



TOWN OF WELLS, MAINE PLANNING BOARD

Meeting Agenda
Monday, October 17, 2016, 7:00 PM
Littlefield Meeting Room, Town Hall
208 Sanford Road

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

- I. SEPTEMBER 26, 2016 DRAFT MEETING MINUTES
- II. OCTOBER 3, 2016 DRAFT MEETING MINUTES

DOCUMENTS:

[PB MIN 10-03-16.PDF](#)

PUBLIC HEARING(S)

DEVELOPMENT REVIEW & WORKSHOPS

I. DOLLAR GENERAL

LSM Inc. owner; Zaremba Program Development, LLC, applicant; Nobis Engineering, agent. Site Plan Pre-Application for a 9,100 Business Retail building and associated parking to be located on a 1.02 acre parcel. Property is located off of 2060 Post Road and is within the General Business District. Tax Map 144, Lot 1. **1. Receive Site Plan Pre-Application and schedule a Site Walk**

DOCUMENTS:

[DOLLAR GENERAL PRE- APP MEMO 10-14-16.PDF](#)
[DOLLAR GENERAL SITE PLAN PRE-APP SUBMISSION 09-21-16.PDF](#)
[DOLLAR GENERAL SKETCH PLAN 09-21-16.PDF](#)
[WELLS ME \(POST ROAD \)AERIAL OVERALL SITE PLAN 04-22-16.PDF](#)
[DOLLAR GENERAL COMMENT AFANTASIA 10-12-16.PDF](#)
[DOLLAR GENERAL COMMENT PRAGONESE 10-13-16.PDF](#)

II. 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. **Report results of Site Walk**

DOCUMENTS:

[PB MEMO RE HIDDEN COVE BREWERY SITE WALK 10-14-16.PDF](#)
[HIDDEN COVE BREWERY MGL SITE WALK MEMO 10-17-16.PDF](#)

III. 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. **Report results of Site Walk**

DOCUMENTS:

PB MEMO RE WELLS PARKS RECREATION SITE WALK 10-14-16.PDF
REC PARKING LOT PLANNING BOARD CONCERNS FROM
MPAINCHAUD 10-13-16.PDF
MARTINE PAINCHAUD FW PARKING LOT EMAILS 10-12-16.PDF
MPAINCHAUD PARKING LOT EMAIL 10-13-16.PDF
WELLS PARKS AND REC MGL SITE WALK MEMO 10-17-16.PDF

IV. 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. **Workshop completeness and draft compliance**

DOCUMENTS:

BURNT MILL AMEND MEMO 10-12-16.PDF
BURNT MILL AMD PLAN NOTES.PDF
BURNT MILL AMEND PLAN MARKUP 10-13-16.PDF
BURNT MILL LOT 103-62 REVISION 09-20-16.PDF
BURNT MILL AMEND DRAFT COMPLIANCE AND FINAL FOF 10-12-16.PDF
BURNT MILL ART V (145-30) RURAL DIST CHECKLIST 10-12-16.PDF
BURNT MILL AMEND ART V (145-33) SHORELAND OVERLAY DIST CHECKLIST 10-12-16.PDF
BURNT MILL AMEND ART VII (145-48) MULTIFAMILY DEVEL CHECKLIST 10-12-16.PDF
MURNT MILL AMEND ART VII (145-49) RESIDENTIAL CLUSTER CHECKLIST 10-12-16.PDF
BURNT MILL AMEND FINAL COMPLETENESS DRAFT 10-12-16.PDF

V. PINE HEIGHTS SUBDIVISION AMENDMENT

Stephen & Carmella Locke and Richard & Polly Oteri, owners; Stephen & Carmella Locke, applicants; Corner Post Land Surveying Inc, agent. Final Subdivision Amendment Application for a lot line adjustment between lots 23-4 and 23-3 in order to make lot 23-3 conform to setback requirements. No other changes proposed to the 16 lot subdivision. Subdivision is located off of Chick Crossing Road/ Pine Hill Cemetery Road/ Turtle Cove Lane and is within the Rural District. Tax Map 83, Lot 23-63 and 23-4. **Receive Subdivision Amendment Application, consider if a site walk is necessary, consider workshopping completeness, compliance and draft Findings of Fact & Decisions of possible approval**

DOCUMENTS:

PINE HEIGHTS AMD MEMO 10-14-16.DOCX
PINE HEIGHTS ART V (145-30) RURAL DIST CHECKLIST 10-14-16.DOCX
PINE HEIGHTS DRAFT COMPLETENESS 10-14-16.DOCX
PINE HEIGHTS DRAFT COMPLIANCE AND FOF 10-14-16.DOCX
PINE HEIGHTS RECOMMENDED NOTES 10-14-16.DOCX
PINE HEIGHTS AMD PLAN.PDF
PINE HEIGHTS SUB AMEND SUBMISSION.PDF

VI. WIRE ROAD SUBDIVISION AMENDMENT

Highpine Properties, LLC, owner/applicant. Attar Engineering, agent. Final Subdivision Amendment Application to revised plan requirements to allow construction of 3 model homes and to permit temporary lot staking to obtain building permits. No other changes are proposed to the 40 lot/dwelling unit major residential cluster subdivision. Subdivision is located off of Wire Road within the Rural District. Tax Map 75, Lot 1. **Receive Subdivision Amendment Application, consider if a site walk is necessary, consider workshopping completeness, compliance and draft Findings of Fact & Decisions of possible approval**

DOCUMENTS:

WIRE ROAD AMEND FINAL MAJOR APP MEMO 10-14-16.PDF
WIRE ROAD AMEND ART V (145-30) RURAL DIST CHECKLIST 10-13-16.PDF
WIRE ROAD AMEND ART VII (145-49) RESIDENTIAL CLUSTER CHECKLIST 10-13-16.PDF
WIRE ROAD AMEND FINAL COMPLETNEESS DRAFT 10-13-16.PDF
WIRE ROAD AMEND DRAFT COMPLIANCE AND FOF 10-13-16.PDF
WIRE ROAD AMEND RECOMMENDED NOTES 10-14-16.PDF
WIRE ROAD SUB AMEND APP SUBMISSION 10-04-16.PDF
WIRE ROAD AMEND SHT 1-1 DRAFT PLAN 10-04-16.PDF
WIRE ROAD AMEND SHT 1-2 DRAFT PLAN 10-04-16.PDF

OTHER BUSINESS

I. SRC & CEO SITE PLAN REVIEW AND APPROVALS UPDATE

DOCUMENTS:

10-12-16 SRC AGENDA.PDF

ADJOURN



TOWN OF WELLS, MAINE PLANNING BOARD

Meeting Minutes
Monday, October 3, 2016, 7:00 P.M.
Wells Town Hall
208 Sanford Road

CALL TO ORDER AND DETERMINATION OF QUORUM

Chairman Chuck Millian called the meeting to order at 7:00 P.M. Members present: Dennis Hardy, Pierce Cole and Brian Toomey. All members are voting tonight. Staff present: Mike Livingston, Town Engineer/Planner.

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

MOTION

Motion by Mr. Toomey, seconded by Mr. Cole, to receive the site plan pre-application.
PASSED unanimously.

Applicant Dick Varano presented the plan to expand the brewing facility and eliminate the fast food restaurant (food truck).

MOTION

Motion by Mr. Hardy, seconded by Mr. Cole, to schedule a site walk for Saturday, October 15 at 8:30 AM. **PASSED** unanimously. Members of the public are welcome to attend site walks and communicate with the Planning Department about applications.

- 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**

MOTION

Motion by Mr. Cole, seconded by Mr. Hardy, to receive the site plan pre-application. **PASSED** unanimously.

Tina LeBlanc, Director of Parks & Recreation, presented a plan to expand the parking area and add pickle-ball courts.

MOTION

Motion by Mr. Hardy, seconded by Mr. Cole, to schedule a site walk for Saturday, October 15 at 9:15 AM. **PASSED** unanimously.

- III. BURNT MILL ESTATES-** 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**

Brad Booth, applicant, was present. Mr. Livingston reported on the results of Saturday's site walk. Sight distances are very good along Route 9A. There is no development across 9A, so there is no issue with headlight glare into homes. The application will be ready for completeness review at the next meeting, and the Board will determine if a public hearing is necessary. Mr. Livingston recommended some notes about driveway and septic locations which will be added to the plan.

- IV. BIRCH FARM SUBDIVISION (FKA MEETINGHOUSE ROAD SUB.) -** Richard Moody & Sons Construction Co, LLC, owner/applicant. Rick Licht, agent. Final Subdivision Application for a 13 lot/dwelling unit major residential cluster subdivision with private road ROW and Open Space. The subdivision to be located off of 1321 Meetinghouse Road and is within the Rural District. The parcel is identified as Tax Map 77, Lot 22. **Workshop Final Findings of Fact & Decisions for possible approval**

John Moody of Richard Moody & Sons Construction and Rick Licht of Licht Environmental Design were present. Mr. Livingston reviewed the comments in his memo.

MOTION

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

The Findings of Facts & Decisions were reviewed.

Conformance with Comprehensive Plan

MOTION

Motion by Mr. Cole, seconded by Mr. Hardy, to find that the standard has been met. **PASSED** unanimously.

Retention of open spaces and natural or historic features

MOTION

Motion by Mr. Cole, seconded by Mr. Hardy, to find that the standard has been met. **PASSED** unanimously.

Blocks

MOTION

Motion by Mr. Cole, seconded by Mr. Hardy, to find that the standard does not apply. **PASSED** unanimously.

Lots

MOTION

Motion by Mr. Cole, seconded by Mr. Hardy, to find that the standard has been met. **PASSED** unanimously.

Utilities

MOTION

Motion by Mr. Cole, seconded by Mr. Hardy, to find that the standard has been met. **PASSED** unanimously.

Required improvements: Monuments, water supply, sewage disposal, stormwater management

MOTION

Motion by Mr. Cole, seconded by Mr. Hardy, to find that the standards have been met. **PASSED** unanimously.

Streets

MOTION

Motion by Mr. Cole, seconded by Mr. Hardy, to find that the standard has been met. **PASSED** unanimously.

Land features

MOTION

Motion by Mr. Cole, seconded by Mr. Hardy, to find that the standard has been met. **PASSED** unanimously.

§202-13 Performance Guaranties

MOTION

Motion by Mr. Cole, seconded by Mr. Hardy, to find that the standards have been met. **PASSED** unanimously.

§202-2 Purpose, criteria for approval

The Subdivision

MOTION

Motion by Mr. Cole, seconded by Mr. Hardy, to find that the standards have been met. **PASSED** unanimously.

Financial and technical capacity

PB Min 10-03-16

MOTION

Motion by Mr. Cole, seconded by Mr. Hardy, to find that the standard has been met. **PASSED** unanimously.

202-2.C & D. do not apply

MOTION

Motion by Mr. Cole, seconded by Mr. Hardy, to approve the Findings of Facts & Decisions with 6 standard conditions of approval and 4 special conditions of approval. **PASSED** unanimously.

MOTION

Motion by Mr. Cole, seconded by Mr. Hardy, to sign the plans and Findings at the end of the meeting. **PASSED** unanimously.

ADJOURN

MOTION

Motion by Mr. Cole, seconded by Mr. Hardy, to adjourn and sign plans and Findings. **PASSED** unanimously.

MINUTES APPROVED _____, 2016

ACCEPTED BY:

Robert Sullivan, Secretary

Cinndi Davidson, Recorder



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

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

Site Plan Pre-Application Memo

Date: October 14, 2016
To: Planning Board
From: Planning Office
Re: Dollar General – Tax Map 144, Lot 1

Project Description:

Chris Nadeau of Nobis Engineering has submitted a site plan pre-application on behalf of the applicant, Zaremba Program Development, LLC, with the permission of the current property owner, LSM Inc c/o Harold Boucher. The Site Plan Pre-Application is for a 9,100 SF Business Retail use with associated parking to be constructed on a 2.24 acre parcel of land. The parcel shall be served by public water and public sewer. The parcel is located within the General Business District and is identified as Tax Map 144, Lot 1.

§ 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 9,100 SF Business Retail 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 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 determined the use proposed to be permitted in the GB zone on 9/30/16.**

(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. **Use determination mailed on 10/3/16**

[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. **Planning Board scheduled to receive the pre-application on 10/17/16.**

(c) If the proposed use is not a permitted use on the subject lot, send a notice to the applicant of such determination by first class mail and certify that said notice has been sent.

(2) The abutters' notification sent pursuant to Subsection **A(1)(b)[1]** above shall include a copy of the preapplication form and an explanation of the purpose of the notification. 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 notice of application, use determination and Planning Board meeting on 10/3/16. Planning Board to consider the pre-application on 10-17-16.**

(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. **Site walk 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 consider receiving the site plan pre-application and schedule a site walk of the property.
2. The Planning Board should acknowledge various written comments provided from abutters/ land owners in the area regarding this application.



TOWN OF WELLS, MAINE
208 Sanford Road, Wells, Maine 04090
Phone: (207) 646-5187, Fax: (207) 646-2935
Website: www.wellstown.org

SITE PLAN PREAPPLICATION - §145-74A

1. Project/Business Name Wells Dollar General
2. Street Address (of project) 2060 Post Road
3. Assessor's Tax Map Number(s): 0144 Lot Number(s) : 001
4. Property Owner L.S.M., Inc. C/O Harold Boucher
Mailing Address: 19 Bailey Rd.
Arlington, MA 02476
Telephone: 781-626-2840 Fax: _____
Email Address: Tidewood1@verizon.net
5. Applicant (if different from owner): Zaremba Program Development, LLC
Mailing Address: 14600 Detroit Ave., Suite 1500
Lakewood, OH 44107
Telephone: 216-226-2163 Fax: 216-221-1031
Email Address: THamula@zarembagroup.com
6. Agent/ Engineer/ Surveyor: Nobis Engineering J. Chris Nadeau, P.E.
Mailing Address: 18 Chenell Drive
Concord, NH
Telephone: 603-724-6227 Fax: 603-224-2507
Email: cnadeau@nobiseng.com
7. All correspondence should be sent to: Nobis Engineering
(specify one of the above)
8. Zoning District(s): General Business
9. Shoreland Overlay District(s): _____
10. Land Uses: (see attached Land Use Table to use correct use terminology)
A. Existing Land Use(s): Commercial

B. Proposed Land Uses(s): Commercial

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

Ownership _____ Option _____ Purchase & Sales Contract X 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 X

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

14. Does the parcel include any water bodies? Yes _____ No X

15. Acreage of Parcel: 3.23 Acreage to be Developed: 1.02

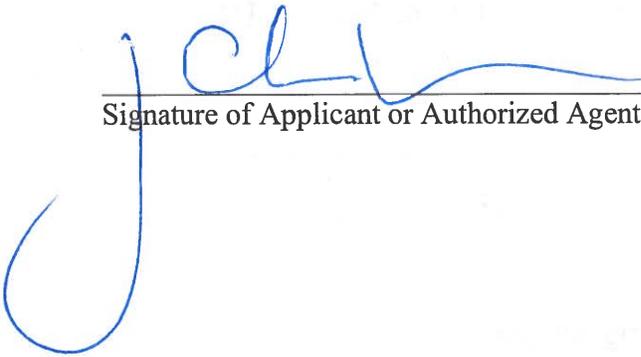
16. EXISTING a) Total Gross Floor Area of All Structures 1,980

17. PROPOSED a) Total Gross Floor Area of All Structures 9,100

18. Number of Existing Parking Spaces: 0 Total Number of Parking Spaces as proposed: 31

19. Description of proposed amendment: Demolition of existing site features, subdivision of existing parcel, and construction of a new Dollar General Retail store with associated parking, sidewalk, and similar site features.

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

9/21/16

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

Submitted	Not Submitted	Preapplication form shall be accompanied by
X		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.
X		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.
X		A set of Size 10 envelopes addressed to the abutters, affixed with first class postage.
X		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. 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.

**LISTING OF ABUTTERS TO A PROPOSED
SITE PLAN PREAPPLICATION, APPLICATION OR AMENDMENT**

Project Name: Wells Dollar General

Street Address of Project: 2060 Post Road

Map/ Lot# of Project: 144-001

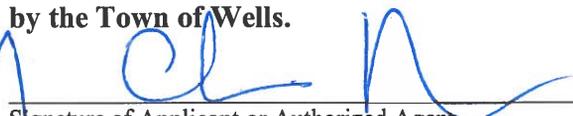
This form is used to list the names, addresses, and tax map/lot numbers of all properties which abut a property on which a new site plan or a site plan amendment is proposed. The definition of ABUTTER is "A person who owns adjacent land or land across a street right-of-way from the subject lot". Notification of abutters is a requirement for all site plan preapplications and site plan amendments; re-notification also may be required for site plan applications if sufficient time has lapsed between the preapplication abutter notification and the time that a site plan application is submitted. Abutter information shall be obtained from the Town Tax Assessor's records. **Site Plan Preapplication notice is mailed by the Planning Office per 145-74A(1).**

Use additional sheets if necessary.

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

Name	Address	Tax Map	Lot
Maureen Buckley	320 West 2nd Street #309 South Boston, MA 02120	0144	002
L.S.M., Inc.	19 Bailey Road Arlington, MA 02476	0143	010
James & Elaine Vanoudenhove	187 Sugar Maple Lane Spofford, NH 03462	0144	004
Cynthia Pallian	PO Box 1704 Wells, ME 04090-1704	0144	006-B
Michael & Wong Hung Lau	PO Box 1119 Wells, ME 04090-1119	0144	006
Richard & Patricia Caron	30 River Street Greenville, NH 03048	0144	004
Raymond G Macdougall & Alex J Gionet	2104 Post Road Wells, ME 04090	0065	007
Additional Abutters Listed on Next Sheet			

I hereby certify that the abutter information provided with this preapplication is complete and accurate as of this date, and represents all abutters to the subject property as defined by the Town of Wells.



Signature of Applicant or Authorized Agent

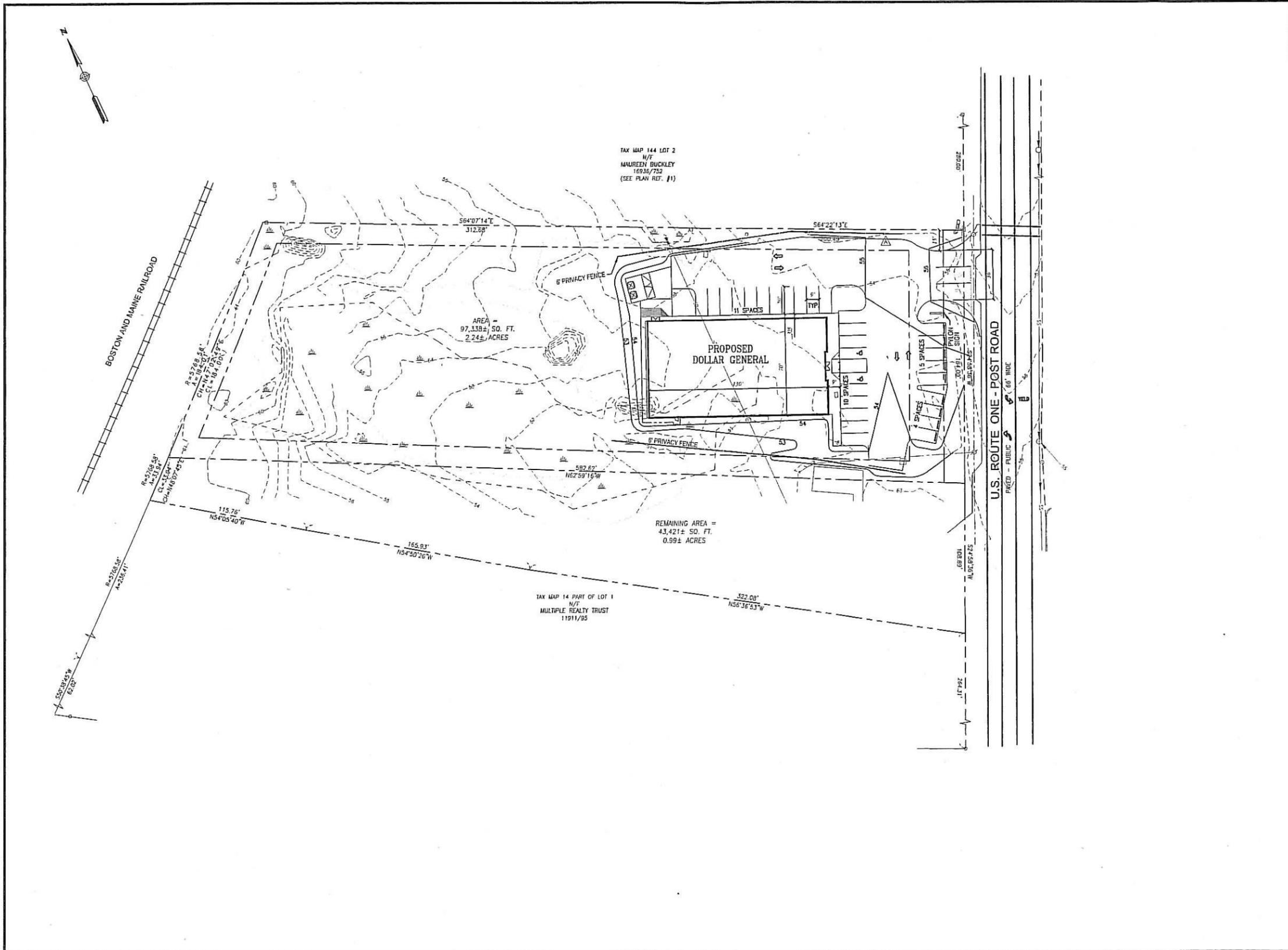
9/21/16

Date

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

Name	Address	Tax Map	Lot
Joseph T Carrier Attn: John G Daly & Luann Daly	15 Wakefield Street Worcester, MA 01605	0144	002
Debora P Hickley	53 Franconia Street Dorchester, MA 02122	0144	002
Joan E & Thomas A Higgins, Sr Shawn & Thomas A Higgins, Jr	10 Battle Green Road Lexington, MA 02421	0144	002
Arthur W Jalbert	45 Sanderson Avenue Lynn, MA 01902	0144	002
David & Marie Cloutier	15 Copperfield Drive Nashua, NH 03062	0144	002
Daniel J & Pauline R Moore	74 E Plain Street Wayland, MA 01778	0144	002
Raymond M Ouellette, et al	33 Governor Hutchinson Road Billerica, MA 01821	0144	002
Dennis G & Deborah A O'Leary	7528 Moon Valley Drive Liverpool NY 13088	0144	002
Ellen & Raymond Pendleton	60 Dufresne Drive Tewksbury, MA 01876	0144	002
Teresa Prezioso	32 Apache Way Wilmington, MA 01887	0144	002
John B & Kathleen M Powers	155 High Street Uxbridge, MA 01569	0144	002
Peter & Kathleen B Rein	19 East Street Marshfield, MA 02050	0144	002
Allan S & Teresa M Riolo	13 Minor Court Brewster, NY 10509	0144	002
John W Riley & Gregory B Norek	83 Eliot Street Brookline, MA 02467	0144	002
R A & LA Rizzotto Trustees Family Trust Rizzotto	7 Denim Drive Wappingers Falls, NY 12590	0144	002
Elaine Sherrier	566 A Heritage Hills Somers, NY 10589	0144	002
Charles J Still, Jr & Lucile B Still	5 Lookout Circle Penacook, NH 03303	0144	002
David B Tullgreen, III	PO Box 1448 Wakefield, MA 01880- 1448	0144	002

Joan Anderson & Charles O'Connor	3 Pine Street Newburyport, MA 01950	0144	002
Eleanor A Chipps	56 Zenith Drive Worcester, MA 01602	0144	002
R&L Properties LLC	257 Cotton Hill Road Gilford, NH 03249	0144	004
Lawrence & Patricia Murphy	23 Sears Road Southborough, MA 01772	0144	004
Carole Kelly	PO Box 435 Ashburnham, MA 01430	0144	004
Drake Island Condominium	0 Drakes Island Road Wells, ME 04090	0144	004



TAX MAP 144 LOT 2
N/F
MAUREEN BUCKLEY
1993/752
(SEE PLAN REF. #1)

AREA =
97,338± SQ. FT.
2.24± ACRES

REMAINING AREA =
43,421± SQ. FT.
0.99± ACRES

TAX MAP 14 PART OF LOT 1
N/F
MULTIPLE REALTY TRUST
1191/95

BOSTON AND MAINE RAILROAD

U.S. ROUTE ONE - POST ROAD
PAVED - PUBLIC



Engineering a Sustainable Future
Nobis Engineering, Inc.
20410 Century Boulevard, Suite 230
Germantown, MD 20874
T(301) 528-2010
www.nobiseng.com
Client - Focused, Employees - Owned

PROFESSIONAL CERTIFICATION
I CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT
I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE
STATE OF MARYLAND.
LICENSE NO. _____
EXPIRATION DATE: _____

DOLLAR GENERAL
2060 POST ROAD - U.S.
ROUTE 1
WELLS, MAINE

NO.	DATE	DESCRIPTION
REVISIONS		

DATE: AUGUST 2016
NOBIS PROJECT NO. 65470.22
DRAWN BY: ME
CHECKED BY: JA
CAD DRAWING FILE:
X-65470-22 - CONCEPT SITE PLAN.dwg
SHEET TITLE

CONCEPT
PLAN

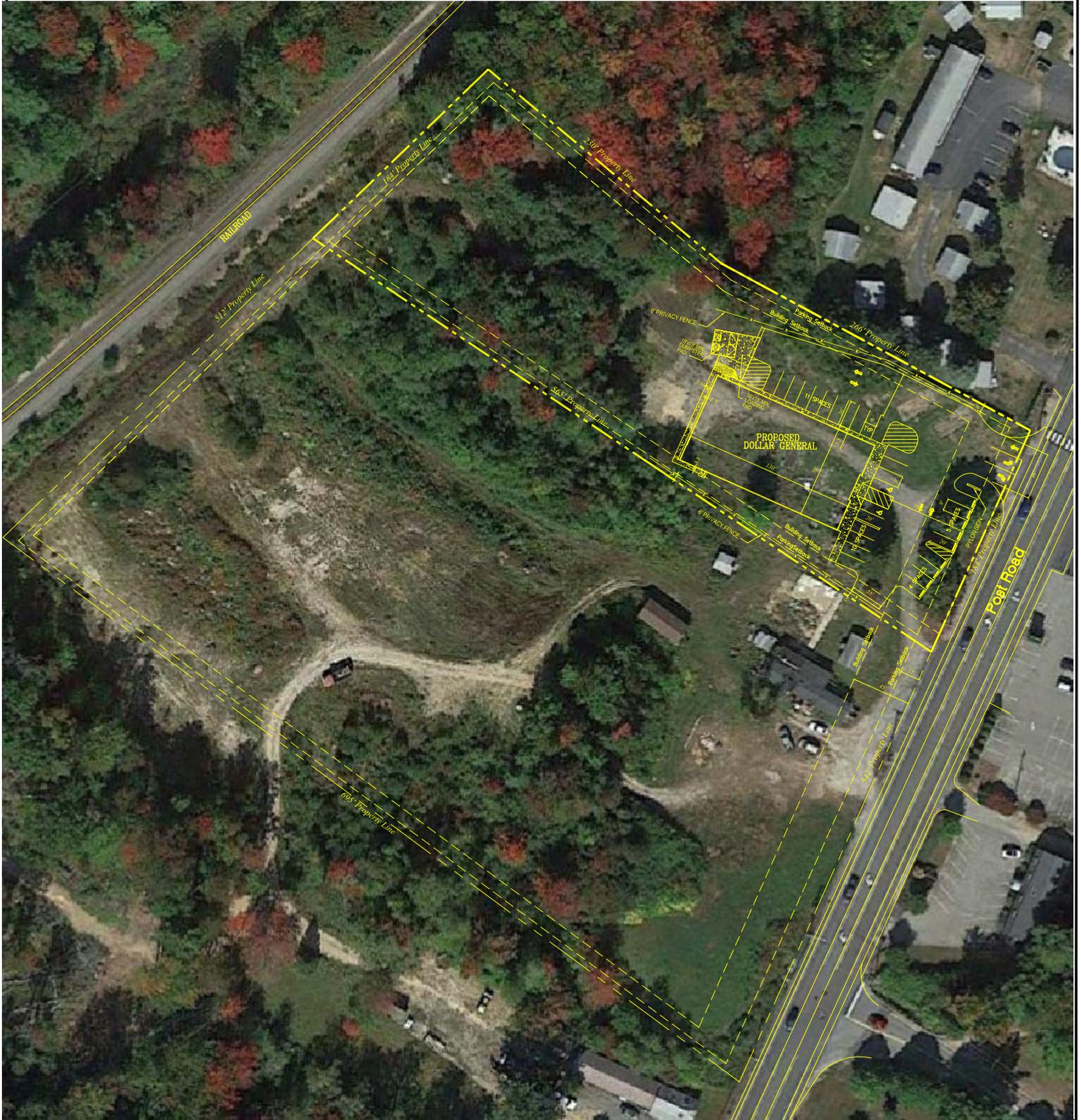
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PRELIMINARY SITE PLAN

City, State - Street
Wells, ME - 2060 Post Road

PROTOTYPE:	B	DEVELOPER	DESIGNER	DATE:
BLDG/SALES SF:	9,026/7,220	COMPANY: ZAREMBA GROUP	COMPANY: ZAREMBA GROUP	04.22.16
ACREAGE:	2.06	NAME: Greg Potts	NAME: Dale Stahlberg	
PARKING SPACES:	30	PHONE #: 216-221-6600	PHONE #: 216-221-6600	

Site is located in the Town of Wells jurisdiction and is zoned GB (General Business.)
Maximum Lot Coverage is 65%. Current layout is within requirement.



Shannon Belanger

From: Anne Marie Fantasia <annemarie.fantasia@gmail.com>
Sent: Wednesday, October 12, 2016 10:45 AM
To: Shannon Belanger
Subject: Proposed Dollar General on Rte. 1 in Wells

Hello -

I am a property owner on Drakes Island, and was just made aware of the proposal to construct a Dollar General store on the land across from Maple Leaves restaurant on Rte. 1 in Wells.

I will not be able to attend the meeting in person on Monday night, but appreciate your taking my comments through email.

I am HIGHLY OPPOSED to this proposal. We do not need a retail store, such as Dollar General, at that location. Traffic would be hugely impacted with cars pulling in and out of there. Traffic is ALREADY a huge issue at the intersection of the Drakes Island Road and Rte.1 for at least 6 mos. out of the year as it is, especially without a traffic light at the end of the Drakes Island Rd. Even now, in mid-October, it can take a long time to be able to turn left from the Drakes Island Road.

We do not need more junk stores like this in Wells. We already have a Dollar Tree at the Hannaford Plaza. One dollar store in town is more than enough. We do not need an eyesore like this along this strip of Rte. 1. Wells has enough retail stores up by MacDonalds.

We pay high taxes to own property here, and I hate to see the Town allow this type of low-class business to be prominently displayed at a Rte. 1 location.

If it is approved, there will definitely need to be a traffic light installed at the end of the Drakes Island Rd. along with sidewalks along Rte. 1 to accommodate the additional car and foot traffic that store might draw in.

Please do NOT allow this proposal to be approved.

Thank you.

Anne Marie Fantasia
45 Fern Street
Wells, Maine 04090

Shannon Belanger

From: p4rags@aol.com
Sent: Thursday, October 13, 2016 8:53 AM
To: Shannon Belanger
Subject: Purposed Dollar General retail property

Dear Planning Board Members,

We are property owners at 19 Jason Ave, Wells. This property is a second home so, as you are aware, we have no voting rights in the town of Wells. We have heard that there is a meeting scheduled for Monday, October 17 and that the proposed *Dollar General* retail store is on the agenda. We are out of state and are unable to attend the meeting to voice our concerns about the proposed commercial/retail property.

We have concerns about this type retail property in this location. There are other similar types of this kind of retail in Wells that are in a plaza-like setting (e.g. The Dollar Store, Reny's). This section of Wells has always been a bit quieter where many antique stores, small home goods stores etc. are located. We feel it would be very hurtful to those shop owners as well as the surrounding residential property owners. In addition, Drakes Island Rd is a very well traveled road in the summer months. We can't imagine the ingress and egress problems that would arise concerning Drakes Island Rd. It is often hard enough to pull out of this road onto Route 1 without this added retail.

Also, in recent years, there have been some new retail space built in the north end of town that is higher end. There are still vacancies to fill in some of that space. It would be detrimental to the existing retail shops and could hurt their businesses and prohibit higher end retail to come to Wells.

We strongly object to this proposed commercial/retail property. We are tax payers who would be greatly impacted by this potential property.

Thank you for considering our opinion,

Pam and Tom Ragonese
p4rags@aol.com
19 Jason Ave.
Wells, Maine 04090

140 Black Birch Rd
Wethersfield, CT 06109

(860)9305526

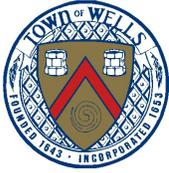


TOWN OF WELLS, MAINE PLANNING BOARD

To: Town of Wells Planning Board
From: Planning Office
Date: October 14, 2016
Re: Hidden Cove Brewery - Site Walk Results - Tax Map121, Lot 14

The Planning Board is scheduled to conduct a site walk of the Hidden Cove Brewery on Saturday, October 15th at 8:30 AM. A site walk results memo will be prepared by the Planning Office on Monday and distributed at the 10/17/16 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

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

Memo

Date: October 17, 2016

To: Planning Board

From: Michael G. Livingston, Town Engineer/Planner

Re: Hidden Cove Brewery – Site Walk Results – Tax Map 121, Lot 14

Site Walk Date: October 15, 2016 Time: 8:30 AM
Conditions: Sunny, clear, 34°

Planning Board: Dennis Hardy and Brian Toomey
Town Staff: Michael Livingston, Town Planner/Engineer
Abutters: Approximately 10, mostly from Sea Marsh Condos
Applicant: Donald on behalf of Dick Varano

Comments:

- Approximate building corners painted on ground
- Proposed building to be 10 feet from existing building but connected by roofs for access
- Truck deliveries: 3 to 6 per week, Nappi pick-ups usually one day a week with several trucks.
- No existing drainage or erosion problems evident on property
- No erosion issues on abutting property but an existing closed, possible drain manhole, at southwesterly corner of Sea Marsh condo property
- The existing fence along the Sea Marsh condo property has some condition issues (leaning)
- The following abutter comments and concerns were made:
 - Odor concern from hops and brewing process
 - Truck and patron traffic impacts
 - Parking capacity limited
 - Noise from existing and proposed glycol pumps and HVAC units
 - Drainage impacts from new building roof
 - Drainage impacts if existing culvert believed to cross property is disturbed during construction
 - An engineering evaluation of the existing drain line was reported to have been done. A copy should be submitted to the Town.



TOWN OF WELLS, MAINE PLANNING BOARD

To: Town of Wells Planning Board
From: Planning Office
Date: October 14, 2016
Re: Parks & Recreation Parking Lot - Site Walk Results - Tax Map 56, Lot 23-EXE

The Planning Board is scheduled to conduct a site walk of the Parks & Recreation Parking Lot on Saturday, October 15th at 9:15 AM. A site walk results memo will be prepared by the Planning Office on Monday and distributed at the 10/17/16 Planning Board meeting.

Thank you.

To: The Planning Board

From: Martine Painchaud, Direct Abutter to Proposed Wells Parking Lot and Pickle Ball Court

RE: My Concerns on the Wells Parks & Recreation Proposed Project

Why hasn't there been a habitat assessment conducted? This is free assessment performed by the State.

What is the total cost of the project?

Will town perform work or will project go out to bid?

Branch Road is a heavily traveled road so having a pedestrian crossing is a big concern.

In my 38 years of living here I have never witnessed the park have any overflow parking problems or any children out in the road. If there is a problem with children in the road then they are not being supervised as they should be. The park is empty 99% of the time during the year. I go by twice a day and on weekends and have never seen any park problems.

Were there other alternatives explored such as purchasing land to the rear of the park? This avenue would make it safer and not disturb the neighborhood.

If there will not be overnight parking then there will have to be gates, adding cost. If there are no gates then it will promote a nice place for trespassers. If gates not required by ordinance, I request the Planning Board impose a condition of approval requiring one, if approved.

What is the long term Plan for this parcel after this project is complete?

From: Mike Livingston
Sent: Friday, October 14, 2016 8:03 AM
To: Shannon Belanger
Subject: FW: Parking Lot

From: Jon Carter
Sent: Wednesday, October 12, 2016 7:18 PM
To: Martine Painchaud
Cc: Mike Livingston; Tina LeBlanc
Subject: Re: Parking Lot

Martine: the charter calls for individual project items meeting certain criteria of \$100,000 or more to be voted on by a separate warrant article. This project did not qualify for voting on its own. I disagree with you on your suggestion. Charter require the CIP to be voted on a program of expense. If you read the town meeting warrant book mailed to you, you would see how comprehensive it is along with the process to get there including public hearing and info hearing held by the Selectmen.

Jon Carter, Wells Town Manager
207-646-5113 ext 301
Sent by iPhone

On Oct 12, 2016, at 5:25 PM, Martine Painchaud <martine@maine.rr.com> wrote:
Hi Jon,

I certainly do not want to be a nuisance but I do have another question. Does the Charter say that items from the CIP Plan cannot be put on the ballot for vote? If it does, then I feel I am voting on things that I may not feel are pertinent as in this case. If not, then the Select Board should consider putting the CIP by department on the ballot. As it is now, the voters do not have the opportunity to vote up or down on any department and in being able to vote up or down on a department it would create transparency.

I always assumed that the Budget Committee and the Select Board had already done their due diligence, but this has me thinking very differently. I work in a town that is very transparent with all departments including Parks and Recreation that go on the ballot and voters have the ability to vote up or down and they actually know what they are voting for. I would like that same opportunity. I still do not know what the "future plans" are for Parks and Recreation.

I will be giving the Planning Board more of my concerns before the Planning Board Meeting on Monday. I certainly will be attending the Planning Board hearings. There is much more that I need to know.

I so appreciate the time you have taken communicating with me.

Thank you,
Martine

From: Jon Carter [mailto:jcarter@wellstown.org]
Sent: Wednesday, October 12, 2016 9:53 AM
To: Martine Painchaud
Cc: Mike Livingston; Tina LeBlanc
Subject: RE: Parking Lot

Hi: You don't owe us for the materials. The cost of the project is below the Charter required individual warrant article. The funds are being released from a CIP fund. The CIP process goes through both my review but also Board of Selectmen and Budget Committee on a project by project review and recommend which ones then becomes part of the CIP Plan. The Town has owned this land for many years with the intent of doing this project over time. I hope you will attend the Planning board Meeting and voice your concerns on this project.

Regards

Jon

From: Martine Painchaud [mailto:martine@maine.rr.com]
Sent: Tuesday, October 11, 2016 5:54 PM
To: Jon Carter
Cc: Mike Livingston
Subject: RE: Parking Lot

Hi Jon,

Thank you for the warrant. If there is a charge I will be happy to stop by and pay.

Correct me if I am wrong, but as I see it, Article 11 includes all of the CIP funds. If that is the case then when voting for any new buildings for Fire, Police, roads, etc. the Parks and Recreation Department is included. This amounts to an up or down vote which I

find deceiving. I want things to progress in town but want the ability to vote on any and all items for Parks and Recreation. This department is not a requirement and can be costly when there are already sports being offered in the schools and being paid by property tax. This amounts to double taxation for sports geared toward children when many in town do not have children.

I also would like to know why on one of my original questions that the planner stated that it was less than one acre and on another question he stated over an acre. That is confusing.

I also looked at the Comprehensive Plan and could not find anything relating to Parks and Recreation. I did fill out the survey that came out this past Spring and I do not recall seeing anything about that. Please correct me if I am wrong.

I am also compiling more questions and will be submitting those within the next day or two. As I am a direct abutter to this project I want to scrutinize it as much as possible since there are very concerning issues such as, safety, wildlife habitat, wetland and following all procedures and ordinances are very important to me.

I also would like to verify that the site walk is this Saturday October 15, 2016 at 9:15 a.m. as I do want to attend.

I do appreciate your time as well as the Planner's.

Thank you,

Martine

From: Jon Carter [mailto:jcarter@wellstown.org]
Sent: Tuesday, October 11, 2016 1:44 PM
To: martine@maine.rr.com
Cc: Mike Livingston
Subject: RE: Parking Lot

Hi Martine: Returning your email to your personal address vs Eliot. The requested materials are attached that reflects the Town Meeting of June 10, 2014 for the FY?15 Budget. Funds were released through the Capital Improvement Plan for the project you are questioning. I have asterisked the areas you have requested. The materials that are attached is from the Annual Town Meeting Warrant and Plans mailed to the citizens in town.

Thanks
Jon

Jonathan L. Carter
Town Manager
208 Sanford Road
Wells, Maine 04090
O:207-646-5113 ext 301
C: 207-216-2135
F:207-646-2935
E:Jcarter@wellstown.org
Web: www.wellstown.org

Town of Wells is State Certified Business Friendly

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From: Martine Painchaud [mailto:mpainchaud@eliotme.org]
Sent: Tuesday, October 11, 2016 12:32 PM
To: Jon Carter
Subject: Parking Lot

Hi jon,

I would like to request by FOAA the warrant article that requests CIP money for the Parks and Recreation parking lot and pickle ball court. I do not remember this ever being on the ballot.

Thank you,
Martine

Martine A. Painchaud, CMA
Assessor
Town of Eliot
1333 State Road
Eliot, ME 03903
T. 207.439.1813 x11
F. 207.439.1415
Email: mpainchaud@eliotme.org

Under Maine's Freedom of Access ("Right to Know") law, all e-mail and e-mail attachments received or prepared for use in matters concerning Town business or containing information relating to Town business are likely to be regarded as public records which may be inspected by any person upon request, unless otherwise made confidential by law.

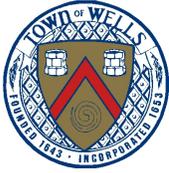
From: Mike Livingston
Sent: Friday, October 14, 2016 8:00 AM
To: Shannon Belanger
Subject: FW: Parking Lot

From: Martine Painchaud [mailto:martine@maine.rr.com]
Sent: Thursday, October 13, 2016 7:28 PM
To: Mike Livingston
Cc: Jon Carter
Subject: Parking Lot

Hi Mike,

I forgot to include one more item for the Planning Board.

I would also like to request the site plans; supporting application materials, reports, etc. be reviewed by a 3rd party engineer. Being a Town proposed project, an independent, unbiased review is a good idea.



Planning & Development
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Website: www.wellstown.org

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

Memo

Date: October 17, 2016

To: Planning Board

From: Michael G. Livingston, Town Engineer/Planner

Re: Wells Parks & Recreation – Site Walk Results – Tax Map 56, Lot 23-EXE

Site Walk Date: October 15, 2016 Time: 9:30 AM
Conditions: Sunny, clear, 39°

Planning Board: Dennis Hardy
Town Staff: Michael Livingston, Town Planner/Engineer
Abutters: Martine Painchaud

Comments:

- Site was well marked: blue flags at road entrances, orange flags at parking lot corners and along Burnt Mill Road, pink flags at the pickle court area
- Site distances excellent
- Trees to be retained along Burnt Mill Road except if unhealthy or dangerous
- Easterly entrance to be moved 15 easterly to avoid existing two oak trees
- More than 250 feet of existing vegetation as screening for abutter
- Abutter had concerns on the costs of the project and need for additional parking



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

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

Major Subdivision Application Memo

Date: October 12, 2014

To: Planning Board

From: Planning Office

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

Project Description:

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

§ 202-10. Revisions to approved plans.

A. Procedure. An application for a revision to a previously approved plan shall, at least five business days prior to a scheduled meeting of the Board, request to be placed on the Board's agenda. **Planning Board received the amendment on 9/26/16**

(1) If the revision involves the creation of additional lots or dwelling units, the procedures for preliminary plan approval shall be followed, unless the revised plan meets the definition of a minor subdivision. If the revision involves only modifications of the approved plan, without the creation of additional lots or dwelling units, the procedures for final plan approval shall be followed. **Final plan approval procedures to be followed; no new lots or dwellings proposed.**

(2) The applicant shall pay a fee established by the Board of Selectmen following notice and a public hearing, to include the applicable per-dwelling-unit fee according to the procedures for a minor subdivision or preliminary plan for a major subdivision. In addition, the applicant shall pay a fee to be determined by the Board, to be deposited in a special account designated for that application, to be used by the Board for hiring independent consulting services to review the application. If the balance in this special account shall be drawn down by 75%, the Board shall notify the applicant and require that an additional \$50 beyond the balance after invoices received are paid be deposited by the applicant. The Board shall continue to notify the applicant and require that an additional \$50 be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a decision on the revision by the Board shall be returned to the applicant. If a public hearing is deemed necessary by the Board, an additional fee of \$200 shall be required to cover

the costs of advertising and postal notification. [Amended 7-23-2002; 4-16-2004] **Fee and escrow provided. Public Hearing to be determined**

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

§ 202-9. Final plan or major subdivision.

