



## TOWN OF WELLS, MAINE PLANNING BOARD

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

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

#### I. SEPTEMBER 26, 2016 DRAFT MEETING MINUTES

#### PUBLIC HEARING(S)

#### DEVELOPMENT REVIEW & WORKSHOPS

##### I. HIDDEN COVE BREWERY

Fire & Brew Inc. owner; Richard Varano, applicant; Site Plan Pre-Application to construct a 4,000 SF building for Business Wholesale use, to eliminate the Fast-Food Restaurant use and adjust the Standard Restaurant seating. No change to existing building proposed. The property is located off of 73 Mile Road within the General Business and 250' Shoreland Overlay District. Tax Map 121, Lot 14.

**Receive Site Plan Pre-Application and schedule a Site Walk**

#### DOCUMENTS:

[HIDDEN COVE BREWERY PRE-APP MEMO 09-29-16.PDF](#)  
[HIDDEN COVE BREWER PRE-APPLICATION SUBMISSION 09-20-16.PDF](#)  
[HIDDEN COVE BREWERY SKETCH PLAN SEPT 2016.PDF](#)

##### II. WELLS PARKS & RECREATION PARKING LOT

Town of Wells, owner/applicant. Site Plan Pre-Application to construct a municipal use parking lot to consist of approximately 100 parking spaces and some "pickle-ball-courts." The property is located within the Rural District and Residential A District. The property is off of Branch Road and Burnt Mill Road. Tax Map 56, Lot 23-EXE. **Receive Site Plan Pre-Application and schedule a Site Walk**

#### DOCUMENTS:

[WELLS PARKS AND REC PARKING LOT PRE-APP MEMO 09-29-16.PDF](#)  
[PARKS AND REC FULL SITE PLAN APPLICATION SIGNED 09-20-16.PDF](#)  
[PARKS AND REC PARKING LOT DRAFT PLAN.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 and add a driveway onto Route 9A .No change 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 Lane, and is within the Rural and 75' Shoreland Overlay Districts. Tax Map 62, Lot 12 and Map 63, Lot 7. **Report Results of Site Walk, Workshop draft completeness and Determine if Public Hearing is needed**

**DOCUMENTS:**

[PB MEMO RE BURNT MILL ESTATES AMD SITE WALK 09-30-16.PDF](#)

**IV. 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 Final Findings of Fact & Decisions for possible approval**

**DOCUMENTS:**

[BIRCH FARM FINAL SUB MEMO 09-30-16.PDF](#)  
[BIRCH FARM DRAFT COMPLIANCE AND FOF 09-28-16.PDF](#)  
[BIRCH FARM COST ESTIMATE 9-28-16.PDF](#)  
[BIRCH FARM TOWN ATTY MEMO 09-26-16.PDF](#)  
[BIRCH FARM FIRE LETTER SIGNED 09-23-16.PDF](#)  
[BIRCH FARM - BASE-C3.2 09-30-16.PDF](#)  
[BIRCH FARM - BASE-C3.1 09-30-16.PDF](#)  
[BIRCH FARM - BASE-C2.0 09-30-16.PDF](#)

**OTHER BUSINESS**

**I. SRC & CEO SITE PLAN REVIEW AND APPROVALS UPDATE**

**DOCUMENTS:**

[10-12-16 SRC AGENDA.PDF](#)

**ADJOURN**



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

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

### **Site Plan Pre-Application Memo**

Date: September 29, 2016  
To: Planning Board  
From: Planning Office  
Re: Hidden Cove Brewery – Tax Map 121, Lot 14

#### **Project Description:**

Richard Varano has submitted a site pre-application and sketch plan to amend the site plan for Fire N Brew/ Hidden Cove Brewery and obtain approval for a 4,000 SF building to be used for Business Wholesale use. The existing Standard Restaurant use to remain but to adjust seating; the 200 SF Fast Food Restaurant use (food truck) to be eliminated; and the parking lot to be reconfigured. The existing 4,545 SF brewery is considered a Business Wholesale/ Business Retail, including manufacturing use. The parcel is located off of 73 Mile Road and is within the General Business and 250' Shoreland Overlay District. The property is served by public sewer and public water and is identified as Tax Map 121, Lot 14. The property is located over 75% within the Shoreland Overlay District and therefore the maximum lot coverage allowed is 40%.

#### **§ 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 - a 4,000 SF building for a Business Wholesale use proposed**

#### **§ 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 proposal 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. **Upon the submission of the Site Plan Application the fee shall be paid.**
- 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. **Upon the submission of the Site Plan Application additional escrow shall be provided.**
- 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] To be determined**

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

**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, a list of names and addresses of abutters to the proposed project, and a set of Size 10 envelopes addressed to the abutters, 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. **The CEO found the use proposed to be permitted in the GB District on 9/23/16**
- (b) If the proposed use is a permitted use on the subject lot:
- [1] Send or deliver a notice to the applicant and the abutters of such determinations by first class mail. **Abutters mailed such notice on 9/23/16**
  - [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.

[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. **The Pre- Application is scheduled on the 10/3/16 PB agenda**

(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. 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, and said notification shall be sent or delivered by first class mail at least 10 days before the meeting. **Abutters mailed such notice on 9/23/16; PB meeting is on 10/3/16**

(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 conclusions:**

1. The Planning Board should receive the site plan pre-application and schedule a site walk of the property.



**TOWN OF WELLS, MAINE**  
**Office of Planning & Development**  
**208 Sanford Road, Wells, Maine 04090**  
 Phone: (207) 646-5187, Fax: (207) 646-7046  
 Website: [www.wellstown.org](http://www.wellstown.org)

**SITE PLAN PREAPPLICATION - §145-74A**

Received  
9-20-16

1. Project/Business Name Hidden Cove Brewery
2. Street Address (of project) 73 Mile Road
3. Assessor's Tax Map Number(s): 121 Lot Number(s): 14
4. Property Owner Five & Brew Inc.  
 Mailing Address: 73 Mile Road  
Wells, ME 04090  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 Email Address: \_\_\_\_\_
5. Applicant (if different from owner): Richard Varano  
 Mailing Address: (same)  
 Telephone: 251-5151 Fax: \_\_\_\_\_  
 Email Address: rvarano@maine.rr.com
6. Agent/ Engineer/ Surveyor: None  
 Mailing Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 Email: \_\_\_\_\_
7. All correspondence should be sent to: Richard Varano  
 (specify one of the above)
8. Zoning District(s): GB & Shoreland
9. Shoreland Overlay District(s): Yes

10. Land Uses: (see attached Land Use Table to use correct use terminology)

A. Existing Land Use(s): Standard Restaurant, Business Wholesale, Business Retail, Fast Food

B. Proposed Land Uses(s): Same, except eliminate fast food

11. What legal interest does applicant have in the property?

Ownership  Option \_\_\_\_\_ Purchase & Sales Contract \_\_\_\_\_ Other \_\_\_\_\_  
*Documentation of right, title or interest must accompany the application*

12. Is any part of parcel within 250 feet of high water mark of a pond, stream, or tidal water body?

Yes  No \_\_\_\_\_

13. Is any part of parcel within a special flood hazard area as identified by FEMA? Yes \_\_\_\_\_ No

14. Does the parcel include any water bodies? Yes \_\_\_\_\_ No

15. Acreage of Parcel: 0.76 ac. Acreage to be Developed: 0.48 ac (Existing)

16. EXISTING a) Total Gross Floor Area of All Structures 4,005 SF

17. PROPOSED a) Total Gross Floor Area of All Structures 8,005 SF

18. Number of Existing Parking Spaces: 39 Total Number of Parking Spaces as proposed: 28

19. Description of proposed amendment: Addition of a 4,000 SF building for the wholesaling of Hidden Cave Brewery product. Elimination of the fast food use and a portion of the restaurant seating.

**CERTIFICATION. To the best of my knowledge, all information submitted on this site plan and with my application is true and correct.**

  
Signature of Applicant or Authorized Agent

9-20-16  
Date

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

**Submitted    Not Submitted    Preapplication form shall be accompanied by**

|  |  |  |
|--|--|--|
|  |  | A sketch plan of the subject property showing existing and proposed buildings, parking areas, lot boundaries, adjacent streets, entrances to the property, water bodies, and any other significant features. |
|  |  | A list of names and addresses of abutters to the proposed project. The addresses of these abutters shall be obtained from the Town of Wells Tax Assessor's records.  |
|  |  | A set of Size 10 envelopes addressed to the abutters, affixed with first class postage.  |
|  |  | Proof of Right, Title and Interest   |

- ◆ See the Land Use Ordinance, Chapter 145 of the Town Code, regarding the zoning district regulations, land use standards, and site plan review process. The entire Wells Town Code is online at [www.wellstown.org](http://www.wellstown.org) . Follow link to the 'Document Center' then 'Town Code.' Section 145-74A details the Preapplication procedures.
- ◆ The Code Enforcement Officer will determine the appropriate Reviewing Authority for the application review. The Reviewing Authorities include the Code Enforcement Officer, the Staff Review Committee or the Planning Board. The Code Enforcement Officer will also determine if the proposed use is permitted in the zoning district(s). All abutting property owners will be notified of the preapplication by the Planning Office.
- ◆ Contact the Planning Department at (207) 646-5187 with questions.



