



## TOWN OF WELLS, MAINE PLANNING BOARD

Meeting Agenda  
Monday, September 22, 2014, 7:00 PM  
Littlefield Meeting Room, Town Hall  
208 Sanford Road

### CALL TO ORDER AT 7:00 pm & DETERMINATION OF QUORUM MINUTES

#### I. MARCH 21, 2016 DRAFT MEETING MINUTES

DOCUMENTS:PB MIN 03-21-16.PDF

### PUBLIC HEARING(S)

#### I. SPRINGER LLC

David Springer, owner. Civil Consultants, engineer. Site Plan Amendment Application to construct a 40' x 140' structure instead of the previously approved 60' x 60' structure. Use to remain indoor Agriculture for the cultivation of medical marijuana by Caregivers as regulated by the State of Maine. The property is located off of 14 Willie Hill Road and is located within the Light Industrial District (no Shoreland Overlay or Resource Protection based on survey located wetland from prior site plan approval). Tax Map 40, Lot 3-14.

DOCUMENTS:PB MEMO RE SPRINGER LLC PH 04-01-16.PDF

### DEVELOPMENT REVIEW & WORKSHOPS

#### I. SPRINGER LLC

David Springer, owner. Civil Consultants, engineer. Site Plan Amendment Application to construct a 40' x 140' structure instead of the previously approved 60' x 60' structure. Use to remain indoor Agriculture for the cultivation of medical marijuana by Caregivers as regulated by the State of Maine. The property is located off of 14 Willie Hill Road and is located within the Light Industrial District (no Shoreland Overlay or Resource Protection based on survey located wetland from prior site plan approval). Tax Map 40, Lot 3-14. **Workshop compliance and draft Findings of Fact & Decisions for possible approval**

DOCUMENTS:SPRINGER LLC AMD MEMO 03-30-16.PDF, SPRINGER LLC AMD COMPLIANCE AND FOF DRAFT 03-31-16.PDF, SPRINGER LLC AMD COMPLETENESS DRAFT 03-30-16.PDF, LIGHT SPEC.PDF, SPRINGER LLC REV SITE PLAN 03-30-16.PDF

#### II. MILLBROOKE FARM SUBDIVISION

Kasprzak Landholdings, Inc. owner; Kasprzak Homes/ Robert Georgitis, applicant; Sebago Technics, agent. Final Subdivision Application consisting of 70 dwelling units located within 35 duplex (two-family) buildings on land totaling 80.82 acres of which 60.69 acres to be dedicated as open space (Multifamily Development). The major subdivision proposes roadways and shall be connected to public water and public sewer. The subdivision is located within the Rural and 75' Shoreland Overlay Districts and is located off of Willow Way/ Gateway Drive and Midway Drive. Tax

Map 72, Lots 4B, 12 and 13. **Workshop draft compliance and Final Findings of Fact & Decisions for possible approval**

**DOCUMENTS:**MILLBROOKE FARM FINAL SUB MEMO 04-01-16.PDF, MGL EMAIL TO BGEORGITIS RE OPEN SPACE 04-01-16.PDF, MILLBROOKE FARM DRAFT COMPLIANCE AND FOF 03-29-16.PDF, RIVERBEND CONDO COMMENTS 3-31-16.PDF

**OTHER BUSINESS**

I. SRC & CEO SITE PLAN REVIEW AND APPROVALS UPDATE

**ADJOURN**



# TOWN OF WELLS, MAINE

## PLANNING BOARD

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Meeting Minutes  
Monday, March 21, 2016, 7:00 P.M.  
Wells Activity Center  
113 Sanford Road

### CALL TO ORDER AND DETERMINATION OF QUORUM

Chairman Chuck Millian called the meeting to order at 7:00 P.M. Members present: Rick Goodrich, George Raftopoulos, Robert Sullivan, Pierce Cole and Charles Anderson. There is a quorum and all members are voting tonight. Staff present: Mike Livingston, Town Engineer/Planner and Meeting Recorder Cinndi Davidson.

### MINUTES

March 7, 2016

#### **MOTION**

Motion by Mr. Raftopoulos, seconded by Mr. Anderson, to approve the minutes as written.  
**PASSED** 5-0-1 with Mr. Cole abstaining since he was not at the meeting.

### PUBLIC HEARINGS

- I. WIRE ROAD SUBDIVISION** – Highpine Properties, LLC, owner/applicant. Attar Engineering, Inc. agent. Preliminary Subdivision Application for a major subdivision consisting of 40 lots/ single family dwelling units on 100 acres of land (Residential Cluster Development) with private roadways and infrastructure. The parcel is located off of Wire Road and is within the Rural District. Tax Map 75, Lot 1.

Lew Chamberlain of Attar Engineering represented the applicant. This is an application for a 40 lot cluster subdivision on 100 acres of land off of Wire Road. There will be 70 acres reserved for open space. The lots will have individual wells and be served by a central septic system with 4 fields. Utilities will be underground. The stormwater plan review is underway. Buffering will be provided along Wire Road and for the residential abutter.

Public comments were solicited. There was a question about buffering for noise and headlights along Wire Road, and how the construction will be phased. Mr. Chamberlain reviewed the plan for buffering. The developer intends to start road construction later this summer. Ten houses will

be built at a time. Mr. Millian said that construction cannot start before 7 AM. Additional buffering can be added if necessary. Mr. Goodrich said the abutters have a choice of vegetation or a stockade fence.

There was a question about the impact of 40 new wells on the water supply in the neighborhood, and about the study for the septic system. Mr. Chamberlain discussed the results of the hydrogeologic study. The aquifer was tested and the developer chose to have individual wells. Plumes from the septic systems will end in the wetlands.

#### **MOTION**

Motion by Mr. Raftopoulos, seconded by Mr. Cole, to close the public hearing. **PASSED** unanimously.

- II. AVITA NURSING HOME & MEDICAL CLINIC** – Roy & Patricia Garvin; Penny Freeman; and Shane & Pamela Maxon owners. Sandy River II, Inc. applicant; Sebago Technics, agent. Site Plan Amendment Application to divide off 3.00 acres of the 10.7 acre parcel. Nursing Home/Medical Clinic to remain on 7.05 acres. The properties are located off of 84 Sanford Road and Route One and are within the General Business and Residential-Commercial Districts. Tax Map 129, Lot 16A, and Tax Map 134, Lot 18 and 73.

Mr. Cole recused himself. Will Conway of Sebago Technics represented the applicant. The applicant had purchased approximately 10 acres and required only 7 acres to construct the medical facility. The extra 3 acres will be divided off and sold as undeveloped land which requires the construction of a private road for street frontage.

There were no questions or comments from members of the public.

#### **MOTION**

Motion by Mr. Raftopoulos, seconded by Mr. Goodrich, to close the public hearing. **PASSED** unanimously.

Mr. Cole returned to the Board.

- III. GRANTS PASTURE** – Gerald & Raylene Grant Living Trust, owners; Sebago Real Estate Investment, LLC/ Paul Hollis, applicant; Attar Engineering, Inc. engineer. Preliminary Subdivision Application for a 7 lot/dwelling unit residential cluster major subdivision on 47 acres of land with 38.8 acres of open space proposed. Parcel is located off of North Berwick Road and is within the Rural, 250' Shoreland Overlay, and Resource Protection Districts. Tax Map 32, Lot 11.

Paul Hollis, applicant, and Lew Chamberlain of Attar Engineering were present. The proposal is for a 7 unit residential cluster subdivision on a 47 acre parcel. The lots will have individual wells and septic systems. A no cut buffer on the north side of the property will provide screening for the residential abutter.

There were no questions or comments from members of the public.

#### **MOTION**

Motion by Mr. Raftopoulos, seconded by Mr. Cole, to close the public hearing. **PASSED** unanimously.

## **DEVELOPMENT REVIEW & WORKSHOPS**

- I. WIRE ROAD SUBDIVISION** – Highpine Properties, LLC, owner/applicant. Attar Engineering, Inc. agent. Preliminary Subdivision Application for a major subdivision consisting of 40 lots/ single family dwelling units on 100 acres of land (Residential Cluster Development) with private roadways and infrastructure. The parcel is located off of Wire Road and is within the Rural District. Tax Map 75, Lot 1. **Workshop public comments and review Preliminary Findings of Fact & Decisions for possible approval**

The recommendations in Mr. Livingston’s memo were reviewed. Residential cluster lots may have 20’ setbacks from subdivision ROWs and 15’ setbacks from lot lines.

### **MOTION**

Motion by Mr. Cole, seconded by Mr. Raftopoulos, to allow the reduced setbacks. **PASSED** unanimously.

Residential cluster lots may have 50’ of street frontage.

### **MOTION**

Motion by Mr. Cole, seconded by Mr. Raftopoulos, to allow the reduced street frontage. **PASSED** unanimously.

The no cut buffers and sideline screening were discussed. The board may choose to do another site walk focusing on these areas. Mr. Chamberlain and the applicant will work with the abutters and resolve the question of fencing vs. vegetation prior to the final submission. Mr. Chamberlain said a house to be built at the corner will block headlights from shining into one abutter’s house. Tree cutting was discussed. Some pines may have to be removed. Hardwoods in the buffer area will be preserved. Dead and dying trees in the buffer may be removed.

IF&W will review the vernal pool and turtle habitat studies. DEP was satisfied with the results of the turtle habitat study. Mr. Livingston said there is no strong indicator to require a third party review.

### **MOTION**

Motion by Mr. Cole, seconded by Mr. Raftopoulos, to find that a third party review is not necessary. **PASSED** unanimously.

The draft Findings of Facts & Decisions were reviewed.

### **MOTION**

Motion by Mr. Cole, seconded by Mr. Raftopoulos, to approve the draft Preliminary Findings with 3 standard conditions of approval and 1 special condition of approval. **PASSED** unanimously.

- II. AVITA NURSING HOME & MEDICAL CLINIC** – Roy & Patricia Garvin; Penny Freeman; and Shane & Pamela Maxon owners. Sandy River II, Inc. applicant; Sebago Technics, agent. Site Plan Amendment Application to divide off 3.00 acres of the 10.7 acre parcel. Nursing Home/Medical Clinic to remain on 7.05 acres. The properties are located off of 84 Sanford Road and Route One and are within the General Business and Residential-Commercial Districts. Tax Map 129, Lot 16A, and Tax Map 134, Lot 18 and 73. **Workshop public comments and Findings of Fact & Decisions for possible approval**

Mr. Cole recused himself. The recommendations in Mr. Livingston’s memo were reviewed.

**MOTION**

Motion by Mr. Raftopoulos, seconded by Mr. Sullivan, to find that the previously approved landscape buffering and screening remain acceptable. **PASSED** unanimously.

**MOTION**

Motion by Mr. Sullivan, seconded by Mr. Raftopoulos, to find the application compliant. **PASSED** unanimously.

The draft Findings of Facts & Decisions were reviewed.

**MOTION**

Motion by Mr. Raftopoulos, seconded by Mr. Sullivan, to approve the draft Findings with 16 standard conditions of approval and 3 special conditions of approval, to approve the application and sign the plans and Findings at the end of the meeting. **PASSED** unanimously.

Mr. Cole returned to the Board.

- III. GRANTS PASTURE** – Gerald & Raylene Grant Living Trust, owners; Sebago Real Estate Investment, LLC/ Paul Hollis, applicant; Attar Engineering, Inc. engineer. Preliminary Subdivision Application for a 7 lot/dwelling unit residential cluster major subdivision on 47 acres of land with 38.8 acres of open space proposed. Parcel is located off of North Berwick Road and is within the Rural, 250’ Shoreland Overlay, and Resource Protection Districts. Tax Map 32, Lot 11. **Workshop public comments and review Preliminary Findings of Fact & Decisions for possible approval**

The recommendations in Mr. Livingston’s memo were reviewed.

**MOTION**

Motion by Mr. Cole, seconded by Mr. Sullivan, to grant a waiver allowing the boundary plan to have a 1” = 200’ scale. **PASSED** unanimously.

All significant wetlands are in the open space and the development will be opposite the area used as a deer wintering yard. The IF&W letter is pending.

**MOTION**

Motion by Mr. Sullivan, seconded by Mr. Anderson, to allow the IF&W letter to be included with the final submission. **PASSED** unanimously.

The draft Findings of Facts & Decisions were reviewed.

#### **MOTION**

Motion by Mr. Raftopoulos, seconded by Mr. Sullivan, to approve the draft Preliminary Findings with 3 standard conditions of approval and 2 special conditions of approval. **PASSED** unanimously.

- IV. BURNT MILL ESTATES SITE PLAN** - Burnt Mill Holding Company, LLC, owner, William Bradley Booth, applicant; Hart Howerton & Corner Post Land Surveying, Inc, engineer/surveyor. Site Plan Application for permitted uses within portions of the Burnt Mill Estates Subdivision open space including an 18-hole Golf Course and Driving Range (Low-intensity commercial recreation use); a Kids Club, a Fitness Club with pool, a Golf Clubhouse with Event Barn, and Maintenance Buildings, sheds, restrooms and associated parking (Club use); and a Standard Restaurant use with the Golf Clubhouse are proposed. Parcels are located within the Rural & 75' Shoreland Overlay Districts and are off or in the vicinity of Hobbs Farm Road. Tax Map 62, Lots 12, and 13 and Map 63, Lot 7. **Workshop compliance and Findings of Fact & Decisions for possible approval**

Brad Booth, applicant, and Tom Greer of Pinkham & Greer were present. The recommendations in Mr. Livingston's memo were reviewed.

#### **MOTION**

Motion by Mr. Sullivan, seconded by Mr. Cole, to find the application compliant. **PASSED** unanimously.

The draft Findings of Facts & Decisions were reviewed.

#### **MOTION**

Motion by Mr. Raftopoulos, seconded by Mr. Cole, to approve the draft Findings with 16 standard conditions of approval and 7 special conditions of approval, to approve the application and sign the plans and Findings at the end of the meeting. **PASSED** unanimously.

- V. SPRINGER LLC** – David Springer, owner. Civil Consultants, engineer. Site Plan Amendment Application to construct a 40' x 140' structure instead of the previously approved 60' x 60' structure. Use to remain indoor Agriculture for the cultivation of medical marijuana by Caregivers as regulated by the State of Maine. The property is located off of 14 Willie Hill Road and is located within the Light Industrial District (no Shoreland Overlay or Resource Protection based on survey located wetland from prior site plan approval). Tax Map 40, Lot 3-14. **Receive Site Plan Amendment Application, Determine if a Site Walk is necessary, and Workshop completeness if appropriate**

#### **MOTION**

Motion by Mr. Sullivan, seconded by Mr. Raftopoulos, to receive the site plan amendment application. **PASSED** unanimously.

Applicant David Springer presented his plan to enlarge the previously approved indoor agricultural use building for the cultivation of medical marijuana. The cultivation would be done

by the caregivers and the building would not be a dispensary. The Planning Board had previously approved the building for contractor use. The Town Attorney has provided a legal opinion and the Code Enforcement Officer has approved the change of use. The Planning Board conducted a site walk in 2012, which Mr. Anderson and Mr. Raftopoulos attended, as part of the original site plan review and approval.

#### **MOTION**

Motion by Mr. Sullivan, seconded by Mr. Raftopoulos, to waive the requirement for another site walk. **PASSED** unanimously.

The property is located in the Light Industrial Zone and there are no residential abutters. Mr. Sullivan recommended postponing a decision on buffering until after the public hearing. The CEO recommends a minimum of 6 parking spaces; the applicant is proposing 9 regular spaces and 1 handicap space.

#### **MOTION**

Motion by Mr. Sullivan, seconded by Mr. Cole, to find that the proposed parking is adequate for the use. **PASSED** unanimously.

#### **MOTION**

Motion by Mr. Cole, seconded by Mr. Raftopoulos, to find that a loading bay is not necessary. **PASSED** unanimously.

Mr. Goodrich asked about a security camera. Mr. Springer said there will be one mounted on a pole.

During the 2012 review the Board waived the requirement for a stormwater management plan.

#### **MOTION**

Motion by Mr. Cole, seconded by Mr. Raftopoulos, to waive the stormwater management plan. **PASSED** unanimously.

#### **MOTION**

Motion by Mr. Anderson, seconded by Mr. Raftopoulos, to waive the requirement for an updated boundary survey. **PASSED** unanimously.

The design of the new septic system will be submitted with the building permit application. This is a low traffic use; the consensus of the Board was that a traffic study is not necessary.

#### **MOTION**

Motion by Mr. Raftopoulos, seconded by Mr. Cole, to appoint the Town Planner as completeness agent and schedule a public hearing for April 4, 2016. **PASSED** unanimously.

#### **OTHER BUSINESS**

**~Comprehensive Plan Update Survey.**

Mr. Livingston discussed the distribution of the survey. Paper copies are being mailed to residents with Wells and Moody addresses or post office boxes. There will be an insert with information about the survey when the tax bills are mailed next month. The survey can also be completed by accessing the Town's web site. Paper copies and drop off boxes are located at Town Hall, the Senior Center and the Library.

