



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS Site Plan Application for “Bulrush Retail Plaza” Page 1 of 15

Chapter 145, Article X Site Plan Approval

PROJECT INFORMATION	
General:	<p>Project Name: Bulrush Retail Plaza</p> <p>Applicant: Bulrush, LLC (c/o Thomas Platz), Two Great Falls Plaza, Auburn, ME 04210</p> <p>Landowner: Bulrush, LLC (c/o Thomas Platz), Two Great Falls Plaza, Auburn, ME 04210</p> <p>Location: 279 Post Road, Wells, ME</p> <p>Existing Use: Vacant Land</p> <p>Proposed Land Use: 2,000 SF Registered Marijuana Dispensary use (unit 1); Unit 2 is 1,150 SF of building for Retail/Office/ Service/ Personal Service/ Contractor uses; Unit 3 is 1,575 SF of building for Contractor use only; Unit 4 is 1,575 SF of building for Contractor/ Personal Service/ Service use only; and Unit 5 is 1,560 SF of building for Retail/Office/ Service/ Personal Service/ Contractor uses.</p> <p>Tax Parcel ID: Tax Map 108, Lot 33-15</p> <p>Zoning District: General Business District</p> <p>Art VII Performance Standards: 145-58.2 Registered Marijuana Dispensaries.</p> <p>Design Engineer: Travis Nadeau, Platz Associates, Two Great Falls Plaza, Auburn, ME 04210</p> <p>Plan Submission Date: 12/28/2022</p>
Project Description:	<p>Bulrush, LLC, owner/applicant, has submitted a site plan application for the property located off of 279 Post Road identified as Tax Map 108, Lot 33-15. The property is located within the General Business District and is .79 acres/ 34,389 SF in size. The property is currently vacant. The application proposes to construct a single story 7,850 SF building consisting of 5 units. Unit 1 shall be 2,000 SF in area and is proposed for Registered Marijuana Dispensary use. The remaining 6,275 SF of the building is proposed for: Unit 2 is 1,150 SF of building for Retail/Office/ Service/ Personal Service/ Contractor uses; Unit 3 is 1,575 SF of building for Contractor use only; Unit 4 is 1,575 SF of building for Contractor/ Personal Service/ Service use only; and Unit 5 is 1,560 SF of building for Retail/Office/ Service/ Personal Service/ Contractor uses. The property is served by public water and sewer.</p>



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Completeness Determination:	4/3/2023
Public Hearing:	4/17/2023
Staff Review Mtg:	2/28/2023

PROJECT HISTORY

1. On 12/19/22 the applicant submitted a site plan application form for the above described project. Errors were identified.
2. On 12/28/22 the applicant submitted a corrected site plan application form for the above described project.
3. On 12/28/22 the Code Officer found the use proposed to be permitted in the GB zone and found the reviewing authority to be the Planning Board.
4. On 12/29/22 the Planning Office mailed abutters notice of the use determination, the site plan application and of the 1/9/23 Planning Board meeting.
5. On 1/3/23 the Planning Office prepared draft Article V and VII review checklists and a memo for the applicant and the Planning Board. Plan markups with recommended changes for the applicant to address were also prepared.
6. On 1/9/23 the Planning Board received the site plan application and scheduled a site walk of the property for 1/14/23 at 8AM.
7. On 1/13/23 the applicant submitted a revised site plan to the Planning Office.
8. On 1/14/23 the Planning Board conducted a site walk of the property.
9. On 1/17/23 to 1/19/23 the Planning Office prepared Article V, VI, VII and draft completeness review checklists as wells as a memo for the applicant and Planning Board. Recommended plan markups were also prepared.
10. On 1/23/23 Town Hall closed due to inclement weather. The public hearing was postponed to 2/6/23.
11. On 2/6/23 the Planning Board reported the site walk results, conducted a workshop, and voted to continue the workshop for 60 days to allow the applicant time to address the review comments.
12. On 3/27/23 the applicant provided revised plans, stormwater management plan, security plan and architectural plans.
13. On 3/29/23 the Planning Office prepared updated Article VI, VII and completeness review checklists and a memo. A drainage review memo was also prepared by the Town Engineer.
14. On 3/30/23 the Police Chief provided written acceptance of the proposed security plan.
15. On 4/3/23 the Planning Board approved the 10 parking spaces for the Registered Marijuana Dispensary use, waived an updated boundary survey, voted to find the application complete and scheduled a public hearing for 4/17/23.
16. On 4/4/23 the Planning Office set the public hearing, placed ads in the newspapers and mailed certified mail to abutters.
17. On 4/8/23 the applicant provided revised plans and stormwater management plans.
18. On 4/11/23 the Planning Office prepared updated Art V, VI, VII, completeness review checklists.
19. On 4/12/23 the Town Engineer prepared recommended drainage review comments.
20. On 4/13/23 the applicant provided revised drainage plans.



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21. On 4/13/23 the Planning Office prepared draft compliance/ Findings of Fact & Decisions.
22. On _____
23. On 4/17/23 the Planning Board conducted a public hearing and workshop. The Board voted to _____

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§ 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.	145-58.2 Registered Marijuana Dispensaries standards apply.

