

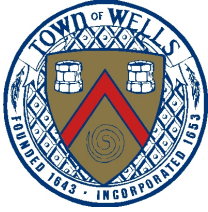
# Town of Wells, Maine

## Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Final Subdivision Amendment #3 Application for “River Walk Subdivision“**  
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### Chapter 202 Subdivision of Land

<b>PROJECT INFORMATION</b>	
<b>General:</b>	<p><b>Project Name:</b> River Walk Subdivision</p> <p><b># Lots/ Dwellings Proposed:</b> 35 lots/ 35 dwelling units</p> <p><b>Applicant:</b> Bourne Field Properties, LLC, PO Box 366, Moody, ME 04054</p> <p><b>Landowner:</b> Bourne Field Properties, LLC, PO Box 366, Moody, ME 04054</p> <p><b>Location:</b> 936 Branch Road, Wells, Maine</p> <p><b>Existing Use:</b> A Major Residential Cluster Subdivision consisting of 35 lots/dwelling units (single family dwellings) and roadways on 94.5 acres of which 55.86 acres shall be Open Space.</p> <p><b>Proposed Land Use:</b> A Major Residential Cluster Subdivision consisting of 35 lots/dwelling units (single family dwellings) and roadways on 94.5 acres of which 55.86 acres shall be Open Space.</p> <p><b>Current Tax Parcel ID:</b> Tax Map 70, Lot 5-31</p> <p><b>Proposed Tax Parcel IDs:</b> Tax Map 70, Lot 5-31</p> <p><b>Zoning District:</b> Rural and 75' Shoreland Overlay Districts</p> <p><b>Land Use, Art. VII</b></p> <p><b>Performance Standards:</b> 145-49 Residential Cluster</p> <p><b>Design Engineer:</b> Lower Village Survey Co., LLC, PO Box 2625, Kennebunkport, ME 04046</p> <p><b>Final Plan Application</b></p> <p><b>Submission Date:</b> May 8, 2019</p> <p><b>Plan Submission Date:</b> May 8, 2019</p>
<b>Project Description:</b>	<p>Josh Moody of Bourne Field Properties, LLC has submitted a Final Subdivision Amendment Application to eliminate note 29 on sheet S1.2 of the Riverwalk Subdivision to allow Lot 5-31 to remove a hazardous oak tree that in 2016 was required to be retained. The approved major subdivision application consists of 35 single family dwelling units on 35 lots designed to meet the residential cluster performance standards of 145-49 and Chapter 202. The subdivision is on Tax Map 70, Lot 5 and is off of Branch Road/ Route 9A. The subdivision totals 94.5 acres; of which 55.86 acres is dedicated as Open Space. All lots are to be served by private on-site septic systems and individual drilled wells. Utilities shall be underground. The roadways are approved to be 24 feet wide pavement on a 30 foot wide gravel base within the required 50 foot wide right of way. A system of trails within the open space areas are also approved. The development shall include a Homeowner's Association for maintenance and operation of the Open Space and roadways, etc.</p>
<b>Approval Dates:</b>	<p>Preliminary Plan Approval: Not Applicable</p> <p>Final Plan Approval: <b><u>5/20/2019</u></b></p>
<b>Public Hearings:</b>	<p>Preliminary Public Hearing: Not Applicable</p> <p>Final Public Hearings: <b><u>Waived by PB on 5/20/2019</u></b></p>



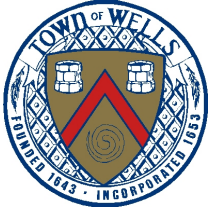
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<b>PROJECT HISTORY</b>
<ol style="list-style-type: none"> <li>1. On 5/8/19 the applicant submitted a subdivision amendment application for the above described project.</li> <li>2. On 5/13/19 the Planning Office mailed notices to abutters of the subdivision amendment application and of the 5/20/19 Planning Board meeting.</li> <li>3. On 5/15/19 the Planning Office prepared an application memo, draft completeness and draft compliance/ Final Findings of Fact &amp; Decisions for the applicant and Planning Board. Recommended plan changes were also prepared for the applicant.</li> <li>4. On 5/20/19 the Planning Board received the subdivision amendment application, voted to waive a site walk, voted to find the application complete (202-9), voted to waive a public hearing, voted to find the application compliant and voted to approve and sign the Findings of Fact &amp; Decisions and subdivision plan.</li> </ol>