**ADJOURN**

**MOTION**

Motion by Mr. Sullivan, seconded by Mr. Raftopoulos, to adjourn and sign plans and Findings. **PASSED** unanimously.

MINUTES APPROVED \_\_\_\_\_, 2016

ACCEPTED BY:

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Robert Sullivan, Secretary

\_\_\_\_\_  
Cinndi Davidson, Recorder



# TOWN OF WELLS, MAINE PLANNING BOARD

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To: Town of Wells Planning Board  
From: Planning Office  
Date: April 1, 2016  
Re: Springer LLC –Public Hearing – Tax Map 40, Lot 3-14

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The Planning Office has not received any comment letters regarding the proposed site plan amendment application.

If any are submitted prior to the meeting, they will be included in the packet or handed out at the Planning Board meeting.

Thank you.



## Planning & Development

208 Sanford Road, Wells, Maine 04090

Phone: (207) 646-5187, Fax: (207) 646-2935

Website: [www.wellstown.org](http://www.wellstown.org)

<i>Michael G. Livingston, Town Engineer/Planner</i>	<a href="mailto:mlivingston@wellstown.org">mlivingston@wellstown.org</a>
<i>Shannon M. L. Belanger, Planning Assistant</i>	<a href="mailto:sbelanger@wellstown.org">sbelanger@wellstown.org</a>

### Site Plan Amendment Application Memo

Date: March 30, 2016

To: Planning Board

From: Planning Office

Re: Springer LLC – Site Plan Amendment Application - Map 40, Lot 3-14

David Springer has submitted a site plan amendment application for Map 40, Lot 3-14 located off of Willie Hill Road. The application is change the 3600 SF indoor Agriculture use building into a 5,600 SF indoor Agriculture use building with associated parking. No change in use is proposed. The indoor Agriculture use is not a Marijuana Dispensary. The property is approximately 2.95 acres in size and is identified by the Town of Wells Official Zone Map to be within the Resource Protection and 250' Shoreland Overlay District. However, the Berwick Road Business Park Subdivision approved by the Wells Planning Board on 6-27-2005 designated the area for this parcel to only be within the Light Industrial District due to field located wetland and wildlife. The property is served by private septic and drilled well. The business is to be served by 10 paved parking spaces.

#### **§ 145-70. Applicability.**

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

- A. A new use is proposed on a lot;
- B. Resumption of a use which has been discontinued for at least two years is proposed; or
- C. An existing use proposes to expand its gross floor area and/or land area. **YES - 2000 SF of new building is proposed, greater than a 10% increase in floor area.**

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

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

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

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

#### **§ 145-73. Fees.**

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

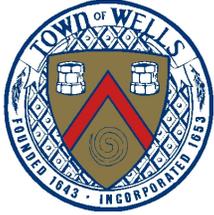
**§ 145-74. Review and approval process.**

- G. Amendment to approved site plans.
  - (2) Upon receipt of an application to amend a previously approved site plan, the Code Enforcement Officer shall follow the procedure for reviewing a site plan review preapplication as set forth in Subsection A. Notice of the filing of an application to amend an approved site plan shall follow the notice procedure for the filing of a preapplication for site plan review as set forth in Subsection A. **Procedure for site plan pre- application and application shall be followed. \***
  - (3) The procedure for reviewing applications to amend a previously approved site plan shall follow the procedure for reviewing a site plan review application as set forth in this section unless the reviewing authority determines that the amendment is of such an inconsequential nature that the full site plan review procedure is not necessary. For applications to amend a previously approved site plan, the reviewing authority may combine the preapplication and application steps and may waive the requirement for a public hearing.
  - (4) Field changes to approved site plans. **[Added 4-18-1998] Not applicable at this time**
- H. The Planning Board may require that a performance bond or other suitable financial guaranties be posted by the applicant. The form and amount of this bond of financial guaranty must be acceptable to the Town Manager. **Not applicable**
- I. Technical assistance. The Code Enforcement Officer, the Staff Review Committee or the Planning Board may, at its discretion, forward a copy of the application, the plans and all supporting documentation to any appropriate technical expert for review. The review may include traffic impact, roadway and parking area design and construction, stormwater management and erosion and sedimentation control, as well as any other concerns of the reviewing authority. The applicant shall pay for the employment of any such experts. (See § 175-73C.) **Not applicable**
- A. **Preapplication. [Amended 4-14-2000] \***
  - (1) Prior to submitting an application, the applicant shall submit to the Office of Planning and Development a preapplication form, sketch plan of the subject property showing existing and proposed buildings, parking areas, lot boundaries, adjacent streets, entrances to the property, water bodies, any other significant features **Plan provided**, a list of names and addresses of abutters to the proposed project **Provided**, and a set of Size 10 envelopes addressed to the abutters **Provided**, affixed with first class postage. The addresses of these abutters shall be obtained from the Town of Wells Tax Assessor's records. Within seven days of receipt of a preapplication by the Office of Planning and Development, the Code Enforcement Officer shall:
    - (a) Determine the level of review to be required under § 14-71 and whether or not the proposed use is a permitted use on the subject lot. **On 3/9/16 the Code Officer determined the use is permitted.**
    - (b) If the proposed use is a permitted use on the subject lot: **Abutter notification mailed 3/11/16**

- [1] Send or deliver a notice to the applicant and the abutters of such determinations by first class mail. **YES**
  - [2] Certify that said notices have been sent or delivered.
  - [3] If the reviewing authority pursuant to § 145-71 is the Code Enforcement Officer, indicate to the applicant the information the applicant needs to submit as part of the application. **Not applicable**
  - [4] If the reviewing authority pursuant to § 145-71 is the Staff Review Committee or the Planning Board, place the applicant on the next available agenda for a preapplication meeting, if a preapplication meeting is requested by the applicant. **Planning Board received the site plan amendment application on 3/21/16**
- (c) If the proposed use is not a permitted use on the subject lot, send a notice to the applicant of such determination by first class mail and certify that said notice has been sent.
- (2) The abutters' notification sent pursuant to Subsection A(1)(b)[1] above shall include a copy of the preapplication form and an explanation of the purpose of the notification. **YES** If the reviewing authority is the Staff Review Committee or the Planning Board and a preapplication meeting with the Committee or Board is requested by the applicant, the preapplication meeting date shall also be included in the notification **YES**, and said notification shall be sent or delivered by first class mail at least 10 days before the meeting. **Abutter notification mailed on 3/11/16; meeting was held on 3/21/16**
  - (3) The Staff Review Committee or the Planning Board at its preapplication meeting with the applicant shall indicate the information which the applicant will be required to submit as part of the application and may schedule an on-site inspection of the property. The Committee or Board may waive any of the submission requirements listed in § 145-77 if it determines that they would not be applicable or are not necessary to determine that the standards of § 145-75 have been or will be met. **Waivers and determinations were made on 3/21/16.**
  - (4) If the applicant does not request a preapplication meeting with the Staff Review Committee or the Planning Board the applicant is encouraged to meet with the Director of Planning and Development to discuss the project and the information the applicant will be expected to submit as part of the application.

### **Recommendations and Conclusion:**

1. The Planning Board should consider any comments from the Public Hearing.
2. The Planning Board should consider the following compliance items:
  - a. The previously approved landscaping/buffering to be reviewed and approved by the Planning Board, see sheet C1;
  - b. The lighting is direction to prevent glare, a specification of the proposed light pole/security camera has been provided and a reference to recommended Note 18 (no glare) has been added to the plan, therefore the lighting to be considered for approval.
3. If the above items are addressed, the Planning should consider determining the application in compliance with 145-75.
4. The Planning Board should consider voting to approve and sign the Findings of Fact & Decisions with conditions of approval and vote to approve and sign the plan.

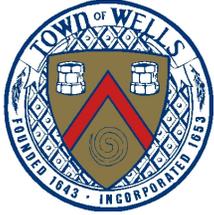


# Town of Wells, Maine Planning Board

## FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for “Springer LLC” Page 1 of 11

### Article X Site Plan Approval

PROJECT INFORMATION	
<b>General:</b>	<p><b>Project Name:</b> Springer LLC  <b>Applicant:</b> Springer LLC, David Springer, 122 Wildrose Lane, So. Berwick, ME 03908  <b>Landowner:</b> Springer LLC, David Springer, 122 Wildrose Lane, So. Berwick, ME 03908  <b>Location:</b> 14 Willie Hill Road  <b>Existing Use:</b> 3,600 SF Agriculture use building with associated parking  <b>Proposed Land Use:</b> 5,600 SF Agriculture use building with associated parking  <b>Tax Parcel ID:</b> Tax Map 40, Lot 3-14  <b>Zoning District:</b> Light Industrial District (per the 6/27/2005 Planning Board approved subdivision for Berwick Road Business Park)</p> <p><b>Art VII Performance Standard:</b> None  <b>Design Engineer:</b> Civil Consultants, PO Box 100, S. Berwick, ME 03908  <b>Plan Submission Date:</b> March 8, 2016</p>
<b>Project Description:</b>	<p>David Springer has submitted a site plan amendment application for Map 40, Lot 3-14 located off of Willie Hill Road. The application is change the 3600 SF indoor Agriculture use building into a 5,600 SF indoor Agriculture use building with associated parking. No change in use is proposed. The indoor Agriculture use is not a Marijuana Dispensary. The property is approximately 2.95 acres in size and is identified by the Town of Wells Official Zone Map to be within the Resource Protection and 250' Shoreland Overlay District. However, the Berwick Road Business Park Subdivision approved by the Wells Planning Board on 6-27-2005 designated the area for this parcel to only be within the Light Industrial District due to field located wetland and wildlife. The property is served by private septic and drilled well. The business is to be served by 10 paved parking spaces.</p>
<b>Completeness Determination:</b>	3/21/2016
<b>Public Hearing:</b>	4/4/2016
<b>Staff Review Mtg:</b>	Not Applicable



# Town of Wells, Maine

## Planning Board

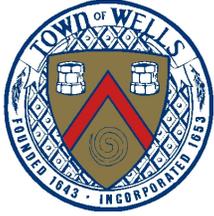
### FINDINGS OF FACTS & DECISIONS

#### Site Plan Amendment Application for "Springer LLC"

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#### PROJECT HISTORY

1. On 3/8/16 the applicant submitted a site plan amendment application, plan and fee to the Planning Office.
2. On 3/9/16 the Code Enforcement Officer prepared an Article V use determination find the use proposed to be permitted within the Light Industrial District.
3. On 3/11/16 the Planning Office mailed the use determination, notice of reviewing authority, and notice of the 3/21/16 Planning Board meeting to abutters.
4. On 3/16/16 the Planning Office prepared Article V, VI, VII review checklists and a draft completeness (145-77) review checklist. The Planning Office provided marked up plans with recommendations to be addressed by the applicant.
5. On 3/21/16 the Planning Board received the Site Plan Amendment Application, waived the site walk, found the CEO parking recommendation acceptable, made various determinations (no loading bay, no stormwater management plan, no traffic data) and granted a waiver of having to provide a boundary survey. The Planning Board appointed the Town Engineer/Planner as the completeness agent and to schedule a Public Hearing once found complete.
6. On 3/21/16 the applicant provided light pole details.
7. On 3/22/16 the Town Engineer/Planner found the application complete (145-77) for purposes of scheduling the public hearing for 4/4/16.
8. On 3/23/16 the Planning Office mailed certified notices to abutters of the 4/4/16 Planning Board public hearing.
9. On 3/29/16 the applicant submitted revised plans to the Planning Office for review.
10. On 3/30/16 the Planning Office prepared revised Article V, VI, and completeness review checklists. A draft compliance/ Findings of Fact & Decisions and memo was prepared as well.
11. On 3/30/16 the applicant was provide minor plan change recommendations and review comments.
12. On 3/31/16 the applicant provided revised site plan for the Planning Board.
13. On 3/31/16 the Planning Office prepared finalized draft Findings of Fact & Decisions and a memo for the Planning Board.
14. On 4/4/16 the Planning Board conducted a public hearing, voted to find the landscaping/buffering proposed to be sufficient, voted to find the application compliant (145-75), voted to approve and sign the Findings of Fact & Decisions with noted conditions of approval, and voted to sign and approve the site plan.

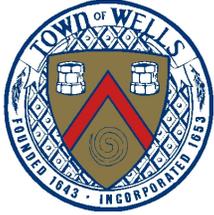


# Town of Wells, Maine

## Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Site Plan Amendment Application for “Springer LLC”**  
**Page 3 of 11**

<b>§ 145-75. Criteria and Standards</b>	<b>Comments</b>
<p>The following standards shall be applied to all applications for site plan approval. These standards are intended to provide a frame of reference for the applicant in the development of his plans and a method of review. These standards shall be applied reasonably and fairly, when applicable, taking into account any extenuating circumstances or special features of the property or its neighborhood.</p>	
<p><b>A. 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>On-street parking is prohibited. Spaces are shown to be 9' x 18.5' in dimension. The aisle width requirement for 90 degree spaces is 26' and the plan states there is 26'. 1 handicap accessible parking space is required for the 10 spaces made available. Snow storage areas are labeled. No parking areas shall be located within the Shoreland Overlay District. Areas that could be used for parking shall be on pavement. The proposed building is located at least 90 feet from Willie Hill Road. The proposed parking is located at least 60 feet from Willie Hill Road. The plan notes the speed limit on Willie Hill Rd to be 25 mph. Site distances are noted to be adequate on sheet 2 of the prior site plan approvals. On 3/21/16 the Planning Board determined that a traffic study for this site plan application was not required. See note 17; parking is based on 5600 SF. The building dimensions are 40' x 140' which totals 5,600 SF. <math>5600 \text{ SF} / 1000 \text{ SF} = 6</math> parking spaces required by the Planning Board on 3/21/16 as recommended by the CEO for the agriculture use.</p> <p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>

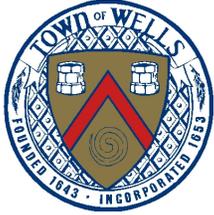


# Town of Wells, Maine

## Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Site Plan Amendment Application for “Springer LLC”**  
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<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
<b>B.</b>	<b>Dust, fumes, vapors and gases.</b> 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>This property is prohibited from emitting such dust, fumes, vapors or gases at any point perceptible beyond its lot lines. No outside fertilizer storage is proposed.</p> <p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>
<b>C.</b>	<b>Odor.</b> 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>This property is prohibited from producing such offensive or harmful odors at any point perceptible beyond its lot lines, as measured at ground or habitable elevation. No outside fertilizer storage is proposed.</p> <p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>
<b>D.</b>	<b>Glare.</b> 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>This property is prohibited from producing glare beyond its lot lines onto abutting lots or rights of ways. See note 18 on sheet C2. Signage, if applicable, shall not be lit or illuminated.</p> <p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>
<b>E.</b>	<b>Stormwater runoff.</b> 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. <b>[Amended 4-27-2007]</b>	<p>On 3/21/16 the Planning Board granted a waiver and did not require the submission of a stormwater management plan for this site plan application due to stormwater considerations made during the 2005 Berwick Road Business Park Subdivision review and approval. No changes proposed to stormwater. No floor drains are proposed. No irrigation drains will be connected to the septic system.</p> <p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>

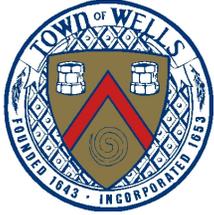


# Town of Wells, Maine

## Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Site Plan Amendment Application for “Springer LLC”**  
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§ 145-75. Criteria and Standards		Comments
<b>F.</b>	<p><b>Erosion control.</b> 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>Best Management Practices are a standard condition of approval. The Standard Conditions of the Town of Wells are referred to on sheet C2, see note 20. The rear slope is proposed to be 2:1 rather than 3:1, and some form of stabilization is required. See Town Engineer/Planner memo dated 5-31-12.</p> <p>No changes proposed to erosion control measures.</p> <p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></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.	

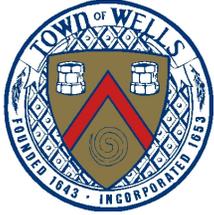


# Town of Wells, Maine

## Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Site Plan Amendment Application for "Springer LLC"**  
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<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
(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.	