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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>Property proposed curb cut onto Salt Marsh Circle. No curb cut proposed onto Route One. Route One and Salt Marsh Circle ROW widths are noted.</p> <p>All parking is designed as 90 degree parking with 9' x 18.5' dimensions. 26' + wide travel aisles proposed.</p> <p><u>Plan notes 28 spaces are required and 28 are proposed.</u> 2 spaces are required to be handicap accessible. Plan depicts to ADA spaces. 2 ADA compliant signs for handicap parking are required and are identified on the plan.</p> <p>Unit 2 (1,150 SF of building) requires 3.5 spaces per 1,000 SF = 5 spaces required (Retail/Office/ Service/ Personal Service/ Contractor uses permitted)</p> <p>Unit 3 (1,575 SF of building) requires 1 space per 1,000 SF but no less than 3 spaces = 3 spaces required (Contractor use only)</p> <p>Unit 4 (1,575 SF of building) requires 1 space per 400 SF = 4 spaces required (Contractor/ Personal Service/ Service use only)</p> <p>Unit 5 (1,560 SF of building) requires 3.5 spaces per 1,000 SF = 6 spaces required ((Retail/Office/ Service/ Personal Service/ Contractor uses permitted)</p> <p>3 employees are noted for the Registered Medical Marijuana Dispensary use. The two largest shifts combined is 6 employees. Therefore 6 spaces for employees are required. Of the 2,000SF space, 1,100 SF is for customer area. $1,100 \times 3.5/1000 = 4$ spaces required for customer area. $6 + 4 = 10$ spaces. Planning Board found the 10 parking space proposed to be suitable for the Registered Medical Marijuana Dispensary use on 4/3/23.</p>
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§ 145-75. Criteria and Standards		Comments
		<p>Planning Board did not require additional traffic data. See Parking Note 2 on C100 regarding trip generation proposed.</p> <p>Parcel does have multiple street frontages. Setback reduction permitted along Salt Marsh Circle only per 145-35.O.</p> <p>Site plan notes that parking along or within the Route One and Salt Marsh Circle ROWs is prohibited.</p> <p>Snow storage areas are depicted on the site plan. See also note 14 outlining snow removal when snow storage areas are filled.</p> <p>Areas that could be used for parking shall be on pavement. Sight distances onto Route 1 at Salt Marsh Circle is noted to be 400'+ in both directions. Speed limit is 40 MPH on Route One.</p> <p>Salt Marsh Circle sight distances noted to be 250' in both directions. Speed limit is 25 MPH on Salt Marsh Circle.</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>



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§ 145-75. Criteria and Standards		Comments
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>See plan note 12. Exterior lighting shall be shielded and downward directional as not to produce glare onto abutting lots or streets.</p> <p>Proposed exterior light locations are shown on the site plan.</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>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Stormwater Management Report prepared by CivilX dated March 2023 provided; revised 4/13/23. Town Engineer reviewed, see memo dated 4/13/23.</p> <p>Stormwater management report by Travis A. Letellier, PE #13920 of CivilX, dated March 2023 provided. Sheet C-1 and C-2 provided.</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>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Best Management Practices for soil erosion and sedimentation control are a condition of approval. See sheet C-2.</p>



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§ 145-75. Criteria and Standards		Comments
(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.	
(9)	The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.	



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§ 145-75. Criteria and Standards		Comments
(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>A 15 foot wide landscaped buffer is required along Route 1 and Salt Marsh Circle. These buffers are proposed to consist of grass areas and a total of 4 shade trees, minimum of 8’ in height with 3” diameter trunk at breast height. <u>Planning Board to consider if the street tree buffer is suitable after the public hearing.</u></p> <p>This commercial property abuts a future residential lot to the east (Lot 15-1). Shade trees, shrubs, bushes and grass are proposed along 15-1. <u>6’ tall evergreen trees are proposed but additional plantings recommended. Evergreen tree detail needed. Planning Board if the screening proposed is suitable after the public hearing.</u></p> <p>15 foot setback is shown and noted. Proposed structures are to be constructed right up to the setback requirements. Per 145-35O the setback along Salt Marsh Circle is permitted to be reduced from 25’ to 15’ as the frontage and setback from Route 1 is satisfied/met. 40’ setback from Route 1 is shown and noted. _ Proposed structures are to be constructed right up to the setback requirements.</p> <p>Plan notes that all building foundations shall be survey located at footing (see note 17).</p>



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§ 145-75. Criteria and Standards		Comments
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>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 16.</p> <p><u>Above or below propane tanks to be identified on the plan.</u></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>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Fuels shall be stored in compliance with water quality standards.</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>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Existing lot coverage is 0%.</p> <p>Proposed lot coverage is noted to be 62%. (Includes roof drip edge lot coverage)</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>The property is approved to be served by an on-site dumpster. The dumpster shall meet setback requirements and be screened with 6' tall solid fencing on all sides.</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>Capacity letter from the KKWWD dated 4/3/23 provided. Adequate capacity to serve this property exists.</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>Capacity letter from the Wells Sanitary District dated 4/10/23 provided. Adequate capacity to serve this property exists.</p>



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§ 145-75. Criteria and Standards		Comments
N.	<p>Fire safety. The site plan shall make adequate provisions for access by fire-fighting equipment and personal.</p>	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Site plan note 9 states the building unit for the Registered Marijuana Dispensary use shall installed a fire suppression sprinkler system. Fire Chief review provided at Staff Review Committee meeting on 2/28/23.</p> <p>The property is also served by a public fire hydrants. The nearest hydrant is located at the corner of Salt Marsh Circle and Route One.</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.I.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

Special Conditions of Approval

1. Prior to construction (site disturbance) a pre-construction meeting shall be held at Town Hall between the developer, contractor and Town officials.



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2. Prior to the issuance of a building permit, the developer shall provide the Town cash escrow performance guarantee to cover the site stabilization based on \$3,5000 per acre of disturbance.

Dated at Wells, Maine this _____ day of _____, 2023

Wells Planning Board

By: _____
Charles Millian, Chairman

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