



TOWN OF WELLS, MAINE PLANNING BOARD

Meeting Agenda
Monday, August 8, 2016, 7:00 PM
Littlefield Meeting Room, Town Hall
208 Sanford Road

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

I. JULY 25, 2016 DRAFT MEETING MINUTES

DOCUMENTS:

[PB MIN 07-25-16.PDF](#)

PUBLIC HEARING(S)

I. MEETINGHOUSE ROAD SUBDIVISION

Richard Moody & Sons Construction Co, LLC, owner/applicant. Rick Licht, agent. Preliminary Subdivision Application for a 13 lot/dwelling unit major residential cluster subdivision with private road ROW and Open Space. The subdivision to be located off of 1321 Meetinghouse Road and is within the Rural District. The parcel is identified as Tax Map 77, Lot 22.

DOCUMENTS:

[MEETINGHOUSE RD PUBLIC COMMENTS FOR PB 08-03-16.PDF](#)

DEVELOPMENT REVIEW & WORKSHOPS

I. COULSON FARM SUBDIVISION

Sebago Real Estate Investment LLC, applicant; David & Patricia Coulson, owners. Corner Post Land Surveying, surveyor. Subdivision Pre-Application for a 11 lot/dwelling unit residential cluster major subdivision with private roadway and open space. Parcel is located within the Residential A, 250' Shoreland Overlay, and Resource Protection Districts. Parcel is located off of 227 Branch Road and is identified as Tax Map 56, Lot 25. **Report results of Site Walk**

DOCUMENTS:

[COULSON FARM SITE WALK MEMO 08-03-16.DOCX](#)

II. MEETINGHOUSE ROAD SUBDIVISION

Richard Moody & Sons Construction Co, LLC, owner/applicant. Rick Licht, agent. Preliminary Subdivision Application for a 13 lot/dwelling unit major residential cluster subdivision with private road ROW and Open Space. The subdivision to be located off of 1321 Meetinghouse Road and is within the Rural District. The parcel is identified as Tax Map 77, Lot 22. **Workshop Preliminary**

Findings of Fact & Decisions for possible approval

DOCUMENTS:

MEETINGHOUSE ROAD PREL MEMO 08-05-16.PDF
MEETINGHOUSE ROAD PRELIM FOF DRAFT 08-03-16.PDF
MEETINGHOUSE ROAD VII (145-49) RESIDENTIAL CLUSTER 08-03-16.PDF
MEETINGHOUSE ROAD SUB ART V (145-30) RURAL DIST CHECKLIST 08-03-16.PDF
MEETINGHOUSE ROAD S1-1 PLAN REVISED 7-25-16.PDF

III. ELMWOOD RESORT

Elmwood Condominium Association, owner; Scott DeFelice, applicant. Site Plan Amendment Application to construct a new entry for the pool building and for after-the-fact approval of various changes made since the 1990 site plan approval. The property is located off of 1351 Post Road and is within the General Business and 75' Shoreland Overlay Districts. Tax Map 129, Lot 35. **Workshop compliance and Findings of Fact & Decisions for possible approval**

DOCUMENTS:

ELMWOOD AMEND APP MEMO 08-05-16.PDF
ELMWOOD RESORT ART V (145-26) GEN BUS DIST 08-05-16.PDF
ELMWOOD AMEND ART VI (145-35 TO 145-47) TOWN REGS 08-05-16.PDF
ELMWOOD AMEND ART VII (145-52) NEW 2013 LODGING FACILITIES 08-05-16.PDF
ELMWOOD REV EC1 08-04-16.PDF
ELMWOOD REV EC2 08-04-16.PDF
ELMWOOD DRAFT COMPLETENESS 07-22-16.PDF
ELMWOOD DRAFT COMPLIANCE AND FOF 08-05-16.PDF
ELMWOOD FIRE CHIEF LETTER 06-08-16.PDF

IV. BRACKETT ESTATE SUBDIVISION

Jefferson Homes, Inc. owner; Civil Consultants, agent/engineer. Final Subdivision Amendment Application to amend the septic system locations of lots 5-6, 5-9, and 5-24 and to amend the well locations of lot 5-6 and 5-10. The existing major residential cluster development subdivision is located off of Loop Road/ Brackett Lane and Rose Way. The subdivision is located within the Residential A District and is identified as Map 25, Lot 5-1 to 5-29. **Receive Subdivision Amendment Application, determine if a site walk is appropriate, workshop completeness, determine if a public hearing is required, workshop compliance/ draft Findings of Fact & Decisions is appropriate**

DOCUMENTS:

BRACKETT ESTATES AMD 2 FINAL AMEND MEMO 08-05-16.PDF
BRACKETT ESTATES AMD 2 DRAFT COMPLETENESS 08-04-16.PDF
BRACKETT ESTATES AMD 2 COMPLIANCE AND DRAFT FOF 08-04-16.PDF
BRACKETT ESTATES AMD 2 RIGHT TITLE 07-27-16.PDF
BRACKETT AMD2 MRKUP3 080416.PDF
BRACKETT AMD2 MRKUP2 080416.PDF

V. ORDINANCE CHANGE PROPOSAL

V. ORDINANCE CHANGE PROPOSAL

An Ordinance to Amend Chapter 145 of the Code of the Town of Wells to permit outdoor business uses in the Residential Commercial District - A proposed zoning change application was submitted by a business owner. The Board of Selectmen determined the changes should be pursued by the Town for the November 2016 ballot. The Ordinance, §145-24.G currently requires business uses and related storage to be located within an enclosed structure. The change would be to allow some outdoor use. **Workshop and make recommendation to the Board of Selectmen and schedule a public hearing**

DOCUMENTS:

[ORDINANCE CHG MGL MEMO RE RC ZONE OUTDOOR SALES 07-22-16.PDF](#)
[MAP15_FUTURELANDUSEPLAN.PDF](#)

OTHER BUSINESS

I. SUNRISE TERRACE SUBDIVISION - NULL & VOID WORKSHOP

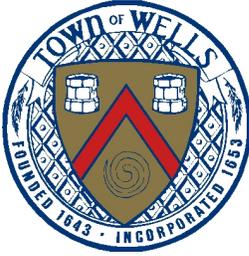
DOCUMENTS:

[SUNRISE TERRACE MGL INSPECTION RE START OF CONSTRUCTION 08-05-16.PDF](#)

II. SRC & CEO SITE PLAN REVIEW AND APPROVALS UPDATE

DOCUMENTS:

[08-02-16 SRC AGENDA.PDF](#)



TOWN OF WELLS, MAINE PLANNING BOARD

Meeting Minutes
Monday, July 25, 2016, 7:00 P.M.
Wells Town Hall
208 Sanford Road

CALL TO ORDER AND DETERMINATION OF QUORUM

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

MINUTES

July 11, 2016

MOTION

Motion by Mr. Anderson, seconded by Mr. Raftopoulos, to approve the minutes as written. **PASSED** 4-0-2 with Mr. Sullivan and Mr. Hardy abstaining.

PUBLIC HEARING

- I. GRANITE RIDGE GRAVEL** – Pepin Wells, LLC/ Stonewood Enterprises, LLC; owner/applicant. Corner Post Land Surveying, surveyor. Site Plan Amendment Application to revise the mineral extraction buffer limits and expand the mineral extraction area from 3.67 acres to approximately 4.2 +/- acres of the 22.72 acre parcel. The parcel is located off of Perry Oliver Road and is within the Rural District. Tax Map 37, Lot 41.

Mr. Raftopoulos recused himself.

Applicant Matthew Pepin presented the company's plan to expand the mineral extraction area and revise the buffer line. They plan to bring in a jaw crusher and remove about 1,000 yds. of material to build the road on site for a future subdivision development.

Public comment was solicited. The abutters and applicant had agreed to a 100' buffer which has been removed. The large trees have been removed and saplings planted. There are concerns about noise, additional disturbance on the site and the impact on wildlife. There is a whip-poor-will in an area scheduled to be cleared; it is expected to migrate by August. The owner plans to

PB Min 07-25-16

have the site cleaned up this fall. The Code Office received some e-mails about operating equipment before 7 AM, which the owner resolved.

MOTION

Motion by Mr. Sullivan, seconded by Mr. Anderson, to close the public hearing. **PASSED** unanimously by those voting. Mr. Raftopoulos returned to the Board.

DEVELOPMENT REVIEW & WORKSHOPS

- I. SHERWOOD FOREST** – Richard B. Seiden, owner; Verrill Dana, LLP, agent, John Swan of Owen Haskell, engineer. Final Subdivision Amendment to adjust the lot line shared by lots 23-A-6 and 23-A-8 within the existing subdivision. The properties are located off of Locksley Lane and are within the Residential A District. Tax Map 25, Lots 23-A-6 and 23-A-8. **Workshop compliance/ Findings of Fact & Decisions for possible approval**

Spencer Thibodeau of Verrill Dana represented the applicant. Mr. Livingston discussed the items in his memo. The well location has been added to the plan, and monumentation will be set within 90 days of approval. The Findings of Facts & Decisions §202-12 A-H, §202-13 and §202-2 were reviewed.

MOTION

Motion by Mr. Sullivan, seconded by Mr. Anderson, to approve the Findings of Facts & Decisions with 6 standard conditions of approval and 2 special conditions of approval, to approve the plan, and sign the plans and Findings at the end of the meeting. **PASSED** unanimously.

- II. COULSON FARM SUBDIVISION** – Sebago Real Estate Investment LLC, applicant; David & Patricia Coulson, owners. Corner Post Land Surveying, surveyor. Subdivision Pre-Application for a 11 lot/dwelling unit residential cluster major subdivision with private roadway and open space. Parcel is located within the Residential A, 250' Shoreland Overlay, and Resource Protection Districts. Parcel is located off of 227 Branch Road and is identified as Tax Map 56, Lot 25. **Receive Subdivision Pre-Application and schedule a site walk**

MOTION

Motion by Mr. Sullivan, seconded by Mr. Raftopoulos, to receive the subdivision pre-application. **PASSED** unanimously.

Applicant Paul Hollis discussed the plan for an 11 lot residential cluster subdivision. The existing house on the property has been sold and 13 acres remain for the subdivision. There will be individual wells and septic systems. There will be a 60' ROW and 850' roadway ending in a cul-de-sac. Approximately 50% of the property will be left as open space. There is ledge on the property and Mr. Hollis said he will do whatever blasting is needed. He agreed to test the abutters' wells before the blasting and consult with a hydrogeologist.

Mr. Livingston reviewed the comments in his memo. The homeowners' association will be responsible for managing and maintaining the private road and open space.

MOTION

Motion by Mr. Raftopoulos, seconded by Mr. Anderson, to schedule a site walk for 8 AM on Saturday, July 30. **PASSED** unanimously.

III. GRANITE RIDGE GRAVEL – Pepin Wells, LLC/ Stonewood Enterprises, LLC; owner/applicant. Corner Post Land Surveying, surveyor. Site Plan Amendment Application to revise the mineral extraction buffer limits and expand the mineral extraction area from 3.67 acres to approximately 4.2 +/- acres of the 22.72 acre parcel. The parcel is located off of Perry Oliver Road and is within the Rural District. Tax Map 37, Lot 41. **Workshop comments from public hearing and draft compliance**

Mr. Raftopoulos recused himself.

Mr. Livingston reviewed the comments from the public hearing. The abutters on the northeast side have worked with the owner and agreed to a reduction of the buffer in that area down to 25' with a partial expansion of the gravel pit. The agreement has been recorded. The area beyond that slope is still subject to the reclamation plan.

MOTION

Motion by Mr. Sullivan, seconded by Mr. Anderson, to approve the proposed 25' buffer for lots 8-17, 8-18 and 8-19. **PASSED** unanimously by those voting.

The southerly buffer area was cut in violation of the ordinance. Trees were removed almost up to the property line. The replanting must remedy the violation and reclaim the gravel pit area. Mr. Pepin will meet with the owners of lots 17, 18 and 23 and develop a replanting plan to their satisfaction. Any trees that die will be replaced. The performance guaranty for the replanting is \$4,500 per acre to reclaim the disturbed buffer area.

The Board considered the landscaped buffer along Perry Oliver Road.

MOTION

Motion by Mr. Sullivan, seconded by Mr. Anderson, to find that the existing landscaped buffer along Perry Oliver Road is acceptable. **PASSED** unanimously by those voting.

The stockade fence abutting lot 8A-2 was discussed. It was approved on the lot line, and now is in a different location. The applicant will add the height and type on the site plan.

MOTION

Motion by Mr. Sullivan, seconded by Mr. Anderson, to find that the existing fence is a sufficient buffer. **PASSED** unanimously by those voting.

Note 16 will be added, that all buffers will be marked by a professional surveyor. Noise was discussed. Mr. Pepin plans to use the crusher for about 5 days from 9 AM-2 PM. The consensus was that Note 17 is acceptable.

MOTION

Motion by Mr. Sullivan, seconded by Mr. Hardy to continue the workshop for 60 days. **PASSED** unanimously by those voting.

Mr. Raftopoulos returned to the Board.

IV. WIRE ROAD SUBDIVISION - Highpine Properties, LLC, owner/applicant. Attar Engineering, Inc. agent. Final 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 peer review, HOA docs, and draft compliance/ draft Final Findings of Fact & Decisions**

Howard Hall, applicant, and Ken Wood of Attar Engineering were present. StoneHill Environmental provided a peer review of the hydrogeologic study and concurred with the analysis done by the applicant's engineer.

MOTION

Motion by Mr. Sullivan, seconded by Mr. Anderson, to accept the third party hydrogeologic review of the water supply. **PASSED** unanimously.

Sample deeds referring to HOA membership and driveway locations are pending. A sample conveyance to the Town for access to the fire pond is still pending.

E-mails were received from an abutter concerning screening and the fence height. There is a 50' no cut zone requirement for a cluster subdivision. Photos taken last winter show thick vegetation. Mr. Hall said that locating the fence 50' from the property line would cut into the subdivision's open space. He would agree to an 8' high fence located 5' from the line. The Board wanted to keep the fence as close to the property line as possible and preserve the 50' no cut zone.

MOTION

Motion by Mr. Hardy, seconded by Mr. Sullivan, to require an 8' solid fence (either wood or vinyl) located 5' from the property line as shown on the plan. **PASSED** unanimously.

The 25' no cut buffer on the south side was considered. The fire pond will be on that side. The abutter has lawn and driveway on that side. No fence is proposed.

MOTION

Motion by Mr. Sullivan, seconded by Mr. Raftopoulos, to approve the 25' no cut buffer. **PASSED** unanimously.

Coverage in the open space was discussed. A small structure such as a garden shed is allowed. Performance guaranties and phasing were considered. Mr. Wood read the proposed Note 12.

MOTION

Motion by Mr. Sullivan, seconded by Mr. Raftopoulos, to approve Note 12. **PASSED** unanimously.

MOTION

Motion by Mr. Sullivan, seconded by Mr. Raftopoulos, to allow phasing. **PASSED** unanimously.

MOTION

Motion by Mr. Sullivan, seconded by Mr. Raftopoulos, to continue the workshop for 60 days. **PASSED** unanimously.

- V. **ELMWOOD RESORT** - Elmwood Condominium Association, owner; Scott DeFelice, applicant. Site Plan Amendment Application to construct a new entry for the pool building and for after-the-fact approval of various changes made since the 1990 site plan approval. The property is located off of 1351 Post Road and is within the General Business and 75' Shoreland Overlay Districts. Tax Map 129, Lot 35. **Workshop completeness and determine a Public Hearing**

The applicant was not present. Mr. Livingston reviewed the status of the application.

MOTION

Motion by Mr. Sullivan, seconded by Mr. Raftopoulos, to waive the requirement for a public hearing and continue the workshop for 60 days. **PASSED** unanimously.

OTHER BUSINESS

~Sunrise Terrace Subdivision-Null & Void

Tim Darling was present. The Board approved the subdivision in 2009 and the escrow fund was recently refunded to the applicant. The Board is now being asked to consider if the subdivision is null and void, as substantial construction has not taken place within 5 years of approval. Mr. Darling discussed the construction that was done on the sewer line and relocating the ROW. Mr. Livingston said the code requires a "substantial start" but doesn't define it. Mr. Livingston will do a site walk with Mr. Darling and report back to the Board. Mr. Millian said there has been activity on the site, and the Town should work with the estate toward completion of the project.

~The SRC agenda for July 19 was reviewed.

~An ordinance change proposed for the November ballot deals with residential/ commercial outdoor sales. The Planning Board will workshop it and make a recommendation to the Selectmen.

ADJOURN

MOTION

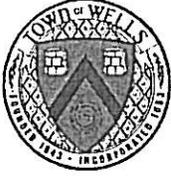
Motion by Mr. Sullivan, seconded by Mr. Raftopoulos, to adjourn and sign plans and Findings. **PASSED** unanimously.

MINUTES APPROVED _____, 2016

ACCEPTED BY:

Robert Sullivan, Secretary

Cinndi Davidson, Recorder



TOWN OF WELLS, MAINE PLANNING BOARD

To: Town of Wells Planning Board
From: Planning Office
Date: August 3, 2016
Re: Meetinghouse Road Subdivision –Preliminary Public Hearing – Tax Map 77, Lot 22

The Planning Office has received the attached public comments regarding the Meetinghouse Road Subdivision.

Thank you.

Shannon Belanger

From: Bragdon, Glen <GLEN.BRAGDON@LibertyMutual.com>
Sent: Tuesday, July 12, 2016 12:57 PM
To: Shannon Belanger
Cc: Mike Livingston
Subject: RE: Town Planning board meeting tonight 7/12 at 7pm

Hi Shannon,

Oh geez my mom must have got the date wrong in the letter. :(

The only thing my mom was really interested in is if they know where the entrance/exit would be located. She just wanted to make sure it wasn't going to come out directly across from her picture window in her house because of the headlights and such at night. I don't know if that level of information is available yet, but that's really all that she was interested in at this time.

Thanks,
Glen

From: Shannon Belanger [<mailto:Sbelanger@wellstown.org>]
Sent: Tuesday, July 12, 2016 12:51 PM
To: Bragdon, Glen <GLEN.BRAGDON@LibertyMutual.com>
Cc: Mike Livingston <mlivingston@wellstown.org>
Subject: RE: Town Planning board meeting tonight 7/12 at 7pm

Hi Glen,

The Planning Board meeting was yesterday, 7/11. The Planning Board meets on Monday evenings.

The meeting agenda is available online. There you can view all the submission materials for that project if you are interested. Once a public hearing is set for this project you (or your mother) will receive a certified notice.

If there are any questions or concerns we welcome you to email or submit something in writing to us (me or Mike) which we give to the Planning Board to consider. The Board also hears all comments offered during the scheduled public hearing once that is set.

Thank you,

Shannon L.M. Belanger
Planning Assistant
Website Administrator
Town of Wells, Maine
sbelanger@wellstown.org
phone: (207) 646-5187
fax: (207) 646-7046

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From: Bragdon, Glen [<mailto:GLEN.BRAGDON@LibertyMutual.com>]
Sent: Tuesday, July 12, 2016 12:37 PM
To: Mike Livingston
Cc: Shannon Belanger
Subject: Town Planning board meeting tonight 7/12 at 7pm

Hi,

Can you tell me if the Meetinghouse subdivision is the only thing on the docket tonight to be discussed? My mom would like to attend and I just wanted to find out how many things were on the docket to be discussed or if this was the only thing.

Thanks,
Glen

Shannon Belanger

From: Mike Livingston
Sent: Friday, April 22, 2016 11:24 AM
To: Huffman, Paul
Cc: Diana Pease (diana.pease@hikeformentalhealth.org); Shannon Belanger
Subject: RE: Two questions about Meetinghouse Road Subdivision
Attachments: Meetinghouse Road Sub Plan draft 04-05-16.pdf

Hi Paul:

Yes, the site walk is the 25th at 5:30, voted on at the last meeting, and posted on the Town website.

We post all the materials and our memos that are provided to the Planning Board on the Town website. If you go to the site, scroll down one page, on the left border is "popular Links", choose "Agendas & Meetings", once up, scroll down to the Planning Board section, choose the meeting date (April 18th in this case) and go right to "download" and to "pdf" in the drop down selection. You can choose any of the items in blue that are listed in the agenda for that project to be viewed.

If you have trouble, let us know and we can send you information too, see attached plan depicting wetlands.

The project is only at pre-application (Sketch plan) review so the reports you requested are not required yet and have not been submitted yet.

Thanks,

Michael G. Livingston, PE
Town Engineer/Town Planner
Town of Wells, Maine

From: Huffman, Paul [<mailto:paul@foliage.com>]
Sent: Friday, April 22, 2016 10:53 AM
To: Mike Livingston
Cc: Diana Pease (diana.pease@hikeformentalhealth.org); Shannon Belanger
Subject: Two questions about Meetinghouse Road Subdivision

Hi Mike.

Two things.

First, I wanted to confirm that the site walk for this subdivision is scheduled for 5:30 PM on Monday Apr 25.

Second, how can Diana and I obtain the environmental reports (electronic or printed) regarding the wetland mapping? Is this something you can provide us, or not?

And if this isn't something you can get to us, could you please advise us how to do so?

Thanks!

-- Paul

From: Huffman, Paul
Sent: Monday, April 18, 2016 9:29 AM
To: 'mlivingston@wellstown.org'
Cc: Diana Pease (diana.pease@hikeformentalhealth.org); 'sbelanger@wellstown.org'
Subject: Comments concerning Meetinghouse Road Subdivision

Good Morning Mike -

Diana Pease and I (Paul Huffman) are abutters for the Meetinghouse Road Subdivision, and would like to voice the following comments, questions, and concerns.

We purchased our home at 1160 Branch Road in December of 2014. We purchased this property for the privacy, peace and quiet and planned it to be our retirement home.

We are saddened and disappointed to hear that there is a subdivision being planned for next door to us. However, we understand that it is the owner's right to develop the property as long as they stay within certain town, state and federal guidelines.

We had written Richard Moody and Sons in October 2015, sharing our desire for privacy.

Our questions and concerns with the development are as follows:

1. Our first question is the obvious one - is there any way that the cul-de-sac can be moved even further onto the property away from our property line.
2. Would Moody Builders be willing to relocate some large full evergreen trees to the border of our property to reduce light pollution and provide privacy?
3. We have concerns about the vernal pools, wetlands and wildlife. Where can we obtain the environmental reports regarding wetland mapping from Lower Village Survey Company and Joseph Noel?
4. What is the plan for streetlights at the cul-de-sac? As star gazers, we are interested in reducing the light pollution as much as possible.
5. We would like to understand the impact (short term and long term) the development would have on our well water quality and pressure.
6. The land all around us is quite wet and we would like to understand the impact when a large portion of this land become impervious.

And, as we offered in Oct 2015, we are more than happy to sit out on deck with a beverage and talk with Jon and Josh about their plans, neighbor to neighbor.

Thank you in advance for your time.

Paul + Diana

PO Box 1345
1160 Branch Road
Wells ME 04090-1345

Paul-cell: 781-640-4709
Diana-cell: 207-651-8722
Paul-email: paul@foliage.com
Diana-email: diana.pease@hikeformentalhealth.org

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Planning & Development
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Website: www.wellstown.org

<i>Michael G. Livingston, Town Engineer/Planner</i>	mlivingston@wellstown.org
<i>Shannon M. L. Belanger, Planning Assistant</i>	sbelanger@wellstown.org

Memo

Date: August 3, 2016

To: Planning Board

From: Michael G. Livingston, Town Engineer/Planner

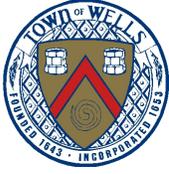
Re: Coulson Farm Subdivision – Site Walk Results – Tax Map 56, Lot 25

Site Walk Date: 7-30-2016
Conditions: Sunny, 72°

Planning Board Members Present: Charles Anderson, George Raftopoulos, Dennis Hardy
Town Staff: Mike Livingston, Town Engineer/Planner
Applicant: Paul Hollis
Abutters: Steve & Linda Courtemanche
Nick Batal

Comments:

- Centerline of road marked to cul-de-sac
- Abutter expressed concern on blasting impacts: well, foundation
- Developer stated he will perform all blasting for road and foundations and that a blasting company will prepare a pre-blast survey and blasting monitoring. The company will be properly insured.
- Sight distance to north exceeds 550 feet
- Sight distance to south approximately 400 feet. Low hanging limbs must be removed.
- Abutter concern on travel speed of vehicles on Route 9A
- Site was timbered but many oak trees remain
- Lot areas appear buildable
- Wetland observed at bottom of slope
- 2 foot contours recommended on the plan
- Building envelopes for lots 1, 5 and 11 are greatly impacted by the required 50' building setback/buffer
- Per 202-12F(2)(b)[3][a]. Fire Protection, the subdivision is required to provide an on-site fire pond, water storage tank, or alternative program approved by the fire chief (i.e. sprinkler systems) as the proposed subdivision does not have fewer than 10 lots.



Planning & Development

208 Sanford Road, Wells, Maine 04090

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Website: www.wellstown.org

<i>Michael G. Livingston, Town Engineer/Planner</i>	mlivingston@wellstown.org
<i>Shannon M. L. Belanger, Planning Assistant</i>	sbelanger@wellstown.org

Major Preliminary Subdivision Application Memo

Date: August 5, 2016

To: Planning Board

From: Planning Office

Re: Meetinghouse Road Subdivision - Map 77, Lot 22

Project Description:

Rick Licht of Licht Environmental Design, LLC has submitted a Preliminary Subdivision Application on behalf of the property owner, Richard Moody & Sons Construction Co, LLC for a 13 lot/dwelling unit major residential cluster development subdivision off of 1321 Meetinghouse Road, one 5.8 'out parcel' was conveyed within the last 5 years (not part of the subdivision). The subdivision proposed a 50' wide private right of way with 22.5 acres of dedicated Open Space. The subdivision is located within the Rural District and is identified as Tax Map 77, Lot 22. Lots to be served by private septic systems and drilled wells.

§ 202-8. Preliminary plan for major subdivision.

A. Procedure.

- (1) Within six months after the on-site inspection by the Board, the subdivider shall submit an application for approval of a preliminary plan at least 10 days prior to a scheduled meeting of the Board. Failure to do so shall require resubmission of the sketch plan to the Board. The preliminary plan shall approximate the layout shown on the sketch plan, plus any recommendations made by the Board. **[Amended 7-11-1996] Prelim App received 7/11/16. Site walk was conducted on 4/25/16.**
- (2) All applications for preliminary plan approval for a major subdivision shall be accompanied by an application fee in the amount established by the Board of Selectmen following notice and a public hearing. In addition, the applicant shall pay a fee of \$25 per lot or dwelling unit, to be deposited in a special account designated for that subdivision application, to be used by the Planning Board for hiring independent consulting services to review the application. If the balance in this special account shall be drawn down by 75%, the Board shall notify the applicant and require that an additional \$10 per lot or dwelling unit be deposited by the applicant. The Board shall continue to notify the applicant and require that an additional \$10 per lot or dwelling unit be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a final decision on the

subdivision application by the Board shall be returned to the applicant. **[Amended 5-16-1996; 7-9-2002; 4-16-2004] Provided**

- (3) The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the preliminary 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. **Preliminary Application received on 7/11/16**
- (5) Within 20 days of the Board meeting at which the application is received, the Board shall notify by certified mail all owners of abutting property and the Town Clerk and Planning Board of any municipality that abuts or includes any portion of the proposed subdivision that an application for subdivision approval has been submitted. The notice shall include the location of the proposed subdivision and a general description of the proposed development. The notice shall be mailed no less than seven days prior to the Board commencing review of the plan. **[Amended 7-9-2002] Abutters notified of preliminary application submission on 6/29/16**
- (6) If the subdivision is located in more than one municipality, the Board shall have a joint meeting with the Planning Board of the adjacent municipality to discuss the plan. **Not applicable**
- (7) Within 30 days of receipt of a preliminary plan application form and fee, the Board shall notify the applicant in writing whether or not the application is complete and what, if any, additional submissions are required for a complete application. **Found complete on 7/27/16 for purposes of scheduling the public hearing for 8/8/16**
- (8) Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the subdivider. Within 30 days of determining a complete application has been submitted, the Board shall hold a public hearing on the preliminary plan application and shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. A copy of the notice shall be mailed to the applicant and the owners of abutting property. **Public Hearing scheduled for 8/8/16. Abutters mailed notice on 7/29/16.**
- (9) The Board shall, within 30 days of a public hearing or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, make findings of fact on the application and approve, approve with conditions or deny the preliminary plan. The Board shall specify in writing its findings of fact and reasons for any conditions or denial. **To be determined**
- (10) When granting approval to a preliminary plan, the Board shall state the conditions of such approval, if any, with respect to: **To be determined**
 - (a) The specific changes which it will required in the final plan;
 - (b) The character and extent of the required improvements for which waivers may have been requested and which in the Board's opinion may be waived without jeopardy to the public health, safety and general welfare; and
 - (c) The amount of all performance guaranties which it will require as prerequisite to the approval of the final plan.
- (11) Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval of the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the approval of the final plan, the Board may require additional changes as a result of the further study of the subdivision or as a result of new information received. **To be determined**

B. Submissions.

- (1) Location map. The preliminary plan shall be accompanied by a location map adequate to show the relationship of the proposed subdivision to the adjacent properties and to allow the Board to locate the subdivision within the municipality. The location map shall show:
 - (a) Existing subdivisions adjacent to the proposed subdivision.
 - (b) Locations and names of existing and proposed streets.
 - (c) Boundaries and designations of zoning districts.
 - (d) An outline of the proposed subdivision and any remaining portion of the owner's property if the preliminary plan submitted covers only a portion of the owner's entire contiguous holding.
- (2) Preliminary plan. The preliminary plan shall be submitted in three copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary plan shall be drawn to a scale of not more than 100 feet to the inch. The Board may allow plans for subdivisions containing more than 100 acres to be drawn at a scale of not more than 200 feet to the inch provided all necessary detail can easily be read. In addition, the applicant shall submit to the Office of Planning and Development 11 copies of the plan(s) reduced to a size of 11 inches by 17 inches and all accompanying information assembled into a booklet no less than 10 days prior to the meeting. The following information shall either be shown on the preliminary plan or accompany the application for preliminary approval: **To be determined**

Recommendations and conclusions:

1. The Planning Board should discuss any comments offered during the public hearing.
2. The Planning Board to consider the following:
 - a. Various plan changes and information to be addressed on the final subdivision plan.
 - d. Planning Board to consider what no-cut buffer or screening requirements shall apply to all the non-clustered residential abutting lots and if the septic systems for lots 1, 2, and 3 are permitted within the buffer
 - e. HOA document revisions and edits recommended by the Town Engineer. Planning Board to consider requiring Town Attorney review upon the submission of the final subdivision application.
 - f. Applicant to submit a road name request form to the Town Assessing Office / E911 Coordinator
 - g. Applicant to obtain proposed map and lot numbers approval from the Assessor Office.
2. Planning Board to consider approving and signing the Preliminary Findings of Fact & Decisions.



