

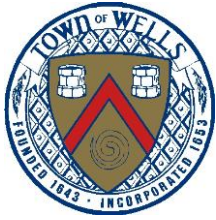


Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS
Site Plan Amendment Application for “Belle of Maine Condominium”
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Chapter 145, Article X Site Plan Approval

PROJECT INFORMATION	
General:	<p>Project Name: Belle of Maine Condominium Applicant: Jim Skeats, 1139 Post Road, Wells, ME 04090 Landowner: Belle of Maine Condominium LLC, 1139 Post Road, Wells, ME 04090 Location: 1139 Post Road, Wells, ME Existing Use: 1 Manager’s Dwelling Unit with accessory Lodging Facility Office, accessory garage for dwelling; 9 Hotel/Motel units and 31 Housekeeping Cottage units Proposed Land Use: 1 Manager’s Dwelling Unit with accessory Lodging Facility Office within accessory garage for dwelling; 9 Hotel/Motel units and 31 Housekeeping Cottage units Tax Parcel ID: Tax Map 123, Lot 76 Zoning District: General Business and 250’ Shoreland Overlay District Art VII Performance Standards: §145-52. Lodging Facility Design Engineer: Frank Emery, PLS, PO Box 3038, Wells, ME 04090 Plan Submission Date: June 16, 2021</p>
Project Description:	<p>Jim Skeats, the applicant has submitted a Site Plan Amendment Application on behalf of the owners, Belle of Maine Condominium. The property is located off of 1139 Post Road identified as Tax Map 123, Lot 76. The property is located within the General Business and 250’ Shoreland Overlay District and is 3.19 acres in size. The site plan amendment is seeking after the fact approval for changes made to lot coverage, parking, pool area, pool enlargement, pool shed, etc. The use of the property remains 31 grandfathered/non-conforming housekeeping cottages; 9 grandfathered Hotel/ Motel units and 1 manager’s dwelling unit for the Lodging Facility (cannot be a separate dwelling unit). No change in use proposed. The property is served by public sewer and public water. The property is a Lodging Facility per 145-52.</p>



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Completeness Determination:	
Public Hearing:	Waived by the Planning Board
Staff Review Mtg:	

PROJECT HISTORY

1. On 6/16/21 the applicant submitted a site plan amendment application for the above described amendment.
2. On 6/23/21 the Code Enforcement Officer prepared an Article V use determination.
3. On 6/23/21 the Planning Office mailed notices to abutters of the use determination, amendment application submission and 7/12/21 Planning Board meeting.
4. On 6/24/21 the Planning Office prepared a memo for the Planning Board and applicant.
5. On 7/12/21 the Planning Board received the site plan amendment application and scheduled a site walk to be held on 7/20/21 at 4:00PM.
6. On 7/20/21 the Planning Board conducted a site walk.
7. On 7/20/21 the Belle of Maine Condominium provided written permission to the applicant to pursue the amendment application on behalf of the Condominium.
8. On 7/21/21 the Town Planner prepared a site walk memo.
9. On 7/21/21 the Planning Office prepared recommended plan changes for the applicant to address, draft Article V, VI, VII and completeness review documents, and a memo summarizing the review for the applicant and Planning Board.
10. On 7/23/21 the Planning Office prepared recommended site plan notes for the applicant to review.
11. On 7/26/21 the Planning Board reported the site walk results, conducted a workshop, voted to waive the public hearing and appointed the Town Planner as the completeness agent.
12. On 8/9/21 the Planning Office received a revised site plan.
13. On 8/17/21 the Planning Board cancelled the 8/23/21 Planning Board meeting.
14. On 9/7/21 the Planning Office prepared revised Article V, VI, VII and completeness review documents. Recommended plan changes were prepared as well.
15. On 9/8/21 the Planning Office prepared a draft compliance/ Findings of Fact & Decisions and memo.
16. On ____ the Planning Office received a revised site plan.



