



## Planning & Development

208 Sanford Road, Wells, Maine 04090

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

Website: [www.wellstown.org](http://www.wellstown.org)

*Michael G. Livingston, Town Engineer/Planner*

[mlivingston@wellstown.org](mailto:mlivingston@wellstown.org)

*Shannon L.M. Belanger, Assistant Planner*

[sbelanger@wellstown.org](mailto:sbelanger@wellstown.org)

### Site Plan Amendment Application Memo

Date: February 24, 2022

To: Planning Board

From: Planning Office

Re: Kennebunk Savings Bank Solar Array – Tax Map 134, Lot 40

ReVision Energy, Inc has submitted a site plan amendment application on behalf of the applicant/owner, Kennebunk Savings Bank. The Site Plan Amendment Application is to remove the existing Business Office building at the rear of the property and replace it with ground mounted solar arrays (public utility facility use). The existing Bank use and associated drive-thru and parking to remain. The amendment also seeks after the fact approval for changes made to the property since the 1984 site plan approval. The parcel is 1.41 acres in area and is located off of 49 Sanford Road. The property is located within the General Business and 75' Shoreland Overlay District from the Depot Brook. The parcel shall continue to be served by public water and public sewer. Tax Map 134, Lot 40.

#### **§ 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; **YES – solar arrays proposed**
- 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.

#### **§ 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 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 submitted application fee and escrow. Once a public hearing is scheduled additional escrow (\$400) will be required.**
- 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 2/15/22 the use determination was prepared by the CEO**
    - (b) If the proposed use is a permitted use on the subject lot: **Abutter notification mailed 2/15/22**

- [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 scheduled to receive the amendment application on 2/28/22**
- (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 2/15/22; meeting is on 2/28/22**
  - (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 Planning Board should consider receiving the site plan amendment application.
- 2. The Planning Board should review and workshop the V, VI, VII and completeness draft comments and consider the following (see all review checklists for all review comments and note recommendations):
  - a. The property obtained site plan approval in April 1984 (attached). Various changes appear to have occurred without site plan approval (buildings built in different locations, parking built in different locations, etc). This amendment seeks after the fact approval for what exists with regard to the Bank use.
  - b. Recommended plan markups, notes and labels to be addressed (bold property line, etc)
  - c. Shoreland Overlay District zoning requirements to be noted
  - d. Parcel net area to be calculated and noted
  - e. Area of parcel in the General Business zone and in the Shoreland Overlay zone to be noted separately.
  - f. Existing and proposed lot coverage to be noted by zone
  - g. Pavement to be removed and area revegetated for solar arrays and within 75' of Depot Brook.
  - h. Parking
    - i. CEO to provide a parking recommendation for the solar array area

- ii. Bank use requires 16 spaces. 16 spaces are provided but the 2 parallel spaces do not meet parking requirements. Non-conforming spaces to be designated as Employee Only. 2 patron spaces are recommended adjacent to the dumpster area.
    - iii. Bank drive-thru stacking spaces to be labelled
  - i. A note is recommended that the rows of solar array racking shall be surveyed located prior to installation to ensure setbacks from the Depot Brook and property lines are met.
  - j. The existing bank was constructed within the Route 109 setback. The building was constructed in 1985 in a location not shown on the 1984 site plan approval. It is believed this building is grandfathered in this non-conformity. The owner may wish to pursue further information from the Code Office as to if a mislocated building appeal was granted in the 1980s.
  - k. The location of the proposed inverter is shown on the plan. What noise information is available on this inverter and other associated equipment necessary for the solar array installation?
  - l. Property contours not depicted. It is recommended one of the plan sheets depict the 2 foot contours available from Town WebGIS information.
  - m. Landscaping:
    - i. A 15 foot wide landscaped buffer is required along Route 109. The plan identifies grass along Route 109. Existing and proposed shade trees are not identified. From review of the aerial imagery, it appears 2 or 3 shade trees may exist and meet this requirement. These are to be noted as to remain on the site plan.
    - ii. This commercial parcel abuts a residential lot to the east, west and north (lots 39, 41 50 and 38A-1). The plan does not note or label what existing screening exists on the property, along the lot lines. Vegetation is observed on the aerial imagery.
    - iii. 6'-8' tall arborvitae plantings are proposed around the dumpster location and corner of the solar array area adjacent to Lot 41.
    - iv. A 6' tall chain-link fence is proposed around the solar arrays. The length of fence abutting Lot 39 and 41 is recommended to be slatted to provide a visual screen. Planning Board to review and consider screening after the public hearing.
  - n. Town Engineer to review stormwater runoff considerations. The removal of pavement will reduce stormwater impacts. Erosion control measures needed until vegetation is established.
- 3. The Planning Board to consider making the Planning Office the completeness agent and for a public hearing to be scheduled once deemed complete.