



# Town of Wells, Maine Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Site Plan Amendment Application for “Congdon’s Donuts”**  
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## Chapter 145, Article X Site Plan Approval

<b>PROJECT INFORMATION</b>	
<b>General:</b>	<p><b>Project Name:</b> Congdon’s Donuts  <b>Applicant:</b> Gary Leech, Congdon’s Donuts, Inc. 1090 Post Road, Wells, ME 04090  <b>Landowner:</b> MCLAMB, LLC, 293 Meetinghouse Road, Wells, ME 04090  <b>Location:</b> 1090 Post Road, Wells, ME  <b>Existing Use:</b> 85 seat Standard Restaurant (Nov 2 – April 31); 115 seat Standard Restaurant (May 1 to Nov 1); 1350 SF Business Retail use (bakery); 120 SF Fast-Food Restaurant (take-out/drive thru); and 684 SF Fast-Food Restaurant use (Food Truck Area).</p> <p><b>Proposed Land Use:</b> 115 seat Standard Restaurant; 1350 SF Business Retail use (bakery); 120 SF Fast-Food Restaurant (take-out/drive thru); and 2,325 SF Fast-Food Restaurant use (10 Food Trucks and 615 SF Outdoor Kitchen) on 15.94 acres</p> <p><b>Tax Parcel ID:</b> Tax Map 123, Lot 5  <b>Zoning District:</b> General Business District and Residential A District  <b>Art VII Performance Standards:</b> None  <b>Design Engineer:</b> Main Land Development Consultants, Inc. 69 Main St. Livermore Falls, ME 04254  <b>Plan Submission Date:</b> July 7, 2020</p>



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<b>Project Description:</b>	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. A 160 SF second story addition is also proposed above the Standard Restaurant/Bakery. The parcel is located off of 1090 Post Road and is within the General Business and Residential A Districts. Tax Map 123, Lot 5 and Lot 6, to be merged and identified as Lot 5.
<b>Completeness Determination:</b>	03/22/2021
<b>Public Hearing:</b>	4/5/2021
<b>Staff Review Mtg:</b>	2/17/2021

<b>PROJECT HISTORY</b>
1.



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<b>§ 145-75. Criteria and Standards</b>	<b>Comments</b>
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.	

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<b>§ 145-75. Criteria and Standards</b>	<b>Comments</b>
<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>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>Site plan note 18 states that parking within the Route One right of way and along Rest View Lane is prohibited. 10 employee parking spaces are labelled.</p> <p>See notes 12 and 14 regarding use and parking requirements.</p> <p>90 degree parking spaces shall comply with these standards. Plan notes the 9’ x 18.5’ dimensions. 26’ wide aisle requirements are noted. 60 degree parking spaces shall comply with these standards. Plan notes the 8.5’ x 19’ dimensions.</p> <p>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. 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>



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		<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><math>132 - 42 = 90</math> year round spaces are available for when the 85 seat Restaurant, bakery and drive-thru are closed.</p> <p>Snow storage areas are depicted on the plan.</p> <p>62 seasonal grass parking spaces are proposed</p> <p><b><u>The applicant does not propose to reinforce the grass parking areas with gravel beneath the grass or plastic grid pavers. The applicant to only mow the existing grass areas.</u></b></p> <p><b><u>The existing soils will not support vehicular traffic.</u></b></p> <p><b><u>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.</u></b></p> <p><b><u>Plan note 14 on sheet C2.1 currently notes that the grass parking spaces shall only be used between May 1 and November 1 of each year.</u></b></p> <p>Sight distances onto Route One are noted to exceed 350'+. Route One speed limited is noted to be 35 MPH.</p>
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## FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for “Congdon’s Donuts” Page 6 of 21

