



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for “Molly Corporation” Page 1 of 12

Article X Site Plan Approval

| PROJECT INFORMATION | |
|------------------------------------|--|
| General: | <p>Project Name: Molly Corporation</p> <p>Applicant: Grahaneli Realty LLC, PO Box 1269, Wells, ME 04090</p> <p>Landowner: Grahaneli Realty LLC, PO Box 1269, Wells, ME 04090</p> <p>Location: 60 Willie Hill Road</p> <p>Existing Use: 16,200 SF (gross) Manufacturing use with associated parking</p> <p>Proposed Land Use: 16,200 SF (gross) Manufacturing use with associated parking</p> <p>Tax Parcel ID: Tax Map 40, Lot 18</p> <p>Zoning District: Light Industrial District</p> <p>Art VII Performance Standard: None</p> <p>Design Engineer: Attar Engineering, Inc, 1284 State Rd, Eliot, ME 03903</p> <p>Plan Submission Date: 8-30-2022</p> |
| Project Description: | <p>Attar Engineer Inc. has submitted a Site Plan Amendment Application on behalf of the property owner Grahaneli Realty LLC to replant the Route 9 landscaped buffer, depict existing conditions, update stormwater management and add a drainage easement across Map 41, Lot 11-1B to benefit 11-1-B. The existing 16,200 SF (gross) Manufacturing use building to remain unchanged. The property is located off of 60 Willie Hill Road and is within the Light Industrial District. The parcel is identified as Tax Map 40, Lot 18 and is approximately 3.4 acres in size. The parcel is served by an on-site private septic system and individual drilled well.</p> |
| Completeness Determination: | <u>To be determined</u> |
| Public Hearing: | <u>To be determined</u> |
| Staff Review Mtg: | None |



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PROJECT HISTORY

1. On 8/30/22 the applicant submitted a site plan amendment application form and plan.
2. On 8/31/22 the Code Enforcement Officer prepared an Article V use determination finding the use proposed is permitted within the Light Industrial District.
3. On 8/31/22 the Planning Office mailed abutters notification of the Code Officers use determination and of the 9/12/22 Planning Board meeting.
4. On 9/9/22 the Planning Office prepared a site plan amendment application memo for the Planning Board and applicant.
5. On 9/12/22 the Planning Board received the site plan amendment application and waived a site walk of the property. The workshop was continued for 30 days.
6. On 9/19/22 the Planning Office received a revised site plan.
7. On 9/21/22 the Planning Office prepared Article V, VI, completeness and draft compliance/ Findings of Fact & Decisions. A memo was also prepared for the applicant and Planning Board.
8. On 9/26/22 the Planning Board conducted a workshop, voted to find the application complete, voted to waive a public hearing, voted to approve the 40' wide landscape buffers along Route 9 and Willie Hill Road, voted to find the screening to remain sufficient for the residential abutter, voted to waive an updated boundary survey, voted to find the application compliant, voted to approve and sign the Findings of Fact & Decisions and plan.



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| § 145-75. Criteria and Standards | Comments |
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| <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> | |
| <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>273.77 feet along Route 9 and 436.47' along Willie Hill Road noted. Parcel has multiple frontages (on Willie Hill Rd and Route 9). Both frontages meet the minimum requirement of 100'. Route 9 right of way setback must remain 40 feet. The setback along Willie Hill Road is permitted to be reduced to 25 feet. However, see 145-38B. 145-38B requires the first 40 feet of the lot off of Willie Hill shows to contain vegetation. On-street parking is prohibited. All parking is designed to meet the 90 degree parking space dimensional requirements of 9' x 18.5' with 26' wide aisles. 2 handicap accessible parking spaces are shown. Handicap signs are labeled on the plan. Plans depict snow storage areas. Areas that could be used for parking shall be on pavement. Willie Hill Road has no posted speed limit. Sight distances are noted on the plan. Willie Hill Road ROW widths noted on the plan as 50'. Application included an existing estimate of a peak hour generation of 15 trips with no increase.</p> <p>12,500 + 3,700 / 1,000 = 17 spaces required. 25 are proposed. Parking lot striping to be maintained as depicted (see note 7 on plan). The proposed building is located more than 60 feet from Willie Hill Road and parking for the property is located more than 40 feet from Willie Hill Road.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> |