A. Procedure.

- (1) The subdivider shall, within six months after the approval of the preliminary plan, file with the Board an application for approval of the final plan at least 10 days prior to a scheduled meeting of the Board. If the application for the final plan is not submitted within six months after preliminary plan approval, the Board may refuse without prejudice to act on the final plan and require resubmission of the preliminary plan. The final plan shall approximate the layout shown on the preliminary plan, plus any recommendations made by the Board. **[Amended 7-11-1996] Final Subdivision Amendment Application received on 9/13/16**
- (2) If a public hearing is deemed necessary by the Board, an additional fee in the amount established by the Board of Selectmen following notice and a public hearing shall be required to cover the costs of advertising and postal notification. **[Amended 7-9-2002; 4-16-2004] To be determined**
- (3) The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the final plan. **Yes**
- (4) When the application is received by the Planning Board, it shall give the applicant a dated receipt acknowledging that it has received the application. **Final application received on 9/26/16**
- (5) Within 30 days after receiving any application, the Board shall notify the applicant in writing either that the application is complete or, if it is incomplete, the specific additional material needed to complete the application. The Board shall determine whether to hold a public hearing on the final plan application. **To be determined**
- (6) Prior to submittal of the final plan application, the following approvals shall be obtained in writing, where appropriate:
 - (a) Maine Department of Environmental Protection, under the Site Location of Development Act and the Natural Resources Protection Act. **Editor's Note: See 38 M.R.S.A § 481 et seq. and 38 M.R.S.A. § 480-A et seq., respectively. Approved November 25, 2015. Changes proposed to be approved by or determined minor by MDEP.**
 - (b) The Kennebunk, Kennebunkport and Wells Water District, if the district's water service is to be used. **Not Applicable**
 - (c) Maine Department of Human Services, if the subdivider proposes to provide a central water supply system. **Approved 8/4/15. Changes proposed do not affect this approval.**
 - (d) The Wells Sanitary District, if the public sewage disposal system is to be used. **Not**

Applicable

- (e) Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized. **Approved 8/4/15. Changes proposed do not affect this approval.**
 - (f) An Army Corps of Engineers dredge and fill permit. **Approved 8/11/15. Changes proposed do not affect this approval.**
 - (g) NPDES permit for stormwater discharges. **Changes proposed do not affect this approval.**
- (7) A public hearing may be held by the Planning Board within 30 days after the issuance of a receipt for the submittal of a complete application. This hearing shall be advertised in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days before the hearing, and the notice of the hearing shall be posted in at least three prominent places at least seven days prior to the hearing. When a subdivision is located within 500 feet of a municipal boundary and a public hearing is to be held, the Planning Board shall notify the Clerk and the Planning Board of the adjacent municipality involved at least 10 days prior to the hearing. **To be determined**
- (8) Upon receipt of an application for a subdivision containing 20 lots or dwelling units or more, the Planning Board shall notify the Road Commissioner, School Superintendent, Police Chief and Fire Chief of the proposed subdivision, the number of dwelling units proposed, the length of roadways and the size and construction characteristics of any multifamily, commercial or industrial buildings. The Planning Board shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed subdivision.
- (9) Before the Board grants approval of the final plan, the subdivider shall meet the performance guaranty requirements contained in § 202-13. **To be determined**
- (10) The Board, within 30 days from the public hearing or within 60 days of the official submittal date if no hearing is held, shall make findings of fact and conclusions relative to the standards contained in 30-A M.R.S.A. § 4404, Subsection 3 and in these regulations. If the Board finds that all standards of the statute and these regulations have been met, it shall approve the final plan. If the Board finds that any of the standards of the statute and these regulations have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any denial or conditions shall be stated in the records of the Board. **To be determined**
- B. Submissions. The final plan shall consist of one or more maps or drawings drawn to a scale of not more than 100 feet to the inch. Plans for subdivisions containing more than 75 acres may be drawn at a scale of not more than 200 feet to the inch. Plans shall be no larger than 24 inches by 36 inches in size and shall have a margin of two inches outside of the border line on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by the Board. One reproducible, stable-based transparent original and three copies of the plan shall be submitted. In addition, the applicant shall submit 11 copies of the final plan, reduced to a size of 11 inches by 17 inches, and all accompanying information to the Office of Planning and Development no less than 10 days prior to the meeting. The application for approval of the final plan shall include the following information:

Recommendations and conclusions:

1. The Planning Board should review the amendment and the following items:
 - a. The Planning Board should consider finding the Monumentation proposed as suitable;
 - b. The Planning Board should consider permitting lots smaller than 40,000 SF in area to increase lot coverage from 20% to 40%;

- c. Planning Board to review the driveway for lot 62 off of Route 9A (see recommended note attached).
- d. Planning Board to review the driveway for lot 103 which is to be located off of Hobbs Farm Road via a 30' wide access easement that crosses over lot 102. The driveway for lot 103 has street frontage on Route 9A but shall not have a driveway off of Route 9A. Planning Board to reaffirm the shared driveway for lot 102 and 103 is acceptable. (see recommended note attached).
- e. Planning Board to consider finding the 50' wide no cut buffer for lots 103 and 62 adequate.
- f. Minor plan changes recommended.
- g. See attached recommended notes to addressed Lot 62 drilled well and septic system location.
- h. Planning Board to review and consider finding the performance guarantee and project phasing notes as acceptable. Lot 62 is now part of phase 1. Phase 4 is for lots 63-85, etc.
- i. Planning Board to consider finding the application complete.
- j. Planning Board to consider waiving a public hearing.
- k. Planning Board to consider finding the application compliant.

Plan Purpose:

The purpose of this subdivision amendment is to relocate lot 62 from Storer Lane to Route 9A, adjacent to lot 103. No changes are proposed to the development which is described as: A Major Subdivision on 362.0 acres of land consisting of 174 dwelling units comprised of: (51) Residential Cluster Development lots for two-family homes (duplexes) totaling 102 dwelling units; (1) Multifamily Development lot for 20 dwelling units; (52) Residential Cluster Development lots for single family homes totaling 52 dwelling units; 70% Open Space; associated infrastructure for roadways and parking; and a 18-hole Golf Course with a Clubhouse with Restaurant, Event Barn, Kid Club, Fitness/Pool Center, and Maintenance buildings (See Site Plan for Golf Club uses).

DRAFT

Revising Condo Book 600, Pages 4 Through 10

Burnt Mill Estates

Burnt Mill Holding Company, LLC

222 Hobbs Farm Road, Wells, Maine 04090
of Property Located On
te 9A, Meetinghouse Road & Hobbs Farm Road
Wells - Maine

0ft.
15

Survey File Name: 2001021244
CAD File Name: 2011073-Sub Rev 2.dwg
Drawn By: KAL
Job Number: 2012073

STRY OF DEEDS
2015
Page 28

Corner Post
Land Surveying, Inc.

603 Main Street, Springfield, Maine 04083
Voice: (207) 324-2119 Fax: (207) 490-3946
Email: cpls@mainesurveyors.com

I hereby certify that this survey conforms to the Maine Board of Licensure for Professional Land Surveyors, Chapter 45, Standards of Practice.

Dana S. Libby
Dana A. Libby
Professional Land Surveyor 1350
07-4-2015

Table with 3 columns: Name, Address, Phone Number. Lists various clients and their contact information.

- Notes: (Continued)**
16. DEP Permits: See the following Department of Environmental Protection permit for Burnt Mill Estates dated October 16, 2004: Substat: L-20043-07-1-A Amended Approval November 25, 2015; L-20043-07-1-B Amended Approval November 25, 2015.
 17. The dry hydrant in Hobbs Pond is to be upgraded or relocated by the developer to the specifications of the Wells Fire Chief. Dry Hydrant to be upgraded prior to issuance of a building permit. The proposed dry hydrant near the Clubhouse shall be installed prior to the issuance of a building permit for a lot exceeding 5 miles from the Hobbs Farm Road hydrant.
 18. The developer is responsible for the repair and maintenance of the Burnt Mill Dam. The Home Owner's association will take over this responsibility as required. The Dam controls the water for fire protection.
 19. Building more than a mile from a driveway to a dry hydrant will require a sprinkler system. Commercial buildings may require a sprinkler system based on size and use.
 20. The end of each road is to be clear of snow. No snow can be left on the pavement.
 21. No Parking signs will be installed on all cul-de-sacs and turn arounds. Farking along the roadways is prohibited.
 22. The footprints of the buildings and driveways are diagrammatic only. The duplex lots, as shown, exceed the current ordinance requirements for lot coverage. When the homes are built they need to conform to the ordinance in force at the time.
 23. Agricultural Land in the Open Space shall comply with 145-33D.
 24. Clearing of vegetation within the 75' Shoreland Overlay District shall comply with 145-33E.
 25. All driveways onto Town roads must have on-site turnarounds and shall require driveway permits. Driveways shall be located on less travelled ways except driveways for lots 39 and 41 which shall be off of Old Mill Trail. *Lot 10 is approximately to be located off of Hobbs Farm Rd via the 30' access easement and shall be deed restricted.*
 26. Except for existing Hobbs Farm Road and Star Lane, all roads shall be privately owned and maintained.
 27. Transformer location may vary. A change in utility easements do not require an amendment to the subdivision approval.
 28. Buffer Restrictions:
 - (a) Wetland Buffers: The project has an Army Corp and DEP Permit to fill and after some wetlands, including the cutting of the overstory where it is shown on the golf course. The buffers around the wetlands and along the Meetinghouse/Hobbs Pond are to remain in their natural state. Protection across is allowed, but no alteration.
 - (b) Wetland Buffers: This buffer, located around the perimeter of the housing is to remain 50 feet in width and remain vegetated. No structure are allowed in the buffer. Storage facilities and their maintenance are allowed in the buffer. Access roads, driveways, drainage facilities, and utilities are shown on the drawings as permitted within the buffer.
 - (c) The following buffer modifications are approved as part of the November 16, 2015 approval by the Planning Board:
 - i. Lots 1 and 2. The 50' wetland buffer is reduced to 25' while maintaining the 50' structure setback.
 - ii. Lot 10. The 50' wetland buffer is reduced to 25' while maintaining the 50' structure setback.
 - iii. Lots 12 to 15. The buffer can be allowed to provide drainage to and construct Underdrained Soil Filters, #8, 10, and 11 as shown on the drawings. The wooded vegetation remaining is to remain undisturbed.
 - iv. Lots 13 to 15. The buffer can be allowed to provide drainage to and construct Underdrained Soil Filters, #14 and 15 as shown on the drawings. The wooded vegetation remaining is to remain undisturbed.
 - v. Lot 16. Reduce the 50' wetland buffer to 25'. The remaining 25' can be converted to lawn. No structures within the 50' buffer.
 - vi. Lot 14. Multi-tiered Development Buffers. See Sheets 12, 13 & 15.
 29. Phasing Plan/Performance Guarantees:

The developer will phase the project to minimize the amount of the Performance Bond requirements. To protect the Town and future residents of the project, no lot or home is to be sold or building permit issued without a Performance Bond in place to complete the infrastructure serving that lot or home, or the infrastructure must be complete to the satisfaction of the Code Office. (Minimum base course pavement and utilities)

To assist the Town in reviewing the project, the following Phasing Plan is proposed:

The performance and easement areas is ongoing and will continue through the summer of 2016.

Phase 1 - Lots 1 to 22 and 25 to 103 are ready for sale except for a few small items. These need to be complete or bonded. They include Underdrained Soil Filters on lots #8, 10, 11, and 15, and final pavement of Lake Meadow Court, Faxon Drive, and the pedestrian path.

Phase 2 - Lots 23 to 33 and 54 to 61. This lot requires road and utility work, construction of the pond on the 8th hole, and the pedestrian path.

Phase 3 - Lots 34 to 38 and 50 to 53. This section will require roads and utilities and an additional septic bed. This section is the land without a second round of access from Star Lane, 18 units. A fire turnaround is temporarily to be located in what will become Trail Head Lane.

Phase 4 - Lots 62 to 85. This requires road, utility, and the connection to Star Lane. Underdrained Soil Filters #5, 6, 7, 14, and 15 are required. Connection to Star Lane is required.

Phase 5 - Lots 86 to 99 and 104 to 104. This phase requires road, utility, a septic bed, and a square station for lots 43 to 48. The connection to Star Lane must be complete.

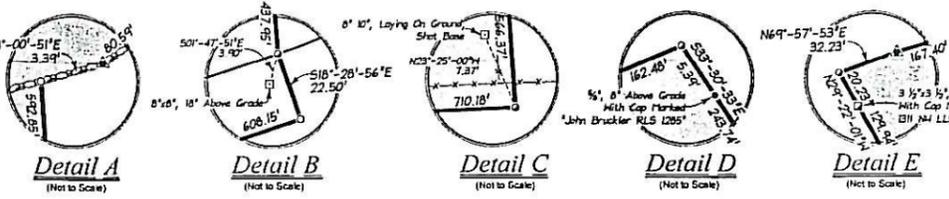
Additional Phases separate from the housing:

The Club/Fitness Center will be constructed between Phases 3 and 4. Utilities need to be installed prior to any construction.

Prior to each Phase the applicant will have a pre-construction meeting with the Town Staff and a Performance Bond amount will be determined. As the work progresses, the applicant may request a reduction in the Performance Guarantees. The Town Staff and Town Manager will determine acceptable amounts.

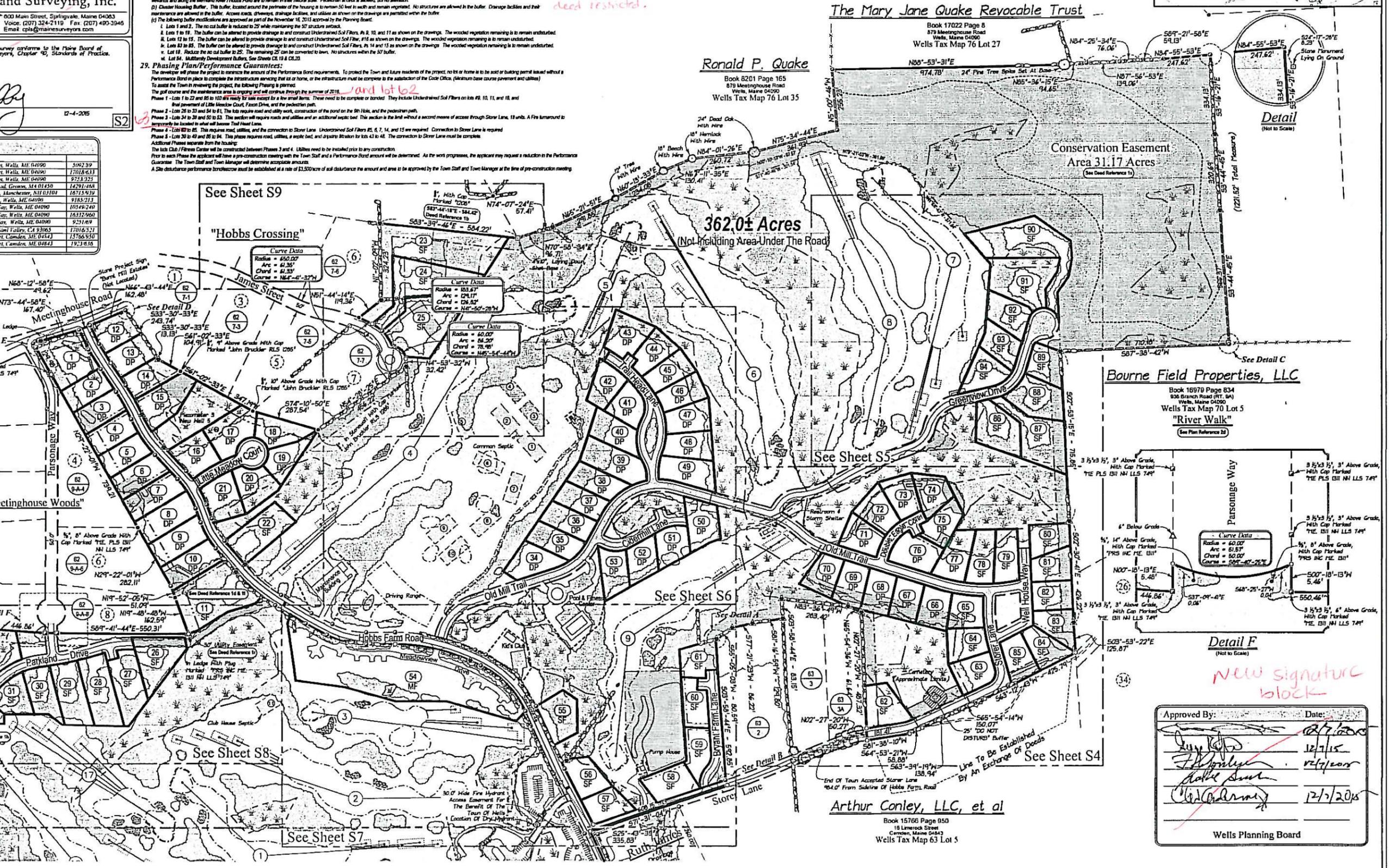
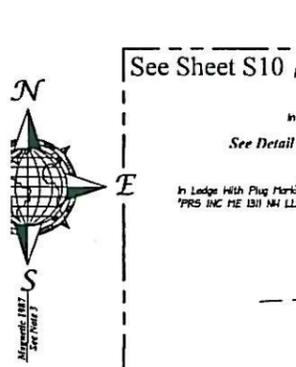
The Town Staff and Town Manager will determine acceptable amounts.

A site disturbance performance bond/escrow must be established at a rate of \$150,000 per acre of all disturbance amount and area to be approved by the Town Staff and Town Manager at the time of pre-construction meeting.



Purpose of Plan

This subdivision approval consolidates, reconfigures and increases the total number of dwellings units of three previously approved subdivisions (Condo File 600, Pages 1 thru 10). The Burnt Mill Estates Condominiums (East, North and South) shall be dissolved. Units conveyed as noted in Deed Reference 14, 16, 17, 42, and 111 shall be conveyed as lots 11, 31, 45, and 99. The subdivision is comprised of Wells Tax Map 62 Lots 6, 12, 13 and Map 63 Lot 7.



The Mary Jane Quake Revocable Trust

Book 17022 Page 8
679 Meetinghouse Road
Wells, Maine 04090
Wells Tax Map 76 Lot 27

Ronald P. Quake

Book 6201 Page 165
870 Meetinghouse Road
Wells, Maine 04090
Wells Tax Map 76 Lot 35

Conservation Easement
Area 31.17 Acres
(See Deed Reference 1)

Bourne Field Properties, LLC

Book 16979 Page 834
930 Branch Road (Rt. 9A)
Wells, Maine 04090
Wells Tax Map 70 Lot 5
"River Walk"
(See Plan Reference 12)

Arthur Conley, LLC, et al

Book 15760 Page 950
18 Limerock Street
Camden, Maine 04843
Wells Tax Map 63 Lot 5

Approved By: _____ Date: _____

[Signature] 12/7/15

[Signature] 12/7/2015

[Signature] 12/7/2015

Wells Planning Board

Sheet S2
Sheet S1

See Sheet S8

See Sheet S7

See Sheet S6

See Sheet S5

See Sheet S10

See Sheet S9



Dana A. Libby
Professional Land Surveyor
040-0204

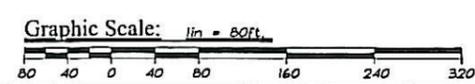
Kent P. Thompson & Sybil W. Dupuis
Book 7824 Page 166
590 Branch Road
Wells, Maine 04090
Wells Tax Map 63 Lot 9A

Ruth James
Book 11996 Page 257
189 Hobbs Farm Road
Wells, Maine 04090
Wells Tax Map 63 Lot 1

Susan F., Jason F. & Scott R. Perkins
Book 7529 Page 112
123 Main Street
Kingfield, Maine 04947
Wells Tax Map 63 Lot 8

Town of Wells
Book 5669 Page 145
708 Sanford Road
Wells, Maine 04090
Wells Tax Map 56 Lot 15-EXE

- 1/4" Iron Rod Set With Plastic Cap Marked "CNR POST LAND SURV PLS 1350"
- 1/4" Iron Rod To Be Set With Plastic Cap Marked "CNR POST LAND SURV PLS 1350"
- 4"x4" Concrete Monument To Be Set With Plastic Cap Marked "PLS 1350"
- Iron Pipe Found (Dimensions Labeled on Plan)
- Iron Rod Found (Dimensions Labeled on Plan)
- Corner, Nothing Found or Set
- Soil Test Pit And Number
- Existing Pavement
- Proposed Pavement
- Boundary Line Of Surveyed Premises
- Road Right of Way
- Abutter Line
- Building Setback Line (See Note 10)
- Trails For Public Use
- Utility Pole (Existing)
- Overhead Telephone and Electric Service Lines (Existing)
- Approximate Edge Of Water (See Note 8)
- Approximate Upland/Wetland Interface Line (See Note 13)
- Remains of Wire Fence
- StoneWall
- Approximate Proposed Tree Line (Subject To Change)
- Easement/Buffer Area (Type Labeled on Plan)
- 75.0' Shoreland Overlay District Line
- Zoning District Line
- 100 Lot Number
- SF Single Family
- Fairway & Green
- Tee Position
- ② Hole Number



Additional Notes

revise so lot 103 has 50' min. frontage

Approved By:	Date:

Wells Planning Board

Notes: See Sheet S1 For General Notes

Building Setbacks:
 Lot Of Perkins: 50.00'
 State Route 9A: 40.00'
 Hobbs Farm Road: 25.00'
 Faxon Drive: 20.00'
 Side setback: 15.00'
 Rear setback: 15.00'

YORK, ss REGISTRY OF DEEDS

Received
 at _____ m _____ M., and
 Filed in Plan Book _____ Page _____

ATTEST:

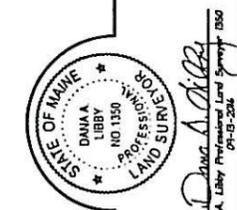
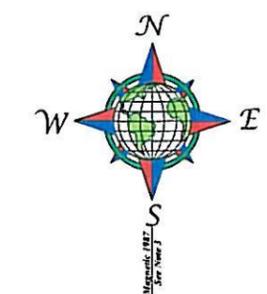
 Register

Corner Post Land Surveying, Inc.
 600 Main Street, Scarborough, Maine 04070
 Phone: (207) 324-2119 Fax: (207) 480-0348
 Email: call@mainesurveyors.com Web: www.mainesurveyors.com

Property Located On
 State Route 9A,
 Meetinghouse Road &
 Hobbs Farm Road
 Wells, Maine
 Section 1A, - 60R.

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

Sheet: S3



Dana A. Libby
Professional Land Surveyor
04-9-2004

Bourne Field Properties, LLC

Book 14641 Page 489
936 Branch Road (RT, SA)
Wells, Maine 04090
Wells Tax Map 70 Lot 5

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

Approved By:	Date:

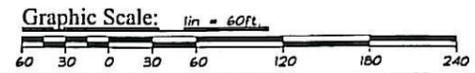
Wells Planning Board

Legend:

- — 1/4" Iron Rod To Be Set With Plastic Cap Marked CNR POST LAND SURV PLS 1350"
- — 4"x4" Concrete Monument To Be Set With Plastic Cap Marked "PLS 1350"
- ▲ — 1/2" Drill Hole Set In Rock With Plastic Plug Marked "PLS 1350"
- — Corner, Nothing Found or Set
- — 10'x10' Transformer Pad Easement
- ▨ — Proposed Pavement
- ▨ — Gravel
- ▨ — Boundary Line Of Surveyed Premises
- ▨ — Road Right of Way
- ▨ — Abutter Line
- ▨ — Building Setback Line (See Note 10)
- ▨ — Limit Of Dedicated Open Space
- ▨ — Proposed Detention Pond
- ▨ — Approximate Upland/Wetland Interface Line (See Note B)
- ▨ — StoneWall
- ▨ — Approximate Proposed Tree Line (Subject To Change)
- ▨ — Easement/Buffer Area (Type Labeled On Plan)
- 100 — Lot Number
- SF — Single Family
- DP — Duplex
- Fairway & Green
- ⊙ — Tree Position
- ⊙ — Sand Hazard

Notes: See Sheet S1 For General Notes

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



Book Of America
 Book 17016 Page 521
 1166 South Road
 Bethel, ME 04324
 Wells Tax Map 63 Lot 2
 Formerly/
 George S. Hobbs

William Gambell
 Book 1823 Page 638
 18 Liverock Street
 Camden, Maine 04843
 Wells Tax Map 63 Lot 3A

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

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

Property Located On
 State Route 9A,
 Meetinghouse Road &
 Hobbs Farm Road
 Wells, Maine
 Scale: 1" = 60'
Burnt Mill Estates
 Burnt Mill Holding Company, LLC
 222 Hobbs Farm Road, Wells, Maine 04090
 Plan Revising Condo Book 600, Pages 4 Through 10
 Sheet: S4

YORK, ss REGISTRY OF DEEDS
 Received: _____
 at _____ m _____ M, and
 Filed in Plan Book _____ Page _____
 ATTEST:

 Registrar



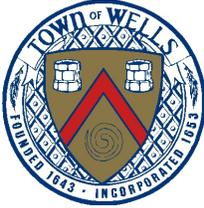
Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS
Final Subdivision Amendment Application for “Burnt Mill Estates“
Page 1 of 23

Chapter 202 Subdivision of Land

PROJECT INFORMATION	
General:	<p>Project Name: Burnt Mill Estates</p> <p># Lots/ Dwellings Proposed: 104 lots/ 174 dwelling units</p> <p>Applicant: William Bradley Booth, Booth Golf Design, PO Box 1491, Ogunquit, ME 03907</p> <p>Landowner: Burnt Mill Holding Company, LLC, 222 Hobbs Farm Rd, Wells, ME 04090</p> <p>Location: Hobbs Farm Road, Wells, Maine</p> <p>Existing Use: A Major Subdivision on 362.0 acres of land consisting of 174 dwelling units comprised of: (51) Residential Cluster Development lots for two-family homes (duplexes) totaling 102 dwelling units; (1) Multifamily Development lot for 20 dwelling units; (52) Residential Cluster Development lots for single family homes totaling 52 dwelling units; 70% Open Space; associated infrastructure for roadways and parking; and a 18-hole Golf Course with a Clubhouse, Event Barn, Kid Club, Fitness/Pool Center, and Maintenance buildings. (see separate Site Plan Approval).</p> <p>Proposed Land Use: A Major Subdivision on 362.0 acres of land consisting of 174 dwelling units comprised of: (51) Residential Cluster Development lots for two-family homes (duplexes) totaling 102 dwelling units; (1) Multifamily Development lot for 20 dwelling units; (52) Residential Cluster Development lots for single family homes totaling 52 dwelling units; 70% Open Space; associated infrastructure for roadways and parking; and a 18-hole Golf Course with a Clubhouse, Event Barn, Kid Club, Fitness/Pool Center, and Maintenance buildings. (see separate Site Plan Approval).</p> <p>Tax Parcel ID: Tax Map 62, Lots 8, 12, and 13 and Tax Map 63, Lot 7.</p> <p>Zoning District: Rural and 75' Shoreland Overlay Districts</p> <p>Land Use, Art. VII Performance Standards: 145-49 Residential Cluster and 145-48 Multifamily Development</p> <p>Design Engineer: Hart Howerton, 1280 Massachusetts Ave, Cambridge, MA 02138 Corner Post Land Surveying, Inc. 600 Main St, Springvale, ME 04083 Pinkham & Greer Civil Engineers, 28 Vannah Avenue, Portland, ME 04103</p> <p>Final Plan Application Submission Date: September 13, 2016</p> <p>Plan Submission Date: September 13, 2016</p>



Town of Wells, Maine

Planning Board

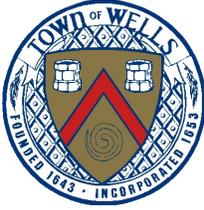
FINDINGS OF FACTS & DECISIONS
Final Subdivision Amendment Application for “Burnt Mill Estates“
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Project Description:	Burnt Mill Holding Company, LLC, owner; William Bradley Booth, applicant; Hart Howerton, Pinkham & Greer, and Corner Post Land Surveying, Inc, engineers/surveyors. Final Subdivision Amendment application to relocate cluster lot #62 from Storer Lane to Route 9A adjacent to cluster lot #103. The approved major subdivision consists of 174 dwelling units. The dwelling units are designed so a total of 154 single and duplex units shall comply with Residential Cluster Development standards (individual lots a minimum of 20,000 SF in size) and 20 dwelling units shall comply with Multifamily Development standards (20 units on 1 lot). Various roadways, infrastructure, drainage, and neighborhood parks are approved/proposed. The Subdivision parcels are located within the Rural & 75’ Shoreland Overlay Districts and are off or in the vicinity of Hobbs Farm Road, Storer Lane, Meetinghouse Road and Branch Road (Route 9A). Tax Map 62, Lots 12, and 13 and Tax Map 63, Lot 7. Subdivision served by on-site/ common septic systems and on-site/common drilled wells.	
Approval Dates:	Preliminary Plan Approval:	Not Applicable
	Final Plan Approval:	To be determined
Public Hearings:	Preliminary Public Hearing	Not Applicable
	Final Public Hearing	To be determined

PROJECT HISTORY

1. On 9/13/16 the applicant submitted a Subdivision Amendment Application to the Planning Office for the above described project.
2. On ____

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



Town of Wells, Maine

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FINDINGS OF FACTS & DECISIONS
Final Subdivision Amendment Application for “Burnt Mill Estates“
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§ 202-12. General Standards	Findings & Decisions
<p>(1) In any subdivision with no more than five lots or dwellings units, no dedicated open space is required. In any subdivision with at least six lots or dwelling units and no more than 10 lots or dwelling units, there shall be a minimum of 10% or 20,000 square feet, whichever is greater, of the total property net area dedicated as open space. Off site dedication of open space land may be approved by the Planning Board if excess land is provided and the land has a greater benefit to the public than land within the development. In any subdivision with more than 10 lots or dwelling units, there shall be a minimum of 35% of the total property net area dedicated as open space.</p>	<p>This subdivision proposes more than 10 lots/ dwelling units and is required to provide a minimum of 35% Dedicated Open Space. See sheet S1 and S11. Total Dedicated Open space of the 16,322,467 SF (374.94 acre) parcel is 250.3 acres or 66.69%.</p> <p>Multifamily Development Lot totals 2,000,065 SF in area (200,270 SF lot + 1,799,795 SF Open Space) for a dedicated open space percentage of 89.9%. or 16.3% of the 250.3 acres of total dedicated Open Space for the Burnt Mill Estates Subdivision.</p> <p>Residential Cluster Development land area totals (16,332,487 -2,000,065 =) 14,332,422 SF in area. Sheet S11 states the cluster development has 156.18 (6,803,200 SF of dedicated open space) which equals 59.66% open space. When adding the conservation easement dedicated open space (31.17 acres or 1,357,765 SF which is 12.47 % of the 250.3 total dedicated open space) plus the Golf Course dedicated open space (21.38 acres or 931,312 SF which is 8.55% of the 250.3 total dedicated open space) the total dedicated open space for the residential cluster subdivision is 63.4% of the 14,332,422 SF area.</p> <p>The subdivision proposes a total of 250.3 acres to Dedicated Open Space. $10,903,038 / 16,332,487 = 66.69\%$</p> <p>The subdivision also has 3.37 acres of non-dedicated Open Space which include areas around the Clubhouse/ Event Barn, Kids Club, Fitness Center, Maintenance Buidlings, and Golf Course Restrooms, Control & Blower shed, Irrigation Pump House and storm shelters. Limits of Dedicated Open Space are depicted around these structures and are considered to be located within the non-Dedicated Open Space area.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>



Town of Wells, Maine

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FINDINGS OF FACTS & DECISIONS
Final Subdivision Amendment Application for “Burnt Mill Estates“
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§ 202-12. General Standards	Findings & Decisions
<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>No change proposed to the previously approved Open Space. On 12/7/15 the Planning Board determined that the Dedicated Open Space proposed for the Residential Cluster Open Space is suitable. The Planning Board to find that the Burnt Mill Estates Dedicated Open Space is land within or associated the development set aside, dedicated or reserved for public or private use or enjoyment, protection of natural or historic features, and protection for abutting property owners.</p> <p>The Dedicated Open Space areas proposed shall consist of the following: 41.30 acres from the Multifamily Development Lot for which the open space to be used for the Golf Course operations and clubhouse septic field; 31.17 acres dedicated per the Conservation Easement to maintain and protect the wildlife corridor and environmental areas see YCRD Book 14083, Page 624; 156.18 acres from the Residential Cluster Development to be used as the following: Agricultural Land to be dedicated and maintained by the HOA as hay fields or cultivating crops by lot/unit owners or the general public, Golf Course Operations, subdivision common septic fields, linkage to adjoining Open Space, and provides public access to pedestrian trails, golf course fairways in the winter months, and cemeteries; and 21.38 acres of Open Space to be used for Golf Course Operations.</p> <p>On 3/2/15 the Planning Board found that the dedicated Open Space for the Multifamily Development Lot was satisfied.</p> <p>The Non-Dedicated Open Space areas total 3.37 acres and consist of the areas around the Clubhouse, Event Barn, Kids Club, Fitness Center & Pool House, Maintenance Buildings, Restrooms, Storm Shelters, Irrigation Pump House, and Control & Blower shed. Limits of Dedicated Open Space are depicted around these structures and are considered to be located within the non-Dedicated Open Space area.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</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 § <u>145-49</u>, residential cluster development standards.)</p>	<p>Conservation Easement area (31.17 acres) dedicated YCRD 35/6/2004 Book 14083, page 624. Declaration of Protective Covenants, Reservations, Restrictions, and Easements of Burnt Mill Estates regarding Open Space and Buffer Areas.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS
Final Subdivision Amendment Application for “Burnt Mill Estates“
Page 5 of 23

§ 202-12. General Standards	Findings & Decisions
<p>(4) The Planning Board may require that the development plans include a landscape plan that will show the preservation of any existing trees larger than 24 inches in diameter at breast height, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally significant areas. Cutting of trees on the northerly borders of lots should be avoided as far as possible, to retain a natural wind buffer.</p>	<p>On 3/2/15 the Planning Board voted to waive the requirement of locating trees greater than 24” in diameter at breast height since most of the trees are in the Open Space and shall be protected. Trees within the Conservation Easement area to be protected. Trees and vegetation within wetlands to be provided. 50’ no cut buffers to be maintained except where noted, 50’ setback to all abutting non-clustered residential lots required. 50’ no cut buffer is extended along the boundaries of Open Space for residential abutters off of Parsonage Way, in the Open Space around the corner of abutting parcel M63, Lot 8, for lot 61 and for lot 19.</p> <p>On 11/16/15 the Planning Board determined that the 50’ wide no cut buffer where noted on the plans satisfies the non-clustered residential abutting lots buffering requirements. <u>On 10/17/16 the Planning Board found the 50’ wide no cut buffer for lots 62 and 103 to remain sufficient.</u></p> <p>On 2/23/15 the Planning Board found that the screening proposed by the Multifamily Development Lot (54) for the abutting residential cluster lot (55) to be sufficient.</p> <p>On 2/23/15 the Planning Board found the 25’ landscaped buffer along Hobbs Farm Road and along the lots lines for the Multifamily Development Lot (54) to be sufficient. See landscaping plan C.20 which provides a planting list and notes the limits of vegetation to remain.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>

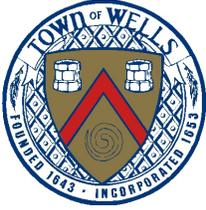


Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS
Final Subdivision Amendment Application for “Burnt Mill Estates“
Page 6 of 23

§ 202-12. General Standards		Findings & Decisions
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>A 10' wide pedestrian easement is proposed along easterly side of Hobbs Farm Road from Route 9A to Faxon Drive.</p> <p>A 10' wide pedestrian easement is proposed along the westerly side of Hobbs Farm Road starting at the Merriland River bridge crossing and extending along Hobbs Farm Road to the cross walk across from the Maintenance Building (just passed Lot 54).</p> <p>A 10' wide pedestrian easement continues along the east side of Hobbs Farm Road from the cross walk near the Maintenance Building to the intersection of Meetinghouse Road.</p> <p>Pedestrian Easement included in Burnt Mill Estates HOA documents. Town Attorney and Town Engineer review completed of the HOA documents and have been found to be acceptable. See Town Attorney memo dated 12/4/15.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
D.	Lots.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.
	(1) All lots shall meet the minimum requirements of Chapter 145, Land Use, for the zoning district in which they are located. The lot configuration should be designed to maximize the use of solar energy on building sites with suitable orientation.	<p>The Burnt Mill Estates subdivision is located within the Rural District & 75' Shoreland Overlay District. The single family and two-family dwelling units proposed are permitted uses within the Rural District. No development is proposed within the Shoreland Overlay District.</p> <p>Zoning Dimensional requirements are noted on sheet S1 and S2. 154 dwellings shall comply with the Residential Cluster Development standards of §145-49. 20 dwellings on proposed lot 54 shall comply with the Multifamily Development standards of §145-48.</p> <p>Notes on sheet S11 as recommended to address 145-49 Density Bonuses granted.</p> <p>Multifamily Development Open space proposed is 89.9% and is noted on sheet C6.19. Sheet C6.20 notes that prior to the issuance of a building permit the building foundations shall be located by a licenced surveyor by stakes or pins. Other plan mark-ups to be completed.</p>

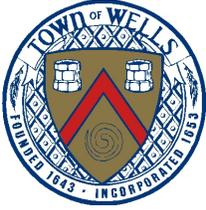


Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS
Final Subdivision Amendment Application for “Burnt Mill Estates“
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(2) Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development contemplated. Wherever possible, parking areas shall be laid out to coincide with building locations to maximize solar energy gain.	<p>All driveways shall be designed to comply with Chapter 201 and must provide an on-site turnaround so vehicles are not backing out on to roadways. Driveways onto Town Roads shall require driveway permits. See note 25 on sheet S2. <u>Lot 103 shall have a driveway off of Hobbs Farm Road via the 30' wide access easement across lot 102. Lot 103 shall not have a driveway onto Route 9A and shall be deed restricted as such.</u></p> <p>Parking is provided along roadways. Golf Course and Club uses shall obtain separate site plan approval which shall review and address Land Use parking requirements.</p>
(3) Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan and deed restrictions shall indicate that vehicular access shall be located only on the less traveled way.	Plan note 25 on sheet S2 notes that driveways shall be located on the less traveled way except for lots 39 and 49 which must be located off of Old Mill Trail.
(4) Wherever possible, side lot lines shall be perpendicular to the street.	All lots are designed to be perpendicular to the proposed and existing streets.
(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.	Lots are noted to be for single family dwellings (SF) or two-family dwellings/duplexes (DP). See sheet S1 Density Area Calculation Table which states the number of lots and dwelling units proposed. Future resubdivision shall 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.	The subdivision is not located within an area planned for public water or public sewer extensions in the foreseeable future.
(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.	The Burnt Mill Estates subdivision shall consist of land currently identified as Tax Map 62 , Lots 8, 12 and 13 and Tax Map 63, Lot 7. These parcels meet the minimum lot size requirements of the Rural District.
(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.	Odd shaped lots are not proposed. Lots 23, 24, 87, and 90 are acceptable due to meeting 20,000 SF size requirement and being less than 3:1 length to width ratio.
(9) Lots shall be numbered in accordance with Chapter 201, Article I, Street Naming and Numbering, of the Wells Municipal Code.	Town Assessor and E911 Coordinator review and assign street names and addresses.
(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.	Lots 102 and 103 continue to share a 30' wide access easement for a shared driveway. Lots 23 and 24 have a 50' wide access easement. Some other shared driveways are proposed conceptually. <u>On 10/17/16 the Planning Board determined that the shared driveways and curb cut proposed remain acceptable.</u>



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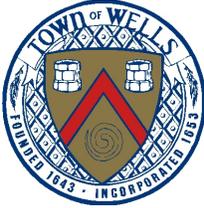
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(11) Proposed lots shall not be permitted to have driveway entrances onto existing arterial or collector streets unless the Planning Board determines that no reasonable alternate exists.	Driveways for lots 23, 24 and 25 to be located off of James Street. Driveways for lots 1 to 15 and 22, 54 to 56, and 99 to 103 to be located off of Hobbs Farm Road. Driveways for lots 57 and 58 to be located off of Storer Lane. All other driveways to be located off of the less traveled way except for lots 39 and 49 which must be located off of Old Mill Trail. <u>On 10/17/16 the Planning Board determined that the shared driveways and curb cut proposed remain acceptable.</u>
E. Utilities.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.
(1) Utilities shall be installed underground except as otherwise approved by the Board.	Road Plan and Profile sheets (P1.0 to P1.18) depict proposed underground utilities and existing overhead utilities.
(2) Underground utilities shall be installed prior to the installation of the final gravel base of the road.	Note 27 on sheet 2 requires that utilities and base course of pavement shall be installed prior to the issuance of a building permit or a satisfactory Performance Guarantee is provided to the Town to complete the utility and road infrastructure required.
(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.	Road Plan and Profile sheets (P1.0 to P1.18) depict proposed underground utilities and existing overhead utilities, water and sewer lines.
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.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.
	Sheets S1 to S10 identify all proposed and existing Monumentation.
(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.	<u>Proposed Monummentation found to be suitable by the Wells Planning Board on 10/17/16.</u>
(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.	<u>Proposed Monummentation found to be suitable by the Wells Planning Board on 10/17/16.</u>
(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.	Such Monumentation shall meet these standards.
(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.	Such Monumentation shall meet these standards.



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(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.	<u>Proposed Monummentation found to be suitable by the Wells Planning Board on 10/17/16.</u>
(2) Water supply.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.
(a) When a subdivision is to be served by the Kennebunk, Kennebunkport and Wells Water District, the complete supply system, including fire hydrants, shall be installed at the expense of the subdivider.	Subdivision not served by the KKW Water District.
[1] The subdivider shall provide a written statement from the Water District that adequate water for both domestic and fire-fighting purposes can be provided without placing an undue burden on the source, treatment facilities or distribution system involved. The subdivider shall be responsible for paying the costs of system improvements necessary to serve the subdivision.	
[2] The size and location of mains, gate valves, hydrants and service connections shall be reviewed and approved in writing by the Water District and the Fire Chief.	
(b) When the location of a subdivision does not allow for a financially reasonable connection to the Kennebunk, Kennebunkport and Wells Water District, the Planning Board may allow the use of individual wells or a private community water system.	See note 12 on sheet S1. All dwelling units shall be served by privately owned drilled wells. Lots 95-103 and lot 62; and 23-25 shall have individual drilled wells. All other lots and dwellings and the Clubhouse shall utilize a common well(s) which are considered a public water supply. See amended Hydrogeological Study and pump test by Sweet Associates dated 12/5/14. See DHHS Permit PSWID#92341, dated 4/14/2004.
[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.	Note 12 on Sheet S1. 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).	See note 12 on sheet S1. All dwelling units shall be served by privately owned drilled wells. Lots 95-103 and lot 62; and 23-25 shall have individual drilled wells. All other lots and dwellings and the Clubhouse shall utilize a common well(s) which are considered a public water supply. See amended Hydrogeological Study and pump test by Sweet Associates dated 12/5/14. See DHHS Permit PSWID#92341, dated 4/14/2004. The water supply system shall comply with the standards of the Maine Rules Relating to Drinking Water.
[3] Fire protection. [Amended 3-11-2002]	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.



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<p>[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:</p>	<p>See note 17 on sheet S2. The dry hydrant in Hobbs Pond shall be upgraded or relocated by the developer to the specifications of the Wells Fire Chief. The dry hydrant shall be upgraded prior to the issuance of a building permit. The proposed dry hydrant near the Clubhouse shall be installed prior to the issuance of a building permit for a lot exceeding .5 miles (2,640 linear feet) from the Hobbs Farm Road hydrant.</p> <p>An 8” dry hydrant is proposed adjacent to the Clubhouse/Event Hall. The dry hydrant is connected to an existing pond behind the Clubhouse. The useable gallons of this pond is approximately 2.3 million gallons. Details of the pond are found on sheet C7.7. The developer shall grant the Town of Wells an easement to the proposed Clubhouse fire pond and dry hydrant prior to the issuance of a building permit for a lot exceeding .5 miles in distance from the Hobbs Farm dry hydrant.</p> <p>The 3-unit Multifamily Dwellings on lot 54 may be required to be constructed with sprinkler systems.</p>
<p>[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</p>	<p>Proposed dry hydrant is to be owned by the Burnt Mill Estates subdivision and the existing dry hydrant in Hobbs Pond is located on the Ruth James parcel M63, Lot 1. The Fire Department has the right to use these hydrants for fire protection purposes. The Hobbs Pond dry hydrant may be relocated to the Hobbs Pond Road bridge to the specifications of the Wells Fire Chief.</p>
<p>[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.</p>	<p>A final letter from the Wells Fire Chief dated 12/3/2015 has been provided.</p>
<p>[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.</p>	<p>All driveways serving lots shall be located within 1 mile of the existing and proposed dry hydrants. If a driveway is located outside a 1 mile distance from a dry hydrant, the dwelling shall be constructed with a sprinkler system. See note 19 on sheet S2.</p>



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[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.
(c) Prior to the issuance of a building permit for the construction of any principal structure in a subdivision, the applicant shall present evidence of suitable water supply to the Code Enforcement Officer. This evidence shall consist of:	This is a condition of approval.
[1] A letter from the Kennebunk, Kennebunkport and Wells Water District indicating availability of service; or	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.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.
(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.	

