

Town of Wells, Maine Review Checklist

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Project Name/District: Congdons Donuts/ General Business & Residential A
Districts- Tax Map 123, Lot 5 and 6

Date of Review: 07-27-20; 02/04/21;
03/10/21

Prepared By: Office of Planning & Development

Company Name: Town of Wells

Article VI

Town-Wide Regulations

§ 145-35. General regulations.		Application Meet Requirements			
		Yes	No	NA	Comments
A.	All uses shall conform to the provisions of this chapter.	Y			
B.	All lots (except lots being merged with an abutting parcel) and structures shall comply with dimensional requirements specified for the district in which they are located, except those considered nonconforming. Where a single lot of record contains more than one principal structure, the lot may not be divided in a way which would create a parcel or parcels which do not conform to the requirements of this chapter for lot size, setbacks or street frontage. [Amended 4-19-1997]	Y			Existing Tax Map 123, Lot 5 to be merged with Map 123, Lot 6 to make lot conforming to lot coverage. See plan note 1 on sheet C2.1.
C.	A residential lot with a dwelling unit may be used for keeping noncommercial domestic poultry and domestic livestock in conformance with Article V District Regulations. Structures used exclusively for the housing of such domestic poultry or livestock with a ceiling height below 6.5 feet or footprint area 50 square feet or less shall not require a building permit. Domestic poultry and livestock shall be contained within the lot boundaries.			NA	
D.	No manufactured home which was manufactured before June 15, 1976, may be brought into the Town of Wells unless suitable evidence is provided to the Code Enforcement Officer that the manufactured home does not contain aluminum electrical wiring, that the manufactured home contains two exterior exits and that the roof is constructed to support a live load of 30 pounds per square foot. [Amended 4-16-1999]			NA	
E.	Land within the lines of a street right-of-way on which a lot abuts shall not be considered as part of such lot for the purposes of meeting the lot area requirements of this chapter, even though the fee to the land may be in the same ownership as the lot.	Y			
F.	No part of a setback area, open space or off-street parking or loading space required by this chapter shall be included as part of any other setback area, open space or off-street parking or loading space similarly required for any other structure or use except as explicitly provided for within this chapter.	Y			
G.	Multiple principal and accessory uses, which may be located within multiple buildings, shall be permitted on a lot.	Y			

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H.	Any lot created after January 1, 1994, shall have frontage on a street which existed prior to January 1, 1994, or on a street which is constructed to the standards required by Chapter 201, Articles II and III of the Wells Municipal Code.	Y			
I.	No floor of a building higher than 30 feet above the average finished grade shall be designed as habitable space. The maximum building height may be increased by the amount required to comply with Chapter 115, Floodplain Management, § 115-6, Development standards, but not to exceed five additional feet provided the building shall not exceed three stories, be covered with a pitched, shingled roof, and be constructed on a foundation used for parking or storage only and not living space. [Amended 11-6-2001]	Y			
J.	Maximum building height requirements do not apply to flagpoles, chimneys, transmission towers, steeples, windmills and similar uninhabitable structures. However, except chimneys which do not exceed the height limit by more than 10 feet, such structures require a lot line setback no less than the minimum required in the district plus the height by which they exceed the prescribed height limitations.	Y			
K.	Lot area used to meet the density requirements of a use on a lot shall not be used to meet the density requirement of any other use.	Y			
L.	A single, uninhabitable accessory structure of 120 square feet or less in gross area and 15 feet or less in height, such as a utility shed, which is accessory to a residential use may be placed within the ordinarily required setbacks as set forth in Article V on any residential lot that contains 5,000 square feet or less, as long as the following minimum setbacks are met:			NA	Parcel exceeds 5,000 SF.
	(1) Twenty-five feet from the boundary of any cemetery or any street right-of-way.				
	(2) Forty feet from the right-of-way of any state highway.				
	(3) The full required setback from any seawall, water body or wetland, according to § 145-33.				
	(4) Five feet from other lot line.				
M.	A single, uninhabitable accessory structure of 120 square feet or less in gross area and 15 feet or less in height, such as a utility shed, which is accessory to a residential use on a residential lot shall be considered legally nonconforming if it was in existence at its current location prior to January 26, 1998. [Added 4-18-1998]			NA	No such structures exist.
N.	The construction, renovation, alteration, maintenance and/or operation of a building, structure or any other type of facility for use in whole or in part as a gambling casino is prohibited in all zoning districts within the Town of Wells. No building permit or certificate of occupancy shall issue for a gambling casino. [Added 11-5-2002]			NA	

