



**APPROVED**

**Town of Wells, Maine  
Code Enforcement Officer & Town Planner**

**FINDINGS OF FACTS & DECISIONS**  
**Site Plan Application for "Atlantic Oceanfront Resort"**  
 Page 1 of 11

**Article X  
Site Plan Approval**

PROJECT INFORMATION	
<b>General:</b>	<p><b>Project Name:</b> Atlantic Oceanfront Resort  <b>Applicant:</b> Scott MacLeod, Ash Cove Construction, 65 Avenue A, Acton, ME 04001  <b>Landowner:</b> KGB, LLC PO Box 386, Wells, ME 04090  <b>Location:</b> 37 Atlantic Avenue  <b>Existing Use:</b> 35 hotel/motel units and 1 manager's dwelling  <b>Proposed Land Use:</b> 35 hotel/motel units and 1 manager's dwelling</p> <p><b>Tax Parcel ID:</b> Tax Map 122, Lot 86  <b>Zoning District:</b> Beach Business and 250' Shoreland Overlay Districts  <b>Art VII Performance Standards:</b> 145-52 Lodging Facilities  <b>Design Engineer:</b> None  <b>Plan Submission Date:</b> March 8, 2023</p>
<b>Project Description:</b>	<p>Scott MacLeod of Ash Cove Construction has submitted a site plan application seeking approval to construct 175.5 SF for storage space within the existing footprint of the Hotel on the 2<sup>nd</sup> and 3<sup>rd</sup> floors (86.5 SF per floor). The property is a grandfathered Lodging Facility consisting of a 3-story structure with 35 hotel units, 1 manager's dwelling unit, pool and lodging facility office. The property is approximately .384 acres in area and is served by public sewer and public water. The property has outdoor parking and parking within a parking garage at ground level. The property is located off 37 Atlantic Ave within the Beach Business and 250' Shoreland Overlay Districts. Tax Map 122, Lot 86.</p>
<b>Completeness Determination:</b>	4/5/2023
<b>Public Hearing: Staff Review Mtg:</b>	Not applicable Not Applicable



# Town of Wells, Maine

## Code Enforcement Officer & Town Planner

### FINDINGS OF FACTS & DECISIONS Site Plan Application for "Atlantic Oceanfront Resort" Page 2 of 11

PROJECT HISTORY	Comments
<ol style="list-style-type: none"> <li>1. On 3/8/23 the applicant submitted a site plan application for the above described project.</li> <li>2. On 3/16/23 the Planning Office inquired about information to determine the Article V use determination.</li> <li>3. On 3/18/23 the applicant provided the requested information.</li> <li>4. On 3/23/23 the Code Enforcement Office prepared the use determination.</li> <li>5. On 3/23/23 the Planning Office drafted the site plan based on the information provided.</li> <li>6. On 3/24/23 the Planning Office mailed abutters notice of the site plan application, use determination and of the CEO/ Town Planner review scheduled.</li> <li>7. On 4/4/23 the Planning Office prepared the draft site plan notes.</li> <li>8. On 4/5/23 the Planning Office prepared Article V, VI, VII, completeness and draft compliance/ Findings of Fact &amp; Decisions.</li> <li>9. On 4/6/23 the CEO and Town Planner found the application complete, compliant and signed the site plan and Findings of Fact &amp; Decisions.</li> </ol>	<p><b>§ 145-75. Criteria and Standards</b></p> <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>



# Town of Wells, Maine Code Enforcement Officer & Town Planner

## FINDINGS OF FACTS & DECISIONS Site Plan Application for "Atlantic Oceanfront Resort" Page 3 of 11

§ 145-75. Criteria and Standards	Comments
<p><b>A.</b> <b>Traffic.</b> 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><b>BASED ON THE FOLLOWING, THE CODE ENFORCEMENT OFFICER AND TOWN PLANNER FIND THIS STANDARD SHALL BE MET.</b></p> <p>156.32' of frontage noted along Atlantic Avenue. The lot does not have multiple street frontage. Site plan notes that parking along or within Atlantic Avenue is prohibited.</p> <p>All parking is 90 degree angle. Parking spaces do not meet the 9' x 18.5' dimension nor provide a 26' wide aisle. Parking spaces are grandfathered as non-conforming. No changes to parking proposed. 2 handicap accessible spaces are required. 2 ADA compliant signs for the handicap parking are required.</p> <p>The manager's dwelling is required to have 2 parking spaces. The property is grandfathered as it provides a total of 36 parking spaces and 41 spaces are required. (2 spaces for the dwelling and 39 spaces for the hotel/motel use are required: 35 x 1.1 = 39 spaces)</p> <p>The parking area is plowed in the winter to maintain access for the manager's dwelling, as needed. Snow shall be removed from the parking lot if access to the building is impacted by snow storage.</p> <p>The property is within the Shoreland Overlay District. Existing parking areas are paved. No change to parking areas proposed.</p> <p>Sight distances onto Atlantic Avenue is noted to be 250'+ in both directions. Speed limit is 25 MPH on Atlantic Avenue. No change to curb cuts proposed.</p>