<b>§ 202-12. General Standards</b>	<b>Findings &amp; Decisions</b>
<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><b>BASED ON THE FOLLOWING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>This subdivision shall be in substantial conformance with the Wells Comprehensive Plan and with state and local codes and ordinances.</p> <p>The proposed elimination of note 29 and the removal of a dying oak tree on Lot 5-31 do not alter the requirements to comply with these standards.</p>
<p>B. Retention of open spaces and natural or historic features. [Amended 6-11-2013]</p>	<p><b>BASED ON THE FOLLOWING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>The proposed elimination of note 29 and the removal of a dying oak tree on Lot 5-31 do not alter the requirements to comply with these standards.</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>This subdivision is approved for more than 10 lots/ dwelling units and was required to provide a minimum of 35% Open Space. This subdivision was approved with approximately 59% open space or 55.86 acres of the 94.5 acre parcel (80.3 net acres). See Open Space parcels 1, 2, 3 and 4 which total 55.86 acres.</p>

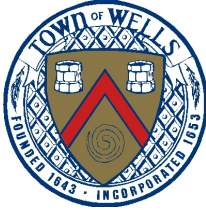


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<b>§ 202-12. General Standards</b>	<b>Findings &amp; Decisions</b>
<p>(2) Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended. A site intended to be used for active recreation 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 21 and 21a on sheet S1.1 of 5/2/2016 approved subdivision plan which this amended plan references.</p> <p>The Open Space parcels shall be retained by the Homeowner’s Association (see note 21). See note 21a for management, uses and restrictions of the Open Space parcels. No more than 2% of the Open Space shall be impervious surface. Also see Note 40 on sheet S1.2 of 5/2/2016 approved subdivision plan which this amended plan references. regarding limited public access to the Merriland River and Hobbs Brook.</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>In 2014 the Planning Board received the original Preliminary Subdivision Application, granted a waiver on locating trees within the Open Space, and appointed the Town Planner as the completeness agent. See also note 20 and note 29 of 5/2/2016 approved subdivision plan which this amended plan references.</p> <p>Note 29 requires the oak tree on lot 5-31 to remain. This amendment application seeks approval to eliminate Note 29 and permit the removal of the oak tree as it is dying.</p> <p><b><u>Three large oak tree in Open Space adjacent to Lot 5-31 parcel 4 to be preserved.</u></b></p>
<p>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>	<p><b>BASED ON THE FOLLOWING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL NOT APPLY.</b></p>
<p>D. Lots.</p>	<p><b>BASED ON THE FOLLOWING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>The proposed elimination of note 29 and the removal of a dying oak tree on Lot 5-31 do not alter the requirements to comply with these standards.</p>