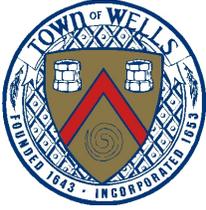


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<p>[1] The developer shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine licensed site evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules. In addition, on lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve areas shall be shown on the plan and restricted so as not to be built upon.</p>	<p>See note 9 on sheet S1. All dwellings shall be served by private subsurface disposal systems. Lots 95-97 shall have individual on-site systems. Lots 100-103 and 62? shall have individual systems located on an easement within the Open Space land. Lots 23-25 shall have individual systems located on easements on lots 23-25. All other lots and dwellings shall pump to a common treatment facility and subsurface system located within the Open Space land north of Old Mill Trail. See amended Hydrogeological Study and pump test by Sweet Associates dated 12/5/14. See DHHS approval letter dated 8/4/2015. All conditions in the DHHS letter shall be met. The proposed Clubhouse shall have an individual system in the Open Space. System locations may vary up to 10 feet with CEO written approval.</p> <p>Test Pits prepared by Mark Hampton, LSE #263 dated 11/17/2014. See sheets C5.1 to C5.9 for septic system locations. See Sheets S1 to S10 for septic easement areas for lots 95-97, 100-103 and 62?, and 23-25. Septic areas and test pits previously approved (6/27/2005) for Lots 95-103 and 23-25.</p>
<p>[2] In no instances shall a disposal area be permitted on soils or on a lot which requires a new system variance from the subsurface wastewater disposal rules.</p>	
<p>(4) Stormwater management. [Amended 4-27-2007]</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
<p>(a) Where a subdivision is traversed by a stream, river or surface water drainageway, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. This stormwater management system shall be designed by a registered professional engineer.</p>	<p>Stormwater Management Report prepared by Tom Greer, PE of Pinkham & Greer Civil Engineerins dated revised 12-19-2014. See sheets P1.0 to P1.18 for roadway plans and D1.1 to D3.0 for stormwater plans.</p> <p>DEP Permit Approval granted #L-21263-87-I-A/ L-21263-TH-J-N dated November 2015. Easements depicted on Sheets S1 to S10.</p>
<p>(b) Drainage easements for existing watercourses or proposed drainageways shall be provided and indicated on the plan.</p>	
<p>(c) The developer shall provide a statement from the designing engineer that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or in other properties. The engineer shall certify that peak runoff from the subdivision onto other properties shall not be increased either in volume or duration from the peak runoff characteristics existing prior to development.</p>	<p>Stormwater Management Report prepared by Tom Greer, PE of Pinkham & Greer Civil Engineerins dated revised 12-19-2014. See sheets P1.0 to P1.18 for roadway plans and D1.1 to D3.0 for stormwater plans.</p> <p>DEP Permit Approval granted #L-21263-87-I-A/ L-21263-TH-J-N dated November 2015. Easements depicted on Sheets S1 to S10.</p>



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(d) A stormwater management plan, meeting the standards of Chapter 201, Streets and Sidewalks, Articles II and III, Wells Municipal Code, shall be submitted.	Town Engineer has reviewed and found the plan to meet Town requirements.
(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.	DEP Permit Approval granted #L-21263-87-I-A/ L-21263-TH-J-N dated November 2015.
(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.
(g) For subdivisions outside of the watershed of a great pond that neither require a Site Location of Development permit, nor a MDEP permit pursuant to 38 M.R.S.A. § 420-D, a stormwater management plan shall be submitted which incorporates the low-impact development techniques set forth in Volume I, Chapter 3 of the Maine Stormwater Best Management Practices Manual, 2006 (LID Techniques) on each individual lot approved by the Planning Board when such LID Techniques are adopted by MDEP. At such time that the MDEP adopts the LID Techniques, the Planning Board shall adopt them for use in approving subdivisions for the Town of Wells.	Not applicable.
(h) For subdivisions located within the watershed of a great pond containing: 1. five or more lots or dwelling units created within any five-year period; or 2. any combination of 800 linear feet of new or upgraded driveways and/or streets, a stormwater management plan shall be submitted that meets the phosphorus allocation across the entire subdivision in accordance with the methodology described in the MDEP Phosphorus Design Manual, Volume II of the Maine Stormwater Best Management Practices Manual, 2006.	Not applicable.
(i) The Planning Board may require a hydrologic analysis for any site in areas with a history of flooding or in areas with a potential for future flooding, associated with cumulative impacts of development. This hydrologic analysis would be in the form of a “Downstream Analysis” under conditions of the ten-year, twenty-four-hour storm, the twenty-five-year, twenty-four-hour storm, and the one-hundred-year, twenty-four-hour storm, as described below:	Not required.

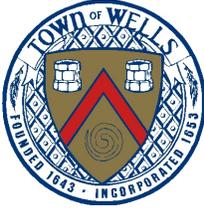


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		<p>[1] Downstream Analysis Methodology: The criteria used for the downstream analysis is referred to as the “10% rule.” Under the 10% rule, a hydrologic and hydraulic analysis for the ten-year, twenty-four-hour storm, the twenty-five-year, twenty-four-hour 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.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.
	(1) All streets in a subdivision shall meet Chapter 201, Streets and Sidewalks, Articles II and III, Wells Municipal Code.	A temporary fire truck turnaround shall be installed at the intersection of Trail Head Lane prior to the issuance of an occupancy permit for any lot within phase 3 as noted on sheet S2, note 29.
	(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:	Well House Way, Double Eagle Court, Greenview Drive, Trail Head Lane, Cidermill Lane, Little Meadow Court, Bryant Farm Lane, Parkland Drive, and Faxon Drive shall individually not exceed 200 trips per day in traffic generation. Lots 39 and 49 are restricted to have their vehicular access off of Old Mill Trail to ensure Trail Head Lane does not exceed the 200 trip generation.
	(a) Single-family house: 10.0 trips per day per unit.	Storer Lane shall be extended (privately) and connect to the proposed Old Mill Trail road which shall connect to the existing Hobbs Farm Road. An agreement has been reached with the abutters (Arthur Conley, LCC) to be recorded at the YCRD. These connections serve the over 200 trips per day in traffic generated by all units proposed on the northeast side of Hobbs Farm Road. The distance from Storer Lane to Old Mill Trail exceeds 400 linear feet. Hobbs Farm Road further connects to Route 9A and to Meetinghouse Road.
		154 x 10.0 = 1540.00 trips per day for the residential cluster development lots.
	(b) Residential condominium: 5.9 trips per day per unit.	20x 10.0 = 200 trips per day for the multifamily development lot. The entrances serving lot 54 are located 400 linear feet apart along Hobbs Farm Road. See note on sheet 6.19.
	(c) Motel: 10.2 trips per day per room.	

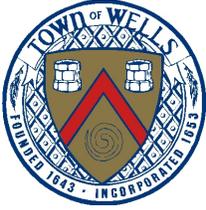


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	(d) Industrial: 7.0 trips per day per 1,000 square feet of floor space.	
(3)	In any subdivisions located in the Residential A Zoning District or east of U.S. Route 1 provisions shall be made for the interconnection of proposed streets with other subdivisions or adjacent properties if it is determined to be practical and desirable by the Planning Board.	Subdivision note located in the RA zone or East of Route One.
H.	Land features.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.
(1)	Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas and building excavations. Topsoil shall not be removed from the site until completion of construction and inspection by the Town to assure four inches of topsoil has been spread over all areas to be grassed.	This is a condition of approval.
(2)	Except for normal thinning, landscaping and cutting trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion. The Board shall require a developer to take the following measures to correct and prevent soil erosion in the proposed subdivision: [Amended 4-27-2007]	This is a condition of approval.
	(a) The proposed subdivision shall prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties.	
	(b) The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.	See applicable sheets in C3, C6 and C7 plan series for Erosion and Sedimentation Control Best Management Practices.
	(c) Cutting or removal of vegetation along waterbodies shall not increase water temperature or result in shoreline erosion or sedimentation.	
	(d) Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.	
(3)	To prevent soil erosion of shoreline areas the cutting or removal of vegetation shall only be permitted as regulated in § 145-33 of Chapter 145, Land Use, of the Wells Municipal Code.	This is a condition of approval. See notes 23 and 24 on sheet S2.
(4)	Dedication and maintenance of common open space and services.	Burnt Mill Estates HOA documents provided and prepared by Joe Carleton, Attorney. Town Attorney and Town Engineer review completed of the HOA documents and have been found to be acceptable. See Town Attorney memo dated 12/4/15.
	(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.	All common land and private roads to be owned by the HOA.



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(b) Further subdivision of the common land or its use for other than noncommercial recreation or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to noncommercial recreational or conservation uses may be erected on the common land.	
(c) The common open space shall be shown on the final plan with appropriate notation on the plan to indicate that:	
[1] It shall not be used for future building lots; and	
[2] A part or all of the common open space may be dedicated for acceptance by the municipality.	
(d) If any or all of the common open space and services are to be reserved for use by the residents, the bylaws of the proposed homeowners' association shall specify maintenance responsibilities and shall be submitted to the Board prior to final plan approval.	
(e) Covenants for mandatory membership in the homeowners' association setting forth the owners' rights, interests and privileges in the association and the common property shall be reviewed by the Board and included in the deed for each lot or dwelling.	
(f) The homeowners' association shall have the responsibility of maintaining the common property.	
(g) The association shall levy annual charges against all owners of dwelling units to defray the expenses connected with the maintenance of common property and tax assessments.	
(h) The developer or subdivider shall maintain control of the common property and be responsible for its maintenance until development sufficient to support the association has taken place.	
(5) Construction in flood hazard areas. When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency, the plan shall conform with Chapter 115, Floodplain Management, of the Wells Municipal Code.	See note 11 on sheet S1. The parcel was identified to partially be located within Flood Zone AE (Elevation 130 to 131) of Flood Insurance Rate Map 2301580010D.
(6) Impact on groundwater.	
(a) When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:	Nitrate plumes done by Sweet Associates in report dated 12/04/2014 entitled “Amended Groundwater Impact Study, Burnt Mill Country Club.” See Sheets D5.1 to C5.9.
[1] A map showing the basic soils types.	
[2] The depth of the water table at representative points throughout the subdivision.	
[3] Drainage conditions throughout the subdivision.	
[4] Data on the existing groundwater quality, either from test wells in the subdivision or from existing wells on neighboring properties.	



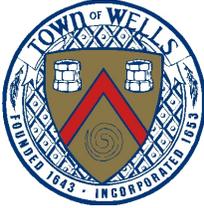
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<p>[5] An analysis and evaluation of the effect of the subdivision on groundwater resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post-development nitrate-nitrogen concentrations at any 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.</p>	
<p>[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.</p>	
<p>(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.</p>	
<p>(c) Projections of groundwater quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).</p>	
<p>(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.</p>	
<p>(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.</p>	
<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>[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.</p>	

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

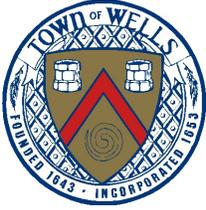


Town of Wells, Maine

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(1)	<p>With submittal of the application for final plan approval, the applicant shall provide any one or a combination of the following performance guaranties for an amount adequate to cover the total site preparation and construction costs of all required improvements, taking into account the time span of the construction schedule and the inflation rate for construction costs:</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>See note 29 on sheet S2.</p>
	(a) Either a certified check payable to the municipality or a savings account or certificate of deposit naming the municipality as owner for the establishment of an escrow account.	To be determined at the pre-construction meeting.
	(b) A performance bond payable to the municipality issued by a surety company approved by the municipal officers or Town Manager.	To be determined at the pre-construction meeting.
	(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.	To be determined at the pre-construction meeting.
	(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.	The sale of lots or units is prohibited until the pre-construction meeting is held and determinations are mutually made by the developer and Town regarding performance guarantees required.
(2)	<p>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.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>To be determined at the pre-construction meeting.</p>
B.	<p>Contents of guaranty. The performance guaranty shall contain a construction schedule, cost estimates for each major phase of construction, taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guaranty to the developer and a date after which the applicant will be in default, and the municipality shall have access to the funds to finish construction. The Board may require the services of a third party inspector, to be paid for at the expense of the applicant upon recommendation of the Town Manager.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>To be determined at the pre-construction meeting.</p>



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

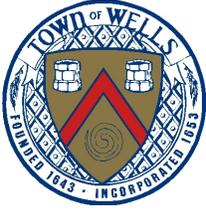


Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS Final Subdivision Amendment Application for “Burnt Mill Estates“ Page 20 of 23

G.	<p>Phasing of development. The Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by a performance guaranty. When development is phased, road construction shall commence from an existing public way. The subdivision shall be divided in such a manner that each phase, when aggregated with the previous phase(s), shall meet the standards of these regulations. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.</p>	<p style="text-align: center;">THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>See note 29 for complete phasing requirements.</p>
H.	<p>Release of guaranty. Prior to the release of any part of the performance guaranty, the Board shall determine to its satisfaction, in part upon the report of the Town Manager and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.</p>	<p style="text-align: center;">THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
I.	<p>Default. If upon inspection the third party inspector, Municipal Engineer or other qualified individual retained by the municipality finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he or she shall so report in writing to the Code Enforcement Officer, the municipal officers, the Board and the applicant or builder. The municipal officers shall take any steps necessary to preserve the municipality's rights.</p>	<p style="text-align: center;">THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
J.	<p>Private streets. Where the subdivision streets are to remain private streets, the following words shall appear on the recorded plan: "All streets in this subdivision shall remain private roads to be maintained to Town standards by the developer or the lot owners and shall not be accepted or maintained by the Town."</p>	<p style="text-align: center;">THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>See proposed note 26.</p>
K.	<p>Improvements guaranteed. Performance guaranties shall be tendered for all improvements required to meet the standards of these regulations and for the construction of the public or private streets, stormwater management facilities, public or private sewage collection or disposal facilities and water systems that are shared by multiple dwelling units and erosion and sedimentation control measures, as well as any other improvements required by the Board.</p>	<p style="text-align: center;">THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>Established of the type, form and conditions of the Performance Guarantee is required at the pre-construction meeting.</p>

§ 202-2. Purpose, criteria for approval.	Findings & Decisions
<p>The purposes of these regulations are to assure the comfort, convenience, safety, health and welfare of the people of the Town of Wells, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Wells, Maine, the Planning Board shall consider the following criteria and, before granting approval, shall make findings of fact that the provisions of these regulations have been met and that the proposed subdivision will meet the guidelines of 30-A M.R.S.A. § 4404.</p>	
<p>A. The subdivision:</p>	<p>The Planning Board finds that these standards shall be met.</p>



Town of Wells, Maine

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Final Subdivision Amendment Application for “Burnt Mill Estates“
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	(1) Will not result in undue water or air pollution. In making this determination, the Board shall at least consider the elevation of the land above sea level and its relation to the floodplains; the nature of soils and subsoils and their ability to adequately support waste disposal; and the slope of the land and its effect on effluents;	
	(2) Has sufficient water available for the reasonably foreseeable needs of the subdivision;	
	(3) Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;	
	(4) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;	
	(5) Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;	
	(6) Will provide for adequate solid and sewage waste disposal;	
	(7) Will not cause an unreasonable burden on the ability of the Town to dispose of solid waste and sewage if municipal services are to be utilized;	
	(8) Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;	
	(9) Is in conformance with this chapter, the Comprehensive Plan for the Town and Chapter 145, Land Use, of the Wells Municipal Code, as amended;	
	(10) Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of the body of water or unreasonably affect the shoreline of that body of water; and	
	(11) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;	
B.	The subdivider has adequate financial and technical capacity to meet the above-stated standards;	The Planning Board finds that these standards shall be met.
C.	If any part of a subdivision is located in a flood-prone area, as indicated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Maps, the subdivider shall determine the one-hundred-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan shall include a condition requiring that principal structures will be constructed with their lowest floor, including the basement, at least one foot above the one-hundred-year flood elevation; and	The Planning Board finds that these standards shall be met. Subdivision identified to be partially located within Flood Zone AE. Plans note elevation 130 -131. See note 11 on sheet S1.
D.	The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorous concentration during the construction phase and life of the proposed subdivision.	The Planning Board finds that these standards shall be met. Hobbs Pond is considered a Great Pond. Planning Board found this requirement to be satisfied on 12/7/15. No homes or septic systems proposed within 500 feet of Hobbs Pond. An Integrated Pest Management (IPM) Plan is required as a condition of the MDEP permit which limits pesticides, herbicides, and fertilizers.



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS

Final Subdivision Amendment Application for "Burnt Mill Estates"

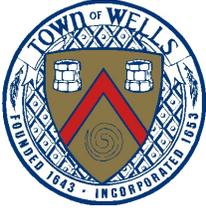
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STANDARD CONDITIONS OF APPROVAL

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

SPECIAL CONDITIONS OF APPROVAL

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



Town of Wells, Maine

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4. Upon completion of construction per phased approval, the applicant shall provide to the Town record as-built drawings of the roadway, drainage, lot Monumentation and utility related construction work.
5. The developer shall grant the Town of Wells an easement to the proposed Clubhouse fire pond and dry hydrant prior to the issuance of a building permit for a lot exceeding .5 miles in distance from the Hobbs Farm dry hydrant.
6. The dry hydrant in Hobbs Pond shall be upgraded or relocated by the developer to the specifications of the Wells Fire Chief. The dry hydrant shall be upgraded, tested and approved by the Wells Fire Department prior to the issuance of a building permit. The proposed dry hydrant near the Clubhouse shall be installed, tested and approved by the Wells Fire Department prior to the issuance of a building permit for a lot exceeding .5 miles (2,640 linear feet) from the Hobbs Farm Road hydrant.
7. The secondary emergency access road agreement and lot line agreement between Burnt Mill Holding Company, LLC and Arthur Conley, LLC shall be recorded at the York County Registry of Deeds prior to the issuance of a building permit or prior to the pre-construction meeting or within 90 days of this subdivision approval, which ever is to occur first.
8. Deeds conveying Lots 11, 31, 95 and 99 to existing unit owners shall be rcorded at the York Country Registry of Deeds prior to the issuance of a building permit or prior to the pre-construction meeting or within 90 days of this subdivision approval, which ever is to occur first.

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

Wells Planning Board

By: _____
Charles Millian, Chairman

Town of Wells , Maine Review Checklist
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Project Name/District: Burnt Mill Subdivision Amendment - Rural and 75'
Shoreland Overlay District - Tax Map 62, Lots 8, 12, and 13
and Map 63, Lot 7

Date of Review: 10-12-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

Article V District Regulations

A. Purpose.

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

§ 145-30. Rural District.		Application Meet Requirements			
		Yes	No	NA	Comments
B.	Permitted uses. The following uses are permitted upon obtaining any required permits from the Code Enforcement Officer:				
(1)	Animal husbandry.			NA	
(2)	Agriculture.			NA	
(3)	Cemetery having an area less than 20,000 square feet and containing no buildings.			NA	
(4)	Dwelling, one-family. (See also § 145-55)	Y			Single family units are identified as SF on sheets S1 and S2. A total of 46 single dwelling units/ lots are proposed and 4 single family units exist via conveyances for a total of 50 single family dwelling units. (See Density Area Calculation Table on sheet S1)
(5)	Dwelling, two-family.	Y			Two-family units (Duplexes) are identified as DP on sheets S1 and S2. A total of 104 dwelling units/ 52 lots are proposed. (See Density Area Calculation Table on sheet S1)
(6)	Dwelling, multifamily. (See also § 145-48)	Y			Multifamily dwelling units are identified as MF on sheets S1 and S2. A total of 20 dwelling units on 1 lot are proposed. 3 buildings on this lot may consist of 3 units within one building (multifamily dwelling). (See Density Area Calculation Table on sheet S1)

Town of Wells , Maine Review Checklist
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Project Name/District: Burnt Mill Subdivision Amendment - Rural and 75'
Shoreland Overlay District - Tax Map 62, Lots 8, 12, and 13
and Map 63, Lot 7

Date of Review: 10-12-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

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

Town of Wells , Maine Review Checklist
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Project Name/District: Burnt Mill Subdivision Amendment - Rural and 75' Shoreland Overlay District - Tax Map 62, Lots 8, 12, and 13 and Map 63, Lot 7

Date of Review: 10-12-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-30. Rural District.		Application Meet Requirements			
		Yes	No	NA	Comments
(16)	Recreation, low-intensity commercial.	Y*			See separate site plan approval.
(17)	Restaurant (standard) containing fewer than 75 seats.	Y*			See separate site plan approval.
(18)	Sawmill.			NA	
(19)	School, public and private.			NA	
(20)	School, vocational-technical, served by public water and sewer and located east of the turnpike and south of Route 109. [Added 4-18-1995]			NA	
(21)	Tent and recreational vehicle park.			NA	
(22)	Transmission tower, radio.			NA	
D.	Accessory uses. Accessory uses are permitted when they are clearly incidental to the permitted use; subordinate, individually and in the aggregate, to the permitted use; and located on the same lot as the permitted use being served. Home businesses as regulated in § 145-51 are accessory uses.	Y			The subdivision proposes 70%+ open space area or 253.4 acres. Of the 253.4 acres 3.37 acres or 1.33% is considered non-dedicated (these areas include the Clubhouse, Fitness Center, Kids Club, Maintenance Buildings, etc). Of the 253.4 acres 250.3 acres is Dedicated Open Space or 66.69 %. Of this 66.69%, 8.55% is considered Golf Course. Sheet 1 states Dedicated & Non-Dedicate open spaces areas to the Density Area Calculation Table. See sheet 11.
E.	Uses prohibited. Except as permitted in § 145-12, Nonconforming uses, and in Article VI, Town-Wide Regulations, uses not identified in Subsections B, C and D are prohibited within this district.	Y			
F.	Dimensional requirements.				(See table on sheet S1) and notes on sheet S1.
(1)	Minimum lot size:				

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Project Name/District: Burnt Mill Subdivision Amendment - Rural and 75'
Shoreland Overlay District - Tax Map 62, Lots 8, 12, and 13
and Map 63, Lot 7

Date of Review: 10-12-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-30. Rural District.				Application Meet Requirements			
				Yes	No	NA	Comments
	(a)	One hundred thousand square feet of net area.	Y*			See note 10 on sheet S1. "Minimum lot size: 100,000 SF of net area. Per 145-49C minimum lot size: 20,000 SF of net area if not served by public sewer." All cluster lot areas provided on sheets S3 to S10 and cluster lot sizes are shown to meet this size requirement. See note 9 on sheet S1. See recommended notes 9 and 12. The subdivision is not served by the Wells Sanitary District.	
	(b)	Forty thousand square feet if located east of the Maine Turnpike and connected to public sewer.			NA	The subdivision is not served by the Wells Sanitary District.	
	(2)	Maximum density: [Amended 4-28-1995]					
	(a)	One dwelling unit for each 100,000 square feet of net area.	Y			See note 10 on sheet S1. See Density Area Calculation Table on sheet S1. Net area is 13,403,315 SF which allows 134 dwelling units. The Planning Board granted a total of 30% in density bonuses which allows 174 dwelling units.	
	(b)	One dwelling unit for each 40,000 square feet of net area if located east of the Maine Turnpike and connected to public sewer.			NA	The subdivision is not served by the Wells Sanitary District.	
	(c)	Four housekeeping cottages or seasonal cottages per acre of net area. [Amended 4-12-2003; 6-13-2006 <i>Editor's Note: This ordinance provided that it shall be retroactive to any application for site plan approval and any application to amend an existing site plan to the extent the amendment proposes additional cottage units that has not received final approval from the Planning Board on 4-25-2006.</i>			NA	No cottage units located on this parcel.	

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Project Name/District: Burnt Mill Subdivision Amendment - Rural and 75' Shoreland Overlay District - Tax Map 62, Lots 8, 12, and 13 and Map 63, Lot 7

Date of Review: 10-12-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-30. Rural District.		Application Meet Requirements			
		Yes	No	NA	Comments
(3)	Minimum street frontage per lot: 200 feet, which may be reduced to 150 feet for lots fronting entirely on a cul-de-sac. The minimum street frontage for a lot containing a one-family dwelling (in conjunction with a one-family dwelling, a day-care home or day-care center/nursery school may be permitted if the driveway is paved to a width of at least 16 feet and has a gravel base of at least 20 feet in width), an agricultural, animal husbandry or a timber harvesting use may be reduced to 50 feet provided that the total lot area is at least 200,000 square feet; the access driveway shall extend to the house and shall not be longer than 750 feet with a grade and width adequate to permit access by fire, police and other emergency vehicles; and any structure on the lot shall be located at least 50 feet from any lot line. No more than two such lots shall have contiguous street frontage.	Y			See note 10. Minimum street frontage of Rural Zone noted Minimum street frontage of cluster lots noted. Lots shall meet the street frontage minimum of 50 feet per 145-49 as shown on sheets S3 to S10.
(4)	Maximum lot coverage: 20% or 4,000 square feet, whichever is the greater.	Y			See Note 10 all lots and clustered lots proposed must meet 20% lot coverage maximum or per 145-49, 40% lot coverage is permitted on lots smaller than 40,000 SF in area. Open space lot coverage shall not exceed 2%; see note 10 on sheet S1 The multifamily development Lot sheet C6.19 must note the Open Space area less the lot area proposed (2,000,065 sf – 200,270 = 1,799,795 SF of dedicated Open Space provided for the Multifamily Development Lot.). The lot coverage of the Multifamily Development Lot can be based on the open space provided plus the lot size for a total area of 2,000,065 SF. This should be noted within Note 10 for the “Multifamily Development Lot” requirements and on sheet C6.19 and/or sheet S7.

Town of Wells , Maine Review Checklist
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Project Name/District: Burnt Mill Subdivision Amendment - Rural and 75' Shoreland Overlay District - Tax Map 62, Lots 8, 12, and 13 and Map 63, Lot 7

Date of Review: 10-12-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-30. Rural District.		Application Meet Requirements			
		Yes	No	NA	Comments
(5)	Maximum building height: 40 feet, not to exceed three stories. (See § 145-35I.)	Y			See note 10 on sheet S1.
(6)	Setbacks.	Y			Setbacks for the residential cluster subdivision lots see note 10 on sheet S1 as: 15' from any abutting lot line, 20' from an abutting street right of way within the subdivision, and 25' from any lot line abutting a street right of way, 40' from a state highway right of way (Route 9A) and 50' from any lot line abutting a non-clustered residential lot per 145-49C(4). See note 10 for setbacks for the multifamily development lot: 25' from the abutting lot line. 30' building separation requirement to be noted as well. 25' setback/buffer to be shown on sheet C6.19 and C6.20. Buildings, patios, walkways, etc cannot be located within the 25' setback/buffer for the multifamily development lot. Open space lots with any potential development proposed depict setback requirements.
(a)	All structures shall be at least:				
[1]	Twenty-five feet from any lot line.	Y			See note 10 on sheet S1.
[2]	Twenty-five feet from any lot line abutting any street right-of-way.	Y			See note 10 on sheet S1.
[3]	Forty feet from any lot line abutting the right-of-way of any state highway.	Y			Lots abutting Route 9A require a 40' setback.

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Project Name/District: Burnt Mill Subdivision Amendment - Rural and 75' Shoreland Overlay District - Tax Map 62, Lots 8, 12, and 13 and Map 63, Lot 7

Date of Review: 10-12-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-30. Rural District.				Application Meet Requirements			
				Yes	No	NA	Comments
		[4]	Twenty-five feet from the boundary of any cemetery.	Y			See note 10 on sheet S1. A 25' no disturb buffer/setback is shown around existing cemeteries within or abutting the subdivision. Sheet 4 notes the sheet numbers to refer to for limits of disturbance for cemetery along Storer Lane.
		(b)	All structures and parking lots shall be located at least 200 feet from the high-water line of the Merriland River (including Hobbs Pond), the Webhannet River, Ogunquit River, Perkins Brook and West Brook.	Y			See Note 10 on sheet S1. Applicable plan sheets depict the 200' setback line.
		(c)	Each housekeeping cottage or seasonal cottage shall be placed at least 25 feet from any other housekeeping or seasonal cottage on the site. [Added 6-13-2006 <i>Editor's Note: This ordinance provided that it shall be retroactive to any application for site plan approval and any application to amend an existing site plan to the extent the amendment proposes additional cottage units that has not received final approval from the Planning Board on 4-25-2006.</i>			NA	No such uses exist or are proposed on the parcel.
Note: See also §§ 145-13, Nonconforming structures, 145-14, Nonconforming lots, 145-33, Shoreland Overlay District, 145-48, Multifamily developments, and 145-49, Cluster residential development.				Y			The parcels must comply with 145-33, 145-49 and 145-48
G.	Special provisions. All proposed residential subdivisions containing more than four dwelling units shall be developed according to the provisions of § 145-48, Multifamily developments, or § 145-49, Residential Cluster Development. The Planning Board may waive this requirement for projects containing fewer than 20 lots if it determines that a cluster development as regulated in § 145-49 is not practical because of the configuration of the original lot or because of its natural features.			Y			A residential subdivision is proposed and will be development to comply with 145-49 and 145-48.

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Project Name/District: Burnt Mill Subdivision Amendment - Rural and 75' Shoreland Overlay District - Tax Map 62, Lots 8, 12, and 13 and Map 63, Lot 7 Date of Review: 10-12-16

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

Article V District Regulations

The provisions of this section shall apply to all uses, lots and structures within the Shoreland Overlay District.

A. Purpose.

The purpose of this district is to prevent and control water pollution; to protect fish spawning grounds, aquatic life and bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to conserve shore cover; and to preserve access to inland and coastal waters.

§ 145-33. Shoreland Overlay District.		Application Meet Requirements			
		Yes	No	NA	Comments
B.	Setbacks from water bodies and wetlands. All roads, driveways and structures, except those required to control drainage or water movement and those needed for water-dependent uses, shall comply with the following setback requirements or those of the underlying district, whichever is greater:				
(1)	The minimum setback from the upland edge of a wetland shall be 75 feet, which may be reduced to the average of the setbacks of structures within 200 feet of the proposed structure on lots abutting the wetlands but shall not be less than 25 feet. [Amended 4-16-1999]			NA	
(2)	The minimum setback from the high-water line of Ell Pond shall be 100 feet.			NA	
(3)	The minimum setback on the ocean side of Wells Beach, Drakes Island and Moody Beach shall be 20 feet from the sea wall. Where there is no sea wall, the setback shall be from a theoretical sea wall line extrapolated from the existing sea walls.			NA	
(4)	The minimum setback from all other water bodies shall be 75 feet from their high-water line.	Y			Per 145-30F(6)(b) the 200' setback from the high-water line of the Merriland River and Hobbs Pond noted on the plan. 200' setback line labelled and shown on all applicable sheets

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Company Name: Town of Wells

§ 145-33. Shoreland Overlay District.		Application Meet Requirements			
		Yes	No	NA	Comments
C.	Shore frontage.				
(1)	A lot within the Shoreland Overlay District with frontage on a freshwater water body or freshwater wetland, including all streams, shall have a minimum shore frontage of 200 feet. [Amended 4-19-1997]		Y		The parcel has more than 200 feet of frontage along the Merriland River and Hobbs Pond. This requirement noted on sheet S1.
(2)	A lot within the Shoreland Overlay District with frontage on a tidal water body shall have a minimum shore frontage of 150 feet.			NA	
D.	Performance standards for agriculture and animal husbandry uses.		Y		The agricultural land open space use must adhere to this section and shall be noted on the plan and within the HOA documents. See note 23 on sheet S2.
(1)	All spreading or disposal of manure shall be done according to the Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the University of Maine and the Maine Soil and Water Conservation Commission in July 1972.				
(2)	Manure shall not be stored or stockpiled within 100 feet horizontal distance of Ell Pond or within 75 feet horizontal distance of other water bodies, tributary streams or wetlands. Manure storage areas which existed before December 14, 1991, and which do not meet the setback requirement may remain after December 14, 1996, only if the storage area produces no discharge of effluent or contaminated stormwater runoff.				
(3)	There shall be no new tilling of soil or clearing of trees or other vegetation for agricultural use within 100 feet of Ell Pond, within 25 feet of tributary streams and wetlands or within 75 feet of other water bodies.				

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Project Name/District: Burnt Mill Subdivision Amendment - Rural and 75'
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Date of Review: 10-12-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-33. Shoreland Overlay District.		Application Meet Requirements			
		Yes	No	NA	Comments
(4)	Agricultural activities involving tillage of soil greater than 40,000 square feet in surface area or the spreading, disposal or storage of manure shall require a conservation plan which meets the standards of the State Soil and Water Conservation Commission and is approved by the York County Soil and Water Conservation District. Noncompliance with the provisions of such conservation plan shall be considered to be a violation of this chapter.				
(5)	Livestock grazing areas are prohibited within 100 feet of the high-water line of Ell Pond, within 25 feet of tributary streams and wetlands and within 75 feet of other waterbeds. Livestock grazing associated with ongoing farm activities and which is not in conformance with the above setback provisions may continue, provided that such grazing is conducted according to a plan approved by the York County Soil and Water Conservation District.				
E.	Clearing of vegetation for development.	Y			Clearing of vegetation is proposed within the Shoreland Overlay District for two trees and a kayak/canoe rack. This section shall be adhered to. See note 24 on sheet S2.
(1)	In the development of a permitted use, a buffer strip of vegetation shall be preserved within the strip of land extending 100 feet inland from the high-water line of Ell Pond and 75 feet from any other water body, tributary stream or the upland edge of a wetland, as follows:				

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Date of Review: 10-12-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-33. Shoreland Overlay District.				Application Meet Requirements											
				Yes	No	NA	Comments								
		(a)	There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed 10 feet in width as measured between tree trunks is permitted, provided that a cleared line of sight to the water through the buffer strip is not created. Within 100 feet of the high-water line of Ell Pond the width of the footpath shall be limited to six feet.												
		(b)	<p>Selective cutting of trees within the buffer strip is permitted provided that a well-distributed stand of trees and other vegetation is maintained. For the purposes of this section, a "well-distributed stand of trees and other vegetation" adjacent to Ell Pond shall be defined as maintaining a rating score of 12 or more in any twenty-five-foot by twenty-five-foot square area (625 square feet) as determined by the following rating system:</p> <table style="margin-left: 20px;"> <tr> <td>Diameter of Tree at 4 1/2 Feet Above Ground Level (inches)</td> <td>Points</td> </tr> <tr> <td>2 to 4</td> <td>1</td> </tr> <tr> <td>Over 4 to 12</td> <td>2</td> </tr> <tr> <td>Over 12</td> <td>4</td> </tr> </table>	Diameter of Tree at 4 1/2 Feet Above Ground Level (inches)	Points	2 to 4	1	Over 4 to 12	2	Over 12	4				
Diameter of Tree at 4 1/2 Feet Above Ground Level (inches)	Points														
2 to 4	1														
Over 4 to 12	2														
Over 12	4														
		[1]	Next to other water bodies, tributary streams and wetlands a "well-distributed stand of trees and other vegetation" is defined as maintaining a minimum rating score of eight per twenty-five-foot square area.												

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Date of Review: 10-12-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-33. Shoreland Overlay District.				Application Meet Requirements			
				Yes	No	NA	Comments
		[2]	Notwithstanding the above provisions, no more than 40% of the total volume of trees four inches or more in diameter measured 4.5 feet above ground level may be removed in any ten-year period.				
		(c)	To protect water quality and wildlife habitat adjacent to Ell Pond, existing vegetation under three feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described in Subsections E(1)(a) and (b) above.				
		(d)	Pruning of tree branches on the bottom 1/3 of the tree is permitted.				
		(e)	To maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.				
		(f)	This Subsection E(1) shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the minimum area necessary.				

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Date of Review: 10-12-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-33. Shoreland Overlay District.		Application Meet Requirements			
		Yes	No	NA	Comments
(2)	At distances greater than 100 feet from Ell Pond and 75 feet from the high-water line of any other water body, tributary stream or the upland edge of a wetland, except to allow for the development of permitted uses, there shall be permitted on any lot, in any ten-year period, selective cutting of not more than 40% of the volume of trees four inches or more in diameter measured 4.5 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty-percent calculation. Cleared openings for development, including but not limited to principal and accessory structures, driveways and sewage disposal systems, shall not exceed in the aggregate 25% of the lot area or 10,000 square feet, whichever is greater, including land previously developed. This provision shall not apply within those portions of the Shoreland Overlay District in which the underlying district is the Harbor District, the Beach Business District or the General Business District.				
(3)	Cleared openings legally in existence on the effective date of this chapter may be maintained but shall not be enlarged, except as permitted by this chapter.				
(4)	Fields which have reverted to primarily shrubs, trees or other woody vegetation shall be regulated under the provisions of this section.				
F.	Roads and driveways. The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.			NA	No new roadways or driveways are proposed within the Shoreland Overlay District of this parcel.

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Project Name/District: Burnt Mill Subdivision Amendment - Rural and 75'
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Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-33. Shoreland Overlay District.		Application Meet Requirements			
		Yes	No	NA	Comments
(1)	Roads and driveways shall comply with the setback requirements of Subsection B unless no reasonable alternative exists as determined by the Zoning Board of Appeals. If no other reasonable alternative exists, the Zoning Board of Appeals may reduce the road and/or driveway setback requirement upon a clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the wetland, tributary stream or water body. Such techniques may include, but are not limited to, the installation of settling basins and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream or wetland.				
(a)	On slopes of greater than 20% the road and/or driveway setback shall be increased by 10 feet for each five-percent increase in slope above 20%.				
(b)	This section shall not apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures or facilities located near the shoreline due to operational necessity.				
Note: See also §§ 145-13, Nonconforming structures, and 145-14, Nonconforming lots.					
(2)	An existing public street may be expanded within the street right-of-way, whatever its setback from a water body, tributary stream or wetland.				
(3)	Road banks shall not be steeper than a slope of one vertical to two horizontal and shall be graded and stabilized to prevent erosion and stream sedimentation.				
(4)	Road grades shall not be greater than 10% except for segments of less than 200 feet in length.				

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Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-33. Shoreland Overlay District.		Application Meet Requirements			
		Yes	No	NA	Comments
(5)	To prevent road surface drainage from directly entering water bodies, tributary streams or wetlands, roads shall be designed, constructed and maintained to empty onto an undisturbed buffer strip at least 50 feet, plus two feet times the average percent slope, in width between the outflow point of the ditch or culvert and the high-water line of a water body, tributary stream or upland edge of a wetland. Road surface drainage which is directed to an undisturbed buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.				
(6)	Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed to effectively direct drainage onto undisturbed buffer strips before the flow in the road or ditches gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply:				

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Project Name/District: Burnt Mill Subdivision Amendment - Rural and 75'
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Date of Review: 10-12-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-33. Shoreland Overlay District.			Application Meet Requirements																	
			Yes	No	NA	Comments														
	(a)	<p>Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:</p> <table style="margin-left: 40px;"> <thead> <tr> <th>Road Grade (percent)</th> <th>Spacing (feet)</th> </tr> </thead> <tbody> <tr> <td>0 to 2</td> <td>250</td> </tr> <tr> <td>3 to 5</td> <td>200 to 135</td> </tr> <tr> <td>6 to 10</td> <td>100 to 80</td> </tr> <tr> <td>11 to 15</td> <td>80 to 60</td> </tr> <tr> <td>16 to 20</td> <td>60 to 45</td> </tr> <tr> <td>21+</td> <td>40</td> </tr> </tbody> </table>	Road Grade (percent)	Spacing (feet)	0 to 2	250	3 to 5	200 to 135	6 to 10	100 to 80	11 to 15	80 to 60	16 to 20	60 to 45	21+	40				
Road Grade (percent)	Spacing (feet)																			
0 to 2	250																			
3 to 5	200 to 135																			
6 to 10	100 to 80																			
11 to 15	80 to 60																			
16 to 20	60 to 45																			
21+	40																			
	(b)	Drainage dips may be used in place of ditch relief culverts only where the road grade is 10% or less.																		
	(c)	On road sections having slopes greater than 10%, ditch relief culverts shall be placed across the road at approximately a sixty-degree angle downslope from the center line of the road.																		
	(d)	Ditch relief culverts shall be sufficiently sized and properly installed to effectively function, and their inlet and outlet ends shall be stabilized with appropriate materials.																		
	(7)	Ditches, culverts, bridges, dips, water turnouts and other stormwater runoff control installations associated with roads shall be maintained regularly to ensure effective functioning.																		

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Project Name/District: Burnt Mill Subdivision Amendment - Rural and 75'
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Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-33. Shoreland Overlay District.		Application Meet Requirements			
		Yes	No	NA	Comments
G.	Piers, docks, wharves, breakwaters, causeways, marinas, bridges and other structures and uses extending over or beyond the high-water line of a water body, stream or within a wetland. In addition to federal or state permits which may be required for such structures and uses, they shall conform to the following:			NA	The plan identifies two boat racks. If considered a structure, the racks must also meet the 200' setback from Merriland River/ Hobbs Pond. See notes on sheet C6.9
(1)	Shore access shall be developed on soils appropriate for such use and constructed to control erosion.				
(2)	The location shall not interfere with developed or natural beach areas.				
(3)	The facility shall be located to minimize adverse effects on fisheries.				
(4)	The facility shall not be larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use and character of the area.				
(5)	No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.				
(6)	No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.				
(7)	Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the high-water line of a water body or within a wetland shall not exceed 20 feet in height above the pier, wharf, dock or other structure.				
H.	Timber harvesting.			NA	No such use is proposed.

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Project Name/District: Burnt Mill Subdivision Amendment - Rural and 75'
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Date of Review: 10-12-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-33. Shoreland Overlay District.		Application Meet Requirements			
		Yes	No	NA	Comments
(1)	No accumulation of slash shall be left within 50 feet of the high-water line of a water body. In all other areas all slash shall either be removed or disposed of in such a manner that it lies on the ground and no part of it extends more than four feet above the ground. Any debris that falls below the high-water line of a water body shall be removed from the water body.				
(2)	Except for water crossings, all skid trails, log yards and other sites where the operation of logging machinery results in the exposure of mineral soil shall be located such that an undisturbed filter strip of vegetation of at least 75 feet in width for slopes of up to 10% shall be retained between the exposed mineral soil and the high-water line of a water body or upland edge of a wetland. For each ten-percent increase in slope, the undisturbed strip shall be increased by 20 feet. The provisions of this Subsection H(2) apply only to a face sloping toward the water body or wetland; provided, however, that no portion of such exposed mineral soil on a back face shall be closer than 25 feet to the high-water line of a water body or upland edge of a wetland.				
(3)	Harvesting operations shall be conducted in such a manner and at such a time that minimal soil disturbance results. Adequate provisions shall be made to prevent soil erosion and sedimentation of surface waters. Timber harvesting equipment shall not use stream channels as travel routes except when surface waters are frozen and the activity will not result in any ground disturbance.				

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Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-33. Shoreland Overlay District.		Application Meet Requirements			
		Yes	No	NA	Comments
(4)	All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.				
(5)	Skid trail approaches to water crossings shall be located and designed to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.				
(6)	Selective cutting of no more than 40% of the total volume of trees four inches or more in diameter, measured 4.5 feet above ground level, on any lot in any ten-year period is permitted. These standards shall not apply to activities necessary and resulting from wind damage, fire and removal of dead trees. Trees and other vegetation killed by natural causes (e.g., beaver or insects) shall not be counted in determining either the original volume or the volume removed. In addition:				
(a)	Within 100 feet of the high-water line of Ell Pond and within 75 feet of the high-water line of other water bodies, tributary streams or the upland edge of a wetland, a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.				

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Company Name: Town of Wells

§ 145-33. Shoreland Overlay District.		Application Meet Requirements				
		Yes	No	NA	Comments	
		(b) At distances greater than 100 feet from Ell Pond and greater than 75 feet from the high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single openings greater than 10,000 square feet in the forest canopy. Where such openings exceed 5,000 square feet they shall be at least 100 feet apart. Such openings shall be included in the calculation of total volume removal.				
(7)		Timber harvesting operations exceeding the forty-percent limitation of Subsection H(6) may be allowed by the Planning Board if the applicant submits a forest management plan prepared by a Maine licensed professional forester showing that such exception is good forest management and the harvest will be carried out according to the purposes of this chapter. The Planning Board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed within 14 days of the Board's decision. [Amended 4-19-1997]				

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Project Name/District: Burnt Mill Subdivision Amendment - Rural and 75' Shoreland Overlay District - Tax Map 62, Lots 8, 12, and 13 and Map 63, Lot 7

Date of Review: 10-12-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

Article VII
Performance Standards

§ 145-48. Multifamily Developments. [Amended 11-6-2001]		Application Meet Requirements			
		Yes	No	NA	Comments
A.	Multifamily developments are allowed subject to the following performance standards in addition to the requirements of the districts in which the developments are located:	Y			No changes are proposed to the multifamily development lot as part of this amendment application.
(1)	A landscaped buffer at least 25 feet in width along all lot boundaries shall be required. The buffer strip shall not contain parking areas or structures, but may contain a perpendicular access driveway(s) or road(s) to connect with existing streets.	Y			The multifamily lot proposed depicts a 25' buffer/setback along the lot's boundaries. This buffer cannot contain parking areas or structures. This is noted on sheet C6.20.
(2)	No more than six dwelling units may be in any building.	Y			Currently 11 single family units are proposed and three 3-unit multifamily dwelling units are proposed on the lot for a total of 20 units. Note 4 on sheet C6.20 states the dwelling footprints are approximate. Final layout of the footprints may differ in accordance with the Land Use code requirements." 3-unit buildings may require sprinkler systems. Notation stating no more than 6 dwelling units within any building shown on sheet C6.20
(3)	Buildings shall be separated by at least 30 feet.	Y			The buildings must be separated by a minimum of 30 feet. See note 1 on sheet C6.20. See note on sheet C6.20 stating that building setbacks and separation requirements shall be survey located prior to the issuance of a foundation or building permit.

