

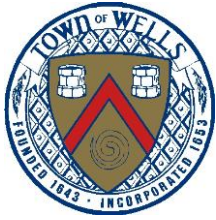


Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for “Congdon’s Doughnuts” Page 1 of 22

Chapter 145, Article X Site Plan Approval

PROJECT INFORMATION	
General:	<p>Project Name: Congdon’s Donuts</p> <p>Applicant: MCLAMB, LLC, 293 Meetinghouse Road, Wells, ME 04090</p> <p>Landowner: MCLAMB, LLC, 293 Meetinghouse Road, Wells, ME 04090</p> <p>Location: 1090 Post Road, Wells, ME</p> <p>Existing Use: 115 seat Standard Restaurant; 1350 SF Business Retail use (bakery); 120 SF Fast-Food Restaurant (take-out/drive thru); 2,325 SF Fast-Food Restaurant use (10 Food Trucks and 615 SF Outdoor Kitchen); and 642 SF accessory storage/office above Restaurant on 15.94 acres</p> <p>Proposed Land Use: 115 seat Standard Restaurant; 1350 SF Business Retail use (bakery); 120 SF Fast-Food Restaurant (take-out/drive thru); and 1,710 SF Fast-Food Restaurant use (Food Trucks); 642 SF accessory storage/office above Restaurant, Accessory Restaurant uses include: 615 SF Arcade building, 64 SF deck, 336 SF shed, and 160 SF shed ; 2,720 SF Restaurant accessory storage and two 3-bedroom dwelling units with 68’ x 40’ two story building on 15.94 acres</p> <p>Tax Parcel ID: Tax Map 123, Lot 5</p> <p>Zoning District: General Business District and Residential A District</p> <p>Art VII Performance Standards: None</p> <p>Design Engineer: Main Land Development Consultants, Inc. 69 Main St. Livermore Falls, ME 04254</p> <p>Plan Submission Date: August 4, 2025</p>



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for “Congdon’s Doughnuts” Page 2 of 22

Project Description:	Main-Land Development Consultants has submitted a Site Plan Amendment Application on behalf of the property owner, McLamb, LLC, for Congdon’s Doughnuts. The Site Plan Amendment Application proposes to construct a two-story building 68’ x 40’ with two 3-bedroom dwelling units on the 2 nd floor and 2,720 SF accessory storage space on the 1 st floor for the Restaurant uses. The amendment also proposes to install a gravel driveway and gravel parking spaces within the approved grass parking area; obtain after the fact approval for a 10’ x 16’ shed and a 14’ x 24’ shed, relocate the dumpster area, add a 8’ x 8’ deck, after the fact approval for a 615 SF Arcade building, eliminate 615 SF outdoor kitchen, relocate portable toilets, after the fact approval of patio installed adjacent to Restaurant, reconfigure parking spaces and new landscaping. The amendment also includes deadlines to complete required drainage and reinforced grass parking areas. The uses on the property shall consist of: 115 seat Standard Restaurant (85 within Restaurant, 30 within the Beer Garden); 1350 SF Business Retail use (bakery); 120 SF Fast-Food Restaurant (take-out/drive thru at Restaurant); 1,710 SF Fast-Food Restaurant use (Food Truck Area), 642 SF accessory storage/office above Restaurant, Accessory Restaurant uses include: 615 SF Arcade building, 64 SF deck, 336 SF shed, and 160 SF shed; a 2,720 SF Restaurant accessory storage and two 3-bedroom dwelling units with 68’ x 40’ two story building on 15.94 acres. The parcel is located off of 1090 Post Road and is within the General Business, Residential A and Rural District. All development is within the General Business District. The property is identified as Tax Map 123, Lot 5.
Completeness Determination:	2/9/2026
Public Hearing:	Waived on 2/9/2026
Staff Review Mtg:	



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for "Congdon's Doughnuts" Page 3 of 22