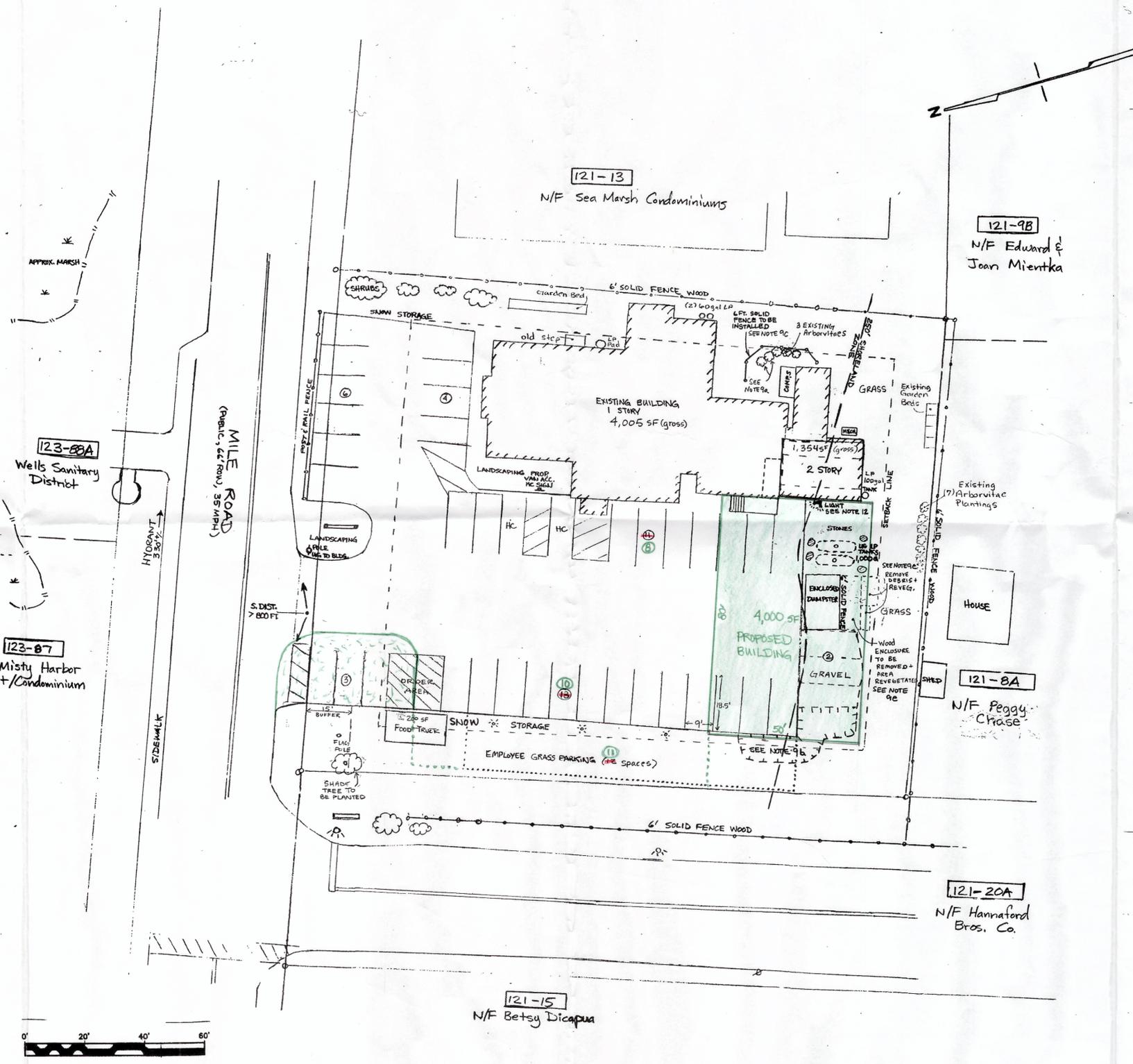
WELLS STAFF REVIEW COMMITTEE

APPROVAL DATE 5-10-16

*Michael L. Livingston*  
*James J. Leung*  
*Richard Varano*

References:  
 Standard Boundary Survey for Richard Varano; by Maine Land Surveyors, Inc.; dated 1/13/1989.  
 Plan of Billy's "2" Go; by Richard Varano; dated 10/7/1999 and amended 3/6/2007.  
 Plan of Fire & Brew Restaurant and Captain Dick's Brewery by Richard Varano approved by the Wells Staff Review Committee on 6/11/2013.

**Conditions of Approval**  
 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]  
 Approval is conditioned upon compliance by the applicant with the plans and specifications which have been received by the reviewing authority.  
 Town in connection with this development proposal:  
 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)]  
 Failure to comply with any condition 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 enforce construction development or any specific activity violating the conditions of plan approval or applying the legal penalties detailed in [§145-64, §145-74A] whenever sedimentation is caused by stripping vegetation, grading 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.  
 Whenever sedimentation is caused by stripping vegetation, grading or other development, 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, §145-78B]  
 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 trap, or other means as practicable after construction ends.  
 (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.  
 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.  
 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.  
 It is the applicant's responsibility to contact the State prior to construction.  
 It is the owner/homeowner Association/applcants/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 licenses for the site(s) located on this subdivision site plan parcel(s).  
 Approval of any proposed field changes shall be obtained prior to construction. Said approvals shall be in writing. The Code Enforcement Officer shall consult with the Office of Planning and Development prior to approving any field change.  
 Prior to the pouring of a building footing/foundation, the location of each cottage and/or building to be constructed shall be located on the face of the earth and shall be marked with survey pins or stakes. The developer shall receive approval of each cottage and/or building location from the Code Enforcement Officer prior to the commencement of footing/foundation excavation. 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.  
 Upon completion of construction, the applicant shall provide to the Town record as-built drawings of the roadway, drainage, and utility related construction work.  
 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 Officer, 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.  
 All components, features, improvements and conditions of site plan approval shall be fully completed prior to any issuance of a certificate of occupancy.



NOTES

- The purpose of this amended site plan is to obtain approval for the Standard Restaurant to go from 120 seats to 38 seats; to obtain approval for 200 SF Fast Food Restaurant use (food truck); and to obtain approval for the brewery to expand into the existing buildings (540 SF to 4,545 SF). The brewery is considered a Business Wholesale/ Business Retail, including Manufacturing use).
- Owner: Fire & Brew Inc. Applicant: Richard Varano  
 216 Mile Road, Wells, ME
- Property Information:  
 73 Mile Road, Wells, ME  
 Lot Area: 32,992 SF (Ref. Plan 1)  
 Zoning Districts: General Business & 250' Shoreland Overlay  
 Served by municipal water and sewer districts.
- Dimensional Requirements:  
 Min. Lot size: 20,000 SF  
 Min. Street Frontage: 100 feet (160' ± on Mile Road)  
 Min. Street ROW Setback: 25 feet  
 Min. Lot line setback: 15 feet  
 Maximum Lot Coverage: 40% (> 75% of the property is in Shoreland Overlay)  
 Max. Building Height: 34 feet
- Existing Uses:  
 Standard Restaurant, 120 seats (open 3 PM, dinner only)  
 Business, Wholesale/ Business, Retail (540 SF) (8 AM to 4 PM)
- Proposed Uses:  
 Standard Restaurant, 38 seats  
 Business, Wholesale/ Business, Retail including manufacturing (4,545 SF)  
 Fast-Food Restaurant, 200 SF (Food Truck)
- Existing & Proposed Lot Coverage: (grandfathered non-conforming)  
 Building: 5,385 SF  
 Pavement: 14,392 SF  
 Gravel: 1,144 SF  
 Total: 20,921 SF / 32,992 = 63.4 %
- Parking Requirements:  
 38 seats / 3 + 38/20 (1 per 20 seats for employees) = 43 + 2 = 45 spaces required for Standard Restaurant use  
 4,545 x 3.5/1000 = 16 spaces required for the Business Wholesale/Retail with Manufacturing use  
 200 SF/30 = 7 spaces required for the Fast-Food Restaurant use  
 Total required parking = 66 spaces  
 Total provided parking = 39 spaces  
 \* Existing 36 paved spaces (2 handicap) provided + 2 gravel spaces = 38 (grandfathered non-conforming spaces less than 9' x 18.5' and less than a 26' aisle = 13 spaces).  
 \* Additional 12 grass spaces available for employees only (seasonal, May 1<sup>st</sup> through November 1<sup>st</sup>).
- Proposed Landscaping:  
 a. 2 arborvitae (5 ft tall min., 3 ft oc) to be planted as shown around the compressor area if noise complaints are received by the Town and upon inspection by the Town noise is found to be excessive.  
 b. Area of existing gravel to be top soiled and seeded to establish grass no later than 10/1/2016.  
 c. If noise continues to be an issue for abutters after the 2 arborvitae trees are planted per above note 9a; and the Town has determined noise issues remain around the compressor area; a 6' tall solid fence shall be installed as depicted on the site plan around the arborvitae plantings.  
 d. The shade tree proposed at the northwesterly boundary to be located within the 15' landscaped buffer. The shade tree to be planted no later than 10/1/2016.  
 e. Wood enclosure and other items/debris behind the dumpster shall be removed and re-vegetated. The area to be top soiled and seeded to establish grass no later than 10/1/2016.
- Any fences/ screening/ buffering/grass areas shall be maintained and replaced if removed or damaged.
- All signs shall be in conformance with 145-40. Any sign lighting shall be directional to prevent glare onto abutting streets or abutting properties.
- All lighting shall be directional and/or shielded to prevent glare onto streets or abutting properties.
- On-street parking is prohibited. No parking signs along Mile Road are recommended.
- 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. The parcel shall comply with the requirements of 145-45.
- No waste materials or debris to be stored outside of roofed buildings on the property. All storage shall be enclosed within existing roofed buildings on the property.
- The Food Truck (fast-food restaurant use) is not required to meet setback requirements provided the Food Truck has a valid license/ registration. If the Fast-Food Restaurant use is to be located on the property for 10 or more consecutive days or is not registered, the Food-Food Restaurant use is required to meet setbacks.
- The installation of a Knox Box is recommended. The Fire Department shall review the location of the Knox Box prior to installation.
- This property is prohibited from generating loud and offensive noise after 10 PM. Food Truck hours are to be 11AM to 10PM. To further mitigate noise impacts to abutters after 10PM, patrons and employees shall not congregate near abutting residential lot lines.
- The doors, windows and garage doors to the Brewery shall be shut at all times except that they may be opened for a brief period so that Brewery products can transfer in and out of the Brewery.

Site Plan Amendment

**Fire & Brew / Hidden Cove Brewery**

73 Mile Road, Wells, ME 04090

Fire & Brew Inc  
 Richard Varano  
 73 Mile Road  
 Wells, ME 04090  
 Tax Map 121, Lot 14

Date: 4/18/2016  
 Rev: 5/5/2016  
 Scale: 1" = 20 feet

Sketch Plan  
 Sept 2016



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

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

### **Site Plan Pre-Application Memo**

Date: September 29, 2016

To: Planning Board

From: Planning Office

Re: Wells Parks & Recreation Parking Lot – Tax Map 56, Lot 23-EXE

#### **Project Description:**

The Wells Parks & Recreation Department has submitted a site pre-application and sketch plan seeking approval for a Municipal Facility to consist of a parking lot with 100 +/- parking spaces and a “pickle ball court” on a portion of the 23.37 acre parcel of land. The property is located off of Burnt Mill Road and Branch Road (Route 9A) and is within the Rural District and Residential A District. The property is identified as Tax Map 56, Lot 23-EXE.

