



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for “M&L Aggregate Recycling” Page 1 of 14

Chapter 145, Article X Site Plan Approval

PROJECT INFORMATION	
General:	<p>Project Name: M&L Aggregate Recycling Applicant: M&L Aggregate Recycling Inc. PO Box 1758, Wells, ME 04090 Landowner: M&L Aggregate Recycling Inc. PO Box 1758, Wells, ME 04090 Location: Willie Hill Road, Wells, ME Existing Use: vacant Proposed Land Use: Recycling Facility/ Business Contractor/ Business Wholesale/ incidental accessory Retail Tax Parcel ID: Tax Map 41, Lot 13-1 Zoning District: Light Industrial District Art VII Performance Standards: 145-56/ Restoration of Recycling Facilities. Design Engineer: Attar Engineering, 1284 State Road, Elliot, ME 03903 Plan Submission Date: 1/17/2022</p>
Project Description:	<p>Low Chamberlain of ATTAR Engineering has submitted a site plan application on behalf of the owner, M&L Aggregate Recycling Inc. The Site Plan Application is for a 7,200 SF building, a 600 SF building, outdoor equipment storage areas, associated parking and an outdoor waste handling area approximately 38,000 SF in area. The buildings and outdoor areas to be used for Business Contractor use/ Recycling Facility use/ Business Wholesale use and accessory incidental business retail use not exceeding 1,500 SF. The property is located within the Light Industrial District and is 11.34 acres in size. The parcel shall be served by an on-site well and on-site septic system. The property is Lot 1 within the Coastal Projects Subdivision. Tax Map 41, Lot 13-1.</p>
Completeness Determination:	02/14/2022
Public Hearing:	02/28/2022
Staff Review Mtg:	02/23/2022



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PROJECT HISTORY

1. On 8/10/21 the applicant submitted a site plan pre-application for the above described project.
2. On 8/13/21 the Code Enforcement Officer found the use proposed to be permitted in the LI District.
3. On 8/13/21 the Planning Office mailed abutters notice of the use determination, site plan preapplication submission and of the 8/23/21 Planning Board meeting.
4. The 8/23/21 Planning Board meeting was postponed.
5. On 9/7/21 the Planning Office prepared a site plan pre-application memo for the Planning Board and applicant.
6. On 9/13/21 the Planning Board received the site plan preapplication and scheduled a site walk for the property for 9/20/21 at 4PM.
7. On 9/20/21 the Planning Board conducted the site walk.
8. On 9/21/21 the Planning Office prepared a site walk results memo.
9. On 9/27/21 the Planning Board reported the site walk results.
10. On 1/17/22 the applicant submitted a site plan application for the above described project.
11. On 1/26/22 the Code Enforcement Officer found the use proposed to be permitted in the LI District.
12. On 1/26/22 the Planning Office mailed abutters notice of the use determination, site plan application submission and of the 2/14/22 Planning Board meeting.
13. On 2/9/22 the Planning Office prepared draft Article V, VI, VII and completeness review checklists. A memo summarizing the review the applicant and Planning Board was also prepared.
14. On 2/14/22 the Planning Board received the site plan application, voted on site plan scale, voted to waive a traffic study, and voted to find the application complete and schedule a public hearing for 2/28/22.
15. On 2/14/22 the applicant submitted a revised site plan.
16. On 2/15/22 the Planning Office mailed certified notices to abutters of the 2/28/22 Planning Board public hearing.
17. On 2/23/22 the Planning Office prepared updated Article V, VI, VII and completeness review checklists. A draft compliance/ Findings of Fact & Decisions was also prepared. A memo summarizing the review was prepared for the applicant and Planning Board.
18. On 2/24/22 the Town Planner/Engineer prepared a drainage review memo.
19. On 2/28/22 the Planning Board conducted a public hearing and workshop. The Board voted to approve the Willie Hill Rd landscaped buffer, residential screening, and parking requirements. The Board continued the workshop for 60 days to allow the applicant time to obtain the MDEP permit approvals.
20. On 4/11/22 the applicant submitted a revised site plan and stormwater management report.
21. On 4/20/22 the applicant submitted the MDEP Permit approval for the project.
22. On 4/21/22 the Planning Office prepared updated Article V, VI, VII, completeness and compliance/ Findings of Fact & Decisions. A draft memo summarizing review comments was also prepared.
23. On ____ the applicant submitted revised site plans to the Planning Office.
24. On 4/25/22 the Planning Board conducted a workshop and voted to _____