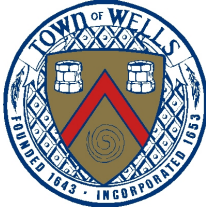


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§ 202-12. General Standards	Findings & Decisions
<p>(1) All lots shall meet the minimum requirements of Chapter 145, Land Use, for the zoning district in which they are located. The lot configuration should be designed to maximize the use of solar energy on building sites with suitable orientation.</p>	<p>§145-30. Rural District requirements apply to the 35 single family dwelling units proposed. The 35 single family lots proposed 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>80.30 acres of net area or 3,497,868 SF/ 100,000 = 34.97 dwelling units; therefore density allows only 34 dwelling units.</p> <p>Per 145-49 lot sizes may be reduced to 20,000 SF. All proposed lots shall meet this minimum. See Sheets S1.1 and S1.2 of 5/2/2016 approved subdivision plan which this amended plan references. Per 145-49D(1) the Planning Board granted a density bonus to allow 35 lots/dwelling units as proposed on 1/26/15.</p> <p>See Data Table on Sheet S1.2 of 5/2/2016 approved subdivision plan which this amended plan references.</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 and must provide an on-site turnaround if greater than 150 feet in length or if driveways are located on a Route 9A.</p>
<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.</p>	<p>See note 9 of 5/2/2016 approved subdivision plan which this amended plan references. Lot 15 is permitted to have one driveway location onto Route 9A as an existing entrance is in place. All other lots driveways shall be located off of Farm View Way or Waters Edge Drive.</p>
<p>(4) Wherever possible, side lot lines shall be perpendicular to the street.</p>	<p>Approved lot lines are perpendicular where possible. No change to lot lines proposed with this amendment application.</p>
<p>(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.</p>	<p>Note 21 of 5/2/2016 approved subdivision plan which this amended plan references, prohibits further subdivision of the Open Space unless approved by the Wells Planning Board.</p> <p>Any new lots or dwelling units shall require the review approval of the Wells Planning Board.</p>
<p>(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.</p>	<p>Extensions of such utilities in this area are not planned for the foreseeable future. Lots shall be served by private individual septic systems and private individual drilled wells.</p>
<p>(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.</p>	<p>Not applicable. Lot does not extend to the other side of the Merriland River.</p>

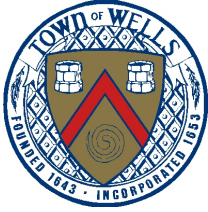


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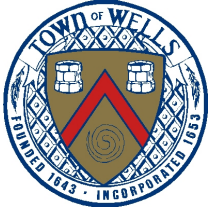
§ 202-12. General Standards	Findings & Decisions
(8) Odd-shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited. The ratio of lot length to width shall not be more than three to one.	None of the 35 lots are odd shaped.
(9) Lots shall be numbered in accordance with Chapter 201, Article I, Street Naming and Numbering, of the Wells Municipal Code.	Proposed Tax Map and Lot numbers and street names approved by the Town of Wells Assessor's Office are identified on the plan.
(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 12/1/14 the Planning Board determined that shared driveways are not required. No change 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.	Driveway for lot 15 is the only lot permitted to have a driveway onto Route 9A.
E. Utilities.	<b>BASED ON THE FOLLOWING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>  The proposed elimination of note 29 and the removal of a dying oak tree on Lot 5-31 do not alter the requirements to comply with these standards.
(1) Utilities shall be installed underground except as otherwise approved by the Board.	See note 11 on sheet S1.1 of 5/2/2016 approved subdivision plan which this amended plan references.
(2) Underground utilities shall be installed prior to the installation of the final gravel base of the road.	See note 11 on sheet S1.1 of 5/2/2016 approved subdivision plan which this amended plan references.
(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.	Street light locations shown on C3.0 and underground utility locations shown on sheet C4 sheets of 5/2/2016 approved subdivision plan which this amended plan references.
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.	<b>BASED ON THE FOLLOWING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>  Sheet S1.1 and S1.2 of 5/2/2016 approved subdivision plan which this amended plan references, identifies all Monumentation proposed and monuments found.  The proposed elimination of note 29 and the removal of a dying oak tree on Lot 5-31 do not alter the requirements to comply with these standards.
(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.	



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(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.	
(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.	On 1/26/15 the Planning Board determined that the Monumentation shown shall be acceptable. No changes are proposed to monumentation with this amendment application.
(2) Water supply.	<b>BASED ON THE FOLLOWING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>  The proposed elimination of note 29 and the removal of a dying oak tree on Lot 5-31 do not alter the requirements to comply with these standards.
(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 15 and 15a on sheet S1.1 of 5/2/2016 approved subdivision plan which this amended plan references. Individual drilled wells proposed. Also see sheet C2.5 for the well location.