#### **§ 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; **YES - a Municipal Facility use is proposed**
- 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.

#### **§ 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 proposal 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. **Upon the submission of the Site Plan Application the fee shall be considered for a waiver by the BOS**
- 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. **Not required at this time**
- 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] To be determined**

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

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, a list of names and addresses of abutters to the proposed project, and a set of Size 10 envelopes addressed to the abutters, 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. **The CEO found the use proposed to be permitted in the R and RA Districts on 9/23/16**

(b) If the proposed use is a permitted use on the subject lot:

- [1] Send or deliver a notice to the applicant and the abutters of such determinations by first class mail. **Abutters mailed such notice on 9/23/16**
- [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.
- [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. **The Pre- Application is scheduled on the 10/3/16 PB agenda**

(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. 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, and said notification shall be sent or delivered by first class mail at least 10 days before the meeting. **Abutters mailed such notice on 9/23/16; PB meeting is on 10/3/16**

(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 conclusions:**

1. The Planning Board should receive the site plan pre-application and schedule a site walk of the property.



# TOWN OF WELLS, MAINE

208 Sanford Road, P.O. Box 398

Wells, Maine, 04090

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

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

Received  
9-20-2016

---

---

## SITE PLAN PREAPPLICATION - §145-74A

1. Project/Business Name TOWN OF WELLS. PARKS & RECREATION PARKING LOT
2. Street Address (of project) BRANCH ROAD
3. Assessor's Tax Map Number(s): 56 Lot Number(s) : 23-EXE
4. Property Owner TOWN OF WELLS  
Mailing Address: 208 SANFORD RD  
WELLS, ME 04090  
Telephone: 207-646-5113 Fax: 207-646-2935  
Email Address: jcarter@wellstown.org
5. Applicant (if different from owner): \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email Address: \_\_\_\_\_
6. Agent/ Engineer/ Surveyor: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_
7. All correspondence should be sent to: TOWN MANAGER  
(specify one of the above)
8. Zoning District(s): RURAL (R) AND RESIDENTIAL A (RA)
9. Shoreland Overlay District(s): NONE
10. Existing Land Use: VACANT

11. What legal interest does applicant have in the property?

Ownership  Option \_\_\_\_\_ Purchase & Sales Contract \_\_\_\_\_ Other \_\_\_\_\_

Documentation of right, title or interest must accompany the application

12. Is any part of parcel within 250 feet of high water mark of a pond, stream, or tidal water body?

Yes \_\_\_\_\_ No

13. Is any part of parcel within a special flood hazard area as identified by FEMA? Yes \_\_\_\_\_ No

14. Does the parcel include any water bodies? Yes \_\_\_\_\_ No

15. Acreage of Parcel: 23.37 Acreage to be Developed: \_\_\_\_\_

16. EXISTING a) Total Gross Floor Area of All Structures 0

17. PROPOSED a) Total Gross Floor Area of All Structures 0

18. Number of Existing Parking Spaces: 0 Total Number of Parking Spaces as proposed: ± 100

19. Description of proposed amendment: A municipal use is proposed which is to consist of a 100 ± space parking lot and recreational "pickle-ball" courts. No structures proposed.

**CERTIFICATION.** To the best of my knowledge, all information submitted on this site plan and with my application is true and correct.

Uma LeBlanc

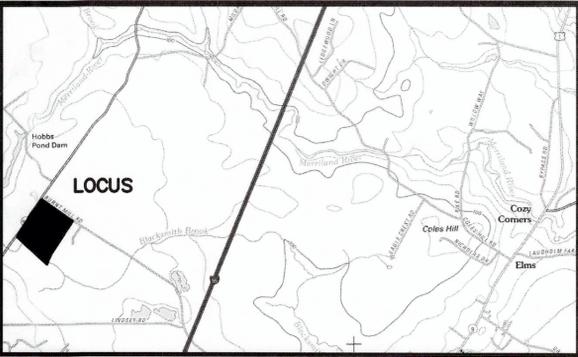
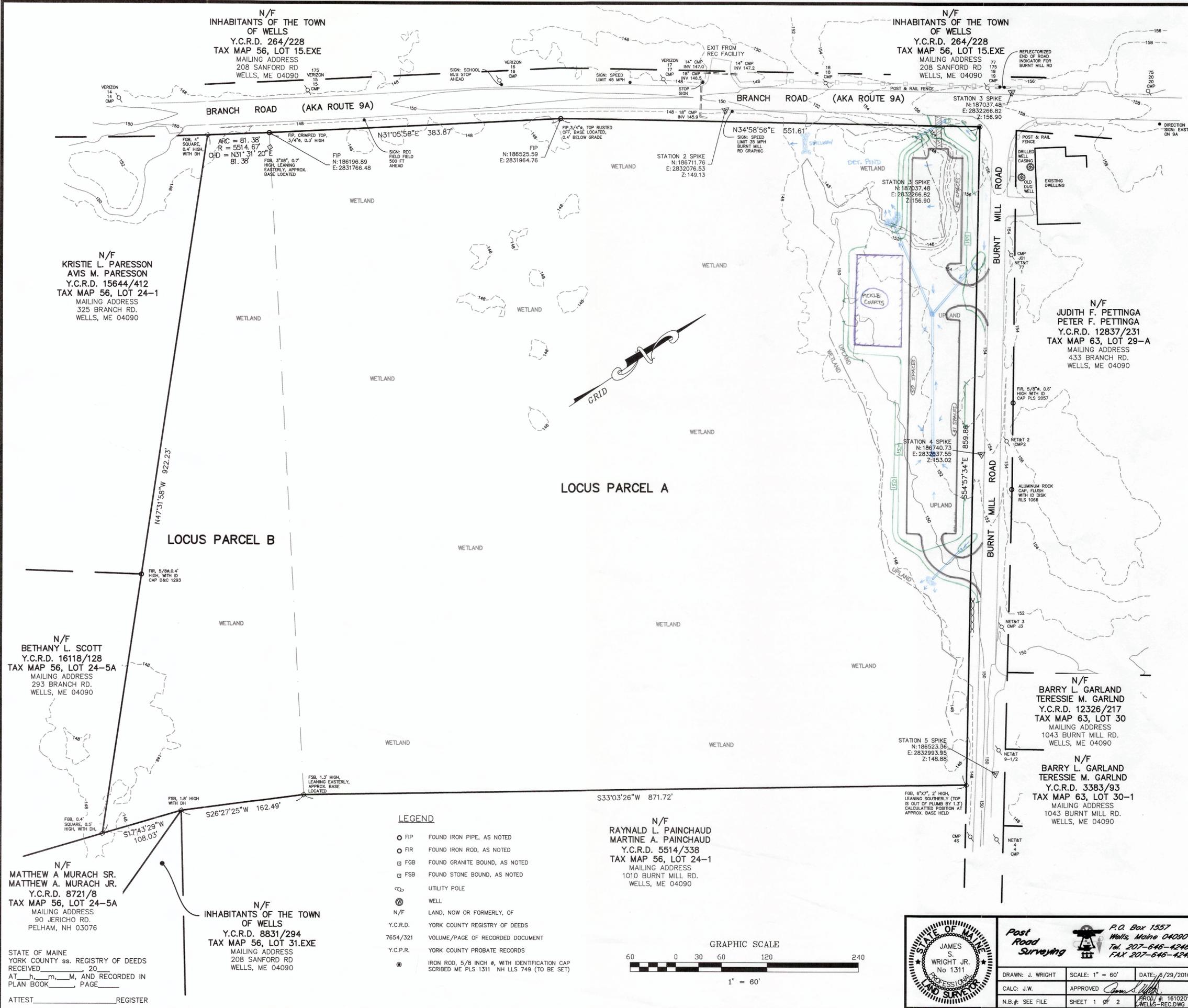
Signature of Applicant

9-23-16

Date

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

| Submitted                           | Not Submitted            | Preapplication form shall be accompanied by  |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | A sketch plan of the subject property showing existing and proposed buildings, parking areas, lot boundaries, adjacent streets, entrances to the property, water bodies, and any other significant features. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | A list of names and addresses of abutters to the proposed project. The addresses of these abutters shall be obtained from the Town of Wells Tax Assessor's records.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | A set of Size 10 envelopes addressed to the abutters, affixed with first class postage.  |



LOCATION PLAN NTS

- REFERENCE PLANS:
- 1) AMENDED SUBDIVISION PLAN OF "REVISION TO SUBDIVISION PLAN ENTITLED PHYLUSS FOSTER REALTY TRUST FOSTER RTE. 9A SUBDIVISION", FOR JUDITH F. PETTINGA AND PETER F. PETTINGA, BY MIDDLE BRANCH LLC, PROFESSIONAL LAND SURVEYORS, DATED MARCH 8, 2016 AND RECORDED AT THE Y.C.R.D. IN PLAN BOOK 382, PAGE 27.
  - 2) LINDSEY ROAD ESTATES ON LINDSEY ROAD, WELLS, MAINE, BY WAYNE WOOD DATED SEPTEMBER 1997 AND RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 238, PAGE 4.
  - 3) PLAN SHOWING A STANDARD BOUNDARY SURVEY & TOPOGRAPHIC SURVEY MADE FOR JOAN LORENTZ, WELLS, MAINE BY DOW & COULOMBE DATED APRIL 6, 1987, LAST REVISED JULY 1, 1999 AND RECORDED AT THE Y.C.R.D. IN PLAN BOOK 249, PAGE 28.
  - 4) PLAN SHOWING LAND SURVEYED FOR THE TOWN OF WELLS, WELLS, MAINE BY DOW & COULOMBE DATED JANUARY 10, 1977, LAST REVISED MARCH 22, 1977 (NOT RECORDED).

