

# Town of Wells, Maine Staff Review Committee

**FINDINGS OF FACTS & DECISIONS**  
**Site Plan Amendment Application for “Southern Maine Extreme”**  
 Page 1 of 12

## Article X Site Plan Approval

<b>PROJECT INFORMATION</b>	
<b>General:</b>	<p><b>Project Name:</b> Southern Maine Extreme LLC</p> <p><b>Applicant:</b> Hana Austin, 170 Summer St, Kennebunk, ME 04043</p> <p><b>Landowner:</b> Kevin Barnard, 12 Willie Hill Road, Wells, ME 04090</p> <p><b>Location:</b> 12 Willie Hill Road, Wells, ME</p> <p><b>Existing Use:</b> 3,800 SF Manufacturing use and 1,200 SF Business Office use</p> <p><b>Proposed Land Use:</b> 2,500 SF Manufacturing use and 2,500 SF Medium Intensity Commercial Recreation use</p> <p><b>Tax Parcel ID:</b> Tax Map 40, Lot 2</p> <p><b>Zoning District:</b> Light Industrial District</p> <p><b>Art VII Performance Standards:</b> None</p> <p><b>Design Engineer:</b> None</p> <p><b>Plan Submission Date:</b> March 5, 2021</p>
<b>Project Description:</b>	<p>Hana Austin has submitted a site plan amendment application for the property located off of 12 Willie Hill Road identified as Tax Map 40, Lot 2. The property is owned by Kevin and Robin Barnard. The property is located within the Light Industrial District. The parcel is 40,370 SF in area. The applicant seeks approval for a 2,500 SF Medium Intensity Commercial Recreation use (cheerleading gym) and for the remainder of the existing 5,000 SF building to be 2,500 SF Manufacturing use. The property has 15 existing parking spaces and is served by on-site private septic system and a drilled well.</p>
<b>Completeness Determination:</b>	<b><u>To be determined</u></b>
<b>Public Hearing:</b>	Not Applicable
<b>Staff Review Mtg:</b>	3/23/2021



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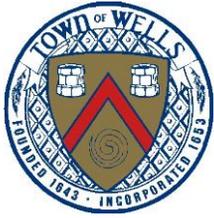
**PROJECT HISTORY**

1. On 3/5/21 the applicant submitted a site plan amendment application for the above described project.
2. On 3/9/21 the Code Enforcement Officer found the proposed uses to be permitted within the Light Industrial District.
3. On 3/12/21 the Planning Office mailed notice to abutters of the use determination and of the 3/23/21 Staff Review Committee meeting.
4. On 3/15/21 the Planning Office received a parking recommendation letter from the Code Enforcement Officer.
5. On 3/16/21 the Planning Office prepared Article V, VI and completeness review checklists. Recommended plan changes and notes were recommended.
6. On 3/16/21 the Planning Office prepared a draft compliance/ Findings of Fact & Decisions for the application.
7. On \_\_\_\_ the Planning Office provided the updated plan to the applicant and owner for review.
8. On 3/23/21 the Staff Review Committee received the site plan amendment application, made determinations, found the application complete and compliant and voted to approve and sign the Findings of Fact & Decisions and plan.

**§ 145-75. Criteria and Standards**

**Comments**

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.



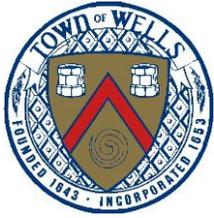
# Town of Wells, Maine Staff Review Committee

