



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS

Site Plan Application for “G & M Holdings”

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**052405 Article X
Site Plan Approval**

PROJECT INFORMATION	
General:	<p>Project Name: G & M Holdings Applicant: Randy Giuffrida, 559 Bragdon Road, Wells, ME 04090 Landowner: Randy Giuffrida, 559 Bragdon Road, Wells, ME 04090 Location: Willie Hill Road Existing Use: Vacant land</p> <p>Proposed Land Use: Business Contractor, Wholesale and Manufacturing use</p> <p>Tax Parcel ID: Tax Map 41, Lot 13-2 Zoning District: Light Industrial District</p> <p>Art VII Performance Standard: None Design Engineer: April 26, 2022 Plan Submission Date: April 26, 2022</p>
Project Description:	<p>Lew Chamberlain of Attar Engineering has submitted a site plan application on behalf of the owner, Randy Giuffrida. The Site Plan Application is for a 2,400 SF and a 6,400 SF building to be used for Business Contractor use, Warehousing and Business Wholesale use. Accessory outdoor storage area is proposed for the Business Contractor use as well. The property is 1.73 acres of land located off Willie Hill Road within the Light Industrial District. The property to be served by on-site septic system and a drilled well. Tax Map 41, Lot 13-2.</p> <p>The property is also lot 2 within the Coastal Projects Subdivision.</p>
Completeness Determination:	6/6/2022
Public Hearing:	6/20/2022
Staff Review Mtg:	6/14/2022



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PROJECT HISTORY

1. On 12/6/21 the applicant submitted a site plan pre-application and sketch plan.
2. On 12/7/21 the C Code Enforcement Officer prepared an Article V use determination finding the use proposed to be permitted within the Light Industrial District.
3. On 12/9/21 the Planning Office mailed notices to abutters of the use determination and of the 12/20/21 Planning Board meeting.
4. On 12/15/21 the Planning Office prepared Article V, VII checklists and a memo for the Planning Board and applicant.
5. On 12/20/21 the Planning Board received the pre-application and voted to schedule a site walk when appropriate (when ground is no longer covered in snow).
6. On 3/21/22 the Planning Board scheduled a site walk for 3/26/22 at 8:00 AM.
7. On 3/26/22 the Planning Board conducted a site walk.
8. On 4/1/22 the Planning Office prepared a site walk results memo.
9. On 4/11/22 the Planning Board reported the site walk results.
10. On 4/26/22 the applicant submitted a site plan application, plan and fee to the Planning Office.
11. On 4/28/22 the Code Enforcement Officer prepared an Article V use determination finding the use proposed to be permitted within the Light Industrial District.
12. On 4/28/22 the Planning Office mailed the use determination and notice of the 5/9/22 Planning Board meeting to abutters.
13. On 5/6/22 the Planning Office prepared Article V, VI, VII and draft completeness review checklists. A memo for the Planning Board and applicant was also prepared with recommended plan changes/ notes.
14. On 5/9/22 the Planning Board received the site plan application, waived a boundary survey, and continued the workshop for 60 days so the applicant could determine the uses proposed and phasing.
15. On 5/16/22 the applicant provided a revised site plan for the above described uses.
16. On 6/3/22 the Planning Office prepared updated Article V, VI, VII and draft completeness review checklists. A memo was also prepared for the applicant and Planning Board along with recommended plan markups.
17. On 6/3/22 the applicant provided the property deed.
18. On 6/6/22 the Planning Board conducted a workshop, did not require additional traffic information and found the application complete. A public hearing was scheduled for 6/20/22.
19. On 6/10/22 the applicant provided a revised plan addressing the 6/3/22 review comments.
20. On 6/10/22 the Planning Office mailed abutters certified mail notice of the 6/20/22 public hearing.



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21. On 6/14/22 the Staff Review Committee commented on the site plan application for the Planning Board.
22. On 6/15/22 the Planning Office received the NAE-2022-01322 Army Corps Permit for the project.
23. On 6/15/22 the Planning Office prepared updated Article V, VI, completeness checklist and a draft compliance/ Findings of Fact & Decisions. A memo summarizing the review comments was prepared for the applicant and Planning Board.
24. On 6/20/22 the Planning Board voted to approved Willie Hill Road landscape buffering and voted to find the application compliant (145-75) and approved and signed the Findings of Fact & Decisions and plan.

§ 145-75. Criteria and Standards

Comments

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.



