



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS Site Plan Application for “Chase Construction” Page 1 of 15

Chapter 145, Article X Site Plan Approval

PROJECT INFORMATION	
General:	<p>Project Name: Chase Construction</p> <p>Applicant: Eric C. & Barry A. Chase, 675 Post Road, Wells, ME 04090</p> <p>Landowner: Eric C. & Barry A. Chase, 675 Post Road, Wells, ME 04090</p> <p>Location: 1388 North Berwick Road, Wells, ME 04090</p> <p>Existing Use: Total of 8,077 SF Sawmill use (unapproved)</p> <p>Proposed Land Use: Total of 11,917 SF Sawmill use</p> <p>Tax Parcel ID: Tax Map 23, Lot 14-B-1</p> <p>Zoning District: Rural District</p> <p>Art VII Performance Standards: None</p> <p>Design Engineer: Geoff Aleva, PE, Civil Consultants, PO Box 100, S. Berwick, ME 03908</p> <p>Plan Submission Date: March 24, 2022</p>
Project Description:	<p>Geoff Aleva has submitted a Site Plan Application on behalf of the owners Eric Chase and Barry Chase/ Heidi Chase/ The 68 Cedar Drive Bridgton Trust. The application proposes 11,917 SF of sawmill use within the two existing buildings and one new single story 60' x 64' building to be constructed. No dwelling exists or is proposed. The property is located within the Rural District and is identified to be 3.4 acres in area. The property is served by septic system and well. The property is located off of 1388 North Berwick Road off a street to be named. Tax Map 23, Lot 14-B-1.</p>
Completeness Determination:	<p style="text-align: right;">4/26/2022</p> <p>Town Planner appointed completeness agent by Planning Board on 4/25/22</p>
Public Hearing:	<p style="text-align: right;">5/3/2022</p>
Staff Review Mtg:	<p style="text-align: right;">5/17/2022</p>



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PROJECT HISTORY

1. On 3/24/22 the applicant submitted a site plan application for the above described application.
2. On 3/24/22 the the Code Enforcement Office found the use proposed to be permitted in the Rural District.
3. On 3/25/22 the Planning Office mailed notice to abutters of the use determination, site plan application and the 4/11/22 Planning Board meeting.
4. On 4/5/22 the Planning Office prepared an Article V checklist and review memo. Recommended plan changes were also drafted.
5. On 4/11/22 the Planning Board received the site plan application and scheduled a site walk for 4/20/22 at 5PM.
6. On 4/18/22 the Planning Office prepared an Article VI and completeness review checklists and additional plan change recommendations.
7. On 4/19/22 the Code Enforcement Officer provided a parking space recommendation for the Planning Board.
8. On 4/20/22 the Planning Board conducted a site walk .
9. On 4/21/22 the Planning Office prepared a site walk results memo.
10. On 4/21/22 the Planning Office prepared an updated Article V, VI, completeness review and memo for the applicant and Planning Board.
11. On 4/25/22 the Planning Board reported the site walk results, voted to required 6 parking spaces, voted to find traffic data is not necessary, and voted to appoint the Planner as the completeness agent.
12. On 4/25/22 the applicant provided a revised site plan for the Planning Office to review.
13. On 4/25/22 the Planning Office found the septic design of Lot 14B for the file.
14. On 4/26/22 the Planning Office found the application complete for purposes of scheduling a public hearing for 5/9/22.
15. On 4/27/22 the Planning Office mailed abutters certified notice of the 5/9/22 public hearing.
16. On 5/2/22 the applicant provided a revised site plan for the Planning Office to review.
17. On 5/3/22 to 5/5/22 the Planning Office prepared an updated Article V, VI, completeness review and memo for the applicant and Planning Board. Recommended plan markups were also prepared for the applicant.
18. On 5/9/22 the Planning Board conducted a public hearing and workshop. The Planning Board voted on buffering, screening, parking and continued the workshop for 30 days.
19. On 5/9/22 the applicant provided a revised site plan for the Planning Office to review.
20. On 5/17/22 the Staff Review Committee commented on the site plan application for the Planning Board.
21. On 5/19/22 the Planning Office prepared updated Article V, VI, completeness review and memo for the applicant and Planning Board. Draft compliance/ Findings of Fact & Decisions were also prepared.
22. On 5/20/22 the applicant provided revised plans addressing the review comments.
23. On 5/23/22 the Planning Board _____



