



TOWN OF WELLS, MAINE PLANNING BOARD

Meeting Minutes
Monday, May 2, 2016, 7:00 P.M.
Wells Activity Center
113 Sanford Road

CALL TO ORDER AND DETERMINATION OF QUORUM

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

MINUTES

April 18, 2016

MOTION

Motion by Mr. Anderson, seconded by Mr. Sullivan, to approve the minutes as written. **PASSED** 3-0-2. Mr. Millian and Mr. Goodrich abstained because they were not at the meeting.

PUBLIC HEARINGS

- I. **GRANTS PASTURE** – Gerald & Raylene Grant Living Trust, owners; Sebago Real Estate Investment, LLC/ Paul Hollis, applicant; Attar Engineering, Inc. engineer. Final Subdivision Application for a 7 lot/dwelling unit residential cluster major subdivision on 47 acres of land with 38.8 acres of open space proposed. Parcel is located off of North Berwick Road and is within the Rural, 250' Shoreland Overlay, and Resource Protection Districts. Tax Map 32, Lot 11.

Paul Hollis of Sebago Real Estate Investment LLC presented the plan for a 7 lot major residential cluster subdivision with individual wells and septic systems and a private roadway. Public comment was solicited. One speaker questioned the location of the open space area and wetlands. There will be a path to the open space for the residents. The Planning Office received an e-mail asking to have the vegetated buffer maintained.

MOTION

Motion by Mr. Sullivan, seconded by Mr. Goodrich, to close the public hearing. **PASSED** unanimously.

1 **II. RIVERWALK SUBDIVISION** - Bourne Field Properties, LLC, owner, Rick Licht,
2 applicant, Lower Village Survey Co, surveyor. Final Subdivision Amendment
3 Application to amend note 39 to allow for 6,000 SF of impervious area per lot instated of
4 5,000 SF of impervious area per lot. The subdivision is located off of Branch Road and is
5 within the Rural and 75' Shoreland Overlay Districts. Tax Map 70, Lot 5
6

7 Josh Moody of Bournefield Properties LLC and Rick Licht of Licht Environmental Design LLC
8 were present. Mr. Licht presented the plan to amend Note 39 on the approved subdivision plan
9 and allow up to 6,000 sq. ft. of impervious surface on each lot. The total lot size will remain
10 25,000 sq. ft. and there will be 19,000 sq. ft. of lawn and garden space. The additional space
11 could be used for a patio, driveway, apron around the pool, etc.
12

13 Public comment was solicited. The following concerns were discussed:
14

15 ~Soil erosion polluting the Merriland River and putting the brook trout population at risk.
16 Increasing 35 lots by 1,000 sq. ft. of impervious surface each will mean a loss of 35,000 sq. ft. of
17 vegetated surface.
18

19 ~Hot water runoff from paved surfaces into the river can kill the trout.
20

21 ~The developer understands the conditions imposed by the Planning Board. Will the HOA
22 continue to follow to them?
23

24 ~The Town's standards are out-of-date and the Board shouldn't approve this change.
25 Mr. Licht said the DEP has already approved this plan revision. The stormwater system has
26 excess capacity to deal with more impervious surface. Not all the lots will increase to 6,000 sq.
27 ft. of impervious surface and there won't be 35 longer driveways. The houses will have drip
28 edges to capture stormwater and not degrade the river.
29

30 Mr. Goodrich asked for a clarification of the impervious surfaces (driveways, sheds, etc.) and if
31 the developer is planning to use any pervious pavement. Mr. Moody said they are using some for
32 turn-arounds in driveways and extra parking areas. Pavers may be made of grass or crushed stone
33 on a grid system with a well-drained base, which is different from the porous pavement system.
34 Members of the public urged the Board to consider pervious pavers since these are high-end
35 homes and the additional cost is justified.
36