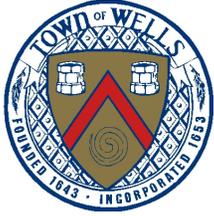


# Town of Wells, Maine

## Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Site Plan Amendment Application for “Springer LLC”**  
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§ 145-75. Criteria and Standards		Comments
<p><b>G. 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>	<p>This commercial property abuts other commercial properties. A visual screen along abutting lot lines of residential uses is not necessary. A 15’ landscaped buffer strip along Willie Hill Road is shown on sheet 2 of the prior site plan approval and noted/labelled on the amended site plan to be applicable. See 145-38B. The dumpster screened by a 6’ solid fence enclosure.</p> <p>Per 145-38B, a 40’ landscaped buffer along Willie Hill Road is required. Sheet C2 identifies the first 40’ of the property from Willie Hill Road shall consist of the existing wooded areas and proposed evergreen and shade tree plantings. All plantings shall meet the 2 inch diameter at breast height requirement and shall be less than 30 feet apart.</p> <p>Setback requirements of the Light Industrial District are noted on sheet C2 and shall be complied with.</p> <p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>	
<p><b>H. 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>All explosive materials stored on this property shall be stored in compliance with NFPA standards. A generator (with associated fuel tank) and/or A/C condenser units may be installed with CEO approval. See note 13.</p> <p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>	

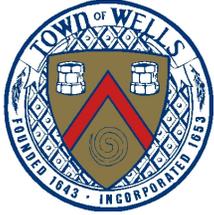


# Town of Wells, Maine

## Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Site Plan Amendment Application for “Springer LLC”**  
**Page 8 of 11**

<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
<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>Water quality standards shall be complied with.</p> <p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>
<b>J.</b>	<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>The existing landscaping shall be preserved insofar as practicable for the proposed development. No changes to landscape proposed from prior site plan approvals.</p> <p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>
<b>K.</b>	<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>The parcel is served by an on-site dumpster which shall be screened with 6' solid fence enclosure. The dumpster shall meet setback requirements.</p> <p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>



# Town of Wells, Maine

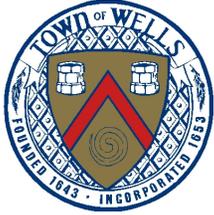
## Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Site Plan Amendment Application for “Springer LLC”**  
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<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
<b>L.</b>	<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.	The property shall be served by an on-site private drilled well.  <b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>
<b>M.</b>	<b>Sewage disposal.</b> The applicant shall provide for the safe disposal of all wastewaters.	The property shall be served by an on-site private subsurface wastewater disposal system. See note 16.  <b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>
<b>N.</b>	<b>Fire safety.</b> The site plan shall make adequate provisions for access by fire-fighting equipment and personnel.	A letter from the Wells Fire Chief dated 6-12-12 was provided stating adequate provisions for fire safety have been met. A Knox Box shall be installed on the proposed building and gate (see note 19). The location of the Knox Boxes to be determined by the Fire Department. No changes proposed to access for firefighting equipment or personnel.  <b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>

**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 two years or more. [§145-74F]
2. Approval is conditioned upon compliance by the applicant with the plans and specifications which have been received by the Town in connection with this development proposal.
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. [§145-74G(1)(b)]



# Town of Wells, Maine

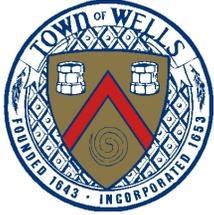
## Planning Board

### FINDINGS OF FACTS & DECISIONS

#### Site Plan Amendment Application for "Springer LLC"

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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 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 §145-64. [§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 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 and/or Staff Review Committee.
8. Approval of the application or amendment application does not relieve the applicant from the responsibility to obtain building permits prior to construction and use permits prior to occupancy.
9. It is the applicant's responsibility to contact Dig Safe prior to construction.
10. It is the owner/Homeowners Association/applicant/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 subdivision/site plan parcel(s).
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.



# Town of Wells, Maine Planning Board

## FINDINGS OF FACTS & DECISIONS Site Plan Amendment Application for "Springer LLC" Page 11 of 11

12. Prior to the pouring of a building footing/foundation, the location of each cottage and/or building to be constructed shall be located on the face of the earth and shall be marked with surveyor pins or stakes. The developer shall receive approval of each cottage and/or building location from the Code Enforcement Office prior to the commencement of footing/foundation excavation.
13. If the property will be converted to a condominium form of ownership, the proposed condominium documents must be presented to the Town for review and approval by the Town Attorney. No use permit shall be issued until the Town Attorney has indicated approval of the condominium documents.
14. Upon completion of construction, the applicant shall provide to the Town record as-built drawings of the roadway, drainage, and utility related construction work.
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.
16. All components, features, improvements and conditions of site plan approval shall be fully completed prior to any issuance of a certificate of occupancy.

### **Special Conditions of Approval**

1. All previous Conditions of Approval will remain in effect unless 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. The owner, applicant and tenants shall comply with all applicable provisions of the Maine Medical Use of Marijuana Act (and the regulations promulgated under the Act).
3. This approval is for an indoor agriculture use, NOT a "Registered Marijuana Dispensary" per State Statute or Wells Town Code.
4. Growing of any marijuana is limited to activities allowed as a "Primary caregiver" in accordance with Maine State Law.

Dated at Wells, Maine this \_\_\_\_\_ day of \_\_\_\_\_, 2016

Wells Planning Board

By: \_\_\_\_\_  
Charles Millian, Chairman

**Town of Wells , Maine**  
**Article X , 145-77 Data Requirements (Completeness Review)**  
**Page 1 of 4**

Project Name/District: Springer LLC - Amendment/ Light Industrial District - Tax Map 40, Lot 3-14 Date of Review: 03/16/16; 3/30/16  
 Prepared By: Office of Planning & Development Company Name: Town of Wells

**Article X**  
**Site Plan Approval**

§ 145-77. Data Requirements [Amended 4-26-1996]		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
Any application presented for approval shall include the following information if applicable:						
A.	A site plan drawn at a scale not smaller than one inch equals 40 feet which shall contain the following information:	Y				Scale is 1" = 20'
	(1) The name and address of the applicant plus the name of the proposed development.	Y				The name of the applicant/owner is noted on the plan. The name and address of the development are noted.
	(2) Total floor area, ground coverage and location of each proposed building, structure or addition.	Y				The building area is noted to be 5600 SF (one-story)  Lot coverage is noted to be approved as 18%. Proposed lot coverage is 17.3%.
	(3) Perimeter survey of the parcel, made and certified by a registered land surveyor licensed in Maine, relating to reference points, showing true or magnetic North, graphic scale, corners of parcel, date of survey and total acreage. The requirement for a certified boundary survey may be waived by the reviewing authority if the proposed construction is located a distance equal to the required setback plus 10 feet from any lot line.				W	A perimeter survey of the parcel prepared by a licensed surveyor was not provided.  The subdivision plan for Berwick Road Business Park, for which this lot is lot #14 within that subdivision, was prepared by Jim Wright, a licensed land surveyor. The subdivision plan was provided and is dated 4/21/2005 and was approved on 6/27/2005 by the Wells Planning Board.  On 3/21/16 the Planning Board found that a boundary survey is not required. Such a waiver was also granted by the Planning Board in 2012.
	(4) All existing and proposed setback dimensions.	Y				See note 4.
	(5) The size, location, direction and intensity of illumination of all major outdoor lighting apparatus and signs.	Y				See note 18. A detail of the proposed light poles/security camera provided on 3/21/16 and described in note 18.  The sign will not be lit or illuminated in any way.

**Town of Wells , Maine**  
**Article X , 145-77 Data Requirements (Completeness Review)**  
**Page 2 of 4**

Project Name/District: Springer LLC - Amendment/ Light Industrial District - Tax Map 40, Lot 3-14

Date of Review: 03/16/16; 3/30/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

<b>§ 145-77. Data Requirements [Amended 4-26-1996]</b>		<b>Application Meet Requirements</b>				
		<b>Yes</b>	<b>No</b>	<b>NA</b>	<b>Waiver</b>	<b>Comments</b>
(6)	The type, size and location of all incineration devices.			NA		No such devices proposed.
(7)	The type, size and location of all machinery likely to generate appreciable noise at the lot lines.			NA		No such machinery proposed near the lot lines. AC units/generators are permitted. See note 13.
(8)	The location, type and size of all existing and proposed catch basins, storm drainage facilities, wetlands, streams and watercourses and all utilities, both above and below ground.	Y				The septic tank is proposed to be relocated and installed beneath the parking lot. A revised subsurface water disposal system application is required for such a system. See Note 16.
(9)	All existing contours and proposed finished grade elevations of the portions of the site which will be altered and the system of drainage proposed to be constructed. Contour intervals shall be specified by the reviewing authority. This requirement may be waived by the reviewing authority if no additional lot coverage is proposed or the proposed lot coverage is less than 30% and has an area of less than 15,000 square feet.	Y				The plan depicts 2 foot existing contours and 1 foot proposed contours.
(10)	The location, type and size of all curbs, sidewalks, driveways, fences, retaining walls and parking space areas and the layouts thereof, together with the dimensions.	Y				Spaces to be labelled as 9' x 18.5' in dimension. The aisle width requirement for 90 degree spaces is 26'. The ADA sign is labelled on the plan.  A 6' tall chain link fence is proposed partially along Willie Hill Road. This fence is to be gated with a Knox box padlock in a location approved by the Fire Department.
(11)	All landscaped areas, fencing and size and type of plant material upon the premises.	Y				The dumpster to be screened by a 6' tall solid enclosure.  The plan references the landscaping plans of the prior site plan approval. See plan notations and labelling.
(12)	All existing or proposed rights-of-way, easements and other legal restrictions which may affect the premises in question.	Y				See note #3 on sheet 1 of prior site plan approval.
(13)	The locations, names and widths of all existing and proposed streets abutting the premises.	Y				

**Town of Wells , Maine**  
**Article X , 145-77 Data Requirements (Completeness Review)**  
**Page 3 of 4**

Project Name/District: Springer LLC - Amendment/ Light Industrial District - Tax Map 40, Lot 3-14

Date of Review: 03/16/16; 3/30/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-77. Data Requirements [Amended 4-26-1996]		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
(14)	The lot lines of all lots abutting the proposed development, including those lots across the street, together with the names on file in the Town offices as of the date of the application.	Y				Abutters labelled on the plan.
(15)	An appropriate place for the signature(s) of the reviewing authority.	Y				
B.	Documentation of right, title or interest in the proposed site.	Y				A copy of the deed was provided. A copy of the purchase and sale agreement was provided.
C.	An on-site soils investigation report by a Maine Department of Human Services licensed site evaluator (unless the site is to be served by public sewer). The report shall identify the types of soil, location of test pits and proposed location and design for the subsurface disposal system.	Y				A subsurface wastewater disposal system prepared by Joseph Noel dated 11/6/2011 was provided. Septic design to be updated based on new septic tank location beneath the parking lot. See Note 16.
D.	The amount and type of any raw, finished or waste materials to be stored outside of roofed buildings, including their physical and chemical properties, if appropriate.			NA		No such materials noted to be stored outside of roofed buildings.
E.	If the proposed use will be connected to the Wells Sanitary District's sewer system, a letter from the Sanitary District stating that adequate line and plant capacity to dispose of the generated sewage will be available.			NA		
F.	If the proposed use will be connected to the Kennebunk, Kennebunkport and Wells Water District water system, a letter from the Water District stating that adequate line and supply capacity to serve the proposed use will be available.			NA		Property served by private on-site well.
G.	Traffic data. Only the Planning Board may require that a site plan application include a traffic engineering study should the project be considered one of substantial magnitude along any of the Town's state highways where fast-moving traffic occurs (i.e., Route Nos. 1, 109, 9, 9-A and 9-B). Should a traffic study be requested by the Planning Board, the following data shall be included:			NA		On 3/21/16 the Planning Board found that a traffic study is not necessary for the proposed development. A traffic study was waived in 2012.
(1)	The estimated peak-hour traffic to be generated by the proposal.					
(2)	Existing traffic counts and volumes on surrounding roads.					
(3)	Traffic accident data covering a recent three-year period.					

**Town of Wells , Maine**  
**Article X , 145-77 Data Requirements (Completeness Review)**  
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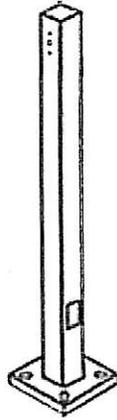
Project Name/District: Springer LLC - Amendment/ Light Industrial District - Tax Map 40, Lot 3-14

Date of Review: 03/16/16; 3/30/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-77. Data Requirements [Amended 4-26-1996]		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
(4)	The capacity of surrounding roads, municipal facilities, parking and any improvements which may be necessary on such roads and facilities to accommodate anticipated traffic generation.					
(5)	The need for traffic signals and signs or other directional markers to regulate anticipated traffic.					
H.	A soil erosion and sedimentation control plan, prepared in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Maine Department of Environmental Protection and the Cumberland County Soil and Water Conservation District, 1991. <b>[Amended 4-27-2007]</b>	Y				Best Management Practices are a standard condition of approval. The Standard terms and conditions of the Town of Wells appear on sheet 1 of the prior approvals.  The rear slope is proposed to be 2:1 rather than 3:1, and some form of stabilization is required. See Town Engineer/Planner memo dated 5-31-12. Jute matting specified on Sheet C3 of prior site plan approval.
I.	A stormwater management plan, prepared by a registered professional engineer in accordance with the most recent edition of Stormwater Management For Maine: BMPS Technical Design Manual, published by the Maine Department of Environmental Protection, 2006. Another methodology may be used if the applicant can demonstrate it is equally or more applicable to the site. A drainage analysis may be waived by the Planning Board upon request of the applicant and submittal of a letter from a registered professional engineer stating that there will be no adverse impacts to adjacent or downstream properties. <b>[Added 4-27-2007]</b>				W	A stormwater management plan has not been provided.  A waiver of providing a stormwater management plan was granted by Planning Board on 6/4/12. On 3/21/16 the Planning Board found that the changes proposed do not require any stormwater management review. No changes proposed and proposed lot coverage is to be reduced.
J.	Any other information or data the reviewing authority determines is necessary to demonstrate compliance with the standards of § 145-75. <b>[Added 4-27-2007]</b>					



Project:

Type:

Prepared By:

Date:

**Lamp Info**

Type: N/A  
 Watts: 0W  
 Shape/Size: N/A  
 Base: N/A  
 ANSI: N/A  
 Hours: N/A  
 Lamp Lumens: N/A  
 Efficacy: N/A

**Ballast Info**

Type: N/A  
 120V: N/A  
 208V: N/A  
 240V: N/A  
 277V: N/A  
 Input Watts: 0W

Square steel poles drilled for 2 Area Lights at 180°. Designed for ground mounting. Poles are stocked nationwide for quick shipment. Protective packaging ensures poles arrive at the job site good as new.

Color: Bronze

Weight: 137.0 lbs

**Technical Specifications**

**Listings**

**CSA Listed:**

Suitable for wet locations.

**Construction**

**Shaft:**

46,000 p.s.i. minimum yield.

**Hand Holes:**

Reinforced with grounding lug and removable cover.

**Base Plates:**

Slotted base plates 36,000 p.s.i.

**Shipping Protection:**

All poles are shipped in individual corrugated cartons to prevent finish damage.

**Color:**

Bronze powder coating.

**Height:**

20 FT.

**Weight:**

137 lbs.

**Gauge:**

11

**Wall Thickness:**

1/8"

**Shaft Size:**

4"

**Hand Hole Dimensions:**

3" x 5"

**Bolt Circle:**

8 1/2"

**Base Dimension:**

8"

**Anchor Bolt:**

Galvanized anchor bolts and galvanized hardware and anchor bolt template. All bolts have a 3" hook.

**Anchor Bolt Templates:**

WARNING Template must be printed on 11" x 17" sheet for actual size. CHECK SCALE BEFORE USING. Templates shipped with anchor bolts and available .

**Pre-Shipped Anchor Bolts:**

Bolts can be pre-shipped upon request for additional freight charge.

**MaxEPA's/Max Weights:**

70MPH 8.3 ft\_/240 lb  
 80MPH 5.6 ft\_/165 lb  
 90MPH 3.6 ft\_/110 lb  
 100MPH 2.2 ft\_/75 lb  
 110MPH 1.0 ft\_/45 lb  
 120MPH 0.2 ft\_/20 lb.

**Other**

**Terms of Sale:**

Pole Terms of Sale is available .

# FFLED39

Rectangular shaped LED floodlight designed to replace 150W Metal Halide. Patent Pending airflow technology ensures long LED and driver lifespan. Use for building facade lighting, sign lighting, LED landscape lighting and instant-on security lighting.

Color: Bronze

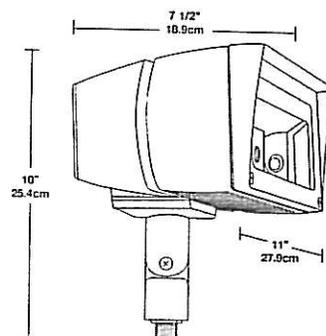
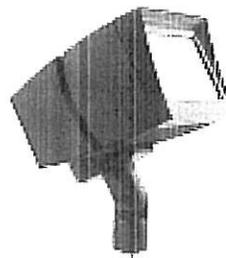
Weight: 12.5 lbs

## LED Info

Watts: 39W  
Color Temp: 5000K (Cool)  
Color Accuracy: 65  
L70 Lifespan: 100000  
LM79 Lumens: 4,596  
Efficacy: 112 LPW

## Driver Info

Type: Constant Current  
120V: 0.35A  
208V: 0.20A  
240V: 0.18A  
277V: 0.15A  
Input Watts: 41W  
Efficiency: 95%



## Technical Specifications

### Lumen Maintenance:

100,000-hour LED lifespan based on IES LM-80 results and TM-21 calculations.

