



Planning & Development
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Site Plan Application Memo

Date: April 22, 2022

To: Planning Board

From: Planning Office

Re: M&L Aggregate Recycling – Tax Map 41, Lot 13-1

Project Description:

Lew 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 wall and on-site septic system. The property is Lot 1 within the Coastal Projects Subdivision. Tax Map 41, Lot 13-1.

§ 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 – a new use is 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 proposal 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. Application fee paid for 7,632 SF in building gross floor area proposed.
- 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. Escrow provided.
- C. The Town staff or Planning Board may employ the services of technical experts to assist 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] To be determined**

§ 145-74. Review and approval process.

D. Planning Board review process.

- (1) If there are site plan approval applications to review, the Planning Board shall meet at least two times a month and its meeting agenda shall be posted in the Town Hall at least seven days prior to the meeting. Applications and other supporting submittals shall be filed by the applicant in the Office of Planning and Development at least 10 days before the meeting. Additional materials received from an applicant less than 10 days before a meeting will be held by the Office of Planning and Development staff until the meeting and will be distributed when the application is discussed. Such late submittals may only be considered at the discretion of the Planning Board. The Board shall only consider accepting late submittals upon finding that the content is nontechnical, brief and may be easily reviewed in a short time period, and any parties to the proceeding will have adequate time to review and respond to the submittals. Application submitted on 1/18/22. Planning Board received the application on 2/14/22.
- (2) Applications for site plan approval are to be filed with the Office of Planning and Development. The application shall be accompanied by a site plan and the required fee along with a certification that the applicant has sent or delivered notices to the abutters of the filing of the site plan approval application. If the abutters have been notified by the Code Enforcement Officer of a preapplication for the same project within the last 60 days pursuant to Subsection **A(1)(b)[1]**, the applicant shall be exempted from notifying the abutters of the site plan application filing. Within seven days of receipt of the application by the Office of Planning and Development, the Code Enforcement Officer shall determine if the proposed use meets the requirements of Articles **V**, **VI** and **VII**. If it does not, the Code Enforcement Officer shall notify the applicant in writing. If it does, the application shall be reviewed for completeness by the Planning Board's agent or placed on a Planning Board agenda for the Planning Board to review for completeness. The applicant may request, in writing, that the Board waive submission of the requirements of § **145-77**. The 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. Abutters mailed notice of application on 1/26/22

- (3) It is the responsibility of the Planning Board, or its agent if so designated, to determine if the application is complete. If it is the responsibility of the Board to determine whether the application is complete it must be done within 21 days of receipt of the application by the Board. If it is the responsibility of the Board's agent to determine whether the application is complete it must be done within 14 days of receipt of the application by the Office of Planning and Development. The time period for determining completeness may be extended by mutual consent of the applicant and the Planning Board or its agent. If the application is complete it shall be placed on an agenda for presentation to the Board at a public hearing. If the application is not complete, the applicant shall be notified, in writing, of the additional information needed to complete the application. If the additional information or a written request for an extension is not submitted within 60 days of the notification, the application shall be considered to be withdrawn. If the Planning Board's agent has determined that the application is not complete and the applicant believes it is complete, the applicant may request in writing for the application to be placed on the agenda for the next Planning Board meeting and have the Planning Board review the application for completeness. **Public Hearing held on 2/28/22**
- (4) Upon determining that a complete application has been submitted, the Office of Planning and Development shall notify the Staff Review Committee members of the application and request their comments on the application in writing. **SRC commented on the application on 2/23/22**
- (5) Within 35 days of determining that the application is complete the Planning Board shall hold a public hearing on the application. **Public Hearing held on 2/28/22**
- (a) In scheduling public hearings under this section, the Planning Board shall publish notice of the hearing at least 10 days in advance in a newspaper of general circulation in the area. The applicant shall be responsible for paying the cost of such notices.
 - (b) The Planning Board shall notify, by certified mail, the applicant and all abutters of the lot involved, including owners of lots on the opposite side of the street, at least 10 days in advance of the hearing, of the nature of the application and of the time and place of the public hearing.
 - (c) The lot owners shall be considered to be those against whom taxes are assessed. In the case of condominiums, the condominium association, not each unit owner, shall be notified. Failure of any lot owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Planning Board.
 - (d) At any hearing, a person may be represented by his agent or attorney. Hearings shall not be continued to other times except for good cause.
 - (e) The applicant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions shall be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman.
- (6) Within 35 days of the public hearing or a period of time agreed to by the applicant and the Planning Board, the Planning Board shall reach a decision based on the criteria found in § 145-75 and shall inform the applicant in writing within seven days of its decision stating its reasons. The Board shall prepare detailed, written findings of fact and conclusions, based on the evidence presented at the public hearing and evidence presented by the applicant and evidence presented by Town staff. **To be determined**

Recommendations and conclusions:

1. The Planning Board should consider the following:
 - a. Note 23 has been added to the plan detailing the Recycling Facility operations. It also restricts operation of waste handling area to 7AM to 7PM Monday to Saturday.
 - b. Review completeness/compliance review comments.
 - i. Some note corrections recommended.
 - ii. What service is proposed to 600 SF building? Utilities to be shown on sheet 2.
 - iii. Recommended note 21 to be added, addressing the performance guarantee requirements per 145-56.

- iv. A light pole detail is still shown on sheet 5 and the legend still shows a light pole; but no proposed light poles appear on sheets 1, 2, or 3. If no poles are proposed this detail should be removed from sheet 5.
 - v. Note 23 to also state any change to the type of materials accepted by the recycling facility and any change to the MDEP permit approvals for the property shall require review by the Wells Planning Board.
 - vi. The proposed 7,200 SF building is within feet lot line setback to the north. It is recommended Note 24 be added to the plan stating: Prior to the issuance of a building permit, proposed foundations shall be survey located and staked by a PLS to confirm setbacks shall be met.
 - vii. 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.
 - viii. 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.
- c. If the plan changes above are addressed, the Planning Board to consider finding the application compliant.
 - d. If compliant, the Planning Board to consider approving and signing the site plan and Findings of Fact & Decisions.