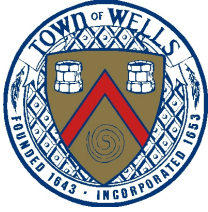


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[1] Dug wells shall be permitted only if it is demonstrated to be not economically feasible to develop other groundwater sources and shall be constructed so as to prevent infiltration of surface water into the well. Unless otherwise permitted by the Board, the subdivider shall prohibit dug wells by deed restrictions and a note on the plan.	See note 15A of 5/2/2016 approved subdivision plan which this amended plan references. 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. <b>[Amended 3-11-2002]</b>	
[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:	The subdivision was required to construct a 30,000 gallon fire cistern tank on Open Space parcel 2. See letter from Fire Chief dated 11-25-14. See note 16 of 5/2/2016 approved subdivision plan which this amended plan references. Note 16 states that upon testing and acceptance of the fire cistern tank by the Fire Department and easement shall be granted to the Town of Wells to grant use of the fire cistern.
[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	Not applicable.
[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.	Not applicable.
[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.	Not applicable.
[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. See note 27 on sheet S1.1 of 5/2/2016 approved subdivision plan which this amended plan references.



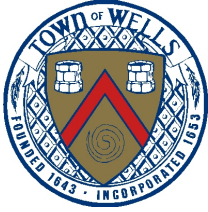
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(c) Prior to the issuance of a building permit for the construction of any principal structure in a subdivision, the applicant shall present evidence of suitable water supply to the Code Enforcement Officer. This evidence shall consist of:	This is a condition of approval. See note 27 on sheet S1.1 of 5/2/2016 approved subdivision plan which this amended plan references.
[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.	<b>BASED ON THE FOLLOWING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>  The proposed elimination of note 29 and the removal of a dying oak tree on Lot 5-31 do not alter the requirements to comply with these standards.
(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 15 and 18 on sheet S1.1 of 5/2/2016 approved subdivision plan which this amended plan references. Also see sheet C2.5 for the septic system locations.  Minor deviations up to 10 feet for subsurface system placement may be approved by the Town Code Enforcement Officer/ Town Planner. Deviations greater than 10 feet shall require Wells Planning Board approval.
[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 provided for all lots by Joseph Noel, SS#209, SE#221 dated 5/13/14; revised 12/14/14.  Town Engineer has reviewed all septic systems and test pits and found all concerns sufficiently addressed by the 1/15/15 revised plan submission. See also Certificate of Amendment Approval granted by the Planning Board on 7/11/16 for Lot 5-3.  No changes proposed to septic system locations as part of this amendment application.



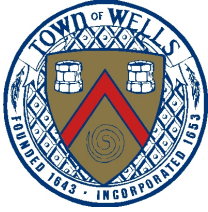


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<b>§ 202-12. General Standards</b>	<b>Findings &amp; Decisions</b>
[2] In no instances shall a disposal area be permitted on soils or on a lot which requires a new system variance from the subsurface wastewater disposal rules.	
(4) Stormwater management. [Amended 4-27-2007]	<p><b>BASED ON THE FOLLOWING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>Stormwater Management Report for River Walk Subdivision prepared by Bill Walsh of Walsh Engineering Associates, Inc. dated 9/24/14; revised 12/4/14; revised 12/29/14; and 1/28/15. No changes proposed to stormwater management.</p> <p>Town Engineer/Planner Michael Livingston, PE reviewed the stormwater management report. Minor comments on drainage summarized in 1/23/15 memo were addressed.</p> <p>The proposed elimination of note 29 and the removal of a dying oak tree on Lot 5-31 do not require MDEP review or approval.</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>Most drain-ways are located in the Open Space. Drainage easements have been provided elsewhere. Stormwater system designed by Bill Walsh of Walsh Engineering Associates, Inc.</p> <p>Drainage analysis provided by Bill Walsh of Walsh Engineering Associates Inc in 2015.</p> <p>No changes proposed to drainage.</p>
(b) Drainage easements for existing watercourses or proposed drainageways shall be provided and indicated on the plan.	<p>Drainage easements depicted on plans approved 5/2/2016 plan which this amended plan references. .</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>Drainage analysis provided by Bill Walsh of Walsh Engineering Associates, Inc., reviewed by MDEP and Town Engineer in 2015.</p> <p>No changes proposed to drainage.</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>Provided by Bill Walsh, reviewed by Stantec, MDEP and Town Engineer in 2015.</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>MDEP Site Location Permit approval granted 2/23/2015 :</p> <p>#L-26395-L3-A-N/ L-26395-TE-B-N</p> <p>The removal of an oak tree on Lot 5-31 does not affect this MDEP Site Location Permit approval.</p>