### IP Rating:

Ingress Protection rating of IP65 for dust and water.

### NEMA Type:

7H x 6V Beam Spread.

### LEDs:

Two multi-chip, 26Watt high performance LEDs.

### Driver:

Constant Current, Class 2, 1050mA, 100-277V, 50/60Hz, 0.6A, Power Factor 99%

### THD:

7.7% at 120V, 6.8% at 277V

### Surge Protection:

4kV

### Ambient Temperature:

Suitable for use in 40°C ambient temperatures.

### Cold Weather Starting:

The minimum starting temperature is -40°F/-40°C.

### Thermal Management Housing:

Superior heat sinking with external Air-Flow fins.

### Mounting:

Heavy-duty mounting arm with O ring seal & stainless steel screw.

### Color Consistency:

7-step MacAdam Ellipse binning to achieve consistent fixture-to-fixture color.

### Color Stability:

LED color temperature is warranted to shift no more than 200K in CCT over a 5 year period.

### Color Uniformity:

RAB's range of CCT (Correlated Color Temperature) follows the guidelines of the American National Standard for (SSL) Products, ANSI C78.377-2008.

### Equivalency:

The FFLED39 is Equivalent in delivered lumens to a 150W Metal Halide.

### Effective Projected Area:

EPA = 0.65

### Reflector:

Specular vacuum-metallized polycarbonate

### Gaskets:

High-temperature silicone gaskets.

### Finish:

Our environmentally friendly polyester powder coatings are formulated for high-durability and long-lasting color, and contains no VOC or toxic heavy metals.

### Green Technology:

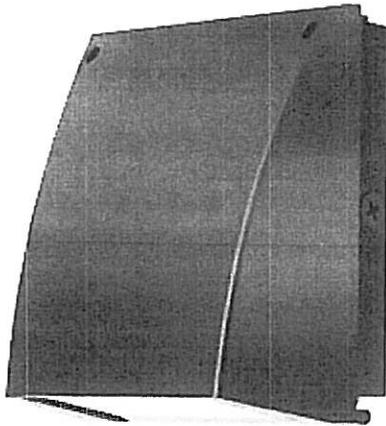
Mercury and UV free.

### IESNA LM-79 & LM-80 Testing:

RAB LED luminaires have been tested by an independent laboratory in accordance with IESNA LM-79 and LM-80, and have received the Department of Energy Lighting Facts label.

### California Title 24:

FFLED39 complies with California Title 24 building and electrical codes.



Project:

Type:

Prepared By:

Date:

**Driver Info**

Type: Constant Current  
 120V: 0.31A  
 208V: 0.19A  
 240V: 0.16A  
 277V: 0.14A  
 Input Watts: 37W  
 Efficiency: N/A

**LED Info**

Watts: 37W  
 Color Temp: 5000K (Cool)  
 Color Accuracy: 75 CRI  
 L70 Lifespan: 100,000  
 Lumens: 2,688  
 Efficacy: 73 LPW

37, 57 and 62 Watt SLIM Wallpacks are designed to cover the footprint of most traditional wallpacks. They are suitable for mounting heights from 20' to 30', and replace HID Wattages from 200W MH to 320W MH. These ultra-high efficiency fixtures are available in cutoff or full cutoff models.

Color: Bronze

Weight: 7.5 lbs

**Technical Specifications****Listings****UL Listing:**

Suitable for wet locations. Wall Mount only.

**DLC Listed:**

This product is on the Design Lights Consortium (DLC) Qualified Products List and is eligible for rebates from DLC Member Utilities.

**IESNA LM-79 & LM-80 Testing:**

RAB LED luminaires have been tested by an independent laboratory in accordance with IESNA LM-79 and LM-80, and have received the Department of Energy "Lighting Facts" label.

**Construction****Footprint:**

Designed to replace RAB HID WP1 wallpacks, both in size and footprint template, so upgrading to LED is easy and seamless.

**IP Rating:**

Ingress Protection rating of IP66 for dust and water.

**Cold Weather Starting:**

The minimum starting temperature is -40°F/-40°C.

**Ambient Temperature:**

Suitable for use in 40°C (104°F) ambient temperatures.

**Thermal Management:**

Superior thermal management with internal Air-Flow fins.

**Housing:**

Precision die-cast aluminum housing and door frame.

**Mounting:**

Die-cast back box with four (4) conduit entry points and knockout pattern for junction box or direct wall mounting. Hinged housing and bubble level for easy installation.

**Cutoff:**

Cutoff (7.5°)

**Recommended Mounting Height:**

Up to 20 ft.

**Lens:**

Microprismatic diffusion glass lens reduces glare and has smooth and even light distribution.

**Reflector:**

Specular thermoplastic.

**Gaskets:**

The unique design of the tight-lock gasket ensures no water or environmental elements will ever get inside the SLIM.

**Finish:**

Our environmentally friendly polyester powder coatings are formulated for high-durability and long-lasting color, and contains no VOC or toxic heavy metals.

**Green Technology:**

Mercury and UV free, and RoHS compliant.

**LED Characteristics****LED:**

Long-life, high-efficiency, micro-power, surface mount LEDs; binned and mixed for uniform light output and color.

**Lifespan:**

100,000-hour LED lifespan based on IES LM-80 results and TM-21 calculations.

**Correlated Color Temp. (Nominal CCT):**

5000K

**Color Stability:**

LED color temperature is warranted to shift no more than 200K in CCT over a 5 year period.

**Color Consistency:**

7-step MacAdam Ellipse binning to achieve consistent fixture-to-fixture color.

**Electrical****Driver:**

Constant Current, 100-277V, 50/60Hz, 100-277VAC 0.6A, 4kV Surge Protection, 700mA, Power Factor 99.6%.

**THD:**

7.3% at 120V, 8.5% at 277V

**Other****HID Replacement Range:**

The SLIM37 can be used to replace 200W MH based on delivered lumens.

**Accessories:**

Available accessories include polysield and wire guard. Click to see all accessories.

**Technical Specifications (continued)**

**Other**

**California Title 24:**

See SLIM37/BL for a 2013 California Title 24 compliant product. Any additional component requirements will be listed in the Title 24 section under technical specifications on the product page.

**Patents:**

The design of the SLIM™ is protected by patents pending in US, Canada, China, Taiwan and Mexico.

**Warranty:**

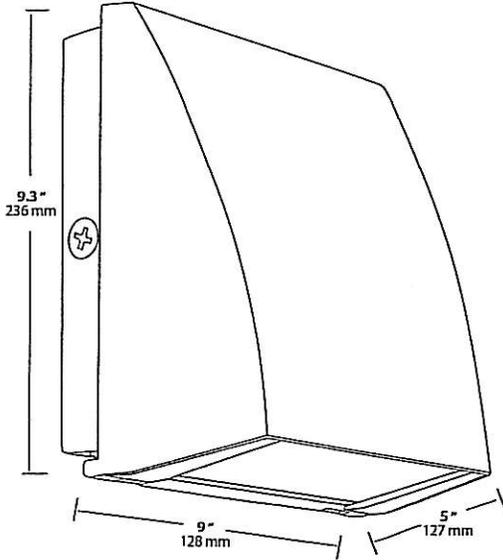
RAB warrants that our LED products will be free from defects in materials and workmanship for a period of five (5) years from the date of delivery to the end user, including coverage of light output, color stability, driver performance and fixture finish.

**Optical**

**BUG Rating:**

B1 U1 G1

**Dimensions**



**Features**

- Covers footprint of most traditional wallpacks
- Easy installation with hinged access, bubble level and multiple conduit entries
- Tight-lock gasket keeps elements out
- 100,000-hour LED lifespan
- 5-Year warranty

**Ordering Matrix**

Family	Cutoff	Watts	Color Temp	Finish	Photocell	Bi-Level
SLIM	= Standard C = Cutoff FC = Full Cutoff	62 = 62W 57 = 57W 37 = 37W	= Cool Y = Warm N = Neutral	= Bronze W = White	= No Photocell /PC = 120V Button /PC2 = 277V Button /PCS = 120V Swivel /PCS2 = 277V Swivel	= No Bi-Level /BL = Bi-Level

**NOTES:**

- ASSESSOR'S INFORMATION:  
TOWN OF WELLS ASSESSOR'S MAP 40 LOT 3-14
- RECORD OWNER:  
SPRINGER, LLC  
122 WILD ROSE LANE  
SOUTH BERWICK, MAINE 03908
- DEED REFERENCE:  
Y.C.R.D. 17186/523 (JOSEPH LINDSEY TO DAVID SPRINGER, DATED: 2-12-16)
- ZONING INFORMATION:  
LIGHT INDUSTRIAL DISTRICT (L)  
MINIMUM LOT SIZE: 40,000 SQ.FT. (NET AREA)  
MINIMUM STREET FRONTAGE: 100' (278.8' PROVIDED)  
SETBACKS:  
STREET RIGHT-OF-WAY: 40'  
LOT LINE: 25'  
RAILROAD RIGHT-OF-WAY/CEMETERY: 25'  
MAXIMUM BUILDING HEIGHT: 45' (NOT TO EXCEED 3 STORIES)  
MAXIMUM LOT COVERAGE: 65%
- LOCUS PARCEL CONTAINS 2.95 ACRES MORE OR LESS.
- APPROVED COVERAGE = 18%  
PARKING, DRIVEWAY & SIDEWALK = 19,260 SQ.FT.  
BUILDING AREA = 5,600 SQ.FT.  
TOTAL AREA = 22,860 SQ.FT.  
AMENDED COVERAGE = 17.3%  
PARKING, DRIVEWAY & SIDEWALK = 16,750 SQ.FT.  
BUILDING AREA = 5,600 SQ.FT.  
AMENDED TOTAL AREA = 22,350 SQ.FT.
- ALL PREVIOUSLY APPROVED CONDITIONS OF APPROVAL EXCEPT AS SPECIFICALLY AMENDED SHALL REMAIN IN EFFECT.
- THE OWNER, APPLICANT AND TENANTS SHALL COMPLY WITH ALL APPLICABLE PROVISIONS OF THE MAINE MEDICAL USE OF MARIJUANA ACT (AND THE REGULATIONS PROMULGATED UNDER THE ACT).
- THIS APPROVAL IS FOR AN INDOOR AGRICULTURE USE, NOT A "REGISTERED MARIJUANA DISPENSARY" PER STATE STATUTE OR TOWN OF WELLS CODE.
- GROWING OF MARIJUANA IS LIMITED TO ACTIVITIES ALLOWED AS A "PRIMARY CAREGIVER" IN ACCORDANCE WITH MAINE STATE LAW.
- AMENDED SHEETS 1 OF 2 AND 2 OF 2 (PLAN REFERENCE #1) AND SHEETS T1,C1,C2,C3 AND C4 (PLAN REFERENCE #2) SHALL REMAIN IN EFFECT AND PART OF THIS APPROVAL.
- NO FLOOR DRAINS ARE PROPOSED. NO IRRIGATION DRAINS WILL BE CONNECTED TO THE SEPTIC SYSTEM.
- A GENERATOR (WITH ASSOCIATED FUEL TANK) MAY BE INSTALLED AND OUTSIDE A/C CONDENSER UNITS MAY BE INSTALLED IN VARIOUS LOCATIONS WITH CEO APPROVAL. NO SUCH EQUIPMENT SHALL PRODUCE EXCESSIVE NOISE OR ODORS BEYOND THE PROPERTY LINES.
- NO OUTSIDE FERTILIZER STORAGE IS PROPOSED. ANY EXPLOSIVE MATERIALS SHALL BE STORED IN COMPLIANCE WITH NFPA STANDARDS.
- PROPOSED METER LOCATION TO BE INSTALLED IN ACCORDANCE WITH CENTRAL MAINE POWER RECOMMENDED LOCATION.
- THE PARCEL IS SERVED BY AN ON-SITE SEPTIC SYSTEM AND DRILLED WELL. AN UPDATED SEPTIC DESIGN IS REQUIRED AT THE SUBMISSION OF A BUILDING PERMIT.
- PARKING REQUIREMENT:  
5,600 SQ.FT. / 1,000 = 6 SPACES REQUIRED (BASED ON CEO RECOMMENDATION AND PLANNING BOARD DETERMINATION ON 03/21/2016).  
10 PARKING SPACES ARE PROPOSED.
- EXTERIOR LIGHTING SHALL NOT PRODUCE GLARE ONTO ADJUTING LOTS OR STREET RIGHT-OF-WAYS. PROPOSED LIGHT POLE TO BE INSTALLED IS A 20' HIGH SQUARE STEEL POLE (PS4-11-2002) BY RAB LIGHTING OR EQUAL. LIGHT FIXTURE TO BE INSTALLED IS FLED39 BY RAB LIGHTING OR EQUAL. BUILDING MOUNTED FIXTURES TO BE INSTALLED ARE SLIM 37 BY RAB LIGHTING OR EQUAL.
- A KNOX BOX PADLOCK SHALL BE INSTALLED ON THE ENTRY GATE. A KNOX BOX SHALL BE INSTALLED ON THE BUILDING IN A LOCATION APPROVED BY THE TOWN OF WELLS FIRE DEPARTMENT.
- SEE FINDINGS OF FACT AND DECISIONS FOR CONDITIONS OF APPROVAL.

**REFERENCE PLANS:**

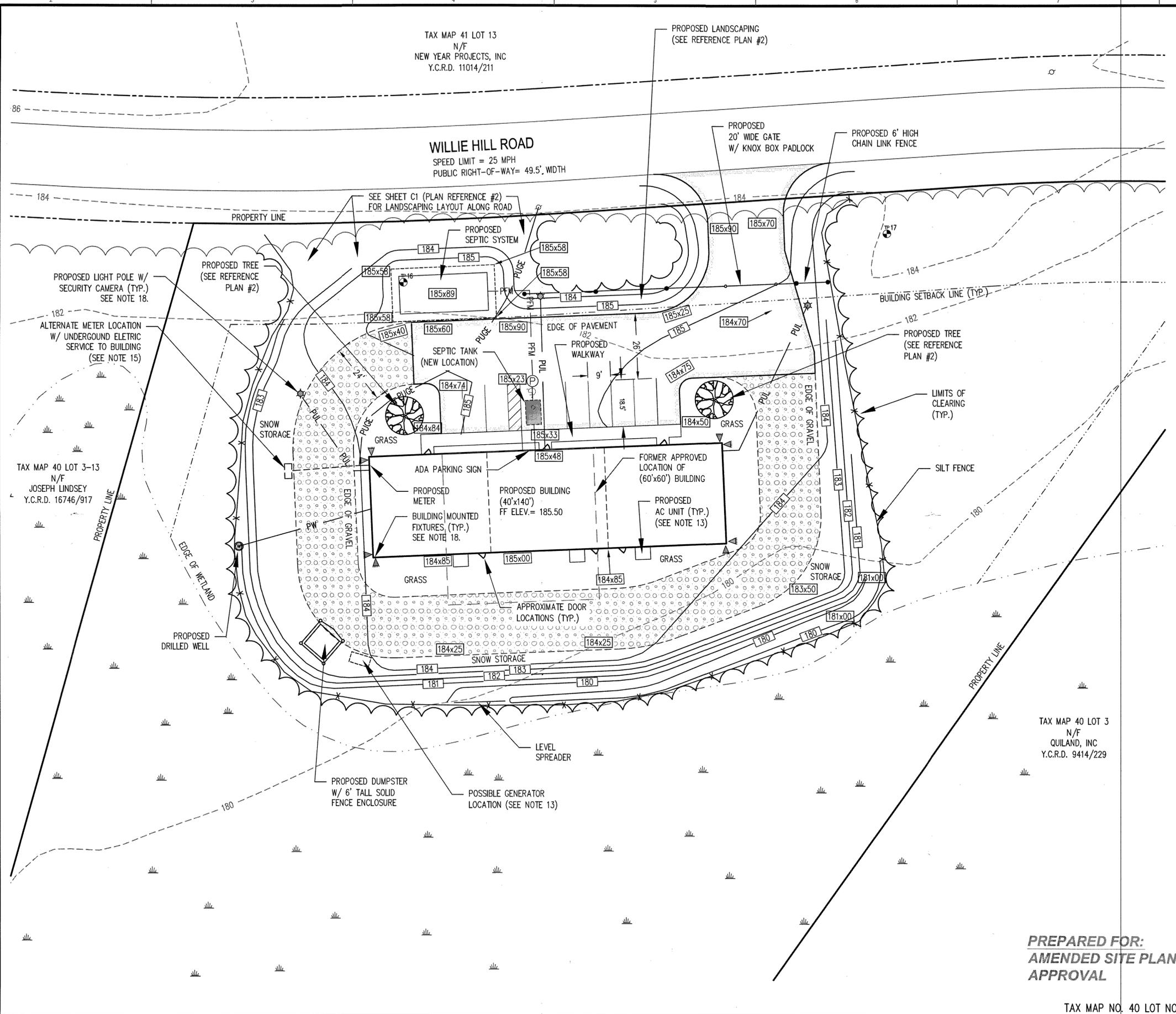
- "AMENDMENT #1 TO SITE PLAN SPRINGER, LLC", APPROVED BY THE TOWN OF WELLS CODE ENFORCEMENT OFFICER ON 2/18/16, INCLUDED SHEETS: 1 OF 2 AND 2 OF 2.
- SITE PLAN APPLICATION "EAST COAST EXCAVATING, WILLIE HILL ROAD, WELLS, MAINE PREPARED FOR JOSEPH LINDSEY", BY OAK POINT ASSOCIATES. PLAN APPROVED BY THE TOWN OF WELLS PLANNING BOARD 6/18/2012, INCLUDED SHEETS: T1,C1,C2,C3 AND C4.