PROJECT HISTORY

1. On 8/4/25 the applicant submitted a site plan amendment application to the Planning Office.
2. On 8/7/25 the Code Officer found the use to be permitted in the General Business District.
3. On 8/8/25 the Planning Office mailed notice to abutters of the use determination, the site plan amendment application and of the 8/18/25 Planning Board meeting.
4. On 8/14/25 the Planning Office prepared a site plan review memo for the applicant and Planning Board and plan markup identifying revisions needed.
5. On 8/18/25 the applicant requested to be postponed from the 8/18/25 meeting.
6. On 8/18/25 the Planning Board took no action on the application.
7. On 8/21/25 the Planning Office met with the owners/applicants to review the site plan violations identified and the need for the amendment application to address the violations. No further changes were to occur on the property until the site plan amendment received approval from the Planning Board.
8. On 9/3/25 the Planning Office prepared an updated memo for the applicant and Planning Board.
9. On 9/5/25 the applicant provided a letter and updated site plan to the Planning Office.
10. On 9/8/25 the Planning Board received the site plan application and scheduled a site walk for 9/18/25 to be held at 6pm.
11. On 9/18/25 the Planning Office prepared an updated review memo based on the plan revisions provided.
12. On 9/18/25 the Planning Board conducted the site walk.
13. On 9/19/25 the Planning Office prepared a site walk results memo and a plan markup identifying revisions needed.
14. On 9/22/25 the Planning Board reported the site walk results, discussed alternative stormwater systems the applicant is considering and granted the applicant a 60 day extension.
15. On 11/5/25 the Planning Office emailed the applicant inquiring on the status of the site plan revisions and reminding them of the 60 day extension ends on 11/22/25.
16. On 11/12/25 the applicant provided an update on the stormwater considerations and requested an additional 60 day extension.
17. On 11/13/25 the Planning Office provided the applicant with responses to questions asked via email on 11/12/25.
18. On 11/13/25 the Planning Office prepared a memo for the Planning Board and applicant regarding the requested extension and also detailing a new shed that was installed on the property after the 9/18/25 site walk and without first obtaining site plan approval.
19. On 11/17/25 the Planning Board discussed the shed violation and granted a 60 day extension.
20. On 12/5/25 the applicant submitted a letter and revised site plan to the Planning Office.
21. On 12/8/25 the Planning Office inquired with the applicant regarding the plan revisions provided as they did not address the plan markups provided on 9/19/25.
22. On 12/11/25 the applicant requested postponement from the 12/15/25 Planning Board meeting as they needed time review the plan revisions and notes recommended. The had questions and confusion on the review process.
23. On 12/11/25 the Planning Office provided the applicant with a detailed response regarding a typical application review process.
24. On 12/12/25 the Planning Office prepared a plan markup and Article V and VI review checklists and provided those to the applicant.
25. On 12/15/25 the Planning Board took no action on the application as the last 60 day extension granted on 11/17/25 was still valid.
26. On 12/31/25 the applicant's engineering had questions on plan notes.



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for “Congdon’s Doughnuts” Page 4 of 22

27. On 1/5/26 the Planning Office provided response to plan note questions and recommended the applicant request another extension request for the Planning Board to consider at the 1/12/26 meeting.
28. On 1/8/26 the Planning Office inquired about the extension request.
29. On 1/9/26 the applicant provided a revised plan to the Planning Office.
30. On 1/9/26 the Planning Office responded to the applicant that the revised plan provided on 1/9/26 would not be discussed at the 1/12/26 meeting as there was no time to prepare a review. The 1/12/26 meeting the Planning Board will only be able to consider an extension.
31. On 1/9/26 the applicant provided a letter requesting another extension.
32. On 1/12/26 the Planning Board granted a 90 day extension.
33. On 1/14/26 the Planning Office inquired about gravel and grass parking areas and travel ways.
34. On 1/20/26 the Planning Office prepared an updated Article V, VI and completeness review checklist. A memo summarizing the review comments was prepared. A plan markup with plan revisions and recommended site plan notes were also provided to the applicant.
35. On 1/23/26 the applicant provided the Planning Office with various questions on the review comments.
36. On 1/30/26 the Planning Office provided the applicant with responses to questions.
37. On 2/4/26 the applicant provided a revised plan to the Plannig Office.
38. On 2/6/26 the Planning Office prepared a review memo for the applicant and Planning Board and plan markups.
39. On 2/9/26 the Planning Board found the application complete, voted to waive a public hearing, voted on buffers and screening, voted to accept the performance guarantee notes and voted to grant a 90 day extension.
40. On 2/12/26 the applicant provided the WSD letter.
41. On 2/13/26 the Planning Office provided the applicant the 2/6/26 review comments.
42. On 2/18/26 the applicant provided the focal point receipt and updated plan revisions.
43. On 2/19/26 the Planning Office prepared an updated completeness review checklist and draft compliance/ Findings of Fact & Decisions. A memo summarizing the review comments was also prepared.
44. On 2/23/26 the Planning Board meeting was postponed due to a winter storm.
45. On 2/25/26 the applicant provided plan revisions to the Planning Office.
46. On 3/4/26 the Planning Office reviewed the plan revisions and identifies some minor typos.
47. On 3/4/26 the Planning Office prepared updated Findings of Fact & Decisions and a memo.
48. On 3/9/26 the Planning Board voted to find the application compliant and voted to approve and sign the site plan and Findings of Fact & Decisions.