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O.	Lots abutting multiple street rights-of-way are permitted to reduce the minimum setback from a lot line abutting any street right-of-way to the minimum setback from a lot line as required for the district in which they are located if the following are met: [Added 6-12-2012]			NA	Parcel does have multiple street frontages. No setback reduction proposed. Setback reduction from Route 1 not permitted.
(1)	Contiguous street frontage for the lot exists on more than one street right-of-way;				
(2)	The minimum setback from any lot line abutting a street right-of-way is met from the street right-of-way that is most compliant with street frontage requirements;				
(3)	If the lot has equal and/or greater than the street frontage requirement on two abutting street rights-of-way, the lot owner may choose which right-of-way shall meet the minimum setback of a lot line abutting a street right-of-way; and				
(4)	The setback reduction shall not be permitted to apply to the setback from any lot line abutting a right-of-way of any state highway.				
§ 145-36. Timber harvesting. [Amended 4-19-1997]		Application Meet Requirements			
		Yes	No	NA	Comments
A.	If timber harvesting is deleted as a permitted use in a district, timber harvesting on a parcel of land in the Maine Tree Growth Program (36 M.R.S.A. §§ 571 to 584-A) shall continue as a permitted use as long as the subject lot, or portion thereof, remains in the Tree Growth Program.			NA	
§ 145-37. Yard sales.		Application Meet Requirements			
		Yes	No	NA	Comments
Yard sales shall be permitted in all districts except the Resource Protection District and shall comply with the following standards:		Y			
A.	A yard sale shall last no longer than three consecutive days and shall only be permitted once per month on a lot or on a contiguous lot in the same ownership.				
B.	A permit for the yard sale shall be obtained from the Town Clerk by the owner or occupant of the lot. The Town Clerk shall provide the Police Department with a copy of all yard sale permits issued before the date of the yard sale. [Amended 4-28-1995]				
C.	Adequate off-street parking shall be provided for customers of the yard sale. Directional signs indicating the parking area(s) shall be provided.				

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D.	Two off-premises signs within 300 feet of the yard sale are permitted to advertise the yard sale. The signs, no larger than two feet by three feet, may be displayed only between the hours of 7:00 a.m. and sunset on the day(s) of the sale. Signs shall not be attached to utility poles. [Amended 4-28-1995]				
E.	The yard sale shall not begin before sunrise and shall not extend after sunset. [Amended 4-28-1995]				
F.	No items for sale, tables or other display equipment shall be placed closer than 15 feet to the lot line(s) fronting a street. [Amended 4-28-1995]				
G.	Within 24 hours after the close of a yard sale, all unsold items, tables and other display equipment shall be removed from the yard and stored within a building. [Amended 4-28-1995]				

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§ 145-38. Landscaping/buffers. [Amended 4-16-1999; 4-12-2003]		Application Meet Requirements			
		Yes	No	NA	Comments
A.	<p>The setback areas along lot lines other than those along street rights-of-way on lots in nonresidential districts which abut a residential district shall be landscaped to provide a visual screen between residential and nonresidential uses. Parking lots, outdoor business storage areas and outdoor business uses shall be visually screened from adjacent residential lots. Said visual screening shall consist of a continuous border of shrubbery at least six feet in height and/or solid fencing six feet in height. Notwithstanding the above requirement, all visual screens shall comply with the sight distance requirements of Chapter 201, Articles II and III. The reviewing authority may waive all or part of this requirement for outdoor business uses if such uses are defined as a low-intensity commercial recreation use. Except in the Beach Business District, all business or institutional parking and outdoor storage areas shall be separated from a street right-of-way by a landscaped buffer strip at least 15 feet wide, planted with shade trees a minimum diameter of three inches at breast height (dbh). In the Beach Business District a landscaped strip four feet wide shall be provided between any outdoor business, storage area or parking lot and a street right-of-way.</p>	Y*			<p>15' wide buffer along Route One and Rest View Lane is identified on sheet C2.1. <u>15' wide buffer to be shown along the full extent of Route 1. One shade tree exists, 1 shade tree is proposed. Some existing vegetation and grass areas to be maintained.</u></p> <p><u>Planning Board to review the Route 1 and Rest View Lane landscaped buffers and determine if what is proposed is sufficient, after the public hearing is held.</u></p> <p>Prior site plan approval had required a tree near the southerly property exit. This tree was to be planted no later than 9/1/17. The required shade tree was not planted as required. On 4/23/18 the Planning Board voted to require this tree to be planted no later than 6-1-18. See note 24. <u>This shade tree was not planted by 6-1-18. The shade tree is proposed to be planned. What is the new deadline to plan this tree?</u></p> <p>This commercial parcel abuts commercial property to the south and west. Screening is not required for these commercial uses.</p> <p><u>Residential lots abut the parcel to the north. One residential abutter on Map 43, Lot 3-3 exists. After the public hearing, the Planning Board to consider the existing wooded areas and tree line to be maintained to be sufficient for the residential abutters to the north.</u></p>

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§ 145-38. Landscaping/buffers. [Amended 4-16-1999; 4-12-2003]		Application Meet Requirements			
		Yes	No	NA	Comments
					<p>An 8' tall stockade fence and row of existing vegetation exists along portions of the westerly lot line and are identified on the site plan.</p> <p>The existing 6' tall solid fence at the food truck area along the westerly boundary is identified on the site plan.</p> <p><u>Are any trees to be required between the new picnic area and Route One, or note existing trees or tree line to be retained?</u></p>
B.	In the Light Industrial District, except to allow for the development of a driveway, the first 40 feet of a lot as measured from the right-of-way of any street shall be planted with shrubs and/or ground cover and shade or evergreen trees with a minimum two-inch diameter at breast height (dbh) planted a maximum of thirty feet on center along the entire distance of the street frontage.			NA	
§ 145-39. Off-street parking.		Application Meet Requirements			
		Yes	No	NA	Comments
A.	Off-street parking may be provided out of doors or within a building. Off-street parking shall be considered to be an accessory use when provided to serve any permitted or nonconforming use. In the calculation of the number of parking spaces required, any fractional number of spaces shall be rounded to the next highest whole number for each use existing or proposed on the property. [Amended 4-16-1999]	Y*			<u>Site plan to note that parking within the Route One right of way is prohibited.</u>
B.	Land may not be used and a building may not be occupied until off-street parking and/or loading facilities are provided.	Y			
C.	Design standards. [Amended 4-28-1995]				