§ 145-75. Criteria and Standards	Comments
	<p>Sight distances at new northerly curb cut provided and exceed 350'+ in both directions.</p> <p>Map 123, Lot 76 entrance is depicted on the plan.</p> <p>The parcel street frontage totals 746.81 feet on the Standard Boundary Survey (Sheet S1.1) prepared by Main-Land Development Consultants, Inc. dated 03-09-2020. Street frontage is noted on sheet C2.1.</p> <p>On 4/2/18 the Planning Board to consider if additional traffic data is necessary for the proposed amendment. The Food Truck fast food operation to occur during evening hours. Restaurant hours of operation will also be occurring in the evening hours for a “Beer-garden.” See note 12 regarding hours of operation. Restaurant, Drive-thru and Bakery open 5:30 am to 4:00 pm. Food Truck Area now proposes to be open 4:00 pm to 2:00 am. Beer Garden area is identified on the plan. Beer Garden hours of operation are 4pm to 1am. See note 12.</p> <p><b><u>Planning Board to consider if traffic data is required for the amendment proposed. Additional entrance is proposed approximately 50 feet from Rest View lane. Sight distances are noted on sheet C2.1 and exceed 350' in both directions.</u></b></p> <p><b><u>Width is proposed as 24 foot. Therefore two-way traffic flow is possible. Are turning movements to be restricted? What directional signage is proposed?</u></b></p>



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<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
<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>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>The parcel is prohibited from emitting dust, fumes, vapors or gases at any point beyond its lots 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>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>The parcel is prohibited from producing such odor at any point beyond its lot lines as measured at ground or habitable elevation.</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>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>See note 10 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><b>Lighting details provided and to be reviewed.</b></u></p> <p>Existing exterior light locations are identified on the site plan. Previously approved exterior lights not installed and no longer proposed.</p> <p>A photometric plan was not required by the Planning Board on 3/15/21.</p>



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§ 145-75. Criteria and Standards	Comments
<p>E. <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>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>Stormwater Control Plan dated 1/5/2021 prepared by Esther K. Bizier, PE of Main-Land Development Consultants, Inc.</p> <p><b><u>Town Engineer to review stormwater management. A MDEP Stormwater Permit and NRPA Permit were applied for. Pending approval.</u></b></p> <p>A 15' wide utility easement is noted.</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><b><u>A 14” culvert was to be replaced with an 18” culvert within the Route One right of way in 2018. A 15” culvert was installed where an 18” culvert was required. Is the 15” culvert to be replaced?</u></b></p>





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		<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 approved as 38,770 SF and was for the new gravel parking area.</p> <p><b><u>The construction of the approved gravel parking area resulted in 12,405 SF of wetland impact (See Note 1 on sheet C1.1). The applicant proposes to restore 94 SF and 169 SF of wetland (263 SF total). Sheet C2.1 notes 12,537 SF of wetland impact? Clarification needed.</u></b></p> <p><b><u>Total wetland fill is noted/totalled as 15,285 SF with a 169 SF area to be restored. The access road will require additional fill due to the side slopes.</u></b></p> <p>Total lot coverage of Lots 5 and 6 based on the 2018 approvals was 74,359 SF. See note 11 on sheet C2.1.</p> <p>Total area of new (proposed) lot coverage in the GB zone is 78,967 Sf or 24.70%.</p> <p>In 2019 the owner installed a gravel drive resulting in 1,385 SF of additional wetland impact. This gravel drive is proposed to be widened and will create a total wetland impact of 2,437 SF (see label on sheet C2.1) (added impact of 1,052 SF).</p>
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<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
		The applicant also proposes 299 SF and 12 SF in new wetland impacts.  <b>Total grass parking area in SF to be noted as well.</b>
<b>F.</b>	<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>	<b>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>  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.
(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.	
(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.	