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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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<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>Lot 14B-1 is noted to have 204.56' of street frontage along a nonconforming unnamed ROW extending from North Berwick Road to Lot 14.</p> <p>“Parcel 1” and “Parcel 2” as referenced in Deed and on the existing conditions survey were merged on 8/23/11. The 50' ROW over Map 23, Lot 14-B-1 was dissolved when the parcels were merged. No ROW areas deducted.</p> <p>Unnamed private street created in 1990 and is grandfathered but nonconforming due to not meeting the requirements of 201-10. Site plan notes that parking on the paved road of the un-named street is prohibited.</p> <p>All lots currently have North Berwick Road addresses. A sign indicating all addresses of properties that use the unnamed street shall be maintained along North Berwick Road for E911 purposes. Each driveway shall also have reflective numbers indicating the address of the property. See note 24 on the plan.</p> <p>Parcel is served by an existing paved 13' wide driveway located off of the unnamed street. No new curb cut proposed.</p> <p>Traffic Data was not required by the Planning Board on 4/25/22. The sawmill use is to be used by employees only. 8 peak hour, 45 ADT estimated.</p>
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		<p>4 parking spaces are designated on the site plan for employee use. 90 degree angle parking spaces 9' x 18.5' in dimension are depicted on the plan.</p> <p>2 parking spaces are designated on the site plan for employee use as parallel spaces. These spaces do not meet the dimensional requirements for 180 degree parking. Planning Board voted to allow these spaces as they serve employees only.</p> <p>A minimum of 1 ADA compliant space is required per business. Plan identifies the handicap accessible space. 1 ADA compliant sign for the handicap parking is identified on the plan and shall be attached to the building.</p> <p>CEO provided a parking space recommendation of 6 spaces. See letter dated 4/19/22. Planning Board reviewed the CEO parking recommendation on 4/25/22 and required 6 parking spaces for the sawmill use. See "Project Intent" notes on sheet L1.</p> <p>Snow storage areas are depicted on the site plan.</p> <p>Areas that could be used for parking shall be on pavement or gravel.</p> <p>Sight distances onto the unnamed road are noted.</p> <p>Parcel does not have multiple street frontages.</p> <p>The unnamed road does not have a posted speed limit.</p>
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§ 145-75. Criteria and Standards		Comments
B.	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>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.	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 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>
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 BE MET.</p> <p>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.</p> <p>Existing/ proposed exterior lights are identified on the plan. See plan note 17.</p>



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§ 145-75. Criteria and Standards		Comments
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>A swale is proposed along the north side of the building directed to a field inlet. Culvert to run under the proposed building addition to the south side.</p> <p>Town Engineer reviewed stormwater runoff considerations. New building, pavement and gravel areas addressed with Low Impact Development (LID) methods by providing sheet flow conditions to a wooded buffer.</p>
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 are a standard condition of approval. The Standard terms and conditions of the Town of Wells are referred to. See plan note 19.</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.	



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§ 145-75. Criteria and Standards		Comments
(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.	
(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>Rural District setback requirements are detail on site plan note 8. The proposed building addition shall meet the setback requirements plus more than 10 feet.</p> <p>A shed (64 SF) was place after 1998 within the 25 foot property line setback. To be relocated with a building permit. New location is identified on the site plan. See plan note 23 requiring the shed relocation prior to the issuance of a building permit for the proposed building addition.</p> <p>A 15 foot wide landscaped buffer is required along the unnamed street. This buffer may consist of existing wooded area. On 5/9/22 the Planning Board found the wooded area satisfies the landscaped buffer along the road.</p> <p>This commercial parcel abuts a residential lot to the south (Map 23, Lot 14-B). Plan to label tree line that is to be maintained. On 5/9/22 the Planning found the tree line to be maintained satisfies the screening requirements to the south.</p>
<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>	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Explosive materials shall be stored in compliance with NFPA standards. See plan note 22.</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.	BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET. No change proposed with regard to storage of fuels. No such storage identified to exist on the property.



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§ 145-75. Criteria and Standards		Comments
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 BE MET.</p> <p>No materials or equipment shall be stored outside of roofed buildings, with the exception of an existing sawdust pile identified and noted may be removed.</p> <p>Existing and propose tree lines are depicted on the site plan and shall be maintained as depicted.</p> <p>2 foot contours are depicted on the plan.</p> <p>Existing lot coverage is noted as 17.4%. Proposed lot coverage is noted as 18.8%. Maximum lot coverage is 20%.</p> <p>Gross floor areas of the buildings noted on sheet L2. Proposed addition is one-story 3,840 SF. Total building area to be 11,917SF.</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>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>A dumpster is depicted. Enclosure detail on L2. Dumpster shall meet setback requirements and be screened by solid 6' tall fencing. Refuse shall be safely and properly disposed of in a timely 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>Not served by public water.</p> <p>A dug well serving the property is identified on the plan. Well exclusion area identified.</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>Not served by public sewer.</p> <p>Location of septic tank identified on the site plan. Plan notes 14 and 15 detail the subsurface wastewater disposal system easement on Lot 14B.</p> <p>The current design flow is 90 gpd for a 1 bedroom apartment and a workshop from Map 23, Lot 14-B-1 and a 3 bedroom home on Map 23, Lot 14-B.</p> <p>Plan note 14 on sheet L1 states no new plumbing fixtures are proposed.</p>



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§ 145-75. Criteria and Standards		Comments
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>The Fire Chief reviewed the site plan on 5/17/22 and voiced no concerns with access. E911 addressing requirements were discussed and recommended.</p> <p>The site plan indicates the nearest fire pond/hydrant location (approximately 3,500 linear feet to the east at Audrey Circle).</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
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.



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- (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. Prior to the issuance of a building permit for the proposed building addition, the shed shall obtain a building permit to be relocated to meet setback requirements. The shed is in violation of setback requirements and is required to be relocated with proper permitting, prior to the Code Office issuing any further permits on the property.

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

Wells Planning Board

By: _____
Charles Millian, Chairman

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