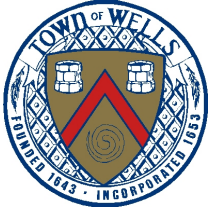


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<b>§ 202-12. General Standards</b>	<b>Findings &amp; Decisions</b>
<p>(f) For subdivisions that do not require a Site Location of Development permit, but that require a MDEP permit pursuant to 38 M.R.S.A. § 420-D, a stormwater management plan shall be submitted which complies with the requirements of MDEP Chapter 500 Stormwater Regulations.</p>	Not Applicable.
<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>	Not Applicable.
<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>	Not Applicable.
<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>	Stream crossing analyzed by Bill Walsh for 100 year events in 2015.
<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>	

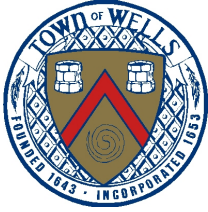


# Town of Wells, Maine

## Planning Board

**FINDINGS OF FACTS & DECISIONS**  
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<b>§ 202-12. General Standards</b>		<b>Findings &amp; Decisions</b>
G.	Streets.	<p><b>BASED ON THE FOLLOWING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>The proposed elimination of note 29 and the removal of a dying oak tree on Lot 5-31 do not alter the requirements to comply with these standards.</p>
	(1) All streets in a subdivision shall meet Chapter 201, Streets and Sidewalks, Articles II and III, Wells Municipal Code.	The streets must comply with the requirements of Chapter 201. Farm View Way and Waters Edge Drive are private roads that will not be accepted or maintained by the Town of Wells. See note 23 on sheet S1.1 of 5/2/2016 approved subdivision plan which this amended plan references.
	(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:	The subdivision is expected to generate a daily traffic of 200 trips per day or more. Traffic generation is calculated to be 350 trips per day. Two street connections to Route 9A are approved. Said street connections are over 400 linear feet apart.
	(a) Single-family house: 10.0 trips per day per unit.	35 x 10.0 = 350.00 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.	Not Applicable.
H.	Land features.	<p><b>BASED ON THE FOLLOWING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>The proposed elimination of note 29 and the removal of a dying oak tree on Lot 5-31 do not alter the requirements to comply with these standards.</p>
	(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.

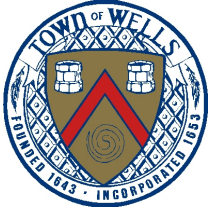


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§ 202-12. General Standards	Findings & Decisions
(2) Except for normal thinning, landscaping and cutting trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion. The Board shall require a developer to take the following measures to correct and prevent soil erosion in the proposed subdivision: <b>[Amended 4-27-2007]</b>	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.	Buffers to be maintained. Temperature is not predicted to increase. Stormwater Thermal Impact Analysis prepared by Bill Walsh dated 10/1/2014. Stantec peer review of Thermal Impact Analysis completed on behalf of the Town and Planning Board.
(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.	River Walk Homeowner Association documents were reviewed by the Town Engineer/ Planner and Town Attorney for compliance with these standards in 2015. No changes to HOA documents 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.	See notes 21 and 21a of 5/2/2016 approved subdivision plan which this amended plan references.
(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 notes 21 and 21a of 5/2/2016 approved subdivision plan which this amended plan references.
(c) The common open space shall be shown on the final plan with appropriate notation on the plan to indicate that:	See notes 21 and 21a of 5/2/2016 approved subdivision plan which this amended plan references.
[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.	See notes 21 and 21a of 5/2/2016 approved subdivision plan which this amended plan references. HOA document and Stormwater Inspection and Maintenance Plan address maintenance responsibilities.