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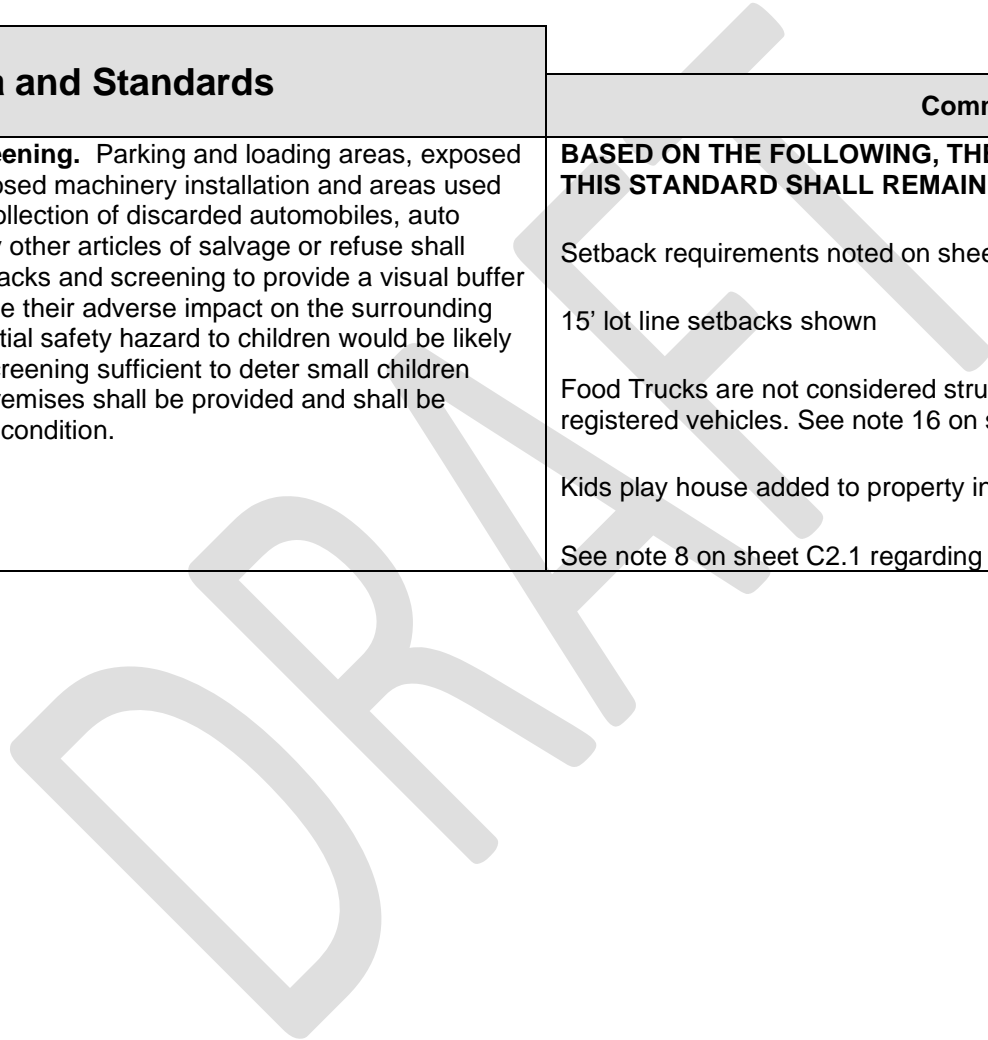
<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
(6)	The top of a cut or the bottom of a fill section which alters the existing grade by more than two feet shall not be closer than 10 feet to an adjoining lot.	
(7)	During grading operations, methods of dust control shall be employed.	
(8)	The 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>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>Setback requirements noted on sheet C2.1.</p> <p>15' lot line setbacks shown</p> <p>Food Trucks are not considered structures due to being annually registered vehicles. See note 16 on sheet C2.1.</p> <p>Kids play house added to property in 2019 meets setback requirements.</p> <p>See note 8 on sheet C2.1 regarding hours of operation.</p>	





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		<p><b><u>The fenced outdoor storage and recycling area cannot contain a dumpster.</u></b></p> <p>40' lot line setback from Route 1 identified. The existing Restaurant is grandfathered as non-conforming as it does not meet the 40' setback from Route 1. No changes are proposed to the existing building that are within 10 feet of the setback requirements.</p> <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 9 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. The parcel shall comply with the Town Noise Ordinance.</p> <p>15' wide buffer along Route One and Rest View Lane is identified on sheet C2.1. <b><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></b></p> <p><b><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></b></p>
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<b>§ 145-75. Criteria and Standards</b>	<b>Comments</b>
	<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. <b><u>This shade tree was not planted by 6-1-18. The shade tree is proposed to be planed. What is the new deadline to plan this tree?</u></b></p> <p>This commercial parcel abuts commercial property to the south and west. Screening is not required for these commercial uses.</p> <p><b><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></b></p> <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><b><u>Are any trees to be required between the new picnic area and Route One?</u></b></p>



