



Planning & Development

208 Sanford Road, Wells, Maine 04090

Phone: (207) 646-5187, Fax: (207) 646-7046

Website: www.wellstown.org

Michael G. Livingston, Town Engineer/Planner

mlivingston@wellstown.org

Shannon L.M. Belanger, Assistant Planner

sbelanger@wellstown.org

Site Plan Amendment Application Memo

Date: December 29, 2021

To: Staff Review Committee

From: Planning Office

Re: 1810 Post Road Condominium Realty Office – Site Plan Amendment Application - Map 139, Lot16-A

Sean Pierce of Northern Survey Engineering, LLC has submitted a Site Plan Amendment Application on behalf of Luxe Enterprises, LLC for the property owned by 1810 Post Road, LLC. The property has approval for 2,770 SF Retail Business, Business Office and Business Contractor use within the existing building. The amendment application seeks approval to depict the condominium units 1 and 2, depict the dwelling unit for unit 1, depict 5 employee only parking spaces for unit 2 and to revise the visual screen/ buffer along the northerly lot line. The property is located within the Residential Commercial District and General Business District. Per 145-19A the property to be considered entirely within the Residential Commercial zone. The property is served by public sewer and public water. The property is approximately .70 acres in size. The entrance/ exist to the parcel is located off of Sylvan Way, the private street ROW of the Forest Village North Condominium subdivision. The property is located off of 1810 Post Road and is identified as Tax Map 139, Lot 16-A.

§ 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 on a property which has been discontinued for more than five years is proposed (See §145-12D regarding nonconforming uses.); or
- C. An existing use proposes to expand its gross floor area and/or land area. **YES - new impervious area for parking area 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 requires Staff Review committee 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 deposit.**
- 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.
 - (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 12/22/21 the Code Officer determined the uses are permitted.**

- (b) If the proposed use is a permitted use on the subject lot: **Abutter notification mailed 12/22/21**
- [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. **Staff Review Committee scheduled to receive site plan amendment application on 1/4/22**
- (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 6/28/19; meeting is on 7/2/19**
 - (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. **To be determined**
 - (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 Conclusion:

1. The Staff Review Committee should consider receiving the site plan amendment application.
2. The SRC should review and workshop the V, VI, VII and completeness draft comments and consider the following issues:
 - a. Per 145-19A the property to have the RC zone requirements applied to the entirety of the property.
 - b. The dwelling unit is under review by the Planning Board as part of a subdivision amendment application to the Forest Village North Subdivision.
 - c. Commercial building design standards of 145-24G(4) to be noted. Any future building renovations or reconstruction will be required to comply.
 - d. Is the Route 1 and Sylvan Way 15' wide landscaped buffer still sufficient (shade trees, grass, and proposed evergreen trees)?
 - e. Is the screening provided for abutting Lot 18 sufficient with the fence repair proposed and installation of evergreen trees?
 - f. Prior approved parking space reduction of 1 space was permitted.
 - i. 10 spaces are required based on 3.5 spaces per 1,000 SF; 9 are provided and previously approved due to existing pedestrian sidewalks and public transportation serving this area

- g. Three 90 degree spaces are proposed to become 60 degree angled spaces, but will still function like 90 degree spaces due to the alignment with the spaces across the 26' + wide aisle
 - h. 5 employee only parking spaces are proposed and they do not meet the dimensional requirements. Employee signage, striping and Do Not Enter signage required.
 - i. A revised stormwater analysis is needed for the proposed parking area expansion.
 - j. The sign must be relocated to achieve the required sight distances. The sign was installed within the line of sight and is violation of prior approvals.
 - k. Site plan markups and plan notes to be addressed by the applicant.
3. The SRC to continue the workshop to the next meeting.