- NOTES:
- 1) THE BOUNDARY LINES, (INCLUDING THE ROAD LINES) AS DEPICTED HEREON, REFLECT A RETRACEMENT OF THE LINES AS SHOWN ON THE PLANS REFERENCED ABOVE. IN DEPTH RECORDS RESEARCH HAS NOT BEEN UNDERTAKEN AS PART OF THIS PROJECT.
  - 2) THE BEARINGS DEPICTED HEREON ARE BASED ON GRID NORTH, MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE, NAD 83 AS DERIVED FROM GPS OBSERVATIONS POST PROCESSED THROUGH THE NATIONAL GEODETIC SURVEY ON LINE USER POSITIONING SERVICE (OPUS). DISTANCES ARE "GROUND MEASUREMENTS". TO CONVERT TO GRID DISTANCES A COMBINED SCALE FACTOR OF 0.99998022447021 IS RECOMMENDED. ELEVATION INFORMATION IS RELATIVE TO NAVD88 PER THE ABOVE OPUS. CONTOUR INTERVAL IS TWO FEET. ELEVATION INFORMATION ON THE PAVED PORTION OF BRANCH ROAD & BURNT MILL ROAD IS BASED ON FIELD WORK PERFORMED BY POST ROAD SURVEYING BETWEEN APRIL & JUNE 2016. THE REMAINING TOPOGRAPHY (2' CONTOURING) WAS OBTAINED FROM THE MAINE OFFICE OF GIS LIBRARY.
  - 3) WETLANDS WERE DELINEATED BY MICHAEL CUOMO AND FIELD LOCATED BY POST ROAD SURVEYING WITH A POSITIONAL TOLERANCE OF +/- 2 METERS.
  - 4) FOR THE PUBLIC RECORD REGARDING BRANCH ROAD (AKA ROUTE 9A) SEE THE YORK COUNTY COMMISSIONERS RECORDS, VOLUME 13, PAGE 193. THE RIGHT OF WAY APPEARS TO BE 4 RODS (66') WIDE IN THIS AREA. POST ROAD SURVEYING HAS NOT PERFORMED A RECORD RETRACEMENT OF THIS SIDELINE.
  - 5) FOR THE PUBLIC RECORD REGARDING BURNT MILL ROAD SEE THE WELLS TOWN CLERK'S RECORDS, VOLUME C, PAGE 141, DATED MARCH 26, 1822, 3 RODS (49.5') WIDE, AND THE RENEWAL OF THE SAME IN VOLUME D, PAGE 18, SEPTEMBER 9, 1835. POST ROAD SURVEYING HAS NOT PERFORMED A RECORD RETRACEMENT OF THIS SIDELINE.
  - 6) POST ROAD SURVEYING HAS NOT LOCATED OR IDENTIFIED ANY UNDERGROUND UTILITIES AS PART OF THIS PROJECT. PRIOR TO CONSTRUCTION OR EXCAVATION OF ANY KIND, IT IS THE RESPONSIBILITY OF THE LAND OWNER OR CONTRACTOR TO CONTACT DIG SAFE TO VERIFY THE EXISTANCE AND LOCATION OF ANY UNDERGROUND UTILITIES.

LOCUS INFORMATION:

LOCUS PARCEL A  
 RECORD REFERENCE: Y.C.R.D. VOLUME 264, PAGE 228  
 GROSS LOT AREA: 785,891.9 SQ FT +/- (18.0 ACRES +/-)

LOCUS PARCEL B  
 RECORD REFERENCE: Y.C.R.D. VOLUME 9966 PAGE 190  
 GROSS LOT AREA: 151,131.9 SQ FT +/- (3.5 ACRES +/-)

MUNICIPAL REFERENCE (FOR BOTH):  
 TAX MAP 56, LOT 23.EXE

**BOUNDARY & TOPOGRAPHIC PLAN  
 PREPARED FOR**

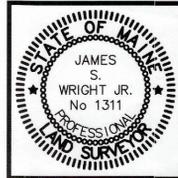
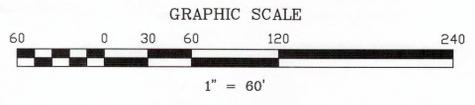
**THE TOWN OF WELLS**

**LOCATED ON BRANCH ROAD (ROUTE 9A)  
 AND BURNT MILL ROAD**

**WELLS ~ MAINE**

MAILING ADDRESS: 208 SANFORD ROAD, WELLS, ME 04090

- LEGEND**
- FIP FOUND IRON PIPE, AS NOTED
  - FIR FOUND IRON ROD, AS NOTED
  - FGB FOUND GRANITE BOUND, AS NOTED
  - FSB FOUND STONE BOUND, AS NOTED
  - ⊕ UTILITY POLE
  - ⊙ WELL
  - N/F LAND, NOW OR FORMERLY, OF
  - Y.C.R.D. YORK COUNTY REGISTRY OF DEEDS
  - 7654/321 VOLUME/PAGE OF RECORDED DOCUMENT
  - Y.C.P.R. YORK COUNTY PROBATE RECORDS
  - ⊙ IRON ROD, 5/8 INCH #, WITH IDENTIFICATION CAP SCRIBED ME PLS 1311 NH LLS 749 (TO BE SET)



P.O. Box 1557  
 Wells, Maine 04090  
 Tel. 207-646-4246  
 FAX 207-646-4242

**Post Road Surveying**

|                  |                                      |                                    |
|------------------|--------------------------------------|------------------------------------|
| DRAWN: J. WRIGHT | SCALE: 1" = 60'                      | DATE: 6/29/2016                    |
| CALC: J.W.       | APPROVED: <i>James S. Wright Jr.</i> |                                    |
| N.B.#: SEE FILE  | SHEET 1 OF 2                         | PROJECT # 1610201<br>WELLS-REC.DWG |

STATE OF MAINE  
 YORK COUNTY ss. REGISTRY OF DEEDS  
 RECEIVED \_\_\_\_\_ 20\_\_\_\_  
 AT \_\_\_\_\_ M., AND RECORDED IN  
 PLAN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

ATTEST \_\_\_\_\_ REGISTER



# TOWN OF WELLS, MAINE PLANNING BOARD

---

To: Town of Wells Planning Board  
From: Planning Office  
Date: September 30, 2016  
Re: Burnt Mill Estates Subdivision - Site Walk Results - Tax Map 62, Lot 12 and Map 63,  
Lot 7

---

The Planning Board is scheduled to conduct a site walk of the Burnt Mill Estates Subdivision on Saturday, October 1<sup>st</sup> at 8:30 AM. A site walk results memo will be prepared by the Planning Office on Monday and distributed at the 10/3/16 Planning Board meeting.

Thank you.



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

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

### **Major Subdivision Application Memo**

Date: September 30, 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] Held 9/26/16**
- (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. **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 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 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. Town Attorney review of the HOA was completed. See attached memo. See special condition of approval #1 requiring finalized HOA documents prior to the pre-construction meeting.
  - b. A revised cost estimate has been provided
  - c. Various plan and note changes have been addressed by the applicant
2. The Planning Board should consider finding the application compliant.
3. The Planning Board should consider approving and signing the Findings of Fact & Decisions and subdivision plan.



# Town of Wells, Maine

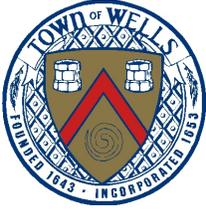
## Planning Board

**FINAL FINDINGS OF FACT & DECISIONS**  
**Final Subdivision Application for “Birch Farm Subdivision“**  
**Page 1 of 19**

### Chapter 202 Subdivision of Land

| <b>PROJECT INFORMATION</b>  |   |
|-----------------------------|---|
| <b>General:</b>             | <p><b>Project Name:</b> Birch Farm Subdivision</p> <p><b># Lots/ Dwellings Proposed:</b> 13 Lots/ 13 Dwelling Units</p> <p><b>Applicant:</b> Rick Licht, Licht Environmental Design, LLC, 35 Fran Circle, Gray, ME 04039</p> <p><b>Landowner:</b> Richard &amp; Moody &amp; Sons Construction, LLC, 899 Post Road, Wells, ME 04090</p> <p><b>Location:</b> 1321 Meetinghouse Road, Wells, Maine</p> <p><b>Existing Use:</b> 1 Dwelling Unit and woodland</p> <p><b>Proposed Land Use:</b> 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><b>Tax Parcel ID:</b> Tax Map 77, Lot 22</p> <p><b>Zoning District:</b> Rural District</p> <p><b>Land Use, Art. VII</b></p> <p><b>Performance Standards:</b> §145-49.Residential Cluster</p> <p><b>Design Engineer:</b> Walsh Engineering Associates, One Karen Drive, Suite 2A, Westbrook, ME 04092 &amp; Lower Village Survey Co, 13 Western Ave, Kennebunk, ME 04046</p> <p><b>Final Plan Application</b></p> <p><b>Submission Date:</b> August 30, 2016</p> <p><b>Plan Submission Date:</b> August 30, 2016</p> |
| <b>Project Description:</b> | <p>Rick Licht of Licht Environmental Design, LLC has submitted a Final Subdivision Application on behalf of the property owner, Richard Moody &amp; 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>   |
| <b>Approval Dates:</b>      | <p>Preliminary Plan Approval: 8/8/2016</p> <p>Final Plan Approval: 10/3/2016</p>  |
| <b>Public Hearings:</b>     | <p>Preliminary Public Hearing 8/8/2016</p> <p>Final Public Hearing 9/26/2016</p>  |

| <b>PROJECT HISTORY</b>  |
|---|
| <ol style="list-style-type: none"> <li>1. On April 5, 2016 the applicant submitted a subdivision pre-application for the above described project.</li> <li>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.</li> </ol> |



# Town of Wells, Maine

## Planning Board

### FINAL FINDINGS OF FACT & DECISIONS

#### Final Subdivision Application for "Birch Farm Subdivision"

Page 2 of 19

#### 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 8/30/16 the applicant submitted the final subdivision application to the Planning Office.
20. On 8/30/16 the Planning Office mailed abutters notice of the Final Subdivision Application submission and of the 9/12/16 Planning Board meeting.
21. On 9/9/16 the Planning Office reviewed the final submission for compliance with the Preliminary conditions of approval and reviewed the submission's final completeness (202-9). A draft completeness checklist and memo were prepared for the Planning Board and applicant.
22. On 9/12/16 the Planning Board received the final subdivision application and voted to appoint the Town Engineer as the completeness agent to schedule a Final public hearing for the 9/26/16 meeting.
23. On 9/13/16 the applicant provided the Planning Office with a draft HOA document and cost estimate to review.
24. On 9/13/16 the draft HOA documents were provided to the Town Attorney for her review and comment.
25. On 9/13/16 the Town Engineer found the final subdivision application complete for purposes of scheduling the Final Public Hearing.
26. On 9/16/16 the Planning Office mailed abutters certified notice of the final Planning Board Public Hearing scheduled for 9/26/16.
27. On 9/20/16 the Planning Office provided the applicant with plan markups prepared on 9/9/16 to be