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<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
<p><b>H.</b> <b>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>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>No change proposed with regard to storage of fuels. Two 1,000 gallon propane tanks are identified underground adjacent to the drive thru.</p> <p>See plan note 22 stating fuels shall be stored in compliance with NFPA standards.</p>
<p><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>		<p><b>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>No change proposed with regard to storage of fuels.</p>



# Town of Wells, Maine Planning Board

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<p>J.</p>	<p><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>	<p><b>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>Two foot contours shown on Sheet S1.1 Standard Boundary Survey.</p> <p>The RA and GB zone line is identified on the plan. See sheet C2.1, note 11. Area of the GB zone is noted on Sheet C2.1 as 7.23 acres.</p> <p>Lots 5 and 6 to be merged and shall be identified as Tax Map 123, Lot 5. See sheet C2.1, note 1. The parcel area is noted as 15.94 acres on the Standard Boundary Survey (Sheet S1.1) prepared by Main-Land Development Consultants, Inc. dated 03-09-2020.</p> <p>Lot 5 prior approved/grandfathered lot coverage was approved at 35,589 SF or 72.36% in the GB zone. Lot 6 prior approved lot coverage was approved at 38,770 SF or 15% in the GB zone, 0% in RA zone. Prior approved total lot coverage for Lots 5 and 6 combined was 74,359 SF. See plan note 11 on sheet C2.1.</p> <p>The current amendment application proposes to merge Lots 5 and 6 and will eliminate the lot coverage issues previously identified on prior site plan approvals.</p> <p>See note 11 on sheet C2.1. 0% lot coverage proposed in RA zone. GB zone lot coverage to be noted based on area of land in GB zone. Existing GB zone coverage based on existing conditions is 24.43%.</p> <p>Proposed GB zone coverage to be 24.70%.</p>
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§ 145-75. Criteria and Standards		Comments
K.	<p><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>	<p><b>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>The dumpster area screened by 6’ tall solid fencing is identified adjacent to the restaurant.</p> <p><u><b>An outdoor storage/ recycling area is identified adjacent the drive-thru. The plan to note that this fence enclosure cannot contain a dumpster.</b></u></p> <p>A dumpster area is proposed adjacent to grave parking area and shall be screened by a 6’ tall solid fence.</p>
L.	<p><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>	<p><b>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>A letter from the KKWWD dated 5/30/17 for the 115 seat restaurant was provided for the prior site plan approval. An updated letter for the proposed outdoor kitchen addition dated 2/17/21 was provided.</p> <p>See note 13 regarding temporary/emergency water available to Food Trucks.</p>



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<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
<b>M.</b>	<b>Sewage disposal.</b> The applicant shall provide for the safe disposal of all wastewaters.	<p><b>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>A letter from the WSD was provided for the prior site plan approval dated 05/24/17 and was for the 115 seat standard restaurant. An updated letter for the proposed outdoor kitchen addition dated 2/10/21 was provided.</p> <p>The Food trucks have no connection to public or private sewer. See note 13.</p> <p>See note 19 on sheet C2.1 regarding proper disposal of portable toilet waste.</p>
<b>N.</b>	<b>Fire safety.</b> The site plan shall make adequate provisions for access by fire-fighting equipment and personal.	<p><b>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>There nearest fire hydrant is identified to be 900’ north along Route One from the property entrance.</p> <p>Access around all sides of the existing Restaurant/ Bakery are maintained.</p> <p><b><u>The proposed parking areas shall provide sufficient turning radii for the fire trucks.</u></b></p> <p><b><u>The unreinforced grass parking and travelways will not support fire trucks.</u></b></p>



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### **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.
  - (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.



# Town of Wells, Maine Planning Board

## FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for “Congdon’s Donuts” Page 20 of 21

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 unless specifically amended by this application. The approval of this Amended Site Plan in no way negates the need for applicant compliance with all previously set Conditions of Approval.

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

Wells Planning Board

By: \_\_\_\_\_  
Charles Millian, Chairman



# Town of Wells, Maine Planning Board

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