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§ 145-38. Landscaping/buffers. [Amended 4-16-1999; 4-12-2003]							Application Meet Requirements			
							Yes	No	NA	Comments
(1)	All parking areas containing three or more parking spaces, except those serving one- or two-family dwellings, shall be designed according to the following criteria:									10 employee parking spaces are labelled. <u>Parking notes and use notes from 2018 site plan approval to be updated/combined and added to sheet C2.1</u>
	Parking Angle (degrees)	Stall Width, feet	Skew Width, feet	Stall Depth, feet	Aisle Width, feet					
	90	9	na	18.5	26		N		90 degree parking spaces shall comply with these standards. Plan notes the 9' x 18.5' dimensions. 26' wide aisle requirements are noted.	
	60	8.5	10.5	19	16 one way	Y			60 degree parking spaces shall comply with these standards. Plan notes the 8.5' x 19' dimensions.	
	45	8.5	12.75	17.5	12 one way			NA		
	30	8.5	17	17.5	12 one way			NA		
	180	24	na	9	13 one way			NA		
(2)	Every business, commercial, institutional, public and nonprofit use shall provide a minimum of 4% of the total parking spaces for vehicles with handicapped registration plates, but in no case less than one space. Handicapped spaces shall be designed according to ANSI Standard A117.1-1986.						Y			132 parking spaces are required based on the proposed uses. Based on 132 spaces, 6 handicap accessible spaces are required. The plan identifies 6 handicap accessible spaces. Handicap spaces require signage and stripping if on pavement.
(3)	All required parking spaces shall be clearly designated. Handicapped and recreational vehicle spaces shall be identified with signs no smaller than nine inches wide by 12 inches high, posted four feet from the ground.						Y			All handicap parking spaces require ADA compliant signs. Signs are depicted on sheet C2.1

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§ 145-38. Landscaping/buffers. [Amended 4-16-1999; 4-12-2003]			Application Meet Requirements			
			Yes	No	NA	Comments
D.	<p>The following off-street parking standards shall be provided and maintained for each use on a lot except as specified in Subsection F below. The reviewing authority may permit a reduction in the number of spaces provided, based on documentation from the applicant as to the particular needs of the proposed uses, or may require additional parking based on the characteristics of the particular application for approval. The reviewing authority may also permit a reduction in the number of spaces provided based on the availability of mass transit to a lot and its potential use by pedestrians or cyclists. [Amended 4-26-1996; 4-19-1997; 11-2-2010; 11-5-2013; 6-10-2014]</p>					<p>Based on all uses proposed the property is required to provide 132 parking spaces. See note 12 on sheet C2.1</p> <p>110 year round, not stacked, parking spaces (pavement/gravel) are proposed. 13 spaces in the drive-thru are stacked. 62 seasonal grass parking spaces are proposed.</p> <p>The food truck uses (78 spaces required) and beer garden (12 spaces required) total 90 spaces required. The food truck and beer garden to operate when the 85 seat Restaurant area (33 spaces), the bakery (5 spaces) and drive-thru (4 spaces), which total 42 spaces are closed. See hours of operation note 8 on sheet C2.1.</p> <p>132-42 = 90 year round spaces are available for when the 85 seat Restaurant, bakery and drive-thru are closed.</p>
	Use	Required Parking Spaces				
	Bank	1 per 400 square feet of gross floor area, plus 6 stacking spaces for the first drive-up window, plus 2 per additional drive-up window			NA	
	Bowling alley	3 1/4 per lane			NA	
	Congregate housing	1 per housing unit, plus 1 for each 300 square feet of office space			NA	
	Contractor business	1 per 1,000 square feet of gross floor area but no less than 3 per business			NA	

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§ 145-38. Landscaping/buffers. [Amended 4-16-1999; 4-12-2003]			Application Meet Requirements			
			Yes	No	NA	Comments
	Day care	1 per 400 square feet of floor area used for child care, plus 3			NA	
	Dwelling	2 per each dwelling unit, plus 1/2 per bedroom in excess of 4 bedrooms per dwelling unit			NA	
	Life care facility	1 per 2 congregate housing units, plus 1 per elderly housing unit, plus 1 per 3 beds in the nursing home, plus 1 for each 300 square feet of office space			NA	
	Lodging facility	1 1/10 for each sleeping room			NA	
	Manufacturing, warehousing and wholesale businesses	1 per 1,000 square feet of gross floor area but no less than 3 per business			NA	
	Marina	1 per slip or mooring, excluding guest moorings			NA	
	Medical care facility	1 per bed, plus 1 per 200 square feet of office floor area			NA	
	Museums	1 per 500 square feet of gross floor area, plus 1 for each 3 seats in areas used for assembling groups of people			NA	
	Office, business	3 1/2 per 1,000 square feet of gross floor area, but no less than 3 per business			NA	
	Personal service business	1 per 400 square feet of gross floor area, but no less than 3 per business			NA	
	Retail business	3.5 per 1,000 square feet of sales floor area, but no less than 3 per business	Y			1,350 SF x 3.5/1000 = 5 spaces required. (1350 SF Retail use (Bakery).
	Restaurant, standard	1 per 3 seats, plus 1 space for every 20 seats to accommodate employees	Y			115 seats are approved for the standard restaurant use. (85 seats for main restaurant area and 30 seats for the beer garden) 115/3 + 115/20 = 45 spaces required (6 of which are for employees). 10 employee spaces are provided.