**PURPOSE OF PLAN:**

- THE PURPOSE OF THIS PLAN IS TO AMEND THE APPROVED 1-STORY BUILDING SIZE FROM 3,600 SQ.FT. TO 5,600 SQ.FT. A PORTION OF THE APPROVED PAVED DRIVE IS BEING CHANGED TO GRAVEL. A CHAIN LINK FENCE WITH A GATE AT THE ENTRANCE DRIVE AND THREE SECURITY LIGHT POLES WITH CAMERAS HAVE ALSO BEEN ADDED.

PLAN APPROVED BY TOWN OF WELLS PLANNING BOARD

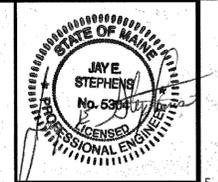
DATE:



TAX MAP 40 LOT 3  
N/F  
QUILAND, INC  
Y.C.R.D. 9414/229

PREPARED FOR:  
AMENDED SITE PLAN  
APPROVAL

TAX MAP NO. 40 LOT NO. 3-14 SHEET: 1 OF 1



CIVIL CONSULTANTS  
Engineers  
Planners  
Surveyors  
P.O. Box 100  
South Berwick  
Maine  
03908  
207-384-2550  
www.civcon.com

NO.	REVISIONS	DATE
2	REVISE PER PLANNING BOARD COMMENTS	JAA 03/24/16
1	ADDED NOTES PER STAFF REVIEW	JAA 03/04/16

AMENDMENT #2 TO SITE PLAN  
PROPOSED COMMERCIAL DEVELOPMENT  
WILLIE HILL ROAD  
WELLS, MAINE

PREPARED FOR:  
SPRINGER, LLC / DAVID SPRINGER  
122 WILD ROSE LANE SOUTH BERWICK, ME 03908  
CLIENT ADDRESS:

1"=20'  
DATE: 03/01/2016  
DRAWN BY: JAA  
CHECKED BY:  
APPROVED BY:

GRADING AND EROSION CONTROL PLAN

PROJECT NO: 16-124.00

C2



**Planning & Development**  
**208 Sanford Road, Wells, Maine 04090**  
Phone: (207) 646-5187, Fax: (207) 646-2935  
Website: [www.wellstown.org](http://www.wellstown.org)

<i>Michael G. Livingston, Town Engineer/Planner</i>	<a href="mailto:mlivingston@wellstown.org">mlivingston@wellstown.org</a>
<i>Shannon M. L. Belanger, Planning Assistant</i>	<a href="mailto:sbelanger@wellstown.org">sbelanger@wellstown.org</a>

### **Final Subdivision Application Memo**

Date: April 1, 2016

To: Planning Board

From: Planning Office

Re: Millbrooke Farm Subdivision – Phase VI - Map 72, Lot 4B, 12 and 13

#### **Project Description:**

Bob Georgitis of Kasprzak Homes/ Kasprzak Landholdings has submitted a Final Subdivision application for a major subdivision to be located off of Willow Way, Gateway Drive and Midway Drive. The subdivision shall consist of 70 dwelling units constructed as 35 duplex buildings on 20.13 acres of land (Multifamily Development) with 60.69 acres as dedicated open space. The subdivision and open space are located on the following parcels: Tax Map 72, Lot 4B, Lot 12 and Lot 13 and total 80.82 acres (80.81 net acres). The parcels are located within the Rural District and 75' Shoreland Overlay District. The parcels shall be connected to public sewer and public water.

#### **§ 202-9. Final plan for major subdivision.**

##### A. Procedure.

- (1) The subdivider shall, within six months after the approval of the preliminary plan, file with the Board an application for approval of the final plan at least 10 days prior to a scheduled meeting of the Board. If the application for the final plan is not submitted within six months after preliminary plan approval, the Board may refuse without prejudice to act on the final plan and require resubmission of the preliminary plan. The final plan shall approximate the layout shown on the preliminary plan, plus any recommendations made by the Board. **[Amended 7-11-1996] Site Walk was held on 10/17/15. Preliminary Application was submitted on 11/12/15 and approved on 1/4/16. Final Subdivision Application submitted on 1/13/16.**
- (2) If a public hearing is deemed necessary by the Board, an additional fee in the amount established by the Board of Selectmen following notice and a public hearing shall be required to cover the costs of advertising and postal notification. **[Amended 7-9-2002; 4-16-2004] To be determined**
- (3) The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the final plan. **Yes**
- (4) When the application is received by the Planning Board, it shall give the applicant a dated receipt acknowledging that it has received the application. **Final Subdivision Application received on 2/22/2016**
- (5) Within 30 days after receiving any application, the Board shall notify the applicant in writing

either that the application is complete or, if it is incomplete, the specific additional material needed to complete the application. The Board shall determine whether to hold a public hearing on the final plan application. **Final Public Hearing held on 3/7/2016**

- (6) Prior to submittal of the final plan application, the following approvals shall be obtained in writing, where appropriate:
    - (a) Maine Department of Environmental Protection, under the Site Location of Development Act and the Natural Resources Protection Act. *Editor's Note: See 38 M.R.S.A § 481 et seq. and 38 M.R.S.A. § 480-A et seq., respectively.* **Provided, MDEP Approval # L-24408-87-E-A dated March 2013**
    - (b) The Kennebunk, Kennebunkport and Wells Water District, if the district's water service is to be used. **Provided, KKWWD letter dated 1/12/16**
    - (c) Maine Department of Human Services, if the subdivider proposes to provide a central water supply system. **Not Applicable**
    - (d) The Wells Sanitary District, if the public sewage disposal system is to be used. **Provided, WSD letter dated 1/25/16**
    - (e) Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized. **Not Applicable**
    - (f) An Army Corps of Engineers dredge and fill permit. **Not Applicable**
    - (g) NPDES permit for stormwater discharges. **Not Applicable**
  - (7) A public hearing may be held by the Planning Board within 30 days after the issuance of a receipt for the submittal of a complete application. This hearing shall be advertised in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days before the hearing, and the notice of the hearing shall be posted in at least three prominent places at least seven days prior to the hearing. When a subdivision is located within 500 feet of a municipal boundary and a public hearing is to be held, the Planning Board shall notify the Clerk and the Planning Board of the adjacent municipality involved at least 10 days prior to the hearing. **Final Public Hearing held on 3/7/16**
  - (8) Upon receipt of an application for a subdivision containing 20 lots or dwelling units or more, the Planning Board shall notify the Road Commissioner, School Superintendent, Police Chief and Fire Chief of the proposed subdivision, the number of dwelling units proposed, the length of roadways and the size and construction characteristics of any multifamily, commercial or industrial buildings. The Planning Board shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed subdivision. **The Staff Review Committee commented on the application on 1/12/16**
  - (9) Before the Board grants approval of the final plan, the subdivider shall meet the performance guaranty requirements contained in § 202-13. **To be determined**
  - (10) The Board, within 30 days from the public hearing or within 60 days of the official submittal date if no hearing is held, shall make findings of fact and conclusions relative to the standards contained in 30-A M.R.S.A. § 4404, Subsection 3 and in these regulations. If the Board finds that all standards of the statute and these regulations have been met, it shall approve the final plan. If the Board finds that any of the standards of the statute and these regulations have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any denial or conditions shall be stated in the records of the Board. **To be determined**
- B. Submissions. The final plan shall consist of one or more maps or drawings drawn to a scale of not more than 100 feet to the inch. Plans for subdivisions containing more than 75 acres may be drawn at a scale of not more than 200 feet to the inch. Plans shall be no larger than 24 inches by 36 inches in size and shall have a margin of two inches outside of the border line on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement

by the Board. One reproducible, stable-based transparent original and three copies of the plan shall be submitted. In addition, the applicant shall submit 11 copies of the final plan, reduced to a size of 11 inches by 17 inches, and all accompanying information to the Office of Planning and Development no less than 10 days prior to the meeting. The application for approval of the final plan shall include the following information:

**Recommendations & Conclusions:**

1. The Planning Board should consider the following updates and compliance items (202-12):
  - a. The Planning Office received several revised plans on Friday, 4/1 at 12:24 pm. The Open Space plan revisions were received by the Planning Office on 4/1 at 1:56 pm. These plans are to be reviewed.
  - b. Revised Homeowners' Association document (Riverbend Woods Association) has not been submitted. The Town Attorney and Planner comments have not been addressed.
  - c. Revised Millbrooke Farm Association documents have not been provided to the Planning Office since the 2/1/16 review memo
  - d. The Planning Board should consider granting a waiver for 202-12F(b) which requires bounds at five property corners. Two are adjacent to the cemetery and three have existing pipes or bounds within 50 feet.
  - e. The Planning Board should consider approving all other proposed Monumentation (iron pipes or rods) as suitable per 202-12(F)e.
  - f. The Planning Board should consider finding note 17 suitable to address Performance Guarantee requirements.
  - g. The Planning Board should consider changing the vote taken on 3/7/16. The completion date of the connection via Millbrooke Drive to Gateway Drive and Midway Drive to be completed to base course of pavement no later than 4/30/2018; not 4/18/2018. The Heron Landing approval required completion within 5 years from the plan recording date, which was 4/30/2013.
2. The Planning Board should consider continuing the workshop for this application for 30 days.

From: Mike Livingston  
Sent: Friday, April 01, 2016 3:05 PM  
To: Robert Georgitis; Shannon Belanger  
Cc: 'Natalie L. Burns'; 'Erin Kalakowsky'; 'Steve Kasprzak'; 'Stephen D. Kasprzak'  
Subject: RE: open space  
Attachments: Millbrooke Farm Final Sub memo 04-01-16.docx

Hi Bob:

It is 3:00 on the Friday prior to the Planning Board meeting. The Planning Board packets have already been completed. The response in your e-mail does not address the multiple concerns and issues which have been raised regarding the ownership and management of the open space.

See attached memo. It is not the recommendation of the Planning Office to approve the project Monday due to lack of information that would allow us to find the application in compliance with ordinance requirements and to complete a Findings of Fact.

Michael G. Livingston  
Town Engineer

From: Robert Georgitis [mailto:kasprzakinc@roadrunner.com]  
Sent: Friday, April 01, 2016 2:50 PM  
To: Mike Livingston; Shannon Belanger  
Cc: 'Natalie L. Burns'; 'Erin Kalakowsky'; 'Steve Kasprzak'; 'Stephen D. Kasprzak'  
Subject: RE: open space

Mike,

I just got off the phone with Natalie.

I was unaware (since Natalie had been out of the office) that she had already spoken with Erin earlier today. Natalie followed up with by email on the open space issues with our proposed resolution, and it appears that Erin is okay with it, which will not require amendment to the Riverbend Woods Bylaws. We believe that our proposal completely resolves the various issues raised on this topic. I suggest you contact your attorney as I have done ours.

As to your suggestion that we need to request a delay on Monday night, I have provided the plan revisions that you requested, with a very quick turnaround, as we have done for all of your requests. With these changes and revisions, we think the Board has sufficient information to approve the plan as is or approve with conditions Monday night and see no need for delay.

Bob

Robert W. Georgitis, Vice President/Project Manager  
Kasprzak Homes Inc.  
P.O. Box 26  
No. Waterboro, ME 04061  
(207) 247-5307  
kasprzakinc@roadrunner.com

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From: Mike Livingston [mailto:mlivingston@wellstown.org]  
Sent: Friday, April 01, 2016 2:11 PM  
To: Robert Georgitis <kasprzakinc@roadrunner.com>; Shannon Belanger <Sbelanger@wellstown.org>  
Cc: 'Natalie L. Burns' <nburns@JBGH.com>; 'Erin Kalakowsky' <ekalakowsky@bergenparkinson.com>  
Subject: RE: open space

Thanks Bob:

Sounds like an interesting approach. When can we expect a detailed written response to how this new ownership and management arrangement will be in compliance with the Town's open space requirements?

As stated previously, the project cannot be approved Monday night. Do you want to still be on

the agenda, or I can just ask the Board to grant a 30 day extension?

Michael G. Livingston  
Town Engineer

From: Robert Georgitis [mailto:kasprzakinc@roadrunner.com]  
Sent: Friday, April 01, 2016 1:56 PM  
To: Shannon Belanger; Mike Livingston  
Cc: 'Natalie L. Burns'; 'Erin Kalakowsky'  
Subject: FW: open space

Hi Mike and Shannon,

Attached is a revised open space plan which labels each of the areas with the associated condominiums. We have been unable to get a meeting of all the players so I have concluded the easiest fix would be to prepare a corrective deed which clarifies that Windward Pointe Association (and Heritage Pines & Schooner Landing Association) own the fee along with Ribend Association, and it having the management rights and responsibilities as the plans state.

Bob

Robert W. Georgitis, Vice President/Project Manager  
Kasprzak Homes Inc.  
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No. Waterboro, ME 04061  
(207) 247-5307  
kasprzakinc@roadrunner.com

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# Town of Wells, Maine

## Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Final Subdivision Application for “Millbrooke Farm”**  
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### Chapter 202 Subdivision of Land

PROJECT INFORMATION	
<b>General:</b>	<p><b>Project Name:</b> Millbrooke Farm Subdivision</p> <p><b># Lots/ Dwellings Proposed:</b> 70 dwelling units on 20.13 acre parcel with 60.69 acre Open Space parcel</p> <p><b>Applicant:</b> Kasprzak Landholdings, Inc. PO Box 26, N. Waterboro, ME 04061</p> <p><b>Landowner:</b> Kasprzak Landholdings, Inc. PO Box 26, N. Waterboro, ME 04061</p> <p><b>Location:</b> Gateway Drive, Midway Drive and Willow Way, Wells, Maine</p> <p><b>Existing Use:</b> Vacant land</p> <p><b>Proposed Land Use:</b> A Major Multifamily Development Subdivision consisting of 70 dwelling units (35 two family dwellings/duplexes) and roadways on 20.13 acres and 60.69 acres shall be dedicated Open Space.</p> <p><b>Tax Parcel ID:</b> Tax Map 72, Lots 4B (developed subdivision area) and Map 72, Lots 12, and 13 to become part of Riverbend Woods Association Open Space parcel (Tax Map and Lot number to be determined)</p> <p><b>Zoning District:</b> Rural and 75' Shoreland Overlay Districts</p> <p><b>Land Use, Art. VII</b></p> <p><b>Performance Standards:</b> §145-48 Multifamily Development</p> <p><b>Design Engineer:</b> Sebago Technics, 75 John Roberts Road – Suite 1A, South Portland, ME 04106-6963</p> <p><b>Final Plan Application Submission Date:</b> January 12, 2016</p> <p><b>Plan Submission Date:</b> January 12, 2016</p>
<b>Project Description:</b>	<p>Bob Georgitis of Kasprzak Homes/ Kasprzak Landholdings has submitted a Final Subdivision application for a major subdivision to be located off of Willow Way, Gateway Drive and Midway Drive. The subdivision shall consist of 70 dwelling units constructed as 35 duplex buildings (two-family dwelling units) on 20.13 acres of land (Multifamily Development per §145-48) with 60.69 acres to be dedicated open space. The subdivision shall be located on Tax Map 72, Lot 4B and the proposed dedicated Open Space which predominantly consists of Tax Map 72, Lots 12 and Lot 13 shall become part of the Riverbend Woods Association Open Space (Tax Map and Lot number to be determined)The developed area and proposed Open Space for Millbrooke Farm total 80.82 acres (80.81 net acres). The parcels are located within the Rural District and 75' Shoreland Overlay District. The parcels shall be connected to public sewer and public water.</p>
<b>Approval Dates:</b>	<p>Preliminary Plan Approval: 1/4/2016</p> <p>Final Plan Approval: <b>To be determined</b></p>
<b>Public Hearings:</b>	<p>Preliminary Public Hearing 1/4/2016</p> <p>Final Public Hearing 3/7/2016</p>



