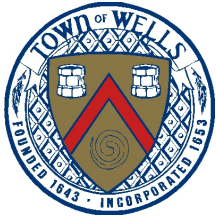


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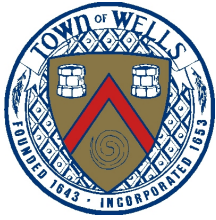
§ 145-75. Criteria and Standards		Comments
G.	Setbacks and screening. Parking and loading areas, exposed storage areas, exposed machinery installation and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse shall have sufficient 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>See Note 9 on S-1 for setback requirements. No new structures or building additions are proposed.</p> <p>A 15' vegetated/wooded buffer shall be maintained along Spencer Drive, Tivoli Dr and Burnt Mill Road. See also 145-38B requirements (below). <u>Planning Board to review the existing landscape buffer requirements and determine if what exists is sufficient.</u></p> <p>The parcel has residential abutters across from Burnt Mill Road. These abutters are located in a residential zone and are separated from the commercial operation by 510' + of wooded area. <u>Planning Board to review the existing landscape buffer requirements and determine if what exists is sufficient.</u></p> <p>Shade trees near the proposed pavement and pond aid in the cooling of stormwater temperatures. Trees to be retained as close as possible to the parking area and pond.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
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>Explosive materials shall be stored in compliance with NFPA standards. No changes proposed to storage of such materials.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>



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§ 145-75. Criteria and Standards		Comments
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.</p> <p>THE PLANNING BOARD 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>Maximum of 65% coverage noted. Proposed lot coverage is 47%. See note 9 on sheet S-1.</p> <p>Sheet S-1 depicts the proposed clearing limits. All existing trees to be retained where possible adjacent to the proposed parking lot expansion.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
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><u>See recommended note 18 on sheet S-1 addressing dumpsters. Dumpster shall meet setback requirements and be screened from the view of abutters.</u></p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>



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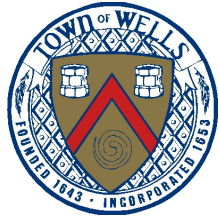
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§ 145-75. Criteria and Standards		Comments
L.	Water supply. The applicant shall demonstrate the availability of adequate water supply for fire protection and the consumption needs of the proposed development.	<p>The parking changes proposed do not alter the sewer services to the property. Planning Board found that a KKWWD letter is not necessary on 9/24/2018.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
M.	Sewage disposal. The applicant shall provide for the safe disposal of all wastewaters.	<p>The parking changes proposed do not alter the sewer services to the property. Planning Board found that a WSD letter is not necessary on 9/24/2018.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
N.	Fire safety. The site plan shall make adequate provisions for access by fire-fighting equipment and personnel.	<p>Existing fire hydrant locations identified throughout the property, see S-1 and SP1 dated 2016. All entry/exit gates shall have Knox Boxes or be manned 24/7, 365 days. Access for firefighting equipment and personnel shall be maintained.</p> <p>Fire access drive surrounding the main building shall be a minimum of 12' wide, shall not be blocked, and be maintained year round.</p> <p>THE PLANNING BOARD 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 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.



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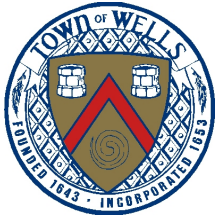
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3. Conditions of approval or notes written on the face of the site plan may be amended only by the reviewing authority that approved the site plan. [§145-74G(1)(b)]
4. Failure to comply with any conditions of approval shall be construed to be a violation 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.
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.



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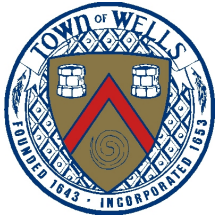
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12. Prior to the pouring of a building footing/foundation, the location of each cottage and/or building to be constructed shall be located on the face of the earth and shall be marked with surveyor pins or stakes. The developer shall receive approval 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 within 30 days of the parking lot expansion areas being paved.

Special Conditions of Approval

1. All previous Conditions of Approval will remain in effect. The approval of this Amended Site Plan in no way negates the need for applicant compliance with all previously set Conditions of Approval.
2. Prior to any construction activity at the site, the applicant and selected contractor shall participate in a pre-construction conference with Town and other regulatory officials to review the project's construction considerations.
3. Prior to any construction on the site, the applicant will post a performance guarantee in the form of cash to cover site stabilization. The amount is based on \$3,500 per acre of disturbed area.
4. 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.
5. The parking expansion areas shall be laid out and as-built certified by the design engineer.



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Dated at Wells, Maine this _____ day of _____, 2019

Wells Planning Board

By: _____

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