37 Mr. Millian asked if the change is to increase the size of the houses or the driveways. Mr. Licht
38 said the houses would be larger and the driveway size won't change. Mr. Hardy asked about the
39 building footprint. Mr. Licht said the building envelopes are on the plan and comply with
40 setbacks, wetland buffers, etc. The footprint size is market-driven and isn't changing. Mr. Hardy
41 said the houses shouldn't be pushed back to the river, and public access for fishing should be
42 maintained. The 250' no-structure setback line is in place. Mr. Moody said the public is using
43 the path now to reach the fishing areas. Mr. Livingston said the documents include the statement
44 that the HOA won't post the land, ~~unless the public abuses the trail system.~~ (BS)
45

46 MOTION

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

1 **DEVELOPMENT REVIEW & WORKSHOPS**

2
3 **I. MEETINGHOUSE ROAD SUBDIVISION** – Richard Moody & Sons Construction
4 Co, LLC, owner/applicant. Rick Licht, agent. Subdivision Pre-Application for a 13
5 lot/dwelling unit major residential cluster subdivision with private road ROW and Open
6 Space. The subdivision to be located off of 1321 Meetinghouse Road and is within the
7 Rural District. The parcel is identified as Tax Map 77, Lot 22. **Report results of the Site**
8 **Walk**

9
10 John Moody, applicant, and Rick Licht of Licht Environmental Design LLC were present. Mr.
11 Livingston reported on the results of the site walk which Mr. Hardy, Mr. Sullivan, Mr. Anderson
12 and several abutters attended. This is an application for a 13 lot subdivision. Sight distances for
13 the proposed road are good. The entrance location is almost directly across from an existing
14 home and garage, and the applicant will look at relocating the entrance or planting some
15 vegetation for screening. Several homes can be seen from the open space. An archeological study
16 on the site has been completed. Several of the wetlands are manmade. The recommendation is
17 for 2' contours. Mr. Licht said they will probably do 1' contours at the road area. Mr. Licht asked
18 if they should request a waiver for the Lot 13 driveway. Mr. Millian said the Board wouldn't
19 have an issue with it if the sight distances are adequate.

20
21 **II. PETTINGA SUBDIVISION** – Judith & Peter Pettinga, owners/applicants; Middle
22 Branch, LLC, surveyor. Minor Subdivision Amendment application proposes to divide
23 lot "C" in the Phyllis Foster Realty Trust Subdivision into two 2.3+ acre parcels. The
24 subdivision is located off of Burnt Mill Road and Branch Road and is within the Rural
25 District. Tax Map 63, Lot 29-A. **Receive Minor Subdivision Amendment Application**
26 **and schedule a site walk**

27
28 Applicants Peter and Judy Pettinga were present.

29
30 **MOTION**

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

33
34 Mr. Livingston described this lot as part of an old subdivision. There is an existing home and
35 the lot is large enough to divide for a second single family home. One new lot will be created. It
36 will need a new driveway entrance off of Burnt Mill Road. The test pit has been done. The
37 property abuts two residential lots and Town-owned land.

38
39 **MOTION**

40 Motion by Mr. Hardy, seconded by Mr. Anderson, to schedule a site walk for 5:30 PM on
41 Monday, May 9. **PASSED** unanimously.

42
43 **III. GRANITE RIDGE GRAVEL** – Pepin Wells, LLC/ Stonewood Enterprises, LLC;
44 owner/applicant. Corner Post Land Surveying, surveyor. Site Plan Amendment
45 Application to revise the mineral extraction buffer limits and expand the mineral
46 extraction area from 3.67 acres to approximately 4.2 +/- acres of the 22.72 acre parcel.
47 The parcel is located off of Perry Oliver Road and is within the Rural District. Tax Map
48 37, Lot 41. **Receive Site Plan Amendment Application and schedule a site walk**

1 Applicant Matthew Pepin was present representing R. Pepin Concrete.

2
3 **MOTION**

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

6
7 Mr. Pepin said that due to a surveying error, mineral was extracted from within the 100' required
8 buffer and beyond the 3.67 acre limitation. This amendment would limit the excavation to 4.2
9 acres and reduce the buffer from 100' to 25'. The purpose of this amendment is to resolve a site
10 plan violation identified by the Town in August 2015. The excavation will stop at the present
11 location, and the area of the violation will be reclaimed and replanted with vegetation.