# Town of Wells, Maine

## Planning Board

**FINAL FINDINGS OF FACT & DECISIONS**  
**Final Subdivision Application for “Birch Farm Subdivision“**  
**Page 3 of 19**

| <b>PROJECT HISTORY</b>   |
|--|
| <p>addressed.</p> <p>28. On 9/22/16 the Town Engineer prepared a HOA review memo.</p> <p>29. On 9/23/16 the Town Engineer prepared a drainage review memo.</p> <p>30. On 9/23/16 the Planning Office received the fire chief letter.</p> <p>31. On 9/26/16 the Planning Office received plan revisions from the applicant.</p> <p>32. On 9/26/16 the Planning Board conducted a Final Public Hearing and workshop. The Planning Board made determinations on shared driveways not being required, found monumenation suitable, found the 22’ wide paved road width acceptable, found the performance guarantee note acceptable, and voted to continue the workshop to the 10/3/16 Planning Board meeting.</p> <p>33. On 9/27/16 the Planning Office received the Town Attorney review memo on the HOA documents.</p> <p>34. On 9/28/16 the Planning Office provided the applicant with the Town Attorney review comments.</p> <p>35. On 9/29/16 the Planning Office provided the applicant with minor plan changes. The Planning Office also drafted the compliance (202-12)/ Final Findings of Fact &amp; Decisions document.</p> <p>36. On ____ the Planning Office received revised plans addressing the review comments.</p> <p>37. On 9/30/16 the Planning Office prepared a memo for the Planning Board and applicant.</p> <p>38. On 10/3/16 the Planning Board voted to find the application compliant (202-12), voted to approve and sign the Findings of Fact &amp; Decisions and voted to approve and sign the subdivision plan.</p> |

| <b>§ 202-12. General Standards</b>  | <b>Findings &amp; Decisions</b>  |
|---|--|
| <p>In reviewing applications for a subdivision, the Board shall consider the following general standards and make findings that each has been met prior to the approval of a final plan. In all instances the burden of proof shall be upon the applicant.</p>  |  |
| <p>A. Conformance with Comprehensive Plan. All proposed subdivisions shall be in conformity with the Comprehensive Plan of the municipality and with the provisions of all pertinent state and local codes and ordinances.</p>  | <p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>By compliance with Chapter 202 and applicable sections of Chapter 145, the project is compliant.</p>  |
| <p>B. Retention of open spaces and natural or historic features. [Amended 6-11-2013]</p>  | <p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p>  |
| <p>(1) In any subdivision with no more than five lots or dwellings units, no dedicated open space is required. In any subdivision with at least six lots or dwelling units and no more than 10 lots or dwelling units, there shall be a minimum of 10% or 20,000 square feet, whichever is greater, of the total property net area dedicated as open space. Off site dedication of open space land may be approved by the Planning Board if excess land is provided and the land has a greater benefit to the public than land within the development. In any subdivision with more than 10 lots or dwelling units, there shall be a minimum of 35% of the total property net area dedicated as open space.</p> | <p>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.</p> |



# Town of Wells, Maine

## Planning Board

**FINAL FINDINGS OF FACT & DECISIONS**  
**Final Subdivision Application for “Birch Farm Subdivision”**  
**Page 4 of 19**

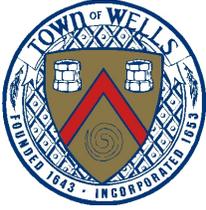
| <b>§ 202-12. General Standards</b>  | <b>Findings &amp; Decisions</b>  |
|---|--|
| <p>(2) Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended. A site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Planning Board may deem suitable. The configuration of such sites shall be deemed adequate by the Planning Board with regard to scenic or historic attributes to be preserved, together with sufficient areas for trails, lookouts, etc., where necessary and appropriate.</p> | <p>See note 15 on sheet 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. Note 15 states: 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.</p>  |
| <p>(3) Reserved open space land, acceptable to the Planning Board and subdivider, may be dedicated or conveyed to the municipality, a land trust, or other recognized conservation organization. Such reservation may also be accomplished by incorporation into homeowners’ association or condominium association documents or into restrictive deed covenants. (See § 145-49, residential cluster development standards.)</p>  | <p>No such reservation proposed or incorporation in Birch Farm at Wells HOA.</p>   |
| <p>(4) The Planning Board may require that the development plans include a landscape plan that will show the preservation of any existing trees larger than 24 inches in diameter at breast height, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally significant areas. Cutting of trees on the northerly borders of lots should be avoided as far as possible, to retain a natural wind buffer.</p>   | <p>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.</p> <p>See sheet C2.0 for trees to be preserved and note 28 on sheet S1.1.</p>  |
| <p>C. Blocks. Where street lengths exceed 1,000 feet between intersections with other streets, the Board may require an utility/pedestrian easement, at least 20 feet in width, to provide for underground utility crossings and/or a pedestrian pathway of at least five feet in width. Maintenance obligations of the easement shall be included in the written description of the easement.</p>  | <p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL NOT APPLY.</b></p>   |
| <p>D. Lots.</p>   | <p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p>  |
| <p>(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>  | <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> |



# Town of Wells, Maine Planning Board

**FINAL FINDINGS OF FACT & DECISIONS**  
**Final Subdivision Application for “Birch Farm Subdivision“**  
**Page 5 of 19**

| <b>§ 202-12. General Standards</b>  | <b>Findings &amp; Decisions</b>   |
|---|---|
| (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. | 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. See note 22 on sheet S1.1 to reflect this.<br><br>See 22 on sheet S1.1 that states parking along Birch Farm Way is prohibited.   |
| (3) Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan and deed restrictions shall indicate that vehicular access shall be located only on the less traveled way.   | See note 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. Note 22 also states that lot 1 and 12's vehicular access shall be deed restricted to access Birch Farm Way only.<br><br><b><u>Note 22 to add that Lot 13's driveway location may vary up to 10' in location.</u></b> |
| (4) Wherever possible, side lot lines shall be perpendicular to the street.   | Side lot lines shall meet this standard.  |
| (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.   | Any such changes, erasures modifications or revisions to the subdivision plan require Planning Board approval.  |
| (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.  | 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.   |
| (7) If a lot on one side of a river, tidal water, road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the river, tidal water or road to meet the minimum lot size.                                  | No such lot proposed.   |
| (8) Odd-shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited. The ratio of lot length to width shall not be more than three to one.   | No such lots proposed.  |
| (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.   | On 9/26/16 the Planning Board determined shared driveways are not required.   |
| (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.  | On 7/11/16 the Planning Board granted a waiver permitting the driveway for lot 13 to access off of Meetinghouse Road.<br><br>All other lots shall have driveways off of Birch Farm Way. See note 22.  |
| E. Utilities.   | <b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b>  |
| (1) Utilities shall be installed underground except as otherwise approved by the Board.   | Note 9 on sheet S1.1 requires utilities to be installed underground. See Sheet C2.0.  |



# Town of Wells, Maine

## Planning Board

**FINAL FINDINGS OF FACT & DECISIONS**  
**Final Subdivision Application for “Birch Farm Subdivision“**  
**Page 6 of 19**

| <b>§ 202-12. General Standards</b> |  | <b>Findings &amp; Decisions</b>   |
|------------------------------------|--|---|
|                                    | (2) Underground utilities shall be installed prior to the installation of the final gravel base of the road.   | See note 9 on sheet S1.1  |
|                                    | (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.   | Light pole details noted on sheet C2.0. Light pole base detail on sheet C5.1. Notation on sheet C2.0 states that the light poles shall be shielded and downward directional as to not produce glare onto abutting <b>lots or Meetinghouse Road.</b> |
| 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.   | <b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b><br><br>Sheet S1.1 identifies all Monumentation proposed and monuments found.   |
|                                    | (a) Stone or concrete monuments shall be set at all street intersections and points of curvature, but no further than 750 feet apart along street lines without curves or intersections.   |   |
|                                    | (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.  | On 9/26/16 the Planning Board determined that the Monumentation shown on sheet S1.1 to be acceptable.   |
|                                    | (2) Water supply.  | <b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b>  |
|                                    | (a) When a subdivision is to be served by the Kennebunk, Kennebunkport and Wells Water District, the complete supply system, including fire hydrants, shall be installed at the expense of the subdivider.   | Subdivision not served by the KKW Water District.   |
|                                    | [1] The subdivider shall provide a written statement from the Water District that adequate water for both domestic and fire-fighting purposes can be provided without placing an undue burden on the source, treatment facilities or distribution system involved. The subdivider shall be responsible for paying the costs of system improvements necessary to serve the subdivision. |   |

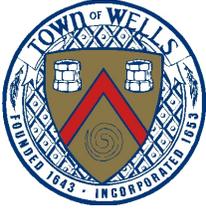


# Town of Wells, Maine

## Planning Board

**FINAL FINDINGS OF FACT & DECISIONS**  
**Final Subdivision Application for “Birch Farm Subdivision”**  
**Page 7 of 19**

| § 202-12. General Standards   | Findings & Decisions  |
|---|---|
| [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. <b>[Amended 3-11-2002]</b>   |   |
| [a] The subdivider shall construct dry hydrants connected to ponds or water storage tanks, provide fire hydrants connected to a public water source or implement an alternative program approved by the Fire Chief to provide for adequate water for fire-fighting purposes within the subdivision. An easement shall be granted to the municipality providing access to the hydrants or other improvements where necessary. If a subdivision has fewer than 10 lots or dwelling units or any combination of lots and dwelling units, the Board, may waive the requirement for an adequate on-site water supply only upon submittal of evidence that: | The subdivision proposes to construct all 13 single family dwellings with individual sprinkler systems for fire protection. See note 20 on sheet S.11.<br><br>A letter from the Wells Fire Chief dated 9-23-16 has been provided. |
| [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.  | A letter from the Wells Fire Chief dated 9-23-16 has been provided.   |
| [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.   |

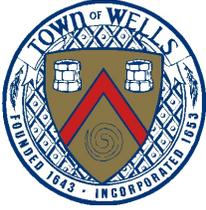


# Town of Wells, Maine

## Planning Board

**FINAL FINDINGS OF FACT & DECISIONS**  
**Final Subdivision Application for “Birch Farm Subdivision“**  
**Page 8 of 19**

| § 202-12. General Standards   | Findings & Decisions  |
|---|---|
| [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.  | <b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b>  |
| (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 ( $\pm$ 10 feet). |
| [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. | Test pits provided for all lots by Joel Noel, LSE #221, CSS#209 dated 5/18/2016. See note 8 on sheet S1.1   |



