



TOWN OF WELLS, MAINE PLANNING BOARD

Meeting Agenda
Monday, September 26, 2016, 7:00 PM
Littlefield Meeting Room, Town Hall
208 Sanford Road

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

I. SEPTEMBER 12, 2016 DRAFT MEETING MINUTES

DOCUMENTS:

[PB MIN 09-12-16.PDF](#)

PUBLIC HEARING(S)

- I. **BIRCH FARM SUBDIVISION (FORMERLY MEETINGHOUSE ROAD SUBDIVISION)**
Richard Moody & Sons Construction Co, LLC, owner/applicant. Rick Licht, agent. Final 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:

[BIRCH FARM FINAL PH MEMO 09-23-16.PDF](#)

DEVELOPMENT REVIEW & WORKSHOPS

- I. **BRANCH BROOK ESTATES**
Persis L. Ensor Trustee, owner; Donald Murphy, applicant; Kimball Survey & Design, Inc., agent. Subdivision Pre-Application for a 13 lot/dwelling unit residential cluster major subdivision located on 40 acres of land off of Wire Road with a proposed private street right-of-way to be constructed. The parcel is located within the Rural, Aquifer Protection, and 250' Shoreland Overlay Districts. Tax Map 74, Lot 2. **Report results of the Site Walk**

DOCUMENTS:

[BRANCH BROOK SITE WALK MGL MEMO 09-20-16.DOCX](#)

- II. **BIRCH FARM SUBDIVISION (FORMERLY MEETINGHOUSE ROAD SUBDIVISION)**
Richard Moody & Sons Construction Co, LLC, owner/applicant. Rick Licht, agent. Final 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 draft compliance and Final Findings of Fact & Decisions**

DOCUMENTS:

BIRCH FARM FINAL SUB MEMO 09-23-16.PDF
BIRCH FARM DRAFT COMPLIANCE 09-23-16.PDF
BIRCH FARM FIRE LETTER DRAFT 09-23-16.PDF
BIRCH FARM MGL DRAINAGE MEMO 09-23-16.PDF
BIRCH FARM HOA DEED MGL MEMO 09-22-16.PDF
BIRCH FARM HOA 9-9-16.PDF
BIRCH FARM COST ESTIMATE.PDF
091316 BIRCH FRAM PLAT SHT S1.1 PROPOSED FARMLAND REG.
NOTE.PDF
BIRCH FARM BASE-C2.0 09-26-16.PDF
BIRCH FARM BASE-C3.1 09-26-16.PDF
BIRCH FARM BASE-C3.2.PDF
BIRCH FARM DETAILS-C5.1 09-26-16.PDF

III. BURNT MILL ESTATES AMENDMENT

Burnt Mill Holding Company, LLC; Brad Booth, agent; Corner Post Land Surveying, surveyor. Final Subdivision Amendment Application to relocate cluster lot #62 from Storer Lane to Route 9A, adjacent to cluster lot #103. No changes to the number of lots or dwellings proposed. The area of the subdivision amendment is located off of Hobbs Farm Road, Route 9A, and Storer Lan, and is within the Rural and 75' Shoreland Overlay Districts. Tax Map 62, Lot 12 and Map 63, Lot 7. **Receive Subdivision Amendment Application, determine a site walk**

DOCUMENTS:

BURNT MILL AMEND MEMO 09-21-16.PDF
BURNT MILL SUBDIVISION AMD SUBMISSION 09-13-16.PDF
BURNT MILL AMD R15 SHEET S1 09-14-16.PDF
BURNT MILL AMD R15 SHEET 3 09-14-16.PDF
BURNT MILL AMD R15 SHEET 4 09-14-16.PDF
BURNT MILL AMD R15 SHEET 11 09-14-16.PDF

IV. 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 draft compliance and Findings of Fact & Decisions for possible approval**

DOCUMENTS:

GRANITE RIDGE GRAVEL AMEND APP MEMO 09-21-16.PDF
GRANITE RIDGE GRAVEL AMD 2 DRAFT COMPLIANCE FOF 09-22-16.PDF
GRANITE RIDGE AMD 2 DRAFT COMPLETENESS 09-21-16.PDF
GRANITE RIDGE GRAVEL AMD 2 ART VI (145-35 TO 145-47) TOWN REGS 09-21-16.PDF
GRANITE RIDGE GRAVEL AMD 2 ARTICLE VII - MINERAL EXTRACTION 09-21-16.PDF
GRANITE RIDGE GRAVEL 1 09-22-16.PDF
GRANITE RIDGE GRAVEL 2 09-22-16.PDF
GRANITE ABUTTER PLAN OK 09-20-16.PDF

V. THREE BROOKS WEST SUBDIVISION

Dennis Andrews Efsthian, owner. The Three Brooks West Subdivision was

DEBBIE ANDREWS ESTABROOK, OWNER. THE THREE BROOKS WEST SUBDIVISION WAS approved by the Wells Planning Board on April 7, 2008. Town Subdivision Ordinance §202-9C(6) states "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. This means that due to the fact that no construction for the subdivision occurred by April 7, 2013, the subdivision must be determined by the Planning Board to be null and void as of April 7, 2013 and notice shall be placed at the Registry of Deeds. **Review Certificate Rendering the Subdivision Null & Void**

DOCUMENTS:

THREE BROOKS WEST PB MEMO RE VOID APPROVAL 09-23-16.PDF
AFFIDAVIT OF CILLIAN CERTIFICATE NULL AND VOID OF THREE
BROOKS WEST SUBDIVISION 09-21-16.PDF

OTHER BUSINESS

I. SRC & CEO SITE PLAN REVIEW AND APPROVALS UPDATE

DOCUMENTS:

09-20-16 SRC AGENDA.DOCX

ADJOURN



TOWN OF WELLS, MAINE PLANNING BOARD

Meeting Minutes
Monday, September 12, 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: Dennis Hardy, George Raftopoulos, Robert Sullivan, Brian Toomey 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

August 22, 2016

MOTION

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

DEVELOPMENT REVIEW & WORKSHOPS

- I. BRANCH BROOK ESTATES** – Persis L. Ensor Trustee, owner; Donald Murphy, applicant; Kimball Survey & Design, Inc., agent. Subdivision Pre-Application for a 13 lot/dwelling unit residential cluster major subdivision located on 40 acres of land off of Wire Road with a proposed private street right-of-way to be constructed. The parcel is located within the Rural, Aquifer Protection, and 250' Shoreland Overlay Districts. Tax Map 74, Lot 2. **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.

Don Murphy, applicant, and Isaiah Plante of Kimball Survey & Design were present. This is a 13 lot cluster subdivision off Wire Road. There will be single family homes with private water and septic systems. A private road will be constructed. There will be 3 driveways off Wire Road and 10 off the private road.

MOTION

Motion by Mr. Raftopoulos, seconded by Mr. Sullivan, to schedule a site walk for Saturday, September 17 at 8:30 AM. **PASSED** 5-0-1 with Mr. Anderson abstaining.

PB Min 09-12-2016

- II. BIRCH FARM SUBDIVISION (FKA MEETINGHOUSE ROAD SUB.)** - Richard Moody & Sons Construction Co, LLC, owner/applicant. Rick Licht, agent. Final 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. **Receive Final Subdivision Application, Workshop Completeness, Determine Final Public Hearing**

MOTION

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

John Moody, applicant, and Rick Licht, agent, were present. This is a 13 lot major residential subdivision with a private road. Mr. Livingston will review the HOA documents and stormwater management plan. The Town Attorney is reviewing the HOA documents.

Mr. Licht asked for waivers of the requirement to show trees greater than 24” and of the requirement for 24’ of pavement on the road as authorized by §201-10F. The road can be narrowed to 20-22’. Votes on the waivers will be taken after the public hearing. The developer is adding 3 street lights and a gang box with pull out for the mail boxes. The Fire Chief is looking at the road width and recommends sprinklers for the residences.

MOTION

Motion by Mr. Sullivan, seconded by Mr. Anderson, to appoint Mr. Livingston completeness agent and authorize him to schedule a public hearing for September 26, 2016. **PASSED** unanimously.

- III. SUMMERSCAPE COTTAGES** – Summerscape Cottages Condominium Association, owners; Sherry Allan Bucar, Condominium President, applicant. Site Plan Amendment Application to eliminate the “on-site” manager requirement per note 20 on the approved site plan. No changes proposed to the 70 unit seasonal cottage complex lodging facility. The parcel is located off of 91 College Drive and is within the Rural District. Tax Map 43, Lot 4. **Receive Site Plan Amendment Application, Discuss the proposed Changes**

MOTION

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

Sherry Allan Bucar, Condominium Association President, and Len Sevitolo, Board member, were present. This is a non-conforming development since seasonal cottages are no longer a permitted use and the current density requirements for seasonal cottages are not met. One of the requirements is to maintain an on-site office with a manager present. The Condominium Association assumed responsibility from the developer last year and members are sharing the management duties. They are asking to remove that requirement and have the manager on duty “be available to residents” but not have to be on-site during his/her shift. The owners who choose to rent handle their own rentals. Hiring an office staff would be an additional cost for the owners.

The Board discussion focused on the language of the ordinance and difficulty of enforcement by the Code Office. All other seasonal cottage complexes are required to have an on-site office staffed during business hours. This project was approved as a seasonal cottage business. Approving the amendment would make it more non-conforming.

Mr. Livingston outlined various options. The Board could take a straw poll on the amendment. The applicants may wish to take it back to their Board. The applicants could withdraw their application, or the Board could deny it. The applicants chose to withdraw the application.

- IV. LITTLEFIELD ACRES SUBDIVISION** – C. Hutchins Co, Inc., owner/applicant. Final Subdivision Amendment Application to revise the subsurface septic system locations on lots 3 and 4 within the subdivision. No other changes proposed. The subdivision is located off of Wire Road and is located within the Rural and Residential A Districts. Tax Map 74, Lots 5-3 and 5-4. **Receive Subdivision Amendment Application, determine Site Walk if appropriate, workshop completeness if appropriate, determine a public hearing if necessary, workshop compliance and draft Findings of Fact & Decisions is appropriate for possible approval**

Surveyor Wayne Desper represented the applicant.

MOTION

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

This amendment would change the septic system locations for two of the lots and move them closer to where the houses will be built. Mr. Livingston felt the Board could waive the site walk because there is no lot line change proposed and this is internal to the two lots.

MOTION

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

MOTION

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

MOTION

Motion by Mr. Sullivan, seconded by Mr. Raftopoulos, to waive the requirement for a public hearing. **PASSED** unanimously.

The Findings of Facts & Decisions §202-12 and 202-2 were reviewed. §202-13 does not apply.

MOTION

Motion by Mr. Sullivan, seconded by Mr. Raftopoulos, to approve the Findings of Facts & Decisions with 6 standard conditions of approval and 1 special condition of approval, to approve the application and to sign the plans and Findings at the end of the meeting. **PASSED** unanimously.

- V. **THREE BROOKS WEST SUBDIVISION** – Dennis Andrews Efstathiou, owner. The Three Brooks West Subdivision was approved by the Wells Planning Board on April 7, 2008. Town Subdivision Ordinance §202-9C(6) states “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. This means that due to the fact that no construction for the subdivision occurred by April 7, 2013, the subdivision must be determined by the Planning Board to be null and void as of April 7, 2013 and notice shall be placed at the Registry of Deeds. **Discuss voiding the subdivision approval and lot impacts**

The owner was not present but has discussed this with Mr. Livingston. The Board approved the subdivision in 2008 and no construction has been done on the property. The current owner purchased the property from the bank after a foreclosure. Mr. Livingston recommended either voiding the subdivision approval, creating street frontage to make the subdivision parcel conforming, or merging the subdivision with the owner’s other land. The owner agrees to voiding the subdivision approval.

MOTION

Motion by Mr. Sullivan, seconded by Mr. Raftopoulos, to direct Mr. Livingston to prepare the certificate rendering the subdivision null and void; and to authorize the Chairman to sign it at the next meeting. **PASSED** unanimously.

OTHER BUSINESS

~SRC September 7 meeting. The Congregational Church proposes to rebuild their steeple, add a shed and expand their parking.

~CEO/Planner site plan reviews:

Garthwaite Energy—expand the gravel parking area and add a fenced storage area.

Hannaford Supermarket—locate a generator behind the store.

Wells High School—relocate a shed and the football scoreboard, add a new shed and install fencing around the concession stand utilities.

ADJOURN

MOTION

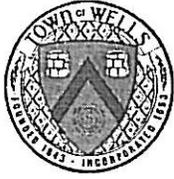
Motion by Mr. Sullivan, seconded by Mr. Raftopoulos, to adjourn and sign plans and Findings. **PASSED** unanimously.

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: September 23, 2016
Re: Birch Farm Subdivision –Final Public Hearing – Tax Map 77, Lot 22

The Planning Office has received the attached public comments regarding the Birch Farm Subdivision.

Thank you.

Shannon Belanger

From: JON MOODY <jon@rmoodyconstruction.com>
Sent: Monday, September 12, 2016 3:30 PM
To: Mike Livingston
Cc: rick licht; Leon Blood; Shannon Belanger
Subject: Re: Just to be sure.....

Good Afternoon,

I just completed meeting Mr. Downing onsite with Deb Briggs of Lower Village Survey. We identified the property boundaries with Mr. Downing. He then showed us the flags of concern, which are wetland delineation flags that are beyond the property line. Deb explained this was common when flagging wetlands and that no disturbance would occur in that area. Mr. Downing is satisfied with the boundaries and our project and will be sending an email to the planning office.

Please let me know if you have any question.

Thank you,
Jon Moody

Sent from my iPad

On Sep 12, 2016, at 2:12 PM, Mike Livingston <mlivingston@wellstown.org> wrote:

That's great, Larry will be out there on the road.

From: rick licht [<mailto:rlicht@securespeed.net>]
Sent: Monday, September 12, 2016 1:41 PM
To: 'JON MOODY'
Cc: Mike Livingston; 'Leon Blood'; Shannon Belanger
Subject: RE: Just to be sure.....

Great

Rick

From: JON MOODY [<mailto:jon@rmoodyconstruction.com>]
Sent: Monday, September 12, 2016 1:17 PM
To: rick licht
Cc: Mike Livingston; Leon Blood; Shannon Belanger
Subject: Re: Just to be sure.....

Actually I just spoke with Leon and he or Deb are going to make themselves available today at 2:45. Waiting to hear back from Mr. Downing.

Thank you,

Jon Moody

Richard Moody & Sons Construction
899 Post Road
Wells, Maine 04090
www.Rmoodyconstruction.com

(m) 207.251.1241
(o) 207.646.6194

On Sep 12, 2016, at 1:09 PM, rick licht <rlicht@securespeed.net> wrote:

Mike, et al:

Unfortunately Neither Leon nor I can be available at 2:45 but Jon Moody could be at least to understand where the concern is so we can respond tonight.
We could then schedule a follow up with Mr. Downing when Leon could be at the site later this week perhaps?

Best

Rick

From: Mike Livingston [<mailto:mlivingston@wellstown.org>]
Sent: Monday, September 12, 2016 12:52 PM
To: 'rick licht' (rlicht@securespeed.net); 'Leon Blood' (Leon@LowerVillageSurveyCo.com); 'Jon Moody'
Cc: Shannon Belanger
Subject: FW: Just to be sure.....

Hi Rick:

See below, I was suggesting that you or Leon could be available to walk the line.

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

From: Mike Livingston
Sent: Monday, September 12, 2016 12:23 PM
To: 'Lawrence Downing'; Shannon Belanger
Subject: RE: Just to be sure.....

Hi Larry:

I won't be available to walk the line this afternoon but it is something that should be done if you have questions. We have sent your e-mail to the owner so he can arrange a visit with you and his surveyor. He would be the best person to describe any property line questions.

They won't be having a public hearing until the next meeting 9-26 or the meeting after 10-3, so plenty of time.

Thanks.

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

From: Lawrence Downing [<mailto:lawrence.downing@gmail.com>]
Sent: Monday, September 12, 2016 11:55 AM
To: Mike Livingston; Shannon Belanger
Subject: Re: Just to be sure.....

Just resending this in case my first email got lost in the shuffle.

Please respond at your earliest convenience.

Thanks!

Larry

On Sun, Sep 11, 2016 at 9:27 PM, Lawrence Downing
<lawrence.downing@gmail.com> wrote:
Michael & Shannon -

I apologize for the late contact, but better late than to not bring up the question. This is in regards to the "Planning & Development" meeting at 7:00 tomorrow night regarding the "Birch Farm" development. which I regret I cannot attend due to another meeting.

The property that abuts this development is a wood lot which belongs to my wife & I. It just occurred to me that I remember seeing "tags" in some small trees on the wrong side of my woods road. I am going back out there tomorrow around 2:45 to check that area, - and if one or both of you could meet me there I would appreciate it. We just want to make sure that our property line is being properly respected and avoided. I'm not saying there IS a problem, - just want to make sure there ISN'T a problem!!

I am a teacher at Wells HS, so contact during the day is limited. You can respond here, or my cell phone is 229-2124.

Thank You in advance.

Larry Downing

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"If you don't know where you're going, - any road will take you there".
- George Harrison. "Any Road"

"Indecision may or may not be my problem".
-Jimmy Buffet, "Don't Chu-Know"

"Ya gotta get away to where the boat leaves from"
- Zac Brown

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"If you don't know where you're going, - any road will take you there".
- George Harrison, "Any Road"

"Indecision may or may not be my problem".
-Jimmy Buffet, "Don't Chu-Know"

"Ya gotta get away to where the boat leaves from"
- Zac Brown

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.

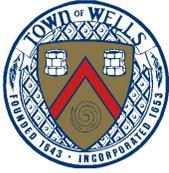
Paul + Diana

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
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

Memo

Date: September 20, 2016

To: Planning Board

From: Michael G. Livingston, Town Engineer/Planner

Re: Branch Brook Estates – Site Walk Results Memo – Tax Map 74, Lot 2

Site Walk Date: 9/17/2016
Time: 8:30 AM
Conditions: Sunny, 70°

Planning Board Members Present:
Bob Sullivan, Brian Toomey, George Raftopoulos,

Applicant: Don Murphy Applicant's Consultant: Isaiah Plante Abutters: James & Nancy Moulton (M 74, L 2C)

Comments:

- Proposed road and approximate lot corners well marked
- Site distances at proposed lots 1 & 2 and proposed road appear to exceed requirements
- Site distance for lot 13 to the east is good, to the west appears to be satisfied but approximate driveway location to be determined
- Lots 1 & 2 may need some reconfiguration to accommodate 50 foot setback from Map 74, Lot 2C
- Area between Lots 3 & 4 appears to be well suited for a stormwater retention area
- Lots are very flat with well drained soils
- Road construction will have minimal impacts
- Open Space is large and borders the very unique bluff of the Branch Brook
- No development proposed in the Aquifer Protection zone



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 Application Memo

Date: September 23, 2016

To: Planning Board

From: Planning Office

Re: Birch Farm Subdivision – (FKA Meetinghouse Road Subdivision) Tax Map 77, Lot 22

Project Description:

Rick Licht of Licht Environmental Design, LLC has submitted a Final 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.

§ 202-9. 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] The Preliminary Approval was granted on 8/8/16. The Final Subdivision Application was submitted on 08- 30- 16. Another site walk is not necessary.**
- (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 held 9/26/16**
- (3) The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the final plan. **To be determined**

- (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. **Received 9/2/16**
- (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. **Public hearing to be held 9/26/16**
- (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.* **NRPA Tier 1 Permit approval by DEP #L-27169-TC-A-N provided**
 - (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 a central water system is not proposed**
 - (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 a shared septic system is not proposed**
 - (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. **Public hearing to be held 9/26/16**
- (8) Upon receipt of an application for a subdivision containing 20 lots or dwelling units or more, the Planning Board shall notify the Road Commissioner, School Superintendent, Police Chief and Fire Chief of the proposed subdivision, the number of dwelling units proposed, the length of roadways and the size and construction characteristics of any multifamily, commercial or industrial buildings. The Planning Board shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed subdivision.
- (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. The Planning Board should consider the following updates and comments:
 - a. A Sample Deed was provided to satisfy the Preliminary Conditions of Approval.
 - b. Town Engineer has reviewed the HOA documents and sample Deed. See attached memo. Town Attorney review is pending.
 - c. A cost estimate has been provided and needs further information (10% contingency, Monumentation, as-built plan, etc.)
 - d. Various plan and note changes to be addressed by the applicant to address compliance review (202-12) checklist items
 - e. Planning Board to consider determining shared driveways are not required.
 - f. Light poles are proposed. Light pole detail and light and glare notation required.
 - g. Planning Board to consider finding the Monumentation proposed as suitable.
 - h. A draft Fire Chief letter provided.
 - i. See attached drainage memo from Mike Livingston.
 - j. Planning Board to review the proposed roadway width of 22'.
 - k. Planning Board and applicant to review recommended language for note 31 regarding performance guarantees.
 - l. Planning Board to review the proposed special conditions of approval

2. The Planning Board should continue the workshop to the next meeting (10/3/16).



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Chapter 202 Subdivision of Land

PROJECT INFORMATION	
General:	<p>Project Name: Birch Farm Subdivision</p> <p># Lots/ Dwellings 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: 1321 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>Land Use, Art. VII</p> <p>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>Final Plan Application</p> <p>Submission Date:</p> <p>Plan Submission Date:</p>
Project Description:	<p>Rick Licht of Licht Environmental Design, LLC has submitted a Final 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.</p>
Approval Dates:	<p>Preliminary Plan Approval: 8/8/2016</p> <p>Final Plan Approval: To be determined</p>
Public Hearings:	<p>Preliminary Public Hearing 8/8/2016</p> <p>Final Public Hearing 9/26/2016</p>

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.



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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.
19. On _____

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

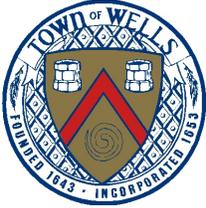


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§ 202-12. General Standards	Findings & Decisions
(1) In any subdivision with no more than five lots or dwellings units, no dedicated open space is required. In any subdivision with at least six lots or dwelling units and no more than 10 lots or dwelling 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.	This subdivision proposes more than 10 lots/ dwelling units and is required to provide a minimum of 35% Open Space. This subdivision proposes approximately 57% open space or 22.5 acres of the 39.4 acre parcel.
(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.	See note 15 on sheet S1.1. The Open Space shall be owned/managed by the Birch Farm at Wells Homeowner’s Association and shall be used for passive recreation purposes. <u>If desired, note 15 should also state: A single accessory structure not exceeding 200 SF is permitted and requires a building permit. No more than 2% of the Open Space shall be impervious surface.</u>
(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.)	No such reservation proposed or incorporation in Birch Farm at Wells HOA.
(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.	A waiver of identifying trees larger than 24” inches in diameter at breast height (abh) was granted by the Planning Board on 7/11/16. See sheet C2.0 for trees to be preserved and note 28 on sheet S1.1.
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.	
D. Lots.	