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS
Preliminary Subdivision Application for "Meetinghouse Road Subdivision"
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Chapter 202 Subdivision of Land

PROJECT INFORMATION			
General:	<p>Project Name: Meetinghouse Road Subdivision</p> <p># Lots Proposed: 13 lots/ 13 dwelling units</p> <p>Applicant: Rick Licht, Licht Environmental Design, LLC, 35 Fran Circle, Gray, ME 04039</p> <p>Landowner: Richard & Moody & Sons Construction, LLC, 899 Post Road, Wells, ME 04090</p> <p>Location: Meetinghouse Road, Wells, Maine</p> <p>Existing Use: 1 Dwelling Unit and woodland</p> <p>Proposed Land Use: A Major Residential Cluster Subdivision consisting of 13lots/dwelling units (single family dwellings) and roadway on 39.4 acres of which 22.5 acres shall be Open Space.</p> <p>Tax Parcel ID: Tax Map 77, Lot 22</p> <p>Zoning District: Rural District</p> <p>Chpt 145,Art VII Performance Standards: 145-49 Residential Cluster</p> <p>Design Engineer: Walsh Engineering Associates, One Karen Drive, Suite 2A, Westbrook, ME 04092 & Lower Village Survey Co, 13 Western Ave, Kennebunk, ME 04046</p> <p>Prelim Plan Application Submission Date: June 28, 2016</p> <p>Plan Submission Date: June 28, 2016</p>		
Project Description:	<p>Rick Licht of Licht Environmental Design, LLC has submitted a Preliminary Subdivision Application on behalf of the property owner, Richard Moody & Sons Construction Co, LLC for a 13 lot/dwelling unit major residential cluster development subdivision off of 1321 Meetinghouse Road, one 5.8 'out parcel' was conveyed within the last 5 years (not part of the subdivision). The subdivision proposes a 50' wide private right of way with 22.5 acres of dedicated Open Space. The subdivision is located within the Rural District and is identified as Tax Map 77, Lot 22. Lots to be served by private septic systems and drilled wells.</p>		
Approval Dates:	<p>Preliminary Plan Approval: 8/8/2016</p>		
Public Hearings:	<table style="width: 100%; border: none;"> <tr> <td style="border: none;">Preliminary Public Hearing</td> <td style="border: none; text-align: right;">8/8/2016</td> </tr> </table>	Preliminary Public Hearing	8/8/2016
Preliminary Public Hearing	8/8/2016		

PROJECT HISTORY
<ol style="list-style-type: none"> 1. On April 5, 2016 the applicant submitted a subdivision pre-application for the above described project. 2. On 4/8/16 the Planning Office mailed abutters notice of the subdivision pre-application and of the 4/18/16 Planning Board meeting.



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS
Preliminary Subdivision Application for "Meetinghouse Road Subdivision"
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PROJECT HISTORY

3. On 4/13/16 the Planning Office prepared an Article VII checklist and memo for the Planning Board and applicant.
4. On 4/18/16 the Planning Board received the subdivision pre-application and scheduled a site walk of the property for 4/25/16 at 5:30PM.
5. On 4/25/16 the Planning Board conducted a site walk of the property
6. On 4/26/16 the Planning Office prepared a site walk results memo.
7. On 5/2/16 the Planning Board reported the results of the site walk.
8. On 6/28/16 the applicant submitted a Preliminary Subdivision Application and plan to the Planning Office.
9. On 6/29/16 the Planning Office mailed notice to abutters of the Preliminary Subdivision Application and of the 7/11/16 Planning Board meeting.
10. On 7/8/16 the Planning Office prepared Article V, VII and draft completeness (202-8) checklists and a memo for the Planning Board and applicant.
11. On 7/11/16 the Planning Board voted to receive the Preliminary Subdivision Application, voted to approve the setback and street frontage reductions per 145-49; voted to grant a waiver of identifying trees greater than 24" in diameter at breast height; voted to appoint the Town Engineer/Planner as the completeness agent and authorize him to schedule a public hearing; and voted to grant a waiver and permit Lot 13's driveway to access off of Meetinghouse Road
12. On 7/15/16 the Planning Office received the IF&W letter.
13. On 7/25/16 the Planning Office received revised preliminary subdivision plans for review.
14. On 7/27/16 the Town Engineer/Planner found the subdivision complete for purposes of scheduling a Preliminary Public Hearing.
15. On 7/29/16 the Planning Office mailed certified notice to abutters of the 8/8/16 Preliminary Public Hearing.
16. On 8/2/16 the Staff Review Committee commented on the Preliminary Subdivision Application for the Planning Board.
17. On 8/3/16 the Planning Office prepared updated review checklists and a draft Preliminary Findings of Fact & Decisions.
18. On 8/8/16 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.

§ 202- 8. Preliminary Plan for Major Subdivision		Findings & Decisions
B.	Submissions:	
	(1) Location map. The preliminary plan shall be accompanied by a location map adequate to show the relationship of the proposed subdivision to the adjacent properties and to allow the Board to locate the subdivision within the municipality. The location map shall show:	See cover sheet.
	(a) Existing subdivisions adjacent to the proposed subdivision.	None THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS
Preliminary Subdivision Application for "Meetinghouse Road Subdivision"
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§ 202- 8. Preliminary Plan for Major Subdivision	Findings & Decisions
(b) Locations and names of existing and proposed streets.	<p>Meetinghouse Road labelled. <u>Proposed Road name not labelled on the plan. Town Assessor to review road name once provided by the applicant. Once approved the road name shall be noted on the Final Subdivision Plan submission.</u></p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</p>
(c) Boundaries and designations of zoning districts.	<p>The subdivision is located within the Rural District. See Sheet S1.1, Note 1.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</p>
(d) An outline of the proposed subdivision and any remaining portion of the owner's property if the preliminary plan submitted covers only a portion of the owner's entire contiguous holding.	<p>Outsale lot noted. Reference noted stating "Not Part of Subdivision" on sheet S1.1.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</p>
(2) Preliminary plan. The preliminary plan shall be submitted in three copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary plan shall be drawn to a scale of not more than 100 feet to the inch. The Board may allow plans for subdivisions containing more than 100 acres to be drawn at a scale of not more than 200 feet to the inch provided all necessary detail can easily be read. In addition, the applicant shall submit to the Office of Planning and Development 11 copies of the plan(s) reduced to a size of 11 inches by 17 inches and all accompanying information assembled into a booklet no less than 10 days prior to the meeting. The following information shall either be shown on the preliminary plan or accompany the application for preliminary approval: [Amended 4-12-1999]	
(a) The proposed name of the subdivision and the name of the municipality in which it is located, plus the Tax Assessor's map and lot numbers.	<p>Subdivision name and Map and Lot noted. <u>Proposed Map and Lot numbers to be assigned by the Town Assessor and labelled on the final subdivision plan submission as Tax Map 77, Lot 22-1, 22-2, 22-3 etc.</u></p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</p>



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS
Preliminary Subdivision Application for "Meetinghouse Road Subdivision"
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§ 202- 8. Preliminary Plan for Major Subdivision	Findings & Decisions
<p>(b) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.</p>	<p>Boundary Survey of the parcel prepared by Debrah L. Briggs, PLS #2374 of Lower Village Survey Co. dated 6-4-2015.</p> <p>Sheet S1.1: lot lines depicted, proposed lot areas noted, total land area is 39.4 acres. <u>Proposed Monumentation and line data information to be corrected on the final subdivision plan submission.</u></p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</p>
<p>(c) A copy of the deed from which the survey was based and a copy of all covenants or deed restrictions, easements, rights-of-way or other encumbrances currently affecting the property.</p>	<p>Deeds provided, no existing restrictions.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</p>
<p>(d) A copy of any covenants or deed restrictions intended to cover all or part of the lots in the subdivision.</p>	<p>Draft HOA documents provided. <u>Revisions are needed and shall be addressed upon the submission of the Final Subdivision Plan Application.</u></p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</p>
<p>(e) Contour lines at the interval specified by the Planning Board, showing elevations in relation to mean sea level.</p>	<p>2 foot contours are provided, NAVD 1988.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</p>
<p>(f) The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, vegetative cover type and other essential existing physical features. The location of any trees larger than 24 inches in diameter at breast height shall be shown on the plan.</p>	<p>Existing and proposed lot lines depicted. Wetlands depicted. See note 8 on sheet S1.1. Total land area is 39.4 acres.</p> <p>A waiver of identifying trees greater than 24" inches at breast height was granted by the Planning Board on 7/11/16. One large tree in the middle of the property is noted on the plan to be preserved.</p> <p>Trees along Meetinghouse Road also shown on sheet C2.0 on the right-of-way/ property line. Sheet C1.0 depicts existing trees and trees that shall be protected. <u>More labelling of trees to be protected recommended on sheet C1.0.</u></p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</p>



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS
Preliminary Subdivision Application for “Meetinghouse Road Subdivision”
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§ 202- 8. Preliminary Plan for Major Subdivision	Findings & Decisions
(g) Indication of the type of sewage disposal to be used in the subdivision.	
[1] When sewage disposal is to be accomplished by connection to the public sewer, a letter from the Wells Sanitary District indicating that there is adequate capacity within the district's system to transport and treat the sewage shall be submitted.	The Applicant is proposing individual subsurface disposal units for each lot. THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.
[2] When sewage disposal is to be accomplished by subsurface sewage disposal systems, test pit analyses prepared by a licensed site evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted.	Private septic systems proposed. See sheet S1.1, notes 14 and 16. Test pit logs provided and septic boxes shown on sheet S1.1. <u>Reserve areas required or boxes to be relocated. Septic boxes on sheet S1.1 do not match boxes noted on other plan sheets.</u> THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.
(h) Indication of the type of water supply system(s) to be used in the subdivision. When water is to be supplied by public water supply, a letter from the Kennebunk, Kennebunkport and Wells Water District shall be submitted indicating that there is adequate supply and pressure for the subdivision.	Private wells are proposed. See Sheet S1.1 notes 14 and 15. See note 21 stating all homes shall have residential sprinkler systems on sheet S1.1. Sprinkler systems noted to be required on Sheet C1.0. THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.
(i) The date the plan was prepared, North point (identified as true or magnetic), graphic map scale, and names and addresses of the record owner, subdivider and individual or company who or which prepared the plan.	Grid North, Sheet S1.1, note 3. Record owner/applicant noted. THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.
(j) The names and addresses of owners of record of adjacent property, including any property directly across an existing public street from the subdivision.	See sheet S1.1. THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.
(k) The location of any zoning boundaries affecting the subdivision.	Rural District noted, Sheet S1.1 note 1. THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.
(l) The location and size of existing and proposed sewers, water mains, culverts and drainageways on or adjacent to the property to be subdivided.	See sheets C2.0, C3.1, C3.2 and C4.0. THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS
Preliminary Subdivision Application for "Meetinghouse Road Subdivision"
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§ 202- 8. Preliminary Plan for Major Subdivision	Findings & Decisions
(m) The location, names and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.	<u>Proposed street name pending.</u> THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.
(n) The width and location of any streets or public improvements shown upon the Official Map and the Comprehensive Plan, if any, within the subdivision.	None proposed.
(o) The proposed lot lines with approximate dimensions and lot areas.	Lot areas are shown sheet S1.1. The lot lines do have bearings and distances labeled on Sheet S1.1. <u>Plan mark-ups to be addressed.</u> THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.
(p) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.	The applicant is not proposing any land dedicated to public use. THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.
(q) The location of any open space to be preserved and an indication of its improvement and management.	Open space depicted, 22.5 acres or 57% Open space proposed. Ownership/management of Open Space to be by HOA. See note 16 on sheet S1.1. THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.
(r) A copy of that portion of the county soil survey covering the subdivision. When the medium-intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Board may require the submittal of a report by a registered soil scientist indicating the suitability of soil conditions for those uses.	Provided. THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.
(s) If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the one-hundred-year-flood elevation shall be delineated on the plan.	See plan reference 5 on sheet S1.1 and note 25. Parcel is located entirely in Zone C. THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.
(t) A hydrogeologic assessment prepared by a certified geologist or registered professional engineer, experienced in hydrogeology, when the subdivision is not served by public sewer and:	THE PLANNING BOARD FINDS THAT THIS STANDARD DOES NOT APPLY.
[1] Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers" by the Maine Geological Survey, 1985, Map Nos. 2 and 4; or	Not in a gravel aquifer.
[2] The subdivision has an average density of less than 100,000 square feet per dwelling unit.	Average Density greater than 100,000 SF per dwelling.



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS
Preliminary Subdivision Application for “Meetinghouse Road Subdivision”
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§ 202- 8. Preliminary Plan for Major Subdivision	Findings & Decisions
(u) The location of any wetlands, streams, rivers, brooks or ponds located within or adjacent (within 75 feet) to the proposed subdivision.	Wetlands have been delineated on the site and are shown on the plans. See note 8 on sheet S1.1. THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.
(v) The location of any significant wildlife or fisheries habitat as located by the Department of Inland Fisheries and Wildlife.	Vernal pools noted on Sheet C1.0. None of special significance. Forested freshwater wetlands depicted. A letter from the Dept. of Agriculture, Conservation, & Forestry was provided dated 5-21-15. A IF&W letter dated 6-12-15 was provided. THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.

STANDARD CONDITIONS OF APPROVAL

1. Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval of the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the approval of the final plan, the Board may require additional changes as a result of the further study of the subdivision or as a result of new information received
2. The developer must, within six months of the approval of the preliminary plan, file with the Planning Board an application for final approval. Failure to do so may result in the Planning Board refusing to entertain such final plan, and the lapse of approval of the preliminary plan. The final plan shall approximate the layout shown on the Preliminary Plan, plus recommendations and requirements made by the Planning Board.
3. Prior to the submittal of the final plan application, the following approval shall be obtained in writing if applicable: Maine Dept. of Environmental Protection, under the Site Location of Development Act and the Natural Resources Protection Act; the KKW Water District, if connected to public water; Maine Dept. of Human Services, if a central water supply system is proposed; The Wells Sanitary District, if connected to public sewer; Maine Dept. of Human Services, if a centralized or shared subsurface sewage disposal system is to be utilized; an Army Corps of Engineers dredge and fill permit; NPDES permit for stormwater discharges.

SPECIAL CONDITIONS OF APPROVAL

1. The following items shall be submitted with the Final Subdivision Application and Final Plan:
 - a. Street Name approval from the E911 Coordinator/Assessing Office with approved name noted on final plan;
 - b. Approved Tax Map and Lot numbers from the Assessing Office noted properly on the final plan;
 - c. Septic system locations and test pit corrections addressed on final plan;
 - d. Revised HOA document and Sample Deed;
 - e. Stormwater analysis, management and maintenance plan.



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS
Preliminary Subdivision Application for "Meetinghouse Road Subdivision"
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Dated at Wells, Maine this _____ day of _____, 2016

Wells Planning Board

By: _____
Charles Millian, Chairman

DRAFT

Town of Wells , Maine Review Checklist
Page 1 of 7

Project Name/District: Meetinghouse Road Subdivision - Rural District - Tax Map 77, Lot 22

Date of Review: 07-08-16; 08/03/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

Article VII
Performance Standards

§ 145-49. Residential Cluster Development. [Amended 11-7-2006]		Application Meet Requirements			
		Yes	No	NA	Comments
The purpose of this section is to allow, by Planning Board approval, the clustering of one- and two-family dwelling units. Clustering shall provide a more efficient use of land resulting in the preservation of natural land forms, wetlands, wildlife and waterfowl habitats, significant vegetation and agricultural lands, other natural resources, and historic sites. Notwithstanding other provisions of this chapter, the Planning Board may modify the dimensional requirements of this chapter as specified in this section to permit the clustering of one- and two-family homes. Such modifications shall not be construed as the granting of a variance to relieve hardship.					
A.	Permitted locations. Residential cluster development shall be permitted in all zoning districts where residential development is allowed. All areas of a cluster subdivision located within the Aquifer Protection District or the Shoreland Overlay District shall be dedicated as undeveloped open space.	Y			The subdivision is located within the Rural District.
B.	Density. The maximum density of dwelling units permitted shall be the same as permitted in the district(s) in which the cluster development is located, unless density bonuses are granted in accordance with § 145-49D. To determine maximum density the following steps shall be taken:	Y			Boundary Survey of the parcel prepared by Debrah L. Briggs, PLS #2374 of Lower Village Survey Co. dated 6-4-2015. Parcel lot size noted on sheet S1.1, note 2. Parcel is 39.4 acres.
(1)	In order to determine the maximum number of dwelling units permitted on a tract of land the net residential acreage shall be determined by calculating net area and subtracting 15% of the area of the lot to account for roads and parking.	Y			See Site Data Table on Sheet S1.1. 39.4 acres = 17 conventional lots. 39.4acres less 15% road deduction (5.91 acres) = 39.4 acres or 14 lots. 13 lots/dwellings are proposed.
(2)	A cluster development layout shall be submitted indicating a minimum of 35% open space and significant natural features.	Y			39.4 x .35 = 13.79 acres Open Space required. 22.5 acres of Open Space are proposed (57%).
C.	Dimensional requirements.				

Town of Wells , Maine Review Checklist
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Project Name/District: Meetinghouse Road Subdivision - Rural District - Tax Map
 77, Lot 22

Date of Review: 07-08-16; 08/03/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-49. Residential Cluster Development. [Amended 11-7-2006]		Application Meet Requirements											
		Yes	No	NA	Comments								
(1)	<p>The minimum lot sizes may be reduced to 20,000 square feet in any district where clustering is allowed, if not serviced by public sewer, or may be reduced to the following if on public sewer:</p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th colspan="2">Served by Public Sewer</th> </tr> <tr> <th>Type of Dwelling</th> <th>RA, GB and RC Districts (square feet)</th> </tr> </thead> <tbody> <tr> <td>One-family Dwelling</td> <td>10,000</td> </tr> <tr> <td>Two-family Dwelling</td> <td>15,000</td> </tr> </tbody> </table>	Served by Public Sewer		Type of Dwelling	RA, GB and RC Districts (square feet)	One-family Dwelling	10,000	Two-family Dwelling	15,000	Y			<p>All lots may be reduced to 20,000 SF and are not served by public sewer. Subdivision is located within the Rural District. Lot areas noted on sheet S1.1</p>
Served by Public Sewer													
Type of Dwelling	RA, GB and RC Districts (square feet)												
One-family Dwelling	10,000												
Two-family Dwelling	15,000												
(2)	<p>The required setbacks from lot lines and from street rights-of-way within the cluster development may be reduced, but no structure shall be located within 15 feet of any lot line or within 20 feet of any street right-of-way within the cluster development.</p>	Y*			<p>See Site Data Table on Sheet S1.1.</p> <p><u>Lots have a 25' setback from Meetinghouse Road (not 40') and a 20' setback from the lot line abutting the road (to be named) within the subdivision.</u></p> <p>On 7/11/16 the Planning Board approved this reduction in setbacks.</p>								
(3)	<p>The required street frontage may be reduced to no less than 50 feet.</p>	Y			<p>See Site Data Table on Sheet S1.1 as well as curve and line data tables. Proposed lots appear to have 79' or more of street frontage.</p> <p>On 7/11/16 the Planning Board approved this reduction in street frontage.</p>								
(4)	<p>When a lot in a cluster subdivision abuts a nonclustered residential lot, the setback in the cluster subdivision lot shall be twice the required setback along the adjoining lot line. The Planning Board may require additional screening or restrict the removal of vegetation within the setback to provide a buffer between higher and lower density development.</p>	Y*			<p>25' x 2= 50 foot setback/buffer for all non-clustered residential abutters. This 50' setback is labelled on sheet S1.1.</p> <p><u>The Planning Board to determine what no-cut buffer or screening requirements shall apply for nonclustered residential abutters.</u></p> <p><u>Septic systems for proposed lots 1, 2, and 3 are proposed within the 50' buffer.</u></p>								

Town of Wells , Maine Review Checklist
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Project Name/District: Meetinghouse Road Subdivision - Rural District - Tax Map
 77, Lot 22

Date of Review: 07-08-16; 08/03/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-49. Residential Cluster Development. [Amended 11-7-2006]		Application Meet Requirements			
		Yes	No	NA	Comments
	allowed by the Planning Board to be increased to 40% on lots smaller than 40,000 square feet in area.				
(5)	The maximum lot coverage of 20% in the Rural District may be allowed by the Planning Board to be increased to 40% on lots smaller than 40,000 square feet in area.	Y*			See Site Data Table on Sheet S1.1. <u>Table refers to 145-49. Lots smaller than 40,000 SF in area are permitted to have lot coverage increased to 40% by the Planning Board. All lots but lot 4 are over 40,000 SF.</u> <u>Planning Board to consider if lot 4 is permitted to have a permitted maximum lot coverage of 40%.</u>
D.	Innovative open space bonus. At least 35% of the total parcel acreage in a cluster subdivision must be designated as open space and protected as such in perpetuity. At the discretion of the Planning Board the applicant may earn density bonuses in addition to the maximum density permitted in § 145-49B. The applicant may seek application of more than one density bonus as set forth below, and the total density bonus earned shall be cumulative. However, in no case shall the total density bonus allow the overall subdivision density to exceed the maximum density allowed in § 145-49B above by more than 25% in the rural areas and 50% in the growth areas as set forth in the Comprehensive Plan. Bonuses shall be allotted in whole lot increments only and shall not be rounded up. Density calculations, including all awarded open space bonuses, shall be shown on the subdivision plan.			NA	"No 'Innovative Open Space Bonus' Allotments (IAW 145-49D) are requested.
(1)	An open space cluster plan that provides at least 50% of the total parcel acreage as open space, protected as such in perpetuity, may be awarded a density bonus of 10%. The purposes for which proposed open space areas will be used shall be fully documented by the applicant.				

Town of Wells , Maine Review Checklist
Page 4 of 7

Project Name/District: Meetinghouse Road Subdivision - Rural District - Tax Map 77, Lot 22

Date of Review: 07-08-16; 08/03/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-49. Residential Cluster Development. [Amended 11-7-2006]		Application Meet Requirements			
		Yes	No	NA	Comments
(2)	An open space cluster plan that protects agriculturally valuable lands and provides for their use as such in perpetuity may be awarded a 5% density bonus. The open space land preserved for agricultural use must consist of at least 3.5 acres, and be land that has been historically farmed, or contain good soils for farming, and be reasonably accessible to receive a bonus. The instrument designating the land as agriculture use, acceptable to the Planning Board, may reasonably restrict the type or intensity of farming to occur to prevent nuisances. This provision only requires that permission be reasonably available so that validity of the bonus is not affected if agricultural uses are not pursued at any particular time.				
(3)	An open space cluster plan that protects timber harvesting lands and provides permission for that use to continue in perpetuity may be awarded a 5% density bonus. The open space preserved for timber harvesting must include at least 10 contiguous acres and be land that has historically been forested, and must be reasonably accessible to receive a bonus. A forest management plan signed by a professional forester outlining proposed activities to ensure compliance with performance standards and regeneration requirements established pursuant to Title 12 M.R.S.A § 8869 must be submitted.				
(4)	An open space cluster plan that accomplishes either of the following:				
	(a) Protects valuable wildlife and environmental areas in a manner that is consistent with the goals, policies and strategies of the following chapters and related maps in the Comprehensive Plan may be awarded a density bonus of 5%.				
	[1] Chapter 3, Natural Resources Policies and Strategies;				
	[2] Chapter 4, Marine Resources Policies and Strategies;				
	[3] Map 4, Natural Areas Wildlife Habitat;				
	[4] Map 9, Wetlands; or				
	[5] Map 10, Areas of High Potential for Wildlife Habitat.				

Town of Wells , Maine Review Checklist
Page 5 of 7

Project Name/District: Meetinghouse Road Subdivision - Rural District - Tax Map 77, Lot 22

Date of Review: 07-08-16; 08/03/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-49. Residential Cluster Development. [Amended 11-7-2006]		Application Meet Requirements			
		Yes	No	NA	Comments
	(b) Links dedicated open space to large parcels of adjoining dedicated open space to provide usable wildlife habitat or corridor connections between usable wildlife habitats in a manner that is consistent with the goals, policies and strategies of the following chapters and related maps in the Comprehensive Plan may be awarded a density bonus of 5%:				
	[1] Chapter 3, Natural Resources Policies and Strategies;				
	[2] Chapter 4, Marine Resources Policies and Strategies;				
	[3] Map 4, Natural Areas Wildlife Habitat;				
	[4] Map 9, Wetlands; or				
	[5] Map 10, Areas of High Potential for Wildlife Habitat.				
(5)	An open space cluster plan that allows public access to the open space may be awarded a density bonus of 5%. The nature of public access required to trigger this bonus is pedestrian traffic. The instrument granting access, acceptable to the Planning Board, may reasonably restrict the use of motorized vehicles.				
(6)	An open space cluster plan that preserves, and provides for their use as such in perpetuity, the Town's historic, traditional New England seacoast and rural community character and appearance by preserving and incorporating existing historic structures and natural features of historic significance may be awarded a density bonus of 5%.				
(7)	An open space cluster plan that effectively links large areas of the dedicated open space to adjoining dedicated open space may be awarded a density bonus of 5%.				
(8)	An open space cluster plan that preserves scenic vistas especially toward the seacoast from Route 1 and along scenic corridors especially along Routes 1, 9, 109, and roads in rural areas may be awarded a density bonus of 5%.				
(9)	A "unit for unit" density bonus may be granted for open space cluster plans that include affordable housing for moderate-income buyers. For example, if 10% of the dwelling units in the project are affordable for moderate-income buyers then a density bonus of 10% may be awarded. The matching density bonus may be doubled for open space cluster plans that include affordable housing for low-income buyers. For example, if 10% of the dwelling units in the project are affordable for low-income buyers then a density bonus of 20% may be awarded.				

Town of Wells , Maine Review Checklist
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Project Name/District: Meetinghouse Road Subdivision - Rural District - Tax Map
 77, Lot 22

Date of Review: 07-08-16; 08/03/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-49. Residential Cluster Development. [Amended 11-7-2006]		Application Meet Requirements			
		Yes	No	NA	Comments
E.	Aquifer Protection District. Where the parcel is located in the Rural District and partially in the Aquifer Protection District the permitted density for that portion of the lot within the Aquifer Protection District may be doubled, transferred to the portion of the lot located in the Rural District, and counted towards total bonus density, provided that:			NA	The parcel is not located in the Aquifer Protection District
(1)	All land within the Aquifer Protection District is included within the common land or open space;				
(2)	A conservation easement is granted to the Town or to the Kennebunk, Kennebunkport and Wells Water District over that portion of the subdivision located within the Aquifer Protection District; and				
(3)	All stormwater detention facilities shall be located outside the Aquifer Protection District. Stormwater retention facilities may be located in the Aquifer Protection District.				
F.	Management of open space. The open space portion of the cluster development site shall be permanently dedicated open space by covenant recorded at the Registry of Deeds and shown on the recorded subdivision plans. No more than 2% of the open space shall be impervious surfaces that are accessory to the proposed use of open space (i.e., roads, parking areas, sheds, etc.), of which total structural coverage shall not exceed 600 square feet. Nonroofed or elevated structures (i.e., walking paths) are allowed. The designated open space shall not be used for additional building lots.	Y*			The open space management provisions shall be documented in the homeowner association documents. Draft HOA documents have been provided and <u>need additional information per review by the Town Engineer.</u> <u>Planning Board to consider HOA Town Attorney review at the final subdivision submission.</u>
(1)	Prior to the sale of any lots, the open space shall be controlled by one or more of the following methods:				
	(a) Ownership by an association of the owners of the dwelling units within the development;	Y			Proposed, <u>to be clarified on the plan and HOA document.</u>
	(b) Ownership by an association of the owners of the dwelling units within the development with a conservation easement granted to the Town or recognized conservation organization;			NA	Not proposed.
	(c) Dedication to the Town as public open space; and/or			NA	Not proposed.
	(d) Transfer, with permanent restrictions, to a land trust or other recognized conservation organization.			NA	Not proposed.

Town of Wells , Maine Review Checklist
Page 7 of 7

Project Name/District: Meetinghouse Road Subdivision - Rural District - Tax Map
 77, Lot 22

Date of Review: 07-08-16; 08/03/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-49. Residential Cluster Development. [Amended 11-7-2006]			Application Meet Requirements			
			Yes	No	NA	Comments
	(2)	The developer may structure the control of the common open space in one or more of the above methods. The Planning Board shall approve the arrangements for the ownership, control and maintenance of the common open space as part of the subdivision approval. No changes in use or management of the common open space shall be made without the approval of the Planning Board.	Y*			<u>Additional plan notes and HOA/Sample Deed information to be provided.</u>
G.		Homeowners' association management of open space. If the open space will be owned and/or managed by the owners within the cluster development, then a homeowners' association shall be created to own and manage the common lands and facilities. Covenants for mandatory membership in the homeowners' association, setting forth the owner's rights, interest and responsibilities, and providing for the assessment of lots or units to fund common expenses shall be required and approved by the Planning Board and shall be included in the deed for each lot. The documents shall also include a management plan for the common open space and facilities.	Y*			<u>Draft HOA documents have been provided and need additional information per review by the Town Engineer.</u> <u>Planning Board to consider HOA Town Attorney review at the final subdivision submission.</u>

Town of Wells , Maine Review Checklist
Page 1 of 6

Project Name/District: Meetinghouse Road Subdivision - Rural District - Tax Map 77, Lot 22

Date of Review: 07-08-16; 08/03/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

Article V District Regulations

A. Purpose.

The purpose of the Rural District is to maintain the open, rural character of the land within the district. Open uses of the land, such as forestry and agricultural uses, should be encouraged and large-scale residential uses discouraged. Residential development should be clustered so that significant areas of the development can be maintained as open space and, where applicable, used to buffer the development from existing Town ways.