12
13 **MOTION**

14 Motion by Mr. Sullivan, seconded by Mr. Anderson, to schedule a site walk for Monday May 16
15 at 5:30 PM, before the Planning Board meeting. **PASSED** unanimously.

16
17 **IV. GRANTS PASTURE** – Gerald & Raylene Grant Living Trust, owners; Sebago Real
18 Estate Investment, LLC/ Paul Hollis, applicant; Attar Engineering, Inc. engineer. Final
19 Subdivision Application for a 7 lot/dwelling unit residential cluster major subdivision on
20 47 acres of land with 38.8 acres of open space proposed. Parcel is located off of North
21 Berwick Road and is within the Rural, 250' Shoreland Overlay, and Resource Protection
22 Districts. Tax Map 32, Lot 11. **Workshop comments from public hearing, compliance**
23 **and Final Findings of Fact & Decisions for possible approval**

24
25 The recommendations in Mr. Livingston's memo were reviewed. Mr. Livingston has received
26 the sample deed and made comments for the applicant and his attorney. A special condition was
27 added to the Findings of Facts requiring that the changes be made prior to the pre-construction
28 meeting. Note 23 addresses the fire pond. Unless the requirements are met, the homes will have
29 to be sprinklered. According to Attar Engineering the existing pond holds about 57,000 gallons.
30 The normal threshold is 30,000, but deducting the bottom 18" of sediment and top 2" of ice in
31 winter, the pond volume is only about 15-16,000 gallons. Mr. Hollis said he has been working
32 with the Fire Department on this item, as there are several ponds in the area. Suburban Propane
33 has arranged with Grondin to fix their pond. Mr. Livingston said phase 1 construction is the
34 concrete foundation; for a phase 2 permit the conditions have to be met. If the fire pond isn't
35 fixed the home would need a sprinkler system. The Fire Chief has approved the proposed note on
36 the plan.

37
38 There is a 50' setback/buffer requirement, with a 10' no-disturb buffer and 40' of lawn.

39
40 **MOTION**

41 Motion by Mr. Sullivan, seconded by Mr. Anderson, to find that the proposed 50' setback and
42 buffers meet the ordinances. **PASSED** unanimously.

43
44 The open space area is being reserved for the residents' use.

45
46 **MOTION**

47 Motion by Mr. Sullivan, seconded by Mr. Anderson, to find that the open space is suitable.
48 **PASSED** unanimously.

1 **MOTION**

2 Motion by Mr. Sullivan, seconded by Mr. Anderson, to find that the revised HOA documents are
3 acceptable. **PASSED** unanimously.

4
5 **MOTION**

6 Motion by Mr. Anderson, seconded by Mr. Sullivan, to waive the requirement for granite bounds
7 in the open space at the northeasterly and southeasterly corners. **PASSED** unanimously.

8
9 **MOTION**

10 Motion by Mr. Sullivan, seconded by Mr. Anderson, to find that the remaining proposed
11 monumentation is suitable. **PASSED** unanimously.

12
13 **MOTION**

14 Motion by Mr. Sullivan, seconded by Mr. Anderson, to grant a waiver allowing for off-site fire
15 protection subject to meeting the four conditions. **PASSED** unanimously.

16
17 **MOTION**

18 Motion by Mr. Sullivan, seconded by Mr. Anderson, to find that Note 12 for the performance
19 guarantee for road construction is acceptable. **PASSED** unanimously.

20
21 **MOTION**

22 Motion by Mr. Sullivan, seconded by Mr. Anderson, to find the application compliant with §202-
23 12. **PASSED** unanimously.

24
25 The Findings of Facts & Decisions were reviewed.

26
27 Conformance with Comprehensive Plan

28 **MOTION**

29 Motion by Mr. Sullivan, seconded by Mr. Anderson, to find that the standard has been met.
30 **PASSED** unanimously.

31
32 Retention of open spaces and natural or historic features

33
34 **MOTION**

35 Motion by Mr. Sullivan, seconded by Mr. Anderson, to find that the standard has been met.
36 **PASSED** unanimously.

37
38 Blocks

39
40 This standard does not apply.