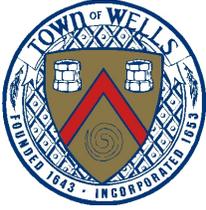


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§ 202-12. General Standards	Findings & Decisions
(1) All lots shall meet the minimum requirements of Chapter 145, Land Use, for the zoning district in which they are located. The lot configuration should be designed to maximize the use of solar energy on building sites with suitable orientation.	<p>§145-30. Rural District requirements apply to the 13 single family dwelling units proposed. The 13 single family lots proposed are also a Residential Cluster Development and are permitted by §145-49 to be 20,000 SF in size if not served by public sewer. All lots proposed are at least 20,000 SF in size.</p> <p>See Site Data Table for Land Use dimensional requirements on sheet S1.1.</p> <p>The proposed subdivision is not located within the Shoreland Overlay District.</p>
(2) Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development contemplated. Wherever possible, parking areas shall be laid out to coincide with building locations to maximize solar energy gain.	<p>All driveways shall be designed to comply with Chapter 201 and must provide an on-site turnaround so vehicle are not backing out on to roadways. <u>Recommend adding language to note 22 on sheet S1.1 to reflect this.</u></p> <p><u>Recommend adding to note 22 that parking along Birch Farm Way is prohibited.</u></p>
(3) Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan and deed restrictions shall indicate that vehicular access shall be located only on the less traveled way.	<p>See note 22 which requires all driveways to be located off of Birch Farm Way with the exception of lot 13, which shall have a driveway off of Meetinghouse Road. <u>Note 22 should also state that lot 1 and 12's vehicular access shall be deed restricted to access Birch Farm Way only.</u></p>
(4) Wherever possible, side lot lines shall be perpendicular to the street.	<p>Side lot lines shall meet this standard.</p>
(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.	<p>Any such changes, erasures modifications or revisions to the subdivision plan require Planning Board approval.</p>
(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.	<p>Extensions of such utilities in this area are not planned for the foreseeable future. Lots shall be served by private individual septic systems and private individual drilled wells.</p>
(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.	<p>No such lot proposed.</p>
(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.	<p>No such lots proposed.</p>
(9) Lots shall be numbered in accordance with Chapter 201, Article I, Street Naming and Numbering, of the Wells Municipal Code.	
(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.	<p><u>On 9/26/16 the Planning Board shall consider determining shared driveways are not required.</u></p>



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§ 202-12. General Standards	Findings & Decisions
(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.	<p><u>On 7/11/16 the Planning Board granted a waiver permitting the driveway for lot 13 to access off of Meetinghouse Road.</u></p> <p>All other lots shall have driveways off of Birch Farm Way. See note 22.</p>
E. Utilities.	
(1) Utilities shall be installed underground except as otherwise approved by the Board.	<p><u>Note 9 on sheet S1.1 to require utilities to be installed underground.</u> See Sheet C2.0.</p>
(2) Underground utilities shall be installed prior to the installation of the final gravel base of the road.	<p>See note 9 on sheet S1.1</p>
(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.	<p><u>Light pole detail needed noting pole height. Notation on sheet S1.1 and detail sheet needed stating that the light pole(s) shall be shielded and downward directional as to not produce glare onto abutting streets or lots.</u></p>
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.	<p>Sheet S1.1 identifies all Monumentation proposed and monuments found.</p>
(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.	
(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.	<p><u>On 9/26/16 the Planning Board must consider determining the Monumentation shown on sheet S1.1 to be acceptable.</u></p>
(2) Water supply.	
(a) When a subdivision is to be served by the Kennebunk, Kennebunkport and Wells Water District, the complete supply system, including fire hydrants, shall be installed at the expense of the subdivider.	<p>Subdivision not served by the KKW Water District.</p>

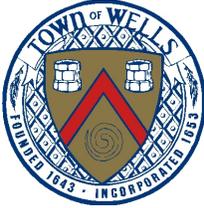


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§ 202-12. General Standards	Findings & Decisions
[1] The subdivider shall provide a written statement from the Water District that adequate water for both domestic and fire-fighting purposes can be provided without placing an undue burden on the source, 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.	The subdivision proposed individual drilled wells for the proposed 13 lots.
[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.	See note 14 on sheet S1.1. 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).	Not applicable.
[3] Fire protection. [Amended 3-11-2002]	
[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:	The subdivision proposes to construct all 13 single family dwellings with individual sprinkler systems for fire protection. See note 20 on sheet S.11. <u>A letter from the Wells Fire Chief is drafted dated 9-23-16.</u>
[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	Not applicable.

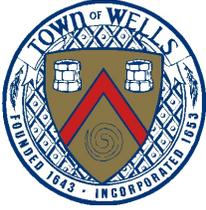


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§ 202-12. General Standards	Findings & Decisions
[ii] The Fire Chief has determined that the proposed water source has sufficient capacity to serve the needs of the subdivision and any other subdivisions currently using or relying on the water source for fire protection.	<u>A letter from the Wells Fire Chief is drafted dated 9-23-16.</u>
[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.	Not applicable.
[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.	This is a condition of approval to be provided prior to the issuance of a building permit. See note 18 on sheet S1.1
(c) Prior to the issuance of a building permit for the construction of any principal structure in a subdivision, the applicant shall present evidence of suitable water supply to the Code Enforcement Officer. This evidence shall consist of:	This is a condition of approval. See note 18 on sheet S1.1
[1] A letter from the Kennebunk, Kennebunkport and Wells Water District indicating availability of service; or	Not applicable.
[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.	This is a condition of approval.
(3) Sewage disposal.	
(a) Public system.	Subdivision not served by the Wells Sanitary District.
[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.	
[2] The district shall review and approve in writing the construction drawings for the sewage system.	
(b) Private systems.	Subdivision shall be served by individual subsurface wastewater disposal systems. See note 13 on sheet S1.1. Minor deviations in subsurface system placement shall be approved by the Town Code Officer/Planner (± 10 feet).

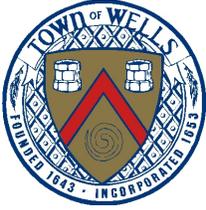


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§ 202-12. General Standards	Findings & Decisions
<p>[1] The developer shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine licensed site evaluator in full compliance with the requirements of the State of Maine 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>Test pits provided for all lots by Joel Noel, LSE #221, CSS#209 dated 5/18/2016. See note 8 on sheet S1.1</p>
<p>[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.</p>	<p>No such variance permitted.</p>
<p>(4) Stormwater management. [Amended 4-27-2007]</p>	<p>Stormwater Management Report for Birch Farm prepared by Silas Canavan, PE of Walsh Engineering dated August 29, 2016.</p> <p><u>Town Engineer/Planner Michael Livingston, PE reviewed the stormwater management report. See memo dated 9-23-16.</u></p>
<p>(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.</p>	<p>Various easements are depicted on the plans. Stormwater system deisnged by a Professional Engineer.</p>
<p>(b) Drainage easements for existing watercourses or proposed drainageways shall be provided and indicated on the plan.</p>	<p>Easements depicted.</p>
<p>(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.</p>	<p>Conclusion of Stormwater Management Report.</p>
<p>(d) A stormwater management plan, meeting the standards of Chapter 201, Streets and Sidewalks, Articles II and III, Wells Municipal Code, shall be submitted.</p>	<p>Completed.</p>
<p>(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.</p>	<p>Not applicable.</p>



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§ 202-12. General Standards	Findings & Decisions
<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>	Not applicable.
<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>	Stormwater system designed to meet standards and includes LIDs (Buffers) in the plan.
<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>	Not applicable.
<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>	Not applicable.
<p>[1] Downstream Analysis Methodology: The criteria used for the downstream analysis is referred to as the “10% rule.” Under the 10% rule, a hydrologic and hydraulic analysis for the ten-year, twenty-four-hour storm, the twenty-five-year, twenty-four-hour storm, and the one-hundred-year, twenty-four-hour storm is extended downstream to the point where the site represents 10% of the total drainage area. For example, a ten-acre site would be analyzed to the point downstream with a drainage area of 100 acres. This analysis should compute flow rates and velocities downstream to the location of the 10% rule for present conditions and proposed conditions. If the flow rates and velocities increase by more than 5% and/or if any existing downstream structures are impacted, the designer should redesign and incorporate detention facilities.</p>	
G. Streets.	

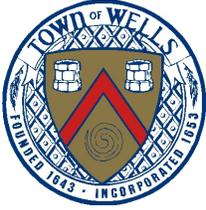


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§ 202-12. General Standards	Findings & Decisions
(1) All streets in a subdivision shall meet Chapter 201, Streets and Sidewalks, Articles II and III, Wells Municipal Code.	The proposed streets must comply with the requirements of Chapter 201. Birch Farm Way is a proposed private road that will not be considered for acceptance by the Town of Wells. See note 30 on sheet S1.1 <u>Planning Board to review the proposed road width of 22' per Chapter 201-10.</u>
(2) Any subdivision expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with existing public streets, streets shown on an Official Map or streets on an approved subdivision plan for which performance guaranties have been filed and accepted. Any street with an average daily traffic of 200 trips per day or more shall have at least two street connections leading to existing public streets, streets shown on an Official Map or streets on an approved subdivision plan for which performance guaranties have been filed and accepted. Said two street connections' center lines shall be no closer than 400 linear feet apart. Traffic generation rates shall be based on the Traffic Generation Manual, 1988 Edition, Institute of Transportation Engineers. Some typical traffic generation rates are:	<p>The subdivision is not expected to generate a daily traffic of 200 trips per day or more. Traffic generation is calculated to be 130 trips per day.</p>
(a) Single-family house: 10.0 trips per day per unit.	
(b) Residential condominium: 5.9 trips per day per unit.	
(c) Motel: 10.2 trips per day per room.	
(d) Industrial: 7.0 trips per day per 1,000 square feet of floor space.	
(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.	Subdivision not located in such areas.
H. Land features.	
(1) Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas and building excavations. Topsoil shall not be removed from the site until completion of construction and inspection by the Town to assure four inches of topsoil has been spread over all areas to be grassed.	This is a condition of approval.
(2) Except for normal thinning, landscaping and cutting trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion. The Board shall require a developer to take the following measures to correct and prevent soil erosion in the proposed subdivision: [Amended 4-27-2007]	This is a condition of approval. <u>See recommended note 24 on sheet S1.1.</u>
(a) The proposed subdivision shall prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties.	



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§ 202-12. General Standards	Findings & Decisions
(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.	No Shoreline areas exist within or abutting this subdivision.
(4) Dedication and maintenance of common open space and services.	Birch Farm at Wells Homeowner Association documents were reviewed by the Town Engineer/ Planner on 9-22-16 (see memo). Town Attorney review memo is pending. <u>Minor comments to be addressed.</u>
(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.	See notes 15 and 30 on sheet S1.1.
(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.	<u>Recommend such notation to be added to note 15 on sheet S1.1</u>
(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	<u>Recommend such notation to be added to note 15 on sheet S1.1</u>
[2] A part or all of the common open space may be dedicated for acceptance by the municipality.	<u>Recommend such notation to be added to note 15 on sheet S1.1</u>
(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.	See notes 15 and 30 on sheet S1.1.HOA document address maintenance responsibilities.
(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.	See notes 15 and 30 on sheet S1.1.HOA document address maintenance responsibilities.
(f) The homeowners' association shall have the responsibility of maintaining the common property.	See notes 15 and 30 on sheet S1.1.HOA document address maintenance responsibilities.
(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.	See notes 15 and 30 on sheet S1.1.HOA document address maintenance responsibilities.

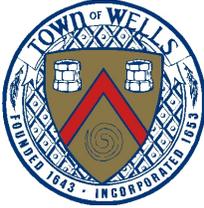


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§ 202-12. General Standards	Findings & Decisions
(h) The developer or subdivider shall maintain control of the common property and be responsible for its maintenance until development sufficient to support the association has taken place.	See notes 15 and 30 on sheet S1.1.HOA document address maintenance responsibilities.
(5) Construction in flood hazard areas. When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency, the plan shall conform with Chapter 115, Floodplain Management, of the Wells Municipal Code.	No flood zone is present for the parcel per FEMA Map 2301580010D. See note 24 on sheet S1.1 and plan reference #5.
(6) Impact on groundwater.	
(a) When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:	A hydrogeologic assessment was not required as the subdivision is not located within a gravel aquifer and has an average density of greater than 100,000 SF per dwelling.
[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.	
(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.	

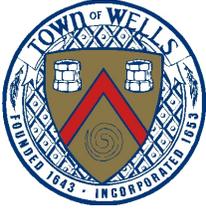


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§ 202-12. General Standards	Findings & Decisions
<p>(f) If groundwater contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.</p>	
<p>(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.</p>	<p><u>See recommended notation to add to note 14: Wells shall be a minimum of 100' from a subsurface wastewater disposal system.</u></p>

§ 202-13. Performance Guaranties. [Amended 4-12-1999]	Findings & Decisions
<p>A. Types of guaranties.</p>	
<p>(1)</p> <p>With submittal of the application for final plan approval, the applicant shall provide any one or a combination of the following performance guaranties for an amount adequate to cover the total site preparation and construction costs of all required improvements, taking into account the time span of the construction schedule and the inflation rate for construction costs:</p>	<p><u>Note 31 to be revised. “A performance guarantee shall be established by the applicant/developer prior to construction of this subdivision. The performance guarantee shall be in a form and amount found acceptable by the Town Manager and the sale of lots or units or occupancy of any lot or unit within this subdivision shall be prohibited until and acceptable performance guarantee is established with the Town of Wells.</u></p> <p><u>A. A cash performance guarantee based on 2.58 acres of disturbed area at \$3500 per acre (\$9030) shall be provided to the Town prior to the start of construction.</u></p> <p><u>B. No sale of a lot or occupancy permit shall be granted until the road is completed to the level of base pavement and drainage systems and utilities are complete, except that one temporary occupancy permit may be granted limited to the use as a sales model unit/office.</u></p> <p><u>C. The performance guarantee may be reduced during construction commensurate with completed improvements for which the release is being requested as determined by the Town Engineer.</u></p> <p><u>D. A cash escrow deposit shall be provided by the developer/owner prior to the start of construction to cover the costs associated with the third party consturcition monitoring inspections.</u></p>

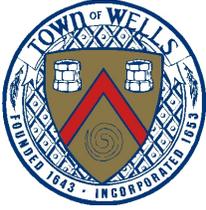


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	(a) Either a certified check payable to the municipality or a savings account or certificate of deposit naming the municipality as owner for the establishment of an escrow account.	<u>See recommended note 31.</u>
	(b) A performance bond payable to the municipality issued by a surety company approved by the municipal officers or Town Manager.	<u>See recommended note 31.</u>
	(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.	<u>See recommended note 31.</u>
	(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.	<u>See recommended note 31.</u>
	(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.	<u>See recommended note 31.</u>
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.	<u>See recommended note 31.</u>
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.	<u>See recommended note 31.</u>



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D.	<p>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.</p>	<p><u>See recommended note 31.</u></p>
E.	<p>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.</p>	<p><u>See recommended note 31.</u></p>
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><u>See recommended note 31.</u></p>
	<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:</p>	<p><u>See recommended note 31.</u></p>
	<p>(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</p>	
	<p>(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.</p>	
	<p>(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.</p>	
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>Phasing of the subdivision is not proposed.</p>

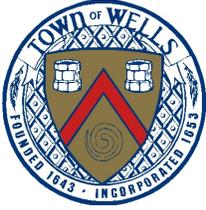


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H.	<p>Release of guaranty. Prior to the release of any part of the performance guaranty, the Board shall determine to its satisfaction, in part upon the report of the Town Manager and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.</p>	<p><u>See recommended note 31.</u></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 16 and 30.</p>
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>	<p><u>See recommended note 31.</u></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.	The subdivision:	The Planning Board finds that these standards shall be met.
(1)	Will not result in undue water or air pollution. In making this determination, the Board shall at least consider the elevation of the land above sea level and its relation to the floodplains; the nature of soils and subsoils and their ability to adequately support waste disposal; and the slope of the land and its effect on effluents;	
(2)	Has sufficient water available for the reasonably foreseeable needs of the subdivision;	
(3)	Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;	



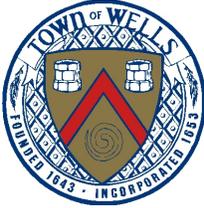
Town of Wells, Maine Planning Board

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(4)	Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;	
(5)	Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;	
(6)	Will provide for adequate solid and sewage waste disposal;	
(7)	Will not cause an unreasonable burden on the ability of the Town to dispose of solid waste and sewage if municipal services are to be utilized;	
(8)	Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;	
(9)	Is in conformance with this chapter, the Comprehensive Plan for the Town and Chapter 145, Land Use, of the Wells Municipal Code, as amended;	
(10)	Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of the body of water or unreasonably affect the shoreline of that body of water; and	
(11)	Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;	
B.	The subdivider has adequate financial and technical capacity to meet the above-stated standards;	The Planning Board finds that these standards shall be 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	Not applicable.
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.	Not applicable.

STANDARD CONDITIONS OF APPROVAL

1. Any subdivision not recorded in the Registry of Deeds within 90 days of the date upon which the plan is approved and signed by the Board shall become null and void, unless an extension is granted by the Board in writing before the expiration of the ninety-day period. (§202-9C(2))
2. Prior to the issuance of a building permit for a principal structure in the subdivision, the applicant shall present evidence of suitable water supply to the Code Enforcement Officer. The evidence shall consist of the results of a primary inorganic water analysis performed upon the well to serve the structure, indicating the groundwater meets the primary drinking water standards of the Maine Rules Relating to Drinking Water for those categories tested. (§202-12F(2)(b)[4])
3. Prior to the issuance of a building permit in any approved subdivision, the subdivider shall provide the Code Enforcement Officer with a letter from a registered land surveyor stating that all monumentation shown on the plan for the lot receiving the building permit and for the approved subdivision perimeter boundaries or phase therein as approved by the Planning Board has been installed. (§202-11A(5))



Town of Wells, Maine

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DRAFT COMPLIANCE

Final Subdivision Application for "Birch Farm Subdivision"

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4. No changes, erasures, modifications or revisions shall be made in any final plan after approval has been given by the Planning Board and endorsed in writing on the plan, unless the revised final plan is first submitted and the Board approves any modifications, except in accordance with § 202-10A(3). (§202-9C(4))
5. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement or other area shown on such plan. (§202-9C(5))
6. Failure to commence substantial construction of the subdivision within five years of the date of approval and signing of the plan shall render the plan null and void. (§202-9C(6))

SPECIAL CONDITIONS OF APPROVAL

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

September 23, 2016

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

Dear Mr. Livingston,

I have reviewed the final subdivision plan for the project known as Birch Farm Subdivision located off of Meetinghouse Road in Wells, Maine. The application is described as the following:

Rick Licht of Licht Environmental Design, LLC has submitted a Final 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 a 22' wide paved road width, and 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, drilled wells and residential sprinkler systems.

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 9/23/2015 with the following comments 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.*

Explosive materials 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 subdivision lots shall be served by individual drilled wells and residential sprinkler systems for fire protection.

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

The subdivision roadway (paved 22' with 4' wide gravel shoulders) and cul-de-sac with sufficient turning radii shall provide suitable access for firefighting equipment and personal. Subdivision plans prohibit parking along Birch Farm Way.

Major Subdivision: 202-9 (5) Indication of the type of water supply system(s) to be used in the subdivision. (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.

On-site wells shall serve each lot.

202-12F(2) Water supply.

(a) When a subdivision is to be served by the Kennebunk, Kennebunkport and Wells Water District, the complete supply system, including fire hydrants, shall be installed at the expense of the subdivider.

[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.

Subdivision not served by public water.

(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.*

[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.

On-site wells shall serve each lot. 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).

[3] Fire protection. [Amended 3-11-2002]

[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:

All homes shall be constructed with sprinkler systems. This is a suitable form of fire protection.

[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

Not applicable.

[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.

Not applicable.

[b] For purposes of this section, the one-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.

Not applicable.

If you have any questions, please contact me.

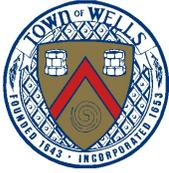
Sincerely,

Daniel Moore
Fire Chief

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

Memo

Date: September 23, 2016

To: Planning Board

From: Michael G. Livingston, Town Engineer/Planner

Re: Birch Farm Subdivision – Drainage Review Memo

Drainage Analysis Review

Analysis Methodology: Appears that the Cornell rainfall data was utilized. Good, but should be noted in narrative.

Analysis Point (AP) 1 – Pre

- Good AP location at property line
- Basin boundaries well defined for 1 and OS1
- Flow paths good for each basin
- Good model of existing 18" culvert at Meetinghouse Road

Analysis Point (AP) 1 – Post

- Good estimation on basin boundaries
- Flow path assumptions appropriate
- Good modelling of proposed culvert and reaches

Analysis Point (AP) 2 – Pre

- AP is depicted as offsite in order to compare basins 2.1 and 2.2 together. OK due to both basins combining and linking the two basins would not significantly alter the pre vs. post comparison
- Limits of basins modelled at property lines although actual limits differ. Limits are conservative and are adequate for pre vs. post comparisons.
- Flow paths well represented

Analysis Point (AP) 2 – Post

- Basin limits well represented
- Developed areas and road impacts accounted for
- Flow paths depicted and appropriate
- Pond D2 labelled on schematic is W1 in HCad, OK
- Ponds/ culverts and reaches well modelled and linked

Analysis Point (AP) 3 – Pre

- Combination of basins 3.1 and 3.2 offsite, but good.

- Flow paths could be longer, but conservative so OK.
- Pond in existing wetland modelled, good. On schematic labelled W1 and in HCad as W2, OK

Analysis Point (AP) 3 – Post

- Few changes from Pre
- Model OK

Analysis Point (AP) 4 – Pre & Post

- No changes proposed, not needed

Results:

- Reductions in peak flow rates
- Quality treatment by buffers, detention basins and natural vegetated wetlands
- Erosion Control addressed by plan requirements

Conclusion:

Based on the information provided, the project meets the Town requirements.



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

Memo

Date: September 22, 2016

To: Planning Board, Rick Licht

From: Michael G. Livingston, Town Engineer/Planner

Re: Birch Farm Subdivision – Homeowners’ Association and Deed review

Homeowners’ Association (draft 8-29-16) Comments:

- Good introduction and purpose
- Good reference to roads and land to be conveyed to the non-profit HOA
- A.7, good no parking restriction
- A.17, good drainage provision
- A.18 and A.19 missing
- A.20 good, approval # and date to be added
- A.21, good cutting restriction and provision for possible future structure
- C.I.1, good state on road acceptance eligibility
- C.2.a, good requirement of membership
- Exhibits should be added:
 - Property descriptions of land to be owned by HOA
 - Stormwater Management and Inspection plan

Sample Deed (draft 8-12-16) Comments:

- Good references to approved plan
- Good reference to well and septic restrictions
- Good requirement of membership in HOA
- Good sample for future deeds

Declaration of Rights, Restrictions and Covenants
Birch Farm Subdivision Town of Wells, York County, Maine

DRAFT 08-29-16

Property Affected by Declaration

This Declaration of Rights, Restrictions and Covenants shall bind the owners of lots Birch Farm Subdivision, (hereinafter called "the Subdivision") located on Meetinghouse Road, in Wells, Maine or any extension thereof and shown on the subdivision plan for Birch Farm Subdivision, entitled "Final Subdivision Plan of Birch Farm Subdivision, Meetinghouse Road, Wells, Maine", prepared by Lower Village Survey Company, which Plan is recorded in the York County Registry of Deeds at Plan Book ____, Page ____ (hereinafter called "the Plan") and shown on the Town of Wells Tax Map ____, Lots _____ (hereinafter collectively referred to as "the Lots"). The Subdivision Plan includes by reference the approved accompanying engineering plans entitled "Birch Farm Subdivision, Meetinghouse Road, Wells Maine, prepared by Walsh Engineering Associates and Licht Environmental Design, LLC dated _____, 2016 or as revised, (hereinafter called "the Plans"). The Subdivision includes Lots 1-13, Open Space Parcel A (hereinafter also referred to as "the Common Area") and the proposed subdivision road (Birch Farm Way, a private way) and right of way as shown on the Plan.