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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>The property has approximately 480' of street frontage along Willie Hill Road. Parcel does not have multiple street frontages. Site plan notes that parking is prohibited along Willie Hill Road ROW.</p> <p>90 degree parking spaces are proposed. Plan to note parking space dimension of 9' x 18.'5. A 26' wide aisle is shown. 10 spaces on the property. A total of 1 handicap accessible parking spaces are proposed. 1 ADA compliant sign for the handicap parking is required to be identified on the plan.</p> <p>Business Contractor, Business Wholesale and Warehousing use options proposed in units 1, 2, or 3. 8,800 SF / 1,000 = 9 spaces required. 10 spaces are proposed.</p> <p>A loading bay is not proposed nor required. Snow storage areas are depicted on the site plan. Areas that could be used for parking shall be on gravel or pavement (see project phasing notes on sheet 1).</p> <p>No parking spaces are to be located between the proposed buildings and Willie Hill Road.</p> <p>Sight distances onto Willie Hill Road are noted to be 300' +/- in both directions. Willie Hill Road speed limit is noted to be 25 MPH. Signage is noted that is shall not impeded sight distances.</p> <p>On 6/6/22 the Planning Board determined that additional traffic data is not necessary.</p> <p>THE PLANING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</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>This property is prohibited from emitting such dust, fumes, vapors or gases at any point perceptible beyond its lot lines. No outside storage of products that produce such emissions are proposed.</p> <p>THE PLANING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</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>This property is prohibited from producing such offensive or harmful odors at any point perceptible beyond its lot lines, as measured at ground or habitable elevation. No outside storage of products that produce odors are proposed.</p> <p>THE PLANING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</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>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>Exterior light locations are shown on the site plan.</p> <p>THE PLANING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p>
E.	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>Stormwater Management Plan prepared by Lew Chamberlain of Attar Engineering provided dated 4/25/22.</p> <p>Town Engineer reviewed stormwater runoff considerations on 6/2/22. The information provided on the plans meet BMP and Town standards and requirements.</p> <p>THE PLANING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p>



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§ 145-75. Criteria and Standards		Comments
F.	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]	Best management practices for soil erosion and sedimentation control are a standard condition of approval. THE PLANING BOARD FINDS THAT THIS STANDARD SHALL BE MET.
(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.	
(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.	



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§ 145-75. Criteria and Standards		Comments
(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>Light Industrial zoning requirements are noted on the plan. Setback requirements depicted. 25' setback noted from lot lines. Property does not abut the railroad. 40' setback from Willie Hill Road is noted.</p> <p>See plan note 25 recommended stating the CEO to require the building foundations to be surveyed and staked by a PLS prior to the issuance of a building permit.</p> <p>This commercial property abuts other commercial property or vacant land. Screening is not required for commercial abutters.</p> <p>See plan note 23 on sheet 1.</p> <p>A 40' wide landscaped buffer along Willie Hill Road is required. The plan depicts 8 shade trees (2 inch diameter at breast height) to be planted every 30 feet on center. Some existing vegetation to be maintained to the north of the proposed detention pond. <u>Planning Board to make determinations on the Willie Hill Road landscaped buffer after the public hearing.</u></p> <p>THE PLANING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</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>No exterior fuel storage proposed. Any explosive materials stored on this property shall be stored in compliance with NFPA standards.</p> <p>THE PLANING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</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.	<p>Water quality standards shall be complied with.</p> <p>THE PLANING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</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>Proposed lot coverage is noted to be 33.4%.</p> <p>Sheet 2 depicts existing 2 foot contours. Proposed 1 foot contours shown.</p> <p>Existing and proposed tree lines shall be maintained as depicted on the site plan.</p> <p>THE PLANING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p>



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§ 145-75. Criteria and Standards		Comments
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>An onsite dumpster is identified on the plan and shall meet the 25’ setback and to be screened by 6’ tall stockade fence.</p> <p>THE PLANING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p>
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>Property shall be served by private on-site well.</p> <p>THE PLANING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p>
M.	Sewage disposal. The applicant shall provide for the safe disposal of all wastewaters.	<p>The property shall be served by an on-site private subsurface wastewater disposal system. The system shall be designed per HHE 200, C1 and C2 opposite.</p> <p>THE PLANING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</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 personnel.	<p>A Knox box shall be installed on each building and at the gate. Prior to installation the developer shall contact the Fire Department regarding placement. See plan note 17.</p> <p>No parking is to be permitted along Willie Hill Road.</p> <p>Access to 3 sides of both buildings shall be maintained. Fire lane no parking stripping to be installed.</p> <p>The nearest fire pond/hydrant location is 1,750 feet from the property entrance.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</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 two years or more. [§145-74F]
2. Approval is conditioned upon compliance by the applicant with the plans and specifications which have been received by the Town in connection with this development proposal.
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. [§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 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 §145-64. [§145-79B]



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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 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 and/or Staff Review Committee.
8. Approval of the application or amendment application does not relieve the applicant from the responsibility to obtain building permits prior to construction and use permits prior to occupancy.
9. It is the applicant's responsibility to contact Dig Safe prior to construction.
10. It is the owner/Homeowners Association/applicant/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 subdivision/site plan parcel(s).
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.
12. Prior to the pouring of a building footing/foundation, the location of each cottage and/or building to be constructed shall be located on the face of the earth and shall be marked with surveyor pins or stakes. The developer shall receive approval of each cottage and/or building location from the Code Enforcement Office prior to the commencement of footing/foundation excavation.
13. If the property will be converted to a condominium form of ownership, the proposed condominium documents must be presented to the Town for review and approval by the Town Attorney. No use permit shall be issued until the Town Attorney has indicated approval of the condominium documents.
14. Upon completion of construction, the applicant shall provide to the Town record as-built drawings of the roadway, drainage, and utility related construction work.



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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 ensure 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.
16. All components, features, improvements, and conditions of site plan approval shall be fully completed prior to any issuance of a certificate of occupancy.

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