



# TOWN OF WELLS, MAINE PLANNING BOARD

Meeting Minutes  
Monday, January 4, 2016, 7:00 P.M.  
Littlefield Meeting Room, Town Hall  
208 Sanford Road

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

## MINUTES

December 21, 2015

## **MOTION**

Motion by Mr. Goodrich, seconded by Mr. Anderson, to approve the minutes as written.  
**PASSED 3-0-1** with Mr. Raftopoulos abstaining since he was not at the meeting.

## PUBLIC HEARING

- I. **MILLBROOK FARM** – Kasprzak Landholdings, Inc. owner; Kasprzak Homes/ Robert Georgitis, applicant; Sebago Technics, agent. Preliminary Subdivision Application consisting of 70 dwelling units located within 35 duplex (two-family) buildings on land totaling 80.82 acres of which 60.69 acres to be dedicated as open space (Multifamily Development). The major subdivision proposes roadways and shall be connected to public water and public sewer. The subdivision is located within the Rural and 75' Shoreland Overlay Districts and is located off of Willow Way/ Gateway Drive and Midway Drive. Tax Map 72, Lots 4B, 12 and 13.

Bob Georgitis of Kasprzak Landholdings and Jason Haskell of Sebago Technics were present. Mr. Georgitis described the plan which is the last phase of development at Riverbend Woods. The previously planned 88 units have been reduced to 70 (35 duplexes). Access will be from Gateway Drive and Willow Way. Sewer is in place and the stormwater management system is partially in place. Construction will be in 3 phases from the front of the parcel to the back, with an expected completion in 2020. Open space will be increased to approximately 174 acres for the entire project. Public comment was solicited.

Residents of Windward Pointe were concerned about the traffic from Heron Landing travelling through their neighborhood over private roads to get to the main roads. They expect that the

1 future residents of Millbrooke Farm will have the same issue of through traffic from Heron  
2 Landing. Heron Landing is larger than Windward Pointe and the traffic is disturbing the peace  
3 and quiet in their neighborhood. The residents feel that the developer should share in the road  
4 maintenance costs along with the Association's contribution. The question of liability due to the  
5 additional traffic was another concern.

6  
7 When Heron Landing was being constructed, much of the construction traffic went through  
8 Windward Pointe. There was a request to divert construction traffic when Millbrooke Farm is  
9 being developed, and use signage, flaggers and other safety measures.

10  
11 Willow Way is only 16' wide with a curve, and there is no guard rail at the brook crossing. A  
12 large stump is in the intersection at the end of the road. Residents are recommending that it be  
13 kept as emergency access only. Bypass Road is also in bad condition and needs upgrading. The  
14 residents asked to have the Millbrooke Farm road built as soon as possible to divert traffic away  
15 from Windward Pointe. The Town and developer were requested to have the contractor provide  
16 a bond to cover any road damage.

17  
18 Some residents heard that Windward Pointe was the secondary route to Heron Landing, and  
19 asked when the other entrance would be constructed. There is a sign directing traffic through  
20 Windward Pointe to reach Heron Landing. Will there eventually be another sign?

21 Mr. Georgitis said the signage was put up on Gateway Drive just before the Town was asked to  
22 accept the road. As additional phases were built it became confusing and he had new signs made.  
23 The original plan provided for interconnecting roadways to provide two accesses for all the  
24 phases, as required by the Town. Gateway Drive has been used for 10 years during all the  
25 construction and is still in good condition. The construction schedule is to build the first section  
26 of Millbrooke Farm in 2016 and the middle section in 2018. When plans were submitted for  
27 Windward Pointe, the intention was to pave the walking trail from the end of Willow Way to  
28 connect into Windward Pointe if there would be no further construction. If the extension of  
29 Willow Way was paved it would create a road behind the houses. The developer wants to keep it  
30 as a walking trail because it leads to the river and open space. That portion has been abandoned  
31 by the Town. Willow Way from Gateway Drive to Harrisecket Road is paved and is still a Town  
32 road. The condition of Bypass Road is really an issue for the Town and the Public Works  
33 Department. Mr. Georgitis said he has put up signs for the construction traffic. He was  
34 previously contacted about cost sharing for the road impacts, and feels that this is an issue  
35 between Kasprzak Landholdings and the Windward Pointe Association. Construction vehicles  
36 will be using Gateway Drive and possibly Willow Way, but they will not be going through  
37 Windward Pointe and Heron Landing to get to Millbrooke Farm. He suggested that the 3  
38 associations may wish to merge, but recognized that a consolidated association would be difficult  
39 for the residents to manage. Mr. Anderson asked if the condo documents allow the associations  
40 to merge. Mr. Georgitis said nothing in the documents prohibits a merger. Mr. Raftopoulos  
41 asked if there are any plans to develop Willow Way. Mr. Georgitis said the developer doesn't  
42 plan to. The tree at the end was cut down and the stump was left. Mr. Livingston said the whole  
43 intersection will be redone this spring as part of the Preachers Aid project and the stump will be  
44 removed. Mr. Raftopoulos asked if that portion of the road could be developed as part of  
45 Millbrooke Farm and Heron Landing, with a gate and Knox box. Mr. Georgitis said it would  
46 involve connecting two public streets and would never be approved.