This Declaration is created to assure all owners and purchasers of lots within the Subdivision, their heirs, personal representatives, successors and assigns that the use, development, benefit and enjoyment of said Lots, roads and common lands shall be in accordance with a harmonious plan, and to this end, the undersigned Lot Owners deem that all Lots be subjected to the restrictions, reservation, servitudes, covenants, agreements and easements as hereinafter set forth.

The Developer, Richard Moody & Sons, LLC, intends to convey all roads, Common Areas and Open Space to a non-profit homeowners association establish in compliance with Title 13-B M.R.S.A. Section 101, et seq., prior to the conveyance of the first lot.

Article A. General Restrictions

Each of the Lots 1-13 as shown on the Plan shall be subject to the following rights, restrictions and covenant which shall run with the land.

1. Each Lot will be SUBJECT TO the terms, conditions, easement and restrictions set forth on the Plan and within this Declaration.
2. Each Lot shall be used for single family residential purposes excepting that home occupations or businesses are permitted subject to the requirements of the Wells Land Use Code. Any other uses as allowed by the Wells Land Use Code or other applicable ordinances are subject to review and approval by the Board of Directors.
3. Only one dwelling, as defined by the Wells Land Use Code shall be permitted on any lot. No Dwelling shall exceed two and one half stories in height. Accessory structures, (sheds, garages, pools, etc.) are permitted subject to any requirements of the Wells Land Use Code or other applicable ordinances and Lot Coverage requirements as specified on the Plan.

4. Each Dwelling shall be supported by a solid masonry foundation or slab. All exterior portions of chimneys and fireplaces shall be of brick or stone construction. No cinder block chimneys are allowed on the exterior of any dwelling or structure located on the Lot.
5. Construction of a Dwelling, once begun, shall be pursued diligently and completed within one year. All construction equipment and material used during construction upon a Lot shall be off-loaded on the Lot and not upon Meetinghouse Road or Birch Farm Way. It shall be the responsibility of the Lot owner to repair any damage to Meetinghouse Road, Birch Farm Way, or adjacent slopes and common areas resulting from the transportation and delivery of any building/construction materials.
6. All dwellings shall be constructed making an effort to retain and preserve the natural vegetation, trees, shrubs and other beneficial flora existing on the Lot. Vegetation which is hazardous to the Lot owner (e.g., dead trees or invasive species such as sumac, bittersweet or Japanese Knotweed) or that may impede proper drainage of the Lot may be removed.
7. No Lot owner shall park vehicles on Meetinghouse Road or on Birch Farm Way.
8. No Lot owner may grant easements benefitting real property located outside of the Birch Farm Subdivision unless approved by the Association described in Article B, below.
9. No livestock, farm animals or animals raised for commercial purposes shall be kept, bred, maintained or allowed on any Lot. Small poultry raised purely for domestic use by the Lot Owner is permitted. Domestic pets are permitted.
10. Propane tanks, satellite dishes and other communications equipment are permitted; however, such equipment must be fully screened so that they cannot be viewed from Meetinghouse Road or Birch Farm Way and adjacent Lots.
11. No Lot owner may do or permit anything to be done on their Lot which is or may constitute a nuisance, or violate any Rule established by the Association.
12. No sign of any nature shall be displayed to public view on a Lot or on the Open Space Parcel A, except one customary name and address sign of not more than four square feet.
13. No trash, ashes or other refuse, junk, vehicles in disrepair, brushwood or other unsightly objects shall be kept or permitted on any Lot or in the common areas except in sanitary containers concealed from public view.
14. Children's swing sets, jungle gyms, wading pools and similar play equipment may only be maintained in the rear yards. (For the purpose of this provision, the term "rear yard" shall mean that area located on the opposite side of the house from the front door.)
15. Houses and accessory structures as permitted, shall be painted in "earth-tones." In the event there is any question as to the nature of a particular color and whether it meets the definition of "earth-tones," then the Board of Directors of the Association shall have the absolute right to make a final decision.
16. No snow, ice gravel, loam compost, leaves, fertilizers or other mineral waste products or commodities shall be piled or stored within ten (10) feet of boundaries of any Lot; and snow

and ice shall not be deposited on roadways or sidewalks so as to obstruct motor vehicles or pedestrian passage by other Lot owners.

17. Lot owners shall properly and regularly maintain the drainage swales across their Lot so that water properly drains through the Lots. Failure to do so shall subject a Lot owner to fines and corrective action by the Association, including entry upon their Lot by the Association to correct the drainage and the assessment against the Lot owner for the cost of such corrective action. Lots shall be graded generally to be consistent with the Plans and stormwater management system.
20. The Subdivision is subject to a Maine Department of Environmental Protection, Natural Resources Protection Tier 1 Wetlands Permit # L-_____ and dated_____,2016 and a U.S. Army Corps of Engineers Letter of Authorization Permit # NAE-2016-01612 dated August 02, 2016. Said permits allow for 10,062 square feet of wetland impacts as shown on the Plans. No additional filling, cutting of vegetation, dumping of lawn waste or impacts to wetlands within the Subdivision are permitted without additional permits from the stated regulatory agencies and/or the Town of Wells.
21. Open Space Parcel A containing 22.5 acres shall be maintained as wooded open space for the use and enjoyment of all members of the Meetinghouse Road Subdivision and shall permit the continued use of existing trails and tote roads within Parcel A, creation of passive use trails for walking, hiking and associated activities excepting that no motorized use shall be permitted except as required for maintenance of the Open Space Parcel A. Portions of Open Space Parcel also allow for the construction and maintenance of Stormwater Management facilities including ponds, grading and outlets as well as stormwater treatment buffer areas as shown on the Plans. Cutting only of trees or vegetation which are dead, diseased, invasive or pose safety hazards is permitted within Open Space Parcel A including designated stormwater buffers. A gazebo or similar structure(s) may be permitted subject to requirements of the Wells Land Use Code and any standards noted on the Plan.

Article B: Easement

Each Lot owner, their heirs, personal Representatives, successors and assigns is hereby granted a perpetual easement, to be used by foot or by motor vehicle, and for all utilities, in common over Birch Farm Way.

Article C: Homeowners' Association

1. Creation and Purpose:

The Birch Farm Way Road Association, Inc. is a non-profit Maine corporation established for the following purposes:

- 1) To hold title to Birch Farm Way for the benefit of all Lot owners until such time as the road may be taken over by the Town of Wells; however notwithstanding the rights of the Association to petition the Town for acceptance of the roadway (Birch Farm Way), the Town has no obligation to accept said roadway and the roadway does not provide two (2) means of access to public ways and therefore is not eligible for

acceptance by the Town of Wells under the requirements of the Town of Wells Street and Sidewalk Ordinance;

- 2) To hold title to any Common Areas, Open Space or roadways as shown on the Plan for the benefit of all Lot owners subject to any acceptance of the roadway by the Town of Wells;
- 3) To maintain and repair the roadway until such time as title to the roadway may be accepted by the Town of Wells;
- 4) To facilitate the collection of fees from Lot owners for snow removal, road maintenance and Common Area maintenance for the Subdivision;
- 5) To administer, maintain and repair the internal drainage/stormwater management system which consists of road swales, stormwater detention facilities, level lip spreaders, outlet control structures, stormwater piping and culverts as shown on the Plans.
- 6) To administer, maintain and repair any Common Area or Open Space;
- 7) To enforce and administer the Declaration of Rights, Restrictions and Covenants;
- 8) Generally, to preserving property values and amenities along and within the Meetinghouse Road Subdivision; and
- 9) To undertake any other activities authorized by Title 13 – B, the Maine Nonprofit Corporation Act.;

In addition, to the provisions set forth herein, the Association shall be governed by Articles of Incorporation, Bylaws and any amendments thereto or any rules and regulations subsequently adopted by the Association. In the event of a conflict the provisions of this Declaration and the Articles of Incorporation Bylaws or Rules and Regulation, the provisions of this Declaration shall govern.

2. Membership in the Association and Voting:

- a. Every record owner of a Lot (a Lot Owner) shall be members of the Association and each lot shall be entitled to one vote. Lot Owners in arrears in paying their annual dues or assessments shall not have the right to vote.
- b. Meetings of the Association membership shall be held at a time and place to be established by the Board, as shall be specified in the notice of the meeting.
- c. **Annual Meetings.** The annual meetings of the Association members shall be held each year on the _____. In the event that the day for which an annual meeting is scheduled is a legal holiday, then the meeting shall be held on the first day thereafter which is not a legal holiday. At such meetings there shall be elected by ballot of the members a Board of Directors in accordance with the provisions of these Bylaws. The Association Members shall also transact such other business as may properly come

before them. All matters to come before any meeting of the association shall be determined by a vote of a Majority of members in attendance at the meeting.

- d. **Meeting by Remote Communication.** Any one or more Association member may participate in a meeting of the Association by means of a conference telephone, video conference, or similar communications equipment. Participation by such means shall constitute presence in person at a meeting provided that all persons participating in the meeting can hear each other at the same time and each director can participate in all matters before the Association, including, without limitation, the ability to propose, object to, and vote upon a specific action to be taken by the Association.

3. Power of the Association:

The Association shall have all of the powers of a Maine non-profit corporation, including the authority to:

- a. Acquire, own, convey, mortgage, pledge or lease such property as may be necessary in order to carry out the purposes of the Association and to hold title or an easement to Meetinghouse Road;
- b. The power and duty to determine an annual budget.
- c. To elect a Board of Directors;

ARTICLE D: Board of Directors

1. Creation and Purpose.

The affairs of the Association will be carried out by a three-person Board of Directors elected annually by the Lot Owners Board members shall be owners of lots 1-13 as shown on the Plan which includes lots 1-12 with access and addresses from Birch Farm Way and Lot 13 with access and a street address from Meetinghouse Road, a Town way; (or their spouse is the spouse is not a title holder). The Board members so chosen shall vote to establish the three positions: President, Secretary and Treasurer (the Officers). The officers may, but need not, be chosen from among the Board Members. Homeowners may nominate any Lot Owner (or spouse of a Lot Owner) member to be elected to the Board. Elections will be made by a majority vote at the annual meeting of the Association. Each board member will serve for a three-year term. Board Members may be reelected at the end of their three-year term.

2. Powers and Duties. The Board shall have the duty and power to:

- a. enforce the terms of the Declaration and Bylaws;
- b. open bank accounts on behalf of the Association and designate the signatories thereon.
- c. determine fines for violations of the Declaration of Rights, Restrictions and Covenant and the Rules and Regulations;

- d. create and enforce Rules and Regulations for the administration of the Association and the roadway;
 - e. to designate, hire and dismiss the personnel necessary for the maintenance, operation, repair and replacement of the Common Areas;
 - f. to prepare and present to the Association at the annual meeting a proposed budget for the coming year;
 - g. To establish a capital reserve account if the Board deems it necessary for the management of the Association and its Common areas, i.e., Meetinghouse Road;
 - h. based upon the budget established by the Association, to make assessments against Lot Owners to defray the costs and expenses of the Association, establish the means and methods of collecting such assessments from the Lot Owners and establish the period of the installment payment of annual dues and assessments;
 - i. to collect the assessments for Common Expenses against the Lot Owners, deposit the proceeds thereof in any bank depositories or money market funds designated by the Board of Directors and use the proceeds to carry out the administration of the Common Areas;
 - j. to provide for the operation, care, upkeep and maintenance of all of the Common Areas including improvement, maintenance, signage, repair, street sweeping, paving, sealcoating, snow plowing and snow removal and upkeep and maintenance of a Postal Box or kiosk serving the Subdivision on Birch Farm Way or any other Common Areas and storm water drainage facilities;
 - k. carry out the business of the Association in any manner the Board deems necessary and appropriate;
3. **Notice of Meetings.** Notice of a meeting may be sent by mail, telephone, facsimile transmission, telegraph, courier service, electronic mail or hand delivery, directed to each director at his or her address or contact information as it appears on the records of the President. Such notice shall state the time and place where the meeting is to be held and, need not specify the purpose(s) for which the meeting is called. Notice shall be deemed to have been given when sent, and if by mail, when deposited in the United States mail with prepaid postage thereon. No notice shall be required for any regular meeting for which the time and place has been previously fixed by the Board of Directors. Notice of any regular meeting for which the time and place is not fixed by the Board of Directors must be given to each director not less than thirty (30) days before such meeting. Notice of a special meeting of the Board of Directors must be given to each director not less than seven (7) days before such meeting, provided, however, that notice of special meetings relating to an emergency which must, in the reasonable judgment of the President, be resolved in a shorter time frame shall be given as promptly as possible. Notice of a regular or special meeting need not be given to a director who submits a signed waiver of notice before or at the meeting's commencement, or who attends the meeting without protesting (not later than the commencement of the meeting) the lack of notice to him or her.

4. **Quorum.** At each meeting of the Board of Directors, the presence of two-thirds (2/3) of the directors in office immediately prior to the commencement of the meeting shall constitute a quorum for the transaction of business or any specified item of business. If a quorum is not present at any meeting of the Board of Directors, the meeting shall be adjourned to another time without notice other than by announcement at the meeting, until such a quorum is present, except that notice of such adjournment shall be given to any directors who were not present at the time of the adjournment.
5. **Voting.** Except as otherwise provided by statute, the Articles of Organization or these by-laws, the vote of a majority of the directors present at the time of a vote, if a quorum is present at such time, shall be the act of the Board of Directors.
 - a. **Presumption of Assent.** A director of the Association who is present at a meeting of the Board of Directors when action is taken is deemed to have assented to the action taken unless: (i) the director objects at the beginning of the meeting (or promptly upon arrival) to holding the meeting or transacting business at it; (ii) the director's dissent or abstention from the action taken is entered in the minutes of the meeting; or (iii) the director files written notice of the dissent or abstention with the presiding officer of the meeting before its adjournment or with the Association immediately after adjournment of the meeting. This right of dissent or abstention is not available to a director who votes in favor of the action taken.
 - b. **Meeting by Remote Communication.** Any one or more members of the Board of Directors or any committee thereof may participate in a meeting of the Board of Directors or such committee by means of a conference telephone, video conference, or similar communications equipment. Participation by such means shall constitute presence in person at a meeting provided that all persons participating in the meeting can hear each other at the same time and each director can participate in all matters before the Board of Directors, including, without limitation, the ability to propose, object to, and vote upon a specific action to be taken by the Board of Directors or committee.
 - c. **Action Without Meeting.** Any action required or permitted to be taken by the Board of Directors or any committee thereof may be taken without a meeting if all members of the Board of Directors or committee consent in writing to the adoption of a resolution authorizing the action. Such consent may be written or electronic. The resolution and written consents thereto by the members of the Board of Directors or such committee shall be filed with the minutes of the proceedings of the Board of Directors or such committee.

ARTICLE E: Method of Providing General Funds:

For the purpose of providing a general fund to enable the Association to exercise the powers and make and maintain the improvement and render the services herein provided, the Board of Directors of the Association shall determine for each year the total amount required for such fund for such year to be approved by the Association Members at the Annual Meeting by majority vote of those in attendance at the annual meeting. Once approved by the Association Members, the Board of Directors shall levy an annual assessment uniformly against each of Lot, hereinafter called the Association Fee.

The yearly Association Fee shall be assessed to each Lot Owner by November 1 of each year. In the event of failure of any owner to pay any assessment on or before thirty (30) days following notice to such Lot owner of such assessment of the scheduled due date thereof, then such assessment shall become delinquent and shall bear interest at the rate of eighteen percent (18%) per annum from the due date thereof, plus costs of collection, including without limitation attorney fees. When delinquent, payment of principal, interest and costs may thereafter be enforced against the owner personally, and as a lien upon the delinquent Lot Owner's Lot. The Board of Directors shall have the power and duty to place a Certificate of Lien in the York County Registry of Deeds upon the lot of any delinquent Lot Owner. The Board of Directors shall establish a written policy for the enforcement of the annual assessment. It shall be the duty of the Association, acting through its Board, to bring suits to enforce such liens before the expiration thereof. For each certificate so filed, the Association shall be entitled to collect from the delinquent Lot Owner, in addition to the unpaid assessment, an administration fee based upon the cost of preparing and processing the Certificate of Lien. Such fee shall be collectable in the same manner as the original assessment.

The liens for such assessments shall be subordinate to the lien of any valid mortgage now existing or that may hereafter encumber a Lot. The event of the issuance of a deed pursuant to foreclosure of such mortgage or in lieu of such foreclosure, the Grantee of such deed shall take title free and clear from any liens herein provided which accrue prior to the recording of such deed.

Such liens shall continue for a period of five years from the date of delinquency and no longer, unless within such time suit shall have been filed for the collection of the assessment, in which case the lien shall continue until the termination of the suit and until the sale of the property under execution of the judgment in such suit.

Expenditures Limited to Assess for Current Year. The Association shall not expend more money within one than the total amount of the assessment for that particular year, plus any surplus which it may have on hand from previous assessments; nor shall said Association enter into any contract whatsoever binding the assessment of any future year, and no such contract shall be valid or enforceable against the Association

ARTICLE F: General Provisions

1. Each of the Restrictions set forth in **ARTICLE A** of this Declaration shall continue and remain binding for a period of fifty (50) years from the date hereof, and thereafter shall continue automatically in effect for two additional periods of twenty (20) years, unless otherwise agreed to in writing by two-thirds of the lot owners. This Declaration may be amended by written consent of **two-thirds** of the Lot Owners. Said written consent to amend shall be prepared and signed by the President and Secretary of the Association and recorded in the York County Registry of Deeds.
2. **ARTICLES C, D AND E** may be amended by with the written consent of a **majority** of the Lot Owners. Said written consent to amend shall be prepared and signed by the President and Secretary of the Association and recorded in the York County Registry of Deeds.
3. The provisions herein set forth shall run with the land and bind the Lot Owner, their heirs, personal representative, successors and assigns, and all parties claiming by,

through or under them. Each Lot Owner shall have the right, but not the obligation, jointly and separately, to sue for and obtain a prohibitive and mandatory injunction to prevent the breach of or to enforce the observance of, the provisions of this Declaration or any of them, in addition to the right to bring an ordinary legal action for damages. If any Lot Owner or the Association engages the services of an attorney to enforce the provisions set forth herein and is successful in establishing that a breach of these covenants by defendant has occurred, then the Lot Owner or Association shall be entitled to recover from the defendant reasonable attorney's fees. In no event shall the failure of Lot to enforce any of the provisions herein set forth as to a particular violation be deemed to be a waiver of the right to do so as to any subsequent violation. A Lot Owner aggrieved by the beach of these covenants may in the absence of enforcement action by the Association, initiate his own enforcement action.

4. If a court of competent jurisdiction shall hold invalid or unenforceable any provision contained in this Declaration, such holdings shall not impair, invalidate or otherwise affect the remainder of this Declaration which shall remain in full force and effect.
5. A written or printed notice, deposited in the United States Post Office, postage prepaid, and addressed to any Lot Owner at the address on file with the Town of Wells Tax Assessor's office shall be sufficient and proper notice to such owner wherever notices are required in the Declaration; a mailing by United States Postal Service "return receipt" to this address shall be deemed delivery of notice to a lot owner.
6. By acceptance of a deed of conveyance to a Lot, notice is thereby given notice of this Declaration and these Bylaws of the Meetinghouse Road' Association, Inc. whether or not it shall be so expressed in the deed. By acceptance of a deed, each Lot Owner agrees to become and remain an member in good standing in the Association and to comply with the Declaration, Bylaws and Rules and Regulations. Each Lot Owner is entitled to the rights and privileges of membership in the Association, as provided in this Declaration and the Bylaws, and shall be responsible for the duties of membership, including the duty to pay Association assessments and the duty to remain in good standing.
7. This Declaration shall be governed by, construed, and enforced in accordance with the laws of the State of Maine.

Birch Farm Subdivision-Construction Cost Est.

1321 Meetinghouse Road
Wells, Maine

Prepared by: Richard Moody & Sons Const.
Address: 899 Post Road
Wells, Maine 04090

Phone: 207-646-6194
Fax: 207-646-4519
Email: jon@rmoodyconstruction.com

Invoice #: 3-456-1
Invoice Date: Sept. 8, 2016

Item #	Description	Qty	Unit	Unit Cost	Tot. Cost
1	Site prep/Erosion controls/mobilize	1	LS	\$ 12,000.00	\$ 12,000.00
2	Roadways (Total= 1500 LF, 22 ft. paved road, uge/	1500	LF	170.00	255,000.00
3	Stormwater: 2 retention ponds	1	LS	20,000.00	20,000.00
4	Entry wall/Landscaping/Signage	1	LS	5,000.00	5,000.00
5	Lighting	3	EA	2,500.00	7,500.00
6	Mail Kiosk	1	EA	2,000.00	2,000.00
				Subtotal	\$ 301,500.00
				TOTAL	\$ 301,500.00

Ledge removal not included
(Does not include individual lot development)

9-13-16 Beach Farm
Punt Bndt. 1-100' SHS 51.1

100 SETBACK TO
SPURGES PAR
FARM AND REGISTRATION
M.R.S.A TITLE 7, CHART 2.B.8
TITLE 12, CHART 6A
(SPILLER FARM)

Map 77
Lot 20

4" x 4" x 8" Tall
Stone Post
Found

N/F
William F. Spiller
Anna T. Spiller
85 Spiller Farm Ln.
Wells, ME 04090
Bk. 6925/Pg. 311

Map 77
Lot 19

N 69°28'36" E
416.12'

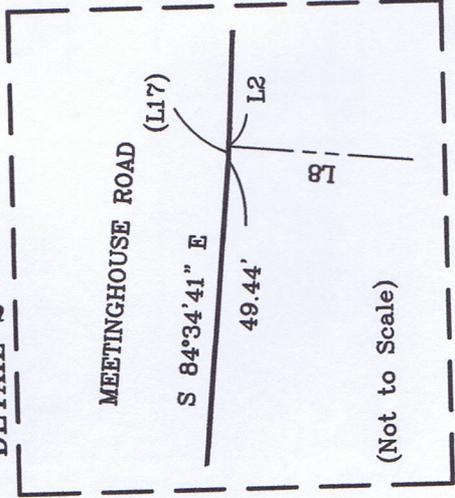
Deed/Plan: 47 Rods 15 Links (785.4')
784.97'
S 23°51'32" E

N/F
Julie Downing, Trustee
Lawrence R. Downing, Trustee
Julie G. Downing Living Trust
PO Box 992
Wells, ME 04090
Bk. 11905/Pg. 320

Map 77
Lot 23

APPROV

DETAIL 2



GRAPHIC SCALE 1" = 100'