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Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-48. Multifamily Developments. [Amended 11-6-2001]		Application Meet Requirements			
		Yes	No	NA	Comments
B.	On any lot divided by a zoning district boundary line, the lot coverage for any portion of the lot lying within a specific zoning district shall not exceed the permitted lot coverage for that district, except as otherwise specified in § 145-48D through H below. [Amended 6-10-2014]	Y			The rural district lot coverage requirement a maximum of 20% is noted on the plan. See sheet C6.19 which notes the Open Space area to be 41.3 acres and Lot 54 (Multifamily Lot) is 4.6 acres for a total of 45.915 acres. Proposed lot coverage of the 45.915 acre Multifamily Development per 145-48D is 3.6% or 72,854 SF.
C.	In any multifamily development abutting a residential use in a residential or rural zoning district, the setback shall be equal to at least three times the required structure setback or 25 feet, whichever is greater (e.g., required fifteen-foot setback x 3 = 45 feet). Said setback shall include a minimum twenty-five-foot width of visual screening abutting the single-family residential use. Said visual screening shall consist of a continuous boarder of shrubbery at least six feet in height, trees or, if required by the Planning Board, solid fencing six feet in height. Said multifamily development shall be screened from the view of any dwelling unit located within 200 feet of the multifamily development's boundaries. Said visual screening shall be owned in fee, managed and maintained by the owner or by an association of the owners of the development. [Amended 6-10-2014]	Y			The multifamily development lot directly abuts commercial property associated with the golf course. A 25 foot setback is required. The southeasterly area of the multifamily development lot abuts proposed residential cluster lot 55 across from Hobbs Farm Road. This is the only residential property within 200 feet of the multifamily development lot. On 2/23/15 the Planning Board determined that the screening provided by the existing tree line was a sufficient screen for lot 55.

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Date of Review: 10-12-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-48. Multifamily Developments. [Amended 11-6-2001]		Application Meet Requirements			
		Yes	No	NA	Comments
D.	A multifamily development is permitted to satisfy its density, lot coverage and/or open space requirements by utilizing adjacent open space land if the Planning Board finds that both of the following criteria are met: [Added 6-10-2014]	Y			See sheet C6.19 which notes the Open Space area to be 41.3 acres and Lot 54 (Multifamily Lot) is 4.6 acres for a total of 45.915 acres. Based on the total lot area of 45.915 acres 20 dwelling units are permitted; 20 are proposed. Of the 45.915 acres, 41.3 acres is to be dedicated as Open Space for this Multifamily Development lot (lot 54). This Multifamily Development proposed 89.9% Open Space. The Dedicated Open Space (41.3 acres) is also 16.3% of the total open space proposed by this Burnt Mill Estates subdivision.
(1)	The adjacent open space land is contiguous to the lot on which the multifamily development is located or separated by less than 100 feet by a street right-of-way; and	Y			Adjacent open space used is contiguous to the lot and is less than 100 feet away.
(2)	The adjacent open space land meets all of the requirements of § 202-12B of the Wells Town Code.	Y			See sheet S1. Total Dedicated Open space of the subdivision development (all 174 dwelling units) is 66.69% or 250.3 acres. The Multifamily Development Lot proposes to utilize 16.3% of the proposed 66.69% open space.
E.	Adjacent open space land used to satisfy a multifamily development's density, lot coverage and/or open space requirements may be held in joint ownership, dedicated or conveyed to the municipality, a land trust, or other recognized conservation organization. Such reservation of open space may also be accomplished by incorporation into homeowners' association or condominium association documents or into restrictive deed covenants. [Added 6-10-2014]	Y			Final HOA documents were provided and reviewed by the Town Engineer and Town Attorney.

Town of Wells , Maine Review Checklist

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Project Name/District: Burnt Mill Subdivision Amendment - Rural and 75' Shoreland Overlay District - Tax Map 62, Lots 8, 12, and 13 and Map 63, Lot 7

Date of Review: 10-12-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-48. Multifamily Developments. [Amended 11-6-2001]		Application Meet Requirements			
		Yes	No	NA	Comments
F.	A multifamily development plan approved on or after June 10, 2014 seeking to utilize adjacent open space land to satisfy its density, lot coverage and/or open space requirements shall: [Added 6-10-2014]				
(1)	Note an express condition that the adjacent open space land may not be used to meet the open space, density, and/or lot coverage requirements for any other development. Said restriction shall also be included in the deeds, condominium documents, and/or homeowners' association documents related to the multifamily development.	Y			Final HOA documents were provided and reviewed by the Town Engineer and Town Attorney.
G.	A multifamily development plan approved prior to June 10, 2014, is permitted to utilize adjacent open space land to satisfy density and lot coverage requirements for that multifamily development, provided that: [Added 6-10-2014]			NA	
(1)	The total area of the multifamily development and the adjacent open space land shall satisfy the open space, density, and/or lot coverage requirements for both the multifamily development and the adjacent property.				
(2)	The total area of the multifamily development and the adjacent open space required to meet the density and lot coverage requirements are noted on the approved subdivision plan(s) or within a certificate of amendment and shall be recorded at the Registry of Deeds in accordance with § 202-9C of the Wells Town Code.				

Town of Wells , Maine Review Checklist

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Project Name/District: Burnt Mill Subdivision Amendment - Rural and 75' Shoreland Overlay District - Tax Map 62, Lots 8, 12, and 13 and Map 63, Lot 7 Date of Review: 10-12-16

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

§ 145-48. Multifamily Developments. [Amended 11-6-2001]		Application Meet Requirements			
		Yes	No	NA	Comments
	(3)	For any multifamily development approved prior to June 10, 2014, there is no requirement that an express restriction be included or added to the deeds, condominium documents, and/or homeowners' association documents related to the multifamily development.			
H.	Density shall be the same as permitted in the district(s) in which the multifamily development is located, unless density bonuses are granted by the Planning Board in accordance with § 145-49D . [Added 6-10-2014]	Y			See sheet C6.19 which notes the Open Space area to be 41.3 acres and Lot 54 (Multifamily Lot) is 4.6 acres for a total of 45.915 acres. Based on the total lot area of 45.915 acres 20 dwelling units are permitted; 20 are proposed. Density bonuses for the residential cluster subdivision were previously granted by the Wells Planning Board. See 145-49 checklist and sheet S1 table.

Town of Wells , Maine Review Checklist
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Project Name/District: Burnt Mill Subdivision Amendment - Rural and 75' Shoreland Overlay District - Tax Map 62, Lots 8, 12, and 13 and Map 63, Lot 7 Date of Review: 10-12-16

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

Article VII
Performance Standards

§ 145-49. Residential Cluster Development. [Amended 11-7-2006]		Application Meet Requirements			
		Yes	No	NA	Comments
The purpose of this section is to allow, by Planning Board approval, the clustering of one- and two-family dwelling units. Clustering shall provide a more efficient use of land resulting in the preservation of natural land forms, wetlands, wildlife and waterfowl habitats, significant vegetation and agricultural lands, other natural resources, and historic sites. Notwithstanding other provisions of this chapter, the Planning Board may modify the dimensional requirements of this chapter as specified in this section to permit the clustering of one- and two-family homes. Such modifications shall not be construed as the granting of a variance to relieve hardship.					
A.	Permitted locations. Residential cluster development shall be permitted in all zoning districts where residential development is allowed. All areas of a cluster subdivision located within the Aquifer Protection District or the Shoreland Overlay District shall be dedicated as undeveloped open space.	Y			The subdivision is located within the Rural District.
B.	Density. The maximum density of dwelling units permitted shall be the same as permitted in the district(s) in which the cluster development is located, unless density bonuses are granted in accordance with § 145-49D. To determine maximum density the following steps shall be taken:	Y			See note 10 on sheet 1 and table on sheet S1. See Density Area Calculation Table on sheet S3. Net area is 13,403,315 SF which allows 134 dwelling units. The Planning Board granted a total of 30% in density bonuses which allows 174 dwelling units. 20 units are proposed on the Multifamily Development Lot. 154 are proposed as residential cluster lots.

Town of Wells , Maine Review Checklist

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Project Name/District: Burnt Mill Subdivision Amendment - Rural and 75' Shoreland Overlay District - Tax Map 62, Lots 8, 12, and 13 and Map 63, Lot 7 Date of Review: 10-12-16

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

§ 145-49. Residential Cluster Development. [Amended 11-7-2006]			Application Meet Requirements			
			Yes	No	NA	Comments
	(1)	In order to determine the maximum number of dwelling units permitted on a tract of land the net residential acreage shall be determined by calculating net area and subtracting 15% of the area of the lot to account for roads and parking.	Y			<p>See note 10 on sheet 1 and table on sheet S1.</p> <p>See Density Area Calculation Table on sheet S1. Net area is 13,403,315 SF which allows 134 dwelling units. The Planning Board granted a total of 30% in density bonuses which allows 174 dwelling units.</p> <p>20 units are proposed on the Multifamily Development Lot. 154 are proposed as residential cluster lots.</p>

Town of Wells , Maine Review Checklist

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Project Name/District: Burnt Mill Subdivision Amendment - Rural and 75' Shoreland Overlay District - Tax Map 62, Lots 8, 12, and 13 and Map 63, Lot 7

Date of Review: 10-12-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-49. Residential Cluster Development. [Amended 11-7-2006]		Application Meet Requirements			
		Yes	No	NA	Comments
(2)	A cluster development layout shall be submitted indicating a minimum of 35% open space and significant natural features.	Y			<p>See table on sheet S1 and on S11. The residential cluster has 62.46% or 156.18 acres of dedicated Open Space of the total Dedicated Open Space area (250.3 acres).</p> <p>Total development is 16,332,487 SF or 13,403,315 Net SF.</p> <p>Multifamily Development Lot totals 2,000,065 SF in area (200,270 SF lot + 1,799,795 SF Open Space) for a dedicated open space percentage of 89.9%. or 16.3% of the total subdivision dedicated Open Space.</p> <p>Residential Cluster Development land area totals (16,332,487 -2,000,065 =) 14,332,422 SF in area. Sheet S11 states the cluster development has 156.18 (6,803,200 SF of dedicated open space) which equals 59.66% open space. When adding the conservation easement dedicated open space (31.17 acres or 1,357,765 SF) plus the Golf Course dedicated open space (21.38 acres or 931,312 SF) the total dedicated open space for the residential cluster subdivision is 63.4% of the 14,332,422 SF area.</p> <p>The subdivision proposes a total of 250.3 acres to Dedicated Open Space. 10,903,038/ 16,332487 = 66.69%</p>
C.	Dimensional requirements.				

Town of Wells , Maine Review Checklist

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Project Name/District: Burnt Mill Subdivision Amendment - Rural and 75' Shoreland Overlay District - Tax Map 62, Lots 8, 12, and 13 and Map 63, Lot 7

Date of Review: 10-12-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-49. Residential Cluster Development. [Amended 11-7-2006]		Application Meet Requirements											
		Yes	No	NA	Comments								
(1)	<p>The minimum lot sizes may be reduced to 20,000 square feet in any district where clustering is allowed, if not serviced by public sewer, or may be reduced to the following if on public sewer:</p> <table border="1" style="margin-left: 20px;"> <thead> <tr> <th colspan="2">Served by Public Sewer</th> </tr> <tr> <th>Type of Dwelling</th> <th>RA, GB and RC Districts (square feet)</th> </tr> </thead> <tbody> <tr> <td>One-family Dwelling</td> <td>10,000</td> </tr> <tr> <td>Two-family Dwelling</td> <td>15,000</td> </tr> </tbody> </table>	Served by Public Sewer		Type of Dwelling	RA, GB and RC Districts (square feet)	One-family Dwelling	10,000	Two-family Dwelling	15,000	Y			See note 10 on sheet S1. All cluster lots shall be at least 20,000 SF in area.
Served by Public Sewer													
Type of Dwelling	RA, GB and RC Districts (square feet)												
One-family Dwelling	10,000												
Two-family Dwelling	15,000												
(2)	<p>The required setbacks from lot lines and from street rights-of-way within the cluster development may be reduced, but no structure shall be located within 15 feet of any lot line or within 20 feet of any street right-of-way within the cluster development.</p>	Y			<p>Setbacks for the residential cluster subdivision lots are noted in note 10 on sheet S1 as: 15' from any abutting lot line and 25' from any lot line abutting a street right of way and 50' from any lot line abutting a non-clustered residential lot per 145-49C(4). 200' setback from Hobbs Pond/ Merriland River on both sides of the river/pond shown.</p> <p>Route 9A setback noted at 40' and Hobbs Farm Road, Meetinghouse Road, and James Street setbacks (roads not within the subdivision) required a 25' setback from the street right of way.</p> <p>Setbacks for the multifamily development lot are also noted in note 10 on sheet S1 as: 25' from the abutting lot line. 25' setback/buffer to be shown on sheet C6.19 and C6.20. Buildings, patios, walkways, etc cannot be located within the 25' setback/buffer for the multifamily development lot.</p>								
(3)	<p>The required street frontage may be reduced to no less than 50 feet.</p>	Y			<p>See note 10. See line tables provided on Sheet S1.</p> <p>All lots meet the street frontage minimum of 50 feet per 145-49.</p>								

Town of Wells , Maine Review Checklist
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Project Name/District: Burnt Mill Subdivision Amendment - Rural and 75' Shoreland Overlay District - Tax Map 62, Lots 8, 12, and 13 and Map 63, Lot 7 Date of Review: 10-12-16

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

§ 145-49. Residential Cluster Development. [Amended 11-7-2006]		Application Meet Requirements			
		Yes	No	NA	Comments
(4)	When a lot in a cluster subdivision abuts a nonclustered residential lot, the setback in the cluster subdivision lot shall be twice the required setback along the adjoining lot line. The Planning Board may require additional screening or restrict the removal of vegetation within the setback to provide a buffer between higher and lower density development.	Y			50' from any lot line abutting a non-clustered residential lot per 145-49C(4). See note 25 on sheet S2 for buffering requirements of nonclustered residential abutting lots.
(5)	The maximum lot coverage of 20% in the Rural District may be allowed by the Planning Board to be increased to 40% on lots smaller than 40,000 square feet in area.	Y*			<u>Planning Board to consider permitting the cluster lots smaller than 40,000 SF in area to increase lot coverage from 20% to 40%.</u>
D.	Innovative open space bonus. At least 35% of the total parcel acreage in a cluster subdivision must be designated as open space and protected as such in perpetuity. At the discretion of the Planning Board the applicant may earn density bonuses in addition to the maximum density permitted in § 145-49B. The applicant may seek application of more than one density bonus as set forth below, and the total density bonus earned shall be cumulative. However, in no case shall the total density bonus allow the overall subdivision density to exceed the maximum density allowed in § 145-49B above by more than 25% in the rural areas and 50% in the growth areas as set forth in the Comprehensive Plan. Bonuses shall be allotted in whole lot increments only and shall not be rounded up. Density calculations, including all awarded open space bonuses, shall be shown on the subdivision plan.	Y			See Density Area Calculation Table on sheet S3. Net area is 13,403,315 SF which allows 134 dwelling units. The Planning Board granted a total of 30% in density bonuses which allows 174 dwelling units. No change to the number of dwelling units proposed with the current amendment application.
(1)	An open space cluster plan that provides at least 50% of the total parcel acreage as open space, protected as such in perpetuity, may be awarded a density bonus of 10%. The purposes for which proposed open space areas will be used shall be fully documented by the applicant.				8/25/14 145-49D(1) 10% bonus granted. Planning Board determined on 11-16-15 that satisfactory documentation has been provided and approved. See HOA documents and sheet S11.

Town of Wells , Maine Review Checklist

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Project Name/District: Burnt Mill Subdivision Amendment - Rural and 75' Shoreland Overlay District - Tax Map 62, Lots 8, 12, and 13 and Map 63, Lot 7

Date of Review: 10-12-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-49. Residential Cluster Development. [Amended 11-7-2006]		Application Meet Requirements			
		Yes	No	NA	Comments
(2)	An open space cluster plan that protects agriculturally valuable lands and provides for their use as such in perpetuity may be awarded a 5% density bonus. The open space land preserved for agricultural use must consist of at least 3.5 acres, and be land that has been historically farmed, or contain good soils for farming, and be reasonably accessible to receive a bonus. The instrument designating the land as agriculture use, acceptable to the Planning Board, may reasonably restrict the type or intensity of farming to occur to prevent nuisances. This provision only requires that permission be reasonably available so that validity of the bonus is not affected if agricultural uses are not pursued at any particular time.	Y			9/22/14 145-49D(2) 5% bonus granted. Planning Board determined on 11-16-15 that satisfactory documentation has been provided and approved. See HOA documents and sheet S11.
(3)	An open space cluster plan that protects timber harvesting lands and provides permission for that use to continue in perpetuity may be awarded a 5% density bonus. The open space preserved for timber harvesting must include at least 10 contiguous acres and be land that has historically been forested, and must be reasonably accessible to receive a bonus. A forest management plan signed by a professional forester outlining proposed activities to ensure compliance with performance standards and regeneration requirements established pursuant to Title 12 M.R.S.A § 8869 must be submitted.			NA	
(4)	An open space cluster plan that accomplishes either of the following:	Y			9/22/14 145-49D(4) 5% bonus granted. Planning Board determined on 11-16-15 that satisfactory documentation has been provided and approved. See HOA documents and sheet S11.
	(a) Protects valuable wildlife and environmental areas in a manner that is consistent with the goals, policies and strategies of the following chapters and related maps in the Comprehensive Plan may be awarded a density bonus of 5%.				
	[1] Chapter 3, Natural Resources Policies and Strategies;				
	[2] Chapter 4, Marine Resources Policies and Strategies;				
	[3] Map 4, Natural Areas Wildlife Habitat;				
	[4] Map 9, Wetlands; or				
	[5] Map 10, Areas of High Potential for Wildlife Habitat.				

Town of Wells , Maine Review Checklist

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Project Name/District: Burnt Mill Subdivision Amendment - Rural and 75' Shoreland Overlay District - Tax Map 62, Lots 8, 12, and 13 and Map 63, Lot 7

Date of Review: 10-12-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-49. Residential Cluster Development. [Amended 11-7-2006]		Application Meet Requirements			
		Yes	No	NA	Comments
	(b) Links dedicated open space to large parcels of adjoining dedicated open space to provide usable wildlife habitat or corridor connections between usable wildlife habitats in a manner that is consistent with the goals, policies and strategies of the following chapters and related maps in the Comprehensive Plan may be awarded a density bonus of 5%:				
	[1] Chapter 3, Natural Resources Policies and Strategies;				
	[2] Chapter 4, Marine Resources Policies and Strategies;				
	[3] Map 4, Natural Areas Wildlife Habitat;				
	[4] Map 9, Wetlands; or				
	[5] Map 10, Areas of High Potential for Wildlife Habitat.				
(5)	An open space cluster plan that allows public access to the open space may be awarded a density bonus of 5%. The nature of public access required to trigger this bonus is pedestrian traffic. The instrument granting access, acceptable to the Planning Board, may reasonably restrict the use of motorized vehicles.	Y			9/22/14 145-49D(5) 5% bonus granted. Planning Board determined on 11-16-15 that satisfactory documentation has been provided and approved. See HOA documents and sheet S11.
(6)	An open space cluster plan that preserves, and provides for their use as such in perpetuity, the Town's historic, traditional New England seacoast and rural community character and appearance by preserving and incorporating existing historic structures and natural features of historic significance may be awarded a density bonus of 5%.			NA	
(7)	An open space cluster plan that effectively links large areas of the dedicated open space to adjoining dedicated open space may be awarded a density bonus of 5%.	Y			9/22/14 145-49D(7) 5% bonus granted. Planning Board determined on 11-16-15 that satisfactory documentation has been provided and approved. See HOA documents and sheet S11.
(8)	An open space cluster plan that preserves scenic vistas especially toward the seacoast from Route 1 and along scenic corridors especially along Routes 1, 9, 109, and roads in rural areas may be awarded a density bonus of 5%.			NA	

Town of Wells , Maine Review Checklist

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Project Name/District: Burnt Mill Subdivision Amendment - Rural and 75' Shoreland Overlay District - Tax Map 62, Lots 8, 12, and 13 and Map 63, Lot 7

Date of Review: 10-12-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-49. Residential Cluster Development. [Amended 11-7-2006]		Application Meet Requirements			
		Yes	No	NA	Comments
(9)	A "unit for unit" density bonus may be granted for open space cluster plans that include affordable housing for moderate-income buyers. For example, if 10% of the dwelling units in the project are affordable for moderate-income buyers then a density bonus of 10% may be awarded. The matching density bonus may be doubled for open space cluster plans that include affordable housing for low-income buyers. For example, if 10% of the dwelling units in the project are affordable for low-income buyers then a density bonus of 20% may be awarded.			NA	
E.	Aquifer Protection District. Where the parcel is located in the Rural District and partially in the Aquifer Protection District the permitted density for that portion of the lot within the Aquifer Protection District may be doubled, transferred to the portion of the lot located in the Rural District, and counted towards total bonus density, provided that:			NA	The parcel is not located in the Aquifer Protection District
(1)	All land within the Aquifer Protection District is included within the common land or open space;				
(2)	A conservation easement is granted to the Town or to the Kennebunk, Kennebunkport and Wells Water District over that portion of the subdivision located within the Aquifer Protection District; and				
(3)	All stormwater detention facilities shall be located outside the Aquifer Protection District. Stormwater retention facilities may be located in the Aquifer Protection District.				
F.	Management of open space. The open space portion of the cluster development site shall be permanently dedicated open space by covenant recorded at the Registry of Deeds and shown on the recorded subdivision plans. No more than 2% of the open space shall be impervious surfaces that are accessory to the proposed use of open space (i.e., roads, parking areas, sheds, etc.), of which total structural coverage shall not exceed 600 square feet. Nonroofed or elevated structures (i.e., walking paths) are allowed. The designated open space shall not be used for additional building lots.	Y			The open space management provisions shall be documented in the homeowner association documents. Finalized HOA documents were provided and reviewed with the prior approval. See note 10. Dedicated open space shall have no more than 2% lot coverage of which structural coverage shall not exceed 600 SF. See recommended changes to sheet 11.
(1)	Prior to the sale of any lots, the open space shall be controlled by one or more of the following methods:				

Town of Wells , Maine Review Checklist

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Project Name/District: Burnt Mill Subdivision Amendment - Rural and 75' Shoreland Overlay District - Tax Map 62, Lots 8, 12, and 13 and Map 63, Lot 7

Date of Review: 10-12-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-49. Residential Cluster Development. [Amended 11-7-2006]		Application Meet Requirements			
		Yes	No	NA	Comments
	(a) Ownership by an association of the owners of the dwelling units within the development;				
	(b) Ownership by an association of the owners of the dwelling units within the development with a conservation easement granted to the Town or recognized conservation organization;				
	(c) Dedication to the Town as public open space; and/or				
	(d) Transfer, with permanent restrictions, to a land trust or other recognized conservation organization.				
(2)	The developer may structure the control of the common open space in one or more of the above methods. The Planning Board shall approve the arrangements for the ownership, control and maintenance of the common open space as part of the subdivision approval. No changes in use or management of the common open space shall be made without the approval of the Planning Board.				
G.	Homeowners' association management of open space. If the open space will be owned and/or managed by the owners within the cluster development, then a homeowners' association shall be created to own and manage the common lands and facilities. Covenants for mandatory membership in the homeowners' association, setting forth the owner's rights, interest and responsibilities, and providing for the assessment of lots or units to fund common expenses shall be required and approved by the Planning Board and shall be included in the deed for each lot. The documents shall also include a management plan for the common open space and facilities.	Y			The open space management provisions shall be documented in the homeowner association documents. Finalized HOA documents were provided and reviewed with the prior approval.

Town of Wells, Maine
Final Major Subdivision Completeness Review

Page 1 of 6

Project Name/Tax Map & Lot #: Burnt Mill Estates / Tax Map 62, Lots 8, 12, and 13 and Map 63, Lot 7

Prepared By: Office of Planning & Development

Plans Dated: 09-12-16

District: Rural, Shoreland Overlay

Review Date: 10/12/16

Final Plan Revisions Submittal Date: 09-13-16

Chapter 202
Subdivision of Land

§ 202-9. Final plan for major subdivision		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
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: [Amended 4-13-1999]	Y				Plan scales vary and are 1" = 200 feet or less.
(1)	Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's map and lot numbers.	Y				Subdivision name and location noted. Lot numbers have been added, reviewed and approved by the Town Assessor.
(2)	An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.	Y*				Plans have been prepared by Dana A. Libby, Corner Post Land Surveying, Inc. dated 10/9/15; rev 9/12/16. Plans shall be stamped and signed prior to Planning Board. Proposed Monumentation shown. Planning Board reviewed the Monumentation proposed and voted to find it suitable on 11/2/15. <u>Planning Board should review the Monumentation proposed for relocated lot 62 and determine if it is acceptable.</u>

Town of Wells, Maine
Final Major Subdivision Completeness Review

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Project Name/Tax Map & Lot #: Burnt Mill Estates / Tax Map 62, Lots 8, 12, and 13 and Map 63, Lot 7

District: Rural, Shoreland Overlay

Prepared By: Office of Planning & Development

Review Date: 10/12/16

Plans Dated: 09-12-16

Final Plan Revisions Submittal Date: 09-13-16

§ 202-9. Final plan for major subdivision	Application Meet Requirements				
	Yes	No	NA	Waiver	Comments
(3) The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses and other essential existing physical features.	Y				Existing homes built in the subdivision depicted. Tree lines, stonewalls, wetlands, cemeteries, abutting roadways, etc depicted.
(4) Indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the Wells Sanitary District indicating that the district has reviewed and approved the sewerage design shall be submitted.	Y				Subdivision is not served by the Wells Sanitary District. See note 9 on sheet S1. Sheet S2 labels clubhouse septic and the subdivision common septic areas.
(5) Indication of the type of water supply system(s) to be used in the subdivision.	Y				Subdivision is not served by the KKWWD. See note 12, on sheet S1, subdivision served by public water supply well(s)/ individual drilled wells.
(a) When water is to be supplied by public water supply, a written statement from the Kennebunk, Kennebunkport and Wells Water District shall be submitted indicating that the district has reviewed and approved the water system design. A written statement shall be submitted from the Fire Chief approving all hydrant locations or other fire protection measures deemed necessary.			NA		Subdivision is not served by the KKWWD.
(b) The Board makes a finding that adequate groundwater resources to support one- and two-family homes, in both quantity and quality, are available generally throughout the Town of Wells. However:					
[1] When a proposed subdivision is not served by the Kennebunk, Kennebunkport and Wells Water District, evidence of adequate groundwater quality shall be required for proposed subdivisions in the vicinity of known sources of potential groundwater contamination, such as the Wells landfill, Bragdon septage disposal site and the Spiller sludge disposal site. The results of a primary inorganic water analysis performed upon a well on the parcel to be subdivided or from wells on adjacent parcels, between the parcel to be subdivided and the potential contamination source, shall be submitted.			NA		Subdivision not located in the vicinity of such potential groundwater contamination.

Town of Wells, Maine
Final Major Subdivision Completeness Review

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Project Name/Tax Map & Lot #: Burnt Mill Estates / Tax Map 62, Lots 8, 12, and 13 and Map 63, Lot 7

District: Rural, Shoreland Overlay

Prepared By: Office of Planning & Development

Review Date: 10/12/16

Plans Dated: 09-12-16

Final Plan Revisions Submittal Date: 09-13-16

§ 202-9. Final plan for major subdivision		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
	[2] When a proposed subdivision is to be served by a private central water system or contains structures other than one- or two-family dwellings, evidence of adequate groundwater quantity shall be required.	Y				Cluster lots are for 1 or 2 family dwellings. The Multifamily Lot may have 3 to 6 dwelling unit buildings. Sweet Associates provided a hydrogeologic and pump test report dated December 5, 2014.
(6)	The date the plan was prepared, North point (identified as magnetic or true), graphic map scale, and names and addresses of the record owner, subdivider and individual or company who or which prepared the plan.	Y				
(7)	The location of any zoning boundaries affecting the subdivision	Y				Subdivision is located within the Rural District.
(8)	The location and size of existing and proposed sewers, water mains, culverts and drainageways on or adjacent to the property to be subdivided.	Y				Water lines are identified off of public water supply well. Sewer lines are identified to a common treatment system and septic field. Culverts, Catch Basins, ponds, and other stormwater systems depicted.
(9)	The location, names and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The length of all straight lines, the deflection angle radii, length of curves and central angles of curves, tangent distances and tangent bearings for each street shall be included.	Y				Existing and proposed paved widths are noted on applicable sheets. Existing ROW widths noted on sheet S1. Easements, setbacks, buffers, open space areas shown. See Sheet S11 for Open Space areas. Bearings and distances noted throughout.

Town of Wells, Maine
Final Major Subdivision Completeness Review

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Project Name/Tax Map & Lot #: Burnt Mill Estates / Tax Map 62, Lots 8, 12, and 13 and Map 63, Lot 7

District: Rural, Shoreland Overlay

Prepared By: Office of Planning & Development

Review Date: 10/12/16

Plans Dated: 09-12-16

Final Plan Revisions Submittal Date: 09-13-16

§ 202-9. Final plan for major subdivision		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
(10)	The width and location of any streets or public improvements shown upon the Official Map and the Comprehensive Plan, if any, within the subdivision.	Y				The Hobbs Pond dry hydrant to be upgraded or relocated to specifications required by the Town Fire Chief. See note 17 on sheet S2. All lot driveways shall be located within 1 mile from a dry hydrant or dwellings shall be constructed with sprinkler systems. See note 19 on sheet 2. No street lights proposed along Hobbs Farm Road or along any other proposed or existing road.
(11)	All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers of cession to the municipality of all public open spaces shown on the plan and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If land is to be offered to the municipality, written evidence that the municipal officers are satisfied with the legal sufficiency of the written offer of cession shall be included.	Y				31.17 acres dedicated to Conservation Easement. Denisty Bonuses granted provided Open Space proposed to meet the criteria outlined in 145-49D (as approved). See notes to be added to Sheet S11. Public access shall be allowed to trails and fairways (during the winter months), see HOA documents and sheet S11.
(12)	A list of construction items with cost estimates that will be completed by the developer prior to the sale of lots and, for subdivisions containing more than 20 lots, a separate list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the municipality or quasi-municipal districts.	Y				Cost estimate provided with a total and includes a 10% contingency.
	(a) These lists shall include but not be limited to: schools, including busing; street maintenance and snow removal; police and fire protection; solid waste disposal; recreation facilities; stormwater drainage; wastewater treatment; and water supply.	Y				Done.
	(b) The developer shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.	Y				Done. Fiscal Impact Analysis provided.

Town of Wells, Maine
Final Major Subdivision Completeness Review

Page 5 of 6

Project Name/Tax Map & Lot #: Burnt Mill Estates / Tax Map 62, Lots 8, 12, and 13 and Map 63, Lot 7

District: Rural, Shoreland Overlay

Prepared By: Office of Planning & Development

Review Date: 10/12/16

Plans Dated: 09-12-16

Final Plan Revisions Submittal Date: 09-13-16

§ 202-9. Final plan for major subdivision		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
(13)	If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the one-hundred-year flood elevation shall be delineated on the plan.	Y				See note 11 on sheet S1.
(14)	A soil erosion and sedimentation control plan, prepared in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Maine Department of Environmental Protection and the Cumberland County Soil and Water Conservation District, 1991. [Amended 4-27-2007]	Y				
(15)	A stormwater management plan, prepared by a registered professional engineer in accordance with the most recent edition of Stormwater Management For Maine: BMPS Technical Design Manual, published by the Maine Department of Environmental Protection, 2006. Another methodology may be used if the applicant can demonstrate it is equally or more applicable to the site. [Amended 4-27-2007]	Y				Stormwater analysis and design prepared by Pinkham & Greer (revised Dec. 19, 2014), Thomas S. Greer, PE #4206. DEP Permit Approval granted #L-21263-87-I-A/ L-21263-TH-J-N dated November 2015. The Town Engineer has reviewed the analysis and found that it meets Town requirements.
(16)	If any portion of the proposed subdivision is located in the direct watershed of Ell Pond or within 500 feet of the upland edge of Hobbs Pond and meets the following criteria: 1. five or more lots or dwelling units created within any five-year period; or 2. any combination of 800 linear feet of new or upgraded driveways and/or streets, then the following shall be submitted or indicated on the plan: [Added 4-27-2007]	Y				An amended groundwater impact study and nitrate analysis was done dated Dec/ 4, 2014 by Sweet Associates, Richard A. Sweet, Maine Certified Geologist #100. Town Engineer reviewed and found acceptable.

Town of Wells, Maine
Final Major Subdivision Completeness Review

Page 6 of 6

Project Name/Tax Map & Lot #: Burnt Mill Estates / Tax Map 62, Lots 8, 12, and 13 and Map 63, Lot 7

Prepared By: Office of Planning & Development

Plans Dated: 09-12-16

District: Rural, Shoreland Overlay

Review Date: 10/12/16

Final Plan Revisions Submittal Date: 09-13-16

§ 202-9. Final plan for major subdivision		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
	(a) A phosphorus impact analysis and control plan conducted using the procedures set forth in MDEP Phosphorus Design Manual, Volume II of the Maine Stormwater Best Management Practices Manual, 2006. The analysis and control plan shall include all worksheets, engineering calculations, and construction specifications and diagrams for control measures, as required by the most recent edition of Stormwater Management For Maine: BMPS Technical Design Manual, published by the Maine Department of Environmental Protection, 2006;					DEP Permit Approval granted #L-21263-87-I-A/ L-21263-TH-J-N dated November 2015.
	(b) A long-term maintenance plan for all phosphorus control measures;					
	(c) The contour lines shown on the plan shall be at an interval of no less than five feet; and					
	(d) Areas with sustained slopes greater than 25% covering more than one acre shall be delineated.					



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

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

Final Subdivision Amendment Application Memo

Date: October 14, 2016

To: Planning Board

From: Shannon Belanger

Re: Pine Heights Subdivision Amendment - Map 83, Lot 23-3 and 23-4

Project Description:

A Final Subdivision Amendment Application has been submitted by the application on behalf of the landowners of Lot 23-3 and 23-4 of the Pine Heights Subdivision. The subdivision amendment proposes to alter the lot line between lots 23-3 and 23-4 and convey 1,776 SF of land equally between lots 23-3 and 23-4 so that lot 23-3 can conform to building setback requirements. The subdivision is located within the Rural District with the lots located off of Turtle Cove Lane. The lots are served by private on-site septic systems and wells.

§ 202-10. Revisions to approved plans.

A. Procedure. An application for a revision to a previously approved plan shall, at least five business days prior to a scheduled meeting of the Board, request to be placed on the Board's agenda. **Planning Board to receive Amendment Application on 10-17-16**

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

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

hearing is deemed necessary by the Board, an additional fee of \$200 shall be required to cover the costs of advertising and postal notification. [Amended 7-23-2002; 4-16-2004] **Fee and escrow provided. Public Hearing to be determined**

- B.** Submissions. The applicant shall submit a copy of the approved plan, as well as 11 copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of these regulations and the criteria of the statute. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds. The applicant shall provide evidence that all owners of abutting property were notified of the application if new lots or dwelling units are proposed to be created. [Amended 7-23-2002] **A copy of the 197 Pine Heights subdivision plan was provided.**
- C.** Scope of review. The Board's scope of review shall be limited to those portions of the plan which are proposed to be changed.

§ 202-9. Final plan for major subdivision.

A. Procedure.

- (1) The subdivider shall, within six months after the approval of the preliminary plan, file with the Board an application for approval of the final plan at least 10 days prior to a scheduled meeting of the Board. If the application for the final plan is not submitted within six months after preliminary plan approval, the Board may refuse without prejudice to act on the final plan and require resubmission of the preliminary plan. The final plan shall approximate the layout shown on the preliminary plan, plus any recommendations made by the Board. [Amended 7-11-1996] **Site Walk to be determined**
- (2) If a public hearing is deemed necessary by the Board, an additional fee in the amount established by the Board of Selectmen following notice and a public hearing shall be required to cover the costs of advertising and postal notification. [Amended 7-9-2002; 4-16-2004] **Public Hearing to be determined**
- (3) The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the final plan. **Yes**
- (4) When the application is received by the Planning Board, it shall give the applicant a dated receipt acknowledging that it has received the application. **Planning Board to consider receiving the application on 10/17/16**
- (5) Within 30 days after receiving any application, the Board shall notify the applicant in writing either that the application is complete or, if it is incomplete, the specific additional material needed to complete the application. The Board shall determine whether to hold a public hearing on the final plan application. **To be determined**
- (6) Prior to submittal of the final plan application, the following approvals shall be obtained in writing, where appropriate:
 - (a) Maine Department of Environmental Protection, under the Site Location of Development Act and the Natural Resources Protection Act. **Editor's Note: See 38 M.R.S.A § 481 et seq. and 38 M.R.S.A. § 480-A et seq., respectively. Not Applicable**
 - (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 as not changes to water supply (private wells)**

are 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 as no changes to subsurface sewage disposal systems are 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. **To be determined**
- (8) Upon receipt of an application for a subdivision containing 20 lots or dwelling units or more, the Planning Board shall notify the Road Commissioner, School Superintendent, Police Chief and Fire Chief of the proposed subdivision, the number of dwelling units proposed, the length of roadways and the size and construction characteristics of any multifamily, commercial or industrial buildings. The Planning Board shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed subdivision. **Not Applicable**
- (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:
 - a. Receive the subdivision amendment application;

- b. Consider if a site walk of the property is necessary. One is not recommended.
- c. Review the application for completeness. Minor plan changes recommended. Determine if revised plans provided to the Planning Office.
- d. Determine if a public hearing is necessary. One is not recommended.
- e. Review the application for compliance.
 - i. Stormwater Management Plan to be considered. One is not recommended.
 - ii. Soil Erosion and Sedimentation Control Plan to be considered. One is not recommended.
 - iii. Review note 17 regarding Monumentation to be installed.
 - iv. Consider finding the Monumentation required/proposed to be suitable.
 - v. Review the lot line adjustment and consider finding the lot line change to meeting 202-12D(4) (lot line perpendicular to the street)
- f. Review the conditions of approval;
- g. Vote to approve and sign the Findings of Fact & Decisions; and
- h. Vote to approve and sign the subdivision plan.

Town of Wells , Maine Review Checklist
Page 1 of 6

Project Name/District: Pine Heights Subdivision Amendment - Rural District - Tax Map 83, Lot 23-3 and 23-4

Date of Review: 10-14-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

Article V District Regulations

A. Purpose.

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

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

Town of Wells , Maine Review Checklist
Page 2 of 6

Project Name/District: Pine Heights Subdivision Amendment - Rural District - Tax Map 83, Lot 23-3 and 23-4

Date of Review: 10-14-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

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

Town of Wells , Maine Review Checklist
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Project Name/District: Pine Heights Subdivision Amendment - Rural District - Tax Map 83, Lot 23-3 and 23-4

Date of Review: 10-14-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-30. Rural District.			Application Meet Requirements			
			Yes	No	NA	Comments
(19)	School, public and private.			NA		
(20)	School, vocational-technical, served by public water and sewer and located east of the turnpike and south of Route 109. [Added 4-18-1995]			NA		
(21)	Tent and recreational vehicle park.			NA		
(22)	Transmission tower, radio.			NA		
D.	Accessory uses. Accessory uses are permitted when they are clearly incidental to the permitted use; subordinate, individually and in the aggregate, to the permitted use; and located on the same lot as the permitted use being served. Home businesses as regulated in § 145-51 are accessory uses.			NA		
E.	Uses prohibited. Except as permitted in § 145-12, Nonconforming uses, and in Article VI, Town-Wide Regulations, uses not identified in Subsections B, C and D are prohibited within this district.			NA		
F.	Dimensional requirements.					
(1)	Minimum lot size:					
(a)	One hundred thousand square feet of net area.	Y*			<p>Parcels are existing nonconforming lots of record as approved in 1976. Lot 23-3 (lot 11 on Pine Heights Plan) was approved at 55,612 SF (1.27 acres including the pond), and lot 23-4 (lot 12 on Pine Heights Plan) was approved at 39,390 SF (.90 acres) in size.</p> <p><u>Lots 23-3 and 23-4 propose to convey 1,776 SF to each other so the parcels sizes remain at their grandfathered sizes.</u></p> <p><u>Plan notes total area of lot 23-3 to be 2.18 acres and 1.29 acres in net area (excluding the pond). A discrepancy with the 1973 plan exists and appears the pond area was not in fact include in the lot size.</u></p> <p><u>See recommended note 16.</u></p>	

Town of Wells , Maine Review Checklist
Page 4 of 6

Project Name/District: Pine Heights Subdivision Amendment - Rural District - Tax Map 83, Lot 23-3 and 23-4

Date of Review: 10-14-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-30. Rural District.			Application Meet Requirements			
			Yes	No	NA	Comments
	(b)	Forty thousand square feet if located east of the Maine Turnpike and connected to public sewer.			NA	
	(2)	Maximum density: [Amended 4-28-1995]				
	(a)	One dwelling unit for each 100,000 square feet of net area.	Y*			<p>Parcels are existing nonconforming lots of record as approved in 1976. Lot 23-3 (lot 11 on Pine Heights Plan) was approved at 55,612 SF (1.27 acres including the pond), and lot 23-4 (lot 12 on Pine Heights Plan) was approved at 39,390 SF (.90 acres) in size.</p> <p><u>Lots 23-3 and 23-4 propose to convey 1,776 SF to each other so the parcels sizes remain at their grandfathered sizes.</u></p> <p><u>Plan notes total area of lot 23-3 to be 2.18 acres and 1.29 acres in net area (excluding the pond). A discrepancy with the 1973 plan exists and appears the pond area was not in fact include in the lot size.</u></p> <p><u>See recommended note 16.</u></p>
	(b)	One dwelling unit for each 40,000 square feet of net area if located east of the Maine Turnpike and connected to public sewer.			NA	No dwellings located on this parcel.
	(c)	<p>Four housekeeping cottages or seasonal cottages per acre of net area.[Amended 4-12-2003; 6-13-2006</p> <p><i>Editor's Note: This ordinance provided that it shall be retroactive to any application for site plan approval and any application to amend an existing site plan to the extent the amendment proposes additional cottage units that has not received final approval from the Planning Board on 4-25-2006.</i></p>			NA	No cottage units exist or are permitted on this parcel.

Town of Wells , Maine Review Checklist
Page 5 of 6

Project Name/District: Pine Heights Subdivision Amendment - Rural District - Tax Map 83, Lot 23-3 and 23-4

Date of Review: 10-14-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-30. Rural District.		Application Meet Requirements			
		Yes	No	NA	Comments
(3)	Minimum street frontage per lot: 200 feet, which may be reduced to 150 feet for lots fronting entirely on a cul-de-sac. The minimum street frontage for a lot containing a one-family dwelling (in conjunction with a one-family dwelling, a day-care home or day-care center/nursery school may be permitted if the driveway is paved to a width of at least 16 feet and has a gravel base of at least 20 feet in width), an agricultural, animal husbandry or a timber harvesting use may be reduced to 50 feet provided that the total lot area is at least 200,000 square feet; the access driveway shall extend to the house and shall not be longer than 750 feet with a grade and width adequate to permit access by fire, police and other emergency vehicles; and any structure on the lot shall be located at least 50 feet from any lot line. No more than two such lots shall have contiguous street frontage.	Y*			Lot 23-3 remains with 144.72' +/- street frontage. Lot 23-4 remains with 131.95' street frontage. See note 8. Rural District requires 200.0 feet of frontage. The Lots are grandfathered as legally non-conforming; <u>recommend to note this on the plan.</u>
(4)	Maximum lot coverage: 20% or 4,000 square feet, whichever is the greater.	Y			See note 8.
(5)	Maximum building height: 40 feet, not to exceed three stories. (See § 145-35I.)	Y			See note 8.
(6)	Setbacks.				See note 4 referencing to prior site plan approval. (See note 4 on prior approved plan).
	(a) All structures shall be at least:				
	[1] Twenty-five feet from any lot line.	Y			See note 8.
	[2] Twenty-five feet from any lot line abutting any street right-of-way.	Y			See note 8.
	[3] Forty feet from any lot line abutting the right-of-way of any state highway.	Y			See note 8.
	[4] Twenty-five feet from the boundary of any cemetery.	Y			See note 8.
	(b) All structures and parking lots shall be located at least 200 feet from the high-water line of the Merriland River (including Hobbs Pond), the Webhannet River, Ogunquit River, Perkins Brook and West Brook.			NA	Parcel does not abut such rivers or brooks.

