



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS
Site Plan Application for “TNN Reatly Parking Lot”
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Chapter 145, Article X Site Plan Approval

PROJECT INFORMATION	
General:	Project Name: TNN Realty Parking Lot Applicant: TNN Realty, LLC 153 Branch Rd, Wells, ME 04090 Landowner: TNN Realty, LLC 153 Branch Rd, Wells, ME 04090 Location: Willie Hill Road Existing Use: Vacant Proposed Land Use: Commercial Parking Lot Tax Parcel ID: Tax Map 41, Lot 11-4-B Zoning District: Light Industrial District Art VII Performance Standards: None Design Engineer: BH2M, 380B Main Street, Gorham, ME 04038 Plan Submission Date: October 7, 2022
Project Description:	Walter Pelkey of BH2M has submitted a site plan application on behalf of the owner, TNN Realty, LLC. The Site Plan Application is for an 78 space commercial parking lot to provide off-site parking for the uses on abutting Lot 11-3. The parcel is located off Willie Hill Road and within the Light Industrial District. Tax Map 41, Lot 11-4B.
Completeness Determination:	11/1/2022
Public Hearing:	11/14/2022
Staff Review Mtg:	None



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PROJECT HISTORY

1. On 7/12/22 the applicant submitted a site plan pre-application and sketch plan.
2. On 7/13/22 the Code Enforcement Office found the use proposed is permitted in the LI zone.
3. On 7/14/22 the Planning Office mailed abutters notice of the use determination and of the 7/25/22 Planning Board meeting.
4. On 7/21/22 the Planning Office prepared a site plan pre-application memo for the Planning Board and applicant.
5. On 7/25/22 the Planning Board received the site plan pre-application and scheduled a site walk for 8/1/22.
6. On 8/1/22 the Planning Board conducted a site walk at 6:10 PM.
7. On 8/1/22 the Planning Board reported the site walk results at the meeting.
8. On 10/7/22 the applicant submitted a site plan application and plan to the Planning Office.
9. On 10/21/22 the Code Enforcement Office found the use proposed is permitted in the LI zone.
10. On 10/24/22 the Planning Office mailed abutters notice of the use determination and of the 10/31/22 Planning Board meeting.
11. On 10/25/22 the Planning Office prepared Article V, VI and draft completeness review checklists. Plan markups and a memo summarizing review comments were also prepared.
12. On 10/31/22 the Planning Board received the site plan application, conducted a workshop, did not require additional traffic data, found the parking lot did not require a specific number of spaces, and appointed the Planning Office as the completeness agent so that a public hearing could be scheduled. The workshop was continued for 60 days.
13. On 10/31/22 the applicant submitted a revised site plan and drainage plans.
14. On 11/1/22 the Planning Office found the application complete for purposes of scheduling a public hearing for 11/14/22.
15. On 11/4/22 the Planning Office mailed certified mail notice to abutters of the 11/14/22 Public Hearing.
16. On 11/9/22 the Town Engineer prepared a memo finding the stormwater management plan and design to meet Town standards.
17. On 11/9/22 the Planning Office prepared updated Article V, VI and completeness review checklists. A draft compliance/ Findings of Fact & Decisions and memo were also prepared.
18. On 11/14/22 the Planning Board conducted a public hearing, made determinations regarding buffering, 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>	
<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>The property proposes a curb cut onto Willie Hill Road. The property has 208.41 feet along Willie Hill Road for street frontage (note 7). Parcel does not have multiple street frontages. Site plan notes that parking along or within the Willie Hill Road is prohibited.</p> <p>78 parking spaces are depicted to be 90 degree angle parking spaces. Spaces to be a minimum of 9' x 18.5' in dimension with a minimum of 26' aisle width.</p> <p>78 spaces are proposed which requires 4 handicap accessible parking spaces. 4 spaces are proposed and depicted on the plan. 4 ADA parking spaces shall have ADA compliant signage.</p> <p>A commercial parking lot use is proposed. A total of 78 parking spaces are proposed. The proposed parking to serve as additional off-site parking for abutting lot 11-3. On 10/31/22 the Planning Board found that there is no parking requirement as the use is a commercial parking lot.</p> <p>Snow storage areas are depicted on the site plan.</p>



