



**Planning & Development**  
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### **Site Plan Amendment Application Memo**

Date: April 2, 2021

To: Planning Board

From: Planning Office

Re: Congdon's Donuts – Tax Map 123, Lot 5 and 6 (to become Lot 5 (merged))

Congdon's Donuts Inc. owner; Gary Leech, applicant; Main-Land Development Consultants, agent. Site Plan Amendment Application to merge Lots 5 and 6 into one 15.94 acre parcel, to expand the parking area to a total of 110 year round parking spaces plus 13 drive-thru stacked spaces and 62 seasonal grass parking spaces, to construct a 615 SF Fast-Food Restaurant outdoor kitchen off of the existing Restaurant and to reconfigure picnic tables, portable toilets, dumpsters and lighting. The proposed uses are: 115 seat Standard Restaurant (85 within Restaurant, 30 within the Beer Garden); 1350 SF Business Retail use (bakery); 120 SF Fast-Food Restaurant (take-out/drive thru at Restaurant); 855 SF + 855 SF = 1,710 SF Fast-Food Restaurant use (Food Truck Area) and 615 SF Fast-Food Restaurant outdoor kitchen area. The parcel is located off of 1090 Post Road and is within the General Business District. Tax Map 123, Lot 5 and Lot 6, to be merged and identified as Lot 5.

#### **§ 145-70. Applicability.**

All uses identified as permitted with site plan approval in Article V shall be subject to the requirements of this article in the following situations:

- A. A new use is proposed on a lot;
- B. Resumption of a use which has been discontinued for at least two years is proposed; or
- C. An existing use proposes to expand its gross floor area and/or land area. **YES - parking expansion, outdoor kitchen addition proposed**

#### **§ 145-71. Reviewing authority. [Amended 4-19-1997]**

- A. The reviewing authority for uses or structures requiring site plan review under Article V shall be determined by the Reviewing Authority Chart. **Editor's Note: The Reviewing Authority Chart is included at the end of this chapter. [Amended 4-18-1998] The amendments sought require Planning Board approval.**
- B. If a particular reviewing authority is set forth in sections of the Wells Municipal Code other than Subsection A of this section for a particular use, structure or procedure that conflicts with the above chart, such other sections of the Code will control with respect to the proper review authority.

#### **§ 145-72. Applications. [Amended 4-26-1996]**

Appropriate application forms shall be available from the Office of Planning and Development. All applications shall be filed with the Office of Planning and Development, and the application fee shall be paid to the Town of Wells.

§ 145-73. Fees.

- A. An application fee as established by the Board of Selectmen, following notice and a public hearing, shall be paid at the time an application is filed. **Applicant provided an application fee and escrow**
- B. The applicant shall reimburse the Town for all expenses incurred for notifying abutters of the proposed site plan and advertising of any public hearing regarding the site plan.
- C. The Town staff or Planning Board may employ the services of technical experts to assist it in reviewing applications and in determining appropriate conditions of approval. The applicant shall be informed of the intended use of such services and their approximate cost. A deposit equal to the estimated cost shall be paid to the Town prior to the employment of any such technical experts. The total cost of any such review shall be paid by the applicant prior to the signing of any approved plans. If the entire deposit is not expended, the remaining balance shall be returned to the applicant. **[Amended 4-26-1996; 11-7-2000]**

§ 145-74. Review and approval process.

- G. Amendment to approved site plans.
  - (2) Upon receipt of an application to amend a previously approved site plan, the Code Enforcement Officer shall follow the procedure for reviewing a site plan review preapplication as set forth in Subsection A. Notice of the filing of an application to amend an approved site plan shall follow the notice procedure for the filing of a preapplication for site plan review as set forth in Subsection A. **Procedure for site plan pre-application and application shall be followed. \***
  - (3) The procedure for reviewing applications to amend a previously approved site plan shall follow the procedure for reviewing a site plan review application as set forth in this section unless the reviewing authority determines that the amendment is of such an inconsequential nature that the full site plan review procedure is not necessary. For applications to amend a previously approved site plan, the reviewing authority may combine the preapplication and application steps and may waive the requirement for a public hearing. **Public hearing to be held 4/5/21**
  - (4) Field changes to approved site plans. **[Added 4-18-1998] Not applicable at this time**
- H. The Planning Board may require that a performance bond or other suitable financial guaranties be posted by the applicant. The form and amount of this bond of financial guaranty must be acceptable to the Town Manager. **Not applicable**
- I. Technical assistance. The Code Enforcement Officer, the Staff Review Committee or the Planning Board may, at its discretion, forward a copy of the application, the plans and all supporting documentation to any appropriate technical expert for review. The review may include traffic impact, roadway and parking area design and construction, stormwater management and erosion and sedimentation control, as well as any other concerns of the reviewing authority. The applicant shall pay for the employment of any such experts. (See § 175-73C.) **Not applicable**
- A. Preapplication. **[Amended 4-14-2000] \***
  - (1) Prior to submitting an application, the applicant shall submit to the Office of Planning and Development a preapplication form, sketch plan of the subject property showing existing and proposed buildings, parking areas, lot boundaries, adjacent streets, entrances to the property, water bodies, any other significant features **Plan provided**, a list of names and addresses of abutters to the proposed project **Provided**, and a set of Size 10 envelopes addressed to the abutters **Provided**, affixed with first class postage. The addresses of these abutters shall be obtained from the Town of Wells Tax Assessor's records. Within seven days of receipt of a preapplication by the Office of Planning and Development, the Code Enforcement Officer shall:
    - (a) Determine the level of review to be required under § 14-71 and whether or not the proposed use is a permitted use on the subject lot. **On 7/10/20 the Code Officer determined the uses are permitted.**
    - (b) If the proposed use is a permitted use on the subject lot: **Abutter notification mailed**