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| 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. | The property is prohibited from emitting dust, fumes, vapors and gases at any point perceptible beyond its lot lines. THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET. |
| 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. | The property is prohibited from producing offensive or harmful odors at any point perceptible beyond its lot lines. THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET. |
| 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. | The property is prohibited from producing glare onto abutting lots or street right of ways. Proposed exterior lighting is identified on the plan. See notes 8 and 11 on the site plan. THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET. |



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| 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>The Town Engineer reviewed stormwater management found to be adequate and to address these requirements. Existing drainage easement depicted. Stormwater Management Plan dated 6-11-15 and prepared by Lew Chamberlain of Attar Engineering Inc. Less than 1 acre of new impervious surface proposed. Permit By Rule not required.</p> <p>An updated Stormwater Plan for the lot and abutting lots (Map 41, Lot 11-B-1) provided by ATTAR Engineering. The plan was reviewed by the Town Engineer and found to meet Town requirements.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> |
| 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] | <p>Best Management Practices are a standard condition of approval.</p> <p>The Town Engineer has determined that the sedimentation control plans satisfy the Town’s Requirements.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</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 |
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| (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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| <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>This commercial parcel abuts other commercial properties and a residential lot (Map 40, Lot 1). Previously approved row of cedars was required as a visual screen and was installed. <u>On 9/21/22 the Planning Board to determine that the screening provided is adequate for the residential abutter.</u></p> <p>A landscaped buffer is required along Willie Hill Road and Route 9. (See 145-38B). The Willie Hill Road buffer remains unchanged.</p> <p><u>The first 40 feet of the lot off Route 9 was required to maintain the existing vegetation per prior approvals. This buffer was cut. The applicant seeks to replant this buffer with shaded trees, 2” diameter caliber at breast height, planted every 30 feet on center. On 9/21/22 the Planning Board to determine if the proposed buffer along Route 9 is sufficient.</u></p> <p>Note 3 on sheet 1 identify setback requirements. All existing and proposed structures shall meet setbacks.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> |



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| 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>The property has 4 existing above ground 1,000 gallon propane tanks on a concrete pad to the west of the existing 12,500 SF manufacturing building (within the fenced area). A 500 gallon below ground propane tank to be a minimum of 10' from the north corner of the 3,700 SF manufacturing building exists. Two 120 gallon above ground tanks on the north side of the proposed 3,700 SF building also exist. All explosive materials shall be stored in compliance with NFPA standards.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</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>Water quality standards shall be met.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN 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>Maximum of 65% coverage noted. Lot coverage is 29.2%. Less than 1 acre of new impervious surface proposed. Permit By Rule not required. Elevations at stone spillway to be reconstructed as noted on the plan. Existing trees shown and shall be maintained.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> |



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| 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>The parcel is served by on site dumpsters. The dumpster pad shall be enclosed with 6’ tall stockade fencing. Dumpster shall meet setback requirements.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN 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>The parcel has an existing well located on the west side of the existing 12,500 SF building. The nearest fire pond is depicted/noted on the plan.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> |
| M. | Sewage disposal. The applicant shall provide for the safe disposal of all wastewaters. | <p>The property is served by an two onsite private subsurface wastewater disposal systems.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> |



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| N. | Fire safety. The site plan shall make adequate provisions for access by fire-fighting equipment and personal. | <p>A Fire Chief letter dated 7/31/2015 has identified this site plan to make adequate provisions for fire safety. Existing and proposed above and below ground propane tanks are noted and shall meet NFPA standards. The nearest fire pond is depicted/ noted on the plan. The fire lane shall be striped and posted with ‘no parking’ signs.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN 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]
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 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.
 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.
 16. All components, features, improvements and conditions of site plan approval shall be fully completed prior to any issuance of a certificate of occupancy.



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Special Conditions of Approval

1. All previous Conditions of Approval will remain in effect unless specifically amended by this site plan amendment approval. The approval of this Amended Site Plan in no way negates the need for applicant compliance with all previously set Conditions of Approval.

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

Wells Planning Board

By: _____
Chuck Millian, Chairman

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