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§ 145-38. Landscaping/buffers. [Amended 4-16-1999; 4-12-2003]				Application Meet Requirements			
				Yes	No	NA	Comments
		Restaurant, fast-food	1 per 30 square feet of floor area usable by customers for eating and for food preparation	Y			120 SF for Fast-Food area that serves the drive-thru. 120/30 = 4 spaces required. 1710 SF Fast-Food area for Food Trucks + 615 SF outdoor kitchen area = 2325/30 = 78 spaces required.
		Elementary, junior high	3 per classroom and other rooms used by students			NA	
		High school	3 per classroom and other rooms used by students, plus 1 per 5 students			NA	
		Tent and recreational vehicle parks	See § 145-50C			NA	
		Theaters, auditoriums, function halls, clubs, churches and other places of assembly	1 per 4 seats, based upon occupancy load			NA	
		Shopping Centers	3.5 per 1,000 square feet of retail and business office use. Theaters, restaurants, fast food restaurants will require spaces consistent with this section			NA	
	(1)	For uses not listed above the number of parking spaces required shall be determined by the reviewing authority. The Code Enforcement Officer shall provide the reviewing authority a written opinion regarding the number of spaces he believes should be provided. The reviewing authority shall take into consideration the Code Enforcement Officer's opinion in making any such determination.				NA	
	(2)	Loading bays may be required by the Planning Board for a project which requires Planning Board approval.		Y			A delivery pad area is identified on the site plan. On 5/22/17 the Planning Board found the deliver pad to be sufficient.
E.		Required off-street parking in all districts as determined in § 145-39D shall be located on the same lot as the use it serves unless no reasonable on-site location exists and all of the following off-site requirements are satisfied: [Amended 6-10-2014]		Y			Lot 5 and 6 to be merged. ADLARD LLC now owns Lot 5 and 6. No off-site parking proposed.

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§ 145-38. Landscaping/buffers. [Amended 4-16-1999; 4-12-2003]		Application Meet Requirements			
		Yes	No	NA	Comments
(1)	The off-site parking location is less than 1,000 feet from the boundary line of the property where the use it serves is located;	Y			
(2)	The off-site parking location is established by a recorded easement, or a license or lease agreement, to benefit the property where the use it serves is located;	Y			
(3)	The off-site parking location shall be located within a district in which a commercial parking lot is a permitted use; and	Y			
(4)	A site plan approval or a site plan amendment is obtained from the Planning Board for each property.	Y			
F.	Plans for parking areas shall indicate the location of snow storage or make provision for snow removal. Snow may be stored on required parking spaces if the Planning Board determines that the business(es) will have adequate parking during the winter months without the use of the spaces on which snow is stored.	Y			Snow storage areas are depicted on the plan.
G.	Parking areas within in the Shoreland Overlay District shall meet the shoreline setback required for structures from the water body or wetland adjacent to which they are located.			NA	Parcel is not within the Shoreland Overlay District.
H.	Parking areas shall be designed to prevent stormwater runoff from flowing directly or being piped directly into a water body, to allow for the settling of sediment and the removal of grease, oil and other pollutants.	Y*			<u>Town Engineer to review stormwater management. Stormwater Control plan provided.</u>
I.	All parking areas shall have a firm surface, such as bituminous concrete, gravel or crushed stone. The reviewing authority may waive this requirement for parking areas that will only be used between May 1 and November 1.	Y*			62 seasonal grass parking spaces are proposed <u>Grass parking detail to be provided on detail sheet C9.1.</u> The plan notes that the grass parking spaces shall only be used between May 1 and November 1 of each year.
j.	In the Light Industrial District all off-street parking shall be located at the side and/or in the rear of the building if the building is less than 60 feet from the right-of-way of a street. If the building is 60 feet or more from the right-of-way of a street, then the parking shall be located no less than 40 feet from the street right-of-way and a landscaped buffer meeting the requirements of § 145-38B shall be provided. [Added 4-12-2003]			NA	

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§ 145-40. Signs. [Amended 4-28-1995; 4-26-1996; 4-18-1998; 4-14-2000; 11-5-2002; 5-20-2003; 4-29-2005; 11-6-2007; 6-8-2010]		Application Meet Requirements			
		Yes	No	NA	Comments
A.	Standards for all signs. All signs shall comply with these regulations, regardless of whether or not a permit is required:	Y			See note 7 on sheet C2.1. "Signage shall be in compliance with the Wells Land Use Ordinance. Signs shall obtain approval from the Wells Code Enforcement Office prior to be installed."
(1)	No sign shall cover any architectural details of a building, as defined by this ordinance.				Signs will be determined in compliance by the Code Enforcement Office prior to being placed.
(2)	Signs shall be attached to the ground or to a building, except for portable signs, as regulated by Subsection (2) , below.				Signs will be determined in compliance by the Code Enforcement Office prior to being placed.
(3)	No sign shall project beyond the lot line(s) of the lot on which it is located.				Signs will be determined in compliance by the Code Enforcement Office prior to being placed.
(4)	No sign shall obstruct a driveway or required parking space.				Signs will be determined in compliance by the Code Enforcement Office prior to being placed.