Town of Wells , Maine Review Checklist
Page 6 of 6

Project Name/District: Pine Heights Subdivision Amendment - Rural District - Tax Map 83, Lot 23-3 and 23-4

Date of Review: 10-14-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

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

Town of Wells, Maine
Final Amendment Subdivision Completeness Review
Page 1 of 7

Project Name/Tax Map & Lot #: Pine Heights Subdivision Amendment #1 / Tax Map 83, Lot 23-3 and 23-4

Prepared By: Office of Planning & Development

Plans Dated: 10/4/16

District: R

Review Date: 10-14-16

Final Plan Revisions Submittal Date: 10/4/16

Chapter 202
Subdivision of Land

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

Town of Wells, Maine
Final Amendment Subdivision Completeness Review

Page 2 of 7

Project Name/Tax Map & Lot #: Pine Heights Subdivision Amendment #1 / Tax Map 83, Lot 23-3 and 23-4

District: R

Prepared By: Office of Planning & Development

Review Date: 10-14-16

Plans Dated: 10/4/16

Final Plan Revisions Submittal Date: 10/4/16

§ 202-10. Revisions to approved plans.		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
B.	Submissions. The applicant shall submit a copy of the approved plan, as well as 11 copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of these regulations and the criteria of the statute. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds. The applicant shall provide evidence that all owners of abutting property were notified of the application if new lots or dwelling units are proposed to be created. [Amended 7-23-2002]	Y				Plans provided. Scale is 1" = 30 feet.
C.	Scope of review. The Board's scope of review shall be limited to those portions of the plan which are proposed to be changed.					
(1)	Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's map and lot numbers.	Y				Subdivision name noted. Assessor Map and Lot numbers noted. Map 83, Lot 23-3 is lot #11 on the Pine Heights 1973 plan and Map 83, Lot 23-4 is lot #12 on the Pine Heights 1973 plan.
(2)	An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.	Y*				Plan prepared and stamped by Dana A Libby, PLS of Corner Post Land Surveying, Inc dated and stamped 10/4/2016. <u>Iron Rods to be set at corners missing Monumentation. See recommended note 17 (Missing Lot corners shall have monuments installed within 90 days of this subdivision plan approval).</u>

Town of Wells, Maine
Final Amendment Subdivision Completeness Review
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Project Name/Tax Map & Lot #: Pine Heights Subdivision Amendment #1 / Tax Map 83, Lot 23-3 and 23-4

Prepared By: Office of Planning & Development

Plans Dated: 10/4/16

District: R

Review Date: 10-14-16

Final Plan Revisions Submittal Date: 10/4/16

§ 202-10. Revisions to approved plans.	Application Meet Requirements				
	Yes	No	NA	Waiver	Comments
(3) The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses and other essential existing physical features.	Y*				<p>Parcels are existing nonconforming lots of record as approved in 1976. Lot 23-3 (lot 11 on Pine Heights Plan) was approved at 55,612 SF (1.27 acres including the pond), and lot 23-4 (lot 12 on Pine Heights Plan) was approved at 39,390 SF (.90 acres) in size.</p> <p><u>Lots 23-3 and 23-4 propose to convey 1,776 SF to each other so the parcels sizes remain at their grandfathered sizes.</u></p> <p><u>Plan notes total area of lot 23-3 to be 2.18 acres and 1.29 acres in net area (excluding the pond). A discrepancy with the 1973 plan exists and appears the pond area was not in fact include in the lot size.</u></p> <p><u>See recommended note 16.</u></p> <p>Existing buildings and other essential features identified.</p>
(4) Indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the Wells Sanitary District indicating that the district has reviewed and approved the sewerage design shall be submitted.	Y*				<p>Subdivision not served by public sewer.</p> <p>Lots are served by existing septic systems. A subsurface waste disposal easement for Lot 23-3 is proposed over Lot 23-4.</p> <p><u>See recommended note 15 (The septic system and well for lot 23-4 are not located within the 1,776 SF parcel to be conveyed to lot 23-3.); or depict these features on the plan.</u></p>

Town of Wells, Maine
Final Amendment Subdivision Completeness Review

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Project Name/Tax Map & Lot #: Pine Heights Subdivision Amendment #1 / Tax Map 83, Lot 23-3 and 23-4

District: R

Prepared By: Office of Planning & Development

Review Date: 10-14-16

Plans Dated: 10/4/16

Final Plan Revisions Submittal Date: 10/4/16

§ 202-10. Revisions to approved plans.		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
(5)	Indication of the type of water supply system(s) to be used in the subdivision.					See Note 12. Parcels are served by on-site <u>drilled</u> wells.
	(a) When water is to be supplied by public water supply, a written statement from the Kennebunk, Kennebunkport and Wells Water District shall be submitted indicating that the district has reviewed and approved the water system design. A written statement shall be submitted from the Fire Chief approving all hydrant locations or other fire protection measures deemed necessary.			NA		Subdivision not served by public water.
	(b) The Board makes a finding that adequate groundwater resources to support one- and two-family homes, in both quantity and quality, are available generally throughout the Town of Wells. However:					
	[1] When a proposed subdivision is not served by the Kennebunk, Kennebunkport and Wells Water District, evidence of adequate groundwater quality shall be required for proposed subdivisions in the vicinity of known sources of potential groundwater contamination, such as the Wells landfill, Bragdon septage disposal site and the Spiller sludge disposal site. The results of a primary inorganic water analysis performed upon a well on the parcel to be subdivided or from wells on adjacent parcels, between the parcel to be subdivided and the potential contamination source, shall be submitted.			NA		Subdivision not within vicinity of such areas.
	[2] When a proposed subdivision is to be served by a private central water system or contains structures other than one- or two-family dwellings, evidence of adequate groundwater quantity shall be required.			NA		Not served by a private central water system and only one and two dwelling units are proposed.
(6)	The date the plan was prepared, North point (identified as magnetic or true), graphic map scale, and names and addresses of the record owner, subdivider and individual or company who or which prepared the plan.	Y				Plan date, north point (true), plan scale, applicant, record owners, and company who prepared plan noted.
(7)	The location of any zoning boundaries affecting the subdivision	Y				See note 8. Subdivision lots are within the Rural District.

Town of Wells, Maine
Final Amendment Subdivision Completeness Review

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Project Name/Tax Map & Lot #: Pine Heights Subdivision Amendment #1 / Tax Map 83, Lot 23-3 and 23-4

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Prepared By: Office of Planning & Development

Review Date: 10-14-16

Plans Dated: 10/4/16

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§ 202-10. Revisions to approved plans.		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
(8)	The location and size of existing and proposed sewers, water mains, culverts and drainageways on or adjacent to the property to be subdivided.	Y				Existing pond located approximately.
(9)	The location, names and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The length of all straight lines, the deflection angle radii, length of curves and central angles of curves, tangent distances and tangent bearings for each street shall be included.	Y				See note 4. Turtle Cove Lane is a town accepted public road. A subsurface waste disposal easement for Lot 23-3 is proposed over Lot 23-4. Bearings and distances noted.
(10)	The width and location of any streets or public improvements shown upon the Official Map and the Comprehensive Plan, if any, within the subdivision.			NA		Not such improvements proposed.
(11)	All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers of cession to the municipality of all public open spaces shown on the plan and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If land is to be offered to the municipality, written evidence that the municipal officers are satisfied with the legal sufficiency of the written offer of cession shall be included.			NA		No such dedication proposed.
(12)	A list of construction items with cost estimates that will be completed by the developer prior to the sale of lots and, for subdivisions containing more than 20 lots, a separate list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the municipality or quasi-municipal districts.			NA		No such estimate necessary. Lot 23-4 is required to install 1 missing monument; Lot 23-3 is required to install 3 missing monuments.

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Final Amendment Subdivision Completeness Review

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Project Name/Tax Map & Lot #: Pine Heights Subdivision Amendment #1 / Tax Map 83, Lot 23-3 and 23-4

District: R

Prepared By: Office of Planning & Development

Review Date: 10-14-16

Plans Dated: 10/4/16

Final Plan Revisions Submittal Date: 10/4/16

§ 202-10. Revisions to approved plans.		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
	(a) These lists shall include but not be limited to: schools, including busing; street maintenance and snow removal; police and fire protection; solid waste disposal; recreation facilities; stormwater drainage; wastewater treatment; and water supply.			NA		
	(b) The developer shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.			NA		
(13)	If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the one-hundred-year flood elevation shall be delineated on the plan.	Y				See note 11 and plan delineation.
(14)	A soil erosion and sedimentation control plan, prepared in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Maine Department of Environmental Protection and the Cumberland County Soil and Water Conservation District, 1991. [Amended 4-27-2007]	Y				<u>See recommended note 18 (See Findings of Fact & Decisions associated with this amendment approval. Best Management practices for erosion and sedimentation control shall be followed.)</u>
(15)	A stormwater management plan, prepared by a registered professional engineer in accordance with the most recent edition of Stormwater Management For Maine: BMPS Technical Design Manual, published by the Maine Department of Environmental Protection, 2006. Another methodology may be used if the applicant can demonstrate it is equally or more applicable to the site. [Amended 4-27-2007]				W*	<u>Planning Board to consider finding a stormwater management plan is not necessary.</u>
(16)	If any portion of the proposed subdivision is located in the direct watershed of Ell Pond or within 500 feet of the upland edge of Hobbs Pond and meets the following criteria: 1. five or more lots or dwelling units created within any five-year period; or 2. any combination of 800 linear feet of new or upgraded driveways and/or streets, then the following shall be submitted or indicated on the plan: [Added 4-27-2007]			NA		Not located within such an area. No new lots/dwellings proposed.

Town of Wells, Maine
Final Amendment Subdivision Completeness Review
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Project Name/Tax Map & Lot #: Pine Heights Subdivision Amendment #1 / Tax Map 83, Lot 23-3 and 23-4

Prepared By: Office of Planning & Development

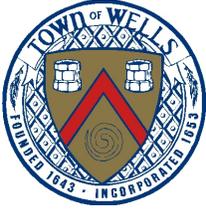
Plans Dated: 10/4/16

District: R

Review Date: 10-14-16

Final Plan Revisions Submittal Date: 10/4/16

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



Town of Wells, Maine

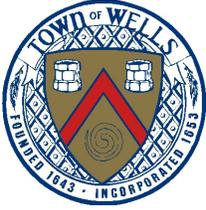
Planning Board

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Final Subdivision Amendment Application for “Pine Heights”
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Chapter 202 Subdivision of Land

PROJECT INFORMATION																											
General:	<table style="width: 100%; border: none;"> <tr> <td style="width: 30%;">Project Name:</td> <td>Pine Heights Subdivision</td> </tr> <tr> <td># Lots/ Dwellings Proposed:</td> <td>0 lots/dwellings proposed; 16 lots/dwellings exist</td> </tr> <tr> <td>Applicant:</td> <td>Stephen W. & Carmella M. Locke, 57 Turtle Cove Ln, Wells, ME 04090</td> </tr> <tr> <td>Landowners:</td> <td>Stephen W. & Carmella M. Locke, 57 Turtle Cove Ln, Wells, ME 04090 Richard A. & Polly G. Oteri, 43 Turtle Cove Ln, Wells, ME 04090</td> </tr> <tr> <td>Location:</td> <td>Turtle Cove Lane, Wells, Maine</td> </tr> <tr> <td>Existing Use:</td> <td>Single Family Dwelling Units within an existing 16 lot subdivision</td> </tr> <tr> <td>Proposed Land Use:</td> <td>Single Family Dwelling Units within an existing 16 lot subdivision</td> </tr> <tr> <td>Tax Parcel ID:</td> <td>Tax Map 83, Lot 23-3 and 23-4</td> </tr> <tr> <td>Zoning District:</td> <td>Rural District</td> </tr> <tr> <td>Land Use, Art. VII Performance Standards:</td> <td>None</td> </tr> <tr> <td>Design Engineer:</td> <td>Dana Libby, Corner Post Land Surveying, 600 Main St, Springvale, ME 04083</td> </tr> <tr> <td>Final Plan Application Submission Date:</td> <td>October 4, 2016</td> </tr> <tr> <td>Plan Submission Date:</td> <td>October 4, 2016</td> </tr> </table>	Project Name:	Pine Heights Subdivision	# Lots/ Dwellings Proposed:	0 lots/dwellings proposed; 16 lots/dwellings exist	Applicant:	Stephen W. & Carmella M. Locke, 57 Turtle Cove Ln, Wells, ME 04090	Landowners:	Stephen W. & Carmella M. Locke, 57 Turtle Cove Ln, Wells, ME 04090 Richard A. & Polly G. Oteri, 43 Turtle Cove Ln, Wells, ME 04090	Location:	Turtle Cove Lane, Wells, Maine	Existing Use:	Single Family Dwelling Units within an existing 16 lot subdivision	Proposed Land Use:	Single Family Dwelling Units within an existing 16 lot subdivision	Tax Parcel ID:	Tax Map 83, Lot 23-3 and 23-4	Zoning District:	Rural District	Land Use, Art. VII Performance Standards:	None	Design Engineer:	Dana Libby, Corner Post Land Surveying, 600 Main St, Springvale, ME 04083	Final Plan Application Submission Date:	October 4, 2016	Plan Submission Date:	October 4, 2016
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Project Description:	A Final Subdivision Amendment Application has been submitted by the application on behalf of the landowners of Lot 23-3 and 23-4 of the Pine Heights Subdivision. The subdivision amendment proposes to alter the lot line between lots 23-3 and 23-4 and convey 1,776 SF of land equally between lots 23-3 and 23-4 so that lot 23-3 can conform to building setback requirements. The subdivision is located within the Rural District with the lots located off of Turtle Cove Lane. The lots are served by private on-site septic systems and wells.																										
Approval Dates:	<table style="width: 100%; border: none;"> <tr> <td style="width: 30%;">Preliminary Plan Approval:</td> <td>Not Applicable</td> </tr> <tr> <td>Final Plan Approval:</td> <td>To be determined</td> </tr> </table>	Preliminary Plan Approval:	Not Applicable	Final Plan Approval:	To be determined																						
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PROJECT HISTORY
<ol style="list-style-type: none"> 1. On 10/4/16 the applicant submitted a final subdivision amendment application for the above described project to the Planning Office. 2. On 10/6/16 abutters were mailed notice of the amendment application and of the 10/17/16 Planning Board agenda. 3. On 10/14/16 the Planning Office prepared draft completeness (202-10) and draft compliance (202-12)/ Findings of Fact & Decisions as well as a plan with recommended revisions to be addressed. 4. On 10/14/16 the Planning Office prepared a memo for the Planning Board and applicant. 5. On 10/17/16 the Planning Board voted to receive the subdivision amendment application, and voted to waive a site walk, made various determinations, found the application complete, and voted to waive a public hearing. 6.

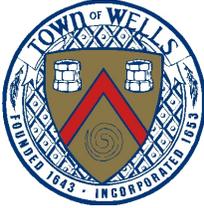


Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS
Final Subdivision Amendment Application for “Pine Heights”
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§ 202-12. General Standards	Findings & Decisions
<p>In reviewing applications for a subdivision, the Board shall consider the following general standards and make findings that each has been met prior to the approval of a final plan. In all instances the burden of proof shall be upon the applicant.</p>	
<p>A. Conformance with Comprehensive Plan. All proposed subdivisions shall be in conformity with the Comprehensive Plan of the municipality and with the provisions of all pertinent state and local codes and ordinances.</p>	<p>THE PLANNING BOARD FOUND THAT THIS STANDARD SHALL REMAIN MET.</p>
<p>B. Retention of open spaces and natural or historic features. [Amended 6-11-2013]</p>	<p>THE PLANNING BOARD FOUND THAT THIS STANDARD SHALL REMAIN MET.</p>
<p>(1) In any subdivision with no more than five lots or dwellings units, no dedicated open space is required. In any subdivision with at least six lots or dwelling units and no more than 10 lots or dwelling units, there shall be a minimum of 10% or 20,000 square feet, whichever is greater, of the total property net area dedicated as open space. Off site dedication of open space land may be approved by the Planning Board if excess land is provided and the land has a greater benefit to the public than land within the development. In any subdivision with more than 10 lots or dwelling units, there shall be a minimum of 35% of the total property net area dedicated as open space.</p>	<p>No change to or creation of open space proposed.</p>
<p>(2) Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended. A site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Planning Board may deem suitable. The configuration of such sites shall be deemed adequate by the Planning Board with regard to scenic or historic attributes to be preserved, together with sufficient areas for trails, lookouts, etc., where necessary and appropriate.</p>	<p>No change to or creation of open space proposed.</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 change to or creation of open space proposed.</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>The subdivision lots are developed. No changes proposed to vegetation, contours, etc.</p>



Town of Wells, Maine

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Final Subdivision Amendment Application for “Pine Heights”

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§ 202-12. General Standards		Findings & Decisions
C.	Blocks. Where street lengths exceed 1,000 feet between intersections with other streets, the Board may require an utility/pedestrian easement, at least 20 feet in width, to provide for underground utility crossings and/or a pedestrian pathway of at least five feet in width. Maintenance obligations of the easement shall be included in the written description of the easement.	THE PLANNING BOARD FOUND THAT THIS STANDARD SHALL NOT APPLY.
D.	Lots.	THE PLANNING BOARD FOUND THAT THIS STANDARD SHALL REMAIN MET.
(1)	All lots shall meet the minimum requirements of Chapter 145, Land Use, for the zoning district in which they are located. The lot configuration should be designed to maximize the use of solar energy on building sites with suitable orientation.	<p>§145-30. Rural District requirements apply to the existing lots within the subdivision. The proposed changes to lots 23-3 and 23-4 shall not make the legally non-conforming lots more nonconforming.</p> <p>See note 8. Minimum lot size is 100,000 SF. R zone dimensional requirements noted. Setback requirements shall met for the lot line adjustments proposed. <u>The structure on lot 23-4 is shown to not meet setback requirements and may require a mislocated building appeal with the Zoning Board of Appeals or the structure may be considered a nonconforming structure if it met setbacks at the time of construction.</u></p>
(2)	Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development contemplated. Wherever possible, parking areas shall be laid out to coincide with building locations to maximize solar energy gain.	Existing driveway locations for lot 23-3 and 23-4 shown on the plan. No changes to driveway locations proposed.
(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.	Lots 23-3 and 23-4 have street frontage off of Turtle Cove Lane with is a public town owned road. No changes to street frontage proposed.
(4)	Wherever possible, side lot lines shall be perpendicular to the street.	On 10/17/16 the Planning Board reviewed the proposed lot line and determined that the proposed change meets this requirement.
(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.	Lots 23-3 and 23-4 are not more than twice the required minimum lot size.
(6)	Where public utilities could be extended to the subdivision in the foreseeable future, the subdivision shall be designed to accommodate the extensions of utilities.	No changes to utilities proposed. See note 12. Lots are served by onsite septic and 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.	Not applicable.
(8)	Odd-shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited. The ratio of lot length to width shall not be more than three to one.	Lots are not proposed to be odd shaped.



Town of Wells, Maine

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FINDINGS OF FACTS & DECISIONS
Final Subdivision Amendment Application for “Pine Heights”
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§ 202-12. General Standards	Findings & Decisions
(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.	No changes to driveways proposed.
(11) Proposed lots shall not be permitted to have driveway entrances onto existing arterial or collector streets unless the Planning Board determines that no reasonable alternate exists.	No changes to driveways proposed.
E. Utilities.	THE PLANNING BOARD FOUND THAT THIS STANDARD SHALL REMAIN MET.
(1) Utilities shall be installed underground except as otherwise approved by the Board.	No changes to utilities proposed. Lots served by existing overhead utilities.
(2) Underground utilities shall be installed prior to the installation of the final gravel base of the road.	No changes to utilities proposed. Lots served by existing overhead utilities.
(3) The size, type and location of streetlights, electric and gas lines, telephone and other utilities shall be shown on the plan and approved by the Board.	No changes to utilities proposed.
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.	THE PLANNING BOARD FOUND THAT THIS STANDARD SHALL REMAIN MET. Iron Rods to be set at new lot corner between lots 23-3 and 23-4. Iron rods to be set at missing lot corners of Lot 6. A written certification from a Professional Land Surveyor shall be provided stating the Monumentation has been installed within 90 days of the approval of this subdivision amendment. See note 17.
(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.	No bounds required on lots 23-3 or 23-4.
(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.	No bounds required on lots 23-3 or 23-4.
(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.	



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS
Final Subdivision Amendment Application for “Pine Heights”
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§ 202-12. General Standards	Findings & Decisions
(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.	Planning Board reviewed the Monumentation proposed and found it acceptable on 10/17/16 .
(2) Water supply.	THE PLANNING BOARD FOUND THAT THIS STANDARD SHALL REMAIN MET.
(a) When a subdivision is to be served by the Kennebunk, Kennebunkport and Wells Water District, the complete supply system, including fire hydrants, shall be installed at the expense of the subdivider.	Subdivision not served by the KKW Water District.
[1] The subdivider shall provide a written statement from the Water District that adequate water for both domestic and fire-fighting purposes can be provided without placing an undue burden on the source, treatment facilities or distribution system involved. The subdivider shall be responsible for paying the costs of system improvements necessary to serve the subdivision.	
[2] The size and location of mains, gate valves, hydrants and service connections shall be reviewed and approved in writing by the Water District and the Fire Chief.	
(b) When the location of a subdivision does not allow for a financially reasonable connection to the Kennebunk, Kennebunkport and Wells Water District, the Planning Board may allow the use of individual wells or a private community water system.	No change to existing water supply proposed. Lots served by private wells. Wells on lots 23-3 and 23-4 are depicted/ noted.
[1] Dug wells shall be permitted only if it is demonstrated to be not economically feasible to develop other groundwater sources and shall be constructed so as to prevent infiltration of surface water into the well. Unless otherwise permitted by the Board, the subdivider shall prohibit dug wells by deed restrictions and a note on the plan.	
[2] If a central water supply system is provided by the subdivider, the location and protection of the source and the design, construction and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144 A.C.M.R. 231).	Not applicable.
[3] Fire protection. [Amended 3-11-2002]	



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS

Final Subdivision Amendment Application for “Pine Heights”

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§ 202-12. General Standards	Findings & Decisions
<p>[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:</p>	<p>No change in fire protection proposed. Subdivision was approved originally in 1973 and is grandfathered in that it has no on-site fire protection. No changes proposed that trigger the requirement for installing fire protection at this time.</p> <p>The closest existing fire pond located on Route 9A approximately 1.6 miles from lots 23-3 and 23-4..</p>
<p>[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</p>	<p>The closest existing fire pond located on Route 9A approximately 1.6 miles from lots 23-3 and 23-4..</p>
<p>[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.</p>	
<p>[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.</p>	<p>The closest existing fire pond located on Route 9A approximately 1.6 miles from lots 23-3 and 23-4..</p>
<p>[4] The results of the water quality test submitted shall indicate that the groundwater meets the primary drinking water standards of the Maine Rules Relating to Drinking Water for those categories tested. If the Board has reason to believe, due to previous uses of the property or due to previous or existing uses of neighboring property, that the existing water quality may be threatened by contaminants not tested for in the primary inorganic water analysis, it may require the water to be tested for those contaminants.</p>	<p>Not applicable, lots have existing wells.</p>
<p>(c) Prior to the issuance of a building permit for the construction of any principal structure in a subdivision, the applicant shall present evidence of suitable water supply to the Code Enforcement Officer. This evidence shall consist of:</p>	<p>Not applicable, lots have existing wells.</p>
<p>[1] A letter from the Kennebunk, Kennebunkport and Wells Water District indicating availability of service; or</p>	<p>Not applicable.</p>
<p>[2] The results of a primary inorganic water analysis performed upon the well to serve the structure indicating the groundwater meets the primary drinking water standards of the Maine Rules Relating to Drinking Water for those categories tested.</p>	<p>Not applicable, lots have existing wells.</p>

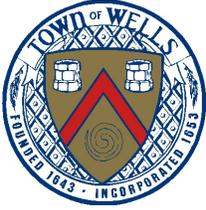


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§ 202-12. General Standards	Findings & Decisions
(3) Sewage disposal.	THE PLANNING BOARD FOUND THAT THIS STANDARD SHALL REMAIN MET.
(a) Public system.	Subdivision not served by the Wells Sanitary District.
[1] A sanitary sewer system shall be installed 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 12..
[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.	No changes in septic system locations proposed. A subsurface wastewater disposal easement benefiting lot 23-3 is proposed on lot 23-4.
[2] In no instances shall a disposal area be permitted on soils or on a lot which requires a new system variance from the subsurface wastewater disposal rules.	
(4) Stormwater management. [Amended 4-27-2007]	THE PLANNING BOARD FOUND THAT THIS STANDARD SHALL REMAIN MET.
(a) Where a subdivision is traversed by a stream, river or surface water drainageway, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. This stormwater management system shall be designed by a registered professional engineer.	The subdivision is developed. The lot line change and creation of the easement have no changes to stormwater management of this subdivision.
(b) Drainage easements for existing watercourses or proposed drainageways shall be provided and indicated on the plan.	

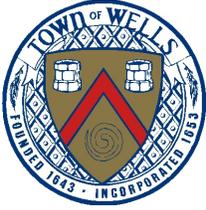


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§ 202-12. General Standards	Findings & Decisions
<p>(c) The developer shall provide a statement from the designing engineer that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or in other properties. The engineer shall certify that peak runoff from the subdivision onto other properties shall not be increased either in volume or duration from the peak runoff characteristics existing prior to development.</p>	
<p>(d) A stormwater management plan, meeting the standards of Chapter 201, Streets and Sidewalks, Articles II and III, Wells Municipal Code, shall be submitted.</p>	
<p>(e) For subdivisions that require MDEP review under 38 M.R.S.A. § 481 et seq. (Site Location of Development), a stormwater management plan shall be submitted which complies with the Site Location of Development permit and the requirements of MDEP Chapter 500 Stormwater Regulations.</p>	
<p>(f) For subdivisions that do not require a Site Location of Development permit, but that require a MDEP permit pursuant to 38 M.R.S.A. § 420-D, a stormwater management plan shall be submitted which complies with the requirements of MDEP Chapter 500 Stormwater Regulations.</p>	
<p>(g) For subdivisions outside of the watershed of a great pond that neither require a Site Location of Development permit, nor a MDEP permit pursuant to 38 M.R.S.A. § 420-D, a stormwater management plan shall be submitted which incorporates the low-impact development techniques set forth in Volume I, Chapter 3 of the Maine Stormwater Best Management Practices Manual, 2006 (LID Techniques) on each individual lot approved by the Planning Board when such LID Techniques are adopted by MDEP. At such time that the MDEP adopts the LID Techniques, the Planning Board shall adopt them for use in approving subdivisions for the Town of Wells.</p>	
<p>(h) For subdivisions located within the watershed of a great pond containing: 1. five or more lots or dwelling units created within any five-year period; or 2. any combination of 800 linear feet of new or upgraded driveways and/or streets, a stormwater management plan shall be submitted that meets the phosphorus allocation across the entire subdivision in accordance with the methodology described in the MDEP Phosphorus Design Manual, Volume II of the Maine Stormwater Best Management Practices Manual, 2006.</p>	
<p>(i) The Planning Board may require a hydrologic analysis for any site in areas with a history of flooding or in areas with a potential for future flooding, associated with cumulative impacts of development. This hydrologic analysis would be in the form of a “Downstream Analysis” under conditions of the ten-year, twenty-four-hour storm, the twenty-five-year, twenty-four-hour storm, and the one-hundred-year, twenty-four-hour storm, as described below:</p>	

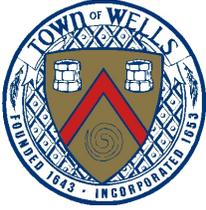


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§ 202-12. General Standards		Findings & Decisions
	<p>[1] Downstream Analysis Methodology: The criteria used for the downstream analysis is referred to as the “10% rule.” Under the 10% rule, a hydrologic and hydraulic analysis for the ten-year, twenty-four-hour storm, the twenty-five-year, twenty-four-hour storm, and the one-hundred-year, twenty-four-hour storm is extended downstream to the point where the site represents 10% of the total drainage area. For example, a ten-acre site would be analyzed to the point downstream with a drainage area of 100 acres. This analysis should compute flow rates and velocities downstream to the location of the 10% rule for present conditions and proposed conditions. If the flow rates and velocities increase by more than 5% and/or if any existing downstream structures are impacted, the designer should redesign and incorporate detention facilities.</p>	
G.	Streets.	THE PLANNING BOARD FOUND THAT THIS STANDARD SHALL REMAIN MET.
	(1) All streets in a subdivision shall meet Chapter 201, Streets and Sidewalks, Articles II and III, Wells Municipal Code.	Turtle Cove Lane is an existing Town Road.
	(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:	No changes is trip generation of the subdivision proposed.
	(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.	No changes to the roadways or street connections proposed.
H.	Land features.	THE PLANNING BOARD FOUND THAT THIS STANDARD SHALL REMAIN MET.

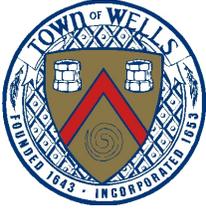


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§ 202-12. General Standards	Findings & Decisions
(1) Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas and building excavations. Topsoil shall not be removed from the site until completion of construction and inspection by the Town to assure four inches of topsoil has been spread over all areas to be grassed.	This is a condition of approval.
(2) Except for normal thinning, landscaping and cutting trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion. The Board shall require a developer to take the following measures to correct and prevent soil erosion in the proposed subdivision: [Amended 4-27-2007]	This is a condition of approval.
(a) The proposed subdivision shall prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties.	
(b) The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.	
(c) Cutting or removal of vegetation along waterbodies shall not increase water temperature or result in shoreline erosion or sedimentation.	
(d) Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.	
(3) To prevent soil erosion of shoreline areas the cutting or removal of vegetation shall only be permitted as regulated in § 145-33 of Chapter 145, Land Use, of the Wells Municipal Code.	This is a condition of approval.
(4) Dedication and maintenance of common open space and services.	No changes to common open space and services proposed.
(a) All common land shall be owned jointly or in common by the owners of the dwelling units by means of a homeowners' association, by an association which has as its principal purpose the conservation or preservation of land in essentially its natural condition or by the municipality.	
(b) Further subdivision of the common land or its use for other than noncommercial recreation or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to noncommercial recreational or conservation uses may be erected on the common land.	
(c) The common open space shall be shown on the final plan with appropriate notation on the plan to indicate that:	
[1] It shall not be used for future building lots; and	
[2] A part or all of the common open space may be dedicated for acceptance by the municipality.	



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§ 202-12. General Standards	Findings & Decisions
(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.	
(e) Covenants for mandatory membership in the homeowners' association setting forth the owners' rights, interests and privileges in the association and the common property shall be reviewed by the Board and included in the deed for each lot or dwelling.	
(f) The homeowners' association shall have the responsibility of maintaining the common property.	
(g) The association shall levy annual charges against all owners of dwelling units to defray the expenses connected with the maintenance of common property and tax assessments.	
(h) The developer or subdivider shall maintain control of the common property and be responsible for its maintenance until development sufficient to support the association has taken place.	
(5) Construction in flood hazard areas. When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency, the plan shall conform with Chapter 115, Floodplain Management, of the Wells Municipal Code.	No flood zone is present for the parcel per note 11.
(6) Impact on groundwater.	
(a) When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:	Planning Board determined such information is not necessary. No changes to septic systems proposed.
[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.	



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§ 202-12. General Standards		Findings & Decisions
	(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.	
	(f) If groundwater contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.	
	(g) Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the final plan and as restrictions in the deeds to the affected lots.	

§ 202-13. Performance Guaranties. [Amended 4-12-1999]		Findings & Decisions
A.	Types of guaranties.	THE PLANNING BOARD FOUND THAT THIS STANDARD SHALL REMAIN MET.
	(1) With submittal of the application for final plan approval, the applicant shall provide any one or a combination of the following performance guaranties for an amount adequate to cover the total site preparation and construction costs of all required improvements, taking into account the time span of the construction schedule and the inflation rate for construction costs:	See note 17. A written certification from a Professional Land Surveyor shall be provided stating the Monumentation has been installed, within 90 days of approval of this subdivision amendment. See note 17.
	(a) Either a certified check payable to the municipality or a savings account or certificate of deposit naming the municipality as owner for the establishment of an escrow account.	
	(b) A performance bond payable to the municipality issued by a surety company approved by the municipal officers or Town Manager.	



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	(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.	
	(d) An offer of conditional approval prohibiting the sale of any units or lots until all required improvements serving those units or lots have been constructed to the satisfaction of the Town and in compliance with all ordinances, plans and specifications.	
(2)	The conditions and amount of the performance guaranty shall be determined by the Board with the advice of the Town Planner, Road Commissioner, municipal officers and/or Town Attorney. If an offer of conditional approval is made by the applicant, pursuant to Subsection A(1)(d), the applicant shall be required, in addition, to present a cash escrow, performance bond or irrevocable letter of credit, as described in Subsections A(1)(a) through (c) above, to cover the cost of restoring the site to a stable condition, should the applicant create erosion or sedimentation problems for an unreasonable duration during site preparation or during the construction of roads and/or utilities or other required improvements.	
B.	Contents of guaranty. The performance guaranty shall contain a construction schedule, cost estimates for each major phase of construction, taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guaranty to the developer and a date after which the applicant will be in default, and the municipality shall have access to the funds to finish construction. The Board may require the services of a third party inspector, to be paid for at the expense of the applicant upon recommendation of the Town Manager.	
C.	Escrow account. If the applicant chooses to establish an escrow account, a cash contribution to the account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account or the purchase of a certificate of deposit. For any account opened by the applicant, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements. The Town Attorney and Town Treasurer shall review and have final authorization on the establishment of escrow accounts.	
D.	Performance bond. If the applicant chooses to submit a performance bond, the performance bond shall detail any special conditions, the method for release of the bond or portions of the bond to the applicant and the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision for which approval is sought.	

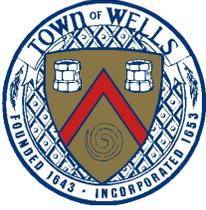


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E.	<p>Letter of credit. If the applicant chooses to submit an irrevocable letter of credit from a bank or other lending institution, at a minimum the letter shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan. The Town Manager or Town Treasurer shall certify the bank or institution as acceptable to the Town. The Town Attorney shall review and, if found acceptable, approve the wording of all letters of credit.</p>	
F.	<p>Standard condition of approval. As a standard condition of approval for all applications for which a performance guaranty is required pursuant to Subsection K, the Board shall require the applicant to enter into a binding agreement with the municipality regarding the development of the required improvements and the sale of lots or units in the subdivision until such time as one or more of the allowable performance guaranties have been accepted by the municipality.</p>	
	<p>(1) The agreement shall prohibit the sale or occupancy of any lot or unit in the subdivision for which the improvements to be covered by the guaranty are required for access to or intended use of the lot until either:</p>	
	<p>(a) It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with these regulations and the regulations of the appropriate utilities; or</p>	
	<p>(b) A performance guaranty, acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.</p>	
	<p>(2) Notice of the agreement and any conditions shall be on the final plan that is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guaranties contained in Subsection H.</p>	
G.	<p>Phasing of development. The Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by a performance guaranty. When development is phased, road construction shall commence from an existing public way. The subdivision shall be divided in such a manner that each phase, when aggregated with the previous phase(s), shall meet the standards of these regulations. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.</p>	<p>Phasing of the subdivision is not proposed.</p>
H.	<p>Release of guaranty. Prior to the release of any part of the performance guaranty, the Board shall determine to its satisfaction, in part upon the report of the Town Manager and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.</p>	



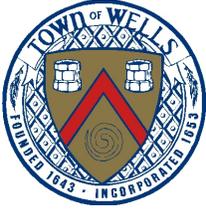
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I.	<p>Default. If upon inspection the third party inspector, Municipal Engineer or other qualified individual retained by the municipality finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he or she shall so report in writing to the Code Enforcement Officer, the municipal officers, the Board and the applicant or builder. The municipal officers shall take any steps necessary to preserve the municipality's rights.</p>	
J.	<p>Private streets. Where the subdivision streets are to remain private streets, the following words shall appear on the recorded plan: "All streets in this subdivision shall remain private roads to be maintained to Town standards by the developer or the lot owners and shall not be accepted or maintained by the Town."</p>	No changes to the existing public street proposed.
K.	<p>Improvements guaranteed. Performance guaranties shall be tendered for all improvements required to meet the standards of these regulations and for the construction of the public or private streets, stormwater management facilities, public or private sewage collection or disposal facilities and water systems that are shared by multiple dwelling units and erosion and sedimentation control measures, as well as any other improvements required by the Board.</p>	

§ 202-2. Purpose, criteria for approval.	Findings & Decisions
<p>The purposes of these regulations are to assure the comfort, convenience, safety, health and welfare of the people of the Town of Wells, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Wells, Maine, the Planning Board shall consider the following criteria and, before granting approval, shall make findings of fact that the provisions of these regulations have been met and that the proposed subdivision will meet the guidelines of 30-A M.R.S.A. § 4404.</p>	
<p>A. The subdivision:</p>	The Planning Board finds that these standards shall be met.
<p>(1) Will not result in undue water or air pollution. In making this determination, the Board shall at least consider the elevation of the land above sea level and its relation to the floodplains; the nature of soils and subsoils and their ability to adequately support waste disposal; and the slope of the land and its effect on effluents;</p>	
<p>(2) Has sufficient water available for the reasonably foreseeable needs of the subdivision;</p>	
<p>(3) Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;</p>	
<p>(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;</p>	
<p>(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;</p>	
<p>(6) Will provide for adequate solid and sewage waste disposal;</p>	



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	(7)	Will not cause an unreasonable burden on the ability of the Town to dispose of solid waste and sewage if municipal services are to be utilized;	
	(8)	Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;	
	(9)	Is in conformance with this chapter, the Comprehensive Plan for the Town and Chapter 145, Land Use, of the Wells Municipal Code, as amended;	
	(10)	Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of the body of water or unreasonably affect the shoreline of that body of water; and	
	(11)	Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;	
B.		The subdivider has adequate financial and technical capacity to meet the above-stated standards;	The Planning Board finds that these standards shall be met.
C.		If any part of a subdivision is located in a flood-prone area, as indicated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Maps, the subdivider shall determine the one-hundred-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan shall include a condition requiring that principal structures will be constructed with their lowest floor, including the basement, at least one foot above the one-hundred-year flood elevation; and	Not applicable.
D.		The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorous concentration during the construction phase and life of the proposed subdivision.	Not applicable.

STANDARD CONDITIONS OF APPROVAL

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



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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))

STANDARD CONDITIONS OF APPROVAL

1. All previous Conditions of Approval will remain in effect unless specifically amended by this approval. The approval of this Amended Site Plan in no way negates the need for applicant compliance with all previously set Conditions of Approval.

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

Wells Planning Board

By: _____
Charles Millian, Chairman

DRAFT

Pine Heights Amendment – Recommended Notes

13. The purpose of this plan is to amend the Plan Reference (2a), “Plan entitled Pine Heights,” approved by the Wells Planning Board on 4-16-1973, to change the lot line between lots 23-3 (#11) and 23-4 (#12); convey 1,776 SF of land between lots 23-3 and 23-4, and add a subsurface wastewater disposal easement over lot 23-4.
14. One single family residential dwelling exists on each lot (23-3 and 23-4).
15. The septic system and well for lot 23-4 are not located within the 1,776 SF parcel to be conveyed to lot 23-3.
16. Lots are existing nonconforming lots of record.
17. Missing Lot corners shall have monuments installed within 90 days of this subdivision plan approval.
18. See Findings of Fact & Decisions associated with this amendment approval. Best Management practices for erosion and sedimentation control shall be followed.

Waivers Granted (if granted by Planning Board at meeting)

202-10C (14): Soil Erosion & Sedimentation Control Plan

202-10C(15): Stormwater Management Plan

Proposed Revision To

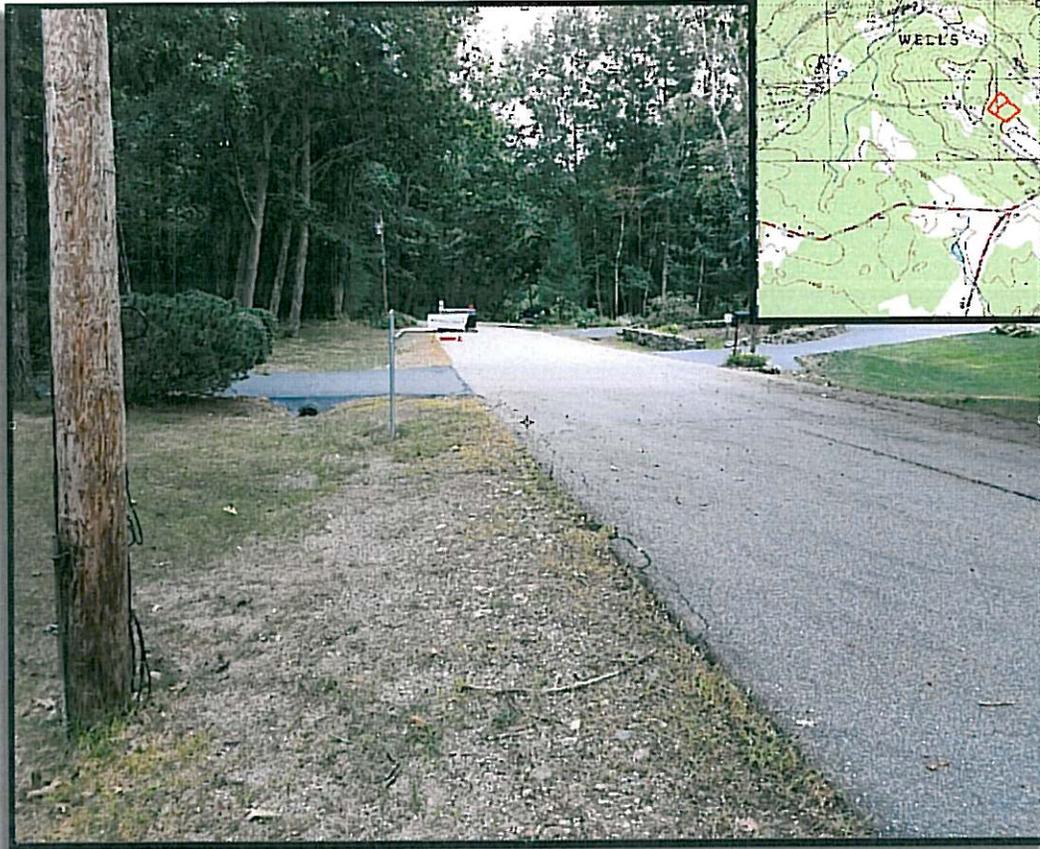
Pine Heights

Revision Made For

Stephen W. & Carmella M. Locke

Richard A. & Polly G. Oteri

Located on Turtle Cove Lane



Prepared By:



Corner Post
Land Surveying, Inc.

600 Main Street, Springvale, ME 04083
Voice: (207) 324-2119 Fax: (207) 490-3946
Email: cpls@mainesurveyors.com

October 4, 2016

Received 10-4-16

***Project Description For
Stephen W. & Carmella Locke
and
Richard A. & Polly G. Oteri
Revised Subdivision***

Applicant:
Stephen W. & Carmella M. Locke
57 Tuttle Cove Lane
Wells, ME 04090

Lot Information:
Zone: **Rural District**
Tax Map: **83 Lot 23-3 & 23-4**
Deed: **Book 4761 Page 210 & Book 6032 Page 170**
Street: **Tuttle Cove Lane**
Area: **2.18 Acres**

Existing Conditions:

The subject properties are known as Lots 23-3 & 23-4 on the Town of Wells Tax Map 83. The have a combined area of 2.18 Acres. Lot 23-3 has approximately 144.72 feet of frontage on Tuttle Cove Lane and lot 23-4 has approximately 131.95 feet of frontage. The lots are serviced by onsite sewer and on site wells.

Proposed Subdivision:

This is a revision of the Pine Heights subdivision and will adjust the lot line between Lot 23-3 and Lot 23-4 in order to make lot 23-3 conform with the building setback requirements.



TOWN OF WELLS, MAINE

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

Amendment <input checked="" type="checkbox"/>
(Revision involves only modifications to plan- no new lots or road proposed)
New _____

For Office Use Only
Fee Paid <input checked="" type="checkbox"/>

FINAL SUBDIVISION APPLICATION - §202-9

Received 10-4-16

1. Project/Subdivision Name: Revision to "Pine Heights"

2. Property Owner: Stephen W. & Carmella M. Locke / Richard A. & Polly G. Oteri

Mailing Address: 57 Turtle Cove Lane / 43 Turtle Cove Lane

Wells, Maine 04090 / Wells, Maine 04090

Telephone: (207) 985-2859 Fax: _____

Email Address: slocke01@maine.rr.com

3. Applicant/Agent (if different from owner): Stephen W. & Carmella M. Locke

Mailing Address: 57 Turtle Cove Lane

Wells, Maine 04090

Telephone: (207) 985-2859 Fax: _____

Email Address: slocke01@maine.rr.com

4. Engineer or Surveyor who prepared plan: Dana A. Libby, PLS 1350

Corner Post Land Surveying, Inc.

Mailing Address: 600 Main Street

Springvale, Maine 04083

Telephone: (207) 324-2119 Fax: _____

Email Address: dana@mainesurveyors.com

5. All correspondence should be sent to:
(specify one of the above) Dana A. Libby

6. Assessor's Tax Map Number: 83 Lot Number: 23-3 & 23-4 (of land to be divided)

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

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

Ownership

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

None

10. Location of Property:

Street Address (approx.) 43 & 57 Turtle Cove Lane

Lot 23-3 Book 4761 Page 210 (From County Registry of Deeds)

Lot 23-4 Book 6032 Page 170 (From County Registry of Deeds)

11. Current Zoning and Shoreland Overlay of property: Rural

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

13. Total Acreage: 2.20 Acres Acreage to be developed: _____

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

None

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

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

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

Residential

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

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

19. Number of lots or dwelling units existing: 2 and
Number of lots or dwelling units proposed: 2

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

roads

storm drainage

sidewalks

- water lines fire protection equipment sewer
 If other, please state _____

21. Estimated cost for infrastructure improvements: \$ 0

22. Identify method of water supply to the proposed development:

- individual wells connection to public water system
 central well w/ distribution lines If other, please state alternative _____

23. Identify method of sewage disposal to the proposed development:

- individual septic tanks central on site disposal with distribution lines
 connection to public sewer system If other, please state alternative _____

24. Identify method of fire protection for the proposed development:

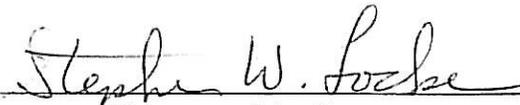
- hydrants connected to the public water system
 dry hydrants located on an existing pond or water body
 existing fire pond
 If other, please state alternative (for example, individual sprinklers) None

25. Does the applicant intend to request waivers of any of the subdivision submission requirements? Yes No

If yes, list them and state the reasons for the request:

202-9B.14 - Soil Erosion & Sedimentation Control Plan, 202-9B.15 - Stormwater Management Plan, 202-9B.16a - Phosphorus Impact Analysis and Control Plan, 202-9B.16b - Phosphorus Maintenance Plan & 202-9B.16c - Contour Lines. This application does not create any new building lots or change the total area of either property. Providing the information in these waivers would be of no benefit to the planning board and would be an unnecessary burden on the property owners.

