



Planning & Development

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Site Plan Amendment Application Memo

Date: March 24, 2023

To: Staff Review Committee

From: Planning Office

Re: Seaglass Village – Site Plan Amendment #10 Application - Map 19, Lot 31

John Connors has submitted a site plan amendment application on behalf of the property owner, Seaglass Village Condominium Association. The amendment proposes to remove a 14' x 24' shed area from the westerly side of the pool area; add a new 14' x 20' shed area to the south of the pool house/office. The amendment to also address changes made without site plan approval including: a patio area constructed to the west of the pool; a walkway constructed from the front parking lot to the office and tree clearing within the 75' shoreland overlay zone and 100' MDEP stream setback/buffer. No new seasonal cottage units or hotel units are proposed and no change in use is proposed. The existing approved uses on the parcel include 179 non-conforming seasonal cottage units, 24 non-conforming hotel/motel units (a total of 203 lodging units), and 1 dwelling unit off of Old County Road. The property is considered a Lodging Facility per 145-52. Accessory uses in the GB zone include the 24' x 40' gatehouse/ office space (960 SF); the 30'x60' pool/ wading pool with patio (6,508 SF); 6' x 6' guardhouse (36 SF); and a 14' x24' shed (336 SF) (to be removed). A 10' x 20' trash compactor with 8' high fence near the exit also exists. Accessory uses in the R zone include the 11,800 SF Clubhouse with food service; a 2,235 SF Pool; a 2,605 Walking Pool; a 17,233 SF patio with fire place, 2 bocce courts; 2 shuffle board courts; a putting green; and two 60' x 120' tennis courts (14,400 SF). The dog park area in the Rural zone is shown on the plan. All amenities for the Lodging Facility are permitted to be available year round. The parcel is located within the General Business, Rural and 75' Shoreland Overlay Districts. The parcel has street frontage off of Route 1 and Old County Road. The parcel is 65 acres in size and is served by public water and sewer. The parcel proposes 479 parking spaces, of which 5 are designated as handicap accessible. 447 spaces are required.

§ 145-70. Applicability.

All uses identified as permitted with site plan approval in Article V shall be subject to the requirements of this article in the following situations:

- A. A new use is proposed on a lot;
- B. Resumption of a use which has been discontinued for at least two years is proposed; or
- C. An existing use proposes to expand its gross floor area and/or land area. **New shed area proposed; new patio area to be reviewed**

§ 145-71. Reviewing authority. [Amended 4-19-1997]

- A. The reviewing authority for uses or structures requiring site plan review under Article V shall be determined by the Reviewing Authority Chart. **Editor's Note: The Reviewing Authority Chart is included at the end of this chapter. [Amended 4-18-1998] The amendment sought requires Staff Review Committee approval**
- B. If a particular reviewing authority is set forth in sections of the Wells Municipal Code other than Subsection A of this section for a particular use, structure or procedure that conflicts with the above chart, such other sections of the Code will control with respect to the proper review authority.

§ 145-72. Applications. [Amended 4-26-1996]

Appropriate application forms shall be available from the Office of Planning and Development. All applications shall be filed with the Office of Planning and Development, and the application fee shall be paid to the Town of Wells.

§ 145-73. Fees.

- A. An application fee as established by the Board of Selectmen, following notice and a public hearing, shall be paid at the time an application is filed. **Applicant submitted an application fee and escrow**
- B. The applicant shall reimburse the Town for all expenses incurred for notifying abutters of the proposed site plan and advertising of any public hearing regarding the site plan.
- C. The Town staff or Planning Board may employ the services of technical experts to assist it in reviewing applications and in determining appropriate conditions of approval. The applicant shall be informed of the intended use of such services and their approximate cost. A deposit equal to the estimated cost shall be paid to the Town prior to the employment of any such technical experts. The total cost of any such review shall be paid by the applicant prior to the signing of any approved plans. If the entire deposit is not expended, the remaining balance shall be returned to the applicant. **[Amended 4-26-1996; 11-7-2000]**

§ 145-74. Review and approval process.