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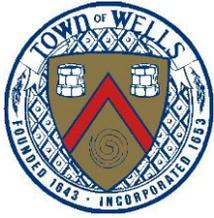
<p><b>A. Traffic.</b> The proposed development shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number of exits and entrances that have adequate sight distances and do not conflict with or adversely impact the traffic movements 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><b>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>279.93' +/- feet along Route 9 and 376' +/- along Willie Hill Road shown and noted. Parcel does have multiple street frontages. A reduction from Route 9 is not permitted. A setback reduction is not proposed per 145-35O.</p> <p>See note 8 stating parking along Route 9 and Willie Hill Road is prohibited. All parking is shown to meet the 90 degree parking space size requirements. Spaces are noted to be 9' x 18.5' in dimension with a minimum of 26' aisle width. 1 handicap accessible parking space is shown. 15 spaces exist which requires 1 handicap accessible space. 1 ADA compliant sign for the handicap parking is shown on the plan.</p> <p>2,500 SF Manufacturing use requires 3 spaces. CEO recommendation letter dated 3/15/21 was provided for the Medium Intensity Commercial Recreation use proposed. 12 parking spaces and 1 handicap accessible space are recommended. <b><u>SRC to review recommendation.</u></b></p> <p>Off-street parking provided. No off-site parking proposed. Snow storage areas depicted on the plan.</p> <p>Areas that could be used for parking shall be on pavement as depicted on the plan. No grass parking proposed.</p> <p>Sight distances onto Willie Hill Road are noted, see note 10. Willie Hill Road speed limit is noted to be 25 MPH. Sight distance clearing requirements to the west to be maintained.</p>
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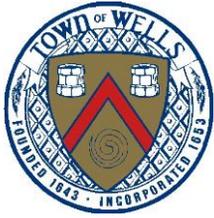
<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
		No new curb cuts proposed. Existing paved entrance/exit onto Willie Hill Road identified. Emergency gravel access onto Willie Hill Road maintained.
<b>B.</b>	<b>Dust, fumes, vapors and gases.</b> Emission of dust, dirt, fly ash, fumes, vapors 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.	<p><b>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>The property is prohibited from emitting such dust, fumes, vapors or gases beyond its lot lines.</p>
<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.	<p><b>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>The property is prohibited from emitting such odors perceptible beyond its lot lines.</p>
<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.	<p><b>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>The property is prohibited from producing such glare onto neighboring lots or Town ways. See plan note 9. No changes to exterior lighting proposed with this amendment.</p>



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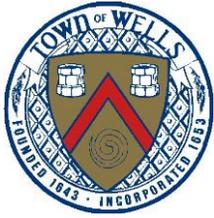
<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
<b>E.</b>	<p><b>Stormwater runoff.</b> Surface water runoff shall be minimized and detained on site if possible or practicable in accordance with Chapter 202-12F(4) General Standards of the Wells Subdivision Ordinance (wherein the word “site plan” 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></p>	<p><b>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>The 2005 site plan and storm water management plan prepared by Anderson Livingston Engineers was reviewed by Underwood Engineers, Inc. Based the 2005 it was found that the proposed storm water management system was in general conformance with the Town’s standards.</p> <p>Drainage easement was approved for Map 40, Lot 2 onto Map 40, Lot 18. Book 14664 Page 532 dated 11/7/2005.</p> <p>No stormwater management changes are proposed.</p>
<b>F.</b>	<p><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></p>	<p><b>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>Best Management Practices for soil erosion and sedimentation control are a condition of approval. See sheet 3 of 2005 approval for soil erosion and sedimentation control notes. No changes proposed.</p> <p>See Findings of Fact &amp; Decisions for conditions of approval.</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.	
(3)	Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.	



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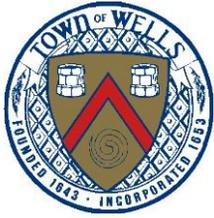
<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
(4)	Permanent (final) vegetation and mechanical erosion control measures in accordance with the standards of the York County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission shall be installed as soon as 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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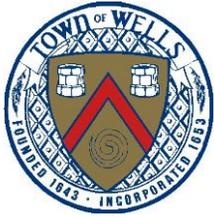
<b>§ 145-75. Criteria and Standards</b>	<b>Comments</b>
<p><b>G. Setbacks and screening.</b> Parking and loading areas, exposed storage areas, exposed machinery installation and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse 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><b>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>Setback requirements of the Light Industrial District are noted, see plan note 6.</p> <p>A 40' wide landscaped buffer is required along Route 9 and Willie Hill Road per 145-38B. This buffer was previously approved to consist of existing vegetation (trees, grass and shrubs) along Route 9; and existing vegetation and 6 shade trees (sugar maples) planted along Willie Hill Road. <b><u>One of these shade trees were not planted adjacent to the emergency access gravel road entry onto Willie Hill Road. The SRC to require the shade tree be planted no later than 6/1/2021.</u></b></p> <p>This commercial parcel abuts a residential lot (Map 40, Lot 1). This property is screened by an existing 6' tall solid fence. This parcel abuts a commercial property (Map 40, Lot 18). No screening is required for this abutter. <b><u>The SRC to consider finding the existing residential screening to remain sufficient.</u></b></p> <p>The dumpster location is permitted to vary, provided the dumpster meets setback requirements and is screened by 6' tall solid fencing. See plan note 16.</p>
<p><b>H. 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>	<p><b>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>Fuels shall be stored in compliance with NFPA standards. The plan identifies an existing above ground propane tank.</p>