# Town of Wells, Maine

## Planning Board

**FINAL FINDINGS OF FACT & DECISIONS**  
**Final Subdivision Application for “Birch Farm Subdivision“**  
**Page 9 of 19**

| § 202-12. General Standards   | Findings & Decisions  |
|---|---|
| [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.   | No such variance permitted.   |
| (4) Stormwater management. [Amended 4-27-2007]  | <p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>Stormwater Management Report for Birch Farm prepared by Silas Canavan, PE of Walsh Engineering dated August 29, 2016.</p> <p>Town Engineer/Planner Michael Livingston, PE reviewed the stormwater management report. See memo dated 9-23-16.</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. | Various easements are depicted on the plans. Stormwater system deisnged by a Professional Engineer.   |
| (b) Drainage easements for existing watercourses or proposed drainageways shall be provided and indicated on the plan.  | Easements depicted.   |
| (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.   | Conclusion of Stormwater Management Report.   |
| (d) A stormwater management plan, meeting the standards of Chapter 201, Streets and Sidewalks, Articles II and III, Wells Municipal Code, shall be submitted.   | Completed.  |
| (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.  | Not applicable.   |
| (f) For subdivisions that do not require a Site Location of Development permit, but that require a MDEP permit pursuant to 38 M.R.S.A. § 420-D, a stormwater management plan shall be submitted which complies with the requirements of MDEP Chapter 500 Stormwater Regulations.  | Not applicable.   |



# Town of Wells, Maine

## Planning Board

**FINAL FINDINGS OF FACT & DECISIONS**  
**Final Subdivision Application for “Birch Farm Subdivision”**  
**Page 10 of 19**

| <b>§ 202-12. General Standards</b> |  | <b>Findings &amp; Decisions</b>  |
|------------------------------------|--|--|
|                                    | <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>Stormwater system designed to meet standards and includes LIDs (Buffers) in the plan.</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>Not applicable.</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>Not applicable.</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> |  |
| G.                                 | Streets.   | <b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b>                             |

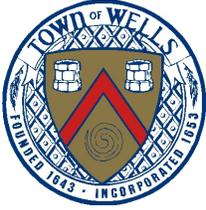


# Town of Wells, Maine

## Planning Board

**FINAL FINDINGS OF FACT & DECISIONS**  
**Final Subdivision Application for “Birch Farm Subdivision“**  
**Page 11 of 19**

| <b>§ 202-12. General Standards</b> |  | <b>Findings &amp; Decisions</b>  |
|------------------------------------|--|--|
| (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<br><br>Planning Board reviewed the proposed road width of 22' per Chapter 201-10 on 9/26/16 and found it acceptable. |
| (2)                                | Any subdivision expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with existing public streets, streets shown on an Official Map or streets on an approved subdivision plan for which performance guaranties have been filed and accepted. Any street with an average daily traffic of 200 trips per day or more shall have at least two street connections leading to existing public streets, streets shown on an Official Map or streets on an approved subdivision plan for which performance guaranties have been filed and accepted. Said two street connections' center lines shall be no closer than 400 linear feet apart. Traffic generation rates shall be based on the Traffic Generation Manual, 1988 Edition, Institute of Transportation Engineers. Some typical traffic generation rates are: | 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.  |
|                                    | (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.   | <b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b>   |
| (1)                                | Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas and building excavations. Topsoil shall not be removed from the site until completion of construction and inspection by the Town to assure four inches of topsoil has been spread over all areas to be grassed.  | This is a condition of approval.   |
| (2)                                | Except for normal thinning, landscaping and cutting trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion. The Board shall require a developer to take the following measures to correct and prevent soil erosion in the proposed subdivision: <b>[Amended 4-27-2007]</b>   | This is a condition of approval. See note 24 on sheet S1.1.  |
|                                    | (a) The proposed subdivision shall prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties.  |  |



# Town of Wells, Maine

## Planning Board

**FINAL FINDINGS OF FACT & DECISIONS**  
**Final Subdivision Application for “Birch Farm Subdivision“**  
**Page 12 of 19**

| § 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. <b>Minor comments to be addressed.</b> |
| (a) All common land shall be owned jointly or in common by the owners of the dwelling units by means of a homeowners' association, by an association which has as its principal purpose the conservation or preservation of land in essentially its natural condition or by the municipality.                         | 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. | See note 15 on sheet S1.1   |
| (c) The common open space shall be shown on the final plan with appropriate notation on the plan to indicate that:  |   |
| [1] It shall not be used for future building lots; and  | See note 15 on sheet S1.1   |
| [2] A part or all of the common open space may be dedicated for acceptance by the municipality.   | See note 15 on sheet S1.1   |
| (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.  |



# Town of Wells, Maine

## Planning Board

**FINAL FINDINGS OF FACT & DECISIONS**  
**Final Subdivision Application for “Birch Farm Subdivision”**  
**Page 13 of 19**

| § 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.  |   |



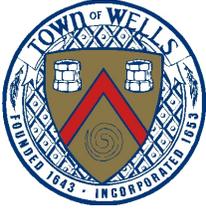
# Town of Wells, Maine

## Planning Board

**FINAL FINDINGS OF FACT & DECISIONS**  
**Final Subdivision Application for “Birch Farm Subdivision“**  
**Page 14 of 19**

| <b>§ 202-12. General Standards</b>  | <b>Findings &amp; Decisions</b>  |
|---|--|
| <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>See note 14 on sheet S1.1: Wells shall be a minimum of 100' from a subsurface wastewater disposal system.</p> |

| <b>§ 202-13. Performance Guaranties.<br/>[Amended 4-12-1999]</b>  | <b>Findings &amp; Decisions</b>  |
|---|--|
| <p>A. Types of guaranties.</p>  | <p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></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>See note 31 on sheet S1.1: “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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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 construction monitoring inspections.</p> |

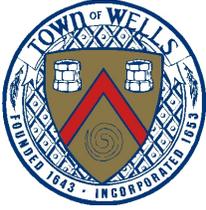


# Town of Wells, Maine

## Planning Board

**FINAL FINDINGS OF FACT & DECISIONS**  
**Final Subdivision Application for “Birch Farm Subdivision“**  
**Page 15 of 19**

|    |  |   |
|----|--|---|
|    | (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.   | See note 31 on sheet S1.1   |
|    | (b) A performance bond payable to the municipality issued by a surety company approved by the municipal officers or Town Manager.  | See note 31 on sheet S1.1   |
|    | (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.   | See note 31 on sheet S1.1   |
|    | (d) An offer of conditional approval prohibiting the sale of any units or lots until all required improvements serving those units or lots have been constructed to the satisfaction of the Town and in compliance with all ordinances, plans and specifications.  | See note 31 on sheet S1.1   |
|    | (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.  | See note 31 on sheet S1.1   |
| B. | <b>Contents of guaranty.</b> The performance guaranty shall contain a construction schedule, cost estimates for each major phase of construction, taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guaranty to the developer and a date after which the applicant will be in default, and the municipality shall have access to the funds to finish construction. The Board may require the services of a third party inspector, to be paid for at the expense of the applicant upon recommendation of the Town Manager.  | <b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b><br><br>See note 31 on sheet S1.1 |
| C. | <b>Escrow account.</b> If the applicant chooses to establish an escrow account, a cash contribution to the account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account or the purchase of a certificate of deposit. For any account opened by the applicant, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements. The Town Attorney and Town Treasurer shall review and have final authorization on the establishment of escrow accounts. | <b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b><br><br>See note 31 on sheet S1.1 |



# Town of Wells, Maine

## Planning Board

**FINAL FINDINGS OF FACT & DECISIONS**  
**Final Subdivision Application for “Birch Farm Subdivision“**  
**Page 16 of 19**

|    |  |  |
|----|--|--|
| D. | <p><b>Performance bond.</b> If the applicant chooses to submit a performance bond, the performance bond shall detail any special conditions, the method for release of the bond or portions of the bond to the applicant and the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision for which approval is sought.</p>  | <p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>See note 31 on sheet S1.1</p>                   |
| E. | <p><b>Letter of credit.</b> If the applicant chooses to submit an irrevocable letter of credit from a bank or other lending institution, at a minimum the letter shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan. The Town Manager or Town Treasurer shall certify the bank or institution as acceptable to the Town. The Town Attorney shall review and, if found acceptable, approve the wording of all letters of credit.</p>   | <p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>See note 31 on sheet S1.1</p>                   |
| F. | <p><b>Standard condition of approval.</b> As a standard condition of approval for all applications for which a performance guaranty is required pursuant to Subsection <b>K</b>, the Board shall require the applicant to enter into a binding agreement with the municipality regarding the development of the required improvements and the sale of lots or units in the subdivision until such time as one or more of the allowable performance guaranties have been accepted by the municipality.</p>  | <p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>See note 31 on sheet S1.1</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:  | See note 31 on sheet S1.1  |
|    | (a) It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with these regulations and the regulations of the appropriate utilities; or  |  |
|    | (b) A performance guaranty, acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.   |  |
|    | (2) Notice of the agreement and any conditions shall be on the final plan that is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guaranties contained in Subsection <b>H</b> .   |  |
| G. | <p><b>Phasing of development.</b> The Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by a performance guaranty. When development is phased, road construction shall commence from an existing public way. The subdivision shall be divided in such a manner that each phase, when aggregated with the previous phase(s), shall meet the standards of these regulations. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.</p> | <p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>Phasing of the subdivision is not proposed.</p> |