§ 145-30. Rural District.		Application Meet Requirements			
		Yes	No	NA	Comments
B.	Permitted uses. The following uses are permitted upon obtaining any required permits from the Code Enforcement Officer:				
(1)	Animal husbandry.			NA	
(2)	Agriculture.			NA	
(3)	Cemetery having an area less than 20,000 square feet and containing no buildings.			NA	
(4)	Dwelling, one-family. (See also § 145-55)	Y			13 single family dwelling units/lots are proposed
(5)	Dwelling, two-family.			NA	
(6)	Dwelling, multifamily. (See also § 145-48)			NA	
(7)	Livestock, domestic (small), limited to lots with a minimum lot size of 40,000 square feet. [Added 6-9-2015^[1]			NA	
(8)	Livestock, domestic (large), limited to lots with a minimum lot size of five acres. [Added 6-9-2015]			NA	
(9)	Poultry, domestic (small), all lots, except lots less than 10,000 square feet in area shall be limited to no more than five fowl [Added 6-9-2015]			NA	
(10)	Poultry, domestic (large), limited to lots with a minimum lot size of five acres. [Added 6-9-2015]			NA	
(11)	Recreation, passive.			NA	
(12)	Timber harvesting.			NA	

Town of Wells , Maine Review Checklist
Page 2 of 6

Project Name/District: Meetinghouse Road Subdivision - Rural District - Tax Map 77, Lot 22

Date of Review: 07-08-16; 08/03/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-30. Rural District.		Application Meet Requirements			
		Yes	No	NA	Comments
C.	Permitted uses requiring the approval of a site plan. The following uses are permitted upon obtaining site plan approval and any required permits from the Code Enforcement Officer:				
	(1) Bed and breakfast/small inn (See also § 145-52)			NA	
	(2) Cemetery larger than 20,000 square feet in area.			NA	
	(3) Church.			NA	
	(4) Club.			NA	
	(5) Congregate care facility, in areas served by public water and sewer. [Added 6-8-2010]			NA	
	(6) Day-care home.			NA	
	(7) Day-care center/ nursery school.			NA	
	(8) Estuarine and marine research facilities located east of U.S. Route 1. Said facilities may include a building containing a dwelling unit occupied by a resident manager and his or her family and fifteen suites or less occupied by visiting scientists conducting research with the Wells Reserve. Said suites shall not exceed 470 square feet and shall not have their own kitchen facilities. However, said building may contain a common kitchen to provide meals available only to the occupants. [Added 4-14-2000; amended 11-5-2002]			NA	
	(9) Kennel.			NA	
	(10) Mineral extraction. (See also § 145-53)			NA	
	(11) Municipal facility.			NA	
	(12) Museum having a gross floor area less than 5,000 square feet.			NA	
	(13) Neighborhood convenience store.			NA	
	(14) Public utility facility.			NA	
	(15) Recreation, active.			NA	
	(16) Recreation, low-intensity commercial.			NA	
	(17) Restaurant (standard) containing fewer than 75 seats.			NA	
	(18) Sawmill.			NA	

Town of Wells , Maine Review Checklist
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Project Name/District: Meetinghouse Road Subdivision - Rural District - Tax Map 77, Lot 22

Date of Review: 07-08-16; 08/03/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-30. Rural District.			Application Meet Requirements			
			Yes	No	NA	Comments
(19)	School, public and private.				NA	
(20)	School, vocational-technical, served by public water and sewer and located east of the turnpike and south of Route 109. [Added 4-18-1995]				NA	
(21)	Tent and recreational vehicle park.				NA	
(22)	Transmission tower, radio.				NA	
D.	Accessory uses. Accessory uses are permitted when they are clearly incidental to the permitted use; subordinate, individually and in the aggregate, to the permitted use; and located on the same lot as the permitted use being served. Home businesses as regulated in § 145-51 are accessory uses.		Y			
E.	Uses prohibited. Except as permitted in § 145-12, Nonconforming uses, and in Article VI, Town-Wide Regulations, uses not identified in Subsections B, C and D are prohibited within this district.				NA	No nonconforming uses exist or are proposed.
F.	Dimensional requirements.					
(1)	Minimum lot size:					
	(a)	One hundred thousand square feet of net area.	Y			Parcel lot size noted on sheet S1.1, note 2. Parcel is 39.4 acres. Site Data Table notes the area to be 39.4 acres. Parcel size exceeds 100,000 SF of net area. See 145-49 checklist for minimum lot size requirements of proposed residential cluster lots. See Site Data Table on sheet S1.1 notes 20,000 SF minimum lot size required. Cluster lot area notes. All but lot 4 exceed 40,000 SF in size.
	(b)	Forty thousand square feet if located east of the Maine Turnpike and connected to public sewer.			NA	Parcel not served by public sewer. See note 14.
(2)	Maximum density: [Amended 4-28-1995]					

Town of Wells , Maine Review Checklist
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Project Name/District: Meetinghouse Road Subdivision - Rural District - Tax Map 77, Lot 22

Date of Review: 07-08-16; 08/03/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-30. Rural District.			Application Meet Requirements			
			Yes	No	NA	Comments
	(a)	One dwelling unit for each 100,000 square feet of net area.	Y			See Site Data Table on Sheet S1.1. 39.4 acres = 17 conventional lots. 39.4 acres less 15% road deduction (5.91 acres) = 39.4 acres or 14 lots. 13 lots/dwellings are proposed.
	(b)	One dwelling unit for each 40,000 square feet of net area if located east of the Maine Turnpike and connected to public sewer.			NA	Parcel not served by public sewer.
	(c)	Four housekeeping cottages or seasonal cottages per acre of net area. [Amended 4-12-2003; 6-13-2006] <i>Editor's Note: This ordinance provided that it shall be retroactive to any application for site plan approval and any application to amend an existing site plan to the extent the amendment proposes additional cottage units that has not received final approval from the Planning Board on 4-25-2006.</i>			NA	No cottage units exist or are permitted on this parcel.
(3)		Minimum street frontage per lot: 200 feet, which may be reduced to 150 feet for lots fronting entirely on a cul-de-sac. The minimum street frontage for a lot containing a one-family dwelling (in conjunction with a one-family dwelling, a day-care home or day-care center/nursery school may be permitted if the driveway is paved to a width of at least 16 feet and has a gravel base of at least 20 feet in width), an agricultural, animal husbandry or a timber harvesting use may be reduced to 50 feet provided that the total lot area is at least 200,000 square feet; the access driveway shall extend to the house and shall not be longer than 750 feet with a grade and width adequate to permit access by fire, police and other emergency vehicles; and any structure on the lot shall be located at least 50 feet from any lot line. No more than two such lots shall have contiguous street frontage.	Y			The parcel has over 200 feet of street frontage along Meetinghouse Road. Per 145-49 all residential cluster lots are permitted to have a minimum street frontage requirement of 50'. See Site Data Table on Sheet S1.1.

Town of Wells , Maine Review Checklist
Page 5 of 6

Project Name/District: Meetinghouse Road Subdivision - Rural District - Tax Map 77, Lot 22

Date of Review: 07-08-16; 08/03/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-30. Rural District.			Application Meet Requirements			
			Yes	No	NA	Comments
(4)	Maximum lot coverage: 20% or 4,000 square feet, whichever is the greater.		Y			See Site Data Table on Sheet S1.1. Table refers to 145-49. Lots smaller than 40,000 SF in area are permitted to have lot coverage increased to 40% by the Planning Board.
(5)	Maximum building height: 40 feet, not to exceed three stories. (See § 145-35I.)		Y			See Site Data Table on Sheet S1.1.
(6)	Setbacks.					See Site Data Table on Sheet S1.1. Per 145-49 setback reductions are permitted by the Planning Board.
	(a)	All structures shall be at least:				
		[1]	Twenty-five feet from any lot line.	Y		Per 145-49 a 15' lot line setback is permitted Non-clustered residential abutters require a 50' lot line setback
		[2]	Twenty-five feet from any lot line abutting any street right-of-way.	Y*		Per 145-49 a 20' lot line setback is permitted from the road within the development. A 25' lot line setback from Meetinghouse Road is required.
		[3]	Forty feet from any lot line abutting the right-of-way of any state highway.		NA	Parcel does not abut a state highway.
		[4]	Twenty-five feet from the boundary of any cemetery.		NA	Parcel does not abut a known cemetery
	(b)	All structures and parking lots shall be located at least 200 feet from the high-water line of the Merriland River (including Hobbs Pond), the Webhannet River, Ogunquit River, Perkins Brook and West Brook.			NA	Parcel does not abut such rivers or brooks.

Town of Wells , Maine Review Checklist
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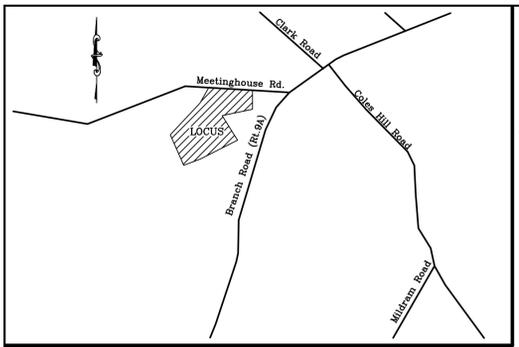
Project Name/District: Meetinghouse Road Subdivision - Rural District - Tax Map 77, Lot 22

Date of Review: 07-08-16; 08/03/16

Prepared By: Office of Planning & Development

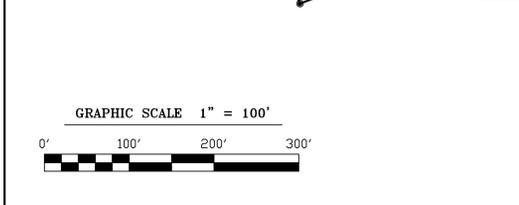
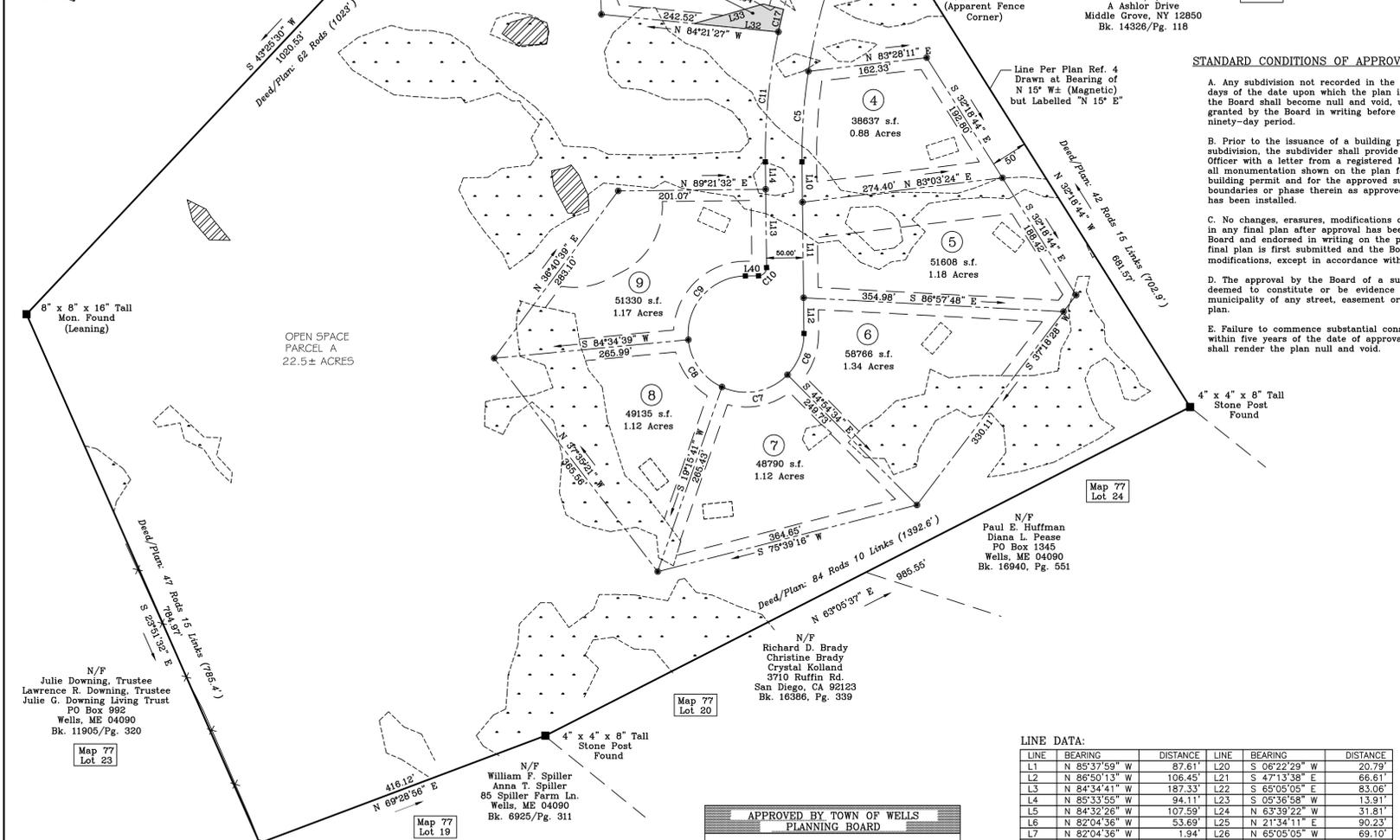
Company Name: Town of Wells

§ 145-30. Rural District.			Application Meet Requirements			
			Yes	No	NA	Comments
	(c)	Each housekeeping cottage or seasonal cottage shall be placed at least 25 feet from any other housekeeping or seasonal cottage on the site. [Added 6-13-2006 <i>Editor's Note: This ordinance provided that it shall be retroactive to any application for site plan approval and any application to amend an existing site plan to the extent the amendment proposes additional cottage units that has not received final approval from the Planning Board on 4-25-2006.</i>			NA	No such uses exist or are permitted on the parcel.
Note: See also §§ 145-13, Nonconforming structures, 145-14, Nonconforming lots, 145-33, Shoreland Overlay District, 145-48, Multifamily developments, and 145-49, Cluster residential development.			Y			
G.		Special provisions. All proposed residential subdivisions containing more than four dwelling units shall be developed according to the provisions of § 145-48, Multifamily developments, or § 145-49, Residential Cluster Development. The Planning Board may waive this requirement for projects containing fewer than 20 lots if it determines that a cluster development as regulated in § 145-49 is not practical because of the configuration of the original lot or because of its natural features.	Y			A residential cluster subdivision is proposed on this parcel. See 145-49 requirements.



LOCATION MAP (Not to Scale)

- LEGEND :**
- IRS ● — 5/8" Rebar w/Survey Cap #2374 To Be Set (Typ.)
 - CIRF ○ — Capped Iron Rod Found
 - MON ■ — Concrete/Granite Monument w/Metal Insert To Be Set (Typ.)
 - --- Property Line
 - - - - Abutter Approximate Property Line
 - - - - Proposed Building Envelope
 - - - - Overhead Utilities
 - - - - Barbed Wire Fence Remains
 - — Utility Pole
 - N/F — Now or Formerly
 - Bk./Pg. — Deed Book & Page
 - UP — Utility Pole
 - — Proposed Wastewater Disposal Area
 - ▨ — Forested Wetland
 - ▨ — Significant Vernal Pool



APPROVED BY TOWN OF WELLS
PLANNING BOARD

DATE: _____

LINE DATA:

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N 85°37'59" W	87.61	L20	S 06°22'29" W	20.79
L2	N 86°50'13" W	106.45	L21	S 47°13'38" E	66.61
L3	N 84°34'41" W	187.33	L22	S 65°05'05" E	83.06
L4	N 85°33'55" W	94.11	L23	S 05°36'58" W	13.91
L5	N 84°32'28" W	107.59	L24	N 63°39'22" W	31.81
L6	N 82°04'36" W	53.69	L25	N 21°34'11" E	90.23
L7	N 82°04'36" W	1.94	L26	N 65°05'05" W	69.10
L8	S 05°36'58" W	103.02	L27	N 47°13'38" W	79.86
L9	S 43°08'42" W	61.56	L28	N 06°22'29" E	30.33
L10	S 00°39'51" E	54.75	L29	N 26°19'13" W	236.24
L11	S 00°39'51" E	129.74	L30	S 77°49'34" E	38.33
L12	S 00°39'51" E	48.41	L31	S 26°19'13" E	189.64
L13	S 00°39'51" E	106.24	L32	N 84°21'27" W	115.24
L14	S 00°39'51" E	106.24	L33	N 74°14'37" E	97.85
L15	N 00°39'51" E	36.66	L34	N 75°38'25" W	28.64
L16	N 00°39'51" E	36.66	L35	S 38°43'31" E	173.66
L17	N 43°08'42" E	61.56	L36	S 54°43'33" E	60.81
L18	N 05°36'58" E	102.83	L37	S 09°39'42" W	33.27
L19	N 86°50'13" W	0.56	L38	N 54°43'33" W	79.41
			L39	N 38°43'31" W	152.18
			L40	N 89°20'09" E	18.00

STANDARD CONDITIONS OF APPROVAL:

- A. 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.
- B. 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.
- C. No changes, erasures, modifications or revisions shall be made in any final plan after approval 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 §260-10A(9).
- D. 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.
- E. Failure to commence substantial construction of the subdivision within five years of the date of approval or signing of the plan shall render the plan null and void.

SITE DATA TABLE—MEETINGHOUSE ROAD SUBDIVISION

REQUIREMENT	ZONING: RURAL "R"		
	REQUIRED CONVENTIONAL	REQUIRED CLUSTER	MIN. PROVIDED
GROSS SUBDIVISION ACREAGE +/-	39.4 ACRES	39.4 ACRES	
MIN LOT SIZE (SF)	100,000	20,000	
MAX DENSITY (DU/SF NET AREA)	1/100,000	(SEE NRA BELOW)	(SEE NRA BELOW)
FRONTAGE (FT)	200	50	>50
NRA AND DEDUCTS			
GROSS AREA (AC)	39.4		39.4
LESS WETLANDS(2)	0		0
LESS 15% FOR ROADS (CLUSTER ONLY) (AC)	0		0
NET RESIDENTIAL AREA (AC)	39.4		33.5
NET RESIDENTIAL AREA (SF)	1,715,646		1,456,824
NET RESIDENTIAL DENSITY (LOTS)	17		14
(NRA/NET LOT AREA)	N/A		13

- NOTES:**
- (1) ZONING S145.49.C(4) DOUBLE MIN. SETBACK FROM 25 TO 50 FT FOR NON-CLUSTERED ABUTTING PROPERTIES AT PERIMETER OF PRODUCT BOUNDARY.
 - (2) ZONING S145.10 WETLANDS AS DETERMINED DO NOT EXIST ON-SITE "10 ACRE DEFINITION"
 - (3) 2016 ORDINANCE AMENDMENT - INCREASED LOT COVERAGE TO 40% FOR LOTS LESS THAN 40,000 SF WITH PLANNING BOARD APPROVAL.

CURVE DATA:

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	325.00'	108.51'	108.01'	S 15°10'53" W	19°07'50"
C2	325.00'	104.36'	103.91'	S 33°56'45" W	18°23'54"
C3	750.00'	180.43'	179.99'	S 34°29'07" W	13°47'02"
C4	750.00'	246.54'	245.44'	S 18°10'34" W	18°50'04"
C5	750.00'	123.35'	123.21'	S 04°02'51" W	09°25'23"
C6	79.00'	62.01'	60.43'	S 21°49'25" W	44°58'31"
C7	79.00'	96.91'	90.95'	S 79°27'19" W	10°17'18"
C8	79.00'	82.56'	78.86'	N 39°27'35" W	59°52'53"
C9	79.00'	130.79'	116.35'	N 41°54'30" E	94°51'18"
C10	11.00'	15.56'	15.56'	N 44°20'09" E	90°00'00"
C11	800.00'	178.13'	177.76'	N 05°42'53" E	12°45'28"
C12	800.00'	201.52'	200.99'	N 18°18'37" E	14°25'59"
C13	800.00'	178.35'	177.98'	N 32°54'48" E	12°46'23"
C14	800.00'	53.69'	53.68'	N 41°13'21" E	03°50'42"
C15	275.00'	180.13'	176.92'	N 24°22'50" E	37°31'44"
C16	325.00'	39.52'	39.50'	N 10°41'53" E	06°58'03"
C17	800.00'	31.64'	31.64'	S 13°13'36" W	02°15'58"
C18	800.00'	18.66'	18.66'	S 27°11'42" W	01°20'10"
C19	800.00'	18.99'	18.99'	S 25°50'48" W	01°21'37"
C20	275.00'	99.49'	98.94'	S 15°58'48" W	20°43'40"

LOWER VILLAGE SURVEY CO.
13 Western Avenue Kennebunk Maine
Mailing Address: P.O. Box 2625, Kennebunkport, ME 04046
Phone: 207-667-3545 e-mail: info@lowervillagesurveyco.com

PRELIMINARY PLAN OF
MEETINGHOUSE ROAD SUBDIVISION
MEETINGHOUSE ROAD
WELLS, MAINE

Owned By:
Richard Moody & Sons Construction LLC, 899 Post Road, Wells, ME 04090

DATE: JULY 21, 2016 PRELIMINARY SUBDIVISION FILE #115-012 ROTATION 0° FIELD BK 468-23

SHEET S1.1

LAND SURVEYORS ** FORESTERS ** WETLAND DELINEATORS

YORK, ss REGISTRY OF DEEDS

Received _____
at _____ h _____ m _____ M., and
Filed in Plan Book _____ page _____
ATTEST:
Register _____

PRELIMINARY

Deborah L. Briggs, Member
Maine P.L.S. #2374

- LOCUS DEED REFERENCE:**
- Owner of Record: Richard Moody & Sons Construction, LLC.
Deed Book 17055, Page 635
- PLAN REFERENCES:**
- 1 - "Standard Boundary Survey, 1321 & 1371 Meetinghouse Road, Wells, Maine, Owned by Richard C. Bragdon, Prepared for Jon Moody", dated June 4, 2015 by Lower Village Survey Co.
 - 2 - Property Now or Formerly of David W. and Helen K. Craig in Wells, Maine" dated November 1980, by G. Maynard Trafton, Engineer, recorded in York County Registry of Deeds in Plan Book 29, Page 46.
 - 3 - "Division of Land at 1140 Branch Road, Wells, Maine, Owned by Sumner C. Weeks, Jr." dated November 20, 2000, by Livingston-Hughes Professional Land Surveying Corporation recorded in York County Registry of Deeds in Plan Book 264, Page 13.
 - 4 - "Plan of Farm Owned by Isaac Storer in Wells, Maine, Sold to Charles Brown" (undated) by George O. Hawes.
 - 5 - "Flood Insurance Rate Map - Town of Wells, Maine, York County - Community Panel #230158-0010D.

- NOTES:**
- 1 - The locus parcel is identified on Town of Wells Tax Assessors Map 77 as Lot 22 and is located in the Rural Zone.
 - 2 - The surveyed premises to be subdivided totals 1,715,646 square feet (39.37 Acres) excluding out parcel (5.77 Acres) shown.
 - 3 - All bearings shown are based on Grid North per Maine State Plane Coordinate System, West Zone.
 - 4 - The boundary of the locus parcel along Meetinghouse Road is the apparent right-of-way line based on monumentation found and a record width of four rods (66 feet) per Wells Town Clerk records.
 - 5 - An apparent prescriptive utility easement to Central Maine Power Company and Fairpoint Communications extends from Pole #9 at Meetinghouse Road to the service line pole near the residence located at 1321 Meetinghouse Road. No easement was found of record for said utility pole and wires.
 - 6 - The location of nearby property lines are shown as dashed lines. These lines are intended to show the approximate relationship to the locus parcel only.
 - 7 - Elevations shown are based on NAVD 1988.
 - 8 - Soils, test pit information, and wetland delineation per Joseph Noel, CCS, LSE. Wetland was mapped by Lower Village Survey Co.
 - 9 - Underground utilities shall be installed prior to final road base gravel installation.
 - 10 - This plan has been prepared according to the Standards of Practice adopted by the State of Maine Board of Licensure for Professional Land Surveyors with the following exceptions:
 - No written report prepared
 - No new deed description prepared
 - Monuments not set at all angle points along Meetinghouse Road

- 11 - The developer shall schedule a pre-construction meeting with the Town Engineer, Department of Public Works and any other required agencies prior to commencement of construction.
- 12 - Upon completion of construction the developer shall provide the Town of Wells with as-built or recorded drawings of the roadway drainage and utility construction.
- 13 - Lots shall be serviced by individual drilled wells and subsurface wastewater disposal systems designed and based on 3 bedroom dwellings or 270 gallons per day. If conditions allow, a 4 bedroom system may be designed with CEO/Town Planner approval. Said systems shall be subject to all other permit conditions. Drilled bedrock wells shall be sealed at the top of the weathered, unbroken bedrock zone to prevent overburden groundwater infiltration. Wastewater disposal system leachfields may vary up to 10 feet from locations shown on the Plans with CEO/Planner approval.
- 14 - Dug wells shall be prohibited on individual lots. A restriction on the use of dug wells shall be included on the deed for each lot as per Town of Wells Chapter 202-12F(2).
- 15 - Final design and location of subsurface wastewater disposal (septic) system, leach fields, and well locations shall meet state plumbing code (CMR 10-144 Chapt. 241) setbacks and shall conform to these plans for well and septic system locations within the allocated well and well exclusion zones as indicated. Final septic system locations may vary up to 10 ft. to accommodate final building siting. Any modification from proposed locations in excess of 10 ft. shall require Planning Board approval.
- 16 - Open Space Parcel (±22.5 acres) to be owned/managed by the Meetinghouse Road Homeowners Association.
- 17 - All streets in this subdivision shall remain private roads to be maintained to Town standards by the owner or the lot owners and shall not be accepted or maintained by the Town per Town of Wells Chapter 202-13, subject to Homeowners' Association right to seek dedication and acceptance of said streets.
- 18 - The project permits single family dwellings. No businesses are allowed except home occupations. Accessory dwelling units are permitted subject to the requirements of the Wells Land Use Ordinance.
- 19 - Prior to the issuance of a building permit for any primary residence on any lot, the owner shall provide evidence of a suitable water supply to the Code Enforcement Officer in compliance with Chapter 202-12F.(2)(c).
- 20 - Any easements required for electric, telephone or cable transformers or pedestals shall not constitute an amendment to this plan.
- 21 - Individual sprinkler systems are proposed for each house to meet fire protection requirements for the Town of Wells.
- 22 - A 50 foot wide no disturbance buffer is required around the perimeter of the property except for septic systems on Lots 1, 2, and 3.
- 23 - Lot 13 is proposed with driveway access off Meetinghouse Road.
- 24 - No building permits shall be issued until the base course of pavement and utilities are installed.
- 25 - Locus parcel is located entirely in Zone C as shown on Plan Ref. 5.



Planning & Development

208 Sanford Road, Wells, Maine 04090

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Site Plan Amendment Application Memo

Date: August 5, 2016

To: Planning Board

From: Planning Office

Re: Elmwood Resort – Site Plan Amendment Application - Map 129, Lot 35

Scott Defelice, on behalf of the Elmwood Condominium Association, has submitted a site plan amendment application for the Elmwood Resort located off of 1351 Post Road identified as Tax Map 129, Lot 35. The property is located within the General Business District and 75' Shoreland Overlay District and is 3.35 acres in size. The site plan amendment application is seeking approval for a new 5' x 7' entry to the pool building, a deck addition and after the fact approval for various changes made since the 1990 site plan approval including: A deck, stairs and landscaped area around the indoor pool building, an altered outdoor pool apron and new pool shed; expanded parking area (no retaining wall) to the south of the office building, altered stairway locations into the motel buildings, relocated dumpsters, a picnic and playground area, and eliminated parking islands. No changes are proposed to the existing 77 motel units, the office unit, the storage unit, the laundry room unit, or the Manager's Quarters which obtained Zoning Board of Appeals approval in 1997. The parcel is served by public sewer and public water.

§ 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 - new SF is proposed for the pool area and new SF is involved with the after-the-fact approval of the various changes made since 1990**

§ 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 and application fee and escrow deposit.**
- 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 2/11/16 the Code Officer determined the uses are permitted.**
- (b) If the proposed use is a permitted use on the subject lot: **Abutter notification mailed 2/12/16**
- [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 site plan amendment application on 2/22/16**
- (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 2/12/16; meeting was on 2/22/16**
- (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. **To be determined**
- (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 and make determinations on the following completeness and compliance items:
 - a. Minor plan revisions needed on sheet EC2.
 - b. Parking is depicted on sheet EC1 and described on sheet EC2. The Board should consider and vote to approve the following:
 - i. The existing number of spaces as depicted are adequate based on available public transportation (113 spaces provided)
 - ii. Several spaces need to be re-striped by 10-1-2016 (see note 16e on sheet 2)
 - iii. Several existing spaces are striped with a 13' depth but maintain a 30'+ aisle width.
 - c. Landscaping is depicted and noted on the plans. The Board should consider and vote to approve the following:
 - i. The existing Route 1 buffers (15 foot and 60 foot) per 145-38 and 145-52 are grandfathered and found to be adequate.
 - ii. The existing buffers and screening per 145-38 and 145-52 along the perimeter of the property are grandfathered and found to be adequate
 - iii. The dumpster locations are adequately screened by existing vegetation

- d. A waiver should be considered to not require a capacity letter from the Wells Sanitary District. No change in service since 1997.
 - e. A waiver should be considered to not require a capacity letter from the KKW Water District. No change in service since 1997.
2. If the above items are addressed, the Planning Board should consider finding the application complete (145-77) and compliant (145-75).
3. The Planning Board should then consider approving and signing the Findings of Fact & Decisions and site plan.

Town of Wells , Maine Review Checklist
Page 1 of 7

Project Name/District: Elmwood Resort / General Business & 75' Shoreland
 Overlay District - Tax Map 129, Lot 35

Prepared By: Office of Planning & Development

Date of Review: 05-31-16; 07/21/16;
 08/05/16

Company Name: Town of Wells

Article V District Regulations

A. Purpose.

The purposes of the General Business District is to provide areas for a wide range of business and commercial uses which serve the entire Town and for lodging and related facilities which serve the tourists.

