



TOWN OF WELLS, MAINE PLANNING BOARD

Meeting Minutes
Monday, September 12, 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, Robert Sullivan, Brian Toomey 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 22, 2016

MOTION

Motion by Mr. Raftopoulos, seconded by Mr. Anderson, to approve the minutes as written. **PASSED** 4-0-2 with Mr. Sullivan and Mr. Toomey abstaining.

DEVELOPMENT REVIEW & WORKSHOPS

- I. **BRANCH BROOK ESTATES** – Persis L. Ensor Trustee, owner; Donald Murphy, applicant; Kimball Survey & Design, Inc., agent. Subdivision Pre-Application for a 13 lot/dwelling unit residential cluster major subdivision located on 40 acres of land off of Wire Road with a proposed private street right-of-way to be constructed. The parcel is located within the Rural, Aquifer Protection, and 250' Shoreland Overlay Districts. Tax Map 74, Lot 2. **Receive Subdivision Pre-Application and Schedule a Site Walk**

MOTION

Motion by Mr. Sullivan, seconded by Mr. Raftopoulos, to receive the subdivision pre-application. **PASSED** unanimously.

Don Murphy, applicant, and Isaiah Plante of Kimball Survey & Design were present. This is a 13 lot cluster subdivision off Wire Road. There will be single family homes with private water and septic systems. A private road will be constructed. There will be 3 driveways off Wire Road and 10 off the private road.

MOTION

Motion by Mr. Raftopoulos, seconded by Mr. Sullivan, to schedule a site walk for Saturday, September 17 at 8:30 AM. **PASSED** 5-0-1 with Mr. Anderson abstaining.

1
2 **II. BIRCH FARM SUBDIVISION (FKA MEETINGHOUSE ROAD SUB.)** - Richard
3 Moody & Sons Construction Co, LLC, owner/applicant. Rick Licht, agent. Final
4 Subdivision Application for a 13 lot/dwelling unit major residential cluster subdivision
5 with private road ROW and Open Space. The subdivision to be located off of 1321
6 Meetinghouse Road and is within the Rural District. The parcel is identified as Tax Map
7 77, Lot 22. **Receive Final Subdivision Application, Workshop Completeness,**
8 **Determine Final Public Hearing**
9

10 **MOTION**

11 Motion by Mr. Sullivan, seconded by Mr. Raftopoulos, to receive the final subdivision
12 application. **PASSED** unanimously.
13

14 John Moody, applicant, and Rick Licht, agent, were present. This is a 13 lot major residential
15 subdivision with a private road. Mr. Livingston will review the HOA documents and stormwater
16 management plan. The Town Attorney is reviewing the HOA documents.
17

18 Mr. Licht asked for waivers of the requirement to show trees greater than 24" and of the
19 requirement for 24' of pavement on the road as authorized by §201-10F. The road can be
20 narrowed to 20-22'. Votes on the waivers will be taken after the public hearing. The developer is
21 adding 3 street lights and a gang box with pull out for the mail boxes. The Fire Chief is looking
22 at the road width and recommends sprinklers for the residences.
23

24 **MOTION**

25 Motion by Mr. Sullivan, seconded by Mr. Anderson, to appoint Mr. Livingston completeness
26 agent and authorize him to schedule a public hearing for September 26, 2016. **PASSED**
27 unanimously.
28

29 **III. SUMMERSCAPE COTTAGES** – Summerscape Cottages Condominium Association,
30 owners; Sherry Allan Bucar, Condominium President, applicant. Site Plan Amendment
31 Application to eliminate the "on-site" manager requirement per note 20 on the approved
32 site plan. No changes proposed to the 70 unit seasonal cottage complex lodging facility.
33 The parcel is located off of 91 College Drive and is within the Rural District. Tax Map
34 43, Lot 4. **Receive Site Plan Amendment Application, Discuss the proposed Changes**
35

36 **MOTION**

37 Motion by Mr. Sullivan, seconded by Mr. Raftopoulos, to receive the site plan amendment
38 application. **PASSED** unanimously.
39

40 Sherry Allan Bucar, Condominium Association President, and Len Sevitolo, Board member,
41 were present. This is a non-conforming development since seasonal cottages are no longer a
42 permitted use and the current density requirements for seasonal cottages are not met. One of the
43 requirements is to maintain an on-site office with a manager present. The Condominium
44 Association assumed responsibility from the developer last year and members are sharing the
45 management duties. They are asking to remove that requirement and have the manager on duty
46 "be available to residents" but not have to be on-site during his/her shift. The owners who
47 choose to rent handle their own rentals. Hiring an office staff would be an additional cost for the
48 owners.