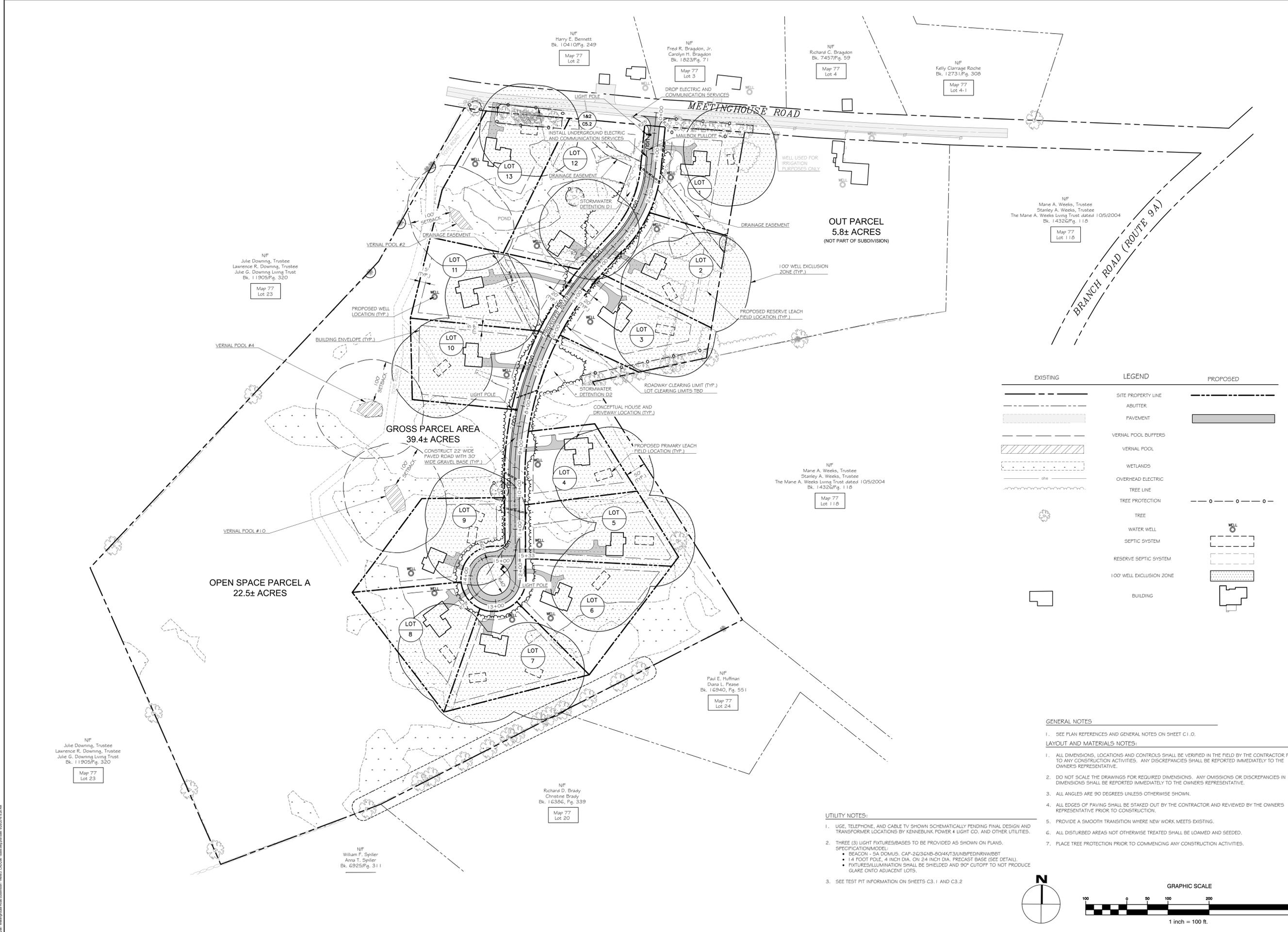




Birch Farm
1321 Meetinghouse Road
Wells, Maine

Richard Moody & Sons Construction Co. LLC
899 Post Road
Wells, Maine

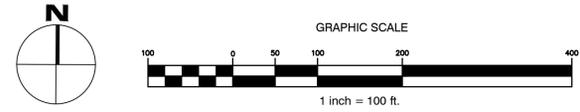
ISSUED FOR PERMITTING - NOT FOR CONSTRUCTION



EXISTING	LEGEND	PROPOSED
---	SITE PROPERTY LINE	---
---	ABUTTER	---
---	PAVEMENT	---
---	VERNAL POOL BUFFERS	---
---	VERNAL POOL	---
---	WETLANDS	---
---	OVERHEAD ELECTRIC	---
---	TREE LINE	---
---	TREE PROTECTION	---
---	TREE	---
---	WATER WELL	---
---	SEPTIC SYSTEM	---
---	RESERVE SEPTIC SYSTEM	---
---	100' WELL EXCLUSION ZONE	---
---	BUILDING	---

- GENERAL NOTES:**
- SEE PLAN REFERENCES AND GENERAL NOTES ON SHEET C1.0.
- LAYOUT AND MATERIALS NOTES:**
- ALL DIMENSIONS, LOCATIONS AND CONTROLS SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO ANY CONSTRUCTION ACTIVITIES. ANY DISCREPANCIES SHALL BE REPORTED IMMEDIATELY TO THE OWNER'S REPRESENTATIVE.
 - DO NOT SCALE THE DRAWINGS FOR REQUIRED DIMENSIONS. ANY OMISSIONS OR DISCREPANCIES IN DIMENSIONS SHALL BE REPORTED IMMEDIATELY TO THE OWNER'S REPRESENTATIVE.
 - ALL ANGLES ARE 90 DEGREES UNLESS OTHERWISE SHOWN.
 - ALL EDGES OF PAVING SHALL BE STAKED OUT BY THE CONTRACTOR AND REVIEWED BY THE OWNER'S REPRESENTATIVE PRIOR TO CONSTRUCTION.
 - PROVIDE A SMOOTH TRANSITION WHERE NEW WORK MEETS EXISTING.
 - ALL DISTURBED AREAS NOT OTHERWISE TREATED SHALL BE LOAMED AND SEEDED.
 - PLACE TREE PROTECTION PRIOR TO COMMENCING ANY CONSTRUCTION ACTIVITIES.

- UTILITY NOTES:**
- USE, TELEPHONE, AND CABLE TV SHOWN SCHEMATICALLY PENDING FINAL DESIGN AND TRANSFORMER LOCATIONS BY KENNEBUNK POWER & LIGHT CO. AND OTHER UTILITIES.
 - THREE (3) LIGHT FIXTURES/BASES TO BE PROVIDED AS SHOWN ON PLANS.
SPECIFICATION MODEL:
• BEACON - SA DOMUS, CAP-2G/3GNB-80/4KT3/UNB/PED/RRN/WBBT
• 14 FOOT POLE, 4 INCH DIA. ON 24 INCH DIA. PRECAST BASE (SEE DETAIL).
• FIXTURES/ILLUMINATION SHALL BE SHIELDED AND 90° CUTOFF TO NOT PRODUCE GLARE ONTO ADJACENT LOTS.
 - SEE TEST PIT INFORMATION ON SHEETS C3.1 AND C3.2



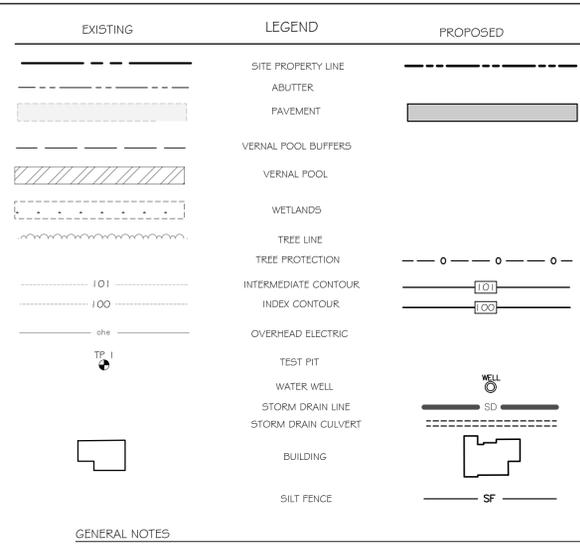
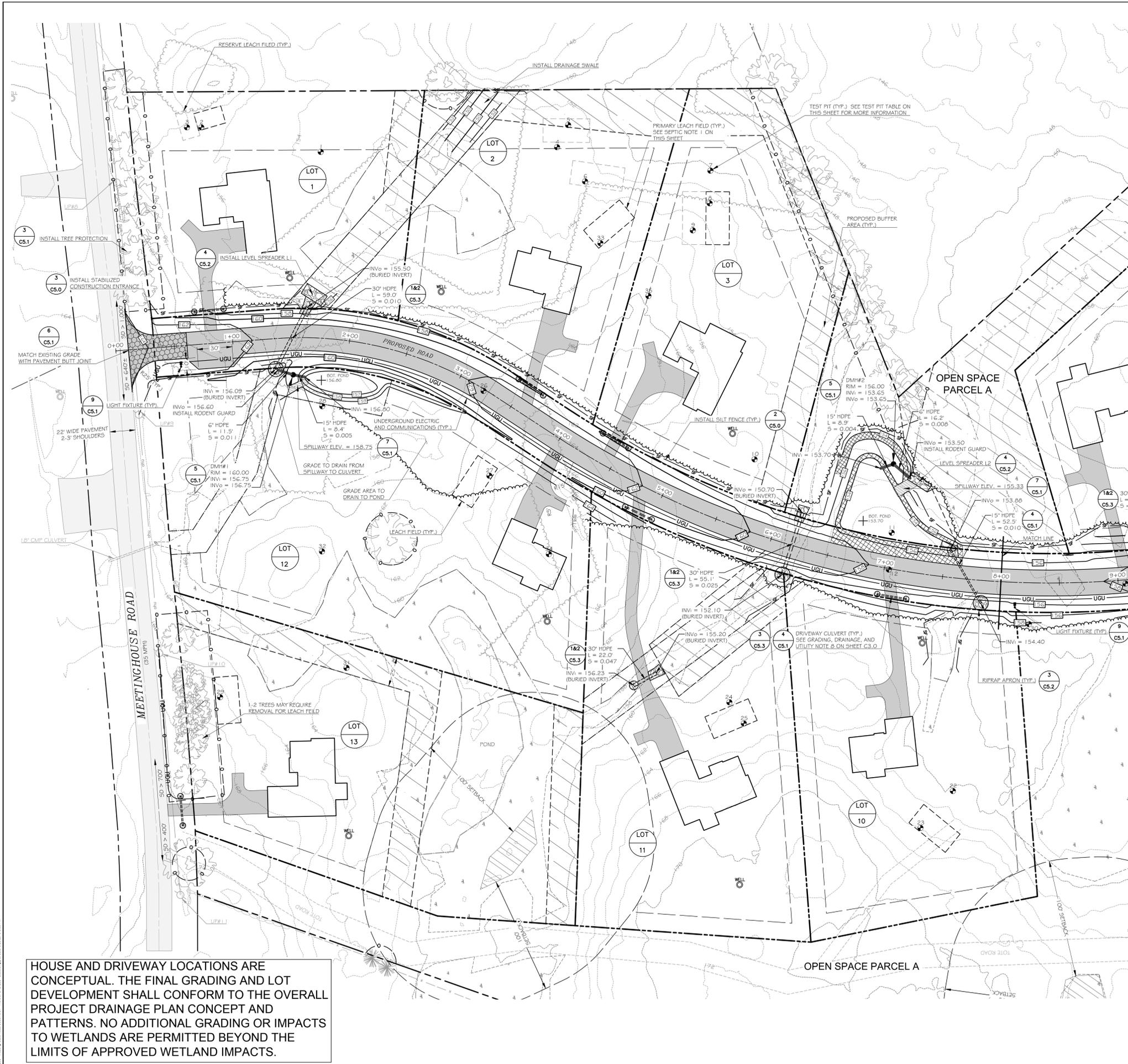
Rev	Date	Description	Drawn	Check
1	7/29/16	Revised for Preliminary Completeness	SWC	WRW
2	8/29/16	Town of Wells Final Subdivision Application Submission	SWC	WRW
3	8/30/16	Maine DEP Stormwater PBR Submission	SWC	WRW
4	9/2/16	Revised per Town Comments	SWC	WRW
5	9/23/16	Minor Septic Adjustments	SWC	WRW

Sheet Title:
Site Layout and Utility Plan

Job No.: 298
Date: June 24, 2016
Scale: 1" = 100'
Drawn: SWC
Checked: WRW

Sheet No.:
C2.0

P:\2016\Meetinghouse Road Subdivision - SHEET C2.0.dwg, Date: 6/24/2016, 10:52:01 AM



GENERAL NOTES

- SEE SHEET C1.0 FOR GENERAL NOTES AND PLAN REFERENCES.
- SEE SHEET C3.0 FOR DRAINAGE, GRADING, UTILITIES, AND EROSION CONTROL NOTES.
- SEE SHEET C4.0 FOR DETAILED ROAD CONSTRUCTION INFORMATION.
- EROSION CONTROL MATTING SHALL BE INSTALLED ON ALL SLOPES 3:1 OR STEEPER.

SEPTIC NOTES

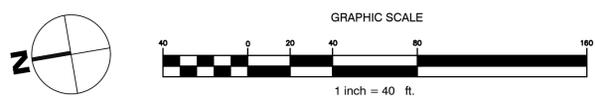
- LOT 2 - IF THE PRIMARY LEACH FIELD IS USED, THE RESERVE SYSTEMS CAN BE ELIMINATED. IF A RESERVE SYSTEM IS USED, THEN ONE RESERVE SYSTEM SHALL REMAIN.

Birch Farm Soil Test Pits last rev. 08-22-16

Test Pit #	Lot #	Limiting Factor Depth (inches)	Soil Classification	Pass (P)/Fail (F)	*Reserve Required?
1	1	6	9E	F	N/A
2	1	11	8D	P	Yes
3	1	12	8D	P	Yes
4	2	11	7D	P	Yes
5	2	16	7C	P	Yes
6	2	18	7C	P	Yes
7	3	12	7D/AIII	P	Yes
8	3	18	7C/AIII	P	Yes
9	3	19	5AIII	P	Yes
10	3	12	8D	P	Yes
11	SW Pond	28	7C	P	NA
12	Road	36	7C	P	NA
13	Road	22	7C	P	NA
14	4	52	5B	P	No
15	5	28	7C	P	No
16	5	36	7C	P	No
17	6	46	7C	P	No
18	8	40	5AIII	P	No
19	7	25	5AIII	P	No
20	Road	46	7C	P	NA
21	9	36	5AIII	P	No
22	10	24	7C	P	No
23	10	48	5B	P	No
24	11	18	7C	P	No
25	11	31	5C	P	No
26	Road	48	5B	P	NA
27	12	48	5B	P	No
28	SW Pond	14	7D	P	NA
29	13	31	5C/AIII	P	No
30	SW Pond	19	7C	P	NA
31	13	26	5C	P	No
32	12	9	8D/A111	P	Yes
33	2	26	5C	P	No
34	12	48	5B	P	No
35	3	29	5A111	P	No
36	4	45	5B	P	No
37	6	37	5A111	P	No
38	7	24	7C	P	No
39	9	36	7C	P	No
40	9	41	5A111	P	No

NOTES:
 *Reference Wells Subdivision Ordinance (202-12 F.3) TPs LF *within* 24 inches requires second PT and Reserve.

HOUSE AND DRIVEWAY LOCATIONS ARE CONCEPTUAL. THE FINAL GRADING AND LOT DEVELOPMENT SHALL CONFORM TO THE OVERALL PROJECT DRAINAGE PLAN CONCEPT AND PATTERNS. NO ADDITIONAL GRADING OR IMPACTS TO WETLANDS ARE PERMITTED BEYOND THE LIMITS OF APPROVED WETLAND IMPACTS.

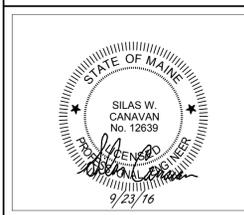


ISSUED FOR PERMITTING - NOT FOR CONSTRUCTION

LICHT
 ENVIRONMENTAL DESIGN, LLC

WALSH
 ENGINEERING ASSOCIATES, INC.
 One Karen Dr., Suite 2A | Westbrook, Maine 04092
 ph: 207.553.9898 | www.walsh-eng.com
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LOWER VILLAGE SURVEY CO.
 13 Western Avenue Kennebunk Maine
 Mailing Address: P.O. Box 9800, Kennebunkport, ME 04060
 Phone: 207-987-3548, e-mail: info@lowervillagesurvey.com



Richard Moody & Sons Construction Co. LLC
 889 Post Road
 Wells, Maine

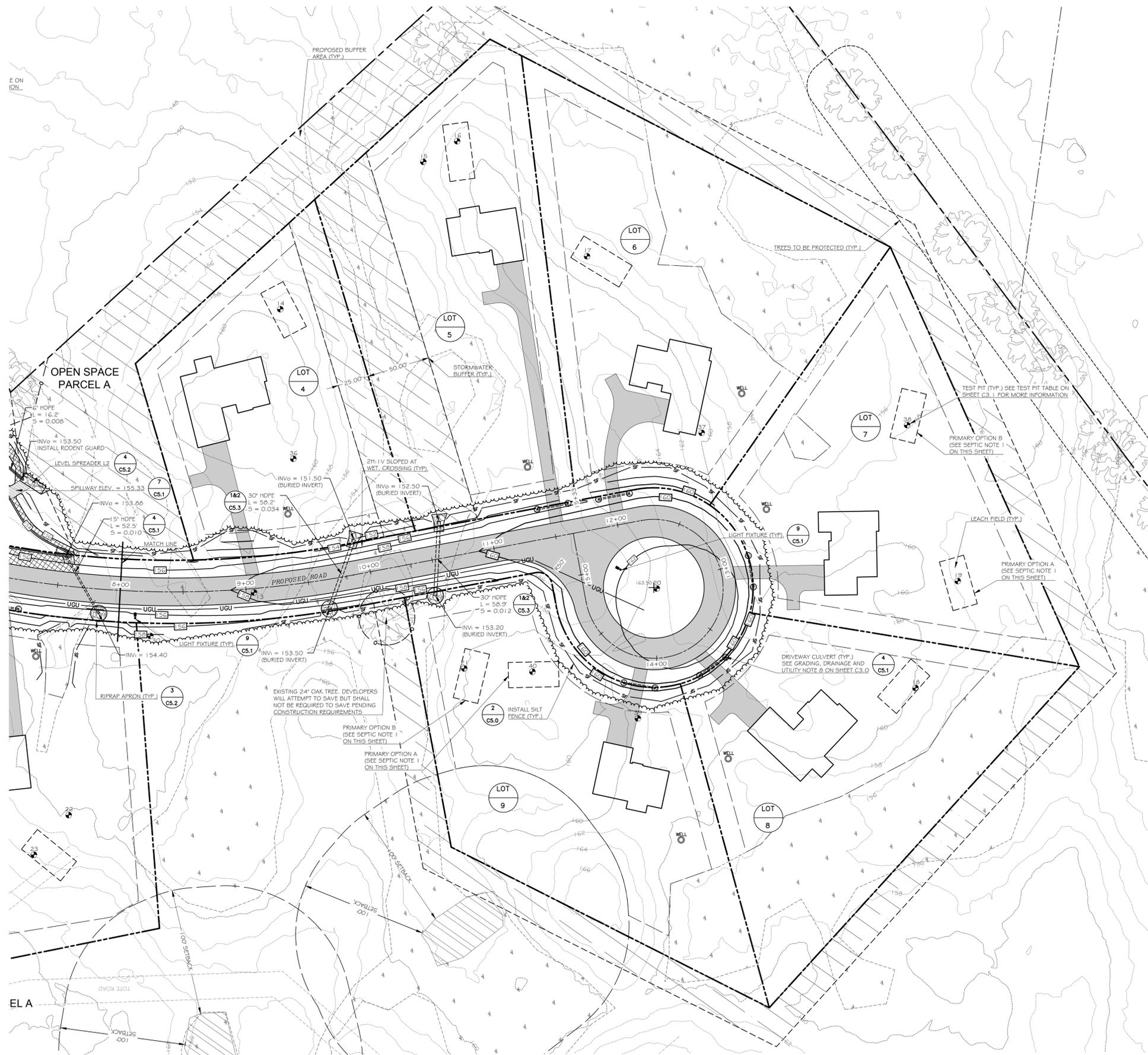
Birch Farm
 1321 Meetinghouse Road
 Wells, Maine

Rev	Date	Description	Drawn	Check
1	7/29/16	Revised for Preliminary Completeness	SWC	WRW
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5	9/23/16	Minor Septic Adjustments	SWC	WRW

Sheet Title:
Grading and Drainage Plan

Job No.: 298 Sheet No.:
 Date: June 24, 2016
 Scale: 1" = 40'
 Drawn: SWC
 Checked: WRW

C3.1



EXISTING	LEGEND	PROPOSED
---	SITE PROPERTY LINE	---
---	ABUTTER	---
---	PAVEMENT	---
---	VERNAL POOL BUFFERS	---
---	VERNAL POOL	---
---	WETLANDS	---
---	TREE LINE	---
---	TREE PROTECTION	---
---	INTERMEDIATE CONTOUR	---
---	INDEX CONTOUR	---
---	OVERHEAD ELECTRIC	---
---	TEST PIT	---
---	WATER WELL	---
---	STORM DRAIN LINE	---
---	STORM DRAIN CULVERT	---
---	BUILDING	---

HOUSE AND DRIVEWAY LOCATIONS SHOWN ARE CONCEPTUAL. THE FINAL GRADING AND LOT DEVELOPMENT SHALL CONFORM TO THE OVERALL PROJECT DRAINAGE PLAN CONCEPT AND PATTERNS. NO ADDITIONAL GRADING OR IMPACTS TO WETLANDS ARE PERMITTED BEYOND THE LIMITS OF APPROVED WETLAND IMPACTS.

ISSUED FOR PERMITTING - NOT FOR CONSTRUCTION

LICHT
ENVIRONMENTAL DESIGN, LLC

WALSH
ENGINEERING ASSOCIATES, INC.