§ 145-26. General Business District.		Application Meet Requirements			
		Yes	No	NA	Comments
B.	Permitted uses. The following uses are permitted upon obtaining any required permits from the Code Enforcement Officer:				
(1)	Agriculture, limited to the raising of crops and plants out of doors.			NA	
(2)	Cemetery having an area less than 20,000 square feet and containing no buildings.			NA	
(3)	Dwelling, one-family. (See also ' 145-55.)			NA	Per the 1997 ZBA decision to permit the Manager's Quarters, the Manager's Quarters is not considered a dwelling unit or lodging unit. See note 21 on sheet EC2.
(4)	Dwelling, two-family.			NA	
(5)	Dwelling, multifamily. (See ' 145-48.)			NA	
(6)	Livestock, domestic (small), limited to lots with a minimum lot size of 40,000 square feet. [Added 6-9-2015^[1] <small>[1] Editor's Note: This ordinance also provided for the renumbering of former Subsection B(6) and (7) as Subsection B(8) and (9), respectively.</small>			NA	
(7)	Poultry, domestic (small), all lots, except lots less than 10,000 square feet in area shall be limited to no more than five fowl. [Added 6-9-2015]			NA	
(8)	Recreation, passive.			NA	
(9)	Timber harvesting.			NA	
C.	Permitted uses requiring the approval of a site plan. The following uses are permitted upon obtaining site plan approval and any required permits from the Code Enforcement Officer:				
(1)	Agriculture which includes any structures.			NA	
(2)	Bank.			NA	
(3)	Bed-and-breakfast/small inn. (See ' 145-52.)			NA	
(4)	Business, contractor.			NA	

Town of Wells , Maine Review Checklist
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Project Name/District: Elmwood Resort / General Business & 75' Shoreland
 Overlay District - Tax Map 129, Lot 35

Date of Review: 05-31-16; 07/21/16;
 08/05/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-26. General Business District.		Application Meet Requirements			
		Yes	No	NA	Comments
(5)	Business, office.			NA	
(6)	Business, personal service.			NA	
(7)	Business, retail, including the manufacturing of any goods offered for sale on the premises.			NA	
(8)	Business, service.			NA	
(9)	Business, wholesale, having a gross floor area of less than 5000 square feet.			NA	
(10)	Cemetery larger than 20,000 square feet in area.			NA	
(11)	Church.			NA	
(12)	Club.			NA	
(13)	Congregate care facility. [Added 6-8-2011]			NA	
(14)	Day-care home.			NA	
(15)	Day-care center/nursery school.			NA	
(16)	Drug abuse shelter. [Added 6-14-2011]			NA	
(17)	Elderly housing [Amended 4-26-1996]			NA	
(18)	Freestanding residential detoxification program. [Added 6-14-2011]			NA	
(19)	Function hall.			NA	
(20)	Hotel/motel. (See ' 145-52.)	Y*			<p>The site plan has approval as a 77 unit Hotel/Motel use. There is an office, laundry unit and storage associated with the Motel use as well. There is also a Manager's Quarters which obtained ZBA approval in 1997. See note 21 on sheet EC2. The Manager's Quarters is not considered a dwelling unit or lodging unit.</p> <p>See note 1 on sheet EC2 for plan purpose.</p> <p>See note 5 on sheet EC2 for existing uses: 77 motel units. Building 1 has 30 one-bedroom motel units and 30 two-bedroom "loft" motel units. Building 2 has 7 one-bedroom motel units and 10 two-bedroom "loft" motel units. <u>The 3 bedroom unit is not noted in note 5 or reflected in note 16 for parking requirements</u></p>

Town of Wells , Maine Review Checklist
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Project Name/District: Elmwood Resort / General Business & 75' Shoreland
 Overlay District - Tax Map 129, Lot 35

Date of Review: 05-31-16; 07/21/16;
 08/05/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-26. General Business District.		Application Meet Requirements			
		Yes	No	NA	Comments
(21)	Housing, congregate.			NA	
(22)	Life care facility. [Amended 4-26-1996]			NA	
(23)	Medical care facility.			NA	
(24)	Municipal facility.			NA	
(25)	Museum.			NA	
(26)	Neighborhood convenience store.			NA	
(27)	Nursing home. [Amended 4-26-1996]			NA	
(28)	Parking lot, commercial.			NA	
(29)	Private non-medical institution (PNMI). [Added 6-14-2011]			NA	
(30)	Public Transportation Center. [Amended 11-6-2007]			NA	
(31)	Public utility facility.			NA	
(32)	Recreation, active.			NA	
(33)	Recreation, high-intensity commercial.			NA	
(34)	Recreation, low-intensity commercial.				
(35)	Recreation, medium intensity commercial. [Added 6-11-2013]			NA	
(36)	Registered marijuana dispensary. [Added 6-14-2011]			NA	
(37)	Restaurant, standard.			NA	
(38)	Restaurant, fast-food.			NA	
(39)	Sawmill producing less than 100,000 board feet of lumber per year.			NA	
(40)	School, public and private.			NA	
(41)	Tent and recreational vehicle park. (See ' 145-50.)			NA	
(42)	Transportation facility.			NA	
(43)	Stand-alone registered marijuana dispensary. [Added 6-14-2011]			NA	
D.	Accessory uses. Accessory uses are permitted when they are clearly incidental to the permitted use; subordinate, individually and in the aggregate, to the permitted use; and located on the same lot as the permitted use being served. Home businesses as regulated in ' 145-51 are permitted accessory uses.	Y			The office, laundry unit, Manager's Quarters, storage, playground, indoor pool, outdoor pool, pool shed, and parking areas are accessory to the Hotel/Motel use.
E.	Uses prohibited. Except as permitted in ' 145-12, Nonconforming uses, and in Article VI, Town-Wide Regulations, uses not identified in Subsections B, C and D are prohibited within this district.	Y			

Town of Wells , Maine Review Checklist
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Project Name/District: Elmwood Resort / General Business & 75' Shoreland
 Overlay District - Tax Map 129, Lot 35

Prepared By: Office of Planning & Development

Date of Review: 05-31-16; 07/21/16;
 08/05/16

Company Name: Town of Wells

§ 145-26. General Business District.		Application Meet Requirements			
		Yes	No	NA	Comments
F.	Dimensional requirements.				See note 10.
	(1) Minimum lot size: 20,000 square feet on net area if served by public sewer; 40,000 square feet of net area if not served by public sewer.	Y			The parcel is 3.352 acres (145,993 SF) in gross lot area. Net area is 3.312 or 144237 SF in area.
	(2) Maximum density:				
	(a) One dwelling unit for each 20,000 square feet of net area if served by public sewer.			NA	No such use is proposed or exists.
	(b) One dwelling unit for each 40,000 square feet of net area if not served by public sewer.			NA	No such use is proposed or exists.
	(c) Four housekeeping cottages or seasonal cottages per acre of net area. [Amended 4-28-1995; 4-12-2003; 6-13-2006] <i>Editor's Note: This ordinance provided that it shall be retroactive to any application for site plan approval and any application to amend an existing site plan to the extent the amendment proposes additional cottage units that has not received final approval from the Planning Board on 4-25-2006.</i>			NA	No such use is permitted or exists.
	(d) Twenty hotel/motel units per acre of net area. [Amended 4-28-1995]	Y			Net area is 3.312 or 144237 SF in area. Density Table on sheet EC2. Density is grandfathered as non-conforming. 77 units exist and based on 20 per acre of net area only 66 units are permitted. See note 10.
	(3) Minimum street frontage per lot: 100 feet, which may be reduced to 75 feet for frontage entirely on a cul-de-sac.	Y			Site plan depicts 151.54' of street frontage along Route One. See note 10.

Town of Wells , Maine Review Checklist
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Project Name/District: Elmwood Resort / General Business & 75' Shoreland Overlay District - Tax Map 129, Lot 35

Date of Review: 05-31-16; 07/21/16; 08/05/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-26. General Business District.		Application Meet Requirements			
		Yes	No	NA	Comments
(4)	Maximum lot coverage: 65% (20% within the Shoreland Overlay District) or 2500 square feet, whichever is greater, except that the maximum lot coverage shall be 40% of the entire lot on any lot that was legally created prior to January 1, 1994, if at least 75% of the lot is located within the Shoreland Overlay District. [Amended 4-14-2000]	Y			Prior approve lot coverage was 52.4%. As-built existing coverage is noted to be 56.23%. Proposed lot coverage is noted to be 56.43%. Lot coverage of the Shoreland Overlay zone is noted to be 6.95%.
(5)	Maximum building height: 34 feet, not to exceed three stories. (See ' 145-351.)	Y			See note 10.
(6)	Setbacks.	Y			See note 10.
	(a) All structures shall be at least:				
	[1] Fifteen feet from any lot line.				
	[2] Twenty-five feet from the boundary of any cemetery.				
	[3] Twenty-five feet from any lot line abutting any street right-of-way.				
	[4] Forty feet from any lot line abutting the right-of-way of any state highway.				
	(b) All structures and parking lots shall be at least 200 feet from the high-water line of the Merriland River, the Webhannet River and the Ogunquit River.			NA	Parcel is not within 200 feet of such rivers.
	(c) Each housekeeping cottage or seasonal cottage shall be placed at least 25 feet from any other housekeeping or seasonal cottage on the site. [Added 6-13-2006 <i>Editor's Note: This ordinance provided that it shall be retroactive to any application for site plan approval and any application to amend an existing site plan to the extent the amendment proposes additional cottage units that has not received final approval from the Planning Board on 4-25-2006.</i>			NA	
Note: See also ' ' 145-13, Nonconforming structures, 145-14, Nonconforming lots, 145-33, Shoreland Overlay District, 145-48, Multifamily developments, 145-49, Residential cluster development, and 145-54, Affordable housing		Y			145-13, 145-33 apply

Town of Wells , Maine Review Checklist
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Project Name/District: Elmwood Resort / General Business & 75' Shoreland
 Overlay District - Tax Map 129, Lot 35

Date of Review: 05-31-16; 07/21/16;
 08/05/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-26. General Business District.	Application Meet Requirements			
	Yes	No	NA	Comments

Town of Wells , Maine Review Checklist
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Project Name/District: Elmwood Resort / General Business & 75' Shoreland
 Overlay District - Tax Map 129, Lot 35

Prepared By: Office of Planning & Development

Date of Review: 05-31-16; 07/21/16;
 08/05/16

Company Name: Town of Wells

§ 145-26. General Business District.		Application Meet Requirements			
		Yes	No	NA	Comments
Note: See also §§ 145-13, Nonconforming structures, 145-14, Nonconforming lots, 145-33, Shoreland Overlay District, 145-48, Multifamily developments, 145-49, Residential cluster development, and 145-54, Affordable housing		Y			145-13, 145-33 apply
G.	Special provisions. If a person owns parcels of land on the east and west sides of Route 1 within the General Business District, the parcels may be treated as a single lot of land, provided that he grants the Town a conservation easement over a portion of the land on the east side of Route 1. The easement shall cover a land area which, in conjunction with the parcels on the west side of Route 1, is adequate to support the proposed use as regulated in the district. The lot on the west side of Route 1 shall meet the minimum lot size requirement. Any proposed easement shall be reviewed and approved by the Planning Board.			NA	

Town of Wells, Maine Review Checklist

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Project Name/District: Elmwood Resort / General Business & 75' Shoreland
Overlay District - Tax Map 129, Lot 35

Date of Review: 05-31-16; 07/22/16;
08/05/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

Article VI

Town-Wide Regulations

§ 145-35. General regulations.		Application Meet Requirements			
		Yes	No	NA	Comments
A.	All uses shall conform to the provisions of this chapter.	Y			
B.	All lots (except lots being merged with an abutting parcel) and structures shall comply with dimensional requirements specified for the district in which they are located, except those considered nonconforming. Where a single lot of record contains more than one principal structure, the lot may not be divided in a way which would create a parcel or parcels which do not conform to the requirements of this chapter for lot size, setbacks or street frontage. [Amended 4-19-1997]	Y			
C.	A residential lot with a dwelling unit may be used for keeping noncommercial domestic poultry and domestic livestock in conformance with Article V District Regulations. Structures used exclusively for the housing of such domestic poultry or livestock with a ceiling height below 6.5 feet or footprint area 50 square feet or less shall not require a building permit. Domestic poultry and livestock shall be contained within the lot boundaries.			NA	
D.	No manufactured home which was manufactured before June 15, 1976, may be brought into the Town of Wells unless suitable evidence is provided to the Code Enforcement Officer that the manufactured home does not contain aluminum electrical wiring, that the manufactured home contains two exterior exits and that the roof is constructed to support a live load of 30 pounds per square foot. [Amended 4-16-1999]			NA	
E.	Land within the lines of a street right-of-way on which a lot abuts shall not be considered as part of such lot for the purposes of meeting the lot area requirements of this chapter, even though the fee to the land may be in the same ownership as the lot.	Y			
F.	No part of a setback area, open space or off-street parking or loading space required by this chapter shall be included as part of any other setback area, open space or off-street parking or loading space similarly required for any other structure or use except as explicitly provided for within this chapter.	Y			
G.	Multiple principal and accessory uses, which may be located within multiple buildings, shall be permitted on a lot.	Y			

Town of Wells, Maine Review Checklist

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Project Name/District: Elmwood Resort / General Business & 75' Shoreland
Overlay District - Tax Map 129, Lot 35

Date of Review: 05-31-16; 07/22/16;
08/05/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

H.	Any lot created after January 1, 1994, shall have frontage on a street which existed prior to January 1, 1994, or on a street which is constructed to the standards required by Chapter 201, Articles II and III of the Wells Municipal Code.	Y			
I.	No floor of a building higher than 30 feet above the average finished grade shall be designed as habitable space. The maximum building height may be increased by the amount required to comply with Chapter 115, Floodplain Management, § 115-6, Development standards, but not to exceed five additional feet provided the building shall not exceed three stories, be covered with a pitched, shingled roof, and be constructed on a foundation used for parking or storage only and not living space. [Amended 11-6-2001]	Y			
J.	Maximum building height requirements do not apply to flagpoles, chimneys, transmission towers, steeples, windmills and similar uninhabitable structures. However, except chimneys which do not exceed the height limit by more than 10 feet, such structures require a lot line setback no less than the minimum required in the district plus the height by which they exceed the prescribed height limitations.	Y			
K.	Lot area used to meet the density requirements of a use on a lot shall not be used to meet the density requirement of any other use.	Y			
L.	A single, uninhabitable accessory structure of 120 square feet or less in gross area and 15 feet or less in height, such as a utility shed, which is accessory to a residential use may be placed within the ordinarily required setbacks as set forth in Article V on any residential lot that contains 5,000 square feet or less, as long as the following minimum setbacks are met:			NA	Parcel exceeds 5,000 SF.
	(1) Twenty-five feet from the boundary of any cemetery or any street right-of-way.				
	(2) Forty feet from the right-of-way of any state highway.				
	(3) The full required setback from any seawall, water body or wetland, according to § 145-33.				
	(4) Five feet from other lot line.				
M.	A single, uninhabitable accessory structure of 120 square feet or less in gross area and 15 feet or less in height, such as a utility shed, which is accessory to a residential use on a residential lot shall be considered legally nonconforming if it was in existence at its current location prior to January 26, 1998. [Added 4-18-1998]			NA	No such structures exist.
N.	The construction, renovation, alteration, maintenance and/or operation of a building, structure or any other type of facility for use in whole or in part as a gambling casino is prohibited in all zoning districts within the Town of Wells. No building permit or certificate of occupancy shall issue for a gambling casino. [Added 11-5-2002]			NA	

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O.	Lots abutting multiple street rights-of-way are permitted to reduce the minimum setback from a lot line abutting any street right-of-way to the minimum setback from a lot line as required for the district in which they are located if the following are met: [Added 6-12-2012]			NA	Parcel does not have multiple street frontages.
(1)	Contiguous street frontage for the lot exists on more than one street right-of-way;				
(2)	The minimum setback from any lot line abutting a street right-of-way is met from the street right-of-way that is most compliant with street frontage requirements;				
(3)	If the lot has equal and/or greater than the street frontage requirement on two abutting street rights-of-way, the lot owner may choose which right-of-way shall meet the minimum setback of a lot line abutting a street right-of-way; and				
(4)	The setback reduction shall not be permitted to apply to the setback from any lot line abutting a right-of-way of any state highway.				
§ 145-36. Timber harvesting. [Amended 4-19-1997]		Application Meet Requirements			
		Yes	No	NA	Comments
A.	If timber harvesting is deleted as a permitted use in a district, timber harvesting on a parcel of land in the Maine Tree Growth Program (36 M.R.S.A. §§ 571 to 584-A) shall continue as a permitted use as long as the subject lot, or portion thereof, remains in the Tree Growth Program.			NA	
§ 145-37. Yard sales.		Application Meet Requirements			
		Yes	No	NA	Comments
Yard sales shall be permitted in all districts except the Resource Protection District and shall comply with the following standards:		Y			
A.	A yard sale shall last no longer than three consecutive days and shall only be permitted once per month on a lot or on a contiguous lot in the same ownership.				
B.	A permit for the yard sale shall be obtained from the Town Clerk by the owner or occupant of the lot. The Town Clerk shall provide the Police Department with a copy of all yard sale permits issued before the date of the yard sale. [Amended 4-28-1995]				
C.	Adequate off-street parking shall be provided for customers of the yard sale. Directional signs indicating the parking area(s) shall be provided.				

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D.	Two off-premises signs within 300 feet of the yard sale are permitted to advertise the yard sale. The signs, no larger than two feet by three feet, may be displayed only between the hours of 7:00 a.m. and sunset on the day(s) of the sale. Signs shall not be attached to utility poles. [Amended 4-28-1995]				
E.	The yard sale shall not begin before sunrise and shall not extend after sunset. [Amended 4-28-1995]				
F.	No items for sale, tables or other display equipment shall be placed closer than 15 feet to the lot line(s) fronting a street. [Amended 4-28-1995]				
G.	Within 24 hours after the close of a yard sale, all unsold items, tables and other display equipment shall be removed from the yard and stored within a building. [Amended 4-28-1995]				
§ 145-38. Landscaping/buffers. [Amended 4-16-1999; 4-12-2003]		Application Meet Requirements			
		Yes	No	NA	Comments
A.	The setback areas along lot lines other than those along street rights-of-way on lots in nonresidential districts which abut a residential district shall be landscaped to provide a visual screen between residential and nonresidential uses. Parking lots, outdoor business storage areas and outdoor business uses shall be visually screened from adjacent residential lots. Said visual screening shall consist of a continuous border of shrubbery at least six feet in height and/or solid fencing six feet in height. Notwithstanding the above requirement, all visual screens shall comply with the sight distance requirements of Chapter 201, Articles II and III. The reviewing authority may waive all or part of this requirement for outdoor business uses if such uses are defined as a low-intensity commercial recreation use. Except in the Beach Business District, all business or institutional parking and outdoor storage areas shall be separated from a street right-of-way by a landscaped buffer strip at least 15 feet wide, planted with shade trees a minimum diameter of three inches at breast height (dbh). In the Beach Business District a landscaped strip four feet wide shall be provided between any outdoor business, storage area or parking lot and a street right-of-way.	Y*			<p>This existing commercial property abuts another commercial to the north/east. Residential abutters to the north/west and south exist. A screen is not required along the northerly or easterly boundaries with Village by the Sea.</p> <p><u>The Planning Board should discuss what screening may be required along the westerly and southerly lot lines based on the pool shed, expanded parking area, dumpster location, playground, and proposed expanded indoor pool building deck. Significant vegetation exists from 20 to 75 feet wide from the southerly lot line.</u></p> <p>The parcel has street frontage along Route One. <u>The plan shows a shrub, conifer tree and arborvitae trees planted in portions of the 15' landscaped buffer. The Planning Board to discuss if the existing landscape buffer requirements along Route One is adequate.</u></p> <p><u>See 145-52 landscape buffer/setback requirements as well.</u></p>

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B.	In the Light Industrial District, except to allow for the development of a driveway, the first 40 feet of a lot as measured from the right-of-way of any street shall be planted with shrubs and/or ground cover and shade or evergreen trees with a minimum two-inch diameter at breast height (dbh) planted a maximum of thirty feet on center along the entire distance of the street frontage.								NA	
§ 145-39. Off-street parking.							Application Meet Requirements			
							Yes	No	NA	Comments
A.	Off-street parking may be provided out of doors or within a building. Off-street parking shall be considered to be an accessory use when provided to serve any permitted or nonconforming use. In the calculation of the number of parking spaces required, any fractional number of spaces shall be rounded to the next highest whole number for each use existing or proposed on the property. [Amended 4-16-1999]						Y			Plan note 15 state parking on Route 1 is prohibited.
B.	Land may not be used and a building may not be occupied until off-street parking and/or loading facilities are provided.						Y			
C.	Design standards. [Amended 4-28-1995]									
(1)	All parking areas containing three or more parking spaces, except those serving one- or two-family dwellings, shall be designed according to the following criteria:									
		Parking Angle (degrees)	Stall Width, feet	Skew Width, feet	Stall Depth, feet	Aisle Width, feet				
		90	9	na	18.5	26	Y			90 degree parking spaces should be 9' x 18.5' with 26' wide aisles. Prior site plan approval has various 'compact car' parking spaces and altering space dimensions and aisle widths. (95 regular and 24 compact noted on prior approved plans). The property is grandfathered with regarding to parking. See note 16 on sheet EC2.
		60	8.5	10.5	19	16 one way				NA
		45	8.5	12.75	17.5	12 one way				NA
		30	8.5	17	17.5	12 one way				NA
		180	24	na	9	13 one way				NA

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	(2)	Every business, commercial, institutional, public and nonprofit use shall provide a minimum of 4% of the total parking spaces for vehicles with handicapped registration plates, but in no case less than one space. Handicapped spaces shall be designed according to ANSI Standard A117.1-1986.	Y*		Based on the total required / provided parking spaces 129 x .04 = 6 handicap accessible spaces required. 113 spaces exist requiring 5 handicap spaces. 4 handicap accessible spaces are labelled on the site plan.	
	(3)	All required parking spaces shall be clearly designated. Handicapped and recreational vehicle spaces shall be identified with signs no smaller than nine inches wide by 12 inches high, posted four feet from the ground.	Y		See note 16b.	
D.	The following off-street parking standards shall be provided and maintained for each use on a lot except as specified in Subsection E below. The reviewing authority may permit a reduction in the number of spaces provided, based on documentation from the applicant as to the particular needs of the proposed uses, or may require additional parking based on the characteristics of the particular application for approval. The reviewing authority may also permit a reduction in the number of spaces provided based on the availability of mass transit to a lot and its potential use by pedestrians or cyclists. [Amended 4-26-1996; 4-19-1997; 11-2-2010; 11-5-2013; 6-10-2014]				<u>See note 16a. If there is a 3-bedroom unit there would be 118 bedrooms x 1.1 = 130 parking spaces. Prior approved parking total was 119.</u> <u>Parcel provides 113 parking spaces and requests a reduction in required parking based on public transportation (trolley stop) provided at the front of the lot. Planning Board to consider parking reduction on 7/25/16.</u>	
		Use	Required Parking Spaces			
		Bank	1 per 400 square feet of gross floor area, plus 6 stacking spaces for the first drive-up window, plus 2 per additional drive-up window		NA	
		Bowling alley	3 1/4 per lane		NA	
		Congregate housing	1 per housing unit, plus 1 for each 300 square feet of office space		NA	
		Contractor business	1 per 1,000 square feet of gross floor area but no less than 3 per business		NA	
		Day care	1 per 400 square feet of floor area used for child care, plus 3		NA	
		Dwelling	2 per each dwelling unit, plus 1/2 per bedroom in excess of 4 bedrooms per dwelling unit		NA	

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	Life care facility	1 per 2 congregate housing units, plus 1 per elderly housing unit, plus 1 per 3 beds in the nursing home, plus 1 for each 300 square feet of office space			NA	
	Lodging facility	1 1/10 for each sleeping room		Y*		<u>See note 16a. If there is a 3-bedroom unit there would be 118 bedrooms x 1.1 = 130 parking spaces. Prior approved parking total was 119.</u> <u>Parcel provides 113 parking spaces and requests a reduction in required parking based on public transportation (trolley stop) provided at the front of the lot.</u>
	Manufacturing, warehousing and wholesale businesses	1 per 1,000 square feet of gross floor area but no less than 3 per business			NA	
	Marina	1 per slip or mooring, excluding guest moorings			NA	
	Medical care facility	1 per bed, plus 1 per 200 square feet of office floor area			NA	
	Museums	1 per 500 square feet of gross floor area, plus 1 for each 3 seats in areas used for assembling groups of people			NA	
	Office, business	3 1/2 per 1,000 square feet of gross floor area, but no less than 3 per business			NA	
	Personal service business	1 per 400 square feet of gross floor area, but no less than 3 per business			NA	
	Retail business	3.5 per 1,000 square feet of sales floor area, but no less than 3 per business			NA	
	Restaurant, standard	1 per 3 seats, plus 1 space for every 20 seats to accommodate employees			NA	
	Restaurant, fast-food	1 per 30 square feet of floor area usable by customers for eating and for food preparation			NA	
	Elementary, junior high	3 per classroom and other rooms used by students			NA	

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	High school	3 per classroom and other rooms used by students, plus 1 per 5 students			NA	
	Tent and recreational vehicle parks	See § 145-50C			NA	
	Theaters, auditoriums, function halls, clubs, churches and other places of assembly	1 per 4 seats, based upon occupancy load			NA	
	Shopping Centers	3.5 per 1,000 square feet of retail and business office use. Theaters, restaurants, fast food restaurants will require spaces consistent with this section			NA	
(1)	For uses not listed above the number of parking spaces required shall be determined by the reviewing authority. The Code Enforcement Officer shall provide the reviewing authority a written opinion regarding the number of spaces he believes should be provided. The reviewing authority shall take into consideration the Code Enforcement Officer's opinion in making any such determination.				NA	
(2)	Loading bays may be required by the Planning Board for a project which requires Planning Board approval.		Y			A loading/ receiving bay does not exist. One is not required.
E.	Required off-street parking in all districts as determined in § 145-39D shall be located on the same lot as the use it serves unless no reasonable on-site location exists and all of the following off-site requirements are satisfied: [Amended 6-10-2014]		Y			Off-street parking provided. No off-site parking proposed.
(1)	The off-site parking location is less than 1,000 feet from the boundary line of the property where the use it serves is located;					
(2)	The off-site parking location is established by a recorded easement, or a license or lease agreement, to benefit the property where the use it serves is located;					
(3)	The off-site parking location shall be located within a district in which a commercial parking lot is a permitted use; and					
(4)	A site plan approval or a site plan amendment is obtained from the Planning Board for each property.					
F.	Plans for parking areas shall indicate the location of snow storage or make provision for snow removal. Snow may be stored on required parking spaces if the Planning Board determines that the business(es) will have adequate parking during the winter months without the use of the spaces on which snow is stored.		Y			Snow storage areas are depicted on the plan.

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G.	Parking areas within in the Shoreland Overlay District shall meet the shoreline setback required for structures from the water body or wetland adjacent to which they are located.	Y*			<u>The parking lot that expanded into the Shoreland Overlay zone in the 1980s was installed in the same area where a building once stood and was removed in the 1980s.</u>
H.	Parking areas shall be designed to prevent stormwater runoff from flowing directly or being piped directly into a water body, to allow for the settling of sediment and the removal of grease, oil and other pollutants.	Y			Parking areas have existed for over ten years with no indication of erosion/sedimentation of the brook. Thick vegetation exists as a buffer. No change is proposed to runoff.
I.	All parking areas shall have a firm surface, such as bituminous concrete, gravel or crushed stone. The reviewing authority may waive this requirement for parking areas that will only be used between May 1 and November 1.	Y			Areas that could be used for parking shall be on pavement or gravel as depicted on the plan.
j.	In the Light Industrial District all off-street parking shall be located at the side and/or in the rear of the building if the building is less than 60 feet from the right-of-way of a street. If the building is 60 feet or more from the right-of-way of a street, then the parking shall be located no less than 40 feet from the street right-of-way and a landscaped buffer meeting the requirements of § 145-38B shall be provided. [Added 4-12-2003]			NA	
§ 145-40. Signs. [Amended 4-28-1995; 4-26-1996; 4-18-1998; 4-14-2000; 11-5-2002; 5-20-2003; 4-29-2005; 11-6-2007; 6-8-2010]		Application Meet Requirements			
		Yes	No	NA	Comments
A.	Standards for all signs. All signs shall comply with these regulations, regardless of whether or not a permit is required: (Section 145-40 of the Wells Code. The applicant shall complete a sign application as part of the Site Plan process and it shall be filed with the application. The sign permit fee, however, shall not be payable until such time as the site plan application is approved.)	Y			Signs will be determined in compliance by the Code Enforcement Office prior to being placed. See note 13 on sheet EC2.
§ 145-41. Light and glare. [Amended 6-8-2010]		Application Meet Requirements			
		Yes	No	NA	Comments
A.	The Town of Wells recognizes the need to minimize light pollutions and glare from illumination, whether lighting of grounds or by signs, in order to avoid unreasonable impacts on existing uses, abutting properties, and the natural environment. Unreasonable impacts may include contributions to artificial illumination of the night sky, impacts on persons in the surrounding area, and hazards to drivers.	Y			See note 14 on sheet EC2.
B.	In addition to meeting all other applicable requirements, any sign lighting must meet the following requirements:	Y			A ground lamp is identified on the plan for the existing sign along Route 1. See note 14 on sheet EC2.

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(1)	Signs shall be illuminated only by steady, stationary, shielded light sources directed solely on the sign without causing glare or by a constant internal illumination. Any light source shall be shielded with a fixture so that bulbs are not directly visible from neighboring properties or public ways. (See also §145-40 A (7).)				
(2)	No sign shall be animated by means of flashing, blinking or traveling lights or by any other means not providing constant illumination except for a traditional striped, rotating barber's pole, accessory to a barber shop.				
(3)	Notwithstanding the above, electronic message center signs where permitted may change messages no more than every 10 minutes. The message on the electronic message center must change as rapidly as technologically practicable, with no phasing, rolling, scrolling, flashing or blending.				
(4)	All externally lighted signs shall be shielded so as to effectively prevent beams or rays of light from being directed at any portion of the main traveled way of a roadway; or of such low intensity or brilliance as not to cause glare or impair the vision of the driver of any motor vehicle or to create nuisance conditions.				
§ 145-42. Erosion and sedimentation control. [Amended 4-27-2007]		Application Meet Requirements			
		Yes	No	NA	Comments
Earthmoving operations associated with development construction activities shall be conducted in a manner to prevent or minimize erosion and sedimentation of surface waters 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. Location of structures and streets shall be designed using the existing topography in a manner which avoids slope modifications which could expose areas of soils to erosion or which could jeopardize the slope stability.		Y			See note 19 on sheet EC2.

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§ 145-43. Stormwater management. [Amended 4-27-2007]	Application Meet Requirements			
	Yes	No	NA	Comments
Stormwater runoff shall be managed and directed through surface or subsurface drainage systems in accordance with Chapter 202-12F(4) General Standards of the Wells Municipal Code (wherein the word "site plan" shall be substituted for "subdivision"). Stormwater retention practices shall be employed to minimize impacts on neighboring and downstream properties. In areas of aquifer recharge, stormwater infiltration (after separation of leachable harmful substances) shall be required. Where retention/infiltration is unwarranted or unfeasible, off-site improvements to natural or man-made drainage systems may be necessary to increase capacity and prevent erosion at the developer's expense. The natural state of watercourses, swales or floodways shall be maintained.	Y			Parking areas have existed for over ten years with no indication of erosion/sedimentation of the brook. Thick vegetation exists as a buffer. No change is proposed to runoff.
Chapter 202-12F, General Standards				
(4) Stormwater management. [Amended 4-27-2007]				
(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.				
(b) Drainage easements for existing watercourses or proposed drainageways shall be provided and indicated on the plan.			NA	
(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.			NA	
(d) A stormwater management plan, meeting the standards of Chapter 201, Streets and Sidewalks, Articles II and III, Wells Municipal Code, shall be submitted.			NA	
(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.			NA	

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<p>(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.</p>			<p align="center">NA</p>	
<p>(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.</p>				
<p>(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.</p>			<p align="center">NA</p>	
<p>(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:</p>			<p align="center">NA</p>	
<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>			<p align="center">NA</p>	

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§ 145-44. Vision obstructions at intersections.		Application Meet Requirements			
		Yes	No	NA	Comments
All corner lots shall be kept clear from visual obstructions higher than three feet above ground level for a distance of 25 feet or a distance equal to the required building setbacks from the streets, whichever is less, from the intersection, measured along the intersecting lot lines.		Y			Site distances onto Route 1 are noted to be sufficient. Speed limit of Route 1 is noted to be 35 MPH. No change to entrance/exit proposed.
§ 145-45. Noise.		Application Meet Requirements			
		Yes	No	NA	Comments
A.	Purpose. Excessive sound and vibrations are serious hazards to the public health, welfare, safety and quality of life. It is the policy of the Town of Wells to prevent excessive stationary sound and vibration, which may jeopardize the health, welfare or safety of its residents or degrade the quality of life. This ordinance shall apply to the control of all stationary sound and vibration originating in the Town of Wells. This ordinance is not designed to impede any person's First Amendment rights of freedom of speech. This ordinance is not designed to impede the growth or economic health of the commercial or industrial sectors of the Town of Wells. This ordinance is designed to prohibit excessive and unreasonable sound and vibrations that are hazards to the public health, welfare, safety and quality of life only. [Amended 6-14-2011]	Y			Sound pressure levels were not provided. If noise is of concern the owner of the parcel will measure noise levels as outlined.
B.	Violation. It is unlawful, and a violation of the Wells Code to make, emit, continue, or cause to be made, emitted or continued, any excessive, unnecessary or unreasonable noise beyond the boundaries of a person's property in excess of the noise levels established in the Wells Code. Where multiple residences or businesses exist within the confines of a structure, the limits of one's occupancy rights shall be considered the boundary for purposes of measuring noise. [Amended 4-16-1999; 6-14-2011]	Y			
C.	Maximum noise level. The maximum permissible noise level produced by any activity (existing or future) on a lot shall not exceed the following limits: [Amended 6-14-2011]	Y			
(1)	Music, amplified or acoustic, not otherwise exempt, that is plainly audible and excessive, unnecessary or unreasonable at a point, not on the property where the music originates, but at the location where the complaint is made.				
(2)	Other noise levels, not otherwise exempt, plainly audible and excessive, unnecessary or unreasonable at the location where the complaint is made.				