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(5)	No sign shall obstruct or impair the vision of vehicular and pedestrian traffic or otherwise constitute a hazard to the same. No sign shall reduce the sight distance from any driveway, road or street below a distance of 10 feet for every mile per hour of the posted speed limit on the street. Sight distance shall be measured at a point on the driver's side of the exit lane 10 feet behind the curb or edge of shoulder line with the height of the eye ranging from 3.5 to 6.0 feet above the pavement to an object having a height of 4.25 feet located within all of the travel lanes of the intersecting street.				Signs will be determined in compliance by the Code Enforcement Office prior to being placed.
(6)	No sign shall be attached to utility poles, trees or traffic control signs or devices, except for banners or flags approved by the Board of Selectmen, pursuant to Subsection I(1) , below.				Signs will be determined in compliance by the Code Enforcement Office prior to being placed.
(7)	External illumination of signs may only be provided by a white light. The source of the illumination for any sign shall not be visible beyond any lot line.				Signs will be determined in compliance by the Code Enforcement Office prior to being placed.
(8)	No ground sign (monument or pole) shall exceed a height of 20 feet.				Signs will be determined in compliance by the Code Enforcement Office prior to being placed.
(9)	No ground sign shall be located within the street right-of-way.				Signs will be determined in compliance by the Code Enforcement Office prior to being placed.
(10)	A ground sign shall not be located within 400 feet, measured along the street frontage of the lot, from any other ground sign advertising the same business(es).				Signs will be determined in compliance by the Code Enforcement Office prior to being placed.
(11)	Awning signs shall be limited only to placement on the valance of the awning. Awning signs shall be opaque, and shall not be backlit.				Signs will be determined in compliance by the Code Enforcement Office prior to being placed.
(12)	Signs may be located within the required setback from any street right-of-way, but shall not be located within the required setback from any other lot line.				Signs will be determined in compliance by the Code Enforcement Office prior to being placed.
(13)	No wall sign shall cover more than 25% of the total signable area of any facade on which it is affixed.				Signs will be determined in compliance by the Code Enforcement Office prior to being placed.
(14)	All signs shall be maintained in good condition.				Signs will be determined in compliance by the Code Enforcement Office prior to being placed.

Note: Sections A-1, A2, and B through J are reviewed as part of the Sign Permit process with the Code Enforcement Office.

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§ 145-41. Light and glare. [Amended 6-8-2010]		Application Meet Requirements			
		Yes	No	NA	Comments
A.	The Town of Wells recognizes the need to minimize light pollutions and glare from illumination, whether lighting of grounds or by signs, in order to avoid unreasonable impacts on existing uses, abutting properties, and the natural environment. Unreasonable impacts may include contributions to artificial illumination of the night sky, impacts on persons in the surrounding area, and hazards to drivers.	Y*			<p>See note 9 on sheet C2.1 "All exterior lighting shall be downward directional or shielded as to prevent glare onto abutting lots or right of ways."</p> <p>New light poles and lighting fixtures are proposed. <u>Lighting details provided and to be reviewed.</u></p> <p><u>Existing exterior light locations are identified on the site plan. Were previously approved lights removed or not installed? No longer proposed?</u></p> <p><u>A photometric plan may be required. Planning Board to make a determination.</u></p>
B.	In addition to meeting all other applicable requirements, any sign lighting must meet the following requirements:				
(1)	Signs shall be illuminated only by steady, stationary, shielded light sources directed solely on the sign without causing glare or by a constant internal illumination. Any light source shall be shielded with a fixture so that bulbs are not directly visible from neighboring properties or public ways. (See also §145-40 A (7).)	Y			No sign lighting changes proposed.
(2)	No sign shall be animated by means of flashing, blinking or traveling lights or by any other means not providing constant illumination except for a traditional striped, rotating barber's pole, accessory to a barber shop.				
(3)	Notwithstanding the above, electronic message center signs where permitted may change messages no more than every 10 minutes. The message on the electronic message center must change as rapidly as technologically practicable, with no phasing, rolling, scrolling, flashing or blending.				
(4)	All externally lighted signs shall be shielded so as to effectively prevent beams or rays of light from being directed at any portion of the main traveled way of a roadway; or of such low intensity or brilliance as not to cause glare or impair the vision of the driver of any motor vehicle or to create nuisance conditions.				

