

**APPROVED**



# TOWN OF WELLS, MAINE PLANNING BOARD

Meeting Minutes  
Monday, August 22, 2016, 7:00 P.M.  
Wells Town Hall  
208 Sanford Road

## **CALL TO ORDER AND DETERMINATION OF QUORUM**

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

## **MINUTES**

August 8, 2016

### **MOTION**

Motion by Mr. Anderson, seconded by Mr. Hardy, to approve the minutes as written. **PASSED** 3-0-1 with Mr. Raftopoulos abstaining.

## **PUBLIC HEARING**

- I. "An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells to permit business uses and related storage to be outside of enclosed structures provided landscaping and buffering requirements are met in the Residential Commercial (RC) District".

A property owner applied to the Selectmen to eliminate the requirement for an enclosure when a business has items for sale. This would apply to all the RC Districts in Town and buffering/screening requirements would have to be met.

There were no comments or questions from members of the public or the Board.

### **MOTION**

Motion by Mr. Anderson, seconded by Mr. Raftopoulos, to close the public hearing. **PASSED** unanimously.

1 **DEVELOPMENT REVIEW & WORKSHOPS**

- 2
- 3 **I. ELMWOOD RESORT - Elmwood Condominium Association, owner; Scott DeFelice,**  
4 **applicant. Site Plan Amendment Application to construct a new entry for the pool**  
5 **building and for after-the-fact approval of various changes made since the 1990 site plan**  
6 **approval. The property is located off of 1351 Post Road and is within the General**  
7 **Business and 75' Shoreland Overlay Districts. Tax Map 129, Lot 35. Workshop**  
8 **compliance and Findings of Fact & Decisions for possible approval**
- 9

10 Applicant Scott DeFelice was present. The recommendations in Mr. Livingston's memo were  
11 reviewed. The existing parking (113 spaces) is considered adequate since there is a trolley stop in  
12 front of the property. Several spaces need to be restriped.

13

14 **MOTION**

15 Motion by Mr. Anderson, seconded by Mr. Raftopoulos, to find the existing parking adequate.  
16 **PASSED** unanimously.

17

18 **MOTION**

19 Motion by Mr. Raftopoulos, seconded by Mr. Anderson, to add a condition of approval that the  
20 spaces need to be restriped by 10-1-2016. **PASSED** unanimously.

21

22 Landscaping buffers were reviewed.

23

24 **MOTION**

25 Motion by Mr. Anderson, seconded by Mr. Raftopoulos, to find the exiting Route One buffers  
26 grandfathered and adequate. **PASSED** unanimously.

27

28 **MOTION**

29 Motion by Mr. Anderson, seconded by Mr. Raftopoulos, to find the exiting perimeter buffers  
30 grandfathered and adequate. **PASSED** unanimously.

31

32 **MOTION**

33 Motion by Mr. Anderson, seconded by Mr. Raftopoulos, to waive the requirement for a letter  
34 from the Sanitary District. **PASSED** unanimously.

35

36 **MOTION**

37 Motion by Mr. Anderson, seconded by Mr. Raftopoulos, to waive the requirement for a letter  
38 from the Water District. **PASSED** unanimously.

39

40 **MOTION**

41 Motion by Mr. Raftopoulos, seconded by Mr. Anderson, to find the application complete and  
42 compliant. **PASSED** unanimously.

43

44 **MOTION**

45 Motion by Mr. Anderson, seconded by Mr. Raftopoulos, to approve the Findings of Facts &  
46 Decisions §145-75A-N with 16 standard conditions of approval and 1 special condition of

1 approval, to approve the site plan and to sign the Findings and plans at the end of the meeting.  
2 **PASSED** unanimously.

3  
4 **II. ROBINSON COMMONS SUBDIVISION** – Craig Robinson; owner/applicant. BH2M,  
5 engineer. Final Subdivision Amendment Application to amend the “no-cut buffer along  
6 Lindsey Road, to propose a re-planting of the buffer and to amend the driveway locations  
7 onto Lindsey Road. The subdivision is located within the Residential A District and is  
8 located off of Lindsey Road and Sanford Road. Tax Map 49, Lot 13. Receive  
9 Subdivision Amendment, determine a site walk, workshop completeness if  
10 appropriate

11  
12 **MOTION**

13 Motion by Mr. Raftopoulos, seconded by Mr. Anderson, to receive the subdivision amendment.  
14 **PASSED** unanimously.

