



September 3, 2020

Zoning Board of Appeals

Town of Wells
208 Sanford Road
Wells, ME 04090

RE: Aubuchon Realty, Tax Map 123, Lot 73

To whom it may concern:

I am writing in regard to Aubuchon Realty Company's (ARC) property located at 1165 Post Road in Wells, Tax Map 123, Lot 73 (the "Aubuchon Lot"). It is our intention to seek relief from the ZBA for a variance concerning impervious coverage based on the justifications that 1. The granting of the variance will not alter the essential character of the locality, coupled with 2. The hardship is not a result of action taken by the appellant or prior owner.

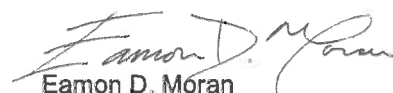
The Aubuchon Lot went through various iterations and owners before it was purchased by ARC. Portions of the Lot were sold over the years, incrementally increasing the size of the abutting parcel now owned by Alan Bauters. Tomco Realty was the original owner of the Lot and was the seller in all of the conveyances. In 1999, Tomco sold the Aubuchon Lot to Storage Realty. The actual parcel sold to Storage Realty was smaller in size than the existing lot. Tomco retained a parcel of land (~30,631 sq. ft.) between the Aubuchon Lot and the Bauters lot in that transaction. The Aubuchon Lot that was sold to Storage Realty was 1.74 acres. In 2003, Tomco sold the remaining land to Bauters. The 1.74-acre Aubuchon Lot was transferred to WTNA (ARC holding company) and then to ARC in 2004. At the time of the purchase, Aubuchon was not aware of any land use compliance issues regarding the developed lot.

The site plan on file with the Town is from 1997, prior to Tomco's sale of the Aubuchon Lot. Tomco did not submit an amendment to the site plan when the Lot was conveyed in 1999. I have enclosed an existing conditions plan of the Aubuchon Lot prepared by Control Point Associates. The plan identifies the lot area as 1.743 acres and depicts building locations, parking spaces and other required elements.

The impervious coverage of the lot prior to Tomco's 1999 transfer was approximately 68%. According to our consultant, the current area of impervious cover on the Aubuchon Lot is approximately 89.3%. Using 68% as the grandfathered percentage, there is a difference in pervious coverage of approximately 16,000 sq. ft. As noted above, Aubuchon was unaware of this deficiency at the time it purchased the Aubuchon Lot in 2004.

I respectfully submit the enclosed ZBA variance application and associated attachments, and look forward to a time when I can meet with the members of the Board.

Sincerely –


Eamon D. Moran
ARC

**WELLS ZONING BOARD OF APPEALS
VARIANCE APPEALS PETITION
ALL ITEMS ON THIS APPLICATION MUST BE COMPLETED**

NAME OF APPELLANT: Eamon D. Moran, President - ARC PHONE: 978-669-4028

MAILING ADDRESS: 73 Junction Square Drive

CITY/TOWN, STATE, ZIP CODE

Concord, MA 01742

LOCATION OF PROPERTY: 1165 Post Road, Wells, ME

TAX MAP # 123 LOT# 73 ZONE GB YEAR PURCHASED 2004

NAME OF OWNER Aubuchon Realty Company, Inc. (ARC)

Variance appeals: To hear and decide, upon appeal, in specific cases such variance from the dimensional requirements of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the dimensional requirements of this chapter would result in undue hardship. A variance may be granted by the Board only where the strict application of the requirements of this chapter to the petitioner and his property would cause undue hardship. The words "undue hardship" as used in this chapter shall mean:

JUSTIFICATION OF VARIANCE

The Wells Zoning Board of Appeals will decide your appeal based on your answers, responses and testimony to the four following questions. Please be very exact and as detailed as possible. Please use additional sheets of paper as needed.

[a] The land in question cannot yield a reasonable return (use) unless the variance is granted; If required to tear up asphalt and loading areas out back to meet the non-conformance

it would be reasonable to expect we would be in violation of our leases, and lose 1 or both of our tenants, resulting in a significant loss of value for the property, and thereby significantly lowering our return and the overall marketability of the asset as a whole.

[b] The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

The portions of land previously conveyed were never utilized for commercial purposes, previous to the conveyance up until present day this land area functions as a residential buffer to our commercial lot. The unique nature of the abutting land not changing use/function since conveyance further supports the reasonableness of our variance request.

[c] The granting of a variance will not alter the essential character of the locality; and The building was constructed in 1974, as such for several decades has been operated and existed in its current form. The character of the Route 1 corridor, neighborhood and locality will not be altered by the granting of the variance, as the current use & coverage ratios are known conditions to the general public and greater local. One may argue that drastically altering the site conditions, its access or other, to meet coverage ratios may be a detriment to public safety and thereby larger locality / neighborhood as a whole.

[d] The hardship is not the result of action taken by the appellant or prior owner.

Our cover letter summarizes the ownership history in full, but in short: the first conveyance of land, and resulting non-conformity, occurred in 1999, when Tomco sold to Storage Realty. Then Tomco sold additional land to Alan Bauters in 2003, the current abutter. In 2004 the Aubuchon lot, in its reduced size was sold to ARC, without knowledge of any land use compliance issues regarding the existing, developed lot.
I certify that the information contained in this application, and its supplement, is true and correct.


Signature of Appellant

10-21-20

Date

LISTING OF ABUTTERS

Applicant's Name: _____

This form is used to list the names, addresses, and tax map/lot Numbers of all properties which abut a property. The definition of **ABUTTER** is **“A person who owns adjacent land or land across a street right-of-way from the subject lot”**. Notification of abutters is a requirement. Abutter information shall be obtained from the Town Tax Assessor's records. Use additional sheets if necessary.