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§ 145-42. Erosion and sedimentation control. [Amended 4-27-2007]	Application Meet Requirements			
	Yes	No	NA	Comments
Earthmoving operations associated with development construction activities shall be conducted in a manner to prevent or minimize erosion and sedimentation of surface waters in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Maine Department of Environmental Protection and the Cumberland County Soil and Water Conservation District, 1991. Location of structures and streets shall be designed using the existing topography in a manner which avoids slope modifications which could expose areas of soils to erosion or which could jeopardize the slope stability.	Y			Best Management Practices for soil erosion and sedimentation control are a condition of approval. See standard condition of approval notes (1- 16) on the plan.
§ 145-43. Stormwater management. [Amended 4-27-2007]	Application Meet Requirements			
	Yes	No	NA	Comments
Stormwater runoff shall be managed and directed through surface or subsurface drainage systems in accordance with Chapter 202-12F(4) General Standards of the Wells Municipal Code (wherein the word “site plan” shall be substituted for “subdivision”). Stormwater retention practices shall be employed to minimize impacts on neighboring and downstream properties. In areas of aquifer recharge, stormwater infiltration (after separation of leachable harmful substances) shall be required. Where retention/infiltration is unwarranted or unfeasible, off-site improvements to natural or man-made drainage systems may be necessary to increase capacity and prevent erosion at the developer's expense. The natural state of watercourses, swales or floodways shall be maintained.	Y*			Stormwater Control Plan dated 1/5/2021 prepared by Esther K. Bizier, PE of Main-Land Development Consultants, Inc. <u>Town Engineer to review stormwater management.</u>
Chapter 202-12F, General Standards				
(4) Stormwater management. [Amended 4-27-2007]				
(a) Where a subdivision is traversed by a stream, river or surface water drainageway, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. This stormwater management system shall be designed by a registered professional engineer.	Y			

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<p>(b) Drainage easements for existing watercourses or proposed drainageways shall be provided and indicated on the plan.</p>	<p>Y*</p>			<p><u>A 15' wide utility easement to be noted.</u></p> <p>A temporary grading rights area affecting lot 5 and 6 was identified on the 2018 site plan per deed reference 1g and is shown on amended plan.</p> <p>A 15' wide easement to KKWWD per deed reference 1h also identified on 2018 site plan and is shown on amended plan.</p> <p>An existing ditch with extended culvert was installed on Map 123, Lot 6 per 2018 approval and is identified on the amended plan.</p> <p><u>A 14" culvert replaced with an 18" culvert within the Route One right of way was required in 2018. An 15" culvert was installed and an 18" culvert is again proposed.</u></p>
<p>(c) The developer shall provide a statement from the designing engineer that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or in other properties. The engineer shall certify that peak runoff from the subdivision onto other properties shall not be increased either in volume or duration from the peak runoff characteristics existing prior to development.</p>	<p>Y*</p>			<p><u>Provided and to be reviewed.</u></p>
<p>(d) A stormwater management plan, meeting the standards of Chapter 201, Streets and Sidewalks, Articles II and III, Wells Municipal Code, shall be submitted.</p>	<p>Y*</p>			<p><u>Provided and to be reviewed.</u></p>
<p>(e) For subdivisions that require MDEP review under 38 M.R.S.A. § 481 et seq. (Site Location of Development), a stormwater management plan shall be submitted which complies with the Site Location of Development permit and the requirements of MDEP Chapter 500 Stormwater Regulations.</p>			<p>NA</p>	

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<p>(f) For subdivisions that do not require a Site Location of Development permit, but that require a MDEP permit pursuant to 38 M.R.S.A. § 420-D, a stormwater management plan shall be submitted which complies with the requirements of MDEP Chapter 500 Stormwater Regulations.</p>	Y*		<p>2018 lot coverage for Lot 5 was 35,589 SF and consisted of the existing restaurant and parking and required the removal of 3,124 SF to achieve adherence to the grandfathered lot coverage of 35,730 SF from the 2002 site plan approval.</p> <p>2018 lot coverage of Lot 6 was 38,770 SF and was for the new gravel parking area. <u>The construction of this gravel parking area resulted in 12,405 SF of wetland impact?</u></p> <p>Total lot coverage of Lots 5 and 6 based on the 2018 approvals was 74,359 SF. <u>Sheet C2.1 notes only 51,163 SF was previously approved?</u></p> <p>Total area of new (proposed) lot coverage in the GB zone is <u>54,603 SF or 17.34%?</u></p> <p>Then in 2019 the owner installed a gravel drive (<u> SF in area</u>) <u>resulting in 1,385 SF of additional impact?</u></p> <p><u>The applicant now proposes 761 SF of new gravel area and 100 SF additional building area with additional 1,104 SF of wetland impacts?</u></p> <p><u>Various corrections and updated calculations are needed.</u></p> <p><u>Total grass parking area in SF to be noted as well.</u></p> <p><u>If total developed area is over 43,560 SF a MDEP Stormwater Permit is required.</u></p>
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<p>(g) For subdivisions outside of the watershed of a great pond that neither require a Site Location of Development permit, nor a MDEP permit pursuant to 38 M.R.S.A. § 420-D, a stormwater management plan shall be submitted which incorporates the low-impact development techniques set forth in Volume I, Chapter 3 of the Maine Stormwater Best Management Practices Manual, 2006 (LID Techniques) on each individual lot approved by the Planning Board when such LID Techniques are adopted by MDEP. At such time that the MDEP adopts the LID Techniques, the Planning Board shall adopt them for use in approving subdivisions for the Town of Wells.</p>	Y*			<p><u>To be reviewed. MDEP Stormwater Permit may be required.</u></p>
<p>(h) For subdivisions located within the watershed of a great pond containing: 1. five or more lots or dwelling units created within any five-year period; or 2. any combination of 800 linear feet of new or upgraded driveways and/or streets, a stormwater management plan shall be submitted that meets the phosphorus allocation across the entire subdivision in accordance with the methodology described in the MDEP Phosphorus Design Manual, Volume II of the Maine Stormwater Best Management Practices Manual, 2006.</p>			NA	
<p>(i) The Planning Board may require a hydrologic analysis for any site in areas with a history of flooding or in areas with a potential for future flooding, associated with cumulative impacts of development. This hydrologic analysis would be in the form of a "Downstream Analysis" under conditions of the ten-year, twenty-four-hour storm, the twenty-five-year, twenty-four-hour storm, and the one-hundred-year, twenty-four-hour storm, as described below:</p>			NA	
<p>[1] Downstream Analysis Methodology: The criteria used for the downstream analysis is referred to as the "10% rule." Under the 10% rule, a hydrologic and hydraulic analysis for the ten-year, twenty-four-hour storm, the twenty-five-year, twenty-four-hour storm, and the one-hundred-year, twenty-four-hour storm is extended downstream to the point where the site represents 10% of the total drainage area. For example, a ten-acre site would be analyzed to the point downstream with a drainage area of 100 acres. This analysis should compute flow rates and velocities downstream to the location of the 10% rule for present conditions and proposed conditions. If the flow rates and velocities increase by more than 5% and/or if any existing downstream structures are impacted, the designer should redesign and incorporate detention facilities.</p>				