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D.	Exemptions. The following shall be exempt from the standards of 145-45(C): [Amended 6-14-2011]	Y			
(1)	Natural phenomena.				
(2)	Church bells rung as part of any official church ceremony or service, and tower clock bells ringing the hour during daytime hours, provided that at no time shall such duration exceed fifteen (15) minutes.				
(3)	Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in any emergency situation, provided, however, that burglar alarms not terminating within fifteen (15) minutes after being activated shall be unlawful.				
(4)	Warning devices required by the Occupational Safety and Health Administration or other state or federal governmental safety regulations.				
(5)	Farming equipment or farming activity.				
(6)	Timber harvesting and milling during daytime hours.				
(7)	Noise from domestic power equipment such as, but not limited to, chain saws, sanders, grinders, lawn and garden tools or similar devices operated during daytime hours.				
(8)	Noise generated by any construction, demolition equipment, or mineral extraction (including crushing, screening, or segregating) operated during daytime hours as per the Ordinance or site plan approval, whichever is more restrictive.				
(9)	Emergency maintenance, construction or repair work.				
(10)	Noise created by refuse and solid waste collection during daytime hours.				
(11)	Noise created by any municipal-sponsored events, municipal beach cleaning, school sporting events, parades and Town-approved fireworks displays.				
(12)	Noises created by plows, trucks and other equipment used in the removal of snow.				
(13)	Noise from any aircraft operated in conformity with, or pursuant to, Federal law, Federal air regulations, and air traffic control instruction, including any aircraft operating under technical difficulties, any kinds of distress, or under emergency orders of air traffic control.				
(14)	Noise from trains operating in conformity with or pursuant to all applicable State and Federal laws and regulations.				
(15)	Emergency or extraordinary situations.				

Town of Wells, Maine Review Checklist

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Project Name/District: Elmwood Resort / General Business & 75' Shoreland
Overlay District - Tax Map 129, Lot 35

Date of Review: 05-31-16; 07/22/16;
08/05/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

		waiting to pick up an order, obtain a table, or to be able to participate in the activities of the business, provided that such sound does not create an excessive, unnecessary or unreasonable noise.				
	(16)	A business may use an outside sound system to notify patrons waiting to pick up an order, obtain a table, or to be able to participate in the activities of the business, provided that such sound does not create an excessive, unnecessary or unreasonable noise.				
	(17)	Noise from the operation of air conditioning or refrigeration units, which are part of the normal operation of a business or businesses located on the premises and which are necessary and normal to the operation of said business, and which air conditioning or refrigeration units are regularly serviced and kept in good repair.				
	(18)	Noise from any idling vehicles at a commercial establishment in the process of loading or unloading merchandise for the establishment, or waiting for the opportunity to do the same.				
E.		The removal or disabling of any noise-suppression devise on any equipment is prohibited. Any noise-suppression devise on equipment shall be maintained in good working order.	Y			
F.		Enforcement. Notwithstanding § 145-63 of this chapter, this section may be enforced by any of the following methods:				
	(1)	A violation of this section may be considered a land use violation and the enforcement procedures in § 145-63 may be invoked by the Code Enforcement Officer.				
	(2)	A violation of this section may be treated as a civil violation as defined by 17-A M.R.S.A. § 4-B and enforced by a law enforcement officer according to the procedures specified in 17-A M.R.S.A. § 17 and Rule 80H of the Maine Rules of Civil Procedure.				
	(3)	A violation of this section may also be considered the creation of a loud and unreasonable noise as prohibited by 17-A M.R.S.A. § 501 (Offenses Against the Public Order: Disorderly Conduct), provided that neither the Town of Wells nor any of its employees may initiate proceedings alleging a violation of both the Town ordinance and the state statute against the same person or persons for the same incident. [Amended 4-16-1999]				

Town of Wells, Maine Review Checklist

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Project Name/District: Elmwood Resort / General Business & 75' Shoreland
Overlay District - Tax Map 129, Lot 35

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Company Name: Town of Wells

	(4) With regard to a business with a Special Entertainment Permit issued under the authority of the Town of Wells, the municipal police and/or a Code Enforcement Officer for the Town of Wells shall have the authority to order that business to cease operation of the violation immediately upon a second visit to the premises within a two hour period, or a third visit within a 24-hour period beginning with the time of the first visit to investigate a noise complaint, when a police officer or a Code Enforcement Officer has on the previous visit(s) heard plainly audible noise in violation of this ordinance, and has reported that to the owner of the property or the person responsible for the excessive or unreasonable noise. The on-duty Municipal Police Supervisor shall accompany a police officer or Code Enforcement Officer responding to subsequent second and/or third noise complaints and shall have the authority to immediately cease operations of the violation source. The Special Entertainment may not resume within a 12 hour period thereafter. [Added 6-14-2011]				
§ 145-46. Utility distribution lines.		Application Meet Requirements			
		Yes	No	NA	Comments
A.	Review. Notwithstanding §§ 145-61 and 145-62, utility distribution lines are allowed in all zoning districts without a building or use permit.			NA	
B.	Dimensional requirements. The dimensional requirements of Article V and § 145-35J do not apply to utility distribution lines. [Amended 6-4-1996]			NA	
§ 145-47. Utility transmission lines.		Application Meet Requirements			
		Yes	No	NA	Comments
A.	Lot lines. For the purposes of Subsection C, the boundary lines of a utility transmission line right-of-way, whether the right-of-way is in fee simple ownership, a leasehold or an easement, are considered the lot lines of the right-of-way.			NA	
B.	Review. A utility transmission line is a permitted use in all zoning districts upon obtaining site plan approval from the Planning Board in accordance with the provisions of Article X.			NA	
C.	Dimensional requirements.			NA	

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Project Name/District: Elmwood Resort / General Business & 75' Shoreland
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(1)	Utility transmission lines must meet setback requirements from lot lines and water bodies to the greatest extent practical by the configuration of the utility corridor in which they are located and by the constraints of topography. With the exception of the setback from lot lines, the dimensional requirements of Article V do not apply to utility transmission lines. All aboveground portions of utility transmission lines shall comply with the setback requirements of Article V and § 145-35J.				
(2)	In all zoning districts where the setback for structures is greater than 10 feet from any lot line, the setback for the underground portion of a subsurface transmission line may be reduced to 10 feet from any lot lines.				
(3)	Subsurface and aerial utility transmission lines may be placed within the setbacks from any lot line abutting a street right-of-way provided no portion of a utility transmission line is placed between ground level and a height of 20 feet above the center line of the street within said setback. [Amended 6-4-1996]				
§ 145-47.1. Public Transportation Shelter. [Added 11-6-2007]		Application Meet Requirements			
		Yes	No	NA	Comments
Public transportation shelters may be placed within the ordinarily required setbacks as set forth in Article V.				NA	
§ 145-47.2. School Bus Shelter. [Added 11-6-2007]		Application Meet Requirements			
		Yes	No	NA	
A single school bus shelter which is accessory to a residential use may be placed within the ordinarily required setbacks as set forth in Article V on any residential lot following staff review for traffic safety and road maintenance impact.				NA	

Town of Wells , Maine Review Checklist

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Project Name/District: Elmwood Resort / General Business & 75' Shoreland
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08/05/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

**Article VII
Performance Standards**

§ 145-52. Lodging Facilities. [Amended 4-12-2003]		Application Meet Requirements			
		Yes	No	NA	Comments
A.	Any lodging unit in a bed-and-breakfast or a hotel/motel that exceeds 470 square feet or a housekeeping or seasonal cottage that exceeds 600 square feet shall meet the density requirements for a dwelling unit located in the same district. [Amended 11-5-2013]	Y*			<u>See gross floor space table on sheet EC2. Motel unit sizes are grandfathered as approved in 1985. No change to motel units sizes proposed.</u> <u>See note 6a and recommended motel unit size table on sheet EC2.</u>
(1)	A porch or deck may be attached to each lodging unit and shall not be included in the footprint of the lodging unit unless the porch is heated and/or insulated.	Y			See note 6a on sheet EC2.
(2)	Any lodging unit existing on January 1, 1994, required to comply with any state or federal regulations for handicapped accessibility, may be enlarged beyond the maximum allowed footprint, provided that the expansion is the minimum area required to comply with the regulations.			NA	
B.	Kitchen facilities are permitted in the individual units in housekeeping cottage complexes and in hotel/motels.	Y			Kitchens are permitted.
C.	All motels, hotels and housekeeping cottages shall be connected to the public water and public sewer systems.	Y			See note 4 on sheet EC2.
D.	All lodging units, other than the unit occupied by the resident manager, shall be available to the traveling public and shall not be reserved for the exclusive use of the owner, his family and his friends.	Y			See note 6b and 6c on sheet EC2. The lodging facility operates with a 29 day rule (stay no more than 29 consecutive days and must vacate the premises for at least 5 days).

Town of Wells , Maine Review Checklist

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Project Name/District: Elmwood Resort / General Business & 75' Shoreland
Overlay District - Tax Map 129, Lot 35

Date of Review: 05-31-16; 07/22/16;
08/05/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-52. Lodging Facilities. [Amended 4-12-2003]		Application Meet Requirements			
		Yes	No	NA	Comments
E.	Lodging facility office. All lodging facilities constructed after May 1, 2007, regardless of the number of units, shall maintain an office on the licensed premises or within 150 feet of the lodging facility's site boundaries. Except as otherwise provided in § 150-83B(2), all lodging facilities constructed prior to May 1, 2007 having 10 or more units shall maintain an office on the licensed premises or within 150 feet of the lodging facility's site boundaries. Except as otherwise provided in § 150-83B(2), if a lodging facility constructed prior to May 1, 2007 has less than 10 units, the Selectmen may waive the office requirement if the Selectmen find: (1) that adequate provision has been made to enable the public to reach an innkeeper and/or rental manager after hours; and (2) that there is public telephone access either on-site, or, within 150 feet of the lodging facility's site boundaries. If granted, such a waiver shall be filed with the lodging facility's business license and shall remain in effect so long as all of the conditions upon which it was granted continue to be satisfied. This subsection does not apply to a seasonal cottage complex that is created by the conversion of a housekeeping cottage complex to a seasonal cottage complex, provided that a housekeeping cottage complex that had an office prior to conversion shall maintain the office. [Amended 4-27-2007]	Y			An office is located on this parcel. See note 6c for office hours.
F.	Any nonconforming lodging facility that seeks site plan approval or an amendment to an approved site plan shall conform to the requirements of Subsections D and E(1).	Y			
G.	Seasonal cottage facility.			NA	Such a facility is no longer a permitted use in the Town of Wells. The existing cottages are grandfathered in their existing state.
	(1) Kitchen facilities are permitted in the individual units of seasonal cottages.				
	(2) All seasonal cottages shall be connected to the public water and public sewer systems.				
	(3) All seasonal cottage units shall be available to the traveling public, but may be occupied by a single individual or group for a time period of up to six months.				
	(4) All seasonal cottages in a seasonal cottage complex shall be closed and water service to the units turned off between November 1 and April 30 of the following year.				

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Project Name/District: Elmwood Resort / General Business & 75' Shoreland
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Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-52. Lodging Facilities. [Amended 4-12-2003]		Application Meet Requirements			
		Yes	No	NA	Comments
H.	Housekeeping cottage complex conversion to seasonal cottage complex.			NA	No such use exists or is permitted.
	(1) As of January 1, 2003 no seasonal cottage complexes exist.				
	(2) A housekeeping cottage complex existing on January 1, 2003, may be converted to a seasonal cottage complex by applying to the Staff Review Committee for a change of use, following the procedures and requirements of Article X, Site Plan Approval.				
	(a) A note shall be added to the plan that states "All units shall be closed and water service to the units shall be turned off from November 1 through April 30 of the following year."				
	(b) If the complex is held in a condominium form of ownership, a copy of the condominium documents must be supplied, a current list of owners and a letter from the board of directors requesting the change of use.				
	(3) Construction of new seasonal cottages or other buildings or additions to seasonal cottages, buildings or other structures begun after the conversion of a housekeeping cottage complex to a seasonal cottage complex must comply with the requirements of ' 145-52H, Seasonal cottage facility.				
I.	Hotel/motels shall meet the following criteria: [Added 11-5-2013]				The Hotel/Motel facility was in existence prior to these performance standards being added.
	(1) A minimum lot size: three acres of net area.	Y			Parcel is 3.352 gross acres. Net acres is 3.312 acres.
	(2) A minimum of 20 hotel/motel units in a single building.	Y*			See note 5a on sheet EC2. Building 1 has 60 motel units and Building 2 has 17 motel units. Building 2 is grandfathered as non-conforming as it does not have a minimum of 20 motel units in a single building.
	(3) A minimum buffer between any street right-of-way which meets or exceeds the following:				Parcel abuts Route 1 right of way.
	(a) For a one-story building, a minimum setback of 40 feet;	Y			See note 12 on sheet EC2.
	(b) For a two-story building, a minimum setback of 60 feet;	Y			See note 12 on sheet EC2.
	(c) For a three-story building, a minimum setback of 80 feet;			NA	3-story buildings do not exist on this parcel.

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Project Name/District: Elmwood Resort / General Business & 75' Shoreland
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Company Name: Town of Wells

§ 145-52. Lodging Facilities. [Amended 4-12-2003]				Application Meet Requirements			
				Yes	No	NA	Comments
	(d)	The buffer shall consist of trees, shrubs, plantings, grass, and mulch areas;	Y*			The Route One 60 foot buffer consists of trees, shrubs, plantings, grass, etc. <u>The buffer also includes an existing outdoor pool and is seeking after the fact approval for a pool shed. The Planning Board to review the Route 1 60' wide buffer.</u>	
	(e)	Non-vegetated features such as access roads, walkways, and trolley stops may be allowed in the buffer;	Y				
	(f)	Two handicap-accessible parking spaces may be allowed in the buffer; and	Y			No parking exists in the buffer.	
	(g)	The buffer shall be approved by the Planning Board.	Y*			<u>The Planning Board to review the Route 1 60' wide buffer.</u>	
(4)		There shall be a buffer strip of at least 25 feet in width adjacent to all lot lines of natural or planted vegetation.	Y			See note 12 on sheet EC2.	
	(a)	The buffer shall create a visual screen to existing residential uses.	Y*			<u>Planning Board to review what visual screen exists for the residential abutters and what additional screening may be necessary based on the changes and after the fact approval of items now proposed.</u>	
	(b)	An access road may be allowed to cross the buffer.	Y*			<u>An access road doesn't exist. A pathway to the Village by the Sea Lot, a playground, portions of a parking lot and projector/patio area exist within the buffer.</u>	
	(c)	The buffer shall be approved by the Planning Board.	Y*			<u>The Planning Board to review the 25' buffer requirements.</u>	
(5)		A hotel/motel office shall be provided.	Y				
(6)		Three-story buildings shall enclose all stairways.			NA	No 3-story buildings exist.	
(7)		All facilities shall be connected to public water and public sewer systems.	Y			See note 4 on sheet EC2.	
(8)		All buildings shall be constructed with sprinkler systems.	Y			Prior site plan approval required sprinkler systems. Buildings 1 and 2 have sprinkler systems.	

Town of Wells , Maine Review Checklist

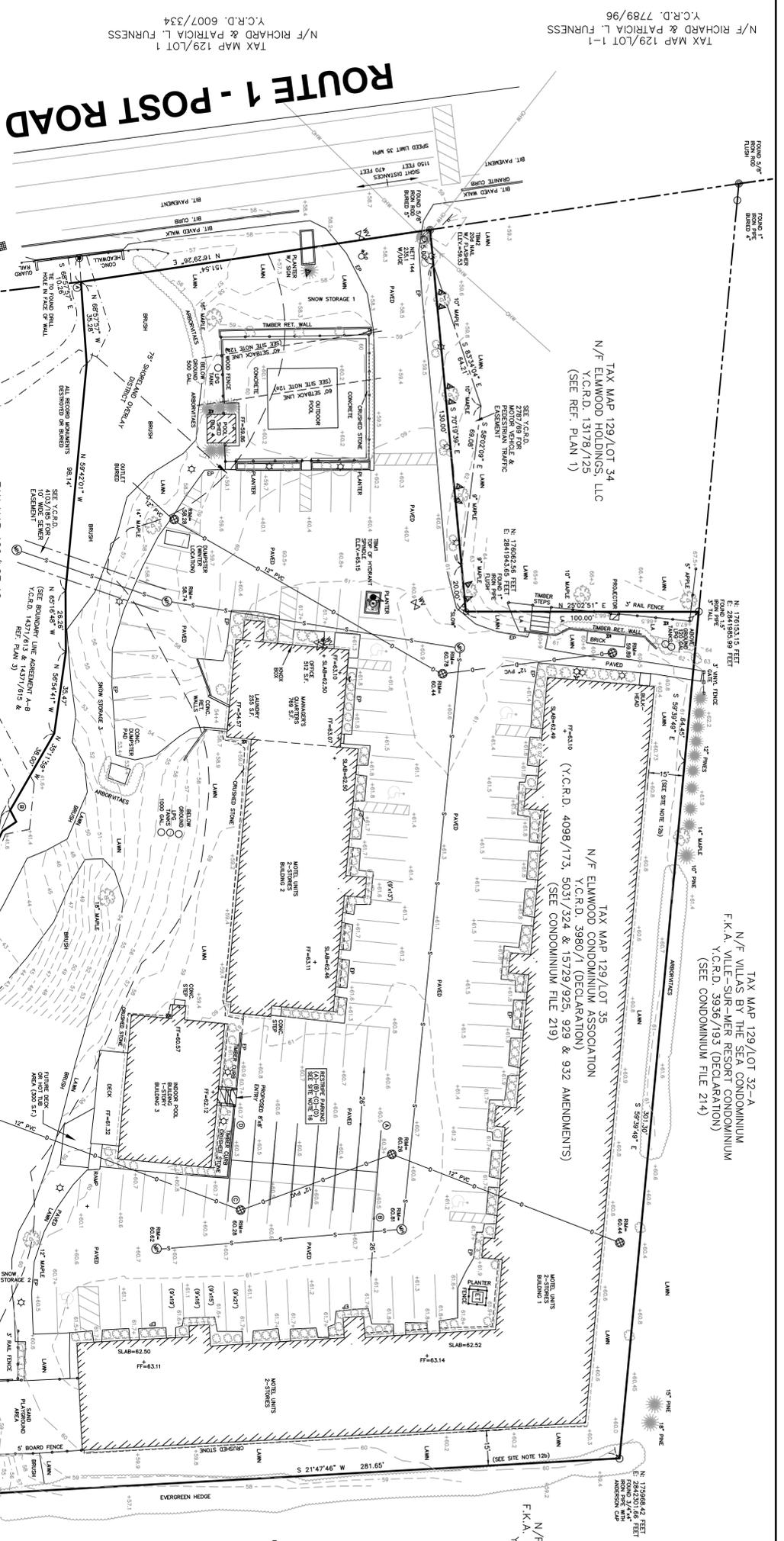
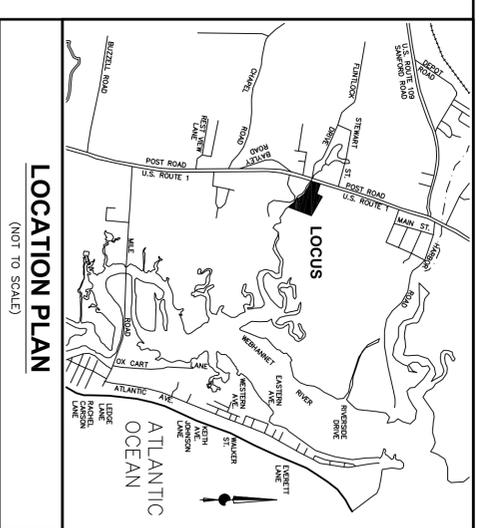
Project Name/District: Elmwood Resort / General Business & 75' Shoreland
Overlay District - Tax Map 129, Lot 35

Date of Review: 05-31-16; 07/22/16;
08/05/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-52. Lodging Facilities. [Amended 4-12-2003]		Application Meet Requirements			
		Yes	No	NA	Comments
(9)	Kitchen facilities are permitted in the hotel/motel units.	Y			
(10)	Only gas fireplaces shall be permitted.	Y			
(11)	Only one manager's dwelling unit may be permitted.			NA	A manager's dwelling does not exist.
(12)	The hotel/motel unit deck or enclosed porch shall not be insulated or climate controlled.	Y			See note 6a on sheet EC2.
J.	Bed-and-breakfast/small inns shall meet the following criteria: [Added 11-5-2013]			NA	No such use exists or is proposed.
(1)	The dwelling unit, bed-and-breakfast/small inn room units, and common facilities shall be located within one building, except for accessory structures.				
(2)	The minimum lot size and minimum density shall meet the dimensional requirements of the zoning district for which the lot is located plus an additional 4,000 square feet per bed-and-breakfast/small inn room unit.				
(3)	A bed-and-breakfast/small inn office shall be provided.				



LEGEND:

- BOLLARD
- ⊕ GROUND LAMP
- WATER SHUTOFF
- ⊗ GAS ENTRANCE/METER
- OHV— OVERHEAD UTILITY WIRES
- UOE— UNDERGROUND UTILITY WIRES
- HEDG— HEDGE LINE
- ⊞ ELECTRICAL TRANSFORMER
- ⊞ FLA G POLE
- ⊞ FINISH FLOOR/CONCRETE SLAB ELEVATIONS
- ⊞ SPOT ELEVATIONS
- IRON PIPE FOUND
- S.F. (RECORDED)
- ⊞ SPRINKLER CONNECTION
- ⊞ BIT PAVEMENT
- ⊞ ASPHALT PAVEMENT
- ⊞ RETAINING WALL
- ⊞ LANDSCAPED AREA
- ⊞ HANDICAP PARKING
- ⊞ UTILITY POLE GUY WIRE ANCHOR
- ⊞ CUBB
- ⊞ FENCES
- ⊞ MAINE STATE PLANE COORDINATES
N 259,886.97 FEET
E 1,195,378.48 FEET
Y.C.R.D. 1225/123
BOOK AND PAGE OF RECORDED DOCUMENT
- ⊞ BOUNDARY - LOCUS PARCEL
- ⊞ PARCEL OR EASEMENT LINE
- ⊞ SANITARY SEWER
- ⊞ N/F NOW OR FORMERLY
- ⊞ EDGE OF PAVEMENT

NOTES:

1. PLANIMETRIC DETAIL DEPICTED HEREON IS THE RESULT OF AN ON-THE-GROUND FIELD SURVEY BY CIVIL CONSULTANTS ON MARCH 8 & 9, 2016, APRIL 26, 2016 AND MAY 3, 2016.
2. NORTH AS DEPICTED HEREON IS REFERENCED TO GRID NORTH, NAD83, MAINE STATE PLANE COORDINATE SYSTEM WEST ZONE. COORDINATE VALUES AND ORIENTATION ARE DERIVED FROM A GPS SURVEY CONDUCTED BY CIVIL CONSULTANTS ON MARCH 8, 2016. THE SURVEY IS THE PROPERTY OF CIVIL CONSULTANTS (2011) BEING CONDUCTED FOR THE PROJECT. THE SURVEY IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF CIVIL CONSULTANTS.
3. THE LOTUS PROPERTY IS LOCATED IN "ZONE X" ON THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP (FIRM) FOR THE TOWN OF WELLS, MAINE, YORK COUNTY, COMMUNITY PANEL NUMBER 23018 0021 D, EFFECTIVE DATE JANUARY 16, 2003. ZONE X IS DENIED AS AREAS OUTSIDE THE 500-YEAR FLOODPLAIN.
4. THE BOUNDARY LINES AS SHOWN HEREON ARE BASED ON REFERENCE PLAN 1, AND REFERENCE PLAN 3. RESEARCH FOR THIS SURVEY IS LIMITED TO THE PERIOD FROM JANUARY 1, 1985 TO APRIL 28, 2016. CONDITIONS PRECEDING THIS PERIOD AND NOT DEPICTED ON REFERENCE PLAN 1 MAY NOT BE REFLECTED HEREON.
5. WETLANDS ASSOCIATED WITH POPE BROOK WERE NOT MAPPED AS PART OF THIS SURVEY. POPE BROOK IS A FRESHWATER (NON-TIDAL) STREAM.
6. IN ADDITION TO EASEMENTS REFERENCED HEREON, SEE (G) Y.C.R.D. BOOK 966, PAGE 527 FOR RIGHT-OF-WAY AND CESSPOOL EASEMENT (LOCATION NOT DETERMINED) AND (H) Y.C.R.D. BOOK 1505, PAGE 549 FOR CENTRAL MAINE POWER COMPANY AND NET&T COMPANY EASEMENT (LOCATION NOT DETERMINED).
7. THE BOUNDARY LINES AS SHOWN HEREON ARE BASED ON REFERENCE PLAN 1, AND REFERENCE PLAN 3. RESEARCH FOR THIS SURVEY IS LIMITED TO THE PERIOD FROM JANUARY 1, 1985 TO APRIL 28, 2016. CONDITIONS PRECEDING THIS PERIOD AND NOT DEPICTED ON REFERENCE PLAN 1 MAY NOT BE REFLECTED HEREON.
8. WETLANDS ASSOCIATED WITH POPE BROOK WERE NOT MAPPED AS PART OF THIS SURVEY. POPE BROOK IS A FRESHWATER (NON-TIDAL) STREAM.
9. IN ADDITION TO EASEMENTS REFERENCED HEREON, SEE (G) Y.C.R.D. BOOK 966, PAGE 527 FOR RIGHT-OF-WAY AND CESSPOOL EASEMENT (LOCATION NOT DETERMINED) AND (H) Y.C.R.D. BOOK 1505, PAGE 549 FOR CENTRAL MAINE POWER COMPANY AND NET&T COMPANY EASEMENT (LOCATION NOT DETERMINED).

REFERENCE PLANS:

1. PLAN OF LAND - U.S. ROUTE 1, WELLS, MAINE FOR PAUL W. LESSARD, DATED APRIL, 1991, BY ANDERSON ASSOCIATES.
2. THE ELMWOOD RESORT HOTEL CONDOMINIUM DEVELOPMENT, ROUTE # 1, WELLS, MAINE FOR S. ELDRIDGE, R. MORGENTHAU, DATED NOVEMBER 12, 1985, BY CIVIL CONSULTANTS (PROJ. 85-301), APPROVED BY THE TOWN OF WELLS SITE REVIEW BOARD ON NOVEMBER 18, 1985 (2 SHEETS).
3. PLAN DETAILING THE WELLS LINE TO BE AGREED UPON BETWEEN LAND OF PETER WILTON AND LAND OF H.E.M., INC., ROUTE 1, WELLS, MAINE, DATED JUNE 4, 1987, BY CIVIL CONSULTANTS, RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 151, PAGE 45.
4. STATE OF MAINE DEPARTMENT OF TRANSPORTATION - RIGHT-OF-WAY MAP, STATE HIGHWAY "1", WELLS, YORK COUNTY, FEDERAL AID PROJECT NO. STP-6795(00)X, DOT FILE 16-379, DATED AUGUST 1999, RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 277, PAGE 50.
5. THE ELMWOOD RESORT HOTEL CONDOMINIUM DEVELOPMENT SITE PLAN, PREPARED BY CIVIL CONSULTANTS, APPROVED BY THE WELLS SITE REVIEW BOARD ON DECEMBER 5, 1990, RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 219, PAGE 7.

SITE INVENTORY NOTES:

SEE SHEET EC2

WELLS PLANNING BOARD - APPROVED	
DATE:	

GRAPHIC SCALE



MAY 3, 2016
DATE:
CHRISTOPHER H. MENDE
MAINE PROFESSIONAL LAND SURVEYOR #1302
CIVIL CONSULTANTS
SOUTH BERWICK, MAINE 03908



TAX MAP 129, LOT 35

SITE PLAN AMENDMENT OF ELMWOOD CONDOMINIUM

**1351 ROUTE 1 (POST ROAD)
WELLS, YORK COUNTY, MAINE**

PREPARED FOR:
THE ELMWOOD CONDOMINIUM ASSOCIATION
MAILING ADDRESS: 1351 POST ROAD, WELLS, ME 04090

SHEET NUMBER:
EC1
SHEET 1 OF 2
PROJECT # 16-133.00

Town of Wells , Maine
Article X , 145-77 Data Requirements (Completeness Review)
Page 1 of 5

Project Name/District: Elmwood Resort / General Business & 75' Shoreland
 Overlay District - Tax Map 129, Lot 35

Prepared By: Office of Planning & Development

Date of Review: 07/22/16

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" = 30 feet.
	(1) The name and address of the applicant plus the name of the proposed development.	Y				Noted
	(2) Total floor area, ground coverage and location of each proposed building, structure or addition.	Y				Prior approved lot coverage was 52.4%. As-built existing coverage is noted to be 56.23%. Proposed lot coverage is noted to be 56.43%. Lot coverage of the Shoreland Overlay zone is noted to be 6.95%.
	(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.	Y				Plan prepared by Chris Mendes, PLS of Civil Consultants dated 7/20/15.
	(4) All existing and proposed setback dimensions.	Y				See notes 10 and 12 on EC2.
	(5) The size, location, direction and intensity of illumination of all major outdoor lighting apparatus and signs.	Y				See note 14 on sheet EC2.
	(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 noted.
	(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				Such features noted. Pope Brook identified.

Town of Wells , Maine
Article X , 145-77 Data Requirements (Completeness Review)
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Project Name/District: Elmwood Resort / General Business & 75' Shoreland Overlay District - Tax Map 129, Lot 35

Date of Review: 07/22/16

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Company Name: Town of Wells

§ 145-77. Data Requirements [Amended 4-26-1996]		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
	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.					
(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				1 foot contours of the parcel identified on the plan.
(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*				See notes 15 and 16 on sheet EC2. <u>Various spaces are striped with a 13' depth but maintain a 30' + aisle width. The Planning Board to review the proposed striping and determine if adequate. Recommended note addition on sheet EC2 to be addressed.</u>

Town of Wells , Maine
Article X , 145-77 Data Requirements (Completeness Review)
Page 3 of 5

Project Name/District: Elmwood Resort / General Business & 75' Shoreland Overlay District - Tax Map 129, Lot 35

Date of Review: 07/22/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-77. Data Requirements [Amended 4-26-1996]		Application Meet Requirements				Comments
		Yes	No	NA	Waiver	
(11)	All landscaped areas, fencing and size and type of plant material upon the premises.	Y				<p>This existing commercial property abuts another commercial to the north/east. Residential abutters to the north/west and south exist. A screen is not required along the northerly or easterly boundaries with Village by the Sea.</p> <p><u>The Planning Board should discuss what screening may be required along the westerly and southerly lot lines based on the pool shed, expanded parking area, dumpster location, playground, and proposed expanded indoor pool building deck. Significant vegetation exists from 20 to 75 feet wide from the southerly lot line.</u></p> <p>The parcel has street frontage along Route One. <u>The plan shows a shrub, conifer tree and arborvitae trees planted in portions of the 15' landscaped buffer. The Planning Board to discuss if the existing landscape buffer requirements along Route One is adequate.</u></p> <p><u>See 145-52 landscape buffer/setback requirements as well:</u> The Route One 60 foot buffer consists of trees, shrubs, plantings, grass, etc. <u>The buffer also includes an existing outdoor pool and is seeking after the fact approval for a pool shed. The Planning Board to review the Route 1 60' wide buffer.</u></p> <p><u>Planning Board to review what visual screen exists for the residential abutters and what additional screening may be necessary based on the changes and after the fact approval of items now proposed.</u></p> <p><u>An access road doesn't exist. A pathway to the Village by the Sea Lot, a playground, portions of a parking lot and projector/patio area exist within the buffer.</u></p>

Town of Wells , Maine
Article X , 145-77 Data Requirements (Completeness Review)
Page 4 of 5

Project Name/District: Elmwood Resort / General Business & 75' Shoreland Overlay District - Tax Map 129, Lot 35

Date of Review: 07/22/16

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
(12)	All existing or proposed rights-of-way, easements and other legal restrictions which may affect the premises in question.	Y				
(13)	The locations, names and widths of all existing and proposed streets abutting the premises.	Y				
(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				
(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				
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.			NA		Served by public sewer.
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.	Y				Two dumpster locations identified on the plan. See note 17 on sheet EC2.
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.				w	<u>Planning Board to consider granting a waiver and not requiring a capacity letter from the WSD. No change of use is proposed.</u>
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.				w	<u>Planning Board to consider granting a waiver and not requiring a capacity letter from the KKWWD. No change of use is proposed.</u>
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		No change in use or traffic is proposed.