1 There was a suggestion to complete the first two sections of the Millbrooke Farm road first so  
2 the connecting road would provide an alternate access to Heron Landing. Mr. Livingston said  
3 that part of the Heron Landing approval was to complete the connecting road five years after  
4 approval (April 15, 2018). Since the road can't be paved in April, it will have to be completed in  
5 2017. There was a question about Note 24 on the Heron Landing plan stating that the  
6 associations would pay for road maintenance. Mr. Millian said that is from the condo documents  
7 and doesn't involve the Planning Board. Mr. Livingston said that originally the private section  
8 of Willow Way was the emergency access for Windward Pointe. If Heron Landing was built and  
9 no more phases of the project were built, an access road would have to be paved and the  
10 associations would share the maintenance costs. Since Millbrooke Farm is being developed, the  
11 connecting road will create another means of access.

12  
13 There was a request to pave the road from Heron Landing to Millbrooke Farm early in the  
14 development process. There is extensive traffic from Heron Landing going through Windward  
15 Pointe: 50 units with an estimated 100 residents' cars, visitors, delivery trucks, and realtors  
16 showing units. Mr. Georgitis said he will discuss scheduling with the owner. Sewer and other  
17 utilities need to be extended before the road is paved.

18  
19 **MOTION**

20 Motion by Mr. Goodrich, seconded by Mr. Anderson, to close the public hearing. **PASSED**  
21 unanimously.

22  
23 **DEVELOPMENT REVIEW & WORKSHOPS**

- 24  
25 **I. MILLBROOK FARM** – Kasprzak Landholdings, Inc. owner; Kasprzak Homes/ Robert  
26 Georgitis, applicant; Sebago Technics, agent. Preliminary Subdivision Application  
27 consisting of 70 dwelling units located within 35 duplex (two-family) buildings on land  
28 totaling 80.82 acres of which 60.69 acres to be dedicated as open space (Multifamily  
29 Development). The major subdivision proposes roadways and shall be connected to  
30 public water and public sewer. The subdivision is located within the Rural and 75'  
31 Shoreland Overlay Districts and is located off of Willow Way/ Gateway Drive and  
32 Midway Drive. Tax Map 72, Lots 4B, 12 and 13. **Workshop Preliminary Completeness**  
33 **and draft Preliminary Findings of Fact & Decisions**

34  
35 The major concern raised at the public hearing is traffic. Bypass Road and Willow Way are  
36 existing town roads and their condition is not a Planning Board issue. Mr. Georgitis said that  
37 based on the demographics most of the owners are retired, and a DOT Traffic Movement Permit  
38 may not be required. Gateway Drive was accepted as a town road because it connects 2 town  
39 roads (Willow Way and Bypass Road) and was built to town standards.

40  
41 The recommendations in Mr. Livingston's memo were reviewed. Stones in the cemetery date  
42 back to the 1700's and 1800's. The applicant will provide a walking path from the road up to and  
43 around the cemetery. There will be no disturbance within 25'.

44  
45 The forest management plan is in place.  
46

1 The Code requires a 25' vegetated buffer along the lot boundaries. The applicant proposes to  
2 leave the existing tree line and additional trees will be planted. Pathways will lead through the  
3 trees to the river.

4  
5 **MOTION**

6 Motion by Mr. Raftopoulos, seconded by Mr. Goodrich, to find that the proposed landscape  
7 buffer shown on Sheet 15 is adequate. **PASSED** unanimously.