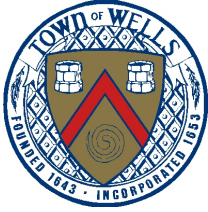


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§ 202-12. General Standards	Findings & Decisions
(e) Covenants for mandatory membership in the homeowners' association setting forth the owners' rights, interests and privileges in the association and the common property shall be reviewed by the Board and included in the deed for each lot or dwelling.	HOA document and Stormwater Inspection and Maintenance Plan address maintenance responsibilities.
(f) The homeowners' association shall have the responsibility of maintaining the common property.	HOA document and Stormwater Inspection and Maintenance Plan address maintenance responsibilities.
(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 and Stormwater Inspection and Maintenance Plan address maintenance responsibilities.
(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 and Stormwater Inspection and Maintenance Plan address maintenance responsibilities.
(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.	Flood zone A is present for the parcel per FEMA Map 230158-0010DD. See note 33 on sheet S1.2 and Reference Plan Note 2 on sheet S1.1 of 5/2/2016 approved subdivision plan which this amended plan references.  <b><u>Flood zone to be depicted on amendment plan.</u></b>
(6) Impact on groundwater.	
(a) When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:	A hydrogeologic assessment was prepared in accordance with the Maine DEP Site Location permit in 2015. The amendment proposed does not require a revised assessment.
[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.	



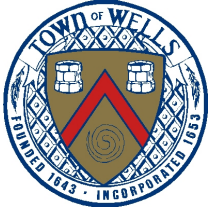
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<b>§ 202-12. General Standards</b>		<b>Findings &amp; Decisions</b>
	(b) Projections of groundwater quality shall be made at any wells within the subdivision and at the subdivision boundaries or at a distance of 500 feet from potential contamination 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.	

<b>§ 202-13. Performance Guaranties. [Amended 4-12-1999]</b>		<b>Findings &amp; Decisions</b>
A.	Types of guaranties.	<b>BASED ON THE FOLLOWING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>  The proposed elimination of note 29 and the removal of a dying oak tree on Lot 5-31 do not alter the requirements to comply with these standards.
	(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 28 on sheet S1.2 of 5/2/2016 approved subdivision plan which this amended plan references, regarding the required performance guarantees and Phasing for the River Walk Subdivision.

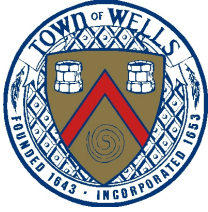


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	(a) Either a certified check payable to the municipality or a savings account or certificate of deposit naming the municipality as owner for the establishment of an escrow account.	See note 28 on sheet S1.2 of 5/2/2016 approved subdivision plan which this amended plan references.
	(b) A performance bond payable to the municipality issued by a surety company approved by the municipal officers or Town Manager.	See note 28 on sheet S1.2 of 5/2/2016 approved subdivision plan which this amended plan references.
	(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.	See note 28 on sheet S1.2 of 5/2/2016 approved subdivision plan which this amended plan references.
	(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.	See note 28 on sheet S1.2 See note 28 on sheet S1.2 of 5/2/2016 approved subdivision plan which this amended plan references. A performance guarantee of the estimated construction cost plus 10% was established with Town of Wells.  No occupancy permits shall be granted unit the road is completed to the level of base course of pavement and drainage systems and utilities are complete for each phase covered by the performance guarantee.
(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.	See note 28 on sheet S1.2 of 5/2/2016 approved subdivision plan which this amended plan references.
B.	<b>Contents of guaranty.</b> 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.	<b>BASED ON THE FOLLOWING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>  See note 28 on sheet S1.2 of 5/2/2016 approved subdivision plan which this amended plan references.



# Town of Wells, Maine

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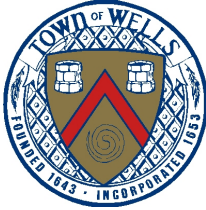
### FINDINGS OF FACTS & DECISIONS