# Town of Wells, Maine Code Enforcement Officer & Town Planner

## FINDINGS OF FACTS & DECISIONS Site Plan Application for "Atlantic Oceanfront Resort" Page 4 of 11

§ 145-75. Criteria and Standards	Comments
<p><b>B.</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>	<p><b>BASED ON THE FOLLOWING, THE CODE ENFORCEMENT OFFICER AND TOWN PLANNER FIND THIS STANDARD SHALL BE MET.</b></p> <p>The property shall not emit such dust, fumes, vapors or gases beyond its lot lines.</p>
<p><b>C.</b> 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><b>BASED ON THE FOLLOWING, THE CODE ENFORCEMENT OFFICER AND TOWN PLANNER FIND THIS STANDARD SHALL BE MET.</b></p> <p>The property shall not emit such odors perceptible beyond its lot lines.</p>
<p><b>D.</b> 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><b>BASED ON THE FOLLOWING, THE CODE ENFORCEMENT OFFICER AND TOWN PLANNER FIND THIS STANDARD SHALL BE MET.</b></p> <p>See plan note 8. Signage shall be in compliance with the Wells Land Use Ordinance. Signs shall obtain approval from the Wells Code Enforcement Office prior to be installed.</p>
<p><b>E.</b> Stormwater runoff. Surface water runoff shall be minimized and detained on site if possible or practicable in accordance with Chapter 202-12E(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><b>BASED ON THE FOLLOWING, THE CODE ENFORCEMENT OFFICER AND TOWN PLANNER FIND THIS STANDARD SHALL BE MET.</b></p> <p>See plan note 9. Exterior lighting shall be shielded and downward directional as not to produce glare onto abutting lots or streets.</p> <p>The building additions proposed shall have no impact on the existing stormwater conditions of the property.</p>



# Town of Wells, Maine

## Code Enforcement Officer & Town Planner

### FINDINGS OF FACTS & DECISIONS Site Plan Application for "Atlantic Oceanfront Resort" Page 5 of 11

§ 145-75. Criteria and Standards		Comments
F.	<p>Erosion control. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best-management practices: <b>[Amended 4-27-2007]</b></p>	<p><b>BASED ON THE FOLLOWING, THE CODE ENFORCEMENT OFFICER AND TOWN PLANNER FIND THIS STANDARD SHALL BE MET.</b></p> <p>Best Management Practices for soil erosion and sedimentation control shall be followed.</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.	
(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.	



# Town of Wells, Maine

## Code Enforcement Officer & Town Planner

### FINDINGS OF FACTS & DECISIONS Site Plan Application for "Atlantic Oceanfront Resort" Page 6 of 11

§ 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.	
<b>G.</b>	<b>Setbacks and screening.</b> 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><b>BASED ON THE FOLLOWING, THE CODE ENFORCEMENT OFFICER AND TOWN PLANNER FIND THIS STANDARD SHALL BE MET.</b></p> <p>Seawall setback requirement of 20 feet noted. Existing building is grandfathered as nonconforming as it is constructed within 20 feet of the seawall.</p> <p>The plan notes the lot line setback requirement of 6'. The existing building is non-conforming as it is located within the lot line setbacks to the north and south. The building additions proposed do not make this nonconformity more non-conforming.</p> <p>The plan notes the setback requirement from Atlantic Avenue of 4'. The existing building and proposed additions shall meet this setback.</p> <p>The existing 3-story building does not have an 80 foot setback from Atlantic Avenue. The building is non-conforming with regard to this setback. Per 145-13C2 the proposed building addition is permitted.</p>