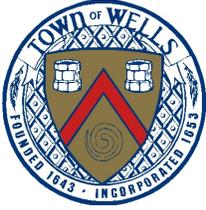
# Town of Wells, Maine

## Planning Board

**FINAL FINDINGS OF FACT & DECISIONS**  
**Final Subdivision Application for “Birch Farm Subdivision”**  
**Page 17 of 19**

|    |   |  |
|----|---|--|
| H. | <p><b>Release of guaranty.</b> Prior to the release of any part of the performance guaranty, the Board shall determine to its satisfaction, in part upon the report of the Town Manager and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.</p>  | <p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>See note 31 on sheet S1.1</p> |
| I. | <p><b>Default.</b> If upon inspection the third party inspector, Municipal Engineer or other qualified individual retained by the municipality finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he or she shall so report in writing to the Code Enforcement Officer, the municipal officers, the Board and the applicant or builder. The municipal officers shall take any steps necessary to preserve the municipality's rights.</p> | <p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p>                                  |
| J. | <p><b>Private streets.</b> Where the subdivision streets are to remain private streets, the following words shall appear on the recorded plan: "All streets in this subdivision shall remain private roads to be maintained to Town standards by the developer or the lot owners and shall not be accepted or maintained by the Town."</p>  | <p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>See note 16 and 30.</p>       |
| K. | <p><b>Improvements guaranteed.</b> Performance guaranties shall be tendered for all improvements required to meet the standards of these regulations and for the construction of the public or private streets, stormwater management facilities, public or private sewage collection or disposal facilities and water systems that are shared by multiple dwelling units and erosion and sedimentation control measures, as well as any other improvements required by the Board.</p>  | <p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>See note 31 on sheet S1.1</p> |

| <b>§ 202-2. Purpose, criteria for approval.</b>   | <b>Findings &amp; Decisions</b>                                    |
|---|--|
| <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:   | <b>The Planning Board finds that these standards shall be met.</b> |
| (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

**FINAL FINDINGS OF FACT & DECISIONS**  
**Final Subdivision Application for “Birch Farm Subdivision”**  
**Page 18 of 19**

|    |      |  |  |
|----|------|--|--|
|    | (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;   | <b>The Planning Board finds that these standards shall be met.</b> |
| 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 | <b>Not applicable.</b>   |
| D. |      | The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorous concentration during the construction phase and life of the proposed subdivision.   | <b>Not applicable.</b>   |

**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

## Planning Board

### FINAL FINDINGS OF FACT & DECISIONS

#### Final Subdivision Application for "Birch Farm Subdivision"

Page 19 of 19

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. Finalized Homeowners' Association documents and sample deed per review comments of the Town shall be provided to the Planning Office prior to the pre-construction meeting.
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. 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. A cash escrow deposit shall be provided to the Town by the developer for 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.

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

Wells Planning Board

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

## 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, ug e/t/tv) | 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      |
| 7   | As built drawings                                       | 1    | EA   | 3,000.00     | 3,000.00      |
| 8   | Monumentation   | 1    | EA   | 3,500.00     | 3,500.00      |
| 9   | 10% contingency   | 1    | EA   | 30,800.00    | 30,800.00     |
|   |   |      |      | Subtotal     | \$ 338,800.00 |
| Ledge removal not included<br>(Does not include individual lot development) |   |      |      | <b>TOTAL</b> | \$ 338,800.00 |

Wayne T. Adams  
Christian L. Barner  
Milda A. Castner  
Susan Bernstein Driscoll  
Scott M. Edmunds  
William J. Gallitto, III  
Courtney Michalec Hart  
Jason G. Howe  
Erin K. Kalakowsky  
Brin M. Moore  
Sarah B. Neault



Durward W. Parkinson  
Leah B. Rachin  
Laura H. White  
*Of Counsel*  
Jonathan Bangs  
Barbara I. Belik  
Bruce W. Bergen  
Earle J. Patterson  
*In Memoriam*  
C. Wesley Crowell  
1955-2015

## MEMORANDUM

TO: Michael Livingston and Shannon Belanger

FROM: Erin Kalakowsky, Esq.

RE: Birch Farm Subdivision

Date: September 26, 2016

---

This office has reviewed the following documents for the Birch Farm Subdivision.

A) Plans:

- 1.) No comments, other than I would like to see a proposed deed (see B below)
- 2.) Approval should be made subject to existing home on Meetinghouse Road being removed.

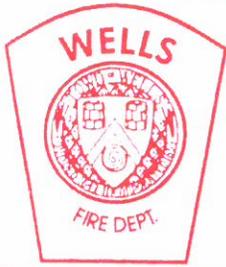
B) Deed:

- 1.) Please submit a 'proposed' deed for a lot/deed transfer. Please note:
  - a.) Specific notes to be added to specific lot deeds (when applicable)
  - b.) Reference should be made to Plan, and any restrictions of record including DEP, Declaration, etc.
  - c.) Proposed Exhibit for Open Space and proposed Open Space Deed for review.

C) Declaration:

- 1.) Property Affected by Declaration: Last paragraph: The developer, Richard Moody & Sons intends to convey all roads, Common Areas, and Open Space to a non-profit homeowners association, **known as 'Birch Farm Homeowners Association, Inc.'**, established in compliance with Title 13-B M.R.S.A Section 101, et seq., prior to the conveyance of the first lot.
- 2.) Article A: General restrictions
  - Subsection (2): Suggest limiting the businesses permitted here and specific language from Wells Land Use Ordinance/Code is suggested.
  - Subsection (8): Either delete "unless approved by...." OR add at end of sentence "and subject to Town of Wells Planning Board approval" OR "the grant of any said Easement shall not violate any Town of Wells ordinances".
- 3.) Article B: Easement
  - Also include Easement language for Open Space area
- 4.) Article C: Homeowners Association
  - This provision references governance by the Articles of Incorporation and By-Laws. Provide copies for review
  - Recommend: A road maintenance agreement, or more details about maintenance of road, budget, etc. Add specific easement for Town of Wells for fire, safety, emergency, etc purposes.
  - Open Space Parcel: Article A, Section 21 touches upon activities in Open Space Parcel. Suggest adding a very detailed and inclusive list of the activities allowed and permitted.
- 5.) Article C: Homeowners Association Section (2) Membership
  - Define how votes are handled if Lot is owned by a Trust, LLC, multiple owners, Developer, etc. to provide clarity to lot owners.
- 6.) Article F: General Provisions
  - Add statement addressing that any amendments cannot violate the terms and conditions of the Town of Wells Planning Board Approval, DEP, Us Army Corps, etc. approval.
- 7.) Article F: General Provisions:
  - Section 6. First sentence is unclear. Restructure and reference Birch Farm Subdivision, rather than Meetinghouse Road Association, Inc.

# Wells Fire Department



1563 Post Road  
P.O. Box 398  
Wells, Maine 04090

Office (207) 646-7912  
FAX (207) 646-7800  
TDD (207) 646-7892

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 sub divider.*

*[1] The sub divider 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 sub divider 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 sub divider 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 sub divider, 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 sub divider 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 sub divider 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*

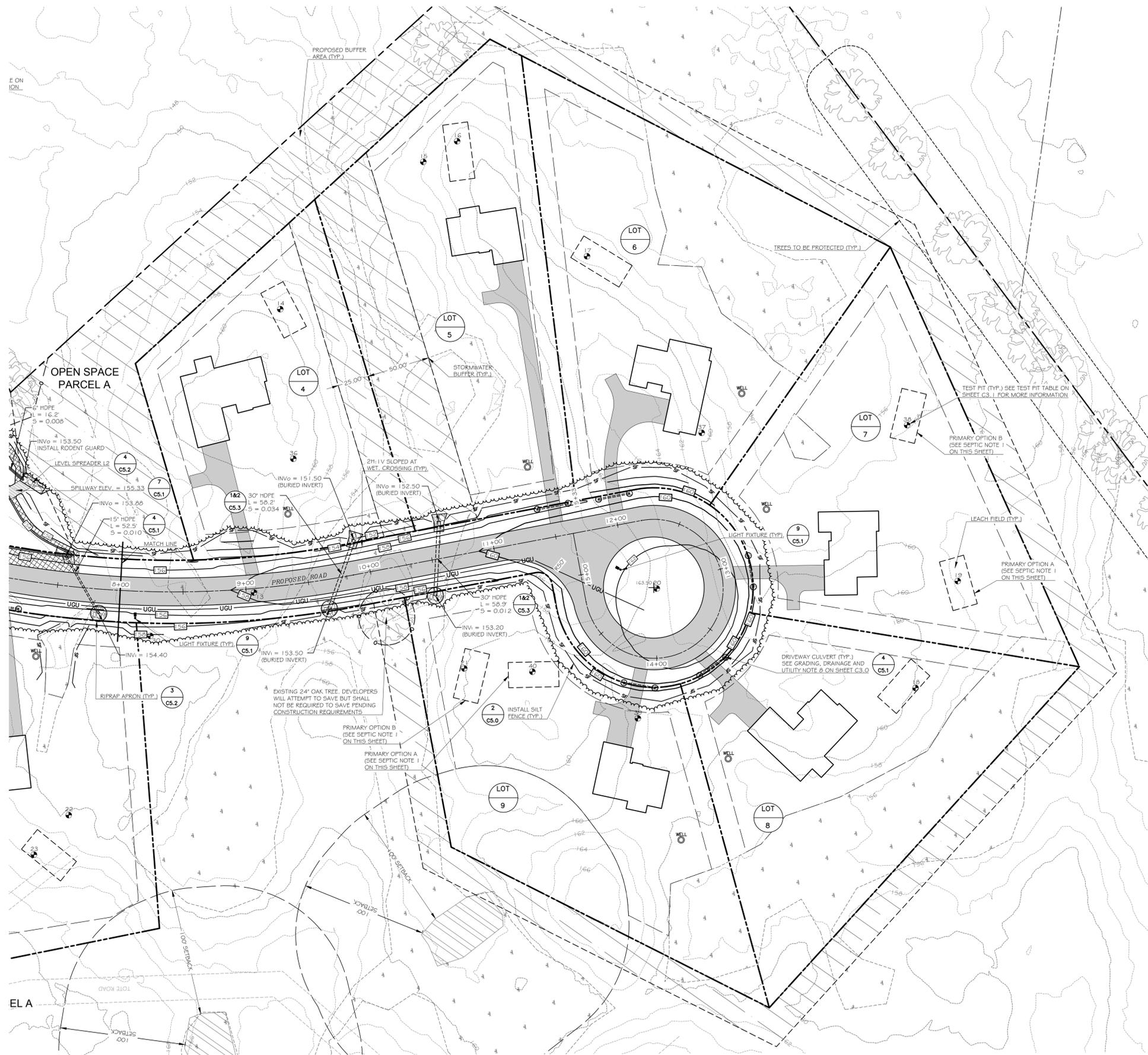
*residence located farthest from the water supply along routes that fire trucks can safely travel year round.*

Not applicable.

If you have any questions, please contact me.