- G. Amendment to approved site plans.
 - (2) Upon receipt of an application to amend a previously approved site plan, the Code Enforcement Officer shall follow the procedure for reviewing a site plan review preapplication as set forth in Subsection A. Notice of the filing of an application to amend an approved site plan shall follow the notice procedure for the filing of a preapplication for site plan review as set forth in Subsection A. **Procedure for site plan pre-application and application shall be followed.**
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 - (3) The procedure for reviewing applications to amend a previously approved site plan shall follow the procedure for reviewing a site plan review application as set forth in this section unless the reviewing authority determines that the amendment is of such an inconsequential nature that the full site plan review procedure is not necessary. For applications to amend a previously approved site plan, the reviewing authority may combine the preapplication and application steps and may waive the requirement for a public hearing.
 - (4) Field changes to approved site plans. **[Added 4-18-1998] Not applicable at this time**
- H. The Planning Board may require that a performance bond or other suitable financial guaranties be posted by the applicant. The form and amount of this bond of financial guaranty must be acceptable to the Town Manager. **Not applicable**
- I. Technical assistance. The Code Enforcement Officer, the Staff Review Committee or the Planning Board may, at its discretion, forward a copy of the application, the plans and all supporting documentation to any appropriate technical expert for review. The review may include traffic impact, roadway and parking area design and construction, stormwater management and erosion and sedimentation control, as well as any other concerns of the reviewing authority. The applicant shall pay for the employment of any such experts. (See § 175-73C.) **Not applicable**
- A. **Preapplication. [Amended 4-14-2000] ***

- (1) Prior to submitting an application, the applicant shall submit to the Office of Planning and Development a preapplication form, sketch plan of the subject property showing existing and proposed buildings, parking areas, lot boundaries, adjacent streets, entrances to the property, water bodies, any other significant features **Plan provided**, a list of names and addresses of abutters to the proposed project **Provided**, and a set of Size 10 envelopes addressed to the abutters **Provided**, affixed with first class postage. The addresses of these abutters shall be obtained from the Town of Wells Tax Assessor's records. Within seven days of receipt of a preapplication by the Office of Planning and Development, the Code Enforcement Officer shall:
 - (a) Determine the level of review to be required under § 14-71 and whether or not the proposed use is a permitted use on the subject lot. **On 3/7/23 the Code Officer determined the use to be permitted at the time of original approval.**
 - (b) If the proposed use is a permitted use on the subject lot: **Abutter notification mailed 3/8/23**
 - [1] Send or deliver a notice to the applicant and the abutters of such determinations by first class mail. **YES**
 - [2] Certify that said notices have been sent or delivered.
 - [3] If the reviewing authority pursuant to § 145-71 is the Code Enforcement Officer, indicate to the applicant the information the applicant needs to submit as part of the application. **Not applicable**
 - [4] If the reviewing authority pursuant to § 145-71 is the Staff Review Committee or the Planning Board, place the applicant on the next available agenda for a preapplication meeting, if a preapplication meeting is requested by the applicant. **Staff Review Committee scheduled to receive the amendment on 3/28/23**
 - (c) If the proposed use is not a permitted use on the subject lot, send a notice to the applicant of such determination by first class mail and certify that said notice has been sent.
- (2) The abutters' notification sent pursuant to Subsection A(1)(b)[1] above shall include a copy of the preapplication form and an explanation of the purpose of the notification. **YES** If the reviewing authority is the Staff Review Committee or the Planning Board and a preapplication meeting with the Committee or Board is requested by the applicant, the preapplication meeting date shall also be included in the notification **YES**, and said notification shall be sent or delivered by first class mail at least 10 days before the meeting. **Abutter notification mailed on 3/8/23**
- (3) The Staff Review Committee or the Planning Board at its preapplication meeting with the applicant shall indicate the information which the applicant will be required to submit as part of the application and may schedule an on-site inspection of the property. The Committee or Board may waive any of the submission requirements listed in § 145-77 if it determines that they would not be applicable or are not necessary to determine that the standards of § 145-75 have been or will be met.
- (4) If the applicant does not request a preapplication meeting with the Staff Review Committee or the Planning Board the applicant is encouraged to meet with the Director of Planning and Development to discuss the project and the information the applicant will be expected to submit as part of the application.

Recommendations and Conclusion:

1. The Staff Review Committee to consider the following:
 - a. Receive the site plan amendment application.
 - b. Workshop initial review comments:
 - i. A new site plan should be based on the 2017 as-built survey (see plan markups)
 - ii. The proposed shed must be constructed with a sprinkler system per 145-52 requirements. Specifications on the sprinkler system have been provided.
 - iii. An outdoor patio area has been installed without site plan approval.

- iv. A shed was installed without site plan approval or a building permit. The applicant has stated this shed shall be removed. Plan notation detailing its removal is necessary if the shed still remains at this time.
 - v. The town Shoreland Overlay District (75 feet from the stream, as shown on the approved site plans) appears to have been cleared of all trees in one area adjacent to the pool. Per 145-33, a buffer strip must be preserved which cannot be cleared and meets the point system specified in 145-33E(1)(a) and (b).
 - vi. Applicant to proposed trees to correct shoreland overlay zone cutting violation?
 - vii. The 100 foot stream buffer per MDEP Site Location Permit has been disturbed and partially developed with a portion of the patio.
 - viii. See abutter letter.
2. SRC to continue the workshop up to 60 days.