§ 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.



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS
Site Plan Amendment Application for “Congdon’s Doughnuts”
 Page 5 of 22

§ 145-75. Criteria and Standards	Comments
<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 REMAIN MET.</p> <p>Site plan note 18 states that parking within the Route One right of way and along Rest View Lane is prohibited. 10 employee parking spaces are labelled.</p> <p>See notes 12 and 14 regarding use and parking requirements.</p> <p>90 degree parking spaces shall comply with these standards. Plan notes the 9' x 18.5' dimensions. 26' wide aisle requirements are identified within the parking areas.</p> <p>Based on all uses proposed the property is required to provide 117 parking spaces. See note 12 and 14 on sheet C2.1</p> <p>The food truck uses (57 spaces required), 115 seat Standard Restaurant use (45 spaces required), the bakery (5 spaces) and drive-thru (4 spaces), and two 3-bedroom dwelling units (6 spaces required) total 117 spaces required.</p> <p>117 year round parking spaces (pavement/gravel) are proposed. Of the 117 spaces, 13 spaces in the drive-thru are stacked. 10 employee only spaces exist. 6 spaces for the two 3-bedroom dwelling units are proposed. In addition to the 117 spaces, there are 40 seasonal grass parking spaces approved.</p>



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for “Congdon’s Doughnuts” Page 6 of 22

§ 145-75. Criteria and Standards	Comments
	<p>See hours of operation note 9 on sheet C2.1.</p> <p>No off-site parking proposed.</p> <p>Based on 117 spaces, 5 handicap accessible spaces are required. The plan identifies 6 handicap accessible spaces. Handicap spaces require signage and stripping if on pavement.</p> <p>40 seasonal grass parking spaces are approved.</p> <p>The applicant proposes to reinforce the grass parking areas with gravel beneath the grass. Grass parking detail on to C9.2. Grass parking areas shall be reinforced with gravel base per note 27 prior to occupancy of the 68' x 40' building and no later than 9/15/26.</p> <p>Plan note 14 on sheet C2.1 notes that the grass parking spaces shall only be used between May 1 and November 1 of each year.</p> <p>Sight distances onto Route One are noted to exceed 350'+. Route One speed limited is noted to be 35 MPH.</p>



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS
Site Plan Amendment Application for “Congdon’s Doughnuts”
Page 7 of 22

§ 145-75. Criteria and Standards	Comments
	<p>Map 123, Lot 76 entrance is depicted on the plan.</p> <p>The parcel street frontage totals 746.81 feet on the Standard Boundary Survey (Sheet S1.1) prepared by Main-Land Development Consultants, Inc. dated 03-09-2020. Street frontage is noted on sheet C2.1.</p> <p>On 4/2/18 the Planning Board did not require additional traffic data.</p> <p>The Food Truck fast food operation to occur during evening hours. Restaurant hours of operation will also be occurring in the evening hours for a “Beer-garden.” See note 12 regarding hours of operation. Restaurant, Drive-thru and Bakery open 5:30 am to 4:00 pm. Food Truck Area now proposes to be open 4:00 pm to 2:00 am. Beer Garden area is identified on the plan. Beer Garden hours of operation are 4pm to 1am. See note 12.</p> <p>On 8/9/21 the Planning Board voted to not require additional traffic data for the amendment proposed. Additional curb cut is proposed approximately 80 feet from Rest View lane. Sight distances are noted on sheet C2.1 and exceed 350’ in both directions. No increase in seating or Fast-Food Restaurant use proposed.</p> <p>Width of curb cut onto Route One near Rest View Lane intersection is 25 feet. Directional arrows shall be striped on the entrance/exit pavement/apron that is required to be installed. Signage for right turn only onto Route one shown and do not enter signage shown at 12’ wide travel way off the proposed and shall be installed. Required improvements shall be completed no later than 9/15/26 and prior to the issuance of an occupancy permit for the 68’ x 40’ building, per note 27.</p>