41
42 Lots

43 **MOTION**

44 Motion by Mr. Sullivan, seconded by Mr. Anderson, to find that the standard has been met.
45 **PASSED** unanimously.

1 Utilities

2 **MOTION**

3 Motion by Mr. Sullivan, seconded by Mr. Anderson, to find that the standard has been met.
4 **PASSED** unanimously.

5
6 Required improvements: monuments, water supply, fire protection, sewage disposal, stormwater
7 management.

8 **MOTION**

9 Motion by Mr. Sullivan, seconded by Mr. Anderson, to find that the standard has been met.
10 **PASSED** unanimously.

11
12 Streets

13 **MOTION**

14 Motion by Mr. Sullivan, seconded by Mr. Anderson, to find that the standard has been met.
15 **PASSED** unanimously.

16
17 Land features

18 **MOTION**

19 Motion by Mr. Sullivan, seconded by Mr. Anderson, to find that the standard has been met.
20 **PASSED** unanimously.

21
22 §202-13 Performance Guaranties

23 **MOTION**

24 Motion by Mr. Sullivan, seconded by Mr. Anderson, to find that the standard has been met.
25 **PASSED** unanimously.

26
27 §202-2 Purpose, criteria for approval.

28
29 The subdivision

30 **MOTION**

31 Motion by Mr. Sullivan, seconded by Mr. Anderson, to find that the standards have been met.
32 **PASSED** unanimously.

33
34 Financial and technical capacity of the developer

35 **MOTION**

36 Motion by Mr. Sullivan, seconded by Mr. Anderson, to find that the standard has been met.
37 **PASSED** unanimously.

38
39 Flood-prone areas. One small corner is in the flood zone; this is part of the open space.

40 **MOTION**

41 Motion by Mr. Sullivan, seconded by Mr. Anderson, to find that the standard has been met.
42 **PASSED** unanimously.

43
44 Great ponds. This section does not apply.

45
46 A special condition #5 is added: A sample deed with the recommended changes will be provided
47 prior to the pre-construction meeting.

48
PB Min 05-02-16

1 **MOTION**

2 Motion by Mr. Sullivan, seconded by Mr. Anderson, to find approve the Findings of Facts &
3 Decisions with 6 standard conditions of approval and 5 special conditions of approval, to
4 approve the plan and sign the plans and Findings at the end of the meeting. **PASSED**
5 unanimously.

6
7 **V. RIVERWALK SUBDIVISION** - Bourne Field Properties, LLC, owner, Rick Licht,
8 applicant, Lower Village Survey Co, surveyor. Final Subdivision Amendment
9 Application to amend note 39 to allow for 6,000 SF of impervious area per lot instated of
10 5,000 SF of impervious area per lot. The subdivision is located off of Branch Road and is
11 within the Rural and 75' Shoreland Overlay Districts. Tax Map 70, Lot 5. **Workshop**
12 **comments from public hearing, compliance and Final Findings of Fact & Decisions**
13 **for possible approval**
14

15 Comments were addressed during the public hearing. Mr. Anderson noted during the site walk
16 that there is a steep grade along the river, so people fishing wouldn't interfere with the residents'
17 privacy. Mr. Livingston didn't expect any abuse of the trail system. If the privilege was abused it
18 would be trespassing and the HOA can call the Police Department. Mr. Hardy thought the trail
19 system would be similar to the trails at the Burnt Mill golf course. Mr. Livingston said that a note
20 on the Burnt Mill plan requires the HOA to maintain public access. Blocking public access
21 would be a violation of the subdivision plan. Mr. Moody said they don't intend to change the
22 river access. Mr. Anderson recommended including language similar to the Burnt Mill note. The
23 two projects abut in some areas but not along the river. The language in Note 40 was reviewed
24 and Mr. Hardy was satisfied that the public's rights are protected.