Town of Wells , Maine
Article X , 145-77 Data Requirements (Completeness Review)
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Project Name/District: Elmwood Resort / General Business & 75' Shoreland Overlay District - Tax Map 129, Lot 35

Date of Review: 07/22/16

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
(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.					
(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. [Amended 4-27-2007]	Y				See note 19 on sheet EC2.
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. [Added 4-27-2007]			NA		Parking areas have existed for over ten years with no indication of erosion/sedimentation of the brook. Thick vegetation exists as a buffer. No change is proposed to runoff.
J.	Any other information or data the reviewing authority determines is necessary to demonstrate compliance with the standards of § 145-75. [Added 4-27-2007]					
Chapter 201, Article IV. Sidewalk Development.				NA		

Notes:

1. See Article V, VI, VII review comments.



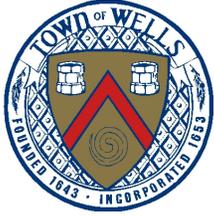
Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS
Site Plan Amendment Application for “Elmwood Resort”
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Chapter 145, Article X Site Plan Approval

PROJECT INFORMATION	
General:	<p>Project Name: Elmwood Resort</p> <p>Applicant: Scott Defelice, Elmwood Condominium Association, 1351 Post Rd, Wells, ME 04090</p> <p>Landowner: Elmwood Condominium Association, 1351 Post Rd, Wells, ME 04090</p> <p>Location: 1351 Post Rd, Wells, ME</p> <p>Existing Use: 77 unit Hotel/Motel Lodging Facility</p> <p>Proposed Land Use: 77 unit Hotel/Motel Lodging Facility</p> <p>Tax Parcel ID: Map 129, Lot 35</p> <p>Zoning District: General Business and 75' Shoreland Overlay Districts</p> <p>Art VII Performance Standards: §145-52. Lodging Facility</p> <p>Design Engineer: Civil Consultants, PO Box 100, S. Berwick, ME 03908</p> <p>Plan Submission Date: February 9, 2016</p>
Project Description:	<p>Scott Defelice, on behalf of the Elmwood Condominium Association, has submitted a site plan amendment application for the Elmwood Resort located off of 1351 Post Road identified as Tax Map 129, Lot 35. The property is located within the General Business District and 75' Shoreland Overlay District and is 3.35 acres in size. The site plan amendment application is seeking approval for a new 5' x 7' entry to the pool building, a deck addition and after the fact approval for various changes made since the 1990 site plan approval including: A deck, stairs and landscaped area around the indoor pool building, an altered outdoor pool apron and new pool shed; expanded parking area (no retaining wall) to the south of the office building, altered stairway locations into the motel buildings, relocated dumpsters, a picnic and playground area, and eliminated parking islands. No changes are proposed to the existing 77 motel units, the office unit, the storage unit, the laundry room unit, or the Manager's Quarters which obtained Zoning Board of Appeals approval in 1997. The parcel is served by public sewer and public water.</p>
Completeness Determination:	08/08/2016
Public Hearing:	Waived



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS

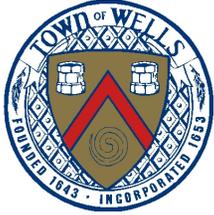
Site Plan Amendment Application for “Elmwood Resort”

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Staff Review Mtg:	None
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PROJECT HISTORY

1. On 2/9/16 the applicant submitted a site plan amendment application to the Planning Office.
2. On 2/11/16 the Code Officer found the use proposed to be permitted in the General Business District.
3. On 2/12/16 the Planning Office mailed notice to abutters of the Code Officer use determination and of the 2/22/16 Planning Board meeting.
4. On 2/18/16 the Planning Office prepared a site plan amendment application memo for the applicant and Planning Board.
5. On 2/22/16 the Planning Board received the site plan amendment application and scheduled a site walk of the property for 3/5/16 at 9 AM.
6. On 3/5/16 the Planning Board conducted a site walk of the property.
7. On 3/7/16 the Town Engineer/Planner prepared a site walk results memo.
8. On 3/7/16 the Planning Board reported the results of the site walk.
9. On 5/5/16 the Planning Office received an as-built plan draft from the applicant.
10. On 5/31/16 the Planning Office prepared the Article V, VI, VII and draft completeness checklists and a memo for the applicant and Planning Board.
11. On 6/6/16 the Planning Board reviewed the draft as-built plan and voted to continue the workshop for 30 days.
12. On 6/8/16 the Fire Chief prepared a letter to the Planning Office regarding Elmwood Resort.
13. On 7/6/16 the applicant met with the Planning Office to go over the site plan recommended changes and notes and results of research found from the Code Office.
14. On 7/20/16 Planning Office received revised plans from the applicant for review.
15. On 7/21 and 7/22/16 the Planning Office prepared updated Article V, VI, VII and draft completeness review checklists and memo for the Planning Board and applicant.
16. On 7/25/16 the Planning Board was scheduled to workshop the amendment application. The applicant did not attend the meeting. The Planning Board voted to waive the public hearing and voted to continue the workshop for 60 days.
17. On 8/4/15 the Planning Office received revised site plans for review.
18. On 8/5/16 the Planning Office prepared updated Article V, VI, VII and draft completeness review checklists. A draft compliance (145-75)/ Findings of Fact & Decisions and memo were also prepared.
19. On 8/8/16 the Planning Board voted to find the application complete, made various determinations regarding buffering, landscaping, parking, water and sewer letters, etc. The Planning Board voted to find the application compliant (145-75). The Planning Board voted to approve and sign the Findings of Fact & Decisions and site plan.



Town of Wells, Maine Planning Board

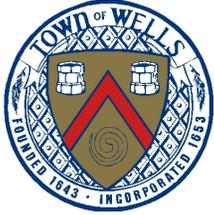
FINDINGS OF FACTS & DECISIONS
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§ 145-75. Criteria and Standards

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.

Comments

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Town of Wells, Maine

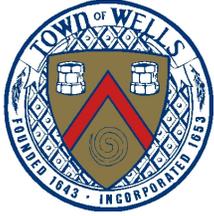
Planning Board

FINDINGS OF FACTS & DECISIONS

Site Plan Amendment Application for “Elmwood Resort”

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§ 145-75. Criteria and Standards		Comments
A.	<p>Traffic. The proposed development shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number of exits and entrances that have adequate sight distances and do not conflict with or adversely impact the traffic movements at intersections, schools and other traffic generators. Curb cuts shall be limited to the minimum width necessary for safe entering and exiting. The proposed development shall not have an unreasonable adverse impact on the Town road system and shall provide adequate parking and loading areas. No use or expansion of a use shall receive site plan approval if any parking spaces are located in a public right-of-way or if any travel lane of a state number highway is used as part of the required aisle to access any parking spaces.</p>	<p>Site plan depicts 151.54' of street frontage along Route One. See note 10. Parcel does not have multiple street frontages. Plan note 15 state parking on Route 1 is prohibited. 90 degree parking spaces should be 9' x 18.5' with 26' wide aisles. Prior site plan approval has various 'compact car' parking spaces and altering space dimensions and aisle widths. (95 regular and 24 compact noted on prior approved plans). The property is grandfathered with regarding to parking. See note 16 on sheet EC2. Based on the total required / provided parking spaces $129 \times .04 = 6$ handicap accessible spaces required. 113 spaces exist requiring 5 handicap spaces. 5 handicap accessible spaces are labelled on the site plan. See note 16b. Snow storage areas are depicted on the plan. Areas that could be used for parking shall be on pavement or gravel as depicted on the plan. Parking lot re-stripping to occur per note 16e.</p> <p><u>See note 16a. If there is a 3-bedroom unit there would be 118 bedrooms x 1.1 = 130 parking spaces. Prior approved parking total was 119. Parcel provides 113 parking spaces and requests a reduction in required parking based on public transportation (trolley stop) provided at the front of the lot. Planning Board to consider parking reduction on 8/8/16.</u></p> <p>Parking areas have existed for over ten years with no indication of erosion/sedimentation of the brook. Thick vegetation exists as a buffer. No change is proposed to runoff.</p> <p>Site distances onto Route 1 are noted to be sufficient. Speed limit of Route 1 is noted to be 35 MPH. No change to entrance/exit proposed. No change in use or traffic is proposed.</p>

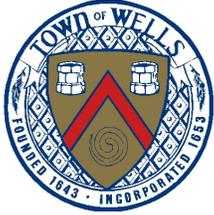


Town of Wells, Maine

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FINDINGS OF FACTS & DECISIONS
Site Plan Amendment Application for “Elmwood Resort”
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§ 145-75. Criteria and Standards		Comments
B.	Dust, fumes, vapors and gases. Emission of dust, dirt, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation or property or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission, shall be prohibited.	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>The parcel is prohibited from emitting dust, fumes, vapors or gases at any point beyond its lots lines.</p>
C.	Odor. No land use or establishment shall be permitted to produce offensive or harmful odors perceptible beyond its lot lines, measured either at ground or habitable elevation.	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>The parcel is prohibited from producing such odor at any point beyond its lot lines as measured at ground or habitable elevation.</p>
D.	Glare. No land use or establishment shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines onto neighboring lots or onto any Town way so as to impair the vision of the driver of any vehicle upon that Town way.	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>See note 14 on sheet EC2. This parcel is prohibited from producing such glare onto abutting lots or street right of ways. All existing and proposed exterior lights shall be downward directional and comply with Land Use lighting provisions.</p>
E.	Stormwater runoff. Surface water runoff shall be minimized and detained on site if possible or practicable in accordance with Chapter 202-12F(4) General Standards of the Wells Subdivision Ordinance (wherein the word “site plan” shall be substituted for “subdivision”). If it is not possible to detain water on site, downstream improvements to the channel may be required of the developer to prevent flooding which would be caused by his project. The natural state of watercourses, swales, floodways or rights-of-way shall be maintained as nearly as possible. [Amended 4-27-2007]	<p>Parking areas have existed for over ten years with no indication of erosion/sedimentation of the brook. Thick vegetation exists as a buffer. No change is proposed to runoff.</p>

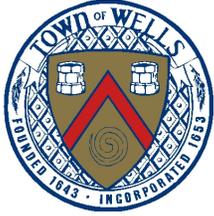


Town of Wells, Maine

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FINDINGS OF FACTS & DECISIONS
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§ 145-75. Criteria and Standards		Comments
F.	Erosion control. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best-management practices: [Amended 4-27-2007]	BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET. Best Management Practices are a standard condition of approval. See note 19 on sheet EC2.
(1)	Stripping of vegetation, soil removal and regrading or other development shall be accomplished in such a way as to minimize erosion.	
(2)	The duration of exposure of the disturbed area shall be kept to a practical minimum.	
(3)	Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.	
(4)	Permanent (final) vegetation and mechanical erosion control measures in accordance with the standards of the York County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends.	
(5)	Until a disturbed area is stabilized, sediment in runoff water shall be trapped by the use of debris basins, silt traps or other acceptable methods as determined by the reviewing authority.	
(6)	The top of a cut or the bottom of a fill section which alters the existing grade by more than two feet shall not be closer than 10 feet to an adjoining lot.	
(7)	During grading operations, methods of dust control shall be employed.	

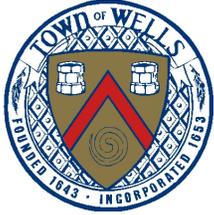


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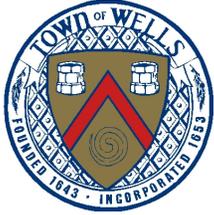
§ 145-75. Criteria and Standards		Comments
(8)	The proposed site plan shall prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties.	
(9)	The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, 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 “Elmwood Resort” Page 8 of 12

§ 145-75. Criteria and Standards	Comments
<p>G. Setbacks and screening. Parking and loading areas, exposed storage areas, exposed machinery installation and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their adverse impact on the surrounding lots. Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and shall be maintained in good condition.</p>	<p>See note 10. Parcel is not within 200 feet from the high-water line of the Merriland River, the Webhannet River and the Ogunquit River.</p> <p>This existing commercial property abuts another commercial to the north/east. Residential abutters to the north/west and south exist. A screen is not required along the northerly or easterly boundaries with Village by the Sea.</p> <p><u>The Planning Board should discuss what screening may be required along the westerly and southerly lot lines based on the pool shed, expanded parking area, dumpster location, playground, and proposed expanded indoor pool building deck. Significant vegetation exists from 20 to 75 feet wide from the southerly lot line.</u></p> <p>The parcel has street frontage along Route One. <u>The plan shows a shrub, conifer tree and arborvitae trees planted in portions of the 15' landscaped buffer. The Planning Board to discuss if the existing landscape buffer requirements along Route One is adequate.</u></p> <p><u>See 145-52 landscape buffer/setback requirements as well.</u> The Route One 60 foot buffer consists of trees, shrubs, plantings, grass, etc. <u>The buffer also includes an existing outdoor pool and is seeking after the fact approval for a pool shed. The Planning Board to review the Route 1 60' wide buffer.</u></p> <p><u>Planning Board to review what visual screen exists for the residential abutters and what additional screening may be necessary based on the changes and after the fact approval of items now proposed.</u></p> <p><u>The Planning Board to review the 25' buffer requirements. An access road doesn't exist. A pathway to the Village by the Sea Lot, a playground, portions of a parking lot and projector/patio area exist within the buffer.</u></p>

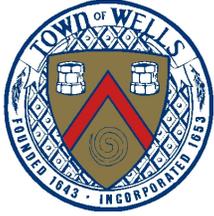


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§ 145-75. Criteria and Standards		Comments
H.	Explosive materials. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, unless they are stored in compliance with the requirements of the National Fire Protection Association (NFPA) standards.	No change proposed with regard to storage of fuels. Fuel shall be stored in compliance with NFPA standards. <u>See recommended note on EC2.</u>
I.	Water quality. All aboveground outdoor storage facilities for fuel, chemicals, chemical or industrial wastes and potentially harmful raw materials shall be located on reinforced cement and shall be completely enclosed by an impervious dike monolithically poured, which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a fifty-year storm, so that such liquid shall not be able to spill onto or seep into the ground surrounding the paved storage area. Storage tanks for home heating fuel and diesel fuel, not exceeding 275 gallons in size, shall be exempted from this requirement.	No change proposed with regard to storage of fuels.
J.	Preservation of landscape. Unnecessary disturbance of the landscape shall be minimized, insofar as practicable, by minimizing tree removal and any grade changes.	<p>Prior approve lot coverage was 52.4%. As-built existing coverage is noted to be 56.23%. Proposed lot coverage is noted to be 56.43%.</p> <p>Lot coverage of the Shoreland Overlay zone is noted to be 6.95%.</p> <p>All existing lawn and brush areas shall be maintained. No changes are proposed to existing landscaping/vegetated areas except for the proposed deck addition and after the fact approval of changes made since 1990 site plan approval.</p>



Town of Wells, Maine

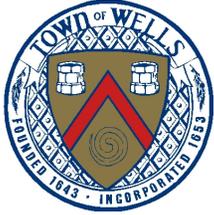
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§ 145-75. Criteria and Standards		Comments
K.	Refuse disposal. The applicant shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. The review board shall consider the impact of particular industrial or chemical wastes or by-products upon the Wells transfer station (in terms of volume, flammability or toxicity) and may require the applicant to dispose of such wastes elsewhere, in conformance with all applicable state and federal regulations. The board may require the applicant to specify the amount and exact nature of all industrial or chemical wastes to be generated by the proposed operation.	Two dumpster locations identified on the plan. See note 17 on sheet EC2. Dumpsters shall meet applicable setback requirements and screening requirements.
L.	Water supply. The applicant shall demonstrate the availability of adequate water supply for fire protection and the consumption needs of the proposed development.	<u>Planning Board to consider granting a waiver and not requiring a capacity letter from the KKWWD. No change of use is proposed.</u>
M.	Sewage disposal. The applicant shall provide for the safe disposal of all wastewaters.	<u>Planning Board to consider granting a waiver and not requiring a capacity letter from the WSD. No change of use is proposed.</u>
N.	Fire safety. The site plan shall make adequate provisions for access by fire-fighting equipment and personal.	The Fire Chief has provided a letter dated 6/8/2016. It is recommended that the existing fire hydrant maintain a 36” clearance around the hydrant for proper access. The facility has an existing knox box.

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

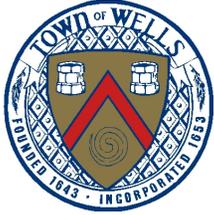
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Site Plan Amendment Application for "Elmwood Resort"

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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 "Elmwood Resort"

Page 12 of 12

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. The approval of this Amended Site Plan in no way negates the need for applicant compliance with all previously set Conditions of Approval.

Dated at Wells, Maine this _____ day of _____, 2016

Wells Planning Board

By: _____
Charles Millian, Chairman

Wells Fire Department



1563B Post Road
Wells, Maine 04090

Office (207) 646-7912

FAX (207) 645-0597

TDD (207) 646-7892

Daniel M. Moore
Fire Chief

June 8, 2016

Mike G. Livingston, PE
Town Engineer/ Planner
208 Sanford Road
Wells, Maine 04090

Dear Mr. Livingston,

I have reviewed the site plan amendment for the project known as Elmwood Resort located on 1351 Post Road in Wells, Maine. The application is described as the following:

Scott Defelice, on behalf of the Elmwood Condominium Association, has submitted a site plan amendment application for the Elmwood Resort located off of 1351 Post Road identified as Tax Map 129, Lot 35. The property is located within the General Business District and 75' Shoreland Overlay District and is 3.35 acres in size. The site plan amendment application is seeking approval for a new 5' x 7' entry to the pool building and after the fact approval for various changes made since the 1990 site plan approval including: A deck, stairs and landscaped area around the pool building, an altered outdoor pool apron and new pool shed; expanded parking area (no retaining wall) to the south of the office building, altered stairway locations into the motel buildings, relocated dumpsters, a picnic and playground area, and eliminated parking islands. No changes are proposed to the existing 77 one-bedroom motel units, the office unit, the storage unit or the laundry room unit. The parcel is served by public sewer and public water.

In accordance with Chapter Land Use 145-75 in the Town of Wells Code, the following items pertain regarding the Fire Department's review and consideration of this project. Based upon the latest set of plans submitted on 5/5/16 with the following comments are offered:

- H. *Explosive materials. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, unless they are stored in compliance with the requirements of the National Fire Protection Association (NFPA) standards.*

Fuel shall be stored in compliance with NFPA standards.

- I. *Water quality. All aboveground outdoor storage facilities for fuel, chemicals, chemical or industrial wastes and potentially harmful raw materials shall be located on reinforced cement and shall be completely enclosed by an impervious dike monolithically poured, which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a fifty-year storm, so that such liquid shall not be able to spill onto or seep into the ground surrounding the paved storage area. Storage tanks for home heating fuel and diesel fuel, not exceeding 275 gallons in size, shall be exempted from this requirement.*

Water quality standards shall be met.

- L. *Water supply. The applicant shall demonstrate the availability of adequate water supply for fire protection and the consumption needs of the proposed development.*

The parcel is served by the KKW Water District. There is a hydrant located on the West side of the main office building. However the hydrant is covered by bushes. There needs to be a 36 inch clearance around the hydrant.

Fire safety. The site plan shall make adequate provisions for access by fire-fighting equipment and personnel.

This is an existing business and lot. Provisions are limited due to parking. However, existing conditions are acceptable based on the business having been in operation for over 30+ years.

The project shall have a Knox Box; the location to be approved by the Fire Department prior to installation.

The Elmwood shall be responsible for maintaining clearance around the fire hydrant at all times.

If you have any questions, please contact me.

Sincerely,



Daniel Moore
Fire Chief



Planning & Development

208 Sanford Road, Wells, Maine 04090

Phone: (207) 646-5187, Fax: (207) 646-7046

Website: www.wellstown.org

<i>Michael G. Livingston, Town Engineer/Planner</i>	mlivingston@wellstown.org
<i>Shannon M. L. Belanger, Planning Assistant</i>	sbelanger@wellstown.org

Major Subdivision Amendment Application Memo

Date: August 5, 2016

To: Planning Board

From: Planning Office

Re: Brackett Estates Subdivision Amendment #2 - Map 25, Lot 5-1 through 5-27

Tom Harmon of Civil Consultants has submitted a final amendment application to the previously approved 27 lot subdivision on behalf of the owner of Jefferson Homes Inc. The subdivision consists of 26 lots designed in accordance with the cluster subdivision town regulations; 1 conventional lot with fronting off of Loop Road; and 1 conventional lot exists fronting off of Loop Road and was considered the out sale parcel of the original subdivision approval. The subdivision is located in the Residential A District and is off of Loop Road. The property is approximately 58.26 acres and on Tax Map 25, lots 5-1 through 5-27. A small cemetery is located on the property on the north east corner of proposed conventional lot 23. Lots are served by individual private wastewater disposal systems and individual wells. There is 34.99 acres of open space. The amendment proposes to relocate the septic systems for lots 5-7, 5-9 and 5-24 and amend the well locations for lots 5-6 and 5-10.

§ 202-10. Revisions to approved plans.

A. Procedure. An application for a revision to a previously approved plan shall, at least five business days prior to a scheduled meeting of the Board, request to be placed on the Board's agenda. **Planning Board to consider receiving the Amendment Application on 8/8/16**

(1) If the revision involves the creation of additional lots or dwelling units, the procedures for preliminary plan approval shall be followed, unless the revised plan meets the definition of a minor subdivision. If the revision involves only modifications of the approved plan, without the creation of additional lots or dwelling units, the procedures for final plan approval shall be followed. **Final plan approval procedures to be followed.**

(2) The applicant shall pay a fee established by the Board of Selectmen following notice and a public hearing, to include the applicable per-dwelling-unit fee according to the procedures for a minor subdivision or preliminary plan for a major subdivision. In addition, the applicant shall pay a fee to be determined by the Board, to be deposited in a special account designated for that application, to be used by the Board for hiring independent consulting services to review the application. If the balance in this special account shall be drawn down by 75%, the Board shall notify the applicant and require that an additional \$50 beyond the balance after invoices

received are paid be deposited by the applicant. The Board shall continue to notify the applicant and require that an additional \$50 be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a decision on the revision by the Board shall be returned to the applicant. If a public hearing is deemed necessary by the Board, an additional fee of \$200 shall be required to cover the costs of advertising and postal notification. [Amended 7-23-2002; 4-16-2004] **Fee and escrow provided. Public Hearing to be determined.**

- B.** Submissions. The applicant shall submit a copy of the approved plan, as well as 11 copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of these regulations and the criteria of the statute. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds. The applicant shall provide evidence that all owners of abutting property were notified of the application if new lots or dwelling units are proposed to be created. [Amended 7-23-2002]
- C.** Scope of review. The Board's scope of review shall be limited to those portions of the plan which are proposed to be changed.

§ 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] **A site walk is to be determined**
- (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. **To be determined**
- (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. **To be determined**
- (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.*
 - (b) The Kennebunk, Kennebunkport and Wells Water District, if the district's water service is to be used. **Not Applicable**

- (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. **Not Applicable**
 - (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. **To be determined**
- (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.
- (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 and conclusions:

1. On 8/8/16 the Planning Board should consider receiving the Final Subdivision Amendment Application.

2. The Planning Board should consider if a site walk is necessary. If a site walk is not necessary the Planning Board should consider workshopping the application for completeness.
3. The completeness checklist is attached. Some minor changes are recommended for the applicant to address and test pit logs are required. It is recommended the Planning Board appoint the Town Engineer/Planner as the completeness agent or find the application complete if the items have been addressed.
4. The Planning Board should determine if a public hearing is necessary.
 - a. If so, it should be scheduled by the Planning Office once revised plans are submitted, reviewed and found complete. (In order to schedule a public hearing for 8/22/16 the Planning Office would need revised plans no later than 10 AM on 8/10.)
 - b. If not, the Planning Board should workshop compliance.
5. If found compliant, the Planning Board should consider approving and signing the Findings of Fact & Decisions and plans.

Thank you.

Town of Wells, Maine
Final Amendment Subdivision Completeness Review

Page 1 of 6

Project Name/Tax Map & Lot #: Brackett Estates Subdivision Amendment #2 / Tax Map 25, Lots 5-6, 5-7, 5-9, 5-10, and 5-24

Prepared By: Office of Planning & Development

Plans Dated: 7/26/16; 8/4/16

District: RA

Review Date: 08-04-16

Final Plan Revisions Submittal Date: 8/4/16

Chapter 202
Subdivision of Land

§ 202-10. Revisions to approved plans.		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
A.	Procedure. An applicant for a revision to a previously approved plan shall, at least five business days prior to a scheduled meeting of the Board, request to be placed on the Board's agenda.	Y				
(1)	If the revision involves the creation of additional lots or dwelling units, the procedures for preliminary plan approval shall be followed, unless the revised plan meets the definition of a minor subdivision. If the revision involves only modifications of the approved plan, without the creation of additional lots or dwelling units, the procedures for final plan approval shall be followed.	Y				The revision does not involve the creation of additional lots and dwelling units. Final plan approval procedures shall be followed.
(2)	The applicant shall pay a fee established by the Board of Selectmen following notice and a public hearing, to include the applicable per-dwelling-unit fee according to the procedures for a minor subdivision or preliminary plan for a major subdivision. In addition, the applicant shall pay a fee to be determined by the Board, to be deposited in a special account designated for that application, to be used by the Board for hiring independent consulting services to review the application. If the balance in this special account shall be drawn down by 75%, the Board shall notify the applicant and require that an additional \$50 beyond the balance after invoices received are paid be deposited by the applicant. The Board shall continue to notify the applicant and require that an additional \$50 be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a decision on the revision by the Board shall be returned to the applicant. If a public hearing is deemed necessary by the Board, an additional fee of \$200 shall be required to cover the costs of advertising and postal notification. [Amended 7-23-2002; 4-16-2004]	Y				Application fee and escrow provided.

Town of Wells, Maine
Final Amendment Subdivision Completeness Review
Page 2 of 6

Project Name/Tax Map & Lot #: Brackett Estates Subdivision Amendment #2 / Tax Map 25, Lots 5-6, 5-7, 5-9, 5-10, and 5-24

Prepared By: Office of Planning & Development

Plans Dated: 7/26/16; 8/4/16

District: RA

Review Date: 08-04-16

Final Plan Revisions Submittal Date: 8/4/16

§ 202-10. Revisions to approved plans.		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
B.	Submissions. The applicant shall submit a copy of the approved plan, as well as 11 copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of these regulations and the criteria of the statute. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds. The applicant shall provide evidence that all owners of abutting property were notified of the application if new lots or dwelling units are proposed to be created. [Amended 7-23-2002]	Y				Plan provided notes reference plans, which are the previously approved Planning Board plans recorded at the YCRD Book 337, Pages 14-15 and Book 376, Page 29.
C.	Scope of review. The Board's scope of review shall be limited to those portions of the plan which are proposed to be changed.					
(1)	Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's map and lot numbers.	Y				
(2)	An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.	Y*				Plan stamped by Thomas Harmon, PLS. <u>Monumentation to be identified on the plan.</u>
(3)	The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses and other essential existing physical features.	Y				Acreage of the lots noted. Open Space is 34.99 acres, see note 10.
(4)	Indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the Wells Sanitary District indicating that the district has reviewed and approved the sewerage design shall be submitted.	Y*				Subdivision not served by public sewer. Application proposes to relocate the septic systems for lot 5-7, 5-9, and 5-24. <u>Test pit logs required.</u>

Town of Wells, Maine
Final Amendment Subdivision Completeness Review
Page 3 of 6

Project Name/Tax Map & Lot #: Brackett Estates Subdivision Amendment #2 / Tax Map 25, Lots 5-6, 5-7, 5-9, 5-10, and 5-24

Prepared By: Office of Planning & Development

Plans Dated: 7/26/16; 8/4/16

District: RA

Review Date: 08-04-16

Final Plan Revisions Submittal Date: 8/4/16

§ 202-10. Revisions to approved plans.		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
(5)	Indication of the type of water supply system(s) to be used in the subdivision.	Y*				Plan identifies well exclusion zones within the subdivision. <u>Existing and proposed wells to be depicted and labelled properly.</u>
	(a) When water is to be supplied by public water supply, a written statement from the Kennebunk, Kennebunkport and Wells Water District shall be submitted indicating that the district has reviewed and approved the water system design. A written statement shall be submitted from the Fire Chief approving all hydrant locations or other fire protection measures deemed necessary.			NA		Subdivision not served by public water.
	(b) The Board makes a finding that adequate groundwater resources to support one- and two-family homes, in both quantity and quality, are available generally throughout the Town of Wells. However:					
	[1] When a proposed subdivision is not served by the Kennebunk, Kennebunkport and Wells Water District, evidence of adequate groundwater quality shall be required for proposed subdivisions in the vicinity of known sources of potential groundwater contamination, such as the Wells landfill, Bragdon septage disposal site and the Spiller sludge disposal site. The results of a primary inorganic water analysis performed upon a well on the parcel to be subdivided or from wells on adjacent parcels, between the parcel to be subdivided and the potential contamination source, shall be submitted.			NA		Subdivision not within vicinity of such areas.
	[2] When a proposed subdivision is to be served by a private central water system or contains structures other than one- or two-family dwellings, evidence of adequate groundwater quantity shall be required.			NA		Not served by a private central water system and only one and two dwelling units are proposed.
(6)	The date the plan was prepared, North point (identified as magnetic or true), graphic map scale, and names and addresses of the record owner, subdivider and individual or company who or which prepared the plan.	Y				Date and north point noted. Scale is 1" = 50'. Owner and applicant names noted. Civil Consultants as surveyor noted.

Town of Wells, Maine
Final Amendment Subdivision Completeness Review
Page 4 of 6

Project Name/Tax Map & Lot #: Brackett Estates Subdivision Amendment #2 / Tax Map 25, Lots 5-6, 5-7, 5-9, 5-10, and 5-24

Prepared By: Office of Planning & Development

Plans Dated: 7/26/16; 8/4/16

District: RA

Review Date: 08-04-16

Final Plan Revisions Submittal Date: 8/4/16

§ 202-10. Revisions to approved plans.		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
(7)	The location of any zoning boundaries affecting the subdivision	Y				Plan notes that the subdivision is located within the Residential A District.
(8)	The location and size of existing and proposed sewers, water mains, culverts and drainageways on or adjacent to the property to be subdivided.	Y				Proposed septic system locations depicted with TPs. As-built drawings required when road is completed.
(9)	The location, names and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The length of all straight lines, the deflection angle radii, length of curves and central angles of curves, tangent distances and tangent bearings for each street shall be included.	Y*				Plan labels street names. 50' width label needs to be added.
(10)	The width and location of any streets or public improvements shown upon the Official Map and the Comprehensive Plan, if any, within the subdivision.			NA		No such improvements proposed.
(11)	All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers of cession to the municipality of all public open spaces shown on the plan and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If land is to be offered to the municipality, written evidence that the municipal officers are satisfied with the legal sufficiency of the written offer of cession shall be included.			NA		No such dedication proposed. The mail box area is within the Open Space are for the private use of the subdivision.
(12)	A list of construction items with cost estimates that will be completed by the developer prior to the sale of lots and, for subdivisions containing more than 20 lots, a separate list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the municipality or quasi-municipal districts.			NA		Cost estimates already provided for the subdivision original approval. Changes proposed do not required the resubmission of cost estimates.