1
2 The Board discussion focused on the language of the ordinance and difficulty of enforcement by
3 the Code Office. All other seasonal cottage complexes are required to have an on-site office
4 staffed during business hours. This project was approved as a seasonal cottage business.
5 Approving the amendment would make it more non-conforming.
6

7 Mr. Livingston outlined various options. The Board could take a straw poll on the amendment.
8 The applicants may wish to take it back to their Board. The applicants could withdraw their
9 application, or the Board could deny it. The applicants chose to withdraw the application.
10

11 **IV. LITTLEFIELD ACRES SUBDIVISION – C. Hutchins Co, Inc., owner/applicant.**
12 Final Subdivision Amendment Application to revise the subsurface septic system
13 locations on lots 3 and 4 within the subdivision. No other changes proposed. The
14 subdivision is located off of Wire Road and is located within the Rural and Residential A
15 Districts. Tax Map 74, Lots 5-3 and 5-4. **Receive Subdivision Amendment Application,**
16 **determine Site Walk if appropriate, workshop completeness if appropriate,**
17 **determine a public hearing if necessary, workshop compliance and draft Findings of**
18 **Fact & Decisions is appropriate for possible approval**
19

20 Surveyor Wayne Desper represented the applicant.
21

22 **MOTION**

23 Motion by Mr. Raftopoulos, seconded by Mr. Sullivan, to receive the subdivision amendment
24 application. **PASSED** unanimously.
25

26 This amendment would change the septic system locations for two of the lots and move them
27 closer to where the houses will be built. Mr. Livingston felt the Board could waive the site walk
28 because there is no lot line change proposed and this is internal to the two lots.
29

30 **MOTION**

31 Motion by Mr. Sullivan, seconded by Mr. Anderson, to waive the requirement for a site walk.
32 **PASSED** unanimously.
33

34 **MOTION**

35 Motion by Mr. Sullivan, seconded by Mr. Raftopoulos, to find the application complete.
36 **PASSED** unanimously.
37

38 **MOTION**

39 Motion by Mr. Sullivan, seconded by Mr. Raftopoulos, to waive the requirement for a public
40 hearing. **PASSED** unanimously.
41

42 The Findings of Facts & Decisions §202-12 and 202-2 were reviewed. §202-13 does not apply.
43

44 **MOTION**

45 Motion by Mr. Sullivan, seconded by Mr. Raftopoulos, to approve the Findings of Facts &
46 Decisions with 6 standard conditions of approval and 1 special condition of approval, to approve
47 the application and to sign the plans and Findings at the end of the meeting. **PASSED**
48 unanimously.

1
2 V. **THREE BROOKS WEST SUBDIVISION** – Dennis Andrews Efstathiou, owner. The
3 Three Brooks West Subdivision was approved by the Wells Planning Board on April 7,
4 2008. Town Subdivision Ordinance §202-9C(6) states “failure to commence substantial
5 construction of the subdivision within five years of the date of approval and signing of
6 the plan shall render the plan null and void. This means that due to the fact that no
7 construction for the subdivision occurred by April 7, 2013, the subdivision must be
8 determined by the Planning Board to be null and void as of April 7, 2013 and notice shall
9 be placed at the Registry of Deeds. **Discuss voiding the subdivision approval and lot**
10 **impacts**

11
12 The owner was not present but has discussed this with Mr. Livingston. The Board approved the
13 subdivision in 2008 and no construction has been done on the property. The current owner
14 purchased the property from the bank after a foreclosure. Mr. Livingston recommended either
15 voiding the subdivision approval, creating street frontage to make the subdivision parcel
16 conforming, or merging the subdivision with the owner’s other land. The owner agrees to
17 voiding the subdivision approval.

18
19 **MOTION**

20 Motion by Mr. Sullivan, seconded by Mr. Raftopoulos, to direct Mr. Livingston to prepare the
21 certificate rendering the subdivision null and void; and to authorize the Chairman to sign it at the
22 next meeting. **PASSED** unanimously.

23
24 **OTHER BUSINESS**

25
26 ~SRC September 7 meeting. The Congregational Church proposes to rebuild their steeple, add a
27 shed and expand their parking.

28
29 ~CEO/Planner site plan reviews:

30 Garthwaite Energy—expand the gravel parking area and add a fenced storage area.

31 Hannaford Supermarket—locate a generator behind the store.

32 Wells High School—relocate a shed and the football scoreboard, add a new shed and install
33 fencing around the concession stand utilities.

34
35 **ADJOURN**

36
37 **MOTION**

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

40
41 MINUTES APPROVED September 26, 2016

42
43 ACCEPTED BY:

44
45 
46 _____
47 Robert Sullivan, Secretary

48 