# Town of Wells, Maine

## Planning Board

### FINDINGS OF FACTS & DECISIONS

#### Final Subdivision Application for "Millbrooke Farm"

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#### PROJECT HISTORY

1. On 9/14/15 the applicant submitted a subdivision pre-application to the Planning Office.
2. On 9/18/15 abutters were mailed notice of the pre-application submission and of the 9/28/15 Planning Board meeting.
3. On 9/24/15 the Planning Office prepared a pre-application memo for the Planning Board.
4. On 9/28/15 the Planning Board received the subdivision pre-application and scheduled a site walk of the property for 10/17/15 at 9:00 AM.
5. On 10/17/15 the Planning Board conducted a site walk.
6. On 10/19/15 the Planning Office prepared a site walk results memo.
7. On 10/19/15 the Planning Board reported the results of the site walk.
8. On 11/16/15 the applicant submitted the Preliminary Subdivision Application and plans to the Planning Office.
9. On 11/18/15 abutters were mailed notice of the Preliminary Subdivision Application submission and of the 12/7/15 Planning Board meeting.
10. On 12/3/15 the Planning Office prepared a Preliminary Subdivision Application memo.
11. On 12/7/15 the Planning Board received the Preliminary Subdivision Application, reviewed the submission materials and Planning Office comments, and voted to appoint the Town Planner as the completeness agent.
12. On 12/10/15 the applicant met with the Code Enforcement Officer regarding Article VII performance standards.
13. On 12/22/15 the applicant submitted revised plans to the Planning Office for review.
14. On 12/22/15 the Town Planner found the application complete for purposes of scheduling a preliminary public hearing.
15. On 12/23/15 abutters were mailed certified notice of the preliminary public hearing set for 1/4/16.
16. On 12/30/15 the Planning Office prepared Article V, VII and preliminary completeness review checklists.
17. On 12/31/15 the Planning Office prepared draft Preliminary Findings of Fact & Decisions and a memo.
18. On 1/4/16 the Planning Board conducted a preliminary public hearing and workshop. The Planning Board made various determinations and voted to approve and sign the Preliminary Findings of Fact & Decisions.
19. On 1/12/16 the applicant submitted a Final Subdivision Application, plans, cost estimates, Millbrooke Condominium documents, and Riverbend Woods Association document and deeds to the Planning Office for review.
20. On 1/12/16 the Staff Review Committee commented on the Subdivision Application for the Planning Board.
21. On 1/12/16 the Planning Office received a proposed fire hydrant plan per the Fire Chiefs request and the KKWWD approval letter.
22. On 1/13/16 the Planning Office notified the applicant that corrected road name request forms needed to be provided to the Assessing Office and a corrected application form was needed. The Planning Office also notified the applicant that the Forest Management Plan submitted was not confidential as it was a requirement of the 12/7/15 waiver that was granted for trees 24" in dbh or greater.
23. On 1/13/16 the applicant provided a corrected application form to the Planning Office.
24. On 1/14/16 the applicant provided a corrected Road Name request form to the Planning Office.
25. On 1/16/16 the proposed Road Names for Millbrooke Farm Subdivision were approved by the E911 Coordinator.
26. On 1/19/16 the Planning Office emailed the applicant the 1/25/16 Planning Board agenda.
27. On 1/22/16 the Planning Board meeting for 1/25/16 was postponed due to a lack of quorum.
28. On 1/22/16 the Planning Office prepared a Final completeness checklist (202-9) and an Open Space memo for the applicant and Town Attorney.



# Town of Wells, Maine

## Planning Board

### FINDINGS OF FACTS & DECISIONS

#### Final Subdivision Application for "Millbrooke Farm"

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#### PROJECT HISTORY

29. On 1/27/16 the Planning Office received the WSD approval letter for Millbrooke Farm.
30. On 1/29/16 the Planning Office prepared a revised Open Space memo for the applicant and Town Attorney.
31. On 2/1/16 the Town Engineer/Planner prepared a memo for the applicant and Town Attorney regarding Millbrooke Farm and Riverbend Woods Association documents.
32. On 2/1/16 the Planning Office prepared a final completeness checklist (202-9) and emailed to the applicant.
33. On 2/2/16 recommended plan changes were completed and emailed to the applicant along with the 2/1/16 memo regarding the association documents.
34. On 2/2/16 the applicant submitted various letters regarding traffic concerns and if a MDOT permit was needed.
35. On 2/4/16 the Town Attorney was provided various Millbrooke Farm subdivision documents and plans for her review.
36. On 2/4/16 the applicant was emailed the 2/8/16 Planning Board agenda.
37. On 2/4/16 the Planning Office prepared a Memo outlining various items to be addressed regarding Preliminary Conditions of Approval, Open Space, Condominium Documents, and various 202-9 review items.
38. On 2/4/16 the Town Engineer/Planner prepared a erosion and sedimentation control and drainage memo.
39. On 2/8/16 the applicant was emailed the Planning Office memos dated 2-1-16 and 2-4-16.
40. On 2/8/16 the Planning Office notified the applicant that the 2/8/16 Planning Board meeting was postponed due to inclement weather.
41. On 2/9/16 the Planning Office received a letter from the applicant dated 2/8/16 responding to the review comments provided on 2/8/16.
42. On 2/16/16 the applicant submitted revised subdivision plans to the Planning Office for review.
43. On 2/17/16 the Planning Office emailed the applicant the 2/22/16 Planning Board agenda.
44. On 2/18/16 the Planning Office prepared recommended plan changes.
45. On 2/19/16 the Planning Office prepared a reminder memo for the Planning Board packet.
46. On 2/19/16 the Town Engineer/Planner prepared a memo regarding the prior subdivision approval plan notes and a memo responding to the 2/8/16 letter from Kasprzak.
47. On 2/22/16 the Planning Office emailed the applicant the 2/19/16 review memos.
48. On 2/22/16 the Planning Board voted to receive the Final Subdivision Application, determined that the MDOT information provided by the applicant for which the MDOT determination was made was to be provided to the Planning Office, voted to find the application complete and schedule a Final Public Hearing for 3/7/16, and requested an Open Space be provided for the 3/7/16 meeting.
49. On 2/24, 2/25 and 2/26 the Planning Office provided additional information provided by the applicants regarding letters provided dated 1/11/16 and 2/8/16, prior subdivision plan approvals, and a sample unit deed.
50. On 2/25/16 abutters were mailed certified notice of the Final Public Hearing scheduled for 3/7/16.
51. On 3/1/16 the Planning Office emailed the 3/7/16 Planning Board agenda to the applicant.
52. On 3/2/16 the Planning Office inquired with the applicant about revised plans and the requested MDOT information.
53. On 3/2/16 the Planning Office prepared a memo regarding the various public comment letters received for the Final Subdivision Application submission.
54. On 3/3/16 the applicant emailed the Planning Office a draft Open Space plan for review.
55. On 3/4/16 the Planning Office prepared an updated application memo outlining final completeness (202-9) and some compliance (202-12) items to be discussed.
56. On 3/4/16 the Planning Office provided the Open Space plan with some initial comments to the Town Attorney for review.
57. On 3/7/16 the Planning Board conducted a Final Public Hearing and conducted a workshop. The Planning



# Town of Wells, Maine

## Planning Board

**FINDINGS OF FACTS & DECISIONS**  
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**PROJECT HISTORY**

Board voted to require the connection from Gateway Drive to Midway Drive to be constructed and paved no later than 4/18/16 as required by the Heron Landing Subdivision approval. The Board did not require a traffic study. The workshop was continued for 30 days.

58. On 3/7/16 the applicant provided a revised plan set with markups noting revisions made.

59. On 3/14/16 the Planning Office contacted the applicant regarding the status of the applicant’s attorney responding to and discussing the issues with the Town Attorney.

60. On 3/14/16 the applicant’s attorney provided a letter to the Planning Office and Town Attorney for review.

61. On 3/24/16 the Town Engineer/Planner prepared a memo responding to the applicant’s attorney letter, a memo regarding the Riverbend Woods Association document issues, and sample Certificate of Amendment. These memos were then emailed to the Town Attorney.

62. On 3/24/16 the Planning Office prepared Open Space plan change recommendations and notes and emailed those to the applicant.

63. On 3/25/16 the Planning Office emailed the applicant all materials prepared on 3/24/16.

64. On 3/29/16 the Planning Office emailed the applicant the 4/4/16 Planning Board agenda.

65. On 3/29/16 the Planning Office prepared revised completeness review (202-9) checklist, revised Article V (Land Use) checklists, a revised Article VII (Land Use) Multifamily Development checklist, and a draft compliance checklist (202-12)/ Final Findings of Fact & Decisions document.

66. On 3/30/16 the Planning Office prepared recommended plan changes based on the review of the application for conformance with the compliance standards (202-12), performance guarantees (202-13) and draft Final Findings of Fact & Decisions with conditions of approval.

67. On 3/31/16 the Planning Office prepared revised compliance (202-12)/ Final Findings of Fact & Decisions.

68. \_\_\_\_\_

69. On 4/4/16 the Planning Board \_\_\_\_\_

<b>§ 202-12. General Standards</b>	<b>Findings &amp; Decisions</b>
In reviewing applications for a subdivision, the Board shall consider the following general standards and make findings that each has been met prior to the approval of a final plan. In all instances the burden of proof shall be upon the applicant.	
A. Conformance with Comprehensive Plan. All proposed subdivisions shall be in conformity with the Comprehensive Plan of the municipality and with the provisions of all pertinent state and local codes and ordinances.	
B. Retention of open spaces and natural or historic features. [Amended 6-11-2013]	

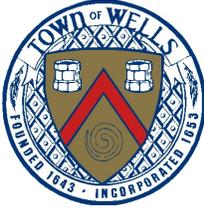


# Town of Wells, Maine

## Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Final Subdivision Application for “Millbrooke Farm”**  
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§ 202-12. General Standards	Findings & Decisions
<p>(1) In any subdivision with no more than five lots or dwellings units, no dedicated open space is required. In any subdivision with at least six lots or dwelling units and no more than 10 lots or dwelling units, there shall be a minimum of 10% or 20,000 square feet, whichever is greater, of the total property net area dedicated as open space. Off site dedication of open space land may be approved by the Planning Board if excess land is provided and the land has a greater benefit to the public than land within the development. In any subdivision with more than 10 lots or dwelling units, there shall be a minimum of 35% of the total property net area dedicated as open space.</p>	<p>This subdivision proposes more than 10 lots/ dwelling units and is required to provide a minimum of 35% Open Space. This subdivision proposes approximately 75% open space or 60.69 acres of the 80.82 acre total land area (80.81 net acres). The 60.69 dedicated acres is proposed to be off-site as it will be conveyed to the Riverbend Woods Association Open Space. <b><u>On 4/4/16 the Planning Board must consider approving the proposed off-site dedicated Open Space. Excess Open Space is proposed.</u></b></p>
<p>(2) Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended. A site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Planning Board may deem suitable. The configuration of such sites shall be deemed adequate by the Planning Board with regard to scenic or historic attributes to be preserved, together with sufficient areas for trails, lookouts, etc., where necessary and appropriate.</p>	<p>See note 15 on sheet 2. The Open Space is to be used for noncommercial recreation or conservation purposes. <b><u>Open Space plan is pending completion.</u></b></p>
<p>(3) Reserved open space land, acceptable to the Planning Board and subdivider, may be dedicated or conveyed to the municipality, a land trust, or other recognized conservation organization. Such reservation may also be accomplished by incorporation into homeowners' association or condominium association documents or into restrictive deed covenants. (See § 145-49, residential cluster development standards.)</p>	<p>See note 16. The common open space may be dedicated for acceptance by the municipality.</p>
<p>(4) The Planning Board may require that the development plans include a landscape plan that will show the preservation of any existing trees larger than 24 inches in diameter at breast height, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally significant areas. Cutting of trees on the northerly borders of lots should be avoided as far as possible, to retain a natural wind buffer.</p>	<p>On 12/7/15 the Planning Board granted a waiver of depicting trees equal to or greater than 24” in diameter at breast height within the Open Space contingent upon the development having a Forest Management Plan by a licensed forester. <b><u>See recommended waiver notes to be added to sheet 2.</u></b></p> <p>See note 19 on sheet 2. Trees 24” d.b.h. or larger outside the construction clearing limits shall be preserved except for removal of storm damaged, diseased, unsafe or dead trees. The Open Space will be maintained following the Forest Management Plan for Riverbend Woods Association prepared by Wadsworth Woodlands, Inc.</p>
<p>C. Blocks. Where street lengths exceed 1,000 feet between intersections with other streets, the Board may require an utility/pedestrian easement, at least 20 feet in width, to provide for underground utility crossings and/or a pedestrian pathway of at least five feet in width. Maintenance obligations of the easement shall be included in the written description of the easement.</p>	<p>Not Applicable. No lots are being created and street intersections are 1,000 linear feet or less apart.</p>
<p>D. Lots.</p>	



# Town of Wells, Maine Planning Board

## FINDINGS OF FACTS & DECISIONS Final Subdivision Application for “Millbrooke Farm” Page 6 of 21

§ 202-12. General Standards	Findings & Decisions
	145, Land Use, for the zoning district in which they are located. The lot configuration should be designed to maximize the use of solar energy on building sites with suitable orientation.
(1) All lots shall meet the minimum requirements of Chapter 145, Land Use, for the zoning district in which they are located. The lot configuration should be designed to maximize the use of solar energy on building sites with suitable orientation.	<p>§145-30. Rural District requirements apply to the 70 dwelling units (35 two-family/duplex units) proposed. The 70 dwelling units proposed are also a Multifamily Development and are permitted by §145-48.</p> <p>See the Unit Density Calculation Table on sheet 2. The Total area of parcels 4B, 12 and 13 is 80.82 acres or 80.81 net acres (3,520,250 SF). The subdivision is served by public sewer. Maximum Density on sewer is 40,000 SF per dwelling unit. <math>3,520,250 / 40,000 = 88</math> dwelling units permitted. 70 dwelling units are proposed.</p> <p>The proposed developed area is not proposed to be located within the Shoreland Overlay District. The development's open space is partially located within the Shoreland Overlay District however.</p>
(2) Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development contemplated. Wherever possible, parking areas shall be laid out to coincide with building locations to maximize solar energy gain.	<p><b><u>A note is recommended stating on-street parking is prohibited.</u></b></p> <p>Millbrooke Farm Drive, Carding Mill Loop, and Grist Stone Court are roads serving the Multifamily Development. On 1/4/16 the Planning Board found that the 22' wide roadways with concrete curbing to be acceptable</p>
(3) Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan and deed restrictions shall indicate that vehicular access shall be located only on the less traveled way.	The subdivision has frontage off of Willow Way. Vehicular access serving the subdivision shall connect at the intersection of Willow Way and Gateway Drive and connect at the intersection of Midway Drive through the Heron Landing Subdivision.
(4) Wherever possible, side lot lines shall be perpendicular to the street.	
(5) The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as to preclude future resubdivision.	See note 15 on sheet 2.
(6) Where public utilities could be extended to the subdivision in the foreseeable future, the subdivision shall be designed to accommodate the extensions of utilities.	The subdivision shall be served by the public water (KKWWD) and public sewer (WSD).
(7) If a lot on one side of a river, tidal water, road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the river, tidal water or road to meet the minimum lot size.	Not applicable.
(8) Odd-shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited. The ratio of lot length to width shall not be more than three to one.	Proposed Lot 4B not odd shaped. Lots 12 and 13 on Map 72 are to become part of the Riverbend Woods Association Open Space which is odd shaped. Lots 12 and 13 are not odd shaped.