Town of Wells, Maine
Final Amendment Subdivision Completeness Review
Page 5 of 6

Project Name/Tax Map & Lot #: Brackett Estates Subdivision Amendment #2 / Tax Map 25, Lots 5-6, 5-7, 5-9, 5-10, and 5-24

Prepared By: Office of Planning & Development

Plans Dated: 7/26/16; 8/4/16

District: RA

Review Date: 08-04-16

Final Plan Revisions Submittal Date: 8/4/16

§ 202-10. Revisions to approved plans.		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
	(a) These lists shall include but not be limited to: schools, including busing; street maintenance and snow removal; police and fire protection; solid waste disposal; recreation facilities; stormwater drainage; wastewater treatment; and water supply.			NA		
	(b) The developer shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.			NA		
(13)	If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the one-hundred-year flood elevation shall be delineated on the plan.	Y				See note 9.
(14)	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. [Amended 4-27-2007]	Y				See note 11.
(15)	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. [Amended 4-27-2007]				W	<u>Waiver of providing a stormwater management plan to be considered.</u> Town engineer considers the proposed changes to be insignificant in relation to stormwater impacts.
(16)	If any portion of the proposed subdivision is located in the direct watershed of Ell Pond or within 500 feet of the upland edge of Hobbs Pond and meets the following criteria: 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, then the following shall be submitted or indicated on the plan: [Added 4-27-2007]			NA		Not located within such areas.

Town of Wells, Maine
Final Amendment Subdivision Completeness Review
Page 6 of 6

Project Name/Tax Map & Lot #: Brackett Estates Subdivision Amendment #2 / Tax Map 25, Lots 5-6, 5-7, 5-9, 5-10, and 5-24

Prepared By: Office of Planning & Development

Plans Dated: 7/26/16; 8/4/16

District: RA

Review Date: 08-04-16

Final Plan Revisions Submittal Date: 8/4/16

§ 202-10. Revisions to approved plans.	Application Meet Requirements				
	Yes	No	NA	Waiver	Comments
(a) A phosphorus impact analysis and control plan conducted using the procedures set forth in MDEP Phosphorus Design Manual, Volume II of the Maine Stormwater Best Management Practices Manual, 2006. The analysis and control plan shall include all worksheets, engineering calculations, and construction specifications and diagrams for control measures, as required by the most recent edition of Stormwater Management For Maine: BMPS Technical Design Manual, published by the Maine Department of Environmental Protection, 2006;					
(b) A long-term maintenance plan for all phosphorus control measures;					
(c) The contour lines shown on the plan shall be at an interval of no less than five feet; and					
(d) Areas with sustained slopes greater than 25% covering more than one acre shall be delineated.					



Town of Wells, Maine

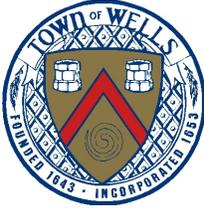
Planning Board

FINDINGS OF FACTS & DECISIONS
Final Subdivision Amendment #2 Application for “Brackett Estates“
Page 1 of 18

Chapter 202 Subdivision of Land

PROJECT INFORMATION	
General:	<p>Project Name: Brackett Estates Subdivision</p> <p># Lots/ Dwellings Proposed: 27 lots/ dwellings exists; no new lots or dwellings proposed</p> <p>Applicant: Thomas Harmon, Civil Consultants, PO BOX 100, S. Berwick, 03908</p> <p>Landowner: <u>Jefferson Homes Inc, PO Box 629, Stratham, NH 03885</u></p> <p>Location: Loop Road, Brackett Lane, Rose Way, Wells, Maine</p> <p>Existing Use: Residential Cluster Major Subdivision</p> <p>Proposed Land Use: Residential Cluster Major Subdivision</p> <p>Tax Parcel ID: Tax Map 25, Lot 5-6, 5-7, 5-9, 5-10, and 5-24</p> <p>Zoning District: Residential A</p> <p>Land Use, Art. VII</p> <p>Performance Standards: 145-49 Residential Cluster Development</p> <p>Design Engineer: Tom Harmon, PE, Civil Consultants, PO BOX 100, S. Berwick, 03908</p> <p>Final Plan Application Submission Date: July 26, 2016</p> <p>Plan Submission Date: July 26, 2016</p>
Project Description:	<p>Tom Harmon of Civil Consultants has submitted a final amendment application to the previously approved 27 lot subdivision on behalf of the owner of Jefferson Homes Inc. The subdivision consists of 26 lots designed in accordance with the cluster subdivision town regulations; 1 conventional lot with fronting off of Loop Road; and 1 conventional lot exists fronting off of Loop Road and was considered the out sale parcel of the original subdivision approval. The subdivision is located in the Residential A District and is off of Loop Road. The property is approximately 58.26 acres and on Tax Map 25, lots 5-1 through 5-27. A small cemetery is located on the property on the north east corner of proposed conventional lot 23. Lots are served by individual private wastewater disposal systems and individual wells. There is 34.99 acres of open space. The amendment proposes to relocate the septic systems for lots 5-7, 5-9 and 5-24 and amend the well locations for lots 5-6 and 5-10.</p>
Approval Dates:	<p>Preliminary Plan Approval: Not Applicable</p> <p>Final Plan Approval: <u>To be determined</u></p>
Public Hearings:	<p>Preliminary Public Hearing: Not Applicable</p> <p>Final Public Hearing: <u>To be determined</u></p>

PROJECT HISTORY
<ol style="list-style-type: none"> 1. On 7/26/16 the applicant submitted a final subdivision amendment application for the above described amendment. 2. On 7/28/16 abutters were mailed notice of the subdivision amendment application and of the 8/8/16 Planning



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS
Final Subdivision Amendment #2 Application for “Brackett Estates“
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PROJECT HISTORY
<p>Board meeting.</p> <p>3. On 8/4/16 a draft completeness (202-10) checklist and draft compliance/ Findings of Fact & Decisions was prepared with a memo for the 8/8/16 Planning Board meeting.</p> <p>4. On 8/8/16 the Planning Board voted to receive the amendment application, voted to waive a site walk, found the application complete (202-10), voted to waive the public hearing, found the application compliant (202-12), voted to approve and sign the Findings of Fact & Decisions, and voted to sign and approved the subdivision plans at the end of the meeting.</p>

§ 202-12. General Standards	Findings & Decisions
<p>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.</p>	
<p>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.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
<p>B. Retention of open spaces and natural or historic features. [Amended 6-11-2013]</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
<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>The total area of the subdivision is 58.26 acres; 34.99 acres is approved to be open space per 2009 approval. No change to the acreage of Open Space proposed.</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>The common mail box and driveway is located within the Open Space adjacent to lot 5-27 and shall be used by the Homeowner's of Brackett Estate Subdivision. The location is suitable for such common facilities.</p>



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§ 202-12. General Standards	Findings & Decisions
(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.)	The changes proposed do not alter the approved Homeowner's Association documents for the subdivision.
(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.	The proposed septic and wells changes shall not impact any trees larger than 24" in diameter.
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.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.
D. Lots.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.
(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.	See note 5 for Residential A and Residential Cluster Development zoning information and requirements.
(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.	Individual driveways are approved for all 27 lots. On-site driveway turnarounds are required per Chapter 201.
(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.	See note 16 on 2009 approved subdivision plan for lot access restrictions.
(4) Wherever possible, side lot lines shall be perpendicular to the street.	No changes to lot lines are proposed with this amendment application.
(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.	No changes to lot lines are proposed with this amendment application.
(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.	No changes to utilities are proposed with this amendment application.



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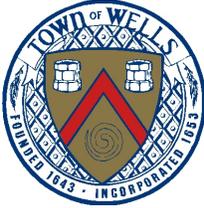
§ 202-12. General Standards	Findings & Decisions
(7) If a lot on one side of a river, tidal water, road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the river, tidal water or road to meet the minimum lot size.	No changes to lot lines are proposed with this amendment application.
(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.	No changes to lot lines are proposed with this amendment application.
(9) Lots shall be numbered in accordance with Chapter 201, Article I, Street Naming and Numbering, of the Wells Municipal Code.	No changes to lot numbering proposed.
(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.	No changes to driveways serving residential lots proposed.
(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.	See note 16 on 2009 approved subdivision plan for lot access restrictions.
E. Utilities.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.
(1) Utilities shall be installed underground except as otherwise approved by the Board.	No changes to utilities are proposed with this amendment application.
(2) Underground utilities shall be installed prior to the installation of the final gravel base of the road.	No changes to utilities are proposed with this amendment application.
(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.	No changes to utilities are proposed with this amendment application.
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.	Any monuments necessary under this provision shall be installed prior to the sale of any lots per the special condition of approval of the 2009 subdivision approval. <u>Monumentation to be depicted and labelled.</u> THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.
(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.	



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(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.	
(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.	
(2) Water supply.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.
(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.	Subdivision not served by the 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.	
[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) 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.	Subdivision is approved to require all lots to provide individual drilled wells. See note 8 on the 2009 subdivision plan. <u>Existing and proposed well locations are depicted and to be more clearly labelled. Plan to note that proposed wells to be survey located.</u>



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[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.	Dug wells are prohibited.
[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).	A central water supply system is not proposed.
[3] Fire protection. [Amended 3-11-2002]	Fire protection will be provided by individual sprinkler units for each residence. Note 15 on the 2009 subdivision plan states this. THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.
[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:	
[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.	



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<p>[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.</p>	<p>The CEO shall determine this at the Building Permit stage.</p>
<p>(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:</p>	<p>The CEO shall determine this at the Building Permit stage.</p>
<p>[1] A letter from the Kennebunk, Kennebunkport and Wells Water District indicating availability of service; or</p>	
<p>[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.</p>	
<p>(3) Sewage disposal.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
<p>(a) Public system.</p>	<p>Subdivision not served by the Wells Sanitary District.</p>
<p>[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.</p>	
<p>[2] The district shall review and approve in writing the construction drawings for the sewage system.</p>	
<p>(b) Private systems.</p>	<p>Subdivision is approved to require all lots to provide on-site individual waste water fields with well exclusion zones.</p>
<p>[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.</p>	<p>See notes 5 and 6 on 2009 approved subdivision plan.</p> <p>Subdivision plan depicts Test Pit locations. <u>Test pit logs are to be provided for review.</u></p>



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[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.	See notes 5 and 6 on 2009 approved subdivision plan.
(4) Stormwater management. [Amended 4-27-2007]	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.
(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.	
(b) Drainage easements for existing watercourses or proposed drainageways shall be provided and indicated on the plan.	
(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.	Plan Sheet 8 of 2009 approval details an erosion control plan, and a stormwater management plan has been submitted. <u>A waiver of a revised stormwater management plan is recommended and shall be considered by the Planning Board on 8/8/16.</u>
(d) A stormwater management plan, meeting the standards of Chapter 201, Streets and Sidewalks, Articles II and III, Wells Municipal Code, shall be submitted.	
(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.	
(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.	



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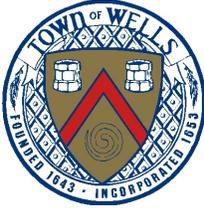
§ 202-12. General Standards		Findings & Decisions
	(g) For subdivisions outside of the watershed of a great pond that neither require a Site Location of Development permit, nor a MDEP permit pursuant to 38 M.R.S.A. § 420-D, a stormwater management plan shall be submitted which incorporates the low-impact 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.	
	(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.	
	(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:	
	[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.	
G.	Streets.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.
(1)	All streets in a subdivision shall meet Chapter 201, Streets and Sidewalks, Articles II and III, Wells Municipal Code.	No changes to the streets as previously approved are proposed.



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<p>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>	
<p>(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>	<p style="text-align: center;">No changes to trip generation proposed.</p>
<p>(a) Single-family house: 10.0 trips per day per unit.</p>	
<p>(b) Residential condominium: 5.9 trips per day per unit.</p>	
<p>(c) Motel: 10.2 trips per day per room.</p>	
<p>(d) Industrial: 7.0 trips per day per 1,000 square feet of floor space.</p>	
<p>(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.</p>	<p style="text-align: center;">This standard was found not to apply by the Planning Board as part of the 2009 subdivision approval.</p>
<p>H. Land features.</p>	
<p>(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.</p>	<p style="text-align: center;">THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>



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(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: [Amended 4-27-2007]	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.
(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.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN NOT APPLICABLE.
(4) Dedication and maintenance of common open space and services.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.
	The changes proposed to the Open Space area shall not alter the previously reviewed Homeowner’s Association documents for the subdivision.
(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) 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.	
(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	
[2] A part or all of the common open space may be dedicated for acceptance by the municipality.	
(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.	



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(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.	
(f) The homeowners' association shall have the responsibility of maintaining the common property.	
(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.	
(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.	
(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.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.
(6) Impact on groundwater.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.
(a) When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:	
[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.	
[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.	



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(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.	
(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.	
(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.	
(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.	

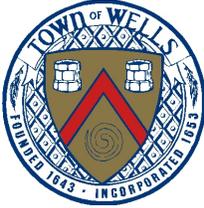
§ 202-13. Performance Guaranties. [Amended 4-12-1999]	Findings & Decisions
A. Types of guaranties.	
(1) With submittal of the application for final plan approval, the applicant shall provide any one or a combination of the following performance guaranties for an amount adequate to cover the total site 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:	A Cash Performance Guarantee for construction remains in place in the amount of \$23,069.00.
(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.	
(b) A performance bond payable to the municipality issued by a surety company approved by the municipal officers or Town Manager.	
(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.	



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	(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.	
(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.	A Cash Performance Guarantee for construction remains in place in the amount of \$23,069.00.
B.	Contents of guaranty. 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.	
C.	Escrow account. 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.	A Cash Performance Guarantee for construction remains in place in the amount of \$23,069.00.
D.	Performance bond. 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.	
E.	Letter of credit. 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.	



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS
Final Subdivision Amendment #2 Application for “Brackett Estates”
Page 15 of 18

F.	<p>Standard condition of approval. As a standard condition of approval for all applications for which a performance guaranty is required pursuant to Subsection K, 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>	<p>A Cash Performance Guarantee for construction remains in place in the amount of \$23,069.00.</p>
	(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:	
	(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 H .	
G.	<p>Phasing of development. 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>The subdivision has approval to be constructed in two phases. A Cash Performance Guarantee for construction remains in place in the amount of \$23,069.00.</p>
H.	<p>Release of guaranty. 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>Default. 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>Private streets. 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 7 on the approved 2009 subdivision plan.</p>



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS
Final Subdivision Amendment #2 Application for “Brackett Estates“
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K.	<p>Improvements guaranteed. 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>	
----	--	--

§ 202-2. Purpose, criteria for approval.		Findings & Decisions
<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>	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.
(1)	<p>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;</p>	
(2)	<p>Has sufficient water available for the reasonably foreseeable needs of the subdivision;</p>	
(3)	<p>Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;</p>	
(4)	<p>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;</p>	
(5)	<p>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;</p>	
(6)	<p>Will provide for adequate solid and sewage waste disposal;</p>	
(7)	<p>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;</p>	
(8)	<p>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;</p>	
(9)	<p>Is in conformance with this chapter, the Comprehensive Plan for the Town and Chapter 145, Land Use, of the Wells Municipal Code, as amended;</p>	



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS
Final Subdivision Amendment #2 Application for “Brackett Estates“
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	(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.		The subdivider has adequate financial and technical capacity to meet the above-stated standards;	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.
C.		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	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.
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.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.

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.
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.
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.
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 § 260-10A(3).
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.
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.

SPECIAL CONDITIONS OF APPROVAL



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS
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1. All previous Conditions of Approval will remain in effect. The approval of this Amended Site Plan in no way negates the need for applicant compliance with all previously set Conditions of Approval.

Dated at Wells, Maine this _____ day of _____, 2016

Wells Planning Board

By: _____
Charles Millian, Chairman

DRAFT

MEMORANDUM OF OPTION AGREEMENT

This Memorandum of Option Agreement is executed for the purpose of giving record notice of the Option Agreement described herein.

Parties:

Optionor:

WILLIAM R. BRACKETT, JR. BARBARA ZABEL, and GAIL M. CETTEI, duly appointed and acting Co-Personal Representatives of the ESTATE OF WILLIAM R. BRACKETT, deceased testate September 13, 2004, as shown by the probate records of Cumberland County, Maine, Docket No. 2005-0030

Optionee:

JEFFERSON HOMES, INC.
70 Portsmouth Avenue
Exeter, NH 03883

Premises: The real property, referred to as the "property" which is the subject of this option agreement, is located in Wells, York County, Maine and is legally described as that certain lots or parcel of land situated on Loop Road in Wells, Maine, and being Twelve (12), Lots 5, 6, 7, 8, 9, 10, 11, 12, 20, 21, 22 and 24 as shown on Subdivision Plan, Brackett Estates, Loop Road, Wells, Maine," dated June 27, 2007, last revised March 24, 2009, recorded in the York County Registry of Deeds in Plan Book 337, Pages 14 and 15.

Terms: Optionee shall have the right to purchase any or all of the Lots at any time prior to 5:00 p.m. on July 31, 2017, subject to the terms and conditions contained in a Purchase and Sale Agreement of even date.

Price: Optionee shall have the right to purchase the Lots for the purchase price of SIXTY-FIVE THOUSAND AND 00/00 DOLLARS (\$65,000.00) per Lot, except the purchase price for Lot 24 shall be FIFTY-NINE THOUSAND AND 00/00 Dollars (\$59,000.00).

IN WITNESS WHEREOF, the said WILLIAM R. BRACKETT, JR., BARBARA ZABEL, and GAIL M. CETTEI as Co-Personal Representatives of the Estate of William R. Brackett, have executed this instrument this 2nd day of February, 2016.

[Handwritten signature]

ESTATE OF WILLIAM R. BRACKETT
BY: *[Handwritten signature]*
WITNESS WILLIAM R. BRACKETT, JR.
PERSONAL REPRESENTATIVE

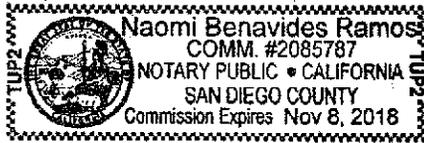
STATE OF CALIFORNIA
COUNTY OF SAN DIEGO, ss.

February 2, 2016

Personally appeared the above-named WILLIAM R. BRACKETT, JR., Co-Personal Representative of the ETATE OF WILLIAM R. BRACKETT, and acknowledged the foregoing instrument to be his free act an deed in his said capacity.

Before me,

[Handwritten signature]
Notary Public/Attorney at Law
Print Name: NAOMI BENAVIDES RAMOS
Comm. Exp.: 11/08/2018



Mark Zabel

WITNESS

BY: *Barbara Zabel*

BARBARA ZABEL
PERSONAL REPRESENTATIVE

WITNESS

BY:



GAIL M. CETTEI
PERSONAL REPRESENTATIVE



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

NO.	REVISIONS	INT.	DATE
1			

RECORD OWNER:
 JEFFERSON HOMES, INC.
 OWNER ADDRESS:
 P.O. BOX 629
 STRATHAM, NH 03885

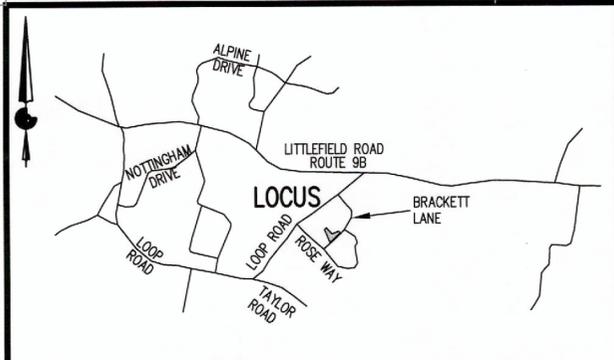
AMENDMENT TO
 BRACKETT ESTATES SUBDIVISION
 TAX MAP 25 LOT 5-24
 BRACKETT LANE
 WELLS, MAINE
 PREPARED FOR:
 JEFFERSON HOMES, INC
 ADDRESS: P.O. BOX 629 STRATHAM, NH 03885

1" = 50'
 0' 50'

DATE: 07/20/2016
 DRAWN BY: JAA
 CHECKED BY: TWH
 APPROVED BY: TWH

AMENDED
 SUBDIVISION
 PLAN

PROJECT NO: 14-171.01
 SHEET: 3 OF 43



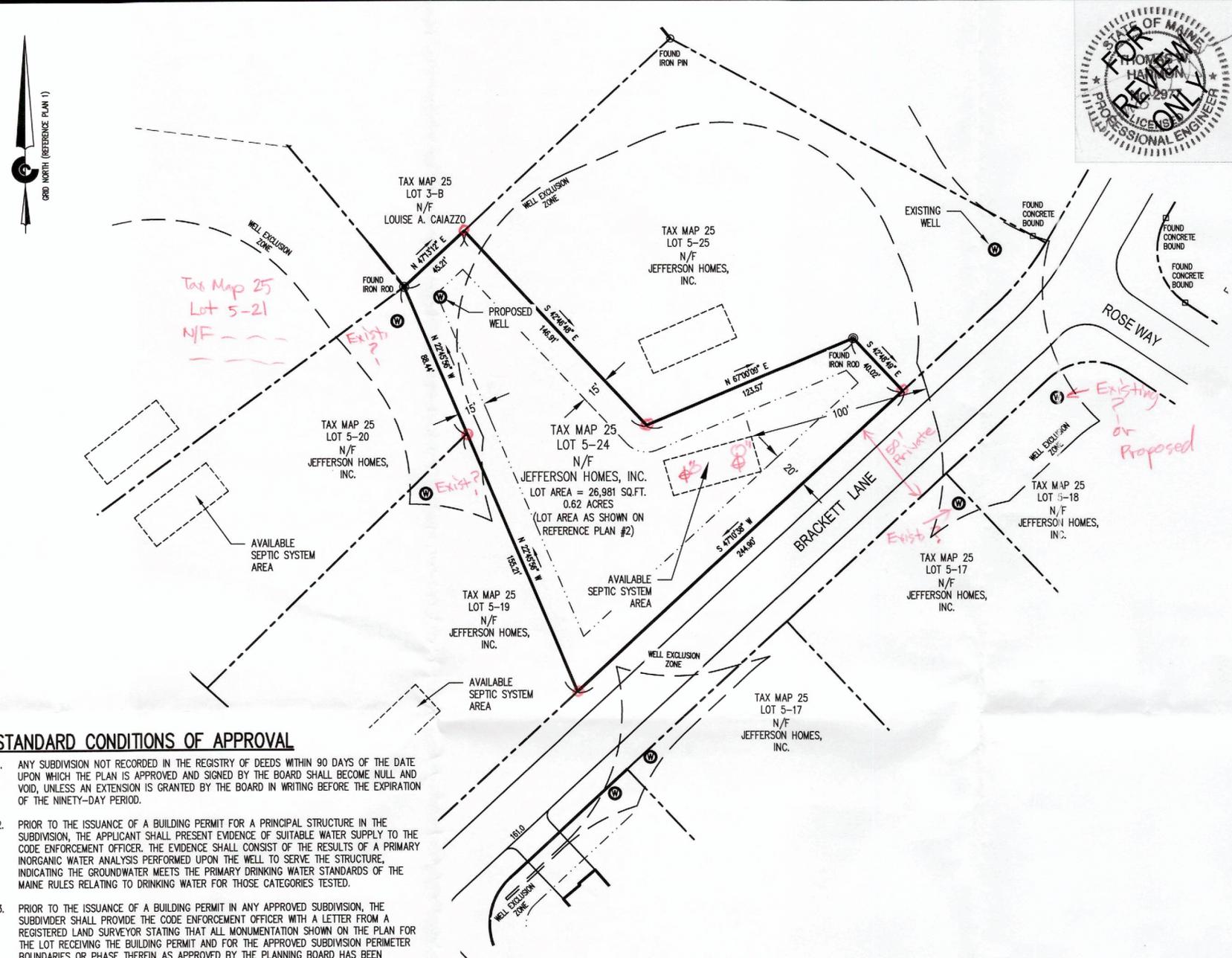
LOCATION PLAN
 (NOT TO SCALE)

- NOTES:**
- ASSESSOR'S INFORMATION:
TOWN OF WELLS ASSESSOR'S MAP 25 LOTS 5-24
 - RECORD OWNER:
JEFFERSON HOMES, INC.
P.O. 629
STRATHAM, NH 03885
 - DEED REFERENCE:
Y.C.R.D. 17227/834
 - SEE REFERENCE PLAN #1 FOR BOUNDARY, BEARINGS AND DISTANCES.
 - ZONING INFORMATION:
RESIDENTIAL A DISTRICT
DIMENSIONAL CLUSTER REQUIREMENTS (REFERENCE PLAN #1)
LOT SIZE: 20,000 SQ.FT.
MINIMUM FRONTAGE: 50'
SETBACKS:
15' FROM A CLUSTER LOT PROPERTY LINE
20' FROM A CLUSTER DEVELOPMENT STREET RIGHT-OF-WAY
~~NON-CLUSTER REQUIREMENTS:~~
30' FROM ABUTTING LOT LINES OF A NON-CLUSTERED RESIDENTIAL LOT
50' FROM A LOT LINE ABUTTING A STREET RIGHT-OF-WAY
 - EXISTING CONDITIONS AND BOUNDARY BASED ON REFERENCE PLANS #1 & #2.
 - LOT 5-7 SEPTIC SYSTEM TO BE INSTALLED 100' MINIMUM FROM EXISTING WELLS.
 - ALL NOTES AND RESTRICTIONS PROVIDED ON PREVIOUSLY APPROVED REFERENCE PLANS 1 & 2 TO REMAIN IN EFFECT.
 - FEDERAL EMERGENCY MANAGEMENT (FEMA) FLOOD INSURANCE RATE MAP 2301580017D INDICATES NO FLOOD ZONE WITHIN LOT 5-7.
 - TOTAL OPEN SPACE IS 34.99 ACRES AS SHOWN APPROVED SUBDIVISION PLAN. SEE REFERENCE PLAN #1 (GENERAL NOTE #1). MAXIMUM OPEN SPACE LOT COVERAGE NOT TO EXCEED 2%.
 - SITE CONSTRUCTION SHALL CONFORM TO APPLICABLE BEST MANAGEMENT PRACTICES FOR EROSION AND SEDIMENTATION CONTROL MEASURES.
 - THE AVAILABLE SEPTIC SYSTEM AREA (20'x50') WILL ACCOMMODATE A RESERVE SEPTIC SYSTEM.

- REFERENCE PLANS:**
- "SUBDIVISION PLAN BRACKETT ESTATES LOOP ROAD, WELLS, ME", BY ATTAR ENGINEERING, INC., DATED: 06/27/07, REVISION DATE: 05/04/09, SHEET 1 OF 16. PLAN RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 337 PAGE 14.
 - "SUBDIVISION PLAN BRACKETT ESTATES LOOP ROAD, WELLS, ME", BY ATTAR ENGINEERING, INC., DATED: 06/27/07, REVISION DATE: 05/04/09, SHEET 2 OF 16. PLAN RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 337 PAGE 15.
 - "AMENDMENT TO BRACKETT ESTATES SUBDIVISION TAX MAP 25 LOTS 5-27 AND OPEN SPACE BRACKETT LANE WELLS, MAINE", BY CIVIL CONSULTANTS, DATED: 10/22/2014 REVISION 2 DATED 11/13/14. PLAN RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 373 PAGE 28.

PURPOSE OF PLAN:
 THE PURPOSE OF THIS PLAN IS AMEND THE LOCATION OF THE SEPTIC SYSTEM ON LOT 5-24.

- LEGEND:**
- PROPERTY LINE
 - BUILDING SETBACK
 - BOUND AS SHOWN ON REFERENCE PLAN #1
 - IRON ROD AS SHOWN ON REFERENCE PLAN #1
 - IRON PIPE AS SHOWN ON REFERENCE PLAN #1
 - WETLAND
 - WELL



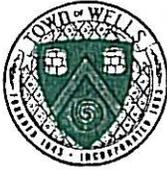
STANDARD CONDITIONS OF APPROVAL

- 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.
- 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.
- 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.
- NO CHANGES ERASURES, MODIFICATIONS OR REVISIONS SHALL BE MADE IN ANY FINAL PLAN AFTER THE APPROVAL HAS BEEN GIVEN BY THE PLANNING BOARD AND ENDORSED IN WRITING ON THE PLAN, UNLESS THE REVISED PLAN IS FIRST SUBMITTED AND THE BOARD APPROVES ANY MODIFICATIONS, EXCEPT IN ACCORDANCE WITH 260-10A(3).
- 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.
- FAILURE TO COMMENCE SUBSTANTIAL CONSTRUCTION WITHIN FIVE YEARS OF THE DATE OF APPROVAL AND SIGNING OF THE PLAN SHALL RENDER THE PLAN NULL AND VOID.

PLAN APPROVED BY TOWN OF WELLS PLANNING BOARD	
	CHAIRMAN
DATE: _____	

STATE OF MAINE
 YORK COUNTY ss. REGISTRY OF DEEDS
 RECEIVED _____, 20____
 AT _____h, _____m, _____M, AND RECORDED IN
 PLAN BOOK _____, PAGE _____
 ATTEST _____ REGISTER

TAX MAP NO. 25 LOT NO. 5-24



Planning & Development
208 Sanford Road, Wells, Maine 04090
Phone: (207) 646-5187, Fax: (207) 646-7046
Website: www.wellstown.org

<i>Michael G. Livingston, Town Engineer/Planner</i>	<i>mlivingston@wellstown.org</i>
<i>Shannon M. L. Belanger, Planning Assistant</i>	<i>sbelanger@wellstown.org</i>

Memo

Date: July 22, 2016

To: Planning Board

From: Michael G. Livingston, Town Engineer/Planner

Re: Ordinance Change Proposal for November 2016 Town Meeting –
Residential Commercial Outdoor Sales

Background:

An application was received by the Board of Selectmen on 6-7-16 by a property and business owner to amend the text of §145-24G(3). The Board of Selectmen determined that the proposal substantially met the considerations of §145-6D. The Board of Selectmen also determined that the ordinance change was in the best interest of the Town and the change should be pursued by the Town instead of the applicant. The Text Amendment Application was tabled in lieu of the Town proposing a zoning amendment to the voters.

Existing Land Use Ordinance:

145-24. G. Special provisions.

(3) All business uses and related storage, except for the sale of vegetables, fruits, plants and natural Christmas trees and wreaths, shall be located entirely within an enclosed structure.

Applicant's Proposed Changes:

145-24. G. Special provisions.

(3) All business uses and related storage, except for the sale of vegetables, fruits, plants and natural Christmas trees and wreaths and the sale and storage of motor vehicles (automobiles) at sales, repair and service facilities existing as of January 1, 2016, shall be located entirely within an enclosed structure.