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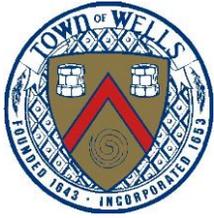
<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
<b>I.</b>	<b>Water quality.</b> All aboveground outdoor storage facilities for fuel, chemicals, chemical or industrial wastes and potentially harmful raw materials shall be located on reinforced cement and shall be completely enclosed by an impervious 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><b>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>Water quality standards shall be met.</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><b>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>Maximum of 65% coverage permitted in the LI zone. See note 6. Existing and Proposed lot coverage is to remain 43.5%. See plan note 7.</p> <p>No tree clearing or grade change are proposed within this amendment application.</p> <p>Existing trees, buffers and vegetation identified on the plan shall be maintained.</p>



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<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
<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><b>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>The dumpster location is permitted to vary, provided the dumpster meets setback requirements and is screened by 6' tall solid fencing. See plan note 16.</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><b>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>The property is not served by public water (KKWWD).</p> <p>The existing well serving the property is identified.</p> <p>The property's fire protection is satisfied by existing off-premise fire pond/hydrant within 500 feet of the property's entrance.</p>
<b>M.</b>	<b>Sewage disposal.</b> The applicant shall provide for the safe disposal of all wastewaters.	<p><b>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>The property is not served by public sewer (WSD).</p> <p>The existing subsurface wastewater disposal system location is approximately identified on the site plan.</p>



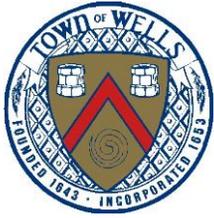
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<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
<b>N.</b>	<b>Fire safety.</b> The site plan shall make adequate provisions for access by fire-fighting equipment and personal.	<p><b>THE STAFF REVIEW COMMITTEE FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>The property’s fire protection is satisfied by existing off-premise fire pond/hydrant within 500 feet of the property’s entrance.</p> <p>Access to three sides of the building exists. Grass fire lanes to the east and west of the building shall be maintained and clear of obstructions. Internal road/parking layout provides sufficient turning movement for tower truck.</p>

**Standard Conditions of Approval**

1. Site Plan approval secured under the provisions of this chapter shall expire within 10 years from the date on which the site plan is signed if all aspects of the site plan approval are not fully completed and established. Any site plan approval may include a phasing plan according to an approved time schedule not to exceed 10 years from the date on which the site plan is signed. Site plan approval shall expire if a use has been established and then discontinued for five years or more. §145-74F
2. Approval is conditioned upon compliance by the applicant with the Findings of Fact, plans and specifications, and reports which have been received and relied upon by the Town in connection with this development’s proposed compliance with Town Ordinances.
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 per the Reviewing Authority Chart. §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 denial of a site plan approval or denial of a building permit (§145-61.C.1, §145-74.J.), 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 §145-6, §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.



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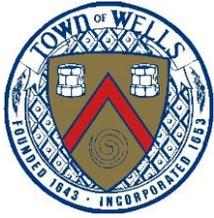
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- (d) Permanent (final) vegetation and mechanical erosion control measures in accordance with the standards of the York County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable 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 and/or Town Staff 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 or Staff Review Committee or Town Staff. §145-74G
  8. Approval of the application or amendment application does not relieve the applicant from the responsibility to obtain building permits prior to construction and a certificate of occupancy prior to occupancy. §145-61, §145-62
  9. It is the applicant's responsibility to contact Dig Safe prior to construction.
  10. It is the Owner/Tenant's/Homeowners or Condominium Association's/ Applicant's/-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 parcel(s). §150-4
  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. §145-74.1.4
  12. Prior to the pouring of a building footing/foundation, the location of each building to be constructed shall be located on the face of the earth and shall be marked and certified to by a surveyor or engineer with pins or stakes. The developer shall receive approval of each building location from the Code Enforcement Office prior to the commencement of footing/foundation excavation. §145-74I
  13. If the property will be converted to a condominium form of ownership, the proposed condominium documents must be consistent with this site plan approval.
  14. Upon completion of construction, the applicant shall provide to the Town record as-built drawings of the property to include buildings, roadways, drainage, screening and landscaped areas, and utility related construction work. §145-74I
  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. §145-74I
  16. All components, features, improvements and conditions of site plan approval shall be fully completed prior to any issuance of a certificate of occupancy. §145-74E

### 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.



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2. A shade tree shall be planted to the north of the gravel emergency access no later than 6/1/2021.

Dated at Wells, Maine this \_\_\_\_\_ day of \_\_\_\_\_, 2021

Wells Staff Review Committee

By: \_\_\_\_\_