25
26 **MOTION.**

27 Motion by Mr. Sullivan, seconded by Mr. Anderson, to find the application compliant. **PASSED**
28 unanimously.

29
30 **MOTION**

31 Motion by Mr. Sullivan, seconded by Mr. Goodrich, to approve and sign the Findings of Facts &
32 Decisions. **PASSED** unanimously.

33
34 **MOTION**

35 Motion by Mr. Sullivan, seconded by Mr. Anderson, to approve and sign the subdivision plan.
36 **PASSED** unanimously.

37
38 **VI. CHICK CROSSING SUBDIVISION** – Eric & Sherida Roubo, owners/applicants. Final
39 Subdivision Amendment Application to modify Lots 1 and 2 septic and well locations,
40 modify the building envelope of Lot, and eliminate a drainage easement on Lot 1. The
41 subdivision is located off of 469 Chick Crossing Road and is within the Rural, Aquifer
42 Protection District and 250' Shoreland Overlay District. Tax Map 82, Lot 6. **Workshop**
43 **compliance and Final Findings of Fact & Decisions for possible approval**
44

45 Isaiah Plante with Kimball Survey & Design represented the applicant. The proposal is to
46 relocate septic systems on two lots of a previously approved subdivision. There is a minor
47 change to the fire truck turn-around on Lot 5. Mr. Livingston contacted KKWWD and they had
48 no concerns.

1 **MOTION**

2 Motion by Mr. Sullivan, seconded by Mr. Anderson, to find the application complete. **PASSED**
3 unanimously.

4 **MOTION**

5 Motion by Mr. Sullivan, seconded by Mr. Anderson, to find the application compliant. **PASSED**
6 unanimously.

7
8 **MOTION**

9 Motion by Mr. Sullivan, seconded by Mr. Anderson, to approve and sign the Findings of Facts &
10 Decisions. **PASSED** unanimously. The new test pit logs are noted.

11
12 **MOTION**

13 Motion by Mr. Sullivan, seconded by Mr. Anderson, to approve and sign the plans and Mylars at
14 the end of the meeting. **PASSED** unanimously.

15
16 **VII. RIVERBEND WOODS ASSOCIATION (Heritage Pines/ Schooner Landing,**
17 **Windward Pointe & Heron Landing)**– Riverbend Woods Association, owner. Robert
18 Georgitis, applicant; Sebago Technics, engineer. Final Subdivision Amendment
19 Application to amend the previously approved subdivision plans of Heritage Pines/
20 Schooner Landing, Windward Pointe and Heron Landing to confirm Open Space
21 ownership of Riverbend Woods Association and property lines of the subdivisions and
22 Open Space parcel. The subdivisions are located within the Rural District and Shoreland
23 Overlay Districts. The subdivisions are located off of Willow Way, Gateway Drive and
24 Bypass Road. Tax Map 72, Lots 4A, 6, 10 and 11 (Open Space Map and Lot # to be
25 determined) **Receive Subdivision Amendment Application, make determinations on**
26 **the necessity for a site walk and public hearing, workshop completeness and**
27 **compliance and consider amendment for possible approval via Certificate**

28
29 Bob Georgitis of Kasprzak Landholdings was present.

30
31 **MOTION**

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

34
35 The amendment proposes to change the property lines and reflect the ownership of the open
36 space by Riverbend Woods Association. The Certificate of Amendment will be recorded at the
37 Registry.

38
39 **MOTION**

40 Motion by Mr. Sullivan, seconded by Mr. Hardy, to find that a site walk is not necessary.
41 **PASSED** unanimously.

42
43 **MOTION**

44 Motion by Mr. Sullivan, seconded by Mr. Anderson, to find that a public hearing is not
45 necessary. **PASSED** unanimously.