One Karen Dr., Suite 2A | Westbrook, Maine 04092
ph: 207.553.9898 | www.walsh-eng.com
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LOWER VILLAGE SURVEY CO.
13 Western Avenue Kennebunk Maine
Maine Address: P.O. Box 2005, Kennebunkport, ME 04046
Phone: 207-987-3446, e-mail: info@lowervillagesurvey.com

STATE OF MAINE
SILAS W. CANAVAN
No. 12639
9/23/16

Birch Farm
1321 Meetinghouse Road
Wells, Maine

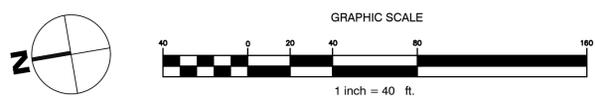
Richard Moody & Sons Construction Co. LLC
899 Post Road
Wells, Maine

Rev	Date	Description	Drawn	Check
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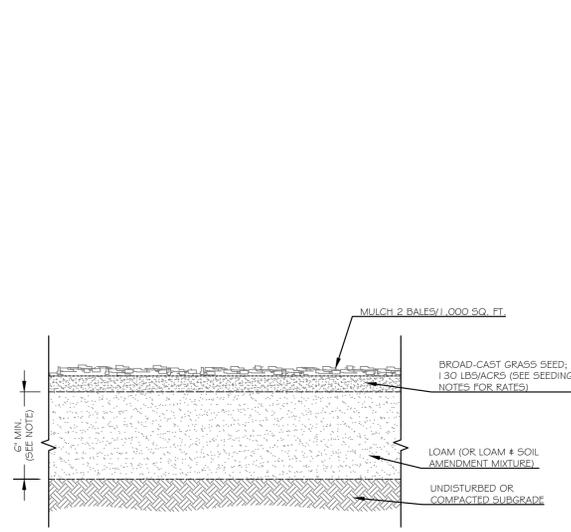
Sheet Title:
Grading & Drainage Plan

Job No.: 298 Sheet No.:
Date: June 24, 2016
Scale: 1" = 40'
Drawn: SWC
Checked: WRW

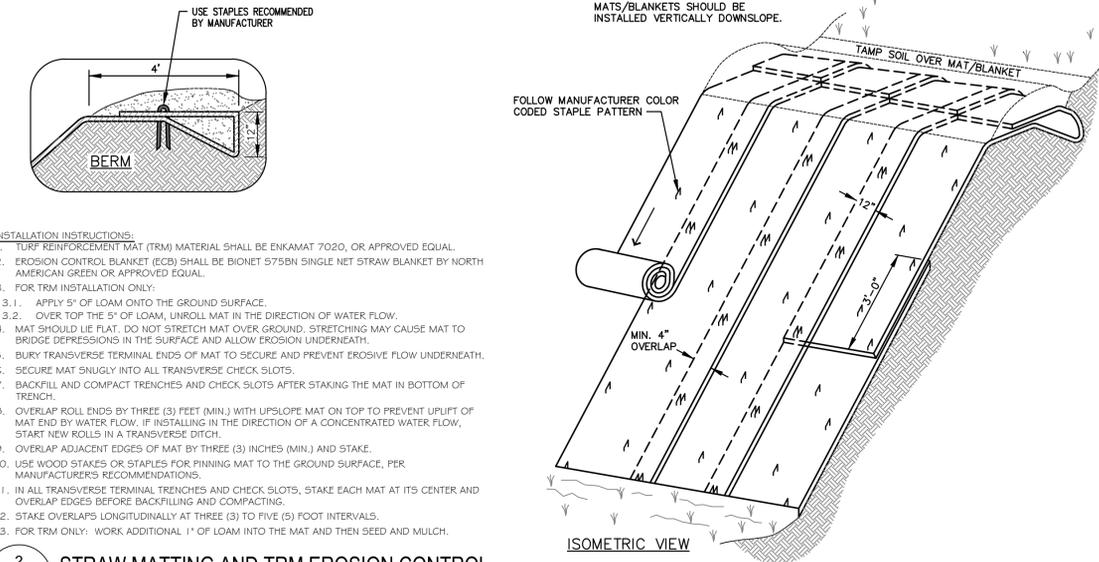
C3.2



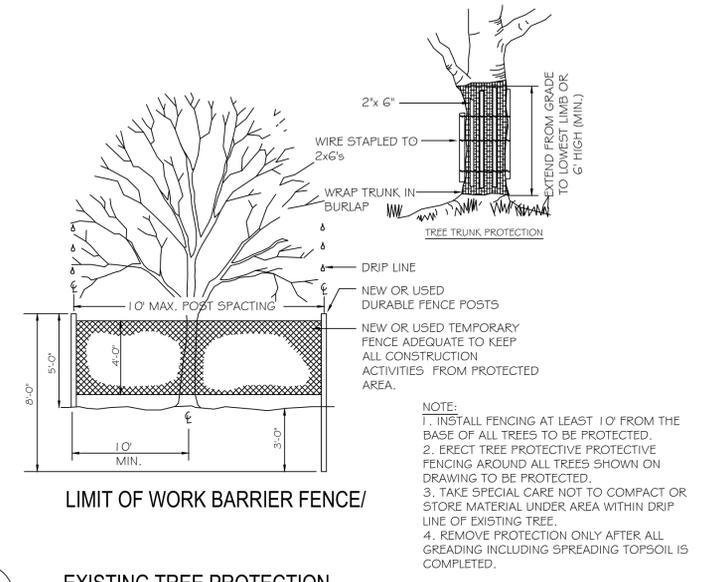
P:\2016\Meetinghouse Road Subdivision - WALSH, LICHT, Walsh Eng\DWG\20160624_C3.2.dwg, Date: 6/24/2016 10:08 AM



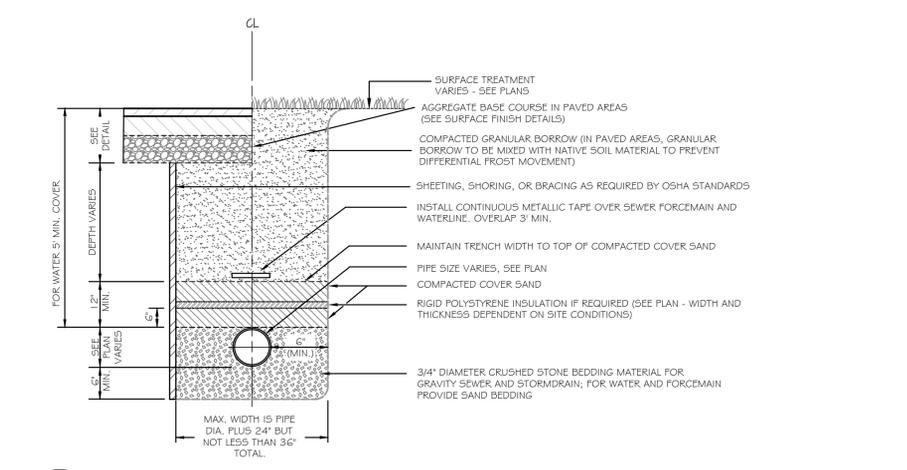
1 LOAM AND SEED DETAIL
C5.1 NOT TO SCALE



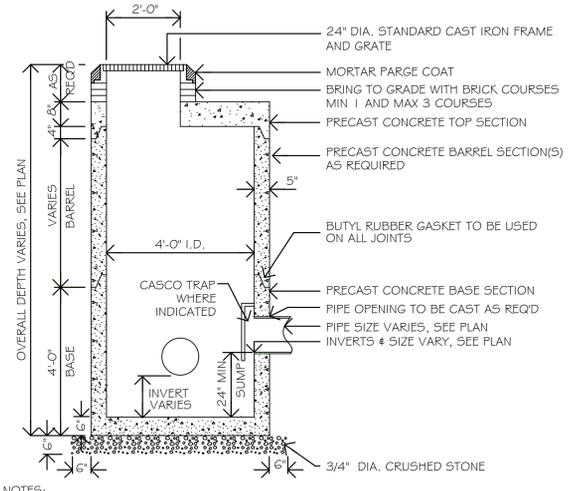
2 STRAW MATTING AND TRM EROSION CONTROL
C5.1 NOT TO SCALE



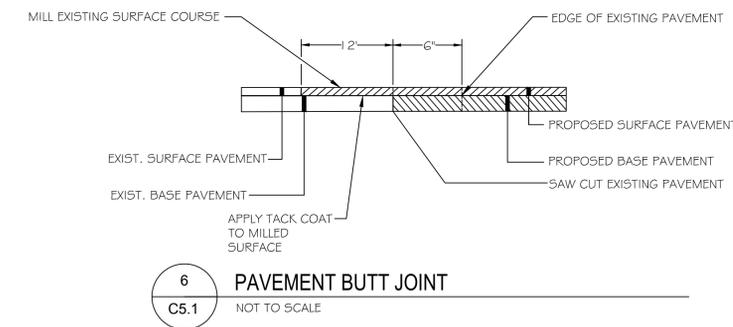
3 EXISTING TREE PROTECTION
C5.1 NOT TO SCALE



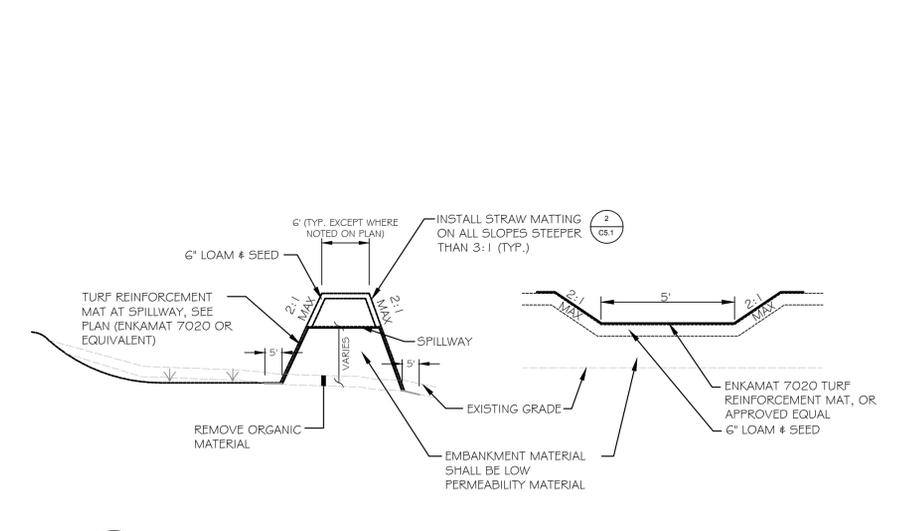
4 TYPICAL PIPE TRENCHING DETAIL
C5.1 NOT TO SCALE



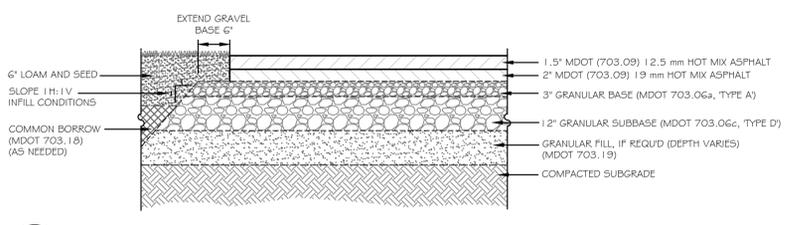
5 PRECAST CONCRETE DRAINAGE MANHOLE - FLAT TOP
C5.1 NOT TO SCALE



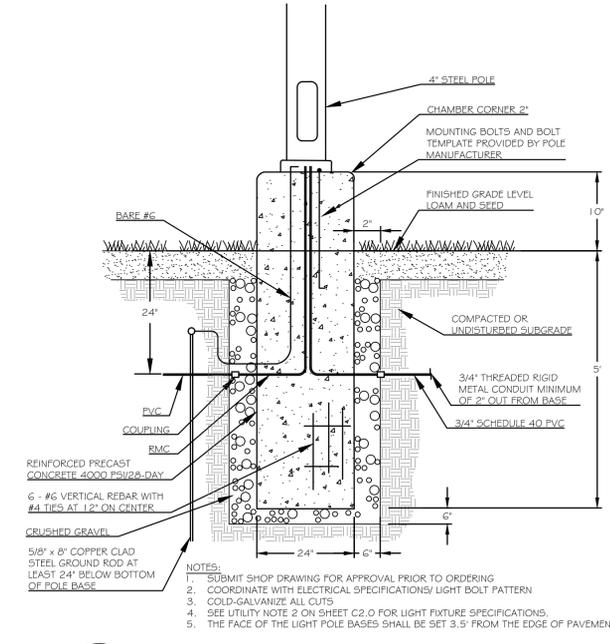
6 PAVEMENT BUTT JOINT
C5.1 NOT TO SCALE



7 TYPICAL EMBANKMENT/SPILLWAY DETAIL
C5.1 NOT TO SCALE

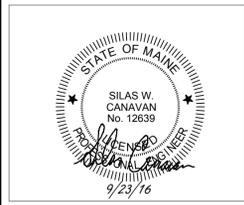


8 DRIVEWAY BITUMINOUS CONCRETE PAVEMENT SECTION
C5.1 NOT TO SCALE



9 CONCRETE LIGHT POLE BASE DETAIL
C5.1 NOT TO SCALE

ISSUED FOR PERMITTING - NOT FOR CONSTRUCTION



Birch Farm
1321 Meetinghouse Road
Wells, Maine
Richard Moody & Sons Construction Co. LLC
899 Post Road
Wells, Maine

Rev.	Date	Description	Drawn	Check
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2	2/20/16	Team of Plans Final Submittal Application Submission	SWC	WRW
3	3/30/16	Maine DEP Stormwater PBR Submission	SWC	WRW
4	4/21/16	Revised per Town Comments	SWC	WRW
5	4/21/16	Minor Septic Adjustments	SWC	WRW

Sheet Title:
Details

Job No.: 298 Sheet No.:
Date: June 24, 2016
Scale: NTS
Drawn: SWC
Checked: WRW

C5.1



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 Application Memo

Date: September 21, 2016

To: Planning Board

From: Planning Office

Re: Burnt Mill Subdivision Amendment- Tax Map 62, Lots 8, 12, and 13 and Map 63, Lot 7

Project Description:

Burnt Mill Holding Company, LLC, owner; William Bradley Booth, applicant; Hart Howerton, Pinkham & Greer, and Corner Post Land Surveying, Inc, engineers/surveyors. Final Subdivision Amendment application to relocate cluster lot #62 from Storer Lane to Route 9A adjacent to cluster lot #103. The approved major subdivision consists of 174 dwelling units. The dwelling units are designed so a total of 154 single and duplex units shall comply with Residential Cluster Development standards (individual lots a minimum of 20,000 SF in size) and 20 dwelling units shall comply with Multifamily Development standards (20 units on 1 lot). Various roadways, infrastructure, drainage, and neighborhood parks are approved/proposed. The Subdivision parcels are located within the Rural & 75' Shoreland Overlay Districts and are off or in the vicinity of Hobbs Farm Road, Storer Lane, Meetinghouse Road and Branch Road (Route 9A). Tax Map 62, Lots 12, and 13 and Tax Map 63, Lot 7. Subdivision served by on-site/ common septic systems and on-site/common drilled wells.

§ 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 on 9/26/16**

(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; no new lots or dwellings proposed.**

(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] Final Subdivision Amendment Application received on 9/13/16**
- (2) If a public hearing is deemed necessary by the Board, an additional fee in the amount established by the Board of Selectmen following notice and a public hearing shall be required to cover the costs of advertising and postal notification. **[Amended 7-9-2002; 4-16-2004] To be determined**
- (3) The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the final plan. **Yes**
- (4) When the application is received by the Planning Board, it shall give the applicant a dated receipt acknowledging that it has received the application. **Final application to be received on 9/26/16**
- (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. Approved November 25, 2015. Changes proposed to be approved by or determined minor by MDEP.**
 - (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. **Approved 8/4/15. Changes proposed do not affect this approval.**

- (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. **Approved 8/4/15. Changes proposed do not affect this approval.**
 - (f) An Army Corps of Engineers dredge and fill permit. **Approved 8/11/15. Changes proposed do not affect this approval.**
 - (g) NPDES permit for stormwater discharges. **Changes proposed do not affect this approval.**
- (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. The Planning Board should consider receiving the subdivision amendment.
2. The Planning Board should consider scheduling a site walk to review the new location of lot #62.



TOWN OF WELLS, MAINE

208 Sanford Road, PO Box 398
Wells, Maine, 04090
Phone: 207-646-5187, Fax: 646-2935
Website: www.wellstown.org

Amendment **X**
(Revision involves only
modifications to plan- no
new lots or road proposed)
New _____

For Office Use Only
Fee Paid

FINAL SUBDIVISION APPLICATION - §202-9

Received 9-13-16

1. Project/Subdivision Name: **Burnt Mill**

2. Property Owner: **Burnt Mill Holding Company, LLC**

Mailing Address: **222 Hobbs Farm Road**

Wells, Maine 04090

Telephone: **310-245-1635** Fax: _____

Email Address: **ktcarey@aol.com**

3. Applicant **(Agent)** (if different from owner): **William Bradley Booth, Booth Golf Design**

Mailing Address: **Post Office Box 1491**

Ogunquit, Maine 03907

Telephone: **207-646-8382** Fax: _____

Email Address: **brad@boothgolf.com**

4. Engineer or Surveyor who prepared plan: **Corner Post Land Surveying, Inc.**

Mailing Address: **600 Main Street**

Springvale, Maine 04083

Telephone: **207-324-2119** Fax: _____

Email Address: **cpls@mainesurveyors.com**

5. All correspondence should be sent to:
(specify one of the above) **Agent – William Bradley Booth**

6. Assessor's Tax Map Number: **62 & 63** Lot Number: **62-12&13 63-7** (of land to be divided)

7. Is applicant a Maine-licensed corporation? **(Yes)** No (if yes, attach copy of license)

8. What legal interest does the applicant have in the property to be developed (ownership, option, purchase & sales contract, etc.)?

Owner

9. What interest does the applicant have in any abutting property?

None

10. Location of Property:

Street Address (approx.) 222 Hobbs Farm Road

Book 17284 Page 178 (From County Registry of Deeds)

11. Current Zoning and Shoreland Overlay of property: Rural - 75' Shoreland Overlay

12. Is any portion of the property within 250 feet of the high water mark of a pond, river or salt-water body? Yes No

13. Total Acreage: 367.4 Acreage to be developed: 117.37 (250.03 open space)

14. Indicate the nature of any restrictive covenants to be place in the deeds:

The current property configuration was recently approved by the Wells Planning Board. The approval included the review of updated Homeowners Association documents containing specific covenants and restrictions.

15. Has this land been part of a prior approved subdivision? Yes No
Or other divisions within the past 5 Years? Yes No

If so, please describe and/or list the Map and Lot numbers of all 'out-sale' lots:

There are four out-sale lots. Lot 11 (Fifield), Lot 32 (Whiting), Lot 95 (Robie) & Lot 99 (Turgeon). They are further identified on the list of abutters attached.

16. Identify existing use(s) of land, (farmland, woodlot, etc.)

Currently permitted for residential subdivision, roads, internal utilities, golf course, related ammenities and open space.

17. Does the parcel include any water bodies? Yes No

18. Is any portion of the property within a special flood hazard area as idenitified by the Federal Emergency Management Agency? Yes No

19. Number of lots or dwelling units existing: 174 dwelling units approved and
Number of lots or dwelling units proposed: No Change (moving a single lot).

20. Does this development require extension of public infrastructure? Yes No
If yes, which type of structure?

roads

storm drainage

sidewalks

water lines

fire protection equipment

sewer

If other, please state _____

THE APPLICANT MUST SUBMIT THE FOLLOWING MATERIALS AND INFORMATION TO THE PLANNING OFFICE WITH THE AMENDMENT FORM IN ORDER FOR THE SUBMISSION TO BE CONSIDERED.

◆ To be submitted with a subdivision amendment application form (See §202-10)

Submitted Not Submitted Subdivision Amendment form shall be accompanied by

X		A copy of the approved plan, as well as 11 copies of the proposed revisions.
X		Supporting information to allow the Board to make a determination that the proposed revisions meet the standards of chapter 202 standards and criteria
X		A revised plan indicating 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.
X		Evidence that all owners of abutting property were notified of the application if new lots or dwelling units are proposed to be created



TOWN OF WELLS, MAINE

P.O. Box 398, Wells, Maine 04090

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

Website: www.wellstown.org

FINAL SUBDIVISION/ AMENDMENT APPLICATION COMPLETENESS REVIEW CHECKLIST

(This Checklist MUST be submitted)

Project Name: Burnt Mill Applicant: Burnt Mill Holding Company, LLC

Checklist Prepared By: William Bradley Booth Date: September 9, 2016

Checklist Reviewed By: _____ Date: _____

Please use this Checklist as a guide to prepare your Application. Check the appropriate blank boxes. Shaded boxes indicate the action in the heading cannot be taken. The Checklist does not substitute for the requirements for Subdivision Approval in Chapter 202 of the Subdivision of Land Ordinance.

Response (Please check applicable box)

Code Section	I. General	Submitted By Applicant	To Be Submitted By Applicant	Not Applicable	Applicant Requests Waiver
202-9A.1	An application for final approval has been submitted within 6 months after approval of the preliminary plan. The final plan approximates the layout shown on the preliminary plan.	X			
202-9A.6.a	Maine Department of Environmental Protection approval under the Site Location of Development Act and the Natural Resources of Protection Act	X			
202-9A.6.b	The KKWWD approval, if the district's water service is to be used			X	
202-9A.6.c	Maine Department of Human Services approval, if the subdivider proposes to provide a central water supply system.	X			
202-9A.6.d	The Wells Sanitary District approval, if the public sewage disposal system is to be used.			X	
202-9A.6.e	Maine Department of Human Services approval, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.	X			
202-9A.6.f	An Army Corps of Engineers dredge and fill permit	X			
202-9A.6.g	NPDES permit for stormwater discharges	X			

Code Section	II. Final Subdivision Submission Requirements	Submitted By Applicant	To Be Submitted By Applicant	Not Applicable	Applicant Requests Waiver
202-9B.1	Proposed name of subdivision and the name of the municipality in which it is located, plus the Tax Assessor's map and lot numbers.	X			
202-9B.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 corner.	X			
202-9B.3	The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses and other essential existing physical features.	X			
202-9B.4	Indication of type of sewage disposal to be used in the subdivision. A written statement from Wells Sanitary District must be submitted indicating approval of the subdivider's sewage design.			X	
202-9B.5.a	A written statement from KKWWD shall be submitted indicating that the district has reviewed and approval the water system design.			X	
202-9B.5.a	A written statement shall be submitted from the Fire Chief approving all hydrant locations or other fire protection measures deemed necessary.	X			
202-9B.5.b.1	When the subdivision is not served by KKWWD, evidence of adequate groundwater quality shall be required for proposed subdivisions in the vicinity of known sources of potential groundwater contamination. The results of 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, shall be submitted.	X			
202-9B.5.b.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.	X			
202-9B.6	The date the plan was prepared	X			
202-9B.6	North Point (Identified or Magnetic or True)	X			
202-9B.6	Graphic map scale	X			
202-9B.6	Names and addresses of the record owner, subdivider and individual or company who or which prepared the plan	X			
202-9B.7	The location of any zoning boundaries affecting the subdivision.	X			
202-9B.8	The location and size of existing and proposed sewers, water mains, culverts, and drainageways on or adjacent to the property to be subdivided.	X			

Code Section	II. Final Subdivision Submission Requirements	Submitted By Applicant	To Be Submitted By Applicant	Not Applicable	Applicant Requests Waiver
202-9B.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.	X			
202-9B.9	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.	X			
202-9B.9	The length of all straight lines, the deflection of angle radii, length of curves and central angles of curves, tangent distances and tangent bearings for each street shall be included.	X			
202-9B.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.			X	
202-9B.11	All parcels of land proposed to be dedicated to public use and the conditions of such dedication.	X			
202-9B.11	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			X	
202-9B.11	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.			X	
202-9B.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	X			
202-9B.12 202-9B.12.a	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. 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.	X			
202-9B.12.b	The developer shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.	X			
202-9B.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.	X			

Code Section	II. Final Subdivision Submission Requirements	Submitted By Applicant	To Be Submitted By Applicant	Not Applicable	Applicant Requests Waiver
202-9B.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.	X			
202-9B.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.	X			
202-9B.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:	X*			
202-9B.16.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	X*			
202-9B.16.b	A long-term maintenance plan for all phosphorus control measures	X*			
202-9B.16.c	The contour lines shown on the plan shall be at an interval of no less than five feet	X			
202-9B.16.d	Areas with sustained slopes greater than 25% covering more than one acre shall be delineated	X			

* Submitted with previously approved application

LISTING OF ABUTTERS TO A PROPOSED FINAL SUBDIVISION APPLICATION

Project Name: **Burnt Mill**

Street Address of Project: **222 Hobbs Farm Road, Wells, Maine 04090**

Map/ Lot # of Project: **62-12, 62-13 & 63-7**

Final Subdivision applications are to be accompanied by a current list of names and addresses of abutters to the proposed project. Abutter information shall be obtained by the applicant from the Town Tax Assessor's records. [*Abutter is defined as "A person who owns adjacent land or land across a street right-of-way from the subject lot"*]

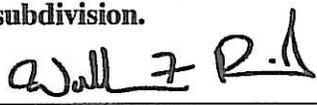
It is the responsibility of the Planning Office to notify abutters of a NEW Final subdivision application.

It is the responsibility of the applicant to notify abutters of a Final Subdivision AMENDMENT application.