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS
Site Plan Amendment Application for “Congdon’s Doughnuts”
Page 8 of 22

§ 145-75. Criteria and Standards		Comments
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.	BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET. The parcel is prohibited from emitting dust, fumes, vapors or gases at any point beyond its lots lines.
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.	BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET. The parcel is prohibited from producing such odor at any point beyond its lot lines as measured at ground or habitable elevation.



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS
Site Plan Amendment Application for “Congdon’s Doughnuts”
Page 9 of 22

§ 145-75. Criteria and Standards	Comments
<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>	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>See note 8 on sheet C2.1. “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>A sign was installed on the property without a sign permit for “Congdon’s After Dark,” The sign is less than 400 feet from the existing monument/ground sign and is in violation of 145-40A(10). The plan notes that this sign shall be removed, see note 26.</p> <p>See note 10 on sheet C2.1 “All exterior lighting shall be downward directional or shielded as to prevent glare onto abutting lots or right of ways.”</p> <p>New light poles and lighting fixtures are proposed. Lighting details provided.</p> <p>Existing exterior light locations are identified on the site plan.</p> <p>A photometric plan was not required by the Planning Board on 3/15/21.</p>



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS
Site Plan Amendment Application for “Congdon’s Doughnuts”
Page 10 of 22

§ 145-75. Criteria and Standards	Comments
<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>	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>Stormwater Control Plan dated 1/5/2021 prepared by Esther K. Bizier, PE of Main-Land Development Consultants, Inc. Revised drainage plans provided on 9/27/21 and found to suitably address concerns by the Town Engineering on 9/27/21.</p> <p>Total grass parking area is 14,078 SF plus 9,585 SF. Parking area widths noted on sheet C2.1</p> <p>Total wetland impact 14,372 SF stated in Note 1.4 on C1.1 of prior approval.</p> <p>A MDEP Stormwater Permit and NRPA Permit were applied for. MDEP #L-28775-TC-A-N and L-28775NJ-B-N approved 8/27/21. A 15’ wide utility easement is noted.</p> <p>A 15’ wide easement to KKWWD per deed reference 1h also identified on 2018 and 2021 site plans.</p> <p>An existing ditch with extended culvert was installed on Map 123, Lot 6 per 2018 approval and is identified on the 2021 plan and amended plan.</p> <p>New and replacement culverts identified on sheet C3.1 of 2021 plan. The 2021 approved stormwater design plans and report shall be constructed and completed no later than 9/15/2026 and prior to the issuance of an occupancy permit for the 68’ x 40’ building. See note 27.</p>



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS
Site Plan Amendment Application for “Congdon’s Doughnuts”
Page 11 of 22

§ 145-75. Criteria and Standards		Comments
		<p>Area of the GB zone is noted on Sheet C2.1 as 7.23 acres. RA zone is noted to be 8.71 acres.</p> <p>See note 11 on sheet C2.1. 0% lot coverage proposed/exists in RA zone. GB zone lot coverage to be noted based on area of land in GB zone.</p> <p>Prior approved GB zone coverage was 25.05%.</p> <p>Existing conditions note GB zone lot coverage to be 25.62%.</p> <p>Proposed lot coverage for the GB zone to be 30.29%.</p>
F.	<p>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>	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>Best Management Practices for soil erosion and sedimentation control are a condition of approval. See standard condition of approval notes (1-16) on the plan.</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.	



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS
Site Plan Amendment Application for “Congdon’s Doughnuts”
Page 12 of 22

§ 145-75. Criteria and Standards		Comments
(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.	