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

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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 BE MET.</p> <p>An entrance/exit is proposed onto Willie Hill Road. The entrance is in compliance with the “Coastal Projects Subdivision” driveway requirements.</p> <p>200 feet along Willie Hill Road is noted on the plan as the proposed street frontage. 100 foot street frontage minimum requirement noted. The property does not have multiple street frontages. Parking along Willie Hill Road is prohibited.</p> <p>The first 100’ of the entrance shall be paved. Other travel ways are noted on the plan to be gravel or pavement. The waste handling area shall be gravel.</p> <p>On 2/14/22 the Planning Board did not require a traffic study. Loading bays not required.</p> <p>CEO has provided a parking recommendation for the Recycling Facility use. The parcel proposes a total of 15 parking spaces, 1 of which shall be ADA compliant. CEO has found the 15 spaces proposed is adequate. On 2/28/22 the Planning Board voted to require 15 parking spaces for the Recycling Facility use. All parking shall meet the 90 degree parking space dimensional requirements (9’ x 19’ with a minimum of 26’ wide travel aisle). Handicap accessible parking space shall have ADA compliant signage installed. All parking shall be paved or gravel. If paved all parking shall be stripped in compliance with the site plan.</p> <p>Snow storage areas designated on the plan.</p>



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§ 145-75. Criteria and Standards		Comments
		<p>All buildings are proposed in excess of 60 feet from Willie Hill Road. Parking is permitted between the buildings and Willie Hill Road provided the 40' wide landscaped buffer is maintained.</p> <p>Sight distances onto Willie Hill Road are noted to be 300' to the north and 350' to the south. The speed limit of Willie Hill Road is noted to be 25 MPH.</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 BE MET.</p> <p>The parcel is prohibited from emitting dust, fumes, vapors or gases at any point beyond its lots lines.</p>
C.	<p>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>	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE 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>



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§ 145-75. Criteria and Standards		Comments
D.	<p>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>	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>See plan note 15 on sheet 1. Exterior lighting shall be shielded and downward directional as not to produce glare onto abutting lots or streets.</p> <p><u>Are any exterior lighting poles proposed around the waste handling area or in other locations? Pole mounted detail on sheet 5. Note 15 on sheet 1 only notes building mounted lights. Pole symbol on sheet 2 legend, but none labelled on the plan.</u></p>
E.	<p>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>	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Stormwater Management Plan has been provided by Lewis Chamberlain, PE of Attar Engineering dated 11/12/21. Town Engineer reviewed the plan and found it meets Town requirements.</p> <p>Property is subject to ACOE NRPA # NAE-2021-03092.</p> <p>Property is subject to MDEP stormwater management permit. MDEP Stormwater Permit/ NRPA approval provided. L-29579-NJ-A-N and L-29579-TC-B-N dated 4/19/2022.</p>



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§ 145-75. Criteria and Standards		Comments
F.	<p>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>	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Best Management Practices for soil erosion and sedimentation control are a condition of approval. These notes are provided on sheet 1, standard conditions of approval note 6. Plan note 16 also refers to the Findings of Fact & Decisions associated with the site plan approval.</p> <p>Town Engineer reviewed the proposed erosion and sedimentation control plan. Notes and details on sheets 4 and 6 meet BMP's and Town requirements.</p> <p>Waste Handling area described on note 23.</p> <p>MDEP Stormwater Permit/ NRPA approval provided. L-29579-NJ-A-N and L-29579-TC-B-N dated 4/19/2022.</p>
(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.	



