



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS
Preliminary Subdivision Application for "Hobbs Pond Woods Subdivision"
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Chapter 202 Subdivision of Land

PROJECT INFORMATION	
General:	<p>Project Name: Hobbs Pond Woods Subdivision # Lots Proposed: 9 lots/ 9 dwelling units Applicant: Mike Burgess, 25 Parsonage Way, Wells, ME 04090 Landowner: David Springer, 424 School St, Berwick, ME 03901 Location: Meetinghouse Road, Wells, Maine Existing Use: Vacant land Proposed Land Use: A Major Residential Cluster Subdivision consisting of 9 lots/dwelling units (single family dwellings) and a roadway on 26.8 acres of which 17 acres shall be Open Space. Tax Parcel ID: Zoning District: Tax Map 62, Lot 11-A (lots to become 11A-1 to 11A-9) Chpt 145, Art VII Performance Standards: 145-49 Residential Cluster Design Engineer: BH2M, 28 State St, Gorham, ME 04038 Prelim Plan Application Submission Date: March 22, 2019 Plan Submission Date: March 22, 2019</p>
Project Description:	<p>BH2M has submitted a Preliminary Subdivision Application on behalf of the applicant, Mike Burgess for property owned by David Springer, LLC. The parcel of land is located off of Meetinghouse Road and is within the Rural and 75' Shoreland Overlay District. The application proposes a 9 lot/dwelling unit residential cluster major subdivision on 26.8 acres of land. A private 50' wide ROW is proposed and approximately 63% Open Space.</p>
Approval Dates:	<p>Preliminary Plan Approval: <u>To be determined</u></p>
Public Hearings:	<p>Preliminary Public Hearing: 5/20/2019</p>

PROJECT HISTORY
<p>1. On _____ 2.</p>

§ 202- 8. Preliminary Plan for Major Subdivision	Findings & Decisions
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B.	Submissions:	
	(1) Location map. The preliminary plan shall be accompanied by a location map adequate to show the relationship of the proposed subdivision to the adjacent properties and to allow the Board to locate the subdivision within the municipality. The location map shall show:	BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET. Location Maps provided.
	(a) Existing subdivisions adjacent to the proposed subdivision.	Adjacent subdivisions are noted (Meetinghouse Woods Subdivision, Meeting Place Estates Subdivision, Burnt Mill Estates Subdivision).
	(b) Locations and names of existing and proposed streets.	Location map labels Burnt Mill Road, Route 109 and Meetinghouse Road.
	(c) Boundaries and designations of zoning districts.	The Rural zone and 75' Shoreland Overlay Zone are noted. Location map does identifies zoning (Rural and Residential A zone)
	(d) An outline of the proposed subdivision and any remaining portion of the owner's property if the preliminary plan submitted covers only a portion of the owner's entire contiguous holding.	Subdivision Open Space is labelled.
	(2) Preliminary plan. The preliminary plan shall be submitted in three copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary plan shall be drawn to a scale of not more than 100 feet to the inch. The Board may allow plans for subdivisions containing more than 100 acres to be drawn at a scale of not more than 200 feet to the inch provided all necessary detail can easily be read. In addition, the applicant shall submit to the Office of Planning and Development 11 copies of the plan(s) reduced to a size of 11 inches by 17 inches and all accompanying information assembled into a booklet no less than 10 days prior to the meeting. The following information shall either be shown on the preliminary plan or accompany the application for preliminary approval: [Amended 4-12-1999]	BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET. Plan scale is 1" = 100 feet on sheet 1 and 2. And 1" = 40 feet on sheet 3.
	(a) The proposed name of the subdivision and the name of the municipality in which it is located, plus the Tax Assessor's map and lot numbers.	BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET. Note 6 states the existing Map and Lot number (Lot 11-A-1 and states the proposed Map and Lot numbers of the cluster lots.
	(b) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.	BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET. Plan prepared and stamped by Robert C. Libby, PLS #2190 of BH2M dated Jan 2019, revised 3/22/19. Existing and proposed monument types noted.