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17. On 9/13/21 the Planning Board conducted a workshop and voted to find the application complete, compliant, made various determinations with regarding to setbacks, buffers and landscaping, and voted to approve and sign the site plan amendment and Findings of Fact & Decisions.

§ 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.



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§ 145-75. Criteria and Standards	Comments
<p>A. Traffic. 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>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>This parcel has approximately 148.2' of frontage along Route 1. Parcel does not have multiple street frontages.</p> <p>No change proposed to the existing entrance and exit onto Route 1. The internal road serving the Lodging Facility is paved. One-way and two-way direction arrows shall be maintained within the site.</p> <p>A portion of the existing sign within the ROW to be removed. See plan note 23 and plan labels.</p> <p>Sight distances onto Route 1 is noted to be 800'+ in both directions. Speed limit of Route One is 35 MPH.</p> <p>See note 22. Parking along or within the Route 1 ROW is prohibited. 1 ADA compliant parking space is shown. See note 22c required an ADA compliant sign.</p>



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§ 145-75. Criteria and Standards		Comments
		<p>See note 22g for parking requirements for the Manager’s Dwelling (2 spaces) and the Lodging Facility based on 1.1 spaces per sleeping room.</p> <p><u>Snow storage areas to be labelled on the plan.</u></p> <p>The property is within the 250’ Shoreland Overlay District. No parking or development is located within 75 feet of the marsh high-water line.</p> <p>The property uses grass parking, paved parking and gravel parking. The plan labels these spaces. Seasonal grass parking was previously required. See plan note 22e. Grass parking may only be used May 1 to November 1st of each year.</p> <p>Traffic data is not required. No change to the number of units or use on the property proposed.</p> <p>The property does not fall within the Sidewalk Development area.</p>
B.	<p>Dust, fumes, vapors and gases. 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>	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>The parcel is prohibited from emitting dust, fumes, vapors or gases at any point beyond its lots lines.</p>



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§ 145-75. Criteria and Standards		Comments
C.	Odor. 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>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</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>
D.	Glare. 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>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>See note 25. This parcel is prohibited from producing such glare onto abutting lots or street right of ways. All existing and proposed exterior lights shall be downward directional and comply with Land Use lighting provisions. No changes to lighting proposed.</p>
E.	Stormwater runoff. 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. [Amended 4-27-2007]	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>The site is previously developed. The existing conditions plan of the property shows changes to grading and retaining walls constructed than what was approved on prior site plans. Town Engineer reviewed changes and determined stormwater management and erosion control requirements are met.</p> <p>Wetland is identified on the plan. Flood zone AE identified on the plan.</p>
F.	Erosion control. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best-management practices: [Amended 4-27-2007]	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>Best Management Practices are a standard condition of approval. The Standard terms and conditions of the Town of Wells are on the site plan.</p>



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§ 145-75. Criteria and Standards		Comments
(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.	
(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.	



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§ 145-75. Criteria and Standards		Comments
(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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Site Plan Amendment Application for “Belle of Maine Condominium”