1 **MOTION**

2 Motion by Mr. Sullivan, seconded by Mr. Anderson, to approve the Certificate of Amendment.
3 **PASSED** unanimously.

4
5 **VIII. WATERCREST CONDOMINIUM** - Watercrest Condominium Association, owner;
6 Lynn Wood, applicant; Thomas Bullard, surveyor. Site Plan Amendment Application
7 seeking approval for existing Lodging Facility conditions and changes made since the
8 1997 site plan approval including 11 units and 1.5 acres added to the parcel after 1989
9 site plan approval; dumpster relocation; additional paved areas; changes to landscaping.
10 The parcel is located off of 1277 Post Road and is within the General Business District.
11 Tax Map 126, Lot 17. **Workshop completeness and determine a Public Hearing**

12
13 Lynn Wood, President of the Condominium Association, was present. This application seeks
14 approval for changes made since the 1997 site plan approval. No physical changes are planned at
15 this time. The property merged with an abutting lot under one ownership and the site plan was
16 not updated. A site walk was done last year.

17
18 Completeness items were reviewed. The dumpster location meets the 15' property line setback
19 and is fenced. The 1989 site plan shows a 20' vegetated buffer; today's code requires 25'.

20
21 **MOTION**

22 Motion by Mr. Goodrich, seconded by Mr. Anderson, to find the dumpster location and
23 screening adequate. **PASSED** unanimously.

24
25 The Code requires a landscape buffer along Route One. The trees and granite light posts are
26 grandfathered.

27
28 **MOTION**

29 Motion by Mr. Sullivan, seconded by Mr. Goodrich, to find that the landscape buffer is sufficient
30 and is grandfathered. **PASSED** unanimously.

31
32 The lot line buffering and screening with the Darling property were considered. The 1989 plan
33 shows a vegetated buffer and today's Code calls for 25'. A visual screen is required if abutting a
34 residential use. No comment was received from the Darlings. Mr. Sullivan felt the applicant
35 should adhere to the requirement on the 1989 plan. A planting list including junipers, rugosa and
36 bayberry is part of the 1989 approval.

37
38 **MOTION**

39 Motion by Mr. Sullivan, seconded by Mr. Anderson, to require the vegetated buffer as shown on
40 the 1989 plan. **PASSED** 4-0-1 with Mr. Goodrich abstaining.

41
42 Grass parking was previously approved and serves the seasonal condos (May-October). The
43 year-round dwelling units have paved parking. Parking isn't shown on the 1989 plan and Mr.
44 Livingston recommended restriping some of the spaces before they open next spring. This will
45 be made a condition of approval.

46
47 **MOTION**

1 Motion by Mr. Sullivan, seconded by Mr. Anderson, to waive the requirement for letters from
2 the water and sewer districts, since there is no change of use. **PASSED** unanimously.

3
4 **MOTION**

5 Motion by Mr. Sullivan, seconded by Mr. Anderson, to determine that no additional traffic
6 information is necessary since there is no change of use. **PASSED** unanimously.

7
8 Unit 135 consists of two units that were joined and the Code Office is researching building
9 permits. Apparently a wall was taken down to connect them. This unit is acceptable as a
10 housekeeping cottage, but is too large for a motel unit.

11
12 **MOTION**

13 Motion by Mr. Sullivan, seconded by Mr. Anderson, to find the application complete for the
14 purpose of scheduling a public hearing. **PASSED** unanimously.

15
16 Mr. Livingston said the Board can waive the public hearing since all the changes are internal.

17
18 **MOTION**

19 Motion by Mr. Sullivan, seconded by Mr. Anderson, to waive the public hearing. **PASSED**
20 unanimously.

21
22 **MOTION**

23 Motion by Mr. Sullivan, seconded by Mr. Anderson, to waive the requirement for showing
24 contours. **PASSED** unanimously.

25
26 **MOTION**

27 Motion by Mr. Sullivan, seconded by Mr. Anderson, to continue the workshop to the next
28 meeting. **PASSED** unanimously.

29
30 **OTHER BUSINESS**

31 ~ Brochures about the new public safety facility are in tonight's packets. Copies have been
32 mailed to home addresses and post office boxes.

33
34 ~The next Planning Board meeting will be back at Town Hall if the TV studio is completed.

35
36
37 **ADJOURN**

38
39 **MOTION**

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

42
43 MINUTES APPROVED May 9, 2016

44
45 ACCEPTED BY:

46 Robert Sullivan
47 Robert Sullivan, Secretary

48 Cinndi Davidson
Cinndi Davidson, Recorder