Names, Addresses, and Tax Map & Lot Numbers of Abutters to Proposed Project

Name	Address	Tax Map	Lot
Mary Jane Quake	879 Meetinghouse Road, Wells, ME 04090	76	27
Gary R & Diane T. Leech	293 Meetinghouse Road, Wells, ME 04090	62	10
Kent P. Thompson & Sybil W. Dupuis	590 Branch Road, Well, ME 04090	63	9A
Susan F. Perkins etal	123 Main Street, Kingfield, ME 04947	63	8
Ruth M. James	189 Hobbs Farm Road, Wells, ME 04090	63	1,6 & 7A
Christopher S Wessels & Kathryn A.E. Mooney	322 Eldridge Road, Wells, ME 04090	62	6-2
Deborah A. McGann & Catherine E. Smith	351 State Street, Presque Isle, ME 04769	69	8
Pamela Menter	47 Garden Street, Wells, ME 04090	63	2
Arthur Conley LLC etal	16 Limerock Street, Camden, ME 04843	63	3 & 5
William Gambell	16 Limerock Street, Camden, ME 04843	63	3A
Michael & Tami Gower	79 Parsonage Way, Wells, ME 04090	62	9-A7

I hereby certify that this is a current and accurate listing of all abutters to this proposed subdivision.

 
Signature of Applicant

 September 2, 2016
Date

Attach extra pages as necessary

LISTING OF ABUTTERS TO A PROPOSED FINAL SUBDIVISION APPLICATION

Project Name: **Burnt Mill**

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It is the responsibility of the applicant to notify abutters of a Final Subdivision AMENDMENT application.

Names, Addresses, and Tax Map & Lot Numbers of Abutters to Proposed Project

Name	Address	Tax Map	Lot
Craig W. & Deborah G. Sheing	86 Parsonage Way, Wells, ME 04090	62	9-A8
Tracy Charles	72 Parsonage Way, Wells, ME 04090	62	9-A6
William S. Winslow	PO Box 341, Wells, ME 04090	62	9-A4
Walter H. & Suzanne H. Lefler	11 James Street, Wells, ME 04090	62	7-1
William A. & Robyn A. Caron	31 James Street, Wells, ME 04090	62	7-3
Xavier J. & Elizabeth A. Hutter	57 James Street, Wells, ME 04090	62	7-5
William M. & Anita L. Dudgeon	56 James Street, Wells, ME 04090	62	7-6
Edmund M. Pitts	936 Branch Road, Wells, ME 04090	63	4
Christopher J. Bailey & Christina M. Sullivan	69 Parsonage Way Wells, ME 04090	62	9-A5
David I & Jacqueline A. Niznik	51 Parsonage Way, Wells, ME 04090	62	9-A3
Caeser R. & Mirna Davila	37 Parsonage Way, Wells, ME 04090	62	9-A2

I hereby certify that this is a current and accurate listing of all abutters to this proposed subdivision.


Signature of Applicant

September 2, 2016
Date

Attach extra pages as necessary

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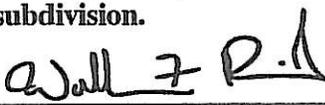
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It is the responsibility of the applicant to notify abutters of a Final Subdivision AMENDMENT application.

Names, Addresses, and Tax Map & Lot Numbers of Abutters to Proposed Project

Name	Address	Tax Map	Lot
Mike W. & Julie A. Burgess	25 Parsonage Way, Wells, ME 04090	62	9-A1
John J. & Joanne G. Wright	32 James Street, Wells, ME 04090	62	7-4
Thomas D. Knoblach	22 James Street, Wells, ME 04090	62	7-2
Dustin & Jillian Fifield	376 Hobbs Farm Road, Wells, ME 04090	62	13-1
Gayton E. & Joanne M. Turgeon	97 Hobbs Farm Road, Wells, ME 04090	63	7-99
Jason C. Robie	18 Faxon Drive, Wells, ME 04090	63	7-95
G. William C. & Kathleen J. Whiting	311 Chattolane HI., Owings Mills, MD 02117	62	13-32

I hereby certify that this is a current and accurate listing of all abutters to this proposed subdivision.


Signature of Applicant

September 2, 2016
Date

Attach extra pages as necessary



TOWN OF WELLS, MAINE

P.O. Box 398, Wells, Maine 04090

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

Website: www.wellstown.org

FINAL SUBDIVISION AMENDMENT APPLICATION ABUTTER NOTIFICATION

*This Final Subdivision Amendment Application Notice to abutters is required to be **mailed by the applicant** to all abutters and to the Wells Planning Department at P.O. Box 398, Wells, ME 04090 per §202-6.*

To Whom It May Concern:

A property owner adjacent to or across the street from your property has filed a Final Subdivision Amendment Application with the Town of Wells Planning Office. The Subdivision Application and proposed plans are currently available for public inspection at the Wells Planning Office. This abutter notification is required by the Wells Subdivision of Land Ordinance for all subdivision pre-applications and if new lots or dwellings units would be created through a subdivision amendment.

Planning Board meetings are open to the public for informational purposes. Only Planning Board **PUBLIC HEARINGS**, of which abutters are mailed certified mail notice, give the opportunity to concerned abutters/Wells residents to speak at a scheduled meeting about this application. Please feel free to mail or email your concerns in writing to the attention of the Planning Office at the address noted above. Copies of the written concerns will be provided to the Planning Board at a scheduled meeting.

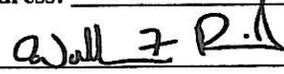
For dates and times when this application will be discussed at a scheduled meeting, please call the Planning Office at (207) 646-5187 or visit www.wellstown.org and click on the 'Meeting Calendar' to view the upcoming meeting agendas. "An aggrieved party may appeal any decision of the Board under [the regulations of chapter 202] to York County Superior Court." §202-15

Property Owner (of land to be divided): Burnt Mill Holding Company, LLC

Owner's Mailing Address: 222 Hobbs Farm, Road, Wells, ME 04090

Applicant's Name: William F. Reid - for Burnt Mill Holding Company, LLC

Applicant's Mailing Address: 222 Hobbs Farm Road, Wells, ME 04090

Applicant's Signature: 
62-12 & 13

Assessor's Tax Map Number: 62 & 63 Lot Number : 63-7 (of land to be divided)

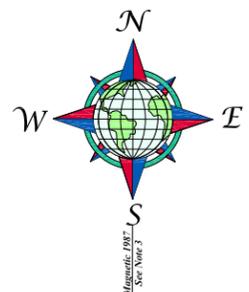
Subdivision Location (street address): 222 Hobbs Farm Road, Wells, ME 04090

Acres to be subdivided: 367.74 Number of proposed lots or dwelling units: No new proposed

Zoning District(s): Rural

Description of Proposal: Previously approved subdivision proposing a simple move of lot 62 to a new location off Branch Road within the project bounds.





Date: 11/20/2015
 Drawn By: M. W. Long
 Job No: 2013073

Issue: October 11, 2015
 Deleted Lot 42 - 9-13-2016 KAL

**Corner Post
 Land Surveying, Inc.**
 690 Main Street, Scarborough, ME 04083
 Phone: (207) 324-2119 Fax: (207) 480-3346
 Email: cp@cornersurveyors.com
 Web: www.cornersurveyors.com

Property Located On
 State Route 9A,
 Meetinghouse Road &
 Hobbs Farm Road
 Wells, Maine
 Scale: 1 in. = 60 ft.

Plan Revising Condo Book 600, Pages 4 Through 10
Burnt Mill Estates
Burnt Mill Holding Company, LLC
 222 Hobbs Farm Road, Wells, Maine 04090
 Sheet: S4

Bourne Field Properties, LLC
 Book 14641 Page 489
 936 Branch Road (RT. 9A)
 Wells, Maine 04090
 Wells Tax Map 70 Lot 5

"River Walk"
 (See Plan Reference 2b, Sheet S1)

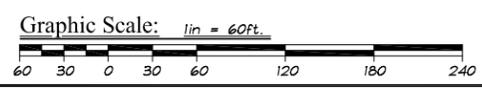
Approved By:	Date:

Wells Planning Board

- Legend:**
- — 3/8" Iron Rod To Be Set With Plastic Cap Marked "CNR POST LAND SURV PLS 1350"
 - — 4"x4" Concrete Monument To Be Set With Plastic Cap Marked "PLS 1350"
 - ▲ — 1/4" Drill Hole Set In Rock With Plastic Plug Marked "PLS 1350"
 - — Corner, Nothing Found or Set
 - — 10'x10' Transformer Pad Easement
 - — Proposed Pavement
 - — Gravel
 - — Boundary Line Of Surveyed Premises
 - — Road Right of Way
 - — Abutter Line
 - — Building Setback Line (See Note 10)
 - — Limit Of Dedicated Open Space
 - — Proposed Detention Pond
 - — Approximate Upland/Wetland Interface Line (See Note 13)
 - — Stonewall
 - — Approximate Proposed Tree Line (Subject To Change)
 - — Easement/Buffer Area (Type Labeled On Plan)
 - 100 — Lot Number
 - SF — Single Family
 - DP — Duplex
 - — Fairway & Green
 - — Tee Position
 - — Sand Hazard

Notes: See Sheet S1 For General Notes

Building Setbacks:
 Land Of Bourne Field Properties, LLC & Conley: 50.00'
 Storer Lane: 20.00'
 Double Eagle Court: 20.00'
 Old Mill Trail: 20.00'
 Cidermill Lane: 20.00'
 Side setback: 15.00'
 Rear setback: 15.00'



YORK, ss REGISTRY OF DEEDS
 Received: _____ h _____ m _____ A., and
 Filed in Plan Book _____ Page _____
 ATTEST: _____
 Register

Bank Of America
 Book 17016 Page 521
 1166 South Road
 Bethlehem, NH 03574
 Wells Tax Map 63 Lot 2
 Formerly/
George S. Hobbs

William Gambell
 Book 1923 Page 636
 16 Limerock Street
 Camden, Maine 04843
 Wells Tax Map 63 Lot 3A

Arthur Conley, LLC, et al
 Book 15766 Page 950
 16 Limerock Street
 Camden, Maine 04843
 Wells Tax Map 63 Lot 3

Arthur Conley, LLC, et al
 Book 15766 Page 950
 16 Limerock Street
 Camden, Maine 04843
 Wells Tax Map 63 Lot 5



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

Site Plan Amendment Application Memo

Date: September 21, 2016

To: Planning Board

From: Planning Office

Re: Granite Ridge Gravel – Site Plan Amendment Application - Map 37, Lot 41

Pepin Wells LLC and Stonewood Enterprises, LLC, owners, have submitted a site plan amendment application for the property located off of Perry Oliver Road identified as Tax Map 37, Lot 41, known as Granite Ridge Gravel. The property is located within the Rural District and is 22.72 acres in size. The property has approval for Mineral Extraction use up to 3.67 acres. The amendment application is to resolve the excavation of mineral within the required 100 buffer and excavation of mineral beyond the 3.67 acre limitation. The proposed excavation limit is 4.2 acres with a revised buffer reduced from 100 feet to 25 feet as agreed to by abutters (see agreement dated 2016).

The submission of this amendment application resolves a site plan violation identified by the Town in August 2015 due to an abutter complaint.

§ 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 - Mineral Extraction use proposed to expand**

§ 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. **Application fee and escrow provided.**
- 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]

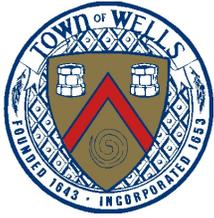
§ 145-74. Review and approval process.

- 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 4/21/16 the Code Officer determined the uses are permitted.**
 - (b) If the proposed use is a permitted use on the subject lot: **Abutter notification mailed 4/21/16**

- [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 5/2/16**
- (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 4/21/16; meeting was on 5/2/16**
 - (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 conducted a public hearing and workshop for this project on 7/25/16.
2. The Planning Board to review:
 - a. Southerly abutters have signed off on the proposed reclamation buffer. See attached plan copy.
 - b. Revised site plan provided. Minor mark-ups and recommended note
 - c. Note 6 is recommended to require the buffer plantings to be completed by November 1, 2016, not October 1, 2016 as 10/1/16 is only 1 week away.
 - d. Consider finding the application compliant (145-75).
 - e. Consider approving and authorizing the chairman to sign the Findings of Fact & Decisions
 - f. Consider approving and signing the site plan



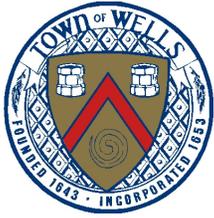
Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS
Site Plan Amendment #2 Application for “Granite Ridge Gravel”
 Page 1 of 12

Chapter 145, Article X Site Plan Approval

PROJECT INFORMATION	
General:	<p>Project Name: Granite Ridge Gravel</p> <p>Applicant: Pepin Wells, LLC/ Stonewood Enterprises, LLC, PO Box 729, Sanford, ME 04073</p> <p>Landowner: Pepin Wells, LLC/ Stonewood Enterprises, LLC, PO Box 729, Sanford, ME 04073</p> <p>Location: Perry Oliver Road</p> <p>Existing Use: Mineral Extraction (3.67 acres limit)</p> <p>Proposed Land Use: Mineral Extraction (5.2 acres limit)</p> <p>Tax Parcel ID: Tax Map 37, Lot 41</p> <p>Zoning District: Rural District</p> <p>Art VII Performance Standards: §145-53. Mineral Extraction</p> <p>Design Engineer: Cornerpost Land Surveying, 600 Main St, Springvale, ME 04083</p> <p>Plan Submission Date: April 19, 2016</p>
Project Description:	<p>Pepin Wells LLC and Stonewood Enterprises, LLC, owners, have submitted a site plan amendment application for the property located off of Perry Oliver Road identified as Tax Map 37, Lot 41, known as Granite Ridge Gravel. The property is located within the Rural District and is 22.72 acres in size. The property has approval for Mineral Extraction use up to 3.67 acres. The amendment application is to resolve the excavation of mineral within the required 100 buffer and excavation of mineral beyond the 3.67 acre limitation. The proposed excavation limit is 5.2 acres with a revised buffer reduced from 100 feet to 25 feet as agreed to by abutters (see agreement dated 2016).</p> <p>The submission of this amendment application resolves a site plan violation identified by the Town in August 2015 due to an abutter complaint.</p>
Completeness Determination:	07/14/2016 Town Planner/Engineer appointed completeness agent by PB on 7/11/16
Public Hearing:	07/25/2016



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS

Site Plan Amendment #2 Application for "Granite Ridge Gravel"

Page 2 of 12

Staff Review Mtg:	None
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PROJECT HISTORY

1. On 8/5/15 the Town Planner/Engineer conducted a site inspection of the above referenced property based upon a complaint received. A memo was prepared recommending finding the property in violation of its site plan approval.
2. On 4/19/16 the applicant submitted a site plan amendment application for the above described application.
3. On 4/21/16 the Code Officer found the proposed use to be permitted within the Rural zone. Abutters were mailed notice of this determination and of the 5/2/16 Planning Board meeting.
4. On 4/28/16 the Planning Office prepared a memo for the Planning Board .
5. On 5/2/16 the Planning Board received the site plan amendment application and scheduled a site walk for 5/16/16 at 5:30pm.
6. On 5/11/16 the Planning Office prepared a memo for the Planning Board.
7. On 5/16/16 the Planning Board conducted a site walk of the property.
8. On 5/16/16 the Planning Board reported the results of the site walk and voted to continue the workshop to the 6/6/16 Planning Board meeting.
9. On 5/16/16 the Town Planner prepared a site walk results memo.
10. On 5/31 and 6/1/16 the Planning Office prepared draft site plan notes for the applicant to review.
11. On 6/1/16 the Planning Office prepared Article V, VI, VII and completeness (145-77) review checklists and plan markups for the applicant and Planning Board. A memo for the Planning Board was also prepared.
12. On 6/6/16 the Planning Board conducted a workshop and voted to waive the requirement of a stormwater management plan submission; voted to waive the requirement for an updated boundary survey with the condition that the buffers shall be staked out; and voted to continue the workshop to the next meeting.
13. On 7/5 to 7/8/16 the Planning Office reviewed the revised site plan dated 6-20-16 for the applicant. Plan markups were prepared as well as revised Article V, VI, VII and completeness review checklists. On 7/8/16 the Planning Office prepared a memo for the Planning Board.
14. On 7/11/16 the Planning Board conducted a workshop and voted to grant a waiver on the site plan scale and voted to appoint the Town Planner as the completeness agent and for him to set a public hearing when complete.
15. On 7/11/16 the applicant submitted revised site plans via email to the Planning Office.
16. On 7/14/16 the Planning Office scheduled the public hearing for the amendment application and abutters were mailed certified notice of the 7/25/16 public hearing.
17. On 7/20/16 the Planning Office reviewed the 7/11/16 revised plans and made recommended markups and note changes. A memo was also prepared for the Planning Board.
18. On 7/25/16 the Planning Board conducted a public hearing and workshop of the application. The Planning Board voted to find the 25' buffer for lots 8-17, 8-18, and 8-19 to be sufficient as proposed; discussed the applicant obtaining approval from abutting lots 17, 18 and 23 on the 100' buffer proposed; voted to find the Perry Oliver Road landscaped buffer sufficient, voted to find the existing fence buffer for abutting lot 8A-2 sufficient, discussed not 16 and 17, and voted to continue the workshop for 60 days.



Town of Wells, Maine Planning Board

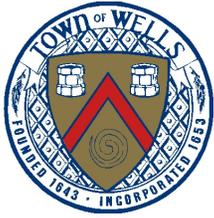
FINDINGS OF FACTS & DECISIONS Site Plan Amendment #2 Application for “Granite Ridge Gravel” Page 3 of 12

19. On 9/13/16 the applicant emailed revised plans to the Planning Office. Abutter approvals of the buffer were still pending.
20. On 9/20/16 the applicant provided the Planning Office with a plan showing abutting lots 17, 18, and 23 have accepted the buffer proposed.
21. On 9/21/16 the Planning Office reviewed the site plan dated 9/13/16. Minor plan markups were recommended. The Planning Office prepared updated Article V, VI, VII and completeness review checklists.
22. On 9/22/16 the applicant was emailed the recommended plan changes. The Planning Office drafted the compliance (145-75)/ Findings of Fact & Decisions and memo for the Planning Board.
23. On ____ the applicant provided revised site plans addressing the minor markups recommended.
24. On 9/26/16 the Planning Board voted to find the buffer proposed for abutting lots 17, 18 and 23 sufficient; voted to find the revised buffer planting deadline acceptable, voted to find the application compliant (145-75); voted to approve and sign the Findings of Fact & Decisions, and voted to approve and sign the site plan.

§ 145-75. Criteria and Standards

Comments

The following standards shall be applied to all applications for site plan approval. These standards are intended to provide a frame of reference for the applicant in the development of his plans and a method of review. These standards shall be applied reasonably and fairly, when applicable, taking into account any extenuating circumstances or special features of the property or its neighborhood.

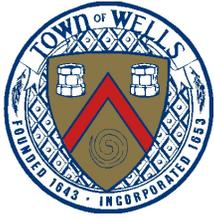


Town of Wells, Maine

Planning Board

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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>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>The plan depicts 215.25' of street frontage along Perry Oliver Road. The first 100 feet of the access road serving the parcel is paved. See note 4 on sheet 2. A gate is shown at the site entrance on the plan. This gate shall have a knock box installed. Parcel does not have multiple frontages. On-street parking is prohibited. The plan does not depict parking spaces. The CEO has reviewed the plan and does not require that the parking spaces for this use be designated on the site plan. Parking for this lot and associated uses shall be off-street. See note 8, Sht. 2. Areas that could be used for parking shall be on gravel. Sight Distances at entrance added to Sht. 2. To be maintained. See note 18 on sheet 2. Perry Oliver Road and Minuteman Drive depicted. Speed limit of Perry Oliver Road noted to be 35 MPH. Sight distances noted at entrance, Sht. 2.</p> <p>The Planning Board considered Note 13 which limits the site to 40 truck trips per day and Operation hours included in Note 4. No additional traffic information required.</p>
B.	<p>Dust, fumes, vapors and gases. Emission of dust, dirt, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation or property or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission, shall be prohibited.</p>	<p>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. See note 4 on sheet 1 and 2.</p>
C.	<p>Odor. No land use or establishment shall be permitted to produce offensive or harmful odors perceptible beyond its lot lines, measured either at ground or habitable elevation.</p>	<p>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>

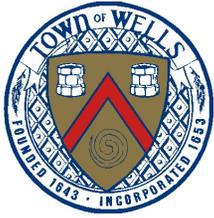


Town of Wells, Maine

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FINDINGS OF FACTS & DECISIONS
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§ 145-75. Criteria and Standards		Comments
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>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>See note 11. This parcel is prohibited from producing such glare onto abutting lots or street right of ways. All 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>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>A waiver of this requirement was granted by the Planning Board on 6-6-16. The original site plan approval waived stormwater runoff as the site was internally drained and the wetland buffer that was provided. The 75’ setback from the edge of the wetland is noted and shall be maintained.</p>
F.	Erosion control. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best-management practices: [Amended 4-27-2007]	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>Best Management Practices are a standard condition of approval. These notes to be referenced on the site plan (See Findings of Fact & Decisions). See note 15.</p>
(1)	Stripping of vegetation, soil removal and regrading or other development shall be accomplished in such a way as to minimize erosion.	
(2)	The duration of exposure of the disturbed area shall be kept to a practical minimum.	