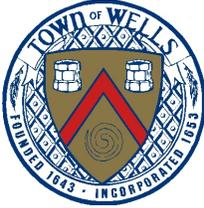


# Town of Wells, Maine

## Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Final Subdivision Application for “Millbrooke Farm“**  
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§ 202-12. General Standards	Findings & Decisions
Article I, Street Naming and Numbering, of the Wells Municipal Code.	
(9) Lots shall be numbered in accordance with Chapter 201, Article I, Street Naming and Numbering, of the Wells Municipal Code.	Street name approval granted by the E911 Coordinator on 1-16-2016 for Carding Mill Loop, Grist Stone Court, and Millbrooke Farm Drive. Street numbering to be determined by Town Assessing Department.
(10) Where the Board finds that safety considerations so require, driveways of adjoining lots shall be combined or joined so as to minimize the number of driveway entrances and maximize the distance between entrance points.	The driveways serving the dwelling units are located off of roadways within a Multifamily Development. No adjoining lots are proposed, this standard does not apply.
(11) Proposed lots shall not be permitted to have driveway entrances onto existing arterial or collector streets unless the Planning Board determines that no reasonable alternate exists.	<b><u>The plan is recommended to note that driveways are prohibited along Willow Way.</u></b>
E. Utilities.	
(1) Utilities shall be installed underground except as otherwise approved by the Board.	See note 9 on sheet 2.
(2) Underground utilities shall be installed prior to the installation of the final gravel base of the road.	<b><u>Recommended to be added to note 9.</u></b>
(3) The size, type and location of streetlights, electric and gas lines, telephone and other utilities shall be shown on the plan and approved by the Board.	See sheets 4 through 11.
F. Required improvements. The following improvements are required for all subdivisions unless waived by the Board in accordance with provisions of these regulations.	
(1) Monuments.	Sheet 2 and 3 identifies all Monumentation proposed and monuments found.
(a) Stone or concrete monuments shall be set at all street intersections and points of curvature, but no further than 750 feet apart along street lines without curves or intersections.	Not applicable. No right of ways proposed to create an intersection.
(b) Stone or concrete monuments shall be set at all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135° or less. New monumentation shall not be required at corner or angle points where there is existing monumentation that complies with this section.	<b><u>The Planning Board to consider granting a waiver on 4/4/16 as 5 points would require bounds but iron pipes/ rods are proposed. (Two of these points are adjacent to the cemetery and the other three points have existing pipes or bounds within 50 feet.) The Town Engineer recommends granting the waiver as the proposed iron pipes or roads are suitable.</u></b>
(c) Stone monuments shall be a minimum of four inches square at the top and four feet in length and set in the ground at final grade level. After they are set, drill holes one-half-inch deep shall locate the point or points described above.	
(d) Concrete monuments shall be portland cement reinforced with half-inch reinforcement bar. Concrete monuments shall be either four inches square or four inches in diameter and four feet in length and set in the ground at final grade with their top flush to four inches above the final grade.	
(e) All other subdivision boundary corners and angle points, as well as all lot boundary corners and angle points, shall be marked by suitable monumentation.	<b><u>On 04/04/16 the Planning Board must consider determining if the Monumentation proposed is acceptable.</u></b>

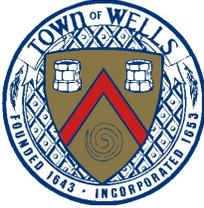


# Town of Wells, Maine

## Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Final Subdivision Application for “Millbrooke Farm”**  
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§ 202-12. General Standards	Findings & Decisions
(2) Water supply.	
(a) When a subdivision is to be served by the Kennebunk, Kennebunkport and Wells Water District, the complete supply system, including fire hydrants, shall be installed at the expense of the subdivider.	The subdivision shall be served by public water (KKW Water District).
[1] The subdivider shall provide a written statement from the Water District that adequate water for both domestic and fire-fighting purposes can be provided without placing an undue burden on the source, treatment facilities or distribution system involved. The subdivider shall be responsible for paying the costs of system improvements necessary to serve the subdivision.	A letter from KKWWD dated 10-5-12 was provided with the Heron Landing Subdivision submission. This letter states there is availability to serve the Concept Plan of phase 5, 6, and 7 of the Condominiums at Riverbend Woods.  KKWWD granted approval of Millbrooke Farm water design on 1/12/2016.
[2] The size and location of mains, gate valves, hydrants and service connections shall be reviewed and approved in writing by the Water District and the Fire Chief.	<b><u>A letter from the Fire Chief is pending.</u></b>
(b) When the location of a subdivision does not allow for a financially reasonable connection to the Kennebunk, Kennebunkport and Wells Water District, the Planning Board may allow the use of individual wells or a private community water system.	Not applicable. The subdivision shall be served by public water (KKW Water District).
[1] Dug wells shall be permitted only if it is demonstrated to be not economically feasible to develop other groundwater sources and shall be constructed so as to prevent infiltration of surface water into the well. Unless otherwise permitted by the Board, the subdivider shall prohibit dug wells by deed restrictions and a note on the plan.	
[2] If a central water supply system is provided by the subdivider, the location and protection of the source and the design, construction and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144 A.C.M.R. 231).	
[3] Fire protection. <b>[Amended 3-11-2002]</b>	
[a] The subdivider shall construct dry hydrants connected to ponds or water storage tanks, provide fire hydrants connected to a public water source or implement an alternative program approved by the Fire Chief to provide for adequate water for fire-fighting purposes within the subdivision. An easement shall be granted to the municipality providing access to the hydrants or other improvements where necessary. If a subdivision has fewer than 10 lots or dwelling units or any combination of lots and dwelling units, the Board, may waive the requirement for an adequate on-site water supply only upon submittal of evidence that:	



# Town of Wells, Maine Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Final Subdivision Application for “Millbrooke Farm”**  
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§ 202-12. General Standards	Findings & Decisions
[i] There is a fire pond, fire hydrant connected to public water, or another water source within one mile of the subdivision that the subdivider has obtained the legal right to use for fire protection purposes; and	
[ii] The Fire Chief has determined that the proposed water source has sufficient capacity to serve the needs of the subdivision and any other subdivisions currently using or relying on the water source for fire protection.	
[b] For purposes of this section, the 1-mile distance is measured from the pond, water source or fire hydrant to the driveway of the subdivision residence located farthest from the water supply along routes that fire trucks can safely travel year round.	
[4] The results of the water quality test submitted shall indicate that the groundwater meets the primary drinking water standards of the Maine Rules Relating to Drinking Water for those categories tested. If the Board has reason to believe, due to previous uses of the property or due to previous or existing uses of neighboring property, that the existing water quality may be threatened by contaminants not tested for in the primary inorganic water analysis, it may require the water to be tested for those contaminants.	
(c) Prior to the issuance of a building permit for the construction of any principal structure in a subdivision, the applicant shall present evidence of suitable water supply to the Code Enforcement Officer. This evidence shall consist of:	This is a condition of approval.
[1] A letter from the Kennebunk, Kennebunkport and Wells Water District indicating availability of service; or	A letter from KKWWD dated 10-5-12 was provided with the Heron Landing Subdivision submission. This letter states there is availability to serve the Concept Plan of phase 5, 6, and 7 of the Condominiums at Riverbend Woods.  KKWWD granted approval of Millbrooke Farm water design on 1/12/2016.
[2] The results of a primary inorganic water analysis performed upon the well to serve the structure indicating the groundwater meets the primary drinking water standards of the Maine Rules Relating to Drinking Water for those categories tested.	Not Applicable.
(3) Sewage disposal.	
(a) Public system.	The subdivision shall be served by public sewer (Wells Sanitary District).



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§ 202-12. General Standards	Findings & Decisions
[1] A sanitary sewer system shall be installed at the expense of the subdivider when there is a public sanitary sewer line located within 1,000 feet of the proposed subdivision at its nearest point. The Wells Sanitary District shall certify that providing service to the proposed subdivision is within the capacity of the district's collection and treatment system.	A letter from the WSD dated 9-17-12 was provided with the Heron Landing Subdivision submission. This letter states there is availability for 144 units. (Heron Landing has 56 units and Millbrooke Farm proposes 70). 56+70=126.
[2] The district shall review and approve in writing the construction drawings for the sewage system.	WSD public hearing held 1/19/16. Final WSD approval letter of Millbrooke Farm dated 1-25-2016.
(b) Private systems.	Not applicable. The subdivision shall be served by public sewer (Wells Sanitary District).
[1] The developer shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine licensed site evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules. In addition, on lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve areas shall be shown on the plan and restricted so as not to be built upon.	
[2] In no instances shall a disposal area be permitted on soils or on a lot which requires a new system variance from the subsurface wastewater disposal rules.	
(4) Stormwater management. <b>[Amended 4-27-2007]</b>	MDEP Approval # L-24408-87-E-A  Town Engineer has reviewed stormwater considerations, see memo dated 2/4/2016. Items to be addressed in 2/4/16 MGL memo have been satisfactorily addressed.
(a) Where a subdivision is traversed by a stream, river or surface water drainageway, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. This stormwater management system shall be designed by a registered professional engineer.	Stormwater Management Plan and analysis by Jason Haskell of Sebago Technics as part of the Heron Landing Subdivision Application. Stormwater analysis was based on the full build out of Heron Landing and Millbrooke Farm phases.
(b) Drainage easements for existing watercourses or proposed drainageways shall be provided and indicated on the plan.	Easement depicted on Heron Landing plans.
(c) The developer shall provide a statement from the designing engineer that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or in other properties. The engineer shall certify that peak runoff from the subdivision onto other properties shall not be increased either in volume or duration from the peak runoff characteristics existing prior to development.	Stormwater Management Plan and analysis by Jason Haskell of Sebago Technics as part of the Heron Landing Subdivision Application. Stormwater analysis was based on the full build out of Heron Landing and Millbrooke Farm phases.



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<b>§ 202-12. General Standards</b>	<b>Findings &amp; Decisions</b>
(d) A stormwater management plan, meeting the standards of Chapter 201, Streets and Sidewalks, Articles II and III, Wells Municipal Code, shall be submitted.	Town Engineer has reviewed stormwater considerations, see memo dated 2/4/2016. Items to be addressed in 2/4/16 MGL memo have been satisfactorily addressed.
(e) For subdivisions that require MDEP review under 38 M.R.S.A. § 481 et seq. (Site Location of Development), a stormwater management plan shall be submitted which complies with the Site Location of Development permit and the requirements of MDEP Chapter 500 Stormwater Regulations.	MDEP Approval # L-24408-87-E-A
(f) For subdivisions that do not require a Site Location of Development permit, but that require a MDEP permit pursuant to 38 M.R.S.A. § 420-D, a stormwater management plan shall be submitted which complies with the requirements of MDEP Chapter 500 Stormwater Regulations.	Not applicable. Site Location Permit.
(g) For subdivisions outside of the watershed of a great pond that neither require a Site Location of Development permit, nor a MDEP permit pursuant to 38 M.R.S.A. § 420-D, a stormwater management plan shall be submitted which incorporates the low-impact development techniques set forth in Volume I, Chapter 3 of the Maine Stormwater Best Management Practices Manual, 2006 (LID Techniques) on each individual lot approved by the Planning Board when such LID Techniques are adopted by MDEP. At such time that the MDEP adopts the LID Techniques, the Planning Board shall adopt them for use in approving subdivisions for the Town of Wells.	Not applicable. Site Location Permit.
(h) For subdivisions located within the watershed of a great pond containing: 1. five or more lots or dwelling units created within any five-year period; or 2. any combination of 800 linear feet of new or upgraded driveways and/or streets, a stormwater management plan shall be submitted that meets the phosphorus allocation across the entire subdivision in accordance with the methodology described in the MDEP Phosphorus Design Manual, Volume II of the Maine Stormwater Best Management Practices Manual, 2006.	Not applicable. Not located adjacent to a great pond.
(i) The Planning Board may require a hydrologic analysis for any site in areas with a history of flooding or in areas with a potential for future flooding, associated with cumulative impacts of development. This hydrologic analysis would be in the form of a “Downstream Analysis” under conditions of the ten-year, twenty-four-hour storm, the twenty-five-year, twenty-four-hour storm, and the one-hundred-year, twenty-four-hour storm, as described below:	Not applicable. Not located in an area of known flooding.



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§ 202-12. General Standards		Findings & Decisions
	<p>[1] Downstream Analysis Methodology: The criteria used for the downstream analysis is referred to as the “10% rule.” Under the 10% rule, a hydrologic and hydraulic analysis for the ten-year, twenty-four-hour storm, the twenty-five-year, twenty-four-hour storm, and the one-hundred-year, twenty-four-hour storm is extended downstream to the point where the site represents 10% of the total drainage area. For example, a ten-acre site would be analyzed to the point downstream with a drainage area of 100 acres. This analysis should compute flow rates and velocities downstream to the location of the 10% rule for present conditions and proposed conditions. If the flow rates and velocities increase by more than 5% and/or if any existing downstream structures are impacted, the designer should redesign and incorporate detention facilities.</p>	
G.	Streets.	
	(1) All streets in a subdivision shall meet Chapter 201, Streets and Sidewalks, Articles II and III, Wells Municipal Code.	The proposed streets must comply with the requirements of Chapter 201. On 1/4/16 the Planning Board found that the 22' wide roadways with concrete curbing to be acceptable
	(2) Any subdivision expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with existing public streets, streets shown on an Official Map or streets on an approved subdivision plan for which performance guaranties have been filed and accepted. Any street with an average daily traffic of 200 trips per day or more shall have at least two street connections leading to existing public streets, streets shown on an Official Map or streets on an approved subdivision plan for which performance guaranties have been filed and accepted. Said two street connections' center lines shall be no closer than 400 linear feet apart. Traffic generation rates shall be based on the Traffic Generation Manual, 1988 Edition, Institute of Transportation Engineers. Some typical traffic generation rates are:	<p>The subdivision is expected to generate a daily traffic of over 200 trips per day. Traffic generation is calculated to be 413 trips per day. Based on this, the subdivision proposes two street connections: 1. Willow Way/Gateway Drive intersection; and 2. Midway Drive through the Heron Landing subdivision. The Willow Way/ Gateway Drive intersection is over 400 feet away from the Midway Drive Intersection.</p> <p>Dwellings 1 -18 utilize Millbrooke Farm Drive from Gateway Drive/Willow Way to the Midway Drive (two connections). 18 dwellings x5.9=106.2 trips.</p> <p>Dwellings 61 – 70 utilize Grist Stone Court (10x5.9= 59 trips).</p> <p>Dwellings 51 – 60 utilize Carding Mill Loop (10 x 5.9= 59 trips)</p> <p>Dwellings 19 – 50 utilize Millbrooke Farm Drive after the Midway Drive intersection. (32 x 5.9 = 188.8 trips)</p>
	(a) Single-family house: 10.0 trips per day per unit.	
	(b) Residential condominium: 5.9 trips per day per unit.	70 x 5.9 = 413 trips.
	(c) Motel: 10.2 trips per day per room.	
	(d) Industrial: 7.0 trips per day per 1,000 square feet of floor space.	



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<b>§ 202-12. General Standards</b>		<b>Findings &amp; Decisions</b>
	(3) In any subdivisions located in the Residential A Zoning District or east of U.S. Route 1 provisions shall be made for the interconnection of proposed streets with other subdivisions or adjacent properties if it is determined to be practical and desirable by the Planning Board.	Not Applicable. This subdivision is located in the Rural District and is west of US Route 1.
H.	Land features.	
	(1) Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas and building excavations. Topsoil shall not be removed from the site until completion of construction and inspection by the Town to assure four inches of topsoil has been spread over all areas to be grassed.	This is a condition of approval.
	(2) Except for normal thinning, landscaping and cutting trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion. The Board shall require a developer to take the following measures to correct and prevent soil erosion in the proposed subdivision: <b>[Amended 4-27-2007]</b>	This is a condition of approval.
	(a) The proposed subdivision shall prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties.	
	(b) The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.	
	(c) Cutting or removal of vegetation along waterbodies shall not increase water temperature or result in shoreline erosion or sedimentation.	
	(d) Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.	
	(3) To prevent soil erosion of shoreline areas the cutting or removal of vegetation shall only be permitted as regulated in § 145-33 of Chapter 145, Land Use, of the Wells Municipal Code.	This is a condition of approval.
	(4) Dedication and maintenance of common open space and services.	<b><u>Riverbend Woods Association documentation detailing maintenance of the Open Space has not been provided. This is pending Town Engineer and Town Attorney review.</u></b>
	(a) All common land shall be owned jointly or in common by the owners of the dwelling units by means of a homeowners' association, by an association which has as its principal purpose the conservation or preservation of land in essentially its natural condition or by the municipality.	<b><u>The Riverbend Woods Association, proposed owner of the dedicated Open Space for Millbrooke Farm, is believed to be a Homeowners' Association. Documentation is pending submission for review by the Town Engineer and Town Attorney.</u></b>  <b><u>See note 16 on sheet 2. Note may need revisions if Open Space to be managed and owned by Riverbend Woods Association? Or okay with language in note 15?</u></b>



# Town of Wells, Maine Planning Board

## FINDINGS OF FACTS & DECISIONS Final Subdivision Application for “Millbrooke Farm” Page 14 of 21

§ 202-12. General Standards	Findings & Decisions
(b) Further subdivision of the common land or its use for other than noncommercial recreation or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to noncommercial recreational or conservation uses may be erected on the common land.	See note 15 on sheet 2.
(c) The common open space shall be shown on the final plan with appropriate notation on the plan to indicate that:	
[1] It shall not be used for future building lots; and	See note 16 on sheet 2.
[2] A part or all of the common open space may be dedicated for acceptance by the municipality.	See note 16 on sheet 2.
(d) If any or all of the common open space and services are to be reserved for use by the residents, the bylaws of the proposed homeowners' association shall specify maintenance responsibilities and shall be submitted to the Board prior to final plan approval.	<b><u>Riverbend Woods Association documentation detailing maintenance of the Open Space has not been provided. This is pending Town Engineer and Town Attorney review.</u></b>  <b><u>Plan does not note who is responsible for maintenance of Open Space.</u></b>
(e) Covenants for mandatory membership in the homeowners' association setting forth the owners' rights, interests and privileges in the association and the common property shall be reviewed by the Board and included in the deed for each lot or dwelling.	<b><u>The Riverbend Woods Association, proposed owner of the dedicated Open Space for Millbrooke Farm, is believed to be a Homeowners' Association. Documentation is pending submission for review by the Town Engineer and Town Attorney.</u></b>
(f) The homeowners' association shall have the responsibility of maintaining the common property.	<b><u>The Riverbend Woods Association, proposed owner of the dedicated Open Space for Millbrooke Farm, is believed to be a Homeowners' Association. Documentation is pending submission for review by the Town Engineer and Town Attorney.</u></b>
(g) The association shall levy annual charges against all owners of dwelling units to defray the expenses connected with the maintenance of common property and tax assessments.	<b><u>To be reviewed.</u></b>
(h) The developer or subdivider shall maintain control of the common property and be responsible for its maintenance until development sufficient to support the association has taken place.	<b><u>To be reviewed.</u></b>
(5) Construction in flood hazard areas. When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency, the plan shall conform with Chapter 115, Floodplain Management, of the Wells Municipal Code.	No flood zone is present for the parcel per FEMA Map 2301580011D. See note 8 on sheet 2.
(6) Impact on groundwater.	
(a) When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:	A hydrogeologic assessment is not required.
[1] A map showing the basic soils types.	
[2] The depth of the water table at representative points throughout the subdivision.	
[3] Drainage conditions throughout the subdivision.	
[4] Data on the existing groundwater quality, either from test wells in the subdivision or from existing wells on neighboring properties.	