15  
16 Applicant Craig Robinson was present. Mr. Livingston discussed a phone call from an abutter  
17 about the cutting of some trees. Inspection disclosed that extra trees had been cut, since the  
18 original approval limited cutting to driveways up to 24’ wide. The person doing the clearing  
19 said they needed a wider opening to get the trucks in for cutting and removing the logs. The plan  
20 includes a 25’ wide no-cut buffer along Lindsey Road. The applicant has prepared an amended  
21 plan to match the driveway location with the cut area and to provide for replanting. The abutter  
22 was contacted and is satisfied with the replanting plan.

23  
24 Mr. Hardy said the cutting was severe and the Board should conduct a site walk. Mr. Livingston  
25 said if it was a site plan, the Code Office could assess a fee for the violation. The Town can’t  
26 impose a financial penalty in this case because it is a subdivision. Mr. Anderson agreed with Mr.  
27 Hardy that the Board should do another site walk. Mr. Millian and Mr. Raftopoulos asked about  
28 the usefulness of another site walk since the trees have already been cut. Mr. Livingston said the  
29 Board could review the replanting plan in relation to the cut area and see if the area would be  
30 sufficiently revegetated. The 3 largest trees were in the Town’s ROW and 2 were on the line  
31 between the property and the Town. The requirement for a 25’ buffer isn’t in the ordinance; it is  
32 part of the approval for this subdivision to prevent headlight glare onto abutting property.

33  
34 **MOTION**

35 Motion by Mr. Hardy, seconded by Mr. Anderson, to require a site walk. **FAILED** 2-2 (Mr.  
36 Hardy and Mr. Anderson for, Mr. Millian and Mr. Raftopoulos opposed.)

37  
38 The ordinance does not require a site walk for a subdivision amendment. The completeness  
39 checklist was reviewed and Mr. Livingston said the requirements are satisfied by the amended  
40 plan. Note 27 on the plan addresses the revegetation.

41  
42 **MOTION**

43 Motion by Mr. Raftopoulos, seconded by Mr. Anderson, to find the application complete.  
44 **PASSED** 3-1 with Mr. Hardy opposed.

45  
46 Compliance was reviewed. §202-12 B2 and B4 address the open space, no cut buffer and  
47 revegetation plan.

1 **MOTION**

2 Motion by Mr. Raftopoulos, seconded by Mr. Anderson, to approve the draft Findings of Facts &  
3 Decisions with 6 standard conditions of approval and 1 special condition of approval. **PASSED**  
4 3-1 with Mr. Hardy opposed.

5  
6 **MOTION**

7 Motion by Mr. Raftopoulos, seconded by Mr. Anderson, to approve the amendment and sign the  
8 plans and Findings at the end of the meeting. **PASSED** 3-1 with Mr. Hardy opposed.

9  
10 **III. WIRE ROAD SUBDIVISION – Highpine Properties, LLC, owner/applicant. Attar**  
11 **Engineering, Inc. agent. Final Subdivision Application for a major subdivision consisting**  
12 **of 40 lots/ single family dwelling units on 100 acres of land (Residential Cluster**  
13 **Development) with private roadways and infrastructure. The parcel is located off of Wire**  
14 **Road and is within the Rural District. Tax Map 75, Lot 1. Workshop peer review, HOA**  
15 **docs, and draft compliance/ draft Final Findings of Fact & Decisions**  
16

17 Dave MacKenzie of Highpine Properties and Ken Wood of Attar Engineering were present. The  
18 recommendations in Mr. Livingston’s memo were reviewed. Last June the Town approved a  
19 change to the zoning ordinance which allows the Planning Board to approve up to 40% lot  
20 coverage for lots less than 40,000 sq. ft. in cluster subdivisions.

21  
22 **MOTION**

23 Motion by Mr. Raftopoulos, seconded by Mr. Anderson, to allow up to 40% lot coverage.  
24 **PASSED** unanimously.

25  
26 **MOTION**

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

29  
30 The Findings of facts & Decisions were reviewed.