Sincerely,

Sherman L. Lahaie, Jr.  
Interim Fire Chief

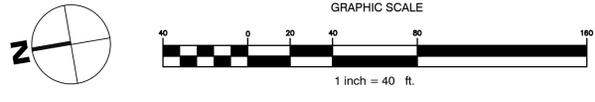


| EXISTING | LEGEND               | PROPOSED |
|----------|----------------------|----------|
| ---      | SITE PROPERTY LINE   | ---      |
| ---      | ABUTTER              | ---      |
| ---      | PAVEMENT             | ---      |
| ---      | VERNAL POOL BUFFERS  | ---      |
| ---      | VERNAL 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.

- SEPTIC NOTES**
- NO RESERVE SYSTEM NEEDED FOR LOT 7 AND LOT 9 SEPTIC. IF PRIMARY OPTION A IS USED, PRIMARY OPTION B MAY BE ELIMINATED. IF PRIMARY OPTION B IS USED, PRIMARY OPTION A MAY BE ELIMINATED.
  - LOTS SHALL BE SERVICED BY INDIVIDUAL WELLS AND SUBSURFACE WASTEWATER DISPOSAL SYSTEMS DESIGNED AND BASED ON 3 BEDROOM DWELLING OR 270 GALLONS PER DAY. FINAL DESIGNS AND LOCATION OF SUBSURFACE WASTEWATER DISPOSAL (SEPTIC) SYSTEMS, LEACH FIELDS AND WELL LOCATIONS SHALL MEET STATE PLUMBING CODE. (CMR 10-144 CHAPT. 241). IF CONDITIONS ALLOW, A 4 BEDROOM SYSTEM MAY BE DESIGNED WITH CEOTOWN PLANNER APPROVAL. SAID SYSTEMS SHALL BE SUBJECT TO ALL OTHER PERMIT CONDITIONS. DRILLED BEDROCK WELLS SHALL BE SEALED AT THE TOP OF THE WEATHERED, UNBROKEN BEDROCK ZONE TO PREVENT OVERBURDEN GROUND WATER INFILTRATION. WASTEWATER DISPOSAL SYSTEM LEACH FIELDS MAY VARY UP TO 10 FEET FROM LOCATIONS SHOWN ON THE PLANS WITH CEOTOWN PLANNER APPROVAL.

- 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.



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  
Copyright © 2015

---

**LOWER VILLAGE SURVEY Co.**  
13 Western Avenue Kennebunk Maine  
Maine Address: P.O. Box 2000, Kennebunkport, ME 04060  
Phone: 207-987-3446, e-mail: info@lowervillagesurvey.com



**Birch Farm**  
1321 Meetinghouse Road  
Wells, Maine

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

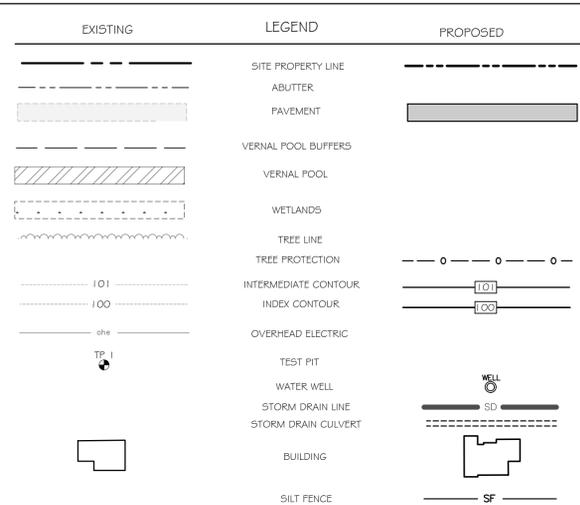
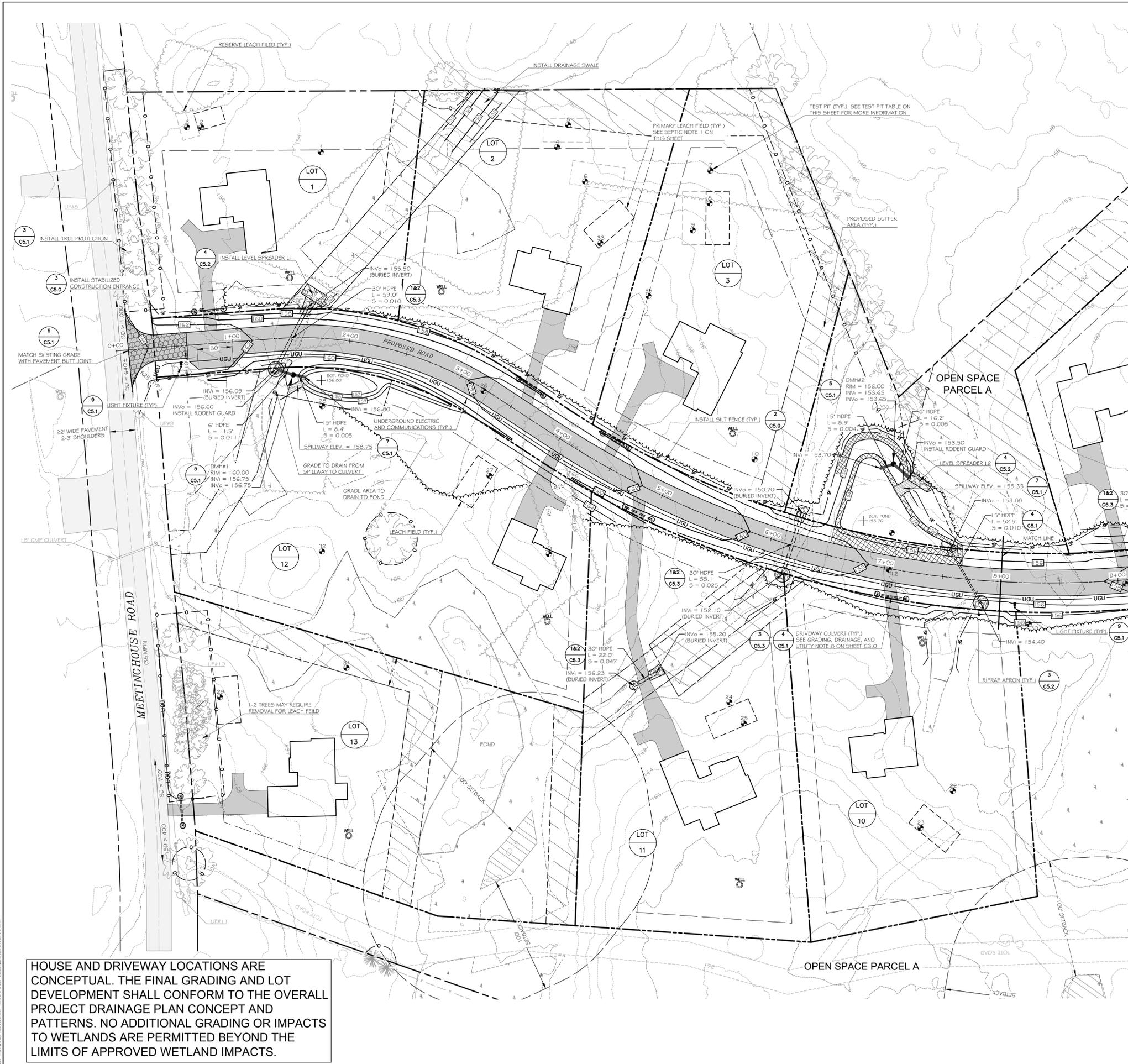
| Rev | Date    | Description  | Drawn | Check |
|-----|---------|--|-------|-------|
| 1   | 7/28/16 | Revised for Preliminary Completeness                   | SWC   | WRW   |
| 2   | 8/29/16 | Town of Wells Final Subdivision Application Submission | SWC   | WRW   |
| 3   | 8/30/16 | Maine DEP Stormwater 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:  
**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, CANAVAN - Birch Farm.dwg, 9/23/2016 8:48 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**

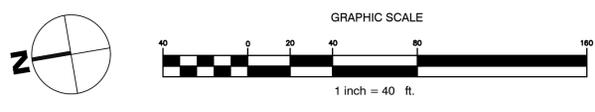
- LOT 2 - IF THE PRIMARY LEACH FIELD IS USED, THE RESERVE SYSTEMS CAN BE ELIMINATED. IF A RESERVE SYSTEM IS USED, THEN ONE RESERVE SYSTEM SHALL REMAIN.
- LOTS SHALL BE SERVICED BY INDIVIDUAL WELLS AND SUBSURFACE WASTEWATER DISPOSAL SYSTEMS DESIGNED AND BASED ON 3 BEDROOM DWELLING OR 270 GALLONS PER DAY. FINAL DESIGNS AND LOCATION OF SUBSURFACE WASTEWATER DISPOSAL (SEPTIC) SYSTEMS, LEACH FIELDS AND WELL LOCATIONS SHALL MEET STATE PLUMBING CODE (C.M.R. 0-144 CHAPT. 241). IF CONDITIONS ALLOW, A 4 BEDROOM SYSTEM MAY BE DESIGNED WITH CEOTOWN PLANNER APPROVAL. SAID SYSTEMS SHALL BE SUBJECT TO ALL OTHER PERMIT CONDITIONS. DRILLED BEDROCK WELLS SHALL BE SEALED AT THE TOP OF THE WEATHERED, UNBROKEN BEDROCK ZONE TO PREVENT OVERBURDEN GROUND WATER INFILTRATION. WASTEWATER DISPOSAL SYSTEM LEACH FIELDS MAY VARY UP TO 10 FEET FROM LOCATIONS SHOWN ON THE PLANS WITH CEOTOWN PLANNER APPROVAL.

**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  
 Copyright © 2015

**LOWER VILLAGE SURVEY Co.**  
 13 Western Avenue Kennebunk Maine  
 Mailing Address: P.O. Box 9805, Kennebunkport, ME 04060  
 Phone: 207-987-3548, e-mail: info@lowervillagesurvey.com



**Birch Farm**  
 1321 Meetinghouse Road  
 Wells, Maine

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

| Rev | Date    | Description  | Drawn | Check |
|-----|---------|--|-------|-------|
| 1   | 7/9/16  | 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:  
**Grading and Drainage Plan**

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

**C3.1**





# TOWN OF WELLS, MAINE STAFF REVIEW COMMITTEE

---

Meeting Agenda

Wednesday, October 12, 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