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## FINDINGS OF FACTS & DECISIONS Final Subdivision Application for “Millbrooke Farm” Page 15 of 21

<b>§ 202-12. General Standards</b>		<b>Findings &amp; Decisions</b>
	[5] An analysis and evaluation of the effect of the subdivision on groundwater resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post-development nitrate-nitrogen concentrations at any wells within the subdivision, at the subdivision boundaries and at a distance of 1,000 feet from potential contamination sources, whichever is a shorter distance. For subdivisions within the watershed of a pond, projections of the development's impact on groundwater phosphate concentrations shall also be provided.	
	[6] A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.	
	(b) Projections of groundwater quality shall be made at any wells within the subdivision and at the subdivision boundaries or at a distance of 500 feet from potential contamination sources, whichever is a shorter distance.	No wells proposed within the subdivision. No septic systems proposed within the subdivision.
	(c) Projections of groundwater quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).	
	(d) No subdivision shall increase any contaminant concentration in the groundwater to more than 1/2 of the primary drinking water standards. No subdivision shall increase any contaminant concentration in the groundwater to more than the secondary drinking water standards.	This standard shall be met.
	(e) If groundwater contains contaminants in excess of the primary standards and the subdivision is to be served by on-site groundwater supplies, the applicant shall demonstrate how water quality will be improved or treated.	This standard shall be met.
	(f) If groundwater contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.	This standard shall be met.
	(g) Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the final plan and as restrictions in the deeds to the affected lots.	No wells proposed within the subdivision. No septic systems proposed within the subdivision.

<b>§ 202-13. Performance Guaranties. [Amended 4-12-1999]</b>		<b>Findings &amp; Decisions</b>
A.	Types of guaranties.	



# Town of Wells, Maine

## Planning Board

### FINDINGS OF FACTS & DECISIONS

#### Final Subdivision Application for “Millbrooke Farm“

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	(1)	<p>With submittal of the application for final plan approval, the applicant shall provide any one or a combination of the following performance guaranties for an amount adequate to cover the total site preparation and construction costs of all required improvements, taking into account the time span of the construction schedule and the inflation rate for construction costs:</p>	<p>See note 17.</p> <p>Type/Form of Performance Guarantee to be determined at the pre-construction meeting for Millbrooke Farm.</p> <p>The Performance Guarantee type/form and amount to cover the cost for the connection to Gateway Drive to Midway Drive to be established at the Millbrooke Farm pre-construction meeting or no later than September 1, 2017, whichever occurs first.</p>
		(a) Either a certified check payable to the municipality or a savings account or certificate of deposit naming the municipality as owner for the establishment of an escrow account.	Type/Form of guarantee to be determined by the Town Manager/ Town Planner.
		(b) A performance bond payable to the municipality issued by a surety company approved by the municipal officers or Town Manager.	Type/Form of guarantee to be determined by the Town Manager/ Town Planner.
		(c) An irrevocable letter of credit (See Appendix B for a sample. Note: Appendix B, originally attached to the Subdivision Regulations, has not been reproduced in the Code. Consult the original Town records in the office of the Clerk. ) from a financial institution establishing funding for the construction of the subdivision from which the municipality may draw if construction is inadequate, approved by the municipal officers or Town Manager.	Type/Form of guarantee to be determined by the Town Manager/ Town Planner.
		(d) An offer of conditional approval prohibiting the sale of any units or lots until all required improvements serving those units or lots have been constructed to the satisfaction of the Town and in compliance with all ordinances, plans and specifications.	See note 17. The sale <b>or occupancy</b> of dwelling units is prohibited until the street, utilities, and drainage improvements serving the phase in which the unit is located (except surface pavement and landscaping for which a guarantee shall be established) is installed and completed. <b>Planning Board to review and determine if acceptable.</b>
	(2)	The conditions and amount of the performance guaranty shall be determined by the Board with the advice of the Town Planner, Road Commissioner, municipal officers and/or Town Attorney. If an offer of conditional approval is made by the applicant, pursuant to Subsection A(1)(d), the applicant shall be required, in addition, to present a cash escrow, performance bond or irrevocable letter of credit, as described in Subsections A(1)(a) through (c) above, to cover the cost of restoring the site to a stable condition, should the applicant create erosion or sedimentation problems for an unreasonable duration during site preparation or during the construction of roads and/or utilities or other required improvements.	Type/Form and amount of the performance guarantee to be determined by the Town Manager/ Town Planner.
B.		<b>Contents of guaranty.</b> The performance guaranty shall contain a construction schedule, cost estimates for each major phase of construction, taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guaranty to the developer and a date after which the applicant will be in default, and the municipality shall have access to the funds to finish construction. The Board may require the services of a third party inspector, to be paid for at the expense of the applicant upon recommendation of the Town Manager.	To be determined by the Town Manager/ Town Planner.



# Town of Wells, Maine

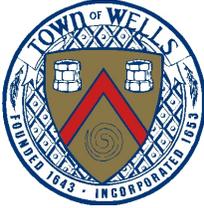
## Planning Board

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C.	<p><b>Escrow account.</b> If the applicant chooses to establish an escrow account, a cash contribution to the account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account or the purchase of a certificate of deposit. For any account opened by the applicant, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements. The Town Attorney and Town Treasurer shall review and have final authorization on the establishment of escrow accounts.</p>	To be determined by the Town Manager/ Town Planner.
D.	<p><b>Performance bond.</b> If the applicant chooses to submit a performance bond, the performance bond shall detail any special conditions, the method for release of the bond or portions of the bond to the applicant and the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision for which approval is sought.</p>	To be determined by the Town Manager/ Town Planner.
E.	<p><b>Letter of credit.</b> If the applicant chooses to submit an irrevocable letter of credit from a bank or other lending institution, at a minimum the letter shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan. The Town Manager or Town Treasurer shall certify the bank or institution as acceptable to the Town. The Town Attorney shall review and, if found acceptable, approve the wording of all letters of credit.</p>	To be determined by the Town Manager/ Town Planner.
F.	<p><b>Standard condition of approval.</b> As a standard condition of approval for all applications for which a performance guaranty is required pursuant to Subsection <b>K</b>, the Board shall require the applicant to enter into a binding agreement with the municipality regarding the development of the required improvements and the sale of lots or units in the subdivision until such time as one or more of the allowable performance guaranties have been accepted by the municipality.</p>	To be determined by the Town Manager/ Town Planner.
	(1) The agreement shall prohibit the sale or occupancy of any lot or unit in the subdivision for which the improvements to be covered by the guaranty are required for access to or intended use of the lot until either:	See note 17. <b><u>Recommended notation changes to be addressed.</u></b>
	(a) It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with these regulations and the regulations of the appropriate utilities; or	
	(b) A performance guaranty, acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.	
	(2) Notice of the agreement and any conditions shall be on the final plan that is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guaranties contained in Subsection <b>H</b> .	



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G.	<p><b>Phasing of development.</b> The Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by a performance guaranty. When development is phased, road construction shall commence from an existing public way. The subdivision shall be divided in such a manner that each phase, when aggregated with the previous phase(s), shall meet the standards of these regulations. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.</p>	<p>Phasing is proposed. See note 17.</p> <p>The connection from Gateway Drive to Midway Drive shall be completed <b>to base pavement</b> no later than April 30, 2018. The Performance Guarantee type/form and amount to cover the cost for the connection to Gateway Drive to Midway Drive to be established at the Millbrooke Farm pre-construction meeting or no later than September 1, 2017, whichever occurs first.</p> <p><b><u>The Planning Board vote on 3/7/16 to require the road connection from Gateway Dr to Midway Dr to be completed by 4/18/18 needs to be amended to match the Heron Landing completion date requirement of 4/30/2018.</u></b></p>
H.	<p><b>Release of guaranty.</b> Prior to the release of any part of the performance guaranty, the Board shall determine to its satisfaction, in part upon the report of the Town Manager and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.</p>	
I.	<p><b>Default.</b> If upon inspection the third party inspector, Municipal Engineer or other qualified individual retained by the municipality finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he or she shall so report in writing to the Code Enforcement Officer, the municipal officers, the Board and the applicant or builder. The municipal officers shall take any steps necessary to preserve the municipality's rights.</p>	
J.	<p><b>Private streets.</b> Where the subdivision streets are to remain private streets, the following words shall appear on the recorded plan: "All streets in this subdivision shall remain private roads to be maintained to Town standards by the developer or the lot owners and shall not be accepted or maintained by the Town."</p>	<p>See note 12 on sheet 2. <b><u>Note 12 to be revised to state this requirement. "All streets in this subdivision (Millbrooke Farm Drive, Grist Stone Court, and Carding Mill Loop) shall remain private roads to be maintained to Town standards by the developer or the lot owners and shall not be accepted or maintained by the Town."</u></b></p>
K.	<p><b>Improvements guaranteed.</b> Performance guaranties shall be tendered for all improvements required to meet the standards of these regulations and for the construction of the public or private streets, stormwater management facilities, public or private sewage collection or disposal facilities and water systems that are shared by multiple dwelling units and erosion and sedimentation control measures, as well as any other improvements required by the Board.</p>	<p>Established of the type, form and conditions of the Performance Guarantee is required at the pre-construction meeting.</p> <p>A performance guarantee in the form and amount to be found suitable by the Town Manager/ Town Engineer shall be established with the Town of Wells to cover the cost of site stabilization at \$3,500 per acre of disturbed area at the pre-construction meeting. <b><u>Recommended note on the plan to address this requirement.</u></b></p>

<b>§ 202-2. Purpose, criteria for approval.</b>	<b>Findings &amp; Decisions</b>
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<p>The purposes of these regulations are to assure the comfort, convenience, safety, health and welfare of the people of the Town of Wells, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Wells, Maine, the Planning Board shall consider the following criteria and, before granting approval, shall make findings of fact that the provisions of these regulations have been met and that the proposed subdivision will meet the guidelines of 30-A M.R.S.A. § 4404.</p>		
A.	<p>The subdivision:</p>	<p><b>The Planning Board finds that these standards shall be met.</b></p>
	(1) Will not result in undue water or air pollution. In making this determination, the Board shall at least consider the elevation of the land above sea level and its relation to the floodplains; the nature of soils and subsoils and their ability to adequately support waste disposal; and the slope of the land and its effect on effluents;	
	(2) Has sufficient water available for the reasonably foreseeable needs of the subdivision;	
	(3) Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;	
	(4) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;	
	(5) Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;	
	(6) Will provide for adequate solid and sewage waste disposal;	
	(7) Will not cause an unreasonable burden on the ability of the Town to dispose of solid waste and sewage if municipal services are to be utilized;	
	(8) Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;	
	(9) Is in conformance with this chapter, the Comprehensive Plan for the Town and Chapter 145, Land Use, of the Wells Municipal Code, as amended;	
	(10) Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of the body of water or unreasonably affect the shoreline of that body of water; and	
	(11) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;	
B.	<p>The subdivider has adequate financial and technical capacity to meet the above-stated standards;</p>	<p><b>The Planning Board finds that these standards shall be met.</b></p>
C.	<p>If any part of a subdivision is located in a flood-prone area, as indicated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Maps, the subdivider shall determine the one-hundred-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan shall include a condition requiring that principal structures will be constructed with their lowest floor, including the basement, at least one foot above the one-hundred-year flood elevation; and</p>	<p><b>Not applicable.</b></p>



# Town of Wells, Maine

## Planning Board

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D. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorous concentration during the construction phase and life of the proposed subdivision.	<b>Not applicable.</b>
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#### STANDARD CONDITIONS OF APPROVAL

1. Any subdivision not recorded in the Registry of Deeds within 90 days of the date upon which the plan is approved and signed by the Board shall become null and void, unless an extension is granted by the Board in writing before the expiration of the ninety-day period. (§202-9C(2))
2. Prior to the issuance of a building permit for a principal structure in the subdivision, the applicant shall present evidence of suitable water supply to the Code Enforcement Officer. The evidence shall consist of the results of a primary inorganic water analysis performed upon the well to serve the structure, indicating the groundwater meets the primary drinking water standards of the Maine Rules Relating to Drinking Water for those categories tested. (§202-12F(2)(b)[4])
3. Prior to the issuance of a building permit in any approved subdivision, the subdivider shall provide the Code Enforcement Officer with a letter from a registered land surveyor stating that all monumentation shown on the plan for the lot receiving the building permit and for the approved subdivision perimeter boundaries or phase therein as approved by the Planning Board has been installed. (§202-11A(5))
4. No changes, erasures, modifications or revisions shall be made in any final plan after approval has been given by the Planning Board and endorsed in writing on the plan, unless the revised final plan is first submitted and the Board approves any modifications, except in accordance with § 202-10A(3). (§202-9C(4))
5. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement or other area shown on such plan. (§202-9C(5))
6. Failure to commence substantial construction of the subdivision within five years of the date of approval and signing of the plan shall render the plan null and void. (§202-9C(6))

#### SPECIAL CONDITIONS OF APPROVAL

1. Prior to any construction activity at the site, the applicant/developer and selected contractor shall participate in a pre-construction conference with Town and other regulatory officials to review the project's construction considerations.
2. Prior to any construction on the site, the applicant shall post a performance bond or other suitable financial guarantee. The work included within this bond or financial guaranty shall include the roadway and infrastructure improvements including but not limited to utilities, drainage, lot Monumentation and As-Built Plans of the subdivision. A bond or financial guaranty shall also be established to cover costs for inspection services of the work associated with the roadway improvements and drainage and erosion control measures beyond the limits of the road right of way. The form and amount of this bond or financial guaranty must be acceptable to the Town Manager.
3. The Town of Wells, Maine may employ the services of an engineering firm to assist in the inspection of roads and other infrastructure if, in the opinion of the Code Enforcement Office, the work necessary to 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.
4. Upon completion of construction, the applicant shall provide to the Town record as-built drawings of the roadway, drainage, lot Monumentation and utility related construction work.



# Town of Wells, Maine Planning Board

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Dated at Wells, Maine this \_\_\_\_\_ day of \_\_\_\_\_, 2016

Wells Planning Board

By: \_\_\_\_\_  
Charles Millian, Chairman

DRAFT

**Review of the Riverbend Woods Association Document**

**Title:** *Can this be considered a Homeowner's Association?*

**Section 3 :** Purpose

**Comments:**

- *Description of oversight items includes drainage easements, stormwater facilities, landscaping, roadways, sewers and sewer pump stations. It has been stated that these items will be managed by the individual Condominium associations that own or have rights to them. Revisions to document needed.*
- *Riverbend Woods Association parcel is composed of four open space areas (Sandy Brook – 12.12 acres, Heritage Pines/ Schooner Landing – 37.74 acres, Windward Pointe – 28.29 acres, Heron Landing – 36.52 acres). Various deed references are made but only the Sandy Brook plan referenced. It is recommended that one open space plan be created and recorded depicting the entirety of the Riverbend Association open space to document the approved plans, project dedications and easements, ownership, development restrictions and management.*
- *Restrictive covenants required in 145-48. E need to be noted.*
- *No description of Open space restrictions, use, forest management, no further subdivision, dedicated area per approved developments, trails, ect.*

**More Specific Comments March 31<sup>st</sup>**

**Art I. Section 3.**

- Reference to new Open Space Plan needed.
- Reference to deeds into Riverbend needed.
- Reference to approved plans needed.
- Ownership, maintenance and oversight items need to be revised:
  - Stormwater management is by individual condo associations
  - Roadways are managed by individual condo associations
  - Sewer pump station is owned and managed by the WSD
  - Sewer lines are also owned and maintained by the WSD
  - Add irrigation and entrance responsibilities?
- Add restrictions such as, no further subdivision, dedicated Open Space per approvals, forest management by a licensed forester, no cutting in the Shoreland Overlay Zones.
- Add restriction regarding use of adjacent land as open space to meet density and lot coverage requirements 145-48.F (similar to portion of Note 16 on Sht. 2).

## **Art II. Section 1.**

Current membership requirement states, "shall upon turnover of the said Association ownership become a member of said Corporation; said membership to be automatically transferred to new Associations at their turnover date."

- This does not appear to have been done, by laws need to be changed
- A new means of initiating the Association needs to be established.