8  
9 The initial review of drainage indicates that some of the catch basins are deep and may require  
10 larger diameter manholes.

11  
12 The Planning Board sets road standards for condominium projects. For the other phases of the  
13 project, 22' wide roadways with concrete curbing has been accepted as the standard.

14  
15 **MOTION**

16 Motion by Mr. Raftopoulos, seconded by Mr. Anderson, to find that this is an acceptable road  
17 standard. **PASSED** unanimously.

18  
19 The open space isn't posted and there is no requirement to give a public easement. The policy  
20 has been to allow public access as long as it isn't abused, and Mr. Georgitis expects this to  
21 continue. The association pays for a liability insurance policy. The developer would like to  
22 discuss a river crossing with the town.

23  
24 The soil survey has been provided. The IF&W letter is included in the MDEP Site Location  
25 application.

26  
27 **MOTION**

28 Motion by Mr. Raftopoulos, seconded by Mr. Anderson, to waive the requirement for a new  
29 IF&W letter. **PASSED** unanimously.

30  
31 The Preliminary Findings of Fact & Decisions were reviewed. The Riverbend Woods  
32 Association is to be made up of all the condo owners and Kasprzak has retained control of the  
33 Association. The open space has been deeded to the Association. Mr. Livingston said that any  
34 restrictions or covenants about the open space need to be included in the Association documents.  
35 The Kasprzak attorney and Town Attorney will review the documents.

36  
37 **MOTION**

38 Motion by Mr. Raftopoulos, seconded by Mr. Anderson, to approve the Preliminary Findings of  
39 Fact & Decisions with 3 standard conditions of approval and 8 special conditions of approval,  
40 and grant preliminary approval. **PASSED** unanimously.

41  
42 **II. QUAIL RUN SUBDIVISION** – Roger Berube Builders, Inc. owner. Post Road  
43 Surveying, Inc. Agent. Final Subdivision Amendment Application to revised well  
44 exclusion areas on Lots 2, 3, and 4. No new lots or dwellings are proposed for the  
45 existing 5 lot major subdivision or the Quail Run Lane right of way. The subdivision is  
46 located off of Sanford Road and is located within the Residential A district. Tax Map 66,  
47 Lots 30.2, 30.3, and 30.4. **Receive Final Subdivision Amendment Application, if**

1 appropriate determine a site walk, completeness, public hearing, compliance and  
2 Final Findings of Fact & Decisions.  
3

4 The applicant has withdrawn the amendment application.  
5

6 **III. YORK COUNTY COMMUNITY COLLEGE** – Maine Community College System,  
7 owner; Nancy Drouin, YCCS, applicant; Kerry Green, Oak Point Associates, agent. Site  
8 Plan Amendment Application to construct an 18,300 SF academic building for  
9 classrooms, auditorium and study spaces and to expand parking. The property is located  
10 off of 112 College Drive and is within the Rural, Residential A and 75' Shoreland  
11 Overlay Districts. Tax Map 43, Lot 3A.EXE. Workshop compliance , permitting  
12 updates, performance guarantees and inspections  
13

14 Scott Anderson of Verrill Dana and Jonah DeWaters of Oak Point Associates represented the  
15 applicant. The recommendations in Mr. Livingston's memo were reviewed. The Town Attorney  
16 concluded that the applicant has the right to improve the emergency access road across the  
17 Barefoot Cottage property. The College Attorney submitted an opinion about the recorded  
18 easements and the agreement between Barefoot and the College, and the Town Attorney  
19 concurred. The applicant has made the recommended changes on the plans for fire lane striping  
20 and signage. A gate is proposed between Rite-Aid and Barefoot with other gates on the College  
21 property line and at the proposed parking lot. The plans for the emergency access easement were  
22 prepared by an engineer, not a surveyor, and the Board needs to consider if this is acceptable.  
23

24 **MOTION**

25 Motion by Mr. Anderson, seconded by Mr. Raftopoulos, to find that the plans prepared by the  
26 engineer are acceptable. **PASSED** unanimously.  
27

28 **MOTION**

29 Motion by Mr. Anderson, seconded by Mr. Raftopoulos, to find that the location of the  
30 emergency access road meets the criteria of §145-75 A Traffic & N Fire Safety. **PASSED**  
31 unanimously.  
32