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



 Signature of Applicant

10/3/2016

 Date



 Signature of Applicant

10/3/2016

 Date

- ◆ Please contact the Planning Department at (207) 646-5187 regarding the number of copies of materials to be submitted, in what format, and for other questions and information.
- ◆ The entire Wells Town Code is on the town website www.wellstown.org. Please follow the link to the 'Document Center' and then the 'Town Code'. The subdivision ordinance is Chapter 202. Other relevant sections include the Land Use Ordinance (Chapter 145), the Streets and Sidewalks Ordinance (Chapter 201), and the Residential Growth Management Ordinance (Chapter 175).

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

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

Submitted Not Submitted Subdivision Amendment form shall be accompanied by

X		A copy of the approved plan, as well as 11 copies of the proposed revisions.
X		Supporting information to allow the Board to make a determination that the proposed revisions meet the standards of chapter 202 standards and criteria
X		A revised plan indicating that it is the revision of a previously approved and recorded plan and shall show the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds.
	X	Evidence that all owners of abutting property were notified of the application if new lots or dwelling units are proposed to be created



TOWN OF WELLS, MAINE

P.O. Box 398, Wells, Maine 04090

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

Website: www.wellstown.org

FINAL SUBDIVISION/ AMENDMENT APPLICATION COMPLETENESS REVIEW CHECKLIST

(This Checklist MUST be submitted)

Project Name: Revision to "Pine Heights" Applicant: Stephen W. & Carmella M. Locke

Checklist Prepared By: Corner Post Land Surveying, Inc. Date: 10/03/2016

Checklist Reviewed By: _____ Date: _____

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

Response (Please check applicable box)

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

Code Section	II. Final Subdivision Submission Requirements	Submitted By Applicant	To Be Submitted By Applicant	Not Applicable	Applicant Requests Waiver
202-9B.1	Proposed name of subdivision and the name of the municipality in which it is located, plus the Tax Assessor's map and lot numbers.	X			
202-9B.2	An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each corner.	X			
202-9B.3	The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses and other essential existing physical features.	X			
202-9B.4	Indication of type of sewage disposal to be used in the subdivision. A written statement from Wells Sanitary District must be submitted indicating approval of the subdivider's sewage design.	X			
202-9B.5.a	A written statement from KKWWD shall be submitted indicating that the district has reviewed and approval the water system design.			X	
202-9B.5.a	A written statement shall be submitted from the Fire Chief approving all hydrant locations or other fire protection measures deemed necessary.			X	
202-9B.5.b.1	When the subdivision is not served by KKWWD, evidence of adequate groundwater quality shall be required for proposed subdivisions in the vicinity of known sources of potential groundwater contamination. The results of primary inorganic water analysis performed upon a well on the parcel to be subdivided or from wells on adjacent parcels, between the parcel to be subdivided and the potential contamination, shall be submitted.			X	
202-9B.5.b.2	When a proposed subdivision is to be served by a private central water system or contains structures other than one- or two- family dwellings, evidence of adequate groundwater quantity shall be required.			X	
202-9B.6	The date the plan was prepared	X			
202-9B.6	North Point (Identified or Magnetic or True)	X			
202-9B.6	Graphic map scale	X			
202-9B.6	Names and addresses of the record owner, subdivider and individual or company who or which prepared the plan	X			
202-9B.7	The location of any zoning boundaries affecting the subdivision.			X	

202-9B.8	The location and size of existing and proposed sewers, water mains, culverts, and drainageways on or adjacent to the property to be subdivided.			x	
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Code Section	II. Final Subdivision Submission Requirements	Submitted By Applicant	To Be Submitted By Applicant	Not Applicable	Applicant Requests Waiver
202-9B.9	The location, names and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.	X			
202-9B.9	Plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line and boundary line to be readily determined and be reproduced upon the ground.	X			
202-9B.9	The length of all straight lines, the deflection of angle radii, length of curves and central angles of curves, tangent distances and tangent bearings for each street shall be included.	X			
202-9B.10	The width and location of any streets or public improvements shown upon the Official Map and the Comprehensive Plan, if any, within the subdivision.	X			
202-9B.11	All parcels of land proposed to be dedicated to public use and the conditions of such dedication.			X	
202-9B.11	Written offers of cession to the municipality of all public open spaces shown on the plan and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted			X	
202-9B.11	If land is to be offered to the municipality, written evidence that the municipal officers are satisfied with the legal sufficiency of the written offer of cession shall be included.			X	
202-9B.12	A list of construction items with cost estimates that will be completed by the developer prior to the sale of lots and, for subdivisions containing more than 20 lots			X	
202-9B.12 202-9B.12.a	A separate list of construction and maintenance items, with both capital and annual operating cost estimates that must be financed by the municipality or quasi-municipal districts. These lists shall include but not be limited to: schools, including busing; street maintenance and snow removal; police and fire protection; solid waste disposal; recreation facilities; stormwater drainage; wastewater treatment; and water supply.			X	
202-9B.12.b	The developer shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.			X	
202-9B.13	If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the one-hundred-year flood elevation shall be delineated on the plan.	X			

Code Section	II. Final Subdivision Submission Requirements	Submitted By Applicant	To Be Submitted By Applicant	Not Applicable	Applicant Requests Waiver
202-9B.14	A soil erosion and sedimentation control plan, prepared in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Maine Department of Environmental Protection and the Cumberland County Soil and Water Conservation District, 1991.				X
202-9B.15	A stormwater management plan, prepared by a registered professional engineer in accordance with the most recent edition of Stormwater Management For Maine: BMPS Technical Design Manual, published by the Maine Department of Environmental Protection, 2006. Another methodology may be used if the applicant can demonstrate it is equally or more applicable to the site.				X
202-9B.16	If any portion of the proposed subdivision is located in the direct watershed of Ell Pond or within 500 feet of the upland edge of Hobbs Pond and meets the following criteria: 1.) five or more lots or dwelling units created within any five-year period; or 2.) any combination of 800 linear feet of new or upgraded driveways and/or streets, then the following shall be submitted or indicated on the plan:			X	
202-9B.16.a	A phosphorus impact analysis and control plan conducted using the procedures set forth in MDEP Phosphorus Design Manual, Volume II of the Maine Stormwater Best Management Practices Manual, 2006. The analysis and control plan shall include all worksheets, engineering calculations, and construction specifications and diagrams for control measures, as required by the most recent edition of Stormwater Management For Maine: BMPS Technical Design Manual, published by the Maine Department of Environmental Protection, 2006				X
202-9B.16.b	A long-term maintenance plan for all phosphorus control measures				X
202-9B.16.c	The contour lines shown on the plan shall be at an interval of no less than five feet				X
202-9B.16.d	Areas with sustained slopes greater than 25% covering more than one acre shall be delineated			X	

LISTING OF ABUTTERS TO A PROPOSED FINAL SUBDIVISION APPLICATION

Project Name: Revision to "Pine Heights"

Street Address of Project: 57 Turtle Cove Lane

Map/ Lot # of Project: Map 83 Lot 23-3 & 23-4

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

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

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

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

Name	Address	Tax Map	Lot
Michael & Maryanna Arsenault	33 Turtle Cove Lane Wells, Maine 04090	83	23-5
John A. & Linda A. Carota	23 Turtle Cove Lane Wells, Maine 04090	83	23-6
Sean O'Malley & Mary M. Madigan	175 Clark Road Wells, Maine 04090	83	26
Christopher & Monica Tardif	141 Clark Road Wells, Maine 04090	83	26A
Megan Walsh & Edward Rogowski	103 Clark Road Wells, Maine 04090	83	20
Christopher J. Maccia & Kathryn E. Fox	58 Turtle Cove Lane Wells, Maine 04090	83	23-2
Ann Morong Stevens	48 Turtle Cove Lane Wells, Maine 04090	83	23-1
Daniel J. Beamis & Stephen B. Cotreau	545 Ocean Avenue Wells, Maine 04090	83	23

N/A

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

Stephen W. Locke
Signature of Applicant

10/3/2016
Date

Richard Otter
Signature of Applicant

10/3/2016
Date

Attach extra pages as necessary



TOWN OF WELLS, MAINE

P.O. Box 398, Wells, Maine 04090

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

Website: www.wellstown.org

FINAL SUBDIVISION AMENDMENT APPLICATION ABUTTER NOTIFICATION

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

To Whom It May Concern:

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

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

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

Property Owner (of land to be divided): Stephen W. & Carmella M. Locke

Owner's Mailing Address: 57 Turtle Cove Lane, Wells Maine 04090

Applicant's Name: Stephen W. & Carmella M. Locke

Applicant's Mailing Address: 57 Turtle Cove Lane, Wells Maine 04090

Applicant's Signature: Stephen W. Locke

Assessor's Tax Map Number: 83 Lot Number : 23-3 (of land to be divided)

Subdivision Location (street address): 57 Turtle Cove Lane

Acres to be subdivided: 2.20 Number of proposed lots or dwelling units: 2 Existing lots

Zoning District(s): Rural District

Description of Proposal: To adjust the lot lines between lots 23-3 & 23-4



Assessors Office, Town of Wells

P.O. Box 398, Wells ME 04090-0398
(207) 646-6081, Fax: (207) 646-2935

ROAD NAME REQUEST FORM

In order to comply with the Enhanced E911 requirement that street names be as clear and distinct as possible for emergency dispatch, it is necessary to have new street names approved by the E911 Coordinator prior to subdivision approval. Extra steps and charges may be eliminated during the approval process if the street names don't have to be changed mid-stream.

Please use on form for each street under consideration, and allow a few days for this process. List at least three names to be considered. They should not look like or sound like existing street names. For the present time, the list of street names (actual and reserved) are available in the Assessor's Office. In the near future, we will have a list on our website for your convenience. www.wellstown.org

NAME OF PROPOSED SUBDIVISION: _____

LOCATION OF PROPOSED SUBDIVISION : _____

MAP(s)/LOT(s)#: _____

Desired Road Names to be Considered:

1. Not Applicable
2. _____
3. _____
4. _____
5. _____

Contact Name of Development: _____

Contact Phone: _____ Email: _____

Office Use Only

STREET NAME APPROVED: _____

Date: _____ Signature: _____

Keeley Lambert, E911 Coordinator

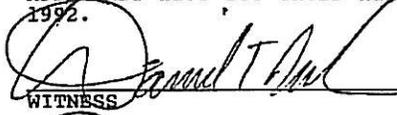
13901

WARRANTY DEED
(Maine short form)

We, WILBUR H. ADELHARDT and JOANNE E. ADELHARDT both of Seabrook Island, South Carolina, for consideration paid, grant to RICHARD A. OTERI and POLLY G. OTERI, who have a mailing address of 10 Heather Lane, Wrentham, Massachusetts 02093, as joint tenants, with **WARRANTY COVENANTS**, the premises situated in Wells, County of York and State of Maine, bounded and described as follows:

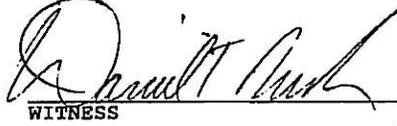
SEE EXHIBIT A ATTACHED HERETO

IN WITNESS WHEREOF, the said WILBUR H. ADELHARDT and JOANNE E. ADELHARDT have set their hands and seals this 27th day of March, 1992.


WITNESS

Joanne E. Adelhardt
att. in fact for
Wilbur H. Adelhardt

WILBUR H. ADELHARDT by
Joanne E. Adelhardt under
Power of Attorney dated
March 26, 1992


WITNESS

Joanne E. Adelhardt

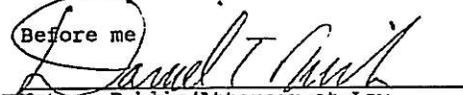
JOANNE E. ADELHARDT

MAINE REAL ESTATE TRANSFER TAX PAID

STATE OF MAINE
YORK, ss.

March 27, 1992

Then personally appeared the above-named JOANNE E. ADELHARDT and acknowledged the foregoing instrument to be her free act and deed.

Before me


Notary Public/Attorney-at-Law

Print Name: DANIEL T. RUSIN

EXHIBIT A

A certain lot of unimproved land in the Town of Wells, County of York and State of Maine and being Lot #12 on the Pine Heights Subdivision entitled "Plot Plan of Pine Heights - Chick Crossing Road - Wells Branch, Me.", which Plan is dated April 16, 1973 and is recorded in the York County Registry of Deeds, Plan Book 60, Page 44.

The above parcel is conveyed subject to a sewer waste disposal easement referenced in an easement deed dated July 30, 1985 and recorded in the said Registry of Deeds, Book 3629, Page 110, said easement conveying to the owners of Lot 11, adjacent to the premises herein conveyed, the right to enter upon and lay, re-lay, repair, construct, operate and perpetually maintain a sub-surface sewer (septic) waste disposal system pipes and leach field, and to replace such system, or portions thereof, on the premises herein conveyed including the right to go upon said parcel of land at any time and to do all things incidental, necessary and proper to be done in connection with the installation, laying, construction, re-laying, re-construction, removal, repair, replacement and perpetual maintenance of the aforesaid sub-surface septic disposal system. The party or parties exercising such rights shall be obligated to return the aforesaid premises, as nearly as practicable, to the condition in which said premises existed prior to the exercise of those rights; provided, however, that such party or parties shall not be required to replace any shrubbery, trees or structures the removal of which was reasonably necessary for the proper exercise of those rights.

The above described parcel is further conveyed subject to certain conditions and restrictions that shall be considered real covenants running with the land to remain in force until the year 2025 A.D.

1. Said premises shall be used for single-family residential purposes only and shall not be used for any commercial purposes, except that an office therein used by a doctor, lawyer, dentist or architect shall not be considered a commercial purpose.

2. No mobile home, house trailer or similar vehicle may be placed or be permitted to remain on said premises, EXCEPT that a camper or camper trailer for private use may be stored on said premises but shall not be used thereon.

3. There shall not be more than one single-family dwelling house erected on said lot and such dwelling shall be completed on the exterior within twelve (12) months from the start of construction, and shall have a living space floor area of not less than Nine Hundred (900) square feet on the first floor living area, not including porches (screened, glassed in or otherwise treated), stoops, garages, carports or other outside living terraces.

Being the same premises conveyed by Warranty Deed of Wilbur Henry Adelhardt and Joanne Elizabeth Adelhardt to Amity Construction Unlimited, dated May 23, 1986 and recorded in the said Registry of Deeds, Book 3860, Page 200. Also being the same premises conveyed to Wilbur H. Adelhardt and Joanne E. Adelhardt by Amity Construction Unlimited by Warranty Deed dated January 22, 1987 and recorded in Book 4175, Page 340, York Registry.

RECEIVED YORK S.S.

92 APR -1 PH 1:44

ATTEST: *Anna M. Stone*
REGISTER OF DEEDS

26538

WARRANTY DEED
(Maine Statutory Short Form)

KNOW ALL MEN BY THESE PRESENTS,

That Gary M. Adelhardt and Nancy C. Adelhardt, of Highland Road, Wells, ME 04090, for consideration paid, grant to Stephen W. Locke and Carmella M. Locke, whose mailing address is 9 Tall Pines Drive, Scarborough, ME 04074, as joint tenants, their heirs and assigns forever, with WARRANTY COVENANTS, the land in Wells, County of York, State of Maine, described as follows:

A certain lot or parcel of land in Wells, in the County of York and State of Maine, being a lot described on a subdivision plan, said parcel of land being more fully described as follows:

Lot 11 as the same is described and depicted on a plan entitled "Plot Plan of Pine Heights - Chick Crossing Road - Wells Branch, Me.", which said plan is dated April 16, 1973, and is duly recorded in the York Registry of Deeds in Plan Book 60, Page 44.

The above described premises are hereby conveyed together with a right of way and easement over, across, under and through the entire length width and breadth of Highland Road as the same is described on the aforementioned plan, said right of way and easement being for pedestrian and vehicular passage and for the transmission of utility services to said Lot 11.

The above described parcel is further conveyed subject to certain conditions and restrictions that shall be considered real covenants running with the land to remain in force until the year 2025 A.D.

Subject to Restrictions, Conditions and Covenants as set forth in deed recorded in the York County Registry of Deeds in Book 2993, Page 206.

Being the same premises conveyed to Gary M. Adelhardt, a/k/a Gary Michael Adelhardt and Nancy C. Adelhardt a/k/a Nancy Carol Adelhardt by Deed of Carl William Goodwin dated October 6, 1982 and recorded in the York County Registry of Deeds in Book 2993, Page 206.

MAINE REAL ESTATE TRANSFER TAX PAID

WITNESS our hand(s) and seal(s) this 1st day of July, 1988.

WITNESS:

Ciray L. M. [Signature]
to both

[Signature] (Seal)
Gary M. Adelhardt Grantor

[Signature] (Seal)
Nancy C. Adelhardt Grantor

STATE OF MAINE
COUNTY OF York

)
)ss:
)

July 1, 1988

Personally appeared the above-named Gary M. Adelhardt and Nancy C. Adelhardt, and acknowledged the above instrument to be their free act and deed.

Before me, [Signature]
Notary Public/Attorney at Law

My Commission Expires: CINDY ANN HARTLEY
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES JUNE 18, 1993

Typed Name of Notary/Attorney:

RECEIVED YORK, SS.
1988 JUL -6 AM 10: 03
RECORDED REGISTRY OF DEEDS
ATTEST: Ann M. Penzette
REGISTER

EASEMENT DEED

KNOW ALL MEN BY THESE PRESENTS, that we, WILBUR H. ADELHARDT and JOANN ELIZABETH ADELHARDT, both of Kennebunk, County of York and State of Maine, in consideration of One Dollar and other valuable considerations, paid by GARY MICHAEL ADELHARDT and NANCY CAROL ADELHARDT, both of Eliot, County of York, State of Maine, the receipt of which we do hereby acknowledge, do hereby REMISE, RELEASE, BARGAIN, SELL and CONVEY and forever QUIT-CLAIM unto the said GARY MICHAEL ADELHARDT and NANCY CAROL ADELHARDT, as joint tenants and not tenants in common, their heirs and assigns, and the heirs and assigns of the survivor of them, forever, the following easement:

The right to enter upon and lay, re-lay, remove, repair, construct, operate and perpetually maintain a sub-surface a sewer (septic) waste disposal system pipes and leach field, and to replace such system, or portions thereof, on the premises of the said Wilbur H. Adelhardt and Joann Elizabeth Adelhardt situated on Highland Road, Town of Wells, County of York and State of Maine, conveyed to them by the Carl William Goodwin by his Deed dated April 15, 1982, and recorded in the York County Registry of Deeds, Book 2967, Page 283, said easement being more particularly bounded and described as follows:

BEGINNING on the Westerly boundary of Lot #12 as shown on the Plot Plan of Pine Heights, dated April 16, 1973 and recorded in the York County Registry of Deeds, Plan Book 60, Page 44, at a point one hundred forty (140.00) feet South 38° 31' 20" West of an iron pipe set in the ground at the Northeasterly corner of the aforesaid Lot #12 and Northwesterly corner of Lot #11 on the aforesaid Plan; thence turning and running South 40° 29' 35" East thirty (30.00) feet to a point; thence turning and running South 38° 31' 02" West a distance of fifty (50.00) feet to a point; thence turning and running North 40° 29' 35" East a distance of thirty (30.00) feet to a point on the aforesaid Northeasterly lot line of the aforesaid Lot #12; thence turning and running North 38° 31' 02" East along said lot line a distance of fifty (50.00) feet to the point of beginning.

THIS CONVEYANCE includes the right to go upon said parcel of land at any time and to do all things incidental, necessary and

proper to be done in connection with the installation, laying, construction, re-laying, re-construction, removal, repair, replacement and perpetual maintenance of the aforesaid sub-surface septic disposal system.

IN THE EVENT that Gary Michael Adelhardt and Nancy Carol Adelhardt, the survivor of them, their heirs and assigns, or the heirs and assigns of the survivor of them, shall exercise any of the rights granted to them herein on the premises of Wilbur H. Adelhardt and Joann Elizabeth Adelhardt, or their heirs and assigns, then the party or parties exercising such rights shall be obligated to return the aforesaid premises, as nearly as practicable, to the condition in which said premises existed prior to the exercise of those rights; provided, however, that such party or parties shall not be required to replace any scrubbery, trees or structures the removal of which was reasonably necessary for the proper exercise of those rights.

WITNESS our hands this 30 day of the month of July, 1985.

Signed and Delivered in the presence of

E. Gales L. Ames
.....
Witness

Wilbur H. Adelhardt
.....
WILBUR H. ADELHARDT

(for both)
.....
Witness

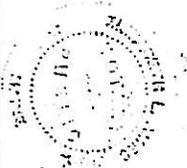
Joann Elizabeth Adelhardt
.....
JOANN ELIZABETH ADELHARDT

STATE OF MAINE
County of York, ss.

July 30, 1985

Then personally appeared the above-named WILBUR H. ADELHARDT and JOANN ELIZABETH ADELHARDT and acknowledged the foregoing instrument to be their free act and deed, before me,

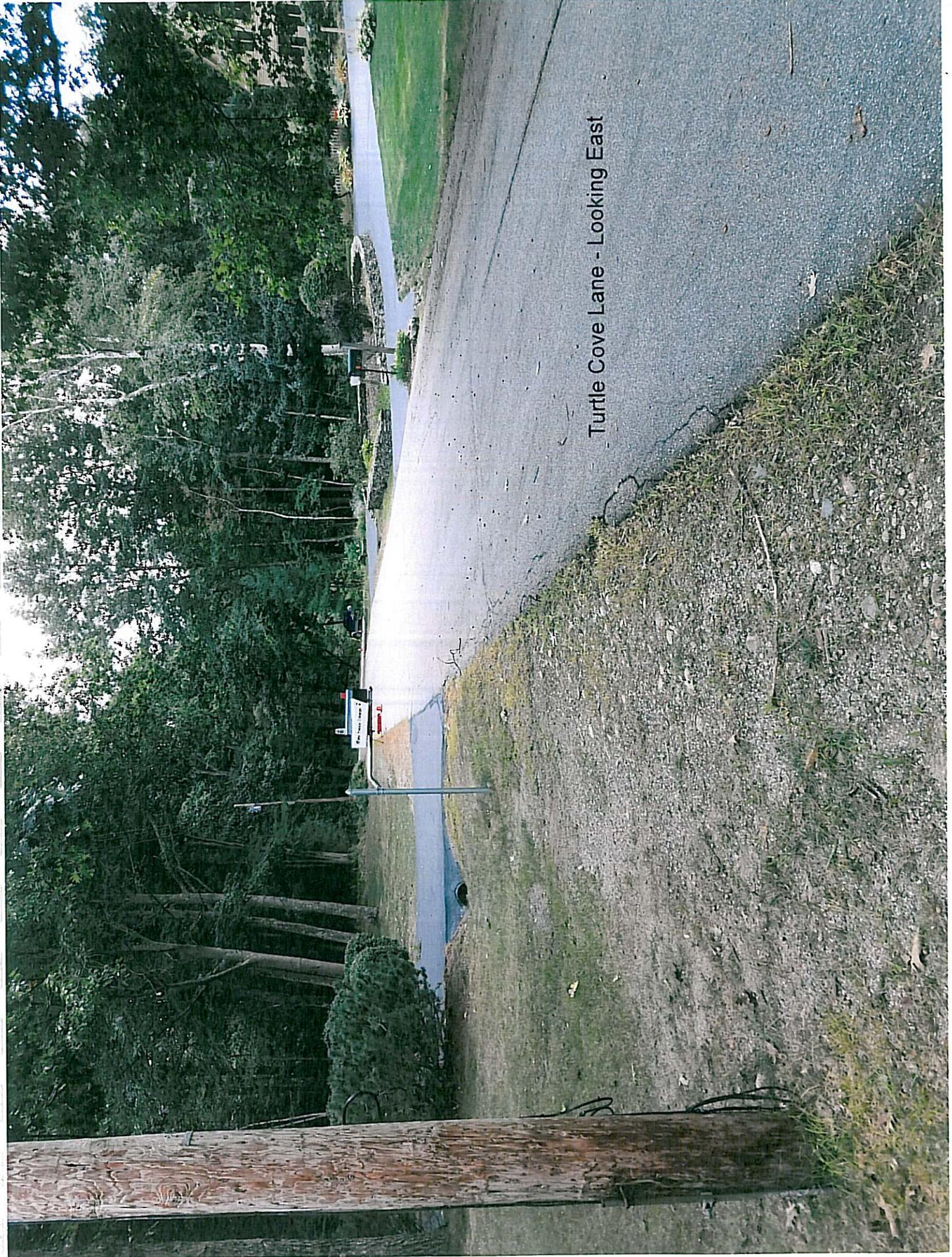
E. Gales L. Ames
.....
Notary Public, Justice of the Peace, Attorney at Law
ELIZABETH L. AMES
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES OCTOBER 21, 1988
.....
Printed Name



RECEIVED YORK, SS.

1985 SEP 11 AM 9:56

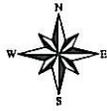
PATTERSON, CARLETON & MONGIE, ATTORNEYS AT LAW - 5 STOREY STREET - KENNEBUNK, MAINE 04043
RECORDED REGISTRY OF DEEDS



Turtle Cove Lane - Looking East



Turtle Cove Lane
Looking West



Turtle Cove Lane

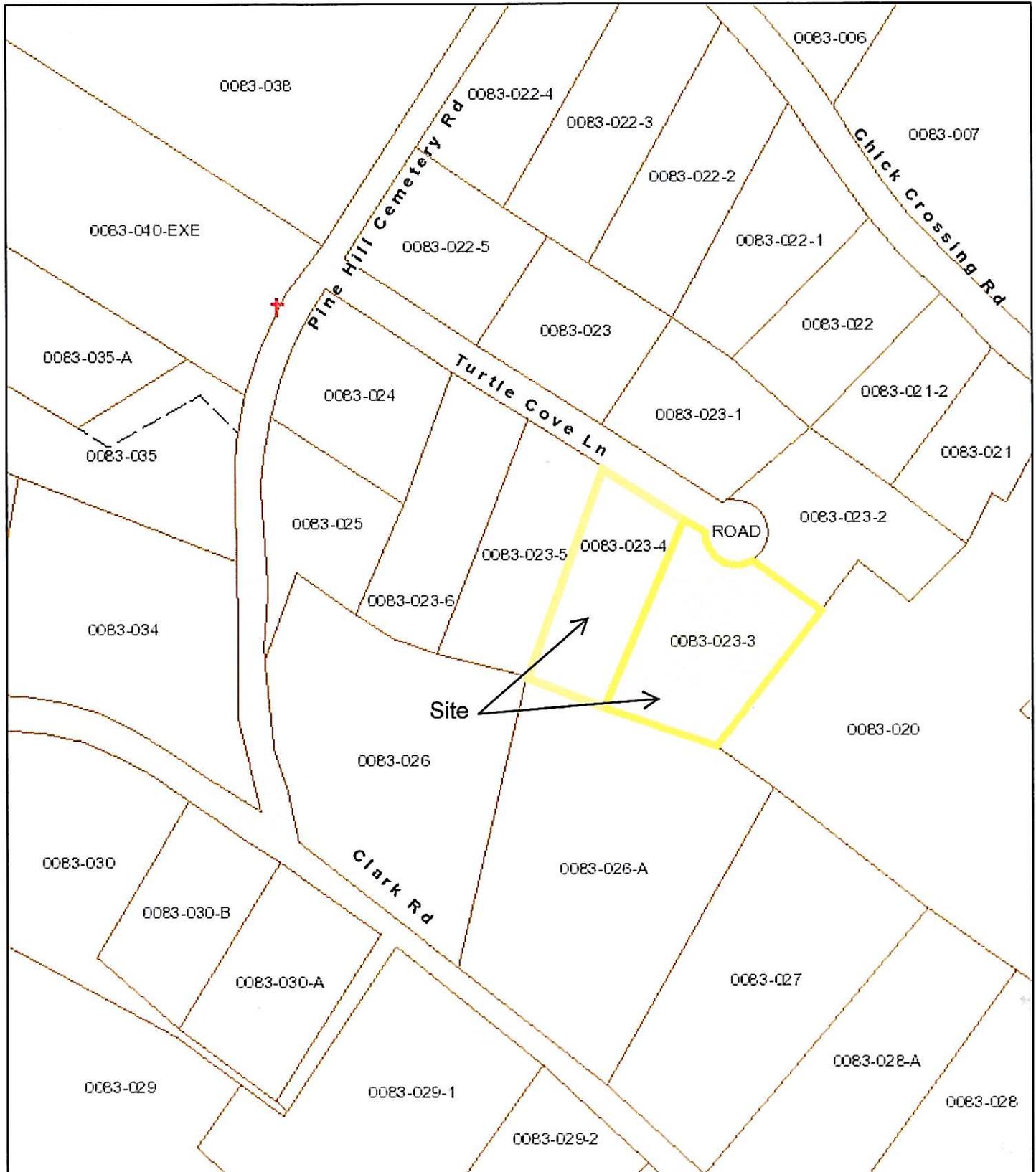
Wells, ME



October 3, 2016

1 inch = 200 Feet

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



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

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

Subdivision Amendment Application Memo

Date: October 14, 2016
To: Planning Board
From: Planning Office
Re: Wire Road Subdivision Amendment - Map 75, Lot 1

Project Description:

Attar Engineering has submitted a Final Subdivision Amendment Application for the approved 40 lot/ 40 single family dwelling unit Residential Cluster Development (major subdivision) on behalf of the property owner Highpine Properties, LLC. The amendment proposes to add notes 28 and 29 to sheet 1.2 to permit the construction of 3 model homes and to permit the use of temporary stakes for purposes of obtaining lot building permits. The property is located off of Wire Road and is identified as Tax Map 75, Lot 1 and is located within the Rural District. The property is 100.26 acres in size and 73.73 acres is dedicated Open Space. The subdivision proposes private street right-of-ways, common on-site septic systems, and individual on-site drilled wells.

§ 202-10. Revisions to approved plans.

- A. Procedure. An application for a revision to a previously approved plan shall, at least five business days prior to a scheduled meeting of the Board, request to be placed on the Board's agenda. **Planning Board to consider receiving the application on 10- 17- 16**
- (1) If the revision involves the creation of additional lots or dwelling units, the procedures for preliminary plan approval shall be followed, unless the revised plan meets the definition of a minor subdivision. If the revision involves only modifications of the approved plan, without the creation of additional lots or dwelling units, the procedures for final plan approval shall be followed. **Final plan approval procedures to be followed.**
- (2) The applicant shall pay a fee established by the Board of Selectmen following notice and a public hearing, to include the applicable per-dwelling-unit fee according to the procedures for a minor subdivision or preliminary plan for a major subdivision. In addition, the applicant shall pay a fee to be determined by the Board, to be deposited in a special account designated for that application, to be used by the Board for hiring independent consulting services to review the application. If the balance in this special account shall be drawn down by 75%, the Board shall notify the applicant and require that an additional \$50 beyond the balance after invoices received are paid be deposited by the applicant. The Board shall continue to notify the applicant

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

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

§ 202-9. Final plan for major subdivision.

A. Procedure.

- (1) The subdivider shall, within six months after the approval of the preliminary plan, file with the Board an application for approval of the final plan at least 10 days prior to a scheduled meeting of the Board. If the application for the final plan is not submitted within six months after preliminary plan approval, the Board may refuse without prejudice to act on the final plan and require resubmission of the preliminary plan. The final plan shall approximate the layout shown on the preliminary plan, plus any recommendations made by the Board. **[Amended 7-11-1996] Final Application received 10/4/16**
- (2) If a public hearing is deemed necessary by the Board, an additional fee in the amount established by the Board of Selectmen following notice and a public hearing shall be required to cover the costs of advertising and postal notification. **[Amended 7-9-2002; 4-16-2004] To be determined**
- (3) The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the final plan. **Yes**
- (4) When the application is received by the Planning Board, it shall give the applicant a dated receipt acknowledging that it has received the application. **Final Application received 10/4/16**
- (5) Within 30 days after receiving any application, the Board shall notify the applicant in writing either that the application is complete or, if it is incomplete, the specific additional material needed to complete the application. The Board shall determine whether to hold a public hearing on the final plan application. **To be determined**
- (6) Prior to submittal of the final plan application, the following approvals shall be obtained in writing, where appropriate:
 - (a) Maine Department of Environmental Protection, under the Site Location of Development Act and the Natural Resources Protection Act. **Editor's Note: See 38 M.R.S.A § 481 et seq. and 38 M.R.S.A. § 480-A et seq., respectively. DEP Permit approval granted Aug 2016**
 - (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. Water supply by individual private wells.**

- (d) The Wells Sanitary District, if the public sewage disposal system is to be used. **Not Applicable, no existing sewer mains within 1,000 feet of the property**
 - (e) Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized. **Written approval received from DHHS dated 5-16-16**
 - (f) An Army Corps of Engineers dredge and fill permit. **Not Applicable, no wetland fill proposed.**
 - (g) NPDES permit for stormwater discharges. **Not Applicable, included in MDEP Site Location Permit.**
- (7) A public hearing may be held by the Planning Board within 30 days after the issuance of a receipt for the submittal of a complete application. This hearing shall be advertised in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days before the hearing, and the notice of the hearing shall be posted in at least three prominent places at least seven days prior to the hearing. When a subdivision is located within 500 feet of a municipal boundary and a public hearing is to be held, the Planning Board shall notify the Clerk and the Planning Board of the adjacent municipality involved at least 10 days prior to the hearing. **To be determined**
- (8) Upon receipt of an application for a subdivision containing 20 lots or dwelling units or more, the Planning Board shall notify the Road Commissioner, School Superintendent, Police Chief and Fire Chief of the proposed subdivision, the number of dwelling units proposed, the length of roadways and the size and construction characteristics of any multifamily, commercial or industrial buildings. The Planning Board shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed subdivision.
- (9) Before the Board grants approval of the final plan, the subdivider shall meet the performance guaranty requirements contained in § 202-13. **To be determined**
- (10) The Board, within 30 days from the public hearing or within 60 days of the official submittal date if no hearing is held, shall make findings of fact and conclusions relative to the standards contained in 30-A M.R.S.A. § 4404, Subsection 3 and in these regulations. If the Board finds that all standards of the statute and these regulations have been met, it shall approve the final plan. If the Board finds that any of the standards of the statute and these regulations have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any denial or conditions shall be stated in the records of the Board. **To be determined**
- B. Submissions. The final plan shall consist of one or more maps or drawings drawn to a scale of not more than 100 feet to the inch. Plans for subdivisions containing more than 75 acres may be drawn at a scale of not more than 200 feet to the inch. Plans shall be no larger than 24 inches by 36 inches in size and shall have a margin of two inches outside of the border line on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by the Board. One reproducible, stable-based transparent original and three copies of the plan shall be submitted. In addition, the applicant shall submit 11 copies of the final plan, reduced to a size of 11 inches by 17 inches, and all accompanying information to the Office of Planning and Development no less than 10 days prior to the meeting. The application for approval of the final plan shall include the following information:

Recommendations and conclusions:

1. The Planning Board should consider receiving the subdivision amendment application.

2. The Planning Board should consider if a site walk is necessary. One is not recommended.
3. The Planning Board should consider workshopping the amendment application completeness (202-10).
 - a. Note changes recommended to note 28 and 29 on sheet 1.2 (see attached)
4. The Planning Board should consider if a public hearing is necessary. One is not recommended.
5. The Planning Board should consider workshopping compliance (202-12).
 - a. Does note 29 sufficient address Monumentation requirements. If so the Planning Board should vote to find Monumentation requirements shall be satisfied.
 - b. Planning Board to review note 28 and determine if the exceptions proposed for the model units are acceptable.
 - c. Planning Board to consider finding the performance standards for the development shall remain met
6. If the items above are sufficiently addressed, the Planning Board should consider finding reviewing and approving the Findings of Fact & Decisions and vote to approve and sign the subdivision plan.

Town of Wells , Maine Review Checklist
Page 1 of 7

Project Name/District: Wire Road Subdivision Amendment - Rural District - Tax Map 75, Lot 1

Prepared By: Office of Planning & Development

Date of Review: 10/13/16

Company Name: Town of Wells

Article V District Regulations

A. Purpose.

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

§ 145-30. Rural District.		Application Meet Requirements			
		Yes	No	NA	Comments
B.	Permitted uses. The following uses are permitted upon obtaining any required permits from the Code Enforcement Officer:				
(1)	Animal husbandry.			NA	
(2)	Agriculture.			NA	
(3)	Cemetery having an area less than 20,000 square feet and containing no buildings.			NA	
(4)	Dwelling, one-family. (See also § 145-55)	Y			40 single family dwelling units are approved.
(5)	Dwelling, two-family.			NA	
(6)	Dwelling, multifamily. (See also § 145-48)			NA	
(7)	Recreation, passive.			NA	
(8)	Timber harvesting.			NA	
C.	Permitted uses requiring the approval of a site plan. The following uses are permitted upon obtaining site plan approval and any required permits from the Code Enforcement Officer:				<u>The applicant proposes to utilize one of the model homes as a 'project office.' Business office and Business contractor uses are not permitted in the Rural zone. Note 28, on sheet 1.2 should be revised as recommended.</u>
(1)	Bed and breakfast/small inn (See also § 145-52)			NA	
(2)	Cemetery larger than 20,000 square feet in area.			NA	
(3)	Church.			NA	
(4)	Club.			NA	

Town of Wells , Maine Review Checklist
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Project Name/District: Wire Road Subdivision Amendment - Rural District - Tax Map 75, Lot 1

Date of Review: 10/13/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-30. Rural District.		Application Meet Requirements			
		Yes	No	NA	Comments
(5)	Congregate care facility, in areas served by public water and sewer. [Added 6-8-2010]			NA	
(6)	Day-care home.			NA	
(7)	Day-care center/ nursery school.			NA	
(8)	Estuarine and marine research facilities located east of U.S. Route 1. Said facilities may include a building containing a dwelling unit occupied by a resident manager and his or her family and fifteen suites or less occupied by visiting scientists conducting research with the Wells Reserve. Said suites shall not exceed 470 square feet and shall not have their own kitchen facilities. However, said building may contain a common kitchen to provide meals available only to the occupants. [Added 4-14-2000; amended 11-5-2002]			NA	
(9)	Kennel.			NA	
(10)	Mineral extraction. (See also § 145-53)			NA	
(11)	Municipal facility.			NA	
(12)	Museum having a gross floor area less than 5,000 square feet.			NA	
(13)	Neighborhood convenience store.			NA	
(14)	Public utility facility.			NA	
(15)	Recreation, active.			NA	
(16)	Recreation, low-intensity commercial.			NA	
(17)	Restaurant (standard) containing fewer than 75 seats.			NA	
(18)	Sawmill.			NA	
(19)	School, public and private.			NA	
(20)	School, vocational-technical, served by public water and sewer and located east of the turnpike and south of Route 109. [Added 4-18-1995]			NA	
(21)	Tent and recreational vehicle park.			NA	
(22)	Transmission tower, radio.			NA	

Town of Wells , Maine Review Checklist
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Project Name/District: Wire Road Subdivision Amendment - Rural District - Tax Map 75, Lot 1

Date of Review: 10/13/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-30. Rural District.			Application Meet Requirements			
			Yes	No	NA	Comments
D.	Accessory uses. Accessory uses are permitted when they are clearly incidental to the permitted use; subordinate, individually and in the aggregate, to the permitted use; and located on the same lot as the permitted use being served. Home businesses as regulated in § 145-51 are accessory uses.		Y			
E.	Uses prohibited. Except as permitted in § 145-12, Nonconforming uses, and in Article VI, Town-Wide Regulations, uses not identified in Subsections B, C and D are prohibited within this district.				NA	No nonconforming uses exist or are proposed.
F.	Dimensional requirements.					
	(1)	Minimum lot size:				
	(a)	One hundred thousand square feet of net area.	Y			Map 75, Lot 1 is noted to be 100.26 acres. See note 2 on sheet 1.1. Minimum lot size (no public sewer) is noted to be 100,000 SF. See note 3 on sheet 1.1. Residential Cluster Development permits a minimum lot size of 20,000 SF (no public sewer).
	(b)	Forty thousand square feet if located east of the Maine Turnpike and connected to public sewer.			NA	
	(2)	Maximum density: [Amended 4-28-1995]				

Town of Wells , Maine Review Checklist
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Project Name/District: Wire Road Subdivision Amendment - Rural District - Tax Map 75, Lot 1

Date of Review: 10/13/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-30. Rural District.			Application Meet Requirements			
			Yes	No	NA	Comments
	(a)	One dwelling unit for each 100,000 square feet of net area.	Y*			<p>100.26 x 43560 = 4,367,325 SF / 100,000 = 43 dwellings units.</p> <p>Residential Cluster Development requires a 15% deduction from 100.26 which leaves a total of 85.22 acres. 85.22 x 43560 = 3,712,183 SF / 100,000 = 37 dwelling units. The applicant proposes a 10% density bonus as 73.73 shall be dedicated Open Space or 73% Open Space. 37 x 1.1 = 40 dwelling units. See note 3 on sheet 1.1</p> <p>40 dwelling units are approved. 40 dwellings are permitted per 145-49. A 10% density bonus was granted by the Planning Board on 2/22/16 for providing 73% Open Space.</p>
	(b)	One dwelling unit for each 40,000 square feet of net area if located east of the Maine Turnpike and connected to public sewer.			NA	Subdivision not served by public sewer or located east of the Maine Turnpike.
	(c)	<p>Four housekeeping cottages or seasonal cottages per acre of net area.[Amended 4-12-2003; 6-13-2006</p> <p><i>Editor's Note: This ordinance provided that it shall be retroactive to any application for site plan approval and any application to amend an existing site plan to the extent the amendment proposes additional cottage units that has not received final approval from the Planning Board on 4-25-2006.</i></p>			NA	So such use exists or is permitted.

Town of Wells , Maine Review Checklist
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Project Name/District: Wire Road Subdivision Amendment - Rural District - Tax Map 75, Lot 1

Date of Review: 10/13/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-30. Rural District.		Application Meet Requirements			
		Yes	No	NA	Comments
(3)	Minimum street frontage per lot: 200 feet, which may be reduced to 150 feet for lots fronting entirely on a cul-de-sac. The minimum street frontage for a lot containing a one-family dwelling (in conjunction with a one-family dwelling, a day-care home or day-care center/nursery school may be permitted if the driveway is paved to a width of at least 16 feet and has a gravel base of at least 20 feet in width), an agricultural, animal husbandry or a timber harvesting use may be reduced to 50 feet provided that the total lot area is at least 200,000 square feet; the access driveway shall extend to the house and shall not be longer than 750 feet with a grade and width adequate to permit access by fire, police and other emergency vehicles; and any structure on the lot shall be located at least 50 feet from any lot line. No more than two such lots shall have contiguous street frontage.	Y*			Sheet 1.1 notes that Map 75, Lot 1 has 1,690' of street frontage along Wire Road. Per 145-49 the Residential Cluster lots are permitted to have 50' of street frontage. See note 3 on sheet 1.1. Proposed lots all appear to have 80' or more of street frontage.
(4)	Maximum lot coverage: 20% or 4,000 square feet, whichever is the greater.	Y			See notes 2, 3, and 4 on sheet 1.1. Maximum lot coverage of each lot is 40% as permitted by 145-49C5. On 8/22/16 the Planning Board voted to allow 40% lot coverage for the cluster lots as all are less than 40,000 SF in size, per 145-49.C.5.
(5)	Maximum building height: 40 feet, not to exceed three stories. (See § 145-35I.)	Y			See note 2 on sheet 1.1.

Town of Wells , Maine Review Checklist
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Project Name/District: Wire Road Subdivision Amendment - Rural District - Tax Map 75, Lot 1

Date of Review: 10/13/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-30. Rural District.			Application Meet Requirements			
			Yes	No	NA	Comments
(6)	Setbacks.		Y			<p>25' feet is required for all lots from Wire Road.</p> <p>Per 145-49 Residential Cluster lots may have a 20' setback from subdivision ROWs and 15' lot line setbacks. The Planning Board approved the reduction of setbacks on 3/21/16. See note 3 on sheet 1.1. Proposed lots all appear to have 80' or more of street frontage. The Planning Board approved the reduction of street frontage for the cluster lots on 3/21/16.</p> <p>25' x 2 = 50' setback/ buffer required for all non-clustered residential abutters. This 50' setback is shown on the subdivision plans.</p>
	(a)	All structures shall be at least:				
		[1] Twenty-five feet from any lot line.				
		[2] Twenty-five feet from any lot line abutting any street right-of-way.				
		[3] Forty feet from any lot line abutting the right-of-way of any state highway.				
		[4] Twenty-five feet from the boundary of any cemetery.				
	(b)	All structures and parking lots shall be located at least 200 feet from the high-water line of the Merriland River (including Hobbs Pond), the Webhannet River, Ogunquit River, Perkins Brook and West Brook.			NA	Parcel does not abut such rivers or brooks.

Town of Wells , Maine Review Checklist
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Project Name/District: Wire Road Subdivision Amendment - Rural District - Tax Map 75, Lot 1

Date of Review: 10/13/16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-30. Rural District.			Application Meet Requirements			
			Yes	No	NA	Comments
		(c) Each housekeeping cottage or seasonal cottage shall be placed at least 25 feet from any other housekeeping or seasonal cottage on the site. [Added 6-13-2006 <i>Editor's Note: This ordinance provided that it shall be retroactive to any application for site plan approval and any application to amend an existing site plan to the extent the amendment proposes additional cottage units that has not received final approval from the Planning Board on 4-25-2006.</i>			NA	No such uses exist or are permitted on the parcel.
Note: See also §§ 145-13, Nonconforming structures, 145-14, Nonconforming lots, 145-33, Shoreland Overlay District, 145-48, Multifamily developments, and 145-49, Cluster residential development.			Y			See 145-49 Residential Cluster subdivision checklist.
G.	Special provisions. All proposed residential subdivisions containing more than four dwelling units shall be developed according to the provisions of § 145-48, Multifamily developments, or § 145-49, Residential Cluster Development. The Planning Board may waive this requirement for projects containing fewer than 20 lots if it determines that a cluster development as regulated in § 145-49 is not practical because of the configuration of the original lot or because of its natural features.		Y			A Residential Cluster subdivision shall consist of 40 dwelling units/lots.