# Town of Wells, Maine

## Code Enforcement Officer & Town Planner

### FINDINGS OF FACTS & DECISIONS Site Plan Application for "Atlantic Oceanfront Resort" Page 7 of 11

§ 145-75. Criteria and Standards	Comments
<p><b>H.</b> <b>Explosive materials.</b> 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>The motel was built in the 1960s/early 1970s. A buffer strip was not required at that time. The existing facility has no buffer strip. No changes are proposed with 25 feet of the property lot lines.</p> <p>A 4 foot wide landscaped buffer is required along Atlantic Avenue. The property was developed in the 1960s/ early 1970 prior to this requirement and is grandfathered. No landscaping exists on the property. No changes are proposed to parking or landscaping on the property.</p> <p>This commercial property abuts residential lots to the north and south. No screening exists for these residential abutters. No screening is proposed. The building additions proposed are not visible to abutters.</p> <p><b>BASED ON THE FOLLOWING, THE CODE ENFORCEMENT OFFICER AND TOWN PLANNER FIND THIS STANDARD SHALL BE MET.</b></p> <p>Explosive materials shall be stored in compliance with NFPA standards.</p>
<p><b>I.</b> <b>Water quality.</b> 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>An existing above ground propane tank is identified and shall be protected by bollards.</p> <p><b>BASED ON THE FOLLOWING, THE CODE ENFORCEMENT OFFICER AND TOWN PLANNER FIND THIS STANDARD SHALL BE MET.</b></p> <p>Water quality standards shall be met.</p>



# Town of Wells, Maine Code Enforcement Officer & Town Planner

## FINDINGS OF FACTS & DECISIONS Site Plan Application for "Atlantic Oceanfront Resort" Page 8 of 11

§ 145-75. Criteria and Standards		Comments
J.	<p><b>Preservation of landscape.</b> Unnecessary disturbance of the landscape shall be minimized, insofar as practicable, by minimizing tree removal and any grade changes.</p>	<p><b>BASED ON THE FOLLOWING, THE CODE ENFORCEMENT OFFICER AND TOWN PLANNER FIND THIS STANDARD SHALL BE MET.</b></p> <p>No changes to landscaped proposed. The site has 100% lot coverage. No areas of vegetation exist. The Beach Business District allows a maximum of 90% lot coverage. The property is grandfathered in this nonconformity.</p>
K.	<p><b>Refuse disposal.</b> 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>	<p>No changes to finish grade proposed. Parcel contours not necessary.</p> <p><b>BASED ON THE FOLLOWING, THE CODE ENFORCEMENT OFFICER AND TOWN PLANNER FIND THIS STANDARD SHALL BE MET.</b></p> <p>No dumpster exists or is proposed. Refuse shall be disposed of by the property owner.</p>
L.	<p><b>Water supply.</b> The applicant shall demonstrate the availability of adequate water supply for fire protection and the consumption needs of the proposed development.</p>	<p><b>BASED ON THE FOLLOWING, THE CODE ENFORCEMENT OFFICER AND TOWN PLANNER FIND THIS STANDARD SHALL BE MET.</b></p> <p>Property served by public water. Sprinkler system required for building additions proposed.</p> <p>A capacity letter is not necessary for the proposed building addition. No increase in lodging units or change in use proposed.</p>





# Town of Wells, Maine

## Code Enforcement Officer & Town Planner

### FINDINGS OF FACTS & DECISIONS Site Plan Application for "Atlantic Oceanfront Resort" Page 9 of 11

§ 145-75. Criteria and Standards		Comments
M.	<b>Sewage disposal.</b> The applicant shall provide for the safe disposal of all wastewaters.	Property served by public sewer.
N.	<b>Fire safety.</b> The site plan shall make adequate provisions for access by fire-fighting equipment and personal.	<p>A capacity letter is not necessary for the proposed building addition. No increase in lodging units or change in use proposed.</p> <p><b>BASED ON THE FOLLOWING, THE CODE ENFORCEMENT OFFICER AND TOWN PLANNER FIND THIS STANDARD SHALL BE MET.</b></p> <p>The building is constructed with a sprinkler system. The proposed building additions shall have sprinkler systems installed.</p> <p>The nearest fire hydrant is identified on the west site of Atlantic Avenue approximately 140 feet to the north.</p> <p>The site is 100% development. Vehicular access around the property does not exist. Access around all sides of the building shall be maintained clear for emergency personnel.</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)



# Town of Wells, Maine

## Code Enforcement Officer & Town Planner

### FINDINGS OF FACTS & DECISIONS

#### Site Plan Application for "Atlantic Oceanfront Resort"

Page 10 of 11

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.
  - (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 Officer 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.



# Town of Wells, Maine Code Enforcement Officer & Town Planner

## FINDINGS OF FACTS & DECISIONS Site Plan Application for "Atlantic Oceanfront Resort" Page 11 of 11

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 issuance of a building permit confirmation that 2 handicap accessible parking spaces are installed/maintained with ADA compliant signage shall be provided.
2. The building additions require installation of a sprinkler system per 145-52.
3. The building additions require a height certificate to confirm building height meets Beach Business District and Floodplain requirements.

Dated at Wells, Maine this 6<sup>th</sup> day of April, 2023

Wells Code Enforcement Officer

Jodine Adams, Code Enforcement Officer

Wells Town Planner

Michael G. Livingston, PE Town Engineer/Planner