Names, Addresses, and Tax Map & Lot Numbers of Abutters to Proposed Project

Name	Address	Tax Map	Lot
L + M Holdings LLC	P. O. Box 399, Wells, ME 04090	123	061
Wells Auto Museum, Inc.	P. O. Box 496, Wells, ME 04090	123	063EXE
Janet & Jennifer Aldrich	P. O. Box 1270, Wells, ME 04090	123	064
Brent Marriner	P. O. Box 326, Wells, ME 04090	123	072
Alan Bauters	1155 Post Road, Wells, ME 04090	123	074
Sanford Institute for Savings	900 Main St., Sanford, ME 04073	123	075
Belle of Maine Condominium LLC	1139 Post Rd, Wells, ME 04090	123	076
Thomas Bracy	140 Bayview Terrace	123	071

I hereby certify that the abutter information provided with this application is accurate and all abutters have been notified


Signature of Applicant

10-26-20
Date



New Pylon & Entrance



Aubuchon



Aubuchon & Borealis



Side by Borealis



View from Rt. 1 entry



Rear view

EXHIBIT A

A certain parcel of land with the buildings thereon located on the easterly side Route 1, Wells, York County, Maine, and being more particularly described as follows:

Beginning at the northwesterly corner of the herein described parcel, said point being located at the apparent easterly sideline of Route 1; thence running S 78° 48' 28" E along land now or formerly of Walter Aldrich and Edward Jellison a distance of 394.60' to other land now or formerly of Tomco Realty, Inc.; thence turning and running in a southwesterly direction along other land of Tomco Realty, Inc. the following bearings and distances:

- S 08° 18' 12" W, a distance of 92.43';
- S 49° 55' 38" W, a distance of 48.57';
- S 21° 27' 59" W, a distance of 29.54';
- S 11° 46' 06" W, a distance of 45.94' to land now or formerly of Northeast Bank of Sanford;

Thence turning and running in a northwesterly direction along land now or formerly of Northeast Bank of Sanford the following bearings and distances:

- N 77° 54' 59" W, a distance of 39.82';
- N 79° 46' 39" W, a distance of 149.46'; and
- N 78° 24' 45" W, a distance of 145.33' to the apparent easterly sideline of Route 1;

Thence turning and running N 03° 19' 56" E along the apparent easterly sideline of Route 1 a distance of 208.07' to land now or formerly of Walter Aldrich and Edward Jellison, being the point of beginning. Containing 1.74 acres, more or less.

Excepting a 20' wide right-of-way along the entire southerly boundary of the herein described parcel; said right-of-way being for the purpose of providing ingress and egress from Route 1 to other property now or formerly of Tomco Realty, Inc. and also includes the right to install and maintain utilities, all as set forth or reserved in deed from Tomco Realty, Inc. to Storage Realty Corp. dated July 28, 1999 and recorded in the York County Registry of Deeds in Book 9602, Page 141. See plan on file at the York County Registry of Deeds, Plan Book 175, Page 49 for a more particular description of said right of way.

Subject to a power line easement as recorded in said Registry in Book 1810, Page 304.

Subject to a sewer easement as recorded in said Registry in Book 3127, Page 269.

Subject to a water line easement and a right of way granted to Alan R. Bauters as set forth in instrument dated July 28, 1999 and recorded in said Registry in Book 9602, Page 140.

2pg → Gateway Title 21 Atlantic Pl S Portland, ME 04106

CONSTRUCTION DETAIL

CONSTRUCTION DETAIL (CONTINUED)

Element	Cd	Description	Element	Cd	Description
Style: Model	16	Shop Center LO			
Grade	94	Commercial Average			
Stories:	03				
Occupancy	1				
Exterior Wall 1	3.00	Brick/Masonry			
Exterior Wall 2	20	Vinyl Siding			
Roof Structure	25	Flat			
Roof Cover	01	Tar & Gravel			
Interior Wall 1	04	Drywall/Sheet			
Interior Wall 2	05				
Interior Floor 1	06	Vinyl Floor			
Interior Floor 2	04	Concr Adv Grad			
Heating Fuel	03	Gas			
Heating Type	03	Hot Air-no Duc			
AC Type	03	Central			
Bldg Use	000C	OVERRIDE MDL-94			
Total Rooms	00				
Total Bedrms	00				
Total Baths	5				
Heat/AC	01	HEAT/AC PKGS			
Frame Type	02	WOOD FRAME			
Baths/Plumbing	01	LIGHT			
Ceiling/Wall	05	SUS-CEIL & WL			
Rooms/Prtms	01	LIGHT			
Wall Height	15.00				
% Conn Wall	0.00				
1st Floor Use:	000C				

OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)

Code	Description	LB	Units	Unit Price	Yr Bilt	Cond. Cd	% Good	Grade	Grade Adj	Appr. Value
PAV1	Paving Asphalt	L	24,000	1.50	1983		50		0.00	18,000
LT6	W/DOUBLE LI	L	2	1500.00	1978		45		0.00	1,350
CNP1	Canopy Avg.	L	120	9.00	1978		75		0.00	1,810
PAT2	Patio Gd.	L	216	5.00	1999		90		0.00	970
CNP1	Canopy Avg.	L	920	9.00	2013		50		0.00	4,140

BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprc Value
BAS	First Floor	17,652	17,652	17,652	52.62	928,848
FDN	Foundation	0	17,652	17,652	3.68	65,038
PTO	Patio	0	2,506	1,236	2.62	6,578
STP	Deck/Steop	0	96	10	5.48	526
UST	Utility, Storage, Unfinished	0	1,380	414	15.79	21,785
Ttl Gross Liv / Lease Area		17,652	39,286	19,437		1,022,775