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§ 145-44. Vision obstructions at intersections.		Application Meet Requirements			
		Yes	No	NA	Comments
<p>All corner lots shall be kept clear from visual obstructions higher than three feet above ground level for a distance of 25 feet or a distance equal to the required building setbacks from the streets, whichever is less, from the intersection, measured along the intersecting lot lines.</p>		Y*			<p>Sight distances onto Route One are noted to exceed 350'+. Route One speed limited is noted to be 35 MPH.</p> <p><u>Sight distances at north exit needed. Is this an entrance only or exit only onto Route One? Or will this accommodate entry and exiting? If entrance only, sight distances are not necessary.</u></p> <p><u>Signage at the entry/exit to be required and must be identified on the plan.</u></p> <p>Map 123, Lot 76 entrance is depicted on the plan.</p> <p><u>Separation between new northerly entrance and Rest View Lane to be noted on the plan.</u></p>
§ 145-45. Noise.		Application Meet Requirements			
		Yes	No	NA	Comments
A.	<p>Purpose. Excessive sound and vibrations are serious hazards to the public health, welfare, safety and quality of life. It is the policy of the Town of Wells to prevent excessive stationary sound and vibration, which may jeopardize the health, welfare or safety of its residents or degrade the quality of life. This ordinance shall apply to the control of all stationary sound and vibration originating in the Town of Wells. This ordinance is not designed to impede any person's First Amendment rights of freedom of speech. This ordinance is not designed to impede the growth or economic health of the commercial or industrial sectors of the Town of Wells. This ordinance is designed to prohibit excessive and unreasonable sound and vibrations that are hazards to the public health, welfare, safety and quality of life only. [Amended 6-14-2011]</p>	Y			<p>Sound pressure levels were not provided. If noise is of concern the owner of the parcel will measure noise levels as outlined.</p> <p>See note 8 on sheet C2.1 regarding hours of operation. Restaurant, Drive-thru and Bakery open 5:30 am to 4:00 pm. . Beer Garden area is identified on the plan. Beer Garden hours of operation are 4pm to 1am.</p> <p>Food Truck Area hours to be open 4:00 pm to 2:00 am.</p> <p>The parcel shall comply with the Town Noise Ordinance.</p>

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B.	Violation. It is unlawful, and a violation of the Wells Code to make, emit, continue, or cause to be made, emitted or continued, any excessive, unnecessary or unreasonable noise beyond the boundaries of a person's property in excess of the noise levels established in the Wells Code. Where multiple residences or businesses exist within the confines of a structure, the limits of one's occupancy rights shall be considered the boundary for purposes of measuring noise. [Amended 4-16-1999; 6-14-2011]	Y			
C.	Maximum noise level. The maximum permissible noise level produced by any activity (existing or future) on a lot shall not exceed the following limits: [Amended 6-14-2011]	Y			
(1)	Music, amplified or acoustic, not otherwise exempt, that is plainly audible and excessive, unnecessary or unreasonable at a point, not on the property where the music originates, but at the location where the complaint is made.				
(2)	Other noise levels, not otherwise exempt, plainly audible and excessive, unnecessary or unreasonable at the location where the complaint is made.				
D.	Exemptions. The following shall be exempt from the standards of 145-45(C): [Amended 6-14-2011]	Y			
(1)	Natural phenomena.				
(2)	Church bells rung as part of any official church ceremony or service, and tower clock bells ringing the hour during daytime hours, provided that at no time shall such duration exceed fifteen (15) minutes.				
(3)	Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in any emergency situation, provided, however, that burglar alarms not terminating within fifteen (15) minutes after being activated shall be unlawful.				
(4)	Warning devices required by the Occupational Safety and Health Administration or other state or federal governmental safety regulations.				
(5)	Farming equipment or farming activity.				
(6)	Timber harvesting and milling during daytime hours.				
(7)	Noise from domestic power equipment such as, but not limited to, chain saws, sanders, grinders, lawn and garden tools or similar devices operated during daytime hours.				