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§ 145-75. Criteria and Standards		Comments
(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.	
(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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§ 145-75. Criteria and Standards	Comments
<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 BE MET.</p> <p>The property is within the Light Industrial zone. Setback requirements are detail on sheet 1, note 3. 40’ setback from Willie Hill Road required. Lot line setbacks are 25’. The property does not abut or contain any known cemeteries.</p> <p><u>The proposed 7,200 SF building is within feet lot line setback to the north. It is recommended that prior to the issuance of a building permit, proposed foundations are survey located and staked to confirm setbacks shall be met. See recommended note 24.</u></p> <p>Chipping and grinding proposed within the waste handling area. See note 23. Note 23 restricts operation of waste handling area to 7AM to 7PM Monday to Saturday. A dumpster is proposed for refuse disposal. Dumpster shall meet setback requirements and be screened with 6’ tall solid fence.</p> <p>The property abuts a residential lot (Map 41, Lot 8). The home is over 1,200 feet from the proposed tree clearing limit on Lot 13-1. On 2/28/22 the Planning Board found the existing wooded tree line and distance to the abutter, to provide a suitable screen for the residence.</p> <p>The property is within the Light Industrial District and requires a 40’ wide landscaped buffer along Willie Hill Road.</p>



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§ 145-75. Criteria and Standards		Comments
		The 40' buffer along Willie Hill Road shall consist of existing and proposed trees every 30' on center. All trees shall have a 2" diameter at breast height. See plan note 13 on sheet 1. A total of 7 trees, at a minimum, shall be maintained every 30 feet along Willie Hill Road. On 2/28/22 the Planning Board found the Willie Hill 40' wide landscaped buffer as proposed to be suitable.
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 BE MET.</p> <p>Two 1,000 gallon below ground propane tanks are proposed near the 7,200 SF building. Two 100 gallon above ground proposed tanks are proposed for the 600 SF building. All explosive materials shall be stored in compliance with NFPA regulations. See plan note 18.</p>
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 BE MET.</p> <p>All such materials shall be stored in compliance with water quality standards. No fuel, chemical or industrial waste storage proposed.</p>



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§ 145-75. Criteria and Standards		Comments
<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>	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Existing and proposed 2 foot property contours are depicted on the plan. 2 foot contours found suitable.</p> <p>Wetlands were flagged by Michael Mariono CSS #192 and located by Post Road Surveying. Wetland flagging done in 2019.</p> <p>Details for the Waste Handling area described in note 23.</p> <p>Proposed lot coverage is 25.8%.</p> <p>Existing and proposed tree lines are identified on the plan.</p>	
<p>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>	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>A dumpster is proposed for refuse disposal. Dumpster shall meet setback requirements and be screened with 6' tall solid fence. Refuse shall be disposed of in a timely and safe manner.</p>	



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§ 145-75. Criteria and Standards		Comments
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 BE MET.</p> <p>Property not served by public water (KKWWD).</p> <p>The plan identifies the proposed drilled well location on the property as wells as the abutting well location on Lot 13-A.</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 BE MET.</p> <p>Property not served by public sewer (WSD).</p> <p>The plan identifies the proposed septic system. A subsurface wastewater disposal design prepared by Michael Cuomo SE#211 dated 12/14/21 was provided.</p>
N.	Fire safety. The site plan shall make adequate provisions for access by fire-fighting equipment and personal.	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Nearest source of fire protection is noted on the plan to be 1,200 feet north.</p> <p>Access to a minimum of 3 sides of each proposed building is proposed.</p>

Standard Conditions of Approval

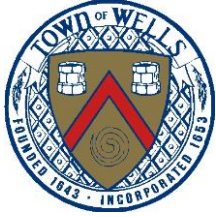
1. Site Plan approval secured under the provisions of this chapter shall expire within 10 years from the date on which the site plan is signed if all aspects of the site plan approval are not fully completed and established. Any site plan approval may include a phasing plan according to an approved time 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.



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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.
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.I.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



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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. Prior to any construction activity at the site, the applicant and selected contractor shall participate in a pre-construction conference with Town and other regulatory officials to review the project's construction considerations.
2. Prior to any construction on the site, the applicant shall post suitable financial guarantees. The financial guarantees shall be in the form of cash escrow for site stabilization (\$3,500/acre of disturbed soil), 3rd party inspection costs, and an as-built plan.

Dated at Wells, Maine this _____ day of _____, 2022

Wells Planning Board

By: _____
Charles Millian, Chairman