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for “Congdon’s Doughnuts” Page 13 of 22

§ 145-75. Criteria and Standards		Comments
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.	BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET. Setback requirements noted on sheet C2.1. 15' lot line setbacks shown from lot lines. Food Trucks are not considered structures due to being annually registered vehicles. See note 16 on sheet C2.1. Kids play house added to property in 2019 meets setback requirements.



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for “Congdon’s Doughnuts” Page 14 of 22

§ 145-75. Criteria and Standards	Comments
	<p>The fenced outdoor storage and recycling area cannot contain a dumpster.</p> <p>40' lot line setback from Route 1 identified. The existing Restaurant is grandfathered as non-conforming as it does not meet the 40' setback from Route 1. No changes are proposed to the existing building that are within 10 feet of the setback requirements.</p> <p>Sound pressure levels were not provided. If noise is of concern the owner of the parcel will measure noise levels as outlined.</p> <p>See note 9 on sheet C2.1 regarding hours of operation. Restaurant, Drive-thru and Bakery open 5:30 am to 4:00 pm. . Beer Garden area is identified on the plan. Beer Garden hours of operation are 4pm to 1am.</p> <p>Food Truck Area hours to be open 4:00 pm to 2:00 am. The parcel shall comply with the Town Noise Ordinance.</p> <p>15' wide buffer along Route One and Rest View Lane is required.</p> <p>Planning Board to review the Route 1 and Rest View Lane landscaped buffers and determine if what exists and is proposed is sufficient.</p> <p>A patio area was installed between the Congdon's Restaurant building and Route One. Grassed area removed. Patio area includes two planter boxes with shrubs. Planning Board voted to find this buffer area is suitable on 2/9/26.</p>



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS
Site Plan Amendment Application for “Congdon’s Doughnuts”
Page 15 of 22

§ 145-75. Criteria and Standards	Comments
	<p>A shade tree previously required to be installed to the south of the drive-thru exit does not exist, prior to attempts to install it resulted in the tree dying. The applicant proposes to move this shade tree to the area along Route One adjacent to the focal point filter and install a total of (4) 3” diameter shade trees. The installation of trees shall not impact the focal point filter. On 2/9/26 the Planning Board voted allow the drive-thru tree to be relocated and found the Route One buffer suitable.</p> <p>Existing vegetation (grass, shrubs, trees) to be maintained along Route One from the entrance to the north of the focal point filter to Rest View Lane. Existing vegetation (grass, shrubs, trees) to be maintained along Rest View Lane. Planning Board found existing vegetation to be maintained along Route One and Rest View to be sufficient on 2/9/26.</p> <p>This commercial parcel abuts commercial property to the south and west. Screening is not required for these commercial uses.</p> <p>Residential lots abut the parcel to the north. One residential abutter on Map 43, Lot 3-3 exists. On 2/9/26 the Planning Board found the existing wooded areas and the proposed tree line to be maintained shall be sufficient for the residential abutter on Lot 3-3.</p> <p>An 8’ tall stockade fence and row of existing vegetation exists along portions of the westerly lot line and are identified on the site plan.</p> <p>The existing 6’ tall solid fence at the food truck area along the westerly boundary is identified on the site plan.</p>



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS
Site Plan Amendment Application for “Congdon’s Doughnuts”
 Page 16 of 22

§ 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 REMAIN MET.</p> <p>No change proposed with regard to storage of fuels. Two 1,000 gallon propane tanks are identified underground adjacent to the drive thru.</p> <p>See plan note 22 stating fuels shall be stored in compliance with NFPA standards.</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 REMAIN MET.</p> <p>No change proposed with regard to storage of fuels.</p>



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for “Congdon’s Doughnuts” Page 17 of 22