33 The improvements at the Chapel Road/College drive intersection were discussed. The wetland  
34 there is considered a vernal pool of special significance. An e-mail from DOT indicates that the  
35 Traffic Movement Permit will be modified. Mr. Livingston has asked the peer reviewer Randy  
36 Dunton to comment. Such improvements are usually tied to the occupancy of the new building  
37 and a performance guaranty would be required because of the Town roads involved. Mr. Millian  
38 said that the Town Manager has to approve the performance guaranty or bond. Mr. DeWaters  
39 said the entire project is state-funded so the contractor is required to post bonds.  
40

41 **MOTION**

42 Motion by Mr. Raftopoulos, seconded by Mr. Goodrich, to require approval of the performance  
43 guaranty documentation by Mr. Livingston and the Town Manager at the pre-construction  
44 meeting. **PASSED** unanimously.  
45

46 The DOT Traffic Movement Permit is being amended for the right shoulder work on Chapel  
47 Road. The official approval is needed for final approval.  
48

1 **MOTION**

2 Motion by Mr. Goodrich, seconded by Mr. Raftopoulos, to require a signed DOT letter for the  
3 preliminary review and approval of the amendment, with the final DOT approval due by the pre-  
4 construction meeting. **PASSED** unanimously.

5  
6 Landscaping and screening were discussed.  
7

8  
9 **MOTION**

10 Motion by Mr. Anderson, seconded by Mr. Raftopoulos, to find that the proposed landscaping  
11 satisfies the buffering requirement for the residential abutter. **PASSED** unanimously.  
12

13 **MOTION**

14 Motion by Mr. Raftopoulos, seconded by Mr. Goodrich, to find that the landscape buffer along  
15 College Drive is adequate. **PASSED** unanimously.  
16

17 The parking calculations were discussed. Mr. DeWaters said that 132 spaces were removed  
18 including 4 handicap spaces, while 214 spaces were added in another area. Removal of the  
19 smoking shelter added 2 spaces. One space was lost by adding an access aisle for the handicap  
20 spaces. The revised total is 562 spaces including 23 handicap spaces. Mr. Livingston  
21 recommended adding a purpose of plan note, and the partial boundary surveys should be  
22 included in the full plan set.  
23

24 **MOTION**

25 Motion by Mr. Anderson, seconded by Mr. Raftopoulos, to continue the application for 60 days.  
26 **PASSED** unanimously.  
27

28 **OTHER BUSINESS**

29  
30 ~There is a memo in tonight's packets about the proposed zoning changes. The possibility of a  
31 building height exemption was raised because of the high school renovation. Much of the roof  
32 has to be flat because of height limitations. It will also be an issue with the new fire/police  
33 building at the corner of Route One and Harbor Road. A special provision is proposed for  
34 municipal buildings including the library in a portion of the GB Zone. Public schools can be  
35 another exempt use. The consensus was to send this forward to the Selectmen as amended.  
36 Another proposed zoning change for June 2016 is some "housekeeping" to correct and update  
37 old references to subdivisions where the chapter numbers have changed.  
38

39 Lot coverage in residential cluster subdivisions in the Rural Zone is limited to 20% based on the  
40 language in the Code. It can be difficult to meet this standard with 20,000 sq.ft. lots. The Board  
41 can reduce street frontage and setbacks, and for consistency the Board should be able to reduce  
42 lot coverage. There is a conflict in the Code about residential clusters in the Aquifer Protection  
43 Zone, which needs to be resolved.  
44

45 Changes to the Reviewing Authority Chart would allow minor amendments to be approved by  
46 the Code Enforcement Office. Approvals of minor site plan amendments would be expedited if  
47 they did not have to be reviewed by the Planning Board or Staff Review Committee.

1 There should be a review process for private streets that are not part of a subdivision. There is no  
2 review and approval process now.

3  
4 ~The Board needs to elect officers for 2016. The consensus was to postpone voting until more  
5 members are present.

6  
7 **ADJOURN**

8  
9 **MOTION**  
10 Motion by Mr. Anderson, seconded by Mr. Goodrich, to adjourn. **PASSED** unanimously.

11  
12 MINUTES APPROVED February 22, 2016

13  
14 ACCEPTED BY:

15  
16   
17 \_\_\_\_\_  
18 Robert Sullivan, Secretary

19  
  
\_\_\_\_\_

Cinndi Davidson, Recorder