Town of Wells , Maine Review Checklist
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Project Name/District: Wire Road Subdivision Amendment - Rural District - Tax Map 75, Lot 1
 Prepared By: Office of Planning & Development

Date of Review: 10-13-16
 Company Name: Town of Wells

Article VII
Performance Standards

§ 145-49. Residential Cluster Development. [Amended 11-7-2006] [Amended 06-14-2016]		Application Meet Requirements			
		Yes	No	NA	Comments
The purpose of this section is to allow, by Planning Board approval, the clustering of one- and two-family dwelling units. Clustering shall provide a more efficient use of land resulting in the preservation of natural land forms, wetlands, wildlife and waterfowl habitats, significant vegetation and agricultural lands, other natural resources, and historic sites. Notwithstanding other provisions of this chapter, the Planning Board may modify the dimensional requirements of this chapter as specified in this section to permit the clustering of one- and two-family homes. Such modifications shall not be construed as the granting of a variance to relieve hardship.					No change to any lots/dwelling units or the residential cluster development layout proposed. No change to Open Space or roadways proposed.
A.	Permitted locations. Residential cluster development shall be permitted in all zoning districts where residential development is allowed. All areas of a cluster subdivision located within the Aquifer Protection District or the Shoreland Overlay District shall be dedicated as undeveloped open space. [Amended 06-14-2016]	Y			The subdivision is located within the Rural District. No AP or Shoreland Overlay zones present.
B.	Density. The maximum density of dwelling units permitted shall be the same as permitted in the district(s) in which the cluster development is located, unless density bonuses are granted in accordance with § 145-49D. To determine maximum density the following steps shall be taken: [Amended 06-14-2016]	Y			See note 3 on sheet 1.1. A standard non-clustered subdivision layout was provided on 10/16/15.
	(1) In order to determine the maximum number of dwelling units permitted on a tract of land the net residential acreage shall be determined by calculating net area and subtracting 15% of the area of the lot to account for roads and parking.	Y			See note 3 on sheet 1.1. Residential Cluster Development requires a 15% deduction from 100.26 which leaves a total of 85.22 acres. $85.22 \times 43560 = 3,712,183 \text{ SF} / 100,000 = 37 \text{ dwelling units.}$
	(2) A cluster development layout shall be submitted indicating a minimum of 35% open space and significant natural features.	Y			73.73 acres to be dedicated Open Space or 73% Open Space. See note 4 on sheet 1.1.
C.	Dimensional requirements.				

Town of Wells , Maine Review Checklist
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Project Name/District: Wire Road Subdivision Amendment - Rural District - Tax Map 75, Lot 1

Date of Review: 10-13-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-49. Residential Cluster Development. [Amended 11-7-2006] [Amended 06-14-2016]			Application Meet Requirements										
			Yes	No	NA	Comments							
(1)	<p>The minimum lot sizes may be reduced to 20,000 square feet in any district where clustering is allowed, if not serviced by public sewer, or may be reduced to the following if on public sewer:</p> <table border="1" style="margin-left: 20px;"> <thead> <tr> <th colspan="2">Served by Public Sewer</th> </tr> <tr> <th>Type of Dwelling</th> <th>RA, GB and RC Districts (square feet)</th> </tr> </thead> <tbody> <tr> <td>One-family Dwelling</td> <td>10,000</td> </tr> <tr> <td>Two-family Dwelling</td> <td>15,000</td> </tr> </tbody> </table>	Served by Public Sewer		Type of Dwelling	RA, GB and RC Districts (square feet)	One-family Dwelling	10,000	Two-family Dwelling	15,000	Y			All lots may be reduced to 20,000 SF and are not served by public sewer.
Served by Public Sewer													
Type of Dwelling	RA, GB and RC Districts (square feet)												
One-family Dwelling	10,000												
Two-family Dwelling	15,000												
(2)	<p>The required setbacks from lot lines and from street rights-of-way within the cluster development may be reduced, but no structure shall be located within 15 feet of any lot line or within 20 feet of any street right-of-way within the cluster development.</p>	Y			<p>See note 3 on sheet 1.1. 25' feet is required for all lots from Wire Road.</p> <p>Per 145-49 Residential Cluster lots may have a 20' setback from subdivision ROWs and 15' lot line setbacks. The Planning Board approved the reduction of setbacks on 3/21/16.</p>								
(3)	<p>The required street frontage may be reduced to no less than 50 feet.</p>	Y			<p>See note 3 on sheet 1.1. Proposed lots all appear to have 80' or more of street frontage. The Planning Board approved the reduction of street frontage for the cluster lots on 3/21/16.</p>								

Town of Wells , Maine Review Checklist
Page 3 of 8

Project Name/District: Wire Road Subdivision Amendment - Rural District - Tax Map 75, Lot 1

Date of Review: 10-13-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-49. Residential Cluster Development. [Amended 11-7-2006] [Amended 06-14-2016]		Application Meet Requirements			
		Yes	No	NA	Comments
(4)	When a lot in a cluster subdivision abuts a nonclustered residential lot, the setback in the cluster subdivision lot shall be twice the required setback along the adjoining lot line. The Planning Board may require additional screening or restrict the removal of vegetation within the setback to provide a buffer between higher and lower density development.	Y			<p>25' x 2 = 50' setback/ buffer required for all non-clustered residential abutters. This 50' setback is shown on the subdivision plans.</p> <p>Trees greater than 24" in diameter at breast height that exist are identified on sheets 1.3, 2.1 and 2.2. See note 22 on sheet 1.1. Lots 1A-6 and 1A-5 shall maintain trees noted to be 24" in diameter.</p> <p>A 50' no-cut buffer with a 120 liner foot 8' tall solid stockade (wood or vinyl) fence is proposed for M 75, L 1-2. On 7/25/16 the Planning Board found the 8' tall solid screening (fence) and 50' wide no-cut buffer acceptable and required the fence to be installed 5' from the abutting property line.</p> <p>A 25' no-cut buffer is proposed for M 68, Lot 2-A; the Planning Board found the 25' no cut buffer is sufficient on 7/25/16.</p> <p>Sheet 1.4 depicts the parcel lot line and the 50' buffer adjacent to proposed cluster lot 1A-34. A 50' no-cut buffer is required for this lot as well.</p>
(5)	The maximum lot coverage of 20% in the Rural District may be allowed by the Planning Board to be increased to 40% on lots smaller than 40,000 square feet in area. [Added 06-14-2016]	Y			<p>See notes 2, 3, and 4 on sheet 1.1. Maximum lot coverage of each lot is 40% as permitted by 145-49C5. On 8/22/16 the Planning Board voted to allow 40% lot coverage for the cluster lots as all are less than 40,000 SF in size, per 145-49.C.5.</p>

Town of Wells , Maine Review Checklist
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Project Name/District: Wire Road Subdivision Amendment - Rural District - Tax Map 75, Lot 1

Date of Review: 10-13-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-49. Residential Cluster Development. [Amended 11-7-2006] [Amended 06-14-2016]		Application Meet Requirements			
		Yes	No	NA	Comments
D.	Innovative open space bonus. At least 35% of the total parcel acreage in a cluster subdivision must be designated as open space and protected as such in perpetuity. At the discretion of the Planning Board the applicant may earn density bonuses in addition to the maximum density permitted in § 145-49B. The applicant may seek application of more than one density bonus as set forth below, and the total density bonus earned shall be cumulative. However, in no case shall the total density bonus allow the overall subdivision density to exceed the maximum density allowed in § 145-49B above by more than 25% in the rural areas and 50% in the growth areas as set forth in the Comprehensive Plan. Bonuses shall be allotted in whole lot increments only and shall not be rounded up. Density calculations, including all awarded open space bonuses, shall be shown on the subdivision plan.	Y			No changes to Open Space proposed or requests for new bonuses. An innovative Open Space Bonus is requested. On 2/22/16 the Planning Board granted a 10% density bonus.
(1)	An open space cluster plan that provides at least 50% of the total parcel acreage as open space, protected as such in perpetuity, may be awarded a density bonus of 10%. The purposes for which proposed open space areas will be used shall be fully documented by the applicant.	Y			73.73 acres to be dedicated Open Space or 73% Open Space. A 10% density bonus was requested. A 10% density bonus was granted by the Planning Board on 2/22/16 for providing 73% Open Space. See note 4 on sheet 1.1.
(2)	An open space cluster plan that protects agriculturally valuable lands and provides for their use as such in perpetuity may be awarded a 5% density bonus. The open space land preserved for agricultural use must consist of at least 3.5 acres, and be land that has been historically farmed, or contain good soils for farming, and be reasonably accessible to receive a bonus. The instrument designating the land as agriculture use, acceptable to the Planning Board, may reasonably restrict the type or intensity of farming to occur to prevent nuisances. This provision only requires that permission be reasonably available so that validity of the bonus is not affected if agricultural uses are not pursued at any particular time.			NA	

Town of Wells , Maine Review Checklist
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Project Name/District: Wire Road Subdivision Amendment - Rural District - Tax Map 75, Lot 1

Date of Review: 10-13-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-49. Residential Cluster Development. [Amended 11-7-2006] [Amended 06-14-2016]		Application Meet Requirements			
		Yes	No	NA	Comments
(3)	An open space cluster plan that protects timber harvesting lands and provides permission for that use to continue in perpetuity may be awarded a 5% density bonus. The open space preserved for timber harvesting must include at least 10 contiguous acres and be land that has historically been forested, and must be reasonably accessible to receive a bonus. A forest management plan signed by a professional forester outlining proposed activities to ensure compliance with performance standards and regeneration requirements established pursuant to Title 12 M.R.S.A § 8869 must be submitted.			NA	
(4)	An open space cluster plan that accomplishes either of the following:			NA	
	(a) Protects valuable wildlife and environmental areas in a manner that is consistent with the goals, policies and strategies of the following chapters and related maps in the Comprehensive Plan may be awarded a density bonus of 5%.				
	[1] Chapter 3, Natural Resources Policies and Strategies;				
	[2] Chapter 4, Marine Resources Policies and Strategies;				
	[3] Map 4, Natural Areas Wildlife Habitat;				
	[4] Map 9, Wetlands; or				
	[5] Map 10, Areas of High Potential for Wildlife Habitat.				
	(b) Links dedicated open space to large parcels of adjoining dedicated open space to provide usable wildlife habitat or corridor connections between usable wildlife habitats in a manner that is consistent with the goals, policies and strategies of the following chapters and related maps in the Comprehensive Plan may be awarded a density bonus of 5%:				
	[1] Chapter 3, Natural Resources Policies and Strategies;				
	[2] Chapter 4, Marine Resources Policies and Strategies;				
	[3] Map 4, Natural Areas Wildlife Habitat;				
	[4] Map 9, Wetlands; or				
	[5] Map 10, Areas of High Potential for Wildlife Habitat.				
(5)	An open space cluster plan that allows public access to the open space may be awarded a density bonus of 5%. The nature of public access required to trigger this bonus is pedestrian traffic. The instrument granting access, acceptable to the Planning Board, may reasonably restrict the use of motorized vehicles.			NA	

Town of Wells , Maine Review Checklist
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Project Name/District: Wire Road Subdivision Amendment - Rural District - Tax Map 75, Lot 1

Date of Review: 10-13-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-49. Residential Cluster Development. [Amended 11-7-2006] [Amended 06-14-2016]			Application Meet Requirements			
			Yes	No	NA	Comments
(6)	An open space cluster plan that preserves, and provides for their use as such in perpetuity, the Town's historic, traditional New England seacoast and rural community character and appearance by preserving and incorporating existing historic structures and natural features of historic significance may be awarded a density bonus of 5%.			NA		
(7)	An open space cluster plan that effectively links large areas of the dedicated open space to adjoining dedicated open space may be awarded a density bonus of 5%.			NA		
(8)	An open space cluster plan that preserves scenic vistas especially toward the seacoast from Route 1 and along scenic corridors especially along Routes 1, 9, 109, and roads in rural areas may be awarded a density bonus of 5%.			NA		
(9)	A "unit for unit" density bonus may be granted for open space cluster plans that include affordable housing for moderate-income buyers. For example, if 10% of the dwelling units in the project are affordable for moderate-income buyers then a density bonus of 10% may be awarded. The matching density bonus may be doubled for open space cluster plans that include affordable housing for low-income buyers. For example, if 10% of the dwelling units in the project are affordable for low-income buyers then a density bonus of 20% may be awarded.			NA		
E.	Aquifer Protection District. Where the parcel is located in the Rural District and partially in the Aquifer Protection District the permitted density for that portion of the lot within the Aquifer Protection District may be doubled, transferred to the portion of the lot located in the Rural District, and counted towards total bonus density, provided that:			NA	The parcel is not located in the Aquifer Protection District	
(1)	All land within the Aquifer Protection District is included within the common land or open space;					
(2)	A conservation easement is granted to the Town or to the Kennebunk, Kennebunkport and Wells Water District over that portion of the subdivision located within the Aquifer Protection District; and					
(3)	All stormwater detention facilities shall be located outside the Aquifer Protection District. Stormwater retention facilities may be located in the Aquifer Protection District.					

Town of Wells , Maine Review Checklist
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Project Name/District: Wire Road Subdivision Amendment - Rural District - Tax Map 75, Lot 1

Date of Review: 10-13-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-49. Residential Cluster Development. [Amended 11-7-2006] [Amended 06-14-2016]		Application Meet Requirements			
		Yes	No	NA	Comments
F.	Management of open space. The open space portion of the cluster development site shall be permanently dedicated open space by covenant recorded at the Registry of Deeds and shown on the recorded subdivision plans. No more than 2% of the open space shall be impervious surfaces that are accessory to the proposed use of open space (i.e., roads, parking areas, sheds, etc.), of which total structural coverage shall not exceed 600 square feet. Nonroofed or elevated structures (i.e., walking paths) are allowed. The designated open space shall not be used for additional building lots.	Y			<p>The open space management provisions shall be documented in the homeowner association documents. HOA documents have been provided and to be reviewed by the Town Engineer.</p> <p>HOA documents provided in May 2016. Town Planner review prepared in June 2016 noting various items to be addressed. Town Attorney review prepared in July 2016 noting various items to be addressed.</p> <p>HOA documents, Bylaws, sample deed, etc. provided by applicant's attorney on 8/18/16. Town Engineer review completed as required.</p>
(1)	Prior to the sale of any lots, the open space shall be controlled by one or more of the following methods:				
	(a) Ownership by an association of the owners of the dwelling units within the development;				
	(b) Ownership by an association of the owners of the dwelling units within the development with a conservation easement granted to the Town or recognized conservation organization;				
	(c) Dedication to the Town as public open space; and/or				
	(d) Transfer, with permanent restrictions, to a land trust or other recognized conservation organization.				
(2)	The developer may structure the control of the common open space in one or more of the above methods. The Planning Board shall approve the arrangements for the ownership, control and maintenance of the common open space as part of the subdivision approval. No changes in use or management of the common open space shall be made without the approval of the Planning Board.				

Town of Wells , Maine Review Checklist
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Project Name/District: Wire Road Subdivision Amendment - Rural District - Tax Map 75, Lot 1

Date of Review: 10-13-16

Prepared By: Office of Planning & Development

Company Name: Town of Wells

§ 145-49. Residential Cluster Development. [Amended 11-7-2006] [Amended 06-14-2016]		Application Meet Requirements			
		Yes	No	NA	Comments
G.	Homeowners' association management of open space. If the open space will be owned and/or managed by the owners within the cluster development, then a homeowners' association shall be created to own and manage the common lands and facilities. Covenants for mandatory membership in the homeowners' association, setting forth the owner's rights, interest and responsibilities, and providing for the assessment of lots or units to fund common expenses shall be required and approved by the Planning Board and shall be included in the deed for each lot. The documents shall also include a management plan for the common open space and facilities.	Y			HOA documents provided in May 2016. Town Planner review prepared in June 2016 noting various items to be addressed. Town Attorney review prepared in July 2016 noting various items to be addressed. HOA documents, Bylaws, sample deed, etc. provided by applicant's attorney on 8/18/16. Town Engineer review completed as required.

Town of Wells, Maine
Final Major Subdivision Completeness Review
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Project Name/Tax Map & Lot #: Wire Road Subdivision Amendment/ Tax Map 75, Lot 1

Prepared By: Planning Office

Plans Dated: 10/4/16

District: R

Review Date: 10/13/16

Final Plan Revisions Submittal Date: 10/4/16

Chapter 202
Subdivision of Land

§ 202-9. Final plan for major subdivision		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
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: [Amended 4-13-1999]	Y				No changes to plan scale proposed. On 2/22/16 the Planning Board granted a waiver and permitted the plan scale of 1" = 150 feet for sheets 1.2 and 1.5. Other sheets scale is 1" = 80 feet or 1" = 40 feet.
(1)	Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's map and lot numbers.	Y				Wire Road Subdivision noted. Map and Lot numbers noted.
(2)	An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.	Y				See sheet 1.5 prepared by Jim Wright, PLS dated 9/12/07. No changes proposed that effect lot boundaries.

Town of Wells, Maine
Final Major Subdivision Completeness Review
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Project Name/Tax Map & Lot #: Wire Road Subdivision Amendment/ Tax Map 75, Lot 1

Prepared By: Planning Office

Plans Dated: 10/4/16

District: R

Review Date: 10/13/16

Final Plan Revisions Submittal Date: 10/4/16

§ 202-9. Final plan for major subdivision		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
(3)	The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses and other essential existing physical features.	Y				<p>100.26 total acres noted on sheet 1.1.</p> <p>Trees greater than 24" in diameter at breast height that exist are identified on sheets 1.3, 2.1 and 2.2. See note 22 on sheet 1.1. Lots 1A-6 and 1A-5 shall maintain trees noted to be 24" in diameter.</p> <p>A 50' no-cut buffer with a 120 liner foot 8' tall solid stockade (wood or vinyl) fence is proposed for M 75, L 1-2. On 7/25/16 the Planning Board found the 8' tall solid screening (fence) and 50' wide no-cut buffer acceptable and required the fence to be installed 5' from the abutting property line.</p> <p>A 25' no-cut buffer is proposed for M 68, Lot 2-A; the Planning Board found the 25' no cut buffer is sufficient on 7/25/16.</p> <p>Sheet 1.4 depicts the parcel lot line and the 50' buffer adjacent to proposed cluster lot 1A-34. A 50' no-cut buffer is required for this lot as well.</p> <p>Existing abutting properties and driveways depicted.</p>

Town of Wells, Maine
Final Major Subdivision Completeness Review
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Project Name/Tax Map & Lot #: Wire Road Subdivision Amendment/ Tax Map 75, Lot 1

Prepared By: Planning Office

Plans Dated: 10/4/16

District: R

Review Date: 10/13/16

Final Plan Revisions Submittal Date: 10/4/16

§ 202-9. Final plan for major subdivision		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
(4)	Indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the Wells Sanitary District indicating that the district has reviewed and approved the sewerage design shall be submitted.	Y				<p>Test pits by Michael Cuomo, CSS#211. See sheet 5.4 and 7.4. See note 5 on sheet 1.1 that individual septic tanks to be installed on lots per SSWDS note 1 on sheet 5.4.</p> <p>Groundwater Nitrate Evaluation Analysis provided by Sevee & Maher Engineers, Inc dated 1/12/2016. The Sevee & Maher Engineers analysis was peer reviewed by Stonehill Environmental, Inc. A peer review letter dated 7/14/16 was prepared by Cynthia Thayer of Stonehill Environmental. On 7/25/16 the Planning Board voted to accept the third party hydrogeologic review of the water supply.</p> <p>See DHHS Wire Road Approval letter dated 5/16/16.</p>
(5)	Indication of the type of water supply system(s) to be used in the subdivision.	Y				<p>Sheet 1.1, Note 5. Individual drilled on-site wells are to be provided on each lot. Well restrictions depicted on sheet 1.2. Dug wells are prohibited.</p>
	(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.	Y				<p>The subdivision to construct an on-site fire pond (Wetpond 11) with 2 dry hydrant connections; 1 off of Camerons Lane within the subdivision and 1 off of Wire Road. See note 25 on sheet 1.1 regarding the fire pond installation and requirements.</p> <p>Homes are also permitted to be constructed with residential sprinkler systems.</p> <p>Fire Chief letter dated 6/8/2016 has been provided finding the proposed on-site fire pond and hydrants to be suitable for firefighting purposes.</p>

Town of Wells, Maine
Final Major Subdivision Completeness Review
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Project Name/Tax Map & Lot #: Wire Road Subdivision Amendment/ Tax Map 75, Lot 1

Prepared By: Planning Office

Plans Dated: 10/4/16

District: R

Review Date: 10/13/16

Final Plan Revisions Submittal Date: 10/4/16

§ 202-9. Final plan for major subdivision		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
	(b) The Board makes a finding that adequate groundwater resources to support one- and two-family homes, in both quantity and quality, are available generally throughout the Town of Wells. However:	Y				
	[1] When a proposed subdivision is not served by the Kennebunk, Kennebunkport and Wells Water District, evidence of adequate groundwater quality shall be required for proposed subdivisions in the vicinity of known sources of potential groundwater contamination, such as the Wells landfill, Bragdon septage disposal site and the Spiller sludge disposal site. The results of a primary inorganic water analysis performed upon a well on the parcel to be subdivided or from wells on adjacent parcels, between the parcel to be subdivided and the potential contamination source, shall be submitted.			NA		The subdivision is not located within such contamination sources.
	[2] When a proposed subdivision is to be served by a private central water system or contains structures other than one- or two-family dwellings, evidence of adequate groundwater quantity shall be required.			NA		Subdivision not served by a central water system. All dwellings in the subdivision to be single family units.
(6)	The date the plan was prepared, North point (identified as magnetic or true), graphic map scale, and names and addresses of the record owner, subdivider and individual or company who or which prepared the plan.	Y				Noted.
(7)	The location of any zoning boundaries affecting the subdivision	Y				Parcel is located entirely within the Rural District.
(8)	The location and size of existing and proposed sewers, water mains, culverts and drainageways on or adjacent to the property to be subdivided.	Y				See sheets 2.1 to 2.4.

Town of Wells, Maine
Final Major Subdivision Completeness Review
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Project Name/Tax Map & Lot #: Wire Road Subdivision Amendment/ Tax Map 75, Lot 1

Prepared By: Planning Office

Plans Dated: 10/4/16

District: R

Review Date: 10/13/16

Final Plan Revisions Submittal Date: 10/4/16

§ 202-9. Final plan for major subdivision		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
(9)	The location, names and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The length of all straight lines, the deflection angle radii, length of curves and central angles of curves, tangent distances and tangent bearings for each street shall be included.	Y				Width of Wire Road is 49.5 feet per Town Clerk Office Vol. D Pages 139, 144 & 145.
(10)	The width and location of any streets or public improvements shown upon the Official Map and the Comprehensive Plan, if any, within the subdivision.	Y				
(11)	All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers of cession to the municipality of all public open spaces shown on the plan and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If land is to be offered to the municipality, written evidence that the municipal officers are satisfied with the legal sufficiency of the written offer of cession shall be included.			NA		Dedicated Open Spaces areas are not noted to be for public use.
(12)	A list of construction items with cost estimates that will be completed by the developer prior to the sale of lots and, for subdivisions containing more than 20 lots, a separate list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the municipality or quasi-municipal districts.	Y				A construction cost estimate was submitted on 5/24/16. Changes proposed shall not impact the cost estimates. The subdivision to contain more than 20 lots/dwellings. A separate cost estimate for capital and annual operating costs was provided in the "Community Impact Summary" prepared for Wire Road Subdivision.

Town of Wells, Maine
Final Major Subdivision Completeness Review
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Project Name/Tax Map & Lot #: Wire Road Subdivision Amendment/ Tax Map 75, Lot 1

Prepared By: Planning Office

Plans Dated: 10/4/16

District: R

Review Date: 10/13/16

Final Plan Revisions Submittal Date: 10/4/16

§ 202-9. Final plan for major subdivision		Application Meet Requirements				Comments
		Yes	No	NA	Waiver	
	(a) These lists shall include but not be limited to: schools, including busing; street maintenance and snow removal; police and fire protection; solid waste disposal; recreation facilities; stormwater drainage; wastewater treatment; and water supply.	Y				See the "Community Impact Summary" prepared for Wire Road Subdivision which outlines the calculated expenses and revenues expected to be generated by this development.
	(b) The developer shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.	Y				See the "Community Impact Summary" prepared for Wire Road Subdivision which outlines the taxable valuation of this subdivision to be \$340,000 based on the mil rate of \$9.95/ 1,000 (each unit contributes \$3,383 per year in real estate tax and \$300 in automobile excise tax.
(13)	If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the one-hundred-year flood elevation shall be delineated on the plan.	Y				A copy of FEMA Map provided. No Flood Zones mapped, see sheet 1.1, Note 15.
(14)	A soil erosion and sedimentation control plan, prepared in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Maine Department of Environmental Protection and the Cumberland County Soil and Water Conservation District, 1991. [Amended 4-27-2007]	Y				Erosion and sedimentation control notes are noted on sheet 5.2. Best management practices shall be followed.
(15)	A stormwater management plan, prepared by a registered professional engineer in accordance with the most recent edition of Stormwater Management For Maine: BMPS Technical Design Manual, published by the Maine Department of Environmental Protection, 2006. Another methodology may be used if the applicant can demonstrate it is equally or more applicable to the site. [Amended 4-27-2007]	Y				A stormwater management plan prepared by Lewis Chamberlain of Attar Engineering, Inc dated 3/8/2016, Revised 5/13/16. See Town Engineer drainage review memo dated 7/21-16. The analysis prepared by Attar Engineering meets or exceeds Town requirements. See foundation drain note on sheet 2.1 and 2.2.
(16)	If any portion of the proposed subdivision is located in the direct watershed of Ell Pond or within 500 feet of the upland edge of Hobbs Pond and meets the following criteria: 1. five or more lots or dwelling units created within any five-year period; or 2. any combination of 800 linear feet of new or upgraded driveways and/or streets, then the following shall be submitted or indicated on the plan: [Added 4-27-2007]			NA		Subdivision not located within such areas.

Town of Wells, Maine
Final Major Subdivision Completeness Review
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Project Name/Tax Map & Lot #: Wire Road Subdivision Amendment/ Tax Map 75, Lot 1

Prepared By: Planning Office

Plans Dated: 10/4/16

District: R

Review Date: 10/13/16

Final Plan Revisions Submittal Date: 10/4/16

§ 202-9. Final plan for major subdivision		Application Meet Requirements				
		Yes	No	NA	Waiver	Comments
	(a) A phosphorus impact analysis and control plan conducted using the procedures set forth in MDEP Phosphorus Design Manual, Volume II of the Maine Stormwater Best Management Practices Manual, 2006. The analysis and control plan shall include all worksheets, engineering calculations, and construction specifications and diagrams for control measures, as required by the most recent edition of Stormwater Management For Maine: BMPS Technical Design Manual, published by the Maine Department of Environmental Protection, 2006;					
	(b) A long-term maintenance plan for all phosphorus control measures;					
	(c) The contour lines shown on the plan shall be at an interval of no less than five feet; and					
	(d) Areas with sustained slopes greater than 25% covering more than one acre shall be delineated.					



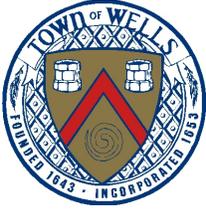
Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS
Final Subdivision Amendment Application for “Wire Road Subdivision“
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Chapter 202 Subdivision of Land

PROJECT INFORMATION	
General:	<p>Project Name: Wire Road Subdivision</p> <p># Lots/ Dwellings Proposed: 0 proposed; 40 lots/ 40 dwelling units approved</p> <p>Applicant: Highpine Properties, LLC, PO Box 339, Wells, ME 04090</p> <p>Landowner: Highpine Properties, LLC, PO Box 339, Wells, ME 04090</p> <p>Location: Wire Road, Wells, Maine</p> <p>Existing Use: A 40 lot/dwelling unit residential cluster major subdivision with private street right-of-ways and Open Space</p> <p>Proposed Land Use: A 40 lot/dwelling unit residential cluster major subdivision with private street right-of-ways and Open Space</p> <p>Tax Parcel ID: Tax Map 75, Lot 1</p> <p>Zoning District: Rural District</p> <p>Land Use, Art. VII Performance Standards: 145-49. Residential Cluster Development</p> <p>Design Engineer: Attar Engineering, Inc 1284 State Rd, Eliot, ME 03903</p> <p>Final Plan Application Submission Date: 10/4/2016</p> <p>Plan Submission Date: 10/4/2016</p>
Project Description:	<p>Attar Engineering has submitted a Final Subdivision Amendment Application for the approved 40 lot/ 40 single family dwelling unit Residential Cluster Development (major subdivision) on behalf of the property owner Highpine Properties, LLC. The amendment proposes to add notes 28 and 29 to sheet 1.2 to permit the construction of 3 model homes and to permit the use of temporary stakes for purposes of obtaining lot building permits. The property is located off of Wire Road and is identified as Tax Map 75, Lot 1 and is located within the Rural District. The property is 100.26 acres in size and 73.73 acres is dedicated Open Space. The subdivision proposes private street right-of-ways, common on-site septic systems, and individual on-site drilled wells.</p>
Approval Dates:	<p>Preliminary Plan Approval: Not Applicable</p> <p>Final Plan Approval: <u>To be determined</u></p>
Public Hearings:	<p>Preliminary Public Hearing: Not Applicable</p> <p>Final Public Hearing: <u>To be determined</u></p>
Subdivision Plan Sheets:	1.1 and 1.2



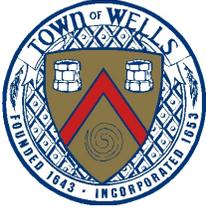
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PROJECT HISTORY
<ol style="list-style-type: none"> 1. On 10/4/16 the applicant submitted a subdivision amendment application for the above described project. 2. On 10/6/16 the Planning Office mailed notices to abutters of the amendment application and of the 10/17/16 Planning Board meeting. 3. On 10/13/16 the Planning Office reviewed the submission and prepared Article V, VII, draft completeness and draft compliance/Findings of Fact & Decisions for the amendment. 4. On 10/14/16 the Planning Office provided recommended note changes and review documents to the applicant. 5. On 10/14/16 the Planning Office prepared a memo for the applicant and Planning Board. 6. On 10/17/16 the Planning Board voted to receive the amendment application, found a site walk to not be necessary, voted to find the application complete, found a public hearing to not be necessary, voted to find notes 28 and 29 to adequate address Monumentation and performance guarantee requirements, voted to find the application compliant, voted to approve and sign the Findings of Fact & Decisions, and voted to approve and sign the plan.

§ 202-12. General Standards	Findings & Decisions
<p>In reviewing applications for a subdivision, the Board shall consider the following general standards and make findings that each has been met prior to the approval of a final plan. In all instances the burden of proof shall be upon the applicant.</p>	
<p>A. Conformance with Comprehensive Plan. All proposed subdivisions shall be in conformity with the Comprehensive Plan of the municipality and with the provisions of all pertinent state and local codes and ordinances.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
<p>B. Retention of open spaces and natural or historic features. [Amended 6-11-2013]</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
<p>(1) In any subdivision with no more than five lots or dwellings units, no dedicated open space is required. In any subdivision with at least six lots or dwelling units and no more than 10 lots or dwelling units, there shall be a minimum of 10% or 20,000 square feet, whichever is greater, of the total property net area dedicated as open space. Off-site dedication of open space land may be approved by the Planning Board if excess land is provided and the land has a greater benefit to the public than land within the development. In any subdivision with more than 10 lots or dwelling units, there shall be a minimum of 35% of the total property net area dedicated as open space.</p>	<p>The proposed amendment shall not change the approved open space areas.</p> <p>This subdivision consists of more than 10 lots/ dwelling units (40 are approved) and is required to provide a minimum of 35% Open Space. This subdivision has 73% open space or 73.7 acres of the 100.26 acre parcel.</p> <p>See note 24. Common land (Open Space and 50' wide ROWs) totals 79.94 acres. (39.46 + 34.27 + .30 + 4.53 + 1.28 = 79.94 acres).</p>



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<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 20. The Open Space shall be retained by the Wire Road Subdivision Homeowner’s Association and shall be used for Open Space and passive recreation A single accessory structure not exceeding 600 SF is permitted and requires a building permit. No more than 2% of the Open Space shall be impervious surface. (145-49F)</p> <p>On 6/20/16 the Planning Board found the Open Space areas proposed to be suitable.</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.</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>Trees greater than 24” in diameter at breast height that exist are identified on sheets 1.3, 2.1 and 2.2. See note 22 on sheet 1.1. Lots 1A-6 and 1A-5 shall maintain trees noted to be 24” in diameter.</p> <p>A 50’ no-cut buffer with a 120 liner foot 8’ tall solid stockade (wood or vinyl) fence is proposed for M 75, L 1-2. On 7/25/16 the Planning Board found the 8’ tall solid screening (fence) and 50’ wide no-cut buffer acceptable and required the fence to be installed 5’ from the abutting property line.</p> <p>A 25’ no-cut buffer is proposed for M 68, Lot 2-A; the Planning Board found the 25’ no cut buffer is sufficient on 7/25/16.</p> <p>Sheet 1.4 depicts the parcel lot line and the 50’ buffer adjacent to proposed cluster lot 1A-34. A 50’ no-cut buffer is required for this lot as well.</p>
<p>C. Blocks. Where street lengths exceed 1,000 feet between intersections with other streets, the Board may require a 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>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL NOT APPLY.</p> <p>Not applicable. No blocks are created.</p>
<p>D. Lots.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>

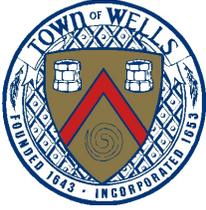


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<p>(1) All lots shall meet the minimum requirements of Chapter 145, Land Use, for the zoning district in which they are located. The lot configuration should be designed to maximize the use of solar energy on building sites with suitable orientation.</p>	<p>No changes are proposed to lot lines.</p> <p>§145-30. Rural District requirements apply to the 40 single family dwelling units approved. The 40 single family lots 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>Per 145-49 Residential Cluster lots may have a 20' setback from subdivision ROWs and 15' lot line setbacks. The Planning Board approved the reduction of setbacks on 3/21/16. See note 3 on sheet 1.1. Proposed lots all appear to have 80' or more of street frontage. The Planning Board approved the reduction of street frontage for the cluster lots on 3/21/16.</p> <p>25' x 2 = 50' setback/ buffer required for all non-clustered residential abutters. This 50' setback is shown on the subdivision plans.</p> <p>See notes 2, 3, and 4 on sheet 1.1. Maximum lot coverage of each lot is 40% as permitted by 145-49C5. On 8/22/16 the Planning Board voted to allow 40% lot coverage for the cluster lots as all are less than 40,000 SF in size, per 145-49.C.5.</p> <p>The subdivision is not located within the Shoreland Overlay District.</p> <p>73.73 acres to be dedicated Open Space or 73% Open Space. A 10% density bonus was requested. A 10% density bonus was granted by the Planning Board on 2/22/16 for providing 73% Open Space. See note 4 on sheet 1.1.</p>
<p>(2) Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development contemplated. Wherever possible, parking areas shall be laid out to coincide with building locations to maximize solar energy gain.</p>	<p>All driveways shall be designed to comply with Chapter 201. See note 13. Parking on Wire Road, Camerons Lane and Brendans Way is prohibited. Driveways are prohibited onto Wire Road.</p>

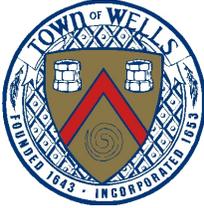


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(3) Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan and deed restrictions shall indicate that vehicular access shall be located only on the less traveled way.	See note 13. Driveways are prohibited onto Wire Road. Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 have street frontage on Wire Road and Camerons Lane. Deeds for these lots shall restrict vehicular access from Wire Road. Revised sample deeds to be provided to the Planning Office prior to the scheduling of a pre-construction conference. (See special condition of approval #5.) Lots 5, 6, 17 and 18 have street frontage on Camerons Lane and Brendans Way. On 6/20/16 the Planning Board voted to permit driveways for these lots to be constructed onto either roadway.
(4) Wherever possible, side lot lines shall be perpendicular to the street.	
(5) The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as to preclude future resubdivision.	See note 16 on sheet 1.1.
(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 centralized private septic system 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 lots 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.	Odd shaped lots not 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 6/20/16 the Planning Board found that 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.	See note 13. Driveways are prohibited onto Wire Road. Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 have street frontage on Wire Road and Camerons Lane. Deeds for these lots shall restrict vehicular access from Wire Road. Revised sample deeds to be provided to the Planning Office prior to the scheduling of a pre-construction conference. (See special condition of approval #5.)
E. Utilities.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.



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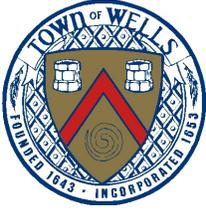
§ 202-12. General Standards	Findings & Decisions
(1) Utilities shall be installed underground except as otherwise approved by the Board.	See note 11 on sheet 1.1 which all utilities to be installed underground. Transformer locations may vary based on CMP requirements. Relocation of transformers and associated easements do not constitute or require an amendment to the approval. Underground utilities shall be installed prior to the installation of the final gravel base of the road.
(2) Underground utilities shall be installed prior to the installation of the final gravel base of the road.	See note 11 on sheet 1.1.
(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.	See sheets 2.1 to 2.4 and details on sheets 5.1 to 5.4.
F. Required improvements. The following improvements are required for all subdivisions unless waived by the Board in accordance with provisions of these regulations.	
(1) Monuments.	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>Sheet 1.5 is a boundary survey plan prepared by Jim Wright, PLS of Post Road Surveying dated 9/12/2007 showing existing monuments of the 100.26 acre parcel. Sheets 1.3 and 1.4 depict proposed Monumentation. All Monumentation proposed meets these requirements.</p> <p><u>Proposed note 29 to permit the issuance of a building permit utilizing temporary stakes placed by a licensed land surveyor. Note revisions recommended to require all approved Monumentation (pins and bounds) to be set by a licensed land surveyor and letter certifying such installation in compliance with standard condition of approval note #3 prior to the issuance of an occupancy permit.</u></p>
(a) Stone or concrete monuments shall be set at all street intersections and points of curvature, but no further than 750 feet apart along street lines without curves or intersections.	
(b) Stone or concrete monuments shall be set at all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135° or less. New monumentation shall not be required at corner or angle points where there is existing monumentation that complies with this section.	
(c) Stone monuments shall be a minimum of four inches square at the top and four feet in length and set in the ground at final grade level. After they are set, drill holes one-half-inch deep shall locate the point or points described above.	



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(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.	<u>On 10/17/16 the Planning Board to review the proposed staking to obtain a building permit and determine if it is acceptable. See note 29 recommended changes.</u>
(2) Water supply.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.
(a) When a subdivision is to be served by the Kennebunk, Kennebunkport and Wells Water District, the complete supply system, including fire hydrants, shall be installed at the expense of the subdivider.	Subdivision not served by the KKW Water District.
[1] The subdivider shall provide a written statement from the Water District that adequate water for both domestic and fire-fighting purposes can be provided without placing an undue burden on the source, treatment facilities or distribution system involved. The subdivider shall be responsible for paying the costs of system improvements necessary to serve the subdivision.	
[2] The size and location of mains, gate valves, hydrants and service connections shall be reviewed and approved in writing by the Water District and the Fire Chief.	
(b) When the location of a subdivision does not allow for a financially reasonable connection to the Kennebunk, Kennebunkport and Wells Water District, the Planning Board may allow the use of individual wells or a private community water system.	The subdivision shall have individual drilled wells for the approved 40 lots. Well exclusion zones are identified.
[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 5 on sheet 1.1. Dug wells are prohibited.
[2] If a central water supply system is provided by the subdivider, the location and protection of the source and the design, construction and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144 A.C.M.R. 231).	Not applicable.
[3] Fire protection. [Amended 3-11-2002]	No changes to fire protection proposed with the amendment application.

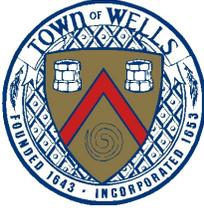


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<p>[a] The subdivider shall construct dry hydrants connected to ponds or water storage tanks, provide fire hydrants connected to a public water source or implement an alternative program approved by the Fire Chief to provide for adequate water for 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:</p>	<p>The subdivision to construct an on-site fire pond (Wetpond 11) with 2 dry hydrant connections; 1 off of Camerons Lane within the subdivision and 1 off of Wire Road. See note 25 on sheet 1.1 regarding the fire pond installation and requirements.</p> <p>Homes are also permitted to be constructed with residential sprinkler systems.</p> <p>Fire Chief letter dated 6/8/2016 has been provided finding the proposed on-site fire pond and hydrants to be suitable for firefighting purposes.</p>
<p>[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</p>	<p>Not applicable.</p>
<p>[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.</p>	<p>See note 25 on sheet 1.1.</p>
<p>[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.</p>	<p>The fire pond (Wetpond 11)/ hydrants shall be located within 1 mile of the subdivision lots proposed.</p>
<p>[4] The results of the water quality test submitted shall indicate that the groundwater meets the primary drinking water standards of the Maine Rules Relating to Drinking Water for those categories tested. If the Board has reason to believe, due to previous uses of the property or due to previous or existing uses of neighboring property, that the existing water quality may be threatened by contaminants not tested for in the primary inorganic water analysis, it may require the water to be tested for those contaminants.</p>	<p>This is a condition of approval to be provided prior to the issuance of a building permit.</p>
<p>(c) Prior to the issuance of a building permit for the construction of any principal structure in a subdivision, the applicant shall present evidence of suitable water supply to the Code Enforcement Officer. This evidence shall consist of:</p>	<p>This is a condition of approval.</p>
<p>[1] A letter from the Kennebunk, Kennebunkport and Wells Water District indicating availability of service; or</p>	<p>Not applicable.</p>



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[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.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.
(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 centralized private subsurface wastewater disposal system. See note 5 on sheet 1.1. See note 5 on sheet 1.1 that individual septic tanks to be installed on lots per SSWDS note 1 on sheet 5.4.
[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 by Michael Cuomo, CSS#211. See sheet 5.4 and 7.4. See note 5 on sheet 1.1 that individual septic tanks to be installed on lots per SSWDS note 1 on sheet 5.4. Groundwater Nitrate Evaluation Analysis provided by Sevee & Maher Engineers, Inc dated 1/12/2016. The Sevee & Maher Engineers analysis was peer reviewed by Stonehill Environmental, Inc. A peer review letter dated 7/14/16 was prepared by Cynthia Thayer of Stonehill Environmental. On 7/25/16 the Planning Board voted to accept the third party hydrogeologic review of the water supply. See DHHS Wire Road Approval letter dated 5/16/16.
[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 system proposed or permitted.



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(4) Stormwater management. [Amended 4-27-2007]	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>The changes proposed shall not impact the stormwater management plan approvals or requirements.</p> <p>A stormwater management plan prepared by Lewis Chamberlain of Attar Engineering, Inc dated 3/8/2016, Revised 5/13/16. See Town Engineer drainage review memo dated 7/21-16. The analysis prepared by Attar Engineering meets or exceeds Town requirements._ See foundation drain note on sheet 2.1 and 2.2.</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.	
(b) Drainage easements for existing watercourses or proposed drainageways shall be provided and indicated on the plan.	
(c) The developer shall provide a statement from the designing engineer that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or in other properties. The engineer shall certify that peak runoff from the subdivision onto other properties shall not be increased either in volume or duration from the peak runoff characteristics existing prior to development.	
(d) A stormwater management plan, meeting the standards of Chapter 201, Streets and Sidewalks, Articles II and III, Wells Municipal Code, shall be submitted.	
(e) For subdivisions that require MDEP review under 38 M.R.S.A. § 481 et seq. (Site Location of Development), a stormwater management plan shall be submitted which complies with the Site Location of Development permit and the requirements of MDEP Chapter 500 Stormwater Regulations.	
(f) For subdivisions that do not require a Site Location of Development permit, but that require a MDEP permit pursuant to 38 M.R.S.A. § 420-D, a stormwater management plan shall be submitted which complies with the requirements of MDEP Chapter 500 Stormwater Regulations.	<p>Site Location Permit approval from MDEP provided dated August 2016 (L-26984-L3-A-N). See note 10 on sheet 1.1. The changes proposed to not alter the MDEP approval or requirements.</p>

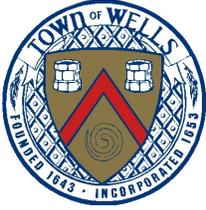


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	<p>(g) For subdivisions outside of the watershed of a great pond that neither require a Site Location of Development permit, nor a MDEP permit pursuant to 38 M.R.S.A. § 420-D, a stormwater management plan shall be submitted which incorporates the low-impact development techniques set forth in Volume I, Chapter 3 of the Maine Stormwater Best Management Practices Manual, 2006 (LID Techniques) on each individual lot approved by the Planning Board when such LID Techniques are adopted by MDEP. At such time that the MDEP adopts the LID Techniques, the Planning Board shall adopt them for use in approving subdivisions for the Town of Wells.</p>	
	<p>(h) For subdivisions located within the watershed of a great pond containing: 1. five or more lots or dwelling units created within any five-year period; or 2. any combination of 800 linear feet of new or upgraded driveways and/or streets, a stormwater management plan shall be submitted that meets the phosphorus allocation across the entire subdivision in accordance with the methodology described in the MDEP Phosphorus Design Manual, Volume II of the Maine Stormwater Best Management Practices Manual, 2006.</p>	
	<p>(i) The Planning Board may require a hydrologic analysis for any site in areas with a history of flooding or in areas with a potential for future flooding, associated with cumulative impacts of development. This hydrologic analysis would be in the form of a “Downstream Analysis” under conditions of the ten-year, twenty-four-hour storm, the twenty-five-year, twenty-four-hour storm, and the one-hundred-year, twenty-four-hour storm, as described below:</p>	
	<p>[1] Downstream Analysis Methodology: The criteria used for the downstream analysis is referred to as the “10% rule.” Under the 10% rule, a hydrologic and hydraulic analysis for the ten-year, twenty-four-hour storm, the twenty-five-year, twenty-four-hour storm, and the one-hundred-year, twenty-four-hour storm is extended downstream to the point where the site represents 10% of the total drainage area. For example, a ten-acre site would be analyzed to the point downstream with a drainage area of 100 acres. This analysis should compute flow rates and velocities downstream to the location of the 10% rule for present conditions and proposed conditions. If the flow rates and velocities increase by more than 5% and/or if any existing downstream structures are impacted, the designer should redesign and incorporate detention facilities.</p>	
G.	Streets.	