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<p>G. Setbacks and screening. 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>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p><u>15' setbacks shown. Most units are grandfathered as non-conforming regarding setback and buffer requirements.</u></p> <p><u>25' setback buffer shown per 145-52. Most units are grandfathered as non-conforming regarding setback and buffer requirements.</u></p> <p>Parcel does not abut any known cemeteries. Parcel is not within 200 feet of the high-water line of the Webhannet, Ogunquit or Merriland Rivers.</p> <p><u>The existing house is located within the 40' setback from Route One and is grandfathered as non conforming.</u></p> <p>The 60' setback/buffer from Route One is shown on the plan per 145-52.</p> <p><u>On 9/13/2021 the Planning Board found the existing 15' landscaped buffer along Route One to remain sufficient. This buffer consists of grass and a shade tree.</u></p> <p><u>On 9/13/2021 the Planning Board found the 60' setback/buffer per 145-52 from Route One to be suitable in its grandfathered, non-conforming condition as this requiement was adopted after this property was developed. This 60' wide buffer to remain in its current condition, as depicted on the site plan.</u></p> <p>250' Shoreland Overlay District identified on the plan. No changes proposed within the Shoreland Overlay zone.</p>
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§ 145-75. Criteria and Standards		Comments
		<p><u>On 9/13/2021 the Planning Board found the 25’ buffer from all lot lines required per 145-52 is suitable in its grandfathered, non-conforming condition as this requirement was adopted after this property was developed. This 25’ wide buffer to remain in its current condition, as depicted on the site plan.</u></p> <p><u>On 9/13/2021 the Planning Board reviewed the screening for the residential abutter to the south (lot 77) and found the existing condition to be suitable. The plan notes that the vegetation along the southern property line to remain and the vegetated 25’ buffer shall be maintained. No prior site plan approves required solid fencing or vegetation screening along this southerly boundary.</u></p>
H.	Explosive materials. 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>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>See site plan note 28. All explosive materials shall be stored in compliance with NFPA standards.</p> <p>An above ground propane tank is identified nar unit 2.</p>



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§ 145-75. Criteria and Standards		Comments
I.	Water quality. 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>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>Water quality standard shall be met.</p>
J.	Preservation of landscape. Unnecessary disturbance of the landscape shall be minimized, insofar as practicable, by minimizing tree removal and any grade changes.	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>Prior approved lot coverage is 41,144 SF or 29.6%</p> <p>Proposed lot coverage is 51,686.9 SF or 47.9% in the GB District and 1,684.2 SF or 5% in the Shoreland Overlay District.</p> <p>The 250' Shoreland Overlay zone is identified on the plan.</p> <p>The existing conditions of the property show changes to grading and retaining walls constructed. Town Engineer reviewed changes and determined stormwater management and erosion control requirements are met.</p>



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§ 145-75. Criteria and Standards		Comments
K.	Refuse disposal. 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>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>The existing non-conforming and non-compliant dumpster adjacent to the garage is noted that is shall be removed.</p> <p>The property shall not have a dumpster. See note 27.</p> <p>Refuse shall be properly disposed of by individual units. Individual trash receptacles with lids may be used for refuse by each lodging unit.</p>
L.	Water supply. The applicant shall demonstrate the availability of adequate water supply for fire protection and the consumption needs of the proposed development.	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>No change to the number of units on the property proposed. A revised letter is not necessary.</p>
M.	Sewage disposal. The applicant shall provide for the safe disposal of all wastewaters.	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>No change to the number of units on the property proposed. A revised letter is not necessary.</p> <p>Sewer line/ easement identified along easterly portion of the lot.</p>



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§ 145-75. Criteria and Standards		Comments
N.	<p>Fire safety. The site plan shall make adequate provisions for access by fire-fighting equipment and personal.</p>	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>Plan note 29 requires the Fire Department to be consulted prior to the installation of a Knox box on the property.</p> <p>Plan Note 30 states the emergency vehicle turnaround shall be kept clear of obstructions and have no parking signage installed. Driveway and turnaround areas shall be plowed and maintained accessible year-round.</p> <p>The site plan notes the nearest fire hydrant is approximately 390' north off Route One.</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



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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.
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



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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.
2. Dumpster shall be removed within 60 days of site plan approval.
3. Sign shall be relocated out of the Route One ROW no later than November 1, 2021.
4. The illegally constructed portion of porch at cottage unit #15 shall be removed within 30 days of this site plan approval. A cash performance guarantee in the amount of \$500 shall be provided to the Town to cover the cost of the porch removal. Once the illegal porch construction is removed the performance guarantee to be released back to the person/entity that posted the guarantee. Failure to remove the illegal porch may result in a Notice of Violation from the Wells Code Enforcement Office and may result in daily fines against the owner of unit #15 and the Belle of Maine Condominium Association.

Dated at Wells, Maine this _____ day of _____, 2021

Wells Planning Board

By: _____
Charles Millian, Chairman