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<p>(c) A copy of the deed from which the survey was based and a copy of all covenants or deed restrictions, easements, rights-of-way or other encumbrances currently affecting the property.</p>	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Deeds provided: Book 17810, Page 236 and Book 2595, Page 79.</p> <p>An HOA shall be established to own and maintain the street and open space. See note 19.</p> <p><u>Town Engineer and Town Attorney shall review the Declaration/Homeowners Association documents and sample deed at the time of final application review.</u></p>
<p>(d) A copy of any covenants or deed restrictions intended to cover all or part of the lots in the subdivision.</p>	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p><u>Draft HOA and sample deed provided.</u></p> <p><u>Various drainage easements are necessary and are identified on the plan. To be reviewed by the Town Engineer with final drainage design at final application.</u></p> <p>A 20' wide access easement to the Open Space proposed on Lot 5.</p> <p>A sign easement is proposed on Lot 1.</p> <p>The lot is subject to a 200' no cut buffer from Lot 11-A (Brigham lot).</p>
<p>(e) Contour lines at the interval specified by the Planning Board, showing elevations in relation to mean sea level.</p>	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</p> <p>Sheet 2 and 3 depict 1 foot contours.</p> <p>See sheet 2 with existing contours and proposed lots.</p>



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<p>(f) The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, vegetative cover type and other essential existing physical features. The location of any trees larger than 24 inches in diameter at breast height shall be shown on the plan.</p>	<p>Total Area of subdivision is noted to be 26.8 acres or 1,167,484 SF. Ownership extends to the bank of the Merriland River. Total parcel area is 26.8 acres, see Note 8.</p> <p>Trees greater than 24” in diameter are identified. 24” trees within the Open Space to be maintained. Trees on Lots 4, 7 and 9 to be maintained. See plan note 24.</p> <p>Applicant has confirmed that no historical mill sites exist along the Merriland River in this location.</p>
<p>(g) Indication of the type of sewage disposal to be used in the subdivision.</p>	<p>See note 14. Lots to be served by individual on-site septic systems.</p>
<p>[1] When sewage disposal is to be accomplished by connection to the public sewer, a letter from the Wells Sanitary District indicating that there is adequate capacity within the district’s system to transport and treat the sewage shall be submitted.</p>	
<p>[2] When sewage disposal is to be accomplished by subsurface sewage disposal systems, test pit analyses prepared by a licensed site evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted.</p>	<p>Test pit logs provided by Mark Hampton 263/216.</p> <p>Plans identify test pit locations and primary and reserve septic system locations for each lot.</p> <p><u>Lot 1 septic system locations would most likely require cutting in the No Disturbance buffer for the Brigham lot. Is this permitted? To be addressed at final application. May need a legal opinion or written statement from the abutter.</u></p>
<p>(h) Indication of the type of water supply system(s) to be used in the subdivision. When water is to be supplied by public water supply, a letter from the Kennebunk, Kennebunkport and Wells Water District shall be submitted indicating that there is adequate supply and pressure for the subdivision.</p>	<p>See note 15. Proposed lots shall be served by on-site drilled wells. Dug wells are prohibited.</p> <p>Wells zones are depicted. <u>Wells on Lot 1 and 2 location within the 200’ no disturbance buffer required by Lot 11A (Brigham lot). Is this permitted? To be addressed at final application. May need a legal opinion or written statement from the abutter.</u></p>
<p>(i) The date the plan was prepared, North point (identified as true or magnetic), graphic map scale, and names and addresses of the record owner, subdivider and individual or company who or which prepared the plan.</p>	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</p> <p>True North noted. Plan scale is 1” = 100 feet on sheet 1 and 1” = 40 feet on sheet 2 and 3.</p> <p>Record owner and applicant noted.</p>