31  
32 Conformance with Comprehensive Plan

33  
34 **MOTION**

35 Motion by Mr. Raftopoulos, seconded by Mr. Anderson, to find that the standard shall be met.  
36 **PASSED** unanimously.

37  
38 Retention of open space and natural or historic features

39  
40 **MOTION**

41 Motion by Mr. Raftopoulos, seconded by Mr. Anderson, to find that the standard shall be met.  
42 **PASSED** unanimously.

43  
44 Blocks

45 **MOTION**

46 Motion by Mr. Raftopoulos, seconded by Mr. Anderson, to find that the standard does not apply.  
47 **PASSED** unanimously.

1 Lots

**MOTION**

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3 Motion by Mr. Raftopoulos, seconded by Mr. Anderson, to find that the standard shall be met.  
4 **PASSED** unanimously.

5  
6 Utilities

**MOTION**

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8 Motion by Mr. Raftopoulos, seconded by Mr. Anderson, to find that the standard shall be met.  
9 **PASSED** unanimously.

10  
11 Required improvements (monuments, water supply, fire protection, sewage disposal, stormwater  
12 management)

**MOTION**

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15 Motion by Mr. Raftopoulos, seconded by Mr. Anderson, to find that the standard shall be met.  
16 **PASSED** unanimously.

17  
18 Streets

**MOTION**

19  
20 Motion by Mr. Raftopoulos, seconded by Mr. Anderson, to find that the standard shall be met.  
21 **PASSED** unanimously.

22  
23 Land features

**MOTION**

24  
25 Motion by Mr. Raftopoulos, seconded by Mr. Anderson, to find that the standard shall be met.  
26 **PASSED** unanimously.

27  
28 §202-13 A-K Performance Guaranties

**MOTION**

29  
30 Motion by Mr. Raftopoulos, seconded by Mr. Anderson, to find that the standard shall be met.  
31 **PASSED** unanimously.

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33 §202-2 Purpose and criteria for approval

34  
35 #A The Subdivision

**MOTION**

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37 Motion by Mr. Raftopoulos, seconded by Mr. Anderson, to find that the standard shall be met.  
38 **PASSED** unanimously.

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40 #B Financial and technical capacity

**MOTION**

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42 Motion by Mr. Raftopoulos, seconded by Mr. Anderson, to find that the standard shall be met.  
43 **PASSED** unanimously.

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#C and D do not apply.

**MOTION**

Motion by Mr. Raftopoulos, seconded by Mr. Anderson, to approve the draft Findings of Facts & Decisions with 6 standard conditions of approval and 5 special conditions of approval, to approve the application, and to sign the plans and Findings at the end of the meeting. **PASSED** unanimously.

**IV. "An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells to permit business uses and related storage to be outside of enclosed structures provided landscaping and buffering requirements are met in the Residential Commercial (RC) District". Workshop for Board of Selectmen**

There was no public comment. The Selectmen will hold a public hearing on September 6. The Planning Board had no recommended changes.

**MOTION**

Motion by Mr. Anderson, seconded by Mr. Raftopoulos, to forward this to the Selectmen as drafted. **PASSED** unanimously.

**OTHER BUSINESS**

~Mr. Hardy discussed the changes in Town parking standards that were made several years ago. These changes provided opportunities for new businesses to open. Many of the older standards were quite conservative. He wanted the public to be aware that the Planning Board is not anti-business.

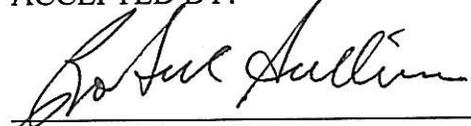
**ADJOURN**

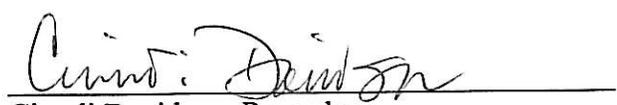
**MOTION**

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

MINUTES APPROVED September 12, 2016

ACCEPTED BY:

  
Robert Sullivan, Secretary

  
Cinndi Davidson, Recorder