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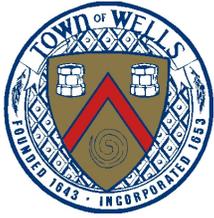
§ 145-75. Criteria and Standards		Comments
(3)	Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.	
(4)	Permanent (final) vegetation and mechanical erosion control measures in accordance with the standards of the York County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends.	
(5)	Until a disturbed area is stabilized, sediment in runoff water shall be trapped by the use of debris basins, silt traps or other acceptable methods as determined by the reviewing authority.	
(6)	The top of a cut or the bottom of a fill section which alters the existing grade by more than two feet shall not be closer than 10 feet to an adjoining lot.	
(7)	During grading operations, methods of dust control shall be employed.	
(8)	The proposed site plan shall prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties.	
(9)	The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.	
(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 #2 Application for “Granite Ridge Gravel” Page 7 of 12

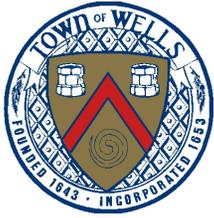
§ 145-75. Criteria and Standards	Comments
<p>G. Setbacks and screening. Parking and loading areas, exposed storage areas, exposed machinery installation and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse shall have sufficient 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>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>Setback requirements noted on the plan. No structures are proposed. Parcel does not abut any rivers or brooks. A 200' setback does not apply.</p> <p>This commercial parcel abuts residential parcels and therefore the code requires this mineral extraction use to provide visual screening. See 145-53 for screening and setback requirements for this mineral extraction use. A 100' vegetated buffer shall be maintained as depicted on sheet 1 and 2, except in areas noted to be reduced.</p> <p>On 7/25/16 the Planning Board found the proposed 25' wide buffer for lots 8-17, 8-18 and 8-19 is sufficient. Abutters 8-17, 8-18, 8-19 have agreed to reduce buffer to 25 feet per Agreement recorded at YCRD Book 17172, page 649. This buffer to consist of: The 6" to 12" tall white pine and balsam fir trees planted 10' on center also extend north along the proposed 25' wide buffer for abutting lots 8-17, 8-18, and 8-19. On 7/25/16 the Planning Board found this proposed buffer sufficient.</p> <p>The applicant met with the abutters (lot 17, 18 and 23 of Map 37) and obtained written sign off on the proposed planting and buffering depicted on sheet 2 as of 9-21-16. <u>Planning Board to review the proposed buffering and planting for these abutters and consider if the proposal is acceptable on 9-26-16. The replanted buffer shall consists of: 6 inch to 12 inch tall white pine and balsam fir trees planted 10' on center. These plantings will extend to the existing treeline and fill the required 100' wide buffer for abutting lots 17, 18 and 23. A row of 4' to 6' tall hemlock trees spaced 20' on center will also be planted along the southerly lot line as depicted on sheet 2.</u></p>



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS Site Plan Amendment #2 Application for “Granite Ridge Gravel” Page 8 of 12

§ 145-75. Criteria and Standards		Comments
G.	Setbacks and screening. Continued.	<p>The buffer re-planting shall be completed per the site plan no later than November 1, 2016. See note 6. On 7/25/16 the Planning Board found the Perry Oliver Road landscaped buffer to be acceptable as it exists.</p> <p>See note 4 and 16 on sheet 2. The 100' buffer, 25' reduced buffer and 75' wetland buffer are noted and to be labelled.</p> <p>A 6' tall stockade fence is noted as along lot 8A-2. <u>Based on aerials the fence location is not on the lot line as previously approved and should not be shown on sheet 2.</u> Approximate existing location depicted on Sht. 2. <u>Existing fence height and type to be labelled. Existing treeline to be corrected and noted to be maintained.</u> On 7/25/16 the Planning Board found the existing fence to serve as a sufficient buffer.</p>
H.	Explosive materials. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, unless they are stored in compliance with the requirements of the National Fire Protection Association (NFPA) standards.	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>See note 14; fuels shall be stored in compliance with NFPA standards.</p>
I.	Water quality. All aboveground outdoor storage facilities for fuel, chemicals, chemical or industrial wastes and potentially harmful raw materials shall be located on reinforced cement and shall be completely enclosed by an impervious dike monolithically poured, which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a fifty-year storm, so that such liquid shall not be able to spill onto or seep into the ground surrounding the paved storage area. Storage tanks for home heating fuel and diesel fuel, not exceeding 275 gallons in size, shall be exempted from this requirement.	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>See note 14; fuels shall be stored in compliance with NFPA standards.</p>

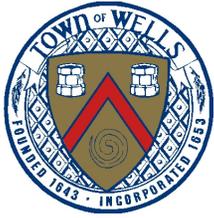


Town of Wells, Maine

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FINDINGS OF FACTS & DECISIONS
Site Plan Amendment #2 Application for “Granite Ridge Gravel”
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§ 145-75. Criteria and Standards		Comments
J.	Preservation of landscape. Unnecessary disturbance of the landscape shall be minimized, insofar as practicable, by minimizing tree removal and any grade changes.	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>2 foot Contour intervals and reclamation plan requirements shown on sheet 2. No structural coverage proposed. The existing gravel road would count toward the lot coverage of the 22.72 acre parcel. Lot coverage is not to exceed the 20% maximum as required for the Rural District. No new coverage is proposed.</p> <p>The 201-foot contour is being held by groundwater monitoring so elevation 206 (i.e., 5-feet above the seasonal groundwater level) is to be held as the limit of the lowest point of excavation. See notes on sheet 2.</p>
K.	Refuse disposal. The applicant shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. The review board shall consider the impact of particular industrial or chemical wastes or by-products upon the Wells transfer station (in terms of volume, flammability or toxicity) and may require the applicant to dispose of such wastes elsewhere, in conformance with all applicable state and federal regulations. The board may require the applicant to specify the amount and exact nature of all industrial or chemical wastes to be generated by the proposed operation.	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>See note 10. No dumpster exists or is proposed.</p>
L.	Water supply. The applicant shall demonstrate the availability of adequate water supply for fire protection and the consumption needs of the proposed development.	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>Parcel is not served by public water or an on-site well. Mineral extraction use has no such utility connections.</p>



Town of Wells, Maine

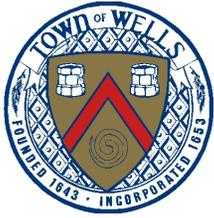
Planning Board

FINDINGS OF FACTS & DECISIONS
Site Plan Amendment #2 Application for “Granite Ridge Gravel”
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§ 145-75. Criteria and Standards		Comments
M.	Sewage disposal. The applicant shall provide for the safe disposal of all wastewaters.	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>Parcel is not served by public sewer or an onsite subsurface wastewater disposal system. Mineral extraction use has no such utility connections.</p>
N.	Fire safety. The site plan shall make adequate provisions for access by fire-fighting equipment and personal.	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>No buildings or structures proposed. The property entrance has a gate with a Knox Box. The gravel access road is 15' wide and the gravel extraction operation area provide sufficient area for trucks to turn-around. The parcel provides adequate access for fire fighting equipment.</p>

Standard Conditions of Approval

1. Site Plan approval secured under the provisions of this chapter shall expire within 10 years from the date on which the site plan is signed if all aspects of the site plan approval are not fully completed and established. Any site plan approval may include a phasing plan according to an approved time schedule not to exceed 10 years from the date on which the site plan is signed. Site plan approval shall expire if a use has been established and then discontinued for 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)]
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]



Town of Wells, Maine

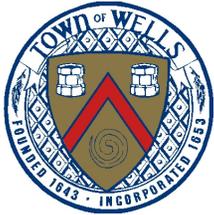
Planning Board

FINDINGS OF FACTS & DECISIONS

Site Plan Amendment #2 Application for "Granite Ridge Gravel"

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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.
12. Prior to the pouring of a building footing/foundation, the location of each building to be constructed shall be located on the face of the earth and shall be marked with surveyor pins or stakes if the building location is within 5 feet of a required setback. The developer shall receive approval of each building location from the Code Enforcement Office prior to the commencement of footing/foundation excavation. **Not applicable as no buildings are proposed or exist.**
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.



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS Site Plan Amendment #2 Application for "Granite Ridge Gravel" Page 12 of 12

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. ***Not applicable as no buildings are proposed or exist.***
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 in compliance with the deadlines noted on the site plan.

Special Conditions of Approval

1. All previous Conditions of Approval will remain in effect unless amended by this approval. The approval of this Amended Site Plan in no way negates the need for applicant compliance with all previously set Conditions of Approval.
2. When the re-vegetation is completed, the applicant shall notify the Town Planner and Code Enforcement Officer so an inspection can be conducted to ensure compliance with the site plan.
3. When the reclamation of the property is completed, the applicant shall notify the Town Planner and Code Enforcement Officer so an inspection can be conducted to ensure compliance with the site plan.

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

Wells Planning Board

By: _____
Charles Millian, Chairman

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

Project Name/District: Granite Ridge Gravel - Amd #2/ Rural District - Tax Map 37, Lot 41 Date of Review: 06-01-16,0 7-08-16; 09-21-16

Prepared By: Office of Planning & Development Company Name: Town of Wells

Article X
Site Plan Approval

§ 145-77. Data Requirements [Amended 4-26-1996]		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
Any application presented for approval shall include the following information if applicable:						
A.	A site plan drawn at a scale not smaller than one inch equals 40 feet which shall contain the following information:				W	Site plan is at a scale of 1" = 60 feet. Planning Board approved this scale in 2007 and 2013. Planning Board granted a waiver to permit the proposed plan scale on 7/11/16.
(1)	The name and address of the applicant plus the name of the proposed development.	Y				Site plan prepared by Sebago Technics. Owner and applicant noted.
(2)	Total floor area, ground coverage and location of each proposed building, structure or addition.	Y				No structural coverage proposed. The existing gravel road would count toward the lot coverage of the 22.72 acre parcel. Lot coverage is not to exceed the 20% maximum as required for the Rural District. No new coverage is proposed.
(3)	Perimeter survey of the parcel, made and certified by a registered land surveyor licensed in Maine, relating to reference points, showing true or magnetic North, graphic scale, corners of parcel, date of survey and total acreage. The requirement for a certified boundary survey may be waived by the reviewing authority if the proposed construction is located a distance equal to the required setback plus 10 feet from any lot line.				W	The prior site plan approval was prepared and stamped by Corner Post Land Surveying, Inc. The current site plan amendment references the plan done by Dana Libby and Parker Ridge Subdivision. A revised boundary plan showing the acquired 5.19 acre parcel has not been provided. This boundary is shown on the Parker Ridge Subdivision plan. The Planning Board granted a waiver on 6/6/16. See Note 16, Sht. 2.
(4)	All existing and proposed setback dimensions.	Y*				The dimensional requirements of the Rural District are noted on Sht.2. The 100' , 75' and 25' buffers required for the mineral extraction use correctly identified on the site plan. See note 4. Recommended plan labels. Also see note 16, Sht.2.

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

Project Name/District: Granite Ridge Gravel - Amd #2/ Rural District - Tax Map
37, Lot 41

Date of Review: 06-01-16,0 7-08-16;
09-21-16

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
(5)	The size, location, direction and intensity of illumination of all major outdoor lighting apparatus and signs.			NA		The site plan does not note any lighting locations. None proposed, see Notes 9 & 11, Sht. 2.
(6)	The type, size and location of all incineration devices.			NA		No such devices exist or are proposed.
(7)	The type, size and location of all machinery likely to generate appreciable noise at the lot lines.	Y				See Note 17, Sht. 2. On 7/25/16 the Planning Board found note 17 on sheet 2 acceptable.
(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 existing features shown as applicable.
(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				2 foot Contour intervals and reclamation plan requirements shown on sheet 2.
(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				Parking spaces are not required to be depicted. See Note 8, Sht. 2.
(11)	All landscaped areas, fencing and size and type of plant material upon the premises.	Y				A 100' vegetated buffer shall be maintained as depicted on sheet 1 and 2, except in areas noted to be reduced.
(12)	All existing or proposed rights-of-way, easements and other legal restrictions which may affect the premises in question.	Y				See deeds provided: Book 16347, Page 462-464, and Book 14230, Page 142
(13)	The locations, names and widths of all existing and proposed streets abutting the premises.	Y				Perry Oliver Road and Minuteman Drive depicted. Speed limit of Perry Oliver Road noted to be 35 MPH. Sight distances noted at entrance, Sht. 2.
(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				Correct Map and lot #'s added to Sht. 2. Abutters correctly labelled.
(15)	An appropriate place for the signature(s) of the reviewing authority.	Y				Planning Board signature block added to Sht. 2

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Article X , 145-77 Data Requirements (Completeness Review)
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Project Name/District: Granite Ridge Gravel - Amd #2/ Rural District - Tax Map 37, Lot 41

Prepared By: Office of Planning & Development

Date of Review: 06-01-16, 07-08-16; 09-21-16

Company Name: Town of Wells

§ 145-77. Data Requirements [Amended 4-26-1996]		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
B.	Documentation of right, title or interest in the proposed site.	Y				Book 16347, Page 462-464 and Book 14230, Page 142
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		No subsurface wastewater disposal system is proposed.
D.	The amount and type of any raw, finished or waste materials to be stored outside of roofed buildings, including their physical and chemical properties, if appropriate.			NA		No such storage proposed or permitted.
E.	If the proposed use will be connected to the Wells Sanitary District's sewer system, a letter from the Sanitary District stating that adequate line and plant capacity to dispose of the generated sewage will be available.			NA		Parcel is not served by public sewer.
F.	If the proposed use will be connected to the Kennebunk, Kennebunkport and Wells Water District water system, a letter from the Water District stating that adequate line and supply capacity to serve the proposed use will be available.			NA		Parcel is not served by public water.
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:	Y				The Planning Board considered Note 13 which limits the site to 40 truck trips per day and Operation hours included in Note 4. No additional traffic information required.
(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.					

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Project Name/District: Granite Ridge Gravel - Amd #2/ Rural District - Tax Map
37, Lot 41

Prepared By: Office of Planning & Development

Date of Review: 06-01-16,0 7-08-16;
09-21-16

Company Name: Town of Wells

§ 145-77. Data Requirements [Amended 4-26-1996]		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
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				Best Management Practices are a standard condition of approval. See note 15 on sheet 2. Also see Reclamation Note 2, Sht. 2.
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]				W	A waiver of providing a stormwater management approved by the Planning Board on 6/6/16. This waiver was previously granted for the 2007 and 2013 site plan approval as the site is internally drained.
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]					

Notes:

1. See Article VI and VII review comments.

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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.	The keeping of any animal for personal use or enjoyment other than normal household pets shall require site plan approval and shall only be permitted on lots larger than 100,000 square feet.			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			
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			

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Date of Review: 06-01-16, 07-08-16;
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Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-35. General regulations.		Application Meet Requirements			
		Yes	No	NA	Comments
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 does not have a residential use.
	(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	Parcel does not have a residential use.
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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Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-35. General regulations.		Application Meet Requirements			
		Yes	No	NA	Comments
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 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.				

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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.				
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

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A.	<p>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.</p>	Y*		<p>This commercial parcel abuts residential parcels and therefore the code requires this mineral extraction use to provide visual screening. <u>See 145-53 for screening and setback requirements for this mineral extraction use.</u></p> <p>A 6' tall stockade fence is noted as along lot 8A-2. <u>Based on aerials the fence location is not on the lot line as previously approved and should not be shown on sheet 2.</u> Approximate existing location depicted on Sht. 2. <u>Existing fence height and type to be labelled. Existing treeline to be corrected and noted to be maintained.</u> On 7/25/16 the Planning Board found the existing fence to serve as a sufficient buffer.</p> <p>On 7/25/16 the Planning Board found the proposed 25' wide buffer for lots 8-17, 8-18 and 8-19 is sufficient.</p> <p>See note 4 and 16 on sheet 2. The 100' buffer, 25' reduced buffer and 75' wetland buffer are noted <u>and to be labelled.</u></p> <p>The applicant met with the abutters (lot 17, 18 and 23 of Map 37) and obtained written sign off on the proposed planting and buffering depicted on sheet 2 as of 9-21-16. <u>Planning Board to review the proposed buffering and planting for these abutters and consider if the proposal is acceptable on 9-26-16.</u></p> <p>On 7/25/16 the Planning Board found the Perry Oliver Road landscaped buffer to be acceptable as it exists.</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			On-street parking 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:								NA	The plan does not depict parking spaces. The CEO has reviewed the plan and does not require that the parking spaces for this use be designated on the site plan. Parking for this lot and associated uses shall be off-street. See note 8, Sht. 2.
		Parking Angle (degrees)	Stall Width, feet	Skew Width, feet	Stall Depth, feet	Aisle Width, feet				
		90	9	na	18.5	26			NA	
		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	
(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.								NA	

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	(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.			NA	
D.	The following off-street parking standards shall be provided and maintained for each use on a lot except as specified in Subsection F 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. If the reviewing authority permits the provision of less than the required number of spaces, the applicant shall show that the required number of spaces can be provided on the lot. [Amended 4-26-1996; 4-19-1997; 11-2-2010]					
		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	
		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	

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	Lodging facility	1 1/10 for each sleeping room available to the traveling public			NA	
	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	
	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	

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	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.					The plan does not depict parking spaces. The CEO has reviewed the plan and does not require that the parking spaces for this use be designated on the site plan. Parking for this lot and associated uses shall be off-street. See Note 8, Sht. 2.
(2)	Loading bays may be required by the Planning Board for a project which requires Planning Board approval.				NA	No loading bay is depicted on the plan.
E.	Required off-street parking in all districts shall be located on the same lot as the use it serves.		Y			
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.					
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			Parcel is not located within the Shoreland Overlay District.
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			
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 gravel.
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	

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Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 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			See Note 9, Sht. 2.
§ 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 11, Sht. 2.
B.	In addition to meeting all other applicable requirements, any sign lighting must meet the following requirements:	Y			Any signs shall comply with these lighting requirements.
(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).)				

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(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			Best Management Practices are a standard condition of approval. These notes to be referenced on the site plan (See Findings of Fact & Decisions).

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Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-43. Stormwater management. [Amended 4-27-2007]	Application Meet Requirements			
	Yes	No	NA	Comments
<p>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.</p>				<p>A waiver of this requirement was granted by the Planning Board on 6-6-16. The original site plan approval waived stormwater runoff as the site was internally drained and the wetland buffer that was provided.</p>
Chapter 202-12F, General Standards				
(4) Stormwater management. [Amended 4-27-2007]				
<p>(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.</p>				
<p>(b) Drainage easements for existing watercourses or proposed drainageways shall be provided and indicated on the plan.</p>				
<p>(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.</p>				
<p>(d) A stormwater management plan, meeting the standards of Chapter 201, Streets and Sidewalks, Articles II and III, Wells Municipal Code, shall be submitted.</p>				
<p>(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.</p>				

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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>(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>(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>[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>				

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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			Sight Distances at entrance added to Sht. 2. To be maintained. <u>See recommended note 18 on sheet 2.</u>
§ 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			
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.				

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	(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:	Y			
	(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]				

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	(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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(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	

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Article VII
Performance Standards

§ 145-53. Mineral Extraction.		Application Meet Requirements			
		Yes	No	NA	Comments
A.	Prior to April 24, 1994, any mineral extraction use which is not operating under the control of an approved site plan shall:			NA	Site plan originally approved for this property after April 24, 1994.
	(1) Submit to the Code Enforcement Officer either:				
	(a) A plan prepared by a surveyor or professional engineer licensed by the State of Maine showing the boundaries of the lot, the limits of the area of the existing operation and existing topography of the subject site within 100 feet of any excavation or storage area at two-foot contours (contour information shall not be required for stored materials); or				
	(b) A file containing the following information: [1] Tax map and lot number of the lot; [2] A copy of the deed of the lot; [3] A sketch of the lot showing the approximately size and location of the mineral extraction use; and [4] A series of photographs showing the area of the mineral extraction use, its entrance(s) from the public road(s) and all working faces. The area included in each photograph shall be identified on the sketch of the lot; or				
	(2) Discontinue mineral extraction operations. [Amended 4-28-1995]				
B.	Any mineral extraction use legally operating on April 24, 1993, may:			NA	Mineral Extraction not legally operating on this parcel until site plan approval granted by the Planning Board in 2007. Portion of land purchased in 2012 did have prior mineral extraction.
	(1) Continue to operate according to an approved site plan;				

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§ 145-53. Mineral Extraction.		Application Meet Requirements			
		Yes	No	NA	Comments
(2)	Continue to operate and expand the use by one acre in area without an approved site plan, provided that the use has complied with the requirements of Subsection A(1)(a). Any increase in area of more than one acre may only be done according to an approved site plan. The Planning Board shall recognize the legal nonconforming status of those portions of a site on which the mineral extraction use was present and on those portions may not impose any conditions which would exceed the requirements in effect when the use was established; or				
(3)	Remove up to 500 cubic yards of material in any two-year period from the lot without having obtained an approved site plan and without paving the entrance road as required in Subsection D(3), provided that the use has complied with the requirements of Subsection A(1)(b). No more than 500 cubic yards may be removed from any lot in any two-year period unless mineral extraction is a permitted use in the district in which the lot is located and an approved site plan has been obtained for the expanded use. [Amended 4-28-1995]				
C.	Up to 100 cubic yards of material may be removed annually from a parcel of land for use on another parcel of land in the same ownership without having obtained site plan approval and without paving this entrance road as required in Subsection D(3).			NA	
D.	All mineral extraction uses shall comply with the performance standards listed below. Any legally existing mineral extraction use which does not conform to these performance standards may continue to operate but may not increase the nonconformities.	Y			This parcel must comply with these standards.

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§ 145-53. Mineral Extraction.		Application Meet Requirements			
		Yes	No	NA	Comments
(1)	A vegetative buffer strip at least 100 feet in width shall be maintained along all lot boundaries, including the boundaries of cemeteries located on the lot on which the mineral extraction use is located. No existing vegetation shall be removed, except that a strip not to exceed 50 feet in width may be cleared for an access road, which shall cross the buffer strip at an angle of between 75 ^E and 90 ^E . Natural vegetation may be removed if the buffer is landscaped according to an approved site plan. The buffer strips between two mineral extraction uses may be removed upon the written agreement of both lot owners and recording of the agreement in the Registry of Deeds and referencing the recorded agreement on their respective site plans. Additional the width of any buffer strip, except those adjacent to streets, may be reduced to not less than 25 feet if the abutting property owner(s) agree(s) to the reduction in writing and said agreement is recorded in the Registry of Deeds. For security reasons, buildings accessory to the mineral extraction use shall be allowed, with the approval of the Planning Board, in the buffer strip along their street frontage as long as they are located at least 100 feet from any site lot line and are visible from the street. [Amended 11-6-2001]	Y*			<p>The 100' buffer strip is shown on the site plan. Abutters 8-17, 8-18, 8-19 have agreed to reduce buffer to 25 feet per Agreement recorded at YCRD Book 17172, page 649. <u>Plan labels recommended.</u></p> <p>See sheet 2. See reference deed 5.</p> <p><u>Several abutters were impacted by cutting which occurred within the required 100 foot vegetated buffer. A replanting plan is noted on the plan which includes 6 inch to 12 inch tall white pine and balsam fir trees planted 10' on center. These plantings will extend to the existing treeline and fill the required 100' wide buffer for abutting lots 17, 18 and 23. A row of 4' to 6' tall hemlock trees spaced 20' on center will also be planted along the southerly lot line as depicted on sheet 2. On 9/26/16 the Planning Board to consider this buffer.</u></p> <p>The 6" to 12" tall white pine and balsam fir trees planted 10' on center also extend north along the proposed 25' wide buffer for abutting lots 8-17, 8-18, and 8-19. On 7/25/16 the Planning Board found this proposed buffer sufficient.</p>
(2)	Any topsoil or subsoil suitable for the purposes of revegetation shall be stripped from the location of the extraction operation(s) and stockpiled for use in restoring the location after the extraction operation has ceased. Such stockpiles shall be protected from erosion using practices recommended by the York County Soil and Water Conservation District. Any topsoil in excess of that needed to restore the site may be removed from the site upon completion of the required site restoration work.	Y			<p>See sheet 2. Best Management Practices are a condition of approval. Standard condition of approval notes (16) referenced (see Findings of Fact & Decisions). See also reclamation notes, Sht. 2.</p>

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§ 145-53. Mineral Extraction.		Application Meet Requirements			
		Yes	No	NA	Comments
(3)	The entrance road(s) shall be treated to minimize the generation of dust or mud. Any entrance road constructed after April 24, 1993, shall be paved a distance of at least 100 feet from the edge of the street which provides vehicular access to the operation.	Y			The first 100 feet of the access road is paved. See note 4 on sheet 2.
(4)	No equipment, stumps, debris, junk or other material shall be permitted on the site except those directly related to the mineral extraction use. The temporary storage of loam, clay, sand, gravel or stone from off the premises shall be permitted as an accessory use to a mineral extraction use. The storage of concrete without steel or iron showing and the storage of asphalt for recycling may be allowed with Planning Board and Department of Environmental Protection approval. Any temporary structures erected for use as part of a mineral extraction use shall be removed within 60 days after the cessation of operation. [Amended 4-28-1995]	Y			The accumulated debris (e.g., stumps, slash, soils, etc.) from past clearing and earthwork activities that has been left in piles at the site shall be removed and the disturbed areas stabilized with vegetation. See notes on sheet 2. No storage of concrete or asphalt proposed. No temporary structure proposed to be erected.
(5)	The lowest point of any sand and gravel excavation shall be at least five feet above the seasonal high water table, defined as the highest point of the water table during the wettest month of the year. The operator of the operation shall, at the request of the Code Enforcement Officer, dig a test pit at least five feet deep to demonstrate compliance with this standard. Any area of an excavation site that was mined below five feet above the seasonal high water table before April 24, 1993, shall be deemed nonconforming and may not be expanded either horizontally or vertically. [Amended 4-28-1995]	Y			The 201-foot contour is being held by groundwater monitoring so elevation 206 (i.e., 5-feet above the seasonal groundwater level) is to be held as the limit of the lowest point of excavation. See notes on sheet 2.
(6)	Vehicular access to any mineral extraction site shall be limited during all inactive periods and nonworking hours by gates, fences, berms, wooded buffer areas or any other functional barriers.	Y			A gate is shown at the site entrance on the plan. This gate shall have a knox box installed.
(7)	Any mineral extraction use shall employ erosion and sedimentation control measures as necessary to protect water bodies, tributary streams and wetlands from sedimentation and adjacent lots from erosion and sedimentation. Said erosion and sedimentation control measures shall be in accordance with the practices recommended by the York County Soil and Water Conservation District.	Y			See sheet 2. Best Management Practices are a condition of approval. Standard condition of approval notes (16) referenced (see Findings of Fact & Decisions). See Reclamation Notes, Sht. 2.
(8)	The following regulations shall apply to all sites:				

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§ 145-53. Mineral Extraction.			Application Meet Requirements			
			Yes	No	NA	Comments
		(a) No fuels, antifreeze, lubricants or hydraulic fluids shall be stored within any excavation area. They may be stored on site only if they are stored within a containment structure which would hold and prevent any of the fluid from entering the ground.	Y			See sheet 2. Note 14
		(b) Any refilling or draining of any fluids (e.g., fuel, hydraulic fluid, brake fluid or antifreeze) or repair of equipment on an extraction site shall take place only over an impermeable surface from which any spilled fluids can be collected and removed from the site. Said surface or container shall have a capacity of at least 20 gallons.	Y			See sheet 2. Note 14
		(c) Every extraction use shall have a plan, and the ability to implement the plan, for the containment and cleanup of any fuel or fluid spill on site.	Y			See sheet 2. Note 14
	(9)	Any site, except rock and stone quarries, upon which a mineral extraction use is located shall be restored so that no grades exceed a slope of three horizontal to one vertical within two years of the cessation of any extraction at any site or at any one or more locations within a site. The sites shall be revegetated using the topsoil available on site according to the practices recommended by the York County Soil and Water Conservation District.	Y			See sheet 2.
	(10)	The Planning Board shall, as part of its review process, consider the potential noise impacts of a proposed mineral extraction use. In situations where residential development may be impacted by the mineral extraction use, the Board may require a noise study. Enlarged buffers, noise barriers, limitation on hours of operation or any other physical improvement or operational procedure that would reduce the sound-pressure levels to the standards required in ' 145-45 may be required.	Y			The mineral extraction is operated year round. See note 4. See note 17 for operation hours of a Pegson Jaw type crushing unit.