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(j) The names and addresses of owners of record of adjacent property, including any property directly across an existing public street from the subdivision.	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</p> <p>Abutters are identified.</p>
(k) The location of any zoning boundaries affecting the subdivision.	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</p> <p>The Rural zone and 75' Shoreland Overlay zone noted.</p>
(l) The location and size of existing and proposed sewers, water mains, culverts and drainageways on or adjacent to the property to be subdivided.	<p>See sheet 3 for proposed grading and drainage.</p> <p>Roadside swales, level spreader and forested buffer . Driveway culvert detail provided.</p> <p>Preliminary Stormwater Management Plan provided and acceptable. <u>Final Design and analysis to be provided with the final subdivision application and to be reviewed by Town Engineer.</u></p>
(m) The location, names and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</p> <p>Meetinghouse Road is labelled on the plan sets.</p> <p>Existing and proposed ROW widths, adjacent buildings, easements and boundary details noted.</p>
(n) The width and location of any streets or public improvements shown upon the Official Map and the Comprehensive Plan, if any, within the subdivision.	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</p> <p>No such public improvements proposed.</p>
(o) The proposed lot lines with approximate dimensions and lot areas.	<p>All lots proposed shall exceed the minimum of 20,000 SF per 145-49, <u>pending Planning Board determinations after the preliminary public hearing or at final plan application.</u></p> <p><u>Lot 1 buildability is in question. (The well location is very limited; septic system construction will impact the 200' no disturbance buffer required; this leaves a very restricted building envelope for a house to be built).</u></p> <p><u>Lot 2 does not have a well location that falls outside of the 200' no disturbance restriction from the Brigham Lot. To be addressed at final application. May need a legal opinion or written statement from the abutter.</u></p>



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(p) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</p> <p>No such dedication proposed.</p>
(q) The location of any open space to be preserved and an indication of its improvement and management.	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</p> <p>Open Space is identified and noted to be 17 acres or 63%.</p> <p>See note 19. Open Space and ROW ownership and maintenance responsibilities are of the Homeowners' Association.</p>
(r) A copy of that portion of the county soil survey covering the subdivision. When the medium-intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Board may require the submittal of a report by a registered soil scientist indicating the suitability of soil conditions for those uses.	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</p> <p>SCS Map provided</p>
(s) If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the one-hundred-year-flood elevation shall be delineated on the plan.	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</p> <p>100 year flood zone depicted. See note 22. FIRM 2301580010D.</p>
(t) A hydrogeologic assessment prepared by a certified geologist or registered professional engineer, experienced in hydrogeology, when the subdivision is not served by public sewer and:	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD DOES NOT APPLY.</p> <p>Not required as the subdivision is not located over a gravel or sand aquifer and has an average density greater than 100,000 SF per dwelling.</p>
[1] Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers" by the Maine Geological Survey, 1985, Map Nos. 2 and 4; or	
[2] The subdivision has an average density of less than 100,000 square feet per dwelling unit.	
(u) The location of any wetlands, streams, rivers, brooks or ponds located within or adjacent (within 75 feet) to the proposed subdivision.	<p>A stream and the Merriland River are identified.</p> <p>Mark Hampton's wetland delineation report dated 12-7-18 was provided.</p> <p><u>Vernal Pool evaluation report pending. To be provided with final plan application.</u></p>



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(v) The location of any significant wildlife or fisheries habitat as located by the Department of Inland Fisheries and Wildlife.	An IF&W letter dated 4/30/19 was provided. Further guidance provided regarding bats on 5-16-19 from Wende S. Mahaney, CWB of US Fish and Wildlife via email. <u>A vernal pool evaluation is pending. To be provided with final plan application.</u>

STANDARD CONDITIONS OF APPROVAL

1. Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval of the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the approval of the final plan, the Board may require additional changes as a result of the further study of the subdivision or as a result of new information received
2. The developer must, within six months of the approval of the preliminary plan, file with the Planning Board an application for final approval. Failure to do so may result in the Planning Board refusing to entertain such final plan, and the lapse of approval of the preliminary plan. The final plan shall approximate the layout shown on the Preliminary Plan, plus recommendations and requirements made by the Planning Board.
3. Prior to the submittal of the final plan application, the following approval shall be obtained in writing if applicable: Maine Dept. of Environmental Protection, under the Site Location of Development Act and the Natural Resources Protection Act; the KKW Water District, if connected to public water; Maine Dept. of Human Services, if a central water supply system is proposed; The Wells Sanitary District, if connected to public sewer; Maine Dept. of Human Services, if a centralized or shared subsurface sewage disposal system is to be utilized; an Army Corps of Engineers dredge and fill permit; NPDES permit for stormwater discharges.

SPECIAL CONDITIONS OF APPROVAL

1. Items identified throughout this document as **bold/underlined** shall be addressed on the Final Subdivision Plans are submitted with the Final Subdivision Application.

Dated at Wells, Maine this _____ day of _____, 2019

Wells Planning Board

By: _____
Charles Millian, Chairman