#### Final Subdivision Amendment #3 Application for “River Walk Subdivision“

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C.	<p><b>Escrow account.</b> 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><b>BASED ON THE FOLLOWING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>See note 28 on sheet S1.2 of 5/2/2016 approved subdivision plan which this amended plan references.</p>
D.	<p><b>Performance bond.</b> 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><b>BASED ON THE FOLLOWING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>See note 28 on sheet S1.2 of 5/2/2016 approved subdivision plan which this amended plan references.</p>
E.	<p><b>Letter of credit.</b> 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><b>BASED ON THE FOLLOWING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>See note 28 on sheet S1.2 of 5/2/2016 approved subdivision plan which this amended plan references.</p>
F.	<p><b>Standard condition of approval.</b> 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><b>BASED ON THE FOLLOWING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>See note 28 on sheet S1.2 of 5/2/2016 approved subdivision plan which this amended plan references. A performance guarantee of the estimated construction cost plus 10% was established with the Town of Wells.</p> <p>No occupancy permits, except for model unit (see note 28B), shall be granted until the road is completed to the level of base course of pavement and drainage systems and utilities are complete for each phase covered by the performance guarantee.</p> <p>The proposed elimination of note 29 and the removal of a dying oak tree on Lot 5-31 do not alter the requirements to comply with these standards.</p>
(1)	<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>See note 28 on sheet S1.2 of 5/2/2016 approved subdivision plan which this amended plan references.</p>
(a)	<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>	



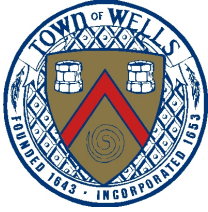


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	(b)	A performance guaranty, acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.	
	(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.	
G.		<b>Phasing of development.</b> 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><b>BASED ON THE FOLLOWING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>See note 28 on sheet S1.2 of 5/2/2016 approved subdivision plan which this amended plan references.</p> <p>The proposed elimination of note 29 and the removal of a dying oak tree on Lot 5-31 do not alter the requirements to comply with these standards.</p>
H.		<b>Release of guaranty.</b> 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><b>BASED ON THE FOLLOWING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>
I.		<b>Default.</b> 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><b>BASED ON THE FOLLOWING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>
J.		<b>Private streets.</b> 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><b>BASED ON THE FOLLOWING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>See note 23 on sheet S1.1 of 5/2/2016 approved subdivision plan which this amended plan references.</p> <p>The proposed elimination of note 29 and the removal of a dying oak tree on Lot 5-31 do not alter the requirements to comply with these standards.</p>



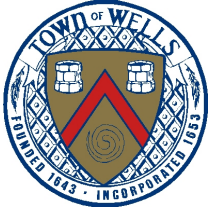
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K.	<p><b>Improvements guaranteed.</b> Performance guaranties shall be tendered for all improvements required to meet the standards of these regulations and for the construction of the public or private streets, stormwater management facilities, public 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><b>BASED ON THE FOLLOWING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>See note 28 on sheet S1.2 of 5/2/2016 approved subdivision plan which this amended plan references. Established of the type, form and conditions of the Performance Guarantee was determined at the pre-construction meeting.</p> <p>The proposed elimination of note 29 and the removal of a dying oak tree on Lot 5-31 do not alter the requirements to comply with these standards.</p>
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<b>§ 202-2. Purpose, criteria for approval.</b>		<b>Findings &amp; Decisions</b>
<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:	<b>The Planning Board finds that these standards shall be met with compliance of §202-12.</b>
(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;	



# Town of Wells, Maine

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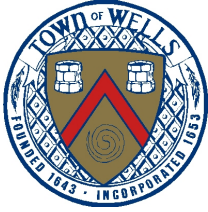
	(10) Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of the body of water or unreasonably affect the shoreline of that body of water; and	
	(11) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;	
B.	The subdivider has adequate financial and technical capacity to meet the above-stated standards;	<b>The Planning Board finds that these standards shall be met with compliance of §202-13.</b>
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	<b>100 year flood elevations have been determined and depicted on the plans. No principal structures to be located at those elevations. A LOMR application shall be submitted to FEMA.</b>
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.	<b>Not applicable; the proposed subdivision does not impact a great pond.</b>

#### **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 amended by this subdivision amendment application. The approval of this Amended Subdivision 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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**FINDINGS OF FACTS & DECISIONS**  
**Final Subdivision Amendment #3 Application for "River Walk Subdivision"**  
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Dated at Wells, Maine this \_\_\_\_\_ day of \_\_\_\_\_, 2019

Wells Planning Board

By: \_\_\_\_\_  
Charles Millian, Chairman

DRAFT