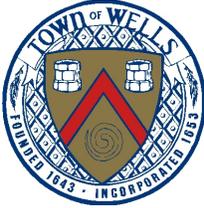


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§ 202-12. General Standards		Findings & Decisions
(1)	All streets in a subdivision shall meet Chapter 201, Streets and Sidewalks, Articles II and III, Wells Municipal Code.	Brendans Way and Camerons Lane must comply with the requirements of Chapter 201. Camerons Lane and Brandons Way are 50' wide right of ways with private 24' wide paved streets with 3' wide gravel shoulders for a total travel width of 30'. See driveway culvert detail on sheet 5.1.
(2)	Any subdivision expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with existing public streets, streets shown on an Official Map or streets on an approved subdivision plan for which performance guaranties have been filed and accepted. Any street with an average daily traffic of 200 trips per day or more shall have at least two street connections leading to existing public streets, streets shown on an Official Map or streets on an approved subdivision plan for which performance guaranties have been filed and accepted. Said two street connections' center lines shall be no closer than 400 linear feet apart. Traffic generation rates shall be based on the Traffic Generation Manual, 1988 Edition, Institute of Transportation Engineers. Some typical traffic generation rates are:	<p>The subdivision is expected to generate a daily traffic of 200 trips per day or more. Traffic generation is calculated to be 400 trips per day.</p> <p>Two street connections leading to Wire Road are proposed approximately 630 +/- linear feet apart</p>
	(a) Single-family house: 10.0 trips per day per unit.	40 x 10.0 = 400.00 trips per day for the subdivision
	(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 within the RA zone or east of Route 1.
H.	Land features.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.
(1)	Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas and building excavations. Topsoil shall not be removed from the site until completion of construction and inspection by the Town to assure four inches of topsoil has been spread over all areas to be grassed.	This is a condition of approval.
(2)	Except for normal thinning, landscaping and cutting trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion. The Board shall require a developer to take the following measures to correct and prevent soil erosion in the proposed subdivision: [Amended 4-27-2007]	This is a condition of approval.
	(a) The proposed subdivision shall prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties.	

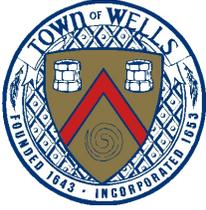


Town of Wells, Maine

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§ 202-12. General Standards	Findings & Decisions
(b) The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.	
(c) Cutting or removal of vegetation along waterbodies shall not increase water temperature or result in shoreline erosion or sedimentation.	
(d) Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.	
(3) To prevent soil erosion of shoreline areas the cutting or removal of vegetation shall only be permitted as regulated in § 145-33 of Chapter 145, Land Use, of the Wells Municipal Code.	This is a condition of approval.
(4) Dedication and maintenance of common open space and services.	Wire Road Subdivision HOA documents provided by the applicant in May 2016. Town Planner review prepared in June 2016 noting various items to be addressed. Town Attorney review prepared in July 2016 noting various items to be addressed. HOA documents, Bylaws, sample deed, etc. provided by applicant's attorney on 8/18/16. Town Engineer review memo dated 8/19/16. HOA review comments in 8/19/16 memo were addressed and revised documents provided to the Planning Office prior to scheduling a pre-construction conference with the Town. See special condition of approval note #5.
(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 note 20 and 24 on sheet 1.1. Note 24 states: " The common land ...is to be owned by the Homeowner's Association. A portion of the undeveloped Open Space may be conveyed to the Town of Wells in fee or per a conservation easement if accepted by the Board of Selectmen. Such a conveyance shall not be considered an amendment to the subdivision, but a plan must be recorded depicting the conveyance."
(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 16 and note 20. Passive recreation use is proposed. See note 24 on sheet 1.1.
(c) The common open space shall be shown on the final plan with appropriate notation on the plan to indicate that:	See note 16, 20 and 22. Common land is a total of 79.94 acres, see note 24.
[1] It shall not be used for future building lots; and	See note 16.
[2] A part or all of the common open space may be dedicated for acceptance by the municipality.	Possible dedication proposed, see note 24.



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§ 202-12. General Standards	Findings & Decisions
(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 note 23 on sheet 1.1. HOA document shall address maintenance responsibilities. See special condition of approval note #5.
(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.	HOA document shall address maintenance responsibilities. See special condition of approval note #5.
(f) The homeowners' association shall have the responsibility of maintaining the common property.	HOA document shall address maintenance responsibilities. See special condition of approval note #5.
(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.	HOA document shall address maintenance responsibilities. See special condition of approval note #5.
(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.	HOA document shall address maintenance responsibilities. See special condition of approval note #5.
(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 15 on sheet 1.1.
(6) Impact on groundwater.	
(a) When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:	Groundwater Nitrate Evaluation Analysis provided by Sevee & Maher Engineers, Inc dated 1/12/2016. The Sevee & Maher Engineers analysis was peer reviewed by Stonehill Environmental, Inc. A peer review letter dated 7/14/16 was prepared by Cynthia Thayer of Stonehill Environmental. On 7/25/16 the Planning Board voted to accept the third party hydrogeologic review of the water supply.
[1] A map showing the basic soils types.	
[2] The depth of the water table at representative points throughout the subdivision.	
[3] Drainage conditions throughout the subdivision.	
[4] Data on the existing groundwater quality, either from test wells in the subdivision or from existing wells on neighboring properties.	



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§ 202-12. General Standards	Findings & Decisions
<p>[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.</p>	
<p>[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.</p>	
<p>(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.</p>	
<p>(c) Projections of groundwater quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).</p>	
<p>(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.</p>	
<p>(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.</p>	
<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>	

§ 202-13. Performance Guaranties. [Amended 4-12-1999]	Findings & Decisions
<p>A. Types of guaranties.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>



Town of Wells, Maine

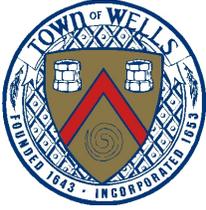
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(1)	<p>With submittal of the application for final plan approval, the applicant shall provide any one or a combination of the following performance guaranties for an amount adequate to cover the total site preparation and construction costs of all required improvements, taking into account the time span of the construction schedule and the inflation rate for construction costs:</p>	<p>This shall be met. See note 12 on sheet 1.1 and <u>proposed note 28 on sheet 1.2. Note 28 revisions proposed. On 10/17/16 the Planning Board to review note 28 and changes to note 12.</u></p>
	<p>(a) Either a certified check payable to the municipality or a savings account or certificate of deposit naming the municipality as owner for the establishment of an escrow account.</p>	<p>This shall be met. See note 12 on sheet 1.1 and <u>proposed note 28 on sheet 1.2. Note 28 revisions proposed. On 10/17/16 the Planning Board to review note 28 and changes to note 12.</u></p>
	<p>(b) A performance bond payable to the municipality issued by a surety company approved by the municipal officers or Town Manager.</p>	<p>This shall be met. See note 12 on sheet 1.1 and <u>proposed note 28 on sheet 1.2. Note 28 revisions proposed. On 10/17/16 the Planning Board to review note 28 and changes to note 12.</u></p>
	<p>(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.</p>	<p>This shall be met. See note 12 on sheet 1.1 and <u>proposed note 28 on sheet 1.2. Note 28 revisions proposed. On 10/17/16 the Planning Board to review note 28 and changes to note 12.</u></p>
	<p>(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.</p>	<p>This shall be met. See note 12 on sheet 1.1 and <u>proposed note 28 on sheet 1.2. Note 28 revisions proposed. On 10/17/16 the Planning Board to review note 28 and changes to note 12.</u></p>
(2)	<p>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.</p>	<p>This shall be met. See note 12 on sheet 1.1 and <u>proposed note 28 on sheet 1.2. Note 28 revisions proposed. On 10/17/16 the Planning Board to review note 28 and changes to note 12.</u></p>
B.	<p>Contents of guaranty. The performance guaranty shall contain a construction schedule, cost estimates for each major phase of construction, taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guaranty to the developer and a date after which the applicant will be in default, and the municipality shall have access to the funds to finish construction. The Board may require the services of a third party inspector, to be paid for at the expense of the applicant upon recommendation of the Town Manager.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>This shall be met. See note 12 on sheet 1.1 and <u>proposed note 28 on sheet 1.2. Note 28 revisions proposed. On 10/17/16 the Planning Board to review note 28 and changes to note 12.</u></p>



Town of Wells, Maine

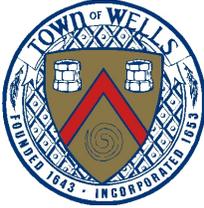
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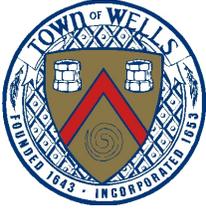
C.	<p>Escrow account. If the applicant chooses to establish an escrow account, a cash contribution to the account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account or the purchase of a certificate of deposit. For any account opened by the applicant, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements. The Town Attorney and Town Treasurer shall review and have final authorization on the establishment of escrow accounts.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>This shall be met. See note 12 on sheet 1.1 and <u>proposed note 28 on sheet 1.2. Note 28 revisions proposed. On 10/17/16 the Planning Board to review note 28 and changes to note 12.</u></p>
D.	<p>Performance bond. If the applicant chooses to submit a performance bond, the performance bond shall detail any special conditions, the method for release of the bond or portions of the bond to the applicant and the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision for which approval is sought.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>This shall be met. See note 12 on sheet 1.1 and <u>proposed note 28 on sheet 1.2. Note 28 revisions proposed. On 10/17/16 the Planning Board to review note 28 and changes to note 12.</u></p>
E.	<p>Letter of credit. If the applicant chooses to submit an irrevocable letter of credit from a bank or other lending institution, at a minimum the letter shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan. The Town Manager or Town Treasurer shall certify the bank or institution as acceptable to the Town. The Town Attorney shall review and, if found acceptable, approve the wording of all letters of credit.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>This shall be met. See note 12 on sheet 1.1 and <u>proposed note 28 on sheet 1.2. Note 28 revisions proposed. On 10/17/16 the Planning Board to review note 28 and changes to note 12.</u></p>
F.	<p>Standard condition of approval. As a standard condition of approval for all applications for which a performance guaranty is required pursuant to Subsection K, the Board shall require the applicant to enter into a binding agreement with the municipality regarding the development of the required improvements and the sale of lots or units in the subdivision until such time as one or more of the allowable performance guaranties have been accepted by the municipality.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>This shall be met. See note 12 on sheet 1.1 and <u>proposed note 28 on sheet 1.2. Note 28 revisions proposed. On 10/17/16 the Planning Board to review note 28 and changes to note 12.</u></p>
	<p>(1)</p> <p>The agreement shall prohibit the sale or occupancy of any lot or unit in the subdivision for which the improvements to be covered by the guaranty are required for access to or intended use of the lot until either:</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>This shall be met. See note 12 on sheet 1.1 and <u>proposed note 28 on sheet 1.2. Note 28 revisions proposed. On 10/17/16 the Planning Board to review note 28 and changes to note 12.</u></p>
	<p>(a)</p> <p>It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with these regulations and the regulations of the appropriate utilities; or</p>	
	<p>(b)</p> <p>A performance guaranty, acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.</p>	



Town of Wells, Maine Planning Board

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	<p>(2) Notice of the agreement and any conditions shall be on the final plan that is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guaranties contained in Subsection H.</p>	
G.	<p>Phasing of development. The Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by a performance guaranty. When development is phased, road construction shall commence from an existing public way. The subdivision shall be divided in such a manner that each phase, when aggregated with the previous phase(s), shall meet the standards of these regulations. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>See phasing proposed on Sheet 1.1. <u>Note 28 revisions proposed. On 10/17/16 the Planning Board to review the changes to the project phasing.</u></p>
H.	<p>Release of guaranty. Prior to the release of any part of the performance guaranty, the Board shall determine to its satisfaction, in part upon the report of the Town Manager and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
I.	<p>Default. If upon inspection the third party inspector, Municipal Engineer or other qualified individual retained by the municipality finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he or she shall so report in writing to the Code Enforcement Officer, the municipal officers, the Board and the applicant or builder. The municipal officers shall take any steps necessary to preserve the municipality's rights.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
J.	<p>Private streets. Where the subdivision streets are to remain private streets, the following words shall appear on the recorded plan: "All streets in this subdivision shall remain private roads to be maintained to Town standards by the developer or the lot owners and shall not be accepted or maintained by the Town."</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>See note 13 on sheet 1.1.</p>
K.	<p>Improvements guaranteed. Performance guaranties shall be tendered for all improvements required to meet the standards of these regulations and for the construction of the public or private streets, stormwater management facilities, public or private sewage collection or disposal facilities and water systems that are shared by multiple dwelling units and erosion and sedimentation control measures, as well as any other improvements required by the Board.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>This shall be met. See note 12 on sheet 1.1 and <u>proposed note 28 on sheet 1.2. Note 28 revisions proposed. On 10/17/16 the Planning Board to review note 28 and changes to note 12.</u></p>

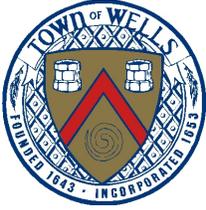


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§ 202-2. Purpose, criteria for approval.		Findings & Decisions
<p>The purposes of these regulations are to assure the comfort, convenience, safety, health and welfare of the people of the Town of Wells, to protect the environment and to promote the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



Town of Wells, Maine

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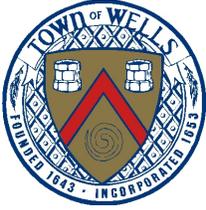
C.	If any part of a subdivision is located in a flood-prone area, as indicated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Maps, the subdivider shall determine the one-hundred-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan shall include a condition requiring that principal structures will be constructed with their lowest floor, including the basement, at least one foot above the one-hundred-year flood elevation; and	Not applicable.
D.	The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorous concentration during the construction phase and life of the proposed subdivision.	Not applicable.

STANDARD CONDITIONS OF APPROVAL

1. Any subdivision not recorded in the Registry of Deeds within 90 days of the date upon which the plan is approved and signed by the Board shall become null and void, unless an extension is granted by the Board in writing before the expiration of the ninety-day period. (§202-9C(2))
2. Prior to the issuance of a building permit for a principal structure in the subdivision, the applicant shall present evidence of suitable water supply to the Code Enforcement Officer. The evidence shall consist of the results of a primary inorganic water analysis performed upon the well to serve the structure, indicating the groundwater meets the primary drinking water standards of the Maine Rules Relating to Drinking Water for those categories tested. (§202-12F(2)(b)[4])
3. Prior to the issuance of a building permit in any approved subdivision, the subdivider shall provide the Code Enforcement Officer with a letter from a registered land surveyor stating that all monumentation shown on the plan for the lot receiving the building permit and for the approved subdivision perimeter boundaries or phase therein as approved by the Planning Board has been installed. (§202-11A(5))
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. All previous Conditions of Approval will remain in effect unless specifically amended by this amendment application. The approval of this Amended Plan in no way negates the need for applicant compliance with all previously set Conditions of Approval.



Town of Wells, Maine Planning Board

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

Wells Planning Board

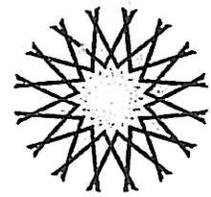
By: _____
Charles Millian, Chairman

DRAFT

Recommended Note Changes – Wire Road Sheet 1.2

28. Up to 3 model homes may be granted building permits on lots within the subdivision without meeting the requirements of Note 12b or 12c (sheet 1.1). Temporary occupancy permits may be granted to the model homes for an extended period of time with conditions as assigned by the Code Enforcement Office. Prior to the model homes being issued a final occupancy permit for a residential dwelling or the lot being conveyed, requirements of Note 12b and 12c (sheet 1.1) shall be met.

29. Standard Condition of Approval #3 (sheet 1.1) may be satisfied during construction of the roadways and utilities by temporary stakes installed by a licensed land surveyor. The permanent Monumentation as shown on the plan shall be installed and certified in writing by a licensed land surveyor prior to the conveyance of a lot or prior to a final occupancy permit being issued on a lot.



ATTAR

ENGINEERING, INC

CIVIL · STRUCTURAL · MARINE

Mr. Michael Livingston, Town Engineer
Town of Wells
208 Sanford Road
Wells, Maine 04090

October 4, 2016
Project No.: C141-16

**RE: Subdivision Amendment Application
Wire Road Subdivision
Wire Road (Tax Map 75, Lot 1)**

Dear Mr. Livingston:

On behalf of Highpine Properties, LLC, I have enclosed a Final Subdivision (Amendment) Application and revised plan sheets 1.1 and 1.2 for the above referenced project.

Wire Road Subdivision is a previously approved, 40 lot, residential cluster subdivision on a 100 acre parcel on Wire Road.

The applicant is requesting to add General Notes 28 and 29 to the previously approved plans. Note 28 would allow construction of up to three model homes in the project. Note 29 would allow temporary lot staking to be used to obtain building permits, as an alternate to placing permanent monumentation prior to building permits, as noted in Standard Condition #3.

We look forward to discussing this project at the next available Planning Board meeting. If any additional information is required, please contact me. Thank you for your assistance.

Sincerely;

Lewis Chamberlain, PE

cc: Highpine Properties, LLC

C141-16_Wells_AMD1_App_Cover.doc



TOWN OF WELLS, ME

208 Sanford Road, PO Box 398

Wells, Maine, 04090

Phone: 207-646-5187, Fax: 646-5188

Website: www.wellstown.org

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

New _____

For Office Use Only

Fee Paid _____

FINAL SUBDIVISION APPLICATION - §202-9

1. Project/Subdivision Name: Wire Road Subdivision

2. Property Owner: Highpine Properties, LLC

Mailing Address: P.O. Box 339
Wells, ME 04090

Telephone: 207-467-1770 Fax: N/A

Email Address: jonarenhall@hotmail.com

3. Applicant/Agent (if different from owner): _____

Mailing Address: _____

Telephone: _____ Fax: _____

Email Address: _____

4. Engineer or Surveyor who prepared plan: Attar Engineering, Inc. / Lew Chamberlain, P.E.

Mailing Address: 1284 State Road
Eliot, ME 03903

Telephone: 207-439-6023 Fax: 207-439-2128

Email Address: lew@attarengineering.com

5. All correspondence should be sent to:
(specify one of the above) Attar Engineering, Inc. / Lewis Chamberlain, P. E.

6. Assessor's Tax Map Number: 75 Lot Number: 1 (of land to be divided)

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

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

Ownership

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

Ownership of Approx. 500 acres to the Southwest.

10. Location of Property:

Street Address (approx.)

Book 15311 Page 360 (From County Registry of Deeds)

11. Current Zoning and Shoreland Overlay of property:

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

13. Total Acreage: 100 Acreage to be developed: Approx. 25

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

Home Owner's Association

15. Has this land been part of a prior approved subdivision? Yes No

Or other divisions within the past 5 Years? Yes No

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

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

Woodlot

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

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

19. Number of lots or dwelling units existing: 40 (approved) and Number of lots or dwelling units proposed: 40

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

roads

storm drainage

sidewalks

water lines

fire protection equipment

sewer

If other, please state

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

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

Submitted Not Submitted Subdivision Amendment form shall be accompanied by

x		A copy of the approved plan, as well as 11 copies of the proposed revisions.
x		Supporting information to allow the Board to make a determination that the proposed revisions meet the standards of chapter 202 standards and criteria
x		A revised plan indicating that it is the revision of a previously approved and recorded plan and shall show the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds.
	x (na)	Evidence that all owners of abutting property were notified of the application if new lots or dwelling units are proposed to be created



TOWN OF WELLS, MAINE

P.O. Box 398, Wells, Maine 04090

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

Website: www.wellstown.org

FINAL SUBDIVISION/ AMENDMENT APPLICATION COMPLETENESS REVIEW CHECKLIST

(This Checklist MUST be submitted)

Project Name: Wire Road Subdivision **Applicant:** Highpine Properties, LLC

Checklist Prepared By: Daysha Dowd **Date:** 10/04/16

Checklist Reviewed By: Lewis Chamberlain, P.E. **Date:** 10/04/16

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

Response (Please check applicable box)

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

<i>Code Section</i>	<i>II. Final Subdivision Submission Requirements</i>	Submitted By Applicant	To Be Submitted By Applicant	Not Applicable	Applicant Requests Waiver
202-9B.1	Proposed name of subdivision and the name of the municipality in which it is located, plus the Tax Assessor's map and lot numbers.	X			
202-9B.2	An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each corner.	X			
202-9B.3	The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses and other essential existing physical features.	X			
202-9B.4	Indication of type of sewage disposal to be used in the subdivision. A written statement from Wells Sanitary District must be submitted indicating approval of the subdivider's sewage design.	X			
202-9B.5.a	A written statement from KKWWD shall be submitted indicating that the district has reviewed and approved the water system design.			X	
202-9B.5.a	A written statement shall be submitted from the Fire Chief approving all hydrant locations or other fire protection measures deemed necessary.	X			
202-9B.5.b.1	When the subdivision is not served by KKWWD, evidence of adequate groundwater quality shall be required for proposed subdivisions in the vicinity of known sources of potential groundwater contamination. The results of primary inorganic water analysis performed upon a well on the parcel to be subdivided or from wells on adjacent parcels, between the parcel to be subdivided and the potential contamination, shall be submitted.	X			
202-9B.5.b.2	When a proposed subdivision is to be served by a private central water system or contains structures other than one- or two- family dwellings, evidence of adequate groundwater quantity shall be required.			X	
202-9B.6	The date the plan was prepared	X			
202-9B.6	North Point (Identified or Magnetic or True)	X			
202-9B.6	Graphic map scale	X			
202-9B.6	Names and addresses of the record owner, subdivider and individual or company who or which prepared the plan	X			
202-9B.7	The location of any zoning boundaries affecting the subdivision.	X			
202-9B.8	The location and size of existing and proposed sewers, water mains, culverts, and drainageways on or adjacent to the property to be subdivided.	X			

<i>Code Section</i>	<i>II. Final Subdivision Submission Requirements</i>	Submitted By Applicant	To Be Submitted By Applicant	Not Applicable	Applicant Requests Waiver
202-9B.9	The location, names and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.	X			
202-9B.9	Plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line and boundary line to be readily determined and be reproduced upon the ground.	X			
202-9B.9	The length of all straight lines, the deflection of angle radii, length of curves and central angles of curves, tangent distances and tangent bearings for each street shall be included.	X			
202-9B.10	The width and location of any streets or public improvements shown upon the Official Map and the Comprehensive Plan, if any, within the subdivision.			X	
202-9B.11	All parcels of land proposed to be dedicated to public use and the conditions of such dedication.			X	
202-9B.11	Written offers of cession to the municipality of all public open spaces shown on the plan and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted	X (prev)			
202-9B.11	If land is to be offered to the municipality, written evidence that the municipal officers are satisfied with the legal sufficiency of the written offer of cession shall be included.			X	
202-9B.12	A list of construction items with cost estimates that will be completed by the developer prior to the sale of lots and, for subdivisions containing more than 20 lots	X (prev)			
202-9B.12 202-9B.12.a	A separate list of construction and maintenance items, with both capital and annual operating cost estimates that must be financed by the municipality or quasi-municipal districts. These lists shall include but not be limited to: schools, including busing; street maintenance and snow removal; police and fire protection; solid waste disposal; recreation facilities; stormwater drainage; wastewater treatment; and water supply.	X (prev)			
202-9B.12.b	The developer shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.	X (prev)			
202-9B.13	If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the one-hundred-year flood elevation shall be delineated on the plan.	X			

<i>Code Section</i>	<i>II. Final Subdivision Submission Requirements</i>	Submitted By Applicant	To Be Submitted By Applicant	Not Applicable	Applicant Requests Waiver
202-9B.14	A soil erosion and sedimentation control plan, prepared in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Maine Department of Environmental Protection and the Cumberland County Soil and Water Conservation District, 1991.	X (prev)			
202-9B.15	A stormwater management plan, prepared by a registered professional engineer in accordance with the most recent edition of Stormwater Management For Maine: BMPS Technical Design Manual, published by the Maine Department of Environmental Protection, 2006. Another methodology may be used if the applicant can demonstrate it is equally or more applicable to the site.	X (prev)			
202-9B.16	If any portion of the proposed subdivision is located in the direct watershed of Ell Pond or within 500 feet of the upland edge of Hobbs Pond and meets the following criteria: 1.) five or more lots or dwelling units created within any five-year period; or 2.) any combination of 800 linear feet of new or upgraded driveways and/or streets, then the following shall be submitted or indicated on the plan:			X	
202-9B.16.a	A phosphorus impact analysis and control plan conducted using the procedures set forth in MDEP Phosphorus Design Manual, Volume II of the Maine Stormwater Best Management Practices Manual, 2006. The analysis and control plan shall include all worksheets, engineering calculations, and construction specifications and diagrams for control measures, as required by the most recent edition of Stormwater Management For Maine: BMPS Technical Design Manual, published by the Maine Department of Environmental Protection, 2006			X	
202-9B.16.b	A long-term maintenance plan for all phosphorus control measures			X	
202-9B.16.c	The contour lines shown on the plan shall be at an interval of no less than five feet			X	
202-9B.16.d	Areas with sustained slopes greater than 25% covering more than one acre shall be delineated			X	

LISTING OF ABUTTERS TO A PROPOSED FINAL SUBDIVISION APPLICATION

Project Name: Wire Road Subdivision

Street Address of Project: Wire Road

Map/ Lot # of Project: Map 75 Lot 1

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

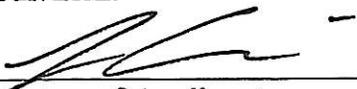
It is the responsibility of the Planning Office to notify abutters of a NEW Final subdivision application.

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

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

Name	Address	Tax Map	Lot
	" See Attached "		

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


Agent
10/04/16
 Signature of Applicant Date

Attach extra pages as necessary



TOWN OF WELLS, MAINE

P.O. Box 398, Wells, Maine 04090

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

Website: www.wellstown.org

FINAL SUBDIVISION AMENDMENT APPLICATION ABUTTER NOTIFICATION

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

To Whom It May Concern:

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

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

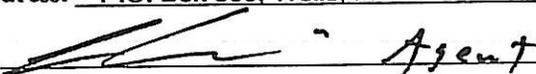
For dates and times when this application will be discussed at a scheduled meeting, please call the Planning Office at (207) 646-5187 or visit www.wellstown.org and click on the 'Meeting Calendar' to view the upcoming meeting agendas. "An aggrieved party may appeal any decision of the Board under [the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

Property Owner (of land to be divided): Highpine Properties, LLC

Owner's Mailing Address: P.O. Box 339, Wells, ME 04090

Applicant's Name: Highpine Properties, LLC

Applicant's Mailing Address: P.O. Box 339, Wells, ME 04090

Applicant's Signature:  Agent

Assessor's Tax Map Number: 75 Lot Number: 1 (of land to be divided)

Subdivision Location (street address): Wire Road

Acres to be subdivided: 100 Number of proposed lots or dwelling units: 40

Zoning District(s): Rural (R)

Description of Proposal: Revise the approved plan notes to allow model units to be constructed and to adjust the timing of permanent lot monumentation placement.



This sheet N/A - Road Names already approved

Assessors Office, Town of Wells

P.O. Box 398, Wells ME 04090-0398
(207) 646-6081, Fax: (207) 646-2935

ROAD NAME REQUEST FORM

In order to comply with the Enhanced E911 requirement that street names be as clear and distinct as possible for emergency dispatch, it is necessary to have new street names approved by the E911 Coordinator prior to subdivision approval. Extra steps and charges may be eliminated during the approval process if the street names don't have to be changed mid-stream.

Please use on form for each street under consideration, and allow a few days for this process. List at least three names to be considered. They should not look like or sound like existing street names. For the present time, the list of street names (actual and reserved) are available in the Assessor's Office. In the near future, we will have a list on our website for your convenience. www.wellstown.org

NAME OF PROPOSED SUBDIVISION: Wire Road Subdivision

LOCATION OF PROPOSED SUBDIVISION : Wire Road

MAP(s)/LOT(s)#: 75/1

Desired Road Names to be Considered:

1. Howard
2. Cameron
3. Mackenzie
4. Hall
5. _____

Contact Name of Development: Jonathan Hall

Contact Phone: 207-467-1770 Email: jonarenhall@hotmail.com

Office Use Only

STREET NAME APPROVED: _____

Date: _____ Signature: _____

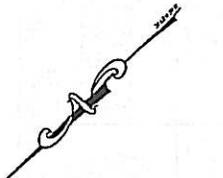
Keeley Lambert, E911 Coordinator

List of Abutters

Project: Wire Road, Wells, Maine

Location: Map 75 Lot 1

Map	Lot	Property Owner	Mailing Address
75	1-1	Warren P. & Abigail L. Dewildt	517 Wire Road Wells, ME 04090
75	1-2	Brian D. & Connie D. Loucks	537 Wire Road Wells, ME 04090
75	2 & 2-B	Wells Blueberries Inc. Attn: Leo Roy	60 Canterbury St. Andover, MA 01810
75	2-A	Thomas V. Hardy	19 Coleman Rd. Byfield, MA 01922-2803
75	2-C	The Nature Conservancy Fort Andross	14 Maine St. – Suite 401 Brunswick, ME 04011
75	2-D	K K & W Water District	P.O. Box 88 Kennebunk, ME 04043-0088
75	2-1	Ester L. Brosius & Ruth E. Barry	672 Wire Road Wells, ME 04090
68	2	Flintlock Village Inc. Attn: Cliff R. Antonell	1 Wildflower Lane Wayland, MA 01778
68	2-A	John L. & Peggy L. Welch	685 Wire Road Wells, ME 04090
68	12	Josephine F. Matthews	57 State Street Gorham, ME 04038-1012
74	4-D	Amanda B. Cole-Dougherty & Matthew W. Dougherty	481 Wire Road Wells, ME 04090
74	6	Daniel & Pamela Fraser	503 Wire Road Wells, ME 04090
60	18	Highpine Properties Inc.	P.O. Box 339 Wells, ME 04090
75	3-1	Timothy A. Brownell	1084 Main Street Sanford, ME 04073-3608
		Town of Wells Planning Department	208 Sanford Road Wells, ME 04090



LEGEND	
EXISTING CONTOUR	---
PAVEMENT	=====
UTILITY POLE	○
EST. WATER	---
EST. SEWER	---
EST. OVERHEAD UN.	---
EST. UNDERGROUND UN.	---
PROP. WATER	---
PROP. SEWER	---
PROP. FORCE MAIN	---
PROP. UTILITY	---
WATER VALVE	○
WATER METER	○
SEWER MANHOLE	○
LIGHT POLE	○
EST. 0	○
EST. 1	○
EST. 2	○
EST. 3	○
EST. 4	○
EST. 5	○
EST. 6	○
EST. 7	○
EST. 8	○
EST. 9	○
EST. 10	○
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EST. 86	○
EST. 87	○
EST. 88	○
EST. 89	○
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EST. 91	○
EST. 92	○
EST. 93	○
EST. 94	○
EST. 95	○
EST. 96	○
EST. 97	○
EST. 98	○
EST. 99	○
EST. 100	○

CLUSTER SUBDIVISION PLAN
 WIRE ROAD SUBDIVISION
 WIRE ROAD, WELLS, ME

FOR: HIGHLINE PROPERTIES, LLC
 WELLS, ME 04090

ATTAR ENGINEERING, INC.
 1218 SW 2ND AVENUE, SUITE 100
 PALM BEACH, FL 33410
 PHONE: (561) 833-6013 FAX: (561) 833-3178

SCALE: 1" = 40'
 DATE: 11/17/18
 APPROVED BY: [Signature]
 TITLE: [Title]
 REVISION 1 DATE: 11/17/18
 SHEET 13 OF 13

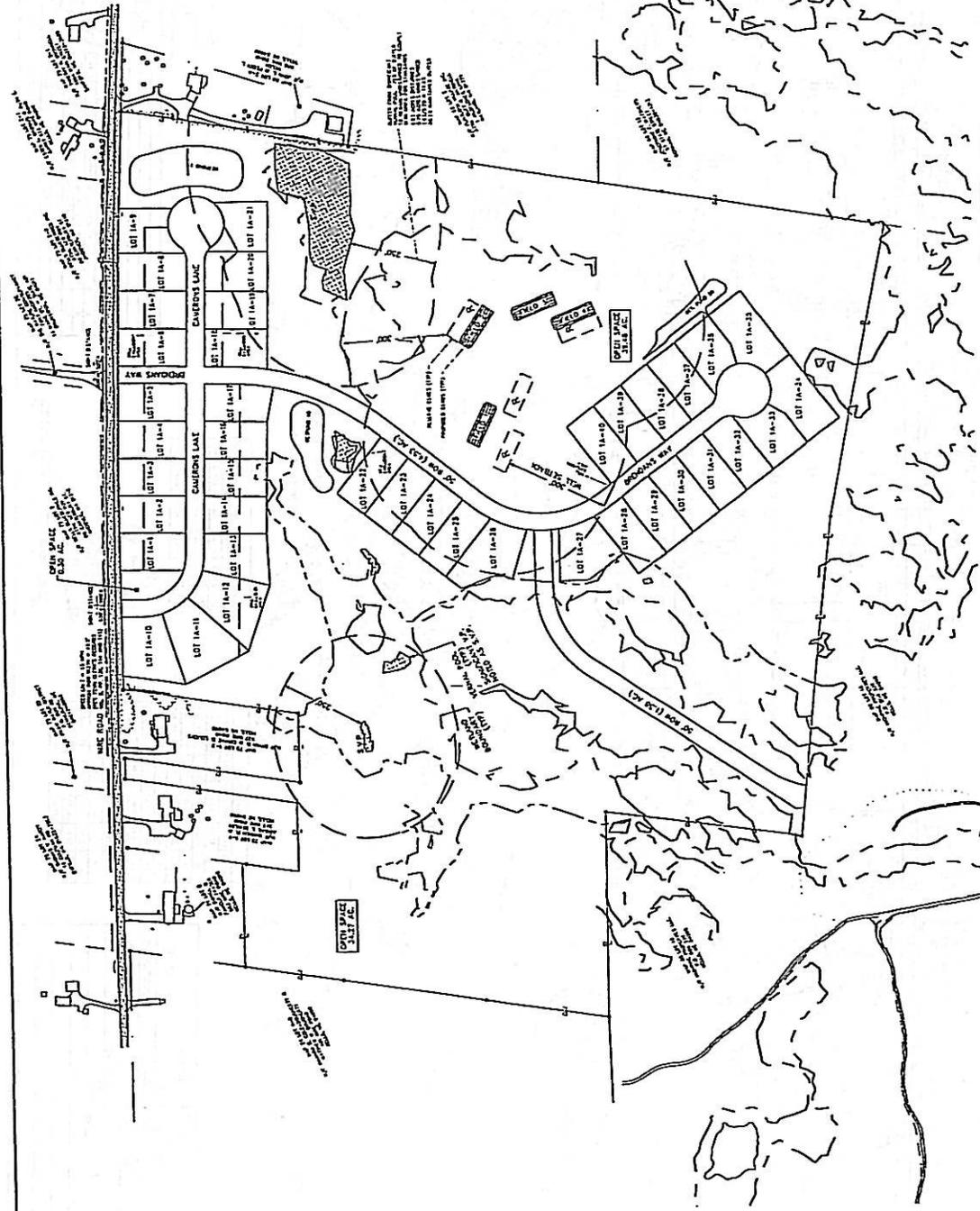
STATE / APPROVED: [Signature]
 REGISTERED PROFESSIONAL ENGINEER
 LICENSE NO. 10103

STATE OF MAINE
 DEPARTMENT OF CONSUMER PROTECTION
 DIVISION OF REAL ESTATE
 REGISTERED PLANNING BOARD MEMBER
 LICENSE NO. 10103

DATE: 11/17/18
 TIME: 10:00 AM
 PLACE: [Location]

SCALE: 1" = 40'
 DATE: 11/17/18
 APPROVED BY: [Signature]
 TITLE: [Title]

REVISION 1 DATE: 11/17/18
 SHEET 13 OF 13



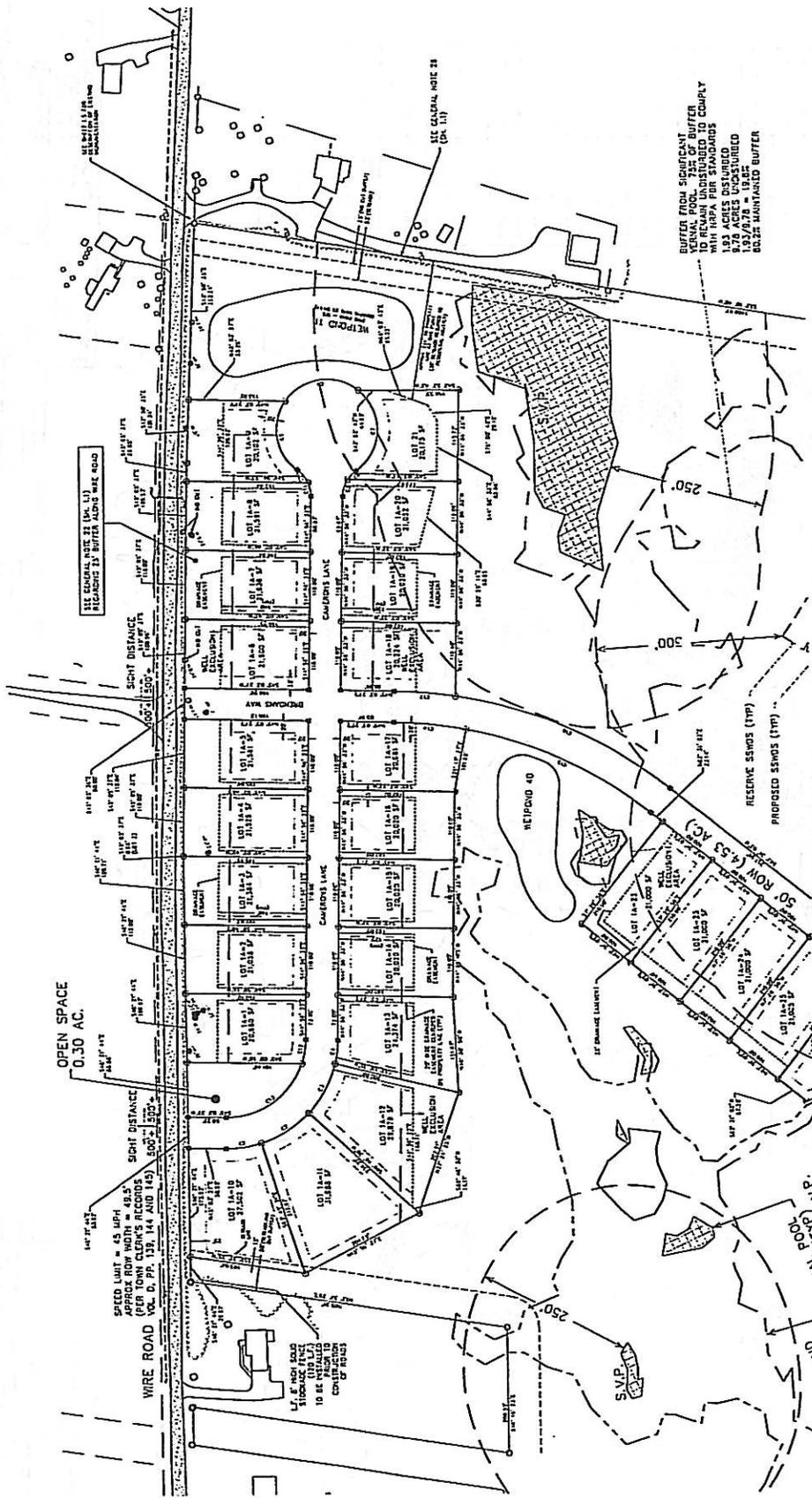
TOWN OF WELLS
 PLANNING BOARD

DATE: 11/17/18
 TIME: 10:00 AM
 PLACE: [Location]

[Signature]
 [Signature]
 [Signature]



STATE OF MAINE, RECORDS & DEEDS
 RECORDS DEPARTMENT
 PLAT BOOK: [Blank]
 PAGE: [Blank]
 INDEX: [Blank]



BUFFER FROM SIGNIFICANT
 VERNAL POOL: 75% OF BUFFER
 TO BE MAINTAINED TO COMPLY
 WITH STATE STANDARDS
 1.83 ACRES ISLAND
 9.78 ACRES UNBUNDLED
 03/20/78 - 19.05
 50% MAINTAINED BUFFER

DEVELOPER: APPLICANT, LLC
 P.O. BOX 311
 WELLS, ME 04090

FOR: HIGHLINE PROPERTIES, LLC.
 P.O. BOX 339
 WELLS, ME 04090

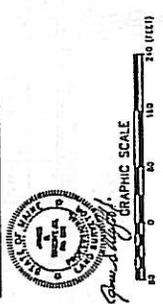
ATTAR ENGINEERING INC.
 1784 STATE ROAD - SUITE 100
 WELLS, ME 04090
 SCALE: AS SHOWN
 DATE: 8/13/18

DATE: 8/13/18
 SHEET: 13

TOWN OF WELLS
 PLANNING BOARD
 DATE: 8/22/18
 BY: [Signature]



NO.	REVISION	DATE
1	ISSUE FOR PERMITTING	8/13/18
2	ISSUE FOR PERMITTING	8/13/18
3	ISSUE FOR PERMITTING	8/13/18
4	ISSUE FOR PERMITTING	8/13/18
5	ISSUE FOR PERMITTING	8/13/18



Lot	Area (sq ft)	Area (sq ft)	Area (sq ft)
1	10,000	10,000	10,000
2	10,000	10,000	10,000
3	10,000	10,000	10,000
4	10,000	10,000	10,000
5	10,000	10,000	10,000
6	10,000	10,000	10,000
7	10,000	10,000	10,000
8	10,000	10,000	10,000
9	10,000	10,000	10,000
10	10,000	10,000	10,000
11	10,000	10,000	10,000
12	10,000	10,000	10,000
13	10,000	10,000	10,000
14	10,000	10,000	10,000
15	10,000	10,000	10,000
16	10,000	10,000	10,000
17	10,000	10,000	10,000
18	10,000	10,000	10,000
19	10,000	10,000	10,000
20	10,000	10,000	10,000
21	10,000	10,000	10,000
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24	10,000	10,000	10,000
25	10,000	10,000	10,000
26	10,000	10,000	10,000
27	10,000	10,000	10,000
28	10,000	10,000	10,000
29	10,000	10,000	10,000
30	10,000	10,000	10,000
31	10,000	10,000	10,000
32	10,000	10,000	10,000
33	10,000	10,000	10,000
34	10,000	10,000	10,000
35	10,000	10,000	10,000
36	10,000	10,000	10,000
37	10,000	10,000	10,000
38	10,000	10,000	10,000
39	10,000	10,000	10,000
40	10,000	10,000	10,000
41	10,000	10,000	10,000
42	10,000	10,000	10,000
43	10,000	10,000	10,000
44	10,000	10,000	10,000
45	10,000	10,000	10,000
46	10,000	10,000	10,000
47	10,000	10,000	10,000
48	10,000	10,000	10,000
49	10,000	10,000	10,000
50	10,000	10,000	10,000

GRAPHIC SCALE
 0 20 40 60 80 100 120 140 160 180 200
 FEET

TOWN OF WELLS
 PLANNING BOARD
 DATE: 8/22/18
 BY: [Signature]

DATE OF MEETING: 8/22/18
 RECORD NO.: 18-00000
 PLAN BOOK NO.: 18-00000
 PAGE: 13 OF 13
 ATTCH: 18-00000



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 20, 2016

DEVELOPMENT REVIEW & WORKSHOP

- I. **COASTAL PREFINISHED FLOORS & TILES** - Lyons Enterprises, owner; Coastal Prefinished Floors & Tiles LLC, applicant. Site Plan Amendment for a change of use to the 3,216 SF building to include Business Retail and Business Contractor use. The Business Wholesale and Business Office uses to remain. No changes proposed to the 1,550 SF building or other uses on the property. The property is located off of 833 Sanford Road and is within the Residential Commercial District. Tax Map 49, Lot 29-1. **Receive Site Plan Amendment, Workshop Completeness and draft Compliance/ Findings of Fact & Decisions if appropriate**

OTHER BUSINESS

ADJOURN