7/10/20

- [1] Send or deliver a notice to the applicant and the abutters of such determinations by first class mail. **YES**
  - [2] Certify that said notices have been sent or delivered.
  - [3] If the reviewing authority pursuant to § 145-71 is the Code Enforcement Officer, indicate to the applicant the information the applicant needs to submit as part of the application. **Not applicable**
  - [4] If the reviewing authority pursuant to § 145-71 is the Staff Review Committee or the Planning Board, place the applicant on the next available agenda for a preapplication meeting, if a preapplication meeting is requested by the applicant. **Planning Board received the site plan amendment application on 7/20/20**
- (c) If the proposed use is not a permitted use on the subject lot, send a notice to the applicant of such determination by first class mail and certify that said notice has been sent.
- (2) The abutters' notification sent pursuant to Subsection A(1)(b)[1] above shall include a copy of the preapplication form and an explanation of the purpose of the notification. **YES** If the reviewing authority is the Staff Review Committee or the Planning Board and a preapplication meeting with the Committee or Board is requested by the applicant, the preapplication meeting date shall also be included in the notification **YES**, and said notification shall be sent or delivered by first class mail at least 10 days before the meeting. **Abutter notification mailed on 7/10/20; meeting was held on 7/20/20**
  - (3) The Staff Review Committee or the Planning Board at its preapplication meeting with the applicant shall indicate the information which the applicant will be required to submit as part of the application and may schedule an on-site inspection of the property. The Committee or Board may waive any of the submission requirements listed in § 145-77 if it determines that they would not be applicable or are not necessary to determine that the standards of § 145-75 have been or will be met. **Site walk held 7/29/20.**
  - (4) If the applicant does not request a preapplication meeting with the Staff Review Committee or the Planning Board the applicant is encouraged to meet with the Director of Planning and Development to discuss the project and the information the applicant will be expected to submit as part of the application.

### **Recommendations and Conclusions:**

1. The Planning Board should consider comments made during the public hearing.
2. The Planning Board should review the following completeness and compliance review items (see review checklists and plan markups for complete review comments):
  - a. Various plan markups, labels and notes to be addressed by the applicant.
  - b. Wetland impacts to be clarified. Total wetland fill is noted/totaled as 15,285 SF with a 169 SF area to be restored. The access road will require additional fill due to the side slopes.
  - c. MDEP Stormwater Permit an NRPA Permits were filed and pending approval.
  - d. The outdoor storage/ recycling area noted, does it contain a dumpster? If so, this is not permitted within a setback.
  - e. Landscaping/ Buffering:
    - i. Route One and Rest View Lane landscaped buffers to be determined after the public hearing.
    - ii. Are any trees to be required between the new picnic area and Route One?
    - iii. A shade tree was not planted by 6-1-18 as previously required. The shade tree is proposed to be planted. What is the new deadline to plant this tree?

- iv. Residential abutters screening to be determined (Barefoot Cottage Homes has 1 residential home to the west, Rest View Lane homes to the north)
  - f. Grass parking:
    - i. Details to be provided (detail to be added to sheet C9.1) The applicant does not intend to reinforce the grass parking. The soils would not support vehicular travel, parking or fire trucks.
    - ii. The Planning Board to review if the grass parking areas are to be reinforced or if further restricting the parking season to July thru September is necessary to avoid sinking into the grass.
  - g. Existing exterior lighting locations to be identified. Applicant to confirm prior approved lighting was not installed or is no longer proposed to be installed.
  - h. Stormwater management plan initially reviewed by the Town Engineer. Preliminary review indicates some pipe capacity issues. Proposed treatment plan appears good. Some grading issues exist.
  - i. Sight distances at new entrance onto Route One are provided.
  - j. New entrance width is proposed as 24 foot. Therefore, two-way traffic flow is possible. Are turning movements to be restricted? What directional signage is proposed?
  - k. Planning Board to consider if additional traffic data is required for the amendment proposed. Additional entrance is proposed approximately 50 feet from Rest View lane.
2. The Planning Board to continue the workshop for 60 days.