§ 145-75. Criteria and Standards		Comments
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 REMAIN MET.</p> <p>Two foot contours shown on Sheet S1.1 Standard Boundary Survey.</p> <p>Area of the GB zone is noted on Sheet C2.1 as 7.23 acres. RA zone is noted to be 8.71 acres.</p> <p>See note 11 on sheet C2.1. 0% lot coverage proposed/exists in RA zone. GB zone lot coverage to be noted based on area of land in GB zone.</p> <p>Prior approved GB zone coverage was 25.05%.</p> <p>Existing conditions note GB zone lot coverage to be 25.62%.</p> <p>Proposed lot coverage for the GB zone to be 30.29%.</p>
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 REMAIN MET.</p> <p>The dumpster area screened by 6’ tall solid fencing is proposed in the gravel parking lot adjacent to the Route Once entrance/ exit north of the focal point. Dumpster enclosure to be installed no later than 5/1/26 and prior to the issuance of any building permit.</p> <p>An outdoor storage/ recycling area is identified adjacent the drive-thru. The plan notes that this fence enclosure cannot contain a dumpster.</p>



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS
Site Plan Amendment Application for “Congdon’s Doughnuts”
Page 18 of 22

§ 145-75. Criteria and Standards		Comments
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 REMAIN MET.</p> <p>KKWWD emails were provided regarding the proposed two 3-bedroom dwelling units proposed and accessory restaurant storage space. A KKWWD letter provided, dated 5-13-25, for capacity was also provided.</p> <p>See note 13 regarding temporary/emergency water available to Food Trucks.</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 REMAIN MET.</p> <p>A letter from the WSD for the two 3-bedroom dwelling units and accessory restaurant storage building dated 2/12/26 has been provided.</p> <p>The Food trucks have no connection to public or private sewer. See note 13.</p> <p>See note 19 on sheet C2.1 regarding proper disposal of portable toilet waste.</p>



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for “Congdon’s Doughnuts” Page 19 of 22

§ 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 REMAIN MET.</p> <p>There nearest fire hydrant is identified to be 900’ north along Route One from the property entrance.</p> <p>Access around all sides of the existing Restaurant/ Bakery are maintained.</p> <p>The proposed parking areas shall provide sufficient turning radii fo the fire trucks.</p> <p>Grass parking will have a gravel base and can support the weight of fire trucks. See detail on sheet C9.2. Grass parking to be reinforced with gravel base no later than 9/15/26 and prior to the issuance of an occupancy permit for the 68’ x 40’ building. See note 27.</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



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for "Congdon's Doughnuts" Page 20 of 22

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 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



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for "Congdon's Doughnuts" Page 21 of 22

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. All previous Conditions of Approval will remain in effect unless specifically amended by this application. The approval of this Amended Site Plan in no way negates the need for applicant compliance with all previously set Conditions of Approval.
2. Prior to any construction or site disturbance the applicant/owner and their agent/contractor shall participate in a pre-construction meeting to be held at Town Hall with Town Departments, KKWWD and WSD to discuss the construction and completion of all site plan approval components associated with this site plan.
3. The following shall be completed prior to the issuance of any building permit or site disturbance and no later than May 1, 2026:
 - a. Dumpsters shall be enclosed by 6' tall solid fencing;
 - b. The Congdon's After Dark sign was installed without a permit and shall be removed;
 - c. Building permit shall be submitted for the 615 SF Arcade building that was relocated without a permit.
4. Prior to the issuance of any certificate of occupancy for the 68' x 40' building or no later than September 15, 2026, whichever occurs first, the following shall be completed:
 - a. Stormwater management system approved in 2021 shall be installed (grading, filter ponds, focal point filter, 5' wide paved strip, catch basin, culverts, underdrains, and 18" culvert reinstallation) and proposed utilities installed;
 - b. Removal of permeable pavers and replace with gravel;
 - c. Gravel parking area improvements;
 - d. Pavement removed and grass area established at Restaurant entrance within Route One buffer;
 - f. 40 grass parking spaces reinforced with gravel base;
 - g. Parking lot restriping and directional arrows;



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for "Congdon's Doughnuts" Page 22 of 22

- h. ADA compliant signage installed at all handicap parking spaces;
- i. Employee only signage installed at 10 employee spaces;
- j. 25' wide paved apron installed, directional arrows striped, right turn only signage installed at Route One curb cut near Rest View Lane, and gravel drive widened to 25' for length of 50 feet;
- k. Split rail fencing installed;
- l. 3" diameter shade trees installed along Route One;
- m. Portable toilets relocated.

Dated at Wells, Maine this _____ day of _____, 2026

Wells Planning Board

By: _____
Charles Millian, Chairman