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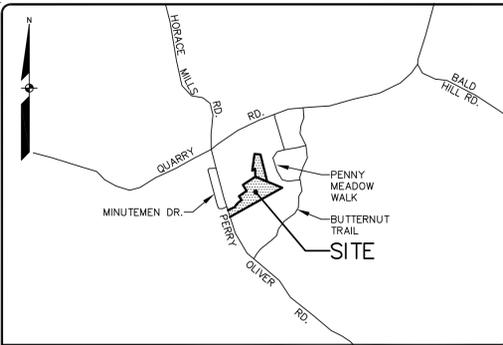
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§ 145-53. Mineral Extraction.		Application Meet Requirements			
		Yes	No	NA	Comments
E.	Discontinuance of a mineral extraction use is defined as the excavation and removal from the premises of less than 500 cubic yards of material in any twenty-four month period for mineral extraction uses operating under the requirements of Subsection B(1) and (2) or the removal of less than 20 cubic yards of material in any two-year period for mineral extraction uses operating under the requirements of Subsection B(3). The owner/operator shall provide the Code Enforcement Officer receipts or other documents substantiating the cubic yardage of material which has been hauled off the premises in the previous 24 months so that he may determine if the mineral extraction use has or has not been discontinued. If a mineral extraction use has been discontinued, it may not resume operation without having obtained site plan approval and met the standards of this section.	Y			Planning Board amendment approval is being sought.
F.	A performance guaranty, the form and amount of which are acceptable to the Town Manager, shall be given to the Town before the issuance of a use permit for any mineral extraction use approved by the Planning Board. The performance bond shall be of sufficient size to rehabilitate the mineral extraction site in accordance with the restoration plan approved by the Planning Board. If a mineral extraction use is discontinued (as defined in Subsection E its approval shall expire, and the Town, after providing the owner and/or operator written notice of its intent, shall use the posted security to restore the site of the mineral extraction use in accordance with Subsections D(7) and (9).	Y			See Notes 4, 5, 6 and 7 on Sht. 2. Disturbed area: 5.2 acres x \$3,500/acre= \$18,200 Buffer Restoration area: 1.4 acres x \$4,500/acre = \$6,300 See note 6 on sheet 2. Buffer Restoration deadline of 10-01-2016 See Reclamation Note 5 on sheet 2. Gravel Pit restoration deadline of 10-01-2018



LOCATION MAP N.T.S.

REFERENCE DEEDS

- GARY K. CROCKER AND CAROL M. CROCKER TO PEPIN WELLS, LLC AND STONEWOOD ENTERPRISES, LLC, DATED 9-16-04; RECORDED YCRD IN BOOK 14230, PAGE 142.
- STONEWOOD ENTERPRISES, LLC AND PEPIN WELLS, LLC TO SCOTT GORDON PERRY AND TERESA M. PERRY; DATED 3-4-05; RECORDED YCRD IN BOOK 14393, PAGE 152.
- PARKER DEVELOPMENT, LLC TO STONEWOOD ENTERPRISES, LLC AND PEPIN WELLS, LLC; DATED 6-14-12; RECORDED YCRD IN BOOK 16347, PAGE 462.
- AGREEMENT BETWEEN PEPIN WELLS, LLC; STONEWOOD ENTERPRISES, LLC; PARKER DEVELOPMENT, LLC, AND KAREN BASTON; DATED 5-23-12; RECORDED YCRD IN BOOK 16332, PAGE 30.
- AGREEMENT BETWEEN PEPIN WELLS, LLC; STONEWOOD ENTERPRISES, LLC; DAVID R. FLETCHER & LISA A. FLETCHER; JOSEPH C. CONNOR & CAREY L. CONNER; AND TODD E. BAYHA; DATED 1-5-16 RECORDED YCRD IN BOOK 17172, PAGE 649.

APPROVED BY THE WELLS PLANNING BOARD

GENERAL NOTES

- THE PURPOSE OF THIS PLAN IS TO AMEND THE PREVIOUSLY APPROVE MINERAL EXTRACTION USE AS FOLLOWS:
 - REVEGETATION OF DISTURBANCE INTO THE 100 FOOT BUFFER;
 - REVISION TO A 25 FOOT BUFFER ALONG LOTS 8-17, 8-18 AND 8-19 PER AGREEMENTS WITH THE LOT OWNERS. SEE REFERENCE DEED #5;
 - EXPANSION OF THE AREA TO BE EXCAVATED INTO LAND ACQUIRED IN REFERENCE DEED #3.
- PROPERTY INFORMATION:

TAX MAP 37, LOT 41
 TOTAL LAND AREA = 22.72 ACRES
 EXISTING USE: MINERAL EXTRACTION
 PROPOSED USE: MINERAL EXTRACTION
 OWNER: PEPIN WELLS, LLC AND STONEWOOD ENTERPRISES, LLC
 APPLICANT: PEPIN WELLS, LLC

TOPOGRAPHY BASED ON NAVD 1988, REF. PLAN #3 AND FIELD LOCATION. BOUNDARY LINES DEPICTED PER REF. PLAN #1 AND 3. PROPERTY CORNER AND LINE MONUMENTATION DEPICTED ON REF. PLAN #1 AND 3.
- ZONING DIMENSIONAL REQUIREMENTS FOR RURAL DISTRICT:

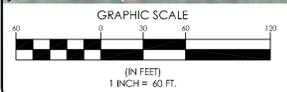
MIN. LOT SIZE 100,000 SF OF NET AREA (22.72 ACRES EXISTS)
 MAX. DENSITY 100,000 SF OF NET AREA (NO DWELLINGS EXIST/PROPOSED)
 MIN. STREET FRONTAGE 200 FEET (215.25 FEET PROVIDED)
 MIN. STREET SETBACK 25 FEET
 MIN. LOT LINE SETBACK 25 FEET
 MAX. LOT COVERAGE 20%
 MAX. BUILDING HEIGHT 40 FEET, NOT TO EXCEED 3 STORIES
 PROPERTY NOT SERVED BY PUBLIC SEWER (WSD) OR PUBLIC WATER (KKWWD).
- PERFORMANCE STANDARDS OF §145-53. MINERAL EXTRACTION:
 - MIN. NATURAL VEGETATED BUFFER STRIP OF 100 FEET
 - MIN. NATURAL VEGETATED BUFFER STRIP WITH REDUCTION AGREED UPON WITH ABUTTERS OF LOTS 8-17, 8-18 AND 8-19 OF MAP 37 TO 25 FEET.
 - BUFFER ELIMINATION ALLOWED BETWEEN PERMITTED MINERAL EXTRACTION USES WITH WRITTEN AGREEMENTS AND APPROVED SITE PLANS.
 - TOPSOIL TO BE RETAINED FOR RECLAMATION VEGETATION.
 - NO DUST OR MUD TO BE TRACKED ONTO ROADWAYS. ENTRANCE TREATMENT, SWEEPING AND WATERING MAY BE REQUIRED.
 - THE LOWEST ELEVATION OF THE EXCAVATED AREA SHALL BE 206, GREATER THAN 5 FEET ABOVE THE SEASONAL HIGH WATER TABLE.
 - OPERATIONAL HOURS LIMITED TO 7:00 AM TO 5:00 PM MONDAY THROUGH FRIDAY; 7 AM TO NOON ON SATURDAY; AND NO FEDERAL HOLIDAYS OR SUNDAYS.
 - RESTORATION TO OCCUR PER SITE PLAN AND NOTES.
 - A PERFORMANCE GUARANTEE SHALL BE ESTABLISHED WITH THE TOWN OF WELLS AS CASH ESCROW OR BANK LETTER OF CREDIT AT \$3,500.00 PER ACRE OF DISTURBED AREA AND \$4,500.00/ ACRE FOR PLANTINGS TO RESTORE THE 100 FOOT WIDE BUFFER WHERE DISTURBED.
- THE TOTAL AREA OF PROPOSED MINERAL EXTRACTION IS APPROXIMATELY 5.2 ACRES, WITH 1.4 ACRES OF BUFFER AREA TO BE REVEGETATED.
- BUFFER RESTORATION TO BE COMPLETED NO LATER THAN NOVEMBER 1, 2016.
- MINERAL EXTRACTION AND RECLAMATION TO BE COMPLETED NO LATER THAN OCTOBER 1, 2018.
- NO DESIGNATED PARKING REQUIRED. ALL PARKING TO BE ON-SITE.
- IF SIGNAGE IS INSTALLED; IT SHALL BE IN COMPLIANCE WITH THE LAND USE ORDINANCE. PRIOR TO INSTALLATION IT SHALL OBTAIN A PERMIT.
- ALL REFUSE GENERATED ON THE PROPERTY SHALL BE DISPOSED OF BY THE PROPERTY OWNER IN A TIMELY MANNER. NO DUMPSTER IS PROPOSED.
- ALL EXTERIOR LIGHTING SHALL BE DIRECTIONAL AND NOT PRODUCE GLARE ONTO ABUTTING LIGHTS OR STREETS.
- NO PAVEMENT RECYCLING IS PERMITTED. TEMPORARY STUMP GRINDING IS ALLOWED FOR THE PRODUCTION OF MULCH FOR THIS PROPERTY'S RECLAMATION PURPOSES.
- THERE SHALL BE NO MORE THAN 40 TRUCK TRIPS PER DAY.
- ALL FUELS SHALL BE CONTAINED AND STORED IN COMPLIANCE WITH NFPA STANDARDS.
- SOIL EROSION AND SEDIMENTATION CONTROL BEST MANAGEMENT PRACTICES ARE A CONDITION OF APPROVAL. SEE FINDINGS OF FACT & DECISIONS ASSOCIATED WITH THIS SITE PLAN APPROVAL FOR ALL CONDITIONS OF APPROVAL.
- ALL BUFFER LIMITS: 100 FOOT, 25 FOOT AND 75 FOOT, SHALL BE MARKED BY A PROFESSIONAL LAND SURVEYOR AND WRITTEN CERTIFICATION PROVIDED TO THE CODE ENFORCEMENT OFFICE PRIOR TO CONTINUED EXCAVATION OR RECLAMATION. LIMITS TO BE MAINTAINED AT ALL TIMES.
- R. PEPIN AND SONS, INC. WILL BE OPERATING A PEGSON JAW TYPE CRUSHING UNIT ONSITE FOR THE PROCESSING OF ROADWAY MATERIAL FOR THE UPCOMING DEVELOPMENT. OPERATIONS SHALL BE LIMITED TO A TOTAL OF 5 DAYS BETWEEN THE HOURS OF 9:00 A.M. - 2:00 P.M. AND NOT ON ANY FEDERAL HOLIDAYS OR SUNDAYS. THE CRUSHER SHALL BE LOCATED IN THE CENTER OF THE GRAVEL PIT FLOOR WHERE IT WILL BE SURROUNDED BY EARTHEN BERM TO LIMIT NOISE AND DUST (SEE PLAN FOR LOCATION). NO OTHER CRUSHING OR SCREENING EQUIPMENT SHALL BE PERMITTED FOR USE ON THE SITE.
- SIGHT DISTANCES ONTO PERRY OLIVER ROAD TO BE MAINTAINED.

REFERENCE PLANS

- PARKER RIDGE SUBDIVISION; DATED 5-5-2012, BY LOWER VILLAGE SURVEY CO.; RECORDED AT THE YCRD IN PLAN BOOK 355, PAGE 16.
- GRAVEL PIT RECLAMATION PLAN; DATED 2-17-2011; BY PAUL P. GADBOIS; ON FILE WITH THE TOWN OF WELLS; SHEETS 1, 2, AND 3.
- SITE PLAN; DATED 5-2-2007, BY DANA D. LIBBY, CORNER POST LAND SURVEYING; ON FILE WITH THE TOWN OF WELLS; SHEETS S1 AND S2.
- SITE PLAN AMENDMENT #1; DATED OCTOBER 2013; ON FILE WITH THE TOWN OF WELLS; SHEETS S1 AND S2.

LEGEND

EXISTING	DESCRIPTION
---	PROPERTY LINE/R.O.W.
---	ABUTTER LINE/R.O.W.
---	SETBACK
	BUILDING
---	EDGE WETLAND
---	WETLANDS
---	EDGE PAVEMENT
---	EDGE GRAVEL
---120---	120' CONTOURS
---118---	118' CONTOURS



DESIGNED	CHECKED
CAB	CAB

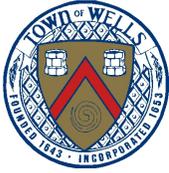
REVISED PER TOWN COMMENTS	ISSUED MYLARS
G CAB 09-22-16	REVISED PER TOWN COMMENTS. ISSUED MYLARS
F CAB 07-20-16	REVISED PER TOWN COMMENTS
E CAB 07-11-16	REVISED PER TOWN COMMENTS
D CAB 06-20-16	REVISED PER TOWN COMMENTS
C CAB 06-10-16	REVISED PER TOWN COMMENTS
B CAB 05-13-16	REVISED PER TOWN COMMENTS
A CAB 04-14-16	ISSUED FOR PRELIMINARY REVIEW

REV. BY: DATE: STATUS:
 THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.

SEBAGO
 TECHNICS
 WWW.SEBAGO-TECHNICS.COM
 75 John Roberts Rd. Suite B
 South Paris, ME 04106
 Tel: 207-200-9100 Tel: 207-783-5656

AS-BUILT GRAVEL PIT PLAN
 OF:
 GRANITE RIDGE
 PERRY OLIVER ROAD
 WELLS, MAINE
 FOR:
 PEPIN WELLS, LLC
 P.O. BOX 1167
 SANFORD, MAINE 04073

PROJECT NO. 16148 SCALE 1"=60'
 SHEET 1 OF 2



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

Memo

Date: September 23, 2016

To: Planning Board

From: Planning Office

Re: Three Brooks West Subdivision – Tax Map 138, Lot 19B-1 to 19B-4 – Failure to Substantially Start Construction

Background:

The Three Brooks West Subdivision was approved by the Wells Planning Board on April 7, 2008. The Final Findings of Fact & Decisions (attached) describe it as follows:

“...A *Final* Subdivision Application for Greg Brooks and his 4.5 acres of land off of 124 Burnt Mill Road. This parcel of land is identified as Map 138, Lot 19B is in the Residential A District. Mr. Brooks is proposing to create a 4 lot subdivision with one ‘outsale’ lot. There is an existing trailer located on the northwest side of the property that will be removed. Lot 3 has an existing pond on a significant area of the lot but proposes to provide enough area so the lot is build-able. The subdivision proposes a road for the subdivision with a cul-de-sac. This road is proposed to be called Bezo Circle. The parcel of land is entirely located in area identified to have Hydric Soils. No wetlands, high potential wildlife habitats or flood zones are found on this parcel.”

Information provided for 9/12/16 PB meeting:

Attached the Planning Board will find the following information:

- Planning Office letters to the current land owner
- Assessor’s Office letters to the current land owner
- April 2008 approved Final Findings of Fact & Decisions for Three Brooks West Subdivision
- Three Brooks West subdivision plan approved and signed on 4/7/2008, recorded on 6/4/2008, Plan Book 329, Page 48.

Issue:

Town Subdivision Ordinance §202-9C(6) states “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. This means that due to the fact that no construction for the subdivision occurred by April 7, 2013, the subdivision must be determined by the Planning Board to be null and void as of April 7, 2013 and notice shall be placed at the Registry of Deeds.

The prior owner/developer, Greg Brooks did not hold a pre-construction meeting with the Town; did not establish any performance guarantee with the Town; did not construct the

roadway or utilities for the proposed 4 lots; did not install lot Monumentation and did not remove the trailer from the parcel.

The prior owner/developer did complete the conveyance of lot 19B in November 2009, and some land swaps with the abutter (Dickerson) in Dec. 2008.

The prior owner/developer was foreclosed upon and the property was conveyed to the current owner, Mr. Dennis Andrews Efstathiou.

Communications with the current owner:

- The Planning Office and Assessor's Office had written and spoken with the current property owner, Dennis Andrews Efstathiou AKA Dennis Andrews shortly after he acquired the subdivision in 2012 from Greg Brooks. Mr. Andrews was informed of when construction needed to commence or the options he would need to undertake if the subdivision was to be voided.
- The Planning Office and Assessor's Office have written and spoken with Mr. Andrews this past week notifying him that the Planning Board will be taking up the Three Brooks West subdivision and will consider finding its approval null and void based on failure to commence substantial construction.
- Mr. Andres does not oppose to the voiding of the subdivision.
- Mr. Andrews does not plan to merge the subdivision parcel which will be identified as Tax Map 138, Lot 19B-1 with his currently owned abutting parcel identified as Map 138, Lot 19A
- Mr. Andrews does not plan to construct a road to satisfy the street frontage requirements for the dissolved subdivision parcel, Lot 19B-1, at this time.
- Mr. Andrews did not acquire the entirety of the property that was subject to the subdivision approval.

Recommendations:

1. The Certificate Rendering the Subdivision Plans Null and Void due to Expiration has been drafted ad discussed at the last Planning Board meeting.
2. The Planning Board should review the Certificate and authorize the chairman to sign the Certificate in the presence of a Notary Public.

**CERTIFICATE RENDERING SUBDIVISION PLANS
NULL AND VOID DUE TO EXPIRATION
FOR THREE BROOKS WEST, WELLS, MAINE
PLAN RECORDED JUNE 4, 2008 AT THE YORK COUNTY REGISTRY OF
DEEDS IN PLAN BOOK 329, PAGE 48**

Comes now the undersigned and on oath makes the following affidavit, acknowledging that the information contained herein is true to the best of his knowledge:

- 1) My name is Charles Millian, and I am a duly qualified member of the Town Of Wells Planning Board, a position I have held in excess of twenty three years. Currently, I am the Chairman of the Planning Board, a position I have held in excess of fifteen years.
- 2) The Subdivision known as Three Brooks West, in Wells, Maine, was approved by the Wells Planning Board on April 7, 2008 and was recorded in the York County Registry of Deeds Plan Book 329, Page 48 on June 4, 2008. The subdivision can be described as a 4 lot/dwelling unit major residential subdivision with a 50' wide private road with cul-de-sac to be named Bezo Circle.
- 3) The Planning Board of the Town of Wells, at a regular meeting held on Monday, September 12, 2016 in the Wells Town Offices, at which a quorum was present, heard the report of the Town Engineer/Planner for the Subdivision known as Three Brooks West, in Wells, Maine. The Three Brooks West subdivision has failed to commence substantial construction within 5 years of approval (April 7, 2013).
- 4) The Wells Planning Board made the following determinations regarding the Three Brooks West Subdivision: the subdivision remains undeveloped, substantial construction did not commence within 5 years of the date of said Subdivision's approval, the Three Brooks West Subdivision approval is considered expired per 202-9C(6) of the Wells Subdivision Code as of April 7, 2013.
- 5) The Planning Board acknowledges that the properties currently identified as Tax Map 138, Lots 19-B-1, 19-B-2, 19-B-3 and 19-B-4 are all owned by Dennis Andrews Efstathiou and that these 4 parcels shall be merged and considered one parcel owned by Dennis Andrews Efstathiou. The one parcel shall be identified as Tax Map 138, Lot 19-B-1.
- 6) The Planning Board acknowledges that the parcel to be identified as Tax Map 138, Lots 19-B-1 shall have approximately 56.87' of street frontage on Burnt Mill Road. The Planning Board makes no representation that the parcel meets current zoning requirements.
- 7) Upon motion duly made and passed, the Planning Board of the Town of Wells voted at their September 26, 2016 scheduled meeting to find the approval of Three Brooks West Subdivision is rendered null and void due to expiration as of the date April 7, 2013 ; and to authorize the Chairman of the Planning Board to execute an affidavit to that effect to be placed in the York County Registry of Deeds.

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

Charles Millian, Chairman
Planning Board, Town of Wells

Date

State of Maine
County of York

Personally appeared the above named Charles Millian and acknowledged the foregoing instrument to be his free act and deed in his capacity as Planning Board Chairman.

Notary Public



TOWN OF WELLS, MAINE STAFF REVIEW COMMITTEE

Meeting Agenda

Tuesday, September 20, 2016, 9:00 AM

Town Hall Meeting Room, Second Floor

208 Sanford Road, Wells

MINUTES

September 7, 2016

DEVELOPMENT REVIEW & WORKSHOP

- I. **CONGREGATIONAL CHURCH OF WELLS** - The Congregational Church of Wells, owner; Jamie Bradish, applicant; Jim Wright, agent. Site Plan Amendment Application to reconstruct the steeple, relocate a new handicap accessible ramp, seek approval for a shed, and expand the parking lot. The parcel is located off of 1695 Post Road and is in the General Business District. Tax Map 135, Lot 11.exe. **Workshop completeness, compliance and Findings of Fact & Decisions for possible approval**

OTHER BUSINESS

ADJOURN