If the proposed change is to be considered the following language changes would be recommended by the Planning Office:

145-24. G. Special provisions.

(3) All business uses and related storage, except for the sale of vegetables, fruits, plants and natural Christmas trees and wreaths and the sale and storage of motor vehicles (automobiles) at an existing licensed business service use which repairs and services motor vehicles as of January 1, 2016, shall be located entirely within an enclosed structure.

Option to consider:

Eliminate the "enclosed structure requirement in G(3) and replace with the following:

(3) All outdoor business uses and related storage shall be buffered and/or screened from roadways and abutting lots as determined by the required reviewing authority and shall meet the following standards:

- (a) Minimum 25 foot wide landscaped buffer along Route 9 & 109;
- (b) Minimum 15 foot wide landscaped buffer along Route;
- (c) Landscaped buffer shall consist of natural trees, shrubs, grass and mulch;
- (d) Screening to a residential abutter shall be a visual screen. Screening to a commercial abutter or road shall be determined by the Reviewing Authority.



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

<i>Michael G. Livingston, Town Engineer/Planner</i>	<i>mlivingston@wellstown.org</i>
<i>Shannon M. L. Belanger, Planning Assistant</i>	<i>sbelanger@wellstown.org</i>

Memo

Date: May 26, 2016

To: Board of Selectmen

From: Michael G. Livingston, Town Engineer/Planner

Re: Zoning Text Change Proposal – RC Zone §145-24. G. (3)

Background:

In November 2013 the Town voted to adopt changes to §145-6 of the Land Use Code which established a procedure for a property owner in Wells to request Zoning Map or Zoning text changes. An application form and fee have been established and an application has been submitted for a Zoning Text Change. The request consists of changing language in §145-24. G. (3) to allow outdoor sales and storage of motor vehicles at locations where facilities exist that perform vehicle sales, repair and service located in the Residential-Commercial District. Currently the Code requires all business uses and related storage to be within an enclosed structure within the RC Zone. The Code also limits most buildings to 5,000 sf of gross floor area within the RC Zone.

Application Procedure:

- The Board of Selectmen should vote to receive the application per §145-6.C
 - o Application submitted on April 20, 2016 with fee and escrow deposit
 - o Text change does not require abutter notification
 - o Applicant was notified of the BOS meeting scheduled for June 7, 2016 by mail and e-mail on May 27, 2016
- The Board of Selectmen must review the application and determine if it is in accordance with the consideration of §145-6D (1) through 6D (6).
- If the Board of Selectmen determines the change meets the general considerations, the Board must vote to send it to the Planning Board.
- After a review workshop, public hearing, and recommendations from the Planning Board, the change must return to the Board of Selectmen for a final review and scheduling of a public hearing for Town Meeting ballot consideration.

Review Materials Provided by Applicant:

- Cover Letter
- Application Form: Includes how application complies with §145-6.D (1)-(6)
- Attachment 1: Existing §145-24 RC District requirements
- Attachment 2: Proposed §145-24 RC District requirements
- Attachment 3: Tax card information, right/title to property in Wells

Review Considerations:

- Application submission requirements have been substantially met.
- See attached maps of RC Zones in the Town, orange.
- See attached Future Land Use Map from the current Comprehensive Plan
- See attached section from the current Comprehensive Plan
- §145-24 begins with the following statement:
 - A. Purpose. The purpose of the Residential-Commercial Districts is to provide areas for the economic use of older residential areas along highways while preserving the character and architectural scale of the areas.
- Other properties affected: C&S Auto, Archie's Off Road Center, and Pine Needle Performance. Unclear if existing uses could expand onto abutting properties.
- The state has auto dealership requirements that include a minimum building area of 5,000 sf and a service facility.
- Considerations D.1 through D.6 have been presented by the applicant within the application form. The BOS should go through each item and make comments on each.
- The current language proposed will be difficult to administer, "...and the sale and storage of motor vehicles (automobiles) at sales, repair, and service facilities existing as of January 1, 2016."
 - The following should be considered, "...and the sale and storage of motor vehicles (automobiles) at an existing licensed business service use which repairs and services motor vehicles as of January 1, 2016."
- A more comprehensive change would be to completely eliminate §145-24.G. (3) from the Code. (The section could be replaced, if warranted, with additional buffering requirements for outdoor businesses.)

Recommendations

1. The Board of Selectmen should review and vote on whether the application is in general accord with the considerations of §145-6.D or if the application could be with recommended changes.
2. If yes and the applicant agrees, the Board of Selectmen should vote to place the application on the 6-20-16 Planning Board agenda.

Chapter 6 - Land Use Policies and Strategies

Introduction

The Comprehensive Plan's Land Use Policies and Strategies describe goals, policies, standards, and implementation strategies to guide the location, intensity and quality of land use in Wells over the next ten years.

Goals

State Goal:

1. Encourage orderly growth and development in appropriate areas of each community, while protecting the State's rural character, making efficient use of public services and preventing development sprawl. (Growth Management Act)
2. Safeguard the State's agricultural and forest resources from development which threatens those resources. (Growth Management Act)

Regional Goal:

(None specific to land use patterns.)

Wells Goals:

1. Wells has a balanced pattern of land use that respects its diverse natural, cultural and historic resources.
2. Encourage growth that is respectful of the Town's village, rural and beach/waterfront areas.
3. Impact of new growth on environmental, open space and fiscal resources is minimized.
4. Growth does not exceed the capacity of municipal facilities and services.
5. The identities of the Town and its neighborhoods are maintained and enhanced.

Policies

To achieve these goals, it is the policy of the Town of Wells to:

1. Promote a general pattern of development that maintains and enhances the land use and living environments of the Town including the high density beach/waterfront area, the Route 1 mixed-use corridor, the suburban style neighborhoods and the farm and forest rural areas. To accomplish this policy the Town will:
 - a. Identify areas for growth that would include residential areas and areas where public infrastructure can service a high density of development;
 - b. Restrict development in critical rural areas;
 - c. Encourage commercial and industrial uses in appropriate locations;

- d. Encourage and preserve tourism-related industry east of Route 1;
 - e. Preserve beach/waterfront residential neighborhoods
2. Protect and enhance Wells' small-town rural character by ensuring that new development is consistent with the character of the Town, promotes amenities that reinforce the Town's character, protects the scenic value of the Town's beaches, marshes, rivers and rural roads, and protects historic areas of the Town.
 3. Consider a variety of regulatory and non-regulatory mechanisms to accommodate growth while protecting the Town's rural character.
 4. Continue to monitor and manage the rate of residential growth to ensure that such growth does not unduly strain public facilities and services by:
 - a. For the short-term, transitioning to a differential growth cap system that directs more residential growth into areas designated as growth and transitional areas;
 - b. For the longer-term, establishing a committee to study alternative methods of managing growth and financing public improvements required by new growth. These methods may include Transfer of Development Rights (TDR), Purchase of Development Rights (PDR), Impact Fees or other innovative planning tools.
 5. Encourage higher standards for infrastructure development in the Town's commercial and municipal center in the Route 1/109 area.
 6. Direct growth into areas designated in the Future Land Use Plan as growth or transitional areas.
 7. Manage residential development outside of village areas to assure it is consistent with the character of Wells by:
 - a. Adopting and revising land use regulations that recognize the capacity of natural and man-made systems within the Town;
 - b. Restricting development in areas where public facilities such as water, sewer, and roads are not available or are not adequate to service the development unless the services are upgraded; and
 - c. Requiring provision of open space and recreational lands as part of new, large subdivisions that are commensurate with the size of the development and that optimize opportunities to connect with townwide and regional open space and recreational resources.
 8. Maintain and promote small-scale commercial activities and uses along the Route 1 Corridor assuring that expansion of existing commercial uses or development of new commercial enterprises adhere to the following guidelines (Per Corridor Plan adopted by the Town in April 2000):
 - a. Ensuring the scale and nature of the development is compatible with adjacent uses.
 - b. Encouraging signs that are consistent with the scale of the development and do not hinder views to the waterfront.

- c. Instituting appropriate access management techniques to maintain a safe roadway system by minimizing curb cuts on major transportation routes.
 - d. Ensuring that US Route One remains with two travel lanes by promoting transportation alternatives and other traffic routes.
 - e. Creating a more pedestrian friendly environment through the use of raised sidewalks separated from the travel way, lighting and landscaping.
9. Direct business and industrial growth and expansion to locations that minimize impact to the Town's natural and historical environment and adjacent neighborhoods by adopting and implementing guidelines for landscaping, buffering, building design, lighting and parking.
 10. Identify specific areas that could be zoned or re-zoned to accommodate light industrial or business development based upon the suitability of the area and access to arterial roadways.
 11. Assure the long-term protection of land that is in forestry or agriculture through both regulatory and non-regulatory means.
 12. Continue to protect, manage and enhance the Town's open space and resource conservation areas.
 13. Establish new and implement existing master plans for Town-owned lands to determine their most appropriate long-term uses.
 14. Examine feasibility of acquiring land for a potential future Maine Turnpike interchange in the Moody/Tatnic Road area.
 15. Designate distinct "critical rural," "rural" and "growth" areas based on the guidelines of Maine's Growth Management Act.

Critical Rural Areas

Critical rural areas encompass areas in the community that contain valuable natural, historic or visual resources that are in need of a higher level of protection.

Rural Areas

Rural areas include areas of the community that:

- a. Consist of large, contiguous open spaces, farmland, and forest land;
- b. Are relatively free of sprawling and strip development along roads; and
- c. Are not physically suitable for accommodating future high density residential or commercial uses.

Growth Areas

Growth areas include areas in one of three categories:

1. Developed Areas – Areas that are essentially built out and will only experience incremental or infill growth in the foreseeable future.

2. **Existing Growth Areas** - Areas already designated as residential, commercial or industrial zones on the existing zoning map that have some capacity for future growth.
3. **Transitional Areas** - Areas that are not part of established residential, commercial or industrial areas on the existing zoning map that:
 - a. Are located in proximity to existing residential or commercial areas of Wells;
 - b. Are physically suitable for development or redevelopment;
 - c. Contain sufficient area to accommodate planned growth and development; and
 - d. Enable a compact, clustered, rather than sprawling, pattern of development.

Definition of Land Use Districts by Type

The following table lists districts classified as non-growth and growth areas in the Future Land Use Plan.

Non-Growth Areas		Growth Areas		
Critical Rural Areas	Rural Areas	Developed Areas	Existing Growth Areas	Transitional Areas
CR 1 - Fenderson Wildlife Commons	R1 - Rural Area Previously Defined	BB - Beach Business	RA - Residential A	T1 - Moody
CR 2 - The Heath/West Brook Corridor	R2 - Chapel Road Rural Extension	RB - Residential Beach	RC - Residential/Commercial	T2 - Community College
CR 3 - Tatic Hills/Mt. Agamenticus Area	DR - Developed Rural	RD - Residential Drakes Island	H - Harbor	T3 - Burnt Mill
CR 4A - Branch Brook Aquifer Travel Time <200 days			GB - General Business	T4 - Hobbs Farm
CR 4B - Branch Brook Aquifer Recharge Area			LI - Light Industrial	T5 - Crediford Limited Commercial
CR 5A - Webhannet River Corridor			QM - Quarry Manufacturing	
CR 5B - Merriland River Corridor			TC - Transportation Center	
CR 5C - Ogunquit River Corridor				
CR 6 - Existing Resource Protection Districts				

Town of Wells Comprehensive Plan Map 15 Future Land Use Plan Growth, Transitional, Rural, and Critical Rural Areas

Growth Areas

- G 1 - Developed Areas and Previously Designated Growth Areas

Transitional Areas

- T 1 - Moody
- T 2 - Community College
- T 3 - Burnt Mill
- T 4 - Hobbs Farm
- T 5 - Crediford Limited Commercial
- T 6 - Limited Industrial

Rural Areas

- R 1 - Rural Area Previously Designated
- R 2 - Chapel Road Rural Extension
- DR - Developed Rural

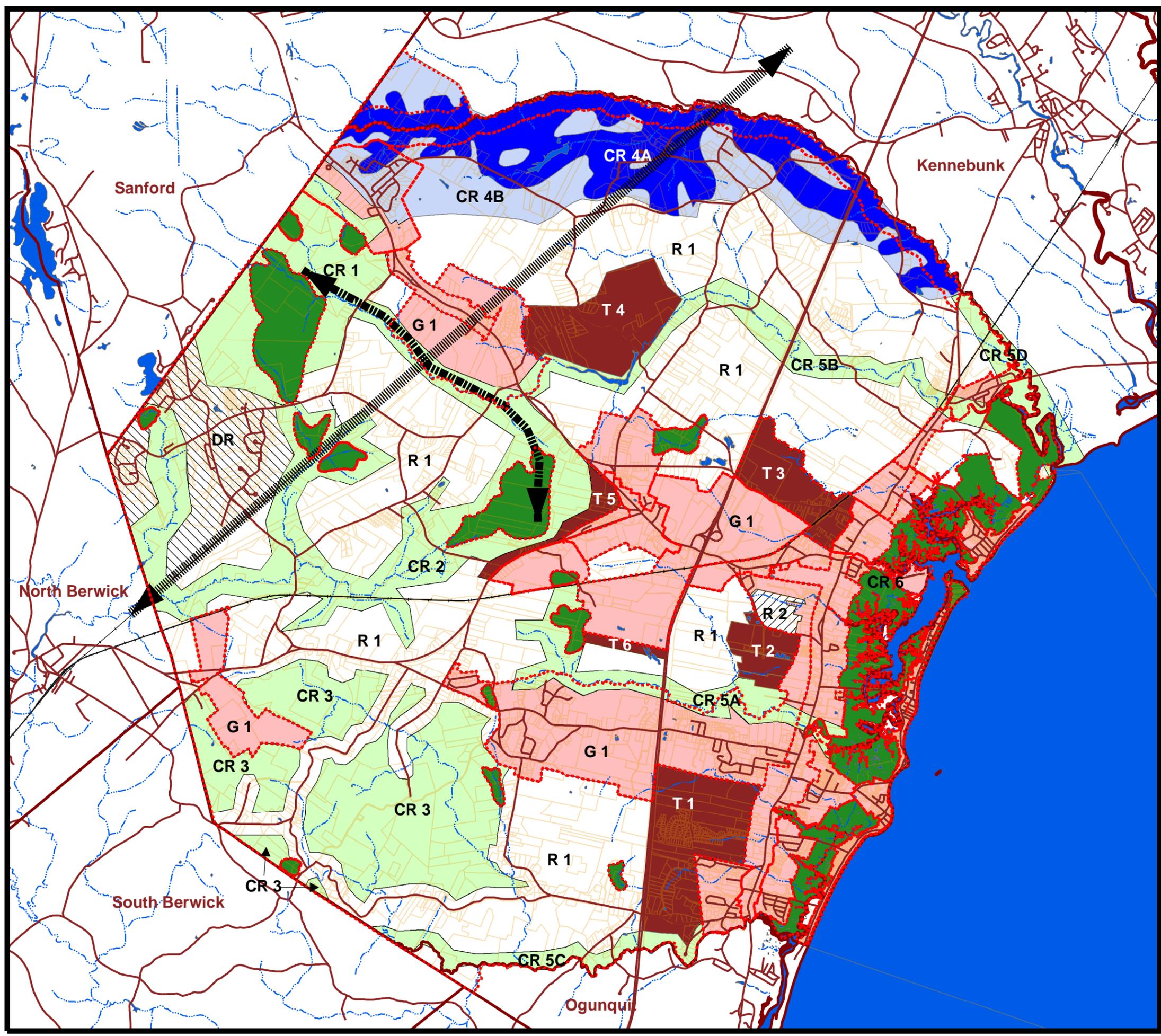
Critical Rural Areas

- CR 1 - Fenderson Commons
- CR 2 - The Heath and West Brook Corridors
- CR 3 - Tatnic Hills/Mt. Agamenticus Area
- CR 4A - Branch Brook Aquifer Travel Time <200 days
- CR 4B - Branch Brook Aquifer Recharge Area
- CR 5A - Webhannet River Corridor
- CR 5B - Merriland River Corridor
- CR 5C - Ogunquit River
- CR 5D - Lower Branch Brook (not in Recharge Area)
- CR 6 - Existing Resource Protection Districts

Trails

- Heath-Fenderson Greenway
- Eastern Trail

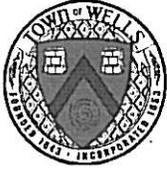
Existing Zoning Districts
York County Towns
Tax Parcels - March 04



Data provided by Maine Office of GIS
Future Land Use Areas Digitized from Cmte Proposals
Printed 3 February 2005 FINAL

4
1 inch equals 5,000 feet

0 5,000 10,000 Feet



Planning & Development

208 Sanford Road, Wells, Maine 04090

Phone: (207) 646-5187, Fax: (207) 646-7046

Website: www.wellstown.org

<i>Michael G. Livingston, Town Engineer/Planner</i>	<i>mlivingston@wellstown.org</i>
<i>Shannon M. L. Belanger, Planning Assistant</i>	<i>sbelanger@wellstown.org</i>

Memo

Date: August 5, 2016

To: Planning Board

From: Michael G. Livingston, Town Engineer/Planner

Re: Sunrise Terrace Subdivision – Tax Map 126, Lot 13-B-1 to 13-B-13 – Substantial Start of Construction Status

Background:

Sunrise Terrace is a 13 lot/20 dwelling unit major residential cluster subdivision approved by the Wells Planning Board on 4/6/2009. Several dwellings and buildings existed on the property prior to the subdivision obtaining approval. Some infrastructure (roadways, utilities) also existed prior to subdivision approval.

Issue:

Per 202-9C(6) of the Wells Subdivision Ordinance, "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." The project has exceeded 5 years, therefore a determination is needed that finds if commencing substantial construction has been satisfied. If substantial construction has not commenced the approval would have to be found null and void.

Construction after Subdivision Approval:

1. Installation of sewer manholes 90 (sta. 15+32) and 91 (Sta. 13+17) and modification of sewer manhole 93(Sta. 11+24)
2. Installation of 390 linear feet of sewer line
3. Processing and stockpiling of road base gravel (approx.. 2,000 cubic yards = 1,400 feet of road base) (see Photo 2)
4. Removal of building in front of Lot 13
5. Installation of wider road base from Sta. 11+50 to 14+00 (Photo 3)
6. Construction of house on Lot 4 (Photo 1)

Construction before Subdivision Approval:

1. Road base and partial pavement Sta. 1+00 to 3+75
2. Road base (partial) Sta. 0+80 to 3+75, 20 foot wide
3. Road base (partial) Sta. 6+80 to 11+50, 12 to 15 feet wide
4. Existing sewer manholes 89,93, 93A, 94 and 95
5. Existing sewer line, 665 linear feet

Summary:

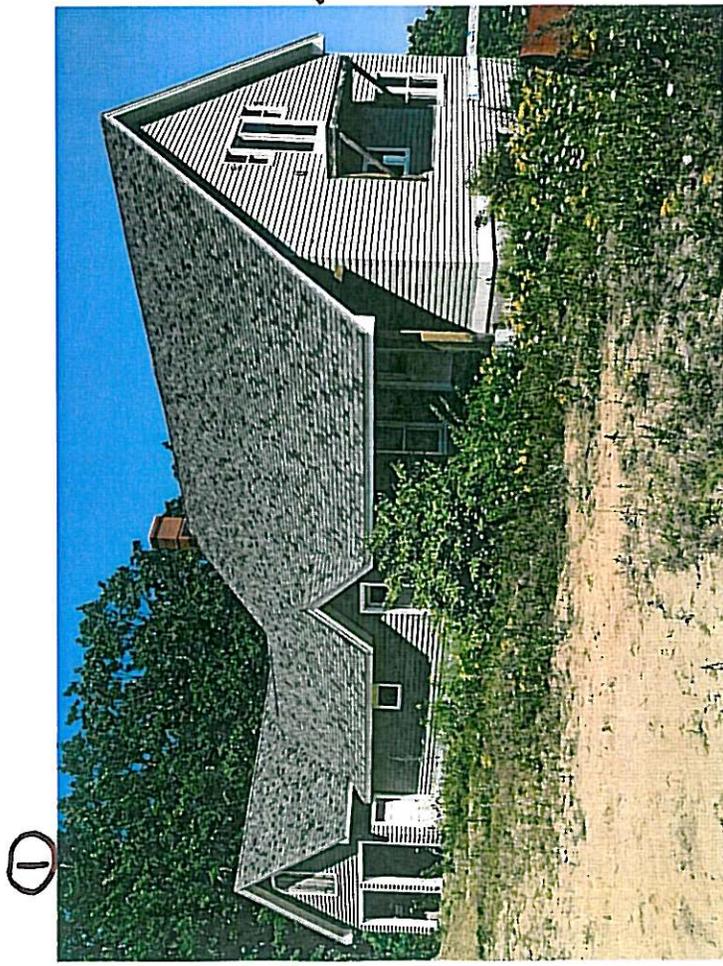
- A significant level of infrastructure existed prior to the subdivision approval
- Construction commenced on several items: sewer, road, and a house on Lot 4 after subdivision approval
(NOTE: A pre-construction meeting was not held with the Town, which was a requirement of this subdivision approval. Prior to any additional construction, a pre-construction meeting is necessary.)

Determination:

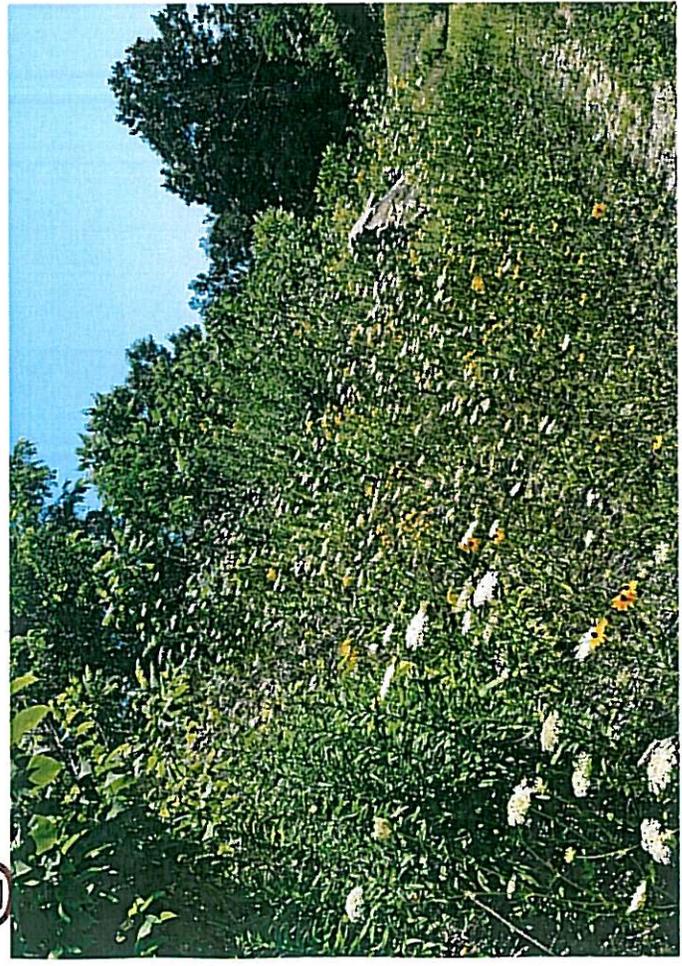
The Planning Board should consider the information provided and determine if substantial construction of Sunrise Terrace Subdivision was commenced.

Sunrise Terrace Subdivision : 8-4-16
MGL

House on Lot 4

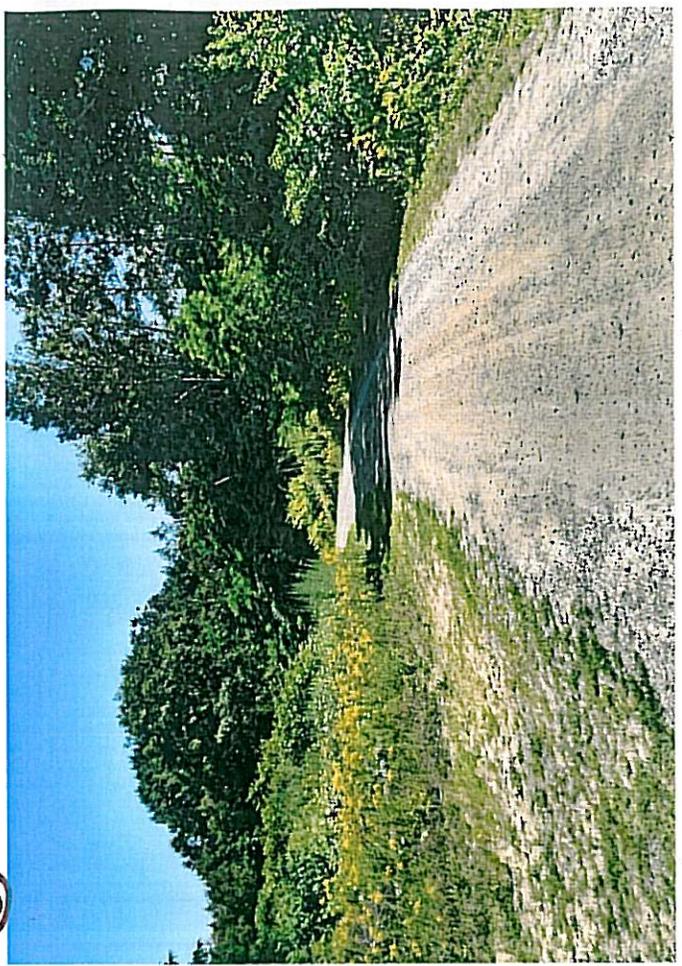


②



← Road base gravel stockpile

③



Road Sta. 11+50 to 13+50

④



Road : Sta. 10+00 to 11+50

⑤



Road : Sta. 10+00 to 8+00



Town of Wells, Maine Planning Board



FINDINGS OF FACTS & DECISIONS Final Subdivision Application for "Sunrise Terrace" Page 1 of 19

Chapter 202 Subdivision of Land

PROJECT INFORMATION	
General:	<p>Project Name: Sunrise Terrace Subdivision</p> <p># Lots Proposed: 13 lots; 20 dwellings</p> <p>Applicant: Russell & Marilyn Darling, 111 Darling Drive, Wells, ME 04090</p> <p>Landowner: Russell & Marilyn Darling, 111 Darling Drive, Wells, ME 04090</p> <p>Location: US Route 1 at Darling Drive</p> <p>Tax Parcel: Map 126, Lot 13 & 14</p> <p>Zoning: General Business, 75' and 250' Shoreland Overlay, and Resource Protection Districts</p> <p>Design Engineer: Jim Oppert, 29 York St, Kennebunk, ME 04043</p> <p>Final Plan Application Submission Date: December 2, 2008</p> <p>Plan Submission Date: December 2, 2008</p>
Project Description:	<p>Jim Oppert has submitted a Final Subdivision application on behalf of Russell and Marilyn Darling for a 13 lot, 20 dwelling unit major subdivision to be located off of Route One and Darling Drive. The property is identified as Map 126, Lots 13 and 14. The western half of the property along Route One and the area predominantly to be developed is located in the General Business District. The property is also in the 75' Shoreland Overlay District and the 250' Shoreland Overlay District; some development is proposed in the 75' Shoreland Overlay zone. The eastern half of the remaining property is located in the Resource Protection District and abuts the Atlantic Ocean. There does not appear to be any development proposed in this District. The lots are proposed to be serviced by public sewer and individual private wells. This property is also predominately located in the AE Flood zone. Lot 1 of the proposed development has an existing 4 dwelling unit apartment building and a single family dwelling located on it, lot 11 has an existing two-family dwellings proposed. The development will be served by a proposed 50' wide private right-of-way with cul-de-sac. This roadway location was granted a variance by the Zoning Board of Appeals because of the impact within the 75' Shoreland Overlay zone. It should also be noted that site plan approval exists for Map 126, Lot 13 for the "On a Roll" take-out cart.</p>
Approval Dates:	<p>Preliminary Plan Approval: June 23, 2008</p> <p>Final Plan Approval: April 6, 2009</p>
Public Hearings:	<p>Preliminary Public Hearing: June 9, 2008 continued to June 23, 2008</p> <p>Final Public Hearing: February 23, 2009</p>



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS Final Subdivision Application for "Sunrise Terrace" Page 18 of 19

3. 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 § 260-10A(3).
4. 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.
5. 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.
6. 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.

SPECIAL CONDITIONS OF APPROVAL

1. Prior to any construction activity at the site, the applicant 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 will 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. The bond or financial guaranty shall also include 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. 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.
4. The Town of Wells, Maine may employ the services of an engineering firm to assist in the inspection of roads and other infrastructure as well as the amount and kind of mitigation 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.
5. Any monuments necessary under this provision shall be installed prior to the sale of any lots.



Town of Wells, Maine Planning Board

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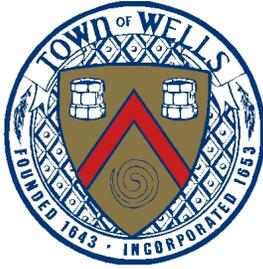
6. Upon completion of construction, the applicant shall provide to the Town record as-built drawings of the roadway, drainage, and utility related construction work.
7. Prior to the pouring of a building footing/foundation, the location of each building to be constructed shall be located on the face of the earth and shall be marked with surveyor pins or stakes. The developer shall receive approval of each building location from the Code Enforcement Office prior to the commencement of footing/foundation excavation.
8. The finish course of the road shall be installed at the time 75% of the lots have been sold or three years from the installation of the base course of pavement, whichever event shall first occur.
9. With the exception of Lot 4, no building permits shall be issued for any lot in the subdivision, until the construction debris and vehicle parts have been removed from the site; the roadway has been constructed; and the base course of pavement has been installed.
10. Dry hydrant easement language for the Sunrise Terrace subdivision shall be submitted to the Office of Planning & Development and Fire Department and reviewed at the developers' expense for conformance with town requirements. Upon the Town determining the easement conforms to town requirements, said easement must be recorded at the York County Registry of Deeds within 90 days.

Dated at Wells, Maine this 6 day of April, 2009

Wells Planning Board

By:

Charles Millian, Chairman



TOWN OF WELLS, MAINE STAFF REVIEW COMMITTEE

Meeting Agenda
Tuesday, August 2, 2016, 9:00 AM
Town Hall Meeting Room, Second Floor
208 Sanford Road, Wells

MINUTES

July 19, 2016

DEVELOPMENT REVIEW & WORKSHOP

- I. **COAST 2 COAST** – Lyons Enterprises, owner; Daniel Crook, applicant. Site Plan Amendment of the 1550 SF Business Contractor use building to add Business Retail use and Neighborhood Convenience Store use (with accessory food truck with enclosed picnic table area for up to 15 seats) . The parcel is located within the Residential Commercial District and is off of 835 Sanford Road. Tax Map 49, Lot 29-1. **1. Receive Site Plan Amendment, Workshop Articles V, VI, VII, completeness and compliance/Findings of Fact & Decisions for possible approval**

- II. **MEETINGHOUSE ROAD SUBDIVISION** – Richard Moody & Sons Construction Co, LLC, owner/applicant. Rick Licht, agent. Preliminary Subdivision Application for a 13 lot/dwelling unit major residential cluster subdivision with private road ROW and Open Space. The subdivision to be located off of 1321 Meetinghouse Road and is within the Rural District. The parcel is identified as Tax Map 77, Lot 22. **Comment on Preliminary Subdivision Application for the Planning Board**

OTHER BUSINESS

ADJOURN