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	(8)	Noise generated by any construction, demolition equipment, or mineral extraction (including crushing, screening, or segregating) operated during daytime hours as per the Ordinance or site plan approval, whichever is more restrictive.				
	(9)	Emergency maintenance, construction or repair work.				
	(10)	Noise created by refuse and solid waste collection during daytime hours.				
	(11)	Noise created by any municipal-sponsored events, municipal beach cleaning, school sporting events, parades and Town-approved fireworks displays.				
	(12)	Noises created by plows, trucks and other equipment used in the removal of snow.				
	(13)	Noise from any aircraft operated in conformity with, or pursuant to, Federal law, Federal air regulations, and air traffic control instruction, including any aircraft operating under technical difficulties, any kinds of distress, or under emergency orders of air traffic control.				
	(14)	Noise from trains operating in conformity with or pursuant to all applicable State and Federal laws and regulations.				
	(15)	Emergency or extraordinary situations.				
	(16)	A business may use an outside sound system to notify patrons waiting to pick up an order, obtain a table, or to be able to participate in the activities of the business, provided that such sound does not create an excessive, unnecessary or unreasonable noise.				
	(17)	Noise from the operation of air conditioning or refrigeration units, which are part of the normal operation of a business or businesses located on the premises and which are necessary and normal to the operation of said business, and which air conditioning or refrigeration units are regularly serviced and kept in good repair.				
	(18)	Noise from any idling vehicles at a commercial establishment in the process of loading or unloading merchandise for the establishment, or waiting for the opportunity to do the same.				
E.		The removal or disabling of any noise-suppression devise on any equipment is prohibited. Any noise-suppression devise on equipment shall be maintained in good working order.	Y			
F.		Enforcement. Notwithstanding § 145-63 of this chapter, this section may be enforced by any of the following methods:				

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	(1)	A violation of this section may be considered a land use violation and the enforcement procedures in § 145-63 may be invoked by the Code Enforcement Officer.				
	(2)	A violation of this section may be treated as a civil violation as defined by 17-A M.R.S.A. § 4-B and enforced by a law enforcement officer according to the procedures specified in 17-A M.R.S.A. § 17 and Rule 80H of the Maine Rules of Civil Procedure.				
	(3)	A violation of this section may also be considered the creation of a loud and unreasonable noise as prohibited by 17-A M.R.S.A. § 501 (Offenses Against the Public Order: Disorderly Conduct), provided that neither the Town of Wells nor any of its employees may initiate proceedings alleging a violation of both the Town ordinance and the state statute against the same person or persons for the same incident. [Amended 4-16-1999]				
	(4)	With regard to a business with a Special Entertainment Permit issued under the authority of the Town of Wells, the municipal police and/or a Code Enforcement Officer for the Town of Wells shall have the authority to order that business to cease operation of the violation immediately upon a second visit to the premises within a two hour period, or a third visit within a 24-hour period beginning with the time of the first visit to investigate a noise complaint, when a police officer or a Code Enforcement Officer has on the previous visit(s) heard plainly audible noise in violation of this ordinance, and has reported that to the owner of the property or the person responsible for the excessive or unreasonable noise. The on-duty Municipal Police Supervisor shall accompany a police officer or Code Enforcement Officer responding to subsequent second and/or third noise complaints and shall have the authority to immediately cease operations of the violation source. The Special Entertainment may not resume within a 12 hour period thereafter. [Added 6-14-2011]				
§ 145-46. Utility distribution lines.			Application Meet Requirements			
			Yes	No	NA	Comments
A.	Review. Notwithstanding §§ 145-61 and 145-62, utility distribution lines are allowed in all zoning districts without a building or use permit.				NA	

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B.	Dimensional requirements. The dimensional requirements of Article V and § 145-35J do not apply to utility distribution lines. [Amended 6-4-1996]			NA	
§ 145-47. Utility transmission lines.		Application Meet Requirements			
		Yes	No	NA	Comments
A.	Lot lines. For the purposes of Subsection C, the boundary lines of a utility transmission line right-of-way, whether the right-of-way is in fee simple ownership, a leasehold or an easement, are considered the lot lines of the right-of-way.			NA	
B.	Review. A utility transmission line is a permitted use in all zoning districts upon obtaining site plan approval from the Planning Board in accordance with the provisions of Article X.			NA	
C.	Dimensional requirements.			NA	
(1)	Utility transmission lines must meet setback requirements from lot lines and water bodies to the greatest extent practical by the configuration of the utility corridor in which they are located and by the constraints of topography. With the exception of the setback from lot lines, the dimensional requirements of Article V do not apply to utility transmission lines. All aboveground portions of utility transmission lines shall comply with the setback requirements of Article V and § 145-35J.				
(2)	In all zoning districts where the setback for structures is greater than 10 feet from any lot line, the setback for the underground portion of a subsurface transmission line may be reduced to 10 feet from any lot lines.				
(3)	Subsurface and aerial utility transmission lines may be placed within the setbacks from any lot line abutting a street right-of-way provided no portion of a utility transmission line is placed between ground level and a height of 20 feet above the center line of the street within said setback. [Amended 6-4-1996]				
§ 145-47.1. Public Transportation Shelter. [Added 11-6-2007]		Application Meet Requirements			
		Yes	No	NA	Comments
Public transportation shelters may be placed within the ordinarily required setbacks as set forth in Article V.				NA	

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§ 145-47.2. School Bus Shelter. [Added 11-6-2007]	Application Meet Requirements		
	Yes	No	NA
A single school bus shelter which is accessory to a residential use may be placed within the ordinarily required setbacks as set forth in Article V on any residential lot following staff review for traffic safety and road maintenance impact.			NA