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§ 145-75. Criteria and Standards		Comments
		<p>Areas that could be used for parking shall be on gravel. See plan note 20, parking lot could be paved and doing so does not trigger a site plan amendment.</p> <p>Sight distances onto Willie Hill Road is noted to be 490' to the east and 570' to the west. Speed limit is noted to be 25 MPH.</p> <p>Willie Hill Road is identified. No abutting driveways are located across from this parcel.</p> <p>On 10/31/22 the Planning Board determined that additional traffic data is not necessary.</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><u>See recommended note 21.</u> This parcel is prohibited from producing such glare onto abutting lots or street right of ways. Any exterior lights, if installed, shall be shielded and directional and comply with Land Use lighting provisions.</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>Town Engineer reviewed stormwater runoff considerations on 11-9-22 (see memo).</p> <p><u>Stormwater Management Report and Plans prepared by BH2M provided but neither are stamped by PE.</u> Pre-Development and Post-Development plans provided. Pond elevations noted.</p> <p>Areas that could be used for parking shall be on gravel. See plan note 20, parking lot could be paved and doing so does not trigger a site plan amendment.</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]	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>See note 17: Best Management Practices for soil erosion and sedimentation control are a condition of approval. Sheet 2 provides notes and details to meet BMPs.</p> <p>See the Findings of Fact & Decisions associated with the site plan for conditions of approval. (note 17)</p> <p>Erosion and Sedimentation Control Plan prepared and provided by BH2m. Town Engineer reviewed on 11/9/22.</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>Setback requirements of the Light Industrial District are noted on the plan (see note 7). No structures are proposed.</p> <p>This commercial parcel abuts commercial property within the LI zone. No screening for abutters is required.</p> <p><u>The 40' wide landscaped buffer along Willie Hill Road shall consist of existing shade/evergreen trees. The plan must show this area as a no-cut/disturb area. A tree is proposed to be planted east of the entrance to the parking lot.</u></p> <p><u>Planning Board to review the landscaped buffer on 11/14/22.</u></p> <p>No building areas are proposed. Parking areas shall not be located within the 40' wide landscaped buffer area required along Willie Hill Road per 145-39J.</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><u>See recommended plan note 23.</u> Explosive materials, if any, shall be stored in compliance with NFPA standards.</p>



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§ 145-75. Criteria and Standards		Comments
I.	<p>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>	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Any such storage shall comply with water quality standards.</p>
J.	<p>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>Proposed lot coverage is 34% (35,582 SF). Maximum lot coverage of 65% in the LI zone noted. See plan note 7.</p> <p>A no-cut/ no-disturb area 40 feet wide is required to be maintained along Willie Hill Road.</p> <p>The parking lot is for registered vehicle parking and not permitted to be used as outside storage or an automobile graveyard. See plan note 19.</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>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p><u>See recommended plan note 22. Plan to note how refuse shall be disposed of (no dumpster, trash receptacles?, no trash to be disposed of on the property, drivers responsible for their own refuse.</u></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>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Not served by KKWWDD or private well. No water supply service proposed for the parking lot use.</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 WSD or onsite septic system. No sewage disposal proposed for the parking lot use.</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 site plan notes that the property is within 630 feet to the nearest fire pond/dry hydrant.</p> <p>No structures are proposed. Access throughout the parking lot is maintained by sufficient aisle widths.</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 use permit or business license. §145-74E



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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 a cash performance guarantee to cover the cost of site stabilization based on \$3,500 per acre of soil disturbance. The cash amount of this guarantee must be acceptable to the Town Planner.
3. 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

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

Wells Planning Board

By: _____
Charles Millian, Chairman